

October 31, 2011

Peter Meade
Director
Boston Redevelopment Authority
One City Hall Plaza
Boston, MA 02201

Dear Director Meade:

The Citizens Advisory Committee “CAC” was convened to advise the Boston Redevelopment Authority “BRA” through the Article 80 Process for the Copley Place Retail Expansion & Residential addition.

The CAC appreciates the efforts put forth to date and is aware that a great deal of time, energy, and resources expended by its members as well as the project team to explore various design ideas that can result in a project that benefits the proponent as well as the community. However, we continue to have areas of concern, and we strongly urge the BRA to further pursue and resolve these issues as outlined in this letter.

This letter represents the views of the CAC members who are in agreement and have signed it.

Southwest Corridor & Project Landscaping, Streetscape, and Accessibility

The overall landscaping plan and specifically at the entrance to the Southwest Corridor between Harcourt and Dartmouth Streets has evolved over time to incorporate feedback from the CAC. The CAC objective for the Southwest Corridor is that it be an urban park where pedestrians walk, pass, gather and linger. In order to achieve that objective, the following issues will need to be addressed:

- a) A clear plan showing appropriate locations for trees within the space to provide shaded seating opportunities that will not interfere with visibility and/or circulation patterns needs to be presented.

RESPONSE:

The Proponent agrees.

- b) In order to ensure that accessibility meets or goes beyond the minimum ADA standards, the proponent needs to arrange an immediate onsite meeting with Kristen McCosh, Commissioner of Persons with Disabilities for the City of Boston. The purpose of this meeting would be to review the landscaping plans, including travel paths and materials, to ensure that there is parity in experience and accessibility for all as well as to provide the opportunity for the design to be modified to include welcoming accessible circulation that is both functional and part of the design. A review of accessibility at the Harcourt Street entrance (where the post and chain barrier is installed) ensuring accessibility at this location as well as a review of the entrance to the new Public Square should occur at that meeting.

RESPONSE:

The Proponent agrees. The Proponent will arrange for an onsite meeting with Kristen McCosh to review all areas noted.

- c) Active uses in the landscaping plan, such as chess tables as well as seating and social gathering spaces that are separate from the “private” café spaces are absent and need to be incorporated into the design. Additionally, dog sanitary stations should be installed at regular intervals along the corridor to Massachusetts Avenue as well as low fencing as dog barriers for green areas between Dartmouth and Harcourt.

RESPONSE:

The Proponent agrees to incorporate active uses in the landscaping plan. The Proponent will install dog sanitary stations at regular intervals along the corridor to Massachusetts Avenue as well as low fencing as dog barriers for green areas between Dartmouth and Harcourt Streets.

- d) The final selection of paving materials, streetscape design elements and site furnishings should be presented to the CAC for review. We discourage the use of unit pavers that can present a slippery and uneven surface in areas of pedestrian circulation.

RESPONSE:

The Proponent Agrees.

- e) Bicycle racks need to be incorporated into the Southwest Corridor design due to the fact that bicycles are already part of the traffic in the Southwest Corridor. The CAC recommends that the racks be placed over the MBTA vent grills as an efficient use of this space.

RESPONSE:

The Proponent Agrees. Exact location of bicycle racks will be coordinated with Boston Transportation Department and MassDOT for acceptance of proposed locations.

- f) The proponent has agreed to upgrade the irrigation and watering systems on the block between Harcourt and Dartmouth, and the CAC requests that be noted.

RESPONSE:

The Proponent agrees to upgrade the irrigation and watering systems on the block between Harcourt and Dartmouth Streets.

- g) The project proponent has confirmed that the width of the Dartmouth sidewalk will not decrease from the current existing width, and the CAC requests that be noted.

RESPONSE:

The Proponent agrees.

- h) A Memorandum of Understanding (MOU) shall be established to memorialize all agreements for the maintenance of the park as well as specifying the quarterly meeting schedule between the General Manager of Copley Place and the Parkland Management Advisory Committee (PMAC) to review the management and maintenance and other operational issues for this parcel between Harcourt and Dartmouth. In addition, monthly meetings with the General Manager of Copley Place maintenance and consistent planting will need to occur to ensure that public spaces are well maintained and activated. We also request that a \$20,000 for yearly donation be made to the Southwest Corridor Park Conservancy.

