



25 W Main St—5<sup>th</sup> Floor, Suite 33  
Madison, WI 53703

May 10, 2023

Madison Urban Design Commission:

We understand that you are in the midst of reviewing the urban design review ordinances and your internal processes and that you have gathered feedback from professionals who appear before the Urban Design Commission (UDC) as part of that process. This memorandum contains additional feedback that we were not able to provide through the online survey that was conducted earlier.

Smart Growth was founded 20 years ago to provide information to elected and appointed city officials and staff about the impact of city and village ordinances and processes on real estate development and construction—information that is accurate, relevant and not available from other sources, because other sources lack expertise in real estate development and construction. Smart Growth is a resource for local government officials and staff, as well as an advocate for good public policy. Smart Growth’s members include real estate developers, architects, engineers, environmental consultants, general contractors, commercial lenders, and a wide variety of other professionals who help take a real estate development project from concept to a constructed and operating building.

Smart Growth’s members greatly appreciate how the work of the UDC over the years has improved the quality of building design in Madison. Residents of Madison have good reason to take pride in the appearance of major buildings in the city, and the UDC has substantially contributed to that result.

Smart Growth offers the following feedback and recommendations to make the UDC even more effective and to better align the UDC with efforts to solve challenges that the city is facing. Smart Growth’s members and other design professionals, who are the UDC’s customers, are eager to work collaboratively with the UDC to improve the UDC’s standards and processes.

Below is a list of Smart Growth’s recommendations for your consideration:

- Please hold a joint meeting of the UDC and Plan Commission to receive a presentation from city staff about the city’s and Dane County’s chronic housing shortage and how the UDC and Plan Commission can structure the development review process to help developers meet the growing demand for housing.
- Please suggest to city Planning staff that they allow the UDC to be the voice of the city regarding good design.
- Please provide a complete list with clearly worded descriptions of the renderings and other documents that the UDC expects development teams to submit for review, and please make the

list and descriptions balance the desire of the UDC to see more complete design documents against the cost of preparing detailed renderings and materials when there is a real risk that a project will not go forward.

- UDC commissioners, please ask questions of the design team after public comments to seek information to address allegations made during public comments and when UDC commissioners believe something is true but have no data to support their belief.
- Please refrain from commenting, making recommendations or adopting conditions regarding issues outside of the UDC's scope, e.g., traffic generated by development and how to manage it (the responsibility of city Traffic Engineering), elevator overruns extending above the Capitol view height limit (the responsibility of the Plan Commission), and the design of green roofs (the responsibility of city Stormwater Engineering).
- If UDC commissioners stray into areas outside of the UDC's scope of authority, please empower city staff to request the UDC's permission to omit such statements from the UDC's report to the Plan Commission.
- It would be helpful if the UDC recommended to the Common Council an ordinance to clarify the UDC's scope to avoid overlap with the authority of the Plan Commission and city departments.
- Please approve or reject a proposed building project in, at most, two UDC meetings and one Plan Commission meeting (unless the development team would prefer three UDC meetings plus a Plan Commission meeting): (1) an informational presentation to or initial approval by the UDC, (2) final approval (with conditions) or final advice to the Plan Commission by the UDC, and (3) the Plan Commission's decision on a demolition permit (if needed) and a conditional use permit.
- If there are unresolved design issues at the end of the second UDC meeting about a project, please add conditions addressing those issues to the UDC's final approval (or else the UDC should disapprove the proposed project) and empower staff to determine if subsequent revisions by the development team satisfy those conditions.
- Please provide greater clarity about the standards and internal processes for deciding when a design progression triggers a need for another UDC review and approval.
- Please propose to the Common Council to rewrite the design standards in the various UDDs in a way that expresses clear and measurable standards, and please base the UDC's decisions exclusively on those design standards.
- Please propose to the Common Council written design standards for proposed projects where the UDC is advisory to the Plan Commission, expressing those design standards in a way that is clear and measurable, and please base the UDC's advice to the Plan Commission exclusively on those design standards.
- Please make the subjective opinions of individual UDC commissioners about building material colors or small design details or concerns about a creative element the development team has included in the design only as helpful advice to the development team and not part of the factors the UDC considers when deciding whether to grant final approval or the advice it will give to the Plan Commission.
- Please clarify which comments made about an informational presentation are the comments of the UDC as a body rather than the comments of individual commissioners.
- Please place sign applications on the UDC's agendas after building projects (including informational presentations about building projects).

