



**THE LAKE FOREST PRESERVATION FOUNDATION'S  
SUBMISSION REGARDING THE MODIFIED PLANS  
FOR PHASE 3 OF THE MCKINLEY RD. DEVELOPMENT**

**December 2, 2022**

The Lake Forest Preservation Foundation (the “LFPF”) is a non-profit organization, having over 500 members almost all of whom are residents of Lake Forest. For over four decades, the LFPF has been dedicated to the stewardship, safeguarding, and endurance of Lake Forest’s exceptional architectural and landscape legacy for succeeding generations, through public education, historic preservation and advocacy. Among its key beliefs is the preservation of the historic visual character of Lake Forest and thoughtful development that is sensitive to Lake Forest’s surroundings.

LFPF submits this position statement in connection with (1) the Petitioner’s appeal from the Historic Preservation Commission’s decision to deny a Certificate of Appropriateness for modified plans for Phase 3 of the McKinley Rd. Development; and (2) the Plan Commission’s recommendation to approve an amendment to the Special Use Permit for that development to incorporate a modified plat and site plan, including variances to the zoning requirements in a GR-3 district.

**Background**

This matter comes before the City Council as a result of a conditional settlement of the Petitioner’s lawsuit against, among others, the City, the City Council, the HPC, the LFPF and Lake Forest citizens. That lawsuit arose out of a denial by the HPC of a Certificate of Appropriateness for the prior plans for Phase 3 of the McKinley Rd. Development, which aimed to enlarge and extend the visually incompatible third condominium building so that it would directly front Westminster. The City Council subsequently denied the Developer’s appeal of that decision, because the plans did not comply with the HPC standards, and the Petitioner’s lawsuit followed.

As part of the settlement, the Petitioner now proposes, among other things, to build a 3,500 SF single-family home facing Westminster (Building 4) with a separate 21,496 SF condominium behind it, in the same style as Buildings 1 and 2 and consisting of no more than seven units (Building 3). While the footprint of the Building 3 is smaller than that which the HPC and City previously rejected, the combined footprint of Buildings 3 and 4 is **larger** by over 2,500 SF than the footprint of the previously proposed condominium. So, the building density for the lot has not decreased under the Petitioner’s modified plans, but has **increased** and requires zoning variances.

Pursuant to the Settlement Agreement, the HPC and Plan Commission were tasked with reviewing the modified plans through their regular public process. Their role was not to support, approve, reject or comment on the settlement. Rather, as the City Council stressed, the HPC and

Plan Commission were required to conduct independent reviews of the modified Phase 3 Development, guided only by the standards and codes they are obligated to follow:

If the Council chooses to enter into the Agreement, as noted above, the modified plans will be considered through a public process. The Settlement Agreement does not guarantee approval of the modified plans but provides for a process to allow consideration of those plans. Any recommendation of the Plan Commission will be presented to the Council for action. A decision of the Historic Preservation Commission will be final unless appealed to the City Council.

(10/17/22 City Council Agenda at 6-7.)

Following these public processes, the Plan Commission recommended approval of a Special Use Permit and zoning variances for Phase 3, and the HPC denied a Certificate of Appropriateness for construction of Buildings 3 and 4.

**I. The City Council should affirm the HPC’s decision denying a Certificate of Appropriateness for the modified plans for Phase 3.**

Commissioners are appointed to the HPC because they “have demonstrated interest, knowledge, ability, experience or expertise in architectural restoration, rehabilitation or neighborhood conservation or revitalization.” §155.03(A)(1). Such duly appointed and qualified HPC Commissioners carefully considered the Petitioner’s modified plans for Phase 3 of the McKinley Rd. Development and voted unanimously (5-0) to deny the Petitioner’s application for a certificate of appropriateness for one reason: it did not come close to satisfying the 17 standards of §155.08(A) that Petitioner had the burden of establishing.

