

## 11. The Russia Wharf Redevelopment Project

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### 11.1. The Phase 2 Area – Russia Wharf Site

This chapter of the Phase 2 MHP concentrates on the proposed Russia Wharf Redevelopment Project within the Phase 2 Planning Area. The chapter describes key aspects of the Project, including:

- Project overview
- Chapter 91 licensing history and the public planning process
- Existing conditions at the site and its surroundings
- An analysis of the Project, including planning and design context, and its fulfillment of the MHP Planning Principles and other public benefits
- A summary of Chapter 91 regulatory compliance
- Substitution requirements and analysis
- Summary of substitutions
- Summary of offsets
- Watersheet Activation
- License Term
- Amplifications

#### 11.1.1. Project Overview

The Russia Wharf Redevelopment Project has been planned so that it will contribute to the district and the City as a vital, mixed-use development appropriate to its important downtown waterfront site. The Proponent for the Project is MA-Russia Wharf, L.L.C., and an affiliate of Equity Office Properties Trust. This prominent site is located at the corner of Atlantic Avenue and Congress Street within a location at the convergence of the Financial District, the Fort Point Channel waterfront, the future Surface Artery, and South Station. The Project is planned as a meaningful extension of the past through the preservation of historic elements. It will add to the growing residential community of this area of Boston, and contribute to the active cityscape by expanding the uses, buildings, and public spaces in Boston's downtown Financial District. The attached **Figure 11-1, Phase 2 Project Area** shows the location of the Project.

The proposed Russia Wharf Redevelopment Project is aligned with public priorities that are shaping this changing area. The specific mix of uses at the site includes Class A office space, a suites hotel, loft-style residences, shops, restaurants, a jazz/blues club, and public open space. Each of these is compatible with each other and the surrounding district, and will add economic and community value to the site and the surrounding area. **Figure 11-2, Proposed Ground Floor Plan**, portrays the ground level of the proposed Russia Wharf Redevelopment Project.

The combination of new uses, open spaces and destinations are planned to serve both residents of Boston and visitors. The Project will preserve the historic Russia Building and the

most significant portions of the Graphic Arts and Tufts Buildings. Some of the new building elements will be arranged below grade (parking) and within the interior of the historic site massing. The other new elements will be set back from the site's edges and rise above the historic massing. In addition to the other benefits, this substantial redevelopment of Russia Wharf will allow restoration of the existing historic building elements and relocation of existing at-grade parking to the below-grade garage.

The development program includes:

- Approximately 50 loft-style housing units and ground floor retail space in the adaptive reuse and restoration of the Russia Building.
- A 300-suite hotel for business travelers, convention visitors, and family and tourist markets. The hotel will also have ground-floor retail space, restaurants, gallery space, a jazz/blues club, café, and a public hotel lobby.
- A 22-story, 500,000 square foot Class A office building that will be above and set back from the facades of the Graphic Arts and Tufts buildings.
- A 1/3-acre waterfront plaza lined with restaurants and cafés and floating piers in the Fort Point Channel for various transient vessels. The project also includes expansion of the Congress Street sidewalk and enhancements to the sidewalks and streetscape of Atlantic Avenue and Congress Street.
- Removal of parking from the waterside pier and from interior ground-floor areas and creation of a 512-space underground parking garage for residents, hotel users, employees, and visitors to the public attractions at Russia Wharf and in the surrounding cultural district.

Analyses of the proposed Russia Wharf Redevelopment Project are presented through the MEPA/Article 80 process and include assessment of the Project's effect on air quality, transportation, pedestrian level wind, shadow, daylight, solar glare, noise, historic resources, flood hazard districts, groundwater and geotechnical considerations, wetlands and water quality, solid and hazardous waste, as well as construction period impacts. Those analyses demonstrated that the Project has no significant adverse environmental impacts on the natural and built environment. These analyses also demonstrated that the Project will result in significant public benefits, particularly as they relate to Chapter 91, by allowing the conversion of a fully licensed but non-compliant waterfront site into a Project that fully protects and enhances the public interest in the access, use and activation of the waterfront of the Fort Point Channel.

### **11.1.2. Chapter 91 Licensing History and the Public Planning Process**

The Phase 2 MHP process follows the successful public involvement in the preparation and review of Phase 1 of the Fort Point Downtown Waterfront Municipal Harbor Plan. For Phase 2, numerous public meetings were conducted in the preparation of the Plan. The Russia Wharf site has a long established Chapter 91 licensing history that is summarized below. The formal public and agency review process of the Russia Wharf Redevelopment Project was initiated with the submission of a Project Notification Form/Environmental Notification Form on July 1, 2002. The status of the City and State environmental review process is summarized below.

### ***DEP Waterways Program***

#### **Original licenses for the Russia Wharf complex:**

- License No. 1908 May 1896
- License No. 1909 May 1896
- License No. 2422 October 1900

#### **Subsequent actions related to the DEP Waterways Program:**

- Chapter 564 of the Acts of 1979 1979
  - Legislation making the original licenses irrevocable
  - Legislation releasing any interest of the Commonwealth southeasterly of the primitive extreme low water line.
- Chapter 457 of the Acts of 1982 1982
  - Legislation requiring public access along a Harborwalk
- License No. 5065 June 14, 1996
  - CA/T Project and Massachusetts Highway Department (MassHighway) for pile-supported water transportation docking facility.
  - Modification authorizing revised design of Harborwalk along Tufts Wharf, connecting Congress Street to water transportation terminal January 25, 2000
- Amnesty License No. 7735 for existing improvements July 1999
- License No. 7725 for MBTA Silver Line improvements: modification to allow dredging for boat access March 11, 1999

#### **Massachusetts Environmental Policy Act (MEPA)**

- ENF – Russia Wharf Redevelopment Project June, 2002
- ENF Public Meetings July 2002
- EOECA Certificate on the ENF September 2002
- Draft EIR February 2003
- EOECA Certificate on the Draft EIR May 2003

#### **Boston Redevelopment Authority (BRA) Article 80**

- PNF – Russia Wharf Redevelopment Project June 2002

- BRA Scoping Determination September 2002
- IAG Appointment July 2002
- PNF Public Meetings July 2002
- Draft PIR February 2003
- Preliminary Adequacy Determination on the Draft PIR June 2003

### ***Other Permits and Approvals***

The Russia Wharf Redevelopment Project will also be subject to individual permitting and approvals processes including but not limited to a Chapter 91 License from DEP in coordination with CZM, Massachusetts Historical Commission Section 106 Review, Section 401 Water Quality Certification, Sewer System Connection Permits, Boston Conservation Commission Order of Conditions, Wetlands Permit, and associated building and construction permits. The Project will be subject to zoning review under the Article 80 process and the PDA overlay district process. A more detailed description of the site's existing conditions and permitting is presented in **Section 11.2**.

### ***Municipal Harbor Planning Committee Meetings***

The Russia Wharf site and the redevelopment proposal were included as a topic during the preparation of the Phase 1 Fort Point Downtown Waterfront Municipal Harbor Plan through a presentation by the Proponent and review of relevant information during a series of scheduled meetings in 2002.

As a Phase 2 development project, the Russia Wharf Redevelopment Project has been the subject of additional presentations, submittals and related discussions that occurred during a series of meetings between December 2002 and June 2003, in which relevant impacts, substitutions, offsets and other public benefits were considered.

### ***Russia Wharf Impact Advisory Group Meetings***

As part of the City of Boston review process, the Russia Wharf Impact Advisory Group (IAG) was instituted in July 2002. The IAG is composed of interested parties, appointed by the Mayor, who review the impacts of a proposed project and provide input on mitigation strategies. It assisted the Boston Redevelopment Authority in determining appropriate mitigation for the Russia Wharf Redevelopment Project. A series of meetings was held in 2002 and 2003 for the purposes of presenting information on the Project, reviewing the impact evaluations, and collecting comments and input.

### ***Boston Civic Design Commission Meetings***

The Russia Wharf Redevelopment Project has been subject to design review by the City of Boston Civic Design Commission (BCDC). The Project was the subject of a series of presentations and discussions in 2002 and 2003 before both the entire Commission and a design review subcommittee selected to undertake detailed reviews. This process culminated in unanimous vote by the BCDC to approve the design and massing of the Project on May 6, 2003.

### ***Public Agency Meetings***

As part of the planning and design coordination efforts, the Proponent has conducted presentation and discussion meetings with public agencies and elected officials to further

improve the design of the Project and to identify the appropriate public benefits that will be associated with the Russia Wharf Redevelopment Project.

Among the City agencies and their representatives included in this effort are the following:

- Boston Redevelopment Authority
- Boston Conservation Commission
- Boston Transportation Department
- Boston Environment Department
- Boston Landmarks Commission
- Boston Parks Department
- Boston Public Works Department
- Boston Air Pollution Control Commission
- Boston Water and Sewer Commission

Among the agencies, commissions, and related authorities included in the state coordination process were:

- Massachusetts Highway Department
- Massachusetts Turnpike Authority
- Massachusetts Historical Commission
- Massachusetts Department of Environmental Protection
- Executive Office of Environmental Affairs
- MEPA Office
- Coastal Zone Management Office
- Massachusetts Port Authority
- Massachusetts Convention Center Authority
- Massachusetts Bay Transportation Authority

### ***Other Meetings***

In addition to those meetings conducted as part of the above formal processes, the Proponent has conducted many presentations to interested oversight parties, abutters and advocacy groups and their representatives. A detailed list of organizations is included in **Appendix 11A**.

