Evanston Environment Board
Thursday, March 3, 2011
7:00PM
Lorraine H. Morton, 2100 Ridge Ave, Room #2200

AGENDA
March 3, 2011

I. Approval of Minutes from February (attachment)

II. Citizen Comment (Please sign in)

III. Green Building Ordinance Update (attachment)

IV. Stormwater Management Update (L. Chang)

V. Bikes and the MMTP (H. Bartling/E. King)

VI. Discussion
   a. Composting Ordinance (attachment)
   b. Chicago’s Bottled Water Tax (attachment)

VII. News
   a. Wind RFI Update (K. Glynn)
   b. Backyard Chickens (C. Caneva)
   c. Veolia Transfer Station (C. Caneva)
   d. Milk Carton Recycling (A. Viner)
   e. STEW Map (attachment)
   f. North Shore Environmental Commissioners – Report from February 5th Meeting
      (S. Besson)

VIII. Open Discussion

NEXT MEETING – Thursday, April 14, 2011
Meeting Notes
February 10, 2011

Board Members Present:

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<td>Bartling, Hugh</td>
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<td>Besson, Susan (Co-Chair)</td>
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<td>Finnegan, Paige (Co-Chair)</td>
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Community Members Present: Michael Drennan, CGE, Disposable Bag Reduction
Hal Sprague, CNT, Green Infrastructure Report
Ron Fleckman, CGE

Staff Present: Carl Caneva, Health Department
Catherine Hurley, Sustainable Programs Coordinator
Johanna Nyden, Economic Development
Paul Schneider

Meeting called to order at 7:06pm (KG/SW)

Approval of Minutes from January – Unanimous Approval

Citizen Comment – None.

I. CNT Green Infrastructure Report
   a. Hal Sprague spoke to the Board regarding a new report – “The Value of Green Infrastructure: A Guide to Recognizing Its Economic, Social and Environmental Benefits, released by CNT and American Rivers (presentation attached). The presentation indicated that with mathematical equations and local valuations, there could be value established for green infrastructure improvements can be valuated. He presented information about the National Green Values Calculator (greenvalues.cnt.org). The information is available to all municipalities for free.
   b. Mr. Sprague indicated a next step would be to speak with FEMA regarding flooding and cost and prevention via green infrastructure.
   c. The Committee thanked Mr. Sprague for his presentation
d. KG stated the City of Evanston Code was confusing as to pervious vs. impervious surfaces, and suggested the code be consistent. Mr. Sprague stated incremental improvement is a goal. Mr. Sprague indicated there are communities focused on green infrastructure that tax properties and provide incentives to implement green infrastructure.

e. LC asked if the EPA’s focus on runoff is with regards to recharge and infiltration or on pollution. HS stated EPA is bound by statutes. He indicated there would be urban wastewater legislation.

II. Multi-Modal Plan Roundtable (Paul Schneider, Public Works)

a. Mr. Schneider presented a Summary of the MMTP (attached). He stated there are two 50/50 alleys and 1 alley that are in primarily clay soil which limited the ability to utilize a permeable surface. This is true for areas west of Ridge; east of Ridge is mostly sand. There is concern among staff regarding cost due to excavation for alley projects. Hal Sprague indicated there may be state money to help with costs of the program.

b. He indicated one site available for GI is the Kendall College site; the landscape is being studied to evaluate the potential of permeable alleys.

c. Mr. Schneider indicated a portion of money from the Neighborhood Traffic Calming Fund has been dedicated to bike racks. Via a survey, the City of Evanston has installed more than 100 bike racks. The bicycle racks will be installed in April by Public Works.

d. Mr. Schneider presented information about cold start emissions from cars (attached). He indicated there is no bike rack request program. When residents call about a rack it is put on the list and evaluated per ADA and Right of Way concerns. He indicated the cost of the U rack is $600-$700.00 per rack. At this time a business that wants a rack would need to buy a rack and install.

e. Mr. Schneider indicated a discussion had begun about a bicycle parking ordinance. Mr. Glynn indicated a concern regarding the legal department’s review of the code and the Environment Board’s ability to move forward on important work.

f. Mr. Schneider will begin discussion regarding the Bicycle Parking Ordinance with Zoning to prepare for an ordinance later this year.

g. There is a focus on Dodge south of Simpson this year.

h. The City of Evanston has received an IDOT grant to resurface portions of Emerson and Isabella.

i. HB asked PS to speak about the design elements used for bike lanes. PS indicated Portland is the municipal leader. PS stated the type of the design was mandated by Federal Guidelines due to grant requirements. There is concern with current design elements due to cost associated with striping.

j. The Board thanked Mr. Schneider for his presentation.

III. FOR ACTION: Disposable Bag Reduction Ordinance, Letter to Council (attachment)
a. PF introduced a letter to council, supporting a disposable bag reduction (attached). LC stated concerns about a small municipality in a larger metropolitan scale. He requested a statement be made about economic impact of the ordinance.

b. Motion to send the letter by KG seconded by HB, the motion passed unanimously.

