

Mansion Hill District of Capitol Neighborhoods

Steering Committee Report

to the

Common Council

Regarding the Edgewater Hotel Proposal

May 14, 2010

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Dear Alders,

The Madison land use review process is being tested as never before by the Edgewater proposal. The issue is whether the ordinances and the public policy embodied in it can endure an attack from the developer, the mayor, several alders, and those who believe that the process and the 40 year old Landmarks ordinance are irritating impediments to the proposal and that those ordinance standards, criteria, and procedures should be abandoned just for this proposal.

Ordinances have been changed or ignored in an effort to push through this single proposal. TIF policies written and endorsed by Council as recently as March of 2009 are being brushed aside to pave the way to provide this luxury hotel with the biggest TIF allocation in the history of the city.

Please remember that from the start we have actively encouraged restoration, remodeling and new construction in Mansion Hill Historic District —providing that it is done in accord with our local laws— including the landmarks ordinance.

Steering Committee

Mansion Hill District of Capitol Neighborhoods

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1. What has changed from the December 2009 proposal?

- After all of the changes made by the developer in response to comments from reviewing bodies, the tower has become more massive!
- A careful assessment of the new plans shows that **the new hotel tower is 6 feet longer, a foot and a half wider and 10 feet taller than the prior proposal.** (When you reviewed the project in December 2009, the tower stood 10 stories above the plaza level; now it stands 11 stories above the plaza.)
- The tower now stands closer to the lake.
- The two floors of the podium building are still set directly along Wisconsin Avenue right of way and have not moved.
- While there now is a step back from the right of way beginning at floor three (measured from the plaza level), it is only 13-15' from the Wisconsin Ave. right of way. (As a comparison the NGL building, which is about half the size of the proposed tower, was required to be set back about 66 feet from the ROW in order to be approved for construction, and this was BEFORE the landmarks ordinance went into effect.)
- The canopy feature at the corner of the café now sticks out *into* the Wisconsin Avenue right of way by 5.5 feet creating an obstruction within the view corridor
- The new parking garage includes an entry structure which is situated directly on the property line along the Wisconsin Ave. right of way.

2. What does “based on the standards...in this ordinance” mean?

The Landmarks ordinance appeal section 33.10(5)(f) says: “the Council may...based on the standards contained in this ordinance, reverse or modify the decision of the Landmarks Commission...”

The phrase “based on standards in the Ordinance” comprises four things:

A. Guideline Criteria for New Development in the Mansion Hill District, 33.19(10) (e).

In a memo to alders dated December 4 City Attorney Michael May notes that the Landmarks Commission and the Common Council *must* consider the five guideline criteria in the Mansion Hill Historic District ordinance. These five criteria were the only ones used by the Landmarks Commission and City Planning Department staff and are, therefore, the primary standard the Council must consider.

And of these five criteria, Attorney May, the Landmarks Commission, and city staff agree that only the first is in dispute. It reads:

“The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related (visually related area).”

B. The balancing test

The City Attorney in the same opinion noted above said the Council must also use the “balancing test.” But its true meaning is anything but obvious. What, exactly, does the ordinance say the Council can balance? Here are the two factors:

“...the interest of the public in preserving the subject property and the interest of the developer in using it for his or her own purposes.”

Let’s take the interest of the developer first. He wants to complete all three components of the project: renovation of the Edgewater Hotel, modification of the 1970s street end building, and construction of a hotel tower on land optioned from National Guardian Life.

What factors can the Council use to define the public interest? Most alders appear to believe that the Council can and should use very broad, community-wide factors—in contrast to the narrow standard the Landmarks Commission was forced to use. The presumption is that this broader standard can be used to approve the Edgewater proposal in its current form.

That presumption is wrong. In fact, the most restrictive language in the ordinance governs. This greatly restricts the Council’s scope of discussion.

C. Purpose and Intent

In his December 4, 2009 opinion, May said the council may also consider “any factors that are relevant to such determinations, and in doing so, may consider the purpose and intent of the Landmarks ordinance.” However, he went on to say in his December 15, 2009 memo (Edgewater Appeal: Council Decision-Making

Process) that Purpose and Intent “may guide the Council, but is not to replace application of the ultimate question (*hardship*) and the standards (*the five criteria*).” (We inserted the italicized elements). May goes on to say, “...it would be improper for the council ...to simply judge the project by looking at those matters set out under Purpose and Intent...”

Based on these three factors—all of which restrict the breadth of the public interest standards—none of the most commonly cited justifications for reversing the commission’s decision and moving forward with this Edgewater Proposal are valid. These include more jobs, more taxes, and more downtown development.

D. Public interest cannot be used to justify ordinance violations

The public interest standard in the context of the balancing test cannot be used to violate or override Madison zoning or landmark ordinances. More specifically, public interest benefits cannot be used to violate zoning requirements such as the 50 foot R6H height limit, ***nor can they be used to override and ignore visual mass/volume standards in the Mansion Hill Historic District ordinance***. The **only** public interest allowed for by the ordinance is “the interest of the public in **preserving** the subject property.”

3. Does the new hotel tower pass the ordinance-mandated visual mass-volume test?

Both the city staff and the Landmarks Commission agree that the ordinance requires the proposal to satisfy all five of the guideline criteria, and that the proposal passes all but one: the visual mass-volume test.

The Landmarks Commission concluded that because the tower did not come close to passing this visual mass/volume test it could not grant a Certificate of Appropriateness (COA). It was this failure to grant a COA that resulted in the developer's appeal of the Commission's decision to the Council.

The visual mass-volume test of the ordinance says: "The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related (visually related area)." In attempting to justify the tower under this test the document that the developer presented to Landmarks Commissioners, presents six metrics; none of which measure *volume*.

A. **Volume means volume.** The applicant fails to grasp the definition of "volume" with their six 'metrics' none of which are three dimensional.

(1) City Attorney May in an opinion dated December 4, 2009 said "In applying the language of the [landmarks] ordinance, the Council is to give the words their ordinary and common sense meaning." He proceeded to consult the dictionary in defining terms in the ordinance.

(2) Here's how *The American Heritage Dictionary of the American Language* defines "volume:"
"The amount of space occupied by a three-dimensional object... expressed in cubic units."

(3) Here are the definitions that the applicant tells us in the Landmarks filing we should use for *volume*:

1. Floor area ratio
2. Height
3. Spatial relationship
4. Balancing visual impact/benefits of new volume to volume removed
5. Ratio of square footage to surrounding properties
6. Massing relationship between buildings

Conspicuously missing is the ordinary dictionary definition of volume that the ordinance requires!

Inexplicably, the developer spends 11 of 79 pages in the landmarks application, 13% of its total, explaining six irrelevant "metrics."

There is just one definition that will satisfy the Landmarks Commission ordinance and that is “volume” in the ordinary dictionary meaning of that term. Therefore, no other measure can be used.

- B. Volume calculations for buildings within the Mansion Hill Historic District (MHHD).** We have carefully calculated the volume of all buildings in the MHHD and the new tower.
- A. Using on-line assessor’s data supplemented by exhaustive measurements, we have determined the volume and height of *every building in the MHHD*. We present these findings on volume here and will present the findings on height below. The studies yielded an extremely valuable data base that will allow you to determine conclusively whether the new tower complies with Mansion Hill criteria. A copy of the information can be found in Attachment A, “Compatibility of the Proposed Edgewater Addition with the Mansion Hill Historic District”.
- B. The average volume of *all* structures in MHHD is 91,600 cubic feet.
- C. If you remove the large non-conforming buildings that were constructed before the MHHD ordinance went into effect, the average building volume drops to 77,900 cubic feet.
- (1) Volume calculation for the new Edgewater tower.** The volume of the new Edgewater tower is 1,456,600 cubic feet. This comes from the recent Staff Report.
- (2) Volume calculation comparison between the new Edgewater tower and the average of all other buildings in the MHHD.** The proposed hotel tower is more than 16 times the size of the average of all buildings in the MHHD. ($1,456,600 / 91,600 = 15.9$)
- (3) Volume calculation between the new Edgewater tower and contributing buildings in the visually related area.** The proposed hotel tower is 2.5 to 38 times larger than the contributing buildings within the visually related area and a third larger than the noncontributing intrusion, NGL.

The proposed Edgewater Hotel tower is a massive architectural intrusion that *is NOT visually compatible with the buildings in its visually related area*. Therefore, the Certificate of Appropriateness (COA) was correctly denied.

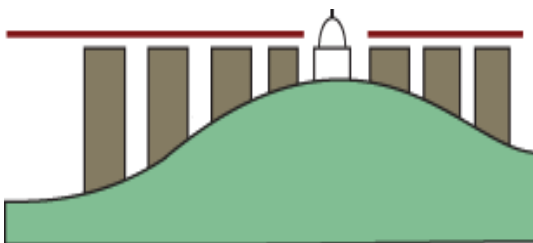
- C. Criterion #1 also states that the gross volume of the proposed building must be “visually compatible with the environment with which it is related.”**
- The proposed new Edgewater tower looms far above the landscape of the surrounding streets. Because of its height and mass, the new hotel would even be visible from the Capitol Square.
 - From the lake the development would appear hard and huge. It is incompatible with the soft shore line. The development has also moved closer to the lake since the last time you saw the plan. Thousands of people use Lake Mendota over the course of the boating season and during the winter many walk on the ice of the lake and view the shore. The view from the lake of the tower being proposed by the applicant would be a visual assault in its environmental context. At 15 stories the development is out-

of-scale, out-of-character, and visually incompatible with both the shoreline from the lake and the lakefront buildings in this historic district.

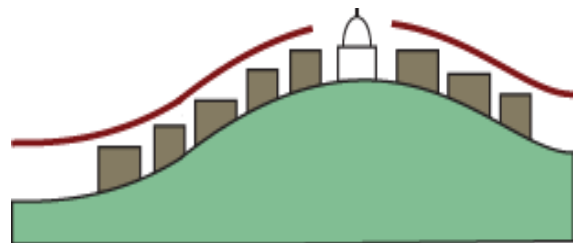
- The relationship with the environment called for in the Comprehensive Plan and the relationship with the environment that would make the tower more compatible with the Mansion Hill historic district is represented in the Comprehensive Plan with the following illustration. To fit the compatibility criteria in relation to the environment and to reach the clearly stated objective of the Comprehensive Plan, the Edgewater tower would need to be significantly reduced in height.

