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December 17, 2007

Plan Commission Members
City of Madison
215 Martin Luther King Jr. Blvd.
Madison, WI 53710

RE: 1501 Monroe Street

Dear Plan Commission Member:

I represent the Madison Christian Chinese Church ("Church") in the above matter. The Church property is zoned R4A and is within a one and two-family residential neighborhood immediately to the south of the proposed hotel development. There are numerous concerns that my client and the Vilas neighborhood have but the purpose of this letter is to focus on one of these concerns, namely, that the development is totally inconsistent with the Monroe Street Commercial District Plan ("Monroe Plan"), adopted by the City in March, 2007 as well as the Regent Street/South Campus Neighborhood Plan ("Regent Plan"), a draft version of which was approved in November, 2007. Therefore, this proposal is fatally flawed as it relates to these special area neighborhood plans and does not deserve further consideration.

Background

On July 9, 2007, the Plan Commission referred the mixed use development proposal known as Fieldhouse Station. Although there were strong sentiment on the Commission to place the proposal on file at that time, the Commission decided to allow the developer to further work with the neighborhood. Since then, the developer has done just the opposite. The developer has done everything he can to minimize neighborhood involvement, despite the fact that the latest proposed land use is dramatically different from previous iterations. The first time the Church and the neighborhood met with the developer and Attorney Trachtenberg was on December 12, 2007, thereby giving the neighborhood 5 days notice.

As you are quite aware of, sometimes neighbors ask you to reject a development proposal simply based on the fact that the developer has provided inadequate notice. In this case, the process has been grossly violated but the Church and the neighborhood

December 17, 2007

Page 2

also object to this development on substantive grounds which are concerns that relate to the demolition standards contained in M.G.O. Section 28.04(22). Assuming that there were no process issues involved, there is one substantive objection that the Church has to this project which I believe does not allow the developer "to get to first base" and would justify you placing this on file now. The applicable demolition standard is stated as follows:

...The Commission shall consider and **may give decisive weight** to any relevant facts including but not limited to the effects the proposed demolition and proposed use of the subject property would have on **the normal and orderly development and improvement of surrounding properties**, and the availability of affordable housing **after giving due consideration to the adopted master plan**. Section 28.04(22)(c)(2) [Emphasis added.]

Thus, the Church believes that the integrity of the neighborhood planning process which the City has devoted so much time and effort to is at stake.

Monroe Plan

In January of 2004, the Dudgeon-Monroe and the Vilas Neighborhood Association as well as the Monroe Street Merchants Association ("Neighborhood Associations") began a detailed analysis of the type and scale of businesses that would meet the overall goals of the residential and merchant community along Monroe Street. The Monroe Plan was intended to flesh out the general guide of the Comprehensive Plan which called for mixed use neighborhood development.

Historically, the Monroe neighborhood has been quite successful in the process of integrating commercial development in harmony with the surrounding residential neighborhoods. This has been accomplished by making sure that commercial development is consistent with the surrounding uses as it relates to scale and massing. The Monroe Plan specifically addresses the visual characteristics of scale and massing as follows:

Maintaining and/or enhancing the scale and massing patterns found along Monroe Street is a critical element to the overall characteristic of the Street.

Generally, no building on Monroe Street should exceed four (4) stories for the entire length of the Street. This applies to buildings that are directly on Monroe Street, not buildings that might be in a position for greater setback from the Street.

December 17, 2007

Page 3

All buildings need to be compatible with the buildings that are near them, **both on Monroe Street and on streets that are behind any proposed redevelopment.**

Monroe Plan, p. 53 [Emphasis added.]

In addition to the scale and massing statements above, the Monroe Plan also addressed the issue of setbacks as it relates to visual characteristics.

Buildings along Monroe Street are generally built uniformly up to the sidewalk edge and present a continuous storefront arrangement. **New buildings should follow the pattern of the existing buildings and adhere to a "build-to" line described later in the general development guidelines.** Limited setbacks for sidewalk or pedestrian features are possible.

Id. [Emphasis added.]

The Monroe Plan addresses other visual characteristics, including materials, architectural quality, fenestration and signage but these treatments are in effect "window dressing" and do not allow a building to exceed the height limitation.

