

From: [Dave Mollenhoff](#)
To: [All Alders](#)
Subject: Keep the 10 foot wide terraces on East Wash
Date: Tuesday, March 19, 2024 9:58:22 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Keep wide terraces on East Washington Avenue

When James Duane Doty laid out Madison in 1836, he made Washington Avenue the grand axial feature of his plat. To its great credit the Common Council passed two ordinances to ensure that East Washington Avenue would evolve into a beautiful urban boulevard: (1) the Capital Gateway Plan; and (2) Urban Design District #8. Included in Urban Design District #8 was the requirement that the terrace (the distance between the curb and the sidewalk) be no less than 10 feet wide. This requirement was added because big canopy trees are essential to the beauty and dignity of East Washington Avenue and 10 feet is the width they need to grow to mature size.

Unfortunately, on Tuesday night the Common Council may vote to repeal this wise and far-sighted terrace requirement. But why do this? Simply put because the requirement is not enforced! Oh dear. Does the Common Council understand the destructive consequences of this logic? Repeal the 10 foot terrace requirement and sterile concrete ugliness will prevail.

Citizens must understand that the future beauty of this magnificent boulevard depends on the restoration and enforcement of this policy. East Washington Avenue is a special street that requires special treatment. Our grandchildren will applaud our foresight. We plead with Madison alders to do the right thing.

David and Leigh Mollenhoff

Matthias, Isaac L

From: annewalker@homelandgarden.com
Sent: Thursday, March 14, 2024 10:22 AM
To: All Alders
Subject: E. Washington at Council
Attachments: -; -; UDD 8 ten foot terraces.pdf

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

before you at Council will be a recommendation to ditch an ordinance that sets the standard for 10' terraces on E. Washington. Since the ordinance was almost never enforced, city staff are suggesting that instead of strengthening and enforcing the existing ordinance, the we instead rely upon the new Compete Green Streets Policy. The Policy provides guidance, and wiggle room, in the decision making process. In addition, the policy does not prioritize planting canopy trees on E. Washington.

The isthmus is a tiny strip of land, with lots of competing interests. We need a strong ordinance that provides a consistent standard.

Please see Linda Lehnertz's letter, attached, that was sent to the UDC re the change. I believe she did an excellent job of addressing this proposed change.

Respectfully,

Anne Walker

District 6

Urban Design Commission
Meeting of February 27, 2024
Agenda #6, Legistar 81908

The staff report states: “Staff supports this amendment. Overall, removing the terrace width requirement from UDD 8 resolves a conflict with the City’s most current adopted policy regarding street design and removes a standard from this ordinance that is not enforced by the Urban Design Commission.” It also states: “As a further note, no other Urban Design Districts include street terrace dimensional standards.”

History

It does not matter that no other UDD includes terrace dimensional standards. UDD 8 recognized that the Capitol Gateway Corridor is the major gateway corridor to Madison’s Downtown, and a goal was to create a vibrant boulevard. This is unlike other Urban Avenues, such as University Ave and South Gammon at West Towne.

As can be seen from the history, E Washington was to provide a unified street front while protecting Capitol views on this corridor. The 10 foot terrace requirement was specifically added during the Plan Commission review process as one of the ways to accomplish the vision for this corridor.

The underlying city plan for E Washington is the *East Washington Avenue Capitol Gateway Corridor Plan*.

- One of the four Core Development Principles is “create an inviting, vibrant boulevard along East Washington Avenue.”
- One of the recommended techniques that should be employed to achieve that goal is: “Develop a consistent palette and design concept for trees and other landscaping within the East Washington Avenue setbacks, terraces, and medians to create a sense of unity from one end of the Corridor to the other consistent with the goal to protect views of the Capitol.”

Urban Design District No. 8 was created to implement the core development principles in the *East Washington Avenue Capitol Gateway Corridor Plan*. UDD #8 recognizes: “The Capitol Gateway Corridor is the major gateway corridor to Madison’s Downtown, and is a critical street for the vitality of adjoining neighborhoods.”

