

TO: City of Madison Planning Division

FROM: Emerson East Neighborhood Association

DATE: April 19, 2014

SUBJECT: Occupy Madison Tiny Houses/Village Proposal, 2046-2050 East Johnson Street

The Emerson East Neighborhood Association (EENA) recognizes that residents in the neighborhood care deeply about homelessness as a societal problem and human rights issue. However, EENA residents hold diverse opinions on the Occupy Madison Tiny House / Village proposal and its appropriateness for our neighborhood. This wide variety of opinions may be viewed on the City of Madison's website for District 12, which includes written comments from the January 15<sup>th</sup> informational meeting about the proposal:

<https://www.cityofmadison.com/council/district12/development/> . Some residents support the proposed tiny home village, some do not support the proposal, and there is a very broad spectrum of opinion in the middle. Given this range of opinion, EENA voted at our meeting on April 2, 2014 to remain neutral on the proposal itself. EENA views itself as a facilitator of meetings between the city, developer, and residents, and has historically remained neutral during other neighborhood building projects and proposals.

However, EENA would like to propose some contingencies, should this Occupy Madison proposal move forward.

We request that:

- 1) The site should remain under the continuing jurisdiction of the City of Madison Plan Commission
- 2) Occupy Madison shall post property manager contact information in a publicly visible place so that any resident of the neighborhood can contact that person or persons with concerns.
- 3) The City should disallow the use of compost toilets in the tiny homes, because ample plumbed restrooms and showers will be available in the site's workshop structure (as stated by Occupy Madison).
- 4) Workshop hours should be limited from 8AM – 8PM on weekdays, and 10AM – 8PM on weekends and holidays.
- 5) Tiny homes should not be allowed to park on streets within the neighborhood borders.
- 6) The site should maintain appropriate noise levels at all times.
- 7) Should the property leave Occupy Madison's ownership at a future date, the property should revert to neighborhood mixed use zoning.

- 8) The City of Madison Traffic or Engineering departments should carefully consider the site's parking needs to make them sufficient for Tiny House resident and volunteer parking.
- 9) The site should evoke the residential environs of the neighborhood. The site plan should pay special attention to privacy issues, noise buffering, and overall aesthetics to reduce disruption to immediate neighbors and for the benefit of the OM village residents.
- 10) Occupy Madison, Inc. must have a legally enforceable eviction plan in place
- 11) Occupy Madison, Inc. should consider an alternate site for the propane tank on the property, away from the street, and minimize the potentially displeasing aesthetics of the site's dumpster (currently located near the front of the property). A suggestion is swapping the locations of the dumpster and the greenhouse.

**From:** Rich Zietko  
**Sent:** Tuesday, April 15, 2014 5:50 PM  
**To:** Planning  
**Subject:** Tiny Houses response

Hello Division Members:

I live in the Emerson East Neighborhood. I am sending this to you for consideration in the development of the Tiny Houses Project. It is written as a response to my neighborhood association. As it confronts some premises and it is also the last day for submission, I would like to bring my beliefs to your attention. Here are my thoughts. Thanks for considering my points.

Howdy All: Sorry for my prolonged absence but have been dealing w/ some health issues. Spring is coming and I'll take it as an opportunity for growth. In reading the memo I have formed some conclusions and have perspective to share. Most concerns seem to be under the assumption that people will be boisterous w/ car camping going on intermittently. We should be embracing this opportunity to make history and demonstrate the "Wisconsin Idea" is alive and well. We can live up to and act on our reputation of a progressive city and provide a partnership to empower our people - friends, strangers, and family - to rise above the oppression of a system that in the name of "not enough profit" casts off the resources needed by our people to simply live. The premises which have fostered the growth of Tiny Houses can be the foundation to make our homes more friendly to our world.

For those concerned about deprecated house values, you can collectively organize and negotiate w/ mortgage companies/banks to share some of the loss (if it happens) by increasing the value of your equity (if have not completed payments/gained ownership from MC/Banks) to account for differences in home value. If you have paid off the mortgage and in fact own your home the brokers can pay the difference between original price and deprecated price based on the percentage once you sell the house. So before I address specific concerns of the memo I'd like to conclude my narrative saying, I think the concerns are built with the perspective of failure. We need to have faith in its success and the willpower to achieve it.