Under normal circumstances, the Commission likely would have continued its deliberations to give the Petitioner an opportunity to change the plans to comply with those standards. But the Petitioner made clear throughout the hearing that it had no interest in doing so and would make *no* substantive changes in response to the Commissioner’s concerns.

As noted above, unlike the Plan Commission, the HPC’s decision is not a recommendation to the City Council. Rather, the Petitioner must appeal from that decision (*see* §155.07(E)), and the City Council considers such an appeal based on the following standard:

In considering appeals, the Council shall apply the same standards as those applied by the Commission, but it is recognized that the Council shall apply such standards in the context of its broader responsibility in promoting, and broader perspective of, the public health, safety, welfare and in the context of its fiduciary responsibility.

§155.11(A)(1)(c). Applying the HPC standards in the context of such responsibilities, the City Council should affirm the decision of the HPC.

**A. The modified plans for Buildings 3 and 4 do not comply with the HPC standards for new construction in a historic district.**

**1. Building 3 (the Condominium)**

Much like the prior rejected plan, the design of Building 3 does not comply with Standards 1 (Height), 8 (Roof shapes), 10 (Scale and Mass), and 14 (Style Compatibility). Nor does it comply with Standards 2-6, 8, 9 and 11, which while dealing with different features of any new construction require, like Standards 1, 8 and 10, that those features “shall be visually compatible” with the properties, structures, sites, public ways, objects or places to which the proposed construction is “visually related.”

Building 3 is located in the East Lake Forest Historic District, surrounded by historic homes to the east and north and the Library to the South. Despite this location, the Petitioner admittedly made no effort to render Building 3 visually compatible with those structures. Rather, it is a modern building that the Petitioner intentionally styled solely after Buildings 1 and 2, which are outside the East Lake Forest Historic District and do not pretend to relate to structures within that district. Put simply, the Petitioner is proposing to construct a building within the East Lake Forest Historic District that was knowingly designed to be visually incompatible with the structures to which it relates within that district. This is not thoughtful development; it is a failure of imagination and design.

While the 2016 Master Plan envisioned a large rectangular building for this site, Market Square proves that the Petitioner could have designed such a structure while still complying with §155.08(A). Market Square is also a large rectangular building that, nonetheless, is visually compatible with its surroundings. Like Market Square, the facades of Building 3 could add some interest and variety to match the character of nearby residences. Likewise, the Petitioner could have improved the transition to the structures in the historic district by using a hip or gabled roof. But due to the absence of style cues and variety, Building 3 does not visually relate to its surroundings in the East Lake Forest Historic District at all.

More specifically, Building 3 appears overbearing because it does not comply with Standards 1 (Height), 8 (Roof Shape), and 10 (Scale and Mass). As members of the HPC have commented, it is a two-story structure in name only. For all intents and purposes, Building 3 is a three-story structure that is incompatible with the 2 story single family homes to the east, west, and north. While Building 3 is less than 35 feet at its highest point, it has rooftop living, which includes large and highly visible penthouses, trellises and hardscapes and no limitations on the height of rooftop plantings, umbrellas, screens or other furnishings and décor that may well exceed 35 feet.<sup>1</sup> A look at the rooftop on Buildings 1 and 2 demonstrates the problem. The LFPF is aware of no flat-roofed homes or other structures in the historic district near Building 3, which have penthouses and roof top living. In addition, LFPF is not aware of any City of Lake Forest ordinance that allows roof top decks, let alone in a historic district.

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<sup>1</sup> Under the International Building Code, the planned rooftop for Building 3 would be considered a third floor because it includes trellises and contemplates items over 48 inches. See IBC §§503.1.4, 1510.2.

Compounding the height problem, is the scale and mass. At 21,496 SF, Building 3 will dwarf the homes surrounding it, including the 3,500 SF Building 4 that is intended to screen it from Westminster. Put simply, Building 3 looks like what it is – a large modern condominium building shoehorned into a historic residential neighborhood.

