

From: Parks, Timothy TParks@cityofmadison.com
Subject: RE: Amplified sound and Edgewater conditional use permit
Date: September 14, 2015 at 2:22 PM
To: Franny Ingebritson fingebritson@gmail.com
Cc: Tucker, Matthew MTucker@cityofmadison.com



Franny,

I am referring your message to Matt Tucker for his follow-up. What I told you in 2011 still holds, although I am not the party that can act on a conditional use-related complaint. If you are making a complaint about the conduct or operation of the Edgewater Hotel, Matt and his staff in Zoning will investigate and report their findings to the Plan Commission.

Best regards,
TIM



Timothy M. Parks
Planner
Department of Planning & Community & Economic Development
Planning Division
Madison Municipal Building, Suite LL-100
215 Martin Luther King, Jr. Blvd.
Madison, Wisconsin 53701-2985
tparks@cityofmadison.com
T: 608.261.9632

From: Franny Ingebritson [mailto:fingebritson@gmail.com]
Sent: Monday, September 14, 2015 7:52 AM
To: Parks, Timothy
Subject: Amplified sound and Edgewater conditional use permit

Good Morning Tim,
There are big problems with the Edgewater's amplified music. Either no one is in charge or they just do what they want.

I'm just checking to make sure that the following comment, taken from a January 2011 email exchange between us, is accurate.

"The Plan Commission will also retain continuing jurisdiction over the Edgewater under the conditional use permits that were approved as part of the Planned Unit Development. That means that should there ever be a complaint about some aspect of the operation of the hotel in the future, **the Zoning Administrator and Plan Commission could determine the validity of the complaint and possibly modify the conditions the hotel operates under, including limitations or prohibitions on outdoor amplified sound.**"

Thanks,
Franny

-----Original Message-----

From: Parks, Timothy
Sent: Friday, January 14, 2011 2:47 PM To: 'Frances Ingebritson'
Subject: RE: Edgewater Redevelopment

Franny,

It is true that there are no restrictions in the Edgewater Hotel Planned Unit Development or proposed Public Access Management Agreement regarding amplified sound (music, etc.)

outside of the hotel and on the terrace.

The playing of music or the making of noise in general is governed by Chapter 24 of Madison General Ordinances and more specifically Section 24.08, which is generally designed to control "stationary equipment" or point source noise from a stationary object such as A/C compressors, generators or other similar pieces of stationary mechanical equipment. The ordinance is not designed to regulate limited construction noise or noise emissions with varying intonations, volume patterns, and crescendos, such as outdoor amplified music. Typically, the Police Department handles "disturbing the peace" aspects of outdoor amplified music or other noise generation other than mechanical equipment.

The Plan Commission will also retain continuing jurisdiction over the Edgewater under the conditional use permits that were approved as part of the Planned Unit Development. That means that should there ever be a complaint about some aspect of the operation of the hotel in the future, the Zoning Administrator and Plan Commission could determine the validity of the complaint and possibly modify the conditions the hotel operates under, including limitations or prohibitions on outdoor amplified sound.

If you have any other questions about the Edgewater project, please do not hesitate to contact me. All the best,

TIM PARKS

Planner, Planning Division

Dept. of Planning and Community

and Economic Development City of Madison, Wisconsin T: 608.261.9632

F: 608.267.8739

-----Original Message-----

From: Frances Ingebritson [<mailto:fingebritson@gmail.com>] Sent: Friday, January 14, 2011 11:39 AM


To: Parks, Timothy

Subject: Edgewater Redevelopment

Dear Mr. Parks,

Is it true that the city of Madison is allowing the redevelopers of the Edgewater to have amplified music on the quasi-public plaza every night of the week until 11:00 pm? If this is true, what is the reasoning behind this decision?

Thank you for your time. Franny Ingebritson

From: Franny Ingebritson fingebritson@gmail.com 
Subject: Re: The Edgewater
Date: September 25, 2014 at 10:25 AM
To: Alder Ledell Zellers district2@cityofmadison.com



This all happened on Friday. The loud music started around 3-4 PM. It was about 5 PM when I spoke with the police officer. I left early on Sat. for Milwaukee so don't know about the Sat. noise.

