

HOW TO SAVE A LANDMARK

A Citizen's Guide



Landmarks Preservation Council of Illinois

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Landmarks serve a community by providing a point of reference, an element of identity, and a source of pride. The community serves landmarks by providing for their protection, interpretation, and enhancement. We preserve landmarks because our history is part of us. Such structures and sites tell us about our cultural and architectural history. When we lose landmarks, we lose a part of ourselves.

Loss of a landmark affects not only the particular structure or site that is destroyed but also an entire community. The loss of landmarks undermines a community's ability to utilize its historic fabric to attract and retain business, generate tourism, and create an attractive place for people to live and work. When we lose landmarks, we lose opportunities for economic and cultural vitality.

Founded in 1971 to fight demolition of Adler & Sullivan's Chicago Stock Exchange, the Landmarks Preservation Council of Illinois has become a leader in preservation services, education, publications, and advocacy. Our programs are designed to preserve and enhance the economic and cultural vitality of Illinois communities. Landmarks Preservation Council of Illinois has come to be recognized and respected for its expertise and power to speak up for preservation.

While long-range planning and implementation of preservation policy is always preferred, emergencies do arise. With this addition to our publications, we hope to empower citizens across the state of Illinois to preserve their heritage.



Introduction

Whether you belong to an existing preservation organization or to a group of individuals organizing now to save an important structure or site, the fight ahead of you may be difficult. This *Guide* is meant to help you through the process of protecting your community's architecturally and historically significant properties.

The suggestions here may seem overwhelming to those with limited amounts of time, money, and human resources. Keep in mind that the desired goals cannot always be achieved. Even so, you may be surprised at what you can accomplish by using your own talents.

Each preservation battle is different. This *Guide* lays out steps you can follow in your preservation efforts. You must decide which suggestions are appropriate and feasible in your particular case. In addition to presenting ideas for organizing, tactics, and strategies, the *Guide* also tells five success stories, lists in the Appendix organizations and governmental bodies and publications that can help you, and describes federal and state statutes that relate to preservation of historic properties.

Preservationists often are portrayed as radicals throwing themselves in the paths of bulldozers to thwart progress or denying fellow Americans their property rights. They also are viewed as sentimentalists who have no understanding of such complex issues as the real estate market, profit margins, development, and community progress. Such views are changing as preservation becomes part of mainstream planning and economic revitalization efforts.

But the images are hard to dispel. Therefore, remember that the way you conduct your efforts can have an effect not only on the outcome of one specific case but also on other, future cases as well as cases outside your community. Take the "high road" so that whatever the outcome for this issue, you can live and work with your current adversaries—who may become allies on the next issue.

Now let us look at some stories of successful efforts at preservation.

Success Stories

Case 1: Avoiding Demolition by Using "Media Coverage" to Raise Awareness and Money: Holy Family Church (Chicago, Cook County)

On December 26, 1987, the Jesuits announced that Holy Family Church would be razed because of high maintenance costs and only a small congregation to support expenses. This historic church was to be replaced with a small concrete-block structure for a sanctuary, soup kitchen, recreation center, and neighborhood outreach activities.

The parish recoiled at the prospect. **What** the Jesuits had not realized was the key role that Holy Family played throughout the neighborhood and the City of Chicago. The low-income minority residents of the area saw Holy Family as a symbol of hope and respect in a blighted area. Former parishioners saw it as a landmark. Many

Chicagoans knew that it was one of the oldest buildings in the city, having survived 13 decades of Chicago's history.

Landmarks Preservation Council of Illinois, the National Trust, and others met with the parishioners to review alternatives. Slowly a strategy developed and communication began with the Jesuit hierarchy. Initial support by media and the public was impressive. The tenacity and commitment of the Holy Family community demonstrated the importance of the church in their lives. Their belief provided the basis for the leadership and partnership of a few key members of the laity and clergy, including the priest who now heads Holy Family Preservation Society (which formed in 1988 with a goal of raising almost \$4 million to restore and endow the church).

With only two weeks to go before a December 31, 1990 deadline to raise \$1 million or lose the church to demolition, the Holy Family Preservation Society was

\$200,000 short. The Society launched a week-long prayer vigil to raise awareness and money for the landmark. The vigil's first day, with supporters standing outside the church, in the snow, holding candles, December 26, was covered by six Chicago TV stations as well as by radio and newspapers. Holy Family was featured in *The New York Times* and on CNN on December 27. Urgent pleas were heard across Chicago and citizens responded.

The massive effort brought the Holy Family story to a national audience and over \$1 million was in hand by December 31, with another \$1 million pledged. The Jesuit Provincial pledged \$750,000 toward a \$1 million maintenance fund.

Key Features

- Secured coalition of interests—laity and clergy
- Negotiated preservation agreement with financial goal and timetable
- Use of the media to raise awareness and money

Case 2: Avoiding Demolition through "Private Fund-Raising" and "Mothballing" of Property: Skokie Junior High School (Winnetka, Cook County)

In late 1980, the School Board of Winnetka prepared to demolish the historic Skokie Junior High School built by architect Dwight Perkins. The building was not protected by any local, state, or national landmark designation.

An informal group of citizens concerned about the proposal encouraged friends and neighbors to attend the school board meeting. Three hundred people came to protest the signing of the demolition contract. Those attending refused to accept the school board's arguments that there was no available tenant and that adaptive reuse was too expensive.

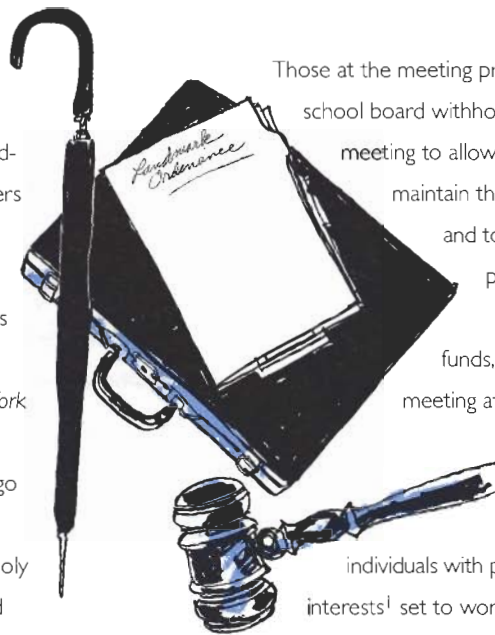
Those at the meeting proposed instead that the school board withhold demolition until its next meeting to allow citizens to raise money to maintain the building over the winter and to find a new use. The proposal was accepted.

To raise the needed funds, supporters met after the meeting at a nearby home where they established the not-for-profit Skokie School Foundation. A coalition of individuals with preservation and education interests¹ set to work. A long story about the Foundation and its purpose appeared in the

local paper and funds began to trickle in. The group sent a fund-raising mailing to members of the village. In addition, a telephone bank was formed and calls were made to friends for financial assistance. Within three weeks \$85,000 was raised through individual contributions and loans (including a \$25,000 community bank loan), enough money to "mothball" and maintain the unoccupied school over the winter.

The not-for-profit Foundation also sent letters to those attending the school board meeting asking if they were interested in working to save the building and the skills they would contribute. A team of fund-raisers, negotiators, real estate developers, architects, and media consultants was formed to work on a long-range solution to preserve the structure. With the help of a paid staff assistant, they sought tenants for the building and raised additional funds. A 15-page formal prospectus was prepared at this stage of fund-raising to show prospective donors the financial feasibility of long-term preservation and maintenance of the structure. Eventually, \$485,000 in contributions and loans was raised.

