

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
DEPARTMENT OF THE TRIAL COURT  
CIVIL ACTION NO. \_\_\_\_\_

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CIEE, INC. )  
 )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CITY OF BOSTON BOARD OF APPEAL, )  
 CHRISTINE ARAUJO, SHERRY DONG, )  
 MARK FORTUNE, TYRONE KINDELL, JR., )  
 KERRY WALSH LOGUE, )  
 and JEANNE PINADO, )  
 as Members of the City of Boston )  
 Board of Appeal )  
 )  
 )  
 Defendants. )

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**10/7/2021**

**COMPLAINT**

1. Plaintiff CIEE, Inc. (“Plaintiff” or “CIEE”) brings this action pursuant to Section 11 of the Boston Zoning Enabling Act, Chapter 665 of the Acts of 1956, as amended (the “Enabling Act”) to appeal the decision (the “Decision”)<sup>1/</sup> of the City of Boston Board of Appeals (the “Board”) to deny an application for zoning relief submitted by CIEE in connection with its proposed redevelopment of 69-71 A Street in Boston, Massachusetts (the “Premises”). The zoning relief denied by the Board would allow the Proponent to change the use of the pre-approved existing commercial structure at 69-71 A Street to a Laboratory Office, Research and Development facility (the “Proposed Project” or “Project”).<sup>2/</sup> The Project involves no structural changes to the

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<sup>1/</sup> A certified copy of the Decision is attached as **Exhibit A**.

<sup>2/</sup> A copy of the Plaintiff’s appeal to the Board is attached as **Exhibit B**.

existing structure and only minor changes to a mechanical enclosure at roof level for noise attenuation and aesthetics.<sup>3/</sup>

2. Plaintiff brings this action to challenge the Board's Decision and alleges that, among other things, the Project meets the legal standards for the relief sought by Plaintiff and the Decision is unreasonable, whimsical, capricious, arbitrary, and based upon legally untenable grounds.

3. For the reasons set forth herein the Decision exceeds the authority of the Board and should be annulled.

### **PARTIES**

4. Plaintiff CIEE, Inc. is a Delaware corporation with its principal place of business at 300 Fore Street, Portland, Maine 04101. Plaintiff is the owner of the building located at 69-71 A street in Boston, Massachusetts.

5. Defendant City of Boston Board of Appeal is a municipal board of the City of Boston, with a usual place of business at Boston City Hall, One City Square, Room 801, Boston, Massachusetts 02201 and the Board of Appeal maintains an office located at 1010 Massachusetts Avenue, 5th Floor, Boston, Massachusetts 02118. The Board rendered the Decision denying the Proposed Project.

6. Defendant Christine Araujo is named in her capacity as chairperson and member of the Board, and in that capacity has her usual place of business at 1010 Massachusetts Avenue, 5th Floor, Boston, Massachusetts 02118.

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<sup>3/</sup> A copy of the Plaintiff's presentation to the Board showing the proposed changes and ISD plans is attached as **Exhibit C**.

7. Defendant Sherry Dong is named in her capacity as a member of the Board, and in that capacity has her usual place of business at 1010 Massachusetts Avenue, 5th Floor, Boston, Massachusetts 02118.

8. Defendant Mark Fortune is named in his capacity as a member of the Board, and in that capacity has his usual place of business at 1010 Massachusetts Avenue, 5th Floor, Boston, Massachusetts 02118.

9. Defendant Tyrone Kindell, Jr. is named in his capacity as a member of the Board, and in that capacity has his usual place of business at 1010 Massachusetts Avenue, 5th Floor, Boston, Massachusetts 02118.

10. Defendant Kerry Walsh Logue is named in his capacity as a member of the Board, and in that capacity has his usual place of business at 1010 Massachusetts Avenue, 5th Floor, Boston, Massachusetts 02118.

11. Defendant Jeanne Pinado is named in his capacity as a member of the Board, and in that capacity has his usual place of business at 1010 Massachusetts Avenue, 5th Floor, Boston, Massachusetts 02118.

### **JURISDICTION**

12. This Court has jurisdiction over this zoning appeal pursuant to Section 11 of the Boston Zoning Enabling Act, Chapter 665 of the Acts of 1956, as amended.

### **THE ENABLING ACT**

13. Section 9 of the Enabling Act provides the Board's authority to grant variances from the Code if certain requirements are met. Article 7 of the Boston Zoning Code governs variance requirements.

14. Section 10 of the Enabling Act provides the Board’s authority to award conditional use permits. Article 6 of the Boston Zoning Code governs conditional use permits.

**THE BOSTON ZONING CODE**

15. The Premises is located within a Multifamily Residential/Local Services subdistrict of the zoning district known as the South Boston Neighborhood District. Article 68 of the Boston Zoning Code (the “Code”) establishes various zoning requirements for the South Boston Neighborhood District that apply to the project.

16. The Proposed Project would change the use of the Premises to Research and Development uses for Research Laboratory and Production Development or Prototype Manufacturing. Article 68, Section 7 of the Code governs which uses are permitted in Residential Subdistricts in the South Boston Neighborhood District. It states any uses identified in Table A of Article 68 as “F” (Forbidden) is “forbidden in such location.” Table A of Article 68 states that Research Laboratory and Product Development or Prototype Manufacturing are forbidden uses in Multifamily Residential/Local Services Subdistricts.

17. Where a proposed project is for a use forbidden under the Code, the Board may approve a variance pursuant to Section 7-3 of the Code based upon findings that: (a) there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot, or exceptional topographical conditions thereof) which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this code would deprive the appellant of the reasonable use of such land or structure; (b) that for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the

granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; (c) that the granting of the variance will be in harmony with the general purpose and intent of this code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and (d) that, if the variance is for a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction Requirements set forth in Section 80B-7.3, except if such variance is for a deviation from said required.

18. Article 7, Section 4 of the Code states “[i]n approving a variance, the Board of Appeal may attach such conditions and safeguards as it deems necessary to assume harmony with the general purposes and intent of this code” including (a) “a requirement of front, side, and rear yards greater than the minimum required by this code;” (b) “requirements of screening of parking areas and other parts of the lot from adjoining lots or from the street by wall, fences, planting, or other devices;” (c) “modification of the exterior features or appearance of the structure;” (d) “limitation of the size, number of occupants, method and time of operation, and extent of facilities;” (e) “regulation of number, design, and location of access drives and other traffic features;” and (f) “requirement of off-street parking and other special features beyond the minimum required by this or other applicable codes or regulations.”

19. Article 9, Section 2 of the Code governs changes to non-conforming uses that may be approved by the Board pursuant to a conditional use permit. Section 9-2 provides that if a “structure or land is being lawfully used for a use not conforming to this code or such amendment, such structure or land may be used for another nonconforming use; provided that after public notice and hearing and subject to the provisions set forth in Sections 6-2, 6-3, and 6-4, the Board of Appeals grants permission for such substitute nonconforming use[.]”

20. The requirements for a conditional use permit are set forth in Section 6-3 of the Code, which specifies the following six conditions must be satisfied before the Board can grant any conditional use permit: (a) for substitute nonconforming use, the “substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;” (c) that there will be no “serious hazard to vehicles or pedestrians from the use;” (d) that “no nuisance will be created by the use;” (e) that “adequate and appropriate facilities” will be provided for that use; and (f) that, where applicable, the applicant has complied with the “Development Impact Project Exaction requirements” of Section 80B-7.

### **FACTS**

21. The Premises located at 69-71 A Street is currently improved by a vacant five-story building approved for a non-conforming commercial use.

22. In 2016, the Board approved a restored six-story mixed-use retail/office building, expanding the pre-existing three-story structure. After the approval and construction of 69-71 A Street, the Underlying Restricted Manufacturing M-2 Subdistrict was changed to Multi-Family Residential/Local Services in 2019.

23. CIEE is a nonprofit study abroad and intercultural exchange organization that sponsors study abroad programs around the world.

24. In 2018, CIEE purchased the premises for its Boston headquarters. It reduced the plan from a previously granted three-story addition to two-stories. CIEE began construction of its office conversion as permitted by the prior Board approvals.

25. In 2020, with construction nearly complete, the C-19 pandemic caused substantial hardship to CIEE. Due to the affect the pandemic had on its business, CIEE reduced its workforce by over 75%, downsized its operation globally, and focused on maintaining operation continuity.

26. Due to the pandemic and the resulting changes in its business, CIEE is unable to complete and occupy the approved project as intended. The structure on 69-71 A Street remains unfinished and unoccupied.

27. Because of the pandemic, CIEE has been unable to rent the building for the previously approved use, but CIEE identified certain life science property developers that are interested in completing and occupying the building.

#### ***The Board Meeting***

28. The Board held a virtual meeting on August 31, 2021 to hear CIEE's appeal.

29. When CIEE's representative was speaking, Chairperson Christine Araujo muted him and prevented him from finishing the presentation thereby preventing CIEE from advancing sufficient reasons to support its application.

#### ***The Board's Decision***

30. The Board filed and entered its Decision with the Inspection Services Department on September 17, 2021.

31. The Board wrote that the Plaintiff "did not advance sufficient reasons to satisfy the Board that all conditions under which the Board may grant a Variance . . . or a Conditional Use Permit . . . have been met, nor to cause the Board to come to a conclusion that this is a specific case where a literal enforcement of the Act involves a substantial hardship upon [the Plaintiff] as well as upon the premises, not where the described relief may be granted without substantial

detriment to the public good and without substantially derogating from the intent and purpose of the Zoning Act.”

*The Decision Plaintiff Advanced Sufficient Reasons to Grant a Variance*

32. There are special circumstances peculiar to the Premises but not the neighborhood that justify granting a variance. The building on the Premises was built to house CIEE headquarters, but remains unfinished and unoccupied due to the COVID-19 pandemic. Because of the unexpected and drastic changes the pandemic has had on the way people work, CIEE has been unable to lease the building for the previously approved retail/office use. The building as constructed is not fit for residential use. Without a variance the Premises will continue to have an unfinished and unoccupied building.

33. There is practical difficulty and demonstrable and substantial hardship that make the granting of the variance necessary for the reasonable use of the Premises. Due to the COVID-19 pandemic CIEE is unable to complete occupy the structure for its own use, nor lease the previously approved retail/office space. If the variance is not granted the building will continue to be vacant and CIEE will continue to bear the burden of a building it cannot occupy or complete.

34. The variance sought is the minimum needed to allow for the reasonable use of the Premises. Granting the variance to allow the Premises to be used for life sciences research operating at the low bio-safety level II would not be a major change from the pre-approved retail/office use. The Proposed Project would result in no changes to the structure aside from the area footprint the mechanical closure on the roof. Allowing these minor changes so the Plaintiff can complete and find an occupant for a currently vacant building is the minimal variance required for the reasonable use of the Premises.

