

Report on the Edgewater
to
The City of Madison Plan Commission



The Mansion Hill Steering Committee on the Edgewater
February 4, 2010

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Members of the Plan Commission

RE: Edgewater

Dear Plan Commission Member:

By this time all of us are probably suffering from some form of "Edgewater fatigue," but in some small way, we feel it is our responsibility to somewhat keep up with the developers as they furnish you with their obviously more professionally produced materials. Originally, our Steering Committee was made up almost solely of Mansion Hill neighbors who were chosen after the first meeting with the developer in the fall of 2008. Over a period of time, we have been joined by other Madisonians who have an interest arising from historic districts within their own neighborhoods, or who have an interest in historic preservation in general. Others have joined our cause because of an interest in lake ecology or the appearance of the Mendota lakeshore, which is predominantly residential, or who have an appreciation of Madison's lakeshore as a peaceful, leafy environment virtually ringing the entire lake.

Recently at the all-night Council session, the developer represented that he has spent well into seven figures, to date, on the project. We have spent much less, but have spent \$15,000 on the model requested by the UDC, and more importantly, have invested thousands of hours of time meeting at least once weekly at one of our residences. We have had the added benefit of getting to know our neighbors, friends, and allies on an entirely new level.

Attached are materials that we have produced in response to the developer's plans and promotional materials. We have continued to refine our data, although there is certainly more work to be done.

The first document between pages 4 and 28 is a copy of last year's proposed Edgewater Hotel Addition Summary prepared before the current proposal which has lowered the '70s addition by one story, and has moved the proposed hotel tower mostly off of the Wisconsin Avenue right of way, lowering it by three stories. The history and points made in the original summary remain valid. New material, beginning on page 29 are further amplifications of issues that we feel are important.

We ask you to look at the picture of the Edgewater Hotel under construction which is the cover of the aforementioned summary appearing at page 4 with the Vilas Mansion in the far lower left hand corner, the Hank's Mansion at the end of Wisconsin Avenue together with the Vilas garages and chauffeur's quarters below. As you know, this is all a part of one great estate. Ms. Hanks was Senator Vilas' daughter. The Vilas

Mansion was demolished in order to build the National Guardian Life Insurance Company and the Hank's Mansion was demolished as a part of the Edgewater '70s addition. Imagine if you can how you would feel about developing the end of Wisconsin Avenue at Lake Mendota if the '70s addition had never been built. What would our hope and dream be for that second greatest (after Observatory Drive) panoramic view of Lake Mendota? How much of that view would we be willing to lose?

Looking back, many of us feel that other solutions to the parking needs of the Edgewater could have been developed, but who would have believed that the Edgewater owners, instead of being grateful for the donation of the street end for a dollar, would have pouted and felt betrayed because they were not able to totally block the view--a desire that they did not give up and invested substantial money in footings and columns so that at a later date they could complete their dream of blocking the view that was a condition of the City's vacation ordinance. The developer has criticized us for bringing this up because it reflects badly on the owners, but we believe that this history needs to be understood.

Now that the plan has changed, we would like to review our positions. In the enclosed document, we recite the position of the Mansion Hill Neighborhood. None of the nine categories have changed, but now that the proposed plan has now been modified, we would like to explain the position on the Steering Committee with respect to the revised plan:

- Removal of Top Floor of '70s Addition. The removal of the top floor of the '70s addition is a positive improvement assuming that anything built upon the remainder of the 600 block of Wisconsin Avenue is built low enough so that nothing in the foreground would impede the view of the lake over the lake end of the new plaza. Our studies show that current plan does not meet that test, although we are confident that a solution can be devised.
- Tower Site Damages View. The proposed tower site is either on the east Wisconsin Avenue right of way or over it. This is unacceptable. The '65 vacation ordinance provides for "compliance with yard requirements of existing zoning and building codes or ordinances as to premises on the northeast and southwest sides of said vacated streets portion in the same manner as though said street had not been vacated except that buildings may encroach not less than ten feet from the vacated Wisconsin Avenue." Current zoning calls for a 20 foot setback. However, with a building of such a tremendous length and height, a reasonable setback would be much further than the required 20 feet. This is exactly the wrong place to pinch off the view. We are committed to the goals of the Mansion Hill Historic District's objective that infill development be visually compatible requiring that a compromise would need to be evaluated from that aspect.
- Keeping Promises. There are many operational details that need to be worked out and incorporated in a use agreement. Although from experience, we know that promises made by owners, particularly in this location, tend to be disregarded (an example is the neighborhood swimming pier that was promised as a part of the '70s addition which only lasted about five years). There was a

provision for reasonable parking spaces for the public on the vacated Wisconsin Avenue. The Edgewater eventually used up two of the spaces by constructing a dumpster enclosure. The new plan has no provision for public parking places. We have learned from experience that any promise must be physically built into the development in order to have a hope of providing a continuing benefit.

- Inadequate Parking. From the beginning, it has been recognized that sufficient parking to handle any needs that could be created by the project must be incorporated into the project, and that that parking must be self-park and without cost. Madison has never had a valet parking scheme that worked other than at the hospitals. Unlike all of the other downtown hotels, there is absolutely no street parking available. There are many more street permits issued than there are street parking places. It would be too easy for hotel guests to snap up any available parking place thus depriving one of the neighbors with a street parking opportunity. Parking must be provided for hotel employees, guests, and patrons of the restaurant, spa, and dining rooms under maximum occupancy. The developer has said that he intends to program the terrace with up to 650 people 365 days a year. Concerts, ice skating rink, fire pits, weddings, and other events. Six hundred and fifty people could easily require 325 additional cars. There needs to be onsite parking for programmed events. Even today, with a more favorable room/parking ratio, there are times when the hotel turns away visitors who want to park in the hotel parking ramp. The developer has promised that this will not happen and that sufficient parking will be built. The current plan is seriously inadequate in the provision of parking.
- Inadequate Bus Parking. The developer is also committed to providing adequate bus parking. At the current time, as many as three busses, sometimes with tailors, park for 24-48 hours on the street in front of the hotel. These busses keep their engines running and are a detriment to the residential character of the neighborhood. This is not like the CBD where meters can be bagged in front of MATC, for the Concourse or other areas.
- Signage/Illumination. The developer has committed that the proposed building would not be illuminated and that all signage lighting would be low-key, non-glaring and residential in character. Should there be a compromise, all of those aspects would need to be incorporated into an enforceable agreement.

The overall objective of the Mansion Hill Neighborhood is to have any development that occurs in the neighborhood contribute to the neighborhood's residential attractiveness. This applies to rehabilitation of existing structures and the development of new infill. Now is the time to think everything through whether this development goes ahead or not.

Sincerely,

Mansion Hill Steering Committee on the Edgewater

Proposed Edgewater Hotel Addition



Edgewater Hotel under construction 1947.

The attached materials are a digest of issues and positions that have been developed by the Mansion Hill Steering Committee created to respond to the present Edgewater Hotel expansion. Because the committee is continually gathering more information and further developing its positions, these materials which are added cumulatively may not be in the ideal order, and may be repetitive.

Edgewater Steering Committee

The committee was selected by the Mansion Hill Representatives on the CNI Executive Committee who demonstrated an interest in the Edgewater issue and were believed to be capable or representing the interests of the neighborhood. The Steering Committee intends to report back and communicate to not only the Mansion Hill Neighborhood but to the CNI Executive Committee.

This document, Proposed Edgewater Hotel Addition, is a digest of information brought to the attention of the committee and positions of the Steering Committee. This is the second edition, dated January 5, 2009. The first addition was produced in late December 2008. Further additions will be forthcoming if information and/or positions change.

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Proposed Edgewater Hotel Addition

Executive Summary

The Steering Committee unanimously opposes any expansion of the Edgewater Hotel, either vertically, horizontally, or by virtue of additional vacation of Wisconsin Avenue between the current hotel and the corner of Langdon Street and Wisconsin Avenue.

1.) The overarching concept behind the Steering Committee's position is belief that the success of the Mansion Hill Neighborhood, as a residential district and as a historic district, is far more important to the immediate neighborhood and Downtown Madison as a whole, than any benefit that might flow from an expanded hotel. This position is reinforced by policies and ordinances that have been developed by the City of Madison over a period of time;

(a) the January 1, 1965 ordinance vacating the northeast end of Wisconsin Avenue upon which the 1974 addition to the Edgewater Hotel was built specifically reserved for the general public the 'visual outlook from the vicinity of intersection of Wisconsin Avenue and Langdon Street northwesterly over Lake Mendota..."

(b) The height of the 1974 Edgewater addition and the view obstruction caused by it was negotiated by the same people at virtually the same time as the foregoing vacation ordinance, and represents the physical manifestation of the intent of the ordinance.

(c) Madison Ordinance, Waterfront Development (Cr. by Ord. 4664, 8-5-74) was established to "further the maintenance of safe and healthful conditions, prevent and control water pollution, protect spawning grounds, fish and aquatic life by controlling building sites, the placement of structures and land users and reserving shore cover and national beauty for all waterfront and shoreline development." The ordinance describes how "the existing development pattern" is arrived at, resulting, in this case, in the entire Edgewater site falling below the development pattern line, and therefore, prohibiting a new principal building or an addition on that site.

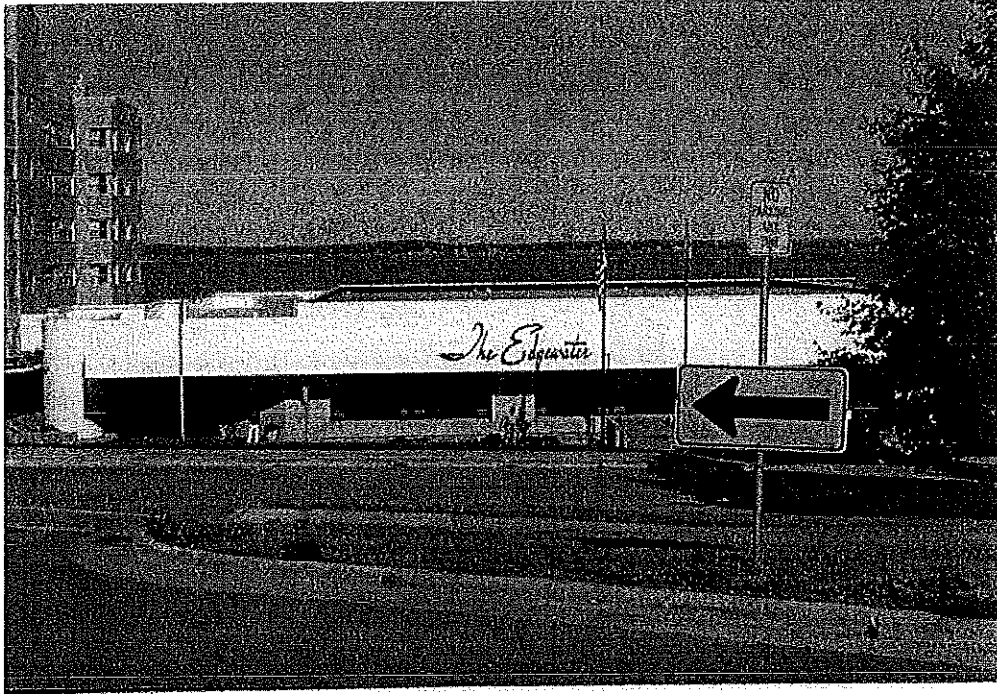
2.) The Waterfront Development Ordinance is not to be disregarded casually in that every exception permitting closer development tends to create a precedent and a belief that the existing development pattern line is only there to be penetrated.

3.) The Mansion Hill Neighborhood, including the Edgewater Hotel falls within the Mansion Hill Historic District, which in itself places restrictions on the ability to add to existing buildings.

4.) The property owned by National Guardian Life (NGL) immediately to the east of the Edgewater property is zoned residential and it is anticipated that someday that property will be developed as condominiums within the limitations provided under the Waterfront Development Ordinance and the neighborhood plan. Any development on the section of Wisconsin Avenue between Langdon and the Edgewater property, or on top of the 1974 Edgewater addition, would almost assuredly conflict with the ideal plan for the adjacent NGL site. Except for cosmetic changes, there should be no change in the 1974 Edgewater addition or on the Wisconsin Avenue right-of-way north of Langdon until there is a design and construction plan for the NGL property. Further development of the Edgewater site or the Wisconsin Avenue right-of-way almost certainly would restrict and diminish options for successful development of the NGL property. The NGL lakefront property has the potential to enhance the residential quality of the Mansion Hill Neighborhood far beyond any positive affect that the Edgewater Hotel can have.

5.) The January 2009 Downtown Madison Hotel Feasibility Study warns that "plans discussed for other new hotels downtown and enhancements to the existing supply...could actually complicate matters for a convention hotel as these plans would not aim to expand demand because they would not be directly increasing Madison's "walkable" hotel room supply." The report defines walkable as 1200 feet and includes only the Hilton and the Inn on the Park. Since the report, construction has begun on the Hyatt Hotel located on the 200 block of West Washington Avenue. An addition to the Edgewater Hotel would be considered unwalkable, and therefore would be a negative in terms of creating a new convention hotel connected to the convention center.

6.) The concept that Downtown Madison's neighborhoods belong to everyone is somewhat true, but it is also true that all Madisonians have an equivalent responsibility to protect and enhance those same downtown neighborhoods.



This is only one view of the potential addition. The Mansion Hill neighbors invite you to visit this site looking at the view from many angles. You will then be able to appreciate the vast amount of panoramic view that will be lost if even a one-storey addition is built.

Edgewater Hotel

History of Edgewater Hotel.

What became the Edgewater Hotel was built in 1946 as an apartment house. Later, around 1947 or '48, the apartment house began to be converted to a hotel and then to a hotel with a popular luxurious restaurant, the Rigadoon Room.

The hotel itself only had about ten parking spaces and was seriously under-parked from the start. At that time, Wisconsin Avenue extended all the way to the lake where there was a circle with parking at the end. In the summer a community swimming pier was provided by the city. The parking shortage of the apartment house was amplified many times by the needs of the hotel and then again by the needs of the restaurant. The hotel employees marked all of the public parking spaces in the circle as "reserved for Edgewater guests" and when that was insufficient, they went out to Wisconsin Avenue and marked off more spaces there with the same markings. Just as now, parking was short in the Mansion Hill neighborhood and this was an irritation to the neighbors.

In 1964, when the neighbors were approached by the Edgewater management about the possibility of building an addition to the Edgewater that would contain a gigantic parking garage which would once and for all clear up the parking conflict, the neighbors were ultimately sympathetic subject to a satisfactory resolution of a number of conditions, having primarily to do with the preservation of the view of Lake Mendota from the end of Wisconsin Avenue at Langdon and lake access.

Fred Seuer, the lawyer for the Edgewater, told the neighbors that without their support and signatures on the vacation petition that the street vacation would not happen. It was in the hands of the neighbors. The neighbors agreed and an ordinance vacating the street passed the city council with conditions restricting the use of the vacated street end including preservation and/or improvement of the view of Lake Mendota northeasterly from the intersection of Langdon and Wisconsin Avenue (see attached copy of vacation ordinance).

Eventually, there followed a negotiation between the neighbors and the city and the Edgewater company as to what could be built that would satisfy the conditions of the vacation ordinance. Many meetings were held, the most important of which were held at the intersection of Langdon Street and Wisconsin Avenue in order to evaluate the effect that various architectural designs would have on preserving the lake view. Eventually, it was decided that if the floor of the addition would be at the same level as the floor of the existing Edgewater lobby and the entire structure above that floor would be no more than 14 feet that the neighbors would approve the plan. The 14 foot level was basically equivalent to the original, and still existing lobby canopy. In 1972 when the Edgewater addition was built, the neighbors were horrified to see that the framework was going higher than agreed. The architects admitted that that was the case, but they had run into "structural needs" and aspects having to do with HVAC that required "minor

modifications" in the height area. This was disappointing, but they had plans approved by the City that were at variance with those agreed upon with the neighbors.

The January 14, 1965 Ordinance.

Attached is a copy of the January 14, 1965 ordinance vacating the subject portion of Wisconsin Avenue and preserving to the City of Madison for the permanent benefit of the general public a number of reservations, the most relevant of which is subsection (5) which for simplicities' sake should be read as follows:

Substantial preservation of the visual outlook from the vicinity of the intersection of Wisconsin Avenue and Langdon Street, northwesterly over Lake Mendota...

And

Reasonably feasible improvement of the visual outlook from the vicinity of the intersection of Wisconsin Avenue and Langdon Street northwesterly over Lake Mendota.

Subsection (10) requires compliance with yard requirements of existing zoning and building codes or ordinances as to the premises on the north east and southwest sides of said vacated street. In the same manner as though, said street had not been vacated, except that buildings may encroach not less than ten (10) feet from vacated Wisconsin Avenue.

Keeping in mind that there was no building on the vacated Wisconsin Avenue when the ordinance was passed, anything that will alter the existing Edgewater Hotel addition must meet the test contained in the vacation ordinance recognizing that the existing Edgewater Hotel addition is, except for the aforementioned height disappointment, the embodiment and physical manifestation of that ordinance negotiated by the same people who negotiated the vacation ordinance and its reservations. It is interesting to note, although not germane, that the owners of the Edgewater Hotel are the same family and institution that have owned it since 1965 and that not only do some of the neighbors that were involved still reside in the neighborhood, but that other individuals interested in the historic character of Mansion Hill and in the view continue their interest and that the organization representing all of the neighbors of Mansion Hill had its birth as a result of this very project and its disappointments. The Fourth District Neighborhood Association, which later became Capital Neighborhoods Association (CNI) was formed in the living room of the Carol and Rudy Wuennenberg home at 504 Wisconsin Avenue. To a large degree, the parties who entered into the agreement in the first place are still here.

Parking Issues in the Mansion Hill Neighborhood.

As everyone knows who has ever tried to go to a noon Rotary meeting, a wedding reception or other event at the Edgewater, the garage is not always adequate to handle parking demands. Unlike the downtown hotels that have public parking garages right around the corner or across the street there is almost no place for the Edgewater's cars to go. Half of the surrounding area is used up by lake. To the east, there are only a few parking spaces on East Gilman or North Pinckney and those are almost never available. This leaves only a small quadrant bounded by Langdon Street and Wisconsin Avenue that never has many open spaces. If the Edgewater garage is full, neighborhood residents end up going all the way downtown to park in the ramps.

In the '70s, the Mansion Hill neighborhood became a historic district which severely limited changes that could be made to any of the existing properties, limiting the ability of owners to add parking. As a result many of the Mansion Hill residents park on the street. Many of these parkers have street permits. If the Edgewater has a major event, and its guests and employees are parking in every available space in the neighborhood, local residents who intended to park on the street are disappointed and must go elsewhere. This is a serious negative for the neighborhood as a residential district.

Residential Character of the Neighborhood is Generally Zoned R6H

This neighborhood has always been a residential neighborhood and when zoning was introduced to Madison, it was zoned residential. More importantly, as a historic district, the importance of its success as a place to live is becoming increasingly obvious. A study of historic districts throughout the country demonstrates that historic districts, in order to succeed, must be attractive as residential neighborhoods. People must value the historic district lifestyle because maintaining vintage properties is expensive and there are negatives, such as the aforementioned parking deficit. The reputation of the area as a desirable place to live, is absolutely necessary for the historic district to fulfill its potential. There is a growing neighborhood cohesiveness in the Mansion Hill neighborhood and progress is being made, but development that would deteriorate the residential character of the neighborhood by blocking the panoramic lake view and adding substantial parking stress must be successfully defeated for the neighborhood to achieve its potential.

The View

The panoramic view across Lake Mendota from the end of Wisconsin Avenue at Langdon can be appreciated from many angles, beginning with a drive or walk up Wisconsin Avenue when the distant shore of Lake Mendota first comes into view, or as one approaches from Langdon Street walking or driving toward Wisconsin Avenue. The neighbors who crafted the original vacation ordinance and its restrictions knew that

there were people who would walk down to the end of Wisconsin Avenue and walk out onto the swimming pier or would go over the Edgewater pier or would use the street end for fishing. Some people drove down and parked down at the end of the street and others walked down to take a dip after work but the 1964 neighbors knew that most people enjoyed and appreciated the lake from the intersection of Wisconsin Avenue and Langdon. It would not be an overstatement to say that the number of people who appreciate and enjoy the view of Lake Mendota, would be many times a thousand to one in favor of people who enjoy the view from Langdon and Wisconsin compared to those who would view the lake from the shore or from the top of the Edgewater addition. The drive up Wisconsin Avenue with the state capitol in the rearview mirror and the distant shore of Lake Mendota in front of the windshield is one of Madison's great drives. The view is cherished by people who drive past it in their daily drives to or from work and by neighbors who live near it even though they may not have a view of the lake from where they live but who experience the view regularly and value it as a part of their daily lives.

As emphasized before, the vacation ordinance requires the maintenance of the broad panoramic view of Lake Mendota from the intersection of Wisconsin Avenue and Langdon Street. This is much different than a view sighting down a narrow crevice between the original Edgewater Hotel and the 1972 addition that would be diminished if one were not standing in absolutely the perfect spot and even then there would only be a sliver of a view which would in no way comparable to the broad panoramic view of the distant shore from the many angles that can now be appreciated and enjoyed. In effect, the developer has asked us to appreciate Lake Mendota in the way that one might appreciate Camp Randall Stadium if all one could see what were visible between the goal posts. The panoramic view is paramount and must not be traded off for slivers of view, obstructed views, lake access or other promises.