Over the next two years, the battle continued. Continuing pressures to tear down the building were beaten back. Finally, a tenant was found—The Cove School,



¹ Some citizens attending the meeting viewed the school board's argument as a smokescreen for a political agenda that sought to demolish the large building in order to prevent the future possibility of a centralized elementary school system (which required a large building) rather than a decentralized system—an issue of continuing dispute within the community.

which provides special education. Cove School leases the building from the school board for \$1 a year plus maintenance costs. The Foundation continues to informally oversee the historic structure and to provide occasional funds for maintenance needs.

Key Features

- Secured coalition of interests—education and preservation
- Established foundation for fund-raising
- Hired administrative staff
- Identified and organized volunteers
- Raised private funds to temporarily maintain public structure
- Located tenant for building
- Continued oversight of historic property by foundation

Case 3: Avoiding Demolition by Securing Developer's Help Through "Private Discussions": Platt Luggage Building (Chicago, Cook County)

In 1993, a Chicago resident became concerned that the historic Platt Luggage Building would be demolished for an exhibition complex parking lot. Built by renowned architect Howard Van Doren Shaw, the property was a marvelous example of Renaissance Revival design executed in a variety of unique materials. The fate of the structure rested with a public entity, the Metropolitan Pier and Exposition Authority (MPEA), which owned the building and was developing the nearby property for an expansion of the City's major exhibition space, McCormick Place.

Concerned about the building's potential demolition, the Chicago resident contacted Landmarks Preservation Council of Illinois. The organization sent a letter to the MPEA's chief executive officer, urging him and others to take a look at the building. The officials accepted the suggestion that the building be saved to serve as a fine headquarters and an impressive entry to the exposition complex. Plans to rehabilitate the historic Platt Luggage Building as the new headquarters of the MPEA were announced.

Key Features

- Identified threat at early stage
- Used established community organization to intervene
- Used private communication to air concerns with developer
- Presented realistic options to sympathetic developer

Case 4: Avoiding Demolition by Using a "Public Referendum" to Acquire Property: Mayslake Property (Oak Brook, DuPage County)

In 1988 the Illinois Historic Preservation Agency's National Register Coordinator visited the historic Mayslake property and suggested that it be nominated for the National Register of Historic Places. People in the community believed that the land and the building, then owned by the Franciscans of the Sacred Heart, would remain with the Franciscans forever and saw no urgency to prepare a nomination.

But in July 1990 citizens learned that the Mayslake Property was up for sale. The 90-acre Oak Brook estate included the Tudor-Revival Peabody Mansion, valuable wetlands, lakes, oak groves, and restored prairies.

Citizens contacted representatives of the Landmarks Preservation Council of Illinois (LPCI), the National Trust for Historic Preservation (NTHP), and the Illinois Historic Preservation Agency. Representatives of these organizations met with community members on the site and recommended preservation.

But at that time a developer had obtained a contract to purchase from the Franciscans, planning to demolish the mansion and build luxury homes on the site. However, he was unsuccessful in obtaining his required zoning on the land from the village. Preservationists testified against rezoning, pointing out that Mayslake was one of the few open space parcels remaining in DuPage County where continued development pressures had led to increased density.

Seeking use for the property as configured, a small coalition of individuals interested in historic preservation and open space attended the August 1990 meeting of the DuPage County Forest Preserve District and asked

them to purchase the property. During the next year, the group slowly moved through the lengthy procedures of the Forest Preserve, presenting their case to the land acquisition committee, then the executive committee, and finally to the full commission.

At the same time, the coalition also met with editors from all the local papers and secured news coverage from the metropolitan papers. They also applied for and received a \$500 grant from the NTHP to hold (in September 1990) a public forum with preservation experts as key speakers. A feasibility study for reusing the mansion and other structures was completed in October 1990 with grants from LPCI, the Salt Creek Greenway Association, and the Oak Brook Historical Society.

After many months, the Forest Preserve Commission finally agreed to put the issue to a public referendum during the March 1992 primary elections. The preservation coalition expected the Forest Preserve to distribute information on the referendum, as had been done for past referendums. When they realized that no information mailing was forthcoming, it was too late to reach the voters throughout the county. The referendum was defeated 84,218 to 79,111, a 52% to 48% margin. The Commission agreed, however, to put the referendum on the ballot again in November. Facing a new deadline to get out the vote, the coalition launched a massive public education effort. Using the Republican and Democratic political structure, they met with precinct committees and sought to obtain their endorsement and assistance in informing voters. (When they were not allowed to distribute fliers in one township, they mailed literature to all homeowners.) An anonymous donor paid \$4,000 for the mailing. They also made their case to numerous community groups and organizations.

To help support their work, they raised \$20,000 through a mailing to the membership of local historical and environmental organizations and through personal pleas to friends and neighbors.

In November 1992 (a Presidential election), voters in DuPage County cast their ballots for preservation and approved the referendum allowing the DuPage County Forest Preserve District to issue bonds to purchase the

historic Mayslake property for \$17 million. With 165,208 votes in favor and 160,861 against, the voting was not only the heaviest in the county's history but also the referendum was one of the very few "tax-positive" measures approved in Illinois.

In June 1993, the National Register nomination was approved by the Illinois Historic Sites Advisory Council. The U.S. Department of the Interior has approved the mansion's eligibility for listing on the National Register of Historic Places. While private owners can object to the listing, public owners cannot object. The mansion was officially listed on the National Register in January 1994.

The property was finally purchased for \$16 million by the Forest Preserve District of DuPage County in July 1993, following several months of negotiations.

The coalition continues its involvement now in working out a lease agreement with the Forest Preserve District, as the commissioners do not want to be responsible for the building. The coalition has formed an organization and has obtained a 501(c)(3) status enabling it to raise funds for historic restoration and to bring the building up to code compliance. A major fund-raising campaign has begun. Proposed uses include historic and architectural tours, conferences, benefits, cultural, educational, and environmental programs.

Key Features

- Secured coalition of interests—open space and preservation
- Used public referendum to purchase property
- Used the media to inform public
- Used political and community organizations to inform voters

Case 5: Protecting a Property's Context by Developing a "Strong Case" and "Neighborhood Support": Noble Judah Estate (Lake Forest, Lake County)

Located on the North Shore, north of Chicago, Lake Forest has a distinctive character. As its name implies, the town contains many large estates that are characterized by their lack of visibility from the public way, set back from

the road on heavily wooded lots. One of these properties, the Noble Judah Estate, originally was set on 40 formally landscaped acres. Over time the property had been subdivided, with outbuildings being adapted to residential use and some new infill added. The subdivision had been done so carefully that the context of the original estate was retained and the Noble Judah home, as well as a portion of the grounds, were listed on the National Register.

A proposal was made to further subdivide one of the smaller parcels to allow for construction of another new home. Because of the limited lot size, the new construction would either be highly visible from the public right-of-way or placed directly in the open vista listed on the National Register. Such a development would destroy a significant national landmark.

As important, however, was the need to protect the ordinance in Lake Forest that related to historic preservation—an overlay to the building code. The town had no historical commission; requests for building permits in historic districts were reviewed by the plan commission for recommendations to the city council. Many subdivision requests had been approved, and the distinctive visual quality of Lake Forest was being eroded. This problem derived from the fact that many plan commission, city council, and staff members felt the preservation ordinance did not allow them to deny the full underlying zoning density. That is, even if an action threatened the historic character of a site or district, decision-makers felt the allowable density that would exist without the preservation code must be granted. Such a belief emasculated the preservation code and threatened the historic character of Lake Forest. This particular case would clearly rest on how much authority the decision-makers were willing to exercise, and would set an unmistakable precedent for future decisions.

