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May 14, 2021

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : L Street Station Redevelopment  
PROJECT MUNICIPALITY : Boston  
PROJECT WATERSHED : Boston Harbor  
EEA NUMBER : 15692  
PROJECT PROPONENT : HRP 776 Summer Street, LLC  
DATE NOTICED IN MONITOR : April 7, 2021

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62I) and Section 11.08 of the MEPA Regulations (301 CMR 11.00), I have reviewed the Final Environmental Impact Report (FEIR) for the project and hereby determine that it adequately and properly complies with MEPA and its implementing regulations. The project may proceed to permitting.

The Draft Environmental Impact Report (DEIR) for this project was reviewed in Fall, 2018, at which time the development program was 67 percent residential, 20 percent office and 13 percent hotel and retail. Significant concerns were raised by the Massachusetts Port Authority (Massport) and South Boston residents and elected officials about the scale of the proposed development, in particular the amount of residential use, and the project's incompatibility with both industrial uses to the north and east and the residential areas of South Boston. As detailed below, the FEIR described a Preferred Alternative and an All-Commercial Alternative that were intended to respond to these concerns by reducing the amount of residential use to 36 percent in the Preferred Alternative and eliminating residential use entirely in the All-Commercial Use Alternative. The alternatives analysis included in the DEIR reviewed a DPA (Designated Port Area) Compatible Alternative that was similar to the All-Commercial Alternative in that it included only office and retail uses. The DEIR acknowledged that the DPA Compatible Alternative would not meet the goals of the City and community for a mixed-use development

on the site, would not meet the demand for housing, and would have higher peak hour trip generation rates. The DEIR did not include a detailed description of the DPA Compatible Alternative or evaluate its environmental impacts.

The MEPA regulations at 301 CMR 11.07(4) provide that the Scope of an FEIR may be limited to aspects of a project that require further description or analysis, instead of requiring a stand-alone document that meets all of the form and content requirements for an EIR, provided that the DEIR and FEIR present a complete and definitive description of the project and its alternatives and assessment of its potential environmental impacts and mitigation measures. To ensure public transparency and allow for sufficient public input and comment on the project, the FEIR review process is not intended to be a forum to introduce substantially different project components for review and comment, but rather to clarify and finalize analysis of the project as proposed in the DEIR. Both of the alternatives described in the FEIR differ significantly from the project that was described in the DEIR and on which the FEIR Scope was based. I acknowledge that the Preferred Alternative was developed in response to concerns stemming from the scale of residential use proposed in the DEIR and includes a similar mix of uses as analyzed in the DEIR. However, the new Preferred Alternative also introduces a significant new lab use component with higher greenhouse gas (GHG) emissions, and this component was not included in the FEIR Scope. The All-Commercial Alternative, while identified in the DEIR alternatives analysis, was determined to not meet project goals and it was not further evaluated in the DEIR. Notwithstanding these procedural challenges, I acknowledge that the FEIR filing included specific analysis of the GHG emissions of lab uses, and, as discussed below, the Proponent has made significant commitments to mitigate this impact through electrification and other energy efficiency strategies. The All-Commercial Alternative also contained similar analysis of GHG emissions from lab uses. However, as noted below, the All-Commercial Alternative may have additional impacts, particularly with respect to transportation, that were not fully evaluated in the FEIR. The Proponent has indicated that it will move forward with the All-Commercial Alternative only in the event the Preferred Alternative is not approved locally. Therefore, if the Proponent elects to proceed with the All-Commercial Alternative, the MEPA Office should be consulted to determine whether a Notice of Project Change (NPC) filing may be required at that stage to evaluate potential impacts and mitigation measures.

### Project Description

As described in the FEIR, the project consists of the construction of approximately 1.68 million square feet (sf) of mixed-use development, including 61,000 sf of residential uses (636 units), 516,000 sf of office space, 344,000 sf of lab/research and development (R&D) space, 81,000 sf of retail uses, a 115,000-sf hotel with 240 rooms and 1,214 parking spaces in parking garages and surface parking lots. It includes the rehabilitation and reuse of four turbine halls associated with the site's historic use as a power plant. The project will provide 5.75 acres of publicly accessible outdoor space, including a 2.5-acre waterfront park along Reserved Channel. Vehicular access through the site will be provided by an east-west roadway from Summer Street opposite Elkins Street and a north-south roadway from East 1<sup>st</sup> Street opposite M Street.

The project includes six new buildings as described below:

- Building A: A 72-ft high building to be located at the southeastern corner of the site along East 1<sup>st</sup> Street with 157,000 sf of office space and two to three levels of below-grade parking;
- Building B: An 84-ft high building to be located in the central portion of the site along East 1<sup>st</sup> Street with 142,000 sf of residential space and 2,500 sf of retail uses, and one-level of below-grade parking;
- Building C: A 198-ft high building to be located at the corner of East 1<sup>st</sup> Street and Summer Street with 353,000 sf of residential space, 23,000 sf of retail space and two to three levels of below-grade parking;
- Building D: A 117-ft high building to be located along Summer Street north of Building C and adjacent to the waterfront open space with 256,000 sf of office space, 28,000 sf of retail space and two to three levels of below-grade parking;
- Building E: A 194-ft high building to be located in the center of the site and south of Block F with 115,000 sf of residential space, a 115,000 sf hotel, 1,000 sf of retail space and one level of below-grade parking; and
- Building F: A 154-ft high building to be located in the northeast corner of the site with 335,000 sf of lab/office space and two to three levels of below-grade parking.

The FEIR also described an All-Commercial Alternative that would replace the residential uses in Buildings B, C and E with lab/office space, but would otherwise have the same development program and overall gross floor area as the Preferred Alternative detailed above. According to the FEIR, the design of the project is still at a master plan level and there may be shifts of building area between uses and blocks; however, the total gross floor area will not exceed 1.68 million sf.

Four existing buildings will be reused. Turbine Halls 1, 2 and 3 are located at the center of the site and extend from the planned waterfront open space to East 1<sup>st</sup> Street. The buildings will be restored and programmed with 65,000 sf of office space, 24,000 sf of retail space and 14,000 sf of civic and cultural uses that may extend to outdoor patios. The 1898 Building is located between the Building E site and the northern end of the turbine buildings; it will be renovated with 47,000 sf of office use. The small Administration Building located along Summer Street will be reused to provide 2,500 sf of retail space. All other existing buildings will be demolished.

The project is anticipated to be constructed in multiple phases over a 10- to 15-year period. The demolition phase will commence in 2021 and last for approximately 12 to 18 months, after which construction will commence. Remediation of contaminated soil will occur during the development of each phase. The project includes the following phases:

1. Demolition (2021).
2. Group West: Construction of Building D, renovation of Turbine Halls 1 and 2, construction of the westernmost portion of the waterfront park and construction of improvements along Summer Street, including construction of a portion of Elkins Street.
3. Group South: Renovation of Turbine Hall 3, construction of Buildings B and C, extensions of Elkins Street and M Street onto the site, and, if this phase precedes the Group South phase, roadway and streetscape improvements along East 1<sup>st</sup> Street.

4. Group East: Construction of Buildings A and F, open space along M Street extension and the easternmost portion of the waterfront park and a private service drive providing access to the DFC.
5. Group North: Renovation of the 1898 Building, construction of Building E and completion of waterfront open space improvements.

### Project Site

The 15.2-acre project site is bounded by Summer Street to the west, Reserved Channel to the north, land owned by the Massachusetts Bay Transportation Authority (MBTA) to the east, and East 1<sup>st</sup> Street to the south. The project site was used as an electrical generating facility for over 100 years before being decommissioned in 2007. It consists of several buildings that housed generation equipment and associated infrastructure. The eastern portion of the site has been cleared of structures. The site is fenced and inaccessible to the public.

The site is located between the primarily residential South Boston neighborhood to the south and commercial and maritime uses in the South Boston Designated Port Area (DPA). The DPA includes the Massachusetts Port Authority's (Massport) Black Falcon passenger terminal and marine industrial uses in the City's Raymond L. Flynn Marine Park (RLFMP) to the north and Massport's Dedicated Freight Corridor (DFC) cargo haul road serving the Conley Container Terminal to the east. The City is nearing completion of a Final Master Plan Update (FMPU) for the RLFMP, which will include a plan for addressing infrastructure needs of marine industrial uses and provide a development for the marine industrial park.

A four-acre area of the site adjacent to Reserved Channel consists of filled tidelands subject to the Massachusetts Department of Environmental Protection's (MassDEP) jurisdiction under M.G.L. Chapter 91 (c. 91). When the Environmental Notification Form (ENF) was filed, the site was located within the DPA. At the Proponent's request, the Massachusetts Office of Coastal Zone Management (CZM) conducted a boundary review in accordance with the Designation of DPA Regulations at 301 CMR 25.00. The review process included a public hearing and comment period. On May 10, 2018, CZM issued a Designation Decision that removed the project site from the DPA and added an area along Day Boulevard zoned for water-dependent industrial use. The decision resulted in an increase of the DPA from 137 to 140 acres.

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) number 25025C0083J (effective March 16, 2016), a portion of the site is located within the 100-year floodplain (Zone AE) with a Base Flood Elevation (BFE) of 12 ft NAVD 88 (18.45 ft Boston City Base (BCB)) on land and 13 ft NAVD 88 (19.45 ft BCB) over water. The site is sloped from east to west and from south to north, with a grade change of approximately 15 feet.

### Environmental Impacts and Mitigation

The project will alter approximately 93,000 sf of Land Subject to Coastal Storm Flowage (LSCSF), 675 linear feet (lf) of Coastal Bank and 1,000 sf of Land Under the Ocean (LUO); and create four acres of new nonwater-dependent use of tidelands. The Preferred Alternative will generate 18,445 average daily trips (adt) and the All-Commercial Alternative will generate 15,428 adt. The project will add 939 parking spaces to the site for a total of 1,214 spaces. Water

demand is estimated at 245,230 gallons per day (gpd) for the Preferred Alternative and 200,960 gpd for the All-Commercial Alternative. The Preferred Alternative will generate 209,03 gpd of wastewater and the All-Commercial Alternative will generate 168,754 gpd of wastewater. The project will result in emissions of GHG and other air pollutants associated with the burning of fossil fuels for on-site energy use and automobile travel by residents and visitors to the site.

Measures to avoid, minimize, and mitigate impacts include a reduction of impervious area of 0.7 acres. The project will employ stormwater Best Management Practices (BMPs) to improve the water quality and flow rate of stormwater discharged from the site, including infiltrating stormwater to the ground. The site will be raised to establish a first-floor elevation that is designed to withstand the effects of sea level rise and the project will incorporate other climate change adaptation measures. The project includes publicly accessible waterfront open space and other public interior and exterior spaces. It will minimize and mitigate transportation-related impacts by providing signalization and roadway improvements and through the implementation of Transportation Demand Management (TDM) measures to encourage use of non-vehicular modes of travel. The project will employ measures to conserve water and contribute to Infiltration/Inflow (I/I) reduction to preserve sewer capacity. The project will mitigate GHG emissions by incorporating energy efficiency measures into the building design and is evaluating generation of on-site renewable energy.

### Permitting and Jurisdiction

The project is undergoing MEPA review and subject to preparation of a mandatory Environmental Impact Report (EIR) pursuant to Section 11.03(3)(a)(5), (6)(a)(6) and (6)(a)(7) because it requires Agency Actions and includes a new nonwater-dependent use of one or more acres of tidelands; will generate 3,000 or more new adt on roadways providing access to a single location; and will construct more than 1,000 parking spaces. The project exceeds the ENF thresholds at 301 CMR 11.06(b)(15) (construction of 300 or more new parking spaces at a single location) and 301 CMR 11.03(10)(b)(a) (demolition of any historic structure listed in or located in any historic district listed in the State Register of Historic Places or in the Inventory of Historic and Archaeological Assets of the Commonwealth). The project requires a c.91 License and it may require a Section 401 Water Quality Certificate (WQC) from MassDEP. It is also subject to the MEPA GHG Emissions Policy and Protocol and will require a Public Benefit Determination (PBD).

The project requires an Order of Conditions from the Boston Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions (SOC) from MassDEP). It will require Article 80 Review by the BPDA including approval of a Planned Development Area (PDA) Development Plan. It will require a Transportation Access Plan Agreement (TAPA) and Construction Management Plan approval from the Boston Transportation Department (BTD). The project requires a determination of no hazard to air navigation from the Federal Aviation Administration (FAA). It will require a National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit from the United States Environmental Protection Agency (EPA) and may require a Section 10/Section 404 permit from the Army Corps of Engineers (ACOE). The project requires review by the Massachusetts Historical Commission (MHC) and development of a Memorandum of Understanding (MOU).

Because the Proponent is not seeking State Financial Assistance, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required State Permits and that may cause Damage to the Environment, as defined in the MEPA regulations. Because the project requires a c. 91 License, MEPA jurisdiction is broad in scope and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations. The project also requires a Land Transfer in the form of a release by Massport of a deed restriction on the parcel to allow for residential uses. Because the Land Transfer affects the entire project site, this also confers broad scope MEPA jurisdiction.

### Changes Since the Filing of the DEIR

The project has changed considerably since the filing of the Draft Environmental Impact Report (DEIR) in 2018. The changes include:

- The overall development has been reduced by approximately 250,000 sf;
- The number of new buildings has been reduced from seven to six;
- The amount of residential use has been reduced from 1,303,750 sf (1,344 units) to 610,000 sf (636 units) in the Preferred Alternative and entirely eliminated from the All-Commercial Alternative;
- The amount of office space has increased from 368,070 sf to 516,000 sf in the Preferred Alternative and 920,000 sf in the All-Commercial Alternative;
- The project described in the DEIR did not include any lab/office space; in the FEIR, 344,000 sf of lab/office space is proposed in the Preferred Alternative and 550,000 sf in the All-Commercial Alternative;
- The amount of retail space has been reduced from 85,630 sf to 81,000 sf for both alternatives;
- The project described in the DEIR did not include any civic/cultural space; 14,000 sf of this use is proposed in both alternatives in the FEIR; and,
- The number of parking spaces has been reduced from 1,397 spaces to 1,214 spaces for both alternatives.

### Review of the FEIR

As noted above, the Scope for the FEIR was based on the proposed project described in the DEIR. The information and analyses of the two new alternatives presented in the FEIR were generally consistent with the Scope for the previous design included in the DEIR Certificate, and new analysis was submitted to document changes in traffic and GHG impacts and mitigation measures. The FEIR provided updated site plans and described the new Preferred Alternative and an All-Commercial Alternative and the environmental impacts and proposed mitigation measures for each. The FEIR included an updated mesoscale air quality analysis based on the new development program and identified construction-period mitigation measures, including measures to address contaminated soils and asbestos in the buildings to be demolished. It provided draft Section 61 Findings, provided revised responses to comments received on the ENF and responded to comments received on the DEIR.

The DEIR Certificate identified significant issues requiring further analysis and design refinement by the Proponent, including resiliency of the site design to the effects of climate

change, potential incompatibility of the proposed residential uses with adjacent industrial uses, the project's transportation impacts on transit service and a reassessment of the design of the proposed buildings and energy systems to provide greater GHG mitigation, including Passivehouse design. The FEIR provided additional analyses or described changes to the project design to address these issues. In particular, the Proponent has adopted a Preferred Alternative that has reduced the gross floor area of the project by approximately 250,000 sf, which will minimize transportation impacts and parking demand. The FEIR also provided details of site grading, landscaping and open space, and other design measures that will increase the site's climate change resiliency.

Because of its interest in minimizing conflicts with the operation of the Conley Container Terminal, Massport obtained a deed restriction from the prior owner of the site that prohibits residential uses. The alternatives described in the FEIR were developed to address Massport's concerns about residential use of the site. The Preferred Alternative has been designed with significantly less residential use and proposed residential buildings are no longer proposed on the eastern side of the site, closest to Massport's industrial port activities; instead, residential buildings will be constructed in the central and western portions of the site, where they will be buffered from port activities by commercial buildings. As noted above, no residential use is proposed in the All-Commercial Alternative.

### *Transportation*

The FEIR provided transportation data and analyses for the Preferred Alternative and the All-Commercial Alternative that responded to the Scope included in the DEIR certificate. It included updated trip generation estimates based on the proposed uses, analyzed the impact of project-generated transit trips on bus service capacity in the study area and provided a shared parking analysis. For both alternatives, the FEIR included updated analyses of signalized intersection operations under 2030 No Build and 2030 Build conditions and of unsignalized intersections under 2030 Build conditions. In response to the Scope, the FEIR included an analysis of person throughput along the Summer Street corridor that quantified the project's impacts on multiple modes of transportation, including vehicular travel and bus service, and to ensure that proposed mitigation measures improve operations for all modes. The FEIR described proposed mitigation measures to address the project's roadway and transit impacts.

Trip generation for the Preferred Alternative and All-Commercial Alternative was estimated using trip rates published by the Institute of Transportation Engineers (ITE) Trip Generation Handbook 10th Edition and assigning these trips to various transportation modes. According to the FEIR, the trip generation estimates for both alternatives were prepared for a slightly larger level of development (1.78 million sf) and therefore overestimate the project's impacts. Using the ITE trip generation rates for land use codes (LUC) 221 (Multifamily Housing), 310 (Hotel), 710 (Office), 760 (Research and Development Center) and 820 (Shopping Center), the Preferred Alternative Project will generate 18,445 unadjusted vehicle trips on an average weekday and the All-Commercial Alternative would generate 15,428 unadjusted adt on an average weekday. The unadjusted trip generated was adjusted to reflect mode shares for this neighborhood (Area 13) developed by the BTM. The adjusted trip generation by mode share for each alternative are shown in Tables 1 and 2.

