



NORTH END/WATERFRONT RESIDENTS' ASSOCIATION



West End Civic Association

July 11, 2014

Secretary Maeve Valley Bartlett
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Holly Johnson, EEA No. 15134
100 Cambridge Street, Suite 900
Boston, MA 02114

Subject: Redevelopment of the Government Center Garage
Draft Environmental Impact Report

Dear Secretary Valley Bartlett:

Beacon Hill Civic Association (BHCA), North End/Waterfront Residents' Association (NEWRA) and West End Civic Association (WECA) join in filing these comments on the Draft Environmental Impact Report, EEA No. 15134 (the "DEIR") for the Redevelopment of the Government Center Garage (the "Project") submitted by the HYM Investment Group, LLC on behalf of Bulfinch Congress Holdings, LLC (together, the "Proponent"). With the interests of more than 25,000 residents living in the historical neighborhoods of Beacon Hill, the North End/Waterfront and the West End, we have closely followed the City of Boston's Article 80 review and the Commonwealth's environmental review of the Project. In these processes, our goal has been and continues to be an assurance that this proposed major urban transformation at our doorsteps will bring significant, long-term benefits to the city and our communities and will cause no harm. Unfortunately, we have not gained this assurance from the BRA Article 80 review or the MEPA review filings to date, as reflected in our comments below.

We have, therefore, focused these comments on very specific measures of benefit and impact, in line with our previous comments¹ and the Secretary's February 14, 2014 Certification on the Expanded Environmental Notification Form ("EENF"). In particular, we have strived to discern from the DEIR whether the full potential for public benefit will be achieved by the Project as proposed and whether the Project or related public agency actions can adequately mitigate impacts. At the same time, we continue to believe that in order to realize public benefits, minimize impacts, and ensure the livability and viability of the downtown area for residents and visitors alike, the size, scale and density of the Project must be reduced.

¹ Including BHCA, NEWRA and WECA's February 6, 2014 comments to MEPA on the EENF.

Unrealized Prospect for Benefits

There is general support in our neighborhoods for a transformation of the Government Center Garage whose design increases residential quality of life. We support expanded housing and commercial opportunities, vibrant residential and retail activity, and much needed improvements to the public realm and public infrastructure, centered on urban transportation and connectivity. We also welcome an “opening up” of the area, through removal of the massive and monolithic concrete garage that is a visual, physical and programmatic barrier between our neighborhoods. Given its critical downtown location, there is also great potential for connecting neighborhoods and enhancing the site’s function as a major transportation hub. Like recent and proposed improvements in the Bulfinch Triangle, the Market District, and the Greenway Overlay District, the Government Center Garage project could and should enhance the quality of life in the surrounding residential areas, further the public’s enjoyment of the city’s downtown, and promote broader economic growth. We are concerned, however, that the project as currently envisioned does not accomplish these goals.

Inappropriate Size, Scale and Density

Our primary concern continues to be that the towers in the West Parcel, even though reduced in size during the Article 80 process, are of a size, scale and density that are inappropriate and burdensome for the Project’s site. As we noted in our February 6, 2014 comment letter on the EENF, the size, scale and density of the project is inconsistent with the surrounding area and was not evaluated (or even contemplated) in any project area planning.²

Most important, the DEIR does not include an evaluation of alternative building sizes and use allocation (especially office use) to understand how these elements contribute to impacts and how the Project could be resized to optimize benefits and control impacts. Last, it does not commit to specific mitigation of the negative impacts of the Project’s size, scale and density and the cumulative effects of other development projects in downtown Boston.

On this point we agree with the determination of the Massachusetts Historical Commission (“MHC”) that the “size, scale and massing of the proposed new towers appear to be inappropriate for the surrounding area” (Brona Simon to Secretary Sullivan, 24 January 2014) and with MHC’s determination that the project will have an “adverse effect” on three State Register listed historic districts that are adjacent to the project site. We also applaud MHC’s decision to initiate the MHC’s consultation process pursuant to 950 CMR 71.07(3). (Brona Simon to Thomas O’Brien, 27 May 2014).

