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## **Appendix C: Written Comments Received on the DEIS**

KYLE ATHAYDE  
CHAIR

SANDRO SHERROD, FIRST VICE CHAIR  
MARK THOMPSON, SECOND VICE CHAIR



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD SIX  
211 EAST 43RD STREET, SUITE 1404  
NEW YORK, NY 10017

JESÚS PÉREZ  
DISTRICT MANAGER

BRIAN VAN NIEUWENHOVEN, TREASURER  
BEATRICE DISMAN, ASST. TREASURER  
SEEMA SHAH, SECRETARY  
MATT BONDY, ASST. SECRETARY

**VIA E-MAIL**

June 10, 2021

Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31st Floor  
New York, NY 10271

**Resolution on a ULURP application by BP 343 Madison Associates LLC and the MTA for two Vanderbilt Corridor special permits (ZR 81-633 and 81-634) to redevelop 341-347 Madison Ave**

At the June 9, 2021 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

**WHEREAS**, at the May 24, 2021 Land Use meeting of Manhattan Community Board Six, the committee was presented with the application for 343 Madison Avenue;

**WHEREAS**, this is an application by BP 343 Madison Associates LLC, in partnership with the MTA, for two Vanderbilt Corridor special permits (ZR 81-633 and 81-634) to facilitate the redevelopment of the site with a maximum 30.0 FAR commercial building located at 341-347 Madison Ave, in the East Midtown neighborhood of Manhattan Community District 5, with transit improvements located in Community Districts 5 and 6;

**WHEREAS**, the Applicant is requesting a Special Permit for Grand Central Public Realm Improvements based on transit improvements;

**WHEREAS**, improvements on site include a double-height entrance to the LIRR East Side Access terminal at the intersection of Madison Avenue and East 45th Street, with three new escalators, a new stair, and an elevator providing public access from street level to the East Side Access mezzanine;

**WHEREAS**, the project includes the following off-site transit improvements: widening the existing platform stairs at the eastern end of the Flushing Line Platform; widening two stairs that lead from the uptown Lexington Line (4/5/6) platform to a passageway connecting to the Flushing Line platform via two existing stairs; and constructing a new transfer passageway as an extension of the existing passageway and constructing two

new 5-foot wide Flushing Line platform stairs and a 10-foot, 8-inch wide stair connecting the platform and the passageway extension;

**WHEREAS**, the Applicant seeks a special permit under 81-633 that would increase the maximum permitted floor area from the 15 FAR allowed as of right to 30 FAR;

**WHEREAS**, the Applicant seeks a special permit under 81-634 that would modify certain mandatory district plan elements, street wall height, height and setback regulations, and curb cut regulations;

**WHEREAS**, the proposed street wall will rise to nearly 322 feet at the street line prior to setback, more than double the street wall maximum of 150', before setback required without a special permit;

**WHEREAS**, the proposed project will have a weighted daylight score of -108.9, whereas a daylight score of 75 is required without a special permit;

**WHEREAS**, the City Planning Commission must find that "street wall or height and setback regulations will result in an improved distribution of bulk on the zoning lot that is harmonious with the height and setback goals of the Special Midtown District" (ZR 81-634 (c)(2));

**WHEREAS**, the purpose of these regulations "is to offer maximum design flexibility while setting reasonable but firm standards to protect access of light and air to public streets and adjacent buildings" (ZR 81-251);

**WHEREAS**, the proposed daylight evaluation score of -108.9 constitutes a substantial variation from the "reasonable but firm" daylighting standard and will severely impair access to light and air in the surrounding area;

**WHEREAS**, in 2017 the passing score for daylighting in East Midtown outside the Vanderbilt Corridor was weakened to 66 and this proposal significantly fails either measure;

**WHEREAS**, the project intends to lease the land for 99 years, and instead of paying taxes proposes a Payment in Lieu of Taxes (PILOT); where funds from the PILOT will be used to fund the proposed transit improvements;

**WHEREAS**, the substantial transit improvements proposed by this project will ultimately be paid for through a PILOT, and not from developer's funds, which brings into question the purpose of providing the additional 15 FAR allowed by Special Permit;

**WHEREAS**, "reasonable but firm standards" that can be so easily waived are not standards at all;

**WHEREAS**, a higher daylight evaluation score can be achieved with a lower street wall, standard setback, smaller floor plate or some combination thereof, and still provide a desirable building that is less impactful to the character of the area;

**WHEREAS**, the language of the proposed City Planning Commission findings that justifies the substantial variance from the daylighting standard is unconvincing and could be used to justify nearly any building that produces any daylighting score;

**THEREFORE, BE IT RESOLVED** that Manhattan Community Board Six disapproves of this application unless the following are addressed:

- that the project meet the daylighting requirements of the current zoning
- that the project meet the current zoning requirements for street wall and setback requirements
- that the rental monies generated be used for improvements to transit infrastructure benefiting the community where the building is located
- that the loading facilities on East 45th Street be relocated to maintain retail frontage and pedestrian interest at street level
- that the project team develop a building enclosure that surpasses the requirements of the 2020 New York City Energy Code;

**BE IT FURTHER RESOLVED** that even though CB6 is supportive of the transit improvements, CB6 requests an updated design that addresses the community's concerns enumerated above.

**VOTE: 40 In Favor 0 Opposed 5 Abstention 1 Not Entitled**

Best regards,



Jesús Pérez  
District Manager

Cc: Hon. Gale Brewer, Manhattan Borough President  
Hon. Keith Powers Council Member  
Adam Hartke, Chair, CB6 Land Use & Waterfront Committee  
Azka Mohyuddin, City Planner, NYC Department of City Planning  
Scott Williamson, City Planner, NYC Department of City Planning  
Applicant

# MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109  
New York, NY 10123-2199  
212.465.0907 f-212.465.1628

Marisa Maack, District Manager

June 14, 2021

Marisa Lago  
Chair of the City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: 341-347 Madison Ave, an application by BP 343 Madison Associates LLC, in partnership with the MTA, for two Vanderbilt Corridor Special Permits to facilitate the redevelopment of the site at 341-347 Madison Ave..**

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, June 10, 2021, the following resolution passed with a vote of 35 in favor; 0 opposed; 1 abstaining:

WHEREAS, BP 347 Madison Associates LLC (the developer of the site and an affiliate of Boston Properties) and the Metropolitan Transportation Authority (MTA), jointly the applicant (the "Applicant"), have applied for a set of waivers and special permits related to the redevelopment of the properties at 341-347 Madison Avenue between East 44th and 45th Streets, collectively known as 343 Madison Avenue, aka MTA HQ; and

WHEREAS, The current building on the site was constructed in 1917, and beginning in 1979 served as the headquarters for the MTA that subsequently moved out of the buildings in 2014 with a request for proposals (RFP) in 2013, seeking a partner to redevelop the site for the purpose of generating revenue to the MTA; and

WHEREAS, In 2016, after a bidding process, the MTA selected Boston Properties for a 99 years ground lease and to develop the site; and

WHEREAS, In 2020, in accordance with the rules of the Vanderbilt Corridor subdistrict, the Applicant put forward this proposal to obtain special permits and waivers to facilitate the development; and

WHEREAS, The proposed building would comprise approximately 753,120 square feet, with a base 15 FAR and a 15 FAR bonus for transit and public realm improvements, reaching the maximum authorized density of 30.0 FAR on a 25,104 square foot parcel, with a height of approximately 1,050 feet; and

WHEREAS, To qualify for a bonus FAR, the Applicant is proposing the following transit upgrades:

- On site site improvements:
  - Construction of 1 stair, 3 escalators and an elevator from corner of Madison Avenue and East 45th Street to East Side Access (ESA) concourse
- Off site improvements:
  - Widening two platform stairs at the east end of the Flushing Line (7) platform

