

To: Planning and Zoning Commissioners, Planning Staff

I would like to provide some reaction to this proposal, despite my inability to be present at tonight's meeting. I am asking this be submitted into the record.

I commend our City for looking for ways to increase the availability of more moderately-priced housing in Naperville, yet I have a few reservations for the proposed AHIP and see multiple areas for unintended consequences if implemented as proposed.

1. In-fill development in Naperville evokes careful scrutiny by residents and property owners. This is one of the primary points and purposes of the Planning and Zoning Commission and our City Council: to carefully, publicly hear the findings of fact for land use in Naperville.
2. The public hearing process is designed to protect property owners' rights, while concurrently leveling the playing field for innovators, investors, and the City itself (which includes all residents and property owners). It is true that Naperville has the unique benefit of a highly specialized and qualified Planning staff. However, the public should not be precluded from being involved in determining how, where and whether development proceeds. Government should not operate that way. In fact, an IL Supreme Court decision reinforces the criticality of getting things "right" by hearing the public on land-use cases (see *Klaeren, et al, v. Village of Lisle*). This is particularly important when proposing any selection of 5 contiguous R-1 properties be redeveloped with this affordable housing element introduced (p.5 of the consultant's proposal "redevelopment of small subdivision").
3. A complicating element of this proposal is the addition of financial incentives for developers (the "bonuses and incentives"), whether via increased bulk, density, setbacks, parking, construction standards, park impact fees, public space, or a combination of these. These are *highly contested* items in nearly every case PZC hears, and would be even more so on smaller in-fill development. Simply granting developers permission to build affordable housing, by right, via administrative (i.e., staff-only) approval, would be ill-advised in my opinion.

I understand this has been carefully proposed by a well-respected consulting firm, and that the Fair Housing Commission has seen the proposal, but at this time I would be a firm no against this proposal (note: there is an inaccuracy in our packet; it is not accurate to say that the Fair Housing Commission "noted their support for the AHIP, as proposed"; please see the attached email for clarification). Here are some of my reasons for opposing the proposed change to our ordinance:

1. My concern is not with the effort to explore new ways at providing affordable housing in Naperville. It is simply this: the process of implementation being suggested is a dramatic shift away from the pragmatic, public hearing approach the community expects. Moreover, the demand, volume and pace of such development is not critical and so cumbersome that case-by-case public review could not happen. Input from the public, via our public hearing process (via PZC and City Council) should not be eliminated and handled purely administratively. In

fact, it seems possible the City could find itself in a difficult situation based on case law previously cited.

2. The use of a 50% reduction in the Park Impact Fee (land-cash contribution) is a direct financial incentive for developers. Indeed, developers need financial incentives to develop this category of housing (thus the proposed bonus and incentive menu). Without repeating the already-submitted commentary by the Park District's Commissioners, utilizing the land-cash contribution would not only hurt the new development's constituents, it would cause a compounding effect on all residents, through higher taxes and fees to offset the loss of the land-cash contribution for open spaces, parks and park programming. Similar to my comment about leaving the public hearing process intact, I suggest the current system of case-by-case review by the Park District be continued vs. a by right and administratively approved basis.

The proposed ordinance would have significant implications for the future of development in Naperville. Administrative approval, while defensible given our highly skilled staff, is not warranted, nor should it be considered desirable. The public hearing process allows all parties to have their concerns and input be taken into consideration, and typically ensures a better product in the end. At a minimum, all voices are heard and given due consideration. A formulaic, administrative process creates a level of bureaucracy that I am unsure we need (given the relatively low volume of these we will likely see) and denies residents and developers alike a level playing field to arrive at common ground. I do not believe the approach proposed here is the best direction the City should take to address this housing category.

I know our Commission's role is limited to land-use review, but since the entire proposal and ordinance is before us today, it seems important to point out that one available solution to close the developers' cost/incentive gap would be City-owned land grants. Naperville owns a significant amount of such property, directly at the hub of our limited public transportation network (which, notably, HUD recommends for locations of high-density affordable housing).

If I were here to vote on this tonight in its current form, my vote would be no.

