

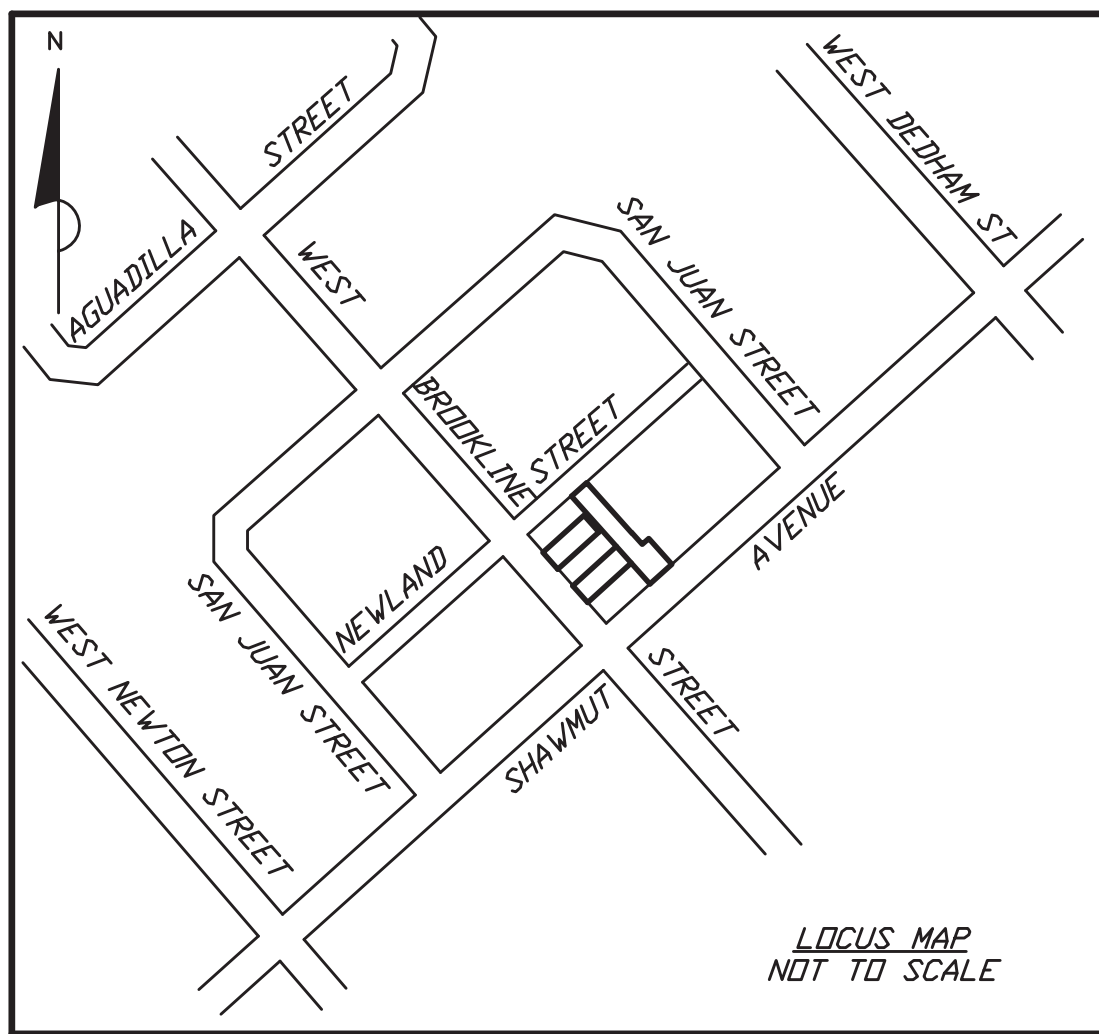
REQUEST FOR CERTIFICATE OF EXEMPTION-INTRODUCTION

Inquilinos Boricuas en Accion, Inc. and Casas Borinquen LLC (the “Applicant”) have submitted an application to the South End Landmark District Commission (the “Commission”) for a Certificate of Exemption pursuant to Section 8(ii) of Chapter 772 of the Massachusetts Acts of 1975 authorizing the demolition of the existing building located at 403 Shawmut Avenue, Boston, Massachusetts.