35. The granting of the variance would be in harmony with the general purpose and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Section 68-1 of the Code states Article 68 is built upon the visioning of the First Street Working Group and the South Boston Community, which “build upon the general planning goal of protecting residential uses while encouraging commercial and industrial growth where appropriate.” The proposed change in use would be in harmony with the general purpose of Article 68. The building at 69-71 A Street is located in a longtime industrial section. No residential uses will be threatened by the proposed change in use because the Premises was never residential. A life sciences laboratory would bring high-skilled jobs to the South Boston community and provide much needed STEM partnerships with local schools.

36. The variance is not for a Development Impact Project as defined in Section 80B-7 of the Code.

37. Because the Plaintiff advanced sufficient reasons for the Board to grant a variance pursuant to Section 7-3 of the Code, the Decision is unreasonable, whimsical, capricious, arbitrary, and based upon legally untenable grounds and must be annulled.

*The Decision Plaintiff Advanced Sufficient Reasons to Grant a Conditional Use Permit*

38. The Proposed Project use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted. The building will be repositioned for a similar retail/office use. The Proposed Project is tailored to a prospective tenant with a low-level of research and the small size of the building would preclude major invasive research levels. There is no expansion to the building envelope of the previously approved project, and the building will retain its same gross floor area, set-back dimensions, on-site parking/loading, open space, exterior design, and overall site improvements for its built-out conditions. The

Proposed Project includes minor changes to a mechanical enclosure on the roof of the building. The enclosure footprint area is modified, but the height and aesthetics remain the same.

39. The Proposed Project will not adversely affect the neighborhood. The change in use is consistent with development along the A street corridor. Further, the Proposed Project will provide high-skilled employment to residents of the South Boston neighborhood. There is also an approximately 42,219 square foot redevelopment underway at 105 West First Street, only three blocks (0.1 miles) from the Premises, for an office/lab/research and development building. The Proposed Project will be significantly smaller than the building at 105 West First Street.

40. The Proposed Project will not cause serious hazard to vehicles or pedestrians. The Proposed Project does not change the approved building envelope as built. The change in use to research and development uses will not cause serious hazard to vehicles or pedestrians.

41. No nuisance will be created by the Proposed Project. The Proposed Project includes a mechanical enclosure at roof level for noise attenuation and aesthetics. Additionally, an occupied research and development building will be a great aesthetic improvement over the current vacant and uncompleted building existing on the property.

42. Adequate and appropriate facilities will be provided for the proper operation of the Proposed Project. The Proposed Project includes a mechanical enclosure on the roof for noise attenuation and aesthetics. Further, the Proposed Project will only support a low level of research. The Plaintiff and Phase 3 Real Estate Partners are committed to limit the building's research/laboratory use to bio-safety level II.

43. The Proposed Project does not relate to a Development Impact Project as defined in Section 80B-7.

44. The Proposed Project is not in an area designated a Greenbelt Protection Overlay District as defined in Section 29-2.

45. Because the Plaintiff advanced sufficient reasons for the Board to grant a conditional use permit pursuant to Section 6-3 of the Code, the Decision is unreasonable, whimsical, capricious, arbitrary, and based upon legally untenable grounds and must be annulled.

**COUNT I: APPEAL PURSUANT TO SECTION 11 OF THE ENABLING ACT**

46. Plaintiff incorporates all allegations set forth above as if fully set forth herein.

47. As the owner of the Premises, CIEE is a “person aggrieved” by the Board’s Decision. CIEE will suffer specific and unique harms that will not be experienced by the public generally if the Decision is not annulled and Proposed Project does not go forward. As the owner, those harms include, among other things, not being able to use the Premises for its desired use.

48. The Decision is unreasonable, whimsical, capricious, arbitrary, and based upon legally untenable grounds and was rendered in excess of the Board’s authority in violation of the Boston Zoning Code and applicable law.

49. Among other things: the Project satisfies the requirements for granting variances that are needed for the Project under Section 7-3 of the Code and the Project satisfies the requirements for granting conditional use permits pursuant to Section 6-3 of the Code.

50. Accordingly, the Decision should be annulled.

**RELIEF REQUESTED**

WHEREFORE, the Plaintiff respectfully asks that this Court enter judgement in its favor and:

51. Enter judgement annulling the Decision

52. Enter such further relief as this Court deems just and proper, including Plaintiff's attorney fees and costs.

Respectfully submitted,

CIEE, INC.,

By its attorneys,



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Kelly Frey, BBO #676234  
Elissa Flynn-Poppey, BBO #647189  
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Date: October 7, 2015

# Exhibit A



NOTICE OF DECISION  
CASE NO. BOA1152274  
PERMIT # ALT1141108  
APPEAL DISMISSED

In reference to appeal of

CIEE, Inc.

Concerning premises

69-71 A Street, Ward 06

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been denied.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, Fourth Floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was September 17, 2021.

Please be advised, due to the ongoing COVID-19 public health emergency, this decision of the Board has been reviewed and signed electronically by the signing Board Members. The addition of the certification of the Executive Secretary to the signature page attests that each Board Member who has signed this decision electronically has had an opportunity to review the written decision and has given his or her express written permission to the Executive Secretary to sign this decision electronically.

FOR THE BOARD OF APPEAL

/s/Thomas J. Broom

Thomas J. Broom  
Principal Administrative Assistant



**DECISION OF THE BOARD ON THE APPEAL OF**

August 31, 2021

DATE

CIEE, Inc.

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8,  
at premises: 69 - 71 A Street, Ward - 06

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: **Change in Non-Conforming Use + Variance + Conditional Use**

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 07 Sec. 4	Other Protectional Conditions	Previous BOA proviso
Art. 09 Sec. 02	Nonconforming Use Change	Existing Non conforming- General office Use
Article 68, Section 7	Use Regulations	Research lab- Forbidden
Article 68, Section 7	Use Regulations	Product Development or Prototype Manufacturing -Forbidden

Purpose: Change Use of levels Basement, 1-5 to Research and Development uses for Research Laboratory and Product Development or Prototype Manufacturing , as allowed under 'Business Group B". All infrastructure to remain same as submitted under original ALT517158 w/ code compliant MEP, HVAC and Life Safety Systems ; sprinkler, Fire Alarm, Egress. (Note: Shell only; Tenant fit out to be performed under a separate alteration permit). Work description modified perm Atty. 2.8.21

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-1152274 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, August 10, 2021

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Planning & Development Agency was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BPDA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, August 31, 2021 in accordance with notice and advertisement forementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# **ALT-1141108** and April 16, 2020 plans submitted to the Board at its hearing and how on file in the Building Department.



**DECISION OF THE BOARD ON THE APPEAL OF**

69-71 A St. Ward 06  
BOA1152274  
Date of Hearing: August 31, 2021  
Permit: # ALT1141108  
Page: # 2

The premises in question are located in the South Boston zoning district, multifamily local shopping Subdistrict of the City of Boston. Appellant's appeal concerned a decision to refuse to issue permit ALT1141108, to change occupancy to add lab and research uses, by the Building Commissioner for violations of Statute 1956, Chapter 665, Article 07, Section 04 (Previous BOA Proviso), Article 09, Section 02 (Existing Non-Conforming – General Office Use), Article 68, Section 7 (Research Lab Forbidden), and Article 68, Section 7 (Product Development of Prototype Manufacturing Forbidden).

The Board is of the opinion that the Appellant did not advance sufficient reasons to satisfy the Board that all the conditions under which the Board may grant a Variance as specified in Article 7, Section 7-3 or a Conditional Use Permit pursuant to Article 6, Section 6-3 of the Zoning Code have been met, nor to cause the Board to come to a conclusion that this is a specific case where a literal enforcement of the Act involves a substantial hardship upon the Appellant as well as upon the premises, nor where the described relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning Act.



DECISION OF THE BOARD ON THE APPEAL OF

69-71 A St. Ward 06  
BOA1152274  
Date of Hearing: August 31, 2021  
Permit: # ALT1141108  
Page: # 3

The Board (the members and substitute member/members sitting on this appeal) voted to dismiss the appeal. Therefore, the Board (the members and substitute member/members sitting on this appeal) is of the opinion that the Building Commissioner was justified in his refusal, and affirms the same.

APPEAL DISMISSED

Signed, September 14, 2021

With my affixed signature I, the Executive Secretary of the Board of Appeal, hereby certify that the signatories of this decision have given their express permission for electronic signature:

Thomas J. Broom, Esq.  
Executive Secretary  
Board of Appeal

- /s/ Christine Araujo  
Christine Araujo – Chair (Voted In Favor)
- /s/ Mark Fortune  
Mark Fortune – Secretary (Voted In Favor)
- /s/ Kerry Walsh Logue  
Kerry Walsh Logue (Alternate)(Voted In Favor)
- /s/ Tyrone Kindell, Jr  
Tyrone Kindell, Jr (Alternate)(Voted In Favor)
- /s/Jeanne Pinado  
Jeanne Pinado (Alternate)(Voted In Favor)
- /s/ Sherry Dong  
Sherry Dong (Voted In Favor)



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**Somali - Af Soomaali:** MUHIIM AH! Dukumintigaan ama arjigaan waxaa kujira **macluumaad muhiim ah** oo ku saabsan xuquuqdaada, waajibaadkaaga iyo/ama dheefahaaga. Aad ayey muhiim u tahay inaad fahamto macluumaadka ku qoran dukumintigan iyo/ama dalabkan, waxaana ku siin doonnaa macluumaadka ku qoran luqadda aad doorbidayso iyadoo aan lacag lagaa qaadaynin. Haddii aad u baahatid iyaga, fadlan nagala soo xiriir zba.ambassador@boston.gov, LCA@boston.gov ama 617-961-3744.

العربي - Arabic

تنبيه هام! يحتوي هذا المستند أو طلب التقديم على معلومات هامة عن حقوقك و / أو مسؤولياتك و / أو منافعك. من المهم أن تفهم المعلومات الواردة في هذا المستند و / أو طلب التقديم، وسوف نوفر لك هذه المعلومات بلغتك المفضلة دون تحميلك أي تكلفة. إذا كنت في حاجة إلى ذلك، يرجى الاتصال بنا على العنوان

zba.ambassador@boston.gov

أو LCA@boston.gov: الهاتف رقم أو 3744-961-617



City of Boston  
Inspectional Services

*Received by  
MEM on 9/20/21*

BAA 1152274  
Joseph P. Hanley  
McDermott, Quilty & Miller LLP  
28 State Street  
Suite 802  
Boston MA 02109



U.S. POSTAGE >>> PITNEY BOWES



ZIP 02118 \$ 000.53<sup>0</sup>  
02 4W  
0000342792 SEP. 17, 2021

0210981706 0006



# Exhibit B

This form must be completed and signed by the owner-of-record, their attorney and/or authorized agent. If form is not signed by property owner, please attach a signed letter of authorization designating the authorized agent.