IV. News/Roundtable

a. General Updates
   i. Wind RFI Update K. Glynn
      1. C. Hurley indicated the Ad hoc committee will be presented on Feb. 28, 2011 and will be roughly 20 members; this is not a final number.
      2. KG indicated there is a concern about the size of the committee, there is concern about the education, and the ability to lead the group.
      3. C. Hurley indicated the size of the committee was determined by Mayor Tisdahl.
   ii. CTA Expansion H. Bartling indicated an overwhelming opposition to close the station at Foster. PF indicated she has seen residents canvassing. HB stated the next scoping meeting
   iii. Veolia Transfer Station (C.Caneva) C. Caneva indicated the City of Evanston presented a potential host agreement.
   iv. Milk Carton Recycling postponed to the March meeting.

b. Strategic Updates
   i. GBO Memo C. Hurley, presented information about the Green Building Memo (attached), directed to Council and accompanying a proposed amendment to the Green Building Ordinance. She was requested to look into the economic impact of the GBO. Johanna Nyden of Community and Economic Development spoke indicating there has been no new development triggering the GBO until a few months ago. Ms. Nyden indicated that in working with businesses interested in developing in Evanston there have been concerns about the economic impact of GBO compliance. CF asked why there is a new amendment rather than the City Manager’s allowance to waive the penalty. KG indicated the intent of the ordinance would be to force the businesses to comply, and the new amendment would cause the GBO to be ineffective. Ms. Hurley referred to a White Paper from Columbia University, allowing for flexibility for discussion. Chair Finnegan indicated concern about the process as removing the Environment Board from it.
      ii. PF indicated Susan Kaplan had resigned the board recognized her accomplishments, and has offered input when needed.

iv. North Shore Environmental Commissioners- Update from February 5th Meeting to be presented at March meeting (S. Besson)

The meeting was adjourned at 9:21pm

NEXT MEETING – Thursday, March 3, 2011

Please remember that Board members are expected to attend all meetings. Please contact Carl Caneva, 847-859.7831 or ccaneva@cityofevanston.org if you are unable to attend this meeting.

All meetings of the Evanston Environment Board are open to the Public. The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Persons needing mobility or communication assistance should contact Brian Barnes, Inclusion Specialist, Health and Human Services Department at (847) 448-2054 (Voice), bbarnes@cityofevanston.org or 847-448-8052 (TDD).
Memorandum

To: Honorable Mayor and Members of the City Council
Planning and Development Committee

From: Wally Bobkiewicz, City Manager
Martin Lyons, Assistant City Manager
Steve Griffin, Director Community and Economic Development
Catherine Hurley, Sustainable Programs Coordinator

Subject: Ordinance 17-O-11, Codifying and Amending Ordinance 14-O-09
“Green Building Ordinance”

Date: February 23, 2011

Recommended Action:
Staff recommends passage of Ordinance 17-O-11, Codifying and Amending Ordinance 14-O-09, as Amended by Ordinance 124-O-09. This amendment provides for an alternate compliance with the City’s goal of Leadership in Energy and Environmental Design (LEED) Silver certification on buildings/construction falling under this regulation.

Funding Source:
N/A

Summary:
Ordinance 17-O-11 which codified and amended Ordinance 14-O-09, the “Green Building Ordinance” was presented at the City Council meeting on February 14th as Item P5. Included in Ordinance 17-O-11 is the modification of language to incorporate relevant LEED Rating systems and add a provision which would allow a developer to request that City Council grant a reduction in the requirements of the Ordinance. Alderman Rainey suggested that Ordinance 17-O-11 be amended to increase the square foot threshold from 10,000 to 20,000 square feet and City Council approved this amendment. City Council also asked the City Manager to convene a meeting with representatives from the environmental, building and development community to obtain input on Ordinance 17-O-11.

Staff convened a meeting on Wednesday February 23rd with representatives from the Environment Board, Citizens’ Greener Evanston, and the 2009 Green Building Ordinance Committee to discuss Ordinance 17-O-11. Attendees included Alderman Raney and Alderman Burrus; community members Joel Freeman, Nathan Kipnis, Leonard Sciarra, Elizabeth Kinney, Susan Besson, Nicolai Schousboe, Ron Fleckman,
Dave Olson, Christopher Thomas, and Andrew Spatz; and City Staff Steve Griffin, Director of Community and Economic Development and Catherine Hurley, Sustainable Programs Coordinator.

The goal of the meeting was to discuss the City’s existing Green Building Ordinance and the need to balance economic development with the City’s commitment to promoting sustainable development within Evanston. The group discussed two topics which were the key points of disagreement in Ordinance 17-O-11. These include a provision for a reduction in the requirements and the square foot thresholds for which the ordinance would apply.

Ordinance 17-O-11 proposed at the City Council meeting on February 14th included a provision which would allow a developer to ask City Council for a reduction in the requirements of the Green Building Ordinance. The consensus at the February 23rd community meeting was the Green Building Ordinance should have a prescribed and transparent method of compliance. In addition, the enforcement should use existing systems in place or rely on external third-party verification. This proposed provision has been removed from proposed Ordinance 17-O-11.

Prior to passage of the original Green Building Ordinance in 2009, the threshold of 10,000 square foot was selected as a compromise after research and analysis was conducted. This size of building is large enough to achieve cost-effective energy savings through enhanced efficiency measures. Based on historic building permit data, during a normal construction period in Evanston approximately 6-7 buildings per year would be subject to the Green Building Ordinance at this threshold. Buildings greater than 20,000 square feet use significantly more energy and have a larger impact on the community. These buildings should be required to meet established green building standards. The 10,000 square foot threshold has been retained in proposed Ordinance 17-O-11 for City-Owned facilities. Recommended changes to commercial and multi-family building thresholds are described below.