The Applicant seeks this Certificate of Exemption because the existing building has been determined by the Boston Building Commissioner/Inspector of Buildings to be unsafe and dangerous and a hazard to the general public and its surroundings, and the Building Commissioner has ordered the owner to make the building safe or demolish it in the interest of public safety.

Section 8(ii) of Chapter 772 provides that a Certificate of Exemption shall be issued by the Commission for an application delineating construction, reconstruction, restoration, alteration, erection, replacement, or demolition that the Building Commissioner has certified as being required to “remove or rectify a condition dangerous to the public safety.”

The proposed demolition falls within this statutory provision. The Applicant therefore respectfully requests that the Commission issue a Certificate of Exemption so that the Applicant may proceed with the demolition of the existing building.



PLAN DB 8875 PG 47
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LEGEND:
BIT CONC BITUMINOUS CONCRETE
BR BIKE RACK
CB CATCH BASIN
CONC CONCRETE
DMH DRAIN MANHOLE
EMH ELECTRIC MANHOLE
GC GRANITE CURB
GG GAS GATE
HYD HYDRANT
LP LIGHT POLE
MC METAL COVER
SMH SEWER MANHOLE
S SIGN
TL TRAFFIC LIGHT
WG WATER GATE
WM WATER METER
WW WINDOW WELL
4" T 4" TREE

REFERENCES
SUFFOLK COUNTY REGISTRY OF DEEDS
PLAN IN BOOK 8875 PAGE 47
PLAN IN BOOK 9553 PAGE 177
PLAN No. 271 OF 2011
LAND COURT PLAN No. 21018A

- NOTES**
- 1) NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK REPAIRS/CONSTRUCTION.
 - 2) THE PARCELS SHOWN HEREON HAVE ACCESS TO THE PUBLIC WAYS, WEST BROOKLINE STREET, NEWLAND STREET AND SHAWMUT AVENUE.
 - 3) NO OBSERVABLE EVIDENCE OF THE SITES BEING USED AS A CEMETERY OR BURIAL GROUND.
 - 4) OWNER: CASAS BORINQUEN APARTMENTS L.P. DEED BOOK 35039 PAGE 38

