



NORTH END/WATERFRONT RESIDENTS' ASSOCIATION

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July 8, 2013

Peter Meade
Director and Chief Economic Development Officer
Boston Redevelopment Authority
Attn: John Fitzgerald, Senior Project Manager
One City Hall Square, 9th Floor
Boston MA 02201

Subject: Government Center Garage Project Notification Form

Dear Mr. Meade:

North End/Waterfront Residents' Association ("NEWRA") submits the following comments on the Project Notification Form (the "PNF") on the proposal by HYM Investment Group, LLC (the "Developer") to redevelop the Government Center Garage site on behalf of the investor and property owner, Bulfinch Congress Holdings, LLC. The "Project" as proposed in the PNF would replace portions of the existing garage with 771 residential apartments and condominiums, 204 hotel rooms, 1.3 million square feet of offices and 82,500 gross square feet of retail space. This mix and scale of uses is proposed to be accomplished with construction west of Congress Street of a 48-story, 600-foot high office tower on New Chardon Street; a 45-story, 470-foot high apartment tower on New Sudbury Street; and a 24-story, 275-foot high apartment tower on Congress Street, along with a portion of the existing parking garage that will remain; and construction east of Congress Street (between Congress Street and the Rose Fitzgerald Kennedy Greenway) of a 23-story, 275-foot high hotel and condominium tower; a 9-story, 125-foot office building; and a 4-story, 60-foot high retail building.

NEWRA supports the removal of a portion of the Government Center Garage and replacement and build-out with a transit-oriented, mixed use development that will bring new residential, commercial and retail opportunities. Mixed use, especially with the provision of considerable new housing, will bring greater economic vitality to the commercial and institutional activities in the surrounding areas.

The site is enormous by development standards in our area, offering great opportunities not only from the Project elements, but also from broader public realm and public infrastructure improvements that should accompany a project of this size. This is an opportunity that comes once in many decades, at best, and therefore demands careful planning, a vision for the area established through public consensus and implemented with appropriate zoning, detailed impact review, and associated public amenities and infrastructure enhancements created by the Developer or by others to support the project and other area growth, while mitigating impacts.

Public Review, Approvals, Zoning Changes and Construction Sequencing

We are unsure of the plan for further Boston Redevelopment Authority (“BRA”) and public review by which the BRA will approve the Project or elements of the Project under Article 80 and also propose major zoning changes necessary to allow the Project to be constructed and operated. No elements of the project requiring zoning changes should be reviewed for impacts or approved until zoning decisions are made for the entire Project site in the context of comprehensive area planning. Zoning should not be done on a project or parcel level. We have been dismayed for years as we have watched zoning in and around our neighborhood – the North End/Waterfront – be the product only of developer and building owner proposals on a parcel by parcel basis despite regulations and laws requiring comprehensive planning and neighborhood plans¹. Zoning based on comprehensive planning helps to ensure quality of life and neighborhood sustainability. How else can these important goals be assured and protected?

During review of an earlier redevelopment proposal for the site, by Ted Raymond, the public demanded a comprehensive planning study of the entire Government Center area, in part to provide public assurance that whatever is built at the Government Center Garage would fit into an appropriate urban context and would not itself, and by itself, drive development of the surrounding area. The BRA responded by proposing the Green Growth District Study of the Government Center area, which the BRA has not even begun to do, despite the several years of economic downturn when its resources could and should have shifted from development to planning.

The public has so far been given little opportunity to review the Project and its impacts and to determine whether the layout, massing and uses are appropriate for the area. The PNF includes a lot of information, much more than is typically included at this stage of review. But the public has been given no more than the minimum review period for a Project Notification Form, and some of the meetings that will introduce the Project to the public have not yet been held. The Developer will make an introductory presentation to NEWRA on July 11, three days after the public comment period on the PNF ends. We urge the BRA not to segment the Project now into separate Article 80 filings, but to require a comprehensive Project Impact Report and associated public process that will provide for ample opportunity for public review of the impacts of the entire project and necessary mitigation measures.

We agree with the concerns raised by the Downtown North Association and the Beacon Hill Civic Association regarding the Developer’s construction sequencing plan. Most of the impacts from the excessive project massing will come from earlier development west of Congress Street, while most of the public realm benefits of the project will occur with development east of Congress Street. It is also in the East Parcel where the transit related

¹ For instance, under Article 54, Section 1, of the Boston Zoning Code, a North End Neighborhood Plan was to have been adopted by the BRA as the General Plan for the North End Neighborhood. Article 54 was added to the Code in 1993. Twenty years have passed and the BRA has yet to prepare and adopt the required plan.

components of this transit oriented project will occur. We are concerned that the greatest impacts of the project could occur long before the greatest public realm benefits. We are also concerned with the condition of the East Parcel during the time between the razing of the east end of the Garage and the construction of new buildings proposed on this parcel.