Objective 50: Create a visually striking and dramatic Isthmus skyline, while at the same time protecting views of the Capitol.

Policy 2: Establish building height standards for the Downtown/Isthmus area that will result in a skyline that reflects and emphasizes the natural topography, with taller buildings on the high ground and lower buildings toward the lakeshores. Vol. II page 2-44



Skyline effect resulting from establishing maximum building heights relative to the base of the Capitol dome.



Skyline effect resulting from establishing maximum building heights relative to the natural topography of the Isthmus.

D. Confusion between height and elevation

While the ordinance criteria do not refer to height there has been considerable discussion regarding the height of the proposed buildings and those within the MHHD.

The applicant has consistently confused the terms height and elevation in their presentations and documents.

Elevation is the distance from a fixed reference point to a particular element of the building. In Madison we establish the elevation of buildings in reference to lake level.

Height is the distance from a fixed point at the base of the building to a particular element of the building. Typically height is measured from the sidewalk adjacent to the entry of the building to the uppermost portion of the building. (Often small mechanical penthouses which are not readily visible from the street are not used to calculate height.)

In the applicant's submittal to the Landmarks Commission the comparisons of the 'heights of buildings' is actually using elevations not heights. For the proposed hotel tower and the 1940's building these elevations are not even to the upper most point of the building. The height of a building as viewed by a

pedestrian informs their sense of the relationships between buildings. As such it informs a sense of the compatibility of a new proposal within the context of the existing neighborhood.

- If we look at the *height* of the proposed tower it is 113' from the front door at the auto court. Or 123' in height at the plaza level. The tallest contributing building in the visually related area is Kennedy Manor at 65' in height. The other 4 buildings in the visually related area are 30-37' tall. The NGL building is 79' in height.
- The height of the proposed tower is 44-83' *taller* than the buildings within the visually related area.
- Using the same Assessor's database we carefully determined the height of all buildings in the MHHD. Here is what we learned:
 - The average height of *all* buildings in MHHD is 2.75 stories
 - The average height of *all* buildings *without* the non-contributing structures built before the MHHD went into effect is 2.64 stories

As historian Joe De Rose of the Wisconsin Historical Society noted on April 26, 2010 at a meeting of the Landmarks Commission: "If the neighborhood is mainly 2-storey, you don't want a 4 -storey building." And "If something out of character intrudes, it often leads to the gradual destruction of district character."

E. Conclusions regarding volume and height

1. Using the average volume and average height of all buildings in MHHD, this neighborhood is undeniably residential in scale. The proposed hotel tower is more than 16 times the volume and more than 4 times the height of the average of all buildings within the historic district.

A. The proposed Edgewater Hotel tower is a massive architectural intrusion that *is NOT visually compatible with the buildings in its visually related area*. Therefore the appeal to overturn the Landmarks Commission's denial of the Certificate of Appropriateness (COA) must be denied.

4. Does the property suffer from special conditions, which if found, would be sufficient to reverse the Landmarks Commission’s decision?

Under the Landmarks appeal ordinance there are two special conditions of which one is sufficient to grant the appeal.

a. What are those two special conditions?

The ordinance allows just two special conditions, which if present, allow the Council to reverse the Landmarks Commission decision. They are:

- preclusion of any and all reasonable use of the property, and/or
- the presence of a non-self-caused hardship

b. Will a denial of a COA preclude any and all development?

The City Attorney in an opinion dated December 4, 2009 said, “We do not understand there to be any argument that failure to grant the Certificate will ‘preclude any and all reasonable use of the property.’” The fact is, the Edgewater Hotel *is* operating and Madison ordinances clearly allow other legal and reasonable uses for the property. In addition, development can readily occur on the optioned NGL property. The Landmarks Commission passed a motion suggesting the size of a building which would meet the criteria for a COA. Thus, the denial of a COA cannot preclude “any and all reasonable development.”

c. What constitutes “a serious hardship for the owner” that is not “self-created?”

The second special condition that appears in the ordinance—the non-self created hardship test—probably caused the most confusion at the December 15, 2009 Council meeting. According to City Attorney May hardship is the ultimate and most important test of the project’s viability.

Here is the question the City Attorney said should be asked:

Will the denial of a COA “cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal or modification of the Landmark Commission’s decision.”

So, what’s a “serious hardship?” May, using the *Random House Dictionary of the English Language*, said a hardship was “a condition that is difficult to endure; suffering; deprivation; oppression.” Now add “serious” and ratchet up each quality. Do these words truly capture what the developer will experience by having the proposal rejected by the Landmarks Commission and City of Madison? Extremely unlikely. After all, he is a developer with a huge company with offices in New York, Chicago, Los Angeles, and eleven other large U.S. cities, a company that routinely takes calculated risks on big high-stakes projects.

Now the question is: Did the developer cause his own hardship? The answer is a resounding “yes.” Here’s why:

The developer knew he was buying a property that carried a heavy burden of city, state, and federal regulations. Restrictions included a prohibition against building in a view preservation corridor (1965 vacation ordinance); limits on the visual size/mass of the building (1976 Mansion Hill Historic District); specific limits on height and setbacks (the R6H provision of the zoning code), DNR regulations, and many others.

The developer knew that the property suffered, by his own due diligence studies, from five categories of “constraints” (physical, site, land use, public use, and economic). Read them on page 6, Section 5 in the applicant’s December 15, 2009 book, and you will yawn and say, “Typical downtown project conditions.”

The developer knew that he had to have a new hotel tower of a certain size to make the project (including the restoration of the Edgewater) economic.

The developer knew the project would not work financially unless the city contributed a very large TIF subsidy...still showing as \$16 million.

The developer knew he could only afford to pay a limited amount for the Edgewater Hotel and his new parcel of land.

How did he know all of these things? Like all other developers he conducted rigorous due diligence studies consisting of substantial homework, dozens of pro formas, architectural studies, preliminary engineering analyses, and much more

Faced by all of these difficulty factors what did the developer decide to do? He took a calculated risk and decided to move forward.

But then something remarkable happened. The developer decided to violate, ignore, or change just about every law on the books that controlled the size and height of the new hotel tower. More specifically the developer decided that he would: construct a building *within* the Wisconsin Avenue ROW in violation of the 1965 vacation ordinance (first proposal); greatly exceed the visual mass-volume limitations of the Mansion Hill Historic District; and ignore the 50 height limit and setbacks required by R6H.

The developer did ALL of these things as a professional real estate developer. He knew that no one guaranteed anything. He knew he needed a long list of exemptions to current law, a change in zoning, and a big dose of public financing.

Only when the Landmarks Commission told the developer that his hotel tower violated the Mansion Hill Historic District Ordinance did he cry hardship.

It’s the old Watergate question: What did he know and when did he know it? The answer is that this experienced and sophisticated developer knew what he was getting into very early in his due diligence process. And yet he moved forward with an ordinance-violating design.

Whose fault was it that the developer proposed a building that was much too large and too tall to satisfy Madison ordinances on too small a parcel?

Whose fault was it that the developer proceeded even though he knew the site was, by his own studies, afflicted with 16 site constraints in 5 categories?

Whose fault was it that the developer made a free-will decision to pursue an extremely complex project with no assurances of success?

This is a clear case where this experienced developer caused his own problem.

Does the Council really believe that it has an obligation to grant the developer's "hardship" claim and become complicit in this ordinance and policy violating project?

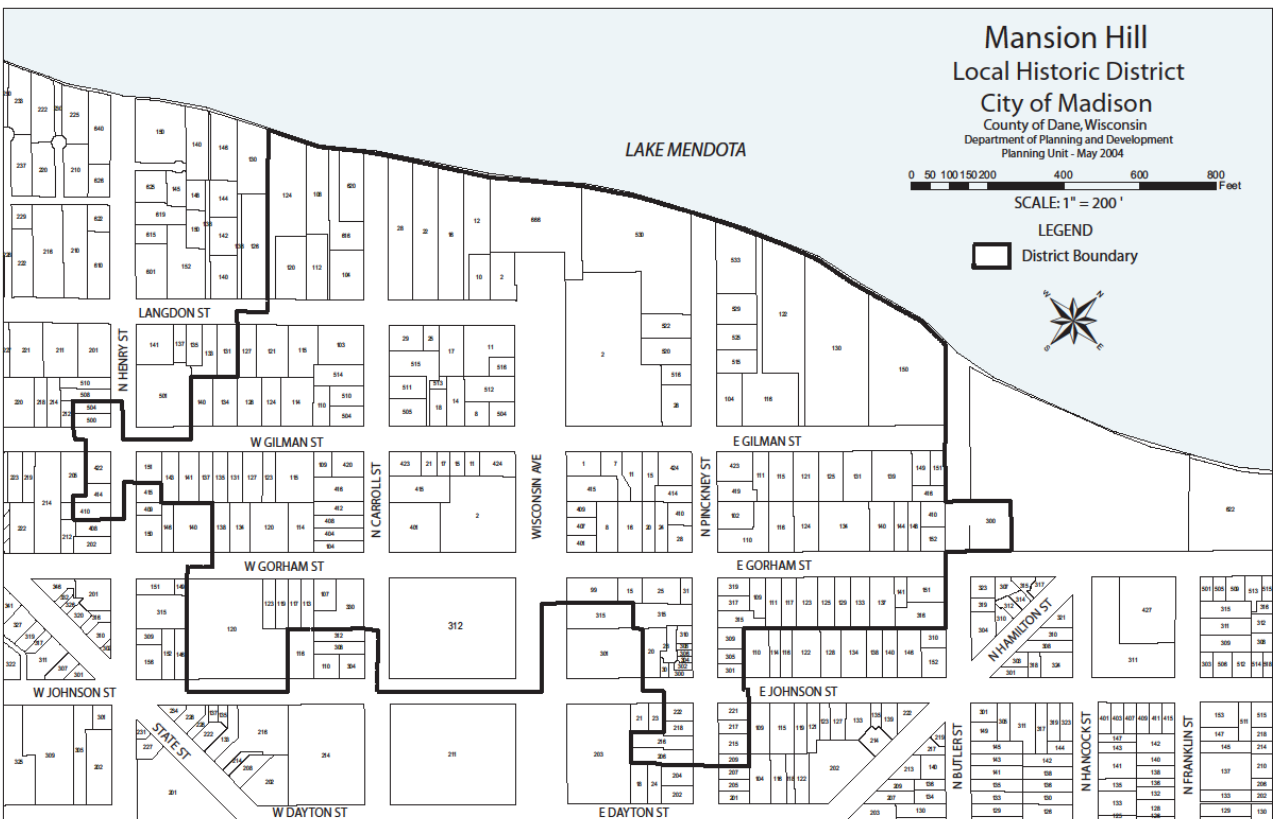
The solution is to find a developer who will build a code-compliant project. Better alternatives are out there.

