



January 27, 2014

Mr. Lance McGrath
McGrath Property Group

Via email: lance.mcgrath@mcgrathpropertygroup.com

RE: Property at 149 E. Wilson, Madison WI

Dear Lance:

This letter shall confirm our conversation from earlier today that there are no back up offers in place for this property. The seller has received a backup offer and has decided not to respond to that offer. We are committed to closing this transaction with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven W. Doran', enclosed within a hand-drawn oval.

Steven W. Doran
Lee & Associates of Madison, LLC

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14-15

News Release—

January 27, 2014—Madison, Wisconsin

Downtown Residents Group Make Offer for Property for Pedestrian/Bike Bridge

A neighborhood group has submitted an offer to purchase the 149 E. Wilson property in downtown Madison in order to donate the land to the City, enabling the building of a pedestrian/bicycle bridge across the John Nolen corridor, providing access to Law Park on the shores of Lake Monona.

Recent controversy over the development of a 127-unit 14-story apartment building on the .37 acre site prompted neighbors to begin to meet and discuss issues related to downtown livability and how such a high density building would impact pedestrian, bicycle and car/truck traffic as well as property values. As the neighborhood group discussed how the Downtown Plan adopted by the City of Madison Common Council in 2012 would mesh with the proposed apartment building, the group decided to put in an offer to purchase the property that carries a total assessed value of \$2.1 million and donate the land to the City for this purpose. "We're pretty sure that this hasn't been done before, where neighbors band together and commit significant funds for such an enduring public purpose" stated resident Steve Lesgold, one of the neighbors.

The Downtown Plan contains nine keys, the first of which is to "Celebrate the Lakes", which includes the transformation of Law Park into a signature park for the city, with safe pedestrian and bicycle connections. The South Capitol Transit Oriented Development (SCTOD) District Planning Study has identified the 149 E Wilson property as one of very few possible locations for the pedestrian/bike bridge to the lake. "It became quickly apparent that this property provides the ideal location to serve as green space and terminus to a pedestrian/bike bridge to Law Park that the city planners already have under consideration," stated Marina Condos resident and Association Board member Mary Waitrovich. Given the barriers that have long existed with the need to traverse the railroad tracks and John Nolen Drive itself, an easy solution has been hard to come by for city planners, and the residents realized that this site provides the ideal elevation and location for the bridge. "It has taken a lot of confidence and commitment to pull this offer together," stated neighbor Julie Van Cleave, "but in the end we'd like to be part of the solution and help to open up downtown to the shores of Lake Monona, where we can all enjoy fireworks, ski shows, athletic events and the lakefront. We truly want to celebrate our lake."

The City of Madison Plan Commission is currently discussing a zoning ordinance change including eliminating setbacks in order to accommodate the proposed apartment building. "We have had so many difficulties feeling good about all the issues surrounding this apartment building, but we feel great about giving Madison the safest and best option for pedestrian and bike access to the lake. This will be the greatest gift to the City, and provides the option to have the highest and best use of the property", stated Steve Lesgold.

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Media should contact Steve Lesgold at steve.lesgold@uwalumni.com or 608-467-8618 with questions.

Parks, Timothy

From: Zellers, Ledell
Sent: Sunday, January 26, 2014 5:17 PM
To: Parks, Timothy
Subject: FW: Marina Board member requests denial of approval for 149 E Wilson project

Please share with other commissioners.
Thank you.
Ledell

Alder Ledell Zellers
[REDACTED]

To subscribe to District 2 updates go to: <http://www.cityofmadison.com/council/district2/>

From: Mary Waitrovich [REDACTED]
Sent: Sunday, January 26, 2014 4:17 PM
To: Zellers, Ledell
Subject: Marina Board member requests denial of approval for 149 E Wilson project

To: Alder Leder Zellers:

I am a member of the Marina Board and met with Lance McGrath since the previous Planning Commission meeting when his project was referred. I also sat on and attended all of the Steering Committee meetings for the project. I live in the Marina, but on the other side of the building from where the McGrath building would be. Approval of this project would be a grave mistake and I ask you to deny approval.

