

TO: Members of the Urban Design Commission and Planning Staff

FROM: Nan Fey

RE: North Central Group's Hotel Project on the Lamp House Block
Legistar #33109 (was #36335 on 1/14/15)

DATE: January 28, 2015

The UDC asked the developer to address two significant issues when it returned to the commission today – the economics of the project and the height of the building. In the materials provided to the public, there appears to be no effort made to explain the economics the developer claims necessitate a 10-story building....and the building has only grown taller, now encroaching on the Capitol Height Limit. This is totally unresponsive to the requests of several commission members, increasingly disrespectful of the plans and expectations of the community for this prominent and sensitive location, and further evidence that this project should be rejected.

This developer continues to ignore the stated goals of our community for the height, massing and character of buildings on this important heritage block that have been clearly stated in adopted plans. The Comp Plan (2006) identified the significance of the Downtown Core, which the Downtown Special Area Plan studied more intensely, offering detailed recommendations in 2012. Most recently, in 2014 the Lamp House Ad Hoc Committee focused on this one block in great detail, making fine-grained recommendations based on reasoning upheld by the Common Council when it adopted the Block Plan as a supplement to the Comprehensive Plan. The history and importance of planning here is readily apparent, and the resulting plans provide clear guidance to both developers and the community about what is expected to occur in this area. The developer is ignoring these statements of community values by asking not only for Planned Development zoning, but adding a request for a conditional use to exceed the Capitol View Height Limit. No matter how beautiful this building may have become in the eyes of some, it doesn't belong on this site.

The developer minimizes the impact of its building's shadows on the Lamp House for 90 minutes or more at the equinoxes, increasing to what would likely be total shadow at the winter solstice. Imagine the impact this might have on the ability of a heritage tourism operator to restore an inviting space on the rooftop of this building from which visitors could enjoy the views year-round. It's potentially a very significant impact, yet there's been no attempt to minimize the shadows of this building or comply with the 6-story height limit required on Webster Street.

There is no standard for policy-makers on the UDC or the Plan Commission to consider the economic feasibility of this project. But even if the developer were willing to discuss its finances, it is simply not the community's responsibility to rescue someone who paid too much for land they should have known could not

be developed at an intensity that could provide the profits they've promised their investors. Almost any new development on this site will increase the tax base for the City – we shouldn't accept a development that claims it can't succeed without special dispensation from adopted plan requirements that it should have been aware of and respected from the beginning.

Finally, I want to comment on the Addendum that Mr. Firchow has provided to last fall's Staff Report that will be going to the Plan Commission on February 9th. In my years as its chair, I read dozens – maybe hundreds – of these staff reports, and when I saw words like “may” and “if” used in the Conclusion I always took special note. These words indicate to me that Planning Staff has serious reservations about the approvability of this project and caution is in order. The Plan Commission, as a quasi-judicial body, has a special responsibility to make sure its decisions are based on standards because it can be taken to court if its decisions are not soundly reasoned on the record. I urge members of the Urban Design Commission to act carefully here, too. While some may see the work of our citizen planning committees as making simple “intellectual choices” in the absence of actual projects, the plans that result from those decisions become statements of community values and take on legal significance once they are adopted by the City's policy makers. We should do our best to adhere to them whenever we can.

Concerns about the height of this building on this site have been expressed from the very beginning, and this developer has done nothing to reduce it. I strongly urge the Urban Design Commission to recommend REJECTION of this project to the Plan Commission.

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