**APPEAL**  
under Boston Zoning Code

**BOA#1152274**  
**ALT#1141108**

Boston, Massachusetts ..... January 14, 20 .....

To the Board of Appeal in the Inspection Services Department of the City of Boston:

The undersigned, being ..... The Authorized Agent for the Owner  
The Owner(s) or authorized agent

of the lot at ..... 69-71 ..... A Street ..... 06 ..... South Boston Neighborhood/MFR-LS  
number street ward district

hereby appeal(s) under St. 1956, c. 665, s. 8, to the Board of Appeal in the Inspectional Services Department of the City of Boston the action taken by Inspectional Services Commissioner as outlined in the attached refusal letter.

**DESCRIBE IN DETAIL THE REASON(S) FOR THIS APPEAL**

This appeal seeks permission to change the legal use and occupancy of the existing building at the premises to a Laboratory Office, Research and Development facility within the entire approved and built-out structure, by replacing its commercial office, retail, gym and fitness uses for the same space.

**STATE REASONS FOR THIS PROPOSAL**

Allowance of the within appeal will merely enable the Appellant to complete the tenant fit-out of this new building with a vibrant Laboratory Office, Research and Development facility within the approved envelope. In order to address unforeseen results of COVID-19 on its depleted workforce, the Appellant is no longer able to occupy the building for its own office use, nor lease the previously approved retail and gym/fitness spaces, and the relief requested will allow for its adaptive re-use by a new venture.

**PROVIDE REASONS WHY BOARD SHOULD GRANT RELIEF**

The Appellant submits that the Board should grant the requested relief, as the proposed project is not detrimental to the surrounding community. Rather, it will allow the new building to be repositioned for a similar office/commercial use. There is no expansion to the building envelope of the approved project, and the building will retain its same gross floor area, set-back dimensions, on-site parking/loading, open space, exterior design and overall site improvements for its built-out conditions. In response to market impacts of the pandemic, the change of use is consistent with the intent and required findings of Articles 6-3, 7-3, 7-4, 9-2 and 68-7 of the Zoning Code.

**COMMENTS**

For these and other reasons more precisely enumerated at the public hearing before the Board, the Appellant respectfully requests the allowance of the within appeal.

OWNER CIEE, Inc. *Joseph P. Hanley*

AUTHORIZED AGENT Joseph P. Hanley, Esq.

ADDRESS McDermott, Quilty & Miller LLP  
28 State Street, Suite 802  
Boston, MA 02109

TELEPHONE 617.946.4600

FAX jhanley@mqmlp.com



# Boston Inspectional Services Department Planning and Zoning Division

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

Martin J. Walsh  
Mayor

## ZONING CODE REFUSAL

Sean Lydon  
Inspector of Buildings

JOHN MORIARTY  
140 FORT HILL STREET  
HINGHAM, MA 02043

January 06, 2021

**Location:** 69-71 A ST SOUTH BOSTON MA 02127  
**Ward:** 06  
**Zoning District:** South Boston Neighborhood  
**Zoning Subdistrict:** MFR/LS  
**Appl. #:** ALT1141108  
**Date Filed:** November 25, 2020  
**Purpose:** Change Use of levels 1-5 to Laboratories; Testing & Research- as allowed under 'Business Group B'. All infrastructure to remain same as submitted under original ALT 517158 w/ code compliant MEP, HVAC and Life Safety Systems ; sprinkler, Fire Alarm, Egress. **(Note: Shell only; Tenant fit out to be performed under a separate alteration permit)**

YOUR APPLICATION REQUIRES RELIEF FROM THE BOARD OF APPEAL AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED:

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 07 Sec. 4	Other Protectional Conditions	Previous proviso
Art. 09 Sec. 02	Nonconforming Use Change	Existing nonconforming- General Office use
Article 68, Section 7	Use Regulations	Lab w/accessory uses -Forbidden

THIS DECISION MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED. APPLICATIONS NOT APPEALED WITHIN THAT TIME PERIOD WILL BE DEEMED ABANDONED. IF YOU HAVE INQUIRIES REGARDING THE NEIGHBORHOOD PROCESS AND PUBLIC PARTICIPATION, PLEASE CONTACT THE MAYOR'S OFFICE OF NEIGHBORHOOD SERVICES AT 617-635-3485. For more information visit [boston.gov/zba-appeal](http://boston.gov/zba-appeal).

*Francesco D'Amato*  
\_\_\_\_\_  
Francesco D'Amato  
(617)961-3265  
for the Commissioner

Refusal of a permit may be appealed to the Board of Appeal within 45 days. Chapter 802, Acts of 1972, and Chapter 656, Acts of 1956, Section 19.