The main argument in favor of the 149 E Wilson project seems to be "A building like this is inevitable on this lot, so it might as well be approved now rather than later." It is simply NOT inevitable that something just like it will be built on that lot. The proposed building is too big, too close to the Marina, has unresolved loading and parking puzzles and it will create a visual blight on the Madison skyline. You ordered referral to give Mr. McGrath an opportunity to resolve these problems but he has failed to do so. He did meet with us, but it was clearly just so he could say he did, rather than to honestly work out our differences. No further meetings were held, after the one meeting, and he has failed to provide a copy of the loading and delivery plan which the Planning Commission requested and which he promised to provide to us as well.

Mr. McGrath offered us a five foot set-back of the top 3 floors. This is a very small change that doesn't significantly change any of the problems with the building. While I know this approval standard is not the ONLY consideration in your decision, the proposed building is completely incompatible with "3) The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner. " We were here first, and the proposed building will substantially impair our use and enjoyment of our property and our property values. If this building is approved, The Marina will also soon become largely a rental building.

The strongest reason to deny approval for the McGrath project is that the lack of an adequate driveway and loading zone for the building creates an unresolvable and extremely dangerous situation for pedestrians, cars, and workers trying to move things in and out of the building. Moreover, the South Capitol Transit Oriented Development (SCTOD) District Planning Study recommends removing all street parking on the Marina side of E Wilson to add a contra-flow bike lane on E. Wilson. This will require not only the Marina, but the proposed

McGrath building, to park all moving vans, garbage trucks, UPS, Fed Ex, USPS, and furniture delivery trucks on the opposite side of E Wilson and move cargo across two lanes of fast moving traffic. Mr. McGrath's proposed "loading zone" at the end of the driveway will not be adequate to supply the space needed for move ins/outs and deliveries as he states. His "loading zone" will accommodate only the smallest of moving vehicles. Mr McGrath states that since most of the apartments are one bedrooms or studios, the trucks will be small. This is only a guess. It ignores the reality that companies like Epic provide moving services for their employees, and it's very common for moving companies to put multiple small households in one very large truck and load/drop them off one by one. Also, many people now move using "pods" where shipping container sized objects are parked on the street for 2-4 days and are loaded/picked up by large semi trucks. The idea that all of this could happen at the end of this narrow, 18 ft wide driveway that is also in constant use by vehicles coming in and out of the building is preposterous. It seems very likely that most of the move ins/outs into this building will not be able to comply with Mr. McGrath's "move in plan," but will instead take place from the opposite side of E Wilson Street through the fast moving traffic, an intolerably dangerous situation, or from trucks parked completely illegally in the 5 way intersection.

From my point of view, the city wants higher density in this part of the city but the streetscape infrastructure there is simply inadequate to support it. It would be wrong to approve McGrath's project and just assume that these problems will work themselves out.

A group of Marina individual residents has made a counter-proposal backup offer to McShane, the owner of the property, to purchase the 149 E Wilson lot and donate it to the city for a park and bridge over John Nolan. The number of places where the bridge could happen are so limited, WHY can't a little more time be taken to determine the feasibility of this proposal? It would be such a win/win for the city to open up the downtown to the lake in this location. It would be something to be proud of for the next 100 years, instead of a bunch of dark and expensive apartments and logistical snarls that will never be a shining example of anything except developer financial profit.

Please deny approval to the project.

Sincerely,
Mary Waitrovich
Marina Board Member
E Wilson, Unit

Parks, Timothy

From: Zellers, Ledell
Sent: Sunday, January 26, 2014 5:21 PM
To: Parks, Timothy
Subject: FW: Comments for tomorrow night's PC Meeting

Hi Tim,

Please share with other commissioners.
Ledell

Alder Ledell Zellers
[REDACTED]

To subscribe to District 2 updates go to: <http://www.cityofmadison.com/council/district2/>

From: Anita Peters [REDACTED]
Sent: Sunday, January 26, 2014 4:11 PM
To: Zellers, Ledell
Subject: Comments for tomorrow night's PC Meeting

Dear Alder Zellers:

We live at [REDACTED] East Wilson, Unit [REDACTED], and are opposed to the proposed apartment building to be built at 149 East Wilson. While our unit is on the east side of the Marina and will be directly affected by the oversized apartment building, one of our main concerns is the lack of a viable plan to accommodate the numerous move-ins and move-outs at 149 East Wilson. With 127 proposed apartments, we anticipate during the prime move period between June and August there will be multiple moves every week and likely several per day. With the inadequate loading area proposed for the end of the drive, and no parking area in front of 149 E. Wilson, we fully expect the moving trucks to park in front of the Marina or the Summit Credit Union. This will cause serious traffic and safety issues, block pedestrian and bicycle traffic, and the drive in and out of the Marina. The Planning Commission directed Mr. McGrath to develop a plan to accommodate move-ins/outs. Simply stated, he has refused to comply with that directive and should not be rewarded by gaining approval Monday night's Planning Commission meeting.

