

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes - Final

Monday, June 6, 2022

6:30 PM

Council Chambers

Human Rights and Fair Housing Commission

Agenda Introductory Language

TO SPEAK LIVE AT THE MEETING: To address the Commission, members of the public may sign up with staff immediately prior to the meeting.

PUBLIC ACCOMMODATION:

- Any individual who may require an accommodation to participate in the meeting should contact the Community Services Department at (630) 305-5300 by 4 p.m. on June 6.

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 Commission 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.

- IF YOU SIGNED UP TO SPEAK, staff will call your name at the appropriate time during the meeting. Once your name is called you may identify yourself for the public record and then address remarks to the Commission 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:

Commissioner Miller called the meeting to order at 6:30 PM.

B. ROLL CALL:

Present 8 - Jim Bergeron, Sha'Ron Booker, Diana Hawken, Patrick Kelly, Linda Kuhn, Bradford Miller, Brian Palm, and Nate Wilson
Absent 1 - Alex Jacobs

Staff Present: Ruth Broder, CDBG Administrator; Geneace Williams, Diversity Equity and Inclusion Manager; Allison Laff, Deputy Director of TED

Also Present: Jeff Perkins, Resident; Mike Ryder, DuPage Housing Alliance; Dee Houghy, DuPage Housing Alliance; LaTanya Walker, Resident; Ramona, Resident

C. PUBLIC FORUM:

Jeff Perkins, resident on Catalpa Lane, stated that the price of his 1955 split-level home is \$380,000. This far exceeds what IHDA has defined as

affordable; however, the West Highlands is a working-class neighborhood, so this should actually be considered an affordable price. He doesn't like the SB Friedman proposal at all. HRFHC, PZC and City Council should try to preserve affordable housing that exists in the City today. They should not allow for single-family homes to be removed and replaced with affordable apartment units by right. City Council approval should always be required, because the City Council directly responds to the voters.

Mike Ryder, DuPage Housing Alliance, provided the HRFHC with a position statement on the AHIP program. He supports the program and considers it a step towards addressing affordable housing in Naperville. The program needs defined mechanisms in place to track and monitor affordable units. All income levels should use regional income (not local) to define affordable. Currently only one tier meets this requirement and would help to increase the required 10% affordable units. A 20% tax abatement would not have an implication on other taxing bodies as the abatement is on pre-improvement values.

Dee Houghy, DuPage Housing Alliance, commented in response to the Naperville Affordable Housing Plan. She noted that the plan includes no suggested steps or target dates for completing work. The plan needs defined tasks, dates and tracking to ensure work is proceeding in a timely manner and is transparent. Staff should provide the Commission with regular updates.

LaTanya Walker, resident, spoke about her experience living at Extended Stay America. Ramona (last name unknown), resident, also spoke about her experience living at Extended Stay America.

D. OLD BUSINESS:

1. Approve the Human Rights and Fair Housing Commission meeting minutes of April 4, 2022

Attachments: [MeetingMinutes21-Apr-2022-03-06-44HRFHC](#)

Commissioner Palm made a motion to approve the Human Rights and Fair Housing Commission meeting minutes of April 4, 2022, seconded by Bergeron. The motion was approved and carried by the following vote:

Aye: 7 - Bergeron, Booker, Hawken, Kelly, Kuhn, Miller, Palm, and Wilson

Absent: 1 - Jacobs

E. NEW BUSINESS:

1. Provide specific feedback regarding the proposed Affordable Housing Incentive Program

(AHIP)

Attachments: [Ordinance](#)

[SB Friedman Naperville Affordable Housing Program Human Rights and Fair Housing Presentation Draft 2022-03-24](#)

[HRFHC Meeting Notes](#)

[Naperville Affordable Housing Program - NPD Letter to City 4-15-22](#)

Laff gave an overview of the ordinance and the Affordable Housing Incentive Program (AHIP) and asked for Commissioner feedback.

Commissioners commented on providing incentives by right. Miller stated that providing incentives by right precludes public input and the PZC role. This may have unintended consequences when voices are not heard. Wilson stated that he has concerns that tax-payers in Naperville are effectively locked out of providing input. Palm stated that we need to address affordable housing but he is not in favor of density bonuses. It may impact the aesthetic of the area where it is allowed. Automatic granting of incentives without hearing public input is a bad idea. There is no meaningful impact resulting from this ordinance. Density is always the answer that people come up with to address affordable housing, but it's not the type of unit people want to live in. They want an affordable single-family home. Kuhn would like to preserve residential neighborhoods as they are. She expressed concerns about mixing large buildings within established single-family neighborhoods. This should be done on a case-by-case basis. Hawken stated that we need to meet the 10% minimum, so it seems density may be needed to help reach this. Not all people are interested in a single-family home, e.g. college students, seniors, people with disabilities, etc. Booker stated that she always finds value in resident input and does not support a density bonus by right.

Bergeron clarified that the proposed ordinance would not permit a multi-family building to be constructed in single-family zoning. A developer would need to request rezoning and go through the process to have that request considered. He appreciates public input, but acknowledges that this does have a significant impact (cost, time) on the process. Without assurances that variances will be granted, a developer will not attempt to include these affordable units - it will be too risky and costly. If we want to make an impact in affordable housing in Naperville, some of these elements must be a known quantity. Kelly agreed with Bergeron. Naperville residents have been saying for years that affordable housing is an issue that needs to be addressed. Council considered making the Inclusionary Zoning Ordinance (IZO) mandatory, but this was not supported by Council. Council directed staff to pursue a voluntary IZO. Kelly believes the voluntary ordinance is a weaker option but it will do something. The incentives proposed were based on extensive study by SB Friedman and included

feedback from the development community. He went on to say that he always supports resident feedback, but notes that there are some developments today that can be built by right if all zoning requirements have been met. All rezoning will require PZC review and Council approval. Councilman Kelly has some concern with offering an incentive that allows open space to be reduced. Council can always amend this ordinance in the future if it is not working.