The Edgewater Project.

The developers of the Edgewater project finally revealed some of what they had in mind to a steering committee of neighbors selected from a larger group that met to discuss the project in mid-December. Approximately 2300 flyers were attached to mailboxes and doors in the Mansion Hill neighborhood by neighborhood representatives to alert everyone that the subject was under consideration.

The plan revealed by the developer and their architect didn't quite get to the point of illustrating what a building that would block the view of Lake Mendota would actually look like, but did show a footprint of possible locations for the building. Nevertheless, it was obvious to everyone that there would be substantial and important blockage of the view intended to be reserved by conditions of the 1965 vacation ordinance. The view was definitely not being "preserved or improved."

Astonishingly, the developer revealed to the neighborhood an embarrassing carbuncle that had been in our midst for many years that somehow neighbors never had

the sophistication to recognize. That awful embarrassment is the street going down to the Edgewater Hotel on the Wisconsin Avenue right-of-way commonly thought of as the Edgewater driveway. Last summer, when Wisconsin Avenue and Langdon were being resurfaced, neighbors inquired as to why Wisconsin Avenue going down to the Edgewater was not being resurfaced, they were told that the Edgewater didn't want to pay assessments and therefore, the city wasn't going to resurface that part. Now came the developers showing the neighbors the bad pavement that we should be so embarrassed about, but that the neighborhoods should be grateful that they have a solution for. That solution is for the developer to have the city vacate the remainder of Wisconsin Avenue northwest of Langdon Street so that they can fill it up once and for all ridding the neighbors of that terrible hill. The developer then showed pictures of happy people with balloons enjoying the level approach from Langdon and Wisconsin all the way out to across the top of the hotel. It was only then that the neighbors realized what a treasure the hill going down to the Edgewater actually is.

The developer's picture showed that in terms of appreciating the view of the lake over the Edgewater addition, that the hill is actually very valuable. In the developer's picture, all of the people, vehicles and everything else, including shrubbery or trees that stood between the existing hotel addition and the Langdon Street, Wisconsin Avenue street end would block the view.

It is interesting to note that the end of Wisconsin Avenue and Langdon is at exactly the same height as the hotel addition. As mentioned before, this was not supposed to happen, but it did. This means that in order to have a view, a person standing, let's say at 5'10" tall, has a slightly downward look over the Edgewater resulting in a view of the lake that starts about halfway out in the lake. If anyone or anything was in-between that view, it would be obliterated. Anyone wanting to appreciate the view from where most of the people are, Wisconsin Avenue and Langdon, would have to look through or around everything that intervened. That is not a problem now, because there is a hill. The only thing we have to deal with is the existing Edgewater Hotel addition itself.

Hopefully, we have learned from experience that just cutting the deal with the City (the vacation ordinance and its conditions) is not enough to keep people from trying to get by those conditions. Promises about how the vacated property would be used will almost certainly not be kept, just as the current owners of the Edgewater are participating in an effort to get by the promises that were made by them when the building was built.

Parenthetically, just to further illustrate that point, a high Findorff official informed a neighborhood resident that the footings for a tower that would intrude in the view were already included in the original Edgewater addition. In other words, the Edgewater's owners planned to pierce into the space that was reserved by the neighbors when they built the building in the first place. The neighbors were betrayed by having footings put in for a tower and they have been further betrayed by having the owners who made the

deal try to break it so that they can privatize the lake view, which is a community asset, so that it can be resold as hotel rooms.

There will always be out of town rascals who will come in and try to take advantage of unorganized or dozing locals, but our own local people who go back on their word should not be rewarded.

Street Vacation in General.

The vacation of a street so that it can be dedicated to the adjoining property owners is a rare and unusual action. Certainly great consideration should be given to all other neighbors or interested parties who have use for that street whether it be as an avenue of travel or as a view. In a city people often lose a valued view when a neighbor builds a permitted structure. One does not own the view across a neighbor's land. On the other hand, people do, in effect, own the view across and down the streets on which they live. These are attributes of people's community that they may and usually do value highly.

What Will Happen to the Edgewater if There is No Development?

The developer has explained how the current owners have milked the property by deferring maintenance. It may be that the Edgewater isn't as "spiffy" as it could be, but in terms of the neighborhood's interest that is not a problem and certainly not a problem to be traded off in exchange for the view, more traffic, or increment intended to support small cap TIF. The neighborhood does not require a five star hotel and certainly does not want a "Union Terrace for adults" to be created in an area with the already discussed parking deficiency. Hotels go up and down and change ownership. The neighbors in the community should not have to contribute their valued view so that the selling hotel owners can achieve a higher price. In short, no property whose condition calls for reinvestment should receive a pass on the general limitation on expansion that is part of the well accepted prohibition to which all property owners in the historic district are subject.

Where is the Mansion Hill Neighborhood?

In short, the Mansion Hill neighbors, virtually unanimously, feel this way:

- 1.) A mistake was probably made in permitting the street vacation to allow the 1964 Edgewater addition in the first place.
- 2.) The exceeding of the agreed upon height of the original Edgewater 1972 addition was a betrayal of the good faith bargain with the neighbors and the "general public."

3.) The inclusion of footings for an addition that would block the view that was agreed upon by negotiation with the neighbors was deceitful.

4.) The owners of the Edgewater are the same people that entered into these agreements and they, and future owners, should be held to the deal they made.

5.) Not only the neighbors, but the citizens of Madison in general are entitled to maintain the panoramic view of Lake Mendota from the end of Wisconsin Avenue recognizing that the vast majority of people who will appreciate the view will not be doing so intending to look at the lake, but will be doing so as a part of their daily lives as they pass by.

6.) The justification that the existing owners have bled their property or have failed to maintain it and therefore more street has to be vacated and the view deteriorated should be rejected. Those maintenance failures should be reflected in a purchase price, not by having the community support an inflated purchase price by giving up its valued view.

7.) The Mansion Hill Historic District has unquestionably the finest collection of original buildings in the City of Madison. These buildings will become more and more valuable as time goes on. Nothing should be done that would diminish the success of the Historic District or the neighborhood as a residential area.

8.) It would be a mistake to confuse economic development of a downtown commercial district nature with the economic development of a residential historic district. They are not one and the same. The city long ago made the decision that Mansion Hill would be a residential historic district, a decision that many people have relied upon over the years, and which is becoming more valuable all the time.

9.) There should be nothing built upon the 1972 Edgewater Hotel addition in that any such structure would irreparably diminish the panoramic view of Lake Mendota and the distant shore that is valued by so many, and further, that no more of the Wisconsin Avenue right-of-way should be vacated.

All ORDINANCE

1123724

Providing for Vacating a Portion of
Wisconsin Avenue.

Presented.....~~January 22, 1965~~
Referred to..... *City Board*
Reported Back..... *1-14-65*
Adopted..... *1-28-65* Placed
~~As Amended~~ On File.....
Rules Suspended.....
Re-Referred to..... *City Board*
Public Hearing.....

AN ORDINANCE

Ordinance No. *1761*
File Number *4600-41*

By */* Alderman McCullough:

The Common Council of the City of Madison does ordain as follows:

Section 1. In accordance with the provisions of Section 66.296, Wisconsin Statutes, the Common Council of the City of Madison hereby vacates the following described street:

All of that portion of Wisconsin Avenue, in the City of Madison, Dane County, Wisconsin, lying northwesterly of a line parallel to the northwesterly line of Langdon Street extended northeasterly and One Hundred Twenty-six (126) feet northwesterly from such extended line of Langdon Street.

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Section 2. There is reserved to said City of Madison over the premises above described an easement to the extent reasonably necessary and appropriate to assure for the permanent benefit of the general public the following objectives:

- (1) Public pedestrian access across vacated Wisconsin Avenue to the shore of Lake Mendota, and riparian rights in said lake;
- (2) Public pedestrian access to and use of the top surface of any structure placed on vacated Wisconsin Avenue;
- (3) Public vehicular access and circulation over that portion of vacated Wisconsin Avenue lying southeasterly of any structure placed thereon;
- (4) Provision of reasonable parking spaces for public use on vacated Wisconsin Avenue;
- (5) Substantial preservation and reasonably feasible improvement of the visual outlook from the vicinity of the intersection of Wisconsin Avenue and Langdon Street northwesterly over Lake Mendota and of the appearance of vacated Wisconsin Avenue as viewed from said lake;

- (6) To require the creation of a public pedestrian easement extending from the vacated street along or adjacent to the shore of Lake Mendota across adjoining premises to the northeast;
- (7) To approve plans for any structure to be placed on said vacated street, the use of such structure and of the vacated street portion and any changes in the use or exterior of such structure or of such vacated street;
- (8) The objectives enumerated in subparagraphs 1 through 7 above shall be satisfied by the owner in a manner approved by the City of Madison and at no cost to the public for use, construction or maintenance. Liability for and continuing maintenance of the appearance, condition and usability of the vacated portion of Wisconsin Avenue and improvements placed thereon shall be the responsibility of the owner and shall be accomplished in a manner satisfactory to the city.
- (9) Adequate provision shall be made in the design and location of all improvements placed, constructed or installed on the vacated Wisconsin Avenue, to permit the installation and maintenance of public utilities and drainage.
- (10) Compliance with yard requirements of existing zoning and building codes or ordinances as to premises on the northeast and southwest sides of said vacated street portion in the same manner as though said street had not been vacated, except that buildings may encroach to not less than 10 feet from the vacated Wisconsin Avenue.

- (11) The area of the vacated Wisconsin Avenue shall not be allowable in any density calculation which will result in greater numbers of dwelling units, on the parcels to either side, than would be allowable without the vacation.
- (12) Nonseverance of ownership or use of the vacated portion of Wisconsin Avenue from the adjacent premises on either side.
- (13) If substantial improvement work is not commenced within two (2) years from the date of vacation of Wisconsin Avenue, the owners of said vacated Wisconsin Avenue agree to re-dedicate to the City of Madison, at no cost and with no conditions, that portion of Wisconsin Avenue vacated and included in this agreement.

Approved Henry E. Reynolds
Henry E. Reynolds, Mayor

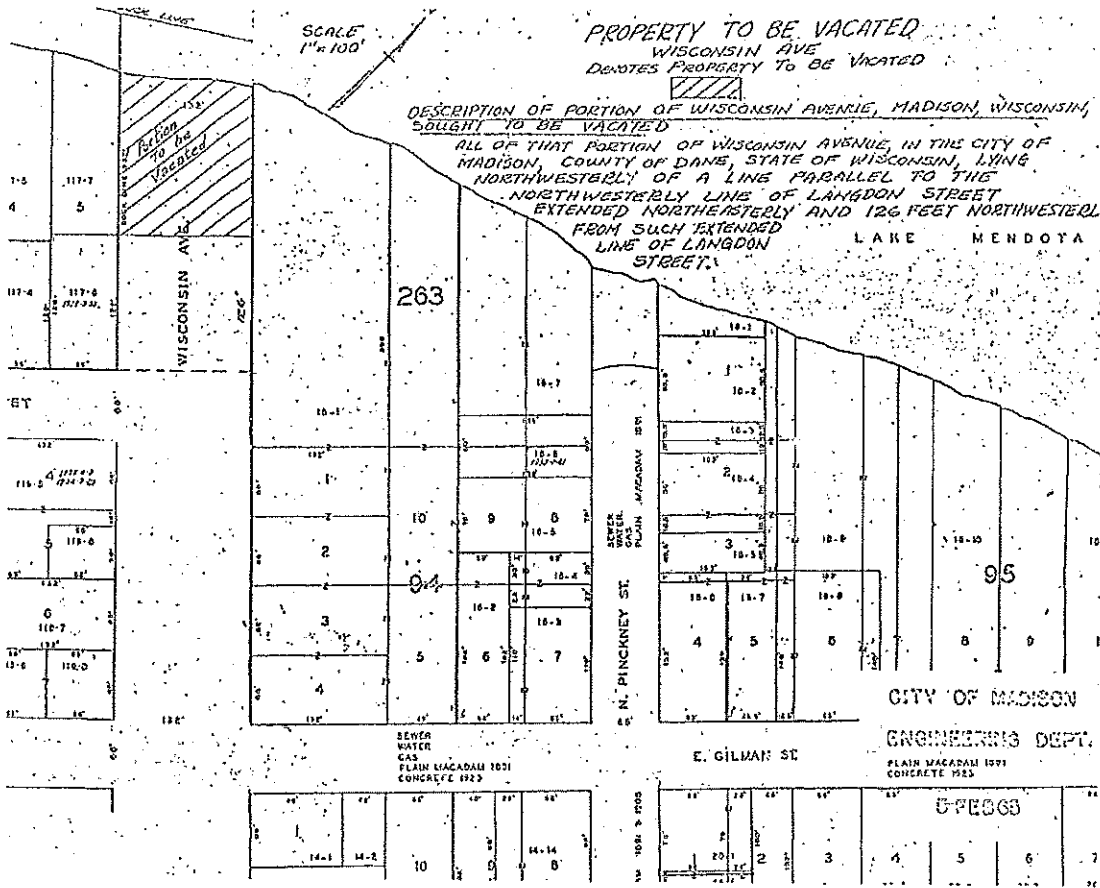
Date Approved February 3, 1965

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 28th day of January, 1965.

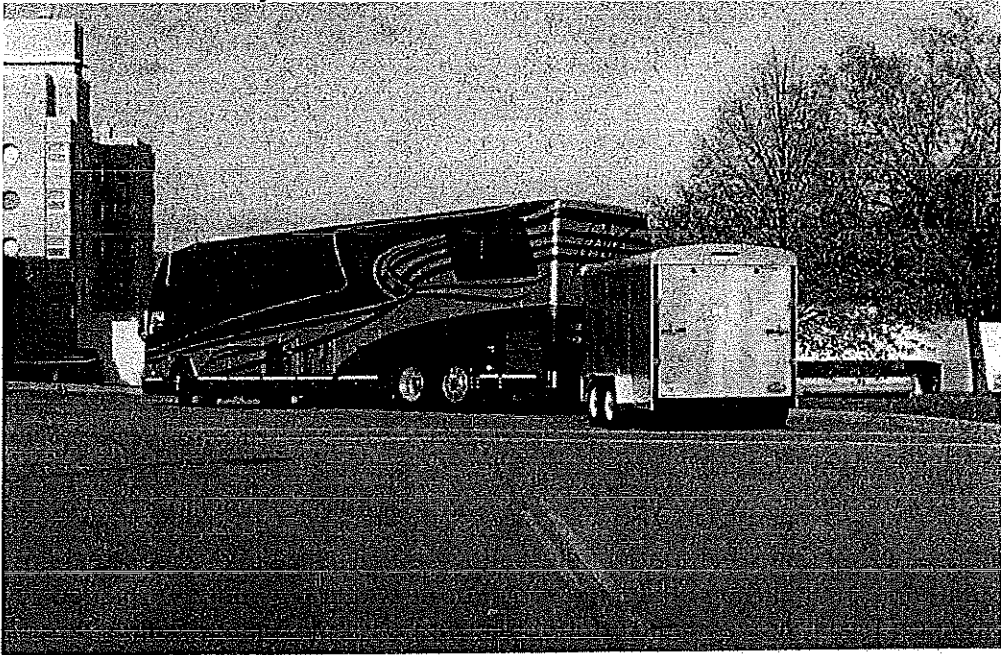
Eldon L. Hoel
ELDON L. HOEL, City Clerk

Pub. WSJ

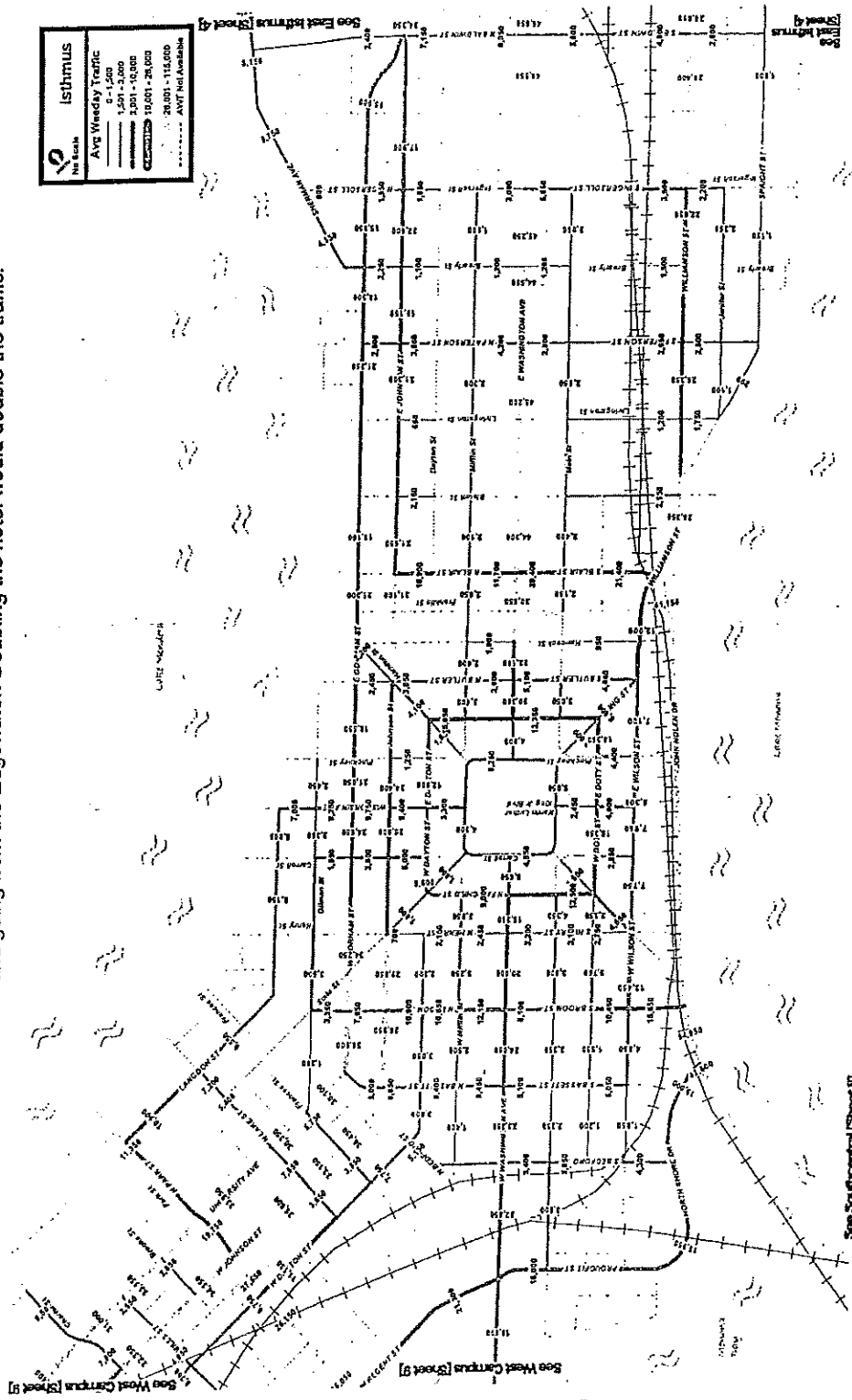




Hotels produce bus traffic. Buses often park in the "No-Parking Zone" at the end of Wisconsin Avenue. They often run their engines day or night irritating the neighbors and polluting the air. This is a part of the hotel business. A larger hotel means more buses. Buses and their noise deteriorate the residential character of the neighborhood and needless to say, block the view.



Many neighbors feel the traffic on Wisconsin Avenue and Langdon is already too great. The count on Langdon is 5,800 cars per day and on Wisconsin Avenue is 7,000. What happens to those 1,200 cars? To be sure most of them are coming and going from the Edgewater. Doubling the hotel would double the traffic.



