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To:	Urban Design Comments
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Subject:	Smart Growth Comments re Item 4 on Agenda for May 8 Meeting
Date:	Monday, May 6, 2024 2:47:43 PM

Chair Goodhart and Urban Design Commissioners:

On behalf of Smart Growth Greater Madison, I am writing to you regarding item 4 on the agenda for your meeting on Wednesday, May 8, Legistar 81073, 9453 Spirit St (305 Bear Claw Way). Smart Growth does not have any comments on the merits of this proposed development project. Instead, Smart Growth's comments are about the process.

According to Madison General Ordinances section 33.24(4)(c), this proposed development project is classified as a "residential building complex" and is before the Urban Design Commission for the UDC to give advice to the Plan Commission regarding whether the development project complies with rather vague design standards: "the exterior design and appearance of all of the principal buildings or structures and the landscape plans."

Smart Growth urges the UDC to restrict its advice to the Plan Commission to whether or not this development project complies with the design standards. Furthermore, if the UDC decides to advise the Plan Commission that the project has failed to meet any of the design standards, it would be helpful if the UDC's report included advice regarding what the design team would need to change to comply with sufficient specificity so that if the Plan Commission adopted the UDC's advice, the design team could work with city staff to achieve compliance without needing to come back to the UDC at another meeting for additional advice.

Based on the current ordinances, it appears that the Plan Commission lacks the authority to send the project back to the UDC for final approval, because the ordinances explicitly state that the UDC only has authority to give advice to the Plan Commission, not to approve or deny approval of this project. (The Plan Commission could re-refer the project back to the UDC for additional advice, but then the project would have to go back to the Plan Commission for a second time for approval or disapproval.)

The proposed UDC Phase 1 ordinance, Legistar 82973, would grant the Plan Commission authority to give the UDC the power to make the final decision on whether to approve or not approve a project like this one, regarding which the UDC is only authorized to give advice to the Plan Commission. But the UDC Phase 1 ordinance has not yet been enacted.

Even if the Plan Commission somehow has authority to give the UDC the power to approve or deny approval of this project, the Plan Commission has discretion not to do so. When this project goes to the Plan Commission, Smart Growth will make sure the Plan Commission is aware that, at the very least, it has the option not to send the project back to the UDC (and probably doesn't have the authority to give the UDC the power to approve or deny approval of the project). In the past, the Plan Commission sometimes has not been informed that it has the

option not to send the project back to the UDC for "final approval."

Thank you for your consideration.

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