The Petitioner certainly could have ameliorated some of these scale and height issues by complying with Standards 7 (Relationship of materials and texture) and 14 (Style Compatibility). But again, the Petitioner has made no effort to blend or make Building 3 visually compatible with the structures that surround it *within the historic district*. It includes no traditional and more delicate residential features of the surrounding homes such as clapboard, stucco, pitched roofs, porches, detailing, or double hung windows. Nor does it borrow styling cues from the Library.

Likewise, the Petitioner could have minimized the now jarring transitions to the structures in the historic district by leaving adequate space for robust and mature landscaping. As it stands, the landscaping on the east border is wholly inadequate. (See Pet. Submission at Slide 71.) From that elevation there are only three evergreens to cover roughly 130 feet of Building 3. The other taller plantings are deciduous oaks, which means that for most of the year there will be little if any screening of Building 3 from the historic homes abutting it. Similarly, there is little in terms of landscaping between Building 4 and Building 3, in part due to the driveway to the underground parking discussed below, so that Building 3 remains highly visible from Westminster.

The Petitioner's sole response to all of this is that Building 3 complies with the HPC standards because it visually relates to Buildings 1 and 2, which are outside the East Lake Forest Historic District, were never subject to those standards, and are incompatible with the structures within that district. This argument is nonsensical and, if accepted, would stand §155.03 and §155.08 on end.

The purposes of the Historic Preservation code include “[s]afeguarding the city’s historic and cultural heritage, as embodied and reflected in such areas, properties, structures, sites and objects determined eligible for designation by ordinance as landmarks and historic districts.” § 155.01(B). It appears that the western border of the East Lake Forest Historic District was drawn carefully to include the subject property in order to protect and insulate the neighboring homes from development along McKinley Rd. To have new construction – that is within the East Lake Forest Historic District – visually relate and be modeled after modern structures outside the district that are not historically significant or consistent with the character of that district is at odds with this purpose. Permitting this sort of visual and architectural creep from the outside in would not safeguard historic districts, but threaten them throughout the City.

And therein lies the greatest danger the City Council faces should it conclude that Building 3 complies with the HPC standards – *bad precedent*. If Building 3, a modern condominium, is found to be visually and stylistically compatible with the historic single-family homes and Library that surround it in the East Lake Forest Historic District, then the City Council and HPC will be in no position to deny the next developer or homeowner a Certificate of Appropriateness on this ground for any structures within historic districts. This decision would be cited as precedent by anyone who seeks to build something even modestly at odds with the structures with which it

visually relates and neither the City Council nor the HPC would have a defensible reason to oppose it.

## 2. Building 4 (the Single-Family Home)

The purpose of Building 4 situated on the portion of the lot fronting Westminster is two-fold: (1) preserving the historic streetscape of Westminster, and (2) screening Building 3 from Westminster. The LFPF does not believe the single-family home as currently designed fully achieves either objective.

As for preserving Westminster’s streetscape, Building 4 fails to do so because it does not comply with Standard 2 (proportion of front façade) and, as a result, Standards 4 (rhythm of solids to voids in front façade), and 5 (rhythm of spacing). Standard 2 provides that the “relationship of the width to the height of the front elevation shall be visually compatible with properties, structures, sites, public ways, objects and places to which it is visually related.”

Building 4 (361 Westminster) is 30 feet wide by 77 feet 11 inches wide, which gives it a ratio of width to height of 2.6/1.0. This is far greater than the average W/H ratio of the historic single-family homes around it, excluding the non-historic multifamily residences outside the East Lake Forest Historic District, abutting McKinley (*see* HPC Pet. Slide 34):

Address	Width	Height	Ratio W/H
351 Westminster	37’1”	29’9”	1.25/1.0
373 Westminster	36’	30’	1.2/1.0
401 Westminster	58’	30’10”	1.88/1.0
326 Westminster	29’	29’1”	1/1.0
334 Westminster	33’3”	36’4”	.92/1.0
338 Westminster	37’	34’	1.09/1.0
360 Westminster	67’	35’7”	1.88/1.0
370 Westminster	53’	31’6”	1.6/1.0
<b>361 Westminster</b>	<b>77’11”</b>	<b>30’</b>	<b>2.6/1.0</b>

