

## Evanston Environment Board

## Quorum Present

Thursday March 12, 2009

**Board Members Present:** David Dankert, William Gallagher, Susan Kaplan, Gemariah Borough, Anne Viner, Eli A. Port, Susan Besson, Paige Finnegan, Elizabeth Kinney, Eli A. Port

**Board Members Absent:** Richard Kuntz, Edward J. McCall

**Community Members Present:** Carl Bova, Sam Wheeler

**Staff Present:** Carl Caneva HHS, Carolyn Collopy Sustainability Coordinator, Karen Taira Ecology Center, Jill Chambers Community Development

### I Approval of minutes for February 12, 2009

- **L. Sciarra** called the meeting to order at 8:33 p.m. **P. Finnegan** moved that February minutes be considered and approved at the April meeting, **David Dankert** seconded.

### II. Green Building Ordinance

- **Chair Sciarra** summarized the reasons for the request to pull the Green Building Ordinance off of the Human Services Meeting on March 9, 2009. He stated that he requested the removal for a lack of enforcement. **E. Kinney** agreed with **Chair Sciarra's** assessment.
- **S. Besson** requested further clarification as to how and why the item was removed from the Human Services Agenda.
- **E. Kinney** stated that she was not aware if the board knew of the downtown plan passing with LEED enforcement.
- **J. Chambers** stated the downtown plan was conceptual and not an ordinance or law. The zoning requirements have yet to be addressed. She stated the letter of credit and assurances was researched and no clear enforcement policy presented itself. The city's other concern is the legality of enforcement and the potential of litigation.
- **Chair Sciarra** stated was concerned that all types of enforcement mechanisms were not exhausted. The new ordinance will have language stating the target building permits will be raised a percentage (3%-5%), when a developer receives their certification, the owner/ developer

gives proof of certification and they are returned their permit fee. If the developer chooses not to get the LEED Certification the fee will be not be returned.

- **J. Chambers** has talked to city staff; there were questions with regards to the fee. She stated the fee was not an incentive; this is essentially penalizing those trying to achieve LEED Certification. Many of the projects qualifying for this ordinance are near \$1 million in construction value; a green building fee may result in costing the project in excess of \$50,000.
- **A. Viner** asked if the money could be placed in a fund, to give to homeowners to pursue LEED Certification, should the developer not finish the job and walk away.
- **D. Dankert** stated that trying to meet LEED requirements without the developer would be difficult.
- **Chair Sciarra** summarized the process as follows: the developer submits the documents with the checklist, pays the green building fee, building is completed, documentation is received from LEED by the City of Evanston and the initial fee is repaid.
- **J. Chambers** stated she would be interested in some means of identifying the individual responsible for steps of the process, to track.
- **S. Besson and P. Finnegan** stated they believed this process removes the City of Evanston from responsibility of regulating this process.
- **C. Bova** defined the goal of the ordinance is to get the building to comply; he did not believe a 3% fee was not enough of an incentive to do the right thing. His concern was not with commercial developments or institutional buildings following the ordinance; he was concerned about condominium developments. He suggested a fee structure on a case by case basis.
- **J. Chambers** stated the reason for the checklist was to monitor the project and ensure there was a cushion to achieve the silver rating.
- **E. Port** stated he read the ordinance as making it more costly to build a compliant building than a noncompliant building. If the total cost of constructing a LEED building is more than the cost of not there is a problem with the ordinance.
- **J. Chambers** warned the committee of attempting to raise fees in the current economy, recent attempt to raise fees have failed when reviewed by the council.
- **L. Sciarra** wanted to run through a few examples of the fees based on construction values on current projects. He stated the current ordinance would need to be revised. He suggested a percentage of the money returned with a pre-certification form.
- **P. Finnegan** stated a new draft of the ordinance would be ready by April 2, 2009.
- **C. Caneva** stated the next time the Green Building Ordinance could come up for discussion is at the May meeting of Human Services, the April 6<sup>th</sup> meeting has been canceled.

- **L. Sciarra** stated he believed the Plan Commission here the appeals of the Ordinance.
- **J. Chambers** suggested the Zoning Board of Appeals as an adjudicating body. **L. Sciarra** agreed with Ms. Chambers. **J. Chambers** questioned the fund supporting the Office of Sustainability for technology and plan review.
- The members continued to discuss the adjudication portion of the ordinance before coming to a consensus that the ordinance would read the appeals are the final responsibility of the City Manager or their designee.
- **P. Finnegan** also stated the money could be given to the Climate Action Fund via the Evanston Community Fund.
- **C. Collopy** requested the members contact Evanston Community Fund be contacted
- **S. Wheeler** NU Student, requested information on the long-term savings associated with building LEED buildings. He suggested that this information be presented to developers so they could see the savings.
- **L. Sciarra** suggesting visiting New Buildings Institutes website for more information.

**All members of the Environment Board recognized and celebrated the achievements of the Board's outgoing members David Dankert, Len Sciarra, and Vicky McKinely. During their admirable years of service the following changes took place:**

- **Amendments to the leaf blower/ noise ordinance**
  - **Development of the Green Building Ordinance**
  - **Development of Integrated Pest Management Strategies**
  - **Impacted the City of Evanston's strategic plan**
  - **Comments affecting the construction of Lovelace Park**
  - **Lobbied the City of Evanston to adopt the 2003 Energy Code**
  - **Mayor's climate protection agreement/ Kyoto Protocol**
- A. Viner motioned to adjourn, D. Dankert seconded, meeting was adjourned at 9:27 pm.**