

October 22, 2008

F. Carl Dieterle, Jr.
Simon Property Group, Inc.
225 W. Washington Street
Indianapolis, IN 46204

Re: **The Copley Place Retail Expansion and Residential Addition, Back Bay**
Scoping Determination on the Project Notification Form

Dear Mr. Dieterle:

Enclosed please find the Scoping Determination for the Copley Place Retail Expansion and Residential Addition project, which calls for the development of new retail and residential uses totaling approximately 774,000 square feet, including the addition of approximately 54,000 square feet to the existing 115,000 square foot Neiman Marcus store, the addition of approximately 60,000 square feet of other retail/restaurant space and a four-season winter garden and the construction of an approximately 660,000 square foot residential tower. The Scoping Determination represents a formal request for additional information required by the Boston Redevelopment Authority in response to the Project Notification Form, which was submitted under Article 80B of the Boston Zoning Code on June 23, 2008 and noticed in the *Boston Herald* on the same day.

If you have any questions, please contact me at (617) 918-4404.

Sincerely,

Heather Campisano

Heather Campisano
Deputy Director for Development Review

**BOSTON REDEVELOPMENT AUTHORITY
SCOPING DETERMINATION**

**COPLEY PLACE RETAIL EXPANSION AND RESIDENTIAL ADDITION PROJECT
BACK BAY**

PREAMBLE

Simon Property Group, Inc. (the "Developer" or "Proponent") submitted to the Boston Redevelopment Authority ("BRA") a Project Notification Form ("PNF") under Article 80B of the Boston Zoning Code on June 23, 2008 and noticed in the *Boston Herald* on the same day, for the redevelopment of the property located at Copley Place in Boston's Back Bay at the south west corner of Stuart and Dartmouth Streets (the "Site"). The Developer is proposing the addition of approximately 54,000 square feet to the existing 115,000 square foot Neiman Marcus store, an addition of approximately 60,000 square feet of other retail/restaurant space and a four-season winter garden and the construction of an approximately 660,000 square foot residential tower (the "Proposed Project"). Written comments, included in the Appendices, constitute an integral part of the Scoping Determination and should be responded to in the Draft Project Impact Report (the "DPIR").

Specific concerns below are highlighted for additional emphasis and consideration:

- Shadow Analysis/Impacts
- Winter Garden/ Public Realm
- Quantitative Wind Analysis
- Affordable Housing Component
- Parking and Transportation
- Pedestrian Improvements/Safety
- Linkage Calculations
- Public Art

- Additional views and perspectives from points north and south along Dartmouth Street corridor; further study of the potential to set back the building façade from Dartmouth Street

SUBMISSION REQUIREMENTS

FOR

THE COPLEY PLACE RETAIL EXPANSION AND RESIDENTIAL ADDITION PROJECT, BACK BAY - DRAFT PROJECT IMPACT REPORT

The Boston Redevelopment Authority ("BRA") is issuing this Scoping Determination ("Scope") pursuant to Section 80B-5 of the Boston Zoning Code (the "Code"), in response to the Project Notification Form ("PNF") which, Simon Property Group, Inc. (the "Developer" or "Proponent") submitted on June 23, 2008 for the redevelopment of Copley Place in the Back Bay (the "Site"). The Site is integral to the 9.5 acre Copley Place Development built in the 1980's as a result of a planning process between the City, State and community. The 9.5 acre Copley Place Development consists of the 6.0 acre Copley Place Central Area that includes retail, office and parking uses and an additional 3.5 acres that include two hotels and a cooperative housing development. No new parking spaces are proposed within the Site. The current program proposal involves approximately 114,000 square feet of new retail and approximately 660,000 square feet of new residential space. The retail space is comprised of 54,000 square feet of Neiman Marcus expansion and 66,000 square feet of restaurant, mall infill shops and a wintergarden for use by the public (the "Proposed Project"). Notice of the receipt by the BRA of the PNF was published in the *Boston Herald* on June 23, 2008 initiating a 45-day public comment period that ended on August 8, 2008. Pursuant to Section 80A-2 of the Code, the PNF was sent to all public agencies of the City and other interested individuals and parties, including the eleven (11) members and six (6) Ex-Officio members of the Citizen's Advisory Committee ("CAC") and the of the CAC. Written comments in response to the PNF that were received by the BRA prior to the end of the public comment period are included in the Appendices of this Scope. The Scope requests information that the BRA requires for its review of the Proposed Project in connection with the following:

- (a) Certification of Compliance of the Proposed Project pursuant to Article 80, Section 80B-6 of the Code; and

- (b) Preliminary Adequacy Determination pursuant to Article 80, Section 80B-5.4(c) of the Code; and

Although the Proposed Project is exempt from zoning under state law, the Proposed Project, pursuant to Article 80, Section 80B, Large Project Review, which sets out comprehensive procedures for project review and requires the BRA to examine the urban design, transportation, environmental, and other impacts of proposed projects. The Developer is required to prepare and submit to the BRA a Draft Project Impact Report ("DPIR") that meets the requirements of the Scope by detailing the Proposed Project's expected impacts and proposing measures to mitigate, limit, or minimize such impacts. The DPIR shall contain the information necessary to meet the specifications of Section 80B-3 (Scope of Review; Content of Reports) and Section 80B-4 (Standards for Large Project Review Approval) as required by the Scope.

Subsequent to the end of the sixty (60) day public comment period for the DPIR, the BRA will issue a Preliminary Adequacy Determination ("PAD") that indicates the additional steps necessary for the Proponent to complete in order to satisfy the requirements of the Scope and all applicable sections of Article 80 of the Code. If the BRA finds that the PNF/DPIR adequately describe the Proposed Project's impacts and, if appropriate, proposes satisfactory measures to mitigate, limit or minimize such impacts, the PAD will announce such a determination and that the requirements for the filing and review of a Final Project Impact Report are waived pursuant to Section 80B-5.4(c)(iv) of the Code. Section 80B-6 requires the Director of the BRA to issue a Certification of Compliance before the Commissioner of Inspectional Services can issue any building permit for the Proposed Project.

I. DEVELOPMENT REVIEW REQUIREMENTS - ARTICLE 80

SUBMISSION REQUIREMENTS

In addition to full-size scale drawings, sixty (60) copies of a bound report containing all submission materials reduced to size 8-1/2" x 11", except where otherwise specified, are required. The report should be printed on both sides of the page. In addition, copies must be available at the South End and Central/Copley Square Branches of the Boston Public Library. A copy of this Scope should be included in the report submitted for review.

A. GENERAL INFORMATION

1. Applicant Information

- a. Development Team
 - (1) Names
 - (a) Developer (including description of development entity and type of corporation)
 - (b) Attorney
 - (c) Project consultants and architect
 - (2) Business address and telephone number for each
 - (3) Designated contact for each
 - b. Legal Information
 - (1) Legal judgments or actions pending concerning the Proposed Project
 - (2) History of tax arrears on property owned in Boston by the Applicant
 - (3) Evidence of site control over the project area, including current ownership and purchase options of all parcels in the Proposed Project, all restrictive covenants and contractual restrictions affecting the proponent's right or ability to accomplish the Proposed Project, and the nature of the agreements for securing parcels not owned by the Applicant.
 - (4) Nature and extent of any and all public easements into, through, or surrounding the site.
2. Design Development Information (See **Appendix 5** for required design development and contract document submissions).
3. Project Area
- a. An area map identifying the location of the Proposed Project
 - b. Description of metes and bounds of project area or certified survey of project area
4. Public Benefits
- a. Anticipated employment levels including the following:
 - (1) Estimated number of construction jobs
 - (2) Estimated number of permanent jobs
 The Proponent is expected to provide a workforce development plan and needs assessment for the Proposed Project. The Proponent should describe the efforts it will undertake to ensure that an appropriate share of new jobs and construction jobs will be filled by Boston residents.

- b. Current activities and programs which benefit adjacent neighborhoods of Boston and the city at large, such as: child care programs, scholarships, internships, elderly services, education and job training programs, etc.
- c. Development Impact Project Contribution and Jobs contribution Grant, specifying amount of housing linkage and jobs linkage contributions and method of housing linkage contribution (housing payment or housing creation).
- d. Other public benefits, if any, to be provided.

5. Regulatory Controls and Permits

- a. Anticipated permits required from other local, state, and federal entities with a proposed application schedule should be noted.
- b. A statement on the applicability of the Massachusetts Environmental Policy Act (MEPA) should be provided. If the Proposed Project is subject to MEPA, all required documentation should be provided to the BRA, including, but not limited to, copies of the Environmental Notification Form, decisions of the Secretary of Environmental Affairs, and the proposed schedule for coordination with BRA procedure.

6. Community Groups

- a. Names and addresses of project area owners, abutters, and any community or business groups which, in the opinion of the applicant, may be substantially interested in or affected by the Proposed Project.
- b. A list of meetings held and proposed with interested parties, including the CAC, public agencies, abutters, and community and business groups.

B. PROJECT DESCRIPTION AND ALTERNATIVES

1. Project Description

The DPIR shall contain a full description of the Proposed Project and its components, including its size, physical characteristics, development schedule and proposed uses. This section of the DPIR also shall present

analysis of the development context of the Proposed Project. Appropriate site and building plans to clearly illustrate the Proposed Project are required.

2. Project Alternatives

A description of alternatives to the siting of the tower element within the Proposed Project that were considered shall be presented and the primary differences among the alternatives, particularly as they may affect environmental conditions, shall be discussed. The alternatives presented in the DPIR should include those discussed at the August 5th CAC meeting (#4), which identified other areas within the Site that were studied as potential locations for the residential tower; the pros and cons for each alternative should be listed.

3. Affordable Housing Component

More details with respect to the affordable housing component should be provided. The Proposed Project is expected to comply with the Mayor's Executive Order relative to the Inclusionary Development Policy. There are currently three (3) options offered under the Inclusionary Development Policy: (1) the construction of affordable units on-site; (2) the construction/provision of affordable units off-site; and/or (3) a payment in lieu of providing on-site affordable units. If the Developer is proposing to locate some or all of the affordable units off-site, this location should be identified. Furthermore, any units provided off-site must be ready for occupancy on or before the date that the units within the Proposed Project are ready for occupancy.

C. TRANSPORTATION COMPONENT

- The DPIR must include details with respect to loading, service and trash removal.
- A bike lane analysis should be provided for the Southwest Corridor.
- Clarification on the number and location of bicycle spaces should be provided. Will the basement storage area contain space for 94 bicycles? How many bicycles will be accommodated by public racks? Where will shared bicycles be located?

- The Developer is proposing a change from commercial to residential parking spaces within the existing garage. As such, the Air Pollution Control Commission ("APCC") should be contacted.
- Information specifying how the residential parking spaces will be distributed/sold should be provided. In order to prevent the development of a secondary, commuter parking market, parking space leases, residential leases, unit deeds, parking space deeds and master deeds should specify that parking spaces cannot be leased to third parties.
- Any increase in truck traffic at the single delivery opening on Harcourt Street should be analyzed and mitigated. Given that all delivery trucks are stopped and searched, there is the potential for increased idling in an area adjacent to a residential neighborhood. The Proponent should look at ways to improve the masonry work, landscaping and fencing and allow for safe pedestrian travel.
- The Copley Place complex contains several public garages, which are actively used by a wide variety of transient and monthly parkers; these include community residents, hotel guests, attendees of events located at Copley Place's two hotels, retail customers, office tenants, and others. The proposed allocation of 297+/- existing spaces to the Proposed Project's residential uses may impact the public's access to parking within the Copley Place complex and may impact the operations of those businesses that rely on the current volume of public parking available at Copley Place.

While we support both TMAs and the Proponent's TDM efforts, the way in which membership and participation will affect residents' transportation practices is unclear. When condominium units are sold, a Proponent's TMA membership is not likely to provide residents with incentives to opt for non-auto transportation methods. If the membership and participation will be geared toward new retail uses or toward developing a TDM program for the retail and office uses at Copley Place Central, we would appreciate a description of how this would be implemented.

An effective TDM plan for offices and retail usually includes:

- Transit pass subsidies for all employees, including contract workers, with a *pro rata* subsidy for part-time staff.
- Subsidized transit reimbursement for *per diem* workers.
- Pre-tax payroll deduction for transit pass purchase.

- On-site transit pass distribution.
- Van/carpooling matching services in addition to providing on-site information about MassRIDES.
- Preferential parking or reduced-rate parking for HOV commuters.
- A Guaranteed/Emergency Ride Home program for non-drivers and high occupancy vehicle (HOV) users; often administered by a TMA.
- Post and on-site availability of public and private transit schedules with rate information.
- A transportation Web site (for both the new development and for Copley Place Central.)
- Providing the same information on Web sites and through e-mails, newsletters, at employee orientations and, periodically, with paychecks.
- If parking is a perquisite, offer a parking "cash out" option.
- Showers and changing rooms/lockers for commuters who bike or walk (potentially an amenity shared with other employers or through an arrangement with a local health club).
- Promotion of Zipcar's Z2B, a program for businesses that would obviate the need for employees needing an auto during the work day to commute in an SOV.
- Low cost, occasional parking for transit commuters who may sometimes need to drive.
- No parking subsidy.

Transportation Demand Management (TDM) measures are expected to include:

- Orientation packages for tenants and residents that include transportation information.
- A project Web site with that will include transportation information.
- Encouraging retail tenants to provide transit passes to employees.
- Price public parking in garages to act as a disincentive to single occupant vehicles (SOV).

Who are the individuals to whom the high parking rates will be directed and how they will help to minimize SOV use?

In order to evaluate the impacts on businesses within the Copley Place complex and determine what mitigation may be appropriate to offset these impacts, the Proponent must undertake the following studies as part of the DPIR submission:

1. Existing Condition Analysis

The Proponent must provide a concise analysis of the Proposed Project's parking allocation. This analysis should include the following elements:

- Total parking capacity of the so-called Central Garage and the so-called Dartmouth (Tent City) garage;
- Split between exempt spaces and public/commercial spaces within these garages based on APCC licenses;
- Total volume of commercial parking in the Central Garage that is currently available for public use, including the 500 transient spaces required under the existing Neiman Marcus lease;
- A summary of the ratio of current public parking users within the Central and Dartmouth Garages with the following breakdown: Monthly - Residential; Monthly - Office; Retail Transient; Hotel Guest Transient; Hotel Event Patron Transient; General Transient.

2. Build Condition Analysis

The Proponent must provide a concise analysis of the proposed re-allocation of parking spaces within the Copley Place complex to demonstrate which current user groups will be displaced by the proposed re-allocation of existing public garage spaces to dedicated private residential garage spaces.

Measures designed to mitigate the impacts to local businesses caused by this re-allocation of public parking spaces to private use must be developed cooperatively with the most impacted businesses.

The impacts analysis should include the following elements:

- Summary of where the 297+/- residential spaces will be located and how existing parking lease obligations will or will not be maintained in the build condition;
- Summary of the future public parking capacity in the Central Garage and the Dartmouth Garage in the build condition vs. in the existing condition;
- Identify how hotel-related parking demand (both guest and event patron) within the Copley Place complex will be accommodated in the build condition in light

of the importance of the hotel industry to Boston's continued economic health and to the vitality of the Copley Place complex;

- Identify alternatives for existing residential overnight and monthly parking in the Copley garages.
- Clarification is requested on the number and location of bicycle space. Will the basement storage area contain space for 94 bicycles? How many bicycles will be accommodated by public racks? Where will shared bicycles be located?
- Who are the individuals to whom the high parking rates will be directed and how they will help to minimize SOV use?

In order to prevent the development of a secondary, commuter parking market, parking space leases, residential leases, unit deeds, parking space deeds and master deeds should specify that parking spaces cannot be leased to third parties.

The PNF indicates that the Proponent will participate in A Better City Transportation Management Association (ABC TMA). While we support both TMAs and the Proponent's TDM efforts, the way in which membership and participation will affect residents' transportation practices is unclear.

An effective TDM plan for offices and retail usually includes:

- Pre-tax payroll deduction for transit pass purchase.
- On-site transit pass distribution.
- Van/carpooling matching services in addition to providing on-site information about MassRIDES.
Van/carpooling matching is often a service provided by a TMA.
- Preferential parking or reduced-rate parking for HOV commuters.
- Post and on-site availability of public and private transit schedules with rate information.
- A transportation Web site (for both the new development and for Copley Place Central.)
- Showers and changing rooms/lockers for commuters who bike or walk (potentially an amenity shared with other employers or through an arrangement with a local health club).
- Promotion of Zipcar's Z2B, a program for businesses that would obviate the need for employees needing an auto during the work day to commute in an SOV.

D. ENVIRONMENTAL PROTECTION COMPONENT

Please refer to the comments and information requested by the Boston Environment Department (“BED”) and the Boston Groundwater Trust included in **Appendix 1**. In addition, the Proponent is required to provide further analyses of the following:

Wind

According to the qualitative pedestrian level wind study, no dangerous or unacceptable winds, or winds exceeding the BRA’s guideline criterion, will be created by the Proposed Project. Except for Stuart Street, where the Proponent has indicated that due to the potential channeling effect between the Proposed Project and surrounding existing buildings, where there is the potential for an increase in pedestrian level horizontal wind flows. Rowan Williams Davies & Irwin Inc. (“RWDI”) in its letter dated August 27, 2008, states that should the roof level of the Neiman Marcus expansion be considered for passive pedestrian activities such as sitting in the future, wind mitigation would be required.

The Proposed Project has been designed to incorporate many positive features (curved geometry of the tower), which will promote horizontal wind flows and reduce downwashing flows off the tower. The Proponent proposed to incorporate the several recessed upper floors (Levels 98 ft, 322 ft, 433 ft, 565 ft above street level) on the tower and the provision of canopies over the terraces and entrance areas, as they serve as good wind control features.

Given that the level of analysis provided by RWDI was based on data at the qualitative level, the BRA is requiring that a quantitative wind tunnel analysis using physical model tests in a boundary layer wind tunnel facility be performed. Adverse impacts at the pedestrian levels at building entrances and along Dartmouth and Stuart Streets and should be mitigated.

Shadow

The Proponent shall be required to provide a shadow analysis that illustrates net new shadows from the Proposed Project, as well as existing shadow for the hours of 9:00 am, 12:00 noon, and 3:00 pm for the vernal equinox, summer solstice, autumnal equinox, and winter solstice and for 6:00 pm in the summer and fall.

Existing shadows created by the surrounding buildings within the study area shall be shown as well as net new shadows created by the Proposed Project. For purposes of clarity, new shadows should be shown in a dark contrasting tone, distinguishable from existing shadows. The shadow analysis must show the incremental effects of the Proposed Project on existing and proposed public open spaces (Copley Square and the Commonwealth Avenue Mall), major pedestrian areas, bus and subway stops, and the sidewalks adjacent to and in the vicinity of the Proposed Project. A North arrow shall be provided on all figures. Shadows shall be determined using the applicable Sun Altitude and Azimuth Table for Boston.

In addition to the shadow study for each of the study periods identified above, an analysis shall be conducted to ensure that the Proposed Project does not cast shadows for more than two hours from 8:00 AM through 2:30 PM, on any day from March 21 through September 21, in any calendar year, on any portion of dedicated public parkland that either (a) is not cast in shadow during such period on such days by structures existing as the effective date of this article; or (b) would not be cast in shadow during such period on such days by structures built to the as-of-rights limits allowed by this article, whichever structure casts the greater shadow. In addition, shadow studies shall be conducted in connection with any Proposed Project demonstrating that shadows will be minimized to the extent practicable in public open spaces created as part of the Proposed Project.”

Design or other mitigation measures to minimize or avoid any adverse shadow impact shall be identified.

Solar Glare

The Proponent has stated that the Proposed Project design does not incorporate the use of large amounts of reflective glass or other building materials. Consequently, the Proponent does not anticipate the creation of either an adverse solar glare impact or a solar heat buildup in nearby buildings.

Air Quality

The Proponent has identified potential long-term air quality impacts as being limited to emissions from Proposed Project-related mechanical equipment and pollutant emissions from vehicular traffic generated by the development of the Proposed Project. Impacts to air quality during construction would potentially occur due to the operation of construction equipment on site and vehicular traffic

going to and from the site. The main air pollutant of concern from construction-related activities is particulate matter due to fugitive dust and from the exhaust from diesel-powered construction equipment, trucks, and worker vehicles. In addition, carbon monoxide from mobile source emissions is also a pollutant of concern. Possible impacts could include sedimentation of surface water resources, as well as construction activities that would increase traffic and decrease air quality. However, the Proponent has identified mitigation measures in Section 3.2.11.1 of the PNF to be incorporated in the Proposed Project that will offset these potential impacts.

Noise

The Proponent shall establish the existing noise levels at the Proposed Project site and vicinity based upon a noise-monitoring program and shall calculate future noise levels after the completion of the Proposed Project based on appropriate modeling and shall demonstrate compliance with the Design Noise Levels established by the U.S. Department of Housing and Urban Development for residential and other sensitive receptors and with all other applicable Federal, State and City of Boston noise criteria and regulations. Future noise levels shall include the noise generated by the Proposed Project's mechanical equipment, as well as heating, venting and air conditioning equipment. Any required mitigation measures to minimize adverse noise impacts and to reduce interior noise levels of residential and other sensitive receptors to acceptable limits shall be described.

An analysis of the potential noise impacts from the Proposed Project generated traffic and from the Proposed Project's mechanical equipment, as well as heating, venting and air conditioning equipment and compliance with applicable regulations of the City of Boston and the Commonwealth of Massachusetts shall be required. A description of the Proposed Project's mechanical and heating, venting and air conditioning equipment and their location shall be included. Measures to minimize and eliminate adverse noise impacts on nearby sensitive receptors, including the Proposed Project itself, from traffic and noise and mechanical systems shall be described.

Stormwater Management

The Proponent shall provide an evaluation of the Proposed Project's existing and future stormwater drainage and stormwater management practices. The Proponent shall illustrate existing and future drainage patterns from the Proposed Project site and shall describe and quantify existing and future

stormwater runoff from the site and the Proposed Projects' impacts on site drainage. The analysis shall be performed based on a 2-, 10-, 25-, 100- year rainfall events based on 24-hour duration. The Proposed Project's stormwater management system, including best management practices to be implemented, measures proposed to control and treat stormwater runoff and to maximize on-site retention of the stormwater, measures to prevent groundwater contamination, and compliance with the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Practices Policies, shall also be described. The Proponent shall describe the Proposed Project area's stormwater drainage system to which the Proposed Project will connect, including the location of the stormwater drainage facilities and ultimate points of discharge.

Geotechnical Impacts

The Proponent has provided an analysis of existing sub-soil conditions at the Proposed Project site, as well as the potential for ground movement and settlement during excavation and foundation construction and the potential impact on adjacent buildings, utility lines, and roadways. The Proponent shall provide an analysis describing the foundation construction methodology, the amount and method of excavation, and measures to prevent any adverse effects on adjacent buildings, utility lines and roadways.

Groundwater

The Proposed Project is located within the Groundwater Conservation Overlay District and therefore required to meet the requirements of Article 32 of the Boston Zoning Code. The Proponent asserts that the Proposed Project will be defined as separate from the existing Copley Place structure and that the recharge requirements are based on the plan area covered by the retail expansion and residential addition. Should this change and the project is later defined as substantial renovation of the existing Copley Place, it is likely that the recharge requirement would cover all of Copley Place. Also, it appears that the Proposed Project will not involve construction below Elevation 7 Boston City Base ("BCB"); this should be confirmed.

Despite the fact that virtually the entire Proposed Project is to be constructed on air rights over the Massachusetts Turnpike and the adjacent railroad tracks, there is a small section of land adjacent to Stuart Street that would present a good opportunity to site the recharge system. The Proponent is encouraged to further investigate this location and consult with the Boston Groundwater Trust as to the

size and exact location of the recharge system, if deemed necessary. The Boston Groundwater Trust currently maintains wells on both corners of Stuart Street across Dartmouth Street that have recorded consistently low groundwater readings, often below Elevation 3 BCB.

The Proponent should investigate the potential causes of existing low groundwater levels at the corner of Stuart and Dartmouth Streets. If feasible, a groundwater observation well should be installed near the Project Site.

Solid and Hazardous Wastes

Any known or potential hazardous wastes or contaminants on the Proposed Project site must be described, together with a description of remediation measures to ensure their safe removal and disposal, pursuant to M.G.L. Chapter 21E and the Massachusetts Contingency Plan. The Proponent shall identify any potential hazardous wastes to be generated by the Proposed Project as well as the existence of underground storage tanks ("USTs"), and above ground storage tanks ("ASTs") on the Proposed Project site. The Proponent shall also estimate potential waste generation and plans for disposal. Measures to promote the reduction of waste generation and to promote recycling in compliance with the City of Boston's recycling program must be described.

Historic Landmarks

The Proponent has stated that the Proposed Project site does not contain historical structures that are listed on the National or State Register of Historic Places or in the Massachusetts Historical Commission (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth. However, the Proponent has indicated that the parcel is in the vicinity of historic districts to the north, southwest and southeast.

