
DMNA Council Meeting Minutes for 02/01/23

6:45 pm, Zoom remote call

IN ATTENDANCE

Diego Saenz, Catherine Jagoe, Lisa Grueneberg, Shawn Schey, Brad Boyce, Kathy Engebretsen, Tom Huber, Carole Kantor, Jake Dean, Daryl Sherman, Marie Trest, Gail Martinelli, Ann Clark, Josh Napravnik, Rachel Fields, Tag Evers, Barbara Erlenborn, Marcia Diamond, Dennis Trest, Michael Schneider, Susan Riley, Tracy Lewis, Marc Gartler, Sandy Stark

PROCEDURAL

- Call to Order: 6:45 p.m.
- There was a unanimous vote to approve the agenda.
- There was a unanimous vote to approve the corrected January meeting minutes.

ALDER'S REPORT

- The Common Council recently passed the TOD overlay. Tag's amendment requiring owner occupancy of future duplexes did not pass. The biggest impact of TOD will be along the transit corridors themselves, incentivizing more housing density, which is a good thing.
- Redefining "family" for zoning purposes—there is some resistance to this in the neighborhoods surrounding the UW and Edgewood campuses, and Tag had been hoping to delay the vote until June so that city staff could do more research on the issue first. It will now come before the Plan Commission and Common Council later this month. Occupancy restrictions of various sorts were enacted from the 1960s on to discourage flight to the suburbs, but these policies are anachronistic and need updating. Our single-family neighborhoods are artifacts of exclusion, following in a more subtle way the previous racially discriminatory covenants and redlining. We will have 100,000 new residents by 2050 and the UW has 45,000 college students, all of whom require housing. However, Tag is concerned this change in occupancy legislation could lead to a speculative fever in which investment groups buy up single-family homes to convert them to student rentals. He supports a buffer zone around the UW campus area to prevent this. The Vilas and Greenbush group is collaborating with Josh to define specific questions the city needs to address in the proposed legislation. Tag encouraged us to enter challenging and difficult situations like this one by listening to and not shaming one another.

Q&A on family definition

Shawn Schey argued that one reason to postpone the vote is the fact that the Dane County Regional Housing Strategy has put out a Community Housing Survey on housing access and affordability which is due back on Feb 9. Shouldn't the Plan Commission take this data into account? The results will not have been compiled and available if they vote on February 13. Tag said county-wide survey data wouldn't be relevant to this issue.

Barbara Erlenborn argued that social cohesion is important and higher in owner-occupied homes. Will this ordinance really create more student housing or more housing for people of color, or simply detract from the strong sense of community in existing single-family neighborhoods by adding more transient students who are not interested in their neighbors? Tag: this is a way to provide ways for people of more modest income to join together to rent/own a house. We shouldn't assume that anyone renting is going to be a bad tenant.

Rachel Fields thinks UW students would not move out to DMNA because it's too far from campus.

Marie Trest asked if there is anything in the zoning that prevent UW or Edgewood from becoming landlords in our neighborhood? UW has a massive dorm shortage right now. Edgewood already has 6 houses in the neighborhood.

Gail Martinelli responded to Rachel. Gail lived in a Vilas rental on Jefferson St with 4-5 other UW students in the 1970s. East of Grant St there is a strong mix of student renters, maybe illegally? There will be an incentive for institutions to purchase housing to rent to their students. She sees this as a threat to this community. There have been illegal rentals even on West Lawn Ave. Tag urged anyone aware of this to contact him or the city.

- There was a power surge and outage last weekend when a van crashed into a utility pole on Gregory St, causing it to fall. The driver took off running, so may have been drunk. The surge knocked out household appliances, including furnaces and water heaters, causing many thousands of dollars' worth of damage. MGE is not legally liable since it was not negligence or error on their part, so they are not required to compensate homeowners, although they will help them file homeowners' insurance claims. The best protection against this in the future is to buy a surge suppressor which plugs into the electric line into your house. Tom Huber said every single house on Chapman St lost a boiler or a furnace. Tag, Tom, and Diego all expressed sympathy to neighbors affected in this way.

- Tag had an Op-Ed in the *WSJ* on 1/31/23 about the city's new policy on energy efficiency in large commercial buildings.

TREASURER'S REPORT

Dennis reviewed DMNA's income and expenses for January.

Income: Total \$375.22

Expenses: Total: \$11,988.48

Current Membership: 761

The treasurer's report was accepted by unanimous vote.

PRESIDENT'S REPORT

- The Spring Primary is on February 21. These elections are very important. Diego encourages everyone to vote and to check where their assigned voting station is, because ward boundaries have changed.