# Exhibit C

AUGUST 31, 2021

# 69 A STREET ZBA HEARING

BOA# 1152274

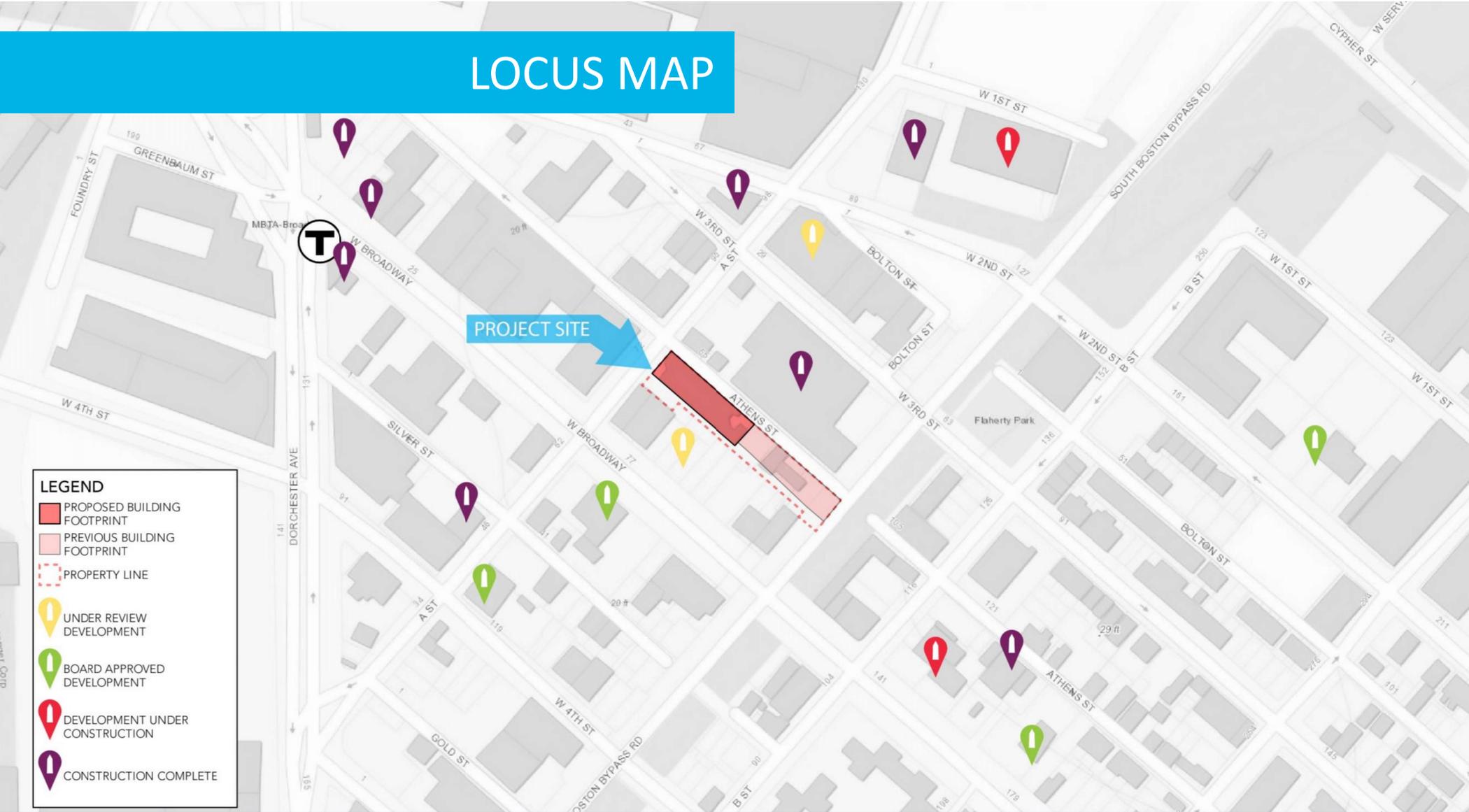


marguliesperruzzi

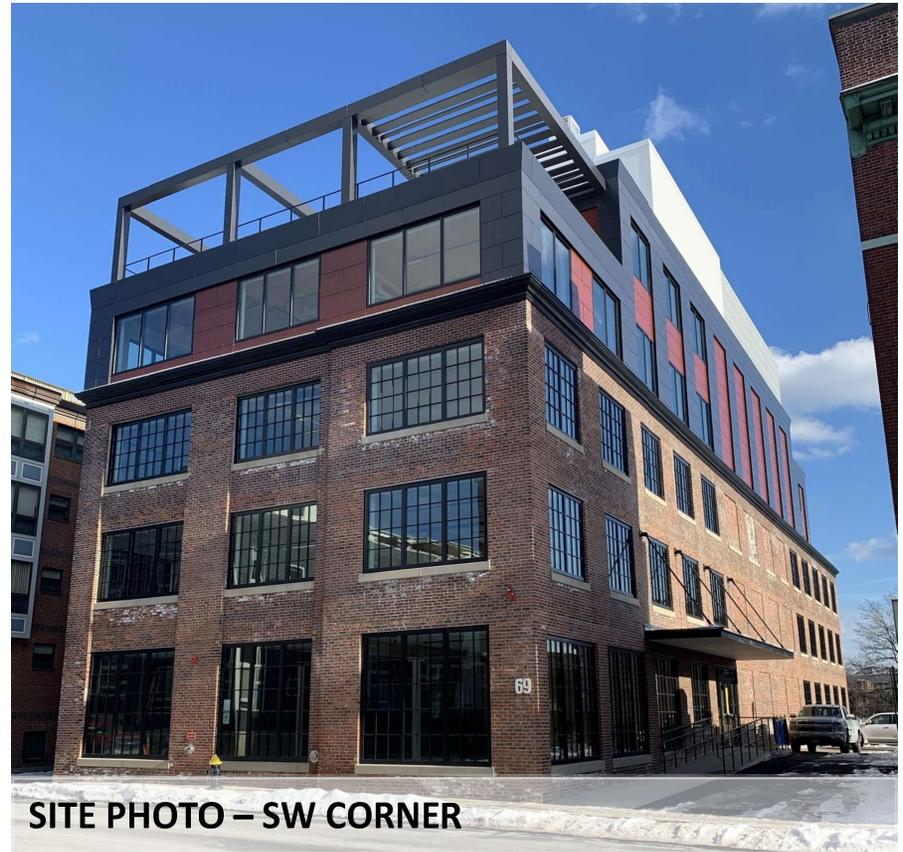
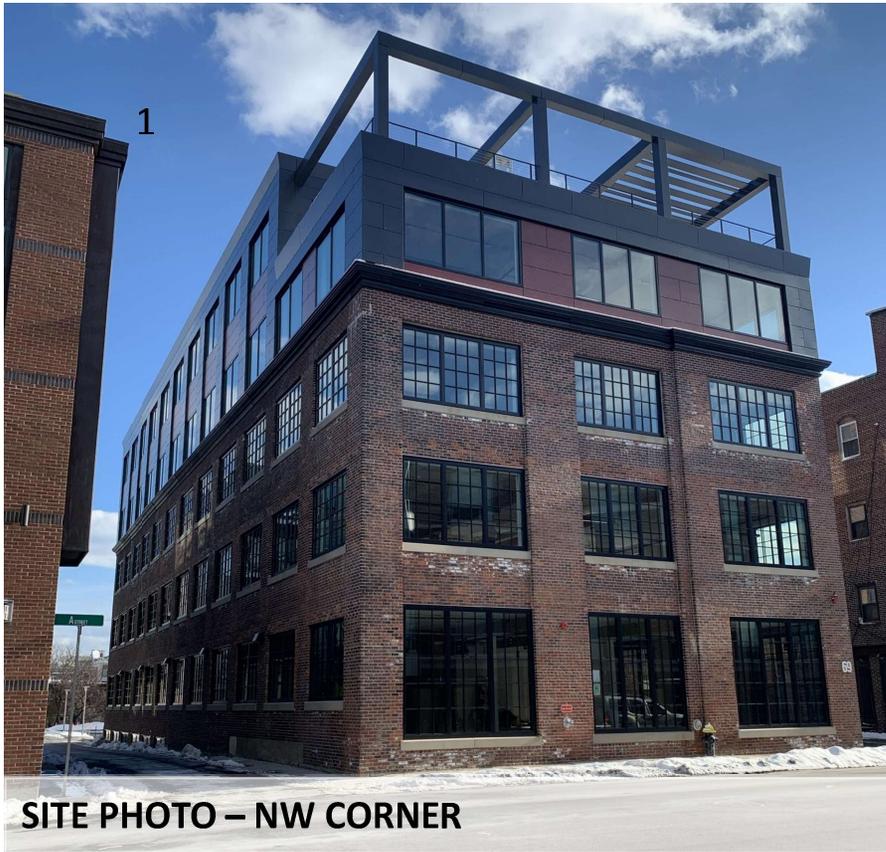
# LOCUS MAP

**LEGEND**

- PROPOSED BUILDING FOOTPRINT
- PREVIOUS BUILDING FOOTPRINT
- PROPERTY LINE
- UNDER REVIEW DEVELOPMENT
- BOARD APPROVED DEVELOPMENT
- DEVELOPMENT UNDER CONSTRUCTION
- CONSTRUCTION COMPLETE



# EXISTING SITE CONTEXT



# EXISTING SITE CONTEXT



# ZONING OVERVIEW & SITE HISTORY

- Recent Industrial: Dead-end section along Athens and A Street (discontinues at Haul Rd), with two long-time industrial uses at two main sites (separated by dead-end section of Athens Street).
  - (1) 69 A Street - Standard Rivet Factory brick and beam building, approved in 2016 for restored and expanded 6-story mixed-use retail /office building. Purchased by CIEE in 2018 and reduced to 5-story office building for its Boston HQ.
  - (2) 45 West Third Street - Cliflex Bellows Manufacturing plant, razed and replaced in 2018 with new 5-story 105-unit residential condominium building (“Port 45”).
- Subsequent Zoning Changes: Underlying Restricted Manufacturing M-2 Subdistrict in place until 2019, changed to MFR/LS Subdistrict (“Multi-Family Residential/Local Services”) after 69 A and Port 45 were approved and constructed.
- History of sites and uses:
  - **In 2014**, after several decades at this longtime industrial section in SB’s M-2 District, Cliflex Bellows moved to Tennessee.
  - **In 2016**, while still regulated within the M-2 District, Port 45 obtained special zoning approvals, including dimensional, use and open space allowances.
  - **In 2018**, Port 45 replaces Cliflex Bellows plant with construction of its new residential condominiums .
  - **In 2019**, CIEE begins construction of its office conversion at 69 A Street, as permitted by prior city approvals.
  - **In 2020**, with construction near completion at 69 A Street, the Covid-19 pandemic causes substantial hardship to CIEE (decimating its workforce).



# HARDSHIP IMPOSED BY COVID-19



Severe effects of pandemic on current owner CIEE, a non-profit organization founded in 1947

- Substantially reduced workforce; over 75% of layoffs and furloughs
- Substantially downsized its operation globally
- CIEE is focused on maintaining operation continuity
- CIEE is unable to complete and occupy the approved project as intended

Steps taken to complete and repurpose the approved project

- CIEE identified a developer, Phase 3 Real Estate Partners, that can complete and occupy the building consistent with its vision to:
  - Foster economic development
  - Create Jobs
  - Retain Talent

# PROPOSED CHANGES

## BUILDING STRUCTURE & ENVELOPE

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- No changes proposed to the approved building envelope as built

## DESIGN

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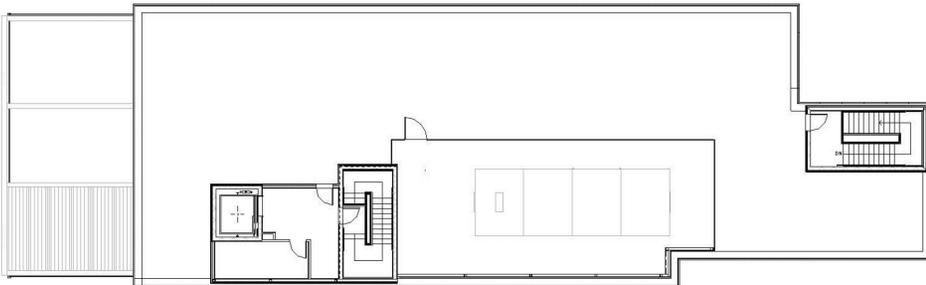
- Minor changes to mechanical enclosure at roof level for noise attenuation and aesthetics

## ZONING

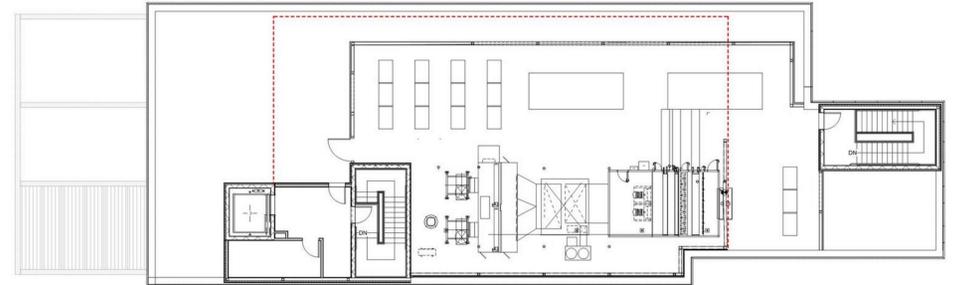
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- Use variance for Research & Development Uses

# PROPOSED CHANGE - PLANS



APPROVED ROOF PLAN - EXISTING CONDITION

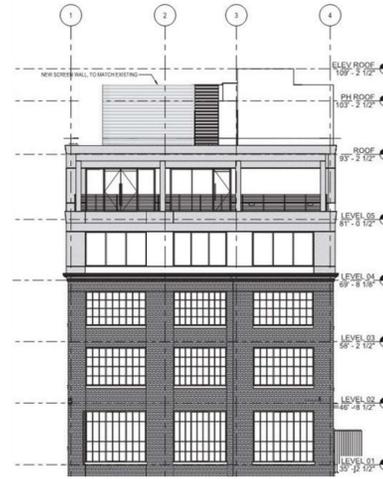


PROPOSED ROOF PLAN

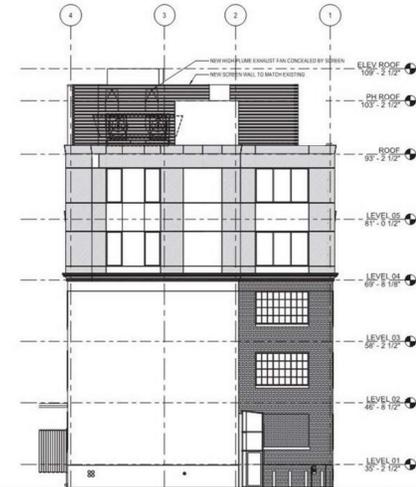
- Building and roof equipment enclosure **heights to remain the same**
- Roof enclosure footprint modified for noise attenuation
- Shifted enclosure an additional 5'-6" back from Athens Street

# ELEVATIONS

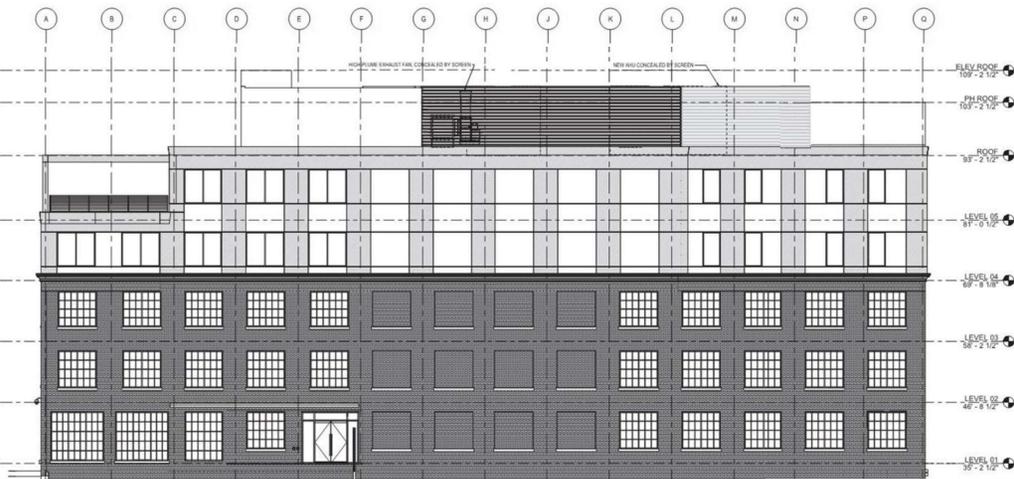
- Proposed mechanical equipment enclosure **height remains the same**
- Enclosure footprint area modified; **aesthetics remain the same**



