

From: [S Goss](#)
To: [All Alders](#)
Subject: Agenda Item 8 -- Housing Density & Conditional Use Thresholds
Date: Monday, March 29, 2021 2:27:54 PM

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

To: Madison Alders

From: Sharon Goss, President of Elderberry Neighborhood Association

The Board of Elderberry NA opposes the changes laid out in File 63902. We have studied this proposal, as best we can in the short time allotted to us, and believe it is not in Madison's best interest.

1. We strongly object to the elimination of resident input into future development proposals. This runs contrary to Madison's civic history. Our neighborhood associations have a solid record of improving projects through their input and we ask that this tradition be maintained. Madison residents will continue to love their city only as long as they feel they have a voice in its future.
2. This proposal claims it will address the lack of middle range housing. However, nothing in these new regulations would require that to actually happen. The trend in Madison is clearly to build luxury housing, and we have no reason to believe that unrestricted developers would voluntarily serve the common good.
3. The public has become aware of this proposal only in the last few weeks. File 63902 is very complicated, and it requires a lot of work for ordinary people to understand. We are disappointed in the sponsors for rushing a vote before the public is even aware of what 63902 entails.
4. Even the Plan Commission recognizes the problem of "unforeseen consequences." Please note the experience of the City of Cleveland, as described in a recent edition of the *Plain-Dealer*. I.e., after a short period of trying out the very same proposal, the city is now moving toward rescinding the plan because it has resulted in unsuitable buildings that don't even serve the purpose for which they were intended. The Planning Dept. staff can, at this point, offer only vague statements about what they think will be the outcome of these changes (e.g., that these changes will not result in the tearing down of existing older housing). We need information, not hopes and assumptions. And we certainly need to learn from the mistakes of other cities.

On behalf of all neighborhoods, we urge you to defer this proposal until it can be fully studied and the public fully educated about what it means. **And we urge you not to pass any measure, now or later, that takes away residents' voice in the future of their city.**

Respectfully, Sharon M. Goss

From: [Kurt Paulsen](#)
To: [All Alders](#)
Cc: [Stouder, Heather](#); [Mayor](#)
Subject: Comments on File #63902
Date: Tuesday, March 30, 2021 8:48:08 AM
Attachments: [letter to madison alders conditional uses.pdf](#)

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Dear Madison Alders – please find attached a letter on the zoning ordinance changes before you tonight.

Thank you,

Kurt Paulsen, AICP
Professor, Dept. of Planning and Landscape Architecture
University of Wisconsin - Madison

Kurt Paulsen
Department of Planning and Landscape Architecture
University of Wisconsin - Madison

March 29, 2021

Madison Alders:

I am writing in regard to File #63902 regarding conditional use thresholds on your Tuesday, March 30th 2021 meeting.

Because of my general interest in and research on the relationship between zoning and housing affordability, I attended (virtually) the Plan Commission hearing on this matter on March 22. I have been following similar debates and zoning reforms across the country.

At that meeting, I was asked to respond to a few questions by Alder Evers based on my research and experience. I want to use this letter as an opportunity to provide a fuller response to some of the issues raised and to provide a little more context for the proposal before you.

I'll begin, however, with a standard disclaimer: For informational purposes, I am a professor of urban planning at UW-Madison and my main areas of teaching, research and outreach are in the areas of housing planning, land use planning and municipal finance. I am the author of the two Dane County housing needs assessments (2015, and 2019) and the author of a state workforce housing report (2019). I was also one of the outside community members of the RESJI review of the "Analysis of Impediments to Fair Housing" report.

Because I am a state government employee and have worked with communities across Dane County on issues of housing, I want to make clear that my comments are for informational purposes only and that I do not (and cannot) advocate for or against any particular piece of legislation. My comments are my own and do not necessarily reflect the view of any city, county, or state agency.

At the plan commission hearing, we heard three major issues raised regarding the proposal 1) neighborhood input; 2) displacement; and 3) residential-only buildings in mixed-use districts. I will try to provide some information on each of these issues, based on some simple analysis I did in reading the proposed ordinance.

As I mentioned in response to Alder Evers questions, similar debates and zoning reforms are taking place in cities as diverse as Minneapolis, Sacramento, Berkeley, Austin, and Cambridge as well as state-level zoning reforms approved in Oregon and proposed in states like Connecticut. In each of the examples cited, land development codes (including zoning) have been updated to permit a greater density and variety of housing to be built as a necessary (but not sufficient) approach to reduce housing cost growth, improve affordability and expand housing options, especially in proximity to jobs or transit.

First, the context of the proposed ordinance is to implement the land use and housing policies identified in the Comprehensive Plan, as staff have detailed in their memos and presentations. The proposal does not significantly change land uses in the city and does not alter the boundaries of any zoning district. What the proposal does is takes some subset of multifamily uses that are currently

allowable uses through a "conditional use" permit (CUP) and makes them permitted (by right) uses. As the staff memo outlines, the height, setbacks, step-back and parking (etc.) provisions of the zoning ordinance still apply. The ordinance also modestly lowers the amount of lot area per dwelling unit in some zoning districts.

I think it's important to remember that a conditional use is a use of land the City does intend to be an allowable use in that zoning district, just a use subject to additional standards and conditions described in the ordinance. A conditional use is not a prohibited use, it is a use that City Plans have determined is appropriate for a particular zoning district subject to conditions. In each of the proposed conditional use threshold changes in the ordinance amendment before you, staff have documented that the heights and densities are within the ranges indicated on the comprehensive plan.

State statutes govern (Wis. Stat. 62.23(7)(de)) govern the conditional use process which direct that conditions attached to a conditional use permit must be related to the purpose of the zoning ordinance, specified in the ordinance, and based on substantial evidence.

Because the conditional use process can introduce time delays and uncertainty in the development process, many developers will avoid projects that require a conditional use. This is particularly the case for smaller developers who are more thinly capitalized, as well as non-profit developers looking to acquire sites to build affordable housing.

Before any developer (market rate, affordable, non-profit) can submit a conditional use permit application on a site, they must secure some form of site control, usually through a signed contract or option to purchase. In addition, the preparation of a site plan and building plans as part of the conditional use process, when combined with potential revisions to those plans, can impose significant costs to developers with no guarantee of success. Design and architect fees, in addition to holding costs can range from \$30,000 to well over \$100,000 for complex projects. Small developers and/or non-profits don't usually have the capital or cash flow from existing projects to be able to take this risk. Even if they are successful in securing conditional use approval, time delays and holding costs have to be recovered somehow in rent from tenants. If a building doesn't pencil out financially, it won't be built.

The proposal to change some categories of multifamily buildings from conditional uses to permitted uses does not rezone these parcels to allow uses previously prohibited. The proposal does not create land uses that are inconsistent with the comprehensive plan. The proposed changes aim to implement the comprehensive plan by making some smaller multifamily housing more predictable and certain (by right), while still being subject to the density, height, and other requirements in the zoning ordinance.

Second, the proposed ordinance changes some of the density limitations on multifamily buildings in some zoning districts. It does this by reducing the amount of lot area required per dwelling unit. To take an example, the SR-V2 district, the proposed ordinance makes a modest change to densities, decreasing the required lot area per dwelling unit from 2,000 ft² to 1,500 ft². If we consider a 10,000 ft² lot in the SR-V2 district, under the current ordinance 5 dwelling units are permitted, but under the change 6.7 units would be permitted.

Even though the conditional use threshold in the SR-V2 is proposed to increase from the present 8-unit to 24-units, density controls would still restrict what is possible to build. To build a 24-unit building by right in the SR-V2 (under the proposal), a developer would still need to assemble a lot of 36,000 ft² because the ordinance requires 1,500 ft² of lot area per dwelling unit. The height limit of 3 stories/40 feet would also continue for this district from the existing ordinance. Any building that contained more than 24 units would remain a conditional use in this district, but the lot area per dwelling unit and the height limits are not waivable under the conditional use process.

For these reasons, I consider most of these proposed density changes and conditional use thresholds changes in residential districts to be modest at best. The density changes and the conditional use thresholds work together to create some additional opportunities for smaller-scale housing in residential districts. But large re-development projects in these districts would require rezoning of the parcel.

The second issue regards the potential for displacement under this proposal, with increased lands open to potential development or redevelopment. Although I could talk forever about what recent research tells us about the relationship between housing construction, affordability, and gentrification at the regional and neighborhood level, it would be more helpful to focus comments specifically to the potential for displacement because of these specific zoning changes.

Here, we want to split out two categories of proposed changes: those dealing with residential districts (SR-V1, SR-V2, TR-V2, TR-U1 and TR-U2) and those dealing with mixed-use/commercial districts. As the staff report indicates, the residential districts under consideration in this proposed ordinance change comprise only 5.3 percent of the city's land area. Many multifamily residential properties already exist on existing developed parcels. The concern is that developers might purchase existing Class-C (lower than market average rent per square foot) 4-unit and 8-unit buildings (for example) in some residential neighborhoods and redevelop the properties to market rate units, which would displace existing tenants.

The concern about displacement of existing residents in lower-rent older housing stock is a valid concern that requires careful thought. However, I will argue that careful analysis of these proposed zoning changes in residential districts suggests there will likely be little displacement potential of existing housing.

To demonstrate this, I took as an exercise what I would undertake if I were a market-rate developer looking to acquire enough land in the SR-V2 district (the math works pretty similarly in the other residential districts in this proposal) to build the 24-unit by-right that the proposed ordinance would permit. Again, recall that this would require acquiring a minimum 36,000 ft² parcel.

I selected for this exercise two areas of the city I am more familiar with where existing lower-cost housing exists in neighborhoods currently zoned SR-V2: Brentwood Parkway and Badger Road. Each of those streets has multiple existing 4-unit buildings that generally contain 2-bedroom units that can rent between \$800-\$950 per month. These buildings are older and have fewer in-unit and in-building amenities. This unsubsidized but less-unaffordable stock in older buildings raises the concern of displacement due to potential redevelopment.

If I were a developer and wanted to acquire enough land to build a 24-unit by right in the SR-V2 district on either of those two streets, I would need to acquire 4 contiguous parcels on Badger Road,

or 3 contiguous parcels on Brentwood Avenue, given existing parcel sizes. I would need to buy out the existing owner(s), and the price per parcel would reflect the existing rent levels on the properties. Land acquisition costs (of existing buildings) to acquire enough parcels to get a 36,000 ft² parcel would be from \$900,000 to \$1.2 million if I use current assessed valuations. However, given the rent that these units currently generate, at current market cap rates, the acquisition costs might be closer to \$1.5 million.

Demolition cost, site preparation, and the costs of new construction, combine to suggest that the all-in costs of land and construction for this project would range from about \$5.5 million to \$5.8 million for a 24-unit building. I honestly think that the lower end of the range: all-in costs could go for about \$6 million.

The result of this simple pro forma analysis is that I would need to get somewhere around \$1700-\$1900 in rent per month on each 2-bedroom unit in the new building just to cover the debt service I would need to take on to build the building. As anyone who has done a market rent study knows, there really isn't any reasonable way that a market-rate developer could ever expect to get \$1700 for a 2-bedroom in rent when all of the surrounding properties in the neighborhood charge significantly less.

Because of Madison's housing shortage, the rent commanded in the market for these existing older 4-unit and 8-unit buildings is high enough that redevelopment (given the density limits in these residential zoning districts even under the new proposal) would not generally be economically viable. To even approach economic viability, a developer needs to acquire a much larger lot and seek a rezoning request to much higher densities. In that case, a rezoning request is a discretionary review by Council or the Plan Commission, where concerns about affordability and displacement can be part of the discussion.

In the SR-V2 district under the proposed ordinance change, a developer who wanted to build a building with more than 24-units would still be required to seek a conditional use permit. But they would still be required to buy an even larger lot area because the 1,500 square feet of lot area per dwelling unit still is a binding requirement and the height limit is still 3 stories.

In my opinion, these modest changes to density limits and conditional use thresholds will not significantly lead to market development pressures that result in displacing existing rental housing units, given the height and lot area requirements that remain and the existing rent levels for existing housing. Large-scale market rate redevelopment projects are extremely unlikely in existing residential districts without rezoning to much higher densities.

Likewise, the proposed changes for the mixed use and commercial districts will unlikely lead to significant displacement of existing housing. As the staff report points out, many of the parcels in these districts that have seen significant redevelopment (including housing) in the past years. But these auto-oriented commercial uses that have redeveloped don't usually have existing housing.

Third, the issue was raised regarding residential-only buildings in mixed use and commercial zoning districts, specifically the NMX, TSS and CC-T districts. Here, the proposed ordinance would allow small-scale residential-only buildings (i.e., without ground-level commercial uses) as a permitted right rather than as a conditional use. Again, the overall height and density of mixed-use buildings (housing + commercial) is not significantly changed.

In the Neighborhood Mixed Use district, the proposed change (substitute amendment) would allow a 12-unit residential-only building by right. Anything with more units would still be a conditional use. The lot area per dwelling unit is reduced to 500 square feet per unit. This would mean that, to build a 12-unit residential-only building by-right, a developer would need to acquire a parcel at least 6,000 square feet in size.

The concern is that, by allowing residential-only buildings by right which are not required to include retail uses, neighborhoods might lose existing retail and/or be unable to acquire new retail uses in NMX districts.

But, to completely thwart the non-residential requirements of the ordinance, a developer would have to acquire enough land to stack multiple 12-unit buildings (each as separate building) next to each other, all on separate parcels. Because zoning regulates parcel by parcel, each separate parcel could only do a 12-unit building by right, anything more would still trigger a conditional use process. These couldn't be one building, because each parcel can contain only one principal use.

If a developer acquired enough land to build something more than a 12-unit residential-only building, they would still need to get conditional use approval.

To illustrate how this would play out, I examined some of the NMX parcels south of Northport drive, north of Troy Drive and east of the Culvers. (I may or may not be a frequent customer of this Culvers.) Combined, these non-Culvers parcels are about 55,000 square feet. A developer could conceivably buy all 3 parcels, subdivide into 9 separate parcels, and build 9 individually separate 12-unit buildings, one on each parcel under this proposed ordinance to eliminate all retail requirements. But this is not anywhere close to economically viable as a development activity. Given the conditional use threshold in the substitute amendment of 12-units for residential-only projects, displacement of viable neighborhood retail use is unlikely.

My analysis would produce similar results for the 24-unit thresholds in the TSS district and the 36-unit threshold in the CC-T districts. For any redevelopment project to be economically viable without subsidy (such as TIF), a developer needs to amortize fixed costs of a project over more units. A 36-unit residential-only-by-right building in the CC-T district would still require an 18,000 square foot parcel.

From: [Michelle Martin](#)
To: [All Alders](#)
Subject: Comments on Legistar 63902
Date: Saturday, March 20, 2021 9:24:42 AM

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

To:

All Alders

From: Sherman Neighborhood Association

The board of the Sherman Neighborhood Association wishes to register its opposition to the proposed changes under the Zoning Text Amendment on Housing Density and Conditional Use Thresholds (Legistar 63902). These changes remove input from neighborhood residents and open the door for large, poorly designed development in existing neighborhoods.

The proposed transfer of decision making power from Madison's Plan Commission to Madison's Planning Department means that developers can propose a project and have it approved by City Planning staff without input from neighbors. The current approval process does not stop projects that ought to be approved but it does give current residents the opportunity to provide feedback which often makes the projects a better fit for their neighborhood.

We are also concerned about the increased height and density allowed under the proposed changes. Reasonably sized multi-family buildings are already allowed in the locations to which this ordinance applies. By increasing the permissible heights and densities and reducing the required usable open space, the proposed ordinance changes allow the construction of large buildings that are not in scale with the surrounding buildings.

The stated purpose for these changes is to provide "more housing units in general, more housing options affordable to all households, and a broader variety of housing so that people have the choices they need to live in neighborhoods across the city, regardless of income, age, race, or ability." We understand that need but do not believe these changes will achieve that goal. We urge the city to look for creative ways to address this issue while still respecting the residents already in these neighborhoods.

Sincerely,

The Sherman Neighborhood Association

From: [Jason Ilstrup](#)
To: [All Alders](#)
Subject: DMI Position Statement - Conditional Use Thresholds Resolution - File Number 63902
Date: Monday, March 29, 2021 12:49:08 PM
Attachments: [DMI Position Statement - Conditional Use Thresholds - City Council - 033021.pdf](#)

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

Good Afternoon Alders:

I hope you all had a good weekend. Please find the attached Downtown Madison, Inc. (DMI) position statement on agenda item 8 (file number 63902) for tomorrow night's City Council meeting.

Please let me know if you have any questions. Thank you for all the leadership and I hope you have a nice afternoon.

Jason Ilstrup
President
Downtown Madison Inc.
122 West Washington Avenue, Suite 250
Madison, Wisconsin 53703
608.512.1330
www.downtownmadison.org





March 29, 2021

Dear Alders:

Downtown Madison, Inc. (DMI) strongly supports resolution file number 63902 (Council agenda item number 8), legislation seeking to amend various sections of Subchapters 28C and 28D of the Madison General Ordinance in order to moderately increase allowable densities and decrease conditional use thresholds in certain multi-family residential, mixed-use, and commercial districts.

As the current economic crises has clearly shown, Downtown Madison and the city have a severe dearth of affordable housing and a real lack of diversity amongst its developer ranks. The shortage of affordable housing and housing developers are having serious consequences on our workforce and our community. This proposed resolution deftly seeks to meet both challenges by creating opportunities to build additional housing units and lowering the barriers of entry to become a housing developer.

DMI is strongly committed to supporting greater downtown housing densities and diversity, including affordable and accessible housing to serve all socioeconomic groups. Allowing more housing units by right, either downtown or in the greater city, means more housing will be built. Without the conditional use permitting, the entitlement process will shorten and create more certainty for developers. These changes will mean developers and small housing operators will be able to produce more housing at a lower cost thereby helping both supply and costs to renters.

Madison has long suffered from a lack of diversity from within its developer ranks. This lack of diversity often stems from barriers placed in front of willing entrants. DMI and the City must identify, confront, and dismantle the structural and cultural barriers that deprive any individual of meaningful opportunities to fully participate within our economic system, including real estate development. By creating a more certain process, this resolution significantly lowers the barriers to entry for developers. Nearly all developers start by producing small buildings and then grow into larger projects. Allowing small projects to be built by right will help ensure more people are participating in developing housing.

DMI strongly urges you to support resolution 63902. This resolution will allow more affordable housing to be built while helping ensure our development community is diverse, inclusive, and equitable.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Ilstrup", written in a cursive style.

Jason Ilstrup
President
Downtown Madison, Inc. (DMI)

From: [Brad Hinkfuss](#)
To: [All Alders](#)
Subject: Letter RE Item 8. File #63902, March 30 Common Council meeting
Date: Saturday, March 27, 2021 8:29:45 PM
Attachments: [All Alders letter - RE File #63902, Density and Zoning.pdf](#)

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

Hello City of Madison Alders,
I offer the attached letter in reference to Item 8, File #63902 on the agenda for the Common Council meeting on Tuesday, March 30th.

Thank you for your consideration and for your service.

Respectfully,

Brad Hinkfuss

March 25, 2021

Dear City of Madison Alders,

How many of you are comfortable tinkering with the source code for the operating system on your computer? Not many, I wager. Tinkering with the basic principles of how complicated things work is fraught with the potential for unwanted results and unintended consequences. In similar fashion, at your next meeting on March 30th, you will be faced with a decision on File #63902 as to whether to support some proposed changes in allowable densities in select zoning districts, as well as conditional use thresholds. This is the source code for how this city is built. It should give you reason for pause. I strongly encourage you to refer the proposal for further review.

This proposal arrives with the best of intentions, to help address the twin crises of affordability and the demand for more housing units. Everyone wants solutions to these urgent problems. But urgency breeds haste. Haste leads to recklessness. Recklessness can lead to injury. And when you are building things that may last 80 years or more that injury would be long lasting.

What are the issues? There are many, but here are a few:

First, the proposed changes arrive with a striking lack of evidence that they will achieve the expressed goals in any meaningful way. Developers are already building many units. Streamlining the development process and easing conditional use thresholds will make a minor piece of what developers are already doing just a little bit easier. Availability of land, the cost of construction, and financing are much bigger obstacles. The proposed changes do nothing to address them.

Second, the evidence of the past 20 years is that developers will build to the high end of the market: efficiencies and 1-bedroom apartments at market rate rents. This is simply what the private market naturally does. In so doing, they will codify certain districts and neighborhoods as too expensive and unavailable to lower-income residents and families. Opportunities for a richer mix of housing types will be lost.

Third, in removing the conditional use threshold for many types of development, key elements of review will be lost along with public meetings. These opportunities for review will be lost for residents, lost for alders, and lost for the Plan Commission. Instead, authority will be focused in an unseeing code and a handful of staff positions. This is an unapologetic loss of opportunity for meaningful dialogue and inclusion, no matter who you are.

Unintended consequences. Consequences for buildings and for people. Fortunately, the City of Madison has a process to address this, the Racial Equity and Social Justice Initiative (RESJI). As the City RESJI page states, "Identify groups and individuals most likely to be impacted by the decision, policy, program, practice or budget. Find ways to involve them in the analysis." This has not happened here.

I urge you to refer this proposal. Pause for a few months and invest in a RESJI analysis. Nothing will be lost, only potentially gained. Parts of the current proposal should be preserved. Other parts warrant more scrutiny. As the City RESJI webpage states, "Imagine a Madison where all residents have opportunities for fair and just inclusion in public processes and decisions." This is not just about saying, no. This is about working together to craft a better proposal for everyone.

