

Green Building Update

an Allen Matkins
market intelligence
publication

Allen Matkins
attorneys at law

January 23 , 2009

Subscribe

'Greenwashing' -- growing problem in real estate

LA Times - Jan 11

Perhaps no industry has embraced the green movement more than housing. And with that has come a lot of hype, according to The LA Times. Today, "greenwashing", which means proclaiming something is environmentally sound when it really isn't, is widespread in the housing industry. Many home builders do as little as possible to be green while exaggerating the green aspects of their projects.

Have a suggestion?

[Tell us what you think.](#)

[Bryan C. Jackson](#)

Editor

[Michael KostECKa](#)

Associate Editor

Green Building Focus

[LEED lawsuit sounds warning bells](#)

Daily Commercial News and Construction Record - Jan 14

In the wake of the first widely-reported LEED-related lawsuit, green building proponents are advised to perform their due diligence and pay careful attention to their contracts. The Captain's Galley, a \$7.5 million, 23-unit condominium in Crisfield Maryland, was completed in 2006. It included green features intended to support an application to the United States Green Building Council (USGBC) for a silver LEED rating. However, things turned sour when Southern Builders, the general contractor, recorded a \$54,000 mechanic's lien against Shaw Development and Shaw responded with a counterclaim for \$635,000 in state tax credits that were allegedly lost due to a delay in achieving project readiness and LEED certification.

Sponsors

[BOMA of Greater Los Angeles](#)

Enhancing value for commercial real estate

[Urban Land Institute \(ULI\) - Orange County](#)

[Association of Commercial Real Estate Executives - Inland Empire \(ACRE-IE\)](#)

Bringing industry professionals together to build networks, teams and project successes.

[Association of Environmental Professionals \(AEP\)](#)

A non-profit organization of professionals working to improve our skills as environmental practitioners and natural resource managers.

Green Building Demand Increasing

Birmingham Business Journal - Jan 9

As tenants and landlords become more environmentally conscious of building impacts on the earth's resources, the demand for green buildings has increased and will continue to increase. Sustainable building construction starts will exceed \$12.3 billion in 2008 and are projected to be \$60 billion in 2010, according to the USGBC. And just as green building starts are expected to increase, so is the demand for green office space and leases in the commercial real estate sector. For example, the U.S. General Services Administration (GSA) now requires that anytime the GSA is the only occupant of a commercial building and leases more than 10,000 rentable square feet of space, the building must be LEED Silver Certified.

About Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP, founded in 1977, is a California law firm with over 240 attorneys practicing out of seven offices in California. The firm's broad based areas of focus include construction, corporate, real estate, project finance, business litigation, taxation, land use, environmental, bankruptcy and creditors' rights, intellectual property and employment and labor law.

[More...](#)

Sustainability movement weathering gloomy economy

Birmingham Business Journal - Jan 9

The new year may be starting with a gloomy economic forecast, but local experts say the economy won't put a stop to the green business movement that gained so much momentum in 2008. James Smith, president and CEO of Green Building Focus, said that while staying in the black in 2009 will be a primary goal for many companies, there is little choice but to go green



because of public opinion and increasing regulation. Although Smith notes that energy efficiency, which is one of the main tenets of green business, will result in cost savings and tax incentives, the perception benefits of being a leader in green business can be worth even more to a company.

Green building providing hope in the economic downturn

Washington Post - Jan 19

A housing industry expert told lawmakers that while home builders are suffering from the nation's current economic downturn and housing crisis, hope may be at hand in the form of energy efficient construction and green building. In a congressional hearing examining the role of small firms in stimulating the nation's economy, Michael Hodgson, the owner of consulting firm ConSol, said that members of the National Association of Home Builders currently build about 80 percent of all new units in the United States and, "by 2010, green could make up about 10 percent or more of the housing market depending on the right mix of incentives and consumer education."

LEED platinum challenging for hospitals due to cost

Globe St. - Jan 14

Dell Children's Hospital of Central Texas made news recently when it became the first hospital in the world to receive LEED Platinum certification from the USGBC. Experts, however, say not to expect a whole slew of hospital or medical office building developers to follow in the footsteps. "A lot of health care projects are front-end driven by cost," notes Derrick Evers, managing partner with Neal Richards Group, also in Dallas. "It can be an expensive proposition on the front end. If there's little payback, it likely won't be a consideration."

Notable green building projects...

Fast food benefiting from LEED and Energy Star

QRS Web - Jan 6

Fast food service restaurants are incorporating green design techniques into some of their restaurants. Subway, McDonald's, Chipotle and Dunkin' Donuts stores have all received or are in the process of receiving LEED certification from the USGBC. McDonald's, which has required installation of Energy Star-rated kitchen equipment for years and has networked equipment to save energy, is constructing a pilot store in the Chicago area with a storm water management system and a vegetative green roof. McDonald's executives will study the return on investment of these features and examine the overall energy savings for the entire store before replicating it elsewhere.

First LEED certified neighborhoods

Finance and Commerce - Jan 13

The Excelsior and Grand redevelopment in St. Louis Park has long been completed, but it's still getting attention in green building circles. The project, along with the Library Green mixed-use development in Moorhead, is among the first candidates to be certified through a soon-to-be-launched ecological-rating system that focuses on entire neighborhoods rather than individual buildings. The USGBC is creating a

"LEED for Neighborhood Development" system, scheduled to debut later this year, which will evaluate projects on principles such as compact development and proximity to mass transit as well as the more building-specific goals such as energy and resource conservation.

LACC approves \$400 M in Green Projects

Greener Buildings - Jan 19

The Los Angeles Community College District has approved more than \$400 million in construction, design and technology contracts to upgrade its nine campuses in projects that accelerate the district's green building program. The contracts are also expected to create some 6,000 jobs in Southern California and give a major boost to the region's economy. The three largest projects amount to some \$178 million and have strong energy generation and savings elements. They involve plans for the \$80 million Allied Health and Wellness Center at West LA College; classroom, lab and parking facilities amounting to \$70 million for the East Campus of Mission College; and \$28 million in parking structure projects at Harbor College that include solar arrays and smart parking technology.

Office Depot in Florida achieves LEED gold

Office Depot - Jan 14

Office Depot recently announced that its "Green" retail store prototype has received a LEED Gold Certification from the USGBC. The store has demonstrated green building performance through significant energy savings, use of solar photovoltaics to offset electricity from the grid, efficient lighting and water conservation techniques.