City of Madison Average Weekly Traffic Volume Forecast 2006 Sheet 7 of 14

TABLE 1 (Continued)
TRIP GENERATION RATE SUMMARY
(WEEKDAY)

LAND USE	DRIVEWAY (D)		CUMULATIVE (C) VEHICLE TRIP RATE	PEAK HOUR AND IN/OUT RATIO	
	VEHICLE TRIP RATE	VEHICLE TRIP RATE		AM (IN-OUT)	PM (IN-OUT)
LODGING (L)					
Hotel (w/ convention facilities/restaurant)	10 trips/room; 300 trips/acre	10 trips/room; 300 trips/acre	10 trips/room; 300 trips/acre	6% (6-4)	8% (6-4)
Motel	9 trips/room; 200 trips/acre	9 trips/room; 200 trips/acre	9 trips/room; 200 trips/acre	8% (4-6)	9% (4-6)
Resort Hotel	8 trips/room; 100 trips/acre	8 trips/room; 100 trips/acre	8 trips/room; 100 trips/acre	5% (6-4)	7% (6-4)
MILITARY BASE (M)					
Military Base (M)	2.5 trips/employee (military or civilian)	2.5 trips/employee (military or civilian)	2.5 trips/employee (military or civilian)	9% (9-1)	10% (6-4)
OFFICE					
Commercial Office (C)					
Commercial Office (C)	10 trips/1,000 sq. ft.	10 trips/1,000 sq. ft.	10 trips/1,000 sq. ft.	13% (9-1)	14% (2-8)
Corporate Headquarters/State/Tenant Office	180 trips/1,000 sq. ft.	180 trips/1,000 sq. ft.	180 trips/1,000 sq. ft.	15% (9-1)	15% (1-9)
Department of Motor Vehicles	180 trips/1,000 sq. ft.	180 trips/1,000 sq. ft.	180 trips/1,000 sq. ft.	6% (6-4)	11% (4-6)
Government Office (City/County)	30 trips/1,000 sq. ft.	30 trips/1,000 sq. ft.	30 trips/1,000 sq. ft.	9% (9-1)	12% (6-7)
Less than 100,000 sq. ft.	100 trips/1,000 sq. ft.	100 trips/1,000 sq. ft.	100 trips/1,000 sq. ft.	9% (9-1)	12% (6-7)
100,000 sq. ft. or more	50 trips/1,000 sq. ft.	50 trips/1,000 sq. ft.	50 trips/1,000 sq. ft.	6% (8-2)	10% (6-7)
Medical Office	100 trips/1,000 sq. ft.	100 trips/1,000 sq. ft.	100 trips/1,000 sq. ft.	6% (8-2)	10% (6-7)
Less than 100,000 sq. ft.	100 trips/1,000 sq. ft.	100 trips/1,000 sq. ft.	100 trips/1,000 sq. ft.	6% (8-2)	10% (6-7)
100,000 sq. ft. or more	50 trips/1,000 sq. ft.	50 trips/1,000 sq. ft.	50 trips/1,000 sq. ft.	6% (8-2)	10% (6-7)
Post Office	90 trips/1,000 sq. ft.	90 trips/1,000 sq. ft.	90 trips/1,000 sq. ft.	5%	7%
Distribution (central/walk-in only)	200 trips/1,000 sq. ft.	200 trips/1,000 sq. ft.	200 trips/1,000 sq. ft.	8% (6-4)	9% (5-5)
Community (without retail trip base)	300 trips/1,000 sq. ft.	300 trips/1,000 sq. ft.	300 trips/1,000 sq. ft.	7% (5-5)	9% (5-7)
Community (with retail trip base)	300 trips/1,000 sq. ft.	300 trips/1,000 sq. ft.	300 trips/1,000 sq. ft.	7% (5-5)	7% (6-4)
Less than 100,000 sq. ft.	100 trips/1,000 sq. ft.	100 trips/1,000 sq. ft.	100 trips/1,000 sq. ft.	7% (5-5)	7% (6-4)
100,000 sq. ft. or more	50 trips/1,000 sq. ft.	50 trips/1,000 sq. ft.	50 trips/1,000 sq. ft.	7% (5-5)	8% (7-5)
RECREATION					
Bowling Center	30 trips/acre; 300 trips/acre	30 trips/acre; 300 trips/acre	30 trips/acre; 300 trips/acre	7% (7-5)	10% (4-6)
Golf Course	900 trips/course; 40 trips/hole; 8 trips/acre	900 trips/course; 40 trips/hole; 8 trips/acre	900 trips/course; 40 trips/hole; 8 trips/acre	6% (6-2)	9% (6-7)
Mantra	4 trips/acre; 20 trips/acre	4 trips/acre; 20 trips/acre	4 trips/acre; 20 trips/acre	3% (3-7)	7% (6-4)
Movie Theater	80 trips/1,000 sq. ft.; 1.8 trips/seat	80 trips/1,000 sq. ft.; 1.8 trips/seat	80 trips/1,000 sq. ft.; 1.8 trips/seat	0.3%	5% (7-5)
Park					
Beach, Ocean or Bay	600 trips/1,000 sq. ft.; shoreline, 60 trips/acre	600 trips/1,000 sq. ft.; shoreline, 60 trips/acre	600 trips/1,000 sq. ft.; shoreline, 60 trips/acre	--	11% (4-6)
Developed	30 trips/acre	30 trips/acre	30 trips/acre	4%	8%
Undeveloped	5 trips/acre	5 trips/acre	5 trips/acre	4%	8%
Rainforest/Tennis/Health Club	40 trips/1,000 sq. ft.; 40 trips/seat; 200 trips/acre	40 trips/1,000 sq. ft.; 40 trips/seat; 200 trips/acre	40 trips/1,000 sq. ft.; 40 trips/seat; 200 trips/acre	4% (6-4)	9% (6-4)
San Diego Zoo	115 trips/acre	115 trips/acre	115 trips/acre	--	--
Sea World	80 trips/acre	80 trips/acre	80 trips/acre	--	--
Sport Facility	30 trips/acre	30 trips/acre	30 trips/acre	--	--
Indoor	50 trips/acre	50 trips/acre	50 trips/acre	--	--
Outdoor	50 trips/acre	50 trips/acre	50 trips/acre	--	--

City of Madison Zoning Code: Section 28.04(10): Waterfront Development WND

The zoning code requires new waterfront development, including additions, upon a waterfront or Waterfront Zoning lot to obtain a conditional use permit subject to the following standards:

“For purposes of this section, the existing development pattern shall mean the average setback of the five (5) developed zoning lots to each side of the proposed development lot. For all zoning lots, the principal building setback shall be not less than the existing development pattern.”

The existing development pattern determined by the foregoing formula establishes a line to the southwest, uphill, of the current Edgewater Hotel and the 1974 addition which, on its face, would prevent the construction of any addition to the existing Edgewater property. Permitting any such construction would require the city to make a serious exception to the Waterfront Development Ordinance in such a substantial way as to create a precedent that could be seized upon by others desiring to build closer to the lake including the National Guardian Life property to the east.

National Guardian Life – Lake Front Property

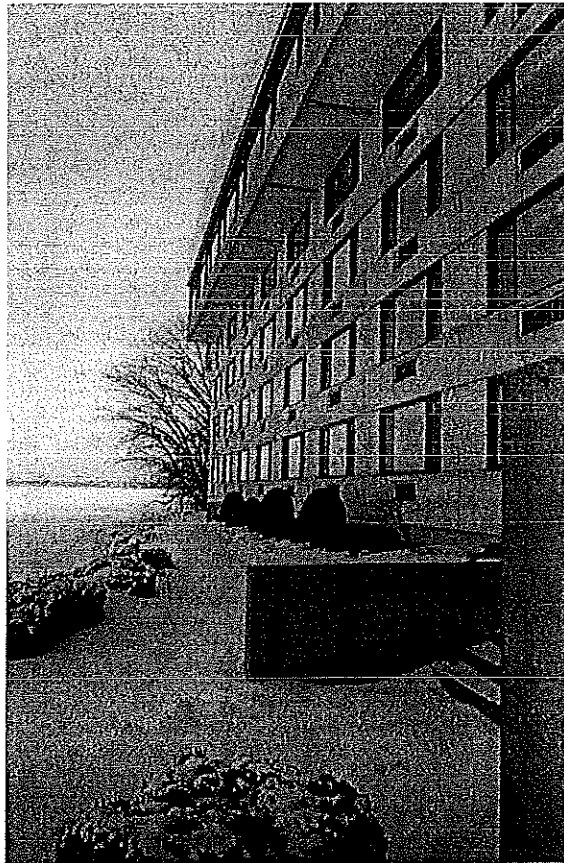
The proposed tower would loom over the wooded lakefront belonging to National Guardian Life that was originally part of the Villas Estate, shading it and detracting from its potential use in conjunction with permitted development.

(19) Waterfront Development. (Cr. by Ord. 4664, 8-5-74)

- (a) Statement of Purpose. This subsection is established to further the maintenance of safe and healthful conditions, prevent and control water pollution, protect spawning grounds, fish and aquatic life by controlling building sites, the placement of structures and land users and reserving shore cover and natural beauty for all waterfront and shoreland development.
- (b) General Regulations. The following regulations shall apply to all new development except a Civic Auditorium Complex. No building permit shall be issued for any new development of a waterfront or shoreland zoning lot without first obtaining a conditional use permit therefore. For purposes of this section, new development shall be a new principal building, an addition or additions to an existing principal building totaling in excess of five hundred (500) square feet of floor area during any ten (10) year period, or an accessory building. The conditional use permit shall be issued pursuant to the procedure set forth in Section 28.12(11) of this ordinance. In addition to the review standards set forth in Subdivision (g) therein all waterfront development shall be subject to the following standards. (Am. by Ord. 10,713, 8-27-93; Ord. 12,598, 3-3-00; ORD-05-00191, 12-20-05)
 1. For purposes of this section, the existing development pattern shall mean the average setback of the five (5) developed zoning lots to each side of the proposed development lot. For all zoning lots, the principal building setback shall be not less than the existing development pattern. (Am. by Ord. 12,598, 3-3-00)
 2. Upon the filing of an application for a conditional use permit, the development plan shall show a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery. Within the waterfront setback requirements tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.
 3. Any building development for habitation shall be served with public sanitary sewer.
 4. Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured. (Am. by Ord. 12,183, 8-31-98)
 5. Where the City's adopted Master Plan includes a pedestrian walkway or bike path along the shoreline, the proposed development shall not interfere with its proposed location.
 6. Construction of marine retaining walls or bulkhead may be permitted providing such construction does not protrude beyond the established shoreline of the adjacent properties. Said retaining walls and bulkheads will be permitted only for the purpose of preventing shoreline recession. The filling and grading of the shoreline shall occur only in the construction of such retaining walls or bulkheads.
 7. In addition to complying with the above standards, boathouses shall not be constructed for human habitation.



The east side of the Edgewater addition is only about 5 feet from the lakeshore. The developer has proposed a tunnel-like "Spanish stairs" between the existing building and the 1974 addition. This is not a good lake access solution for people who do not want to use the hotel elevators in order to reach the lake. The existing location of the stairs is preferable to the proposed "Spanish stairs." The stairs to the east have great exposure to the rustic woods which can probably never be built on because of the zoning of the Waterfront Development Ordinance. The existing stairs could, however, have a more inviting entrance.



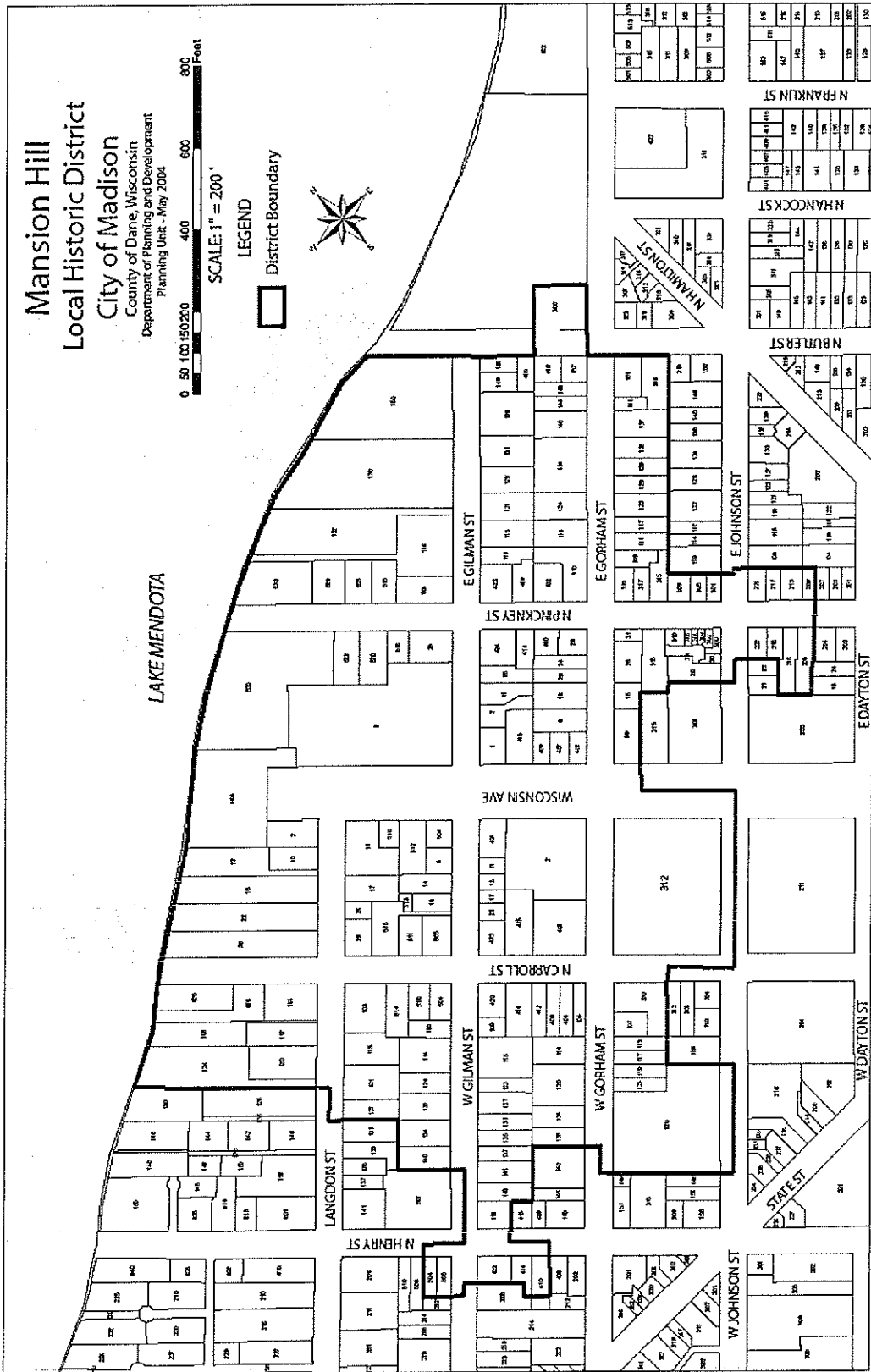
Mansion Hill
Local Historic District
City of Madison
County of Dane, Wisconsin
Department of Planning and Development
Planning Unit - May 2004

LAKE MENDOTA

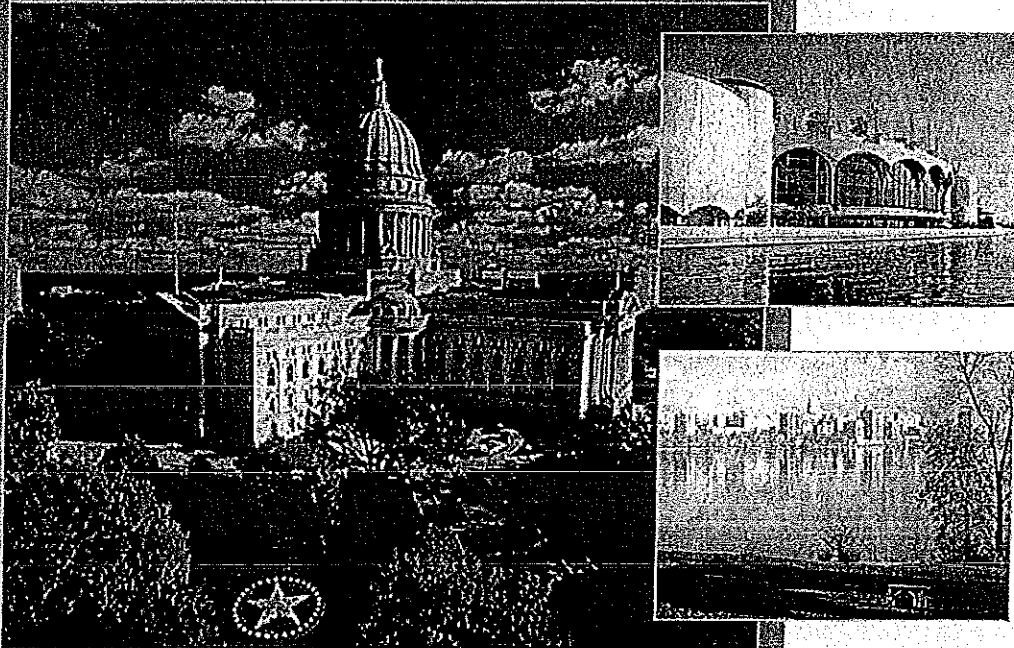


SCALE: 1" = 200'

LEGEND
District Boundary



hunden
strategic
partners



Downtown Madison Hotel Feasibility Study

January 2009

Hunden Strategic Partners

external competitive threats suggest that a large convention hotel be planned and developed despite the current market conditions.

- *
Existing/Proposed Hotels Nearby. There have been plans discussed for other new hotels downtown and enhancements to the existing supply. This could actually complicate matters for a convention hotel, as these plans would not aim to expand demand because they would not be directly increasing Madison's "walkable" hotel room supply. Instead they would create more of the same situation of scattered hotel rooms throughout downtown, and likely divide demand further.
- Competitors with Improved Hotel Packages.** Cities that compete with Madison for meetings business pose a threat every time an improvement is made to one of their facilities or hotels. Meeting planners will often choose the city that had the most convenient and cost effective rooms. With room blocks scattered throughout the city, Madison is often beaten by other destinations that offer a tighter, larger hotel package of rooms.

Projection of Hotel Performance. HSP estimated how the hotel would perform based on a penetration analysis model. The table below summarizes the projected performance of the hotel.

Table 1-10

Performance Projections				
Year	Average Daily Rate	Occupancy	Revenue per Available Room	Annual Increase
2012	\$173	58%	\$100	-
2013	\$177	66%	\$117	16.5%
2014	\$182	72%	\$131	12.3%
2015	\$187	72%	\$135	3.0%
2016	\$193	72%	\$139	3.0%
2017	\$199	72%	\$144	3.0%
2018	\$205	72%	\$148	3.0%
2019	\$211	72%	\$152	3.0%
2020	\$217	72%	\$157	3.0%

Source: HSP

The hotel is projected to achieve a \$173 average rate in its first year with occupancy of 58 percent. At stabilization the average rate and occupancy are expected to be \$182 and 72 percent, respectively. Revenue per available room is projected to be \$100 in 2012 and increase to \$131 by 2014.

Estimate of Impact from Status Quo – "What if the recommended hotel is not built?" While a detailed economic, fiscal and employment projection is recommended for the next phase of analysis, HSP has undertaken a review of projections for critical impact items under two scenarios: if the hotel is built as proposed, and if it is not.

A PLACE THAT IS UNIQUELY MADISON

In his December 15, 2009, presentation to the City Council in section 2.0-page 8, the developer provides four examples entitled "evolutionary" intended to illustrate "the purpose and intent of our landmarks ordinance." The four examples illustrate the repetitive misrepresentation of what the four cited historic districts actually are:

1.) Georgetown, Washington D.C. The Steering Committee has used Georgetown as an example of how valuable a historic district can be to a thriving city. The "Georgetown" that the Steering Committee has referred to is that residential part of Georgetown lying north of M Street and circumscribed on the attached map. A secondary section of Georgetown that is also valuable is that part lying south of M Street transversed by the restored Chesapeake and Ohio barge canal, lying west of the Whitehurst Elevated Freeway. The picture that the developer has included is a small section south of the Elevated Freeway known as the Harbor Front. That area is densely developed, popular, and is a good neighbor to historic Georgetown. It is closer to the Watergate and Foggy Bottom than it is to most of Georgetown.

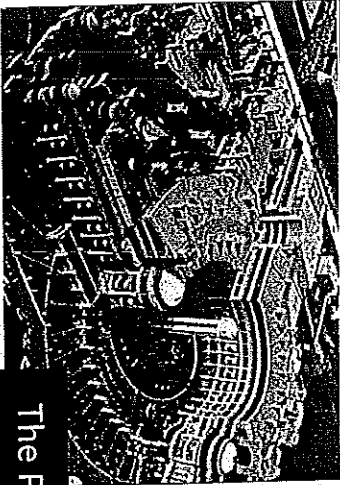
Georgetown is a highly desirable residential community most of which was developed in the late 18th and early 19th centuries. This is where Jack and Jackie lived before they became President. Control is rigid. There are almost no commercial intrusions. The Georgetown Inn on Wisconsin Avenue between N and O is a three-story Georgian style hotel. There are few other intrusions of any kind. The Steering Committee has repeatedly tried to explain to the developer that this is the part that we are talking about and he continues to think that the Harbor Front is something that the Madison Committees, Commissions, and City Council would rather see. (See page 31)

2.) Savanna River Front, Georgia. The developer shows the Savanna River Front. This area has been highly controversial, but basically represents the waterfront and is separated from the main core of the historic district by Bay Street and the original CBD. The main historic district contains some of the nation's finest examples of original architecture, is the glory of Savanna and is rigidly controlled. It should be interesting to us that immediately to the southwest of the historic district is the Victorian district which has prospered and been dramatically improved because of its location in the shadow of the main historic district. This effect is repeated over and over. (See page 32)

3.) Astra sic (Astor) Street, Chicago, Illinois. Madisonians are generally familiar with the North State Parkway Gold Coast. Needless to say, the Gold Coast has had many unfortunate intrusions, but battles on and is still Chicago's premier address. More related to Madison is the Old Town Historic Triangle in Lincoln Park located generally north of North Avenue, bounded on the east by Clark, Lincoln Park on the north by Wisconsin, and the west by Mohawk. This neighborhood contained mostly of post-Chicago fire properties, are rigidly controlled and highly desirable. Neighborhoods to the west, north, and south have benefitted from the popularity of this area resulting in very desirable infill.