The Proponent shall be required to submit an analysis that sets forth measures intended to mitigate, limit or minimize, the extent economically feasible, any potential adverse effect that the Proposed Project may have on the historical, architectural, archaeological, or cultural resources of any district, site, building, structure, or object listed in the State and National Register of Historic Places. The Proponent shall also meet with the Massachusetts Historical Commission (MHC) and the Boston Landmarks Commission for their review, comment and recommendations.

Rodent Control

The Proponent has stated that a rodent extermination certificate will be filed with the City of Boston as well on-going monitoring and treatment, in compliance with the City's requirements.

Sustainable Design/Green Buildings

The purpose of LEED is to ensure that major buildings projects are planned, designed, constructed and managed to minimize adverse environmental impacts; to conserve natural resources; to promote sustainable development; and to enhance the quality of life in Boston. Any project subject to the provisions of Article 37 shall be LEED Certifiable (U.S. Green Buildings Council) under an appropriate LEED rating system.

The Proponent has submitted a completed LEED for Core and Shell v2.0 checklist for the Copley Place Retail Expansion indicating 31 points for which the portion of the Proposed Project is expected to qualify and a LEED for New Construction v2.2 checklist for the Copley Place Residences portion of the Proposed Project, indicating 36 points (including any Boston Green Credits, found in Appendix A to Article 37). The Proponent is encouraged to attain additional points, as points may be dropped during the design and construction phases. The Proponent shall provide a narrative that describes in detail the approach to be taken in earning the points. The narrative is to be supported by data and calculations as appropriate to the points being sought.

Construction Impacts

The principal sections of the Construction Management Plan should be outlined in the DPIR in order to identify and mitigate any potential negative impacts to existing retailers and the surrounding neighborhood, including the residents of Tent City, the Southwest Corridor park, pedestrian traffic and Back Bay Station.

A construction impact analysis shall include a detailed Construction Management Plan and a description and evaluation of the following:

- potential fugitive dust and pollutant emissions from building demolition and construction activities and construction equipment and mitigation measures control these emissions, including participation in the Commonwealth's Clean Air Construction Initiative program and the use of On-Road Low Sulfur Diesel (LSD) fuel in off-road construction equipment. This analysis shall estimate fugitive dust emissions from demolition and construction

activities and construction vehicles exhaust emissions and shall assess the air quality impacts from fugitive dust and construction vehicle exhaust emissions.

- potential noise generation and mitigation measures to minimize increase in noise levels and comply with the City's construction noise regulations. This analysis shall include an estimation of sound levels from the construction activities.
- location of construction staging areas and construction worker parking; measures to encourage carpooling and/or public transportation use by construction workers.
- construction schedule, including hours of construction activity.
- access routes for construction trucks and anticipated volume of construction truck traffic.
- construction methodology (including foundation construction), amount and method of excavation required, disposal of the excavate, description of foundation support, maintenance of groundwater levels, and measures to prevent any adverse effects or damage to adjacent structures and infrastructure. This analysis also shall include a description of measures to monitor groundwater levels and the structural integrity of abutting buildings during all stages of construction, as well as guidelines to be adopted to prevent damage and to enforce construction mitigation measures.
- potential for the recycling of construction and demolition debris.
- identification of best management practices to control erosion and to prevent the discharge of sediments and contaminated groundwater or stormwater runoff into the City's drainage system during the construction period.
- prevention of damage and adverse impacts to the Massachusetts Turnpike Extension and adjacent railroad/MBTA Orange Line rail facilities during project construction, and maintenance of roadway and rail traffic during construction.
- coordination of project construction with any other construction projects to be undertaken during the same construction-period time frame

- impact of project construction on rodent populations and description of the proposed rodent control program, including frequency of application and compliance with applicable City and State regulatory requirements; adoption of Integrated Pest Management or other ecologically sound pest management programs.
- measures to protect the public safety.

E. URBAN DESIGN COMPONENT

In accordance with Section 80B-5 of the Code, the Proposed Project made an initial presentation to the Boston Civic Design Commission ("BCDC") on August 5, 2008 and was voted to review by subcommittee. The Proponent should continue to meet with the subcommittee until such time as the subcommittee is prepared to make a recommendation to the full BCDC.

The Proposed Project consists of approximately 280 residential units in a massing and height configuration that will be examined with respect to its impacts and appropriate mitigation in the DPIR. The Project is in a CAC process where some potential modifications have been presented in response to CAC session comments. Therefore the comments made below should be applied or understood in their general, and not necessarily specific, sense. The Project in the PNF contains some 774,000 SF; of this, 114,000 SF is attributable to retail expansion (including Neiman Marcus space) and 660,000 SF is attributable to the new residential program. Height proposed is 569'; FAR, depending upon one's calculus, is 9.5.

Winter Garden

The design and programming of the Winter Garden should be done in such a way that does not allow the space to become a "privatized" public space. For such a space to be successful, careful attention should be paid to the transparency and visible activity, the interior/exterior dialogue and ease of access. Further details should be provided with respect to the following:

- Types of retail expected within the Winter Garden
- Natural/ambient light anticipated vs. interior lighting

- Hours of operation/public access
- Nature of the plaza exterior to the Winter Garden;
- Opportunities for public art
- Wi-Fi

The public area outside the Winter Garden entryway should be treated as landscaped plaza with plantings and benches and should visually connect and integrate with the design of the interior Winter Garden.

Shadow

The entirety of Copley Square Park is used during Spring, Summer and Fall with the hardscape area around Trinity Church and benches surrounding the park also used in Winter. The PNF shadow diagrams are small in scale and not useful in matching the written description with the visual presentation.

New shadow diagrams should be provided in the Draft Project Impact Report (DPIR). They should show how each period of new shadow will move across Copley Square Park in 15 minute intervals. The diagrams should also include:

- Street names
- Identification of doorways, bus stops, open space and areas where pedestrians are likely to congregate (in front of historic resources or other tourist destinations, for example)
- Clear distinctions between existing shadow and new shadow

Diagrams should be oriented and of a scale consistent with diagrams depicting wind monitoring locations, for both the Build and No Build.

While the overall massing and design of the retail base of the Proposed Project is in keeping with the modern adjacent context of the existing Copley Place, Westin Hotel and Back Bay Station, Boston Landmark Commission ("BLC") staff suggests there may be an opportunity for a finer level of detail at the pedestrian level and a stronger expression of cornice. This site will be prominently viewed from important view corridors, including from Copley Plaza, and the design

should reflect this importance in elegant massing, proportions, materials and details. While the tower element does present an interesting shape, the details of the skin do not appear developed enough to offer detailed comments. BLC staff requests the project team submit 11x17 shadow studies that include a detailed analysis of potential impacts on the St. Botolph Architectural Conservation District and the South End Landmark District.

Public Art

Special attention should be paid to public art, both indoor and outdoor. The Proposed Project presents an opportunity to connect interior and exterior space, and it would be helpful if the Proponent consulted with local artists during the design period to allow for an integrated aesthetic effect. The Mayor's Office of Arts, Tourism and Special Events should also be consulted.

DAYLIGHT

A daylight analysis for both build and no-build conditions shall be conducted by measuring the percentage of skydome that is obstructed by the Proposed Project building(s) and evaluating the net change in obstruction. If alternative massing studies are requested or result as part of the Article 80 development review process, daylight analysis of such alternatives shall also be conducted for comparison. The study should treat three elements as controls for data comparisons: existing conditions, an 'as-of-right' (defined in this case as the Huntington/Prudential District zoning) zoning envelope, and context examples. The areas of interest include the Southwest Corridor Park, and Stuart and Dartmouth streets. Daylight analyses should be taken for each major building facade fronting these public ways. The midpoint of each public accessway or roadway should be taken as the study point. The BRADA program must be used for this analysis.

If a Proponent wishes to substitute a more contemporary computer program for the 1985 BRADA program, its equivalency must first be demonstrated to the satisfaction of BRA staff before it is utilized for inclusion in the DPIR, and it must be commonly available to Boston development team users.

URBAN DESIGN

The BCDC voted to review the Proposed Project on August 5, 2008 and saw a preliminary presentation. The Project was referred to Design Committee. When sufficient progress in preparation of the DPIR in response to the Scoping Document has been made on the design pursuant to preliminary BCDC, CAC, and BRA staff comments, and/or in coordination with the progress of the CAC process, BCDC Design Committee meetings should be scheduled by contacting David Carlson, Executive Director of the BCDC. Minutes from the Copley portion of the August BCDC meeting are attached.

The Proposed Project re-creates and adds to the eastern retail podium of Copley Place's Central Area, which includes the bulk of the mall and the office uses. This addition subsumes within itself the two small open spaces at the corner of Stuart and Dartmouth and along the Stuart/Ramp edge, and encloses the space as a Wintergarden. Parking and loading are accessed via an internal organization that allows the Project to utilize existing spaces and service facilities and routes. The basic massing scheme continues the formal geometric hexagon/grid vocabulary of Copley Place at the podium and deliberately departs from this to an organically curved form in the tower above, touching the ground at the residential entry along Dartmouth Street, and oriented and set back to provide slim faceted profiles that, in theory put forth by the Proponent (and to be tested in response to this scoping), minimize shadow and wind impacts.

The following urban design objectives should be addressed in the DPIR submission.

- 1) The Copley Place expansion at its core is a turnpike air-rights project. The key goal of such - even when adding to a Project complex completed 25 years ago - is to knit together the fabric of the City and connect neighborhoods by making connections both physical and real but also contextual, including public realm improvements that are at least the equal in positive attribute to any factors that might be perceived as negative.
- 2) One standard alternative for study includes a no-build; in this case, up to five alternative Project locations within Copley Place should also be studied (see #4 below) with FARs less than 10 (currently, as noted above, the FAR proposed is 9.5). The alternatives will thus conform to the density planned and anticipated in this area. We assume that the Proposed Project as represented in the DPIR will have taken into account any necessary mitigating factors discovered as a result of further studies by the Proponent. The Project shall also take into account the FAA limits recently released as defined by the FAA and Massport, should the bounds impact this Project site.

- 3) The Proposed Project as submitted should meet the 'performance standard' of *generally* having a lesser degree of environmental impacts - or more substantially improved urban design benefits - than any feasible alternatives studied. I.E., criteria such as daylight, shadows, and wind should be neutral or improved *on average*, recognizing that some elements or points may be worse, but proving that the whole is better as a Project. We will expect in fact that mitigations or positive urban design benefits will result from this Project and in balance far outweigh any negative impact. Specific shadow investigations will be requested - a separate category in this memorandum - to determine what the impacts are specifically regarding the Boston Public Library courtyard, Commonwealth Mall, Copley Square Park, and Trinity Church.
- 4) The highest building element should be set back from the primary adjacent streets to the extent possible given the site's infrastructure constraints. We ask that the constraints be studied to clarify the limitations for the tower element in particular. We are also interested in the constraints (or need for) additions to the podium level with particular regard to its extent along Stuart Street (with the ability urbanistically to form a streetwall) and the entry bay element along the Southwest Corridor (to better mark the local retail entry from this side and potentially to provide a public space above.)
- 5) The most active program elements (local retail, entry to the mall walkway system, restaurant, enhanced Neiman Marcus) should be not only retained but enhanced as a positive element of the Project, with entries on all three sides. Multiple uses are encouraged to enliven the streets. Transparency and views into the uses must be maximized on each frontage. Necessary service functions should not occur *directly* on either Stuart or Dartmouth streets.
- 6) The Proposed Project contains a winter garden element which replaces the existing open space(s) at the corner of Stuart and Dartmouth streets. The Winter Garden must contain space *at least* equal to the square footage of the existing and superior to it in terms of year-round usability, light and airiness, plantings and greenery, including significant trees, and open invitation and sense of welcome to the public as an essentially public space, and not merely a forecourt or lobby. Spatial qualities should include access to light from above, rather than any sense of closure. The Winter Garden should be open 24 hours...or with no more limitations than the current spaces and mall walkways have.
- 7) This Project may effectively be the final chance for mitigating the impacts of the highway infrastructure, such as the ramps, and maximizing the efficacy and

safety of pedestrian street connections (sidewalks and crosswalks) between the Back Bay and South End along the Exeter/Dartmouth/Stuart corridors. As noted in item #1, this is seen as an essential goal of the Project.

- 8) The architectural expression of the tower element - clearly a residential building in its scale and articulated character - should be clarified. Consider the view studies requested in the list of materials later to achieve a massing and orientation which begins to break the scale of the tower down to that of the scale-giving datum elements in the area. This effect will be most noticeable from the intermediate range of direct views, including views from Copley and from both directions along Dartmouth Street. Any increase in setback achieved may help in this effort.
- 9) The architectural expression of the podium element should partake of the tower element to connect the two and to deliberately set this project aside from the severity and angularity of the guidelines which originally shaped the overall Copley Place complex. Go beyond the transparency and openness evidenced in the preliminary PNF drawings, maintain the quality of materials indicated, but also consider the freedom of expression seen in some of the Neiman Marcus stores elsewhere which might mark this space in the City as an important connection, add a visual playfulness to its contextual references, and break the deadening effect of the podium wall height's consistency with other Copley Place elements.

Among others, the refined design included in the DPIR must satisfactorily address all the above parameters. An accurate sense of scale of the building in its context must be achieved; we note that this seems highly variable within the material as currently presented in the PNF. Focus on key distanced views, as well as key intermediate/user viewpoints, to guide the design composition of the Proposed Project. Reinforce all pedestrian pathways; develop a plan which shows the building program and how it supports such activity within the future pedestrian/public access network. Active programming that will engage the public and ideally spill seasonally into the public realm at the ground floor should remain (and should be maximized). Take note of the fundamental contextual strengths of the site, including its connections to Back Bay Station, and incorporate that sense into the overall design approach...tempered by the proposed use.

We reserve the right to add additional concerns during the course of the process of combined BRA staff, CAC, and BCDC review which may affect the responses detailed in the DPIR.

The following urban design materials for the Proposed Project's schematic design must be submitted for the DPIR.

1. Written description of program elements and space allocation (in square feet) for each element, as well as Project totals.
2. Neighborhood plan, elevations and sections at an appropriate scale (1"=100' or larger as determined by the BRA) showing relationships of the proposed project to the neighborhood context.
3. Color, or Black and white 8"x10" photographs of the site and neighborhood.
4. Sketches and diagrams to clarify design issues and massing options.
5. Eye-level perspective (reproducible line or other approved drawings) showing the proposal (including main entries and public areas) in the context of the surrounding area. Views should display a particular emphasis on important viewing areas such as key intersections, pathways, or public parks/attractions. Some of these viewpoints have already been suggested and used in presentations with the CAC: north and south along Dartmouth, from Copley Square, along the Southwest Corridor Park, from the Public Garden, from Memorial Drive, et al. Long-ranged (distanced) views of the proposed project must also be studied to assess the impact on the skyline or other view lines. At least one bird's-eye perspective should also be included. All perspectives should show (in separate comparative sketches) at least both the build and no-build conditions; any alternatives proposed should be compared as well. The BRA should approve the view locations before analysis is begun. View studies should be cognizant of light and shadow, massing and bulk.
6. Additional aerial or skyline views of the project, if and as requested.
7. Site sections at 1"=20' or larger (or other scale approved by the BRA) showing relationships to adjacent buildings and spaces.
8. Site plan(s) at an appropriate scale (1"=20' or larger, or as approved by the BRA) showing:

- a. general relationships of proposed and existing adjacent buildings and open spaces
 - b. open spaces defined by buildings on adjacent parcels and across streets
 - c. general location of pedestrian ways, driveways, parking, service areas, streets, and major landscape features
 - d. pedestrian, handicapped, vehicular and service access and flow through the parcel and to adjacent areas
 - e. survey information, such as existing elevations, benchmarks, and utilities
 - f. phasing possibilities
 - g. construction limits
9. Massing model (ultimately in basswood) at 1":40'0" for use in the Back bay portion of the Authority's downtown model
10. Study model at 1" = 16' or 1" = 20' showing preliminary concept of setbacks, cornice lines, fenestration, facade composition, etc.
11. Drawings at an appropriate scale (e.g., 1":16'0", or as determined by BRA) describing architectural massing, facade design and proposed materials including:
- a. building and site improvement plans
 - b. neighborhood elevations, sections, and/or plans showing the development in the context of the surrounding area
 - c. sections showing organization of functions and spaces, and relationships to adjacent spaces and structures
 - d. preliminary building plans showing ground floor and typical upper floor(s).
 - e. phasing, if any, of the Proposed Project
12. A written and/or graphic description of the building materials and its texture, color, and general fenestration patterns is required for the proposed development.
13. Electronic files describing the site and Proposed Project at Representation Levels one and two ("Streetscape" and "Massing") as described in the document *Boston "Smart Model": CAD & 3D Model Standard Guidelines*.

14. Full responses, which may be in the formats listed above, to any urban design-related issues raised in preliminary reviews or specifically included in the BRA scoping determination, preliminary adequacy determination, or other document requesting additional information leading up to BRA Board action, inclusive of material required for Boston Civic Design Commission review.
15. Proposed schedule for submission of all design or development-related materials.
16. Diagrammatic sections through the neighborhood (to the extent not covered in item #2 above) cutting north-south and east-west at the scale and distance indicated above.
17. True-scale three-dimensional graphic representations of the area indicated above either as aerial perspective or isometric views showing all buildings, streets, parks, and natural features.

SHADOW AND WIND COMMENTS

In addition to the comments and scoping by others, the Proponent is directed to conduct a specific shadow analysis for the specific time range of any new impacts on the facades of the Boston Public Library courtyard and Trinity Church....In other words, defining rough extent and duration in terms of hours and time of year. In addition, extend the period of analysis defined otherwise in the Scope to include October 21 (at 9am, 12 noon, and 3pm) and define any specific time range (duration) of impacts on the commonwealth Mall and Copley Square Park. If overall duration is greater than one hour, provide an overlap study which defines any area impacted by shadows for a period greater than one hour. All net new shadows shall be defined as outlined elsewhere either by darker tone or color and shall be clearly shown to their full plan extent, whether on street, park, or rooftop.

Regarding wind, all wind tunnel test points shall be approved by BRA staff before conduction of testing. Analysis of results and effective mitigation shall be presented in the DPIR and presented so that the deltas of changes manifested by the Project are clearly understood.

An infrastructure impact analysis should be performed.

The discussion of Proposed Project impacts on infrastructure systems should be organized system-by-system as suggested below. The applicant's submission must include an evaluation of the Proposed Project's impact on the capacity and adequacy of existing water, sewerage, energy (including gas and steam), and electrical communications (including telephone, fire alarm, computer, cable, etc.) utility systems,

and the need reasonably attributable to the proposed project for additional systems facilities.

Any system upgrading or connection requiring a significant public or utility investment, creating a significant disruption in vehicular or pedestrian circulation, or affecting any public or neighborhood park or streetscape improvements, comprises an impact which must be mitigated. The DPIR must describe anticipated impacts in this regard, including specific mitigation measures, and must include nearby Proposed Project (i.e. The Clarendon, Columbus center, Prudential's Exeter Street Residences and 888 Boylston, 441 Stuart Street, 350 Boylston, the Columbus Avenue projects, and an equivalent for Boylston Place) buildout figures in the analysis. The standard scope for infrastructure analysis is given below:

1. Utility Systems and Water Quality
 - a. Estimated water consumption and sewage generation from the Proposed Project and the basis for each estimate. Include separate calculations for air conditioning system make-up water
 - b. Description of the capacity and adequacy of water and sewer systems and an evaluation of the impacts of the Proposed Project on those systems - tributary areas and downstream constraints included
 - c. Identification of measures to conserve resources, including any provisions for recycling or 'green' strategies
 - d. Description of the Proposed Project's impacts on the water quality of Boston Harbor or other water bodies that could be affected by the Project, if applicable
 - e. Description of mitigation measures to reduce or eliminate impacts on water quality
 - f. Description of impact of on-site storm drainage on water quality
 - g. Information on how the Proposed Project will conform to the requirements of the Ground Water Trust under Article 35 by providing additional recharge opportunities
 - h. Detail methods of protection proposed for infrastructure conduits and other artifacts, including BSWC sewer lines and water mains, during construction
 - i. Detail the energy source of the interior space heating; how obtained, and, if applicable, plans for reuse of condensate.

Thorough consultation with the planners and engineers of the utilities will be required, and should be referenced in the Infrastructure Component section.

2. Energy Systems

- a. Description of energy requirements of the project and evaluation of project impacts on resources and supply
- b. Description of measures to conserve energy usage and consideration of the feasibility of including solar energy provisions or other on-site energy provisions.

Additional constraints or information required are described below. Any other system (emergency systems, gas, steam, optic fiber, cable, etc.) impacted by this development should also be described in brief.

It is noted that the PNF contains initial information organized as suggested; in addition to the information proposed, more information is requested to clarify sewage tributary flows and constraints as well as energy choices, which are not specifically addressed. The location of transformer and other vaults required for electrical distribution or ventilation must be chosen to minimize disruption to pedestrian paths and public improvements both when operating normally and when being serviced, and must be described. Storm drain and sewage systems should be separated or separations provided for in the design of connections.

This proposal calls for modification of an older Project that was basically the reconstruction of an entire City block. The Proponent should investigate energy strategies that take advantage of this scale of residential construction, including those that incorporate green roof strategies as well as solar orientation and materials/systems that maximize efficiencies. Constraints or opportunities that arise from the major piece of infrastructure that confines aspects of the Project - the Turnpike - should be discussed and the impact of this infrastructure both recognized and mitigated to an extent fuller than achieved in the initial implementation of Copley Place.

Excerpted from the minutes of the BCDC of August 5, 2008:

The next item was a presentation of the **Copley Place Expansion Project**. Jack Hobbes (JH) of RF Walsh introduced the Project; the Simon Property Group was noted as the developer. Neiman Marcus was always undersized here, and needs to expand. Also, there is a unique structure in place; we're glad this will go to Design Committee to go into that in depth. Robb Halter (RH) of Elkus/Manfredi apologized that Howard Elkus could not be there tonight, since this was a legacy Project for him, really an air rights project (continuing Copley Place) knitting the neighborhoods together, mixed-use. This made the Project viable at the time, and hid the infrastructure. The Project is really conceived of as a Transit-oriented Development; it's atop two commuter lines, the Orange Line, and Turnpike off-ramps. A result of the earlier requirement was the paved plaza on the north side, with no plantings (shows as a yellowish area on the site plan board). Connectivity is an important component (notes existing). Neiman Marcus is really built as a typical mall, inward-facing. Adding the residential use allows a transformation, with windows and displays. Also, it's a slimmer use in the tower to pay for it all, unlike the earlier Copley phases or other buildings. The curvilinear form was selected to respond to the rectilinearity of the Hancock Building. A residential connection into the existing parking garage is allowed by slipping around the edge of the highway ramp that's 30 feet in the air under the mall. (Shows residential floor plans, and photo-inset perspective views.) The Winter Garden is a truly public space, we want to celebrate that, with low-iron glass all the way up to the parapet. It's layered over the granite, but facing the Wintergarden. We didn't want to lose the horizontality of the base completely, but we leave references. The tower comes all the way down to the ground at the residential entry.

DH: Lynn had noted the open space around the corner...was that open space negotiated originally? She had a question about that, and was concerned about the dimensions of the sidewalk outboard of the Wintergarden. It's an interesting Project. The form of the building has a lot of curving forms, when you are not using curved forms. Will it appear faceted? Mies Van der Rohe, in Chicago....As a design object, you have to know how detailed you have to be to read as a curved form. RH: We decided to have it multifaceted, like a jewel. DH: The renderings look curved. It's the same with the Intercontinental, which looks *very* different. Also, the garage seems very full. Where are the spaces taken for this Project? DS: And loading? RH showed how a route under

the highway ramp connects to the residential service and use via their mezzanine level. DS: Do you have the rights to put additional structure on the Pike? JH: Yes. DS: Will Neiman Marcus continue its operation? RH briefly noted the proposed construction sequence. WR: What of shadow impacts on Copley Square? RH: We have shadow animations. And the tower is designed to offer the slimmest profile to wind and shadow. Wind also slips the form. DS: Your LEED goal? RH: Silver.

WR: I compliment your presentation on its completeness. From Copley, it looks more tubular, although that's not the case walking around (the model). You sense the steps. RH: We have tried to give variety to the Project. DH: Copley tries so hard to fit into grid lines...you notice them on the Westin and elsewhere...it can be difficult to do, and clumsy. DS: What determined the height and program, the FAA, costs, others? JH: All those and more. MD: I'd compare this to the Great Room at South Station, which we've never seen. The character of that (wintergarden) is very important. What you see, and what you see on the back. DH: Time Warner Center is another example of a major living room. RH: That's connected to a block connection. MD: It's a civic space. Public?

Eugene Kelly (EK): I'm a member of the CAC, and new to this process, which seems good. We have a lot of the same issues. One is shadows, there is a finger cast all the way to Beacon in December. This building, looking along Dartmouth, sits *in* that view above Neiman Marcus. One issue about the height - how kind of effect does that have on the *sense* of Copley Square (and Dartmouth)? Your comments would be helpful. DH: A view from the Citizens Bank (corner of Dartmouth and Boylston) is needed. EK: There is nothing from the point of view of Copley, looking up, of the height. Along Dartmouth, Westin and others are set back.

