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From: "**Steven Davis**" <davis@edgewood.edu>

Date: Mon, Jan 14, 2019 at 8:36 AM -0600

Subject: Re: IMPORTANT: Keep 2017 Peloton Conditions on Approval 55 & 61

To: "Arntsen, Allen" <district13@cityofmadison.com>

Cc: "Lisie.Kitchel@wisconsin.gov" <Lisie.Kitchel@wisconsin.gov>, "crothburd@gmail.com" <crothburd@gmail.com>, "jkopp826@yahoo.com" <jkopp826@yahoo.com>

Hi Allen: thanks for following up on this. Two questions/comments

1. The zoning language reads "open after 8:00 pm nightly". That implies every night and what if a restaurant is closed weeknights but wants to be open late just Fridays and Saturdays. This language seems to leave a loophole. Can it be amended to say "at night" or better yet to take out the whole redundant reference to night since "pm" takes care of that?
2. In terms of Hepner's idea to reassess parking after occupancy, that defeats the whole purpose of opt-out parking which seeks to avoid the situation at Wingra Pt. I and makes sure that every car actually has a spot. Reassessing "demand" after the fact allows tenants to say "no thanks" and take their chances on the street and that shows up in their analysis as "no demand". The central mechanism for this whole solution is to turn the lease into one with required parking unless you don't own a car. That's what needs to show up as a condition.

Thanks for your attention to this, Steve