



## CITY PLANNING COMMISSION

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March 20, 2024 / Calendar No. 4

N 240179 ZRY

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**IN THE MATTER OF** an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gaming facilities licensed by the State as a permitted use in certain Commercial and Manufacturing districts.

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This application (N 240179 ZRY) for an amendment to the Zoning Resolution was filed by the New York City Department of City Planning (DCP) on November 24, 2023. The proposed zoning text amendment would update Sections 32-10 and 42-10 of the Zoning Resolution to allow up to three gaming facilities in New York City as a permitted use. This application would establish the permitted use of a gaming facility in Commercial districts C4, C5, C6, C7 and C8, and in Manufacturing districts M1, M2, and M3.

### **BACKGROUND**

The proposed amendment to the Zoning Resolution would allow up to three gaming facilities in C4, C5, C6, C7 and C8, and in M1, M2, and M3 zoning districts, and is a result of a January 2023 announcement by the State of New York for a Request for Applications to solicit proposals for up to three commercial casinos. The New York State Constitution was amended in 2013 to authorize up to seven commercial casinos, as approved by voters in a statewide referendum. Four casinos were subsequently licensed and built 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 available to the Downstate New York region which consists of New York City, Long Island, and Putnam, Rockland, and Westchester Counties.

While gaming facilities, casinos, and racetracks are not currently legally permitted in the city, there is one existing racino, Resorts World New York City, located in the South Ozone Park neighborhood of Queens. Resorts World has video lottery machines and automated table games and, adjacent to the site, is the Aqueduct Racetrack which opened in 1894 and is the only horse

racetrack facility remaining in the city. Both of these facilities are located on New York State-owned property and they are not subject to local zoning regulations.

New York State Off-Track Betting (OTB) was established by the New York State Legislature in 1970 to allow for betting on horse races at non-racetrack locations. OTB is controlled by the State through regional corporations. There are currently five active regional OTBs in New York State, while the New York City OTB filed for bankruptcy and closed all their locations by the end of 2010.

#### *New York State Process*

The New York State Gaming Commission regulates all aspects of gaming activity in the State, including horse racing, pari-mutuel wagering, Class III Indian Gaming, the state lottery (including video lottery terminals), commercial gaming, sports wagering, interactive fantasy sports, and charitable gaming. The Gaming Commission established the Gaming Facility Location Board to oversee the selection and review process related to the three unissued licenses for the downstate region. The State definition of a gaming facility, located in the Racing, Pari-Mutuel Wagering and Breeding Law Section 1301(23), is: “The premises approved under a gaming license which includes a gaming area and any other non-gaming structure related to the gaming area and may include, but shall not be limited to, hotels, restaurants or other amenities.” A gaming facility can include other related uses and facilities, but it is not a requirement.

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 (the Board) created a process to review applications for the three remaining casino licenses which includes siting and review criteria. The initial review will be by a local Community Advisory Committee (CAC) that will be convened for each individual application based on the location of the proposed gaming facility. Each proposed casino application will have a public review and open meetings and hearings process that is led by a CAC that will consist of the following six members or their representative:

- New York State Governor

- New York City Mayor
- Local New York State Assemblymember
- Local New York State Senator
- Borough President, and
- New York City Council member.

Gaming facility development teams will submit detailed applications to be reviewed by the CAC which will then hold public meetings, public hearings, gauge local public support, and solicit and review public comments. At the conclusion of its review, the CAC will issue a finding establishing either public support for approving or disapproving the application. Any applications approved by a two-thirds vote of the CAC, or by four of the six CAC members, will then be forwarded to the Board for review. The Board cannot consider a gaming facility application unless the relevant CAC has approved the application by a two-thirds vote. In addition, the Board can only consider an application that has presented evidence that the gaming facility is in compliance or has received approval with all required local zoning requirements, including the Zoning Resolution. The applicant must also pay a one-million-dollar application fee. The Board would then review those applications based on the following criteria: economic activity and revenue impacts; local siting impacts; workforce enhancement; and diversity framework. The Board may then select up to three applications for licenses and forward those applications to the Gaming Commission to award the gaming license. The Board is expected to issue more details about the CAC process in the upcoming months including a date for when gaming applications must be submitted to each CAC. As of the date of this report, no gaming facility applications have been submitted to the Board and no CACs have been formed.