In addition to the issue of move-ins/outs, there is no plan to accommodate daily deliveries to any commercial establishments that will locate on the first floor of the proposed building. Both issues will only be compounded if the current parking spaces are removed to accommodate the proposed counter flow bike lane on the Marina side of Wilson St.

The one solution that Mr. McGrath has refused to consider is to put in a larger drive with an acceptable loading area. He has refused to make any meaningful change to the proposed building stating that he can't make money if he has to reduce the size of the building. While we appreciate Mr. McGrath's need to have a financially viable project, the city's needs and the needs of the neighbors should also be considered. While there have been numerous efforts to find a compromise, Mr. McGrath has refused to change his proposal. Period. Frankly, if he continues to refuse to address the concerns raised by the Planning Commission and the neighbors, the building should not be built. There are far better options for the site, including the possibility of the Pedestrian/Bike bridge to Lake Monona, and they should be allowed to proceed. Again, thank

you for your efforts on behalf of all involved to find the best solution that will serve the city for decades to come. Please feel free to contact us with any questions.

Mike & Anita Peters

Parks, Timothy

From: Steve Lesgold [redacted]
Sent: Sunday, January 26, 2014 6:16 PM
To: [redacted] King, Steve; Zellers, Ledell; Resnick, Scott; Ken Opin; [redacted]; Melissa Berger; bradley cantrell; [redacted]; [redacted]; [redacted]; Michael.Heifetz [redacted]
Cc: Verveer, Mike; Mayor; Mike Ivey; Parks, Timothy
Subject: 149 E. Wilson St. Referral

Members of the City Plan Commission:

Likely by now all of you have heard from a large number of Marina residents and possibly from Lance McGrath that negotiations did not yield any meaningful results. In particular, there is still no solution to the problems that will result from an average of 1-2 additional (above those already occurring due to the Madison Mark and the Marina) move-ins or move-outs per day during the peak 3 months that Mr. McGrath anticipates over 90% of his tenants to be moving in or out of his proposed apartment building*. There is no parking available at all in front of 149 E. Wilson or Union Transfer. You may be aware that a contraflow bike lane is being proposed for the Marina side of Wilson St., thus eliminating ALL parking on the odd side of the street, necessitating that all moves for Marina or 149 E. Wilson occur from trucks parked across the street.

We have heard a number of times that the McGrath proposal is exactly the kind of development that the city plan and new zoning laws call for. While I was certainly not privy to why the city plan calls for what it does, I do know that those who created the current process for approval had the foresight to require that any building over 4 stories be subject to certain conditional use standards. The broad brush strokes of the city plan and zoning plans are only good when tempered by the good judgement of those who are tasked with approval of conditional uses. I doubt they are intended to take the place of the process of looking at each proposal separately on its merits and how it fits in the specific proposed location. My sense is that standard 3 is not considered as important as other standards. I don't really understand why as what can be a more important standard than to insure the "The uses, values and enjoyment of other property" for those who are already living in a neighborhood, especially those who made the leap to invest in the downtown? Further, there can be no argument that would dispel the truth that this project falls completely short of satisfying standard 6 with regard to safety. Approving this project would be simply ignoring that standard altogether. There are many additional problems with this project, but they've been stated before and I don't which to be repetitive.

I am sensitive to the fact the city is loath to leave the property in its current state, i.e., underused, vacant and an eyesore. There is, however, a vastly superior alternative and a group of investors wants to express its civic pride by helping to make this alternative a reality.

This group has

submitted a backup offer
for 149 E. Wilson St.
and
is
willing to purchase the property and
donate
it to

the city
for a terminus of a pedestrian/bicycle connector from E. Wilson to the
lakefront.