## ***11.2. Existing Conditions***

The Russia Wharf Redevelopment Project site is comprised of a group of buildings and improvements collectively known as Russia Wharf. The Project site includes approximately 2.2 acres (about 95,000 square feet) of land and water. While the site's history stretches back to the colonial era, the current commercial complex has been in place for over 100 years. The improvements include three office buildings that are interconnected through lobby areas that

have been placed in former service alleyways. The buildings are the Russia Building (530 Atlantic Avenue), the Graphic Arts Building (270 Congress Street) and the Tufts Building (286 Congress Street). They have different floor heights, but all have seven stories. Restaurant, retail and parking uses occupy most of the ground floor. A waterside pier serves as a parking lot, and will contain a segment of the Harborwalk upon completion of ongoing construction within that area of the site. In addition, a portion of the MBTA South Boston Piers/Fort Point Channel Silver Line Transitway Project tunnel is being constructed under the existing buildings.

The Russia Wharf Redevelopment Project site is bordered by Congress Street and the Federal Reserve Bank on the south, the 500 Atlantic Avenue property to the north, the Fort Point Channel to the east, and Atlantic Avenue and the future Surface Artery corridor/Rose Kennedy Greenway to the west. South Station is located one block south of Russia Wharf, and the completed Transitway will be approximately 2.5 blocks away.

**Figure 11-1, Phase 2 Project Area** shows the location of the Russia Wharf Redevelopment Project area and the site's relation to neighboring buildings, the Fort Point Channel, nearby South Station and the surrounding roadway system. The surface roadway system as shown assumes a depressed Central Artery and a new Atlantic Avenue/Purchase Street surface arterial.

**Figures 11-2, 11-3, 11-4, 11-5** illustrate historic and existing conditions of the Project site: Historical Photographs, Existing Conditions Photographs, and Existing Ground Floor Plan.

### ***11.3. Planning and Design Context***

The Russia Wharf Redevelopment Project has been planned to be compatible with the historic context, surrounding projects and public initiatives along this part of Boston Harbor through extensive coordination over a several year period.

#### **11.3.1. Historic Context**

The Russia Wharf site has a 250-year history related to the changing economic needs of the City and the district in which it is located. It was originally improved in colonial times for the maritime-oriented community. A pier was extended to help serve an active shipping trade to Russia, which occasioned the name for the site. Through the late 1700s and early 1800s, the site remained part of the active maritime waterfront serving the international trade. However, this use had declined by the time of the Civil War. The decaying structures on the site were destroyed in the Great Boston Fire of 1872. Rubble and debris from the fire were dumped at the site during the subsequent period of reconstruction of the downtown.

The complex of buildings now known as "Russia Wharf" were constructed in the late 19th century as part of the emerging downtown industrial and commercial economy linked to rail access. The buildings were constructed in 1897 and were designed as contemporary structures serving the need for various light industrial space and commercial purposes.

The building complex was reorganized to provide Class "B" office space in the early 1980s. At that time, the historic access alleys between the three buildings were filled with lobbies to connect the inconsistent floor levels. A continuous band of parking was created along the north side of the site within the building structures leading out to a parking deck on the pier with a curb cut along Congress Street. As it exists today, the complex of buildings does not meet contemporary needs because of its aged condition and inefficient configuration. After a period of over 100 years, the improvements are nearing the end of their economic life, and

require substantial reinvestment in order to contribute to the future needs of the City and the district that surrounds the site.

### **11.3.2. Central Artery/Tunnel Project and the Rose Kennedy Greenway**

The Russia Wharf Redevelopment Project area is adjacent to a segment of the Central Artery/Tunnel (CA/T) Project and the Rose Kennedy Greenway that will be constructed above the depressed highway. As part of the community commitments for the project authorized by the Secretary of the Executive Office of Environmental Affairs in the CA/T MEPA certification, the three surface parcels have been designated for redevelopment by the Massachusetts Horticultural Society. This location within the Financial District was chosen, to a great degree, because it offered the opportunity to provide a major horticultural facility within the densely used center of the region convenient to many office workers, residents, and visitors. The planning for what is called the Garden Under Glass anticipates the environmental conditions that will occur within this portion of the City. The Massachusetts Horticultural Society has proceeded with the planning for the Garden Under Glass during the preparation of the MHP, and the prospective use and their location are considered part of the future conditions for the Russia Wharf Redevelopment Project area.

### **11.3.3. 500 Atlantic Avenue Project**

The 500 Atlantic Avenue development was approved as part of the Phase 1 Municipal Harbor Plan. The CA/T Project is completing a 240-foot tall vent structure for the depressed Central Artery on this site. There is an agreement between the owner of the parcel, Intel Boston 500 Atlantic (formerly Boston Edison Company), and the Massachusetts Highway Department for construction of a 20-story mixed-use commercial building on the site with more than 300 parking spaces. The building is designed to surround the ventilation stacks, screening the vent structure from view. The building will house a hotel and residential units. The 500 Atlantic Avenue building structure will be approximately 240 feet in height, and the rooftop mechanicals and ventilation hood extensions will extend to 287 feet. The project also will include the creation of significant public amenities, including almost 50,000 square feet of waterfront and related open space on the site, a public landing area and interior and exterior accessways to the waterfront. The site in 2004 will be the location for the water transit terminal to be constructed by the CA/T Project, which will also provide an operations subsidy through 2004. The City's Water Transportation Plan regards this terminal as a secondary site terminal serving inner harbor water shuttles and water taxis for pick-up and drop-off.

### **11.3.4. MBTA South Boston Piers/Fort Point Channel Transitway Project**

In 1987, the MBTA conducted a four-month feasibility study to provide "a preliminary evaluation of new public transit service alternatives to meet the travel demands of future development in the South Boston Piers/Fort Point Channel area" (MBTA, FEIS/FEIR, South Boston Piers/Fort Point Channel Transitway Project, December, 1993). The consensus reached in this study was "that any new service must emphasize connections to current MBTA rail lines to provide service to as many of the regional corridors as possible with minimum transfers."

The 1987 feasibility study was followed by an extensive economic and environmental review through the federal and state EIS/EIR process. The Locally Preferred Alternative which emerged from this review was the South Boston Piers/Fort Point Channel Underground Transitway Full Build Alternative: a 1.5 mile underground "Transitway" tunnel from Boylston Station to the World Trade Center combined with surface bus operations on streets

with minimal projected congestion. Five underground Transitway stations and several surface bus stations will provide connections to the Red, Orange and Green lines, as well as inter-city and commuter bus and rail services. This new MBTA service line is known as the "Silver Line."

The route of the Silver Line Transitway tunnel between South Station and the South Boston Piers area follows Atlantic Avenue from South Station to a point west of Russia Wharf. At that point it turns easterly to pass beneath the Russia Building at the corner of Atlantic Avenue and Congress Street, the Graphics Arts Building at Russia Wharf, the southeast corner of the 500 Atlantic Avenue Phase I Area site and the Fort Point Channel. The portion of the tunnel from South Station to the eastern side of the Fort Point Channel is being built concurrently with the depression of the Central Artery in this section.

The subsequent development of the mixed-use project at Russia Wharf has been constrained by the location of this tunnel in terms of the siting and configuration of future Project elements. It has also been constrained relative to the timing of construction. However, the Russia Wharf Redevelopment Project has been coordinated with the Silver Line so that both projects can be fully and properly constructed and provide the public benefits intended. The Proponent intends to proceed with construction upon completion of the Transitway segments below the site, which is scheduled for spring 2004.

### **11.3.5. Applicable Zoning**

The Russia Wharf Redevelopment Project site is located within the Downtown Interim Planning Overlay District (Downtown IPOD). The underlying zoning district is M-4. According to the Boston Zoning Code (Section 27D-6), the Downtown IPOD supersedes the zoning provisions of the underlying M subdistrict except for building height and floor area ratio (FAR) standards, which are governed by the more restrictive of the standards. There is no maximum height in the M-4 subdistrict; the Downtown IPOD provides an as-of-right maximum height of 125 feet. The M-4 subdistrict provides for a maximum FAR of 4.0.

Although the City is seeking changes to the numeric standards of the Waterways Regulations through this Municipal Harbor Plan, the matter of zoning will need to be addressed through a separate zoning process. As with other planning areas in Boston, the range of options include variances through the Board of Appeal, applications for Planned Development Areas, and/or changes to the planning area's underlying zoning.

## ***11.4. Russia Wharf Redevelopment Project Description***

### **11.4.1. Project Design**

The Russia Wharf Redevelopment Project will consist of a combination of renovations and new construction designed to provide a link to the historic past and express a compatible but contemporary character. The composition includes elements that will maintain the scale and architectural features of the historic seven-story buildings that are on the site. The Russia Building at the corner of Congress Street and Atlantic Avenue will be preserved and adaptively reused as housing with retail uses on the ground floor. The Project also includes the preservation of historically significant façades of the Graphic Arts and Tufts Buildings along Congress Street and the Fort Point Channel. The interior portions will be reconstructed for hotel, hotel lobby and office lobby uses, with a variety of shops, restaurants, a café and jazz/blues club at the ground floor. A key design feature will be the restoration of Nelson Court, which was once the access alley between the Russia and Graphic Arts



Buildings. The brick walls and window openings that flank Nelson Court will be restored, and much of the seven-story volume will be enclosed in a dramatic atrium that will feature a sculpture gallery.