Commissioners commented on setback reduction incentives. Palm stated that these need to be considered on a case-by-case basis and does not support broad application of this incentive. Miller stated that this needs resident input considered on a case-by-case basis. Hawken commented that she would defer to experts as to whether this would be a valuable incentive. Bergeron stated that if affordable housing is an important problem to solve, we need to create a clear path to attract developers to participate.

Commissioners commented on lot coverage incentives. Wilson stated that he prefers to start smaller and grow the incentives rather than being very lenient with the incentives and trying to pull them back later. Bergeron clarified that developers won't get all the incentives. They will get a limited number based on the percent of affordable units that they are targeting. He also clarified that there is a small percentage of multi-family property in the City and probably a very small percentage of those properties that would be redeveloped. Palm noted that the ordinance will also apply to residential proposed on commercial property. For lot coverage, his only concern would relate to storm water. We need to ensure that flooding problems are not created as a result of this increase.

Commissioners discussed parking incentives. Miller noted that this again may be appropriate for some projects (e.g. seniors) but not others. This should be discretionary. Palm noted concerned about both parking reduction and an increase in traffic resulting from use of Ubers and Lyfts. He would prefer the list of incentives to be tailored to the type of development being proposed, e.g. we may be ok reducing parking for senior housing, but not for workforce housing. Bergeron agreed with Palm on tailoring incentives to the type of development and clarified that conversion of commercial to multi-family would require a zoning process and approval.

Commissioners commented on height increase incentives. Palm reported that he doesn't necessarily have a problem with granting a height variance, but it is dependent on where the property is located to see whether it would be appropriate and where height is measured from. If there is usable space on the roof, like a rooftop deck, that would be a concern if height

was increased and that was not included in the calculation of height. Miller expressed concern with height increase by right and the potential impact that it may have on the neighborhood.

Commissioners commented on exterior wall construction incentives. Miller stated his concern that this will allow cheaper materials and cause long-term maintenance issues and went on to say that he would prefer this to be discretionary.

Commissioners commented on reduction of park donation incentives. Miller noted this is a financial incentive to the developer and stated that it would result in a burden on all other taxing bodies to make up the difference. Wilson agreed with Miller's concerns and noted that the Park District submitted a letter stating concerns with this incentive. Kelly commented that he has mixed feelings on this incentive for some of the reasons already stated, however, this financial incentive does reduce the potential for a developer to use the other incentives that have a bigger impact (i.e., density). Kelly asked staff to provide details about staff's response to the Park District's concerns and encouraged staff to continue these discussions. Bergeron noted there is limited land for the Park District to continue to request with new development and has less concerns about this incentive based on the same points raised by Kelly. Hawken asked if staff responded to the Park District recommendation regarding a case-by-case approach? Laff confirmed staff's response and the Park District's concern that this approach is subjective and their question of what the criteria will be for approval.

Commissioners discussed PUD outdoor common open space incentives. Palm stated that it depends on the type of development, e.g. at a development for IDD housing he would hate to see a reduction in required open space and prefers a tailored incentive package depending on the development type. Miller agreed that no two projects are the same, so this should be discretionary. Kelly asked if the City should consider proximity to park land when determining if open space should be permitted to be reduced. Palm agreed with Kelly's idea.

Commissioners summarized their comments on incentives. Miller agrees with the objectives of the ordinance, but does not agree to providing these incentives by right and stated that they could be detrimental. Wilson stated that the ordinance could lead to unintended consequences, e.g. flooding. Palm concurred with Miller and Wilson and went on to say that this doesn't address issues like seniors being able to age in place and doesn't see how we can get anywhere near the number of units that we need to get to. This ordinance will result in a couple of affordable units here and there. Kuhn stated that we have made little progress in the area of affordable

housing. No program will be perfect, but we need to do something to try to make some progress. We need to move forward with having something for the developers to work off of, otherwise we will have no forward movement. Hawken noted that this progress is exciting and now is the right time to do something on this issue, especially with the high cost of housing. We need to start somewhere. She expressed appreciation for staff collaborating with other stakeholders. Bergeron stated that he understands Miller's concern about incentives by right and agrees with Palm's idea of tailoring the incentives to the development type. We have to move forward with something and give developers a clear path. This is a good step in that direction. Kelly noted that this is a compromise and clarified that storm water requirements will not be waived as a result of this program.

2. Receive the Naperville Affordable Housing Plan

Attachments: [Proposed Affordable Housing Plan April 2022](#)

Commissioners commented on the Naperville Affordable Housing Plan. Hawken asked if we have received any update from the State regarding their calculation methodology? Laff replied no. Wilson asked why would we work on this issue if the State will not even respond to our calculation concerns. Laff noted that Council is focused on affordable housing initiatives, regardless on the findings of the 10% requirement. Hawken asked for staff's opinion on whether will we ever reach the 10%. Laff replied that staff's focus, based on Council direction, is to identify missing housing needs and develop programs to address those. Staff is not specifically focused on addressing the 10% gap and there are no penalties if this is not met.

F. REPORTS:

None

G. ADJOURNMENT:

Commissioner Palm made a motion to adjourn the Human Rights & Fair Housing Commission meeting of June 6, 2022, seconded by Kuhn. The motion was approved and carried by the following vote:

Aye: 7 - Bergeron, Booker, Hawken, Kelly, Kuhn, Miller, Palm, and Wilson

Absent: 1 - Jacobs

/S/ Geneace Williams
Geneace Williams, JD, PhD
Diversity Equity and Inclusion Manager