

Russell, Kathleen

From: Marilyn L. Schweitzer [REDACTED]
Sent: Wednesday, November 30, 2022 12:00 PM
To: Planning
Subject: HPC Meeting 12/01/22 Public Comment Regarding F1, 22-11448: Proposed Amendments to the Historic Preservation Ordinance

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Dear Naperville Historic Preservation Commissioners,

I appreciate the [June 21st City Council's discussion](#) and staff's subsequent proposed changes to the Historic Preservation Ordinance regarding the Designation of Landmarks. But, as written, I think the resultant process may fall short on what council ultimately wished to accomplish.

As proposed, the City Council meeting to consider a Request to Submit a Landmark Application without Owner Consent has the "limited purpose of determining whether a hearing on the landmark application is warranted without Owner Consent given the totality of the circumstances". (See section 6-11-3:3.1.1) But, what determines if a landmark application is warranted? And, what are the totality of the circumstances? While the intent may be to have a limited discussion and effort at this stage, the wording of the ordinance is not clear and leaves the possibility open for a full blown discussion by all parties. On top of this:

- None of the details traditionally contained in a Landmark Application will be available to Council when a Request is submitted. This runs the risk of a non-owner applicant doing insufficient research before submitting a Request. Doing so, could introduce misinformation into an already complicated and contentious process.
- Council will be making a decision on the Request without the advice of the HPC, i.e. bypassing the Commission's expertise and experience.
- If 3 Council members cannot be found to bring the Request to a full vote, the matter dies for at least 3 years with no formal notice including a rationale given to either the applicant or the owner. Yet, the City must still keep a record of the failed Request.
- If 3 Council members to bring the Request to a full vote, the applicant, owner and public at that point will be making arguments for and against the merits of landmarking the property as they have before Council in the existing process. The main difference being that it took 3 Council members to get potential Landmark Designation on the agenda acting without the guidance of the HPC.
- If the Request fails to get a majority of Council in favor, then an application won't go before the HPC at all. But, if it passes it will in totality have gone before the HPC once and Council twice. When it goes before the HPC runs the risk of being overly influenced or appearing biased in their recommendation due to Council's previous vote on the Request.

If the City had up to date architectural surveys or maintained a definitive list of landmark worthy properties as some municipalities do, then the survey or list could be used to help determine at an early stage whether a landmark application is warranted. But, Naperville has neither. I hope more concise wording may be found to some how appropriately focus Council's discussion and decision making regarding a Request to Submit a Landmark Application without Owner Consent.

Other points I wish to raise for clarification are:

1. It is well recognized that the most desirable way to have a property landmarked is for the applicant to be the owner. Yet, after discussing the Effect of Landmarking in section 6-11-3:1, the ordinance jumps immediately to giving a Notice of Intent in section 6-11-3:2, the case that the applicant is not the owner. There is no clear direction for an owner applicant before this. The ordinance seems assumes a reader will deduce that the 1st step for an owner applicant is to submit a Landmark Application down in section 6-11-3:4. It would be helpful, between section 6-11-3:1 and 6-11-3:2, to include a section stating that the most straightforward and desirable way to designate a landmark is for the owner to submit and application as described in section 6-11-3:4, Landmark Application Procedures.
2. There are two sections 6-11-3:3.1. The 1st starting "If Owner Consent to a Letter" and the 2nd starting "Within forty five (45) days".
3. The definitions in 6-11-2 use the terminology "Notice of Intent", but the 1st section 6-11-3:3.1 says "Letter of Intent to Designate a Landmark". I believe it should say "Notice of Intent to Designate a Landmark".
4. Section 6-11-3:3.1.1 says "City staff shall send notice to the Owner of the improvement sought to be Landmarked" at least 15 days prior to the City Council meeting on which the Request will be discussed. I believe the applicant should be notified as well.
5. Section 6-11-3:3.1.1 says "City Council will consider any information provided in the Request and any response, comments, or materials provided by the Owner of the improvement and members of the public". I believe the applicant should also be allowed to comment and provide materials beyond the limited information contained in the Request.
6. Section 6-11-3:4.1 requires an applicant to submit either a copy of the Owner Consent or a copy of the minutes of the City Council meeting at which the Request was approved. However, an owner who is the applicant will have neither. Perhaps this section would be better placed within section 6-11-3:4.9, i.e. instructions for the "Non-owner applicant". If this requirement is left where it is, the language should be should improved to cover the most desirable of applications, an owner applicant.
7. Section 6-11-3:4.15 on the 5th line has a typo of a double "l" in Landmark.