The upper floors of the development will consist of a combination of hotel and office uses. The facades will be composed of contemporary materials organized to recall colors, scale and textures associated with the historic facades at the site. A spire, acknowledging the landmark importance of the urban connection between two great city corridors – Congress Street and Atlantic Avenue, will mark the corner of the office element above Nelson Court.

The landscape design for Nelson Court will feature materials, colors and textures of the waterfront to create a unique and site-specific character. The landscape architecture of the harborside plaza has been designed as an attractive place that is conducive to a wide range of activities and supports the water-dependent uses in the Fort Point Channel. Two small clusters of trees will provide shade and soften the visual quality of the space. A canopy structure next to the Tufts Building will provide seasonal shade and protection for outdoor dining and seating. Moveable chairs and tables will be available at no cost to the general public to find a place that suits their comfort and interest, and seasonal plantings, artwork or special events will be used to create a changing pattern of amenity suited to this waterfront location. The streetscape design of Congress Street will feature a widened sidewalk and street trees, and the Atlantic Avenue sidewalk will be consistent with the Rose Kennedy Greenway. Paving materials within the sidewalks and waterfront plaza will include unit materials that complement the character of the neighboring 500 Atlantic Avenue site design and are consistent with principles of universal design. Contrasting materials will also be used to create interest and variety linked to the waterfront character of the surroundings.

#### **11.4.2. Urban Design**

The urban design of the Russia Wharf Redevelopment Project has been created to preserve the characteristic massing and architecture of the 19<sup>th</sup> century commercial district of the past, while adding new elements that are consistent with a flourishing Financial District that is a key part of Boston's future. The organization of the ground floor elements has been created to provide an inviting and interesting environment for pedestrians and pleasant connections to, from and through the site. The organization and design of the new building elements has also been undertaken to create an appropriate environment at the ground plane that will be conducive to the pedestrian and water-dependent activities within the site and the surrounding areas.

The composition of uses and architecture on each side of the Russia Wharf Redevelopment Project has been designed to be compatible from a visual and programmatic perspective. These relationships are illustrated in **Figures 11-12 and 11-13, Proposed Project Perspectives from the Fort Point Channel and Proposed Project Perspective Views: Congress Street and Atlantic Avenue**. The fully restored Russia Building will maintain its historic relationship to the street and provide a seven-story edge to the new Rose Kennedy Greenway; new office elements will rise well behind the Atlantic Avenue edge. Along Congress Street, the pattern of facades and alleyways will be retained to provide the continuity of scale and character that are well suited to this major urban corridor. The new office and hotel elements will be set back from the traditional building elements to respect this relationship. Along the Fort Point Channel waterfront, the restored Tufts Building façade will retain its historic appearance and a scale that is well suited to the new public space that will lead to the water's edge; taller building elements will be set back from the restored façade. The Project will create new facades along the lower levels of the 500 Atlantic /CA/T Project

Public Accessway. These facades will include windows into ground floor retail and restaurant spaces to enhance the pedestrian environment, and will have a connection through Nelson Court as a new pedestrian path. As with the other sides of the Project, the taller building elements will be set back from the site boundaries along this edge of the Russia Wharf Redevelopment Project.

### 11.4.3. Massing

The overall massing of the Russia Wharf Redevelopment Project has been designed to be compatible as a mid-scale component of the Financial District that surrounds it, to respect the historic elements that will be preserved, and to support a ground-level environment that is conducive to the civic and water-dependent activities that are appropriate to the Fort Point Channel. The overall massing and its relationship to the surroundings are illustrated in the **Figure 11-12, Proposed Project Perspectives from the Fort Point Channel**. This illustration indicates an overall massing that maintains the form of the historic buildings and provides setbacks for the new building elements above. The building steps back and upward from the water's edge. It is also an intermediate element in the stepped massing of buildings that proceed along the Fort Point Channel waterfront, from lower scale elements such as 470 Atlantic Avenue to the large scale tower of the Federal Reserve Building that forms a prominent part of the downtown skyline.

This massing has environmental advantages for the ground level, as discussed in **Sections 7.7.5 and 7.7.6** and as shown in **Figures 11-12 through 14** and **Figures 11-A and B**. It limits net new shadows so that they fall within the acceptable criteria established in this MHP for the Fort Point Channel and the Harborwalk. The stepped massing is also an effective strategy to avoid wind impacts and achieves the criteria for an appropriate ground level environment.

### 11.4.4. Building Dimensions

Relevant dimensions of the site and the Russia Wharf Redevelopment Project are summarized in **Table 11-1**.

**Table 11-1, Site and the Russia Wharf Redevelopment Project Dimensions**

Site Area (approximate)	95,132 square feet (SF)
Site Area Landward of Project Shoreline	86,440 SF
Russia Wharf Building Footprint	65,130 SF
Open Space	
• Currently Licensed	21,058 SF
• Ch. 91 50% of Area	43,220 SF
• Preferred Alternative	21,000 SF approximately

**Table 11-1 (Continued)**

Building Height	395 feet
Gross Building Area	942,000 SF
Parking	
• Commercial	62 spaces
• Private	450 spaces

Note: Building height refers to the top of occupied floors not including rooftop mechanicals and architectural features. However, the diagrams, renderings and the wind and shadow analyses include the rooftop mechanicals and architectural features.

#### **11.4.5. Project Benefits**

The Russia Wharf Redevelopment Project will create public benefits linked to City and Commonwealth policies and plans. The Project will retain and preserve important historic elements of this part of the harbor, while creating a mixed-use transit oriented development that provides important design, economic, social, environmental and transportation improvements. A list of the Project benefits is provided in Appendix 11B.

#### **11.4.6. Site Plans**

The site plans of both the existing condition and the proposed Russia Wharf Redevelopment Project are illustrated in **Figures 11-4 and 11-5, Existing Ground Floor Plan and Proposed Ground Floor Plan**. The site plans indicate where parking and access will be relocated, how Nelson Court will be reopened and made available to the public with a sculpture gallery and office building entry/lobby. The site plan of the proposed improvements also illustrates how new ground floor uses will animate the edges of the sidewalks and create new public open spaces. This site plan also shows how new boat slips will be configured along the water's edge.

#### **11.4.7. Site Access and Activation of Open Space**

Site access under the current condition will be substantially expanded through activated open spaces as indicated in both the ground floor diagrams and the illustrations of open space, as defined by Chapter 91 and indicated in **Figures 11-6 and 11-7, Existing Chapter 91 Open Space and Proposed Chapter 91 Open Space**. Under the current condition, site access is limited to the approaches to the building lobbies along Congress Street and Atlantic Avenue and along a 15-foot wide segment of the Harborwalk that connects the Congress Street sidewalk and the 500 Atlantic Avenue site. There are no amenities to activate the accessways under the current conditions.

In contrast, the proposed Russia Wharf Redevelopment Project will create a public plaza that fills the entire area of the waterside pier. It will be entirely accessible to the public and may be entered along its entire border with the Congress Street sidewalk and from the 500 Atlantic Avenue site. The design and programming of the open spaces for the site will create an active, highly accessible and well-maintained waterfront that is supported by an array of public amenities and characterized by an ease of movement along the waterfront. This open space will be a unified and cohesive system that celebrates and enhances the waterfront while respecting its marine uses.

This waterfront open space will be activated by the hotel restaurant and a café as part of “Restaurant Row” and an entertainment venue, such as a café jazz/blues club with seasonal outdoor service, the entrance to a hotel lobby, seasonal events and displays and the activities associated with the boating facilities at the water edge. The Congress Street sidewalk will be substantially widened and lined with shops, lobbies and the entrance to Nelson Court. Nelson Court will include a sculpture gallery and provide for both indoor and outdoor environments for pedestrians.

The Project will also contribute to the activity and attractiveness of adjacent open spaces. Under the existing conditions, Russia Wharf presents a blank wall several stories tall along the entire length of the 500 Atlantic/CA/T Project Public Accessway. Under the proposed condition, it will be activated at its entrances through ground floor windows into retail and restaurant spaces, and an entrance into Nelson Court. Similarly, Atlantic Avenue will be lined with active retail uses with a center entrance to the residences and retail space.

### ***Public Access to the Waterfront***

Under the existing conditions, public access along the waterfront within the Russia Wharf Redevelopment Project site will consist of a 15-foot wide Harborwalk segment along the seaward edge of a concrete pier, the remainder of which is used for parking, loading and access to the parking spaces within the Russia Wharf complex. This Harborwalk segment, constructed by the CA/T Project, connects the Congress Street sidewalk to the adjacent Phase 1 500 Atlantic Avenue development area and water transit terminal. Under the terms of the Chapter 91 Amnesty License, Russia Wharf will provide maintenance of this Harborwalk. Additional existing public access to and along the waterfront will consist of the Congress Street sidewalk (approximately 10 feet wide) and the adjacent 500 Atlantic/CA/T Project Public Accessway (40 feet wide, upon completion).

A primary goal of the open space plan for the Russia Wharf Redevelopment Project site is to expand the quantity and quality of public access to the waterfront. This will be accomplished, in part, by converting the existing parking and loading area into a waterside plaza, a publicly accessible space with free public seating, creating new connections with the entire adjacent edges of the Congress Street sidewalk, the Fort Point Channel, the 500 Atlantic Avenue Project and the uses along the edge of the Tufts Building. This edge will be entirely composed of facilities of public accommodation, including a hotel lobby, a restaurant, a café and an entertainment venue, such as a jazz/blues club.