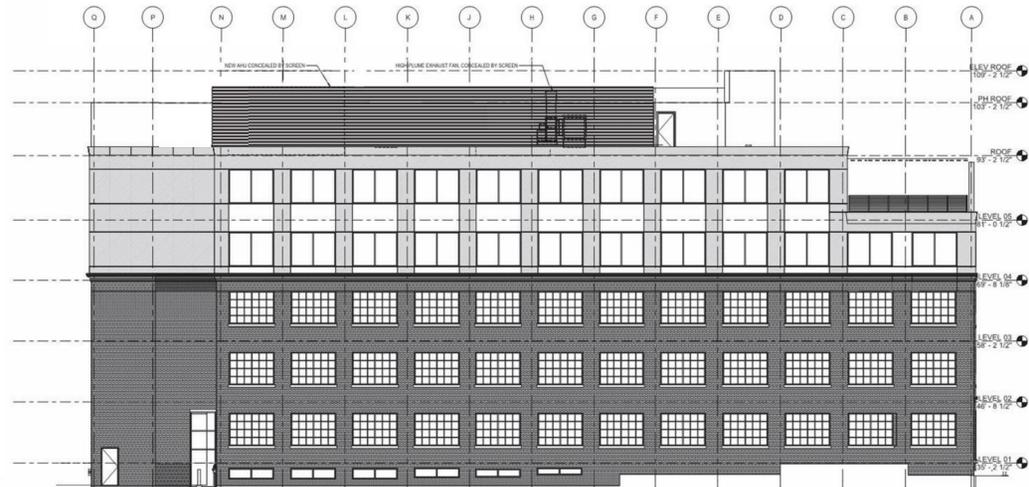
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

ORIGINAL PROPOSED MECHANICAL ENCLOSURE  
VIEW FROM PORT 45 COURTYARD



REVISED PROPOSED MECHANICAL ENCLOSURE  
VIEW FROM PORT 45 COURTYARD

— = Boundary of Original Proposed Enclosure



# RESOLUTION MEASURES & LOCAL STEM SUPPORT

## **Life Sciences Research Use**

- Committed to limit building's research/laboratory use to bio-safety level II

## **Operation Measures for Use**

- Trash collection, deliveries and receiving at non-late-night hours (only)
- Emergency lighting used during late evening/early morning hours (only)
- Utilizing sound attenuating equipment and measures to comply with noise ordinance requirements
- Softened generator lighting at rear of site, to reduce light impacts on Port 45 residents (lower wattage, lumens and color temperature fixtures).
- Utilizing window shades along Athens Street, to mitigate lighting impacts on Port 45 during office/research occupancy

## **Design Measures for Use**

- Maintained same 13-foot height of rooftop enclosure
  - As approved for existing building and less than 80 West Broadway
- Reduced size and further set-back rooftop mechanical enclosure
  - 61 feet from the lot line at A Street and 36 feet 6 inches from the building edge
  - 6 feet 8 inches from lot line at Athens Street and 6 feet 8 inches at Building edge
- Added planting zone to screen/buffer rooftop mechanical enclosure
- Introduced texture to soften aesthetic of mechanical enclosure
- Added landscape hedge to screen/buffer generator

## **Detailed Studies and Findings to Mitigate Use**

- Detailed and updated shadow study for revised mechanical enclosure
  - Nominal to no shadow impact on Port 45
- Provided Noise Mitigation Memo to verify and ensure and compliance

## **South Boston Jobs and STEM Support**

- Program development and funding
- Local schools and mentor

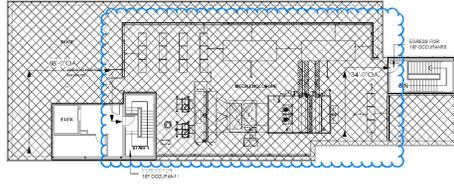
# COMMUNITY OUTREACH

## **8 Months of Extensive Abutter and Community Outreach**

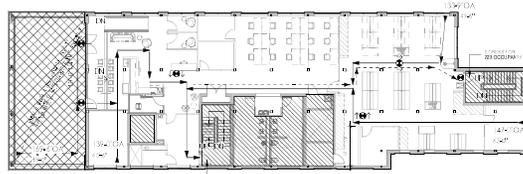
### **January – August 2021**

- January 7th – Meeting with 66 Athens Street abutters
- January 21st – Meeting with leadership of West Broadway Neighborhood Association (“WBNA”)
- January 25th – Community meeting with WBNA
- February – Updates to leadership of St. Vincent’s Neighborhood Association (“SVNA”)
- February 16 – BPDA-sponsored public meeting
- January to May – Site visits with local elected leadership
- February, March and May - Three (3) meetings with organized group of new resident condo owners at 45 West Third Street (“Port 45”)
  - February 10 (#1), March 23 (#2) and May 19, 2021 (#3).
- July 15 – BPDA Board Approval
- August 12 – Abutters’ meeting hosted by City Councilors Flaherty and Flynn

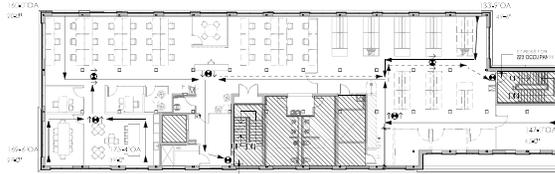
## APPENDIX – ISD PLANS



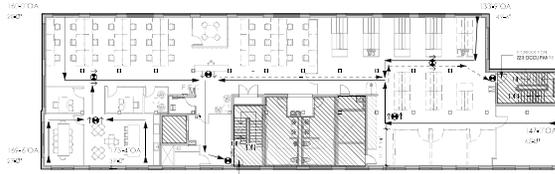
6 EGRESS PLAN - ROOF WITH RTU ENCLOSURE  
SCALE: 1/16" = 1'-0"



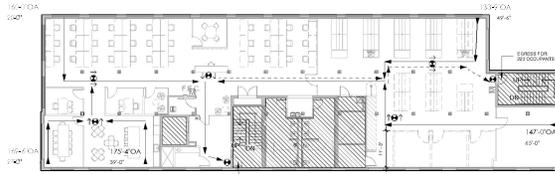
5 EGRESS PLAN - LEVEL 5 WITH INTERIORS  
SCALE: 1/16" = 1'-0"



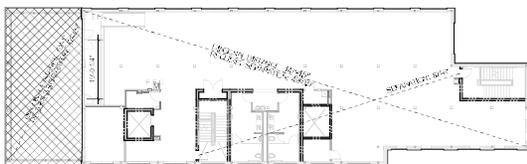
4 EGRESS PLAN - LEVEL 4 WITH INTERIORS  
SCALE: 1/16" = 1'-0"



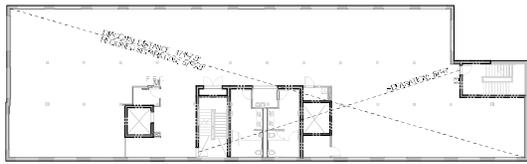
3 EGRESS PLAN - LEVEL 3 WITH INTERIORS  
SCALE: 1/16" = 1'-0"



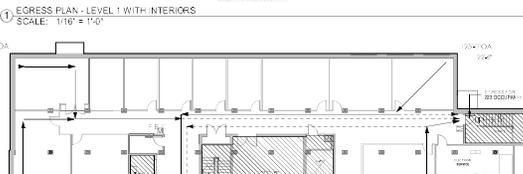
2 EGRESS PLAN - LEVEL 2 WITH INTERIORS  
SCALE: 1/16" = 1'-0"



12 EGRESS SEPARATION PLAN - LEVEL 5  
SCALE: 1/16" = 1'-0"



11 EGRESS SEPARATION PLAN - TYP. CAL FLOOR, BASEMENT THROUGH LEVEL 4  
SCALE: 1/16" = 1'-0"

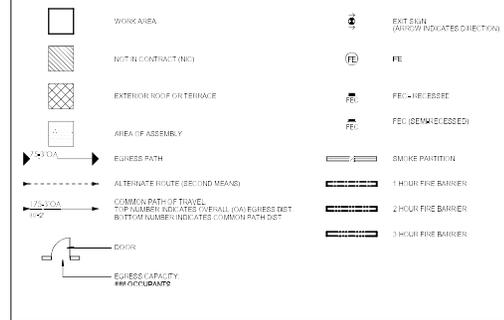


8 EGRESS PLAN - BASEMENT WITH INTERIORS  
SCALE: 1/16" = 1'-0"

### CODE COMPLIANCE NARRATIVE

OCCUPANTS LOCATED IN THE PROJECT AREA ON THE ALL FLOORS SHALL EVACUATE VIA EGRESSES ROUTED THROUGH THE OPEN OFFICE WORKSTATIONS AND CONDUITS TO THE EXISTING EGRESS STAIRS (STAIR 1 AND STAIR 2) RESPECTIVELY.  
STAIR 1 CONTIGUOUS TO THE GROUND LEVEL AND DESCENDS THROUGH THE BUILDING LIBRARY TO THE OUTSIDE.  
STAIR 2 CONTIGUOUS TO THE GROUND LEVEL AND DESCENDS DIRECTLY TO THE OUTSIDE.

### CODE COMPLIANCE PLAN LEGEND



### CODE SUMMARY

This Code Summary is based upon the North Edition of the Existing Building Code of Massachusetts (EBCM). The EBCM consists of the 2015 Edition of the International Building Code and the MA Amendments to that code, documented in Chapter 34 of the 19th Edition of the Massachusetts State Building Code (MSB/C).

