



OFFICE OF THE

MANHATTAN BOROUGH PRESIDENT

1 Centre Street, 19th Floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov
Mark Levine, Borough President

February 14, 2025

**Recommendation on ULURP Application Nos. N250098ZRM, C250099ZSM,
M250100LDM, and C250024MMM – Western Rail Yard Modifications and Western Rail
Yard City Map Change
By WRY Tenant LLC**

PROPOSED ACTIONS

WRY Tenant LLC (the “Applicant”) is proposing multiple land use actions to facilitate the development of the Western Rail Yard mixed-use development, which is located on a superblock from West 30th Street to West 33rd Street between Eleventh and Twelfth Avenues (Block 676, Lots 1 and 5), in Manhattan Community District 4 (the “Site”).

The Applicant proposes the following actions:

1. A zoning text amendment to Section 93-58 of the New York City Zoning Resolution (ZR) to allow the Site’s ground floor requirements and public open space regulations to be modified by special permit;
2. A special permit pursuant to ZR Section 93-58 to modify regulations for the Site in the following sections:
 - a. ZR Section 93-10 – Use regulations regarding ground floor level requirements for retail space, lobby space, and transparency;
 - b. ZR Section 93-56 – Special height and setback regulations in Subdistrict F regarding building location, and height and setback rules including base height, street wall location, and street wall access requirements;
 - c. ZR Sections 93-75, 93-76, 93-77, and 93-78 – Public open space on the Site including private streets and pedestrian ways, design criteria, and site and landscape plans;
 - d. ZR Section 93-561 – General rules for Subdistrict F to establish a reference plane of +33.66 feet for regulations regarding building heights;
 - e. ZR Section 13-242 – Maximum width of curb cuts to accommodate a turnaround for fire vehicles and other vehicular traffic at the western end of the elevated West 33rd Street;
3. A modification of the previously approved Restrictive Declaration for the Site to reflect project updates including providing a public access easement for the cul-de-sac at the western end of the elevated West 33rd Street;
4. A change to the City Map to modify the grades of West 33rd Street between Eleventh and Twelfth Avenues.

These actions would facilitate a mixed-use development containing residential, office, and gaming facility/resort uses (subject to a separate State process and not the above land use

actions) (the “Proposed Project”), or a mixed-use development including residential, office, and hotel uses (the “Alternative Scenario”).

BACKGROUND

The Site occupies the western portion of the John D. Caemmerer West Side Yard, which is a storage yard for Long Island Rail Road (LIRR) trains. The yard contains 36 tracks and can hold 366 train cars. The Applicant has a long-term lease with the Metropolitan Transit Authority (MTA) for the Site.

The surrounding area was first rezoned in 2005 to establish the Special Hudson Yards District, spanning generally from West 30th Street to West 41st Street between Eighth and Eleventh Avenues. At that time, the Site was contemplated as a location for a stadium for the New York Jets and the 2012 Olympics. The 2005 rezoning facilitated the development of the Hudson Yards district, including developing the eastern portion of the rail yard with a seven-million-square-foot mixed-use development including commercial, residential, community facility, and open space. In 2009, the Special Hudson Yards District was expanded to include the Site by establishing Subdistrict F and rezoning the Site area to C6-4 from M2-3. The site plan established in Subdistrict F outlined development plans for the Site including eight buildings on six parcels surrounded by open space and established commitments from the developer in a Points of Agreement on December 10, 2009.

The gaming facility contemplated by the Proposed Project is subject to a separate State approval process. In 2013, an amendment to the New York State Constitution passed by referendum to allow up to seven commercial casinos in New York State. Four licenses have already been granted. The three remaining licenses are reserved for the Downstate region. On April 18, 2024, the NYC Council approved the Gaming Facilities Text Amendment, allowing gaming as a permitted use in commercial and manufacturing districts for the three licenses. Gaming facility applications will be due on June 27, 2025, and six-member Community Advisory Committees (CACs) will subsequently conduct public review processes and vote on each application by September 30, 2025. Any applications voted to proceed will be referred to the Gaming Facility Location Board for review, and the State Gaming Commission will award any approved licenses.

