

October, 2010

**After 12 Years Of Litigation, Supreme Court Upholds
Neighborhood Opposition To Lakefront High-Rise**

On Wednesday, September 29, 2010, by denying appellate review, the Illinois Supreme Court ended zoning litigation filed against the City in 1998 by Draper & Kramer, the owner of the last parcel of vacant land along Chicago's northern lakeshore. The lawsuit, brought on behalf of 1350 Lake Shore Associates, challenged the City's 1997 down-zoning of the property and revocation of a 1978 approval to build a 40-story high-rise on the parking lot at Lake Shore Drive and Banks.

Shortly after the suit was filed, the Near North Preservation Coalition joined the litigation on behalf of seven nearby residents (the Intervenors). The intervention was granted over the objection of Draper's lawyers who feared (and with good reason) that the Near North Preservation Coalition would block settlement of the case with the City, which it did. A subsequent attempt by Draper to oust the Intervenors also failed.

Subsequently, after two, 3-week trials on separate issues, and six appellate court decisions, the City of Chicago and the Near North Preservation Coalition succeeded in upholding the constitutionality of the City's down-zoning and height limitations for the neighborhood, and the courts' rejection of the developer's claim to a "vested right" in the City's 1978 approval of the proposed high-rise under prior zoning provisions.

Hope McCormick started it all back in the '70s when she succeeded in persuading the City to landmark most of Astor Street. Down-zoning property along North Dearborn Parkway was next, with the help of former Alderman Burt Natarus. Vi Daley and Brendan Reilly have continued their preservation support. Since 1979, not a single high-rise has been built in the Near North Side.

The NNPC was formed in 1997 in response to proposals to build one high-rise building next to Goudy Park on Astor, and another on the parking lot on Lake Shore Drive. As a result of the Coalitions' efforts, the two aldermen involved, Burt Natarus and Charles Bernadini, supported further downzoning of the neighborhood and the adoption of height limitations. The Goudy Park developer acquiesced and built a Lucien Lagrange-designed mid-rise that has become the envy of every up-scale neighborhood in Chicago. Draper & Kramer, however, went to court. The rest is now, we hope, history.

As one appellate court in the case observed, "It is well established that preserving historic and architecturally significant areas is beneficial to the public." Accordingly, the NNPC continues with its mission to protect one of the finest urban neighborhoods in the nation, loyally supported by the Gold Coast Neighbors Association, many co-ops and condos in the neighborhood, and almost 400 individuals. It has been a costly battle, but worth it – if you compare our neighborhood with, say, Streeterville, River North or even New York's Park Avenue.