



**Copley Place Expansion Project**  
**CAC Working Meeting #5**  
**Tuesday, September 10, 2008**  
**Location: Copley Place – 4<sup>th</sup> Floor Office Level**

**CAC Attendees:**

David Berarducci, Resident of the South End  
John Connolly, Back Bay Association  
Anthony Gordon, Ellis South End Neighborhood Association  
Gene Kelly, Resident of the Back Bay  
Meg Mainzer-Cohen, Back Bay Association  
Morgan Pierson, St. Botolph Neighborhood Association  
Ted Pietras, South End Business Alliance  
Mark L. Schmid, Trinity Church  
Jolinda Taylor, Neighborhood Association of the Back Bay (NABB)  
Judith Wright, Pilot Block Neighborhood Association

**Ex-Officio Attendees:**

Massachusetts State Representative Marty Walz  
Elizabeth Corcoran-Hunt, Office of Representative Rushing  
David Nagle, Office of Councilor Linehan

**City of Boston Attendees:**

Tabitha Bennett, Mayor's Office of Neighborhood Services  
Heather Campisano, BRA  
David Carlson, BRA  
John Fitzgerald, BRA  
Andrew Grace, BRA  
Lauren Shurtleff, BRA

**Simon Property Group Attendees:**

Donna Camiolo, R.F. Walsh Project Management  
Kristi Dowd, R.F. Walsh Project Management  
James Greene, Rubin and Rudman, LLP  
Rob Halter, Elkus-Manfredi Architects  
Jack Hobbs, R.F. Walsh Project Management  
Bill Kenney, Simon Property Group  
Dave Newman, The Strategy Group  
Susan Tracy, The Strategy Group

**Members of the Public:**

Evelyn Baker, Nouveau Fashion  
George Cramer, Cramer's Hair Salon  
Peter Flynn, Resident  
Tom Palmer, Consultant  
Sheila J. Pelosi, Resident of Tent City Apartments  
Dan Salermo, Back Bay Sun  
Jackie Yessian, NABB

## **Meeting Summary**

On Wednesday, September 10, 2008, the fifth 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.

Judith began the meeting by greeting the CAC members and thanking them for attending, and then turned the meeting over to Jack Hobbs, R.F. Walsh Project Management, who briefly reviewed the topics to be covered by the proponent at the meeting.

Next, Rob Halter, Elkus-Manfredi Architects, showed the CAC a series of photo montages of various site views with the tower depicting primary view corridors around the city, as well as neighborhood view corridors closer to the site.

Questions and comments raised in response to Rob's presentation included:

- Mark Schmid, Trinity Church, commented that it is unusual to see such a strong vertical element as the tower so close to the street line, and stated that he would like to see the building set back from the street in order to avoid canyonization.
- Gene Kelly, Resident of Back Bay, noted that it is important to keep in mind that the proposed tower is further from Copley Square than the Westin Hotel's tower. Rob added that the tower's footprint is very narrow, much smaller than the Hancock or even the Westin.
- Meg Mainzer-Cohen, Back Bay Association, stated that the tower would represent a great improvement to the City's skyline, filling in an obvious gap.

Rob then continued with a review of the updated shadow studies requested by the CAC at one of the previous meetings. He explained that early November and early February had been chosen since they are quarter points between September, December, and March. In November, the tower's shadow would reach Copley Square between approximately 11:00 a.m. and 12:30 p.m. and would reach Trinity Church at approximately 12:30 p.m. In February, the shadow would extend from approximately 11:30 a.m. to 1:30 p.m.

Questions and comments raised in response to the shadow studies included:

- Jolinda Taylor, NABB, asked how much of a height reduction would be required to completely eliminate new shadow impacts to Copley Square. Rob replied that the building would have to be 215 feet in order to have no new shadow impacts on the square.
- In response to a query from Meg Mainzer-Cohen, David Carlson, BRA Urban Designer, indicated that the BRA considered any new shadow lasting longer than 2 hours a negative impact between March 21<sup>st</sup> and September 21<sup>st</sup>.
- John Connolly, Back Bay Association, asked about the protections on the Public Garden and Common. David responded that the protections include a shadow bank, zoning regulations, and legislation on the Common, and legislation preventing new shadow on the Public Garden.
- In response to a follow-up question from John Connolly about shadow impacts in the winter, David indicated that the public realm is viewed as enjoyed much more in the spring and summer months than in the fall and winter months.
- Mark Schmid asked that the proponent provide an inventory of dates and times at which point the tower will cast new shadow on Trinity Church.