In fact, when the Monroe Plan specifically addresses the new development opportunities for 1501 Monroe Street, the following statement is made:

Building Heights: **Two – three stories.** Buildings might step down in height if possible toward the rear of the site in order to make a comfortable building transition from the commercial/mixed-use district to the quiet residential neighborhood behind. Monroe Plan, p. 80

Thus, the "wobble room" that the Monroe Plan envisions is to construct a building height between 2 – 4 stories. The draft Regent Plan endorses the height recommendations of the Monroe Plan. This is the first project that you are considering where the Monroe Plan is in effect. Agreeing to deviate significantly from those recommendations would set a dangerous precedent and give a clear message that portions of the Monroe Plan will be destined to collect dust.

Hotel Proposal In Light Of the Monroe Plan

The hotel contains 5 stories plus a rooftop deck area of 1,506 square feet so that your zoning staff considers this to be 6 stories above the grade of Monroe Street. The total

December 17, 2007

Page 4

square footage of the roof and the building contains 39,928 square feet of floor area – 72 square feet short of requiring a conditional use permit. As to the height of the building, Plan staff indicates that it is 54 feet as measured from the Monroe Street elevation, with an additional 11 feet of height along Regent Street plus another 8 feet 8 inches from Regent Street due to the elevator lobby for the rooftop deck. Therefore, the total height from Regent Street is approximately 74 feet. This height is totally out of scale with the surrounding residential uses to the South.

Planning Unit staff state as follows:

However, the height of the proposed 5 story hotel **deviates substantially** from the Urban Design recommendations contained in the *Monroe Street Commercial District Plan* by at least 1 full story over the maximum number of stories called for in the plan.

Planning Division Report, December 13, 2007, p. 8.

A proposal that substantially deviates from a detailed neighborhood plan adopted this year should be rejected. I recognize that a detailed plan such as the Monroe Plan is not equivalent to a zoning ordinance, however, the City's demolition ordinance allows the commission to act on this project solely on the basis that it deviates significantly from the adopted neighborhood plan. The City certainly has the option of amending the Monroe Plan but the current plan speaks for itself.

Conclusion

I have purposely not addressed the other significant concerns that the Church has with this project, other than what I have discussed above. I did that so that my client, the neighborhood, and the developer would know whether the Plan Commission is going to consider additional details of the project. It is true that the granting of a demolition permit has more narrow standards than a rezoning or the granting of a conditional use permit. However, what that also means is that if the commission were to grant a demolition permit in this situation, the City would have no further continuing jurisdiction.

**DEWITT
ROSS & STEVENS^{sa}**
LAW FIRM

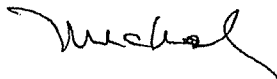
December 17, 2007

Page 5

Thank you for your careful consideration to this matter.

Sincerely,

DEWITT ROSS & STEVENS s.c.



Michael R. Christopher

MRC:aet

Cc: The Honorable Dave Cieslewicz
Aldersperson Julia Kerr
Aldersperson Robbie Webber
Aldersperson Brian Solomon
Aldersperson Eli Judge
Mark Olinger
Brad Murphy
Tim Parks
Joel Plant
Rosemary Bodolay
Ronald Trachtenberg, Esq.

Vilas Neighborhood Association
 c/o Rosemary Bodolay
 1636 Adams St.
 Madison, WI 53711-2140

December 15, 2007

RE: 1501 Hotel demo request/project proposal

Dear Alders and Members of Plan Commission,

We are writing to express our opposition to the demolition request for 1501- 09 Monroe St. until there is an approved or tentatively approved project for the site. At this time, we also would like to go on record as opposing the current proposal, "1501 Hotel". The Vilas Neighborhood Association would be pleased to support a reasonable and viable development project at 1501-09 Monroe Street – perhaps a small boutique hotel is one – but, we have serious concerns about the current proposal.

Our main concerns are

- 1) The proposed building does not fit with the character of the neighborhood – in scale and building composition. Particularly, it does not meet the intent, let alone the details, of the Monroe Street Commercial District Plan; nor is it consistent with the City's Comprehensive Plan.
- 2) The proposed rooftop garden / sitting, eating, drinking area. Of particular concern is the elevator connecting the roof directly with the Lobby near a hotel bar, and, the glass protection wall around the entire roof area, not just a small "garden" area.
- 3) The effects on traffic and parking in the neighborhood.