We are very serious about this and, should the McGrath offer fail to close, we stand ready to make this happen. I am hopeful that I will be able to speak to the Commission to expand upon this, however, if I am not allowed to speak a second time, I will be in attendance and available to answer any questions the Commission might have about this.

Thank you for giving me a chance to state my views,

Steve Lesgold

* The national average turnover rate for apartments is approximately 50%. If there are 125 apartments, then on average 62.5 will move in and 62.5 will move out every year. If 90% of those are during a 90-day period, that translates to 112.5 moves in 90 days. Only those moves in trucks shorter than 30 feet can be accommodated by the loading area, which is in and of itself problematic for backing out of, but standard moving trucks such as the "3 Men and a Truck" variety are longer than 35 feet and thus any commercial moves would need to park on Wilson St. One can argue how many moves will use small trucks, but most Epic employees would have their moves paid for and will likely use commercial movers as appears to be the case at both Madison Mark and Marina. This does not include furniture deliveries, etc.

Parks, Timothy

From: Mike Bondura [redacted]
Sent: Saturday, January 25, 2014 2:30 PM
To: Verveer, Mike; Mayor; Parks, Timothy
Cc: Lori Bondura
Subject: 149 E Wilson St

Dear Mayor Soglin, Alder Verveer, and Commissioner Parks,

Please oppose the current proposed rezoning and development of 149 E Wilson St. While this property needs improvement, the current McGrath proposal is not good for the City of Madison nor its citizens. The proposed building is too large for the lot, creates critical and unabated safety, congestion, and traffic issues, and falls short of meeting approval standards. In particular, the following approval standard is one of many not met, and is of personal importance to me:

"3) The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner (emphasis added)."

We purchased our Marina condo in the Summer of 2013. If the McGrath proposal proceeds without modification (which Mr. McGrath steadfastly refuses to discuss in any meaningful way, citing his own profitability issues...while dismissing our undeniable financial impairment), my wife and I will have lost tens of thousands of dollars. I testified before the Planning Commission, and requested Mr. McGrath make us whole on our loss. This is not an unreasonable request, since Mr. McGrath claims there will be no loss in value. An independent appraisal would yield a contrary opinion.

Since our property value is undeniably "impaired" and "diminished", in violation of the above cited approval standard, please oppose the current McGrath proposal and help us find one that fits the City's future. The previous plan designed by renowned architect Kenton Peters, or the current possibility of a plaza/bridge connection to Law Park, are both examples of thoughtful additions to the City, aligned with its long-term vision, and free from the purely profit-driven motivations of a near-sighted developer.

Thank you for your consideration.

Mike Bondura
Marina Condominium Owner
149 E Wilson St, Unit 113
Madison, WI. 53703
[redacted]
[redacted]



Move-in/Move-Out and Deliveries Policy

149 East Wilson Apartments

MOVE-IN/MOVE-OUT POLICY:

All moves to and from the property must be completed according to the following instructions and performed between the hours of 7:00 AM and 7:00 PM. **All moves must be scheduled in advance with the McGrath Property Group.** We will install protective pads in the elevator prior to your move.

1. **Instructions for Move-In/Move-outs with Personal Vehicles:** If you are using a personal vehicle (i.e., car, van, pick up truck) for your move pull into the parking garage and load your belongings up to your unit via the building elevator. Be sure to coordinate the date and time with McGrath Property Group.

2. **Instructions for Move-In/Move-outs with Moving Vans (30 feet in length or less):** If you are using a moving van (i.e., U-Haul, Two-Men & a Truck, etc..) confirm the length of the Van to be used. When ever possible use a moving van that is no more than 30-feet in length. When moving, coordinate the date and time with McGrath Property Group and have the van parked in the off-street Loading Zone located at the end of the driveway (see attached Figure). Items unloaded from the Loading Zone must be brought through the parking garage entrance door to the buildings elevators (see attached Figure). Move-in/Move-out operations shall not impede resident traffic flow into and out of the building. **Get help before you back up onto E. Wilson St.** There are blind spots behind any vehicle. Do not rely on mirrors alone. If no help is available contact our office and we will assist you in backing out the moving van. **Note:** Moving Vans greater than 25-feet in length must be attended to at all times.

