

Stuart Street Planning Study Advisory Group  
**Proposed Zoning Recommendations** to replace  
Back Bay Downtown IPOD (1987)

**DRAFT** OCT 20, 2009

## **Preface**

### **Background**

The Stuart Street Planning Study area, bound by St. James Avenue to the north, Dartmouth Street to the west, Columbus Avenue/ Cortes Streets to the south, and Arlington Street to the east, represents a 12+ block area totaling more than forty acres. A number of significant Boston landmarks define the area: the 790 foot Hancock Building, the Old Hancock Building, Copley Square, and Trinity Church. The area is also identified by the diagonal intersection of Columbus Avenue and sits adjacent to the historic neighborhoods of Bay Village and South End. Recent additions to the area include the 10 Saint James and 131 Dartmouth Street office buildings. Recently approved development projects include Columbus Center Turnpike Air Rights (Parcels 16-20), covering four blocks of the city, The Bryant on Columbus, a fifty unit residential project with parking (recently completed), and the 350-unit The Clarendon development project, at the intersection of Stuart and Clarendon Streets (under construction).

### **Purpose**

The consultants and Advisory group have spent the past 18 months examining potential development opportunities, identifying and defining height, density, and use guidelines, and developing scenarios for future development in the area. These recommendations include an assessment of the impacts of density and height on the surrounding neighborhoods, including the impacts on the transportation infrastructure, transit system, parking supply, and utility infrastructure (electrical, water, and sewer), and the environmental impacts such as wind, shadow, and ground water. Provisions for and protection of open space, pedestrian access, historically significant buildings, and view corridors have also been included in the recommendations.

### **Goals**

The recommendations have gone through a series of iterations over the past 4 months. During this time, the concepts/ideas have been refined, and are now organized into two categories (base and tower) with subcategories that have been informed by qualitative statements.

The underlying goals of the study and resultant zoning recommendations are to:

- Create more certainty and transparency in the development, permitting and approval process;
- Preserve and protect both immediate and adjacent neighborhoods;
- Provide an area for urban growth and economic vitality;
- Improve the district's urban design, public realm and environmental sustainability.
- Exhibit design achievement that demonstrates exemplary skill and creativity in the resolution and integration of formal, functional, and technical requirements.

### **Approach**

This zoning has been designed for flexibility in approach but predictability in impacts. This back and forth between flexibility and predictability is a constant theme in the history of zoning and is particularly relevant to mature, nearly built-out area with a strong existing context like the Stuart Street Study area.

The revised approach describes criteria for responsible development while allowing for the marketplace and the community to engage in structured conversations about individual development expectations. It is a

hybrid of performance and form-based zoning mechanisms, taking the best attributes from each method, while striking a balance between flexibility and prescribed outcomes.

This proposed zoning aims to foster collaborative citizen involvement, minimize conflict and maximize cooperation. The strength of this approach is that certain objectives, deemed to benefit the community, are strongly encouraged by economic incentives and disincentives built into the system rather than by rigid codes, which typically restrict innovative solutions and creativity in the urban setting. Finally, this zoning has the potential to streamline the development application and approval process for everyone involved.

## **Proposed Zoning**

The proposed zoning recommendations have been organized into two categories: **Base** and **Tower**.

The Base category is defined by the original underlying zoning, the adjacent building context (cornices, historic fabric, etc.) as well as establishing an appropriate plinth for the upper portion of the building to sit upon. The Tower category of zoning is largely defined by setbacks to the building form in response to environmental concerns (shadow and wind), and a height limit of 400 ft, out of deference to existing historic buildings in the adjacent area, in particular, the old Hancock Building.