4.) Beacon Hill, Massachusetts. The picture speaks for itself. The foreground is Beacon Hill and the background is the CBD. The CBD is not in Beacon Hill. Beacon Hill is highly regulated, valued, and irreplaceable. You do not have to thread your way through ponderous infill to take the freedom walk. It is not perfect, but you can definitely get an idea of old Boston on Beacon Hill. No one would think of locating an eight story hotel on Beacon Hill because it had "economic development benefits." This historic district is valued by all, including construction workers.

EVOLUTIONARY

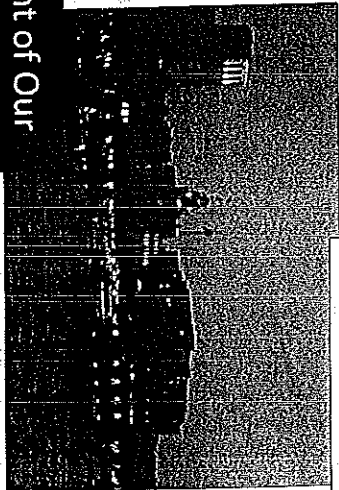


Georgetown, Washington DC

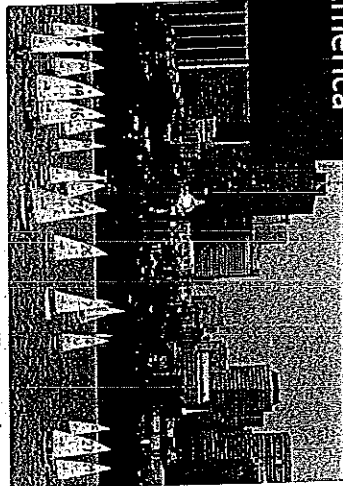


Astra Street, Illinois

The Purpose and Intent of Our Landmarks Ordinance Defines How Recognized Historic Districts Throughout America Have Thrived.



Savannah Riverfront, Georgia

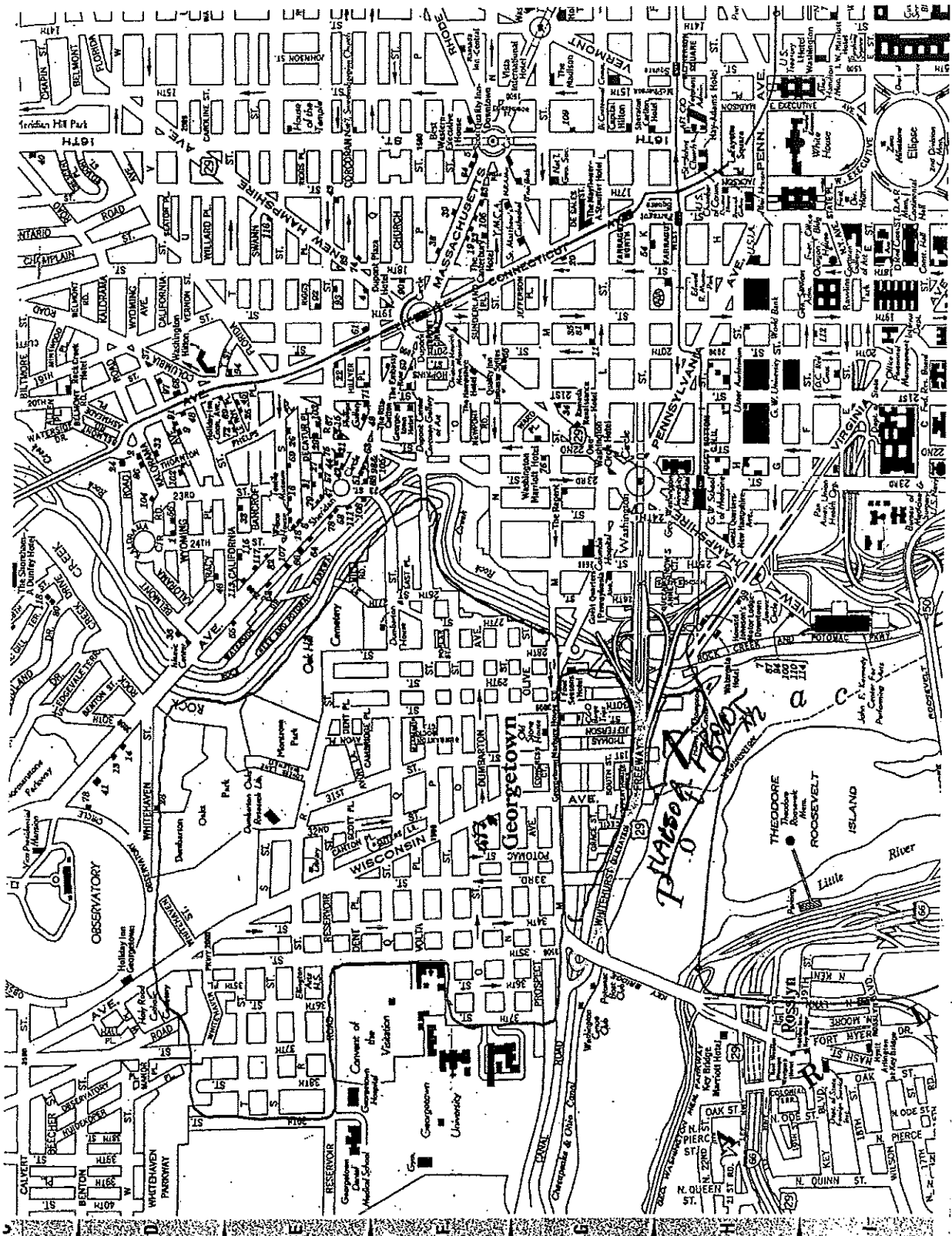


Beacon Hill, Massachusetts

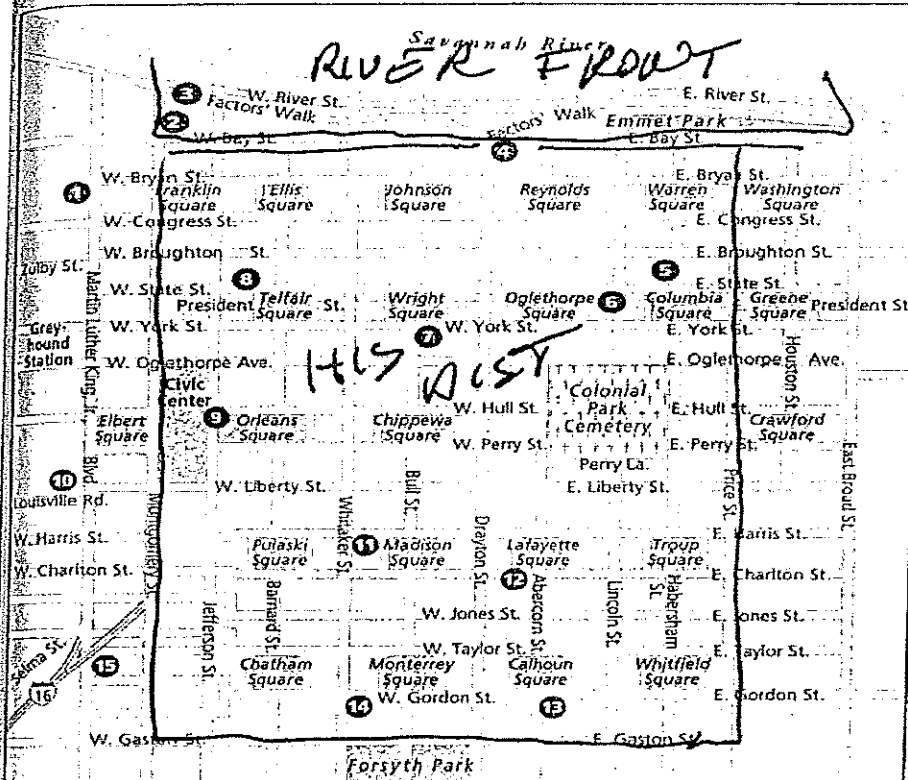
 Landmark

District Overview...A Diverse Context
Evolutionary

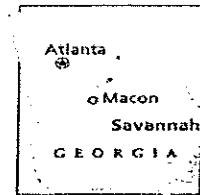
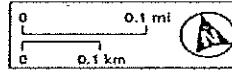
The Edgewater Hotel
Section Z.0 - Page 8



Downtown Savannah Sights



- | | |
|--|---|
| Andrew Low House 12 | Owen-Thomas House and Museum 6 |
| Chamber of Commerce 4 | Ralph Mark Gilbert Civil Rights Museum 15 |
| Davenport House Museum 5 | Savannah History Museum 10 |
| Factors' Walk 3 | Ships of the Sea Maritime Museum 1 |
| First African Baptist Church 2 | Telfair Mansion and Art Museum 8 |
| Green-Meldrim Home 11 | Savannah Visitor Center 10 |
| Juliette Gordon Low's Birthplace 7 | |
| Massie Heritage Interpretation Center 13 | |
| Mercer House 14 | |
| Municipal Auditorium 9 | |



NEIGHBORHOODS IN BRIEF

Historic District The Historic District—the real reason to visit Savannah—takes in both the riverfront and the City Market, described below. It's bordered by the Savannah River and Forsyth Park at Gaston Street and Montgomery and Price streets. Within its borders are more than 2,350 architecturally and

historically significant buildings in a 2½-square-mile area. About 75% of these buildings have been restored.

Riverfront In this popular tourist district, River Street borders the Savannah River. Once lined with warehouses holding King Cotton, it has been the subject of massive urban

renewal, turning this strip into a row of restaurants, art galleries, shops, and bars. The source of the area's growth was the river, which offered a prime shipping avenue for New World goods bound for European ports. In 1818, about half of Savannah fell under quarantine during a yellow-fever epidemic. River Street never fully recovered and fell into disrepair until its rediscovery in the mid-1970s. The urban-renewal project stabilized the downtown and revitalized the Historic District. Stroll the bluffs along the river on the old passageway of alleys, cobblestone walkways, and bridges known as Factor's Walk.

The developer has included a page having to do with public benefits of TIF. The following are our comments:

The Terrace at Mansion Hill. The terrace provided by the lowering of the '70s addition is positive. As by this time you know, the rendering shows only a part of the proposed hotel tower and the perspective is from a ten foot step ladder at the corner of Langdon and Wisconsin. The tower that is pictured encroaches on approximately twenty feet of the existing 70s addition resulting in a substantial pinching off of the view of Lake Mendota compared to what now exists.

Lakefront Improvements. By now we all know that the DNR will not permit the pier shown in the renderings with the tiki bar on the end. The pier is only to be used for loading and unloading the boats and its length will be limited by the depth of the water. Additionally, the dining platform will not be permitted after the improvements are made. The result of this will be a dramatically less available lake front. The DNR has uniform provisions and they are facing challenges everyday from people who want to develop on Lake Geneva and other southern Wisconsin lakes.

Parking Improvements. The dramatic inadequacy of parking will be discussed in another section. The picture shows a large bus of the type of traveling bands, often with trailers. At times, there are three of them on the street in front of the existing hotel. At least a provision for three busses needs to be accommodated in any plan. These busses are not as agile as regular semis and require special accommodations. There is no street parking available in the Mansion Hill Neighborhood which sets it apart from how parking is handled for both cars and busses, deliveries, and trash pickup at hotels closer to the square where there is ample street parking and ramps that are available for overflow. Currently, when the Edgewater ramp is full, frustrated visitors park in all kinds of places where they shouldn't depriving the rightful parkers of their parking places.

Opening the View Corridor. The proposed tower is located on the east 35 feet of the '70s addition. The view is now over that area. If the tower is built, that part of the view will be blocked. The developer is asking for the use of the balance of the 600 block of Wisconsin Avenue. That benefit should result in a substantial improvement of the view and not a narrowing.

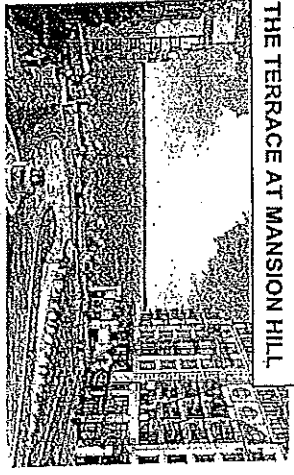
Handicap Access to the Waterfront. The current property has handicap access to the lower level and providing handicap access to the small amount of waterfront that will be available can easily be handled by "ramps" or handicap lifts.

Grand Staircase to the Waterfront. As we now know, the grand staircase shown in the rendering as 28 feet is really somewhat less than 16 feet in width. In addition to provide for snow removal, a snow chute will take up part of the staircase. The narrowness of the staircase will allow sunlight for only a very short time each day resulting in a dank, long dark staircase to a lakefront that doesn't have that much to offer at this point. It will certainly look nothing like the representation in the picture.

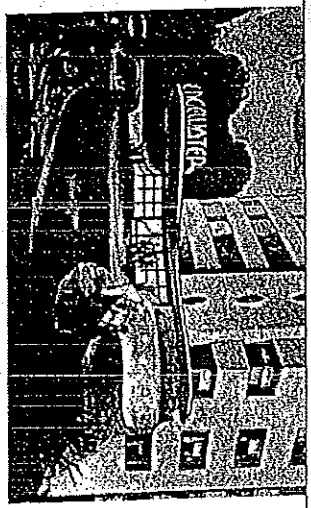


PUBLIC BENEFITS OF TIF

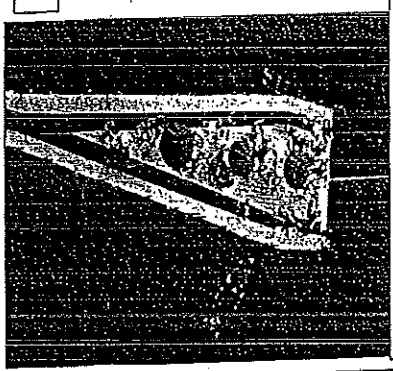
THE TERRACE AT MANSION HILL



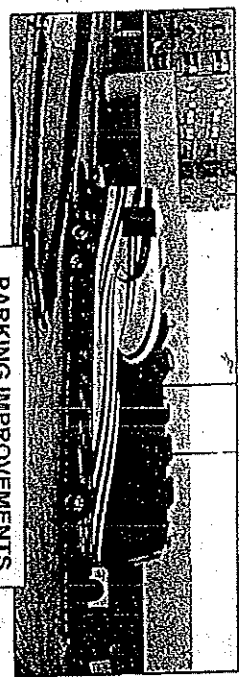
RESTORATION OF THE 1940'S ARCHITECTURE



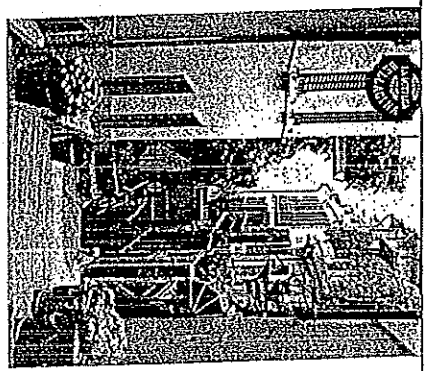
LAKEFRONT IMPROVEMENTS



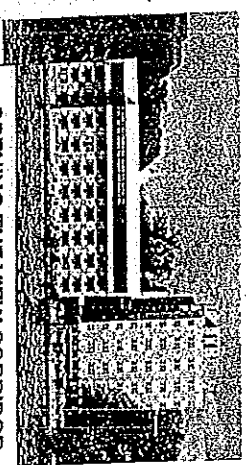
PARKING IMPROVEMENTS



GRAND STAIR TO THE WATERFRONT



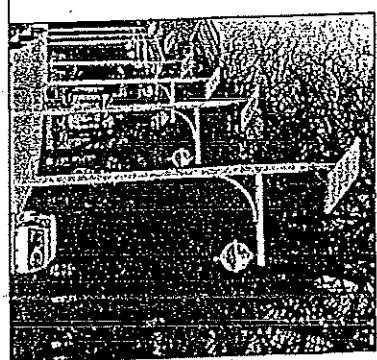
OPENING THE VIEW CORRIDOR



HANDICAP ACCESS TO THE WATERFRONT



ENVIRONMENTAL IMPROVEMENTS



The purpose of the Mansion Hill Historic District...of any Madison Historic District

The Mansion Hill Historic District

The Mansion Hill Historic District is really two historic districts – a national district and a local historic district. The boundaries of these two districts are slightly different. The Edgewater Hotel is surrounded primarily by residential buildings which contribute to the districts' historic character. The Edgewater is no more nor less than other contributing buildings in the historic district. It is not individually landmarked just as many contributing buildings in the district are not individually landmarked. Individually landmarked buildings and other contributing buildings in the district have the same protections. The local district is protected by Madison ordinance. It is the local district that the Landmarks Commission and city Alders are responsible for protecting. The Edgewater Hotel is in the middle of both historic districts.

Why preserve historic resources?

Across the nation, thousands of communities promote historic preservation because doing so contributes to neighborhood livability, variety, and quality of life, minimizes negative impacts on the environment and yields economic rewards. These same reasons apply in Madison and to the Mansion Hill neighborhood. Preservation of the built environment and the historic context of the structures in Mansion Hill provide a fundamental link to the past. Many of the buildings tell the story of Madison's unique historical development. Preserving these resources creates a sense of place for those who live here and provides visitors a connection with this unique heritage.

Volume of Proposed Tower is Wrong

The barrier that prevented Landmarks Commission from granting a Certificate of Appropriateness (COA)

The gross volume of the proposed new tower is incompatible with the buildings and environment with which it is visually related. It is required to be compatible by ordinance 33.19(1)(e)1: "The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related." Most alders agree that Landmarks Commission did their job in determining they could not grant a certificate of appropriateness due the tower's incompatibility based on this criterion.

All criteria must be met. Under the Landmarks ordinance it doesn't matter whether other criteria under the Landmarks ordinance are met. All requirements must be met to issue a Certificate of Appropriateness.

Why is the volume of the proposed tower wrong?

Goal is to preserve. The central purpose of the ordinance is to *preserve* historic districts, not transform them incrementally into a high-rise enclave of "exceptions".

Trading. There is no provision in the ordinance to allow for something out of scale as a trade off for the good of restoring a historic building. It is a precedent which would be destructive to all historic districts to make this Faustian bargain. Others would knock at that door...and would the Hammes Company be the only one the city lets through?

False precedents. The construction of two huge buildings in Mansion Hill—National Guardian Life in 1963 and Verex in the early 70’s--was the impetus for the establishment of the Mansion Hill Historic District in 1976. The goal was to stop such big, out-of-scale buildings from being developed in this residentially-zoned neighborhood. To use these kinds of buildings as justification and indeed as a springboard for a staggeringly large building is counter to the ordinance and confounds any logical application of the ordinance.

How is volume measured?

The Landmarks ordinance requires that the gross volume be compatible. Despite the developers goal of confusing this issue or claiming that the ordinance is vague, gross volume is clear. The staff got it right when they stated that “visual compatibility is informed by the gross volume and size of buildings and their environment within the Visually Related Area.” They further concluded that they would “find it very difficult to conclude that the proposal can meet criterion 1 for new construction based on the comparative analyses cited above.”

Volume cannot be measured by a two dimensional metric.

- Therefore to use floor area ratio makes no sense. A building could have two floors and if the height of the ceilings is triple that of a neighboring building which also has two floors, it would look visually incompatible with its neighbor.
- Square footage also is not a metric that gets at volume for a similar reason to that noted above.

Volume is a three dimensional measure.

- Volume logically is **NOT** measured by subtracting square footage removed from one structure to pretend the new structure is less massive. This is the approach promoted by Hammes.
- It is significant that comparison of volume is **NOT** discussed or provided in the materials provided by Hammes in the December 15, 2009 Council packet. Their purported comparison of volume is rather a comparison of relative square footage.
- City staff reported estimated gross volume as:

	Estimated Gross Volume
1 Langdon St.	589,800 cu. ft.
2 Langdon St.	215,000 cu. ft.
10 Langdon St.	107,100 cu. ft.
12 Langdon St.	159,600 cu. ft.
New Edgewater Tower (including the podium portion)	1,692,200 cu. ft.

Visual impact

- While visual impact is *not* volume, there is some justification for considering visual impact. Attachment A [Note that this is to be James’ illustration showing how many WI Ave buildings fit into the proposed tower.] illustrates the potential visual impact of the massive tower with the buildings on Wisconsin Ave. Please note that neither of the top two buildings (the Masonic Center and Christian Science building are in the historic district). The others are in the historic district.

Comprehensive Plan requirements

As of January 2010 city actions must be consistent with the Comprehensive Plan. The Edgewater proposal is not consistent with the following provisions of the Comprehensive Plan:

- The chapter on *Land Use* states that Madison will encourage infill and higher density redevelopments and establishes policies to guide this redevelopment. Policy 4 identifies principles to guide all infill and redevelopment within the older neighborhoods.

