



Institute of Contemporary Art

Boston, Massachusetts

Chapter 91 Management Plan

2023 - 2028

submitted to **Massachusetts Department of
Environmental Protection**

submitted and updated by
Institute of Contemporary Art

prepared by **Fort Point Associates, Inc.**



Fort Point Associates, Inc.

Urban Planning Environmental Consulting Project Permitting

REVISION 1 – APRIL 13, 2023

STATEMENT BY MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Institute of Contemporary Art (ICA) is located entirely within filled Commonwealth Tidelands, to which the Commonwealth retains, and has the obligation to protect, certain Public Trust Rights for access. G.L. c.91, the Waterways Regulations (310 CMR 9.00) and Waterways License No. 9951 provide the mechanism through which these rights are to be protected at the ICA. The regulation at 310 CMR 9.53 stipulates, in part:

“A nonwater-dependent use project that includes fill or structures on Commonwealth tidelands, except in Designated Port Areas, must 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.”

Special Condition 9 of Waterways License No. 9951 stipulates, in part, the following:

“Exterior pathways, sidewalks, plazas, grandstand seating and other exterior spaces licensed herein shall be open to the public, at no charge, 24 hours a day”...

Special Condition 8 stipulates, in part:

“The Licensee may adopt reasonable rules for use of the publicly accessible interior areas, subject to prior review and written approval by the Department as part of the Management and Maintenance Plan required in Special Condition 5, as are necessary for the protection of public health and safety and private property, and to ensure public use and enjoyment by minimizing conflicts between user groups. Said rules shall also describe anticipated uses/events at the building or within the exterior public space that will be closed to the public.” (Emphasis added.)

It is within this framework the Department has reviewed and conditionally approves this Management Plan. The requirement remains: *“Private advantages of use must be incidental and not primary to the achievement of the public purpose.”* The Department acknowledges ICA’s assertion during the preparation of this plan that proceeds from private and ticketed events are used to fund, in-part, numerous events to which the public is invited free of charge at ICA Boston and at nearby venues operated by ICA.

The Management Plan includes robust public information requirements intended to make the availability of the exterior publicly accessible spaces predictable by the public with only limited effort. Robust signage is required to inform the transient public and visitor of the duration and limits of any area temporarily closed to the public.

Over the next five (5) years, the ICA will review the viability of further reduction of outdoor private event rentals. The ICA will submit annually to MassDEP the museum’s Public and Community Benefit Report and the museums Form 990.

The Department will have 30 days from receipt of the Annual Report to accept, object or require modification to specific provisions of the Management Plan based on the prior year’s operations.

CHAPTER 91 LICENSE MANAGEMENT PLAN

1.0 INTRODUCTION

The Chapter 91 License Management Plan (the “Management Plan”) presented herein outlines the management and operation of the public spaces and amenities, both interior and exterior, of the Institute of Contemporary Art (ICA) on the South Boston waterfront (the “Project”). This material has been prepared in order to bring the existing Project into compliance with License No.9951.

2.0 PROJECT OVERVIEW

The ICA was designed by Diller Scofidio + Renfro and completed in 2006, providing 65,000 square feet of civic and cultural space on the South Boston waterfront. The four-story contemporary art museum includes a mix of public and museum spaces, galleries, and offices in an iconic modernist building. Notable features include a fourth-story cantilever that extends to the water’s edge; a first floor Art Lab that serves as a workshop and classroom space; a 325-seat, glass-enclosed, two-story theater; a digital-media center suspended from the underside of the cantilever; and a digital studio for teen arts education. The ICA’s galleries feature moveable walls for a flexible interior space.

The ground floor hosts multiple public open spaces, including a lobby, store, public restrooms, and a flexible common room to be used as a café, function space, and free programming. Public entrances are available on the north and west facades. Approximately 19,350 square feet of exterior space is open to the public, including an unobstructed 12-foot wide Harborwalk along the waterfront and approximately 3,770 square feet of grandstand seating that faces the Boston Harbor. All exterior open space is constructed of the same wood material in order to create a visual extension of the Harborwalk.

3.0 ICA MISSION

The ICA is an essential component of Boston’s identity as a world-class city and international destination. The ICA invites audiences of all ages and backgrounds to participate in the excitement of new art and ideas. It is a civic institution that offers convening space for the community and a gathering place for individuals, families, teens, students, teachers, tourists, and artists to enjoy the museum. In order for the ICA to provide these opportunities for the public and support its mission, the ICA will continue to schedule and utilize portions of the public exterior and interior spaces for public and private programs, events, and functions.

4.0 GOALS

This purpose of this Management Plan is to outline the activation, operation, and management of the individual public spaces and facilities that comprise the Project in order that they be

understood within the context of the overall improvements to the property. The following broad objectives will be pursued:

- Establish management policies that promote the goals of the Chapter 91 License program, including public accessibility;
- Identify the means of promoting public facilities to the public, as appropriate;
- Schedule services consistent with the Chapter 91 License conditions to allow for public access, as appropriate; and
- Identify ways to maximize the public use of the open space within the Project.

5.0 DEFINITIONS

This section provides definitions of specific public areas (see Figure 1, Exterior Open Space and Figure 5, Interior Public Space).

5.1 GRANDSTAND

The grandstand is an approximately 3,770 sf exterior, open-air seating structure that faces Boston Harbor. It is open to the public 24 hours/day, 7 days/week except as noted in Section 8.0: On-Site Management and Programming.