Concerns by number:

3) Composting toilets can save water and produce soil enrichers that can be used from home gardens to community farms to public works (parks, highway medians, rail corridors, wetland amelioration projects and former brownfield sites) to private landscaping. There are variables to consider for implementation. Basically type of toilet ( solar, no water, electric fan system), how installed (contained entirely indoors or having a mixed indoor/outdoor component to utilize solar energy), rate of emptying (which will address concerns of smells - though I find Oscar Meyer smells that drift down this area are accepted as part of the neighborhood) , where product goes, how transported, and cost of services (can be monetary or in-kind). This is a link to a good description of the essence of

composting toilets. it provides a nice series of comments that can be additionally enlightening or correcting of misperceptions - both pro and con.

[Does a Composting Toilet Stink Up Your House?](#)



## Does a Composting Toilet Stink Up Your House?

Subtitle: After three years of living with one, I can tell you the answer Images: Building Science Ten years ago I was building a green home. It had passive s...

[View on www.greenbuildingad...](#)

Preview  
by  
Yahoo

The use of composting toilets can create a partnership between the city and residents by having city vehicles pick up the finished product and bring it to the public space that needs this to improve soil quality and productivity. A nice "win, win" situation that can allow for any profits to be set aside for a public fund for other similar projects. The use of gray can be applied as well as using alternative energy(both passive and active solar, small-scale wind, and yet to be discovered technologies that can have minimal impact on the planet). Hopefully more conventional homes can be designed similarly.

4) Workshop hours should be flexible and reflect the times that people can attend. It seems wasteful to insist on business hours when people have to work/care give (and w/ single parent families having to be concerned w/ both) resulting in low numbers. If a larger number of people can attend a workshop at either end of the timeframe (say 6:30 AM and 7:00 PM)it will ensure the workshop is successful.

5) Tiny Houses not allowed on streets. Would these not be considered motorhomes/RVs? Apply the same statues for these or address by classifying and clarifying determination of vehicle type through statute formation.

6) Noise levels. Same as above - equal application of already existing laws. (Is this a pattern of intolerance and prohibitive thinking?)

7) Reverting back to mixed use zoning. How would this happen? Sounds like hedging a bet because of fear of failure.

As I have stated I have been out of touch so I am assuming that there are plans by the Tiny House group to address these concerns. A strong proactive policy should account for the future concerns that may occur during the development process. Let's be good parents and do what we can to help this project mature during its formative years!

Rich

Sincerely,

Rich Zietko

**From:** Morgan Aten  
**Sent:** Tuesday, April 15, 2014 9:53 PM  
**To:** Parks, Timothy  
**Subject:** Proposed rezone for 2050 E Johnson Street

Hi Tim,

It occurs to me that with all the time I've spent in your office I may not have sent a list of our objections to the rezone for 2050 E Johnson directly to you. As you may know my home is directly across the street from proposed rezone for 2046/2050 E Johnson Street. My husband, Justin Aten, and I feel that the proposed rezone would cause a substantial decrease in the value of our home and our neighbor's homes because it would be the only property in Madison in which people are permanently housed in unregulated trailers that do not meet minimum building code standards. Furthermore we feel that to give the property at 2046/ 2050 E Johnson Street exemption from the minimum standards that govern all other housing in the city would constitute a denial our neighborhood's right to the same basic municipal services all other neighborhoods in Madison enjoy. We will continue to pursue all options available to us to deny approval of the proposed zoning change. That said if the project goes through we would like to see the following conditions applied to the proposal as we feel these would ameliorate many concerns regarding how the proposal would affect quality of life in the neighborhood. (I submitted the same requests to the neighborhood association so if they sent my email on to you I apologize for the repeat.)

