

Commissioner Bromberg asked if they make a motion to approve but express preference to the Village Board to the original plan if any Commissioner would change their no vote to a yes. Commissioner Schulman replied that he would not change his vote. Chairman Berg reiterated that they can only vote upon the agenda item, which is the current plan and provide a recommendation to the Village Board on the current 50 unit plan. Mr. Ryckaert added that if the Plan Commission wanted to go back to the 40 unit plan, the petitioners would have to return to the Plan Commission. Chairman Berg stated that the 40 unit plan is not on the table and the Commission cannot take any action on it. Mr. Lichterman commented that he is not sure if the Board denied the 40 unit plan or did not vote on it and asked the petitioner to come back with 10 percent affordable. Mr. Siavelis stated that he believes there was no vote by the Board on the 40 unit plan. Mr. Lichterman replied that this would make it easier to move forward with the 40 unit plan. Mr. Weiss added that one of the issues in bringing back a previous plan is the validity of the notice for the Public Hearing, and this would need to be reviewed. So the Board will be well aware of the quandary and what they would like to see. Commissioner Schulman suggested making more than one motion to break apart the design with the resubdivision request.

Commissioner Schulman moved, seconded by Commissioner Goldstone to approve the proposed resubdivision of the property. The motion passed with the following vote.

Ayes: Jacoby, Stolman, Bromberg, Keefe, Schulman, Goldstone, Berg (7)

Nays: None (0)

Commissioner Schulman moved, seconded by Commissioner Jacoby, to deny the request for an amendment to the Deerfield Square Planned Unit Development for a Preliminary Development Plan to allow the redevelopment of multi-tenant Building 7 (occupied by Rhapsody Café Restaurant and former Warehouse Restaurant space) with the necessary exceptions to permit the establishment of a residential apartment development at 833 Deerfield Road in the Shops at Deerfield Square; a text amendment to the Deerfield Zoning Ordinance to permit amenity and utility areas for residential uses on the first floor of a commercial planned unit development as a Special Use in the C-1 Village Center District; and a text amendment to the Deerfield Zoning Ordinance to allow identification signage for residential uses when part of a Planned Unit Development in the C-1 Village Center District – (Kirby Limited Partnership). The motion passed with the following vote.

Ayes: Goldstone, Schulman, Stolman, Jacoby (4)

Nays: Bromberg, Keefe, Berg (3)

Mr. Ryckaert reported that this matter will go before the Village Board on June 7, 2021.

## **2) Public Hearing for an Affordable Housing Inclusionary Ordinance**

Chairman Berg swore in all who plan to testify before the Commission on this matter.

Mr. Ryckaert reported that the legal notice for this matter was published in the Deerfield Review on April 22, 2021.

Mr. Lichterman provided a review of the history of this matter. He stated that the Commission has discussed an affordable housing inclusionary ordinance at four prior Workshop Meetings. The Commission has been seeking to find a balance between affordable housing and not letting

it stifle development. The worksheet in the packet was prepared to help facilitate tonight's discussion. It summarizes key policy discussion areas and where consensus was reached. Mr. Lichterman stated that he will provide a high level summary of the worksheet to ensure it is understood and accurate as it will be used for drafting an ordinance.

Mr. Lichterman walked through the worksheet and he explained the Commission agreed that there is an affordable housing need, and the goal is to help promote integration for socioeconomic diversity. It will be a mandatory ordinance and apply to owners and renters, except for excluded developments. Excluded developments include assisted living facilities and nursing homes, however independent living facilities are not exempt.

Mr. Lichterman reviewed the trigger, or project threshold, for attached and detached housing. For an attached housing development, or a multi-family building, between 11 and 30 units will require one affordable unit. A sliding scale will then be used up until 51 units. At 51 or more units 10 percent affordable units will be required for an attached structure. For a detached structure, or a single-family home development, if 0 to 30 units are being developed there is no affordability required. Then a sliding scale for 31 to 51 and 51 or more units would also require 10 percent affordable.

Mr. Lichterman reviewed the affordability requirement using average median income (AMI). For rental unit developments of 50 or less units, the affordable units must be at 120 percent of AMI. At 51 and above, half of the affordable units must be 100 percent of AMI and half at 120 percent of AMI. Owner occupied units requiring affordability need to achieve 120 percent of AMI regardless of how many. Regarding eligibility, if a waitlist is used priority for eligibility may be given to those who live or work in Deerfield. Owners must qualify for eligibility at the time of purchase and renters must qualify at some regular interval, annually or otherwise. The properties that require affordability in the inclusionary zoning ordinance will remain so in perpetuity. The ordinance also defines that affordable units will be provided in equal proportions so that all housing types are covered. For example, if a development has half one bedroom units and half two bedroom units, then the affordable units required must also be half one bedroom units and half two bedroom units.

Mr. Lichterman stated that regarding exterior design standards, the affordable units need to be indistinguishable from the market rate units. The interior design standards will provide some flexibility for developers with what concessions can be made. But the differences cannot be related to improvements in energy efficiency, mechanical equipment and plumbing, insulation, windows, and heating and cooling systems. And the affordable units need to be of a generally representative size of market rate units.

