



Navigating our future.

April 28, 2016

Brian Golden
Director
Boston Redevelopment Authority
1 City Hall Square, 9th Floor
Boston, MA 02210

Re: Expanded Project Notification Form, 150 Seaport Boulevard

Dear Mr. Golden,

On behalf of Boston Harbor Now (a recent merger between The Boston Harbor Association and the Boston Harbor Island Alliance), thank you for the opportunity to comment on the Expanded Project Notification Form for the 150 Seaport Boulevard project.

Boston Harbor Now (as TBHA) has been an active participant since the early stages of the proposed project. We are currently involved in the South Boston Municipal Harbor Plan amendment process and had the project proponent present at our February 11, 2016 Harbor Use and Planning Committee meeting. We have expressed our concerns throughout this process regarding missing information and departures from Chapter 91 requirements. Our specific comments follow.

We support the proponents' proposed efforts to prepare for climate-related coastal flooding.

It is appropriate that project proponents based their calculations on Mass CZM flooding scenarios. That said, the City of Boston is about to release best available science projections of coastal flooding and other climate impacts. Once these numbers are available this summer, proponents should use those better estimates instead.

We also support the multiple proposed strategies for increasing building resilience while maintaining public access to the water. Some of these approaches include having an

extra-high first floor that can be raised as sea levels increase, locating mechanicals on the second floor, and creating a saltwater-resistant building envelope that can be made higher in the future. We have been impressed with proponents' willingness to discuss these issues and incorporate suggestions into their design.

The project assumes a footprint that proponents do not currently control, including building out over the watershed. Throughout the expanded PNF the proponents assume several easements and land transfers will be granted to more than double the overall square footage of the site. It is our understanding that not all easements have been finalized. According to the expanded PNF and representations at public meetings, the following adjacent strips of land will be incorporated into the project site as a result of various ongoing negotiations:

- An easement from Massport for the eastern side of the property to increase the site by approximately 3,590 square feet.
- Full-fee acquisition of a triangular 3,813-square foot parcel of currently city-owned and public land along Seaport Boulevard.
- A 30,000-square feet area of watershed to the north of the site.
- In addition, an existing public sidewalk is being counted in the calculation of the site size, apparently to allow for a taller building.

The above additions of square footage significantly increase the size of the site and related proposal under consideration.

We oppose the project's proposal to build out over the watershed.

Of related concern is the fact that proponents cite a Chapter 91 written determination and license issued in 1997 in arguing that they have existing authorization to construct a 12-foot-wide HarborWalk outside of the current perimeter of the property on pile-supported piers over the existing watershed. A copy of the written determination and license was not included in the expanded PNF nor was provided after multiple requests during the advisory committee process.

That said, such Chapter 91 licenses expire after five years if they are not acted upon. This is certainly the case in this situation. Therefore, this proposal should not include building the HarborWalk out over the watershed, especially as the proposed development would tear down the current structures, making room on the existing site to include the HarborWalk.

As presented in the expanded PNF, project proponents plan to add a minimum 26-foot wide deck to the harbor side of the parcel by covering 8,120 square feet of watersheet. Of this proposed addition, only 12 feet are necessary to comply with the open space requirements.

We do not agree that the new HarborWalk should be seen as an additional public benefit; the HarborWalk is a baseline open space requirement for all projects under Chapter 91 jurisdiction. Furthermore, proposals should not be allowed to cover the watersheet to meet open space requirements. Setting this unwanted precedent opens the door for other non-water dependent properties to expand further into the watersheet as a way of fulfilling their baseline Chapter 91 requirements.

The advisory committee presentations have not included the expected and necessary information needed to evaluate this proposal. For example, the expanded PNF does not include property line boundary maps or diagrams detailing the as-of-right Chapter 91 allowable limits for the current site. This information has been repeatedly requested throughout the South Boston Municipal Harbor Plan and is necessary to allow the public to accurately quantify deviations from baseline Chapter 91 requirements.

We ask proponents to provide detailed information and diagrams about the boundaries of the property they currently own, as well as a robust alternative proposal based only on this smaller site that neither counts the public sidewalk nor expansion over the watersheet in the site calculations.

The project has an unclear and potentially net negative impact on open space compared to the status quo. This project includes the proposal to sell and/or transfer--without an open process--a triangle of city-owned property to a private developer for the sole purpose of increasing the allowable scale of a proposed development. We are especially concerned about the potentially damaging precedent this transaction might set for future projects. The Boston Redevelopment Authority needs to include the public in all such transfers of public land to private ownership.

Beyond the issue of ownership of the existing sidewalk and triangle parcel, the building design negatively affects existing open space in several ways:

- The sidewalk area under the building's cantilever will no longer be open to the sky.

- The proposal appears to narrow the width along the existing HarborWalk between Pier 4 and the project site, inhibiting visual connection to what will be an exemplary portion of the waterfront.

The total net new open space gained on the site remains unclear. We request that the total amount of public open space (note: open to the sky) lost on the site be subtracted from the proposed new open space to determine the net new open space gained. Furthermore, we ask that the proponent be required to provide offsets for the negative impacts to existing adjacent open space including the Pier 4 HarborWalk and public sidewalk.

We believe that project proponents under-calculate shadow impacts.

The expanded PNF includes a more detailed shadow study than has been presented at the South Boston MHP and public meetings. Although we are glad to see additional information, we note that the key date of October 23rd is not included in this particular shadow study and that Figures 4-7 and 4-8 depict identical shadow impacts on March 21st at 9:00am and 12:00pm. The estimated net new shadow areas also do not include the watersheet that would be covered by the proposed HarborWalk.

The impact of new shadows on the Pier 4 HarborWalk between existing 100 Seaport Boulevard and new 150 Seaport Boulevard will be significant. The Pier 4 HarborWalk remains the most direct and obvious link to the end of Pier 4, the ICA, and Boston Harbor. The proposed building would narrow the passageway to 18 feet and dramatically reduce sunlight and openness along the HarborWalk.

The expanded PNF suggests that landscaping and a mural will serve to enhance and compensate for the added shadow and narrower HarborWalk. We believe a much better solution would be to maintain the existing width of and further enhance the Pier 4 HarborWalk all the way out to Seaport Boulevard.

The relationship between the Municipal Harbor Plan and the adjacent Designated Port Area is ambiguous. An apparent gap exists between the documented Designated Port Area boundary, which is shown at the pier face of Commonwealth Pier, and the Municipal Harbor Plan boundary that follows the edge of the Pier 4 and Whiskey Priest property lines. We request that the State clarify the boundary between these two designations.

We are particularly concerned with the status of the commercial navigation fairway and berthing areas along Commonwealth Piers. The Spirit of Boston, Provincetown ferries,

and general deep draft shipping berths are part of the maritime uses protected under Designated Port Areas. The proposed expanded HarborWalk additionally could set a precedent for incursions into deep draft DPA fairways.

Thank you for the opportunity to comment.

Sincerely,



Jill Valdes Horwood
Waterfront Policy Analyst



Julie Wormser
VP Policy and Planning