The need for flexibility in implementing green building practices was determined to be most needed for private developments which fall between 10,000 and 20,000 square feet of new construction or major renovations. In this category, the overall cost of the typical project is low enough that the design enhancements, equipment and material changes and administrative part of designing and constructing a LEED certified project could impact the feasibility of the project.

The existing Green Building Ordinance does allow for flexibility within interior renovation projects by allowing a project to employ a prescribed set of measures from the Evanston Sustainable Building Measures for Interior Renovations (ESBMIR) list based on the building size. The ESBMIR was thoroughly researched and developed by representatives from the environmental, building and development community. While this list was developed for inclusion in the interior renovation section of the ordinance, the measures are applicable to new construction projects and could be further adapted to incorporate additional items relevant to new construction projects.

A revision to Ordinance 17-O-11 proposed at the February 14th City Council meeting has been developed by Staff which incorporates the ideas from the February 23rd
community meeting and is provided as an attachment to this memo. The version of Ordinance 17-O-11 introduced and amended at the February 14th City Council meeting has not been included as an effort to provide clarity. Copies of the proposed amendments to Ordinance 17-O-11 from the February 14th meeting will be available at the City Council meeting on February 28th.

A list of revised changes to the Green Building Ordinance included in Ordinance 17-O-11 is listed below.

- Add Chapter 25 to Title 4, to be called “Green Building Ordinance”.
- Update language to account for using the LEED rating system which is applicable to the said project.
- Modify the requirement for new construction and major renovations of commercial and multi-family buildings between 10,000 to 20,000 square feet to achieve LEED Silver Rating or better or employ 15 measures from the ESBMIR.
- Modify the requirement for new construction and major renovations of commercial and multi-family buildings greater than 20,000 square feet to meet LEED Silver or better.

Staff recommends holding further discussions on the ESBMIR list and coming back to City Council with recommended additions or modifications to customize the list for new construction and major renovation projects.

**Legislative History:**
The Green Building Ordinance 14-O-09 was introduced to Evanston City Council on June 8, 2009 and was adopted on October 26, 2009. On December 14, 2009 Ordinance 124-O-09 Amending Ordinance 14-O-09 is adopted by Evanston City Council.

**Attachments:**
Ordinance 17-O-11
February 14th City Council Agenda Item P5 – Green Building Ordinance
17-O-11

AN ORDINANCE

Codifying and Amending Ordinance 14-O-09, as Amended by Ordinance 124-O-09, by Enacting a New Title 4, Chapter 25 of the City Code, “Green Building Ordinance”

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

SECTION 1: That Title 4 of the Evanston City Code of 1979, as amended, is hereby further amended by enacting a new Chapter 25 thereof, "Green Building Ordinance", to read as follows:

4-25-1: PURPOSE:

The purpose of this Chapter is to promote the public health, safety, and welfare by requiring that certain new construction projects, and the renovation of certain existing buildings, within the City of Evanston, employ sustainable design practices and/or building materials to promote energy conservation and improve environmental quality.

4-25-2: DEFINITIONS:

For the purpose of this Chapter, unless the context requires otherwise, the following terms shall have the following meanings:

ADDITION: Any portion added to an existing building.

BUILDING OFFICIAL: As defined in Section 4-2-2 of this Code.

COMMERCIAL: All uses as defined and included in the scope of the International Building Code as adopted by the City.

ESBMIR: The City of Evanston Sustainable Building Measures for Interior Renovations.
INTERIOR RENOVATION: 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 system, such as HVAC, electrical, or plumbing.


SQUARE FEET: The gross square footage being constructed or renovated as listed on the building permit.


4-25-3: NEW CONSTRUCTION AND ADDITION REQUIREMENTS:

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 ten thousand square feet (10,000 sq. ft.) or greater to all commercial and multi-family buildings, shall employ, as specified hereinafter, either ESBMIR or the version of the LEED for New Construction and Major Renovations (“LEED-NC”) Rating System applicable to said project 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: LEED Silver Rating or higher;

(B) for all commercial and multi-family buildings greater than twenty thousand square feet (20,000 sq. ft.): LEED Silver Rating or higher.

(C) for all commercial and multi-family buildings ten thousand square feet (10,000 sq. ft.) to twenty thousand square feet (20,000 sq. ft.): LEED Silver Rating or higher, or employ fifteen (15) ESBMIR measures.

4-25-4: INTERIOR RENOVATION REQUIREMENTS:

Interior renovations of all City-owned or City-financed facilities, all commercial buildings, and all multi-family buildings shall:

(A) employ the version of the LEED for Commercial Interiors (“LEED-CI”) Rating System applicable to said project in effect one hundred eighty (180) days prior to the date of application for a building permit and that each project shall achieve Silver Rating or higher of LEED certification; or
employ the version of the ESBMIR, included herein as Appendix A to this Chapter, in effect one hundred eighty (180) days prior to the date of application for a building permit and that each project shall employ no fewer than:

1. three (3) ESBMIR measures for projects less than five thousand square feet (5,000 sq. ft.);

2. five (5) ESBMIR measures for projects five thousand square feet (5,000 sq. ft.) to twenty thousand square feet (20,000 sq. ft.);

3. seven (7) ESBMIR measures for projects greater than twenty thousand square feet (20,000 sq. ft.).