## **DESCRIPTION OF THE PROPOSED PROJECT**

In order to facilitate the State's proposed process and timeline as outlined<sup>1</sup>, the Department is proposing a text amendment that would allow a gaming facility use in C4, C5, C6, C7, and C8 Commercial districts as well as in M1, M2, and M3 Manufacturing districts. In New York State, a gaming facility can only operate with a gaming license issued by the New York State Gaming

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<sup>1</sup> New York State. *Request for Applications to Develop and Operate a Gaming Facility in New York State*. <https://nycasinos.ny.gov/2023-request-applications>. Accessed March 7, 2024.

Commission related to the legislation enacted by the State in 2022 that authorized gaming facilities downstate and created a new process for the siting and review of gaming facilities. No other gaming facilities are permitted. The proposed text would provide that a gaming facility, as approved by the State through the Board approval process, would be deemed to be complying and conforming 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 would also be deemed as being in compliance and conformance with the Zoning Resolution.

The proposed gaming facility text amendment would only apply to the three gaming facility licenses that may be awarded by the Gaming Commission during this State-legislated process. The text amendment would 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.

Applicants for a casino gaming license would still need to obtain other proposal-specific, zoning and 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, affecting parks or streets, amendments to the Zoning Map to designate or modify zoning districts, or approvals for disposition of City-owned property.

## **ENVIRONMENTAL REVIEW**

This application (N 240179 ZRY) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 24DCP004Y. The lead is the City Planning Commission. After a study of potential environmental impact of the proposed action, a Negative Declaration was issued on October 30, 2023.

## **PUBLIC REVIEW**

This application (N 240179 ZRY) was duly referred on November 27, 2023, to all 59 community boards, to the borough boards, and to all borough presidents for information and review in accordance with the procedures for non-ULURP matters.

**Community Board Review**

Twenty-two community boards adopted resolutions regarding the proposed zoning text amendment, with three voting in favor with conditions and nineteen voting against. The favorable resolutions include the following conditions: having the opportunity to review any local gaming application, associated traffic studies and provide recommendations; participate in job fairs; that the gaming facility is not located in Southern Brooklyn due to flooding and transportation congestion; and that there be no more than three total licenses.

The unfavorable resolution comments focus on: gaming facility applications not going through the Uniform Land Use Review Procedure (ULURP) process which includes an established community board review; the text amendment being a precursor to many future gaming and casino developments in the city; and the possible negative impacts from the use such as gambling addiction, financial impacts, security concerns, traffic, and transportation congestion. The complete recommendations received from Community Boards are attached to this report. A summary of the Community Board votes follows:

<b>Community Board</b>	<b>Recommendation</b>	<b>Conditions</b>
Bronx CB6	Unfavorable	
Bronx CB8	Unfavorable	
Bronx CB10	Unfavorable	
Brooklyn CB1	Unfavorable	
Brooklyn CB2	Unfavorable	
Brooklyn CB8	Unfavorable	
Brooklyn CB9	Unfavorable	
Brooklyn CB11	Favorable	Yes
Brooklyn CB13	Unfavorable	
Brooklyn CB15	Favorable	Yes

Manhattan CB4	Unfavorable	
Manhattan CB5	Unfavorable	
Manhattan CB6	Unfavorable	
Manhattan CB8	Unfavorable	
Queens CB3	Unfavorable	
Queens CB4	Unfavorable	
Queens CB5	Favorable	Yes
Queens CB7	Unfavorable	
Queens CB9	Unfavorable	
Queens CB10	Unfavorable	
Queens CB11	Unfavorable	
Staten Island CB3	Unfavorable	

**Borough Board Review**

On January 18, 2024, the Manhattan Borough Board voted 13 in favor, none opposed, and five abstaining to disapprove the proposed text amendment application.

**Borough President Recommendation**

The Department received four Borough President resolutions on the proposed text amendment (N 240179 ZRY), and they are summarized below.

Bronx

The Bronx Borough President issued a recommendation on February 5, 2024, to approve the proposed text amendment application and stated support for the intent of the application to have regulations in the Zoning Resolution to allow the city to compete for a gaming facility.

Brooklyn

The Brooklyn Borough President issued a recommendation on February 1, 2024, to approve the proposed text amendment with the following conditions:

- “Manufacturing districts (amendments to Section 42-10 of the Zoning Resolution) be removed from this application.
- Other associated uses be removed (Section 32-181(b), second paragraph) from the text amendment.
- The waiver of the ULURP process (Section 32-181(b), third paragraph) be removed from the text amendment.”

