CAPITOL

NEIGHBORHOODS, INC.

MADISON, WISCONSIN

December 3, 2010

Mr. Tim Cooley, Director
City of Madison Economic Development Division
Madison Municipal Building
P.O. Box 2983
Madison, WI 53701

Re: Economic Development Committee

   Development Process Improvement Initiative – 2010   Final Draft Report 11-29-10

Dear Mr. Cooley,

We have had an opportunity to review the recent Final Draft Report and feel that there have been significant and important changes. We have a number of suggestions for the subcommittee which will be reviewing this document. Our comments are provided in the attached document.

A few of the comments presented are ones which we have previously noted. They are repeated here due to our particular concern about these specific issues. The majority of our comments are directed to the specific recommendations in the current draft.

Thank you for your consideration,

Development Review Oversight Committee

Capitol Neighborhoods

Peter Ostlind – Chair

Ledell Zellers	Bert Stitt
Erik Paulson	Joe Schnick
Fred Mohs	Bill Patterson
Scott Kolar	Tom Geier
Brenda Konkel	Adam Plotkin
Peggy LeMahieu	

Capitol Neighborhood's Development Review Oversight Committee review of:

Development Process Improvement Initiative – 2010   Final Draft Report 11-29-10

Throughout the report the words "project" and "proposal" are used interchangeably. Until approval the concept which is brought forward for consideration is a <u>proposal</u>. Certainly for the development team the work in preparing for the approval phase is a project internally for them. In the broader City sense until this concept is approved it remains a proposal and becomes a project upon final approval. Using the word <u>proposal</u> throughout this report will reinforce the proper understanding that concepts brought forward for approval are not guaranteed to be built but are proposals for consideration. This is a subtle yet important distinction which will help all stakeholders to maintain an appropriate perspective.

CASE FOR IMPROVEMENT

Frankly, this entire section could be dropped from the report. It provides no context for the recommendations that follow and strays from the Mayoral directive to the EDC.

GUIDING PRINCIPALS

Proportionate inputs

Page 10, 2nd to last paragraph

The last section under this heading is not written as a principal. In this paragraph the focus seems to be on marginalizing "special-interest group" when something may be "good for the city overall". This paragraph goes on to say that this opposition is particularly likely when proposals "vary from adopted neighborhood plans" or require "zoning map amendments…"   It is actually as relevant to note that the whole process starts with a "small special interest group" (i.e. the Developer) proposing something. The developer's proposal would most naturally be opposed if it is at odds with currently adopted plans and zoning. The report should stick to its mission and not diverge into denigrating stakeholders.

Complete Information – page 11

The key statement in this section is that "There is no substitute for complete and transparent information". The report should focus more on insuring that this sort of information is in fact available and less on how it is distributed. The means of distribution is a tool that can be used within the process but distribution is only a tool. To suggest that this tool will significantly decrease the time involved in the process seems overly optimistic. Just how short a time frame can interested parties be confined to for reviewing information? For neighborhoods and residents who get involved in their spare moments just what would be the minimum timeframe suggested to allow for adequate review once information is available? It is more relevant to note that the preponderance of delays can be attributed to the lack of complete, timely and accurate information from developers.

RELATIONSHIP OF NEIGHBORHOOD, COMPREHENSIVE, AND SPECIAL AREA PLANS

Comprehensive Plan/Neighborhood Plans

CURRENT MISSION STATEMENTS OF PLAN, URBAN DESIGN, LANDMARK COMMISSIONS AND NEIGHBORHOOD ASSOCIATIONS

Page 13

Much has been made about who neighborhood associations are and who they should represent. The definition of neighborhood associations should be reworked to reflect the reality in Madison that they represent residents of a given area. It is difficult enough to adequately represent residents with their often divergent views; it is ludicrous to expect a volunteer neighborhood association to represent the views of business interests.

Business Associations are referred to throughout the report yet there is no definition of what a City recognized Business Association is. Such a definition should be created and included as a recommendation. Just as neighborhood associations should not be required to represent businesses, business associations should not be required to represent the views of residents.

Development Approval Process Flow Charts

page 15

The timelines shown are typical current time frames and ones that staff feels are doable for the formal process and plan signoff/permitting sections. Yet the graphics suggest that the preapplication phase is included within these timeframes. This is not reflective of reality as obviously project development, let alone neighborhood engagement, doesn't occur within these time frames.

ORGANIZATION OF GOALS & IMPLEMENTATION OPTIONS

PAGE 16

If the final draft report is in fact using bold and italics to indicate staff and Committee support for recommendations it is very difficult to discern. Simply adding in parenthesis after each recommendation who supports the idea would be clear and simple. If the final report is only going to include committee recommendations then this distinction is not required.