**Table 1. Preferred Alternative – 2030 Build Trips (adjusted)**

Period	Transit	Walking/Bicycling	Vehicle
Morning Peak	573	355	404
Evening Peak	727	503	454
Daily	9,936	6,850	6,144

**Table 2. All-Commercial Alternative - 2030 Build Trips (adjusted)**

Period	Transit	Walking/Bicycling	Vehicle
Morning Peak	807	505	578
Evening Peak	991	503	644
Daily	11,156	7,477	7,228

The TIA analyzed the transportation impacts of the project within a study area including the following intersections:

- Summer Street at Drydock Avenue and Pappas Way (signalized);
- Summer Street at the DFC (signalized);
- Summer Street at Elkins Street and proposed site driveway (unsignalized; signalized in future conditions);
- Summer Street at L Street and East 1<sup>st</sup> Street (signalized);
- L Street at East 2<sup>nd</sup> Street (unsignalized);
- L Street at East 3<sup>rd</sup> Street (unsignalized);
- L Street at East Broadway (signalized);
- East 1<sup>st</sup> Street at K Street (unsignalized);
- East 1<sup>st</sup> Street at M Street and the proposed site driveway (unsignalized);
- East 1<sup>st</sup> Street at West 1<sup>st</sup> Street and Pappas Way (unsignalized);
- L Street at East 5<sup>th</sup> Street (signalized);
- L Street at East 8<sup>th</sup> Street (signalized);
- L Street at Day Boulevard (signalized); and,
- L Street at Columbia Road (unsignalized).

### *Traffic Operations*

As required by the Scope, the FEIR included an updated analysis of peak hour traffic operations and a traffic simulation of the Summer Street corridor to model person throughput. It also provided additional analysis of the project's potential impacts to traffic operations affecting the DFC, which provides truck access to Massport's Conley Container Terminal. Comments provided by elected officials representing South Boston, including Senator Nick Collins, Representative David Biele, City Councilor Ed Flynn and City Councilor Michael F. Flaherty, note that the transportation analyses provided in the FEIR do not reflect the potential reduction in travel lanes to accommodate dedicated bus lanes being considered by the City in the South Boston Seaport Strategic Transit Plan. Under those conditions, the project's traffic impacts could

be more significant than identified in the FEIR, particularly for the All-Commercial Alternative, which generates more peak period vehicular trips than the Preferred Alternative. The Proponent should consult with the City regarding the need for additional transportation analyses should the City decide to implement dedicated bus lanes on Summer Street.

Intersection operations were modeled under future conditions for both alternatives, including comparisons of level of service (LOS) for the eight signalized intersections under 2030 No Build, 2030 Build and 2030 Build with Mitigation conditions; LOS at the seven unsignalized intersections under 2030 Build conditions; and queuing at five signalized intersections under 2030 Build and 2030 Build with Mitigation conditions. The analysis determined that the intersections of Summer Street at Drydock Avenue and Pappas Way, Summer Street at Elkins Street and proposed site driveway, Summer Street at L Street, and East 1<sup>st</sup> Street and L Street at East Broadway will operate at LOS E or LOS F during at least one peak period under 2030 Build Conditions for both alternatives; in addition, operations at the intersection of L Street at East 5<sup>th</sup> Street will degrade to LOS E in the morning peak period under 2030 Build conditions for the All-Commercial Alternative. Under 2030 Build with Mitigation conditions, the proposed roadway mitigation measures detailed below will improve the modeled LOS at four of the impacted intersections from LOS E or LOS F to LOS D or better; the fifth intersection, Summer Street at Drydock Avenue and Pappas Way, will continue to operate at LOS F under Build with Mitigation conditions but with shorter queues.

An analysis of LOS for unsignalized intersections under 2030 Build conditions for both alternatives was also provided in the FEIR. The results did not compare LOS under 2030 Build conditions to 2030 No Build conditions; for this reason, it is not possible to determine whether the project will negatively impact traffic operations at these intersections. The analysis determined that under 2030 Build conditions, two unsignalized intersections will operate at LOS E or LOS F during at least one peak period for the Preferred Alternative and four intersections will operate at LOS E or LOS F for the All-Commercial Alternative. As noted in the FEIR, the All-Commercial Alternative would be expected to have greater impacts to intersection operations because commercial uses generate more peak hour trips than residential uses.

The Scope required the FEIR to provide an analysis of person throughput for the Summer Street corridor from Drydock Avenue to East Broadway using VISSIM traffic simulation software. According to the FEIR, VISSIM is “a microscopic, time step and behavior-based simulation used to assess multi-modal urban traffic and public transportation operations.” The simulation was used to assess operations in the corridor under 2017 Existing, 2030 No Build, 2030 Build, 2030 Build with Mitigation and 2030 Build with Mitigation and Transit Signal Priority (TSP) for the Preferred Alternative and All-Commercial Alternative. The analysis evaluated travel time and delay for vehicles and buses on the MBTA’s Bus Route 7, and an average person throughput combining the results for buses and other vehicles.

Compared to 2017 Existing conditions, delays through the corridor may increase by up to 87 percent and travel time may increase by up to 35 percent under the 2030 Build condition for the Preferred Alternative; as a result, person throughput would decline by up to four percent. The FEIR documented that these impacts would be generally higher for the All-Commercial Alternative than the Preferred Alternative. Mitigation measures reflected in the 2030 Build with Mitigation and 2030 Build with Mitigation and TSP scenarios would significantly improve travel time and decrease delays for all vehicles, resulting in an increase in person throughput for the

Preferred Alternative of up to nine percent under the Build with Mitigation scenario and up to 18 percent under the 2030 Build with Mitigation and TSP scenario; improvements in person throughput under these scenarios would occur to a lesser extent for the All-Commercial Alternative. The FEIR did not provide VISSIM results for side streets in the corridor, but indicated that there may be slight decreases in performance on side streets under the modeled conditions. As recommended by MassDOT, the Proponent should work with BTM to further evaluate traffic signal modifications, roadway geometry, and alternative lane assignments to optimize person throughput and travel time across all transportation modes, while improving network operations.

The signalized intersection of Summer Street at DFC north of the site provides access between Massport's Conley Container Terminal and the regional roadway network for trucks and other commercial traffic. The DFC serves a critical role in minimizing impacts of port-related commercial traffic on residential streets in South Boston. According to the FEIR, the traffic analysis assumed that the amount of green time provided by the signal for critical movements between Summer Street and the DFC would be maintained under future conditions. The analysis of 2030 Build conditions included added commercial traffic that will be using the DFC to access the project site, which will minimize the addition of commercial traffic on Summer Street south of the DFC and East 1<sup>st</sup> Street. The analysis determined that the intersection of Summer Street at DFC will continue to operate at LOS A or LOS B during peak hours under the 2030 Build condition for both the Preferred Alternative and All-Commercial Alternative.

As noted by Massport, the analysis in the FEIR documented poor traffic operations at the intersection of Summer Street at Drydock Ave/Pappas Way. This intersection is a main access point to marine industrial activities in the RLFMP. According to the FEIR, traffic and proposed mitigation measures associated with the project will not have a significant effect on this intersection and it will operate at LOS E and LOS F under both 2030 No Build and 2030 Build conditions. The VISSIM analysis of traffic operations in the Summer Street corridor did not evaluate the effects of bus lanes proposed by the City and TSP and other mitigation measures proposed by the proponent on commercial traffic associated with the RLFMP. The City's FMPU for the RLFMP will include a transportation analysis focused on access to the marine park by trucks and other vehicles, and may identify transportation infrastructure improvements necessary to support commercial traffic associated with the RLFMP. I encourage the Proponent to continue to work with MassDOT, Massport and the City to develop a coordinated plan for roadway and transit improvements in the area that serves all users. Transportation mitigation commitments made by this project are detailed below.

### *Transit*

The project site is within walking distance of stops on four MBTA bus routes, including:

- Route 7: City Point to Downtown Boston via Summer Street, with a stop at South Station, which provides access to the Red and Silver Lines, MBTA Commuter Rail, and Amtrak rail service;
- Route 9: City Point to Copley Square, with a stop at the Broadway Red Line station and access to the Green and Orange Lines in Copley Square;

- Route 10: City Point to Copley Square, with stops at the Andrew Red Line station and Boston University Medical Center; and
- Route 11: City Point to Downtown Boston with a stop at the Andrew Red Line station.

The FEIR provided an updated analysis of the operations and capacity of these bus routes under existing and future conditions in accordance with the latest MassDOT/MBTA methodology for measuring passenger comfort and bus crowding. The MBTA's Service Delivery Policy sets a goal for passengers riding in uncrowded conditions 96 percent of the time, with a minimum of 92 percent of the time spent in uncrowded conditions. According to the FEIR, under Existing (2018) conditions, Bus Routes 7 and 9 do not meet the 92 percent threshold, Bus Route 11 falls between the 92 percent minimum and 96 percent target, and Bus Route 10 exceeds the 96 percent target. However, according to the FEIR, crowded conditions likely occur more frequently due to roadway congestion, which results in schedule delays.

Future conditions on the MBTA bus routes were modeled by adding ridership associated with the project and applying a background passenger growth rate of 0.22 percent per year as calculated in the Boston Region Metropolitan Planning Organization's (MPO) Long Range Transportation Plan, *Destination Boston*, which was completed in 2019. Under the 2030 No Build scenario, Bus Route 9 is expected to have two bus trips per weekday that experience crowded conditions and Bus Routes 7, 10 and 11 will not have any trips with crowded conditions. According to the FEIR, the addition of project-generated ridership under the 2030 Build scenario for the Preferred Alternative will increase the number of trips in crowded conditions on Bus Route 7 by up to 14 bus trips in each direction and by up to 15 trips in each direction on Bus Route 9. The 2030 Build condition for the All-Commercial Alternative will increase the number of trips in crowded conditions on Bus Route 7 by up to eight bus trips in each direction, by up to 19 trips in each direction on Bus Route 9, and by up to four trips in each direction on Bus Route 10. Neither project alternative will impact conditions on Bus Route 11.

According to MassDOT, the addition of bus service alone is not likely to improve transit operations due to congested traffic conditions. In addition to roadway improvements, including TSP, that will improve travel time and reduce delays affecting Bus Route 7, the Proponent has committed to provide \$10.8 million (\$273,000 per year for 15 years) towards future transit improvements that would improve transit service serving both the Project site and the abutting neighborhood. The MBTA and City are conducting planning studies and evaluating options for improving transit in the area, and have agreed to apply the funding provided by the Proponent toward the implementation capital improvements over the next 10-15 years that would benefit overall improved transit operations in this area. According to the FEIR, the use of these funds for specific transit improvements will be done in consultation with the MBTA, MassDOT and the City, and after opportunities for public review and comment. I anticipate that the appropriate analyses and data will be presented to support the transportation benefits of the transit improvements proposed to be implemented with funds provided by the Proponent. The effectiveness of the selected improvements will be assessed through the Proponent's Transportation Monitoring Program.

### *Parking*

The FEIR included an updated analysis of parking demand based on the development programs identified in the Preferred Alternative and All-Commercial Alternative. Based on a review of parking rates for recent development projects in South Boston with similar uses and access to transit, the parking demand for the Preferred Alternative would be 1,419 spaces and 1,351 spaces for the All-Commercial Alternative. According to the FEIR, the residential, hotel and commercial uses included in the Preferred Alternative will have different parking peak periods throughout the day, providing an opportunity to minimize the parking supply through shared use of parking spaces. Based on temporal parking variations documented by the Urban Land Institute (ULI), the peak parking demand under a shared parking scenario is 1,211 spaces, which would occur at 2:00 PM. The proposed parking supply of 1,214 spaces will accommodate the peak demand during a typical day. The Proponent has also committed to providing 120 spaces for overnight, weekend and snow emergency parking for off-site residents near the project site.

### *Transportation Mitigation*

The FEIR included a comprehensive mitigation program to address the project's impacts on the roadway and transit systems, including site access improvements, on-site and off-site pedestrian and bicycle facilities, roadway improvements, including adaptive traffic signals and TSP in the Summer Street corridor, bus stop improvements, implementation of transportation demand management (TDM) measures and funding for capital improvements benefiting the transit system. According to MassDOT, the Proponent has also agreed to implement the following measures, which are not identified in the FEIR:

- Improvements at the City Point bus terminal, including repaving and striping of the bus yard to support the expanded service demand and bus layover;
- Additional Summer Street corridor improvements along the site frontage, including the widening of L Street to allow for future bus lanes;
- Improvements at the outbound L St/Broadway bus stop;
- Construction of a right lane on Broadway westbound to allow Bus Route 9 to proceed straight (west) and Bus Route 7 and other vehicles to turn right onto L Street;
- Install Transit Signal Priority between Pumphouse Road and L Street/Broadway; and,
- Install customer experience amenities including an Automated Fare Collection system, shelters and countdown clocks.

The Proponent's mitigation commitments are detailed in the Mitigation section below.

### *Chapter 91/Tidelands*

Approximately 4.1 acres (180,300 sf) of the site adjacent to Reserved Channel consist of filled tidelands subject to c. 91 jurisdiction. Components of the project subject to c. 91 include

the northern portions of the proposed Block D office/lab building, the existing Turbine Hall 1, the existing 1898 Building, and approximately three acres of waterfront public open space with a boardwalk, event space, a performance plaza, a landscaped bluff and overlook, seating areas, and remnant structures associated with the site's industrial past.

Existing and proposed buildings will occupy a total of 42,400 sf of tidelands, and 135,150 sf of filled tidelands will be publicly accessible open space. According to MassDEP, based on information provided in the FEIR, both the Preferred Alternative and All-Commercial Alternative appear to conform to regulatory standards for building setbacks and building coverage of filled tidelands and provision of publicly accessible water-dependent facilities within the 100-ft Water-dependent Use Zone, including a Harborwalk along the Reserved Channel. The FEIR provided a detailed schedule for project activities within tidelands that documented that public access and open space facilities will be provided with each phase of the project build-out. According to MassDEP, additional details of the proposed open space will be required during c. 91 licensing, including the design of pedestrian connections to public ways and the Harborwalk, which should be 12-ft wide in accordance with the City's Harborwalk standards. The FEIR indicated that the buildings within c. 91 jurisdiction will comply with the regulatory height limits; however, the FEIR did not specify the height of proposed buildings on tidelands. This information will be required by MassDEP during the c. 91 licensing process.

The FEIR reviewed project design features that will minimize conflicts between public uses on the site and industrial activity in the DPA and truck traffic on the DFC. Residential uses will be buffered from the activities at the Conley Container Terminal by the proposed commercial buildings along the east side of the site. Outdoor plazas have been sited away from the closest approach of the DFC to the site and landscaping will be planted in this area to provide visual screening and a physical barrier between the site and DFC. As recommended by Massport and CZM, leases or other legal agreements for use of the property should disclose the site's proximity to industrial and port uses and associated noise, odor, truck traffic and other impacts. According to Massport, the Proponent has committed to designing residential units to a maximum average day-night noise standard of 45 decibels (dBA).

#### *Public Benefit Determination*

Approximately one-quarter (4.1 acres) of the site is located on filled tidelands associated with the Reserved Channel and Boston Harbor. In conformance with the Public Benefit Determination (PBD) standards at 301 CMR 13.00, the project will provide the following public benefits:

- Public access to previously inaccessible tidelands;
- Remediation of the site;
- Reuse of historic structures;
- Mitigation measures to minimize traffic and other impacts to the neighborhood;
- Exterior and interior public uses to attract the community to the site;
- Bicycle and pedestrian improvements; and,
- A new stormwater management system to improve water quality and infiltrate runoff to groundwater.

I will issue a PBD within 30 days of issuance of the date of this Certificate.

### *Wetlands and Stormwater*

The project site has an approximately 675-linear foot (lf) shoreline along Reserved Channel. According to the FEIR, the shoreline is armored by a seawall consisting of a combination of metal sheeting, concrete pads, wood bulkheads, and concrete beams and the Proponent is evaluating the extent to which the wall may be repaired. The FEIR included a “worst-case” estimate of impacts to wetland resource areas if extensive repairs were necessary; under this scenario, a new sheet pile bulkhead would be installed three feet outside of the existing seawall and the space in between backfilled to encapsulate the existing structure. This method of seawall repair would impact 1,000 sf of LUO and 93,000 sf of LSCSF. The FEIR did not identify any impacts to Coastal Bank as defined by the Massachusetts Wetlands Regulations at 310 CMR 10.30. According to MassDEP, the top of the existing seawall would be considered the top of Coastal Bank and the landform behind the seawall would be considered the Coastal Bank. Any necessary repairs to the seawall should be designed to have no adverse effect on the stability and functions of the Coastal Bank.

The project includes construction of a stormwater management system that will meet the Massachusetts Stormwater Management Standards (SMS) and the requirements of the Boston Water and Sewer Commission (BWSC), including the on-site retention of the first 1.25 inches of rainfall over the site. Surface runoff will be collected in deep-sump catch basins and treated by proprietary treatment devices to remove 80 percent of the Total Suspended Solids (TSS). Stormwater management systems will be constructed with each phase of the project to ensure adequate drainage at each stage of project buildout. Runoff from Blocks C and D at the west side of the site and Turbine Halls 1 and 2 will be directed to a watertight storage tank, then pumped to injection wells along Summer Street. Overflow from these storage tanks will be directed to the combined sewer in Summer Street. Runoff from Block B and Turbine Hall 3 will be conveyed to a subsurface infiltration system between the buildings and overflow from these areas will be discharged into the combined sewer in Summer Street and the Reserved Channel. Blocks A and F at the east side of the site will have drainage systems that discharge runoff to an infiltration system between the buildings and overflow will be directed to existing outfalls in Reserved Channel. Runoff from Block E and the 1898 Building will be conveyed to and infiltration system north of Building E and overflow from the system will be discharged through existing outfalls in Reserved Channel. According to the FEIR, the stormwater management system will maintain or reduce pre-construction peak discharge rates and volumes for the 2-, 10- and 25-year storm events. The project design also includes the use of Low Impact Design (LID) measures such as permeable pavement and pavers.

### *Climate Change*

The FEIR provided an analysis of stationary- and mobile-source GHG emissions and measures to offset emissions. It reviewed existing and future storm and flooding conditions and described design features to improve resiliency to the effects of climate change.

