
DPIR Summary for CAC, 6/29/11

Introduction

Project Overview

In June 2008, Simon Property Group, owner of Copley Place, filed the Project Notification Form (“PNF”) with the Boston Redevelopment Authority (BRA) initiating a comprehensive public review process.

Simon Property Group outlined its plans to refine and enhance the existing Copley Place Development by expanding the existing Neiman Marcus anchor store and other retail components, adding residential programming, and enriching the pedestrian access and environment of the overall site.

The Project as presented in the PNF had been carefully studied and developed in such a way to position the building and to incorporate design elements that minimize and mitigate potential impacts, particularly those associated with views, shadow and wind.

From June 2008 through December 2008 numerous meetings were held with the Citizens Advisory Committee (CAC), as well as Public Agencies of the City and members of the public, to discuss many topics and aspects of the Project design. A total of ten (10) meetings with the CAC were held. The primary focus was on the public realm and pedestrian improvements surrounding the proposed Project.

The design for the Project was examined from a wide variety of viewpoints with the CAC in order to understand it within the context of the neighborhood. The building location was reviewed to understand infrastructure constraints and opportunities for building setback. An extensive review of shadows was conducted for March, June, September, October, December and February. Traffic and Parking was discussed and opportunities for pedestrian safety improvements identified. And finally, a comprehensive look at the public realm improvements and landscape design was undertaken to understand the improvements to the public entries and public space, sidewalk amenities, and the significance of the Southwest Corridor edge.

The Proponent and Project team are currently compiling the Draft Project Impact Report (“DPIR”) to be submitted to the BRA in July 2011. The DPIR will contain revised information and additional studies for the proposed Project reflecting comments received by all stakeholders and responding to the BRA Scoping Determination issued in October 2008. The DPIR is also intended to respond to substantive comments and instructions from the BRA, and City Agencies as well as comments from members of the community.

The Project presented in the DPIR will represent a development that provides significant public benefits, minimal impacts and a design that is reflective of the work completed with the CAC.

Project Description

The proposed Project will incorporate sustainable, transit-oriented, aesthetically contextual, and smart growth design principles that demonstrate Simon Property Group’s continuing commitment to the Copley Place site and downtown Boston. This will ultimately ensure that Copley Place maintains its status as the most attractive retail destination in the Boston metropolitan area. The Proponent’s enhancement plans will position Copley Place to play an important role in

Boston's future economic development just as it did when it was first built in the 1980s.

Once built, the retail expansion and residential addition will complete the forty-year effort to reconnect the neighborhood communities of the South End and Back Bay. Today's opportunities will allow for the site to finally be recaptured as a vibrant pedestrian connection and demonstrate a prime example of transit-oriented development.

Two central features comprise the proposed design: a retail base extension into the brick entry plaza at Stuart and Dartmouth Streets and a residential tower built atop the retail base. The Project will include:

- 115,000 s.f. of renovations to the existing Neiman Marcus
- 115,000 s.f. of new retail (41,000 s.f. expansion of Neiman Marcus and 74,000 s.f. addition of a new public Wintergarden, small shop retail, and restaurants)
- 670,000 s.f. of new residential design and associated support areas (318 new condominium units)

The proposed site, currently a vacant, north-facing hardscaped area, is bounded by the existing turnpike off-ramp and turnpike exhaust vents to the west, the Westin Hotel service dock and Turner Fish Company restaurant to the north, the Hancock Garage to the east, and the existing precast concrete facade of the Copley Place and the Neiman Marcus anchor store to the south.

The Project will significantly improve conditions of the public realm at Stuart and Dartmouth Streets by enlarging sidewalks and channeling traffic in a more pedestrian friendly manner. This, in turn, alleviates some of the difficulty in crossing over the traffic islands on Stuart Street.

Expansion of the retail base podium brings activity to the street edge and provides a generous interior Wintergarden for year-round use. Redesign of the entry to Copley Place from the Southwest Corridor will be more inviting to the public thusly encouraging pedestrian circulation through the building, the Wintergarden, and onward to make connections to Stuart Street and beyond.

The 47-story residential building features a slender, elegant massing providing smaller upper level floor plates well-suited to residential design and usage. The Project will fit comfortably into the overall city context and be an appropriate complement to the taller Hancock Building, as the newer 111 Huntington Avenue complements the Prudential Building. These overall improvements will dramatically enhance the presence of Copley Place within its surrounding context.

Summary of Project Changes

Since the filing of the PNF, the Proponent has made some slight adjustments to the Project retail and residential program as a result of further design work by the Project architect and also updated the project design in response to the CAC and public agency comments. These changes will be presented and discussed in detail in the DPIR.

