Q/A for November 5, 2024

Agenda #	Title	Requestor Responder		
1.17	Approve the award of Change Order #3 to Contract 24-026, 2024 Downtown Streetscape - Washington Street, to Copenhaver Construction, Inc. for an additional 26 days			
Q.	What is the current estimated completion date for the final surface paving?	Kelly		
Α.	Final surface paving was supposed to occur today, but due to the rain it has been pushed back a day or two. Rain and temperatures will dictate when it can be placed.	Novack		

1.25	Waive the first reading and pass the ordinance repealing and replacing Section 3-1-8 (Real Estate Transfer Tax) of Naperville Municipal Code (requires six positive votes)	
Q.	 Can you please provide a copy of the existing ordinance or a redlined version of what is being proposed? Can you confirm that a buyer would still be able to purchase a stamp in person at the Municipal Center prior to a closing and that they would not have to bring in a signed/notarized copy of the deed in order to do so? If approved, will staff communicate with local title companies regarding the changes? Would the new digital stamp be labeled as a real estate transfer stamp or a permit? 	Kelly
A.	 Due to the number of recommended changes, in part, including reorganizing the structure of the ordinance for clarity, staff decided it was best to repeal the existing ordinance and replace it with a fresh version. Therefore, a version of the existing ordinance with tracked changes was not generated. Attached is a copy of the existing Real Estate Transfer Tax Ordinance. Yes, a customer is still able to purchase the tax stamp in person at the Municipal Center. However, they will need a signed/notarized copy of the deed to get the tax stamp. The tax stamp is a condition of the recording at the County; it is not required to close on a property. If a customer is not comfortable submitting the notarized deed before the property closing, they can submit for the tax stamp after the closing. Yes, staff has been communicating the changes with lawyers and title companies that purchase Naperville tax stamps. The new digital stamp will be labeled Real Estate Transfer Stamp. An example is attached. 	Munch/DiSanto

L.1	Receive the staff report for Hines Diehl Road Resubdivision (Hines Diehl Road Resubdivision) - PZC 24-1-034 (Item 1 of 4)	
Q.	Is the petitioner planning on incorporating any particular sustainability initiatives as part of this proposed development?	Kelly
A.	Please see full response below.	Venard
Q.	1. Are there additional renderings of what the development will look like? 2. How will the building address sustainability? E.g. solar, EV chargers, permeable pavers, native plantings?	Longenbaug
Α.	1. See attached for additional renderings. 2. Per the customer, "It may not translate to a flashy metric, but we're transitioning from a 100,000 square foot office building that was 100% dependent on vehicles to a mixed-use community which places residences in close proximity commercial uses (Freedom Commons, Costco, and H-Mart) and employment centers. We are shortening trips and/or taking cars off the road, which directly relates to carbon footprint. We are repurposing the existing parking garage. We are also evaluating the potential reuse of portions of the of surface parking areas. The repurposing of this infrastructure is significant as it will reduce waste and eliminate a significant number of truck trips. The office building will be largely recycled. While details of demolition have not been finalized, preliminary estimates suggest that upwards of 90% of the building components may be recycled. Concrete and masonry components will be crushed on-site and ultimately reused within the project. Hines is committed to the proactive installation of community owned/operated EV Charging Stations. 20 parking stalls will be dedicated to EV charging, that is a 5-fold increase over the number of charges installed at Domain City Gate. Hines anticipates the use of sophisticated software that will help manage the use of these EV Charging Stations. The software creates tiered pricing based on the kW hours pulled from a charger and/or the amount of time a vehicle is parked in a dedicated EV Stall. Punitive charges may be assessed if a car is parked in an EV Stall beyond specified time limits. Hines has used this technology elsewhere and found it to be an efficient means of managing the availability of infrastructure. The ultimate location of the EV Stalls will be determined with final design of the project. Energy & Resource savings. While initial layout and design of the building has been completed, architectural plans have not been prepared. As such, we've not reached the point of specifying various options or design sta	Venard