Thank you for you consideration,

Marilyn L. Schweitzer
Naperville, Illinois



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30 N. Michigan Ave.
Suite 2020
Chicago, IL 60602
www.Landmarks.org

November 30, 2022

(VIA EMAIL)

Historic Preservation Commission
City of Naperville
400 S. Eagle Street
Naperville, IL 60540

RE: Agenda item to provide a recommendation regarding the proposed amendments to Chapter 11 (Historic Preservation) of Title 6 (Zoning Ordinance) regarding the Designation of Landmarks and owner consent - PZC 22-1-113.

Dear Naperville Historic Preservation Commissioners:

Landmarks Illinois understands that the Historic Preservation Commission will consider amendments to the Naperville Historic Preservation Ordinance at the December 1 meeting of the HPC. We urge your support of these text amendments as prepared by staff, which will address important questions of owner consent in the local landmark designation process.

Founded in 1971, Landmarks Illinois is the state's leading voice for historic preservation. We promote preservation, restoration and adaptive reuse of buildings and sites of many types in order to leverage our past to create a better future. Our perspective is that it is appropriate from time to time for local historic preservation ordinances to be updated to address residents' concerns and to adopt new best practices. As we understand it, the following key changes to Naperville's ordinance are now proposed:

- Applicants are required to notify the owner of intent to submit a landmark nomination so that owners have the opportunity to consent or refuse. A lack of response shall be construed as refusal.
- Applications to which the owner consents will follow existing submission and approval processes for landmark designation.
- Applications to which the owner refuses consent may still be submitted with the support and approval of City Council by following the new process outlined in the amended ordinance.
- Such applications that City Council approves for submission without owner consent will be heard by the HPC at a public hearing, with final review by City Council.

While some may feel that these changes do not go far enough to prevent the landmark designation of a property without owner consent, the additional requirements proposed make designation without owner consent unlikely and should address the concerns of property owners. At the same time, they provide a path to landmark designation for significant properties in cases where landmark protection provides particular public benefit to the Naperville community, and allows the City Council to be the ultimate decision-maker for properties that it deems vitally important to Naperville's history and future development.

We commend staff for their thoughtful preparation of the proposed amendments and appeal to the Commission to support these changes, which will balance the needs of property owners with the preservation of shared, local architectural heritage.

Sincerely,

A handwritten signature in black ink, appearing to read "Kendra Parzen", with a long horizontal flourish extending to the right.

Kendra Parzen
Advocacy Manager

cc: Kathleen Russell, Community Planner, City of Naperville
Allison Laff, Deputy Director, TED, City of Naperville
Councilman Patrick Kelly, City of Naperville
Becky Simon, Naperville Preservation

Russell, Kathleen

From: Marilyn L. Schweitzer [REDACTED]
Sent: Monday, December 5, 2022 9:15 PM
To: Planning
Subject: PZC Meeting 12/07/22 Public Comment Regarding D3, 22-1468: Proposed Amendments to the Historic Preservation Ordinance

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CAUTION: This e-mail originated outside of the City of Naperville (@naperville.il.us).

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Dear Naperville Planning and Zoning Commissioners,

I appreciate the [June 21st City Council's discussion](#) and staff's subsequent proposed changes to the Historic Preservation Ordinance regarding the Designation of Landmarks. The discussion at the December 1st Historic Preservation Commission meeting and subsequent changes have also improved the ordinance. I appreciate that most of the points that I brought up in my November 30th email to the HPC have been addressed by the version of the ordinance that is now before the PZC.

While I support the amendments to the ordinance as proposed, there remain some section numbers/references that warrant checking [1] and I wish to clarify my point [2] regarding City Council's consideration of a Request to Submit a Landmark Application without Owner Consent in Section 6-11-3:3.2.1. I believe the intent of the City Council Request hearing is to prevent costly, time-consuming, and highly controversial efforts by the applicant, the owner, the public, staff, and the HPC towards preparing for Landmark Application hearing that has no hope of ultimately gaining a majority support by City Council. But, the phrase "given the totality of the circumstances" seems to remove any sort of a "limited purpose" at a stage when neither the applicant nor the owner has presumably ascertained all the points they would typically make at a Landmark Application hearing. The purpose of the Request hearing could be to assess the effort of preparation for a Landmark Application hearing and the likelihood of its ultimate approval. It would help to limit the scope of the discussion by City Council at this stage. It would help Council gain an understanding of the effort/cost involved to prepare for a hearing when the historic merits and owner impact have not fully been ascertained. It would help all parties realize that Council's decision as to the merits of proceeding with a Landmark Application is not necessarily the same as Council's decision as to the merits of a Landmark Designation. Still, Council would have the discretion to simply deny proceeding with a Landmark Application.