Surveyor's Certification

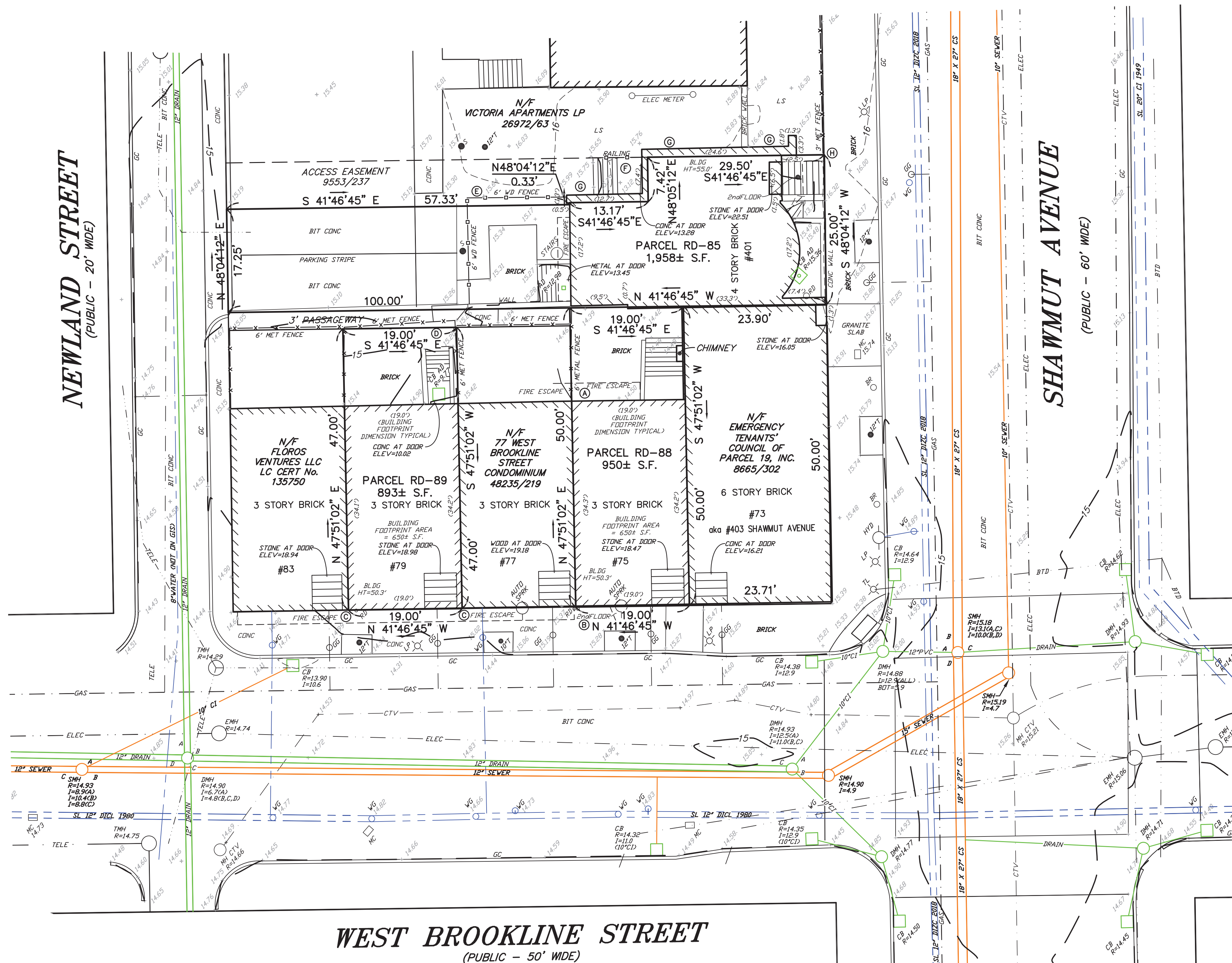
To: CASAS BORINQUEN APARTMENTS L.P.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(c), 8, 9, 13, 14, 16, and 17 of Table A thereof. The fieldwork was completed on March 26, 2024.

Michael Pustizzi, PLS
Registration No. 46505
Date of Survey: March 26, 2024
Date of Last Revision: March 26, 2024



UNDERGROUND UTILITIES WERE NOT INVESTIGATED AS PART OF THIS WORK EFFORT. BEFORE DESIGN AND CONSTRUCTION, CALL "DIG SAFE" 1-888-344-7233. SOME DATA IS CONFLICTING AND CAN ONLY BE VERIFIED BY EXCAVATION.



- LIST OF OBSERVATIONS**
- (A) FIRE ESCAPE CROSSES BOUNDARY LINE
 - (B) SECOND FLOOR BAY WINDOW PROJECTS INTO WEST BROOKLINE STREET.
 - (C) FIRE ESCAPE PROJECT INTO WEST BROOKLINE STREET. FIRE ESCAPE CROSSES BOUNDARY LINE.
 - (D) METAL FENCE PROJECTS INTO PASSAGEWAY.
 - (E) WOOD FENCE EXTENDS ONTO LAND NOW OR FORMERLY OF VICTORIA APARTMENTS LP.
 - (F) STAIRWAY EXISTS ON LAND NOW OR FORMERLY OF VICTORIA APARTMENTS LP.
 - (G) OUTER LIMIT OF BUILDING PROJECTS ONTO LAND NOW OR FORMERLY OF VICTORIA APARTMENTS LP.
 - (H) WALL EXTENDS ONTO SHAWMUT AVENUE UP TO 0.2'.

FLOOD NOTE
BY GRAPHIC PLOTTING ONLY, THE PARCELS SHOWN HEREON ARE LOCATED IN FLOOD ZONE X (NON-SHADED) AS SHOWN ON FLOOD INSURANCE RATE MAP No. 25025C0079J, EFFECTIVE DATE MARCH 16, 2016.