*Adaptation and Resiliency*

An approximately 93,000-sf (2.13 acres) area of the site adjacent to Reserved Channel is located within LSCSF with a BFE of 12 ft (18.45 ft (BCB)). The BPDA has adopted a Sea Level Rise- Base Flood Elevation (SLR-BFE) of 19.5 ft (BCB) for the site. The SLR-BFE is based on the Boston Harbor Flood Risk Model projection of a 3.2-ft rise in sea level by 2070 plus 2.5 inches of local subsidence. The BPDA requires projects to consider a SLR-Design Flood Elevation (DFE) based on the SLR-BFE plus two feet of freeboard for critical buildings, infrastructure and ground floor residential uses. The SLR-DFE for the site is 21.5 ft BCB. According to the FEIR, measures to improve the site's resiliency to increased flooding associated with sea level rise includes a stepped landscape plan that will establish an elevation of approximately 16 ft BCB along the shoreline to approximately 21.5 ft BCB near the buildings closest to the shoreline. All buildings will be constructed with first floor elevations above the SLR-DFE; the first-floor elevations of Turbine Halls 1-3 and Buildings C and D will be 21.66 ft BCB and of the other buildings at 30 ft BCB. In addition, site resiliency design measures include floodable open space areas adjacent to Reserved Channel, a 0.7-acre increase in pervious area, landscaping, a new stormwater management capacity that will accommodate the 25-year design storm and the use of high albedo roofing materials and light-colored pavement. According to the FEIR, the Proponent will use Whole Building Energy Simulation to analyze the performance of the buildings under extreme cold and heat events to assess the thermal comfort of building occupants.

*Greenhouse Gas Emissions*

The FEIR included an updated GHG analysis in response to the Scope and the revised development program. The stationary source GHG analysis evaluated CO<sub>2</sub> emissions for the Base Case and the Design Case for both the Preferred Alternative and All-Commercial Alternative. The Base Case was designed to meet the minimum energy requirements of the 9<sup>th</sup> Edition of the Massachusetts Building Code, including the Stretch Code provisions adopted by the City. The Design Case included additional energy-efficiency measures proposed for each of the alternatives.

The GHG analysis model the energy use building prototypes reflecting the proposed mid-rise and high-rise residential, hotel, office, lab/R&D and retail/civic and cultural uses, as applicable to each alternative. The overall Base Case stationary source CO<sub>2</sub> emissions of the Preferred Alternative and All-Commercial Alternative, respectively, were estimated at 12,172 tons per year (tpy) and 14,879 tpy; these numbers represent an increase from the Preferred Alternative set forth in the DEIR (estimated at 8,199.8 tpy) due to the addition of lab spaces. According to the FEIR, the mitigation measures included in the Design Case for each alternative will reduce GHG emissions to 10,089 tpy (a reduction of 2,083 tpy or 17.1 percent) for the Preferred Alternative and 12,257 tpy (a reduction of 2,622 tpy or 17.6 percent) for the All-Commercial Alternative.<sup>1</sup>

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<sup>1</sup> This Certificate reflects additional GHG mitigation measures the Proponent adopted during the review period, as described in a letter from Melissa Schrock of Hilco Redevelopment Partners and Greg Bialecki of Redgate that was emailed to the MEPA Office on May 11, 2021 and included in a memo dated May 12, 2021.

The project design includes significant measures that will minimize GHG emissions from the proposed buildings, including:

- Electrification of all space and water heating in Building B (residential) under the Preferred Alternative;
- Electrification of space heating in Buildings B and E (mid-rise office) under the All-Commercial Alternative;
- Space heating in Building F (lab/office) with air to water heat pump (sized to 20% of peak heating load) as primary heat source with natural gas boilers as secondary heat source;
- Energy recovery systems in all buildings;
- Building designs with insulation values above Code requirements, windows with low U-values and the avoidance of curtain walls in any of the buildings;
- Reduced lighting power density;
- Reduced air infiltration; and,
- Electric vehicle (EV) charging stations at 25 percent of all parking spaces and the other 75 percent will be EV-ready.

The FEIR included an evaluation of the use of Passivehouse design for the residential buildings included in the Preferred Alternative. The analysis determined that if the mid-rise residential building were constructed to Passivehouse standards, energy use would be reduced by 57.8 percent and GHG emissions would be reduced by 44.9 percent compared to the Base Case. According to the FEIR, Passivehouse design of the mid-rise residential building is not feasible because it would add over \$800,000 to the construction cost and add over \$52,000 per year in financing costs. The Proponent has committed to further evaluating the feasibility of Passivehouse design for the project. I encourage the Proponent to review the comments provided by DOER, which indicate that the analysis may not have properly characterized the performance and costs of a Passivehouse building. DOER's comment letter also includes additional recommendations regarding efficient space and water heating systems for the office and lab space in proposed buildings and in the Turbine Halls.

#### *Mobile Source Air Emissions*

The FEIR provided an updated mesoscale analysis of the project's mobile-source air emissions, including carbon dioxide (CO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOC), using the EPA's MOVES emissions model and data from the traffic study. The MOVES model calculates emissions factors for vehicles expressed in a volume per distance travelled. Total emissions of vehicles are estimated by applying Vehicle Miles Travelled (VMT) data to vehicles in the study area and emissions from idling vehicles. The analysis calculated GHG emissions under the 2017 Existing, 2030 No Build and 2030 Build scenarios. The results for each alternative are shown in Tables 3 and 4.

**Table 3. Preferred Alternative – Mobile Source Emissions**

	Project-related (no mitigation)	Reductions from TDM and Roadway Improvements	Net Emissions
CO <sub>2</sub> (tpy)	2,273	2,649	-377
VOC (kg/day)	2.5	1.45	1.1
NO <sub>x</sub> (kg/day)	0.8	0.82	0.0

**Table 4. All-Commercial Alternative – Mobile Source Emissions**

	Project-related (no mitigation)	Reductions from TDM and Roadway Improvements	Net Emissions
CO <sub>2</sub> (tpy)	3,609	1,972	1,636
VOC (kg/day)	3.8	1.08	2.7
NO <sub>x</sub> (kg/day)	1.3	0.63	0.8

The proposed roadway, transit and TDM mitigation measures will minimize GHG emissions by reducing single occupancy vehicle (SOV) trips to the site and vehicular delays within the study area for all vehicles, including non-project generated trips. Therefore, emissions under Build with Mitigation conditions will be lower than emissions under No Build conditions because emissions from non-project generated trips will also be reduced. For the Preferred Alternative, GHG emissions from mobile sources are expected to decrease from 14,757 tpy under 2017 Existing conditions to 12,492 tpy under 2030 No Build conditions due to anticipated improvements in vehicle engine and emissions technologies. GHG emissions in the 2030 Build condition were estimated as 14,764 tpy, representing an increase of 2,273 tpy due to project-related vehicle trips. The proposed roadway improvements and TDM measures will reduce emissions by 2,604 tpy, which will entirely offset emissions from project-generated trips. For the All-Commercial Alternative, modeled GHG emissions are 14,757 tpy under 2017 Existing conditions, 12,492 tpy under 2030 No Build conditions and 16,101 tpy under 2030 Build conditions, indicating that project-related vehicle trips will increase GHG emissions by 3,609 tpy. With the proposed mitigation measures, emissions under the All-Commercial Alternative will be reduced by 1,972 tpy to 1,636 tpy, a reduction of 55 percent. As shown in Tables 3 and 4, the proposed mitigation measures will also minimize project-related emissions of VOC and NO<sub>x</sub> for both the Preferred Alternative and All-Commercial Alternative.

#### Mitigation and Draft Section 61 Findings

The FEIR provided draft Section 61 Findings for use by State Agencies. The draft Section 61 Findings should be provided to State Agencies to assist in the permitting process and issuance of final Section 61 Findings. The Proponent will provide a GHG self-certification to the MEPA Office that is signed by an appropriate professional (e.g., engineer, architect, transportation planner, general contractor) indicating that all of the GHG mitigation measures, or equivalent measures that are designed to collectively achieve identified reductions in stationary source GHG emission and transportation-related measures, have been incorporated into the

project. To the extent the project will take equivalent measures to achieve the identified reductions, I encourage the Proponent to commit to achieving the same level of GHG emissions identified in the mitigated (design) case expressed in volumetric terms (e.g., tpy). As noted below, the GHG self-certification should contain a description of further studies conducted of Passivehouse design for additional residential uses and electrification strategies for lab/office spaces, and, if these strategies are not adopted, provide a clear explanation of the justification, including cost feasibility analyses, to support such design choices. The GHG self-certification should provide a final updated table showing the total estimated GHG emissions from all stationary and mobile sources, based on the final design of the project.

### *Transportation*

#### *Roadway Improvements*

- Creation of a new signalized intersection at Summer Street at Elkins Street Extension that will accommodate connectivity, TSP, efficient pedestrian walk time distribution, ADA ramps, crosswalks and bicycle striping;
- Creation of a new intersection at East 1st Street at M Street Extension with ADA accessible ramps, crosswalks, bicycle striping and a Rectangular Rapid Flashing Beacon (RRFB);
- Creation of a new controlled and gated access point from the site to the DFC for commercial/service truck access only;
- Construction of internal vehicular roadways with bicycle and pedestrian facilities;
- Upgrade of the traffic signal equipment at the intersections of Summer Street at East 1st Street and L Street at East 1<sup>st</sup> Street to accommodate adaptive signalization, connectivity, TSP and efficient pedestrian walk time distribution;
- Along the Summer Street/L Street corridor between Drydock Avenue and East Broadway, install adaptive signals capabilities, including TSP and signal connectivity to improve traffic flow for vehicles and buses.

#### *Pedestrian and Bicycle Facilities*

- Reconstruction of Summer Street between DFC and East 1st Street to accommodate vehicles, on-street parking, and active drop-off/pick-up curb space, separated bike lanes, a wide sidewalk with trees (east side of Summer Street), and upgraded bus stops (east side of Summer Street);
- Reconstruction of East 1st Street between Summer Street and City Point western driveway to accommodate vehicles, on-street parking, wider sidewalks and bike lanes, where possible;
- Widening of the sidewalk on the south side of East 1<sup>st</sup> Street from Summer Street/L Street to Acadia Street;
- Installation of three Bluebikes stations with an option to install a fourth Bluebikes station, if enough demand; and,
- Installation of 1,030 long-term secure and 193 short term bicycle parking spaces.

*Transit Service*

- Along the Summer Street/L Street corridor between Drydock Avenue and East Broadway, install adaptive signals capabilities, including TSP and signal connectivity to improve traffic flow for vehicles and buses;
- Upgrade two existing bus stops on Summer Street to include shelters, fare vending machines and MicroHubs with real-time transportation information screens;
- Repaving and striping of the City Point bus terminal bus yard to support the expanded service demand and bus layover;
- Additional Summer Street corridor improvements along the site frontage, including the widening of L Street to allow for future bus lanes;
- Improvements at the outbound L St/Broadway bus stop;
- Construction of a right lane on Broadway westbound to allow Bus Route 9 to proceed straight (west) and Bus Route 7 and other vehicles to turn right onto L Street;
- Installation of TSP between Pumphouse Road and L Street/Broadway; and,
- Installation of customer experience amenities including an Automated Fare Collection system, shelters and countdown clocks; and,
- Provide a monetary contribution of \$10,080,000 over a 15-year period to fund transit mitigation serving the project site and South Boston neighborhood, to be identified and implemented in coordination with the MBTA and the City.

*TDM*

- Designating an on-site Transportation Coordinator to promote alternative means of transportation to the site;
- Providing at least three shared bike stations;
- Providing bicycle repair stations at key locations at the site;
- Providing real-time transit information in the lobby of buildings;
- Providing transit maps and schedules and other information to promote alternative modes of travel in the lobbies of buildings;
- Upgrade two existing bus stops within the site to include shelters, fare vending machines and MicroHubs with real-time transportation information screens;
- Providing preferential parking to carpool and vanpool participants;
- Joining the Seaport Transportation Management Association (TMA);
- Participating in transportation awareness events, including Car-Free Week, MassCommute Bicycle Challenge and Lunchtime Walking Series;
- Initiating on-site transportation fairs and commuter events;
- Implementing a car sharing program and dedicating parking spaces to the program;
- Constructing 25 percent of the parking spaces with EV charging station and 75 percent of the parking spaces as EV-ready;
- Providing 1,391 long-term covered and secured bicycle parking spaces to residents and showers and 110 long-term covered and secure bicycle spaces for employees;
- Encourage tenants to implement:
  - Alternative or staggered work hours;
  - A program allowing employees to use pre-tax dollars to purchase MBTA passes;
  - Subsidize monthly transit passes for employees;

- Participate in the MBTA Corporate pass program;
- Implement a Guaranteed Ride Home program;
- Provide on-line registration for a ride-sharing program through the TMA; and,
- Organize an internal ride-sharing program.

#### *Transportation Monitoring*

- Simultaneous automatic traffic recorder (ATR) counts at each garage entrance for a continuous 24-hour period on a typical weekday and Saturday;
- Travel survey of employees and patrons at the site;
- Weekday morning, evening, and Saturday peak hour turning movement counts (TMCs);
- Capacity analyses at mitigated intersections; and
- An update on TDM effectiveness and transit ridership.

#### *GHG*

Through implementation of the roadway mitigation measures and TDM program described above, the project will reduce mobile-source emissions by two percent, for a reduction of 45 tpy in the Preferred Alternative and 72 tpy for the All-Commercial Alternative. Stationary-source GHG emissions for the Preferred Alternative will be reduced from 12,172 tpy under the Base Case to 10,089 tpy (a reduction of 2,083 tpy or 17.1 percent) and for the All-Commercial Alternative from 14,879 tpy in the Base Case to 12,257 tpy (a reduction of 2,622 tpy or 17.6 percent). Stationary-source GHG mitigation measures include the following building design features:

- Electrification of all space and water heating in Building B (residential) under the Preferred Alternative;
- Electrification of space heating in Buildings B and E (mid-rise office) under the All-Commercial Alternative;
- Space heating in Building F (lab/office) with air to water heat pump (sized to 20% of peak heating load) as primary heat source with natural gas boilers as secondary heat source;
- Energy recovery systems in all buildings;
- Building designs with insulation values above Code requirements, windows with low U-values and the avoidance of curtain walls in any of the buildings;
- Reduced lighting power density;
- Reduced air infiltration;
- Installation of solar PV systems with a total capacity of 100 kW;
- Electric vehicle (EV) charging stations at 25 percent of all parking spaces and the other 75 percent will be EV-ready; and,
- The Proponent will continue to evaluate Passivehouse design for the residential and hotel buildings and electrification of all buildings during the City's building design review process.

*Adaptation and Resiliency*

- Construct buildings with first-floor elevation above 21.5 ft BCB, which corresponds to the SLR-DFE;
- Design of floodable open space areas adjacent to Reserved Channel;
- Increased pervious area and landscaping with native vegetation;
- A new stormwater management capacity that will accommodate the 25-year design storm;
- Use of high albedo roofing materials and light-colored pavement;
- Analysis of the performance of the buildings under extreme cold and heat events using Whole Building Energy Simulation to assess the thermal comfort of building occupants; and,
- Use of Green Infrastructure and LID measures such as porous pavement/pavers.

*Air Quality*

- The implementation of the roadway, transit and TDM mitigation measures listed above will reduce project-related emissions of VOC by 1.45 g/day under the Preferred Alternative and by 1.08 kg/day under the All-Commercial Alternative, and of NO<sub>x</sub> by 0.8 kg/day under the Preferred Alternative and 0.63 kg/day under the All-Commercial Alternative.

*Chapter 91 Tidelands and Open Space*

- Provide approximately five acres of public open space, including a three-acre waterfront park on filled tidelands;
- Program open space areas with activities to attract the public to the waterfront;
- Construct a 12-ft wide Harborwalk along the project shoreline and provide pathway connections to surrounding streets;
- Minimize interference and potential conflicts with water-dependent industrial uses by maintaining truck access signal priority green time at the intersection of Summer Street at DFC, using the DFC for commercial traffic only, screening the DFC from public areas, arranging the buildings to minimize impacts on occupants from industrial uses, and constructing residential buildings to a maximum average day-night noise standard of 45 dBA; and,
- Comply with all c. 91 regulatory standards for nonwater-dependent use projects, including building height, setbacks and uses;

*Wetlands and Stormwater*

- Construction of a stormwater management system that complies with MassDEP's Stormwater Management Standards, including on-site infiltration BMPs;
- Reduction in impervious area of 0.7 acres; and,
- Comply with the performance standards of the Wetlands Regulations (310 CMR 10.00) and WQC Regulations (314 CMR 9.00), if necessary, by complying with the Order of Conditions issued by the Boston Conservation Commission and WQC issued by MassDEP.

*Water and Wastewater*

- Contribute \$2.41 per gallon of wastewater generated by the project to the City for removal of infiltration and inflow (I/I) at a minimum ratio of 4 gallons of I/I for each gallon of wastewater generated;
- Minimize the need for irrigation by using native plantings in landscaping; and,
- Use of water-conserving plumbing and advanced water metering.

*Construction*

- Compliance with MassDEP's Air Pollution Control regulations pursuant to M.G.L. c.40, §54 and the Massachusetts Air Pollution Control regulations at 310 CMR 7.00, including anti-idling provisions and handling and disposal of asbestos; and use of vehicles meeting EPA's Tier 4 Emissions Standards;
- Implementation of measures to minimize dust and odors, including application of water, covering trucks transporting material off-site, washing truck tires, minimizing storage of materials on-site, street sweeping and use of stone in construction roads and staging areas;
- Designate truck routes for construction vehicles;
- Maintain transportation operations adjacent to the project site, including minimization of road closures and detours and protection for pedestrians and bicyclists using roadways adjacent to the site;
- Compliance with MassDEP's noise regulations and the City's noise control ordinance, use noise mufflers and noise controls on construction equipment, use quieter construction methods when possible, schedule operations at times when ambient noise is loudest, implement traffic management to minimize impacts on local streets;
- Compliance with MassDEP's Solid Waste regulations and implementation of measures to reuse and recycle construction and demolition (C&D) debris;
- Conduct all earthwork and construction in accordance with the Massachusetts Contingency Plan (MCP) and provide regular updates to the community, including through the project's Licensed Site Professional (LSP); and,
- Use of sedimentation and erosion controls in compliance with the requirements of the SMS and the NPDES General Permit for Construction Activities, including development and implementation of a Stormwater Pollution Prevention Plan (SWPP), and refuel equipment outside of wetland buffer zones.