The elimination or minimization of the Project’s adverse effect on these historic resources will require design alternatives that will substantially alter significant elements of the project in ways that need to be clearly articulated in the next MEPA submission. The next MEPA filing, therefore, should await the conclusion of MHC’s consultation process and not, as the Proponent states, take place “beyond the conclusion of the MEPA review process.” (DEIR, 5.4). We ask that the Secretary require that the MHC’s work to preserve the character of Boston’s historic neighborhoods through its consultation process be included in the next MEPA submission so that we can understand the Project’s impact on the area’s historic resources.

² The BRA’s Greenway District Planning Study and resulting Greenway District Overlay Zoning did not involve master planning and addressed only the impacts of height and massing at Government Center Garage on the Greenway corridor and parks. The BRA’s approval of Planned Development Area status (which removed the site from any previous zoning) also did not have the benefits of area-wide planning or state environmental review of the Project.

Traffic Demands and Impacts

We continue to be concerned about the lack of an updated, comprehensive traffic study that includes an assessment of the cumulative impacts of background projects, as well as the planned replacement of the North Washington Street Bridge and reconfigurations of Rutherford Avenue and Sullivan Square.

Although we understand that such a study was not required by BTB during the Article 80 process or by state guidelines compliant with national standards, it is difficult to assess the benefits of the Project when there are critical flaws in the traffic data assumptions in the DEIR. These flaws and oversights include, but are not limited to: (i) that roadway improvements undertaken as mitigation for the Boston Garden Project will be completed or should be factored in as a mitigation for the Project; (ii) that ongoing downtown development projects or projects that were known about, but not formally approved, are not relevant to the traffic assessment; (iii) that Boston Garden event traffic does not impact area traffic during peak traffic hours; and (iv) that consideration of the effect on intersections only within a quarter mile of the Project is sufficient.

The Proponent states that the Project is designed to serve as catalyst for further development in the area. This, in addition to other ongoing and upcoming projects, makes urgent the need for a comprehensive traffic study for the downtown area with validated assumptions and models. MEPA should receive accurate traffic predictions before Project approval. This will avoid traffic congestion that may be far worse than what Bostonians currently experience in the South Boston Waterfront/Innovation District. The failure to predict the current and massive South Boston Waterfront traffic problems can be blamed on flawed traffic analyses, naïve predictions during the approval process, and reliance on the same national standards that the Proponent proposes to apply now to the Government Center Garage project. Coordination with the BTB and MassDOT for an updated, comprehensive traffic study that takes into effect all known downtown development efforts and roadway reconfigurations is critical for this Project, and should be required at this time.

We support the Proponent's proposal to conduct a Traffic Monitoring Program ("TMP") as a critically needed component of continuing project planning, design and construction management. This is particularly important given the long construction timeframe, the currently changing traffic conditions, and the prospects for greater traffic as this and other major development projects are completed. The Proponent proposes that the TMP cover a five-year period commencing six months after the start of construction. Since this Project may take twenty years to be completed, and major components of the project (e.g. Phase 2B) may be constructed later in that timeframe, this program should be continued annually until completion of the Project. In the next MEPA submission, the Proponent should better define the purposes of the TMP, explain how the results will be disseminated and reviewed each year, and describe how the Proponent and Project will respond if and when the monitoring data show that actual conditions do not reflect the anticipated impacts with the mitigation measures in place.

Public Transportation Demand and Impacts

We acknowledge that public transit carrying capacity improvements are not contemplated in connection with the Project, that improvements are needed system-wide in the Boston area, and that a long term plan requiring cooperation from the Governor and legislature is needed to accomplish such infrastructure improvement. However, the DEIR contains some potentially

inaccurate assumptions that necessitate an updated, comprehensive transportation analysis to enable MEPA to assess a more realistic impact of the Project on Haymarket Station.