Proposed Development

The Proposed Project seeks to modify the previously approved site plan from 2009 to facilitate a 5,699,715-zoning-square-foot (ZSF) mixed-use project including a gaming facility and hotel resort, commercial, open space, retail, and a public school, across three sites (“Site A”, “Site B”, and “Site C”), as well as constructing a platform over the rail yard and providing LIRR support space. The details of the Proposed Project, the Alternative Scenario without gaming, and the originally contemplated 2009 proposal are outlined below:

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	Proposed	Alternative	2009 Proposal¹
Site Layout	3 buildings on 3 parcels	5 buildings on 3 parcels	8 buildings on 6 parcels
Residential SF	1,136,818 ZSF	1,394,240 ZSF	3.8 million – 4.8 million SF
Residential Units	1,507 units ²	1,816 units ³	4,624 – 5,762 units ⁴
Commercial SF	4,553,495 ZSF	4,296,360 ZSF	1.5 - 2 million SF
Hotel & Gaming	Gaming facility and 1,750-room hotel	700 room hotel	<i>1,200 room convention-style hotel⁵</i>
Public School	120,000 GSF	120,000 GSF	120,000 GSF
Day Care Center	9,400 ZSF	9,400 ZSF	10,000 SF
Open Space	5.63 acres	5.63 acres	5.45 acres
Parking	725 spaces	675 spaces	1,600 spaces
Building Heights	1,180 – 1,376 feet	835 – 1,376 feet	350 – 950 feet ⁶
Total SF	5.7 million ZSF	5.7 million ZSF	5.7 million SF

Both the Proposed Project and Alternative Scenario would be facilitated by the proposed zoning actions. The first proposed action is a zoning text amendment to ZR Section 93-58 to expand the regulations the City Planning Commission can modify in the Special Hudson Yards District via special permit. Previously, only height and setback regulations could be modified by special permit, but these rules are now proposed to include modifying or waiving ground floor level regulations and public access requirements in Subdistrict F.

The special permit per the modified ZR Section 93-58 would generally allow for modifications of ground floor level requirements and streetscape, building locations and height & setback, and open space requirements. A waiver of the requirements for publicly accessible private streets within the Site would facilitate centralized open space between buildings. The approval framework for the modified open space would be incorporated into the modified Restrictive Declaration.

The original Restrictive Declaration included mitigations memorialized after the 2009 FEIS for historic resources, hazardous materials, air quality, and noise attenuation. It also included commitments for affordable housing, cultural space, a public school, public open space, and a day care facility, and these commitments would be maintained. The Restrictive Declaration would be modified to reflect the current Proposed Project and environmental review. A public access easement for the cul de sac at the western end of West 33rd Street would also be included.

¹Information from City Planning Commission Reports ([C 090433 ZMM - Western Rail Yard](#)), 2009 FEIS ([Chapter 1: Project Description](#)), and final 2009 WRY Points of Agreement ([points-of-agreement-western-rail-yards.pdf](#))

² Includes 324 affordable

³ Includes 324 affordable

⁴ At least 265 affordable plus an additional minimum of 166 affordable on either the WRY or ERY

⁵ Alternative to commercial office space

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The proposed City Map change would align West 33rd Street between Eleventh and Twelfth Avenues with Eleventh Avenue and the ground floor of the Proposed Project at +32 to +34.7 feet. From the west, there would be an upper and lower portion of West 33rd Street, with vehicular access 85 feet into the lower portion for access to the Marshalling Yard parking area. From Twelfth Avenue, the Applicant would construct a public staircase and elevator for access to the High Line and public open space.

Overall, these actions would allow for the requirements in Subdistrict F that were specific to the 2009 plan to be modified and facilitate the configuration of the Proposed Project's buildings, open space, streetscape, and other design features. The Applicant has outlined multiple reasons for seeking these modifications. The Applicant has identified lessons learned from the development of the platform over the Eastern Rail Yard that present design challenges for the Western Rail Yard platform. Furthermore, the 2009 plan proposed mostly condominium units, and according to the Applicant there is a weaker market for luxury condominiums compared to the market for rentals today. According to the Applicant, these factors render the 2009 plan economically infeasible.

Area Context

The Site is located in Manhattan Community District 4 in the Hudson Yards neighborhood. The surrounding area is primarily zoned C6-4 and M2-3, with smaller areas zoned C6-4X, M1-6, M2-4, M1-5, and C6-3. The Site is located in the Special Hudson Yards District. The surrounding area includes the Eastern Rail Yard development, the High Line, the Special Clinton District, the Hudson Yards Hell's Kitchen Business Improvement District, the Javits Center, and Bella Abzug Park.

The Site is served by transit by the 7 train at 34th Street-Hudson Yards, and the M34-SBS and M12 buses.