RESPONSE:

The Proponent agrees to enter into MOU memorializing all maintenance agreements and quarterly meetings working with the MBTA as owner of site.

The Proponent will make a one-time capital contribution to the Southwest Corridor Park Conservancy in the amount of \$200,000.

Affordable Housing

The CAC values income diversity as part of the overall diversity of our neighborhoods and acknowledges the gentrification of the South End and Back Bay. The CAC supports the 15% affordable housing requirement and urges the BRA to support the following:

- a) The CAC is opposed to the proponent's option of meeting the affordable housing requirement by paying into the linkage fund. This is not an option that the CAC supports.
- b) The CAC recommends that the affordable housing requirement be met, even if only partially, on the project site in the proposed residential tower. For the remaining portion the CAC insists that it be located in the neighborhoods of the South End and/or Back Bay. We request that the proponent work with local community development corporations and the BRA to identify a site to satisfy this affordable housing provision requirement The BRA is encouraging new development in the "New York Streets" section of the South End, and this should be looked into by Copley.

The CAC is divided with some of its members recommending that an additional 10% of affordable housing for a total of 25% be required of the proponent. This request is based on the fact that the original lease between MassDOT and the original developer/lessee required 25% affordable housing of the residential buildings constructed on Harcourt as part of the original Copley Place development and because the CAC is offering a compromise by recommending that the proponent be allowed to construct the units, even if partially offsite, in the South End and/or Back Bay which will result in reduced costs to the proponent.

RESPONSE:

The Proponent agrees to include 5 affordable units in the building. The Proponent agrees to construct the remaining obligation in the Back Bay and/or South End neighborhoods. The Proponent agrees to a 15% total obligation which is in compliance with the Mayor's Executive Order.

Copley Place Street Wall Expansion & Connections along Stuart/Dartmouth and Traffic Calming Measures on Massachusetts Turnpike Ramp

To date no satisfactory resolution of the dangerous pedestrian and traffic conflict that occurs along Stuart Street and at the intersection of Dartmouth Street. The CAC would like further analysis on this issue and does believe that improvement here is a once in a life time opportunity to make a walking city such as Boston more pedestrian friendly.

RESPONSE:

The Proponent supports the CAC's desire to find a satisfactory resolution. The Proponent will continue to work with BTM and MassDOT to develop an approvable solution that the Proponent will review with the CAC.

The CAC requests that traffic calming measures on the Massachusetts turnpike ramp be introduced and enforced through a collaborative effort between the project proponent and the MassDOT. MassDOT must develop more rigorous physical measures and electronic signage to slow traffic both while in Exit 22 and as it merges into Stuart Street. The CAC would like to see the end-result of this planning in addition to the creation of a single lane for traffic exiting the pike and merging onto Stuart Street., which is already planned. We expect that these improvements will be implemented.

RESPONSE:

The Proponent agrees to continue working with BTM and MassDOT to find feasible traffic calming measures on the off-ramp and in the area where the off-ramp merges into Stuart Street.

We designate the CAC Traffic Committee, chaired by member Ted Pietras, to work with the proponent, project team, MassDOT and any other agencies to find solutions to these two issues.

RESPONSE:

The Proponent looks forward to continuing to work with the CAC Traffic Committee, BTM and MassDOT to find solutions to these issues.

Winter Garden as true "Public Square"

The CAC believes that the so called "Winter Garden" needs to be a true public space that functions year round and welcomes all. The current design of this enclosed space is simply an entrance to the shopping mall and does not meet intent of its more public function. The following concerns need to be addressed so that the "Winter Garden" can truly become a Public Square.

- a) The CAC believes that the current title emphasis only one season and does not reflect the intended use of the space. We recommend that it be called the “*Public Square at Copley Place*” or other less seasonal defining and more public descriptive name.

RESPONSE:

The Proponent agrees to a new name for the wintergarden that will reflect its four-season use and that indicates it is open and accessible for public use.

