



Are you on board?

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January 31, 2017

Secretary Matthew Beaton
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

via email to: Purvi.Patel@state.ma.us

Attn: Purvi Patel, MEPA Office

Re: 150 Seaport Boulevard, EEA#15631

Dear Secretary Beaton,

On behalf of Boston Harbor Now, thank you for the opportunity to comment on the Environmental Notification Form (ENF) for the 150 Seaport Boulevard project.

Boston Harbor Now has been an active participant since the early stages of the project. We hosted the project team at our monthly Harbor Use Public Forum meeting on February 11, 2016. We were an active member of the advisory group for the South Boston Municipal Harbor Plan amendment process. We submitted comments on the Project Notification Form, the Municipal Harbor Plan amendment and the Notice of Supplemental Information. We also attended the MEPA site visit held on January 20, 2017.

In our view this Municipal Harbor Plan (MHP) amendment process has having been deeply flawed. Project materials were contradictory, confusing, and lacked expected data and analyses. We and other advisory board members expressed and documented multiple regulatory concerns that were never addressed by the city. We sincerely hope that this experience is an anomaly. We all rely on high-quality information, transparent processes and collegial professional relationships to successfully balance public and private benefits as Boston's waterfront is redeveloped.

Project Description

In its current configuration, the proposed project consists of lots 146, 148, & 150 Northern Avenue and is home to the Whiskey Priest and Atlantic Beer Garden restaurants. As stated in the ENF, there are pending agreements with abutting landowners that will enlarge the parcel from 10,515 SF to 25,358 SF. The proposal for this larger parcel involves a new 250-foot, 22-story mixed-used building with 10,680 SF of commercial space on the ground/second floor, 124 high-end condominium units, approximately 124 bike storage spaces, and 179 underground parking spaces accessible by car elevator.

We continue to have questions about the actual size and ownership of the site. The parcel assemblage and square footage calculation presented in the ENF differs from that included in the June 15, 2016 Municipal Harbor Plan amendment and the November 15, 2016 Notice of Supplemental Information. In addition, the document makes no distinction between private land transfers, public land purchases, and City-owned sidewalk included in the parcel assemblage. For clarity and consistency, a parcel chart and site diagram like that found on pages 19 and 47 of the South Boston Municipal Harbor Plan should be included with the permitting documents.

The phrase “pending agreements” found on page 45 of the ENF suggests that not all land negotiations have been finalized. We remain concerned that this project continues to move through the permitting process without the final transfer and agreements needed to assemble the 25,358 SF parcel. City and state approval must be contingent on written confirmation that these transfer negotiations are, in fact, settled and complete. We request that such transfer and purchase documents be provided as part of the project documents.

Municipal Harbor Plan Benefits

As a result of the 2016 amendment to the South Boston Municipal Harbor Plan, the proponent must provide substitute provisions and offsets for:

- Proposing to build up to 250 feet instead of 55 feet,
- Increasing lot coverage to 75% instead of 50%, and
- Not meeting the required water-dependent use zone standard.

The substitute provisions and offset approved by the South Boston Municipal Harbor Plan include:

- Improvements to the Seaport Boulevard sidewalk layout,
- An interior ground floor public waiting area of undefined size,
- A \$1.5 million contribution to fund the construction of the Martin Richard Park,
- A \$250,000 contribution to the Fort Point Arts Council space at the Envoy Hotel, and
- Construction of Massport Wharf, a pile-supported water transportation passenger waiting area along Seaport Boulevard

Page 62 of the ENF includes completion of the Harborwalk as part of the MHP benefits package for the project. Because the Harborwalk is a pedestrian access network required in Section 9.52 of the

Massachusetts Public Waterfront Act (Chapter 91), this should not be presented as an additional benefit of the project but as a minimum expectation of all projects within the City of Boston proposing non-water dependent uses on Commonwealth tidelands.

We are glad to see that discussions with the State resulted in the preservation of at least a 10-foot water-dependent use zone setback to double as the Harborwalk area for this site. As presented by the proponent, this setback will allow the public to enjoy waterfront views as they travel between the Pier 4 Harborwalk and Seaport Boulevard.

Public Interior Area

To address the increased lot coverage, the proponent will provide a public interior waiting area and public general space on the ground floor of the development. Figure 1-13 on page 48 of the ENF does not identify the area reserved for public use. The lack of detail regarding the location, size, or intended use of the interior space makes it impossible to weigh the benefit of the public interior area.

We feel the project resources would be best used to create a space that is welcoming to the community, separate and distinct from the restaurant area, and could perhaps be used for scheduled community gatherings as in the new Norman Leventhal Center at the Boston Harbor Hotel.

Seaport Wharf, Waterfront Plaza

Recognizing that the current parcel size does not provide for public access to the water or water-dependent uses, the proponent requested and was granted an amplification of a 5,000 SF pile-supported structure seaward of the existing project shoreline. As presented in the ENF, this amplification will serve as a waterfront plaza and enable the proponent to deliver on the promise to improve and expand the Harborwalk pedestrian experience along the perimeter of the property.

Section 9.51(3)(a) of the Public Waterfront Act indicates that, “new pile-supported structures for non water dependent use shall not extend beyond the footprint of existing, previously authorized pile-supported structures . . . [and] new or expanded buildings for non-water dependent use . . . shall not be located within a water-dependent use zone . . . [to ensure that] sufficient space along the water’s edge will be devoted exclusively to water-dependent activity and public access”.

