

Challenge to Landmark Law Worries Preservationists

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CHICAGO — Carol Mrowka considers her East Village neighborhood here attractive, comfortable — and ordinary. So when the city deemed the area an official landmark, Ms. Mrowka found it absurd and went to court.

“Sure, it’s a nice neighborhood,” said Ms. Mrowka, a real estate agent who moved 12 years ago to the neighborhood, north and west of the Loop, with its cottages and small, flat buildings that were home to immigrants in the late 1800s. “The basic style of the buildings is pretty, but this is not a landmark.”

Now her case has been appealed to the Illinois Supreme Court, raising alarm among preservationists about the future of scores of such landmark districts and buildings in a city that adores its architectural legacy.

“The fact is, Chicago could not exist without its landmark ordinance,” said Jonathan Fine, the executive director of Preservation Chicago, a nonprofit group. “It’s the line that holds us back from the Neanderthals.”

A state appellate court sided with Ms. Mrowka and Al Hanna, a resident of Lincoln Park, another neighborhood where a section has landmark status, finding that Chicago’s four-decades-old ordinance for designating landmarks used “vague, ambiguous and overly broad” terms to sort out what buildings and neighborhoods should be protected from change or demolition.

The City of Chicago appealed that decision this month, and both sides are waiting to hear if the Illinois Supreme Court will take the case.

City lawyers say that if the ruling stands, any of the city’s landmarks — except perhaps those that are protected through separate federal or state programs — could have their protected status challenged, said Jennifer Hoyle, a spokeswoman for the city’s law department.

Advocates of preservation worry that the ruling might ultimately threaten popular landmarks like Wrigley Field and the works of the architects like Louis Sullivan and Mies van der Rohe and Frank Lloyd Wright. The outcome could also have legal consequences for other Illinois cities with similar ordinances. And while it would set no legal precedent outside the state, the case threatens to embolden opponents with

like-minded challenges, given the similarities of many landmark ordinances, advocates say.

Cities and towns across Illinois, as well as preservation advocates from places like Cleveland, New York and Pittsburgh, have filed court documents supporting Chicago's appeal.

"Once the door opens, other people will be making the same argument," said Julia H. Miller, special counsel at the National Trust for Historic Preservation. "The potential for havoc is there."

This fight began three years ago on a far smaller scale.

Ms. Mrowka and Mr. Hanna, who has lived in Lincoln Park on the North Side of Chicago for more than 50 years, say their neighborhoods simply fail to match the significance of some on this city's most beloved list.

Among the 51 landmark districts in Chicago are a region near the old Water Tower (one of the few public buildings to survive the Great Fire of 1871) and a strip of Michigan Avenue (the city's commercial promenade containing buildings by a virtual who's who of famed architects). Its 277 individual landmarks include Buckingham Fountain, the Biograph Theater and the Carson, Pirie, Scott and Company building.

Ms. Mrowka and Mr. Hanna said their neighborhoods were proposed as landmarks merely to manipulate their makeup. Ms. Mrowka said some of her neighbors wanted to avoid allowing the neighborhood to gentrify further. And Mr. Hanna, who has worked for years in commercial mortgage banking and moved to Lincoln Park well before it transformed into an upscale section, said the landmark designation was being used to "racially cleanse a high income area."

The Chicago ordinance requires that landmarks meet two of seven criteria, including "its location as a site of a significant historic event" and "its value as an example of the architectural, cultural, economic, historic, social or other aspect of the heritage of the city of Chicago, the state of Illinois or the United States." But terms like "value" and "significant," the appellate court found, are ambiguous and vague, and it also said that the qualifications of the 10-member commission that recommended landmarks were "equally vague."

As the Supreme Court considers the case, the appellate court opinion does not directly affect any of Chicago's landmarks — not even Ms. Mrowka and Mr. Hanna's neighborhoods. But the appellate court did send the landmark status of those two districts to a lower court for reconsideration, and lawyers on both sides say that judge seems to have little choice but to nullify them.

Thomas J. Ramsdell, a lawyer for Mr. Hanna and Ms. Mrowka, said his clients were never looking to eviscerate efforts to preserve deserving landmarks. Their intent, Mr. Ramsdell said, was to make sure the city's law does what it is meant to do: to save the true treasures of the city, not to create a political tool to ban change in an average neighborhood.

"This is not going to mean a massive wrecking ball or something," Mr. Ramsdell said. "Everybody loves the Civic Opera Building. Everybody loves the Tribune Tower. Everyone loves the Chicago Board of Trade. The truly historic districts will remain."

Around the country, advocates of preserving architecture say there is a long history of courts upholding landmark protections, leading them to believe that the Supreme Court will follow suit. Still, they said they would be watching the case closely, well aware of all the buildings that might be at risk.

They say they remember the years before Chicago passed its landmark ordinance in 1968, when despite preservation efforts, buildings were razed, like Mr. Sullivan's Garrick Theater in 1961, and others, including Mr. Wright's prairie-inspired Robie House, the Cultural Center and the Chicago Theater, were threatened with destruction. All three are now landmarks.

However the case ends, Mr. Hanna said he was aware that not all of his neighbors appreciated his legal efforts to overturn the ordinance.

Still, he said, "they haven't broken my windows yet."