One further point: If you grant the developer his COA even though it is a self-inflicted "hardship", plan on a long line of developers asking for the same deal. And plan on granting their claimed hardships if policy consistency and staying out of court is important.

5. Clarification of Mansion Hill Historic District boundaries

In several of the applicant's submittals two areas with similar names but significantly different boundaries are used interchangeably in a confusing manner. The Mansion Hill Historic District was created in 1976 by City ordinance and comprises the area shown in the map below. The Mansion Hill District of Capitol Neighborhoods is a portion of the City recognized neighborhood association for the area surrounding the Capitol Square. As such the Mansion Hill District of Capitol Neighborhoods includes areas not within the Historic District including portions of the business area of the Capitol Square and portions of State Street. For consideration of the proposal before you it is the Mansion Hill Historic District which is relevant.

The developer attempts to use this confusion to show that large buildings are consistent with what he calls a diverse pattern of development, but if they are outside the MHHD, they cannot be used.



It is crystal clear that the massive tower being proposed by this developer is what the ordinance was designed to prevent. See section 6 for further information on this point.

Bottom line: To adhere to the stewardship intended by, indeed required by the ordinance, a COA for the proposed Edgewater Tower must be denied.

6. Why the Mansion Hill Historic District was created

Mansion Hill became Madison's first historic district in 1976, but many do not understand that a significant intent was to prevent intrusions such as NGL (1963), Verex (1973), Haase Towers (1950), CHT Apartments (1965), Highlander Apartments (1968), and the Lakeshore Apartments (1950) from destroying the neighborhood scale. Indeed, the integrity of the Historic District depends on NOT allowing any additional out-of-scale intrusions. Perversely, the developer uses these intrusions to justify another exception and to claim that the neighborhood has been composed of such diverse, mixed use buildings for nearly 100 years!

In spite of abundant evidence that the MHHD was set up to prevent large intrusive buildings, many have not seen this evidence. Examples of those who doubt this fundamental purpose of the district's creation include a member of the Landmarks Commission who said the Mansion Hill historic district was established to discourage demolition, not to regulate new construction. A member of the Urban Design Commission, who was on the Landmarks Commission at the time of the creation of the Mansion Hill historic district, said that concerns about recent incompatible new construction in the district were not a factor in the establishment of the district. Both are wrong. Here are several authoritative sources that demonstrate this:

From the Madison city website: "Mansion Hill contains the greatest concentration of intact Victorian houses remaining in Madison, many of which were the homes of Madison's pioneer movers-and-shakers. *In the 1950s, '60s and '70s several of the finest old houses in Mansion Hill were demolished to make way for anonymous apartment buildings and two large insurance companies. Fearful of further erosion of the residential character of this historic neighborhood, residents petitioned the City to designate Mansion Hill as an historic district.*" [Emphasis added]

The approved minutes of the Landmarks Commissions' public hearing on November 17, 1975 summarize Mr. Neckar's (preservation planner at the time) presentation - the Secretary

....stated the importance of protecting the entire fabric of the district from incompatible development... to that end he described the three major controls of the historic district: review of wrecking permit applications, review of alterations to existing buildings, and review of new construction. He placed considerable emphasis on the design standards for new construction.

Whitney Gould wrote "Mansion Hill Rescue Planned," in the *Capital Times* on Nov. 18, 1975, which said:

The CMI Investment Corp. headquarters, a massive, L-shaped slab of glass and steel, rises defiantly from the foot of Gilman Street beside the old Governor's Mansion, an elegant little Italianate building constructed of native sandstone in 1854-1855 which served as home to 17 Wisconsin governors. A boxy apartment complex nudges it from the west. Just up the street, at the corner of Gilman and Wisconsin Avenue, another glass monolith – the

National Guardian Life Insurance Co. – stands in stark contrast to its neighbor, the historic (1858) Keenan House, with its arched windows, mansard roof and gingerbread embellishments. The collision of these two pairs of opposites symbolizes what is happening to the Mansion Hill area north of the square.

The article goes on to say that:

Proposed new construction, also subject to review by the Landmarks Commission, would have to be compatible with the scale, width, height, texture, window and door treatment and structural rhythm of neighboring buildings.... The district plan will offer assurance to other owners of historic property that the same thing [“erecting boxy apartment buildings next to old houses”] won’t happen to them.

Two images accompany the article, a photo of the National Guardian Life Insurance building and the Keenan house next door, and a photo of the Old Governor’s Mansion the caption of which said “all but overwhelmed by the huge CMI Investment Corp. building” next door.

Reporting on the unanimous vote by the Common Council establishing the Mansion Hill Historic District, the *Capital Times* on June 18, 1976 (“Mansion Hill Is First Historic District”) stated that

The impetus for the district plan was the spread of high-rise apartment buildings and office structures into an area which Lance Neckar, preservation planner for the city, terms “far and away the most historically significant neighborhood we have left in Madison from the 19th century.” By putting controls on the kind of changes which can take place there, the city is also helping to “preserve a viable residential neighborhood downtown,” Neckar said.

On June 20, 1976 the *Wisconsin State Journal* printed “Council creates historic district”. It noted:

The City Council unanimously Tuesday night created the city’s first historic district, a downtown area with restrictions to development and building alterations to preserve its historic and residential character....

The commission will determine whether new developments are compatible with the older buildings, in gross volume, height and width proportions and street elevation before approving construction. The district will be the first such historic district in the state. Its formation comes after several years of research and public hearings conducted by the landmarks commission. “The two major intrusions that have really sparked the commission to action” Neckar said were the construction of the futuristic looking CMI Investment Corp. and the National Guardian Life Insurance buildings on a sandstone studded block of E. Gilman Street.

The Mansion Hill Plan, itself, adopted by the Council along with the Mansion Hill historic district ordinance states “there has been considerable adverse impact to the district resulting from recent non-residential development” (p. 17). And that the Landmarks Commission “shall act to work in the

best interests of the existing structures in the Historic District and in cooperation with the applicant in developing sympathetic and original new structures” (p. 18).

These quotations from the time of establishment of the district make it clear that the intention of designating the area as an historic district were to protect the historic buildings, to preserve the residential character of this downtown neighborhood and to halt further out-of-scale intrusions into the district.

7. The city-wide importance of Historic District ordinances

The Madison ordinance is based on the best and toughest ordinance in the country: New York City. It still is a good ordinance.

- There is no question as to the constitutionality of the ordinance.
- Subjectivity is an inherent part of this ordinance, of all landmarks ordinances, indeed of ALL ordinances of ALL commissions. That is why we have commissions composed of experts—to make informed interpretations of the ordinance.
- Since the Mansion Hill Historic District was established there have not been any developments that have failed to comply with the ordinance.
- Since the Mansion Hill Historic District was established there have not been any developments that have requested a variance. Indeed the variance ordinance addresses more minor kinds of things and was promulgated AFTER most of the other historic district ordinances were put in place. Those ordinances have detailed requirements dealing with such things as siding materials, roof shapes, etc. The variance ordinance was put in place to provide relief from those kinds of requirements in special circumstances. The variance ordinance does not, was never intended, to apply to the basic tenant of historic districts...visual compatibility as represented by size and mass.
- The Mansion Hill Historic District has welcomed developments which adhere to the historic district ordinance including the recent development by Scott Lewis on Dayton Street and the Methodist Church development on Johnson Street. Another development done since the passage of the Mansion Hill Historic District ordinance is the Quisling Clinic development. This too adheres to the Historic District ordinance as well as the height limits in the underlying Historic District zoning.
- There is an expectation that both the backyard of the NGL building and the parking lot of the Bethel Church, among other sites, will be developed as recognized in the neighborhood plan. It is critical that the ordinance be followed for the Edgewater, as it has been followed in the past, to prevent others from expecting that they too, based on the Edgewater precedent, will be able to flout the ordinance.
- Given that the intent of the Historic District ordinance is to protect the Historic Districts, judgment which is applied should be exercised in the way that would have the most likelihood of protecting the Historic Districts for now and for future proposals.
- Many Madisonians think the Edgewater project is a Mansion Hill neighborhood issue. Nothing could be farther from the truth. The Edgewater redevelopment is a city-wide issue. The decisions made

regarding this proposal will impact the City's other Historic Districts. What the Common Council and its commissions do to the Mansion Hill neighborhood, they can do to all other neighborhoods.

- For example, if you live in a typical neighborhood, the maximum height limit is 35 feet. How would you feel if your neighbor applied for a permit to build a 70 foot tall house? That is exactly what the applicant and their proponents want to do.

8. Conclusion: Upholding the Landmarks Ordinance

- The Landmarks Commission followed the ordinances in overwhelmingly voting to deny the COA. *This proposal is now bigger and taller than when the Council last saw it.* It remains on the right-of-way. It does not meet the ordinance requirements for overturning the Landmarks Commission decision.
- The Council’s decision can be summarized in a simple table. The two choices are to reverse or uphold the Landmarks Commission’s decision. We invite you to check the boxes that you think satisfy the ordinance’s requirements. And then vote accordingly.

