



Legislation Details (With Text)

**File #:** 23-0365      **Version:** 1  
**Type:** Extension of Agreement      **Status:** Failed  
**File created:** 3/21/2023      **In control:** City Council  
**On agenda:** 4/5/2023      **Final action:** 4/5/2023

**Title:** Option A: Concur with the petitioner and direct staff to prepare an extension to the fire suppression installation agreement for 19 N. Washington Street thereby permitting delay of the installation of the required fire suppression system to December 31, 2029; or  
Option B: Concur with staff and deny the petitioner’s request for an extension to the established fire suppression installation agreement for 19 N. Washington Street thereby requiring installation of the required fire suppression system by no later than December 31, 2029

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Petitioner's Extension Request, 2. 2012 19 N. Washington Fire Suppression Agreement

Date	Ver.	Action By	Action	Result
4/5/2023	1	City Council	denied	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Option A: Concur with the petitioner and direct staff to prepare an extension to the fire suppression installation agreement for 19 N. Washington Street thereby permitting delay of the installation of the required fire suppression system to December 31, 2029; or  
Option B: Concur with staff and deny the petitioner’s request for an extension to the established fire suppression installation agreement for 19 N. Washington Street thereby requiring installation of the required fire suppression system by no later than December 31, 2029

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Allison Laff, AICP, Deputy Director

**BOARD/COMMISSION REVIEW:**

N/A

**BACKGROUND:**

In 2012, Block 411, LLC, the prior owner of the property located at 19 N. Washington, submitted a building permit for the subject property. Based on the restaurant use that was proposed for the property, as well as the size of the structure on this property, installation of a fire suppression system was triggered in conjunction with the 2012 permit.

Section 5-1A-3 of the Naperville Municipal Code (Building Regulations: Building Codes/Amendments) provides a means for the property owner to bring a structure into compliance with Fire Code requirements (i.e., installation of a fire suppression system) over a period of up to ten years from the

date of permit issuance.

In 2012, Block 411, LLC submitted a request to the City Council for approval of an agreement which would permit Block 411, LLC to delay the installation of the required fire suppression system at the subject property until March 14, 2022. This agreement was approved by the City Council and recorded on March 14, 2012 (attached).

The City sent reminders of the impending deadline for installation of the fire suppression system at the subject property to the property owner on July 5, 2016, November 15, 2017, and on December 12, 2022 (at which point the installation deadline was past-due).

**DISCUSSION:**

On February 28, 2023, Daniel Imburgia, JDDD Development, current owner of 19 N. Washington Street, submitted a request to delay the required installation of a fire suppression system at the subject property until December 31, 2029.

In the letter submitted by the petitioner (attached), the petitioner notes their belief that the subject building does not meet the square footage threshold upon which the sprinkler requirement is triggered. Representatives of the City's Fire Department have reviewed this statement and do not concur. Per the Fire Department's calculations, the current building square footage is 2,671 sq.ft., which is in excess of the 2,500 sq.ft. threshold for required sprinkler installation. In addition, the petitioner recently discussed a potential bathroom expansion at the subject property which would further increase the building's total square footage beyond the 2,500 sq.ft. threshold.

In the letter, the petitioner also notes concerns regarding the cost of the sprinkler installation and states his preference to not install these sprinklers throughout the current lease of the property (ending in 2029) indicating that after expiration, the properties will be redeveloped. The Fire Department does not concur with the petitioner's extension request finding that the property has already received an 11-year installation extension. Delaying installation until 2029 would represent a total delay of 18.5 years at the subject property and redevelopment in 2030 is not guaranteed. Further, given that the current use of the subject property is a restaurant, the fire risk is greater, thereby making the installation of fire sprinklers a priority at this site.

As a result, staff does not support the petitioner's extension request at this time.

***Options:***

If the City Council agrees with the petitioner's request, they should direct staff to prepare an agreement extension for signature by the property owner and recording with DuPage County.

If the City Council does not agree with the petitioner's request, staff recommends that the petitioner be required to install a fire suppression system at the subject property no later than December 31, 2023.

**FISCAL IMPACT:**

N/A