These ratios confirm that Building 4 is visually squatter than and incompatible with the historic homes on Westminster, giving it the appearance of a tract home. This, in turn, impacts the rhythm of the Westminster streetscape by introducing a new wider 1½ story form to the streetscape, which otherwise consists of more vertically appearing 2 and 2½ story homes.

The central reason that Building 4 does not comply with Standards 2, 4 and 5 is because unlike all nearby houses on Westminster its front elevation includes an attached garage, which adds 24 feet of width. Typically, the historic homes on Westminster have detached garages that sit behind the houses. In addition, the garage for Building 4 exits right next to the ramp for the underground parking for Building 3, which itself is directly across from the parking exit for another large condominium, 333 E. Westminster. (*See* HPC Pet. Slide 61.) Put simply, all three buildings are exiting and entering a narrow alley at roughly the same point. This is not only aesthetically undesirable, but creates a safety concern that the City of Lake Forest typically addresses by requiring staggered driveways.

**B. Applying the HPC standards in the context of public health, safety and welfare compels the City Council to affirm the HPC’s Decision.**

As indicated above, in considering an appeal, the City Council must apply the same standards as the HPC, but must do so in the context of its broader responsibility in promoting the public health, safety, welfare of the city. The City has, of course, already publicly declared in its code that such welfare is promoted by creating, safeguarding and preserving historic districts. The Lake Forest Historic Preservation Code begins by stating that the “purpose of this chapter is to *promote the educational, cultural, economic and general welfare of the city by:*”

- (A) Identifying, preserving, protecting, enhancing and encouraging the continued utilization and the rehabilitation of such areas . . . having a special historical, community, architectural or aesthetic interest or value to the city and its citizens;
- (B) Safeguarding the city’s historic and cultural heritage, as embodied and reflected in such areas . . . determined eligible for designation by ordinance as landmarks and historic districts;
- (C) Fostering civic pride in the beauty and noble accomplishments of the past as represented in such landmarks and districts;

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- (E) Fostering and encouraging preservation, restoration and rehabilitation of areas, properties, structures, sites and objects, including entire districts and neighborhoods, and thereby preventing future blight and deterioration;
- (F) Fostering the education, pleasure, and welfare of the people of the city through the designation of landmarks and districts;
- (G) Encouraging orderly and efficient development that recognizes the special value to the city of the protection of areas, properties, structures, sites and objects as landmarks and districts;

§155.01.

Because the City has already recognized and codified that its educational, economic, cultural, and general welfare is promoted by establishing, safeguarding and preserving historic districts, the relevant question is this: What pressing and different matter of public welfare exists that would compel the City Council to override that Code and the HPC decision by permitting a structure that does not serve to preserve or safeguard such a district?

Two suggestions have been offered: (1) the need for multi-family housing in this area, and (2) increased tax revenues. Both are red herrings. Since the 2016 Master Plan was adopted, the

community has accepted having multi-family housing on the McKinley Rd. site, which would result in increased tax revenues. Indeed, Buildings 1 and 2 are already completed. So, the issue is not whether multi-family housing promotes public welfare or should be built on this site. That issue was settled affirmatively nearly 6 years ago.

Rather, the relevant issue now before the City Council is whether the public welfare is promoted by constructing such units that look like this? Stated differently, how is public welfare promoted by constructing multi-family housing that is visually incompatible with the historic district in which it is located in violation of the HPC?

The LFPF believes the answer is obvious. The public welfare is not promoted by constructing buildings within historic districts that do not satisfy the HPC standards. As indicated above, the Petitioner could have designed a multi-family building that visually related to its surroundings within the East Lake Forest Historic District, but it admittedly did not do so and now adamantly refuses to do so.

