



**Downtown Waterfront Municipal Harbor Planning
Advisory Committee Meeting No. 32**
Wednesday, March 9, 2016
Boston City Hall, Piemonte Room

Attendees

Advisory Committee (“Committee”): Bruce Berman, Jesse Brackenbury, Phil Griffiths Joanne Hayes-Rines, Nigella Hillgarth, Jill Valdes Horwood, Susanne Lavoie, Lois Siegelman, Greg Vasil

City of Boston (“City”): Richard McGuinness, Boston Redevelopment Authority (BRA); Lauren Shurtleff, BRA; Chris Busch, BRA; Erikk Hokenson, BRA, Catherine McCandless, BRA;

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

Government Representatives: Lisa Engler, Office of Coastal Zone Management (CZM); Jame Chan, Office of Councilor Linehan; Jared Hogen, Office of Councilor Linehan

Members of the Public: Rita Advani, Jane Berman, Jerry Berman, Sylvia Bertrand, Peggy Briggs, Victor Brogna, Virginia Cantor, Steven Comen, Chris Fincham, David Goggins, Phil Griffiths, Mary Holland, Laura Jasinski, Jenny Kessler, Dorothy Keville, Gabor Korodi, Eric Krauss, Annie Kreider, Tony LaCasse, Jacqueline Lawless, Todd Lee, Julie Mairaw, Lev McCarthy, Norman Meisner, Sy Mintz, Thomas Nally, Tom Palmer, Bob Pame, Joanne Pame, Chris Regnier, Erik Rexford, Sheila Rice, Peter Shelley, Jay Spence, Wes Stimpson, Robert Vidaver, Marcelle Willock, Heidi Wolf, Jane Wolfe, Barbara Yanke, Bill Zielinski

Meeting Summary

Mr. Richard McGuinness, BRA, opened the meeting at 3:05 PM by introducing BRA staff and the consultant team. He informed the Committee that the BRA had hired RKG Associates, Inc. to conduct financial analyses of real estate developments regulated by municipal harbor plans, with a focus on the costs of offsets, in order to assist the BRA in developing recommended mitigation measures for the Downtown Waterfront Municipal Harbor Plan (MHP). He continued that the City of Boston announced a design competition for the future Northern Avenue Bridge and encouraged those with ideas to submit them.

Mr. McGuinness outlined the agenda of the day’s meeting, which included a review of the Downtown Waterfront Public Realm and Watersheet Activation Plan and revisiting the three proposed developments within the MHP area: the Marriott Long Wharf, Harbor Garage, and Hook Lobster sites. He added that in addition to the meeting agenda, four pages of the Public Realm and Watersheet Activation Plan that would be the focus of the review were also available at the sign-in tables for the Committee and public. He directed the Committee to contemplate a prioritization of the improvements in the Public Realm and Watersheet

Activation Plan and their costs and if they should be considered baseline Chapter 91 requirements or mitigating measures.

Prior to beginning the presentation, Mr. McGuinness asked if there were any questions. Mr. Jesse Brackenbury, MHPAC Member asked if any new content would be introduced. Mr. McGuinness replied that most of the material would be a review. Mr. Tom Palmer, representing Harbor Towers, asked for an explanation of the relationship between the Public Realm and Watersheet Activation Plan and the MHP. Mr. McGuinness explained that the Rose Kennedy Greenway District Planning Study Use and Development Guidelines omitted the water's edge. The Public Realm and Watersheet Activation Plan was the first step in updating the City's vision for the waterfront and provides the framework for the MHP and a buffet of public benefits for the Committee to consider for offsets. Mr. Palmer clarified that the offsets are not necessarily limited to those in the Public Realm and Watersheet Activation Plan, which Mr. McGuinness confirmed.

Mr. Steven Comen, Harbor Towers resident, asked for further explanation of RKG Associates, Inc.'s role. Mr. McGuinness explained that they will be analyzing previous MHPs and cost assumptions associated with real estate developments regulated by them in order to determine if there is any consistency of mitigation costs and to provide recommendations on how to calculate the costs of offsets moving forward. RKG Associates, Inc. is meeting with the appropriate developers and/or owners of licensed developments and with the proponents of the Marriott Long Wharf, Harbor Garage, and Hook Lobster developments in order to understand their cost assumptions given market conditions. This will assist in formulating calculations for offsets within the Downtown Waterfront MHP area.

Mr. Comen asked how today's meeting specifically relates to the Harbor Garage proposal. Mr. McGuinness responded that the content of today's discussion is about the recommendations for the public realm and watersheet in order to prioritize them the public benefits under the auspices of mitigation measures for substitute provisions in the MHP. Mr. Comen followed up by asking if a decision on the Harbor Garage should be expected at the next scheduled Committee meeting in April. Mr. McGuinness replied that the City has proposed dimensional maximums for the substitute provisions, including for the Harbor Garage, and that the present discussion is to determine the magnitude and order of public benefits that would create an waterfront equal to or better than today's.