- Widening two sets of stairs that connect the Uptown Lexington Line to an existing passageway that provides access to existing Flushing Line platform stairs
- Constructing a new extension of the existing Flushing Line passageway and three new stairs that would connect the passageway extension and the Flushing Line platform; and

WHEREAS, On-site transit improvements would be performed at the expense of Boston Properties; and

WHEREAS, Off-site transit improvements would be funded via bonds issued by the MTA, and the MTA would service these new bonds with the monies the agency receives from the developer in the form of ground lease payments and payments in lieu of taxes (PILOT); and

WHEREAS, The Applicant proposes to widen the sidewalk on East 45th Street from approximately 10 feet to 15 feet wide; and

WHEREAS, The proposed building would abut two buildings to the east, the Yale Club and 52 Vanderbilt Avenue, a commercial building, and would cantilever over the East Side Access vent building along East 44th Street next to the Yale Club; and

WHEREAS, The Applicant has recently engaged the Yale Club in substantive discussions to address concerns about the impact of the proposed new building on the Club's operations and representatives of the Club testified to the progress of those discussions; and

WHEREAS, The proposed project would produce important economic benefits for New York City as it recovers from the pandemic in both the construction and operations of the building, as was testified to in the public hearing; and

WHEREAS, The building as proposed could not be constructed as of right and would require the following special permits and waivers in order to do so

- Special permit pursuant to ZR Section 81-633 to authorize: Bonus floor area of 376,560 sf (15.0 FAR) for on-site and off-site improvements to the mass transit circulation network in the vicinity of Grand Central Terminal.
- Special permit pursuant to ZR Section 81-634 to modify:
  - Street wall regulations;
  - Height and setback regulations;
  - Retail continuity requirements;
  - Ground floor use provisions;
  - Building entrance and recess requirements;
  - Curb cut and loading berth provisions; and

WHEREAS, A special permit is requested to increase the base 15.0 FAR to 30.0 FAR in connection with the on-site and off-site public transit improvements; and

WHEREAS, The proposed off-site transit improvements under the East Midtown Special District would qualify for a 6.4 additional FAR bonus, which leaves 8.6 FAR for consideration beyond the bonus generated by these off-site transit improvements; and

WHEREAS, Community Board Five recognizes that development around major transit hubs such as Grand Central is generally appropriate in principle and that the proposed transit improvements are essential additions to the area; and

WHEREAS, Community Board Five, however, does not believe these improvements as proposed are sufficient to justify the additional FAR requested given the substantial density the building will bring to

the area and the resulting increased demands on public transit in a corridor that already is experiencing a significant increase in density from the East Midtown and Vanderbilt Corridor rezonings; and

WHEREAS, the building massing is not compliant with the Vanderbilt Corridor daylight evaluation requirements, causing the sidewalks to be darker than a compliant massing would, and Community Board Five believes the building massing should comply with the requirements of the existing zoning, to minimize the encroachment on the sky exposure plane; and

WHEREAS, Retail frontage on Madison Avenue is a priority to maintain a vibrant and welcoming street experience for pedestrians, and the proposed lobby width is unnecessary and should be reduced to comply with the existing zoning; and

WHEREAS, CB5 recognizes that a street wall height in excess of the compliant 150 feet may be appropriate, the proposed 321 foot street wall height is excessive and should be lowered; and

WHEREAS, CB5 does not object to the special permits requested related to entrance recess, curb cut, loading berth, and street wall design to accommodate the entrance to East Side Access; therefore be it

**RESOLVED**, Community Board Five **recommends denial** of the special permits requested in this application **unless** the above concerns are addressed, specifically enhanced below grade public transit improvements, a lower street wall height, compliant daylight evaluation score, and a reduction in lobby width to accommodate the required retail frontage on Madison Avenue.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero  
Chair



Layla Law-Gisiko  
Chair, Land Use, Housing and Zoning Committee  
Committee



E.J. Kalafarski  
Chair, Transportation/Environment

CC: Hon. Corey Johnson, Council Speaker  
Hon. Brad Hoylman, State Senate, District 27  
Hon. Liz Krueger, State Senator, District 28  
Hon. Keith Powers, Councilmember, District 4  
Manhattan Borough President, Gale Brewer  
Sarah Carroll, Chair, Landmarks Preservation Commission  
Edward Pincar Jr., Department of Transportation  
Alfred C. Cerullo, III, President/CEO Grand Central Partnership  
Sarah Feinberg, MTA New York City Transit



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**Gale A. Brewer, Borough President**

August 3, 2021

**Recommendation on ULURP Application Nos. C210369ZSM and C210370ZSM  
343 Madison Avenue – Metropolitan Transportation Authority Headquarters  
By Boston Properties and the Metropolitan Transportation Authority**

**PROPOSED ACTIONS**

Boston Properties and the Metropolitan Transportation Authority (“the Applicants”) are seeking two Zoning Special Permits from the City Planning Commission (“CPC”) to facilitate the redevelopment of a site located at 341-347 Madison Avenue (“the Project Site”). The special permits follow provisions of the Vanderbilt Corridor Subarea within the East Midtown Subdistrict of the Special Midtown District, allowing both additional floor area and related modifications of certain district plan requirements and zoning restrictions in exchange for on-site and off-site improvements to the mass transit circulation network of Grand Central Terminal. These special permits are pursuant to ZR § 81-633 and ZR § 81-634 respectively.

Pursuant to ZR § 81-633, a development or enlargement may be granted floor area in excess of the maximum base floor area ratio (“FAR”) up to an FAR of 30.0 if improvements are made to the pedestrian or mass transit circulation network above- or below-grade, as well as to the ground floor level of the building, with particular attention paid to building design and sustainable design measures. Any floor area in excess of the maximum base FAR is subject to a special permit by the CPC with specific findings laid out in ZR § 81-633(b).

Pursuant to ZR § 81-634, a development or enlargement may also be granted certain modifications related to the additional floor area, including modifications to street walls, height, and setback regulations as well as mandatory plan elements. Any such modifications are subject to an additional special permit by the CPC with specific findings laid out in ZR § 81-634(c).

**BACKGROUND**

**Area Context**

The Project Site is located within the Vanderbilt Corridor Subarea of the East Midtown Subdistrict of the Special Midtown District. The Vanderbilt Corridor was established in 2015 (Application No. N150127ZRM) in order to facilitate the development of modern commercial



space around Grand Central Terminal while also addressing transit and pedestrian infrastructure challenges, and allowing transfers of unused development rights of landmark buildings within the special district. In 2017, the Vanderbilt Corridor was incorporated into the East Midtown Subdistrict without substantive changes to its original provisions.

The Project Site is located in Manhattan Community Board 5, while part of the proposed transit improvements are located in Community Board 6. The surrounding area is characterized by high-density commercial office buildings, consistent retail and street walls, transit infrastructure centered around Grand Central Terminal, and some scattered institutional and residential uses. Nearby building heights average several hundred feet, with some reaching a maximum of up to 800 feet, and One Vanderbilt reaching 1,400 feet in height.

Much of the surrounding East Midtown Subdistrict is zoned as C5-3, a commercial district with a base maximum FAR of 15.0 for non-residential use and 10.0 for residential use. C5-2.5 is also mapped west of the Project Site, with a base maximum FAR of 12.0 for non-residential use and 10.0 for residential use, with options for floor area increases in exchange for recreation space. Floor area may be increased within the Vanderbilt Corridor Subarea through improvements to adjacent subway stations, transfer of development rights from landmark buildings, or through the provision of transit and public realm improvements.

