



May 9, 2024

Re: Openlands Sustainable Development Policy Recommendations

Dear SDP Advisory Committee:

Founded in 1963, Openlands protects the natural and open spaces of northeastern Illinois and the surrounding region. Through our work, we ensure cleaner air and water, protect natural habitats and wildlife, and help balance and enrich people's lives. We applaud the department for increasing the value of green stormwater infrastructure and developing river protection strategies in its updated guidelines. Openlands recommends several changes to the current SDP draft to reduce flooding, elevate quality of life, protect wildlife, and create a more resilient Chicago.

We advise a stronger focus on native species throughout the menu options to promote regionally appropriate habitats and ecosystems. While other areas of Illinois require the use of native plants in landscaping, Chicago does not. The benefits of increasing native plants are expansive - their adaptation to our climate helps mitigate stormwater, there are reduced costs in the long-term management, they provide habitat for wildlife, and they beautify urban landscapes, just to name a few. In our region, we are not limited to our native majestic oaks and delicate prairie flowers. The Chicago region has more native vascular plant species than any US national park. Development projects should have no issue finding an appropriate native plant for some parts of their projects. The SDP must lead in this effort and require some native plant use for all sustainable landscaping projects. Cultivars are not native. Therefore, we request that DPD remove classifying them as native and encourage a requirement of true natives to the Chicago region. Openlands is happy to offer support sourcing native plant nurseries and providing native landscaping educational resources from across the region to provide easy design and purchases for developers.

In addition, Openlands advocates for requirements for bird safety. The Bird Friendly Design Ordinance (O2020-136) states that DPD "shall amend the Chicago Sustainable Development Policy to provide greater weight and priority to strategies 9.1 Bird Protection (Basic) and 9.2 Bird Protection (Enhanced) as listed in the Chicago Sustainable Development Policy Handbook, with the goal of reducing avian mortality and injury." The Ordinance uses the term "shall", which mandates that the DPD amend the Policy to reduce avian mortality and injury. However, developers can easily comply with the new Policy without implementing any bird protection strategies. There is no incentive for developers to implement bird protection strategies and no evidence that bird protection strategies will be chosen as a means of compliance. Therefore, the Draft SDP Handbook does not provide the appropriate weight and priority needed to protect birds, and the DPD has not met its mandate from the City Council.

Chicago is known as the deadliest city in the nation for birds. It has been internationally reported that Chicago buildings pose a risk to migratory birds. Most recently, last fall, news outlets reported on the mass mortality event where over 1,000 birds died in one night at the McCormick Place Lakeside Center. This is a significant problem whose resolution will require the efforts of more than just DPD. Openlands continues to assert that our City, building owners, tenants, and developers take meaningful measures to protect the millions of birds that fly through our city each year. While we appreciate the scale of this problem, the current draft of the SDP Handbook

does not meet the requirements of Ordinance 2020-136 or provide real protection to migratory birds.

Below please find suggestions by menu item:

C.4 Native Landscapes:

- Remove cultivars from classifying as native.
- Clarify what classifies as a native plant: “60 % of the species types must be native (straight species) to the Chicago Region according to Plants of the Chicago Region by Floyd Swink and Gerald Wilhelm, Indiana Academy of Sciences.”
- Openlands can offer additional support in the “For More Information” section with resources like our [Native Tree and Shrub List](#) and website offering information on [adding attractive natives](#).

C.5 Tree Health, C.6 Industrial Landscaped Buffer, and C.10 Aquatic River Habitat:

- Require minimum of 25% native to Chicago region: “25% of the species types must be native (straight species) to the Chicago Region according to Plants of the Chicago Region by Floyd Swink and Gerald Wilhelm, Indiana Academy of Sciences.”
- Openlands can offer additional support in the “For More Information” section with resources like our [Native Tree and Shrub List](#) and website offering information on [adding attractive natives](#).

Require Bird Protection compliance as a prerequisite:

- NYC Bird Friendly Building Design & Construction Requirements Guidance Document: https://www.nyc.gov/assets/buildings/bldgs_bulletins/bird_friendly_guidance_document.pdf

We are grateful to the Department of Planning and Development for the improvements already suggested in the updated draft design guidelines, but encourage the department to go further to utilize nature-based design to protect the city from flooding due to climate change, improve the health and well-being of local residents, and protect the wildlife that depend on our urban environment for habitat and safe travel.

Sincerely,



Emily Reusswig
Vice President of Conservation & Policy
Openlands

cc: Honorable Brandon Johnson, Mayor
Ciere Boatright, DPD Commissioner
Pat Dowell, Alderwoman
Daniel La Spata, Alderman
Carlos Ramirez-Rosa, Alderman
Byron Sigcho-Lopez, Alderman
Nicholas Sposato, Alderman
Gilbert Villegas, Alderman
Chicago Plan Commission
Angela Tovar, DOE Commissioner
Maria Hadden, Alderwoman

From: Jamie Stoik
Date: May 11, 2024

The updates included in the 2024 Sustainable Development Policy draft are a wonderful step forward, however, the Chicago Department of Planning and Development (DPD) should pursue more aggressive scoring requirements of applicants to make these changes impactful.

Each category is important, which is why they have been included in this draft. The flexibility afforded to developments by the inclusion of additional strategies is a great improvement, but enabling a scoring system where applicants can theoretically include strategies from just two or three categories does not effectively address the sustainability efforts needed for Chicago.

While not all categories and strategies will be relevant to all projects, there is no reason why they cannot be required and include an appropriate waiver process for applicants to complete when irrelevant (e.g. requiring a strategy from each category where relevant *and* the minimum number of points). Continuing to “strongly encourage” applicants to pursue these sustainable practices, rather than require, does not and will not result in meaningful change.

This is especially important because, though the DPD has made great efforts to engage the public and subject-matter-experts in the development of this draft policy, focus groups of 150 people and a little over 2,000 survey responses will not capture the needs of the 2.65 million+ individuals affected. It is imperative that the DPD pursue the strictest requirements possible in order to provide benefits to those who cannot participate in this process nor advocate for their community’s needs.

Additionally, given the Sustainable Development Policy applies to developments receiving certain types of public funding, they should provide a maximum benefit to the public. Development approvals are often piecemeal, but the impact on neighborhoods should be viewed holistically or we risk seeing considerable weighted bias in certain categories or overall ineffective approaches to major environmental concerns. For instance, without requiring Bird Protection and Landscape and Green Infrastructure, Chicago will continue to see devastating effects on local ecosystems and the continued proliferation of heat islands.

Other suggested changes to this policy include:

- Modifying compliance requirements for green roof strategies to include documentation as to how the developer will maintain the roof for a minimum of five years (not two). Depending on the design and plants used, green roofs may take more than two years to be fully established and so greater long-term effort should be ensured. In conjunction with the increased maintenance commitment, the point value can be increased as an added incentive.
- Increase the point value for productive landscapes. Until such time when significant legislative improvements on this strategy occur, DPD can continue to create an incentive and review effectiveness in proceeding iterations of the policy.
- Increase the point value for native landscapes. Native landscapes have a tremendous environmental cost-benefit return. Until such time when significant legislative improvements on this strategy occur, DPD can continue to create an incentive and review effectiveness in proceeding iterations of the policy.

While it's clear more action is needed from the city legislature to truly bring Chicago to where it needs to be on sustainability policy, the DPD is still well-positioned to ensure that meaningful change can occur by strengthening this policy.

