Rosanova & Whitaker

Rosanova & Whitaker, Ltd.
445 Jackson Avenue, Suite 200
Naperville, Illinois 60540
Phone: 630-355-4600
Fax: 630-352-3610
www.rw-attorneys.com

May 9, 2025

Erin Venard
Operations Manager – DRT
City of Naperville
400 S. Eagle Street
Naperville, Illinois 60540

Re: BRB Case #112

Dear Erin,

The above referenced case was at Building Review Board on April 24, 2025. After presentations and some thoughtful discussion, the Board continued the case to the May BRB meeting to provide the Board members some additional time to consider the evidence presented.

I have attached a copy of the PowerPoint presentation that was used as a reference document during testimony of our mechanical engineering expert, Elliot Millican. The attached presentation includes important detail concerning the plumbing configuration proposed by Hines. We would be happy to work with City staff to write specific variance language that conforms with the specifications outlined in the PowerPoint.

The configuration proposed by Hines is consistent with the International Plumbing Code, Uniform Plumbing Code and Illinois Plumbing Code. The International and Uniform Codes, which governs plumbing in all 50 States, have accepted that the use of PEX-A and CPVC products do not pose a threat to public health or safety.

Hines proposes limited use of PEX-A and CPVC pipe for privately owned, in-building, plumbing installations. The horizontal main at the ground floor extending from the domestic water booster pump would remain copper. All shut-off valves within PEX-A or CPVC piping would also remain metallic. The strategic deployment of PEX-A/CPVC vs. copper/metallic is based on matching material performance specifications with building operating conditions.

	Pressure & Heat
1200 Diehl - After Booster Pump	80 PSI & 120 degrees
PEX-A	100 PSI & 180 degrees
CPVC	200 PSI & 140 degrees
Copper – Type L	200 PSI & 250 degrees

Hines does not propose to modify standards for any publicly owned infrastructure.

We believe the use of PEX-A and CPVC is an environmentally responsible decision. Environmental Product Declarations (EPD) are industry-standard, third-party verified documents that communicate the environmental impacts of a product throughout its life cycle. According to EPDs, copper's embodied carbon is 2x that of CPVC and PEX-A. Additionally, PEX-A can be sourced domestically, avoiding the carbon impact of transcontinental shipping and associated tariff and supply chain risk.

The use of copper in lieu of CPVC and PEX-A elongates development schedules and increases development costs. We reasonably expect that using all copper piping in lieu of limited usage of CPVC and PEX-A will increase up-front project expenses by $600,000 Unnecessarily added costs such as this result in higher rents required of our Naperville residents.

Hines is a 68-year-old, family-owned, global real estate company. Hines has developed 60,458 multifamily units to date, with CPVC and PEX products in 20+ municipalities across the United States. The entire Hines organization is hyper focused on upholding its reputation for quality through thoughtful and responsible decision making and design. In fact, Hines employs in-house professional engineers to ensure consistent quality and character across markets. The entire Hines team is confident that the requested variance aligns with a seven decade-long reputation for quality and safety.

Sincerely,

Russell G. Whitaker, III
Attorney for Hines