### **Site Description**

The Project Site, currently owned by the Metropolitan Transportation Authority (“MTA”), is located on the western portion of Manhattan Block 1279, bounded by Madison Avenue, East 44<sup>th</sup> Street, Vanderbilt Avenue, and East 45<sup>th</sup> Street, and consists of four tax lots, numbered 23, 24, 25, and 48. The Project Site has a lot area of 25,104 square feet, and is zoned C5-3, allowing as-of-right a total zoned floor area of 376,560 square feet. Current uses of the site include a 13-story office building on Lot 23, a 19-story office building on Lot 24, a 5-story utility building on Lot 25, and a 20-story office building on Lot 48. The eastern portion of the block also includes a 22-story landmarked building containing the Yale Club of New York City, and a 20-story office building.

In addition to the Project Site, the proposal includes off-site improvements to the Flushing Line platform at the Grand Central / 42<sup>nd</sup> Street subway station located beneath Grand Central Terminal. The Flushing Line currently serves the 7 train, with transfer access at this station to the 4, 5, 6, and S trains, as well as Metro North lines running through Grand Central Terminal.

### **Project Description**

The Applicants are seeking to construct a 1,050-foot-tall commercial building with a total floor area of 925,630 square feet and a total zoned floor area of 753,120 square feet (or 30.0 FAR). The base of the building would be 321 feet, with a setback on all frontages and a cantilever over the utility building on Lot 25. The building’s lobby as well as ground floor retail spaces would

front Madison Avenue, while the proposed East Side Access transit entrance will be located at the corner of Madison Avenue and East 45<sup>th</sup> Street.

On-site transit improvements, pursuant to ZR § 81-633, would consist of the following:

- Three new 40-inch wide escalators connecting the corner entry at street level to the East Side Access concourse level;
- A new 6-foot wide stair adjacent to the new escalators;
- A new elevator connecting the corner entry at street level to the East Side Access concourse level, in full compliance with the Americans with Disabilities Act;
- A new MTA back-of-house space beneath the Project Site accessible by the new elevator; and
- A new double-height, 2,372-square-foot entrance area at the northwest corner of the Project Site.

Off-site transit improvements, pursuant to ZR § 81-633, would consist of the following:

- Widening two platform stairs at the east end of the Flushing Line platform at Grand Central Terminal by approximately four feet and nine inches;
- Widening two sets of stairs that connect the uptown Lexington Line platform to an existing passageway providing access to the existing Flushing Line platform stairs by approximately one foot and three inches each; and
- Constructing a new extension of the existing Flushing Line transfer passageway, as well as two new 5-foot-wide stairs and a 10-foot, 8-inch wide stair connecting the passageway extension and the Flushing Line platform.

Pursuant to the request for proposals (“RFP”), originally issued by the MTA in June of 2013, the MTA will ground lease the property to Boston Properties, who in exchange will pay the MTA both a base rent and a payment in lieu of taxes (“PILOT”), both negotiated between the MTA and Boston Properties. While the PILOT will go directly to the MTA, revenue generated through the base rent will be used to fund the off-site transit improvements listed above. The base rent was calculated by the MTA in order to both meet a reasonable rent price as well as incorporate expected costs of the off-site transit improvements.

## **COMMUNITY BOARD RECOMMENDATIONS**

Manhattan Community Boards 5 and 6 were both briefed by the Applicants during May and June of 2021. Both boards were given a 60-day referral period to opine and present a resolution recommending approval or disapproval of the application with or without conditions.

Manhattan Community Board 5 was briefed at their Joint Land Use, Housing, and Zoning and Transportation and Environment Committee meetings during May and June of 2021. At these two meetings, several concerns were raised, including the increase in shadows and decrease in

sky exposure caused by the proposed development, the height of the street wall as proposed, increases in traffic and pedestrian volume that would come with this project, funding coming from revenue on the site and not separately from the developer, and the improvements as not commensurate with the bonus granted. On June 10, 2021, Manhattan Community Board 5 submitted a resolution recommending disapproval of the application with the following conditions:

- Require the project to meet the daylighting requirements of the current zoning;
- Enhance the proposed below-grade public transit improvements so as to justify the additional floor area requested;
- Lower the street wall height of the proposed building; and
- Reduce the width of the proposed lobby to accommodate the required retail frontage on Madison Avenue.

Manhattan Community Board 6 was briefed at their May Land Use and Waterfront meeting, where several concerns were raised, including the increase in shadows and decrease in sky exposure caused by the proposed development, funding coming from revenue on the site and not separately from the developer, and the improvements as not commensurate with the bonus granted. On June 10, 2021, Manhattan Community Board 6 submitted a resolution recommending disapproval of the application with the following conditions:

- Require the project to meet the daylighting requirements of the current zoning;
- Require the project to meet the street wall and setback requirements of the current zoning;
- Ensure that the revenue generated from rent on the site be used for improvements to transit infrastructure benefiting the community where the building is located;
- Relocate the loading facilities on East 45<sup>th</sup> Street to maintain retail frontage and pedestrian interest at street level; and
- Require the project team to develop a building enclosure that surpasses the requirements of the 2020 New York City Energy Code.

## **BOROUGH BOARD RECOMMENDATION**

The Manhattan Borough Board received a presentation from the Applicants about this application at its July 15, 2021 meeting. Manhattan Borough Board members raised questions and concerns which were fielded by representatives of the Applicants.

Informed by this discussion, as well as by the meetings and resolutions of individual Manhattan community boards, the Manhattan Borough Board voted to recommend disapproval of the application with the following conditions:

- Require the proposed building to meet the daylighting, street wall, and setback requirements of the current zoning;

- Enhance the proposed transit improvements on-site and off-site to justify the requested additional floor area;
- Reduce the width of the proposed lobby to accommodate retail frontage requirements along Madison Avenue in the Vanderbilt Corridor Subarea;
- Require the proposed building to meet or exceed the 2020 New York City Energy Code;
- Require the proposed loading facilities on East 45<sup>th</sup> Street to be relocated to maintain consistent retail frontage; and
- Commit any rent generated on site to local transit improvements.

## **BOROUGH PRESIDENT'S COMMENTS**

I believe the Applicants have presented a thorough and thoughtful proposal for a development that will provide transit improvements that are pivotal for East Midtown, a crucial transit hub. However, the local community boards have raised substantive issues with the proposed project. I have considered every concern raised by both Manhattan Community Boards 5 and 6, as well as by the Manhattan Borough Board, and conveyed their issues and others with the MTA and the developer in numerous discussions. On July 27, 2021, I visited the sites of the off-site improvements at Grand Central Terminal with the MTA to fully understand the scope of these projects, the logic behind the original RFP, and the continued commitment by the MTA to mass transit infrastructure in East Midtown.

I still have several concerns:

### **Floor Area Bonus Rationale**

The Applicants have laid out a clear rationale for the floor area bonus they are proposing. However, aspects of the argument extend a rationale of the Zoning Resolution beyond its intended purpose, leaving room for debate as to whether the proposed transit improvements are truly commensurate with the bonus being sought. As the local community boards have recognized, I find that a further assessment is needed to determine whether such a proposal is consistent and justifiable.

The provision allowing such a floor area bonus through CPC special permit is found in ZR § 81-633, where certain findings are required to be met in order for the CPC to approve of such an application. These findings include appropriateness related to mass transit access, zoning lot size, wide street frontage, and adjacency to open areas above Grand Central Terminal; significance and quality of both above- and below-grade circulation improvements; significance of the public benefit created by the project; and quality of design of the building. While the proposed project poses concerns regarding light and air quality on adjacent streets, I believe the Applicants have made a case for meeting these requirements. Whether the public benefit merits the floor area bonus, however, requires further analysis.

