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October 7, 2022

Via email: BPDArpz@Boston.gov

Boston Planning and Development Agency
1 City Hall Plaza, Floor 9
Boston MA. 02201

Attn: Bryan Glascock

Re: Proposed Zoning Amendments of Floor Area and Other Definitions

Dear Mr. Glascock,

Boston Harbor Now respectfully submits the following comments on the Proposed Zoning Amendments of Floor Area and Other Definitions put forward by the Boston Planning and Development Agency (BPDA). Our organization has been following this process, and we have attended the July 20th, 2022 public meeting and watched the recording of the most recent Sept. 19th, 2022 meeting.

As longtime stewards of the Boston Harborwalk, Boston Harbor Now is committed to ensuring the waterfront we build today and in the future is designed to be more resilient and inclusive. We use the term "Harborwalk 2.0" to capture the aspirations of this work to ensure that the waterfront is accessible and welcoming, is prepared for the coastal impacts of climate change, and centers equity and inclusivity in its design and programming. We see this zoning amendment as a way to advance plans for a more welcoming waterfront and generate renewed conversations about flood infrastructure implementation in areas vulnerable to coastal flooding. We expect this zoning clarification will help to create a Boston waterfront that remains consistent with Chapter 91 and adapts to the demands of the 21st century.

By requiring a stricter interpretation of Lot Area, future projects will no longer be able to use submerged land that is not associated with a wharf or pier as a part of the Lot Area and Floor Area Ratio (FAR) calculation. The reduction in Lot Area and FAR will result in developments that will have a smaller building envelope by right and, by extension, sites with more open space and better waterfront visibility thanks to reduced building height. We appreciate that the proposed zoning amendment language will better align Boston's zoning code with Massachusetts General Law Chapter 91. The updated code ultimately is likely to result in somewhat reduced building massing along the waterfront, which embodies the spirit of Chapter 91 by preserving public access and views to the waterfront, keeping it open and welcoming to everyone. In much the same way that the Municipal Harbor Plans allow for larger buildings at the culmination of a public process, adjustments may be made to zoning in special cases.

While we expect all waterfront projects to meet the existing Chapter 91 requirements, we believe these regulations will need to evolve to address the impact of climate



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change and other future challenges. Existing Chapter 91 regulations do not address climate change and resilience infrastructure, and we believe this zoning change may begin to incentivize district-wide flood protection. We recognize that creating infrastructure that provides both coastal storm flood protection and meaningful waterfront access is a financial and physical challenge for the City. Going forward, as in the past, the City is likely to rely on private development projects to build this infrastructure by allowing and funding district-wide flood protection on private land. We encourage the City to use the proposed zoning changes to FAR and Lot Coverage as leverage to incentivize the creation of this infrastructure.

Under the proposed zoning, wharves and piers that extend into the water are counted in the Lot Area and FAR calculation. In the event nature-based shoreline strategies are implemented along land that is presently submerged in order to protect against the anticipated higher tides of sea level rise and storm surge elevations, it may be appropriate to treat this reclaimed area similarly. In instances where physical changes contribute to district-wide coastal storm flood protection, the BPDA could recalculate the project's Lot Area and FAR to reflect the increased area of the site. Resurfaced land should continue to remain undevelopable; however, when they dedicate site area to flood protection that is functional, publically accessible, and inviting, developers should not be penalized for their efforts to protect against anticipated impacts of climate change. The City should make developers aware of this as a potential mechanism to increase their allowed development envelope by increasing the denominator used as the Lot Area in FAR calculations.

In order to bring the technical language of the zoning amendment in line with Chapter 91, we propose the following edits:

b) any area of water and associated submerged land or tidal flat lying (i) below the ~~high-tide line~~ High Water Mark ~~or~~ and (ii) beyond the Project Shoreline of any wharf, ~~or~~ pier, or pile supported structure (as applicable) on any navigable river or stream, any Great Pond, or any portion of the Atlantic Ocean within Boston as such terms are defined in 310 CMR 9.00 defined by Massachusetts General Law Chapter 91 or its successor.

We appreciate the opportunity to comment and look forward to following the process for codifying this zoning amendment in addition to the BPDA's other waterfront work. Boston Harbor Now staff would be happy to speak further with BPDA if there are additional questions.

Sincerely,

A handwritten signature in black ink that reads "Katherine F. Abbott".

Katherine F. Abbott
President and CEO
Boston Harbor Now