

June 17, 2019

Kristin McCosh, Commissioner
Mayor's Commission for Persons with Disabilities
1 City Hall Square, Room 967
Boston, MA 02201

Re: Parcel 12 Draft Project Impact Report: Supplemental Response to Comment Letter from the Commission

We were made aware that there was an additional comment letter submitted by the Mayor's Commission for Persons with Disabilities (the "Commission") that was not included in the Boston Plan and Development Agency's ("BPDA") Scoping determination package issued by the Boston Planning and Development Agency on April 10, 2019. The Commission's comment letter was not provided to Samuels & Associates, through its subsidiary, S&A P-12 Property LLC (the "Proponent") until after the Proponent prepared and submitted a Draft Project Impact Report (DPIR).

Because these comments from the Commission are important, and they need to be addressed, we have prepared this letter which provides a set of direct responses to the Commission's comment letter. The Proponent is committed to designing and constructing a Project and a public realm that will be accessible to all, including those with disabilities.

Accessible Residential/Hotel Units

Comment 1

Pending the decision of the building program, the Commission would encourage the Proponent to design apartments for rent, as the accessibility requirements are the most stringent for units and adjacent spaces as for this type of program.

- Please provide information on the potential Group 2 units such as number, location and floorplans. Per 521 CMR Section 9.4.2: Group 2 Dwelling Units, Group 2 units shall be proportionally distributed across the total number of units according to number of bedrooms, size, quality, price and location.

Response:

If the residential option is pursued the final breakdown of for sale versus rent unit mix, has not yet been determined. It is anticipated that under the residential option, the Project would provide approximately 150 housing units, approximately eight (8) of which would be Group 2 accessible.

As required by 521 CMR, it is anticipated that the for-sale units will be adaptable for accessibility (under Group 1). Additionally, these units would be designed to comply with the Fair Housing Act's design and construction requirements.

If the residential option is pursued, detailed floor plans showing the number and location of potential Group 2 units will be shared with the Commission as the design advances.

Accessible Building Amenities

Comment 2

The Commission would encourage the Proponent to work with the tenant to incorporate the Universal Design principles into the tenant-fit-out designs.

Response:

The Proponent will work with future tenants to study and incorporate Universal Design principles where feasible.

Comment 3

Please consider the use of automatic sliding doors at entrances to ensure that users are able to enter/exit with ease.

Response:

Comment noted.

Comment 4

Per 521 CMR Section 35: Tables and Seating, we support the inclusion of wheelchair accessible furniture in all common and outdoor patio spaces.

Response:

The Proponent will encourage tenants to use wheelchair accessible furniture in their furnishings and will meet all code requirements within common areas.

Comment 5

Per 521 CMR Section 10.5: Public Use and Common Use Spaces in Multiple Dwellings – Storage and 521 CMR Section 34: Storage, in areas where it is provided, we support the inclusion of accessible personal storage.

Response:

The Proponent will encourage tenants to incorporate the inclusion of accessible personal storage per the code requirements of 521 CMR 10. The Project will comply with fixed site storage requirements per 521 CMR 34 in the event the Project includes a residential component.

Accessible Parking and Vehicular Transportation

Comment 6

Will the provided parking be provided only for the building occupants or the general public?

- If parking will be only for the building occupants, will it only be for the office occupants, only for the residential/hotel occupants, or both? How will this be managed?

Response:

Parking will be provided only for the tenants of the Project. Because of Project Site constraints, the Proponent has proposed an underground and valet only parking facility underneath the proposed office building. In total, there will be up to 150 parking spaces and all spaces will require a valet to park/retrieve each vehicle.

The spaces in the parking garage will be for Project building users only and no commercial spaces will be provided for the general public. It is expected that the majority of the daytime parking at the Project Site will be used by office tenants. During evenings and weekends, spaces will be available for retail, residential or hotel users.

Comment 7

As the parking will be valet only, please ensure valet staff are trained with operating vehicles with accessibility modifications.

Response:

The Proponent intends to hire a professional parking management company (as it does in its other buildings throughout the City) to provide a high level of service for people who choose to park at the Project Site. All valets will be properly trained to accommodate parkers with accessibility modifications.