Respectfully submitted,
Bradley Hinkfuss – Executive Director, Housing Initiatives, Inc.

From: [Bidar, Shiva](#)
To: [All Alders](#)
Subject: Fwd: [D5] Legistar File #: 63902
Date: Saturday, March 27, 2021 4:33:39 PM

Begin forwarded message:

From: matthewdfrater@gmail.com
Date: March 25, 2021 at 5:44:42 PM CDT
To: "Bidar, Shiva" <district5@cityofmadison.com>
Subject: [D5] Legistar File #: 63902

Recipient: District 5, Shiva Bidar

Name: Matt Frater
Address: 2906 Stevens Street, Madison, WI 53705
Phone: 608-622-0922
Email: matthewdfrater@gmail.com

Would you like us to contact you? Yes, by email

Message:

Alder Bidar,

I'm writing in strong support of the original zoning ordinance amendments Version 1 as proposed by staff - and asking you to support the original version as well.

It's clear that we need solutions to our housing crunch across the City, and building more housing by right is part of that solution. Various City departments are undertaking a comprehensive approach including programs and funding, and these changes are a moderate, incremental step that will strengthen publicly supported programs through complementary increased small-scale incremental development in the private sector.

I want to add that there is nothing wrong with purely residential buildings within mixed-use districts, and it has nothing to do with current vacancies in the market. We need higher residential densities to support commercial spaces, across the board, and this is a step in the right direction. Low-density residential will never be enough to support neighborhood retail, and densities in the buildings themselves don't close that gap.

I have additional concerns that the original version was amended at plan

commission under pressure of a few select alders, largely out of concerns previously addressed by staff, while citizen commissioners were supportive of this as a whole. We need comprehensive solutions that will benefit our entire city - and this is one of the ways we can accomplish that. I would urge you to work with your colleagues, connect with staff that can help alleviate their concerns, and help center the conversation in the benefits all neighborhoods will see as we continue to take steps toward a healthy housing market.

From: [Bidar, Shiva](#)
To: [All Alders](#)
Subject: Fwd: I Support Affordable Housing - Legistar 63902
Date: Saturday, March 27, 2021 4:31:11 PM

Begin forwarded message:

From: Thomas Larson <tlarson@wra.org>
Date: March 27, 2021 at 1:30:05 PM CDT
To: "Bidar, Shiva" <district5@cityofmadison.com>
Subject: I Support Affordable Housing - Legistar 63902

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

Dear Alder Bidar,

Madison does not have enough housing options. I agree with Mayor Rohdes-Conway statement that:


"The patterns of development we see in Madison today stem from past practices of redlining and exclusionary zoning... This ordinance change, and our housing work over all, is focused on undoing that past harm and creating greater opportunity in our community."*

I support the proposed amendment to Madison's Zoning Code regarding housing density and conditional use standards (LEGISTAR NO. 63902) to address this problem. Please vote to approve the amendment, and thank you for supporting affordable housing!

*<https://www.cityofmadison.com/news/mayor-and-alder-propose-zoning-changes-to-increase-and-diversify-housing>

Sincerely,

Thomas Larson
3012 Lake Mendota Dr
Madison, WI 53705
tlarson@wra.org

From: annewalker@homelandgarden.com
To: [Mayor; All Alders](#)
Cc: [Brian Benford](#)
Subject: Item #8, Common Council, proposed zoning ordinance change
Date: Monday, March 29, 2021 8:07:21 PM
Attachments: 

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

Dear Mayor, Alders and Neighbors,

I live on the the corner of Merry St., Winnebago and the Yahara River. The proposed zoning change, item #8, would contravene the Comprehensive Plan. In addition, it would support increased infill in an area that has flooded in the past, and is likely to flood again. I do not support this change.

Generalized Future Land Use Map Comments Summary 6/20/18, item #53, was a discussion of whether the west side of Merry Street should be changed back to Low-Medium Residential (due to 222 and 230 Merry, a 22-unit apartment and vacant lot) as shown on an interim map. The Plan Commission did not adopt that change, and all of Merry Street remains Low-Residential. <https://madison.legistar.com/View.ashx?M=F&ID=6336147&GUID=BBF47547-51DA-4BE2-BC96-0ADB9A283AE5>

The Comprehensive Plan specifies:

"While more intense forms of multifamily or mixed-use development may occur as mapped along major corridors adjacent to, or running through, LR areas, any infill or redevelopment that occurs within an LR area should be compatible with established neighborhood scale, and consistent with any relevant sub-area plan."
(emphasis added)

Yet the proposed ordinance change would permit 95 units on those two lots with the changes to TR-U2 zoning (60 on the lot with the existing building, 35 on the vacant lot), based on the number of units allowed and the reduced minimum lot size per unit. That would be a density of 103 du/acre, in the midst of a street with a density of 9.74 du/acre. Merry St is 1/2 a block long, ending at the RR tracks. 95 cars could be added to a 1/2 block long street that provides access to 21 dwelling units.

As many neighbors pointed out in the Comprehensive Plan process, this is a location that has flooded in the past, and is very likely to flood in the future. Building a sustainable and resilient city has a great deal to do with common sense planning in a time of climate change.

Respectfully,

Anne Walker

From: [ulrike dieterle](#)
To: [All Alders](#)
Cc: [ulrike dieterle](#); [Mayor](#)
Subject: Item 63902 Amending various sections of Subchapters 28C and 28D of Madison General Ordinances
Date: Sunday, March 28, 2021 4:45:11 PM

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

First and foremost, let me stress that I understand and support the need for more affordable housing across Madison. I believe everyone should have the opportunity to live in the city in which they work, if they so choose. What I do not support, however, is the City's attempt to silence neighborhood input on any future developments, whether large or small. To allow designated development to be approved administratively without a discretionary review, eliminates neighborhood input and discussions between concerned parties. This goes against everything Madison has nurtured for decades. The City of Madison has long supported neighborhood input in multiple ways, including participation on citywide committees, commissions, planning groups, advisory groups and through neighborhood grants. Substantial financial support has been provided to formulate neighborhood plans that involved countless hours of neighborhood participation. Neighbors have always had the opportunity to provide input on neighborhood developments. That input has, in many cases, actually improved the final products. Neighborhood participation and input should continue to be encouraged and welcomed. Often neighbors have the clearest perspective of what would work best in their closest surroundings. Why does the City want to suppress neighborhood voices at any level? Yes, broader input and discussion often lead to more time spent, but that is not always a bad thing. Participation is and should remain a cornerstone of our democracy. **Neighborhood voices should not become collateral damage on the road to a worthy end.**

Ulrike Dieterle, 323 N Blackhawk Ave, Madison WI 53705

From: gordian@nym.hush.com
To: [All Alders](#)
Subject: Oppose Legistar 63902 zoning ordinance changes
Date: Monday, March 29, 2021 5:15:44 PM

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

Mon. March 29, 2021

To the Madison Common Council:

I oppose the changes to Madison's zoning ordinances found in Legistar 63902.

Proposed changes to Madison's zoning ordinances will increase the number of multi-family development projects that do not require conditional use permits from Madison's Plan Commission. The purpose of the change is to deny citizens of Madison their chance to persuade the Plan Commission to reject or alter those projects. The proposed zoning law reduces the number of projects that the Plan Commission must approve by drastically raising the size limits on the projects that must obtain a conditional use permit from the Plan Commission. By removing the Plan Commission from the planning process, the decision making power will shift to Madison's Planning Department, whose staff will make the decisions now made by the Plan Commission. Neighbors of many new housing projects will find that conditional use permits are no longer required for projects that currently must be approved by the Plan Commission, so the projects' neighbors will no longer have a meaningful forum in which to register their comments.

There is an important difference between having Madison's Planning Department approve development projects and having Madison's Plan Commission issue a conditional use permit. The key word in "conditional use permit" is "conditional". By imposing conditions on a particular project, the Plan Commission can tailor the project to fit the needs of the neighborhood. After listening to comments from the public, the Plan Commission can use the insights of citizens who live in the neighborhood to reject or, more likely, alter a project to fit the neighborhood's unique needs. The Planning Department has neither the requirement nor the power to impose conditions on projects.

Madison's population has been growing steadily. This growth indicates that many people like the housing mix produced by Madison's current zoning codes. People considering big changes to the zoning laws should stop and think about that. The aim of the proposed zoning changes is to increase housing density by building larger buildings with less open space. It is possible to create a conflict between housing density and infill development. If people cannot find human scale housing in Madison, they can simply move to the surrounding communities. Infill development will decline.

Reducing the number of projects on which Madison's citizens can make comments before the Plan Commission makes an important statement. Madison's Planning Department implicitly says that it and the city's real estate developers know all that is needed to make development decisions. Ordinary citizens who live in a project's area are seen as obstacles instead of as people whose opinions and insights are valued.

This power grab by Heather Stouder, Director of the City Planning Department, should be rejected by the City Council. The Planning Department is not a neutral body. It works hand in glove with developers to push big apartment development projects through the planning process despite neighborhood resistance.

McKenzie Place, on Sherman Avenue, is one concrete example of how the Planning Department favors developers. The Planning Division Staff Report (Legistar File ID 39483) for McKenzie Place favored a project that was far too big for the neighborhood where it is located. The proposed project exceeded the maximum zoning height allowed and exceeded the density recommended for Neighborhood Mixed Use areas by 36%. Seventy-five residents of the

area signed a petition opposing a building of the size proposed for the site. Despite these problems, the Planning Department's report said, "Staff believes that the proposed building size density, if well-designed, can be a great fit for this site." Heather Stouder was the Planning Department staff member responsible for this report. She is now the Department's Director. Her poor judgement on the very issues at the center of the proposed ordinance change should disqualify her and the Department she now heads from making the final decision on proposed housing development construction.

Reasonably sized multi-family buildings are already allowed in all the locations to which this ordinance change applies. By increasing the permissible heights and densities and reducing the required usable open space, the proposed ordinance change allows the construction of unreasonably large buildings and fosters overcrowded neighborhoods. The proposed ordinance change also denies the projects' neighbors their right to make meaningful comments on many new construction projects that would have come before the Plan Commission.

Don Lindsay

From: [Pilar Rebecca Gomez-Ibanez](#)
To: [Plan Commission Comments](#); [All Alders](#); [Mayor](#)
Subject: Opposition to Legistar #63902
Date: Monday, March 22, 2021 4:01:08 PM

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

Dear Plan Commissioners, Alders, and Mayor Rhodes-Conway,

I am writing to urge you to oppose Legistar #63902, the zoning text amendment on housing density and conditional use thresholds, in its current form. I strongly support several of the goals explained by Planning, such as providing good housing choices for people, supporting small/less wealthy/more diverse developers, and looking at development through an equity lens. However, the more I have studied the proposal, the more I believe it will end up doing the opposite of what it intends.

Part of the problem is that there is nothing integral to the proposal that actually addresses either affordability or support for small developers. These are only hoped-for outcomes, and market forces will work against them. I understand that the city is working to increase incentives for affordable housing, but without those measures being linked or integral to this policy, it will just cause a rush toward more of the same high-end housing that's already flooding our neighborhood. In practice, I think the proposal will result in less affordable housing, less inclusivity, and the real possibility of destabilizing at-risk neighborhoods through speculation.

An additional problem is that this proposal removes a mechanism for citizen participation. What is described as "uncertainty," "unpredictability," and "barriers" is actually neighborhood input that makes projects better. The tiny gain in speed for developers would come at a huge cost to neighborhoods where these buildings (if built well) will last for decades. While Planning has characterized the zoning changes as small, slight, and modest, in many cases this is not true – particularly in mixed-use areas and densely-packed areas where adjacent properties have different zoning. Going from two to three units may be modest. Building a 48-unit or 24-unit next to an old house is not. Neighbors know a place in granular detail, lot by lot. This is necessary to help a development fit well and have a positive impact.

I'll use my own home as an example of what I fear this proposal will do. I live on Dewey Court, a one-block street at the edge of Marquette's residential area. We're a pocket of mainly small, old houses on small lots, among the most affordable remaining in our increasingly expensive neighborhood. We have a mix of owner-occupied single-family homes and rentals. These include two-flats and three-flats with relatively low rents for the area. Across the railroad, there's a swath of industrial land between us and the new developments progressing down East Washington, bringing mostly high-rise luxury housing.

We've felt vulnerable to the development pressure looming over us for some time. We regularly get postcards from companies looking to buy our house for cash. ("You don't even have to clean it up!") A developer once told me that bulldozing my street for redevelopment would be a "greater good." While I see my home as full of value – walkable to amenities, close to transit, relatively affordable, with family-friendly housing close to a school, and ecologically green old housing stock, not to mention a community I care deeply about – it's also seen as a prime development target. A neighbor once said that "neighborhoods dissolve from the outside in," and here we are, on the edge.

The houses here are zoned TR-C4, and the Comprehensive Plan has us at low density residential. But there's a chunk of NMX in the northwest corner of our neighborhood, between Dewey and Baldwin. There's another at Port St. Vincent on Baldwin. Under the new proposal, what could happen there? Would the older buildings be demolished, and 24-unit buildings go up, by right, with no neighborhood input? Given recent building history and the desirable location, they would be market-rate or luxury apartments. What would happen then to our small neighborhood? I expect that speculation on land prices and development pressure would become intense, and eventually houses would begin to sell, beginning with the small, affordable rentals that would be overshadowed by a large building. A neighborhood destabilized in this way runs a real risk of disappearing. Already-existing older and more affordable housing – including some of the "missing middle" this proposal supports – would be torn down (also a huge environmental waste), and high-end units would take over. In practice, this proposal would be a gentrification ordinance. I know that's not the goal.

At meeting after meeting over the last several years in my own near-east neighborhood, it's the neighbors who implore developers to include affordable, family-friendly units instead of all market-rate one-bedrooms, to consider adding density with smaller "missing middle"-sized buildings when wedged between existing homes, and to preserve trees and green space to address flooding and climate change. More often than not, developers tell us none of these things are "financially feasible." As a result, our neighborhood is rapidly becoming financially infeasible for people without high incomes. Citizens, and not always the for-profit developers, are on the city's side in the quest for affordable, inclusive, sustainable neighborhoods where all people can thrive. Please protect our seat at the table where these decisions are made, and please take another look at this ordinance to make it one that really helps our affordable housing problem.

Thank you for your consideration.

Pilar Gomez-Ibanez
1326 Dewey Court, Madison

From: [Austin Krueger](#)
To: [All Alders](#); [Mayor](#)
Subject: Ordinance Changes
Date: Saturday, March 27, 2021 3:15:51 PM

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

Madison Mayor and Alders - I'm writing to you as the president of the Cardinal Glenn Neighborhood Association.

We are greatly opposed to taking the voice away from residents regarding any future projects to our zone regardless of size and scope. We have worked with every developer over the last 10 years who have built within our boundaries and worked with them to make projects better. McKenzie, Forward and Welton have all adjusted their plans after suggestions and modifications requested by our residents.

I have attended web discussions where city leaders have conjectured developers will still have a desire to work with NA's and the like. Out of experience, I believe that to be completely false. Some developers have even tried to circumvent meeting with our association under current rules and restrictions. I can give specific examples of this if you desire. I have personally been the head of our association since inception, and I have never seen an issue so unanimously agreed upon by our residents. We implore you to not remove the vital lifeline between developers and those of us that live in these highly growing areas - checks and balances are needed and good for everyone.

Lastly, we have brainstormed multiple alternatives if any of you would like to have a discussion. We're not against development, we're against having less seats at the table. Thank you for your time.

Austin Krueger
President
Cardinal Glenn Neighborhood Association

From: annewalker@homelandgarden.com
To: [Mayor; All Alders](#)
Cc: [Brian Benford](#)
Subject: Proposed change in zoning -comments
Date: Monday, March 29, 2021 5:51:18 PM
Attachments: [WPM\\$MHSZ.PM\\$](#)

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

Dear Mayor, Alders, Neighbors,

I've lived in my neighborhood in the isthmus, across from the Yahara River since 1992. 1993 was the first year I saw my neighborhood and the river flood. It's flooded many times since, with the last round needing the aid of the City, the National Guard and many volunteers who helped to sandbag old, and, new development in the neighborhood. The last round felt like watching a disaster in slow motion coming at us, and, with climate change, another round is likely not far behind. This is some of the same area that is being considered for additional infill.

Roger Bannerman, an expert on stormwater, was a much respected expert in our community and at the Department of Natural Resources. Our City of Madison rain garden program is named after him. He tirelessly shared excellent information about stormwater and its effects.

I attended a presentation some years back which detailed the increase in stormwater runoff we could expect for Lake Mendota for year 2000 to 2020. Based on proposed development, stormwater was projected to increase in Lake Mendota by 57%.

Its been my experience that there are times when Lake Mendota becomes too full, and the locks are opened, releasing water into the Yahara River, even when there really isn't room for more downstream. In addition the Yahara River also receives quite a bit of storm water from less previous portions of the neighborhood. It's hardly surprising that the neighborhood is flooding with that volume of water concentrating in the area along the river. The isthmus is uniquely vulnerable.

I have asked several Mayor's for help, as well as Common Councils, Plan Commissions, Engineering. I am asking again. In the proposed changes in the zoning ordinance, areas that are vulnerable to flooding are being considered for additional infill. Development practices have contributed to making some areas of our city very vulnerable to flooding. Proposed changes in infill cannot exacerbate those problem. Building well in the age of climate change must include innovative projects that come from common sense planning.

Please carefully consider changes in our zoning that would increase flooding in already vulnerable locations. Please give your consideration to this very pressing crisis.

Anne Walker

From: [IBEW Local 2304](#)
To: [All Alders](#)
Cc: [David Poklinski](#)
Subject: Proposed Zoning Change
Date: Monday, March 29, 2021 11:53:26 AM
Attachments: [Proposed Zoning Changes Madison 2021.docx](#)

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

City of Madison Alders,

Thank you for the opportunity to provide comments on the proposed zoning changes regarding development in Madison; particularly changes affecting development on the isthmus. I will essentially restate my earlier comments to the Planning Commission.

While I'm no expert on these issues, I have been living in Madison since 1973 and in various locations on the "Near East Side" since 1978. I purchased a small house there in 1990 for \$69,000.

Much has changed over those years. It would seem obvious, given the logic of capital accumulation, that by giving the developer businesses a freer hand along with a reduction (or elimination) of community and neighborhood input, we will see more development of market-based properties and not affordable working class housing. The class and racial divides within the Madison community will be exacerbated by these proposed changes, not lessened.

Some smaller non-profit developers of affordable working class housing may find their opportunities for development easier but they will only be a very small part of the development that is to occur. Developer businesses with deeper pockets will likely eliminate some of the existing affordable housing stock – outbidding competitors for the properties, tearing them down, and replacing them with market-based housing. (If you can sell your property to a market-based developer for twice the price/value that you are offered by the non-profit developer, who will you sell to?)

I understand some of the proponents of the zoning change are well intended. But I respectfully submit that this proposed change will only exacerbate our community's problems engendered by the last century of racist and class-based housing practices and policies. We are supposed to be fighting to eliminate these institutional and structural barriers to a more equitable community. Implementing these changes will not guarantee that more affordable working class housing will be built in our neighborhoods; in fact the opposite will occur to the detriment of our City – as folks of lesser means are pushed further to the periphery and accelerating the gentrification process on the isthmus.

On the "missing middle". In the SW United States, the missing middle has been defined essentially as "affordable" suburban sprawl. While that's not the definition utilized in this instant case, it is apparently used to define a rather broad spectrum of housing. I'd submit that this proposal will likely result in the destruction of missing middle affordable housing structures on the isthmus and see them replaced with missing middle market housing structures.

This proposal should go back to the drawing board. Perhaps the City should focus on ways to make

it easier for non-profit organizations to build affordable working class housing. Or, perhaps, some who are proposing this are looking merely for a way to drive up property values and the property tax base – this proposal will do that; but we are supposed to be better than that.

Thanks, again, for this opportunity to comment.

In Solidarity,

DAVE

David Poklinkoski
205 Ramsey Court
Madison, WI. 53704

Email: ibew2304@att.net
Cell: 608-770-8896

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DAVE

David Poklinkoski
205 Ramsey Court
Madison, WI. 53704

Email: ibew2304@att.net
Cell: 608-770-8896

From: [Matthew Frater](#)
To: [All Alders](#)
Cc: [Mayor](#)
Subject: Public Comment | Conditional Use Thresholds - Legistar File # 63902
Date: Monday, March 29, 2021 11:25:06 AM

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

Members of the Common Council;

We need more housing solutions. We need more housing options. And we need them desperately. **I'm writing to ask you to support and champion the original zoning ordinance amendments (Version 1) as proposed by staff.**

These zoning ordinance amendments have the potential to help us accomplish three key goals:

1. Increase the development potential for affordable housing
2. Ease a tight rental market that is actively displacing residents
3. Ensure the viability of existing and new neighborhood-serving retail

Allowing more development by right is only a small step toward a solution. Throughout this conversation, we've heard staff detail the **critical existing programs and funding streams** that have the potential to work in concert with this change - allowing the City and its partners to leverage all available resources to substantially increase the development potential of affordable housing in key areas. Making it easier to develop more efficiently will benefit affordable housing opportunity and development throughout the city.