Conclusion

Based on a review of the FEIR, comments letters, and consultation with State Agencies, I find that the FEIR adequately and properly complies with MEPA and its implementing regulations. No further MEPA review is required for the Preferred Alternative, and the project may proceed to permitting. The Proponent should consult with the MEPA Office if the All-Commercial Alternative is chosen to proceed to local permitting at a later time to determine whether an NPC will be required to provide additional analyses of impacts and mitigation associated with that alternative. As described above, I expect that the Proponent will continue to

consult with MassDOT, MBTA and the City regarding implementation of transit mitigation measures. If updated Section 61 Findings are necessary, the Proponent and State Agencies should submit the updated document to the MEPA Office for inclusion in the project file. Participating State Agencies, in turn, should forward copies of the final Section 61 Findings to the MEPA Office for publication in accordance with 301 CMR 11.12. I will issue a Public Benefit Determination within 30 days of issuance of the date of this Certificate.



May 14, 2021

Date

\_\_\_\_\_  
Kathleen A. Theoharides

Comments received:

05/06/2021 Massachusetts Department of Environmental Protection (MassDEP)/Waterways Regulation Program (WRP)  
 05/07/2021 Massachusetts Office of Coastal Zone Management (CZM)  
 05/07/2021 Massachusetts Department of Transportation (MassDOT)  
 05/07/2021 Massachusetts Department of Environmental Protection (MassDEP)/Northeast Regional Office (NERO)  
 05/07/2021 Massachusetts Port Authority (Massport)  
 05/10/2021 Massachusetts Water Resources Authority (MWRA)  
 05/12/2021 Department of Energy Resources (DOER)  
 05/13/2021 Senator Nick Collins  
 Representative David Biele  
 City Councilor Ed Flynn  
 City Councilor Michael F. Flaherty

KAT/AJS/ajs



# Department of Environmental Protection

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Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

## Memorandum

**To:** Alexander Strycky, MEPA

**From:** Frank Taormina, Regional Planner, MassDEP/WRP/Boston

**Cc:** Daniel Padien, Program Chief, MassDEP/WRP/Boston

**Re:** **Comments from the Chapter 91 Waterways Regulation Program – EEA #15692; FEIR – L Street Station, Filled and Flowed Tidelands of Boston Harbor (Reserve Channel), South Boston, Suffolk County**

**Date:** May 6, 2021

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The Department of Environmental Protection Waterways Regulation Program (the “WRP”) has reviewed the above referenced Final Environmental Impact Report (FEIR) EEA #15692, submitted by HRP Summer Street LLC (the “Proponent”) seeking authorization to reuse the Turbine Hall, the 1898 Building, and an Administration Building which were constructed as part of the Boston Edison L Street Power Station in South Boston (discontinued in 2007) and redevelop the 15.2 acre site by reusing/constructing six (6) total buildings with associated parking, public open space, publicly accessible waterfront walkway, piers, and shoreline stabilization structures partially located on filled and/or flowed tidelands of Boston Harbor (Reserve Channel) at 776 Summer Street in South Boston, Suffolk County (the “project site”).

Many changes have been made since the DEIR filing. The changes to the Preferred Alternative include reducing the overall program by approximately 250,000 square feet (or 13%); reducing the number of buildings from seven (7) to six (6); reducing the total number of residential units from 1,344 to 636; eliminating residential uses in the building along the eastern boundary, closest to Conley Terminal; increasing office use sitewide by 367,554 square feet; introducing 344,000 square feet of research & development (R&D)/lab use; reducing the number of hotel rooms in the mixed use hotel/residential building from 344 to 240 keyed rooms; reducing the number of parking spaces onsite from 1,397 to 1,214 spaces; and adding 14,000 square feet of civic and culture space planned in the Turbine Hall.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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The Proponent also introduced a no residential use option (referred to in the FEIR as the “All-Commercial Alternative”) due to an existing deed restriction disallowing residential uses onsite. The Proponent notes that they are currently working to remove said deed restriction from the property. However as of the date of the FEIR filing, the deed restriction is still in place so a no residential option has been included as a part of this filing, in the event the deed restriction encumbrance cannot be modified or removed. Under the All Commercial Alternative the 610,000 square feet of residential use in Blocks B, C, and E described in the Preferred Alternative would be converted to office use or R&D/Lab Use (office use sitewide would increase to 920,000 square feet and the R&D/Lab Use sitewide would increase to 550,000 square feet), while the rest of the project elements would remain the same as the Preferred Alternative.

### **Chapter 91 Jurisdiction**

Of the 15.2 acre project site, only 4.07 acres (approximately 177,550 square feet) or 27% consists of filled Private Tidelands subject to jurisdiction under M.G.L. Chapter 91 the Waterways Regulations at 310 CMR 9.00. Accordingly, only the portions of the project site located on filled and flowed tidelands are subject to licensing and compliance with 310 CMR 9.00, including but not limited to the nonwater-dependent provisions of 310 CMR 9.51 through 9.52. 310 CMR 9.53 shall not apply as there are no Commonwealth Tidelands on the project site.

### **Chapter 91 Regulatory Analysis**

#### Water Dependent Use Zone (WDUZ):

Both proposed project alternatives meet 310 CMR 9.51(3)(c), as no nonwater-dependent uses and/or structures on filled tidelands encroach within the 100-foot wide WDUZ. The only uses proposed within the WDUZ consist of water-dependent uses (i.e. public waterfront walkway with associated public amenities thereto, public waterfront open space, piers, shoreline protections structures, etc.)

#### Facilities of Private Tenancy (FPT) Setback and Facilities of Public Accommodations (FPA)

##### Requirements:

Both proposed project alternatives meet 310 CMR 9.51(3)(b), as all existing and proposed nonwater-dependent use buildings located on filled tidelands are set back more than 100-feet from mean high water. Therefore, FPAs are not required to be located on the ground floor of said buildings within jurisdiction, and the nonwater-dependent uses (on any floor) contemplated in the existing and proposed nonwater-dependent use buildings in both project alternatives meet said citation.

##### Nonwater-Dependent Building Height:

Only portions of three (3) buildings (the 1898 Building, Turbine 1 Building, and Block D Building) are located on filled tidelands and subject to the nonwater-dependent building height restriction at 310 CMR 9.51(3)(e). The Proponent notes that the building heights of the existing and proposed buildings on filled tidelands are the same in both project alternatives, ranging from 82-210 feet in height. The Proponent notes on Page 3-11 in Section 3.7.7 that “The project fully complies with the Chapter 91 height restrictions”. The Proponent also provided a building height diagram on Figure 3.1 to depict the maximum building heights permitted on filled tidelands onsite pursuant to 310 CMR

9.51(3)(e). However, the WRP cannot at this time determine if the portions of said buildings located in jurisdiction meet the nonwater-dependent building height requirements at 310 CMR 9.51(3)(e) because the Proponent did not provide adequate plans to confirm such compliance. In the pending Chapter 91 Waterways License Application, the Proponent must provide elevation plans depicting the exact heights of said buildings located within jurisdiction with their corresponding setback distances from the mean high water mark.

Building Coverage/Open Space:

As depicted and detailed on Figure 3.5, both project alternatives will include a combined 42,400 square feet of nonwater-dependent use building coverage in jurisdiction (21,750 square feet portion of existing building footprint and 20,650 square feet of proposed building footprint), which is a reduction of 6,900 square feet from that represented in the DEIR. While 135,150 square feet (or 76%) of the 177,550 square foot portion of the project site located within jurisdiction consists of open space, which exceeds the open space requirements at 310 CMR 9.51(3)(d).

Public Access Requirements:

The Proponent is proposing a public waterfront walkway along the waterfront within the WDUZ with connecting walkways, but it is hard to determine if there is a proposed connection to the waterfront from the existing public way (Summer Street). In the anticipated Chapter 91 Waterways License Application, the Proponent must provide sufficient plans detailing public access to and along the waterfront, pursuant to 310 CMR 9.52(1). Additionally, the plans must also demonstrate compliance with the City of Boston's Harborpark Municipal Harbor Plan and the Secretary's Decision thereto, which requires at least a 12-foot wide Harborwalk within the WDUZ with associated public amenities and public access signs.

Request for Pre-Licensing Approval to Demolish Existing Licensed and Unlicensed Structures:

As described on page 3-6 of the FEIR, on March 15, 2021, the Proponent submitted a two-part letter to the WRP requesting written approval to:

1. Demolish certain existing licensed structures under the maintenance provisions of 310 CMR 9.22(1)(d).
2. Demolish certain existing structures for which no license, permit, grant or other approvals under Chapter 91 are known to exist, pursuant to 310 CMR 9.05(3)(m). Said approval, if granted in the absence of a license or permit issued under Chapter 91 must be to "... *facilitate a water-dependent use...*" The Proponent has asserted that the proposed demolition is required to prepare the site for construction of the new mixed-use development described in the FEIR, including the creation of a new 100-foot wide publicly accessible waterfront area dedicated exclusively to water-dependent uses (as required).

This request is presently under review by the Department as the WRP determines (i) if and how the proposed demolition of existing unlicensed structures would facilitate a water-dependent use in the absence of a new Chapter 91 License, and (ii) what conditions, if any, are required to ensure the

demolition in-fact facilitates a water-dependent use in the event there is an unforeseen significant delay in the project.

The WRP acknowledges the significant and lengthy efforts anticipated to prepare the site to provide publicly accessible water-dependent uses. Based on materials presented to-date, we understand these activities include abatement of hazardous building materials, remediation of oil and hazardous materials in the soil and structural repairs to the seawall and structures remaining from the site's prior use for power generation. These are significant obstacles to any publicly accessible water-dependent use. The Department is weighing the public benefits that could be accrued by addressing these hazards, even in the theoretical absence of the planned mixed-use development.

Repairs, Stabilization, and Improvements to Existing Shoreline Protection Structures:

The Proponent notes in the FEIR that they intend to repair and stabilize shoreline protection structures, consisting of wooden bulkhead and steel sheet pile walls. And perhaps make future improvements thereto, by increasing the bulkhead/seawall heights to mitigate tidal flooding onsite. Although plans of this work are not shown in the FEIR, the Proponent notes in Section 4.1.3 that to be conservative they have identified the "worst case scenario" as driving new sheet sheeting 3-feet seaward of existing bulkhead/seawall resulting in the filling of up to 1,000 square feet of flowed tidelands. In the anticipated Chapter 91 Waterways License Application, the Proponent must demonstrate that they looked at alternative designs to minimize the amount of fill in flowed tidelands and encroachment into the navigable waterway (DPA watersheet) per 310 CMR 9.37(3)(a) and 310 CMR 9.32(1)(a)(2).

The WRP looks forward to receiving a complete Chapter 91 Waterways License Application for the work detailed in the FEIR. If you have any questions, please feel free to contact me at [frank.taormina@mass.gov](mailto:frank.taormina@mass.gov)



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
OFFICE OF COASTAL ZONE MANAGEMENT  
251 Causeway Street, Suite 800, Boston, MA 02114-2136  
(617) 626-1200 FAX: (617) 626-1240

## MEMORANDUM

TO: Kathleen A. Theoharides, Secretary, EEA  
ATTN: Alex Strysky, MEPA Office  
FROM: Lisa Berry Engler, Director, CZM  
DATE: May 7, 2021  
RE: EEA #15692, L Street Station Redevelopment, Boston

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Final Environmental Impact Report (FEIR) noticed in the *Environmental Monitor* dated April 7, 2021 and offers the following comments.

### Project Description

With this FEIR, HRP 776 Summer Street, LLC proposes to redevelop the 15.2-acre site of the former Edison Power Plan (a.k.a. L Street Station) into a 1.68-million-gross-square-foot (GSF) mixed-use redevelopment comprising residential, commercial, civic/cultural, and hotel uses with supporting parking, open space, and internal roadways. Since the filing of the Draft Environmental Impact Report (DEIR), the proponent has reduced the overall project size by approximately 250,000 GSF and 183 parking spaces; has increased the commercial mix of the project from 32% to 64%; and proposes to preserve and adaptively re-use the 1898 Turbine Hall. The project is located northeast of the intersection of Summer and East First Streets along the south side of the Reserved Channel. It directly abuts lands and waters within the South Boston Designated Port Area (DPA) and includes some filled tidelands and land subject to coastal storm flowage (LSCSF).

### Project Comments

#### *Designated Port Area*

The proposed project is adjacent to DPA lands and waters, including Massport's Conley Terminal and Dedicated Freight Corridor and the Reserved Channel, which serves multiple water-dependent industrial and non-industrial uses. The FEIR includes descriptions of measures that will ensure the compatibility of the proposed project with the adjacent and proximate uses, such as the redistribution of residential uses and landscaped buffers. The proponent should continue to work with Massport and other water-dependent industrial users to avoid and minimize the potential of any conflicts and impacts to their operations, including traffic. The proponent should include language in disclosures to potential users that describe the project's proximity to industrial operations, which may generate noise, odors, or other impacts that are expected as a normal course of their business.

#### *Coastal Resilience*

Coastal banks, as defined in the Wetlands Protection Act Regulations (WPA), are landforms, not coastal engineering structures. The landform on the site behind the existing seawalls and bulkheads appears to meet the definition of coastal bank; therefore, any alteration of the coastal engineering



structures on the face of the coastal bank will need to comply with the WPA. In response to CZM's comments on the DEIR, the FEIR indicates that work is proposed on the existing bulkheads and seawalls to repair structural deficiencies, which may include new sheeting driven three feet seaward of the existing sheeting and backfilled. The FEIR characterizes this as a "worst case" scenario; best practice for repair and replacement of existing vertical structures is to avoid further adverse impacts to wetland resources. In addition to compliance with the WPA, any work in flowed tidelands within a DPA would also require c. 91 authorization. Prior to permitting, the proponent should consider alternatives for these repairs and how the shoreline configuration may change as a result; this information should be provided during the relevant permitting processes.

### **Federal Consistency**

The proposed project may be subject to CZM federal consistency review. For further information on this process, please contact Robert Boeri, Project Review Coordinator, at [robert.boeri@mass.gov](mailto:robert.boeri@mass.gov) or visit the CZM website at <https://www.mass.gov/federal-consistency-review-program>.

LBE/ts/elh/rh

cc: Stewart Dalzell, Massport  
Richard McGuinness, Boston Planning & Development Agency  
Nicholas Moreno, Boston Conservation Commission  
Daniel Padien, MassDEP-Waterways Regulation Program  
Jill Provencal, MassDEP-NERO  
Brad Washburn, Massport



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Jamey Tesler, Acting Secretary & CEO



May 7, 2021

Kathleen Theoharides, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114-2150

RE: Boston: L Street Station Redevelopment – FEIR  
(EEA #15692)

ATTN: MEPA Unit  
Alex Strysky

Dear Secretary Theoharides:

On behalf of the Massachusetts Department of Transportation, I am submitting comments regarding the proposed L Street Station Redevelopment project in Boston, as prepared by the Office of Transportation Planning. If you have any questions regarding these comments, please contact J. Lionel Lucien, P.E., Manager of the Public/Private Development Unit, at (857) 368-8862.

Sincerely,

David J. Moller  
Executive Director  
Office of Transportation Planning

DJM/jll

cc: Jonathan Gulliver, Administrator, Highway Division  
Erik Stoothoff, P.E., Chief Engineer, MBTA  
Richard Henderson, Chief Real Estate Officer  
Michael Muller, Assistant General Manager for Strategic Initiatives, MBTA  
Wes Edwards, Assistant General Manager of Service Development, MBTA  
Neil Boudreau, Assistant Administrator of Traffic and Safety Engineering  
Boston Planning and Development Authority, BPDA  
Boston Transportation Department  
PPDU Files



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Jamey Tesler, Acting Secretary & CEO



TO: David J. Mohler, Executive Director  
Office of Transportation Planning

FROM: J. Lionel Lucien, P.E, Manager  
Public/Private Development Unit

DATE: May 7, 2021

RE: Boston: L Street Station Redevelopment – FEIR  
(EEA #15692)

The Public/Private Development Unit (PPDU) has reviewed the Final Environmental Impact Report (FEIR) for the L Street Station Redevelopment project in Boston submitted by HRP 776 Summer Street (the “Proponent”). The Proponent previously filed with MEPA an Environmental Notification Form (ENF) on May 15, 2017 and a Draft Environmental Impact Report (DEIR) on August 6, 2018. Since then, the Proponent has engaged in an extensive community process that resulted in significant revisions to the development program outlined in the ENF and DEIR. The project now consists of the construction of approximately 1.68 million gross square feet of space across a mix of commercial, residential, civic, and hotel uses (the “Project”). The Project will be developed in multiple phases over an approximately 10-15-year period.

The Preferred Alternative for the Project would provide 636 residential apartments and condominiums, 516,000 square feet of office space, 344,000 square feet of research and development (R&D) space, and up to 240 hotel keys. The ground floor of the development would include 81,000 square feet of retail and 14,000 square feet of civic and cultural space.

The FEIR also includes an alternative development scenario that would replace the residential component of the Preferred Alternative with commercial space for office and R&D uses. Under this All-Commercial Alternative, the Project would increase the office use to 920,000 square feet and the R&D use to 550,000 square feet. The Project under either scenario would provide 1,214 vehicle parking spaces and 1,811 bicycle parking spaces to serve the proposed uses.

The site currently contains several old buildings and infrastructure associated with the Boston Edison L Street Power Station. It comprises 15 acres of developed land along the Reserved Channel in South Boston located at 776 Summer Street, and is bounded on the west by Summer Street, on the south by East 1<sup>st</sup> Street, on the east by a land parcel owned by the Massachusetts Transportation Authority (MBTA), and on the north by the Reserved Channel and the Conley Dedicated Freight Corridor (DFC).

The project is categorically included for the preparation of an Environmental Impact Report (EIR) because it would generate more than 3,000 daily vehicle trips and include over 1,000 parking spaces.