5.2 HARBORWALK

The Harborwalk is a 12-foot wide, unobstructed walkway that runs along the shoreline as shown on Figure 1. The Harborwalk is open to the public 24 hours/day, 7 days/week except as noted in Section 8.0.

5.3 PUBLIC BOARDWALK

The public boardwalk encompasses the Harborwalk, as shown in Figure 1. It has a minimum clear dimension of 19'-6" along the northern and western perimeters of the Project Site and is open to the public 24 hours/day, 7 days/week except as noted in Section 8.0.

5.4 INTERIOR CAFÉ/COMMON AREA

The café/common area is an interior space generally open to the public, free of admission. With the proliferation of restaurants and cafes in the Seaport area, the ICA has closed its café and is reimagining and testing this space as a common area that will be used by the public as a place for reading and relaxation and for programming such as free gallery and performance talks, forums for discussions, teen programming, and special events.

5.5 LOBBY

The lobby is home to a majestic art wall, which is visible to people inside and passing by the ICA. Inside, this grand space is open to the public for free to enjoy the art wall, relax or meet with friends and colleagues in a 30-person seating area. This space is also utilized for public events on Friday evenings. See Section 8.0 for the management and programming of this space during special events.

5.6 EXTERIOR CAFÉ/PLAZA AREA

Adjacent to the interior café/common area is an exterior space open to the public, free of admission, which is sometimes used as an outdoor café and for special events in conjunction with the interior space. It extends from the interior café/common space out to the public boardwalk. See Section 8.0 regarding use during special events.

5.7 SIGNAGE

In accordance with newly designed guidelines and standards, signage on the building identifies public restrooms.

6.0 INTERIOR FACILITIES OF PUBLIC ACCOMMODATION

6.1 HOURS OF OPERATION

The ICA keeps a schedule of hours, during which facilities of public accommodation (the lobby, museum store, restrooms, and café/common area) may be used (see Table 1: Schedule of Hours for Public Use).

Table 1: Schedule of Hours for Public Use

Days	Hours
Monday	Closed, except for the following national holidays: <ul style="list-style-type: none"> • Martin Luther King, Jr. Day • Presidents' Day • Memorial Day • Labor Day • Indigenous People's Day/Columbus Day
Tuesdays + Wednesdays	10:00am – 5:00pm
Thursday + Friday	10:00am – 9:00pm
First Friday of Every Month	10:00am – 5:00pm
Saturday + Sunday	10:00am – 5:00pm

6.2 ACCESS POINTS

The primary public access to the interior of the building is located on the west side of the building, entering the lobby. Additional public access is located on the north side, to the east of the grandstand, which enters the café/common area. An emergency exit is located on the eastern wall of the café/common area. Employee service doors are additionally located on the south side of the building.

6.3 SECURITY

The open space, Facilities of Public Accommodation, and other public amenities may be closed temporarily for the owner's reasonable security purposes.

6.4 RULES AND REGULATIONS

Special Events

As a cultural and civic building, the ICA frequently holds special events. The programming for interior special events will take place in the lobby, café/common space, store, galleries, and theater. Temporary signs will be placed in appropriate locations for these events, particularly should any of the public amenities be closed. Clean up will occur immediately after any event or performance is completed. See Section 8.0 for the management and programming of the public areas during special events.

Alcohol Use

The purchase, consumption, and display of alcoholic beverages in the first floor areas of Public Accommodations during museum hours and at special events during nonpublic museum hours will be allowed in accordance with the alcoholic beverage license that is issued for 25 Harbor Shore Drive (see Section 8.0).

Noise

The playing of musical instruments, televisions, radios, or similar equipment with speakers by the public is prohibited. Cell phones may be used throughout the museum, although visitors are asked to step into the nearest public area when using the cell phone. Calls should not be taken in the galleries, the theater, or the media center. The ICA reserves the right to limit the use of cell phones in any public areas when their use interferes with programming by the ICA in a specific area.

Smoking

Smoking is prohibited within all interior public areas.

Dogs and Other Animals

Dogs and other animals, except those designated as service animals, are prohibited within the museum.

Advertising/Soliciting

Advertising, soliciting, or vending is prohibited without written consent of the building owner or its designee.

7.0 EXTERIOR FACILITIES OF PUBLIC ACCOMMODATION**7.1 PUBLIC USE – HOURS OF OPERATION**

The exterior facilities of public accommodation (the Harborwalk, public boardwalk, grandstand, and outdoor plaza area adjacent to the grandstand) is open to the public 24 hours/day, 7 days/week, except during special events, as noted in Section 8.0.

7.2 SECURITY

The open space, Facilities of Public Accommodation, and other public amenities may be closed temporarily for the owner's reasonable security purposes. The ICA has its own on-site security staff, which monitors the property 24 hours/day.

7.3 RULES AND REGULATIONS**Special Events**

As a cultural and civic institution, the ICA will frequently hold special events. Any stages or equipment used during special events will be placed in appropriate locations that do not interfere with the Harborwalk. Temporary signs will be placed in appropriate locations for these events when any of the public amenities are closed. Clean-up, including trash pick-up, will occur immediately after any event or performance is completed. Programming of special events and use of the public spaces are detailed in Section 8.0.

Alcohol Use

Consumption and display of alcoholic beverages by the public is prohibited at all times, except during special events and when the plaza and grandstand are being used as a café/restaurant (see Section 8.0). All consumption and display of alcoholic beverages shall be in accordance with the alcoholic beverage license issued to 25 Harbor Shore Drive.