This change also allows us to reduce housing pressure throughout our market. We need to continue to recognize that development of market rate housing at increased densities throughout the City increases choice and opportunity - helping preserve affordability. **Increasing development by-right is one of the key solutions identified in the Equitable Development report on gentrification & displacement**, recognizing that downward pressure from moderate and high-income renters exacerbates our affordability crisis. Our market is actively displacing residents every single day - by artificially restricting supply of units at market rents we are assisting in creating competition that disproportionately benefits moderate- and high-income earners in every single neighborhood. It may not be as visible of a displacement as redevelopment of individual buildings, but collectively has a larger impact.

Our commercial market doesn't support new retail uses in mixed-use buildings in every neighborhood, either. And this isn't due to COVID - it's been this way for years. Requiring new construction to include commercial space increases rents in those very buildings to compensate for retail vacancies. This ordinance will support existing and future retail opportunities by **increasing the consumer base in ways that naturally create walkable, livable, complete neighborhoods**. As alders, I know the value you place in ensuring residents of our neighborhoods have access to businesses that serve their needs. And increased density naturally provides a more viable consumer base for the retail that currently exists. It also makes it more likely that key corridors and areas will develop as mixed-use centers in the future, continuing to expand resident choices. We want our residents to thrive - but we need our businesses to thrive, too. This works to achieve that balance.

I understand the concern of some residents. I really do. Change is scary. But I can't think of

any other small, common sense changes that will ultimately support our neighborhoods more. The Imagine Madison Comprehensive Planning process was the most equitable and wide-ranging outreach we've ever accomplished in the City. And we should center the quality and outcomes of that engagement, respecting the time and preferences of all members of the community.

Thank you for your time and your consideration.

Matt Frater
2906 Stevens Street
Madison, WI

From: dmollenhoff@charter.net
To: [All Alders](#)
Subject: Questions that demand answers about Agenda Item #8, Legistar 63902
Date: Sunday, March 28, 2021 8:22:25 AM

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

To: All Alders
From: David and Leigh Mollenhoff
Subject: Common Council agenda item #8, Legistar 63902

The mayor has proposed a very complicated “zoning update” to increase density. However, as residents who have been involved in civic affairs for 50 years, we urge you to refer this proposal until answers to the following questions have been fully disclosed to you:

1. Exactly, what changes will the proposal cause in my district? You need to know this because the proposal makes extensive changes to the standards and definitions for 13 residential, mixed use, and commercial zoning categories. The answers may surprise you.
2. Should Madison terminate its 40 year-old City policy for neighborhood participation in development decisions—a policy that has been strongly supported by Mayors Soglin, Sensenbrenner, Skornicka, Bauman, and Cieslewicz?
3. Where is the evidence that the proposal’s process for “streamlining” will increase the number of developers who are seeking to construct projects in Madison? Our observation is that developers are clamoring to build in Madison, many of whom come from out-of-state.
4. Why hasn’t a RESJI analysis been done for this proposed major zoning change? This is one of Madison’s highest priorities?
5. Will the incentives being proposed for new “missing middle” housing produce more affordable and workforce housing, or will the proposal simply encourage private sector developers to continue producing more small, high end units in very large buildings?
6. Will the proposal really encourage a new generation of small developers to produce missing middle housing? Where is the evidence that they will be able to compete with big, established, wealthy developers?
7. How many more existing and affordable two, three, and four unit buildings will be demolished under this proposal so that new, small, high-end apartments can be built?

Thank you for your consideration.

From: [Stouder, Heather](#)
To: [All Alders](#)
Cc: [Rhodes-Conway, Satya V.](#); [Baumel, Christie](#); [Wachter, Matthew](#); [Tucker, Matthew](#); [Strange, John](#); [Rhodes, Linette](#); [Punt, Colin](#)
Subject: RE: Housing Ordinances - Legislative Item 63902
Date: Monday, March 29, 2021 6:11:19 AM
Attachments: [3-30-21-StaffPresentation.pdf](#)

Good morning, Alders-

In advance of tomorrow evening's Council meeting, I've attached the newest staff presentation related to Item #8 on your agenda, Legislative File [63902](#). It will be attached in Legistar later this morning.

Please feel free to review these slides in advance, along with materials referenced in my e-mail below and others on Legistar.

Thank you for your efforts to prepare for discussion on this item.

All the best-

Heather

Heather Stouder, AICP (*she, her, hers*)
Director, Planning Division
City of Madison Department of Planning &
Community & Economic Development
215 Martin Luther King Jr. Blvd., Ste. 017
Madison, Wisconsin 53703
P: 608-266-5974 F: 608-267-8739
Email: hstouder@cityofmadison.com
Web: <http://www.cityofmadison.com/dpced/planning/>

****Currently working remotely – E-mail is best****

From: Stouder, Heather
Sent: Wednesday, March 24, 2021 10:32 AM
To: All Alders <allalders@cityofmadison.com>
Cc: Rhodes-Conway, Satya V. <SRhodes-Conway@cityofmadison.com>; Baumel, Christie <CBaumel@cityofmadison.com>; Wachter, Matthew <mwachter@cityofmadison.com>
Subject: Housing Ordinances - Legislative Item 63902

Good morning, Alders-

As you're aware, Legislative Item [63902](#) is scheduled to be heard by the Common Council on 3/30, with unanimous recommendations for adoption from the Housing Strategy Committee and Plan Commission (with amendments to be shown in a substitute*.)

If you haven't yet had an opportunity, I encourage you to familiarize yourself with the proposed changes in advance in an effort to save time at next Tuesday's Council meeting. I suggest these resources:

- 1) Watch part/all of the [recorded staff presentation](#) from late February
- 2) Read the February 17 [staff memo](#), which provides detail and links to many additional resources
- 3) Watch portions of the [March 22 Plan Commission Meeting](#), where this item was covered for 4+ hours, as follows:
 - 1:52:45 – Start of item and new staff presentation
 - 2:24:30 – Public comment
 - 3:18:20 – Mayor's comments
 - 3:28:00 – Questions for registrants and staff
 - 5:15:50 – Motions, deliberation, action
 - 5:58:30 – End of item

** Note: The substitute recommended by Plan Commission would lower the number of units that can be constructed as a permitted use in purely residential buildings in the mixed-use zoning districts, and also increase the amount of commercial space needed in the CC-T zoning district for a proposal to move forward as a permitted use.*

Thank you very much for your time!

Respectfully-

Heather

Heather Stouder, AICP (*she, her, hers*)
Director, Planning Division
City of Madison Department of Planning &
Community & Economic Development
215 Martin Luther King Jr. Blvd., Ste. 017
Madison, Wisconsin 53703
P: 608-266-5974 F: 608-267-8739
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Web: <http://www.cityofmadison.com/dpced/planning/>

****Currently working remotely – E-mail is best****

Zoning Code Changes to Support Additional Housing

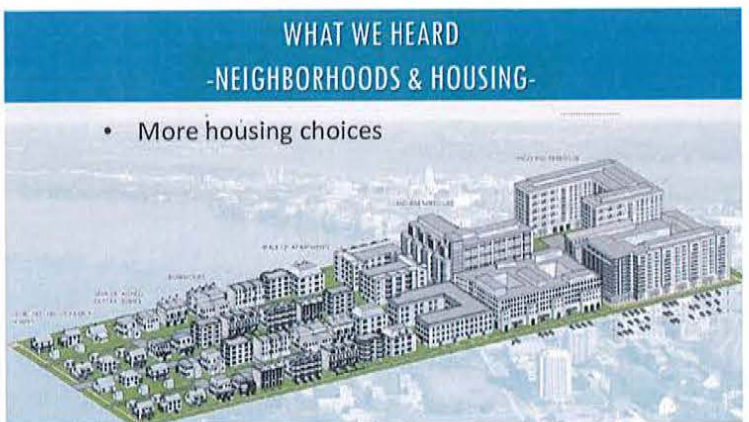
Residential Densities & Conditional Use Thresholds

MARCH 30, 2021 COMMON COUNCIL MEETING



<https://plan.imaginemadisonwi.com/>

Introduction & Policy Context



WHAT WE HEARD -NEIGHBORHOODS & HOUSING-

Phase Two Community Feedback Summaries: Imagine Madison Strategies

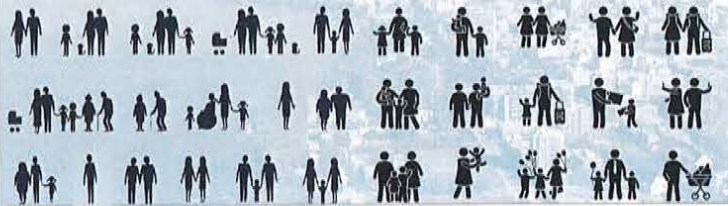
RESJI Analysis led City to support
12 Resident Panels throughout Public Engagement

- Black
- Latinx
- Hmong
- Ho-Chunk Nation
- Transgender
- Formerly Incarcerated
- People Experiencing Homelessness
- Seniors
- Youth

COMPREHENSIVE PLAN RECOMMENDATIONS -NEIGHBORHOODS & HOUSING-



GOAL: Madison will have a full range of quality and affordable housing opportunities throughout the city.



WHAT WE HEARD -NEIGHBORHOODS & HOUSING-

Map: Madison will have a full range of quality and affordable housing opportunities throughout the city.

Map: Madison will have a full range of quality and affordable housing opportunities throughout the city.

Item	Category	Priority	Impact	Cost	Timeline
1	Ensure that there is a sufficient supply of rental housing to reduce housing costs and provide more choices.	High	High	Low	2023-2025
2	Ensure that there is a sufficient supply of rental housing to reduce housing costs and provide more choices.	High	High	Low	2023-2025
3	Ensure that there is a sufficient supply of rental housing to reduce housing costs and provide more choices.	High	High	Low	2023-2025
4	Ensure that there is a sufficient supply of rental housing to reduce housing costs and provide more choices.	High	High	Low	2023-2025
5	Ensure that there is a sufficient supply of rental housing to reduce housing costs and provide more choices.	High	High	Low	2023-2025
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11	Ensure that there is a sufficient supply of rental housing to reduce housing costs and provide more choices.	High	High	Low	2023-2025
12	Ensure that there is a sufficient supply of rental housing to reduce housing costs and provide more choices.	High	High	Low	2023-2025

Map: Madison will have a full range of quality and affordable housing opportunities throughout the city.

Map: Madison will have a full range of quality and affordable housing opportunities throughout the city.

#1 Draft Strategy Prioritized by Resident Panels:

"Ensure that there is a sufficient supply of rental housing to reduce housing costs and provide more choices."

COMPREHENSIVE PLAN RECOMMENDATIONS -NEIGHBORHOODS & HOUSING-



GOAL: Madison will have a full range of quality and affordable housing opportunities throughout the city.

Funding Efforts

- Affordable Housing Fund
- Homeownership Assistance
- Land-banking

Zoning Efforts

- Housing Cooperatives, ADUs
- New RMX Zoning District
- Conditional Use Thresholds
- Density Adjustments

COMPREHENSIVE PLAN RECOMMENDATIONS -NEIGHBORHOODS & HOUSING-

GOAL: Madison will have a full range of quality and affordable housing opportunities throughout the city.

Strategy 2: Support development of a wider mix of housing types, sizes, and costs throughout the city.

Actions relate to: "Missing Middle" housing, life-cycle housing, variety of ownership and occupancy structures

2021 COMPREHENSIVE PLAN PROGRESS UPDATE -NEIGHBORHOODS & HOUSING-

Neighborhoods and Housing

Each Madison will be a vibrant and equitable city of diverse and complete neighborhoods that meet the needs of all residents. Each Madison will have a full range of quality and affordable housing opportunities throughout the city.

Strategy and Action	Lead Department	Status
Strategy 1: Create complete neighborhoods across the city where residents have access to transportation options and resources needed for daily living.		
1. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
2. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
3. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
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4. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
5. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
6. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
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10. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing

Other recommendations
on-going or in progress

Recommendations related to
this ordinance amendment

Strategy and Action	Lead Department	Status
Strategy 1: Increase the amount of available housing.		
1. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
2. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
3. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
4. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
5. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
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8. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing
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10. Evaluate and facilitate mixed-use neighborhood corner housing types, services, development, city and housing team which will have an impact on neighborhood vitality and the overall housing strategy.	Planning, Engineering, Public Works, Police Dept.	Planning, Ongoing

COMPREHENSIVE PLAN RECOMMENDATIONS -NEIGHBORHOODS & HOUSING-

GOAL: Madison will have a full range of quality and affordable housing opportunities throughout the city.

Strategy 3: Increase the amount of available housing.

Action B: Explore adjustments to the # dwelling units, building size, and height thresholds between permitted & conditional uses to increase the allowable density for residential buildings in mixed-use & select residential zoning districts

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

CITY OF MADISON
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING
CHOICE
ADOPTED: OCTOBER 11, 2019

- Adopted October, 2019
- Prepared by Community Development Division
- RESJI Analysis completed by staff and community members

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

CITY OF MADISON
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING
CHOICE
ADOPTED OCTOBER 1, 2015

RESJI Analysis Finding

"Those who have always benefited will continue to benefit the most, including homeowners through increased property values."

Low-income renters benefit because as more luxury units are delivered, affluent renters do not need to rent modest rent units because they have more options."

Madison's Housing Supply & Demand

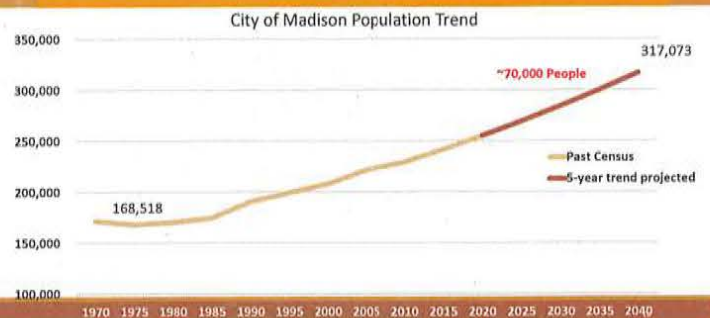
PROGRESS - ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE



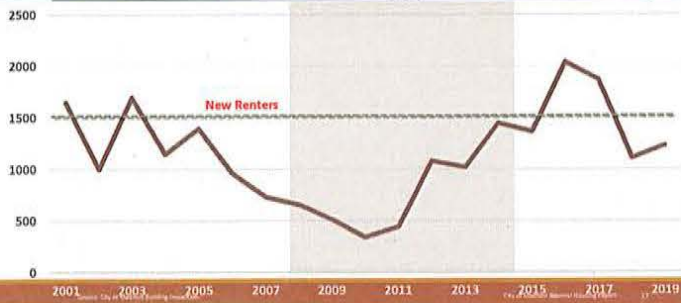
Recommendations related to
this ordinance amendment

Other recommendations
on-going or in progress

STEADY POPULATION GROWTH (3,000 RESIDENTS/YEAR)



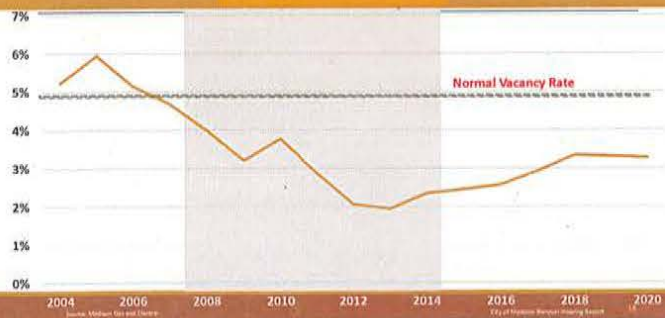
NEW RENTAL SUPPLY



AVERAGE LISTED RENT



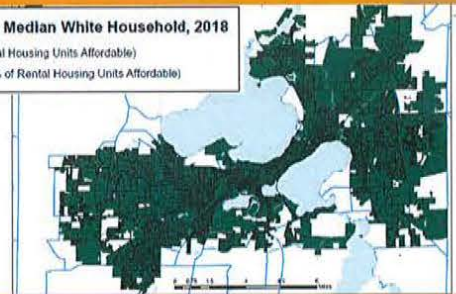
RENTAL VACANCY



RACIAL SEGREGATION OF HOUSING CHOICE

Rental Affordability to the Median White Household, 2018

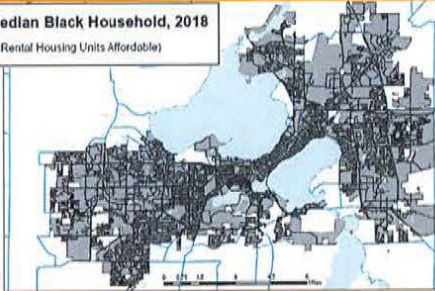
- Affordable (Over 50% of Rental Housing Units Affordable)
- Unaffordable (Fewer than 50% of Rental Housing Units Affordable)



RACIAL SEGREGATION OF HOUSING CHOICE

Rental Affordability to the Median Black Household, 2018

Unaffordable (Fewer than 50% of Rental Housing Units Affordable)

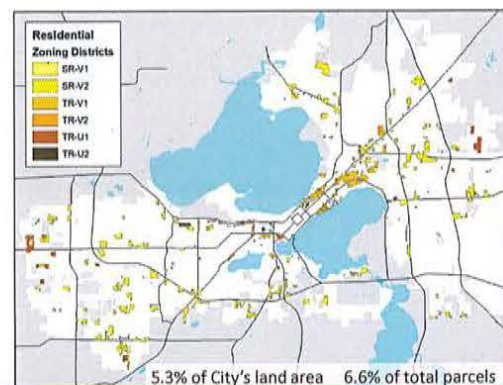


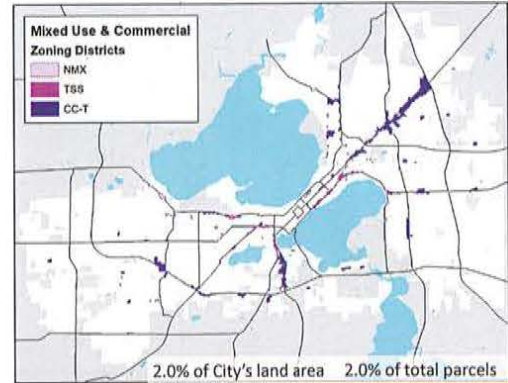
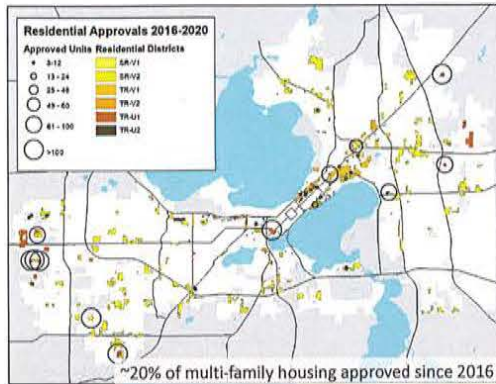


In Multi-family Residential and Mixed-Use zoning districts (7.3% of City's land area):

- Recalibrate conditional use thresholds to allow more housing to be built "by right"
- Make modest adjustments to allow for greater residential densities

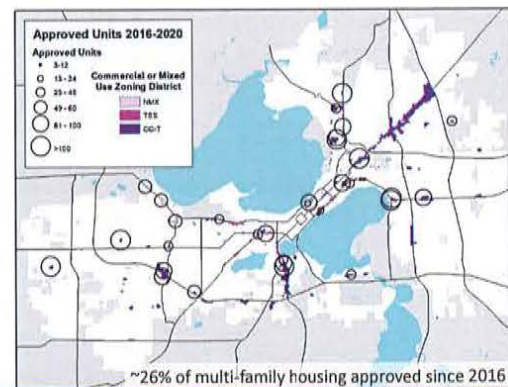
Summary of Changes & Zoning District Locations





Residential Future Land Use Categories

Residential Building Form	Low Residential (LR)	Low-Medium Residential (LMR)	Medium Residential (MR)	High Residential (HR)
Single-Family Detached Building				
Civic/Institutional Building				
Two-Family, Two-Unit				
Two-Family - Twin				
Three-Unit Building	*			
Single-Family Attached	*			
Small Multifamily Building	*	**		
Large Multifamily Building		**		
Courtyard Multifamily Building		**		
Podium Building				
Number of Stories	1-2	3-3	2-5	4-11
General Density Range (DU/acre)	≤15	7-10	20-30	70+
Proposed Density Limitations by District		29 du/ac TR-V1 TR-V2 SR-V1 SR-V2	58 du/ac TR-U1	124 du/ac TR-U2



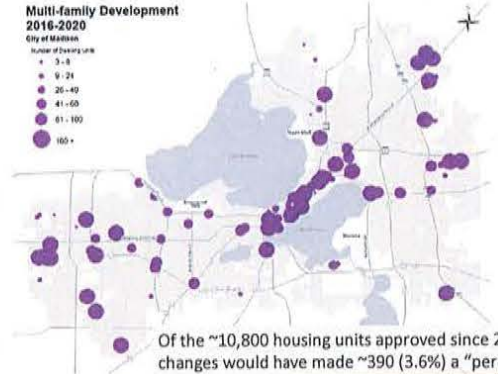
Mixed-Use Future Land Use Categories					
Mixed-Use and Commercial Building Form	Neighborhood Mixed-Use (NNU)	Community Mixed-Use (CMU)	Regional Mixed-Use (RMU)	Downtown Mixed-Use (DMU)	Downtown Core (DC)
Commercial Block Building					
Civic or Institutional Building					
Residential - Commercial Conversion					
Live-Work Building					
Single-Family Attached Building					
Small Multifamily Building					
Courtyard Multifamily Building					
Large Multifamily Building					
Parking / User Buildings					
Free-Standing Commercial Building					
Produce Building					
Flex Building					
Number of Stories	2-4	2-6*	2-12**	See Downtown Plan, page 37	
General Residential Density Range	50	60	70	80	90

Proposed Density Limitations by District

58 du/ac
NMX
87 du/ac
CC-T
124 du/ac
TSS

Multi-family Development 2016-2020

City of Madison
Number of housing units
+ 3-8
9-21
26-49
41-60
61-100
100+



Of the ~10,800 housing units approved since 2016, proposed changes would have made ~390 (3.6%) a "permitted use"

In Multi-family Residential and Mixed-Use zoning districts (7.3% of City's land area):

- Recalibrate conditional use thresholds to allow more housing to be built "by right"

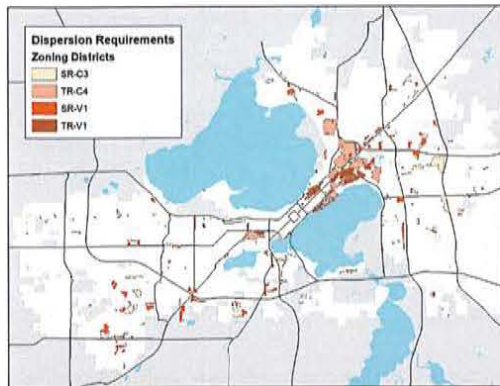
Permitted Uses

vs.