- Basic data concerning the existing building and proposed renovations of the building are provided below:
- Project Name: CEB - Office / R&D Layouts
  - Address: 6971 A Street, Boston, MA
  - Floors: Level 1 thru Level 5, plus Basement
  - Construction Method: Work Area Method
  - Alteration Level: Level 1 through level 5, plus the aggregate area of the building
  - Construction Type: Type IIIA (concrete & masonry) Chapter 9
  - Impressions: 100
  - Structures Existing: Yes
  - Primary occupancy classification: Use Group F-2 Business
  - Number of Requested Exits: 2
  - Number of Proposed Exits: 2

#### SECTION 1004 - OCCUPANT LOAD

Level	Bay Area	Occupants	Act. of
Basement	2,734 sq ft	20 occupants	20 occupants as workspace, up to 70 as necessary for business use.
Level 1	2,734 sq ft	70 occupants	70 occupants
Level 2	2,734 sq ft	70 occupants	70 occupants
Level 3	2,734 sq ft	70 occupants	70 occupants
Level 4	2,734 sq ft	70 occupants	70 occupants
Level 5	6,926 sq ft	65 occupants	65 occupants
Total Allowable occupant load		406 occupants	406 occupants on project completion
Total Actual occupant load		406 occupants	406 occupants on project completion

#### SECTION 1006 - MEANS OF EGRESS SIZING

Calculated Egress width for stairs	Provided
Basement: 22 x 3 = 63	70' total width, 12 3/4" door opening with 31 1/2" clear between steps
Level 1: 27 x 3 = 81	100' total width, 11 1/2" door opening with 31 1/2" clear between steps
Level 2: 27 x 3 = 81	70' total width, 12 3/4" door opening with 31 1/2" clear between steps
Level 3: 27 x 3 = 81	70' total width, 12 3/4" door opening with 31 1/2" clear between steps
Level 4: 27 x 3 = 81	70' total width, 12 3/4" door opening with 31 1/2" clear between steps
Level 5: 63 x 3 = 189	70' total width, 12 3/4" door opening with 31 1/2" clear between steps

Exit	Clear Width	Door Width	Stair Capacity	Door Capacity	Exit Capacity
Stair #1	44"	31 1/2"	200	220	200
Stair #2	44"	31 1/2"	200	220	200
Egress Capacity (Maximum per Floor):					70
Egress Capacity (Maximum per Project):					406

1. Stair width shall comply with applicable additional capacity up to stair #1, but only the stair's calculated capacity is recognized.  
2. Exit Capacity is limited by width of stair.

#### SECTION 1017 - EXIT ACCESS TRAVEL DISTANCE

Table 1017.2: Exit Access Travel Distance  
Max. Allowed Travel Distance = 100 ft (Use Group B, with Smoke Ejector)

#### SECTION 1020 - CORRIDORS

1020 - Dead Ends  
Exception #2: 50 ft (Use Group B)

Floor / Space	MAXIMUM OCCUPANTS			ACTUAL NUMBER OF OCCUPANTS			Status
	Total Occupancy (based on building code)	Fixture Rate (person/fixture)	Fixtures Required	Total Occupants Planned (area x fixture rate)	Fixtures Provided (Existing & within project scope)	Fixtures Provided (Existing & within project scope)	
Floor #	80 (Total)	1.25 W/C 1.75 Sinks	2 W/Cs 2 Sinks	79 (Total)	1.25 W/Cs 1.75 Sinks	2 W/Cs 2 Sinks	Compliant
Floor #	40 (Maximum)	1.25 W/Cs 1.75 Sinks	2 W/Cs 2 Sinks	40 (Maximum)	1.25 W/Cs 1.75 Sinks	2 W/Cs 2 Sinks	Compliant

Fixture Rate Provided: NOTE: 1.0 W/C in Restrooms can be Utilized (50% for assembly areas)



318 Congress Street, Boston, MA 02110  
617.482.9292  
info@marguliesperruzzi.com

CLIENT INFORMATION

### OFFICE / R&D LAYOUTS

6971 A STREET  
BOSTON, MA 02117

CONSULTANT INFORMATION

STRUCTURAL: MAMMAMIA CALLIO  
FOR GENERAL OFF. WITH PLAN  
BOSTON, MA 02110  
P: 617.737.0540

MEP: WBE ENGINEERS + CONSULTANTS  
FOR MECHANICAL  
BOSTON, MA 02110  
P: 617.440.1660

PROJECT MANAGER: GIB PROJECTS  
FOR MECHANICAL  
NEWTON, MA 02459  
P: 910.931.1300

### REVISIONS

NO.	DESCRIPTION	DATE

### KEY PLAN



DATE: 07/30/2014

SCALE: As Indicated

DRAWN BY: Author

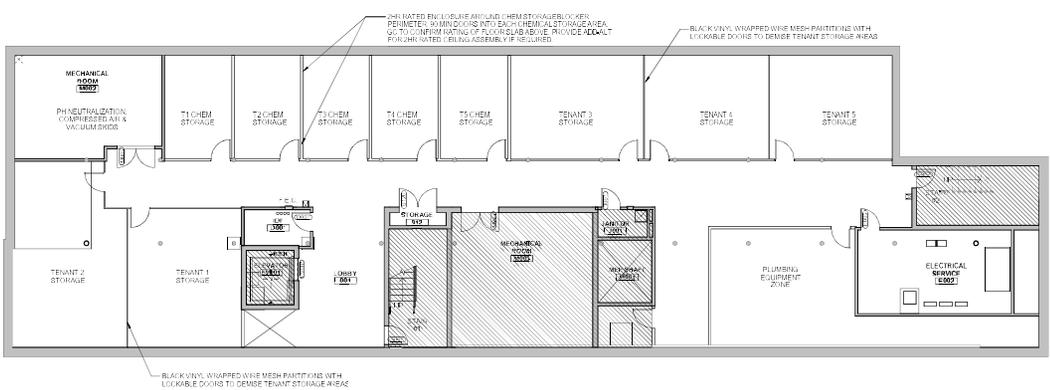
PROJECT NUMBER: CEB10-00

DRAWING TITLE: CODE ANALYSIS

EGRESS & PARTITIONS

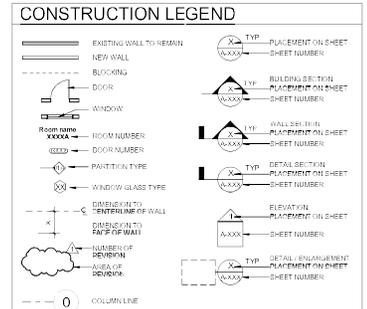
**G-003.1**

DRAWING NUMBER



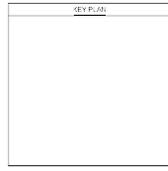
1 FLOOR PLAN - BASEMENT - CONSTRUCTION PLAN  
SCALE: 1/8" = 1'-0"

- ### CONSTRUCTION NOTES
- WHERE DIMENSIONS ARE NOT PROVIDED REFER TO LARGESCALE PLANS.
  - ARCHITECT TO BE NOTIFIED TO APPROVE PARTITION LAYOUT PRIOR TO CONSTRUCTION OF PARTITIONS.
  - PATCH AND REPAIR EXISTING WALLS TO REMAIN IN AREA OF WORK TO AS-NEW CONDITION.
  - PROVIDE SUBSTRUCT BLOCKING FOR WALL MOUNTED EQUIPMENT. FIXTURES OR CASEWORK VERIFY LOCATIONS.
  - PROVIDE ACCESS PANELS WHERE REQUIRED BY MECHANICAL, ELECTRICAL, PLUMBING OR FIRE PROTECTION DOCUMENTS. COORDINATE LOCATIONS WITH ARCHITECT.



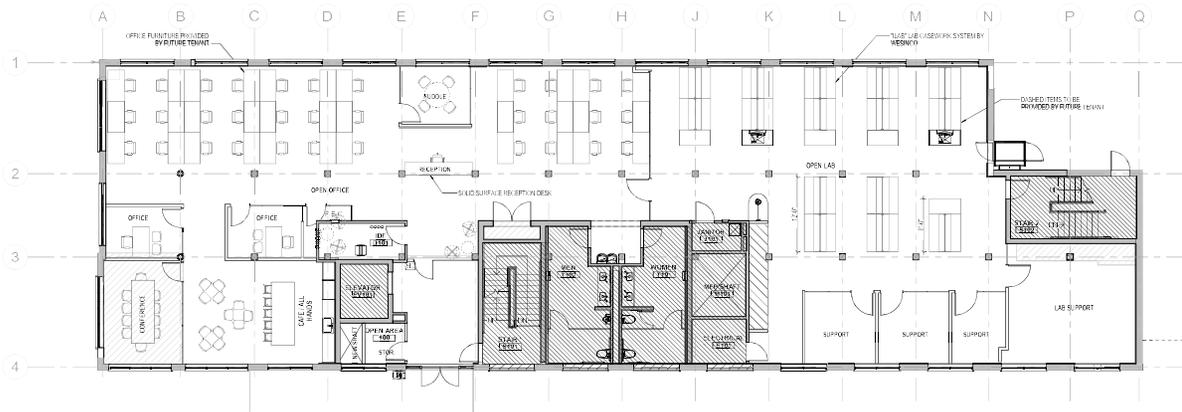
### REVISIONS

NO.	DESCRIPTION	DATE

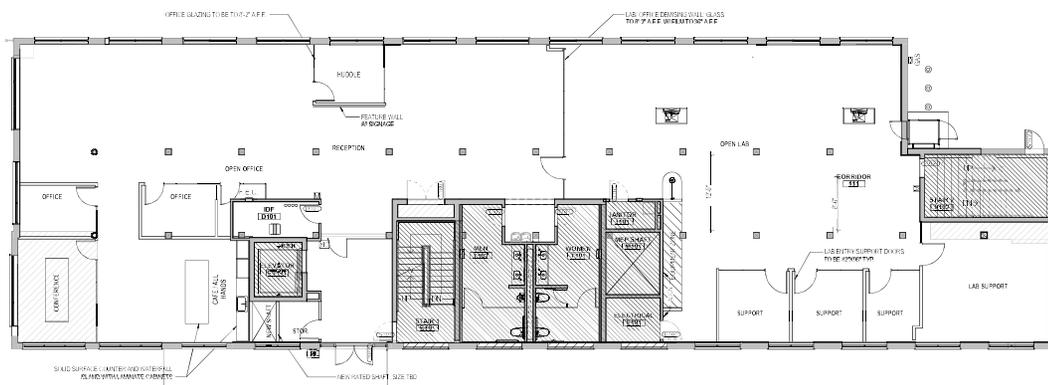


PROJECT NORTH

DATE: 07/30/2014  
SCALE: 1/8" = 1'-0"  
DRAWN BY: AULIX  
PROJECT NUMBER: CIEE 00  
DRAWING TITLE: BASEMENT CONSTRUCTION PLAN  
**A-100.1**  
DRAWING NUMBER



2 FURNISHING PLAN - LEVEL 1  
SCALE: 1/8" = 1'-0"



1 FLOOR PLAN - LEVEL 1 - CONSTRUCTION PLAN  
SCALE: 1/8" = 1'-0"

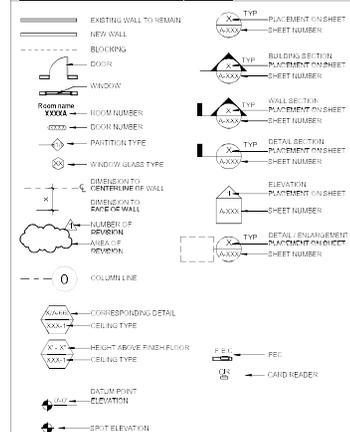
**CONSTRUCTION NOTES**

- WHERE DIMENSIONS ARE NOT PROVIDED REFER TO LARGER SCALE PLANS.
- ARCHITECT TO BE NOTIFIED TO APPROVE PARTITION LAYOUT PRIOR TO CONSTRUCTION OF PARTITIONS.
- PARTITION AND REPAIR EXISTING WALLS TO REMAIN IN AS-BUILT CONDITION.
- PROVIDE THE MATED BLOCKING FOR WALL MOUNTED EQUIPMENT, FIXTURES OR CASINGWORK. VERIFY LOCATIONS.
- PROVIDE ACCESS PANELS WHERE REQUIRED BY MECHANICAL, ELECTRICAL, PLUMBING OR FIRE PROTECTION DOCUMENTS. COORDINATE LOCATIONS WITH ARCHITECT.

