organization has. However, readers can see the finished "green" building for themselves by going to the charity's Web site: www.cathedralkitchen.org.

While the CSK project may not be a typical development, the process it used to construct a green inner city building is a model that could be adapted for any sustainable urban construction project. CSK's vision was fueled by the project's sustainability and its construction was accomplished through a coordination of both private and public resources. Challenges will always exist in older urban areas. Nevertheless, urban locations may provide some of the best opportunities for developers to build sustainably. Perhaps the approach that was successful for the Cathedral Soup Kitchen is worthy of emulation.

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Call For Nominations

The Section invites nominations for the following four awards that will be presented at the ABA Annual Meeting in Chicago, in August 2012. Nominations for these three awards are due by May 14, 2012.

- *Environment, Energy, and Resources Government Attorney of the Year*
- *Law Student Environment, Energy, and Resources Program of the Year*
- *State or Local Bar Environment, Energy, and Resources Program of the Year*

Nominations for this award are due by March 30, 2012.

- *Award for Distinguished Achievement in Environmental Law and Policy*

Additionally, the Section will present the *2012 ABA Award for Excellence in Environmental, Energy, and Resources Stewardship* at the 20th Section Fall Meeting in Austin, October 10-13, 2012. Nominations for this award are due by June 18, 2012.

For more details about these awards, please visit the Section Web site at www.ambar.org/EnvironAwards.

A LAWYER'S VIEW INSIDE LEED

Neil C. Johnston

After several years of considering an addition to our house on Mobile Bay, my wife Ashley and I decided to go for it. The existing house is approximately 1,200 square feet on Mobile Bay, only 45 feet from the bay. It is pile supported with an asphalt shingle roof, some batten insulation (not much), double pane windows, 2 bedrooms/1 bath, and an AC unit that never stops. We needed more room!

We did not initially plan to build a LEED-certified addition, but an upgrade and energy efficiency were certainly going to be included. Once we jumped over the ledge, we ditched the idea of an addition to the existing house in favor of a separate parents' house to be attached to the existing house by a covered breezeway. That way, we figured we could have some quiet time (under separate lock), allowing the "kids" and their people use of the existing house.

Storms are of great concern—especially hurricanes—and must be taken into consideration. Any structure must be sturdy and meet new Katrina flood elevations and wind requirements. The architect, Chatham Home of Fairhope, designed a 1,700-square-foot house and breezeway, raised on pilings and using a portion of the existing lot adjoining the existing house. Fairhope and Baldwin County use the 2006 International Building Code, which required our pilings to be driven 15 feet below the surface. Due to the revised base flood elevations, the bottom of the first floor is now 13 feet above grade. Soil borings showed sand down below the 35-foot core even though we are essentially in the Mullet Point swamp. We happen to be on a sand dome.

By the time we received the engineer's review of the house plans and report, we realized that many of the features and requirements would be top-notch energy efficient, be extremely durable, and meet LEED criteria.

While I was familiar with the different energy-efficient products and various certification programs, Ashley

and our contractor, John Ladd, and his subcontractors were not. They were not so sure that they wanted to go through the LEED process, especially after we hired LEED consultant Catherine Hall (a friend of ours whom I have worked with on various conservation programs). Catherine required a preconstruction orientation, education, and a walk-through of all the details, qualifications, and prerequisites—all to obtain a half credit here or one credit there. Many of their comments and questions in the beginning were "Why are you doing this?" "Are you sure you want to do this?" "This doesn't make sense!" "Huh?" "We don't do it that way." "Okay, but that costs more."

This would be a common theme in the beginning stages, but I laid down a few rules: first, the project would be built using LEED criteria; second, each phase of the project had to be affordable and something that could easily be duplicated; and third, we were going to use solar and wind.

Not long after the pilings were in and the framing began, it became apparent to me, our contractor, John Ladd (a friend but also a stickler for the utmost detail and precision), and our "framer," Danny Paul of Manu Forti Construction (an experienced builder more precise than John, if that can be), that there might be some extra hoops, but most of the building materials, construction, housecleaning on the job site, and other matters were going to be done their way. That meant they would have qualified for LEED points anyway.

As an owner, I was involved with every aspect of the project and on the job site almost every day, talking with the LEED consultant, Catherine, and working with Ashley on the energy-efficient appliances, lights, plumbing, HVAC, and the recycled materials. Ashley and Catherine became closer as the house evolved from a frame on pilings to walls wrapped three times with 30 pound felt, insulated and sealed with closed cell foam in the ceilings, all walls, the floor, attic, and around each window, and further reinforced and insulated with Hardie board siding, a hard concrete-type material. At least 4,000 metal hurricane straps were used, and there's no telling how many nails, screws, and bolts.