Based on the revised development program identified in the FEIR, the Full-Build Preferred Alternative Project would generate 18,445 unadjusted vehicle trips on an average weekday, including 1,258 vehicle trips during the AM peak hour and 1,599 vehicle trips during the PM peak hour. When adjusted for mode shares from the Boston Transportation Department (BTD) Area 13, the Project is expected to generate 6,144 net vehicle trips, 6,850 new pedestrian/bicycle trips, and 9,936 new transit trips on an average weekday. During the weekday AM peak hour, the project is estimated to generate 404 vehicle trips (292 entering, 112 exiting), 355 pedestrian/bicycle trips (250 entering, 105 exiting), and 573 transit trips (403 entering, 170 exiting). During the weekday PM peak hour, the project is expected to generate 454 vehicle trips (128 entering and 326 exiting), 503 pedestrian/bicycle trips (180 entering, 323 exiting), and 727 transit trips (241 entering, 486 exiting).

For the All-Commercial Alternative, when adjusted for the same mode shares, the Project is expected to generate 7,228 net vehicle trips, 7,477 new pedestrian/bicycle trips, and 11,156 new transit trips on an average weekday. During the weekday AM peak hour, the project is estimated to generate 578 vehicle trips (469 entering, 109 exiting), 505 pedestrian/bicycle trips (395 entering, 110 exiting), and 807 transit trips (637 entering, 170 exiting). During the weekday PM peak hour, the project is expected to generate 644 vehicle trips (148 entering and 496 exiting), 503 pedestrian/bicycle trips (180 entering, 323 exiting), and 991 transit trips (275 entering, 716 exiting). We generally concur with the mode share projections as they appear consistent with this section of Boston and were vetted with the Boston Planning and Development Authority (BPDA).

The trip generation for the two alternatives is based on a more conservative 1.78 million square feet of development, nevertheless, we have noted some significant differences in the peak hour trip generation for the two alternatives depending on the modes. As an example, there is a difference of more than 200 transit trips between the two alternatives during the AM and PM peak hours.

The FEIR includes a Transportation Impact Assessment (TIA) prepared in conformance with the current MassDOT/EOEEA *Transportation Impact Assessment Guidelines*. The study has comprehensively addressed the scope identified in the MassDOT DEIR comment letter and includes a detailed assessment of the transportation impacts of the project. The study proposes an integrated multimodal mitigation package intended to improve vehicular traffic operations while supporting increased use of walking, bicycling, and transit by employees, patrons, and residents. MassDOT and the MBTA find the mitigation program generally comprehensive and adequate as it supports the MBTA goals to ensure the provision of reliable transit service to existing and new transit passengers.

### Traffic Operations

The TIA provides a comprehensive evaluation of roadway and traffic operations within the study area for both the Preferred and All-Commercial Alternatives. Capacity analyses were conducted for the weekday AM and PM peak hours for both existing and future conditions. In addition, capacity analyses for Build with Mitigation conditions were provided for appropriate intersections. According to the TIA analysis, most of the intersections are expected to operate with acceptable levels of service (LOS) and delay during peak hours for both alternatives. The FEIR includes a comprehensive list of roadway, pedestrian, bicycle, and transit improvements to be implemented in collaboration with the City of Boston.

As requested, the FEIR includes a segment analysis for the Summer Street corridor using the VISSIM simulation software that model existing and future operating conditions. The following performance metrics were used in the VISSIM analysis to assess traffic operations for the different Build scenarios: vehicle/demand, delay, and travel time. According to the results, both the 2030 Build with Mitigation and 2030 Build with Mitigation TSP are expected to see improvements in corridor delay, travel time, and person throughput for all vehicles including the Route 7. The traffic signal coordination along with the implementation of TSP account for improved travel time and reduced congestion along the Summer Street corridor. These improvements apply to both the Preferred and the All-Commercial Alternatives.

However, the analysis also indicates that several individual movements at intersections along the Summer Street corridor are expected to experience unacceptable LOS with excessive delay. In several instances, the 95<sup>th</sup> percentile queues exceed available queue storage, resulting in queue blockages that impact traffic flow and increase travel time along the Summer Street corridor. The traffic signal coordination and the TSP provided as mitigation resulted in significant improvements to travel time and reduce congestion; however, the FEIR did not discuss how prioritizing Summer Street travel might impact some of the side streets.

The Proponent should work with BTM to further evaluate traffic signal modifications, roadway geometry, and alternative lane assignments to optimize person throughput and travel time across all transportation modes, while improving network operations.

### Transit Operations

The project is located within walking distance to MBTA Bus Routes 5, 7, 9, and 11. The Route 5 has been discontinued since the submission of the DEIR. These routes provide connections to major MBTA transportation hubs such as South Station, with access to the MBTA Commuter Rail, Red Line, Silver Line, and Amtrak services.

The FEIR includes a revised transit analysis for both alternatives conducted in accordance with the latest MassDOT/MBTA methodology for measuring impacts to bus operations. The future Build conditions transit analysis added the Project-generated riders to background-generated riders and other approved project-specific riders to determine the overall impacts of future ridership demand on the transit network. In addition, the Proponent has taken into consideration the analysis and the mitigation program identified as part of several projects reviewed in the state environmental review process and the City of Boston Article 80 process.

According to the analysis, the future Build conditions for both alternatives would result in worsening already constrained conditions on some of the transit routes, particularly the Routes 7 and 9. The MBTA has a Service Delivery Policy on crowding on bus routes, aiming for 96% of all passenger time to be spent in uncrowded conditions. Based on this metric, both routes would fall below this threshold. The FEIR indicates that congestion along Summer Street, among other factors, causes Route 7 buses to divert from schedule, experience delays, and bunch. Field observations of Route 7 showed that multiple buses were over policy capacity traveling inbound during the weekday AM peak hour and outbound during the weekday PM peak hour.

The FEIR analyzes the additional demand which will be generated by the Project and documents its impacts on these routes under 2030 Build conditions. At Full-Build, the Project in the worst-case scenario is expected to add 807 transit trips during the weekday AM peak hour and 991 transit trips during the weekday PM peak hour over existing transit volumes. The FEIR analyzes this additional ridership's impacts to the MBTA bus network with summary tables for the anticipated demand in terms of MBTA service standards for bus capacity. The analysis indicates that for both alternatives, Routes 7 and 9 are expected to see worsening conditions with additional trips experiencing overcrowding both in the AM and PM peak hours. Through prior consultation with the MBTA, it was determined that the addition of bus service alone is unlikely to address the identified service deficiencies of Route 7 and may instead exacerbate these conditions by creating more congestion along the route and overcrowding bus stops. During these meetings, several measures were discussed to improve existing MBTA service such as transit signal priority system that could be implemented as part of the BTD project along Summer Street or funding to support transit infrastructure improvements along the corridor.

In consultation with Massport, MassDOT, the MBTA, and the City of Boston regarding transit mitigation, the Proponent has identified and committed in the FEIR to the following improvements to alleviate existing conditions and improve both vehicular and bus travel:

- Site access and circulation at the Summer/Elkins Street Extension intersection, the East 1<sup>st</sup> Street/M Street Extension intersection, the Project Site Driveway/Dedicated Freight Corridor intersection, and internal roadways with the Project;
- Traffic/pedestrian/bicycle improvement along Summer Street between East 1<sup>st</sup> Street and DFC;

- Traffic/pedestrian/bicycle improvement along East 1<sup>st</sup> Street between Summer Street and City Point western driveway;
- Neighborhood traffic improvements at the Summer Street/East 1<sup>st</sup> Street and the Summer Street/L Street intersections.
- Traffic Signal Connectivity including adaptive traffic signals and TSP;
- On-site transit/bus stops improvements;
- Bicycle facilities; and
- Neighborhood safety improvements.

Other mitigation measures that were discussed with the Proponent that should be included in the mitigation program consist of the following:

- City Point Terminal improvements including repaving, striping the bus yard to support the expanded service demand and bus layover;
- Along development site, construct additional Summer Street corridor improvement segments/elements including the widening of L Street to allow for future bus lanes;
- Outbound L St/Broadway bus stop location improvements
- Construct dedicated right turn lane on L Street at Broadway approach to allow Route 9 to proceed straight from the right turn lane;
- Install Transit Signal Priority between Pumphouse Road and L Street/Broadway; and
- Install customer experience amenities including AFC 2.0, shelters, countdown clocks.

In addition, the Proponent has committed to contribute \$10.8 million towards future transit improvements that would improve the reliability, safety, and convenience of transit service serving both the Project site and the abutting neighborhood. The Proponent has previously met with MassDOT, the MBTA, and the City of Boston to discuss how best to use these funds towards implementing additional improvements to further improve transit operations along the Corridor. However, both the City of Boston and the MBTA are conducting planning studies and looking at initiatives to improve transportation, including transit, within the Project's study area. Given it is uncertain at this time what the recommendations from these studies would be, proposing specific improvements at this time may not align with current and future operations of the transit system in the vicinity of the project. Accordingly, both the City of Boston and the MBTA have agreed that these funds would be used, when appropriate, to implement capital improvements that would benefit overall improved transit operations in this area, including the Route 7 impacted by this project. This approach would provide the flexibility to timely align the appropriate transit improvements with the occupancy of the Project, which is expected to be built over the next 10-15 years. These improvements, once implemented, will be reflected in the Transportation Monitoring committed by the Proponent to demonstrate the effectiveness of the mitigation measures.

### Parking

The Proponent has updated their parking need from the DEIR based on the Preferred Alternative development program. The Proponent expects that the proposed Transportation Demand Management (TDM) program and the proximity of the project site to alternative modes of transportation would allow for a reduction of on-site parking demand. Based on this assessment, the project will provide 1,214 parking spaces on-site to accommodate residents, hotel guests, employees, and visitors to the retail shops, and restaurants.

### Transportation Demand Management Program

The FEIR includes a comprehensive program of TDM measures aimed at reducing site trip generation. These include provision of information on and marketing of transit services (including via a project website), membership in the Seaport TMA, provision of orientation packets containing multimodal information to tenants, provision of bicycle storage in secure, sheltered areas and bicycle racks for visitors near building entrances, designation of a transportation coordinator to oversee transportation issues.

The Proponent should further work toward identifying the details of these TDM measures as well as developing additional programs. The Proponent should also consult with the Seaport TMA to help implement the TDM program.

### Transportation Monitoring Program

The Proponent has committed to conduct an annual traffic monitoring program for a period of five years, beginning six months after occupancy of the Full-Build project. It would include:

- Simultaneous automatic traffic recorder (ATR) counts at each garage entrance for a continuous 24-hour period on a typical weekday and Saturday;
- Travel survey of employees and patrons at the site (to be administered by the Transportation Coordinator);
- Weekday AM and PM peak hour turning movement counts (TMCs) and operations analysis at “mitigated” intersections, including those involving garage entrances; and
- An update on TDM effectiveness and transit ridership.

The goals of the monitoring program will be to evaluate the assumptions made in the Environmental Impact Report, update on the implementation of transportation improvements, and confirm the adequacy of these mitigation measures, as well as to determine the effectiveness of the TDM program.

MassDOT recommends that no further environmental review be required based on transportation issues. The Proponent should continue coordination with the MBTA and the City of Boston regarding the funds committed towards the mitigation program and clearly

identify the party responsible for implementing the improvements. If you have any questions regarding these comments, please contact me at *Lionel.Lucien@state.ma.us*.



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

May 7, 2021

Kathleen A. Theoharides, Secretary  
Executive Office of  
Energy & Environmental Affairs  
100 Cambridge Street  
Boston MA, 02114

Attn: MEPA Unit

RE: Boston  
L Street Station Redevelopment Project  
EEA # 15692

Dear Secretary Theoharides:

The Massachusetts Department of Environmental Protection Northeast Regional Office (MassDEP-NERO) has reviewed the Final Environmental Impact Report (FEIR) for the proposed L Street Station Redevelopment Project in Boston. MassDEP provides the following comments.

### **Wetlands**

A Final Environmental Impact Report (FEIR) was submitted on behalf of HRP 776 Summer Street, LLC for redevelopment of a 15.2-acre site located at the L Street Station in Boston. The project site is located northeast of the intersection of Summer and East First Streets along the south side of the Reserve Channel in Boston, abutting the South Boston DPA, and includes some filled tidelands, and is located within Land Subject to Coastal Storm Flowage (LSCSF). The proposal includes constructing an approximately 1.68-million square foot mixed-use, residential, commercial, civic/cultural, and hotel with associated parking, open space, and internal roadways.

The project site contains an existing seawall or coastal engineering structure (CES) which the FEIR indicates requires repairs for structural deficiencies, which may include new sheeting driven three feet seaward of the existing sheeting and backfilled. In accordance with 310 CMR 10.30, Coastal Banks are defined as the seaward face or side of any elevated landform, other than a coastal dune, which lie at the landward edge of a coastal beach, land subject to tidal action, or other wetland. The term “top of coastal bank” is used to establish the landward edge of the coastal bank. To determine the location of the top of coastal bank, MassDEP established guidance under MassDEP Policy #92-1. In circumstances where a project site contains a CES, the top of coastal bank may be delineated as the top of the CES. This does not mean that the CES is considered the Coastal Bank. It is MassDEP’s opinion that the landform on the site behind the existing CES would be considered the coastal bank, and therefore, any alteration to the CES located on the face of the coastal bank would need to comply with the performance standards under the WPA.

It is MassDEP’s opinion that the proponent should consider alternatives for the proposed repairs and should evaluate how the proposed work will reconfigure the shoreline and impact the stability and functions of Coastal Bank and Coastal Beach.

The MassDEP appreciates the opportunity to comment on this proposed project. Please contact [Rachel.Freed@mass.gov](mailto:Rachel.Freed@mass.gov) at (978) 694-3258 for further information on wetlands issues. If you have any general questions regarding these comments, please contact me at [John.D.Viola@mass.gov](mailto:John.D.Viola@mass.gov) or at (978) 694-3304.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

John D. Viola  
Deputy Regional Director

cc: Brona Simon, Massachusetts Historical Commission  
Eric Worrall, Rachel Freed, Jill Provencal, MassDEP-NERO



**Massachusetts Port Authority**  
One Harborside Drive, Suite 200S  
East Boston, MA 02128-2909  
Telephone (617) 568-1000  
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May 7, 2021

Secretary Kathleen A. Theoharides  
**Executive Office of Energy and Environmental Affairs**  
Attn: MEPA Office  
Alex Strysky, EEA #15692  
100 Cambridge Street, Suite 900  
Boston, MA 02114

**Subject: L Street Station Redevelopment – Final EIR (EEA #15692)**

Dear Secretary Theoharides:

On behalf of the Massachusetts Port Authority (Massport), thank you for the opportunity to provide comments on the *Final Environmental Impact Report* (Final EIR) for the L Street Station Redevelopment Project. The project includes the redevelopment of a 15.2-acre site along the Reserved Channel at 776 Summer Street on land formerly occupied by the Boston Edison L Street Power Station. As described in the Final EIR, the Project has been modified since the Draft EIR, including reduction in the size of several project elements and shifts in the locations of some programmed uses. More specifically, there is an overall program reduction by approximately 250,000 square feet (sf); reduction of the number of new buildings proposed from 7 to 6 new buildings; relocation of residential uses away from the Thomas J. Butler Dedicated Freight Corridor (DFC); reduction of 708 residential units; conversion of approximately 490,000 sf from residential to commercial use; and a reduction in the number of parking spaces by 183 spaces.

The Final EIR also presents and analyzes a development program without residential uses (the “All-Commercial Alternative”). Under this redevelopment alternative, the residential square footage of the Project would be converted to commercial space for office and research and development/lab uses. Under either development alternative, the total gross square footage would remain the same at approximately 1.68 million sf.

As we have consistently stated through the project review process, Massport’s primary interest in the Project is ensuring the long-term viability of the Paul W. Conley Container Terminal (Conley Container Terminal) and the 9,000+ jobs supported by the Port of Boston. As a major landowner in the South Boston Waterfront, and as the owner and operator of the Conley Container Terminal, which directly abuts the Project, Massport appreciates the opportunity to comment on this step in the permitting process and to reinforce the critical and growing port operations.

### **Proposed Project’s Context on the Port of Boston**

Conley Container Terminal and the diverse maritime uses in the Port of Boston overall have a significant regional economic impact; over 2,500 businesses throughout New England rely on Conley Container

Terminal to import and export raw materials and finished products. The Conley Container Terminal is a critical link in both the region's supply chain and its overall economy. The Conley Container Terminal experienced its highest volume ever in FY19, processing over 307,000 TEUs (Twenty-Foot Equivalent Units, a standard industry measurement). This FY19 volume followed back-to-back record volumes in FY16-FY18.

Together with the Commonwealth and the federal government, Massport is advancing a comprehensive modernization of Conley Container Terminal, including \$215 million for a new deep-water berth and three new cranes, and a \$350 million harbor dredging project to accommodate the latest, larger post-Panamax ships that already have begun calling on Conley Container Terminal following the expansion of the Panama Canal. These new cranes are expected to be delivered to the Port of Boston and installed at the new Berth 10 within the next two months, and once in place, they will be little more than 1,000 feet from the L Street Station Redevelopment Project. Additional gate, truck screening, and internal circulation improvements are also moving forward to improve operations and freight yard efficiencies. These long-planned projects are now nearing completion and are supportive of the Conley Container Terminal's existing operations and future growth. Each of these projects went through extensive public comment and permitting processes and have been well known and broadly communicated for many years.

These projects are all part of the large-scale investment in Conley Container Terminal that collectively represent an investment in the Port of over \$850 million by Massport, the Commonwealth, and the Federal government to continue to support the Port of Boston as a critical regional economic asset, while also minimizing its impact on existing residential neighbors.

The L Street Station Redevelopment Project site is also immediately across the Reserved Channel from the Raymond L. Flynn Cruiseport Boston at Black Falcon Terminal. Flynn Cruiseport Boston has hosted a growing cruise ship industry in the city. In 2019, the Cruiseport set a record with more than 130 ships and over 400,000 passengers, all being processed in close proximity to the Project.