“Redevelopment scale and density should be appropriate to redevelopment objectives defined in the applicable City plans and reasonably compatible with established neighborhood character ...” Vol. II page 2-22

- In the specific comments on the Langdon sub-district the plan notes that preservation and neighborhood conservation are issues that must be addressed as properties are redeveloped. There is also a specific section on *Building Height*.

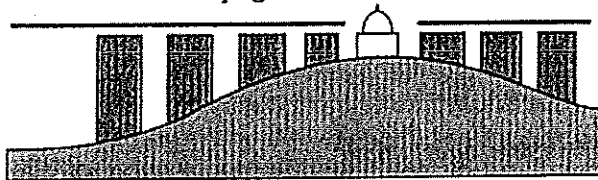
“Two to 8 stories, with the tallest buildings in the State St. transition zone.” Vol. II page 2-114

It is important to note that the site of the Edgewater proposal, while within the Langdon sub-district, is as far away from State Street as it is possible to be within the Langdon sub-district. Therefore the height of development should be at the lower end of the range, and should certainly not exceed the highest end of the range. Instead, the Edgewater proposal is a 14 story building above the lake or a 10 story building above the plaza. The proposed tower extends more than 40’ above the 1940’s building.

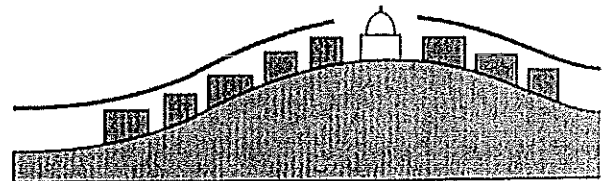
- The plan also includes objectives relating to the form and height of buildings constructed within the Downtown.

Objective 50: Create a visually striking and dramatic Isthmus skyline, while at the same time protecting views of the Capitol.

Policy 2: Establish building height standards for the Downtown/Isthmus area that will result in a skyline that reflects and emphasizes the natural topography, with taller buildings on the high ground and lower buildings toward the lakeshores. Vol. II page 2-44



Skyline effect resulting from establishing maximum building heights relative to the base of the Capitol dome.



Skyline effect resulting from establishing maximum building heights relative to the natural topography of the Isthmus

- Additional pertinent Comprehensive Plan requirements can be found in Attachment xxx.

Review of the Madison Comprehensive Plan as it relates to the Edgewater redevelopment proposal.

The following review of the Madison Comprehensive Plan was completed to identify those portions of the plan which specifically relate to the current Edgewater proposal. The intent is to aid the reader in reviewing the current proposal in relation to the adopted comprehensive plan.

The Introduction to the Comprehensive Plan includes a list of *Key Recommendations*. The first recommendation listed notes that new developments should be compatible with the existing neighborhood.

“Balance redevelopment and infill development with the preservation of the unique character of Madison’s existing neighborhoods, focusing on such issues as requiring that the size and scale of new development enhances and is compatible with the established planned neighborhood character and density.” Vol. I page Intro – 6, (emphasis added)

This recommendation is further defined in the section on *Historic and Cultural Resources*. The intent is to recognize and protect the architectural character within Historic Districts.

“Each district has a specific set of criteria against which all new construction, alterations and demolitions are reviewed to ensure that the essential character of these districts and the significant structures within them is maintained.” Vol. I page 8-2

These criteria are the specifics of the Mansion Hill Historic District that the Landmarks Commission found that the Edgewater proposal failed to meet when the Commission denied a Certificate of Appropriateness.

The chapter on *Land Use* states that Madison will encourage infill and higher density redevelopments and establishes policies to guide this redevelopment. Policy 4 identifies principles to guide all infill and redevelopment within the older neighborhoods.

“Redevelopment scale and density should be appropriate to redevelopment objectives defined in the applicable City plans and reasonably compatible with established neighborhood character ...” Vol. II page 2-22

The value of historic preservation is cited numerous times in the Comprehensive Plan. In particular the chapter on *Land Use* has a section on the Downtown noting this interest and citing historic preservation as a desirable downtown characteristic.

“The recent increased pace of redevelopment has created a corresponding interest in historic preservation and neighborhood conservation in at least portions of Madison’s oldest neighborhoods, such as Bassett, Mansion Hill, Old Market Place and First Settlement.”
Vol. II page 2-105

“Emphasis on historic preservation and neighborhood conservation as defined in City-adopted neighborhood, special area, and other special plans, such as historic preservation plans, and/or City zoning regulations and historic and urban design guidelines.” Vol. II page 2-106

The plan notes that the downtown area has a mix of uses and densities but identifies characteristics that unite certain sub districts of the Downtown.

“Although the range of uses and densities within the Downtown as a whole is very wide, it is made up of numerous relatively compact sub areas characterized by shared predominant land uses; development density; building height; scale and urban design; special amenity features; historic character; or other distinguishing attributes.” Vol. II page 2-107

The plan groups these downtown sub-districts into two categories; Mixed Use and Residential. Both the Langdon and the Mansion Hill sub-districts are classified as Residential. (Vol. II page 2-107) The Edgewater site is located at the east end of the Langdon sub-district boarding the Mansion Hill sub-district.

In the specific comments on the Langdon sub-district the plan notes that preservation and neighborhood conservation are issues that must be addressed as properties are redeveloped. There is also a specific section on **Building Height**.

“Two to 8 stories, with the tallest buildings in the State St. transition zone.” Vol. II page 2-114

The current Edgewater proposal is a 14 story building above the lake or a 10 story building above the plaza. The proposal tower extends more than 40’ above the 1940’s building.

The specific comments on the Mansion Hill sub-district reiterate that “because of the historic significance of this sub-district” historic preservation and consistency with established City plans and special area plans is required for any development or redevelopment. Regarding building height there is this specific statement:

“2 stories minimum, maximum established by underlying zoning” Vol. II page 2-115

The Comprehensive Plan includes **Objectives and Policies** that “provide the basic framework on which on which all land-use decisions, whether public or private, shall be based.” “An **objective** is a statement that describes a specific future condition to be attained. A **policy** is defined as a course of action or rule of conduct to be used to achieve the goals and objectives of the plan.”

Objective 51: Protect and enhance features and places within the community that are of architectural and historic significance.

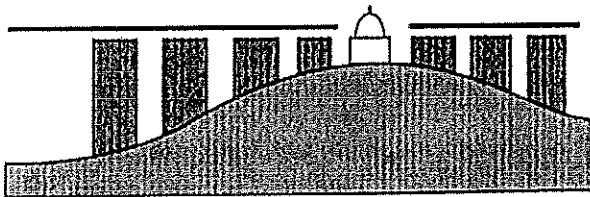
Policy 3: New development should create harmonious design relationships between older and newer buildings, particularly in older neighborhoods with an established character and buildings of historic or architectural interest and value. Vol. II page 2-45

It's interesting to note that the photo adjacent to Policy 3 in the plan is of the Quisling Clinic Apartments, a recent infill and redevelopment that enhanced the integrity of the Mansion Hill Historic District.

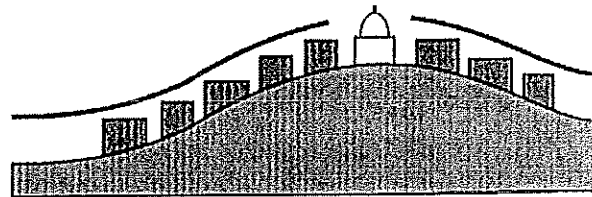
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Skyline effect resulting from establishing maximum building heights relative to the base of the Capitol dome.



Skyline effect resulting from establishing maximum building heights relative to the natural topography of the Isthmus

There are a series of Objectives and Policies for Established Neighborhoods. Objective 42 is to ensure that new development is compatible with the existing characteristics of the neighborhood. The policy is quite clear that the means to accomplish this do not include every proposal which might come forward.

Policy 2: Recognize that infill development is not inherently "good" simply because it is infill, or higher density because it is higher density. Where increased density is recommended, it is always only one among many community and neighborhood objectives, and other factors such as architectural character and scale (including building height, size, placement and spacing) block and street patterns, landscaping and traffic generation are also important.

Vol. II page 2-35

Included in the plan are a series of Objectives and Policies for the Natural Environment. This section relates our built environment to the natural assets of the city, in particular to our lakes.

Objective 56: Ensure that views and vistas of significant value, such as views of the lakes, open space or the Capitol, are treated sensitively by new structures or potential visual obstructions.

Policy 2: Protect Madison's shorelines from incursions by overly dense development that will degrade views to and from the lakes, rivers and creeks.

Objective 57: Preserve natural areas with outstanding ecological and aesthetic qualities.

Policy 1: Adopt and enforce zoning code, land division ordinance and other regulations that protect from development environmental corridors and the natural resource features of which they are comprised, such as lakeshores, hilltops, and significant wooded areas, for example.

REVIEW OF RELIVENT ORDINANCES

1.) PUD approval

- The proposal does not comply with *“the basic intent of the zoning code and the general plan for community development.”* 28.07(6)(a) [Appendix A, references to comprehensive plan, ordinance language on R6H purpose and intent]
- A *“precise development plan”* has not been presented. 28.07(6)(d). Consequently, a plan of the proposed project does not show *“sufficient detail to make possible the evaluation of the criteria for approval as set forth in Section 28.07(6)(g)1c”* [Appendix B, references to misleading or incomplete submissions]
- Visually and operationally, the proposed *“uses and their intensity, appearance and arrangement”* are not *“compatible with the physical nature of the site and area.”* 28.07(6)(f)1a [Appendix C, reference to Landmarks Commission findings, facts, and figures]
- The proposal would not *“produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.”* 28.07(6)(f)1b [Appendix A, references to comprehensive plan, ordinance language on R6H purpose and intent]
- The proposal would *“create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.”* 28.07(6)(f)1d [Appendix D, parking calculations]
- The proposal does not make *“adequate provision for the improvement and continuing preservation and maintenance of attractive open space.”* 28.07(6)(f)3 [Appendix E, setbacks of Wisconsin Avenue view corridor]
- An implementation schedule has not been presented with *“suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.”* 28.07(6)(f)4 [no detailed schedule]
- The developer has not submitted *“proof of financing capability”*. 28.07(6)(g)3(a)x [no proof of financing]

- The developer has not submitted *“a construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.”* 28.07(6)(g)3(a)xii [no construction schedule]
- There are other issues which are not directly cited in ordinances, but are being used as arguments in favor such as restoration of the original Edgewater, better handicap accessibility, improvement of lake view and public access, increased property tax stream, jobs, etc. I am not sure if any of those should be presented to Plan Commission, or if we should wait until common Council when the “balance test” might be made.

Developer agreement [sufficient information currently unavailable]

Management agreement [sufficient information currently unavailable]

2.) Conditional Use - Waterfront

- The development plan does not currently *“indicate those trees and shrubbery which will be removed as a result of the proposed development.”* 28.04(19)2(b) [no such map yet]

Conditional Use - All

- The *“uses, values and enjoyment of other property in the neighborhood for purposes already established shall will be substantially impaired or and diminished by the establishment, maintenance or operation of the conditional use.”* 28.12(11)(g)3
It also *“defeats the purpose and objective for the zoning district”* in which the proposed building or addition is located. 28.12(11)(g)9a [Appendix A, references to comprehensive plan, ordinance language on R6H purpose and intent]
- *“Adequate parking supply”* will not be provided. 28.12(11)(g)5 [Appendix D, parking calculations]

3.) Amendment to 1965 agreement

Existing ordinance

Proposed ordinance

- In the context of giving up one of the most significant public lots in downtown Madison, the original agreement sought to maintain public access to the lake, retain public access on top of the structure, and to preserve the view corridor on Wisconsin Avenue; the proposal significantly diminishes two of the three of those objectives.

4.) Zoning text amendment (lakefront setback?)

- Our lake waters are of utmost importance for maintaining our quality of life. Reams of research make it abundantly clear that Madison's lake waters have suffered significant deterioration, and state and countywide efforts are being implemented to establish erosion and storm water standards. Generally speaking, Madison ordinances reflect these principles, including tightening lakeside setback standards for residential use. Commercial development is more intensive, and should have even tighter standards.
- Related planning issues have not been properly vetted by the Zoning Rewrite Committee
- Madison should be a leader in facilitating the cleanup of our lakes, not a leader in subverting state and county intentions.
- Environmental Committee unanimously rejected recommending this amendment.

5.) Change of grade of Wisconsin Avenue – no information available/irrelevant?

TIF issues – not germane to this board, though we should prepare a response.

28.07(6) Planned Unit Development District (PUD)

28.07(6) Planned Unit Development District (PUD).

(a) Statement of Purpose. The planned unit development district is established to provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the City of Madison by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning code and the general plan for community development. To this intent it allows diversification and variation in the bulk and relationship of uses, structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. It is further intended to encourage developments consistent with coordinated area site planning.

(d) Lot Area, Lot Width, Height, Floor Area Ratio, Yard, Usable Open Space Requirements, Signs And Off-Street Parking and Loading Requirements. In the planned unit development district, except those with residential components located in a Downtown Design Zone, there shall be no predetermined specific lot area, lot width, height, floor area ratio, yard, usable open space, sign and off-street parking and loading requirements, but such requirements as are made a part of an approved recorded precise development plan agreed upon by the owner and the City shall be, along with the recorded plan itself, construed to be and enforced as a part of this ordinance. (Amended and Renumbered by Ord. 12,866, 8-7-01; ORD-06-00034, 4-22-06)

(f) Criteria for Approval. As a basis for determining the acceptability of a planned unit development district application the following criteria shall be applied with specific consideration as to whether or not it is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design. For Planned Unit Development Districts With Residential Components in Downtown Design Zones, the Design Criteria adopted by the Common Council shall be used as guidelines for determining whether the following criteria are met. (Am. and Renumbered by Ord. 12,866, 8-7-01)

1. Character and Intensity of Land Use. In a planned unit development district the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:

- a. Are compatible with the physical nature of the site or area.
- b. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.
- c. Would not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.
- d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved. A traffic demand management plan and participation in a transportation management association may provide a basis for addressing traffic and parking demand concerns. (Am. by Ord. 13,422, 10-24-03)

2. Economic Impact. Planned unit development district shall not adversely affect the economic prosperity of the City or the area of the City where the planned unit development is proposed, including the cost of providing municipal services. (Am. by Ord. 12,415, 7-23-99; Am. by Ord. 13,012, 2-26-02)

3. Preservation And Maintenance Of Open Space. In a planned unit development district adequate provision for the improvement and continuing preservation and maintenance of attractive open space shall be made.

28.07(6) Planned Unit Development District (PUD)

4. Implementation Schedule. A planned unit development district shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.

(g) Procedure. The procedure for rezoning to a planned unit development district shall be as required for any other zoning district change in this chapter, except that in addition thereto the rezoning may only be considered in conjunction with a development plan, and shall be subject to the following additional requirements. For planned unit development districts with residential components in Downtown Design Zones, as shown in Sec. 28.07(6)(c)i., the additional procedures in Section 28.07(6)(e)6., below, must be completed prior to filing a General Development Plan.(Am. and Renumbered by Ord. 12,866, 8-7-01)

1. General Development Plan. The proponents shall file the following with the City Plan Commission:

- a. A statement describing the general character of the intended development.
- b. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
- c. A plan of the proposed project showing sufficient detail to make possible the evaluation of the criteria for approval as set forth in Section 28.07(6)(d).
- d. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

3. Specific Implementation Plan.

- a. The specific implementation plan shall be submitted to the City Plan Commission and shall include the following detailed construction and engineering plans and related detailed documents and schedules except when specific documents are waived by such Commission:
 - i. An accurate map of the area covered by the plan including the relationship to the total general development plan.
 - ii. The pattern of public and private roads, driveways, walkways and parking facilities.
 - iii. Detailed lot layout and subdivision plat where required.
 - iv. The arrangement of building groups, other than single-family residences, and their architectural character.
 - v. Sanitary sewer and water mains.
 - vi. Grading plan and storm drainage system.
 - vii. The location and treatment of open space areas and recreational or other special amenities.
 - viii. The location and description of any areas to be dedicated to the public.
 - ix. Landscape plan and plant list.
 - x. Proof of financing capability.
 - xi. Analysis of economic impact upon the community.

28.07(6) Planned Unit Development District (PUD)

xii. A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.

xiii Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.

Waterfront Development

28.04(19) Waterfront Development. (Cr. by Ord. 4664, 8-5-74)

(a) Statement of Purpose. This subsection is established to further the maintenance of safe and healthful conditions, prevent and control water pollution, protect spawning grounds, fish and aquatic life by controlling building sites, the placement of structures and landusers and reserving shore cover and natural beauty for all waterfront and shoreland development.

(b) General Regulations. The following regulations shall apply to all new development except a Civic Auditorium Complex. No building permit shall be issued for any new development of a waterfront or shoreland zoning lot without first obtaining a conditional use permit therefore. For purposes of this section, new development shall be a new principal building, an addition or additions to an existing principal building totaling in excess of five hundred (500) square feet of floor area during any ten (10) year period, or an accessory building. The conditional use permit shall be issued pursuant to the procedure set forth in Section 28.12(11) of this ordinance. In addition to the review standards set forth in Subdivision (g) therein all waterfront development shall be subject to the following standards. (Am. by Ord. 10,713, 8-27-93; Ord. 12,598, 3-3-00; ORD-05- 00191, 12-20-05)

1. For purposes of this section, the existing development pattern shall mean the average setback of the five (5) developed zoning lots to each side of the proposed development lot. For all zoning lots, the principal building setback shall be not less than the existing development pattern. (Am. by Ord. 12,598, 3-3-00)

2. Upon the filing of an application for a conditional use permit, the development plan shall show a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery. Within the waterfront setback requirements tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.

3. Any building development for habitation shall be served with public sanitary sewer.

4. Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured. (Am. by Ord. 12,183, 8-31-98)

5. Where the City's adopted Master Plan includes a pedestrian walkway or bike path along the shoreline, the proposed development shall not interfere with its proposed location.

6. Construction of marine retaining walls or bulkhead may be permitted providing such construction does not protrude beyond the established shoreline of the adjacent properties. Said retaining walls and bulkheads will be permitted only for the purpose of preventing shoreline recession. The filling and grading of the shoreline shall occur only in the construction of such retaining walls or bulkheads.

7. In addition to complying with the above standards, boathouses shall not be constructed for human habitation.

1965 Ordinance

An Ordinance Providing for Vacating a Portion of Wisconsin Avenue as adopted in 1965 and amended in 1966, 1967 and 1971

The Common Council of the City of Madison does ordain as follows:

Section 1. In accordance with the provisions of Section 66.296, Wisconsin Statutes, the Common Council of the City of Madison hereby vacates the following described street:

All of that portion of Wisconsin Avenue, in the City of Madison, Dane County, Wisconsin, lying northwesterly of a line parallel to the northwesterly line of Langdon Street extended northeasterly and One Hundred Twenty-six (126) feet northwesterly from such extended line of Langdon Street.

Section 2. There is reserved to said City of Madison over the premises above described an easement to the extent reasonably necessary and appropriate to assure for the permanent benefit of the general public the following objectives:

(1) Public pedestrian access across vacated Wisconsin Avenue to the shore of Lake Mendota, and riparian rights in said lake;

(2) Public pedestrian access to and use of the top surface of any structure placed on vacated Wisconsin Avenue;

(3) Public vehicular access and circulation over that portion of vacated Wisconsin Avenue lying southeasterly of any structure placed thereon;

(4) Provision of reasonable parking spaces for public use on vacated Wisconsin Avenue;

(5) Substantial preservation and reasonably feasible improvement of the visual outlook from the vicinity of the intersection of Wisconsin Avenue and Langdon Street northwesterly over Lake Mendota and of the appearance of vacated Wisconsin Avenue as viewed from said lake;

(6) To require the creation of a public pedestrian easement extending from the vacated street along or adjacent to the shore of Lake Mendota across adjoining premises to the northeast;

(7) To approve plans for any structure to be placed on said vacated street, the use of such structure and of the vacated street portion;

(8) The objectives enumerated in subparagraphs (1) through (7) above shall be satisfied by the owner in a manner approved by the City of Madison and at no cost to the public for use, construction or maintenance. Liability for and continuing maintenance of the appearance, condition and usability of the vacated portion of Wisconsin Avenue and improvements

1965 Ordinance

~~placed thereon shall be the responsibility of the owner and shall be accomplished in a manner satisfactory to the City.~~

(9) Adequate provision shall be made in the design and location of all improvements placed, constructed or installed on the vacated Wisconsin Avenue, to permit the installation and maintenance of public utilities and drainage;

(10) Compliance with yard requirements of existing zoning and building codes or ordinances as to premises on the northeast and southwest sides of said vacated street portion in the same manner as though said street had not been vacated, except that buildings may encroach to not less than 10 feet from the vacated Wisconsin Avenue.

(11) The area of the vacated Wisconsin Avenue shall not be allowable in any density calculation which will result in greater numbers of dwelling units, on the parcels to either side, than would be allowable without the vacation.

(12) Nonseverance of ownership or use of the vacated portion of Wisconsin Avenue from the adjacent premises on either side.