Mr. Lichterman reviewed incentives. He commented that tonight's first agenda item is an example of a density bonus offered at a one to one ratio. In the inclusionary housing zoning ordinance any development providing affordable units is entitled to a density bonus and a developer must provide a narrative describing how the development will be compatible with the surrounding area and address building size, layout and design. Developers will also be offered the incentive of fee reductions for permit review fee and other fees at a maximum of a 15 percent reduction. The fee reduction will be a direct percentage of the affordable units. For example, if the development will have 10 percent affordable units, the developer is entitled to a 10 percent reduction in fees.

Lastly, Mr. Lichterman reviewed compliance alternatives. He stated that affordability must be incorporated, and they will not allow fees in lieu of affordable units. Additionally, developers cannot offer affordable units at an off site property, or land donations or dedications in lieu of affordable units. The affordable units must be incorporated into the development project.

Mr. Lichterman stated that if the ordinance is approved, the next step is forwarding the recommendation to the Village Board. It is anticipated that once it is heard by the Village Board they will likely further consider and discuss it at a Committee of the Whole Meeting. He added that perhaps members of the Plan Commission could also attend this meeting to respond to questions and explain the policy decisions made.

Mr. Weiss stated that the ordinance addresses the big decision points. He added that one possible thing not addressed is large multiphase developments and if affordable units should be required to be built in the early phases. Mr. Lichterman replied that the Village's development agreements typically have language that state that a development must be constructed in a single phase and completed once it has been started.

Chairman Berg commended Mr. Weiss for his expertise and work in guiding the Commission through the prior workshop meetings. Mr. Weiss commended the Village staff for their work, as well.

Commissioner Jacoby commended staff and stated that she supports it as drafted and is ready to move forward. All other commissioners agreed.

Chairman Berg opened public comment on this matter. Mr. Ryckaert read aloud a public comment email received.

#### Public Comment Email

"I am writing to express my support of the inclusionary affordable housing ordinance. Per your memorandum, if the Village recognizes the need for affordable housing; then the best way to stay true to these intentions is to comply with the Affordable Housing and Appeal Act. Many Deerfield residents took time to reflect during 2020's global pandemic and racial justice movement. This led to residents learning the history of Deerfield and the racist housing incident of 1959. Deerfield residents rallied to do what is right - rename Mitchell Park to Floral Park. As residents continue to reflect on the lessons of 2020, I urge the Board and residents of Deerfield to think about this exact example, the similarities, the very small changes in who and why. I urge you, when you think about what you would have done in 1959, instead think about what you are doing in 2021. Let us not be a community stuck in "Not in My Backyard" syndrome. Let us be a community that recognizes the repeating of history. Let us be a community where all tides rise together.

Thank you,  
Kristy Beeco, 1527 Northwoods Road"

Chairman Berg stated that the Plan Commission has concluded public testimony and will deliberate their recommendation on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission. He stated that the Plan Commission is a recommending body, a written recommendation will be forwarded to the Village Board of Trustees who will take final action on this matter.

Commissioner Bromberg moved, seconded by Commissioner Stolman to approve the Affordable Housing Inclusionary Ordinance. The motion passed with the following vote.

Ayes: Jacoby, Stolman, Bromberg, Keefe, Goldstone, Schulman, Berg (7)  
Nays: None (0)

Mr. Ryckaert reported that this matter will go before the Village Board on June 7, 2021.

### **Document Approval**

1. 525 Lake Cook Road ComEd Substation Recommendation
2. 550 Lake Cook Road North Shore Sports and Wellness Recommendation
3. 807-811 Waukegan Road Coworking Recommendation
4. April 22, 2021 Plan Commission Meeting Minutes

Commissioner Bromberg provided a clarification to the minutes. Commissioner Bromberg moved, seconded by Commissioner Keefe to approve the minutes with the clarification. The motion passed with the following vote.

Ayes: Schulman, Goldstone, Keefe, Bromberg, Stolman, Jacoby, Berg (7)  
Nays: None (0)

### **Items from the Staff**

Mr. Ryckaert reported on upcoming Plan Commission agenda items. The next meeting will be May 27, 2021.

### **Designation of Representative for the next Board of Trustees Meeting**

Mr. Ryckaert asked for commissioners to attend the June 7, 2021 Village Board Meeting.

### **Public Comment**

Mr. Ryckaert reported that there was no public comment received via email during the meeting. Mr. Nakahara reported that there was no one requesting public comment on Zoom. Mr. Lichterman reported that there was no one present at Village Hall for public comment.

### **Adjournment**

There being no further discussion, Commissioner Bromberg moved, seconded by Commissioner Schulman to adjourn the meeting at 9:21 P.M. The motion passed the following vote.

Ayes: Schulman, Goldstone, Keefe, Bromberg, Stolman, Jacoby, Berg (7)  
Nays: None (0)

Respectfully Submitted,  
Laura Boll