The residents of the Noble Judah Estate carefully planned and implemented a winning strategy. They individually solicited the support of every homeowner in the neighborhood, except the owners applying for permission to subdivide. Over several years of public hearings and meetings, each neighbor appeared and had an

assigned point to make or question to raise. Local preservationists had similar assignments. Landmarks Preservation Council of Illinois appeared at many hearings providing expert testimony. Legal counsel from the National Trust for Historic Preservation wrote an opinion letter stating that the preservation code did convey authority to deny full density if to do so would damage historic character. A real estate consultant from a nationally prominent firm testified, pro bono. Owners of the Noble Judah Estate measured the distance between every house in the neighborhood and the public way, demonstrating with diagrams how this subdivision would provide an exception and major intrusion. Assignments were made to talk to each member of the plan commission and the city council, on a regular basis, to help each understand the significance of this decision and to encourage denial of the subdivision request.

Although lawsuits were threatened if the request to subdivide was denied, preservation advocates always "kept the high ground" which earned them the respect of much of the community.

No one ingredient was the cause for success. Rather success resulted from the continued attention to detail to develop a strong case over a long period by the owners of the Noble Judah Estate, working with a carefully selected team of neighbors, local preservationists, and outside experts.

Key Features

- Developed and followed a detailed strategy
- Obtained and creatively used strong neighborhood support
- Utilized outside experts appropriately
- Placed the instant issue in its broader context—its long-term negative implications for the community
- Demonstrates the importance of planning issues and context to achieve historic preservation goals

Identifying the Threat

Early Warning Signs

The owners of a home built by a distinguished architect plan to renovate its interior for their special care needs. Neighbors learn that the home cannot be adapted. (Will the home be sold? Or demolished for a new structure?)

A store on Main Street symbolizes the prominence of textiles in the community's history. Adjacent to the historic site a new structure is being built. (Will the new structure dwarf the store, change the scale of its environment?)

A historic home built by a community founder stands vacant in the town's historic district. The building is visibly deteriorated. (Will the owners argue that it is a threat to public health and safety and seek to build a more profitable structure on the site?)

Every community faces changes and alterations to its historic property. Experiences will vary, but if one includes not only proposed demolition but also proposals to modify adjacent land or buildings, to move structures, or to retain facades while gutting the remainder of a building, the number of threatened properties is vast. A less visible threat—change through neglect and deterioration—further increases the magnitude of the problem for a community.

A critical ingredient of community action is recognizing the threat. The earlier the threat is identified, the better. Identification of the threat will shape not only how you proceed but also how swiftly you need to act.

Deterioration

Is the property threatened by deterioration? If so, you may need to begin steps to acquire control of the site for rehabilitation. Your municipality may be of help in identifying the owner or, if necessary, using its eminent domain authority to acquire it.

Be cautious about describing the problem in terms of public health and safety issues. Stress that the structure is in repairable condition (or that professionals are determining that fact). Make clear that alternatives are being explored so that demolition is not immediately employed as a solution.

structures. Development of parking lots or loss of park areas may change the character of the nearby historic property, possibly detracting from its appearance and eventually its economic viability. In evaluating the threat and your current options, you need the same information you would need if the proposed development were built right on top of the threatened site. In addition, you must clearly identify the effect the proposal will have on the adjacent historic property.

Facadism

Is the structure threatened by "facadism"? A solution that is often proposed to resolve competing development and preservation interests is to preserve only the front (or facade) of a building, gutting the building itself or tearing it down and building a new structure behind it. Often, the building's facade is propped up until the new structure is completed and attached. From the street this "movie set" building often fools the eye, but it sacrifices the physical integrity of the structure. It is tempting to

Incompatible Adjacent Use

Is the property threatened by incompatible adjacent use? Proposals to build a parking lot or highrise, eliminate a park, or build a housing development next to an archaeological site or historic structure may adversely affect the property by changing the scale of the environment. For instance, large buildings often dwarf smaller historic



think that facadism is better than losing the entire building. But expert preservationists caution against this line of thinking, which sets a precedent. It makes it easier to look at future projects and say, "It was done there, why not do it in this case?"

Be aware, however, that depending on the type of preservation ordinance a community has adopted, "facadism" may be difficult to fight successfully. Some community preservation commissions have authority over only those alterations that are visible from the "public right-of-way"—defined as visible from the street (not from alleys or the rear). This sharply limits a commission's power to prevent alterations behind a building's facade. Nevertheless, a citizen's group should continue to argue against facadism and to push for use (or adaptive reuse) of the existing structure.

Relocation

Is the property threatened by plans to relocate it? Landmarks are best preserved in their original setting. Moving or relocating a landmark is only acceptable as a last resort, and may result in loss of landmark status.

Just as "facadism" removes historical material that places the building in an historic context, relocation can alter or destroy the meaning of a landmark. How can a canal warehouse with no canal or a train station without a railroad be understood and interpreted?

Demolition

Is the property threatened by proposed demolition? If so, *why*? Because of an "unsafe condition"? Impinging development? A need for parking? Lack of financial resources to maintain it?

Once you have determined why the property is scheduled for demolition, immediately educate yourself about your community's municipal review and permit process. Know what is required to obtain the following permits and the process involved:

- Demolition Permit
- Building Permit
- Zoning Permit or Variance
- Certificate of Appropriateness (if the structure is a landmark)
- Design Review and Appearance Guidelines (if your community has adopted such guidelines)

At what stage is the project now? Has a demolition permit been issued? If the proposed development requires a change in zoning, has that been accomplished yet? If a variance is required for the developer's plans, you must make a presentation opposing the proposal to your local Zoning Board of Appeals.

Even if a variance has been obtained, ask whether the developer has secured *financing* for the proposed project. Is it possible that the building may be torn down

and the site remain vacant because the funds necessary for the new project will never come through? If this is a possibility, you may be able to successfully argue that a demolition permit should not be issued without *proof* of financing.

Dirty Tricks to Watch Out For

Demolition by neglect" is a method sometimes employed by owners of buildings in a historic district, particularly for buildings that are much smaller than allowed by the zoning ordinance. Realizing that they could make a much higher profit from a larger or denser structure, owners often neglect the existing property so that they can later claim that it is a threat to public health and safety. Or they might argue that doing all the repairs necessary to bring the property back up to code is so expensive that it will cause them an economic hardship.

"Demolition in the middle of the night" and "arson" are other actions sometimes used by owners of historic property. For example, in 1980 the landmark Rincker House in Chicago was demolished on a weekend without a valid demolition permit. The city took the owner to court and was awarded damages in the lawsuit after it proved the owner had willfully and illegally demolished the property. But the house was gone—forever. Arson can be identified, but it can be difficult to tie the perpetrators to the owners.

"Demolition permits issued for buildings on corners" also can create problems when protecting historic property. By using the less common address for the building, a developer may be able to obtain a demolition permit without triggering a review of the proposed demolition.

To address some of these problems, work with the municipal building department, keep tabs on code violations and court dates, watch for and report unusual activity around a property, develop a dual list of addresses for landmarks located on corners, and petition the municipal government to enforce building codes and assess fines. In extreme cases, a municipality may use its eminent domain powers to purchase the property.

Taking the First Steps

When a historic property is identified as threatened, often there is no organization to communicate the property's condition to the public, to research and elaborate its value to the community, or to formulate and carry through a successful campaign to save it. Follow the steps in this chapter to build an organization.

Get Organized

Form a core committee of those who are concerned about the threat at hand. When gathering support, cast your net widely. There may be allies who are not obvious at first glance. Form *coalitions* with other interested parties (see Success Stories 1, 2, and 4 in chapter 1).

It is helpful to choose one person to act as a coordinator to ensure things run as smoothly as possible. When you have your first meeting, each person attending should make clear how much time and energy he or she is willing to give. If this is clear from the beginning, it may help alleviate tensions later. Then compile a list that includes names, telephone numbers, and a brief description of each member's expertise as well as contacts that may be helpful.

Meetings are often called on short notice, and you need a mechanism that allows you to quickly reach many people. Set up a "telephone tree"—a setup in which one person, perhaps the coordinator—calls three to five people and each of these people calls several more. The size of the telephone tree network will depend on the size of the core committee.