Public access to the waterfront will also be enhanced through the provision of floats and slips connected by gangway to the Harborwalk, and with the potential to also connect the floats to the adjacent ramps and floats of the future ferry terminal. The slips will be used for water taxi stops, touch-and-go boat access, a dinghy dock, short-term public boat docking, and for charter fishing boats.

The Project will also expand the Congress Street sidewalk to a width of approximately 18 feet, creating an improved passageway for the high volumes of pedestrians expected along this important link between the Financial District, the Rose Kennedy Greenway, the Fort Point Channel, the Children’s Museum and the Fort Point Artists’ community.

The Atlantic Avenue sidewalk will be improved to match the character and quality of the adjacent site improvements and the program of sidewalk improvements that will be part of the Rose Kennedy Greenway Project.

The Russia Wharf Redevelopment Project will re-open the historic access alley known as Nelson Court. It will connect the 500 Atlantic/CA/T Project Public Accessway and the

Congress Street sidewalk through a ten-story tall atrium and lobby space that will be another facility of public accommodation that is part of the Project design, offering another option for public access.

### **Harborwalk**

As noted in the Phase 1 MHP, the Harborwalk is the centerpiece of the City's goal to provide public access to the waterfront. Since the initiation of Harborpark by the BRA in the early 1980s, when the goal of a creating a continuous 47-mile waterfront walkway along Boston Harbor was first adopted, the City has been working diligently in partnership with private developers, property owners and Harbor advocates to improve waterfront sites and realize this goal. The Russia Wharf Redevelopment Project will enhance the segment that will stretch between Congress Street and Seaport Boulevard.

The Harborwalk, being built by the CA/T Project as a mitigation measure and the MBTA, will include a minimum designated width of 15 feet, exceeding the City's Harborwalk minimum width standards. The developers of the Russia Wharf Redevelopment Project will maintain this segment of the Harborwalk. It will help serve as a connection between Congress Street and the new ferry terminal at the 500 Atlantic Avenue site. The Russia Wharf segment, which will include interpretive signage consistent with the BRA's Historic Piers Network, will have a broad and continuous public open space along its landside edges, creating many pedestrian choices for circulation and providing a direct connection to the boating uses along the Fort Point Channel edge of the site.

The City's Harborwalk signage program is another important component of the Harborwalk that has been incorporated into both the Phase 1 and Phase 2 MHP for the Fort Point Downtown Area. The signage program is a graphic system developed to direct people to and along the Harborwalk and to nearby public amenities, such as the water transit station or public restrooms, to parks and open spaces, to cultural venues, and to historic exhibits — in essence to help pedestrians make the most of their waterfront experience. The Russia Wharf Redevelopment Project will incorporate site-appropriate signage as part of this program.

## **11.4.8. Programming and Activation of Public Spaces**

### ***Historic Programming***

The Russia Wharf Redevelopment Project represents an important opportunity to help convey several of the historic themes that distinguish the Fort Point Channel area in general, and the Russia Wharf site in particular. In addition to the preservation of the historic architectural elements that compose the 19<sup>th</sup> century complex on the site, the following programmatic enhancements are included in the Russia Wharf Redevelopment Project:

- Interpretive elements: historic interpretive elements and displays within the public open spaces and facilities of public accommodation that communicate the economic and cultural heritage of the site and the activities that occurred there.
- Commemorative signage: signage to commemorate the site's history
- Congress Street Bridge lighting: lighting enhancements for the historic Congress Street Bridge
- Congress Street Bridge historic marker: a plaque describing the history and engineering features of the bridge.

### ***Cultural Programming and Signage***

The Russia Wharf Redevelopment Project includes cultural programming and associated signage improvements that will make this part of the Fort Point Channel waterfront more attractive to the public and enhance the enjoyment of the harbor and harbor front. Among the specific elements included in the Russia Wharf Redevelopment Project are the following:

- Outdoor events in the waterfront plaza: The Proponent has designed the waterside plaza to provide a flexible space that will be used for free cultural festivals and special events, similar to those at Rowes Wharf.
- Sculpture gallery: A sculpture court has been programmed for an area within the restored Nelson Court.
- Live music performance: A jazz/blues club has been programmed for a ground floor space adjacent to the waterside plaza, which will include outdoor seating as part of “Restaurant Row” that is part of the Fort Point Channel Watersheet Activation Program.
- Visitor information: Information and promotion for Fort Point area events and attractions will be located in the new waterside plaza near the edge of the Congress Street sidewalk or within the hotel lobby.
- Coordinated wayfinding and historic signage with abutting properties.

### ***Public Space Amenities***

In order to maximize the public’s use and enjoyment of the waterfront, a mix of public amenities will be located throughout the Russia Wharf Redevelopment Project site. Among the amenities that have been included in the Project are:

- New floating slips directly linked to the public space with a water taxi stop, touch-and-go public docking, short term public recreational boat docking, charter fishing boat docking, and dinghy docking for boats moored or berthed in the harbor.
- Publicly accessible restrooms within the hotel available 24 hours a day/7 days a week regardless of patronage.
- Sculpture gallery.
- Facilities of public accommodation adjacent to the principle public spaces including shops, restaurants and a café/jazz/blues club, a hotel lobby, and an atrium space within Nelson Court.
- Landscaping enhancements to the public plaza including trees.
- Visitor information.

Some of the amenities have been specifically designed to provide flexible use of the space, responding to changing seasons and the personal preferences of the public users of the site. These include:

- Outdoor seating and dining areas to help form “Restaurant Row” along the Fort Point Channel.

- Seasonal canopies to provide shade from the sun in the plaza.
- Moveable chairs and tables available to the public free of charge so that visitors to the waterside plaza can place them in locations and arrangements most suited to their own comfort and preferred location within the space.
- Seasonal plantings in containers.
- On-site bicycle racks.

#### **11.4.9. Sustainability**

##### ***Sustainable Design and Operations***

The Russia Wharf Redevelopment Project has been planned and designed to contribute to a sustainable environment. The entire development program has been conceived within a framework of Smart Growth on a regional basis, through its transit-oriented concentration of uses within the region's most densely developed core that is served through substantial previous investment in infrastructure. The Project employs many transportation management measures to support a favorable travel mode of distribution, including access to South Station and the future water transportation terminal at 500 Atlantic Avenue. The building will employ energy-efficient mechanical and electrical systems that best contribute to environmental sustainability and will participate in the US EPA Energy Star Program. The owners will investigate the possible co-generation of electrical power on-site, and proceed with its use if it is approved and cost-effective. The Project also includes measures to improve water quality in Boston Harbor through stormwater management and Best Management Practices ("BMPs").

#### **11.4.10. Universal Accessibility**

The Project has been designed to meet contemporary standards and practices of universal design, substantially improving the existing circumstances at the site. Among the principles that have been included in the design are the following:

- Equitable use: The design is equally useful, appealing and safe for all users.
- Flexibility in use: The design of the open space at the site accommodates a wide range of individual preferences and abilities.
- Simple and intuitive use: The design of the open space within the Russia Wharf Redevelopment Project is easy to understand, regardless of user's experience, knowledge, language skills or concentration level.
- Perceptible information: The design of the open space will communicate necessary information effectively to users, regardless of ambient conditions or the user's sensory abilities, including tactile signage. A uniform and legible system of wayfinding signs with standard fonts, size and color, will be implemented, as well as the use of landmarks as cues to orientation. These will be standardized throughout the district.
- Tolerance for error: The design minimizes hazards and the adverse consequences of accidental or unintended actions.
- Size and space for approach and use: Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

- Accessibility: The proposed building will include amenities that support the water-dependent features of the Project, as well as representing destination points in and of themselves. These amenities include the use of the ground floor as a weather-protected accessway to the wharf and waterfront, public restaurants and cafes, art and cultural exhibits and publicly accessible restrooms. A float connection for handicapped access will be created with the adjacent handicapped-accessible ferry terminal float system, if necessary agreements and permits with necessary parties and public agencies can be created.
- Maintenance: The property owner will properly maintain and manage the specific elements of walkways, parks, landscape, surface and water's edge of the development, in compliance with the Municipal Harbor Plan Maintenance Standards for Public Realm Land and Water's Edge included as **Appendix 11-C**.

#### **11.4.11. Activation of the Watersheet**

The Russia Wharf Redevelopment will enhance watersheet activation through improvements, operations and commitments to the Fort Point Channel area. This aspect of the Project has been closely coordinated with the Fort Point Channel Watersheet Activation Plan, the Fort Point Working Group, and Fort Point Channel abutters so that it supports its recommendations. Specific actions will include the installation, maintenance and operation of floating slips and a connecting ramp for water taxis, dinghies, touch-and-go docking and short-term public docking. The docking system running parallel to the pier will create an additional link to the proposed Channel Walk West. It will include monetary support for water transportation activities originating in the Fort Point Channel area. The plaza is designed to provide improved access to and from the 500 Atlantic Avenue ferry terminal on the adjacent site.

#### **11.4.12. Activation of the Interior Ground Floor**

Under the existing Chapter 91 license for the Russia Wharf site, the Proponent is obligated to provide 9,800 square feet of Facilities of Public Accommodation that would serve the purpose of activating the interior ground level at the site. This area consists of a portion of the ground floor as indicated in **Figure 11-8, Existing Chapter 91 Facilities of Public Accommodation**.