Janice Ward (JW) of Tent City Apartments noted that currently, she likes the balance of residential and commercial. There is a lot going on. I have a concern about this, an accessibility issue. The Southwest Corridor Park acts as an access road for the handicapped, and other members of the public. Access - is a civil rights issue. I was almost hit twice by cars during the construction of the Mandarin Oriental, so my concern is that access needs to be *continuous*. Sheila Pelosian stated that she's frankly not in favor of the Project. But she's not sure that it's a good idea to close off the open

space; many people like that. JW: It's a resting space going up the hill (of Dartmouth). Jackie Yessian: I'm glad to hear talk of the open space and Wintergarden. There is concern about ANY shadow. Copley is a major concern. Winds are a major concern. Also, the building acts as a barrier; I hope we don't go back. I hope it connects well to the Back Bay, South End. Height: about half of the Hancock might be okay. For shadow, we should look on the facades of ALL buildings, and the Public Library.

With that, the Copley Place Expansion Project was sent to Design Committee.

F. HISTORIC RESOURCES COMPONENT

It is clear that the Proposed Project is located adjacent to historic properties listed in the National and State Registers of Historic Places. The DPIR shall identify, map, and describe these historic resources and any other historic properties in the vicinity of the Proposed Project's site and shall evaluate the anticipated effects of the Proposed Project on these resources. Particular attention shall be given to the design, scale, height, massing, materials, and other architectural elements of the proposed buildings as these relate to the significant architectural and historic resources in the proposed project's vicinity. The DPIR must also include an assessment of the potential presence of archaeological resources that may be disturbed by the Proposed Project. The Proponents should also respond to the comments of the Boston Environment Department outlined in **Appendix 1**.

G. INFRASTRUCTURE SYSTEMS COMPONENT

The PNF states that a capacity analysis for the sewer system will be presented in the DPIR. The Boston Water and Sewer Commission ("BWSC") looks forward to receiving this information. The Proponent should respond to the comments of the BWSC found in **Appendix 1**.

The standard scope for infrastructure analysis is given below:

1. Utility Systems and Water Quality
 - a. Estimated water consumption and sewage generation from the Proposed Project and the basis for each estimate. Include separate calculations for air conditioning system make-up water;
 - b. Description of the capacity and adequacy of water, storm drain and sewer systems and an evaluation of the impacts of the Proposed Project on those systems;
 - c. Identification of measures to conserve resources, including any provisions for recycling;
 - d. Description of the Proposed Project's impacts on the water quality of Boston Harbor, the Charles River or other water bodies that could be affected by the project, if applicable;

- e. Description of mitigation measures to reduce or eliminate impacts on water quality;
- f. Description of impact of on-site storm drainage on water quality;
- g. Detail methods of protection proposed for infrastructure conduits and other artifacts, including BSWC sewer lines and water mains, during construction; and
- h. Detail the energy source of the interior space heating; how obtained, and, if applicable, plans for reuse of condensate.

Thorough consultation with the planners and engineers of the utilities will be required, and should be referenced in the Infrastructure Component section.

2. Energy Systems

- a. Description of energy requirements of the Proposed Project and evaluation of the Proposed Project's impacts on resources and supply; and
- b. Description of measures to conserve energy usage and consideration of the feasibility of including solar energy provisions or other on-site energy provisions.

Additional constraints or information required are described below. Any other system (emergency systems, gas, steam, optic fiber, cable, etc.) impacted by this development should also be described in brief.

- The location of transformer and other vaults required for electrical distribution or ventilation must be chosen to minimize disruption to pedestrian paths and public improvements both when operating normally and when being serviced, and must be described.
- Sewer systems and storm water systems must be separated if possible; utilization of combined systems should be avoided. Thorough analysis and continuing discussions with BWSC are required.
- Water supply systems adjacent to the Proposed Project and servicing the Proposed Project should be looped so as to minimize public hazard or inconvenience in the event of a main break.

H. PUBLIC NOTICE

The Proponent will be responsible for preparing and publishing in one or more newspapers of general circulation in the city of Boston a Public Notice of the submission of the Draft Project Impact Report (DPIR) to the BRA as required by Section 80A-2. This Notice shall be published within five (5) days after the receipt of the DPIR by the BRA. Therefore, public comments shall be transmitted to the BRA within sixty (60) days of the publication of this Notice.

A sample Public Notice is attached in **Appendix 4**.

Following publication of the Public Notice, the Proponent shall submit to the BRA a copy of the published Notice together with the date of publication.

APPENDIX 1
CITY PUBLIC AGENCY COMMENTS

Boston

Heather Campisano
Senior Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

June 24, 2008

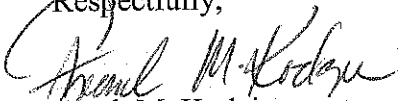
Dear Ms. Campisano:

Regarding the Project Notification Form for the Copley Place Retail Expansion and Residential Addition – Back Bay project submitted to the BRA in June, 2008 the Boston Fire Department requires the following issues addressed by a qualified individual.

1. Emergency vehicle site access to the new buildings as well as existing buildings that might be affected.
2. Impact on availability and accessibility of hydrant locations for new buildings as well as for any existing buildings that might be impacted.
3. Impact on availability and accessibility to siamese connection locations for new buildings as well as for any existing buildings that might be impacted.
4. Impact that a transformer vault fire or explosion will have on the fire safety of the building. Particularly as it relates to the location of the vault.
5. Need for Boston Fire Department permit requirements as outlined in the Boston Fire Prevention Code, the Massachusetts Fire Prevention Regulations (527 CMR), and the Massachusetts Fire Prevention Laws (MGL CH148).
6. For projects involving air-supported structures, it is critical that the impact of the design has on fire safety relative to the interaction of the area underneath the structure to the structure as well as to the interaction of the structure to the area underneath the structure.

These items should be analyzed for all phases of the construction as well as the final design stage. This project will need permits from the Boston Fire Department as well as the Inspectional Services Department.

Respectfully,


Frank M. Kodzis
Fire Marshal

Cc: Paul Donga, FPE, Plans Unit, BFD



Thomas M. Menino, Mayor/FIRE DEPARTMENT/115 Southamptton Street 02118

Boston

Groundwater Trust

234 Clarendon St., Third Floor, Boston, MA 02116
617.859.8439 voice • 617.266.8750 fax
bostongroundwater.org

July 30, 2008

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Executive Director

Elliott Laffer

Ms. Heather Campisano, Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

Subject: Copley Place Retail Expansion and Residential Addition

Dear Ms. Campisano:

Thank you for the opportunity to comment on the Project Notification Form for the Copley Place expansion. I also want to thank the Authority and the proponent for arranging a briefing on the project since I could not attend the scoping session. The Boston Groundwater Trust was established by the Boston City Council to monitor groundwater levels in sections of the City where the integrity of building foundations is threatened by low groundwater levels and to make recommendations for solving the problem. Therefore, my comments are limited to groundwater related issues.

I am pleased that the proponent has acknowledged that the project is located within the Groundwater Conservation Overlay District and that the project will meet the requirements of Article 32. Based on the presentation during the briefing, I understand that the proponent asserts that the project will be defined as separate from the existing Copley Place structure, and that the recharge requirements are based on the plan area covered by the retail expansion and residential addition. Should this not be found to be the case and the project be defined as a substantial renovation of Copley Place, then it is likely that the recharge requirement would cover all of Copley Place.

While almost the entire project is to be constructed on air rights over the Massachusetts Turnpike and the adjacent railroad tracks, there is, as was pointed out during the briefing, a small section of land adjacent to Stuart Street. As it was explained, this land will play an important role in the foundation support of the new structure and will also present a good opportunity to site the recharge system. According to the proponent, preliminary calculations indicate capacity in that location for a recharge system of the size required under Article 32. Further, the location is near the corner of Stuart and Dartmouth Streets. The Trust maintains groundwater observation wells on both corners of Stuart Street across

Dartmouth Street from the project which have recorded persistently low groundwater readings, often below Elevation 3 BCB. The recharge as planned should be in a good location to help raise groundwater levels at these wells.

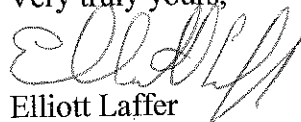
In order to make sure that the recharge from the project helps to raise groundwater levels in the area and is not drawn away by a leak, it would be useful if the proponent could investigate and suggest potential causes of the existing low groundwater levels at the corner of Stuart and Dartmouth Streets.

Based on my conversation with the proponent, it may be difficult to install an additional groundwater observation well near the project. However, I appreciate his offer to do so if it is feasible and to consult with the Trust on the location.

Because the project will not, according to the PNF and the briefing, include any construction below Elevation 7 BCB, it is unlikely to have the potential for negative impacts on nearby groundwater levels. However, I look forward to the certification from the proponent that this will be true.

I look forward to continuing to work with the proponent and the Authority to assure that the project can have only positive impacts on groundwater levels in the area.

Very truly yours,



Elliott Laffer
Executive Director

Cc: Kathleen Pedersen, BRA
Maura Zlody, BED

**Boston Water and
Sewer Commission**



980 Harrison Avenue
Boston, MA 02119-2540
617-989-7000

August 5, 2008

Ms. Heather Campisano/Mr. John FitzGerald
Project Managers
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

Re: Copley Place Expansion PNF

Dear Ms. Campisano and Mr. FitzGerald:

The Boston Water and Sewer Commission (Commission) has reviewed the Project Notification Form (PNF) for the proposed expansion of the Copley Place retail center. The proposed project site is located at the corner of Stuart and Dartmouth Streets. The proposed project involves:

- Approximately 114,000 s.f. of new retail space and a winter garden.
- Approximately 660,000 s.f. of new residential space, comprising approximately 280 dwelling units.
- Improvements to the public realm surrounding the Copley Place Development in the vicinity of Dartmouth Street and Stuart Street.

No new parking spaces are proposed as part of this project.

The project site is served by separate sewer and storm drains. The primary sewer serving the project site is a 12-inch sewer running from the Stuart Street/Dartmouth Street intersection northerly on Dartmouth Street where it discharges into a major sanitary sewer collector system that carries the flow westerly on Boylston Street to the West Side Interceptor. Sewage generation from the proposed expansion is estimated at an average of 61,000 gpd, with a peak flow rate of 130 gpm. Added to the existing sanitary flow estimates, Copley Place is projected to generate 152,000 gpd, with peak flows of 320 gpm. The PNF states that a capacity analysis for the sewer system will be presented with the Draft Project Impact Report for the project.

For drainage the site is served by a 12 to 18-inch storm drain on Dartmouth Street which conveys the flow northerly to a 48x51-inch combined sewer located north of the Huntington Avenue and Dartmouth Street intersection. There is also a an 18x18 inch drain carrying flows easterly on Stuart Street to the drain on Dartmouth street described above.

The existing project site is entirely impervious. Surface runoff from existing walkways and adjacent streets, as well as roof runoff from existing buildings is conveyed via catch basins and storm drains into the drainage system on Stuart and Dartmouth Street. The proposed project will include a landscaped "green roof" which is anticipated to reduce the quantity of roof drainage that would otherwise be directed to the drainage system in the street. Since the project falls within the groundwater conservation overlay district, the project will include a groundwater recharge system. In larger storms, a portion of the roof runoff will be retained within the landscaped green roof and a portion will be discharge to the new groundwater recharge system.

For water service, the project site is served by the Commission's Southern High (SH) system. There is an existing 12-inch SH ductile iron main on Stuart Street and Dartmouth Streets. There is also a 42-inch SH ductile iron transmission main beneath both streets. Water demand for the proposed project is estimated at 71,000 gpd, with a peak demand of 150 gpm. Added to the existing water demand, Copley Place is expected to demand an average of 166,000 gpd, with a peak demand of 360 gpm. The proponent anticipates connecting to the water main on Stuart Street for water service.

The Commission has the following comments regarding the proposed project:

General

1. Prior to construction the proponent must submit a site plan and a General Service Application to the BWSC for the project. The site plan must show the location of existing and proposed water mains, sewers and storm drains serving the project site, as well as the location of existing and proposed service connections.
2. With the site plan, the proponent must provide detailed updated estimates for water demand, sanitary sewer flows and stormwater runoff generation for the proposed project. The amount of potable water required for landscape irrigation, if any, must be quantified and provided separately.
3. It is the proponent's responsibility to evaluate the water, sewer and storm drainage systems serving the project site to determine if capacity is sufficient to meet project demands. The capacity analyses must be provided with the site plan for the proposed project.

4. The proponent is advised that any new or reconstructed water, sanitary sewer and drain pipes required to accommodate the proposed project must be designed and constructed at the proponent's expense and in conformance with the Commission's Sewer Use and Water Distribution System regulations.
5. To assure compliance with BWSC requirements, the proponent should submit the site plan and General Service Application to the Commission for review when project design is 50 percent complete.

Sewage/Drainage

6. The Department of Environmental Protection, in cooperation with the Massachusetts Water Resources Authority and its member communities, are implementing a coordinated approach to flow control in the MWRA regional wastewater system, particularly the removal of extraneous clean water (e.g., infiltration/ inflow (I/I)) in the system. In this regard, DEP has been routinely requiring proponents proposing to add significant new wastewater flow to assist in the I/I reduction effort to ensure that the additional wastewater flows are offset by the removal of I/I. Currently, DEP is typically using a minimum 4:1 ratio for I/I removal to new wastewater flow added. The Commission supports the DEP/MWRA policy, and will require the proponent to develop a consistent inflow reduction plan. The 4:1 requirement should be addressed at least 90 days prior to activation of water service.

For the purposes of calculating I/I reduction estimates, estimates of current wastewater generation must be based on Title V of the Massachusetts Environmental Code (310 CMR 15.00), applied to the portions of the buildings currently in use.

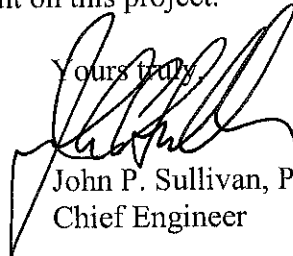
7. The proponent must fully investigate methods for retaining stormwater on site before the Commission will consider a request to discharge stormwater to the Commission's system. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer. A feasibility assessment for retaining stormwater on site must be submitted with the site plan.
8. The site plan must show in detail how drainage from building roofs and from other impervious areas will be managed. Roof runoff and other stormwater runoff must be conveyed separately from sanitary waste at all times.
9. The discharge of dewatering drainage to a sanitary sewer is prohibited by the Commission. The proponent is advised that the discharge of any dewatering drainage to the storm drainage system, whether temporary or on a permanent basis, requires a Drainage Discharge Permit from the Commission.

10. The EPA has issued a draft Remediation General Permit (RGP) for Groundwater Remediation, Contaminated Construction Dewatering, and Miscellaneous Surface Water Discharges. If groundwater contaminated with petroleum products, for example, is encountered, the proponent will be required to apply for a RGP to cover these discharges.
11. Developers of projects involving disturbances of land of one acre or more are required to obtain an NPDES General Permit for Construction from the EPA. The proponent is responsible for determining if such a permit is required and for obtaining the permit. If such a permit is required, a copy of the Notice of Intent and any pollution prevention plan prepared pursuant to the permit should be provided to the Commission prior to the commencement of construction.
12. In conjunction with the General Service Application submitted, the proponent will be required to submit a Stormwater Pollution Prevention Plan. Each plan must:
 - Identify specific best management measures for controlling erosion and preventing the discharge of sediment, contaminated stormwater or construction debris to the Commission's drainage system when construction is underway.
 - Include a site map which shows, at a minimum, existing drainage patterns and areas used for storage or treatment of contaminated soils, groundwater or stormwater, and the location of major control or treatment structures to be utilized during construction.
 - Specifically identify how the project will comply with the Department of Environmental Protection's Performance Standards for Stormwater Management both during construction and after construction is complete.
13. The Commission requests that the proponent install a permanent casting stating: "Don't Dump: Drains to Charles River" next to any new catch basin installed as part of this project. The proponent may contact the Commission's Operations Division for information regarding the purchase of the castings.
14. The Commission requires the installation of particle separators on drains serving open parking lots and large paved areas. The requirements and specifications for particle separators are provided in the Commission's Requirements for Site Plans.
15. Grease traps are required in all new and existing cafeteria or kitchen facilities in accordance with the BWSC Sewer Use Regulations. The proponent is advised to consult with the BWSC prior to preparing plans for grease traps.

Water

16. The Commission utilizes a Fixed Radio Meter Reading System to obtain water meter readings. For new water meters, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, the Proponents should contact the Commission's Meter installation Department.
17. The proponent should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular the proponent should consider outdoor landscaping which requires minimal use of water to maintain. If the proponent plans to install in-ground sprinkler systems, the Commission recommends that timers, soil moisture indicators and rainfall sensors be installed. The use of sensor-operated faucets and toilets in common areas of buildings should also be considered.

Thank you for the opportunity to comment on this project.

Yours truly,

John P. Sullivan, P.E.
Chief Engineer

JPS/as

cc: F. Carl Dieterle, Jr., Simon Property Group, Inc.
Victori Fletcher, Epsilon Associates
M. Zlody, Boston Env. Dept.
P. Laroque, BWSC

BOSTON

Thomas M. Menino, Mayor

August 6, 2008

Harry R. Collings, Executive Director/Secretary
Boston Redevelopment Authority
Ninth Floor
Boston City Hall
Boston, MA 02201

Attn: Heather Campisano / John Fitzgerald, Project Managers

**RE: Copley Place Retail Expansion and Residential Addition
PNF / Parks Commission Preliminary Design Review**

Dear Ms. Campisano and Mr. Fitzgerald:

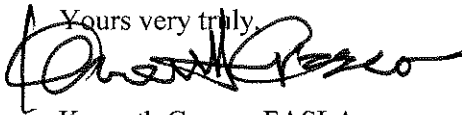
The Boston Parks and Recreation Department is responding herewith to the PNF issued for the Copley Place Expansion and Addition, (the "Project"). We note under Section 3.0, Assessment of Development Review Components, that shadow impacts for the proposed Project are addressed. Paragraph 3.2.2, Shadow, describes the shadow impacts on Copley Square Park that will occur as a result of the Project. It appears that up to 20% of park will be impacted by shadows created by the Project.

This Department feels that any additional shadows on the park are unacceptable, because additional shadows will have a negative impact on the quality of the public's enjoyment of the park.

In accordance with City Ordinance 7-4.11, the proponent will be required to obtain the approval for the Project from the Boston Parks Commission. The Commission will be desirous of solutions for the Project that limit potential shadow impacts at the park, or that mitigate satisfactorily for the public benefit the negative impacts created.

Please contact this Department with any questions.

Yours very truly,



Kenneth Crasco, FASLA
Chief Landscape Architect

Copy: Brian McLaughlin, Executive Secretary, Boston Parks Commission



Boston Parks and Recreation Department

Antonia M. Pollak, Commissioner

1010 Massachusetts Ave., Boston, MA 02118 / Tel.: (617) 635-4505 / Fax: 635-3173

Public Works Department - comments for the subject project Copley Place located at Stuart and Dartmouth Streets in the Back Bay:

Site Plan:

Developer must provide an engineer's site plan at an appropriate engineering scale, that shows curb functionality on both sides of all streets that abuts the property.

Sidewalks:

Developer is responsible for the reconstruction of the sidewalks including the resetting of the existing curbing abutting the project, and to extend the limits to the nearest intersections and to accommodate the needs of BPWD in the general vicinity as impacted by this project. The reconstruction effort must meet current ADA/AAB guidelines, including the installation of new or reconstruction of existing compliant pedestrian ramps at all corners of all intersections, to encourage and improve accessibility and compliment pedestrian improvements and travel along Stuart and Dartmouth Streets and the general vicinity as impacted by this project. This effort also may constitute a License, Maintenance and Indemnification (LM&I) agreement with the Public Improvement Commission (PIC).

Discontinuances:

Any and all discontinuances (sub-surface, surface or above surface) within the Public Right-of-Way (ROW) must be processed through the PIC.

Landscaping:

Developer must seek approval from Ken Crasco, Chief Landscape Architect with the Parks and Recreation Department for all landscape elements. Program must accompany a LM&I with the PIC.

Street Lighting:

Street lighting needs must be consulted with Mr. Joe Banks of the Street Lighting Division with the PWD, and where needed, be installed by the developer, and must be consistent with the area lighting, to provide a consistent urban design.

Roadway:

Based on the extent of construction activity, including utility connections and taps, the Developer will be responsible for the reconstruction of the roadway sections that immediately abuts the property, and where appropriate, extend the limits on reconstruction to the nearest intersection and to insure compliance to ADA/AAB guidelines.

Public Trash Receptacles:

Developer to consult with Tim McCarthy of BPWD, and is responsible for purchasing solar powered trash compactors to be used in Public space consistent with City of Boston's plan.

Public Art:

Developer is encouraged to contact the Boston Arts Commission to participate with the City's public arts program, creating notable art pieces in public spaces.

Groundwater:

Developer should install groundwater-monitoring wells in accordance to ISD standards, to monitor groundwater levels during construction, and convey the wells to the Groundwater Trust through the PIC after the completion of the project.

Note: these are the general standard BPWD requirements applicable to every project, more detailed comments will be addressed during the PIC review process.

Any questions please give me a call at 617-635-4966.

Thank you,
Bob Giers

August 31, 2008

John Palmieri, Director
Boston Redevelopment Authority
Boston City Hall, Room 925
Boston, MA 02201
Attention: Heather Campisano, Deputy Director for Project Review

Re: Copley Place Expansion – Project Notification Form

Dear Director Palmieri:

The City of Boston Environment Department has reviewed the Project Notification Form (PNF) and offers the following comments.

The project is a retail and residential expansion to the Copley Place development. The site is at the southwest corner of Dartmouth Street and Stuart Street in the Back Bay. The proponent is Simon Property Group, Inc.

A new retail base, about 114,000 square feet (SF), will be constructed from the current Copley retail base onto the existing brick plaza at Dartmouth and Stuart; a 54,000 SF expansion of the existing Neiman Marcus and a wintergarden are part of this new area. A 660,000 SF, 47-story, 569-foot tall (zoning height) 280 unit residential component will be constructed above. A total of 297 existing Copley Place parking spaces will be assigned for the residential use, 1.06 spaces per unit. The PNF states that benefits of the project include furthering Smart Growth and Transit-Oriented Development principles, improves the surrounding street and pedestrian environment, advances sustainable design/green building and enhances open space.

The Draft Project Impact Report (DPIR) will include noise study and describe improvements to stormwater.

We ask that stormwater quantity be discussed and an air quality study be included in the DPIR.

This department also requests that permanent castings stating, "Don't Dump: Drains to Boston Harbor," be installed on the sidewalk next to any catch basin existing, created or modified."

Permanent "No Idling" signage will be posted in loading areas.

We understand that the Proponent is working with Elliott Laffer, Executive Director of the Boston Groundwater Trust, on issues regarding Article 32.

Save That Stuff, a Charlestown company, has recently initiated a composting program, one of the few available in the Boston area. We suggest that restaurant and other food service tenants consider participating in this program which will turn their organic waste into a useful product while helping to control waste removal costs and, when properly managed, assist with pest control. Save That Stuff can be reached at 617-241-9998.

We commend the Proponent for choosing to include as part of a solid waste recycling program separate containers for the disposal of materials such as turpentine and paint.

To leverage an economy of scale, retail tenants may want to establish a cooperative solid waste recycling program.

A qualitative wind analysis was conducted. RWDI indicated in an August 27, 2007 report that wind tunnel testing, the qualitative approach provides initial massing level estimations of pedestrian level wind conditions and that to confirm and quantify the results would require physical model tests in a boundary layer wind tunnel facility. We hope that it is standard practice to model a building with a height that includes all rooftop equipment.

The narrative description of a shadow impact analysis states that new shadow will be cast on:

- The paved area of at the corner of Dartmouth Street and St. James Avenue on March 21 at 12:00 noon.
- Copley Square from October to February – in October quickly sweep across the Square in a little over two hours beginning at around 12:00 noon affecting no more than 20 percent at one time.
- Copley Square from November through February – will sweep across the Square starting at around 11:00 a.m. affecting no more than 20 percent at one time.

The PNF does not indicate how long the November through February shadow that will begin at 11:00 a.m. will be on the Plaza.

The entirety of Copley Square Park is used during Spring, Summer and Fall with the hardscape area around Trinity Church and benches surrounding the park also used in Winter. The times of day during which new shadow will be cast are prime times for use of the Park. In addition, the overlapping November through February time-frames beginning at 12:00 noon would suggest that there are two separate areas of new shadow which, combined, would be shadowing 40 percent of the Park. The PNF shadow diagrams are small in scale and not useful in matching the written description with the visual presentation.

