

Attachment D

Summary of Comments and Response to Comments

Comments were received from the following organizations:

1. City of Boston Environment Department
2. Conservation Law Foundation (CLF)
3. Goulston & Storrs on behalf of Beacon Capital Partners
4. Goulston & Storrs on behalf of New England Development
5. Lower End Political Action Committee (L.E.P.A.C.)
6. Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo on behalf of the Gillette Company
7. Pier Four, Inc. and Anthony's Hawthorne, Inc.
8. Piper Rudnick LLP on behalf of Fan Pier Land Company
9. South Boston Design Advisory Committee
10. Transpark, LLC and The McCourt-Broderick Limited Partnership
11. United States Postal Service

The Department of Environmental Protection (DEP) received written comments on its Draft Finding of Adequacy on the City of Boston/South Boston Parking Freeze Inventory and Draft Conditional Finding of Adequacy on the City of Boston/South Boston Parking Freeze Plan dated January 23, 2004. A number (as noted above) indicating which organization made the comment follows the comments in this document.

Comment: Commenters urge DEP to finalize plan to move forward with the implementation of the South Boston Parking Freeze. Commenters support DEP's proposed changes to the City's plan (i.e., automatic permit renewal language and reporting requirements). (1)(3)(4)(6)(7)(8)(10)

Response: DEP finalized its determinations on the City of Boston Parking Freeze submittals on March 8, 2004, which will allow the City of Boston to fully implement the South Boston Parking Freeze including the adoption of the automatic permit renewal provisions.

Comment: Commenters support a lower inventory (19,000 spaces, 17,000 – 21,000 spaces) and greater enforcement of the residential boundary and the transfer of spaces into the residential area. (5)(9)

Response: The regulation required an actual inventory of spaces not later than one year after the regulation was published on 4/9/93. The City conducted a rigorous inventory process to establish the actual inventory. Lowering the number would require a revision to the regulation and State Implementation Plan.

DEP will refer the enforcement of the residential boundary to the City of Boston for follow-up.

Comment: BAPCC's inventory undercounts the number of parking spaces that should be allocated to the Pier 4 site, but the commenter endorses DEP's January 23, 2004 draft finding on the inventory if the current allocation is not altered in DEP's final determination. (4)

Response: DEP's final determination on the inventory does not alter the inventory allocation for this property that was included in the January 23, 2004 draft finding on the inventory.

Comment: The line between the Industrial/Commercial Zone and the Piers Zone should be redrawn so as not to divide property in one ownership into two zones. Alternatively, Section III. G. of the City's plan could be amended to allow the movement of spaces to and from these zones. (11)

Response: The boundary between the Piers and Industrial/Commercial zones is set by the regulation and cannot be changed without a revision to the regulation and State Implementation Plan.

Subsection (10) of 310 CMR 7.33 prohibits relocating motor vehicle parking spaces from the Piers zone into the Industrial/Commercial zone or the Residential zone, unless the BAPCC develops a procedure that enables the relocation. As such, Section III. G. of the City's Parking Freeze Plan states:

“Spaces may only be moved from the Piers Zone to the Commercial Industrial Zone if they are not needed in the Piers area and, either: 1) are on contiguous or abutting parcels of land, or: 2) the parking spaces were temporarily or permanently impacted or displaced by the CA/T project, and/or; 3) the BAPCC determines that the relocation of the motor vehicle spaces will reduce adverse impacts or contributions to air pollution or traffic congestion on local and arterial streets.”

Property owners that would like to relocate spaces under this provision of the City's plan are directed to work with the BAPCC.

Comment: The parking freeze plan is deficient and needs to address remote parking spaces and how spaces will be dealt with when a property owner proposes to re-develop a parking lot for other uses. DEP's finding must require that these spaces be returned to the bank and the property owner must receive a new or modified permit. The language is not clear in the City's plan. (2)

Response: The City's plan specifically and adequately addresses the requirements for remote parking in Section III. F. (5) of the plan:

(5) Remote Parking Spaces

The Commission shall not allocate remote parking spaces over and above the existing remote parking space inventory established. Remote parking spaces returned to the BAPCC Bank will be reallocated as motor vehicle parking spaces within the Piers or Industrial/Commercial zones. To this end, shuttle bus services, from parking facility [sic] to end uses outside the parking freeze area, may not be provided by parking facility operators or owners who do not hold a remote parking facility permit for that property.

Further, as this commenter notes, under Section III.D (6)(iii) of the City's plan, a modified permit is required when there is a change in the permit including changes in the use of the parking spaces that may affect traffic patterns.

DEP's adequacy determination and the regulation require yearly reports and an updated inventory every three years. These reports will allow DEP and interested parties the opportunity to monitor the effectiveness of the parking freeze and how it is being implemented. DEP's adequacy finding on the plan also allows DEP to revisit this finding, if necessary.

Comment: The parking freeze plan is deficient and needs to include more specific parking space allocation procedures. CLF recommends the language issued in DEP's 12/1/03 previous draft. (2)

Response: The City's parking freeze plan contains adequate allocation procedures to meet the intent of the regulation, which is to manage parking demand and decrease vehicle miles traveled and motor vehicle emissions. DEP's adequacy determination and the regulation require yearly reports and an updated inventory every three years. These reports will allow DEP and interested parties the opportunity to monitor the effectiveness of the parking freeze and how it is being implemented. DEP's adequacy finding on the plan also allows DEP to revisit this finding, if necessary.