The rationale of the Applicants primarily references the Priority Improvement List found in ZR § 81-682. While the site in question is located in the Vanderbilt Corridor Subarea, and this list

technically applies only to sites located in either the Grand Central Transit Improvement Zone Subarea or the Other Transit Improvement Zone Subarea, the application proposes transit improvements which are specifically laid out in the list with equivalent floor area bonuses for each by type. For the project's off-site improvements, the Applicants have proposed 160,000 square feet in bonus floor area as is consistent with the list. The Applicants then argue that the rationale of this list should be extended to the on-site improvements proposed. The similarities between the East Side Access entrance and those within the Priority Improvement List may be reasonably understood as similar. The Applicants propose that the East Side Access entrance consists of three "Type 1" improvements and one "Type 3" improvement, totaling 240,000 square feet in bonus floor area.

A variety of factors were considered in developing the Priority Improvement List. To extend such a rationale to a separate on-site improvement was certainly not the intention of this provision. Not only is the East Side Access entrance not relevant to the list, but as an on-site improvement, it provides a public benefit valued differently from improvements to existing off-site transit infrastructure. As this improvement does not exist within the Priority Improvement List, the Applicants can argue for any number of equivalent floor area bonuses. For example, as "Type 1" improvements include "new or expanded off-street entrances," one may argue that only 40,000 bonus square feet should be awarded for this improvement. The 240,000 bonus square feet proposed is arguably overgenerous given the extent of the East Side Access improvement.

There is a plethora of existing needs in the local mass transit system and public realm. These needs include items listed on the Priority Improvement List, as well as the list of projects identified by the East Midtown Governing Group Concept Plan. Given the significance of this project and the floor area bonus being sought, I believe that the public benefit to the local community should be maximized to be truly justified.

The Applicants have made the following commitment to my office regarding improvement to the public realm:

- Work with the New York City Department of Transportation ("DOT") to fund and, at the discretion of DOT, design and construct a sidewalk widening along the north side of 44<sup>th</sup> Street between Vanderbilt and Madison Avenues as consistent with the East Midtown Governing Group Concept Plan and in consideration of the needs of the Yale Club.

### **Dedicated On-Site Space for the Arts**

I strongly believe that new developments like this one offer unique opportunities to support and highlight the New York arts community. Too often we miss that opportunity. This project should contain a significant art component accessible to the public, and commensurate with the scale of the proposed building and its site.

The Applicants have made the following commitments to my office regarding arts in the building:

- Provide opportunities for artists to gain exposure through installations in the on-site transit entrance, under MTA’s Arts for Transit Program;
- Provide free “pop-up” space for artists within available retail space prior to rent-up; and
- Provide space within the building for use by artists or New York-based arts organizations, at a cost to the tenant equivalent to the local commercial tax rate in addition to utility expenses. The space will be at least 500 square feet if at grade or 1,000 square feet in other locations, to be offered for a period of five years from initial rent up of the building.

### **Accessible Office Layouts**

Related to a commitment to the arts, this office tower could better support smaller businesses and nonprofit tenants. Not every business can afford floorplates as large as the ones proposed in this project. Availability of office space in this city is an ongoing issue, and a proactive strategy to facilitate use of these spaces by smaller tenants is essential. Programs like Durst Ready, an initiative of the Durst Organization, work to support tenants in office buildouts and through other services that ensure the success of small and large businesses alike. Continuing an innovative approach to commercial development, property owners must do more to support their tenants and recognize the symbiotic nature of their relationships.

I urge the Applicants to divide floorplates and price spaces in ways that invite and support small businesses and nonprofits struggling in a competitive real estate environment.

### **Rent and PILOT Structure**

As this project involves proposed on- and off-site transit improvements, funding on the part of the developer must be allocated to cover these improvement costs. It is my understanding that when a private developer is required through a special permit like this one to provide any public benefit as part of the proposal, the developer must allocate dedicated funds for those improvements. However, in this case, the RFP distributed by the MTA proposes a funding stream that is not set aside but built into the rent structure for the ground lease on this site. Therefore, part of the rent generated at 343 Madison Avenue will be used to fund the off-site improvements proposed at Grand Central Terminal.

I understand that the base rent for the site was calculated to incorporate this cost, and that it would be lower if funding for the improvements were not included. I also understand that a payment in lieu of taxes (“PILOT”) structure is required by the RFP, and that both the PILOT- and rent-generated revenue that is not already dedicated to the off-site improvements will be directed to the MTA’s Capital Program, covering capital project costs across the MTA system. However, I remain concerned that the funding for these off-site improvements is conflated with

the rent generated through the ground lease, and I believe that special permits like this one intend for a separate pot of money to go toward any public benefits attached to a project. This is a unique project in that the MTA remains owner of the property, and I recognize that the revenue structure was developed by the MTA and not Boston Properties. I agree that the MTA should carry out the construction of these improvements, as they are best suited to oversee improvements to their own system, and I urge the Applicants to consider a revenue structure that separates funds generated through rent dedicated to the Capital Program, and funds intended for off-site improvements specific to this project.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

I therefore recommend **approval of the application with conditions**. This recommendation is contingent on the Applicants' completion of the following commitments:

- Work with DOT to fund and, at the discretion of DOT, design and construct a sidewalk widening along the north side of 44<sup>th</sup> Street between Vanderbilt and Madison Avenues as consistent with the East Midtown Governing Group Concept Plan and in consideration of the needs of the Yale Club;
- Provide opportunities for artists to gain exposure through installations in the on-site transit entrance, under MTA's Arts for Transit Program;
- Provide free "pop-up" space for artists within available retail space prior to rent-up; and
- Provide space within the building for use by artists or New York-based arts organizations, at a cost to the tenant equivalent to the local commercial tax rate in addition to utility expenses. The space will be at least 500 square feet if at grade or 1,000 square feet in other locations, to be offered for a period of five years from initial rent up of the building.

In addition to these conditions, I urge the Applicants to consider the following recommendations put forth by the Manhattan Borough Board in their resolution dated June 17, 2021:

- That the proposed building meet the daylighting, street wall, and setback requirements of the current zoning;
- That the Applicants enhance the proposed transit improvements on-site and off-site to justify the requested additional floor area;
- That the Applicants reduce the width of the proposed lobby to accommodate retail frontage requirements along Madison Avenue in the Vanderbilt Corridor Subarea;

- That the proposed building meet or exceed the 2020 New York City Energy Code;
- That the proposed loading facilities be relocated to maintain consistent retail frontage;  
and
- That any rent generated on site be committed to local transit improvements.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style with a large initial 'G'.

Gale A. Brewer  
Manhattan Borough President





OFFICE OF THE PRESIDENT  
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**Gale A. Brewer, Borough President**

August 18, 2021

**Testimony of Manhattan Borough President Gale Brewer  
343 Madison Avenue – Metropolitan Transportation Authority Headquarters  
ULURP Application Nos. C210369ZSM and C210370ZSM  
By Boston Properties and the Metropolitan Transportation Authority**

Good morning Chair Lago and Commissioners,

I believe that Boston Properties and the MTA have presented a thoughtful proposal that will provide new funding for the MTA's Capital Program, as well as pivotal transit improvements for East Midtown, a crucial transit hub. An area like East Midtown is capable of absorbing the added density that this development will bring, and it is essential that we ensure that the floor area bonus is commensurate with the public realm and transit improvements that the applicant team proposes.