It is within this context of existing and planned maritime industrial activities and Massport's mission to protect and grow key maritime assets in the Port of Boston that Massport provides the following detailed comments on the Final Environmental Impact Report.

### **Limit Public Access near Secure Zones and Terminal Operations**

The DFC is a restricted-access roadway, providing critical freight access between Conley Container Terminal and nearby truck routes such as Summer Street, Massport Haul Road, and the South Boston Bypass Road. The proponent has the right to construct and use a single driveway connecting to the DFC to the project site for delivery and service access to the site only; this connection is shown on plans included in the Final EIR. As stated in our earlier comments, it is imperative that this connection remains gated to maintain the security of the DFC and that it is used only for limited delivery and service vehicle purposes.

### **Buffering Conley Terminal Operations**

Ocean-going container vessels arrive at Conley Container Terminal around the clock and are unloaded/loaded as quickly as they tie up. Customers from throughout the Northeast depend on the efficient delivery of commodities through Conley, both inbound and outbound. This development must be designed to minimize conflicts between the proposed development and the active, adjacent industrial port. The final approved site master plan outlines the proponent's approach to siting the proposed land uses in consideration of current Conley operations. This is a significant improvement over previous filings, and the building and program configuration will likely reduce potential impacts from Conley's operations. However, as outlined below, Massport remains concerned about some project elements that are inconsistent with Port operations.

The Final EIR proposes a range of activations along the waterfront edge and adjacent to the DFC, including a boardwalk, performance plaza, event plaza, play space, and the potential for seasonal outdoor use such as yoga or an ice skating rink. Figure 3.5 illustrates several of these features, almost all of which will be within 50-100 feet of the DFC and some even closer.

Security of the DFC is a critical Massport responsibility, and any waterfront open space must be designed with a landscaped buffer to provide maximum separation from the DFC in all locations. Furthermore, public realm plans should be evaluated for their compatibility with the noise, light, and truck traffic of the DFC and associated 24/7 working port activities. Previous project filings have committed to working with Massport regarding these compatibility issues and the requisite security measures associated with the service drive off of the DFC.

### **Residential Deed Restriction**

The Final EIR makes reference to the deed restriction that Massport holds prohibiting residential development at the L Street Station site. Eight years ago, Massport negotiated the deed restriction with the previous owner of the L Street Station property, Exelon Energy, as part of a land transaction to assemble the land necessary to construct the DFC. Massport invested \$75M to create the DFC to protect and preserve future truck access to Conley Container Terminal and separate trucks from the residential neighborhood. While the Final EIR refers to the deed restriction as a "burden", the intent of the restriction when it was negotiated and set forth in the deed from Exelon Energy to Massport was to protect Conley Container Terminal from the encroachment of potentially incompatible residential development.

Massport has consistently expressed a willingness to discuss with the proponent modifications to the deed restriction to allow compatible and appropriately located residential units on the site. Massport agreement to modifications will depend on several factors, including the final site plan, the location and density of residential units, interior noise design standards, covenant language in rental/ownership agreements, and compensation to Massport. If the deed restriction is modified, we expect it will reflect the nature and pace of the proposed development and that it will not be lifted in its entirety. The Proponent has been responsive to concerns about the density of residential units and their proximity to Conley Container Terminal and the DFC. The current plan reduces the overall number of units and locates them primarily in the southwestern corner of the development, the farthest area from

Conley's operations. Massport recognizes that this site configuration will make any potential modification to the deed restriction boundaries more feasible.

Then, as now, the restriction is an important asset for the Port of Boston with real value to Massport; it was a key term in the negotiations with Exelon. As Massport and others have stated publicly throughout this project's review process, any modification of the deed restriction must acknowledge the reduction in value of that port asset. As a public authority, Massport has a responsibility to seek fair market value in return for such a modification, and that value must factor both the loss in value of the asset to Massport as well as the value created for the developer by allowing the residential development. Any proceeds Massport derives as a result of a modification to the restriction will be used to further strengthen and preserve industrial activities in the Port of Boston.

### **Residential Use Language and Design Standards**

As part of any potential agreement between Massport and the proponent to allow residential use on the site, Massport will require specific language in all residential leases or purchase and sale agreements acknowledging the tenant's/owner's awareness of the adjacency of Conley Container Terminal and other uses and activities in the Designated Port Area and the potential for noise and other impacts. Based on our discussions with the developer, they are amenable to meeting Massport's requirement that all residential units are designed and constructed to a maximum average interior day-night noise standard of 45 dBA.

### **Building Heights**

The Proponent has collaborated with Massport and verified that all existing and proposed buildings will remain safely below the Logan Airspace Map maximum heights. The Proponent has committed to continue the collaboration throughout the phased design process and review any changes with Massport before filing the FAA form 7460-1 for the buildings and temporary construction cranes. After the construction is complete, the Proponent has committed to filing the FAA Form 7460-2 to record the as-built heights to the 1A survey accuracy as required by the FAA.

Massport has informed the Proponent that the airspace limit includes the highest points of the buildings including all accessories such as rooftop mechanical/HVAC units, antennae, lighting, signs, solar panels, etc. Massport has also made the Proponent aware of the requirements to conduct and file a glare study with the FAA if the Project intends to add rooftop solar panels. The FAA guidance for solar panels can be found at [https://www.faa.gov/airports/environmental/policy\\_guidance/media/FAA-Airport-Solar-Guide-2018.pdf](https://www.faa.gov/airports/environmental/policy_guidance/media/FAA-Airport-Solar-Guide-2018.pdf).

### **Transportation/Traffic**

Massport's primary transportation interests are safe and functional roadways serving all users in the district and the efficient and timely movement of freight for industrial and maritime uses. The Summer Street/DFC intersection is vital to the operations of Conley Container Terminal, and Massport looks forward to the continued coordination with the Proponent and City of Boston on any changes to

configuration and operations. The objective must be a design that preserves the safety of all roadway users and maintains efficient operations of this critical node along an important truck route.

Massport has had several conversations with the BPDA and MBTA on the potential implementation of exclusive bus/truck lanes within the Summer Street corridor. The City has allocated \$22 million to implement “bus lanes” citywide over the next several years, and said allocation includes Summer Street as one of the candidate corridors. Before the City implements such an intervention that may significantly impact the capacity and operations of Summer Street, a more in-depth evaluation of this change is necessary to determine impacts to freight and truck movements throughout the district and to development such as the L Street Station Redevelopment Project.

The intersection of Summer Street and Drydock Avenue/Pappas Way is also an important node along the truck route serving industrial and maritime businesses in the district. The Proponent’s analysis shows continued poor operations at this intersection under existing, no-build, and build conditions during peak hours. While the constrained condition of the intersection is an existing issue, Massport would like to see potential solutions proposed to ensure, over time, that this key intersection (and the Summer Street corridor overall) operates effectively. This corridor is a key link on the “last mile” connection between the port and the interstate highway system, and it cannot be compromised.

Massport appreciates the efforts by the Proponent to model future potential benefits of their mitigation package within their study area. Unfortunately, additional operational issues exist beyond the study area within the South Boston Waterfront. Massport looks forward to our continued collaborative relationship with the BTDA, BPDA, MassDOT, and MBTA to evaluate and develop innovative solutions, such as shared bus/truck lanes, that will support transit connecting the South Boston community to key destinations and maintain efficient and reliable truck routes.

Please do not hesitate to contact me at (617) 997-6223 or at [jbarrera@massport.com](mailto:jbarrera@massport.com) if you wish to discuss any of our comments.

Sincerely,

**Massachusetts Port Authority**



Joel Barrera  
Director, Strategic and Business Planning  
Massachusetts Port Authority

cc: M. Meyren, A. Hargens, S. Dalzell, M. DeTour/Massport  
Melissa Schrock/ Hilco Redevelopment Partners  
Lauren Devoe/VHB



# MASSACHUSETTS WATER RESOURCES AUTHORITY

Charlestown Navy Yard  
100 First Avenue, Building 39  
Boston, MA 02129

Frederick A. Laskey  
Executive Director

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May 10, 2021

Kathleen A. Theoharides, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge St, Suite 900  
Attn: MEPA Office, Alex Strysky  
Boston, MA 02114

Subject: EOEAA #15692 – Final Environmental Impact Report  
L Street Station Redevelopment  
776 Summer Street, Boston, MA 02127

Dear Secretary Theoharides,

The Massachusetts Water Resources Authority (MWRA) appreciates the opportunity to comment on the Final Environmental Impact Report (FEIR) submitted by HRP 776 Summer, LLC (the “Proponent”) for L Street Station Redevelopment (the “Project”) in South Boston, Massachusetts. The approximately 15-acre Project site is located along the Reserved Channel and was formerly the Boston Edison L Street Power Station. The Project “Preferred Alternative” is a mixed-use, transit-oriented redevelopment of the historical site proposed to include commercial, residential, retail, civic, and hotel uses. The FEIR also includes a development option with no residential uses, due to existing deed restriction disallowing residential uses onsite. The Proponent seeks review of this “All Commercial Alternative” in addition to the Preferred Alternative, including residential uses, in the event the deed restriction cannot be lifted.

MWRA previously submitted comments on the Project Environmental Notification Form (ENF) on June 23, 2017 and on the Draft Environmental Impact Report (DEIR) on October 30, 2018. The FEIR reports that since the DEIR was filed, changes to the Project Preferred Alternative include a reduction in the overall square footage, number of new buildings, residential space and parking spaces as well as an increase in civic and cultural space. MWRA’s comments on the FEIR address both the Preferred and All Commercial Alternatives and relate to wastewater issues emphasizing the need for Infiltration/Inflow (I/I) Removal and Discharge Permitting from the Toxic Reduction and Control (TRAC) Department.

## Wastewater

Information provided to MWRA and supplemental Appendix F of the FEIR presents updated estimates of wastewater generation for both Project alternatives. The Preferred Project Alternative is estimated to generate 222,938 gallons per day (gpd) of wastewater flow, an

increase of 209,003 gpd over the existing wastewater flow of 13,935 gpd. The All-Commercial Alternative is estimated to generate 182,689 gpd of wastewater flow, an increase of 168,754 gpd over the existing wastewater flow of 13,935 gpd. The information also presents both the amount of infiltration/inflow (I/I) removal necessary to comply with the MassDEP and BWSC requirements of 4:1 removal (4 gallons of I/I removed for every gallon of new wastewater flow) and the BWSC required monetary contribution to its I/I mitigation fund to enable BWSC to accomplish the necessary I/I removal, at a BWSC set rate of \$2.41/gallon.

MWRA's previous comments noted that the DEIR included a thoughtful explanation of the MassDEP and BWSC I/I mitigation requirements and the Proponent's commitment to working with BWSC to define an appropriate I/I mitigation plan. MWRA's comments also stated that the FEIR should lay out a mitigation plan that ensures a compliant and effective offset. Without effective offset, the increase in wastewater flow has the potential to increase combined sewer overflows (CSO) from the BWSC combined sewer system serving the Project site, which can overflow to the Reserved Channel and the Fort Point Channel in large storms.

The FEIR states that the required wastewater offset can be attained through a combination of water saving measures that can reduce water use and therefore reduce wastewater flow below the estimated generation levels noted above; removal of some of the stormwater generated on-site from the sewer system through on-site stormwater management measures; and "payments through the BWSC I/I Mitigation program (that) directly fund separation and improvement projects." Section 4.3 of the FEIR further notes, "At each phase, the Proponent will commit to the City's I/I Mitigation program by mitigating each new gallon of sanitary sewer discharge at a 4 to 1 multiplier and a rate of \$2.41 per gallon. MWRA assumes, therefore, that most of the required I/I mitigation is intended to be accomplished through BWSC projects funded through its I/I Mitigation Program.

The FEIR describes the Reserved Channel Sewer Separation Project (RCSSP) that BWSC complete between 2006 and 2015, and suggests that the RCSSP will mitigate the Project's wastewater flow. The FEIR states that "Both RCSSP and the Project will reduce the amount of stormwater discharge to the combined sewer systems," and in response to previous MWRA comments that, "Fees paid through I/I mitigation fund projects like the RCSSP." While the RCSSP created storm drain infrastructure that supports the Project's stormwater management plan and the RCSSP removed large quantities of stormwater from the BWSC and MWRA sewer systems, it was funded by MWRA, not by BWSC's I/I Mitigation program. Additionally, it was intended to achieve long-term CSO control levels, not provide sewer capacity for large development projects. Most of the I/I removal necessary to meet the MassDEP and BWSC required mitigation and effectively offset the Project's new wastewater flow will need to come from off-site improvements implemented either by BWSC or the Proponent, and is so far undefined.

## TRAC Discharge Permitting

MWRA prohibits the discharge of groundwater and stormwater to the sanitary sewer system, pursuant to 360 C.M.R. 10.023(1) except in a combined sewer area when permitted by the Authority and the local community. The Project site has access to a storm drain system and is not located in a combined sewer area. Therefore, the discharge of groundwater and stormwater to the sanitary sewer system associated with this Project is prohibited. The discharge of surface water and roof or surface runoff into the sanitary sewer system is also prohibited.

A Sewer Use Discharge Permit is required prior to discharging laboratory wastewater, research and development wastewater, and/or marine industrial process wastewater from laboratory or industrial process wastewater associated with the Project into the MWRA sanitary sewer system. A Sewer Use Discharge Permit is also required prior to discharging any wastewater from laundry operations associated with the Project into the MWRA sanitary sewer system. For assistance in obtaining these permits, representatives from the proposed laboratory, commercial space and hotel should contact Erika T. Samuels, Industrial Coordinator, in the TRAC Department at 1 (617) 305-5666.

Any gas/oil separators in parking garages associated with the project must comply with 360 C.M.R. 10.016 and State Plumbing Code. The installation of the proposed gas/oil separators may not be back filled until inspected and approved by the MWRA and the Local Plumbing Inspector. For assistance in obtaining an inspection the Proponent should contact John Feeney, Source Coordinator, at 1 (617) 305-5631.

On behalf of the MWRA, thank you for the opportunity to provide comments on this Project. Please do not hesitate to contact Katie Ronan of my staff at (857) 289-1742 with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Beth Card', written in a cursive style.

Beth Card  
Director  
Environmental and Regulatory Affairs

cc: John Viola, DEP



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
100 CAMBRIDGE ST., SUITE 1020  
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**Charles D. Baker**  
Governor

**Karyn E. Polito**  
Lt. Governor

**Kathleen A. Theoharides**  
Secretary

**Patrick C. Woodcock**  
Commissioner

12 May 2021

Kathleen Theoharides, Secretary  
Executive Office of Energy & Environmental Affairs  
100 Cambridge Street  
Boston, Massachusetts 02114  
Attn: MEPA Unit

RE: L Street Station Redevelopment Project, Boston, Massachusetts, EEA #15692

Cc: Maggie McCarey, Director of Energy Efficiency, Department of Energy Resources  
Patrick Woodcock, Commissioner, Department of Energy Resources

Dear Secretary Theoharides:

We've reviewed the Final Environmental Impact Report (FEIR) for the above project as well as the "Post FEIR GHG Commitments" letter, received by our office 11 May 2021. The proposed project will include 721,000-sf of residential (a mid-rise multifamily, a high-rise multifamily, and a hotel), a 750,000-sf lab/office building, and 56,000-sf of retail. The project also includes renovation of two historic "Turbine Halls".

### **Executive Summary**

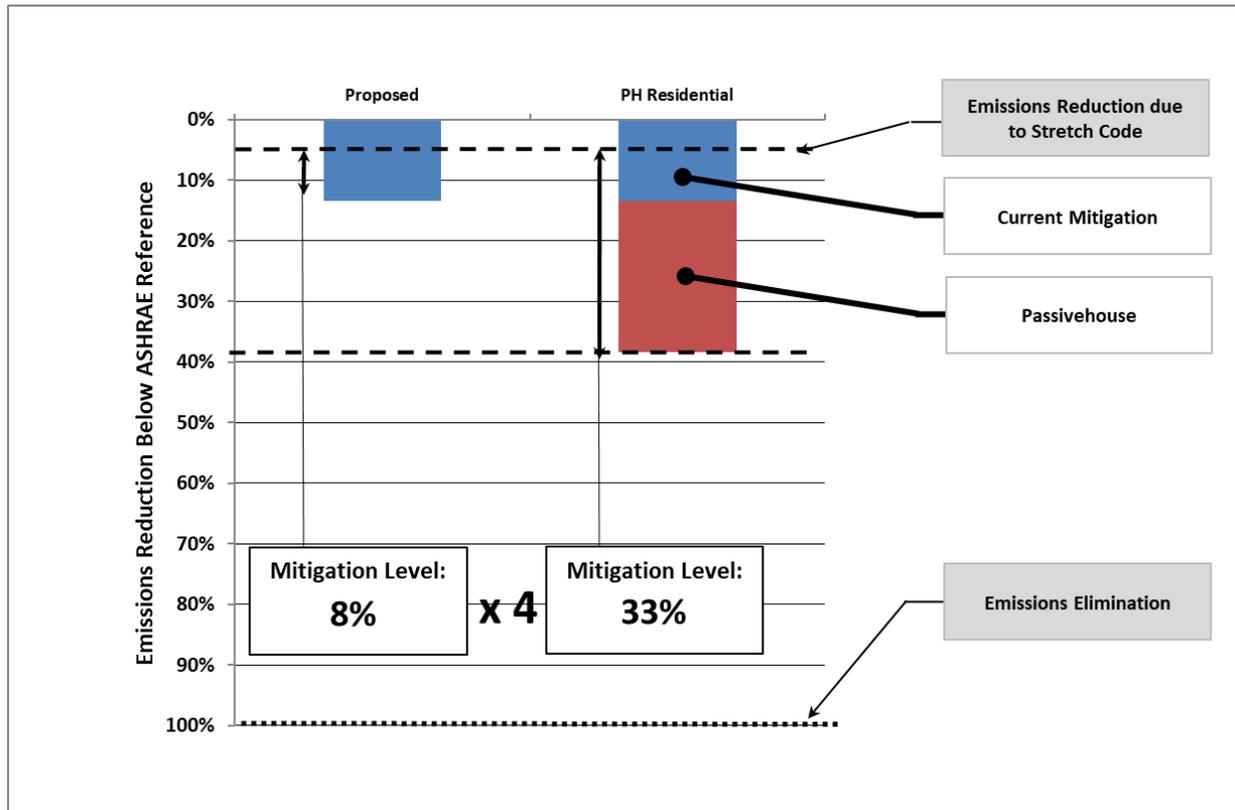
The project is committing to measures which will significantly reduce emissions, including:

- Efficient electrification of space heating for the mid-rise multifamily.
- Partial efficient electrification of the lab-office building, which previously had no electrification of space heating. The project should be commended for this improvement.
- Significant EV installations and EV readiness.

