



South Boston Waterfront District Municipal Harbor Planning
Advisory Committee Meeting No. 2
Wednesday, February 17, 2016
Piemonte Room, 5th Floor, City Hall, Boston, MA

Attendees

Advisory Committee (“Committee”): Bruce Berman, Sgt. Joe Cheevers, Buddy Christopher, Michael Creasey, Sara McCammond, Greg Vasil, Julie Wormser

City of Boston (“City”): Chris Busch, Boston Redevelopment Authority (BRA); Erik Hokenson, BRA; Casey Hines, BRA

Government Representatives: David Biele, Office of Rep. Nick Collins; Lisa Engler, Office of Coastal Zone Management (CZM); Deirdre Gibson, NPS; Andrew Grace, Massachusetts Port Authority (MassPort)

Proponent Representatives: Jon Cronin, Cronin Holdings; Michael Kineavy, Cronin Holdings; Rob Halter, Elkus Manfredi Architects; Rebecca Leclerc, Elkus Manfredi Architects; Tom Skinner, Durand & Anastas

Members of the Public: Valerie Burns, Thomas Nally, Tom Palmer, Maren Tober, Alexandra Smith, Gary Walker, Andy Ward

Meeting Summary

Mr. Chris Busch, BRA, opened the meeting at 6:15 PM by introducing BRA staff in attendance. He apprised the Committee of the concurrent Article 80 Large Project Development Review process for the redevelopment of 150 Seaport Boulevard. He explained that Article 80 Large Project Development Review is an aspect of the City’s zoning code applicable to projects in excess of 20,000 square feet (SF) and exists to evaluate the impacts of a development on urban aspects such as traffic, utility infrastructure, air and noise quality, historic resources, and so forth. Cronin Holdings submitted their Letter of Intent (LOI) to redevelop the parcel in late December 2015, thereby formally initiating the Article 80 Development Review process. Mr. Busch indicated that a Project Notification Form (PNF) is expected to be filed in the coming months that will further detail the impacts of this project as they relate to the City’s zoning code and an Impact Advisory Group (IAG) consisting of community stakeholders will be convened as a part of this process to review and comment on the project. Mr. Busch clarified that the Municipal Harbor Planning (MHP) process is focused on the impacts of developments on the waterfront and watershed, which is separate from the Article 80 Development Review. Ms. Casey Hines, BRA, is the Project Manager for the Article 80 Development Review and is available to answer any questions related to that process.

Mr. Busch summarized the previous Committee meeting, which included a summary of Chapter 91, a brief history of harbor planning in the City and the South Boston Waterfront MHP, and a recounting of the various planning initiatives related to the South Boston Waterfront. Representatives of Cronin Holdings also presented on the proposed redevelopment of 150 Seaport Boulevard. He presented the agenda for the evening's meeting, which featured a review of the Chapter 91 regulations, a familiarization with the legislative vernacular, their application to this specific proposal, and a presentation by Cronin Holdings on modifications made to the proposal since the previous meeting.

Mr. Busch continued with a reiteration of the planning objectives from the Seaport Public Realm Plan and subsequently embedded into the South Boston Waterfront District MHP in 2000, which include promoting access to the waterfront; preserving the working port; establishing a vital, mixed-use district; developing the area as an integral part of the local and regional economy; and ensuring the community benefits from the area's growth.

Mr. Busch reiterated that filled and flowed tidelands are subject to the Massachusetts Public Waterfront Act (Chapter 91). This legislation governs both water-dependent projects (such as marinas, boatyards, etc.) and non-water-dependent projects (including residential or office uses) in order to ensure that the public tidelands serve a proper public purpose, which is defined as water-dependent uses or non-water-dependent uses that enhance public use of and access to the water.

Mr. Busch explained that this objective is achieved through eight dimensional and use standards: height limitations, lot coverage/open space; setback from shoreline [water-dependent use zone, WDUZ]; pedestrian access network (the Harborwalk); facilities of public accommodation (FPA); activated open space; facilities of private tenancy (FPT); new pile-supported structures. (Regulations relating to FPAs and activated open space differ slightly between Commonwealth and private tidelands.) Mr. Busch highlighted a development in Charlestown that, in the absence of an approved MHP, conformed to all of these standards. These standards are uniform and apply throughout the Commonwealth, but approved MHPS allows for conditioned waivers ("substitutions") to modify these standards to promote local planning priorities and better represent local built context, provided that any negative or detrimental effects that these substitutions have on the public realm and the public's use and enjoyment of the waterfront are mitigated ("offset"). The combination of substitutions and offsets is required to promote state tideland objectives with comparable or greater effectiveness. MHPs also allow for municipalities to amplify the discretionary (non-numeric) standards codified in Chapter 91. These regulations ("amplifications") function to provide more clarity and detail to achieving public waterfront goals. For example, "waterfront activation" is a broad term, which can be refined by specifying requirements that new developments include public art installations or waterfront/sheet programming.