**4-25-5: REQUIREMENT REDUCTIONS:**

A developer who presents clear and convincing financial evidence to the Planning and Development Committee of the City Council that full compliance with Sections 3 and/or 4 of this Chapter would render the proposed project financially infeasible may seek a reduction in the requirements as to render the project financially feasible. If a developer requests such a reduction, he/she shall provide a detailed explanation that demonstrates the financial infeasibility of full compliance with said requirements. If the Committee votes to recommend such a reduction, the City Council shall consider, at its next regularly-scheduled meeting, an ordinance that grants said reduction and specifies how the developer shall comply with the terms of Sections 3 and/or 4 of this Chapter.

**4-25-6: DEVELOPER MEETINGS:**

The City shall meet with developers of projects that will be covered by the terms of this Chapter to discuss possible incentives, including expedited plan review or financial assistance for the costs that may be associated with such a LEED Certified Silver project. Such meetings shall occur prior to any such developer making a permit application.

**4-25-6: SUBMISSIONS:**

(A) Any developer who proposes a project that, pursuant to this Chapter, 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:
1. 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

2. documentation that said project has been registered with USGBC.

(B) Any developer who proposes an interior renovation project that proceeds pursuant to Section 4-(B) hereof employs ESBMIR instead of LEED shall submit to the Building Official, as a required part of any application for a building permit related to the project, a completed ESBMIR checklist that identifies the sustainable building measures the applicant shall employ.

(C) Any developer who proposes a project that, pursuant to Section 5 of this Chapter, receives a reduction that reduces the number of LEED credits required below the minimum number required for LEED certification, shall submit a revised USGBC LEED Credit Checklist and documentation that indicates the LEED credits the project shall pursue and a fee equal to seventy-five percent (75%) of the fee USGBC would require to review the project, to offset staff time to review the submission, which, but for the reduction, would be reviewed by the USGBC instead of City staff.

4-25-7: POST-CONSTRUCTION REVIEW:

(A) For any project that must be certified LEED Silver or higher pursuant to this Chapter, 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.

(B) For any interior renovation project that proceeds employs ESBMIR measures pursuant to Section 4-(B) of this Chapter, the developer shall submit sufficient documentation to the Building Official, as a required part of any application for a building permit related to the project, a completed ESBMIR checklist that identifies the sustainable building measures the applicant shall employ. The Building Official shall require documentation for him/her to ascertain which of measures the developer actually employed and before the Building Official may issue a Final Certificate of Occupancy ("FCO") for the project. The Building Official may withhold a Final Certificate of Occupancy ("FCO") if fewer measures were employed than required by Section 4-(B) of this Chapter.
For any project that receives a reduction pursuant to Section 5 of this Chapter that reduces the number of LEED credits required below the minimum number required for LEED certification, the developer shall submit to the Building Official a USGBC LEED Credit Checklist and supplemental documentation that indicates the LEED credits the project pursued before the Building Official may issue a Final Certificate of Occupancy ("FCO") for the project. The Building Official may request additional related documentation prior to issuing the FCO.

4-25-8: PENALTIES:

(A) USGBC-Certified Projects:

1. For any project that must be certified LEED Silver or higher pursuant to this Chapter, 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:

   \[ P = \frac{[(LSM-CE)]}{LSM} \times CV \times 0.75\% \]

   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) 2. Any such developer shall have two (2) years from the date of the issuance of the project’s FCO temporary certificate of occupancy 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 8-(A)-1 of this Chapter with a CE equal to zero (0).

(C) 3. If there is a dispute as to whether the project has complied with the applicable requirements set forth in Section 2 and/or 3 this Chapter, 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 comply with said requirements and the project’s impact on the City.
(B) Reduced LEED Credit Projects:

1. For any project that receives a reduction pursuant to Section 5 of this Chapter that reduces the number of LEED credits required below the minimum number required for LEED certification, the developer of said project shall demonstrate compliance with this Chapter. Should a project fail to demonstrate 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:

\[ P = \left( \frac{RM - CE}{RM} \right) \times CV \times 0.75\% \]

P is the Penalty in dollars; RM is the minimum number of LEED credits required by City Council pursuant to a reduction; or Reduced Minimum; CE is the number of Credits Earned as documented; and CV is the Construction Value as set forth in the building permit for the project.

2. Any such developer shall have six (6) months from the date of the issuance of the project’s temporary certificate of occupancy to supply to the Building Official the documentation that demonstrates the project’s compliance with this Chapter. 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 9-(B)-1 of this Chapter with a CE equal to zero (0).

3. If there is a dispute as to whether the project has complied with the applicable requirements set forth in this Chapter, 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 comply with said requirements and the project’s impact on the City.

(C) ESBMIR Projects:

1. For any interior renovation project that employs ESBMIR pursuant to this Chapter, the developer of said project shall demonstrate compliance with this Chapter. Should a project fail to demonstrate the required number of ESBMIR measures, the developer of said project, or its agents, successors, or assigns, shall owe the City a penalty to be calculated by the following formula:
\[ P = \frac{(EM - MU)}{EM} \times CV \times 0.75\% \]

\( P \) is the Penalty in dollars; \( EM \) is the minimum number of ESBMIR Measures required; \( MU \) is the number of ESBMIR Measures used as documented, or Measures Used; and \( CV \) is the Construction Value as set forth in the building permit for the project.

2. Any such developer shall have six (6) months from the date of the issuance of the project’s temporary certificate of occupancy to supply to the Building Official the documentation that demonstrates the project’s compliance with this Chapter. 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 9-(C)-1 of this Chapter with an \( MU \) equal to zero (0).

3. If there is a dispute as to whether the project has complied with the applicable requirements set forth in this Chapter, 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 comply with said requirements and the project’s impact on the City.