(13) If substantial improvement work is not commenced within five (5) years [Note: This was amended in November 1966 from the original 2 years to 5 years] from the date of vacation of Wisconsin Avenue, the owners of said vacated Wisconsin Avenue agree to re-dedicate to the City of Madison, at no cost and with no conditions, that portion of Wisconsin Avenue vacated and included in this agreement.

(14) Upon approval of the necessary plans and specifications pursuant to subsection (7) of Section 2 above, and upon completion of the project pursuant to such ordinance and upon delivery to the owner of the City of Madison of the necessary easement, the Common Council will certify that the conditions attached to the vacation have been met in full and will furnish the necessary documents to show such compliance.

Proposed Change to 1965 Ordinance

City of Madison Legislative File Number 17101 (version 1)

Title

Amending Ordinance Number 1761, File Number 4600-41 adopted on January 28, 1965 which provided for the vacation of a portion of Wisconsin Avenue.

Body

DRAFTER'S ANALYSIS: This ordinance amends the easement and other rights reserved to the City in the 1965 ordinance that vacated a portion of Wisconsin Avenue.

The Common Council of the City of Madison do hereby ordain as follows:

The following Sections of the Existing Ordinance Number 1761, File Number 4600-41 adopted on January 28, 1965, published February 6, 1965 and further amended on November 10, 1966, September 28, 1967 and November 9, 1971 shall be amended as follows:

Section 8 shall be amended in the first sentence as follows:

"The objectives enumerated in subparagraphs 1 through 7 above shall be satisfied by the owner in a manner approved by the City of Madison and at no cost to the public for use, construction or maintenance."

Section 10 shall be deleted and replaced with the following:

"Compliance with the sideyard and setback requirements of the Edgewater Hotel Planned Unit Development District as approved by the City of Madison Common Council."

Section 12 shall be amended as follows:

"Nonseverance of ownership or use of the vacated portion of Wisconsin Avenue from the adjacent premises on either side, except to the extent that the owner shall have the right to sell a unit or units within any building on the adjacent premises as a condominium unit(s) provided that the maintenance of the common areas of the development will remain the responsibility of the owner."

EDITOR'S NOTE: Ordinance Number 1761, Current Section 10 reads as follows:

"Compliance with yard requirements of existing zoning and building codes or ordinances as to premises on the northeast and southwest sides of said vacated street portion in the same manner as though said street had not been vacated, except that buildings may encroach to not less than 10 feet from the vacated Wisconsin Avenue."

Fiscal Note

This ordinance amendment has no budgetary impact.

28.12(11)(g) Standards [for Conditional Use]

28.12(11)(g) Standards [for conditional use]

No application for a conditional use shall be granted by the City Plan Commission unless such commission shall find all of the following conditions are present:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare. (Am. by Ord. 13,232, 2-11-03)

2. That the City be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing such services. (Cr. by Ord. 13,012, 2-26-02)

3. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

4. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

5. That adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.

6. That measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets. (Am. by Ord. 13,422, 10-24-03)

7. That the conditional use shall conform to all applicable regulations of the district in which it is located.

8. That when applying the above standards to an application by a community living arrangement the City Plan Commission shall:

a. Bear in mind the City's general intent to accommodate community living arrangements.

b. Exercise care to avoid an over-concentration of community living arrangements which could create an institutional setting and seriously strains the existing social structure of a community. Considerations relevant for this determination are:

i. The distance separating the proposed community living arrangement from other such facilities.

ii. The capacity of the community living arrangement and the percent the facility will increase the population of the community.

iii. The total capacity of all the community living arrangements in the community.

iv. The impact on the community of other community living arrangements.

v. The success or failure of integration into communities of other community living arrangements operated by the individual or group seeking the conditional use permit.

vi. The ability of the community to meet the special needs, if any, of the applicant facility.

9. That when applying the above standards to any new construction of a building or an addition to an existing building the City Plan Commission:

28.12(11)(g) Standards [for Conditional Use]

a. Shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district, and

b. May require the applicant to submit plans to the Urban Design Commission for comments and recommendations, and

c. May consider the use of the proposed building as it relates to the City's Land Use Plan. When a conditional use application is denied, the Plan Commission shall furnish the applicant in writing those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met. (Sec. 28.12(10) (g) 8. Cr. by Ord. 5869, 6-1-77)

10. That when applying the above standards to an application for a reduction in off-street parking requirements, the City Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to the following factors: availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.11(2)(a)3; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use. (Cr. by Ord. 13,227, 1-25-03)

11. That when applying the above standards to telecommunication facilities, the City Plan Commission shall consider the review of the application by a professional engineer required by Sec. 28.04(22)(c)7. (Cr. by Ord. 13,502, 2-10-04; Am. by .ORD-08-00041, 4-4-08)

Erin Hunt

From: Fred Mohs
Sent: Friday, January 22, 2010 4:50 PM
To: 'Brad Murphy (bmurphy@cityofmadison.com)'
Cc: 'Adam Plotkin'; 'Doreen Adamany'; 'John Sheean'; Ledell Zellers ; 'Pat Sheldon'; Sherman W. Hackbarth (shermanhackbarth@gmail.com); 'Susanne Voeltz'
Subject: RE: Edgewater Pier

Brad:

I talked to Kami Peterson at the DNR at 3:30 p.m. on January 21, 2010, following up on the discussion of the proposed Edgewater pier at the UDC meeting last night. Kami told me that Sue Correll, an attorney with the DNR, had contacted Hammes after the rendering of the proposed Edgewater was published in the paper. Eventually, she was able to succeed in having them come out for a meeting which took place sometime this September with Sue, Megan, and Sue Josheff, the Lower Rock River Basin leader. Two subjects were covered with Bob and Amy.

The first subject was that although everyone knew that the existing dining pier was non-conforming, that now was the time to bring everything into compliance. They were told that the platform is not permissible under any circumstances. It does not meet the objective of a pier which is the loading and unloading of boats.

The second subject was the long pier with the platform on the end and the tiki bar. This also was not permitable for a number of reasons. The wide platform on the end of a pier is not something that the DNR will permit and there are issues with the length that the DNR does not have sufficient information about to be able to assure them that anything like a pier of that length could be built. They told them they would be willing to work with them after they found out what the depth of waters were in that area, and certainly they could build a pier of some length although they should not count on a pier with the length of the one that they had shown in their rendering.

As far as I could tell, there was no reason for a delay in discussing pier issues with the DNR because they are not dependant on what type of shore development is planned.

Sincerely,
Frederic E. Mohs
Mohs, MacDonald, Widder & Paradise
20 North Carroll Street
Madison, WI 53703
Phone: (608)256-1978
Fax: (608)257-1106

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General Planning Considerations

Sufficient information has not been provided to appropriately evaluate how the proposed development will impact its current and prospective environment.

National Guardian Life currently owns in full 82% of block bounded by Pinckney, Gilman and Wisconsin and is a part owner of the existing Edgewater Hotel. Any worthy planning process and certainly any PUD would begin with an overall study of the entire property to determine how it might be developed to its maximum potential and only when the overall long term vision has been defined would focus narrow to the smaller constituent parts.

This application defies protocol, reason and good sense by proposing a significant development on a key corner of the one of Madison's most visible and historically significant and environmentally sensitive locations without taking into consideration its impact not only on the larger urban / natural environment but even on the remainder of its own block.

Starting with the establishment of the view corridor by the City's founder, James Doty, in 1836 and continuing with the OR/R6 height, bulk and set back requirements, the Mansion Hill Historic District overlay and the strict restrictions incorporated into the 1965 street vacation ordinance this community has evolved clearly articulated standards for this particular location.

This micro PUD is a subversion of the planning process. The development as proposed not only fails to honor the spirit and intent of the standards established but it gives no evidence that they were ever seriously considered.

Parking

The Edgewater currently has 150 parking stalls and 107 rooms or 1.40 stalls per room. Proposed is an expansion that will add 83 rooms (78% increase) and 73 parking stalls (49% increase) for a total of 223 or 1.17 per room (22% decrease).

Given the current low hotel occupancy rates the parking provided is adequate on a day-to-day basis but is unable to accommodate functions of any significant size such as a Rotary luncheon.

To put the proposed parking capacity in context after reserving one stall per guest room there will be exactly 33 parking spaces to serve the three restaurants, the ballroom, meeting rooms, the spa plus the outdoor dining and event space.

While is flexibility in establishing parking ratios with a PUD it would be unwise to relax standards in this situation. The zoning ordinance as written reflects the actual minimal operational requirements necessary to allow an enterprise to function and as the Edgewater is remote from any parking ramps and there is no surplus street parking in the area it would be to the disadvantage of both applicant and neighborhood allow thee development to proceed with insufficient parking.

Parking Requirements

Guest Room: 1.0 / Room	182 Rooms @ 1.0	182
Condominiums: 1.5 / Unit	8 Units @ 1.5	12
Spa: 1.0 / 300 SF	5,400 SF @ 1.0 / 300 SF	18
Restaurant: 30% capacity	7,050 SF @ 1.0 / 15 SF x 0.3	141
Function: 10% Capacity:	6,680 SF @ 1.0 / 15 SF x 0.1	<u>45</u>
Total Required		398
Total Proposed		<u>223</u>
Shortfall		175

Assumptions

Guestrooms:	190 keys less 8 condominiums	=	182
Condominiums:	14 shown on plans less 6 large hotel suites	=	8
Spa:	10,400 SF per text & 5,400 SF per plans	=	5,400 SF
Restaurant:	11,745 SF per narrative less 40% kitchen	=	7,050 SF
Function Space:	9,542 SF per narrative less 30% prefunction	=	6,680 SF

Parking Requirements per 28.11(3)
Capacity per International Building Code

Off Street Loading Facilities

Operationally the Edgewater requires three separate and distinct loading / bus parking spaces one each for trash collection, food and beverage delivery and long-term bus parking. There can be no overlapping or sharing of spaces due to the specific requirements and time frames peculiar to each function.

Trash is collected in a dumpster and typically picked up early morning. The location of the dumpster precludes the use of its space for loading, unloading or long-term parking. The bulk of the food is delivered at night while specialties and beverages are supplied at various times throughout the day. Visiting performing artists park their buses (often with trailers and typically left idling) for the length of their multi-day stay.

The importance three dedicated spaces cannot be overstated, as the continuing presence of buses often left idling has been a long-term nuisance to the neighborhood.

In addition there needs to an area, not necessarily dedicated, for the short term loading and unloading of tour buses. This occurs less frequently typically for games and conventions but still needs to be planned for.

The zoning ordinance in 28.11(4) mandates (3) three loading berths for a building of this size and this once again parallels operational requirements.

The current iteration of the design shows only two stalls. This needs to be corrected.

Pedestrian Context

The University Wisconsin is six blocks from the Capitol Square via State Street and eleven blocks via Wisconsin Avenue and Langdon Street. Not surprisingly residents and visitors alike have made State Street with its scores of dining, shopping and entertainment options arguably the most vital urban corridor between Chicago and the West Coast. Wisconsin Avenue and Langdon Street by contrast are all but ignored and combine to support only two businesses, The Kennedy Manor Dining Room along with the Edgewater itself and most their patrons arrive by car.

There is very light foot traffic passing the Edgewater as it is part of after all what is a residential neighborhood as far from the Capitol as one can get on Wisconsin Avenue and as distant from the University as possible on Langdon. There is nothing wrong with this but it is important to recognize when considering purported benefits of the development that there are simply no large numbers of people and certainly no "Public" anywhere near the Edgewater.

The Roof Deck

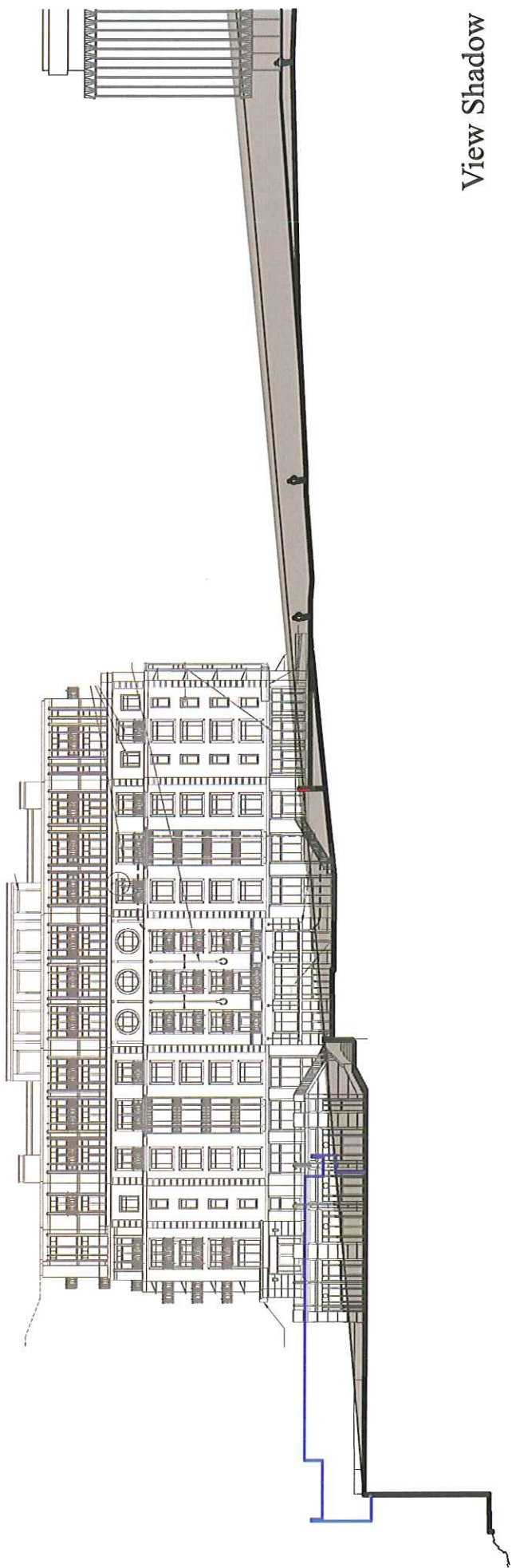
Given the absence of pedestrian traffic in the vicinity and peoples' natural inclination to mingle with other people it would be extremely difficult to draw someone away from State Street or the Union to a unproven, unpopulated new location.

The current design illustrates a nicely detailed and decorated the roof deck but fails to note that it will be completely hidden from Langdon Street, Wisconsin Avenue or any other location in the City except from portions of the Edgewater, One Langdon and Two Langdon. The tiered two-story tall parking structure between street and deck simply

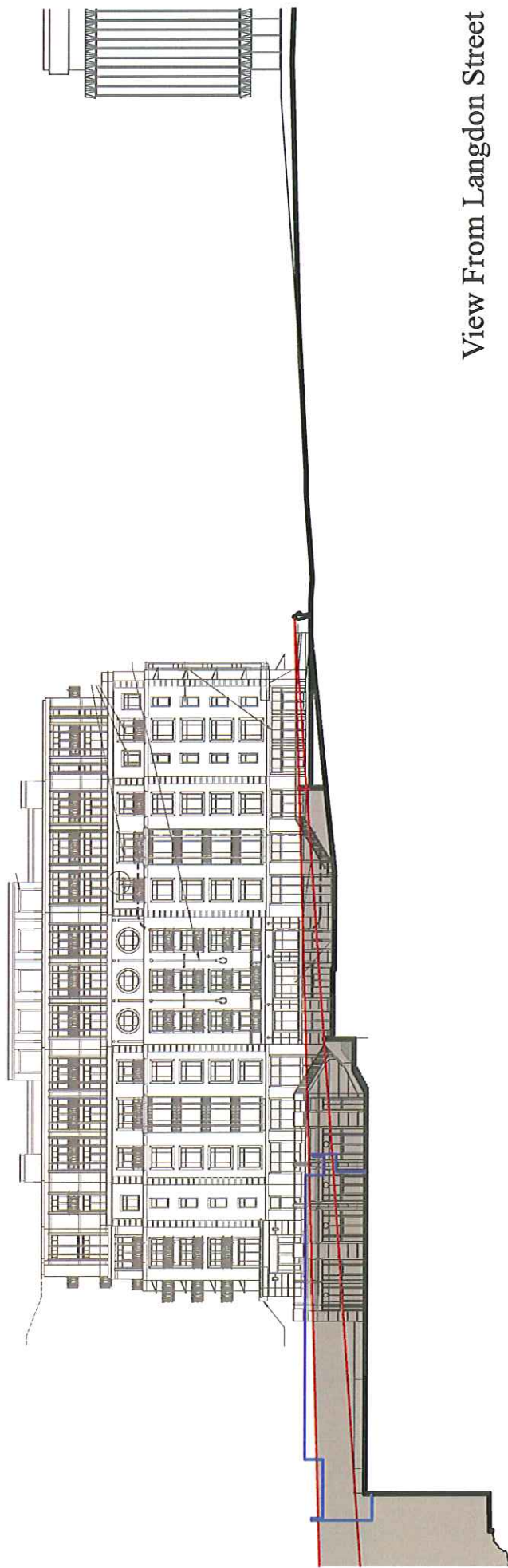
What is being presented, as an open and inviting public plaza will be instead be a hidden semi-private courtyard.

There is nothing inherently wrong with secluded courtyards just so long as it is understood that the roof deck as located and configured cannot physically function as a natural extension of the public realm.

This is a correctable flaw but as presented the roof deck will be completely hidden from view and "Out of sight is out of mind". The public benefit promised can not be delivered.



View Shadow



View From Langdon Street

View Limitations
February 1, 2010

Views Gained and Lost

The removal of the 70's addition has been presented as providing an opportunity for opening up the view of the lake from the end of Wisconsin Avenue.

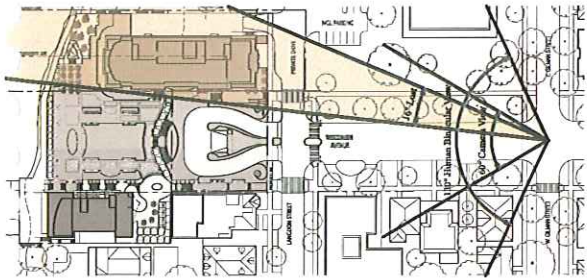
Unfortunately the location and configuration of the parking structure blocks much of the view gained from the demolition.

The structure as designed largely obscures both the stair down to the lake and the lower levels of the newly restored original Edgewater building and blocks from view the entire roof deck,

This is correctable and mitigated through relocation of the parking and more importantly its entry. One possibility would be to locate the parking under the building, as is done most every other development. How this might be accomplished is shown in the "Edgewater Reconsidered" following.

The view raises a larger issue. At present the 70's addition does block the view of the lake but only from the northern two thirds of the 500 block of Wisconsin Avenue. Shielded as it is by the hill, the Edgewater cannot be seen from Gilman Street, a block away. It is not pretty but as it is visible from such a very small area it is hardly qualifies as a major civic concern.

