



Downtown Waterfront Municipal Harbor Planning Advisory Committee Meeting

Wednesday, June 10, 2015
Boston City Hall, Piemonte Room

Attendees

Advisory Committee: Sydney Asbury, Tom Wooters, Susanne Lavoie, Greg Vasil, Vivien Li, Jesse Brackenbury, Bruce Berman, Nigella Hillgarth, Marianne Connolly, Jim Klocke, Joanne Hayes-Rines, Phil Griffiths, Rick Dimino, Bud Ris

City of Boston: Richard McGuinness, BRA; Lauren Shurtleff, BRA; Chris Busch, BRA; Kara Nagle, Councilor Linehan's Office; James Chan, Councilor Linehan's Office; Maura Zlody, Boston Environment Department

Consultant Team: Matthew Littell, Utile; Meera Deean, Utile; Tom Skinner, Durand & Anastas

Government Representatives: Hon. Aaron Michlewitz, State Representative; Maria Puopolo, Senator Petrucci's Office; Patrick Lyons, Office of Representative Michlewitz

Members of the Public: M Holland, Matt Rubins, Dorothy Keville, Thomas Nally, Catherine McDonnell, Wan Yong, Will Adams, Pam McDermott, Fritz Murphy, R. Advani, Al Raine, Arlene Lowenstein, Gary Ronbinson, Joan O'Brien, Julie Mairan, Rita Advani, M Willock, Steven Comen, Faye Ginsberg, Melinda Marble, Kathleen Palray, Dan Adams, Eric Krauss, Chris Fincham, Peggy Briggs, Dr. Robert ViDaver, Laura Jasinski, David Lee, Diane Rubin, Deborah Fung, Jill Horwoods, Gabor Korodi, Jessica Seney, Ed Marcarelli, Chris Cannon, Pran Tiku, Kathleen Tullberg, Chun Cao, Lurn Glattstein, Victor Brogna, Gail Donovan, Wen He, Linda Gottlieb, Lee Kozol, Seve Mitchell, Tom Palmer

Meeting Summary

Richard McGuinness, BRA, introduced BRA staff and the consultant team and noted that the meeting would focus on the three properties where new development is proposed within the Downtown waterfront planning area, Hook Lobster, Long Wharf Marriott and Harbor Garage, and the city's recommended maximum building dimension substitutions for those locations to be included in the harbor plan. He indicated that the city's consultant team would first present the recommendations and then the meeting would open to comments and questions from the Advisory Committee and then the general public. Future meetings will include a discussion of offsetting, or mitigation, strategies and formulas related to the substitutions discussed today.

Bud Ris, MHPAC Members, clarified that the harbor planning process is working up from a body of standards, regulations and past precedent related to harbor planning and Chapter 91 and not working down from a specific proposal for a specific property.

Matthew Littell, Utile, first reviewed the harbor planning and development review process and then discussed the area-wide design context and objectives, including existing building heights, density, floor area ratios in and around the planning area, as well as key view corridors and attributes to preserve. The Chapter 91 Waterways Regulation baseline building dimensions for the three properties were presented. Matthew then discussed the Long Wharf area and the Marriott property and the related the

public amenity and programmatic priorities of the Public Realm Plan. He also referenced the shadow protection zone on Long Wharf to prevent new shadow from development in the planning area over an hour in duration on October 23rd, which is the standard for assessing shadow. The initial proposal from the Marriott owners was reviewed along with proposed modifications to the massing and a recommendation of 80% lot coverage with 20% open space on the property was presented.

The Hook Lobster property was then discussed with recommendations for 70% lot coverage and ultimate building height of up to 305-feet. The public realm enhancements for the area that had previously been reviewed were addressed along with a review of the shadow analysis. Matthew noted that the controls for the building dimensional standards should not be limited just to floor area ratio (FAR) but should also include maximums for building volume to assist in limiting impacts of shadow, skyline and presence of new buildings. Regarding the Harbor Garage site the planning objectives related to the property were reviewed including views to the Custom House Tower, views to and from the city and water, and porosity through the site.

Matthew then reviewed the Chapter 91 baseline scenario and presented a number of massing scenarios for the property with a variety of lot coverage and building configurations that would function to remove the existing garage, create more open space on the property and prevent shadow on Long Wharf. A number of controlling dimensional and numeric factors were tested for the property resulting in maximum dimensional standard recommendations for the property of: 600-feet in height, 9.5 million cubic feet, 875,000 square feet and a minimum of 30% of the site as open space. Matthew stated that the purpose of the material presented is not to recommend any one scenario but rather to establish a set of numerical criteria or tests below which there are a number of possible development scenarios that will meet the city's objectives for the site and planning area. Beyond the numeric and dimensional standards there are the ground floor uses, qualities of open spaces, adjacencies, design and architectural considerations, all of which are more specifically dealt with through the development review process, but can be discussed and referenced in the harbor plan.

Sydney Asbury, Committee Chair, gave direction on the question and comment portion of the meeting and noted that at the June 24th Advisory Committee meeting the same material would be presented and all would have time to review the presentation material prior to that meeting.

