

The Works

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Oops! They Did It Again

An address mix-up helps fast-track another controversial demolition.

By Ben Joravsky

As his aides tell it, Mayor Daley blew his stack when he heard the news about the Mercantile Exchange building.

That was back in the spring of 2002, when the papers were reporting that somehow or other the buildings department had managed to issue a demolition permit for the Merc, one of the Loop's more historically significant buildings, without asking for the landmark division's opinion. Never again, Daley allegedly thundered, would one arm of his administration be so out of touch with another, particularly when a valuable old building was at stake. Several months later the City Council passed the so-called demolition-delay ordinance, intended to prevent such embarrassments.

Guess what? It's happened again. This time the Department of Construction and Permits mistakenly gave the CTA permission to demolish the Hayes-Healy Athletic Building, DePaul University's old Gothic gymnasium just east of the Fullerton el stop, without following the demolition-delay ordinance.

"It's funny how these mistakes generally work against old buildings," says Michael Moran, a board member of the watchdog group Preservation Chicago.

The demolition-delay ordinance has always been something of a joke to preservationists, as is the city's overall attitude toward preservation. Generally city officials like architecture all right—so long as it doesn't get in the way of development deals.



The Hayes-Healy Athletic Building

The Merc, a classic 1920s structure designed by Alfred Alschuler, sat at the corner of Franklin and Washington. In February 2002 the city's buildings department gave the Merc's owners, the Crown family, a permit to demolish it even though the building was rated orange in the Chicago Historical Resources Survey of local property (an orange rating is second only to red in the city's ranking of architectural significance).

When word of the pending demolition hit the papers, Daley and his chief planning aides claimed the building

wasn't worth preserving. But as preservationists began holding rallies and winning sympathetic media coverage, they started to change their tune. Eventually Alicia Berg, planning commissioner at the time, was telling reporters that Daley had been furious to learn buildings had failed to check with landmarks before issuing the permit. "We care too much about our architectural heritage to let things like this slip through the cracks," she said.

That December Daley announced a proposal to amend the building code to require a

hold on demolition permits for red- or orange-coded buildings. Under the eventual ordinance, approved by the council in January 2003, an applicant applies to the permits department for permission to demolish. If the applicant's property is rated red or orange, the permits department notifies the landmarks division of the planning department, which posts the application on its Web site. If there's a public to-do, the landmarks commission, a nine-person board appointed by Mayor Daley, holds a public hearing. If there's no great

outcry—and there are no standards set for what counts as one—the property owner gets to demolish his building.

It only took a few days for the city to make its first mistake under the new law. Later that month a developer got a permit to tear down Cass Studios, an orange-rated art deco apartment building at 747 N. Wabash, even though the landmarks division hadn't been consulted. When preservationists complained, officials said the appropriate computer systems hadn't been installed in time to prevent the demolition permit from being

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issued, but since it had been, their hands were tied. Cass Studios went down several months later.

The Hayes-Healy building fell victim to the wrecking ball after a different sort of error. For four years the CTAs been pushing to destroy the orange-rated building as part of its controversial Fullerton station expansion project. Neighbors pointed out that the station could be expanded for far less money without demolishing the gym. "We put all the arguments on the table, but the CTA wouldn't budge," says Martin Oberman, the former Lincoln Park alderman who led the fight against the Fullerton project. "They didn't have to tear down Hayes-Healy. The best explanation I have as to why they're tearing it down is because they could."

Throughout the fall the CTA and DePaul haggled over a sales price. According to an October 11 *Tribune* article, the CTA offered about \$7 million but DePaul wanted \$10 million. Under eminent-domain provisions, the matter went to court, and in November a jury awarded DePaul just \$3.85 million.

The building in its possession, the CTA didn't waste any time applying for and receiving a demolition permit. "On Sunday [December 4] the work crews showed up," says Oberman, who lives near Hayes-Healy. "By Monday they had half the building down."

Meanwhile, Preservation Chicago had placed the gym on its 2006 list of the city's seven most endangered buildings. On December 6 Moran e-mailed Brian Goeken, deputy commissioner of the landmarks division, demanding that he seek a stop-work order on the grounds that the city had an invalid demolition permit. "The demolition permit was never listed on the Demolition Delay list," Moran wrote to Goeken. "The city's policy has not been followed."

On December 7 Goeken e-mailed Moran an explanation. "We checked with [the permits department] this morning, and the demo permit was issued last Thursday, Dec. 1," Goeken wrote. "As you know, the building is in the middle of the campus, without direct street frontage. The Chicago Historic Resources Survey . . . had the

building addressed on Chalmers Place. But the official address is 910 W. Belden, which is why we did not see the permit."

The permits department had no reason to notify landmarks about the CTA's demolition application—the building at the address on the CTA's application wasn't rated orange. "As you know, work is substantially underway and [we] had no intention of holding the permit since this project has gone through multiple public reviews over several years," Goeken continued. "We appreciate that your organization has continued to call for the building's preservation, but there will be no further action on this permit by our department."

Connie Buscemi, a planning department spokeswoman, says that even if the city had posted Hayes-Healy on its demolition-delay list it wouldn't have helped. "The future of Hayes-Healy had been discussed extensively at public forums. This should not have been a surprise to anyone—there was no need to debate it any further," Buscemi says. "The state and the federal governments signed off on it. Even if it had been on

the demolition-delay list the ultimate outcome would have been the same."

Moran concedes that Buscemi is probably correct: it's highly unlikely the planning department would fight to save a building that stood in the way of a CTA construction project, no matter how misguided its demolition might be. Still, the department's complacency grinds at Moran. Shouldn't the city's landmark people seek to protect their jurisdiction in local landmark matters rather than acting as a rubber stamp? "You'd think they'd be damn mad that their own laws and procedures were not followed," says Moran.

On December 7 he fired back one last e-mail to Goeken. "You are still not addressing the problem," Moran wrote. "Since when is it OK to tear down any building, let alone an orange-rated building, without a valid demolition permit?" (Goeken did not respond to this e-mail and did not return my call for comment.)

As Moran points out, similar confusion almost spelled doom for Saint Gelasius, the south-

side church the archdiocese wanted to demolish in 2004. "With Saint Gelasius they didn't have the address of the actual church on the demolition permit—they had the address of this little convent near the church," says Moran. "It's a gigantic limestone church that we were fighting to save, but they somehow managed to have the wrong address on the permit. Isn't that convenient?"

At least with Saint Gelasius the struggle had a happy ending. "We got a call and got out there just as they were taking down the wrought-iron fence," says Moran. "We raised hell and forced the city to get a stop-work order, and eventually the church got saved."

There will be no happy ending for Hayes-Healy. Most of it has already been destroyed. "All you have to do is put down the wrong address, and after they tear down an orange-rated building, the city goes, 'Uh-oh, it was a mistake,'" says Moran. "The process is a sham. They shouldn't call it the demolition-delay ordinance—they should call it the going-through-the-motions ordinance." ■

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