Greenway District Zoning

We understand that the BRA has commenced a process to rezone the so-called Greenway District using the recommendations of the Greenway District Planning Study. We joined with other neighborhoods in opposing the inclusion of the West Parcel of the Government Center Garage in the Greenway District study. While it is understandable that the BRA would want to consider the impacts of Government Center Garage project height and massing, particularly shadow impacts, on the Greenway parks, this evaluation should have been conducted in the context of master planning for the entire Government Center area. We must conclude that the BRA's inclusion of the West Parcel in the Greenway District study was intended to expedite rezoning of the parcel to accommodate the developer's proposal at that time. While it may be appropriate that a zoning overlay be created to add a level of Greenway protections onto the zoning for each of the districts lying along the Greenway, it is entirely inappropriate to rezone any part of any district, especially with the effect of relieving height and FAR limits, based solely on protecting and promoting the Rose Fitzgerald Kennedy Greenway, which was the narrow purpose and scope of the study.

Adequacy of Infrastructure

The Project likely will have, by itself or certainly together with several other major redevelopment projects in the Haymarket and North Station areas of downtown Boston², major implications for traffic, energy consumption, public and private utilities and infrastructure, public realm amenities and impacts, housing, open space, massing and skyline changes, groundwater resources, shadow and wind (which may affect our homes and street environments as well as open spaces), and impacts (beneficial or adverse) to residential quality and residential and business economies in the North End and other adjacent historical neighborhoods. There has been little public discussion to date about the Project and its impacts, no public discussion about the cumulative impacts of the several projects proposed in the Haymarket and North Station areas, and apparently no opportunity by the BRA for any master planning leading to appropriate district zoning.

The Developer has stated that the Project and its demands on roadways and other infrastructure fulfill or are consistent with several planning documents and guidelines developed by the BRA and conform to highway and roadway improvements that were implemented with the Central Artery Project. This general statement of assurance would also argue that all of the

² Including the four approved projects at Bulfinch Triangle, Nashua Street Residences and Lovejoy Wharf, now or soon to be in construction; the proposed redevelopment at the Garden/West End Garage; redevelopment or reuse on Parcels 7 and 9, and the proposed redevelopment of the Government Center Garage.

other projects proposed in the area can also be accommodated by existing roadways and other infrastructure, with relatively minor traffic signal changes listed in the PNF. But how can that be when we already have serious traffic congestion, traffic pollution, confusing traffic configurations and unsafe pedestrian crossings along Cross Street, North Washington Street, Causeway Street and Cambridge Street and their many intersections? While some traffic analysis is presented in the PNF, insufficient opportunity has been provided for the public to review and understand the information and raise questions.

In addition, the traffic capacity and structural condition of the North Washington Street/Charlestown Bridge has been compromised for decades, and the project to replace or rehabilitate the bridge has been delayed for all that time. What is the necessary capacity of the bridge to support the demands of the Project and other major redevelopment projects in the area, and what are the consequences of an additional or full shutdown of the bridge if the bridge improvements are further delayed leading to an emergency situation? The bridge should be replaced or rehabilitated to full capacity and safe long-term structural condition before the redevelopment projects in the Haymarket and North Station areas are completed.

We also question the adequacy of utilities that will serve the Project and other major redevelopment projects in the area. The Draft EIR should describe the current or proposed capacities of water, sewer, electricity, gas and other utilities that will service these projects, and how the performance of these utilities will be affected by them. We are well aware of the problems that have affected the residents and businesses in the Back Bay and The Fenway due to recent electrical station explosions, fires and shutdowns. Residents in the North End are also well aware of the longstanding gas leaks from major lines crossing the North Washington Street/Charlestown Bridge and traveling up Prince Street. How will these facilities be affected by build-out in the Haymarket and North Station areas, and will existing problems be addressed before the major projects come on-line? We also know that we share the same sewer systems with some of the major projects now proposed or under construction, including the Government Center Garage Project, and that the existing demands can and do exceed capacity in large storms.

The Project Impact Report should also describe the needs and demands of the Project's populations (residential, office and hotel) for open space and recreational resources, and how these demands will be met. The North Station area, the North End and other surrounding neighborhoods have limited amounts of open space and recreational resources for the existing population and demand. What plans are in place to augment the existing publicly funded and maintained resources to better serve the current demand and meet the additional demands from a greatly increasing population in the Haymarket and North Station development areas?

Parking

We support the removal of the portion of the Government Center Garage proposed by the developer as part of the Project, so long as a detailed study is conducted which produces solid evidence that the remaining 1100 parking spaces in the garage will be sufficient to serve not only

the customers currently served by the 2300 spaces now in the garage, but by the parking customers who will be added by the residential, office and retail components of the proposed development, as well as the parking customers who will be added by the nearby developments at Parcels 7 and 9 proposed by the Massachusetts Department of Transportation ("MassDOT"). The removal of parking spaces by the developer at the same time as the contemplated addition of users by this and other nearby projects must not be permitted to exacerbate the fight for parking spaces presently existing in the North End.

In addition, further review of the mitigation commitments regarding the availability of parking to the general public, including long-term parking for area residents, as well as the pricing of parking, is needed. There must be an assurance that the Project will not worsen parking problems in the North End and other area neighborhoods and will not cause an escalation of garage pricing in the neighborhoods, which could add to the already diminishing ability of the current residential population to afford to remain in these neighborhoods.