- b) The Public Square is elevated above the intersection of Stuart and Dartmouth requiring two sets of stairs for access as well as a 180 degree (switchback) handicap ramp. The elevated floor makes it difficult to look into the space and, therefore, less inviting to enter while walking around Stuart and Dartmouth where the main point of entry is planned. We would like the Public Square to be made more visible and more accessible from the surrounding sidewalk by including multiple entry points versus the current configuration which uses the a single point of entry and exit. Specifics such as seating, programming, landscaping and other design details need to be shown so that the CAC can provide feedback similar to discussions that have occurred regarding the Southwest corridor programming.

RESPONSE:

The Proponent agrees to investigate additional entry points. The Proponent will continue to work with the CAC and the BRA on seating, programming, landscaping, and other design details.

- c) The CAC continues to seek the incorporation of sliding window-walls for the Public Square and we are *not convinced* that the opening of the window-walls is infeasible in the operation of the HVAC system. We feel this is solvable and an important component to maintaining the “openness” of the space and its four-season identity and would further articulate the accessibility and public-nature expression of this space.

RESPONSE:

The Proponent agrees to investigate sliding window walls.

- d) The CAC seeks a Cooperative Agreement that clearly indicates that the Public Square would perpetually be open and accessible to the public. This in light of the closing of the John Hancock Observatory after September 11th, the Cooperative Agreement should clearly articulate the permanent public access of the space into perpetuity. We are supportive of the property manager closing the public square for maintenance and cleaning purposes nightly for a four hour period.

RESPONSE:

The Proponent agrees to enter into a Cooperation Agreement that indicates the hours the four-season interior garden will be open and accessible to the public. The Proponent also agrees to include the suggested programming of the space in the Cooperation Agreement.

Building Height & Copley Square Shadows

The CAC is aware that the building is a new and prominent addition to the Boston skyline that will have an impact on the city. The CAC also acknowledges that there will be shadow impacts on Copley Square and requests that a yearly donation of \$20,000 yearly be made to the “Friends of Copley Square,” as a mitigating measure for the new shadows that will be cast on the Square from the building.

RESPONSE:

The Proponent will make a one-time capital contribution to the “Friends of Copley Square” in the amount of \$200,000.

The CAC as a group has chosen not to comment any further on the height of the building as, but individual members may choose to offer specific comments about this matter in separate letters. The CAC requests that the developer acknowledge its efforts to focus on the issues in this letter rather than the building height and cooperate to effectively resolve the items in this letter.

Public Art

The CAC believes that an opportunity for one or more monumental works of public art exists and recommends the following:

- a) The CAC recommends a water inspired element as the focal point at the Southwest Corridor Parcel over the MBTA tunnel. The CAC is unconvinced by the feasibility objections the proponent has stated and requires a study demonstrating ideas that incorporate water as well as possibly steam as seen in many great public spaces in other major cities.

RESPONSE:

The Proponent agrees to work with the MBTA on the potential opportunity for a water inspired element.

- b) The \$250,000 art allocation proposed by the proponent is appreciated however it is insufficient to create a truly significant, monumental work of art given the scale of the development. The CAC requests that the art budget be \$1.0 million at a minimum.

RESPONSE:

The Proponent agrees to increase the public art budget to \$500,000.

- c) CAC requests that CAC member David Berarducci participates in the art selection process with the appropriate agencies.

RESPONSE:

The Proponent looks forward to Mr. Berarducci’s participation in the art selection process with the appropriate agencies.

Parking, Traffic management, & Construction Management Plan

The CAC recommends the following:

- a) The CAC would like to review the traffic management plan during and after construction.

RESPONSE:

The Proponent will work with BTD to develop the traffic management plan and will review this with the CAC during and after construction.

- b) Given the impact this project will have on the community, the CAC would also like to review the Construction Management Plan.

RESPONSE:

The Proponent will work with BTD to develop the Construction Management Plan and will review the plan with the CAC.

- c) The CAC is not in favor of and recommends against granting the residents of the Copley Square tower City of Boston Resident Parking Permits.

RESPONSE:

The Proponent defers to the direction of BTD.

- d) The CAC requests that the project sponsor set up a website dedicated to the project and update it regularly with construction related plans to keep the community aware and informed of the project details and allow for residents to plan around the project construction. In addition, the developer should compile a list of residents and send email weekly updates regarding progress and construction plans once the project commences. An email address and telephone number should be available to which residents can address complaints and/or concerns.

RESPONSE:

The Proponent agrees.