Mr. Busch explained that the South Boston Waterfront District MHP amplified both the pedestrian access network requirements (i.e., an expanded Harborwalk width) and space on the ground floor allowed for driveways, parking, and upper floor accessory uses (i.e., allowed less). He continued that there were also substitutions within the Inner Harbor Subdistrict of the South Boston Waterfront, which include Fan Pier and Pier 4, to implement the priorities and land use plan of the Seaport Public Realm Plan. The substitutions were for relief from the height, and shoreline setback provisions associated with the WDUZ. In lieu of a 100-foot setback at Fan Pier and Pier 4, a substitute provision for a 140-foot setback at Fan Pier and 200-foot setback at Pier 4 were requested and approved in order to create more than an acre of open space to enhance the waterfront realm. Reconfiguration of the WDUZ in many subsequent MHPs has been requested and approved by the Secretary of the Executive Office of Energy and Environmental Affairs (EOEEA) provided that there is no net loss of WDUZ.

Mr. Busch explained that the substitute provisions relative to building heights in the South Boston Waterfront MHP that would increase the planning area's density, a critical aspect in developing into an active, mixed-use neighborhood. He presented a comparison of the building forms allowed under Chapter 91 and those allowed through the MHP. Because Chapter 91 is focused on the quality of the pedestrian, ground-level waterfront experience, building height and massing are often evaluated using new wind and shadow conditions and views of the water. There are two important standards for measuring shadow: date and duration. Dating back to MHP process in 2000, the City of Boston's standard date for measuring shadow has not been a solstice date, but rather October 23rd. Whereas the fall solstice is still considered a comfortably outdoor date, October 23rd is closer to the end of the traditional outdoor months during which sunlight encourages activity. Further, this is a more restrictive date, i.e. as the sun is lower on the horizon, the shadow cast is much longer. For duration, shadow must be cast for one hour or longer in the shadow protection zones (SPZ), which are specific areas of particular sensitivity to shadow impacts, in order to be considered net-new-shadow (NNS).

Mr. Busch moved onto how wind impacts are evaluated. The BRA has adopted two criteria for assessing the relative wind comfort for pedestrians that have been utilized to establish wind standards for prior MHPs. First, maximum wind gust velocity is 31 miles per hour (MPH), which is not to be exceeded more than one percent of the time. Second, the pedestrian-level wind standard, which is based on location and comfort levels for pedestrian activities as expressed in terms of the one-hour mean wind speed exceeded one percent of the time, is as follows:

<u>Level of Comfort</u>	<u>Wind Speed</u>
1. Comfortable for Sitting	> 12 MPH
2. Comfortable for Standing	12 – 15 MPH
3. Comfortable for Walking	15 – 19 MPH
4. Uncomfortable for Walking	19 – 27 MPH
5. Dangerous	> 27 MPH

Mr. Busch explained that under no circumstances is the “Dangerous” category allowed. He continued by stating that wind conditions and impacts associated with new development proposals have historically been analyzed through the Article 80 Development Review process and not mitigated through MHP offset provisions. Potential wind mitigation design measures may include alterations to building massing and location and installation of structural element closer to the ground plane to baffle or dampen winds.

Mr. Busch continued that the goal of the South Boston Waterfront District MHP was to identify a program of offsets site-by-site related to substitute provisions for the locations that would be most effective in fostering public use and access. The MHP framed guidelines for the evaluation of offsets, noting that mitigation measures should be commensurate with the negative impacts of the substitute provision; coincide with the completion of the project; and, preferably be in-kind in a proximate location; increase the performance standard of another quantitative requirements; and/or qualitatively contribute to promotion of tidelands objectives. Further, the MHP requires that offsets be above-and-beyond baseline requirements, such as civic, cultural, and educational programming; Harborwalk and related signage; water transit facilities, subsidies, and service; public space amenities; and dedicated space for public landings/transient dockage. Specific to the Inner Harbor, the South Boston Waterfront District MHP, developments in the Inner Harbor Sub-District (i.e. Pier 4 and Fan Pier) included no offsets for the WDUZ or open space because the parcels met the required standards. However, offsets were required for shadow and were developed with the intent to provide people with alternative places to gather, relax, or wait for water transportation. Formulaically, square footages of shadow were offset at a 2:1 ration for additional open space; 1:1 for civic, cultural, and educational facilities; 1:1 for public water-related facilities; 1:1 above and beyond baseline maximum of 15% for water-transportation subsidies; a maximum of 10% of offset amount for public access facilities for the Boston Harbor Islands; contributions to the Fund for Parks and Recreation; and other qualitative offsets. Given the significant amount of shadow created by Fan Pier and Pier 4, these results resulted in the contribution of millions of dollars for water transportation in the Inner Harbor, the development of ferry terminals at Fan Pier Cove and the Pier 4 Water Commons, and the creation of civic/cultural space on Fan Pier (the ICA) and Pier 4.

