

**BEFORE THE PLAN COMMISSION
OF THE CITY OF CHICAGO**

August 21, 2008

OBJECTIONS
TO FORM, SUBSTANCE AND MERITS OF PARK DISTRICT APPLICATION
NO. 553

and

SUGGESTIONS OF VIOLATIONS OF THE LAKEFRONT PROTECTION
ORDINANCE, CHAPTER 16-4-150 AND 16-4-160, MUNICIPAL CODE OF
CHICAGO

*Submitted by Protect Our Parks, Inc.
On behalf of residents and taxpayers of Lincoln Park*

INTRODUCTION

Protect our Parks, Inc. (“POP”) is before this Commission because it filed a lawsuit to enjoin the construction of an artificial turf soccer field in the South Field of North Meadow in Lincoln Park. POP prevailed, as both the Illinois Appellate Court and the Circuit Court of Cook County, entered a Temporary Restraining Order (a) preventing any further construction activities at the South Field, and (b) enjoining an illegal contract between the Latin School of Chicago and the Chicago Park District pertaining to Latin’s construction and priority use of the proposed artificial turf field.

In so prevailing, the courts found that POP had met its burden of showing a likelihood of success that the proposed artificial turf field violated the Lakefront Protection Ordinance, the Illinois Constitution, and the Public Trust Doctrine.

Protect Our Parks, a not for profit, IRS 501(c)(3) charitable and educational corporation, came into existence in 2007 to legally challenge the Park District’s secretly negotiated, and illegal, deal to build a soccer field in Lincoln Park designed for the use of the exclusive and private Latin School of Chicago, despite community outrage and opposition that has been continuously reiterated over the past six years.

The mission of Protect Our Parks is to:

- (1) Preserve public parkland and open space;
- (2) Monitor the actions of the Chicago Park District and other entities impacting public parkland and open space;
- (3) Oppose privatization of public parkland and open space.

To date, over 2,400 residents and taxpayers, and all the major environmental and park preservation organizations, have joined in by signing protest petitions, contributing money and taking legal action to stop the Park District in its effort to build a soccer field in Lincoln Park that is not needed or wanted by the community.

Lincoln Park is the most intensively used open space in Chicago. Open space that attracts as many as one million people during certain summer days. Since July 1994 it has appeared on the National Register of Historic Places and now ranks as the second most visited Public Park in the entire country, surpassed only by Central Park in New York.

By comparison, downtown Grant Park ranks as only #26 in the park rankings researched by The Trust for Public Land, a national, non-profit, land conservation organization.

The historic meadow now being singled out for extinction by the Park District, in order to stuff an incompatible artificial surface soccer field into its place, is a

rare open space in the busiest part of the busiest park in Chicago, an intensely visited public destination for families, young children and tourists from around the world.

South Field is surrounded by an integrated cultural complex within this confined lakefront area, consisting of the Lincoln Park Zoo; Lincoln Park Conservatory; Farm in the Zoo; The award winning and Federal landmarked Alfred Caldwell Lily Pool; the North Pond Nature Sanctuary; The South Pond (planned to soon also become a nature sanctuary); the recreational boat and fishing lagoon; the adjoining Chicago History Museum; The Nature Museum of the Chicago Academy of Sciences; The Peggy Notebaert Nature Museum; The Lincoln Park Cultural Center; all attractions that annually draw multi- millions of people to this area of the park - people who come to enjoy a nature outing and the pleasure of unimpeded casual walking from attraction to attraction and the pleasure of crossing Lake Shore Drive to and from the North Avenue Beach on the Museum of Modern Art award winning Passarelle Bridge.

The immediate and unavoidable consequence of building a fenced artificial surface soccer field in this sensitive location is that visitors to this distinguished cultural and nature center strolling from place to place would be suddenly confronted with the incongruous obstacle of an unnatural barrier and eyesore.

