

Comments for Plan Commission meeting March 22, 2021
Agenda item #12 Legistar item #64250

Dear Plan Commissioners,

I support the proposed zoning amendment item 64250 to increase front yard setbacks. We need canopy trees for the health and vibrancy of the city and all who live here.

While some may argue a decrease in value by not building human living space in every last inch up to the sidewalk, the long term environmental impact will ultimately be of greater livability and business value than can be seen by shortsightedness.

Respectfully submitted,

Tracy Dietzel
Madison/Dejope

From: [Bill Connors](#)
To: [Plan Commission Comments](#)
Subject: Comments re Item 12 on March 22 Plan Commission Agenda
Date: Monday, March 22, 2021 8:33:52 AM
Attachments: [Excerpts ActiveDesign Sidewalks NYCP2013.pdf](#)
[Smart Growth Comments to PC re Legistar 64250.pdf](#)

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

Dear Sir or Madam:

I have attached the comments of Smart Growth Greater Madison regarding item #12 on the Plan Commission's March 22 agenda.

Bill Connors
Executive Director
Smart Growth Greater Madison, Inc.
608-228-5995 (mobile)
www.smartgrowthgreatermadison.com

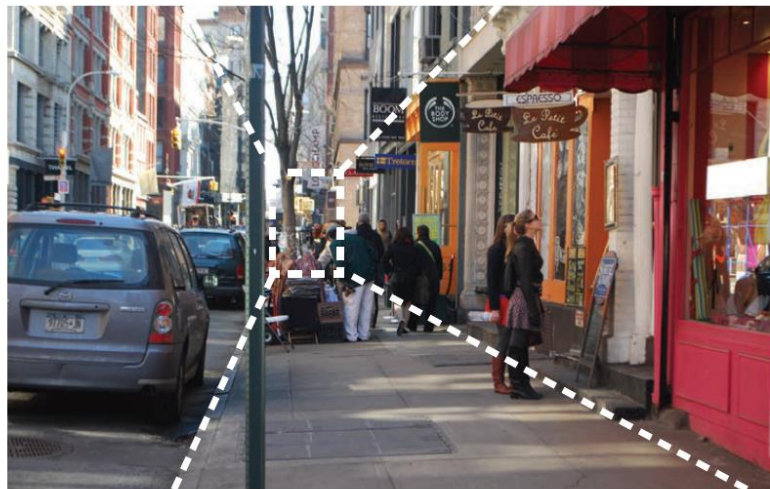
25 W Main St - 5th Floor, Suite 33
Madison, WI 53703





Excerpts from: Active Design – Shaping the Sidewalk Experience

https://nacto.org/docs/usdg/active_design_shaping_the_sidewalk_experience_nycdot.pdf

PROLOGUE

Judging from the pedestrian perspective, the sidewalk is conceptualized as a room with four planes.

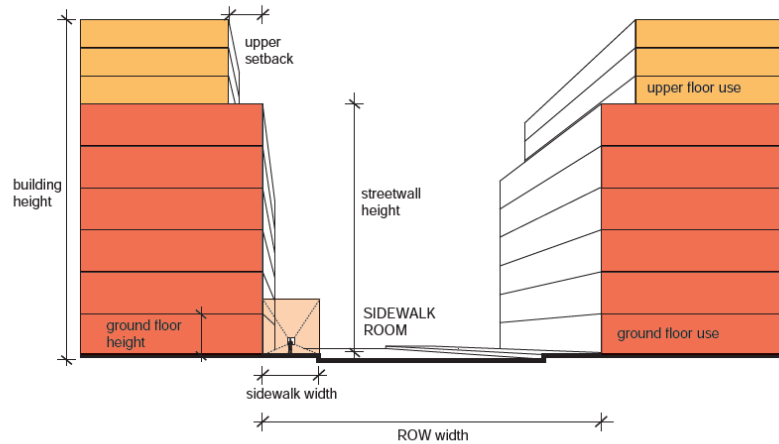


-  Ground Plane
-  Roadside
-  Building Wall
-  Canopy



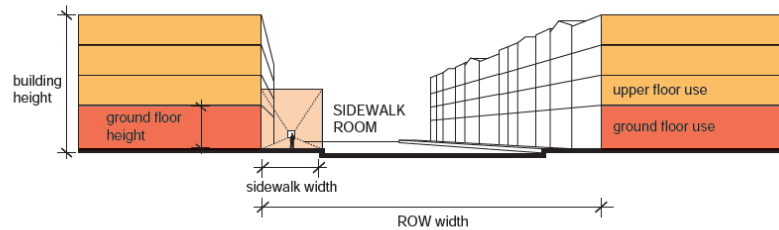
DOWNTOWN COMMERCIAL STREET

This type of street typically has wider sidewalks, with an approximately 10 to 15 foot clear path, wider overall right-of-way, street walls close to and framing the majority of the sidewalk length, taller buildings, and mostly ground-floor commercial uses. It is generally part of a network of streets arranged in a grid, and accommodates a range of pedestrian types, including office workers, transit riders, shoppers, tourists, and residents.