<p>To reverse or modify the commission’s decision, alders must find:</p>	<p>To uphold the commission’s decision alders must find:</p>
<p><input type="checkbox"/> That the Landmarks Commission failed to base its decision on “standards contained in the ordinance.”</p>	<p><input type="checkbox"/> That the Landmarks Commission based its decision on “standards contained in the ordinance.”</p>
<p>That special conditions pertaining to this property has one or both of the following consequences:</p> <p><input type="checkbox"/> They will preclude any and all reasonable use of the property.</p> <p><input type="checkbox"/> The hardship of not being able to build the project was not caused by the owner.</p>	<p>That special conditions pertaining to this property has one or both of the following consequences:</p> <p><input type="checkbox"/> They will not preclude <i>any and all</i> reasonable use of the property.</p> <p><input type="checkbox"/> The hardship of not being able to build the project was caused by the owner.</p>

9. Tax Incremental Financing (TIF) request

The applicant has now submitted three different applications for TIF financing. With each application the amount of supporting information submitted has decreased. The current application provides no supporting information to clarify the costs provided or to allow for a considered analysis of the reasonableness of the request.

a. What has changed since the last TIF application?

The acquisition cost of the existing Edgewater hotel has gone up by \$500,000. This is separate from the land being purchased from NGL and the land and parking garage which will be shared with NGL. There has been no explanation for the increase in the basic cost of purchasing the Edgewater Hotel.

The revenue and cost projections for the hotel operation continue to change even though there has been no significant change in the number of rooms or program space in the proposal.

Assessment of the Application

b. What is the Equity contribution?

The application provides no breakdown as to where the equity contribution comes from that would allow for an assessment of the reasonableness of the figure or to assess the likelihood that the sources of equity will be available. Staff has suggested that the equity will include a variety of tax credit type sources.

Conservation Tax Credits are part of the financing. This scenario apparently envisions the City granting the applicant unlimited development rights to develop in the air space above the site including the existing 1940's hotel, the existing 1970's addition, the leased public right of way and the new hotel tower. The applicant will then deed back to the City these development rights and obtain a federal tax credit for the value of the "forgone" development rights. These tax credits will be sold to generate equity.

Essentially the City will be "receiving" an easement for the development rights which we already have. The 1965 vacation ordinance already restricts development on this parcel. The Capitol View Preservation Limit restricts development as do City Plans and zoning. Given the difficulties getting approvals for what the applicant has already proposed just how much more development is truly being forgone? This is a fallacious use of a federal program to subsidize a luxury hotel. Even if it is legal it does not pass the smell test. Madison should not be an active participant in this egregious use of 'creative financing'.

If a Conservation Easement is such a great financing tool then we should be using it for every development proposal. Just think of the value to the developer who forgoes building a 14 story project on W. Washington for a 5 story building. The economic benefit of a tax credit would be truly amazing.

Staff has also indicated that the parking structure will be owned by an LLC separate from Landmark X, the applicant. This new LLC includes participation from NGL with some amount of equity participation. Yet there are no details of this arrangement provided.

Staff has indicated that there is no developer fee requested in the proposal. Yet without a breakdown of the sources of the equity how can we know this?

c. What is the Public Access Component (PAC) and what are these costs?

The TIF application simply provides a cost of \$17.7 million for the PAC without any description or breakdown of what is included. Staff has allocated \$2.7 million of the soft costs to the PAC. The total PAC costs are \$20.4 million or 22.5% of the total project costs. In the prior TIF application the total PAC cost, including soft costs, was \$17.9 million. The current plans provided by the applicant do not indicate any significant changes to the PAC from the previous version. Why have the PAC costs risen so dramatically?

So what do we get in return for the City TIF contribution? The TIF application provides no details of what is included in the \$17.7 million. Staff has accepted the applicant's ascertain that these costs are all for legitimate aspects of the PAC without any analysis.

The only details on what the applicant believes should be paid for by the City comes in the form of the report from JSD Professional Services. This is the engineering firm hired by the City to assess the construction costs presented by the applicant for the PAC. The applicant's construction firm provided JSD with a breakdown of the costs for the PAC. JSD then developed a probable cost of construction for each of these components. Neither JSD nor Staff have made any assessment of whether or not the components that the applicant has included in the PAC are truly legitimate.

Furthermore the JSD report only considers a portion of proposed PAC costs. The last page of the report lists six elements. The total TIF Request for these six elements totals \$15.9 million. This is significantly below the total PAC request in the TIF application of \$17.7 million. There is no explanation on what the remaining \$1.8 million is used for.

In fact there are many items included in the PAC costs which provide no public benefit, are costs that would be incurred by building the new hotel even if there were no public access, or are required under the 1965vacation ordinance. These items range from the simple to the more bizarre.

- Demolition of the existing public stairway to the lake \$50,000

The new hotel tower is proposed to be built on top of this stairway which is what requires the demolition. To maintain the public access under the '65 ordinance a new stairway will need to be built.

- Demolition and Remediation of the curvilinear features of the 1940's hotel. \$150,000

The applicant has proposed exterior changes to the entry of the 1940's hotel but this provides no public access benefit.

- Relocating the 1940's building elevator to provide ADA access to the lake. \$600,000

The scope of the remodeling of the building will require that the building meet all current accessibility codes regardless of any City required public access. There is no public access component in the 1940's building requiring an elevator.

- Demolition of the existing dock and construction of a new dock. \$400,000

First the dock is not included in the map of the PAC as part of the public space. Furthermore this is a dock that the DNR has indicated is illegal and does not meet the State requirements for a dock.

- Changes to the site utilities. \$450,000

These changes to the electrical service, water lines, storm sewer and sanitary sewer are all required for construction of the new hotel and are required regardless of any public access.

- Street reconstruction to provide a private drive to the new parking garage. \$200,000

Constructing a new hotel will require additional parking. NGL is using a large portion of the new parking.

- Construction of the Auto court and drive to the front entry of the hotel. This drive also provides the required fire equipment access for the building in the development. \$1,750,000

A driveway to drop off hotel guest at the front door is surely required as part of the hotel construction as is the fire department access.

- Drive connection between the existing parking and the new parking garage. \$800,000

Since the entry to the new hotel tower will block access to the existing parking a new connector is required if the parking is to be utilized.

- Changes to the hotel tower due to the shifting of the guest room floors to the east. \$800,000

These are design changes which do not impact the PAC.

These costs unrelated to the PAC total \$5,200,000. Add to this the \$1.8 million in unidentified costs and the proportional amount of the soft costs the total non PAC related cost is \$7,400,000.

Costs to construct the plaza:

The costs associated with construction of the plaza include demolition of a portion of the 1970's building, structural enhancements of the existing structure and construction and landscaping of the plaza itself. The

total cost for this work is \$6,550,000. This is a “public” plaza that can be closed to the public at any time by the hotel operator for “general events” any day of the year. At least 75% of the plaza is subject to this closure condition which will exclude the public. Add in the proportional share of the soft costs and this cost becomes \$7,550,000. What portion of the plaza is solely for the benefit of the public? If there were no requirement for public access what would the design for this space be? Would the 1970’s building simply be left in tact outside the front door to the hotel?

The Staff TIF report of May 6 speaks to this issue:

“Arguably, the Developer would not construct the Project without the PAC as it would no longer offer the lakefront amenity to qualify it as a full service hotel with numerous amenities.”

The plaza and in fact all of the PAC is a very significant benefit to the hotel. Without the plaza and the lakefront access there is little reason to believe that this proposal would be brought forward at all. So just what portion of this \$7.55 million is it reasonable for TIF funding to support to provide “public access”?

d. Why does the TIF request always end up at \$16 million?

Simply put that’s the number in the budget so that’s the number to hit. Putting more TIF into this proposal isn’t politically feasible so go for the maximum that you think you can get.

In the two prior TIF applications the applicant suggested that the City should fund 48 & 53% of the PAC respectively. With the current application the City is being asked to fund 78% of the costs for the PAC. (Keep in mind that the PAC as shown is not really primarily public.) Simply by arbitrarily changing this percentage it easy to show a gap of \$16 million with every iteration of the TIF request.

Earlier TIF applications requested funding of up to \$4.4 million dollars to support parking. The current application does not include any funding for parking yet the total request has remained the same. Once that so called ‘place holder’ of a budget number for the TIF was set it has been a target which can’t be missed.

The proposal includes condos. The TIF application is only for a hotel proposal. Are we even analyzing the right proposal?

The applicant has always insisted that the top two floors of the hotel tower will be condos. In fact they have stated that selling condos will provide significant additional revenue for the proposal. Yet the TIF application speaks only to a hotel proposal.

Staff has stated that they believe a hotel proposal is safer than condos. Actually they have gone on to say that they believe that condos will not sell and the project would fail if it includes condos. Yet the economic analysis continues to be for solely a hotel project even though the applicant continues to include condos in the proposal. Where is the Staff addressing their concern about project failure given inclusion of condos.

Staff has indicated that the hotel project is a more conservative analysis. But if it's not what's being built how can that be a safer way to analyze a proposal? With condos, if they sell, Staff says there will be increased tax increment so there would be more funds to pay back the TIF loan. But what if they don't sell? With fewer rooms the value of the hotel will be reduced which in turn will reduce the tax increment. How is the safety of the public investment served when the economic analysis is not of the project being proposed?

e. TIF Policy exceptions

The current TIF policy was adopted about a year ago on March 9, 2009. This is the first significant TIF application to come along since these policies were adopted. And with this application come serious exceptions to this policy.

Policy 4.1 (8) 50% rule. No more than 50% of the tax increment can be used to pay back the TIF loan. As the Staff report notes under this rule the proposal will only generate sufficient increment to justify a \$3.3 million TIF loan. Even with 100% of the tax increment the proposal would only qualify for 41% of the requested \$16 million.