Conditional Uses

In zoning districts allowing for very small multi-family buildings (4.0% of City's land area):

- Remove "dispersion requirement" that currently necessitates conditional use review for any two-family or small multi-family building proposed within 300' of another



19

Substitute Ordinance

- Recommended by Plan Commission and staff
- Would allow for small and some mid-scale purely residential buildings as permitted uses in relevant mixed-use districts.

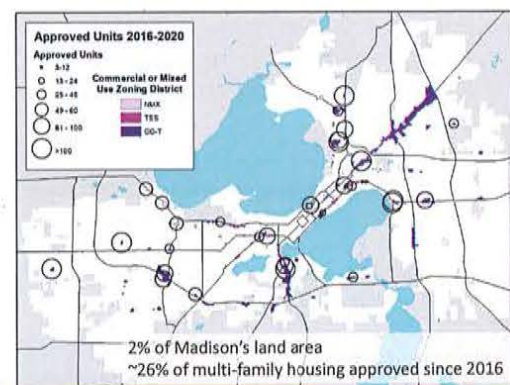
Alternate Ordinance

- Would require conditional use approval for purely residential buildings in these districts if property abuts an Arterial or Collector Street (90% of the property in these districts)

Zoning District	#Units Allowed as Permitted Use	Substitute Area where residential would be a permitted use	Alternate Area where residential would be a permitted use
NMX	12	104 acres (0.2% of city)	10.2 acres (0.02% of city)
TSS	24	99 acres (0.2% of city)	6.2 acres (0.01% of city)
CC-T	36	685 acres (1.6% of city)	70.2 acres (0.16% of city)
Total		888 acres (2% of city)	86.6 acres (0.2% of city)

20

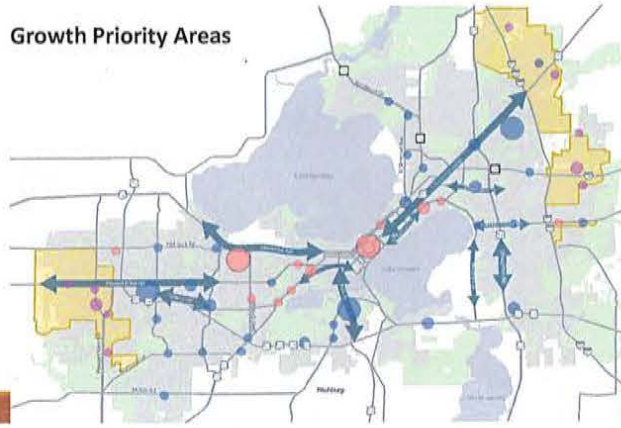
Analysis – Substitute & Alternate Ordinance



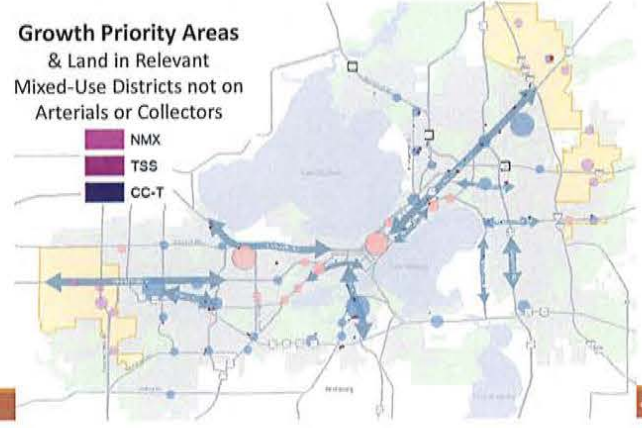
21

22

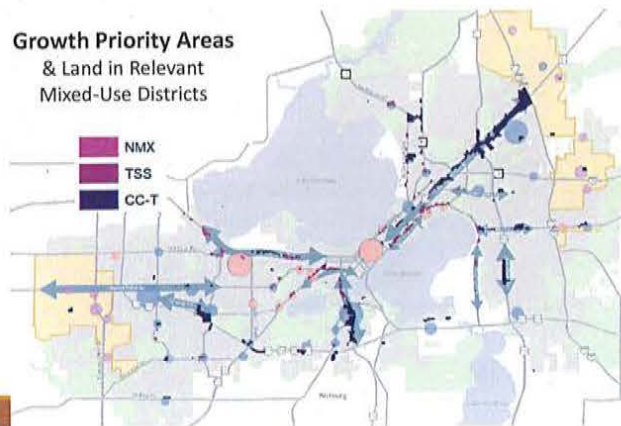
Growth Priority Areas



Growth Priority Areas & Land in Relevant Mixed-Use Districts not on Arterials or Collectors



Growth Priority Areas & Land in Relevant Mixed-Use Districts



Examples – Recently Approved Multi-Family & Mixed-Use Buildings

Provided for reference as needed during Q & A



827 Gorham St.
TR-V2 District – 4 unit multi-family complex on 8700 sq ft lot
would remain Conditional Use, due to more than one building on a lot

45



2901 Atwood Ave.
TSS District – 9 unit building on 5200 sq ft lot
with minor design changes, would become Permitted Use

47



4310 Mohawk Dr.
SR-V1 District – Addition of a 3rd unit to a 2-unit building on a 10,000 sq ft lot
would become Permitted Use

49



5802 Raymond Rd.
NMX District – 11-unit mixed-use building on an 18,000 sq ft lot
would become Permitted Use

51



1937-1949 Winnebago St.
TSS District – 11-unit mixed-use building on 13,000 sq ft lot
would become Permitted Use

49



1109-1123 S Park St.
TSS District – 44-unit mixed-use building on 28,000 sq ft lot
with minor design changes, would become Permitted Use

50



2830 Dryden Dr.
CC-T District – 27-unit 4-story building on a 22,000 sq ft lot
would become Permitted Use

51



5201 Old Middleton Rd.
NMX District – 50-unit mixed-use building on 34,000 sq ft lot
would remain Conditional Use due to 4th story, >24 units, and commercial space

52



4606 Hammersley Rd.
CC-T District – 53-unit mixed-use building
Under the Substitute, would still be a Conditional Use



1313 Regent St.
TSS District – 63-unit, 4-story mixed use building on a 39,000 sq. ft. lot
would remain Conditional Use due to 4th story and >48 units



1224 S Park St.
CC-T District – 62-unit, 4-story mixed use building on a 26,000 sq. ft. lot
with 60 units, would become a Permitted Use

Examples –Theoretical Capacity of Properties in Mixed-Use Districts

Provided for reference as needed during Q & A

NMX Zoning

1417 Northport Dr.

12,164 sq. ft.



Zoning Framework	Permitted Uses	Conditional Uses
Currently Allowable	<ul style="list-style-type: none"> 4-unit residential building, 3 stories max, OR; 3-story mixed-use building w/ ground floor commercial and 8 units 	<ul style="list-style-type: none"> 12-unit residential building, OR; Mixed-use building w/ ground floor commercial and no unit or height limits
Proposed to be Allowable (Substitute)	<ul style="list-style-type: none"> 12-unit residential building, 3 stories max, OR; 3-story mixed-use building w/ ground floor commercial and up to 24 units 	<ul style="list-style-type: none"> 16-unit building, 3 stories max, OR; Mixed-use building w/ ground floor commercial and no unit or height limits

TSS Zoning

2401 University Ave.

6,528 sq. ft.



Zoning Framework	Permitted Uses	Conditional Uses
Currently Allowable	<ul style="list-style-type: none"> 3-story commercial or mixed-use building, under 25,000 sq ft, w/ ground floor commercial and up to 24 units 	<ul style="list-style-type: none"> 13-unit residential building, OR; Mixed-use building w/ ground floor commercial and no unit or height limits
Proposed to be Allowable (Substitute)	<ul style="list-style-type: none"> 18-unit residential building, 3 stories max 3-story mixed-use building w/ ground floor commercial and up to 48 units 	<ul style="list-style-type: none"> Mixed use building w/ ground floor commercial and no unit or height limits

NMX Zoning

5317-5325 Old Middleton Rd.

34,721 sq. ft.



Zoning Framework	Permitted Uses <i>* Rear Yard Height Transition would apply</i>	Conditional Uses
Currently Allowable	<ul style="list-style-type: none"> 4-unit residential building, 3 stories max*, OR; 3-story* mixed-use building w/ ground floor commercial and 8 units 	<ul style="list-style-type: none"> 12-unit residential building, OR; Mixed-use building w/ ground floor commercial and no unit or height limits*
Proposed to be Allowable (Substitute)	<ul style="list-style-type: none"> 12-unit residential building, 3 stories max*, OR; 3-story* mixed-use building w/ ground floor commercial and up to 24 units 	<ul style="list-style-type: none"> 24-unit residential building, 3 stories max*, OR; Mixed-use building w/ ground floor commercial and no unit or height limits*

TSS Zoning

404 Division St.

17,447 sq. ft.



Zoning Framework	Permitted Uses	Conditional Uses
Currently Allowable	<ul style="list-style-type: none"> 3-story commercial or mixed-use building, under 25,000 sq ft, w/ ground floor commercial and up to 24 units 	<ul style="list-style-type: none"> 34-unit residential building, no height limit OR; Mixed-use building w/ ground floor commercial and no unit or height limits
Proposed to be Allowable (Substitute)	<ul style="list-style-type: none"> 24-unit residential building, 3 stories max 3-story mixed-use building w/ ground floor commercial and up to 48 units 	<ul style="list-style-type: none"> 49-unit residential building, no height limit Mixed use building w/ ground floor commercial and no unit or height limits

CC-T Zoning

3077 E Washington Ave.

38,438 sq. ft.



Zoning Framework	Permitted Uses	Conditional Uses
Currently Allowable	<ul style="list-style-type: none"> 5-story commercial or mixed-use building, under 40,000 sq ft, w/ ground floor commercial and up to 24 units 	<ul style="list-style-type: none"> 51-unit residential building, no height limit Commercial or Mixed-use building w/ ground floor commercial and no unit or height limits
Proposed to be Allowable (Substitute)	<ul style="list-style-type: none"> 36-unit residential building, 5 stories max 5-story mixed-use building w/ ground floor commercial and up to 60 units 	<ul style="list-style-type: none"> 76-unit residential building, no height limit Mixed-use building w/ ground floor commercial and no unit or height limits

CC-T Zoning

1309 S Park St.

16,887 sq. ft.



Zoning Framework	Permitted Uses <i>*Rear Yard Height Transition would apply</i>	Conditional Uses
Currently Allowable	<ul style="list-style-type: none"> 5-story* commercial or mixed-use building, under 40,000 sq ft, w/ ground floor commercial and up to 24 units 	<ul style="list-style-type: none"> 22-unit residential building, no height limit* Commercial or Mixed-use building w/ ground floor commercial and no unit or height limits
Proposed to be Allowable (Substitute)	<ul style="list-style-type: none"> 32-unit residential building, 5 stories* max 5-story* mixed-use building w/ ground floor commercial and up to 60 units 	<ul style="list-style-type: none"> Mixed-use building w/ ground floor commercial and no unit or height limits

From: [Greg Stroupe at Inventure Realty Group](#)
To: [All Alders](#)
Subject: Re: Modernize Madison's Zoning Code - Legistar 63902
Date: Monday, March 22, 2021 5:35:46 PM

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

To Madison's alders:

I support the effort to modernize Madison's Zoning Code (LEGISTAR NO. 63902).

Please vote to approve the zoning text amendment.

Sincerely,

Greg Stroupe
140 N Franklin St
Madison, WI 53703
greg.stroupe@gmail.com

REALTOR
Inventure Realty Group
701 E. Washington Ave. Suite 102
Madison, WI 53703
(608) 445-6787

So while once we asked,

how could we possibly prevail over catastrophe?

Now we assert.

How could catastrophe possibly prevail over us?

Amanda Gorman-Poet Laureate

Biden Harris Inauguration January 20, 2021

[tap here](#) to search for properties on your phone

[LinkedIn Profile Page](#)



From: [Skidmore, Paul](#)
To: [Austin Krueger](#)
Cc: [All Alders](#)
Subject: Re: Ordinance Changes
Date: Saturday, March 27, 2021 1:58:05 PM

Austin,

Thanks for the prompt reply. And thanks for your encouraging words. Please send letters of concern to:

allalders@cityofmadison.com and
mayor@cityofmadison.com

Thanks for helping to spread the word.

Paul Skidmore, 9th District Alder

City of Madison, Wisconsin

13 Red Maple Trail

Madison, WI 53717

(608) 829 3425

(608) 335 1529 (C)

From: [Austin Krueger](#)
Sent: Saturday, March 27, 2021 1:47 PM
To: [Paul Skidmore](#)

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

What is the best email to use in order to express my concerns?

Good timing, we were at the library voting when you sent this

On Sat, Mar 27, 2021, 12:32 PM Skidmore, Paul <district9@cityofmadison.com> wrote:

Hi Austin,

I have an update on my last email. It is apparent that there are many alders that are getting constituent contacts regarding this proposed ordinance change. Many are opposed to the proposed changes, and many are confused and want a referral to get more information and have more discussion. I talked to the Council leadership (alders Carter and Abbas) very recently, and they support referral of this item. However, the Mayor and (outgoing) alder Bidar adamantly demand approval of the changes at the next Council meeting. (That raises major concerns for many alders). I plan to support referral of this the proposed ordinance

changes. If referral fails, I plan to vote against the proposed changes. If you and others are as concerned as I am, I suggest that you express those concerns to the Mayor and all alders via email or testimony at the Council meeting.

Thanks for your input on this items. Please feel free to contact me if you have any questions, or if you want to discuss this further.

Paul Skidmore, 9th District Alder

City of Madison, Wisconsin

13 Red Maple Trail

Madison, WI 53717

(608) 829 3425

(608) 335 1529 (C)

From: [Paul Skidmore](#)

Sent: Saturday, March 27, 2021 10:02 AM

To: [Austin Krueger](#)

Austin,

This is a somewhat strange proposed ordinance change. It is intended to streamline the development process by allowing some, smaller new apartment projects to be receive staff approval (without public input) if they meet certain conditions (i.e. single building, small size, lower density, proper zoning in place, etc.) that are similar in scope to constructing single family housing. This would not affect large projects with multiple buildings and a large impact on the neighborhood. A number of us are skeptical that there might be a last minute bait and switch by the far left sponsor. this proposal will meet still questioning and possible referral.

Thanks for asking. I will keep you posted.

Paul Skidmore, 9th District Alder

City of Madison, Wisconsin

13 Red Maple Trail

Madison, WI 53717

(608) 829 3425

(608) 335 1529 (C)

From: [Austin Krueger](#)

Sent: Thursday, March 25, 2021 2:03 PM

To: [Paul Skidmore](#)

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

Paul - what is the status on this? Sounds like last week it was more or less approved, where do you see this heading?

On Tue, Mar 2, 2021 at 8:02 AM Austin Krueger <austin.krueger@gmail.com> wrote:

I will post something to see if enough residents have interest in a Zoom meeting. I guess the question is, what can we do to ensure NA's going forward still have a voice? My understanding is there is another meeting on this tomorrow - is that the final date in which decisions will be made?

On Tue, Mar 2, 2021 at 7:33 AM Skidmore, Paul <district9@cityofmadison.com> wrote:

Hi Austin,

Thanks for reaching out to me with your concern about the proposed ordinance changes on housing. I share your concerns - the devil is in the details. While these changes are being touted as a means of speeding up the permitting process, they also take away important neighborhood review mechanisms, and they also place too much power in the Planning Department. I also agree that developers will do what is most expedient for them, which is usually to the detriment of the neighborhood. I have always believed that there is no detriment to transparency and open communications.

I would be happy to talk to you about this in more detail. I would also be happy to participate in a (Zoom) neighborhood discussion, if you are interested. I will not let these recommendations proceed unchallenged. Please let me know how you would like to proceed.

Paul Skidmore, 9th District Alder

City of Madison, Wisconsin

13 Red Maple Trail

Madison, WI 53717

(608) 829 3425

(608) 335 1529 (C)

From: [Austin Krueger](#)

Sent: Monday, March 1, 2021 7:28 PM

To: [Paul Skidmore](#)

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

Paul - I wanted to touch base after the call this evening relating to the ordinance changes on housing. I didn't get a chance to speak, but I wanted to get my opinion to you to share with your constituents.

I'm greatly opposed to taking the voice away from the residents and simply rubber stamping a certain type of housing going forward. We have the Welton property zoned CC-T today that hasn't been started, and who knows what will happen with the Theis property longer term. Every project that has been implemented in our neighborhood has been run by our NA and we have provided input that has resulted in positive change.

Perhaps my issue is too fresh with the Leaders Custom Homes 9 unit complex on Cross Oak. He had no desire to interact with us and only after I was persistent, did he meet and agree with our issues. It turns out he said what he needed to say and then didn't follow up and now I'm working with the city and our property manager to fight for what he cut back on. The city seems to think developers will want to work with the NA's without a need, and I find that to be categorically false. I've not experienced any developers who met with me out of kindness, rather than not wanting 100 angry citizens to show up at city council. Without having that voice, I don't see how anyone would feel this is a positive to the city.

I'm happy to discuss this further over the phone if you desire. Let me know when you may be free tomorrow, and I can reach out. Thanks.

From: [Carrie Rothburd](#)
To: [All Alders](#)
Subject: Response from some Bay Creek neighbors to proposed zoning change
Date: Friday, March 26, 2021 7:33:51 PM
Attachments: [Common Council Letter re rezoning.pdf](#)

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

To all alders:

Please accept the feedback from some Bay Creek neighbors on the proposed zoning ordinance changes. Several of us will be present to answer any questions you may have about the specific and unintended impact on Bay Creek.

Sincerely,
Carrie Rothburd on behalf of Bay Creek neighbors

To: Plan Commission, Alder Evers

From: Bay Creek neighbors: Barb Bailly, Jody Clowes, Steven Davis, Lisie Kitchel, Cindy McCallum, Janelle Munns, Judy Robinson, Carrie Rothburd, Charlene Sweeney, Daniel Thurs

Re: Proposed Changes to Zoning Ordinances

Date: March 22, 2021

We support the City in its efforts to create more housing—specifically more affordable housing—and believe that all Madison neighborhoods have a role to play in integrating more varied housing in their midst. However we advocate deferring the decision on the proposed changes to the zoning ordinance and development approval process to allow time for: 1) thorough analysis by Planning staff of the implications for existing ordinances (stormwater, demolition, etc.) and 2) robust input by neighbors and neighborhoods, including unforeseen impacts on specific locations in Madison. As important and sweeping a zoning change as this should require more than broad-stroke projections of its intended consequences. We have the following concerns about the proposed changes:

Equitable participation in the development process: The pandemic has limited the access of people without computers to the City's virtual notifications and presentations about the proposed changes. The citizens of Madison need to be fully informed about the changes and deserve the opportunity to provide input, especially those who will be affected by these changes. More inclusive representation and wider participation by the public should be possible soon and should be a priority of good planning and policy.

Good planning: According to news sources, by September 2020, the reform envisioned by the Minneapolis 2040 Comprehensive Plan amounted to only three permit requests for new triplexes submitted by a single developer. Rather than rush headfirst into a reform that may not deliver, we owe it to Madison and those in need of housing to take the time to carefully consider and choose a successful reform here in Madison. Residents current and future deserves a solid plan for housing equity that will benefit all. We should not jump to the conclusion that, contrary to the guidelines of "missing middle" guru Daniel Parolak, the solution lies in increasing the footprint and height of new multi-unit housing stock.

Streamlining the development process: The Conditional Use Permit has been and continues to be a mechanism for catching problems with development proposals and minimizing their negative impacts on preexisting land uses. Even those developments that do not require conditional use have benefitted from planning meetings between developers and neighbors, as laid forth in the City's publication, Participating in the Development Process. There is no reason to throw out long-valued neighborhood input in the name of expediency for developers, who may or may not be thinking about community benefit or housing equity. Input need not slow down the development process; there are multiple methods for allowing neighborhoods to work with developers and have input in the development process.

Specific Bay Creek concerns: The impact of the proposed zoning code change on two areas of Bay Creek in particular is of concern to neighbors. These areas clearly do not fit the rezoning's intended target of "urban corridors." The first of these, the 300-400 blocks of West Lakeside St., includes the elementary school, coffeehouse, historic mixed-use buildings. It forms the heart of Bay Creek and is home to one of the neighborhood's few meeting places. While falling into one of the designated categories of areas to be rezoned, these blocks are instead worthy of historic or cultural "preservation." Alteration of these buildings would be detrimental to the character of the historic part of the neighborhood.

