

10/26/2009	6/2/2009
9/29/2009	5/18/2009
9/18/2009	4/28/2009
6/16/2009	2/26/2009
6/9/2009	2/4/2009

14-O-09

AN ORDINANCE

**Adopting the U.S. Green Building Council's
Leadership in Energy and Environmental Design
Green Building Rating System™ for
Certain Construction and Renovation Projects in the City**

WHEREAS, the City of Evanston ("the City") Strategic Plan, adopted pursuant to Resolution 27-R-06 ("the Plan"), defines the City's vision as "Creating the most Livable City in America;" and

WHEREAS, the Plan further states that the City's Natural Resources Vision is to be known as "the Green City" and commits the City to embracing the best ecological practices and policies in government, services and infrastructure; and

WHEREAS, Goal number 4 of the Plan is to "create and maintain functionally appropriate, sustainable, accessible high quality infrastructure and facilities" and specific objective "E" of Goal number 4 is "to better manage our buildings, prepare and implement a long-range and comprehensive facility maintenance plan;" and

WHEREAS, Goal number 5 of the Plan is to protect and optimize the City's natural resources and built environment, leading by example through sustainable practices and behaviors, specific objective "A" of Goal number 5 is to



“review current City policies and procedures to identify and improve sustainable and environmentally-friendly practices for the City and its citizens,” and specific objective “B” of Goal number 5 is to “identify and utilize new practices that will improve the quality of life that will enhance the City’s sustainability;” and

WHEREAS, the U.S. Mayors Climate Protection Agreement, which the City adopted pursuant to Resolution 59-R-06, states: “We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities;” and

WHEREAS, the U.S. Green Building Council (“USGBC”) is a non-profit, nationally recognized association with membership representing all segments of the building industry, including architects, manufacturers, government agencies, and environmentalists; and

WHEREAS, USGBC has created the Leadership in Energy and Environmental Design (“LEED”) Green Building Rating System™ which provides specific principles and practices that may be applied to building design, construction, and operation; and a process by which buildings may receive certification from the USGBC as a “green building” for achieving certain sustainable standards of energy efficiency, sustainable site development, water savings, materials selection, and indoor environmental quality; and

WHEREAS, buildings account for thirty-eight percent (38%) of carbon dioxide (CO₂) emissions per year and the LEED Green Building Rating System directly addresses CO₂ emissions from buildings and their use; and



WHEREAS, buildings consume approximately thirty percent (30%) of the total energy and approximately sixty percent (60%) of electricity generated in the United States; and

WHEREAS, Subsection 6-3-6-3 of the Evanston City Code, 1979, as amended, states that the public benefit of planned developments may include:

...the substantial incorporation of generally recognized sustainable design practices and/or building materials to promote energy conservation and improve environmental quality, such as level silver or higher LEED (Leadership in Energy and Environmental Design) certification;

and

WHEREAS, the City promotes resource-efficient design of new buildings in order to increase their energy efficiency, conserve financial and natural resources, and reduce the negative environmental impact of demolition, construction, and operation of buildings; and

WHEREAS, the City Council recognizes the significant long-term economic, health and environmental benefits to the City, its residents, and employees achieved through the use of LEED criteria; and

WHEREAS, the City Council finds that employing LEED criteria will diminish buildings' negative environmental effects, thereby promoting the health, safety, and welfare of City residents and employees,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:



SECTION 1: That, for the purposes of this ordinance, the following terms shall have the following meanings:

- (a) "Commercial" shall refer to all uses as defined and included in the scope of the International Building Code as adopted by the City.
- (b) "Interior renovations" shall refer to interior alteration, including remodeling, rehabilitation, or work otherwise contained mainly within the interior of a structure; this shall not include work for the sole purpose of improving a building's system, such as HVAC, electrical, or plumbing.
- (c) "Square feet" shall be the gross square footage being constructed or renovated as listed on the building permit.
- (d) "Addition" shall refer only to a portion added to an existing building.

SECTION 2: That new construction and additions ten thousand square feet (10,000 sq. ft.) or greater to City-owned or fully or partly City-financed buildings, and new construction and additions 10,000 square feet or greater to all commercial and multi-family buildings, shall employ the version of the LEED for New Construction and Major Renovations ("LEED-NC") in effect one hundred eighty (180) days prior to the date of application for a building permit, and shall achieve the following level of LEED certification:

- A. for City-owned or City-financed facilities: Silver Rating or higher;
- B. for all commercial and multi-family buildings: Silver Rating or higher.