AGENDA ITEMS

- Proposed Family Occupancy Zoning Changes – Josh Napravnik
Josh outlined the background and current status of this proposed change. Currently, 5 unrelated adults are allowed per household if it is owner-occupied, 2 if it is renter-occupied. The change would standardize that number to 5 for all, regardless of ownership. One reason is racial and social equity: the home-ownership rate for people of color is much lower than for whites. City staff have also seen this part of the zoning code weaponized by neighbors against each other. The city doesn't want to ask tenants about their relationships, and potentially evict people based on their answers. This proposal arose in September. We were expecting the vote to be postponed until June, but it was only deferred one month. Now it will be considered by the Plan Commission on Feb 13, the Housing Strategy Committee February 23, and Common Council Feb 28. Greenbush, Vilas and Regent residents have formed a group opposing the change. They want it to include a campus overlay (a buffer zone), while also upping the occupancy limit to 3 unrelated individuals.

Q&A:

Ann Clark: what is the redress for neighbors who are subjected to extreme disturbance? Maybe we should be pursuing enforcement of the noise ordinance rather than prevention? There is a loss to the community if undergraduate rentals prevail.

Marc Gartler: enforcement is expensive and often doesn't work, so probably not a realistic expectation. With Edgewood field usage, Building Inspection said police should enforce noise ordinance, but police did nothing. City doesn't have the budget to hire more staff for enforcement.

Marc, Ann, and Diego all said the noise ordinance needs to be updated.

Ann asked we explore what other college towns are doing about rentals in neighborhoods near campus.

Barbara Erlenborn: with the BRT system came building height, TOD, and zoning changes. Is this because the city has to create density in order to create ridership for the BRT system? *Gloria Reyes* argues the city should have created the density first and then the transit system. Currently ridership is down on the buses. *Michael* and *Josh* replied that building a transit system retroactively is not good policy.

Ann: it is a moral imperative to get people using public transport not private cars to combat global warming from fossil fuels. So the BRT is a good thing.

Shawn Schey: we need more time to understand the impact of the changes proposed. It's important that DMNA issue a statement to support Greenbush and Vilas. Shawn shared the statement drafted by the Zoning Committee:

The DMNA supports the city's goals of improving housing equity and choice. However, we do not believe that the current proposal, which changes the definition of "a family" and applies a one-size-fits-all occupancy requirement for both tenant and homeowner households, accomplishes this goal. The proposal is especially concerning for neighborhoods with a portion of residences already occupied by student rentals—those

nearest the UW and Edgewood College. We request that the city postpone enactment of any new ordinance until further analysis has been conducted to better understand the implications, and if evidence illustrates this proposal has the potential to be detrimental to these neighborhoods, alternative solutions are explored instead.

Jake Dean, Rachel Fields and several others felt this draft smacks of NIMBYism. *Rachel* suggested it be revised to ask for a specific overlay and avoid merely asking for a delay, which comes across as obstructionist. *Diego* clarified that the Zoning Committee could revise this draft, run it by the Executive Committee for their approval and then submit it to the city before the upcoming Plan Commission meeting on Feb 13.

Marc warned that resisting the change in occupancy limits could damage our reputation as a neighborhood and our relationship with the city, because it will be seen as coming from a place of privilege.

Rachel moved DMNA **not submit** a statement on family definition and occupancy to the city. Seconded by Jake. 7 votes.

Shawn made a competing motion that DMNA **submit** a statement on family definition and occupancy to the city. Seconded by Sandy. 10 votes. Shawn's motion prevailed.

- Annual Meeting – Diego
Given the lack of suggestions for a speaker and ongoing concern about transmission among some residents, it was agreed that this year's annual meeting would be virtual and have no presentation. It will be held Sunday April 16, and will be confined to the business meeting/election of officers. We hope to arrange a social event separately later in the spring or summer.
- Nominating Committee – composed of Shawn Schey and Marie Trest – will look for candidates for vice president to replace Shawn, who will be stepping down. Diego, Dennis, and Catherine have agreed to continue in their positions for one more year.
- Southwest Path Easements - Lisa Grueneberg
The City and Wisconsin DoT are working to enforce the easement laws along the Southwest bike path. This spring, homeowners west of Odana Road will have to either remove or obtain permits for fences, sheds, play structures, landscaping and gardens encroaching within 15 feet of the path. Enforcement will soon be coming to our neighborhood too. Play structures, equipment, and storage sheds will have to be removed, but permits can be requested for fences, walls, fire pits, patios, and vegetable gardens. Lisa will include a link to the details on this on the DMNA e-news.
- DMNA Listserv - Shawn Schey – deferred until next meeting.

Carole moved to adjourn. Sandy seconded. Meeting adjourned at 8:51 p.m.

Minutes respectfully submitted by Catherine Jagoe.