Narrow, residential Gilson Street, the focus of extended discussion during the recent Imagine Madison process, is the second area of concern. Conversations between BCNA and Planning staff resulted in the Plan Commission's decision to revert from the revised Comp Plan's proposed Employment designation for Gilson Street to the former—and current—Comp Plan's stepped-up transitions from mostly single-family homes/duplexes between Lakeside and Cedar street to middle-density housing between Cedar to Wingra Creek. This well-thought-out plan for increased density is part of the Bay Creek neighborhood plan, as included in the past and current (in-process) South Madison Neighborhood Plan.

It is worth noting that much of Bay Creek's current housing is already "invisible" duplexes and triplexes that blend in with the single-family homes in the neighborhood. Lakeside Street alone is currently home to 2 buildings of 6-8 units each, 3 triplexes, 7 duplexes, and 10 other rental houses or rental units above stores. Brooks Street west of Fish Hatchery consists of several blocks of 4- and 8-unit apartment buildings. The current rezoning proposal's mistaken inclusion of Gilson and Lakeside streets among the city's urban corridors demonstrates the need for Plan to move more slowly and more carefully consider the situation neighborhood-by-neighborhood and block-by-block in its attempt to integrate multi-family and affordable housing in areas throughout the city. This can only occur if Plan allows for neighborhood input to point out overlooked factors as we move forward in the rezoning process.

From: [Bill Connors](#)
To: [Mayor](#); [All Alders](#)
Cc: [Stouder, Heather](#)
Subject: Smart Growth Comments re Item 9 on March 30 Common Council Agenda
Date: Sunday, March 28, 2021 12:56:31 PM
Attachments: [Smart Growth Comments to CC re Legistar 64250.pdf](#)
[Excerpts ActiveDesign Sidewalks NYCP2013.pdf](#)

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

Mayor Rhodes-Conway and Alderpersons:

Please see the attached documents for the comments of Smart Growth Greater Madison regarding item #9 on the agenda for the March 30 Common Council meeting, Legistar 64250.

Thank you for your consideration.

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

Mayor Rhodes-Conway and Alderpersons:

I am writing regarding item #9 on your March 30 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 #8 on your March 30 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.

This proposed ordinance is anti-density and will inhibit the development of more housing units.

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.

So far, the City Forester has responded only by saying the average life of a street tree in an urban environment is 40 years, which means approximately half of street trees will die sometime between immediately after they are planted (when they already are many years old) and when they reach 40 years old. Immediately after the Plan Commission meeting, I sent a follow-up email to Ms. Eddy posing the following questions to her:

This is about doing a rigorous analysis of the alleged benefit of this ordinance. If this ordinance is adopted, how many more trees of the five (I think that is the number) larger varieties of trees do you anticipate actually planting? How many years must those trees live to grow large enough to need the additional canopy space provided by the ordinance? What percentage of the larger variety trees will live long enough to reach the point that they start to grow into the additional canopy space provided by the ordinance?

I have received no response.

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 way 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 facades 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 to refer this ordinance back to the Plan Commission so more study has been conducted and more answers are provided, and so meaningful notice can be provided to the owners of properties that the proposed ordinance will reduce in value and they can be given an opportunity to make their voices heard.

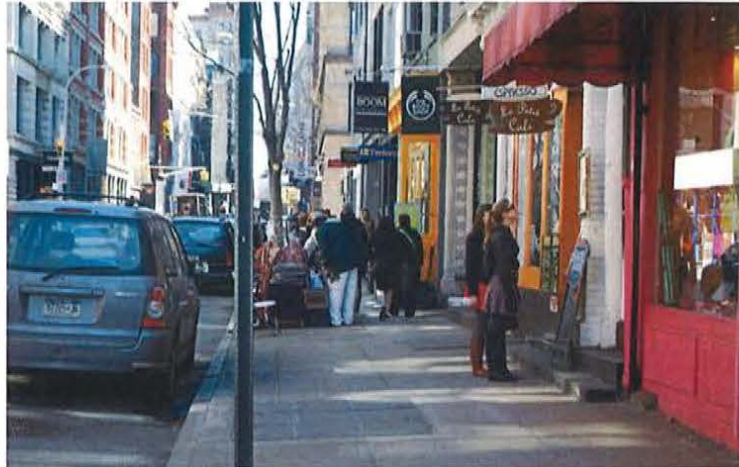
Bill Connors
Executive Director
Smart Growth Greater Madison
bill@smartgrowthgreatermadison.com
608-228-5995





Excerpts from: Active Design – Shaping the Sidewalk Experience

[https://nacto.org/docs/usdg/active design shaping the sidewalk experience nycdot.pdf](https://nacto.org/docs/usdg/active%20design%20shaping%20the%20sidewalk%20experience%20nycdot.pdf)

PROLOGUE

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

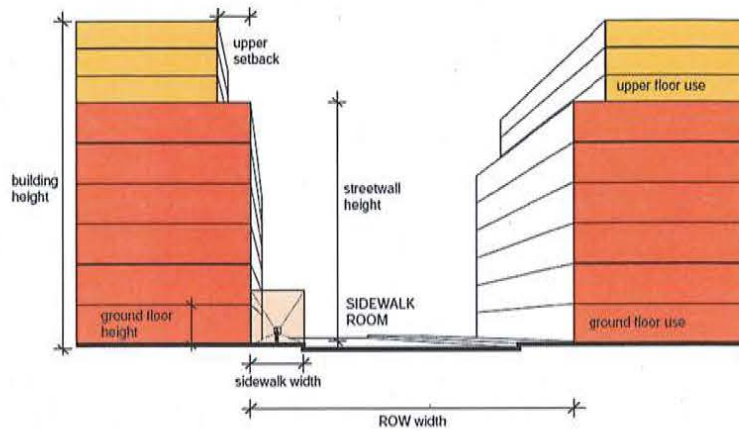


-  Ground Plane
-  Roadside
-  Building Wall
-  Canopy

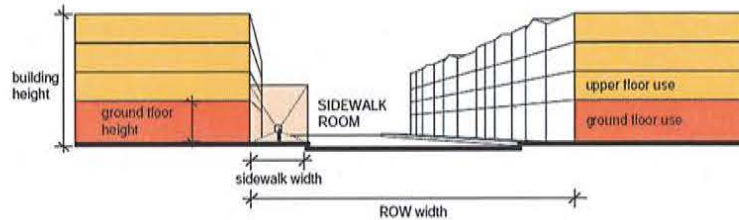


DOWNTOWN COMMERCIAL STREET

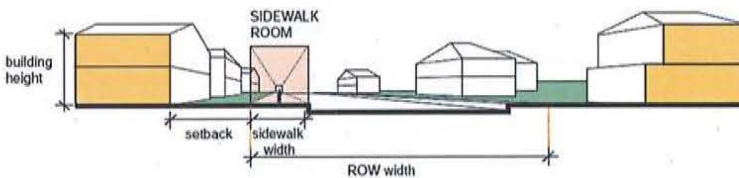
This type of street typically has wider sidewalks, with an approximately 10 to 15 foot clear path, wider overall right-of-way, street walls close to and framing the majority of the sidewalk length, taller buildings, and mostly ground-floor commercial uses. It is generally part of a network of streets 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.



From: [Tim Anderson](#)
To: [All Alders](#)
Subject: Written testimony - agenda item # 63902
Date: Saturday, March 27, 2021 1:49:42 PM

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

March 27, 2021

Dear Alders:

On March 30, you will consider the adoption of changes to the city's zoning ordinance. In my opinion, the proposed changes are transformational and should not be taken lightly. Their adoption will impact the entire city and fundamentally change the role that alders, Plan Commissioners, neighborhood associations, and individual citizens will have in determining how their city should grow. I would argue that the process to adopt these changes should be more rigorous than what has been offered to date. I believe that most of the city has not even heard about this proposal. Much of the information supporting the proposed changes feels like speculation to me and I feel like we are being asked to trust that these changes will "work" as promoted. Like many of my neighbors, I have questions and would like more answers and assurances before the proposed changes are adopted.

1. Will increasing allowable densities "by right" actually increase "missing middle" housing? Where is the data?
2. Is the need for these changes worth the unprecedented step of eliminating public review?
3. Are there other strategies to make the the zoning approval process less burdensome without eliminating public input.
4. Should the proposed changes be more targeted to areas of the city with the greatest need?
5. Has the city done a RESJI analysis for the proposed ordinance changes?
6. Has Madison researched how other cities around the country are creating "missing middle" housing in less intrusive ways?
7. What are the protections against the loss of existing "missing middle" housing through speculation, acquisition, and demolition?
8. What are the protections against intrusive design if development is allowed "by right"?
9. In her Op-Ed piece, the Mayor stated that she recognizes that the proposed ordinance changes may reduce the influence some neighborhoods have on development proposals and that policy makers will have to "grapple" with how the public will be heard. We need to know the answer to this critical question before the proposed changes are adopted.

In closing, you will be considering many referral motions on March 30 for agenda items that are not nearly as consequential as #63902. I respectfully request that you refer #63902 for more study and outreach so that the public is better informed. Thank you for your consideration.

Tim Anderson 2126 Yahara Place Madison, WI 53704

From: [Karolyn Beebe](#)
To: [All Alders](#); [Mayor](#)
Subject: Zoning . Please read before meeting Tuesday
Date: Monday, March 29, 2021 5:01:56 PM

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

Dear Mayor and Alders

Please oppose the proposed batch of zoning changes. Here's why I ask ..

Since the 1980s, I've owned and lived in an old house on Merry Street, among its mixed, working class residents. Over some years, Apex Rentals acquired 3 adjacent multi-family properties here. Then they proposed a **development on them that didn't make sense in enough ways to spur neighbors to work overtime to modify or stop it. It hasn't happened yet. The proposed zoning changes look like a licence for Apex to bring in the bulldozers .. and chainsaws . some fine canopy trees would be the first to go.**

The result could be a huge oppressive building of apartments that nobody now on Merry St. could afford to rent.

APEX owns so many houses in Madison. I don't know how many are next to each other like these are, but I'd hate to see housing in this town, especially it's historic working class neighborhoods and their big trees, be monopolized by a few developers and their awful buildings.

Sincerely,
Karolyn Beebe
220 Merry St. - 53704

ps: ypi might find this to be a helpful article ...

Reinventing density: bending the rules can help stop urban sprawl

<https://theconversation.com/reinventing-density-bending-the-rules-can-help-stop-urban-sprawl-66408>

And for low income buildings, I hope this award-winning example inspires designs built in Madison:

'A masterpiece': Norwich council houses win Stirling architecture prize - Street of 105 homes hailed as high-quality architecture in its most environmentally and socially conscious form
https://www.theguardian.com/artanddesign/2019/oct/08/stirling-prize-architecture-goldsmith-street-norwich-council-houses?CMP=share_btn_link

From: [James Fenley](#)
To: [All Alders](#)
Subject: Zoning Proposal
Date: Thursday, March 25, 2021 7:29:09 PM

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

Good evening,

I am writing today regarding the opinion article written by Mayor Rhodes-Conway on zoning law changes.

I fully support the proposed changes, and hope they will be supported without amendments.

Anything we can do to increase density and development in our city is good for all. We need to continue building housing throughout our city to keep up with the market demand. These changes are the correct first step.

Regards,

James Fenley
1829 Spaight St
Madison, WI 53704

From: [Mary Pustejovsky](#)
To: [All Alders](#)
Subject: zoning reform
Date: Thursday, March 25, 2021 3:01:04 PM

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

Mayor Rhodes-Conway, and Alders

I know that an important vote is upcoming on streamlining the permitting process for new construction. I wanted to provide my full-throated support of this proposal. I moved here last summer due to my husband's job at UW Madison. We moved from Austin, where the zoning code has not been reformed and is stuck in 1984. The MEAN home is now over \$450,000. Many homes in central areas are being sold for \$600k, bulldozed, and replaced with homes worth well over \$1M. This is directly due to market pressure. The process to provide a fourplex or even a duplex on that same plot of land is so onerous that it makes more sense to demolish and build for the rich.

It's imperative that we provide more flexibility for developers to build housing that is smaller, or is a more efficient use of land. In Austin, I lived in a townhouse and would have preferred to find one here. There were none on the market, and in the year that I have been following the market, I have not seen a single one come up for sale. This is a problem. Townhouses/rowhomes are more energy efficient due to shared walls, and are also cheaper than a single family home, opening homeownership opportunities to more people.

Although it is from California, this study shows clearly that meeting climate goals depends on infill development (<https://www.next10.org/publications/right-housing>). It decreases vehicle miles traveled, and provides access to opportunity for jobs.

I was interested in building an ADU on my lot because I'd like to support building housing for those with lower incomes. It's impossible to understand the regulations from the website, and it looks like I would have to go through a zoning hearing? This should be by-right. If the plans meet the requirements, it can be built. Period. Some cities have even explored offering "off the shelf" plans that allow homeowners to purchase already approved designs that can be used quickly, saving in architect fees.

There are many ways for us to improve affordability in Madison, meet our climate goals, and make a more welcoming city. Zoning reform is a great first step to do so. I cringe at the possibility of us becoming like Austin, where housing prices continue to spiral out of control, leaving more and more people out of the economy, or causing them to drive for hours each day to their jobs. We can make a different choice, and I urge you to do so.

Thank you for your time, and for your service.

Mary Pustejovsky
Midvale Heights resident

From: [Jon Becker](#)
To: [All Alders](#)
Subject: zoning single family residential : support, but with some requirements
Date: Sunday, March 28, 2021 10:00:46 AM

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

Dear City Council Alders:

Environmentalists have long supported increased urban density, along with ready access to parks and open spaces.

The recent proposed changes to city zoning likely have already been reviewed with equity in mind.

How about eco-equity? Will property owner who increase density be required to:

- * achieve net zero energy (e.g., solar PV, heat pumps, etc.; subscription to renewable energy supply)?
- * avoid provision of a fossil gas supply line?
- * attain 100% stormwater stay-on (or pay a fee for offsetting within the same sub-watershed?)
- * enhance the urban shade canopy, more than offsetting any new urban heat island effects?
- * achieve a net decrease in vehicle parking spaces per property, providing shared bicycles or other vehicles?

For the good of the community, a reduction in city property taxes on any property that adds housing could perhaps offset expenses of meeting these requirements. It would be a shame if the new zoning policy negatively impacted our community's climate goals or eco-equity.

Thanks for your consideration.

Regards, Jon

Jon Becker
PO Box 8574, Madison, WI 53708 USA

Veldran, Lisa

From: Brad Hinkfuss <bradhinkfuss@gmail.com>
Sent: Tuesday, March 30, 2021 6:02 PM
To: Veldran, Lisa; Stouder, Heather; All Alders
Subject: Re-send of earlier comments

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

Hello,

I am resending my comments regarding Item 8, #63902 since the original attachment does not appear in the public comments. Please include them. It is also my hope that this made it to all alders despite its absence in legistar.

Dear City of Madison Alders,

How many of you are comfortable tinkering with the source code for the operating system on your computer? Not many, I wager. Tinkering with the basic principles of how complicated things work is fraught with the potential for unwanted results and unintended consequences. In similar fashion, at your next meeting on March 30th, you will be faced with a decision on File #63902 as to whether to support some proposed changes in allowable densities in select zoning districts, as well as conditional use thresholds. This is the source code for how this city is built. It should give you reason for pause. I strongly encourage you to refer the proposal for further review.

This proposal arrives with the best of intentions, to help address the twin crises of affordability and the demand for more housing units. Everyone wants solutions to these urgent problems. But urgency breeds haste. Haste leads to recklessness. Recklessness can lead to injury. And when you are building things that may last 80 years or more that injury would be long lasting.

What are the issues? There are many, but here are a few:

First, the proposed changes arrive with a striking lack of evidence that they will achieve the expressed goals in any meaningful way. Developers are already building many units. Streamlining the development process and easing conditional use thresholds will make a minor piece of what developers are already doing just a little bit easier. Availability of land, the cost of construction, and financing are much bigger obstacles. The proposed changes do nothing to address them.

Second, the evidence of the past 20 years is that developers will build to the high end of the market: efficiencies and 1-bedroom apartments at market rate rents. This is simply what the private market naturally does. In so doing, they will codify certain districts and neighborhoods as too expensive and unavailable to lower-income residents and families. Opportunities for a richer mix of housing types will be lost.

Third, in removing the conditional use threshold for many types of development, key elements of review will be lost along with public meetings. These opportunities for review will be lost for residents, lost for alders, and lost for the Plan Commission. Instead, authority will be focused in an unseeing code and a handful of staff positions. This is an unapologetic loss of opportunity for meaningful dialogue and inclusion, no matter who you are.

Unintended consequences. Consequences for buildings and for people. Fortunately, the City of Madison has a process to address this, the Racial Equity and Social Justice Initiative (RESJI). As the City RESJI page states, "Identify groups and individuals most likely to be impacted by the decision, policy, program, practice or budget. Find ways to involve them in the analysis." This has not happened here.

I urge you to refer this proposal. Pause for a few months and invest in a RESJI analysis. Nothing will be lost, only potentially gained. Parts of the current proposal should be preserved. Other parts warrant more scrutiny. As the City RESJI webpage states, "Imagine a Madison where all residents have opportunities for fair and just inclusion in public processes and decisions." This is not just about saying, no. This is about working together to craft a better proposal for everyone.

Respectfully submitted,
Bradley Hinkfuss – Executive Director, Housing Initiatives, Inc.

Veldran, Lisa

From: annewalker@homelandgarden.com
Sent: Tuesday, March 30, 2021 5:32 PM
To: Stouder, Heather; Veldran, Lisa
Subject: (Fwd) Proposed change in zoning -comments
Attachments: Mail message body.PM\$

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

To: mayor@cityofmadison.com, allalders@cityofmadison.com
Subject: Proposed change in zoning -comments
Copies to: brian Benford <brianbenford00@gmail.com>
Date sent: Mon, 29 Mar 2021 17:50:17 -0500

Dear Mayor, Alders, Neighbors,

I've lived in my neighborhood in the isthmus, across from the Yahara River since 1992.

1993 was the first year I saw my neighborhood and the river flood. It's flooded many times since, with the last round needing the aid of the City, the National Guard and many volunteers who helped to sandbag old, and, new development in the neighborhood. The last round felt like watching a disaster in slow motion coming at us, and, with climate change, another round is likely not far behind. This is some of the same area that is being considered for additional infill.

Roger Bannerman, an expert on stormwater, was a much respected expert in our community and at the Department of Natural Resources. Our City of Madison rain garden program is named after him. He tirelessly shared excellent information about stormwater and its effects.

I attended a presentation some years back which detailed the increase in stormwater runoff we could expect for Lake Mendota for year 2000 to 2020. Based on proposed development, stormwater was projected to increase in Lake Mendota by 57%.

It's been my experience that there are times when Lake Mendota becomes too full, and the locks are opened, releasing water into the Yahara River, even when there really isn't room for more downstream. In addition the Yahara River also receives quite a bit of storm water from less previous portions of the neighborhood. It's hardly surprising that the neighborhood is flooding with that volume of water concentrating in the area along the river. The isthmus is uniquely vulnerable.

I have asked several Mayor's for help, as well as Common Councils, Plan Commissions, Engineering. I am asking again. In the proposed changes in the zoning ordinance, areas that are vulnerable to flooding are being considered for additional infill. Development practices have contributed to making some areas of our city very vulnerable to flooding. Proposed changes in infill cannot exacerbate those problems. Building well in the age of climate change must include innovative projects that come from common sense planning.

Please carefully consider changes in our zoning that would increase flooding in already vulnerable locations. Please give your consideration to this very pressing crisis.

Anne Walker

Attachments: C:\Users\anne\AppData\Local\Temp\WPM\$MHSZ.PM\$

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

Veldran, Lisa

From: annewalker@homelandgarden.com
Sent: Tuesday, March 30, 2021 5:33 PM
To: Stouder, Heather; Veldran, Lisa
Subject: (Fwd) Item #8, Common Council, proposed zoning ordinance change
Attachments: Mail message body.PM\$

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

-- *To:* mayor@cityofmadison.com, allalder@cityofmadison.com
Subject: Item #8, Common Council, proposed zoning ordinance change
Copies to: brian Benford <brianbenford00@gmail.com>
Date sent: Mon, 29 Mar 2021 20:04:34 -0500

Dear Mayor, Alders and Neighbors,

I live on the the corner of Merry St., Winnebago and the Yahara River. The proposed zoning change, item #8, would contravene the Comprehensive Plan. In addition, it would support increased infill in an area that has flooded in the past, and is likely to flood again. I do not support this change.

Generalized Future Land Use Map Comments Summary 6/20/18, item #53, was a discussion of whether the west side of Merry Street should be changed back to Low-Medium Residential (due to 222 and 230 Merry, a 22-unit apartment and vacant lot) as shown on an interim map. The Plan Commission did not adopt that change, and all of Merry Street remains Low-Residential. <https://madison.legistar.com/View.ashx?M=F&ID=6336147&GUID=BBF47547-51DA-4BE2-BC96-0ADB9A283AE5>

The Comprehensive Plan specifies:

"While more intense forms of multifamily or mixed-use development may occur as mapped along major corridors adjacent to, or running through, LR areas, any infill or redevelopment that occurs within an LR area should be compatible with established neighborhood scale, and consistent with any relevant sub-area plan."
(emphasis added)

Yet the proposed ordinance change would permit 95 units on those two lots with the changes to TR-U2 zoning (60 on the lot with the existing building, 35 on the vacant lot), based on the number of units allowed and the reduced minimum lot size per unit. That would be a density of 103 du/acre, in the midst of a street with a density of 9.74 du/acre. Merry St is 1/2 a block long, ending at the RR tracks. 95 cars could be added to a 1/2 block long street that provides access to 21 dwelling units.