Public Transportation

In addition to traffic and pedestrian movement impacts, there is also the added burden on already overburdened subway and bus systems at Haymarket Station. The subway platforms, the station lobby and gates, the cars on both the Green Line and the Orange Line, and the bus waiting areas are often crowded. Instead of having information showing what impacts the development will have on these localized services, the developer has instead compared the development's additional demand to system-wide demand, which provides no real information at all.

We support transit-oriented development, but only when there is an assurance that development and population growth will be accompanied with transit system improvements and growth necessary to support the new demand, at a minimum so as not to worsen already existing problems. We are unable to measure the project's impacts and certainly unable to support the project until we have information obtained in part from MassDOT regarding the present accommodations, demands and operating conditions of the Haymarket subway station, Green and Orange line service at Haymarket Station, the operating condition of the bus waiting areas, any plans to improve these facilities and how the additional demands brought by the Project will be accommodated. Such analyses must be based on recent data and should not use MBTA bus schedules, for instance, which are often not followed. As one example, large crowds often form at the bus station now, waiting for the #111 bus through as many as three or four scheduled bus arrival times.

We are especially concerned with the proposed rearrangement of the Haymarket MBTA bus station which we believe provides inadequate and unsafe waiting area and removes the little protection (a building cover and enclosed seating area) from weather impacts currently provided to waiting riders. Why is this major public transit-oriented project not improving the comfort and safety of public transit riders?

Public Accommodation

We are concerned that the public accommodations provided by the project may be grossly inadequate. The developer touts the project as reconnecting the historical neighborhoods that surround it and bringing residents of these neighborhoods together. This goal and the Developer's commitment seem hollow, with less than 85,000 square feet of the 2.4 million square foot development allocated for retail use. We question the adequacy of 82,500 square feet of retail to support the development itself, with its nearly 1,000 new residents, thousands of the new office workers and hundreds of hotel guests, let alone the thousands of T riders using Haymarket Station and residents from the surrounding neighborhoods. Other developments of this size in Boston seem to provide greater public accommodations through extensive retail areas, public pass-through and public restrooms, to name a few.

We are also concerned that the proposed size and configuration of the "retail square" surrounding the entrance to Haymarket Station may not be adequate to accommodate a lively retail presence, including outdoor patios and cafes, comfortable passage for pedestrians traveling from the North Station/Bulfinch Triangle area to Government Center, the Market District and beyond, and dozens or more MBTA riders waiting for their buses (the Developer has stated that crowds waiting for buses will be able to wait in the retail square in addition to the proposed bus station sidewalks).

The proposed condition of Bowker Street is also a concern. The project as proposed not only ignores any opportunity to recreate Bowker Street into a comfortable and active pedestrian passage, but does harm by, in essence, turning it into a heavily used, operational extension of the Project. Without any amenities or retail opportunities for Bowker Street in the proposed design, it will become a more unsafe, more uncomfortable and darker alley with the adjacent 600 foot high wall of the proposed office tower, the relocation of the primary garage ingress/egress to it, and the addition of the loading entrances serving the Project. Why should the public give up Bowker Street to this project?

Project Massing

The existing Zoning Code allows buildings heights of up to 100 feet and floor-area-ratio (FAR) of 7.0 with Article 80/Large Project review and approval. The Developer proposes building heights of up to six times the current height limit and FARs that will likely exceed the existing limit by a factor of three or more. While the Developer promotes the Project for the benefit of opening up Congress Street, the proposed project massing, both height and footprint, will create a greater barrier between the North End, West End, Beacon Hill and the Market District than the existing garage. Nowhere in the city have towers not created obstructions between neighborhoods. The proposed 600-foot height is also unacceptable because it will increase shadows on the Greenway and on our historical neighborhood, precisely at times of day and times of year when sunlight is most important.

The expansive footprint of the proposed development provides for little or no additional public space compared to existing conditions. Further evaluation of the height and massing, including alternatives, is necessary to understand how height and massing changes may mitigate impacts and provide public realm possibilities. The potential for benefits to Bowker Street, the sizing and programming of the retail square in the East Parcel, and retail activity surrounding the development should not be overlooked or ignored.

We urge the BRA to consider project massing alternatives that will reduce shadows on the Greenway and in the surrounding historical neighborhoods, enhance the benefit of removing a part of the obstruction that is the existing garage while avoiding replacing it with another, possibly worse, structural barrier (with the caveat that this benefit not be outweighed by the impacts of increased traffic and parking demand), and providing improved, adequately designed and programmed public spaces around and through the project.

Very truly yours,



Jim Salini
President

cc: Mayor Thomas M. Menino
State Senator Anthony Petrucci
State Representative Aaron Michlewitz
Councilor Salvatore LaMattina
Councilor Michael P. Ross
City Council President Stephen J. Murphy
At-Large City Councilors Ayanna Pressley, Felix G. Arroyo, and John R. Connolly
Commissioner Thomas Tinlin, Boston Transportation Department
Stephen Passacantilli, President, North End/Waterfront Neighborhood Council
Donna Freni, President, North End Chamber of Commerce
Members of the Impact Advisory Group