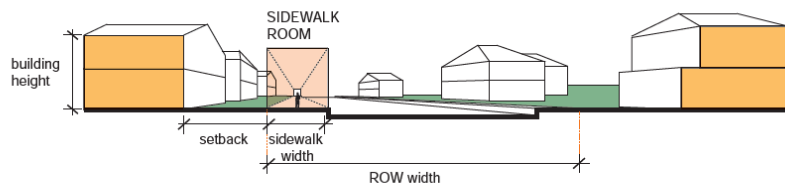
NEIGHBORHOOD MAIN STREET

This type of street usually has sidewalks with anywhere between 5 to 12 foot clear paths. The buildings along it are often between one to four stories high, and in general form a strong street wall, sitting directly on or near the property line. Ground-floor spaces are mostly occupied by commercial uses, with the occasional residential entry. They are often more unique in character and less orderly than the downtown sidewalks, with 20- to 40-foot-wide establishment fronts, on average. The pedestrian population is generally a mix of local residents, schoolchildren, shoppers, and workers.



RESIDENTIAL ONLY STREETS

These streets have the narrowest clear path, of approximately 5 to 7 feet. Pedestrian volumes tend to be much lower, with the occasional resident walking a dog, going for a run, or walking to a local store, transit stop, or school. In older neighborhoods, trees and planting strips often exist on the roadside of the clear path, and in newer areas, this planting sometimes sits on the private property side of the clear path, reducing the buffer between pedestrians and vehicles. Buildings are mostly set back from the property line, causing front yard planting, fencing, and car parking to become more dominant than the building wall.



Members of the Plan Commission:

I am writing regarding item #12 on your March 22 meeting agenda. On behalf of Smart Growth Greater Madison, I ask you to consider whether the city government is living up to its pledge of inclusiveness if it enacts the ordinance to increase front setbacks, Legistar #64250, with no notice to adversely affected small property owners, and whether the benefit to street trees outweighs the negative economic impacts of proposed ordinance.

Initial Lack of Varied Perspectives

This proposed ordinance originated in a report of the Urban Forestry Task Force. To the best of my knowledge, no property owners or developers participated in that task force or were even invited to do so. It is highly unlikely that a good public policy can be produced when the people most affected by the policy are excluded from the process of making it.

Lack of Notice to Affected Property Owners and Its Impact on Equity and Inclusion

The proposed ordinance would effectively place a five-foot easement in favor of the public across the front of most of the parcels in the zoning districts listed in the ordinance, decreasing the value of those parcels. But the city government has provided no notice whatsoever to the property owners that the city government is considering adopting an ordinance that will decrease the values of their properties. The large property owners active in Smart Growth and Downtown Madison, Inc. are aware of this proposed ordinance and can take appropriate action to defend their interests, but the owners of the vast majority of affected parcels have received no notice and are excluded from this process.

I thought the Madison city government had pledged to stop conducting its business so that only the powerful and connected have their interests protected while the voices of the not-powerful and not-connected are excluded. It is my understanding that one of the primary reasons that property owners who will be negatively impacted by this proposed ordinance have not been notified under the current system is that it would cost the city government money to notify them. Is Madison city government willing to invest in being inclusive, or is its "commitment" to equity and inclusion primarily rhetoric?

You might feel like it is inappropriate for me, a white man representing the interests of the real estate development and construction businesses, to lecture anyone about equity and inclusion. I concede that is a valid objection. However, in this case, you are not able to have conversations directly with Black, indigenous, and people of color who own small commercial properties in Madison because the city government years ago implemented a system that does not provide them with any notice of a proposed ordinance like this, and that systemic lack of notice has effectively excluded them from the conversation.

Greater Negative Impact on Smaller Developers and Smaller Projects

Large developers undertaking large redevelopment projects either (a) can afford to give up the five feet of space because of the economies of scale of their large projects (such as the Core Spaces proposed project on the block bounded by State, W Gorham, N Broom and W Johnson) or (b) will seek rezoning to Planned Development and negotiate a General Development Plan which decreases the front setback. It

is unlikely that smaller developers undertaking smaller redevelopment projects will be able to use these methods to avoid or minimize the negative impacts of this ordinance.

The proposed ordinance to make more housing development eligible to proceed by right (permitted use) rather than requiring a Conditional Use Permit and to increase allowable densities (Legistar 63902—item #13 on your March 22 agenda) is a step in the direction for encouraging smaller developers undertaking smaller projects. In contrast, Legistar 64250 is a step in the opposite direction.

Unanswered Questions

We still do not know which parcels within the listed zoning districts will be subject to the five-foot setback and which will not because the distance between the curb and property line already is 15 feet. City staff were working with GIS to produce a map or list of the affected versus unaffected parcels, but that information is not available.