Some of the design updates that will be discussed will specifically respond to the issues reviewed with the CAC and are listed below.

- Building Rotation and setback achieved.

- Wintergarden access, programming and transparency.
- Southwest Corridor Entry activation.
- Visibility of Community Retail/Dartmouth Street shops.
- Public Realm and Landscape improvements surrounding the site and at public entries.
- Pedestrian Improvements & Safety at Stuart/Dartmouth intersection and the Huntington/Exeter/Copley Garage intersection and area of turnpike off-ramp.

Area Context / Consistency with Zoning

The development of Copley Place in 1980 was exempt from the Boston Zoning Code (“Code”) pursuant to the Legislation authorizing the Massachusetts Turnpike Authority (“MTA”) to lease air rights for the Copley Place Project. In 2010, the Legislature adopted Chapter 302 of the Acts of 2010, which amended Chapter 6C of the General Laws and made the Code applicable to Copley Place. As a result, the present Copley Place Central Area project is located within the Huntington Avenue/Prudential Center zoning district, Article 41 of the Code, which regulates the use, dimensions and design of projects. The density and height regulations applicable to the site are an FAR of 10.0 and a building height limit of 155 feet, which now apply to the Copley Place Central Area project and the proposed Copley Place Retail Expansion and Residential Addition Project.

The proposed Project appropriately fits BRA master planning objectives as expressed by the floor area ratio (“FAR”) designation for this area of the City. Specifically, the existing floor area ratio, including parking for the 6.0 acre Copley Place Central Area site is approximately 6.8. With construction of the Project, the FAR is approximately 9.5. Accordingly, the maximization of residential density in the proposed Project at this site aligns with overall master planning objectives.

In accordance with the provisions of Articles 3 and 80C of the Code, the Copley Place Retail Expansion and Residential Addition Project would seek zoning relief through an Article 80 Planned Development Area (“PDA”) zoning amendment to establish allowed uses, dimensions, parking and loading requirements, design review requirement and the required mitigation and project benefits.

Site History

The Copley Place Development was constructed on air rights above the Boston Extension of the MassPike in the early 1980s. The original development included 3.4 million square feet of retail, office, and hotel uses. Housing was also included and located facing Harcourt Street and the Southwest Corridor adjoining South End and Saint Botolph Street residential areas. This housing represented a very small portion of the overall Copley Place program: approximately 85,000 s.f., or only 2.5% of the total project program.

At that time, success of in-town retail was far from assured, especially as Copley Place was situated at the edge of the Back Bay commercial core. But Copley Place did succeed and it helped stimulate the revitalization of the surrounding area. It accomplished significant city planning objectives by mending the hole in the urban fabric created by the MassPike interchange and linking the Back Bay and the South End neighborhoods. It created a vibrant retail environment that drew people to in-town shopping. Hotel, office, and residential uses provided activity extending beyond the retail experience.

Conversely, the constraints of air-rights development prohibited the incorporation of important design features of the original Copley Place Development:

- Definition of the intersection of Stuart and Dartmouth Streets. Originally this was conceived to integrate the surrounding urban fabric and featured an active retail facade along the sidewalk. Instead, the brick plaza was constructed because this corner was located directly above the main artery of the MassPike; and
- Inclusion of more residential uses. The overall mixed use program was more heavily weighted to retail, office, and hotel uses.

Today, the ongoing success of Copley Place and the revitalization of the surrounding commercial area together present several opportunities. In the early 1980s, the challenge was development of a new and unique project in an untested location. In 2011, the proposed Project concentrates development in areas that are well-served by public transit. The Copley Place Retail Expansion and Residential Addition project completes program elements not originally undertaken and incorporates necessary improvements and beautification of the public realm. The site itself can now support additional retail and housing development that provide numerous public benefits to the City of Boston.

Public Review

Introduction

Throughout the design and development process, the Proponent engaged the community for ongoing Project review. The following describes the meetings held with the CAC, the City public agencies, and the community.

The following lists all of the topics discussed during the CAC review.