L.5	Conduct the first reading of an ordinance amending Title 6 (ZoningOrdinance) of the Municipal Code to add a new Chapter 17 (Affordable Housing Incentive Program)					
Q.	 If a developer doesn't want to offer affordable units but still needs variances, the developer can still come before council the traditional way and request the variances, correct? Only if they want the variances by right and save themselves the time/cost of going through PZC and Council do they have to include the affordable units, correct? 					
Α.	Yes, both statements above are correct.					
	1. Does staff believe it would be appropriate to check in on the program after some period of time to see if/how	Laff				
Q.	frequently it has been used, and to make adjustments if necessary? 2. If so, what period of time would be appropriate?					
A.	Yes, staff has informally discussed creating a questionnaire that would be given to any developer who is proposing new residential units (on non-single family zoned parcels) following adoption of this program. This questionnaire would seek feedback as to why that developer chose to participate in the program or not. Staff would summarize this feedback and report back to the City Council after approximately one year with lessons learned and/or any recommendations for program changes.	Laff				
Q.	Given the restrictions for zoning (prohibited in R1A, R1B, R2, R1, E1, E2 and E3), where might this apply?	Longenbaugh				
Α.	A property that is zoned (or is rezoned to) R3, R3A, R4, R5, B4, B5, TU, and OCI (subject to approval of a conditional use for residential units) and that can be improved with a minimum of 5 or more new residential dwelling units would be eligible to participate in the AHIP program.					
Q.	 Should developer select parking incentive, what will prevent parking shortages on the project? How would parking in excess of spaces provided avoid parking on streets, off property, or encroachment in to adjacent neighborhoods? Approximately How many affordable residential units have been built (or are under consideration to be built) voluntarily by developers since fall of 2019? Is this an increase or decrease from the 5 years prior to 2019 (when Friedman was retained)? I understand that in the past, professional staff was not able to produce a map that would identify areas within the city where that would be AHIP eligible. Is that still the case? If yes, can we identify a smaller area like which properties within the downtown train station area would qualify? Was the Friedman study intended to get the City in compliance with the 10% AHPAA requirement? Is this the same requirement we currently exceed? Is there another goal beyond 10% that council has ever identified? If council does not approve this ordinance, would developers still be able to negotiate similar incentives on a case by case basis (not by right)? If yes, would this allow for public input by neighbors, residents, boards and commissions? 					
A. (1-5)	 The proposed ordinance limits parking reductions to rental residential communities only. Staff believes that parking expectations can be effectively governed through the lease that each resident enters into with that residential community and that the rental community's management association can effectively monitor compliance with the parking limits imposed. See response in item 1 above. Lincoln at CityGate - \$200,000 donation towards affordable housing (no affordable units constructed); Micro-Units on Ogden: 112 units below market rate rent (due to unit size); Naperville Elderly: 68 age-restricted affordable units (City reimbursed the applicant \$56,000 in fees using proceeds from the sale of the volume cap); Tower Court (pending approval): 71 age-restricted and IDD units; CityGate West (not yet constructed): 20 micro-units below market rent (due to unit size); and Polo Club: 58 restricted price units. The number of affordable units voluntarily included in residential developments increased following the City Council's adoption of the "Addressing Unmet Housing Needs" plan (prepared by SB Friedman) in September 2020. A property that is currently zoned (or is rezoned to) R3, R3A, R4, R5, B4, B5, TU, and OCI and that can be improved with a minimum of 5 or more new residential dwelling units would be eligible to participate in the AHIP program. Any property zoned R1A, R1B, R2, R1, E1, E2, and E3 is prohibited from participating in the AHIP. 	Laff				

A. (6-7)	6. SB Friedman was engaged by the City of Naperville to conduct a Housing Needs Assessment in 2020. The purpose of the assessment was to evaluate whether the existing housing stock meets current and projected needs over the short term (5 years) and long term (20 years); identify key housing related issues and unmet needs; and identify potential programs, policies, and strategies to address identified housing challenges and opportunities. The findings included in the adopted "Addressing Unmet Housing Needs" plan were used as the basis for developing a menu of policy options to address identified housing challenges and capitalize on opportunities to create diverse housing options at various price points. The housing work program adopted by City Council in September 2020 in response to the adopted plan is attached. One of the key recommendations included in the plan was the development of an Inclusionary Zoning Ordinance (IZO) that would link the creation of affordable housing units to market-rate residential development. Other projects that have been undertaken in response to this work program include the sale of City owned property (Tower Court residences) and the development of a rehab program for single-family homes. 7. Absent this ordinance, a developer could continue to request variances similar to those included in the proposed ordinance. These requests would be subject to a public hearing before the Planning and Zoning Commission and final approval by the City Council. Public input is included in the standard variance process.	Laff
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3-1-8: REAL ESTATE TRANSFER TAX:

