

Boise Neighborhood Association Board Meeting
April 18, 2016 7-9 pm – Q Center

Attendees:

Board Members: Garner Moody (Chair), Stephen Gomez (Land Use & Transportation Chair), Katy Wolf (Communications Chair, Secretary, Safety & Livability Chair), Sarah Cantine, Ted Buehler, Kay Newell, JP Castiaux (attending via Facetime)

Non-board Members: Ken Doswell (NNEBA Chair), Alem Gebrehiwot, Michael Huffman, Royal, Matt

Agenda:

7:00 Call board meeting to order: Chair's opening remarks

7:05 Garner explanation of process

7:10 Did motion carry?

7:20 David de la Rocha - conflict of interest discussion

7:35 Vote on David conflict of interest

7:40 Discussion on Zone Map Amendment

8:30 Vote on Zone Map Amendment

7:03 Garner Moody - Chair Opening Remarks

- Board member Karis notified Garner she will be late to the meeting.
- Our April general meeting had a lot of robust discussion. However, this meeting is not for public comment, this meeting is for the board to discuss all the issues that have been raised. Public was invited and so was the applicant Alem Gebrehiwot.
- Garner moves to approve the meeting minutes for February and March. Sarah seconds the motion. All in favor, none abstain and motion passes.
- David sent out information today from Paul Leistner from Office of Neighborhood Involvement: "I contacted Paul Leistner, the Neighborhood Program Coordinator at ONI, for guidance regarding our vote last week. Bottom line, The motion put forward by the BNA Board unambiguously passed 4-2 with two abstentions (we had a quorum of 8). Because abstentions are not included in the number from which a majority is calculated, the motion carried." ONI also cited Robert's Rules of Order. Under regular majority vote, two things need to happen: quorum; and majority vote. Of those who choose to vote, more need to vote aye than nay. Abstentions don't count.
- Katy (Secretary) therefore made an amendment to the last sentence of April's meeting minutes that change the outcome of the vote: We previously thought the motion did not pass. With our clarification from ONI, we now know the motion did pass.
- Garner make the motion to approve the amended April general meeting minutes. Stephen seconds. All in favor, motion passes.

7:11 Garner - explanation of zoning change process

- The applicant put forward a proposal to the City for a Comprehensive Plan zone map amendment.
- Note: Karis Stoudamire-Phillips entered meeting at this point.
- Garner reviews the summary of differences between R1 and CM1 - table in April meeting minutes.
- Garner notes that the process has been brought up by several neighbors, who have also brought it up in testimony at City Council. The legitimacy of the petition has been challenged by some.
- Note: David de la Rocha entered the meeting at this point.
- Garner brings up the question of whether board members are allowed to vote via video conferencing. We got clarification from Adam Lyons from NECN that it is allowed, according to state statutes.
- Kay makes a motion that we make a clarification to our bylaws that we recognize the ONI Standards to clarify that “in attendance and in person” includes video conferencing. All in favor, motion passes.

“Meetings held in a single location may include the participation of members who are in telephonic communication. But meetings conducted solely or primarily by telephonic communication shall be held only in extraordinary circumstances when a meeting at a single location is not practicable. If the meeting is not an executive session, there shall be a location where the public can listen to the communication and participate to the extent public participation is allowed.” (ONI Standards (2005), p. 43)

7:23 Discussion of proposal

- Garner notes that renters at L. Roy Gardens could be impacted. The folks representing PCRI came late to the April meeting. Stephen had emailed PCRI two weeks ago to ask why their land was on the proposal, that the BNA was concerned at the potential lack of affordable housing. PCRI has not responded.
- There were about 10 people at City Council testimony period last Thursday.

7:25 David de la Rocha - discussion of potential conflict of interest

- David asked in the April meeting if anyone on the board thought he had a conflict of interest. At that time one person thought he might, and we didn't have a full understanding of what a conflict of interest was or the rules around it. So at the April meeting, David recused himself from the vote in an attempt to be conservative and above board. However, he got clarification after the meeting from Adam Lyons about the state statutes. It is reserved for people that directly stand to benefit. Based on the statute, David feels that he does not have a conflict of interest - he is not in the immediate zone change (he abuts it), the change that would affect his property is no worse with CM2 than R1 as far as setbacks.
- None of the board members own property in the zoning proposal area.

- Alem opines that he thinks David has a conflict of interest.
- Stephen notes that the NNEBA offices are in a building owned by Alem. A NNEBA representative testified at City Council without disclosing that fact. NNEBA came here without disclosing that fact.
- Garner submits a motion that David does not have a conflict of interest. Sarah seconds. David abstains. All in favor, motion passes.