Develop a system for communicating to a broader audience in the community. Plan to keep the public informed. Don't let the issue drop. Use a "foot army" to stuff mailboxes with literature that answers questions being raised during the preservation process. A newsletter is also useful. Mail information if you can afford to.

Document Each Step You Take

A preservation battle can get complicated. Develop a system for documenting each step you take so that you have an accurate record of when certain actions were taken as well as who said what when. Whenever any member of the group has a conversation, whether in person or over the phone, that person should record the name and title of the other party, the date and time of the conversation, and brief notes on its general content. This is important for keeping efforts coordinated and also makes it easier to determine when those on "the other side" are not being completely clear and/or honest. Recording events on a calendar and keeping files will help you chart your progress.

Begin Your Research

Determine whether the property is designated as a *local landmark* subject to review under your community's preservation ordinance or whether it is listed on the Illinois Register or the National Register of Historic Places.

For *local designation status*, check with your community's Historic Preservation Commission, if one exists. If not, contact your local planning department or City Hall. If the structure is a local landmark, determine the local restrictions and process it is subject to. In addition, get a copy of your local preservation ordinance. Be aware



that sometimes local landmarks are owned by institutions (school districts, universities, state or federal institutions,

etc.) that may not be required to follow the local government's standards.

For *Illinois Register status*, check with the Illinois Historic Preservation Agency (IHPA) in Springfield. Not many buildings are listed as Illinois landmarks, but such designation can provide temporary protection and hold up demolition long enough to research alternatives to demolition.

For *national status*, determine whether the structure is listed on the National Register of Historic Places by contacting the Illinois Historic Preservation Agency in

Springfield. Although listing on the National Register provides very limited protection, it may still help you. First, you can argue that the structure is already recognized for its architectural or historical significance and therefore warrants preservation.

Second, if the structure is listed on the National Register of Historic Places and you determine the project will be using state or federal funds or may require state or federal permits or authorizations, then the property owners must enter into a review of the project's impact on historic resources. This is known as the "Section 106 Review" at the national level and "707 Review" at the state level (see next section).

You should know that even if a property is not listed on the National Register, if it is determined to be *eligible* for listing the 106 or 707 Review can be triggered if state or federal dollars or permits are needed for the project.

Start Legal Planning

Legal action typically is a last resort in preservation action, but even so, do not hesitate to begin planning for it. Even before beginning other efforts, assess whether there is immediate need for legal counsel. If you know a land use attorney who is available and willing to advise you, make immediate contact and set up a strategy meeting. If you need help in locating an attorney, contact Landmarks Preservation Council of Illinois (LPCI) or the Midwest Regional Office of the National Trust for Historic Preservation and ask for a list of land use attorneys (see Appendix). Many fine attorneys without preservation experience per se will be capable of doing well for you with some guidance from LPCI or the National Trust.

Need a Lawyer?

Call the Landmarks Preservation Council of Illinois or the Midwest Office of the National Trust for Historic Preservation to get a list of qualified attorneys. Both are listed in the Appendix.

Federal and State Review Laws

There are several basic legal tools you should know about. If the property is listed on the National Register individually or as a district, it can be destroyed without review unless federal or state dollars are being used or unless federal or state approval of the proposed project is needed. The use of such public dollars or need for approval could trigger a "Federal 106" or "State 707" review to determine whether the action proposed will harm the historic resources involved (see Appendix). If the Illinois Historic Preservation Agency determines that the proposed action will endanger historic



resources, then the developer/owner must seek ways to mitigate or avoid such harm but may in time be able to proceed with the action. The process must be followed,

More on Takings

For more information on takings see Duerksen & Roddewig's *Takings Law in Plain English* and Rypkema's "The Economic Misunderstandings of the 'Property Rights' Movement" (both listed in the Appendix) and arguments for preservation in chapter 4.

however, which can buy you time to consider other possible solutions.

Local landmark laws may provide greater protection; a reading of the local preservation ordinance, if one exists, will tell you. Strong ordinances give the Landmarks Commission authority to deny permits that would harm landmark resources.

Injunction: A court order by which a party is enjoined—the party's rights to do something are taken away.

Declaratory judgment: A final decision by the court on what the parties may or may not do.

The developer may try to sue you for damages. Discuss this possibility fully with your attorney and be prepared to respond. Owners or developers may argue that preservation ordinances are unconstitutional and that landmark designation is a taking of property without due process.

The "Takings" Issue.

Often owners will claim that landmark designation is a "taking"—that he/she has been denied all reasonable use or return from the property. No court in the country, including the U.S. Supreme Court, has made such a conclusion. In fact, in every reported case courts have found that landmark designation does not constitute a "taking." The denial of building permits, for alteration or demolition, must be examined case by case to measure the economic effect on the property. Remember that an owner is only entitled to earn a reasonable return or have a reasonable use from the property—not the highest return.

When you meet with your attorney, determine whether you have *legal standing*. Whether you have legal standing depends on a variety of circumstances and requires that you first accurately assess the situation. Let your attorney guide you in these matters but be aware of these three legal options:

Temporary restraining order: The order can be used to prevent the developer/owner from demolishing the building until a court hearing can be held at which a preliminary injunction is considered. The restraining order probably will not be in force for more than 10 days.

Making an Argument for Preservation

No matter what the threat to the historic property, you must construct a strong case for preservation. Emphasizing the architectural or historical significance of the property is important, but often it is not enough. It is essential to make sound economic arguments in favor of preservation—those proposing demolition are doing the same for their viewpoint.

Preservation arguments have two sides—identifying the historical, economic, cultural, and other community *benefits* of saving the structure and identifying the *adverse consequences* or inappropriateness of the proposed development. Whatever strategy you employ, if not both, you must be well armed with details and documentation. This will take time, energy, and financial resources (or donated services). Your systematic examination of the problem and crisp articulation of one or more arguments are crucial to generating community, media, and other support for your case.

Benefits of Saving the Structure

1. Assess the significance of the building

You have already determined whether the property is a local or national landmark. If it is not already a landmark, would it qualify? To assess the historical and/or architectural significance of the building or site, identify the following:

- The architects or builders of the property
- The architectural style, and its significance in the community: Is it rare? Or is it the best example of a style for which the community is known?
- The uses of the property since it was built
- The current and previous owners of the property
- Notable inhabitants or users of the property
- Any notable events of local, state, or national significance that took place there
- The historical context of the structure or site: Has the building been used as a central meeting place or cultural resource for the community?
- How the property compares in architectural quality and/or historical significance to similar types of buildings in the same community or other places
- Has the building been identified as a contributing structure to an historic district?

- The property's inclusion in architectural magazines, books, or guides

The Commission on Chicago Landmarks publishes an excellent booklet, *Your House Has a History*, which, although specific to residential structures in Chicago, may nevertheless be helpful (see Appendix). Suggestions include researching municipal or county tax and building permit records as well as carrying out a title search on the property.

Prepare a two- or three-page statement using the information you have gathered to answer the following question: On its own merit, why should this structure be saved? Distribute copies of the statement to supporters so that during your attempts to save the building, everyone has a common understanding as to why it should be saved.

2. Evaluate potential alternative uses

Adaptive reuse has more and more become an alternative approach for saving a landmark from demolition. A professional feasibility study and/or market analysis may be quite helpful to your case. For example, a large department store could be converted into offices or apartments with retail stores on the street level, or a historic church could be turned into a much-needed community center. If a professional study is not possible, at least your group can brainstorm to generate realistic

ideas, network to find financial "angels," and seek innovative funding sources.

There are often significant cost savings in reusing an existing building rather than demolishing it. An understanding of the physical condition of the property is necessary to evaluate its reuse potential.