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Friends of the Chicago River



121 West Wacker Drive, Suite 1700 • Chicago, Illinois 60601
tel 312.939.0490 • fax 312.939.0931 • www.chicagoriver.org

May 14, 2024

Bradley Roback
Department of Planning and Development
City of Chicago
121 N. LaSalle St.
Chicago, Illinois 60602

RE: Sustainable Development Policy Update Draft

Dear Mr. Roback:

Friends of the Chicago River's mission is to protect and restore the Chicago-Calumet River system for all people, water, and wildlife. Our goal is that City policies help to realize our vision that the Chicago-Calumet River system is a healthy, biodiverse, climate resilient ecosystem with equitable, open access for all. We participated throughout the Department of Planning and Development's process to update the Sustainable Development Policy and we think that the proposed modernizations and updates are crucial strategies that would help to ensure that new developments in the City contribute to protecting the river system. We are particularly glad to see revised points that encourage expanded and naturalized river edges, aquatic habitat, and river edge setbacks. These types of nature-positive development requirements are common in other cities; we think they are essential components of the new policy and vital to protect public and environmental health in Chicago.

In our review of the draft SDP, we have compiled the below comments and requests:

1. **Third-Party Building Certification:** We think that the point levels provided for this pathway are excessively high and will hinder aggressive and innovative sustainability and environmental practices in the City. In particular, the options that allow for 95 points.
2. **A. Bird Protection:** We support our bird advocate partners in calling for urgent City policy improvements to protect migrating birds from building collision mortality. This is particularly important along the Chicago-Calumet River system, which is a key wildlife corridor for migrating species. Though we understand the constraints of this SDP, we urge the City to prioritize work with conservation organizations to find other municipal ordinance solutions to **require** bird protection design strategies for all building construction.
3. **A. Bird Protection:** Other strategies in the SDP have notes (in blue) that encourage strategies for specific types of development. A note on the bird protection points that recommends these strategies should be added for all Waterways Planned Developments and Lakefront Protection Ordinance eligible projects.
4. **C.1 Green Roofs:** To improve this strategy over the previous version, we would suggest adding more detail about the types of green roofs that are encouraged. Intensive green roofs that have substantial soil depth provide more benefits for stormwater capture, habitat, and energy efficiency. A performance based metric for this credit would be more powerful and effective rather than just an area of cover strategy.
5. **C.4 Native Landscapes:** According to our design professional advisors, a minimum of 60% native species is becoming more of a normal industry practice for landscape design, and more aggressive standards are easily achievable. We encourage changing the requirement to 100% native plants. We also request that "excluding grass" be changed to "excluding turf grass" in the second bullet.

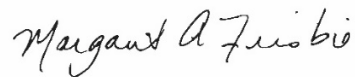
6. **C.7 Non-toxic Pavement Sealants:** These dangerous chemical sealants are becoming banned throughout the country including in Cook County, so presenting it in the SDP as something that is above and beyond seems to downplay its importance. We request that the City make this a required practice for all developments.
7. **C.10 Aquatic River Habitat:** This credit opportunity should be clarified because it is so important to consider the type of river edge on the site and match that to the most appropriate aquatic habitat approach. We request the following edit:

“On sites with a vegetated edge, added submergent and emergent vegetation helps create habitat for wildlife while improving water quality. On sites where river edge seawalls restrict submergent and emergent vegetation strategies, floating and/or submerged aquatic structures can provide habitat. A project can earn 10 points if at least 25%, or 50 feet, whichever is greater, of the shoreline provides new or restored aquatic habitat. Proposals will require additional permitting and review by agencies such as the U.S. Army Corps of Engineers, Illinois Department of Natural Resources, Chicago Department of Transportation and others.”

Please feel free to contact our planning director, Adam Flickinger at (312) 939-0490, ext. 15 or aflickinger@chicagoriver.org with any questions you might have.

Thank you for your consideration.

Sincerely,



Margaret Frisbie
Executive Director



FOUNDERS

David Gottfried
Michael Italiano
S. Richard Fedrizzi

- 2101 L St. NW
Suite 600
Washington, DC 20037
- 202-828-7422
- usgbc.org

May 14, 2024

Department of Planning and Development
City Hall, 121 N. LaSalle St.
Room 1000
Chicago, Illinois 60602

RE: City of Chicago's draft Sustainable Development Policy Handbook (April 2024)

On behalf of the U.S. Green Building Council (USGBC) and our Chicago community, we are submitting comments on the draft 2024 Sustainable Development Policy (SDP) update during this public comment period.

USGBC is a nonprofit organization working to build healthy, resilient, and equitable green buildings and communities to improve the quality of life for all. Best known for the successful Leadership in Energy & Environmental Design (LEED) green building certification system, we leverage our education, credentials, events, communications, and policy advocacy activities to support the public and private sectors in advancing high-performance buildings that support health and the environment.

We applaud the City of Chicago, and the staff of the Department of Planning and Development and the Office of Climate and Environmental Equity, for their work to update the SDP to continue supporting the City in achieving their climate goals. USGBC offers up two strengthening suggestions to better align the required sustainable design elements with the desired outcomes of improved energy efficiency and reduced greenhouse gas emissions.

Comment One.

Under Compliance Pathway 2: Third-Party Building Certification + Menu Items, the base number of points awarded for the type and level of certification achieved has changed in the proposed 2024 update for some third-party certification programs. For example, LEED Silver is no longer an accepted certification, and the points awarded for a LEED Gold certification has decreased from 90 points to 80 points. Meanwhile, Green Globes 3-Globe certification was not altered and is still awarded 80 points.

We applaud the City for raising the bar in the SDC and including net zero certifications, such as LEED Zero. However, the outcomes provided by each accepted certification are not accurately reflected in the number of

points awarded. We recommend the City map each type and level of certification listed to their impact on energy efficiency and greenhouse gas emissions, to ensure there is consistency in points awarded. One area to review is in the inclusion of prerequisites which ensure a minimum level of energy efficiency and reduced greenhouse gas emissions for each rating system.

Comment Two.

The outline of some listed third-party certification programs accepted in Compliance Pathway 2 include that “Projects can earn points by achieving the following certification levels in the most current version”. We agree with requiring the most recently adopted version of any third-party certification program. With each update, the rating system has presumably integrated the latest in cost-effective construction practices and building decarbonization design strategies. However, given the different timelines and increases in stringency of each rating system update, the City should evaluate the outcomes provided by each updated program on a case-by-case basis and update the base number of points awarded for the type and level of certification achieved for the most current version of the rating system.

Thank you for your work to reflect current best practices and the latest technology improvements in this update of the Chicago SDC. We look forward to working with you and the rest of Department of Planning and Development, as well as the City’s Office of Climate and Environmental Equity, on refining the proposed updates and throughout implementation.

Please do not hesitate to contact us if you have any questions.

Sincerely,

Jennifer Gunby

Jennifer Gunby

Associate Director, State & Local Advocacy

US Green Building Council

JGunby@USGBC.org

913.488.9094





Keith Harley, Attorney at Law
17 N. State St., Suite 1710
Chicago, IL 60602
(312) 726-2938
kharley@kentlaw.iit.edu

May 15, 2024

Ms. Ciere Boatright
City of Chicago, Department of Planning and Development
City Hall, 121 N. LaSalle St.
Room 1000
Chicago, Illinois 60602

By email: SDP@cityofchicago.org

Re: Public Comment – The Chicago Environmental Justice Network Comments On The Chicago Department of Planning and Development’s Proposed Updates to Chicago’s Sustainable Development Policy

To The Chicago Department of Planning and Development:

Please be advised that I represent the Chicago Environmental Justice Network (CEJN), a coalition bringing together neighborhood-based environmental justice organizations working in frontline communities throughout the Chicago metropolitan area. Members of CEJN collectively discuss local struggles, share organizing strategies, collect research, and develop city and state policy. CEJN is comprised of Little Village Justice Organization, Neighbors for Environmental Justice, People for Community Recovery, Southeast Environmental Task Force, and Blacks in Green. CEJN’s members live and work in the City of Chicago, and many of the members have been historically disenfranchised by the unsustainable development decisions the City has made in their communities. Consequently, CEJN has a strong public interest in Chicago’s Sustainable Development Policy (SDP).