The critical public policy issue to be decided by the Plan Commission is not the simple construction of one more turfed soccer facility in the park or the call by some for more such single use recreation facilities. There are areas elsewhere in the 1,208 acres of the six mile long park that would ideally site a soccer field without destructive consequences.

Lincoln Park does accommodate a variety of facilities and uses BUT IN APPROPRIATE LOCATIONS that do not do deliberate harm to the park. By any unbiased and objective examination this North Meadow location is not appropriate and, significantly, has been exposed as being singled out solely to achieve an improper private objective.

The Park District application for approval to force this particular soccer field into this rare open space of this particular North Meadow South Field is the starkest example of a blind eye failure to acknowledge and protect a unique section of lakefront public property from private exploitation, and a deliberate corruption of invaluable lakefront park resources.

The choice of this unique and historic park meadow was contrived by the Park District in a secretly negotiated Agreement designed to benefit the private

and exclusive Latin School of Chicago, which adjoins the park and which lacks its own private outdoor athletic facility, as do many of its peer private schools in the city. This is no less than an attempted illegal stealing away of invaluable public lakefront park for primarily private use and could not be a more outrageous or inappropriate act by the Park District and the Latin School, a secret Agreement that did not survive a Court challenge in *Protect Our Parks et al. v. Latin School et al.*, 08 CH 14027. Now the Park District brazenly proposes to accomplish the very same end by disguising its purpose, deceiving the public and the Plan Commission and finally degrading the Park.

[copy of the Latin School Agreement attached as Exhibit A]

Moreover, this particular soccer field in this place is unneeded and unwanted by the Lincoln Park community and over the past six years has been repeatedly rejected by concerned citizens and protectors of the park every time it reemerges from the backrooms of the Park District and the Latin School of Chicago.

[copies of resolutions by Lincoln Park Advisory Council (LPAC), Sierra Club, Save Our Community Center, Harold Washington Memorial Park Dearborn Park Community Group and Friends of the Park (FOTP), opposing construction and calling for return of the meadow to its natural grass condition; and petitions and thousands of citizen signatures opposing construction are attached as Exhibit B]

Among the major cities of the world and the United States, Chicago has always been envied for the existence of its protected lakeshore park system and the wisdom of City managers in preserving open space as a green refuge from the oppressive conditions that are the consequence of commerce, urban growth, congestion and seasonal heat and humidity.

Soccer fields can exist anywhere, and indeed should be made available in appropriate areas of our park system, and in underserved and lower income neighborhoods, but Chicago has become a tourist destination and convention center because of the rare lakefront amenities it can offer, including an untrammelled park.

This Plan Commission was created and is charged with the mission of protecting the lakefront and “to insure that the lakefront parks and the lake itself are devoted only to public purposes and to insure the integrity and expand the quantity and quality of the lake front parks”.

[Lake Michigan & Chicago Lakefront Protection Ordinance, section 16-4-030]

The Plan Commission has been empowered to be a guardian of the lakefront park, to clearly comprehend and correct the consequences of wrong and destructive decisions being imposed upon the park by other agencies that have only a narrow bureaucratic perspective or a transparently misguided purpose.

When the Plan Commission exercises its independent and critical judgment, and reasserts common sense, reason and objectivity where it has been lost by others, it fulfills its assigned mission, creditably serves the public interest and earns the acclaim of all the citizens and taxpayers of the City of Chicago.

The application of the Park District to build a soccer facility in North Meadow South Field Lincoln Park should be summarily denied.

I. THE APPLICATION IS MERELY A THINLY-VEILED CONTINUATION OF THE PARK DISTRICT'S PREVIOUS ILLEGAL PLAN.

The Park District Application is in the posture of a "proposed" athletic field in the south portion of Lincoln Park but, in fact, the Applicant admits that construction of this field was illegally commenced and significantly advanced, pursuant to its illegal Agreement with the Latin School of Chicago, dated December 1, 2006, formulated in violation of Chapter 16-4-150 of the Lakefront Protection Ordinance.