3-1-8-1: DEFINITIONS:

For the purposes of this Section 3-1-8 the following words shall have the meanings herein ascribed to them:

BENEFICIAL INTEREST:	Any interest, regardless of how small or minimal such interest may be, in a land trust, held by a trustee for the benefit of beneficiaries of such land trust.
PERSON:	Any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, or a receiver, executor, trustee, conservator or other representative appointed by order of any court.
RECORDATION:	The recording of deeds by the Recorders of Deeds for either DuPage or Will Counties, Illinois.
VALUE:	The amount of the full actual consideration for any transfer covered hereunder, including the amount of any lien or liens assumed by the grantee or purchaser. (Ord. No. 95-82, 4-29-1995; amd. Ord. No. 98-98, 7-21-1998, eff. 8-1-1998)

3-1-8-2: TRANSFER OF TITLE BY DEED:

- 1. Imposition Of Tax: A tax is imposed on the privilege of transferring title to real estate within the corporate limits of the City, as represented by the deed that is filed for recordation, at the rate of one dollar and fifty cents (\$1.50) for each five hundred dollars (\$500.00) of value or fraction thereof stated in the declaration provided for in this Section. The tax herein levied shall be in addition to any and all other taxes.
- 2. Liability For Tax: The ultimate incidence of and liability for payment of the tax imposed by this Section shall be borne by the grantee of any deed subject to this Section.
- 3. Purchase Of Stamps: The tax levied by this Section shall be paid by purchase of tax stamps from the Director of Finance or their designated agent. The payment of such tax shall be denoted by an adhesive stamp or stamps affixed to the face of the deed.
- 4. Filing Of Declaration: At such time as the tax levied by this Section is paid, there shall be filed with the Director of Finance fully executed and completed copies of the contract or agreement for the purchase of the real property subject to the tax and of the "Real Estate Transfer Declaration" required by the provisions of State law¹.
- 5. Exemptions:
 - 5.1. The following deeds shall be exempt from the tax levied by this Section:
 - 5.1.1. Deeds to property acquired by any governmental body or from any governmental body or deeds to property between governmental bodies, or by or from any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes. The exemption, however, shall not be granted where the transfer is made

¹ 35 ILCS 305/3.

- to or from a governmental body which leases or expresses an intent to lease a majority of the land, or in the case of a building, the structure, to a nongovernmental body.
- 5.1.2. Deeds which secure debt or other obligation.
- 5.1.3. Deeds, which, without additional consideration, confirm, correct, modify or supplement a deed previously recorded.
- 5.1.4. Deeds where the actual consideration is less than one hundred dollars (\$100.00).
- 5.1.5. Tax deeds.
- 5.1.6. Deeds of release of property which is security for a debt or other obligation.
- 5.1.7. Deeds of partition.
- 5.1.8. Deeds made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets of corporations pursuant to plans of reorganization.
- 5.1.9. Deeds made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.
- 5.1.10. Deeds wherein there is an actual exchange of real estate except that the money difference or money's worth paid from one to the other shall not be exempt from the tax.
- 5.1.11. Deeds representing transfers subject to the imposition of a documentary stamp tax imposed by the government of the United States, except that such deeds shall not be exempt from filing the declaration.
- 5.1.12. Deeds issued to a holder of a mortgage, as defined in 735 Illinois Compiled Statutes 5/15-1201 et seq., pursuant to a mortgage foreclosure proceeding or pursuant to a transfer in lieu of foreclosure.
- 5.2. Every deed which is tax exempt pursuant to this Section shall be presented to the Director of Finance so as to be appropriately marked by said Director as an exempt deed eligible for recordation without the payment of tax. At such time as a deed is presented to the Director of Finance pursuant to this Section, there shall be filed with the Director a certificate setting forth the facts which justify the exemption of the deed presented. The certificate shall be executed on behalf of either the grantor or grantee, and shall be on a form provided by the Director of Finance.
- 6. Real Estate Transfer Tax Stamps: The tax herein levied and imposed shall be collected by the Director of Finance through the sale of real estate transfer tax stamps, which shall be caused to be prepared by said Director of Finance in such quantities as said Director of Finance may from time to time prescribe. Such stamps shall be available for sale at, and during the regular business hours of, the City offices and the offices of such agent as the City may designate. Upon payment of the tax herein levied and imposed, the stamps so purchased shall be affixed to the deed or other instrument of conveyance as required by Section 3-1-8-3 of this Chapter. Any person so using and affixing a stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with their initials and the day, month and year when the affixing occurs. Such markings shall be made by writing or stamping in indelible ink or by perforating with a machine or punch; however, the stamp(s) shall not be so defaced as to prevent ready determination of its denomination and genuineness. The Naperville real estate transfer tax stamp shall be of a design substantially as follows:



