

Committee of the Whole Meeting Minutes - September 17, 2018

Village of Deerfield
Committee of the Whole
September 17, 2018

Present: Harriet Rosenthal, Mayor
Robert Benton
Tom Jester
Mary Oppenheim
William Seiden
Barbara Struthers

Absent was: Dan Shapiro

Also present: Kent Street, Village Manager
Steven Elrod, Village Attorney

The meeting was called to order at 7:51 p.m.

Public Comment

There were no Public Comments.

Discussion of Workforce Housing

Mr. Street indicated the Trustees asked for additional discussion on affordable/workforce housing. He indicated projects are currently considered on a case-by-case basis. Principal Planner Jeff Ryckaert noted the Comprehensive Plan calls for workforce housing. The Woodview and Amlie projects were considered on a project basis. Mayor Rosenthal indicated the Village asked Reva Development Corporation to consider setting aside units for workforce housing. The units designated as workforce housing would have to be kept as workforce housing.

Mr. Elrod noted Highland Park and Evanston have adopted requirements and incentives to encourage more workforce housing. One is through zoning, requiring a certain percentage of affordable housing or paying a fee in lieu of the required number. The fee goes into a fund that is designated for the acquisition of affordable housing by the Village for public purchase spaces. Another incentive is to provide relief from otherwise applicable provisions in the Zoning Code or Village regulations (permit fees or impact fees) if the affordable housing numbers are met. Mr. Ryckaert indicated the Plan Commission discussed workforce housing nine years ago and suggested it be handled on a case-by-case basis.

Trustee Jester does not want to create a new position or appoint new commissions to manage a housing fund. He believes the Village has an opportunity to create workforce housing on a case-by-case basis at Deerbrook. One Deerfield Place and Zion Woods will have managed or elderly affordable housing. He would like the Village to create additional workforce housing at

Deerbrook. The challenge is whether or not the developer wants to do this and whether the Village offers an incentive.

Mayor Rosenthal noted the Trustees are using the terms workforce and affordable housing interchangeably. Workforce housing is a subset of affordable housing. At One Deerfield Place, you only need to show lack of affordability for a market rate apartment. At Zion Woods, you have to be working (Workforce Housing). Mayor Rosenthal would like a good definition to use going forward and asked staff to put this together.

Mayor Rosenthal would not be in favor of setting up a separate organization or payment in lieu of workforce housing. Mr. Elrod noted Highland Park has purchased a number of buildings. Trustee Benton indicated Highland Park has a number of multi-family units while Deerfield does not. Trustee Oppenheim noted the difficulty is that the Village does not have these large tracks of land. Trustee Seiden believes the Village should follow the Comprehensive Plan and consider each case on an individual basis. He does not want a developer to pay the Village in lieu of affordable housing. Trustee Oppenheim believes lifting certain restrictions could be easier to implement with a smaller development. Trustee Benton believes that would impact not only the development, but also the neighboring properties and neighbors. Trustee Oppenheim suggested it would be sufficient to write into the Ordinance that a specific number of apartments must remain affordable in perpetuity. She questioned whether a management company would be important or beneficial and questioned whether a management company would be willing to come in and manage 20 units in a large development.

Mr. Street asked what the Trustees want to accomplish. Trustee Oppenheim noted the state law asks for 10 percent workforce housing, but Deerfield is home rule. Trustee Jester noted the Comprehensive Plan states there should be workforce housing when there is an opportunity. He questioned the cost of HODC and would like staff to research how much such services cost per year. Mr. Street noted Reva Development Corporation is different than Zion Woods. Trustee Struthers suggested asking Reva to set aside a dozen apartments as workforce housing in perpetuity. She questioned the cost to Reva and the cost to the Village. Trustee Seiden believes the Village may be trying too hard as there is a clear definition of workforce housing based on the income. Mr. Elrod cautioned the Trustees because development in the Village has been very congenial and cooperative. There will come a day where the developer comes to Deerfield and is not willing to accept the Village's request on a case-by-case basis. Trustee Jester questioned whether there are other large parcels to develop in the Village. He believes this is consistent with the Comprehensive Plan. Mr. Elrod noted there may come a point where a developer says no and the Village will not have the ability to enforce the workforce housing without a code provision. The Village cannot grant a density bonus unless it is set forth in the Code.

Mayor Rosenthal believes something needs to be more formalized. Trustee Oppenheim would like to know the existing housing stock in the Village along with the rental costs of that housing. Mr. Ryckaert reported that Deerfield has 4 percent affordable, or 255 units. The State would like us at 10 percent, or 600 units. Trustee Oppenheim noted the definition between affordable and workforce housing is that workforce housing requires the tenant to be working. Mr. Elrod noted

that as a home rule community, Deerfield does not need to meet the State requirement. Mayor Rosenthal provided the following direction for staff:

- Look at providing 10% workforce housing as a starting point
- Is it manageable and doable
- It should not be a hardship
- Determine how most are administered and the cost to administer
- Is it Reasonable to administer
- Evaluate Ordinance offering inclusionary zoning

Trustee Seiden noted if a developer does not want affordable housing, the Village cannot do anything without an Ordinance. Trustee Oppenheim believes the Village would be better off without a number. The goal could be 10 percent affordable housing without spelling it out. Trustee Jester would like to let the developer tell the Trustees how they would like to accomplish the goal. Mr. Elrod noted the Village could have maximum flexibility by putting something into a PUD or Special Use standards by asking how the developer is going to address affordable housing. It could be done very broadly and flexible, but the mechanism would be in place to deny the PUD or Special Use Permit. Trustee Jester believes if another large opportunity presents itself, it could be addressed at that point. Trustee Oppenheim believes the Village needs to codify this to protect itself. If there is something on the books that states the goal is 10 percent affordable housing, the Trustees will have something to point to for the next time. Mayor Rosenthal requested a good definition of both affordable and workforce housing.

Discussion of Confirming Zoning Action Resolutions

Mr. Elrod asked the Trustees to consider a practice for when the Board denies a Plan Commission recommendation. He suggested the Board then approve a resolution that officially outlines the reason for the basis of denial. He notes that this could help the Village in the case of litigation against the Village due to the denial. Mayor Rosenthal noted that in the past, the Village Board has addressed this in their comments following a vote that sums up their discussion and that is included in the official record. Trustee Oppenheim suggested including the wording into the official motion for the item to achieve the same result. Attorney Elrod agreed with that, but noted that there is room for error when taking action in real time. The consensus was to handle this on a case-by-case basis. It was agreed to change the agenda wording to "Consideration and Action on Report and Recommendation."

Adjournment

There being no further discussion, Trustee Oppenheim moved to adjourn the meeting. Trustee Benton seconded the motion. The motion was adjourned at 8:47 p.m.

Respectfully submitted,

Jeri Cotton
Secretary