Mr. Busch transitioned to an explanation of the three substitute provisions requested for the 150 Seaport Boulevard parcels and the offsets that the Committee is being asked to assist in developing. The proponent is seeking substitutions for the reconfiguration of 208 SF of the WDUZ; height (which will generate approximately 16,640 SF of NNS); and 3,374 of lot coverage in excess of 50%. Ms. Julie Wormser, MHPAC Member, asked if the sidewalk and area under the cantilevered section of the building are included in the calculation of lot coverage. Mr. Busch replied that open space is defined as “open to the sky”, so the area under the cantilevered section of the building is not counted as open space, and that the sidewalk is included in the calculation of open space, as has previously been done. Ms. Wormser asked

how the calculation of open space would change if the sidewalk weren't included. Mr. Busch stated that those numbers could be provided.

Mr. Busch invited Mr. Rob Halter, Elkus Manfredi Associates, and Mr. Tom Skinner, Durand & Anastas, to present the modifications to the proposal since the previous Committee meeting. Prior to the beginning of this presentation, Mr. Bruce Berman, MHPAC Member, asked Mr. Busch to repeat the three most recently presented slides of the presentation to clarify the size of the substitute provisions required to be offset. Mr. Busch took this opportunity to highlight the final slide of the presentation, which compared the square footages of the existing structures at 150 Seaport Boulevard (10,515 SF), a Chapter 91-compliant structure (46,488 SF), and the proposed structure (275,000 SF), relative to the adjacent buildings: 100 Pier 4 (400,000 SF), Pier 4 Office Building (350,000 SF), Seaport West (575,000 SF), Seaport Square Parcel L2 (425,000 SF), and Seaport Square Parcels M1 & M2 (1.1M SF). Mr. Busch then returned to the three previous slides as requested. Mr. Berman clarified that shadow is counted only if it is NNS, not shadow overall, and that heights in this area are limited by the FAA due to approaches to Logan Airport. He continued that in previous MHPs roads and sidewalks had been included in calculating open space percentages. Ms. Wormser asked Mr. Busch to return to the final slide which showed the comparisons of square footages and asked if the heights of these adjacent buildings were all similar. Mr. Busch replied that while he can't speak for Parcel L2, the heights along Seaport Boulevard and Northern Avenue are generally around 250 feet. Ms. Wormser asked for a confirmation and comparison of the heights of adjacent buildings similar to how the square footages were presented. Mr. Palmer, member of the public, asked how the Chapter 91 height standard of 55 feet fits into these comparisons. Mr. Busch replied that the Chapter 91-compliant structure square footage (46,488 SF) would conform to that standard, but could vary based upon floor heights.

Mr. Busch indicated that the next task for the Committee is to determine the offsets that would ensure an equal or better waterfront than currently exists. Mr. Skinner then introduced the proponent's presentation in response to comments and questions received at the previous Committee meeting. Mr. Halter explained that his initial slide indicates the current property boundaries, the discontinued right-of-way for Old Northern Avenue currently licensed to Cronin Holdings, the delineation of the assumed property line on the watersheet, and the Chapter 91-licensed area of the Harborwalk. Mr. Berman clarified that the currently licensed Harborwalk does not currently exist. He explained that Save the Harbor/Save the Bay uses the watersheet three times per week in the summer and had previously expressed concern over the Harborwalk extending over the watersheet and its impact on navigation. He stated that he spoke with Bay State Cruiselines staff and they indicated that there would be no issues, but would actually be a benefit to the area overall.

Mr. Halter continued that the next slide presented a model of the existing structures to illustrate the current views of the watersheet and compare them those offered by a Chapter 91-compliant structure and the proposed structure. Mr. Halter pointed out the additional

views offered by the proposed structure and the activated “open-to-the-weather” space and facilities of public accommodation. Mr. Halter proceeded on to address the previously-expressed concerns about the climate-change-preparedness of the proposed building. He indicated that the existing differences in grade from the northwest to the southeast corners of the site (18.5 feet to 16.5 feet, respectively) offered the opportunity to level the ground floor at 18.5 feet with steps and a ramp, effectively raising the entire site. Further, this mitigation measure offers the ability to continue raising the entire ground floor to a still-to-be-determined height in preparation for expected sea level rise without compromising the building’s foundation. Finally, Mr. Halter highlighted that the building would use temporary flood gates at the vehicular access points along Seaport Boulevard as necessary. Mr. Berman asked what the elevation of the adjacent property is. Mr. Halter stated that he didn’t know readily, but that the street is fairly level.