- **Evaluate Accessibility.** Is the owner willing to allow inspection of the property?
- **Research.** Determine if the structure appears to be suffering from severe neglect. Explore
 - The owner's compliance with existing municipal codes
 - The owner's record with other properties
 - Tax records for the property

Such information may be important in gaining more support for your cause from local officials and community residents, particularly if the owner has not complied with the city's codes and has a bad track record and is behind on paying his property taxes.

- **Professional Services.** Secure the services of an architect or structural engineer, preferably one with experience in preservation. Lists of qualified professionals can be obtained from the Landmarks Preservation Council of Illinois (see Appendix). The architect or engineer can assess the repairs needed to bring the property into compliance with local codes (or to make it habitable for your proposed usage).

3. Assess the economic advantages of preservation

Preserving a landmark can help stabilize and enhance local property values by preserving community character. Real estate agents and experienced appraisers may be helpful in making the case for this. The Illinois Chapter of the Appraisal Institute in Chicago can provide a list of appraisers. Be sure to secure the services of a real estate appraiser who has experience with historic properties.

Landmarks can also boost tourism revenues and sales taxes. Tourism is one of Illinois' leading industries, and historic places are the number one item for which tourists request information.

Existing buildings provide much greater property and sales taxes to government than parking lots. If a new development is not completed after demolition, property taxes will be lost.

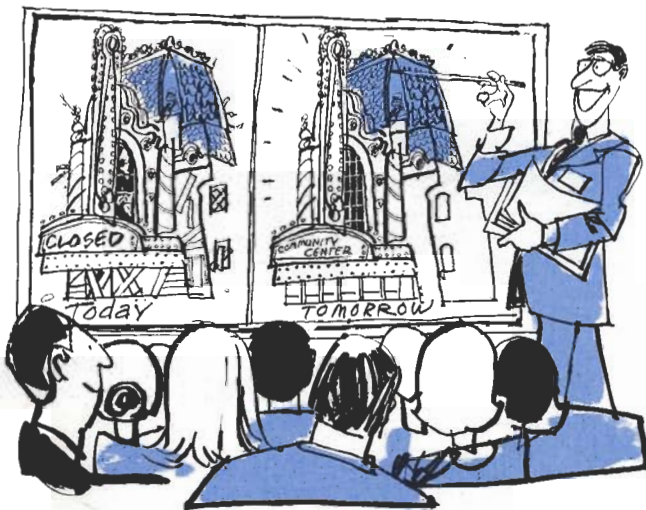
**Need an Architect?
A Structural
Engineer? A Real
Estate Appraiser?**

For lists of qualified architects or structural engineers, call the Landmarks Preservation Council of Illinois. For a real estate appraiser, contact the Illinois Chapter of the Appraisal Institute, but make sure you locate an appraiser who has experience with historic properties. Both organizations are listed in the Appendix.

4. Assess the community design benefits

Determine the character of the property in terms of the physical context of your community. What would the loss of the building mean? For example, would it create a break in an otherwise continuous shopping street? Would it greatly alter the overall appearance, character, or scale of an area? Would it lead to demolition of other adjacent historic structures? Would new development create a precedent for other zoning or density changes?

- **Review a copy of the comprehensive plan for your community,** which should include a land use map. Ask how current this plan is and ask about any changes in it. Does the comprehensive plan refer specifically to the property or to preserving historic resources in general?



- *Review a copy of your community's preservation plan, if it has one.* This may be a separate document or a chapter in the comprehensive plan. Again, does it specifically mention the property?
- *Prepare a case statement describing how the property contributes to community character.* Does it stabilize the neighborhood? Does it promote community planning goals? Does it reinforce ethnic or community identity and pride? Does its use support other surrounding uses and activities?
- *Obtain letters of support or position statements from well-established preservation, architectural, or landscape organizations.* Doing so is important because the elected officials will be able to balance your position on a local preservation issue with the position of reliable third parties. This approach dispels doubts about your objectivity and reaffirms your credibility. (See Appendix for established organizations that may be helpful.)

Potential Adverse Consequences of Proposed New Development

1. Determine if the proposed development is in accordance with the comprehensive plan or current needs

Once again, will a proposed development meet current zoning requirements? Is this genuinely the best site for such development? Is this type of development really needed in the community? If, for instance, the proposal is for multifamily residential units and your community already has a high vacancy rate, the project may not be successful in the long run.

Generally, determine the nature and quality of the proposed development. What will the proposed development do to the site and the surrounding community? What would its existence mean?

Even if your community's comprehensive plan generally calls for preservation and even if it names the site, a governmental body may still legally demolish structures

on the site. On the other hand, the community may legally use its comprehensive plan to deny development that threatens resources it believes serve a public purpose.

2. Determine the nature and stability of financing

Are public dollars involved? Are public expenditures (streets, sewers, etc.) required for the project to go forward? Is this the best possible use of public dollars? Who benefits and who pays? What benefit will the public gain in return? Has private funding been secured? What are the sources of this funding? Is it likely that financing will flounder and leave the site unoccupied after the building is demolished or the site cleared?

3. Determine if the design is of a high quality

How does the proposed development fit into the surrounding architecture and landscape? Does the project meet community goals and values regarding openness, accessibility, materials, and physical configuration?

4. Assess the impact on the neighborhood

Will the proposed development adversely impact the neighborhood, for example, by generating noise and/or traffic that is unacceptable? Will it strain sewage and other systems?

Economic Impact of Historic Preservation in Illinois

The facts point to a strong economic development role for Illinois heritage. The economic forces of historic preservation can be seen across the state:

Tourism

- Illinois' \$10 billion tourism industry depends heavily on the national fascination with our history. According to a recent National Family Opinion Survey, landmarks and historic places topped the list of things that travelers visited most in Illinois.
- In 1992 over *three million people* visited Illinois State Historic Sites. Attendance increased even though several sites were closed.
- According to a study conducted by the Frank Lloyd Wright Home and Studio in Oak Park, the Home and Studio generates \$18 million in economic activity in the greater Chicago area, including 155 jobs.
- Galena attracts a million visitors per year, generating \$402,000 in hotel tax revenue.

Historic Tax Credit Impact in Illinois

- Federal Rehabilitation Tax Credits have generated more than \$15 billion of investment in historic commercial structures.
- In Illinois, for every \$1 million in certified rehabilitation expenditures, there was at least \$75,000 generated annually in local property tax revenues.
- Total State of Illinois taxes generated is \$30 million.
- There have been over 16,000 jobs created in Illinois as a result of the expenditure on certified rehabilitation projects.

Main Street Program

- In only two years, the Main Street preservation program in Lockport alone has produced 10 new businesses, 20 employees, and over \$1.5 million of private reinvestment in property.

Be Realistic—Can You Really Do Anything?

A realistic assessment of the situation is essential. Taking action before such an assessment may be inappropriate or untimely. At times, the best course of action may be inaction or delayed action.

In assessing the reality of the situation—the advisability of doing something, and its appropriate timing—the following should be considered.

What Is Your Goal?

What are you trying to accomplish? There are three broad reasons for getting involved in protesting a project.

Is your focus *saving a particular property*, by, for example, preventing demolition? Or is your goal to change a proposed design or plan? Do you wish to convince the developer to consider more sensitive options for the plan, or do you hope to encourage the developer to consider an entirely different use or design? Is your goal to prevent the structure from being moved? Is your goal to have the structure repaired, maintained, or rehabilitated?

Is your reason for being involved related to *stimulating community action and affecting public policy*? For example, is your goal to stir the community to inventory its historic resources, to prepare a comprehensive plan, to draft a community preservation ordinance, or to improve the existing preservation resources?

Is your reason for getting involved related to *building resources and support for further preservation activities*, including positioning the organization for future preservation activity, educating the public about its historic resources, gaining attention or support for fund raising or membership development?