CEJN requested my assistance to address specific issues related to the Chicago Department of Planning and Development’s (DPD) SDP. Other CEJN members may be submitting written comments addressing other aspects of the SDP.

CEJN has a long history of engagement with the City, DPD, and the development of the SDP. Members of CEJN, specifically People for Community Recovery and Southeast Environmental Task Force, were two of the three entities that brought forth the complaint against the City alleging violations of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1986, and Section 109 of the Housing and Community Development Act of 1974. Ultimately, this complaint led to HUD’s Initial Finding of Discrimination and a Voluntary Compliance Agreement and Conciliation (HUD Agreement) between complainants, HUD and the City.

The HUD Agreement stipulated that the City and the Environmental Equity Working Group (EEWG), a group where many of the members are also CEJN members, would have continuous engagement with the City to ensure compliance with the HUD Agreement. Further the HUD Agreement specifies that the EEWG has oversight and implementation authority regarding the cumulative impacts assessment (CIA), the Ordinance that will follow the CIA to provide regulations ensuring cumulative impacts are considered in development, and a commitment that community engagement would be a part of all processes required to comply with the HUD Agreement.

Despite March 7, 2023 comments following a meeting regarding updates to the SDP,¹ CEJN's assertions about community engagement and cumulative impacts are wholly ignored in the proposed framework. This input was to be considered and addressed, but the City failed to provide any reason why these recommendations, that are legally required by the HUD Agreement, are nowhere to be found in the current SDP draft. Again, we highlight, that despite our previous comments (1) DPD has failed to include community engagement opportunities to ensure that development is truly sustainable, and (2) the SDP still lacks consideration for cumulative impacts. CEJN reiterates that development is not sustainable (1) in the absence of community engagement regarding how a development will or will not contribute to a sustainable community, and, (2) if it is not informed by a cumulative impacts assessment that holistically views development within the context of the neighborhood's unique environmental, social, health and economic characteristics.

The SDP also fails to incorporate the City's self-imposed requirements, outlined in Executive Order 2023-3, with respect to community engagement and the CIA. Additionally, we highlight that the SDP fails to describe how points were assigned to each category and activity. It appears that points were assigned randomly. Further, the SDP provides points for actions that ultimately require maintenance, such as productive gardens (C.3) and community resilience (D.8). The SDP either has a time bound requirement to maintain an action for two to five years, or no required maintenance time at all. This means that a development could obtain points for taking certain actions, and then immediately cease acting, but still be considered "sustainable." Without a hook to ensure compliance, some actions could render meaningless outcomes.

The SDP must be amended to ensure that its intended outcome, sustainable development, is actually achieved. Additionally, the City is legally bound to incorporate public participation and consider cumulative impacts to comply with the HUD Agreement. As the SDP stands, it violates the HUD Agreement. Failure to minimally comply with the HUD Agreement will force the CEJN to take legal action against the City for its noncompliance and blatant violation of the agreed upon terms.

Comment 1: Sustainable Development Requires Engagement of the Local Community on Potential Development.

Sustainability, by definition, requires a holistic view of circumstances. Sustainable decisions cannot be made in a vacuum. For example, while installing solar panels is typically considered a sustainable choice, installing them in a city, such as Totoro, Colombia, which receives only 637 hours of sun a year, would not be a sustainable choice.

According to the Environmental Protection Agency, there are three pillars of sustainability, (1) environmental, (2) social, (3) economic.² Yet, the SDP fails to engage the second pillar of sustainability, social, almost in its entirety. The SDP only provides points for enhancing the local community in Section D, Public Health and Community Benefits. Other than Section D, the SDP is devoid of consideration for the social pillar of

¹ Incorporated by reference and submitted as a part of the package.

² Joseph Fiksel, Tarsha Eason, Herbert Frederickson, *A Framework for Sustainability Indicators at EPA*, The Environmental Protection Agency (2014) <https://www.epa.gov/sites/default/files/2014-10/documents/framework-for-sustainability-indicators-at-epa.pdf>.

sustainability. The SDP fails to include the community in the decision-making process. Local communities have absolutely no ability to provide input on what will occur in their backyards. Because the SDP does not provide any space for community input or engagement, the SDP is inherently unsustainable—as the social pillar is completely ignored throughout the scoring process.

Studies show that “community engagement is beneficial as it can help to increase project [acceptance by the community,] thereby averting negative reactions, developing services based on real needs of citizens, and strengthening residents’ interest in [] urban development.”³ HUD published a *Community Engagement Toolkit* to “build purpose and participation.”⁴ HUD developed a three part process to initiate, carry out, and evaluate a community engagement strategy.⁵ HUD explains that, “[Community] [e]ngagement strengthens collaboration and connections. It helps to create shared value and pave the way for long-term sustainability of an effort by increasing visibility, credibility, buy-in, accountability, and ownership of solutions and bright ideas.”⁶

Many cities across the country, also engaged in sustainable planning and development, have made the concerted effort to engage local communities in their decision-making. For example, South San Francisco has a Community Engagement Plan that provides several strategies, such as advisory committees, community forums, workshops, and interactive website tools, that the city will use when making development decisions.⁷ We have also provided in our submission, examples of how cities such as Newark, New Jersey and Detroit, Michigan have implemented community engagement in their development processes.

Even if the City does not agree with the notion that community engagement is a crucial element of sustainable development, the City does not have a choice in whether or not to engage local communities, particularly those in environmental justice neighborhoods (EJN). The City is legally bound by the HUD Agreement to enhance community engagement in EJNs.⁸ The City is required to enhance its “notification process so that residents of EJNs have greater awareness of land use/zoning, permitting, and enforcement activities.”⁹ Further, the City must have a “public participation policy . . . with standards for community outreach, public meetings, and hearings.” In order for the City to fulfill its obligations under Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1986, and Section 109 of the Housing and Community Development Act of 1974, the City must provide community engagement opportunities within the SDP.¹⁰ The City’s failure to engage the

³ *The Role of Community Engagement in Urban Innovation Towards the Co-Creation of Smart Sustainable Cities*
<https://link.springer.com/article/10.1007/s13132-023-01176-1#Sec25>.

⁴ U.S. Department of Housing and Urban Development, *Community Engagement Toolkit: Building Purpose and participation*
<https://files.hudexchange.info/resources/documents/Community-Engagement-Toolkit.pdf>.

⁵ U.S. Department of Housing and Urban Development, *Community Engagement Toolkit: Building Purpose and participation*
<https://files.hudexchange.info/resources/documents/Community-Engagement-Toolkit.pdf>.

⁶ U.S. Department of Housing and Urban Development, *Community Engagement Toolkit: Building Purpose and participation*
<https://files.hudexchange.info/resources/documents/Community-Engagement-Toolkit.pdf>.

⁷ City of South San Francisco, *Draft Community Engagement Plan*, chrome-extension://efaidnbmnnnibpajpcgplefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fshapessf.com%2Fwp-content%2Fuploads%2F2019%2F08%2FSSF_DraftPublicFacingEngagement_6.5.19v2.pdf&clen=1138913&chunk=true.

⁸ Voluntary Compliance Agreement/Conciliation Agreement Between United States Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, The City of Chicago, and People for Community Recovery, Chicago South East Side Coalition to Ban Petcoke, and Southeast Environmental Task Force, HUD Case No. 05-20-0419-6/8/9 (May 12, 2023), at 6 Section VI.21.e. [hereinafter HUD Agreement].