And, while considering an appeal in the context of the City Council's broader responsibility to promote the public health, safety, welfare of the City, it should also consider how such welfare is promoted by:

- limiting critical space that could otherwise be used to expand or improve the Library, whether by conveying City owned property to the Petitioner or relieving the Petitioner of its obligation to convey land for the use of the Library;
- having two condominiums and one house exit onto an alley in the same spot;
- permitting construction that will likely diminish the value of neighboring properties; and
- setting a bad precedent that could undermine what makes Lake Forest special and desirable.

For all of these reasons, the City Council should affirm the HPC's denial of a Certificate of Appropriateness for Petitioner's modified plans for Buildings 3 and 4.

**II. The City Council should reject the Plan Commission's recommendation and deny the Petitioner a Special Use Permit and zoning variances.**

Pursuant to the terms of the Settlement Agreement, the Plan Commission was required to conduct a complete and independent review of the Petitioner's modified plans for Phase 3 to determine whether they complied with the applicable codes, including §159.045 (Special Use Permits) and §159.047 (Planned Multi-Family Developments). The LFPF does not believe the Plan Commission did so because it deferred to the City Council's Ordinance No. 2022-016, dated April 5, 2021, approving a special use permit regarding the prior plans for Phase 3 of the McKinley Rd. Development.

While, as the City staff instructed the Plan Commission, that “approval remains in place today” (11/9/22 Staff Report at 2), it is not binding on the Plan Commission, because the modified plans for Phase 3 of the McKinley Rd. Development are different than the prior plans approved by the City. Such plans involve two structures, as opposed to one, which are differently configured and situated, have a larger footprint, and do not comply with the zoning code. Indeed, because the Petitioner’s modified plans do not comply with §§159.045 and §159.047, the City Council should not grant a Special Use Permit.

**A. The Petitioner’s modified plans do not comply with §159.045(E)(2).**

In order to proceed with Phase 3, Petitioner must obtain a Special Use Permit. Among other things, §159.045(E)(2) provides that “[n]o special use shall be recommended by the Board or Commission for approval by the City Council unless the Board or Commission shall find that the petitioner has shown that”:

(b) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood;

(c) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, including in business districts, the special use will not negatively affect the overall character of the area or detract from the primary retail nature of the district;

(d) The exterior architectural appearance and functional plan of any proposed structure will not be incompatible with either the exterior architectural appearance functional plan of structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district so as to cause a substantial depreciation in the property values within the neighborhood;

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(g) The special use shall conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council.

For two broad reasons, the Petitioner failed to meet its burden of showing that the special use would not (1) be injurious to the use and enjoyment of other property in the immediate vicinity, (2) substantially diminish property values, (3) negatively affect the overall character of the area, or (4) allow a structure that is incompatible the architectural appearance of structures around it.

First, Building 3, as modified, is injurious to and incompatible with the homes around it in the East Lake Forest Historic District. It continues to be too large, overpowering the proposed new home on Westminster, that is intended to screen it, and dominating the yards and west views of the houses that back up too it. The contention that the foot print of Building 3 is smaller than that of the earlier rejected plan misses the point. The foot print for Building 3 is now much larger



than originally proposed in the 2016 Master Plan by approximately 4,800 SF. And the collective footprint of Building 3 and Building 4 is **larger** by over 2,500 SF than the footprint of the previously proposed and rejected Building 3. *See infra* at 9. So, the building density for the lot has not decreased under the modified plans; it has **increased**.

That Building 3 is too large relative to the homes around it is confirmed by the fact that the it does not conform to the applicable zoning regulations for the GR-3 district in which the property is located, as required by §159.045(E)(2)(g). A GR-3 zoning district requires a front yard setback of 40 feet and a rear yard setback of 35 feet. *See* §159.087(E). These set backs are intended to preserve the character of the neighborhood. Also, by code, the minimum lot area per dwelling in a GR-3 district is 6,250 SF. *See* §159.087(D).