Overall, the proposed zoning regulations provide:

- Form-based code strategies that will ensure high-quality sustainable architecture;
- Performance standards to mitigate environmental impacts.
- Flexible strategies that enable economic viability and architectural creativity;

## **Base Zoning: 10 FAR/ 150 ft height limit**

*The recommended base zoning for the Stuart Street Planning Study Area (with the exception of those parcels contained within the Bay Village Zoning District) is a height limit of 150 ft, a maximum of 10 Floor Area Ratio (FAR) and proposals must adhere to the following conditions:*

### **Review process**

Through the adoption of new zoning, projects will be able to benefit from a clearer review process and therefore become eligible for enhanced Article 80 review process, resulting in a streamlined review schedule.

### **Article 80B**

All projects over 50,000 gross square feet (GSF) are subject to the provisions of Article 80B Large Project Review of the Boston Zoning Code.

**Public Realm/ Pedestrian Experience** *(Applicable to all Article 80B Large Projects or rehabs of over 500 GSF of exterior façade modifications or 1,000 GSF of existing ground floor building.)*

**GOAL:** *New development should animate the public realm and create a lively, vibrant and engaging street-level experience for the pedestrian.*

### **Street Wall Frontage Achievement (Required)**

New development should infill between 65-85% of the street frontage, to achieve a continuous ground level experience for pedestrians. The street frontage should either meet the property line or be aligned to adjacent buildings. The height of the street frontage shall reflect that of adjacent buildings or those in close proximity.

**Transparency Achievement (Required)**

Maintain 50- 65% transparency of ground-floor street wall along Columbus Avenue, Dartmouth, Clarendon, Berkeley and Arlington Streets. Transparency calculations do not include garage entrances, loading docks, egress doors, utility vaults and service areas.

*The following sub-categories allow for greater flexibility in interpreting how they are achieved, however the essence of the form concepts should be met. The underlying intent is to animate the public street experience and building edge. Additionally, each large project development will be allowed flexibility to develop creative and contemporary ways to animate the street edge if they elect to not provide street-level retail or meet the specific recommendations listed below.*

**Publicly Accessible Space (Required/ Alternate Options Allowed)**

New development with a street frontage that is 200 ft or longer should aim to include a publicly-accessible through-block connection if such a connection is possible. The connection may be indoors or outdoors. Through block corridors are encouraged to coordinate with existing corridors and open-space. If a through-block connection is not possible, a minimum 15,000 GSF publicly-accessible space is an acceptable alternative. The space may be indoors or outdoors.

**Ground Floor Pedestrian Entrances (Required/ Alternate Options Allowed)**

The desired distance between ground-level pedestrian entrances in new development projects is 75 ft.

**Ground Floor Use (Required/ Alternate Options Allowed)**

In order to help ensure active, diverse ground floor uses, for every 50,000 GSF of ground floor leasable retail space, a 2,000 GSF or smaller leasable retail space must be provided. A minimum of 70% street frontage is desired along Columbus Avenue, Dartmouth, Clarendon, Berkeley and Arlington Streets (retail or publicly accessible space.)

**Environment (Required)**

*GOAL: New development should achieve innovation in the area of energy conservation and management. The following are required of all new developments over 50,000 GSF*

**Sustainability**

Incorporating advanced sustainability methods and/or accreditation that achieve certifiable status at LEED silver level or equivalent, whichever meet or exceed environmental standards in effect.

**Wind**

Buildings should be designed to avoid excessive and uncomfortable downdrafts on pedestrians. Each proposed project will be shaped via setbacks, plinths, and building orientation or other wind-baffling measures, so that the proposed project will not cause ground-level ambient wind speeds to exceed the standards of Article 80.

**Shadow**

All projects must adhere to the shadow impact criteria established by legislation to protect the Boston Public Garden and Public Common.

**Ground Water**

All projects must conform to Article 32 of the Boston Zoning Code; Groundwater Conservation Overlay District.