⁹ Voluntary Compliance Agreement/Conciliation Agreement Between United States Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, The City of Chicago, and People for Community Recovery, Chicago South East Side Coalition to Ban Petcoke, and Southeast Environmental Task Force, HUD Case No. 05-20-0419-6/8/9 (May 12, 2023), at 6 Section VI.21.e. [hereinafter HUD Agreement].

¹⁰ Voluntary Compliance Agreement/Conciliation Agreement Between United States Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, The City of Chicago, and People for Community Recovery, Chicago

communities in which they plan to develop, in the context of the SDP, is a violation of the HUD Agreement. If the City implements the SDP without incorporating community engagement opportunities, the CEJN will take legal action to enforce compliance with the HUD Agreement.

Comment 2: Sustainable Development Requires Consideration of the Cumulative Impacts of Development on the Local Community.

Under the HUD Agreement, the City is legally required to consider the cumulative impacts of development on EJNs. The HUD Agreement required the City's design of a CIA.¹¹ According to the Agreement the CIA shall be used by "*all City departments and offices* to inform decision-making processes in policy areas such as land use and zoning . . . transportation, permitting, enforcement, and other interventions"¹² Thus, the HUD Agreement encompasses the type of actions taken under the SDP.

The agreement also requires the City to develop an ordinance that "achieves cumulative impacts policy reforms."¹³ While such ordinance has yet to be enacted, the DPD should implement a temporary measure within the SDP to consider the cumulative impact of additional development that will occur and is approved under the SDP. The City's failure to assess cumulative impacts within the SDP is a violation of the HUD Agreement and is therefore subject to adjudication.

To better illustrate a probable outcome of the SDP in its current form, consider the impact of a warehouse on communities already bearing a disproportionately heavy environmental burden. A report by the Environmental Defense Fund (EDF) released alarming statistics on the impacts of warehouses on Illinois neighborhoods.¹⁴ Two million people in Illinois live within a half-mile of large warehouses, which are disproportionately located in low-income neighborhoods and communities of color.¹⁵ Tailpipes of diesel trucks emit black carbon, nitrogen oxide, and PM 2.5 into the air.¹⁶ Exposure to these pollutants increases the risk of childhood asthma, pre-term births, heart disease, and stroke.¹⁷ The EDF report finds that these mega-warehouses are largely concentrated in communities of color.¹⁸ Hispanic, Black, and low-income people live near warehouses at rates that are 195%, 137% and 125% more likely, respectively, than would be expected from statewide

South East Side Coalition to Ban Petcoke, and Southeast Environmental Task Force, HUD Case No. 05-20-0419-6/8/9 (May 12, 2023), at 1 [hereinafter HUD Agreement].

¹¹ Voluntary Compliance Agreement/Conciliation Agreement Between United States Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, The City of Chicago, and People for Community Recovery, Chicago South East Side Coalition to Ban Petcoke, and Southeast Environmental Task Force, HUD Case No. 05-20-0419-6/8/9 (May 12, 2023), at 4 Section VI.21.a.i. [hereinafter HUD Agreement].

¹² Voluntary Compliance Agreement/Conciliation Agreement Between United States Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, The City of Chicago, and People for Community Recovery, Chicago South East Side Coalition to Ban Petcoke, and Southeast Environmental Task Force, HUD Case No. 05-20-0419-6/8/9 (May 12, 2023), at 5–6 Section VI.21.c.i. [hereinafter HUD Agreement].

¹³ Voluntary Compliance Agreement/Conciliation Agreement Between United States Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, The City of Chicago, and People for Community Recovery, Chicago South East Side Coalition to Ban Petcoke, and Southeast Environmental Task Force, HUD Case No. 05-20-0419-6/8/9 (May 12, 2023), at 5 Section VI.21.c.ii. [hereinafter HUD Agreement].

¹⁴ Environmental Defense Fund, *Illinois Warehouse Boom* (Apr. 24, 2024) [https://globalcleanair.org/wp-content/blogs.dir/95/files/IL Warehouse Boom Report EDF 4-24-24.pdf](https://globalcleanair.org/wp-content/blogs.dir/95/files/IL_Warehouse_Boom_Report_EDF_4-24-24.pdf).

¹⁵ Aliya Uteuova, *Mega-warehouses Heap More Pollution on Hard-hit Illinois Neighborhoods*, The Guardian (Apr. 24, 2024) <https://www.theguardian.com/us-news/2024/apr/24/illinois-mega-warehouses-air-quality-pollution-inequality>.

¹⁶ Aliya Uteuova, *Mega-warehouses Heap More Pollution on Hard-hit Illinois Neighborhoods*, The Guardian (Apr. 24, 2024) <https://www.theguardian.com/us-news/2024/apr/24/illinois-mega-warehouses-air-quality-pollution-inequality>.

¹⁷ Aliya Uteuova, *Mega-warehouses Heap More Pollution on Hard-hit Illinois Neighborhoods*, The Guardian (Apr. 24, 2024) <https://www.theguardian.com/us-news/2024/apr/24/illinois-mega-warehouses-air-quality-pollution-inequality>.

¹⁸ Aliya Uteuova, *Mega-warehouses Heap More Pollution on Hard-hit Illinois Neighborhoods*, The Guardian (Apr. 24, 2024) <https://www.theguardian.com/us-news/2024/apr/24/illinois-mega-warehouses-air-quality-pollution-inequality>.

demographics.¹⁹ Beyond the concern of emissions, trucks traveling to and from warehouses cause noise, traffic, and can physically shake the homes they pass.²⁰

The SDP will allow a warehouse applicant to build within a low-income community of color that already faces significant negative health and environmental outcomes without consideration of the factors that already burden it. The applicant could go through the SDP process, check all the boxes required to be determined “sustainable” by DPD, yet the applicant never has to consider the cumulative impacts faced by the community. Applicants can completely ignore the current status of the community, including the fact that a different warehouse may be nearby, allowing them to continue with their development regardless of what has transpired locally and the mounting environmental burden the neighborhood faces. As discussed in Comment 1, the SDP looks at sustainability within a vacuum, giving zero consideration for what is happening across the street, which again, is inherently unsustainable and antithetical to the concept of sustainability. And, as in Comment 1, the DPD’s lack of consideration for cumulative impacts in the SDP violates the HUD Agreement and will force the CEJN to take legal action to ensure the City’s compliance.

Comment 3: The City is Violating Its Own Executive Order 2023-3.

Mayor Lightfoot published Executive Order (EO) 2023-3 in May 2023.²¹ The EO explained that “in order to advance environmental justice, the City must address cumulative impacts.”²² Under the EO the City’s “Office of Climate and Environmental Equity and the Department of Public Health *shall continue to convene an interdepartmental group with representatives from across the various City departments with authority to address environmental impacts, including but not limited to representatives from the Department of Planning and Development...*”²³ This interagency working group is directed by the EO to (1) identify actions within the scope of their authority to promote environmental justice and address cumulative impacts; and (2) produce an Environmental Justice Action Plan by September 1, 2023, *outlining the departments’ respective commitments to reform internal policies, programs, and practices to better protect Environmental Justice Neighborhoods from burdens associated with intensive industrial and transportation uses.*²⁴

While Mayor Lightfoot’s administration has now been succeeded by Mayor Johnson’s, Mayor Johnson has continued to forge a path to carryout actions described in the EO.²⁵ The Johnson Administration’s first publication of one of the EO deliverables, the Environmental Justice Action Plan, was memorialized in a spread

¹⁹ Aliya Uteuova, *Mega-warehouses Heap More Pollution on Hard-hit Illinois Neighborhoods*, The Guardian (Apr. 24, 2024) <https://www.theguardian.com/us-news/2024/apr/24/illinois-mega-warehouses-air-quality-pollution-inequality>.