In contrast to the existing condition, the Russia Wharf Redevelopment Project will provide over 35,000 square feet of such activating facilities, consisting of an array of shops, restaurant, café, hotel lobby, sculpture gallery and other ground level places. This is illustrated in **Figure 11-9, Proposed Chapter 91 Facilities of Public Accommodation**.

### ***11.5. Compliance with Municipal Harbor Planning Framework and Chapter 91 Standards***

This portion of Chapter 11 reviews the Russia Wharf Redevelopment Project and indicates its compliance with the Fort Point Channel Downtown Waterfront Municipal Harbor Planning Principles established as part of the Phase 1 MHP. In addition, the Project's compliance with relevant Chapter 91 regulations and standards is also discussed, and for which substitutions or offsetting public benefits are not required. The subsequent section of this Chapter discusses the substitutions and offsets that will be required for the Russia Wharf Redevelopment Project.



### 11.5.1. Consistency with the Planning Framework

The Russia Wharf Redevelopment Project is consistent with the Planning Principles created and approved as part of Phase 1 of this Municipal Harbor Plan, as summarized below:

#### Orientation and Type of Public Open Spaces

<b>Principles</b>	<b>Consistency of the Russia Wharf Redevelopment Project</b>
Locate open spaces as close to the water as possible, while providing view corridors, pedestrian ways and public streets that physically and visually connect inland open space systems and neighboring areas to the water and the water's edge.	All open spaces are located as close to the water as possible without compromising the historic and cultural value of the architecture resources on the site today. All open areas between the water and the portions of the Project along the Fort Point Channel have been dedicated to open space to create visual and circulation connections.
Design open spaces that promote compatibility between public activities and the needs of navigation, water transportation, and other water-dependent uses.	The waterside public plaza and Harborwalk would be connected to floats and slips for the boating public and water taxis. The floats could be connected to the adjacent ferry terminal at 500 Atlantic Avenue.
Design open spaces that serve public users and strongly discourage preferential access and use by private users.	The open space is designed to provide for flexible use by a range of public users.
Provide 24-hour access, public restrooms, and street furniture for all open spaces and where appropriate phones, water taxi call boxes, water fountains, ferry ticket booths, and rentals for water based activities.	The Project provides 24-hour public access to all open spaces and public restrooms, and will provide street furniture, water taxi call boxes as may be available, and slips for public boating use.
Locate and design open spaces with characteristics that are distinct from inland open spaces.	The waterfront open space has been designed to help provide a waterfront oriented seating and activity area with outdoor dining and cafes, historic interpretive elements, materials and furniture and amenities specifically designed for the waterfront edge.
Locate and design open spaces that attract and maintain substantial year-round public uses that are complemented by new and expanded water-dependent uses and new civic, commercial, residential, hotel, and retail development.	The location and design of the open spaces create a compatible and mutually supportive relationship among year-round public access and the civic uses such as the new boat slips, and new hotel, restaurant, housing, office and retail uses on the site.

**Minimum Standards for Aggregate Open Space and Water-dependent Use Zones**

<b>Principles</b>	<b>Consistency of the Russia Wharf Redevelopment Project</b>
Dedicate space along the water's edge for water-dependent uses.	The Project converts a pier that is largely used for parking into a public open space attached to new boat slips and expands the connection to the adjacent ferry terminal.
Dedicate space along the water's edge for open space and public access.	Unlike the existing condition, the Project will reconfigure the entire pier for open space and public access.
Require Harborwalk to be located within the water-dependent use zone, connecting and extending the Harborwalk system throughout the inner harbor.	The Harborwalk will be within the water-dependent use zone and will serve as a continuous segment of this network.
Plan for water-based facilities that connect functionally and physically with both exterior and interior landside public areas.	The public transient boat slips and water taxi floats will be connected by a gangway to the Harborwalk in the open space that will provide free seating and tables and be lined with restaurant and café uses with inside and outside seating and dining, which will be located not to impede pedestrian flow to the 500 Atlantic Avenue ferry terminal.
Allow for the reconfiguration of water-dependent use zones to aggregate open spaces by allowing a variety of setbacks while maintaining the city's <u>minimum</u> width for Harborwalk.	The Project specifically achieves this goal and would require a minor modification in the dimensions of water-dependent use zone, which would permit the preservation of the façade of the historic Tufts Building consistent with Chapter 91 standards and these Principles.

## Building Heights and Massing

<b>Principles</b>	<b>Consistency of the Russia Wharf Redevelopment Project</b>
<p>Vary building heights and massing with the lower elements located toward the water consistent with the variety that exists in the planning area's urban context.</p>	<p>The Project is composed of stepped massing elements, retaining both the volumes of the historic context on the lower levels and creating a building element consistent with the scale and character of the Harbor Planning areas urban context.</p>
<p>Locate and design building masses that minimize the adverse shadow and wind impacts on the pedestrian environment and watershed, and that also maximize views to the waterfront at street level.</p>	<p>Location and massing result in no significant adverse wind or shadow impacts. Massing includes setbacks and overall orientation to preserve and enhance an appropriate environment at the ground level and to enhance views towards the waterfront, and protect views of key historic elements.</p>
<p>Encourage mixed-use development and concentrate density within walking distance of the South Station Transportation Center consistent with transit-oriented development principles and the planning area's central urban location.</p>	<p>This is a transit-oriented mixed-use project that contains housing, office, hotel, retail, restaurants, boating and public open space uses, all concentrated development within a close walking distance of local and regional rail, bus, subway and water-transportation terminals.</p>
<p>Respect the goals of preserving and interpreting historic and cultural resources.</p>	<p>The Russia Wharf Redevelopment Project preserves, retains and restores building and architecture elements. It will also include exhibits and signage to interpret these resources.</p>
<p>Recognize that existing and planned building heights and massing are constrained by extensive physical public infrastructure in the planning area.</p>	<p>The Russia Wharf Redevelopment Project has been configured, in part, to accommodate the Silver Line Transitway that is being constructed below portions of the site.</p>

**Method(s) for Quantifying Impacts of Substitute Provisions**

<b>Principles</b>	<b>Consistency of the Russia Wharf Redevelopment Project</b>
Establish shadow protection zones for the watershed and adjacent open spaces within Chapter 91 jurisdiction. Develop environmental assessment methods for measuring ground-level impacts in order to identify appropriate levels of offsets.	The Project fully complies with the watershed and Ch. 91 open space shadow protection zone criteria established through the Phase I process. Environmental analyses were performed using computer modeling and wind tunnel testing to establish that the ground level environment will be conducive to the Chapter 91 related activities in the area.

**Criteria for Offsets to Ground-level Adverse Impacts of Substitute Provisions**

<b>Principles</b>	<b>Consistency of the Russia Wharf Redevelopment Project</b>
Implement recommendations of the Fort Point Channel Watersheet Activation Plan to foster public use and access to the waterfront and the watershed throughout the year both through in-kind and out-of-kind offsets and amplifications.	The Russia Wharf Redevelopment Project provides on-site, off-site and financial contributions to implement specific goals and recommendations of the Watersheet Activation Plan. Many of these actions and improvements are linked to the substitute Chapter 91 provisions as Offsets, as noted in this MHP.
Establish offsets that maintain or enhance a physical environment that is conducive to pedestrian and water-dependent activities on the water and the water’s edge.	The Project provides numerous offsetting benefits for each of the substitute provisions. These include a subsidized water taxi stop, touch and go boating access, a subsidized dinghy dock and short-term docking, contributions to the Children’s Wharf Park, expansion of the Congress Street sidewalk, financial support for water transportation activities, provision of a significant new public plaza at the water’s edge, and lighting enhancement of the Congress Street Bridge, among others.
Allow substitutions that can be offset by open space and water-dependent use zones in excess of Chapter 91 baseline requirements.	This principle is not required for the Russia Wharf Redevelopment Project, because existing Russia Wharf buildings are on the National Register.

**11.5.2. Public Access Network – 310 CMR 9.52(1)(b)**

For projects containing a water-dependent use zone, the Chapter 91 Waterways regulations require the inclusion of a pedestrian access network of a kind and to a degree that is appropriate for the Project site and the public water-related facilities at the site. At a

minimum, the network must consist of: 1) walkways and related facilities along the entire length of the water-dependent use zone; wherever feasible, such walkways shall be adjacent to the project shoreline and shall be no less than ten feet in width, except as otherwise provided in a municipal harbor plan; and 2) appropriate connecting walkways that allow pedestrians to approach the shoreline walkways from public ways or other public access facilities to which any tidelands on the project site are adjacent.

The Russia Wharf Redevelopment Project does not require any substitutions for this provision. It may be noted that, although the Waterways Regulations require a minimum walkway width of ten feet, the City's Harborwalk standards require a minimum walkway width of twelve feet (ten feet clear). The City's Harborwalk standard is secured as a substitution in this MHP.

The Russia Wharf Redevelopment Project will include a 15' foot wide Harborwalk adjacent to the water's edge.

### **11.5.3. Open Space and Public Recreation – 310 CMR 9.53(2)(b)**

For nonwater-dependent use projects located on Commonwealth tidelands, that portion of the site not located in the building footprint must include exterior open spaces for active or passive public recreation, such as parks, plazas and observation areas. The amount of such space shall be at least equal to the square footage of all Commonwealth tidelands on the project site landward of the project shoreline and not within the footprint of any buildings, less any space deemed necessary by the DEP to accommodate other water-dependent uses.

The status of the Russia Wharf Redevelopment Project relative to Commonwealth Tidelands will be determined through the DEP Chapter 91 licensing process.