Ms. Susanne Lavoie, MHPAC Member, asked if anyone has reviewed the impacts of density on the South Boston Waterfront. Mr. McGuinness answered that it is difficult to editorialize on a project-in-progress, but that many lessons, especially on civic, cultural, and educational space, had been learned and incorporated into future planning initiatives. Ms. Lavoie expressed her disquiet over the unintentional consequences of planning efforts, such as the LED light fixtures on the buildings on Fan Pier, about which neighbors have complained. Mr. McGuinness replied that the City had not anticipated the extent and intensity of the lights and that the BRA's urban

designers are revisiting the issue with the developer to reduce their impacts. He suggested that subjecting ornamental lighting to stricter design guidelines and a more thorough review is certainly a lesson learned. Ms. Lavoie asked if there would be a public comment period on these specific lights. Mr. Bruce Berman, MHPAC Member, contended that, as beauty is subjective, an informal opportunity for public comment would prove to be more democratic by ensuring those who love or loathe the lights are given the equal opportunity to be heard. He submitted the lighting on the Leonard P. Zakim Bunker Hill Memorial Bridge as an example of attitudes changing over time. Ms. Lavoie countered that the extent and intensity of the ornamental lighting on Fan Pier affects the entirety of Boston Harbor. Mr. Berman agreed, but pled for balance in the process. Mr. McGuinness concurred that greater emphasis in development review ought to be placed on design.

Mr. Brackenbury requested Mr. McGuinness elaborate on the lessons regarding the public realm learned from the South Boston Waterfront MHP. Mr. McGuinness explained that the South Boston Waterfront District MHP and some of the Chapter 91 licenses should have been more explicit in regard to civic, cultural, and educational spaces; specifically, what rents, taxes, and build-out allowances would be. Mr. Berman suggested that there are trade-offs between capital and operating funds for these non-profits. Mr. McGuinness agreed and added that Lovejoy Wharf exemplifies the application of these lessons; the Chapter 91 license requires a visitor's center and a rent-free, built-out office for a non-profit, in addition to staff funding.

Ms. Mary Holland, Harbor Towers resident, asked if there has ever been an evaluation of the effectiveness of the civic and cultural spaces and other offsets in MHPs. Mr. McGuinness replied that the Institute of Contemporary Art is evaluated by attendance. Ms. Holland inquired about Lovejoy Wharf. Mr. McGuinness indicated that development is underway and BRA staff is working with the developer to issue an RFP for the available space.

Mr. Berman asked about lessons regarding open space. Mr. McGuinness explained that there is a lot of passive open space, but there should be more space for active recreation. Mr. Brackenbury posited that while it is programmed actively, the Rose Kennedy Greenway is a passive recreation space. He suggested that there is a need for a neighborhood park for the Downtown Waterfront, as inglorious as neighborhood parks might be when prioritizing public benefits. Mr. Berman, acknowledging the value of neighborhood parks, countered that tidelands are protected for all in the Commonwealth, not just residents.

With no further questions posed, Mr. McGuinness invited Mr. Matthew Littell, Utile, to begin the presentation. Mr. Littell noted the RKG Associates Inc.'s report would be developed within the next few weeks and thought it would be best to offer a refresher on the Public Realm and Watersheet Activation Plan and broadly discuss the three development sites. He provided an overview of the regulatory framework of the Downtown Waterfront: the Public Realm and Watersheet Activation Plan informs the MHP, which is codified into the Zoning Code. A proposed development project is then subjected to Article 80 Development Review and, if

applicable, the Massachusetts Environmental Policy Act (MEPA) Review. The Public Realm and Watersheet Activation Plan is a broad set of desires that informs the prioritization of the public benefits associated with the MHP. In general, public benefits should activate the waterfront, augment access to the waterfront, and encourage water-dependent uses and transportation. These principles were tailored and incorporated into the vision for the planning area as encouraging multi-modal access; defining connections to other parts of the city; addressing climate change; engendering year-round use of the waterfront; encouraging uses flexible to innovation, and creating a strong identity. Mr. Littell continued that the Public Realm and Watersheet Activation Plan divided the Downtown Waterfront into separate subdistricts – Northern Avenue, Rowes Wharf/India Row, Long and Central Wharves, and the Watersheet – and identified a set of public realm goals for both the entire district and each of the subdistricts. These goals are classified as improving “Connectivity”, “Legibility”, or “Activation and Programming” and evaluated based upon ease of implementation, cost, and time. (This matrix detailing these classifications was printed for the Committee and public.)

