

FORT POINT DOWNTOWN WATERFRONT
MUNICIPAL HARBOR

P L A N
A MUNICIPAL HARBOR PLAN OF THE CITY OF BOSTON



PHASE 2

CITY OF BOSTON
Thomas M. Menino
Mayor

Boston
Redevelopment
Authority
Mark Maloney
Director

prepared by:
ICON architecture, inc.

SEPTEMBER 2003

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SEPTEMBER 2003

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The development of the Municipal Harbor Plan for the Fort Point Downtown waterfront has been a collaborative effort. The Boston Redevelopment Authority would like to thank the following individuals and organizations that have contributed to the process and many other residents, advocacy groups and business representatives who have contributed their time toward this Municipal Harbor Plan. Many of your ideas and guidance are incorporated into this plan and it is a better plan because of your efforts.

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Table of Contents

| | | |
|-----------|--|--------------------|
| 1. | <i>Introduction</i> | <i>viii</i> |
| 1.1. | Purpose | 1 |
| 1.2. | Relationship to City of Boston Harbor Planning | 1 |
| 1.3. | State Programs Affecting the MHP Process | 2 |
| 1.3.1. | Waterways Regulations (310 CMR 9.00) | 2 |
| 1.3.2. | Municipal Harbor Planning Regulations (301 CMR 23.00) | 3 |
| 2. | <i>Developing a Phased Municipal Harbor Plan.....</i> | <i>4</i> |
| 2.1. | Introduction | 4 |
| 2.2. | The Fort Point Channel Downtown Planning Area | 4 |
| 2.3. | Parcels in the Planning Area | 5 |
| 2.4. | The Municipal Harbor Plan Process | 6 |
| 2.4.1. | Management | 6 |
| 2.4.2. | Public Involvement | 7 |
| 3. | <i>Historic and Planning Context.....</i> | <i>9</i> |
| 3.1. | History of the Fort Point Channel | 9 |
| 3.2. | Urban Context | 11 |
| 3.2.1. | Fort Point Downtown Waterfront Planning Area | 11 |
| 3.2.2. | Transit Oriented Development | 12 |
| 3.2.3. | Adjacent Neighborhoods | 12 |
| 3.3. | Planning Context | 13 |
| 3.3.1. | <i>The Seaport Public Realm Plan, BRA, 1999</i> | 13 |
| 3.3.2. | <i>South Boston Municipal Harbor Plan, BRA, July 2000</i> | 14 |
| 3.3.3. | <i>Fort Point Channel Watersheet Activation Plan, BRA with Fort Point Channel Working Group and Fort Point Channel Abutters Group, May 2002</i> | 16 |
| 3.3.4. | <i>Port of Boston Economic Development Plan, BRA/Massport, 1996</i> | 16 |
| 3.3.5. | <i>South Boston Transportation Study, BTD with BRA and Massport, 2000</i> | 17 |
| 3.3.6. | <i>Boston Inner Harbor Passenger Water Transportation Plan, BRA, 2000</i> | 18 |
| 3.3.7. | <i>South Bay Harbor Trail, City of Boston Office of Environmental Services, the South Bay Harbor Trail Coalition and Save the Harbor/Save the Bay (Under Design)</i> | 19 |
| 3.3.8. | <i>Harborpark Plan: The City of Boston Municipal Harbor Plan, BRA, 1990</i> | 19 |
| 3.3.9. | Northern Avenue Bridge | 19 |
| 3.3.10. | Congress Street Bridge | 19 |
| 3.3.11. | <i>Central Artery Corridor Master Plan, Massachusetts Turnpike Authority Central Artery Plan Steering Committee, 2001</i> | 20 |
| 3.3.12. | <i>Central Artery/Third Harbor Tunnel Environmental Impact Report and Chapter 91 License</i> | 20 |

| | | |
|-------------|---|-----------|
| 3.3.13. | MBTA South Boston Piers/Fort Point Channel Transitway | 21 |
| 3.3.14. | MWRA Combined Sewer Overflow (CSO) Control Program for Fort Point Channel | 21 |
| 3.3.15. | BRA <i>Central Business District – South Station Urban Renewal Plan</i> , 1968 | 22 |
| 3.3.16. | Boston Zoning Code Article 40 South Station Economic Development Area, 1989 | 22 |
| 3.3.17. | <i>MBTA and USPS South Station Track Expansion Memorandum of Agreement</i> , July 2000 | 22 |
| 3.3.18. | BRA Fort Point Master Plan (ongoing) | 22 |
| 3.4. | Other Planning Efforts | 23 |
| 3.4.1. | <i>Illuminating Boston: The Diamond Necklace Project</i> , Light Boston, 2000 | 23 |
| 3.4.2. | <i>Dewey Square Master Plan</i> , Dewey Square Urban Design Group | 23 |
| 3.4.3. | Public Marketplace | 23 |
| 3.5. | Development Adjacent to the Planning Area | 24 |
| 3.5.1. | Children’s Wharf Park | 24 |
| 3.5.2. | Central Artery/ Tunnel Dorchester Avenue Harborwalk | 24 |
| 3.5.3. | South Station Transportation Center | 24 |
| 3.5.4. | Rose Kennedy Greenway and Massachusetts Horticulture Society Garden Under Glass | 25 |
| 4. | <i>Developing a Fort Point Downtown Area-wide Framework</i> | 26 |
| 4.1. | Planning Framework | 26 |
| 4.1.1. | Application of Planning Framework in Phase 1 | 29 |
| 5. | <i>The Fort Point Channel Watersheet Activation Plan</i> | 30 |
| 5.1. | Introduction | 30 |
| 5.2. | The Planning Process | 30 |
| 5.3. | The Plan | 31 |
| 5.3.1. | Channel-wide Concepts | 31 |
| 5.3.2. | Implementation | 32 |
| 5.3.3. | Recommendations of the Plan | 33 |
| 5.4. | Channel-Wide Planning | 34 |
| 5.5. | Source of Offsets | 34 |
| 5.6. | Amplifications | 35 |
| 6. | <i>Water Transportation</i> | 37 |
| 6.1. | Introduction | 37 |
| 6.2. | Fort Point Channel | 37 |
| 6.3. | Water Transportation Planning | 37 |
| 6.3.1. | <i>Boston Inner Harbor Passenger Water Transportation Plan (BIHPWTP)</i> , 2000 | 37 |
| 6.3.2. | EOEA/DEP <i>Boston Harbor Chapter 91 Passenger Water Transportation Report</i> , April 2002 | 38 |

| | | |
|-------------|---|-----------|
| 6.3.3. | DEP “Draft Chapter 91 Policy on Water Transportation in Boston Harbor,” December 2002 | 38 |
| 6.3.4. | Executive Office of Transportation and Construction Water Transportation Planning | 38 |
| 6.4. | Water Transportation Facilities | 39 |
| 6.4.1. | CA/T Project Water Transportation Terminal - 500 Atlantic Avenue | 39 |
| 6.4.2. | Additional Water Transportation Facilities | 39 |
| 7. | <i>Watersheet Management Planning</i> | 41 |
| 7.1 | Purpose and Overview | 41 |
| 7.1.1. | Watersheet Activation Component Framework | 42 |
| 7.1.2. | Watersheet Activation Action Plan Elements | 42 |
| 7.2. | Watersheet Activation Plan Guidelines and Component Framework | 44 |
| 7.2.1. | Watersheet Activation Plan Goals and Guidelines | 44 |
| 7.2.2. | Watersheet Public Uses (Figure 7.3) | 45 |
| 7.2.3. | Watersheet Private Uses (Figure 7.4) | 46 |
| 7.2.4. | Watersheet Public Access (Figure 7.2) | 47 |
| 7.2.5. | Landside Public Realm Uses (Figure 7.5) | 49 |
| 7.2.6. | Landside Private Uses (Figure 7.6) | 50 |
| 7.2.7. | Landside Public Access (Figure 7.2): | 50 |
| 7.3. | Watersheet Management Policy and Plan | 52 |
| 7.3.1. | Potential Management Entities | 52 |
| 7.3.2. | Watersheet Management Plan and Responsibilities | 53 |
| 7.3.3. | Landside Public Realm Management Plan and Responsibilities: | 55 |
| 7.4. | Recommended Watersheet Implementation Phasing Plan | 55 |
| 7.4.1. | Phase I- Immediate Actions (2003-04 or year 1 after MHP approval) | 56 |
| 7.4.2. | Phase II- Short Range Actions (2004-2005 or years 2-3 after MHP approval) | 57 |
| 7.4.3. | Phase III - Mid Term Actions (2006-2010 or years 4-7 after MHP is approved) | 58 |
| 8. | <i>Amplifications and Offset Guidelines</i> | 59 |
| 8.1. | Introduction | 59 |
| 8.2. | Amplification | 59 |
| 8.2.1. | Introduction | 59 |
| 8.2.2. | Amplification Recommendation | 60 |
| 8.3. | Offset Guidelines | 62 |
| 8.3.1. | General Offset Guidance | 63 |
| 8.3.2. | Guidance for Specific Offset Measures | 63 |
| 9. | <i>Open Space and Public Access Principles and Guidance</i> | 65 |
| 9.1. | Introduction | 65 |
| 9.2. | The Open Space and Public Access Guidelines | 65 |
| 9.2.1. | Public Access and View Corridors to the Channel | 66 |
| 9.2.2. | Harborwalk | 68 |
| 9.2.3. | Through-Block Connections and Interior Public Spaces | 71 |

| | | |
|--------------|---|-----------|
| 9.2.4. | Public Space Amenities | 72 |
| 9.2.5. | Creative Programming of Open Space and Other Public Areas | 73 |
| 9.2.6. | 24-Hour Public Access | 75 |
| 9.2.7. | Management and Implementation Standards | 76 |
| 9.3. | Requirements for Open Space and Public Access Plan Submittals | 76 |
| 9.4. | Sustainability | 76 |
| 9.5. | Universal Accessibility | 77 |
| 10. | <i>Parcel Specific Recommendations</i> | 82 |
| 10.1. | Introduction | 82 |
| 10.2. | Overview of Phase 2 Recommendations for Substitutions | 82 |
| 10.2.1. | New Pile-Supported Structures for Nonwater-Dependent Use - 310 CMR 9.51(3)(a) | 82 |
| 10.2.2. | Facilities of Private Tenancy – 310 CMR 9.51(3)(b) | 82 |
| 10.2.3. | Water-Dependent Use Zone (WDUZ) – 310 CMR 9.51(3)(c) | 83 |
| 10.2.4. | Lot Coverage and Open Space - 310 CMR 9.51(3)(d) | 83 |
| 10.2.5. | Building Height – 310 CMR 9.51(3)(e) | 83 |
| 10.2.6. | Public Access Network – 310 CMR 9.52(1)(b) | 86 |
| 10.2.7. | Open Space for Public Recreation – 310 CMR 9.53(2)(b) | 86 |
| 10.2.8. | Facilities of Public Accommodation - 310 CMR 9.53(2)(c) | 87 |
| 10.3. | Proposed Development Plans in the Project Area | 87 |
| 10.3.1. | James Hook & Company – 15 Northern Avenue | 87 |
| 10.3.2. | Independence Wharf - 470 Atlantic Avenue | 87 |
| 10.3.3. | Russia Wharf | 88 |
| 10.3.4. | The Federal Reserve Bank | 88 |
| 10.3.5. | 245 Summer Street | 89 |
| 10.3.6. | United States Postal Service | 89 |
| 11. | <i>The Russia Wharf Redevelopment Project</i> | 91 |
| 11.1. | The Phase 2 Area – Russia Wharf Site | 91 |
| 11.1.1. | Project Overview | 91 |
| 11.1.2. | Chapter 91 Licensing History and the Public Planning Process | 92 |
| 11.2. | Existing Conditions | 95 |
| 11.3. | Planning and Design Context | 96 |
| 11.3.1. | Historic Context | 96 |
| 11.3.2. | Central Artery/Tunnel Project and the Rose Kennedy Greenway | 97 |
| 11.3.3. | 500 Atlantic Avenue Project | 97 |
| 11.3.4. | MBTA South Boston Piers/Fort Point Channel Transitway Project | 97 |
| 11.3.5. | Applicable Zoning | 98 |
| 11.4. | Russia Wharf Redevelopment Project Description | 98 |
| 11.4.1. | Project Design | 98 |
| 11.4.2. | Urban Design | 99 |
| 11.4.3. | Massing | 100 |
| 11.4.4. | Building Dimensions | 100 |
| 11.4.5. | Project Benefits | 101 |
| 11.4.6. | Site Plans | 101 |

| | |
|---|------------|
| 11.4.7. Site Access and Activation of Open Space | 101 |
| 11.4.8. Programming and Activation of Public Spaces | 103 |
| 11.4.9. Sustainability | 105 |
| 11.4.10. Universal Accessibility | 105 |
| 11.4.11. Activation of the Watersheet | 106 |
| 11.4.12. Activation of the Interior Ground Floor | 106 |
| 11.5. Compliance with Municipal Harbor Planning Framework and Chapter 91 Standards | 106 |
| 11.5.1. Consistency with the Planning Framework | 107 |
| 11.5.2. Public Access Network – 310 CMR 9.52(1)(b) | 110 |
| 11.5.3. Open Space and Public Recreation – 310 CMR 9.53(2)(b) | 111 |
| 11.5.4. Facilities of Private Tenancy – 310 CMR 9.51(3)(b) | 111 |
| 11.5.5. Facilities of Public Accommodation – 310 CMR 9.51(2)(c) | 111 |
| 11.5.6. New Pile Supported Structures for Nonwater-Dependent Use 310 CMR 9.51(3)(a) | 112 |
| 11.6. Phase 2 Substitution Requirements and Analysis | 112 |
| 11.6.1. Substitute Requirement for the Water-Dependent Use Zone 310 CMR 9.51(3)(c) | 112 |
| 11.6.2. Substitute Requirement for Lot Coverage and Open Space 310 CMR 9.51(3)(d) | 113 |
| 11.6.3. Substitute Requirement for Height Limitations– 310 CMR 9.51(3)(e) | 114 |
| 11.7. Substitutions | 116 |
| 11.7.1. Public Access Network | 117 |
| 11.7.2. Water-Dependent Use Zone (WDUZ) | 117 |
| 11.7.3. Lot Coverage and Open Space | 117 |
| 11.7.4. Building Height | 117 |
| 11.8. Offsets | 118 |
| 11.8.1. Public Access Network | 118 |
| 11.8.2. Water-Dependent Use Zone (WDUZ) Offsets | 118 |
| 11.8.3. Lot Coverage (Open Space) Offsets | 118 |
| 11.8.4. Building Height Offsets | 119 |
| 11.9. Watersheet Activation and Water Transportation | 120 |
| 11.10. Chapter 91 License Term | 121 |
| 11.11. Amplifications | 121 |
| 11.12. Conclusion | 121 |
| 12. Implementation | 123 |
| 12.1. Introduction | 123 |
| 12.2. Zoning | 123 |
| 12.2.1. Permanent Zoning Changes – Russia Wharf | 123 |
| 12.2.2. Chapter 91 Section 18 Determination | 123 |
| 12.2.3. Boston Zoning Code Article 80 | 124 |
| 12.2.4. Article 28 Boston Civic Design Commission | 125 |
| 12.3. Executive Policies | 125 |
| 12.3.1. Mayor’s Inclusionary Development Policy. | 125 |

| | |
|---|------------|
| 12.4. Non-Regulatory Measures | 126 |
| 12.4.1. Operations Board | 126 |
| 12.4.2. Fort Point Channel Watersheet Program Coordination and Advocacy Not-for-Profit | 126 |
| 13. Consistency with Coastal Zone Management Harbor Planning Guidelines, Program Policies and Management Principles..... | 127 |
| 13.1. Consistency with CZM Harbor Plan Regulations | 127 |
| 13.2. Consistency with CZM Program Policies and Management Principles | 127 |
| 13.3. Consistency with State Tidelands Objectives | 132 |
| 14. Compatibility with State Agency Plans..... | 136 |
| 14.1. Central Artery/Tunnel Project | 136 |
| 14.2. MBTA South Boston Piers/Fort Point Channel Transitway | 136 |
| 14.2.1. Silver Line | 136 |
| 14.2.2. South Station Track Expansion | 136 |
| 14.3. MWRA Combined Sewer Overflow Control Program | 137 |

List of Figures *

Figure 1-1, Planning Area Boundary

Figure 1-2, Fort Point Downtown Waterfront Ch. 91 Boundary

Figure 1-3, Historic Shoreline and Primitive Low Water Line

Figure 1-4, Map of Inner Harbor

Figure 1-5, Fort Point Channel Land Use Map

Figure 1-6, East Boston Land Use Map

Figure 1-7, Charlestown Waterfront Land Use Map

Figure 1-8, North End and Down Waterfront Land Use Map

Figure 1-9, South Boston Waterfront Land Use Map

Figure 5-1, Watersheet Activation Plan

Figure 6-1, Central Artery/Tunnel Project Water Transportation Facility

Figure 7-1, Composite Watersheet Implementation Plan

Figure 7-2, Watersheet Access Implementation Plan

Figure 7-3, Watersheet Public Uses

Figure 7-4, Watersheet Private Uses

Figure 7-5, Landside Public Realm Uses

Figure 7-6, Landside Private Uses Supporting Watersheet

Figure 9-1, Public Access and View Corridors

Figure 9-2, BRA Open Space Charrette

Figure 9-3, Proposed Landscaping between Congress Street and Moakley Bridges

Figure 10-1, Pedestrian Level Wind Criteria for Equivalent Average Winds

Figure 10-2, Independence Wharf Existing Harborwalk

Figure 10-3, Federal Reserve Comprehensive Site Plan Proposal

Figure 10-4, Proposed MBTA New Track Zone

Figure 10-5, USPS Chapter 91 Compliant Building Envelope

Figure 11-1, Russia Wharf

Figure 11-2, Russia Wharf Proposed Ground Floor Plan

Figure 11-3, Russia Wharf Historical Photographs

Figure 11-4, Existing Conditions Photographs

Figure 11-5, Russia Wharf Existing Ground Floor Plan

Figure 11-6, Russia Wharf Proposed Project Perspective from Fort Point Channel

Figure 11-7, Russia Wharf Proposed Project from Congress St. and Atlantic Ave.

Figure 11-8, Russia Wharf Existing Ch. 91 Open Space

Figure 11-9, Russia Wharf Proposed Ch. 91 Open Space

Figure 11-10, Russia Wharf Existing Ch. 91 Facilities of Public Accommodation

Figure 11-11, Russia Wharf Proposed Ch. 91 Facilities of Public Accommodation

Figure 11-12, Russia Wharf Ch. 91 Building Height Limits

Figure 11-13, Russia Wharf Proposed Project Diagram

* Figures are located behind their respective chapters.

1. Introduction

1.1. Purpose

The Boston Redevelopment Authority (BRA) has undertaken the development of a Municipal Harbor Plan for the downtown side (western) of the Fort Point Channel, an area comprised of seven parcels of land including the watershed of Fort Point Channel. This Plan is being done in two phases. The BRA submitted Phase 1 in May 2002 to the Secretary of Environmental Affairs who issued his decision on the Phase 1 Plan on October 10, 2002. The Phase 1 Plan served several purposes:

- Create a framework to guide the development of the entire Fort Point Downtown MHP planning area in a manner that reflects the City's and community's vision for the area and conforms to the objectives of the state's Waterways Regulations;
- Provide specific planning recommendations for the Phase 1 Planning Area;
- Provide guidance to the Department of Environmental Protection (DEP) licensing process; and
- Serve as a planning tool for the near- to mid-term and have a proposed effective term of 10 years.

This document constitutes Phase 2 of the *Fort Point Channel Downtown Municipal Harbor Plan* ("Phase 2 Plan") and is being submitted herewith to the Secretary of Environmental Affairs in accordance with 301 CMR 23.00 et seq., Review and Approval of Municipal Harbor Plans. The Phase 2 Plan builds on the Phase 1 Plan, incorporating the area-wide planning framework and the commitment to implementing the BRA's *Fort Point Channel Watersheet Activation Plan (FPCWAP)*, May 2002. The Phase 2 Plan will include planning recommendations for the Phase 2 planning area and, like the Phase 1 Plan, will provide guidance to the Department of Environmental Protection (DEP) licensing process, serve as a planning tool for the near- to mid-term and have a proposed effective term of 10 years.

The entire Fort Point Channel Downtown Planning Area with Phase 1 and Phase 2 boundaries is shown in **Figure 1-1, Planning Area Boundary**. The Phase 2 Planning Area comprises approximately 34.54 acres of land and wharf on the east side of Atlantic Avenue, between Congress Street and Northern Avenue on the north and the southerly boundary of the US Postal Service property to the south, excluding 500 Atlantic Avenue. Phase 2 also includes 44.02 acres of Fort Point Channel watershed from the southern edge of the Northern Avenue Bridge south to the West Fourth Street Bridge. The entire Phase 2 Area is comprised of formerly flowed or flowed tidelands, including some areas of Commonwealth Tidelands. Commonwealth Tidelands jurisdiction is based upon historic mapping and other evidentiary materials. See **Figure 1-2, Fort Point Downtown Waterfront Chapter 91 Boundary**, and **Figure 1-3. Historic Shoreline and Primitive Low Water Line**.

1.2. Relationship to City of Boston Harbor Planning

Boston Harbor consists of several waterfronts that vary in terms of their geography, location topography, history, demographics and other factors. As a result, the BRA with Coastal Zone Management's (CZM) concurrence has developed separate municipal harbor plans for individual Inner Harbor waterfronts. **Figure 1-4, Map of Inner Harbor**, depicts the various

waterfronts. Land use for each waterfront shown on **Figures 1-5 to 1-9** illustrates one aspect of the differences among these individual waterfronts.

The City of Boston, through the BRA, initiated its harbor planning efforts with the submittal of a Municipal Harbor Plan (*The Boston Harborpark Plan*) for a portion of the waterfront in October 1990. This plan, which the Secretary of Environmental Affairs approved in May 1991, was effective for five years. Through correspondence beginning in 1996, the BRA requested additional time to file its renewal, and the Secretary concurred, stating that the approved *Harborpark Plan* would remain in full force and effect until such time as the City renews it.

Since the original 1990 filing, the BRA has accomplished the following tasks. In 1999, the City filed and received approval for two geographic amendments to the MHP, one in the North Station Waterfront and one in the Charlestown Navy Yard. In July 2000, the BRA submitted the *Municipal Harbor Plan for the South Boston Waterfront* (“SBMHP”), and in December 2000, the Secretary of Environmental Affairs issued his decision on this plan. During the planning process for the South Boston Waterfront, it was decided that the opportunities and challenges presented by the Fort Point Channel merited its own planning process for this important body of water. This led to the development of the *FPCWAP*, a plan that aims to increase public access to and public use of the Channel. The *FPCWAP* provides an important context to this Phase 2 Plan. In July 2002, the BRA submitted *The East Boston Inner Harbor Waterfront Municipal Harbor Plan* to the Secretary of Environmental Affairs who issued his Decision in December 2002. The BRA also submitted an amendment to the South Boston MHP to reflect the proposed design of the Institute of Contemporary Art on November 15, 2002 for which the Secretary of Environmental Affairs issued his decision on December 31, 2002.

The Fort Point Channel Downtown Waterfront MHP - Phase 2 Planning Area differs from other Boston waterfronts due to its proximity to a major public transportation terminal at South Station and its location at the southern boundary of the financial district. It is important to note that the parcels in the Planning Area are developed and many of the existing structures do not meet modern Chapter 91 requirements for height, setbacks, open space and facilities of public accommodations.

The City is also involved in other planning endeavors that affect the waterfront. The BRA has completed a *Master Plan for the Boston Marine Industrial Park* in South Boston, December 1999, and *The Inner Harbor Passenger Water Transportation Plan*, January 2000. The BRA has also participated in the development of a resource management plan for the Boston Harbor Islands National Historic Park that will improve access to the islands while at the same time preserving their unique characteristics. The BRA is currently working on the *Fort Point District Plan*, a planning process that is expected to be completed by the end of 2003 for submittal to the Secretary of Environmental Affairs as an amendment to the SBMHP.

1.3. State Programs Affecting the MHP Process

1.3.1. Waterways Regulations (310 CMR 9.00)

Through the vehicle of Chapter 91 of the Massachusetts General Laws (Chapter 91), the Commonwealth vested DEP with the general care and supervision of its harbors, tidewaters, and tidelands. The Commonwealth also charged DEP to preserve and protect the rights of Massachusetts inhabitants in the tidelands by ensuring that uses of the tidelands are limited to

water-dependent uses or uses that otherwise serve a public purpose. Chapter 91 conferred upon DEP the authority to fulfill this statutory mandate through the issuance of licenses that prescribe terms and conditions for the use and development of tideland areas (Chapter 91 Licenses).

In response to the mandate, DEP has established comprehensive regulations to preserve, protect, and promote the public's rights and interest in the tidelands (310 CMR 9.00, the Waterways Regulations). The Waterways Regulations prescribe the conditions and criteria for granting a Chapter 91 License. By establishing use restrictions and height, setback, and open space requirements, the Waterways Regulations seek to ensure that much of the Commonwealth's waterfront either is preserved for water-dependent uses or is available for use by all its residents.

1.3.2. Municipal Harbor Planning Regulations (301 CMR 23.00)

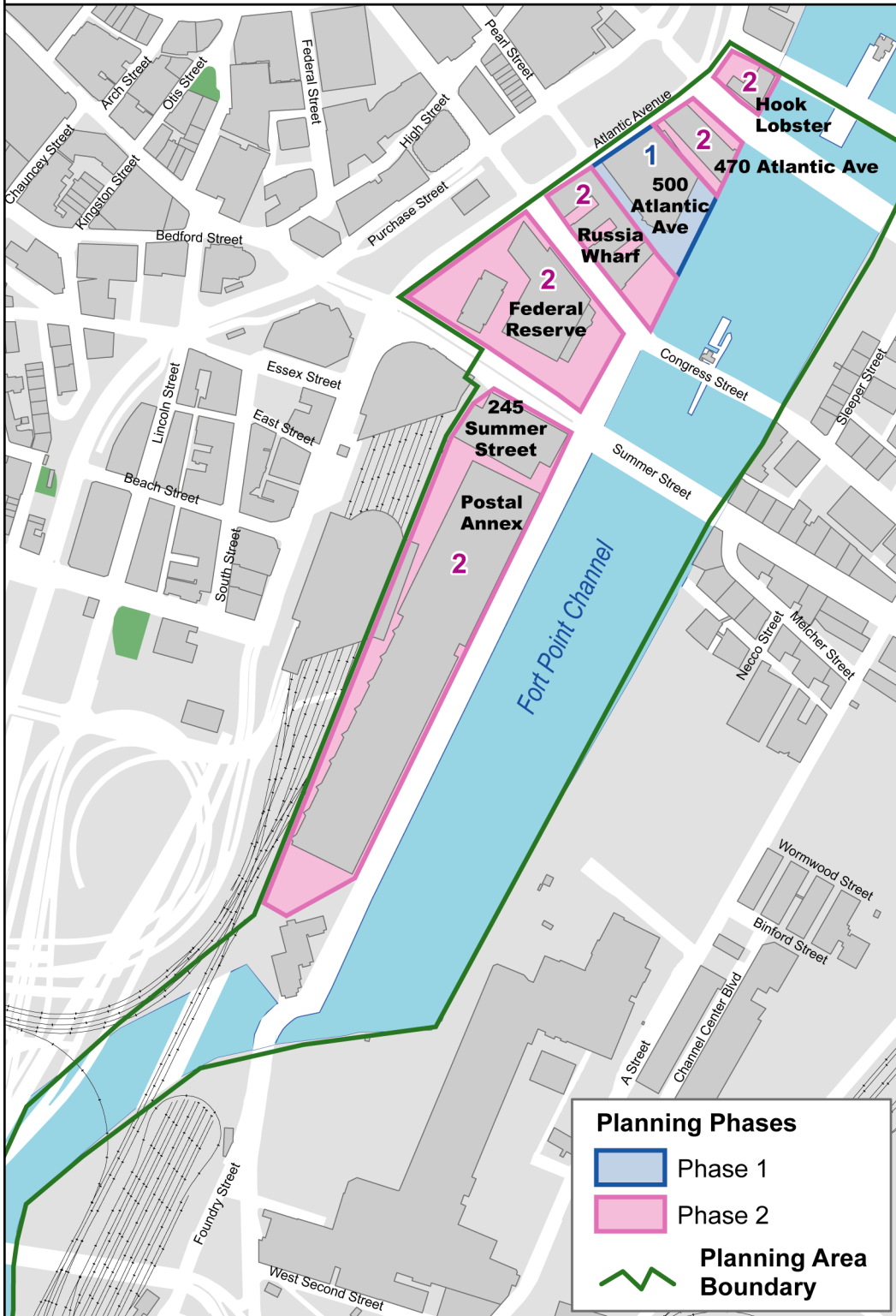
While all of the Commonwealth's tideland areas are subject to Chapter 91 and associated Waterways Regulations (310 CMR 9.00), the Massachusetts DEP recognizes that each harbor and each harbor-front community within the Commonwealth is unique. In order to encourage municipalities to develop long-term, comprehensive plans for their harbors that are consistent with state waterways and tidelands regulations and policies, DEP established a voluntary procedure by which cities and towns may obtain approval of municipal harbor plans from the Secretary of Environmental Affairs (301 CMR 23.00, Regulations for the Review and Approval of Municipal Harbor Plans). These individual municipal harbor plans, developed in consultation with CZM, afford each city and town the opportunity to develop harbor plans tailored to the characteristics of the individual harbor and reflective of the planning goals of the individual community. Approved municipal harbor plans are, in turn, used by DEP for guidance in making decisions regarding use and development of tideland areas that are responsive to local objectives and priorities and harbor-specific conditions.

The MHP Regulations allow municipalities certain latitude with respect to the use, height, set back and open space limitations of the Waterways Regulations, provided the substitute requirements proposed by the municipality are consistent with the mandate of Chapter 91 to protect and preserve the rights of the Commonwealth's residents in the tidelands and are otherwise consistent with the Waterways Regulations. In the context of obtaining approval for a municipal harbor plan, a city or town may propose substitutions for specific use limitations or numerical standards delineated in the Waterways Regulations. The municipal harbor plan must demonstrate that, in the context of its overall planning goals and the distinctive features of the harbor in question, the municipality's substitution requests will promote the state tidelands policy objectives with comparable or greater effectiveness than the corresponding provisions of the Waterways Regulations. If approved by the Secretary, the substitutions will be applied by DEP in its evaluation of Chapter 91 License applications for the affected area in lieu of the corresponding provisions of the Waterways Regulations.

The standards for the Secretary's review and approval of municipal harbor plans are set forth in 301 CMR 23.00, referred to above. In approving a municipal harbor plan, the Secretary must make a written determination that it is consistent with the Harbor Planning Guidelines developed by CZM, other applicable CZM policies, and tidelands policy objectives and regulatory principles as set forth in the Waterways Regulations. These MHP Regulations also include specific criteria for the evaluation and approval of substitution requests.

Fort Point Downtown Waterfront MHP

Figure: I-1
Planning Area Boundary

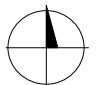


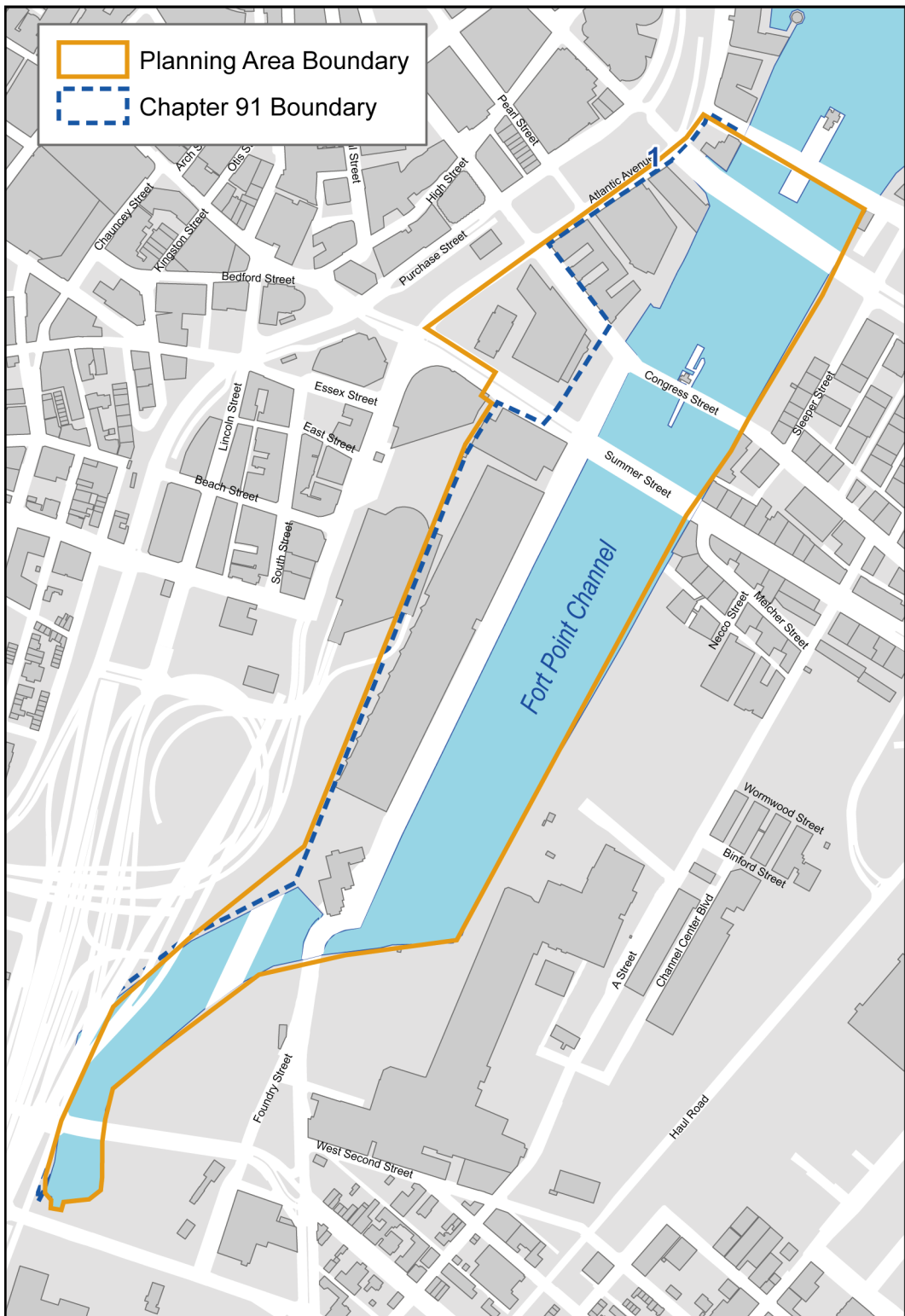
Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
ICON architecture, inc
in association with
Norris & Norris



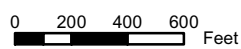
Date: August 2003





Fort Point Downtown Waterfront MHP

Figure: I-2
Chapter 91 Boundary

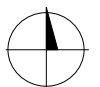


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Norris & Norris



Date: August 2003



Fort Point Downtown Waterfront MHP

Figure: I-3
**Historic Shore Line and
Primitive Low Water**



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Boston Redevelopment Authority

Prepared by
Epsilon associates, inc.



Date: August 2003





Fort Point Downtown Waterfront MHP

Figure: I-4
Map of Inner Harbor

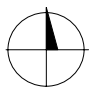
0 0.5 1 Miles

Prepared for
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Boston Redevelopment Authority

Prepared by
Boston Redevelopment Authority

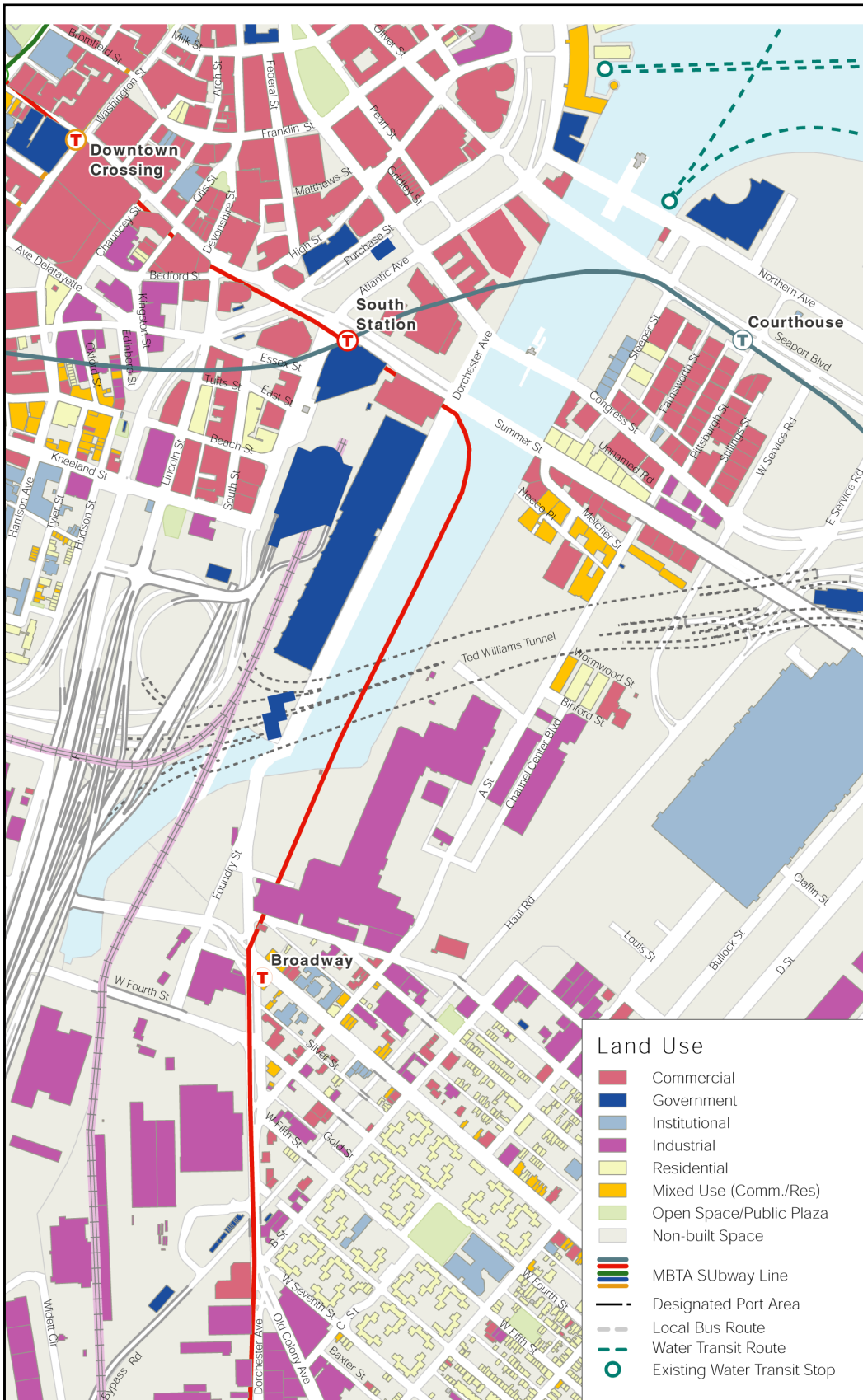


Date: August 2003



Fort Point Downtown Waterfront MHP

Figure: I-5
**Fort Point Downtown
Waterfront Land Use
Map**



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Boston Redevelopment Authority

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Norris & Norris



Date: August 2003





Fort Point Downtown Waterfront MHP

Figure: I-6
**East Boston
Land Use Map**

Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
Boston Redevelopment Authority



Date: August 2003



Fort Point Downtown Waterfront MHP

Figure: I-7
**Charlestown Waterfront
Land Use Map**



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City of Boston,
Boston Redevelopment Authority

Prepared by
Boston Redevelopment Authority



Date: August 2003



Fort Point Downtown Waterfront MHP

Figure: I-8
**North End and
Downtown Waterfront
Land Use Map**



0 500 1,000
Feet

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Norris & Norris

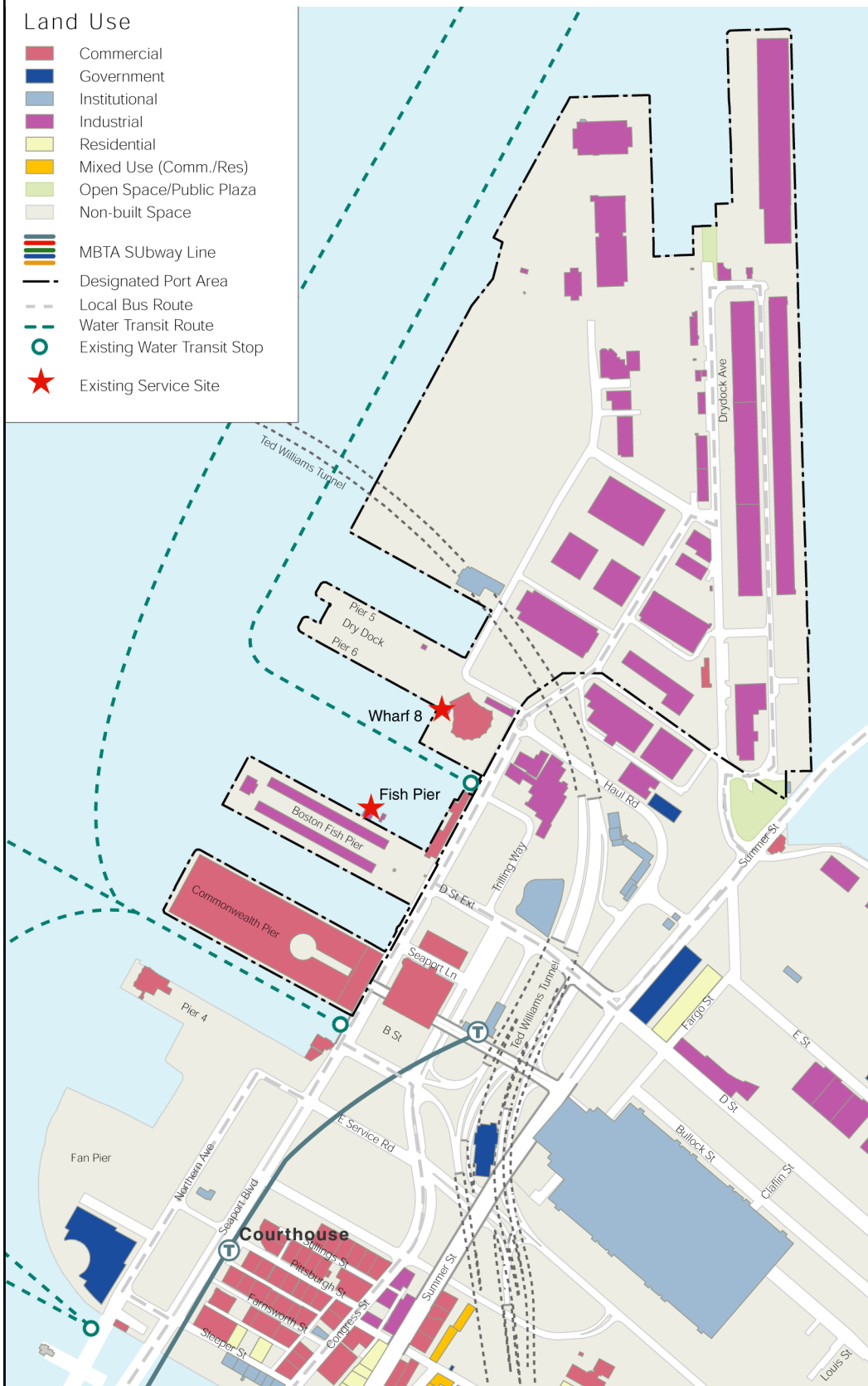


Date: August 2003



Land Use

- Commercial
- Government
- Institutional
- Industrial
- Residential
- Mixed Use (Comm./Res)
- Open Space/Public Plaza
- Non-built Space
- MBTA Subway Line
- Designated Port Area
- Local Bus Route
- Water Transit Route
- Existing Water Transit Stop
- Existing Service Site



Fort Point Downtown Waterfront MHP

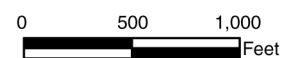
Figure: I-9
**South Boston
Waterfront
Land Use Map**

Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
ICON architecture, inc
in association with
Norris & Norris



Date: August 2003



2. Developing a Phased Municipal Harbor Plan

2.1. Introduction

After consultation with the Executive Office of Environmental Affairs' Office of Coastal Zone Management, the BRA recommended developing a phased Municipal Harbor Planning process for the Fort Point Downtown Waterfront planning area. A phased approach enabled the planning process to proceed separately for the 500 Atlantic Avenue planning area where the project had a substantially completed design and therefore could move forward through the public review process. CZM issued a Notice to Proceed on November 26, 2001, directing the BRA to complete the Fort Point Channel Downtown Waterfront MHP in two phases as described below.

Phase 1 establishes planning principles consistent with the intent of 310 CMR 9.0 and 301 CMR 23.00 to guide harbor planning in both phases and focuses specifically on the 500 Atlantic Avenue parcel. Phase 2 includes the Fort Point Channel watersheet and the following parcels:

- Hook Lobster
- 470 Atlantic Avenue
- Russia Wharf
- Federal Reserve Property
- 245 Summer Street (Formerly Stone & Webster)
- Postal Annex

2.2. The Fort Point Channel Downtown Planning Area

The watersheet of Fort Point Channel, a narrow body of water located between downtown Boston and South Boston, is approximately one mile in length and has an area of 44.02 acres. The Fort Point Channel Downtown Waterfront Planning Area, shown in **Figure 1-1**, consists of seven parcels of land immediately adjacent to the west side of Fort Point Channel with a total land area of approximately 37.34 acres and 44.02 acres of Fort Point Channel watersheet from the southern edge of the Northern Avenue Bridge south to the West Fourth Street Bridge. Eight bridges span the Fort Point Channel.

The boundary of the Fort Point Channel Downtown Waterfront Planning Area was chosen primarily because of the area's strong relationship both to the Downtown Waterfront to the north and the Financial District to the west. Although the elements of the Seaport Public Realm Plan that relate to Fort Point Channel and the rest of the South Boston Waterfront will both inform and provide context for this planning effort, the Fort Point Downtown, with its varied building sizes and primary commercial uses and its proximity to the South Station Intermodal Transportation Center is closely aligned with the Downtown Waterfront and the Financial District. The depression of the Central Artery will create a closer connection between the Financial District and Fort Point Channel and future development in the area should enhance this connection by drawing people to Fort Point Channel, the South Boston Waterfront and beyond.

2.3. Parcels in the Planning Area

As discussed above, the planning area for Phase 1 of the Fort Point Downtown Waterfront Municipal Harbor Plan consists of the 500 Atlantic Avenue parcel. The following sections describe the existing conditions of the parcels in Phase 2 Planning Area of the Fort Point Downtown Waterfront:

Hook Lobster.

The Hook Lobster parcel consists of less than one-half acre of land and pier, the majority of which is a pile-supported structure over flowed tidelands. James Hook Lobster Co., a fresh seafood wholesale and retail distributor located at this site since the mid-1950s, occupies the existing wood structure. This water-dependent-use and structure is one of the many unique qualities of the Fort Point Channel area that is recognized and enhanced by the recommendations of the Watersheet Activation Plan. Hook Lobster employs seawater intakes for its operations and relies on favorable water quality. These operations are sensitive to any new development along or in the Channel that could cause negative impacts to water quality. Hook's retail operations create a great destination for Harborwalk users along the Channel.

Independence Wharf (470 Atlantic Avenue)

The parcel immediately to the south of the Evelyn Moakley Bridge contains a fourteen-story office building with a street address of 470 Atlantic Avenue. The Independence Wharf parcel contains 55,496 square feet of land and pier. Approximately 50% of the site is located on pilings. The property's owners continue to upgrade the site, restoring full public waterfront access on the new Griffin's Wharf along the north side of the building and an arcaded Harborwalk and ramping system linking it to the abutting property at 500 Atlantic Avenue. The arcade provides a Harborwalk without loss of watersheet as would have occurred if the CA/T Project had implemented an earlier plan for a pile supported walkway between the Congress Street and Moakley Bridges. This development offers public amenities including historic exhibits, Facilities of Public Accommodation (FPAs), such as a restaurant, a rooftop observatory (not universally accessible) of the Channel, and 24-hour accessible public bathrooms.

Russia Wharf

Russia Wharf located at 530 Atlantic Avenue and 270-290 Congress Street is comprised of three 7-story buildings located on an approximately 95,000 square foot site. The three buildings comprise a National Register District and are potentially eligible as a Boston Landmark. The buildings were constructed at the turn of the century for commercial and mercantile uses. The buildings have retail and restaurant uses on portions of the ground floor, and are occupied by a number of office tenants. The wharf adjacent to the waterfront is used for public parking. The majority of the property is filled tidelands, has the benefit of licenses to fill and an amnesty license under Chapter 91, and is authorized under irrevocable licenses granted by the state legislature. At present, the property is surrounded with major public works projects, including the MBTA Transitway tunnel under the buildings, and the Central Artery/Tunnel (CA/T) Project along Atlantic Avenue and at its Vent Building #3 at the adjacent 500 Atlantic Avenue and Fort Point Channel construction sites. With funds for the Harborwalk provided by the CA/T Project and the MBTA and the grant of an easement from Equity Office Properties, the MBTA is reconstructing the Harborwalk along Russia Wharf as part of the Transitway construction process.

Federal Reserve Building

The Federal Reserve building is a 600-foot high office tower located entirely on filled tidelands. The building is set back from all its street edges. The site contains 242,305 square feet of land area. The CA/T project will construct a Harborwalk segment along Dorchester Avenue adjacent to Fort Point Channel in conformance with the City's Harborwalk standards. The Federal Reserve is in the process of planning and re-landscaping its grounds, improving site security, and developing a new museum to be located on the Congress Street end of the ground floor that will focus on economic history. The museum's opening is projected as October 2008.

245 Summer Street (Formerly Stone & Webster)

245 Summer Street is a 12-story, 154-foot high office building located entirely on filled tidelands. The site contains 81,958 square feet of land area. The building almost fills the entire site. Pembroke Real Estate (real estate arm of Fidelity Investments) purchased the building and intends to continue its current commercial office space use. The building is located next to the South Station Intermodal Transportation Center. The 245 Summer Street building contains a covered arcade that connects South Station down to the Fort Point Channel.

Postal Annex

The United States Postal Service (USPS) Annex contains several connecting buildings on 706,500 square feet of land, all of which is filled tidelands. The Postal Annex building is 96 feet high and almost 2,000 feet long. This facility is located next to the South Station Intermodal Transportation Center. The section of Dorchester Avenue along the waterside of the property is currently not open to the general public. On July 21, 2000 the Executive Office of Transportation and Construction and the United States Postal Service reached an agreement to address limited capacity at South Station whereby the Postal Service will accommodate four additional tracks and associated platforms on the Postal Service site as part of its future redevelopment plans.

2.4. The Municipal Harbor Plan Process

The Fort Point Downtown Waterfront Municipal Harbor Plan will bring together the many planning efforts that have been undertaken over the years for the downtown, the Fort Point Channel, Wharf District and the South Boston Waterfront. It will afford the City of Boston an opportunity to benefit from the flexible provisions of the State's Harbor Planning Program and Waterways Regulations. The BRA is working in consultation with CZM and DEP to develop a Municipal Harbor Plan that meets the unique circumstances of the Fort Point Downtown Waterfront and is consistent with the State's requirements.

2.4.1. Management

The Municipal Harbor Plan Advisory Committee (MHPAC), appointed by Mayor Thomas M. Menino, has continued its role as the waterfront-wide advisory group to the BRA. (See **Appendix 2A** for list of members.) The MHPAC is broad-based, including community representatives from the City's waterfront neighborhoods, elected officials, representatives from federal, state and city agencies, educational institutions, advocacy groups and commercial interests. Joy Conway who represents the Greater Boston Real Estate Board chairs the MHPAC for Phase 2. At the start of the Phase 2 Fort Point Downtown MHP process, a representative from Chinatown was added to the Committee. Meetings of the

MHPAC are open to the public. All efforts will be made to engage those who have participated in Fort Point Channel planning activities over the years in this harbor planning process.

The BRA will coordinate the plan's development with appropriate city, state, and federal agencies. At the state level, the BRA will continue its close coordination with the CZM and DEP. In addition, the BRA will work closely with owners of affected land parcels and the CA/T planning team.

2.4.2. Public Involvement

The City is committed to developing this Phase 2 MHP with public involvement. The primary forum for public review and input is the City's Municipal Harbor Plan Advisory Committee. This broad based committee includes representatives from adjacent and other neighborhoods, harbor related advocacy organizations, commercial and business groups, elected representatives to local, state and federal offices, city and state agencies and staff from the BRA. (See **Appendix 2-A** for a list of members.) Meetings have been held every other week from December 4, 2002 though July 2003. Meeting summaries can be found in **Appendix 2B**. All meetings are open to the public and are well attended. The City's submittal of the Fort Point Downtown Waterfront MHP to the Secretary of Environmental Affairs will be advertised in local newspapers.

In addition, BRA staff meets regularly with the Fort Point Channel Working Group, the Harborwalk Committee, and other groups with special interest in the Fort Point Channel. The BRA also has on-going meetings and consultations with city and state agency staff.

In accordance with the Notice to Proceed, the following schedules detail the meetings and submittals for Phase 2:

- | | |
|-------------|---|
| Meeting 1: | Introduction: Review of NTP and Phase 1 (12/4/02) |
| Meeting 2: | Presentation: Historic Planning Background 1/8/03) |
| Meeting 3: | Presentation: Discussion: Hook Lobster, Independence Wharf, CA/T Project Water Transportation Facility and Dorchester Avenue Improvements (1/22/03) |
| Meeting 4: | Presentation/ Discussion: Federal Reserve Bank, 245 Summer St, and Open Space Charrette (2/5/03) |
| Meeting 5: | Presentation/ Discussion: MBTA South Station Track Expansion and USPS Facility (2/19/03) |
| Meeting 6: | Presentation/ Discussion: Friends of Fort Point Channel and Boston Tea Party & Museum Plans 3/5/03) |
| Meeting 7: | Presentation/ Discussion: Russia Wharf (3/12/03) |
| Meeting 8: | Presentation/ Discussion: Review of Russia Wharf Substitutions and Amplifications, Chapter 91 Water Transportation Policy (4/2/03) |
| Meeting 9: | Presentation/ Discussion: Friends of Public Market, Watersheet Activation, Offsets, and Amplifications (4/16/03) |
| Meeting 10: | Discussion: Offsets, Draft Chapters 1-6 and CZM on Ch.91 (April 30, 2003) |

| | |
|------------|--|
| Meeting 11 | Presentation/Discussion: Watersheet Management, Open Space Coordination, Chapters 1-6 (May 14, 2003) |
| Meeting 12 | Discussion: Offsets, Draft Chapters 1-6 (May 28, 2002) |
| Meeting 13 | Discussion: Draft Chapters 8, 9 (June 11, 2003) |
| Meeting 14 | Discussion: Chapter 7 (June 18, 2003) |
| Meeting 15 | Discussion: Chapters 10 and 11 (June 25, 2003) |
| Meeting 16 | Discussion: Draft Plan (July 16, 2003) |
| Meeting 17 | Editing: Review of Draft MHP submittal (July 28, 2003) |

3. Historic and Planning Context

3.1. History of the Fort Point Channel

As early as the 1700s, the Fort Point Channel was a thriving maritime waterway capable of handling any type of vessel engaged in world commerce at the time. The expansion of Boston, South Boston and Dorchester in the 1800s, combined with a need for increased wharfage space, reduced the Channel to a relatively narrow waterway. The navigation of large sailing vessels in the Channel was further hindered with the building of bridges spanning the waterway. Ship owners sought out more accessible berthing facilities as maritime related activities relocated to other parts of the city. In addition, in the 1800s, the methods of shipbuilding were fundamentally changed, leading to a requirement for deeper water. Prior to this change, merchant ships were designed to rest on the bottom of their hulls within the shallow harbors existing at that time.