### Manhattan

The Manhattan Borough President issued a recommendation on February 4, 2024, to approve the proposed text amendment with the following conditions:

- “That the Department of City Planning commence work on a new zoning text amendment that would require any future casinos to obtain ULURP approval;
- That the proposed zoning text be amended to require compliance with current zoning regulations, including parking, height and bulk; and
- That the text amendment be modified to apply only to commercial zoning districts.”

### Queens

The Queens Borough President issued a recommendation on February 27, 2024, to approve the proposed text amendment application with the following condition:

- “For any project approved by a CAC, there should be a Community Advisory Board (CAB) formed during the construction and a period of time determined by the Board that will act as a watchdog for local community benefits, workforce development, and issues any gaming facility may cause to the surrounding community.”

### **City Planning Commission Public Hearing**

On January 24, 2024 (Calendar No. 1), the City Planning Commission scheduled February 7, 2024, for a public hearing on this application (N 240179 ZRY). The hearing was duly held on February 7, 2024 (Calendar No. 19). There were seven speakers in favor of the application and none in opposition. Written testimony in support of the proposal was submitted by the Manhattan

Chamber of Commerce, the Building and Construction Trades Council of Greater New York, and two residents of Southern Brooklyn.

All the speakers in favor of the application discussed the possible positive economic benefits of a gaming facility.

Four of the speakers, including two workers from the existing Resorts World racino in Queens, spoke about job creation and the benefits of union labor.

Two speakers, including a Coney Island resident, spoke specifically about the proposed gaming facility in Coney Island and noted that there is community support for the casino and that the development would benefit the waterfront community economically and make it a year-round destination.

One of the speakers, representing a proposed gaming facility in Manhattan, said the text amendment will enable New York City to be considered for a gaming facility and noted that the Community Advisory Committees would have a robust public review process.

There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The City Planning Commission believes that this application for a zoning text amendment (N 240179 ZRY), as modified herein, is appropriate.

The Commission believes that adding the gaming facility use into the Zoning Resolution for the first time, and for such a limited number of licenses, is not only appropriate in relation to expanding the kinds of uses that could create notable economic development opportunities, but that it is also timely in the context of the changing economic and real estate landscape of a post-pandemic New York City. The gaming and gambling industry is an expanding field of business and entertainment in the United States and brings with it opportunities of economic development



and job creation, including union employment. New York voters approved gaming facilities in a 2013 statewide referendum, and the final three licenses are designated for the downstate region.

The Commission notes that, by adding the gaming facility use to the Zoning Resolution, applications for a New York State gaming license can now be considered in New York City, which could generate economic benefits for the city and open up an entirely new category of tourism. The text amendment does not approve or disapprove a casino development, but is solely for the purpose of permitting the gaming facility use in certain zoning districts.

The Commission heard concerns about the likelihood that the text amendment would make it easier for any number of future casinos to be sited in locations around the city. The Commission notes that the text amendment only pertains to the three remaining gaming facility licenses in downstate New York, as approved by New York State voters over 10 years ago. Any further gaming facility would need to be approved by another statewide referendum and, if approved, an entirely new citywide text amendment would have to be proposed and approved. However, the Commission notes that there is a possibility that, however unlikely, were any of the three gaming licenses not awarded during this current State-defined process, a new round of applications could be opened in the future and that those proposed gaming facility applications could be in different unanticipated locations in the city. In order to address this issue, the Commission is modifying the text to include a ‘sunset’ provision of June 30, 2025, for the submission of gaming applications to the Gaming Facility Location Board. The Commission is aware of nine proposed gaming facility applications in the city, including five in Midtown Manhattan, one at Ferry Point Park in the Bronx, two in Queens with one located in South Ozone Park and the other at Willets Point, and one in Coney Island, Brooklyn. The purpose of the modification is to provide assurances that the proposed text is only available to the current round of gaming applications.

The Commission heard concerns about permitting the gaming facility use in Manufacturing districts. The Commission notes that the gaming facility use is not permitted in Residence districts and that all of the nine proposed gaming facility applications are or will be located in Commercial districts. The Commission believes that permitting a gaming facility use in Use Group VIII amusement or recreation facilities in C4 through C8 Commercial districts and M1,

M2, and M3 Manufacturing districts is appropriate and consistent with other uses within those districts.