1) We would like to see the sitting circle moved from the corner of the sidewalk at E Johnson and Third Street to the northwestern corner of the lot, behind the fence. We think that the intention of the sitting circle is to function as a kind of outdoor living room for the residents of the property because it is described in Occupy Madison's letter of intent as "a social area for congregating and relaxing for residents, volunteers and community members." Our understanding is that the property would have roughly 9-18 residents and Occupy Madison says they have over 80 volunteers. While we don't really expect 80 people to be working or living on the property simultaneously we figure if they have a dozen residents and another dozen volunteers working during shop/retail hours then the sitting circle in question would be the only available space for 24 people to talk and relax most days of the week. The space on the site plan does not appear to be sufficient for that many people so there's a concern that people would crowd the public sidewalk, which is also the bike path. We are concerned that people congregating in that space may be hit by bikes speeding through, that to have 2 dozen people congregating on the sidewalk across the street will create a noise nuisance for our home and our neighbor's homes, and that the appearance of 2 dozen people congregating on the corner constantly will give the impression of an encampment instead of a functioning cooperative. We often entertain in our home but we generally do so in the backyard for our own privacy and that of our neighbors. We would like to see Occupy Madison move their social area away from the public sidewalk for their own privacy and ours.

2) We would like to see the greenhouse switch places with the waste holding area on the site plan- the aesthetic value of this change should be self-explanatory.

- 3) The site plan appears to call for several trees to be planted at the rear lot line and between the street and sidewalk on N Third Street. We would like to see trees planted between the sidewalk and street on Johnson Street, also to create more privacy for the Occupy Madison lot and its neighbors across the street.
- 4) We would like to see something in the site plan to break up the sight lines to the front of the Tiny Homes property, which faces our property, in order to create more privacy for Occupy Madison and for us. In other words we would like to see larger taller structures than just raised bed gardens at the front on the lot facing Johnson Street, such as maybe putting a larger greenhouse at the front of the lot or a 6' fence on the property line facing Johnson Street. We also hope that additional accessory buildings, landscaping or fencing will create more of a sound barrier against the construction noise from the workshop.
- 5) We'd like to see a legally viable method of eviction for problem residents of the Tiny Homes village. My understanding of the situation is that because the Tiny Homes are not legally buildings and are therefore not subject to minimum building code standards the residents of the Tiny Homes cannot be tenants, as tenants have rights to the minimum housing standards that this project intentionally fails to meet. Thus the residents of the Tiny Homes are called "stewards" of the homes, neither owners nor tenants, and the Tiny Homes will be owned by Occupy Madison Inc. I have read in online comments from Brenda Konkel (wish I could find that site now, can't) that she was trying to get a court to recognize stewards as having the same rights as tenants in order to create a legally viable eviction process for the Tiny Homes community. The fact that this project was designed around loopholes in the law means that as far as a legal eviction process Occupy Madison Inc is in uncharted territory, so there's no guarantee they'll be able to remove problem residents. Occupy Madison has often stated that it's unfair to compare this project to the encampments at E Washington Ave and later at Portage road in Madison because they could not control who came into the encampments. Without a legally viable means of removing problem residents Occupy Madison Inc is in the same position they were in at their previous encampments so the neighborhood has no reason to expect better results.
- 6) We'd like to see additional parking in the site plan, as we think 2 parking spaces is woefully insufficient for 9-18 residents, a manufacturing operation, a retail store and possibly a food cart. It's true that many people in our neighborhood park on the street, but most homes have at least a 1 car garage or a driveway for off street parking, and most homes don't have a dozen residents. Members of Occupy Madison have stated (I think in online comments) that right now 3 of their potential residents that are waiting for Tiny Homes have cars, so the parking in the site plan is already insufficient for the planned residents, to say nothing of the retail, food cart and manufacturing uses of the site.
- 7) We'd like to eliminate the possible future use of the property as a day labor recruitment center for the homeless seeking work. In talking to our neighbors about the property at 2046 E Johnson I have learned that the PDQ originally wanted to put their gas station in that space and the neighborhood opposed it because of traffic concerns- egress from the lot is one way on Johnson street and that really limits how many vehicles can enter and exit the property at one time. The traffic and parking limitations of the site

made it inappropriate for a high volume gas station and it is equally inappropriate for a pick up site for dozens of day laborers every morning. The lack of parking for residents of the Tiny Homes, volunteers in the shop and retail store and customers mean extremely crowded street parking around the site so there would simply be no where for potential employers to pick up day laborers.

I'd also like to say that I really appreciate your time in regard to these matters and your patience with me and all my questions. It has been wonderful working with you and everyone in your department.

Sincerely,

Morgan Aten