7:36 Discussion on Zone Map Amendment

- Topics
 - Process by applicant
 - Process by City - Do we have issues with how the proposal was brought to us?
 - Personal vs objective
 - Historical context
 - R1 vs CM2
 - Map of affected areas
 - L. Roy Gardens
 - Zoning
- Ted used to be land use chair. He always said that people could look up their zoning so they'd know what kinds of buildings to expect to be coming. He always assured people that if any zoning changed, we'd be notified. He now feels that he was wrong about that, since this experience shows that the City does not notify people like he thought.
- Stephen notes that this process was a legislative action, through the Comp Plan update, which means that the so called normal rules of engagement do not apply. Stephen notes that Alem used the Comp Plan process that was in place. But, he is surprised that Nan didn't tell us that this was going on. We didn't find out until a neighbor got the Comp Plan update called Stephen, which is when the BNA outreach process started, about 3.5 weeks ago.
- Sarah notes that we may be able to go back to the City to ask for a better process.
- David says that he knows of three neighbors that have stated they did not sign the petition, though their address is on the petition. David doesn't know how important the petition was to the City in considering the proposal, but it did play a role. David spoke to the pastor of Open Door Church, and she had heard that someone testified that the church was for it (in January), but she plans to testify this Wednesday to City Council that the church is very much against that. David asks if anyone experienced problems with the petition.
- Matt, a resident on N. Gantenbein, which is one of the 5 homes in the north cluster of the proposed zone change area, says that he wasn't asked to sign. Last week his neighbor testified that no one asked him to sign. A neighbor said that the petition he signed was presented as being opposed to rezoning, and he was upset to find out he was misled.
- When asked, Alem replies that he hired someone to distribute the petition for signatures.
- The signature for the property where Liberty Hall is was signed by Fawn Alberson, Outreach Coordinator for NNEBA. NNEBA rents Liberty Hall from Alem.
- Stephen notes that one could make an argument that NNEBA has a conflict of interest.

- Sarah notes that out of 21 signers, 2 are unknown. It's hard to verify signatures if you don't know if they're a renter or a real person. Sarah feels that renter signatures shouldn't count.
- Kay says that renter signatures count as much as property owner signatures, whether we like it or not.
- Stephen notes that Nan Stark from the City had stated clearly that they did not review the legitimacy of the signatures.

7:54 Discussion - Zoning impact

- David talked to neighbors inside the zone who are very concerned about the potential impacts.
- Kay notes that in the past, we heard all arguments. We need to be fair and treat all proposers the same.
- David notes that the buildings the BNA has tried to have influence on were allowed under the zoning rules. The BNA attempted to influence aspects of the structures themselves.
- Karis notes that at the time when they voted on buildings on Williams and Vancouver, they were shocked to learn about the commercial zoning impacts. Now we know a lot more about land use and zoning.
- David notes that the proposed change is not about change in use of zoning, it's a proposed change in zoning.
- Kay reads from a written statement. She has heard before from people that BNA doesn't listen to the community, but she walks the talk. She has been involved in land use issues in Boise for 25 years. She helped an elderly black neighbor sell her property and move when the City was trying to condemn her home, and that place is now a huge apartment building. She reminds people of the time when Kurisu Landscaping, a Japanese company, wanted to build a 4 story building on Mississippi, and put in a Japanese garden by it. They wanted to redress the wrongs done to many Japanese families forcibly removed during WWII. She is ashamed of how the Kurisu company family was treated, and feels it was the community's loss. She now thinks that Alem being a minority developer is a chance to right a wrong. She thinks we should treat Alem as we have treated all other developers, like Ben Kaiser. She also says that no one will have to sell their property.
- David says that residents feel insecure because if one property owner sells, then the new development replacing the single family home will impact their own quality of life. We now face a choice, whereas we have not before with the zones that were changed in the 90s. The community garden lot could have 11 units under R1. R1 zoning is very flexible about size and variation of units in one lot. When talking to the neighbors in the zone area, they embrace the change that's coming, but they feel that quality of life will be affected.
- Kay notes that there is a perception from some people in the community that Alem is not being treated the same as other developers that have come forward.