The Commission heard concerns during public review about how the text amendment would remove the Uniform Land Use Review Procedure (ULURP), and thus the community board review, from the gaming facility application process. When the Gaming Facility Location Board released its request for gaming applications in January 2023, it established a timeline, criteria, and a siting process for the three gaming facility licenses in the downstate region. The City was faced with the task of how to be included in the consideration of these licenses when the use is not permitted in the city; how to adequately review a gaming facility proposal within the limited State-defined process and timeline; and how to efficiently use existing city agency resources. The Commission believes the text amendment addresses these concerns by adding the use into the Zoning Resolution and acknowledging the Community Advisory Committee (CAC) public review process. The Commission notes that the CAC, as established by the Board, is the entity that will oversee the public review for gaming facility applications and renders ULURP duplicative. The CACs consist of six voting members and represent the Governor, the Mayor, and the Borough President, State Senator, State Assemblymember and City Councilmember from the district where the proposed gaming facility is located. The Commission understands the CAC process is a public review process and that each CAC is required to have public meetings, hold public hearings, and solicit feedback and input from local communities and key stakeholders.

Additionally, the Commission recognizes that the City has a significant stake in the review of gaming applications and with the Mayor being a voting member of the CAC, the Department of City Planning will review all gaming facility applications submitted to the Gaming Facility Location Board. The Department will use its technical expertise in land use, zoning, and design to review these development applications. Additionally, the Economic Development Corporation will be reviewing the economic and fiscal impacts of each proposal. The Commission notes that of the nine proposals for gaming facilities in the city, four proposals are required to go through ULURP because they have required actions, such as Zoning Map changes and City Map amendments, outside of what is covered by this text amendment.

The Commission heard concerns about gaming facilities, including other related uses within the development. The text amendment follows the State-defined term “gaming facility” which means that the premises approved under a state gaming license could include other non-gaming uses and structures *related* to the gaming area. The Commission notes that a gaming facility is a broader term than just a casino and that a gaming facility proposal does not have to include any related uses. The Commission believes that most casinos include other related uses such as restaurants, hotels, and parking facilities and that it is completely appropriate to include those uses within the gaming license. Each CAC will review its gaming facility proposal and determine whether those related uses are appropriate.

The Commission received many comments regarding the potential for a gaming facility to generate significant economic impacts and create new, livable wage jobs, including from the Manhattan Borough President and the Bronx Borough President. The Commission acknowledges the entertainment value of the gaming industry and bringing in a heretofore untapped form of tourism, but perhaps the most important impact a gaming facility could have for the city is related to the overall fiscal and job benefits. The Commission notes that the most heavily weighted review factor for the Board on gaming applications is based on economic activity and business development factors. This includes items like providing the highest number of quality jobs, maximizing state and local taxes, providing information on investments to firms located in the host community, and making improvements to or the creation of infrastructure such as roadways, sewer, and public transportation. The Commission agrees that the possibility of new revenue streams and job opportunities is of premier importance for the city, and this text amendment to add the use into the Zoning Resolution is the first step in the process that will enable local stakeholders to consider the suitability of each gaming facility application.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on October 30, 2023, with respect to this application (CEQR

No. 24DCP004Y), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective December 15, 1961, and subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

### **ARTICLE III COMMERCIAL DISTRICT REGULATIONS**

#### **Chapter 2 Use Regulations**

\* \* \*

#### **32-10 USE ALLOWANCES**

\* \* \*

#### **32-18 Use Group 8 – Recreation, Entertainment and Assembly Spaces**

##### **C1 C2 C3 C4 C5 C6 C7 C8**

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;

- (b) Section 32-182 (Use Group 8 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section 32-183 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section 32-184 (Use Group 8 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section 32-185 (Use Group 8 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group table; and
- (f) Section 32-186 (Use Group 8 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

The provisions of Sections 32-182, 32-183 and 32-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

**32-181  
Use Group 8 – general use allowances**

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES									
● = Permitted    ◆ = Permitted with limitations    ○ = Special permit required – = Not permitted S = Size restriction    P = Additional conditions    U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
<b>Amusement and Recreation Facilities</b>									
#Amusement or recreation facilities#	● s	● s	○	●	●	●	● U	● U	*
#Outdoor amusement parks#	–	–	–	–	–	–	● S U	● S U	C
<b>Art Galleries and Studios</b>									