### **11.5.4. Facilities of Private Tenancy – 310 CMR 9.51(3)(b)**

The provisions for facilities of private tenancy are designed to prevent privatization of the waterfront. By controlling the locations where facilities of private tenancy are permitted, the Waterways Regulations seek to ensure that areas adjacent to the water are open and welcoming to the public and available for water-dependent uses.

The Waterways Regulations prohibit locating nonwater-dependent facilities of private tenancy on pile-supported structures on flowed tidelands, or at the ground level of any filled tidelands within 100 feet of a project shoreline.

The Russia Wharf Redevelopment Project does not require any substitutions for this provision.

### **11.5.5. Facilities of Public Accommodation – 310 CMR 9.51(2)(c)**

For projects located on Commonwealth tidelands, the Waterways Regulations require that 100% of the ground floor of structures containing nonwater-dependent uses be devoted to facilities of public accommodation, except for limited areas accessory to upper floor uses.

As noted elsewhere, the status of the Russia Wharf Redevelopment Project relative to Commonwealth Tidelands will be determined through the DEP Chapter 91 licensing process.

#### **11.5.6. New Pile Supported Structures for Nonwater-Dependent Use 310 CMR 9.51(3)(a)**

The Chapter 91 regulations prohibit new pile-supported structures for nonwater-dependent uses from extending beyond the footprint of existing, previously authorized pile-supported structures or pile fields, except where no further seaward projection occurs and the area of open water lost is replaced on at least a 1:1 square foot basis.

The Russia Wharf Redevelopment Project does not require nor include any substitutions for this provision.

### ***11.6. Phase 2 Substitution Requirements and Analysis***

The Russia Wharf Redevelopment Project is in compliance with the dimensional and use standards of Chapter 91 except for the limits of the water-dependent use zone, site coverage, and height. The existing historic complex at Russia Wharf is non-compliant in each of these same three categories, although it is fully licensed through the Amnesty License and other licenses as noted in this Chapter of the Phase 2 MHP. However, the existing condition does not fully meet the purposes of Chapter 91 to provide for tidelands use and public access. Substitute provisions are required in order to allow the development to proceed and achieve the desired Chapter 91 compliance.

The Russia Wharf Redevelopment Project has been planned and designed through an extensive coordination process with the Boston Redevelopment Authority, Massachusetts Department of Environmental Protection, Office of Coastal Zone Management, Municipal Harbor Planning Committee, Boston Civic Design Commission, Massachusetts Historic Commission and other public agencies. This process was undertaken to ensure a balanced development approach that simultaneously fulfills all applicable public goals and policies. The resulting proposed Russia Wharf Redevelopment Project retains the important historic buildings and elements of the site and converts the non-compliant conditions into a Project that provides, protects and enhances water-dependent use and public access. This has been accomplished through careful massing and design of a mixed-use development program that avoids negative impacts while providing amenities, uses and attractions that meet or exceed all applicable Chapter 91 purposes. The following section describes the specific substitutions that will be required.

#### **11.6.1. Substitute Requirement for the Water-Dependent Use Zone 310 CMR 9.51(3)(c)**

The Water-dependent Use Zone (WDUZ), for the purposes of this Municipal Harbor Plan, is defined as the area between the project shoreline and a line running 100 feet inland and parallel to the project shoreline. Under this interpretation, an approximately 2,700 square-foot triangular portion of the existing historic Tufts Building would be within the WDUZ, which is meant to preserve the capacity for water-dependent use of the waterfront. Approximately 2,700 square feet of the building would fall within the WDUZ.

However, the Chapter 91 regulations also call for respecting objects of scenic historic or cultural importance to the waterfront, and are not intended to direct demolition of these resources (310 CMR 9.51(2)(b)).

A substitute provision will be required to establish a consistent and appropriate approach to providing a Water-dependent Use Zone for this portion of the harbor that resolves the conflicting goals of the regulations. The Russia Wharf Redevelopment Project proposes to convert the existing water-edge pier from a primarily non-water dependent use (parking) into a public plaza, expansion of the Harborwalk with a connection to the adjacent ferry terminal at the adjacent 500 Atlantic Avenue site. It also proposes to renovate the historic Tufts Building façade and place a restaurant and café/entertainment venue, such as a jazz/blues club along its ground level, providing part of the “Restaurant Row” called for in the Fort Point Channel Watersheet Activation Plan. Also, moveable chairs and tables will be available to the public free of charge so that visitors to the waterside plaza can place them in locations and arrangements most suited to their own comfort and preferred location within the space. Public restrooms available 7 days a week for a majority of hours and interpretive signage will be provided.

### **11.6.2. Substitute Requirement for Lot Coverage and Open Space 310 CMR 9.51(3)(d)**

The Chapter 91 regulations provide for minimum open space coverage of 50 percent of the project area landward of the project shoreline (86,440 square feet) to accommodate water-dependent uses and public access. This amounts to 43,220 square feet for Russia Wharf. Because the footprint of the proposed Russia Wharf Redevelopment Project has been planned to be very similar to the existing site coverage in order to maintain the historic character and elements on the site, the proposed development would have approximately 25 percent of the site as open space, or approximately 21,000 square feet. This is virtually identical to the existing site coverage proportion.

Conformance with this Chapter 91 standard is not a practical alternative, if the overall massing and character of the existing historic complex is to be preserved as part of the development program for Russia Wharf. Demolition of valuable historic buildings and building elements to expand open space would be in conflict with the Chapter 91 standard that states that historic resources on the waterfront should be protected (310 CMR 9.51(2)(b)).

Expanding the pier over portions of the Fort Point Channel watersheet that are within the Russia Wharf site boundaries could provide additional open space on-site. However, following discussions within the Municipal Harbor Planning Committee and with other agencies, it was determined that reservation of this area for boating use would be more appropriate as a strategy to meet Chapter 91 purposes for this portion of the harbor.

The proposed Russia Wharf Development provides a design approach that converts much of the existing open space coverage from parking use to a public open space, approximately one-third acre in size, directly adjacent to the harbor. It also restores Nelson Court as a visible and publicly accessible amenity that converts portions of the site into a facility of public accommodation, including a sculpture gallery. It provides for a widened Congress Street sidewalk, which serves as a major pedestrian link to and from the Fort Point Channel.

While all of these improvements would enhance public access to and use of the waterfront, a substitute site coverage provision is required in order to allow for these changes and

improvements to proceed, while simultaneously respecting the historic resources of the site area.

### **11.6.3. Substitute Requirement for Height Limitations– 310 CMR 9.51(3)(e)**

The Waterways Regulations prescribe specific height limitations for buildings located within Chapter 91 jurisdictional areas. The proposed Russia Wharf Redevelopment Project would exceed the height limits associated with the standard regulations of Chapter 91. The massing and relationship to the height limits is illustrated in **Figure 11-11, Proposed Project Diagram**. This substitution must address the portions of the existing historic complex that exceed the existing regulatory standards as well as new building elements that would be added to the site. DEP will consider waiving these limitations if the project conforms to an approved Municipal Harbor Plan which specifies alternative height limits and/or other requirements which ensure that, in general, such buildings for nonwater-dependent use are relatively modest in size, in order that wind, shadow, and other conditions of the ground level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor in question.

The massing, wind and shadow analyses conducted for the Russia Wharf Redevelopment Project in the Phase 2 area allow the effects of substitute height provisions to be evaluated in order to ensure that ground level pedestrian conditions remain conducive to water-dependent activity and public access. By identifying the massing, wind and shadow impacts of a representative build-out under the Municipal Harbor Plan height substitutions, and the extent to which they exceed the impacts of a Chapter 91 build scenario, it is possible to ensure that any negative impacts to the ground level environment are offset by appropriate measures that will encourage water-dependent uses and public access.

The new construction has been designed to preserve and enhance valuable historic resources represented by the three existing buildings on the site, in keeping with the purposes of Chapter 91 and 310 CMR 9.51(2)(b) that directs development to be accomplished in a manner that is compatible through “the layout and configuration of buildings and other permanent structures, insofar as it may affect existing and public views of the water, marine-related features along the waterfront, and other objects of scenic historic or cultural importance to the waterfront, especially along sight lines emanating in any direction from public ways and other areas of concentrated public view and activities.”

The proposed Project provides for a new development in a location above and set back from the historic buildings and elements of the Russia Building, the Graphic Arts Building and the Tufts Building. This redevelopment will afford the opportunity to relocate existing parking from a waterfront pier to a below-grade garage, making the pier and waterfront available for a public plaza and other water-dependent uses.

The proposed Project provides for new transit-related mixed-use development that creates expanded uses for Boston’s Financial District, an area of the City and the Commonwealth that can best take advantage of the substantial previous public investment in infrastructure, consistent with smart growth principles.

The substitution proposed would be in keeping with the size and massing of some of the other buildings in its vicinity, and would be moderate relative to taller buildings adjacent to and near the site. The proposed height is appropriate in relation to the Harbor Planning area’s urban context and location in the Financial District and along the Fort Point Channel. From the water’s edge, the Russia Wharf Redevelopment Project is composed of a series of steps from the water’s edge. The first step is the historic Tufts façade, followed by a two-story



increment enclosing the upper floors of the suites hotel. The new office building will be a third step, reaching the highest point on the site. The tallest elements of the project would be well below the heights of nearby office towers, such as the Federal Reserve Building immediately to the south of Russia Wharf.