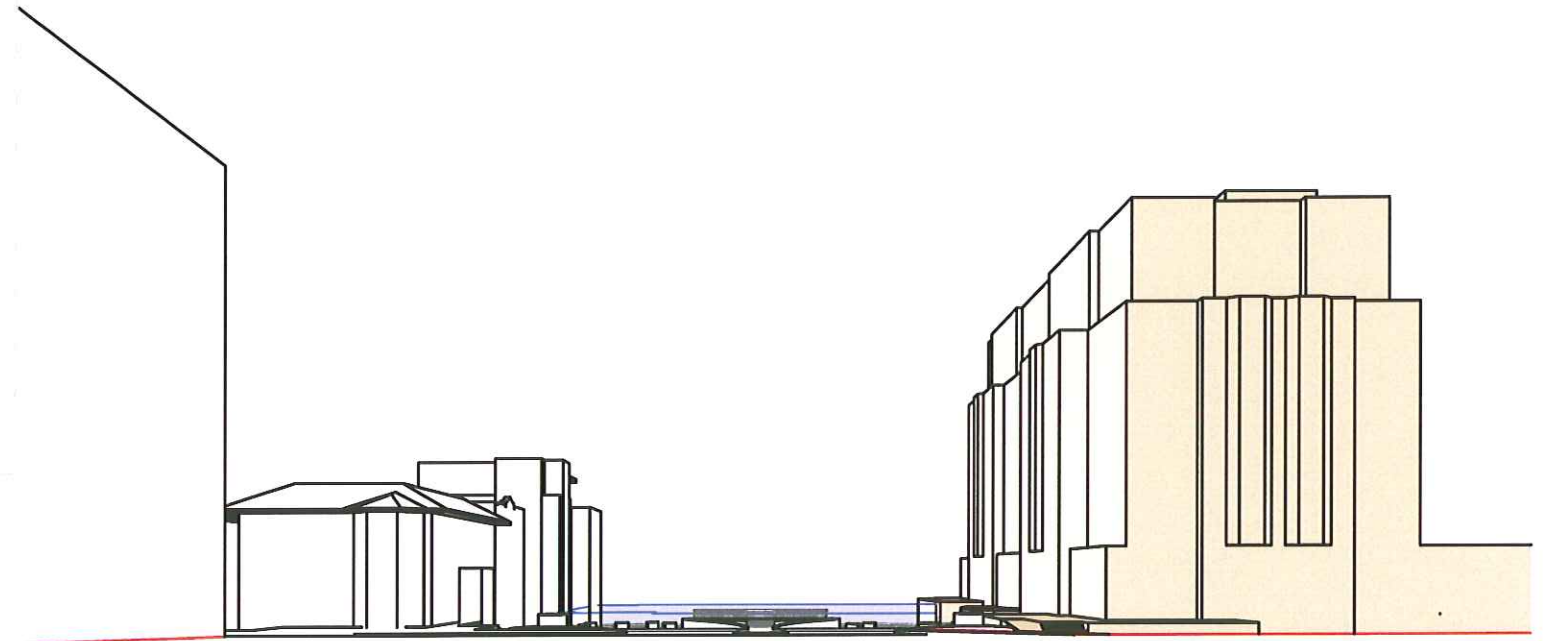
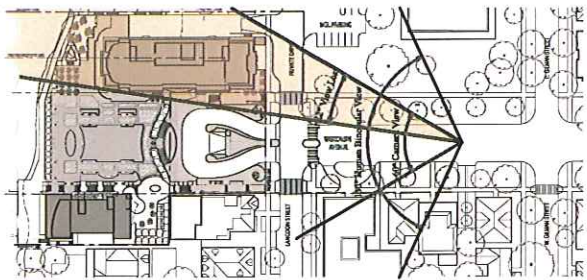
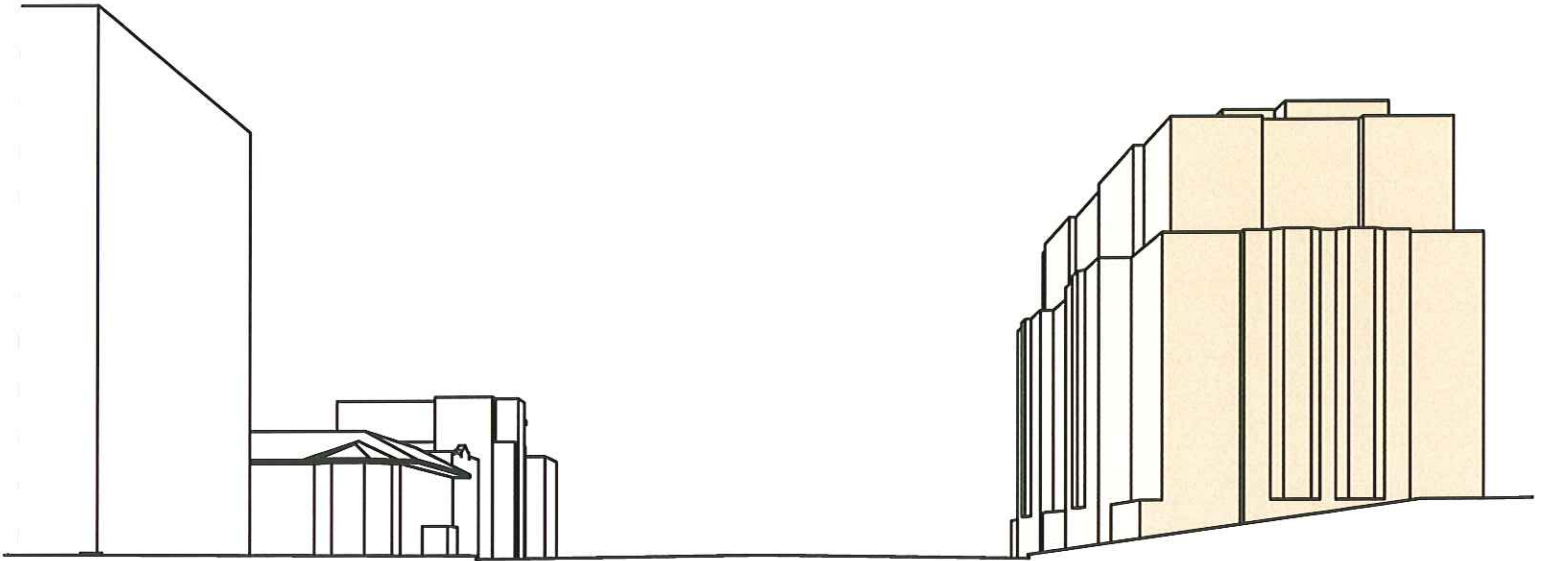
In return for additional glimmer of lake that will be seen from a two hundred foot stretch on one block we are being asked to accept a massive new tower built tight to the right of way in the middle of an historic district that will be seen for miles and intrude on the view shed for the full length of Wisconsin.



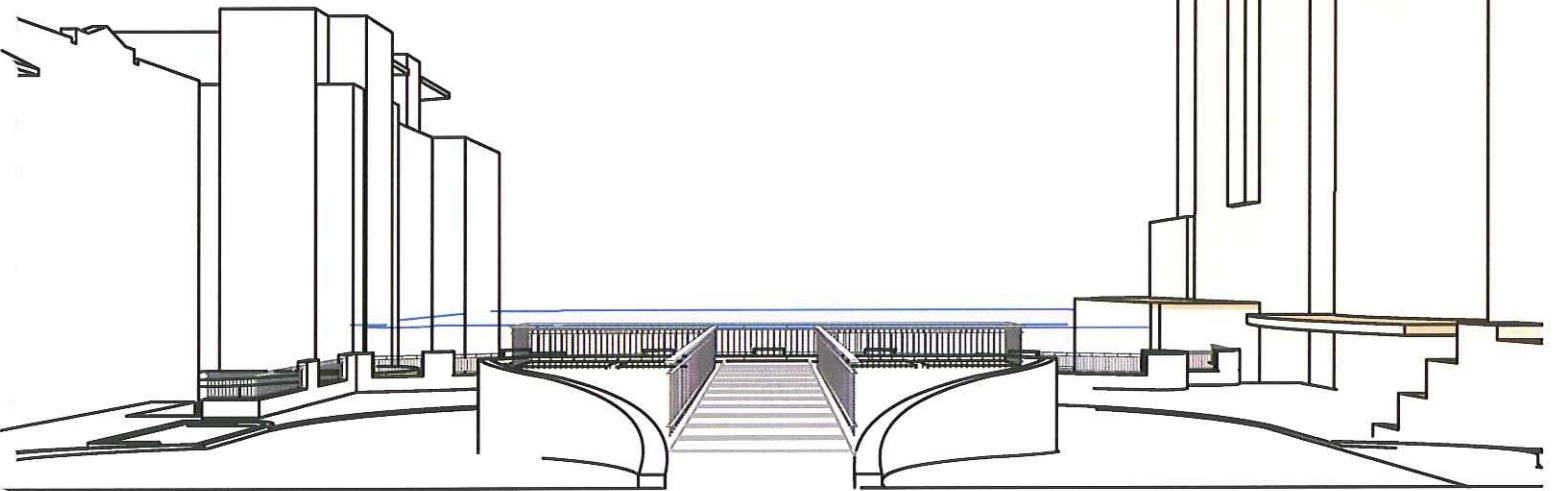
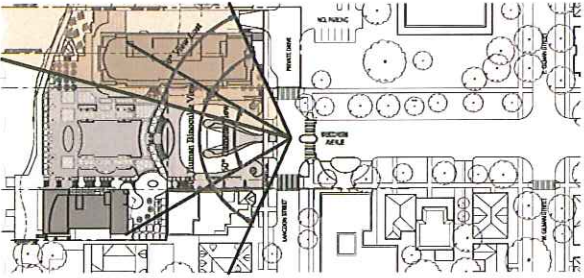
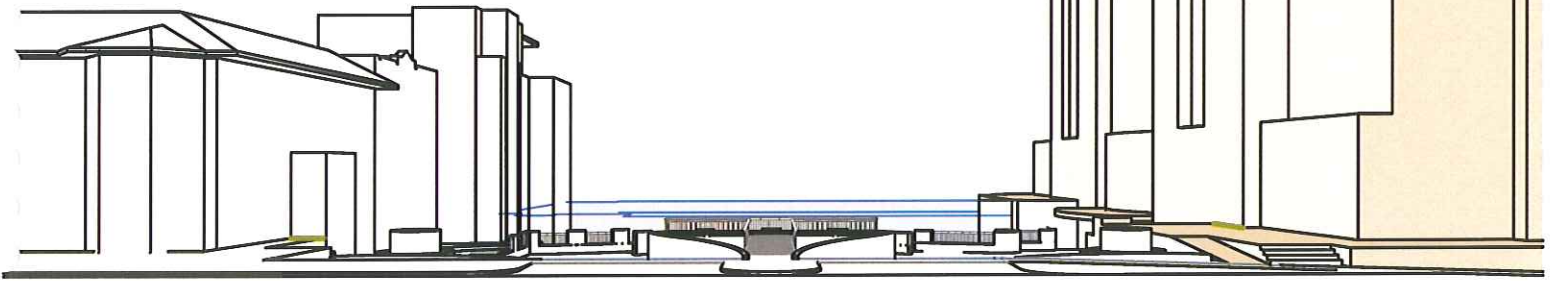
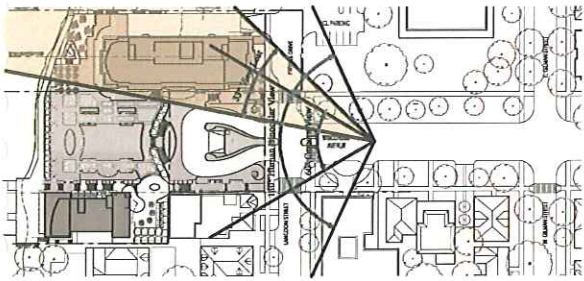
View Gained
Demolition of 70's Addition



View Lost
Proposed New Tower



Perspective Sketches from Wisconsin Avenue
February 1, 2010



- View Gained
- Demolition of 70's Addition
- View Lost
- Proposed New Tower

Perspective Sketches from Wisconsin Avenue
February 2, 2010

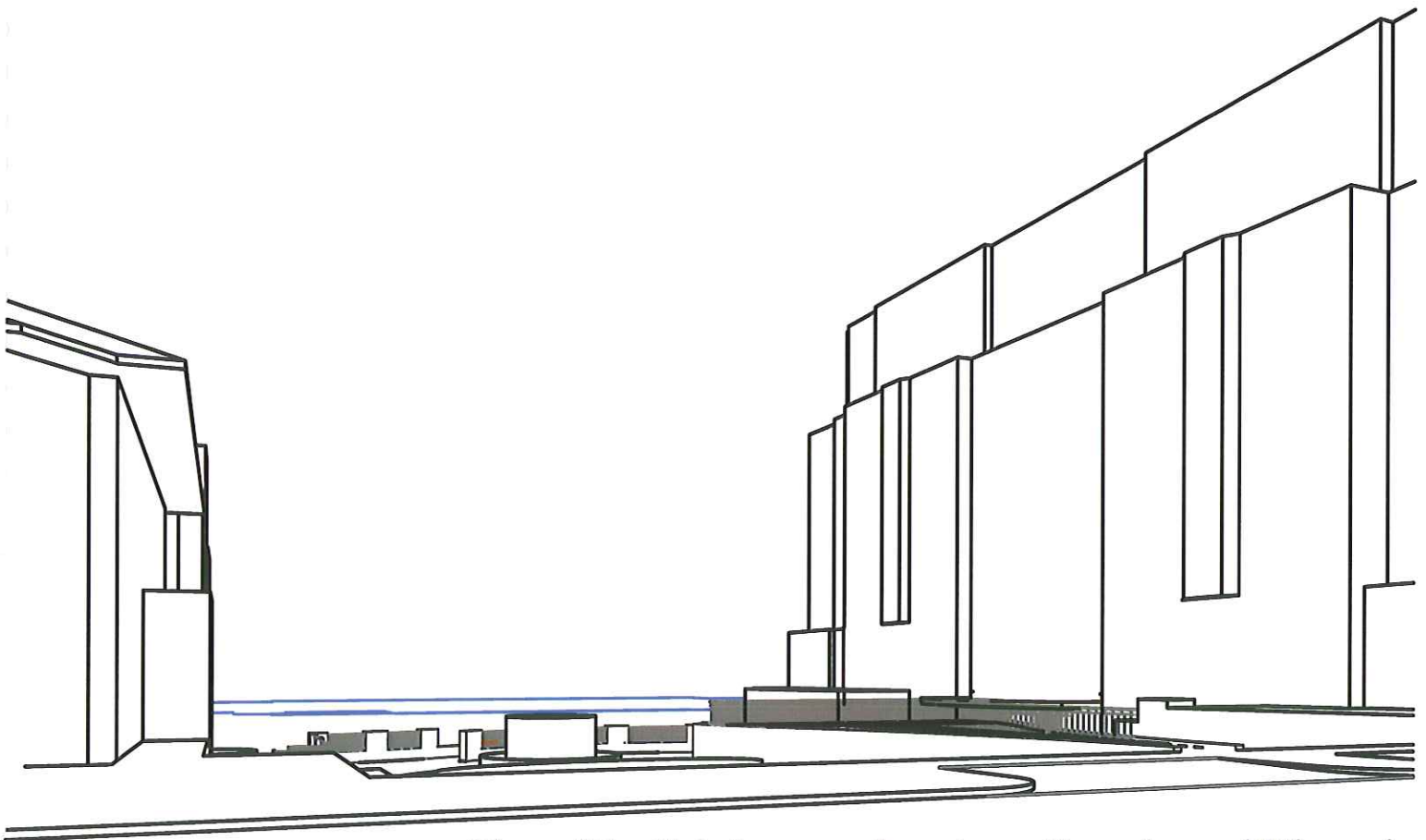
The Stair

The existing stair from Langdon to the hotel for all its lack of charm follows the contours of the hillside and thus plainly visible. It is also of manageable length and its terminus is in plain sight. The limited number of patrons that enter and leave the hotel on foot clearly favor the stair walk.

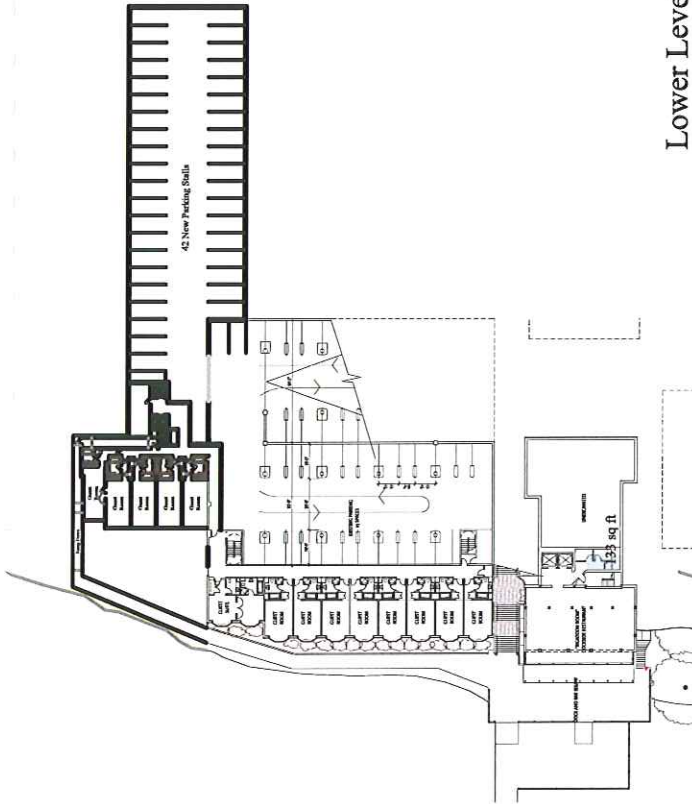
The new replacement stair is consigned as it is to a narrow slot between the parking structure the existing building at Two Langdon effectively shielding it from view street side. By its very nature a stair is typically lacks visual presence when can be seen only from above and this one is no exception. There is scant evidence of its existence from Langdon Street and it is invisible from Wisconsin Avenue. With the absence of visual cues this stair will be little noticed and will elicit only infrequent serendipitous discovery,

With its sixty foot, 116 step, six plus story height this particular stair presents an intimidating challenge to fitness level of a substantial portion of the population and will require a discomfoting level of exertion for most people. Few will attempt it and even fewer will use it twice.

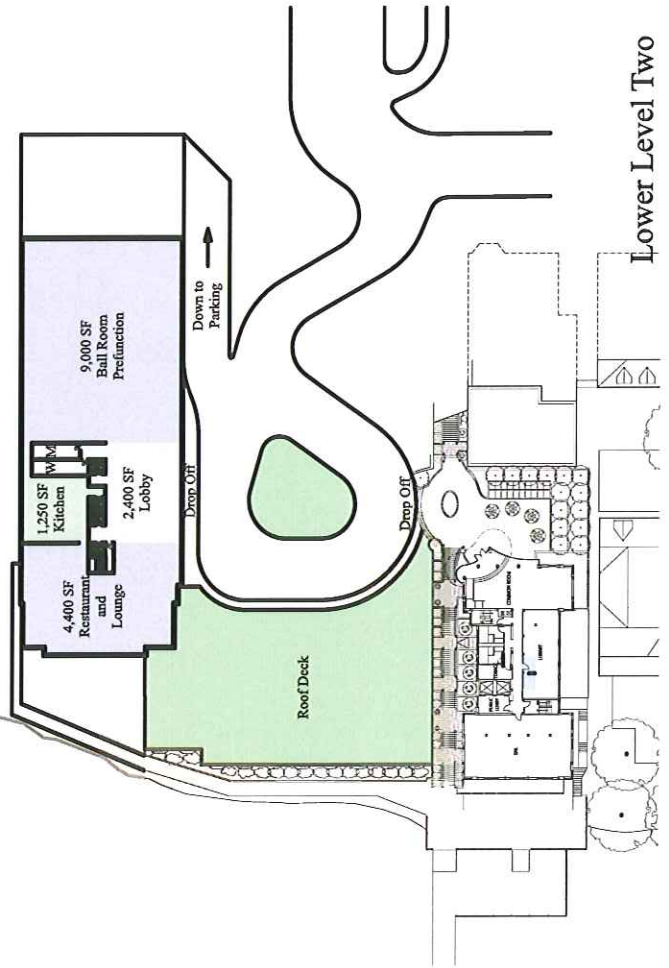
Mansion Hill is not without lake access. Lake & Frances Streets end at the lake edge and there are short manageable stairs to the shore in place at ends of Henry, Carroll & Pinckney Streets. In addition the UW Lifesaving Station at 144 East Gilman offers both a stair down to the Lake and a rooftop-viewing plaza.