(B) The City shall invest any monies collected pursuant to this Section 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.

4-25-9: HISTORIC PRESERVATION:

The terms of this Chapter shall neither limit nor prohibit the applicability of the terms of Title 2, Chapter 9 of the City Code, as amended (the “Historic Preservation Ordinance”), to any construction or renovation project.

4-25-10: RECOMMENDATIONS:

The City encourages ongoing training regarding green building practices for all City project managers, operation staff, and maintenance staff who supervise building design, construction, and operations, and the application of LEED
criteria sustainable building practices to any construction or renovation project not subject to this Chapter, whenever such application is practicable

4-25-11: SEVERABILITY:

If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Chapter is severable.

APPENDIX A: Evanston Sustainable Building Measures for Interior Renovations

Each bullet point below shall count for one measure unless otherwise noted below. Applicants may choose measures from various categories or several from one category.

*Stormwater Management:*
  - All hardscape no less than 50% permeable.

*Water Use:*
  - All plumbing fixtures - use WaterSense labeled as applicable.
  - Install a greywater or stormwater harvesting system.

*Lighting:*
  - Install automatic daylighting controls in no less than 50% of interior spaces within 15 feet of perimeter.
  - Exceed the Lighting Power Density (LPD’s) of the current City of Evanston Energy Code by no less than 5%. Compliance to be shown using COMcheck.

*Mechanical:*
  - All warm air combustion furnaces: minimum Annual Fuel Utilization Efficiency (AFUE) of 90%.
  - All Air Conditioners and Condensing Units < 65,000 btu/h: minimum SEER rating of 15.
  - All Electronically Operated Unitary Air Conditioners and Condensing Units > 65,000 btu/h: minimum EER rating of 12.
  - Commission the mechanical and lighting systems in accordance with ASHRAE guideline 0.
  - Provide mechanical, lighting and miscellaneous electrical system monitoring with the capability to log the data for a minimum of 1 year.
• Perform Retro Commissioning under the Energy Star program for existing commercial building guidelines.
• Provide for 3% of the building annual energy use with onsite renewable energy production.
• Register and obtain Building Operator Certification via the Midwest Energy Efficiency Alliance (MEEA) Program.

Building Enclosure:
• Exceed the prescriptive envelope provisions of current City of Evanston Energy Code by no less than 17.5%. Compliance shall be shown using COMcheck.
• Exceed the prescriptive envelope provisions of current City of Evanston Energy Code by no less than 35%. Compliance shall be shown using COMcheck. (Worth 2 measures)
• Install an Energy Star-compliant roof.
• Provide a vegetative roof over no less than 20% of the roof area.

Materials and Resources:
• Building reuse – maintain no less than 75% of existing walls, floors and roof.
• Building reuse – maintain no less than 50% of non-shell elements.
• No less than 75% of all new wood to be Forest Stewardship Council (FSC) certified.
• Reuse of resources – no less than 10% of project materials (sell, donate, reuse)
  a. Non-code windows for non-conditioned space;
  b. Lumber, wood scraps, reusable forms;
  c. Unused supplies;
  d. Fixtures and appliances.
• Use of recycled content materials – no less than 10% of project materials.
• Use of recycled content materials – no less than 20% of project materials. (Worth 2 measures)
• Local/Regional Materials – No less than 10% of project materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site.
• Use 40 – 50 year material rated for roof replacements.
• Rapidly Renewable Materials - no less than 2.5% of the project.

Interior Finishes:
• Use low VOC finishes (Worth 1 measure for every 2 of the following):
  a. All paints and coatings;
  b. All field applied adhesives;
  c. All carpeting;
d. All furniture systems - Greenguard Certified;
e. All composite wood shall be free from urea-formaldehyde.

**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** 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:_________________, 2011  Approved:

Adopted:___________________, 2011  _____________________, 2011

______________________________
Elizabeth B. Tisdahl, Mayor

Attest:  Approved as to form:

_______________________________
Rodney Greene, City Clerk  W. Grant Farrar, City Attorney
AN ORDINANCE

Amending Chapter 5 of the Evanston City Code, “Municipal Solid waste,” To Add “Outdoor Composting”

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

SECTION 1: That Section 8-5-15 of the Evanston City Code, 1979, as amended, is hereby amended by the enactment of a new Section 15 thereof, with the existing Section 15 thereof retained and re-numbered accordingly. The new Section 15 shall read as follows:

8-5-15: OUTDOOR COMPOSTING

8-5-15-1: DEFINITIONS
Catch basin waste Any waste found in a catch basin.

Commercial activity Any activity performed for profit or otherwise involving the transfer of money.

Compost The humus-like product of the process of composting waste, which may be used as a soil conditioner.

Composting The biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost. Land application is not composting.

Composting material Solid wastes that are in the process of being composted.