On Sep 25, 2014, at 10:18 AM, Zellers, Ledell <district2@cityofmadison.com> wrote:

FYI

Alder Ledell Zellers
608 417 9521

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

From: Zellhoefer, Anne
Sent: Wednesday, September 24, 2014 3:14 PM
To: Zellers, Ledell
Cc: May, Michael
Subject: The Edgewater

Alder Zellers:

On Monday I received a phone call from Franny Ingebritsen (sp?) who stated she had a complaint regarding noise over the weekend at the Edgewater from amplified music. She stated she called MPD to make a noise complaint and the dispatched officer spoke with the Manager of the hotel, Ron Morin. Mr. Morin informed the officer that the Edgewater had an agreement with the City, and that the agreement allows amplified music during certain hours. Based on this information, the officer did not, according to Ms. Ingebritsen, request that the music be turned down, nor did the officer issue a citation for any noise violation.

The City and the Edgewater entered into a Public Access Management Agreement (PAMA) which allows amplified music in certain outdoor areas during certain hours. This right, however, does not trump any other applicable laws, such as the City's noise ordinances, which are applicable notwithstanding the right to have amplified music. Section 3(b) of the PAMA provides that "certain aspects of the design, construction or operation of the Project will be governed outside of the Agreement", including Project noise, "which will be subject to, among other laws and regulations, Chapter 24 of the Madison General Ordinances, and more specifically Section 24.08 thereof."

The PAMA does not limit MPD's ability to use its discretion in enforcing the City's noise ordinances, found at Secs. 24.04 and 24.08, MGO.

If you have any question about this after Friday the 26th, please contact Mike May.

Anne Zellhoefer
Assistant City Attorney
City of Madison
Direct line 608/261-9973
azellhoefer@cityofmadison.com

2016 Edgewater Amplified Sound Events

Movie
 Music Series
 Brewgrass Fridays
 Live and LocalE
 Other



Private Corporate Event

May 2016

S	M	T	W	T	F	S
	1	2	3	4	5	6
	8	9	10	11	12	13
	15	16	17	18	19	20
	22	23	24	25	26	27
29	30	31				

June 2016

S	M	T	W	T	F	S
				1	2	3
	5	6		8		
	12	13	14			
	19	20		22		
26	27			29		

July 2016

S	M	T	W	T	F	S
	3	4		6		
	10	11		13		
	17	18		20		
24	25			27		
31						

August 2016

S	M	T	W	T	F	S
	1		3			
	7	8		10		
	14	15		17		
	21	22		24		
28	29		31			

September 2016

S	M	T	W	T	F	S
				1	2	3
	4	5	6	7	8	9
	11	12	14	15	16	17
	18	19	20	21	22	23
25	26	27	28	29	30	

October 2016

S	M	T	W	T	F	S
	2	3	4	5	6	7
	9	10	11	12	13	14
	16	17	18	19	20	21
23	24	25	26	27	28	29
30	31					

TO: Alcohol License Review Committee
SUBJECT: Edgewater Hotel File #48176
DATE: Sept. 6, 2017
FROM: Franny Ingebritson

Edgewater Outdoor Amplified Events 2016-2017 (Revised)

2016

Fri. May 13 @ 5-9 pm: Graduation Weekend Fri. Fish Fry, Craft Beer on the Water—Live Music