A similar concept of stepped massing is apparent relative to other existing buildings along the Fort Point Channel. Beginning with 470 Atlantic Avenue Building, the Russia Wharf Development Project would be an appropriate increment in the progression of building heights from 470 Atlantic Avenue, 500 Atlantic Avenue, and leading to the Federal Reserve. This progression is visible in the massing illustration that is included in **Figure 11-12, Proposed Project Perspectives from the Fort Point Channel.**

This resulting size and massing provides a ground level environment that is conducive to the waterfront access and water-dependent uses in the Fort Point Channel area. In part, this is due to the relatively modest change that Russia Wharf would create in the existing environment of tall buildings that characterize this intensively developed area. The results of the wind and shadow analyses support this conclusion.

#### ***Wind Standard***

BRA Wind Standard is described in detail in **Chapter 10, Section 10.2.5.**

#### ***BRA Municipal Harbor Wind Standard***

The detailed wind study for the Russia Wharf Redevelopment Project included a wind tunnel analysis of 68 measurement locations on or proximate to the area under the Chapter 91-compliant massing condition and 72 locations under the proposed build condition. Wind conditions at all locations met the above criteria in both cases, with only three locations reaching Category 4 conditions under the Chapter 91 scenario and with only four locations reaching this level under the proposed build condition. Wind gusts were found acceptable and in compliance with the BRA Wind Standards for all conditions.

#### ***Analysis of Wind Effects***

A wind tunnel analysis of the pedestrian level wind environment was conducted for the Russia Wharf Redevelopment Project. This included a wind tunnel analysis of 68 measurement locations on or proximate to the area for the Chapter-91 compliant massing model and 72 measurement locations for the proposed Russia Wharf Redevelopment Project massing model. The analysis included the build-out of the 500 Atlantic Avenue project. The analysis found acceptable conditions for pedestrian activities under both conditions using the Melbourne wind speed classification system and using the same criteria as employed in the Phase 1 MHP. Of the 68 locations in the Chapter 91-compliant condition, all but three were found to be Category 3 or less. In the proposed condition, all but four locations were found to be in Category 3 or less. Differences between the two conditions were minor, consisting of several increases and decreases in wind at various measurement locations. In both cases, the maximum wind velocities were at the very low end of Category 4, and no locations reached the unacceptable limit of Category 5. Wind gusts were also found acceptable and in compliance with the accepted criteria for all conditions. Given the above, there are no wind-related impacts that would not be conducive to the public access and use of the waterfront appropriate to this area of the harbor. The Russia Wharf Redevelopment Project will study other measures to further improve the ground level pedestrian environment. The Russia Wharf Redevelopment Project also includes strategies to enhance pedestrian comfort, including canopies at building entrances and along "Restaurant Row". The waterside plaza will include seasonal canopies along with moveable chairs and tables for public use so that

individuals can adjust their location and orientation to be most comfortable through different seasons and times.

Complete copies of the pedestrian comfort wind tunnel test report and of the supplemental materials provided to the Municipal Harbor Plan Advisory Committee are provided in **Appendix 11D**.

### ***Shadow Standard***

BRA Shadow Standard is described in detail in Chapter 10, **Section 10.2.5**.

### ***Analysis of Incremental Shadow Effects***

A detailed shadow study has been completed for the Russia Wharf Redevelopment Project, including analyses of the existing condition with a Chapter 91-compliant massing and of the proposed Russia Wharf Redevelopment Project. These analyses demonstrate that shadows from the Russia Wharf Redevelopment Project will be largely subsumed by the existing shadows cast by adjacent structures. More importantly, because of the building's location and the orientation of the shoreline along this portion of the Fort Point Channel, the building does not create any new shadow within the open spaces in Chapter 91 jurisdiction and the entire Fort Point Channel watersheet of the MHP area that exceeds the criteria of minimum impact established for this area of the harbor.

Section 9.51 (3)(e) of the Chapter 91 regulations establishes specific height limitations for Chapter 91 jurisdictional buildings. However, these regulations also stipulate that the height limits may be waived "if the project conforms to a municipal harbor plan which specifies alternative height limits and other requirements" such that "wind, shadow and other conditions at the ground level environment will be conducive to water-dependent activity and public access associated therewith, as appropriate for the harbor in question" (emphasis added).

A computer generated shadow analysis was conducted to assess the net new shadow associated with the proposed Russia Wharf Redevelopment Project as compared to Chapter 91 regulatory limits. The analysis demonstrates that the Russia Wharf Redevelopment Project adds marginally to the existing shadows cast by adjacent structures in the densely developed Financial District that surrounds much of the site. Significantly, because of the building's location and the orientation of the shoreline along this portion of the Fort Point Channel, the Project does not create new shadows that would endure for one hour within the Harborwalk or Fort Point watersheet on October 23. This is the designated criterion for impacts for Chapter 91 purposes that has been created in this Municipal Harbor Plan, and is the same as that applied to the Phase 1 MHP.

A complete set of shadow diagrams showing shadows associated with the Russia Wharf Redevelopment Project, the Chapter 91 Compliant Alternative, incremental shadows, and net new shadows are presented in **Figures 11B1 to 25**.

## ***11.7. Substitutions***

Based upon the foregoing, the following substitute provisions are proposed for the Russia Wharf Redevelopment Project. Specific changes to the numeric standards of the Chapter 91 regulations are detailed in Table 11-2.

### **11.7.1. Public Access Network**

- The network must consist of walkways and related facilities along the length of the WDUZ wherever feasible; and the walkways shall be adjacent to the project shoreline and no less than ten feet in width.
- Substitution: The City's Harborwalk standard requiring a minimum walkway width of 12 feet (10 feet clear) replaces the Waterway Regulation of a minimum width of 10 feet.

### **11.7.2. Water-Dependent Use Zone (WDUZ)**

- The water-dependent use zone must extend along the project shoreline to a distance 100 feet landward and parallel to the project shoreline or to the face of qualifying historic structures, whichever is less.
- Qualifying historic structures, such as those at Russia Wharf, are those determined to be valuable resources by either the Boston Landmarks Commission or the Massachusetts Historical Commission.
- Outdoor café and restaurant seating and service may be extended into the landward side of the water-dependent use zone in order to help implement the open space activation goals of the Fort Point Channel Watersheet Activation Plan. Moveable chairs and tables available to the public free of charge will also be provided to achieve a balance of restaurant seating and public space, making certain to prevent a pedestrian choke point to the 500 Atlantic Avenue ferry terminal. Locations will be determined through Chapter 91 Licensing.
- Substitution: Reduce area of WDUZ by 2,700 square feet to accommodate preservation of historic Tufts Building and to implement open space activation goals of *FPCWAP*.

### **11.7.3. Lot Coverage and Open Space**

- The majority of the open space will be provided in a continuous public area along the water's edge extending seaward from the east façade of the existing Tufts Building; all other spaces will be located along public sidewalks and passageways that provide access to the water or to the 500 Atlantic/CA/T Project Public Accessway.
- Canopies, awnings and covers that create a more comfortable environment for the public will not be considered to reduce the calculated open space for Chapter 91 purposes.
- Substitution: Provide 21,000 square feet of open space (approximately 25% instead of 50% required).

### **11.7.4. Building Height**

- A building height substitution is allowed to provide for long-term redevelopment that will convert a site and improvements that are non-compliant into a Chapter 91-compliant site and project. The substitution is also allowed to promote transit-related development within a size appropriate for the Harbor Planning Area's urban context and modest relative to the taller buildings of Boston's Financial District.
- Substitution: Building height may achieve a maximum of 395 feet to the roof of the highest occupied floor.

- Melbourne wind speed of level 5 (dangerous) is prohibited at any location in the Municipal Harbor Planning Area. The Russia Wharf Redevelopment Project complies with this standard.
- Net new shadows must comply with the BRA Fort Point Channel criteria that no net new shadow may endure on the surface of the Fort Point Channel or along the Harborwalk at any time during October 23. The Russia Wharf Redevelopment Project complies with this standard.

### ***11.8. Offsets***

Public benefits provided by the Russia Wharf Redevelopment Project will have offsetting enhancements that meet or exceed any detriment that might be reasonably associated with the proposed substitutions. These may be considered offsets relative to the substitute provisions, as follows:

#### **11.8.1. Public Access Network**

No offset is required because the substitution of a minimum 12-foot width for the Harborwalk is more generous than the Waterways Regulations requirement of a minimum width of 10 feet.

#### **11.8.2. Water-Dependent Use Zone (WDUZ) Offsets**

- Historic interpretive signage and exhibits – Historic interpretive elements provided at a value of \$100,000 will be created, consistent with the City’s Historic Piers Network Plan and documenting site history, including the time during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries when the site was actively used for maritime trade.
- Secondary ramping system from Russia Wharf/Congress Street to Channel Walk West - Improvements for enhanced access valued at \$225,000

#### **11.8.3. Lot Coverage (Open Space) Offsets**

- Enhancements to Children’s Wharf Park – A \$500,000 contribution to enhance the development and/or the long-term maintenance of Children’s Wharf Park.
- Lighting of the Congress Street Bridge: Provision for an enhanced lighting program at a value of \$400,000 for the Congress Street Bridge through lighting design, purchase and installation of the new fixtures, and coordination with the City of Boston Public Works Department, Light Boston’s “Illuminating Boston: The Diamond Necklace,” and the abutters to the Congress Street Bridge. The proposed lighting system will be powered by and maintained by the City of Boston Public Works Department.
- Financial Support for Watersheet Activation – A \$500,000 contribution to support public programming, events, capital improvements recommended by the Fort Point Channel Watersheet Activation Plan. \*

*\*Offsets in the form of funding will be held in escrow and managed by the proposed Fort Point Channel Operations Board.*

### 11.8.4. Building Height Offsets

- Expansion of Congress Street Sidewalk – Expansion of the width of the existing Congress Street sidewalk by eight feet (approximately 4,800 square feet) to create new public open space and improved access for pedestrians at a value of approximately \$350,000.