It may be helpful for you or your attorney to talk to the Landmarks Preservation Council of Illinois or the National Trust about similar cases.

2. Who are your community supporters and detractors?

Evaluate the existing level of support, both for preservation in general and this project in particular, from:

- Business organizations
- Neighborhood groups
- Cultural and civic organizations
- Local government
- Print and broadcast media
- The community at large

Your supporters can attend public hearings, send letters to decision-makers and editors of newspapers, and make calls to public officials.



What Are Your Resources?

In assessing the feasibility of affecting a situation, consider the following:

1. What is your legal position?

Do you have legitimate legal grounds to stop demolition and redevelopment? How strong is your case?

Who are your potential allies? In your community, who has expressed concern and support for the situation, who is really willing to donate time, energy, talent, or funds to help with the effort? What interest groups might share your goal, even though their purpose may be different from yours? Who can you really count on? Which public officials or other decision-makers are sympathetic to your cause?

Who are your potential detractors? Who other than the developer will gain from this project—politicians, bankers, other business interests? Whose assistance do you need but has more to gain from remaining silent?

Often diverse interests can be drawn together to achieve a common preservation good. Allies make your position stronger. Try to build coalitions.

3. How much time do you have?

How much time do you really have before demolition or approval of zoning changes? If a public hearing has not yet been held, you have more time than if a demolition permit has been issued, the zoning has been changed, and the developer has a building permit.

What Really Matters?

“Pick your battles carefully.” “Timing is everything.” These are trite phrases that nevertheless embody substantial insight into decision-making. Some goals (preservation of a particular property) cannot wait for the perfect moment when you have all your resources in place. Other goals (strengthening your preservation ordinance, surveying your historic property) may be best raised after a long-term educational process within the community.

Be particularly sensitive to the fact that *you may need to become involved in a preservation battle even though the odds of prevailing are slim*. Some issues will have greater visibility and impact on a community. When

people in the community know a situation is inappropriate and you remain silent, you risk being taken less seriously the next time an issue arises. Sometimes to ensure that when future issues arise, you are “at the table” (i.e., that your organization’s views are taken into account even though you may not be present), you may need to become involved in fighting a proposal, even though you may be very unlikely to affect the outcome of that particular battle.

Researching the Economic Options

The following economic options may help you create a viable proposal for preserving your threatened property.

Historic Rehabilitation Tax Credits

When an owner of an income-producing historic property spends 25% of the property's adjusted basis on a qualified rehabilitation, the owner is eligible for a credit (against federal income taxes) equal to 20% of the amount spent on the rehabilitation. This is a one-time credit taken in the year that the property is placed in service or use (if the amount of the credit is large, some of it may be carried forward into later tax years). "Income-producing" properties include residential and commercial rental properties and owner-occupied dwellings with a rental unit. Rehabilitation plans must be certified by the Illinois Historic Preservation Agency. Property must be recognized as part of a local preservation ordinance historic district or listed on the National Register individually or as part of a National Register district.

Property Tax Freeze

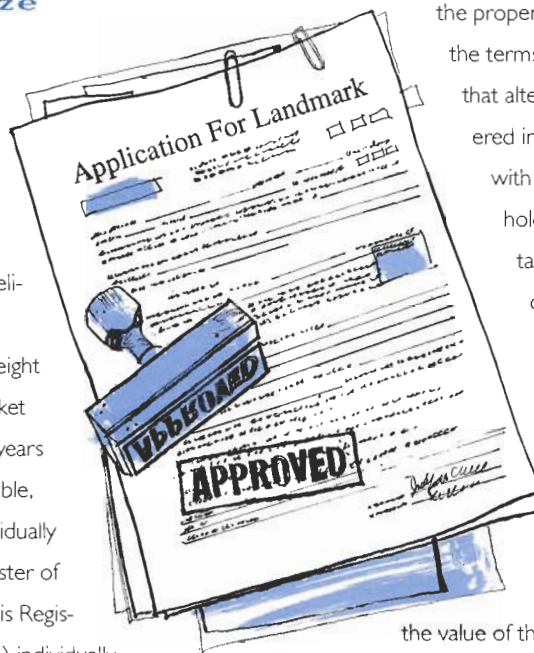
Owner occupants of single-family homes and condominiums who spend 25% of the assessor's fair market value on a qualified rehabilitation are eligible for a freeze on their home's assessed value for eight years, phasing back to market value over an additional 4 years at 25% per year. To be eligible, property must be (1) individually listed on the National Register of Historic Places or the Illinois Register of Historic Places; or (2) individually

designated pursuant to an approved county or municipal landmark ordinance; or (3) within a district listed on the National Register of Historic Places or designated pursuant to an approved county or municipal landmark ordinance, for which the National Register's Director determines that the building is of historic significance to the district in which it is located. Rehabilitation plans must be certified by the Illinois Historic Preservation Agency.

Facade Easement Donation

A preservation easement is a legal agreement that protects property in perpetuity from inappropriate development or demolition. An owner voluntarily grants a preservation right in the property to a municipality or to a qualified organization while maintaining private ownership. The donation of the easement results in protection of the property in perpetuity.

The donor promises that the significant features of the property will be maintained according to the terms of the easement agreement and that alterations of architectural features covered in the agreement will take place only with the permission of the organization holding the easement. Under current tax laws, an easement donation may qualify as a charitable contribution, with federal income and estate tax benefits based on the value of the easement as determined by a qualified appraiser. In general, the donor may be giving up future development potential and may qualify for a deduction for the value of that contribution. To qualify for tax benefits, the property must be individually listed on the



National Register of Historic Places or be certified as a contributing structure in a National Register Historic District.

Loans, Grants, and Other Options

Acquisition or construction financing at below market rates is available for community projects at some banks.

Investigate your bank's Community Reinvestment Act

On Rehabilitation Tax Credits, see "Historic Rehabilitation Tax Credits" statute.

For professional services see LPCI Restoration Resources Directory.

On Property Tax Freeze, see "Property Tax Freeze" statute.

On Facade Easement Donation, see LPCI, "Preserving Our Past: Preservation Easement Program," and Illinois' "Facade Easement Donation" statute.

On Community Reinvestment Act loans, see National Trust for Historic Preservation, "Using the Community Reinvestment Act."

(Reference material in the Appendix.)

record to see if it needs to make more loans in your community. Under the Community Reinvestment Act (CRA), lenders must make available to the public their CRA Statement, CRA Notice, and CRA Public File. You can use these sources to analyze a bank's lending record and whether it is meeting community credit needs. A loan to your project may help the bank fulfill its CRA requirements! Sometimes a city or county agency will form a loan pool with several banks to fund special community projects.

Also investigate any

nonprofit community development corporations that finance and develop community-oriented projects at below-market rates. A partnership with these groups can build political as well as financial support.

Grants may be available from several sources. The Landmarks Preservation Council of Illinois gives Endangered Building Grants. LPCI Endangered Building Grants are provided for municipalities and not-for-profits to help save threatened landmarks. Grants are for planning purposes and range from \$500 to \$2,000. Often these



grants are made as part of a matching or challenge grant. The National Trust for Historic Preservation makes Preservation Services Fund (PSF) Grants to municipalities or not-for-profits; PSF grants of up to \$5,000 are given for planning. Certified Local Governments (CLGs) can obtain funds from the Illinois Historic Preservation Agency, which receives money from Congress for distribution to local governments.

Is your project in an enterprise zone or other area where state and local agencies are providing taxing incentives? These zones can also make financing more attainable.

Not available in Illinois are Transferable Development Rights (TDRs)—the sale of the unused development potential from a low-density building to another site where the unused density is added; however, there may be other zoning incentives for historic or cultural preservation in your locality.