Policy 4.1 (10) Self supporting rule. This rule prohibits using tax increment from one property to supplement another project. On its own the Edgewater proposal would payback less than half of the TIF loan after 20 years when the City's financing costs are included in the calculations. The only way this TIF loan gets repaid is the excess increment being generated by the University Square building. This TID will close within 5 years without the Edgewater. Closing the TID will provide other taxing entities, such as the school district, with their fair share of the tax increment. Should these entities forgo this tax revenue to support a luxury hotel?

Policy 4.1 (12) Personal Guaranty. This policy requires that a principal of the applicant personally guarantee in the full amount of the loan that all of the conditions of the development agreement will be met. Personal guarantees are a common requirement of financial transactions with LLC's which often have little or no assets of their own. As Staff as said "this provides a warm body" with responsibility. Apparently the developer has simply balked at this rule and proposed to provide a personal guaranty at only 6% of the value of the TIF loan. Where's that gushing confidence in the proposal we see during presentations when it comes time to actually make a commitment?

Policy 4.1 (15) Equity participation. This provision provides that the developer can make a reasonable return on their investment but if that return is higher than projected the City shares in the excess profits. The developer has proposed to "prepay" this equity by providing the City with a Conservation Easement. This easement states that the developer will construct the PAC, operate and maintain the PAC and provide the public with some limited use of the PAC. This is the same easement required in the 1965 ordinance and is exactly what we are supposedly paying for with the \$16 million. And now the developer is paying us back with an easement to the PAC we just paid to construct! Clever.

10. Conditional Use – appeal of the Plan Commission’s decision

The Plan Commission failed to follow the provisions of Zoning Code Section 28.12(11) in their March 22, 2010 vote to approve the Conditional Use Permit for the Edgewater development proposal.

As the Staff report notes **all** of the Conditional Use Standards must be met before an approval can be granted under this ordinance. Criteria 3, 4 and 9 are the most relevant.

- Standard 3 says: “That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.”

The Edgewater proposal would be a significant change to the neighborhood and will absolutely impact the surrounding properties. The proposal is located within a Historic District which provides property owners with certain expectations regarding the scale and mass of buildings that might be constructed within the district. The use and enjoyment of their properties will be substantially affected by the inappropriate scale and mass of the proposed hotel tower. This is clearly reflected in the Landmarks Commissions refusal to grant a Certificate of Appropriateness.

The sheer mass and height of the building impact the feel and integrity of this historic district and neighborhood as noted above.

Also negatively impacting the uses, values and enjoyment of property would inevitably be the noise and light from the significant commercial use being advertised for this development...in the midst of this residential district. Unlike NGL which does not produce noise or light pollution, this entertainment center proposes to be a 365 day a year negative impact on the livability of the neighborhood...particularly those in closest proximity.

- Number 4 under the conditional use standards says: “That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.”

All of the adjacent properties, both developed and undeveloped, are currently zoned residential. These properties are all bound by the waterfront setback requirements as well as the R6-H zoning requirements. Allowing one exception in the middle of this district will impact the visual enjoyment of the lake view for the neighbors.

It will also impede the orderly development of a relatively consistent setback for new construction particularly on the adjacent undeveloped land. Construction on the adjacent residentially zoned land would require a setback from the water around 120’ and a maximum height of 50’. Compare this to the 35’ setback and 113’ height of the new construction in the current proposal. Likewise the FAR zoning requirement for the adjacent property is 2.0 while the current hotel proposal has an FAR of 2.72.

If approved this proposal **will** serve as a precedent which **will** be cited by proponents of future developments in the area just as the current applicant focuses on the few other oversized buildings as justification for this proposal.

While staff suggested that other properties are protected because they are already developed or are within the Historic District, clearly this is fallacious. This proposal is within the Historic District but the blatant disregard for the criteria of the district is doing little to protect the orderly development of the area. Just as clearly properties are often redeveloped. Langdon St. has seen much of this type of activity such as a recent approval to demolish a building which was specified as contributing to the National Register District. To suggest that a proposal such as this which requires so many exceptions to the rules and changes of existing ordinances will not affect the normal and orderly development and improvement of surrounding properties is preposterous.

- Moving on to number nine in the conditional use standards which is: “That when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission:
 - a. Shall bear in mind the statement of purpose for the zoning district, such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district;”

The statement of purpose for the R6H district reads as follows:

“The R6H district is established for the same purposes as the R6 general residence district, except that in addition its purpose is to limit the height of structures and provide side yards in areas to preserve the historic and architectural character of a neighborhood.” 28.08 (14) (a)

The statement of purpose for the R6H district could not be clearer in saying it is intended to restrict the height of buildings to insure compatibility with the historic character of the district. In this case the R6H district has an overall height limitation of 50'. The hotel tower of the current proposal has a height of 113' clearly defeating the purpose of the R6H district.

Conclusion: Since all of the Conditional Use Standards would not be met as required by ordinance, you should overturn the Plan Commission's approval of a Conditional Use permit.

11. Planned Unit Development

The Planned Unit Development rezoning should be rejected to protect the Mansion Hill Historic District.

The majority of the proposed tower is to be built on land zoned R6H. This zoning was established specifically to protect the integrity of the oldest historic in the state. Downtown Design Zones about the R6H zoning of Mansion Hill. The Design Zones were not extended into the R6H zoning area because of the expectation that the R6H zoning would be protective against inappropriate height in the historic district. The predictability which should be inherent in this zoning should not be violated for an out of scale luxury hotel in the midst of small scale historic homes.

Both the Urban Design Commission and the Plan Commission were placed under artificial deadline to complete their reviews of the proposal. These artificial deadlines were set in an effort to rush the proposal through the approval process. Yet each time a deadline was set the applicant failed to provide the required information in time to maintain the preset schedule. In each case where the Urban Design Commission and the Plan Commission provided an approval of the proposal it was with the Chair casting a vote accompanied with a statement that they simply “wanted to move the proposal along”. The Commissions were not able to take the appropriate time for a reasonable consideration of the proposal. Their approvals came under extreme pressure to move forward to meet fictitious deadlines that never occurred.

A Selection of Misleading, Inaccurate and Irrelevant Information in Developer Submittal to the Landmarks Commission

(Packet submittal date April 19, 2010)

Packet page	Misleading, inaccurate or irrelevant information
Overview – p. 1	The developer’s letter talks about differences in <i>heights of buildings</i> but is actually using <i>elevations of the roof parapets</i> for this comparison. The height of Kennedy Manor is 64’ above the Wisconsin Ave. sidewalk. The new Edgewater hotel tower is 103’ above the Langdon Street sidewalk and 113’ from the front door/lobby entrance on Wisconsin Ave. The NGL building is 79’ in height. (See comments on Section 6 p. 6 for more details.)
Overview – p. 2	The developer suggests that this proposal is the only path to historic preservation in MH. This is simply not true. The developer’s reference to TIF funds for other historic restorations is false based on prior TIF submittals. This proposal can’t pay for itself let alone fund other work.
Site context -Sect. 2; p. 1	Twelve of the 16 photos included are not of buildings in the MH historic district; of the 4 that do show buildings that are in the MH historic district 2 do not fit the criteria of contributing
District overview-Sect. 2; p. 5	The developer confuses the boundaries of the MH historic district with the boundaries of the MH district of Capitol Neighborhoods (CNI). The MH historic district is only 14% nonresidential --not as the developer states here--55% nonresidential. The MH district of CNI, but not the MH historic district, includes portions of State Street and the Capitol Square. Also note: Whether housing is rental or owner occupied is not a relevant criterion in determining protection of the historic district.
Site context - MH Historic District Sect. 2; p. 6	Eight of 22 photos depict either buildings the ordinance was passed to prevent or buildings not in the MH <i>historic</i> district. Also, although the heading suggests that the MH historic district is diverse, the photos depict only large buildings.
Site context Sect. 2; p. 8	The developer says that large scale buildings in the historic district are acceptable because some have already been built there. However 4 of 6 buildings depicted in the photos are egregious intrusions, which the ordinance was passed to prevent, and one of the large buildings is not in the MH historic district.
Site context Sect. 2; p. 9 and p. 10	Photographs again show buildings not in the MH historic district and highlight buildings that are intrusions which the ordinance was passed to prevent (e.g. the Verex building and the NGL building).
Design Overview Sect. 3 p. 2	Residential units have never been confirmed by the applicant to be part of the proposal. The residential units continue to be referred to as a “possible” component. On the currently submitted plans these areas are labeled as “Guest Suites”.
Visually Related Area Sect. 5 p. 1	The elevations used for the 1940’s building and the new hotel tower are the roof parapets and do not include the substantial penthouses above these parapets. The penthouse elevation of the 1940s building is 117’/1”. The penthouse elevation of the new hotel tower is 168’/7”.