The size of the building from the first proposals two years ago and continuing to this proposal have been inconsistent with the intent of the Monroe Street Commercial District Plan. The current proposal for 5 stories on the Monroe St. elevation, also results in a 6-story structure from a Regent St. perspective. While the address is clearly on Monroe St., there is a substantial entrance on Regent St. where the large circular, drop-off area is located. The draft Regent St. - South Campus Plan recently changed it's recommendation for this site from 3 stories to a maximum of 4 stories.

Specifically, "1501 Hotel" project, is inconsistent with the *General Physical Appearance* section of the Monroe St. Plan. (number of stories permitted; massing of structure etc.)

"Buildings of **four stories or more** would be **out of character** with the traditional street and the residential neighborhoods" (MSCDP pg.71, p2).

"Buildings should be composed to define base, middle, and top.... The transition between the middle of the building and the base and top should be articulated by use of contrasting materials, window openings, or ornamental elements. These **horizontal bands** form expression lines that give scale and character to a façade...." (pg.71p.7)

"Scale. ... to achieve an architectural composition responsive to surrounding context and human scale, distinctive compositional elements of buildings should be distinguishable from a distance of both near and far. The size and shape of these elements should reflect the **scale of nearby buildings**." (Pg 75, p 2) * emphasis mine.

Area #3 (this site): "Building Heights: 2-3 stories. Buildings might step down in height if possible toward rear of site to make a comfortable transition from commercial/mixed-use district to the quiet residential neighborhood behind." (Pg. 83, p1)

We are aware that at the City's adoption of the Monroe St. Plan addendums were added at the last moment which accept buildings of 4 stories. The neighborhood is disappointed with these addendums.

The neighborhoods have repeatedly expressed, and, it is described in the City of Madison Comprehensive Plan for Neighborhood Mixed -Use areas:

"Recommended Land Uses: **Neighborhood-serving** commercial buildings and uses ... may also included specialty businesses serving wider markets, provided the size of establishment & **scale** of building is **consistent** with the character of the district & the **surrounding neighborhood**." (City Comp. Plan, Vol. II pg, 87, p.2) * emphasis mine.

"Generally buildings should be between two and four stories in height. Specific height standards should be established in neighborhood plans..." (pg 87, p.6)

The proposed structure is twice the allowable height of the houses in the neighborhood immediately behind the building. Given that the architecture of the proposed building does not fit in with the existing streetscape, there is no attempt break up the facade of the building to blend in with the existing streetscape. Again, the current proposal is inconsistent with the City's own Comprehensive Plan.

We were surprised to learn at the public meeting on Wed., Dec. 12 that a bar is planned for the hotel Lobby. This is not clearly shown on the project floor plans nor mentioned in the Letter of Intent. The neighborhoods have experienced a long history of problems with the current tavern at this site - chaotic beer gardens, large crowds, amplified music, trash, over-served, and underage drinking. We are especially concerned about the roof top "garden" and outdoor seating areas in light of this history.

Traffic created by the scale of this project as well as the proposed ingress and egress on Regent St. from the parking structure and circular drop-off will add to an already congested and dangerous intersection, will cause additional pressure on residential streets, and the potential to use the alley as primary access will expand traffic on a dangerous, blind alleyway.

In addition, to an escalation of traffic concerns affecting quality of life for family housing, we see a hotel's purpose as serving a transient population. The city and neighborhood have worked for over 40 years to preserve the opportunity for family housing here. In the early 1970s the area was down-zoned to R4A in this part of Vilas neighborhood, and, currently, the City with the University is looking to promote a *Workforce Initiative* to encourage and help families move into Vilas and the adjacent Greenbush neighborhood

What happens at this site will greatly influence future development on both Monroe and Regent Streets. It will be precedent setting. This is one of the first major developments going through the Plan Commission after the adoption of the Monroe St. Commercial District Plan, and, just prior to the adoption of the Regent Street-South Campus Plan. It seems essential that developers are required to adhere to the principles, constraints, and intent of Neighborhoods Plans and the City Comprehensive Plan particularly since they are relatively new and should be used to encourage wise, sustainable growth to our downtown. What is the point of city staff, neighborhood associations, individual residents, and business associations spending money and time thinking about and developing Neighborhood Plans if they are not used. If they are considered "slippery" and that they speak in "generalities". Growth and development in our central city needs to occur with an awareness of what is already here -- neighbors and neighborhoods, small businesses and business corridors -- and should have a focus that considers the "common good." Beautiful, livable cities don't just happen.

Thank you for your attention.

Vilas Neighborhood Association