Sat. May 14 @ 10 am-8 pm: Graduation Weekend Lakeside Soiree—Live Music

*Sat. May 28 @ 5-9 pm: Memorial Day Weekend—The Jimmys

Tues. June 7 @ 8 pm: Movie—*Dazed and Confused*

Thurs. June 9 @ 6-9 pm: Music Series—Mark Croft

Fri. June 10 @ 5-9 pm: Brewgrass Fridays—The Appleseed Collective

Sat. June 11 @ 6-9 pm: Live and Local—Red Hot Horn Dawgs

Wed. June 15 @ 8:30-11 pm: Movie—*Finding Nemo*

Thurs. June 16, 6-9 pm: Music Series—Hayward Williams

Fri. June 17 @ 5-9 pm: Brewgrass Fridays—Feeding Leroy

Sat. June 18 @ 6-9 pm: Summer Solstice Event—Wisconsin Chamber Orchestra

Sun. June 19 @ 2-6 pm: Father's Day—Mark Joseph & Deploi

Tues. June 21 @ 8:30-11 pm: Movie—*School of Rock*

Thurs. June 23 @ 6-9 pm: Music Series—Phillip Michael Scales

Fri. June 24 @ 5-9 pm: Brewgrass Fridays—Charlie Parr + The Dead

Sat. June 25 @ 6-9 pm: Live and Local—Primitive Culture

Tues. June 28 @ 8:30-11 pm: Movie—*E.T.*

Thurs. June 30, 6-9 pm: Sunset Music Series—Old Gray Cats

Fri. July 1 @ 5-9 pm: Brewgrass Friday—Evan Murdock and Imperfect Strangers

* Sat. July 2 @ 2-10 pm: 4th of July Fest—Gomers + Hometown Sweethearts

Tues. July 5 @ 8:30-11pm: Movie—*Rocky*

Thurs. July 7 @ 6-9 pm: Music Series—Alli Foss

Fri. July 8 @ 5-9 pm: Brewgrass Fridays—Them Coulee Boys

Sat. July 9 @ 6-9 pm: Live and Local—Natty Nation

Tues. July 12 @ 8:30-11 pm: Movie—*Jaws*

Thurs. July 14 @ 6-9 pm: Ryan McGrath Band

Fri. July 15 @ 5-9 pm: Brewgrass Fridays—Jaybone Bell

Sat. July 16 @ 6-9 pm: Live and Local—Wheelhouse

Tues. July 19 @ 8:30-11 pm: Movie—*Best In Show*

Thurs. July 21 @ 6-9 pm: Music Series—Faux Fawn

Fri. July 22 @ 5-9 pm: Brewgrass Fridays—Awful Purdies

Sat. July 23 @ 6-9 pm: Live and Local—The Kissers

Tues. July 26 @ 8:30-11 pm: Movie—*Caddyshack*

Thurs. July 28 @ 6-9 pm: Music Series—Jessica Martindale

Fri. July 29 @ 5-9 pm: Brewgrass Fridays—Kind Country
Sat. July 30 @ 6-9 pm: Live and Local—Pat McCurdy

Tues. Aug 2 @ 7:30-11 pm: Movie— *Mighty Ducks*
Thurs. Aug 4 @ 6-9 pm: Music Series—The Beat Chefs
Fri. Aug 5 @ 5-9 pm: Brewgrass Friday—Dig Deep
Sat. Aug 6 @ 6-9 pm: Live and Local—Alex Wilson Band
Tues. Aug 9 @ 8 pm: Movie— *Twister*
Thurs. Aug 11 @ 6-9 pm: Music Series—Lucas Cates
Fri. Aug 12 @ 5-9 pm: Brewgrass Fridays—Shaffer's lost 40
Sat. Aug 13 @ 6-9 pm: Live and Local—The Big Payback
Tues. Aug 16 @ 8:30-11 pm: Movie— *Indiana Jones and the Temple of Doom*
Thurs. Aug 18 @ 6-9 pm: Music Series—Gin, Chocolate & Bottle Rockets
Fri. Aug 19 @ 5-9 pm: Brewgrass Fridays—The Lowest Pair
Sat. Aug 20 @ 4-9 pm: Yacht Rock Party @ Boathouse—DJ Nick Nice & DJ Nape VPS and
Mark Joseph & The American Soul
Tues. Aug 23 @ 8:30-11 pm: Movie— *The Big Lebowski*
Thurs. Aug 25 @ 6-9 pm: Music Series—Corey Hart Band
Fri. Aug 26 @ 5-9 pm: Brewgrass Fridays—The Defibulators
Sat. Aug 27 @ 6-9 pm: Live and Local—The Sharrows
Tues. Aug. 30 @ 8:30 pm: Movie— *The Breakfast Club*

* Sun. Sept. 4 @ 6-9 pm: Labor Day Fest—Aaron Williams & the Hoodoo
Sat. Sept. 10 @ 5-9 pm: '16 Edgewater Tailgate Series—Gin, Chocolate & Bottle Rockets
Sat. Sept. 17 @ 2-7 pm: '16 Edgewater Tailgate Series—Mark Croft Band
Sat. Sept. 24 @ 4-9 pm: Oyster Fest—The Roc 5 and Miles Nielson & the Rusted Hearts

Sat. Oct. 1 @ 2-8 pm: Oktoberfest—The Mike Schneider Band, Brewhaus Polka Kings, German
Mens' Choir, The Crane Wives
Sat. Oct. 15 @ 3-7 pm: '16 Tailgate Series—Red Hot Horn Dawgs
Sat. Oct. 29 @ 2-6 pm: '16 Tailgate Series—Madison County

Sat. Nov. 12 @ 5-9 pm: '16 Tailgate Series—The Jimmys
Sat. Nov. 26 @ 6-9 pm: '16 Tailgate Series—Useful Jenkins