Ms. Wormser sought clarification on the Chapter 91 standards and the number of substitute provisions requested. Mr. Busch clarified that shadow works as a proxy for height and Mr. Skinner explained that the current Chapter 91 license allows for the Harborwalk and therefore does not require mitigation. He continued that they are exploring additional designs to the Harborwalk to soften the 90° angles of it in order to visually cue pedestrians to follow it. Ms. Wormser emphasized that temporary flood gates are a poor long-term solution relative to raising the ground level of the building, but is pleased that the latter was featured in this proposal.

Ms. Sara McCammond asked where the vehicles access the building. Mr. Skinner pointed out the two garage entrances and truck dock. Ms. Wormser asked if not including parking in the proposal is at all possible and suggested that the apparent vulnerability to flooding would be resolved without it. Mr. Halter stated that the residential access areas are planned to also be flexible and that as the City of Boston considers street-level mitigation measures the building will be able to adapt.

Mr. Palmer asked about the east-west grade change of the Harborwalk. Mr. Halter indicated that there isn’t one because the ramp and stairs will run north-south.

Mr. Busch asked if there were any more questions. Hearing none, he explained that the next steps for the Committee will be to examine and develop potential mitigation measures that would ensure an equal-or-greater standard. Mr. Andrew Grace, asked about the size of the area covered by NNS. Mr. Skinner clarified the NNS – visually differentiated between land and water NNS – as determined by the MHP’s standards.

Ms. Wormser expressed concern regarding the proximity of the buildings on Pier 4 to the proposed buildings. Mr. Halter clarified that the buildings would maintain their existing distance of approximately 22 feet. Ms. Wormser wondered if this was typical in urban settings. Mr. Halter countered that in urban settings you can have attached buildings without any

issues. Ms. Wormser, noting that this is not a Chapter 91 issue, but rather an urban design issue, asked what would be expected as the norm in this instance. Mr. Halter pointed out that the buildings are slightly staggered and that the seaward ends of Pier 4 and 150 Seaport Boulevard are not very distant. Noting that the space is not a thoroughfare and that Boston has a historic precedent of narrow passages and roads, Mr. Halter stated that rather than a detriment to the area, this is actually an opportunity to frame a unique view of the watershed and create a novel pedestrian experience. Mr. Busch added that wind standards will also dictate certain aspects of the design of the space and building form. Ms. Wormser also expressed concern regarding the privacy of occupants of adjacent buildings. Mr. Halter replied that there are various design solutions to this issue, such as focusing views towards the water, strategically locating interior building infrastructure, and so forth. Mr. Andrew Grace, MassPort, asserted that the space between the buildings is very narrow and that the Committee might benefit from a figure ground drawing to better visualize and understand the space. Mr. Berman clarified that the proposal will be subject to Article 80 Development Review, which includes a design component, and will further refine it. Ms. McCammond requested clarification on the timeline of the Article 80 Development Review. Mr. Busch replied that they are concurrent processes in this instance and would consult with Ms. Casey Hines, who had left the meeting, about the exact schedule.

Mr. Palmer inquired about shadow modellings for dates other than October 23. Mr. Halter replied that they had and presented shadow models for March 21, June 21, September 21, and December 21. Mr. Busch clarified that these models include shadows from existing and permitted buildings.

Ms. Valerie Burns, Fort Point Resident, requested a better understanding of the interface of the proposed structure and Seaport Boulevard. She expressed specific concern about the lack of trees and the length of the curb cut for residential access. Mr. Halter replied that they are examining alternatives for the residential access, including narrowing the curb cut to one lane, which is why the area has been obfuscated in the proposal documents. Mr. Busch added that KV line running along the property presents some hindrances to certain aspects of the interface, such as trees. Mr. Burns requested that the proponent carefully examine the possibility of adding more trees.

Ms. Wormser inquired about removing the parking from the building, suggesting that the area is very transit-oriented and that removing it would solve a lot of problems, such as the flooding vulnerability and curb cut. Mr. Jon Cronin, Cronin Holdings, stated that, while he would rather not include parking that comes at a significant cost to the project, market studies indicated that the target clientele of the residences require on-site parking for their use.

Mr. Busch informed the Committee and public that the next meeting is scheduled for March 2 at 6 PM in the Piemonte Room on the Fifth Floor of City Hall.

Meeting adjourned at 7:30 PM.