<p>Visually Related Area Sect. 5 p. 2</p>	<p>Again <i>elevation measures</i> are used when talking about building <i>heights</i>. Building heights are what matter in terms of visual impact and the most commonly used measure when assessing visual impact. NGL is actually 79' tall—34' lower than the proposed hotel (measured from the front door lobby level)—not "Equal to Height of Project" as stated by applicant.</p>
<p>Landmarks Ordinance-Criteria #1 Sect. 6; p. 4</p>	<ul style="list-style-type: none"> • Floor area ratio (FAR) is the total floor area of a building divided by the parcel size. It is NOT a measure of mass and is, therefore, irrelevant. • <i>Height</i> is the distance from the base of a building to the top. It is not <i>elevation</i> nor is it a measure of gross volume. • Nothing in the ordinance justifies or supports building something visually incompatible in trade for doing something else that may be considered beneficial. • The ratio of square footage of one property to surrounding properties is not a relevant comparison of gross volume and does not insight as to visual compatibility • For all other criteria – width to height of the facade, width to height of windows and doors, solids to voids, - the applicant's descriptions are clear. But in trying to compare "gross volume" the applicant uses 6 different metrics, none of which fit the standard definition of volume = height x width x length.
<p>Landmarks Ordinance-Criteria #1-FAR Sect. 6; p. 5</p>	<p>Irrelevant.</p>
<p>Landmarks Ordinance-Criteria #1-Building height Sect. 6; p. 6</p>	<ul style="list-style-type: none"> • Irrelevant • The developer says he is showing <i>height</i> of buildings. He says the height of the proposed tower is the same as that of NGL and 22' taller than Kennedy Manor. This is untrue. The developer is again showing <i>elevations</i>, not <i>heights</i>. Although height may be relevant to the visual impact of a building within the context of a historic district, the elevation is not. The visual impact is informed by <i>height</i> as perceived by a person standing in the general vicinity of the building. • The new tower is planned to be about <i>double</i> the height of Kennedy Manor and is approximately triple the height of the other four contributing buildings in the visually related area.
<p>Landmarks Ordinance-Criteria #1 Sect. 6; p. 7-8</p>	<p>Irrelevant. The developer implies here and elsewhere in the document that the tower is compliant with the comprehensive plan. <i>Most relevantly, the tower does not comply with the height strictures in the plan.</i> For the Mansion Hill sub district the Comprehensive Plan designated height indicates compliance with underlying zoning which on this parcel is 50'. The Langdon sub district (in which the 1940s Edgewater building resides) allows for buildings 2-8 stories with the tallest building in the State Street transition area. The Edgewater tower location is not in the State Street transition area and would stand on the northeastern most edge of the Langdon sub district. The new parcel added to the project from NGL land sits even farther toward the northeast.</p>

<p>Landmarks Ordinance-Criteria #1 Sect. 6; p. 10</p>	<p>Irrelevant. The developer implies that the vacant land to the east will remain vacant even though NGL made it clear it intends to develop that part of their land. That parcel is residentially zoned and remains subject to a 50' height limit.</p>
<p>Landmarks Ordinance-Criteria #1 Sect. 6; p. 11-12</p>	<p>Irrelevant. The developer implies there is an ordinance provision for trading inappropriate gross volume of the massive new tower with removal of the inappropriate 1970s addition. There is no such allowance or trade-off available under the ordinance.</p>
<p>Landmarks Ordinance-Criteria #1 Sect. 6; p. 13 and 14</p>	<p>Irrelevant. Square footage is not a measure of gross volume nor does it capture visual impact.</p>
<p>Landmarks Ordinance-Criteria #1 Sect. 6; page mis-numbered as 3. It falls between Sect. 6 p. 13 and 14.</p>	<p>Diversity in scale among contributing buildings in the MH historic district minimal particularly when compared with the difference in scale between the massive proposed new Edgewater tower and the buildings contributing to the character and environment of the MH historic district.</p>
<p>Landmarks Ordinance – Variance Sect. 7 p. 5</p>	<p>The developer’s graph shows that the Edgewater spent \$2 million in 1997-1998 for renovations. If this is in fact the case there was no City building permit obtained for the work. Edgewater permits in that time frame include roof repairs (\$75,850) and parking ramp repairs (\$800,000)—for a total of \$875,850—less than half what is claimed here. A review of building permits between 1971 and 2007 further shows that the Concourse Hotel, for example, has spent <i>7 times as much</i> on their facility as the Edgewater did during that period. Since 1998 the City permit file shows that Edgewater owners did work only on mechanical systems, mainly the replacement of some HVAC equipment.</p>
<p>Landmarks Ordinance – Variance Sect. 7 p. 6</p>	<p>A variance may be allowed if the Landmarks Ordinance itself creates a significant hardship. None of the 6 items noted here is the result of the Landmarks Ordinance. Especially important are the following issues: The applicant cites the preservation of the Wisconsin Ave. right of way view corridor as a constraint at the same time that their plans infringe on the right of way. As the applicant’s own consultant notes (quoted in this section), the deterioration of the condition of the building is the result of “inconsistent maintenance and refurbishment programs”. The later clearly being a hardship created by a person with interest in the property and not the Landmarks Ordinance.</p>

DATABASE SUMMARY AND CONCLUSION

- A database on all buildings of the Mansion Hill Historic District was compiled from City data and site measurements. (See Appendix A.) The database was used to generate the following facts on the age, height, and occupancy of Mansion Hill Historic District properties:
 - ***172 of the 178 existing properties are zoned residential.***
 - ***86% of all buildings in the district are three stories or less.***
 - ***96% of all buildings in the district are five stories or less.***
 - ***The Mansion Hill Historic District is Madison's densest historical district, with 21 landmarked buildings.***

- CAD drawings were generated from Hammes's March 10 Urban Design Commission submission. (See Drawings #1 and #2). Further information concerning the Visually Related Area was obtained from the May 10 staff report to The Landmarks Commission. From those documents the following conclusions were drawn:
 - ***The above grade volume would be 7 times that of the average of buildings in the VRA.***
 - ***The height above the Plaza alone would be 3 times that of the average of buildings in the VRA.***

- Information from the database was also used to compare the relationship of the proposed project to all of the *other* buildings in the Mansion Hill Historic District, including the large non-contributing buildings, and the following was determined:
 - ***The gross volume of the proposed new hotel complex would be 37 times the gross volume of the average of all buildings in the district.***
 - ***The proposed gross volume of 666 Wisconsin Avenue would equal 22% of the gross volume of all the other buildings in the district put together.***

CONCLUSION

The sheer volume of the proposed hotel complex is a degree of magnitude beyond that of the other buildings in the Mansion Hill Historic District and is conclusively incompatible with this historic district.

Appendix A - Mansion Hill Historic District - All Data

Street	Address	Stories	Use	Built	CF	Notes:
Butler, N.						
	316	6	apartment	1966	173,280	
	410	2.5	apartment	1910	28,080	
	416	3	apt/rooms	1905	51,840	
Carroll, N.						
	330	3	apartment	1937	288,000	
	401	2	office	1863	60,000	Stevens House - Madison Landmark
	404	2	apartment	1878	24,720	
	408	2	apartment	1878	25,820	
	412	2	apartment	1918	23,140	
	415	2.5	single family	1922	62,840	
	416-418	2.5	apartment	1914	95,625	
	420	2.5	apartment	1871	27,410	Mears House - Madison Landmark
	423	2.5	single family	1853	30,580	
	504	2.5	apartment	1915	35,340	
	505	7	apartment	1965	25,920	also 22 W Gilman
	510	2	single family	1858	33,040	Van Slyke House - Madison Landmark
	511	2	other	1858	48,000	Alanon
	513	0	parking	-	0	
	514	2	frat/sor	1911	58,500	Beecroft House - Madison Landmark
	515	2	apartment	1872	42,990	
	616	7	apartment	1962	423,500	
	620	6	apartment	1955	362,880	
Gilman, E.						
	001	5	apartment	1937	187,500	Quisling Towers Apartments - Madison Landmark
	002	5	office	1963	1,152,000	NGL also 525 Wisconsin; VRA (940,200)
	007	2.5	apartment	1904	37,510	
	011	2.5	apartment	1879	45,830	
	015	2.5	apartment	1910	56,580	
	028	3	apt/rooms	1856	112,320	Keenan House - Madison Landmark
	104	3	apartment	1855	50,400	Kendall House - Madison Landmark
	111	2	apartment	1927	25,700	
	115	2	apartment	1859	60,000	
	116	6	apartment	1950	352,000	
	121	2.5	apartment	1888	90,000	
	122	6	apartment	1950	375,000	
	125	2.5	hotel	1883	37,470	Gilman Street Rag B&B
	130	2	single family	1856	81,000	Knapp House Old Governor House - Madison Landmark

Street	Address	Stories	Use	Built	CF	Notes:
	133-1&2	1	condo	1878	14,650	on map & list as 131
	139	0	parking		0	
	149	2.5	apartment	1908	41,750	
	150	5	office	1973	1,125,000	Verex
	151	3	apartment	1912	63,900	
Gilman, W.						
	008	2	apartment	1886	46,200	on map as 110
	011	2	apartment	1886	20,910	
	014	2	apartment	1882	19,880	
	015	2.5	apartment	1890	33,980	
	017	2.5	rooms	1912	37,500	
	018	2	apartment	1882	26,960	
	021	2	apartment	1889	22,420	
	109	3.5	apartment	1912	58,800	
	110	2	apartment	1915	42,030	
	114	3	apartment	1856	107,250	White House
	115-121	3.5	dorm	1968	133,875	on map as 111 (The Elms)
	123	2	single family	1886	19,390	
	124	2	apartment	1874	22,940	
	127	2.5	rooms	1896	75,000	
	128	2	apartment	1884	45,270	
	131	2	apartment	1897	22,600	
	134	3	apartment	1883	61,100	also marked 136
	135	2	apartment	1882	28,730	
	137	2.5	apartment	1906	35,500	
	140	2.5	coop	1896	85,000	International Coop
	141	3	apartment	1913	90,000	
	143	3	apartment	1922	94,500	on map as 145 (Wahl)
	151	3	apartment	1912	53,040	
Gorham, E.						
	009	3	apartment	1988	148,500	on map as 99
	010	4	apartment	1916	135,000	on map as 8
	012-016	3	apartment	1955	199,920	Clinic
	015	3	apartment	1928	56,700	
	020	2	apartment	1890	21,280	
	024	2	apartment	1891	20,790	
	025-1	3	condo	1888	49,920	one of 2 bldgs
	025-2	2	condo	1888	28,800	one of 2 bldgs
	028	2	apt/office	-	33,600	
	031	2	apartment	1850	27,000	
	102	2	coop	1853	60,000	Keyes House - Madison Landmark
	104-110	0	other		0	historic garden

Street	Address	Stories	Use	Built	CF	Notes:
	109	2	apartment	1911	23,810	
	111	3	apartment	1916	57,090	
	114-116	3	apartment	1863	180,000	Brown House - Madison Landmark
	117	3	apartment	1915	55,470	
	123	2	apartment	1852	21,600	
	124	2.5	apartment	-	52,000	carriage house
	125	3	apartment	1901	35,610	
	129	2	apartment	1877	27,840	
	133	2.5	apartment	1877	36,220	
	134	2	apt/rooms	-	70,000	
	137	3	apartment	1893	37,920	
	140	2	apartment	1851	24,280	
	141	2.5	apartment	1902	39,930	
	144	3	apartment	1913	54,300	also marked 146
	148	3	apartment	1901	54,300	
	151	2	office	1877	48,000	
	152	2	apartment	1863	19,990	
	300	2	other	1863	23,520	Gates of Heaven - Madison Landmark, National Register

Gorham, W.