New shadow diagrams should be provided in the Draft Project Impact Report (DPIR). They should show how each period of new shadow will move across Copley Square Park in 15 minute intervals. The diagrams should also include:

- Street names.
- The identification of doorways, bus stops, open space and areas where pedestrians are likely to congregate (in front of historic resources or other tourist destinations, for example).
- Clear delineation of shadow on both rooftops and facades.
- Clear distinctions between existing shadow and new shadow.

Diagrams should be oriented and of a scale consistent with diagrams depicting wind monitoring locations, for both the Build and No Build.

In Figure C-31, *Proposed Open Space*, it is difficult to distinguish open space area(s) from walkways. We ask that the DPIR provide an updated site plan and more detail about the enhancement of open space, locations, size and programming.

The project site is in close proximity to numerous historic resources, including the National Register Districts of the Back Bay Historic District, the Park Square - Stuart Street Historic District, and the locally designated Back Bay Architectural District. The project site is very near the St. Botolph Architectural Conservation District, and adjacent to the South End Landmark District.

While the overall massing and design of the retail base of the project is in keeping with the modern adjacent context of the existing Copley Place, Westin Hotel and Back Bay Station, BLC staff suggests there may be

an opportunity for a finer level of detail at the pedestrian level and a stronger expression of cornice. This site will be prominently viewed from important view corridors, including from Copley Plaza, and the design should reflect this importance in elegant massing, proportions, materials and details. While the tower element does present an interesting shape, the details of the skin do not appear developed enough to offer detailed comments. The larger issue of concern regarding the project is the height of the tower. At a 569-foot zoning height, the tower represents a huge physical and visual impact on the skyline and surrounding context. We have concern that a tower of this height will have negative wind and shadow impacts on surrounding historic resources. The shadow diagrams in the PNF show some new shadow impact on the Boston Public Library, but the small graphics are difficult to read. BLC staff requests the project team submit 11x17 shadow studies that include a detailed analysis of potential impacts on the St Botolph Architectural Conservation District and the South End Landmark District.

BLC staff looks forward to an opportunity to review the proposal again as the design develops.

The BLC requests that dated cornerstones be incorporated into all new construction. This element will allow those who are attentive to and value the architecture of the City to appreciate the historical context in which structures were conceived.

Residential mode shares are expected to be 57 percent walk, 24 percent auto and 19 percent transit. The retail split projections are 55 percent walk, 29 percent auto and 16 percent transit. Clearly, the project's proximity to shopping, restaurants, entertainment, a supermarket and wide range of services does not make necessary the daily use of an automobile.

Based upon a 1:3 ratio of bicycle spaces per unit, 94 bicycle spaces will be provided in an unidentified area. The PNF states that they will be identified in a site plan to be submitted to the Boston Transportation Department (BTD). It also states that a shared bicycle room containing racks will be provided in the basement. Public racks will be at building entrances for visitors, guest and employees.

We would appreciate clarification about the number and location of bicycle space. Will the basement storage area contain space for 94 bicycles? How many bicycles will be accommodated by public racks? Where will shared bicycles be located?

Transportation Demand Management (TDM) measures are expected to be:

- Orientation packages for tenants and residents that include transportation information.
- A project Web site with that will include transportation information.
- Encouraging retail tenants to provide transit passes to employees.
- Price public parking in garages to act as a disincentive to single occupant vehicles (SOV).

Who are the individuals to whom the high parking rates will be directed and how they will help to minimize SOV use?

There are 19 Zipcars in the project area; the Proponent plans to talk with Zipcar about additional spaces when they become necessary.

It is our experience that providing Zipcars generates users, particularly when Zipcar availability is made known during the marketing of units; locations close to building access points make them attractive.

An increasingly common residential TDM measure for condominiums is offering one Massachusetts Bay Transportation Authority (MBTA) LinkPass for each unit during the six months to one year after the initial sale of each unit. Such subsidies encourage residents to try the transit system and emphasize that, combined with the convenience of a Zipcar, city living at the project can be comfortable with no vehicle or a single vehicle. This should allow for a reduction in the 1.06 parking spaces per unit.

In order to prevent the development of a secondary, commuter parking market, parking space leases, residential leases, unit deeds, parking space deeds and master deeds should specify that parking spaces cannot be leased to third parties. We would support a caveat that parking spaces not sold/leased or licensed to building occupants may be leased only to neighborhood residents who have a valid City-issued Back Bay or South End parking permit.

The PNF indicates that the Proponent will participate in A Better City Transportation Management Association (ABC TMA). While we support both TMAs and the Proponent's TDM efforts, the way in which membership and participation will affect residents' transportation practices is unclear. When condominium units are sold, a Proponent's TMA membership is not likely to provide residents with incentives to opt for non-auto transportation methods. If the membership and participation will be geared toward new retail uses or toward developing a TDM program for the retail and office uses at Copley Place Central, we would appreciate a description of how this would be implemented.

An effective TDM plan for offices and retail usually includes:

- Transit pass subsidies for all employees, including contract workers, with a *pro rata* subsidy for part-time staff.
- Subsidized transit reimbursement for *per diem* workers.
- Pre-tax payroll deduction for transit pass purchase.
- On-site transit pass distribution.
- Van/carpooling matching services in addition to providing on-site information about MassRIDES.
Van/carpooling matching is often a service provided by a TMA.
- Preferential parking or reduced-rate parking for HOV commuters.
- A Guaranteed/Emergency Ride Home program for non-drivers and high occupancy vehicle (HOV) users; often administered by a TMA.
- Post and on-site availability of public and private transit schedules with rate information.
- A transportation Web site (for both the new development and for Copley Place Central.)
- Providing the same information on Web sites and through e-mails, newsletters, at employee orientations and, periodically, with paychecks.
- If parking is a perquisite, offer a parking "cash out" option.
- Showers and changing rooms/lockers for commuters who bike or walk (potentially an amenity shared with other employers or through an arrangement with a local health club).
- Promotion of Zipcar's Z2B, a program for businesses that would obviate the need for employees needing an auto during the work day to commute in an SOV.
- Low cost, occasional parking for transit commuters who may sometimes need to drive.
- No parking subsidy.

According to the Massachusetts Department of Environmental Protection (DEP), about 33 percent of mobile source particulate matter (PM) and ten percent of all nitrogen oxide (NO_x) pollution in the northeast is caused by construction vehicles. More than 90 percent of diesel engine particulate emissions are highly respirable and carry toxins deep into the lung, exacerbating human respiratory ailments. The U. S. Environmental Protection Agency (EPA) has proposed classification of diesel exhaust as "highly likely to be carcinogenic in humans." It estimates that diesel engines currently on the road can run for 1,000,000 miles and remain in operation for as long as 20 to 30 years. This amounts to 160 to 240 tons of pollution over the life of each engine.

The use of flow-through filters and, diesel particulate filters on pre-2007 diesel vehicles can reduce air quality degradation caused by emissions of carbon monoxide (CO), volatile organic compounds (VOC), NO_x and air toxins generated by heavy-duty equipment. Oxidation catalysts and catalyzed particulate filters reduce toxic emissions of formaldehyde, benzene, acrolein and 1-3 butadiene by as much as 70 percent, decrease localized adverse impacts and reduce dust and odor complaints from project abutters and

regulatory agencies. Experience with a pilot project that retrofitted 83 pieces of equipment working on the Central Artery/Tunnel (CA/T) project showed that:

- Vehicles did not experience significant power loss.
- There are no additional operation and maintenance (O & M) or fuel costs.
- Engine manufacturers continue to honor vehicle warranties.

We ask that all pre-2007 diesel construction vehicles working on the project be retrofitted using retrofit technologies approved by the United States Environmental Protection Agency (EPA).

Thank you for the opportunity to offer comment. We look forward to the DPIR.

Sincerely,

Bryan Glascock
Director

APPENDIX 2
CAC COMMENTS

Fitzgerald, John BRA

From: Judi Wright [judi.wright@verizon.net]
Sent: Friday, August 08, 2008 4:44 PM
To: Fitzgerald, John BRA
Cc: Shurtleff, Lauren; Knasas, Mary - BRA
Subject: CAC Comments on the PNF

TO: Heather Compisano/John Fitzgerald, Project Managers
 Copley Place Expansion Project

FROM: The Copley Place Expansion CAC

DATE: August 6, 2008

The CAC has held four meetings and has compiled a list of concerns regarding the Copley Place expansion and residential addition project. Below are the voiced concerns/comments/questions to date on the PNF:

- **Impacts of vehicular and pedestrian improvements; especially changing turning radius from Stuart to Dartmouth Street**
 - Will traffic back-up along Stuart Street and into the Turnpike exit ramp?
- **Issues of safety & noise during construction**
- **Winter Garden**
 - What type of retailers will be in Winter Garden?
 - Examples – Coffee Stand, Flower Shop, etc.
 - Concerns about the amount of sunlight coming into the winter garden
 - What will be the hours of public access to the Winter Garden especially in view of the fact that truly public outdoor space is being removed?
 - Is it possible to move the entry?
 - Who will be the users of the Winter Garden?
 - Will they be entering from Copley Place or from Neiman Marcus?
 - Exterior plaza outside Winter Garden entry should be treated as landscaped plaza with plantings, benches, etc. and visually connect and integrate with the design of the interior Winter Garden
- **Environmental concerns**
 - Shadow Studies
 - How will it impact Copley Square?
 - Protection of square's sunlight
 - Appropriate structure complexity
 - What is the View of skyline from other vantage points; from the South End and from Back Bay?
 - Will quality of life be affected by shadows?
 - Concerns about potential lack of sunlight in residential windows and/or roof

- decks
 - Study of other shadows in comparison
 - Further study and explanation of shadows between November and March
 - Wind Studies
 - More information on how it will affect pedestrians on both Dartmouth and Stuart Streets
 - Concern about the adequacy of the plantings
- **Public art**
 - There is a opportunity for public art within project and the developer should make this a priority
- **Placement of tower**
 - Is there a way to move massing further from Dartmouth Street?
- **Greater emphasis expressed on the tower's and project's exterior space**
 - The revitalized Southwest Corridor entry should incorporate improvements to the corridor park surrounding the entry out to Dartmouth Street
 - Streetscape along Dartmouth Street should include pedestrian amenities like trees, planters, and seating
- **What will the tower's skin be made of?**
- **Views of building**
 - Pedestrian views from Back Bay, South End, Boylston and Dartmouth
 - View of skyline from other vantage points
 - How this building relates to the height of other buildings in the area
- **Lease information**
 - What are the prior agreements and how do these impact the project as proposed?
 - What will new the lease look like?
- **Is the affordable housing component going to be on site?**
- **Questions about access and inclusion of the community businesses**
- **Question about the entrance from the South End**
 - **Will the Neiman Marcus entrance from the Dartmouth Street/Southwest Corridor be reopened?**
- **Analysis of potential disruption to neighborhood during construction taking into account the other projects being constructed at the same time.**
- **MPEA filing is usually simultaneous with Article 80?**
 - What is the developer's time frame?

Compiled from notes and CAC minutes by Back Bay Association Interns: Kendra Koop and Nina See and additions and edits by Judith Wright, Chair of CAC.

Fitzgerald, John BRA

From: Ted Pietras [tedp@gibsondomain.com]
Sent: Friday, August 08, 2008 3:42 PM
To: Fitzgerald, John BRA
Cc: judi.wright@verizon.net
Subject: Copley CAC comments

Copley Place Expansion
 Public comments

I am writing as a private citizen and wish to address some observations I have made during this review process.
 Summary of my opinions

- 1] Height of bldg
- 2] Current and future lack of pedestrian crossing from either the Marriott Hotel or Exeter St to the street entrance of Copley at Au Bon Pain.
- 3] Lack of actual public benches in front of the new building
- 4] Should have a definitive commitment to actually put moderate income residents in the bldg and not do the "in lieu of contributions"

1] There has been no summary financial information on why a 42 story bldg is necessary. A 28 story bldg would be more compatible with the neighborhood with less shadowing; etc.

2] This will be the 1st time in over 20 yrs and the last time for the next 40-50 yrs to redesign the pedestrian crossing from both the Marriott and Exeter St where the proposed dev. plan wants to put up a higher/ deeper fence to keep peds from getting to the plaza or future Winter Garden directly. Having to cross the Mass Pike Exit 22 ramp is currently not the safest but people constantly do it so the planner should try their best to listen to the people and how they walk the streets. If the proposed plans shrink Stuart St at Dartmouth St to only 3 lanes and not the 5 current lanes [including the quick turn lanes on both ends], there will be a back up. Both the Project Notification and the Boston Transportation Dept. claim there will be no back up to this ramp if their new design occurs. I disagree based on recent observations. On Friday July 25th, Dartmouth St, btw Columbus and Stuart was closed for repaving on Dart St. It was 11a m on a summer Friday and with no right turn on to Dart St., traffic backed up all the way to the ramp exit in the lane closest to Neiman Marcus [8-9 cars]. The middle lane had only 3-4 cars and the far lanes only a few cars. Drivers do not evenly spread out and usually line up behind one another as they did this day. Once this intersection gets reduced to only 3 lanes and no quick exit corners, traffic will back up into the exit ramp during rush hours. The city and Simon developers should petition the MTA to have speed bumps added to the end of the ramp and big flashing lights in side to slow down traffic in side the ramp. Once this is done, pedestrian crossing can be added here with blinking light warning to stop only if there are peds. The people are doing this crossing presently with no help from the design and no controls. The redesign should have ped friendly crossings installed.

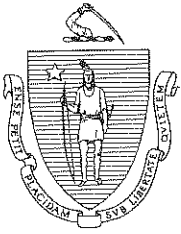
3] The newest designs for the Winter Garden with stone benches incorporated in the winter garden façade is an improvement but I still believe they do not totally replace the need for actual bench with arm rests as are currently in the plaza. The current ones are more user friendly than a stone slice along a wall.

4] Simon Property Group should make a firm commitment to have on site moderate income units at least 15% of the housing to be built and not do "in lieu of payments" so there will be a income mix of Boston residents in the new building.

Ted Pietras
 53 Union Park
 Boston, MA 02118
 1-617-267-8849

8/11/2008

APPENDIX 3
PUBLIC COMMENTS



The Commonwealth of Massachusetts

House of Representatives

State House, Boston 02133-1054

August 8, 2008

John F. Palmieri, Director
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

Attn: John Fitzgerald

2008 AUG -8 P 3:33

B.R.A.

Re: Copley Place Retail Expansion and Residential Addition Project Notification Form

Dear John:

We are writing in connection with the Project Notification Form submitted by Simon Property Group, Inc. for the Copley Place Retail Expansion and Residential Addition Project. We ask that the following be included in the Scope of Review issued for the Draft Project Impact Report.

Parking

The DPIR should more clearly explain how the parking spaces will be reallocated for this project, and it should set forth the parking ratios the proponent intends to use.

The PNF states that 297 parking spaces will be reassigned to provide parking for 280 residential units. The DPIR should state how the proponent arrived at this number and what the proponent intends to do if residents seek more than 297 spaces. The DPIR should also state whether residents of the proposed tower will be eligible for residential parking stickers for the South End and/or the Back Bay. The DPIR should also state the number of parking spaces to be allocated for the expanded Neiman Marcus and the additional retail space.

The current use of the parking spaces in the garage should be explained in the DPIR (how many, on average, are being used; who is parking in the garage; how often do the spaces turnover, etc.). The DPIR should identify where drivers currently using the garage will be able to park once this project is built. These drivers will presumably seek to use other nearby parking garages, not all of which may have excess capacity to absorb the vehicles no longer able to park at the Copley Mall. This may also cause the parking rates at these other garages to increase.

The chart on page C-20 includes 4-6 Newbury Street as an alternative parking location nearby. That garage is slated to be demolished in the near future and should no longer be included as an alternative.

The Prudential Center may include two new buildings in the coming years, greatly limiting the amount of available parking there. The potential reallocation of parking spaces there should be reflected in the DPIR's parking analysis.

More broadly, many of the 5,467 off-street spaces listed in Table C-5 are leased on a monthly or other basis and, as such, are not available for drivers who will no longer be permitted to park at Copley Place. The DPIR should include an analysis of how many parking spaces in these garages are truly available.

The parking analysis in the DPIR should include the impact of Red Sox games. The PNF states on page C-22 that "[g]enerally all the area garages have substantial excess capacity on evenings and weekends." We assume this statement is not true on game days, which comprise 25% of the year, so the DPIR should factor game-related parking into the analysis.

Transit

Page C-48 contains a description of planned Green Line and Orange Line capacity improvements. The DPIR should include an up to date description of what is happening and by when, not just a description of the MBTA's plans that have not been met. This analysis should be based on an independent assessment of the MBTA's current plans and should not simply repeat what the MBTA has said it will do, as the PNF does. Reliance on outdated plans does not provide an accurate assessment of the transit system's capacity to absorb the additional riders this project will generate. This analysis should also take into account the projected ridership increases from other projects that will be serviced by the Green and Orange Lines and the commuter rail service to/from South Station.

Shadow

The proponent has conducted preliminary shadow studies. As Representative Walz noted at the July 23, 2008 CAC meeting, urban residents experience shadow impacts not only while walking on public sidewalks, but they also experience them through the loss of sunlight on building roof decks (an important source of outdoor space for many urban residents) and through their home's windows. As a result, the DPIR should include an evaluation of the shadows cast on building roofs and building facades.

The shadow study should include the proposed building plus its mechanical penthouse. In that way, the actual shadows cast by the building can be fully evaluated.

At the July 23 CAC meeting, the proponent noted that several buildings were missing from its shadow study. They should be included in the study conducted for the DPIR.

Wind

The PNF does not seem to mention the effect of wind (Appendix "D") on the Southwest Corridor and specifically on the area between Tent City and Copley Place. This analysis should be included in the DPIR.

As noted below, the surface of the tower may be faceted rather than smooth. If this is the case, the wind studies should take this into account.

Height

The proponent does not identify the proposed height of the building including the mechanical penthouse. See page 2-5. Such height should be stated so the community understands the true height of the tower, not just the height (569 feet) for zoning purposes.

Design

The building model shown to the public and the CAC as well as the PNF renderings show the building as a smooth, rounded surface. The DPIR should contain detailed renderings that show whether the windows will be individualized with their own window frames or part of a smooth skin.

Economic Development

The proponent should describe the criteria used for businesses to qualify to rent the commercial space along the Southwest Corridor and the specific benefits they receive. The DPIR should include a plan to expand the available space for the "community/neighborhood" or "minority-owned" businesses. This plan should include an option for the integration of the additional space within the proposed winter garden, general retail, and office areas of Copley Place.

Jobs

The proponent should give a detailed breakdown and description of the "approximately 250 - 270 permanent" jobs proposed in the PNF (page 1-16).

Affordable Housing

On page 1-7 and page 1-16, the PNF states that the project will comply with the City's Inclusionary Development Policy. The PNF does not specify how many units of affordable housing will be included in the project, and how affordability will be calculated. The manner in which the proponent proposes to comply with the Inclusionary Development Policy should be stated in detail in the DPIR. The proponent should include a detailed description of the housing makeup on Harcourt Street including the number and types of affordable housing there and the length of time of those agreements. (This would be similar to the report done for PruPAC by the

owner of the Prudential residential towers.) The DPIR should include a plan for building all the required affordable housing units on site.

Clientele

On page 3-9, the PNF states that the project will provide “a different kind of living environment than currently exists or is on the drawing boards for Boston, with potential to extend and expand the clientele that can be drawn to in-town living.” The DPIR should include a description of how this building will provide that “different kind of living environment” and who the target clientele is for the building.

Ownership vs. Lease/Zoning

The PNF is unclear as to the land the proponent owns and the land that it leases from the Turnpike Authority. For example, Figure 1.5 shows the property line extending out to the edge of the sidewalk on both Stuart and Dartmouth Streets. On page 1-18, the PNF states that “[t]he Project site is under the ownership, control, and management of Simon Property Groups as the successor development to Urban Investment and Development Company, and the site continues to be subject to a long term lease with the Massachusetts Turnpike Authority.” It is unclear how the site is, at once, under the ownership of Simon Property Group and subject to a long term lease with the MTA.

The DPIR should clarify what is owned and what is leased. The DPIR should also state why the proponent is proposing to enter into a new 99 year lease with the MTA rather than amend its existing lease.

In addition, the Citizens Advisory Committee for this project should promptly receive the documents it has requested regarding the relationship between the proponent and the MTA, specifically, the current lease and all appendices, amendments and related documents. The CAC should also receive a copy of the proposed lease between the proponent and the MTA as that document will influence the CAC’s deliberations about the size of the project.

The DPIR should also clearly state the zoning for the project site.

Building Plans

Figure A-9 does not include a description of Floors 16-17, 24-26, and 35-38. The DPIR should include information about these floors.

Alternatives for Review

In addition to studying the proposed project and the “no build” alternative, we ask that the proponent be required to evaluate a building that includes only expanded retail space. Since the genesis of the project is a desire by Neiman Marcus to expand its Copley Place store, we think it would be instructive to consider only a retail expansion at this site.

John Palmieri
Page 5
August 8, 2008

We also request review of a building that does not cast shadow on Copley Square Park. As the Boston Parks and Recreation Department noted in its August 6, 2008 letter, "any additional shadows on the park are unacceptable, because additional shadows will have a negative impact on the quality of the public's enjoyment of the park." Evaluation of a smaller building is consistent with the Parks Department's position, an evaluation which is particularly important since the Boston Parks Commission has approval authority for the project.

The proponent should also be required to study a building set back from the edge of Dartmouth Street so the view corridor looking south from the Back Bay is not interrupted above the existing roofline of Tent City.

Open Space Enhancement

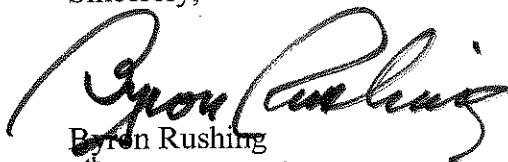
On page 1-7, the PNF states that "[i]n consultation with neighbors as well as the City and non-profit organizations, opportunities for open space improvements in the area will be undertaken." A similarly vague statement is made on page 1-17. The proponent should be more specific as to the open space it proposes to enhance, what it has in mind, and the people and groups it intends to consult.

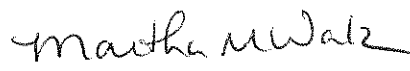
MEPA Review

The PNF notes that the state's MEPA office will be required to review this project. The DPIR should include an explanation of when the proponent intends to initiate MEPA review since that agency may require that changes be made to the project. We urge the proponent to coordinate the municipal and state agency review so that the CAC and local residents can efficiently evaluate the project's impacts.

If you have any questions, please do not hesitate to contact us.

Sincerely,


Byron Rushing
9th Suffolk District


Martha M. Walz
8th Suffolk District

cc: Speaker Salvatore DiMasi
Senator Dianne Wilkerson
Councilor William Linehan
Councilor Michael Ross

JULY 14, 2008

Thomas Jones

11 Park Drive, #33

Boston, MA 02215

Dear Mr. Fitzgerald,

I am writing to express my support for the Copley Place Retail Expansion and Residential Addition proposal. I walk through this area every day and have always had the sense that Copley Place felt "incomplete". This is the perfect location for the height, the density and the incentive for activity and congregation. In my humble opinion, I think this is the right project for this location.

Thank you for your time and for considering my viewpoint.

Most sincerely,

A handwritten signature in cursive script that reads "Thomas Jones". The signature is written in black ink and is positioned below the typed name.

Thomas Jones



Local 103 OF GREATER BOSTON

International Brotherhood of Electrical Workers

256 FREEPORT STREET • DORCHESTER, MASSACHUSETTS 02122

TELEPHONE: (617) 436-3710 FAX: (617) 436-3299

TOLL FREE: (800) 218-0075

WEBSITE: www.ibew103.com

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August 6, 2008

Mr. John Fitzgerald, Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

RE: Copley Place Retail Expansion

Dear Mr. Fitzgerald:

I would like to this opportunity, on behalf of the 7,500 members of Local 103, IBEW, many of whom are residents of the City of Boston, to voice my support for the Copley Place Retail Expansion Project.

During these tough economic times across our country, there are many people struggling to make ends meet, both employed and unemployed. The Copley Place Retail Expansion would create thousands of construction and related jobs for many residents of the City of Boston.

Due to Mayor Menino's strong support of the Boston Resident's job policy, this project would also give an opportunity to many of Boston's youth in the Building Trades' Apprenticeship Programs to learn a trade for a lifetime.

Also, at a time when every city is faced with increased pension and health care costs for their employees and years of decline in state and federal aid, there is no better time to add another building, which would contribute, via property taxes, to the City of Boston.

Please accept this letter as a formal request to do everything in your power to move this project through the process in a timely manner.

Your attention to this matter is greatly appreciated.