In 1840, the Boston Harbor Commission attempted to set limits on development by legally defining how far wharves could be extended out into the harbor. The Boston Wharf Company, founded in 1836, obtained rights to the Mud Flats in South Boston and began building wharves out to the extent of the legal limits. There is evidence that this wharfing out and dredging of the natural channel led to the deepening of the center of the Fort Point Channel by 1860. The land along the Channel was completely filled in by the 1880's, with some of the fill coming from the debris of the Great Fire of 1872.

As they filled in the Flats, the Boston Wharf Company defined the Channel with a granite seawall. The City and the Commonwealth encouraged private developers to build stone seawalls to prevent run-off from the Flats clogging the Channel. The Boston Wharf Company switched from wharfage to real-estate development and quickly became the most influential developer on the South Boston side of the Fort Point Channel, constructing many of the masonry buildings still standing today.

In 1899, South Station opened on the Boston side of the Channel, replacing four depots serving the southern part of Boston. This helped reinforce the Fort Point Channel as a hub of rail activity. An electrical substation was constructed at 500 Atlantic Avenue in the late 19th century.

Three drawbridges span the Channel between Northern Avenue and Broadway. Collectively they represent the early development of moveable bridge design in the United States: The Summer Street Bridge, 1899, was formerly a functioning retractile drawbridge; the Old Northern Avenue Bridge, 1906-1908, a swing bridge; and the Congress Street Bridge, 1926-1933, a bascule counterweight drawbridge.

By the 1920s, the South Boston waterfront, including the Fort Point Channel, was one of the busiest in the country. In 1900, it employed 50% of Boston's industrial workers. The Gillette Company opened its South Boston facility in 1908. During this time, the Channel was a major warehousing and distribution center for the City's wool and ice industries. The American Sugar Refining Company was a prominent anchor at the bend of the upper Channel, creating warehousing and distribution for sugar and molasses. Lumber, coal, bananas, and leather were other commodities commonly stored and distributed through the Channel.

The Channel remained an important piece of the Boston industrial economy into the 1930s, but certain of its physical traits would prove a liability. The large ocean-going ships could no

longer sail into the narrow Fort Point Channel. Smaller ships that could sail into the Channel preferred not to negotiate the narrow bridge openings.¹

The second half of the 20th century saw the Fort Point Channel and much of Boston's waterfront decay as technological and economic changes rendered much of Boston's maritime industrial infrastructure obsolete. The warehousing and distribution businesses that had flourished only a few decades earlier moved away from the area, leaving a surplus of vacant buildings. The focus of new development turned away from the harbor and Fort Point Channel.

Later development in the area included the United States Postal Facility, the Federal Reserve Building, 245 Summer Street and 303 Congress Street. The development of the USPS Postal Annex resulted in the closure of Dorchester Avenue to public vehicular and pedestrian access in the 1970s.

The arrival in the late 1970s of the artist community, the Children's Museum and the Boston Tea Party Ship & Museum added a new cultural and tourist-related dimension to the district. This new element has resulted in the creation of an unusual urban enclave along the Fort Point Waterfront where small businesses, residents, light manufacturing concerns, offices, artists and retailers co-exist.

The following historic resources within the planning area are determined eligible for the National Register:

- Fort Point Channel Seawalls
- Congress Street Bridge
- Summer Street Bridge

The three buildings of Russia Wharf comprise a National Register District.

Three major public works projects, the Boston Harbor cleanup, the Central Artery/Tunnel Project, and the Transitway Project, linking public transit service from South Station to the Seaport District, will have dramatic and positive impacts on the Fort Point Channel. The Boston Harbor cleanup has significantly improved water quality and clarity throughout Boston Harbor, creating consistently swimmable beaches and increased fish stocks. Although the Boston Harbor Project has resulted in dramatically cleaner water throughout most of the harbor, water quality in the Channel remains a challenge. Combined Sewer Overflow (CSO) improvements currently designed by the MWRA will further improve Channel water quality. The Boston Harbor Project to improve water quality has removed psychological barriers as well as created renewed interest in meaningful public waterfront access.

With the promise of reconnecting the downtown to the waterfront, the removal of the Central Artery elevated highway will have enormous impacts on the Fort Point Channel, which will have superior access to the new parks and civic facilities to be developed on the air-rights, particularly around Dewey Square. The availability of enhanced public access through the Transitway will also make this area a desired destination.

¹ Fischer, Michael A. *Waves of Change, A Study of the Past, Present and Future of South Boston's Fort Point Channel*. MIT 11.301J Urban Design and Development, October 20, 1997 (edited for use in this document)

3.2. Urban Context

3.2.1. Fort Point Downtown Waterfront Planning Area

The Fort Point Downtown Waterfront Planning Area encompasses an area with an enormous variety of architecture, building heights and massing. This variety provides a distinction between older and newer developments in the area. The Planning Area differs from other waterfront districts because of this unique mix of very tall buildings within the southern boundary of the Financial District with lower seven- to ten-story warehouse structures as well as single story structures like Hook Lobster that together represent generations of commercial uses.

Older structures in the area, including Russia Wharf and 470 Atlantic Avenue, tend to have larger building footprints covering entire lots but also lower heights, usually no greater than 100-150 feet. These wharf-like buildings are similar to those found in Chinatown, the Leather District and the Fort Point Channel warehouse district. They offer little on-site open space. Roadways and sidewalks comprise the primary open space in these older developments.

Buildings constructed after the 1950s, including the Federal Reserve Bank, are among the tallest in the city. Their footprints do not fill the entire lot and the building faces are set back from the street edges to provide space for public plazas and landscaping. These plazas or open spaces are located to provide a buffer to the traffic on the Central Artery.

The surrounding area immediately outside of the Planning Area shares much of the same enormous variety of building sizes. There are quite a few tall buildings including One International Place, One Financial Center, 99 High Street, and 125 High Street that immediately abut older structures like the Pearl Street block along the western side of the Central Artery and the Leather District. The Rows Wharf development on the waterfront to the north of the Planning Area captures this variety of sizes within one building with its combinations of high and low elements. At first glance, the uniformity of the Postal Annex seems out of place in this area rich with variety. However, this long low structure is part of this overall mix of variety and provides a horizontal measure of urban scale quite unique to the city. In fact the Planning Area and its immediate surrounding hosts some of the tallest and longest structures of the city.

The Planning Area's variety of height and massing is representative of different periods of Boston's history as well as differing visions of urbanism each with its own benefits and tradeoffs. Taller structures typically provide more open space but also can, depending on their designs, create adverse wind conditions at the pedestrian level. Lower buildings and warehouse-like structures may have less wind impacts but are typically more massive with much larger footprints and less dedicated open spaces around the buildings. The Planning Area's physical urban texture and public realm is also enriched and shaped by its adjacency to regional transportation facilities at South Station and the Rows Wharf water transportation terminal that require the accommodation of the heavy pedestrian and transit traffic day in and day out.

In the end, the greatest urban design challenge presented by the Planning Area is how all of this variety and physical extremes can be balanced and juxtaposed with new development without diminishing the overall richness that is central to the area's great vitality.

3.2.2. Transit Oriented Development

Boston's history of growth and development is closely linked to the development of mass transit. As trolley lines expanded beyond the downtown core during the later part of the 19Th century new neighborhoods grew up around this access. The legacy of communities centered on transit stops can serve as a model for encouraging new development in the city. To encourage people to live near a transit station the right mix of population density, land uses, and physical amenities must be provided. This mix, called transit-oriented development, creates a neighborhood that is a convenient, safe, and attractive place to walk and live.

Six Principles of Transit-Oriented Development

1. The transit facility - whether it's a train station, a bus stop or a water transportation terminal -should have high visibility and make a positive contribution to the identity and character of the area.
2. Travel to and from the transit station and in the surrounding commercial area should be a convenient, safe, and pleasant experience for the pedestrian and bicyclist.
3. Good urban design principles - including buildings oriented to the street, attractive signage, and active storefronts - are more important than ever.
4. Reduce reliance on the private automobile and reduce the number of trips by car. Shared parking and a pedestrian-friendly design that encourages a park-once-and-walk attitude are key components.
5. Mixed land uses are important to bring vitality to the area throughout the day, and to provide convenience retail - such as restaurants, dry cleaners, video rentals, and grocery stores - in order to encourage walking trips for daily needs and errands.
6. Higher densities of uses - whether residential, office, or retail -should be centered around the transit station. Concentrating development places many residents and employees within walking distance of the station and can contribute to increased ridership.

3.2.3. Adjacent Neighborhoods

The character and development activity of the areas adjacent to the Project Area need to be taken into consideration as part of this municipal harbor planning process.

Leather District

The Leather District is a nine-block area noted for its 19th century brick warehouse structures. Located in the southernmost portion of Boston's Central Business District, the district is largely bounded by the railroad yards on Atlantic Avenue to the east, the Surface Artery to the west and north, and Kneeland Street and the South Bay interchange ramps to the south. South Station lies to the northeast. The area was redeveloped from a low-rent residential/commercial district for the shoe and leather trade, primarily during the 1880s and 1890s, with some later construction in the first quarter of the twentieth century. Its historic buildings were constructed primarily during the 1880s, with a design focused on efficient and economic manufacturing. The leather industry and related wholesalers required space for display, offices and work areas. Thus, huge ground floor display windows don these buildings, set in sturdy cast iron columns - a unique signature of the Leather District. Romanesque Revival design dominated the early years of construction, as did the Classical vocabulary at the turn of the century and beyond. The core of the district is remarkable for its intact quality, particularly its cast iron storefronts, and its harmony of design, scale, and materials. Most of the buildings are five or six stories in height and are characterized by continuous floor

level band courses, and cornice lines. The buildings fill most of the parcels with no setback from the road. Roadways and sidewalks comprise the primary open space in this district. Since the 1980s, the Leather District has evolved into a mixed-use area, filled by a variety of commercial and residential tenants. In 1983, the Leather District was listed in the National Register as an Historic District.

Chinatown

Built on a landfill created from tidal flats in the early 1800s to provide additional housing for Boston's expanding middle class population, Chinatown is home to Boston's largest Asian community, in a unique mix of residences and family owned and operated businesses. In the 1840s, an influx of immigrants moved to this area, including Chinese, Irish, Italian, Jewish, and Syrian, who converted the area's single-family homes to multiple unit tenements. Commercial uses, including textiles and leather works, began at the turn of the century with the construction of South Station and the Washington Street Trolley line. To this day, Chinese and other Asian restaurants and specialty shops fill the ground floor levels of residential buildings.

The present physical environment of Chinatown has been built on an urban structure erected during the 19th and early 20th century. The tight, intimate character typical of 19th century neighborhoods remains largely intact in the historic commercial core of Chinatown north of Kneeland Street and residential area south of Kneeland Street. The buildings fill most of the parcels with no setback from the road. Roadways, sidewalks, and vacant parcels comprise the primary open space in this district. The intimate scale, warm texture, and interesting details of the buildings have created a complementary background for the animated street life and spontaneity that characterize the commercial and residential areas of Chinatown.

3.3. Planning Context

The Fort Point Downtown Waterfront area has been the subject of extensive planning for many years. In addition, due to its proximity to the Central Artery/Tunnel Project and MBTA Silver Line Projects and South Station, it has been the subject of planning regulatory review. A summary of related plans and their recommendations and goals for Fort Point Channel is provided below.

3.3.1. The Seaport Public Realm Plan, BRA, 1999

In 1999, the Boston Redevelopment Authority issued a public realm plan for the South Boston Waterfront. While focused on the South Boston Waterfront, the Plan did address the unique opportunities associated with the Fort Point Channel and its importance as a great public space between the Downtown and the South Boston Waterfront. The Plan analyzed the South Boston Waterfront by referring to three distinct districts, each defined by three differently scaled bodies of water: the Fort Point Channel, the Piers, and the Reserved Channel. The Plan described the Fort Point Channel as an intimately scaled, narrow channel similar to a riverfront in the heart of an historic European city with active edges, small-scaled boats and activities in the water, several bridge crossings and a pedestrian scale. The land area along the eastern edge of Fort Point Channel extending to the harbor was recommended as the most mixed-use of the three districts, with public, civic, residential, retail, hotel and commercial uses.

Because of the importance of Fort Point Channel to the Fort Point Downtown Waterfront planning area, it is worth reiterating the vision for the Channel that was described in the Public Realm Plan:

“The Fort Point Channel area has the potential to become the next great place in the city. Here, the water is the special place. It is here that the downtown and its commercial waterfront meet the Seaport. The bridge crossings, the streets and promenades along its edges, together with boat activity, water transport, public uses and piers within the Channel, will create a dynamic setting for a variety of uses on land. It will be framed by commercial, office and residential uses in buildings of varying size and height. Retail, civic/public, museum, recreational and entertainment uses will be maximized as the first and second levels along all building frontages lining the promenades. Existing buildings should investigate incorporating covered arcades and public uses along all Channel-side building faces. North of Summer Street, the Plan suggests that the Fort Point Channel become the location for a wide range of floating public uses, piers, docks and landings. South of Summer, it is intended that smaller craft and recreational open space for uses by residents and adjoining neighbors will be accommodated. And the Channel will perform a civic role in tying other public venues – like the new Central Artery park (Rose Kennedy Greenway), the proposed Garden under Glass, Dewey Square, South Station, Chinatown and South Bay Harbor Trail – to this waterfront resource.” Though not included in this quote, the Massachusetts Horticultural Society’s Garden Under Glass should also be included in this list.

The Public Realm Plan also identified the important east/west transportation connections that link the South Boston Waterfront to the downtown, all of which come through the Fort Point Downtown Waterfront planning area. The Plan stated that each of the three principal east/west streets (New Northern Avenue, Congress Street and Summer Street) will be a main focus of activity and will be both recognizable addresses and the center for retail, commercial, residential, tourist and community activities and facilities. The Plan also presented important pedestrian connections, including Harborwalk, water transportation, recommended land uses, and an open space plan.

3.3.2. *South Boston Municipal Harbor Plan, BRA, July 2000*

In order to implement the Public Realm Plan, the BRA elected to develop a Municipal Harbor Plan for the South Boston Waterfront to create a harbor plan and public realm more in keeping with Boston’s urban character and mixed-use economy than would have resulted under the strict application of the State’s Waterways Regulations. The South Boston Municipal Harbor Plan was submitted to the Massachusetts Executive Office of Environmental Affairs in July 2000, and the Secretary issued a Decision on the Plan in December 2000.

A series of substitute use and dimensional requirements was presented with corresponding offset provisions that, when implemented, will create an inviting and active public waterfront environment. The principles upon which the City, working in concert with the Municipal Harbor Plan Advisory Committee and the State, based their work in the development of the South Boston Municipal Harbor Plan were to:

1. Enhance open space access;
2. Avoid privatization of the shoreline;
3. Minimize adverse effects of wind and shadow;
4. Identify substitutions and quantifiable offsets to ensure enforceability;
5. Promote offsets that are valued by the public consistent with the opinions expressed in public comments; and

6. Ensure that developments are carried out in a manner that protects public rights in both filled and flowed tidelands.

The Fort Point Channel water body itself was addressed in the South Boston Municipal Harbor Plan and a set of Planning Objectives was created to relate the Channel to the five main goals of the Public Realm Plan. These planning objectives are repeated below:

1. Promote Access to Boston Harbor as a Shared Natural Resource

Fort Point Channel has the potential to be an exciting new civic area for the City. New educational and cultural uses will complement existing public attractions, such as the Children's Museum and the Boston Tea Party Ship & Museum. New development on both sides of the Channel will create a density of population to activate use on and at the water's edge. The sheltered waters of the Channel provide a wonderful opportunity to bring people out onto the water with new floating public uses and public boat rentals. The Boston Edison/Russia Wharf site was identified in the City's *Boston Inner Harbor Passenger Water Transportation Plan* as the site of a new water transportation facility, with planned service to the Charlestown Navy Yard. When the Harborwalk is completed on all three sides of the Channel, much of it by the CA/T Project, the City will have a new waterfront promenade that will be lined with trees, benches, cultural and educational uses, shops, galleries, cafés and restaurants. Activation of Fort Point Channel and the land areas surrounding it is one of the City's primary strategies for increasing public access to waterfront areas.

The Channel is also linked to the Outer Harbor and the Harbor Islands National Park Area though its proximity to the Boston Harbor Islands Discovery Center at the Moakley Courthouse and the nearby Island Alliance's headquarters. The Northern Avenue Bridge provides pedestrian access to the Harbor Islands Discovery Center.

2. Preserve and Enhance the Industrial Port

The bulk of the City's industrial port activities have migrated to other areas of Boston Harbor, such as the Boston Marine Industrial Park, the Moran Terminal and the upper areas of Chelsea Creek. Fort Point Channel itself has a limited number of maritime industrial activity and water-dependent users. They range in size from companies such as Hook Lobster and Neptune Marine Services to one of Boston's largest employers, the Gillette Company. Water-dependent industrial users continue to provide a source of decent wage jobs for Boston's residents and a source of revenue entering our economy. They provide a reminder of Boston's extensive seafaring history and are part of the unique character of the Channel. Water dependent users often employ seawater intakes for operations and rely on favorable water quality. New development along or in the Channel must avoid any negative impacts to water quality on water-dependent users. The Channel can become an important new water resource for the City, and is an ideal place to locate active water sheet uses, provided they do not interfere with existing water-dependent industrial uses.

3. Plan the District as a Vital, Mixed-Use Area

Fort Point Channel will become a new city park. An exciting mix of public uses, including new cultural, educational and recreational uses, is planned for the Channel. While the landside areas that surround the Channel will be devoted to a mix of industrial, commercial, retail, residential, cultural and recreational uses, the City intends that the Channel itself will become a public area for residents and visitors to

enjoy. An active Channel will support an active pedestrian environment, and vice versa, and will enhance and draw from nearby uses.

4. Develop the District as an Integral Part of Boston's Economy

As an expanded cultural and educational destination, the Channel will become of even greater interest to the city's many visitors. As a new link in the city's recreational network, the Channel will provide the residents of City neighborhoods with a new place where they can relax and play. Fort Point Channel, less than a block away from South Station, already benefits from excellent public transportation connections on the landside, and the new South Boston Transitway will extend public transportation into the South Boston Waterfront. When the CA/T Project completes the new water transportation facility at the 500 Atlantic Avenue site in 2004, the area also will have water transportation connections to other areas of the Harbor. By linking the Channel with new pedestrian trails and streets to the city's existing transportation, recreation and cultural networks, the area becomes an integral part of Boston.

5. Enhance the South Boston Community

The South Boston community is one of the closest residential communities to the Fort Point Channel, and as such stands to benefit greatly from all that the Fort Point Channel will offer, including new modes of transportation, new recreational opportunities and new cultural and educational uses. Moreover, an activated Fort Point Channel will encourage and support new development along adjacent land areas, generating linkage funds for affordable housing production.

3.3.3. *Fort Point Channel Watersheet Activation Plan, BRA with Fort Point Channel Working Group and Fort Point Channel Abutters Group, May 2002*

Activation of Fort Point Channel is one of the most complex and challenging goals of the City's waterfront planning. Both the Public Realm Plan and the South Boston Municipal Harbor Plan created a vision for Fort Point Channel that identified active use of the watersheet and the Channel's edges as a key goal in creating an exciting new civic place. During the development of the South Boston Municipal Harbor Plan, a group of interested individuals began to focus on the Channel, ultimately recommending that a more detailed effort be undertaken for this important city resource to take planning to the next level. Out of these discussions came the proposal to develop a Watersheet Activation Plan for Fort Point Channel. The development of the plan represents the cooperative and collaborative efforts of the BRA, the Fort Point Channel abutters group, comprised of property owners with holdings along the Channel, and the Fort Point Channel Working Group, comprised of cultural institutions, harbor advocates, maritime interests, and any interested member of the general public. The funding for the plan reflects this public-private partnership. A total of \$250,000 was committed: \$125,000 by the BRA and \$125,000 by the Fort Point Channel Abutters Group. A summary of the Plan follows in **Chapter 5**.

3.3.4. *Port of Boston Economic Development Plan, BRA/Massport, 1996*

Well before the beginning of public realm planning in South Boston, the BRA, in a joint effort with Massport, studied the maritime industrial economy of Boston and the land use needs of maritime businesses. A good deal of this effort focused naturally on South Boston, the location of the majority of the City's maritime industrial economy.

The objective of the Port of Boston Economic Development Plan (the Port Plan) was to make the port more competitive in the global marketplace. The Port Plan's goals were to:

- Promote and encourage the development of the seaport economy.
- Maintain maritime jobs and preserve essential port properties for active maritime industrial uses.
- Provide the waterside and landside public infrastructure to support the future growth of the industrial seaport.
- Promote the port as a component of the Boston tourist trade.
- Redevelop appropriate portions of the port for a mixed Harbor-wide economy.

Since 1996, the two agencies have actively pursued the implementation of the Plan's recommendations.

The Fort Point Channel area was once a bustling component of the Port of Boston. As central Boston grew and became more densely settled as an urban area, it became too congested for expanding port needs and proved unworkable for direct cargo to rail service to the waterfront. The Channel is currently constrained by the clearance below both the Northern Avenue Bridge when closed and the Evelyn Moakley Bridge. The area is not suitable for significant industrial port related land use, but is suitable for water-dependent uses, including water transit using low freeboard vessels. **Section 3.3.9, Northern Avenue Bridge**, provides more information about the city's plans to alleviate the navigations constraints currently existing at the Northern Avenue Bridge.

3.3.5. *South Boston Transportation Study, BTD with BRA and Massport, 2000*

The purpose of the Study was to examine the cumulative transportation impacts of all the land development that was envisioned for the South Boston Waterfront, including the full build out of the South Boston Waterfront anticipated in the Public Realm Plan. The study analyzed the effects of infrastructure improvements and the transportation impacts of new development at several future milestones. The study found that the new transportation system would be able to support the land development projected for 2010, approximately 27 million square feet. It further found that the transportation system could accommodate the trips generated by the 31 million square feet of development projected for the 2025 scenario, but these trips begin to saturate the system's capacity. For the 2040 scenario, the study found that the currently planned transportation system cannot support the travel demand generate by the 38 million square foot full build out of the South Boston Waterfront, and therefore would require new, significant transportation infrastructure improvement.

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therefore would require new, significant transportation infrastructure improvement. The study identifies South Station as a major transportation hub that will continue to provide direct transit service for the Fort Point Channel area. South Station is well served by the Red Line, commuter rail and commuter buses. The study notes that these services are extensive enough and have enough available capacity to absorb significant increased ridership. The Fort Point Downtown Waterfront Planning will also include an inner harbor water shuttle terminal at 500 Atlantic Avenue and is within walking distance to water transit facilities at Rowes Wharf.

The study recommends Travel Demand Management ("TDM") measures that are designed to reduce transportation impacts and to minimize reliance on single occupant vehicles. Public agencies, private developers, the residential community, and other stakeholders should actively support TDM in the Fort Point Downtown Waterfront to ensure that the transportation system is used as efficiently as possible. Principal TDM measures include:

- Ridesharing participation in an organization such as Caravan for Commuters can help facilitate ridesharing and increase vehicle occupancy levels.
- Public Transit promotion including water transit through measures such as transit pass subsidies and dissemination of transit passes and transit information.
- Preferential parking rates and locations for car/pools/high-occupancy vehicles.
- Parking "cash-out" programs.
- Encouragement of bicycle commuting by providing storage, shower and changing facilities.
- Participation in a transportation management association ("TMA") helps to facilitate implementation of TDM programs.

3.3.6. *Boston Inner Harbor Passenger Water Transportation Plan, BRA, 2000*

The greatest demand for increased public berthing space and expanded terminal facilities is along the downtown waterfront, particularly relating to the central business district and visitor attractions. The first goal of this plan is to develop a state of the art 21ST century ferry network with an expanded and enhanced terminal and service network. Terminal sites were prioritized according to function with secondary terminals providing sites for the Inner Harbor network as opposed to those serving larger commuter ferries. Two terminals were identified for Fort Point Channel. The Russia Wharf/Boston Edison (BECO) site was selected as a secondary terminal because of its short walking distance to South Station and the financial district via the 500 Atlantic Avenue/CA/T Project Public Accessway connection. This terminal would serve Inner Harbor shuttles operated by the MBTA and also provide an area for water taxi landing. Although this terminal was planned for service to the Charlestown Navy Yard, other routes should be actively pursued based on updated water transit demand data. A smaller water taxi landing was recommended for the Children's Museum site that would also provide a place for a Cultural Loop stop should that service be reinstated.

3.3.7. *South Bay Harbor Trail, City of Boston Office of Environmental Services, the South Bay Harbor Trail Coalition and Save the Harbor/Save the Bay (Under Design)*

The proposed pedestrian and bicycle South Bay Harbor Trail will create a connection from Ruggles Station along Melnea Cass Boulevard, Boston Medical Center/Biosquare, I-93 past Rotch Park, Broadway Bridge to the Fort Point Channel and ultimately Fan Pier. The Trail will create an important two-way connection for residents from Roxbury, the South End, and Chinatown to walk and bike to the Channel and the harbor's edge, making connections to the harbor and the islands, and for people from South Boston to be able to connect to the Southwest Corridor Park System and Emerald Necklace park systems.

3.3.8. *Harborpark Plan: The City of Boston Municipal Harbor Plan, BRA, 1990*

The Fort Point Channel Downtown Waterfront Municipal Harbor Plan area is immediately adjacent to the harbor planning area that was the subject of the City of Boston's 1990 Municipal Harbor Plan. The Harborpark Plan was submitted in October 1990 and the Secretary's Decision was issued in May 1991. In the 1990 Municipal Harbor Plan, the City submitted a broad geographic area based on the City's Harborpark zoning districts that extended from the Charlestown waterfront to South Boston. The Fort Point Downtown Waterfront area was not part of the 1990 submittal. Nonetheless, baseline planning and design requirements of the 1990 Harborpark Plan, including the Harborwalk, have been applied through BRA design review and zoning.

3.3.9. Northern Avenue Bridge

The Northern Avenue Bridge will need to accommodate the MBTA's water transportation service upon completion of the CA/T Project's terminal at 500 Atlantic Avenue in 2004. With the bridge in its closed position, vertical clearances below the bridge structure would require low freeboard vessels for water transit to ensure continuous service. The bridge cannot feasibly be opened and closed to meet the needs of scheduled water transportation. The City of Boston is seeking federal funding to preserve the bridge to maintain pedestrian and limited vehicular traffic and to raise the bridge structure elevation to accommodate navigation into the Fort Point Channel. In September 2003 the bridge will be closed for repairs to the pedestrian crossing and to the gears that operate the swing section of the bridge. This work will be completed by spring 2004. The bridge will then continue to provide pedestrian access across the Channel and will operate to provide navigation into the Channel until permanent plans and funding are finalized.

3.3.10. Congress Street Bridge

The City of Boston and the Massachusetts High Department have designed the Congress Street Bridge replacement project. Bids for this project are expected to be opened by late 2003 with construction anticipated shortly afterwards. The bridge replacement project will replace the bridge deck and the sidewalks to their current widths; repair stone foundations and abutments; repair the navigational fender system; replace the lanterns, counterweight tower and bascule truss to preserve the historic form of bridge; remove old waterline and pilings off the south side of the bridge; and remove sunken barge located off the northeast side of Children's; Museum. Bridge replacement construction is expected to take

approximately two years. Completing this project is critical to setting the stage for the Watersheet Activation Plan and new waterfront development.

3.3.11. *Central Artery Corridor Master Plan, Massachusetts Turnpike Authority Central Artery Plan Steering Committee, 2001*

As a result of the CA/T Project, a downtown corridor of approximately 30 acres of surface land stretching from Bulfinch Triangle to Chinatown will become available for reuse. This land is to be developed under the terms of the Boston 2000 Plan and Boston Zoning Code Article 49, adopted in 1991, and the Project's Environmental Certificates, which incorporated the Boston 2000 Plan as an integral element of the Central Artery Project. Within this corridor, the Project will construct two tree lined boulevards and their intersecting cross streets, all of which have reached Final Design. The contract for this project has been awarded with an anticipated completion date in 2004. Of the remaining surface area, four parcels of land (numbers 18-21) are adjacent to the Planning Area. Under the terms of the Project's MEPA Certificate, the three parcels (19, 20 and 21) between Summer Street and Oliver Street are designated for development by the Massachusetts Horticultural Society. This designation calls for the Society to construct a major glass house on the parcel between Oliver and Pearl Street and gardens on the parcels between Pearl and Summer Street. When developed, specific proposals will be subject to MEPA review as well as review under the City's zoning regulation. The Society is currently exploring the feasibility of these concepts. Parcel 18, between Oliver and High Street, is a park parcel for which the Project has prepared a Final Design. The Project's recently completed *Boston Central Artery Corridor Master Plan*, which proposes programmatic and design guidelines for the corridor, recommended replacing this design with a project that would construct a building of civic or cultural use over the ramps in the parcel and landscape the balance of the site. The Project, the City, the Surface Development Advisory Committee, and the Mayor's Central Artery Completion Task Force is considering this recommendation, and the BRA is leading an effort to develop design guidelines for a building on this site.

3.3.12. *Central Artery/Third Harbor Tunnel Environmental Impact Report and Chapter 91 License*

The Interstate 90 crossings of the Fort Point Channel and construction of Ventilation Buildings 1 and 3 in the flowed and filled tidelands in/along the Channel have led to a number of proposed improvements to the Channel and adjacent waterfront parcels. These improvements were identified in the CA/T Project Final Supplemental Environmental Impact Statement/Report (FSEIS/R) and adopted in the 1993 final Chapter 91 Consolidated Written Determination for the CA/T Project (amended 1996). As described in the 1990 CA/T Project's Final Supplemental Environmental Impact Report (FSEIR), improvements proposed for the Fort Point Channel area include: over 2,500 linear feet of public walkways in areas of the Fort Point Channel formerly not accessible to the public; the creation of open space on the west side of West Fourth Street and Broadway Bridges, Vent Building 1, and New Binford Street (formerly Mt. Washington Avenue); and the reconstruction of the Broadway and Dorchester Avenue Bridges. Navigational improvements to the Channel include the removal of over 800 wooden pilings located throughout the Channel. In the area of the 500 Atlantic Avenue Ventilation Building 3 site, CA/T project-related waterfront improvements adopted in the CA/T Chapter 91 license include public accessways from Atlantic Avenue to the water and continuous access from Congress Street up to 470 Atlantic Avenue. . Additional improvements include a public water transportation terminal providing the closest water transportation connection to the South Station intermodal transportation

facility and service subsidy to the end of 2004. In addition, the 1993 final Chapter 91 Written Determination for the CA/T Project required the CA/T Project to develop a Joint Development Plan with the MBTA and the owners of the 500 Atlantic Avenue property that would contain “such further mitigation as is appropriate with respect to the proposed Transitway and the full build out of the site for commercial purposes.” This Joint Development Plan requirement was, in part, a response to the concern expressed in the Certificate on the SFEIR as to the “visual and aesthetic impacts on the City and its environs” of the ventilation building and associated ventilation stacks. The draft Joint Development Plan was submitted in 1995 and received MEPA, Federal Highway Administration and Chapter 91 approvals.

3.3.13. MBTA South Boston Piers/Fort Point Channel Transitway

The Transitway is the 1.5-mile underground transit tunnel section (under construction) of the Silver Line that will provide a direct transit link from the Boylston Green Line Station to the World Trade Center in the South Boston Piers area. The current phase of work involves construction of the Transitway tunnel between South Station and the World Trade Center. The tunnel goes under Russia Wharf and 500 Atlantic Avenue to provide access across the Fort Point Channel. The Transitway offers the Fort Point Channel area improved public transportation through the new Court House Station near Sleeper Street and direct connections at South Station to downtown Boston, development sites on the South Boston waterfront, and regional mass transit. Construction of the transit project requires the reconstruction of Harborwalk and the seawall on the eastern side of the Channel (the former site of the Victoria Station Restaurant). Land taken by the MBTA at Sleeper Street for project construction will be developed as a public park of approximately 33,000 square feet. Once the MBTA completes the Silver Line, it will convey the parcel to the BRA; the Children’s Museum will develop, program and maintain the park. The park’s design is being coordinated with the Children’s Museum’s proposed open space plan. On the western side of the Channel, the MBTA has secured a grant of easement from Equity Office Properties to allow the reconstruction of Tufts Wharf as a construction accessway for equipment and materials needed to support Transitway construction on the Boston Edison site. The MBTA’s contractor will also install a walkway funded by the CA/T Project. This walkway will be part of the continuous Harborwalk from Summer Street to the Evelyn Moakley Bridge on the western side of the Channel, which is part of the mitigation required from the CA/T Project.

3.3.14. MWRA Combined Sewer Overflow (CSO) Control Program for Fort Point Channel

There are currently two CSO control projects planned to address the most significant discharges into the Channel. The Union Park Detention/Treatment Facility, with an anticipated construction completion date of March 2005, entails the construction of 2.2 million gallons of below grade storage to capture discharges caused by small storm events and facilities to disinfect and de-chlorinate flows that will continue to discharge into the Channel. The Fort Point Channel Storage Conduit, with an anticipated construction completion date of March 2007, will be a ten-foot diameter storage tunnel along A Street from First Street to Mount Washington Street. The conduit will capture and store CSOs from most storms. CSO discharges will be greatly reduced through implementation of this program thus reducing violations of the swimming and boating standards. The MWRA recently (June 16, 2003) submitted a Notice of Project Change to EOEA that recommends

replacing the tunnel storage conduit with sewer separation improvements to the tributary area.

3.3.15. BRA *Central Business District – South Station Urban Renewal Plan*, 1968

Adopted on February 24, 1969 by the City Council, this plan is effective for 40 years. The basic objectives of the Plan are to reverse the economic decline of the area; to eliminate blighted conditions; to improve pedestrian connections and discourage traffic movement; increase acceptance of public transportation; and construct a new station and terminal facilities. The Plan's design objectives include maintaining the urban environment while respecting neighboring areas; encouraging multi-story, multi-use buildings; improving pedestrian connections; and rehabilitating existing loft and other structures relating to the buildings and scale of the central business district.

3.3.16. Boston Zoning Code Article 40 South Station Economic Development Area, 1989

Article 40 of the Boston Zoning Code contains the land use regulations of the City of Boston pertaining to the South Station area, which is immediately adjacent to the Planning Area. The goals and objectives of this article are to direct downtown development in a way that promotes balanced growth for Boston; to channel growth away from congested areas and toward underutilized sites in the Bedford-Essex corridor and along the Fort Point Channel; to direct growth where it can be accommodated by existing public transit facilities; to permit redevelopment which provides significant community benefits, in accordance with land disposition policies; to create a mixed use district which includes office, retail, hotel, research and development; and to create a transition of uses and character between the downtown and Chinatown and Leather Districts.

3.3.17. MBTA and USPS South Station Track Expansion Memorandum of Agreement, July 2000

Recognizing that track expansion is critical to the future viability of South Station and its ability to meet City, State and regional transportation needs, the Executive Office of Transportation and Construction is collaborating with the United States Postal Service to ensure that land is available for track expansion. On July 21, 2000, the Executive Office of Transportation and Construction and the United States Postal Service reached an agreement to address limited capacity at South Station by accommodating four additional tracks and associated platforms on the Postal Service site as part of its future redevelopment plans. The EOTC and USPS agreement identifies the potential alignment of the new tracks. The diagonal alignment agreed to by EOTC and USPS is intended to accommodate direct pedestrian access at ground level from South Station to the Fort Point Channel should such a plan be agreed to by all necessary parties. The track expansion will increase capacity at South Station by over 30%.

3.3.18. BRA Fort Point Master Plan (ongoing)

In December of 2000, the Secretary of the Massachusetts Executive Office of Environmental Affairs issued a Decision on the City of Boston's South Boston Waterfront District Municipal Harbor Plan. In his Decision, the Secretary conditioned the approval of the Fort Point Historic South and Fort Point Industrial Subdistricts upon the completion of a master plan

for the area, one which would be achieved through the City's coordination with Gillette and the other landowners and stakeholders.

Beginning in May 2001, a public Working Group made up of property owners, residents, and other interested groups began meeting to assist in developing a "public realm plan" for the district, an area of approximately 100 acres defined by the Fort Point Channel to the west, Summer Street to the north, the Bypass Road to the east, and West 2nd Street to the south. The goal of the planning process is to create a plan that will guide future development in the area while protecting the area's water-dependent uses and ensuring public accessibility to the waterfront.

The Boston Redevelopment Authority in conjunction with the Boston Transportation Department began to address with the Working Group the concerns raised in the Secretary's Decision. The Secretary suggested a more in-depth analysis of the effect of new private development on Gillette's water-dependent uses. In addition, the Secretary requested the Fort Point Master Plan look at measures to ensure public access to high-quality waterfront open space along the Fort Point Channel, pedestrian links to the waterfront from inland areas, and compatibility of new development with the existing historic character of the built environment.

The area's population, historic buildings, cultural activity, industries, and commercial activities lend the district a unique energy that is treasured by residents, workers, and visitors alike. The district, however, is faced with major infrastructure changes, development pressures, and other community challenges and opportunities. In response to these challenges, residents, city agencies, and the state's Executive Office of Environmental Affairs have all emphasized the need for a specially focused planning effort. Reaching a consensus on priority issues and establishing guidelines for the public realm will help ensure that the future of the area reflects a shared vision.

Once this planning effort is completed, the BRA intends to seek an amendment to the South Boston Waterfront District Municipal Harbor Plan for the sections of the 100-acre planning area within Chapter 91 jurisdiction. The substitute provisions of the South Boston Waterfront District Municipal Harbor Plan that apply to this planning area are effective up to December 2003.

3.4. Other Planning Efforts

3.4.1. Illuminating Boston: The Diamond Necklace Project, Light Boston, 2000

This plan produced by Light Boston, Inc. a non-profit organization, recommends several lighting design strategies including illuminating the seawalls and old and new bridges of the Fort Point Channel to create a distinctive and coherent identity for the Fort Point Channel District.

3.4.2. Dewey Square Master Plan, Dewey Square Urban Design Group

The *Dewey Square Master Plan* is an urban design plan to inform the design of the surface restoration work being prepared by the CA/T Project as well as the final design of the open spaces of adjacent private parcels.

3.4.3. Public Marketplace

The Massachusetts Department of Food and Agriculture secured a grant from the U.S. Department of Agriculture and contracted with the Project for Public Spaces/Public Markets

Collaborative to conduct a feasibility study and develop a business plan for establishing a public market in Boston. The proposed Boston Public market will be a retail food market that features Massachusetts farm produce and specialty products. It will also serve as a year-round community-friendly destination. The market will be owned and managed by the Boston Public Market Association, a non-profit entity. The South Station area is identified as an ideal location for the market with its central location and proximity to a major public transportation terminal. Specific criteria for this facility include a parcel approximately 25,000 to 50,000 in size. The Association would like to have the market fully operational by 2005.

3.5. Development Adjacent to the Planning Area

The planning area is surrounded by many other development activities that need to be taken into consideration in the development of this MHP.

3.5.1. Children's Wharf Park

On the east side of the Channel, there will be a new park on the north side of the Children's Museum building required as mitigation for the MBTA's Transitway Project. This 33,000 SF park is to be built on a site created in conjunction with the MBTA's Silver Line construction across the Channel into South Boston. Once the MBTA completes the Silver Line, it will convey the parcel to the BRA; the Children's Museum will develop, program and maintain the park. The park will complement the Children's Wharf as major destinations for the east side of the Channel. The projected completion of the park created in conjunction with the MBTA is 2004. Further improvements to the park may be proposed during the Museum's expansion in accordance with its Master Plan. The Museum's expansion is projected to be completed in 2008.

3.5.2. Central Artery/ Tunnel Dorchester Avenue Harborwalk

The Central Artery/Tunnel Project is constructing a Harborwalk segment along the east side of Dorchester Avenue between the Summer Street and Congress Street bridges. The 23-foot wide tree lined walkway will be located directly opposite Federal Reserve Plaza. Parallel parking spaces along the roadway will replace the current head-in parking scheme, which does not allow for safe pedestrian passage on the east side of the street. A railing matching that at the Children's Museum will replace chain link fencing which stretches along the top of the seawall. This Harborwalk segment will serve as a waterside alternative for pedestrians passing between South Station and Russia Wharf, Fan Pier and other points in South Boston and Fort Point Channel. It will also serve as a destination for persons searching for a reflective area to sit and view the Channel and future South Boston skyline. Though situated on City of Boston right-of-way, the Federal Reserve Bank has volunteered to assume maintenance responsibility for this Harborwalk segment. The Harborwalk will be accessible in accordance with the City's Harborwalk Program and the Parks and Recreation Department's open space guidelines. Construction is scheduled for autumn 2003, with completion in 2004.

3.5.3. South Station Transportation Center

South Station Transportation Center is the largest intermodal transportation center in the city and is within walking distance of the Planning Area. This major transportation hub includes southern and western commuter rail service, the Red Line, a bus terminal and East Coast Amtrak service. South Station's closeness to the Fort Point Channel creates ideal conditions for water transportation connections. The MBTA is currently building the South

Boston Piers Transitway/Silver Line, a transit tunnel connecting South Station to the South Boston waterfront. The Silver Line will provide high capacity bus rapid service in a dedicated tunnel. The MBTA intends to link the South Boston Silver Line to the Washington Street Silver Line via a tunnel under Essex Street by 2008.

South Station is currently constrained and operating at over 99% of its capacity. These constraints will be exacerbated by expansions to the Framingham/Worcester Lines and the addition of the Greenbush and Fall River/New Bedford commuter rail lines. On July 21, 2000, the Executive Office of Transportation and Construction and the United States Postal Service reached an agreement to address this issue whereby the Postal Service will accommodate four additional tracks and associated platforms on its site as part of its future redevelopment plans. The track expansion will increase capacity at South Station by over 30%.

South Station will continue to be an important transportation node for the Planning Area. The July 2000 South Boston Transportation Study states that public transit riders within a 10 minute walk from their origin or destination will utilize South Station because of its frequent service, good connectivity and available and projected future capacity. The public concourse is a venue for art performances and cultural events.

3.5.4. Rose Kennedy Greenway and Massachusetts Horticulture Society Garden Under Glass

To the west of the Fort Point planning area, a new stretch of parkland, the Rose Kennedy Greenway, will be created once the existing Central Artery is removed. Slightly to the north beginning at the Northern Avenue Bridge, lie the Wharf District parcels that are being designed by a team headed by EDAW with Copley Wolff Associates. The design process began in the spring of 2003 and is expected to be completed in 2004; construction is scheduled for 2004. South of the Wharf District is a ramp parcel, Number 18, which is currently planned as open space but is being reevaluated as a development parcel.

The Central Artery Project selected Massachusetts Horticultural Society to develop the parcels between Dewey Square and Parcel 18. The Horticultural Society's proposal is for a Garden Under Glass that would be immediately west of Russia Wharf and 500 Atlantic Avenue. This will be a major urban year-round destination serving both recreation and educational purposes.

4. Developing a Fort Point Downtown Area-wide Framework

The Notice to Proceed for the Fort Point Downtown Municipal Harbor Plan directs the BRA to complete a planning framework that shall guide the City's harbor planning approach for Phases 1 and 2. The Phase 1 Plan establishes the framework that will guide both Phase 1 and Phase 2.

4.1. Planning Framework

The planning framework is comprised of principles that will guide the City in determining the following for the harbor planning area:

- The orientation and type of public open spaces envisioned;
- Minimum standards for aggregate open space and water dependent use zones;
- How building heights and aggregate massing will be approached in relation to the requirements of 310 CMR 9.51(3)(e);
- A suitable method for quantifying the impacts of proposed substitute provisions;
- Criteria for offsets to ground level adverse impacts associated with proposed substitute provisions that cannot otherwise be mitigated; and
- Those items (such as the development of a plan showing the extent of Commonwealth and Private Tidelands within the harbor planning area) that are appropriate and necessary to insure that both phases proceed within the context of a comprehensive area-wide approach, as discussed in Sections II.B, II.C, and II.D of the Notice to Proceed.

The following planning framework contains principles that take into consideration the planning area's unique character, the City's overall harbor planning goals, and the numerous planning initiatives for the Fort Point Downtown Waterfront area, while relating directly to tidelands policy objectives.

| FRAMEWORK TOPICS | PRINCIPLES |
|--|---|
| Orientation and type of public open spaces | <p>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.</p> <p>Design open spaces that promote compatibility between public activities and the needs of navigation, water transportation and other water-dependent uses.</p> <p>Design open spaces that serve public users and strongly discourage preferential access and use by private users.</p> <p>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.</p> <p>Locate and design open spaces with characteristics that are distinct from inland open spaces.</p> <p>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.</p> |
| Minimum standards for aggregate open space and water-dependent use zones | <p>Dedicate space along the water's edge for water dependent uses.</p> <p>Dedicate space along the water's edge for open space and public access consistent with the planning area's urban context. *</p> <p>Require Harborwalk to be located within the water-dependent use zone, connecting and extending the Harborwalk system throughout the Inner Harbor.</p> <p>Plan for water-based facilities that connect functionally and physically with both exterior and interior landside public areas.</p> <p>Allow for the reconfiguration of water-dependent use zones to aggregate open spaces by allowing a variety of setbacks while maintaining the City's minimum width for Harborwalk.</p> |

| FRAMEWORK TOPICS | PRINCIPLES |
|---|---|
| Building heights and massing | <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>Locate and design building masses that minimize the adverse shadow and wind impacts on the pedestrian environment and watersheet and that also maximize views to the waterfront at street level.</p> <p>Encourage mixed-use development and concentrate density within walking distance to the South Station Intermodal Transportation Center consistent with transit-oriented development principles and the planning area's central urban location.</p> <p>Respect the goals of preserving and interpreting historic and cultural resources.</p> <p>Recognize that existing and planned building heights and massing are constrained by extensive physical public infrastructure in the planning area.</p> |
| Method(s) for quantifying impacts of substitute provisions | <p>Establish shadow protection zones for the watersheet and adjacent open spaces within Chapter 91 jurisdiction.</p> <p>Develop environmental assessment methods for measuring ground level impacts in order to identify the appropriate level of offsets.</p> |
| Criteria for offsets to ground level adverse impacts of substitute provisions | <p>Implement recommendations of the Fort Point Channel Watersheet Activation Plan to foster public use and access to the waterfront and the watersheet throughout the year both through in-kind and out-of-kind offsets and amplifications.</p> <p>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.</p> <p>Allow substitutions that can be offset by open space and water-dependent use zones in excess of Chapter 91 baseline requirements.</p> |
| Amplifications | <p>The BRA may amplify the discretionary requirements of 310 CMR 9.00 through the Municipal Harbor Plan to better achieve its long-range vision for the Channel. The type and degree of amplification will be based on the characteristics of individual sites and corresponding offsets.</p> |
| Universal Design | <p>Design for new and renovated buildings, public amenities and open space access should embrace the principles of universal design and while also meeting the requirements of state and federal building codes.</p> |

**Description of planning area's urban context located in Chapters 2 and 3*

4.1.1. Application of Planning Framework in Phase 1

As directed by CZM's Notice to Proceed, the Phase 1 Plan provided the following to ensure consistent harbor planning goals throughout the two-phased approach:

1. "A clear discussion of the planning principles that will guide the development in Phase 2 of the mechanism(s) by which implementation of the watersheet offsets identified in the Fort Point Channel Activation plan may be linked to the ground level impacts associated with the proposed substitute provisions for specific landside development projects."

The Fort Point Channel Watersheet Activation Plan released in May 2002 provides the City's planning approach for the Channel. Chapter 5 of this MHP provides a summary of the Watersheet Activation Plan, methods of implementation and presents the plan as a source for offsetting measures to proposed substitute provisions.

2. "A schedule for the development of the Phase 2 plan, including MHPAC meeting dates and topics that acknowledges the need to move expeditiously towards completion of the entire MHP."

The proposed schedule for Phase 2 was included in Phase 1 and is detailed in Chapter 2 of this Plan.

3. "A demonstration that offsets proposed to mitigate any impacts associated with the 500 Atlantic height substitute provision will in addition to meeting the approval standards at 310 CMR 23.05, conform with the planning framework developed for the entire planning area."

Chapter 9 of the Phase 1 report addresses substitutions and mitigation and addresses the need to create a continuous walkway along the harbor's edge.

5. The Fort Point Channel Watersheet Activation Plan

5.1. Introduction

The Boston Redevelopment Authority, in partnership with the Fort Point Channel Abutters Group and the Fort Point Channel Working Group, completed and published the *Fort Point Channel Watersheet Activation Plan (FPCWAP)* in May 2002. The plan aims to activate the Fort Point Channel and provide for special destinations to attract the public and generate activity on a year-round basis. The premise for this initiative was to approach planning for watersheet activities on and along the Fort Point Channel with an area-wide perspective to maximize the Channel's potential to achieve public benefits protected under the Waterways Regulations.

The *FPCWAP* is envisioned as serving several planning purposes for the City and the Commonwealth as the MHP Planning Area is redeveloped. The plan provides a blueprint for the development of new uses and public structures that will make the Fort Point Channel a great civic space. New development will provide the funding for most of the implementation of the *FPCWAP*. The City will use the plan as guidance when reviewing projects subject to Article 80 of the Boston Zoning Code. The plan will also provide guidance to DEP in making decisions regarding Chapter 91 licenses and establishing baseline requirements for water-related public benefits. Finally, through the Municipal Harbor Planning process, it will be one of the sources of offsets for any adverse impact of substitute provisions that are granted for properties located within the Planning Area.

The integration of the Fort Point Channel Watersheet Activation Plan into Phases 1 and 2 of the Fort Point Downtown Waterfront Municipal Harbor Plan as a source of offsets and amplifications greatly supports the BRA's efforts to conduct harbor planning for this area while maintaining the goals to effectively promote state tidelands objectives. The BRA's analysis in both phases may indicate that not all substitutions will adversely affect the ground level pedestrian environment in the planning area. Some, in fact, will enhance both the public realm and state tideland policy objectives. The analysis provided in both phases will result in a program of offsets that directly relate to the tidelands policy objective associated with each substitute provision, and be reasonably proportional to the degree of adverse impact. It is anticipated that the *FPCWAP* will provide a source of qualitative measures that will effectively promote state tidelands objectives in instances where quantitative measures are either not effective or appropriate.

5.2. The Planning Process

The idea for developing a plan for the Fort Point Channel itself arose during the preparation of the South Boston Municipal Harbor Plan. Members of the Advisory Committee began to meet informally to discuss the challenges and opportunities presented by this special body of water. Out of these informal discussions, came the idea to develop a Watersheet Activation Plan for the Channel to position it as a special citywide destination. A three-part collaboration was formed comprised of the BRA, the Fort Point Channel Working Group, consisting of cultural institutions, harbor advocates, maritime interests, and the general public, and the Fort Point Channel Abutters Group, represented by the Children's Museum, and property owners with holdings along the Channel. The funding for the plan reflects a public-private partnership. A total of \$250,000 was committed: \$125,000 by the BRA and \$125,000 by the Fort Point Channel Abutters Group.

To assist this public-private partnership in developing the plan, a consultant team led by Goody, Clancy & Associates was chosen in response to a Request for Proposals. Goody, Clancy teamed up with a skillful group of sub-consultants with expertise in waterfront planning, economics, marine engineering, transportation, permitting, financing, and public art.

5.3. The Plan

The plan has been in development over the last two years during which time two public charrettes and monthly public meetings were held to gain input and advice from the public. The study encompasses the Channel watersheet, the edges of the Channel, and connections to the Channel (**Figure 5-1, Watersheet Activation Plan**). The following are key elements of the *FPCWAP*:

- Identifies and prioritizes year-round land and water public uses that will ensure that Fort Point Channel retains and enhances its role as a special destination.
- Addresses the needs of water-dependent uses in Fort Point Channel, such as Hook Lobster, Neptune Marine Services, and the Gillette Company.
- Recommends locations for docks, landings, floating barges, fishing piers, moorings, public marinas, boat houses, permanently-moored vessels, water transportation terminals, and water taxi docks, as appropriate. The Plan identifies floating structures for programmed activities, education, entertainment, public art and the like.
- Includes recommendations for landside facilities that will be needed to support the activation of the watersheet.
- Recommends programming opportunities for the Fort Point Channel for recreation, education, culture and entertainment.
- Identifies points of access to the Fort Point Channel from surrounding areas and neighborhoods by various modes, including vehicular, pedestrian, transit, water transportation, bicycle and also links to other open spaces, waterfront areas, and destinations.

Just as important as the new uses that will be encouraged for the Channel are the recommendations for prohibited uses, such as houseboats and live-aboard vessels and floating nonwater-dependent office space, as these reflect private uses of the watersheet.

5.3.1. Channel-wide Concepts

The *FPCWAP* treats the water conceptually as a new, fifty-acre public park on the water. This park is best understood as three distinct areas: Hub of the Channel (located in the Channel area north of Summer Street Bridge); "Seawall Basin (located in the Channel area south of Summer Street Bridge);" and "South Bay Urban Industrial Wild (located between Dorchester Avenue and West Fourth Street Bridges)." Each area brings with it its own challenges as well as great potential:

"Hub of the Channel"

The majority of the water-based activities will take place in this area of the Channel (located north of the Summer Street Bridge) due to its close proximity to South Station and its hosting of the four major bridges that link downtown to South Boston. Among other things,

this basin will be home to the new water transportation terminal, water taxi landings, and educational vessels and floating structures. In addition, a Channel Walk at water level is planned to link the Congress Street Bridge to the Evelyn Moakley Bridge and provide access to the water from street level. An Art Basin located between the Congress Street Bridge and the Summer Street Bridge will function as an outdoor art gallery with changing floating art installations.