Comment 8

We would encourage the Proponent to consider addressing the building off of the same street as the location of TNC pick-up / drop-off area, as a consistent on-street location is more intuitive for users who have low vision or are blind to orient themselves when they get to their destination. Please confirm that these locations will be wheelchair accessible.

Response:

Extensive meetings and conversations have been held on this matter with the BPDA and the Boston Transportation Department (BTD). Two pick-up/drop-off zones are now planned. One will be on the west side of Massachusetts Avenue near Boylston Street (and the entry to the office building). The second will be on the north side of Boylston Street, just west of Massachusetts Avenue. This area will be near the building's planned parking garage entry/exit and adjacent to the planned ground floor retail uses on Boylston Street. As the design for the area's public realm is completed, the Proponent intends to make both locations accessible to those in wheelchairs. The Proponent recognizes that both designated curb spaces are under the control of the City and it plans to continue to work with the BPDA, the BTD and the Public Improvement Commission (PIC) to refine and finalize a design that meets the needs outlined in the Commission's comment letter.

Comment 9

Please confirm that the sidewalk adjacent to all driveway curb cuts will be flush, to provide a safe and enjoyable pedestrian experience across the entire length of the site.

Please consider the installation of an audio/visual garage warning system on the exit approaches from the garage.

Response:

The proposed sidewalks for the Project will be designed and constructed flush, and will use consistent material around the entire frontage of the Project Site, including the driveways, giving pedestrians clear priority over vehicles. Additionally, the parking garage entrance will include visual and audible warning devices, to warn pedestrians of the crossing.

Accessible Route and Sidewalks

Comment 10

At the corner of Massachusetts Avenue and Newbury Street, we would support a design that would minimize the conflicts between pedestrians and cyclists.

Response:

Extensive planning and design for this important corner has advanced since the filing of the EPNF. The Massachusetts Department of Transportation ("MassDOT"), in close coordination with the Proponent and with the support of the BTDC, is pursuing the feasibility of relocating the I-90 Westbound On-Ramp approximately 150 feet to the west by shifting it away from Massachusetts Avenue and separating it from the Massachusetts Avenue intersection with Newbury Street. Relocating the I-90 Westbound On-Ramp will greatly simplify the existing configuration of the intersection, improve operations and address safety concerns there, in part by narrowing the existing crossing from 70 feet to approximately 30 feet. This shorter crossing will specifically address pedestrian safety and at the same time help create an improved urban design for the Project's Newbury Street edge. Additionally, the Proponent is proposing a curb extension with an ADA compliant curb ramp on the southwest corner of this intersection to shorten the pedestrian crossing distance on Massachusetts Avenue.

Please refer to Figures 3.36 and 3.37 of Chapter 3, *Urban Design*, of the DPIP for street section plans of Massachusetts Avenue, Boylston Street and Newbury Street.

Comment 11

Please provide detailed and dimensioned landscape plans demonstrate the development's compliance with Boston Complete Streets.

- Updated plans should reflect bringing all reciprocal pedestrian ramps into City of Boston reconstruction standards.

Response:

Please refer to Figures 3.36 and 3.37 of Chapter 3, *Urban Design*, of the DPIP for street section plans of Massachusetts Avenue, Boylston Street and Newbury Street.

Comment 12

We would support ensuring that building setbacks allow for the installation of sidewalks that meet or exceed the design standards put forth by Boston Complete Streets Design Guidelines as well as other

desired sidewalk uses (retail space, bus shelters or sidewalk cafes), so the site is accessible and functional for residents as well as visitors.

Response:

The proposed public realm design provides safe and attractive sidewalks abutting the Project Site along Massachusetts Avenue, Boylston Street, and Newbury Street. As described in Section 3.7.1 of Chapter 3, *Urban Design* of the DPIR, the proposed pedestrian realm improvements along Massachusetts Avenue and Boylston Street exceed the minimum recommended dimensions for the Pedestrian Zone in Downtown Commercial Zones; in fact, in most areas, particularly along Massachusetts Avenue and Boylston Streets, the Project exceeds the *maximum* dimension recommended for the Pedestrian Zone to account for the relatively high pedestrian volumes in the Project Site area. In addition, the Project meets the minimum and preferred dimensions for the furnishing and frontage zones throughout the Project Site.