Chapter 16-4-150 specifically provides: "It shall be unlawful for any physical change, whether temporary or permanent, public or private, to be undertaken, including but not limited to...excavation, or construction of any kind within the Lake Michigan and Chicago Lakefront Protection District Ordinance ... or for any...disposition of public property by a public agency, whether by sale or lease, or other means...without first having secured the approval therefore from the Chicago Plan Commission..."

The unlawful work was enjoined by orders of the Circuit and Appellate Courts entered on May 1, 2008 in the case of Protect Our Parks, et al. v. Latin School of Chicago, et al., 08 CH 14027, and later codified in a formal Settlement Agreement with Applicant, dated May 15, 2008.

[copy of Appellate Court order attached as Exhibit C]

When there are admitted wrongful acts, Chapter 16-4-160 provides for imposition of a monetary penalty for "violating, disobeying, omitting, neglecting or refusing to comply with enforcement of any of the provisions of this chapter", and that "A separate and distinct offense shall be regarded as committed each day upon which each person shall continue any such violation or permit any such violation after notification thereof."

The Park District and Corporation Counsel were formally notified of the violations by letters and E-mail on March 12 and March 19, 2008, and

subsequently by the Protect Our Parks' Verified Complaint that was filed and served on April 16, 2008, but neither the City nor the Park District has taken remedial action as provided in both Chapter 16-4-170 and 16-4-160. [copy of letter attached as Exhibit]

Significantly, the illegal construction has remained in place to the present day notwithstanding continuing objections and demands that the meadow be restored to its original condition. Now, the Park District brazenly seeks Plan Commission approval to benefit from its wrongful acts.

II. THE PARK DISTRICT'S GOAL IS TO CIRCUMVENT THE ORDERS OF THE COURTS OF THE STATE OF ILLINOIS AND THE COMMUNITY'S OPPOSITION.

The plans, specification and description of the "proposed" athletic field in Lincoln Park attached to the Park District Application are identical to, and serve the same illegal purpose, as the Latin School Agreement that was struck down in 08 CH 14027. The Park District Application purposefully calculated to circumvent the adverse Court orders entered against it and thumb its nose at the concerted opposition of the community.

The following organizations *oppose* the proposed artificial turf field: Friends of the Park, Lincoln Park Advisory Council, Save Grant Park, Sierra Club, Preservation Chicago, New Eastside Association of Residents, Dearborn Park Community Group, Gale Park Advisory Council, Save Our Community Center, Harold Washington Memorial Park and League of Women Voters.

III. THE APPLICATION DOES NOT COMPLY WITH THE LAKEFRONT PROTECTION ORDINANCE.

Further, on its face the Park District Application fails to comply with specific requirements of the Lakefront Protection Ordinance. Chapter 16-4-110, which provides that the Commissioner of the Department of Planning and Development shall (a) "forward every proposal or application submitted to the Chicago Plan Commission...to the Department of Environmental Control; (b) to receive a "report of comments and recommendations"; and (d) "to prepare and submit to the Chicago Plan Commission a written report which shall include his findings and recommendation on each application or proposal no less than five days prior to the scheduled hearing."

There is no evidence that the commission of the environment has ever conducted an investigation of the ecological and environmental impact of the Park District proposal, as provided in Chapter 16-4-130, either prior to December

1, 2006 or at any time up to the present day. Freedom of Information Act Requests submitted to the Park District for all such studies and reports were answered as “not existing”, and there is no such report attached to the Application or made available for public inspection. The Park District Application is deficient and does not comply with explicit requirements of the ordinance.

IV. THE PARK DISTRICT’S PLAN CUTS AGAINST THE 1995 LINCOLN PARK FRAMEWORK PLAN, THE THIRTEEN PURPOSES OF THE LAKEFRONT PROTECTION ORDINANCE AND THE FOURTEEN BASIC POLICIES OF THE LAKEFRONT PLAN OF CHICAGO.