Additionally, the developer has verbally committed to improving the congestion at the Harcourt St loading dock. We would like feedback on the results of this reported back to the CAC.

RESPONSE:

The Proponent agrees.

Wind Mitigation

While there have been discussions on this, to date the CAC feels there are not enough wind mitigation measures or solutions and, therefore, requests that specifics on wind mitigation/reduction measures be incorporated into the project design and presented to its members, especially at the problematic intersection of Dartmouth and Stuart streets.

RESPONSE:

The Proponent agrees to develop further detail and specifics on the wind mitigation measures that will be employed for the project and review this with the CAC.

Community Retail

The CAC is pleased with the new improved façade treatment of the South Entry and community retail facades and the increased scale which includes the second story. The new South Entry improves internal mall access points to and visibility of the community retail spaces making them more recognizable and more inviting. We request that the landscaping plan provide unobstructed site lines that enhance view corridors to community retail spaces. We would also like to see creative signage ideas incorporated to further ensure that the community retailers are identified. The recommendation for active uses around the community retail in 1c) will further attract pedestrian traffic to the community retail.

RESPONSE:

The Proponent agrees to landscaping plan will provide unobstructed site lines to the community retail spaces.

The Proponent agrees to incorporate signage elements to ensure the community retailers are identified.

The Proponent agrees to program active uses around the community retail to further attract pedestrian traffic to the community retail.

Conclusion

The CAC has made the above recommendations based on presentations by the proponent and its project team that mostly included early schematic design ideas. There remain several fundamental design issues that require further analysis. The CAC will continue to participate in reviewing details of the project as design phases progress. The CAC seeks to remain involved in negotiations between the City of Boston and the developer in outlining benefits to the public.

The CAC members are divided as to whether the DPIR is adequate. Some believe that given the unresolved project issues pertaining to traffic, wind and shadows, among others, the BRA should find that the DPIR is not adequate, should issue a written Request for Additional Materials, and should at this time not issue a Determination waiving further review.

The CAC's request for a one week extension to further comment on this very complicated and significant project was declined by the proponent. The proponent's rejection of this request causes some concern

about its desire to satisfactorily resolve outstanding issues. We do believe that the proponent still has the opportunity to resolve the issues outlined above, at which point we would be able to offer our support. It should be noted that the developer has state on numerous occasions that this is not the end of the process. As CAC members, we will continue to volunteer our time to serve our communities and act in good faith.

We appreciate the opportunity to participate in the public process. We look forward to a continued role to ensure this new development meets the highest standards and works for our neighborhoods.

Respectfully Submitted,

Judith Wright, Chair

Meg Mainzer-Cohen

Ted Pietras

David Bararducci

Eugene Kelly

John Connolly

Dan D'Heilly

Copley Place Retail Expansion and Residential Addition Project Citizens Advisory Committee

Copley Place Retail Expansion & Residential Addition

Comment Letter dated 10/31/11 by Byron Rushing, Martha Walz, Anthony Gordon, Zeina Grinnell, Nikki Fortes

Proponent's Responses 11/10/11

Comment 1 – Pedestrian/Traffic Conflicts at Stuart Street, Dartmouth Street & Turnpike Off-Ramp

The Proponent supports the CAC's desire to find a satisfactory resolution. The Proponent will continue to work with BTM and MassDOT to develop an approvable solution that the Proponent will review with the CAC.

The Proponent agrees to continue working with BTM and MassDOT to find feasible traffic calming measures on the off-ramp and in the area where the off-ramp merges into Stuart Street.

The Proponent looks forward to continuing to work with the CAC Traffic Committee, BTM and MassDOT to find solutions to these issues.

Comment 2 – Winter Garden

The Proponent agrees to come up with alternative name suggestions for the winter garden that will reflect its four-season use and that indicates it is open and accessible for public use. These name suggestions will be reviewed with the CAC.

The Proponent agrees to investigate additional entry points in response to the CAC. The Proponent will continue to work with the CAC and the BRA on seating, programming, landscaping, and other design details, including investigating sliding window walls.

The Proponent agrees to enter into a Cooperation Agreement that indicates the hours the four-season interior garden will be open and accessible to the public and will also include the suggested programming of the space. The Proponent agrees to language requested in the CAC comment letter dated 10/31/11. The language must allow the Proponent the flexibility to address any liability and legal issues, i.e. threats of security and safety, emergency repairs, etc.