First, we observe that frequently there appears to be a disconnect between most city Planning staff (there are exceptions), who are supportive of developers' attempts to make their proposed multi-family buildings as large as practical to contain as many housing units as practical to help address the city's chronic housing shortage, and the UDC, which frequently encourages or requires developers to reduce the scale and mass of their proposed buildings, which reduces the number of housing units. The UDC appears to be more influenced than the Plan Commission by public comments from neighborhood residents who seek to keep increased housing density out of their neighborhoods.

Smart Growth recommends holding a joint meeting of the UDC and Plan Commission to receive a presentation from city staff about the city's and Dane County's chronic housing shortage and how the UDC and Plan Commission can structure the development review process to help developers meet the growing demand for housing. If such a joint session is scheduled, Smart Growth's members and other design professionals would be eager to present to the joint session real-world data and experience with the housing market and housing development in the Madison area.

Second, although the UDC has no responsibility for or direct control over this, the UDC should be aware that city Planning staff provide advice to development project teams during the conceptual development process to help them prepare to navigate the city's complex development review process and to understand the practical upper limits on building height and housing-unit density. Smart Growth's members greatly appreciate this advice. However, city Planning staff sometimes extend their advice to more detailed building design issues. It seems odd to be debating more detailed design issues with city Planning staff before a design has been submitted to and reviewed by the UDC. The UDC might suggest to city Planning staff that they allow the UDC to be the voice of the city regarding good design.

Third, it is not reasonable for the UDC to expect to review nearly complete designs. At the time that the UDC is reviewing a design, there is no way of knowing if or when the proposed project will obtain all of the required approvals from city public bodies and departments that needed to obtain issuance of a building permit or if the project will still be financially feasible after all the conditions are imposed. The Madison review and permitting process is extremely long, expensive, and unpredictable—demonstrably more so than the processes in many other communities. Developers should not be expected to pay professionals to produce nearly complete designs for projects that might never happen. This is particularly true for the UDC's expectation regarding the level of detail in landscaping plans.

In addition, it is particularly disconcerting to development teams when they submit all the materials specified in the UDC's instructions and during the UDC meeting, UDC commissioner ask for additional renderings or information not in the instructions, requiring the project to come back to the UDC an additional meeting.

Smart Growth recommends that the UDC provide a complete list with clearly worded descriptions of the renderings and other documents the UDC expects development teams to submit for review. The list and descriptions should balance the desire of the UDC to see more complete design documents against the cost of preparing detailed renderings and materials when there is a real risk that a project will not go forward.

Fourth, we have observed that during public comments to the UDC, opponents of proposed projects frequently make assertions that are factually inaccurate or have already been addressed in the design. In addition, UDC commissioners sometimes make factual assertions about issues outside of the UDC's scope that are not supported by data, e.g., how much traffic a multi-family complex generates. The design team cannot anticipate all of those statements and attempt to pre-empt them during their initial presentation, nor would they have time to do so even if given 10 minutes for their presentation.

Smart Growth recommends that UDC commissioners ask questions of the design team after public comments to seek information to address allegations made during public comments and when UDC commissioners believe something is true but have no data to support their belief. This would save the UDC time during meetings that it currently spends discussing allegations that are not factually accurate or already addressed by the design.

Furthermore, Smart Growth requests that the UDC refrain from commenting, making recommendations or adopting conditions regarding issues outside of the UDC's scope, e.g., traffic generated by development and how to manage it (the responsibility of city Traffic Engineering), elevator overruns extending above the Capitol view height limit (the responsibility of the Plan Commission), and the design of green roofs (the responsibility of city Stormwater Engineering). If UDC commissioners stray into areas outside of the UDC's scope of authority, Smart Growth recommends that the UDC empower city staff to request the UDC's permission to omit such statements from the UDC's report to the Plan Commission.

Admittedly, there is little guidance regarding the UDC's scope in MGO sections 33.24(2), (4) and (7). It would be helpful if the UDC recommended to the Common Council an ordinance to clarify the UDC's scope to avoid overlap with the authority of the Plan Commission and city departments.