Contained composting process A method of producing compost in which the composting material is confined or contained in a vessel or structure which both protects the material from the elements and controls the moisture and air flow.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>End-product compost</td>
<td>Organic material that has been processed to maturity and classified for general use or a designated use.</td>
</tr>
<tr>
<td>Food waste</td>
<td>The source-separated organic portion of the waste resulting from the handling, processing, preparation, cooking and consumption of food, and the wastes from the handling, processing, storage and sale of produce. “Food waste” does not include packaging, utensils, or containers from the handling, processing, preparation, cooking, and consumption of food.</td>
</tr>
<tr>
<td>Garbage</td>
<td>Waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce.</td>
</tr>
<tr>
<td>In-vessel composting</td>
<td>A diverse group of composting methods in which composting materials are fully contained in a building, reactor, or vessel.</td>
</tr>
<tr>
<td>Land application</td>
<td>The spreading of waste, at an agronomic rate, as a soil amendment to improve soil structure and crop productivity.</td>
</tr>
<tr>
<td>Landscape Waste</td>
<td>Cuttings of grass or shrubbery, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.</td>
</tr>
<tr>
<td>On-site</td>
<td>On the same property on which a composting operation is located, including inside any structure located on such property.</td>
</tr>
<tr>
<td>Organic waste</td>
<td>Food waste, landscape waste, wood waste or other non-hazardous carbonaceous waste that is collected and processed separately from the rest of the municipal waste stream.</td>
</tr>
<tr>
<td>Property owner</td>
<td>The owner or occupant of the land on which the composting operation is located or proposed to be located,</td>
</tr>
<tr>
<td>Runoff</td>
<td>Water resulting from precipitation that flows overland before it enters a defined stream channel, excluding any portion of such overland flow that infiltrates into the ground before it reaches the stream channel, and any precipitation that falls directly into a stream channel.</td>
</tr>
<tr>
<td>Sewage</td>
<td>Water-carried human and related waste from any source.</td>
</tr>
</tbody>
</table>
Sludge Any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects. (Section 3.44 of the Act.)

Surface Water All tributary streams and drainage basins, including natural lakes and artificial reservoirs, which may affect a specific water supply above the point of water supply intake. Such term does not include treatment works (such as a retention basin)

Woody landscape waste Plant stems, trunks, or limbs greater than two inches in diameter.

8-5-15-2: APPLICABILITY

This Chapter applies to compost piles and structures only as they are allowed by section 6-4-6-3(B)(9) of the Zoning Code, and does not alter the applicable zoning requirements.

8-5-15-3: GENERAL COMPOSTING STANDARDS

All composting operations shall be conducted in a manner that promotes effective decomposition in a safe, secure, and sanitary manner, and shall meet the following standards in addition to all applicable local, state and federal statutes, rules, and regulations:

a) Nuisance: Composting material shall be managed to minimize nuisance conditions, including but not limited to offensive odors, litter, dust, noise, vectors and pests.

b) Rat Or Other Vector Control: The presence of insects, rodents, birds and other vectors or pests shall be controlled through specific measures. These specific measures may include grinding the ingredients, providing screens or wire mesh no larger than one-fourth inch (1/4”), or conducting the composting operation in vessel.

c) Surface Water: The composting operation shall be located or designed and constructed to prevent the composting material and compost from sitting in stagnant surface water.

d) Mixing: Composting material shall be mixed or turned at regular intervals as conditions mandate to remix ingredients, distribute moisture, rebuild porosity and aid in physical breakdown until composting is complete.
e) Moisture Level: The moisture level of the composting material shall be maintained within a range of 40% to 60% moisture. Testing protocols for measuring moisture content can be found in the *Evanston Composting Handbook*.

f) Sewage Restriction: The composting material shall not contain sewage, sludge, or catch basin waste.

g) Prohibited Ingredients: The composting material shall not contain meat, bones or fish; dairy products; grease, grains, break or legumes except those generated in the care of a garden; animal feces, including dog, cat or bird; plywood or other woods that does not meet the definition of “wood waste”; or diseased plants.

h) Open composting. Composting that does not take place within a compost container or vessel is prohibited.

i) Location on property. Compost container(s) shall be located no closer than five feet (5’) to any property line and no closer than twenty feet (20’) to any habitable building, other than the property owner’s own home.

k) All composting operations shall meet the criteria for a permit-exempt facility pursuant to the 35 Illinois Administrative Code Section 830.105.

**8-5-15-4: LANDSCAPE WASTE COMPOSTING**

A composting operation that comports only landscape waste shall meet the following criteria:

a) Ingredients: The composting operation comports only landscape waste.

b) Noncommercial: The composting operation is not engaged in commercial activities related to composting, the acceptance of landscape waste or commercial landscaping.

c) In-vessel: The composting operation shall be conducted in-vessel. The vessel for landscape waste shall be at a minimum, a fence, box or other barrier equal to the height of the compost and in a manner to prevent materials from being wind blown.

d) Size: The composting operation shall not contain more than 25 cubic yards of landscape waste, composting material and end product on-site at any one time and any individual compost vessel shall not exceed five feet in height.

e) Location: The composting operation shall be located so as to minimize incompatibility with the character of the surrounding area and in accordance with Section 6-4-6-3 governing allowable accessory uses and structures.
8-5-15-5: ORGANIC WASTE COMPOSTING
A composting operation that comports food waste and/or non-hazardous carbonaceous waste, whether or not landscape waste is added to the composting mixture, shall meet the following criteria:

a) Ingredients: The composting operation comports only organic waste that is generated on the property of the property owner.

b) Noncommercial: The composting operation is not engaged in commercial activities related to composting, the acceptance of landscape waste or commercial landscaping.

c) In-vessel: The composting operation shall be conducted in-vessel. The vessel for on-site organic waste composting shall be a fully enclosed container with no opening having a dimension greater than ¼ inch in any direction.

d) Size: The composting operation shall not exceed 5 cubic yards and any individual compost vessel shall not exceed five feet in height.

e) Location: The composting operation shall be located so as to minimize incompatibility with the character of the surrounding area and in accordance with Section 6-4-6-3 governing allowable accessory uses and structures.

f) Compost Use: All generated compost is used on-site.