Noise

In general, the playing of musical instruments, televisions, radios, or similar equipment with speakers by the public is permitted. However, the ICA reserves the right to limit their use and volume when they interfere with other interior and exterior programming by the ICA and the general enjoyment of the space by the public.

Smoking

Smoking is prohibited on the ICA premise excepted in designated areas as may be allowed per the laws of the City of Boston and the Commonwealth of Massachusetts.

Picnics/Barbeques

The public and other visitors to the ICA are permitted to bring picnic meals to the public open space areas. Barbecues and other means of preparing food over an open fire are strictly prohibited.

Bicycles

Bicycles, skateboards, rollerblades, scooters, Segways, and other motorized vehicles are prohibited on-site, except for in designated areas. The Harborwalk and other exterior public open spaces are intended for the walking public and accessible use only.

Dogs

Dogs are permitted within public open spaces.

Advertising/Soliciting

Advertising, soliciting, or vending is prohibited without written consent of the ICA or its designee.

Vehicle Access

Motor vehicles (except emergency and authorized maintenance vehicles) are prohibited from driving onto and parking in public areas such as the Harborwalk and other open spaces unless authorized by the ICA.

Fire Safety

Use of open fires, stoves, and barbecues is prohibited at all times, unless approved by the ICA or its designee for special events and with the required City permits. The ICA premise is a smoke-free environment except in publicly approved and designated areas.

7.4 OPEN SPACE MAINTENANCE PLAN**Harborwalk and Public Boardwalk**

Surfaces will be maintained on a regular basis so that they are free from damage or impediments that would discourage or block use or access. To protect and preserve the safety and appearance of these structures and the safety of their users, they will be checked regularly and replaced or repaired as necessary to keep them in safe condition and compliant with state or city ordinances.

Outdoor Amenities

During appropriate seasons, moveable furniture will be placed at various locations around the site. Tables and chairs may be collected in a convenient location during the night to allow for maintenance and may be secured for the evening. The ICA will provide interior winter storage of these items.

Trash Removal

Trash will be cleared and removed. Trash receptacles are available to help control loose trash according to the maintenance schedule, which will be adjusted based on seasonal use and need.

Snow Management

Snow will be promptly removed from the Harborwalk surfaces. Snow removal, including any snowmelt systems employed, will be consistent with accepted environmentally-approved practices and applicable laws and regulations, including the Order of Conditions issued by the Boston Conservation Commission. No snow will be disposed of into Boston Harbor during snow removal operations.

Signage

Signage will be maintained so that it is consistently attractive and free from vandalism or graffiti; damage will be corrected promptly. Signs will be checked periodically to ensure they are not missing or damaged.

Lighting

Lighting fixtures will be checked periodically for proper operation, and luminaires will be replaced promptly as needed to maintain the designed levels and locations of lighting.

7.5 MAINTENANCE SCHEDULE

The ICA will coordinate and maintain the Public Open Spaces with the following schedule of activities (see Table 2).

Table 2: Schedule of Site Maintenance for Public Open Space

Maintenance Activity	Location	Schedule
Lighting	Lighted areas	Replaced as needed
Signs	Entire Project Site	Monthly inspections
Snow removal	Walkways, vehicle lanes	After and during snow events
Structures and walkways	Open space areas	Yearly and after significant tidal event
Sweeping	Paved areas	Spring and Fall
Trash and debris	Open space areas	Weekly and after special events

8.0 ON-SITE MANAGEMENT AND PROGRAMMING

8.1 HARBORWALK AND PUBLIC BOARDWALK

A 12-foot wide Harborwalk required by the Chapter 91 license and consistent with its regulations and City of Boston guidelines is located along the seaward portion of the entire parcel and connects to the existing Harborwalk to the east and west of the Project Site. A public boardwalk extends, at minimum, an additional 7'-6" landward of the Harborwalk and is constructed of the same wood material. The public boardwalk creates additional space for the public to walk and enjoy the views and waterfront activity.

8.2 PUBLIC AMENITIES

Restrooms, including infant changing areas, are available to the public and located between the lobby and café/common area. Universal signage indicating the availability of public restrooms is located near the public entrances to the building. The restrooms are free and available to the public during normal museum hours.

8.3 EXTERIOR CAFÉ/PLAZA AREA

The plaza (the exterior open space adjacent to the grandstand) will be roped or fenced off for outdoor seating when used as a café area in a manner consistent with applicable alcoholic beverage control laws, regulations and permits.

The Exterior Café/Plaza Area will additionally be intermittently used for special events, as detailed below and in Section 8.5: Schedule of Special Events. These areas will remain inviting to the public with the use of planters that are decorative by nature and are not used as barriers to entry by the public.

Ticketed Events:

- These are events to which the public, ICA members and non-members may purchase tickets on equal basis.
- All ticketed events utilizing the Exterior Café/Plaza Area shall be scheduled in advance, advertised on the ICA website on an "Outdoor Public Spaces Calendar".
- The addition of new ticketed events shall be advertised not less than 14 days in advance.

Private Events:

- Private events utilizing the Exterior Café/Plaza Area shall be limited to 4 hours in duration.
- The Exterior Café/Plaza Area will be delineated by planters to identify the area of the private event.
- The planned private use of the Exterior Café/Plaza Area will be advertised on the ICA website on an "Outdoor Public Spaces Calendar".
- The addition of new events shall be advertised not less than 14 days in advance.

