

Green Building Update

an Allen Matkins
market intelligence
publication

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attorneys at law

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["Not green enough" lawsuit in NYC](#)

The Wall Street Journal - May 29

Alleging their \$4.5 million condo is not green enough (NGE), the unit owners are suing The Riverhouse One Rockefeller Park for \$1.5 million. The Riverhouse, which is seeking LEED Gold certification, was marketed as the cutting edge of green technology. However, the condo owners alleged breach of contract and fraud because they believe the air-infiltration system, among other things, is not performing up to the promised green standards and exterior cracks let cold unfiltered air enter the unit. Hundreds across New York who filed lawsuits to void real estate contracts signed during the real estate boom years may begin using the NGE argument as another theory for exiting contracts. The NGE argument could break new legal ground by compelling courts to determine what are green building best practices.

GREEN BUILDING FOCUS

[LEDs may replace the 60-watt bulb](#)

GreenerBuildings - May 20

As the first-ever replacements for the common 60-watt incandescent light bulb, [Royal Philips Electronics](#) unveiled its 12-watt EnduraLED light bulb and [Osram Sylvania](#) revealed its dimmable, mercury-free Sylvania ULTRA LED 12-watt bulb. LEDs hope to capture part of the \$4.4 billion light bulb market. The [U.S. mandated](#) Energy Independence and Security Act of 2007 ends the sale of the 100-watt incandescent bulbs by January 1, 2012, the 75-watt bulbs by 2013 and the 40- and 60-watt bulbs by 2014.

[Report: energy efficient lighting saves money](#)

Pike Research

Pike Research's report says lighting consumes 17.5% of global electricity with 20% of that amount being used by the U.S. annually. Wider use of currently-available energy-efficient lighting would lead to huge energy savings. A range of government incentives exist to encourage lighting retrofits in existing facilities and efficient lighting for new projects.

[Report: green codes up use of green materials](#)

Dovetail Partners Inc. - May 31

Dovetail Partner's report entitled "POTENTIAL GAME CHANGERS IN GREEN BUILDING: NEW DEVELOPMENTS SIGNAL A FUNDAMENTAL SHIFT AND PERHAPS SIGNIFICANT OPPORTUNITY FOR BUILDING MATERIALS SUPPLIERS," considers the trend of adding green standards to local building codes and the related increase in the use of green building materials.

[Report: Green Buildings and Health Concerns](#)

Environment and Human Health, Inc. - May 25

The Environment and Human Health, Inc.'s (EHHI) report titled "[LEED Certification: Where Energy Efficiency Collides With Human Health.](#)" concludes that while LEED certification encourages energy efficiency, tighter buildings

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may "concentrate chemicals released from building materials, cleaning supplies, fuel combustion, pesticides and other hazardous substances." The EHHI is recommending that numerous changes be made to the LEED program to protect health. In an open letter dated June 4, 2010, from Richard Fedrizzi, President and CEO of the USGBC, to EHHI, the USGBC disputed the EHHI findings and invited the EHHI to partner with the USGBC to modify the LEED program, if necessary, to resolve EHHI's concerns. The lengthy letter stated, in part, the following: EHHI and USGBC "share a common mission: we care deeply about human healthTo suggest something contrary to that, as you did in your recent report, suggests a fundamental misunderstanding of the role LEED plays as a catalyst for action related to this critical issue. We could not agree more with the need for serious action on improved indoor air quality. . . . Since the launch of the first LEED rating system 10 years ago, we have been on a continuous improvement cycle to enhance the LEED system. . . . So please help us. The expertise of EHHI could be a rich resource to continue the evolution of LEED. Having the opportunity to work with very well-respected public health experts that have issued the call to arms on chemicals of concern is very exciting to us."

[LEED-like landscaping rating system](#)

GreenerBuildings - May 27

Landscape architects are testing a LEED-like sustainable landscaping rating system launched the Sustainable Sites Initiative (SITES). The test involves more than 150 landscaping sites in 34 states, Canada, Iceland and Spain. For more, click on "[The Sustainable Sites Initiative: Guidelines and Performance Benchmarks 2009](#)" and "[The Case for Sustainable Landscapes](#)."

[Frank Gehry criticizes LEED](#)

Construction Week Online - May 21

When asked at the Cindy Pritzker lecture in Chicago about his apparent disinterest in sustainable design, the 81 year old Frank Gehry said: "I think the issue is finally a political one", "a lot of LEED is given for bogus stuff," and the costs of designing a sustainable building are "enormous" and "don't pay back in your lifetime."

[Workshops for California's green building codes](#)

City Advocate Weekly - May 21

Green Technology, in collaboration with the California Building Standards Commission and other associations, is offering a series of half-day green code workshops across California through December. For workshop locations, please click on the headline.

[Current webinars on green building issues \(for more information, click on each headline\):](#)

- Bryan Jackson: "[What Construction Lawyers Need to Know About the GBCI LEED Certification Challenge Policy and the Potential Impact on Clients](#)"
- Bryan Jackson: "[What Construction Lawyers Need to Know About Green Construction and the New Liability Issues Facing Their Clients](#)"
- USGBC: "[LEED for Neighborhood Development](#)"
- Green Building Initiative: "[Managing Green Performance of Existing Buildings](#)"
- National Association of Home Builders: "[Real Strategies for Building](#)"



GREEN BUILDING PROJECTS

[LAX is first LEED Silver terminal in U.S.](#)

Bloomberg - May 26

The recently-completed \$737 million renovation of the LAX Tom Bradley International Terminal is the first U.S. airport terminal to earn LEED-EB Silver.

[Orrick building lands LEED Platinum](#)

San Francisco Business Times - May 24

The 10-story, 503,576 sq. ft. Orrick Building at 405 Howard St. in San Francisco became the city's second multi-tenanted office tower to earn LEED-EB Platinum.

[General Mills: largest LEED Gold building](#)

GlobeSt.com - May 28

General Mills' 1.5 million sq. ft. distribution center in Social Circle, Ga., earned LEED Gold, making it the largest Gold certified building in the U.S. It features an efficient lighting and an innovative rainwater system.

[Wells Fargo Center earns LEED Gold](#)

Hines - May 25

The Wells Fargo Center earned LEED-EB Gold and an ENERGY STAR score of 93. The Center is 49% more energy efficient and annually saves \$1.59 in energy costs per sq. ft. when compared to the national average office building. The 1.2-million-square-foot, 57-story office building located in downtown Minneapolis features low-flow water fixtures, high-efficiency motors and variable frequency drives and lighting occupancy sensors.

[Empire State Building earns EnergyStar rating](#)

Mother Nature Network - May 28

During its green retrofit, NYC's Empire State Building earned an EnergyStar rating of 90, placing it among the nation's most energy-efficient buildings. The retrofit should reduce energy consumption by over 38% or \$4.4 million in savings per year. For features and a video on the retrofits, please click on the headline.