Both Community Boards 5 and 6 have raised substantive issues with the proposed project. I have considered their concerns and I have met with the applicant team on numerous occasions to address these issues as well as my own concerns. I have also toured the site to see firsthand how helpful the proposed transit improvements can be for commuters. I see this project as one that is in keeping with the goals of the East Midtown rezoning—even though it's located in the Vanderbilt Corridor. We are granting density in exchange for extensive public benefits and I believe that tradeoff is in the interest of the City. However, I believe that the additional 15 FAR that the applicant is requesting warrants additional contributions beyond what they initially proposed.

To that end, the applicant team has agreed to additional improvements, which would include a sidewalk widening along East 44<sup>th</sup> Street between Vanderbilt and Madison Avenues, a much-needed improvement identified by both the Department of Transportation and the East Midtown Governing Group Concept Plan. Additionally, I have received a commitment from the applicant team to provide art installation opportunities for local artists in both the on-site transit and retail spaces, as well as dedicated, affordable arts space on-site for New York-based arts organizations. I have long fought for the arts in Manhattan, and while some developers promise vague support for local artists and organizations, dedicated spaces are a substantial asset for the artist communities that bring the city to life.

While I am glad to see the commitments I've just outlined, I still urge the applicant team to also consider accessible and affordable office layouts in the proposed development, as well as a dedicated funding stream for the proposed off-site improvements.

I believe the commitments I have received from the applicant team illustrate their dedication to this neighborhood and the city as a whole. I support this project, and urge you to as well.

Thank you for the opportunity to testify in support of this application.

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RICHARD L. TOMASETTI



August 17, 2021

**TESTIMONY TO THE NEW YORK CITY PLANNING COMMISSION REGARDING  
343 MADISON AVE, CEQR #21DCP020M**

To the Commissioners of the City Planning Commission, the New York Building Congress is pleased to testify in support of the 343 Madison Ave proposal in Midtown Manhattan.

The Building Congress has, for 100 years, advocated for investment in infrastructure, pursued job creation and promoted preservation and growth in the New York City area. Our association is made up of over 525 organizations comprised of more than 250,000 skilled professionals and tradespeople. Through our members, events and various committees, we seek to address the critical issues of the building industry and promote the economic and social advancement of our city and its constituents.

We believe 343 Madison Avenue is a tremendous investment in New York at this moment in history. Redeveloping the vacant site will support the city's recovery and get the economy moving after the COVID-19 pandemic, upgrade transit infrastructure in the MTA network and provide necessary funding to support the agency.

Much like the nearby One Vanderbilt, which the Building Congress also supported, 343 Madison Avenue will replace an outdated structure in the Grand Central district with a new, sustainable tower that incorporates energy-efficient design elements, wellness amenities, universal design and the latest technology to support best practices for ventilation and air filtration. 343 Madison will be a Class-A, state-of-the-art tower that will attract and retain world-class companies to New York. Given its density, and the fact that it is replacing a vacant facility, it will also be an economic generator for nearby small businesses, food establishments and cultural institutions. The design also responds to Grand Central's role as a catalyst for density following the East Midtown Rezoning and adds to the modernization of the Vanderbilt Corridor.

This project will also promote significant private investment in public infrastructure. Redeveloping 343 Madison Avenue is expected to contribute funding to ease the MTA's capital and operational needs as well as unlock private revenue that will be used to support transit upgrades and enhance connectivity and safety in the Grand Central district. Situated near the new Long Island Rail Road (LIRR) platforms as part of East Side Access, 343 Madison Avenue will provide an entrance to the new LIRR platform, a new ADA elevator, LIRR-staff back of house space and improved circulation through the expansion of several pedestrian stairs. As part of its contributions to the transit network, the project will also create off-site improvements to the 7-train platform via the creation of new center core stairs and widening of pedestrian lanes at 42<sup>nd</sup> Street.

In closing, the Building Congress proudly supports this project, and we urge you to approve their application – a key significant step in the reimagining of East Midtown.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Carlo A. Scissura'.

Carlo A. Scissura, Esq.  
President & CEO  
New York Building Congress



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**August 27, 2021**

Via E-mail

Hon. Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 30th Floor  
New York, NY 10271

Re: 343 Madison Avenue  
CEQR No. 21DCP020M; ULURP Nos. 210369ZSM and 210370ZSM  
(collectively, the "Application")

Dear Chair Lago:

We are counsel to 335 Madison LLC, owner of the property located at 335 Madison Avenue and on whose behalf we submit the below comments to the May 3, 2021 Draft Environmental Impact Statement ("DEIS") and the Uniform Land Use Review ("ULURP") application for the 343 Madison Avenue proposal. 335 Madison is a 1.1 million square foot office building located across 44<sup>th</sup> Street from the proposed Project. It has two loading bays on 44<sup>th</sup> Street and two loading bays on Vanderbilt Avenue. The entrance to 335 Madison's 90-space public parking garage is also located on 44<sup>th</sup> Street.

The applicant under the Application proposes to develop an approximately 925,630-gross-square-foot (gsf) commercial office building up to 1,050 feet tall, with ground floor retail uses and below-grade space, and loading bays also to be located on 44<sup>th</sup> Street (the "Project"). The Proposed project is significantly larger than the 13- to 20-story buildings that exists there today, which total approximately 351,871 gsf. The proposed Project is located in the Vanderbilt Corridor and Grand Central Core Area of the Special Midtown District's East Midtown Sub-district, a dense, security-sensitive commercial zone next to Grand Central Terminal, the City's major commuter hub. The MTA estimates that, pre-COVID, 250,000 commuters traveled through Grand Central Terminal per day and an additional 162,000 commuters will arrive at the same location via the Long Island Railroad's East Side Access when it opens in 2022.<sup>1</sup>

335 Madison supports the proposed Project but believes that the FEIS and the Application, as finally submitted, should include a more thorough transportation analysis – in particular as it relates to the request to waive the requirement for head-in/head-out loading. A review of the DEIS by Michael Horodniceanu, a principal of

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<sup>1</sup> See <https://www.grandcentralterminal.com> and <https://new.mta.info/projects/east-side-access>



Urban Advisory Group who was engaged by 335 Madison, concluded that the DEIS, along with the ULURP application, does not (1) address the complex loading, pedestrian and traffic conditions on 44<sup>th</sup> Street; (2) consider the unique traffic and pedestrian conditions along Madison and Vanderbilt Avenues; or (3) offer reasonable alternatives and mitigations to address potential transportation impacts created by these conditions. The lack of consideration of these loading, traffic and pedestrian conditions make it impossible for the Commission to truly assess the transportation impacts that could result from the proposed actions. Therefore, we request that the applicant perform a more thorough transportation analysis so that FEIS and the Application, as supplemented, identify all significant adverse transportation impacts that may result from the proposed Project and discuss appropriate mitigation measures. A separate letter from Mr. Horodniceanu dated August 25, 2021 outlining his analysis is annexed hereto.

1. The DEIS and ULURP Application Do Not Provide Sufficient Information to Make an Informed Decision about Whether or Not to Approve the Waiver of Head-in/Head-out Loading for the Proposed 44<sup>th</sup> Street Loading Berths.

The applicant asks DCP to exempt it from the regulation that requires it to build a head-in/head-out loading bay, but does not provide any data that would enable DCP to understand the impact of the requested action on the environment. There is a reason head-in/head-out loading is required in this Sub-district, which is stated in the June 4, 1992 Grand Central Sub-District Report (N 920260 ZRM). That report notes that “[o]ne of the principal goals of the Sub-district is to improve the pedestrian circulation system for Metro North commuters and subway riders as well as tourists and others who may only be passing through the area” with an emphasis on, among other things, “minimizing loading and trucking conflicts with pedestrians.” June 4, 1992 Grand Central Sub-District Report (N 920260 ZRM) at p. 5. Therefore, to improve pedestrian circulation, one of the controls that applies to all new developments and enlargements in the Sub-district for interior through-lots, is to require loading berths to be arranged “so as to permit head-in and head-out truck movements to and from the zoning lot.” *Id.* at p. 6.

