



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Monday, June 21, 2021

6:00 PM

Council Chambers

Workshop: Inclusionary Zoning

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-WOW, Ch. 10 - Comcast, Ch. 99 - AT&T)
- Watch online at <https://naperville.legistar.com>

TO SUBMIT PUBLIC COMMENT OR SPEAK LIVE AT THE MEETING: To address the City Council in-person in City Council Chambers, members of the public must register by 4 p.m. on June 21 at: www.naperville.il.us/speakersignup

The public may choose to provide public comment in any of the following ways:

1. Submit a written comment to the City in advance of the City Council meeting by 4 p.m. on June 21. Written comments will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of comments will be announced during the City Council meeting.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITION" regarding a specific agenda item. The names of participants who submitted position statements will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of position statements will be announced during the City Council meeting.
3. Address the City Council live during the City Council meeting in-person in City Council Chambers. Individuals wishing to address the Council during the meeting must sign up to speak by 4 p.m. on June 21. In keeping with the current Centers for Disease Control and Prevention (CDC) and Illinois Department of Public Health guidelines, fully vaccinated individuals will not be required to wear a face covering in Council Chambers. Those who are not fully vaccinated against COVID-19 must wear a face covering if they cannot socially distance from other individuals.

Online sign-up closes at 4 p.m. on June 21, at which time no other speakers or comments will be accepted. There will be no on-site speaker sign up.

PUBLIC ACCOMMODATION:

- Any individual who may require an accommodation to listen to or participate in the meeting should contact the Community Services Department at (630) 305-5300 by 4 p.m. on June 21.
- Questions regarding online sign-up may be directed to the Community Services Department by calling (630) 305-5300.

PARTICIPATION GUIDELINES:

The citizen participation guidelines are outlined in 1-5-6-6: - CITIZEN PARTICIPATION of the Naperville Municipal Code.

- **ALL VIEWPOINTS AND OPINIONS WELCOME:** All viewpoints are welcome, positive comments and constructive criticism are encouraged. Speakers must refrain from harassing or directing threats or personal attacks at Council members, staff, other speakers or members of the public. Comments made to intentionally disrupt the meeting may be managed as necessary to maintain appropriate decorum and allow for city business to be accomplished.
- **SPEAKER TIME LIMITS:** Speakers must limit their remarks to no more than three minutes. Petitioners may speak on an agenda item first and have up to 10 minutes and are also granted a five-minute rebuttal once all other speakers have commented.
- **IF YOU SIGNED UP TO SPEAK,** staff will call your name at the appropriate time during the City Council meeting. Once your name is called you may identify yourself for the public record and then address remarks to the City Council as a whole. Speak clearly and try to limit remarks directly to the matter under discussion. Speakers are called in the order they sign up.

A. CALL TO ORDER:

Chirico opened the workshop at 6:01 p.m. with comments about the tornado that hit Naperville on the evening of Sunday, June 20th.

Present: 8 - Mayor Steve Chirico
Councilman Jennifer Bruzan Taylor
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilman Benjamin White

Absent: 1 - Councilwoman Theresa Sullivan

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; Director of Community Services/City Clerk, Pam Gallahue; Director of TED, Bill Novack; Deputy Director of TED, Allison Laff; Community Planner, Gabrielle Mattingly

SB Friedman: Senior Vice President, Fran LeFor Rood; Associate, Elena Caminer; Duncan & Associates: Kirk Bishop

B. INTRODUCTION:

C. PUBLIC FORUM:

Phil Meno, DuPage Housing Alliance, voiced support of an IZO and looks forward to a full Council discussion tonight on the topic and future work to be prepared by SB Friedman.

Phillip Buchanan apologized to Councilwoman Brodhead for some comments made by the City Council during the June 15th meeting regarding her appointment to a new City commission.

Paul DeKruiff, resident and apartment developer, noted concerns that the scope did not include or contemplate all of the original recommendations or research new trends nationally. He stated the burden of affordable housing should be shared across the City, not on an individual developer.

D. PRESENTATION:

1. Receive the report and presentation by SB Friedman regarding the development of an Inclusionary Zoning Ordinance

WRITTEN COMMENTS

Kristen Tang - The Accessibility and Inclusion Ministry at DuPage Unitarian Universalist Church in Naperville

Thank you to the City Council for continuing to study and consider ways to bring more affordable housing to Naperville. Whatever you decide on Inclusionary Zoning, please remember the goal is to have a more welcoming and inclusive Naperville where essential workers, seniors, and people with disabilities can find affordable and accessible places to live.

