



Copley Place Expansion Project
CAC Meeting #14
Wednesday, September 7, 2011
Location: Copley Place – 4th Floor Office Level

CAC Attendees:

David Berarducci, Resident of the South End
John Connolly, Back Bay Association
Dan d'Heilly, St. Botolph Neighborhood Association (SBNA)
Nikki Fortes, Tent City Corporation
Anthony Gordon, Ellis South End Neighborhood Association
Zeina Grinnell, Neighborhood Association of the Back Bay (NABB)
Eugene Kelly, Resident of the Back Bay
Meg Mainzer-Cohen, Back Bay Association
Ted Pietras, South End Business Alliance (SEBA)
Judith Wright, Pilot Block Neighborhood Association

Ex-Officio Attendees:

David Blaisdell, Office of Massachusetts State Representative Marty Walz
Angela Brooks, Office of Massachusetts State Senator Sonia Chang-Diaz

City of Boston Attendees:

Heather Campisano, BRA
David Carlson, BRA
John Fitzgerald, BRA
Andrew Grace, BRA
Marybeth Hammond, BRA
Mary Knasas, BRA
Lauren Shurtleff, BRA

State of Massachusetts Attendees:

Robin Blatt, MassDOT
Peter O'Connor, MassDOT
Martin Polera, MassDOT
Bill Tuttle, MassDOT

Simon Property Group Attendees:

Donna Camiolo, R.F. Walsh Collaborative Partners
Kristi Dowd, R.F. Walsh Collaborative Partners
Jim Greene, Rubin and Rudman, LLP
Dave Hewitt, Epsilon Associates
Rob Halter, Elkus-Manfredi Architects
Jack Hobbs, R.F. Walsh Collaborative Partners
Jane Howard, Howard/Stein-Hudson Associates
Bill Kenney, Simon Property Group

Members of the Public:

Kevin Ahearn, Otis & Ahearn

Kathy Bianchi, Residences at Copley Place

George Cramer, Cramer's Hair Salon

Evan Dimmock, Residences at Copley Place

Robin Hayes, Maloney Properties

Ann Hershfang, WalkBoston

Janet Hunkel, Southwest Corridor Park Parkland Management Advisory Board (PMAC)

Sheila Pelosi, Tent City Resident Alliance

Mez Polad, Residences at Copley Place

Deirdre Rosenberg, Resident of the Back Bay

Myra Shane, Trilogy Resident (Fenway)

Barry Solar, Resident of the Back Bay

Jackie Yessian, NABB

Meeting Summary

On Wednesday, September 7th, 2011, the fourteenth working session of the Copley Place Expansion Project Citizens Advisory Committee (CAC) was called to order at approximately 8:10 a.m. at Copley Place by Judith Wright, Pilot Block Neighborhood Association and CAC Chair.

Marybeth Hammond, BRA Senior Land Use Counsel, provided the group with an overview of the Planned Development Area (PDA) Development Plan review and adoption process and its associated zoning procedures pursuant to Section 80C of the Boston Zoning Code. PDAs create new zoning regulations for the land within the PDA, whereas Article 80B Large Project Review (which the proponent has been pursuing) examines the impacts that a particular project will have on the surrounding area. Thus, both processes can move forward concurrently.

Marybeth explained that a PDA Development Plan is a zoning mechanism that must be approved by the BRA Board and the Zoning Commission at separate public hearings. A PDA Development Plan specifies the proposed location, the range of dimensional requirements (*e.g.*, density and heights), and appearance of all building(s) within the PDA, as well as all proposed uses, parking, landscaping, and public benefits associated with the project (which are in turn enforced by the Cooperation Agreement that is eventually signed). PDAs allow for flexibility, but also for greater control in that they identify specifically what will be built and where.

At a public hearing before the Boston Zoning Commission in August 2011, a map and text amendment was passed that identifies Copley Place, along with the Prudential, the Back Bay Hilton, and the Christian Science Plaza as areas where PDAs are permitted.