Catherine helped Ashley, the contractor, and the subcontractors to understand each element of the LEED process, especially the requirement of documenting each phase, each type of material, and obtaining certifications of the processes. Catherine also helped us understand the conservation aspects of LEED: using products and materials in close proximity to the job site (within 500 miles) to reduce transportation, fuel, and associated emissions. We located heart pine flooring that had been milled locally from planks that came from a commercial pier being reconstructed in New Orleans. The flooring, countertops, and tubs in each bathroom are Alabama white marble quarried in northern Alabama.

Reuse of materials and use of recycled materials were very important and resulted in our excursions to local antique door and furniture warehouses such as Charles Phillips Antiques in Theodore to find literally "old" pine doors, some 8 feet tall, some 10 feet tall and some in between, dating back to the 1880s from plantation houses in the Ukraine (we actually found them in Mobile, Alabama). Even with comments like "a new door would not have so many rotten spots," we stayed the course.

Some suppliers were familiar with environmentally friendly products and low-VOC chemicals, but the inventory just did not exist in the immediate area; there have been few LEED projects, and the demand is low, at least for now. We hope to change that situation. Each product, paint, stain, glue, and foam, was checked for qualifying compounds, and each subcontractor was required to use "low to no" VOC materials. This included the floor sealants, the door stains, the insulation, the adhesive for marble countertops and bath floors, and the interior paints.

We have maximized "affordable" appliances using Energy Star kitchen appliances as well as the clothes dryer and low flow washer. All lighting uses LED fixtures and bulbs (another issue Ashley had to overcome). Energy Star–rated HVAC has been installed but was not charged until the last phase to keep dust out of the ductwork. HVAC vents and ducts were sealed throughout the project. In fact, we used small AC window units—which we fondly call

"hurricane units"—to keep the interior cool and acclimated during the inside finishing processes. This became a favorite break area for the subs during the 95-degree-plus heat of summer. We also installed low flow toilets and faucets, double pane radiant windows, and a solar water heating system using photovoltaic panels that actually service the old house and the new house. We maximized use of natural light with plenty of windows in each room, which are double pane for insulation, impact resistant for hurricane and wind protection, and reflective to reduce radiation.

New roofing, siding, and covered walkway made a substantial difference in the insulation efficiency of the old house and contributed to the efficiency of the new house. All these features evolved during the process. There was a change in the roofing material on the old house from asphalt shingles to the same light-colored, heat reflective metal roofing we were installing on the new house. While changing the roof materials, we extended the eaves to include a covered elevated walkway along the south side of both houses for shade and covering. Each house is now covered with Hardie board siding replacing the old, and in some places deteriorated, wood siding on the old house. By replacing the siding and sealing all cracks in the old house, we were also able to create a "bat free" house. Hundreds of bats left the old house when the wooden siding was removed.

Other matters that required our attention included the amount of recycled fly ash in the concrete slab under the new house, and the use of sand and gravel for the drive and parking to control on-site water and encourage percolation on-site. We removed exotic plants (Chinese tallow and oleander), and installed landscaping with native grass and bald cypress, which love water, can tolerate salt (from storm surges), and are drought tolerant.

When the certification process is complete, and we are LEED certified, we will have the first LEED certified waterfront house on Mobile Bay or any waterway in southern Alabama. It will be one of only a handful of LEED buildings in southern Alabama. To document the process, we have also collected volumes of paper to submit to our LEED rater, Joe Cooper of Ecosouth.

We have taken hundreds of photographs and plan a Web site (one of the LEED alternatives requirements). We've already been the subject of a news article in the *Mobile Press Register* and photo scrapbook: (http://blog.al.com/press-register-business/2011/09/energy_efficient_house_under_w.html), (http://photos.al.com/4464/gallery/real_estate_leed_certified_house_on_mobile_bay_2011/index.html).

As a lawyer looking at the process, I skipped over and ignored advice I would have given. Many of the processes and agreements were not made preconstruction, and we found ourselves actually negotiating on the job and using that good old handshake contract in many (but not all) instances. There is absolutely no substitute for the hands-on apprentice-like experience on-site to develop an appreciation (even more than before) for the detail, need for evidence, requirements for preconstruction planning, contracts, and documentation, as well as the continuous documentation of all of the processes.

There are certainly changes and things we will do differently next time, but it was a very interesting, enjoyable, and satisfying process. Our teams really did work well with each other. Our future plans include more solar panels, a wind turbine (gotta have one) and assisting friends and clients through the process. Oh, and about the affordability aspects . . . we're still working on that.

Neil C. Johnston *is the chairman of the Real Estate, Land Use and Environmental Practice Group at Hand Arendall LLC in Mobile, Alabama. He is an active member of the ABA Section on Environment, Energy, and Resources, serving as chair of the Forest Resources Committee, as well as vice chair of the Water Quality and Wetlands Committee and of the Smart Growth and Green Buildings Committee.*