As many neighbors pointed out in the Comprehensive Plan process, this is a location that has flooded in the past, and is very likely to flood in the future. Building a sustainable and resilient city has a great deal to do with common sense planning in a time of climate change.

Respectfully,

Anne Walker

Attachments: C:\Users\Wanne\AppData\Local\Temp\WWPM\$0EEH.PM\$

C:\Users\Wanne\AppData\Local\Temp\WWPM\$12XW.PM\$

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

Veldran, Lisa

From: Linda <lehnertz.l@att.net>
Sent: Tuesday, March 30, 2021 5:31 PM
To: Stouder, Heather; Veldran, Lisa
Subject: FW: comment letter attached for tonight's meeting on zoning changes
Attachments: CC comment letter Legistar 63902 3.30.21.pdf

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

I will be talking about this tonight. I expect my comments to be added to the Legistar record.

From: Linda [mailto:lehnertz.l@att.net]
Sent: Tuesday, March 30, 2021 12:34 PM
To: 'allalders@cityofmadison.com' <allalders@cityofmadison.com>
Subject: comment letter attached for tonight's meeting on zoning changes

Common Council
Meeting of March 30, 2021
Agenda #8, Legistar #63902

In a Cap Times op-ed piece dated March 25, 2021, the Mayor made certain claims. Those claims are worth further exploration.

https://madison.com/ct/opinion/column/satya-rhodes-conway-madison-needs-more-housing-our-zoning-should-support-that-goal/article_037a0075-b157-5334-8b70-842f62008e53.html

"The proposed changes would make it easier to develop housing in most multi-family residential and mixed-use zoning districts across the city by standardizing the permit review process for projects that meet basic requirements. Madison's zoning code has historically provided for discretionary review of nearly all multi-family development by the city's Plan Commission, and the proposed changes would allow more housing to be developed through a standard review process if it meets code requirements, which is more consistent with how many single-family and commercial development proposals are reviewed."

- The current zoning code does provide a standardized review process for multi-family development. In the mixed-use districts a building that does not exceed a specified floor area and height can be developed "by-right." Floor area and/or height can be exceeded with CU approval. The proposed ordinance would increase those "by-right" thresholds. Since developers regularly seek to build beyond the by-right thresholds, as it is more profitable, will increasing the thresholds decrease CU requests? Or, will the higher thresholds lead to just as many CU requests, but for even larger projects?
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- Since developers from outside of Wisconsin (including IL, MN, GA, TN, NY) are willing to come to Madison for development projects in the mixed-use districts, it would seem that there is not enough uncertainty to create a barrier.
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- This focus on density is at odds with the Comprehensive Plan, which focused on building form in mixed-use districts. "The general density range is intentionally broad for most categories because building form, not density, should be the primary consideration when determining whether a building fits appropriately within a given neighborhood, district, or corridor." (CP, page 17) In NMX, TSS and CC-T, limits on building size are being removed, allowing for a building of any size without regard to how it fits into its surroundings. (Building floor area maximums remain for MXC and CC.)
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- The density changes may be modest for some residential districts (not TR-U2), but they are not modest for mixed-use districts.

"Housing is becoming increasingly unaffordable in Madison." "[O]ur affordability issues are still largely driven by a mismatch between supply and demand." "If we want a city that is inclusive and affordable, our zoning and permit processes need to align with that."

- The Comprehensive Plan projected an additional 40,000 households between 2015 and 2040 (page 3). From 2016 through 2020, building permits were issued for 9,682 new housing units, or for 24% of the need anticipated by the Comprehensive Plan. Of course, household growth may have been faster than anticipated, or the units addressed a historic backlog. But, the 10% increase in housing units since 2015 (106,827 to 116,509) has not resulted in more affordable rents, so the question is how will this ordinance change, one that is focused on adding more units, result in more affordable rents? What has been built in mixed-use districts is largely luxury housing.
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"We need to diversify and expand housing choices for everybody in Madison and these zoning changes are important to enable the diverse housing options that we want." (This comment was made in the City's news update of January 28, 2021.)

- "Missing middle housing is compatible in scale with most single-family residential areas, and can help meet the growing demand for urban living." (CP, page 49) The SR-V1 and TR-V2 increases are compatible with single family housing.
- It is questionable whether diverse housing options will increase. The residential zonings with the number of units proposed to be increased (SR-V1, SR-V2, TR-V2, TR-U1, TR-U2) total to 1,945 acres. But not all of this acreage is available for redevelopment or additions to existing housing. The acreage for SR-V1 drops by over 1/3 when non-developable property is removed (e.g., condos, parcels with 8 or more units, parks, stormwater). TR-V2 drops from 121 acres to 30 acres. So how much of the land is really available to add housing units? Are single family owners going to want to expand to a 2-family (about 22% of the TR-V2 parcels available for growth are single family homes)? Is the potential housing growth in areas where growth is desired? Is it a good idea to take relatively affordable 8-unit apartment buildings on Sunny Meade and Raymond and allow them to be redeveloped at 12 units?

"We have the same barrier in Madison that we see all over the country — that we require more steps in the permit process for multifamily housing than we do for other types of development. Requirements like these frequently popped up in zoning codes decades ago, after the racist practice of redlining was abolished."

- No, the steps in the permit process were decided as part of the zoning code rewrite, effective 1/2/2013. The decision was made to focus on building form:
 "The form-based approach is generally more flexible in terms of uses, but more prescriptive in terms of building scale, massing and design elements. It therefore requires a high level of understanding of the existing or desired built environment, which is depicted through detailed graphic standards and accompanying text. These characteristics all make it more appropriate for districts and corridors where a high level of design review is desired – for example, downtown and neighborhood centers, major entry corridors and gateways into the city, waterfront districts, and areas that are evolving to become mixed-use centers. By the same token, the form-based approach is less effective in stable residential neighborhoods, unless context-specific design standards are desired in those districts."

<http://legistar.cityofmadison.com/attachments/f7f9a14c-6169-4c81-8f9f-c09137a337e9.pdf>

"I believe our need to maintain an affordable, accessible community in the face of growth pressures is important enough to try this."

- The issue is more of how to create an affordable, accessible community. Allowing developers to create bigger and denser buildings over the past 5 or so years has not increased either affordability or inclusiveness. Or, as said in the Comprehensive Plan: "Much of the recent redevelopment in and around downtown has been focused on high-end residential units." (CP, page 40)
- What if there are unfortunate consequences as a result of this broad-brush approach, like the demolition and reconstruction of relatively affordable housing (e.g., Raymond Road, where the assessed value does not preclude redevelopment)? What if state law would basically preclude the Plan Commission from denying a conditional use for extra height in the mixed-use districts? (Developers are being given an allowed density and building size is being removed, so it could be argued that there is no such thing as a too big building – and if too wide isn't a problem, how can additional height be denied?)
- If passed and unfortunate consequences arise, any change back to lower densities would count as downzoning under state law and require a 2/3 Council vote.

"I've heard a concern that increasing densities can help drive up prices and gentrify a neighborhood."

- The comments I have heard are: (1) that some relatively affordable housing could be profitable enough to redevelop at the increased densities (for increased rent); and (2) what is older and more affordable in any given neighborhood could be quickly snatched up by developers, taking away the potential for not-for-profit developers to make use of that property in the future.

"I've also heard concerns about allowing residential buildings along arterials without ground floor retail. A few years ago, I would have shared that concern."

- "However, special attention should be paid to maintaining commercial street frontages along mixed-use streets without creating residential "gaps" along streets that otherwise have commercial tenants at ground level." (CP, page 22)

"Finally, I recognize a concern that this may reduce the influence some neighborhoods have on development proposals." Or, as the Mayor said in her comments to the Plan Commission on March 22: "How much involvement there is from neighborhoods is dependent highly on geography, its dependent on who the Alder is, and frankly I think that it is really inequitable right now. Now that isn't to say that we don't want to listen to our neighborhoods and we don't want input, but it is to say that we need to balance our need to maintain affordable accessible community in the face of growth pressures with input from neighborhoods."

- Inequitable? No. What would be inequitable is to silence the voice of those communities before they ever feel a need to speak up. The isthmus has seen lots of redevelopment and seen the impact of those changes. Thus, neighbors know the importance of voicing concerns and do so. Other areas have not had development or redevelopment pressures and have not had a need to speak. Once they see the impact on their own neighborhood, they should be able to have a voice. An example is District 18, where there is little development and little neighborhood voice (except to Parks on Warner issues). When the Raemisch farm replat arose, a lot of neighbors exercised their voices on the issue, either through written comments or testimony. They may well be interested in doing so for redevelopment projects.

Respectfully Submitted,
Linda Lehnertz

From: Jennifer Argelander <jargelander@yahoo.com>
Sent: Friday, March 19, 2021 10:17 AM
To: Plan Commission Comments; All Alders; Stouder, Heather; Mayor
Subject: Legistar 630902 Proposed zoning changes

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

I am writing to strongly oppose the new proposed zoning changes as currently written in Legistar 63902. This proposed changes to Madison's zoning ordinances will increase the number of multi-family development projects that do not require conditional use permits from Madison's Plan Commission which would then diminish or eliminate the neighborhoods' ability to have a voice in major changes that the City wishes to make in their neighborhood development.

The proposed transfer of decision making power from Madison's Plan Commission to Madison's Planning Department means that developers can propose a project and have it approved by City Planning staff without input from neighbors who actually own property next to these developments. Plan Department staff will then approve developments using a checklist one-size fits all approach to make decisions without consideration of the design and needs of the neighborhood.

In the proposed language, height and density limits are significantly raised for all zoned areas and usable open space requirements are lowered significantly. Raising limits on building heights, lot sizes, and dwelling units per acre and significantly lowering required usable open spaces would allow the construction of unreasonably large buildings and would foster overcrowded neighborhoods. This would be a sledge hammer approach to existing neighborhood design. And even more critical, reducing open space is detrimental to the environment and the mental health of those residing in those places. Open space must be protected.

All projects greater than 8 units must be approved with neighborhood input.

All projects greater than 48 units must go to the Plan commission for conditional use permit.

Open space requirements must be maintained at the current levels.

Advocates of the zoning code changes in Madison falsely claim that their changes would remedy segregation, by wealth and race, produced by past zoning requirements. The opposite is true. Crowding more multi-family buildings into areas already zoned for multi-family developments can only amplify current demographic patterns. If the City aggressively promotes new housing at densities much greater than what people want, people can and will move to surrounding communities where they can find neighborhoods in which they do want to live. Will businesses then follow their workers and customers to the suburbs?

Jennifer (Jeff) Argelander
1715 Erie Court
Madison, WI 53704

Veldran, Lisa

From: Benjamin Van Thiel <bvanthiel@gmail.com>
Sent: Tuesday, March 30, 2021 11:40 AM
To: All Alders
Subject: Please support proposed zoning changes on 3/30

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

Dear Alders,

Madison needs to be able to adapt and respond to the changes in our city and our society. When more than half of our renters are paying over 30% on housing it is clear that we have a problem with affordability. When less than 3% of housing units are vacant, it is clear that we have a problem with housing supply.

The lovely single family neighborhoods that many of us cherish today didn't exist 150 years ago and will not endure 150 years from now. These changes are as inevitable to current Madisonians as they were to the Hochunk who once lived on the shores of lake Wingra.

We could try to resist this change, but the result would be to ignore the suffering of the many in our community who are housing insecure. It would be to deny the dream of homeownership to the coming generation. It would be to continue Madison's unfortunate history of racial segregation and injustice.

We cannot change the past. We cannot even hold on to the present. We must not fail to act to ensure a brighter future for Madison.

Please support these proposed zoning changes. More drastic action is still needed to address the housing crisis at our doorstep, but this proposal can help start building the foundation for Madison's housing future.

Sincerely,
Benjamin Van Thiel
3012 Monroe St

Veldran, Lisa

From: Linda <lehnertz.l@att.net>
Sent: Tuesday, March 30, 2021 12:34 PM
To: All Alders
Subject: comment letter attached for tonight's meeting on zoning changes
Attachments: CC comment letter Legistar 63902 3.30.21.pdf

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Common Council
Meeting of March 30, 2021
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"I've also heard concerns about allowing residential buildings along arterials without ground floor retail. A few years ago, I would have shared that concern."

- "However, special attention should be paid to maintaining commercial street frontages along mixed-use streets without creating residential "gaps" along streets that otherwise have commercial tenants at ground level." (CP, page 22)

"Finally, I recognize a concern that this may reduce the influence some neighborhoods have on development proposals." Or, as the Mayor said in her comments to the Plan Commission on March 22: "How much involvement there is from neighborhoods is dependent highly on geography, its dependent on who the Alder is, and frankly I think that it is really inequitable right now. Now that isn't to say that we don't want to listen to our neighborhoods and we don't want input, but it is to say that we need to balance our need to maintain affordable accessible community in the face of growth pressures with input from neighborhoods."

- Inequitable? No. What would be inequitable is to silence the voice of those communities before they ever feel a need to speak up. The isthmus has seen lots of redevelopment and seen the impact of those changes. Thus, neighbors know the importance of voicing concerns and do so. Other areas have not had development or redevelopment pressures and have not had a need to speak. Once they see the impact on their own neighborhood, they should be able to have a voice. An example is District 18, where there is little development and little neighborhood voice (except to Parks on Warner issues). When the Raemisch farm replat arose, a lot of neighbors exercised their voices on the issue, either through written comments or testimony. They may well be interested in doing so for redevelopment projects.

Respectfully Submitted,
Linda Lehnertz

Veldran, Lisa

From: brandon.hacha@gmail.com
Sent: Tuesday, March 30, 2021 2:43 PM
To: All Alders
Subject: [All Alders] Please Approve Ordinance 63902, Agenda Item #8

Recipient: All Alders

Name: Brandon Hacha
Address: 409 W Doty St Apt 9, Madison, WI 53703
Phone: 260-273-8363
Email: brandon.hacha@gmail.com

Would you like us to contact you? No, do not contact me

Message:

Madison is a growing city that will likely only continue to grow. With new residents come fewer apartment vacancies and housing options, increasing prices in the most attractive areas and leading to increased sprawl elsewhere. The council has the power to take some small steps towards alleviating this problem by relaxing some of the restrictions and encouraging development. While there's no doubt that this might harm some neighborhood charm, the ability of people to live and work conveniently is much more important. If Madison increases its urban density, it increases the ability to provide public transportation, diversifies neighborhoods, and prevents urban sprawl. If the current density and development standards hold, then development will occur in Madison's suburbs, making it harder to offer transportation and further congesting our roadways.

There's no such thing as a perfect policy and there will always be negative consequences. When Madison remains a uniquely walkable and accessible Midwest city in 15 years, you'll know that the benefits outweighed the costs of this measure.

Brandon Hacha

Veldran, Lisa

From: Amie Heeter Yoga & Meditation <beyourtruth@gmail.com>
Sent: Tuesday, March 30, 2021 4:10 PM
To: All Alders; Mayor
Cc: Brian Benford
Subject: Opposition to item #8, Common Council, Proposed Zoning change

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Dear Alders, Common Council, and Mayor Rhodes-Conway,

As a resident of the east side and 2nd time home owner in the Marquette Neighborhood, I do not support the zoning changes being proposed. I absolutely support creative solutions to increase density and redevelop in ways that prepares this city to make room for those who recognize this is a desirable place to live. However, item #8 and the zoning changes for the Isthmus corridor to remove neighborhood input is not the way forward.

Neighborhoods are made of the people who live there, and their input should be of consideration and value when a new development is proposed. I am a large supporter of affordable housing, and could not have become a homeowner here on the Isthmus without the subsidies and support provided by Commonwealth Development. I have also lived in the Carbon Apartment building which I think is a smart asset in an area that was vacant, has an allotted number of apartments for lower income, and since moving the newer Grand Family development for grandparents raising their grandchildren filled an important need. Affordable housing is not something I just support, I've needed it as well and lived in it for most of my last 15 years in Madison. But Madison is growing fast, and the increased density in the Isthmus corridor and the lack of affordability, plus the environmental challenge of increased density in a zone prone to flooding is a huge concern. We need to grow smarter, not just faster as these zoning changes would pave the way towards...

Thank you, Amie Heeter of 229 Merry St

--

Amie Heeter
Yoga and Meditation Instructor
photographer
www.amieheeter.com
608-957-3327

"Don't ask what the world needs, ask what makes you come alive and go do it. Because what the world needs is people who have come alive."

-Howard Thurman

Veldran, Lisa

From: Tracy Doreen <myrealibrary@icloud.com>
Sent: Tuesday, March 30, 2021 4:16 PM
To: Rummel, Marsha; All Alders
Subject: Agenda #8, Legistar #63902
Attachments: Common Council Meeting.pdf; ATT00001.htm

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Common Council Meeting March 30, 2021
Agenda #8, Legistar #63902

Dear Madison Alders and Mayor Rhodes-Conway,

I appreciate that the city has housing equity in mind in proposed changes to zoning and planning. Establishing work arounds to the 2012 state municipal code on zoning for inclusionary affordable housing seems complicated at best and does not seem to guarantee success to create the desired affordable housing and diverse neighborhoods.

If there is to be success, the proposed ordinance needs work. One of the biggest issues is losing the public voice. Steps for community involvement throughout the process was established just eight years ago in the zoning code rewrite.

I wrote to the Plan Commission and spoke at the meeting last week. At about 2 am. the night before the Plan Commission meeting, the words "unintended consequences" came to me.

I heard many community members speak at the March 22, 2021 virtual Plan Commission meeting. Many more voiced opposition to this plan than to support it; even a few smaller developers spoke in opposition. During the meeting I heard multiple citizens use the same words in addressing their opposition to the proposed zoning changes. I used these words to point this out to the commission. I heard alders repeat and discuss "unintended consequences" during the plan commission meeting. Thank you for listening.

Disturbingly, near the end of the same March 22 Plan Commission meeting, I heard alders say how they had previously been thinking: "get rid of these entitled voices" and "so called neighborhood control" and "the same handful of people." That anyone's voice is not valued is troubling. Does development money trump democracy even in Madison?

I understand some revisions will be or have been made to the proposal but I do not fully know what they are. Here are a few of the questions and concerns I have:

Do these changes address displacing residents who live in current workforce affordable housing, many who have to leave their neighborhood to find an affordable place to live; and that these renters may not be able to afford to live in the new building or return to the now new luxury neighborhood?

Do these changes address the land speculation that drives prices up more and more?

Do changes address the inconsistencies with the comprehensive plan?

Do the changes address limiting the peoples voice in shaping mixed use streets and neighborhoods?

I support referral of this proposed housing ordinance to make sure you address these possible unintended consequences of the proposed zoning changes.

Sincerely,
Tracy Doreen Dietzel
Madison

Veldran, Lisa

From: Linda <lehnertz.l@att.net>
Sent: Tuesday, March 30, 2021 5:31 PM
To: Stouder, Heather; Veldran, Lisa
Subject: FW: comment letter attached for tonight's meeting on zoning changes
Attachments: CC comment letter Legistar 63902 3.30.21.pdf

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I will be talking about this tonight. I expect my comments to be added to the Legistar record.

From: Linda [mailto:lehnertz.l@att.net]
Sent: Tuesday, March 30, 2021 12:34 PM
To: 'allalders@cityofmadison.com' <allalders@cityofmadison.com>
Subject: comment letter attached for tonight's meeting on zoning changes

Common Council
Meeting of March 30, 2021
Agenda #8, Legistar #63902

In a Cap Times op-ed piece dated March 25, 2021, the Mayor made certain claims. Those claims are worth further exploration.

https://madison.com/ct/opinion/column/satya-rhodes-conway-madison-needs-more-housing-our-zoning-should-support-that-goal/article_037a0075-b157-5334-8b70-842f62008e53.html

"The proposed changes would make it easier to develop housing in most multi-family residential and mixed-use zoning districts across the city by standardizing the permit review process for projects that meet basic requirements. Madison's zoning code has historically provided for discretionary review of nearly all multi-family development by the city's Plan Commission, and the proposed changes would allow more housing to be developed through a standard review process if it meets code requirements, which is more consistent with how many single-family and commercial development proposals are reviewed."

- The current zoning code does provide a standardized review process for multi-family development. In the mixed-use districts a building that does not exceed a specified floor area and height can be developed "by-right." Floor area and/or height can be exceeded with CU approval. The proposed ordinance would increase those "by-right" thresholds. Since developers regularly seek to build beyond the by-right thresholds, as it is more profitable, will increasing the thresholds decrease CU requests? Or, will the higher thresholds lead to just as many CU requests, but for even larger projects?
- Unlike the mixed-use districts, single-family districts do NOT have ways to increase height through the CU process. Thus, trying to compare mixed-use to single-family is inapposite. As to commercial, the CC district has 445 parcels and the mixed-use districts have 1,254. Since 2019, there have been 4 CU requests in the CC district and 19 in the mixed-use districts for a size greater than what is allowed by-right. Or, .9% of CC zoned properties made a CU request for a greater size as compared to 1.5% of mixed-use properties.

"The current discretionary review process can add additional cost and uncertainty to projects, which can be a barrier to housing development."