In order to squeeze both Buildings 3 and 4 on the property, the Petitioner requests a front yard setback of only 23 feet and ignores the rear yard setback for Building 4 and the side yard setback for Building 3.<sup>2</sup> This enables the Petitioner to build the condominium closer to Westminster and to the single-family home than would otherwise be permitted under the zoning ordinance. Indeed, as now proposed, Building 3 is approximately 60 feet closer to Westminster than contemplated by the 2016 Master Plan. In addition, it admittedly does not comply with the lot size per dwelling requirement of the §159.087(D). *See infra* at 10.

The collective visual effect of these proposed variances is that Building 3 overpowers the homes in the East Lake Forest Historic District. This coupled with the continued use of rooftop living space renders Building 3 incompatible and out of character with the houses to the east and north and is injurious to the continued use and enjoyment of such properties.

The contention before the Plan Commission that the neighbors have not submitted evidence that an incompatible and larger condominium development would substantially impair property values in the neighborhood is misplaced. It is not the neighbors' burden to show that their property values would be so impacted. ***It is the Petitioner's burden to show that the proposed construction would "not substantially diminish and impair property values within the neighborhood."*** Yet, the Petitioner offered no empirical evidence or studies to support its position or debunk the self-evident proposition that putting a large incompatible condominium building amongst historic single-family homes will adversely impact their value.

Second, as indicated above, Building 3, as modified, would be out of character with the homes around it in the East Lake Forest Historic District because it is architecturally and visually incompatible. *See supra* at 2-4. Again, no effort has been made to blend or transition Building 3 into the historic residential district in which it will be constructed. To the contrary, it is modeled

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<sup>2</sup> The Staff report indicated that the rear yard setback for Building 4 and the side yard setback for Building 3 are inapplicable because Building 3 and the home are proposed on a single lot. It has repeatedly been represented, however, that a divisible single-family home with a separate lot would be built on the northerly portion of the building site facing Westminster. In addition, the two structures on the lot still have to comply with the GR-3 zoning requirements which are intended to ensure adequate spacing between structures.

solely after Buildings 1 and 2 that are outside the East Lake Forest Historic District and do not purport to be compatible with the homes in that district.

**B. The Petitioner’s modified plan does not comply with §159.047(C)(3).**

Because the Petitioner’s modified plan does not conform to the zoning code for a GR-3 district, the Petitioner seeks a modification of that code for a planned multi-family development pursuant to §159.047(A)(1). The standards contained in this section are intended to provide an alternative for multi-family developments to the zoning standards otherwise applicable to a property.

To be eligible for approval, however, such developments must, among other things, “comply with all applicable requirements of . . . § 159.047,” “be in the public interest,” and “be compatible with the character of the city.” Section 159.047(C)(3), in turn, identifies the “development standards” for planned multi-family developments that the Petitioner must satisfy. They include the following:

- (a) Except as otherwise provided herein, the maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the district or districts in which the development is located. Net development area shall be determined by subtracting from the gross development area the area set aside for nonresidential uses and the area devoted to public or private streets or roads. The area of land set aside for common open space or recreational use and off-street parking may be included in determining the number of dwelling units permitted.
- (b) The land area covered by the main building or buildings shall not exceed 30% of the net development area.

Missing from the Petitioner’s submission to the Plan Commission were not only calculations demonstrating that the modified plans satisfied these requirements but plats with dimensions by which such calculations could be made. But based on the Petitioner’s prior submissions, it is plain that these requirements are not satisfied.