- 7. Recreation Of Deeds: After the effective date of this Section, no deed conveying real property within the corporate limits of the City shall be entitled to recordation by the Recorders of Deeds for DuPage or Will Counties unless such deed shall bear either a Naperville real estate transfer tax stamp in the amount required by this Section, or an exemption mark from the Naperville Director of Finance.
- 8. Payment Of Monies Due To City: Real estate transfer stamps shall not be sold for any property that is more than thirty (30) days in arrears of any payment, debt, assessment or monies due to the City. Real estate transfer stamps will only be sold once all payments to the City have been satisfied.

(Ord. No. 78-49, 6-5-1978; Ord. No. 91-8, 1-2-1991; Ord. No. 95-82, 4-29-1995; amd. Ord. No. 98-98, 7-21-1998, eff. 8-1-1998; Ord. 98-124, 8-18-1998; Ord. No. 10-086, § 1, 7-20-2010; Ord. No. 22-044, § 2, 5-3-2022)

3-1-8-3: TRANSFER OF BENEFICIAL INTEREST:

- Imposition Of Tax: A tax is imposed on the privilege of transferring the beneficial interest in real estate within
 the corporate limits of the City at the rate of one dollar and fifty cents (\$1.50) for each five hundred dollars
 (\$500.00) of value or fraction thereof stated in the declaration provided for in this Section. The tax herein
 levied shall be in addition to any and all other taxes.
- 2. Liability For Tax: The ultimate incidence of and liability for payment of the tax imposed by this Section shall be borne by the grantee, assignee or transferee of any instrument conveying the beneficial interest in real estate within the corporate limits of the City.
- 3. Purchase Of Stamps: The tax levied by this Section shall be paid by the purchase of tax stamps from the Director of Finance or their designated agent. The payment of such tax shall be denoted by an adhesive stamp or stamps affixed to the face of the instrument transferring the beneficial interest.
- 4. Filing Of Declaration: At such time as the tax levied by this Section is paid, there shall be filed with the Director of Finance a declaration of the full consideration paid for the transfer of beneficial interest, which declaration shall be on a form provided by the Director of Finance and executed by the person liable for the tax, together with fully executed and completed copies of the contract or agreement for the purchase of the real property subject to the tax and of the "real estate transfer declaration" required by the provisions of State law².
- 5. Real Estate Transfer Tax Stamps: The tax herein levied and imposed shall be collected by the Director of Finance through the sale of real estate transfer tax stamps as provided in Subsection 3-1-8-2.6 of this Chapter.
- 6. Duty Of Trustee: No trustee of real estate shall accept an assignment of beneficial interest in real estate located in the City unless tax stamps in the required amount, as set forth in this Section, have been affixed to the assignment.

² 35 ILCS 305/3.

(Ord. No. 78-49, 6-5-1978; Ord. No. 95-82, 4-29-1995; amd. Ord. No. 98-98, 7-21-1998, eff. 8-1-1998; Ord. No. 22-044, § 2, 5-3-2022)

3-1-8-4: PROCEEDS OF TAX:

All proceeds resulting from the collection of the tax imposed by this Section 3-1-8, including interest and penalties, shall be paid into the City Treasury and shall be credited to and deposited in the general fund of the City.