THIS PLAN AND THE SURVEY ON WHICH IT IS BASED WERE PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND ARE SUBJECT TO THE FINDINGS SUCH A REPORT MAY DISCLOSE.

**#75 WEST BROOKLINE STREET
#79 WEST BROOKLINE STREET
#401 SHAWMUT AVENUE
#403 SHAWMUT AVENUE**

**ALTA/NSPS LAND TITLE SURVEY
IN
BOSTON, MA
(SUFFOLK COUNTY)**

SCALE: 1"= 10' DATE: MARCH 26, 2024

Precision Land Surveying, Inc.
32 Tumpike Road
Southborough, Massachusetts 01772
TELE NO.: (508) 460-1789 FAX NO.: (508) 970-0096
5081T11.DWG

TYLin

Figures



Figure 1a (left) West façade parallel to West Brookline Street

Figure 1b (right) West (left) and south (right) facades looking at the corner of West Brookline Street and Shawmut Avenue

TYLin



Figure 1c (left) South façade parallel to Shawmut Avenue



Figure 1d (right) East façade (facing 401 Shawmut Avenue) showing the fourth floor water table cracked and pulling away from the building

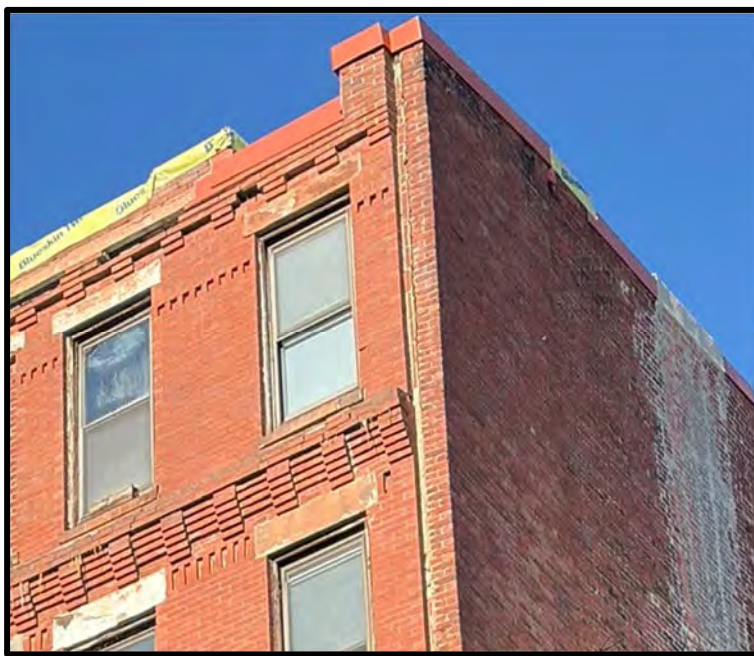


Figure 1e Crack between east façade and south facade

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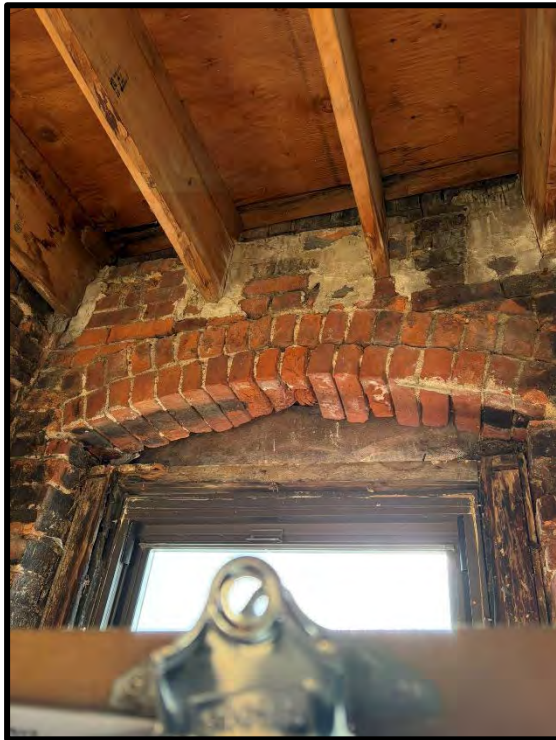