- Since developers from outside of Wisconsin (including IL, MN, GA, TN, NY) are willing to come to Madison for development projects in the mixed-use districts, it would seem that there is not enough uncertainty to create a barrier.
- Additional costs have not been specified. As one commenter to the Plan Commission said, the proposals would allow developers to lock in land purchases and interest rates. How significant is a 7 week delay for Plan Commission approval after all the months spent to develop a project?
- Delay caused by Plan Commission review will still happen even if these changes are made. Not one of the mixed-use projects approved by the Plan Commission since 2019 would escape Plan Commission review as a result of the ordinance changes. If demolition is changed to be by-right, then perhaps 3 of the 18 projects could have been by-right development. The other projects had requests for zoning changes and/or CU requests including outdoor recreation, excess height, parking reduction, counseling organization, outdoor eating, vehicle window, private parking facility, and rear yard abutting residential that was not the 45 degree angle.

"The proposed zoning changes ... also allow for densities called for in the city's comprehensive plan and allow for more housing to be incorporated into developing and redeveloping parts of the city." "I want to be clear that the density changes here are very modest and are already included in our comprehensive plan."

- The Comprehensive Plan does not use zoning districts. For example, some TSS zoned properties are in an area the Comprehensive Plan calls "Neighborhood Mixed-Use" others are in "Community Mixed-Use." NMU is 70 du/acre or less, the CMU is 130 du/acre or less. Yet version 1 of this

proposed ordinance would allow a density of 124 du/acre (or more, if a mixed-use building), disregarding the Comprehensive Plan's designation of NMU at 70 or less du/acre.

- The densities being claimed as authorized by the Comprehensive Plan are densities for purely residential buildings. Mixed-use buildings do not require a minimum amount of lot size per unit, thus mixed-use buildings almost always get built instead of purely residential buildings. For example, take 704 Williamson, 53 units on .36 acres for a density of 147 du/acre. As a purely residential building, it would have been limited to 31 units currently, or 45 units under the proposed ordinance.
- This focus on density is at odds with the Comprehensive Plan, which focused on building form in mixed-use districts. "The general density range is intentionally broad for most categories because building form, not density, should be the primary consideration when determining whether a building fits appropriately within a given neighborhood, district, or corridor." (CP, page 17) In NMX, TSS and CC-T, limits on building size are being removed, allowing for a building of any size without regard to how it fits into its surroundings. (Building floor area maximums remain for MXC and CC.)
- "The range of nonresidential uses and the development density of both residential and non-residential uses in mixed-use categories will vary depending on the size of the district and the type and intensity of the surrounding development." (CP, page 22) Yet the proposed ordinance would ignore those differences.
- The density changes may be modest for some residential districts (not TR-U2), but they are not modest for mixed-use districts.

"Housing is becoming increasingly unaffordable in Madison." "[O]ur affordability issues are still largely driven by a mismatch between supply and demand." "If we want a city that is inclusive and affordable, our zoning and permit processes need to align with that."

- The Comprehensive Plan projected an additional 40,000 households between 2015 and 2040 (page 3). From 2016 through 2020, building permits were issued for 9,682 new housing units, or for 24% of the need anticipated by the Comprehensive Plan. Of course, household growth may have been faster than anticipated, or the units addressed a historic backlog. But, the 10% increase in housing units since 2015 (106,827 to 116,509) has not resulted in more affordable rents, so the question is how will this ordinance change, one that is focused on adding more units, result in more affordable rents? What has been built in mixed-use districts is largely luxury housing.
- If this ordinance would truly make rents more affordable, why aren't the advocates of affordable housing stepping up to praise the changes? The Executive Director, Housing Initiatives, Inc. requested a pause in the process for further analysis.

"Our comprehensive plan and numerous other plans have called for these densities and more housing."

- The Comprehensive Plan does not call for more density. As noted above, it is building form that matters.
- The Comprehensive Plan does call for more housing. But it does NOT call for denser areas to be made denser. Rather, it calls for Growth Priority Areas (corridors and Activity Centers) "where the city should accommodate much of the anticipated 40,000 new housing units and 37,000 new jobs that it will see by 2040." (CP, page 14)
- "Redevelopment should be integrated into corridors and established and transitioning Activity Centers identified on the Growth Priority Areas map, consistent with this Plan and adopted sub-area plans." (CP, page 39) The proposed ordinance does not focus on corridors and Activity Centers. While there is overlap between areas designated for growth in the Comprehensive Plan and this proposed ordinance, there are major mismatches. For example:
 - The east side of S. Park from W Washington to Cedar is zoned TSS and CC-T (with one PD). The proposed ordinance would greatly increase intensity despite the GFLU map having this area as neighborhood mixed use (density of 70 du/acre or less).

- The same thing would happen on Atwood, also neighborhood mixed use on the GFLU map, and which is not even designated a growth corridor. And Schenk's Corners was specifically reduced from community mixed-use to neighborhood mixed-use on the GFLU map, yet the proposed ordinance would greatly increase intensity.
- The same thing could happen on Williamson. Williamson was specifically removed as a growth "corridor" during the Comprehensive Plan process (as were portions of the Monroe/Regent corridor).
- Cottage Grove Road, a growth corridor, was primarily designated as neighborhood mixed-use on the GFLU map. The zoning in those areas varies between NMX, CC-T, and CC, leading to a range of densities and intensities, most of which are inconsistent with the GFLU neighborhood mixed-use designation.
- As can be seen on page 42 of the staff presentation, there is little effect on transitioning Activity Centers and Future Activity Centers. (Where there is an effect, such as north Madison shopping centers, more than just density increases are needed to create "complete neighborhoods.") Mineral Point and Odana, designated growth corridors, remain largely unaffected by the changes.

"We need to diversify and expand housing choices for everybody in Madison and these zoning changes are important to enable the diverse housing options that we want." (This comment was made in the City's news update of January 28, 2021.)

- "Missing middle housing is compatible in scale with most single-family residential areas, and can help meet the growing demand for urban living." (CP, page 49) The SR-V1 and TR-V2 increases are compatible with single family housing.
- It is questionable whether diverse housing options will increase. The residential zonings with the number of units proposed to be increased (SR-V1, SR-V2, TR-V2, TR-U1, TR-U2) total to 1,945 acres. But not all of this acreage is available for redevelopment or additions to existing housing. The acreage for SR-V1 drops by over 1/3 when non-developable property is removed (e.g., condos, parcels with 8 or more units, parks, stormwater). TR-V2 drops from 121 acres to 30 acres. So how much of the land is really available to add housing units? Are single family owners going to want to expand to a 2-family (about 22% of the TR-V2 parcels available for growth are single family homes)? Is the potential housing growth in areas where growth is desired? Is it a good idea to take relatively affordable 8-unit apartment buildings on Sunny Meade and Raymond and allow them to be redeveloped at 12 units?

"We have the same barrier in Madison that we see all over the country — that we require more steps in the permit process for multifamily housing than we do for other types of development. Requirements like these frequently popped up in zoning codes decades ago, after the racist practice of redlining was abolished."

- No, the steps in the permit process were decided as part of the zoning code rewrite, effective 1/2/2013. The decision was made to focus on building form:
"The form-based approach is generally more flexible in terms of uses, but more prescriptive in terms of building scale, massing and design elements. It therefore requires a high level of understanding of the existing or desired built environment, which is depicted through detailed graphic standards and accompanying text. These characteristics all make it more appropriate for districts and corridors where a high level of design review is desired – for example, downtown and neighborhood centers, major entry corridors and gateways into the city, waterfront districts, and areas that are evolving to become mixed-use centers. By the same token, the form-based approach is less effective in stable residential neighborhoods, unless context-specific design standards are desired in those districts."

<http://legistar.cityofmadison.com/attachments/f7f9a14c-6169-4c81-8f9f-c09137a337e9.pdf>

"I believe our need to maintain an affordable, accessible community in the face of growth pressures is important enough to try this."

- The issue is more of how to create an affordable, accessible community. Allowing developers to create bigger and denser buildings over the past 5 or so years has not increased either affordability or inclusiveness. Or, as said in the Comprehensive Plan: "Much of the recent redevelopment in and around downtown has been focused on high-end residential units." (CP, page 40)
- What if there are unfortunate consequences as a result of this broad-brush approach, like the demolition and reconstruction of relatively affordable housing (e.g., Raymond Road, where the assessed value does not preclude redevelopment)? What if state law would basically preclude the Plan Commission from denying a conditional use for extra height in the mixed-use districts? (Developers are being given an allowed density and building size is being removed, so it could be argued that there is no such thing as a too big building – and if too wide isn't a problem, how can additional height be denied?)
- If passed and unfortunate consequences arise, any change back to lower densities would count as downzoning under state law and require a 2/3 Council vote.

"I've heard a concern that increasing densities can help drive up prices and gentrify a neighborhood."

- The comments I have heard are: (1) that some relatively affordable housing could be profitable enough to redevelop at the increased densities (for increased rent); and (2) what is older and more affordable in any given neighborhood could be quickly snatched up by developers, taking away the potential for not-for-profit developers to make use of that property in the future.

"I've also heard concerns about allowing residential buildings along arterials without ground floor retail. A few years ago, I would have shared that concern."

- "However, special attention should be paid to maintaining commercial street frontages along mixed-use streets without creating residential "gaps" along streets that otherwise have commercial tenants at ground level." (CP, page 22)

"Finally, I recognize a concern that this may reduce the influence some neighborhoods have on development proposals." Or, as the Mayor said in her comments to the Plan Commission on March 22: "How much involvement there is from neighborhoods is dependent highly on geography, its dependent on who the Alder is, and frankly I think that it is really inequitable right now. Now that isn't to say that we don't want to listen to our neighborhoods and we don't want input, but it is to say that we need to balance our need to maintain affordable accessible community in the face of growth pressures with input from neighborhoods."

- Inequitable? No. What would be inequitable is to silence the voice of those communities before they ever feel a need to speak up. The isthmus has seen lots of redevelopment and seen the impact of those changes. Thus, neighbors know the importance of voicing concerns and do so. Other areas have not had development or redevelopment pressures and have not had a need to speak. Once they see the impact on their own neighborhood, they should be able to have a voice. An example is District 18, where there is little development and little neighborhood voice (except to Parks on Warner issues). When the Raemisch farm replat arose, a lot of neighbors exercised their voices on the issue, either through written comments or testimony. They may well be interested in doing so for redevelopment projects.

Respectfully Submitted,
Linda Lehnertz

Veldran, Lisa

From: annewalker@homelandgarden.com
Sent: Tuesday, March 30, 2021 5:33 PM
To: Stouder, Heather; Veldran, Lisa
Subject: (Fwd) Item #8, Common Council, proposed zoning ordinance change
Attachments: Mail message body.PM\$

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

-- *To:* mayor@cityofmadison.com, allalders@cityofmadison.com
Subject: Item #8, Common Council, proposed zoning ordinance change
Copies to: brian Benford <brianbenford00@gmail.com>
Date sent: Mon, 29 Mar 2021 20:04:34 -0500

Dear Mayor, Alders and Neighbors,

I live on the the corner of Merry St., Winnebago and the Yahara River. The proposed zoning change, item #8, would contravene the Comprehensive Plan. In addition, it would support increased infill in an area that has flooded in the past, and is likely to flood again. I do not support this change.

Generalized Future Land Use Map Comments Summary 6/20/18, item #53, was a discussion of whether the west side of Merry Street should be changed back to Low-Medium Residential (due to 222 and 230 Merry, a 22-unit apartment and vacant lot) as shown on an interim map. The Plan Commission did not adopt that change, and all of Merry Street remains Low-Residential. <https://madison.legistar.com/View.ashx?M=F&ID=6336147&GUID=BBF47547-51DA-4BE2-BC96-0ADB9A283AE5>

The Comprehensive Plan specifies:

"While more intense forms of multifamily or mixed-use development may occur as mapped along major corridors adjacent to, or running through, LR areas, any infill or redevelopment that occurs within an LR area should be compatible with established neighborhood scale, and consistent with any relevant sub-area plan."
(emphasis added)

Yet the proposed ordinance change would permit 95 units on those two lots with the changes to TR-U2 zoning (60 on the lot with the existing building, 35 on the vacant lot), based on the number of units allowed and the reduced minimum lot size per unit. That would be a density of 103 du/acre, in the midst of a street with a density of 9.74 du/acre. Merry St is 1/2 a block long, ending at the RR tracks. 95 cars could be added to a 1/2 block long street that provides access to 21 dwelling units.

As many neighbors pointed out in the Comprehensive Plan process, this is a location that has flooded in the past, and is very likely to flood in the future. Building a sustainable and resilient city has a great deal to do with common sense planning in a time of climate change.

Respectfully,

Anne Walker

Attachments: C:\Users\Wanne\AppData\Local\Temp\WWPM\$0EEH.PM\$

C:\Users\Wanne\AppData\Local\Temp\WWPM\$12XW.PM\$

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

Veldran, Lisa

From: annewalker@homelandgarden.com
Sent: Tuesday, March 30, 2021 5:32 PM
To: Stouder, Heather; Veldran, Lisa
Subject: (Fwd) Proposed change in zoning -comments
Attachments: Mail message body.PM\$

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

To: mayor@cityofmadison.com, allalders@cityofmadison.com
Subject: Proposed change in zoning -comments
Copies to: brian Benford <brianbenford00@gmail.com>
Date sent: Mon, 29 Mar 2021 17:50:17 -0500

Dear Mayor, Alders, Neighbors,

I've lived in my neighborhood in the isthmus, across from the Yahara River since 1992. 1993 was the first year I saw my neighborhood and the river flood. It's flooded many times since, with the last round needing the aid of the City, the National Guard and many volunteers who helped to sandbag old, and, new development in the neighborhood. The last round felt like watching a disaster in slow motion coming at us, and, with climate change, another round is likely not far behind. This is some of the same area that is being considered for additional infill.

Roger Bannerman, an expert on stormwater, was a much respected expert in our community and at the Department of Natural Resources. Our City of Madison rain garden program is named after him. He tirelessly shared excellent information about stormwater and its effects.

I attended a presentation some years back which detailed the increase in stormwater runoff we could expect for Lake Mendota for year 2000 to 2020. Based on proposed development, stormwater was projected to increase in Lake Mendota by 57%.

It's been my experience that there are times when Lake Mendota becomes too full, and the locks are opened, releasing water into the Yahara River, even when there really isn't room for more downstream. In addition the Yahara River also receives quite a bit of storm water from less previous portions of the neighborhood. It's hardly surprising that the neighborhood is flooding with that volume of water concentrating in the area along the river. The isthmus is uniquely vulnerable.

I have asked several Mayor's for help, as well as Common Councils, Plan Commissions, Engineering. I am asking again. In the proposed changes in the zoning ordinance, areas that are vulnerable to flooding are being considered for additional infill. Development practices have contributed to making some areas of our city very vulnerable to flooding. Proposed changes in infill cannot exacerbate those problems. Building well in the age of climate change must include innovative projects that come from common sense planning.

Please carefully consider changes in our zoning that would increase flooding in already vulnerable locations. Please give your consideration to this very pressing crisis.

Anne Walker

Attachments: C:\Users\anne\AppData\Local\Temp\WPM\$MHSZ.PM\$

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

From: Jackie Suska <jackie.suska@gmail.com>
Sent: Tuesday, March 30, 2021 5:46 PM
To: All Alders
Subject: Vote No or Refer on Agenda Item 8, File #63902

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

Dear Alders,

Here is a list of reasons why I think you should vote no or refer on the current zoning ordinance change.

- The fact that Madison has neighborhood and Plan Commission oversight for most development projects is a good thing not a bad thing. It doesn't prevent development, it just monitors it so the city ends up with better projects which is beneficial to current and future residents.
- I agreed with many of the development examples that Heather Stouder brought up during the presentation to the Plan Commission last Monday. But we need to do more to preserve historically sensitive TSS and NMX areas like Willy Street and Monroe Street that are currently so desirable. Taking away all regulation will definitely lead to demolitions of lower rent properties in favor of higher rent ones and will drive prices up in an already overpriced housing market.
- City Staff has said that the 9 districts affected represent only 7.3% of the land area in the city. I think this is misleading since most development happens in these vital districts and unregulated development will do unrepairable damage to these sensitive areas.
- Though we keep hearing the words "equity" and "affordability" thrown around, this proposed ordinance change does not address these issues head on. It seems to rely on the "trickle down" theory that the more units will eventually equal lower rents. If the units they are adding are not affordable, the development will end up causing gentrification.
- To get this "missing middle" or affordable housing options will need to go into neighborhoods and change zoning to allow existing single- family units to be rezoned as multi-family and allow additional ADU's to be built.

Thank you for your time,

Jackie Suska
946 Spaight Street

From: Olivia Williams <oliviareneewilliams@gmail.com>
Sent: Tuesday, March 30, 2021 5:59 PM
To: All Alders
Subject: Oppose agenda item 8 on rezoning

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

Hello Council,

I am writing to ask you to oppose the zoning changes to increase allowable densities, at least as the proposal is written now.

I am an urban geography researcher who studied processes of gentrification and anti-gentrification strategies. I am pro-density and pro-affordable housing, and I live in an 8-plex rental development. However, research is clear that upzoning, as proposed today in agenda item 8, will actually lead to detrimental effects that *increase housing prices* rather than the opposite.

This has been a hot topic in my field the last several years. A study of the impacts of a similar zoning change in Chicago showed upzoning [led to quickly rising housing prices](#) but no new construction in units in the first 5 years. [Another study](#) looking at data from a variety of US cities concluded "upzoning, which will principally unleash market forces that serve high income earners, [is] likely to reinforce the effects of income inequality rather than tempering them." Both of these studies are well worth reading and available online, and they also give summaries of the research informing the debates (which we are seeing play out locally around this proposal). I would ask that you consider these findings before making a large zoning change such as this one.

There's a false assumption being made here that housing works as a regular commodity, following a simple supply-and-demand economics, [but it does not](#). The staff presentation on this proposal includes a quote that says: "Low-income renters benefit because as more luxury units are delivered, affluent renters do not need to rent modest rent units because they have more options." From an scientific research-based understanding of housing markets, [the reality is more nuanced than that](#). Adding luxury units may somewhat impact the demand for market-rate units, but the impact on the bottom end (where the most demand is) is likely close to 0. Low income renters are not helped by upzoning.

Furthermore, the addition of luxury units, and even market rate units, and upzoning to allow for more luxury and market-rate housing, can actually lead to the loss of affordable units. This is in part because affordable units may be torn down and replaced with new construction (which is expensive). But moreover, the mere existence of expensive housing pushes up the appraised values of land nearby, and there develops a "rent gap" between what a nearby landlord can charge and what they are currently charging. Existing landowners can then sell for a higher price OR they may want to tear-down and rebuild or renovate and increase rents. As property values go up, so do rents.

In short, Madison needs to prioritize affordable housing with significantly more investment than the Affordable Housing Fund and Land Banking Policy currently are budgeted for. Until then, there is simply no reason for such a zoning proposal. Madison has not yet dedicated itself to a comprehensive affordable housing strategy. Upzoning as broadly as this at this time will encourage more runaway housing value increases and add to the affordability crisis.

There may still be ways to rezone in ways to minimize negative impacts, such as allowing accessory dwelling units, or allowing owner-occupied homes to add a unit as a duplex, or allowing conditional use for higher density in multi-family areas. It is important for public input to remain part of the process in larger multi-family developments because it allows us to make the developments better, more affordable, and serve our communities' needs. There is a reason that the Chamber, developers, and the Realtors Association are in favor of the current proposal as written--they stand to

gain a profit. We do not need to yield to their desires--we need to look out for the lowest-income people in our community.

Thank you for your consideration. I ask that you vote no today.

Olivia R. Williams, PhD

oliviareneewilliams.com

Veldran, Lisa

From: Brad Hinkfuss <bradhinkfuss@gmail.com>
Sent: Tuesday, March 30, 2021 6:02 PM
To: Veldran, Lisa; Stouder, Heather; All Alders
Subject: Re-send of earlier comments

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

Hello,

I am resending my comments regarding Item 8, #63902 since the original attachment does not appear in the public comments. Please include them. It is also my hope that this made it to all alders despite its absence in legistar.

Dear City of Madison Alders,

How many of you are comfortable tinkering with the source code for the operating system on your computer? Not many, I wager. Tinkering with the basic principles of how complicated things work is fraught with the potential for unwanted results and unintended consequences. In similar fashion, at your next meeting on March 30th, you will be faced with a decision on File #63902 as to whether to support some proposed changes in allowable densities in select zoning districts, as well as conditional use thresholds. This is the source code for how this city is built. It should give you reason for pause. I strongly encourage you to refer the proposal for further review.

This proposal arrives with the best of intentions, to help address the twin crises of affordability and the demand for more housing units. Everyone wants solutions to these urgent problems. But urgency breeds haste. Haste leads to recklessness. Recklessness can lead to injury. And when you are building things that may last 80 years or more that injury would be long lasting.

What are the issues? There are many, but here are a few:

First, the proposed changes arrive with a striking lack of evidence that they will achieve the expressed goals in any meaningful way. Developers are already building many units. Streamlining the development process and easing conditional use thresholds will make a minor piece of what developers are already doing just a little bit easier. Availability of land, the cost of construction, and financing are much bigger obstacles. The proposed changes do nothing to address them.

Second, the evidence of the past 20 years is that developers will build to the high end of the market: efficiencies and 1-bedroom apartments at market rate rents. This is simply what the private market naturally does. In so doing, they will codify certain districts and neighborhoods as too expensive and unavailable to lower-income residents and families. Opportunities for a richer mix of housing types will be lost.