REVISIONS

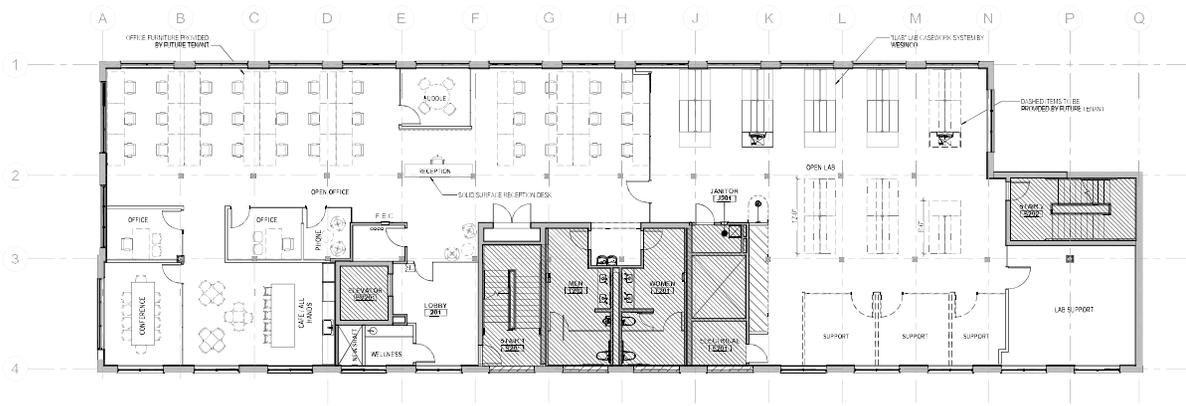
NO.	DESCRIPTION	DATE

**CONSTRUCTION LEGEND**

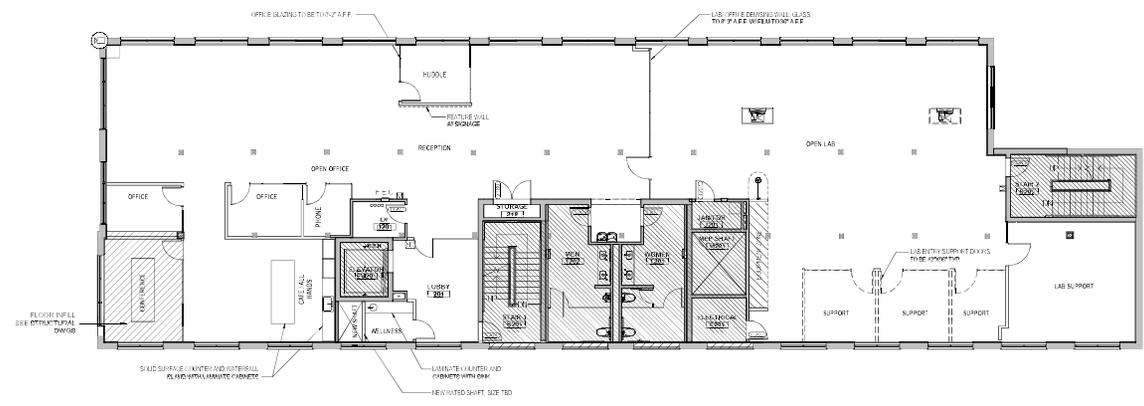


KEY PLAN





2. FURNISHING PLAN - LEVEL 2  
SCALE: 1/8" = 1'-0"



1. FLOOR PLAN - LEVEL 2 - CONSTRUCTION PLAN  
SCALE: 1/8" = 1'-0"

### CONSTRUCTION NOTES

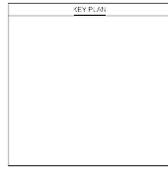
- WHERE DIMENSIONS ARE NOT PROVIDED REFER TO LARGER SCALE PLANS.
- ARCHITECT TO BE NOTIFIED TO APPROVE FINISH LAYOUT PRIOR TO CONSTRUCTION OF BUILDINGS.
- EXISTING AND REMAINING EXISTING WALLS TO REMAIN IN AREA OF WORK TO AB. NEW CONSTRUCTION TO BE SHOWN WITH HATCHING FOR WALL MOUNTED EQUIPMENT, FIXTURES OR CASEWORK. VERIFY LOCATIONS.
- PROVIDE ACCESS PANELS WHERE REQUIRED BY MECHANICAL, ELECTRICAL, PLUMBING OR FIRE PROTECTION DOCUMENTS. COORDINATE LOCATIONS WITH ARCHITECT.

### REVISIONS

NO.	DESCRIPTION	DATE

### CONSTRUCTION LEGEND

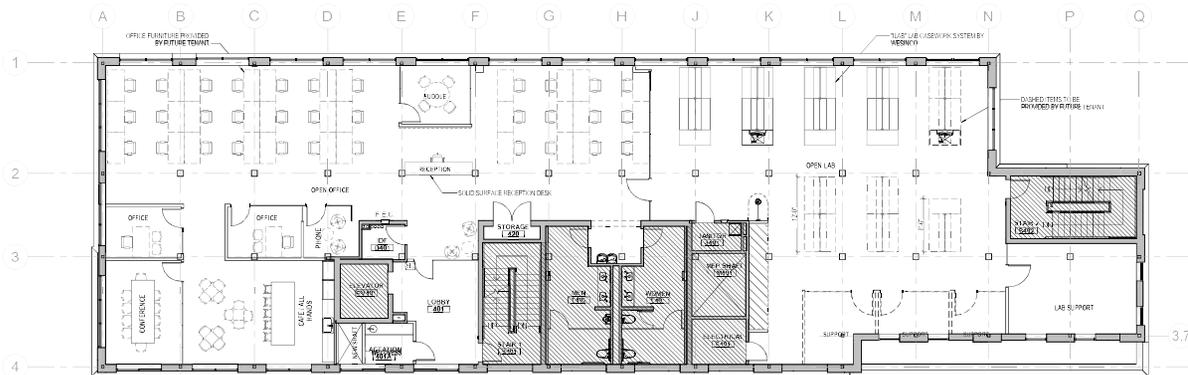
	EXISTING WALL TO REMAIN		TYP PLACEMENT ON SHEET SHEET NUMBER
	NEW WALL		TYP BUILDING SECTION PLACEMENT ON SHEET SHEET NUMBER
	BLOCKING		TYP WALL SECTION PLACEMENT ON SHEET SHEET NUMBER
	DOOR		TYP DETAIL SECTION PLACEMENT ON SHEET SHEET NUMBER
	WINDOW		ELEVATION ON SHEET SHEET NUMBER
	Room name XXXXX		TYP DETAIL ELEVATION PLACEMENT ON SHEET SHEET NUMBER
	ROOM NUMBER XXXX		ELEVATION ON SHEET SHEET NUMBER
	DOOR NUMBER XXXX		TYP DETAIL ELEVATION PLACEMENT ON SHEET SHEET NUMBER
	PARTITION TYPE		ELEVATION ON SHEET SHEET NUMBER
	WINDOW GLASS TYPE		TYP DETAIL ELEVATION PLACEMENT ON SHEET SHEET NUMBER
	DIMENSION TO CENTERLINE OF WALL		ELEVATION ON SHEET SHEET NUMBER
	DIMENSION TO FACE OF WALL		TYP DETAIL ELEVATION PLACEMENT ON SHEET SHEET NUMBER
	NUMBER OF REVISION		ELEVATION ON SHEET SHEET NUMBER
	AREA OF REVISION		TYP DETAIL ELEVATION PLACEMENT ON SHEET SHEET NUMBER
	COLUMN LINE		ELEVATION ON SHEET SHEET NUMBER
	CORRESPONDING DETAIL		ELEVATION ON SHEET SHEET NUMBER
	CEILING TYPE		ELEVATION ON SHEET SHEET NUMBER
	HEIGHT ABOVE FINISH FLOOR		ELEVATION ON SHEET SHEET NUMBER
	CEILING TYPE		ELEVATION ON SHEET SHEET NUMBER
	DATUM POINT		ELEVATION ON SHEET SHEET NUMBER
	ELEVATION		ELEVATION ON SHEET SHEET NUMBER
	SPOT ELEVATION		ELEVATION ON SHEET SHEET NUMBER
	FFC		ELEVATION ON SHEET SHEET NUMBER
	CARD READER		ELEVATION ON SHEET SHEET NUMBER



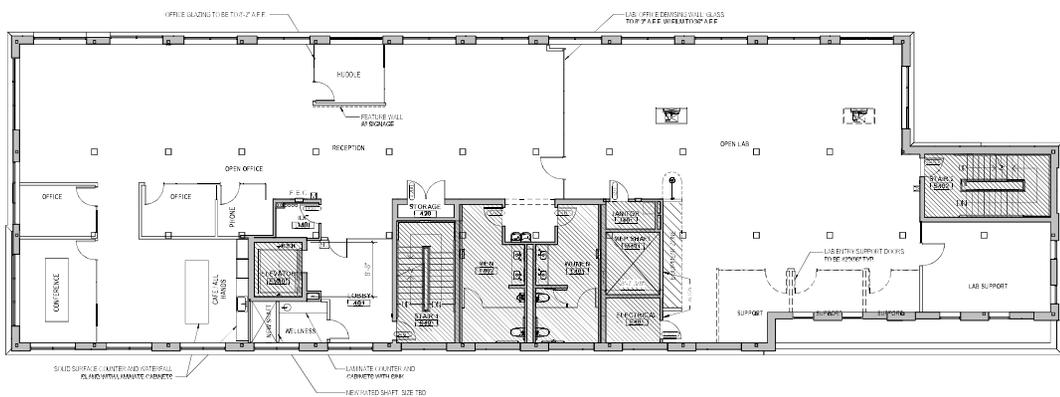
PROJECT NORTH

DATE: 07/30/2014  
SCALE: 1/8" = 1'-0"  
DRAWN BY: Author  
PROJECT NUMBER: CIEE 00  
DRAWING TITLE:  
**LEVEL 2 CONSTRUCTION & FURNISHING PLANS**  
**A-102.1**  
DRAWING NUMBER





2 FURNISHING PLAN - LEVEL 4  
SCALE: 1/8" = 1'-0"

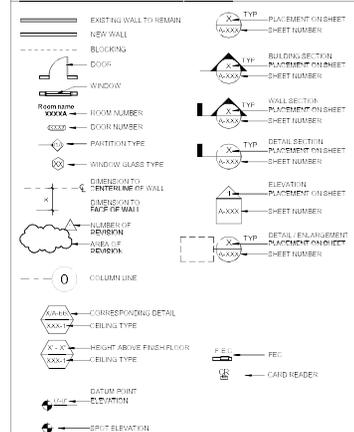


1 FLOOR PLAN - LEVEL 4 - CONSTRUCTION PLAN  
SCALE: 1/8" = 1'-0"

**CONSTRUCTION NOTES**

- WHERE DIMENSIONS ARE NOT PROVIDED REFER TO LARGER SCALE PLANS.
- ARCHITECT TO BE NOTIFIED TO APPROVE PARTITION LAYOUT PRIOR TO CONSTRUCTION OF PARTITIONS.
- PARTITION AND REPAIR EXISTING WALLS TO REMAIN IN AREA OF WORK TO AS - NEW CONSTRUCTION.
- PROVIDE THE LISTED BLOCKING FOR WALL MOUNTED EQUIPMENT, FIXTURES OR CABINETS WHERE LOCATIONS ARE NOT SHOWN.
- PROVIDE ALL CEILING PANELS WHERE REQUIRED BY MECHANICAL, ELECTRICAL, PLUMBING OR FIRE PROTECTION DOCUMENTS. COORDINATE LOCATIONS WITH ARCHITECT.