Regardless, I look forward to having the amendments to the ordinance be finalized. We need to move on and be more focused on Historic Preservation education, surveys to ascertain what are our historic treasures, and to encourage landmark designations with owner consent.

Thank you for your consideration,

Marilyn L. Schweitzer
Naperville, Illinois

[1] These are the section numbering and section reference numbers within the ordinance that may be incorrect:

- Section 6-11-2 under the definition of Owner Consent refers to section 6-11-3:2.1.1. I believe the correct reference is 6-11-3:2.1
- Section 6-11-2 under the definition of Request refers to section 6-11-3:2. I believe the correct reference is 6-11-3:3.
- Section 6-11-3:3.2 on line 6 refers to 6-11-3:3.1.1. I believe the correct reference number is 6-11-3:3.2.1.
- Section 6-11-3:3.3 on line 3 refers to 6-11-3:3.1. I believe the correct reference number is 6-11-3:3.2.
- Section 6-11-3:3.3 on lines 4 and 6 refer to 6-11-3:3.1.2. I believe the correct reference number is 6-11-3:3.2.2.
- Section 6-11-3:3.5 on line 2 refers to 6-11-3:3.2. I believe the correct reference number is 6-11-3:3.3.
- Section 6-11-3:4.15 on line 6 refers to 6-11-3:2. I believe the correct reference number is 6-11-3.5.
- Section 6-11-3:4.15.1 refers to 6-11-3:4. I believe the correct reference number is 6-11-3.5.
- Section number 4.2 is struck through. I believe that should be labeled section 4.1 and underlined.
- Section number 4.3 is struck through. I believe that should be labeled 4.2 and underlined.
- Section number 4.4 is struck through. I believe that should be labeled 4.3 and underlined.
- The 1st section number 4.5 is struck through. I believe that should be labeled 4.4 and underlined.
- Section 6-11-3:4.17 on line 2 refers to 6-11-3:4. I believe the correct reference number is 6-11-3.5.
- Section 6-11-3:4.17 on line 3 refers to 6-11-4.10. I believe the correct reference number is 6-11-3.5.

[2] I dispute the wording on page 5 of the draft of the December 1st HPC Meeting regarding the point I was raising. I firmly believe decisions should be based on known facts. The issue is one of research and discovery by the applicant and owner. Facts known and presented at the time a City Council Request hearing should be of a different nature and more in narrow scope than the facts known and presented at a HPC Landmark Application hearing.



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Richard A. Miller

30 N. Michigan Ave.
Suite 2020
Chicago, IL 60602

www.Landmarks.org

December 6, 2022

(VIA EMAIL)

Planning and Zoning Commission
City of Naperville
400 S. Eagle Street
Naperville, IL 60540

RE: Proposed amendments to Chapter 11 (Historic Preservation) of Title 6 (Zoning Ordinance) regarding the Designation of Landmarks and owner consent - PZC 22-1-113.

Dear Naperville Planning and Zoning Commissioners:

Landmarks Illinois understands that the Planning and Zoning Commission will consider amendments to the Naperville Historic Preservation Ordinance at the December 7 meeting of the PZC. We urge your support of these text amendments as prepared by staff and approved by the Historic Preservation Commission on December 1, which will address important questions of owner consent in the local landmark designation process.

Founded in 1971, Landmarks Illinois is the state's leading voice for historic preservation. We promote preservation, restoration and adaptive reuse of buildings and sites of many types in order to leverage our past to create a better future. Our perspective is that it is appropriate from time to time for local historic preservation ordinances to be updated to address residents' concerns and to adopt new best practices. As we understand it, the following key changes to Naperville's ordinance are now proposed:

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Advocacy Manager

cc: Allison Laff, Deputy Director, TED, City of Naperville
Councilman Patrick Kelly, City of Naperville
Becky Simon, Naperville Preservation