8-5-15-5: VOLUNTARY REGISTRATION
In order to facilitate proper composting operations within the City, all operators are encouraged to voluntarily register their composting operations with the City by contacting the Department of (TBD) and providing a basic description of the operation. Upon registration, the operator will be provided with a complimentary copy of the Evanston Composting Manual. Under no circumstances shall the voluntary registration of a composting operation subject the property owner to any inspections or evaluations not otherwise permitted for any registered or unregistered composting operation under the provisions of the Code.

SECTION 2: That Section 8-5-16, “Penalty,” of the Evanston City Code, 1979, as amended, is further amended as follows:

8-5-45 8-5-16: PENALTY:

(A) Compost containers or compost materials not in compliance with this section shall be declared a nuisance within the meaning of Section 1-3-2 of this Code.
and are subject to abatement at the discretion of the Director of the Department of (TBD) or his/her designee.

(B) Violations of the provisions of this chapter shall be punishable by a fine of not less than seventy-five dollars ($75.00) nor more than five hundred dollars ($500.00). A separate offense shall be deemed committed for each day such violation occurs or continues.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That if any provision of this ordinance or application thereof to any person or circumstance is held 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 5: 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:___________________, 2010
Adopted:___________________, 2010

_____________________________
Elizabeth B. Tisdahl, Mayor

Attest: Approved as to form:

_____________________________
Rodney Greene, City Clerk

_____________________________
W. Grant Farrar, City Attorney
forceable. The Illinois Supreme Court disagreed.

"It's a big win for contractors," said Miller's attorney, Richard Lee Stavins of

Senate Bill 2540, which was signed into law as Public Act 96-1023 and took effect July 12, 2010, removed all references to the word "unlawful" in

be a change in the law. What Ostler and Miller's attorney do agree on, however, is that the court's

Recovery – page 24

Appeals panel: Chicago tax holds water

By Pat Milhizer
Law Bulletin staff writer

The City of Chicago's 5-cent tax on bottled water survived a complex legal challenge today when a state appeals panel shot down arguments from trade associations that argued that the tax is unconstitutional.

In 2007, aldermen made Chicago the first city in the country to tax bottles of water. The city was sued by several groups, including the American Beverage Association and the Illinois Retail Merchants Association.

Before a trial could be held, Cook County Associate Judge E. James Tolmaire III granted summary judgment to the city.

The plaintiffs appealed, but their claims were rejected in a 15-page opinion written by 1st District Appellate Court Justice Sheila M. O'Brien.

At issue in the case is whether the tax is an unauthorized occupation tax.

For example, even a home-rule city such as Chicago can't pass an ordinance that taxes a particular occupation unless the Illinois General Assembly gives the city that power.

To support their case, the plaintiffs pointed out how the tax is actually paid and collected.

Before the water bottles are put on store shelves for customers to buy and pay the tax, the store is supposed to pay the tax when it buys the water from the wholesale dealer. The wholesale dealer then turns the money over to the city.

That makes the tax an unauthorized occupation tax, the plaintiffs argued, because it is imposed only on wholesale and retail bottled water dealers.

The plaintiffs contended that the tax is not one the delegates at the 1970 Illinois Constitutional Convention intended to give home-rule cities the power to impose.

O'Brien addressed these arguments by citing a 1988 case in which gasoline companies sued the city for enacting a tax of 5 cents on every gallon of vehicle gasoline. Illinois Gasoline Dealers Ass'n v. City of Chicago, 119 Ill. 2d 391.

Just like the bottled water tax, the gas

Water – page 24

The Associated Press

that drop in claims means for jobless rate

- 3700 new requests may have fallen, 37,600 fewer in the past month. That drop followed a spike in claims to 504,000 in the week ending Aug. 14, which sparked fears of a renewed economic downturn.

Reuters indicated expectations are that claims were unchanged at 450,000.

Thursday's report covers the same week that the Labor Department surveys employers about their payrolls. Data from those surveys is used to compile the monthly jobs report and calculate whether the economy has gained or lost jobs.

Economists look at the change in unemployment claims figures from one month's "survey week" to the next to try to get an early read on what the jobs report might say. If claims have fallen from one month to the next, that indicates layoffs have dropped and the unemployment rate might fall.

Claims have already fallen steeply from the Aug. 14 survey week. But economists note that last month's figures could have been inflated by the thousands of temporary census workers whose jobs have ended in recent months. And the August data may have also been distorted by a shift in the timing of the auto industry's summer plant closings, economists at Moody's Analytics wrote in a note to clients.

As a result, claims may have fallen from an inflated level and may not translate into much improvement in the unemployment rate in September. The government will issue the September jobs report Oct. 8.

The jobless rate rose to 9.6 percent in August from 9.5 percent the previous month.

Requests for jobless aid are still above levels that are found in a healthy economy. When hiring is robust and the economy is growing, claims fall below 400,000.

Jobless – page 24

Firm hired to help on Northwestern journalists' case
Water
Continued from page 1

tax required the gas dealers to collect the tax from the gas stations.

The plaintiffs in that case argued that the gas tax was an unauthorized occupation tax, but the Illinois Supreme Court responded that the Constitutional Convention let home-rule cities impose a fixed tax on gasoline, hotel rooms, liquor, food, medications and other products.

In the current case, the plaintiffs concede that bottled water is considered a "grocery store food."