The project would also benefit from adoption of Passivehouse. Passivehouse was not fully evaluated in this or prior submissions.

### Mitigation Level – Residential Buildings

For the residential buildings (the mid-rise and high-rise multifamily and hotel), the current Mitigation Level<sup>1</sup> is 8%. This can be improved by a factor of x4 to 33% with Passivehouse for the mid-rise and high-rise multifamily buildings, as illustrated below:

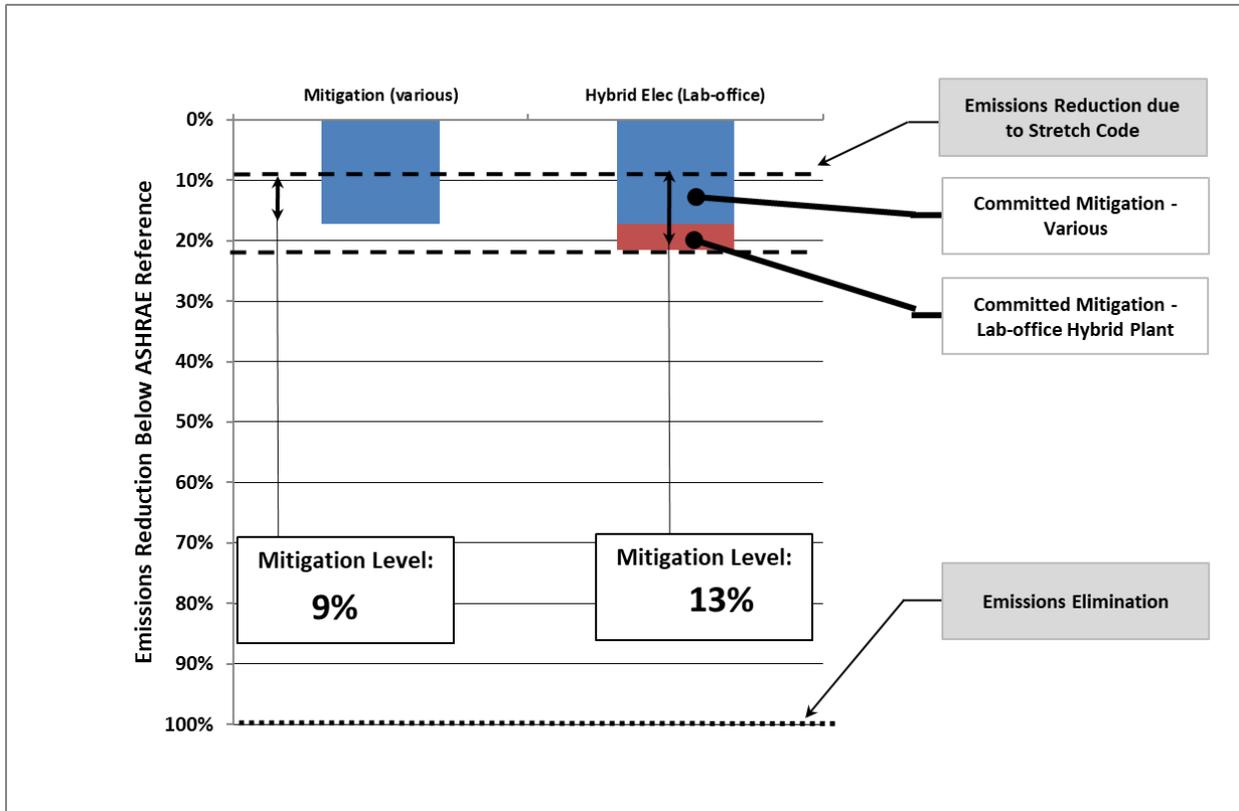


### Mitigation Level – Non-Residential Buildings

For the non-residential buildings, current Mitigation Level is 13%. This is accomplished, as follows:

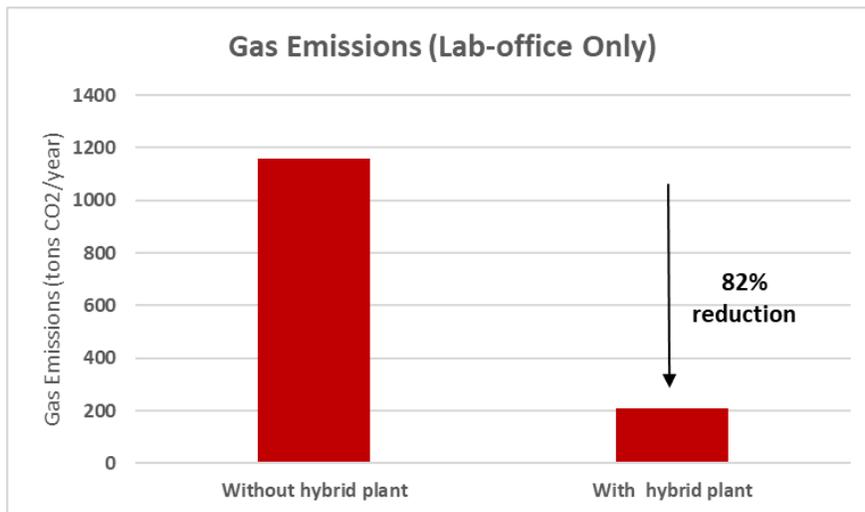
- Various mitigation measures (lighting improvement, HVAC improvements, minor improvements to envelope) deliver a ML of 9%.
- In the lab-office building, utilization of a hybrid central plant consisting of air to water heat pumps (sized at just 20% of the peak load, used as primary system) and boiler secondary system, improve ML to 13%. (More below on this improvement.)

<sup>1</sup> Mitigation Level is the percent GHG reduction beyond the reduction that would occur as a result of following state and local building codes. A Mitigation Level of 0% means that no mitigation is proposed.



### Reduction in Gas Usage with Hybrid Plant in Lab-Office

Lab-office buildings typically have significant gas usage and associated greenhouse gas emissions due to high ventilation loads. To mitigate this, this project is committing to the hybrid central plant described above. This single commitment will reduce gas use of this building by 82%, shown below.



## **Code and C406 Measures**

For the new construction buildings (all but the Turbine Halls) code is Massachusetts Stretch Code (energy performance improvement of 10% over ASHRAE 90.1-2013-Appendix G) plus certain Massachusetts amendments including C405.3 and C405.4 (lighting), C405.10 (EV charging), and C406 (three additional efficiency measures).

All of the buildings are proposing the following C406 measures:

- C406.2 – improved HVAC
- C406.3 – reduced lighting power density
- C406.9 – reduced air infiltration (confirmed with field testing)

In the submission the retail is described as “ancillary” which is taken to mean that it will be made a part of the larger “host” residential, office-lab, or other building. Accordingly, we understand that the retail will also incorporate the above C406 measures, as well.

The code pathway for the turbine halls renovation is either Chapter 5 of IECC 2018, as amended, or Sections 5 through 10 of ASHRAE 90.1-2013, as amended.

## **Envelope, Heat Recovery, and Solar Gains\_**

The combination of quality envelope, heat recovery, and management of solar gains can result in significant reduction in heating (and cooling) thermal energy demand intensity (TEDI, units of kBtu/sf-yr). In addition to reduced utility costs and emissions, the value of a targeted focus on heating and cooling TEDI results in:

- Simplified space heating electrification;
- Reduction, and possible elimination, of perimeter heating systems;
- Improved resiliency;
- Reduced peak demands;
- Improved occupant comfort;
- Reduced maintenance.

Specific TEDI reduction strategies are:

- High-performance window and walls;
- Thermally broken windows and components to eliminate thermal bridges;
- Low air-infiltration;
- Ventilation heat recovery;
- Solar gain management via external shading and/or low solar heat gain coefficient (SHGC)

Building with curtain wall envelope requires high performing windows and high performing opaque spandrels to achieve heating TEDI reductions. High performing windows and high

performing opaque spandrels should be carefully evaluated if curtain-wall construction is considered.

The proposed lab-office for this project has opaque curtain wall and window (R-9.1 opaque curtain wall and U-0.25 window) and air infiltration (0.25 cfm/sf @ 75 Pa) and heat recovery (50% efficient lab and office). The lab-office building would probably benefit from further modest improvements to opaque curtain wall and window, and large improvements to air infiltration and ventilation heat recovery. This would reduce heating loads, reduce emissions, and likely reduce up-front costs for necessary air-source equipment in the hybrid plant.

Passivehouse standard results in low heating and cooling TEDI as creating a building with low thermal energy demand is a central feature of this design process. Passivehouse is recommended for the residential buildings and may be worthwhile for the hotel, as well. (Passivehouse is further described in a subsequent section.)

### Summary of Vertical UA Performance and Air Infiltration Commitments

Below is a summary of key envelope commitments. All buildings have marginally improved vertical envelope performance “UA” and robust improvements to roof insulation. Note that all buildings are pursuing C406.9 as one of three code-required additional efficiency measures. This requires air infiltration of 0.25 cfm/sf at 75 Pa, or less, as verified by field testing.

Building	Vertical UA		Roof R value		Air infiltration	
	Commitment	% Improvement over Code	Commitment	Code Requirement	Commitment	% Improvement over Code
Mid rise residential	0.16	1.2%	R-40c.i.	R-30c.i.	0.25 cfm/sf at 75 Pa	Equal to code – C406.9
High rise residential	0.16	1.0%	R-40c.i.	R-30c.i.	0.25 cfm/sf at 75 Pa	Equal to code – C406.9
Hotel	0.16	1.0%	R-50c.i.	R-30c.i.	0.25 cfm/sf at 75 Pa	Equal to code – C406.9
Office-Lab	0.16	2.0%	R-50c.i.	R-30c.i.	0.25 cfm/sf at 75 Pa	Equal to code – C406.9
Ancillary Retail	0.16	1%	R-50c.i.	R-30c.i.	0.25 cfm/sf at 75 Pa	Equal to code – C406.9

### Electric Space and Service Water Heating

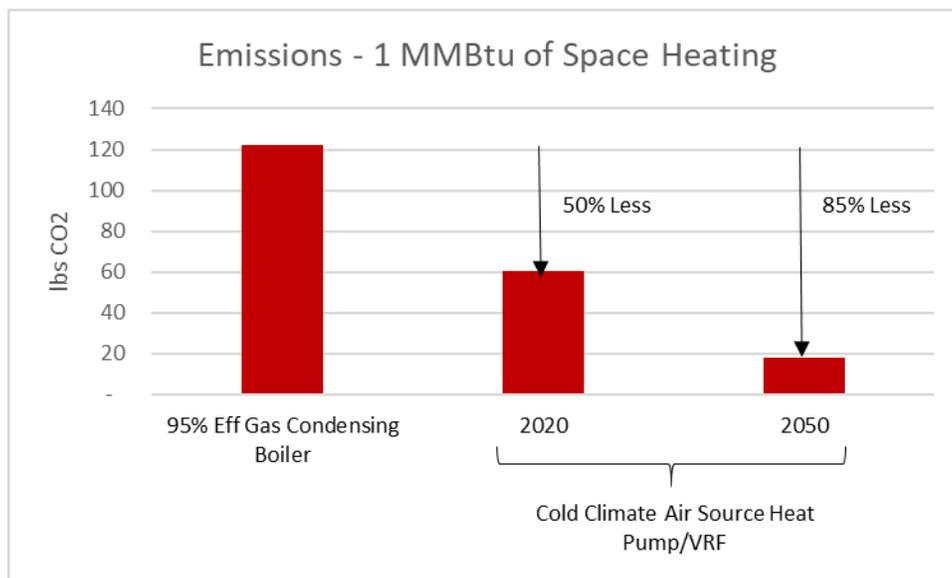
Efficient electrification and renewable thermal space and water heating entails the swapping of fossil fuels (natural gas, oil, and propane) or electric resistance systems with one or more of the following:

- Cold-climate air source heat pumps and variable refrigerant flow (VRF) for space heating;
- Air source heat pumps for water heating;

- Ground source heat pumps;
- Solar thermal.

Electrification of space and water heating is a key mitigation strategy with significant short- and long-term implications on GHG emissions. Massachusetts grid emissions rates continue to decline with the implementation of clean energy policies that increase renewable electricity sources. The implication is that efficient electric space and water heating with cold climate air source heat pump and VRF equipment have lower emissions than other fossil-fuel based heating options, including best-in-class (95% efficient) condensing natural gas equipment.

Currently, efficient electric heating has approximately **50% lower emissions** in Massachusetts than condensing natural gas heating. By 2050, efficient electric heating is expected to have approximately **85% lower emissions** in Massachusetts than condensing natural gas heating. See illustration below.



### Electrifying Space Heating for the Mid-Rise Residential

The project is committing to efficient electrification of space heating for this building, using air source heat pumps. We commend the project for this measure.

### Electrifying Space Heating for High-rise Residential, Hotel, Retail

None of these buildings are proposing efficient electrification of space heating. Rather, these buildings are proposing to use water source heat pumps with hot water supplied by fossil fuels (gas). It is recommended that these buildings switch to air source heat pumps, air source VRF, or hydronic systems using central electric air to water heat pumps.



Efficient electrification becomes much easier for projects that have very low heating thermal energy demand intensity (TEDI). Passivehouse projects, for example, have a heating TEDI that is about 90% smaller than code and thus require much smaller sized heating equipment, less distribution, and usually do not require perimeter heating. The Cornell Tech tower (right) is a good example of this approach. This Passivehouse project is entirely heated and cooled with air source VRF. Each floor houses just two small condensers which fit into a small closet.

### Electrifying Space Heating for Lab-office Building

The lab-office is committing to a central plant consisting of air to water heat pumps sized for 20% of the peak load (to be used as primary) supported with gas boiler back up (to be used as secondary). This approach is estimated to reduce gas emissions from about 1,200 tons/year to about 200 tons per year (about an 80% reduction). We commend the project for this commitment.

### Electrifying Space Heating for Turbine Hall

Limited information was provided for the Turbine Hall. It's not clear whether current plans include efficient electrification. Efficient electrification can be readily achieved with electric air source heat pump, air source VRF, or air to water heat pumps. This is the recommended approach.

### Service Water Heating

Service water heating can be accomplished in many ways including fossil fuel boilers, electric resistance, and air-source heat pumps. Air source water heating can be either centrally-located systems that distribute hot water to the units, or localized, distributed, tank-based heat pump water heaters.

Water heating is currently proposed as follows:

- Midrise: electric resistance
- Highrise and hotel: fossil fuel
- Office-lab: fossil fuel
- Retail: electric resistance
- Turbine halls: not indicated

Distributed air source heat pump water heating can be readily adopted for the turbine halls and the retail and are recommended for these two buildings types. Distributed air source heat pumps may be feasible for the lab-office, as well, and this should be further evaluated.

Centrally-located air source heat pump water heating may be feasible for the midrise residential, high rise residential, and office-lab and should be further evaluated.

### **Passivehouse**

Passivehouse is an energy efficiency building standard that results in an ultra-low energy building requiring little energy use for space heating and cooling. This is achieved by focusing on envelope performance, airtightness, solar heat gain management, and energy recovery. Passivehouse projects also typically have efficient electrified heating, as described above, and much smaller-sized HVAC systems.

Published studies show that in low-rise and mid-rise residential construction, Passivehouse doesn't necessarily cost more to build because improvements to envelope are offset by reductions in HVAC<sup>2</sup>. In high-rise residential construction, Passivehouse costs nominally more<sup>3</sup>.

Passivehouse is an energy code standard which is unlike other energy efficient building approaches in that its truly performance based by requiring mandatory, rigorous in-field tests to confirm that strict standards are being met. Passivehouse methods are recognized by both Massachusetts building Code, MassSave<sup>®4</sup>, and incentives under Massachusetts' Alternative Portfolio Standard (APS). For qualifying multifamily buildings, MassSave<sup>®</sup> incentive for Passivehouse is approximately **\$3,000 per dwelling unit, or \$1.9M when applied across the project.**

Passivehouse also delivers:

- *Significant reduction in utility costs:* thus is much more affordable to residents;
- *Improved resiliency:* Passivehouse buildings can stay warm (or cool, in the summer) for extended periods of time even with loss of power.

The Passivehouse pathway accesses the most incentives, while also being the most affordable and efficient.

At this time there are over 5,000 Passivehouse units being designed or under construction in eastern Massachusetts. Additionally, upon completion of Winthrop Square Tower, Boston will be home to a 750,000-sf office space certified as Passivehouse.

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<sup>2</sup> Pennsylvania Housing and Finance Association. *Passivehouse Cost Comparison Data set 2015, 2016, 2018* [Data Set]

<sup>3</sup> Feasibility Study to Implement the Passivehaus Standard on Tall Residential Buildings, FXcollaborative, 30 March 2017, Prepared for NYSERDA

<sup>4</sup> MassSave<sup>®</sup> is a consortium of Massachusetts utility companies designed to deliver energy efficiency throughout the Commonwealth of Massachusetts.

Passivehouse Examples



*The Distillery  
Boston, MA*



*Winthrop Center  
Boston, MA*



*Newton Northland  
Newton, MA*



*Bunker Hill Housing Development  
Charlestown, MA*



*Newton Riverside  
Newton, MA*

Passivehouse Evaluations in this Submission

The project conducted a Passivehouse evaluation, concluding Passivehouse would be too costly. There are several issues with the evaluations contained in the submission, including:

- The submission did not conduct separate evaluations for the mid-rise multifamily and the high-rise multifamily. Experience has shown that these building types have different economics.
- The submission applied a cost study for a high-rise multifamily to the proposed mid-rise multifamily. This results in likely over-estimating costs of mid-rise multifamily. No evaluations were performed for the high-rise.
- The evaluations were based on results that didn't actually meet Passivehouse criteria. Rather, the results were based on a lower-performing building. Accordingly, the energy improvements and operating cost reductions Passivehouse delivers is underestimated in the submission.