“Seawall Basin”

This passive area of the Channel (located south of Summer Street to the Gillette property), named for its impressive granite seawalls, could become one of the city’s most interesting open space and recreational destinations. The Seawall Basin will host major festivals, boating events, and boating contests. The Seawall Basin will be home, among other things, to floating islands, floating parks, and a model boat basin. Docking facilities and points of water access for the use of rowboats, kayaks and paddleboats throughout the Seawall Basin will draw the public to the Channel for active pursuits. In addition, the youth boating programs envisioned for this basin will enable it to grow as a family destination.

“South Bay Urban Industrial Wild”

This area of the Channel south of Dorchester Avenue is particularly unique, in that it will offer a look at the development and transportation infrastructure of the City of Boston from smaller, more exploratory boats. The landside is accessible only at certain points, so the main activity in this area would be from the water.

5.3.2. Implementation

The cooperative effort between the BRA, the Fort Point Channel Abutters Group, and the Fort Point Channel Working Group will continue to play a leading role in coordinating the implementation of the plan. In the near term, the informal partnership will continue to focus on advocacy, planning coordination, and promotion. Additionally, funding to advance the work effort through the next several years will need to be secured. In the long term, it may be desirable to establish a more formal organization to advance the plan and to coordinate Channel programming and promotion. To this end, preliminary steps have begun for the formation of a Friends of the Fort Point Channel not-for-profit organization whose mission would be to promote watersheet activities and to coordinate program events on the Channel. Also an Operations Board is being to [proposed to provide project implementation and ongoing management services for watersheet activation projects.

Capital costs associated with the Fort Point Channel Watersheet Activation Plan are estimated at approximately \$11 million and annual operating costs are in the \$435,000-\$610,000 range. These costs are modest relative to the value of surrounding real estate and the level of public investment in the Channel to date.

The *FPCWAP* will provide additional context for both the Downtown and South Boston Municipal Harbor Plans, and the partnership will continue to work with the DEP and CZM on plan implementation and coordination.

Although the *FPCWAP* is offered as a source of offsets and amplifications, the BRA plans to pursue additional methods of implementation not necessarily tied to the Waterways Regulations. Such methods will be developed to provide equitable financial responsibilities of property owners along the Channel.

Among the next steps is an analysis of the state Harbor Line within Fort Point Channel. The Harbor Line is a legacy of a very different era in shipping when large vessels moved through the Channel bridges to reach South Bay. The BRA will take the lead with the partnership to pursue legislative Harbor Line exemptions to enable projects that serve a clear public purpose and are consistent with the Watersheet Plan to be evaluated by DEP through the Chapter 91 permitting process.

The *FPCWAP* will be advanced in a series of phases, each building on the success of the previous phase and widening public recognition of the Channel's potential. The phases are planned as follows:

- Phase I (2003-2004 or 1 year after MHP approval) will involve inviting the public back to the Channel as major construction efforts in some segments of the Channel come to end. This may involve events such as Children's Wharf outdoor programming, a Channel race, music barge concerts and the lighting of the Channel bridges.
- Phase II (2004-2005 or 2-3 years after MHP approval) will involve the completion of several major public projects, such as the Boston Convention & Exhibition Center, the Boston Tea Party Ship & Museum, the Congress Street Bridge reconstruction, the South Boston Transitway portion of the Silver Line, the Central Artery/Tunnel Project water transportation terminal at 500 Atlantic Avenue, and stretches of Harborwalk. This will set the stage for a full program of activities in and around the Channel.
- Phase III (2006-2010 or 4-7 years after MHP approval) will see the expansion of many of these programs, as well as the establishment of the small boat program and the completion of the South Bay Urban Industrial Wild.

5.3.3. Recommendations of the Plan

Marine Infrastructure

- Watersheet access ramps
- Public Dockage
- Channel Walks
- Small Boat Program Facility
- Public Programming Barges
- Small Vessel Launches
- Marine Operations

Infrastructure Maintenance

- Watersheet Management
- Watersheet Maintenance
- Water Quality Improvements

Water Transportation

- Water Shuttle and Taxi Facilities
- Operating Subsidies

Channel-Wide Public Programming

Formation of a formal not-for-profit organization with responsibility for coordinating and scheduling watershed activity programs.

5.4. Channel-Wide Planning

The *FPCWAP*'s recommendations and phased implementation concept is consistent with CZM's policy to conduct harbor planning with an area-wide approach. CZM's Notice To Proceed requires that in Phase 1 the BRA provide a clear discussion of the planning principles that will guide the development in Phase 2 and the mechanisms by which implementation identified in the Watersheet Plan may be linked to the ground level impacts associated with the proposed substitute provisions for specific landside development projects. **Section 4.1** of this MHP, **Planning Framework**, presents the idea that the implementation recommendations of the *FPCWAP* may constitute offsets in the event that there are ground level adverse impacts of substitute provisions.

Although landside development opportunities are considered a source to improve the public realm of the Channel and thus further implementation, recommendations of the *FPCWAP* are not tied directly to specific developments. The plan is based on conditions that affect the entire planning area. The plan makes certain recommendations for phased implementation based on several variables, including landside access, development status and water quality. To implement recommendations of the Watersheet Plan it may be necessary for landside development to provide capital improvements not necessarily tied to its property. Although a water-related public benefit might not be located in the vicinity of a development site, the development may be required to provide long-term maintenance and operation through Waterways Licenses and other permitting processes.

5.5. Source of Offsets

Chapter 91 allows a number of offsets, including those that promote the use of the water and activation of the watershed. The purpose of the *FPCWAP* is to help the City of Boston draw people from all corners of the City to the waterfront. In furtherance of this goal, the *FPCWAP* makes recommendations for new activities and destinations in and around the Channel. New maritime infrastructure is proposed so that the public can gain better access to the edges of the Channel and to the watershed itself. However, the recommendations of the *FPCWAP* are conceptual at this stage, subject to permitting and design revisions. Also, the nature of the *FPCWAP* implementation is based on flexibility needed to address issues such as water quality, public access, and public works and development schedules. The integration of the *FPCWAP* into the Municipal Harbor Plan does not imply that the Channel will be built out precisely as depicted.

Recommendations from the *FPCWAP* that could be considered as offsets may be specific structures or could also take the form of assistance to Channel-wide efforts such as environmental studies, water transportation subsidies, or programming for activities and special events. An offset also may be recommended at an offsite location within the Fort Point Channel from an area that is adversely impacted by a substitution or may be a

qualitative measure that will effectively promote state tidelands objectives where quantitative measures are either not effective or appropriate.

In the discussions of offsets, it will make it clear that the objectives are consistent with state tideland policy objectives including providing sufficient space immediately adjacent to the water for public access and water-dependent activities exclusively; providing extensive open space that further promotes public use and enjoyment of the waterfront and other water-dependent activities; and maintaining a physical environment that is conducive to pedestrian activity at and near the waterfront. The implementation strategy and phased recommendations of the *FPCWAP* are related to these landside public interests.

5.6. Amplifications

Amplifications are Municipal Harbor Plan provisions that amplify DEP's discretionary requirements in 310 CMR 9.00. Amplifications are distinct from substitutions for the minimum use limitations and numeric standards of the Waterways Regulations. They allow a municipality to augment baseline requirements that support the public's rights on tidelands. The BRA may use Amplifications through the Municipal Harbor Plan to implement certain aspects of its long-range vision for the Channel. The degree of amplifications will be based on the individual sites and commensurate with offsets in the planning area. The BRA seeks to amplify and strengthen the following discretionary requirements of the Waterways regulations 310CMR 9.00:

| | |
|------------|--|
| 9.53 | All nonwater-dependent use projects located on Commonwealth Tidelands (except in DPAs) must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth and that ensures that private advantages of use are not primary but merely incidental to the achievement of public purposes. |
| 9.53(2) | The project shall attract and maintain substantial public activity on the site on a year-round basis, through the provision of water-related public benefits of a kind and to a degree that is appropriate for the site given the nature of the project, conditions of the adjacent water body, and other relevant circumstances. |
| 9.53(2)(a) | When there is a water-dependent use zone, the project must include at least a facility that promotes water-based public activity. |

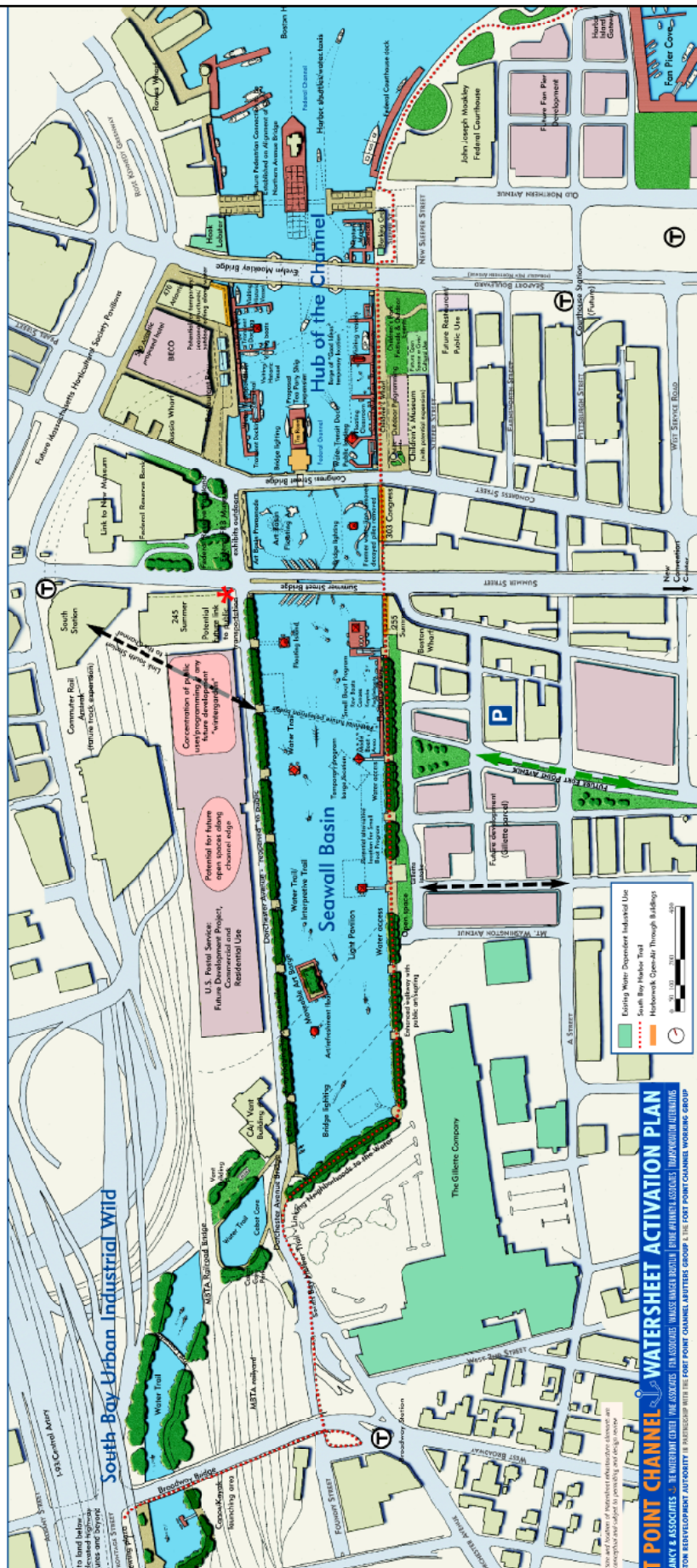
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|------------|--|
| 9.53(2)(c) | When there is a water-dependent use zone, the project shall devote interior space to facilities of public accommodation, with special consideration given to facilities that enhance the destination value of the waterfront by serving significant community needs, attracting a broad range of people, or providing innovative public amenities. |
| 9.53(2)(d) | The project shall include a management plan for all on-site facilities offering water-related benefits to the public, to ensure that the quantity and quality of such benefits will be sustained effectively. |
| 9.53(2)(e) | DEP may consider measures provided by the applicant to provide benefits elsewhere in the harbor or in the vicinity of the site if the water-related public benefits that can reasonably be provided on-site are not appropriate or sufficient. |

These amplifications will promote the goals of the *FPCWAP* to create a unique public destination that establishes year-round activities for the public; supports water-dependent uses; provides landside public facilities that relate to and support watersheet activities; sets up channel-wide management structure; and provides implementation flexibility.

The BRA hopes that these amplifications will allow for the implementation of the *FPCWAP*. As described in previous sections, the BRA has drafted this Municipal Harbor Plan and the Watersheet Plan to provide offsets and amplifications that are complementary to tidelands policy objectives and do not supercede or diminish the public interests protected by these principles.

Fort Point Downtown Waterfront MHP

Figure:5-1
**Watersheet
Activation Plan**



Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
Goody, Clancy & Assoc.
in association with
The Waterfront Center, Vine Assoc., FXM Assoc.,
VHB, Byrne McKinney & Assoc., Transportation Alternatives



Date: August 2003



6. Water Transportation

6.1. Introduction

The Secretary of Environmental Affairs' Notice to Proceed for Fort Point Downtown Waterfront MHP specifies that water transportation facilities and subsidies be considered as baseline Chapter 91 licensing conditions. The document also states that the MHP include a discussion of how proposed projects are integrated with Boston Harbor water transportation needs.

This chapter and the Watersheet Management Plan set forth in Chapter 7 will address water transportation and guidelines for promoting public access, use, and enjoyment of the waterfront. The guidelines will also identify general infrastructure requirements, siting of proposed water transportation facilities, recreational boating opportunities, and compatibility of proposed landside uses with water dependent activities.

The Department of Environmental Protection published its draft Chapter 91 Policy on Water Transportation in Boston Harbor in December 2002. This MHP will be consistent with the requirements of DEP's policy.

6.2. Fort Point Channel

The Fort Point Channel offers potential for water transportation use. Its depth, federal navigational channel, and its sheltered location are assets critical to successful water transit. The Channel area also contains a burgeoning market for water transit given the proximity to South Station Intermodal Transportation Center and the Financial District on the downtown side, and Silver Line stations, the new Convention Center and proposed development on the South Boston side. In addition, the Fort Point Channel area also contains numerous cultural and institutional resources, such as the Children's Museum and the Tea Party Museum, as well as an artist community, all of which will benefit from improved transit access.

6.3. Water Transportation Planning

6.3.1. Boston Inner Harbor Passenger Water Transportation Plan (BIHPWTP), 2000

The first goal of this plan is to develop a state-of-the-art 21st century network with an expanded and enhanced terminal and service network. The plan recognized that the greatest demand for increased public berthing space and expanded terminal facilities is along the downtown waterfront, particularly relating to the central business district and visitor attractions. In the plan, terminal sites were prioritized according to function. Secondary terminals were identified as those locations serving the Inner Harbor water transportation network as opposed to those terminals serving larger commuter ferries destined for other Massachusetts coastal communities. The plan suggested that a secondary terminal be located in the Fort Point Channel at the 500 Atlantic Avenue site because of its short walking distance to South Station via Congress Street, and to the Financial District via the 500 Atlantic Avenue/CA/T Project Public Accessway.

Boston Inner Harbor Passenger Water Transportation Plan, Chapter 3 "Terminal Facility Conditions, Needs and Design Guidelines" is included in the Municipal Harbor Plan as context in Appendix 6-A. Chapter 3 provides siting and design criteria including the need for

landside intermodal linkages to pedestrian, bicycle, mass transit systems, access compliant with Americans with Disabilities Act (ADA) requirements, and accommodating multiple ferry functions and uses.

6.3.2. EOE/DEP *Boston Harbor Chapter 91 Passenger Water Transportation Report*, April 2002

This technical report was prepared as a response to the needs identified during the South Boston Transportation Summit of September 2000. The purpose of the report is to provide general guidance to MEPA, EOE/DEP in their review of proposed water transportation elements of new development projects around the Inner Harbor. The report also analyzes specific routes and operations in order to assist DEP in administering clear and consistent license requirements for water transportation in Boston Harbor.

6.3.3. DEP “Draft Chapter 91 Policy on Water Transportation in Boston Harbor,” December 2002

This draft policy addresses the question of baseline water transportation requirements and extended terms for nonwater-dependent uses subject to Chapter 91 (Waterways Regulation at 310 CMR 9.00). The Chapter 91 regulations require that nonwater-dependent projects with a Water-Dependent Use Zone (WDUZ) in both private and Commonwealth Tidelands must include at least one facility that promotes water-based public activity [310 CMR 9.52(1)(a) or 9.53(2)(a)]. DEP has established that the provision of water transportation is a baseline condition for nonwater-dependent projects in multiple Chapter 91 licensing determinations in recent years, such as Fan Pier and 500 Atlantic Avenue. The draft policy establishes how DEP will apply the requirements of 310 CMR 9.52(1)(a) or 9.53(2)(a) to sites:

- With a Water Dependent Use Zone, or
- Subject to a Municipal Harbor Plan that requires water transportation as “a general condition, amplification and/or offset for a substitute provision; or voluntarily propose water transportation public benefits in association with a variance or extended license.”

The policy also includes a formula for assessing a project’s contribution for transportation services based on a payment amount per gross square feet based on the length of the license, including an extended 99-year term.

6.3.4. Executive Office of Transportation and Construction Water Transportation Planning

EOTC is currently working on a technical report that will provide a selective evaluation of potential passenger ferry services for Boston Harbor and Massachusetts Bay. Candidates were selected based on field research, data analysis and industry focus groups. A route evaluation process tool is being developed and applied to seven candidate routes. The purpose of the technical report is to assist EOTC in assessing priorities for future public ferry services and to consider community-based requests for funding by the State Transportation Bond Bill. Candidate routes include two Inner Harbor Shuttle services (Russia Wharf to Charlestown Navy Yard, and Lovejoy Wharf to several South Boston Waterfront sites), expansion of an Outer Harbor service (Quincy and Hull to Downtown and Logan Airport), and four new Massachusetts Bay services (Salem to Downtown Boston, Lynn to Downtown, Scituate to Downtown, and Sandwich to Downtown and Provincetown). Target dates for expanded existing and new services were for the year 2010. The demand analysis was conducted by

Central Transportation Planning Staff (CTPS) for three typical routes (Russia to Navy Yard, Quincy to Downtown, and Lynn to Downtown). The report was prepared by the Volpe Transportation Center in collaboration with Norris & Norris Associates and CTPS.

6.4. Water Transportation Facilities

6.4.1. CA/T Project Water Transportation Terminal - 500 Atlantic Avenue

Both the CA/T Project Final Supplemental Environmental Impact Statement/Report and DEP's December 16, 1993 Written Determination (amended December 5, 1996) regarding the Project's Consolidated Chapter 91 Waterways License Application require the design and construction of a water transportation terminal in the Fort Point Channel near South Station and subsidy of a water transit service until the end of CA/T Project construction period (end of 2004). Subsequently this service will be provided by the MBTA. The Commonwealth intended for this facility to relieve traffic congestion during CA/T Project construction by providing a new transportation connection between South Station and North Station.

The CA/T Project's location for the facility, 500 Atlantic Avenue, reflects constraints posed by bridges at Congress Street and Summer Street. The 500 Atlantic Avenue site was selected because the Project was already doing work on that site and therefore had use of the property. The CA/T Project's current schedule for completion of the water transportation terminal facility is 2004. The location of the water transportation terminal at this site is also consistent with the *Boston Inner Harbor Passenger Water Transportation Plan (BIHPWTP)* published by the BRA in January 2000 that identifies a secondary water transportation site in this location.

Once the CA/T Project completes the terminal in 2004, the owners of the 500 Atlantic Avenue development project are required to provide maintenance and upkeep of the terminal along with maintenance of the wharf and walkway leading to it. This obligation stems from DEP's response to the Joint Development Plan submitted by the CA/T Project and Boston Edison, then owners of the 500 Atlantic Avenue site. In that response, DEP alluded to 'additional mitigation' related to the commercial development, saying it would likely include financial subsidy for water transportation service initiated by the CA/T Project. The CA/T Project is proposing some water transportation facility design changes. Intel, the developer of 500 Atlantic Avenue is redesigning and constructing the transportation terminal waiting area/shelter at its own cost, but this will not delay the 2004-scheduled completion of the water transportation facility. The MBTA's Silver Line contractor, Modern Continental, is funded by the CA/T Project through the MBTA to do the design and construction of that project. The Harborwalk is shown in **Figure 6-1, CA/T Project Water Transportation Facility**. The CA/T Project could provide temporary amenities such as a shelter and ticket booth to allow service to commence on schedule. More difficult to accommodate will be the ongoing construction of the Transitway Project, which will impede safe and efficient waterside and landside access to the terminal.

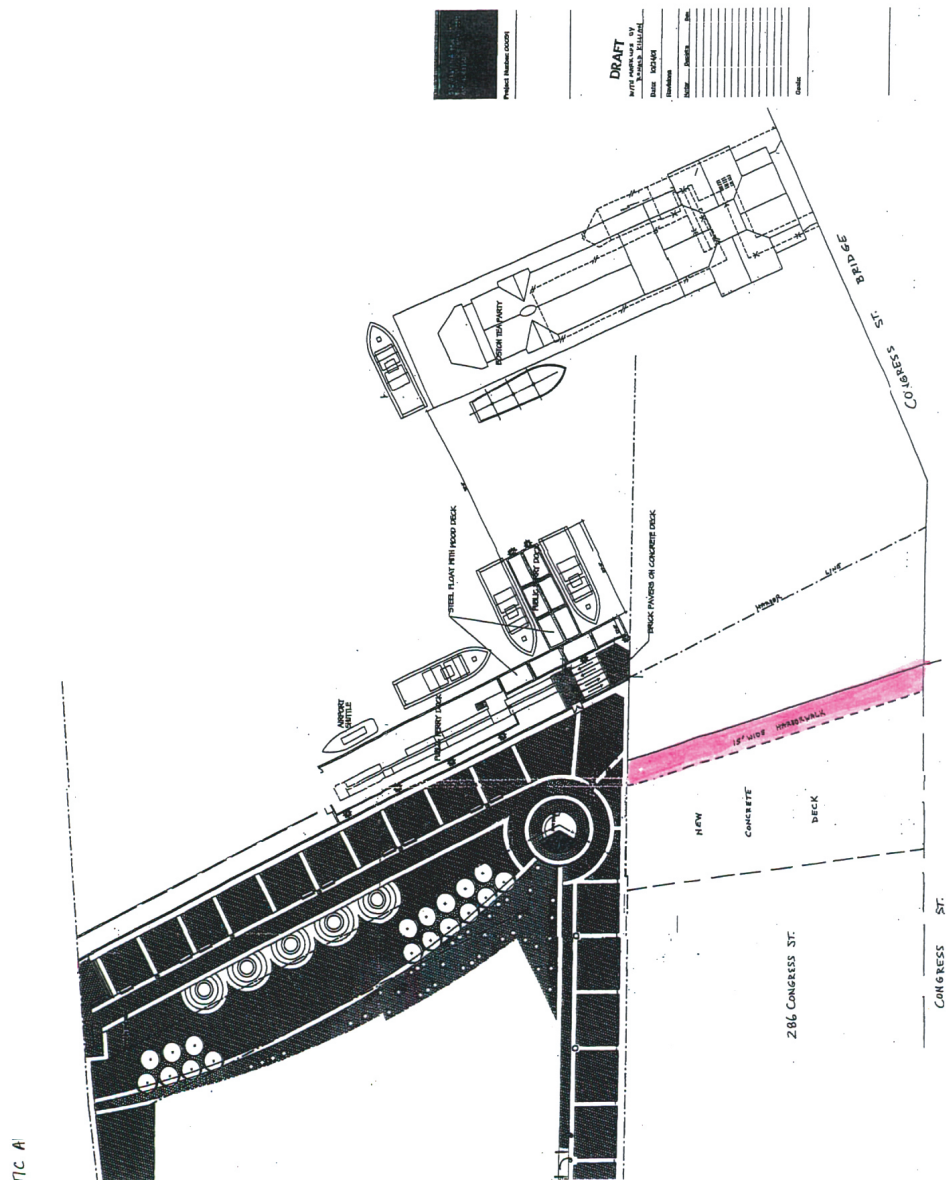
6.4.2. Additional Water Transportation Facilities

Children's Wharf - The *BIHPWTP* also identifies the Children's Wharf as a secondary terminal site. This location for a water transit dock and public landing is included in the *FPCWAP*.

Water Taxis, Public Landings and Transient Berths - The *FPCWAP* also identifies several locations for transient docking that could serve water taxis and private vessels. The proposed locations are on the West Floating Walkway in front of Russia Wharf and between 740 and

500 Atlantic Avenue and on the east side of the Channel at the Children's Wharf. The feasibility of water transportation facilities serving the Seawall Basin in proximity to South Station may also be considered in conjunction with future development of the USPS site.

Date: August 2003



7. Watersheet Management Planning

7.1 *Purpose and Overview*

The purpose of this section is to establish a framework for a management plan and planning guidelines for watersheet activation. The BRA on behalf of the City of Boston will continue to coordinate with regulators, abutters and the proposed Fort Point Channel Operations Board to formalize a Watersheet Management Plan that will provide guidance for management of landside and waterside components of the Watersheet Activation Plan. Included are various water transportation options, such as ferries and water taxis, as well as other complementary watersheet infrastructure elements to support and stimulate a vibrant mix of watersheet activities within the MHP planning area. The watersheet management plan will be a blueprint for implementation, phasing and ongoing administration of the watersheet activation plan elements described in **Chapter 5, The Fort Point Channel Watersheet Activation Plan**. The formation of a management and implementation plan also responds to issues and concerns articulated in the Notice to Proceed for the Municipal Harbor Plan process including coordination of uses proposed in the Watersheet Activation Plan with existing water-dependent uses and the proposed water transit terminal and service from 500 Atlantic Avenue.

It should be noted that the actual watersheet components of the activation and management plan framework are described in greater detail than the landside components since the water area between the Harbor Lines is now and will remain in public ownership, while much of the landside area is in private ownership.

The Watersheet Activation Management Plan is one critical element of the blueprint for the development of new uses and public structures that will make the Fort Point Channel a great civic space. New development will provide the funding for most of the components of the Watersheet Plan. The Watersheet Plan builds upon the extensive public investment of infrastructure in the Fort Point Channel area including the CA/T Project and the MBTA Transitway Project. The management plan framework identifies a range of responsibilities and actions for the coordinated efforts of the public and private sectors. The BRA on behalf of the City will initiate new regulatory and planning measures such as exemptions or revisions to the Harbor Line and establishment of new channels and fairways. The BRA will use the management plan and planning guidelines when reviewing projects subject to Article 80. The management plan will also provide guidance to DEP in making decisions regarding Chapter 91 licenses and establishing baseline requirements for water-related public benefits.

The inclusion of a watersheet management and implementation planning framework into Phases 1 and 2 of the *Fort Point Channel Municipal Harbor Plan* supports the BRA's efforts to implement the watersheet activation plans for the area while directly promoting state tidelands objectives. The management program is founded on the base articulated in the *Fort Point Channel Watersheet Activation Plan*, and further amplifies the recommendations of that plan where appropriate.

The management plan is described in terms of the following sections:

1. Composite Watersheet Activation and Access Implementation Plans
2. Watersheet Activation Plan Guidelines and Component Framework

3. Watersheet Management Plan
4. Watersheet Implementation Phasing Plan

7.1.1. Watersheet Activation Component Framework

The *Fort Point Channel Watersheet Activation Plan* includes various related landside and waterside infrastructure and use components that comprise the framework. The watersheet activation implementation plan is intended to provide a physical definition of the proposed use areas for all public and private watersheet activities as well as for related adjacent landside public realm and private activities. The elements proposed for the different action areas include use zones and guidelines as well as specific project elements. The watersheet activation implementation plan is divided into six interrelated waterside and landside activity groups:

- **Watersheet Public Uses** (such as recreational boating zones).
- **Watersheet Private Uses** (such as water intake and berthing/docking areas for water-dependent industries).
- **Watersheet Public Access** (such as water transportation docks and ferry services).
- **Landside Public Realm Uses** (such as public landing support facilities).
- **Landside Private Uses** (such as private vessel rental concession support facilities available to the public).
- **Landside Public Access** (such as fishing and overlook platforms).

7.1.2. Watersheet Activation Action Plan Elements

The components of the Watersheet Activation Management Plan are described in terms of the above lists of elements allocated to specific watersheet activity areas. The activation elements are depicted graphically in two composite graphics: the Watersheet Activation Implementation Plan (**Figure 7.1**) and the Watersheet Access Plan (**Figure 7.2**).

Figure 7.1, Composite Watersheet Activation Implementation Plan

This composite plan includes the key activation elements from the individual watersheet and landside use plans that follow. The composite and area plans consist of the Seawall and Hub of the Channel Basin area plans from the 2002 *Fort Point Channel Watersheet Activation Plan* report. Included in the amplified composite plan shown in **Figure 7.1** are the following key activation elements:

- Watersheet Activation Impact Area;
- Delineation of proposed Harbor Line exemptions/modifications;
- Existing and proposed Harborwalk sections;
- Harborwalk links to Downtown, the Wharf District, South Boston Waterfront, and South Bay Trail;
- Vertical land/water circulation sites;
- Water-dependent business water intake protection zones;
- Water quality improvement program;

- Berths for visiting historic vessels and floating educational facilities;
- Interpretive water trail for excursion and self-guided boat trips connecting all basins;
- Landside parcels included in the Phase 2 Fort Point Downtown Municipal Harbor Plan;
- Watersheet view corridors to be preserved; and
- Water related performance venues and celebration areas.

Figure 7.2, Watersheet Access Implementation Plan

This composite plan includes the key elements from the individual watersheet and landside access plans following below. The composite access plans consist of the Seawall Basin and channel-wide area plans from the 2002 *Fort Point Channel Watersheet Activation Plan*, as well as the water transit components of the *Boston Inner Harbor Passenger Water Transportation Plan* as applicable or modified to reflect current conditions. Included in the plan shown in **Figure 7.2** are the following key access elements:

Watersheet Transit

- Navigable Watersheet;
- Navigable channel boundaries and proposed modifications, with guidelines to conform with Boston Harbor regulations;
- Definition of related fairways by basin and use guidelines to conform with Boston Harbor regulations;
- Modified Harbor Line boundaries and/or proposed exemptions to accommodate for floating water-dependent uses; and
- Navigation hazards for removal including obsolete utility and bridge structures, sunken vessels, pile fields and other obstacles.

Landside Access to Watersheet

- Water transit, water taxi, and public landing area locations;
- Inner Harbor shuttle and water taxi routes;
- Short term public landings and berth locations for visiting small boats and dinghies; and
- Existing and proposed Harborwalk sections, with links to Downtown and South Boston Waterfront, including completion of a sequence of basin loops;
- Public floating walkway locations and design guidelines;
- Landside transit terminals and bus routes;
- Excursion/trolley drop-off, bus/shuttle routes and stops, and taxi stands; and
- Public parking sites.

7.2. Watersheet Activation Plan Guidelines and Component Framework

7.2.1. Watersheet Activation Plan Goals and Guidelines

The watersheet uses and infrastructure described in this section are in response to the planning goals set forth in the *Fort Point Channel Watersheet Activation Plan*. The Channel goals include actions needed on both the watersheet and the landside.

Goals

The *FPCWAPs* goals can be summarized and amplified as follows:

- Preserve and enhance existing water-dependent uses such as the Gillette Company, Hook Lobster, Neptune Marine Services, and the Boston Tea Party Ship & Museum.
- Enhance Fort Point Channel for a variety of existing and new water-dependent uses, such as water transportation, recreational boating, and as a safe haven for vessels during coastal storms.
- Activate the Channel and its edges by creating a special destination to attract the public and generate activity on a year-round basis.
- Enhance public access by land and by water from all Boston neighborhoods, and from the downtown and South Boston to the Fort Point Channel.
- Enhance the civic role of the Channel by connecting with other nearby public venues, including the Harborwalk, the planned Rose Kennedy Greenway, Massachusetts Horticulture Society's Garden Under Glass, South Station, Children's Wharf, Moakley Court House/Boston Harbor Islands Discovery Center, the new Convention Center, and the South Bay Harbor Trail.
- Create land and water connections to existing and planned open spaces within walking distance of the Channel.
- Preserve and enhance the historic character of the Channel including the historic seawalls, bridges, and the architecture of historic buildings and the Boston Wharf District.
- Establish strong connections between the Channel, the Harborwalk, and other downtown and South Boston Waterfront destinations.
- Develop a detailed and realistic implementation strategy for the Watersheet Activation Plan.

Watersheet Activation Area Planning Guidelines

Planning guidelines are provided for both the watersheet as a whole as well as for the individual basin areas. The guidelines are highlighted as related to specific uses at the end of the following **Sections 7.2.2 to 7.2.4** under Recommended Actions.

Proposed Landside Public Realm Support Area Planning Guidelines

Activation of the watersheet will also require planning guidelines for supporting landside infrastructure and facilities. Such guidelines are highlighted as related to specific uses at the end of the following **Sections 7.2.5 to 7.2.8** under **Recommended Actions**.

7.2.2. Watersheet Public Uses (Figure 7.3)

Component Descriptions

The watershed public uses and infrastructure needs include a wide range of activities and facilities available to the public by water and by land. These activities and categories can be broken down into two categories, permanent and temporary/seasonal.

Exemptions/modifications may be needed to such regulatory conditions as the location of the state maintained historic Harbor Line to allow for many of the permanent facilities.

Temporary and seasonal activities and facilities, including floating performance stages, may be authorized through yearly Harbormaster permits. The implementation plan would include such elements as:

- Harbor Line exemptions/modifications by basin to allow for additional variety and areas of public watershed activities and uses to include:
 - Area limits of vessel floats and berthing.
 - Area limits of designated public floating marine infrastructure elements (such as access ramping, educational and visiting vessel berths, small boat berthing and storage).
- Annual Harbormaster permits to allow for additional variety and areas of public watershed activities and uses, including flexible use platforms for public art, floating performance stages, etc.
- Recreational boating areas would be designated for different vessel types for watershed areas including channels, fairways, and other zones between the seawalls. The Channel is one of the most protected tidal basins in the Inner Harbor and with very low exposure to wave and wake is well suited for small boating activities such as rowing, kayaking, and dinghy sail boating, particularly in the Seawall Basin. Specific basin areas can be made available for such activities by well thought-out placement of channels, fairways and Harbor Line limits.
 - Designated recreational boating areas would be limited to non-powered, self-propelled small vessels such as kayaks, rowing boats, canoes, paddleboats, etc.
 - Jet skis, jet boards and other powered personal watercraft would not be permitted in any basin for safety and environmental purposes.
 - Harbor wake and speed limits to be strictly enforced for all other powered vessels in recreational boating areas.
- Harbor regulatory management would be the cooperative responsibility of DEP, the Harbormaster, and Coast Guard.
- City and state coordinated review of yearly Chapter 91 section 9A permits.
- Channel interpretive water trail facilities (landings, vessel berthing) and interpretive elements (signage, floating markers) for self-guided or concession excursion tours that include all basins.
- Berthing areas for medium-sized visiting historic, educational and cultural vessels in Hub of the Channel Basin (subject to approximately 26-foot low-tide clearance at the Evelyn Moakley and Northern Ave. Bridges).

- Identification and protection of areas of environmental and water quality sensitivity and improvement. These areas would be marked on charts of the Channel and noted by signs along the shoreline bulkhead. Included would be such locations as intake structures and CSOs, as well as CA/T Project and Transitway tunnel zones.

Specific Recommended Actions

In order to achieve these activation objectives, the following actions are recommended:

1. Preparation of a technical definition and use plan for seeking exemptions to or modifying the limits of the Harbor Line which currently coincides with the seawall and wharf line along the edge of the Channel as described in the proposed Municipal Harbor Plan for the Hub of the Channel Basin and Seawall Basin. The City and BRA would be responsible for initiating legislative proceedings. The Fort Point Channel Harbor Line exemptions/modifications would be specific to the basins as shown in **Figure 7.4**. The Harbor Line exemptions/modifications would allow for approved public water-dependent watersheet uses and would not exceed 100 feet from the shoreline, to insure adequate fairways and vessel navigation space.
2. Guidelines and assigned management/maintenance responsibilities for all public water-based floats and facilities.
3. Preparation of a Fort Point Channel navigation and public realm chart for use by water and land visitors with a description of rules of the road (watersheet/boaters guide).
4. Water quality improvement and monitoring program to be coordinated with appropriate public and private entities.
5. Educational programs to be coordinated with Channel institutions, the Boston Public Schools system, and community-based interpretive programs.

7.2.3. Watersheet Private Uses (Figure 7.4)

Component Descriptions

There is also a set of watersheet uses that would be permitted as privately operated or maintained services for public use. However, such uses as houseboats, offices, or restaurants, and long-term marina slip rentals should be excluded because they effectively privatize the watersheet. The implementation plan would include such privately maintained or operated water-dependent use elements as:

- Water intake clear zones for water-dependent businesses to avoid impacts including sediment and turbidity for such businesses as Hook Lobster, Neptune Marine Services, and the Gillette Company. (Locations and watersheet areas to be coordinated with water-dependent businesses.)
- Water-dependent business vessel access areas for such businesses as Hook Lobster, Neptune Marine Services, Gillette, Boston Tea Party Ship & Museum. (Locations to be coordinated with water-dependent businesses.)
- Floating concession locations for designated water-dependent uses that would be privately operated and maintained, such as boat rentals, fishing support, museum-related activities, and other permitted activities.

- Small boat rental concessions and rowing clubs would be located in the Seawall Basin with such uses allowed upstream of the Congress Street Bridge.
 - Designated recreational boating areas/concessions would be limited to non-powered, self-propelled small vessels such as kayaks, rowing boats, canoes, sailing dinghies, paddleboats, etc.
 - Concessions for small boats that can be capsized (sail, canoe, kayak, etc.) would be contingent on water quality and regular monitoring.
 - Small boat safety and rescue would be the responsibility of the respective small boat concessions or rowing clubs.
- Marina slip locations for transient vessel rental use, privately maintained and operated for public use.
- Marina slip locations for seasonal charter vessel rental use, privately maintained and operated for public use.
- Locations for pump-out facilities and other supporting uses for marinas and visiting vessels.
- Berthing locations for visiting historical vessels, floating educational classrooms, and cultural vessels.
- Berthing and tie-up locations for short term private small vessel docking with specified time limits to allow for visits to restaurants, museums, shops and other Channel edge activities. These locations would be privately maintained and operated for public use on first-come, first-served basis.

Specific Recommended Actions

In order to achieve these activation objectives, the following actions should be undertaken:

1. Definition of water-dependent business use protection and access areas, including water intake/discharge sites and vessel access points (for existing businesses including Gillette, Hook Lobster, Neptune Marine Services and the Boston Tea Party Ship & Museum, and for any potential future water-dependent business sites) **Figure 7.4.**
2. Marina slip and berthing management guidelines with owner agreements to define and limit slip rental duration, and to encourage the maximum amount of turnover, activation, and public access.
3. Watersheet concession management guidelines and agreements.

7.2.4. Watersheet Public Access (Figure 7.2)

Component Descriptions

Provision of maximum types and amount of access to the watersheet at the earliest possible date is critical to the activation objectives. During CA/T Project and MBTA Transitway construction periods, watersheet activation of and access to the Hub of the Channel and Seawall Basins have been severely limited. With major tunnel and restoration projects coming to an end during the next 12 months, many opportunities will open up to accelerate the activation programs. Watersheet access includes such components as on-water definition of waterways and use areas, and ramp locations for pedestrian/equipment access from the

Harborwalk and street level to the water uses. Primary vertical access facilities will need to meet state and federal access regulations. The priority components of the watersheet public access implementation plan would include the following initiatives:

- Navigable Federal Channel boundary assessment and proposed modifications to meet current navigation needs.
- Channel and basin specific guidelines and “rules of the road” to conform to current *Boston Harbor Mooring and Operating Regulations*.
- Definition of related new fairways by basin and use guidelines to conform to current *Boston Harbor Mooring and Operating Regulations*. Included would be the definition of a central fairway in the Seawall Basin connecting from the end of the Federal channel at the Summer Street Bridge to the Gillette as shown in **Figure 7.2**.
- Plan and process for removal of navigation hazards and debris including obsolete utility lines and sunken vessels, pile fields, debris and other obstacles.
- Water transportation management guidelines and agreements for water transit terminals, water taxi, and public landing area locations (based on the *BIHPWTP* as applicable under current conditions).
- Public dock management guidelines and agreements for short term, touch-and-go public landings for visiting small boats, and public berth locations for dinghy tie-up.
- Public floating walkway management guidelines and construction responsibilities for watersheet locations and vertical access ramps.

Specific Recommended Actions

In order to achieve these activation objectives, the following actions should be undertaken:

1. Federal Channel assessment and redefinition to rationalize the width and linear continuity for optimal use of the watersheet. The City, the BRA and Harbormaster should initiate the process of discussing refinements with the Army Corps of Engineers jointly, after completion of a user needs analysis and proposed refinements. The current channel is over-wide and irregular, particularly in the Hub of the Channel Basin, and is discontinuous in the Seawall Basin. Research is required on current federal jurisdiction if any, and a layout plan for a new channel consistent with other watersheet use designations. While the historic shipping interests are no longer active because of the bridge limitations and channel edge uses, there are periodic demands for barge access to water-dependent businesses, including Gillette, and for periodic construction projects.
2. An implementation plan for phased public passenger water transportation service on completion of the new ferry landing at 500 Atlantic to include weekday commuter service and off-peak and seasonal harbor loop service. Plans will need to be consistent with the MBTA’s Inner Harbor shuttle services, the City’s *Boston Inner Harbor Passenger Water Transportation Plan of 2000*, and the 2003 EOTC report, *Water Transportation Planning for Eastern Massachusetts*. Possible scheduled water shuttle services for the new 500 Atlantic Avenue (referred to in many studies as “Russia Wharf/500 Atlantic”) terminal that have been identified in these and other feasibility studies include:
 - 500 Atlantic Avenue to Charlestown Navy Yard commuter shuttle:

- 500 Atlantic Avenue to Lewis Mall/E. Boston commuter shuttle;
 - 500 Atlantic Avenue to Logan Airport shuttle;
 - 500 Atlantic Avenue to North Station;
 - Inner Harbor off-peak loop service with stop at Russia/500 Atlantic (would include shuttle to Boston Harbor Islands National Park Area ferry gateway at Long Wharf); and
 - Inner Harbor Cultural Loop linking major cultural institutions, parks and visitor destinations with stop at 500 Atlantic Avenue and Children's Wharf.
3. Implementation plan for water taxi docks and public landings consistent with the *Fort Point Channel Watersheet Activation Plan* and the *Boston Inner Harbor Passenger Water Transportation Plan of 2000*. The plan should include management agreements, landing rights and locations for water taxi service and public landings.
 4. Watersheet Clean-up Management and Maintenance Plan to include survey, plans and permits (city and state) for removal of navigational hazards and debris.

7.2.5. Landside Public Realm Uses (Figure 7.5)

Component Descriptions

The landside public realm uses generally support many of the watersheet activation objectives by providing visual and physical access to the Channel and by accommodating the pedestrian needs. The broad array of public realm features is described in **Section 9** on open space. However, there are several landside components that will require specific guidelines and management attention in support of watersheet uses. The implementation plan for specific landside public realm areas and facilities for support of watersheet activation would include such elements as:

- Water transit landside support including ticketing, information, waiting and maintenance storage.
- Water taxi landside support including information, call box, etc.
- Public transient boating facility support facilities.
- Watersheet access locations, including linear floating Harborwalk access.
- Public safety stations including life preservers, ladders, information, etc.
- Watersheet performance and exhibit area locations.
- Fishing platform/overlook locations and guidelines.
- Viewing platform/overlook locations and guidelines.
- Harborwalk continuity guidelines (specific missing links – 470 Atlantic Avenue to the Evelyn Moakley Bridge, Hook Lobster, 303 Congress Street to Summer Street, Summer Street to Gillette Harborwalk, etc.).

Public restroom locations near dock access. Specific Recommended Actions

In order to achieve these activation objectives the following actions should be undertaken:

1. Harborwalk plan for watershed access locations and specific support facility needs, including public restrooms, or guideline modifications to insure optimal watershed activation.
2. Bulkhead modification guidelines for platform extensions (pile supported or cantilever) to accommodate ramps, overlooks, fishing areas, etc.

7.2.6. Landside Private Uses (Figure 7.6)

Component Descriptions

As with the public uses, the specific private landside uses related to access and support of watershed activation may require particular guidelines and management steps. The implementation plan for landside private uses would include the following elements. The illustrative plan for landside private uses is combined with plan for the watershed private uses in **Figure 7.6**.

- Pushcart concession area guidelines relative to dock access points (for food, arts and crafts, souvenirs, etc.).
- Excursion vessel, interpretive trails, and bus tour transportation kiosks.
- Managing limits of “for pay” entertainment and food venues for paid admission.
- Public pay phones proximate to dock access.
- Charter or excursion vessel information and ticketing proximate to dock locations.
- Potential rental kiosks for small boats.

Specific Recommended Actions

In order to achieve these activation objectives the following actions should be undertaken:

1. Pushcart and market plan and concession management and license agreements need to be coordinated with dock locations and access paths; management agreements with appropriate public and private entities.
2. Plan needs to be prepared for private watershed activity vendor locations, service requirements and support facility needs. Management and maintenance agreements are needed with appropriate private landowners proximate to dock sites.
3. Harborwalk design guidelines need to be applied to the specific private vendor sites. A comparable example is the BRA management of the Harborwalk segment along Old Atlantic Avenue at the new Long Wharf shuttle terminal that includes a variety of pushcarts, visitor concession information kiosks, and The Wall street furniture installations.

7.2.7. Landside Public Access (Figure 7.2):

Component Descriptions

The landside public access to specific watershed activities and uses will similarly require planning guidelines and management steps. The landside locations of watershed access points have been outlined in the *Fort Point Channel Watersheet Activation Plan*. The implementation plan for use specific landside public access components for support of watershed activation would include such elements as:

- Complete and open Harborwalk pedestrian loops around basin areas at the earliest possible date. Although future plans include such essential channel edge loops, there are no complete pedestrian loop segments open at present.
- Designate, articulate and mark key pedestrian gateways and approaches including (east to west) 1) Northern Avenue Bridge/Old Northern Avenue, 2) Evelyn Moakley/New Northern Avenue, 3) 500 Atlantic Avenue/CA/T Project Public Accessway, 4) Congress Street Bridge/Congress Street, 5) Summer Street Bridge/Summer Street, 6) Dorchester Avenue, and 7) Broadway Bridge.
- Designate, articulate and mark key auto approach gateways and parking areas.
- Articulate and mark key public transit approaches and gateways including specific bus stops and water transit in Fort Point Channel and immediately adjacent Fan Pier and Rowes Wharf.
- Identify private transit approaches and drop-off areas by basin and street (Summer St., Congress St., Dorchester Ave).
- Preserve city street view corridors at the Channel edge.
- Preserve and enhance bridge view corridors.

Specific Recommended Actions

In order to achieve these activation objectives, the proposed Watersheet Management Plan should include the development of:

1. Harborwalk Missing Link Plans, including design, permitting, construction and maintenance agreements for missing Harborwalk links to provide horizontal continuity. Sites would include the 470 Atlantic/Evelyn Moakley Bridge connection, a Harborwalk segment landward of Hook Lobster, and enhanced crosswalks at Congress Street and Summer Street to Dorchester Avenue and at Congress Street at the Children's Museum. The CA/T Project is preparing the sidewalk/curb-cut plan will be developed in coordination with the CA/T Project Surface Restoration contracts for the perimeter of the Hook Lobster site. This will be a landside substitute for a waterfront Harborwalk of this water-dependent industrial business. Harborwalk improvements are the responsibility of the property owner subject to regulatory conditions. Crosswalk improvements would include combinations of re-striping, signalization, and sidewalk neck-downs.
2. Harborwalk Loop Continuity Plans, including permitting, construction and maintenance agreements for a sequence of basin-specific pedestrian loops including: 1) Old Northern Avenue Bridge to Evelyn Moakley Bridge, 2) Evelyn Moakley Bridge to Congress Street Bridge, 3) Congress Street Bridge to Summer Street Bridge, 4) Summer Street Bridge to Dorchester Avenue Bridge, 5) Dorchester Avenue Bridge around the South Bay Urban Industrial Wild, 6) 303 Congress Street to Summer Street, and 7) Summer Street to Gillette Harborwalk. Many of these items have been initiated by the CA/T Project, including the permitting, and maintenance agreements.
3. Annual Channel Access Plan, including a digital plan to define Channel landside and waterside access opportunities on an annual basis that could be distributed at transit stations, hotels, restaurants and other public gathering places. Enlargements of such plans could also be located as directional and orientation signs along the Harborwalk.

7.3. Watersheet Management Policy and Plan

The watershed management planning and related implementation policies are intended to correspond to and expand on the principles included in the *Fort Point Channel Watersheet Activation Plan*. Jurisdictional responsibilities need to be defined for project initiation as well as for ongoing management of proposed activation programs. For example, on the waterside, responsibilities for such elements as watershed navigation, dock management, public recreation concessions, and art-in-the-water exhibits (temporary, moveable, bottom-anchored barges) should be defined and assigned to appropriate public and private entities best equipped for their implementation and ongoing management. On the landside, management and maintenance responsibilities will include such activities as dock management and security, performance venue management, and Harborwalk security and maintenance. The management responsibilities may be viewed in terms of layers of overlapping public and private implementation actions and ongoing coordination activities. The management responsibilities are described in terms of three elements:

- Public Sector, including all applicable city, federal, and state mandates
- Private Sector, including individual private property ownership (such as Federal Reserve, Russia Wharf, Children's Museum and Boston Tea Party Ship & Museum, and Fort Point Channel Abutters Group).
- Public/Private Sector (non-profit, public/private) collaborative management and planning entities, including the proposed Friends of the Fort Point Channel, the Fort Point Channel Operations Board, and the residents and artists community).

7.3.1. Potential Management Entities

Public Sector

The broad Public Sector management responsibilities of entities require coordination of regulatory and funding actions for new watershed projects by the City of Boston, and Commonwealth of Massachusetts including permitting and approvals for new structures and uses (Chapter 91, Article 80, Boston Water and Sewer Commission, etc.). Public sector management responsibilities will also include ongoing public services such as the U.S. Coast Guard and Homeland Security Agency, fire and public safety, and emergency response services. Of the city agencies, the Boston Redevelopment Authority will continue to play a central role in the planning and design review of new Channel projects as they evolve, as well as defined management participation.

Private Sector

The more site specific Private Sector responsibilities will include individual owners' and/or lessees' assumed roles for managing the public realm on and adjacent to their properties including the Harborwalk, vessel landings and slips, sidewalks, and in some cases open space (such as the Children's Wharf Park). Many of these responsibilities are or will be included in terms of permits and licenses granted by the City and Commonwealth. Channel property owners will also have a defined role in umbrella public/private management activities. Other responsibilities may need to be forged as the watershed activation and phases of development proceed.

Non-Profit, Public/Private Entities

The new public/private responsibilities for the Channel area will be defined based on the final configuration of management entities developed for the Fort Point Channel public realm. While the charge of this Municipal Harbor Plan is limited to certain geographical portions of the Channel, these public/private management entities may need to be capable of expanding in size and scope as additional projects and east side sections of the Channel are completed. The two entities described so far include the already active Fort Point Channel Abutters Group (FPCAG) and the proposed but not yet chartered Friends of the Fort Point Channel (FFPC). Coordination will be needed with other established entities such as the Artery Business Committee, as well as the Fort Point community and Fort Point Artists Community (FPAC) organizations.

In addition to these entities, a new Fort Point Channel Operations Board has been proposed to provide project implementation and ongoing management services for watershed activation projects. Modeled after such public/private entities as the Rowes Wharf Operations Board and the Long Wharf Management Board, the proposed Operations Board will have a representative of the property owners, the City, and the Commonwealth. It may need staff to take on day to day fiscal and management responsibilities to oversee coordination of watershed projects from inception through construction and maintenance. The Operations Board would work closely with the Friends Group, providing the implementation capacity to complement the Friends' planning, programming and promotional activities.

7.3.2. Watersheet Management Plan and Responsibilities

The watershed elements of the Watersheet Management Plan need to be addressed in terms of assigning responsibilities to appropriate public, private, and non-profit, public/private sector entities. In addition to the mandated public sector responsibilities, the proposed Channel-based stakeholder managing and implementation entities including the Abutters Group (FPCAG), the proposed Friends of the Fort Point Channel (FFPC) and the potential Fort Point Channel Operations Group (FPCOG) would all have prescribed assignments, as would individual stakeholder entities. The elements will need to be divided into adjacent property specific and general watershed public realm type responsibilities. Suggested management components and responsibilities include Channel-wide and Basin-specific components, limited to those within the Municipal Harbor Plan Phase 2 area.

Channel-wide Management Elements

- Channel Security and Navigation Supervision: Boston Harbormaster assisted by individual dock masters.
- Arts Programs: FFPC and Operations Group with Fort Point Artists Community (FPAC).
- Channel water quality monitoring: City Environment Department.
- Channel Maintenance and Cleanup: Adjacent property owners and City Environment Department.
- Water Transportation: Various entities including MBTA, private operators and water taxi operators.
- Boat Rental Concessions: Property owners/abutters with approval of FFPC.

- Special Water Events: FFPC, Operations Board and Abutters with city and State approvals

Basin Specific Management Elements (not included in Channel-wide)

1. **Hub of the Channel:** Major responsibilities will be assumed by to the abutting properties in terms of maintenance and supervision of the Harborwalk, open space and related adjacent watershed facilities. Many of these responsibilities will be defined in the Chapter 91 and city permits and licenses. Other emerging responsibilities may need to be assigned through the cooperative FFPC and Operations Board actions.
 - Ferry Landing Dock Management: MBTA and owners of 500 Atlantic Avenue.
 - Water Taxi Landings: Property abutters/owners including Russia Wharf, Children's Museum, etc.
 - Floating Harborwalk: Abutters.
 - Boat Slips and Wharfage: Property owners/abutters.
2. **Seawall Basin:** As with the Hub of the Channel Basin, major responsibilities will be assigned to the abutting properties in terms of maintenance and supervision of the Harborwalk, open space and related adjacent watershed facilities. However, since the redevelopment of the USPS site may take some time, there may need to be interim management agreements, particularly for the actual watershed activities. Many of the longer-term responsibilities will eventually be defined in the Chapter 91 and city permits and licenses. Cooperative agreements will also be critical with the property owners on the east side of the Channel outside this MHP area, to insure full realization of the watershed activation plan. It is suggested that the non-profit, public/private entities include the east side interests at such time as the new private development occurs. Other ongoing emerging responsibilities may need to be assigned through the cooperative FFPC and Operations Board actions.
 - Water Taxi Landings: Property abutters/owners including Post Office property.
 - Small Boat Concessions and Clubs/Programs: Boating entities managed with Harbormaster approval.
 - Interpretive trail implementation and maintenance.
 - Public and performing arts program implementation, promotion and management.
3. **South Bay Urban Industrial Wild:** The head of the Channel area may require a different combination of management strategies because of the absence of abutting private or public property uses using the watershed. Management elements will include:
 - Interpretive trail implementation and maintenance
 - Boat landing maintenance and supervision
 - Harborwalk, South Bay Trail and open space maintenance and supervision

7.3.3. Landside Public Realm Management Plan and Responsibilities:

The landside components of the management plan will also need to be addressed in terms of assigning responsibilities to appropriate public, private and non-profit, public/private sector entities.

