

BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP NO: N 240179 ZRY
GAMING FACILITY TEXT AMENDMENT

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the New York City Department of City Planning (DCP) pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York:

1. City-wide amendment to Section 32-10 and Section 42-10 of the Zoning Resolution to allow gaming facilities as a permitted use in certain commercial districts (C4, C5, C6, C7) and manufacturing districts (M1, M2, M3);

To allow gaming facilities licensed by the State as a permitted use in certain Commercial and Manufacturing districts city-wide.

BACKGROUND

Approval of this application would allow gaming facilities in C4, C5, C6, C7, and C8 commercial districts as well as M1, M2, and M3 manufacturing districts citywide. A gaming facility can only operate under a gaming license issued by the New York State Gaming Commission as per the legislation enacted by New York State in 2022 which authorized gaming facilities downstate and created a new process for the siting and review of gaming facilities. No other gaming facilities shall be permitted.

The proposed amendment to the Zoning Resolution is a result of a January 2023 announcement by New York State for a Request for Applications to solicit proposals for up to three commercial casinos. Originally, in 2013, the New York State Constitution was amended to authorize up to seven commercial casinos. Four casinos were subsequently licensed in upstate New York locations: Resorts World Catskills Casino in Thompson; Rivers Casino and Resort in Schenectady; del Lago Resort and Casino in Tyre; and Tioga Downs in Nichols. As a result of state legislation adopted in 2022, the remaining three gaming facility licenses are only open to the Downstate New York region which consists of New York City, Nassau, Suffolk, Putnam, Rockland, and Westchester Counties.

The proposed gaming facility text amendment only applies to the three gaming facility licenses that might be approved by the Gaming Commission during this specific State-legislated process. The text amendment does not apply to any future gaming facility licenses that the State Legislature might approve outside of this process, nor does it apply to any future changes to a gaming facility that is approved by the State during this process.

As outlined in the January 2023 Request for Applications to Develop and Operate a Gaming Facility in New York State, the New York State Gaming Facility Location Board outlined a process to review applications for the three casino licenses which includes siting and review criteria. The initial review process is in the form of a local Community Advisory Committee (CAC) review and approval pertaining to each individual application. Each proposed casino application will have a public review and open meetings process that is led by a Community Advisory Committee. Gaming facility teams will submit applications to be reviewed by the CAC which will then hold public hearings and issue a finding establishing public support either for approving or disapproving the application by a two-thirds vote. Any applications approved with public support by the CAC, will then be forwarded to the Gaming Facility Location Board to review and to ensure that they comply with all zoning requirements.

The proposed text provides that a gaming facility, as approved by the State, would require compliance with all applicable use and bulk zoning regulations. In addition to the actual casino, other non-casino uses such as hotels, restaurants, bars, eating or drinking establishments, as well as other amenities, may be included with the State approval and license, and will also be deemed as being compliant with the Zoning Resolution.

Applicants will still need to obtain other proposal-specific non-zoning approvals that may apply to their development that are not included within this text amendment, which may include amendments to the City map to de-map parkland or map streets, amendments to the City zoning map to designate or modify zoning districts, or approvals for disposition of City property.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to CEQR and SEQRA and received a Negative Declaration. The Planning Commission certified this application as complete on Nov 27, 2023.

BRONX COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board 10 held a public hearing on January 24, 2024 – negative recommendation

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

With New York State planning to issue three licenses for downstate casinos, I believe it is appropriate for New York City to have regulations in place to allow the city to compete with the larger region. The development of a casino in New York City could benefit the local economy, tourism, and overall economic growth for the city. While other locations outside the city will also be considered as potential casino sites, it is crucial to ensure an equal playing field for New York City. Therefore, I support the intent of this text amendment.

My recommendation is also tied to The Bronx having an opportunity for future public review. I share the sentiment of my fellow Borough Presidents and colleagues at the Community Boards who would also like to have a public process, in addition to the Community Advisory Committee process, to weigh in on their specific projects, but I am pleased that The Bronx is guaranteed such

a process due to the only site in our borough under consideration being located next to an existing golf course at Ferry Point Park, which would require alienation of parkland if it is selected. Alienation of parkland requires the approval of the New York State Legislature and Governor, as well as requiring at least two discretionary actions that would require ULURP action – to designate a zoning district and a disposition action. Therefore, there will be an opportunity for my administration and the residents of The Bronx to have a voice in the process and to discuss public opinions for a proposed casino.

I also support this text knowing that it will only apply to a gaming facility license approved by the State during this current legislative approval process, that it will not apply to any future gaming licenses that the State legislature might approve, and that it will not apply to any future modifications or changes to a gaming facility site that is approved during the Community Advisory Committee process. If this proposed text amendment allowed for future casinos to be built in The Bronx as-of-right, I may have a different opinion on the proposed text amendment.

For these reasons, I support the proposed gaming facility text amendment. I want to be clear that support for this text amendment is not support for a casino in The Bronx and I will opine on the Bronx proposal if it is selected as one of the three locations by the Gaming Commission during the necessary ULURP public review.