Tom Wooters, MHPAC Member, indicated that his comments also include thoughts from MHPAC Member Meredith Rosenberg. He noted that they appreciate the effort that has gone into the level of analysis conducted to date and the reduced scale from the proposal for the harbor garage site; however, they remain concerned that the envelope greatly exceeds anything in the area in the way of height and density, and is outside the parameters of substitutions previously approved by the state as part of prior harbor plans. He indicated it is hard to consider the scenarios presented as meeting the state standard of condensed in footprint and modest in size. Tom mentioned that it is important before looking at offsets that the underlying policies of Chapter 91 are considered and whether what is being proposed is consistent. He noted the proposal neither is nor facilitates water dependent uses and also sets a precedent for tall and dense development along the waterfront. He added that when Harbor Towers was approved the added height was offset with additional open space on the property, but with the Harbor Garage proposal there is both higher height and lot coverage which is inconsistent with what has been done in prior harbor plan approvals.

Bruce Berman, MHPAC Member, stated that he did not understand the metric of building volume and cubic feet as it applies to the development sites in the planning area. Matthew Littell, answered that floor area is a more traditional measure of density and is the sum of all the built levels of a building, and where there are equivalent amounts of floor area in a residential building with 9-foot floor to floors, and an office building with 13-foot floor to floors, there will be a larger volume with the office building due to the floor heights. The volumetric, cubic-foot metric is a measure of all the building space enclosed by the building's "skin", so it is a three-dimensional measure, which allows more precision and controls more than a floor area ratio measure. Chapter 91 and the state is also more concerned with building volume than floor area when reviewing proposed substitution to the performance standards. Bruce noted that the measure is a different approach and may be instructive and raises some questions, and in the same way it impacts FAR could impact the economics of the building. Tom Skinner, Durand and Anastas, mentioned that with the South Boston Harbor Plan, there was an issues with the square footage metric, there were some changes and floor heights and uses and between the passage of the plan and construction, however, they were limited by square footage and not volume, which placed DEP and the permitting staff in a difficult position of trying to determine which was the controlling measure, height or building square footage. It is easier if the harbor plan specifies a maximum height and maximum volume when reviewing a project permit application.

Rick Dimino, MHPAC Member, noted that the process has been thoughtful, and expressed that the process and the regulations have been consistent with Chapter 91, and noted that the committee is following a path that is consistent with prior harbor planning efforts. He mentioned that the plan does build off of other plans, and future meetings will tie the process back to the public realm plan. He noted there will be connections between the building control thresholds discussed today and offsets associated with the public realm plan, and we need to maximize and balance those benefits relative to the economic development opportunity. Rick stated he did not feel comfortable making any determinations of the recommendations and thresholds presented until there is a better understanding of how they relate to the public benefits and public realm improvements. He also noted he shares Bruce's comment on economic impacts and is interested in economic viability and that there needs to be an explanation of the economics of the density thresholds so there is a viable approach to getting things done and realize the opportunity for an improved public realm and enhanced access to the waterfront.

Bud Ris, MHPAC Member, noted that the committee was given a lot of information today and directed his comments at the press present for the meeting and stated that if committee members do not express comments on what was presented it does not mean that their silence can be interpreted as being for or against the recommendations presented and that time is needed to digest the information. He also seconded what Rick said that before decisions are made on metrics or sites there needs to be an understanding of the offsets related to the substitutions. He noted that all three recommendations are exceptions and go well beyond what Chapter 91 allows and we need to see how it all works together comprehensively throughout the whole planning area and how new development will improve the area as a whole. He indicated that podiums and covered atriums don't cover the key problem with the garage which is to open the site to the waterfront. He expressed concern about precedent and that exceptions here can have state-wide implication for waterfront development. Regarding the height recommendations, he noted that Hook is in Financial District and height there is less relevant. He mentioned Harbor Towers is an anomaly and wouldn't be built that way today and it is important to draw a line that doesn't set higher height that could extend all the way through the North End. Heights and mass should take their cues from the urban form that is already there. He likes the analysis which

considers both height and bulk and would like to see improvements to the Chart House parking lot and consideration given to climate change.

Vivien Li, MHPAC Member, noted that the recommendations provided specify significant deviations from the Chapter 91 open space standards and it is not known as of yet what offsets there will be to mitigate for the loss of open space. Regarding height, she referenced the Chapter 91 compliant heights for the three properties and those proposed, and stated that height in and of itself is not a bad thing, but the impacts of wind and shadow must be considered collectively.

Rick Dimino, noted that the Federal Reserve building is a pioneer structure next to South Station and served as a catalyst for the economic future of the area and sees the development in the Downtown waterfront as a similar positive opportunity. He also noted he would support the opportunity to have additional open space and open space impacts mitigated not just on site but in the immediate planning area as well.

