

Though unhappy to know that at least two of you have pre-determined the vote you'll make today...information that makes me wonder about your interpretation and the value of Public Hearings..., I'm here hopefully to convince the majority remainder of you to vote against adoption of the Downer Avenue Plan that is put before you today.

1. My primary objection to the Downer Master Plan is its associated zoning change which is needed only for the 11 story condo/hotel it currently includes. Zoning is here to protect neighborhood scale and character. An 11 story structure is certainly out of scale and character with the current neighborhood. Our zoning holds a 60' height limit, NOT the 138' being requested. The neighborhood wants to stay the way it is currently zoned. 95% of our neighborhood is 3 stories or less. New Land Enterprises continually cites the one 6-story (built in 1928) and one 9-story building (from 1965), the two exceptions within our zoning, as justification of their 11-story proposal. We want the 60' limit of our zoning to be maintained. It is there to protect and serve the neighborhood. In 2003 when the city reconsidered all its zoning categories, it was set exactly where it needs to be to preserve the nature and character of our neighborhood.

NLE's 11-story building was proposed as a financing vehicle even before it was part of the Master Plan. Despite repeated denials, by our Alderman, such height clearly **does set a zoning precedent**. The next developer who wants a zoning change will refer to it as a sign that the neighborhood is changing and that the old zoning no longer works.

If the city wants a rezoning to greater height and density for this neighborhood, they should do it honestly with appropriate overall planning in the neighborhood.

2. The City Plan Commission didn't explain what a General Planned Development (GPD) is and what are the criteria for considering something a GPD. That is what they were supposed to be voting on, not whether they liked the plan or whether they thought Downer needs improvements. I request that you ask the City Attorney for an opinion on whether the "Downer Master Plan" meets legal criteria for planned unit development or GPD. In Milwaukee, it is unprecedented for a neighborhood shopping district to be declared a planned unit development (now called a General Planned Development). Based on the discussion at CPC, they voted not that the plan presented meets the criteria for GPD, but that they liked it because Downer Avenue needs and deserves to be improved. This is not the same thing.

3. No one explained criteria for GPD at the December 18th meeting either. Representatives from DCD were there, but it was not explained or even mentioned. The December 18th meeting at St. Mark's was a "standing room only" public meeting, in fact the only public meeting held on the initial Master Plan proposal. Significant changes in the Plan were made after December 18, and again in early February without any new presentation meetings in the community. At the December 18th meeting, the plan met with strong resistance, so much so that any subsequent meetings were to small selected groups by invitation-only. Most of the supporters have been told that if they don't support this plan, Downer will die. Either accept NLE's Plan with the Alderman's blessing or see the demise of Downer businesses. Bartolotta Ristorante has already closed. No public disclosure has been made of whether Schwartzes Bookstore which sustained a loss of \$125,000 last year, can sustain the projected 2.5 years of construction time his proposed plan is expected to take.

The merchants have said repeatedly that the businesses on Downer need pedestrian traffic. The businesses on Downer need basic repair and maintenance of buildings. People were led to believe that the owner is not able to do basic repairs and maintenance without the profits from the 11-story condo. That's a deal or a trade-off we shouldn't be forced to swallow. Repairs and maintenance are legal requirements. The business area needs competent property management that will fill the storefronts. It doesn't need an 11-story condo that will tower over Downer or a 5-story parking garage. The city-owned parking lot should never have been included and should be taken out of the plan. Downer Avenue doesn't need the proposed kind of commercial grade medical facilities you might find on Capitol Drive, or that you will probably see very soon on North Avenue. The commercial-grade medical facilities proposed will bring more automobile traffic with its associated needs and problems, than pedestrian traffic to the area.

4. A Planned Unit Development is an interdependent complex of uses that functions as a unit. A medical complex would meet the criteria with a cafeteria, a gift shop, a hospital and an office tower, that function as a unit. An army base would meet the criteria. A recreational camp would meet the criteria. This is a neighborhood shopping district, a collection of independent shops, stores and restaurants with a few offices thrown in—not a planned unit. My understanding is that it was changed from a PUD to a GPD, and that change in category allowed it to go to the CPC and here before going to the Historic Preservation Commission, perhaps even allowing a bypass of their approval.

This is a neighborhood shopping district, not a commercial shopping center on a major arterial. Given that people do want to see improvements to facades and streetscape, the Department of City Development should look for appropriate financing vehicles. Usually a Business Improvement District does streetscape improvements. Historic buildings receive tax credits. For gap financing, areas where improvements are above and beyond the norm, the city does TIFs or loans.

This is not a public plan based on public input. Even a petition with 1100 signatures has been dismissed with a "Who knows what those people thought they were signing?" It's hard for ordinary people to be heard over meetings that were predetermined as pro-development. Still, those of us who live here, care about the neighborhood and continue to show up to speak on its behalf. We want you to listen to & care about us at least as much as to a private developer's master plan. Without courteous consideration of long-term residents, the feeling is that a travesty of a public process has given way to trade-offs our political representatives are

making among themselves. This is not what we want to believe of you or what we expect of you.

5. The Downer Master Plan sits squarely in the middle of the Downer Historic District. There are huge conflicts with historic preservation—tearing out walls, making jarring building additions, replacing building elements, creating out-of-scale out-of-character changes to the district. Neither the Redevelopment Authority nor Historic Preservation Commission has weighed in or presented to the citizenry whether the Plan before you fits their objectives and policies. This is a neighborhood under considerable development pressure. This is the wrong time to turn off the security system and hang a sign out that says, "Come on in and take whatever you want." Give the City's NE Plan currently underway, a chance to reach some community-based plans for this area.

Please deny a zoning variance for this Downer Avenue Master Plan. Please help protect and preserve our neighborhood.

Pamela Frautschi, a tax-paying home-owner resident of 2430 E. Newberry Blvd since 1965, who lives one block NW of the Downer Plan and three blocks north of the proposed 11-story condo/hotel.

February 21, 2007 at ZND Public Hearing

