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Activists Score Victories in Preservation War, But More Battles Ahead

By Rachel Nielsen

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Activists say the kindergarten being built in the Stroganov Estate is illegal. **Igor Tabakov**

Giving with one hand and taking with the other, Moscow authorities have given historic preservationists both a court decision and a new restoration program to celebrate — but battles are appearing on the horizon over the building of kindergartens.

While a local court has halted construction of a kindergarten on a centuries-old estate in eastern Moscow, a new law makes it possible for the city to build such schools in parks and eliminates public hearings on certain types of development projects in urban green spaces.

"They think, 'Aha! We will build a kindergarten — who will oppose a kindergarten?'" conservation activist Alexandra Andreyeva said, talking about the contractor that built a kindergarten in her local park, the Stroganov Estate on the Yauza River embankment.

City Hall allowed a new school to be built on the estate — a federally protected architectural heritage site since 1960. Andreyeva said Moscow-based developer firm Terra Auri fenced off a construction site in June and cut trees in early July — though it received a permit to build only in late July.

Terra Auri confirmed that it received e-mailed questions for this article but didn't answer them.

Andreyeva and fellow neighborhood residents formed a group in response to the events and, in December, filed a complaint in Dorogomilovsky District Court against Stroinadzor, the city's construction oversight agency, and OATI, the city's technical inspection department, demanding that the building permit for the school be declared illegal.

On April 23, a judge ruled that Stroinadzor broke the law when it issued the permit and declared it null and void, court spokesman Sergei Dvorak said. As a result, OATI's work order is also nullified, Andreyeva said.

That means that the kindergarten — which already has walls, windows and a roof — is now an illegal structure that can be removed or razed.

As for whether the building should be demolished given that city authorities are paying for it, Andreyeva said, "It's their problem."

The school should never have been built, its construction "[violates] the rights of a lot of people" and there are four preschools and kindergartens in the neighborhood, with another expected to reopen, she said.

The court's ruling for preservationists against the government is "a very rare situation in Russia," said Andreyeva, a 32-year-old full-time preservationist who won a seat on her municipal council in March.

Winning a case against the authorities is difficult because of the Russian practice of "telephone law" — or *telefonnoye pravo* — in which officials or other influential people call judges and dictate the outcome of a court case, she said.

Next Front

Demographic pressures have now pitted kindergarten construction against park preservation.

On April 11, the city passed Law No. 12, which amends laws from 1995 and 2008 to allow city-funded preschool and kindergarten facilities to be built in "nature areas."

There has been a deficit of student slots in kindergartens because of immigration and an increased birthrate in the city. The perceived lack of preschool space "definitely exists," said Sergei Smirnov, director of the Institute of Social Policy and Socio-Economic Programs at the Higher School of Economics.

In 10 to 15 years, however, there will be a decrease in the birthrate because of the demographic drop-off during the 1990s, and "it is difficult to say what will happen beyond that," he said. That means the kindergartens could fall into disuse — or be used as a pretext for putting up

a commercial building.

Andreyeva's group plans to file a lawsuit against this new ordinance.

"We're going to go to court, but it takes a while," she said. The group will ask another court to invalidate the law, because it "contradicts federal law" about the percentage of green space required for Russian neighborhoods, she said.

The law could affect not only parks but also any of the dozens of historic estates with heritage-site status in Moscow.

City Hall's urban-planning policy and construction division, or Stroikomplex, didn't answer a question from The Moscow Times on whether the law will allow kindergartens to be built in heritage sites. It referred additional questions to the Moscow Department of Environmental Management and Protection, which in turn deferred to Mosgornasledіye. The cultural heritage department said it couldn't immediately respond.

Stroikomplex said it would proceed with construction projects only when they are legal. "Where we can't build, we won't be building," Stroikomplex spokeswoman Natalya Lapshina said by telephone. Law No. 12 changes what is legal, though, and allows construction in parks that wouldn't be permitted otherwise.

In addition, the law does away with public hearings that are normally part of such urban-planning changes, stating that if the city is carrying out construction on a parcel of land that isn't part of a residential complex, hearings "aren't required."

New Approaches

The full effect of Law No. 12 will only be clear over time, but now, at least one city agency is also taking a creative approach to actually help preserve historic properties.

In what preservationists are cautiously hailing as a positive step, authorities are attracting private funding for restoring sites through auctions and special leases.

On April 25 the city carried out the first auction in a program that was originally suggested by Norwegian preservation expert Terje Nypan.

During the auctions, investors bid for 49-year leases to historic mansions, houses and estates owned by the city's property department. The winners are those companies or people who offer the highest rental rate per square meter per year, with the starting bid not less than the market rate, according to the regulations posted in January on the website of the Moscow Department of Cultural Heritage, or Mosgornasledіye.

Winners have up to five years to restore the property to its original condition at their own cost, at which point a symbolic rate of 1 ruble per square meter per year kicks in for the rest of the lease.

Three properties from the 1800s and 1900s were sold on April 25. Avers Brik Plyus won the Morozov Estate at 47 Nikoloyamskaya Ulitsa for 13.79 million rubles ($457,000) in annual rent, up from the initial bid of 5.27 million rubles, and Irbis took the N. P. Baulin Residential

House on 52 Nikoloyamskaya Ulitsa for 16 million rubles per year, up from the starting bid of 3.55 million rubles, according to information reported by Kommersant and Mosgornaslediye's website.

In addition, Stary Kvartal won an estate at 23 Podsosensky Pereulok for 20 million rubles after a starting bid of 6.5 million rubles.

There were more than 20 bidders for the three locations, Mosgornaslediye said.
The department lists almost 250 sites in the city in poor condition, making them candidates for the program, Kommersant has reported.

Konstantin Mikhailov, head coordinator for preservation group Arkhnadzor, said he has "an overall positive" view of the program. He cautioned that proper oversight of the restoration work by the cultural heritage department would be critical to making the preservation effort successful.

The program won't affect Arkhnadzor's strategy for preserving buildings, as there are hundreds of other cultural heritage sites to fight for, Mikhailov said in a telephone interview.

"There are a lot of problems remaining," he said.

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