COMMUNITY BOARD RESOLUTION

On January 6, 2025, Manhattan Community Board 4 ("CB 4") voted to recommend disapproval of the project with a vote of 39 in support, 0 opposed (1 Present-Not-Eligible). Along with the recommendation for disapproval, the Board outlined their priorities for the Site, including that the Applicant withdraw the application and develop a new plan for affordable and market rate housing, and that the Governor evaluate the Site and the Marshalling Yard a block to the north for affordable and market rate housing.⁶

CB 4 also provided comments on the following areas:

1. At a time that housing is a priority, the proposal does not have enough housing production and has fewer proposed housing units than the 2009 proposal. Financing, including from public sources, should be obtained to develop units for a range of income levels.

⁶ [02-CHKLU-Letter-to-DCP-re-ULURP-Application-for-Modifications-to-the-Western-Rail-Yards.pdf](#)

2. The proposal is dependent on a casino for financing, which is not guaranteed given that the application has yet to go through the State's licensure application process.
3. The Draft Environmental Impact Statement (DEIS) finds unavoidable adverse environmental impacts to shadows, transportation, air quality, and construction noise.
4. High Line and open space impacts, including the changes to the configuration of the open space, the relationship of the High Line to the proposed buildings, and the creation of shadow and wind conditions and would not substantially increase the amount of open space.
5. Numerous members of the public, as well as groups including block associations, tenant associations, co-op boards, and Friends of the High Line spoke out against the proposal at CB 4 meetings and hearings.

BOROUGH PRESIDENT'S COMMENTS

In the midst of an affordable housing crisis that will define this and future generations, a storage yard for the Long Island Rail Road (LIRR) has the potential of creating thousands of desperately needed residential units. A site the size of the Western Rail Yard could help transform our borough's housing landscape, getting units into the development pipeline that, once open, could help ease the upward pressure New Yorkers feel on their cost of rent.

And the stakes could not be higher. Across Manhattan, rental vacancy hovers at under 2%, while average rents sit at nearly \$5,000 per month. There is no getting around the fact that we must create more housing, including affordable housing, to meet the need we see across the city. Failure means becoming a city where our children will not be able to afford to live.

I am eager to find a viable path forward to see this uncovered train yard developed. But we need to do it right.

My office has received thousands of petitions, letters, emails, and phone calls from New Yorkers, block associations, the High Line, local residents, organized labor and civic organizations and stakeholders with a wide range of viewpoints, for and against this proposal. But we have also heard consistent concerns from Manhattan Community Board 4, local cultural stakeholders, and the many New Yorkers who have contacted my office about the number of proposed residential units, concerns with urban design, impact on surrounding community stakeholders and on local traffic, air quality, and open space. These concerns, particularly at a site where a project with more housing was proposed in 2009, are serious and must be addressed.

I have been a fierce advocate for identifying sites for housing across our borough. And it is with our housing shortage in mind that I have grave concern for a plan that does not achieve its full housing potential. I am very glad to see that the developer came to an agreement with organized labor on this proposal, a consideration that weighs very heavily for me. And this developer has a long track record in Manhattan, having developed thousands of units of affordable housing in this community district alone. Yet, while I applaud the Applicant for including desperately needed rental units, I am asking for the share of housing on the site be increased by restoring the square footage of housing removed or substantially increasing the supply of affordable housing.

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As proposed, the bulk of this development would be among the largest in the city. As a result, additional design consideration is required, particularly to ensure easy navigability for the public and an environment that welcomes and invites visitors. I urge the Applicant to explore feasible configurations that address concerns of how the site interacts with the surrounding area. Having clear sight lines, intuitive pedestrian circulation, and multiple visible access points to the open space will help create a new community asset.

The location of this site also requires significant thought about the impact the development, particularly the podium of the building at Site C, would have on the High Line and the surrounding area. Since 2009, the success of High Line has been a key driver of the economic success of the West Side of Manhattan. A plan for the Western Rail Yard needs to be symbiotic with the High Line, and that could mean reducing the scale of the podium of the Site C building.

The volume of public input on these proposed modifications demonstrates a need for further engagement to negotiate possibilities for the site within its many constraints, which should be done over the course of the remainder of the ULURP process. These issues are resolvable, and for the sake of future generations we need to find a viable solution for this empty lot. Achieving that should not require years of delay but focused, collaborative effort and robust engagement between the Applicant, Community Board, local stakeholders and residents so that we can achieve a proposal that balances the needs of our housing shortage and those of the community.

Development of the Western Rail Yard could further transform the West Side, with many local benefits and desperately needed housing. Given the community's commitment to achieving a quality development at this site, and the Applicant's commitment to affordability, I'm confident consensus around a future plan can be found.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, I recommend **disapproval** of ULURP Application Nos. N250098ZRM, C250099ZSM, M250100LDM, and C250024MMM.

A handwritten signature in black ink, appearing to read "Mark Levine".

Mark Levine
Manhattan Borough President