8.4 GRANDSTAND AND BOARDWALK

The grandstand and boardwalk are open to the public 24 hours/day except during special events as stipulated in Section 8.5 below for (i) ticketed events to which the public is invited and (ii) private events. Private and ticketed events that utilize any portion of the grandstand or public boardwalk will operate in the following manner.

Ticketed Events:

- These are events to which the public, ICA members and non-members may purchase tickets on equal basis.
- All ticketed events utilizing the Grandstand and/or Boardwalk shall be scheduled in advance, advertised on the ICA website on an “Outdoor Public Spaces Calendar”.
- The addition of new ticketed events shall be advertised not less than 14 days in advance.

Private Events:

- Private events utilizing the Grandstand shall be limited to 60 minutes.
- The private use of the Grandstand shall be limited to the large section. The smaller section of the Grandstand and the “Cut” shall not be closed during private events.
- Temporary signage shall be installed informing the public of the time and duration of the temporary closure for the private event and ICA staff shall be present to answer questions from the public regarding this schedule.
- In the hour preceding the wedding ceremony, ICA staff will inform members of the public present of the upcoming event, but the public will be welcome to remain on the upper portions of the Grandstand until 15 minutes prior to the ceremony.
- At the conclusion of the ceremony, the entire Grandstand will be promptly reopened to the public. Temporary signage and temporary intermittent screening will be removed to make it clear that the event is over and the Grandstand open for public use.
- The aerial extent of private events will be limited to the areas depicted on the layout plans attached to this Management Plan. Proposed changes to these approved typical layouts will be submitted to MassDEP for review and approval in advance.

The change in use of these areas will be efficiently coordinated such that there is minimal, if any, impact to the public. The set up and break down only takes a few minutes with the use of planters on wheels and the placement of temporary signage.

Private Event Blackout Dates

No private events will be scheduled on local, state or federal holidays or during harbor-wide public events, such as Sail Boston/Tall Ships, Fireworks, etc. as stipulated in Section 8.5.

8.5 SCHEDULE OF SPECIAL EVENTS

This section summarizes the use of the public spaces and range of special events held throughout the year. During special events, alcoholic beverages will be permitted in all first floor public areas (the café/common area, lobby, store), and in the Art Lab classroom and theater when they are used for special events. Alcoholic beverages will not be allowed in the upper floor offices or galleries. During outdoor special events, alcoholic beverages will be permitted if purchased and consumed within the limits of the event space, which may include the Grandstand, Plaza, Cut-out and space adjacent to the grandstand, in accordance with the liquor license issued to 25 Harbor Shore Drive.

Special events and dates during the coming year are posted on the ICA web site and communicated through social media and generally include but are not limited to the events shown in Table 3.

Table 3: Schedule of Yearly Outdoor Events

Event	Access	Description
Harborwalk Sounds	Public – Free	8 free outdoor music concerts held on Thursday evenings during July and August.
Family Programs	Public – Free	Multiple free family programs throughout the year on the ground level and outside, which include Bank of America Art Lab activities, Play Dates, School Vacation Week, and Holiday programming.
ICA Teens	Public – Free	ICA Teen program offering free arts education programming to all BPS students including quarterly Teen Night that includes gallery tours, art activities, and performances. Two outdoor Teen Nights per year.
Harbor Market	Public – Free	Free quarterly marketplace bringing local vendors, musicians, artists, and art-making activities to the waterfront. One outdoor event per year, three interior events per year on groundfloor.
Dance Performances	Public – Free	Annual outdoor contemporary dance performance.
First Fridays	Public – Paid/Ticketed	Four outdoor events spanning six hours (24 total hours) on the first Friday of June, July, August and September during which the full ICA Grandstand, Plaza and Cut-out are available to ticketholders. The Harbor Walk always remains open to the public. The ICA to donate 50 tickets per event to community partners.

Event	Access	Description
Summer Friday Programming	Public – Paid/Ticketed	Seven outdoor events spanning six hours (42 total hours) between July and August, during which a portion of the ICA Grandstand and Plaza are available to ticket-holders. A portion of the Grandstand, the Cut-Out will remain open to the public. The Harbor Walk always remains open to the public. The ICA to donate 50 tickets per event to community partners.
Private Rentals	Private	<p>25 outdoor event rentals to be scheduled during the months of May through October as follows:</p> <ul style="list-style-type: none"> ➤ 15 outdoor private event rentals to be scheduled on Saturdays and Sundays outside of museum hours (10 am – 5 pm). ➤ 10 outdoor private event rentals to be scheduled Monday, Tuesday Wednesday outside of museum public hours. No more than one such event shall be scheduled during any week. ➤ Events to be allocated to a maximum of three outdoor weekend events per month. ➤ Weekend event rentals cannot take place on consecutive weekend days. ➤ No outdoor private event rentals on July 3, July 4, during major harbor events or local, state or federal holidays. <p>The ICA Grandstand, Plaza and Cut-out will remain open to the public between 10 am – 5 pm.</p> <p>After 5 pm, when there are private event rentals, a portion of the ICA Grandstand will be closed for a maximum of 60 minutes and the Plaza will be closed for a maximum of 4 hours. A portion of the Grandstand and the Cut-Out will remain open to the public during private event rentals. The Harbor Walk always remains open to the public.</p> <p>The general public is welcome to take wedding photographs on the ICA Grandstand as long as it does not interfere with public use and when it is not in use for ICA public free or ticketed programs or private event rentals.</p>

9.0 PUBLIC INFORMATION

ICA will publish, at a minimum, the following information related to this Management Plan on its website in a readily available location:

- This Management Plan;
- Waterways License 9951;
- A schedule of ticketed and private events to be held within the exterior publicly accessible spaces including the dates, times, duration and a location, to be updated as necessary, and
- The Annual Report described below.