Comment 13

The project site is located in Boston Groundwater Conservation Overlay District; if recharge wells are proposed for sidewalk, we would support their location to be in the furnishing zone.

Response:

Comment noted. Injection wells are currently proposed within the furnishing zone of Boylston Street, and will be coordinated with, and approved by the Boston Water and Sewer Commission.

Comment 14

Should the Proponent have an interest in sponsoring a BlueBikes Station, please ensure that proposed locations are taken into consideration when determining streetscape dimensions. For sidewalk-level bike share locations, typically a minimum of 7ft of clear path of travel is recommended to minimize bike and pedestrian conflicts.

Response:

The Bluebikes station at the corner of Massachusetts Avenue and Boylston Street will be retained and current plans call for enlarging it to accommodate the additional demands that will be created by the Parcel 12 development. Having a Bluebikes station at this corner is seen as an important benefit for the development and care will be taken to make sure it has a prominent place in the Project's final design. Separate bicycle racks will be provided at the Project Site for the public, in addition to secure bicycle parking inside the Project Site for employees. Please refer to Figures 3.35 of Chapter 3, *Urban Design*, of the DPIR for an open space diagram.

Comment 15

We support the granting of a pedestrian easement where required to bring the proposed sidewalk into compliance with Boston Complete Streets Design Guidelines.

Response:

Comment Noted. Refer to response to Comment 11.

Community Benefits

Comment 16

How will the improvements to the Hynes Convention Center Massachusetts Bay Transportation Authority ("MBTA") Station be coordinated with the improvements proposed by both the MBTA and the Proponents of Parcel 13?

Response:

The Proponent will continue to work closely with the MBTA as the Parcel 13 project advances. At this point, the Proponent has developed a mitigation plan that substantially improves the experience for MBTA users through a greatly improved bus stop and shelter on the west side of Massachusetts Avenue. Further, the Proponent is planning to construct a new MBTA head house on the west side of Massachusetts Avenue which will connect to a refurbished existing pedestrian tunnel under Massachusetts Avenue. These improvements will greatly improve access to the Hynes Station and they are all compatible with the longer-range planning underway on Parcel 13. Again, the Parcel 12 Proponent will continue to work closely with the MBTA to help make sure the improvements being constructed as part of Parcel 12 will align with the developing plans for Parcel 13.

Comment 17

Does the Green Line capacity analysis take into account the proposed accessibility improvements (both by the project Proponent and the Proponent of Parcel 13)?

Response:

The MBTA Green Line analysis contained in the Expanded Project Notification Form and in the DPIR are based only on current operations on the MBTA Green Line. As the Parcel 13 development plans become clearer, additional analyses of the carrying capacity of the Green Line through the Hynes Station will be appropriate. The Proponent fully recognizes that extensive changes are planned for the Green Line, through the on-going MBTA Green Line Transformation Program, and it supports these efforts to provide better and expanded service on this important element of the MBTA's rapid transit system.

Comment 18

The Commission supports the initiative by the Proponent to provide wheelchair access to the Hynes Convention Center MBTA Station, however would like to caution the way in which these improvements are presented to the public as this project will only provide limited accessibility until elevators are installed to access train platform levels.

Response:

Comment noted.

Comment 19

Accessibility extends past compliance through building code requirements. For example, by providing employment and other opportunities for persons with disabilities, the development becomes an asset to the surrounding community. What opportunities (ex. employment, community support, social) will the development provide for persons with disabilities?

Response:

The Proponent will explore these potential options with future tenants as the project progresses.

Wayfinding

Comment 20

The Accessibility Checklist refers to *Figure C.2*, which does not provide information regarding signage or wayfinding.

Response:

Wayfinding signage has not yet been developed for the Parcel 12 project.

Variances

Comment 21

Do you anticipate filing for any variances with the Massachusetts Architectural Access Board? If so, please identify and explain.

Response:

The Proponent does not anticipate any variances will be required for compliance with MAAB 521 CMR.

Construction

Comment 22

Should any City of Boston on-street HP-DV parking spaces be relocated due to construction activities, relocated areas will require approval from the Commissioner. Additionally, the Commission shall be notified before construction starts.