The inaccurate assumptions include: (i) future passenger activity at Haymarket Station was estimated by applying a very low 1% annual growth factor for Green and Orange line traffic³; (ii) another extremely low 10% growth factor was applied to account for the Green Line extension to Medford; and (iii) ridership on the 111 bus route was predicted to decrease, incredibly, by up to 2,500 daily riders when the Silver Line Gateway service to Chelsea becomes available. These outdated assumptions, drawn in part from the 2008 Urban Ring DEIR, were made before Boston's current building boom started and do not factor in the large number of residential units now under construction in the area (including many with no parking). Further, the assumptions do not acknowledge the more recent uptick in central subway usage, the disproportionate impact of the Green Line extension on stations north of Government Center⁴, or the well-documented rider preference against Silver Line/BRT service⁵. Coordination with the MBTA for an updated, comprehensive system study is critical and until such a study is undertaken, any mitigation that may be required cannot be identified. We believe the time to understand such impacts is now, before the project is underway, and not at some future date when necessary and appropriate mitigations may no longer be feasible.

Also, rather than offering a Haymarket busway capacity increase, the Proponent's plan creates a dangerous and unwise capacity reduction. The proposed bay redesign actually reduces off-street bus handling from 5+ to only 3. Three berths would instead be shifted curbside, creating additional risk of serious traffic tie-ups on an already-overtasked Surface Road. Also, the overall planned reduction of two parallel berth areas (one 2-lane, one 3-lane) to a single 2-lane area eliminates the currently-used parking area for out-of-service busses. Rather than push more busses onto the street, a complete redesign of this busway should be undertaken, with the goal of hosting all Haymarket Bus routes off-street (currently only 6 of 13 bus Haymarket routes use the busway – we should aim for 13 out of 13 in the busway, not the Proponent's 3 out of 13).

Public Benefits

As reported in the DEIR, the Project is subject to a public benefits determination by the Secretary of Environmental Affairs because it is located within Landlocked Tidelands. Moreover, significant public benefits are in order because of the Project's location and the financial benefits it will accrue from the surrounding public realm and public infrastructure. Information on public benefits

³ Current data suggests growth rates far in excess of the DEIR's 1% assumption. "MBTA ridership for October 2013 increased by nearly 3% over October 2012," said (MBTA) General Manager (Beverly) Scott, "Ridership on almost all modes increased, with particularly big jumps on the subway and buses." MASS DOT Blog, October 2013 "MBTA October Ridership Jumps". Also, between 2007 and 2013 Haymarket Station entries were up over 2.5% year to year, according to the MBTA Blue Book 14th Edition (2014), "Haymarket Station Entries", p28&33

⁴ A 21% Green Line ridership increase is expected from the Green Line extension according to the "Beyond Lechmere – Northwest Corridor Study", August 2005, appendix F, representing a weekly increase of about 50,000 riders (off of the Green Line's 2013 baseline as reported in the Blue Book). The majority of that ridership increase will distribute north of Park Street. Once the Green Line extension goes into service, all Haymarket platforms will be used for embarkation and disembarkation on a relatively equal basis for the first time. This will be a significant change of use for the station, likely requiring significant improvement to station ingress/egress and pedestrian traffic flow. The contention in the Government Center Garage DEIR section 2.4.3 that both Orange Line and Green Line platforms "have sufficient capacity to serve future passenger demands, including the additional Project trips" is not supported, nor are the numbers in figures 2.14, 2.15, and 2.17.