Respectfully,

Michael P. Monahan
Business Manager

/rf

cc: John Palmieri, Director



**BUILDING and CONSTRUCTION TRADES COUNCIL
of the METROPOLITAN DISTRICT**

**Affiliated to the
BUILDING and CONSTRUCTION TRADES DEPARTMENT
AFL-CIO**

James M. Coyle
Sec. Treas./Gen. Agent

Martin F. Walsh
President

Kevin Cotter
Vice President

John Fitzgerald, Project Manager
Boston Redevelopment Authority
One City Hall Square, 9th floor
Boston, MA 02201

August 6, 2008

Dear Mr. Fitzgerald:

I write to you today in complete support of the proposed Copley Place Retail Expansion and Residential Project. As the President of the Metropolitan Boston Building Trades Council, representing over thirty thousand men and women in various unions, the 1000+ construction jobs this Project will generate for my affiliates is obviously a plus in the current economic environment. I also see the benefits for my own local, Laborers Local 223, in the pension and health care benefits that my members will receive.

The Copley Place Project, built in the early 1980's has been a great success in bridging the 'gap' between the South End and the Back Bay by providing a great shopping and entertainment venue as well as the permanent jobs in numerous stores and restaurants. The proposed addition of residential and retail to the area will undoubtedly add to the success of this architectural gem. Please give due consideration to these facts when making your final determination for the Project.

Please feel free to contact me for any further questions you may have.

Respectfully,

Martin F. Walsh
President
MBBTC
Business Manager
Laborers #223



BRYAN J. KOOP
Senior Vice President – Regional Manager

August 7, 2008

VIA: Email: john.fitzgerald.bra@cityofboston.gov

Mr. John FitzGerald, Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

BOSTON, MA

NEW YORK, NY

PRINCETON, NJ

SAN FRANCISCO, CA

WASHINGTON, D.C.

RE: Copley Place Retail Expansion & Residential Addition

Dear Mr. Fitzgerald:

I am writing in support of the Copley Place Expansion and Residential Addition project.


Ever since Copley Place was built over the Turnpike, it has successfully connected residential neighborhoods and drawn thousands of visitors to the area. It's been an important economic engine for the City and has remained vibrant by adding pedestrian improvements, upgrades a variety of uses over time.

This proposed project provides an opportunity for Copley Place to grow once again and strengthen our City's economy. And by expanding a critical anchor retail store, bringing a significant number of new residents into the neighborhood and improving the public realm, the development will enhance our community as a whole.

The architecture uses first class design and will create a distinctive signature building. The location is perfect for residential use and allows for a truly transit oriented development. It's worth noting that the project proposes no new parking spaces and will seek to achieve a Silver LEED rating.

We are enthusiastic about the proposed project believe it will be a valuable addition to the neighborhood. We hope the City will join us in supporting it through the permitting process.

Sincerely,


Bryan J. Koop

S:\Executive Management\Koop\Fitzgerald Ltr 8.07.08.doc

Bristol Property Management, Inc.

**425 Boylston Street, Suite 9
Boston, Massachusetts 02116**

August 7, 2008

Via Email: john.fitzgerald.bra@cityofboston.gov

Mr. John FitzGerald, Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

RE: Copley Place Retail Expansion & Residential Addition

Dear Mr. FitzGerald:

I fully support of the Copley Place Expansion and the Residential Addition project.

The development provides an opportunity for Copley Place to grow once again and strengthen our City's economy. And by expanding a critical anchor retail store, bringing a significant number of new residents into the neighborhood and improving the public realm, the development will enhance our community as a whole.

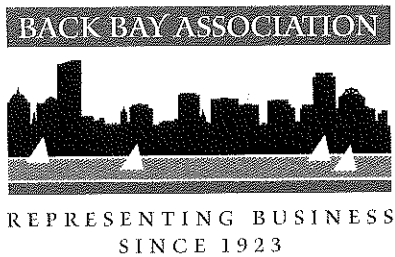
Ever since Copley Place was built over the Turnpike, it has successfully connected residential neighborhoods and drawn thousands of visitors to the area. It's been an important economic engine for the City and has remained vibrant by adding pedestrian improvements, upgrades a variety of uses over time.

The architecture uses first class design and will create a distinctive signature building. The location is perfect for residential use and allows for a truly transit oriented development. It's worth noting that the project proposes no new parking spaces and will seek to achieve a Silver LEED rating.

We are enthusiastic about the proposed project believe it will be a valuable addition to the neighborhood. We hope the City will join us in supporting it through the permitting process.

Sincerely,

Peter J. Bassett
President



August 7, 2008

Mr. John FitzGerald, Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

RE: Copley Place Retail Expansion & Residential Addition

Dear Mr. FitzGerald:

It has been a pleasure to participate in the public process for the Expansion of Copley Place. The businesses of Back Bay look forward to the evolution of the developer's plans for Copley Place, and we are enthusiastic about the project's plans, so far.

When you look at the Back Bay skyline from Cambridge, there is a noticeable gap between the John Hancock building and the Prudential Center. I think the Copley expansion will add an important building to our skyline and the architecture presented by Howard Eikus would be an exciting addition. We very much appreciate the years of homework that Simon Property must have done to fully understand the development site and its surrounding neighborhood. It is clear that this is an extremely complicated site worthy of a magnificent and significant building in the Back Bay.

I am convinced that the expansion of Neiman Marcus is critically important to the Back Bay. As other parts of Boston emerge and cities along the Massachusetts Turnpike further develop, it is important for Back Bay to maintain its identity as an economic engine and retail mecca for the City. Just as City leaders had to think creatively about expanding the Back Bay during the late 1800's by shipping in soil from Needham, today we must use every bit of technology and ingenuity to enable Back Bay to expand economically, yet with respect for the surrounding neighborhoods. This project is an ideal example of "smart growth" since it leverages its proximity to public transportation and city infrastructure.

The Back Bay and South End are predominantly protected by historic landmark and architectural districts. Less than 1/3 of the area's land mass is *not* covered by many land use protections. The Back Bay Association has focused on the small area that is between the residential areas of Back Bay and the South End as an area for economic development. The City of Boston will benefit from smart growth activity along the "high spine" outlined during the 1960's as an area for development.

I look forward to working with other members of the CAC and the Boston Redevelopment staff on the issues that have been discussed during public meetings and CAC meetings. I will look forward to learning more about the project's environmental impacts and collaborate with the developer and CAC members about how to best address community concerns.

Thank you for the opportunity to participate in the public process and thank you for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "Meg Mainzer-Cohen". The signature is written in a cursive, flowing style.

Meg Mainzer-Cohen
President
Back Bay Association

Fitzgerald, John BRA

From: Barbato, Carl [CBarbato@davidyurman.com]
Sent: Friday, August 08, 2008 11:18 AM
To: Fitzgerald, John BRA
Subject: Copley Place Neiman Marcus Expansion

Dear Mr. Fitzgerald,

David Yurman opened a retail boutique at Copley Place in 2007. Locating a store at Copley Place was a natural step in the growth strategy for the David Yurman brand given the success we have always enjoyed at Neiman Marcus at Copley Place. Our initial sales productivity has been outstanding and very exciting indication of the strength of the Boston market.

The combination of strong qualified foot traffic from the area hotels, transportation stations and the surrounding businesses and residences provides an excellent cross section of customers that have fueled our first year boutique success as well as supported our long standing business at Neiman Marcus at Copley Place.

We understand that Neiman Marcus is proposing to expand their current store as part of new commercial and residential development at Copley Place.

David Yurman's success is predicated on strong foot traffic to provide visibility of our freestanding retail stores and our shop-in-shops hosted in key wholesale partners. Neiman Marcus is a market leader and has always provided an outstanding venue to showcase the David Yurman brand. We would be very excited for this proposed project to be approved as we believe it will continue to develop the base of clients for our points of distribution at Copley Place. This will result in continued sales growth and success in the city of Boston.

Very truly yours,

Carl Barbato
Vice President, Retail

August 8, 2008

Mr. John Fitzgerald
Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

RE: Copley Place Expansion

Dear Mr. Fitzgerald:

I am writing this letter in support of the Copley Place Expansion and Residential Building project.

The proposed project is a great example of an urban, mixed-use development that will bring life to the area at both day and night and increase the safety of the area.

The existing plaza is a barren space rarely used. The design shows sidewalk and pedestrian improvements that would revitalize this prominent yet underutilized space. The winter garden concept would allow this space to be utilized year round as well.

I have no concerns about the height and limited shadow impact of the project. I think that area could use some more high-rise buildings to help the strong wind-tunnel that is created there from only having the Hancock Tower and no other buildings around.

The Copley Place Expansion will be a valuable addition to the neighborhood. Please give it your full consideration and support.

Sincerely,

Kim Patrick
310 Columbus Avenue
Phone 617.784.8286

310 Columbus Avenue
Boston, MA 02116
August 8, 2008

Mr. John Fitzgerald
Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

RE: Copley Place Expansion

Dear Mr. Fitzgerald:

I am writing as a neighbor to support the Copley Place Expansion and Residential Building project.

The proposed project is a great example of an urban, mixed-use development. The mixed-use component will bring life to the area at both day and night and increase the safety of the area.

The existing plaza is a barren space never used on even the nicest days. The pedestrian level design shows sidewalk and pedestrian improvements that would revitalize this prominent yet underutilized space. The winter garden concept would allow this space to be utilized year round as well.

In addition, the fact that no additional parking spaces are being added with this project cannot be understated. This project exemplifies the concept of an anti-sprawl development.

I have no concerns about the height and limited shadow impact of the project. That the project is pedestrian oriented in design and operation at the ground floors is most important.

The Copley Place Expansion will be a valuable addition to the neighborhood. Please give it your full consideration and support.

Sincerely,

Noah Luskin
310 Columbus Avenue
Phone 339-221-1497

{intimacy}

3980 DeKalb Technology Parkway Suite 760 Atlanta, GA 30340

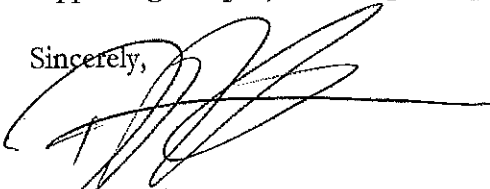
August 8, 2008

John Fitzgerald
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201-1007

Dear John,

As tenants of Copley Place we are writing to show our support for the Neiman Marcus and residential tower expansion at the Copley Place center. As evidence of our support we believe the proposed overall expansion will help to strengthen the city's economy via construction jobs, permanent jobs and permanent residents. This in turn will capitalize on the on the Transit Oriented Development concept and smart-growth goals of the City of Boston. It will also provide the City of Boston with a true flagship Neiman Marcus. This retail expansion will result in increased tourism, hotel business and Copley Place customers. We encourage the City and the BRA to join us in supporting this project through the permitting process.

Sincerely,



David Nethero
President, Intimacy Management Company, LLC

Legal Sea Foods is enthusiastic about this expansion proposal. As longtime members of the Copley Place community, we see it as a step toward embracing the neighborhood, enhancing the Mall's physical appearance, and being more inclusive of residents, travelers, and guests.

From Legal's own business perspective, the addition of the upscale condominiums is a very positive development. We anticipate those same condo owners will be Legal's best clientele, and we look forward to providing sophisticated, personalized service. Whether it's offering customized service or serving as the resident's preferred "downstairs kitchen," we believe that future residential population is a great match for the Legal Sea Foods brand of top quality and service.

Matt Cormier, General Manager
Legal Sea Foods at Copley Place

Fitzgerald, John BRA

From: Bob Feldman [feldcan@yahoo.com]
Sent: Friday, July 11, 2008 11:46 PM
To: Fitzgerald, John BRA
Subject: Comment: Copley Place Retail Expansion & Residential Addition

Dear Mr. Fitzgerald,

I would like to submit the following comment in reference to the Project Notification Form for the proposed Copley Place Retail Expansion & Residential Addition.

Sincerely,
Bob Feldman

In its recently-filed "Project Notification Form," the debt-ridden, Indianapolis-based Simon Property owner of shopping malls claims its Stuart Street and Dartmouth Street skyscraper construction project "promotes Boston's affordable housing objectives." Yet Simon Property provides no evidence in its "Project Notification Form" that any of its proposed new 280 residential condominium units will be affordable to low-income and moderate-income residents of Boston or that the residential population of its proposed 47-story skyscraper will reflect the current racial diversity of the City of Boston.

But in its "Project Notification Form," Simon Property does admit that if its skyscraper is built, during the lunch period of the workweek when Copley Square is most frequently used by local office workers in the autumn, 20 percent of Copley Square will then be under a shadow. As page 3-2 of the "Project Notification Form" notes:

"From October to February, additional shadow resulting from the Project will reach Copley Square...around 12:00 noon...affecting...20% of the area of Copley Square at any one time. From November to February 23, new shadow from the Project will sweep across Copley Square starting around 11:00 a.m., again affecting...20% of the area of Copley Square at any one time."

Simon Property also indicates that an uncomfortable new wind tunnel along Stuart Street will be created if its skyscraper is built. As page 3-2 of its "Project Notification Form" observes: "Wind conditions along Stuart Street may...require...mitigation due to the...channeling effect between the Project and surrounding existing buildings, which could increase pedestrian level horizontal wind..."

If Simon Property is allowed to start building its luxury condominium skyscraper on Stuart Street and Dartmouth Street, for at least 3 years (between Fall 2009 and Fall 2012) around 1,700 construction workers will be disturbing the quality of life between 7 a.m. and 6 p.m. each weekday for commuters, local residents, local office workers and local hotel guests and shoppers. And, as the "Project Notification Form" also notes, to construct Simon Property's skyscraper "night hours will be required as determined by the Mass Turnpike Authority for work on the Mass Pike," which will disturb the quality of life for local residents and local hotel guests during the night.

Since the new residents of the 280 luxury condominium units in Simon Property's planned skyscraper are each expected to own at least one automobile, over 15 percent of the 1,558 parking spaces now controlled by Simon Property in the Copley Place Center and Tent City (Dartmouth) garages will then be just reserved for the new residents of the Stuart and Dartmouth Street skyscraper, if the project is

7/15/2008

built. The number of available parking spaces for use by local workers, local shoppers and local residents in the Copley Place Center and Tent City (Dartmouth) garages will thus be decreased by 297, since "297 parking spaces will be reassigned to provide parking for the residential units," according to page C-1 of the "Project Notification Form."

If Simon Property is allowed to begin its three-year construction project, negative "air-quality impacts from fugitive dust may be expected during the early phase of construction and during demolition," according to page 3-6 of Simon's "Project Notification Form." In addition, "The Project will generate solid waste;" and "solid waste generated" by Simon Property's Back Bay-South End skyscraper project "will be approximately 1,010 tons per year," according to Simon's "Project Notification Form."

In addition to possibly creating nighttime traffic problems on the Mass Pike when Simon's construction workers are authorized to make noise during night hours, additional daytime traffic jams on Stuart Street and Dartmouth Street may also be created by Simon's project because it will produce decreased automobile lane width at the Stuart Street and Dartmouth Street intersection.

Although Simon Property's skyscraper will be located very near to a skyscraper which was plagued by unpredictable post-construction problems, the John Hancock Building, the "Project Notification Form" doesn't seem to indicate why its skyscraper won't be plagued by similar unpredictable post-construction problems as was the John Hancock Building. As the book *Skyscraper* by Karl Sabbagh observed:

"The windows of the John Hancock Building in Boston provide one example of the unpleasant surprises lying in wait for the best of architects and construction managers. One November day in 1972 a pane of glass fell out of the newly-completed sixty-story building. It was the first of hundreds of panes that were to shower down on the Boston passers-by...It took four years of falling glass for the architects and construction company to decide what to do...The true cause of the failure was never made public...It has been estimated that the total cost of the John Hancock problem, including replacing all 10,344 panes of glass, was more than the original cost of the building, \$95 million..."

The same book also recalled that when a skyscraper is constructed:

"The effects of the project will inevitably spread far beyond the boundaries of the site. The constant stream of trucks to and from the site, some bringing concrete, others carrying away rubble to dumps...disrupt...the already busy traffic...Buses sometimes have to mount the pavement to skirt around the trucks..."

"The history of construction is littered with disasters caused by a failure to appreciate the impact of loads and forces on steel connections and supports. In July 1981 two walkways in the lobby of the Hyatt Regency Hotel in Kansas City collapsed, killing 113 people and injuring more than 180..."

Simon Property's "Project Notification Form" also doesn't seem to fully disclose how tall its 47-story skyscraper will actually be, since its height estimate of 569 feet apparently doesn't include the additional feet added to the proposed skyscraper's height by its "mechanical penthouse."

The City of Boston, under the October 4, 1979 U.S. Court of Appeals Ninth Circuit decision in the *Hass vs. City and County of San Francisco and California*, has the right to stop high-rise buildings for "quality of life reasons." So the BRA should not authorize Simon Property to substitute a larger, high-rise residential building of luxury condominiums for the current building it owns at the Neiman-Marcus site, just because the construction project may be financially advantageous to the Simon Property Group. As a New England court ruled in the 1931 *Thayer vs. Hartford* decision:

"The substitution for an old building of a new one--three times larger--with a corresponding increase in the nonconforming use...is permissible only for circumstances more compelling than the improved physical appearance of the premises or a more advantageous financial return to the owner."

Jean Gibran
160 West Canton Street
Boston, MA 02118
617-267-0118
englishjg@comcast.net

B.R.A.

2008 JUL 28 P 4: 10

→ Campisano

July 26, 2008

John F. Palmieri, Director, Boston Redevelopment Authority
City of Boston
One City Hall Square
Boston, MA 02201

Dear Mr. Palmieri:

Please find enclosed a copy of my letter to Mayor Thomas Menino describing the need for a commitment to Public Art throughout Boston, especially by the developers of the Copley Place Retail Expansion & Residential Addition Project. I trust that you will give it your serious attention. Thank you.

Sincerely,

Jean Gibran

Jean Gibran

Enclosure

Jean Gibran
160 West Canton Street
Boston, MA 02118
617-267-0118
englishjg@comcast.net

July 26, 2008

Mayor Thomas M. Menino
City of Boston
One City Hall Square 5th Floor
Boston, MA 02201

Dear Mayor Menino:

Knowing your fondness for Public Art, I write to share my concerns about the aesthetic character of plans for the Copley Place Retail Expansion & Residential Addition Project. As a long time South End resident (4 years in Bay Village, 48 years on West Canton Street); as a South End teacher (20 years at the Joshua Bates and the Joseph J. Hurley Schools); and as co-author of books featuring South End and Back Bay history (*Kahlil Gibran His Life and World* along with *Boston Women's Heritage Trail South End Guidebook* and *Boston Women's Heritage Trail Guidebook 3rd Edition*), I feel qualified to address this issue. I also should state that I have no commercial or personal interest in the development.

Speaking at the Boston Public Library meeting on July 15, I recalled how important it is for commercial neighbors both at the Prudential Center and Copley Place Malls to develop on-going plans slated for public enjoyment and social engagement. Citing examples of former public and retail spaces that encouraged community interaction: a popular ice skating rink at the Prudential and a well attended cinema at Copley Place, I noted a dearth of these opportunities in the current plans. The presentations portray little respite from business as usual.

Moreover, it's frightening to record the diminution of public art in Boston's foremost retail centers (the disappearance of Alfred Duca's *Boston Tapestry* from the Prudential Mall, possible elimination of Donald DeLue's *Quest Eternal* on Boylston Street and Deborah Butterfield's *Horses* at the Copley Place entrance). The lack of specific plans to expand public art in the proposed Winter Garden inhibits the public's aesthetic enjoyment and degrades our city's cultural vitality.

In my opinion, flagship spaces like Neiman Marcus owe visitors environments that feature artworks (exhibits or permanent structures – paintings, murals, statues, bas reliefs, etc.) in well-displayed areas near their enterprises. I believe Stanley Marcus would agree with this vision.

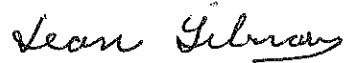
I remind everyone engaged in the review process that during its hey-day, Boston's premier merchandiser Jordan Marsh sponsored more than 40 annual juried art exhibits attracting national participation by artists and creating public interest in the art world. It disturbs me (as well as countless neighborhood walkers) that despite Neiman Marcus's professed devotion to art and beauty, most of its windows show just 2 Coromandel screens standing on soiled grey carpets. For over a decade, pedestrians have viewed only 2 displays from the *Neiman Marcus Art Collection*. Does this answer the needs of a community hungry for color, light, form, and space? Does it educate or inspire teenagers who daily congregate in the malls? Think how exposure to works by culturally diverse artists could enrich the lives of these young people.

A serious commitment to public art, carefully specified and sufficiently financed, must be made by Simon Property Group and major retailers. Decades from now, the surrounding neighborhoods as well as residents and users of this project will applaud strong aesthetic policies initiated by today's developers. I understand the impossibility of recreating an ice rink or a cinema. But I know that an expanded Copley Place will flourish when design teams institutionalize community programs and activities (ex.: musical,

choral, dance, mime, puppetry, and video performances), and when the planners commission artists to create site-specific installations.

I hope that the Citizens Advisory Committee, the BRA, and the Development Team will successfully collaborate on a substantive plan so that performing and visual arts will make Copley Place the showcase it should be.

Sincerely,



Jean Gibran

cc:

Salvatore F. Dimasi, Third Suffolk District Massachusetts State Representative and Speaker Of The House

Byron Rushing Ninth Suffolk District Massachusetts State Representative

Martha M. Walz Eighth Suffolk District Massachusetts State Representative

Maureen E. Feeney President, Boston City Council

John R. Connolly At-Large City Councillor

Michael F. Flaherty At-Large City Councillor

Stephen J. Murphy At-Large City Councillor

Sam Yoon At-Large City Councillor

Bill Linehan District 2 City Councillor

Michael P. Ross District 8 City Councillor

John Palmieri, Director, Boston Redevelopment Authority

John Fitzgerald, Project Manager, Boston Redevelopment Authority

Julie Burns, Director of the Mayor's Office of Arts, Tourism and Special Events

Susan Park, President, Boston Preservation Alliance

Campisano, Heather

From: Fitzgerald, John BRA
Sent: Wednesday, July 30, 2008 1:50 PM
To: Campisano, Heather
Subject: FW: Copley Place expansion

From: Joe Zloch [MA] [mailto:JZloch@Tzell.com]
Sent: Wednesday, July 30, 2008 1:05 PM
To: Fitzgerald, John BRA
Subject: Copley Place expansion

Dear Mr. Fitzgerald,

I am writing to voice my strong opposition to any additional high rise building at Copley Place that would cast more shadows and create more wind tunnels in Back Bay. The beauty of the Commonwealth Avenue Mall, Copley Square, and quality of life in our neighborhood are all threatened by such high rise encroachment. Please help us residents protect our wonderful neighborhood. No more high rises !!

Sincerely,
Joseph Zloch
17 Exeter Street #1
Boston, MA 02116

Heather Campisano
Boston Redevelopment Authority
One City Hall Square
9th Floor
Boston, MA 02201

July 30, 2008

Ms. Campisano;

My name is Jerry De Gennaro, residing at The Vendome, 160 Commonwealth Avenue, Boston, MA. I am a semi retired Architect, registered in Florida, Maryland, and Massachusetts. I spend my summer months here in the Back Bay, enjoying a grand 180 degree balcony view, over the Dartmouth Mall; looking down Copley Square, the Charles River, the Financial, and the South End districts. I do not need a building that would destroy my ambience with blocking views and shadows. I do not mean to be pompous, but as an Architect, with the experience of designing a Gateway building for the Fifth Avenue South shopping district in downtown Naples, Florida; I know how sensitive a building can be to a neighborhood; and I believe we accomplished this with compromise solutions. I would hope the same; the Simon Properties, take in consideration, the options with sensitivity.

Thank you for your attention.

Yours,

Jerry De Gennaro, Architect LLC



H • A • I • R S • T • U • D • I • O Ltd.

Copley Place #39
Boston, MA 02116

(617) 267-HAIR

August 5, 2008

Mr. John Fitzgerald
Boston Redevelopment Authority
One City Hall Plaza
Boston, MA 02201

RE: Minority Business Space
Copley Place Expansion Plan

Dear Mr. Fitzgerald

My name is George Cramer and I have been one of the Minority Business Enterprises (MBEs), located at Copley Place Mall over the past 20 years.

The original agreement between the Mass Turnpike Authority (MTA) and the developer of Copley Place, provided for the MBE office and retail space to be made available to the local minority businesses. For the most part this program has allowed some MBEs an opportunity to be located in the prestigious Back Bay, South End market. Consequently, I write to encourage a continuation of the policy in the newly expanded plan for Copley Place as advanced by Simon.

The continuation of this policy by adding new MBE offices and retail spaces in the planned expanded space might also provide an opportunity to improve, if not correct, a current problem that exist in Copley Place. Currently the MBE retail space is located only in the Dartmouth Copley Shops which to some extent is isolated and desolate space to the side of the escalator that takes the foot traffic into the main mall corridors and at the rear of Neman Marcus, (who by the way has locked their existing door towards the MBE shops). As a result, these shops (two retail spaces) have lost significant revenues as they are not integrated into the consumer business traffic flow and does not share the market. In short we are in Copley Place, but really not part of the main mall.

Adding new MBE space located within the customer shopping flow will help to solve this problem, and will also represent our city as a true metropolis that represents all of our community. In addition, the existing retail MBE businesses in Dartmouth Shops should have first opportunity to expand into the new space. I would like some assurances that our suggestions and recommendations will be taken into consideration as the project moves forward.