- The evaluations were not performed by a MassSave certified Passivehouse consultant. MassSave offers incentives to offset most of the cost of having a certified Passivehouse consultant do both a feasibility and a preliminary design. The project did not take advantage of this service.

In summary, the Passivehouse evaluations conducted to date are insufficient. Additional work is required to fully evaluate Passivehouse. Based on numerous other similar projects, we would expect Passivehouse to be both feasible and cost effective.

### **Solar PV**

Rooftop solar can be a significant emissions reduction strategy. For that reason, we recommend that as much roof as possible be made permanently solar-ready for PV systems to be installed during initial construction, or, at some time in the future.

We did not see in the submission any confirmed commitment to rooftop PV readiness.

The project is committing to installed one (1), 100-kW PV system.

### **EV**

The project is making the following, significant, EV commitments:

- 25% of parking spaces will have electric vehicle (EV) charging equipment installed
- 75% of parking spaces will be made EV-ready

### **Key Project Commitment Summary**

The project is committing to the items below. Items in bold and italics are discussed further in subsequent section by item number shown.

#### Midrise Multifamily

- Emissions reduction of 14% lower than ASHRAE 90.1-2013 plus Massachusetts amendments, including C406 measures: C406.2 – improved HVAC, C406.3 – reduced lighting power density, C406.9 – reduced air infiltration (confirmed with field testing).
- Building EUI reduction of 34% lower than baseline ASHRAE 90.1-2013 plus Massachusetts amendments (Baseline EUI: 45 kBtu/sf-yr; Mitigated EUI: 30 kBtu/sf-yr).
- Envelope as follows: vertical UA: 0.016 Btu/F-hr, roof: R-40c.i, air infiltration: 0.25 cfm/sf at 75 Pa confirmed with field testing per C406.9.
- Service water: electric resistance.

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- Air source heat pump (or air source VRF) space heating for 100% of space heating.
- HVAC, lighting and other details documented in Appendix E, FEIR submission, dated March 2021.

Highrise Multifamily

- Emissions reduction of 13% lower than ASHRAE 90.1-2013 plus Massachusetts amendments. including C406 measures: C406.2 – improved HVAC, C406.3 – reduced lighting power density, C406.9 – reduced air infiltration (confirmed with field testing).
- Building EUI reduction of 25% lower than baseline ASHRAE 90.1-2013 plus Massachusetts amendments (Baseline EUI: 45 kBtu/sf-yr; Mitigated EUI: 34 kBtu/sf-yr).
- Envelope as follows: vertical UA: 0.016 Btu/F-hr, roof: R-40c.i, air infiltration: 0.25 cfm/sf at 75 Pa confirmed with field testing per C406.9.
- Service water: 95% efficient natural gas.
- HVAC, lighting and other details documented in Appendix E, FEIR submission, dated March 2021.

Hotel

- Emissions reduction of 15% lower than ASHRAE 90.1-2013 plus Massachusetts amendments, including C406 measures: C406.2 – improved HVAC, C406.3 – reduced lighting power density, C406.9 – reduced air infiltration (confirmed with field testing).
- Building EUI reduction of 26% lower than baseline ASHRAE 90.1-2013 plus Massachusetts amendments (Baseline EUI: 59 kBtu/sf-yr; Mitigated EUI: 44 kBtu/sf-yr).
- Envelope as follows: vertical UA: 0.016 Btu/F-hr, roof: R-40c.i, air infiltration: 0.25 cfm/sf at 75 Pa confirmed with field testing per C406.9.
- Service water: 95% natural gas.
- HVAC, lighting and other details documented in Appendix E, FEIR submission, dated March 2021.

Lab-office

- Emissions reduction of 22% lower than ASHRAE 90.1-2013 plus Massachusetts amendments, including C406 measures: C406.2 – improved HVAC, C406.3 – reduced lighting power density, C406.9 – reduced air infiltration (confirmed with field testing).

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- Building EUI reduction of 30.4% lower than baseline ASHRAE 90.1-2013 plus Massachusetts amendments (Baseline EUI: 136 kBtu/sf-yr; Mitigated EUI: 95 kBtu/sf-yr).
- Envelope as follows: vertical UA: 0.016 Btu/F-hr, roof: R-50c.i, air infiltration: 0.25 cfm/sf at 75 Pa confirmed with field testing per C406.9.
- Service water: 95% natural gas.
- Space heating with central plant as follows: air to water heat pump (sized to 20% of peak heating load) as primary heat source with natural gas boilers as secondary heat source.
- HVAC, lighting and other details documented in Appendix E, FEIR submission, dated March 2021.

Ancillary Retail

- Emissions reduction of 19% lower than ASHRAE 90.1-2013 plus Massachusetts amendments, including C406 measures: C406.2 – improved HVAC, C406.3 – reduced lighting power density, C406.9 – reduced air infiltration (confirmed with field testing).
- Building EUI reduction of 22% lower than baseline ASHRAE 90.1-2013 plus Massachusetts amendments (Baseline EUI: 53 kBtu/sf-yr; Mitigated EUI: 41 kBtu/sf-yr).
- Envelope as follows: vertical UA: 0.016 Btu/F-hr, roof: R-50c.i, air infiltration: 0.25 cfm/sf at 75 Pa confirmed with field testing per C406.9.
- Service water: electric resistance.
- HVAC, lighting and other details documented in Appendix E, FEIR submission, dated March 2021.

In addition

- Installation of one (1), 100-kW PV system.
- Installation of EV charging equipment for 25% of parking spaces.
- 75% of parking spaces will be made EV-ready.

**Code Clarification and Recommendations:**

We note the following:

1. Note that Section C406.9 (reduced air infiltration), committed to for all buildings, requires confirmation with whole building air infiltration testing conducted in accordance with

ASTM E779 or ASTM E1827, verifying a maximum air leakage rate of 0.25 cfm/sf at 75 Pa. Note that for buildings larger than 250,000-sf, this section allows testing of a representative portion of the building, not less than 25,000-sf.

We recommend the following:

1. The lab-office building could benefit from improvements in ventilation heat recovery efficiency (currently 50% effective) and further lowering of air infiltration (currently at 0.25 cfm/sf @ 75 Pa). Also consider additional improvements to spandrel and window insulation.
2. For the residential multifamily:
  - a. Conduct separate Passivehouse analyses of mid-rise and high-rise residential;
  - b. Use MassSave to obtain feasibility and preliminary designs by a passivehouse certified consultant;

We would expect the results to show that Passivehouse is feasible, especially considering \$1.9M of incentives are available.

3. The hotel may also benefit from Passivehouse, as well. (This building type is not currently incentivized by MassSave, however.) There is at least one, midrise, Passivehouse hotel in New England.
4. Switch to efficient electrification (with air source heat pumps or air source VRF) for the retail and Turbine Hall renovation.
5. Switch to distributed air source heat pump water heating for the retail and Turbine Halls
6. Evaluate distributed air source heat pump water heating for the lab-office.
7. Evaluate centrally-located air source heat pump water heating for the midrise residential, high rise residential, and the office-lab.

Sincerely,



Paul F. Ormond, P.E.  
Energy Efficiency Engineer  
Massachusetts Department of Energy Resources



Brendan Place  
Clean Energy Engineer  
Massachusetts Department of Energy Resources



THE GENERAL COURT OF MASSACHUSETTS

STATE HOUSE, BOSTON, 02133-1053

May 4, 2021

Secretary Kathleen A. Theoharides  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

**Re: L Street Redevelopment, FEIR (EEA# 15692)**

Dear Secretary Theoharides:

We are writing regarding the Final Environmental Impact Report (“FEIR”) filed by HRP 776 Summer Street, LLC (the “proponent”) for the L Street Station Redevelopment, located at 776 Summer Street in South Boston. As the State and City elected representatives for this area, we appreciate the opportunity to provide comments and feedback on the FEIR.

In terms of background, the proponent filed an Environmental Notification Form (“ENF”) on May 15, 2017 in accordance with the Massachusetts Environmental Policy Act (“MEPA”). The ENF Certificate issued on July 17, 2017 after MEPA’s scoping session and public comment. The proponent subsequently filed a Draft Environmental Impact Report (“DEIR”) on August 16, 2018 in response to the ENF Certificate. The DEIR Certificate was issued on November 6, 2018, following public comment and feedback.

In response to comments over several years of public review under MEPA and Article 80 Large Project Review facilitated by the Boston Planning and Development Agency (“BPDA”), the proponent filed the FEIR, containing substantial changes compared to the initial proposal in set forth in the ENF. These changes reflect the tireless advocacy from thousands of residents in the South Boston community, as well as input from agencies and stakeholders, and we thank them for their thoughtful and deliberate engagement throughout this process.

In terms of background, when the proponent filed the ENF in 2017, the proposal consisted of a mixed-use development, consisting of 2.1 million square feet of building space, including 1,588 residential units and 4.8 acres of open space. The proposal currently contained within the FEIR consists of 1.68 million square feet of space with two alternatives: (1) a mixed-use alternative, including 636 residential units, and (2) an all-commercial alternative. The FEIR also includes the creation of 5.75 acres of public space—an increase in on-site open space from the proposal set forth in the ENF.

The physical location of the proposal presents transportation challenges given: the geographic boundaries to the 15-acre parcel (including the Reserved Channel to the north and MBTA facilities to the east); limited access points in and out of the property along Summer Street and East First Street; and historical bottlenecks along Summer Street. In addition to these geographic considerations, the proposal is also adjacent to Conley Terminal and the Massachusetts Port Authority’s Dedicated Freight Corridor—active and vital economic engines for the Commonwealth of Massachusetts. As a result, both the mixed-use and

commercial alternatives set forth in the FEIR will have transportation impacts for the South Boston community and the working Port of Boston.

To understand these challenges, the initial transportation analysis in the DEIR relies upon the current configuration of Summer Street—with four lanes of vehicular traffic, two lanes in each direction—to support its proposal. See DEIR Chapter 5 at 5-4. The DEIR further cites the proposal’s direct access to the Summer Street corridor, and Summer Street’s wide vehicular travel lanes on both sides, as connecting the proposal to downtown Boston. See id.

As part of the analysis on traffic and roadway conditions, the DEIR examined intersections along Summer Street to determine how well existing roadway infrastructure handles current traffic demands and qualitatively measured operating conditions and qualities of these roadways and intersections. The analysis noted heavy volumes of traffic on Summer Street heading into downtown Boston during morning peak hours, including the intersection of Summer Street and Drydock Avenue/Pappas Way. See DEIR Chapter 5 at 5-14 to 5-16. In examining queuing during morning and afternoon peak hours, the DEIR notes that volume along Summer Street and L Street already exceeds capacity at certain locations. See DEIR at Table 5-7.

In addition to current conditions, the DEIR analyzed future conditions, taking into account the traffic generated by the proposal as well as traffic impacts from other approved development projects and general traffic growth in the area. See DEIR at 5-18 to 5-19; 5-32 to 5-40. The impact of these future conditions negatively impacted several intersections along Summer Street and L Street, including: Summer Street and Drydock Avenue/Pappas Way and Summer Street at East First Street. See DEIR at 5-38. The DEIR also indicated increased queuing at several intersections with traffic volume exceeding capacity at several intersections along Summer Street and L Street. See DEIR at Table 5-24.

In terms of mitigation at these intersections, the DEIR proposed physical operational changes to infrastructure, such as signal adjustments, roadway modifications from East First Street to the Dedicated Freight Corridor (the “DFC” as noted in the DEIR), and signalization along Summer Street Street. See DEIR at 5-67 to 5-68.

The FEIR updated the transportation plan to incorporate the changes in the proposal from decreased size for both mixed-use and all-commercial alternatives. See FEIR at 2.1 and 2.2; Table 2-2. The FEIR identified similar issues with queuing and capacity several intersections along Summer Street and L Street, including Drydock Avenue/Pappas Way, East First Street, and East Broadway, as first identified under the DEIR. See FEIR at Table 2-3, Table 2-5a; Table 2-5b.

Similarly, the FEIR included mitigation measures to address operational impacts from the proposal under both alternatives, including signalization improvements, extensions, improvements on Summer Street from the Designated Freight Corridor to East First Street, intersection improvements, and transit signal priorities. See FEIR at 2.2.1; Table 2-3; Table 2-6.

The FEIR also expanded on the DEIR’s traffic and transit study along the Summer Street/L Street corridor, using the traffic count in the DEIR filing as a baseline while incorporating additional growth from nearby projects. See FEIR at 2.3. Building on the DEIR, the models utilized in the FEIR indicate that transit signal prioritization can decrease delays along the Summer Street and L Street corridors, including public transit on the MBTA Route 7. See FEIR at 2.3.2; Tables 2-6 to 2-9.

In addition to this deeper dive, the FEIR references ongoing efforts at the local level to address transportation along Summer Street, namely the South Boston Seaport Strategic Transit Plan (“Strategic Transit Plan”) being undertaken by the BDPA, and efforts on behalf of the proponent to cooperate where practicable. See FER at 2.6. We are concerned, however, with certain elements of the Strategic Transit Plan for Summer Street being developed by the BPDA in relation to this proposal, particularly the proposal for bi-directional, median bus lanes along Summer Street between Atlantic Avenue and Drydock Avenue/Pappas Way.<sup>1</sup> See BPDA Short-Term Strategy Scoring Sheets at Slide 22<sup>2</sup>; Draft Strategies for New Connections at Slide 36<sup>3</sup>.

In response to public comments on the DEIR, the proponent acknowledged that bus lanes on Summer Street were not incorporated in its transportation analysis. See DEIR at 13-15, Response to Comment SD.31. Given the timeline of these studies, the proponent was unable to include this proposal in its DEIR. As mentioned earlier, the proponent filed the DEIR and traffic analysis in August 2018. In contrast, the BPDA held the first public meeting on the Strategic Transit Plan in June 2019.

As such, we are concerned that the BPDA’s proposal for Summer Street was not included in the proponent’s transportation analysis, as the Strategic Transit Plan was developed separate from the DEIR and FEIR. If implemented, the proposal in the Strategic Transit Plan for median bus lanes along Summer Street has the potential to halve capacity along this corridor. Moreover, the Strategic Transit Plan proposes to begin these lane reductions at Summer Street and Drydock Avenue/Pappas Way, a key intersection identified in the DEIR and FEIR.

Viewing the Strategic Transit Plan in conjunction with the DEIR and FEIR, rather than separately, we are concerned that the proposal for Summer Street set forth in the Strategic Transit Plan undermines the proponent’s transportation analysis and the effectiveness of the proposed mitigation. Similarly, we have concerns that the Summer Street proposal in the Strategic Transit Plan will impact operations at Conley Terminal and the Port of Boston, while pushing traffic further into the neighborhood, exacerbating cut-through traffic.

As such, we respectfully request that any mitigation, Transportation Access Plan Agreements, or other agreements on transportation infrastructure or funding associated with this proposal explicitly exclude the proposal for bus lanes set forth in the Strategic Transit Plan, especially given the lack of analysis and information how such a roadway configuration would impact transportation for this proposal, the surrounding community, businesses, maritime industries, and Conley Terminal. We also hope that language will be included to ensure that future proposals Summer Street are adequately studied and vetted, as the Seaport Strategic Plan was initiated after the proponent conducted its transportation study and was thus beyond its scope.

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<sup>1</sup> BPDA proposal and drawings for Summer Street are attached, and the proposal has also been the topic of public conversation on the roadway: <https://www.bostonglobe.com/2020/08/28/metro/who-should-own-road-seaport-trucks-or-buses/>

<sup>2</sup> BPDA Short-Term Strategy Scoring Sheets can be found at: <http://www.bostonplans.org/getattachment/a02739c1-5ac9-44d0-b0f0-4e27943ca78a>

<sup>3</sup> BPDA Draft Strategies can be found at: <http://www.bostonplans.org/getattachment/aa57f892-2064-4b66-94c8-2b52ef35e3e5>

Beyond transportation impacts, appropriate safeguards must be put in place to ensure that the proposal will not adversely impact operations at the Port of Boston and the Designated Freight Corridor. One of the largest shipping terminals in the northeast, Conley Terminal has long been the economic engine for our local and state economy. Historically, the terminal has generated over \$8.2 billion in economic impact, supporting over 2,500 local businesses and 9,000 direct jobs. In recent years, the state and federal government have allocated \$850 million to invest in berths, infrastructure, cranes and a Dedicated Freight Corridor to maintain productivity at Conley. Given these investments in the Port and its importance to our economies, the proposal must not conflict with daily operations. Similarly, given the importance of Summer Street to the Port as an access point to the interstate highway system via the Dedicated Freight Corridor, multi-modal transit proposals, including those proposed for Summer Street, must not negatively impact operations at Conley.

Regarding transportation, we appreciate the proponent's willingness to support transportation initiatives and respectfully request that mitigation and funding be spent within the impacted area of South Boston and for the benefit of its residents.

Cognizant of the increase in open space from the FEIR to the DEIR, we also believe it is incumbent to strike an appropriate balance between active and passive uses to ensure that open space is inviting to all and that programming does not exclude the general public. Private interests and activities should not take precedent over public use and enjoyment. Similarly, we believe that open space should be climate resilient in order to be protected for future public use, and that obligations for maintenance and custody be clearly defined.

Please let us know if you have any questions or if our offices can clarify any comments related to the FEIR.

Thank you for your time and attention to this important matter.

Sincerely,



NICK COLLINS  
*State Senator*



DAVID BIELE  
*State Representative*



ED FLYNN  
*District City Councilor*



MICHAEL F. FLAHERTY  
*At-large City Councilor*

Cc: Sean Pierce, Assistant Secretary of Energy and Environmental Affairs  
Serafina Zeringo, Legislative Director Energy and Environmental Affairs  
Tori Kim, MEPA Director  
Page Czepiga, Assistant MEPA Director