As discussed in more detail below, neither the Application nor the DEIS analyze the impact of the busy existing or future conditions on vehicular or pedestrian movement on East 44<sup>th</sup> Street and on Vanderbilt Avenue to assess whether, either individually or collectively, the friction created by the high pedestrian and vehicular activity levels could have an impact on their nominal level of service. Nor does either analyze the impact of the waiver itself on vehicular and pedestrian movement.

- i. *Existing Conditions*

The existing loading conditions on 44<sup>th</sup> Street and Vanderbilt Avenue are very difficult. Various businesses receive goods deliveries on 44<sup>th</sup> Street, including 335 Madison’s two loading bays, The Yale Club, and J. Press clothing store. Access to the parking garage at 335 Madison Avenue – the only parking garage in the area – is also located on 44<sup>th</sup> Street. Commercial trucks often double park along 44<sup>th</sup> Street and Vanderbilt Avenue or maneuver into loading bays on 44<sup>th</sup> Street, which causes traffic build-up that can spill back onto Madison Avenue.



The DEIS does not, however, describe these conditions. The DEIS simply notes that “East 44th Street runs eastbound and has one travel lane with curbside parking/loading on each side.” DEIS, p. 9-29. There is no discussion of where delivery trucks queue or the truck maneuvers required to enter and exit the loading bays and their impact on 44th Street’s traffic.

When conducting a traffic analysis, the 2020 CEQR Technical Manual (the “Tech Manual”) provides that “the analysis of existing conditions becomes the building block upon which all impact analyses are based.” *Tech Manual*, p. 16-20. Therefore, “[i]t is important that existing conditions be defined precisely since this is a reflection of activity levels that actually occur today and serve as the baseline for future condition analyses that require at least some projection.” *Id* (emphasis added). In determining the existing levels of service, loading is one of several factors that should be observed, as:

[i]t is also possible that the occurrence of double-parking activities or truck loading/unloading activities may create [level of service (“LOS”)] conditions that are worse than those projected via the capacity analysis methodology employed. There are many such potential field conditions that should be understood and considered during the development of traffic volume maps, preparation of capacity analyses, and determination of an intersection’s typical LOS.

*Tech Manual* 16-29 (emphasis added). Because the DEIS fails to include any discussion of these conditions, we cannot determine whether the DEIS provides an accurate baseline upon which to project future conditions along and at the intersections on 44th Street or accurately assesses traffic and pedestrian impacts in the future with the proposed Project.

Similarly, the Application is silent on existing conditions on 44th Street. Yet, a fine-grained analysis of both existing conditions and the impact of the waiver on future conditions are critical to a decision as to whether to waive head-in/head-out loading. To the extent these conditions are not factored into the existing conditions, further analyses should be done, including a traffic planning study, to fully assess the impacts of the requested waiver.

ii. *Future Conditions*

Neither the DEIS nor the Application include any analysis of loading/unloading operations associated with the proposed Project or how the Project’s goods delivery would co-exist with other loading operations on 44th street.

While the DEIS describes the majority of the proposed Project’s deliveries occurring in the morning and afternoon (see DEIS, p. 9-4), it is not clear how those hours may coincide with or impact arrivals and departures of the users of the 335 Madison garage or hinder loading operations of 335 Madison, the Yale Club, East Side Access (which will have a freight elevator access point for deliveries on the north side of 44th Street between the Project and the Yale Club), or other businesses on 44th Street. According to the *Tech*





*Manual*, a transportation analyses should consider a project's "goods delivery," which includes "the capacity of proposed loading areas to accommodate the expected volume of deliveries and the ability to do so without interfering with vehicular, pedestrian, and bicycle traffic or compromising safety." *Tech Manual*, pp 16-1 to 16-2 (emphasis added). Further, the *Tech Manual* provides that a determination of significant transportation impacts must respond to several important questions, one of which includes "whether the location and use of truck loading docks or other goods delivery areas create significant problems for vehicles, pedestrians, and bicycles." *Id.* at 16-56.

The DEIS does not include any such analysis. Rather, the DEIS notes only that the proposed Project site's loading area "is accessed from East 44th Street" (see DEIS, p. 9-13). Because the proposed Project's loading berth is not being arranged to permit head-in and head-out truck movements to and from the zoning lot, trucks delivering to the project site on 44<sup>th</sup> Street will either have to (1) back into the loading bay or (2) if they enter head in, back out of the loading bay. Yet, the DEIS contains no discussion of the extent to which trucks maneuvering to enter or exit a loading bay could impact future vehicular traffic on 44<sup>th</sup> street and exacerbate spillback to Madison Avenue. There is also no discussion of whether some of the existing on-street loading would need to be eliminated in order to accommodate the turning radius of trucks backing in or out of the Project's loading berths or how the trucks may conflict with pedestrians or cyclists in a study area characterized by the DEIS as having "heavy pedestrian flow to the numerous transit services in the area, as well as to the commercial uses (office and retail)." DEIS, 9-50. Again, because these conditions were not described in the DEIS, it is not clear how, or whether, they were factored into the DEIS analysis. There is also no discussion of whether the applicant considered, as part of the proposed Project, a freight and logistics management plan to minimize conflicts between pedestrians traveling to and from Grand Central Terminal, cyclists, passenger vehicles and trucks making deliveries to other buildings and uses on the block.

The Application also provides no information on the impact of the waiver on future conditions. The discussion of the waiver in the Application states simply that it is "not feasible to provide a loading configuration allowing head-in and head-out truck movements." It does not address the substantive traffic issues discussed above, and it does not explain how the proposed waiver produces a better site plan that is "harmonious with the mandatory district plan element strategy of the Special Midtown District . . ." ZR 81-634(c)(1).

The absence of an impact analysis of the waiver results in the absence of any identification of ways of reducing or eliminating any degradation of pedestrian and vehicular conditions attributable to the waiver. Because of the size of the proposed building, the design of its loading berths and their location on an already constrained network, the absence of both the impact analysis and of potential measures to reduce or eliminate any identified impacts is particularly troublesome. Therefore, a study should be done to assess how current loading activities affect existing vehicular and pedestrian traffic on 44<sup>th</sup> Street; how the proposed Project's loading operations would further affect traffic, pedestrian flow, and pedestrian conflicts; and how the proposed waiver of head-in/head-out loading satisfies the required finding in ZR 81-634(c)(1).



iii. *Loading Alternatives and Mitigation Measures*

Other than the comment in the Application that compliance with ZR 81-675 is “not feasible,” neither the DEIS nor the Application explain why a modification to the Project’s loading berth requirements, which run afoul of City Planning’s goals for the Sub-district, is necessary and why head-in and head-out truck movements cannot be accommodated.

CEQR requires that alternatives to a proposed project be identified and evaluated in an EIS “so that the decision-maker may consider whether alternatives exist that would minimize or avoid adverse environmental effects.” See 6 NYCRR 617.9(b)(5). “The EIS should consider a range of reasonable alternatives to the project that have the potential to reduce or eliminate a proposed project’s impacts and that are feasible, considering the objectives and capabilities of the project sponsor.” *Tech Manual*, p. 23-1.

Among the types of alternatives to be considered are those providing for alternative designs or configurations. The DEIS does not identify any such alternatives, does not discuss whether any were considered, and does not explain why they were either never considered or considered and rejected. This omission prevents the decision-maker and the public from understanding why the Application states that compliance with ZR 81-675 is “not feasible,” and it should be addressed in the FEIS and the final Application.

