



Department of Planning & Community & Economic Development

## Planning Division

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### **MEMORANDUM**

Date: June 28, 2016

To: Alder Ledell Zellers, District 2  
Alder Denise DeMarb, District 16

From: Planning Division Staff  
Forestry Section Staff

Re: **Street Trees and the Development Review Process**

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#### **Summary**

Concerns have been raised regarding the removal of existing, mature street trees and the adverse impacts on streetscapes and the urban tree canopy. There are many activities that have an impact on the tree canopy in Madison, including pests, street (re)construction and other public projects, and redevelopment on private property. While the impact of pests (particularly and as of recent emerald ash borer) is undoubtedly the most significant, this memorandum focuses specifically on improving outcomes for the tree canopy related to private redevelopment in Madison.

As redevelopment in Madison continues, retaining existing trees and providing opportunities for new, large canopy trees in the public right-of-way will continue to be a significant issue. On redevelopment sites in the downtown core, on the Isthmus, along major transportation corridors, and in mixed-use areas, impacts on the tree canopy can be significant as new buildings in these areas are usually taller and may be placed closer to the street than their predecessors. Terrace trees are often removed for demolition and construction, and new trees must be chosen and placed strategically in the public terrace to avoid public infrastructure, new buildings, and to allow for sufficient fire safety access. In fact, given the number of factors that may negatively impact street trees, many of the real outcomes with regard to street trees are unknown until after the development review process has concluded. The unforeseen conflicts as a result of new development can lead to confusion and frustration when trees disappear, or when expected new street trees are unable to be planted.

Given the wide variety in the accuracy and level of detail across land use applications, there is often a discrepancy between the representation of the street trees on the development plans during the review and approval process and the resulting streetscape. Collaborative efforts among staff from multiple agencies over the past few years has led to a better understanding of the impacts of redevelopment and associated public infrastructure on street trees. However, work can still be done to increase predictability and to improve outcomes for street trees. This memorandum summarizes staff roles related to street trees, and provides recommendations to proactively prevent the loss of high-quality street trees and optimize opportunities for new street trees.

## Roles and Responsibilities

Several city agencies play a role in the review and regulation of street trees as it relates to development, including Forestry, Traffic Engineering and City Engineering, which are all within the Public Works Department, Planning and Zoning, which are both within the Department of Planning and Community and Economic Development, and the Fire Department.

- **Forestry (Parks Division)**

Forestry staff, within the Parks Division of Public Works, is responsible for street trees, including tree maintenance, street tree removal, street tree (re)planting, reviewing and approving species choice, etc. Forestry relies on [The City of Madison Standard Specifications for Public Works Projects](#), specifically sections 107.13(a-h), for specific tree protection specifications.

Generally, Forestry is responsible for:

- Maintenance of trees including planting, pruning, removal in the public right-of-way per ANSI A300 standards (refer to sections 23.21 and 23.24, M.G.O.);
- Review of development proposals to determine construction impacts on street trees, identify tree protection measures, and to specify new plantings;
- All inventory and inspection services related to street trees.

- **City Engineering**

City Engineering staff rely on the review of plans by Forestry staff for consistency with sections 107.13(a-h), of The City of Madison Standard Specifications for Public Works Projects, which includes specifications related to street tree protection and planting, separation and clearance requirements between public infrastructure (utilities, public sidewalks) and street trees, terrace widths, protection measures (soil compaction, root cutting, protection zone), cost recovery, etc. At the end of the development review process, City Engineering reviews final plans for conflicts between trees and utilities, working with Forestry to come up with design solutions to avoid conflicts when possible.

- **Traffic Engineering**

Traffic Engineering staff specifically reviews and provides input on planting plans for consistency with distance requirements from street lights and signage. Currently, a 30-foot separation measured from the street tree trunk to a large light is required, and a 20-foot separation measured from the street tree trunk to pedestrian lights. In some cases, these distances may vary based on species or other factors. Street tree locations may also be impacted by vision clearance requirements.

- **Fire Department**

The Fire Department reviews development proposals for consistency with tree spacing requirements established by the International Fire Code (IFC) to maintain aerial access to buildings that are greater than 30 feet in height. Currently, the IFC prohibits obstructions between the building and aerial access. It is important to note that there is room for leniency in the code requirements based on tree species, size and spacing. Additionally, enhanced construction measures can be utilized to address fire access issues alternatively, i.e. higher class of construction and/or additional fire protection systems; minimizing the overall impacts to existing street trees.