- BRA Organizational Meeting & Project Overview, 6/19/08
- Building Design & Tour of the Existing Site, 7/10/08
- Wintergarden Design & Shadow Studies, 7/23/08
- Building Location & Infrastructure Constraints, 8/5/08
- Neighborhood View Photos & Additional Shadow Studies, 9/10/08
- Rotated Building Design & Sustainable Design/LEED, 9/24/08
- Traffic and Parking & Intersection and Pedestrian Improvements, 10/8/09
- Public Realm Improvements & Landscape Design, 10/22/08
- Dynamics of Retail & Southwest Corridor Entrance, 11/19/08
- Public Art, 12/3/08

Public Review meetings included:

- Boston Transportation Department, 7/3/08
- Boston Groundwater Trust, 7/10/08
- BRA Sponsored Public Meeting, 7/15/18
- BRA Sponsored Scoping Session, 7/16/08
- Boston Civic Design Commission, 8/5/08
- St. Botolph Neighborhood Association, 9/24/08
- Southwest Corridor Parkland Committee, 10/1/08
- Trinity Church, 11/11/08

Also, over 45 additional individuals representing elected officials, organizations, businesses, groups, institutions and neighborhood associations were engaged during the public review process. The list contains project area owners, abutters, and any community or business groups interested in or affected by the proposed Project. This list will be provided in the DPIR.

Response to Scoping Determination

Introduction

The Scoping Determination issued by the BRA in October 2008, noted specific concerns for additional emphasis and consideration. Those concerns are summarized below. Further detail and additional submission requirements and studies will be provided in the DPIR Chapters as noted below in the Summary of DPIR Organization section.

BRA Specific Concerns

Shadow. The shadow path for the proposed Project was analyzed on the prescribed solstice and equinox dates of March 21st, June 21st, September 21st, and December 21st at 9am, 12pm, 3pm and 6pm.

During the spring and autumnal equinox dates of March 21st and September 21st, the studies show that there is no net new shadow in the morning hours. Moving toward noon, the shadow is limited to the paved corner of Dartmouth Street and St. James Avenue and passes entirely just prior to noon. At no time up to and after 3pm are there any impacts to Copley Square Park or Commonwealth Avenue Mall. This includes the additional time period of 6 pm. For June 21st, there are no impacts at 9am, 12pm, or 3pm. At 6pm, as the sun is on its setting path, there is a brief moment when the shadow falls within the boundary of the SELDC on the proposed site for the Columbus Center Development Project. There are no new impacts on the Saint Botolph Historic district at any time of the year.

The Project team also conducted a detailed analysis of the shadow impacts on the facades of the Boston Public Library courtyard and Trinity Church. As per the study, the proposed Project does not have any new shadow impacts on these facades for greater than one hour during the year. The shadow studies indicated that net new shadow is limited in scope and duration and the Project will not have significant shadow impacts on historic resources.

Wintergarden/Public Realm. Design strategies have been considered to unify and improve the pedestrian arrival sequence around the site. Interior and exterior landscape elements and plant materials will be planned that correlate to one another to create a seamless transition from outside to inside and vice versa and dissolve the perceived barrier between interior and exterior spaces. From the sidewalk to the Wintergarden, pedestrians will experience a beautiful and inviting landscape scene featuring a variety of trees and flora as well as bench seating. Retail showcase windows and transparent glazing will activate the pedestrian realm and provide views inside. The four-season Wintergarden will be a cool oasis at the height of the summer heat, a comforting shelter from the wind and rain in the spring and fall, and a warm, soothing hearth in the winter. Natural light, multilevel restaurant venues, floating kiosks, café carts, flower stands, wi-fi access, and serene seating areas will create a vibrant living room for the public to enjoy throughout the year.

Quantitative Wind. As required by Section 80B(2)(a) of the Boston Zoning Code, a pedestrian wind study was conducted on the proposed Copley Place Retail Expansion and Residential Addition. The objective of the study was to assess the effect of the proposed development on local wind comfort conditions in pedestrian areas around the study site and provide recommendations for minimizing adverse effects. Ultimately the study was used to determine if winds caused by the new construction exceeded BRA pedestrian level wind criteria on the surrounding sidewalks.

Existing wind environments at all areas tested were a combination of favorable and unfavorable conditions at various times during the seasons and/or annually. Wind conditions between the No-Build and Build Configurations remained mostly unchanged. In some instances, more favorable conditions resulted from the proposed Project. The few unfavorable wind scenarios generated by the proposed Project are limited to specific locations and times of year. Simple mitigating solutions will be employed to address. There will be no wind impacts on historic resources in the Project area.

Affordable Housing Component. The Proponent is committed to working with the City and the CAC to develop an acceptable plan that is both feasible and responsive to the Mayor's Executive Order relative to the Inclusionary Development Policy. The proposed response will be discussed in further detail in the DPIR.

Parking and Transportation. In response to a scoping determination, the study team conducted an updated transportation analysis for the proposed Project that included the following sections:

- Definition and presentation of existing traffic, public transit, pedestrian, bicycle, and parking conditions in the study area;
- Evaluation of the long-term impacts of the Project on traffic, public transit, pedestrian, bicycle, parking, and loading/service operations;
- Identification of appropriate measures to mitigate Project impacts, including, but not limited to, roadway geometric/traffic signal and/or surveillance improvements, pedestrian amenities, transportation demand management, participation in transportation management associations (TMAs), and long term Project impact monitoring; and
- Evaluation of the Project's short-term traffic impacts related to construction activity.