SECTION 3: That the City shall meet with potential developers to discuss possible incentives, including expedited plan review or financial assistance for the costs that may be associated with a LEED Certified Silver project. Such meetings shall occur prior to any such developer making a permit application.



SECTION 4: That all developers who propose projects that, per this ordinance, must be certified LEED Silver or higher, shall submit to the Building Official, as a required part of any application for a building permit related to the project:

- (A) a proposed USGBC LEED credit checklist, signed by an accredited LEED Professional, that identifies the LEED credits the developer intends to pursue for the project, the parties responsible for each credit, and a brief description of how each credit shall be earned; and
- (B) documentation that said project has been registered with USGBC.

SECTION 5: That for any project that must be certified LEED Silver or higher pursuant to this ordinance, the developer shall submit to the Building Official a completed USGBC LEED Design Phase Review Approval letter before the Building Official may issue a Final Certificate of Occupancy ("FCO") for the project. The Building Official may request documentation related to the LEED credits earned prior to issuing the FCO.

SECTION 6: Penalty:

- (A) For any project that must be certified LEED Silver or higher pursuant to this ordinance, the developer of said project shall demonstrate compliance with the applicable LEED requirements by means of an independent report provided by the USGBC. Should a project fail to obtain the required LEED certification, the developer of said project, or its agents, successors, or assigns, shall owe the City a penalty to be calculated by the following formula:

$$P = [(LSM-CE) / LSM] \times CV \times 0.75\%$$

P is the Penalty in dollars; LSM is the minimum credits needed to earn a LEED Silver rating, or LEED Silver Minimum; CE is the number of Credits Earned as documented in the USGBC report; and CV is the Construction Value as set forth in the building permit for the project.



- (B) Any such developer shall have two (2) years from the date of the issuance of the project's FCO to supply to the Building Official the independent report from the USGBC certifying the project's LEED certification. Should any such developer fail to submit such a report in the time allowed, it shall owe the City a penalty calculated pursuant to Section 6 (A) of this ordinance with a CE equal to zero (0).
- (C) If there is a dispute as to whether the project has achieved the applicable LEED requirements, or if the developer requires more time, the developer may appeal to the City Manager or his/her designee. The City Manager may reduce a penalty in whole or in part for good cause shown, taking into consideration the failure to achieve LEED certification and the project's impact on the City.
- (D) The City shall invest any monies collected pursuant to Section 6 of this ordinance in a fund, established hereby, to be called the Sustainable Evanston Fund (the "Fund"). Monies deposited in the Fund shall be used exclusively to support the City's Office of Sustainability, provide technical assistance and plan review for proposed green buildings, support education, training and outreach to the public and private sectors on green building practices, and other initiatives designed to support environmental sustainability. The City Manager shall administer the Fund in accordance with the City's investment policy.

SECTION 7: That this ordinance shall not apply to any project:

- (A) that, prior to the effective date of this ordinance, has received a building permit, Variation, Special Use, or Unique Use from the City; or
- (B) for which the developer of said project can demonstrate, to the City's reasonable satisfaction, that he/she has substantially changed his/her position prior to the effective date of this ordinance and based on reasonable reliance on the applicable City Code requirements in effect at the time of said change in position.

SECTION 8: That the terms of this ordinance shall neither limit nor prohibit the applicability of the terms of Title 2, Chapter 9 of the City Code (the "Historic Preservation Ordinance") to any construction or renovation project.

SECTION 9: That the City strongly recommends ongoing training regarding green building practices for all City project managers, operation staff, and maintenance staff who supervise building design, construction, and operations.



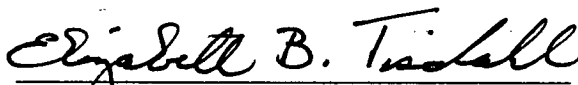
SECTION 10: That the City shall encourage the application of LEED criteria to any construction or renovation project not subject to this ordinance, whenever such application is practicable.

SECTION 11: That if any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.


SECTION 12: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: June 8, 2009 Approved:
Adopted: October 26, 2009 October 30, 2009


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form:


Elke B. Tober-Purze, Interim
First Assistant Corporation Counsel