**CONSTRUCTION LEGEND**



**REVISIONS**

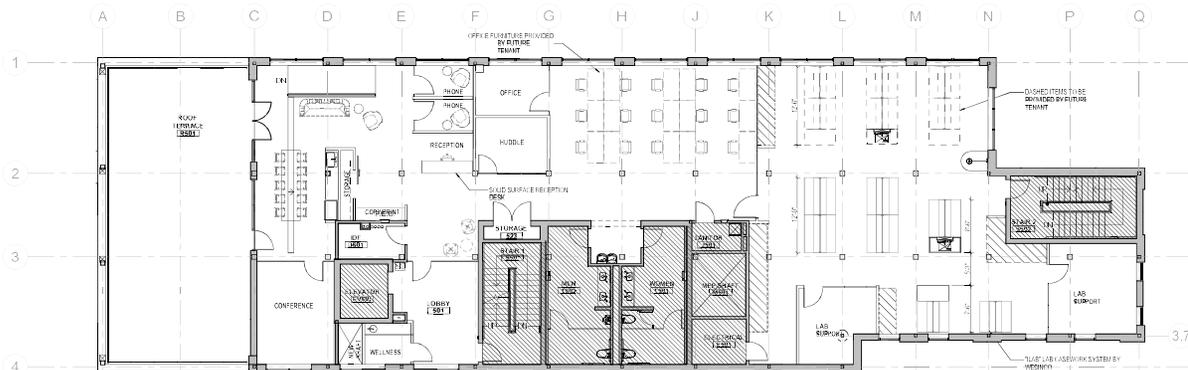
NO.	DESCRIPTION	DATE

**KEY PLAN**

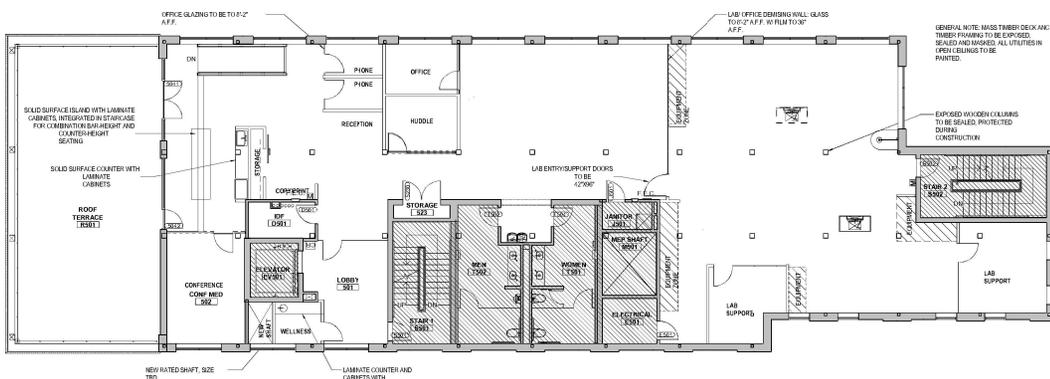


PROJECT NUMBER: 27000  
DATE: 07/30/2014  
SCALE: 1/8" = 1'-0"  
DRAWN BY: Author  
PROJECT NUMBER: CIEE-09  
DRAWING TITLE:  
**LEVEL 4 CONSTRUCTION & FURNISHING PLANS**

**A-104.1**  
DRAWING NUMBER



2 FURNISHING PLAN - LEVEL 5  
SCALE: 1/8" = 1'-0"

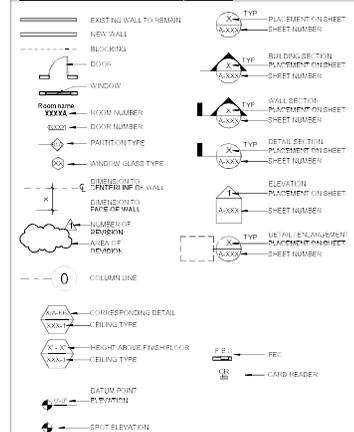


1 FLOOR PLAN - LEVEL 5 - CONSTRUCTION PLAN  
SCALE: 1/8" = 1'-0"

**CONSTRUCTION NOTES**

- WHERE DIMENSIONS ARE NOT PROVIDED REFER TO LARGER SCALE PLAN.
- ARCHITECT TO BE NOTIFIED TO APPROVE FINISH ON LAYOUT PRIOR TO CONSTRUCTION OF PARTITION.
- EXISTING NEARBY EXISTING WALLS TO REMAIN IN AREA UP WORK TO AS - NEW CONSTRUCTION.
- PROVIDE THE SATED BACKSHELL FOR WALL MOUNTED EQUIPMENT, FITURES OR CABINETS, VERIFY LOCATION.
- PROVIDE ACCESS PANELS WHERE REQUIRED BY MECHANICAL, ELECTRICAL, PLUMBING OR FIRE PROTECTION DOCUMENTS. COORDINATE LOCATION WITH ARCHITECT.

**CONSTRUCTION LEGEND**



**REVISIONS**

NO.	DESCRIPTION	DATE

**KEY PLAN**



DATE: 07.30.2014  
SCALE: 1/8" = 1'-0"  
DRAWN BY: Author  
PROJECT NUMBER: CIEE 00  
DRAWING TITLE:  
**LEVEL 5  
CONSTRUCTION &  
FURNISHING PLANS**

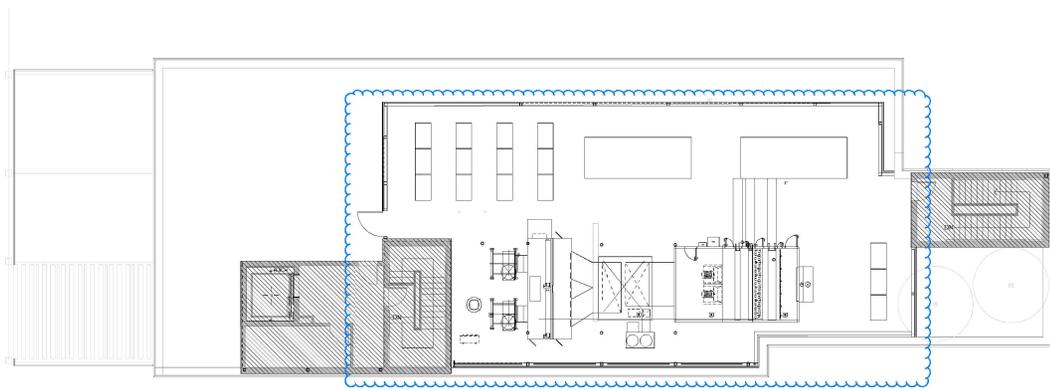
**A-105.1**  
DRAWING NUMBER

**CONSTRUCTION NOTES**

- WHERE DIMENSIONS ARE NOT PROVIDED REFER TO LARGER SCALE PLANS.
- ARCHITECT TO BE NOTIFIED TO APPROVE ANY TYPICAL LAYOUT PRIOR TO CONSTRUCTION OF PARTITIONS.
- PATCH HARD NEARBY EXISTING WALLS TO REMAIN IN AREA OF WORK TO AG-NEW CONDITION.
- PROVIDE FIRE RATED BLOCKING FOR WALL MOUNTED EQUIPMENT, FIXTURES OR CABINETS. VERIFY LOCATIONS.
- PROVIDE ACCESS PANELS WHERE REQUIRED BY MECHANICAL, ELECTRICAL, PLUMBING OR FIRE PROTECTION DOCUMENTS. COORDINATE LOCATIONS WITH ARCHITECT.

**REVISIONS**

NO.	DESCRIPTION	DATE



FLOOR PLAN - ROOF - CONSTRUCTION PLAN (7'  
SCALE: 1/8" = 1'-0"

**CONSTRUCTION LEGEND**

—	EXISTING WALL TO REMAIN	⊗	TYP. WALL SECTION PLACEMENT ON SHEET
—	NEW WALL	⊗	TYP. BUILDING SECTION PLACEMENT ON SHEET
- - -	BLOCKING	⊗	TYP. WALL SECTION PLACEMENT ON SHEET
⊕	DOOR	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	WINDOW	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
Room name	ROOM NUMBER	⊗	TYP. WALL SECTION PLACEMENT ON SHEET
0000	DOOR NUMBER	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	PARTITION TYPE	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	WINDOW GLASS TYPE	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
- - -	DIMENSION TO CENTERLINE OF WALL	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
- - -	DIMENSION TO FACE OF WALL	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	NUMBER OF REVISION	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	AREA OF REVISION	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
0	COLUMN LINE	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	CORRESPONDING DETAIL	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	CEILING TYPE	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	HEIGHT ABOVE FINISH FLOOR	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	CEILING TYPE	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	DATUM POINT	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	ELEVATION	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	SPOT ELEVATION	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	CEILING TYPE	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	HEIGHT ABOVE FINISH FLOOR	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	CEILING TYPE	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	DATUM POINT	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	ELEVATION	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET
⊕	SPOT ELEVATION	⊗	TYP. DETAIL SECTION PLACEMENT ON SHEET

**KEY PLAN**



PROJECT NORTH

DATE: 07/30/2014  
SCALE: 1/8" = 1'-0"  
DRAWN BY: A. Lutz  
PROJECT NUMBER: CIEE106-00  
DRAWING TITLE: ROOF CONSTRUCTION PLAN  
**A-106.1**  
DRAWING NUMBER