PRE-APPLICATION PHASE – page 17

A.   Goal: Establish predictable expectations for neighborhood & staff review of development proposals during the Pre-Application Phase of projects.

A.1.a – ok as written

A.2.a - suggested change   "Meet with … Neighborhood Association President(s) <u>or their designee</u>, Neighborhood Business Association President(s) <u>or their designee,</u> …"

Paragraphs 3 & 4

Neighborhood Associations do not necessarily want detailed information at the beginning of a pre application process. Often it is more productive for a development team to come forward with an idea that has not been fully planned. Bringing forward a concept open to input can generate more productive input and saves the development team the cost and expense of a more detailed proposal at this stage.

Single representatives from neighborhood or business associations will have insight into likely areas of interest among their groups but they are not likely to be able to foresee all of the possible questions or types of information that their constituents ask or desire.

A.2.b – ok as written

B.   Goal: Inclusive, fair and uniform neighborhood input into development projects

This goal and the implementation options should apply to all interested parties in the development review process, including city recognized business associations and other stakeholders.

B.1   The recommendation suggests that "every effort" should be made to include a wide set of voices in the discussion. There is no indication of who is responsible for this effort. Individual stakeholders cannot be held responsible for insuring that other stakeholders participate. The current process provides many opportunities for participation. At some point it is up to the individual stakeholder to stay abreast of the information available and get involved.

B.2   The choice to use city staff to facilitate meetings should be left to the Neighborhood or Business Associations.

Planning staff assistance to stakeholders in collecting feedback will be useful for some. Each stakeholder should have the opportunity to present their feedback themselves. Staff should not be relied on to filter feedback on behalf of any stakeholder unless that stakeholder does not have the resources to present this information on their own.

Stakeholder disclosures should include information about any member of the group who has a financial interest in the proposal. Lack of such disclosure has been a significant problem.

B.3 – Paragraph 4

While a purpose of the pre application phase may be for a developer to decide whether to proceed with a proposal this is not a primary goal of the other stakeholders who are participating.

B.4   The basic statement in this recommendation, to use multiple means to solicit feedback through Neighborhood or Business Associations, is supportable at face value but it does raise some underlying questions. To what extent should an association be responsible for getting people to participate in a development review? The comments seem to be stretching to suggest that

associations are doing nothing or not enough. What level of solicitation or participation would be considered adequate? Consideration should be given to the fact that neighborhood associations are made up of volunteers with day jobs who participate in their spare time. Business associations may have paid staff to assist in the solicitation and participation efforts.

C. Goal: Increase property and development information available to residents, property owners and investors/developers.

C.1.a – ok as written

C.2.a – ok as written

Additional Preapplication Phase Goal Recommended

An additional goal should be added to this section: "Increase the preparedness of the Applicant". Applicants should have knowledge about applicable plans, zoning designations, historic district requirements and the neighborhood process. Also, an increase in preparedness will assist the applicant in bringing information forward in a timely, accurate and complete manner. A number of the report's recommendations support this goal by making information more readily available.

APPLICATION, REVIEW & APPROVAL PHASE – page 24

D. Goal: Clarify and simplify the process for development proposals that require more than internal staff approvals.

D.1 – ok as written

D.2 – Empowering staff to make decisions within the context of adopted standards is reasonable. For programs such as the Façade Grants where City funds are expended to improve the appearance of the City the oversight of the Urban Design Commission is appropriate. This option is restated in option G.8.h. The two should be consistent.

E. Goal: Compliance with Commission / Board Conditions and Recommendations

The goal is unclear and does not seem to directly relate to the implementation options that follow. Is the goal to improve Applicant compliance with conditions and recommendations?

E.1. This implementation option does not follow from the goal. If the EDC believes that the commission mission statements should be revised in specific ways they should state those revisions. Otherwise this option adds nothing to the report. We believe the mission statements as currently written are appropriate.

E.2.a – ok as written

E.2.b – ok as written

E.2.c – An annual review by commissions is sufficient.

F. Goal: Reduce Development Approvals Required and Overlapping Jurisdiction and Conflicts Among Development Approval Entities.

F.1   The commissions have different expertise and responsibilities. When proposals have impacts that require each of the commissions to review a component of a proposal then separate reviews are appropriate. The long term interests of the City are not well served by limiting the review of more complicated proposals.

F.2   The existing situations where a super majority of the Council is required to over ride a commission decision should be maintained.

G. Goal: Streamline and clarify Commission Review of Applications

G.1 – ok as written

G.2 – ok as written

G.3 – ok as written

G.4 – ok as written

G.5 – This differentiation should include clear articulation by the committee/commission of the basis of their findings that the proposal adheres to ordinance requirements.