²⁰ Kaveh Waddell, *When Amazon Expands, These Communities Pay the Price*, Consumer Reports, <https://www.consumerreports.org/cars/corporate-accountability/when-amazon-expands-these-communities-pay-the-price-a2554249208/>.

²¹ Lori E. Lightfoot, *Executive Order No. 2023-3*, City of Chicago, Office of the Mayor (May 10, 2023) https://www.chicago.gov/content/dam/city/depts/cdph/environment/CoC_Executive-Order-2023-3.pdf.

²² Lori E. Lightfoot, *Executive Order No. 2023-3*, City of Chicago, Office of the Mayor (May 10, 2023) https://www.chicago.gov/content/dam/city/depts/cdph/environment/CoC_Executive-Order-2023-3.pdf.

²³ Lori E. Lightfoot, *Executive Order No. 2023-3*, City of Chicago, Office of the Mayor (May 10, 2023) https://www.chicago.gov/content/dam/city/depts/cdph/environment/CoC_Executive-Order-2023-3.pdf.

²⁴ Lori E. Lightfoot, *Executive Order No. 2023-3*, City of Chicago, Office of the Mayor (May 10, 2023) https://www.chicago.gov/content/dam/city/depts/cdph/environment/CoC_Executive-Order-2023-3.pdf.

²⁵ Brandon Johnson, *Chicago, Community Leaders Publicly Release Cumulative Impact Assessment Report*, City of Chicago Office of the Mayor (Sept. 18, 2023) <https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2023/September/ChicagoCommunityLeadersPubliclyReleaseCumulativeImpactAssessmentReport.pdf>.

sheet tracker, noting what actions each department would take.²⁶ The tracker describes the actions DPD has taken or will take in the future.

One of the actions DPD was required to take in Q4 of 2023 is “a review of its community engagement standards for planned developments as an implementation step for the recently adopted We Will Chicago citywide framework plan. This review process will include updates to internal checklists, materials required of applicants and possible enhancement to notices for public meetings. Per MCC 17-8-0903, all planned developments going forward need to be consistent with the goals and objectives of We Will Chicago. After completing the review process through the We Will Chicago framework, DPD will commit to putting forward a proposal for community engagement and updated materials available for public comment.” While it’s unclear whether or not DPD has put forth a community engagement proposal, the SDP should not suffer because of DPD’s delay to act and implement a community engagement strategy.

Last, both the Environmental Justice Action Plan and the SDP are devoid of cumulative impacts consideration despite the requirement for their consideration delineated in the EO. The City has continuously put forth EOs, press releases, held working groups, convened interagency coordination, and yet the basic principle of considering cumulative impacts in decision-making falls flat time and time again—despite countless efforts by the CEJN, EEWG, and our previous comments drawing DPD’s attention to the SDP’s lack of cumulative impact consideration.

The City and its departments, including DPD, need to incorporate what has been discussed, agreed to, and memorialized. The DPD’s SDP is in violation of its own efforts and commitments to environmental justice and a brighter future for our City. It is incomprehensible that DPD continues to avoid commitments it very well knows its responsible for fulfilling.

Comment 4: The SDP Fails to Provide Insight as to How Point Values Were Assigned to Each Category.

It is unclear how points were assigned to each strategy. DPD should provide a reason as to how values were assigned. Each strategy, while touching on different aspects of sustainability, should be valued through some mechanism that can compare “apples to oranges.”

Without careful evaluation of the overall sustainable benefit a strategy provides, the points assigned to each strategy are meaningless. Assigning points could be done through a variety of means such as: valuation of ecosystem services, choosing relevant sustainability metrics, using life cycle assessment tools, or determining the cost-benefit of strategies implemented.

Comment 5: The SDP Does Not Have Procedures to Ensure Long-term Compliance with the Required Actions.

A core concept of sustainability encompasses the aspect of longevity, both “present and future generations” must be considered when making sustainable decisions.²⁷ However, the SDP assigns points to strategies that require regular maintenance and upkeep, but there is little to no requirement for developers to ensure any maintenance after initial implementation of strategies.

For example, Section C.1 and C.2 provide 10 to 20 points for installing a green roof. *Full* compliance with these strategies only requires “a copy of a maintenance agreement/contract for the green roof for a *minimum of two years* or a letter from the project developer/owner that includes a narrative of how the roof will be maintained

²⁶ Chicago Department of Public Health, *Chicago Environmental Justice Action Plan* (Dec. 2023) <https://www.chicago.gov/content/dam/city/depts/cdph/environment/CumulativeImpact/EJ%20Action%20Plan%20Annual%20Report%20-%20December%202023.pdf>.

²⁷ Environmental Protection Agency, *Learn About Sustainability* (Oct. 16, 2023) <https://www.epa.gov/sustainability/learn-about-sustainability>.

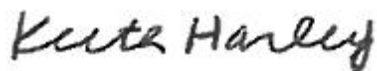
for a *minimum of two years.*” While compliance seems to suggest that a plan for more than two years of maintenance is preferable, there is no requirement beyond the two year minimum. A developer could install a green roof, maintain it for two years, then never touch the green roof again for the rest of the lifetime of the building, and still receive 20 points and be considered “sustainable.” In fact, there is already a significant body of evidence that shows green roofs are historically under-maintained.²⁸ The U.S. General Services Administration (GSA), Office of Inspector General found that most of GSA’s Public Building Services did not properly maintain their green roofs.²⁹

This same issue arises again and again in the SDP. Section C.6, Industrial Landscaped Buffer, has absolutely no maintenance requirement. A developer could install the buffer, and never maintain the buffer at all, and still meet DPD’s compliance requirement. Another example occurs at Section D.4, Air Quality Monitoring. This strategy is supposed to provide air quality monitoring of toxic pollutants, yet monitoring is only required for five years.

Without long-term implementation of each strategy, the strategies are by definition, unsustainable. Sustainability requires consideration for the generation today and those in the future, yet these strategies don’t even span the first decade of one generations’ life. The DPD needs to carefully consider this major flaw in the SDP. The SDP could allow for greenwashing with the City’s rubber stamp to do so. Based on the commitments the City has made, the City owes its residents compliance, follow through, and genuine effort to ensure a sustainable, equitable, and healthier future.

Thank you for your consideration of these comments. Please contact me if you have any questions, responses, or require additional information.

Sincerely,



Keith Harley, Attorney for Chicago Environmental Justice Network
Greater Chicago Legal Clinic
17 N. State St, Suite 1710
Chicago, IL 60602
(312) 726-2938
(312) 726-5206 (fax)
kharley@kentlaw.iit.edu

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²⁸ U.S. General Services Administration, Office of Inspector General, *Audit of the Public Buildings Service’s Green Roof Maintenance and Safety Practices* (July 23, 2020) <https://www.gsaig.gov/sites/default/files/audit-reports/A180085%20Final%20Report.pdf>.

²⁹ U.S. General Services Administration, Office of Inspector General, *Audit of the Public Buildings Service’s Green Roof Maintenance and Safety Practices* (July 23, 2020) <https://www.gsaig.gov/sites/default/files/audit-reports/A180085%20Final%20Report.pdf>.



ELEVATE

Equity through
climate action

773-269-4037

ElevateNP.org

322 S. Green St.

Suite 300

Chicago, IL 60607

May 15, 2024

City of Chicago

Department of Planning and Development

121 N. LaSalle St.

10th Floor

Chicago, IL 60602

RE: 2024 Sustainable Development Policy Update

To Whom It May Concern:

Elevate Energy (Elevate) is pleased to submit these comments in support of the 2024 update to the Sustainable Development Policy (SDP). Elevate was part of a team that provided technical and administrative assistance to support the efforts led by the City of Chicago to meaningfully partner with frontline community stakeholders and technical experts as part of the process to update the SDP.

