



Fact Sheet on Proposed Winthrop Square Tower

12-30-16

The Proposed Tower Violates State Laws

- The Friends of the Public Garden is committed to preserving sunlight and preventing shadow creep on the City's landmark public parks, while also allowing development to continue in downtown Boston.
- Millennium Partners' proposed 775-foot Winthrop Square development is in violation of existing laws designed to protect Boston Common and the Public Garden from shadow creep. These laws, in effect for a quarter century, have protected the City's signature public parks while allowing a robust level of development in downtown Boston.
- If built, Winthrop Square Tower would cast a morning shadow stretching from Winthrop Square in the financial district, down the middle of Boston Common, through the heart of the Public Garden and onto the Commonwealth Avenue Mall - a distance of roughly one mile.
- The developers are seeking to amend the two State "Shadow Laws" protecting the Common and the Garden. These laws restrict new shadows cast on the Common or the Garden by a building in Winthrop Square to the first hour after sunrise or 7:00 a.m. (whichever is later) or the last hour before sunset. (See further explanation below) The Tower would be in violation of the Common Shadow Law 264 days of the year, and in violation of the Public Garden Shadow Law 120 days of the year.
- Mayor Marty Walsh is expected to file a home rule petition with the City Council in January to amend the shadow laws for the first time since they were enacted in 1990 (for the Common) and 1993 (for the Garden) to allow this project to be built. If approved by the Council, the home rule bill would need to be approved by the state Legislature and signed by Governor Charlie Baker.

Tower Would Cast Permanent Shadows and Set Precedent

- The legislation would not only result in a permanent negative impact on the parks, it would also set a precedent for future exemptions for individual projects, and provide a blueprint for developers to entice the support of public officials by promising large amounts of money for other city needs. The sale of the property and additional mitigation offered by Millennium will result in \$153 million for the City, a portion of which the Mayor has said would be used for park improvements and affordable housing.

- The City wants to trade the permanent shadows on our landmark parks for \$153 million in new one-time revenue. But the owners of these luxury homes in the sky would gain the most – spectacular views of the city and a place to invest millions of dollars – at the permanent expense of people on the ground who use the parks every day.
- Winthrop Square is not the first, nor will it be the last proposal that could throw long shadows on the city's downtown parks. The City owns several parcels with lower rise, aging office buildings and underused facilities that are attractive for redevelopment and are located where new, taller buildings could cast new shadows on the parks prohibited by the State laws. Private developers are eyeing parcels in the adjacent Midtown Cultural District, including One Bromfield Street, Pi Alley, and St. Anthony's Shrine. These potential projects – and others in the future – could seek additional amendments to State laws, as is being proposed for Winthrop Square, or variances from height restrictions from the City zoning code, resulting in more shadows on the two parks.

The Friends Seeks Comprehensive Development Plan

- The Friends supports a broader discussion about where and how development happens in Boston in a way that keeps the City growing without shadow encroachment on the Common and the Garden. Without a comprehensive, long-term plan, excessive shadowing of the parks is inevitable and is irreversible, permanently affecting the quality of the parks and the public's experience of them.
- Already, 500-foot towers are springing up across downtown Boston: in addition to Winthrop Square (775'), the following are either proposed, in various stages of approval, or under construction: One Bromfield (709'), Four Seasons Hotel & Private Residences (699'), South Station Tower (677'), The Hub on Causeway Office/Residential Towers (656'/498'), Copley Place Tower (625'), Bullfinch Crossing Office/Residential Towers (620'/539'), Harbor Square Towers (600'/550'), 1000 Boylston (559').
- The Boston Common and Public Garden are not only beloved by the city, but are national treasures and focal points for tourism and the dollars it generates, as well. Listed in the State and National Registers of Historic Places, and both City and National Historic Landmarks, the Common and Garden are proven assets that raise commercial, retail, hospitality and residential real estate values. They are the sites of countless events, public gatherings, and have been an integral part of the City's identity for generations. The Boston Common is the center stage of civic life, a place where people for centuries have come to celebrate and to demonstrate, to cheer and to mourn. As iconic public spaces, they contribute to Boston's reputation as a City with exceptional quality of life.

Shadow Laws Enacted to Preserve Sunlight/Protect Against Shadow Creep

- The Boston Common (Ch. 362, 1990) and Public Garden (Ch. 384, 1993) Shadow Laws restrict new shadows on the parks to the first hour after sunrise or 7:00 a.m. (whichever is later), or the last hour before sunset, cast by buildings located outside of the Midtown Cultural District. The proposed Winthrop Square project must comply with these restrictions, as it is located outside of the Midtown Cultural District.

- The law differentiates between the rest of the downtown and the Midtown Cultural District, which is the area abutting the Boston Common and Public Garden from Arlington to School Streets and generally defined by Boylston, Tremont, and Washington Streets.
- The following rules govern shadow impacts on the Common and the Garden for developments within the Midtown Cultural District:
 - On the Common, new shadows are only allowed if they last less than two hours between the hours of 8:00 am and 2:30 pm from March 21 to October 21. The City can grant exemptions during those dates and times for shadows over two hours duration, but the total amount of shadow exempted from the two-hour duration cannot exceed one acre. The law established this exemption, commonly known as the “Shadow Bank” (one acre total), from which the City can allow developers to “withdraw.”
 - On the Garden, new shadows are allowed before 10:00 a.m. during the period between March 21 and October 21. There is no “Shadow Bank” for the Garden.
- Millennium Partners withdrew close to three-quarters of an acre from the total “Shadow Bank” for its 500-foot-tall Ritz condominium complex on Avery Street along the Common. Because of that exemption, the building casts a large shadow stretching across the Common during certain hours of the day.
- The City approved a Planned Development Area (PDA) for the Millennium Tower at the Filene’s site, which allows for greater height than the zoning limits. The 685-foot-tall Tower casts a new shadow across the Common for less than two hours during the restricted times, and is in compliance with the Shadow Law.

About the Friends of the Public Garden

One of the oldest parks nonprofit advocacy groups in the country, the Friends of the Public Garden has worked in partnership with the City of Boston Parks & Recreation Department since 1970 to preserve, protect, and enhance the Boston Common, Public Garden, and Commonwealth Avenue Mall. The Friends invests \$1 million annually on maintenance and capital improvements in the parks, and serves as a staunch advocate to protect the parks from misuse and encroachment.