Negotiating with the Owner

Whether the owner/developer of the property is a governmental agency, a private corporation, or an individual, you must prepare carefully for negotiations. *Make sure you have all your facts straight and have carefully researched the options.*

Put together a plan to present to the owner that includes (1) design options—architectural renderings of the renovated structure, examples of similar projects that were successful, and the like; (2) a financial package or list of possible buyers; and (3) proposed alternative sites for the developer's project.

Set up an Initial Meeting

Choose an appropriate location to meet—one that will work to your benefit and one that will help minimize confrontation. Remember that at the initial meeting you want to minimize the degree of confrontation as much as possible.

While the owner's office may put the owner at ease, it may also offer the owner opportunities to rattle or distract you with tactics such as constant interruptions; another, neutral location may be better.

Select Parties to Attend

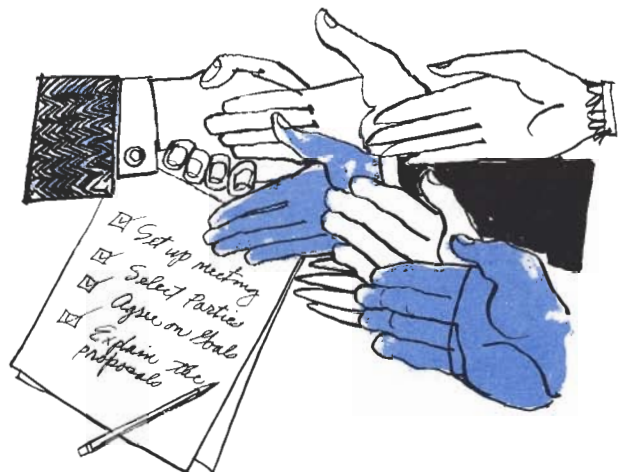
Take your attorney with you even if only to observe and to indicate your willingness to take more serious action. To determine who should attend from your group, consider each person's strengths and weaknesses. A person who has had the insight, energy, and talent to stir and lead the community to respond to the preservation crisis may *not* be the best person to negotiate the group's preservation proposal with the owner. Would your most effective negotiating team consist of a few well-chosen people? Or would a larger group including a variety of supporters be more effective? Use what you know about the owner or developer to decide what size group would work best.

Agree on Your Goals

Before the meeting, again make sure that your group is *clear and united* in its purpose. Develop minimum and maximum results you expect or hope for from this meeting. Know why the building is significant and agree on reasons why it should be preserved. You may want to write a one- to three-page mission statement to help yourselves get your position across clearly and concisely.

At the meeting, introduce each person and identify each one's particular interests. Then present the issue as you want it to be perceived. Avoid being confrontational; at this point, give the owner the benefit of the doubt, no matter how many rumors or offensive statements you have heard.

Next, clearly define your position. Is your goal to prevent demolition? Or is it to persuade the owner to



modify plans? Or to propose that a purchaser of the property be located who is willing to restore the building?

You know what you think would be the ideal outcome, but be ready to consider alternatives that may arise in negotiations.

Explain the Proposal

Be able to explain to the owner *exactly why it is that you care about this particular building*. Try to frame what you say in an informative but not condescending manner. It is important to balance the owner's property rights with the good of the entire community. Try to make the owner see the opportunity to make an important contribution to the community, which will provide him with a positive image. Avoid making him feel that he is surrounded by a group who wants to tell him what to do with his property.

Usually, your initial meeting has three purposes: (1) understanding the owner's point of view, motivation, and desires about the project; (2) expressing your concern about the property; and (3) securing the owner's help by establishing a spirit of cooperation. At this point, you may be tempted to offer to help the owner find alternative ways to handle the property. It is wiser, however, to make clear that you want to help but will make specific commitments later. Determine exactly what the issues are and offer to meet again to discuss options.

Make your approach at this point one of mutual concern rather than one of adversarial confrontation. Often, owners are simply not aware of the options, or they may not know the property's significance. If the owner feels he is an active participant in the project, you may have a better chance of arriving at a mutually agreeable solution.

Going Public: The Media, Public Hearings, Public Officials and Referendums

If your best efforts at negotiation fail, you must go public with your position and any alternative proposals. Your goal is to gain public support by using the media, making presentations at public hearings of your planning or zoning commission, asking for support from public officials, and possibly seeking a public vote on the issue. As you pursue these avenues, be sure to conduct yourselves in a manner that encourages a positive environment for the protection of other historic sites and structures in your community.

Using the Media

The media can be of great help to your preservation efforts or a frustrating hindrance depending on how you cultivate assistance from local papers as well as from radio and television stations. Of utmost importance is that, no matter how limited your coverage, your story is reported accurately.

1. Prepare information for distribution

Develop a fact sheet, which should include:

- The correct name of your organization, group, or committee
- A list of the members involved, or key leaders
- A short and concise version of your mission statement
- An address and telephone number of at least one member who is willing to act as a spokesperson
- The name, address and telephone number of your attorney, should you decide that it is appropriate and useful to refer the media directly to someone who can most accurately comment on the legal issues
- A brief explanation of the significance of the property you are attempting to save
- A brief factual account of the developer's

activities. You may want to mention meetings your group has held with the developer to try to reach agreement

2. Meet with media representatives

Contact the city desk or news reporter of your local or regional publication or media outlet. Try to cultivate reporters *over time*, not just when a controversial issue arises. By providing concise and factual information without innuendo and emotional outbursts, you will become a credible source. Be positive, not negative, in contacts with the media.

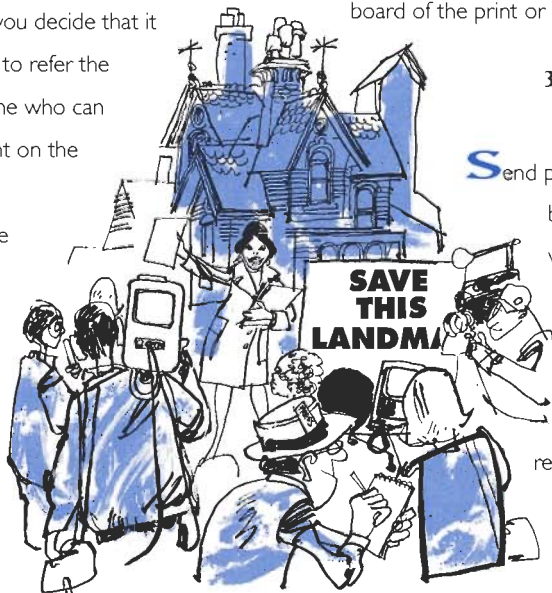
Present your written statement and background information to each reporter. Reporters are busy. Helping them to do their work will help your coverage.

If an issue is important enough, gather your team of experts and try to set up a meeting with the editorial board of the print or broadcast outlet.

3. Notify the press of important events

Send press releases to all local media before any meetings are held at which decisions are to be made.

This increases the likelihood of coverage and of political support. Providing this information helps cultivate media relations over time.



4. Seek media coverage other than "news" items

The print and broadcast media do not present just "news." Consider other type of coverage such as writing an opinion piece. Letters to the editor are useful—they are often much read in small communities.

Encourage the print or broadcast media to prepare a feature article, perhaps on the historic area where your property is located or on the glut of office space in your community.

property—its cultural identity, tourism, and economic development. Include other advantages, among them perhaps enhancing the historical context of the area, its future, and beauty.

3. Bring a display or exhibit

The display should provide a historical view, a current view, and possible alternative outcomes in architectural drawings or computer-generated images.

4. Offer expert testimony whenever possible

It may be helpful to have architects discuss adaptive reuse designs or the adverse impact of incompatible adjacent development on the scale of the setting. Construction experts might testify on costs of repair or maintenance. Appraisers can explain the impact of demolition or alteration on surrounding land values.

5. Bring informative handouts

These handouts can be distributed to those in attendance. This can be a critical part of keeping the media informed as well as regularly informing citizens on the issues.