Thank you and regards,

Bruce Hanson, Chairman, City of Naperville Planning and Zoning Commission

## Bruce Hanson

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**Subject:** April 4, 2022 meeting

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### **PLANNING AND ZONING COMMISSION AGENDA ITEM**

#### **ACTION REQUESTED:**

Conduct the public hearing to consider an amendment to Title 6 (Zoning Regulations) of the Naperville Municipal Code to add an Affordable Housing Incentive Program - PZC 22-1-017

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Allison Laff, AICP, Deputy Director

#### **ENTITLEMENTS REQUESTED:**

The proposed Affordable Housing Incentive Program (AHIP) requires an amendment to Title 6 (Zoning Ordinance). The AHIP is a voluntary, opt-in program which will provide by-right density bonuses and incentives to qualifying rental or for-sale housing projects which set-aside a required number of affordable units for a minimum 30-year period

#### **BOARD/COMMISSION REVIEW:**

The Human Rights and Fair Housing Commission reviewed the proposed AHIP at their April 4, 2022 meeting. There were two public speakers at this meeting. Following Commissioner questions, the Commission noted their support for the AHIP, as proposed. Official notice for the public hearing for PZC 22-1-017 was published in the Daily Herald on Monday, April 4, 2022, Wednesday, April 6, 2022, and Monday, April 11, 2022.

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**From:** Bradford Miller  
**To:** Bruce Hanson  
**Subject:** April 4, 2022 meeting

Bruce,

As discussed, at the April 4<sup>th</sup> meeting the Commission did not vote on any specific provisions of the Affordable Housing Incentive Program (“AHIP”) or on the AHIP as a whole. I know our Commissioners have varying opinions on the AHIP specific provisions. Therefore, I do not believe it would be accurate to say the Commission supports the proposed AHIP in full since we did not actually vote on it.

To provide context, the Commission had been working with SB Friedman and others to develop an affordable housing plan as the State required of us. The Commission had a meeting on April 4<sup>th</sup> as a follow up to a previous meeting in March (that I missed due to illness) whereby presenters gave their vision for affordable housing on the city owned land located at approx. 103<sup>rd</sup> and 59. Our commission was tasked with holding a meeting for the presentations and public input. Both the commissioners and the public could ask questions of the presenters. We were guided by city staff working with the Commission to not take a vote on any proposed plan – as that was not our role. Those decisions would be made by PZC and City Council.

And again, on April 4<sup>th</sup>, we did not vote on the AHIP either. If necessary, you have permission to share with the other PZC commissioners.

Thanks,

Attorney Bradford Miller  
Bradford Miller Law PC

## Mattingly, Gabrielle

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**From:** Marilyn L.Schweitzer <[REDACTED]>  
**Sent:** Tuesday, April 19, 2022 1:08 PM  
**To:** Planning  
**Subject:** Public Comment regarding PZC #22-0505, Affordable Housing Incentive Program

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Dear Planning and Zoning Commissioners,

I have the following concerns about the proposed Affordable Housing Incentive Program and don't believe it should be approved as proposed. While I believe an ordinance is warranted, this program seems to be designed to be most attractive to developers rather than producing meaningful results. My issues are:

- It apparently does not does not meet AHPAA definitions.
- Market rate housing nationally is up about 20% from pre-pandemic figures. Households are going to be in more financial pain especially regarding for the need for affordable housing. Naperville's ordinance needs to be more aggressive.
- 10% is too low to be granted by right.
- I whole heartedly agree with the Park District's letter. If the way the City wishes to achieve it is by increasing density AND increasing lot coverage, the need for Park services as well as common open space will increase. The incentive category of "Park Land Donation of Fee-in-lieu" should be eliminated.
- Similarly with the above rationale, "PUD Outdoor Common Area Requirements" should be eliminated or perhaps be made mutually exclusive with the "Lot Coverage" incentive.
- The practice of granting increases for market-rate developments for added density without an affordability component should cease.

Sincerely,

Marilyn

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Marilyn L. Schweitzer  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## Mattingly, Gabrielle

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**From:** Luke Kypr <[REDACTED]>  
**Sent:** Wednesday, April 20, 2022 3:29 PM  
**To:** Council  
**Cc:** Planning  
**Subject:** Voluntary affordable housing program

**Follow Up Flag:** Follow up  
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Good afternoon,  
Thank you for your continued efforts to make the City of Naperville the best it can be.

I'm concerned about Voluntary affordable housing program being attempted to be approved without heeding of the concerns by Naperville Park districts executive director Brad Wilson and further more without public comment.