Jim Klocke, MHPAC Member, mentioned the height issue at the Harbor Garage location and noted that it is a unique site and it would be a missed opportunity to have the garage still in place five or ten years from now. He asked for more specifics regarding the economics of redeveloping the harbor garage and whether any options presented are better than others. Rich McGuinness stated that the current process is a planning effort and not an economic development exercise or strategy, that said the city's recommendations for height for the site go up to 600-feet which is substantially larger than the 200-foot height considered under the Greenway Guidelines and one of the reasons for this additional height is to accommodate the removal of the garage. He further added that the intent is to allow exceptional height and density for an exceptional project that will get rid of the garage. Vivien Li, asked whether the 50% open space standard could be met with a 600-foot tower element. Rich stated that there are a number of different scenarios provided that in some cases allow for over 50% open space on the site and there are tradeoffs for height as well as open space depending on the development that is brought forward.

Marianne Connolly, MHPAC Member, asked if about open space coverage and if DEP would have to amend any regulations. Rich McGuinness referenced the proposed winter garden and that the issue resolves around such a public amenity as something that could serve to mitigate shadow impacts but would not be considered open space or an offset for loss of open space.

Joanne Hayes Rines, MHPAC Member, expressed concern and referenced the Chapter 91 regulations which limit heights along the waterfront and referenced Harbor Towers as a waterfront development anomaly. She sees the heights recommended as being a dramatic increase which would also bring additional traffic impacts that would be exacerbated by new development throughout the downtown and waterfront area. She noted that these issues need to be evaluated comprehensively with over five million square feet of developed proposed in the area and stated it may make sense to proceed with the city's comprehensive plan first and then come back to look at the Downtown waterfront area.

Bruce Berman, observed that there is a lot more focus on the city both locally and regionally, and people moving into urban areas throughout the country and with this renewed interest in urbanism issues such as traffic and congestion will be present. Bud Ris, asked if it was possible to have a couple of buildings on the Harbor Garage site that are within the 400-foot harbor towers height range, and less than the bulk maximums presented, that would allow for greater porosity on the site. Matthew Littell noted that

some of the schemes ended up being lower but maintaining the square footage parameter would create a lot of bulk and site coverage.

Suzanne Lavoie, MHPAC Member, noted that the process appears to be a continuation of spot zoning and asked what would happen if another property within the planning area is purchased and a new developer were to want to construct a 600-foot building and asked how the city could deny such a proposal once it has allowed a prior building of that size and scale. She expressed concern that precedent would be set for larger buildings all along the waterfront and that a comprehensive view of the type of character we want for the waterfront needs to be discussed.

Rick Dimino, noted that it would make sense in the future to conduct a Central Artery/Greenway traffic study to help figure out ways to contend with the congestions issues along Atlantic Avenue and that it is prudent to separate out traffic analysis from the harbor planning process.

Sydney Asbury then opened the meeting to public questions and comments.

Steven Comen, Harbor Towers resident, asked about the shadow studies and whether they were on public areas and that the studies to date do not appear to impact the Harborwalk around Harbor Towers. Matthew Littell, noted that those areas are south of the Harbor Garage site and the orientation of the sun on the October 23rd date is such that shadows from Harbor Garage would not impact areas of Harbor Towers, however, there could be shadow from existing buildings and shadows from the project site could impact other areas at different times of year.

Ravesh Ashvani, Harbor Towers resident, asked why only form, height and shadow were analyzed and where maximum limits on open space and setbacks are not discussed. Richard McGuinness, explained why the October 23rd shadow standard was established and stated that the city is looking at setback, lot coverage and open space and there will be guidelines on maximum width of Harborwalk and setback. Matthew Littell noted that a 30% minimum for open spaces is discussed and offsets for additional coverage will be discussed.

Dr. Lowenstein, Lewis Wharf resident, noted she was unsure of the purpose of the building at Harbor Garage and that there is not a height problem at Lewis Wharf but a use problem with a proposed hotel at that location, and whether Lewis Wharf would be considered as part of the current process. Rich McGuinness mentioned that there is already a harbor plan for the North End waterfront and there is no intention for a new plan for that area in the near future.

David Lee, Harbor Towers resident, raised concerns regarding parking and how parking would be provided for additional people in the area. Rich McGuinness noted that transportation and parking are issues that will be reviewed when a formal project is brought forth and subject to local and state permitting review.

Diane Rubin, Council for Harbor Towers, asked about wind impacts associated with development at the Harbor Garage site and whether there has been any wind modeling, as well as historic sites and the skyline and how new development might impact these resources and views. Matthew Littell, noted that the skyline matter is something that will continue to be looked at and regarding wind, it is difficult to model and predict as building proposal massings are assessed in a wind tunnel, so there are standards

that will be referenced in the MHP and part of the Article 80 process that ensures that new developments do not create uncomfortable pedestrian wind conditions.

Marcella Willock, Harbor Towers resident, mentioned shadows on the water and associated impacts and if that is a subject to be considered. Rich McGuinness noted that at a future meeting shadow impacts and shadow restrictions would be discussed.

Sydney Asbury noted that there will be a meeting on June 24th from 6 to 8 PM and the same material will be reviewed.

Meeting adjourned at 5:00 PM.