Figure 2a (left) Sixth floor interior façade and window header. Open mortar joints and loose brick visible
Figure 2b (right) Sixth floor window sill with missing brick, loose and displaced brick and missing mortar



Figure 2c (left) Sixth floor chimney with missing and damaged brick construction
Figure 2d (right) Sixth floor brick wythes delaminating from each other at interior

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Figure 2e (left) Fifth floor missing brick at window jamb

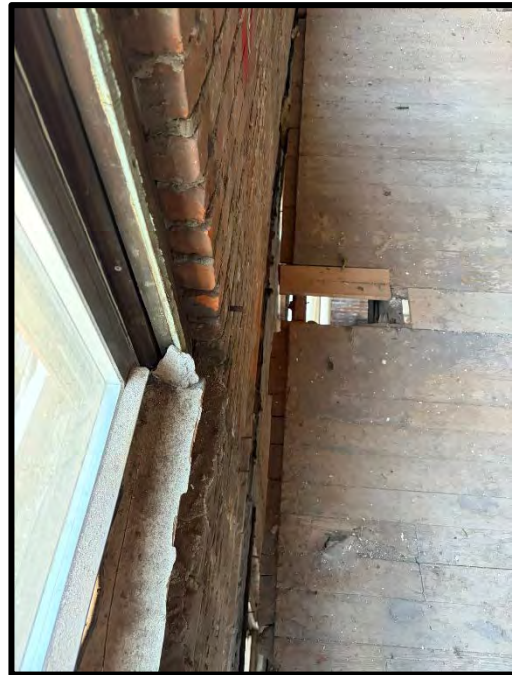


Figure 2f (right) Interior west façade at third floor showing gap between façade and third floor framing



Figure 3a (left) Existing joists with gap visible at west façade



Figure 3b (right) Existing charred joists

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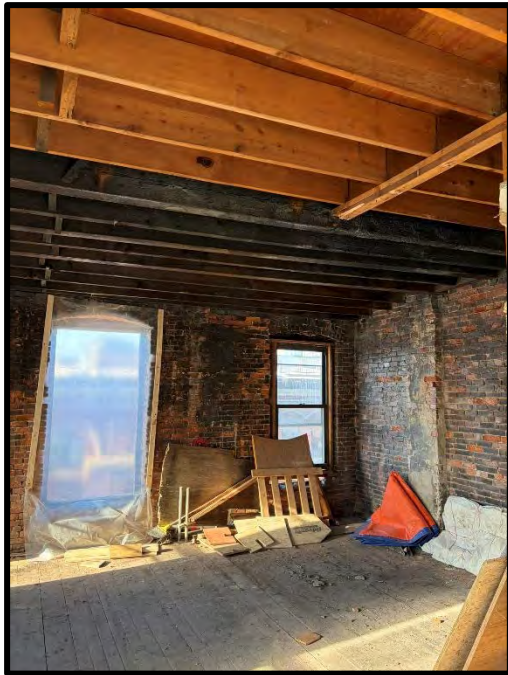
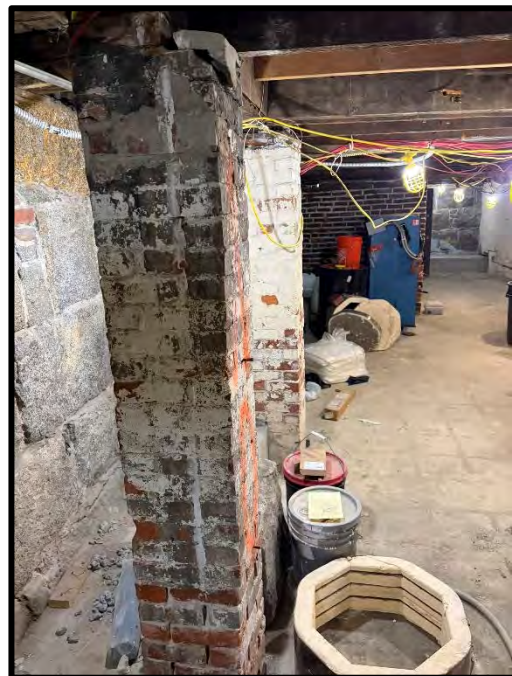