As a Naperville resident for many years that is outside of how Naperville officials get things done.

Thank you for including public comment and working with any reservations that have arose regarding this program.

Have a Blessed day.  
Luke Kypr.

## Russell, Kathleen

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**From:** Grace Stack [REDACTED]  
**Sent:** Monday, May 16, 2022 10:23 AM  
**To:** Planning  
**Subject:** Naperville affordable housing incentive program

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Hello,

As a Naperville resident I am opposed to this based on reasons below:

This program could disrupt our neighborhood by allowing a developer to buy 3-4 older small homes in a single family community for tear down and build a 3-4 story apartment building in its place. The tax abatement incentive could cause taxes to increase on Naperville residents. The [Naperville Park District has questioned the impact on its operations](#). Also, there would be unplanned impact on school districts.

Respectfully,

Grace Stack

Sent from my iPad

## Russell, Kathleen

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**From:** [REDACTED]  
**Sent:** Monday, May 16, 2022 4:09 PM  
**To:** Planning  
**Subject:** Naperville's Affordable Housing Incentive Program

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To Whom It May Concern:

My wife and I moved to Naperville 25+ years ago. We chose Naperville because we could purchase a single-family home to raise our family. We did not want to live in high density areas like Chicago, Evanston, Oak Park, or other cities with dense populations and large numbers of apartment buildings or complexes.

We oppose the proposed Affordable Housing Incentive Program for the following reasons:

- It will change the residential feel of Naperville communities. The possibility of developers purchasing small existing homes - and then putting multi-family / multi-floor apartment buildings on them - will ruin the residential feeling of the neighborhood.
- It will not benefit existing Naperville homeowners. It will benefit the developers who profit from it, the new residents who move in with subsidies from existing homeowners, but it will not financially benefit the local homeowner.
- Increased multi-family units in residential areas will devalue our property and investment
- Single-family communities had their infrastructure developed based on certain occupation numbers. Putting multi-unit apartments in neighborhoods designed for single-family will increase:
  - Traffic and congestion
  - Off-street parking needs
  - Additional students in schools
  - Additional public resources such as police, fire, etc
- Homeowners who have paid mortgages, home improvement costs, landscaping, etc have 'skin in the game'. People in rental units or subsidized housing do not have a large financial investment in the property; hence they may not respect it/maintain it the way surrounding home owners do.
- If we wanted to live in a high density area, we would have moved to one.
- Where will the subsidies come from? Afterall, someone has to pay for it - and that's we the taxpayers. We are already have among the highest tax rates in the nation, we are facing record inflation, and are in a borderline recession.

As members of the Zoning Commission, I suggest that your first concern should be to the existing homeowners of Naperville, and maintaining Naperville's high standard of living - which we taxpayers have financially supported.

Respectfully,  
Frank Marik

[REDACTED]  
[REDACTED]



## Mattingly, Gabrielle

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**From:** Jeffrey Newman <[REDACTED]>  
**Sent:** Tuesday, May 31, 2022 7:24 AM  
**To:** Planning  
**Subject:** re: Proposed Affordable Housing Incentive Program

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Planning and Zoning Commission,

Regarding the proposed Affordable Housing Incentive Program: Please take into consideration and rethink, the already over crowding, over building and congestion in the South Naperville area before moving ahead with any further building in the area.

Thank you,  
Jeff Newman

[REDACTED]  
[REDACTED]

## Mattingly, Gabrielle

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**From:** Marilyn L.Schweitzer <[REDACTED]>  
**Sent:** Tuesday, July 5, 2022 4:51 PM  
**To:** Planning  
**Subject:** Public Comment regarding PZC #22-0505C, Affordable Housing Incentive Program

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Dear Planning and Zoning Commissioners,

This is a follow up note to my comments made on April 19, 2022 when this issue was 1st going before the PZC.

I greatly appreciate and agree with Commissioner Hanson's letter included in the Public Comments. I also greatly appreciate and agree with the follow up letter from the Naperville Park District. This program is designed to be potentially attract developers by taking away the review process from the general public. On top of this, the chances of having meaningful results are exceedingly low. The biggest impact it will have will be simply getting an ordinance on the books so that council and staff may claim progress. Naperville needs more affordable housing, but this is not the way to achieve it. Naperville deserves better.

Sincerely,

Marilyn

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Marilyn L. Schweitzer  
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