Because the bottled water tax is applied to the transfer of a tangible object, it isn't an occupation tax, O'Brien wrote.

The plaintiffs also argued that the tax violates the state's uniformity clause because it doesn't apply to other water-based drinks that come in plastic bottles, such as vitamin-enhanced water.

O'Brien pointed out that the city ordinance states that the tax only applies to non-carbonated water products. The ordinance makes a distinction between non-carbonated water products and those that are different because they contain flavoring, sugar, caffeine or carbonation, O'Brien wrote.

In order to survive a uniformity challenge, a tax also has to have a reasonable relationship to the justification for its implementation. O'Brien held that the bottled water tax is valid because the city created it to raise revenue in a way that discouraged consumers from polluting the environment with empty plastic bottles.

The city was represented by Corporation Counsel Mara S. Georges, Deputy Corporation Counselswen Ruth Soloman, Chief Assistant Corporation Counsel Myrzan Zeczyn Kasper and Senior Counsel Julian N. Henriquez Jr. Noting that the tax was one of Mayor Richard Daley's environmental initiatives, Soloman said city officials "are delighted that the court upheld the tax."

"The consumption of ordinary tap water in single-use plastic bottles has a profound environmental impact, and the tax is at least a small step in discouraging the purchase and offsets the costs," she said.

Regarding the argument that the tax is an unauthorized occupation tax, Soloman said "nobody is in the occupation of buying bottled water; one bottle at a time. ... The bottled water tax falls on consumers of bottled water. It's a sales tax just like the tax on grocery store food."

The plaintiffs were represented by Lee A. Freeman Jr., John F. Kimney, Richard P. Campbell and Gail H. Morse of Jenner & Block LLP. Freeman declined to comment.

Appellate Justices Margaret J. O'Mara Fussard and Terrence J. Lavin concurred in the opinion, which is American Beverage Association et al v. The City of Chicago, No. 1-09-1511.

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Recovery
Continued from page 1

1023 is a clarification of the prior statute and must be accepted as a legislative declaration of the meaning of the original act," she said. "There is, therefore, no public policy requiring that oral contracts for home remodeling over $1,000 be upheld enforceable or that reliance in quantum meruit be denied."


Also Thursday, the Illinois Supreme Court issued opinions in the following cases: People v. Johnny L. Miller, No. 107878; West American Insurance Co., v. Yorkville National bank et al., No. 108285; In re Veronica C., No. 108953; James Harbert v. Andrew Charles et al., et al., No. 109137; Brian T. Hubble, et al., v. Bi-State Development Agency of the Illinois-Missouri Metropolitan District, et al., No. 109137; and People v. Charles E. Clendenin, No. 109184.

E-mail: bharajels@ibpc.com

Case Suit Continued from

the statute of lisit. There was a Penta air until 1:5:7. The appeal is pending on the United States Court of Appeals. The appeal is pending on the 7th Circuit.

Justice Danie

Calend
Environmental stewardship can take many forms including:
- Garden clubs lobbying for community garden space;
- Schools, non-profit groups, or education centers teaching in an “outdoor classroom”;
- Neighborhood groups cleaning up an abandoned lot;
- Church group events about energy-saving practices;
- Community organizations leading “toxic tours”;
- More traditional stewardship like planting trees, removing invasives, or restoring prairie habitat.

Grassroots environmental stewardship is a strong community asset but a lot of stewardship work happens “under the radar” of environmental professionals and formal stewardship groups. As a result, stewards may miss opportunities for collaboration, networking, funding, or other support.

Stew-MAP (the Stewardship Mapping and Assessment Project) is collecting and mapping information about environmental stewardship work in the greater Chicago region. There is a long history of stewardship in the region but the current extent and distribution of this work is not known. Stew-MAP is the first effort of its kind to look at the “big picture” of stewardship in the region. The purpose is to better understand who is doing stewardship work, what they are doing and where, and how formal or informal the groups are.

Why participate in Chicago Stew-MAP?
- Make sure your group or organization gets credit for the stewardship work you are doing
- Promote your work by putting your group's info on the stewardship map for potential volunteers, funders, and others to see
- See where stewardship is occurring - and where it isn’t
- Help us understand the groups and organizations that are doing stewardship in our region.

The ultimate goals of Chicago Stew-MAP are to understand and facilitate environmental stewardship in the region. Chicago Stew-MAP will:
- Map sites and areas where stewardship is occurring;
- Help connect stewards with organizations or agencies that can help them meet their goals (for example, by providing funding or supplies);
- Show land managers, planners, and environmental professionals where the region’s stewardship strengths and gaps are.

Background
Researchers from the US Forest Service and Columbia University first developed Stew-MAP to collect information about stewardship in New York City (NYC). Almost 2800 groups participated in the NYC Stew-MAP project. See the NYC stewardship map at: www.oasisnyc.net/stewardship/stewardshipsearch.aspx.

What is Stewardship?
Stew-MAP uses a broad definition of environmental stewardship: conserving, managing, monitoring, advocating for, or educating others about local environments. This can include activities related to water, land, air, waste, toxics, or energy. We include churches, schools, social service organizations, and other groups that do some consistent environmental stewardship work even if it is not their primary focus.

Put your group or organization on the map
Fill out the Stew-MAP survey at http://StewMap.CNT.org

Project Partners:

Contacts: Cherie LeBlanc Fisher (elfisher@fs.fed.us), Cindy Copp (cindy@cnt.org), Laurel Ross (lross@fieldmuseum.org)