⁵ Speed and schedule performance for Silver Line routes fall far short of the minimum BRT Standard promulgated by the Institute for Transportation and Development Policy (ITDP), according to the "The Bus Rapid Transit Standard", revised 2014 Edition. The Silver line's total weekly ridership of around 30,000 continues to be the system laggard, at half of the Blue Line's ridership, one sixth of the Orange line's, and one eighth of the Red and Green lines' (MBTA Blue Book 14th Edition). Further, over half of the Silver Line ridership comes from the SL4 and SL5 Dudley Square routes. It is an unreasonable position at best to suggest a more than 100% increase in the non-Dudley Silver Line ridership based on expectations of mass switching of riders from a 15-minute express bus route to a 60-minute plus Silver Line route from Chelsea.

presented in Chapter 6 of the DEIR should be expanded in the next MEPA submission to address the following: (i) additional impact mitigation measures to address remaining comments and concerns raised by agencies and the public in their review of the DEIR; (ii) a comparison of the area of green space and number of existing trees at or adjacent to the Project site (currently at ground level) and the green spaces and trees that are in the Project plan; (iii) a comparison of ground space currently accessible/available to the public for pedestrian passage and MBTA subway/bus access to the amount of ground space in the Project plan; (iv) pedestrian amenities and environmental conditions along Bowker Street and its pedestrian connection to New Sudbury Street.

In particular, additional information should be presented to show that the sizes and capacities of the proposed East Parcel ground level space surrounding the MBTA subway station and along the MBTA reconfigured busway will be adequate for the intended uses and projected demand. Current maps presented by the Proponent in the DEIR strongly suggest that the pedestrian-usable area is actually decreased, and the passenger flow between busses and subway is impeded by new, serious bottlenecks⁶. Will the area surrounding the station entrance be adequate for pedestrian passage, access to the station, supplemental bus passenger waiting area, access to the surrounding retail establishments, the hotel and offices, and outdoor dining/café patios? Will the patio spaces be limited to provide adequate space for the other uses, and to what extent? After layout of MBTA related appurtenances, such as Charlie machines and an operator kiosk, what will be the remaining area available to waiting bus passengers compared to the demand projections?

Many of the Project's benefits relating to enhancement of at-grade public areas, including pedestrian safety and convenience, retail/dining opportunities, and MBTA passenger access and waiting, will come with the completion of Phases 3A and 3B, yet there appears to be no requirement, required schedule or commitment to build these two phases. As we have stated in our earlier comments, we believe that the greatest impacts of the Project are associated with Phase 2B, because the proposed 480-foot tower and its office uses will generate the greatest shadow impacts, wind, obstruction of sky and increased traffic and transit demands. Meanwhile, the financial benefits of the project to the Proponent will mainly accrue from Phases 1 and 2B currently scheduled by the Proponent to occur before Phases 3A and 3B. Also, it is unclear what the timeframe and the physical/operational conditions of the MBTA station access and busway will be following deconstruction of the eastern portion of the garage and prior to construction of 3A/3B.

The DEIR states that timeframes for construction of Phases 2B, 3A and 3B are interchangeable and will depend upon market conditions. The Proponent should include additional information in its next MEPA submission regarding the Project's plans for the east parcel during and following deconstruction of the garage in the event that construction of 3A and 3B does not commence immediately. At the same time, we ask the Secretary to require that construction of Phases 3A and 3B begin within a reasonably short time after removal of the garage and no later than the commencement of construction of Phase 2B.

Infrastructure and Environment

Wastewater: The DEIR reports that the Project will increase wastewater flows to the Boston Water and Sewer Commission (BWSC) sewer system by 182,285 gallons per day. The DEIR then compares this additional flow to the total flow capacity of the BWSC sewers, with no mention of

⁶ The width of the northern entrance to the urban plaza is about 20% less than the existing configuration, creating a pinch-point which would likely result in pedestrians finding alternate but more hazardous walking routes, including through the busway or on Surface Road. Similarly, the connection between subway and bus station elements, currently wide open, is proposed to be via only a single 15-foot wide corridor(!) Beyond simply impeding foot traffic, the new configuration appears to be a significant public safety risk.

current or projected total flows or available (i.e., unused) system capacity. The DEIR reports that no system capacity problems were identified during the Proponent's discussions with BWSC, and it does not acknowledge that the downstream BWSC sewer system is a combined system that also collects stormwater flows which in large storms contribute to well-documented untreated sewer overflows to the Charles River. The DEIR also reports that recent state regulatory changes have removed the requirement for a Sewer Connection Permit, but does not mention the flow offset requirements in the new regulations or the shifting of flow offset enforcement from the Department of Environmental Protection to the municipality.