The duty of the Plan Commission is to arrive at a decision “made in conformity with the purposes for which this chapter is adopted as set forth in Section 16-4-030, as well as the Fourteen Basic Policies contained in the Lakefront Plan of Chicago.”

The specific purposes detailed in 16-4-030 are, *inter alia*:

- (a) “to conserve our natural resources”;
- (e) “to insure that the lakefront parks are devoted only to public purposes” ;
- (f) **“to promote and provide for *continuous* pedestrian traffic along the shoreline”;**
- (g) **“to promote and provide for pedestrian access to the lake and lakefront parks from and through areas adjacent thereto”. (Emphasis added)**

The Park District plan to destroy a historic natural grass meadow adjacent to the MOMA Award winning Passarelle Bridge, the only bridge providing access over Lake Shore Drive to and from North Avenue Beach, and interpose in its place an artificial surface soccer field in South Field Lincoln Park, for the primary use of the private Latin School of Chicago, unavoidably violates the Lakefront Protection Ordinance and its stated purposes which must be protected by the Plan Commission.

The City of Chicago Fourteen Basic Policies include, *inter alia*:

- 2. “Maintain and enhance the predominantly landscaped, spacious and continuous character of the lake shore parks”;
- 4. “Preserve the cultural, historical and recreational heritage of the lakeshore parks”;
- 7. “ Protect and develop natural lakeshore park and water areas for wildlife habitation”;

13. “ Ensure that all...public facilities are designed to enhance lakefront character”.

The Park District plan unavoidably violates the Fourteen Basic Policies which must be protected by the Plan Commission.

1995 Lincoln Park Framework Plan and South Field

The Lincoln Park Framework Plan was the result of four years of work by a coalition of seventeen non-profit organizations representing approximately 40,000 people joining with the Chicago Park District to develop a master plan for restoration and management of Lincoln Park. According to the synopsis found inside the cover, “the Lincoln Park Framework Plan presents a vision of what this lakefront park should become and a direction for its evolution.” A careful objective reading of the Framework Plan shows that, for all its detailed mapping and elaboration of park purposes and needs, the plan does not support the construction of a new artificial turf soccer field in the North Meadow of South Field.

According to the plan, “open park space and free access to the lakefront are essential to Lincoln Park.” The plan advocates promoting open space as the primary land use. By contrast, the plan recommends maintaining the “current number of fields and courts designed for structured active uses” and seeking “areas for more fields and courts for structured, active uses outside Lincoln Park.”

In fact, the plan calls for *less athletic fields in the South Field area*, not more. On page 41, it explicitly advocates relocating “one soccer/rugby field to the Diversey Fields.” This statement is reinforced on page 37, where the plan recommends adding “one permit-only rugby/soccer/lacrosse field east of the driving range....”

On page 49, the plan requires that the extent and seriousness of existing congestion be considered when locating new facilities in the park. According to the plan, the area of the park between Diversey and North Avenue is the oldest section of the park and “the most crowded with major attractions.” The plan states that the paths and roads in this section are *overwhelmed by pedestrians and vehicles* and notes that the most severe congestion for cars and pedestrians is on Fullerton, Stockton and Cannon Drive and for bicycles and pedestrians, at the Passerelle Bridge. These areas are adjacent to the proposed field.

The plan also addresses the parking problems in the area, stating that the Zoo and the North Avenue Beach create a high demand for parking and that

park visitors compete with the residents of the densely populated neighborhood for parking.