Comment 3 – Wind Mitigation

The Proponent used Rowan Williams Davies & Irwin (RWDI) Consulting Engineers from Canada to conduct a comprehensive quantitative pedestrian level wind study. This study was submitted as part of the Draft Project Impact Report (DPIR) in Appendix C and was presented to the CAC at several meetings. This study was performed in accordance with the BRA Scoping Determination using a scaled model of the project inserted into a wind tunnel to test 103 wind points surrounding the project site. Both the No-Build (existing) conditions and the Build (with the Project) conditions were tested.

Of the 103 points analyzed, approximately 13 locations where pedestrian activity occurs were improved over the No-Build condition along the Southwest Corridor Park and Huntington/Exeter/Stuart Streets making these areas more comfortable for sitting, standing or walking. The majority of the points tested remained unchanged. Only 4 points became uncomfortable. These 4 uncomfortable points are still acceptable per BRA criteria. 2 of the 4 points are located on the pork-chop islands at the center of the traffic intersection of Stuart/Dartmouth Streets. These islands will be eliminated with the project to create a safer typical 4-way pedestrian crossing, thus eliminating pedestrian travel at those uncomfortable points. The remaining 2 locations are limited to the new main entry to the project at the corner of Stuart/Dartmouth Street and an adjacent sidewalk. The Proponent consulted with the RWDI in order to determine appropriate mitigation for these 2 points. In order to bring these 2 points back to the No-Build condition, wind dragging elements such as transparent screen walls and dense marcescent plantings are proposed. The Proponent presented examples of these wind mitigation solutions to the CAC at prior meetings.

The Proponent agrees to develop further detail and specifics on the wind mitigation measures for the project and will review this with the CAC.

Comment 4 – Affordable Housing

Affordable Housing Proposal:

The Proponent is committed to building 3 one bedroom units and 7 studio units for a total of ten units within the proposed project. The Proponent is currently under negotiations of a Letter of Intent to purchase a site for 35 residential units in the South End neighborhood all of which will be deed restricted affordable housing units. The remaining 3 units will be constructed in the Back Bay or South End neighborhoods, at a yet to be determined site, or purchased individually and deed restricted as affordable housing units. Prior to the issuance of a building permit the Proponent will provide a complete detailed plan.

Alternate On Site Proposal:

In the event the Proponent is unsuccessful in fulfilling the Affordable Housing Proposal set forth above, prior to issuance of a building permit the Proponent will locate the required affordable housing units within the proposed development based on these units being rental housing.

Affordable Housing Buy-Out Option:

The Proponent will not be seeking the Boston Redevelopment Authority's assent to buy out the Inclusionary Development Obligation that may be allowed under the City's Inclusionary Development Policy.



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

October 31, 2011

Peter Meade, Director
Boston Redevelopment Authority
One City Hall Plaza
Boston, MA 02201

Dear Mr. Meade:

We are writing to comment on the DPIR for the Copley Place Retail Expansion & Residential Addition. We urge the BRA to require the preparation of a Final Project Impact Report. As set forth below, much work remains to be done before numerous issues are resolved, and we believe those issues should be resolved prior to a BRA Board vote to approve the project.

We have participated in the Citizens Advisory Committee reviewing this project and support only the comments of CAC members set forth in an October 31 letter to you that are unanimously agreed upon.

We are convinced the CAC does not have enough information to make informed recommendations on numerous issues, including the street wall expansion and connections along Stuart Street; pedestrian issues on the south side of Stuart Street by the Turnpike off ramp; the Massachusetts Turnpike off ramp; wind mitigation; the most appropriate way to mitigate the shadows cast on Copley Square Park; the design of the public space described as a "winter garden"; the redesign of the intersection of Dartmouth and Stuart streets; and the width and design of the Dartmouth Street sidewalk. Just as the CAC has insufficient information on these points, so too does the BRA. We believe it is premature to waive an FPIR and for the BRA Board to vote on the project.