2017

Sat. May 13 in the afternoon: Graduation—Live Music with Nuggernaut and Wheelhouse
Wed. May 17 @ 5-7 pm: Pop-up Pier Party—Panchromatic Steel (steel drum band)
* Fri. May 27 @ 5-9 pm: Memorial Day Weekend: Summer Kick Off with Madison County

Thurs. June 1 @ 6-9 pm: First Thursdays Nora Jane Struthers & The Party Line
Fri. Jun 2 @ 5-9 pm: Brewgrass Fridays—The Lil Smokies
Sat. June 3 @ 6-9 pm: Live and Local—Pat McCurdy
Fri. June 9 @ 5-9 pm: Brewgrass Fridays—Charlie Parr

Sat. June 10 @ 6-9 pm: Live and LocALE—No Name String Band

Tues. June 13 @ 7 pm: Movie—*Finding Dory*

Fri. June 16 @ 5-9 pm: Brewgrass Fridays—The Dead Pigeons

Sat. June 17 @ 6-9 pm: Live and LocALE—Mark Croft Band

Tues. June 20 @ 7 pm: Movie—*Jaws*

Fri. June 23 @ 5-9pm: Brewgrass Fridays—Jaybone Bell & Restless Light

Sat. June 24 @ 6-9 pm: Live and LocALE (Summer Solstice Festival) Darren Sterud Orchestra

Tues. June 27 @ 7 pm: Movie—*Despicable Me*

Fri. June 30 @ 5-9 pm: Bluegrass Friday—Chicago Farmer

*Sat. July 1: July 4th Fest—Moonhouse (2-3:15 pm) & The People Brothers Band (7-9 pm)

Fri. July 7 @ 5 - 9 pm: Brewgrass Friday—The Brother Brothers

Sat. July 8 @ 6 - 9 pm: Live and LocALE—Natty Nation

This list does not include any corporate events on the plaza with amplified sound.

* Holidays

TO: Alcohol License Review Commission Members
SUBJECT: Edgewater Hotel: 18+ Entertainment License File #48176
DATE: September 4, 2017
FROM: Franny Ingebritson

Anticipated Events on the Public Plaza

The following Plan Commission and Common Council transcripts pre-date the vote to deny The Edgewater \$16 million in TIF on November 30, 2011.

INFORMATIONAL PRESENTATION BEFORE THE COMMON COUNCIL (CC)—JANUARY 28, 2010

Bob Dunn (The Edgewater Hotel Co): We're looking at **small concerts, a wedding** configuration, and some kind of **exhibit space** that might be an extension during the **art fair**.

Amy Supple: (The Edgewater Hotel Co.) Space is designed to be fairly flexible but it is not as it's been characterized as a large convention center hotel. It's not that type of hotel. **..We could have outdoor weddings.**

PLAN COMMISSION—DECEMBER 6, 2010

Gruber: Were there any perimeters for the general events?

Supple: The general events This could be an **art fair, a concert, any number of events.**

PLAN COMMISSION—JANUARY 10, 2011

Supple: events—a **fun public space, ice skating, dining, art fairs, concerts—all of these things....**

Supple: We want to have a lot of different types of events here. We envision everything. It could be a **dance**, it could be an **art fair**, it could be a **Thurs. night concert**, it could be a **party**, during the winter months it could be **kids skating on the ice**. It could be a **lot of different things**. The only comparison I would use is it would be similar to Monona Terrace.

COMMON COUNCIL—JANUARY 18, 2011

Supple:....to support the public use of the terrace including the use for programming for events activities, things like the **ice skating in the winter, dining, art fairs all of those sorts of things.**

Supple...The ability to have flexibility in the programing is key to our business model.

Supple: We need the ability to be competitive and to function like any other events facility in the City. This is not something that Monona Terrace, which is a public city owned facility, those sorts of provisions and restriction aren't put on Monona Terrace and, as a private venture here, we just want the same flexibility to respond to the needs of people who want to host events whether we know about it a year in advance or 5 days in advance or whether it's a big event or a small event and we just ask for the same flexibility that others have.

Two years after the TIF decision, hotel representative appeared before the ALRC

ALCOHOL LICENSE REVIEW COMMISSION—APRIL 23, 2014

Edgewater Hotel
#19A: 18+ Entertainment License
#24: Adult Alcohol and Beverage License

Ron Moran, Edgewater General Manager: The amplified music is necessary.... one of the applicants said they had an **acoustic guitar and somebody needed a microphone** to be heard. You must have amplified music for when you play "Here Comes the Bride" on an **electronic keyboard**.