Transportation and Access Elements

Phased implementation of the transportation components includes coordination with various public agencies as well as with the individual property owners to insure optimum access to the Channel. The Friends Group and Operations Board will need to advocate for and assist in the implementation of the landside access improvements. Pedestrian access will require implementation of missing Harborwalk segments and completion of basin loops to be coordinated by the BRA with public and private property owners. Ground transportation will need to be coordinated with BTB and MBTA for the street level improvements, and with private carriers for trolley and taxi curb areas. The City will be responsible for managing the improvements to Congress Street and Northern Avenue Bridges.

Performance Infrastructure Elements

The Friends Group and Operations Board will need to program and assist in the implementation of the public performance and art infrastructure on the landside. The management groups will need to coordinate with private property owners on special events and scheduling of activities for maximum impact.

Concession Elements

Phased implementation of land and water concessions will need to be coordinated by the Friends Group and Operations Board. Harborwalk vendor locations and management will need to be coordinated between the City, the Operations Board, and individual property owners to optimize the mix and quality of such concessions.

Seasonal Program Elements

The staging of seasonal programs and festivals to attract the public to the Channel will be an important responsibility of the Friends Group as planners and programmers.

7.4. Recommended Watersheet Implementation Phasing Plan

The watersheet use and management plans include a phased implementation program. The implementation plan assigns responsibilities for including the Operations Board and the Friends Group, as well as other stakeholders including relevant public and private management entities. The plan incorporates coordination mechanisms for joint decisions and action. Agreements that may be needed between public and private groups will also be identified. Permits and regulatory actions that may be required should also be identified. The implementation plan assigns responsibilities and target schedules in three phases:

3. Phase I- Immediate Actions, (2003-04 or year 1 after MHP is approved)
4. Phase II- Short Range Actions, (2004-2005 or years 2-3 after MHP is approved)
5. Phase III - Mid- term Actions. (2006-2010 or years 4-7 after MHP is approved)

Existing Public Realm and Watersheet elements serve as the base for proposed phased enhancements. For example, the current Harborwalk segments complete and open to the public include the following:

- Children's Wharf Harborwalk segment from Congress Street Bridge.
- Congress Street to Summer Street eastside Channel Harborwalk segment.

The current Harbor Line is located coincident with the seawall except for locations where public and private property initiatives have received legislative exemptions. These current exemptions include the 500 Atlantic Avenue water transit terminal site to be built by the CA/T project, the Museum Wharf frontage, and the Boston Tea Party Ship & Museum expansion site.

7.4.1. Phase I- Immediate Actions (2003-04 or year 1 after MHP approval)

The immediate actions include those outlined in the *FPCWAP* and are planned for implementation during the year following approval of the Phase 2 MHP.

- MHP Phase 2 submitted and approved.
- Friends of Ft. Point Channel (FFPC) chartered with watersheet activation responsibilities such as planning, programming and promotion.
- Fort Point Channel Operations Board (FPCOB) chartered with complementary watersheet activation responsibilities such as project implementation, management and oversight.
- Harbor Line exemptions/modifications defined and legislation initiated.
- Channel refinements and additions defined and fairways designated.
- Navigation markers/aids planned and implemented including channels, fairways and water industry protection zones.
- Silver Line tunnel completion.
- 500 Atlantic Avenue ferry landing completed by CA/T Project; start of commuter ferry shuttle service subsidized by the CA/T Project through 2004, including Harborwalk connection to Congress Street in front of Russia Wharf.
- City plan for channel navigation clearance on Northern Avenue Bridge.
- Completion of structural segments and grade change of Harborwalk between 470 Atlantic Avenue and Congress Street.
- Completion of Harborwalk segment from Congress Street to Summer Street by Central Artery.
- Boston Tea Party Ship & Museum replacement and expansion completed.
- Potential projects:
 1. Interim Harborwalk from Evelyn Moakley Bridge to Congress Street.
 2. Debris and pile removal program for Hub of the Channel and Seawall Basins.
 3. Fort Point Channel Festival – first annual.
 4. Art Basin floating art program infrastructure project initiated.
 5. Summer Street Bridge lighting plan.

7.4.2. Phase II- Short Range Actions (2004-2005 or years 2-3 after MHP approval)

The short term actions include those outlined in the Watersheet Plan, and are planned for implementation during years 2-3 following approval of the Phase 2 MHP. Much of the focus for this phase focuses on the Hub of the Channel Basin area projects.

- Completion of Children's Wharf Harborwalk and Park.
- Infill of short Harborwalk gap from 470 Atlantic to Evelyn Moakley Bridge sidewalk.
- Completion of Congress Street Bridge restoration and proposed lighting program.
- Proposed 500 Atlantic Avenue Project, including ferry-landing support.
- Proposed Russia Wharf Redevelopment Project, including the plaza, water taxi and public landing.
- Congress Street sidewalk expansion and improvements; Channel to Atlantic Avenue (north side).
- Proposed Federal Reserve Bank perimeter landscape and pedestrian walkways.
- 245 Summer Street renovation project including Summer Street sidewalk and Dorchester Avenue Harborwalk improvements.
- Completion of Seawall Basin East Harborwalk segment (connecting to South Bay Harbor Trail).
- Rose Kennedy Greenway segment completion.
- Seawall Basin recreational boating infrastructure and program.
- Cabot Cove Park by CA/T Project.
- Completion of South Bay Urban Industrial Wild Harborwalk small boat landings.
- Potential projects:
 - 1) Interim Harborwalk along Dorchester Avenue (Post Office) from 245 Summer Street to Dorchester Ave Bridge.
 - 2) Channel interpretive signage trail Phase I.
 - 3) Cultural loop passenger ferry service.
 - 4) Greenway/Channel Trolley Loop connecting the Channel with a North to South Station trolley shuttle.
 - 5) Channel Walk West Floating Walkways and structures with universally accessible ramps to or near major street intersections.
 - 6) Measures to make vertical ramps to land universally accessible.
 - 7) Channel Walk East Floating Walkways and structures with universally accessible ramps to or near major street intersections.

7.4.3. Phase III - Mid Term Actions (2006-2010 or years 4-7 after MHP is approved)






















The mid term actions include those outlined in the Watersheet Plan, and are planned for implementation during years 4-7 following approval of the Phase 2 MHP. Much of this phase focuses on completion of the Seawall Basin and South Bay Industrial Wild watersheet infrastructure and programs, following redevelopment of the USPS site.

- Post Office - MBTA Track Expansion redevelopment project.
- Children's Wharf floating classroom(s), water taxi landing and walkway.
- Completion of Seawall Basin West Harborwalk, and open space/plaza spaces.
- Small boat access and infrastructure completion.
- Small boat concessions and clubs/programs.
- Seawall Basin water taxi landing and development of "kneeling" vessels to clear the low bridges.
- Completion of South Bay Urban Industrial Wild Harborwalk segments.

Fort Point Downtown Waterfront MHP

Figure: 7-1
**Composite Watersheet
Implementation Plan**

Key map:

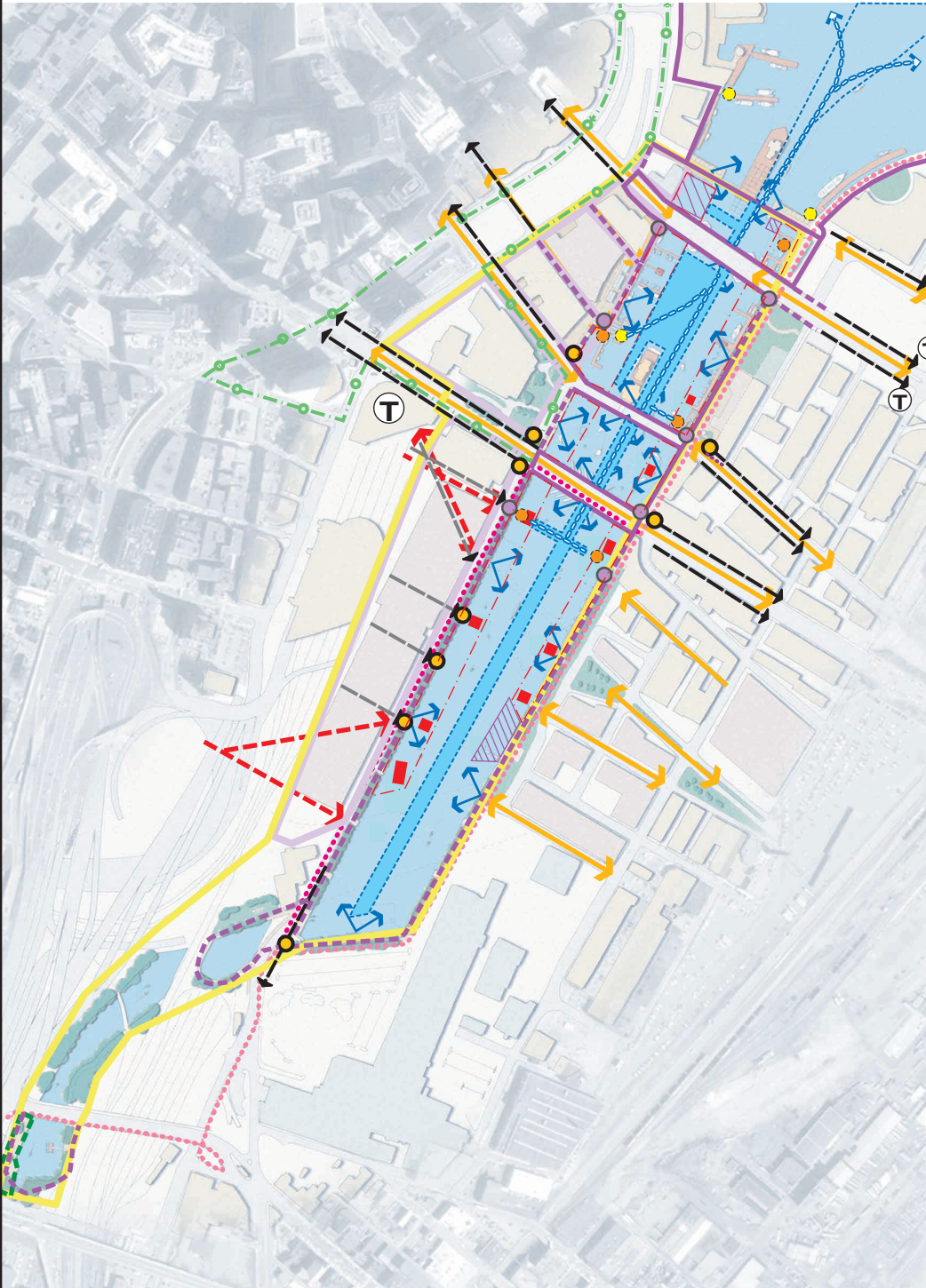
-  View Corridors
-  Potential Through-Block Views
-  WaterVistas
-  Existing Harborwalk
-  Proposed Harborwalk
-  Pedestrian Connections
-  Pedestrian Through-Block Connections
-  South Bay Harbor Trail
-  Alternate South Bay Harbor Trail
-  Greenway Trolley Loop
-  MHP Area
-  MHP II Development Parcels
-  Harborwalk Link
-  Watersheet Vertical Access Link
-  Water Taxi Landings
-  Water Transit Terminal
-  Floating Landings/Platforms
-  Harbor Line Exemption Limits
-  Channel and Fairway Limits
-  Harbor Shuttle and Water Taxi Routes
-  Water Quality Protection Zone

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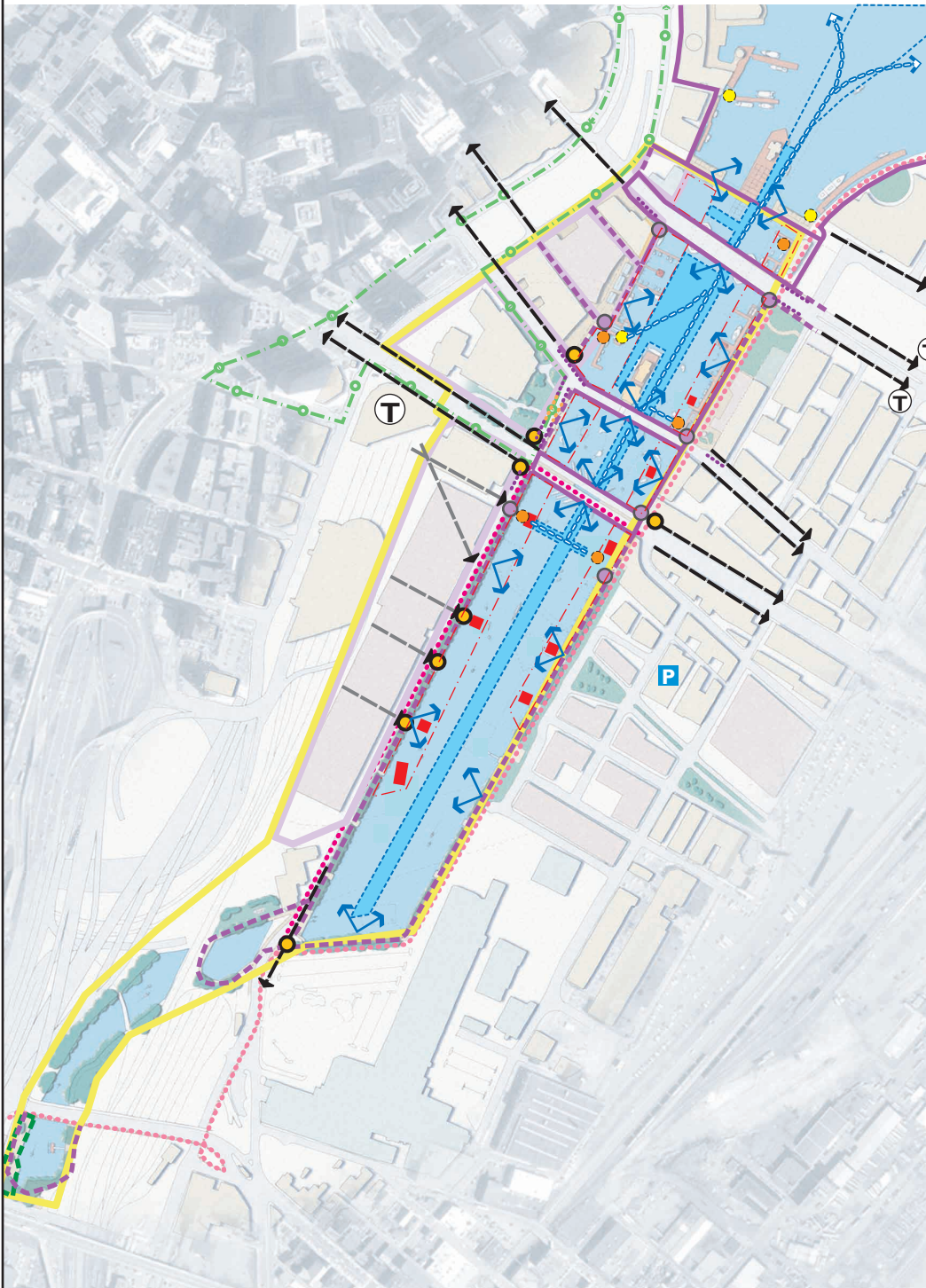


Date: August 2003



Fort Point Downtown Waterfront MHP

Figure: 7-2
**Watersheet Access
Implementation Plan**



Key map:

- Water Vistas
- Existing Harborwalk
- Proposed Harborwalk
- Pedestrian Connections
- Pedestrian Through-Block Connections
- South Bay Harbor Trail
- Alternate South Bay Harbor Trail
- Greenway Trolley Loop
- MHP Area
- MHP II Development Parcels
- Harborwalk Link
- Watersheet Vertical Access Link
- South Station Rail and Transit
- Bus/Shuttle Routes and Stops
- Proposed Public/Private Parking
- Excursion/Trolley Drop-off
- Taxi Stand
- Water Taxi/Public Landing
- Ferry Landing and Support
- Floating Landings/Platforms
- Harbor Line Exemption Limits
- Navigation Channel and Designated Fairway
- Ferry Routes

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Fort Point Downtown Waterfront MHP

Figure: 7-3
Watersheet Public Uses

Key map:

- Recreational Boating Areas
- Harborwalk Link
- Watersheet Vertical Access Link
- Water Taxi/Public Landing
- Ferry Landing and Support
- Channel Interpretive Trail Elements
- Harbor Line Exemption Limits
- Navigation Channel and Designated Fairway
- Ferry Routes
- Water Quality Protection Areas



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




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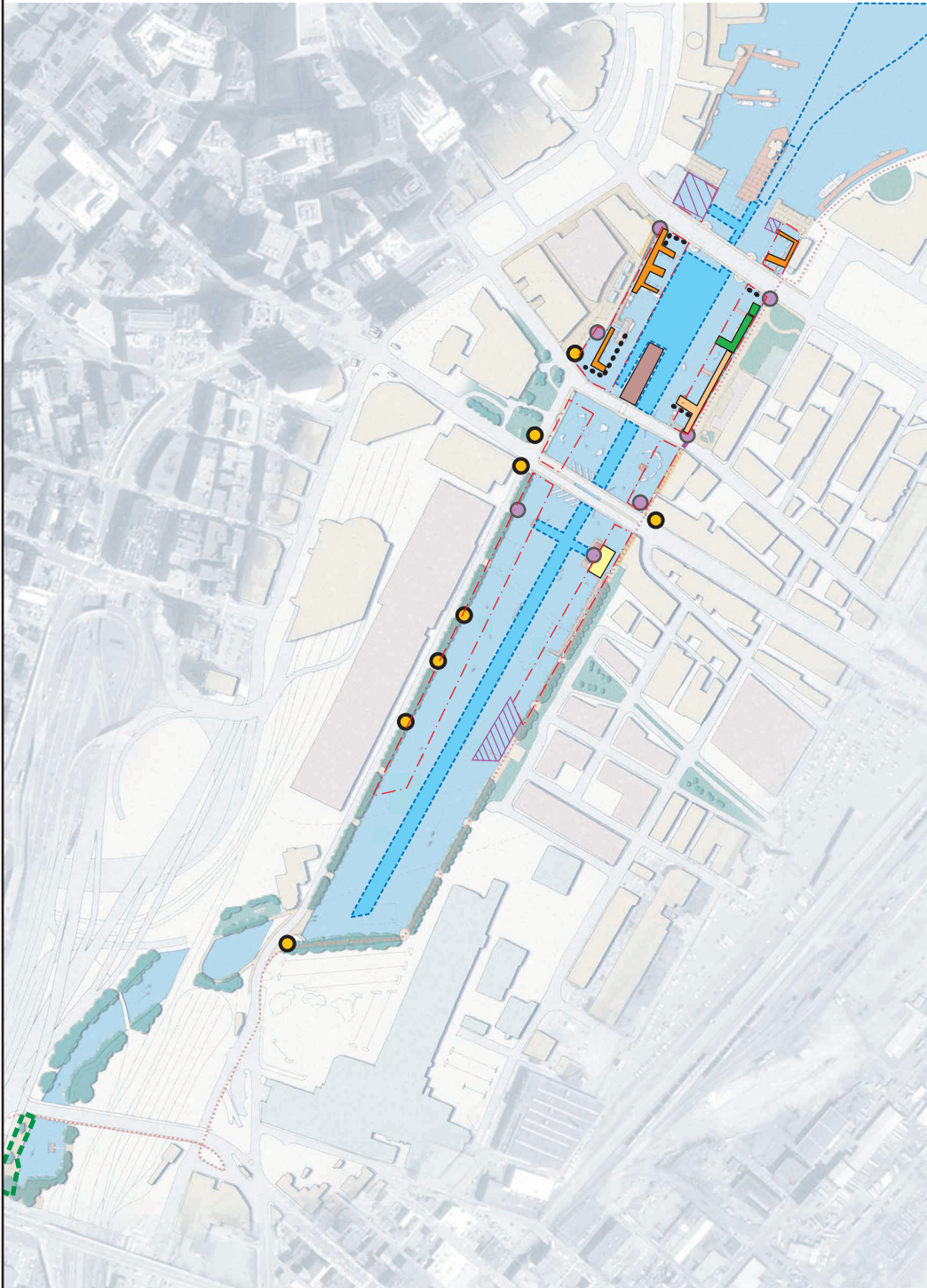


Fort Point Downtown Waterfront MHP

Figure: 7-4
Watersheet Private Uses

Key map:

-  Harborwalk Link
-  Watersheet Vertical Access Link
-  Harborline Exemption Limits
-  Navigation Channel and Designated Fairway
-  Boston Tea Party
-  Children's Wharf
-  Small Boat Concession
-  Transient Slips/Charter Landings
-  Historic Vessel Landing
-  Short-term Vessel Parking
-  Water Quality Protection for Private WDU's



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Fort Point Downtown Waterfront MHP

Figure: 7-5
**Landside Public
Realm Uses**

Key map:

-  View Corridors
-  Potential Through-Block Views
-  Viewing Overlook
-  Existing Harborwalk
-  Proposed Harborwalk
-  Pedestrian Connections
-  Pedestrian Through-Block Connections
-  South Bay Harbor Trail
-  Alternate South Bay Harbor Trail
-  Existing Open Space
-  Proposed Open Space
-  MHP Area
-  MHP II Development Parcels
-  Harborwalk Link
-  Watersheet Vertical Access Link
-  Water Transit Support
-  Water Taxi Support
-  Interpretive Water Trail support
-  Transient Boating Support
-  Watersheet Performance/ Public Art Sites
-  Fishing Station
-  Public Restrooms
-  Watersheet Impact Zone



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
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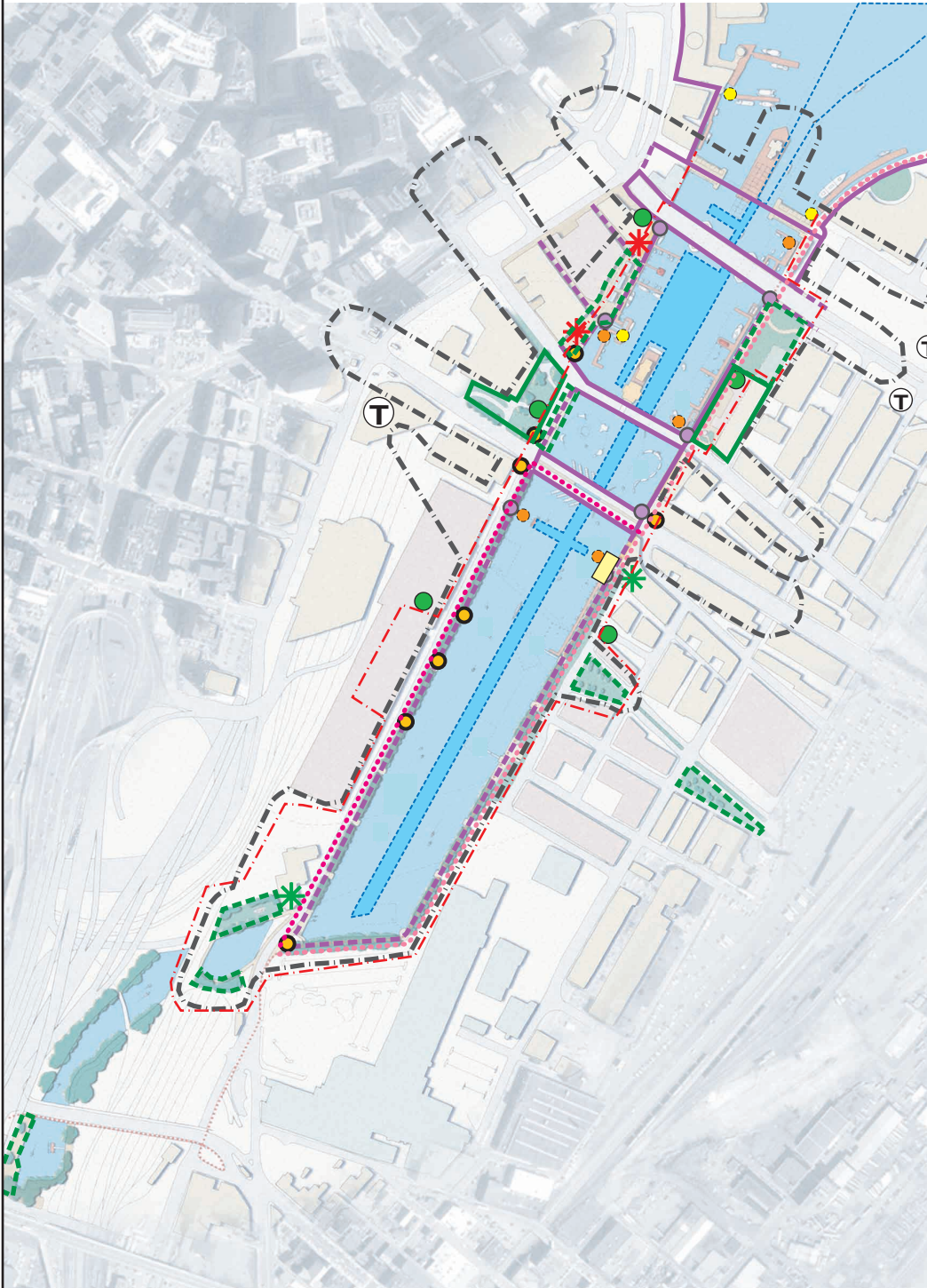


Fort Point Downtown Waterfront MHP

Figure: 7-6
**Landside Private Uses
Supporting Watersheet**

Key map:

-  Existing Harborwalk
-  Proposed Harborwalk
-  South Bay Harbor Trail
-  Alternate South Bay Harbor Trail
-  Existing Open Space
-  Proposed Open Space
-  Harborwalk Link
-  Watersheet Vertical Access Link
-  Watersheet Impact Zone
-  Event Information/Ticket Kiosks
-  Paid Admission Venue Limit
-  Excursion/Charter ferry Ticketing/Support
-  Boat/Bicycle Rental Kiosks/Support
-  Water Transit Landing
-  Water Taxi Landing
-  Small Boat Concession



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8. Amplifications and Offset Guidelines

8.1. Introduction

The Fort Point Channel is recognized as a unique physical and cultural resource. This narrow body of water provides over 44 acres of quiet watersheet. The Municipal Harbor Plan allows the City of Boston to tailor the Waterways Regulations to the particular needs of the Fort Point Downtown Waterfront, including the implementation of the *Fort Point Channel Watersheet Activation Plan (FPCWAP)*, while maintaining the objectives of the Waterways Regulations to protect the public's interest in the waterways. This interest includes devoting a reasonable portion of the shoreline for water-dependent use and promoting public use and enjoyment of the waterfront.

This chapter discusses:

- Recommended amplification to the discretionary regulatory requirements of the Waterways Regulations in accordance with CZM's Regulations for Review and Approval of Municipal Harbor Plans, Section 301 CMR 23.05(2)(b), Standards for Harbor Plan Approval; and DEP Waterways Regulations, Section 310 CMR 9.34(2)(b)2, Conformance with Municipal Harbor Plans.
- Guidance for developing offsets for substitute provisions recommended in accordance with CZM's Harbor Plan Regulations, Section 301 CMR 23.05(2)(c), Standards for Harbor Plan Approval; and DEP Waterways Regulations, Section 310 CMR 9.34(2)(b)1, Conformance with Municipal Harbor Plans.

8.2. Amplification

8.2.1. Introduction

The Waterways Regulations include requirements for nonwater-dependent projects that protect the public's interest in tidelands in a general manner, without setting numerical standards. Provisions of the MHP that complement or provide more specific requirements than are found in the discretionary requirements of the Waterways Regulations (i.e. those that do not specify numeric or location standards) are defined as "Amplifications" as long as they meet the underlying principles of such requirement [301 CMR 23.05(2)(b)]. Amplifications provide guidance that DEP must follow to the greatest reasonable extent when issuing a Chapter 91 license [310 CMR 9.34(2)(b)2].

To meet the approval standards for an amplification, the MHP needs to demonstrate, at a minimum, that the proposed provisions:

- Do not contradict the corresponding Waterways provision;
- Do not seek to reduce the discretionary powers of DEP as they relate to Waterways Regulations; and
- Are consistent with any memoranda of understanding between DEP and other state agencies governing the manner in which Chapter 91 licenses and permits will incorporate the requirements of other statutes and regulations related to state tidelands policy.

8.2.2. Amplification Recommendation

Water Dependent Use Zone

Regulatory Framework

One of the Waterways Regulations' requirements is that nonwater-dependent use projects provide a "reasonable" amount of land to water-dependent uses, including public access. The regulations [310 CMR 9.52(1)(a) and 9.53(2)(a)] require that a project with a water-dependent use zone (WDUZ) needs to provide at least one facility that generates water-dependent activity and a pedestrian access network [310 CMR 9.52(1)(b)] or, in Commonwealth Tidelands, exterior open space for active or passive public recreation [310 CMR 9.53(2)(b)]. An approved MHP may modify such regulatory provisions through substitutions and amplifications as well as the specification of offsets for substitutions.

The Waterways Regulations Sections 310 CMR 9.52 and 9.53 identify respectively the following facilities as means of generating water-dependent activities:

Boat landing docks and launching ramps, marinas, fishing piers, waterfront boardwalks and esplanades for public recreation; and

Ferries, cruise ships, water shuttles, public landings and swimming/ fishing areas, excursion/charter/rental docks and community sailing centers.

The WDUZ regulations' requirement to generate water-dependent activities for projects in Private and Commonwealth Tidelands are considered "discretionary" because they do not specify numeric limitations and thus allow DEP the ability to determine which project elements do or do not comply with the regulatory principle of the regulation. A MHP may include Amplifications that provide direction to DEP on how to apply such discretionary regulations.

In addition to the Waterways Regulations, the Secretary of Environmental Affairs' Notice to Proceed (NTP) for the Fort Point Downtown Waterfront Municipal Harbor Plan and the BRA's Phase 1 Plan submittal are also legal frameworks for the Phase 2 MHP. In the NTP, the Secretary states that water transportation facilities and subsidies should be considered baseline Chapter 91 licensing conditions.

WDUZ Amplification Recommendation

In recent years, DEP has established in multiple Chapter 91 licensing determinations, such as Fan Pier, that the provision of water transportation is a baseline condition for nonwater-dependent projects meeting the requirements concerning water-dependent activity generating facilities. This Phase 2 MHP submittal proposes to amplify the WDUZ requirements cited above.

The amplification recommended is consistent with DEP's Draft Water Policy on Water Transportation in Boston Harbor. The policy confirms that the provision of water transportation services is a baseline means of fully meeting a project's WDUZ watersheet activation requirements under 310 CMR 9.52(1)(a) or 9.53(2)(a). The policy also includes a formula for assessing a project's contribution for transportation services and facilities based on payment amount per gross square feet and on the duration of the Chapter 91 License.

The BRA believes that the MHP should provide guidance for all projects with WDUZs in the Fort Point Downtown Waterfront MHP area. The BRA and the Fort Point Channel stakeholders are committed to ensuring the implementation of the *FPCWAP*, which by its very nature is a means of developing water-dependent facilities and activities that will enhance

the Channel itself and make it a special water-based destination spot. Furthermore, some of the *FPCWAP*'s recommended elements may also meet the DEP's list of Water Transportation Services included in the draft Water Transportation Policy of December 2002.

The amplification recommendation is that all nonwater-dependent projects that have a WDUZ provide water transportation services and facilities, as described in the DEP Draft Water Transportation Policy, as well as contribute to the implementation of the *FPCWAP* as a baseline requirement. The allocation ratio between water transportation services and the *FPCWAP* implementation will be determined on a case-by-case basis. This approach will allow DEP to determine the appropriate allocation based on the scale, character, site conditions, and other pertinent circumstances of each license application. The BRA requests that DEP consult with the City regarding the ratio for the allocation. It is important to note that this amplification recommendation does not preclude the provision of water transportation services and facilities as offsets for substitutions in addition to the baseline requirement and as the basis for an extended license term. The appropriate designation of such benefits shall be determined on a case-by-case basis under this MHP and in the context of individual Chapter 91 licenses.

General Amplification Principles

This MHP recognizes the importance of water-dependent users, public access, and watersheet activation to the establishment of Fort Point Channel as one of the city's most valuable waterfront resources. The following principles are aimed at accomplishing that goal.

| Regulation | | Amplification |
|-------------|--|---|
| 9.31(2)(a) | Presumption of proper public purpose for water-dependent use projects. | Support existing water-dependent uses and protect their water quality and access requirements. |
| 9.35(3)(b)2 | Public pedestrian access facilities for non water-dependent projects. | Provide universal public access to and along the waterfront, Harborwalk, and links to Harborwalk; creation of Harborwalk loops on an interim and permanent basis. Ensure universal access to watersheet. Embrace universal design principles to meet accessibility code requirements and create an environment that welcome people of all ages and abilities. Interim Harborwalk sections should be of a substantial quality to match surrounding segments. |
| 9.52(1)(b)2 | Pedestrian access network in a WDUZ for non water-dependent projects. | Universal public access to and along the waterfront, Harborwalk, and links to Harborwalk; creation of Harborwalk loops on an interim and permanent basis. |

| Regulation | | Amplification |
|------------|--|--|
| 9.53(2) | Attract and maintain public activity on a year round basis for non water-dependent projects in Commonwealth Tidelands. | Provide public open space programming in Commonwealth Tidelands. |

8.3. Offset Guidelines

Under the Waterways Regulations, a Municipal Harbor Plan may provide for Substitutions for the seven specific use limitations and numerical standards established for nonwater-dependent projects. Offsets are required if a Substitution results in impacts that adversely affect the public's interests in tidelands to a greater degree than would occur under the Waterways Regulations limits.

CZM's regulations concerning Municipal Harbor Plans provide standards for acceptable offset measures to the numerical Waterways Regulations requirements [301 CMR23.05(c) and (d)]. In general the MHP needs to include requirements that "will mitigate, compensate, or otherwise offset adverse effects on water-related public interests." The Waterways Regulations recognize that there is more than one way of achieving this goal. Offsets may be in-kind or out-of-kind or qualitative. Certain benefits effectively offset or compensate for certain impacts more than others. The hierarchy for selecting offset measures is as follows:

1. **In-Kind** in a proximate location. This approach is not applicable when its application would undercut the reasons for which the requested Substitution has been developed or which conflict with another provision of the Chapter 91 regulations.
2. **Increased performance standard** of another quantitative requirement of the Waterways Regulations. This is considered where an in-kind offset is not appropriate.
3. **Qualitative measures** that will effectively promote the goals of the Waterways Regulations. This approach is to be considered when neither of the quantitative offset types best serves the goals of Chapter 91.

This MHP submittal uses this hierarchy for determining offsets to compensate for any reduced effectiveness of substitute provisions in promoting the state's Tidelands Policy, including the need to foster public use of and access to the waterfront throughout the year. To the extent that the *FPCWAP* includes measures that promote the objective of the Chapter 91 regulatory provision for which a Substitution is requested and that are reasonably commensurate with the degree of adverse impact resulting from the Substitution, such measures should be considered as Offsets. Since the *FPCWAP* includes water transportation service and facilities, the list of offset categories following below may also provide guidance for implementing the WDUZ amplification discussed above in **Section 8.2.2**.

Following below is a proposed menu of infrastructure and programs that should serve to guide state regulators, developers, and the public. It is derived from the *FPCWAP* with a few additions. The Offsets described in **Sections 8.3.1** and **8.3.2** below may be provided by the direct implementation of the Offsets, by funding, or by providing in-kind contributions to support activation programs or initiatives taken by others.

8.3.1. General Offset Guidance

Listed below is general guidance for the development of offset measures and the WDUZ amplification. No priorities are implied. This guidance should be incorporated to the extent feasible in developing measures to mitigate and offset adverse impacts resulting from Substitutions.

Watersheet Activation

- Vessel operation subsidies.
- Provision of discount berthing, layover, and transient dockage.
- Watersheet programming.
- Navigational improvements.
- Excursion/charter/rental docks and community sailing centers.

Landside

- Facilities supporting water transportation.
- Historic and educational signage.
- Interior and exterior civic space for cultural installations and performances.
- Support of existing cultural anchors.
- Bridge lighting.
- Enhancements to existing open space within the Planning Area and along the Channel and/or additional open space, where feasible.
- Historic preservation.
- Public art and programming.

8.3.2. Guidance for Specific Offset Measures

The following categories represent a prioritized menu of infrastructure and programmatic measures that will ensure implementation of the *FPCWAP*. They should be used to guide the development of offset measures.

Category 1: Implementation Year 1 after MHP approval (approximately)

1. Hub of Channel

a. Watersheet Activation Programs

- Fort Point Channel Festival – first annual.
- Formalized Floating Art Program (Art Basin).

b. Infrastructure

- Transient Berthing and Water Transportation Infrastructure.
- Floating Art and Performance Platforms (Art Basin).

2. Seawall Basin

a. Watersheet Activation Programs

- Trial Watersheet Festival.
- Full watersheet program.

b. Infrastructure

- Art Barge/water music, including Art Barge.

Category 2: Implementation Years 2-3 after MHP approval (approximately)

1. Hub of Channel

a. Watersheet Activation Programs

- Children's Wharf Open Space and Programming.

b. Infrastructure

- Measures to make vertical ramps to land universally accessible
- Channel Walk East Floating Walkways and structures with universally accessible ramps to or near major street intersections.
- Channel Walk West Floating Walkways and structures with universally accessible ramps to or near major street intersections.
- Congress Street Bridge Lighting (Bridge reconstruction projected for 2004/2005).
- Interpretive signage/environmental art.

Category 3: Implementation Years 4 - 7 after MHP approval (approximately)

1. Seawall Basin

a. Watersheet Activation Programs –

- Small boat facilities.
- Small boat concession floats and access between Gillette Intake and 255 Summer St.

a. Infrastructure

- Floating Islands/pavilions.
- South Bay Urban Industrial Wild Infrastructure.
- Canoe and kayak launch.

9. Open Space and Public Access Principles and Guidance

9.1. Introduction

This section builds upon the Planning Framework Principles that were established for the Phase 1 Plan and defines goals and guidelines for enhancing the Fort Point Downtown Waterfront area's open space system as it is developed over time. These goals and guidelines are consistent with the Waterways Regulations by ensuring that development along the waterfront provides the public with extensive quality open space and meaningful access to the waterfront.

The purpose of this section conforms to the purpose of the state approved Municipal Harbor Plans as stated in 301 CMR 23.01(2), Review and Approval of Municipal Harbor Plans. The goals and guidelines will provide guidance to EOE agencies, particularly the Department of Environmental Protection, in matters relating to waterways regulation through the Chapter 91 licensing process.

Some of these open space goals, guidelines and requirements were developed as part of the other Municipal Harbor Plans in South Boston and East Boston and are incorporated in this submittal because of their generic relevance to the overall Harbor; however, they have been modified to suit the Fort Point study area's different characteristics. The intent of this section is to support the Waterways Regulations by optimizing public access to the waterfront and promoting water-dependent uses, and to help ensure quality redevelopment along the Fort Point Downtown Waterfront.

The Fort Point Downtown Waterfront currently offers few open space areas directly abutting the Channel and little access to the waterfront. Potential large open spaces are proposed as part of the Rose Kennedy Greenway adjacent to this section of the Fort Point Channel Waterfront area. This new Greenway and the opening of the Fort Point Channel to public use would increase residents' and workers' accessibility to open and public spaces in the area. Additionally, dramatic change is underway within the area that would increase open spaces and public access to the waterfront including the Harborwalk at 470 Atlantic Avenue (Independence Wharf), the proposed developments at Russia Wharf and the 500 Atlantic Avenue parcel, re-landscaping of the Federal Reserve grounds, improvements of 245 Summer Street. The USPS is also contemplating redevelopment of its Postal Annex building on Dorchester Avenue, which will also contribute to the reshaping of the Fort Point Channel Waterfront. Access and open space are critical to the activation of the Fort Point Channel and the quality of new developments for this section of Downtown Waterfront, and are the underlying foundation of the recommendations of this chapter. **Figure 9-1** illustrates existing and proposed open space along the waterfront.

This section further elaborates upon individual redevelopment initiatives along the Fort Point Downtown Waterfront and their proposed recommendations for open space and how these amenities can be linked into a network of open space infrastructure that will enhance and activate the unique resource of Fort Point Channel.

9.2. The Open Space and Public Access Guidelines

The term open space can be broadly defined to include both public and private space and can describe a variety of different types and scales of spaces, from plazas to walkways to parks as

well as driveways, streets, and roads. This Municipal Harbor Plan submittal establishes an open space network system to guide property owners in the development of their property and to guide DEP in issuing Chapter 91 licenses for these parcels. These proposed guidelines are consistent with the Boston Parks and Recreation Department's *Open Space Plan 2002-2006, "Part 5 Resource Protection Mission."*

Design and programming of open spaces must be consistent with the MHP, helping to create a highly accessible and well-maintained Fort Point Channel Downtown Waterfront that is supported by an array of public amenities and characterized by an ease of movement. The open space network should be a unified, cohesive system that celebrates and enhances the waterfront while respecting its water dependent abutters such as Hook Lobster, and on the eastern side of the Channel, the Gillette Company and Neptune Marine. As mentioned above, **Figure 9-1** illustrates the Open Space Network System. The elements of the Network System include the following:

- *Public Access and View Corridors to the Channel*
- *Harborwalk*
- *Through-Block Connections and Interior Public Spaces*
- *Programming and Activation of Public Spaces*
- *Public Space Amenities*
- *24-Hour Public Access*
- *Maintenance and Implementation Standards*

Although South Station, the Massachusetts Horticultural Society Central Artery development parcels 19, 20 and 21, the Rose Kennedy Greenway, and the South Boston Fort Point Waterfront parcels (indicated in **Figure 9-1**) are not subject to this Municipal Harbor Planning process and are not within the Fort Point Downtown Waterfront study area, they will be an essential piece of a connected open space network, and any future development of these parcels should be reviewed for consistency with this MHP. For this reason, the guidelines provided in this chapter will include some reference to those parcels.

9.2.1. Public Access and View Corridors to the Channel

Public access usually consists of pedestrian access to and along the waterfront but can also be used to describe access by bicycles, rollerbladers, and other recreational means where sufficient area exists to ensure compatibility with pedestrian uses. Historically, the general public has had inadequate public access to the Fort Point waterfront since it was primarily a maritime and industrial channel. A primary goal of the Open Space Network System for the Fort Point Channel Downtown Waterfront is to ensure that office workers, residents, and visitors enjoy the benefits of public access to the waterfront. As most of the properties along this section of the waterfront are undergoing changes, the guidelines of this plan are designed to meet this challenge and achieve compatibility between the varying interests and needs of the waterfront's users. Property owners should maximize opportunities to provide public access along and perpendicular to the Channel waterfront wherever possible when redeveloping properties as well to bring into compliance sections of the Harborwalk that are not presently universally accessible.

Public access should also include as a goal the provision of visual access to the waterfront. It is important that existing view corridors from upland sites and existing public streets be preserved and new ones created, as appropriate, because they reinforce the waterfront identity of the community and its connection and interaction with the water edge and Channel. Significant views to the Channel should be incorporated into the design for any development. The siting and height of structures and the placement of landscaping should maintain and, where possible, enhance public views and vistas of the Channel and harbor. The exact locations of view corridors are a part of the site-specific analysis in the following section.

Site Specific Public Access and View Corridors Guidelines

The following guidelines would apply to the overall public environment created along the Channel inclusive of plazas, open spaces, parks, sidewalks, alleys, streets and Harborwalk that provide public access and visual connections to this section of the Fort Point Channel on both publicly and privately owned land.

Public Access and Pedestrian Connections

- Create and maintain public access and open spaces along the waterfront wherever private properties directly abut the Fort Point Channel between Hook Lobster and Russia Wharf.
- Create a sense of place along the Hub of the Channel where abutting properties owners, including 470 and 500 Atlantic Avenue and Russia Wharf, should coordinate design efforts to create a new plaza abutting the Channel. This new plaza waterfront should merge and complement the Harborwalk to create a single and distinctive place. Such a place created by the development of properties along the Channel between Congress Street Bridge and Evelyn Moakley Bridge would meet the goals of the Watersheet Activation Plan (Restaurant Row) (**Figure 5-1**) and Open Space Charrette held by the BRA in April 2002 (**Figure 9-2, BRA Open Space Charrette**). See **Figure 9-3, Proposed Landscaping between Congress Street and Evelyn Moakley Bridges**. On the east side, the Children's Wharf, discussed in **Chapter 3, Section 5.1**, will also become a destination place.
- Ensure that the plazas and open spaces created along the Channel are inviting, universally accessible, open to the public, and free for all to use.
- Provide shared public structures and accessways down to and along the watersheet to avoid repeat structures, visual and physical clutter and coverage of the Channel edges and watersheet.
- Extend 500 Atlantic Avenue/CA/T Project Public Accessway as a pedestrian passageway between the Financial District and the future Massachusetts Horticultural Society Garden under Glass to the Fort Point Channel and the Harborwalk.
- Create a continuous unobstructed visual corridor from Pearl Street/Financial District to the waterfront. Provide street furniture, such as pushcarts, banners, interpretive signage, and lighting along this walkway to draw people to the water.
- Create additional waterfront public spaces along the Channel. Examples are the open space at Vent Building #1 that will be developed by the CA/T Project, the South Bay Urban Industrial Wild at the southern end of the Channel, and the landscaped area fronting the Federal Reserve Bank building.

- Create opportunities for additional public and open space along the Channel and Dorchester Avenue when redeveloping large properties such as the US Postal Service parcel.
- Preserve the physical integrity of the Seawall Basin between Summer Street Bridge and Dorchester Avenue Bridge, and views to the historic Fort Point Channel bridges.
- Re-open Dorchester Avenue to public and pedestrian access along the Seawall Basin and provide opportunity for activating this edge by expanding the South Bay Harbor Trail on this side of the Channel.
- Create and expand the pedestrian-friendly urban fabric along the Channel when redeveloping the US Postal Service Annex parcel and improving 245 Summer Street that should reflect the eastern side of the Channel with city-block scale development and activated ground floors.
- Facilitate and promote public access between the Rose Kennedy Greenway to the Channel through signed tour route and public transportation linkages.

Visual Connections and View Corridors

- Maintain, establish or re-establish visual connections to the Channel along Pearl Street, between the Financial District and the future Massachusetts Horticultural Society Garden under Glass to the Fort Point Channel and the Harborwalk via the 500 Atlantic Avenue/CA/T Project Public Accessway.
- Maintain, create or re-establish other visual access to the water along historic view corridors including Summer Street, Congress Street, Pearl Street, Oliver /Northern Avenue and bridges across the Channel. This would include creating or preserving visual connections when developing 500 Atlantic Avenue, Russia Wharf and the US Postal Annex, improving the Federal Reserve Building and 245 Summer Street edges, and developing the new Massachusetts Horticultural Society Garden under Glass and other Central Artery parcels.
- Preserve unobstructed views from both sides of the Channel banks.
- Create new through-block visual access to the water and view corridors whenever possible when developing large properties and structures, including the U.S. Postal Service Annex, the Massachusetts Horticultural Society/CA/T Project parcels 19, 21 and 22, and 500 Atlantic Avenue.
- Create additional viewing areas along the Seawall Basin and Hub of the Channel, and at the Northern Avenue, Summer Street and Congress Streets Bridge.

Key pedestrian and view corridors have been identified in this study and are illustrated in **Figure 9-1**.

9.2.2. Harborwalk

The centerpiece of the City's goal to provide public access to the waterfront is the Harborwalk. From the initiation of the Harbortpark concept by the BRA in the early 1980s, when the City first set the goal of creating a continuous approximate 47-mile waterfront walkway along Boston Harbor, the City has been working diligently in partnership with private developers and property owners and Harbor advocates to improve waterfront sites and realize this goal.

This MHP submittal builds upon current public initiatives, including the CA/T and the MWRA projects, the South Bay Harbor Trail and the Watersheet Activation Plan recommendations and current private initiatives that will create a continuous Harborwalk along the length of the study area boundary, from Hook Lobster to the southern end of the Channel.

By recommending the completion of the Harborwalk around Fort Point Channel through this MHP, the City has the opportunity to create a continuous accessible open space around this waterfront. The CA/T Project is committed to developing a number of pedestrian improvements around the Fort Point Channel that will include a new Harborwalk segment along the edge of Dorchester Avenue opposite the Federal Reserve Bank and along the Gillette Company's channel frontage property as well as the Harborwalk segment at Russia Wharf. Other Harborwalk segments include a new section at 500 Atlantic Avenue and the completed 470 Atlantic Avenue as part of development and improvement of these properties. Other planned improvements of the Harborwalk are linked to the future redevelopment of the US Postal Service Annex property and other private development along the west side of the Channel. Additionally, property owners and developers are required to complete the Harborwalk along Fort Point Channel edge of their parcels in accordance with the Harborwalk standards developed by the BRA. Exceptions to this requirement can be considered where physical constraints of the site prevent compliance with this requirement. Also, some portions of the Harborwalk should integrate larger open space areas such as plazas, civic spaces, fishing platforms, and other water-based activity areas. The Harborwalk should be located within a site's Water-Dependent Use Zone. The exact dimensions of the Harborwalk as a component of the setback will be determined in the Article 80 review process, but should at a minimum meet the BRA's standard of 12 foot width (ten feet clear).

Site-Specific Harborwalk Guidelines

- The Harborwalk should connect to other pedestrian systems effortlessly and be universally accessible from other public ways, bridges and adjacent land users and re-development sites.
- The Harborwalk should provide unobstructed access along the Channel waterfront and to adjoining open space.
- The Harborwalk should be universally accessible and connected to vertical access to the watersheet and docking facilities at key points around the Channel.
- The Harborwalk should create a continuous loop around the Fort Point Channel and all efforts should be made to create such continuous connections.
- Harborwalk sub-loops should be created as recommended by the Watersheet Activation Plan. These Harborwalk sub-loops should connect both sides of the Channel via the Congress Street Bridge, the Summer Street Bridge, the Dorchester Street Bridge and the Broadway Bridge.
- The Harborwalk should be implemented in phases that would parallel sequences of improvements and development along the Channel and open the Channel to public access as early as possible and mirror the watersheet sub-loop system. Whenever possible, the Harborwalk should be implemented before the developments, even on an interim basis, in order to engage the public as early as possible.

- If feasible, and where physically possible a temporary Harborwalk loop should be implemented to ensure the creation of a sub-loop around the Hub of the Channel as early as possible in the area between the Evelyn Moakley Bridge and Congress Street Bridge without waiting for completion of the abutting development projects.
- Strive to create a direct pedestrian Harborwalk connection from 470 Atlantic Avenue to the Evelyn Moakley Bridge and connect the Harborwalk with the Channel Walk West.
- Strive to create a temporary Harborwalk along Dorchester Avenue before the US Postal Service Annex is redeveloped.
- Inland connections to the Harborwalk should be provided where it is not possible to continue the Harborwalk along the Channel's edge, such as at Hook Lobster. The route should follow the property line of this use and go back to the Channel's edge at the next connection point but needs to provide for continuous truck access to Hook Lobster.
- The Harborwalk should include consistent lighting, signage and urban furniture all around the Channel.
- Abutting property owners should work together to ensure consistent surface treatment of the Harborwalk to reinforce its distinctive identity and sense of continuity.
- The Harborwalk should embrace the universal design principles to not only meet accessibility code requirement but also to create an environment that welcomes people of all ages and abilities throughout individual Harborwalk sections and at the water's edge. A priority should be retrofitting existing areas that do not meet such codes.
- Although the Waterways Regulations require a minimum walkway width of ten feet, the City's Harborwalk standards require a minimum walkway width of 12 feet (10 feet clear). Whenever possible, a wider Harborwalk should be created.

Harborwalk Signage Guidelines

The City's Harborwalk signage program is another important component of the Harborwalk. The signage program is a graphic system developed to direct people to and along the Harborwalk and to nearby public amenities, such as a water transit facility 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. Property owners will be required to incorporate appropriate Harborwalk signage throughout their sites in conformance with the Waterways Regulations 310 CMR 9.35(5)(b). Signage is particularly important and should be continued along the inland connections to the Harborwalk and along Fort Point Channel. The following should be taken into account when developing the Harborwalk signage around Fort Point Channel:

- Incorporate the City's standards and Harborwalk signage requirements.
- Incorporate interpretive signage consistent with the Historic Piers Network Plan by incorporating elements that celebrate this history into exterior and interior public spaces.

- Include, where appropriate, tactile signage and contextual maps to surrounding areas.
- Communicate effectively and be readable.
- Visible to all and include a tactile element.
- Be highly imageable with contrasting background for text, consistent, and identifiable.
- Be attractive, durable and functional.
- Reinforce circulation patterns that improve the visitor experience.
- Complement architectural character of the surrounding Channel and urban fabric.
- Complement other abutting and nearby landscaping efforts.

9.2.3. Through-Block Connections and Interior Public Spaces

At appropriate locations, through-block connections that link into existing adjacent neighborhoods should be made. A system of enclosed open spaces open to the public with amenities and interpretive elements, where appropriate, should be incorporated in the form of pedestrian ways and public corridors to provide alternative protected routes during foul weather.

In new development, additional space for public use should be provided whenever possible and appropriate, especially along retail and commercial uses to encourage them to “spill” out from the indoors to outdoors and promote activity without overwhelming the areas provided for public use, creating pedestrian flow choke points, and obstructing free access and use of the waterfront. For example, providing furnished areas available for plaza spaces adjacent to buildings allows outdoor café seating or small performance spaces as well as free street furniture for sitting and viewing without requiring users to pay for the view. To be an integral part of the project design, the design of public open space, interior spaces, and pedestrian ways should be focused on the diverse abilities of the public.

New space for public enjoyment should be of a type, size, and character appropriate to its use and context, particularly within large developments, such as 500 Atlantic Avenue, Russia Wharf and the US Postal Service Annex. Historic interpretation and art features should be encouraged in spaces for public use. Food service, performing arts, civic activities, and recreation facilities should also be accommodated where appropriate. Special features such as arcades, building overhangs, promontories, fountains, facade lighting, and environmental art are encouraged.

Site Specific Guidelines

- Establish and maintain through-block pedestrian and visual connections between Russia Wharf and 500 Atlantic Avenue along the 500 Atlantic Avenue/CA/T Project Public Accessway to create visual and pedestrian connection from Pearl Street and CA/T Project parcels to Fort Point Channel.
- Establish and maintain through-block visual connection when developing the future Massachusetts Horticultural Society Garden under Glass on the Central Artery/Tunnel parcels 19, 20 and 21. This through-block visual connection should align with the through-block connections mentioned above and Pearl Street to create

a direct visual link from the Financial District to the Fort Point Channel along Pearl Street and the 500 Atlantic Avenue/CA/T Project Public Accessway.

