

**CITY OF NAPERVILLE  
MEMORANDUM**

**DATE:** October 22, 2019

**TO:** Historic Preservation Commission

**FROM:** Gabrielle Mattingly, Community Planner

**SUBJECT:** Process for HPC Hearing Regarding Little Friends COA Request for Demolition- Thursday, October 24, 2019 at 7:00 p.m. (City Council Chambers)

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**PURPOSE:**

To provide the HPC, Petitioner, and public with additional information regarding the October 24, 2019 HPC meeting regarding the Little Friends COA request.

**DISCUSSION:**

HPC's role at the October 24<sup>th</sup> meeting is to allow a full and fair opportunity for the Petitioner to present its case in support of the requested COA and for the public to provide its comments and testimony. Upon completion of the foregoing, the HPC will evaluate the COA request for demolition in light of the requirements provided in Chapter 11 (Historic Preservation) of the Naperville Municipal Code. These requirements are discussed in the length in the staff memo issued to the HPC on Thursday, October 17, 2019 (<https://naperville.legistar.com/Calendar.aspx>).

As indicated in the staff memo, the criteria to be evaluated are found in Factor 5.5 (Impact of Demolition) and, depending on the outcome of the evaluation of Factor 5.5, Factor 5.3 (Economic Reasonableness).

- If after evaluation of Factor 5.5, the HPC approves the COA request as presented by Little Friends (demolition of all buildings), evaluation of Factor 5.3 will not be required.
- If the COA request presented by Little Friends is not approved as presented, the HPC will be required to evaluate Factor 5.3.
- Following analysis of Factor 5.3, the HPC may:
  - Approve the Petitioner's request for approval of demolition of all buildings on the Subject Property; or
  - Deny the Petitioner's request for demolition of all buildings on the Subject Property; or
  - Approve the COA as to one or more buildings on the Subject Property and deny the COA as to one or more buildings on the Subject Property.
- Per Code, the Petitioner may appeal any denial or partial denial of the COA by the HPC to the City Council.

### **Within Scope of COA Review**

Issues relevant to the COA request include but are not limited to the following:

- Information pertaining to the historical significance of one or more of the buildings on site;
- Information pertaining to the architectural significance of one or more of the buildings on site;
- Information pertaining to requirements/costs to achieve occupancy of one or more of the buildings on site for an R2 permitted use determined to be feasible (structural analysis)
- The economic reasonableness of a recommendation to preserve one or more buildings (if Factor 5.3 is triggered)

### **Outside Scope of COA Review**

Issues not relevant to the COA request include but are not limited to the following:

- Anything pertaining to the Carriage House (since demolition is permitted by right);
- Discussion pertaining to the legality of the City's historic preservation Code provisions, alleged "takings" claims, or any threats of litigation;
- Any discussion regarding the impact of CDBG funding of the Subject Property;
- The impact of National Register designation on the Subject Property;
- Future COAs which may be required as a result of any action taken by the HPC;
- The potential for a public body to purchase the Subject Property or to purchase or be given any building on the Subject Property

### **MEETING PROCEDURES**

1. Anyone interested in speaking should sign up at the table in the lobby before the meeting begins.
2. All in attendance who wish to speak will be sworn in.
3. The Chair will provide a brief overview of the proposed COA and the applicable COA Factors. The Chair is responsible for running the meeting in an orderly and fair fashion.
4. The Chair will invite to the Petitioner to present its COA request. There is no time limit on the presentation.
5. The HPC and members of the public may ask questions of the Petitioner and any witness called by the Petitioner (see cross-examination description below).
6. Following the Petitioner's presentation, the public will have the opportunity to comment on the COA request; those speaking shall be required to provide their name (but not their address).
7. While there is no time limitation on public comment, speakers should be concise, avoid repetitive comments, and only speak to items relevant to the COA (see *Within Scope of COA Review/Outside Scope of COA Review* above). Further, the Chair may require speakers to conclude their comments in a reasonable timeframe.
8. Members of the HPC, the Petitioner, and members of the public may cross-examine a speaker who indicates they have special expertise or specific knowledge regarding any issue relevant to the COA request (as discussed below).

9. Anyone present who wishes to ask questions of any speaker or witness should raise their hand and wait to be acknowledged by the Chair. All questions shall be asked from the podium and all persons shall give their name, but are not required to provide their home address.
10. Speakers shall remain courteous and respectful at all times. To ensure a respectful environment, there shall be no outbursts, applauding, jeering, or booing at any time. If there is a failure to comply with these requirements, the Chair may adjourn for a break as often as necessary.
11. Prior to concluding the public comment, the Chair will ask if anyone else present wishes to speak (who will then be sworn in if not previously sworn in.)
12. The Petitioner will have the opportunity to provide closing remarks on the COA request. Public comment will not be taken following the Petitioner's closing remarks. The HPC may ask follow-up questions, if needed, based on any information presented in the Petitioner's closing remarks.
13. Upon completion of the Petitioner's presentation, public comments, and Petitioner's closing remarks, the Chair will note that the time for Petitioner and public comment has concluded and HPC will begin its deliberation. No further comments will be taken from the Petitioner or the public once deliberation begins.
14. The HPC will render a recommendation on the COA request using Factor 5.5, and Factor 5.3 (if applicable) as discussed above and in the staff memo.
15. The meeting will conclude by 11:00 p.m. unless a motion to extend the meeting is made and supported by a majority vote of the HPC. A motion to extend should not be made unless it appears likely that the meeting can be concluded shortly thereafter (including completion of Petitioner's presentation, public comments, Petitioner's closing remarks, and HPC deliberation/vote).
16. If the steps described above cannot be completed at the October 24<sup>th</sup> meeting, the Chair will announce the date and time to which the COA request will be continued.

#### **Cross-Examination: Petitioner's Presentation**

The Petitioner will make a presentation and may, as part of its presentation, call witnesses to testify which may include representatives of:

- The Farnsworth Group which prepared the Structural Analysis on behalf of the City
- Wight & Co. which prepared a Structural Analysis on behalf of Little Friends
- Phillip J. Butler who prepared the Property Appraisal on behalf of Little Friends

The HPC may ask questions of the Petitioner, Petitioner's attorney, and any witness. The Chair will offer the opportunity for members of the public to question the same individuals.

#### **Cross-Examination: Public Comment**

The Petitioner, HPC, and members of the public will be permitted to ask questions of any speaker who through their testimony indicates they have special expertise or specific knowledge regarding any issue relevant to the COA request. Members of the public voicing only their general support or opposition to the COA request will not be subject to cross-examination.