

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)

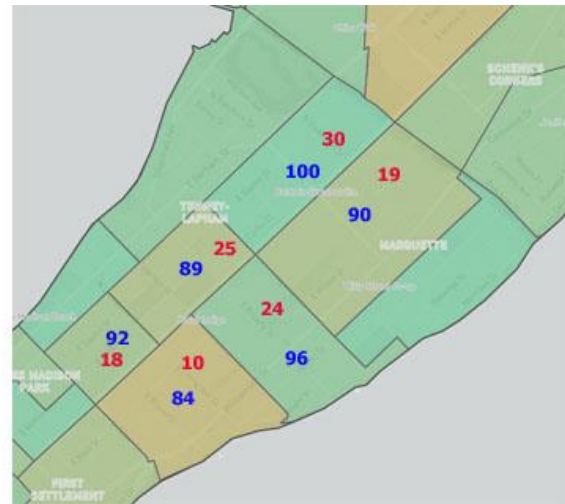
It does not matter if there is a conflict between CGS and UDD 8. The ordinances recognize that conflicts occur. Instead of eliminating conflicts, the ordinances require the more restrictive provisions be followed.

- 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

## Cleveland, Julie

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**From:** c d <kashkakat99@gmail.com>  
**Sent:** Wednesday, February 28, 2024 2:16 PM  
**To:** Urban Design Comments  
**Subject:** Please vote no - item 6

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

I oppose Item 6 - removing minimum terrace requirements. Instead, I think there should be a binding requirement for 12 ft terraces on E Wash as specified in E Wash Gateway plan, allowing minimum 8 feet only if clear specific reason.

I dont know how or why the bldg at corner of E Wash /First was allowed to be built with only 5 ft. terrace at one of the busiest intersections in the city. Its unfortunate because there is a cramped cluttered feel to what should be a spacious gateway view of the Capitol for people coming in from the east - it's the first really good close-up they see. Going forward IMHO we need to remain true to the design set forth by thoughtful people and not give in to demands by developers for more square footage .... or whatever is driving this, I'm not entirely clear....

Aside from esthetics, we also need to maximize tree canopy in an area that is one of the most tree- and greenspace deficient in the city . Reducing terrace size will only exacerbate the problem. I realize there is technology to allow trees to be planted in small amounts of soil, but there's more to it than whether they survive or not. The tree needs to fit the space VISUALLY, its crown needs to have room to spread. It shouldnt look crammed in as an afterthought.

In addition to tree health, lets also consider human health. By now there's proven science correlating human well being with exposure to trees and nature - so again, maximizing tree canopy esp in tree deficient areas has to be PRIORITY.

Also consider - pedestrians in urban environment need to be able to enjoy their surroundings and feel safe - cars whizzing by four or five feet away is too close for comfort. On E. Wash this can be 25-35 mph - actually more, as people will often go over the limit.

Thank you for your consideration  
Cathy Debevec  
East Main St. / Madison, WI  
E Main St., Madison WI

**From:** [Cheryl Balazs](#)  
**To:** [Urban Design Comments](#)  
**Subject:** Please DO NOT reduce terrace depth on E Wash  
**Date:** Wednesday, February 28, 2024 3:00:39 PM

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This width sets the tone for our entire neighborhood. It allows room for trees and people, especially during event density. 10 feet is a reasonable MINIMUM and we deserve nothing less.

Thank you,  
Cheryl Balazs  
1119 Sherman Ave  
Madison, WI

## Cleveland, Julie

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**From:** Jeff Reinke <jsreinke@yahoo.com>  
**Sent:** Wednesday, February 28, 2024 3:04 PM  
**To:** Urban Design Comments  
**Subject:** Changing minimum terrace width requirements.

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To whom it concerns,

We are opposed to changing the minimum width requirements of terraces with Urban Design District # 8.

Karen Banaszak & Jeff Reinke

**From:** [Grace Hasler](#)  
**To:** [Urban Design Comments](#)  
**Subject:** objection to E Washington terrace requirement change  
**Date:** Wednesday, February 28, 2024 3:23:47 PM

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Hello,

I am alarmed by the proposal to reduce the terrace size on E Washington. The original maps and plans for a beautiful corridor were meant to provide room for trees in both the terrace and the median and create a remarkable entrance to our city. I object to the change proposed today.

With a warming climate our Isthmus urban forest is more important than ever. A group of citizens are challenging the city to follow the adopted recommendations of the Madison Urban Forestry report and to increase rather than decrease available places for healthy canopy trees.

I ask you to reject this 91908 agenda proposal.

Grace Hasler  
[gracehasler@gmail.com](mailto:gracehasler@gmail.com)

## Cleveland, Julie

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**From:** kate knudson <kathryn.knudson@gmail.com>  
**Sent:** Wednesday, February 28, 2024 3:20 PM  
**To:** Urban Design Comments  
**Subject:** agenda item 6

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Hello,

I am writing to oppose the proposal to decrease the required amount of terrace footage on East Washington Avenue. There are clear scientific and well-being benefits to having more trees in urban environments, including helping slow runoff and mitigate flood damage.

I request that the requirement of a minimum of 8 feet of terrace footage be maintained for all future development projects on East Wash.

Kate Knudson