Marilyn Schweitzer

I agree Naperville has extremely unbalanced housing, but much of this has been caused by ignoring the needs of those who work and live in Naperville already. I want change, but not just to satisfy a legal metric and developers. • Residents, I believe, want certainty too. Certainty that they can find the housing they need and want without having to move out of Naperville. They also want certainty in what will be built in their neighborhood. Yet, the IZO presentation material sets

the stage to leave neighborhood concerns out of the equation. Yes, they'll be able to speak up at a HAC, PZC or CC meeting, but their concerns will be ignored because the IZO will have been crafted to please the City Council, Staff, and Developers. • I wholeheartedly agree with the statement that the best practice is for affordable units should reflect the community's needs, but a community needs is not simply a statistical analysis of affordability. And Community needs include providing environmentally sustainable homes and healthy life styles. For example, physically density must include sufficient adjacent green buffers, complete streets, and ensuring all residents have ample (not overloaded or unusable) park space within 1/2 mile of their home. • If there is an IZO, how will its effectiveness be measured? The past practice of attracting people to move to Naperville without regard for whether residents can remain in Naperville or whether people who work in Naperville can afford to live here should cease. For example, I don't recall any survey's asking what barriers, if any, current residents or current workers, feel regarding finding housing in Naperville. • Density bonuses should only be offered for including more affordable housing and should not be granted without considering the neighborhood character, adjacent green buffers (permeable area), common space, and neighborhood park space. Unfortunately for years staff, the PZC, and CC have let developers make the affordable housing problem worse by granting variances for high end market rate housing even when that housing could have been built without variances. This never should have happened given we have known we've had a housing problem for at least 12 years. Density bonuses should not allow even greater variances for affordable units than have been granted thus far for high-end market housing. • Density bonuses should encourage smaller units to not more units. Where are the statistics for square footage per resident compared to other communities in the USA and other countries? For example, from 1973 to 2016 the living space per US resident has nearly doubled and homes are 1000 square feet larger. • Landowners do not deserve to absorb the financial impact of an IZO. How can this be prevented? Who is looking out for their interests? • What is a "prototypical development" and who determines it? Should there be more than one depending on the character of the neighborhood being impacted? • There are mechanism to "offset the financial impacts of IZO" on developers, but what about mechanisms to get neighborhood and community buy-in? • Should council decide they want an IZO, how will this be coordinated with the comprehensive plan? I believe a new version of the comprehensive plan is supposed to go before the PZC this summer. This is especially important if the IZO is targeted to specific areas.

SB Friedman representative, Fran Lefor Rood provided a presentation to Council recapping the recommendations by the Human Rights and Fair Housing Commission to Council which included implementation of an Inclusionary Zoning Ordinance (IZO). SB Friedman was retained to evaluate and structure a potential IZO. Rood noted City Council's guidance on the case studies and key parameters of the IZO discussed during the workshop will help with next steps.

Council discussed adverse consequences and successes to adopting an IZO,

alternative options other communities have used to provide affordable housing, and the impact of HB2621.

Rood expanded on the proposed HB2621 legislation and noted the impact to an individual property owner will likely be limited. Rood stated other communities are attempting to preserve naturally occurring affordable housing (NOAH), provide financial incentives, and update their zoning code to allow developments with more density.

Council requested details on how the comparable cities were chosen and changes to the Affordable Housing Planning and Appeal Act (AHPAA).

Rood responded the comparable communities to Naperville were chosen based on scale and typology that is similar Naperville as requested by Council. Rood noted the proposed AHPAA revisions seek to eliminate home rule exemption option that many existing communities have used and would allow Illinois Housing Development Authority (IHDA) to notify the Attorney General if cities are not providing the required affordable housing plans.

Council raised concerns with IHDA's methodology to determine compliance with AHPAA, potential impacts to school districts, success with the affordable apartments voluntarily proposed by the CityGate West development, and discussed level of support for an IZO.

Laff explained staff's concern with IHDA'S methodology to determine compliance with AHPAA. Rood noted that because Council consensus has not been reached it is difficult to determine next steps.

Council discussed the need to define affordable and affordable housing goals, incentive options, fee-in-lieu requirements, and the pros and cons of both mandatory versus voluntary IZO programs. Council requested a list of voluntary IZO communities and level of success be provided.

Krieger summarized the discussion noting the Council consensus is to focus on voluntary efforts to increase affordable units, including the use of incentives options, and that Council will need to define affordability and success. Krieger noted that staff will further develop options based on the Council direction received and present these options to Council for further discussion, either through an additional workshop or through Council 2 x 2s.

Council noted that 2 x 2 meetings would be productive.

E. ADJOURNMENT:

The Inclusionary Zoning workshop of June 21, 2021 concluded at 8:15 p.m.