Figure 3c (left) New and existing joist framing
Figure 4a (right) Rubble stone foundation wall



Figure 4b (left) Brick masonry foundation wall
Figure 4c (right) Brick pier in basement





Michelle Wu
Mayor

Boston Inspectional Services Department
Building and Structures Division

1010 Massachusetts Avenue Boston, MA 02118 Telephone: (617) 635-5300

EMERGENCY VIOLATION

Marc A. Joseph
Inspector of Buildings

INQUILIONS BORICUAS EN ACCION, INC AND AUTHORIZED AGENT
405 SHAWMUT AVE
BOSTON, MA 02118

DATE FILED: 07/15/2026

INSPECTOR: Marc Joseph

VIOLATION NUMBER: **V923161**

Owner or in control of property located in the City of Boston at:

403 SHAWMUT AV Roxbury, MA 02118

WARD: 09

The Commissioner of the City of Boston Inspectional Services Department and the Inspector of Buildings of the City of Boston have adjudged certain property owned or controlled by you to be in violation of the Massachusetts State Building Code, pursuant to M.G.L. c. 143 s. 1 et seq., and 780 CMR 114.0 et seq. (10th Ed.), as amended. Notice of said violation and order to abate same through the remedy and within the time prescribed below is hereby provided pursuant to 780 CMR 114.2.

780 CMR:	Description	Violation Remedy
1604.3	Serviceability Observations, evaluations, & reports from inspectors, building commissioner, engineers determined that the continued serviceability of the building is in question. Structural systems are no longer able to safely support an occupancy & protect its surroundings, thus making it a public safety risk.	To remedy this condition: Apply for and secure a building permit to make safe or raze forthwith.

Failure to correct this Violation within **24 Hours** of service of this Notice will result in criminal prosecution and/or civil penalties and fines.

Signed, under the pains and penalties of perjury,
Inspector

Marc Joseph

Phone: (617)961-3233

Email: Marc.Joseph@boston.gov

For the Commissioner

Date Issued

[Signature]
7/16/2026

Boston

August 3 20 26

Officer's Return, Suffolk, ss.

By virtue of this Writ, I this day served the before described person or entity by:
(CIRCLE NUMBER THAT INDICATES METHOD OF SERVICE)

- ① 1. Personally, by any person authorized by the building official; or
2. By any person authorized to serve civil process by leaving a copy of the order or notice at the responsible party's last and usual place of business or abode; or
3. By sending the party responsible or his or her agent authorized to accept service of process in the Commonwealth a copy of the order by registered or certified mail return receipt requested, if he or she is within the Commonwealth;
4. By electronic means by which receipt can be verified; or
5. If the responsible party's last and usual place of business or abode is unknown, by posting a copy of this order or notice in a conspicuous place on or about the premises in violation and by publishing it for at least three out of five consecutive days in one or more newspapers of general circulation wherein the building or premises affected is situated.

A true copy.

Attest:

If served on authorized agent, state individual's name;

If served at last and usual place of abode, indicate street address including unit number when applicable:

JOHN GORMAN

8/3/26

(Please State Title)



NOTICE

If this notice is not complied with in the time period specified the building official may institute appropriate proceeding to restrain, correct, or abate the violation or to require the removal or termination of the unlawful occupancy. You are also advised that in the appropriate circumstances the building official may take action to make a building safe or to raze the building. The cost of any such work incurred by the building official will be billed to the owner or person in control and will become a lien on the property. (780 CMR 114.3)

Whoever violates any provision of the State Building Code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment of not more than one (1) year or both for each such violation. Each day during which a violation exists shall constitute a separate offense. (780 CMR 114.4, M.G.L c. 143 §94(a))

The imposition of the penalties described above shall not preclude the building official from instituting an appropriate civil action to restrain, correct, or abate a violation of the State Building Code. (780 CMR 114.3)

You may have a right, as provided for in 780 CMR 113, to appeal this Order to either the local building code appeals board or the State Building Code Appeals Board.