10.0 ANNUAL REPORTING

The ICA will prepare and submit an Annual Report describing programming within the exterior publicly accessible portion of the site held during the preceding 12 months. This report shall, at a minimum include the following information:

- List of free public events held, dates, times, target population, number of attendees;
- List of private events held, dates, times and number of attendees;
- List of ticketed events held, dates, times and number of attendees, indicating if attendance by paid ticket, membership or free admission;

- Over the next five (5) years, the ICA will review the viability of further reduction of outdoor private event rentals. The ICA will submit annually to MassDEP the museum's Public and Community Benefit Report and the museums Form 990;

- Copies of the "Exterior Spaces Calendar";
- Proposed number, frequency and type of private events for the upcoming year, and
- Proposed number, frequency and schedule (to the extent known) for ticketed events to be held during the upcoming year.

MassDEP
4/13/2023

11.0 CONTACT INFORMATION

The responsible person(s) for implementing this Plan are shown below. If a specific person is not shown or known at this time, its respective representative owner or agency is shown.

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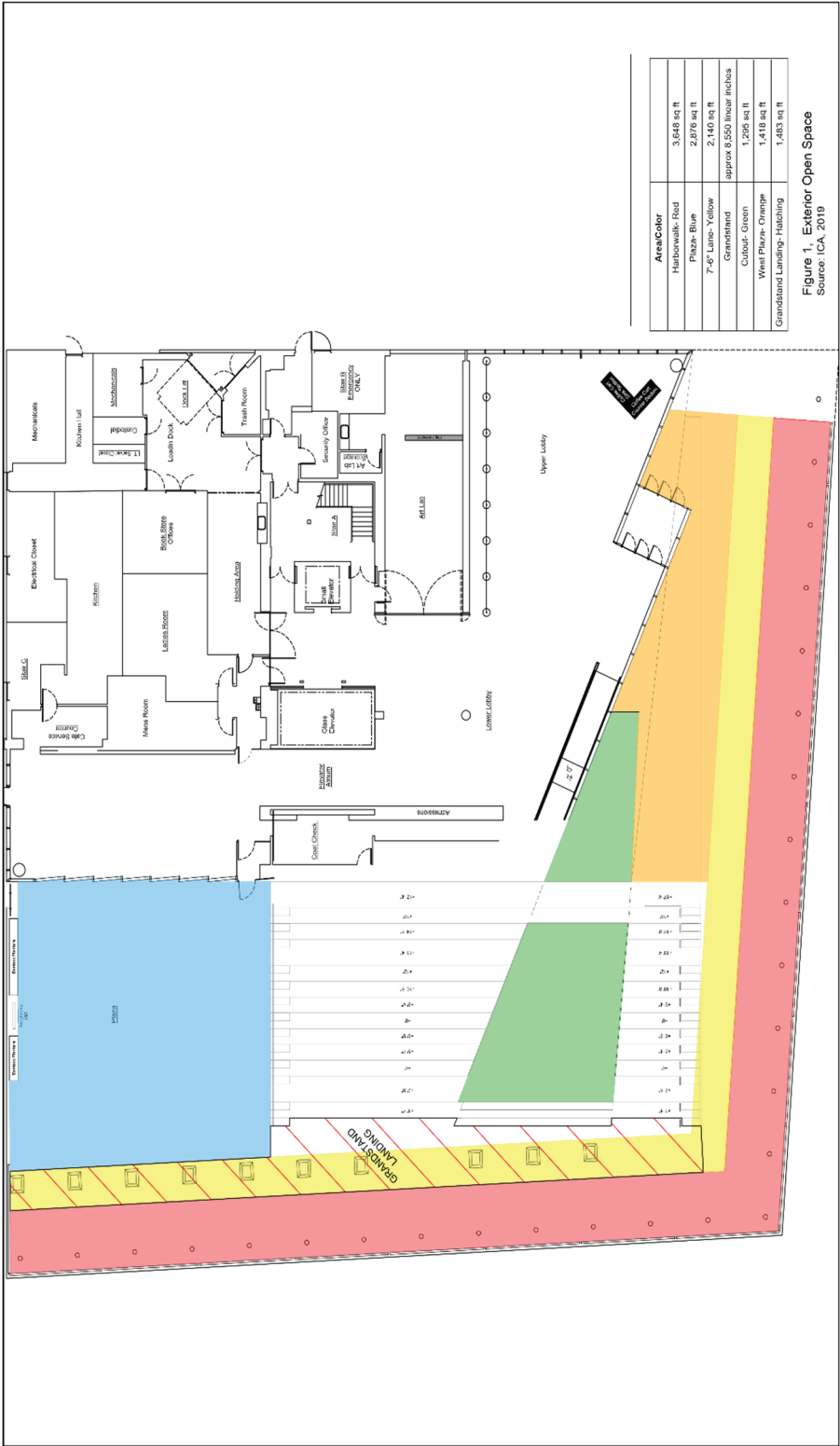
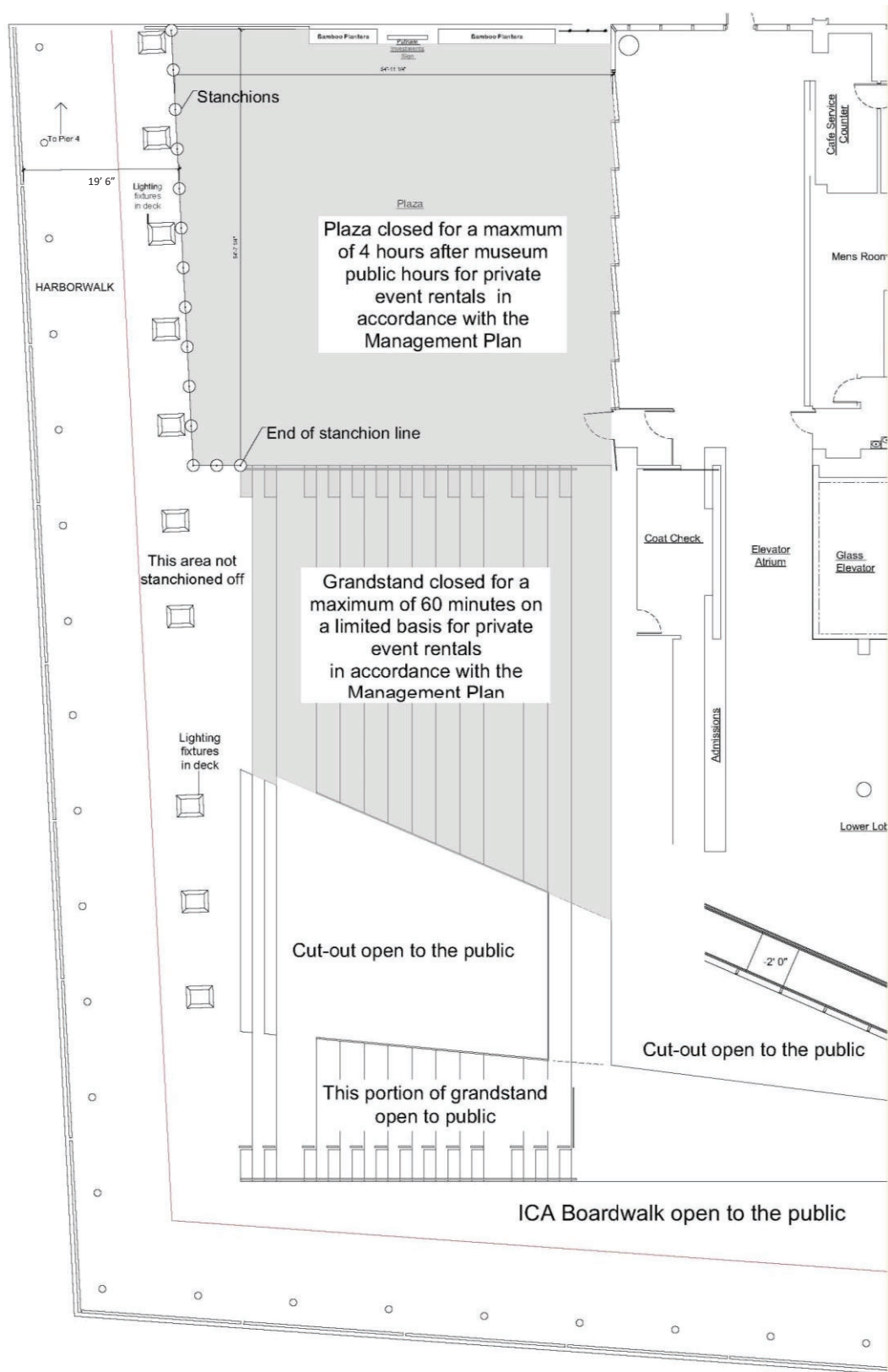