Table 11-2, Summary of Substitutions and Offsets for the Russia Wharf Development (Continues)

Chapter 91 Regulation	Substitution	Offset
Public Access Network: 310 CMR 9.52(1)(b)	<u>Minimum</u> width shall be 12 (10 feet clear) in conformance with city's Harborwalk standard.	None required
WDUZ: 310 CMR 9.51(3)(c)	<ol style="list-style-type: none"> <li>1. Reduce area of WDUZ by 2,700 square feet to accommodate preservation of historic Tufts Building.</li> <li>2. Reduce area of WDUZ by 2,700 square feet to implement open space activation goals of <i>FPCWAP</i> by providing space for outdoor café and restaurant seating.</li> </ol>	<ol style="list-style-type: none"> <li>1. Historic interpretive signage and exhibits consistent with the BRA's Historic Piers Network Plan (value \$100,000).</li> <li>2. Secondary ramping system from Russia Wharf/Congress Street to Channel Walk West (value \$225,000).</li> </ol>
Lot Coverage and Open Space: 310 CMR 9.51(3)(d)	<p>Site Area Landward of Project Shoreline: 86,440 sf</p> <p>Open Space Ch. 91 50% of Area: 43,220 sf</p> <p>Preferred Alternative: approximately 21,000 sf</p>	<ol style="list-style-type: none"> <li>1. Contribution of \$500,000 to Children's Wharf Park for enhancing its development and/or long-term maintenance.</li> <li>2. Lighting of Congress Street Bridge including lighting design, purchase and installation of the new fixtures, and coordination with the City's Public Works Department, Light Boston's "Illuminating Boston: The Diamond Necklace" and the bridge abutters (value \$400,000).</li> <li>3. Financial support for watershed activation to support public programming, events, and capital improvements (value \$500,000) *</li> </ol> <p>* Funding will be held in escrow and managed by the proposed Fort Point Channel Operations Board.</p>

Table 11-2, Summary of Substitutions and Offsets for the Russia Wharf Development (Continued)

Chapter 91 Regulation	Substitution	Offset
Height Limitations: 310 CMR 9.51(3)(e)	Maximum allowable height may be 395 feet to the roof of the highest occupied floor.	Expansion of Congress Street sidewalk width by eight feet (approx. 4,800 square feet) and public realm improvements on the sidewalk (value \$350,000).

### ***11.9. Watersheet Activation and Water Transportation***

In addition to the public benefits identified in **Section 11.8**, the Proponent for the Russia Wharf Redevelopment Project has proposed to contribute financial, operational and capital improvements to support f the City’s Fort Point Channel watersheet activation goals and to further implement the Watersheet Activation Plan.

These benefits have also been proposed to comply with the draft Department of Environmental Protection Water Transportation Policy. Although this policy has not been formally adopted, the draft DEP Water Transportation Policy is intended to address watersheet activation needs and benefits associated with private use of tidelands. The draft DEP Water Transportation Policy is also intended to establish relevant criteria associated with approval of extended Chapter 91 license terms. In the context of the Fort Point Downtown Waterfront Municipal Harbor Plan, project-related benefits that implement goals and programs of the Fort Point Channel Watersheet Activation Plan fulfill the DEP Water Transportation Policy requirements because this is the most appropriate public benefit for this portion of the harbor.

Public benefits are valued at \$2/square foot of the proposed Project building area. These benefits advance the water transportation and activation purposes within the Fort Point Channel Watersheet Activation Plan. As a result, the Proposed Project complies with the purposes of draft DEP Water Transportation Policy in regard to both baseline requirements and a 99-year Chapter 91 license term and provides public benefits meeting the value guidance in the draft Policy.

The Watersheet Activation benefits have been valued at \$1,900,000 and include:

- Fund for Water Transit Service at the 500 Atlantic Avenue MBTA Water Transit Terminal and/or Support for Transporting Boston School Children Access to the Harbor Islands: This benefit, valued at \$500,000, will be held in escrow and managed by the proposed Fort Point Channel Operations Board.
- Water Taxi Slips and Other Slips for Boating Use: Construction of a floating dock with four finger piers, a connection to the MBTA water shuttle, and water and electric utilities (\$475,000). The water taxi slip will be designed to meet Inner Harbor Passenger Water Transportation Guidelines and include approximately 30-foot berths and low freeboard access.
- Continuous Provision of Free Public Touch-and-Go Docking: Subsidy for free public touch-and-go docking for public access by water taxis and public recreational vessels for the 99-year term (\$445,000 credit; \$670,000 total value).

- Continuous Provision of a Docking for Dinghies and Small Craft: Provision of a subsidy for free, short-term public dinghy and small craft docking for the 99-year term (\$225,000 credit; \$670,000 total value).
- Civic Space for the Friends of the Fort Point Channel: Provision of civic/cultural space for a period of ten years, commencing upon completion of the Russia Wharf Redevelopment Project (\$225,000). If the Friends of the Fort Point Channel does not use the space, the space will be made available on the same terms to another non-profit organization engaged in Fort Point Channel watershed activation.

### ***11.10. Chapter 91 License Term***

An extended Chapter 91 License Term for the Russia Wharf Redevelopment Project is required in order to meet the purposes of this municipal harbor plan in implementing an appropriate approach to land use and public benefits for the Fort Point Channel. The issuance of a 99-year term license is necessary to provide for new structures that will have a life of at least 99 years, as have the existing structures on the site. Substantial reinvestment in the site is required in order to convert a site that is not compliant with current Chapter 91 regulations into a fully compliant project that provides public access and water-dependent uses and meets other public interests protected by Chapter 91. This reinvestment cannot be financed within the standard 30-year license term, but requires a full 99-year term. The uses and density for the site are appropriate for the Financial District context and with the City's mixed-use vision for the area, including substantial housing, hotel, office, retail and water-dependent uses. The Project is consistent with the need to provide transit-related development in order to achieve significant economic and environment goals for the City and the Commonwealth.

In addition to requiring an extended license term to meet these important City and public goals, the Russia Wharf Redevelopment Project will comply with the extended term licensing standards contained in the draft DEP Water Transportation Policy, as described in **Section 7.11** above.

### ***11.11. Amplifications***

The *Fort Point Channel Watersheet Activation Plan* should be employed as the basis for implementing the DEP Water Transportation Policy or any similar policy later adopted by the state to meet baseline and extended term requirements under Chapter 91 in this area of the harbor. In **Section 8.2**, the Phase 2 MHP amplifies the existing Chapter 91 standards by providing for enhanced watershed activation as part of the Russia Wharf Redevelopment Project benefits. As discussed in **Sections 11.9** and **11.10**, this amplification provides specific guidance for the proposed Russia Wharf Redevelopment Project that fully meets the baseline requirements for Chapter 91 and the criteria of the proposed DEP Water Transportation Policy for an extended license term.

### ***11.12. Conclusion***

The above information and evaluations, as well as the information submitted in the DEIR/DPIR for the Russia Wharf Development Project, demonstrate that the Russia Wharf Redevelopment Project has been planned and designed to fulfill the purposes of Chapter 91 and the Fort Point Downtown Waterfront Municipal Harbor Plan. The Project does not have a detrimental impact relative to the water-dependent use zone, site coverage or building heights for which substitutions are granted.

The Russia Wharf Redevelopment Project includes many measures designed to convert a fully licensed but non-compliant condition into a fully compliant project that mitigates any detriment to the public use or access to tidelands related to nonwater-dependent uses. In this regard, the proposed Project may be considered a mitigating measure relative to the existing condition, by providing improvements that would fully meet private tidelands regulatory standards or even the more restrictive Commonwealth tidelands regulatory standards at the site. Among the principal elements associated with this mitigation are the following:

- **Conversion of nonwater-dependent pier use (parking lot) to water-dependent use** as activated public open space.
- **Enhanced water transportation** including new floats for water taxis, public recreational boating and other contributions to fully meet the baseline standards for nonwater-dependent use as currently proposed in the draft DEP Water Transportation Policy.
- **Relocation of parking and loading from the pier at Russia Wharf to the most appropriate and practical location** that will not interfere with public access to or use of the waterfront.
- **Enhanced public access and public open space** through improvements along Atlantic Avenue, Congress Street and the pier at Russia Wharf.
- **Restoration of valued historic resources** through renovation and restoration of key elements of the Russia Building, Graphic Arts Building, and Tufts Building and provision of interpretive exhibits and signage.
- **Implementation of the Fort Point Channel Watersheet Activation Plan** through multiple measures, including funding of Children's Park improvements, funding water transportation activities, which may include a school children access program to the Harbor Islands, providing indoor and outdoor restaurant and café locations as part of "Restaurant Row", programming and managing public space, providing for public sculpture and providing lighting enhancements to the Congress Street Bridge, among other contributions.
- **Provision of Facilities of Public Accommodation** along the Project's perimeter in amounts that exceed the requirements of the existing Chapter 91 license or other standards.