Art galleries	●	●	—	●	●	●	●	●	*
Art, music, dancing or theatrical studios	●	●	—	●	●	●	●	●	A2
Production or entertainment studios	● s	● s	—	●	●	●	●	●	B1
<b>Entertainment and Sporting Venues</b>									
Arenas or auditoriums	—	—	—	● s	● s	● s	● s	● s	B1
Drive-in theaters	—	—	—	—	—	—	○	○	N/A
Racetracks	—	—	—	—	—	—	—	○	B1
Stadiums	—	—	—	● s u	● s u	● s u	● s u	● s u	B1
Theaters	● p	● p	—	● p	● p	● p	●	● p	B1
<b>Other Assembly Spaces</b>									
Banquet, function or reception halls	●	●	—	●	●	●	●	●	B1
<u>Gaming facilities</u>	—	—	—	● p	● p	● p	● p	● p	<u>B1</u>
Historical exhibits	●	●	—	●	●	●	●	●	B1
Meeting halls	●	●	—	●	●	●	●	●	B1
Non-commercial clubs	●	●	●	●	●	●	●	●	*
Observation decks	● u	● u	—	● u	● u	● u	● u	● u	B1
Outdoor day camps	○	○	○	○	○	○	○	● u	G
Publicly accessible spaces	● u	● u	—	● u	● u	● u	● u	● u	N/A
Riding academies or stables	○	○	○	○	○	○	○	● p u	A4
Trade expositions	—	—	—	● s	● s	● s	● s	● s	B1

\* \* \*

**Use Group 8 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-181 (Use Group 8 – general use allowances), the following provisions shall apply:

(a) Motion picture theaters, in a new or existing #building# in C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, C5, C6 and C8-4 Districts, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater in order to prevent obstruction of #street# areas. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.

(b) Gaming facilities shall be limited to those for which an application was submitted to the New York State Gaming Commission to develop and operate a gaming facility before June 30, 2025 pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on December 5, 2023 and operating under a gaming license issued by the Gaming Commission. No other gaming facilities shall be permitted.

Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.

Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.

~~(b)~~ (c) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

\* \* \*

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

\* \* \*

**42-10  
USE ALLOWANCES**

\* \* \*

**42-18  
Use Group 8 – Recreation, Entertainment and Assembly Spaces**

**M1 M2 M3**

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 42-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 42-182 (Use Group 8 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section 42-183 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section 42-184 (Use Group 8 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section 42-185 (Use Group 8 – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with “o” in the Use Group table; and
- (f) Section 42-186 (Use Group 8 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

The provisions of Sections 42-182, 42-183 and 42-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

**42-181  
Use Group 8 – general use allowances**



The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES				
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
Uses	M1	M2	M3	PRC
<b>Amusement and Recreation Facilities</b>				
#Amusement or recreation facilities#	● U	● U	● U	*
#Outdoor amusement parks#	● S U	● S U	● S U	C
<b>Art Galleries and Studios</b>				
Art galleries	●	●	●	*
Art, music, dancing or theatrical studios	●	●	●	A2
Production or entertainment studios	●	●	●	B1
<b>Entertainment and Sporting Venues</b>				
Arenas or auditoriums	● S	● S	● S	B1
Drive-in theaters	○	○	○	N/A
Racetracks	○	○	○	B1
Stadiums	● S U	● S U	● S U	B1
Theaters	●	●	●	B1
<b>Other Assembly Spaces</b>				
Banquet, function or reception halls	●	–	–	B1
<u>Gaming facilities</u>	● P	● P	● P	<u>B1</u>
Historical exhibits	●	●	●	B1

Meeting halls	●	●	●	B1
Non-commercial clubs	●	●	●	*
Observation decks	● U	● U	● U	B1
Outdoor day camps	● U	● U	● U	G
Publicly accessible spaces	● U	● U	● U	N/A
Riding academies or stables	● P U	● P U	● P U	A4
Trade expositions	● S	● S	● S	B1

\* \* \*

**42-183**  
**Use Group 8 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the provisions of this Section shall apply.

For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) Gaming facilities shall be limited to those for which an application was submitted to the New York State Gaming Commission to develop and operate a gaming facility before June 30, 2025 pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on December 5, 2023 and operating under a gaming license issued by the Gaming Commission. No other gaming facilities shall be permitted.

Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.

Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.

