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August 10, 2020

(SENT VIA EMAIL)

Mr. Matt Fuller  
Environmental Programs Engineer  
Illinois Division  
Federal Highway Administration  
U.S. Department of Transportation

RE: *Response to request for comments on the Draft Memorandum of Agreement (MOA) for Jackson Park Historic District and Midway Plaisance*

Dear Mr. Fuller,

Landmarks Illinois (LI), as a consulting party, is writing to provide comments regarding the draft Memorandum of Agreement (MOA) for the Jackson Park Historic District and the Midway Plaisance associated with proposed road and park changes to accommodate the Obama Presidential Center (OPC). In its current draft form, LI is not inclined to sign the MOA as a concurring party. In 2015 we released a public statement that alternative sites adjacent to the two proposed National Register-listed parks could accommodate an innovative, world-class design for the OPC. Underlying our aforementioned position on the MOA, I want to call attention to the fact that once Jackson Park was selected as the OPC's site, LI has never called for its relocation. We resolved to work within the Section 106 process to find ways to avoid, minimize and mitigate impacts to historic resources within the park and to the surrounding community as it relates to potential displacement and real estate speculation.

We agree with the findings in the final Assessment of Effect (AOE), though recognize through the public consultation process that distinguishing the OPC an "adverse effect" is considered offensive terminology to project supporters. This term, as defined in federal law, calls out that the OPC negatively impacts Jackson Park's historic features. Landmarks Illinois agrees with the finding because very few of our requested improvements to the siting and design have been incorporated, which we believe would have minimized its impact. The project's associated road changes also alter the park's historic setting, which led to its National Register listing.

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We are extremely disappointed that the avoidance and minimization suggestions received during the Section 106 process were not considered more seriously based on the rationale that these measures were evaluated by city officials prior to Section 106 consultation. We understand that this pre-evaluation was legal. Though the public was able to comment on these measures during the city's approval process, primarily at the Plan Commission and City Council in 2018, the Section 106 impact findings noted in the AOE were not available to inform those local approval processes, which is the intention of federal regulatory review.

The Federal Highway Administration (FHWA) has continually stated the federal agencies remain open to any avoidance and minimization efforts proposed by the consulting parties that are within the federal area of jurisdiction. However, the FHWA itself had made the continuous claim that the OPC, and the city's actions, are not subject to the NHPA's requirement to consider avoidance, minimization and mitigation of adverse effects because no federal funding or approvals were necessary. Thus, how and where would the FHWA's openness to alternatives even be applicable to demonstrate a genuine consideration process? (*Assessment of Effects to Historic Properties Proposed Undertaking In and Adjacent to Jackson Park*, January 2020, page 75).

We disagree with the FHWA's above claim and believe it is improperly limiting its review of the undertaking to segmented areas. It is not considering funding or permitting actions that are reasonably foreseeable because of OPC's construction. Once again we offer our comments regarding mitigation opportunities that we urge you to consider for the final MOA. If some or all of these suggestions are included, LI will reexamine signing the MOA as a concurring party.

1. ***The Dispute Resolution section of the draft MOA refers to signatory and concurring parties only and should be changed to signatory and consulting parties.*** The opportunity for consulting parties in the future to participate in discussions or objections to how the MOA is being carried out should not be disallowed or discouraged. The Section 106 process does not mandate, but encourages consulting parties to sign the MOA. Therefore, excluding consulting parties from future consultation due to a decision to not sign the MOA is exclusionary and wrongly gives special privileges for concurring parties.
2. ***Extend the duration of time of the MOA.*** Currently the MOA's duration is set at five years from the date of execution. Considering the scope of the OPC project and necessary infrastructure, along with the goals of the MOA, five years seems unrealistic for completion. In consultation with the Advisory Council on Historic Preservation (ACHP), we greatly encourage extending the MOA duration.

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3. ***Incorporate older and historic buildings in the housing affordability and anti-displacement strategy for Woodlawn.*** We commend the Community Benefits Agreement (CBA) Coalition and the city for negotiating a tentative CBA ordinance. LI has consistently raised concerns about the OPC's unintended impact of causing real estate speculation and potential resident displacement. We stressed the need for the city, state and federal agencies to evaluate potential programs to curb displacement with one solution being incentivizing building rehabilitation over demolition. This older building stock often serves as naturally occurring affordable housing. Preservation should be one tool that helps low-income renters and owners stay in their homes and low- and middle-income earners buy homes in the community around the OPC. Lessons should be taken from neighborhoods around The 606 and in Pilsen where housing programs and landmark district efforts should have been coalesced in a comprehensive plan addressing both the need to curb displacement and retain places significant to the community both culturally and historically. We urge the city to consider the findings of the May 2018, *Historic Properties Identification Report* and the *Woodlawn Plan Consolidation Report* to identify local landmark districts that protect older and historic building stock serving as naturally occurring affordable housing. Any landmark district effort should be considered within the context of a comprehensive housing and anti-displacement strategy, which must also include broad community engagement, accessible and equitable incentives, and flexible and adaptable regulatory tools.
  