Turning to the Chapter 91, Mr. Littell stated that the Commonwealth prioritizes offsets in the following order: those that are 1) on-site; 2) improve an identified priority area (such as Special Public Destination Facilities, or SPDFs, e.g. New England Aquarium, or NEAq); 3) improve connectivity to, from, and along the water; or 4) area-wide improvements (e.g. wayfinding). He reminded the Committee of the previously-presented existing shadow analysis, which revealed that Long Wharf is the only space on land in the planning area that is not under continuous shadow for at least one hour on October 23. Ms. Holland requested a clarification on the time the shadow is determined. Mr. Littell explained that the shadow analysis provides a composite of all shadow cast through the day, as opposed to a specific hour, on October 23. This date has been used as the benchmark date for MHPs in Boston as it represents the “shoulder season”, during which the presence of sunlight or shadow influences people’s choice to go outside. The shadow analysis further informs the prioritization of public benefits based upon locations that are “Connective Tissue”, “Opportunity Sites”, “Public Realm along Water,” and “Watersheet.” Identified public realm priority areas include Northern Avenue, the Harborwalk connection at Northern Avenue, the BRA-owned plaza seaward of the Harbor Garage, Old Atlantic Avenue, Long Wharf Compass, and the Chart House parking lot.

Mr. Littell then presented the Chapter 91-compliant massings of the three proposed developments, Marriott Long Wharf, Hook Lobster, and the Harbor Garage. Marriott Long Wharf, which predates Chapter 91, is considered as both a historic and public realm asset. Mr. Littell summarized the Committee and public’s proposed mitigation in response to the owner’s desire to expand the building: create visible and legible links and a view corridor to the water; add ground-level programming and porosity; improve hardscape and traffic circulation; install unified wayfinding and intelligent transportation system; expand facilities for commuters and transit passengers; and create a permanent Harbor Islands gateway. Mr. Littell summarized the revised proposal for expanding Marriott Long Wharf from October 2014 that incorporated the Committee and public’s feedback. Mr. Brackenbury noted the omission of the Greenway

Carousel from the immediately previous slides, though it is an important example of active connective tissue between the waterfront and downtown. Mr. Littell appreciated Mr. Brackenbury's suggestion that the public realm is not static, but rather an itinerary to connect to the waterfront. Ms. Jill Valdes Horwood, MHPAC Member, quizzed Mr. Littell on the BRA-owned parking lot counting as open space for the project site. Mr. Littell clarified that the parking lot is not included in the calculation of the open space, but is actually beyond the 20% currently proposed as open space.

Ms. Lavoie requested that all future references to the Marriott Long Wharf site reflect that Marriott International is not party to the proposal; they are a tenant of the building, which is owned by Sunstone Hotel Investors, Inc.

Mr. Littell proceeded to the Hook Lobster site, which presents a more challenging and complicated opportunity given its size, encroachment on flowed tidelands, and adjacency to the Old Northern Avenue Bridge. Mr. Littell referred to the Fort Point Channel Watersheet Activation Plan (2002), which called for an extension of the Harborwalk below the Evelyn Moakley Bridge; the Crossroads Initiative (2004), which identified the Northern Avenue Bridge as one of two key connections between Downtown and the South Boston Waterfront; and the Artery Edges Study (2004), whose Wharf District section included additional details on the connection. Mr. Littell caveated that extending the Harborwalk under the Evelyn Moakley Bridge requires an extension over the watersheet. Mr. Brackenbury noted that all of these plans were done at a time when the adjacent section of the Rose Kennedy Greenway was to have a cultural facility, suggesting that these plans were developed at a very different time. Mr. Littell concurred and added that there have been many unexpected developments since that time, including traffic. He continued with a review of the previously-presented proposal for the Hook Lobster site and a shadow analysis of the building. Substitute provisions for the site include an expanded water-dependent use zone (WUZ) (additional 500 SF required); allowable building height of 305 feet; 3500 SF of building footprint in excess of 50% lot coverage (approximately two-thirds of site); and allowing facilities of private tenancy on flowed tidelands.

Mr. Littell advanced to the Harbor Garage site, which he contends presents an opportunity to create views of and physical connections to the water. He explained that the construction of Harbor Garage was a rational reaction to the erstwhile elevated highway, though it now sits adjacent to arguably some of the city's best open space. Committee members had previously asked about lot coverage and establishing shadow protection zones. Mr. Littell summarized the shadow analysis for a Chapter 91-compliant structure on this site and scenarios with two towers beginning at 200 feet and 300 feet tall increasing at 100-foot intervals to 600 feet. He emphasized that regardless of the structure's height – even at the Chapter 91 baseline of 55 feet – it will cast shadow on the plaza in front of NEAq. Mr. Berman clarified that because of the plaza's proximity to the Harbor Garage site, there won't be net-new-shadow on most of the plaza, which Mr. Littell confirmed. Mr. Littell posited that the key variables to the site are the