The placement of the proposed artificial turf soccer field in South Lincoln Park cannot be supported in any way by the Framework Plan for Lincoln Park.
[copy of excerpts from the Lincoln Park Framework Plan attached as Exhibit D]

V. THE PARK DISTRICT HAS FAILED TO GIVE THE COMMISSION A PROPER ASSESSMENT OF THE IMPACT OF THE PROPOSED FIELD.

Part Four of the Park District Application, pages 11 et seq., is the required formal disclosure of "Potential Impact" of proposed construction, by means of targeted questions that must be answered, specifically addressing the Fourteen Purposes of the Lake Michigan and Chicago Lakefront Protection Ordinance and the Thirteen Basic Policies of the Lakefront Plan of Chicago.

It is unavoidably apparent from a reading that the Answers provided by the Park District to these Questions lack all candor or meaningful exposition and represent only generic repetitions of self-serving conclusions.

Most glaringly, the Answers totally evade reference to the details of the now notorious calculated misuse of public park land for a private use purpose and disdain for its fiduciary duty to preserve the park.

Complete the publicly owned and locally controlled park system along the entire Chicago lakefront.

Response: The site of the proposed athletic fields is located in the Public Use Zone and is already publicly owned by the Chicago Park District.

Reply: The Park District ignores the overriding concern that a park project has the GENUINE objective of completing "publicly owned and locally controlled" park land. Unmentioned is the struck down initial Latin School Agreement and the subsequent challenged Termination Agreement that perpetuates the illegal soccer field Agreement, as well as the near unanimous opposition of the local community for over seven years. The present Park District Application is purposefully designed to circumvent all this, and advance one more step in the accelerating privatization of the public park system.

Maintain and enhance the predominantly landscaped, spacious and continuous character of the lake shore parks.

Response: The proposed athletic field will enhance the character of the lakeshore parks by providing additional recreational opportunities and landscape enhancements.

Reply: The Plan Commission need only examine the photos, sketches, detailed plans and specifications of the project, which are attached following page 15 of the Application, to see that the construction is the antithesis of enhancing a "predominantly landscaped, spacious and continuous character of the lake shore parks."

Continue to improve the water quality and ecological balance of Lake Michigan.
Response: The water run-off from the athletic field will drain into Lake Michigan as requested by the City of Chicago Bureau of Water Management and will have no direct bearing on the ecological characteristics of Lake Michigan.

Reply: The Chicago lake shore beaches are frequently closed for health reasons due to high recorded levels of bacterial and viral pollution, attributed to contaminated drainage from gull, goose, dog, wild animal and untreated human waste. The drainage runoff from the proposed soccer facility and its artificial turf surface into the lake will now contain additional hazardous and carcinogenic substances. For health and safety reasons alone, drainage must be diverted into the city sewer system not the lake.

4. Preserve the cultural, historical and recreational heritage of the lakeshore parks.

Response: The proposed athletic field will preserve the heritage of lakeshore parks by providing new recreational opportunities in Lincoln Park. Lincoln Park has historically been used as an active regional park.

Reply: The word "preserve" and "new recreational facilities" in the same sentence is an oxymoron. The "new" facilities would be in stark conflict with the standards of use painstakingly described in the Lincoln Park Framework Plan discussed, *supra*.

6. Increase the diversity of recreational opportunities while emphasizing the lake-oriented leisure time activities.

Response: The proposed athletic field is intended to increase the diversity of recreational opportunities since there are no other soccer, lacrosse, or football fields within Lincoln Park.

Reply: The Park District seems unaware that the many varieties of games can be played on the existing open grassy meadow without becoming a restricted single use obstruction that drives out other non-soccer forms of recreational use. Curiously, the preexisting flexible grass soccer areas now being used by Latin School have disappeared from the Park District photos, drawings and maps of the area.

7. Protect and develop natural lakeshore park and water areas for wildlife habitation.

Response: The proposal will not create any lakeshore park or water areas, nor endanger any areas for wildlife habitation, and thus, this policy is not applicable.