4. ***Select other city-owned vacant land in the community to create new parks where green and open space is severely lacking.*** We continually believe it is counterintuitive to recommend the eastern end of the Midway Plaisance for the Urban Park Recreation and Recovery (UPARR) grant land replacement area. Not only would this impact the Olmsted design for the Midway Plaisance, it would replace passive with active parkland. Additionally, it could trigger another Section 106 review process if a Section 404 permit is determined necessary from the Army Corps of Engineers due to wetland conditions. FHWA responded to our questioning of this location in our August 30, 2019 AOE comment letter by stating, "Land already dedicated to recreation purposes are acceptable in a UPARR conversion." If the city maintains its decision to use the eastern end of the Midway for UPARR replacement, with our colleague organizations Friends of the Parks and Blacks in Greens, we challenge the city to allocate additional land for new green space in the community, especially in the area of Southwest Woodlawn. In the city's February 2020 *Woodlawn Plan Consolidation Report*, Southwest Woodlawn is acknowledged as being underserved by green space. The report only identifies two city-owned parcels (0.7 acres) for potential green space conversion. More city-owned land should be identified for additional green space in the Woodlawn community.

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5. ***Broaden the State Historic Preservation Office (SHPO) design review for replacement park land to include more than “play area features” in the east end of the Midway Plaisance.*** Isolating SHPO design review to the Plaisance’s east end play area features, which sounds like playground equipment, is inappropriate. The city should coordinate with the SHPO to review proposed plans for the entire Plaisance east end with the goal of complying with the Secretary of Interior Standards. Also, the UPARR replacement design in the Midway’s eastern end should be developed under the supervision of a qualified historic landscape architect based on the National Park Service 1999 Professional Qualification Standards.
6. ***Rehabilitate the Women’s Garden (Perennial Garden) built in 1936 and designed by female landscape architect May Elizabeth McAdams.*** The response to our August 30, 2019 AOE comment letter further concerned us regarding the proposed treatment of this historic resource. Retaining the location of the garden and reconstructing it with salvaged pieces still requires its destruction and reconstruction. Rehabilitation of the existing garden would be a direct mitigation approach.
7. ***Rehabilitate the golf shelter, built in 1912 located near the 9<sup>th</sup> hole, designed by the D.H. Burnham Company.*** This Classical building with an open loggia providing direct views of Lake Michigan is highly visible from Lake Shore Drive and is in a deplorable condition. It has long been recognized as a building needing to be prioritized for rehabilitation as it continues to be closed to the public and structurally compromised.
8. ***Fund the maintenance and renovation of other historic structures in Jackson Park.*** These include the 1932 Cheney-Goode Memorial on the Midway Plaisance, which honors women elected to early public office in Chicago, as well as the Iowa Building and the Cecil Partee golf shelter.
9. ***Add timelines to the Rehabilitation and Restoration section of the MOA.*** As of now, any rehabilitation and restoration work to projects identified, including the Statue of the Republic and the English Stone Comfort Station, is not committed to a timeframe. A definitive timeframe provides for accountability and assurances that the conservation assessments and rehabilitation/renovation plans won’t be shelved. Stated timelines for these projects will demonstrate a realistic, good faith effort to execute them.
10. ***Clarify adherence to the Historic American Landscapes Survey (HALS) standards in the Submission of Documentation section of the MOA and include National Park Service (NPS) review.*** Adherence to the HALS guidelines should be specified again in this section and the NPS should be included in determining whether HALS standards have been satisfied.

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We do commend the city and the FHWA for the large number of people and organizations that have been engaged with the Section 106 process. Landmarks Illinois looks forward to continuing to work with the public agencies, the city, the Obama Foundation and citizens as the OPC moves forward. Thank you for taking our comments and suggestions into consideration.

Sincerely,

*Bonnie McDonald*

Bonnie McDonald  
President & CEO

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Lee Terzis, NPS  
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