To the extent that there are no feasible alternatives that would avoid or minimize impacts from the loading bay waiver, the FEIS and the Application should consider whether there are actions that the Project sponsor or the City can take that would reduce or otherwise mitigate adverse impacts arising out of the waiver. These actions could include, by way of example but not of limitation, a binding commitment on the part of the Project sponsor to regulate the hours during which the berths could be used for deliveries and other activities; collaboration with other owners to minimize conflicts between the proposed uses of the Project’s loading bays and existing loading and unloading operations on 44<sup>th</sup> Street and Vanderbilt Avenue; and/or changes to traffic operation, street geometry and/or parking regulations. The determination of what measures would be both feasible and effective depends upon, and it reinforces the importance of our comment that it will be necessary to conduct, an analysis of the Project’s loading operations that is based on real world conditions in the FEIS and the final Application.

2. The DEIS Does Not Consider Other Unique Traffic and Pedestrian Conditions on Madison and Vanderbilt Avenues

(a) *Standing Vehicles on Vanderbilt Avenue*

Vanderbilt Avenue consists of one travel lane in each direction. Although the DEIS acknowledges that Vanderbilt Avenue between East 43rd and East 47th Streets features “No Standing Anytime” regulations “except for authorized vehicles” on the west curb south of East 44th Street and the east curb along the Grand Central Terminal frontage, it fails to acknowledge that under the existing condition, NYPD, MTA police, and MTA official vehicles often park in these no standing areas. Although legal, parking by authorized vehicles is currently, and will be, an impediment for goods deliveries in the





Vanderbilt Corridor. As outlined in Mr. Horodniceanu's letter, some of the identified impacts might be reduced, and additional space made available, by banning all parking to allow for improved traffic and pedestrian movement along this corridor. We urge analysis of the mitigating effects of such a parking ban on all vehicles, including authorized plaques.

*(b) Level of Service Issues at Madison Avenue and East 44<sup>th</sup> Street*

The DEIS does not accurately address the issues raised by the right turn movement from Madison Avenue onto 44<sup>th</sup> Street, which operates at Level of Service F in both the future "no-build" and "build" conditions. As noted in Mr. Horodniceanu's letter, Madison Avenue consists of "two bus lanes" starting at 42nd Street going northbound with the location of the first bus stop in front of 335 Madison. Under the current conditions, to turn right from Madison Avenue into 44<sup>th</sup> Street a car or delivery truck may sometimes need to make the turn from either the second or third lane and cross the two bus lanes. The impacts of this problem would be exacerbated by the increased vehicular traffic demand for right turns into 44<sup>th</sup> Street resulting from the proposed Project, and, together with the additional pedestrian demand from the proposed Project, a potentially unsafe traffic condition will be created.

Because the DEIS fails to address this issue, there is no mitigation proposed to alleviate this condition. Mr. Horodniceanu's letter identifies measures that may ease these conditions that should be considered.

In conclusion, we would like to reiterate our client's overall support for the Project. Our comments are intended to be constructive so that the FEIS and the application upon which CPC will vote will contain an accurate depiction of current and future loading, vehicular, and pedestrian conditions on 44<sup>th</sup> Street, with and without the waiver of head-in/head-out loading, so that significant adverse impacts, if any, can be identified and accurately analyzed for the future condition and so that an appropriate range of alternatives and mitigation measures to address any identified impacts can be considered.

Mr. Horodniceanu's letter outlines a number of other operational and design changes, beyond those discussed above, that could improve future pedestrian conditions surrounding the Project site and that should be considered in the FEIS.

Our client is prepared to work with Boston properties and the City in taking the next steps toward ensuring that the proposed Project is a good neighbor and makes only positive contributions to its neighborhood and the City.

Sincerely,

Paul D. Selver

**Hon. Marisa Lago, Chair**

August 27, 2021



cc: Olga Abinader - Director, Environmental Assessment and Review Division  
Edith Hsu-Chen – Director, Manhattan Office  
Zoe L. Davidson – Milstein Properties  
Toni Finger – Kramer Levin Naftalis & Frankel LLP  
Michael F. Horodniceanu – Urban Advisory Group  
Wesley M. O' Brien - Fried, Frank, Harris, Shriver & Jacobson LLP

# URBAN ADVISORY GROUP



110-12 69 Avenue  
Forest Hills, N.Y. 11375

August 25, 2021

Mr. Paul D. Selver, Partner  
Kramer Levin  
1177 Avenue of the Americas  
New York, NY 10036

Re: 343 Madison Avenue  
CEQR No. 21DCPO20M Transportation Analyses

Dear Mr. Selver

I am a principal of Urban Advisory Group, Inc. an urban and transportation planning firm. On behalf of 353 Madison LLC, I performed an analysis of the "Transportation" chapter of the May 3, 2021 Draft Environmental Impact Statement ("DEIS") for the 343 Madison Avenue project. Based on my review, I have concluded that the DEIS does not accurately and completely depict the existing field conditions surrounding the project site, the adverse traffic, truck deliveries, and pedestrian issues created by the project, or present adequate mitigation to address project created impacts.

## The Waiver of Head-In Head-Out Loading

The application and the DEIS do not provide sufficient information to make an informed decision about whether or not to approve the waiver of head-in head-out loading for the proposed building's 44<sup>th</sup> Street loading berths. East 44<sup>th</sup> Street between Madison and Vanderbilt Avenues has the potential to be the busiest block in the area. It provides access to off-street loading for 335 Madison Avenue and serves as on-street loading for the Yale Club and J. Press; it is a principal pedestrian route to Grand Central Terminal from the west; it provides direct connectivity between Grand Central Terminal on the east and the bus stops on Madison Avenue and; it provides access to a public parking garage; and it will in the future also serve as on-street loading for the Long Island Railroad. The attached figure shows the locations of building entrances, loading bays, off-street public parking, and special on-street parking rules for the block surrounding 335 Madison Avenue.



The sheer number of different activities on this block produces competition for space and creates conflicts between different users. Pedestrians are and will be competing for space with deliveries on both sides of the street. On the south side, pedestrians compete with 335 Madison Avenue's garage entrance and two loading berths while on the north side pedestrians will compete with the loading docks for 343 Madison and the freight elevators for East Side Access, which provides access for goods to the new terminal located 100 feet below ground.

Further, deliveries to both One Vanderbilt and 335 Madison Avenue currently result in significant double parking by delivery trucks along both 44<sup>th</sup> Street and Vanderbilt Avenue, which further impacts both pedestrian and delivery operations. Double parking and truck loading and unloading result in traffic congestion on 44<sup>th</sup> Street, that can spillback onto Madison Avenue, The loading and traffic operations along Vanderbilt Avenue are also impacted by parking of authorized vehicles (cars with plaques such as New York City Police Department, MTA, NYC Fire Dept., etc.).

Neither the application nor the DEIS includes a comprehensive quantitative analysis of truck movements. Neither analyzes the impact of these conditions on vehicular or pedestrian movement on East 44<sup>th</sup> Street and on Vanderbilt Avenue to assess whether, either individually or collectively, the friction they create could have an impact on the nominal level of service. Nor does either analyze the impact of the waiver itself on vehicular and pedestrian movement. However, fine-grained analyses of both existing conditions and the impact of the waiver on future conditions are critical to an informed decision as to whether to waive head-in head-out loading. That is why these analyses should be included in the CEQR and zoning documentation that the CPC considers when it votes.

The corollary of the absence of an impact analysis of the waiver is the absence of any identification of ways of reducing or eliminating any degradation of pedestrian and vehicular conditions attributable to the waiver. Because of the size of the proposed building, the design of its loading berths and their potentially problematic – if not catastrophic – location on an already constrained network, the absence of both the impact analysis and the potential ways to reduce or eliminate any impacts identified is particularly troublesome.