Once upon a time, the 10-foot terrace requirement was actually followed. See, for example, Legistar 32089 (Galaxie), document #6: “The public sidewalk will be removed and reconstructed by the applicant a few feet north of its current location, in order to allow for a 10-foot wide terrace with adequate space for canopy trees.” When and why the 10 foot terrace was no longer addressed in staff reports is unclear.

Complete Green Streets (CGS)

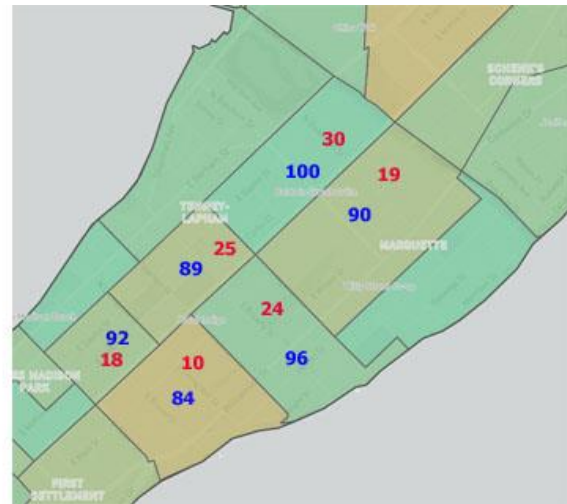
It does not matter if there is a conflict between CGS and UDD 8. The ordinances recognize that conflicts occur. Instead of eliminating conflicts, the ordinances require the more restrictive provisions be followed.

- MGO28.004 (3): Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, unless an exception to this provision is specifically noted.

E Washington does not have much in terms of canopy coverage, as can be seen below. The fairly decent canopy coverage scores are the result of the residential neighborhoods. As can be seen for the southwest corner, the tree equity score is only 84 – ranking 142 out of 194 block groups in Madison. In contrast the northeast corner is ranked first.



Google Maps



Tree Equity Score and Canopy Coverage

According to CGS, E Washington is an Urban Avenue. How E Washington ranks in the tree canopy priority is unknown (at least to the public). About 1/3 of the south side of E Washington could be deemed high priority, needing 12 foot terraces with a minimum of 8 feet, though that 8 feet would not be required if there were no other options and suspended pavement was used. On other blocks the terrace could be a minimum of 4 feet. (At 4 feet, only “narrow” trees could be used.) It is not likely E Washington would differ block by block. But it is not clear how E Washington would be categorized, and thus any potential for conflict is not clear.

CGS created a uniform policy. In so doing, it did not overrule any existing ordinance, such as MGO 33.24(15)(e)5.a.v. which requires the 10 foot terrace. UDD 8 requires the street face to be dominated by canopy trees in both the building setback and the public right of way. The street face cannot be dominated by canopy trees when only a 4 foot terrace is required.

Authority of UDC

The staff report claims “the UDC does NOT have review and approval authority for right-of-way design including terrace widths or street tree plantings.” Clearly, though the UDC cannot design the entire right-of-way, it does have authority to require a 10-foot terrace. If it did not have this authority, it never would have been put into UDD 8 as a requirement. If this is a point of disagreement, perhaps a legal opinion should be requested from the City Attorney’s office requesting clarification.

MGO33.24 (2) Purpose And Intent. It is hereby declared a matter of public policy that the design, appearance, beauty and aesthetics of all public and private buildings, structures, **landscaping and open areas** are a matter of public concern and as such must be controlled so as to promote the general welfare of the community. The purpose of this section is:

- (a) To assure the highest quality of design for all public and private projects in the City.
- (b) To protect and to improve the general appearance of all buildings, structures, **landscaping and open areas** in the City; to encourage the protection of economic values and proper use of properties.
- (c) To encourage and promote a high quality in the design of new buildings, developments, remodeling and additions so as to maintain and improve the established standards of property values within the City.
- (d) To foster civic pride in the beauty and nobler assets of the City, and in all other ways possible **assure a functionally efficient and visually attractive City in the future.**

The resolution (RES-08-00116) adopting the Gateway Plan final report said those guidelines were to be used to guide future land use and development within the East Washington Capitol Gateway Corridor. In March 2007, UDC recommended approval. Plan Commission discussed the plan over 10 months and recommended approval in January 2008. In June of 2007, the Planning Director issued a memo to Plan Commission that contained the draft landscaping provisions of UDD 8. That draft contained only one requirement and five guidelines.* When UDD 8 was adopted, there were nine requirements and seven guidelines. The requirement of a 10 foot terrace was deliberately added during the Plan Commission process.