In its submission to the Plan Commission for the meeting held on March 10, 2021, the Petitioner treated Phase 3 as an independent parcel for purposes of §159.047(C)(3), as opposed to treating the entire multi-family development (then Buildings 1, 2 and 3) as a whole. In that submission, he represented that the Phase 3 “parcel” was 39,241 SF. (*See* Plan Commission 3/10/21 Packet at slide 34.) As set forth above, any public or private roads must be subtracted from this “gross development area.” The Petitioner’s site plan shows a “private road” running along the western border of the property that is approximately 20’ X 240’ or 4,800 SF. (*Id.* at slide 35; *see also* Plan Commission 11/9/22 Packet at slide 36.) Thus, the “net development area” for Phase 3 is 34,441 SF, based on The Petitioner’s prior representations.

According to the Staff report to the Plan Commission, the footprint of Buildings 3 is now 10,748 SF and the footprint of Building 4 is 3,500 SF for a total of 14,248 SF. (See Plan Commission 11/9/22 Packet at 3-4.) This means that the land area covered by Buildings 3 and 4 is 41% of the net development area, well in excess of the 30% required by §159.047(C)(3)(b).

Likewise, with respect to the number of units allowed under §159.047(C)(3)(a), dividing the net development area (34,441 SF) by the minimum lot area per dwelling required in a GR-3 district (6,250 SF) demonstrates that the maximum number of units for this lot would be 5.5. The Petitioner's modified plans contemplate up to 8 units, including the single-family home. These calculations confirm what is visually obvious. Building 3 is too big for the lot and is not compatible with the character of the East Lake Forest Historic District.

Moreover, it is not clear whether these calculations should be based on the Building 3 site on a stand-alone basis or the entire multi-family development (Buildings 1-4) as a whole. If it is the latter, the numbers are far worse showing even greater density. But the larger point is this: How can the City Council in good conscience accept the recommendations of the Plan Commission when it doesn't know whether and to what extent the modified plans comply with §159.047(C)(3)?

This said, the City Council does have "overriding authority" to approve any planned development regardless of type, but only if the City Council concludes that it "promote[s] the public health, safety, or welfare of the city and its residents." §159.047(E). As established in the Historic Preservation Code, it is beyond debate that the public health, safety, and welfare of the city and its residents is promoted by preserving and protecting Lake Forest's historic districts. See *supra* at 5-7. And, as explained above, it is not building multi-family housing at this site within a historic district that is at odds with such public welfare. Rather, it is building a condominium that is wholly and intentionally incompatible with the structures in that district that is not in the public interest. This being so, the public health, safety and welfare is hardly promoted by allowing such an incompatible building to be even larger than the code allows!

### **Conclusion**

For the reasons set forth above, the LFPF submits that the City Council should affirm the decision of the HPC and reject the recommendation of the Plan Commission. In the alternative, if the Petitioner is now willing to address the issues identified above in good faith, the LFPF believes the City Council should remand this matter to the HPC to give the Petitioner that opportunity. In any such hearing, the following should be considered:

1. moving the underground driveway entrance on Building 3 to the other end of the building, in line with the drive between Buildings 1 and 2;
2. moving the garage on Building 4 behind the house and center the house on the lot;
3. eliminating the outdoor roof top living space, which is highly visible from all elevations and is incompatible with the historic single-family homes in the area;

4. reducing the size of that portion of Building 3 that is behind Building 4 so that it does not overpower the proposed new home on Westminster; ideally, this would be achieved by increasing the depth of the lot for that home to be compatible with 373 and other Westminster homes;
5. modifying Building 3 so that it is visually compatible with its surroundings within the East Lake Forest Historic District;
6. substantially upgrading the landscaping along the east and north elevations with arborvitaes and other evergreen trees to screen Building 3 from adjoining properties and Westminster;
7. requiring that Building 4 be built before Building 3 by conditioning the issuance of the certificate of occupancy for Building 3 on having the exterior (foundation, walls, siding, windows, roof) of Building 4 completed;
8. barring any further encroachment or diminution of 373 Westminster to further expand or accommodate Building 3; and
9. reserving all authority to ensure that these conditions are satisfied.

Thank you for your consideration.

***Lake Forest Preservation Foundation***