There are a number of ways in which any impacts arising from the waiver could be eliminated or reduced. One way to eliminate the waiver is to provide head-in head out loading (i) through the use of a turntable, (ii) by relocating loading facilities to a cellar level (as One Vanderbilt did) or to a mezzanine level between the first and second floor (as “last mile” distribution centers do to maximize the use of their land with multi-story facilities), or (iii) secure a waiver of the curb cut restriction on 45<sup>th</sup> Street and provide a one-way driveway north-south through the site. Neither the application nor the DEIS offers any discussion of these options.

Some of the identified impacts might be reduced by undertakings by Boston Properties and/or agreements among the other Vanderbilt Corridor building owners regarding the hours of operation of the proposed Project's loading bays. Another potential action to reduce impacts – one that will also make additional space available to accommodate future demand on Vanderbilt

Avenue for delivery trucks and “black cars” – would be to ban all parking to allow for improved traffic and pedestrian movement along this corridor. To insure a better level of service along Vanderbilt Avenue the following new traffic recommendations should be adopted:

- One way traffic from 44th to 43rd Streets
- Two way traffic from 44th to 45th Streets (to accommodate the Yale Club)
- One way traffic from 45th to 47<sup>th</sup> Streets

These changes, together with a banning of all parking, including official cars with plaques, will provide the queueing space for both truck deliveries and for black cars that is not available today.

#### Level of Service Issues at Madison Avenue and East 44<sup>th</sup> Street

The DEIS does not accurately address the issues raised by the right turn movement from Madison Avenue onto 44<sup>th</sup> Street, which operates at Level of Service F in both the future “no-build” and “build” conditions. The current traffic regulation shows “two bus lanes” starting at 42nd Street going northbound with the location of the first bus stop in front of 335 Madison. Under the current conditions, to turn right from Madison Avenue into 44th Street a car or delivery truck may sometimes need to make the turn from either the second or third lane. The impacts of this problem will be exacerbated with the increase of vehicular traffic demand for right turns into 44th Street attributable to the proposed building, and, together with the additional pedestrian demand due to the proposed development, a potentially unsafe traffic condition will be created.

To address the transportation issues along Madison Avenue, it will be necessary to make changes to the bus lane operations. The following mitigations measure should be considered to alleviate this potential issue:

- Start the bus lanes at 45th Street.
- Move the bus stop from the 43/44 block to 44/45 block in in front of 343 Madison to allow for a safer vehicular pedestrian interaction.
- Assigning taxi pickups along Madison may create major conflicts with the bus operation. Need to apportion sidewalk access for both buses and black cars

#### Other Measure to Improve Traffic Flow and Pedestrian Safety for Consideration in the FEIS

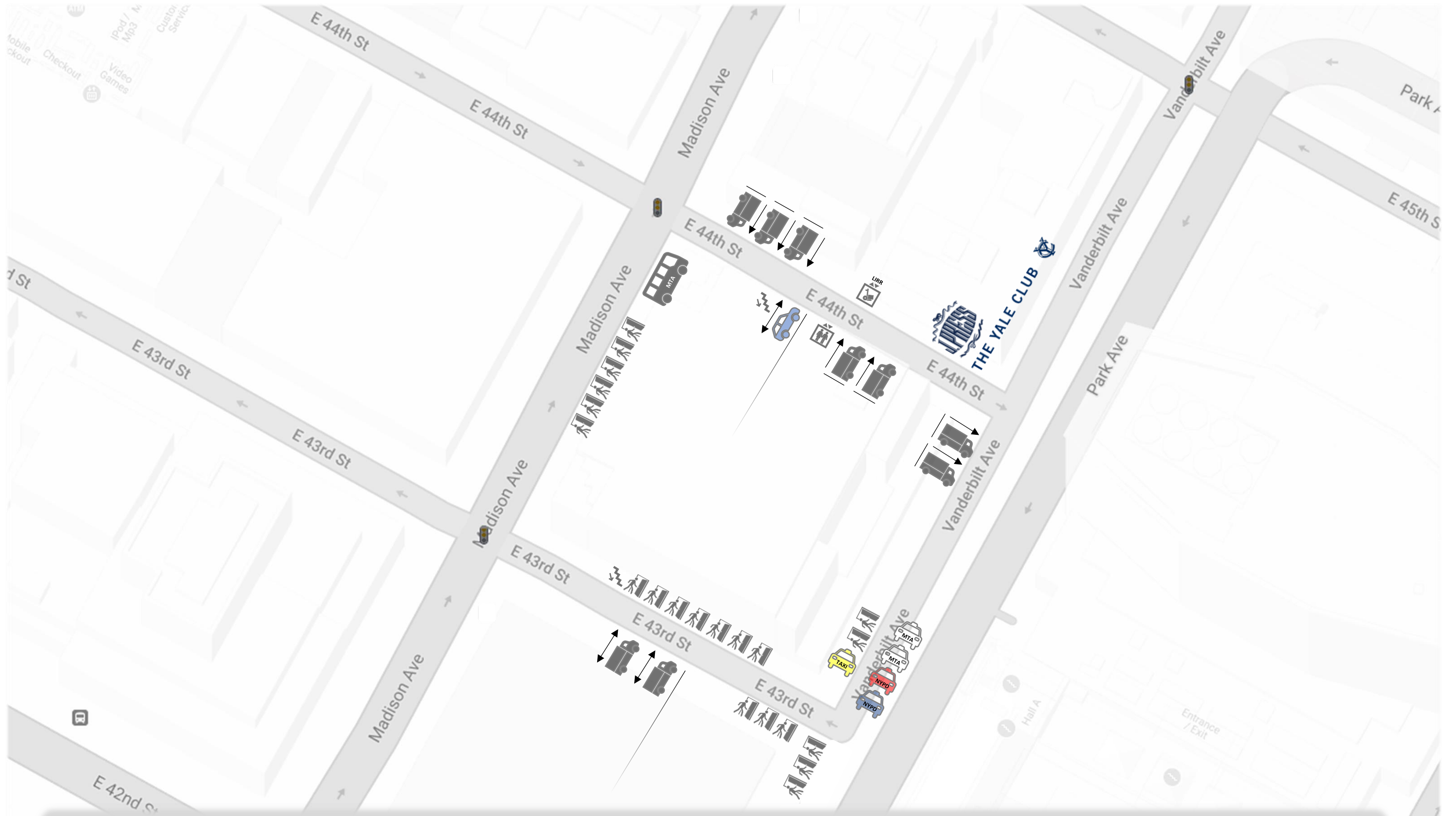
A number of other operational and design changes should be analyzed for incorporation in order to provide the necessary mitigation:

- (1) Move the northern pedestrian crossings at the intersections of Madison Avenue and 43rd 44th and 45th Streets approximately 50 feet into the block to provide the necessary vehicular storage capacity while at the same time pedestrians could safely cross.
- (2) Operate the 44th and 45th intersections utilizing a 3 phase sequence
- (3) Reintroduce the Barnes' Dance at the intersections of Madison Avenue and 44th and 45th Streets. Consider a common three phase operation and test it with different cycles, 120s, and 150s. (*Please refer to the attached sketch*).

Very truly yours,

*Michael Horodniceanu*

Dr. Michael Horodniceanu, P.E.  
Principal



Off-Street Public Parking	Authorized On-Street Specialty Parking (Taxi/MTA/NYPD)	Bus Stop	Off-Street Commercial Loading	LIRR Commercial Access	Elevated Building Entrance	Staired Building Entrance	Building Lobby Entrance <small>(Entrance width shown by door count; more doors = wider)</small>