Reply: The danger to natural settings and wildlife habitation is best appreciated by heeding the opposition voiced to the project by all the leading conservation, naturalist, and park protection organizations. These organizations are Friends of the Park, Lincoln Park Advisory Council, Save Grant Park, Sierra Club, Preservation Chicago, New Eastside Association of Residents, Dearborn Park Community Group, Gale Park Advisory Council, Save Our Community Center, Harold Washington Memorial Park and League of Women Voters.

8. Increase personal safety.

Response: The proposed athletic field will increase personal safety because it will provide new recreational activities within Lincoln Park, thus creating an active area within the park.

Reply: Organized competitive sports like soccer are known to release the high spirits, emotions and occasional "post event" disturbances. Teams and spectators often continue their spirited rivalries after the game is over. Given the placement of the proposed field amongst so many natural and tranquil assets, and its proximity to North Beach and Lake Shore Drive, the field would invite unwanted noise and potential trouble, including interference with Lake Shore Drive traffic, and possible unwanted activity "after hours" at North Beach.

10. Ensure a harmonious relationship between the lakeshore parks and the community edge, but in no instance will further private development be permitted East of Lake Shore Drive.

Response: This policy is not applicable because there is no private development or development of any kind located east of Lake Shore Drive. This is a publicly owned athletic field.

Reply: This response ignores the numerous residential buildings located south and west of this area of Lincoln Park, including many high-rise buildings directly overlooking the south field. In reply we submit a quote gathered by one of our online petitions, from a Chicago Police officer who lives in West Rogers Park.

"I would like to say that I strongly support your petition. I live in the neighborhood of West Rogers Park directly across from Rogers Park Field House and I and my neighbors have been suffering like you could not imagine since the soccer league came to Rogers Park. We are face with beer bottles, dirty diapers, extremely loud music, cars speeding in the area, loud profanity, men urinating on trees and men changing their clothes down to their underwear and sometimes totally nude. How would you like your wife or daughter to see that? Now for those that say "Call the police", well I am a policeman and I have had to come home and be the police. That's not right, I want to come home and relax like everyone else. The Chicago Police Department is too short staff to put a squad car in the park for every game. Then you have the non-organized large groups that will come and play which will bring more problems. Since the soccer league has come to our neighborhood, we are faced with graffiti, drugs, and gang activity". (name withheld by request)

11. Improve access to the lakeshore parks and reduce through vehicular traffic on secondary park roads.

Response: This proposal will not affect access to Lincoln Park nor traffic on secondary park roads, and is thus, not applicable.

Replay: The already congested and overcrowded area of the Zoo, Conservatory, Farm in the Zoo, Swan Boat lagoon and the other nature institutions in the area, and the chronic limited parking will be aggravated to gridlock by the additional soccer traffic of buses, vans and other private vehicles transporting organized soccer teams and their fans to an area already overburdened and which cannot be expanded. The soccer field itself requires fencing and screening to prevent soccer balls from traveling into moving traffic on Lake Shore Drive and causing multi-car fatal accidents.

12. Ensure that all port, water supply, and public facilities are designed to enhance lakefront character.

Response: The proposed athletic field will enhance the lakefront character by providing new recreational opportunities including new fencing, accessible drinking fountains and upgraded utilities.

Reply: How exactly can the lakefront character be enhanced by obstacle fencing and an artificial surface soccer facility with bleacher seats plunked down directly between the shoreline beach area with its access bridge and the adjoining nature center destinations? A romp in the park will become an obstacle course. The family picnic a thing of the past. There will be no lakefront character remaining.

Similarly, the Park District Answers to the Thirteen Purposes would require a suspension of rational thought to be taken seriously.

VI. CONCLUSION

For the foregoing reasons, and those stated by POP and its members and supporters at the August 21, 2008 Plan Commission Hearing, Chicago Park District Application No. 553 should be rejected, all activities in furtherance of the proposed artificial turf soccer field should be disallowed, penalties and sanctions imposed upon the Park District and the South Field directed to be returned to its original state as a grassy field available for multi-use purposes.