To date there has not been a satisfactory resolution of the dangerous pedestrian and traffic conflicts that occur along Stuart Street and at the intersection of Dartmouth Street and Stuart Street. We agree with our CAC colleagues that further analysis is required and support the request that traffic calming measures on the Massachusetts Turnpike off ramp be introduced and enforced through a collaborative effort between the project proponent and MassDOT. MassDOT should enhance the safety of this area through physical changes to the off ramp and Stuart Street (including the creation of a single lane once traffic merges from the ramp onto Stuart Street) as well as through electronic signage to slow traffic both on the Exit 22 ramp and at the point of merger with Stuart Street. We believe we should see the end-result of this planning in order to properly fulfill our role as advisors to the BRA. Safety in this area must be appropriately enhanced whether or not the project is approved and, in any case, before the introduction of new pedestrian and vehicular traffic from the proposed project.

Comment 1

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We agree with the other members of the CAC that the "Winter Garden" should be a public space that functions year round and welcomes all. The current design treats the space as an entrance to the shopping mall and does not achieve this goal. This is not a matter of refining design details. Rather, the design needs considerable work and should be agreed upon before the BRA waives further review.

Comment 2

The CAC has not seen any wind mitigation measures, and with our CAC colleagues, we request that wind mitigation/reduction measures be incorporated into the project design, especially at the problematic intersection of Dartmouth and Stuart streets. We believe the changes required to mitigate the project's wind impacts should be determined as part of a FPIR and certainly prior to a vote to approve the project by the BRA Board. To do otherwise is to put the community at risk for intolerable wind conditions. Too often in the past we have seen wind mitigation alluded to in presentations only to find that the end result on our streets and sidewalks is unsatisfactory.

Comment 3

We also write to comment on affordable housing in this project. We value income diversity as part of the overall diversity of our neighborhoods. We support the 15% affordable housing requirement on developers and urge the BRA to insist that Simon not be given the option to satisfy this requirement by making a contribution to the general fund for affordable housing. As part of the neighborhood benefits for this project, we urge the BRA to insist that the developer provide an additional 10% affordable housing. This total of 25% affordable housing reflects the plan in the original lease and the percentage in the Harcourt Street housing presently on the site. We encourage the developer to work with local community development corporations on finding a solution to satisfy this affordable housing provision. We urge the BRA to insist that Simon build the total affordable housing on site. (If the BRA in cooperation with local CDCs finds this solution not possible, we urge the BRA to insist that the affordable housing be located in the South End and/or Back Bay neighborhoods and that construction of this housing be started before construction begins on the Copley Expansion and Residential Tower.)

Comment 4

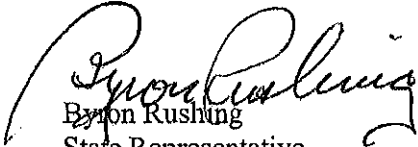
We cannot support the project as it is currently proposed. There remain several fundamental issues that require further analysis; our obligation to advise the BRA cannot be fulfilled with the information at hand. We wish to continue working on the issues identified above and in the letter submitted by our CAC colleagues and believe such work should continue prior to a BRA Board vote to approve the project. We remain concerned that some issues may not be satisfactorily resolved; if the BRA Board approves the project, our communities may be adversely affected by a building whose negative features outweigh its positive ones.

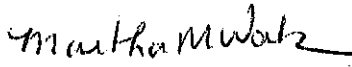
As the State Representatives for the affected neighborhoods and as the members of the CAC representing the Ellis South End Neighborhood Association, the Neighborhood Association of

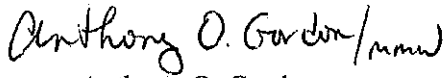
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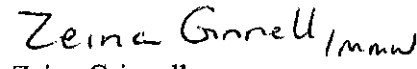
the Back Bay and the residents of Tent City (the people most directly affected by the proposed project), we urge the BRA to require the submission of a Final Project Impact Report.

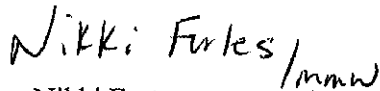
Sincerely,


Byron Rushing
State Representative
9th Suffolk District


Martha M. Walz
State Representative
8th Suffolk District


Anthony O. Gordon
Ellis South End
Neighborhood Association


Zeina Grinnell
Neighborhood Association of the Back Bay


Nikki Fortes
Tent City