**Multi-modal Access (Required/ Specifications as per TAPA)**

*GOAL: New development should integrate state of the art transit technologies and innovations in demand management. The list of performance criteria below attempts to collect the requirements expected from Boston Transportation Department (BTD) which will be officially memorialized in the Transportation Access Plan Agreement (TAPA.)*

**Parking Ratios**

The current BTD MAXIMUM parking ratios:

0.75 per dwelling unit

0.75 per 1,000 sq ft of commercial development

0.40 per hotel key

**Parking/Service Access**

Curb cuts should be minimized in locating service and parking access points. A maximum entrance width of 30 ft and minimum distance between entrances of 60 ft are preferable when possible. Careful consideration should be given to evening illumination levels of parking garage entries. Service doors, when not in use, should be closed to maintain the street wall.

**Parking/Service Location**

Parking should not be visible from any location on the street. Except for access, parking and service areas must be setback a minimum of 20 ft from the building face.

**Bicycle Accommodations**

Provide bicycle racks in secure sheltered spaces as per BTD ratios as well as bicycle racks outside major entrances to the building. Provide one shower stall per 1,000 building occupants or in health-club if located on site.

**Car Sharing, Van Pools,**

Include at least 1 car-share parking space per 50 parking spaces and at least 1 parking space for vanpool parking. Provide preferential parking for alternative fuel vehicles (hybrids, electric vehicles etc.)

**Traffic Management**

Through a required site plan and traffic management analysis for future development projects, BTD will determine appropriate signal improvements and traffic camera installation required by the proponent.

**Loading**

The proponent will be required to provide off-street loading to minimize on-street commercial vehicle activity. Parking and loading access, where possible, will be provided off of alleys to enhance pedestrian safety, maximize commercial frontage, and accommodate queuing.

**Transportation Demand Management**

Required to join the local Transportation Management Association (TMA) and participate in their programs such as "Guaranteed Ride Home" and car pools.

**Streetscape Improvements**

Design and improve all sidewalks and pedestrian areas on each side of the building in accordance with a to-be-determined streetscape plan.

**Transit**

Proponents will be required to provide pre-payroll deduction and distribution for T passes.

## Tower Zoning: 17.5 FAR/ 400 ft height limit

Proposed projects are eligible for additional build out (FAR of 17.5) as well as height beyond the one hundred and fifty feet (up to a maximum of 400'), if such proposals (a) undergo review pursuant to Article 80B of the Boston Zoning Code, (b) achieve performance criteria identified below and (c) provide public benefits; those benefits at a minimum include significant contributions toward the following:

### **PUBLIC BENEFIT ACHIEVEMENT**

*Given the variety of constraints on development in the district, very few sites will be able to achieve the maximum height/FAR. The goal of the zoning recommendations is to make the level of benefits achieved commensurate with the scope, scale and impact of the proposed project. Therefore, the public benefit achievement has been organized into two categories; those that are required (when applicable) and a second grouping/menu which can be selected from.*

#### **Building Preservation (Required)**

New development that preserves a building on the development site that meets National Register criteria for individual listing at the time of PNF filing under Article 80, in a manner that respects the architectural character of the original building, pursuant to consultation with Boston Landmarks Commission staff.

#### **Sustainability (Required)**

Incorporating advanced sustainability methods and/or accreditation that achieve certifiable status at LEED gold level or net zero energy consumption or meets or exceeds comparable environmental standards in effect.

*The developer is permitted to select one of the three choices from the following menu of public benefits. The final degree of achievement will be determined by the BRA based upon the scope, scale and impact of the project.*

#### **Choose one of three (Required):**

##### **1. Increasing the city's housing supply**

Proposing to create residential units within a project's immediate impact area that exceed the minimum level of affordability required by the City's guidelines on affordable housing then in effect by 2.5%. Careful consideration should be given to the distribution of unit types and sizes. Specifics to be determined through the Article 80 review process.

##### **2. Streetscape/Pedestrian and Bicycle Fund**

Contribute to an existing streetscape/pedestrian and bicycle fund for improved safety, connectivity, and beautification of the public realm at locations other than in the abutting streets of the building - thereby increasing vitality and encouraging pedestrian and bicycle travel in the immediate area. Specifics to be determined through the Article 80 review process and should be of a value equal or greater than one half of one percent (1/2%) of the cost of building construction.