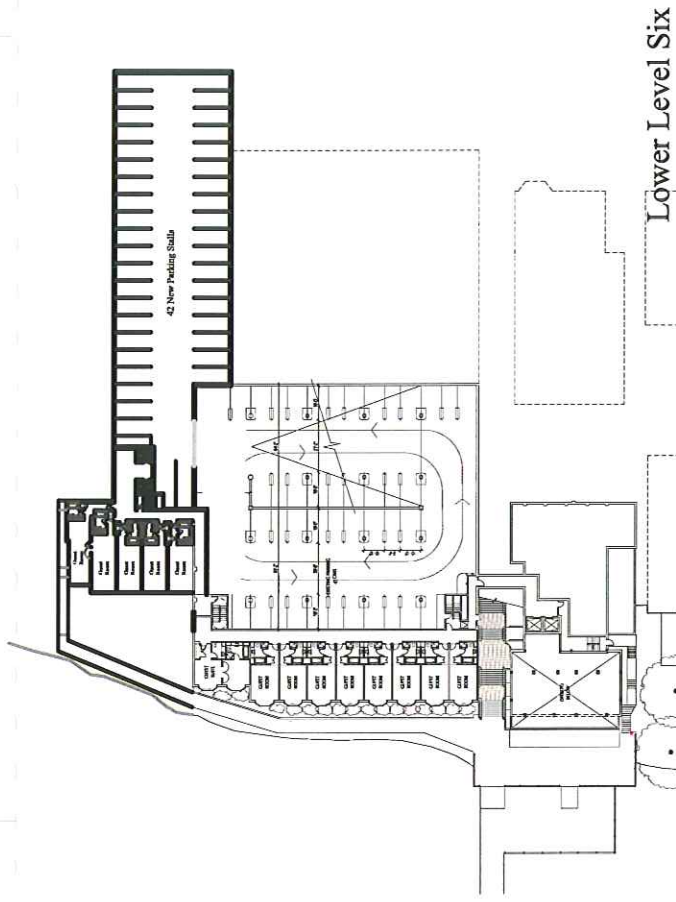
View of the Stair from southwestern of Langdon and Wisconsin



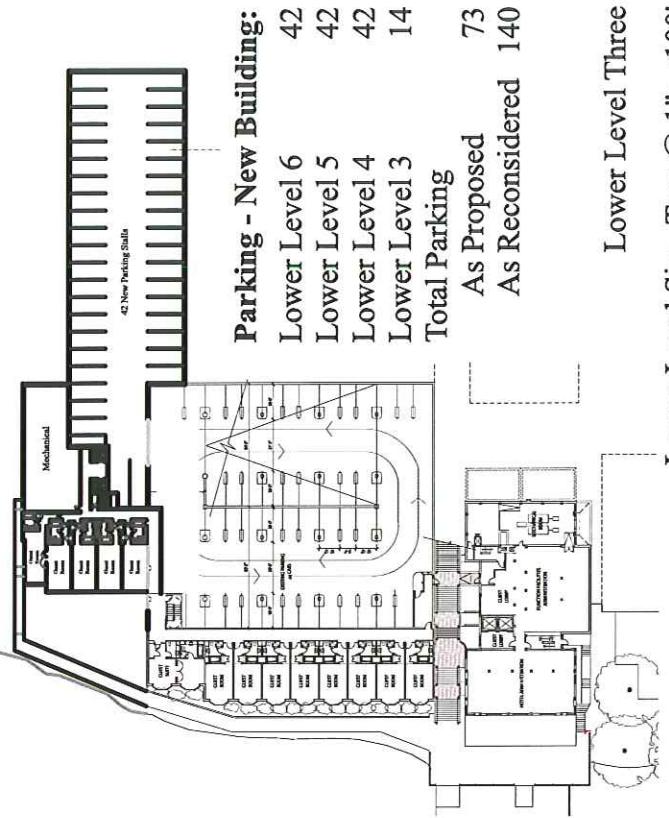
Lower Level Five



Lower Level Two



Lower Level Six

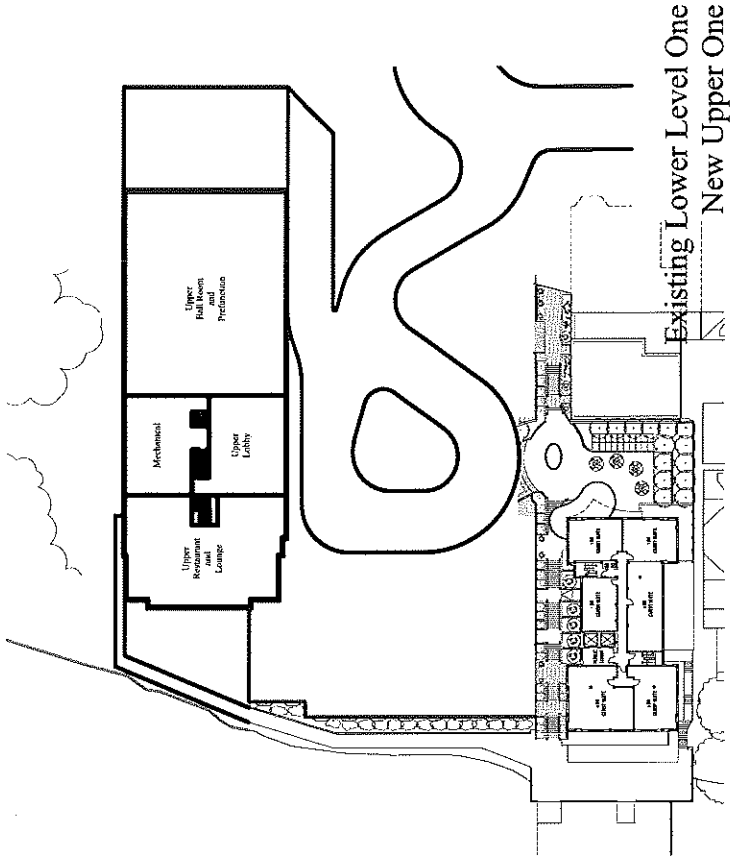


Lower Level Three

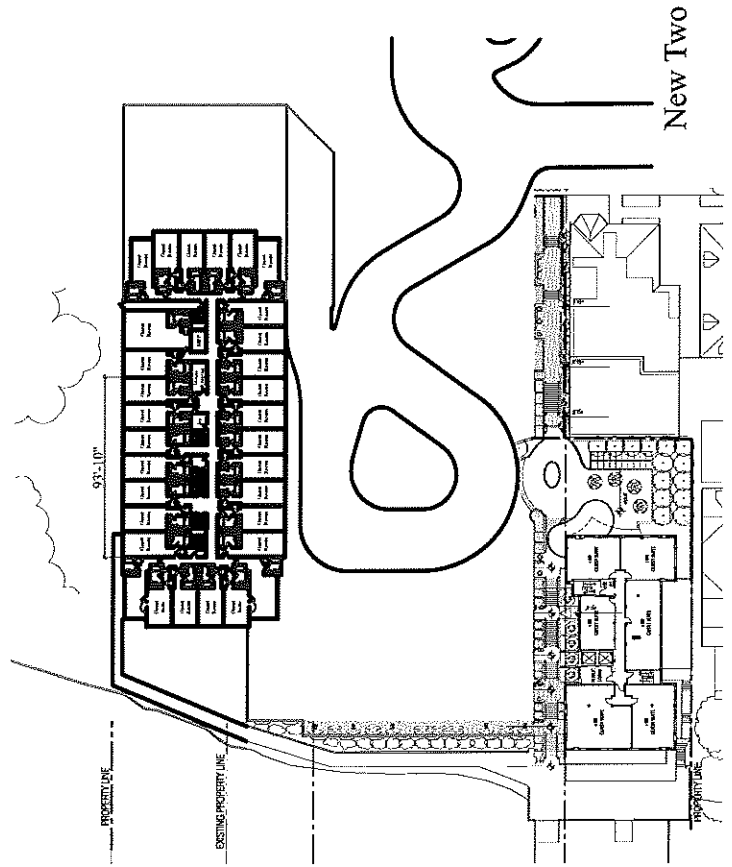
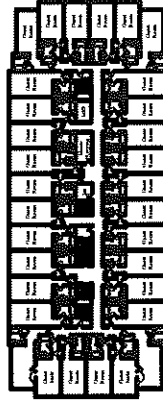
Parking - New Building:

Lower Level 6	42
Lower Level 5	42
Lower Level 4	42
Lower Level 3	14
Total Parking	140
As Proposed	73
As Reconsidered	140

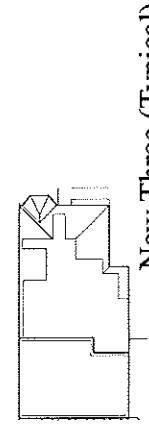
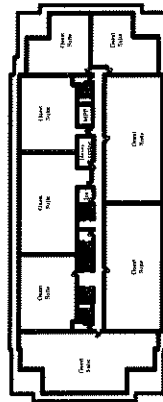
Lower Level Six - Two @ 1" = 100'
 The Edgewater Reconsidered
 December 8, 2009



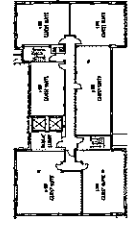
Existing Lower Level One
New Upper One



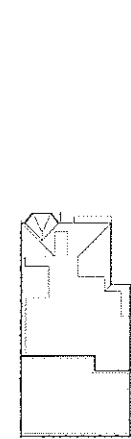
New Two



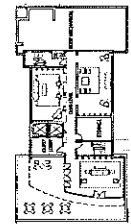
New Three (Typical)



New One - Six @ 1" = 100'
The Edgewater Reconsidered
December 8, 2009



New Six (Typical)



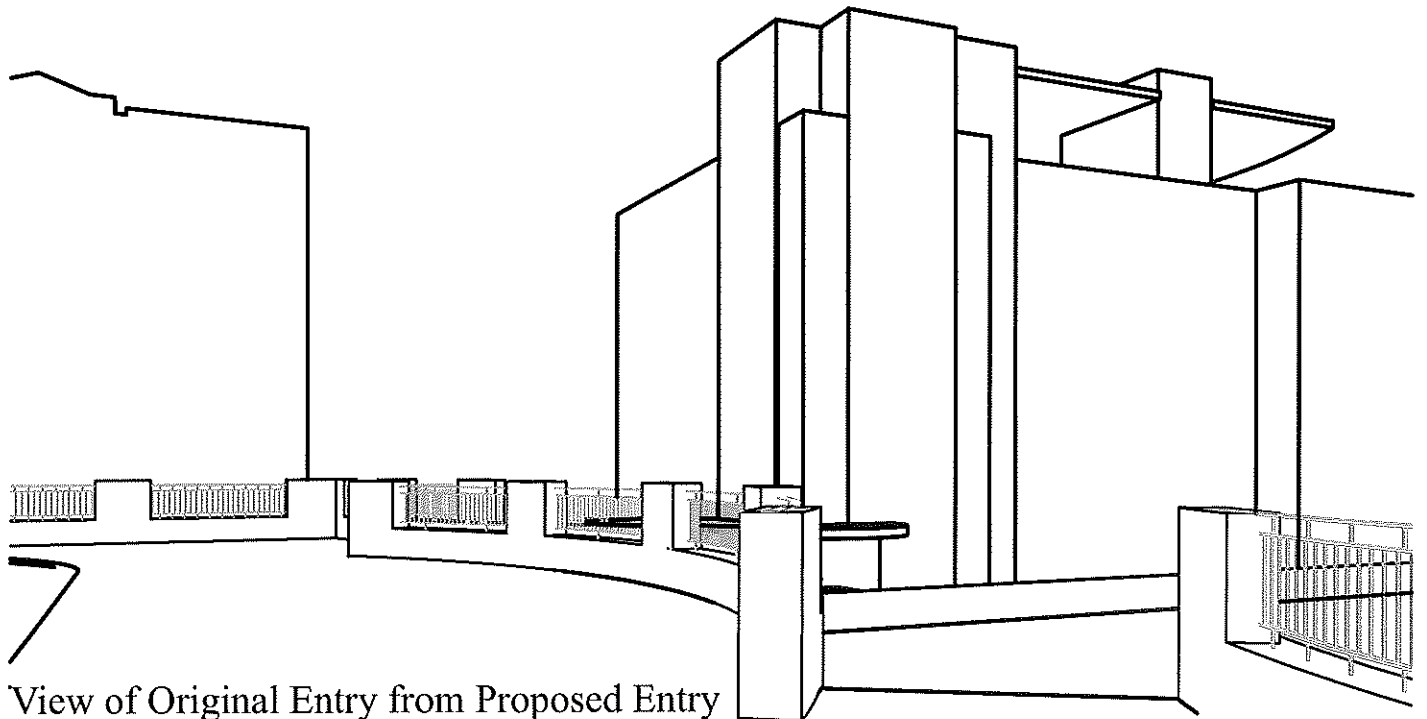
The Existing Edgewater

The essence of art moderne is its use of fresh forms to express the dynamic vitality of movement particularly of the mechanical variety. Typical of the style the Edgewater as is apparent in the accompanying photograph celebrated the automobile and reached out and actively engaged the street.

It is no small matter that the original hotel will be sstraightjacketed with a deck and addition constructed in a manner that would have been considered mind numbingly static and stultifying moribund sixty years ago. It is bad enough that the surroundings will be physically overwhelming and of a style antithetical to that of the original but its connection to the street will be physically severed. The new entry will be an empty meaningless "Entry from Nowhere". To compound matters further the location and configuration of the parking structure will effectively obscure the proposed renovations and improvements not only from the street but also from the Edgewater's grand new entry.



Historic Photo Showing Active Engagement with the Street



View of Original Entry from Proposed Entry

Historic and Proposed Views
February 1, 2010

Setback

The alignment of structures along a shared common path or thoroughfare is a characteristic of all human settlements across cultures and through history. Setback is a key element in every zoning ordinance.

This universal organizational principal is particularly important along Wisconsin Avenue, as it is the City's central axis that visually joins the State Capitol the two lakes. Wisconsin Avenue predates the incorporation of the Village of Madison by ten years and the view corridor it continues to offer was a key reason Madison was selected as the seat of the State government. It is not something to trifle with.

Wisconsin Avenue is historic and many of the structures located along it were erected prior to the adoption of the zoning ordinance but with two exceptions all buildings fronting on Wisconsin Avenue are setback from the right of way. The two exceptions being the condos at 100 Wisconsin and the Manchester place parking ramp both on the one hundred block. Two Langdon and the original Edgewater were south with Wisconsin Avenue a side yard. Two Langdon has a fourteen-foot long one-story bay that extends to the property line (the remainder of its 124' length is 5'-8" back). The Edgewater has an irregular dumbbell shape with the vertical towers constructed to the property line and the remainder setback 7'-4".

Typically the older residences are located back ten to fifteen feet as are the Quisling Clinic and Towers. As is the norm the larger and more important the building the deeper the front yard with setbacks of eighteen feet for the Masonic Temple, twenty eight feet for Central High (demolished), nineteen feet for Bethel Lutheran's hall and thirty four feet for its sanctuary. The upper floors of the Manchester Place and the Concourse and are set back thirteen and fifteen feet respectively. In deference to the importance of the street and the historic character of the neighborhood National Guardian Life reached an agreement with the City to locate their building a full seventy-two feet off Wisconsin Avenue.

If the setback from the right of way of way in this instance were determined as along the lakeshore by averaging those of the five adjacent neighbors it would be 25'+

From the perspective of the larger urban context there is no issue more important maintaining the long established shared common setback and the preservation of the view corridor that Madison has kept in trust for 174 years.

The portion of the National Guardian site allocated for the expansion is 105'-4" wide and the tower as proposed is 70'-4" wide. The building can be shifted back 35'.

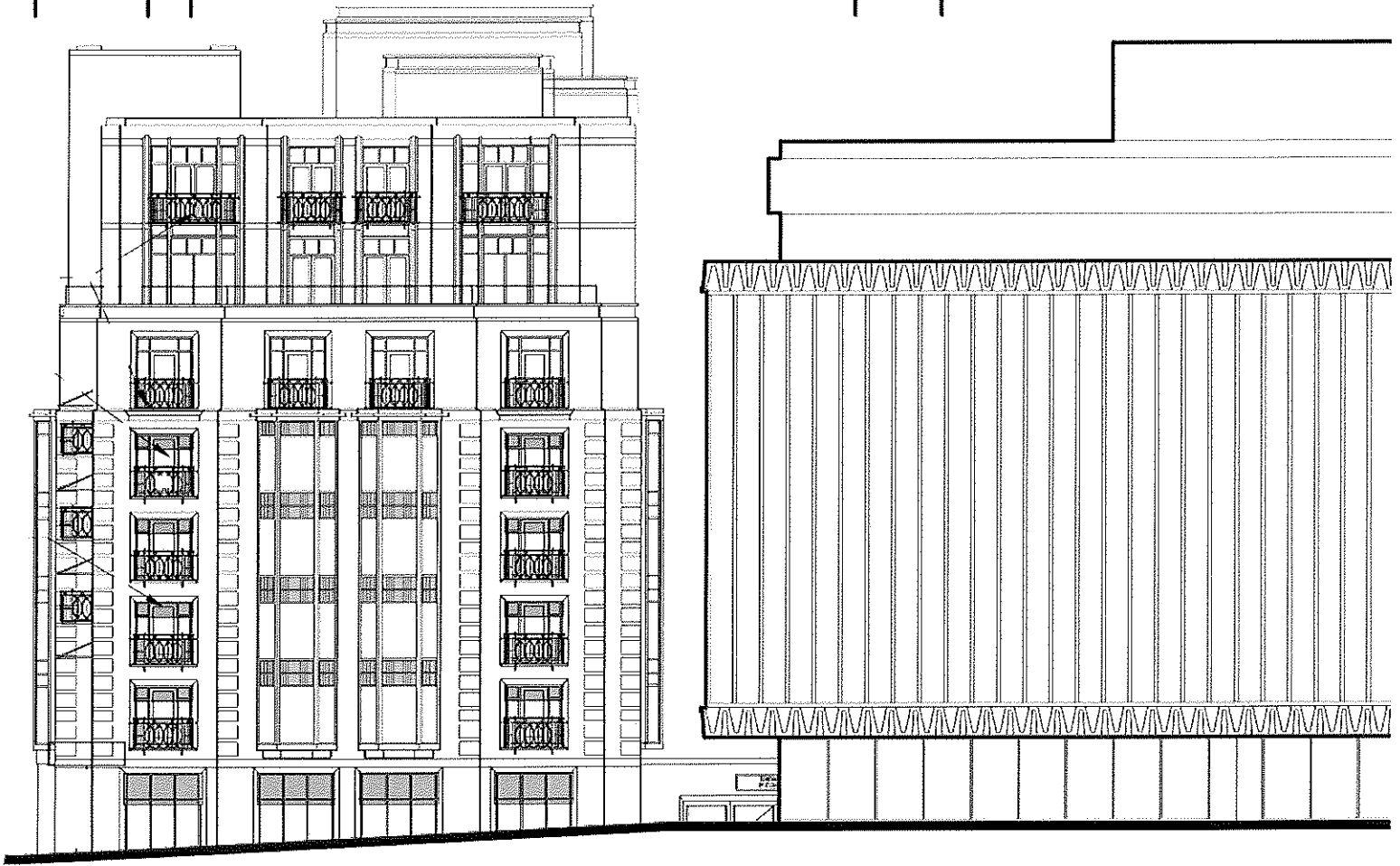
Property Line

Manchester Place

Masonic Temple

Required Setback

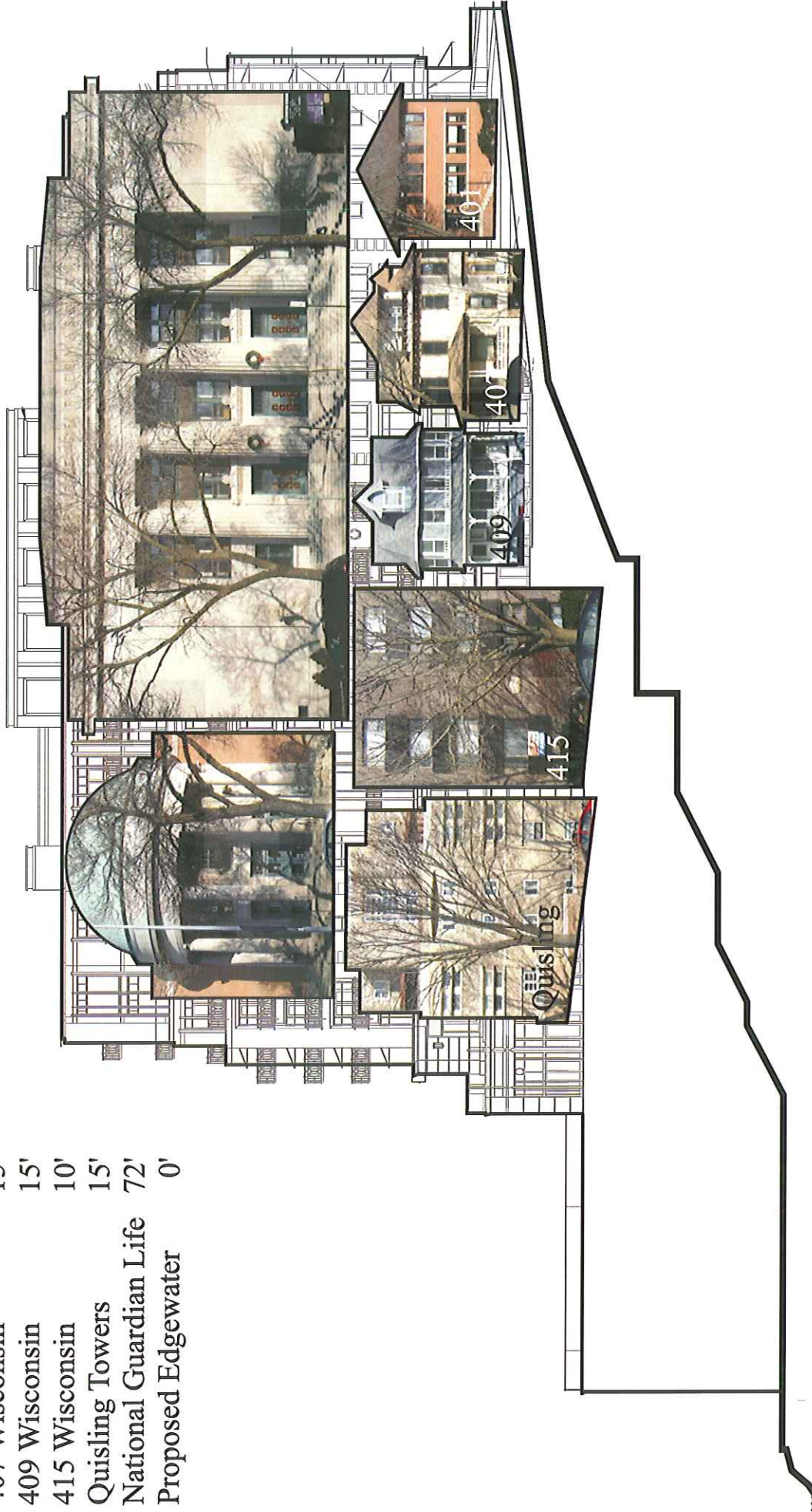
Property Line



Gilman Street Elevation @ 1 = 20'
February 1, 2010

Wisconsin Avenue Setbacks

The Masonic Temple	18'
Christ Scientist	15'
401 Wisconsin	8'
407 Wisconsin	15'
409 Wisconsin	15'
415 Wisconsin	10'
Quisling Towers	15'
National Guardian Life	72'
Proposed Edgewater	0'



Wisconsin Avenue Facade Comparison @ 1" = 30'
 The Masonic Temple - Quisling Towers
 December 9, 2009