City of Boston
Inspectional Services

07/31/2026

From: Marc Joseph (Building Commissioner / Inspector of Buildings, Boston)

To: Landmarks Commission

c/o Chelsea Blanchard

Re: 403 Shawmut Street, South End Boston

ISD, Boston

This memo relates to the condition of the five-story unreinforced brick building located at 403 Shawmut Street in the South End, Boston. This building has been deteriorating over time and in structural disrepair and, therefore, no longer safe.

Since 2019, inspectors, engineers, contractors and others have been visiting the building due to complaints and questions regarding its structural integrity. Throughout last year, our building inspectors have continued to monitor the different components of the building structure for significant movements, especially after a fire that devastated the main beam and joists of the top floors.

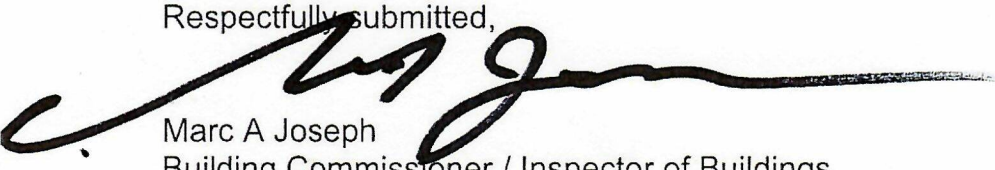
In the last twelve months, I've conducted, with my team, multiple visits including one with the fire marshal and his crew to assess the degree of risk to firefighters in the case of a fire. As a result of that visit, the fire marshal determined that the building is severely unsafe and wouldn't allow any fire crew to enter in the event of a fire and red-marked the building for a more cautious "Entry".

In order to complement the building and fire officials' evaluations, I've ordered the owner to retain the service of a structural engineer to evaluate and provide a structural report to us. Three different reports from three different reputable engineering firms were provided and they all concluded in the same manner that the building is in a state of disrepair and poses a safety risk and must be razed. Those reports are included as part of this memo.

In summary, it is my professional opinion as the Building Commissioner/ Inspector of Buildings, corroborated by the attached professional engineer reports, that the building is unsafe and dangerous and a hazard to the general public and its surroundings.

In light of all these facts and using science as my ultimate compass, I am ordering the owner to make the building safe or demolish it, in the name of public safety, forthwith.

Respectfully submitted,



Marc A Joseph
Building Commissioner / Inspector of Buildings

REQUEST FOR CERTIFICATE OF EXEMPTION

The record before the Commission establishes that:

1. 403 Shawmut Avenue is a six-story brick building in a documented state of structural disrepair;
2. The building has been the subject of structural inspections and investigations since at least 2019;
3. Boston building officials have continued to monitor the structure for significant movement and other unsafe conditions;
4. The Fire Marshal has determined that the building is severely unsafe and that firefighters should not enter the building in the event of a fire;
5. Three separate professional engineering firms have evaluated the building and reached conclusions that it is in a state of disrepair, poses a safety risk, and must be razed;
6. Boston Building Commissioner/Inspector of Buildings Marc A. Joseph has determined that the building is “unsafe and dangerous and a hazard to the general public and its surroundings”; and
7. The Building Commissioner has ordered the owner to “make the building safe or demolish it, in the name of public safety, forthwith.”

Section 8(ii) of Chapter 772 expressly provides for issuance of a Certificate of Exemption for demolition that the Building Commissioner has certified as required to remove or rectify a condition dangerous to public safety. The South End Landmark District Commission's Bylaws likewise recognize dangerous-condition work as a circumstance warranting a Certificate of Exemption. Accordingly, the Applicant respectfully requests that the Commission issue a Certificate of Exemption pursuant to Section 8(ii) of Chapter 772 of the Acts of 1975 exempting the demolition of the existing building at 403 Shawmut Avenue so that the demolition of 403 Shawmut Avenue may proceed. The Applicant further requests that the Commission recognize that the proposed demolition is being undertaken to remove a condition that the Building Commissioner has determined to be dangerous to public safety and that the demolition is necessary to comply with the Building Commissioner's directive.