Rob then continued with a Tower Rotation Study, which had been requested at the last CAC meeting. He explained that the idea behind the study was to see if it is possible to move the tower back from the corner of Stuart and Dartmouth Streets. Because of building code requirements, the proponent was only able to identify one pivot point that would provide for a 15 foot setback from the street. Rob noted that the shift would cause a very minor shadow impact – representing approximately 1% new shadow on Copley Square.

The following questions and comments were raised in response to the Tower Rotation Study:

- In response to a question from Jolinda Taylor, Rob replied that the rotation would not change the street-level appearance of the building, noting that the bearing points would remain the same.
- Mark Schmid commented that he liked the change, adding that it considerably changes the tower's appearance from the street.
- Morgan Pierson, St. Botolph Neighborhood Association, asked to see a few additional views with the rotated tower, including views down Dartmouth Street and also on the Southwest Corridor.
- In response to a question from Massachusetts State Representative Marty Walz, Rob indicated that the building cannot be moved in any other direction because of the 35 foot setback required from the Copley Place office building by the building code. He added that any further rotation would also result in adding a considerable amount of new shadow impacts.
- Representative Walz asked if it would be possible to shrink the tower's floor plate, to which Jack responded that the tower's floor plate is already much smaller than other towers in Boston, at 9,000-SF.
- John Connolly added that in a residential building, any reduction in square footage would have an inverse impact on the design of the interior space, which is not the case in office buildings, where the interior space is often much more malleable owing to its open nature.
- Anthony Gordon asked that the proponent provide information detailing both the flexibility of the building's footprint, as well as the financial constraints on the building.
- In response to questions from Judith Wright, Rob responded that the rotated design would improve street-level wind impacts.

The proponent agreed to come back and present further information about the rotated design at a future CAC meeting.

Finally, Jim Green, Rubin and Rudman, LLP, presented an overview of the existing lease. He noted that the lease, which was initiated in 1978 and amended in 1980, terminates in 2077. The lease is between Urban Investment and Development Corporation (UIDC, the site's original developer) and the MTA. Simon Property Group became the leaseholder when they took control of the site from UIDC. The lease only applies to Copley Place and does not include the Marriot or Westin Hotels, nor the adjacent housing on Harcourt Street. The site's allowable uses include hotel, office, club, sports facility, retail, and housing. For the first 15 years of the lease, the lessee was limited from making any changes to the site that did not follow the design guidelines established by the Citizens Review Committee in 1978, which included the protection of a view corridor down St. Botolph Street. After 1993, the only applicable limitations included the affirmation action requirements associated with the project, as well as the proviso that any structural changes impacting the Turnpike would require approval by the MTA. Simon Property Group is responsible for reimbursing the MTA for ventilation, lighting, and utilities. The rent

structure was secured by a federal bond, and was approximately \$40 million for the 99-year term. Since 2002, the rent has been \$1/year since the remaining rent was paid in advance. A new 99-year lease is in the process of being negotiated that will cover the existing property but also allow for the site's expansion with this project.

Questions and comments raised by CAC members and ex-officio members in response to Jim's review included:

- Anthony Gordon asked for a written summary of the lease, as well as an explanation of the changes between the old and new leases. Jim responded that since the new lease is currently being negotiated, the proponent cannot release any information about the lease until it is signed.
- In response to a question from John Connolly, Jim replied that because the tower will feature condominiums, it is preferable to have 99 years remaining on the lease, since most buyers consider the remaining 64 or 65 years (once the project is completed, in four or five years) to be too short of a term.
- In response to a question from Judi Wright, Jim responded that the affirmative action components in the lease include Minority and Women-owned Business Enterprise (MWBE) employment during construction, outreach, community retail on the Southwest Corridor, and jobs in the office tower. Since the new lease is being negotiated, Jim could not provide any comment on whether this would continue in the new lease.

The meeting was adjourned at approximately 9:45 a.m.