(Ord. No. 78-49, 6-5-1978; amd. Ord. No. 98-98, 7-21-1998, eff. 8-1-1998)

3-1-8-5: INTEREST AND PENALTIES:

In the event of failure by any person to pay to the Director of Finance the tax required hereunder when the same shall be due, interest shall accumulate and be due upon said tax at the rate of one percent (1%) per month commencing as of the first day following the day when the deed was recorded or the assignment of beneficial interest was accepted by the trustee. In addition, a penalty of fifty percent (50%) of the tax and interest due shall be assessed and collected against any person who shall fail to pay the tax imposed by this Section 3-1-8.

(Ord. No. 78-49, 6-5-1978; amd. Ord. No. 98-98, 7-21-1998, eff. 8-1-1998)

3-1-8-6: CIVIL LIABILITY FOR TAX:

In the event of failure by any person to pay to the Director of Finance the tax required hereunder when the same shall be due, said person shall be liable to the City for such tax, together with interest and penalties. The City may bring an action to collect such tax, interest, and penalties in any court of competent jurisdiction.

(Ord. No. 78-49, 6-5-1978; amd. Ord. No. 98-98, 7-21-1998, eff. 8-1-1998)

3-1-8-7: FINE FOR VIOLATION:

In addition to the remaining provisions of this Section 3-1-8, any person found guilty in a court of competent jurisdiction of violating, disobeying, omitting, neglecting or refusing to comply with any provision of this Section 3-1-8, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense.

(Ord. No. 78-49, 6-5-1978; amd. Ord. No. 98-98, 7-21-1998, eff. 8-1-1998)

3-1-8-8: UNPAID UTILITY BILLS:

For nonresidential properties, the City shall issue real estate transfer tax stamps, upon payment of the appropriate fee, if the utility accounts for the property proposed to be transferred are paid in full. The City shall require payment of all utility bills, including a prorated final bill, prior to issuing the real estate transfer tax stamp. The prorated final bill shall be calculated by the Finance Department based on the average annual utility bill for the property location for the past twelve (12) months divided by three hundred sixty-five (365) days and then multiplied by the number of days from the last date on which the bill was read or real estate closing date, whichever is later.

(Ord. No. 96-191, 11-5-1996; amd. No. Ord. 98-98, 7-21-1998, eff. 8-1-1998)



Real Estate Transfer Stamp (FSD-1226-2024) CITY OF NAPERVILLE

Department: FINANCE DEPARTMENT **App Date:** 11/04/2024

Document: TAX STAMP Issue Date: NOT ISSUED

Parcel:07134410190000Address:400 S Eagle StGrantor: Donald Duck

Naperville, IL 60540 Grantee: Mickey Mouse

Invoice No.FeeFee AmountAmount PaidREAL ESTATE TAX STAMP TRANSFER FEE (WILL/RES)\$1,200.00\$0.00

 Total for Invoice NOT INVOICED
 \$1,200.00
 \$0.00

 Total
 \$1,200.00
 \$0.00

This City of Naperville Transfer Stamp must be attached or adhered to and recorded with the deed it applies to.

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PRIORITY HOUSING RECOMMENDATIONS BASED ON SEPTEMBER 29, 2020 CITY COUNCIL WORKSHOP