Many of the updates that were made in the Energy, Stormwater, Transportation, and Water categories reflect expected performance increases and new baselines grounded in current standards such as code requirements and commonly accepted best practices for those sectors.

Also critical, the update includes a transition from a general Health category to "Public Health and Community Benefits," which has the promise of bringing positive tangible outcomes to Chicago residents. This revamped category includes options for achieving points in areas such as Workforce Development, Air Quality, and Community Resilience, which were emphasized throughout the stakeholder engagement process. This process included representation from a wide range of experts including those from the environmental justice, energy, sustainability, workforce, economic and community development, architecture, real estate, building development and academic fields, as well as other fields.

We are pleased to see the 2024 SDP update and are confident it will have a positive impact for communities across Chicago.

Sincerely,

Anne Evens

Chief Executive Officer

Elevate Energy

To: Bradley Roback, Chicago Department of Planning and Development
Re: Sustainable Development Policy Update
From: Metropolitan Planning Council

May 15, 2024

The Metropolitan Planning Council appreciates the opportunity to provide input on the City of Chicago's Sustainable Development Policy (SDP) update. MPC participated in the Department of Planning and Development (DPD) focus groups and facilitated conversations with river advocates as part of our role co-convening the River Ecology and Governance Task Force. We also provided public comment for the SDP Informational Presentation at the April Plan Commission meeting. These public comments address the latest version of the SDP. MPC hopes these ideas will make the SDP a stronger tool for advancing equitable and resilient development across the city.

Positive changes that improve the SDP

MPC appreciates the City's dedication to updating the SDP. In particular, we believe the following changes are a step in the right direction to improve the SDP:

- **Clearer structure:** The reorganization of menu options into six priority categories clarifies the specific values the City is driving toward with the SDP. The inclusion of the Public Health and Community Benefits category is an acknowledgment that social equity and sustainability concerns go hand-in-hand.
- **New river edge options:** The addition of new menu options that address development specifically on the riverfront (C.8, C.9, and C.10) are a welcome addition to the SDP. MPC supports these strategies to promote naturalized river edge landscaping, larger setbacks along the river edge, and creation of aquatic river habitat.
- **New options to advance community benefits and public health:** The inclusion of on-site affordable housing (D.3), air quality monitoring (D.4, D.5), and other options in the Public Health and Community Benefits category are a positive addition to the SDP.
- **Applicability adjustments:** The new policy usefully clarifies what constitutes "moderate" versus "substantial" renovation.
- **Alignment with Climate Action Plan, Air Quality Ordinance, and Affordable Requirements Ordinance:** The proposed SDP handbook indicates where each strategy is aligned with relevant Climate Action Plan pillars, strategies, and actions. It specifies which strategies DPD recommends for projects that fall under the Air Quality Ordinance, and a new strategy gives projects credit for meeting ARO requirements with 100% on-site affordable housing. These changes help align multiple City sustainability efforts into a cohesive whole.

Strengthening the SDP update: Big-picture feedback

MPC suggests the following shifts to strengthen the SDP update as a whole:

- **Require essential strategies for specific types of projects, particularly river edge and industrial projects:** Though DPD does advise developers on navigating the SDP, the policy as proposed still provides too much discretion for developers, particularly those of industrial and river-edge projects, to not select strategies that should be essential for these types of projects. MPC believes some strategies should be non-negotiable, based on criteria such as project type or location. In the absence of these requirements, there is an over reliance of DPD staff to guide developers to select the most appropriate strategy.
- **Clarify post-construction compliance standard:** Compliance is an important piece of the SDP, since many menu options involve ongoing maintenance or implementation. However, MPC believes there could be some improvement in how the SDP compliance standards are presented. The policy states that post-construction compliance will be monitored for "certain types of projects that include redevelopment agreements (RDAs)," but the policy does not specify which projects this includes. Without a more comprehensive approach that sets out criteria for the types of projects and/or strategies that are subject to post-construction compliance, there is no way to ensure that projects will comply with performance standards once installed. This is particularly true of menu options in the Landscape and Green Infrastructure category, which only requires approval of drawings rather than approval of installation to ensure that construction meets standards.

- **Clarify alignment with other relevant City plans and codes:** The proposed handbook usefully matches up menu options with the City's Climate Action Plan. A similar exercise for the other named plans and codes¹ would be beneficial for aligning City plans and priorities.
- **Track data on SDP projects for continuous improvement:** Finally, the City should internally track data about the frequency with which these strategies are used, so that future updates can benefit from this information.

Strengthening the SDP: Feedback on specific menu options

MPC suggests the following shifts to strengthen specific strategies in the SDP update:

Bird Protection

- **Codify bird protection measures for all development:** MPC recommends strengthening bird protection measures in the building code, which would remove the need for inclusion of bird protection in the SDP. Otherwise, bird protection should be a required component within the SDP.

Landscape and Green Infrastructure

- **Require all riverfront projects to use river edge strategies:** Use of at least one of the river edge strategies listed in the SDP (C.8, C.9, or C.10) should be standard practice for all riverfront projects subject to the SDP. Looking ahead, MPC recommends this requirement be included in the City's landscape ordinance for all riverfront projects, which would remove the need for inclusion in the SDP.
- **Strengthen compliance for landscaping strategies through maintenance agreements:** Some of the Landscape and Green Infrastructure strategies require a maintenance agreement, while others do not. MPC recommends that all landscaping strategies with a planting component require a maintenance agreement. We suggest a maintenance agreement that extends three to five, rather than two years.
- **Bolster compliance for the Green Roof strategies:** Ensure that "eligible areas" subtracted from the gross roof area includes the setback area for vegetation from parapet walls; it is unclear if this is included as part of the "maintenance pathways". Additionally, submitting a complete plant list as part of compliance does not ensure that you have the "right" plants that will grow and flourish as part of a green roof system. Compliance should require checks for soil medium, type of plant species, and planting density. This holds true across all the Landscape and Green Infrastructure categories as well.
- **Strengthen compliance for Industrial Landscaped Buffer strategy:** This strategy does not include tracking and compliance to ensure that a landscape buffer adjacent to an industrial area is having the intended effect of mitigating air quality, sound, and other health and quality of life issues. Compliance should focus on ensuring that the buffer has the intended community and health benefits based on mix and diversity of plants and vegetated/physical structures.
- **Increase point value for Tree Health:** The Tree Health category is valuable enough to merit additional points. Points could be tiered and tied to the number of trees or the percentage increase in tree canopy expanded on site.
- **Clarify language in Native Landscapes strategy:** Specify that the term "excluding grass" refers to specific exclusion of "turf grass" rather than other grass species that can be classified as forbs and/or graminoids.

Public Health and Community Benefits

- **Increase point value for housing affordability:** The addition of 100% on-site ARO units as a menu option (D.3) is helpful in aligning the SDP with the ARO. MPC recommends this point value increase to reflect the cost of developing affordable housing and to further incentivize affordability in high-demand areas.
- **Support installation of flooding sensors in addition to air quality monitors:** The SDP revision is an opportunity to incentivize monitoring of flooding in addition to air quality. The Air Quality Monitoring menu option (D.4) could be expanded to include placement of flooding sensors, or an additional menu option could be added.
- **Enhance Workforce Development strategy:** The City already includes MBE, DBE, and local hiring requirements for construction projects requiring city approvals or receiving public financing. MPC

¹ The additional plans mentioned in the SDP handbook are: Chicago's 2023 Citywide Plan (We Will Chicago) and DPD's 2023 Environmental Justice Action Plan.

