

Andrew Grace  
Senior Planner/Urban Designer  
Boston Redevelopment Authority  
One City Hall Square  
Boston, MA 02201

February 22, 2010

**Re: NABB Comments on the Stuart Street Planning Study Proposed Zoning Recommendations**

Dear Mr. Grace:

The Neighborhood Association of the Back Bay has been monitoring the progress of the Stuart Street Planning Study for the past two years. The Association has a strong stewardship interest in this area, which, according to its Articles of Organization, falls within the Association's boundaries:

*...the Back Bay shall encompass the following area in the City of Boston, Massachusetts: Arlington Street to Park Plaza, Park Plaza to Columbus Avenue, Columbus Avenue to the former New York New Haven and Hartford Railroad right of way, Harcourt Street to Huntington Avenue, Huntington Avenue to West Newton Street, West Newton Street to Dalton Street, Dalton Street to the Massachusetts Turnpike, the Turnpike to Charlesgate East, Charlesgate East to the Charles River, and the Charles River to Arlington Street.*

*--NABB Articles of Organization, December 6, 1982.*

Pursuant to the goals for which our Association was founded, on August 26, 2009, the NABB Board voted to adopt several basic principals for the development of the Stuart Street Corridor:

- 1) Allow for appropriate urban growth, both residential and commercial.
- 2) Protect and enhance the abutting neighborhoods.
- 3) Create a vibrant day/night urban life that connects the adjoining neighborhoods.
- 4) Enhance residential life.
- 5) Encourage a balance of residential, office, retail, restaurant, recreational and other uses.
- 6) Protect and improve environmental quality, in the area and in surrounding neighborhoods.
- 7) Protect historic structures.
- 8) Enhance the public realm.
- 9) Build on Boston's strengths as a walk-to-work city and a walkable city.

**The BRA's October 20, 2009 Draft Proposed Zoning Recommendations are not consistent with these goals. Therefore, NABB does not sanction these Draft Recommendations.**

**Rather, NABB strongly endorses the alternative vision outlined by the Bay Village, Ellis and Back Bay neighborhood representatives to the Stuart Street Planning Advisory Group (the AG) in their letter of February 1<sup>st</sup>, understanding that the provisions included in this document are not separable. That letter was endorsed by our Board of Directors on January 20, 2010.**

Despite recent press coverage to the contrary, the recommendations proposed by the BRA have **not** been endorsed by the Advisory Group that was convened by the Mayor to provide input to the rezoning process. The BRA's attempt to short circuit the study process is not a valid basis for rezoning the area. We are also dismayed to see the announcement of a project proposal – by a developer who is, inappropriately, a member of the Advisory Group – that is already endorsed by the BRA and the Mayor, despite its obvious inconsistency with the recommendations submitted in good faith by the neighborhood representatives on the AG.

In 2005, when the Neighborhood Association of the Back Bay's representative to the Clarendon IAG signed an agreement letter concerning the proposed Stuart Street Study, there was a general consensus that new growth, if properly planned, could be appropriate in the study area. However, there was also an understanding that such growth should not come at the expense of the surrounding neighborhoods. For this reason, numerous environmental and design studies were mandated. The authorizing vote of the BRA Board of October 20, 2005, reads in part:

*The study will examine potential development opportunities and identify and define height, density, use, and setbacks of future development in the area. The study will include an assessment of the impacts of density and height on the surrounding neighborhoods, including the impacts on the transportation infrastructure, transit system, parking supply, wind, shadow, ground water, and the existing utility infrastructure (electrical, water, and sewer). Provisions for and protection of open space, pedestrian access, historically significant buildings, and view corridors will also be included in the study.*

While lip service has been paid to this stipulation, the bulk of the studies have been done in the Stuart Street area, rather than in the abutting neighborhoods. The recommendations do not embrace the promised assessment of the impacts of increased density and height on the surrounding neighborhoods as they relate to traffic or utility infrastructure. Shadow impacts are still being studied. There are no provisions for and protection of open space. We do not believe that historically significant buildings are adequately protected. These studies must be completed before the impacts of any proposed zoning changes can be evaluated.

For this reason, we choose not to comment on the proposal put forth by the BRA in October, but rather to provide some additional comments on items that are of particular concern to NABB, based on the recommendations elucidated by the Bay Village, Ellis and Back Bay neighborhood AG members' position stated in a joint letter to you on February 1, 2010.

### **Development**

The comments submitted by the neighborhood representatives endorse that which we believe to be appropriate development within this area. However, increased gross square footage is not in itself a neighborhood goal.