	002	5	apartment	1885	318,750	Quisling
	104	2.5	single family	1923	30,880	
	107	2	apartment	1876	50,400	
	113	2	other		26,880	
	114-116	2	apartment	1853	28,960	Bowen/Bartlett House
	117	2.5	apartment	1896	26,580	
	119	2.5	apartment	1897	29,360	
	120	2.5	apt/office	1885	73,500	Wootton-Mead House - Madison Landmark
	123	2.5	single family	1847	43,560	
	134	3	apt/rooms	1897	63,000	
	138	2.5	rooms	1897	50,000	Rockdale co-op

Henry, N.

	410	2	single family	1881	21,240	
	414	2.5	apartment	1892	35,270	
	422	2.5	condo	1876	36,800	Braley House - Madison Landmark
	500	2.5	apartment	1902	43,370	
	504	2.5	apartment	1882	30,130	

Johnson, E.

	020	0	parking	1882	0	
	028	0	parking		0	
	030	2.5	single family	1987	14,360	

Johnson, W.

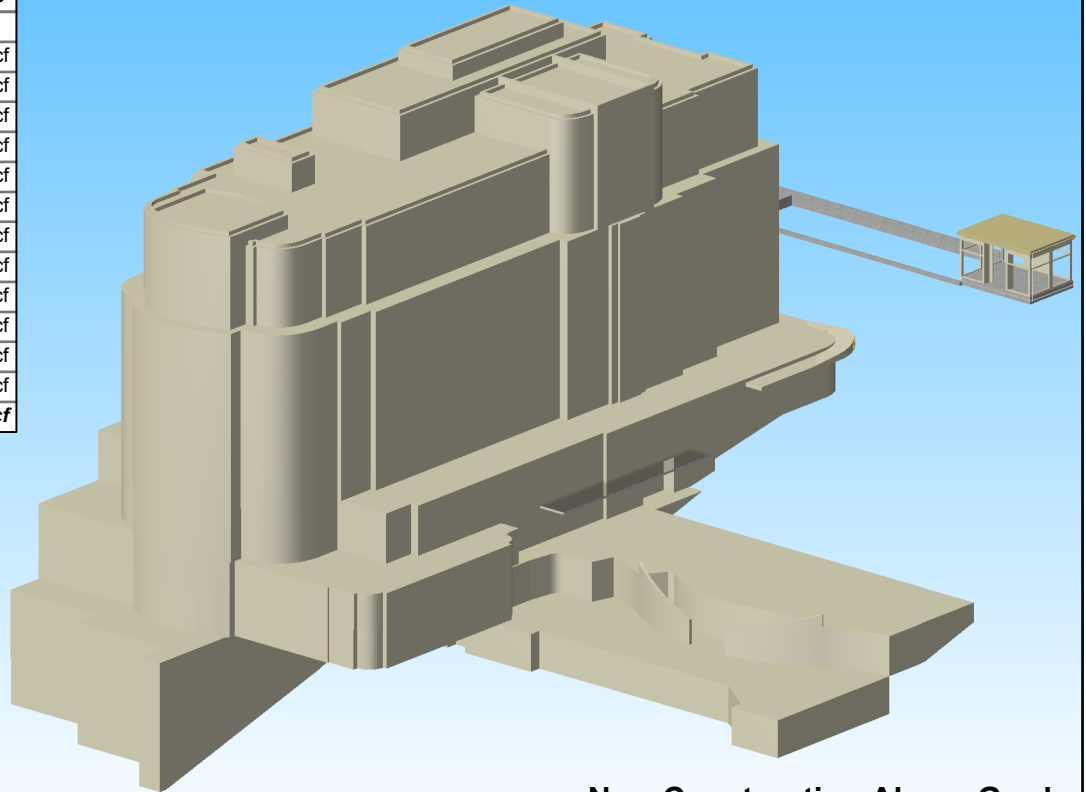
Street	Address	Stories	Use	Built	CF	Notes:
	120-1	3.5	church		284,200	Holy Redeemer School
	120-2	4	church		220,800	Holy Redeemer Church - Madison Landmark
Langdon						
	001	5	apartment	1929	589,800	on map as 111; VRA (561,200)
	002	3	apartment	1857	215,000	VRA (206,900)
	010	2.5	apartment	1900	107,100	VRA (86,790)
	012	3	apt/rooms	1924	159,600	VRA (95,490)
	016	2	frat/sor	1927	90,000	Phi Gamma Delta House - Madison Landmark
	017	0	parking		0	
	022	3.5	apartment	1972	315,000	
	025	3	condo	1910	29,950	
	028	3	frat/sor	1905	181,500	Brown House - Madison Landmark
	029	2.5	apartment	1874	53,590	
	103	3	frat/sor	1926	175,500	
	104	3	apartment	1878	90,750	
	108	3	frat/sor	1924	96,000	
	112	4	frat/sor	1966	89,600	5' frontage 108
	115	3.5	frat/sor	1925	112,000	
	120	3	frat/sor	1874	135,000	
	121	3	apartment	1886	59,060	Suhr House - Madison Landmark
	124	4	frat/sor	1962	126,000	
	127	2	apartment	1892	24,580	
Pinkney, N.						
	206	2	apartment	1881	31,200	not on assessor list
	209	0	parking		0	
	214	3	apartment		63,000	on map as 216
	215	2	apartment	1864	32,780	Bird House
	217	2	apartment	1890	21,880	
	218	2	single family	1879	21,170	
	221	2	apartment	1892	30,150	
	222	2	apartment	1847	35,680	
	300	2	single family	1987	17,000	
	301	2.5	apartment	1895	38,220	
	302	2	single family	1987	12,260	
	304	2	single family	1987	11,640	
	305	2.5	apartment	1894	28,410	
	306	2.5	single family	1987	14,090	
	308	2.5	single family	1987	13,730	
	309	2.5	apartment	1909	33,040	
	310	2	single family	1987	25,160	
	315	2	apartment	1887	28,070	
	317	2	single family	1929	19,940	

Street	Address	Stories	Use	Built	CF	Notes:
	319	2.5	apartment	1887	32,000	
	410	2	apartment	1932	34,660	
	414	3	apartment	1900	57,750	
	419	3.5	apartment	1939	102,375	
	423	2	apt/rooms	1856	75,000	Bashford House - Madison Landmark
	424	2	hotel	1857	55,000	McDonnell/Pierce House - Madison Landmark (Trek)
	515	2.5	apartment	1912	34,900	
	516	2	single family	1931	23,760	
	520	2.5	apartment	1903	44,470	
	522	5	apartment	1925	211,200	Ambassador Apartments
	525	0	parking		0	
	529	3	apartment	1908	84,000	
	530	0	parking		0	
	531-533	4	condo	1985	154,710	on map as 533
Wisconsin Ave.						
	312	3	church	1940	900,000	Steensland House - Madison Landmark (same as 315 N Carroll)
	312	3	other		68,400	
	314-315	0	parking	1928	0	lot behind Heibing
	401	2	office	1907	52,000	
	407	3	rooms	1894	66,000	
	409	2.5	apartment	1899	40,420	
	415	5	apartment	1960	170,000	
	424	2	apartment	1870	49,000	
	504	3	apartment	1897	44,580	
	512	2.5	apartment	1877	62,800	
	516	2	apartment	1896	38,500	VRA (42,640)
	666	9	hotel		0	NOT IN CALCULATIONS
	# of Properties: 178			Total CF: 15,613,395		Average CF: 87,716

DRAWING #1 - New Construction Above and Below Grade

New Construction Above Grade

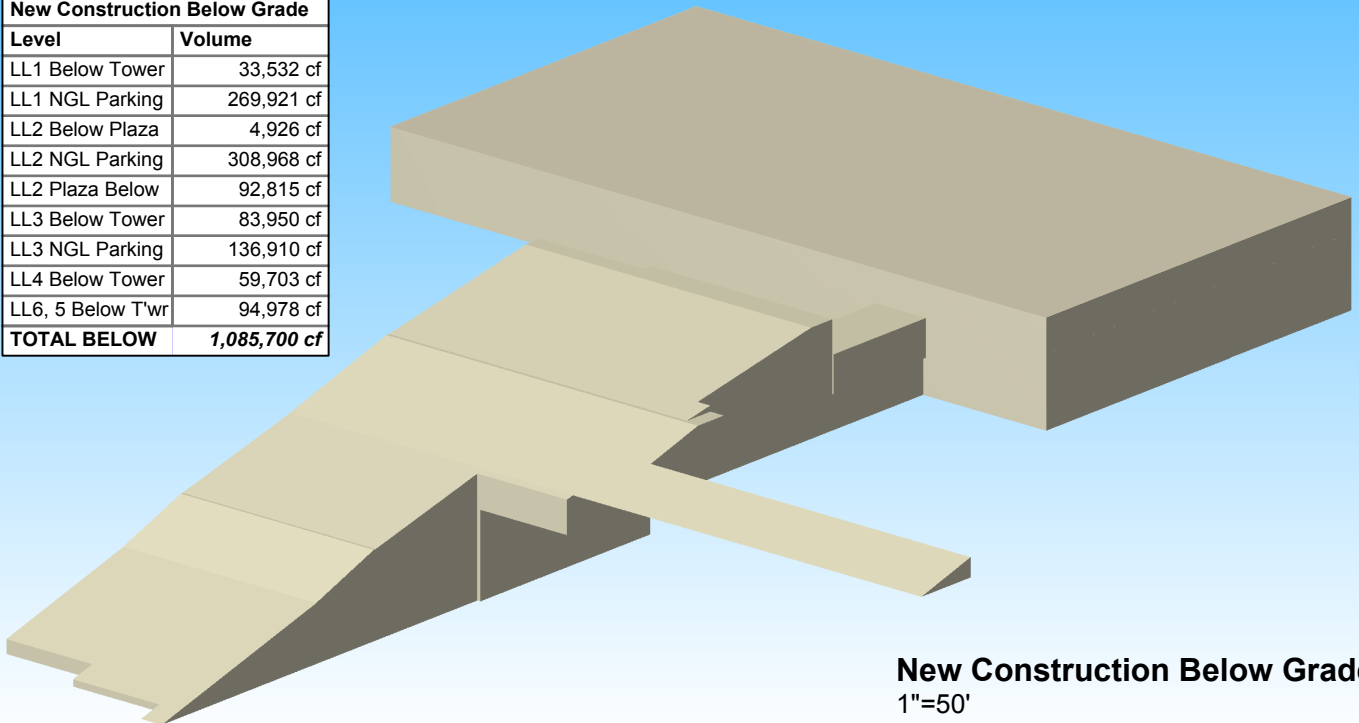
Level	Volume
Floor 1 Langdon	273,651 cf
Floor 2	132,491 cf
Floor 3, 4, 5	397,098 cf
Floor 6	145,769 cf
Floor 7, 8	251,211 cf
LL1	176,631 cf
LL2 Plaza	189,925 cf
LL3	123,040 cf
LL4	35,415 cf
LL5-6	24,777 cf
Parking Entry	7,524 cf
Roof	65,002 cf
TOTAL ABOVE	1,827,500 cf