I thank you for considering our comments and recommendations.

Sincerely,

George Cramer

CC: Gov. Duval Patrick
Mayor Thomas Menino
Rep. Byron Rushing
Sen. Dianne Wilkerson
Mass Turnpike Authority

Campisano, Heather

From: SPrindl@aol.com
Sent: Wednesday, August 06, 2008 1:15 PM
To: Campisano, Heather
Cc: Collings, Harry; nabbinc@verizon.net
Subject: Simon Copley proposal

Susan D. Prindle
140 Marlborough St.
Boston, MA 02116

Heather Campisano, Project Manager
Boston Redevelopment Authority
One City Hall Square, 9th Floor
Boston, MA 02201

August 6, 2008

Re: Simon Properties Neiman Marcus expansion and residential tower

Dear Ms. Campisano:

I am **strongly opposed** to the idea of proposed by Simon Properties to erect a 600' residential tower and enclose the plaza in front of Neiman Marcus. The proposal will conflict with the iconic Hancock Tower and create unacceptable environmental issues.

The wind and shadow that already beset the area will inevitably be worsened by such a tall structure. The viability of Copley Square and Stuart Street are critical to the success of the Back Bay business district. They should not be turned into darkened wind tunnels to benefit any single developer. In particular, the effect of the proposal on the already unacceptable winds at the entrance to the Copley Mall at Dartmouth and Huntington Avenue should be studied.

My understanding is that when planning the Copley Place, the rule of thumb, "no higher than half the height of the Hancock", was used to establish the maximum tower height for the hotel and office towers. The developer should be required to present an alternative that adheres to this principal.

Dartmouth Street is an important north-south pedestrian corridor, particularly because of the Back Bay Station. It is critical that adequate sidewalks and pedestrian-friendly crossings be provided to facilitate this use. The current proposal eliminates open space in favor of a privatized winter garden

The traffic study fails to include examination of the unsignalized intersection of the Turnpike ramp and Huntington Avenue. This omission should be rectified in the DPIR. Many cars exit the Turnpike and weave across Huntington Avenue to travel north on Dartmouth St. This move is complicated by double parking. The conflict between this move and the difficult pedestrian environment needs to be addressed.

Thank you for the opportunity to comment.

Sincerely,

Susan D. Prindle

Campisano, Heather

From: Thomas High [thomas.high@verizon.net]
Sent: Wednesday, August 06, 2008 8:17 AM
To: Campisano, Heather
Cc: Collings, Harry
Subject: Copley Place Retail Expansion and Residential Project

August 6, 2008

Heather Campisano
Boston Redevelopment Authority
Boston City Hall, 9th Floor
Boston, MA 02201

Re: Copley Place Retail Expansion and Residential Project

Dear Ms. Campisano:

I am writing to express my deep concern about the proposal by Simon Properties to construct an excessively tall building on their property near Copley Square in Boston.

I attended the July 15, 2008, BRA public meeting on this project and was extremely concerned about the impact that the tower, as proposed, will have on Boston's environment. Specifically, at its present height, the project sponsors indicate that it will cast **additional shadows** on Copley Square, Dartmouth Street Mall, and even portions of the Commonwealth Avenue Mall.

All of these shadow impacts are of concern, but of the greatest concern is the significant impact on Copley Square. Copley Square is a precious urban resource and should not be compromised. Additional shadows will make it less inviting and less useful, and should not be allowed.

It was noteworthy that, in justifying their proposed "winter garden" to enclose the plaza at Copley Place, the architects for the project commented that it has been a "failure" because it is in the shadows so much of the time. Yet at the same time, the same architects blithely admit that their proposed tower will create new shadows for Copley Square, making this public space a less desirable place to be.

The BRA should require that any project submitted in the Draft Project Impact Report be designed to cast no additional shadows on public spaces.

I am also concerned that, at the July 15 meeting, the project sponsors were unwilling to commit that they will provide **affordable housing on-site**. It is inexcusable for the project sponsors to waffle on this subject, and leads one to believe that they plan to pay for affordable housing elsewhere so that they can maximize their profit at this location. Even if such an approach is legally permissible, it is contrary to good public policy and should not be allowed in this case. This project is big enough to be able to support affordable housing on site and should be required to do so.

This project can have a significant impact on our neighborhood and Boston as a whole. If properly designed, that impact could be positive. However, if allowed to proceed at the scale and design currently proposed, it will be another step towards transforming our special city into a mediocre metropolis. The residents of Boston are counting on the BRA not to let that happen.

Thomas High
124 Commonwealth Avenue
Boston

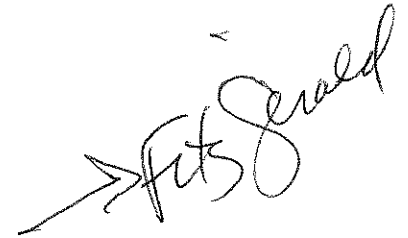
Judith Klau
Informal Shakespeare Studies
519 Harrison Avenue D316
Boston, MA 02118
617/574-9088 jklau@vzavenue.net

B.R.A.

2008 AUG -8 P 2:49

August 6, 2008

John F. Palmieri, Director
Boston Redevelopment Authority,
City Hall, Ninth Floor
Boston, MA 02201




Dear Sir,

As a resident of Rollins Square, a large mixed-income development in the South End, I am writing about the Simon Property Group's planned expansion of Copley Place. Living at Rollins Square has given me insights into the efficacy of mixed-income housing – it works better than I ever could have imagined, and is successful both for condominium-owners, like myself, and for the low-income tenants whom I know. It has taught me about how minor are the adjustments and constraints necessary for both groups to live in community, and has resulted in five years of comfortable living and good communication.

My main concern therefore is that there be on-site affordable housing in the N-M/Copley Place expansion. Contributing to the BRA's coffers for affordable housing "somewhere else" does not enrich the quality of life in the city or change the status quo. I have voted for Mayor Menino because of his expressed desire that such housing be integrated on site, and I hope he will stand firm in this case. Why bother putting poor people among other poor people? It changes not one thing for anyone, teaches no one the values of cooperation and tolerance, and leads to the segregation in schools and neighborhoods that has destroyed hope and blighted progress in urban areas.

I would be happy to talk to any interested party about how living here has brightened my life and the lives of others because of the diversity of the population.

Yours truly,



Judith M.R. Klau
Cc: Mayor Menino



Gathered in 1669

OLD SOUTH CHURCH *in* BOSTON

A Congregation of the United Church of Christ

645 Boylston Street, Boston, Massachusetts 02116
Tel: 617-536-1970 | Fax: 617-536-8061 | www.oldsouth.org

John F. Palmieri

August 6, 2008

John F. Palmieri, Director
Boston Redevelopment Authority
City Hall, Ninth Floor
Boston, MA 02201

Re: Copley Place Retail Expansion and Residential Addition
Notice of Project Change, Project Notification Form (PNF)

2008 AUG -8 P 12:01
B.R.A.

Dear Director Palmieri:

As a concerned and impacted neighbor, Old South Church applauds the plan by the Simon Property Group to produce 280 new residential units in the South End. We also applaud the commitment of the Simon Property Group to comply with the Mayor's Executive Order for a Boston Inclusionary Development Policy, as set forth in PNF section 1.3.3.

However, we are concerned that the proposed retail expansion and 50-story residential tower at Copley Place does not contain a commitment to provide at least 42 affordable units (the number called for by the Mayor's Executive Order) on site. The gentrification of the South End has forced out many long-term residents of moderate means. It would be a shame to pass up a practical opportunity to create new affordable units when a large new development is proposed to be built on public land.

The City and the BRA have supported mixed-income high-rise developments, for example, the Metropolitan Apartments in Chinatown. And closer by, The Copley Place Apartments, built as part of the original Copley Place construction, have been quite successful.

We request that the BRA support the concept of on-site affordable housing and require the developer to present options for such housing as part of the Article 80 review process.

Sincerely,

Nancy S. Taylor

Nancy S. Taylor
Senior Minister

Quinn G. Caldwell

Quinn G. Caldwell
Associate Minister

Cc: Mayor Thomas Menino
Hon. Diane Wilkerson
Hon. Byron Rushing
Hon. Marty Walz
Councilor Mike Ross

August 6, 2008

B.R.A.

John Fitzgerald, Project Manager
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201
cc: Mayor Thomas M. Menino, Mr. John Palmieri

2008 AUG -7 P 2: 55

Re: Copley Place Retail Expansion & Residential Addition

Dear Mr. Fitzgerald:

We attended the BRA public meeting about the Copley project on July 15th. Since then we still have questions and concerns about the proposed project. As South End residents and regular walkers, we feel that the following issues were not sufficiently explained and need further clarification and/or discussion.

- What is a "Winter Garden"? Is it just a politically correct term for an atrium with a few potted plants?
- Is it really necessary to enclose the entire corner of Dartmouth and Stuart?
- Will there be trees along the Dartmouth sidewalk between the Southwest Corridor Park and Stuart Street?
- Will we as renters of a parking space in a nearby garage space be affected by the parking needs of the new tenants in the proposed residential tower?
- How many garage parking spaces will be provided per residential unit and where exactly will they be located?
- Will the new residents also be able to obtain Back Bay residential parking stickers?
- Will light, shadow, and wind studies for 360 degrees around the expansion for the whole year be required? And will the light and shadow results be given in minutes and hours instead of percentages to perhaps make the impact more meaningful?
- By how much area, in square feet and percentage, does the shadow increase in all directions from the proposed building?

We hope that you will give serious consideration to the above questions and continue to hold public meetings as this project develops in order that area residents might be able to offer input on the redesign of Copley Plaza.

Sincerely,

Craig and Gretchen Speck
149 West Canton Street
Boston, MA 02118
617-369-1930
speckg@verizon.net



August 7, 2008

John F. Palmieri, Director
Boston Redevelopment Authority
City Hall, Ninth Floor
Boston, MA 02201

Attention: John Fitzgerald, Project Manager

**Re: Copley Place Retail Expansion and Residential Addition
Notice of Project Change, Project Notification Form (PNF)**

Dear Director Palmieri:

Tent City Corporation developed and owns the Tent City Apartments, a 269-unit mixed-income housing complex on Dartmouth Street immediately adjacent to Copley Place and abutting the site of the proposed project.

Tent City Corporation was founded to advocate for and develop housing affordable to people of all income levels in the South End, and especially for individuals and families of moderate and low-income. The Tent City Apartments provide housing for households of all incomes. Twenty-five percent of our apartments and townhouses are for low-income households; 50% are for moderate income households; and 25% are market-rate. Given our mission and location, we have two perspectives on the proposed project: as advocates for affordable housing in the South End and as abutters who are affected by any alteration of Copley Place.

Additional development at Copley Place by the Simon Property Group will greatly profit from the many years and hundreds of millions of dollars of public infrastructure investment that makes this site so valuable. Further development on this site should only proceed if a substantial physical and social contribution to the health of the City of Boston is made in return. There are many ways that this goal can be carried out. We hope to contribute to refining the expectations and delivering a mutually desirable product.

Housing

As advocates, we applaud the plan to produce 280 new residential units in the South End. We also applaud the commitment of the Simon Property Group to comply with the Mayor's Executive Order for a Boston Inclusionary Development Policy, as set forth in PNF section 1.3.3.

434 MASSACHUSETTS AVE. SUITE 204, BOSTON. MA 02118

(617) 262.4103 • FAX: (617)262.8713

We are concerned that the PNF does not make a commitment to provide at least 42 affordable units (the number called for by the Mayor's Executive Order) on site. The gentrification of the South End has forced out many long-term residents of moderate means. It would be a shame to pass up a practical opportunity to create new affordable units when a large new development is proposed to be built on public land.

The City and the BRA have supported mixed-income high-rise developments, for example, the Metropolitan Apartments in Chinatown. And closer by, The Copley Place Apartments, built as part of the original Copley Place construction, have been quite successful.

New developments that provide luxury housing exclusively, without including any affordable units, not only represent a lost opportunity to create new affordable units, they also indirectly make off-site housing less affordable by upward pressure on property values and tax assessments: older rental units become more expensive.

We request that the BRA support the concept of on-site affordable housing and require the developer to present options for such housing as part of the Article 80 review process.

In addition to the need for housing affordable to low-income families, there is a need for housing for moderate income families in the South End and Back Bay. We request that the developer consider options for housing suitable for a full range of income levels.

We believe, as the developer of the abutting mixed-income housing, that we may be the appropriate entity to carry out this vision in collaboration with the Simon Property Group. Tent City has won local, national and international awards, including an award from the United Nations Habitat Conference in Curitiba, Brazil. It has an excellent management structure in place and continues to provide a mix of housing for all races and incomes. It is a source of pride for its residents, the neighborhood and the City of Boston.

Project impacts

Public information

Many project impacts from the initial development of Copley Place were mitigated by agreements set forth in the lease between the Massachusetts Turnpike Authority and the developer. We understand that Simon Property Group has completed or is negotiating a material modification of that lease. The terms of the amended or restate lease, and any related pertinent documents, should be made available for public review.

Construction staging and mitigation

Construction of the proposed project will disrupt pedestrian access from Copley Square to the Tent City Apartments. It may also affect the Southwest Corridor park between our buildings and Copley Place. There will certainly be construction impacts on adjacent housing and businesses, on transportation facilities, bus operations and pedestrian traffic. Coordination with contemporaneous construction projects by others is essential. We request a fully detailed description to the

contemplated staging arrangements and mitigation. After we have reviewed the information, we will have further comments and suggestions.

We expect that after sufficient consultation, the developer will be able to formulate a construction staging and mitigation strategy that will be satisfactory to all interested parties.

Wind

The PNF provides information on a preliminary study of wind impacts from the proposed new building, predicts that “uncomfortable wind speed are expected to occur on windy days during the spring and winter months”. [PNF, Appendix D, page 3]

The preliminary report by Rowan Williams Davies & Irwin Inc. recommends that wind control features should be investigated and wind tunnel testing should be conducted. Scoping for further Article 80 review should require wind tunnel testing, including modeling of nearby buildings such as the Hancock Tower. Scoping should also require investigation of wind control features so that wind conditions are no worse than at present, and are improved in areas where wind conditions of the existing Copley Place structure are rated “uncomfortable”. It may be possible to provide both wind and rain protection along the heavily-used Dartmouth sidewalk edge of the development.

Pedestrian safety

Pedestrian traffic and safety are presently impaired by suboptimal signal timing and crosswalk geometry at the corner of Dartmouth and Stuart streets. Scoping should require study of possible pedestrian traffic improvements at that intersection and at the crossing on Dartmouth Street near the MBTA station. The edges of the project – the west side of Dartmouth Street and the south side of Stuart Street – are strong pedestrian desire lines and should be made more serviceable to all users. This is particularly difficult but essential at the exit from the Mass Turnpike, where traffic speeds need to be drastically reduced.

Solar glare

The Tent City Apartments are immediately south of the proposed residential tower. We request further information on solar glare impacts.

Parking

The Tent City Apartments share below-grade parking facilities with Copley Place. We will share facilities with the expanded Neimann Marcus store and with the new residential tower. More information on parking impacts is needed in the Article 80 review.

Height

Some residents of the Tent City Apartment have expressed concerns about the height of the project. We understand that other community groups have expressed concern about shadows to be cast by the new tower. We express no opinion on the proposed height of the tower at this time. We would like to

see more public information and comment on the impact of the proposed height before we reach a conclusion.

Construction jobs

Implementation of an aggressive policy to provide construction and ongoing jobs to minority workers should be explicitly defined and carried out

Minority businesses

This is a perfect time to showcase minority businesses and to erase the shameful past practice of locating minority business opportunities in "back-of-house" locations.

We appreciate the opportunity provided by the BRA for our comment on the proposed project. As housing advocates and as abutters, we have an intense interest. We would be pleased to provide further information on the points we have raised or to meet with BRA staff for further consultation.

Sincerely,


Douglas DuBoulay
Chairman

cc: Mayor Thomas Menino
Hon. Deval Patrick
Hon. Diane Wilkerson
Hon. Byron Rushing
Hon. Marty Walz
Councilor Mike Ross

August 7, 2008

Dear Mr. Fitzgerald,

We are residents of Tent City Apartments in the South End of Boston . Tent City Apartments is comprised of 269 residential units and is home to 610 tenants. We are writing because we have concerns about the proposed Copley Place Retail and Residential Addition Project and the effect it could have on our homes and neighborhood.

We are concerned about the impact such a structure will have on the amount of light residents will have in their apartments, the potential problems ongoing construction poses to increased noise levels , health , and pedestrian and disability access. Increased traffic , the elimination of parking available to Tent City residents in the Tent City (Dartmouth) garage , owned by Simon Properties are other issues. The impact on the Southwest Corridor Park , both environmental and in its function as a heavily used thoroughfare used by many to access the South End, Back Bay Station , Copley Square and Back Bay Station is another issue. Sun, light and views of the sky are precious commodities for city dwellers; where and when these are in short supply, they should be preserved .

This project is projected to take three years to complete and will employ an estimated 1,700 construction workers. This would mean that for those three years during the hours of 7 a.m. and 6 p.m. there will be an increase in noise levels which will have a great impact on the residents of Tent City and their quality of life as well as other local residents , hotel guests, area workers,

commuters and so forth. There are many elderly and disabled residents living at Tent City, many of whose units directly face the project. This increase in noise over a three year period would impact them greatly and negatively effect their quality of life. In its Project Notification Form which was submitted to the BRA in June, Simon Properties acknowledges that "Wind conditions along Stuart Street may...require... mitigation due to the... channeling effect between the Project and surrounding existing buildings, which could increase pedestrian level horizontal wind...".

Lastly, the sheer magnitude of this project is very problematic. Its proposed 47 stories in an area already densely populated with skyscrapers directly speaks to the real problem. Our neighborhood is a mixture of residential and commercial space that works well because neither overwhelms the other. We worry about the effect such a large structure would have on this balance.

Sincerely,

Janice Maria Ward and Sheila Joachim Pelosi

FRITZ CASSELMAN

(H) 617-266-7956
FCASSELMAN@VERIZON.NET

214 BEACON STREET, NO. 3
BOSTON, MASSACHUSETTS 02116

(O) 617-266-1969
(M) 617-285-6767

August 7, 2008

Heather Campisano
Boston Redevelopment Authority
Boston City Hall
One City Hall Square, 9th Floor
Boston, MA 02201-1007

Re: Copley Place Expansion Project

Dear Ms. Campisano:

I have lived in the Back Bay for over 30 years, witnessing cycles of development and decay. I believe the above project is ill conceived. I am familiar with the concerns raised by the Neighborhood Association of the Back Bay regarding the above project, support NABB's position, and will not repeat it here.

I raise a different issue, however: I am struck by the massive amount of construction now on the drawing boards and urge a "time-out" so we can all look at the aggregate.

As I understand it, the BRA has made no decisions on the 350 Boylston Street project, the Exeter Residences, or the 888 Boylston Street proposal. The latter two are particularly large, and it is hard to imagine how one can intelligently evaluate the Copley Place expansion without knowing which, if any, of the other pending projects will be approved and at what scale (and vice-versa, for that matter). The BRA would be remiss in its role as the city's planning agency to consider the Copley project without knowing the likely outcomes of the other projects. And if the BRA already knows the likely outcomes, it would be highly unfair to make a decision on Copley without affording the public and interested communities the opportunity to evaluate the Copley project with the same knowledge base and to submit comments to the BRA accordingly. Thus, with respect to the specific project at hand, I urge that the process be put on hold until the relevant information is available.

Perhaps even more important, however, is the need to look at all the pending projects together, determine how they fit into the plan for the neighborhood (and if there is no plan, there should be), and act accordingly. These decisions should not be made on a piecemeal basis just because a developer wants to build a project, and neighborhood development plans and zoning should not be ignored or evaded without a compelling, articulated reason.

Thus, I urge (1) that this project be put on hold until it can be and is evaluated in light of the other proposals, and (2) if the BRA believes it has sufficient information make a decision on this project, that the BRA state clearly what that information is—including any assumptions made with respect to the other pending projects—and if such information was not made available to the public in advance of the end of the public comment period, that the BRA reopen this process to additional comments.

Sincerely,



Fritz Casselman

cc: Mr. Harry Collings

**3 FAIRFIELD STREET
BOSTON, MASSACHUSETTS 02116**

August 7, 2008

Ms. Heather Campisano
Boston Redevelopment Authority
One City Hall Plaza, 9th Floor
Boston, Massachusetts 02201

Re: Simon Properties Neiman Marcus Expansion and Residential Tower at
Copley Place Park

Dear Ms. Campisano:

The above-referenced project calls for a forty-seven story residential tower as well as turning the present open space known as Copley Place Park into an enclosed winter garden. Both modifications of the existing space are problematical for several reasons.

A forty-seven story residential tower will create more shadows on the Commonwealth Avenue Mall, the Library Courtyard, the Dartmouth Street Mall and especially on Copley Place. Although these shadows will only occur at certain times of the year and only for part of the day, as we were shown at the July 23rd CAC meeting, any more shadows at any of these locations should be considered unacceptable. Each successive developer in this fast growing area inevitably tells us that his project will only add minimal additional shadows but, as these so-called minimal shadows proliferate with every future project, they will eventually block most of the light on Copley Place and the other public spaces. It is time to institute a policy limiting the height of any new buildings to the number of stories that will not cast any new shadow on any of our important open spaces. This policy should then be strictly adhered to if we are to avoid doing lasting and irreparable damage to this location, damage that probably cannot and will not be undone for several generations to come.

Also, the enclosure of Copley Place Park will not create a sunny, inviting winter garden as most of the glazing will face north and it will not have a glass roof. Instead, a floor of Neiman Marcus will be on top of it, blocking all light from the sky. There are unresolved questions concerning the history and ownership of the open space, the rights of the public to it and why it was created by the original developers of Copley Place. Were they mandated to create some open space at the time Copley Place was built? Until these questions are answered, it will be impossible for Simon Properties to proceed with this part of the project. Also, the proposed enclosure will block sight lines necessary to

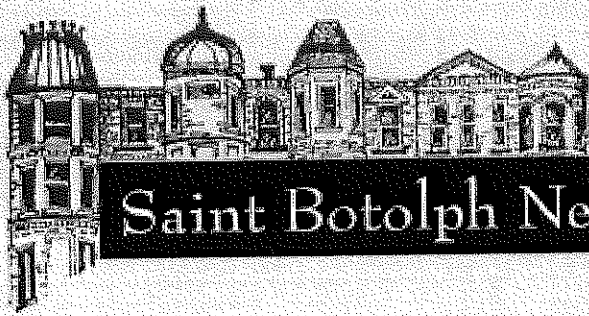
drivers making turns at Stuart and Dartmouth Street, thereby creating a very dangerous intersection.

In conclusion, the project should not cast shadows on any public open space and the north-facing winter garden not only will not be an inviting space but will cause traffic sight line problems. It is a very poor solution to remedying Neiman Marcus, need for more retail space.

Sincerely,

Dorothy Bowmer

Cc: Harry Collins, Executive Director/Secretary



Saint Botolph Neighborhood Association

August 7, 2008

Heather Campisano / John Fitzgerald, Project Managers
Boston Redevelopment Authority
One City Hall Square, 9th Floor
Boston, Massachusetts 02201-1007

RE: Copley Place Retail Expansion and Residential Addition

Dear Ms. Campisano and Mr. Fitzgerald,

The St. Botolph District is a 140 year old residential neighborhood and is a historical site protected by the St. Botolph Historic District Commission. It consists of 8 blocks east to west, and its boundaries are Huntington Avenue, Copley Place, the Southwest Corridor Park and Massachusetts Avenue. The St. Botolph neighborhood is known for the diversity of both its residents and architecture, and it has continued that diversity while maintaining its historic character. Artists, musicians, professionals, and families live in historic brownstones and modern condominiums. Owners and renters live side by side and actively participate in protecting the neighborhood's visual beauty and residential character.

As a community that appreciates our neighborhood history, we also embrace the future of Boston and the developments that are necessary for its sustainability. The Copley Place Expansion appears to offer a well thought-out, unique and attractive addition to the Copley and Southwest Corridor area. Still, a 47 story building with at least 280 NEW residents, countless cars, and months of construction does not come without some considerable apprehension. As some of the closest residents to this project, we have the distinctive perspective of commuters, dog walkers, diners, and shoppers. With this in mind, and after serious discussion among the SBNA board and other community members, we have compiled a list of some initial project concerns.

The courtyard, like Back Bay station and Neiman Marcus, is a vital part of our current community. It is the gateway to one of Boston's greatest and often neglected park system. The SBNA believes that while much attention has been given to revitalizing the Stuart Street and Dartmouth Street corner, very little attention has been given to the Southwest Corridor gateway on Dartmouth Street. A simple 'reskinning' and changing out of glass panels does little to improve that area. As a new and large neighbor, we feel that such improvements would not only show goodwill to the current residents, but also increase the value of the proposed Simon Copley Expansion and mitigate some of the stress such development will cause to the area.