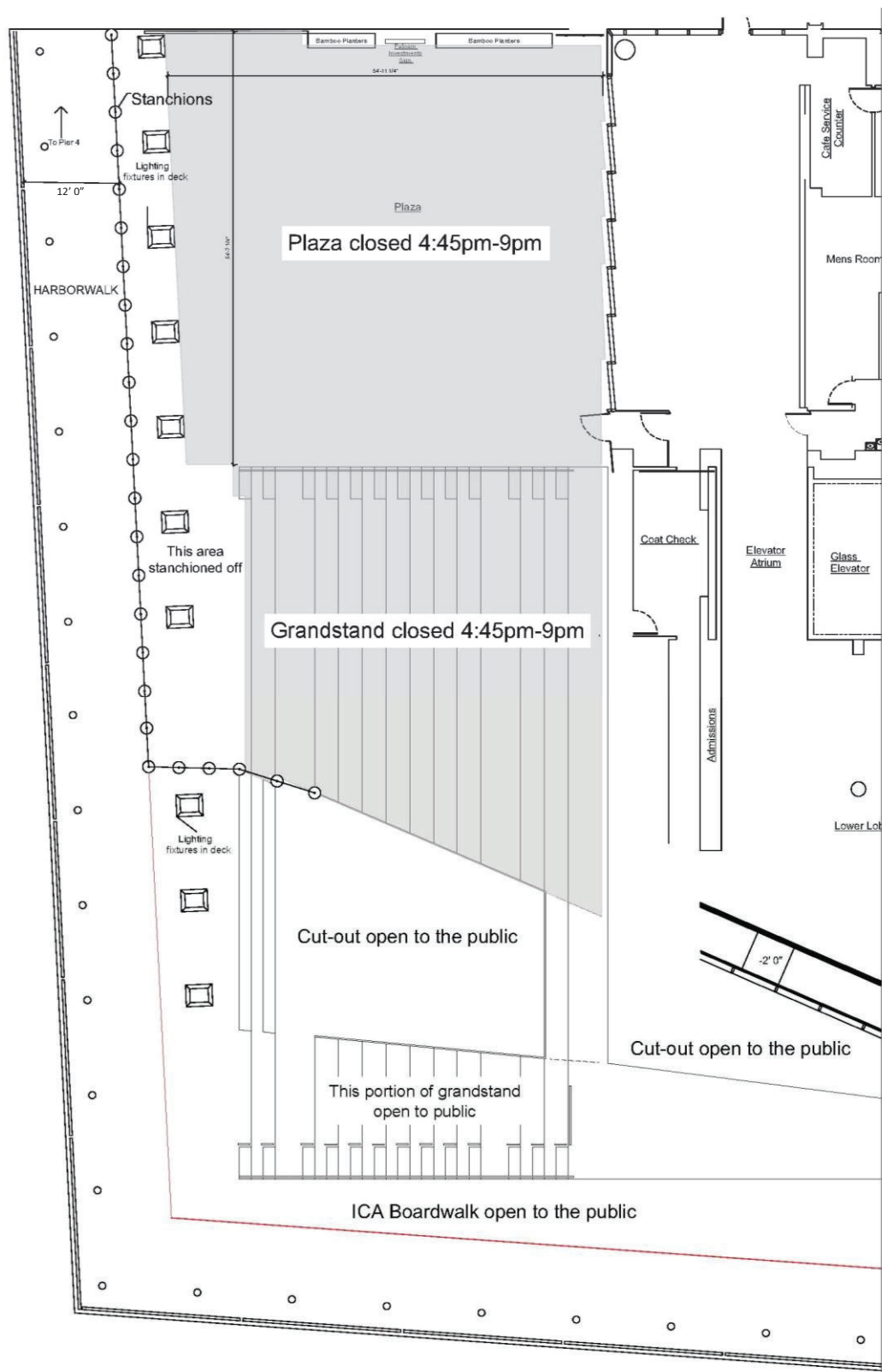
Figure 1, Exterior Open Space
Source: ICA, 2019