The additional codes mentioned in the SDP handbook are: the 2022 Connected Communities Ordinance, the 2020 Bird Friendly Design Ordinance, the 2020 & 2023 Updates to Electric Vehicle Service Equipment Rules, the 2021 Air Quality Ordinance, and the 2022 Chicago Energy Transformation Code.

recommends that this strategy includes language that allows for those requirements to be exceeded (greater than 5% of construction jobs) and includes a provision that explicitly states that 5% of the new permanent jobs created are filled by “local hires” or through workforce programs like Chicago Cook Workforce Partnership. This strategy could also be improved by specifying that the jobs created should be “living wage” employment opportunities.

Transportation

- **Add strategy for parking reductions:** We recommend including in the Transportation menu options credit for any parking reductions under the Connected Communities ordinance.

Toward a long-term vision for sustainable development for development citywide

Though it may not be within the scope of this revision, **MPC suggests the City consider how sustainability goals and strategies, like those in the SDP, can be applied to development projects comprehensively through incorporation into other existing codes and standards.** This planning is especially important given the current administration’s push to reform development processes through the Cut the Tape Initiative.

To adhere to the SDP, developers select specific sustainability strategies, allowing projects to bypass other important measures. MPC suggests the City review the SDP menu options to identify those that should be *requirements* for all development—or for certain types of development—and therefore codified or standardized in other City laws or processes (such as the building code, the permitting process, the landscaping ordinance, or the stormwater management ordinance).

Thank you for considering these recommendations as the City proceeds with updating the Sustainable Development Policy. Please contact Christina Harris, Senior Director (charris@metroplanning.org) with any questions.

May 15, 2024			Pappageorge Haymes Partners	
Category	Points	Requirement	Comment	
Certification Option	LEED Gold	80		One of the considerations on whether to go with a Certification here vs an a-la-carte selections below is that the details of the Certification components can be refined, moved around and redesigned as the project designs develop. A burden is these certifications carry sometimes onerous retaining and licensing requirements as well as expensive fees. The a-la-carte approach requires a commitment upfront to secure the PD and thus incentives choices around more predictable or simplistic and assumed less costly options. The option to explore costs and scheme alternates for the project are less likely to occur in this scenario. Consider allowing changes to the compliance path to be allowed as part of the Part 2 review process without triggering Administrative level amendments.
	LEED Platinum	90		
	LEED Zero	95		
	Green Globes 3-Globes	80		
	Green Globes 4-Globes	90		
	Green Globes Pathway to Zero Energy/Zero Carbon	95		
	ILFI Living Building Challenge	90		
	ILFI Zero Energy	95		
	Enterprise Green Communities	80		
	PHIUS	90		
	PHIUS Zero	95		
	National Green Building Standard Gold	70		
	National Green Building Standard Emerald	80		
Bird Protection				
A.1	Bird Protection (Basic)	20		Appendix III-Protection Strategy-Exterior Features #3 should be clarified as to location and function; Delete reference to ventilation; Horizontal grates, grilles and screens at or near the grade plane and within 20ft (6m) of a glass facade shall have openings size to preclude the passage of a 3/4" (19mm) sphere. The same limitation shall apply to grates placed in elevated building levels and w/in 20ft of a glass facade. CONSIDER an incentive that promotes research to further an understanding of best practices, articulates hazards and better defines effective remedies. For example, a facade renovation of that incorporates detailed before and after conditions to document effectiveness and compare to intended outcome.
A.2	Bird Protection (Enhanced)	30		
Energy				
B.1	Exceed Current Energy Transformation Code (5%)	20		
B.2	Exceed Current Energy Transformation Code (10%)	30		
B.3	Rooftop Solar-Ready Construction*	5		CONSIDER a companion incentive to incorporate an equal area in the facade that can be constructed to accommodate solar collection accessories.
B.4	On-Site Renewable Energy Provision of 5-10%*	10		
B.5	On-site Renewable Energy Provision of 10-20%*	20		
B.6	On-site Renewable Energy Provision of 20-30%*	30		
B.7	Building Electrification	20		CONSIDER an 10 point award that is for a residence or office located heat pump units that is served by a central plant not entirely dependent on electricity. System shall have capability to move heat form warm side of building to be used on cool side.
B.8	Maximum 40% Glass	10		CONSIDER a companion incentive for adaptive reuse projects whose facade glazing is replaced or upgraded to a new construction standard. For historic projects add an option for in interior storm lite or glazes lite such as used in the <u>Signa System</u> .
B.9	Meet ComEd New Construction Best Practice Requirements	20		CONSIDER moving this category to the CERTIFICATION OPTION. ComEd has several incentive programs such as Multi-Family and they incorporate many requirements beyond energy.

May 15, 2024			Pappageorge Haymes Partners
Landscape & Green Infrastructure			
C.1	Green Roof Coverage (>50%)	10	Green Roof Plans should be required to document logistics of re-roofing since at that stage the only thing to do in many cases is take them off the roof at which point they often don't go back. Newer VRF systems are demanding larger percentages of roof areas for condensers and for refrigerant piping. Consider not allowing space taken for piping, conduits and other non-equipment footprints to be deducted from gross areas.
C.2	Green Roof Coverage (100%)	20	
C.3	Productive Landscapes	5	CONSIDER expanding productive to include landscapes oriented to the public benefit. These could include larger dog parks, reserved resident garden plots, sensory gardens, and dedicated wildlife habitat.
C.4	Native Landscapes	5	'Excluding Grass' is a conflict since graminoids include native sedge grasses and prairie grasses. Assume the intent is to discourage the use of lawn grasses such as <i>Kentucky Bluegrass</i> . Compliance documentation should also include the certification of a licensed landscape architect since these plant materials and their planting bed must be carefully coordinated. Consider adding http://www.illinoiswildflowers.info/ & https://fieldguides.fieldmuseum.org/sites/default/files/rapid-color-guides-pdfs/1271_usa_illinois_lakecounty_summerwoodlandforbs_v2.pdf which are very informative web links with detailed descriptions and photos. CONSIDER an incentive applicable to removal of sites documented to have USDA invasive plants as often occur along the river.
C.5	Tree Health	5	A better name would be Enhanced Tree Beds since this incentive covers the size and design of planting areas. Would also advocate for 10 points since there is a longevity and neighborhood enhancement that results from bigger trees that live longer.
C.6	Industrial Landscaped Buffer*	10	CONSIDER extending this incentive to apply to commercial and to larger parking lots.
C.7	Non-toxic Pavement Sealants	5	CONSIDER extending this to projects that pave with other than asphalt.
C.8	Naturalize River Edges	10	CONSIDER extending this incentive to projects that document and remove invasive and non-native plants replacing with native species and an on-going maintenance plan. Engage with local naturalists to track changes and improvements for 5 years.
C.9	Exceed River Setback for Naturalized Space	5	The link for more information at City of Chicago takes you to an error page.
C.10	Aquatic River Habitat	10	The link for more information at City of Chicago takes you to an error page.
Public Health & Community Benefits			
D.1	Well Building Standard	50	
D.2	Fitwel Certification	30	
D.3	100% on-site ARO	10	Some PD's are elective where others are mandatory. The PD process allows community and city engagement in ways as-of right development does not. CONSIDER an ARO incentive for those projects that are elective and an enticement to the developer instead of a barrier.
D.4	Air Quality Monitoring*	10	
D.5	Indoor Air Quality	5	
D.6	Cleaner Industrial Operations Equipment*	5	The City might consider revamping their own street grinding and resurfacing process as it is in gross violation of this goal producing vast quantiles of dust and particulate matter exposing workers and neighborhoods to harmful conditions that could be avoided with improved equipment.
D.7	Cleaner Construction Equipment	5	CONSIDER noise & vibration reduction incentives that can be 3rd party monitored. Concrete mixing trucks are now available and will come into use if incentivized. See Volvo Mixer
D.8	Community Resiliency Asset	5 to 15	CONSIDER an incentive to encourage accessory controls to be added in the Emergency Generator (for bldgs that have one) allowing it to energize heating or cooling systems and /or in combination with charging of phones/portables in the event of utility outages.
D.9	Workforce Development*	10	