- Discourage visual obstructions, such as pedestrian bridges straddling visual corridors mentioned above and the use of large awnings, arcades and other additions over sidewalks perpendicular to the Channel. These features could interrupt direct views down to the water from Rose Kennedy Greenway, and historic districts on the other side of the Greenway. Appropriate scale furnishings that do not obstruct views but add to visual interest may be allowed.
- Preserve the view corridor to the Summer Street Bridge and the Channel when improving the landscapes and ground floors of 245 Summer Street and the Federal Reserve Bank Building.
- Establish and maintain through-block pedestrian and visual connection corridors between 500 and 470 Atlantic Avenue to create visual and pedestrian connection from Central Artery/Tunnel parcels to Fort Point Channel.
- Establish and maintain through-block pedestrian and visual connection when redeveloping the US Postal Service Annex parcel to create visual and pedestrian connections from South Station to Fort Point Channel.
- Establish and maintain through-block visual connection between CA/T Vent building, US Postal Service property, and South Station to create visual connection from Kneeland Street development/Leather District to Fort Point Channel.
- Ensure that through block connections and alleys are safe by providing good lighting activating features, and universal access.

9.2.4. Public Space Amenities

In order to maximize the public's use and enjoyment of the waterfront, a mix of public amenities should be located throughout a site. Residents and visitors must have places to purchase ferry tickets, access a phone booth, use a public restroom, call a water taxi, purchase snacks, rent small watercraft or fishing gear and to buy bait, and to enjoy the Fort Point Channel. Other amenities include interpretive features and signage, temporary and permanent art, binoculars, picnic tables, and "Mutt Mitt" stations. Boaters should have access to shower facilities. Not every use is appropriate for every site, nor is this intended as an exhaustive list, but these are the types of public amenities that are critical to the activation of the Fort Point Channel. Also, given New England weather patterns, it is important to have protected areas where the public can wait for water transit or just relax and enjoy the Channel and Harbor, helping to activate the waterfront during periods of less hospitable climate. In some instances, these supporting amenities will be located within the ground floor of a larger development. In other instances, it may be appropriate to place some or a combination of these amenities in small structures located within a site's open space areas. For example, wind and shade structures in strategic locations can help to extend the appeal of being close to or on the water later in the season. Some of these structures could be erected on a seasonal basis. Some amenities, such as showers for boaters and restroom facilities, might be directly accessible from docks. It is important, however, that these small structures do not comprise a significant portion of a site's open space.

Many cultural institutions around the Channel will be important partners in providing public spaces amenities. Within the Fort Point Channel Downtown Waterfront area, the Boston

Tea Party Ship & Museum's planned expansion will add two vessels, public viewing area, bathrooms, and a Tea Room to expand its visitor support facilities. Similarly, the Federal Reserve Bank's new museum will also offer visitor services amenities. Some of those visitor services amenities, such as restrooms, should be opened to the larger public. Within private developments abutting the Channel, covered public facilities and internal passageways should remain open to the public 24 hours a day and offer public amenities. In considering open space design and programming, decisions must be made in the larger context of the design and programming of the entire site's exterior and interior public areas. Because the Municipal Harbor Plan is not a project review process, determination of the appropriate number, size, and design of these types of structures will be left to the City's Article 80 development review process.

9.2.5. Creative Programming of Open Space and Other Public Areas

Creative programming open space and other public areas focusing on low or no-cost events of can contribute greatly to the activation of a site. The term "programming" can mean many different things, from providing amenities that support passive recreation to hosting special events, such as a waterfront festival, and everything in between. The Fort Point Downtown Waterfront can accommodate a range of programming options that will engage both land and water edges of the Channel. As mentioned above, the Channel is surrounded by many cultural institutions including the Boston Tea Party Ship & Museum, the Children's Museum, the new Federal Reserve Bank Museum, the artists' community, and the future Massachusetts Horticultural Society Garden under Glass, all of which might play a key role in programming the Fort Point Channel network of open spaces, public areas and its watersheet. The Children's Museum on the eastern side is planning to activate the new park adjacent to its property, which could serve as a model for others.

The Watersheet Activation Plan on the waterside provides a menu of potential activities that are geared toward creating and engaging public use of the Channel and its edges. The emphasis should be 1) to ensure that the waterfront provides basic amenities such as seating and lighting and places for refreshments and restrooms to accommodate the public as well as facilities for boaters where appropriate; and 2) to ensure that the infrastructure can accommodate periodic events that serve to introduce residents and visitors to the accessibility of the waterfront and encourage them to return any time on their own. The waterfront should not be so overly programmed that the tranquility and beauty of the Channel and urban harbor are spoiled and freedom to sit and read, fish, or watch vessels go by is hindered.

Property owners developing a project subject to the City of Boston's Article 80 Large Project Review process on the Fort Point Downtown Waterfront should be required to develop programming strategies for their sites that will provide the public with an assortment of program options, from passive recreation to special events, and to take into account the infrastructure needs of the entire range of options. Developers of smaller projects that are not subject to the Article 80 Large Project review process should be encouraged to develop strategies that will attract the public to the water's edge. Each of the Fort Point Downtown Waterfront sites is unique, and no single set of programming strategies will be appropriate for all areas. Though property owners may wish to develop programs that reflect the unique characteristics of their sites, to the extent feasible, individual programming efforts should be coordinated and managed to maximize the overall impact of such activities and improvements and to activate the watersheet and attract the public to the area. A not-for-profit organization, the Friends of the Fort Point Channel, whose mission would be to program, coordinate, and

advise on the implementation of the Watersheet Activation Plan and other landside activities, is in its formative stage.

In addition to providing for special event programming where appropriate, property owners also will be required to incorporate more passive recreational elements into their projects. Such elements should focus on providing cultural, educational and/or historic programming and uses that will enhance the waterfront area and draw people at all times of the year and in all kinds of weather, such as those discussed below. For larger sites, an integrated combination of new cultural, educational and historic programming may be appropriate, while owners of smaller sites may be required to incorporate only one or two such elements into their projects. Appropriate number and scale of these programming elements will be reviewed and determined during the Article 80 review process. Facilities of Public Accommodation required by Waterways Regulations for nonwater-dependent uses located in Commonwealth Tidelands play an important role in activating the waterfront.

Landside Public Realm Guidelines

- Encourage partnerships among the Channel's cultural institutions and neighbors to coordinate programs and create a year round calendar of events. Such partnerships should include the Boston Tea Party Ship & Museum, the Children's Museum, the new Federal Reserve Bank Museum, the artists' community, the future Massachusetts Horticultural Society's Garden under Glass and others.
- Create new opportunity for shared programming between the Rose Kennedy Greenway and the Channel.
- Encourage active waterfront use such as fishing, boating, Restaurant Row, outdoor exhibits, viewing areas, binoculars, and land and water transportation.
- Provide informal sitting and viewing areas.
- Provide a variety of public space amenities such as seating, tables, and shade shelters, heated waiting areas, bathrooms, and performance space and trash receptacles.
- Avoid the installation of fixed, obstructing structures and amenities and provide flexibility to allow for large events and public gathering during watersheet festivals.
- Provide native salt-tolerant plant species, shade trees and year-round vegetation.
- Coordinate landscaping and design of public spaces on the Channel waterfront.
- Coordinate furniture, signage and lighting along the Harborwalk and with developers.
- Create a distinctive signage for the Fort Point Channel area and an interpretive signage system that incorporates and complements elements of the city's standards for the Harborwalk.
- Continue with the Fort Point Channel Light along the Harborwalk.
- Activate pedestrian plazas along Channel and through-blocks and alleys with ground floor shops, and concessions for food, beverage and other vendors.

Watersheet Activation Guidelines

As described in **Chapter 5, Fort Point Watersheet Activation Plan**, it is important that opportunities are provided to the Boston community to engage in direct activity with the water beyond providing access to the water's edge, such as special events, boating, fishing, or otherwise congregating. Within the Fort Point Watersheet Activation Plan, the Fort Point Channel is an integral part of the open space and is envisioned as a major public destination that would support many activities. The plan proposed guidelines for the community to engage in direct activity with the water. There are many opportunities along the Fort Point waterfront to activate public space, helping to draw people to the water and increasing the feeling of safety. Property owners should provide amenities that promote public activity along the waterfront, respecting the Watersheet Activation Plan's designation of three distinct areas (Hub of the Channel, Seawall Basin, and South Bay Urban Industrial Wild) with different type of uses, programs, and facilities, such as:

- Floating walkways (Channel Walks East and West) and public Channel overlooks along existing roadways and pedestrian plazas created along the Channel.
- Basin-viewing plaza at the southern end of the Channel/ South Bay Urban Industrial Wild.
- Transient docking/berthing facilities for small boats and visiting vessels at the Hub of the Channel between Congress Street Bridge and Evelyn Moakley Bridge.
- Public landing facilities for water transit boats, small boat rental, water taxi and/or charter boats between Congress Street Bridge and Evelyn Moakley Bridge in addition to the 500 Atlantic Avenue water transportation terminal.
- Waterside facilities that provide access for the water-going public to landside facilities like restaurants, shops, etc.
- Temporary or seasonal entertainment and arts programming barges.
- Permanent floating pavilions.
- Opportunities for accessing the water along the Seawall Basin/Dorchester Avenue section of the Channel and creating additional opportunity for the Floating Island, and docking/landing facilities.
- Improved public access to the proposed Tea Party Ship expansion.

9.2.6. 24-Hour Public Access

All pedestrian open space areas established within the Fort Point Channel Downtown Waterfront MHP area must be open and accessible to the public 24 hours per day in accordance with the Waterways Regulations 310 CMR 9.35 (a) and (c). No gates, fences or barriers may be placed on the open space in a manner that would impede or discourage the free flow of pedestrian movement. Only temporary access restrictions in pedestrian open space areas, as may be required in emergencies, special events, or in connection with construction or maintenance, are permitted, and then only if such interference is minimized to the extent reasonably practicable and consistent with public safety, and such barriers are in place no longer than necessary.

It is important to ensure that segments of the Harborwalk that are open-air passageways through buildings, such as at the Independence Wharf building, remain open 24 hours per

day, seven days a week and that covered, open spaces and amenities such as bathrooms, and phones available for public use are available seven days a week, a majority of hours each day, and do not become privatized.

9.2.7. Management and Implementation Standards

In order to ensure that a site's interior and exterior public areas are maintained at a level that will ensure that these areas remain attractive, safe, and accessible to the public, this submittal of the Fort Point Downtown Waterfront Municipal Harbor Plan requires that each developer prepare a Management Plan in accordance with Waterways Regulation 310 CMR 9.35(5). During the South Boston Municipal Harbor Plan study, a sub-committee of the Municipal Harbor Plan Advisory Committee focused on developing these baseline standards, which address maintenance of parks, Harborwalk, streets, sidewalks, landscaped areas, public restrooms, park and sidewalk furniture, and the watershed. This plan submittal adopts the standards of the South Boston Municipal Harbor Plan, provided in **Appendix 11-C**.

- Create a maintenance plan for the Channel public spaces on waterside and landside. Maintenance of private space opened to the public would be the responsibility of private owners.
- Ensure that the Channel is cleaned up and that debris is removed regularly.
- Coordinate private security and safety of private space available for public use including floating docks.

9.3. Requirements for Open Space and Public Access Plan Submittals

In order to enable the BRA to adequately review a project and ensure that open space and other spaces available for public use serve the public's access to and enjoyment of the waterfront, any project subject to Article 80 Small Project or Large Project Review will be required to submit to the BRA an Open Space and Public Access Plan.

The Open Space and Public Access system should include plans, drawings, specifications, descriptions of open space and exterior and interior public spaces and uses, and descriptions of proposed management measures and access-related rules and regulations, if any, sufficient to permit the BRA to:

- Determine the compliance of the project with this Chapter 9.
- Determine compliance with interim or final zoning adopted for the area.
- Make a Section 18 Recommendation.

9.4. Sustainability

New structures in the Fort Point Channel Downtown Waterfront should incorporate currently available economic and manageable sustainable technologies in order to reduce their pollution, energy costs and impact on the environment. Such projects should also be guided by the transit-oriented principles described in **Chapter 3**. New and renovated developments within this planning area shall strive for LEED certification.

9.5. Universal Accessibility

The City of Boston has a longstanding commitment to accessibility through Universal Design principles. Accordingly, transportation, open space, access to the Harbor, pedestrian facilities and residential, civic and commercial buildings should be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The following outcome standards are organized according to the seven principles of universal design and provide more specific guidance.

9.5.1. Equitable Use: The design is equally useful, appealing and safe for all users.

- Harborwalk provides for safe enjoyment of all users by differentiating areas for pedestrians, cyclists and users of other recreational equipment.
- All indoor and outdoor paths of travel are stable, firm and slip resistant regardless of weather. Bricks, cobbles, and crushed stone are not suitable walk surfaces. If used, imprinted asphalt and boardwalk require the use of premium materials including wearing and subsurfaces to prevent vertical changes of more than 1/4". Such materials also require a continuous high level of maintenance and or regular replacement.
- Street furniture accommodates differing abilities and sizes of users and is placed at distances convenient for people with limited stamina or mobility.
- Street furniture does not enter the path of travel.
- Standard street furniture toilets are unisex, fully accessible, easy to understand through instructional symbols, self-cleaning, usable by children and adults, and designed for comfort and security of any user.
- Benches are offered in multiple designs and heights, some with backs, arms and some without. Designs should also include places where older residents can perch or lean.
- To maximize weather protection for users, transportation shelter designs should not have openings between individual wall panels or between walls and the ground/roof. Shelters should also have enough width to accommodate scooters and wheelchairs. Heater elements are encouraged.
- Pedestrian signal timing at crosswalks is set to allow all users to cross the street safely during a walk signal including small children and people using wheelchairs and canes.
- Pedestrian signals include audible features (chirping bird features are not allowed)
- Vertical transportation options (stairs, elevators, escalators) are visible from lobby and included in a single signage system.
- At least one restroom in each area of public accommodation is fully accessible and unisex to allow companion care and comfort for a diversity of users. Sliding/pocket doors are encouraged as a means of entry.
- All building design, construction, interior design, maintenance and management is attentive to providing the best possible indoor air quality by minimizing the

use of potential contaminants and maximizing mitigating measures such as ventilation.

- Retail businesses should display merchandise at varying and easy to reach heights as well as allow a clear width of 3'6" for ease of movement throughout interior.
- Housing units are designed for aging in place and thus do not require future adaptation.

9.5.2. Flexibility in Use: The design accommodates a wide range of individual preferences and abilities.

- Design sidewalks wide enough to be used as gathering spaces without impeding other pedestrians.
- Intersections use multi-sensory (sight, sound, touch) indicators for safe crossing.
- Include multi-sensory elements (smell, sound, touch) in landscape features outdoors and indoors.
- Include counters at varying heights to allow transactions and comfortable sightlines for a variety of standing and seated users at outdoor vending places and indoor food outlets.
- Offer options of unfixed seats in restaurants and bars and, if using a high stool option, provide standard height seating also.
- Restaurant Bars that are of standing height should feature a lowered section for shorter stature customers.
- Offer tactile (raised letters and Braille) and/or audio option for accessing information at historical markers along the Harborwalk.
- Make lighting in places of public accommodation adjustable in brightness for areas in which visitors require task lighting (e.g., registration, menu reading, lip-reading).

9.5.3. Simple and Intuitive Use: Design is easy to understand, regardless of user's experience, knowledge, language skills, or current concentration level.

- Standardize signs and symbols for public parking places throughout the district.
- Install digital or two dimensional district maps with clear indications of landmarks, routes and public restrooms; include audio and tactile options.
- Create visual *and* tactile markers to direct visitors to destination sites.

9.5.4. Perceptible Information: The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

- A uniform and legible system of wayfinding includes signs with standard fonts, size and color, use of landmarks as cues to orientation, and standardization of symbols and terminology throughout the district.
- Clear schedules and fares are posted for all water recreation and transportation vehicles at the waiting area and installed at a height readable by a seated person.
- Lobbies and public spaces will be designed to maximize acoustical conditions that minimize ambient noise and enhance voice clarity.
- Define edges out of doors, especially at the Harbor's edge and on docks by adding a change in texture and/or color or by illuminating the outer edge.

9.5.5. Tolerance for Error: The design minimizes hazards and the adverse consequences of accidental or unintended actions.

- Pedestrian crossings include wide flush curbs and bollards instead of narrow curb cuts.
- Design sidewalks with standard 'zones' for curb, furnishings, pedestrians, and frontage.
- Minimize glare on large vertical glass surfaces; delineate doors with color contrast; and mark surface with designs to indicate presence of invisible surface.
- Install mirrors at entry and exit points to parking garages as well as visual and sound alarms to alert pedestrians passing entries and exits.
- Select matte finishes for indoor flooring that are stable and minimize glare.
- Install handrails and guardrails on the landside of flat docks for stability and safety for adults and children.

9.5.6. Low Physical Effort: The design can be used effectively and comfortably and with a minimum of fatigue.

- Exterior doors will be a minimum of 36" wide and designed to allow easy opening with a minimum of strength and no need to grip.
- Each exterior public entrance will include automatic door openers, preferably via an electric eye on the main door.
- Eliminate obstructions in front of mirrors in public restrooms.
- Provide both wind and rain shelter and seating at public transit stops for ground and water transportation.
- Design street crossings with protected median areas to allow safe crossing for pedestrians at multi-lane, two-way arteries.
- Access to the watershed may be achieved by a permanently fixed 1:12 fixed ramp from landside to within 10' of the mean tide level. From there, an 80-100 foot gangway can be installed so the docking facility would meet the proposed Americans with Disability Act Accessibility Guidelines for Buildings and Facilities (ADAAG) regulations. While at certain extreme times the slope may exceed 1:12, the design will be easily and safely accessed by all in a variety of weather conditions.














9.5.7. 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.

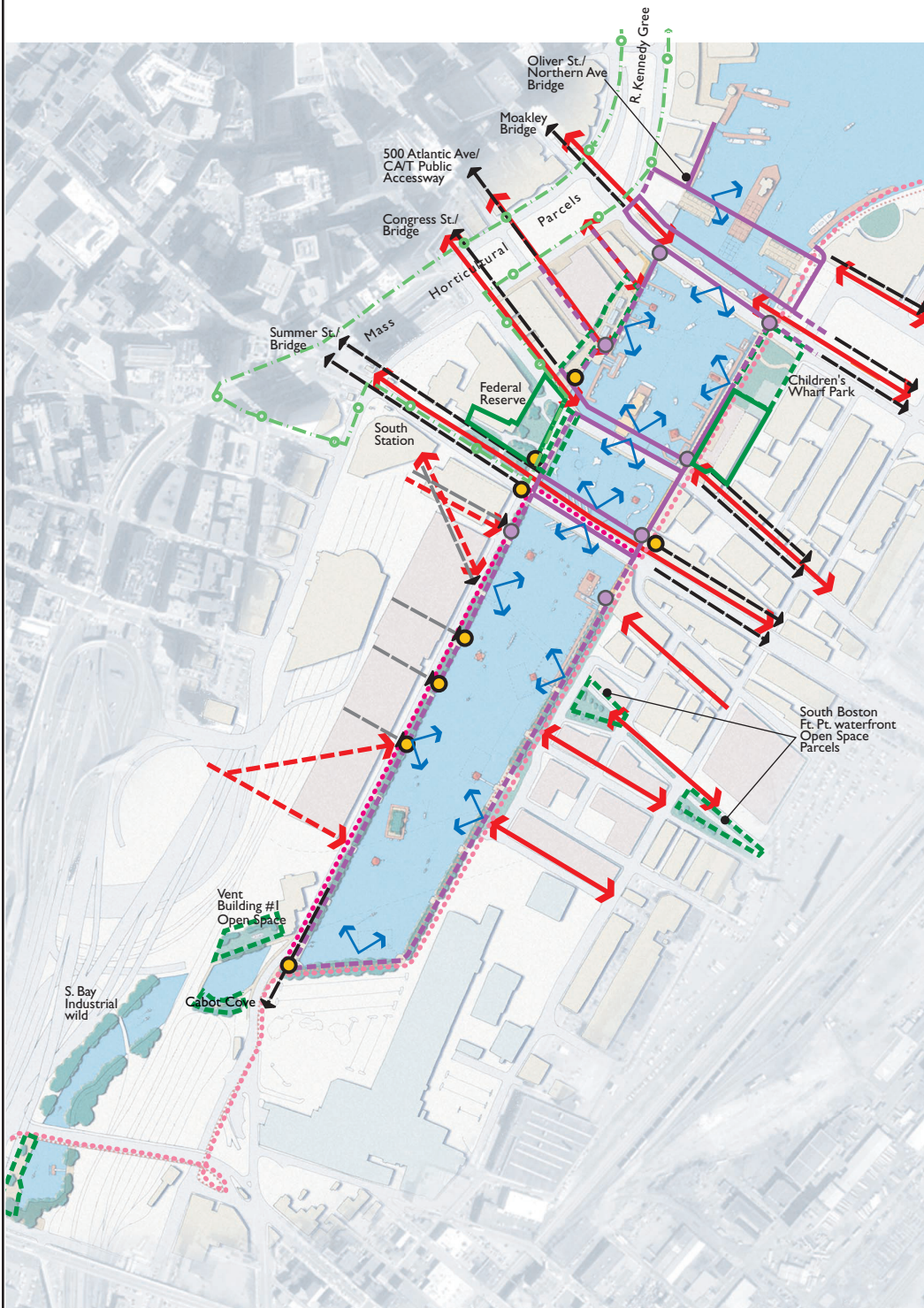
- Design all public spaces with sufficient turn-around space for strollers, scooters, crutches, wheelchairs, walkers and guide dogs.
- Distribute accessible seating in all venues, including entertainment and sports venues, to permit choice for all users without forfeiting line of sight.
- Create pedestrian access corridors between destinations and parking or public transportation sites that do not use stairs but level access or elevators.

Fort Point Downtown Waterfront MHP

Figure: 9-1
**Public Access
and View Corridors**

Key map:

-  View Corridors
-  Potential Through-Block Views
-  Water Vistas
-  Existing Harborwalk
-  Proposed Harborwalk
-  Pedestrian Connections
-  Pedestrian Through-Block Connections
-  South Bay Harbor Trail
-  Alternate South Bay Harbor Trail
-  Existing Open Space
-  Proposed Open Space
-  Harborwalk Link
-  Watersheet Vertical Access Link



Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
ICON architecture, inc
in association with
Norris & Norris Assoc.



Date: August 2003

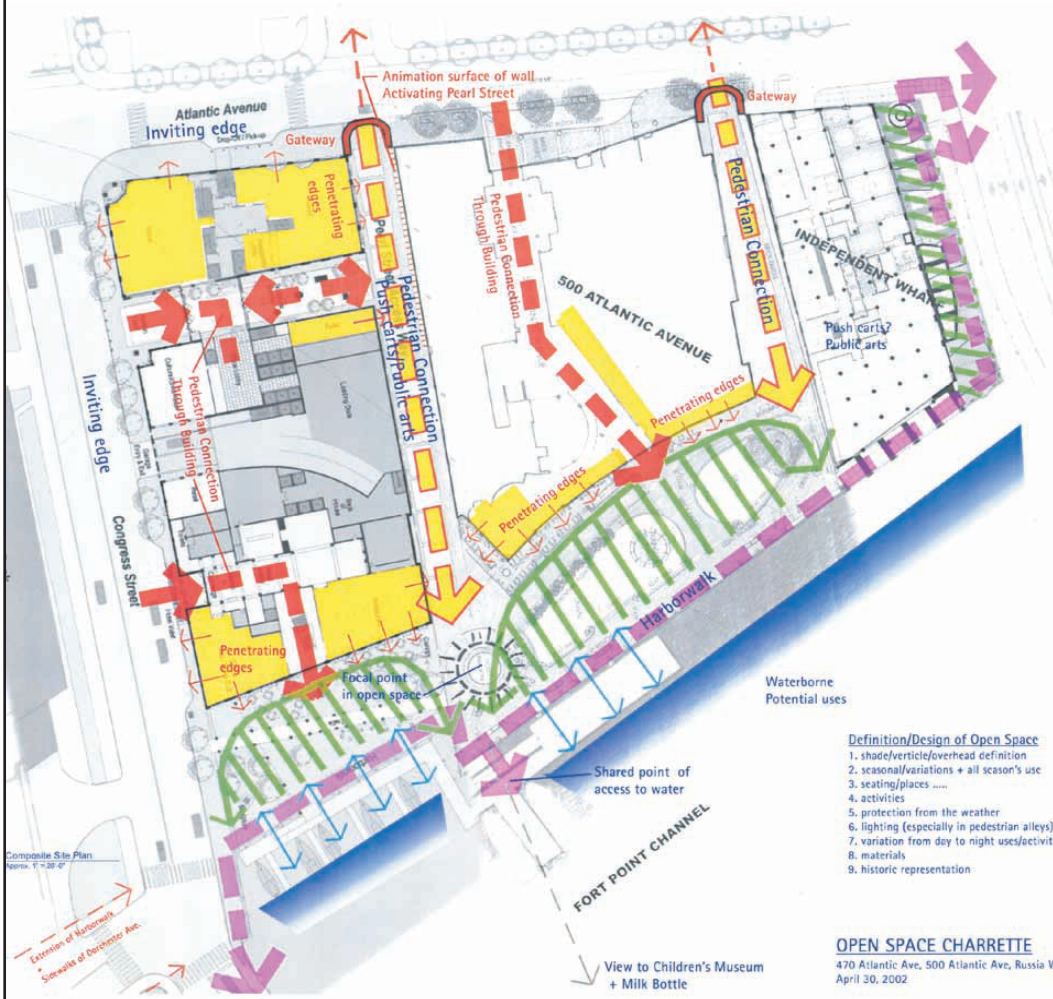


Fort Point Downtown Waterfront MHP

Figure:9-2

BRA Open Space Charrette

April 30, 2002



Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
BRA



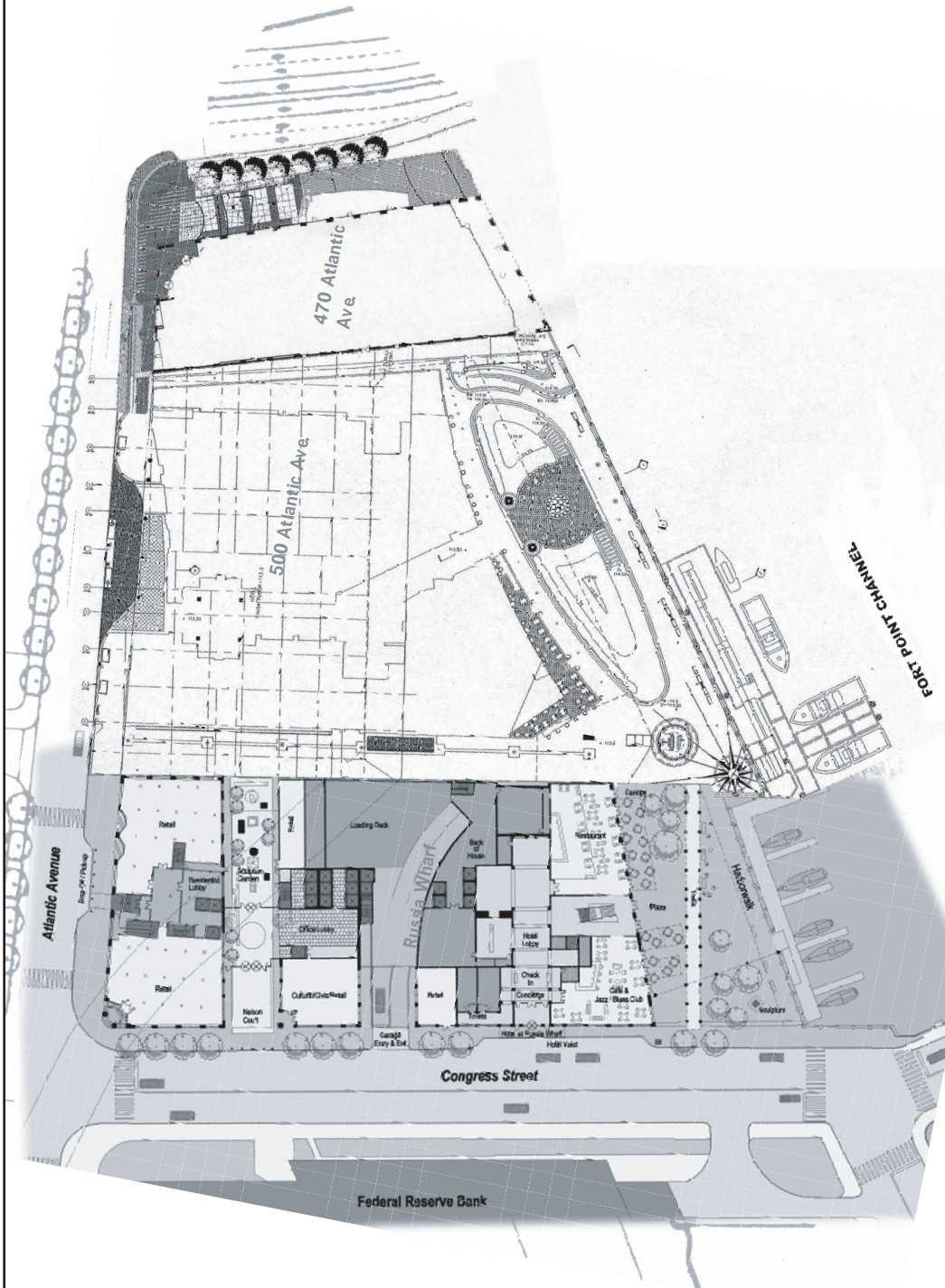
Date: August 2003



Fort Point Downtown Waterfront MHP

Figure:9-3

Proposed Landscaping between Congress Street and Moakley Bridges



Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
Boston Redevelopment Authority



Date: August 2003



10. Parcel Specific Recommendations

10.1. Introduction

This chapter will focus on individual parcels within the study area and consistency with the Commonwealth's Public Trust Doctrine. It provides an overview of Phase 2 tailoring measures relative to the Waterways Regulations and summarizes the development plans for individual parcels relative to the Waterways Regulations. **Chapter 11** provides a detailed discussion of substitutions and offsets recommended for Russia Wharf, the only parcel for which this Municipal Harbor Plan proposes Substitutions.

10.2. Overview of Phase 2 Recommendations for Substitutions

The MHP Regulations permit a municipality to include substitute provisions for the Waterways Regulations seven specific use limitations and numerical requirements for nonwater-dependent use; however, the plan must include other requirements that, considering the balance of effects on an area-wide basis, will mitigate, compensate or otherwise offset adverse effects on water-related public interests. The combination of substitute provisions and compensatory mitigation and offsetting measures must promote state tidelands objectives with comparable or greater effectiveness.

In accordance with the Waterways Regulations, it is the potential negative impacts of use limitations and numerical substitutions that must be offset. It is assumed that impacts of any construction will be minimized to the extent practicable through the Article 80, MEPA and Chapter 91 permitting and licensing processes. The City's approach to Offsets is essentially the same as the City's approach to Substitutions. Both are designed to promote an active and vital working urban waterfront and facilitate implementation of the *FPCWAP*. To the extent that particular substitute provisions create negative impacts on public water-related interests, the Offset for these impacts will also promote active public use of the Fort Point Downtown Waterfront.

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

This regulatory requirement is aimed at preserving the available watersheet and to limit new pile-supported structures to water-dependent uses. The Waterways Regulations prohibit new pile-supported structures for nonwater-dependent use from extending beyond the footprint of existing, previously authorized pile-supported structures or pile fields, though exceptions may be allowed with a 1:1 replacement of open water.

One of the primary goals of this Municipal Harbor Plan is to provide public access to both the waterfront and the watersheet. Not everyone has the opportunity to get out onto the water, whether on a boat or a floating walkway. Reaffirming this principle, the Phase 2 Municipal Harbor Plan does not include any substitutions for this provision.

10.2.2. Facilities of Private Tenancy – 310 CMR 9.51(3)(b)

The Waterways Regulations' 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 welcoming to the public and available for water-dependent uses or facilities of public accommodation. 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 Phase 2 MHP does not include a substitution for this provision.

10.2.3. Water-Dependent Use Zone (WDUZ) – 310 CMR 9.51(3)(c)

The requirement to maintain a water-dependent use zone and associated setbacks is designed to maintain sufficient space at the water's edge both for water-dependent uses and public access. Buildings constructed too close to the water's edge can render a waterfront area unsuitable for certain water-dependent uses, and create a pedestrian environment that is cramped and uninviting, and therefore underused. The Waterways Regulations prohibit new or expanded buildings for nonwater-dependent use and parking facilities at or above grade for any use from being located within a WDUZ.

The Phase 2 MHP includes a substitution to the WDUZ at Russia Wharf that is discussed in detail in **Section 11.7, Substitutions**.

10.2.4. Lot Coverage and Open Space - 310 CMR 9.51(3)(d)

The location and design of open space plays an important role in a waterfront's ability to attract people and become part of their routine. **Chapter 9** sets forth specific guidelines for open space for the Fort Point Channel Downtown area. The Waterways Regulations require that, with respect to Private as well as Commonwealth Tidelands, structures for nonwater-dependent uses may not exceed a 50% lot coverage ratio.

This Phase 2 MHP includes a substitution for this provision at Russia Wharf that is discussed in detail in **Section 11.7, Substitutions**.

10.2.5. Building Height – 310 CMR 9.51(3)(e)

Building heights and massing define the physical character of a neighborhood. They also are instrumental in shaping the ground level environment for pedestrians, affecting the degree to which the area is attractive to and useable by the public and private users, particularly through wind and shadow impacts.

The Waterways Regulations prescribe specific height limitations for buildings located within Chapter 91 jurisdictional areas. DEP will waive these limitations if the project conforms to an approved Municipal Harbor Plan specifying alternative height limits and/or other requirements that generally ensure that such buildings for nonwater-dependent use are relatively modest in size, and that wind, shadow, and other conditions of the ground level environment will be conducive to water-dependent activity and associated public access, as appropriate for the harbor in question.

The Phase 2 MHP submittal includes a height substitution at Russia Wharf. (Height is to be measured in accordance with the Boston Zoning Code.) **Section 11.7 Substitutions**, provides detailed information on the height substitution and the effects on the pedestrian level environment.

BRA Wind Standard

Prevailing winds in Boston come from the northwest, west and southwest. Northwest winds tend to occur during the colder months and southwest winds during the warmer months. Spring and fall are transitional, but winds are stronger in the spring than in the fall. Strong northeasterly winds usually occur during coastal storms when there is precipitation.

For the most part, the weather in New England is dominated by either large coastal storms (fall, winter and spring) or the Bermuda High (summer). Typically, when a coastal storm occurs, it rains or snows for 4 to 12 hours, then it clears, and as the storm moves to the northeast, the winds blow from the northwest for three or four days until the next weather system arrives. These storms and the northwest winds following them occur mostly in the fall, winter and spring. Northwest winds are particularly uncomfortable in the winter, when typically they occur on cold days. The Bermuda High is generally responsible for the southwest winds that occur in the summer.

Boston's naturally windy climate is even more so along its waterfront area. Because of the orientation of the Harbor, it is most vulnerable to northeast and easterly winds, both of which occur primarily during storms.

Wind impacts are typically summarized in terms of Melbourne criteria. In 1978, W.H. Melbourne developed probabilistic criteria for average and peak pedestrian level winds which accounted for different types of pedestrian activity as well as the safety aspects of such winds. Five categories of pedestrian-level winds are defined:

1. Comfortable for Long Periods of Standing or Sitting;
2. Comfortable for Short Periods of Standing or Sitting;
3. Comfortable for Walking;
4. Uncomfortable for Walking; and
5. Dangerous and Unacceptable.

The criteria are not absolute (any location can have dangerous winds in a major storm or hurricane). Rather, they imply that the location would have wind speeds such that the activity suggested is possible most of the time, and would be perceived as such by most people who frequent the location.

The BRA's wind consultant for the South Boston MHP, Frank Durgin, reinterpreted the Melbourne criteria to apply to equivalent average winds. The equivalent average is similar to the hourly average used by Melbourne, but combines the effects of steady and gusting winds. Based on that reinterpretation work, the BRA has determined that the appropriate maximum-not-to-exceed standard is to prohibit Category 5 (Dangerous and Unacceptable) from new buildings. Experience with the BRA effective gust wind speed guideline has shown that, given the windy conditions on Boston's waterfront, a certain amount of flexibility will be required if the BRA uses anything less than Category 5 as a standard. Because the BRA is establishing a maximum-not-to-exceed standard, Category 4 is appropriate as a threshold for acceptable wind conditions. See **Figure 10-1- Criteria for Equivalent Average Wind Speeds**.

During the Article 80 review process, projects that are required to complete analyses of pedestrian level winds will be tested against the BRA's effective gust wind speed guideline. For projects that cause ground-level ambient speeds exceeding the Article 80 pedestrian wind guidelines, through the flexibility of the Article 80 process, measures designed to mitigate wind impacts will be adopted. In no event may any proposed project result in Category 5 pedestrian-level winds.

BRA Shadow Impact Policy

The BRA has selected October 23 as the most appropriate date to evaluate shadow impacts on the pedestrian environment. The rationale for selecting October 23 is based on both the

sun's position as well as the seasonal needs of pedestrians. Important dates in understanding sun access are the summer and winter solstices (June 21 and December 21), and the spring and autumn equinoxes (March 21 and September 21). An analysis of June 21 can be useful for understanding what type of sun access is provided on a summer day. June 21, however, receives more sun access than any other day of the year and therefore is not useful for setting shadow standards, as every other day of the year will receive less sun access and greater shadows. As the shortest day of the year, December 21 is not useful for setting standards because the sun is located at such an angle as to cast large shadows for any structure, including low-rise buildings.

In a climate such as Boston's, sun access is most important in the shoulder seasons of spring and fall, when radiation from the sun is capable of compensating for cool air temperatures. One could consider basing sun/shadow standards on either the spring or autumn equinox (March 21 or September 21). Sun/shadow impacts will be the exact same on either of these days, with a one-hour difference resulting from the fact that March 21 is in Eastern Standard Time and September 21 is in Eastern Daylight Time. Autumn, however, is when Boston is at its best. September 21 is really only the beginning of the autumn season and a time when the climate is very suitable for outdoor activities. The City believes it is more appropriate to base sun/shadow standards at the end of what are traditionally considered the "outdoor months", when people often are seeking opportunities to spend time out-of-doors, before the weather turns colder. For these reasons, the City has used October 23 as the appropriate date to study shadow impacts and as a base for establishing shadow standards, a traditional practice that the City continues with this Municipal Harbor Plan (similar to the South Boston Municipal Harbor Plan). Shadow impacts should be assessed on both the land and adjacent watersheet.

Shadow impacts are evaluated by comparing the shadows cast by a project under a Chapter 91 compliant scenario and under the proposed project scenario. The incremental difference between these two analyses defines the net new shadow resulting from the height substitution. In the event that a proposed height substitution results in additional net new shadow, an offset of that impact will be required.

Aeronautical and Airport Considerations Regarding Height and Noise

The Fort Point Channel Downtown Waterfront area is located approximately one mile of Logan International Airport, northwesterly of the Runway 27 centerline. (Please note that the Russia Wharf site is 1.77 miles from R27.)

Heights

Due to the area's relatively close proximity to Logan International Airport, area development will need to be consistent with FAA building height requirements and avoid affecting the safety of airport operations and airline-specific departure procedures from Logan's Runway 27. Part 77 of the Federal Aviation Regulations establishes the parameters for determining and identifying structural hazards to aviation in the vicinity of an airport. Part 77 requires developers to notify the FAA well in advance of any proposed construction that falls within those parameters. The developer is required to notify the FAA of the proposed construction or alteration if the object: 1) is greater than 200 feet above ground level at the site, or 2) is within 20,000 feet of the nearest point on the nearest runway and penetrates the 100:1 (100 feet horizontally for every foot vertically) imaginary surface from that point on the runway. If the proposed project exceeds either of those thresholds, a Form 7460-1 must be filed with the FAA (Burlington). Due to the proximity of the Fort Point Channel Waterfront area to the Runway 27 departure corridor, Massport and the Air Transport Association (ATA) will also

review and comment on any project that either penetrates critical Part 77 surfaces or impacts the safety of airport operations or airline-specific departure procedures.

Generally, if a proposed structure penetrates any of the protective surfaces, it may be found to be a potential hazard to air navigation and if so should be redesigned to eliminate the hazard. If it is found to not be a hazard to air navigation, it must nevertheless be marked and/or lighted in accordance with FAA requirements. The FAA may also recommend marking and/or lighting a structure that does not exceed 200 feet AGL or Part 77, Subpart C standards because of the structure's particular location (AC 70/7460-1J).

Although all proposed development in the Fort Point Channel Municipal Harbor Plan area may be reviewed, parcels south of Summer Street are closer to the existing flight corridor and are of particular concern.

Noise

Due to the Fort Point Channel waterfront area's relatively close proximity to Logan International Airport, its existing ambient noise level is affected by aircraft over flights departing from Logan. Based on the 2001 noise contour for Logan Airport, (as published in the Logan Airport 2001 Environmental Data Report), the waterfront area experiences annual noise levels between the 60 and 55 Day-Night Sound Level (DNL). The FAA categorizes annual DNL levels 65 dba or higher as "significant." According to Massport's Noise Office, single event noise levels related to aircraft range between 70 dba to 85 dba Lmax and between 75 dba and 90 dba SEL. Lmax and SEL are measures of individual noise events.

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

For projects containing a water-dependent use zone, the Chapter 91 Waterways Regulations require a project to include 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:

- 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 except as otherwise provided in a municipal harbor plan, shall be no less than ten feet in width; and
- 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. [310 CMR 9.52(1)(b)].

The Phase 2 MHP does include a substitution for this provision to implement the City's Harborwalk standard of a minimum walkway width of twelve feet (ten feet clear). This represents a numerical change to the Waterways Regulations requirement of a minimum walkway width of ten feet. Chapter 9 presents a more detailed discussion of guidelines for the Harborwalk and public access.

10.2.7. Open Space for 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 space 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.

This Phase 2 MHP submittal does not require nor include any substitutions for this provision nor does it affect the requirements of any previously granted Chapter 91 licenses.

10.2.8. Facilities of Public Accommodation - 310 CMR 9.53(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.

This Phase 2 MHP submittal does not require nor include any substitutions for this provision.

10.3. Proposed Development Plans in the Project Area

The level of current development activity in the Fort Point Downtown Waterfront reflects many factors, including the trend of commercial activity moving toward the new South Boston waterfront area and the recognition of the assets inherent in being located on Fort Point Channel. Summarized below is a description of the current development plans for each parcel within this Municipal Harbor Plan area, starting at the northern end and proceeding south, including, as appropriate, Chapter 91 compliant build-out schemes.

10.3.1. James Hook & Company – 15 Northern Avenue

This water-dependent business, located between the Northern Avenue Bridge and the new Evelyn Moakley Bridge, has been selling lobster and seafood, both retail and wholesale, since 1925. Hook, which is the largest and sole remaining lobster pound in Boston proper, plays a significant role in providing lobsters and seafood to the New England region. The firm currently has no development plans for the site though it is considering operational expansion and diversification opportunities. These include take-out food sales, restaurant dining, Inner Harbor fishery tourism, a dock and marina, aquaculture, water quality bioremediation, a scuba diving school, and facility tours and interpretive elements.

Chapter 91 licenses were issued in 1954 and 1956 to authorize this water-dependent use. Substitution provisions of the Waterways Regulations do not apply to water-dependent uses. Protection of the quality of water surrounding Hook's intake source, particularly from impacts resulting from marine construction work, is critical to the continued water-dependent operations. Truck access from Atlantic Avenue to this facility is also critical to its operations and needs to be protected when designing connections to the Harborwalk. This MHP submittal includes recommendations in **Chapter 7, Watersheet Management Plan** for the protection of water quality for the Hook operations.

10.3.2. Independence Wharf - 470 Atlantic Avenue

The parcel immediately to the south of the Evelyn Moakley Bridge contains a fourteen-story office building located at 470 Atlantic Avenue. The Independence Wharf parcel contains 55,496 square feet of land and pier. Approximately 50% of the site is located on pilings. The property's owners are completing and upgrading the development of the site, restoring full public waterfront access on the new Griffin's Wharf along the north side of the building and an arcaded Harborwalk and ramping system linking it to the abutting property - 500 Atlantic Avenue. The arcade provides a Harborwalk without loss of watersheet as would have occurred if the CA/T Project had implemented an earlier plan for a pile supported walkway between the Congress Street and Moakley Bridges. In addition, this MHP recommends creating a direct link from this property to the Evelyn Moakley Bridge. See **Chapter 7, Sections 2.2.7**

and **4.2** and **Chapter 9, Section 2.2** for additional details. (Originally the CA/T Project was slated to build a new pile-supported Harborwalk along the length of this site.) See **Figure 10-2, Independence Wharf Plan Existing Harborwalk**, for delineation of the Harborwalk.

This development offers numerous public amenities, including historic exhibits, space for a proposed restaurant on the ground level, a rooftop observatory of the Channel, and 24-hour accessible public bathrooms. The City is aware that the rooftop observatory is not handicap accessible and urges the owner of Independence Wharf to swiftly remedy the situation.

A Chapter 91 License was issued on August 10, 2001. The license requires that the owner provide a public amenity to activate its waterfront. The License also stipulates that within two years after the MHP receives approval the property owner must specify what elements of the *FCWACP* it will implement. No additional development is likely to occur at this site since the building was recently redeveloped. Therefore, no Chapter 91 compliant building envelope is included in this submittal.

10.3.3. Russia Wharf

This development project, located immediately to the south of 500 Atlantic Avenue, consists of three buildings: the Russia Building at 530 Atlantic Avenue, the Graphic Arts Building at 270 Congress Street, and the Tufts Building at 286 Congress Street. The three buildings, built in 1897-1898, are listed in the *State Registry of Historic Places* and as a historic district in the *National Register of Historic Places*. The developer, MA-Russia Wharf, L.L.C, an affiliate of Equity Office Properties Trust, is proposing a mixed use development on this site including:

- Restoration of the Russia Building into loft-style residential units.
- Preservation of historically significant elements of the Graphic Arts and Tufts Buildings incorporated into a 300-suite hotel.
- Construction of a 22-story, 500,000 square foot Class A office building, above portions of the Graphic Arts and Tufts Buildings.
- Development of a 512-space underground parking garage.
- Creation of improved public access and the public realm, including a large waterfront plaza on Fort Point Channel and enhancement of the sidewalks and streetscape of Atlantic Avenue and Congress Street.

This proposed development is discussed in detail with applicable offsets in **Section 11.7, Russia Wharf Substitutions**.

10.3.4. The Federal Reserve Bank

The Bank is located at 600 Atlantic Avenue between Congress and Summer Streets and Atlantic and Dorchester Avenues. The Federal Reserve Bank (FRB) is planning security enhancements to the building as well as plaza roof restoration. The Bank is proposing to establish the necessary security measures through several means with the objectives of integrating them to the greatest extent possible through landscaping improvements. The FRB will debut its 5,000 square foot Economy Museum in a portion of its first floor Gallery as a public educational resource, and destination attraction in October 2003. A vehicle inspection structure will be built on the Dorchester Avenue side of the building. Vehicles will enter from Congress Street and exit onto Dorchester Avenue.

The major proposed landscaping improvements include:

- Creation of a new landscaped plaza along Atlantic Avenue that enhances the pedestrian environment and incorporates vehicle barriers.
- Elimination of the parking lane on Congress Street, installation of vehicle barriers along Congress Street, and streetscape improvements, including lighting structures adjacent to the Congress Street building façade.
- Creation of a new landscaped pedestrian boulevard along Summer Street that incorporates vehicle security measures with improved a pedestrian environment.

Figure 10- 3, Federal Reserve Comprehensive Site Plan, illustrates the above elements.

The FRB is proposing to assume responsibility for the maintenance of the Dorchester Avenue Park being created by the CA/T Project and owned by the City of Boston. This open space area will be accessible to the general public and will be operated in conformance with the City of Boston Parks Departments standards and operating procedures. Pedestrian crossings between Dorchester Avenue and the Summer Street Bridge need to be coordinated among Massachusetts Highway Department, The Boston Department of Public Works, and the Boston Traffic Department.

As a federally owned building, the FRB may not be not subject to state laws and therefore may be exempt from the Chapter 91 licensing process. As a result no Chapter 91 compliant build-out is included in this submittal.

10.3.5.245 Summer Street

The former Stone & Webster Building, currently owned by Pembroke Realty, an affiliate of Fidelity Investments, is located on the south side of Summer Street between South Station and the Fort Point Channel. It has been and will continue to be used as a commercial office building. Pembroke Realty is proposing improvements to the first floor retail space as well as the creation of an improved connection to South Station. One means of accomplishing these goals under consideration is the incorporation of the existing colonnade into the building, and perhaps adding glass panels along the Summer Street edge of the colonnade to offer greater protection against inclement weather. Pembroke Realty would like to have destination type retail uses on the first floor, such as restaurants and a food court that will invite the public into the building. Currently there are no plans for the rear portion of the building along Fort Point Channel since these will be addressed in a future phase of the building's redevelopment. The City welcomes the renewed interest in the building and urges the owner to work with South Station to create more direct and accessible connections to the station platforms and concourse.

No Chapter 91 license currently exists for this building. The new owners may need to apply to DEP for a license or file a Determination of Applicability to determine the extent of Chapter 91 jurisdiction. The City will file an amendment to this MHP if future development requires tailoring of the Chapter 91 regulations.

10.3.6. United States Postal Service

The USPS's General Mail Facility is located on the Fort Point Channel immediately to the south of 245 Summer Street and extends to the Dorchester Avenue Bridge. It abuts the South Station rail tracks and also includes a pedestrian link to South Station. The USPS and the Executive Office of Transportation and Construction entered into a planning agreement in

June 2002 that commits the two agencies to cooperative planning that will allow for a 30% increase in track capacity at South Station. (See **Figure 10-4, Proposed MBTA New Track Zone.**) The USPS is considering the relocation of the General Mail Facility as a feasible solution to upgrading and modernizing the existing facility and also creating the opportunity for expanding the rail capacity at South Station to meet increasing railroad ridership growth. In addition to accommodating rail track capacity, the USPS master planning effort for this site is based on the following principles: re-opening Dorchester Avenue for public use and access; creating a direct visual and pedestrian connection between Dewey Square, South Station, and the Channel; extending the Harborwalk in front of their property and activating the Channel with access for boats and other recreational uses; promoting mixed use development to activate the landside of the Channel; anticipating future connections across the Channel; and taking advantage of the proximity to the South Station Intermodal Transit Center by adding density to the site. Specific proposal plans will be developed in the future.

Though the USPS as a federal agency may not be subject to the state's Chapter 91 statute, **Figure 10-5, USPS Chapter 91 Compliant Building Envelope**, provides a theoretical massing of a building complying with Chapter 91 height limits.

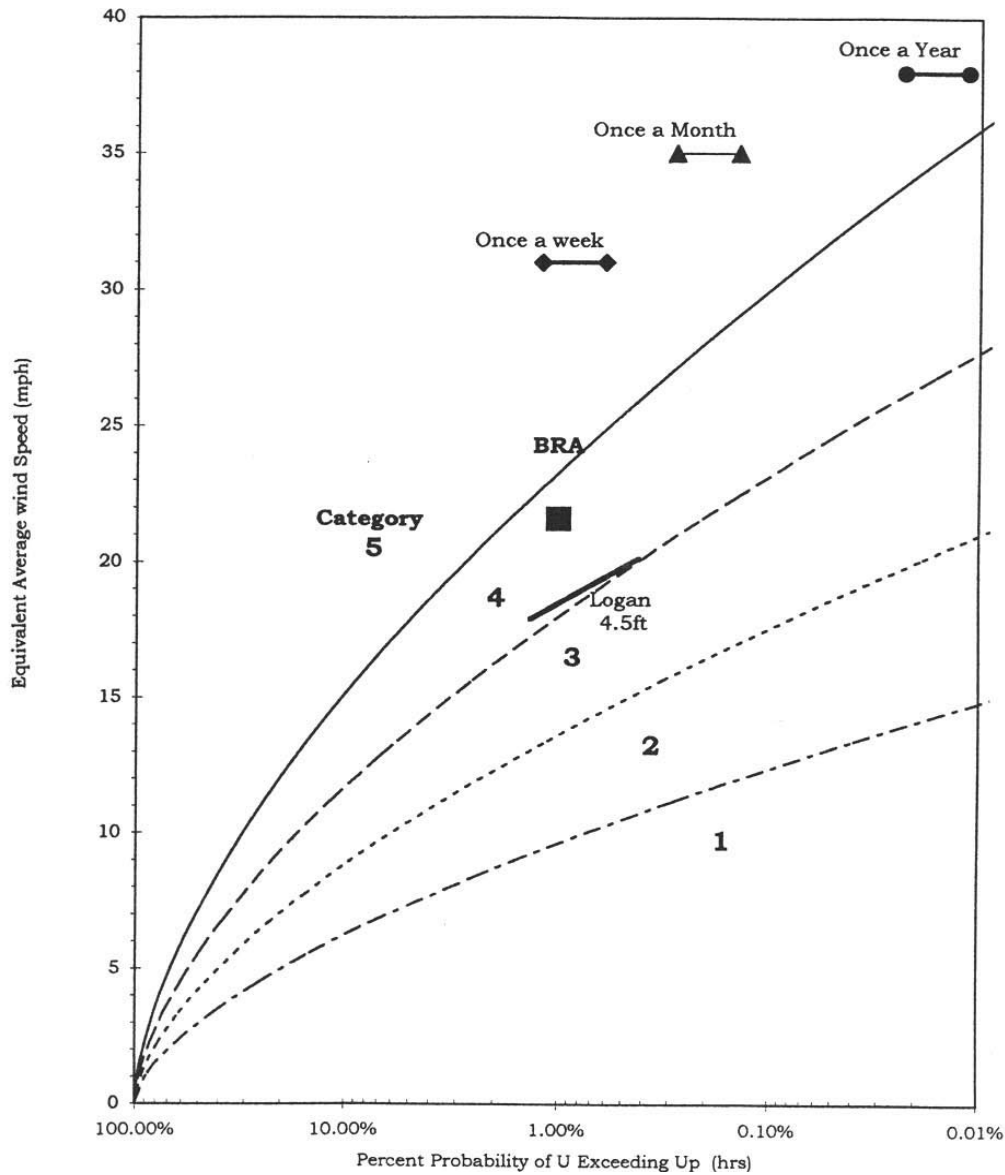
Frank H. Durgin, P.E.

2/26/02

Fort Point Downtown Waterfront MHP

Figure: 10-1

Criteria for equivalent Average Wind Speeds



Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
Frank H. Durgin, P.E.

