

## Another perspective on green

Although I'm now in Los Angeles, I spent the last 30 years working for Seattle-based architectural firms, and watched with some horror as the municipal government and King County continued to enact 'green' requirements without giving much thought to the consequences.

In the November 2007 Law column, "Avoiding the Gray Area When Going Green," David A. Blake, LEED AP, and Leah A. Rochwarg, LEED AP, noted the City of Seattle provides incentives for meeting Silver in the Leadership in Energy and Environmental Design (LEED) program. In many cases, these incentives include bonus square footage for the building, which promises increased revenue to the owner. However, the lawsuit I'm waiting to see happen is this: What if the building doesn't meet the certification?

The U.S. Green Building Council (USGBC) is a non-profit agency, unaffiliated with the City of Seattle—there is no way to actually guarantee a LEED rating to a building owner. Most architectural service contracts state they 'endeavor' to meet the rating, but I know of no firm that will outright warrant the certification (nor do I think they should). However, if the building is planned for the additional bonus floors (which could be two or three stories), the owner may count on that revenue and pro forma as part of its business plan. What happens then?

Unless the granting of the LEED rating is taken away from a private agency (not accountable to anyone) and given to the building department, I think the city is asking for trouble. The LEED rating is not enforceable, the criteria change regularly, and points can be awarded (or not awarded) seemingly on a whim by USGBC.

In the Law column, the authors state "studies demonstrate green buildings have lower utility costs and foster higher worker productivity." I contend this is simply 'greenwash.' Again, the City of Seattle has the strictest energy standards in the country and anything built in the past eight years will have lower utility costs than a comparable one built two decades ago. This is simply a matter of conforming to the current energy codes.

It has been studied many times that worker productivity goes up when employees move to new office space, but that the result is often short-lived. I would contend since most green buildings have been around for less than five years, any long-term studies of costs and productivity are simply not yet available. Green buildings require commissioning as part of the LEED process, but good buildings (and good owners) have been requiring commissioning long before LEED.

Seattle is again an example of this. The city installed a not-to-code graywater system in one of its office buildings, but it had to be made completely redundant because municipal codes do not permit graywater for building water use. The payback on this system: about 1100 years. If LEED is doing anything, it is simply requiring publicly funded buildings to be built as well as they should have been in the first place.

The authors' claim "green buildings tend to have higher market value" may also be inaccurate. Even as recently as a year ago, the landlords in the Seattle metro area were not seeing green as having an actual payoff in the commercial office sector. When the City of Seattle threatened to make LEED Silver mandatory for all buildings, the associated business owners simply said they would build outside the city limits. (This is why the LEED rating for private construction is not mandated, it is 'encouraged.')

There appears to be some headway for green buildings in the high-end residential sector, but at this point, the anecdotal evidence is very few clients will pay an additional premium for green construction. Of course, the owners could then face higher tenant expectations. There are already lawsuits regarding the claims green buildings are 'healthy' buildings.

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## New Hampshire offers green incentives

I find *The Construction Specifier* to be a great source of technical information related to management of construction projects. However, I wish to point out an omission in the law article, "Avoiding the Gray Area When Going Green." New Hampshire is listed as having only local programs, but we have a state incentive for schools.

The state normally contributes between 30 and 60 percent of the cost of new construction and substantial renovations of school buildings. In 2005, a provision was created to authorize an additional three percent for the construction of a high-performance school. Our first three projects are now under construction.

We use the Northeast Collaborative for High Performance Schools (CHPS) Protocol, which was derived from CHPS criteria first established in California. A system very similar to LEED, CHPS-USA has recently been incorporated to assist states and schools nationwide in developing sustainable practices for school construction. ♡

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