##### **3. Public Art**

New development should provide publicly accessible art or provide a donation to the Fund for Boston Neighborhoods (administered by the Boston Arts Commission, a 501C3) that has an invoiced or appraised value equal to or greater than one half of one percent (1/2 %) of the cost of building construction. Specifics to be determined through the Article 80 review process.

#### **\* Mitigating Development Impacts**

*Additionally, the assessment of the proposed project's impacts on the immediate area will be determined through the Article 80 review process. The Article 80 process will determine if additional mitigation (otherwise exceeding the City's requirements for community benefits) is needed to offset development impacts.*

## PERFORMANCE CRITERIA

The following performance criteria requirements must be met in order to achieve the Tier 2 zoning status.

### Building Form (Required)

GOAL: New development should help create a varied skyline for commercial Back Bay, allow individual buildings to be visually distinct, while also creating a family of buildings around the new Hancock Tower, and create a clear animated pedestrian/public realm distinctly delineated from the tower.

### Tower GSF

For portions of new development that extend above the base level street wall height, maximum residential floor plate is 12,000 GSF and maximum commercial floor plate is 30,000 GSF.

### Tower Length

For portions of new development that extend above the base level street wall height, maximum length is 200 ft. For shallow lots (less than 120' deep) maximum façade length is 275'.

### Tower Setback

For portions of new development that extend above the street wall height, massing must setback from the property line at least 5-15 ft, with an average of 10 ft. The base should acknowledge adjoining cornice lines and context.

### Environment (Required)

GOAL: New development should minimize shadow impacts and mitigate against wind impacts, one of the most significant environmental concerns in the district. New development should also contribute to establishing the Stuart Street district as a model for multi-modal transit options.

### Shadow Performance

Each proposed project shall be arranged and designed in a way to assure that it does not cast shadows for more than two hours from 8:00 a.m. through 2:30 p.m., on any day from March 21 through October 21, in a calendar year, on any portion of Copley Square Park (bounded by Boylston Street, Clarendon Street, St James Ave. and Dartmouth St, excluding land occupied by Trinity Church.)

### Wind Performance

Wind studies will be conducted which demonstrate that there will be, on average, a net overall positive impact on existing conditions or conditions which would result from the construction of structures built to the base zoning limits.

### Multi-modal Access (Required)

GOAL: The proponent, in consultation with BTM, is expected to determine the appropriate combination of achievement based upon the scope scale and impact of the development project. The final selection of items will be officially memorialized in the Transportation Access Plan Agreement (TAPA.) issued by BTM.

### Parking Ratio/ Shared Parking

Given low parking ratios that currently exist in the study area, anticipated parking needs for future development scenarios, access to alternative modes of transit, and existing garages in the corridor, BTM encourages the overall ratio for the study area to remain under 0.75 on average.

Project proponents will be required to demonstrate efforts to seek shared parking spaces to sustain the existing low parking ratio for the area.

### Mobility Hubs

Project proponents are encouraged to locate in a publicly accessible area the following in close proximity:

- Bike Share stations to accommodate the City of Boston's Bike Share program.

- Information panel locating transportation facilities in the vicinity such as MBTA stations and stops.

### **Bicycle Parking**

Bicycle room or “cage” storage, parking and facilities (showers, changing rooms, and lockers) for building occupants and/or registered members of the public.

### **Transportation Demand Management**

Provide a cash-out incentive for commuters or residents who do not commute by car or own a vehicle.

Provide real-time garage occupancy information that can be used on the City's upcoming mobility website, as well as viewed before entering the garage, to reduce cruising for parking spaces.

BTD will ask the proponent, if adding public parking spaces, to reduce short-term parking rates.

Subsidize transit passes such as one year pass per residential rental unit (for first year), 50% pass subsidy for employees, and free weekend pre-loaded T pass for hotel guests.

Provide an on-site shuttle service for employees and residents to further encourage alternative modes of transit.