Third, in removing the conditional use threshold for many types of development, key elements of review will be lost along with public meetings. These opportunities for review will be lost for residents, lost for alders, and lost for the Plan Commission. Instead, authority will be focused in an unseeing code and a handful of staff positions. This is an unapologetic loss of opportunity for meaningful dialogue and inclusion, no matter who you are.

Unintended consequences. Consequences for buildings and for people. Fortunately, the City of Madison has a process to address this, the Racial Equity and Social Justice Initiative (RESJI). As the City RESJI page states, "Identify groups and individuals most likely to be impacted by the decision, policy, program, practice or budget. Find ways to involve them in the analysis." This has not happened here.

I urge you to refer this proposal. Pause for a few months and invest in a RESJI analysis. Nothing will be lost, only potentially gained. Parts of the current proposal should be preserved. Other parts warrant more scrutiny. As the City RESJI webpage states, "Imagine a Madison where all residents have opportunities for fair and just inclusion in public processes and decisions." This is not just about saying, no. This is about working together to craft a better proposal for everyone.

Respectfully submitted,
Bradley Hinkfuss – Executive Director, Housing Initiatives, Inc.

Veldran, Lisa

From: Gary Tipler <garytip8778@gmail.com>
Sent: Tuesday, March 30, 2021 6:17 PM
To: All Alders
Cc: Veldran, Lisa; Stouder, Heather
Subject: CC Item 8, File 63902, Zoning changes

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

Dear Alders and Mayor,

Please refer Item 8, Zoning revisions, to a future meeting to permit a better ordinance to be developed.

As written, there are no guarantees that the changes would result in lower cost housing, nor more expedient or certain decision making.

It would not achieve the main goals for this ordinance proposal.

Chief concerns raised by many in discussions about the proposed zoning text change ordinance:

1. It would unleash rampant speculation to accrue building sites, replacing housing that is presently affordable.
2. It would curtail neighborhood reviews of a whole class of developments.
3. It would remove the condition of floor area that would permit much larger buildings than have been built in the affected zoning categories.

If we want this to benefit people in Madison, let's be certain of the details and their impacts. Please refer and engage more people to improve it.

There is no need to rush this through.

Thank you for considering making a better ordinance of it.

Gary Tipler
District 6
Madison

Veldran, Lisa

From: Stouder, Heather
Sent: Tuesday, March 30, 2021 6:12 PM
To: Fields, Debbie; Veldran, Lisa; Kapusta-Pofahl, Karen
Subject: Late comments for 63902
Attachments: Re-send of earlier comments; (Fwd) Proposed change in zoning -comments; (Fwd) Item #8, Common Council, proposed zoning ordinance change; FW: comment letter attached for tonight's meeting on zoning changes

Hi Debbie, Lisa, and Karen-

It looks like a few comments that had been sent to All Alders had not originally been cc'd to Planning staff, and thus, they haven't been added to Legistar. A few folks just re-sent comments to Lisa and me, with the expectation that they be added to Legistar for 63902 (see attached)

I cannot actually add things to Legistar, and all of my colleagues in the Planning Division who can are done for the day. Typically, if these were being sent in so late before a Plan Commission meeting, we'd simply add them to Legistar on the day after the meeting.

I'm not sure how best to respond to these folks, but can you please let me know what you're typical practice is?

Thanks!

Heather



Heather Stouder, AICP (*she, her, hers*)

Director, Planning Division
City of Madison Department of Planning &
Community & Economic Development
215 Martin Luther King Jr. Blvd., Ste. 017
Madison, Wisconsin 53703

P: 608-266-5974 F: 608-267-8739

Email: hstouder@cityofmadison.com

Web: <http://www.cityofmadison.com/dpced/planning/>

****Currently working remotely – E-mail is best****

From: Brad Hinkfuss <bradhinkfuss@gmail.com>
Sent: Tuesday, March 30, 2021 6:02 PM
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Respectfully submitted,
Bradley Hinkfuss – Executive Director, Housing Initiatives, Inc.

Veldran, Lisa

From: annewalker@homelandgarden.com
Sent: Tuesday, March 30, 2021 5:32 PM
To: Stouder, Heather; Veldran, Lisa
Subject: (Fwd) Proposed change in zoning -comments
Attachments: Mail message body.PM\$

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

To: mayor@cityofmadison.com, allalders@cityofmadison.com
Subject: Proposed change in zoning -comments
Copies to: brian Benford <brianbenford00@gmail.com>
Date sent: Mon, 29 Mar 2021 17:50:17 -0500

Dear Mayor, Alders, Neighbors,

I've lived in my neighborhood in the isthmus, across from the Yahara River since 1992.

1993 was the first year I saw my neighborhood and the river flood. It's flooded many times since, with the last round needing the aid of the City, the National Guard and many volunteers who helped to sandbag old, and, new development in the neighborhood. The last round felt like watching a disaster in slow motion coming at us, and, with climate change, another round is likely not far behind. This is some of the same area that is being considered for additional infill.

Roger Bannerman, an expert on stormwater, was a much respected expert in our community and at the Department of Natural Resources. Our City of Madison rain garden program is named after him. He tirelessly shared excellent information about stormwater and its effects.

I attended a presentation some years back which detailed the increase in stormwater runoff we could expect for Lake Mendota for year 2000 to 2020. Based on proposed development, stormwater was projected to increase in Lake Mendota by 57%.

It's been my experience that there are times when Lake Mendota becomes too full, and the locks are opened, releasing water into the Yahara River, even when there really isn't room for more downstream. In addition the Yahara River also receives quite a bit of storm water from less previous portions of the neighborhood. It's hardly surprising that the neighborhood is flooding with that volume of water concentrating in the area along the river. The isthmus is uniquely vulnerable.

I have asked several Mayor's for help, as well as Common Councils, Plan Commissions, Engineering. I am asking again. In the proposed changes in the zoning ordinance, areas that are vulnerable to flooding are being considered for additional infill. Development practices have contributed to making some areas of our city very vulnerable to flooding. Proposed changes in infill cannot exacerbate those problems. Building well in the age of climate change must include innovative projects that come from common sense planning.

Please carefully consider changes in our zoning that would increase flooding in already vulnerable locations. Please give your consideration to this very pressing crisis.

Anne Walker

Attachments: C:\Users\anne\AppData\Local\Temp\WPM\$MHSZ.PM\$

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Veldran, Lisa

From: annewalker@homelandgarden.com
Sent: Tuesday, March 30, 2021 5:33 PM
To: Stouder, Heather; Veldran, Lisa
Subject: (Fwd) Item #8, Common Council, proposed zoning ordinance change
Attachments: Mail message body.PM\$

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

-- **To:** mayor@cityofmadison.com, allalders@cityofmadison.com
Subject: Item #8, Common Council, proposed zoning ordinance change
Copies to: brian Benford <brianbenford00@gmail.com>
Date sent: Mon, 29 Mar 2021 20:04:34 -0500

Dear Mayor, Alders and Neighbors,

I live on the the corner of Merry St., Winnebago and the Yahara River. The proposed zoning change, item #8, would contravene the Comprehensive Plan. In addition, it would support increased infill in an area that has flooded in the past, and is likely to flood again. I do not support this change.

Generalized Future Land Use Map Comments Summary 6/20/18, item #53, was a discussion of whether the west side of Merry Street should be changed back to Low-Medium Residential (due to 222 and 230 Merry, a 22-unit apartment and vacant lot) as shown on an interim map. The Plan Commission did not adopt that change, and all of Merry Street remains Low-Residential. <https://madison.legistar.com/View.ashx?M=F&ID=6336147&GUID=BBF47547-51DA-4BE2-BC96-0ADB9A283AE5>

The Comprehensive Plan specifies:

"While more intense forms of multifamily or mixed-use development may occur as mapped along major corridors adjacent to, or running through, LR areas, any infill or redevelopment that occurs within an LR area should be compatible with established neighborhood scale, and consistent with any relevant sub-area plan."
(emphasis added)

Yet the proposed ordinance change would permit 95 units on those two lots with the changes to TR-U2 zoning (60 on the lot with the existing building, 35 on the vacant lot), based on the number of units allowed and the reduced minimum lot size per unit. That would be a density of 103 du/acre, in the midst of a street with a density of 9.74 du/acre. Merry St is 1/2 a block long, ending at the RR tracks. 95 cars could be added to a 1/2 block long street that provides access to 21 dwelling units.

As many neighbors pointed out in the Comprehensive Plan process, this is a location that has flooded in the past, and is very likely to flood in the future. Building a sustainable and resilient city has a great deal to do with common sense planning in a time of climate change.

Respectfully,

Anne Walker

Attachments: C:\Users\Wanne\AppData\Local\Temp\WWPM\$0EEH.PM\$

C:\Users\Wanne\AppData\Local\Temp\WWPM\$12XW.PM\$

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

Veldran, Lisa

From: Linda <lehnertz.l@att.net>
Sent: Tuesday, March 30, 2021 5:31 PM
To: Stouder, Heather; Veldran, Lisa
Subject: FW: comment letter attached for tonight's meeting on zoning changes
Attachments: CC comment letter Legistar 63902 3.30.21.pdf

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

I will be talking about this tonight. I expect my comments to be added to the Legistar record.

From: Linda [mailto:lehnertz.l@att.net]
Sent: Tuesday, March 30, 2021 12:34 PM
To: 'allalders@cityofmadison.com' <allalders@cityofmadison.com>
Subject: comment letter attached for tonight's meeting on zoning changes

Common Council
Meeting of March 30, 2021
Agenda #8, Legistar #63902

In a Cap Times op-ed piece dated March 25, 2021, the Mayor made certain claims. Those claims are worth further exploration.

https://madison.com/ct/opinion/column/satya-rhodes-conway-madison-needs-more-housing-our-zoning-should-support-that-goal/article_037a0075-b157-5334-8b70-842f62008e53.html

"The proposed changes would make it easier to develop housing in most multi-family residential and mixed-use zoning districts across the city by standardizing the permit review process for projects that meet basic requirements. Madison's zoning code has historically provided for discretionary review of nearly all multi-family development by the city's Plan Commission, and the proposed changes would allow more housing to be developed through a standard review process if it meets code requirements, which is more consistent with how many single-family and commercial development proposals are reviewed."

- The current zoning code does provide a standardized review process for multi-family development. In the mixed-use districts a building that does not exceed a specified floor area and height can be developed "by-right." Floor area and/or height can be exceeded with CU approval. The proposed ordinance would increase those "by-right" thresholds. Since developers regularly seek to build beyond the by-right thresholds, as it is more profitable, will increasing the thresholds decrease CU requests? Or, will the higher thresholds lead to just as many CU requests, but for even larger projects?
- Unlike the mixed-use districts, single-family districts do NOT have ways to increase height through the CU process. Thus, trying to compare mixed-use to single-family is inapposite. As to commercial, the CC district has 445 parcels and the mixed-use districts have 1,254. Since 2019, there have been 4 CU requests in the CC district and 19 in the mixed-use districts for a size greater than what is allowed by-right. Or, .9% of CC zoned properties made a CU request for a greater size as compared to 1.5% of mixed-use properties.

"The current discretionary review process can add additional cost and uncertainty to projects, which can be a barrier to housing development."

- Since developers from outside of Wisconsin (including IL, MN, GA, TN, NY) are willing to come to Madison for development projects in the mixed-use districts, it would seem that there is not enough uncertainty to create a barrier.
- Additional costs have not been specified. As one commenter to the Plan Commission said, the proposals would allow developers to lock in land purchases and interest rates. How significant is a 7 week delay for Plan Commission approval after all the months spent to develop a project?
- Delay caused by Plan Commission review will still happen even if these changes are made. Not one of the mixed-use projects approved by the Plan Commission since 2019 would escape Plan Commission review as a result of the ordinance changes. If demolition is changed to be by-right, then perhaps 3 of the 18 projects could have been by-right development. The other projects had requests for zoning changes and/or CU requests including outdoor recreation, excess height, parking reduction, counseling organization, outdoor eating, vehicle window, private parking facility, and rear yard abutting residential that was not the 45 degree angle.

"The proposed zoning changes ... also allow for densities called for in the city's comprehensive plan and allow for more housing to be incorporated into developing and redeveloping parts of the city." "I want to be clear that the density changes here are very modest and are already included in our comprehensive plan."

- The Comprehensive Plan does not use zoning districts. For example, some TSS zoned properties are in an area the Comprehensive Plan calls "Neighborhood Mixed-Use" others are in "Community Mixed-Use." NMU is 70 du/acre or less, the CMU is 130 du/acre or less. Yet version 1 of this

proposed ordinance would allow a density of 124 du/acre (or more, if a mixed-use building), disregarding the Comprehensive Plan's designation of NMU at 70 or less du/acre.

- The densities being claimed as authorized by the Comprehensive Plan are densities for purely residential buildings. Mixed-use buildings do not require a minimum amount of lot size per unit, thus mixed-use buildings almost always get built instead of purely residential buildings. For example, take 704 Williamson, 53 units on .36 acres for a density of 147 du/acre. As a purely residential building, it would have been limited to 31 units currently, or 45 units under the proposed ordinance.
- This focus on density is at odds with the Comprehensive Plan, which focused on building form in mixed-use districts. "The general density range is intentionally broad for most categories because building form, not density, should be the primary consideration when determining whether a building fits appropriately within a given neighborhood, district, or corridor." (CP, page 17) In NMX, TSS and CC-T, limits on building size are being removed, allowing for a building of any size without regard to how it fits into its surroundings. (Building floor area maximums remain for MXC and CC.)
- "The range of nonresidential uses and the development density of both residential and non-residential uses in mixed-use categories will vary depending on the size of the district and the type and intensity of the surrounding development." (CP, page 22) Yet the proposed ordinance would ignore those differences.
- The density changes may be modest for some residential districts (not TR-U2), but they are not modest for mixed-use districts.

"Housing is becoming increasingly unaffordable in Madison." "[O]ur affordability issues are still largely driven by a mismatch between supply and demand." "If we want a city that is inclusive and affordable, our zoning and permit processes need to align with that."

- The Comprehensive Plan projected an additional 40,000 households between 2015 and 2040 (page 3). From 2016 through 2020, building permits were issued for 9,682 new housing units, or for 24% of the need anticipated by the Comprehensive Plan. Of course, household growth may have been faster than anticipated, or the units addressed a historic backlog. But, the 10% increase in housing units since 2015 (106,827 to 116,509) has not resulted in more affordable rents, so the question is how will this ordinance change, one that is focused on adding more units, result in more affordable rents? What has been built in mixed-use districts is largely luxury housing.
- If this ordinance would truly make rents more affordable, why aren't the advocates of affordable housing stepping up to praise the changes? The Executive Director, Housing Initiatives, Inc. requested a pause in the process for further analysis.

"Our comprehensive plan and numerous other plans have called for these densities and more housing."

- The Comprehensive Plan does not call for more density. As noted above, it is building form that matters.
- The Comprehensive Plan does call for more housing. But it does NOT call for denser areas to be made denser. Rather, it calls for Growth Priority Areas (corridors and Activity Centers) "where the city should accommodate much of the anticipated 40,000 new housing units and 37,000 new jobs that it will see by 2040." (CP, page 14)
- "Redevelopment should be integrated into corridors and established and transitioning Activity Centers identified on the Growth Priority Areas map, consistent with this Plan and adopted sub-area plans." (CP, page 39) The proposed ordinance does not focus on corridors and Activity Centers. While there is overlap between areas designated for growth in the Comprehensive Plan and this proposed ordinance, there are major mismatches. For example:
 - The east side of S. Park from W Washington to Cedar is zoned TSS and CC-T (with one PD). The proposed ordinance would greatly increase intensity despite the GFLU map having this area as neighborhood mixed use (density of 70 du/acre or less).

- The same thing would happen on Atwood, also neighborhood mixed use on the GFLU map, and which is not even designated a growth corridor. And Schenk's Corners was specifically reduced from community mixed-use to neighborhood mixed-use on the GFLU map, yet the proposed ordinance would greatly increase intensity.
- The same thing could happen on Williamson. Williamson was specifically removed as a growth "corridor" during the Comprehensive Plan process (as were portions of the Monroe/Regent corridor).
- Cottage Grove Road, a growth corridor, was primarily designated as neighborhood mixed-use on the GFLU map. The zoning in those areas varies between NMX, CC-T, and CC, leading to a range of densities and intensities, most of which are inconsistent with the GFLU neighborhood mixed-use designation.
- As can be seen on page 42 of the staff presentation, there is little effect on transitioning Activity Centers and Future Activity Centers. (Where there is an effect, such as north Madison shopping centers, more than just density increases are needed to create "complete neighborhoods.") Mineral Point and Odana, designated growth corridors, remain largely unaffected by the changes.

"We need to diversify and expand housing choices for everybody in Madison and these zoning changes are important to enable the diverse housing options that we want." (This comment was made in the City's news update of January 28, 2021.)

- "Missing middle housing is compatible in scale with most single-family residential areas, and can help meet the growing demand for urban living." (CP, page 49) The SR-V1 and TR-V2 increases are compatible with single family housing.
- It is questionable whether diverse housing options will increase. The residential zonings with the number of units proposed to be increased (SR-V1, SR-V2, TR-V2, TR-U1, TR-U2) total to 1,945 acres. But not all of this acreage is available for redevelopment or additions to existing housing. The acreage for SR-V1 drops by over 1/3 when non-developable property is removed (e.g., condos, parcels with 8 or more units, parks, stormwater). TR-V2 drops from 121 acres to 30 acres. So how much of the land is really available to add housing units? Are single family owners going to want to expand to a 2-family (about 22% of the TR-V2 parcels available for growth are single family homes)? Is the potential housing growth in areas where growth is desired? Is it a good idea to take relatively affordable 8-unit apartment buildings on Sunny Meade and Raymond and allow them to be redeveloped at 12 units?

"We have the same barrier in Madison that we see all over the country — that we require more steps in the permit process for multifamily housing than we do for other types of development. Requirements like these frequently popped up in zoning codes decades ago, after the racist practice of redlining was abolished."

- No, the steps in the permit process were decided as part of the zoning code rewrite, effective 1/2/2013. The decision was made to focus on building form:
"The form-based approach is generally more flexible in terms of uses, but more prescriptive in terms of building scale, massing and design elements. It therefore requires a high level of understanding of the existing or desired built environment, which is depicted through detailed graphic standards and accompanying text. These characteristics all make it more appropriate for districts and corridors where a high level of design review is desired – for example, downtown and neighborhood centers, major entry corridors and gateways into the city, waterfront districts, and areas that are evolving to become mixed-use centers. By the same token, the form-based approach is less effective in stable residential neighborhoods, unless context-specific design standards are desired in those districts."

<http://legistar.cityofmadison.com/attachments/f7f9a14c-6169-4c81-8f9f-c09137a337e9.pdf>

"I believe our need to maintain an affordable, accessible community in the face of growth pressures is important enough to try this."

- The issue is more of how to create an affordable, accessible community. Allowing developers to create bigger and denser buildings over the past 5 or so years has not increased either affordability or inclusiveness. Or, as said in the Comprehensive Plan: "Much of the recent redevelopment in and around downtown has been focused on high-end residential units." (CP, page 40)
- What if there are unfortunate consequences as a result of this broad-brush approach, like the demolition and reconstruction of relatively affordable housing (e.g., Raymond Road, where the assessed value does not preclude redevelopment)? What if state law would basically preclude the Plan Commission from denying a conditional use for extra height in the mixed-use districts? (Developers are being given an allowed density and building size is being removed, so it could be argued that there is no such thing as a too big building – and if too wide isn't a problem, how can additional height be denied?)
- If passed and unfortunate consequences arise, any change back to lower densities would count as downzoning under state law and require a 2/3 Council vote.

"I've heard a concern that increasing densities can help drive up prices and gentrify a neighborhood."

- The comments I have heard are: (1) that some relatively affordable housing could be profitable enough to redevelop at the increased densities (for increased rent); and (2) what is older and more affordable in any given neighborhood could be quickly snatched up by developers, taking away the potential for not-for-profit developers to make use of that property in the future.

"I've also heard concerns about allowing residential buildings along arterials without ground floor retail. A few years ago, I would have shared that concern."

- "However, special attention should be paid to maintaining commercial street frontages along mixed-use streets without creating residential "gaps" along streets that otherwise have commercial tenants at ground level." (CP, page 22)

"Finally, I recognize a concern that this may reduce the influence some neighborhoods have on development proposals." Or, as the Mayor said in her comments to the Plan Commission on March 22: "How much involvement there is from neighborhoods is dependent highly on geography, its dependent on who the Alder is, and frankly I think that it is really inequitable right now. Now that isn't to say that we don't want to listen to our neighborhoods and we don't want input, but it is to say that we need to balance our need to maintain affordable accessible community in the face of growth pressures with input from neighborhoods."

- Inequitable? No. What would be inequitable is to silence the voice of those communities before they ever feel a need to speak up. The isthmus has seen lots of redevelopment and seen the impact of those changes. Thus, neighbors know the importance of voicing concerns and do so. Other areas have not had development or redevelopment pressures and have not had a need to speak. Once they see the impact on their own neighborhood, they should be able to have a voice. An example is District 18, where there is little development and little neighborhood voice (except to Parks on Warner issues). When the Raemisch farm replat arose, a lot of neighbors exercised their voices on the issue, either through written comments or testimony. They may well be interested in doing so for redevelopment projects.

Respectfully Submitted,
Linda Lehnertz