Jim Greene, Rubin and Rudman, LLP and the proponent's legal counsel, then continued the zoning discussion, noting that back in 2008, Copley Place was not subject to the City's Zoning Code, but instead subject to a Memorandum of Understanding (MOU) between the Massachusetts Turnpike Authority (MTA) and the BRA from 1997, which stipulated that projects developed on leased air rights would undergo public review through the Article 80 Development Review process alone. When the MTA and the Massachusetts Department of Transportation merged last year into a single entity (renamed MassDOT), the State Legislature amended the process for these parcels, which resulted in the termination of this exemption from zoning.

Now that the proposed project is subject to zoning, the proponent plans to pursue zoning for the site via the PDA process. A PDA Development Plan will be filed, and will include the same project specifications as the Draft Project Impact Report (DPIR) (submitted to the BRA on August 15, 2011). Since the public comment period for a PDA Development Plan is 45 days (and this DPIR has a 75 day comment period), the proponent plans to file the PDA during the week of September 12th in order to have the comment period for the DPIR and PDA Development Plan end simultaneously on October 31, 2011.

Marybeth then distributed a handout outlining the public process milestones ahead, in order to show the overlap of the two comment periods to the CAC.

The following questions were raised by the CAC in response to the zoning discussion:

- In response to a question from Anthony Gordon, Ellis South End Neighborhood Association, Jim Greene replied that this does not represent a change mid-project, since the project was exempt from zoning back in 2008 when the Project Notification Form (PNF) was filed. A PDA Development Plan will be the most effective mechanism for this site, since it will incorporate the work that the CAC has put forward thus far, whereas if the proponent were to go to the Zoning Board of Appeal, there is no guarantee that this would be the case. Marybeth added that a PDA Development Plan also offers a longer review period to collect comments from both the BRA and the public.
- In response to a question from Zeina Grinnell, NABB, Jim responded that if the project were to go before the Zoning Board of Appeal, it would need variances in height, setbacks, open space, parking, etc. Marybeth added that there is no guarantee of public benefits for projects that appear before the Zoning Board of Appeal.
- Meg Mainzer-Cohen, Back Bay Association, asked for clarification about the legislation submitted by Massachusetts Representative Marty Walz that led to the site being subject to zoning. Jim responded that when the Huntington Avenue/Prudential Center zoning district was created, Copley Place was not placed within a PDA-eligible area since the site was not subject to zoning. Peter O'Connor, Director of Real Estate and Asset Development for MassDOT, added that the role of the MOU still applies, particularly with respect to the CAC. The site is now subject to zoning in the sense that the City is now empowered by the state through its legislation to develop zoning for the site.
- Zeina Grinnell commented that her neighbors have expressed that the project's height is the biggest issue for them. She expressed that for her, the biggest issue is the pedestrian experience around the site, which still needs improvement. Mary Knasas replied that this will be addressed in a future meeting.
- Judith Wright stated that the Winter Garden is still not welcoming enough to the public, and expressed her concern that this be addressed.
- In a follow-up question, Judith Wright asked about the review of the project by the Boston Civic Design Commission (BCDC). David Carlson, BRA Senior Architect, replied that the BCDC will be carefully reviewing the public realm aspects of the project, continuing at their next Subcommittee meeting, scheduled for Tuesday, September 13th.
- Eugene Kelly, Resident of the Back Bay, stated that there are tradeoffs to be made for the height of the project, which still need to be balanced.

The following questions were raised by members of the public:

- In response to a question from Ann Hershfang, WalkBoston, Jack Hobbs, R.F. Walsh Collaborative Partners, indicated that there are still several more CAC working sessions

ahead, where many of these issues will be addressed. The zoning process does not end the design process, which will continue to evolve, with other opportunities for review. After a discussion amongst the CAC, it was determined that a Subcommittee would be formed to compile a list of the public benefits people are seeking for the project. The Subcommittee will then report back to the CAC at their next working session.

- George Cramer, Cramer's Hair Salon, stated that he does not feel that the minority businesses at Copley Place have been discussed. Jack Hobbs replied that the proponent has redesigned the rear entrance of Copley Place, as well as created new facades for the shops in that area, all in response to the concerns George has raised at previous CAC working sessions. Rob Halter, Elkus-Manfredi Architects, added that up until now, the design team has been focused on the building's overall design. The next stage of the design process will focus on the building's specific design elements, which should allow the discussion to evolve.