During the MEPA site visit, the proponent stated that they hope to use this area and the adjacent WDUZ as possible restaurant seating. As defined in the Chapter 91 regulations, a restaurant is not considered a water-dependent use. We feel strongly that the WDUZ and Seaport Wharf extension should not include outdoor restaurant seating that is reserved solely for paying customers. Instead, any outdoor seating in these areas should be clearly open public seating like that found along the waterfronts of the New England Aquarium, Atlantic Wharf and the Boston Children’s Museum. Instead, the proposed second-floor balcony is a more appropriate outdoor seating area for paying restaurant customers.

Massport Wharf, Water Transportation Passenger Waiting Space

As presented by the consulting team during the MEPA site visit, the water transportation passenger waiting space is proposed to the southeast of the site between 150 Seaport and the World Trade Center.

The 2,000SF Massport Wharf is an offset for the 1,760 SF water-dependent use zone deficit. To meet the one-square-foot-to-one-square-foot ratio requirement, the proponent plans to construct a pile-supported wharf area. During the site visit and in the ENF, the space was presented as a water transportation passenger waiting area. We are puzzled by this proposal and intended use. There is currently an all-weather marine transportation waiting area for the World Trade Center located in the Dunkin Donuts. The existing space is equipped with comfortable seating, ferry schedule monitors, heat/air conditioning, and is sheltered from the elements, yet water transportation customers seldom use it.

We question the success of building an additional water transportation waiting area along Seaport Boulevard in proximity to an existing waiting area. The lack of detail and design of the proposed waiting space makes it difficult to determine whether this benefit adequately addresses a public need and creates a true public benefit. We would suggest a use that is complementary to the existing marine transportation area, widens the sidewalks for ferry passengers, and highlights the benefits of the waterfront space without duplicating efforts.

Transportation

150 Seaport Boulevard is near multiple modes of public transit including the Silver Line, Red Line, commuter rail, Amtrak and bus routes. As proposed, the project will more than double the existing vehicle trips per day from 226 to 486. We are glad to see the proponent will make efforts to promote public transportation and bicycle commuting to alleviate traffic impacts in an already congested area.

In addition to encouraging the use of public transit, Cronin Holdings is proposing to redesign and reconstruct the section of Seaport Boulevard immediately in front of the site and along the sidewalk to the World Trade Center. The proposed changes would include:

- Reducing the existing 58-foot restaurant driveway down to 24 feet,
- Lessening the width of the median to widen the sidewalk and reduce the crossing distance, and
- Narrowing the road to extend the bicycle lane through the intersection

Widening the sidewalk and enhancing the pedestrian experience along this stretch of sidewalk is an excellent idea. We see this as the best use of the Massport Wharf offset. On busy summer days, the narrow sidewalk forces pedestrians to extend the ferry queue into the street, putting pedestrians, cyclists and motorists at risk.

During the MEPA site visit, a Massport representative confirmed that this intersection of Seaport Boulevard and B Street is an active and major truck route for Conley Terminal cargo services. We encourage the proponent and the Boston Transportation Department to manage pedestrian and vehicular flow at this crucial intersection. The proponent should work together with Massport to ensure

that these proposed pedestrian improvements are compatible with existing cargo operations at Massport Conley Terminal.

Climate Change

Although we are pleased to see references to CZM's report on sea level rise, the City of Boston in December released Climate Ready Boston, which updates Boston-specific climate predictions with best-available science. Led by researchers at UMass Boston, the Boston Research Advisory Group (BRAG) scientists project that up to 1.5 feet of sea level rise is likely by 2050 (relative to Boston Harbor in 2000) and between 2.4 to 7.4 feet by the end of the century. The lower end of this range requires moderate cuts in greenhouse gas emissions worldwide, while the higher end reflects a "business as usual" scenario for future emissions.

Site and building design should consider the possibility that today's 1% storm could have a frequency of 10% by mid-century, and that chronic flooding associated with monthly and seasonal high tides will become more and more prevalent during the latter half of the century. According to the BRAG report, the possibility that such flooding will occur several times per week cannot be ruled out.

We appreciate the project team's responsiveness to our suggestions about climate preparedness throughout the municipal harbor planning process. Some of the modifications they made to their proposal after discussions include extending the height of the first floor so that the floor can be elevated over time to prevent coastal flooding and elevating mechanicals to the second floor out of harm's way. We continue to be concerned with proposed underground parking garage that relies on an elevator to access cars. This design would seem highly vulnerable to salt water flood damage.

The new FEMA maps for Boston set the proposed project within a "velocity zone" (V zone), an area subject to both flooding and wave action. It is our understanding that the proponent has requested a Conditional Letter of Map Revision (CLOMR) from FEMA. The updated FEMA maps on which the zone regulations rely are required by law to only consider retrospective data rather than projections of future flooding. In light of the speed and uncertainty of increases in climate change-related storms and sea level rise, this building is likely to experience higher sea levels during its lifespan that will make it more susceptible to wave action. Our concern is that even if FEMA issues the CLOMR, the proposed development could be vulnerable to damage from extreme storms. Waves can cause substantially higher damage to structures than standing water. Any building constructed on this site must be designed to withstand waves and chronic saltwater flooding of its foundation.

Thank you for your consideration of our comments.

Sincerely,



Julie Wormser



Jill Valdes Horwood

VP Policy and Planning

Director of Waterfront Policy