Figure 1
Exterior Square Footage (ICA/Boston)

**Figure 2**

Private Event Rental Map (ICA/Boston)

Grayed area is closed to public during times noted on map.

**Figure 3**

Summer Friday Programming Map (ICA/Boston)
 Grayed area is closed to public during times noted on map.

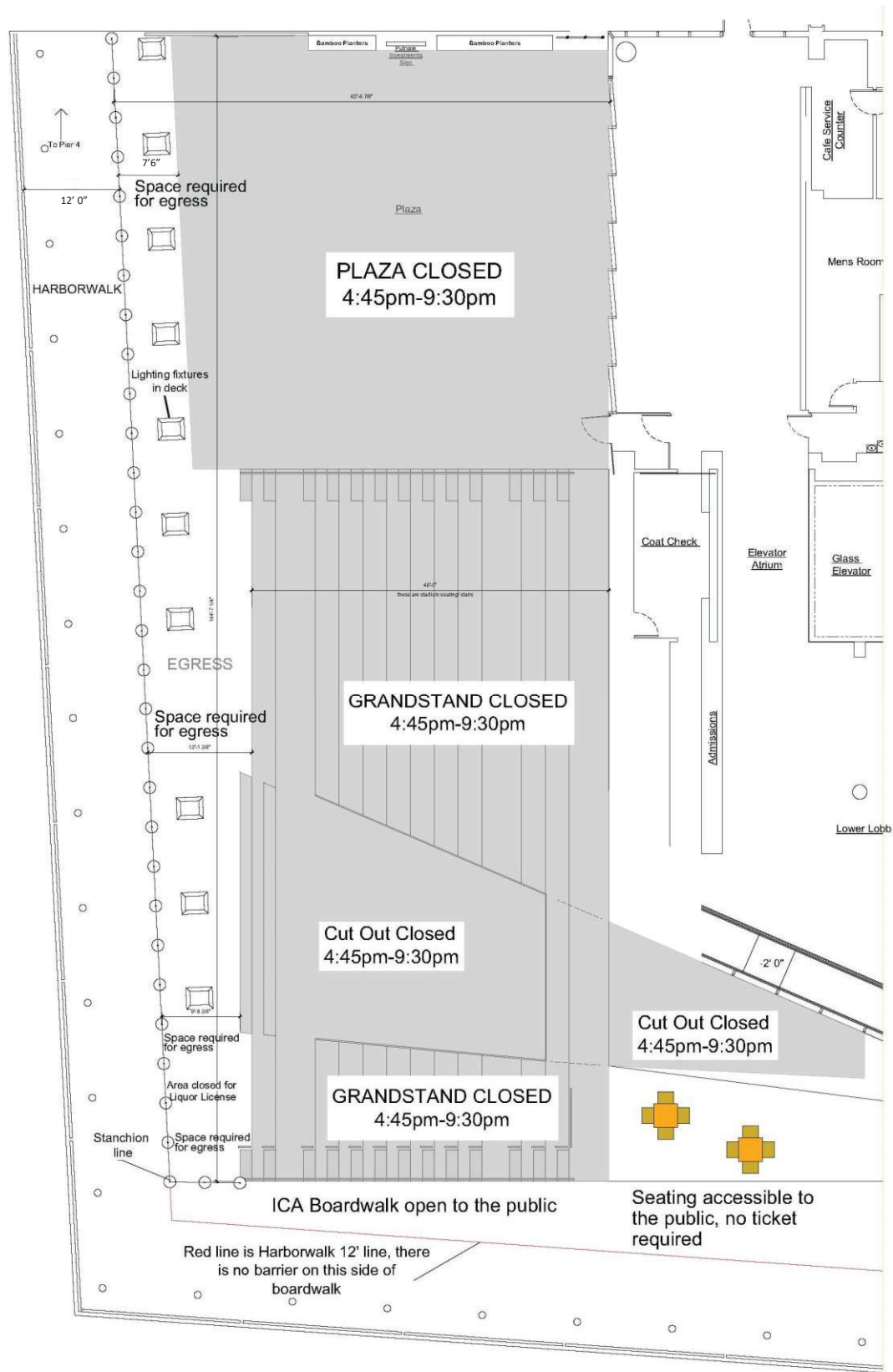


Figure 4
First Fridays Map (ICA/Boston)
Grayed area is closed to public during times noted on map.

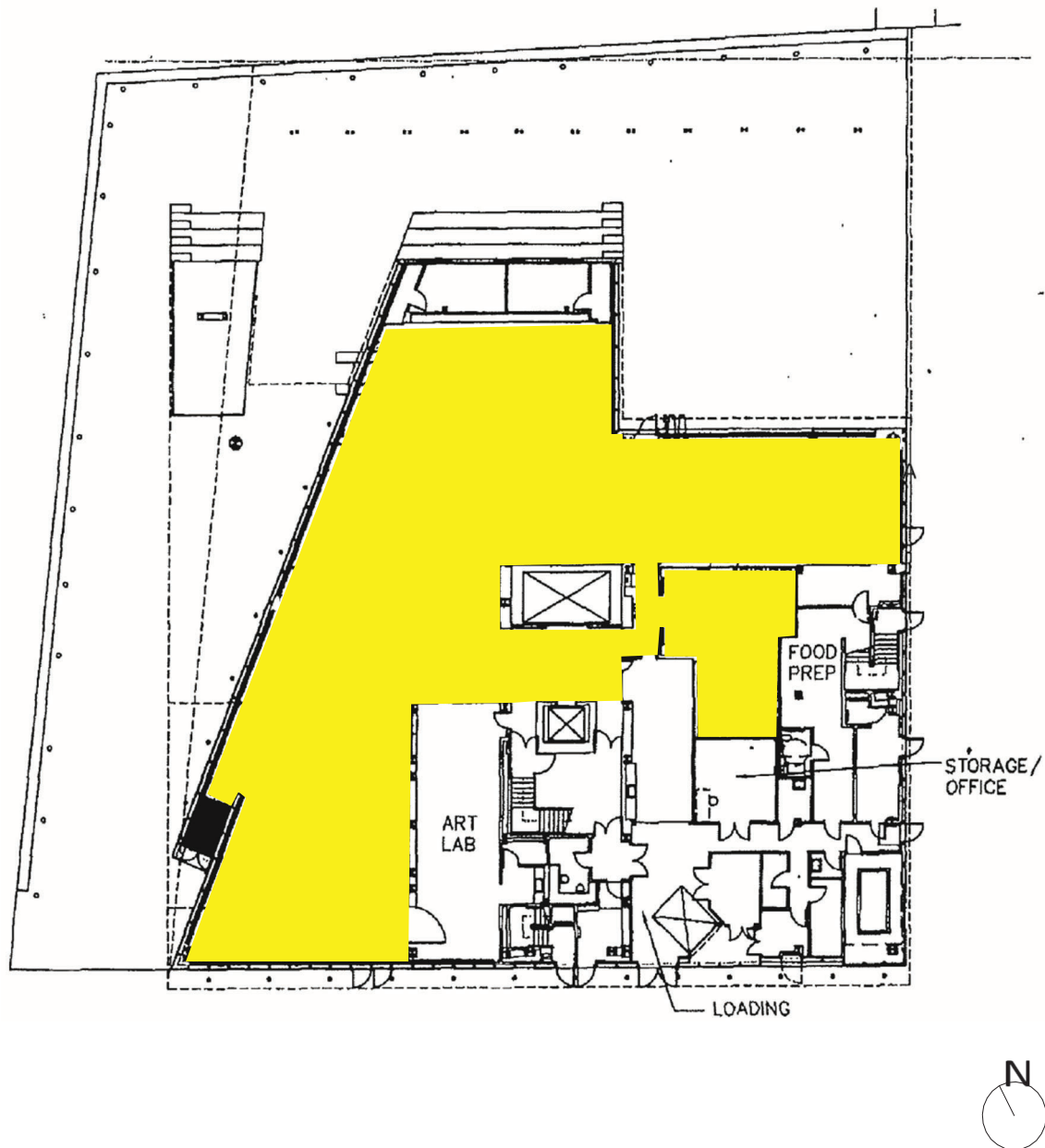


Figure 5
Interior Public Space (ICA/Boston)
Source: Parsons Brinkerhoff, 2004