Has the city government undertaken any study of how this proposed ordinance would adversely affect investments in and revitalization of important urban corridors such as Monroe St, Williamson St, Atwood Ave/Winnebago St, E Johnson St and Park St? The redevelopment projects most likely to be discouraged by this ordinance are the projects in keeping with the scale of existing buildings in these urban corridors. If less redevelopment happens, the corridors are likely to start to lose vitality, which in turn will discourage owners of existing buildings from re-investing in their properties. The end result could be deterioration of these corridors to the point they are ripe for big developers to acquire large numbers of adjacent parcels to clear-cut the charming smaller shop buildings to make way for big redevelopment projects. Is it wise to go forward with this ordinance with no idea of the extent of its negative impact? You probably would hear more about this issue if the city government provided notice and invited participation by the affected property owners.

I have heard city staff say that in recently redevelopment projects, it has been common for the developers to propose setting back the building facades a few feet from the property line. Does city staff have any data, not just anecdotes, to support that assertion? If that assertion is accurate, is this proposed ordinance even needed? Why must an additional five feet of setback be mandated rather than letting the developer and city staff come up with an additional setback that makes sense for the particular parcels involved in a proposed project, as they are doing now in many projects (according to city staff)?

Some Madison neighborhood plans have recommended that the distance between the property line and front façades on important urban corridors (e.g., Monroe St, Williamson St, etc.) should be zero to five feet. This ordinance would essentially amend those plans to say the distance should be exactly five feet.

Does the city staff have any data showing how many street trees will die of other causes before they become mature enough to use the added canopy space that this proposed ordinance would provide? If many or most of the street trees will die before they become mature enough to use the additional space, that will affect the cost-benefit analysis that should be required before the Common Council votes on this ordinance.

Fix the Problem in the Public Right of Way

The streetery program has demonstrated that the city government is capable of creatively using the public right of to meet city priorities. If increasing space for street tree canopies is a high priority, the city government should move curbs away from building facades to create more space between the curb and the building façades rather than decrease the value of hundreds or thousands of parcels.

Other Considerations

Please see the document attached to this email about shaping the sidewalk experience. This document indicates that for “neighborhood main streets” like Madison’s urban corridors (e.g., Monroe St. Williamson St, etc.), the distance between the curb and building facades usually is a maximum of 12 feet. The proposed ordinance would make that distance 15 feet in most cases.

Please also keep in mind that when this ordinance causes the assessed values of parcels to be reduced, property tax burden will shift from these parcels to all the other taxable parcels in the city, including single-family houses.

The Proposed Ordinance Needs More Work

Smart Growth does recognize and appreciate this proposed ordinance contains provisions that reduce its negative impact: (a) no additional setback is required if the space between the curb and property line is at least 15 feet, (b) if the space is only a few feet short of 15 feet, the property owner can agree to a no-build easement narrower than 5 feet to get to the required 15 feet, and (c) the map excluding certain block faces in the Downtown. But the ordinance still will decrease the values of parcels for an unknown amount of benefit to street trees (the benefit is unknown because we do not have information about how many street trees will live long enough to use the additional space).

It would be prudent to add more provisions to reduce the negative impact of this proposed ordinance. For example, the ordinance would be improved if shallow parcels were excluded from the ordinance. An example of a particularly shallow parcel is 1933 Monroe St, at corner intersection of Van Buren St and Monroe St, zoned TSS. In addition, corner parcels such as 1933 Monroe St are more negatively impacted than interior parcels because the five-foot setback would apply on both sides of the parcel that face onto a street. Where to draw the line between exempt shallow parcels and non-exempt deeper parcels would be determined by more study and discussion. But there is no reason to rush to adopt this proposed ordinance.

There is, of course, another way to fix this ordinance’s impact on shallow parcels: seeking a variance. But the variance process means more uncertainty and more time and expense—all things that prevent smaller projects by smaller developers from even getting started.

Conclusion

I urge you not to recommend adoption of this ordinance until more study has been conducted and more answers are provided, and certainly not until the owners of properties that the proposed ordinance will reduce in value are notified and given an opportunity to make their voices heard.

Bill Connors
Executive Director
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From: [Judy Olson](#)
To: [Plan Commission Comments](#); [Rummel, Marsha](#)
Subject: Supporting Setback Changes to Support Street Trees
Date: Sunday, March 21, 2021 5:06:52 PM

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Dear Plan Commission Members:

As we know from the City's 2019 [Urban Forestry Task Force Report](#), Madison's tree canopy coverage at the time of the report was 23%, less than the national average of 27% for cities and far less than the 40% goal of the report. Moreover, our tree canopy coverage in many areas of the city is much lower, even as low as 8-13% in some downtown neighborhoods.

It is encouraging to see the City pursue an ordinance to address this deficiency in those neighborhoods where setback requirements can be too narrow for trees to be planted. In many cases, these are the very areas where the City is encouraging redevelopment at high densities and where much of our future growth will take place.

For too long, we have failed to prioritize tree preservation and planting in higher density areas. As a result, the streetscapes of some of these areas is oppressively hot in summer and unattractive year-round. Instead, we should be striving for our redeveloping areas to be highly livable now and well into the future. It is critical that we establish a new norm requiring denser development to preserve or create tree canopy coverage.

I urge the Plan Commission to approve Item #64250 amending setback requirements to support street tree canopy.

Thank-you!

Judy Olson
518 Clemons Ave
Madison