Next, the project team reviewed several follow-up items that had been raised in previous CAC working sessions. Jane Howard, of Howard/Stein-Hudson Associates, provided a further explanation of the valet pick-up and drop-off movements in and out of the Central Garage. These movements result in an added trip to bring cars from the Dartmouth Garage to the Central Garage, and vice versa. These volumes were taken into account in the Level of Service predictions found in the DPIR.

The following questions were raised by the CAC in response to Jane's presentation:

- In response to a question from Dan d'Heilly, SBNA, Jane responded that both pedestrian and bicycle counts were included in the volume predictions in the DPIR.
- Anthony Gordon asked if a determination had been made on the restriction of residents in the new building from the City's Resident Parking program. Jane replied that this will be addressed in the Transportation Access Plan Agreement (TAPA) with the Boston Transportation Department (BTD), after the project has received approval from the BRA Board.
- Dan d'Heilly commented that Dartmouth Street is currently over capacity now, and asked if another parking garage could accommodate the cars from the project, so that they would not have to travel from the Central Garage to the Dartmouth Garage. Jane replied that the analysis showed large improvements to Dartmouth Street as a result of the recent traffic signal retimings.
- Meg Mainzer-Cohen commented that part of the issue is the volume of pedestrians that use Dartmouth Street to cross the street from Back Bay Station – many do not wait for the pedestrian cycle, and instead choose to jaywalk, thus disrupting the flow of traffic.
- Anthony Gordon asked that an entire CAC meeting be devoted to a presentation by BTD on traffic and transportation solutions for the project.

Dave Hewitt, Epsilon Associates, then gave a further explanation of the Daylight Analysis performed for the DPIR, and what impacts, if any, residences along Harcourt Street would experience once the project is constructed. Daylight impacts are identified via a mathematical measurement of the cone of the sky that will be obstructed. He explained that the project team looked at three locations around the project site, as well as three other sites nearby as a comparison: 111 Huntington Avenue, the Hancock Tower, and the Back Bay Garage on Stuart Street. When Harcourt Street and St. Botolph Street were entered into the computer software that calculates daylight impacts relative to a project, there was no readout. This is because the

proposed tower is set back over 500' from this location, which means that while you will be able to see the tower from this spot, there will not be any impacts to daylight.

David Carlson added that the analysis provides a quantitative measure for an anecdotal observation, in that the software measures the average ambient light condition for an area. Downtown Boston, for example, typically ranges in the 80 to 90% range. The criteria for daylight was established by the BRA in the 1980s, so it is an older technology, but it is still relevant.

As a comparison, Dave Hewitt noted that the three test sites around the project were all below the 75% range, and in most cases below the 50% range.

The following question was raised by the CAC in response to Dave's overview:

- Meg Mainzer-Cohen asked if the CAC felt it was appropriate to discuss Representative Walz's pending shadow legislation. Eugene Kelly replied that he thought that the CAC should wait and see if the legislation passes before devoting any time to it.

Next, Rob Halter provided a brief overview of the types of interventions that could be made to the design of the building's elevation along Stuart Street. The possibilities include adding a system of large bay windows that would extend upwards and also continue the transparent program established in the Winter Garden. The upper zone could also become a retail space. As for the louvers, a detail had been added that carries the forms of the bays up, thus breaking down the massing of the louvers above.

The following comments were raised by the CAC in response to Rob's design discussion:

- Anthony Gordon commented that these design changes were an improvement to the previous design.
- Zeina Grinnell stated that she looks forward to the study of potential improvements to the pedestrian condition along Stuart Street.

Before closing the meeting, it was determined that a Subcommittee would meet to discuss the public realm, public benefits, and other outstanding issues. They will report back to the CAC at the next working session, scheduled for Wednesday, September 28th.

In addition, subsequent to the CAC meeting, it was confirmed that a public meeting on the DPIR and PDA Development Plan will be held on Thursday, September 29th at 6:00 p.m. in the Boston Room at the Copley Square Branch of the Boston Public Library.

The meeting was adjourned at approximately 10:00 a.m.