Atty. Petrie: Now just to briefly turn to the 18 + Entertainment License that is there because **there will be entertainment from time to time with live music on the plaza**. Clearly also inside the hotel. The people who are invited to weddings are from all ages and all sizes in the family and people that are under the age of 21 will be on the premises when alcohol beverages are being served.

Ald. Bedar Sieloff: For the public record describe what kind of amplified music are you talking about those maximum of 15 days allotted outside?

Moran, The 15 days allow for the public space to be closed for special events. They could be **outdoor concerts**, it could be anything from a **tailgate party** during the home football game weekends. It could be... **community events...where it's a charity event**. It could be a **variety**. We're a destination hotel so there's a variety of different things that could happen.

Moran: During the weekend there could be a **wedding during the day every weekend** and that's certainly allowable as we'll be the proprietors of the property. There could be a wedding in the afternoon. I would think that in a best case scenario for us as operators we would want to have a **wedding ceremony or maybe a dinner out on the plaza and then if they're going to have a late night dance we would move that inside the building**.

Atty. Petri: If you're thinking about the kind of community events that are going to be in that place/space, the time for them to be there will be mostly in the daytime to take advantage of the view and the lake . A lot of the events that occur downtown —the **summer's films**. A lot of them most of them are in the day time. They're not at night.

Ald. Subec: So I guess I'm wondering outside of the holiday issue....I would imagine that much of the time that space is open to the public you wouldn't have amplified sound anyway because you're not constantly going to have a band, a DJ, a something that's playing amplified music.

Ron Moran: No, but you might have **little acoustic guitar, a singer or a little 3 piece something like that that might have a little Fender amp** there.

Moran: It would be great if we had an option to address that at one point.....Having the ability to address that and having **flexibility** in that, we'd love an option for that.

Dunn: It's pretty clear that just the nature of hosting events, we always use **weddings as the example of what types of events we'll host out there**. I've been to a lot of wedding and **it's pretty unusual that you'd have a wedding and you wouldn't have amplified sound.....**

04:38:00—Atty. Allen: Mr. Donnelly, to answer your question, that phrase does not appear in the document but if you looked at Sec. 9 which defines events, p.10, 9a(3) talks about audio visual equipment that's under general events. If you look at special events, Sec. 9B (3)(i) again it uses that same term, audio visual equipment and to community events Sec. 9C(2)(i) it again uses that term audio visual equipment.

"An Inside Analysis of the Social, Comic, and Political Effects of the Edgewater Redevelopment," UW-Madison, Geography 565; 2011

Interview with Bob Dunn, p. 19: [Dunn] **compared the public terrace of the redevelopment project to the Monona Terrace and said they would function similarly and complement each other**. The public terrace would be a place for **weddings, business and company events, and ice skating during the winter**.

TO: Members of the Common Council
FROM: Franny Ingebritson
RE: File # 48176: Edgewater 18+ Center for Visual & Performing Arts License
DATE: September 6, 2017

Edgewater guests and condo owners **have not prevented** the Hotel from hosting events on the Plaza that feature excessively loud amplified sound that disturbs the peace, quiet and quality of life of nearby neighbors.

PLAN COMMISSION March 22, 2010

02:24:00—James Tyn: Will the hotel create more noise & more activity that's a detriment to the neighborhood? No, It's simple. Why do you build a hotel? You build a hotel to rent rooms for people to sleep. Right? If the idea that the hotel is going to create an environment that's not conducive to sleeping or resting for people who are going out touring the town that's ridiculous. It doesn't go with the business plan.

05:26:00—Alder Kerr: Amplified sound, can you speak to that?

Bob Dunn: Obviously there are city ordinances that we'd have to adhere to. I do expect that that will be further developed in the management agreement. There was a comment made earlier that I think is just a practical reality that if we're putting residential units in the building and we're hosting north of 180 hotel guests, hopefully most evenings of the year, it would seem odd to me that we would simply just completely disregard noise.

PLAN COMMISSION —December 6, 2010

01:14:00—Tim Gruber: I'm wondering about sound from events coming from these spaces and how that may affect the immediate and not so immediate neighbors depending on the sound level and I don't see anything in this about that so I'm wondering how you will control the sound. I understand currently that when there's a band it's down on the dock level. I don't think you hear it much on the Langdon level at all. You might hear it out more on the lake. What can you offer us or the community in terms of that?