Participating in Public Hearings

Presentations at public hearings of your planning or zoning commission are effective in getting your story to those who have the authority to protect the property. Choose persons to present various aspects of the issue. Bring a crowd to represent your cause, with each person perhaps wearing a campaign-style button. Someone should ask all those supporting your cause to stand, so that "the crowd" is recognized.

1. Ask to be put on the agenda

In advance of the hearing, contact staff of the planning or zoning commission and ask to be allowed to speak about the threatened structure or site.

2. Prepare oral as well as written testimony

- Include in your testimony your statement of the property's significance and explain how its loss and its replacement with inappropriate development will affect the community.
- Present examples of preservation successes and failures in your community. If your community already has several vacant lots where structures were demolished without being replaced, this should be highlighted.
- Present an economic case for preservation. Spell out the contribution to the community of preserving the

Getting Public Officials' Support

Gaining the support of public officials and other community leaders often is crucial to the success of your proposal. Politicians are responsive to (1) the wishes of their constituents; (2) news articles; and (3) public opinion about an issue.

There are many ways to draw officials' attention to your cause and to demonstrate that a large constituency supports your proposal. (1) Circulate a petition getting signatures to show public support for your cause, send it to public officials, and/or publish an advertisement in your local newspaper showing who supports the cause. (2) Get influential people to write letters to officials and to the

editor of the local newspaper: (3) Encourage citizen participation and endorsement of your position by holding events such as tours, public meetings, vigils, and demonstrations. (4) In each public event, seek to involve politicians by creating photo opportunities that allow them to show their constituents they are concerned and involved.

In your activities, don't assume public officials' support for every landmark building or even the concept of preservation. Also remember that while developers may have financial resources, they get out few voters. Citizens' demonstrations of support for preservation can influence politicians' opinions.

Pursuing a Public Referendum

At times it is useful to have your proposal submitted to a public vote. The issue—a new ordinance, bonds to purchase the historic property—may be proposed by a legislative body or by popular initiative (see Success Stories, Case 4, in chapter 1). Check your local ordinance for procedures in your community.

Don't leave voting to chance. For instance, if the referendum is to be countywide, get a list of voters from the county. Call those you think will be sympathetic and identify others from your calls. Send literature to any supporters you can identify. Get out the vote on election day. Provide transportation and child care services as needed. Use your poll list at the place of election to identify those who have not voted. Keep calling potential voters during the day to urge them to vote.

Planning for the Future After a Loss

What if you don't win? Often, it takes the loss of an important building to make a community recognize how vulnerable its resources are and to take steps to protect them. You will have been successful if the loss of one building leads to the protection of other historic resources in your community.

After the loss, issue a statement expressing your deep disappointment and regret, being careful to frame it in the context of the loss to the entire community.

Now is the time to begin efforts for other historic properties. The loss of a structure should spur examination of your community's preservation program. Consider the following directions for your work.

Preservation Planning

Now may be the appropriate time to (1) conduct a survey of historic resources in your community; (2) review your community's comprehensive plan; (3) work for a preservation plan and/or ordinance; (4) develop an economic incentives/redevelopment program; (5) review the existing zoning ordinance and work for amendments

On enabling legislation for historic preservation ordinances see "Cities and Villages Act" and "County Historic Preservation Act" in the Appendix. For a basic preservation resource see National Trust for Historic Preservation, *Landmark Yellow Pages*, also in the Appendix.

as needed.

If preservation has been thwarted by demolition permits inadvertently issued for historic structures, now may be the time to develop and offer to the city government a complete list of landmarks by owner and address and with cross-references for addresses

of landmarks located on corners (for example, "1200 Maple Avenue; also 800 Greenleaf Street" and "800 Greenleaf Street; also 1200 Maple Avenue"). Offer a computerized version to the city's building department for incorporation in its data base. This should provide a "red flag" for the permit system whenever a proposal for alteration or demolition of a local, state, or national landmark structure is submitted. Develop and maintain a

map showing lot lines (preferably with building footprints) and highlight all landmarks. Use the map and address list to double check the location of proposed development in your community. If your community does not have official landmarks, make a list of historic properties that preservation experts have identified.

Begin now to explore alternatives for the protection of properties that are likely to be threatened in the near future. Taking stock early provides you with the important resource of time to prepare and to effectively organize the community to preserve its built heritage.

Preservation Education

Plan a program in preservation education, both for the community and especially for public officials. You might plan guided tours of your historic properties



including homes, religious buildings, government structures, and historical sites. A photograph book about your community's special structures and sites will be a continual reminder to residents of the special features of their community. An annual or semiannual lecture series provides not only an educational opportunity but also a regular occasion for those interested in historic preservation to meet. Such opportunities will build support for those occasions when there is a need in the future for action on preservation.

Also use these opportunities to bring in public officials and community leaders as active participants: a guided tour might end with a reception at city hall, a politician might write the preface to your photograph book, the mayor or head of your city council might introduce the speaker at your lecture series.

Preservation Participation

Support your local landmarks commission by attending its meetings. Make sure that people know when the

commission meets and that there is sufficient notice of the agenda. Recognize that in some communities an important distinction is made between a private not-for-profit organization and an appointed board or commission. Some preservation commissions are established with the expectation that they are "to administer" the local preservation ordinance, not "to advocate" on behalf of particular issues. Private citizens, non-for-profit private organizations, and neighborhood groups can be effective advocates in these settings. Elected officials are most likely to listen to their constituents and respond to their concerns.

Private organizations can play crucial roles when the community plan or policies are ambiguous or incomplete. They can also have some impact when development or other pressures are particularly strong and threaten to undermine existing legal norms or community expectations.



B. Publications

Commission on Chicago Landmarks, *Your House Has a History*. December 1991.

A 9-page booklet identifying the various resources available for research on historic property in Chicago. A useful guide for individuals interested in the history of their home or block.

Duerksen, Christopher J. and Richard J. Roddewig, *Takings Law in Plain English*. (Published by the American Resources Information Network, P.O. Box 33048, Wash. D.C. 20033; Tele: 1-800-846-2746), 1994.

This 45-page publication explores the historical, legal, and economic landscape of the "takings clause" of the Fifth Amendment. Through a discussion of court decisions, economic terms such as "reasonable use or return on property," and other subjects, the guide provides a readable and practical introduction to the issue of private property rights and the public interest.

Landmarks Preservation Council of Illinois (LPCI), *Preserving Our Past: Preservation Easement Program*.

This brochure describes what an easement is; the benefits of an easement donation; and the criteria and procedures for donating an easement. LPCI has a nationally recognized easement program.

Landmarks Preservation Council of Illinois (LPCI), *Restoration Resources Directory*. 1993.

This useful 20-page booklet lists design, construction, and other professionals who can assist owners in preserving their historic property.

National Trust for Historic Preservation (NTHP), "Using the Community Reinvestment Act in Low-Income Historic Neighborhoods." *Information, Information Series No. 56*, 1992.

This information-packed article describes the local lending obligations of banks; the criteria used by regulatory bodies to evaluate a bank's lending record; and the methods and materials you can use to analyze whether a bank is meeting your community's credit needs.

National Trust for Historic Preservation (NTHP), *Landmark Yellow Pages: Where to Find All the Names, Addresses, Facts, and Figures You Need*. (1785 Massachusetts Ave., N.W., Washington, D.C. 20036), 1993.

A comprehensive guide to such issues as adaptive reuse, architectural styles, court cases, easements, historic sites, legislation, preservation ordinances, and the like.

Rypkema, Donovan D., "The Economic Misunderstandings of the "Property Rights" Movement." *Responsive Community*, Volume 3, No. 3, 1993.

A critical analysis of the common arguments made by the property rights movement, and a thoughtful examination of the public benefits of land-use regulation.