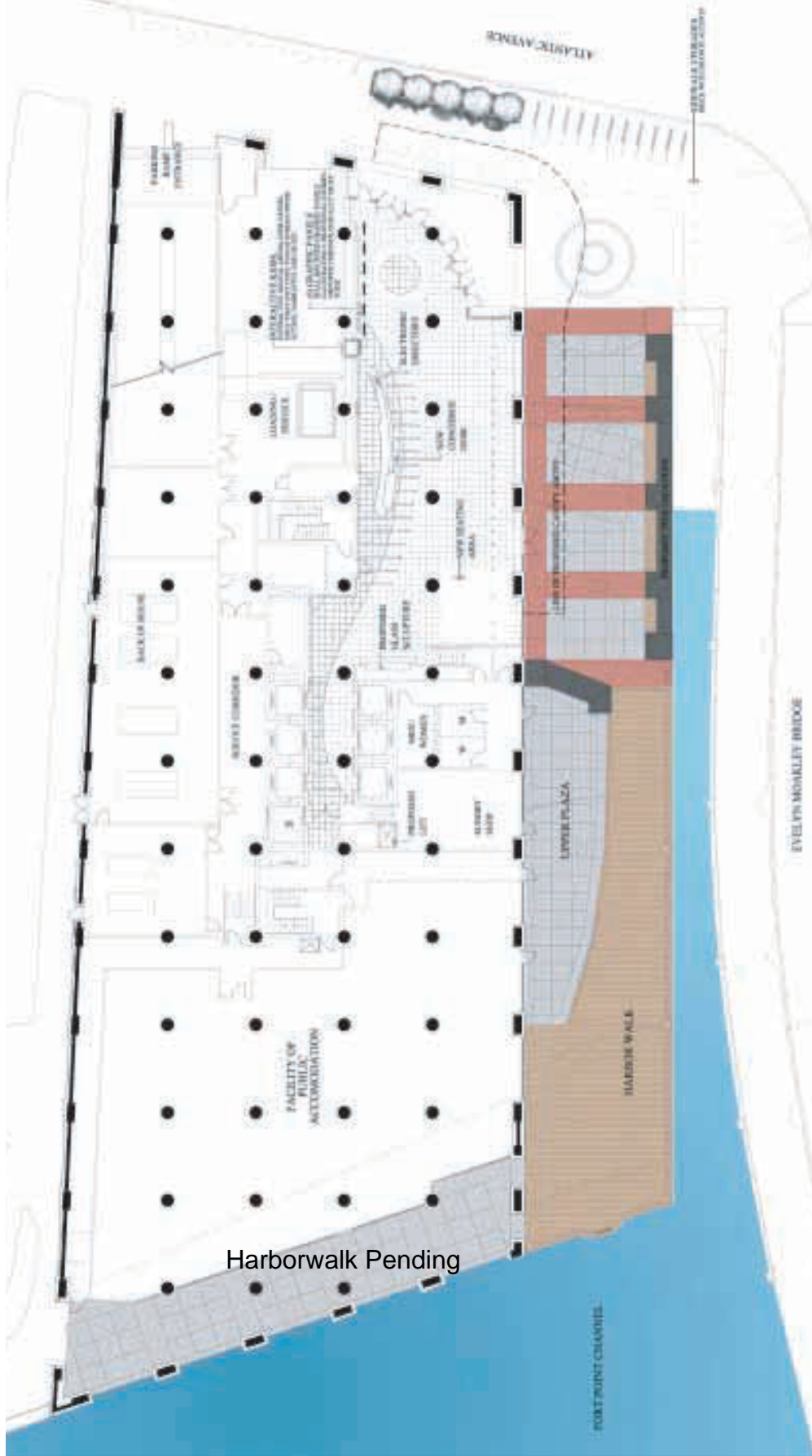


Date: August 2003

Fort Point Downtown Waterfront MHP

Figure: 10-2

Independence Wharf Existing Harborwalk



Harborwalk Pending

Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
JB, Jung Brannen Associates, Inc.



Date: August 2003



Fort Point Downtown Waterfront MHP

Figure: 10-3
**Federal Reserve
Comprehensive
Site Plan Proposal**

Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
Halvorson Design Partnership, Inc.

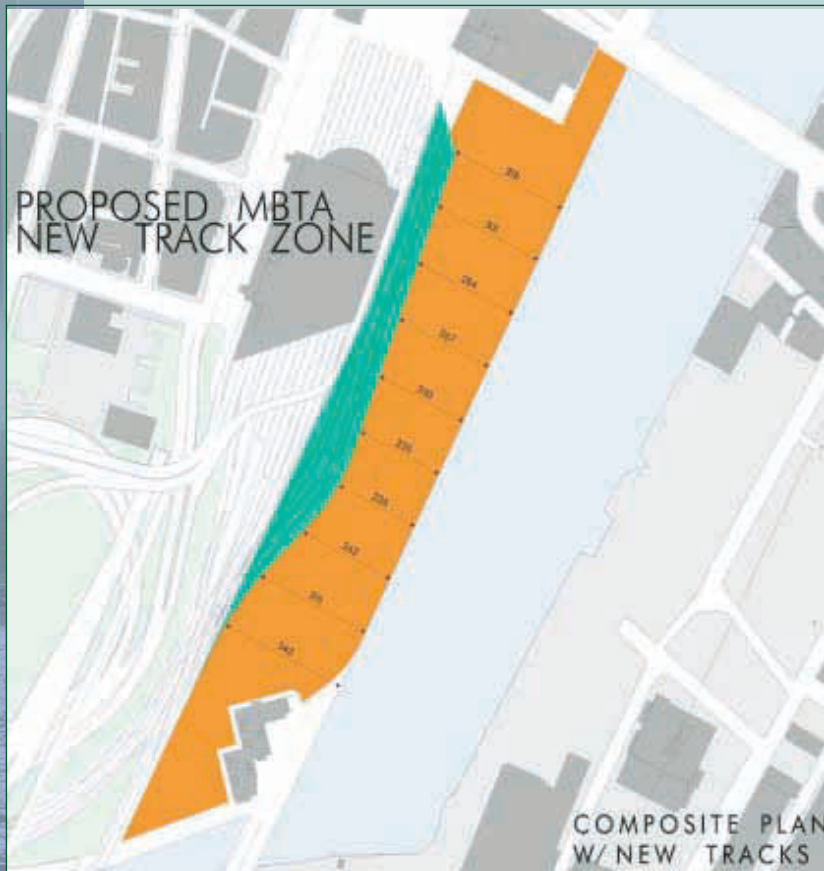


Date: August 2003

Fort Point Downtown Harbor Plan

Figure: 10-4

Proposed MBTA New Track Zone



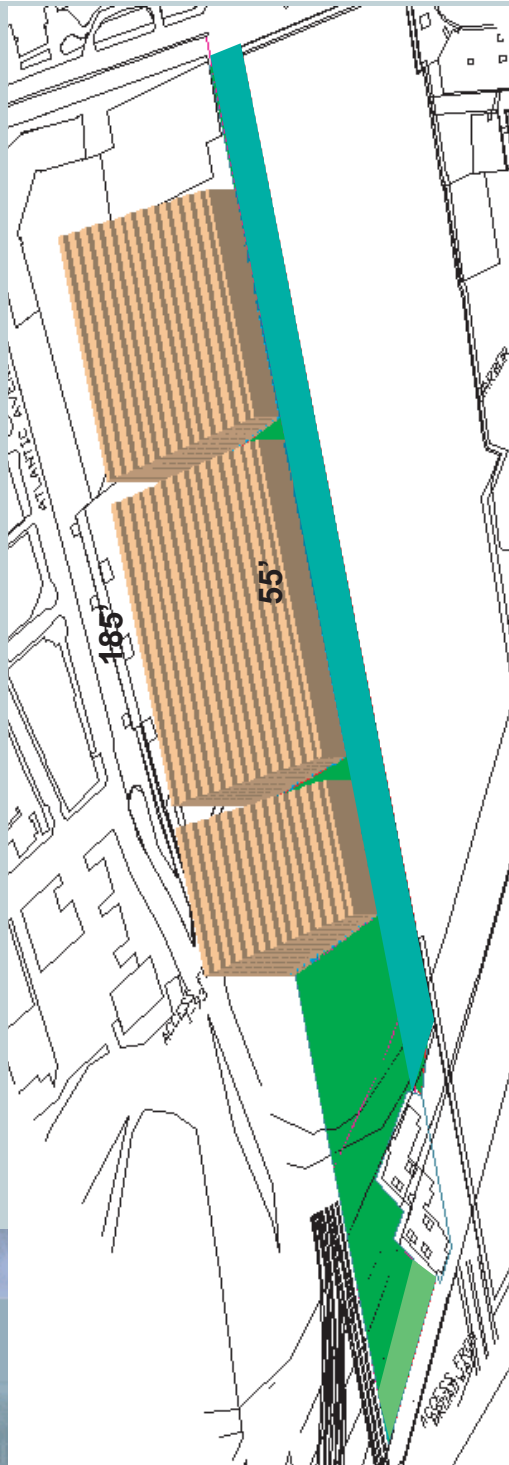
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Boston Redevelopment Authority

Prepared by
U.S. Postal Service



Date: August 2003

Height Limitations



Fort Point Downtown Waterfront MHP

Figure: 10-5
**USPS Chapter 91
Compliant Building
Envelope**

Prepared for
City of Boston,
Boston Redevelopment Authority

Prepared by
U.S. Postal Service



Date: August 2003

11. The Russia Wharf Redevelopment Project

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: March 11, 1999
modification to allow dredging for boat access

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 19th 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 Harborepark by the BRA in the early 1980s, when the goal of 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 19th 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

| Principles | Consistency of the Russia Wharf Redevelopment Project |
|--|---|
| 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

| Principles | Consistency of the Russia Wharf Redevelopment Project |
|---|---|
| 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 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

| Principles | Consistency of the Russia Wharf Redevelopment Project |
|--|---|
| 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. | 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. |
| Locate and design building masses that minimize the adverse shadow and wind impacts on the pedestrian environment and watersheet, and that also maximize views to the waterfront at street level. | 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. |
| 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. | 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. |
| Respect the goals of preserving and interpreting historic and cultural resources. | The Russia Wharf Redevelopment Project preserves, retains and restores building and architecture elements. It will also include exhibits and signage to interpret these resources. |
| Recognize that existing and planned building heights and massing are constrained by extensive physical public infrastructure in the planning area. | 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. |

Method(s) for Quantifying Impacts of Substitute Provisions

| Principles | Consistency of the Russia Wharf Redevelopment Project |
|--|---|
| 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

| Principles | Consistency of the Russia Wharf Redevelopment Project |
|---|---|
| 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 18th and early 19th 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 abutments 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"> 1. Reduce area of WDUZ by 2,700 square feet to accommodate preservation of historic Tufts Building. 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. | <ol style="list-style-type: none"> 1. Historic interpretive signage and exhibits consistent with the BRA's Historic Piers Network Plan (value \$100,000). 2. Secondary ramping system from Russia Wharf/Congress Street to Channel Walk West (value \$225,000). |
| 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"> 1. Contribution of \$500,000 to Children's Wharf Park for enhancing its development and/or long-term maintenance. 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). 3. Financial support for watershed activation to support public programming, events, and capital improvements (value \$500,000) * <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 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 watersheet 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 watersheet 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.

Fort Point Downtown Waterfront MHP

 MHP Phase 2 Project Area

Figure 11-1

Russia Wharf

Phase 2 Project Area



Fort Point Downtown Waterfront MHP

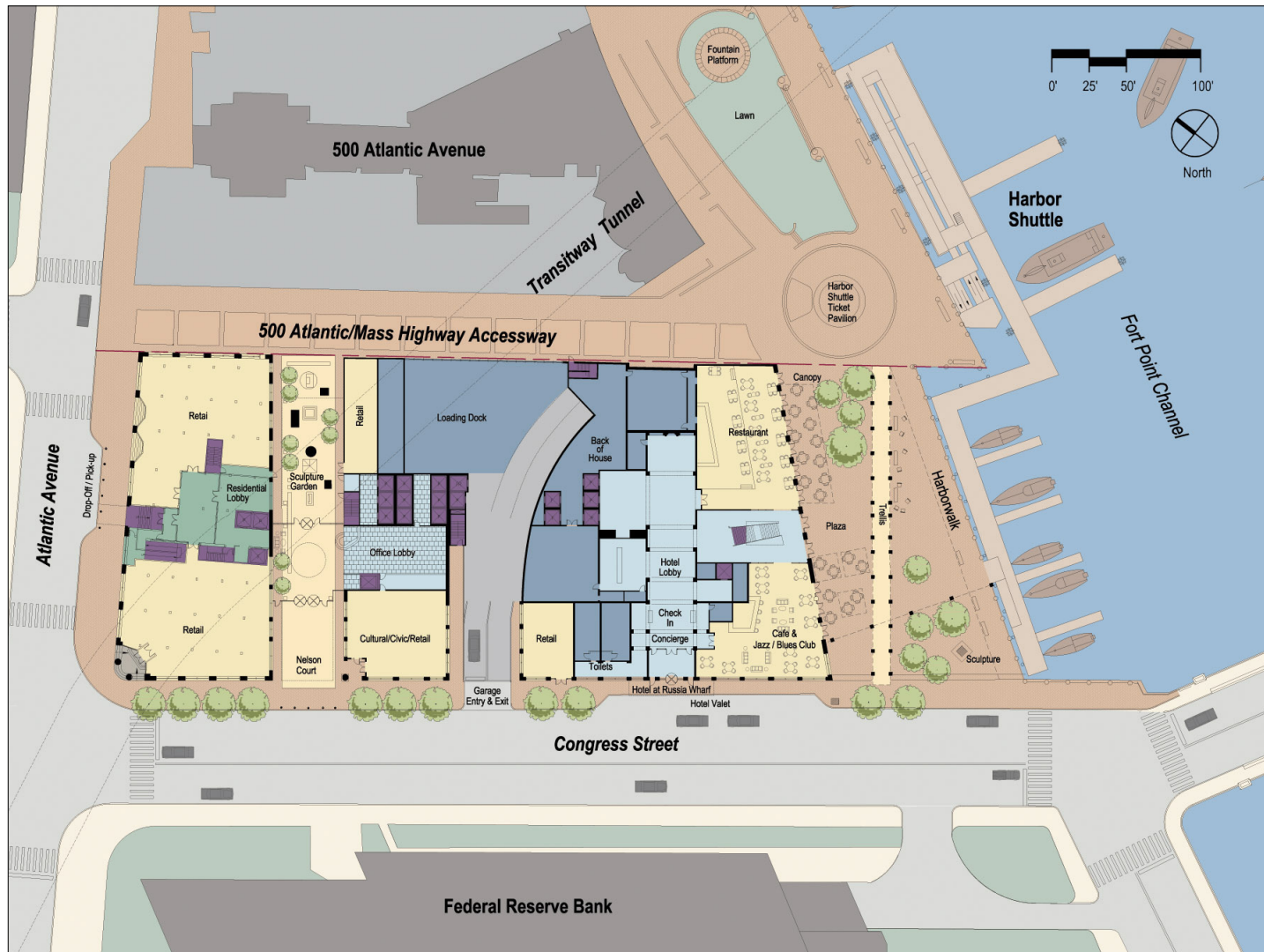


Figure 11-2

Russia Wharf

Proposed Ground Floor
Plan

Prepared by:
CBT
The Cecil Group
Childs Associates



Historic Congress St. Bridge (circa 1920)



Historic view down Congress St.
toward Fort Point Channel (circa 1952)



Historic Russia building (circa 1920)

Fort Point Downtown Waterfront MHP

Figure 11-3

Russia Wharf

Historical Photographs



Fort Point Downtown Waterfront MHP

Figure 11-4

Russia Wharf

Existing Condition
Photographs

Fort Point Downtown Waterfront MHP



Figure 11-5

Russia Wharf

Existing Ground Floor Plan

Prepared by:
CBT

Fort Point Downtown Waterfront MHP



< Aerial photo looking West with
photo montage of Russia Wharf and
500 Atlantic Avenue

CBT

View from >
Congress Street Bridge



Wang Associates International

Figure 11-6

Russia Wharf

Proposed Project
Perspectives from the
Fort Point Channel



View South from corner of Atlantic Avenue and old Northern Avenue



View from Purchase Street toward corner of Congress Street and Atlantic Avenue

Fort Point Downtown Waterfront MHP

Figure 11-7

Russia Wharf

Proposed Project
Perspective Views:
Congress Street and
Atlantic Avenue

Prepared by:
Wang Associates
International

Fort Point Downtown Waterfront MHP

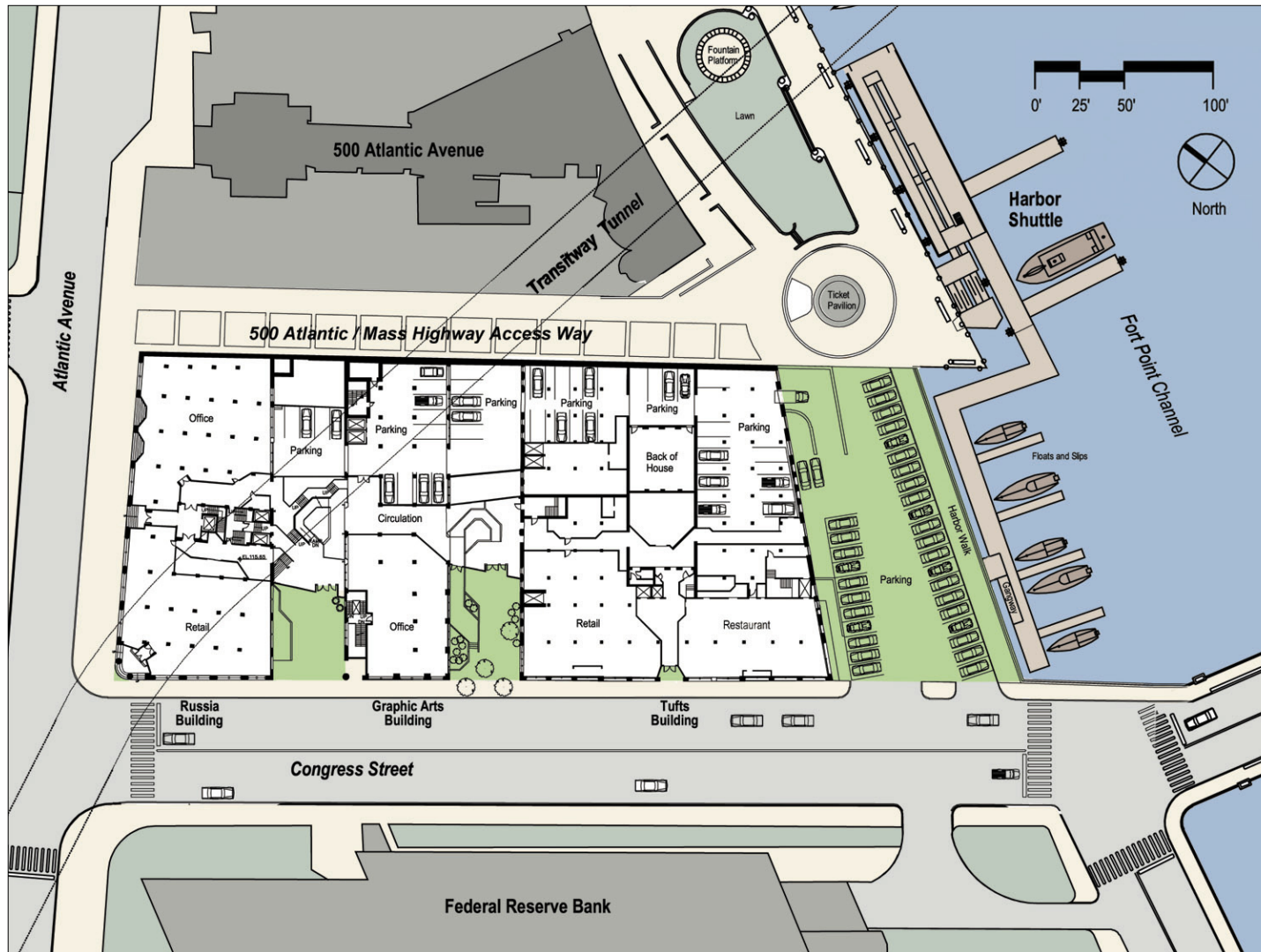


Figure 11-8

Russia Wharf

Existing Chapter 91
Open Space

Prepared by:
The Cecil Group

Fort Point Downtown Waterfront MHP

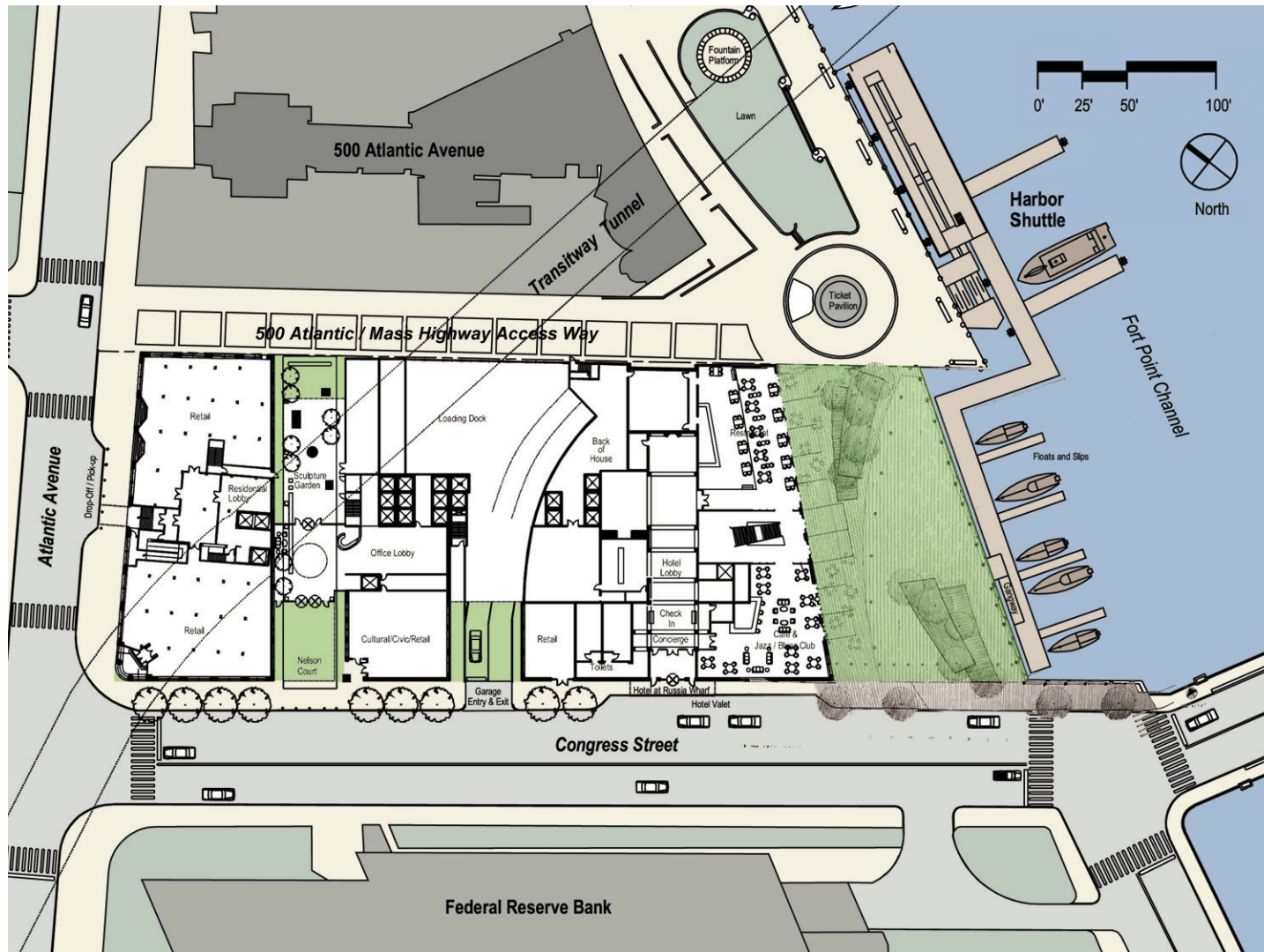


Figure 11-9

Russia Wharf

Proposed Chapter 91
Open Space

Prepared by:
The Cecil Group

Fort Point Downtown Waterfront MHP

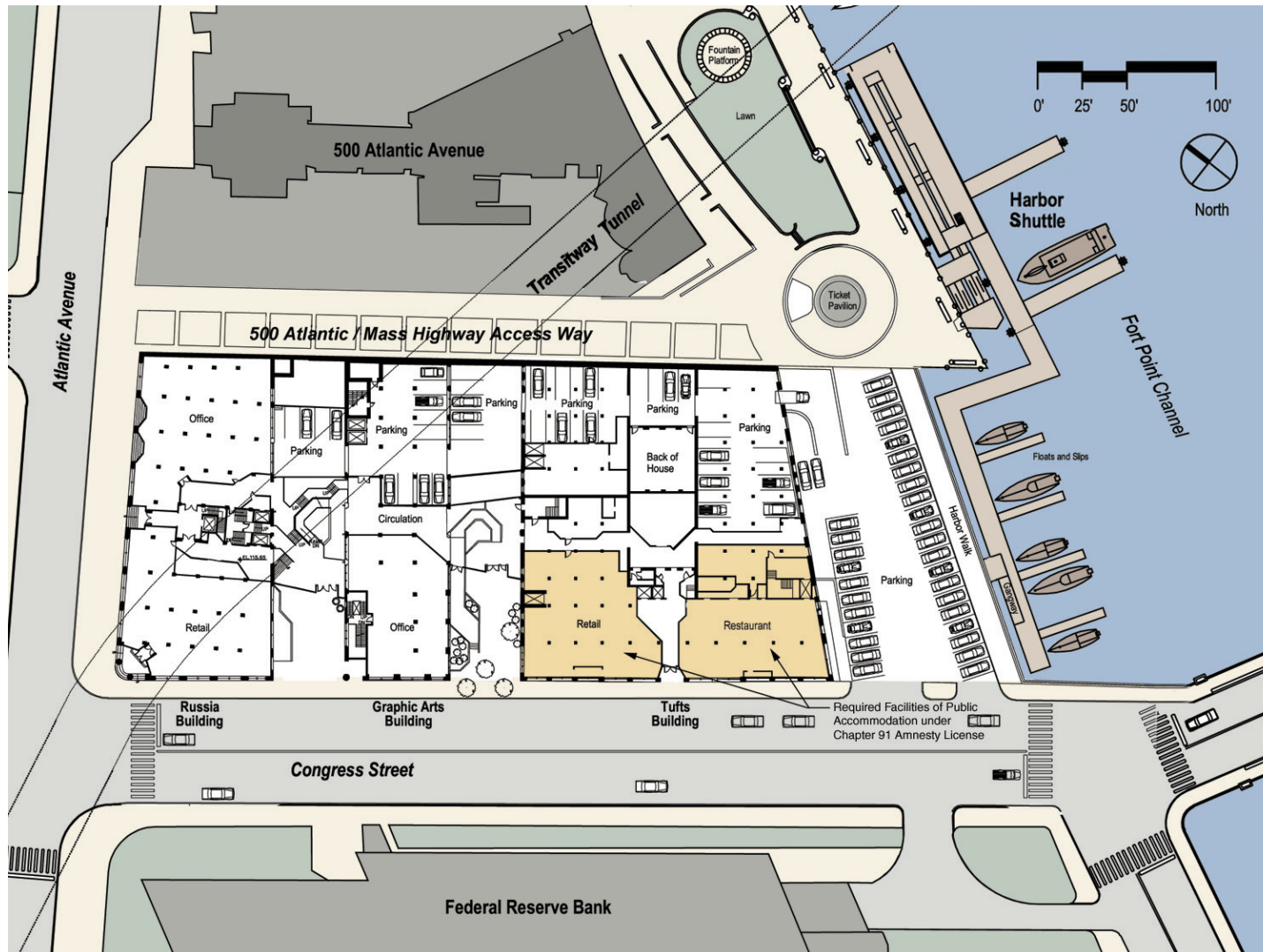


Figure 11-10

Russia Wharf

Existing Chapter 91
Facilities of Public
Accommodation

Prepared by:
The Cecil Group

Fort Point Downtown Waterfront MHP

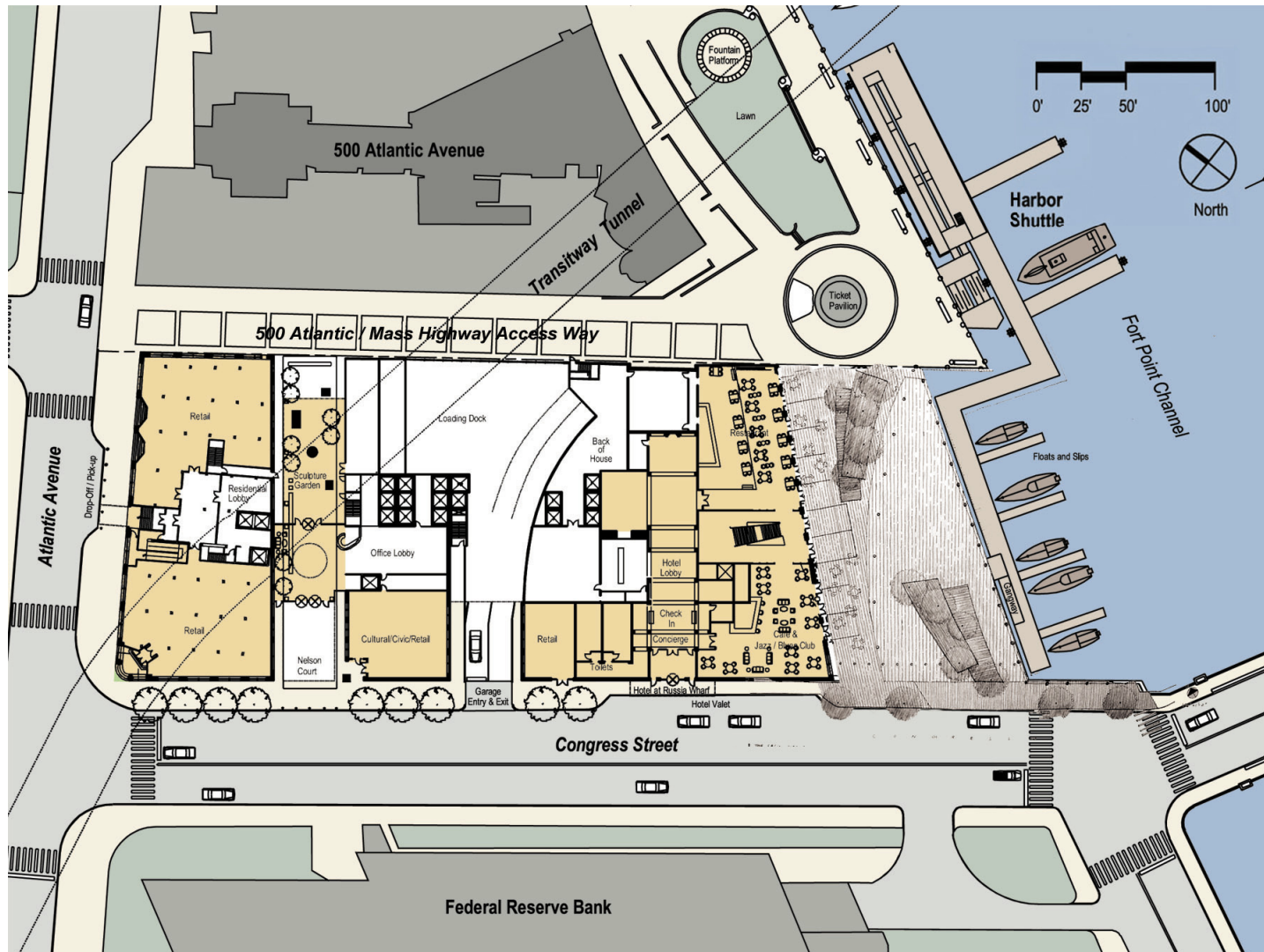


Figure 11-11

Russia Wharf

Proposed Chapter 91
Facilities of Public
Accommodation

Prepared by:
The Cecil Group

Fort Point Downtown Waterfront MHP

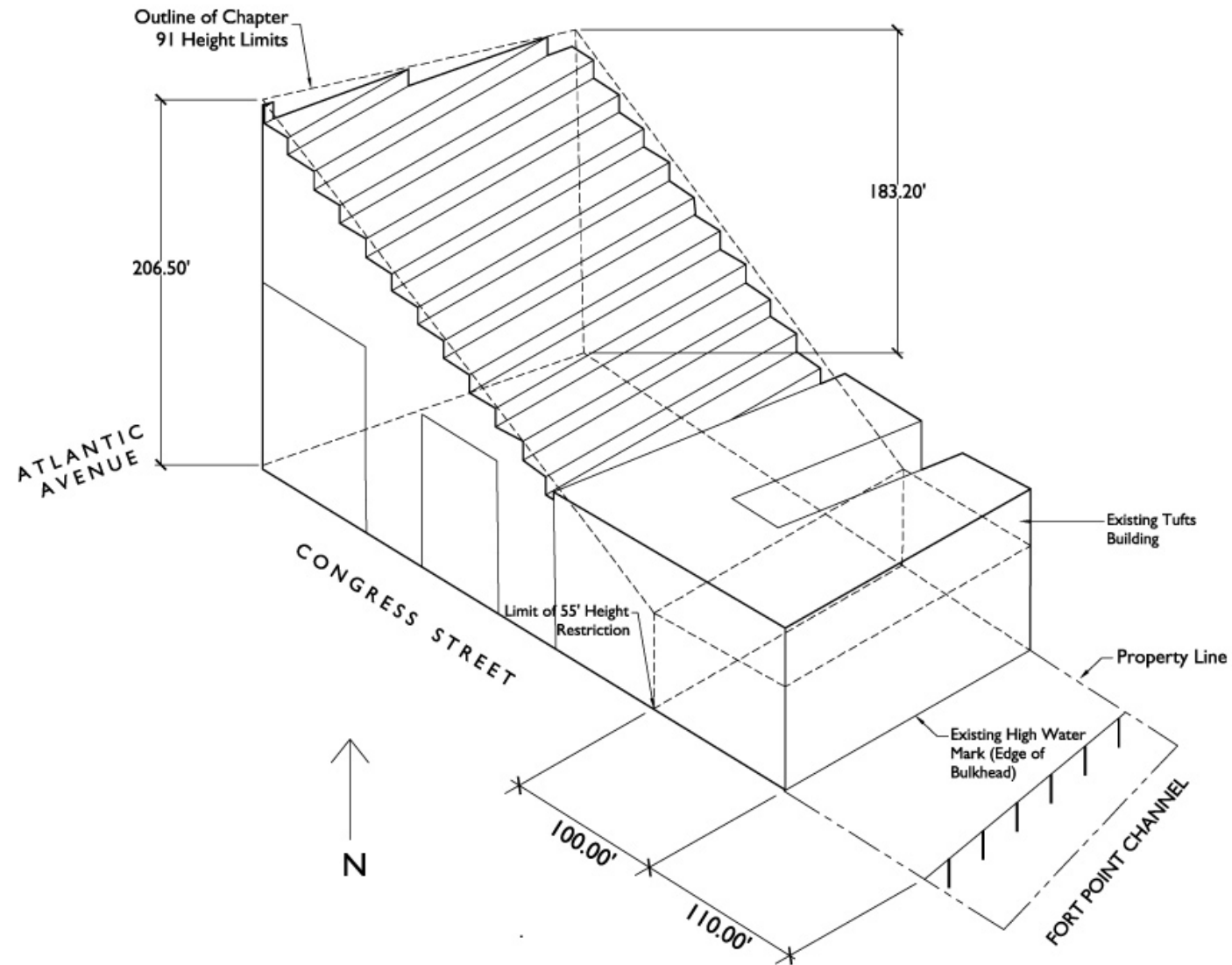


Figure 11-12

Russia Wharf

Chapter 91 Building
Height Limits

Prepared by:
The Cecil Group

Fort Point Downtown Waterfront MHP

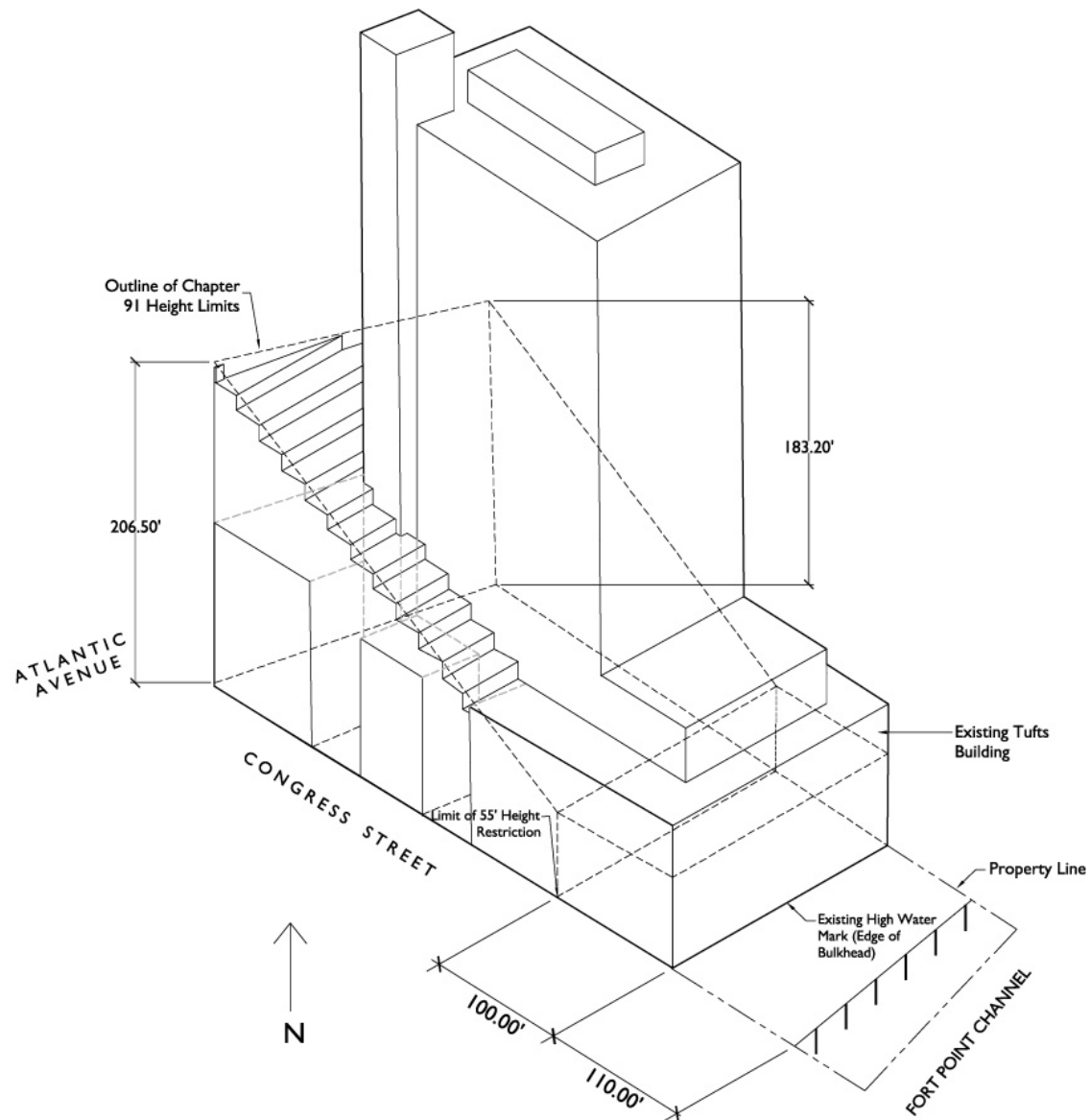
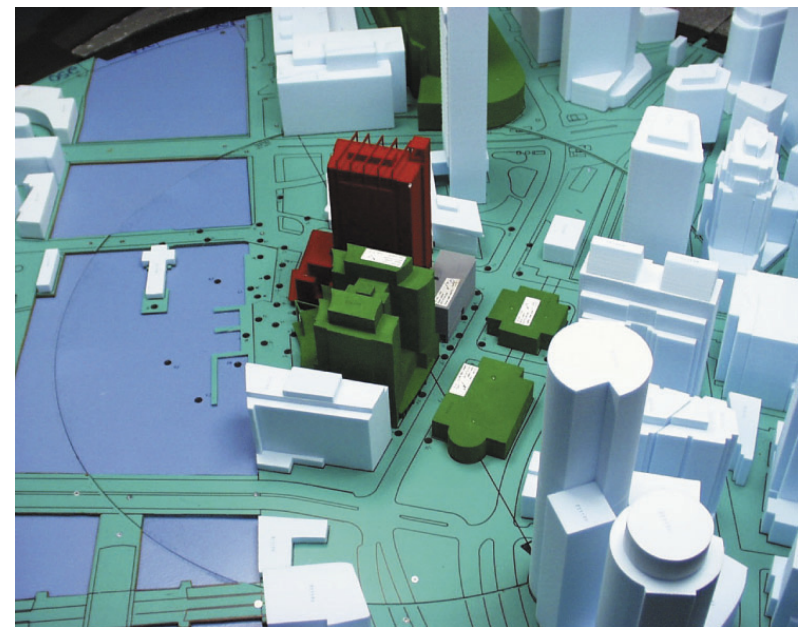
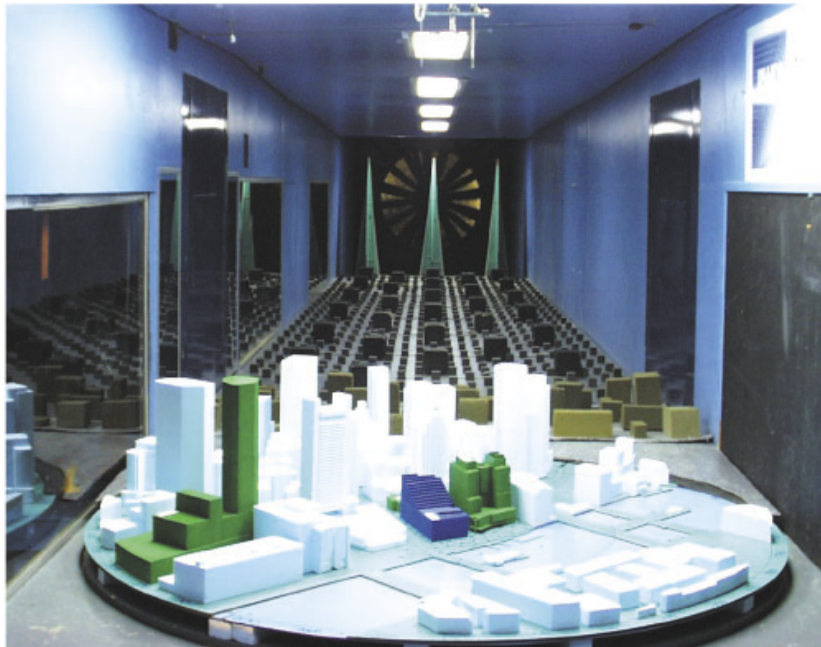


Figure 11-13

Russia Wharf

Proposed Project
Diagram

Prepared by:
The Cecil Group



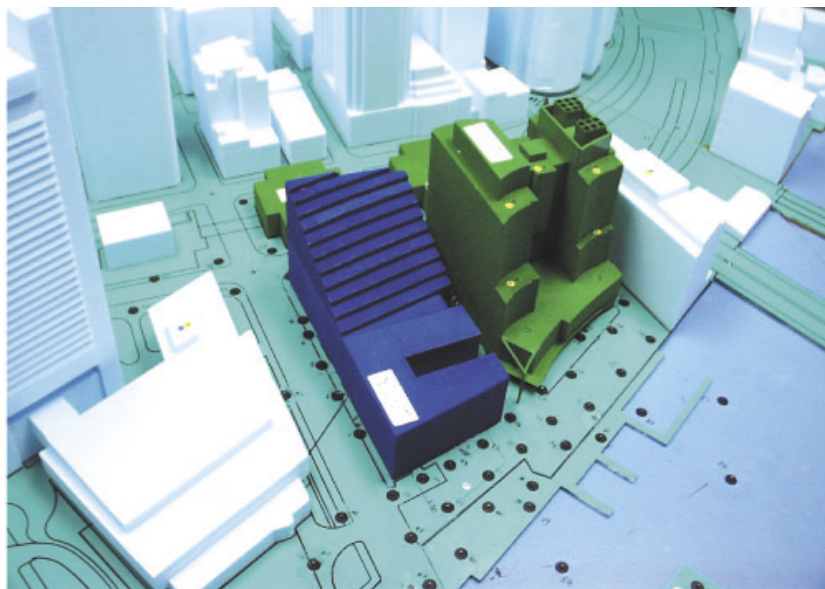
2010 Preferred Alternative - 2010 Wind Study Model

**Fort Point Downtown
Waterfront MHP**

Figure 11A-1

Russia Wharf
2010 Wind Study Model

Prepared by:
Rowan Williams Davies
and Irvin Inc.



Chapter 91 Height Compliant Alternative - 2010 Wind Study Model

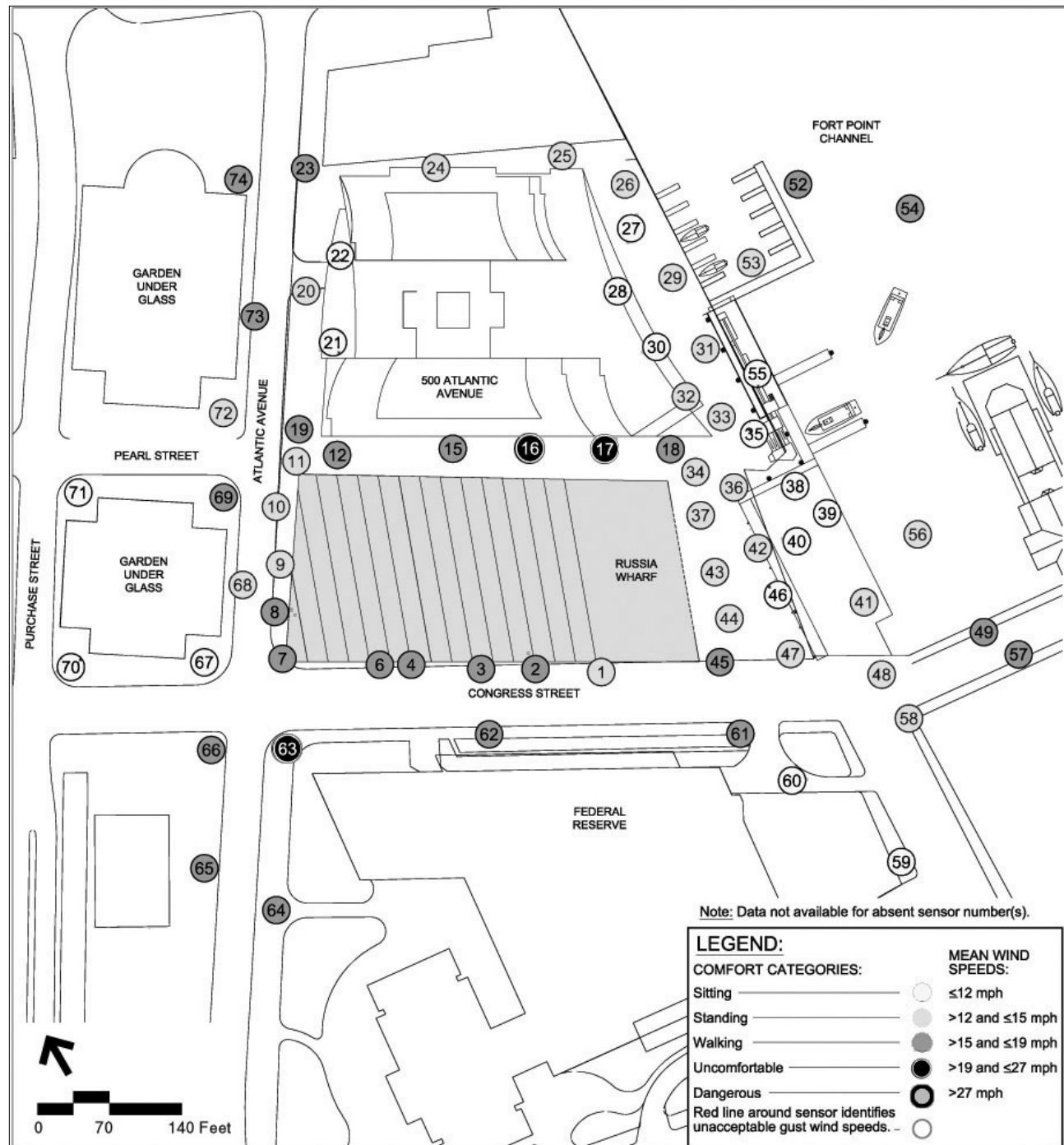
Fort Point Downtown Waterfront MHP

Figure 11A-2

Russia Wharf Pedestrian Level Wind Conditions - Annual

2010 Height Compliant
Alternative

Prepared by:
Rowan Williams Davies
and Irvin Inc.



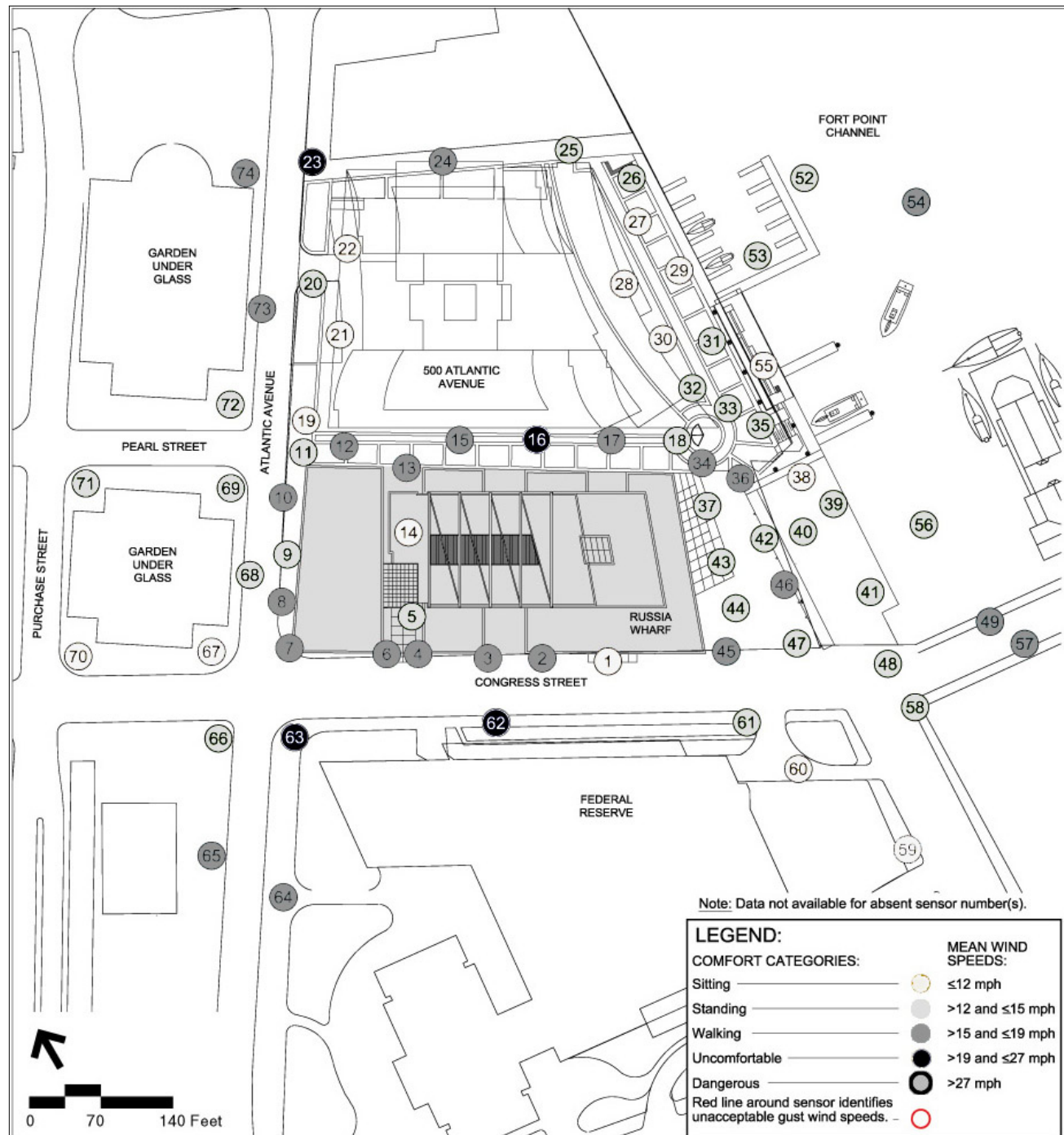
Fort Point Downtown Waterfront MHP

Figure 11A-3

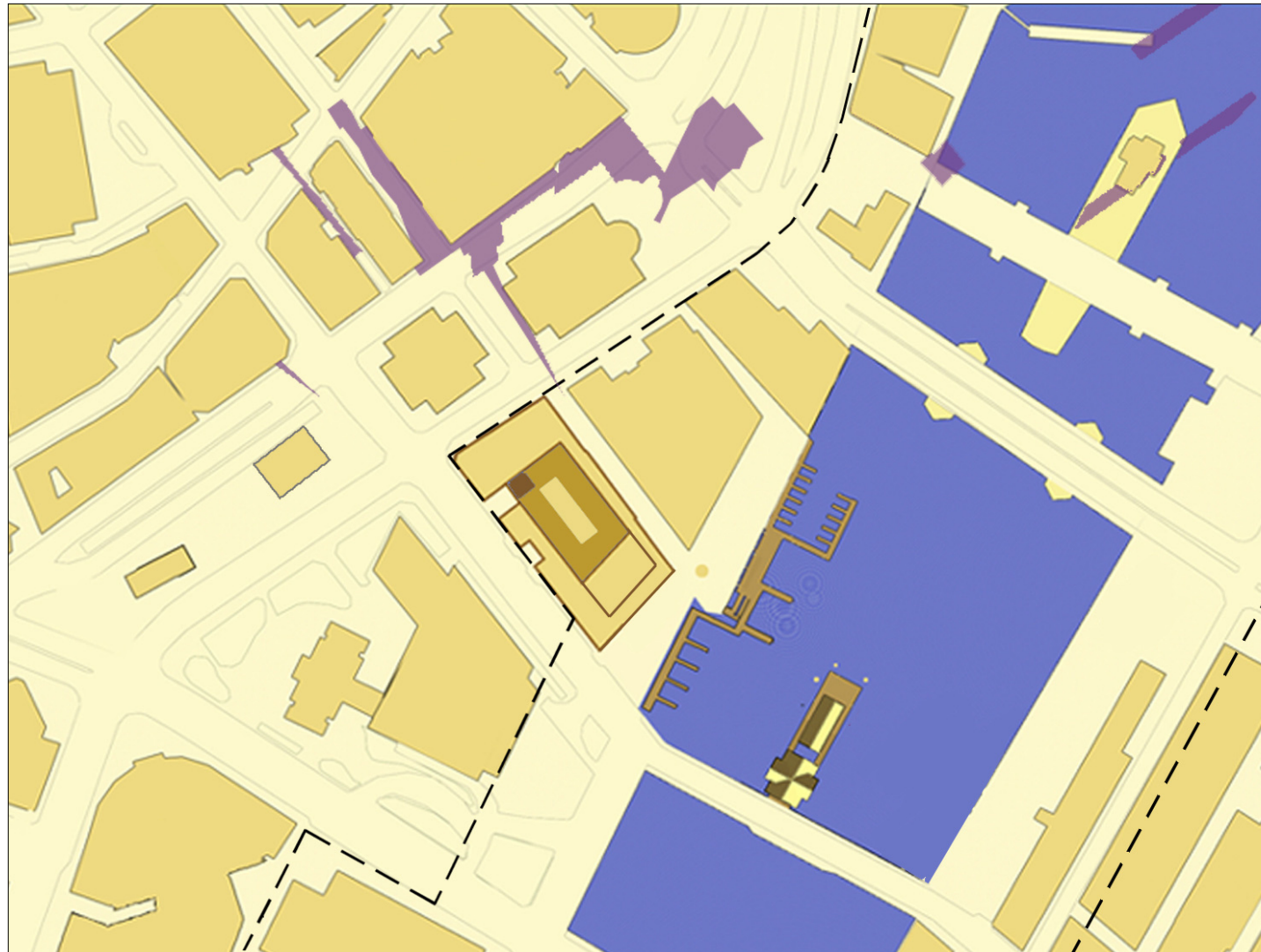
Russia Wharf Pedestrian Level Wind Conditions - Annual

2010 Preferred Alternative

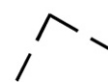
Prepared by:
Rowan Williams Davies
and Irvin Inc.