Action Item No.	Action Item Toolkit Category	Action Item Estimated Timeline to Implementation	Commission Recommendation	Staff Assignments
1	Strategic Planning	SEE WORK PROGRAM BELOW	Develop a working relationship with affordable housing developers	ON HOLD UNTIL AFTER IZO
2	Strategic Planning	SEE WORK PROGRAM BELOW	Develop a strategy to leverage publicly owned land to address housing challenges	ON HOLD UNTIL AFTER IZO
3			Develop a specific plan to preserve Naturally Occurring Affordable Housing (NOAH)	SEE WORK PROGRAM BELOW
4	Strategic Planning	Immediate (six months to one year)	Establish additional resources to assist populations with special housing needs	TBD 4-5-7-8 are linked
5	Strategic Planning	Immediate (six months to one year)	Create housing specific staff positions within the City	TBD 4-5-7-8 are linked
6	Housing Programs	SEE WORK PROGRAM BELOW	Establish a Revolving Rehabilitation Loan Fund specifically targeted towards low income seniors who currently own in Naperville so that they can make the necessary repairs to their home and age in place	SEE WORK PROGRAM BELOW
7	Financing Trust Fund	Intermediate (one year minimum; may require a funding source)	Establish a Housing Trust Fund specifically targeted towards helping veterans, seniors, the population with special housing needs, and first responders including nurses, police, and fire in purchasing a home	TBD 4-5-7-8 are linked
8	Regulatory Options	Intermediate (one year minimum; may require a funding source)	Implement an Inclusionary Zoning Ordinance (IZO)	TBD 4-5-7-8 are linked

PROPOSED WORK PROGRAM FOR PRIORITY ACTION ITEMS 1, 2, 3, AND 6

Action Item No.	Commission Recommendation	Tasks	Opportunities	Timeframe	Resources/Owners
1	Develop a working relationship with affordable housing developers	 Identify criteria to determine which parcels would be appropriate for affordable housing developments (i.e., access to public transportation, walkable to commercial uses, etc.) Develop a list of specific parcels which may meet this criteria. Meet with affordable housing developers to provide feedback on sites they have identified for an affordable housing project and/or provide them the City's list of identified parcels for consideration. Facilitate connection between affordable housing developers and applicable private property owners. 	Expand the scope/range of properties that would be considered appropriate for affordable housing. These properties may extend beyond the traditional residential locations identified in the comprehensive plan or zoned residentially today. Increase opportunities to connect affordable housing developers with potential development sites/property owners. Be better equipped to respond to and process development requests from submittal through the public approval process.	Complete Tasks 1 and 2 by May 2021* Tasks 3 and 4 will be ongoing	City Council endorsement of criteria that will be used by staff to determine which parcels would be appropriate for affordable housing.
2	Develop a strategy to leverage publicly owned land to address housing challenges	 Compile a list of publicly owned land. Determine the existing zoning and future land use of these parcels. Determine which parcels meet the affordable housing criteria created through "Develop a Working Relationship with Affordable Housing Developers" above. 	For those parcels identified as appropriate for affordable housing, consider issuing an RFP to seek an affordable housing developer to develop these lots accordingly. Consider city-initiated rezoning of the applicable city-owned parcels in order to facilitate a smoother development process.	Complete Tasks 1-3 by May 2021*	TED City Council approval of an RFP and/or city-initiated rezoning.
3	Develop a specific plan to preserve Naturally Occurring Affordable Housing (NOAH)	 Finalize goals and If tasks to be completed with CMAP/HOMES Team. Finalize neighborhoods to be included in NOAH study. Determine timeline and milestones for completion of study. 	Study will evaluate options for preserving NOAH, including determination of priorities, feasibility and steps needed for implementation. Options will be presented to staff and City Council for adoption of new policies/programs.	Complete Tasks 1-2: Schedule TBD with CMAP** Complete Task 3 in 2021	Broder Contact CMAP to lead as pro bono

4	Establish a	1.	Complete research on existing	If suitable organizations are	Complete Task	Broder
	Revolving		rehabilitation programs and evaluate	available, an RFP can be	1 by March	Investigate org to be
	Rehabilitation Loan		implementation options.	developed and issued for a	2021	subrecipient and fund
	Fund specifically	2.	Determine timeline and initiate steps to	subrecipient organization to		through CDBG
	targeted towards low		start the program.	administer the program.	Complete Task	
	income seniors who				2 by 2 nd	
	currently own in				Quarter	
	Naperville so that				2021***	
	they can make the					
	necessary repairs to					
	their home and age					
	in place					

^{*}If staff is directed to pursue an IZO, these items will be delayed until work on the IZO is completed. The delay is required due to workload limitations.

^{**}Timing will be dependent on the HOMES Teams schedule and available staff.

^{***}The timeline and ability to initiate a rehabilitation program in 2021 will be dependent on the status of the COVID-19 pandemic and public health restrictions and requirements that may be in effect.