Due to the transit-oriented nature of the Project, there will be minimal impact to existing vehicular traffic conditions. Modifications to signal timing, intersection configurations, pedestrian pathways, and public amenities will improve the overall aesthetics and safety of the site.

Parking for the new retail and residential uses can be accommodated in existing Simon-owned Copley Place Central and Dartmouth/Tent City garages. These parking venues have adequate capacity to satisfy the new demand.

Pedestrian Improvements/Safety. Community outreach has been integral to the entire design process. The ongoing dialog between the Project team, the Citizens Advisory Committee, City agencies, members of the public, and Walk Boston established important urban design objectives. As a result, the design will incorporate a plan to improve all of the nearby challenging conditions and reconnect important (and logical) pedestrian travel routes. The proposed Project will reconstruct the Stuart Street/Dartmouth Street intersection and address Huntington/Exeter/Copley Garage/Off-Ramp intersection. By combining landscaping and realigning crosswalks, widening sidewalks, extending medians and eliminating floating islands, these improvements will make the desired pedestrian path more convenient and safe.

Linkage Calculations. The Project will generate approximately \$977,000 in housing linkage funds and approximately \$203,000 in jobs linkage funds.

Public Art. Discussions regarding public art were initiated with the CAC in December 2008. The Proponent looks forward to continuing those discussions and working with the CAC and the City Agencies to develop a plan for public art display.

Additional Studies

Project Site Alternatives. The design process explored several alternate locations for the proposed Project. These findings were presented to the BRA, members of the public, and the Citizens Advisory Committee during the public PNF presentations. Five potential building sites with five distinct footprints were generated from minimum criteria informed by property line regulations. The Project team analyzed the footprints to determine the economic and construction feasibility of each site. Careful evaluation and comparison of structural and mechanical systems, access to existing services and infrastructure, residential user accessibility, and size and efficiency of residential floor plates determined that only the currently proposed site is feasible for the development of the Project.

Noise. This study included a noise-monitoring program to determine existing noise levels and an estimate of future noise levels when the Project is in operation. The scope of the analysis was consistent with BRA requirements for noise studies. The results indicated that predicted noise levels from Project mechanical equipment, with appropriate noise control, will comply with MassDEP noise limits as well as the most stringent City of Boston Noise Zoning requirements for nighttime and daytime residential zones. Existing and future traffic noise levels were also evaluated. The slight increase in vehicle trips generated by the proposed Project will not have a significant impact on the noise levels in the surrounding area.

Ultimately, the results showed that no noticeable increase in sound level above existing levels and indicate that the proposed Project can operate without significant impact on the existing acoustical environment.

Daylight. The daylight analysis estimated the extent to which the proposed Project affected the amount of daylight reaching the streets and sidewalks in the immediate vicinity of the Project site. The daylight analysis for the Project considered existing (as-of-right) and proposed daylight conditions of the surrounding area.

The Project site consists of an existing building to remain and is directly adjacent to a taller building. Although the proposed Project will yield increased daylight obstruction over the existing site, the resulting conditions will be similar to those for other sites in the area, including the parking garage across Dartmouth Street from the site. The daylight obstruction values will be less than those for a building constructed as-of-right because the proposed Project will retain the existing height of the base portion of the building while the new tower will occupy only a relatively small portion of the entire site. (Conversely, a building constructed as-of-right places a significant mass across the entire site that blocks a larger area of sky from two viewpoints, and a similar amount of the sky from one viewpoint.) The daylight obstruction values will also be typical of a densely developed area.

DPIR Organization

The following is a general outline of the DPIR Chapters, which will be presented in Volume I. All comments and requests noted in the Scoping Determination will be addressed. Relevant information provided in the PNF will also be incorporated and expanded upon.