Fifth, the combined UDC and Plan Commission review process takes too long and is not consistent with best practices. If a proposed building project requires UDC approval or advice from the UDC to the Plan Commission and is not located in a local historic district and does not require rezoning, a proposed building project should be approved or rejected in, at most, two UDC meetings and one Plan Commission meeting (unless the development team would prefer three UDC meetings plus a Plan Commission meeting): (1) an informational presentation to or initial approval by the UDC, (2) final approval (with conditions) or final advice to the Plan Commission by the UDC, and (3) the Plan Commission's decision on a demolition permit (if needed) and a conditional use permit (the order of these three meetings might vary). If there are unresolved design issues at the end of the second UDC meeting about a project, conditions addressing those issues should be added to the UDC's final approval (or else the UDC should disapprove the proposed project), and staff should be empowered to determine if subsequent revisions by the development team satisfy those conditions. Based on our members' experience in other communities with design review processes, it is best practice to rely much more frequently on setting conditions that will be resolved by the development team working with staff than the UDC currently does.

Smart Growth recommends that the UDC's application materials and internal process documents explicitly state this expectation and that the UDC make a concerted effort to meet this expectation consistently. If, in unusual situations, the UDC determines it must see a proposed project for a third

time to ensure a small number of unresolved design issues have been adequately addressed, Smart Growth recommends that the final review be placed on the very next UDC meeting agenda after the development team submits revised design documents.

(Smart Growth appreciates that city staff allow development teams to begin to submit documents to resolve conditions placed by departments on land use approvals while the development team is preparing another submission to the UDC to resolve the last few design issues.)

Sixth, it is not clear what the standards are for determining when design progression triggers a need for another UDC review and approval and who is making that decision. The results of inquiries to city staff about this issue are extremely unpredictable. Smart Growth recommends that the UDC's process documents provide greater clarity about the standards and internal processes for deciding this issue.

Seventh, Smart Growth supports the UDC's initiative to create greater commonality among the design standards that are used to evaluate projects in the various Urban Design Districts (UDDs). Smart Growth recommends that the design standards in the various UDDs be rewritten in a way that expresses clear and measurable standards, and the UDC should base its decisions exclusively on those design standards. Similarly, Smart Growth recommends that the UDC should develop written design standards for proposed projects where the UDC is advisory to the Plan Commission, those design standards should be expressed in a way that is clear and measurable, and the UDC should base its advice to the Plan Commission exclusively on those design standards.

Smart Growth members and other design professionals, the UDC's customers, would welcome an invitation to participate collaboratively in rewriting the UDDs standards. We are eager to participate.

Eighth, Smart Growth recommends that the subjective opinions of individual UDC commissioners about building material colors or small design details or concerns about a creative element the development team has included in the design should be offered only as has helpful advice to the development team and not be part of the factors the UDC considers when deciding whether to grant final approval or the advice it will give to the Plan Commission—unless those comments are directly relevant to a clearly written and measurable design standard. The subjective opinions of the UDC commissioners frequently are inconsistent with each other and stifle creative design in the city.

The frequently conflicting subjective opinions of the UDC commissioners cause the greatest amount of confusion at the informational presentation stage. Quite understandably, design teams try to address ALL of the comments from commissioners about an informational presentation—even when they conflict with each other—in their formal submittal. UDC commissioners have opined that some elements of proposed designs have become worse from the informational presentation stage to the formal submittal stage. This is the result of design teams' attempting to address a mixed bag of comments from the individual commissioners about the informational presentation. It would be extremely helpful if the UDC as a body, rather than individual commissioners, made comments about informational presentations, so that development teams could focus primarily on addressing those comments in the formal submittal.

Finally, the UDC frequently spends a substantial amount of time discussing sign applications. Smart Growth recommends that sign applications always be placed on the agenda after building projects (including informational presentations about building projects). This is particularly important now that the UDC is going back to having in-person meetings, where the development teams cannot be working on other projects in their offices while waiting for the UDC to get to their item on the agenda.

In conclusion, Smart Growth greatly appreciates the positive impact that the UDC has had on the built environment in Madison. Thank you for considering these comments and recommendations from your customers. We would be happy to discuss them with you during a meeting. Furthermore, we are eager to work collaboratively with you going forward to improve the UDC's standards and processes if you invite us to do so.

Sincerely yours,

Bill Connors, Executive Director  
bill@smartgrowthgreatermadison.com  
608-228-5995 (mobile)