The Proponent should provide additional information identifying the BWSC sewer systems that will be affected by the new flows, the current untreated overflow conditions, and propose a plan to offset the project's increase in flow with infiltration/inflow (I/I) removal to meet the requirements of the new regulations. Without the implementation of directed I/I removal, the Project's wastewater flow will increase untreated sewer overflows to the Charles River. If the offset "plan" involves the Proponent's contributions to BWSC's I/I mitigation fund, information regarding ongoing I/I removal efforts in the large area tributary to the same overflow locations should be presented to assure that effective mitigation is available.

Air Quality: We remain concerned that increasing traffic from this and other area redevelopment projects will worsen air quality, particularly in residential areas of our neighborhoods. Insufficient information exists on current pollutant concentrations, the contribution of vehicular exhausts to air quality degradation, and the links between these concentrations and the health of area users and residents. Traffic levels have increased significantly in the past several years, and traffic backups have noticeably increased this past year along North Washington Street, but pollution impacts are unmeasured. We also remain concerned that the massing of the Project will affect the performance of major transportation related ventilation systems in the immediate area, including ventilation systems serving the MBTA Haymarket Station and MassDOT's ventilation structures at CA/T Parcel 7 and the two North End structures that vent the Sumner and Callahan tunnels. Finally, we are gravely concerned about the likelihood that the existing garage structure contains deadly PCBs, and therefore strongly urge that any dismantling plan be required to include erection of an airtight building envelope, as well as exterior environmental monitoring for PCBs and other pollutants.

In closing, we must also mention our disappointment that so much of the DEIR text defers to the BRA's Article 80 review of the Project and the BRA Board's decisions as well as meetings with various public officials and agencies in lieu of responding to the MEPA scope and public comments. While we acknowledge that the Proponent and the Article 80 process did provide opportunity for public review and comment, many of the traffic, transit and environmental concerns that residents raised during those public meetings and in past public comments have yet to be addressed. Also, while we recognize that the Article 80 process resulted in certain project changes that we believe have reduced some impacts, clearly the potential for significant impacts to historical resources, traffic conditions, public transportation and environmental conditions continue to be unaddressed. We nonetheless look forward to a successful plan for redevelopment of the Government Center Garage and continued collaboration with the Proponent and local and state agencies through this MEPA process and subsequent design, permitting and construction reviews.

We thank you for the opportunity to submit these comments.

Sincerely,



Keeta Gilmore, Chair
Beacon Hill Civic Association



Jim Salini, President
North End/Waterfront Residents' Association



Angela Rotondo, President
West End Civic Association

cc: Mayor Martin J. Walsh
State Senator Sal DiDomenico
State Senator Anthony W. Petrucci
State Representative Jay Livingstone
State Representative Aaron M. Michlewitz
Council President William Linehan
Councilor Michael Flaherty
Councilor Salvatore LaMattina
Councilor Stephen J. Murphy
Councilor Ayanna Pressley
Councilor Michelle Wu
Councilor Josh Zakim
Richard Davey, Secretary of Transportation
Beverly A. Scott, Ph.D., Chief Executive Officer/General Manager, MBTA
Brona Simon, Executive Director, Massachusetts Historical Commission
Nancy Girard, Director, Boston Environment Department
Brian Golden, Acting Director, Boston Redevelopment Authority
James Gillooly, Acting Commissioner, Boston Transportation Department
Ellen Lipsey, Boston Landmarks Commission
Greg Galer, Boston Preservation Alliance