Amy Supple: We've given a lot of thought how the events areas would work within the context of where we're at and so thru discussions both with the planning staff and with Atty. Zellhoefer. From a sound standpoint we've talked about there's a sound ordinance and discussions with Matt Tucker, he's just said there's a sound ordinance that dictates when you can and cannot do these things. In addition to that we've put hours of operation into where the events can occur and one thing, [CHANGES THE SUBJECT] I'm glad you brought that up, because one thing that's been confusing to people is that terrace hours and event hours don't match up. That wasn't an error or an omission. The reason for that is we want to shorten the hours of operation to allow for the sound to, uh, or events to close quickly so that's actually why that actually exists.

PLAN COMMISSION—January 10, 2011

00:46:00—Amy Supple: The other thing I wanted to address.... How the terrace will operate?...Will it be a detriment to the neighborhood and will it be a nuisance to the neighborhood? Our primary business is to have people sleeping there. We have residents who will be living in condominiums there. Those are the people who will be residing and sleep closest to where these active events are on the terrace. And it is not in our interest to have this be an unruly space in any way.

01:25:00—Rosemary Lee:The Edgewater Hotel Company will be in the sleep business with room rates over \$200 a night. Because of this the operator will not build any physical features or conduct any events that will have a negative effect on their guests..... Also it would not be sensible to annoy the condo owners. If activities in the public activity area will not have a adverse affect on the hotel guests then it's only reasonable to conclude that there will be no adverse effects on the residents of the neighborhood.....The Edgewater Hotel Co. is developing a \$100 million

project that will include an independent 4 to 5 star hotel. They will be in the sleep business. The Condo owners and hotel guests will be physically very much closer to the public access area with far greater exposure to the events held there.

COMMON COUNCIL—January 18, 2011

02:11:00—Amy Supple: From the noise perspective this is a critical question that's come up during the course of our discussions and I think the most important thing related to noise is to remember that our primary business is to have people sleep in the hotel. We have residents living above the hotel and the expectations of our guests and the residents living at the party, uh, project, will be no different than the expectations of any neighbors in the neighborhood....

02:55:00—Amy Supple: I can't speak strongly enough about that, the people who will be sleeping closest to the terrace and where these events will occur will be our guests paying money to stay in the hotel so there's acceptable standards and expectations that they will have related to the operation of this terrace that are very much aligned with the neighbors. In addition.....there's condo owners who are living there 365 days a year and will expect, they may be gone for periods of time but they're permanent residents who have expectations no different than the neighborhood. We have to live within the expectations of what our guests and our residents would expect as well as what is acceptable with the neighborhood.

ALCOHOL LICENSE REVIEW BOARD—April 23, 2014

03:36:00—Rosemary Lee: I think you all need to remember the developer who has millions of dollars invested in this is not going to allow loud, boisterous music and other noises on the outside venue because he doesn't want to lose his money.....Management is not going to allow things to happen that would disturb the **condo owners**, who will pay dearly for the privilege to living there or the **guests** from all over the world...the management is mindful of nearby residents and will not disrupt the use and enjoyment of residents' premises or their sleep.

04:01:00—Ron Moran, Edgewater General Manager: We have 202 guest rooms. We also have live-in residents and have a vested business interest in making sure that they're happy. They're going to be disturbed even before even the folks at 2 Langdon are.

04:28:00—Bob Dunn:

We have a duty and obligation to operate this hotel in a reasonable way for the neighborhood but from our standpoint most importantly as it relates to our guests at the hotel. Beyond that I think I can speak very clearly on behalf of the residents of the Edgewater of which **I will be one**. We're closer to the operation sitting right above it and will be impacted more by noise and the sale of alcohol and sound and all the other operational issues that come into play.....[we want to] leave the hours of operation as they were set out in the original management agreement.

04:41:00—Alder Bidar-Sielaff:I honestly do not see how many times the hotel is going to have very loud music until 11 PM right outside the hotel so I think that we're being unreasonable and over discussing something that probably is not going to won't happen that frequently because I don't see myself **paying \$300 per night** to be awake until 11 PM by house music or techno. So I'm pretty sure it's going to be run in a reasonable way. This is a **high end establishment** that's how they're going to run it....I think I understand why we want protection but at the same time I really think this is not Plan B. **This is an outside area of a high end hotel.....**