G.6 – ok as written

G.7.a – ok as written

G.7.b – ok as written

G.7.c   Staff sign offs on changes requested by commissions should be at the discretion of the commissions. This is the current practice and allows commissions to review again only those changes which they feel are of critical importance.

G.7.d Changes to the Landmarks ordinance over the years have resulted in an ordinance section which is difficult to follow. Changes to improve the order and flow of the sections of the ordinance to improve its readability are reasonable. Care must be taken with any revisions not to change the intent of the current ordinance or in any manner to weaken the provisions of the ordinance.

G8.a – ok as written

G.8.b   We are not aware of the constraints placed on the UDC by considering sign ordinance variances. Whatever is proposed should not unduly burden commissioners with more meetings.

G.8.c   The Urban Design District zoning ordinance has some of the most specific and objective standards used for any development review. These standards are not subject to change through a PUD process. What sort of changes are being proposed? Which five or six of the eight design districts are suggested for review?

G.8.d   The idea of a "small project" can mean vastly different things to different people. What might be literally a small change to a building within an Urban Design District might have significant impacts on the overall design of the building. For example "small" changes to a door, window or overhang could significantly alter the look of the building.

G.8.e – ok as written

G.8.f   It's not clear what is intended by this recommendation. It seems to reflect current practices. In the second paragraph is the intent to find a different word for "approval" since the UDC is advisory to the Plan Commission? If so what does this actually accomplish?

G.8.g   Again we are not often directly involved in this aspect of the sign ordinance, so we have no specific comments.

G.8.h   As noted above with recommendation D.2 when City funds are expended for changes to the built environment UDC review is appropriate.

G.9   Including a member of the UDC on the Plan Commission might improve communication. The same could be said for the Landmarks Commission. The concern is the burden placed on commissioners in terms of time and being able to adequately represent all views of their commission. An alternative would be to improve the documentation of actions by the commissions including a written review of proposals in the context of the applicable requirements.

H. Goal: Develop clear standards for application materials and review criteria for applicants, staff and public use.

H.1 – Clear application forms and checklists are important. In addition applications should not be allowed to proceed to a committee until all of the required information had been submitted.

H.2 – ok as written

H.3   With any cost-benefit analysis a key component is to identify to whom the costs and benefits accrue. Whose costs and benefits will be considered? Are these costs and benefits readily quantified? Is reliable and auditable data provided on the costs and benefits? What weight should any cost-benefit analysis be given in relation to other considerations in the decision making process?

As an additional recommendation we suggest In addition to the compilation of specific zoning text in 'Standards for Review of Certain Types of Development Proposals', that Planning Staff has prepared, a layman's version would be useful for stakeholders. This would be an aid to help focus the public's comments on the specific criteria to be used for Commission decisions. Trying to read and comprehend directly from the ordinances can be a frustrating process as it bounces from one section to another.

I. Goal: Designate project staff/liaison as a means for efficient application review.

I.1 – ok as written

I.2 – ok as written

I.3 – ok as written

POST-APPROVAL PHASE – page 33

J. Goal: Better coordinate/expedite City agency sign-off on approved development plans.

J.1 – ok as written if all stakeholders are offered this opportunity.

J.2 – ok as written

J.3 – ok as written if all stakeholders are included.

ADMINISTRATIVE IMPROVEMENT – page 34

K. Goal: Neighborhood Plans, Training & Feedback

K.1 The basics of this recommendation are sound. The statement that neighborhood plans should consider "economic feasibility and market realties" is followed by a statement that plans looking out 10 years cannot really accomplish this. Plans are a community's vision for the future. By their very nature plans may include items which do not seem economically viable at present since these very items may be what the plan is trying to encourage.

K.2.a The recommendation would be improved by reintroducing the definition of the "customer" first presented on page 11 of the report.

K.2.b – ok as written

K.2.c – ok as written

K.2.d – ok as written

K.3 – ok as written

K.4 – ok as written if all stakeholders are invited.

L. Goal: Development Guidelines, Website & Development Assistance Team

L.1 – ok as written

L.2 What are the referenced "web modules from Best Practice cities"?

L.3 – ok as written

L.4 – ok as written if all stakeholders have the option to appeal.

M. Goal: Physical facilities to facilitate development review process.

M.1 – ok as written

M.2 Improvements to council chambers should be made so that all can see and <u>hear</u> presentations and discussions.

M.3 – Improvements to meeting rooms should include modifications so that all can see and hear presentations and discussions.

N. Goal: Adopt Remaining Recommendations from Previous Reports

A blanket goal of adopting <u>all </u>previous recommendations is not prudent. As Appendix B illustrates most prior recommendations have been adopted, are in process or incorporated into this report. Other prior recommendations such as presumptive approval have specifically been removed from the current set of recommendations.