New Construction Above Grade
1"=50'

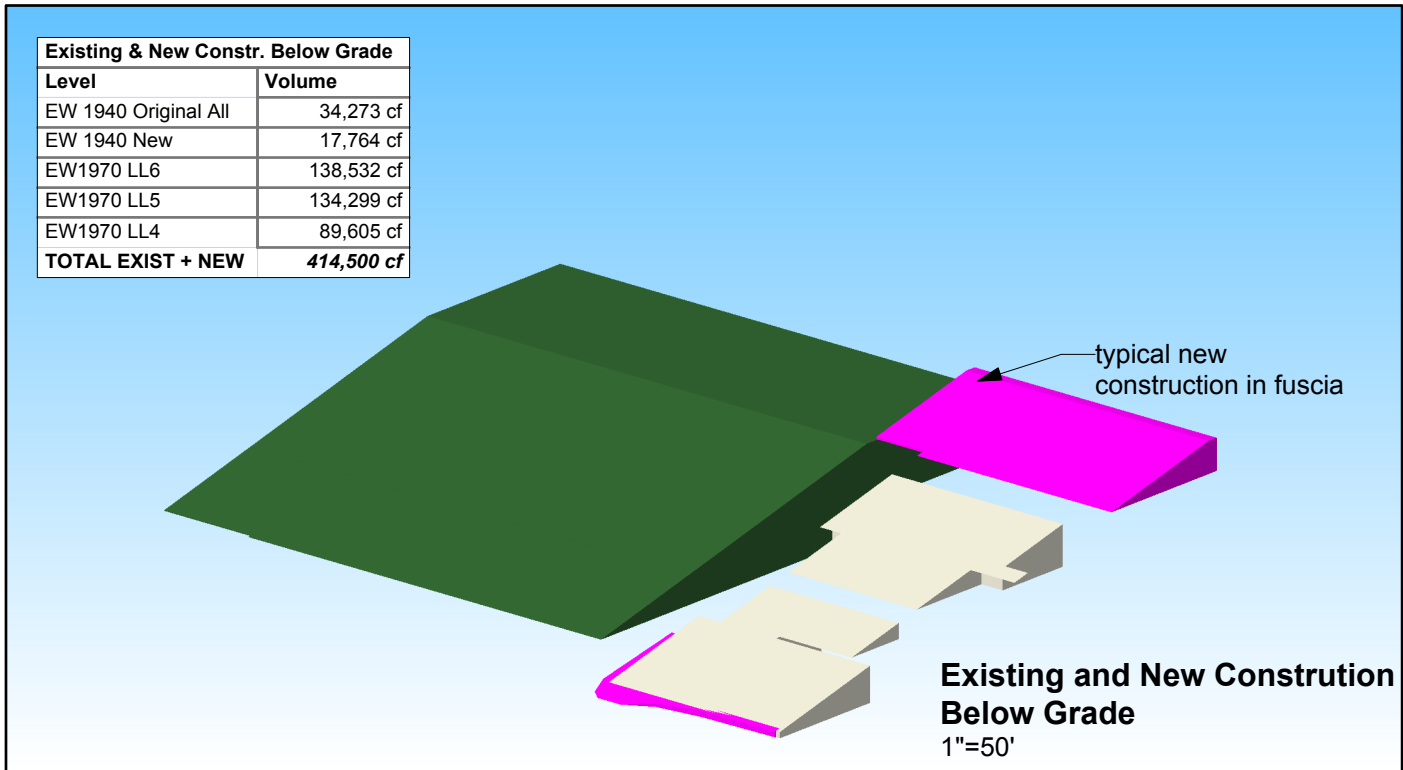
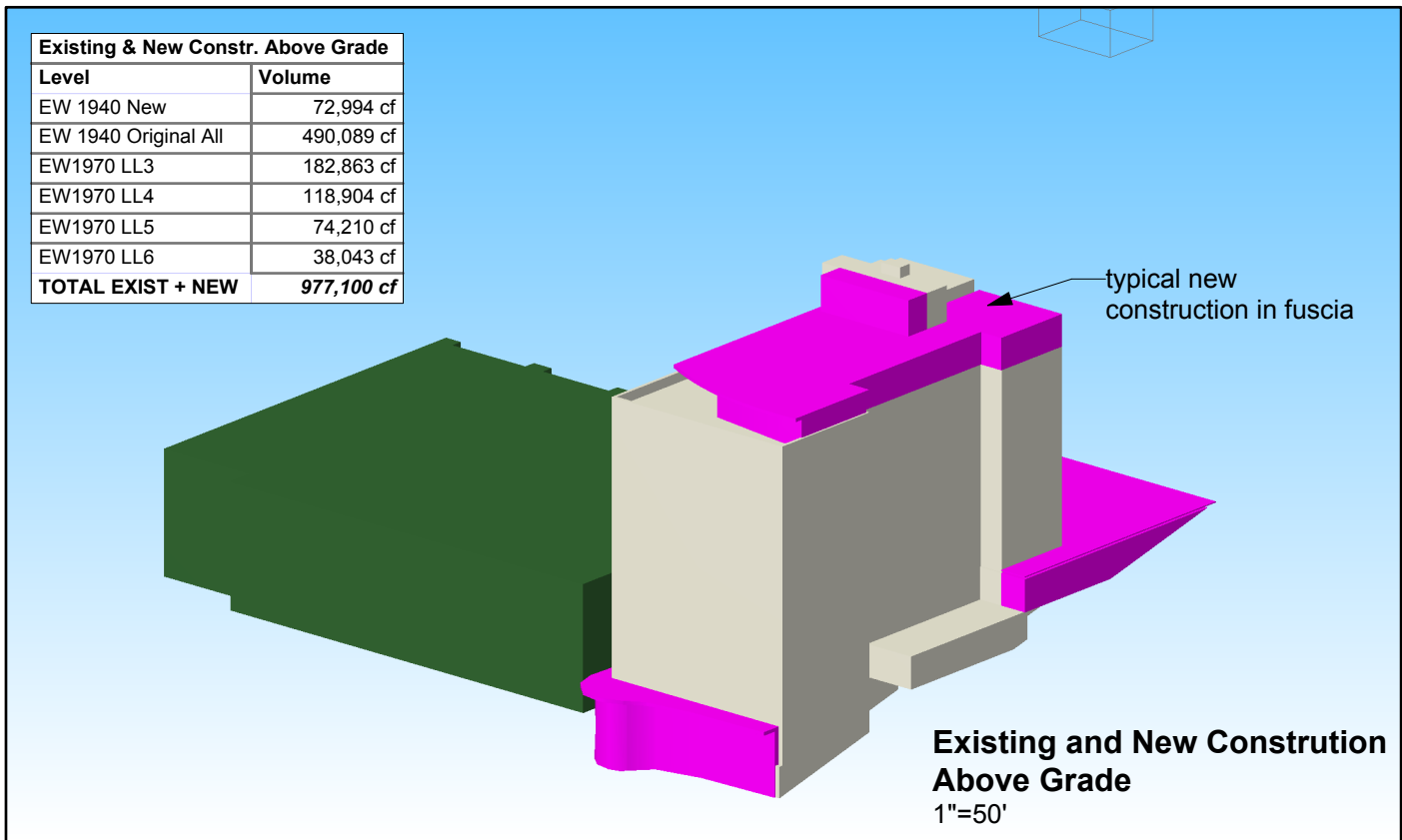
New Construction Below Grade

Level	Volume
LL1 Below Tower	33,532 cf
LL1 NGL Parking	269,921 cf
LL2 Below Plaza	4,926 cf
LL2 NGL Parking	308,968 cf
LL2 Plaza Below	92,815 cf
LL3 Below Tower	83,950 cf
LL3 NGL Parking	136,910 cf
LL4 Below Tower	59,703 cf
LL6, 5 Below T'wr	94,978 cf
TOTAL BELOW	1,085,700 cf



New Construction Below Grade
1"=50'

DRAWING #2 - Construction Above and Below Grade 1940's and 1970's



APPENDIX B: A GALLERY OF DECEPTIVE RENDERINGS OF THE EDGEWATER PROPOSAL

The public has been consistently shown distorted renderings of the proposed Edgewater remodel. A brief summary of those, some admitted to be inaccurate by the architect, are shown below.



"Grand stairway" shown almost twice as wide as it would really be

Pier addition shown contrary to DNR regulations



Claimed point of view not at eye level, but 19 feet above sidewalk

Tower cropped to hide the majority of its volume



Four-story sailboats makes tower look much smaller than it would be

Pier addition shown contrary to DNR regulations



Claimed point of view not at eye level, but 20 feet above sidewalk

Perspective distorted to show tower smaller and lake wider than they would really be