- **Planning, Zoning and Urban Design**

In their review of development proposals, Planning and Zoning rely on the development standards set forth in MGO Chapter 28, including setbacks, building design, driveway location and width, building height, landscaping and screening requirements, and other parameters for development on private property. While most of the development standards do not directly impact public trees, there are many indirect impacts on street trees from (re)developments consistent with zoning requirements. Further, existing or new street trees and trees planned for the private property may impact one another or compete for space and light.

In addition to administering zoning code requirements as part of their review, Planning and Zoning staff also rely on Urban Design District requirements, found in MGO Section 33.24, some of which directly relate to street trees. Specifically, Urban Design District 8 (the Capitol East District), requires that canopy trees be placed at 40-foot intervals (this requirement can be met on public or private property, or a combination thereof). In this district, redevelopment is occurring at a fast pace, and staff coordination related to street trees and placement of private trees has been and continues to be important.

## **Recommendations**

The following recommendations are generally geared towards addressing immediate concerns regarding the protection of street trees and the gaps in current development review practices. In addition, given the level of interest in tree protection, additional consideration should also be given to pursuing a policy framework for longer term solutions.

### **Short Term Recommendations** (intended for immediate action)

#### **1. Improve the level of detail in application materials.**

##### Rationale

Much of the review of a development proposal is based on the level of detail and information submitted, and this varies significantly among applications. Setting an expectation of what is required to be included in a complete application submittal package and improving the level of detail shown on the plans will improve coordination between review agencies, ensure a timely, more comprehensive review and maximize tree protection measures.

##### Actions

- Improve application materials. The Land Use Application forms are currently being revised with input from various agencies with the goal of standardizing the city's minimum plan set requirements to ensure consistency across applications.
- Require landscape plan. Although a landscape plan is required with all new development proposals, many times a landscape plan is left out, or submitted later in the review process. Require a landscape plan as part of the initial application materials for completeness.
- Require detailed information earlier in the review process on landscape and utility plans, including the locations, size, and species of existing street trees, whether or not they are slated for removal, reason(s) for removal, vision triangles, and tree drip lines.

## **2. Create more predictability throughout the review process.**

### Rationale

In order to maintain transparency between all review agencies boards, committees, and commissions, approval to remove specific street trees should be verified by Forestry staff.

### Actions

- Early involvement of Forestry in development review process. Involve Forestry staff earlier in the development review process, particularly at Development Assistance Team (DAT) meetings, which are commonly the first step in the development review process for most significant proposals. DAT serves as the initial opportunity for both staff and developers to get or provide feedback on a proposal and identify key issues, and Forestry expertise could be very helpful.
- Given the importance of providing a comprehensive initial DAT review circulation of materials provided by applicants in advance of DAT meetings is essential. Review materials are now submitted and distributed sooner to agency staff to provide adequate time for review of street trees in the field prior to the DAT meetings.
- Better Project Management. Planning Project Managers continue to work to ensure coordination between the applicant, Forestry, Fire, Planning, Engineering, and Traffic Engineering staff to foresee and minimize impacts to street trees due to construction staging, fire safety needs, and conflicts with other public infrastructure.
- Increased clarity in conditions of approval. When tree conflicts are identified through the review process, the conditions of approval will be written so as to clearly specify any expected tree removals and requirements for tree removal permits.
- As part of the condition of approval and as a current practice, unanticipated tree removals after a development proposal has been reviewed and approved will require at least a 72-hour waiting period before a tree removal permit can be issued by Forestry. The intent of the waiting period is to provide notification to the Alder of the change in the tree plan.
- Staff memorandum. A line item will be included in Planning Division staff reports regarding impacts to public infrastructure, including street trees.

## **3. Optimize opportunities for new street trees associated with (re)development.**

### Rationale

Some development standards, when applied, can conflict with regard to street trees. For instance, there are often conflicts between the required (or desired) spacing of trees and fire access needs, or with the placement of other public infrastructure. These issues are typically resolved after a (re)development is approved, and may further limit the placement, size, and list of species parameters available for planting. While limitations are still anticipated, an earlier consideration of the potential for new street trees by applicants and staff may lead to decisions and minor adjustments to site, building, and infrastructure design to optimize the future tree canopy.

Action

- Work with applicants on street tree coordination throughout the review process. For (re)development projects (particularly significant projects on larger sites) the applicant should work with staff early in the review process to identify likely public infrastructure changes and fire access needs, and to develop a strategy to optimize opportunities for new and substantial street trees prior to formal review by committees and commissions. For developments that will significantly impact street trees, the need for coordination will be communicated by Planning staff to applicants early in the review process, and 1-2 street tree coordination meetings should be built into the applicant's schedule.