

MEMORANDUM

AUGUST 15, 2013

**TO:** BOSTON REDEVELOPMENT AUTHORITY AND  
PETER MEADE, DIRECTOR

**FROM:** KAIROS SHEN, CHIEF PLANNER  
PRATAAP PATROSE, DEPUTY DIRECTOR FOR URBAN DESIGN  
JOHN DALZELL, SENIOR ARCHITECT FOR SUSTAINABILITY  
DANA WHITESIDE, DEPUTY DIRECTOR FOR COMMUNITY  
ECONOMIC DEVELOPMENT

**SUBJECT:** PARTIAL CERTIFICATES OF COMPLETION, E+ (energy positive)  
GREEN BUILDING PROGRAM: 226-232 HIGHLAND STREET IN  
HIGHLAND PARK SECTION OF ROXBURY.

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA") authorize the Director to issue Partial Certificates of Completion pursuant to Section 304 of the Land Disposition Agreement ("LDA") executed on September 28, 2012 between the BRA and E-Haus, LLC ("Redeveloper") evidencing the successful completion of construction of the 226-232 Highland Street Project ("Project") consisting of (4) energy positive, LEED Platinum attached three-bedroom three-story townhouses, with one unit available to a household earning at or below 80% of the Area median income and with landscaped small yards and four (4) surface parking spaces (the "Improvements") upon receipt of Certificate(s) of Occupancy from City of Boston Inspectional Services Department ("ISD") for the Improvements and inspection and approval of said Improvements by BRA staff, and subject to such terms as the Director deems to be necessary and appropriate, provided that the issuance of a Final Certificate of Completion for the entire Project shall require further Board approval.

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#### LOCATION AND DESCRIPTION

The project site consists of approximately 9,612 square feet of vacant land and is located at 226-232 Highland Street in the Highland Park section of Roxbury ("Project Site"). The Project Site fronts on Marcella, Highland, and Fulda Streets and is surrounded by one, two, three, and multi-family wood frame homes. Across Marcella St. is the Connolly Playground, a tree edged neighborhood park with sport fields, courts, and play structures.

## **BACKGROUND INFORMATION**

The E+ Green Building Program, directed by the City's Department of Neighborhood Development ("DND"), Office of Environment & Energy Services, and the BRA, is purposed to advancing industry practice and public awareness of very energy efficient deep green buildings and to constructing prototypes that can serve as models for future practice. The Improvements, as herein defined, on the Project Site will be the first completed development in the E+ Green Building Program.

This initiative is supported by NSTAR Electric & Gas, US Green Building Council, National Grid, Massachusetts USGBC Chapter, and the Boston Society of Architects.

On December 14, 2010 the Boston Redevelopment Authority ("BRA") approved a Demonstration Project for the redevelopment of the Project Site into cutting edge, energy positive, green residential buildings. On June 12, 2012, E-Haus, LLC (the "Reveloper") was selected by the BRA as the developer of the Project Site after responding to a Request For Proposals.

On September 28, 2012, the BRA conveyed the Project Site by a Land Disposition Agreement ("LDA"), Deed and Covenant for Affordable Housing to the Reveloper for the purpose of constructing four (4) energy-positive and environmentally sustainable three-bedroom townhouses, with one parking space for each townhouse, and landscaping to be performed by the Reveloper (the "Improvements"). The Improvements were to include one (1) affordable housing unit available to households earning equal to or less than 80% of Area Median Income ("AMI") and certain required energy efficiency features, as set forth in Exhibit B to the LDA.

## **PARTIAL CERTIFICATES OF COMPLETION**

In August 2013, the Reveloper requested that the BRA issue Partial Certificates of Completion for the completion of the construction of the four (4) townhouses in order to make them available for sale. BRA staff shall inspect the Improvements to determine that the Improvements have been completed in accordance with the approved final working drawings and specifications and LDA. At this time, the BRA can only make a determination as to the construction of the structure of the townhouses and will not be able to fully evaluate the energy efficiency features, as required in the LDA (the "E+ Features"). The Reveloper shall seek further approval from the BRA for a Final Certificate of Completion, which will evidence the completion of the E+ Features.

## **RECOMMENDATION**

The Redeveloper is requesting Partial Certificates of Completion be issued for the completion of the Improvements, excluding the E+ Features, to allow for the sale and title transfer of the units to proceed.

Based on the foregoing, it is recommended that the BRA issue Partial Certificates of Completion of the Improvements, excluding the E+ Features, signifying that they have been completed in accordance with the LDA, Deed, and the Final Working Drawings and Specifications. Said certificate(s) shall be provided in recordable form as required by the Suffolk County Registry of Deeds. Partial Certificates of Completion will be issued by the BRA upon receipt of individual Certificates of Occupancy from the City of Boston ISD for each unit and approval by the BRA staff.

An appropriate vote follows:

**VOTED:** That the Director be, and hereby is, authorized to issue Partial Certificates of Completion pursuant to Section 304 of the Land Disposition Agreement (“LDA”) and Deed dated September 28, 2012 between the Boston Redevelopment Authority (“BRA”) and E-Haus, LLC for the successful completion of a portion of the Improvements of the 226-232 Highland Street Project (“Project”) consisting of the completion of construction of four (4) attached three-story townhouses, each consisting of three-bedrooms and approximately 2,000 square feet of living space, with one unit available to a household earning at or below 80% of the area median income and with landscaped small yards and four (4) surface parking spaces (the “Improvements”) upon receipt of Certificate(s) of Occupancy from the City of Boston Inspectional Services Department for the Improvements and inspection and approval of said Improvements by BRA staff, subject to such terms as the Director deems to be necessary and appropriate, provided that the issuance of a Final Certificate of Completion for the entire Project shall require further Board approval.