Back Bay station is the first stop for visitors coming from New York and elsewhere on Amtrak and for most residents, tourists, visitors and shoppers it is the central entry point to Copley Place and Neiman Marcus. We request that the developer work with the state, city and PMAC to give this rare and beloved neighborhood courtyard more attention with the hope of making it more community friendly (ie, improved seating, more trees, improved lighting, environmentally friendly Big Belly trash cans, improved landscaping, stainless steel newspaper stands that reduce blowing newspapers, cigarette trash cans etc.). Instead of a walk through area for commuters, our hope is to make it friendlier and

more inviting so that Bostonians stop to relax, read, look around, shop and enjoy the area. Attractions such as a fountain or water feature, chess tables, and free WiFi would certainly accomplish this.

In this same area, we ask that the developer work again with the city to improve the underground walk way to Back Bay station (ie, better lighting, refreshed tiles, cleaned regularly and most of all better signage as some people don't even realize there is an underground walkway).

Next we would like to know what the developer has done to measure the expected increase foot-traffic as well as the increase in dog traffic. Presently the Southwest Corridor is enjoyed by thousands of residents that have volunteered their time to keep it in the best condition possible. However, an increase of hundreds or more residents, many with dogs that need walking, will have a significant impact on our park system. What does the developer plan to do to mitigate these impacts? We ask that relevant parties work with park officials and neighborhood citizen groups to ensure that this 47 story tower has a positive impact on the neighborhood it is being built in. Not only should this include initial capital improvements, but participation in on-going maintenance.

Having reviewed much of the PNF, one of the greatest concerns of residents is the increase in truck traffic at the single delivery opening on Harcourt Street. Since 9/11, understandably, all delivery trucks are stopped and searched. This often means several trucks can be idling feet from our neighborhood streets adjacent to residences. The truck entrance in its current state is unacceptable. We would like to know what the developer and Simon Properties is doing to improve that delivery entrance? We believe that, after years of neglect, the developer should improve the masonry work, landscaping and broken down 'chain fence' that separates the quiet neighborhood from the increase in noisy delivery truck traffic. Further, as this is also a main pathway to the SW Corridor, it needs to become more pedestrian friendly.

Energy Conservation

The SBNA asks that the developer make every attempt to remain 'green' during the design, development and construction process. Some suggestions include: recycling bins throughout the building, solar paneled 'Big Belly' trash cans on the street, cigarette butt receptacles, and an increase in trees and plantings.

Public Art

In times past the Saint Botolph neighborhood was known for its stained glass and visual arts. In the spirit of this history we ask that the developer look to add more public art, specifically glass art. One suggestion would be to consult with Chris Janney who has just completed work at Logan Airport.

Additional Comments:

- Will the new Winter Garden have free WiFi?
- Will the new building have any space for community meetings/gatherings?

Sincerely,

Dan Munson
President, Saint Botolph Neighborhood Association

CC: SBNA Board of Directors

Neighborhood
Association of the
Back Bay



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Linda Zukowski

Lois Harvey
Office Administrator

August 8, 2008

Heather Campisano, Project Manager
Boston Redevelopment Authority
22 Dry Dock Avenue
Boston MA 02210

Regarding: Copley Place Expansion Project Notification Form (PNF)

Dear Ms. Campisano:

We are writing on behalf of the Neighborhood Association of the Back Bay to comment on the proposal filed by Simon Property Group, Inc. in June 2008 for a Copley Place Retail Expansion and Residential Addition.

The Neighborhood Association of the Back Bay is opposed to the project as currently configured. Our initial specific concerns are described below, and we continue to study the project. The review period was not adequate for a project of this complexity. While we can appreciate some of the benefits of the project, there are a number of other stated benefits with which we cannot agree.

Proposed building height

Height was not proposed as a benefit of this project and we agree. We believe that a tower height of nearly 600 feet will have unacceptable environmental effects on the surrounding public, residential and commercial areas. This represents our single strongest objection to the plan for the expansion at Copley Place. Because the proposed building rests over the turnpike, it will in fact be nearly 630 feet above surrounding level ground, taller than the Federal Reserve Bank of Boston (600 feet) in downtown, hundreds of feet taller than the neighboring Westin, the Marriott at Copley, and the new Clarendon (395 feet, 382 feet, and 375 feet respectively), and taller than 111 Huntington (554 feet) at the Pru. In addition, the proposed tower would be more than 80 % of the height of the Prudential Tower and 80% of the height of the John Hancock. The John Hancock, in particular, is a masterpiece that should remain showcased on the Boston skyline and not crowded since its special mirrored walls reflect other buildings and the sky and is visible to pedestrians across the city.

We recommend that the following be included in the DPIR for this project:

- detailed view obstruction studies from the South End.
- two alternative building massing options: 1) a massing that respects the surrounding zoning, as stipulated in the Civic Vision for Turnpike Development and 2) a massing 1/2 the height of the Hancock, as stipulated in the original development plan for Copley Place.
- all planning and design criteria documentation.

Wind and Shadow

Our members are adamant that no new shadows fall on the public space in Copley Square. It is home to three national landmark buildings: Trinity Church, the Boston Public Library, and Old South Church. It also is center stage to many public events, ranging from Spring's Marathon, to Summer's farmers' market and concerts, to Fall's parades, to Winter's First Night celebrations. Recently the Mayor underscored the importance and size of Copley Square by closing Dartmouth Street's southbound lane to create a broad apron in front of the Boston Public Library entrance.

The shadow presentation at the July 23, 2008, CAC meeting demonstrated that this project will have a major shadow impact. It will cast incremental new shadows that move east across the Boston Public Library apron and the nave of Old South Church to the front corner of Trinity Church, taking up to 3 hours mid-day during several months of the year. This impact is unacceptable and clearly indicates that more comprehensive shadow studies for the project are essential. One cannot mitigate the loss of sunlight. It is gone forever.

- We recommend that a complete time-lapsed shadow study, showing the effect of all possible massings on Copley Square, the Boston Public Library, and Old South and Trinity Churches be required. The study should include all assumptions on which the data is based and the methodology.

Similarly, the wind studies do not appear to cover a sufficiently wide area around the project. Increased wind and decreased sunlight have negative effects on pedestrians walking or sitting in the vicinity of the proposed project.

- We ask for a comprehensive wind study including Huntington Avenue, Exeter Street at Huntington Avenue, and along Dartmouth Street including Copley Square and extending to the Charles River, the Southwest Corridor Park, and Stuart Street to Arlington Street. In addition the entrance to the Copley Mall, which is already an extremely windy area, requires particular attention.
- Before and after data are required to show the accuracy of previous wind studies done for other proposed buildings in the neighborhood. We request measurements of the existing conditions as part of this project. Instruments installed now would provide rich data.
- We request that the effects of wind on the proposed tower itself be studied.

In summary, we ask that the BRA require that the proponent provide information that accurately shows the impact of new shadow and wind patterns on the affected neighborhoods, so that citizens can make informed decisions about the effects of the project.

Public Safety

There are safety issues to consider with a project of this height in this location. Approximately 15 years ago, an Amtrak train ran into a stopped train in Back Bay Station and one of the cars was forced upward through Dartmouth Street from below. While steps were taken to prevent this kind of human error in the future, we cannot assume that a train accident at Back Bay Station might not happen again. Nor can we discount the possibility that a gasoline truck could overturn on one of the two off ramps under the project. Such events could call into question the stability of the structure and at a minimum force the evacuation of the proposed new tower.

We are unaware of other examples of high-rise buildings shoehorned into and above the middle of major railroad and highway facilities. Liability is an important issue here, and the legal structure among the condo tower, retail space, sidewalk, perimeter streets and parking is ambiguous.

- We request clarification of the legal status of the ownership of the property involved in the proposed development.

Urban Design, Building/sidewalk placement

Looking at "A Civic Vision for Turnpike Air Rights in Boston," the year 2000 civic guide for air rights development, we notice that there is no discussion of further Copley Place air rights development because at the time, that location was considered to be fully built. Now, eight years later, with heroic engineering and with the ceding of portions of city-owned Stuart and Dartmouth Streets, a new parcel has been carved out. We object to a building/sidewalk expansion into Dartmouth Street and out of the original confines of the Copley Square parcel.

It appears that the façade of the new building/winter garden proposed for the current plaza area extends into Dartmouth Street at Stuart Street -- beyond the edge of the Westin. Rather than lining up with existing buildings, the new sidewalk and winter garden would obstruct the view as pedestrians proceed south on Dartmouth Street from Copley Square and from Back Bay streets. Rather than a "link between the South End and Back Bay residential areas," the building itself would obstruct that link, which is Dartmouth Street as it is today.

- The illustrations in the PNF are not adequate. The developer indicated that they had additional views. We request multiple photo-montage illustrations, to scale, from the pedestrian viewpoint of each massing alternative. Include views looking to the building from Copley Square and from Dartmouth Street in front of library, as well as from Dartmouth at Commonwealth Avenue and from the Esplanade. In addition views from Columbus Avenue looking north to the building are particularly important. Provide nearby and longer distance views.

On the south side of the project, residents would like to see an improved entrance to the Southwest Corridor Park. On the North side, walling the Copley Place Park off further from Dartmouth Street, even with a glass wall, does not enhance its utility.

Traffic

While most residents agree that the existing intersection of Stuart and Dartmouth needs a re-design for the safety of pedestrian and vehicular traffic, few believe that reducing street area on Stuart and Dartmouth Streets is the best solution. Reducing the width from 4 to 3 lanes would not seem likely to relieve traffic flow.

- A complete traffic study, including accident data, is necessary to determine the traffic impacts in the area, which combines congested city streets with a high-speed turnpike exit. Include an analysis of the unsignalized intersection of the Turnpike exit and Stuart Street. Many cars exit the Turnpike and merge across Stuart to travel north on Dartmouth. This move is complicated by the need for pedestrians to cross Stuart Street. The City of Boston needs to consider a comprehensive re-design of the intersection using all existing street space and a reworking or removing of the islands independent from the proposed expansion at Copley Place and before ceding street to the project for pilings to support the expansion.

Public Plaza vs. Winter Garden

While a winter garden instead of an open brick plaza sounds like a benefit, many residents feel the enclosure of open air and readily accessible space may not be a benefit to the public at large. We

agree. Part of the problem with the current open space is not that it needs a winter garden, but that a thoughtful design of the plaza has not been created, taking into account the needs of local pedestrians. As committed to in Exhibit 11 to the original Copley Place Agreement, "landscaped outdoor plaza will surround the glass-enclosed Copley Place entrance". Today, Copley Place plaza is a freely used, public open space with natural light, an unobstructed view of the sky, and prominent public art.

Affordable Housing and Community Businesses:

We support the creation of affordable housing in our neighborhood and in all Boston neighborhoods. In addition, we support the creation of work force housing and housing for young professionals, and especially a mix of the housing types within buildings. Buildings that mix only luxury and affordable housing are not truly diverse. It is the variety of residents that is essential to create strong neighborhoods and lead Boston into the future. Merely providing for very high end housing and the required "affordable" component does not meet the needs of the City for workforce housing and housing for young professionals. Diversity within the building can support a variety of living space styles and finishes on different floors. The housing itself can be diverse in appearance and meet the tastes and budgets of varied occupants.

- We urge the City to require not only inclusionary affordable housing, but workforce housing as well within the proposed structure.

We support community businesses on the Southwest Corridor and believe that a redesign of the landscape in front of those businesses is necessary to remove current obstructions to their visibility.

Groundwater

Residents are acutely aware of the problem of receding ground water undermining the foundations of buildings in the South End and Back Bay.

- The DPIR must include specific proposals regarding ground water maintenance through, for example, pervious surfaces or other mechanisms to collect and recharge ground water.

Parking

Parking is a critical issue in our neighborhoods, and the tower and Copley expansion would bring many additional residents, as well as transient shoppers to the area.

- A comprehensive study of all parking spaces available and required for the project and Copley Place is necessary to understand the effect of the proposal on parking in the area. Although the developer has inventoried the surrounding spaces, there is no analysis of how many of them are currently in use. Will parking places be leased or sold together with the condos? How many additional spaces beyond those currently in Copley Place will be required?

Conclusion:

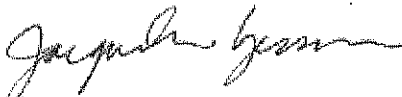
The Neighborhood Association of Back Bay is open-minded to a project that would result in a neighborhood-friendly, environmentally compatible expansion of Copley Place. However, the

current proposal is not such a project.

- The proposed height results in new shadows on Copley Square and is likely to increase winds in the area;
- the proposed building encroaches on Dartmouth Street;
- the proposed ceding of public street area for this proposal affects traffic flows and is not a benefit to the adjacent neighbors nor to the city at large;
- the proposed winter garden makes private a currently public open space; and
- the proposed design provides housing for the very rich and those who qualify for affordable housing, instead of a fully diverse group of residents.

Thank you for the opportunity to comment on this important proposed project.

Sincerely,



Jacquelin Yessian, Chair

cc: Mayor Thomas Menino
State House Speaker Salvatore DiMasi
State Senator Dianne Wilkerson
State Rep. Byron Rushing
State Rep. Marty Walz
City Councilor Michael Ross
City Councilor Bill Linehan
Mr. John Palmieri, Director, BRA
Mr. Harry Collings, Executive Secretary, BRA
CAC Members c/o Heather Campisano

BOSTON PRESERVATION ALLIANCE

August 8, 2008

Ms. Heather Campisano
Boston Redevelopment Authority
Boston City Hall, Floor 9
Boston, MA 02118

RE: Copley Place Retail Expansion and Residential Addition

Dear Ms. Campisano:

The Boston Preservation Alliance has reviewed the Project Notification Form for the Copley Place Retail Expansion and Residential Addition and offers the following comments.

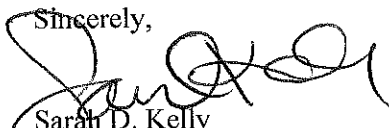
The Alliance has long recognized the challenges of successful integration of the historic Back Bay and South End neighborhoods at and around Copley Place. The scale and internally-focused design of the Copley development presents a significant barrier between the two neighborhoods and at several locations creates a sense of disconnect between the buildings and the public environment on the surrounding streets.

The proposed Copley Place Expansion offers a unique opportunity to rejuvenate the pedestrian realm at this challenging location and to better connect the two neighborhoods through positive urban design. The Alliance also recognizes the smart growth principles that underpin the proposal, which would take advantage of the existing dense urban context and public transportation access.

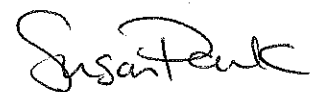
However, the Alliance is concerned about the project's potential shadow and construction (including vibration, dust and dewatering) impacts on historic Copley Square, which includes a one of Boston's most historically significant public open spaces and three National Historic Landmarks—the Boston Public Library, the Old South Church and Trinity Church—in addition to one of Boston's most iconic hotels, the Fairmont Copley Plaza. The Alliance urges the BRA to require the developer to explore design alternatives for the proposed project that would eliminate or minimize shadow impacts currently shown for the project. A range of alternatives should be explored to determine the change to shadow impacts including reducing the tower's height, moving of the tower's location on site and/or making design changes that would alter its shape or configuration. The Alliance also requests that the DPIR include detailed assessments of construction impacts of the project on Copley Square descriptions of proposed mitigation measures to be taken.

The Alliance looks forward to working with the BRA and the project team to devise solutions that would ensure that the character and quality of Copley Square is protected for the enjoyment of future generations.

Sincerely,



Sarah D. Kelly
Executive Director



Susan Park
President

**Peter Y. Flynn
176 Marlborough Street
Boston, Massachusetts 02116**

August 8, 2008

John Fitzgerald
Boston Redevelopment Authority
One City Hall Square
Boston MA 02201

RE: Copley Place Expansion Project Notification Form (PNE)

Dear Mr. Fitzgerald:

I am writing in connection with the Project Notification Form submitted by Simon Property Group, Inc. for the Copley Place Retail Expansion and Residential Addition Project. My primary comments/concerns and requests relative to the Scope of Review for the Draft Project Impact Report are set forth below.

Environmental Impacts

A tower height of nearly 600 feet will have significant environmental effects on the surrounding public, residential and commercial areas. The shadow presentation at the July 23 CAC meeting demonstrated that this project will have a substantial shadow impact. It will cast new shadows across Copley Square from the Boston Public Library apron and the nave of Old South Church to the front corner of Trinity Church. These shadows will darken Copley Square for up to 3 hours mid-day during several months of the year. The project will also cast new shadows on other public open spaces, as well as the windows, facades and rooftops of residential and commercial buildings in surrounding neighborhoods.

With respect to shadows, I request the following:

- A complete time-lapsed shadow study, showing the effect of all possible massings on Copley Square, the Boston Public Library, and Old South and Trinity Churches. The study should include all assumptions on which the data is based and the methodology.
- The study should also provide information that accurately shows the impact of new shadow on the affected neighborhoods, including public open spaces, as well as building facades and rooftops, so that citizens can make informed decisions about the effects of the project.

Similarly, the wind studies do not appear to be sufficiently comprehensive and I request the following:

- The wind studies should cover the entire affected area around the project. The proponent should provide a comprehensive wind study including Huntington Avenue, Exeter Street at Huntington Avenue, and along Dartmouth Street including Copley Square and extending to the Charles River, the Southwest Corridor Park, and Stuart Street to Arlington Street.

- The proponent should provide before and after data to show the accuracy of previous wind studies done for other proposed buildings in the neighborhood. In addition, measurements of the existing conditions should be performed as part of this project.

Project Rationale/Height

With respect to the height of and location of the project, it is important to note that the planning document, "A Civic Vision for Turnpike Air Rights in Boston" finalized in 2000 after a lengthy public process contains no mention of further Copley Place air rights development presumably because the location was considered fully built and subject to an existing lease dated January 31, 1980 and not due to expire until 2077 (the "Lease"). In fact, the Lease was also developed pursuant to a lengthy public process. That process included review by a Citizens Review Committee ("CRC") made up of 25 representatives from civic organizations, business and labor, among others over an approximately two-year period. Unless it has been subject to amendment or other information is provided to the public to demonstrate otherwise, the Lease includes (1) a public amenity in the form of open space at the corner of Dartmouth Street and Stuart Street and (2) restrictions on height at Copley Place to 390 feet on any portion (and 100 feet over Stuart Street). A rationale for dispensing with these important provisions of the Lease resulting from a public process should be part of the DPIR.

In addition, I request that the following be included in the DPIR for this project:

- Three alternative building massing options: 1) a massing that respects the surrounding zoning, as stipulated in the Civic Vision for Turnpike Development, 2) a massing option in keeping with the current lease restrictions on height and 3) a no-build option.
- All previous planning documents for Copley Place, including design guidelines, lease agreement provisions, and the Boylston Street Master Plan, the Civic Vision for turnpike air rights, and any other public planning document.

Housing

The PNF does not specify how many units of affordable housing will be included in the project, and how affordability will be calculated. The housing to be included in the project should provide diversity of unit types, sizes, and finishes, to make units affordable for the broadest and most complete range of occupants. Importantly, unless the Lease has been amended with regard to housing, the proponent should comply with the on-site affordable housing requirements set forth in the Lease.

Thank you for the opportunity to comment on this important proposed project.

Sincerely,


Peter Y. Flynn

ANN HERSHFANG
64 West Rutland Square
Boston MA 02118
P: (617)267-9770 F: (617)267-9777
email:hershfan@theworld.com

B.R.A.

August 7, 2008

2008 AUG -8 P 2:49

Mr. John Palmieri, Director
Boston Redevelopment Authority
City Hall, Ninth Floor
Boston MA 02201

Dear Mr. Palmieri,

Because I pass almost daily the location of the proposed Simon Group expansion of Copley Place, I have concerns about and hopes for its design that I ask you to consider seriously:

1. Closing off the open public plaza

This idea will not serve the general public, even if it really has 23-hour availability. It will seem and be private. Those of us en route from shopping in Back Bay, the Copley Farmers Market loaded with bags, walking home from the T will not feel comfortable just stopping off for a rest. It will be an effort to go inside and unwelcoming if the focus is on consumption of coffee, lunch, etc.

Instead, I suggest a different approach, one which moves the Neiman Marcus frontage on Dartmouth Street back 20 feet, widening the sidewalk to about 40 feet, and covering it for protection from bad weather and wind down-drafts. Then, pull back the glass wall of the western entrance to Copley Place to create an "outdoor room" of about 80 feet deep between the north face of Neiman Marcus and the edge of Stuart Street. This outdoor room might have seating, outdoor cafe tables, and other activities. Columns could support the structure above. It would allow for passersby to sit, those who don't want air conditioning to enjoy open air and watch the passing scene, and those crossing from Turner's Fisheries to have a landing space. Most important, it will be genuinely public.

Changing the current open area to a skinny little sidewalk next to a tall building, as planned, will be a serious streetscape loss—see the new Boylston Street edge along the Mandarin Hotel area.

Furthermore, Boston has had too many examples of reluctant "public" spaces that become private when City administrations change and memories grow dim (John Hancock), or that never really invited the public at all.

2. Affordable housing

The affordable housing should be integrated in the new development, not off-loaded to some other area. Right across the Southwest Corridor, Tent City works well with income integration, as does the more recently constructed Wilkes Passage housing off Washington Street in the South End. As they have done so

responsibly over many years, Tent City could manage the Copley Place affordable housing. It is important for the new residences to be a neighborhood, not just a lot of high-end, usually empty, pied a terres for those whose primary residence is elsewhere. That does not make a "city." Integration of affordable housing is a "must-do."

3. Civilizing the western intersection of Stuart at Dartmouth

This should be a priority of the project, and I am glad to hear that changes are planned. In 1995-6, when I was on the Masspike Board, we tried to work with the City of Boston to redesign this intersection and the one between the Westin and the Public Library to be safe and inviting for pedestrians. Our redesign dropped the island and left turn channel on the northern, Turner Fisheries side and created a regular 90-degree left turn from Stuart to Dartmouth with a direct crosswalk from Copley Place to Turner's Fisheries. The plan was tested, with lane closing, crosswalk painting and signal retiming and it worked well. The City was unable to take timely action, the proposal died, the temporary arrangement discontinued, and the intersection reverted to the current state. Now we have another chance and we should take it.

Since that time, the Boston Transportation Department has put in place two other aspects in the 1995-6 Masspike design. They cut through the median between the Southwest Corridor and Back Bay Station to create a better, handicap-accessible crossing with signals well timed for pedestrians crossing to and from Back Bay Station. BTB also adjusted signal timing for the eastern crossing of Stuart at Dartmouth, giving pedestrians a lot more crossing time and shorter waits. In both cases, pedestrians have been greatly helped; in return, they wait for their lights. Good design creates good behavior.

4. Related pedestrian improvements

It would be splendid if the sidewalk across from Copley Place along the Westin could be widened, since the one alongside Copley Place is not passable due to exiting Turnpike traffic. In addition, at the western end of the Westin, the circular left turn from Huntington into Stuart should be narrower with a painted crosswalk. This change has been requested of the City without result.

This whole project area has many pedestrians because of its three hotels, Back Bay Station, Copley Square, the Farmer's Market, the Public Library, etc. Now is the time and opportunity to make it more pleasant and safer for them.

Finally, it is extremely important that this project be openly and truthfully discussed with residents in the area. So far, meetings are postponed for months, information requested is not forthcoming from Masspike, and doubts are rife.

Thank you for considering my comments.

Sincerely,



27 Hereford Street
Boston, MA 02115

August 8, 2008

Harry R. Collings, Executive Director/Secretary
Boston Redevelopment Authority
Via e-mail

Heather Campisano, John Fitzgerald, project managers
Via e-mail

Re: Simon Properties Copley Place Expansion PNF

As a resident of the Back Bay, I am writing to address several issues.