quantity and quality of the open space. A previous proposal from the development included 100% lot coverage with a four-season, glass-encased “winter garden”. This is not technically open space, as it is not “open to sky”. Mr. Berman clarified that the Committee and BRA could decide to prioritize this “winter garden”, but that Chapter 91 regulations would still require mitigation for the lot coverage. Mr. McGuinness confirmed and stated that this was done with the ICA. Ms. Holland asked what uses would be considered open space. Mr. McGuinness clarified that it is not about uses, but about space that is “open to sky”. Mr. Littell added that in regard to the Harbor Garage site, it’s not just the amount of open space, but also the location of the open space. For example, if it is on the waterside of the structure, it would enhance the waterfront; alternatively, it may be along the northern edge of the site to improve connectivity from the Greenway. Mr. Littell reiterated the opportunities identified in the Public Realm and Watersheet Activation Plan on Central and Long Wharves.

Mr. Littell reminded the Committee that there are qualitative standards within the MHP, such as the orientation, porosity, and accessibility of public spaces; ground floor uses; building materials, transparency, etc.; and views. He added that the Greenway Overlay District (GOD), whose zoning has worked to activate the broader public realm, preserve the character of the Greenway parks, and ensure the long-term value of the public’s investment through general design and environmental standards; ground-level use regulations; enhancement of the pedestrian environment; and building design guidelines. The environmental standards include shadow and wind standards, which are built into the MHP.

Concluding his presentation, Mr. Littell shared that he expects to have the analysis from RKG Associates, Inc. available for the next meeting, scheduled for Wednesday, April 13, from 3 – 5 PM.

Ms. Lavoie, asked if the Committee should expect to have a proposal for the Harbor Garage site to review, as they had for the Hook Lobster and Marriott Long Wharf sites. Mr. McGuinness replied that the respective property owners have been invited to present their proposals to the Committee, but that there have been numerous iterations of the Harbor Garage one. Mr. Busch added that the Committee is considering the impacts massing profiles have on the public realm, as opposed to a detailed proposal. Mr. McGuinness stated that the massing profiles had been initially presented to and reviewed by the Committee the previous June and emphasized Mr. Busch’s warning that the MHP is not designed to approve projects, but rather building envelopes. Mr. Littell clarified that there are separate processes for the separate aspects of a development, such as Article 80 Development Review and MEPA Review. The MHP is limited to impacts on the public’s access to and enjoyment of the waterfront.

Mr. Berman requested further clarification on the task before the Committee. Mr. McGuinness answered that it is to craft a framework for development on the waterfront.

Ms. Nigella Hillgarth, MHPAC Member, informed the Committee that NEAq is drafting their twenty-year master plan, which adds a complicating factor to the development of the Downtown Waterfront MHP. Mr. Berman asked if it is possible to generalize offsets in the MHP, such as funding initiatives, programs, or other improvements in support of NEAq. Mr. Busch replied that the Commonwealth prefers explicit and detailed offsets, but that they, too, support NEAq. Mr. Littell cautioned that an MHP needs flexibility to both temporal and physical changes, but specific enough to avoid vague situations that have provided invaluable lessons for both the BRA and Commonwealth. He added that any project in this area is additionally regulated by GOD and subject to a robust review through Article 80.

Mr. Tony LaCasse, NEAq, inquired if it is possible to quantify the costs to the public realm associated with these developments, positing that any redevelopment of the Harbor Garage will innately reduce access to the waterfront and cast a perpetual shadow on the plaza in front of NEAq. Mr. McGuinness answered that that is part of RKG Associates, Inc.'s analysis. He elaborated that much of the South Boston Waterfront included on-site mitigation, whereas the Downtown Waterfront is largely built-out, which presents an argument in favor of monetizing the mitigation to fund public benefits.

A question was asked if lot coverage between 50 – 70% requires mitigation. Mr. McGuinness affirmed this statement. There was further inquiry if proposals can exceed 70% lot coverage. Mr. McGuinness answered that they could, assuming they are incorporated into the MHP, but would require additional mitigation. Mr. Berman proclaimed that a development in excess of 70% would require a compelling reason to do so. Mr. Littell summarized that any development in excess of 50% lot coverage requires a provision in the MHP.

Ms. Rita Advani, Harbor Towers resident, indicated that this was the first time she was apprised of the “winter garden” concept and asked if the Committee had taken any formal action on it. Mr. McGuinness replied that the Committee and public had expressed interest in the concept as a justification to exceed 70% lot coverage, but that no formal action had been taken. He added that such a proposal would require a significant amount of detail, such as programming elements, types of glass, etc.

There being no further questions or comments, Mr. McGuinness informed the Committee and public that the next meeting would be on April 13, 2016 at 3 PM in the Piemonte Room on the 5th Floor of City Hall, Boston, MA and ended the meeting at 4:45.