Re: Virtual Public Hearing, Plan Commission Meeting, 5:30 pm on 10 June 2024
Agenda Items #23, 24, 25, 26
Concerning the Proposed Development at 6610-6706 Old Sauk Rd

A Citizen's Experience

Disclaimer: Our position was in opposition to the proposed development. On all points, we lost.

Purpose, to Describe: First, how the process was conducted, or "how the game was played". Second, there are arbitrary, imprecise, qualitative judgement "features" in the process that can, depending on how they are selected, or spun, toggle the outcome to the one desired.

Impression: It was a thoroughly miserable experience in local civics and citizen involvement in the discussion of this proposal and of Madison's housing crisis. In a top-down policy environment the neighborhood is marginalized, rather than coming first.

To Begin:

1. Accessibility
    a. There were Zoom login problems because of incorrect instructions to viewers or IT setup. I had to intervene, when another speaker was called, to bring this up as the problem became known from neighbors; this got a nod of recognition, but no redress or apology from the Plan Commission (PC). Had the public's input been valued, this could have been remedied *before* continuation; that was not the case.
    b. The answer to any of the following complaints is/was/or_will_be that this is not how PC meetings are run; this is not helpful if this is your first, virtual PC meeting.
        i. Never have I seen a Zoom setup like this ... and I've been to too many virtual meetings:
            (1) No chat function (useful to ask moderator a question offline)
            (2) No video function (my presentation relied on being able to hold up an exhibit and I was unable to do so); a possible counter argument was that my graphic could have been sent to the PC ahead of meeting. I didn't do this since I was unfamiliar with their procedures and setup and I wanted to be able to rehearse and time optimize my presentation
            (3) No participants icon that would/could have indicated login problems
            (4) Screen so sparse of detail one couldn't even tell if logged in (to speak) or not
        ii. With no "time expires in xxx seconds" messaging to speakers, speakers were just cutoff even in mid-sentence.
2. Communication
    a. There was an unmistakable, deferential camaraderie between the PC and the developer. The public are definitely on the "outside looking in" of that relationship.
    b. Public input was metered, but not uniformly. Presentation cutoff times varied from 3-3.5 minutes.
    c. By contrast, the developer could be, and was, granted more, unlimited time by virtue of

simply being asked a leading, soft-ball question by a PC member. There were no instances of the public or its experts being asked any questions or in any way being engaged in dialog. The tone of the meeting was clearly in favor of the developer.

d. The PC only had discussion about approval, justification, and praise for developer.
e. The PC's appreciation to public attendees that "your voice was heard" and "we know how difficult this process can be", etc. came across as hollow and disingenuous on the verge of becoming insulting.
f. Finally, all four Items were summarily passed in oblivious disregard for the public's input.

3. PC Decision Making
   a. The outcome was clearly pre-ordained and never in doubt; the default on every motion was always "unanimous consent assumed unless a hand is raised" (by a PC member) ... there was never any discussion, or raised hands: every motion was systematically unanimous. The cruxes of public feedback summarily vanished.
   b. In this case, at least, the developer worked with the PC for months to reach a mutually desirable outcome; a Staff Report from the Plan Division had gone to the PC a few days before the Meeting where it is given a "public hearing". Since the public's voice is not listened to, absorbed, thought about, questioned, and/or assimilated, "public hearing" essentially means the public gets to hear, but not interfere with, the agreed-to plan.
4. The Staff Report – shown in blue are examples of critical measures spun for a desired result
   a. Pg 12 is a mess – Under Recommendations the 1st & 3rd bullets are from another development. Was ignoring these obvious, major written gaffes called for, or was there important text that should have been there and made available to the public?
   b. There are qualitative, subjective, and tentative wordings such as "could find", "believes", "feels" in critical instances in the absence of more quantitative, objective, and certain measures. This was invariably replaced by either language that discounted negative assertions or resulted in recommended "fact".
   c. The development's frontal view is nowhere close to the Comprehensive Plan's wording "... newly developing LMR areas should be seamlessly integrated with surrounding development". This has previously been included in written, public comments including graphics; this would have been shown except that the PC does not allow video. But no matter: the developer justified (to itself and the PC) the proposed building's height and massing by comparison to another, higher complex over a mile away that happens to be in a more appropriate zoning setting and has BRT. The best comparable is the apartments immediately to the east of the proposed development; had they been used for comparison it is immediately apparent that it is vastly exceeded by the proposed building. See attachment.
   d. Rebuttal of storm water issues was incomplete at best; possibly incorrect at worst. New concepts became apparent in the Staff Report that suggest a storm water easement, and which the City will acquire if the developer can't. This is a new chapter in the discussion.
   e. Select conditions – These were spun to justify additional upzoning (in this case du/ac) but also setting future precedent for much greater scale and density (a process the City terms proactive rezoning) elsewhere. Staff and PC stated that arterial status and bus availability were " ... most significant factors as to why the proposed development may be approved." despite the complex not meeting at least 3 other, more significant factors. This is arbitrary cherry-picking favorable to a desired outcome.

      Here is a table of those factors, with various points of view; red is negative, green is positive, and brown is in between.

Factor	Opposition's Position	PC	
		Position	Resolve
Relationships between proposed buildings and their surroundings	Totally Negative Simply not consistent with Comprehensive Plan wording	Negative: Staff acknowledges that the scale and mass of the proposed building will be unlike any other residential building in the surrounding area. But then side with the developer's efforts	Pass
Amenities	Negative: only has meaning if within walking distance	Other than onsite – Unsubstantiated	Pass
Urban Service	None (other than bus which is double counting)	Other than bus (already included) – unsubstantiated	Pass
Arterial Street	Negative: 2-lane, at capacity; don't use to leverage more usage; overflow parking problem especially in winter; OSR is a minor arterial road	Say fulfilled	Pass
Transit	Bus line; leveraged by "arterial" street designation; little usage at present	Overplay	Pass
Natural features	Arguable since not defined. There are trees, wildlife, and good soil. There is a historic barn, likely the last in Madison and one of the few in Dane County ...	Say fulfilled	Pass
Park	Say fulfilled	Say fulfilled	Pass

In conclusion: This process cannot be distinguished from being political with enough arbitrariness to produce a desired outcome. Is there any monitoring, oversight, check or balance of the Plan Commission procedures? How is meaningful, bottom-up neighborhood feedback and dialog restored to this process?

Side-by-Side Comparison: Top – illustrates height; Bottom – best illustrates frontal length and overall comparison.

BEST, IMMEDIATELY NEIGHBORING, COMPARABLE COMPARISON

Parameter	Proposed Building	Settlers Woods
Frontal Length	400 ft	100 ft
Setback from Curb	35	84
Height	More	Less
Ratio, Apparent (Angular) Height from Curb	2-3 to	1
Dwelling Units / Acre	36.6	14.4