Response:

There are currently no designated on-street HP-DV parking spaces on the Project Site's frontage along Boylston Street or Newbury Street under existing conditions. Further, there are no existing parking spaces along Massachusetts Avenue abutting the Project Site.

Comment 23

Modifications to public transit infrastructure including but not limited to, bus shelter locations and operations during and post-construction should be considered and coordinated with the MBTA, before implementation.

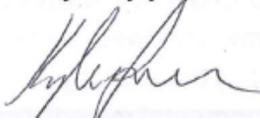
Response:

As described above there have been an extensive set of meetings with the MBTA, the BTDA and the BPDA to refine the design for the Massachusetts Avenue frontage at the Project Site. A program of improvements to the public realm including a major upgrade to the bus shelter have been proposed, and are detailed in Chapter 3, *Urban Design*, of the DPIP. The Proponent will continue to coordinate closely with the MBTA, the BPDA, the PIC and the BTDA as the design advances.

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Disabilities Comment Letter
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This supplemental information is provided to aid in your review. Please do not hesitate to contact me if you have questions at (617) 607-2988 or kgreaves@vhb.com.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kyle Greaves", is written over a light blue horizontal line.

Kyle G. Greaves, AICP
Project Manager/ Senior Environmental Planner
VANASSE HANGEN BRUSTLIN, INC.

cc:



MAYOR'S COMMISSION FOR PERSONS WITH DISABILITIES

Martin J. Walsh, Mayor

February 14, 2018

**RE: Parcel 12 (Address TBD), Boston, MA 02115
Expanded Project Notification Form
Boston Planning and Development Agency**

The Disability Commission has reviewed the Expanded Project Notification Form that was submitted for Parcel 12, in Boston, MA. Since the proposed project is planned to be a vibrant destination area for housing or hotel-use and retail commercial space, I would like to encourage a scheme that allows full and equal participation of persons with disabilities through *ideal design which meets as well as exceeds compliance* with accessibility building code requirements. It is crucial that the site layout, buildings, open spaces, parking, and circulation routes be developed with access in mind.

Therefore, in order for my Commission to give its full support to this project, I would like to ask that the following accessibility issues be considered and/or explained:

- **ACCESSIBLE RESIDENTIAL/HOTEL UNITS:**
 - Pending the decision of the building program, the Commission would encourage the Proponent to design apartments for rent, as the accessibility requirements are the most stringent for units and adjacent spaces as for this type of program.
 - Please provide information on the potential Group 2 units such as number, location and floorplans. Per 521 CMR Section 9.4.2: *Group 2 Dwelling Units*, Group 2 units shall be proportionally distributed across the total number of units according to number of bedrooms, size, quality, price and location.

- **ACCESSIBLE BUILDING AMENITIES:**
 - The Commission would encourage the Proponent to work with the tenant to incorporate the Universal Design principles into the tenant-fit-out designs.
 - Please consider the use of automatic sliding doors at entrances to ensure that users are able to enter/exit with ease.
 - Per 521 CMR Section 35: *Tables and Seating*, we support the inclusion of wheelchair accessible furniture in all common and outdoor patio spaces.
 - Per 521 CMR Section 10.5: *Public Use and Common Use Spaces in Multiple Dwellings – Storage* and 521 CMR Section 34: *Storage*, in areas where it is provided, we support the inclusion of accessible personal storage.

▪ **ACCESSIBLE PARKING AND VEHICULAR TRANSPORTATION:**

- Will the provided parking be provided only for the building occupants or the general public?
 - If parking will be only for the building occupants, will it only be for the office occupants, only for the residential/hotel occupants, or both? How will this be managed?
- As the parking will be valet only, please ensure valet staff are trained with operating vehicles with accessibility modifications.
- We would encourage the Proponent to consider addressing the building off of the same street as the location of TNC pick-up / drop-off area, as a consistent on-street location is more intuitive for users who have low vision or are blind to orient themselves when they get to their destination. Please confirm that these locations will be wheelchair accessible.
- Please confirm that the sidewalk adjacent to all driveway curb cuts will be flush, to provide a safe and enjoyable pedestrian experience across the entire length of the site.
- Please consider the installation of an audio/visual garage warning system on the exit approaches from the garage.