To clarify our position on where new development can appropriately occur, NABB recommends that the K district be further subdivided to separate the three proposed development sites from the balance of the district. We concur

with the BRA that the area bounded by St. James Avenue and Berkeley, Stuart and Dartmouth Streets is not a NABB potential new development site, and would like to ensure this by maintaining the current zoning height and FAR.

### **Environment**

Sunlight: NABB believes that it is important to a quality of life to preserve sunlight on significant open spaces, notably Copley Square and the Commonwealth Avenue Mall. Sunlight is important during growing season, but it is even more important during the winter months to have areas that provide sun and warmth. We endorse the legislation proposed by Rep. Walz, which prohibits the casting of new shadows on either park between the first hour after sunrise and the last hour before sunset, and urge the BRA to adopt that criterion.

Wind: For many years our membership has been concerned about the increasing wind, particularly in the vicinity of Copley Square and on Dartmouth and Clarendon Streets, which reaches dangerous levels, particularly in winter. The BRA should stipulate that developers monitor for worst-case actual conditions for a year before building, rather than rely on previous studies and similarly monitor for a year post-construction. These studies should be done by a firm that has previously conducted studies, the accuracy of which has been demonstrated by post-build measurements for at least one year. The BRA should also re-evaluate its standards for this area with the objective of mitigating this increasing problem.

Sustainability: Proposed development in the area should readily be able to attain LEED Silver, in part due to its proximity to public transportation. It also should also respect the right to solar access of properties within the impact area. The precepts in the LEED certification program run tandem with the objectives of the Mayor's Climate Action Plan. Consistent with the City's Climate Action objectives and its leadership as one of thirteen inaugural Solar America Cities under the Solar America Initiative of the U.S. Department of Energy, "As-of-Right" development should be required to achieve LEED Gold and "Enhanced" development should achieve LEED Platinum.

### **Use**

NABB strongly endorses the AG's position that "new zoning should encourage a mixed use of retail, service, office and residential to achieve the goal of establishing a vibrant area both day and night." We believe that the neighborhoods and the city will be best served by connecting the three downtown neighborhoods and revitalizing what is a retail and residential "dead zone." We urge the BRA to require a residential component in any proposal requesting enhanced zoning.

### **Streetscape and Building Form**

Streetscape: In addition to those items already outlined in the February 1<sup>st</sup> letter, we consider it important that new streetscape improvements be consistent with a set of area wide design guidelines and that these should be implemented throughout the area, rather than piecemeal site by site, a system which has proven problematic on Boylston Street.

Building Form: There are predominant architectural characteristics in the study area, including the consistent building alignment with the street which creates a "street wall."

It is important that any proposed development project acknowledge and respect this prevalent feature and not project any building volume beyond that plane and over the public way. Coincident with that consideration are other important massing and scaling features in the project context, such as the horizontal datums of the piano nobile and cornice, and vertical rhythm of entry. Setback requirements should be based on overall building design, wind and shadow impacts, and existing context.

### **Historic Preservation**

The BRA vote authorizing the study included provisions for protecting buildings worthy of preservation. While we support the effort to protect those buildings considered "eligible" or rated I-III, in a manner outlined in the February 1<sup>st</sup> Joint Neighborhood Recommendations, we also recommend that the John Hancock Clarendon Building, the Carriage Houses on Stanhope Street, the Publishers Building, the Salvation Army Building and the New England Power Building be protected in the same way.

We anticipate that at future meetings the BRA and the Advisory Group will plan how to use the recommendations in the AG letter and individual neighborhood letters as a basis for any regulatory changes in the study area. We also anticipate continuing the public process with transparency and accountability to our representatives, our organizations, and our neighbors.

Sincerely yours,



Ann Gleason  
Chair, Neighborhood Association of the Back Bay

cc: Mayor Thomas M. Menino  
Councilor Michael Ross  
Councilor William Linehan  
Councilor Felix Arroyo  
Councilor John R. Connolly  
Councilor Stephen J. Murphy  
Councilor Ayanna Pressley  
Senator Sonia Chang-Diaz  
Rep. Aaron Michlewitz  
Rep. Byron Rushing  
Rep. Martha M. Walz  
Stuart Street Planning Advisory Group  
Meg Mainzer-Cohen, Back Bay Association  
Joanne Bragg, Liberty Mutual Group  
Nathaniel Margolis, John Hancock  
Ted Pietras, South End Business Alliance  
Sandra Silver, Ellis South End Neighborhood Association  
Dana Mastropolo, Bay Village Neighborhood Association  
Jo Campbell, Bay Village Neighborhood Association  
Janet Hurwitz, Neighborhood Association of the Back Bay