3. Instructions for Move-In/Move-outs with Moving Vans (larger than 30 feet in length): Whenever possible, use Moving Vans that do not exceed 30-feet in length. If larger moving vans are necessary you will be required park on E. Wilson Street and will have to obtain meter hood bags to reserve parking spaces on E. Wilson. Meter hood bags are issued by the City of Madison Parking Utility per the following guidelines.

- Meter Hoods are issued for a full day, 8am to 6pm, or half day, either 8am to 1pm or 1pm to 6pm. If the parking space will be in use before and after 1pm, a full day hood will be required.
- To offset lost revenue, the cost to reserve a parking space is \$16 per full day and \$9 per half day, Monday through Saturday. No fee is charged on Sundays. There is a \$1 charge per paper Meter Hood.
- Hoods are placed on meters by the purchaser. The paper Meter Hoods must be removed immediately after use and recycled by the purchaser.
- For more information, or to request Meter Hoods call the Parking Utility at 608-266-4761.

All moves from E. Wilson Street must access the elevators through the building lobby. The attached figure shows E. Wilson St. Parking locations and route of travel for the movers. Movers must take extra precaution to not impede traffic on E. Wilson nor obstruct traffic into an out of neighboring buildings. **You must coordinate the move date and time with McGrath Property Group.**

4. Instructions for Move-In/Move-outs with Temporary Storage Units (i.e., POD's):

Temporary storage units (i.e., POD's) can be accommodated in the off street loading zone. However, you **must** coordinate this with McGrath Property Group to assure there are no other conflicts with the use of the loading zone during the time that the temporary storage unit will be in the loading zone.

DELIVERIES POLICY:

All deliveries of furniture, electronics and other large items by a third party **must be coordinated with McGrath Property Group.** Delivery vehicles shall park in the off-street Loading Zone located at the end of the driveway and items shall be brought into the building thru the garage door and up to your unit using the building elevator.



Reinhart Boerner Van Deuren s.c.
P.O. Box 2018
Madison, WI 53701-2018

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January 27, 2014

Nathan J. Wautier, Esq.
Direct Dial: 608-229-2249
nwautier@reinhartlaw.com

SENT BY E-MAIL
Alder Michael E. Verveer and
Plan Commission Members

Dear Alder Verveer and Commission Members:

Re: Project at 149 E. Wilson Street / Downtown Urban Infill and Redevelopment

I am writing on behalf of the applicant for the above-referenced project to express my hope that a negative precedent against urban infill projects is avoided this evening. The original Staff Report dated January 3, 2014 provides a very succinct summary of the main issue detractors have with this project (*emphasis mine*):

"The proposed development is consistent with the myriad recommendations for the subject site and surrounding properties in the Comprehensive Plan and Downtown Plan, and staff feels that the new development will add positively to the Downtown Core, which has experienced a considerable renaissance over the last 20 years. While the Plan Commission is likely to receive input from many nearby property owners and residents about the possible impacts the proposed building will have on the uses, value and enjoyment of their properties, such concerns should be considered within the context of the community's vision for desirable and sustainable growth expressed in adopted City plans. The proposed development is consistent with these plans and promotes continued reinvestment in the Downtown in a fashion similar to the development pattern created by other nearby projects of recent vintage."

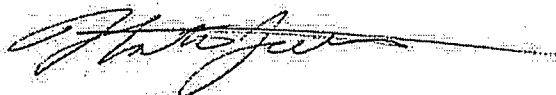
If this Commission decides to dismiss the Staff Report and denies this project based on the self-interested objections of the project's few detractors, the long-hours and thoughtful discussion had by the Commission and the greater public-at-large in approving the Comprehensive Plan and the very recent Downtown Plan will have been

Alder Verveer and
Plan Commission Members
January 27, 2014
Page 2

wasted. In addition, such a decision would provide a roadmap for future vocal minorities to use in opposing other urban infill projects.

I hope the Commission will honor the Staff's recommendation and approve this project.

Yours very truly,

A handwritten signature in black ink, appearing to read "Nathan J. Wautier", with a long horizontal flourish extending to the right.

Nathan J. Wautier

cc Steve Cover
Tim Parks