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- Chapter 1 Introduction/Executive Summary:
 - Description of project site, project metes and bounds.
 - Expanded public benefits section including workforce development plan, current activities and programs which will benefit adjacent neighborhoods.
 - Amounts for housing linkage and jobs linkage and method of housing linkage.
 - Updated Anticipated Permit List and statement of applicability of Massachusetts Environmental Policy Act (MEPA) and review with other governmental agencies.
 - List of all meetings held with project area owners, abutters and any community or business groups which the Proponent considered interested parties or affected by the Project.
 - Chapter 2 Project Description / Alternatives:
 - An updated description of the project including size, physical characteristics, proposed uses, and development schedule including representative graphics.
 - A description of the five alternative project locations that were considered and presented at the 8/5/08 CAC meeting.
 - Details with respect to the Proponent's proposal to comply with affordable housing requirements will be provided.
 - Chapter 3 Urban Design:
 - An expanded Urban Design discussion is included in Chapter 3, including updated description of the Wintergarden design, access, and programming, public entry landscaping and other public realm improvements including the Southwest Corridor entry, and pedestrian connections.
 - An updated massing description and discussion on tower setback as a result of rotating the building.
 - A discussion on the view studies conducted to provide a sense of scale and understanding of building context.
 - Supporting and relevant graphics and illustrations.
 - Chapter 4 Transportation:
 - An updated no-build and build analysis of traffic impacts.
 - A detailed existing and build condition analysis on the Project parking allocation and Copley Place garage capacity.
 - Information on surrounding area garage capacity.
 - The Proponent's TDM commitments.
 - An expanded discussion on loading and service operations.
 - Planned improvements to pedestrian circulation/safety and traffic flow.
 - Bicycles.
 - Status update on planned MBTA projects and improvements.
 - Chapter 5 Environmental Protection:
 - Information from the PNF will be expanded upon for geotechnical, stormwater, groundwater, and construction management plan/impact mitigation.
 - New studies will be provided for wind, shadow, noise, daylight, and historic resources.
 - Chapter 6 Infrastructure Systems:
 - Expanded information on infrastructure systems impacts organized system-by-system including water, sewerage, energy and electrical communications.
 - Chapter 7 Sustainable Design:
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- A detailed discussion regarding existing sustainable operations and design principles for the Project including the Proponent’s commitment to meet the requirements of Article 37.
- Chapter 8 Public Benefits and Mitigation:
 - Additional details on Project Public Benefits and Mitigation is provided.
- Included in the DPIR Submission is Volume II: Response to Comments that addresses issues and requests for further information raised by City reviewing agencies, CAC and members of the public in individual comment letters.
- Lastly, the technical analysis data will be submitted either in an Appendix or Volume III.

Summary of Project Benefits

Copley Place Development has contributed to the revitalization of the surrounding community since its debut in the 1980’s. The proposed Project will help maintain the positive momentum of this site into the future. Further detail and additional public benefits will be discussed in the DPIR.

The Copley Place Retail Expansion and Residential Expansion will:

- **Fortify Economic Development.** Expanding and renovating this in-town retail anchor and adding new residential uses will draw customers to other stores, restaurants, services, and historic sites in the area.
- **Advance Smart Growth Principles.** Focusing density into areas supported by existing infrastructure promotes and reinforces community vitality.
- **Promote Transit-Oriented Design.** Maximizing residential development in an area with new and expanded transit access minimizes automobile use and the potential impacts on surrounding roadways.
- **Balance a Mixed-Use Environment.** Introducing residential uses as part of a predominantly commercial development increases variety and activity for a greater number of hours during the day and into the evening. This, in turn, enhances the overall safety and comfort for users.
- **Improve the Pedestrian Environment.** Filling the “hole” in the urban fabric at the Stuart and Dartmouth Street intersection, expanding sidewalk widths, channeling pedestrian-friendly traffic, and increasing façade transparency refines this block’s link to its surroundings.
- **Improve Pedestrian Access To and Through Copley Place.** Creating new and improved entries from the Stuart and Dartmouth Street intersection and the Southwest Corridor enhances access to Copley Place and between other area destinations.
- **Create a Distinctive Architectural Design.** Capitalizing on the challenges of building above air rights, the proposed Project design is a striking addition to Boston’s urban fabric. The Copley Place Retail Expansion and Residential addition reflects high design standards and is contextual with the tall neighboring buildings.
- **Advance Sustainable Design/Green Building Goals.** Complying with the requirements of Article 37 of the Boston Zoning Code and striving for “Silver” ratings under the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) system for Core and Shell and New Construction results in an environmentally sensitive design.
- **Enhance Open Space.** Consulting with neighbors, the City of Boston, and non-profit organizations results in a collaborative approach for improving open spaces on the site.

- **Promote Boston’s Affordable Housing Objectives.** Complying with the City’s Inclusionary Development Policy advances affordable housing goals and objectives established by the City.
- **Increase Employment Opportunities.** Approximately 1,700 construction jobs and 250-270 permanent jobs will be created.
- **Enhance Property Tax Revenue.** Approximately \$7.2 million in new annual property taxes will be generated.
- **Provide Linkage Funds to the City.** Approximately \$977,000 in housing linkage and approximately \$203,000 in jobs linkage will be paid.