- Stephen says that it's apples and oranges. The neighborhood isn't "allowing" developers to do anything on Williams. People have a misperception about what we are allowed to do. Our approach is to influence that development by being organized, by doing the design guidelines, to make the projects be as good as they can be for the community, but we can't stop them. This is a rezoning, which is a different kind of process. On one hand, the neighborhood can't stop the development in existing zoning. This is a proposal to change zoning, and the community wide impact that would come with it. We know that there is plenty of property on Williams, Vancouver and Mississippi that are EX zoning that has room for more dense growth in addition to the units we already know are coming.
- Ted notes that if Alem wanted to build something suitable for R1 zoning, like the developer who recently came to us for the Fargo Row developments, we would likely give it our blessing, as we did for the Fargo Row developments.
- Donna Harris (4205 N Michigan), a resident, states that there is a perception that the BNA is giving Alem different treatment than white developers because he is black.
- Ted notes that the BNA approved of the Fargo Row housing units near the freeway entrance, which was an appropriate use of the zoning. Ted asks Donna if she thinks the perception would be different if Alem was asking to build 11 units on the currently zoned R1 property and the BNA approved; Donna agrees it would be.
- Garner notes that the Mayor and Dan Saltzman is behind this. David notes that Saltzman's name doesn't mean an endorsement, it just means they accepted the proposal and will consider it. They need one Commissioner's name on it to accept and consider the proposal.
- Ted and Stephen note that Ben Kaiser's zoning proposal in Eliot across from New Seasons was fought by neighbors all the way to the state appeals level. Also, his proposal was only for his property, no others were directly affected.
- Ken feels that this committee's decisions are being affected by race. He feels that in a previous meeting he was sidelined by the board when talking about a different land use issue, and he thinks that the issue of race was pertinent then and is now.
- David wants to talk about the transportation impacts of Fremont Street and proximity to Fremont Bridge. In the past PBOT has expressed concerns about this impact. Donna Harris had brought up this concern in past meetings as well, and she has lived here 33 years.
- Sarah has an issue with the zone change and shows the impacts of the change with 3D modeled zoning maps. The setback requirement doesn't ensure that any open land is left on the side of the buildings, like you have with R1. Sarah's objection is based on how the zoning allows for buildings to affect the neighboring properties. She thinks that the proposal is incongruous with previous decisions we've made as a board.
- Kay says that certain people have come to her, and she doesn't necessarily agree with them. We will always need more places for people to play and for dogs to run. But people are angry.
- Sarah notes that in the meeting last week, the opinions for and against were not evenly split along racial lines.

- Stephen refutes the charge that the BNA or individuals on the board are racist with recent evidence: project managing and fundraising for the Mason Lodge project, supporting the homeless families on Fargo, supporting affordable housing initiatives, testifying to City Council on all of these issues.
- Katy states that it felt weird to hear from Maxine from PCRI that the residents were in favor of this zone proposal without hearing from an actual resident.
- Ted notes that the rezoning proposal will let PCRI stand to benefit financially.
- David spoke to some residents of L. Roy Gardens, and many are foreign born and concerned about their future if they're removed from there. PCRI may build affordable housing elsewhere, but if it's rezoned, and redeveloped, it's unlikely they would be able to stay put.
- JP says that the issue of perception is valid and he is very sensitive to the historical context. He asks to what extent should we take that into account.
- David notes that there are tremendous opportunities remaining with the current zoning.
- Garner says that we don't want to see the L. Roy Gardens displaced. But you could make a case that PCRI could temporarily house the tenants and move them back. This hope is why he supports the zone change proposal.
- David returns to the topic of transportation and the Fremont Bridge.
- Royal (3417 N. Commercial south of Fremont) says there is no street parking in the area between Fremont and the Fremont Bridge entrance. He has a driveway, but he can't have visitors. He opposes the zoning change.
- Stephen notes that the Marathon development on Mississippi and Fremont was limited by the City, due to trip count (traffic burden). As with Marathon, it may not be possible to get residential on ground level approved by the City. As Sarah stated, we haven't supported residential on ground floor of mixed use commercial buildings in the past.
- Alem says he can't park in front of his house now, but thinks that the upzoning will smoothe the traffic on Fremont.
- Kay makes motion that the BNA re-vote on the proposal for Comp Plan amendment M42 and vote in favor of the proposal.
- Garner says that the allegations of racism are heart-breaking considering the actions that this board has taken to support people of color in this community and we will need to address that. Garner also votes to support proposal M42.
- Kay says that her concern is not for being seen a racist, but as someone who makes decisions based on facts, not race. There are people in this community who see this as an attack, and we need to be concerned with this. They feel the actions of the board in this case are racist.
- Karis seconds the motion made by Kay.
- Those in favor of supporting M42: Ted, Karis, Kay, and Garner (4)
- Those opposed: David, Katy, Stephen, Sarah, JP (5)
- Motion fails to pass. To be clear, the motion from the previous week still stands: The Boise Neighborhood Association does not support Comp Plan Amendment M42.

8:55 Wrap-up

- David - How will we communicate this outcome?
- Katy: We can make a Google doc letter and all have input - summary of the minutes. Board member comments are due Wednesday at noon. Katy will start the letter and send it out. The letter is due to the City Thursday, so we'll aim to send it by Wednesday at 5 pm.