PUBLIC COMMENT DEADLINE

The CAC has requested the new Copley Place design guides, lease, and any other documents so they can look at agreements about open space, density, and height. These are promised for the Sept 10 CAC meeting. **The comment period should be extended until the CAC and the general public have had time to review these documents.**

SIZE AND SCALE

As revealed by historic documents, the original Copley Place Citizens' Review Committee (CRC) of the 1970's expressed several concerns, as did the Neighborhood Association of the Back Bay, regarding the size of the first-phase buildings in relation to the surrounding neighborhood fabric, and the shadow and wind effects on those neighborhoods, particularly on Copley Square park. NABB commented that the original project as proposed was too large -- 14% bigger than the guidelines set only 6 months before by the CRC -- and that the developer had been ignoring these concerns. **The DPIR should state clearly the original project size, density and other guidelines and whether the project as built meet or exceed the guidelines.**

Nieman-Marcus's desire for additional space is being used to justify a 625-foot tower. The new proposed residential tower is not "harmonious with the present scale and texture" of the residential neighborhoods, as the CRC guidelines mandated. **The DPIR should provide visual studies that show the full tower in perspective from pedestrian viewpoints** selected as useful view corridors (e.g, looking up Dartmouth Street). **The DPIR should also present alternative design studies. If the proposed design is the only alternative the proponent finds feasible, the DPIR should present the financial information driving the tower proposal.**

OPEN PUBLIC SPACE

A "landscaped outdoor plaza" became part of the design during the CRC process. It is currently a publicly used space, and could easily be made more useful and welcoming with more seating and plantings. This amenity is part of the compact with the community, and it cannot now be taken back, privatized and enclosed. Poetic "winter-garden" label notwithstanding, a lobby and café does not constitute a public space, regardless of the hours of operation. And over time, as Harvard Professor Jerold Kayden found in his study of New York City's privately owned public spaces, and as we have experienced in Boston as well, this space will simply be treated as a private, exclusive, and commercial part of the mall. The Turnpike Authority should be accountable for this public commitment. **The DPIR should present alternative design studies that preserve and improve the public plaza.**

SHADOWS

The proposed project will impact 20% of the Copley Square park. Copley Square will be incrementally shaded out by this and successive projects, each of which claim to eliminate "only" a limited percentage of its sunlight, and "only" when "no one is using it anyway" – that is, in winter, when people are most starved for sunshine. **The DPIR shadow study should be modeled to show shadows for the full year, at all times,** so that all shadows of important public spaces can be evaluated. The policy for shadowing of spaces to be protected should be strengthened to prohibit any new shadows; otherwise, they will be gradually shaded out, one "acceptable" hour at a time.

Wind impacts on the public plaza, as well as other pedestrian spaces, should be studied.

AFFORDABLE HOUSING

The original project agreement set aside 25% of the housing units as affordable. The proponent has not been forthcoming in explaining the current affordable housing commitment. The BRA allows developers to buy their way out of this commitment with a payment of \$200,000 per unit, money that goes into the BRA coffers. This should not be allowed, as it defeats the purpose of integrating housing to avoid a city of low-income ghettos and high-income enclaves. **The DPIR should state clearly whether the project will continue the 25% commitment, and how it will be created.**

The CRC design guidelines were that the housing "closely reflect the height, density, materials and scale of the 19th century buildings around it." **The DPIR should address this guideline.**

MINORITY AND LOW-INCOME BENEFITS PROMISED BY ORIGINAL PROJECT

Various benefits such as space set-asides for community retail, and various hiring and contracting goals were promised by the original project developer. **The DPIR should document the fulfillment of these promises.**

From the developer's 1980 list of project benefits to the city:

- (3) "Tenant will attempt to set aside space in the range of 15,000 to 20,000 square feet facing on the proposed deck over the Southwest Corridor transit line for community-oriented stores. Of these, approximately 50% will be reserved for Community Development Corporations and Minority Business Enterprises at below market rents."
- (4) Provision for active frontage on portions of the project abutting public streets;
- (5) **Affirmative Action in construction employment requiring 20% minority employment;**
- (6) Hiring goals for permanent employees of 50% Boston residents, 50% women, 30% minorities, 17.2% from surrounding neighborhoods, and good faith efforts to employ handicapped persons;
- (7) Goals for minority business contractors and suppliers of not less than 5% of total construction contracts; and

FINANCIAL CONTRIBUTION TO TAX BASE

The original project promised various City and State tax revenues as justification for approval. **The DPIR should provide information on the actual City and State taxes produced by Copley Place since construction.**

The original Copley Place proposal promised the following tax revenues from that project:

ANNUAL TAX REVENUES DURING OPERATION

| | |
|---|--------------|
| a. Real Estate Taxes ¹ | \$ 5,418,000 |
| b. Sales and Meals Taxes ² | \$ 5,516,260 |
| c. Hotel Room Occupancy Taxes ² | \$ 2,188,441 |
| d. Income Taxes from New Permanent ² Employment | \$ 7,020,884 |
| TOTAL ANNUALLY: <u>\$20,143,585</u> | |

TAX REVENUES DURING CONSTRUCTION (THREE-YEAR PERIOD)

| | |
|--|--------------|
| a. Estimated State Income Taxes Paid on Construction Wages ² | \$ 2,250,717 |
| b. Sales and Use Taxes on Purchases of Materials and Equipment ² | \$ 3,868,750 |
| TOTAL DURING CONSTRUCTION: <u>\$ 6,119,467</u> | |

According to the City Assessing website, the current City property tax is about \$5.4 million; the originally projected City property tax in 1980 was exactly the same: \$5.4. But adjusted for inflation, that payment would be over \$15 million. And that assumes no appreciation from the original property value; but the Assessing Department has found that its value has almost doubled (inflation-adjusted) since 1993 (prior values 1993 not available). **The DPIR should explain why Copley Place is still only paying 1980 taxes.**

The DPIR should also provide information on State taxes paid in the three categories projected, "sales and meals," "hotel occupancy" and "income tax from employees," for comparison.

| | |
|------------------------------|--------------------------------------|
| Parcel ID: | 0400985100 |
| Address: | 110 HUNTINGTON AV, Boston, MA, 02116 |
| Property Type: | Commercial |
| Lot Size (sqft): | 66645 |
| Owner As of January 1, 2008: | COPLEY ONE LLC |
| Current Owner's Address: | 110 HUNTINGTON AV BOSTON MA 02116 |

Assessment as of January 1, 2007, statutory lien date.

| | |
|-------------------------------------|--|
| FY2008 Building value: | \$209,152,300.00 |
| FY2008 Land Value: | \$700.00 |
| FY2008 Total Value: | \$209,153,000.00 |
| FY2009 Preliminary Tax (first half) | \$2,710,622.88 (= \$5,421,244 full year) |

| Year | Property Type | Assessed Value (from Assessing) |
|------|---------------|--|
| 2008 | Commercial | 209,153,000 |
| 1993 | Commercial | 72,315,000 (\$105,000,000 in 2007 dollars) |

PUBLIC SUBSIDIES TO COPLEY PLACE

The historic documents show that Copley Place promised to develop without public subsidy, and then sought at least two subsidies: \$18.8 million in federal UDAG funds for "unforeseen construction costs," and a Chapter 121A City property tax exemption (which is misleadingly described as if it were an extra tax benefit).

This seems to be a common pattern: The developer gets no-bid development rights on public land/air rights, promising to build entirely without public subsidy and to generate sizeable tax revenues to city and state; developer suddenly finds at the end of a long review process that he cannot possibly go forward without large public subsidies and tax breaks; taxpayers and some elected officials are angry at being duped; the developer get the subsidies with help from the BRA.

The DPIR should provide information on all public subsidies Copley Place received, federal, State, or City. In particular, information should be provided regarding the \$15 million UDAG loan re-payment and the deployment of this money by the BRA in neighborhood development projects as was specified in the original documents.

The DPIR should include a written memorialization of the proponent's verbal promise, at a public meeting in the Boston Public Library, that the project will not seek any public subsidy of any sort.

The Turnpike Authority should include in the DPIR a commitment to collect full fair market value for the land/air rights lease, per an independent professional appraisal, to be provided to its own board, its Metropolitan Highway System Advisory Board, the CAC and the public.

From a 1981 study done at the JF Kennedy School of Government¹

The initial phase of planning and citizen input on the Copley Place development culminated when UIDC signed the lease for air rights over the Massachusetts Turnpike with the Massachusetts Turnpike Authority on December 22, 1978. Guidelines written into the agreement and carrying the force of law reflected the past 18 months of negotiations between the State, the Turnpike Authority, the citizen review committee, and the developer about the scope and general character of the project. The lease also required UIDC to ensure that 20% of the construction jobs at Copley Place would go to minority group individuals, included goals for construction and permanent jobs, and incorporated reporting and review requirements. Financial penalties would be assessed if UIDC did not meet the 20% minority construction requirement--an unprecedented provision. Moreover, 20,000 square feet of retail space would be set aside at below-market rents for neighborhood-oriented goods sold by minority - or CDC-owned enterprises. UIDC had decided not to insist on subordination of the increased rental payments after year 5.

In late April 1979, Ken Himmel announced that UIDC would seek a federal Urban Development Action Grant (UDAG) of \$18.8 million to cover "unforeseen" construction costs including structural work, re-routing of traffic on the Turnpike and the increased costs of limited construction during rush hours.*

The timing of the UDAG application raised questions in the minds of some who had participated in the CDC meetings about UIDC's claim that the additional structural work was unforeseen and that public money was "essential to the financial viability of the project." The critics of the grant application included several black and minority leaders from the South End.

But U.D.C.'s decision in 1979 to submit a UDAG application added a new dimension to the debate over Copley Place. During initial discussions with the state and throughout the CRC process, the issue of public funding had been muted. Governor Dukakis recalled that he had understood the project was slated to stand by itself without public funds, aside from limited state subsidies for road re-alignment and some structural work. In December 1978, U.D.C. had stated that it would not be applying for a UDAG.

Secretary of Transportation Fred Salvucci strongly criticized U.D.C. for learning around and asking for public money. He believed that U.D.C. "made a mockery of the front end selection process. Had people known that substantial public funds were involved, we never would have gone ahead without competitive bidding."

Ken Himmel, however, saw no breach of a previous commitment in his decision to seek a UDAG. He claimed that from very early in the project there had been an understanding that some public funding would be necessary. He pointed out that public subsidies of major private developments were quite common through such mechanisms as Industrial Revenue Bonds, local tax abatements and other relief, and municipal road construction. Furthermore, he explained that the vagaries of the development process made it impossible to know exactly how much would be necessary. In his words:

Prior to our execution of an air rights lease, I said to Michael Dukakis and Frank Keele that people who try to make hard and fast statements about projections early on get in trouble. At that point, we were still dealing with preliminary numbers.

It looked at that point as if we had a feasible project if we obtained dramatic relief on rent, or the state made a contribution on site costs.

This shows how much people can be misunderstood. Since then we've had cost premiums for ventilation of the turnpike, ramp relocations, temporary traffic re-routing during construction, and construction delays.

Moreover, U.D.C. officials pointed out, a UDAG would benefit not only U.D.C. and the City of Boston in general and residents of the South End in particular. Toward this end they had structured the grant application such that over a 28 year period the City of Boston would derive almost \$45 million in principal and interest payments that would in turn be deposited in a community loan fund to assist neighborhood projects.* Furthermore, U.D.C. emphasized, the project would create 6,300 jobs and \$6-8 million in annual real estate taxes once it opened in 1987.

The City Council Hearings

The City Council was scheduled to hear U.D.C.'s presentation of its case for the UDAG application during the last week of March 1980, following the

*Actually, the UDAG would take the form of an \$18.9 million grant to the City of Boston. Of that amount Boston would give U.D.C. \$7.9 million for watermain and utility relocation. The other \$11 million was to be loaned to U.D.C. at 5% annually for the first 8 years and 10% from years 9-28. In year 28 the entire loan plus interest would accrue.

councillors ample time to analyze the application, debate its merits vis-a-vis other proposed UDAG applications and decide whether to approve it prior to HUD's April 30 quarterly deadline for UDAG submissions. However, UIC's application was found to be incomplete, leading to postponement of the hearing until April 29. This gave the City Council but one day to review the application.

Spectators largely opposed to the UIC request packed the gallery of the city chamber for the April 28 hearing. In this charged atmosphere, Ken Himmel addressed members of the City Council:

Gentlemen, since 1976 we have been participating in an innovative planning process in which economic feasibility projections have been conducted parallel to neighborhood impact studies and both in conjunction with public participation. During this process we will have learned about the problems of dealing with uncertainty.

As you all know the site has significant structural impediments that have necessitated changes from our initial designs: rerouting the traffic flow on Ramp C; building a pedestrian platform to provide better linkage to the Prudential Center, expanding the hotel over the triangle to cover the entire site, expanding the Dartmouth Street mall, and additional work on structures and foundations to cover the turnpike exposure.

You know also that economic conditions in 1976 were much different from what they are today. We have tried to minimize size and scale changes from the initial Plan to minimize impact on the area, but we are now forced to conclude that public funding is essential to the financial viability of the project.

These words provoked an outburst of catcalls, hisses and other disapproving noises from many citizens in the gallery. Following Himmel's testimony, advocates for and against the Copley Place UDAG application voiced their opinions to a full City Council. A representative sample of views appears below:

Simone Anster -- Greater Boston Chamber of Commerce

"We support the development because it will produce \$8 million in property taxes, \$15 million in additional revenue to the neighborhoods, supply needed office space, add hotels and convention facilities, restore an underutilized and blighted area and increase the housing stock of the city. The developer has been responsive to the city's positive requests for change."

Stu Robbins -- Executive Director of Back Bay Association

"I strongly favor this proposal because it fills a major existing need. It has attractive frontage and linkages with adjacent communities."

We will all wonder about the shape of our community in the year 2000. I'm on the "2000" committee and I'm convinced our survival depends on making Boston a service-oriented city of historical character.

Copley Place is a vital link to that shape because it relieves blighted areas and intensifies hotel use. The impacts are minor, it is non-polluting and compatible with the character of Boston. Plus there is no wasted land.

The UDAC is available directly from HUD. The Tent City people are laboring under a misconception. It's not either Tent City or Copley Place. Tent City should be developed, but so should Copley Place. We must learn our lesson from the Park Plaza fiasco."

Mary Nelson -- Resident of neighboring area

"I'm opposed to this application. First, the developer didn't give us the UDAC application in time to review it. Second, the developer is unable of doing this by itself with its own money. Private enterprise should be private enterprise. Public funding shouldn't be spent for a company that makes \$9 million in profits and ignores residents. They're trying to displace us.

Tent City has been trying to get moving over 12 years, but the city isn't interested in low and moderate income housing. The city only wants the best property taxes and getting rid of all of us.

Tent City people are far more open. We don't keep all our information to ourselves."

Alan Root -- Resident of South End for 35 years

"It's the same old song, displacement. What happens to the Tent City parcel?"

You people on the City Council are the only ones who can be a friend to the poor. The BRA administrators are friends to the rich.

We should be trying to stabilize the population of the South End; instead a predominantly white population from the suburbs -- foreigners -- are replacing us. Today you almost need an income of \$35,000 to support yourself and family. I hope somebody can stem the tide.

Fast decisions are most often bad decisions. The Council should be showing outrage that you're presented with a proposal of this size and expected to reach a decision in one day."

Ken Campbell -- Tent City Task Force

"There is a central moral and ethical dilemma facing the city. Can you develop both sides of the tracks? There must be a balance between business revitalization and neighborhood revitalization. You must consent to a commitment to Tent City now."

Despite the continued protests and the administrative complaint, HUD during its quarter ending July 30 signed off on HUD's UDAC request. In November 1980, three and a half years and \$10 million after initial discussion had begun, HUD broke ground for the project.

During the three and one half year construction period it is estimated that Copley Place will return \$6.1 million to the Commonwealth of Massachusetts in Income and Sales and Use Taxes. Once operational in 1985, Copley Place is estimated to provide approximately \$14.9 million a year to the State from Income and Sales Taxes.

The project will provide additional benefits to the City in the form of substantial property taxes from a site which is presently non-tax producing. The project sponsor is considering a 121A designation for the project. Such a designation would result in payments to the City based on a negotiated proportion of project income. It can be estimated that payments in lieu of taxes will be \$5 to \$8 million. In addition, approximately \$850,000 will be returned from the State to the City from Sales Taxes.

While the UDAG will be assigned to specific construction items for grant management purposes, its amount has been determined by evaluating the difference between total project cost and the amount of debt and equity financing that anticipated project income can support. The UDAG, to as great a degree as possible, has been designed as a loan to the project sponsor as opposed to an outright grant. The repayments from this loan will be placed in a neighborhood development fund to be used for neighborhood economic development projects citywide.

NEIGHBORHOOD IMPROVEMENT FUND

Repayment of the loan portion (\$15.0 million) of the UDAG grant will become part of a Neighborhood Improvement Fund to be established by the BRA. This type of program will allow the maximum use of federal monies which have been granted to help finance projects in Boston which qualify for this type of assistance.

I look forward to receiving the above information the Draft Project Impact Report.

Thank you for considering my comments.

Shirley Kressel

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This case was prepared by John Ince under the supervision of Charles F. Kiseker, Executive Director of the Program for Senior Executives in State and Local Government at the John F. Kennedy School of Government. It was prepared as a basis for class discussion rather than to illustrate proper or improper management of a public policy issue. The work was financed under a grant from the U.S. Department of Housing and Urban Development.

Planning Office *for* Urban Affairs

ARCHDIOCESE OF BOSTON

84 State Street, Suite 600
Boston, MA 02109
Tel. 617-350-8885
FAX 617-350-8889

August 8, 2008

John F. Palmieri, Director
Boston Redevelopment Authority
City Hall, Ninth Floor
Boston, MA 02201

Re: Copley Place Retail Expansion and Residential Addition
Notice of Project Change, Project Notification Form (PNF)

B.R.A.
2008 AUG - 8 P 4: 01

Dear Director Palmieri:

As housing developers and advocates, the Planning Office for Urban Affairs applauds the plan by the Simon Property Group to produce 280 new residential units in the South End. We also are pleased about the commitment of the Simon Property Group to comply with the Mayor's Executive Order for a Boston Inclusionary Development Policy, as set forth in PNF section 1.3.3. However, we are concerned that the proposed development at Copley Place does not contain a commitment to provide at least 42 affordable units (the number called for by the Mayor's Executive Order) on site.

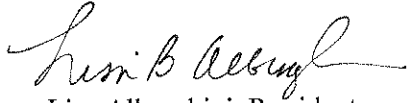
The Planning Office has long been a supporter of developers meeting their inclusionary housing obligation by providing affordable housing units *on-site*, rather than exporting those units to another location. We believe that locating affordable units on-site in mixed-income developments is critical to creating vibrant, economically diverse and just communities, and view the on-site approach as both a moral imperative and good urban planning. I have enclosed with this letter an article I wrote for the Banker & Tradesman when Mayor Menino increased the fees associated with the City's Inclusionary Development Policy, for your review. As I wrote in that article, I strongly believe that embracing an on-site approach will "demonstrate our values, make our city even more distinctive and reinforce our collective commitment to human dignity". Please do not pass up this important opportunity to do just that.

With the severe gentrification of the South End that has forced out many low and moderate-income long-term residents, we cannot afford to let that happen at this proposed new residential community, especially when a large new development is proposed to be built on public land. In two developments built by the Planning Office for Urban Affairs on City of Boston owned land, we developed very successful mixed-income communities. At Rollins Square (184 units: 20% low; 40% moderate and 40% market rate) and West End Place (183 units: 33% low; 33% moderate and 33% market rate), we have very low-income families living literally next to first time homebuyers and very high-end condominium owners. While it takes a bit more thought and effort it does work and, as a City, we should strive for no less.

"Some men
see things as they
are and say, why?
I dream things that
never were and say,
why not?" RFK

The City and the BRA have been strong supporters of mixed-income high-rise developments in the past, and know they are successful. We request that the BRA support that same concept here, and require the developer to present options for on-site affordable housing as part of the Article 80 review process. Thank you very much for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Alberghini".

Lisa Alberghini, President

Cc: Mayor Thomas Menino
Hon. Diane Wilkerson
Hon. Byron Rushing
Hon. Marty Walz
Councilor Mike Ross

BANKER & TRADESMAN

THE REAL ESTATE, BANKING AND COMMERCIAL WEEKLY FOR MASSACHUSETTS

Hub Inclusionary Development Policy Change Should Be Embraced

By Lisa B. Alberghini

BOSTON MAYOR THOMAS Menino's recent increase in fees collected from residential developers who do not build affordable housing on-site at their properties is a win-win proposition. It helps people, the city of Boston and our state economy. The policy gives additional hope to residents of modest means because it will increase affordable housing production, gives direction to the city by charting the course of development, and helps the commonwealth's workforce flourish rather than encouraging it to flee.

Those are the obvious reasons to support this new initiative. Perhaps the less obvious but far more important reason is that it encourages the development of inclusive communities where people live comfortably with each other -- despite differences in income. Higher fees encourage developers to more carefully consider building affordable housing on-site by narrowing the opportunity cost between the on-site and off-site options, particularly where the difference in cost has been significantly reduced. But this isn't about where the money goes; it's about where the people go. Developers can meet their commitment to people in need by putting them someplace else. It's easier. It's



LISA B. ALBERGHINI is executive director of the Planning Office for Urban Affairs, a social justice ministry of the Roman Catholic Archdiocese of Boston.

more comfortable. Or they can work hard to create vibrant communities with tremendous economic diversity that reflect a civil society. Our city and our nation are becoming increasingly stratified, with the rich and the poor -- the "haves and have-nots" -- more distinct, more separate, and living at opposite ends of a growing economic divide. We hear those words so often these days that they almost sound cliché, and we have become numb to their truth and reality.

The new Boston policy calls upon all of us to actively examine our assumptions about how we live together and how we think about our communities. It supports inclusion and economic diversity within residen-

tial developments by raising the cost of encouraging us to live separately. We hope developers will respond with enthusiasm and creativity to build affordable housing within their properties, and believe that approach should guide development whenever possible.

Mixed-income communities are good for residents and good for the city ... and they work. Since its inception the Planning Office for Urban Affairs of the Archdiocese of Boston, with the help of many public and private partners, has developed some most notable examples, including nearly 600 units in Boston over the past several years. Rollins Square in the South End is a strong case in point, where formerly homeless families live next door to first-time homebuyers and market-rate residents who paid in excess of \$750,000 for their units. In this development, where the overall mix is 20 percent low-income, 40 percent moderate-income and 40 percent market-rate units, residents of all incomes have become friends and neighbors. And market-rate units have resold (though there have been few because residents tend not to leave Rollins Square) at 30 percent or greater increases in price over a two-year period, illustrating that investment in the community -- beyond the real estate -- has literally paid off.

Structuring these deals can be complex and challenging, but it is worth the work.

The Mayor's new policy is as much about justice as it is about housing production and profits. It is about making sure there are homes available for everyone in all of Boston's neighborhoods -- new and old.

Mayor Menino is again leading the way, making the most of a challenging situation and exhibiting the courage to overcome concerns about discouraging development and the

commitment to create inclusive communities that make cities great. We hope everyone will welcome the policy and, most importantly, what it represents: a move to a more civil society, with neighbors caring for neighbors and where respect for all is the guiding principle.

Build on-site. Embrace it. It will demonstrate our values, make our city even more distinctive and reinforce our collective commitment to human dignity. ■

Campisano, Heather

From: ashbrooksusan@gmail.com on behalf of Susan Ashbrook [sashbrook@verizon.net]
Sent: Friday, August 08, 2008 1:10 PM
To: Campisano, Heather
Cc: Collings, Harry; J S Yessian; Jolinda Taylor
Subject: comments for Copley Simon project
Attachments: Copley Simon 8_08

Dear Ms Campisano
Please see my comments below and attached.
Susan Ashbrook

Re: Copley Place Expansion Project

Dear Ms. Campisano:

I am writing as a Back Bay resident and as a board member of NABB to comment on the proposal filed by Simon Property Group, Inc. in June 2008 for a Copley Place Retail Expansion and Residential Addition. I am opposed to the project as proposed on the following grounds:

- excessive height: such a tall structure is not appropriate for the site or for the neighborhoods which it abuts.
- concerns about increased shadows on Copley Square and on the Commonwealth Avenue Mall.
- concerns about increased wind in what is already one of the windiest parts of the city.
- enclosure and privatization of the outdoor public plaza, limiting the use of a public amenity.
- an undesirable combination of luxury and affordable housing rather than mixed income housing to encourage a vibrant socio-economic mix.

In addition I am concerned that the timetable for consideration and public comment on this project is rushed, particularly in light of all the other enormous Back Bay projects on the BRA's drawing board. As a neighborhood we are being overwhelmed with proposals which the BRA does not appear to be examining comprehensively. I ask the agency to step back on this proposal until resolution is achieved on the other pending projects.

Sincerely
Susan Ashbrook

Vice-President, Neighborhood Association of the Back Bay

APPENDIX 4
EXAMPLES OF PUBLIC NOTICE

SAMPLE

PUBLIC NOTICE

The Boston Redevelopment Authority (BRA), acting pursuant to Article 80 of the Boston Zoning Code, hereby gives notice that a Draft Project Impact Report (DPIR) for Large Project Review was submitted by _____

(Name of Applicant)

for _____
(Brief Description of Project)

proposed at _____
(Location of Project)

The DPIR may be reviewed or obtained at the Office of the Secretary of the BRA Boston City Hall, Room 910, between 9:00 A.M. and 5:00 P.M., Monday through Friday, except legal holidays. Public comments on the DPIR, including the comments of public agencies, should be transmitted to Jay Rourke, Senior Project Manager, Boston Redevelopment Authority, Boston City Hall, Boston, MA 02201, within sixty (60) days of this notice or by _____. Approvals are requested of the BRA pursuant to Article 80 for _____.

The BRA in the Preliminary Adequacy Determination regarding the DPIR may waive further review requirements pursuant to Section 80B-5.4(c)(iv), if after reviewing public comments, the BRA finds that the _____ adequately describes the Proposed Project's impacts.

BOSTON REDEVELOPMENT AUTHORITY

Theresa Donovan, Assistant Secretary