**Fort Point Downtown
Waterfront MHP**



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Figure 11B-1

**Russia Wharf
Shadow Studies**

All Net New Shadows:
October 23, Hourly
from 9:00 AM through
4:00 PM

Prepared by:
The Cecil Group

**Fort Point Downtown
Waterfront MHP**

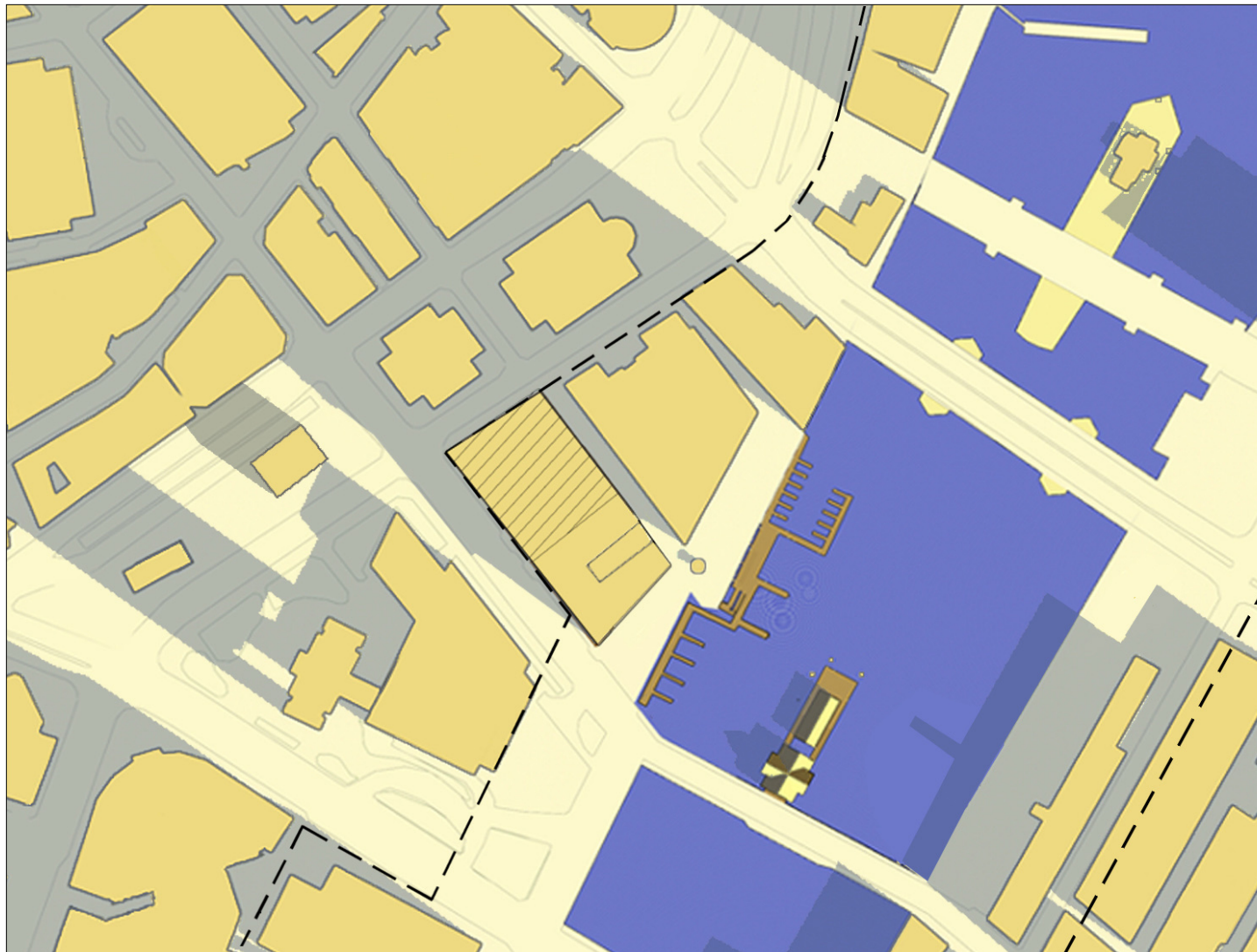
Figure 11B-2

**Russia Wharf
Shadow Studies**

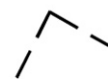
9 AM - October 23

Shadows Cast by
Chapter 91 Massing
Combined with Existing
Conditions

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

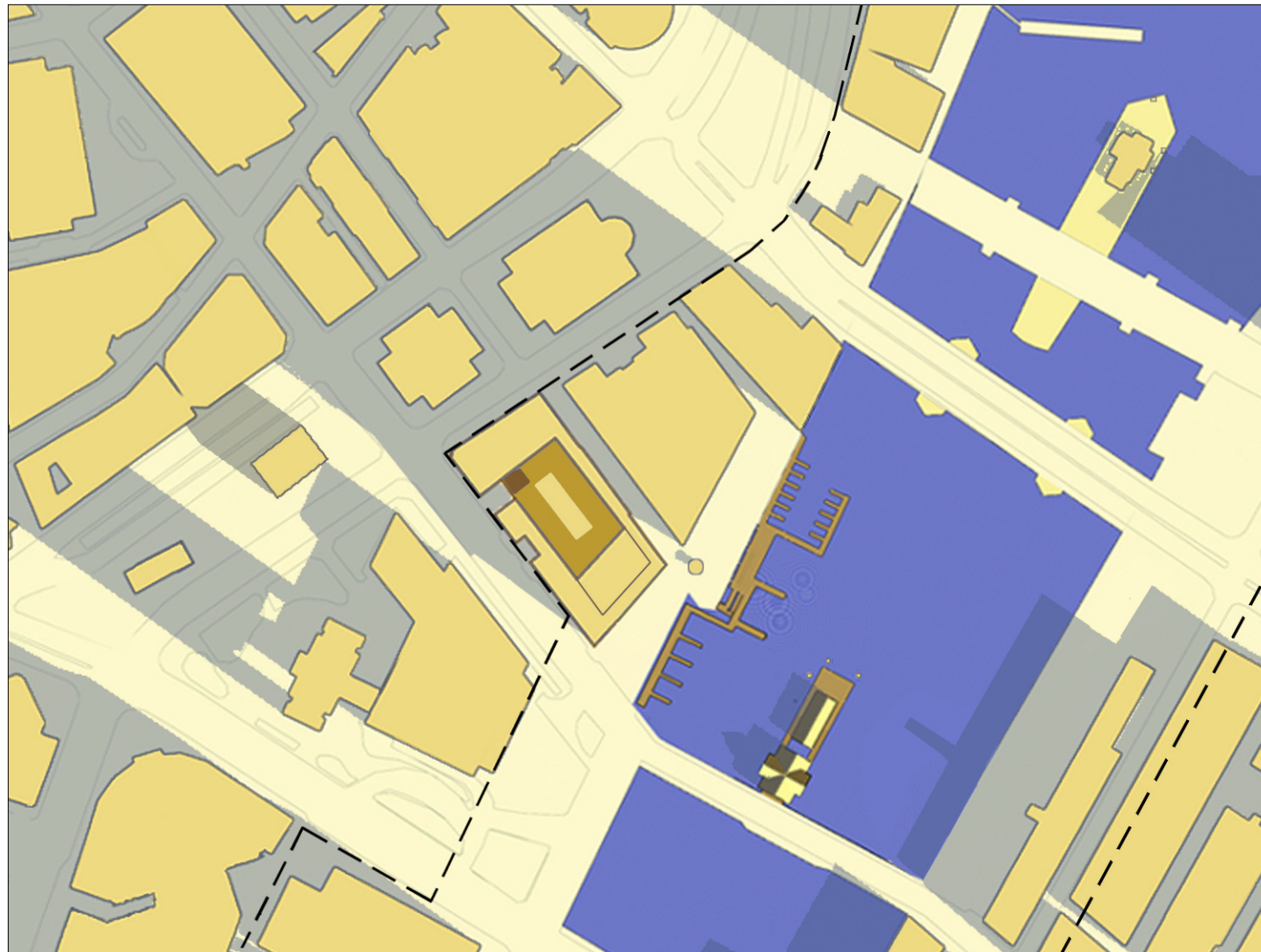
Figure 11B-3

Russia Wharf Shadow Studies

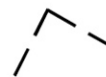
9 AM - October 23

Shadows Cast by
Proposed Massing
combined with Existing
Conditions

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

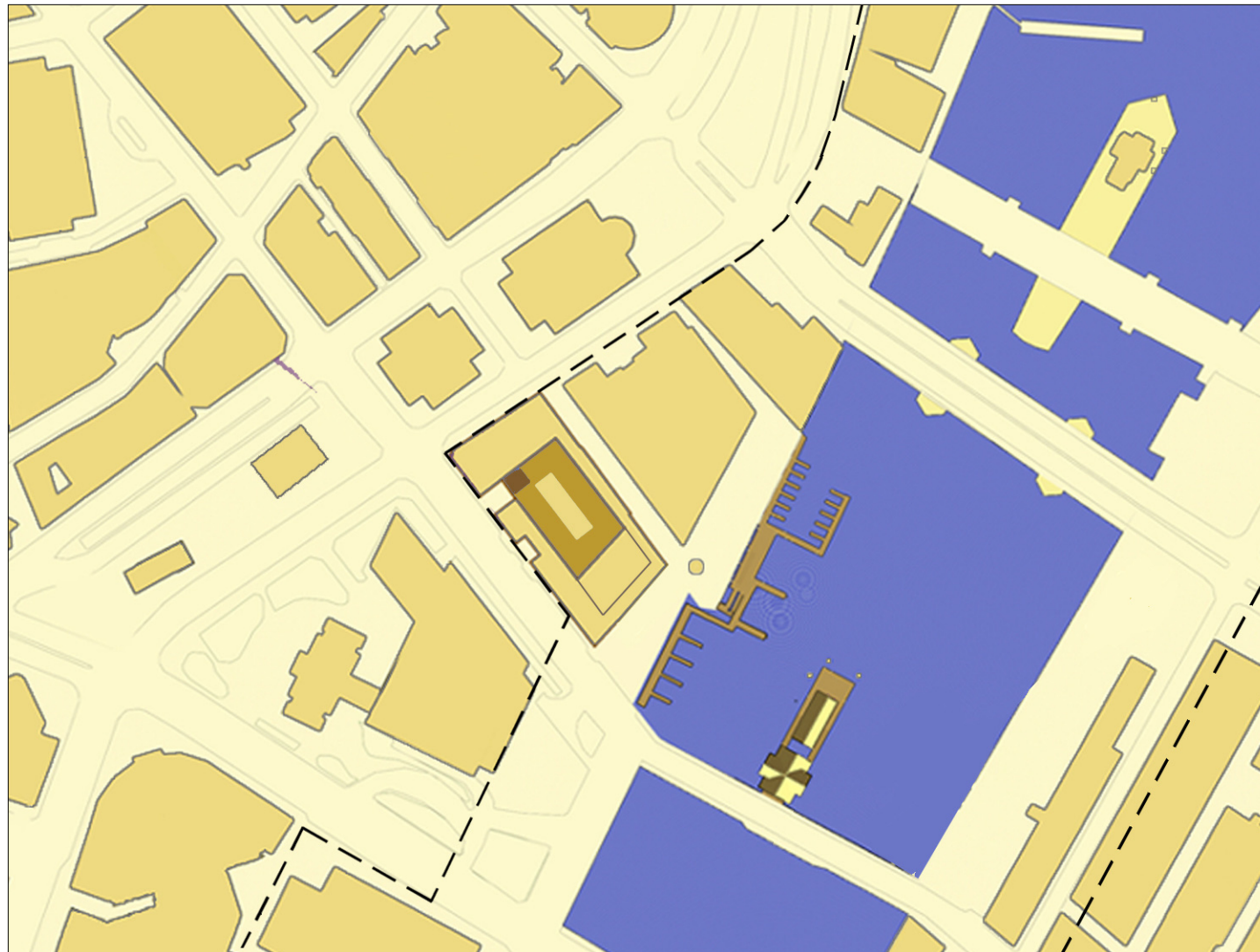
Figure 11B-4

Russia Wharf Shadow Studies

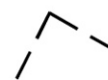
9 AM - October 23

Net New Shadows
(Proposed minus
Chapter 91)

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

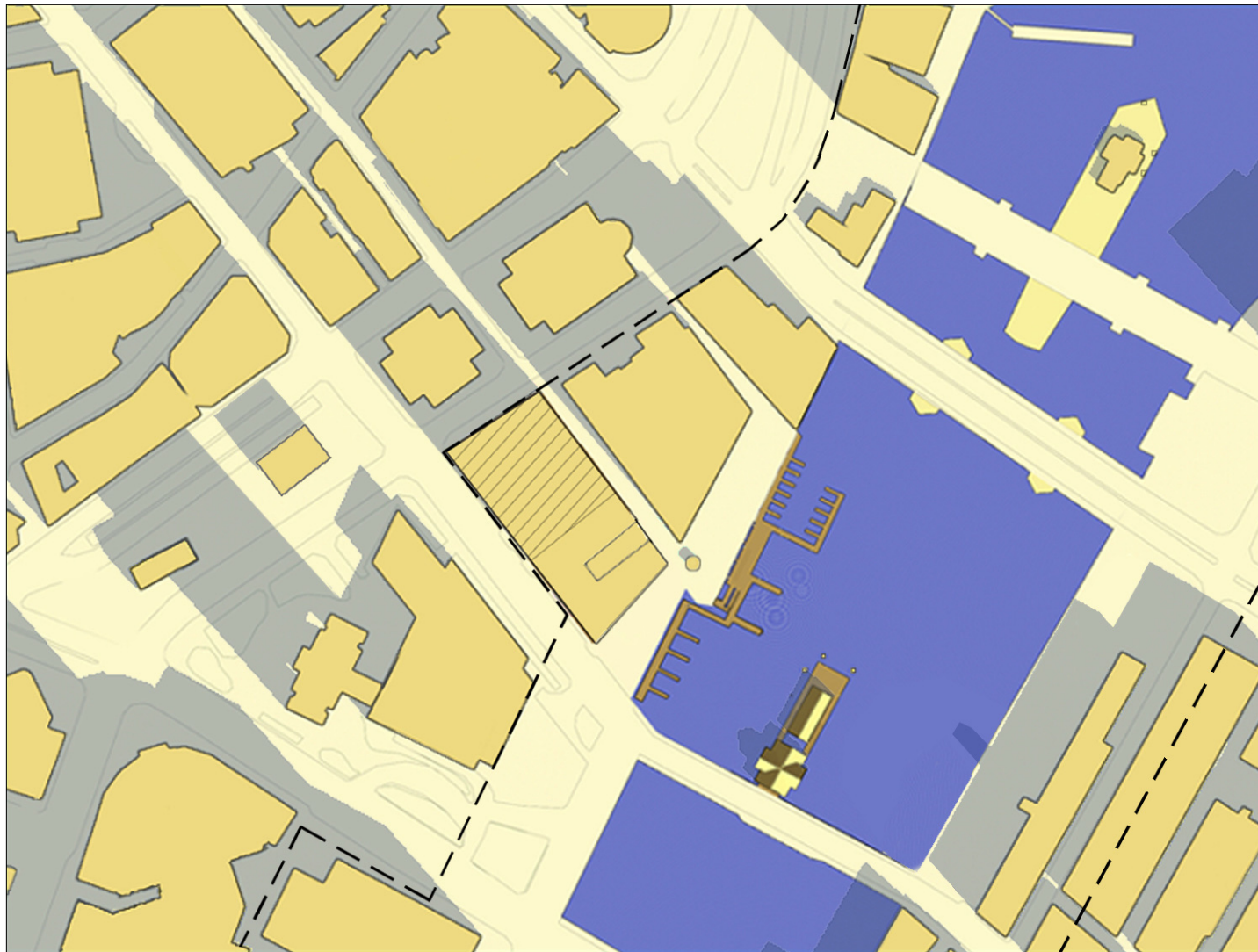
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Russia Wharf Shadow Studies

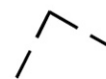
10 AM - October 23

Shadows Cast by
Chapter 91 Massing
Combined with Existing
Conditions

Prepared by:
The Cecil Group



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Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

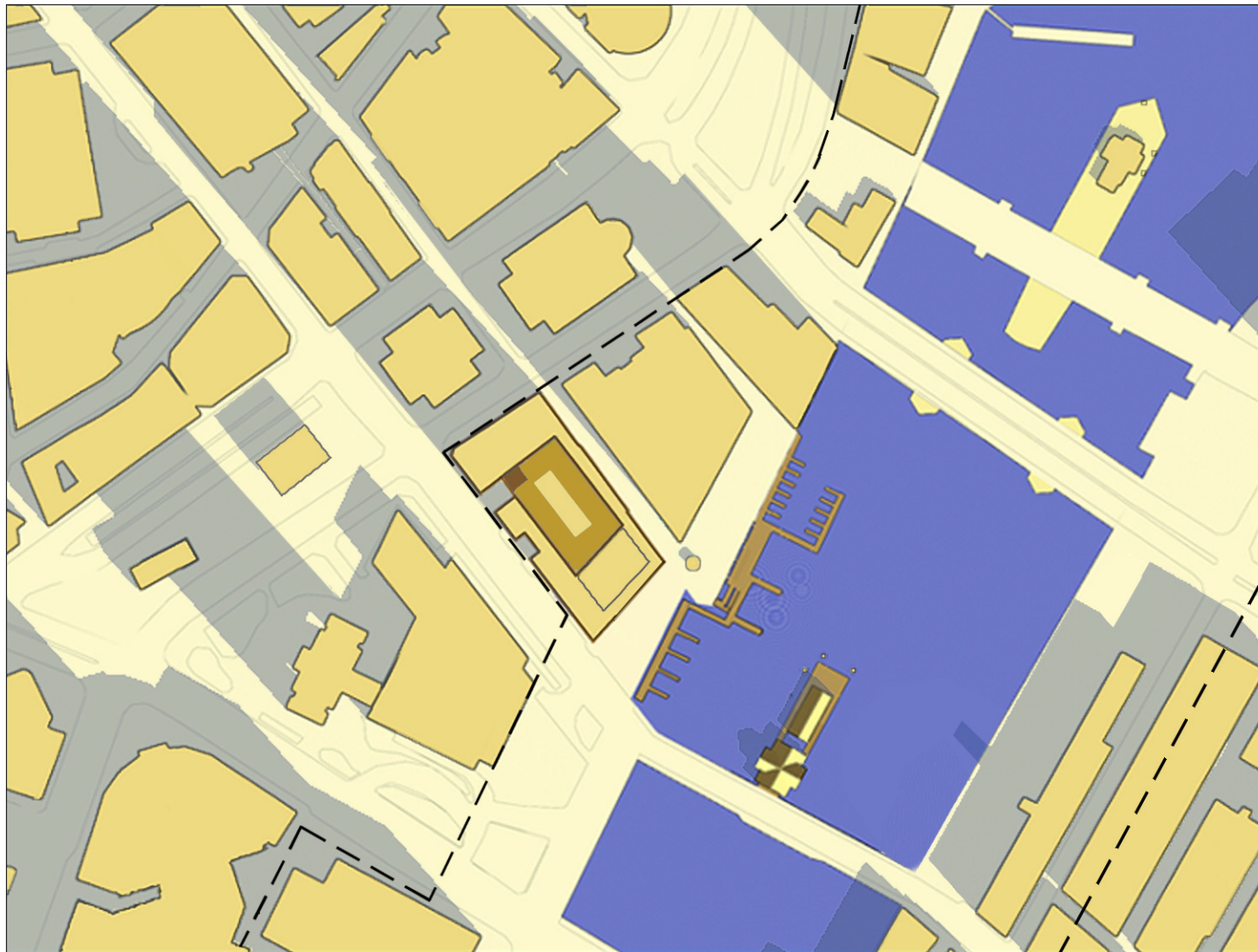
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Russia Wharf Shadow Studies

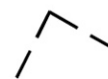
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Shadows Cast by
Proposed Massing
combined with Existing
Conditions

Prepared by:
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Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

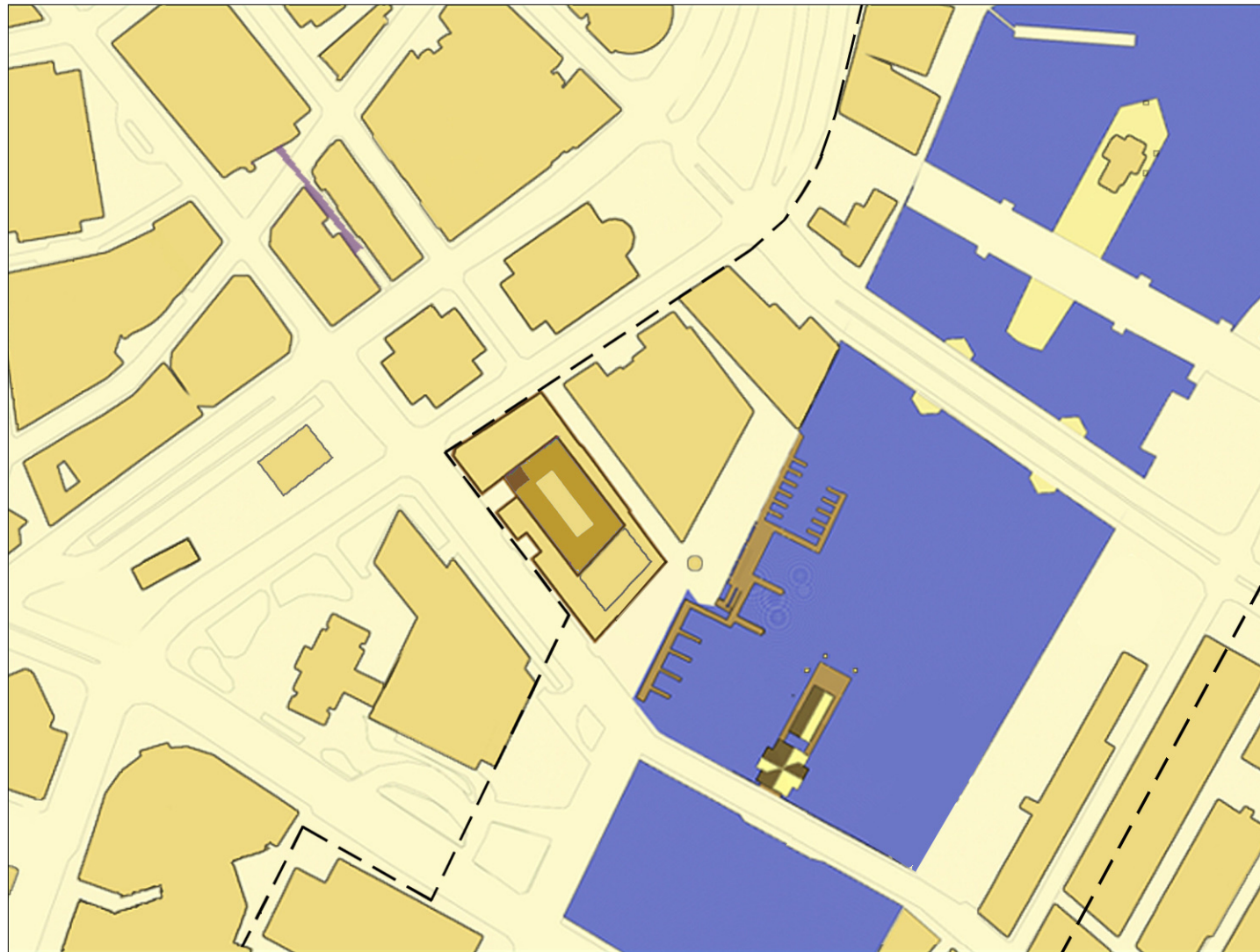
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Russia Wharf Shadow Studies

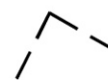
10 AM - October 23

Net New Shadows
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Chapter 91)

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Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

Figure 11B-8

Russia Wharf Shadow Studies

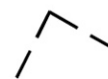
11 AM - October 23

Shadows Cast by
Chapter 91 Massing
Combined with Existing
Conditions

Prepared by:
The Cecil Group

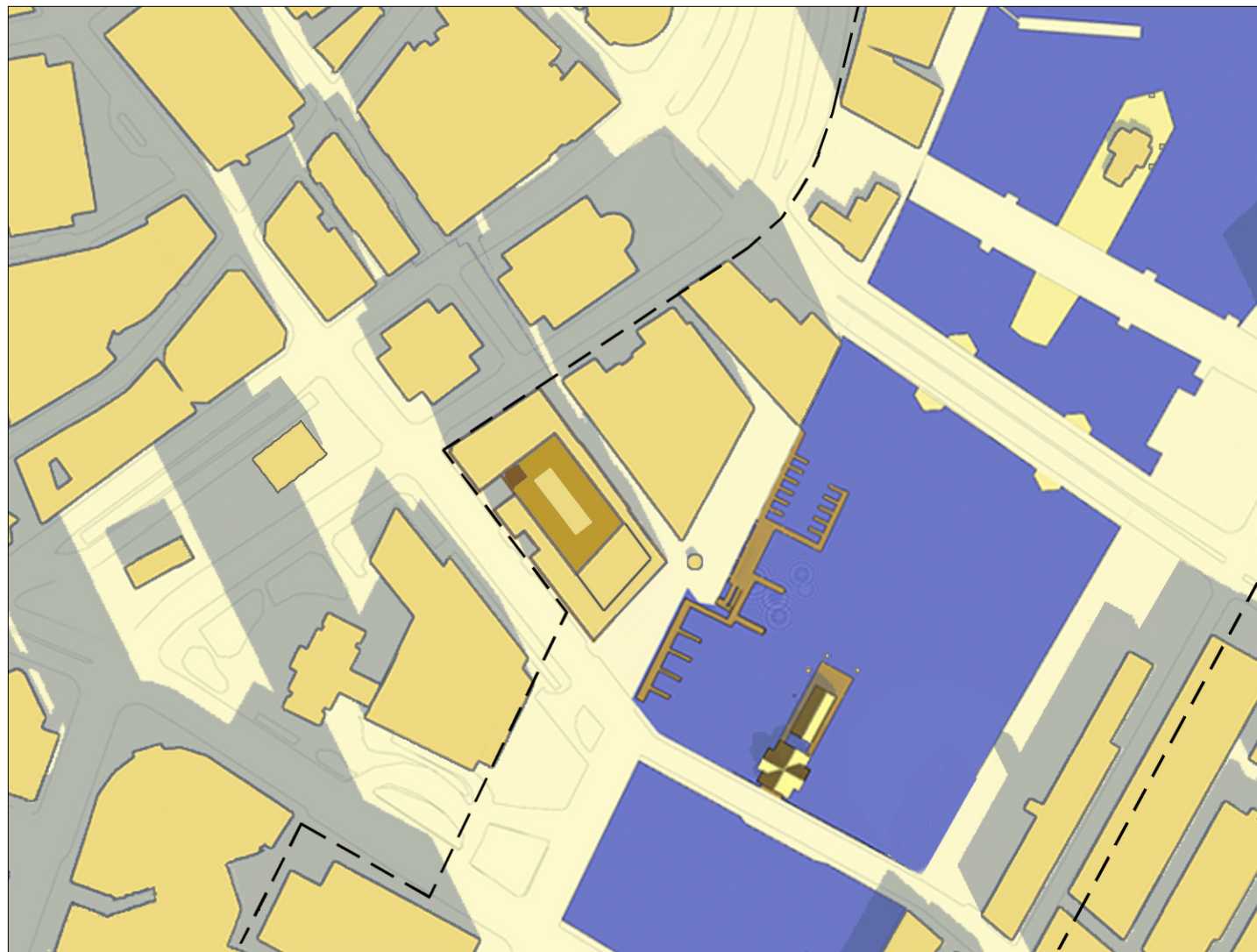


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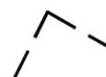


Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Figure 11B-9

Russia Wharf Shadow Studies

11 AM - October 23

Shadows Cast by
Proposed Massing
combined with Existing
Conditions

Prepared by:
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**Fort Point Downtown
Waterfront MHP**

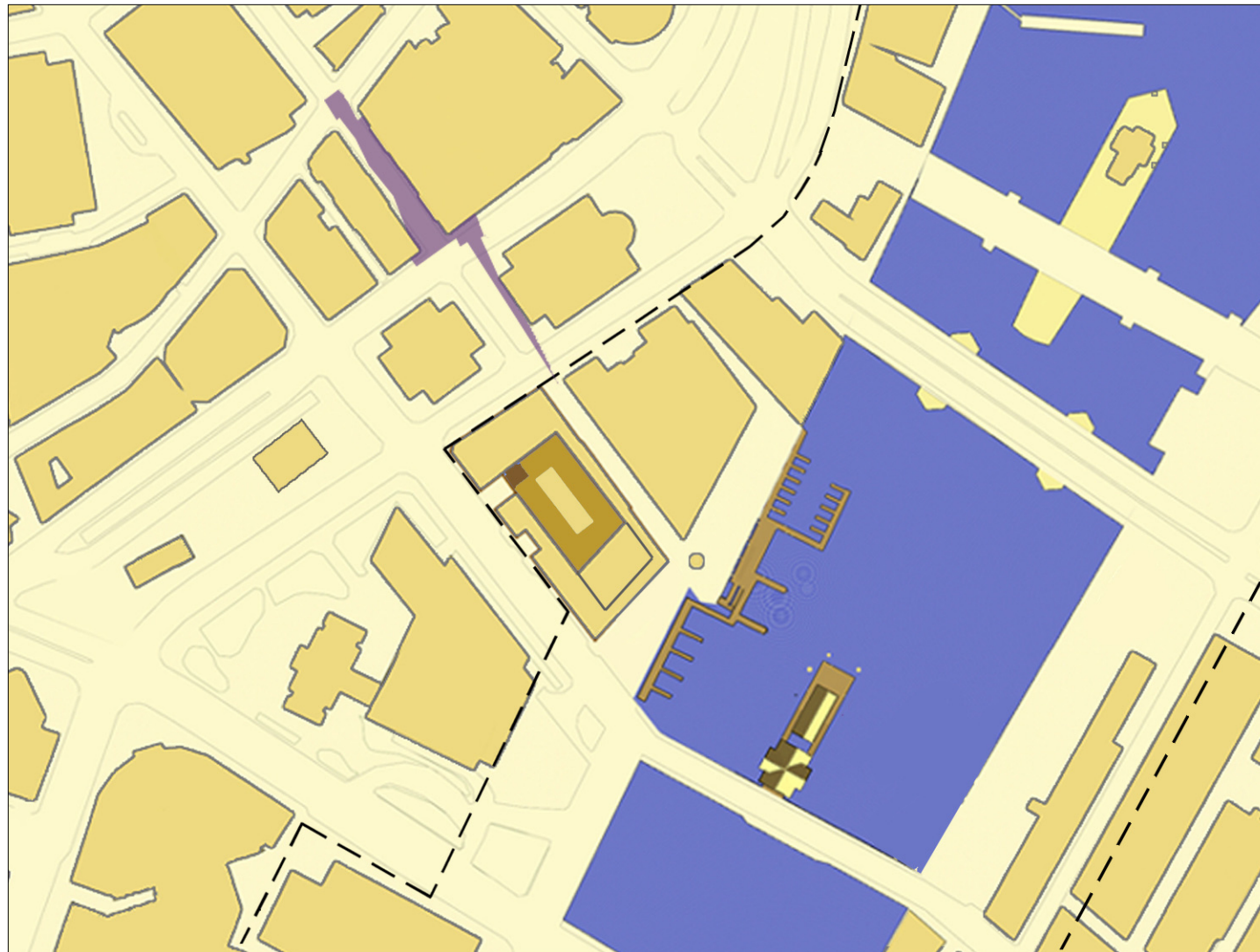


Figure 11B-10

**Russia Wharf
Shadow Studies**

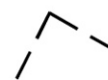
11 AM - October 23

Net New Shadows
(Proposed minus
Chapter 91)

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

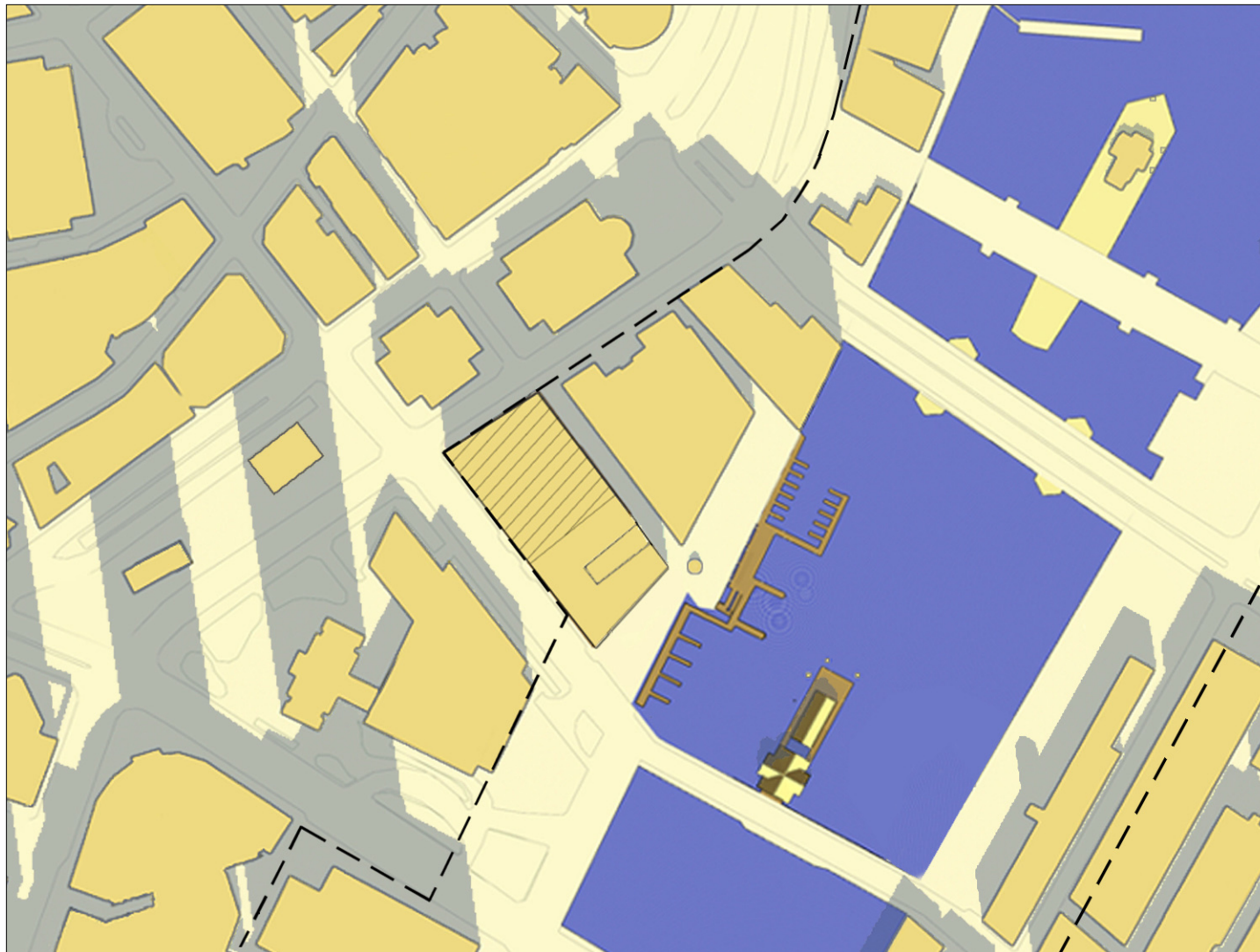
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Russia Wharf Shadow Studies

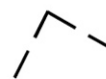
12 PM - October 23

Shadows Cast by
Chapter 91 Massing
Combined with Existing
Conditions

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

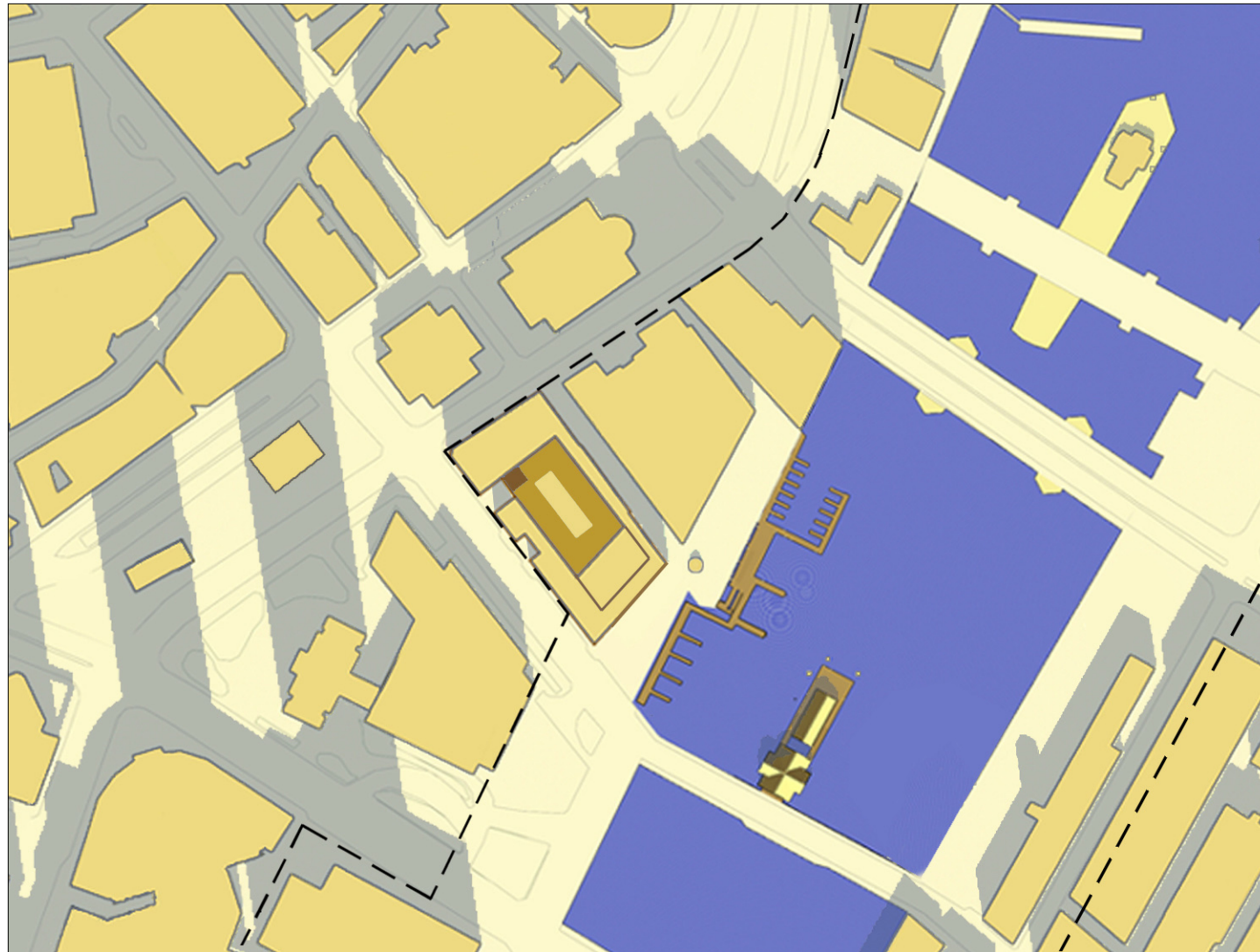


Figure 11B-12

Russia Wharf Shadow Studies

12 PM - October 23

Shadows Cast by
Proposed Massing
combined with Existing
Conditions

Prepared by:
The Cecil Group

Fort Point Downtown Waterfront MHP



Figure 11B-13

Russia Wharf Shadow Studies

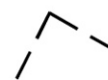
12 PM - October 23

Net New Shadows
(Proposed minus
Chapter 91)

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The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

Figure 11B-14

Russia Wharf Shadow Studies

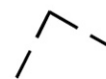
1 PM - October 23

Shadows Cast by
Chapter 91 Massing
Combined with Existing
Conditions

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

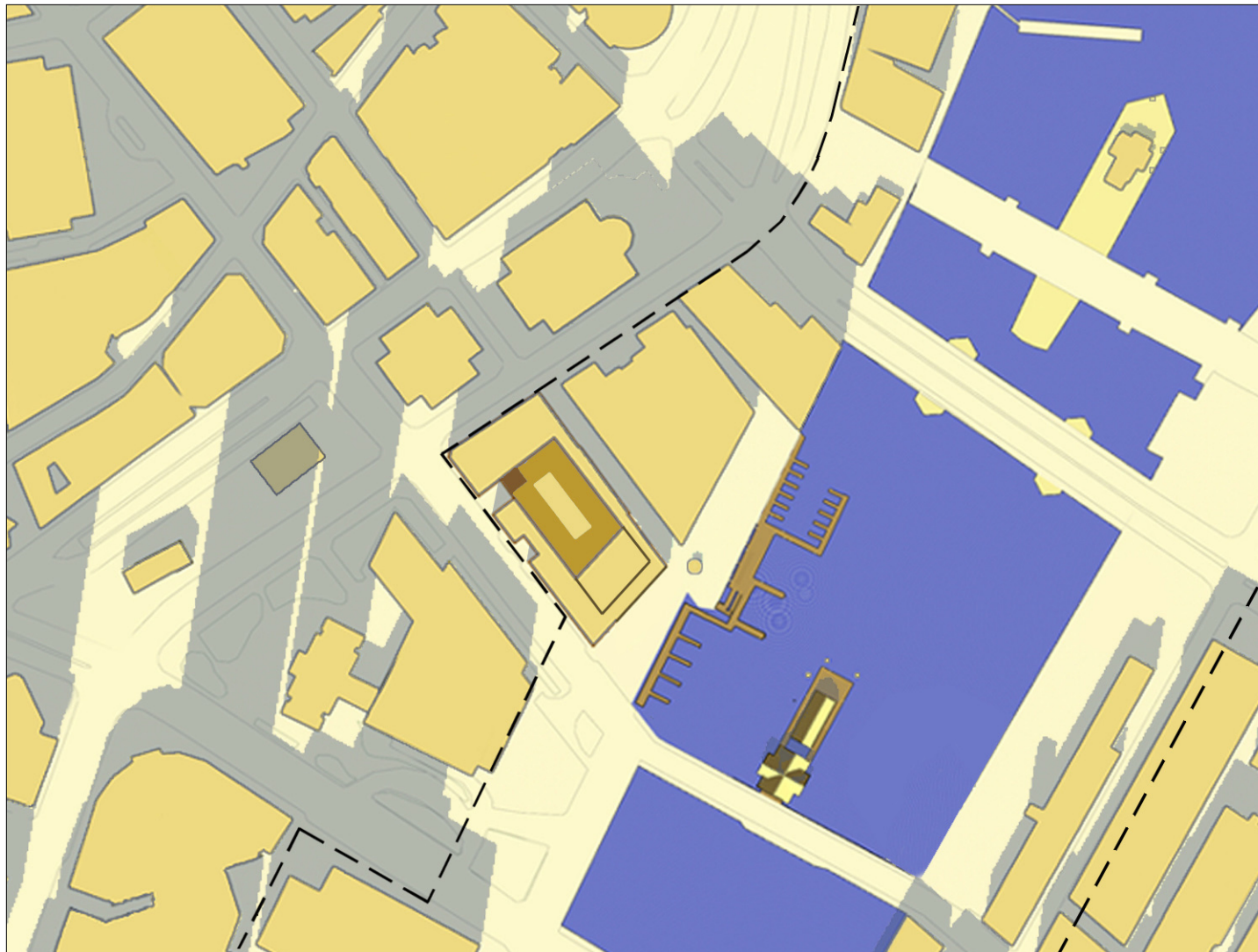
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Russia Wharf Shadow Studies

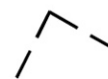
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Shadows Cast by
Proposed Massing
combined with Existing
Conditions

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

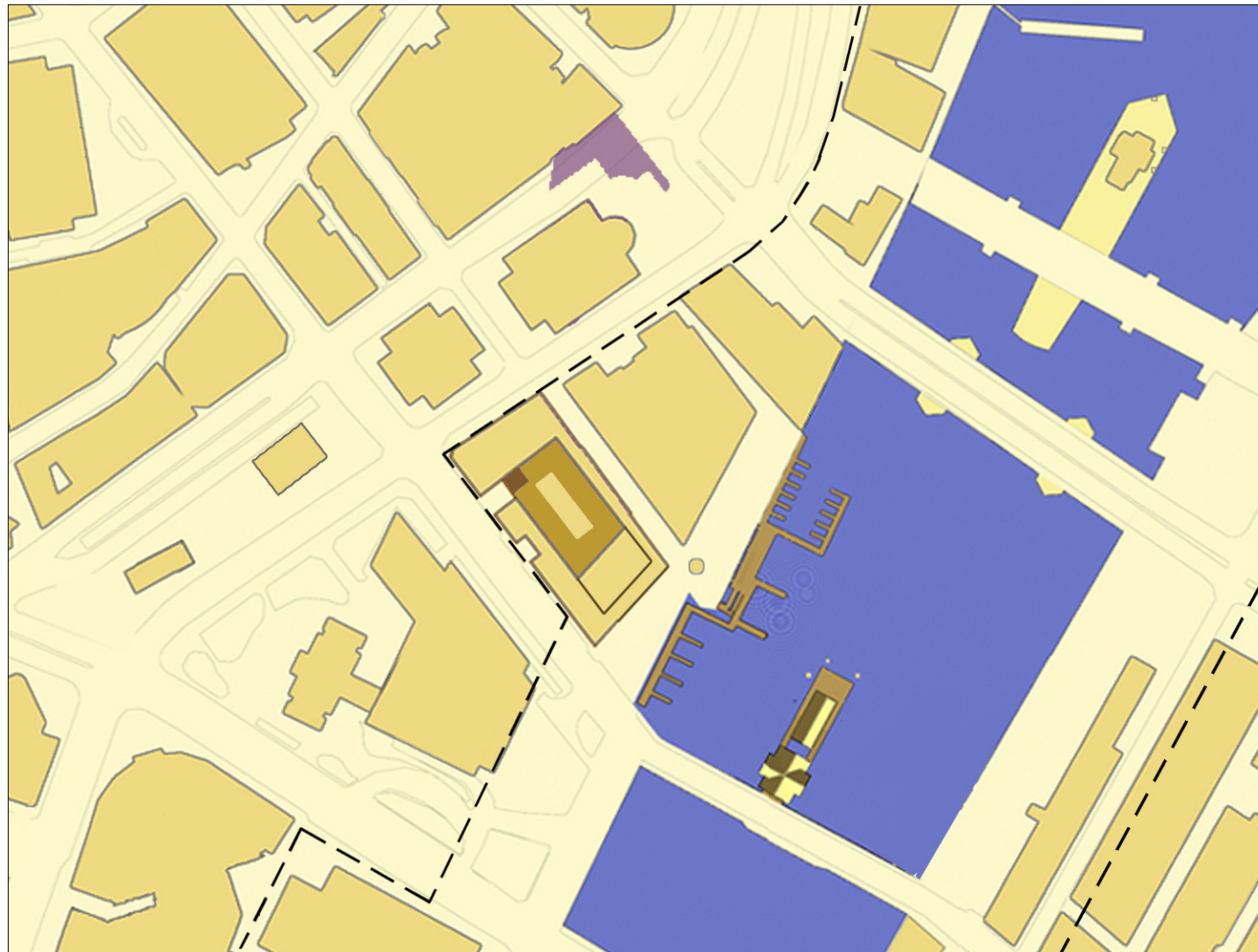
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Russia Wharf Shadow Studies

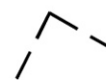
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Net New Shadows
(Proposed minus
Chapter 91)

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

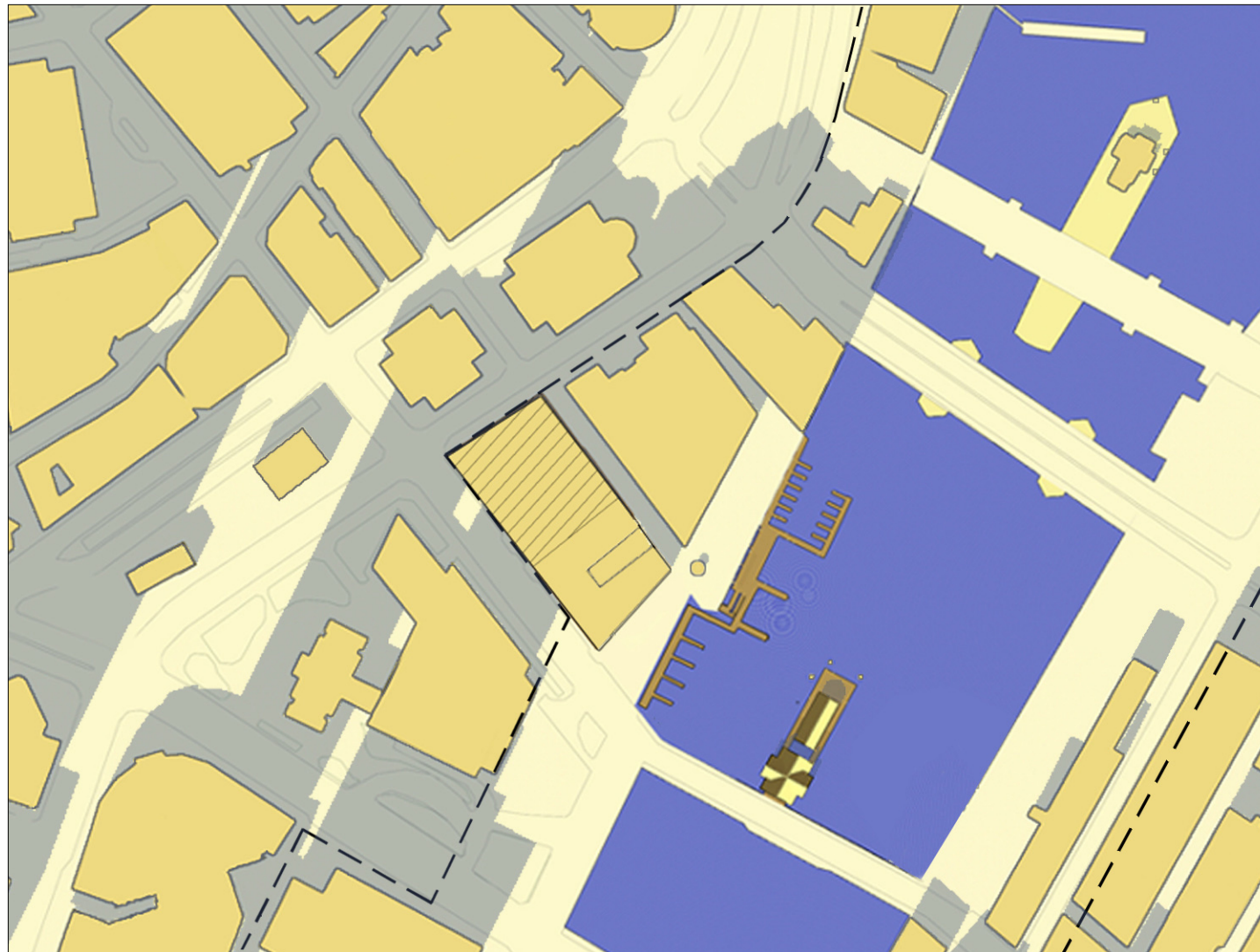
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Russia Wharf Shadow Studies