*See pdf page 16 of

<https://madison.legistar.com/View.ashx?M=F&ID=1751432&GUID=6AA9EF79-491E-4F13-A554-5B47AE6D8028>

The resolution adopting CGS did give the Board of Public Works “the ability to approve updates to the tree canopy and green infrastructure priority area overlays.” That does not mean the Board has sole authority over tree canopy – the Board may authority over the overlays. (I say “may” because City ordinances only address Board procedures, not authority. One has to look to state statutes to define the authority of the Board of Public Works, which is “to superintend all public works and keep the streets, alleys, sewers and public works and places in repair.” Thus, the Board of Public Works oversees the work done in the right-of-way.)

The UDC having authority to require a 10 foot terrace under the ordinances is akin to Plan Commission authority. Plan Commission approvals (e.g., of a conditional use) have conditions of approval. Those conditions often address the right-of-way. For example, a condition of approval for 702 E Wash is: “The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along E. Washington Avenue.” UDC’s authority to require a 10 foot terrace is more specific than Plan Commission’s authority to address the right-of-way.

Respectfully Submitted,
Linda Lehnertz

Matthias, Isaac L

From: annewalker@homelandgarden.com
Sent: Tuesday, March 19, 2024 10:59 AM
To: All Alders
Subject: E. Washington at Council
Attachments: Mail message body.PM\$

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Alders,

In the introduction to the *East Washington Avenue Capital Gateway Corridor Plan*, it states, "The East Washington Avenue BUILD Capital Gateway Corridor Plan is an initiative of the City of Madison to provide a critical framework for addressing the significant land use and design issues for the area centered on East Washington Avenue from East Mifflin to East Main Streets between Blair and First Streets-one of the most prominent corridors to the Capital and the heart of our community and our region."

My comment? East Washington is also a corridor which divides neighborhoods, and the design, going forward, must reflect best practices in the heart of our community. The existing ordinance to mandate 10' terraces, while not enforced in the past, should be strengthened and enforced going forward.

Staff is encouraging CC to instead count on the new Complete Green Streets Policy that was recently passed. I would assume that this Policy helped to guide decisions at the recently redeveloped corner of 1st St and E. Washington. For those unfamiliar with the development, terraces on E. Washington are 5' and most of the public ROW is concrete.

In a greenspace, open space and park deficient part of the city, our isthmus needs strong ordinances to ensure that a corridor that is the heart of our city, our region and our community does not look like a repeat of the design standards utilized at 1st and E. Washington.

I do not support the proposed change. I do support strengthening and enforcing the existing ordinance.

Best, Anne Walker

Dear Alders,

before you at Council will be a recommendation to ditch an ordinance that sets the standard for 10' terraces on E. Washington. Since the ordinance was almost never enforced, city staff are suggesting that instead of strengthening and enforcing the existing ordinance, the we instead rely upon the new Complete Green Streets Policy. The Policy provides guidance, and wiggle room, in the decision making process. In addition, the policy does not prioritize planting canopy trees on E. Washington.

The isthmus is a tiny strip of land, with lots of competing interests. We need a strong ordinance that provides a consistent standard.

Please see Linda Lehnertz's letter, attached, that was sent to the UDC re the change. I believe she did an excellent job of addressing this proposed change.

Respectfully,

Anne Walker

District 6

Attachments: C:\Users\Anne\AppData\Local\Temp\WPM\$5PC6.PM\$

C:\Users\Anne\AppData\Local\Temp\WPM\$FC5J.PM\$

C:\Users\Anne\AppData\Local\Temp\WPM\$E2JO.PM\$

----- End of forwarded message -----