▪ **ACCESSIBLE ROUTE AND SIDEWALKS:**

- At the corner of Massachusetts Avenue and Newbury Street, we would support a design that would minimize the conflicts between pedestrians and cyclists.
- Please provided detailed and dimensioned landscape plans demonstrate the development's compliance with Boston Complete Streets.
 - Updated plans should reflect bringing all reciprocal pedestrian ramps into City of Boston reconstruction standards.
- We would support ensuring that building setbacks allow for the installation of sidewalks that meet or exceed the design standards put forth by Boston Complete Streets Design Guidelines as well as other desired sidewalk uses (retail space, bus shelters or sidewalk cafes), so the site is accessible and functional for residents as well as visitors.
 - The project site is located in Boston Groundwater Conservation Overlay District; if recharge wells are proposed for sidewalk, we would support their location to be in the furnishing zone.
 - Should the Proponent have an interest in sponsoring a BlueBikes Station, please ensure that proposed locations are taken into consideration when determining streetscape dimensions. For sidewalk-level bike share locations, typically a minimum of 7ft of clear path of travel is recommended to minimize bike and pedestrian conflicts.
 - We support the granting of a pedestrian easement where required to bring the proposed sidewalk into compliance with Boston Complete Streets Design Guidelines.

▪ **COMMUNITY BENEFITS**

- How will the improvements to the Hynes Convention Center MBTA Station be coordinated with the improvements proposed by both the MBTA and the Proponents of Parcel 13?

- Does the Green Line capacity analysis take into account the proposed accessibility improvements (both by the project Proponent and the Proponent of Parcel 13)?
 - The Commission supports the initiative by the Proponent to provide wheelchair access to the Hynes Convention Center MBTA Station, however would like to caution the way in which these improvements are presented to the public as this project will only provide limited accessibility until elevators are installed to access train platform levels.
 - Accessibility extends past compliance through building code requirements. For example, by providing employment and other opportunities for persons with disabilities, the development becomes an asset to the surrounding community. What opportunities (ex. employment, community support, social) will the development provide for persons with disabilities?
- **WAYFINDING**
 - Do you have a Wayfinding Package to better understand wayfinding strategies within the scope of the proposed project?
 - The Accessibility Checklist refers to *Figure C.2*, which does not provide information regarding signage or wayfinding.
 - **VARIANCES**
 - Do you anticipate filing for any variances with the Massachusetts Architectural Access Board? If so, please identify and explain.
 - **CONSTRUCTION**
 - Should any City of Boston on-street HP-DV parking spaces be relocated due to construction activities, relocated areas will require approval from the Commissioner. Additionally, the Commission shall be notified before construction starts.
 - Modifications to public transit infrastructure including but not limited to, bus shelter locations and operations during and post-construction should be considered and coordinated with the MBTA, before implementation.

COMMISSION’S GENERAL STATEMENT ON ACCESS:

The Mayor’s Commission for Persons with Disabilities supports *ideal design for accessibility and inclusion*, which meets as well as exceeds compliance with local, state, and federal building codes, including [the Boston Complete Streets Guidelines](#) , [Massachusetts Architectural Access Board 521 CMR](#), and the [Americans with Disabilities Act](#).

Our priorities for accessibility other than building design and construction include: maintenance of accessible features; signage for way-finding; utilizing compliant barricades throughout construction; designating appropriate location and amount of accessible parking spaces; and removing barriers in existing buildings wherever “readily achievable” (*“easily accomplishable and able to be carried out without much difficulty or expense”*).

The Commission is available for technical assistance and design review to help ensure that all buildings, sidewalks, parks, and open spaces are usable and welcoming to all of Boston’s diverse residents, including those with physical, sensory, intellectual, and communication disabilities.

Thank You.



Kristen McCosh, Commissioner
Mayor's Commission for Persons with Disabilities
kristen.mccosh@boston.gov

REVIEWED BY:

Patricia Mendez AIA
Architectural Access Specialist
patricia.mendez@boston.gov
617-635-2529

Sarah Leung
Architectural Access Project Coordinator
sarah.leung@boston.gov
617-635-3746