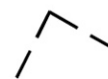
2 PM - October 23

Shadows Cast by
Chapter 91 Massing
Combined with Existing
Conditions

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

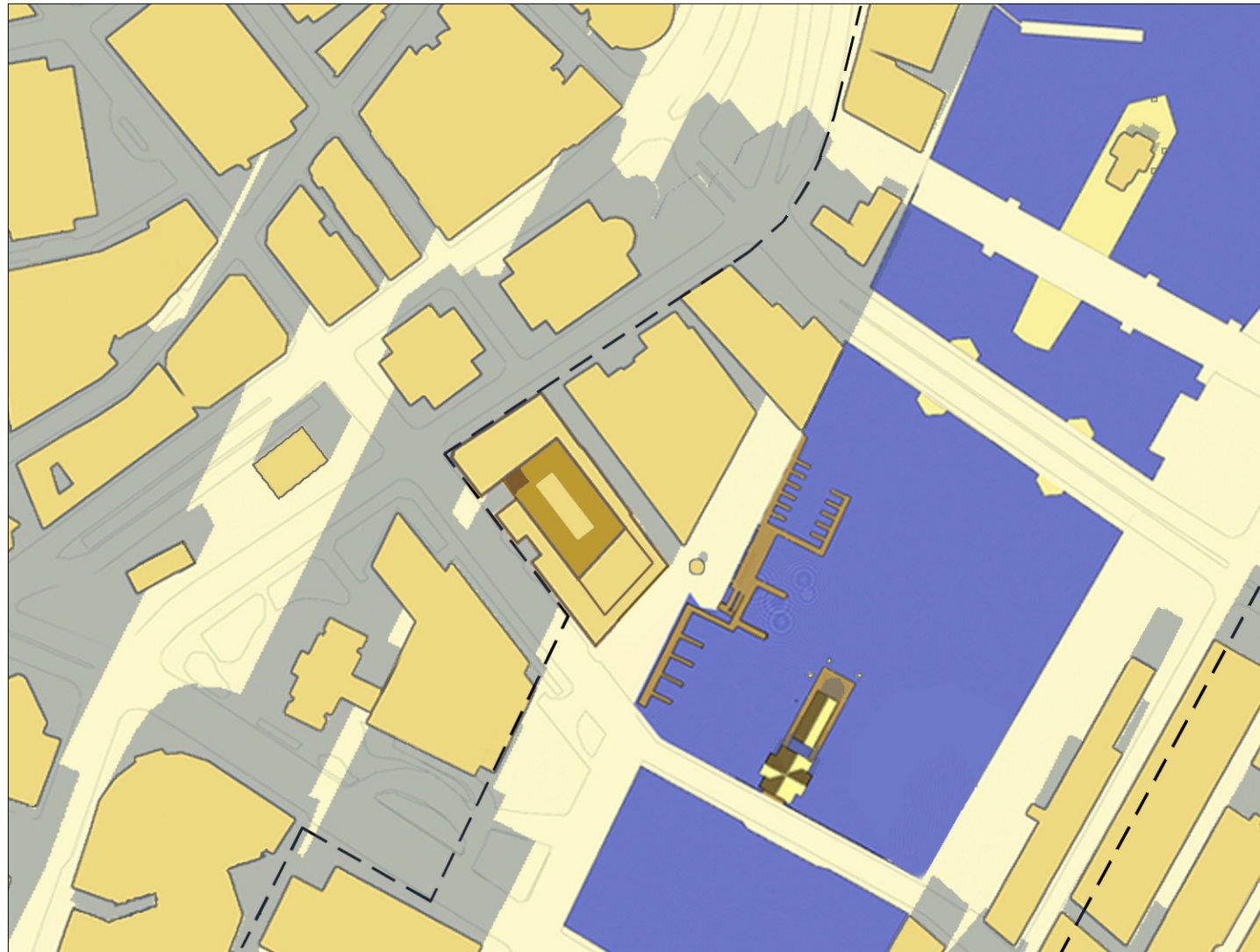


Figure 11B-18

Russia Wharf Shadow Studies

2 PM - October 23

Shadows Cast by
Proposed Massing
combined with Existing
Conditions

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The Cecil Group

Fort Point Downtown Waterfront MHP



Figure 11B-19

Russia Wharf Shadow Studies

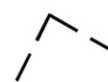
2 PM - October 23

Net New Shadows
(Proposed minus
Chapter 91)

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

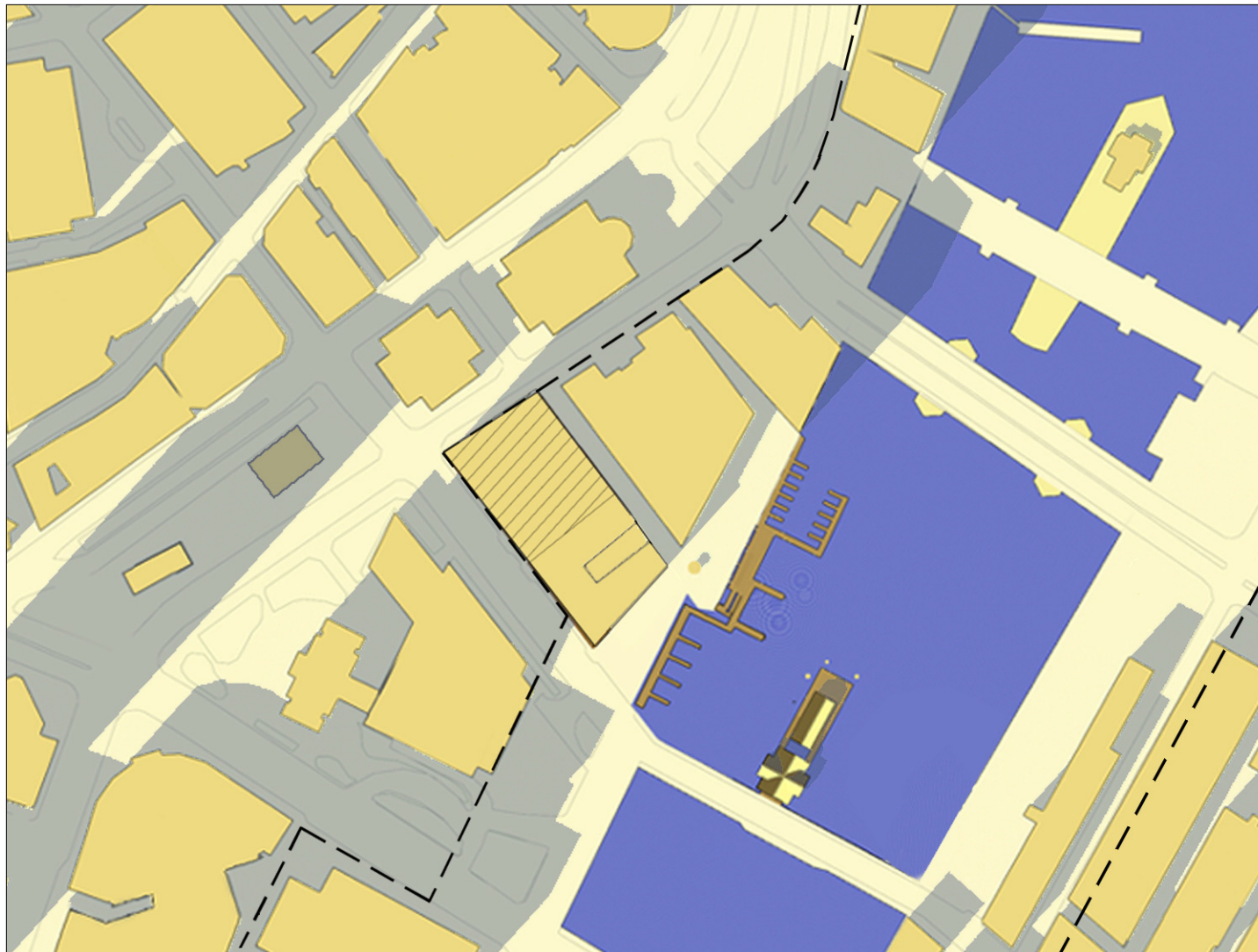
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Russia Wharf Shadow Studies

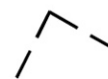
3 PM - October 23

Shadows Cast by
Chapter 91 Massing
Combined with Existing
Conditions

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

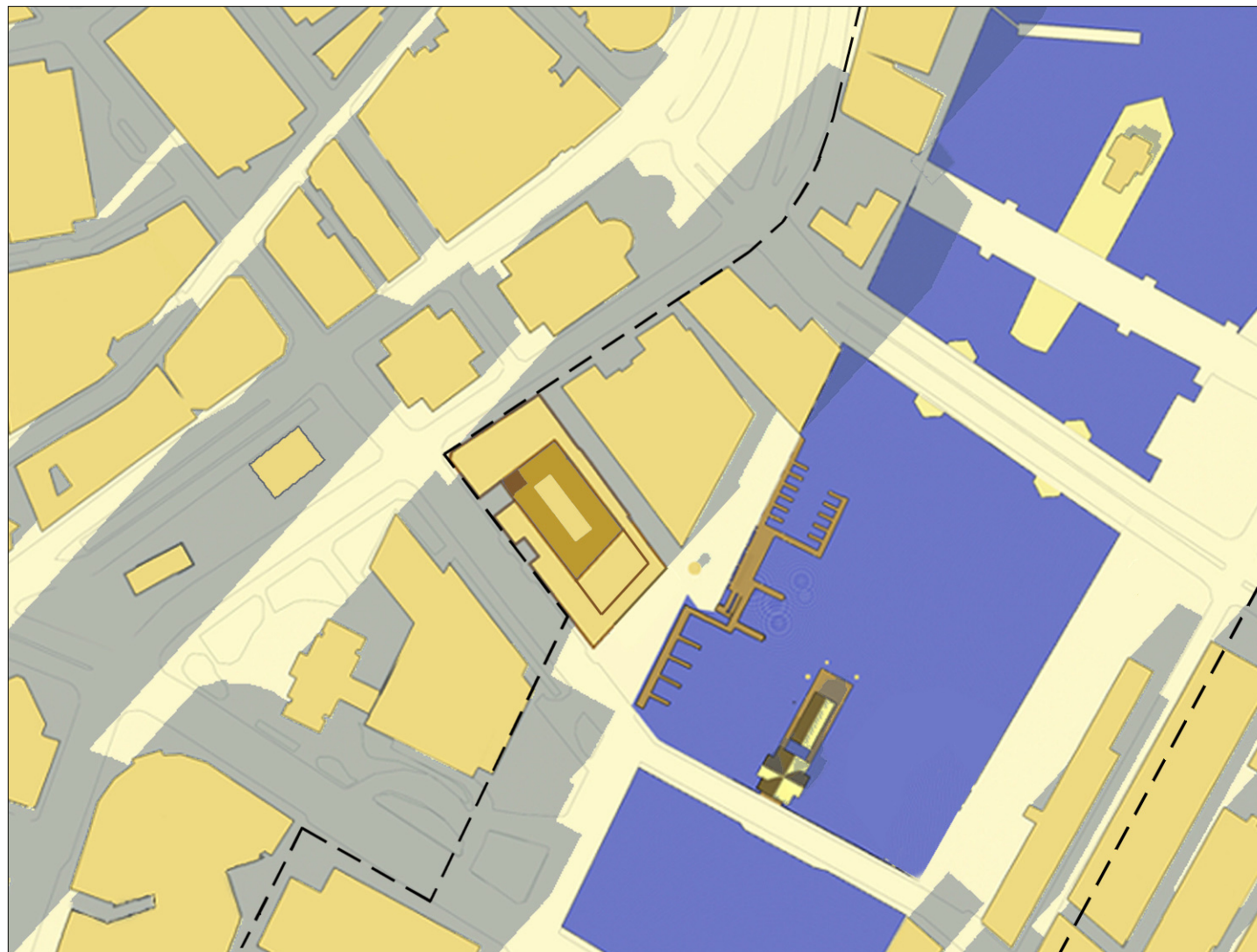


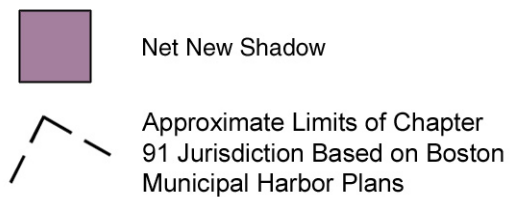
Figure 11B-21

Russia Wharf Shadow Studies

3 PM - October 23

Shadows Cast by
Proposed Massing
combined with Existing
Conditions

Prepared by:
The Cecil Group



**Fort Point Downtown
Waterfront MHP**

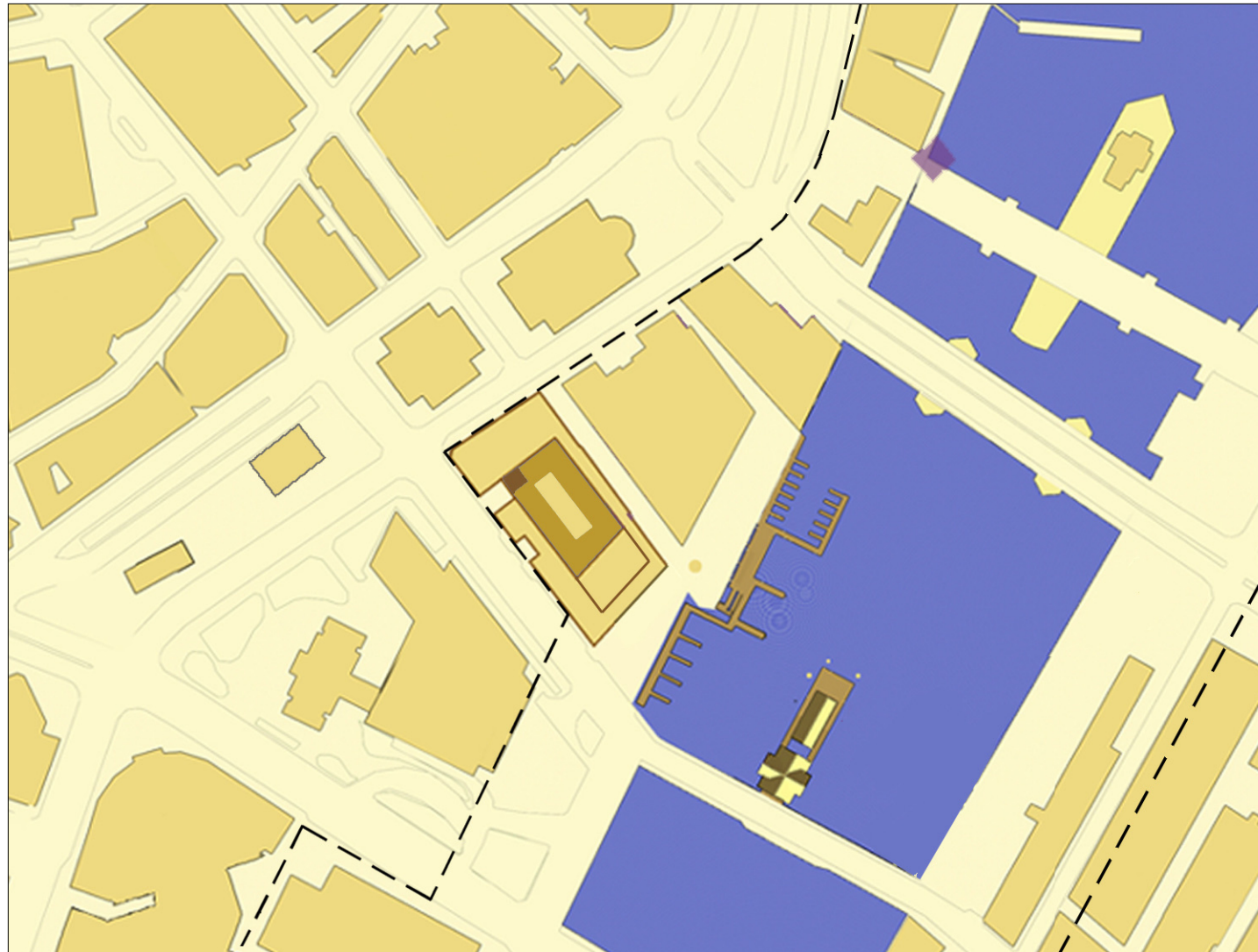


Figure 11B-22

**Russia Wharf
Shadow Studies**

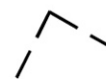
3 PM - October 23

Net New Shadows
(Proposed minus
Chapter 91)

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

Fort Point Downtown Waterfront MHP

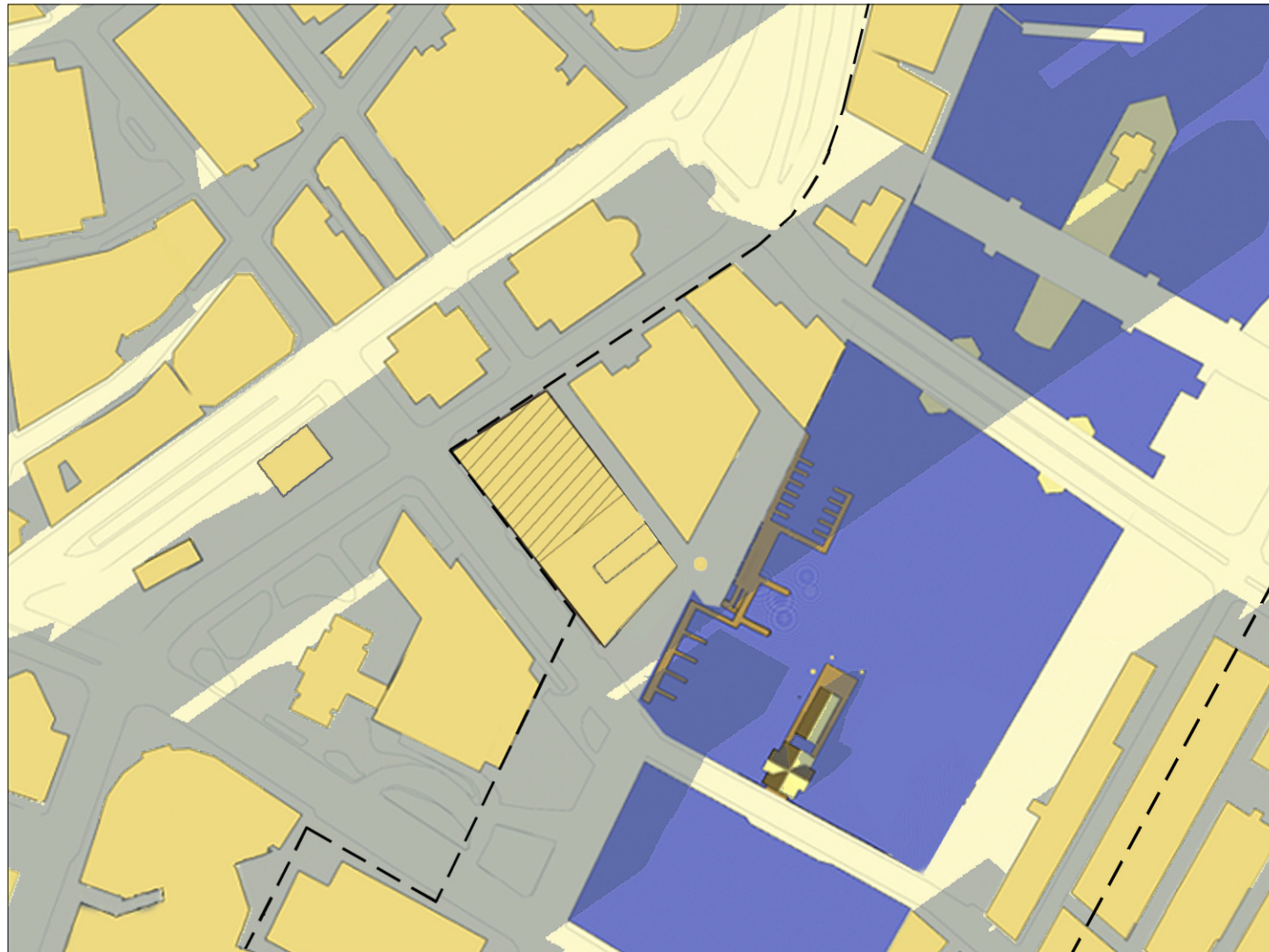
Figure 11B-23

Russia Wharf Shadow Studies

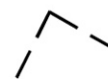
4 PM - October 23

Shadows Cast by
Chapter 91 Massing
Combined with Existing
Conditions

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
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Fort Point Downtown Waterfront MHP

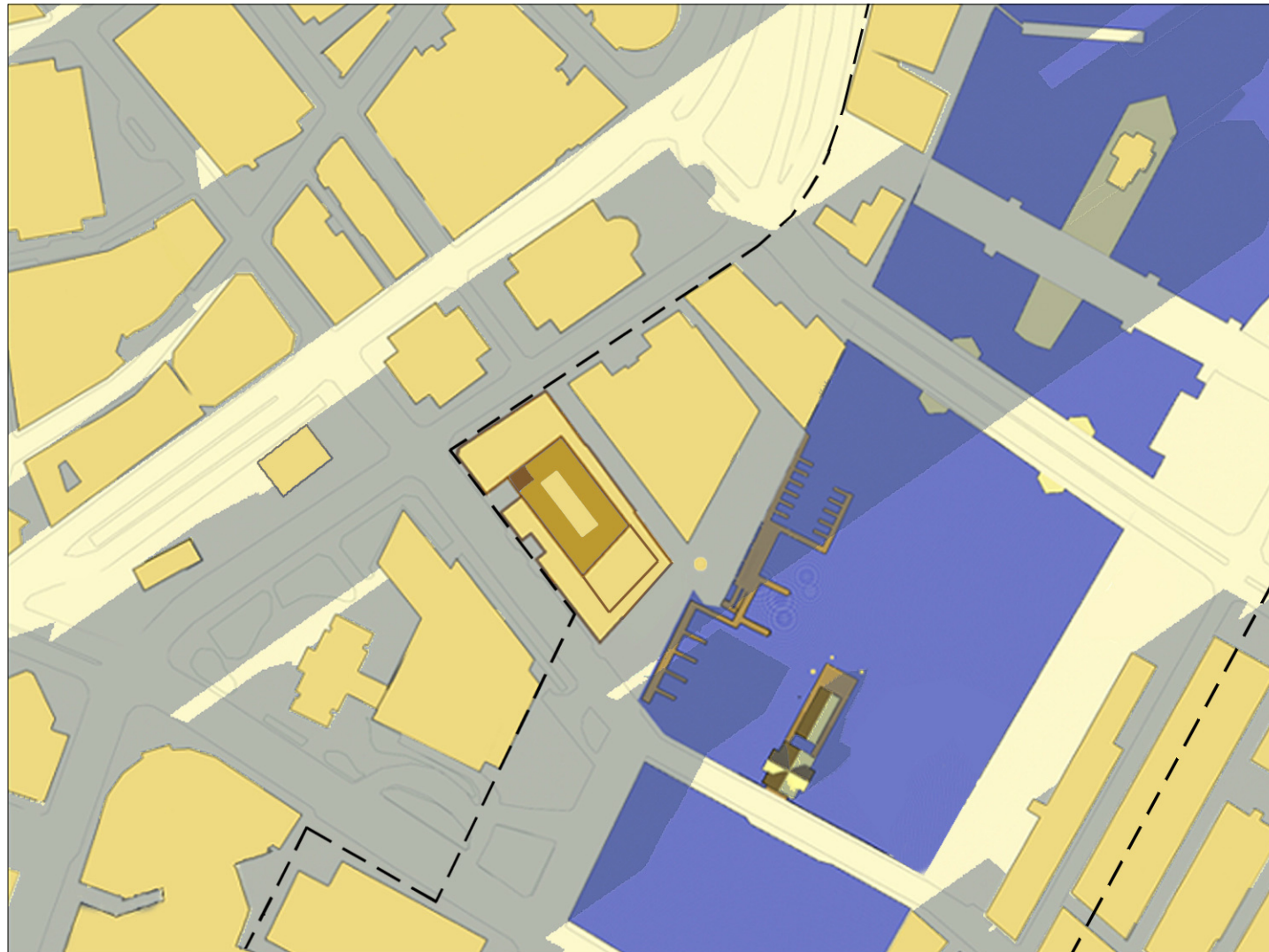
Figure 11B-24

Russia Wharf Shadow Studies

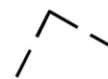
4 PM - October 23

Shadows Cast by
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Approximate Limits of Chapter
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Fort Point Downtown Waterfront MHP

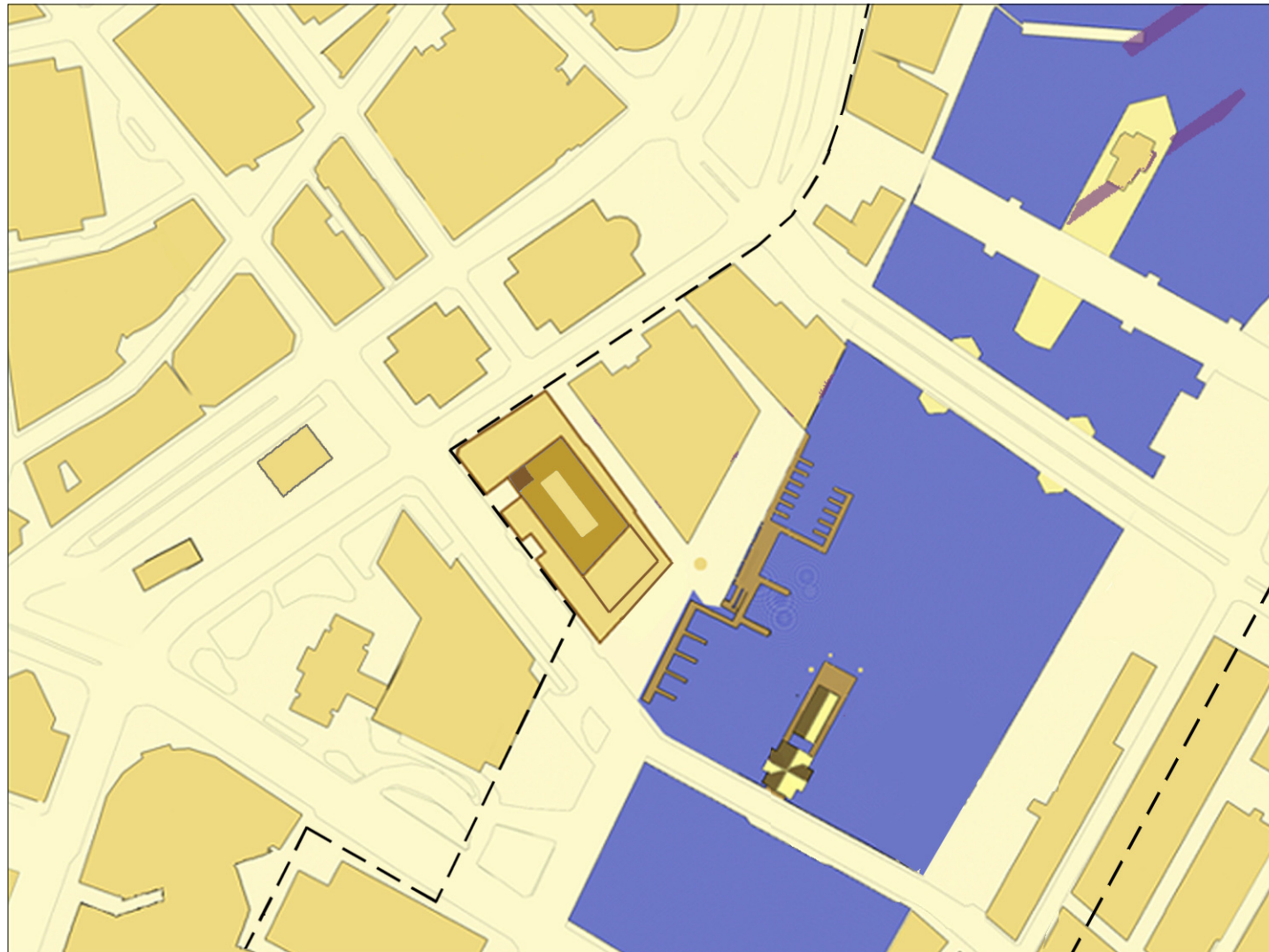
Figure 11B-25

Russia Wharf Shadow Studies

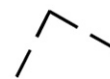
4 PM - October 23

Net New Shadows
(Proposed minus
Chapter 91)

Prepared by:
The Cecil Group



Net New Shadow



Approximate Limits of Chapter
91 Jurisdiction Based on Boston
Municipal Harbor Plans

12. Implementation

12.1. Introduction

This chapter discusses the various means by which the Municipal Harbor Plan Substitutions, Offsets, and, where appropriate, Amplifications will be implemented to ensure that public benefits will be met in a timely manner. Russia Wharf is the only site for which Substitutions and Offsets are recommended in this Phase 2 MHP submittal.

The City of Boston implements the Municipal Harbor Plans in several ways. The primary tool is through the Zoning Code and policies, including:

- Permanent Zoning Changes
- Chapter 91 Section 18 Determination
- Article 80, Large Project Review and “Linkage Program”
- Article 28, Boston Civic Design Commission
- Mayor’s Inclusionary Development Policy

In addition, this MHP submittal discusses non-regulatory mechanisms being considered to implement Offsets and the Watersheet Activation Plan, including:

- Fort Point Channel Operations Board, and
- Fort Point Channel Friends organization.

12.2. Zoning

12.2.1. Permanent Zoning Changes – Russia Wharf

The Russia Wharf site is located within the Downtown Interim Planning Overlay District (IPOD) that supersedes the underlying M-4 zoning district designation, except in regard to building height and floor area ratio standards. The M-4 subdistrict has no height restriction; the floor area ratio is 4.0. The Downtown IPOD provides an as-of-right building height of 125 feet. (The Boston Zoning Code excludes structures above the roofline that are not used for human occupancy, such as headhouses, etc.)

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.

12.2.2. Chapter 91 Section 18 Determination

For all projects on tidelands, except for water-dependent use projects located on Private Tidelands, Chapter 91 and the Waterways Regulations require the DEP to make a determination that a project serves a proper public purpose [G.L. c.91, §18; 310 CMR 9.31(2)]. The Waterways Regulations also give a municipality the opportunity to make a Section 18 Determination, that is, submit a written recommendation to the DEP stating

whether the municipality believes the project serves a proper public purpose and is not detrimental to the public's rights in the tidelands. [310 CMR 9.13(5)].

The City has developed a comprehensive list of factors to be considered in making this determination. They are included in the previous chapters of this submittal beginning with Chapter 4. The Section 18 criteria require the BRA to evaluate a project in terms of how well it preserves and enhances the public's rights in the tidelands, including visual and physical access to the water, interest in historic preservation, interest in industrial and commercial waterborne transportation of goods and persons, interest in repair and rehabilitation of dilapidated piers, and interest in safe and convenient navigation in Boston Harbor.

12.2.3. Boston Zoning Code Article 80

Article 80 requires the BRA to review the design of real estate projects and their effect on the surrounding areas as well as the city as a whole. There are four types of development review: Large Project; Small Project; Planned Development; and Institutional Master Plan. The Large Project Review process may involve three stages: scoping, draft and final. Each of these stages includes a required public comment period. In addition, the BRA must invite other City agencies (and may invite other public agencies) to participate in a joint scoping session. Russia Wharf is subject to the Large Project Review process. Article 80 also authorizes the BRA to coordinate Large Project Review with any other review to which a project may be subject, including the Commonwealth's Chapter 91 licensing and MEPA review procedures.

The purpose of Large Project Review is to assess a project's impacts on its surroundings and on City resources and to identify necessary mitigation measures. All projects subject to the Large Project Review threshold must address eight separate scope components of Large Project Review: (1) transportation; (2) environmental protection; (3) urban design; (4) historic resources; (5) infrastructure systems; (6) site plan; (7) tidelands; and (8) Development Impact Project information. It is a two step process: BRA scoping of the proponent's Project Impact Report, coordination of the review process with other agencies and the public, and the BRA Board vote at a public meeting. No permit may be issued for a project before the project proponent has entered into a cooperation agreement with the BRA to enforce the mitigation measures.

MA – Russia Wharf, L.L.C., an affiliate of Equity Office Properties submitted a Project Notification Form to the BRA for a proposed project on July 1, 2002. The BRA issued a Scoping Determination on September 10, 2002 allowing the submission of a Draft Project Impact Report ("DPIR"). A DPIR was submitted to the BRA on February 28, 2003. The BRA issued a Preliminary Adequacy Determination on the Draft PIR on June 24, 2003.

Tidelands

Under Section 80B-3.7 of the Boston Zoning Code, if a proposed project requires a license under Chapter 91, the BRA, in the Scoping Determination phase of its Article 80 – Large Project Review, requires the project proponent to submit an analysis of the proposed project that demonstrates how it complies with the standard and requirements set forth in the underlying zoning with respect to compliance with Chapter 91. This analysis was presented in the Russia Wharf PIR.

Development Impact Project

Article 80 – Large Project Review also encompasses any project designated as Development Impact Project (“DIP”) under the Zoning Code. DIP applies to certain types of projects, including those, such as Russia Wharf, that devote greater than 100,000 square feet of floor area to nonresidential uses or uses that directly reduce the supply of affordable housing. DIPs must contribute to a citywide fund for housing or job training (DIP exaction). An applicant must provide the BRA with the gross floor area measurement necessary for the BRA to calculate the Housing Exaction (\$7.18/square foot) and Jobs Contribution Exaction (\$1.44/square foot) for the project.

The Housing Exaction (Linkage Program) requirement is designed to mitigate the impacts of large-scale real estate development on the available supply of low and moderate-income housing. The intent is to increase the availability of such housing by requiring developers of Development Impact Projects to make a development impact payment to the Neighborhood Housing Trust, or to contribute to the creation of low and moderate-income housing.

The Jobs Contribution Exaction is designed to provide jobs training for low and moderate income people to enable workers to compete for new non-manufacturing jobs created by the displacement of the manufacturing sector by more profitable commercial uses. Developers must make a payment to the Neighborhood Jobs Trust or create or expand job-training programs.

12.2.4. Article 28 Boston Civic Design Commission

Under Article 28 of the Zoning Code, the Boston Civic Design Commission (the “BCDC”) is empowered to make recommendations as to the approval, the need for modifications, the need for further review, or the disapproval of the design of Large-Scale Development Projects, Projects of Special Significance, and Civic Projects.

Section 28-4(A) defines “Large-Scale Development Projects” as any development, whether commercial, residential, or other, in the City of Boston in which it is proposed to erect a building or structure having a gross floor area in excess of one hundred thousand (100,000) square feet; to enlarge or extend a building or structure so as to increase its gross floor area by more than one hundred thousand (100,000) square feet; or to substantially rehabilitate a building or structure having, or to have, after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet. Since the Russia Wharf Project is over 100,000 square feet, it meets the definition of Large-Scale Development Project as set forth in Section 28-4(A). The BCDC voted to support the project design at a meeting on May 6, 2003.

12.3. Executive Policies

12.3.1. Mayor’s Inclusionary Development Policy.

The Mayor’s inclusionary development policy is set forth in the Executive Order of Mayor Thomas M. Menino dated February 29, 2000 and entitled “An Order Relative to Affordable Housing”. It requires certain residential development projects to set aside a number of housing units within said projects to be affordable to moderate-income and middle-income households. Residential real estate projects that are subject to compliance with the policy include any residential development of 10 units or greater, which are (i) financed by a city agency, (ii) developed on city-owned property, or (iii) requiring zoning relief. The policy

provides developers with the following options for compliance: (a) all projects falling under the policy must make ten percent (10%) of the units on-site affordable to moderate-income and middle-income households; or (b) developers can comply with the policy by building a number of such affordable units offsite equal to fifteen percent (15%) of the total number of units in the development; or (c) developers may make a financial contribution equal to fifteen percent (15%) of the total number of units in the project multiplied by \$52,000, the total average public subsidy required to develop a unit of affordable housing.

Ten percent of the Russia Wharf residential units will be affordable units.

12.4. Non-Regulatory Measures

In addition to the above regulatory measures, there are several other measures being considered to implement the commitments of this MHP.

12.4.1. Operations Board

One implementation mechanism under discussion for overseeing and coordinating maritime facilities operations and water transportation is the creation of a Fort Point Channel Operations Board. The 3-member board would include representatives of the Commonwealth of Massachusetts, the City of Boston, and the Fort Point Channel Abutters Group.

12.4.2. Fort Point Channel Watersheet Program Coordination and Advocacy Not-for-Profit

The Watersheet Activation Program recommendations include as a critical near-term action item the formation of an “ongoing partnership to advance the plan” as well as coordination of the implementation of the Watersheet Activation Plan. Discussions and steps are currently underway to establish a Friends of Fort Point Channel organization. Such an organization would help coordinate and plan program activities in the Fort Point Channel to ensure a coordinated and on-going effort for activation of the Fort Point Channel. An ancillary goal of the organization would be to serve as an advocate for the Fort Point Channel to ensure the implementation of the Watersheet Activation Plan.

13. Consistency with Coastal Zone Management Harbor Planning Guidelines, Program Policies and Management Principles

13.1. Consistency with CZM Harbor Plan Regulations

The CZM regulations define a Municipal Harbor Plan (301 CMR 23.02) as a document containing four elements. These elements and their location in the Phase 2 MHP submittal are:

1. A statement of goals and objectives and the corresponding applied policies to guide development in terms of its desired sequence, patterns, limits, and other characteristics: This Phase 2 MHP submittal provides such information, particularly in Chapters 1 and 4.
2. An implementation program. This is described in **Chapter 12, Implementation**.
3. Planning analysis taking into consideration technical data, community input, and other information that serves as the basis for evaluating tradeoffs among alternatives and choosing preferred courses of action. Chapters 4 through 10 provide such an analysis.
4. A review of the public participation program. This review can be found in Chapter 2 and in the **Appendix 2**.

The Phase 2 MHP submittal is consistent with the four elements described above.

13.2. Consistency with CZM Program Policies and Management Principles

The following section summarizes CZM's twenty-eight Program Policies and Management Principles. It describes why the proposed Phase 2 MHP is consistent with each policy and principle or explains that the policy or principle is not applicable to the area affected by the Phase 2 MHP.

Water Quality Policy #1

Ensure that point-source discharges in or affecting the coastal zone are consistent with federally approved state effluent limitations and water quality standards.

The substitutions sought through the Phase 2 MHP do not affect this policy objective. The permitting requirements for any development, including a Chapter 91 license and, where applicable, Order of Conditions under the Wetlands Protection Act (and associated Storm Water Management Policy compliance) will assure compliance with this policy objective.

Water Quality Policy #2

Ensure that non-point pollution controls promote the attainment of state surface water quality standards in the coastal zone.

The substitutions sought through this Phase 2 MHP do not affect this policy objective. The permitting requirements for development in the plan area, including a Chapter 91 license

and, where applicable, an Order of Conditions under the Wetlands Protection Act (and associated Storm Water Management Policy compliance) will assure compliance with this policy objective.

Water Quality Policy #3

Ensure that activities in or affecting the coastal zone conform to applicable state requirements governing sub-surface waste discharge and sources of air and water pollution and protection of wetlands.

The substitutions sought through this Phase 2 MHP do not affect this policy objective. The permitting requirements for developments in the plan area, including a Chapter 91 license and, where applicable, an Order of Conditions under the Wetlands Protection Act (and associated Storm Water Management Policy compliance), will assure compliance with this policy objective.

Habitat Policy #1

Protect wetland areas including salt marshes, shellfish beds, dunes, beaches, barrier beaches, salt ponds, eel grass beds, and freshwater wetlands for their role as natural habitats.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Habitat Policy #2

Promote the restoration of degraded or former wetland resources in coastal areas and ensure that activities in coastal areas do not further wetland degradation but instead take advantage of opportunities to engage in wetland restoration.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Protected Areas Policy #1

Assure preservation, restoration, and enhancement of complexes of coastal resources of regional or statewide significance through the Areas of Critical Environmental Concern (ACEC) Program.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Protected Areas Policy #2

Protect state and locally designated scenic rivers and state classified scenic rivers in the coastal zone.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Protected Areas Policy #3

Review proposed developments in or near designated or registered historic districts or sites to ensure that the preservation intent is respected by federal, state, and private activities and that potential adverse effects are minimized.

This Phase 2 MHP is consistent with this policy. The plan respects and protects the historic resources within the plan area: Russia Wharf, the Summer Street and Congress Street Bridges, and the seawall south of Summer Street. The Russia Wharf Redevelopment Project retains the historic structures of Russia Wharf, as well as provides lighting for the Congress Street Bridge. A Substitution for the WDUZ set back is included in order that the Tufts Building's historic integrity will be retained.

Coastal Hazard Policy #1

Preserve, protect, restore, and enhance the beneficial functions of storm damage preservation and flood control provided by natural coastal landforms, such as dunes, beaches, barrier beaches, coastal banks, land subject to coastal storm flowage, salt marshes, and land under the ocean.

To the limited extent it is applicable to the plan area covered by this Phase 2 MHP, the permitting requirements for projects with the study area, including a Chapter 91 license and an Order of Conditions under the Wetlands Protection Act where applicable, will assure compliance with this policy objective.

Coastal Hazard Policy #2

Ensure that construction in water bodies and contiguous land areas will minimize interference with water circulation and sediment transport. Approve permits for flood or erosion control projects only when it has been determined that there will be no significant adverse effects on the project site or adjacent downcoast areas.

To the limited extent it is applicable to the plan area covered by this Phase 2 MHP, the permitting requirements for projects within the plan area, including a Chapter 91 license and an Order of Conditions under the Wetlands Protection Act, where applicable, will assure compliance with this policy objective.

Coastal Hazard Policy #3

Ensure that state and federally funded public works projects proposed for location within the coastal zone will:

Not exacerbate existing hazards or damage natural buffers or other natural resources;

Be reasonably safe from flood and erosion related damage;

Not promote growth and development in hazard-prone or buffer areas, especially in velocity zones and ACEs; and

Not be used on Coastal Barrier Resource Units for new or substantial reconstruction of structures in a manner inconsistent with the Coastal Barrier Resource/Improvements Acts.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Coastal Hazard Policy #4

Prioritize public funds for acquisition of hazardous coastal areas for conservation or recreation use, and relocation of structures out of coastal high hazard areas, giving due consideration to the effects of coastal hazards at the location to the use and management of this area.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Ports Policy #1

Ensure that dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity and public health.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Ports Policy #2

Promote the widest possible public benefit from channel dredging, ensuring that designated ports and developed harbors are given highest priority in the allocation of federal and state dredging funds. Ensure that this dredging is consistent with marine environmental policies.

This policy has limited applicability to the Phase 2 MHP plan area. There will be limited dredging in the Channel in conjunction with the Russia Wharf development. However, the purpose of the dredging is to create a wharf for the public's benefit, which includes free water taxi and touch-and-go public dockage.

Ports Policy #3

Preserve and enhance the capacity of Designated Port Areas (DPAs) to accommodate water-development industrial uses, and prevent the exclusion of such uses from tidelands and any other DPA lands over which a state agency exerts control by virtue of ownership, regulatory authority, or other legal jurisdiction.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Ports Management Principle #1

Encourage, through technical and financial assistance, expansion of water dependent uses in designated ports and developed harbors, re-development of urban waterfronts, and expansion of visual access.

Although the project proponent is not receiving public technical or financial assistance, projects enabled by this Phase 2 MHP will expand the water-dependent uses in a developed harbor through the use of water transportation service, will result in the redevelopment of an urban waterfront, and will expand the public's visual and physical access at the site, as more fully described above.

Public Access Management Principle #1

Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation. Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers, and equestrians, and via rivers for boaters.

This Phase 2 MHP fully conforms to this policy. The MHP emphasizes the importance of water transportation and linkage with existing landside and water public and private transportation providers as means of reducing automobile traffic and supports transit-oriented development. The plan incorporates the recommendations of the City's *Boston Inner Harbor Passenger Water Transportation Plan*, particularly create linkages and access to the water terminal located at 100 Atlantic Avenue, as well as providing additional facilities for private water taxi services and boaters. The plan recommends the creation of a transportation link between the Channel and the Rose Kennedy Greenway. The South Bay Harbor Trail will link the Fort Point Channel to the surrounding neighborhoods, including Roxbury, the South End and Chinatown.

Public Access Management Principle #2

Increase capacity of existing recreation areas by facilitating multiple uses and by improving management, maintenance and public support facilities. Resolve conflicting uses whenever possible through improved management rather than through exclusion of uses.

The MHP is consistent with this policy because it includes implementation of the *FPCWAP*. It also includes recommendations for management entities to coordinate water use activities as well as to promote program activities that will activate the watershed and surrounding open space. The plan also includes a requirement that developers include management plans in the proposals.

Public Access Management Principle #3

Provide technical assistance to developers of private recreational facilities and sites that increase public access to the shoreline.

This policy objective is not directly applicable to the plan area covered by this Phase 2 MHP. The MHP does include the recommendation for a not-for-profit group that would work with property owners to coordinate their program activities to ensure an active Fort Point Channel, including recreational and cultural activities.

Public Access Management Principle #4

Expand existing recreation facilities and acquire and develop new public areas for coastal recreational activities. Give highest priority to expansions or new acquisitions in regions of high need or limited site availability. Assure that both transportation access and the recreational facilities are compatible with social and environmental characteristics of surrounding communities.

This policy objective is not directly applicable to the site covered by this Phase 2 MHP. As more fully described above, this Phase 2 MHP will create recreational facilities and opportunities in an area of high need and limited site availability.

Energy Policy #1

For coastally dependent energy facilities, consider siting in alternative coastal locations. For non-coastally dependent energy facilities, consider siting in areas outside of the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Energy Management Principle #1

Encourage energy conservation and the use of alternative sources such as solar and wind power in order to assist in meeting the energy needs of the Commonwealth.

This policy objective is not entirely applicable to the plan area covered by this Phase 2 MHP. However, the Russia Wharf development building will employ energy-efficient mechanical and electrical systems and will participate in the US EPA Energy Star Program.

Ocean Resources Policy #1

Support the development of environmentally sustainable aquaculture, both for commercial and enhancement (public shellfish stocking) purposes. Ensure that the review process regulating aquaculture facility sites (and access routes to those areas) protects ecologically significant resources (salt marshes, dunes, beaches, barrier beaches, and salt ponds) and minimizes adverse impacts upon the coastal and marine environment.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Ocean Resources Policy #2

Extraction of marine minerals will be considered in areas of state jurisdiction, except where prohibited by the Massachusetts Ocean Sanctuaries Act, where and when the protection of fisheries, air and marine water quality, marine resources, navigation and recreations can be assured.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Ocean Resources Policy #3

Accommodate offshore sand and gravel mining needs in areas and in ways that will not adversely affect shoreline areas due to alteration of wave direction and dynamics, marine resources and navigation. Mining of sand and gravel, when and where permitted, will be primarily for the purpose of beach nourishment.

This policy objective is not applicable to the plan area covered by this Phase 2 MHP.

Growth Management Principle #1

Encourage, through technical assistance and review of publicly funded development, compatibility of proposed development with local community character and scenic resources.

This Phase 2 MHP includes elements that are publicly funded by the City, the Central Artery/Tunnel Project and the MBTA. Growth of this section of the city is consistent with the public transit infrastructure and is compatible with the character and scale of the surrounding areas.

Growth Management Principle #2

Ensure that state and federally funded transportation and wastewater projects primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers.

This policy objective is not directly applicable to the plan area covered by this Phase 2 MHP. The plan area of this Phase 2 MHP, however, is within an existing urban development center.

Growth Management Principle #3

Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and federal and state financial support for residential, commercial and industrial development.

This policy objective is not directly applicable to the plan area covered by this Phase 2 MHP. The recommendations of this Phase 2 MHP, however, will serve as the catalyst for the revitalization of an existing urban development center through the development and creation of an active and attractive Fort Point Channel.

13.3. Consistency with State Tidelands Objectives

Standards for approval of a municipal harbor plan are set forth at 301 CMR 23.05 and require consistency with the ten state tidelands policy objectives, as set forth in the Waterways Regulations at 310 CMR 9.00, *et seq.*, and summarized in the MHP Regulations at 301 CMR 23.05(3)(a). The MHP Regulations identify ten primary state tidelands policy objectives. The manner in which the proposed Phase 2 MHP is consistent with each of these objectives is discussed in more detail below.

Policy Objective #1

To ensure that development of all tidelands complies with other applicable environmental regulatory programs of the Commonwealth, and is especially protective of aquatic resources within coastal Areas of Critical Environmental Concern, as provided in 310 CMR 9.32(1)(e) and 9.33.

The Phase 2 area does not include an Area of Critical Environmental Concern. As more fully described above, the proposed project enabled by this Phase 2 MHP complies with other applicable regulatory programs of the Commonwealth.

Policy Objective #2

To preserve any rights held by the Commonwealth in trust for the public to use tidelands for lawful purposes, and to preserve any public rights of access that are associated with such use, as provided in 310 CMR 9.35.

This Phase 2 MHP incorporates many measures to preserve and promote the public access to and use of the Fort Point Channel. These include recommendations for implementing the *FPCWAP* and **Chapter 2, Open Space and Public Access Principles and Guidelines**.

Policy Objective #3

To preserve the availability and suitability of tidelands that are in use for water-dependent purposes, or which are reserved primarily as locations for maritime industry or other specific types of water-dependent use, as provided in 310 CMR 9.32(1)(b) and 9.36.

There is one water-dependent use, James Hook and Company Lobsters, located at the northern end of the plan area. This Phase 2 MHP incorporates recommendations to protect the quality of the water in the Watersheet Management Plan that the company takes in from the channel as well as trucking access required by its operations. The MHP also recognizes the need to protect water quality for two other water-dependent users outside the plan area, Gillette and Neptune Marine, by designating protective zones for their water intakes in the Watersheet Management Plan (**Chapter 7**).

Policy Objective #4

To ensure that all licensed fill and structures are structurally sound and otherwise designed and built in a manner consistent with public health and safety and with responsible environmental engineering practice, especially in coastal high hazard zones and other areas subject to flooding or sea-level rise, as provided in 310 CMR 9.37.

The City has primary responsibility for assuring structural soundness of buildings. Issues of building integrity are regulated by the State Building Code, and plan review is undertaken by state inspectors. Nothing in this Phase 2 MHP is inconsistent with the effective implementation of Policy Objective #4 by the proper agencies.

Policy Objective #5

To ensure patronage of public recreational boating facilities by the general public and to prevent undue privatization in the patronage of private recreational boating facilities, as provided in 310 CMR 9.38; and to ensure that fair and equitable methods are employed in the assignment of moorings to the general public by harbor masters, as provided in 310 CMR 9.07.

This Phase 2 MHP incorporates measures, including Offsets for Substitutions at Russia Wharf, that prevent the undue privatization of private recreational boating facilities.

Policy Objective #6

To ensure that marinas, boatyards, and boat launching ramps are developed in a manner that is consistent with sound engineering and design principles, and include such pump-out facilities and other mitigation measures as are appropriate to avoid or minimize adverse impacts on water quality, physical processes, marine productivity, and public health, as provided in 310 CMR 9.39.

The City's review of any such facilities will be coordinated with state project review. The Chapter 91 license and an Order of Conditions under the Wetlands Protection Act will assure compliance with engineering requirements for marinas, docks, pump-out facilities and other facilities. Nothing in this Phase 2 MHP is inconsistent with the effective implementation of such requirements.

Policy Objective #7

To ensure that dredging and disposal of dredged material is conducted in a manner that avoids unnecessary disturbance of submerged lands and otherwise avoids or minimizes adverse effects on water quality, physical processes, marine productivity, and public health, as provided in 310 CMR 9.40.

Nothing in this Phase 2 MHP is inconsistent with the effective implementation of Policy Objective #7. The permitting requirements for any development in this plan area, including a Chapter 91 license and an Order of Conditions under the Wetlands Protection Act, will assure compliance with this policy objective.

Policy Objective #8

To ensure that nonwater dependent use projects do not unreasonably diminish the capacity of any tidelands to accommodate water-dependent use, as provided in 310 CMR 9.51.

For the reasons set forth in detail above, the proposed Substitutions contained in the Phase 2 MHP preserve and promote public water-dependent use of the plan area covered by this Phase 2 MHP. In addition, this MHP incorporates general guidelines and plan recommendations aimed at ensuring public access and use of the waterfront and watersheet.

Policy Objective #9

To ensure that nonwater-dependent use projects on any tidelands devote a reasonable portion of such lands to water dependent use, including public access in the exercise of public rights in said lands, as provided in 310 CMR 9.52.

The proposed Substitutions contained in this Phase 2 MHP preserve and promote public water-dependent use of the plan area covered by this Phase 2 MHP. In addition, this MHP incorporates general guidelines and plan recommendations aimed at ensuring public access and use of the waterfront and watersheet.

Policy Objective #10

To ensure that nonwater-dependent use projects on Commonwealth Tidelands, except in Designated Port Areas, promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures that private advantages of use are not primary, but merely incidental to the achievement of public purposes, as provided in 310 CMR 9.53.

The proposed Substitutions contained in this Phase 2 MHP preserve and promote public water-dependent use of this Phase 2 MHP plan area. This Phase 2 MHP has the potential to generate renewed public interest in, access to and use on the Fort Point Channel. In addition, this MHP incorporates general guidelines and plan recommendations aimed at ensuring public access and use of the waterfront and watershed.

14. Compatibility with State Agency Plans

CZM's regulatory standards for municipal harbor plan approval require compatibility with state agencies' plans or planned activities [301 CMR 23.05(4)]. This MHP Phase 2 submittal has taken into consideration such plans and is compatible with them as follows below.

14.1. Central Artery/Tunnel Project

The CA/T is responsible for several projects in the Fort Point Channel area, including extensive public walkways along the Channel on the east side of the Seawall Basin and along Dorchester Avenue between the Summer and Congress Street bridges; creation of the open space at Vent Building #1 and open space on the west side of the West Fourth Street and Broadway bridges; the removal of derelict wooden pilings in the Channel; and the construction of a water transportation dock at 500 Atlantic Avenue. In addition, CA/T is creating west of Atlantic Avenue a large new public open space at the Rose Kennedy Greenway and the parcels 19, 20 and 21 designated for Massachusetts Horticultural Society.

The Phase 2 MHP incorporates all these improvements into its recommendations. The Phase 1 MHP addresses in detail the water transportation facility at 500 Atlantic Avenue. The CA/T improvements create important infrastructure elements for public access to and activation of the Fort Point Channel. The Phase 2 MHP Chapter 9, *Open Space and Public Access Guidelines and Principles*, takes into account the Rose Kennedy Greenway and the Massachusetts Horticultural Society proposal and integrates them into the public access proposals.

14.2. MBTA South Boston Piers/Fort Point Channel Transitway

14.2.1. Silver Line

The MBTA's Silver Line/Transitway tunnel under the Channel is currently under construction. The land taken for the construction of this tunnel on the east side at Sleeper Street will be developed as a public park that will be transferred to the City of Boston and programmed by the Children's Museum.

Though the MHP Phase 2 plan area does not include the east side of the Channel, the park and other proposed improvements are incorporated as important elements in Chapter 9, *Open Space and Public Access Principles and Guidelines*.

14.2.2. South Station Track Expansion

The MBTA's and USPS's July 21, 2000 Memorandum of Agreement provides for the expansion of tracks onto the existing USPS parcel as a part of the Postal Service's future redevelopment. The addition of the four tracks and associated platforms will increase the capacity of South Station by over 30%.

The Phase 2 MHP reflects the Agreement and the future track expansion at the USPS parcel south of Summer Street. The City will file an amendment to this MHP if the future track expansion project and redevelopment of the USPS requires tailoring of the Chapter 91 regulations.

14.3. MWRA Combined Sewer Overflow Control Program

The MWRA has two projects planned at the southern end of the Channel that will improve its water quality by remediating the current combined sewer overflow problem:

- Union Park Detention/Treatment Facility to treat 2.2 million gallons of storm water flows from the South End.
- Fort Point Channel Storage Conduit to treat combined sewer overflows from a portion of South Boston. The MWRA recently (June 16, 2003) submitted a Notice of Project Change to EOEa that recommends replacing the tunnel storage conduit with sewer separation improvements to the tributary area.

The Phase 2 MHP does not affect either of these projects. The Phase 2 MHP builds on the assumption that their construction will improve the Channel's water quality significantly enough for it to become a safe and enjoyable place for recreation and cultural activities.