May 15, 2024			Pappageorge Haymes Partners
D.10	Exceed Requirements for Accessible Dwelling Units	5	Recommend change 'Accessible' to 'Adaptable' since that is the unit designation for which the bonus is targeted, and to avoid confusion on intent. Clarify terms for exceeding since Chicago standards already exceed other codes and this may confuse someone new to Chicago. CONSIDER policies to incentivize other project types and users. For example, a project that rebuilds exterior walks and curb cuts in the public way, Projects that incorporate features targeted to service animals; Accessible features oriented to charging and servicing of mobility devices.
Stormwater Management			
E.1	Sump Pump Capture and Reuse	5	Maybe change the name to 'Storm Water Capture and Detain' since it is closer to the intended action. The link for more information at City of Chicago takes you to an error page.
E.2	Exceed Stormwater Ordinance by 25%*	10	
E.3	Exceed Stormwater Ordinance by 50%*	20	
E.4	100% Stormwater Infiltration	40	
E.5	100-year Detention for Lot-to-Lot buildings	25	
E.6	100-year Detention for Bypass	5	
Transportation			
F.1	Divvy Bikeshare Sponsorship	5	CONSIDER broadening language beyond Divvy. Companies and offerings change over time. Consider expanding to acknowledge growing use of scooters and boards need to charge at both ends of trip.
F.2	Residential Bike Parking Facilities	5	CONSIDER adding accommodation for in dwelling unit bike parking. Need better definition of 'safe & adequate opportunity for e-bike/scooter'.
F.3	Non-Residential Bike Parking Facilities	5	
F.4	EV Charging Stations 30%	5	With technology evolving and varying availability to access charging facilities, consider language that is flexible to change with industry standards.
F.5	EV Charging Stations Fast Charger	10	
F.6	EV Charger Readiness (Basic)	5	EV charging at existing structures may be a significant challenge resulting in large infrastructure updates to accommodate. CONSIDER an incentive that recognizes these challenges
F.7	EV Charger Readiness (Enhanced)	10	
F.8	Commercial Fleet Readiness	10	
Waste			
G.1	80% Waste Diversion	5	You could offer a 50 point waste diversion credit for substantial renovations and adaptive re-use projects and make those same projects achieve 100 points total just as in new construction.
G.2	80% Waste Diversion + 10% reuse	10	Certain new construction and addition projects might in this way consider incorporation of historic or other significant existing structures.
Water Usage			
H.1	Indoor Water Use Reduction (25%)	5	CONSIDER a 5 point native plant incentive that can be shown to reduce water usage in landscaping against a baseline. This should be in addition to anything for Native Landscapes as that category improves habitat whereas this is for water savings.
H.2	Indoor Water Use Reduction (40%)	10	
	Excellence & Innovation		Denotes reduced point allocation or increased performance requirement
	Sustainability Excellence and Innovation		Denotes increased point allocation

DRAFT SUSTAINABLE DEVELOPMENT POLICY

Public Comment Summary

Category	Strategy Number(s)	Strategy Description	Recommendation / Commentary
Compliance Pathways	N/A	N/A	<ul style="list-style-type: none"> Simplify by making the Third-Party Building Certification pathway binary. Determine which certifications meet or exceed the goals of this policy. If a project achieves one of these certifications, the project does not need to be supplemented with menu items. If a project does not achieve one of these certifications, the project must earn the required point total via the Menu Strategies and/or Innovative Design Strategies.
A. Bird Protection	General	N/A	<ul style="list-style-type: none"> Point values for this section should adjust based on asset type and project size: <ul style="list-style-type: none"> Low-rise, industrial buildings might qualify without specific consideration for bird protection. High-rise, glass buildings become very costly to incorporate bird protection.
B. Energy	B.4 / B.5 / B.6	Onsite Renewable Energy Provisions	<ul style="list-style-type: none"> Point values should adjust based on project size: <ul style="list-style-type: none"> Renewable energy systems have lower yield in tall buildings due to limited roof area and higher loads.
	B.7	Building Electrification	<ul style="list-style-type: none"> Increase points based on impact and difficulty to achieve.
	B.8	Maximum 40% Glass Façade	<ul style="list-style-type: none"> This requirement is prescriptive and does not allow for the more flexible performance-based approach recognized by LEED/ASHRAE. The upper limit should be adjusted based on asset type and project size.
	New	Embodied Carbon Modeling	<ul style="list-style-type: none"> Promotes transition to whole life carbon accounting.
	New	Net-Zero Energy Operation	<ul style="list-style-type: none"> With on-site OR off-site renewables.
C. Landscape and Green Infrastructure	New	Refrigerant Leakage Tracking	<ul style="list-style-type: none"> Low cost strategy with cost and carbon benefits.
	General	N/A	<ul style="list-style-type: none"> Higher point values should be considered due to high upfront costs as well as costly ongoing maintenance for many strategies in order to incentivize developers.
D. Public Health and Community Benefits	D.1	WELL Building Standard	<ul style="list-style-type: none"> Move to Third-Party Certification pathway list or increase points based on impact and difficulty to achieve.
	D.4 / D.5	Air Quality	<ul style="list-style-type: none"> Increase points based on impact in post-pandemic world relative to point values awarded for other strategies that are less impactful.
	New	Brownfield Remediation/Redevelopment	<ul style="list-style-type: none"> Presents a valuable opportunity to achieve sustainability goals, promote economic growth, and improve quality of life for residents while addressing environmental challenges and reclaiming underutilized land.
	General	N/A	<ul style="list-style-type: none"> Several strategies in this section are not sustainability matters, such as 100% on-site ARO and Workforce Development. We recommend either expanding the stated goals of this policy or relocating these strategies to the Innovative Design Strategies section.
E. Stormwater	General	N/A	<ul style="list-style-type: none"> Point values in this section should adjust for project location and site conditions. For projects where these strategies are difficult to effectively implement, potentially consider an option to provide resources to implement strategies in more appropriate locations within the city.
	General	N/A	<ul style="list-style-type: none"> Increase point values for this section in order to incentivize developers. These strategies have high upfront costs with less direct benefit to developers.
F. Transportation	New	Parking Reduction	<ul style="list-style-type: none"> Align with Cut the Tape initiatives.
	General	N/A	<ul style="list-style-type: none"> Incorporate and align with strategies being promoted by CDOT under its Travel Demand Management program.
Sustainability Excellence and Innovation	N/A	Innovative Design Strategies	<ul style="list-style-type: none"> Remove the cap on points. Innovative strategies that have an impact that exceed those included in the menu options should not be limited to a max of 20 points. Consider expanding this section to include Community Benefits as noted above.
General Commentary	N/A	N/A	<ul style="list-style-type: none"> Award points on a scale (as appropriate) rather than having arbitrary cutoff points: <ul style="list-style-type: none"> Green Roof >50% = 10 Points Green Roof 100% = 20 Points This disincentivizes going above 50% if not going to achieve 100%. Award bonus points for exceeding the highest target thresholds (as appropriate): <ul style="list-style-type: none"> Onsite Renewable Energy Provision of >20% = 30 points This disincentivizes going above 20%. Point Requirements and Point Values should adjust for asset type and/or project size.
Transitional Provisions	N/A	N/A	<ul style="list-style-type: none"> Policy should be elective for projects for which the PD, funding, or other applicable trigger is approved between January 1, 2018 – January 1, 2025. This 7-year window would capture PDs that were approved under the current policy but are still in the 6+1-year period prior to the PD lapsing.