- (b) In all #Manufacturing Districts#, riding academies or stables shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

\* \* \*

The above resolution (N 240179 ZRY), duly adopted by the City Planning Commission on March 20, 2024 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**DANIEL R. GARODNICK, Esq.,** *Chair*  
**KENNETH J. KNUCKLES, Esq.,** *Vice Chairman*  
**GAIL BENJAMIN, ALFRED C. CERULLO, III, ANTHONY CROWELL Esq.,**  
**JOSEPH I. DOUEK, DAVID GOLD, Esq., RASMIA KIRMANI-FRYE,**  
**ORLANDO MARÍN, RAJ RAMPERSHAD**  
*Commissioners*

**LEAH GOODRIDGE, Esq., JUAN CAMILO OSORIO**  
*Commissioners, VOTING NO*



**THE CITY OF NEW YORK  
BRONX COMMUNITY BOARD 6**

**1932 Arthur Avenue, Room 403-A, Bronx, NY 10457**

*Honorable Vanessa L. Gibson, Bronx Borough President*

*Honorable Oswald Feliz, New York City Council Member, 15<sup>th</sup> District*

Telephone: (718) 579-6990 – Email: [bronxcb6@bronxcb6.org](mailto:bronxcb6@bronxcb6.org) – Website: [nyc.gov/bxcb6](http://nyc.gov/bxcb6)

**MS. EVONNE CAPERS**  
Board Chairperson

**MR. RAFAEL MOURE-PUNNETT**  
District Manager

March 14, 2024

Gaming Facility Text Amendment

Project ID: 2023M0123

Per Bronx Community Board 6's resolution at our March Board meeting, we are opposed to the proposed Gaming Facility Text Amendment. The Board understands that the process for siting gaming facilities requires multiple levels of authorization, and that only a few select sites have been chosen in this initial stage. Our concern is that this text amendment opens the possibility of gaming facilities in any C4 through C8 or manufacturing zones. Our Board believes that many commercial and manufacturing districts are inappropriate for gaming facilities, and this zoning text amendment will lead to developers seeking approval for gaming facilities in ill-conceived locations throughout the city.



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b>
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 31	<b># Against:</b> 0	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 42
<b>Date of Vote:</b> 3/12/2024 12:00 AM		<b>Vote Location:</b> Manhattan College 3900 Waldo Avenue Bronx, NY 10463	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 1/9/2024 7:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	In Tech Academy 2975 Tibbett Ave. Bronx, NY 10463

<b>CONSIDERATION:</b> WHEREAS, the Department of City Planning has requested comment respecting a proposal to bypass full Community Board 8 action respecting gambling Casino location; and WHEREAS, no representative of any Casino interest, the City of New York or other entity has offered any explanation or sound reason why such action is merited; and WHEREAS, the Land Use Committee of Community Board 8 voted unanimously to disapprove the amendment, NOW THEREFORE, BE IT RESOLVED, Bronx Community Board 8 rejects the proposal and declines to accede to the request, instead reaffirming its rights of prior review.	
Recommendation submitted by	BX CB8
Date: 3/13/2024 1:15 PM	



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 24	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 24
<b>Date of Vote:</b> 1/24/2024 12:00 AM		<b>Vote Location:</b> 3077 Cross Bronx Expressway Service Road, Bronx, NY 10465	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION:**

Recommendation submitted by	BX CB10	Date: 1/26/2024 2:11 PM
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Hon. Vanessa L. Gibson  
Borough President

## BRONX COMMUNITY BOARD No. 10

3165 East Tremont Avenue • Bronx, New York 10461

Tel: (718) 892-1161 • Fax: (718) 863-6860

E-mail: [bx10@cb.nyc.gov](mailto:bx10@cb.nyc.gov)

Facebook.com/BronxCommunityBoard10

Website: [www.nyc.gov/bronxcb10](http://www.nyc.gov/bronxcb10)

Instagram & Twitter @BronxCB10



Joseph Russo  
Chairperson

Matthew Cruz  
District Manager

January 25, 2024

Daniel Garodnick, Chairperson

City Planning Commission

120 Broadway, 31<sup>st</sup> Floor

New York, NY 10271

We write to you today to share with the City Planning Commission our unanimous opposition to both the *City of Yes Economic Opportunity* (CYEO) and the *Gaming Facility Zoning Text Amendment* (GFZTA). We held our vote as part of a public hearing on January 24th, 2024.

In the matter of the City of Yes Economic Opportunity (CYEO), the Commission took the liberty to certify this application with all its eighteen components while leaving the standard amount of time for Community Boards to review as it did with *Carbon Neutrality*. CYEO's text amendment surpassed one thousand pages. The Commission's decision is one of many reasons why our membership chose to outright reject this non-Uniform Land Use Review Procedure (ULURP) without conditions. Even if there were items to consider in CYEO, our membership had to contend with its worst aspects. Perhaps, the City Planning Commission should consider reducing the sheer scope of the text amendment.

There are other factors that led to our disapproval of CYEO. Firstly, none of our residential communities find appealing or productive the idea of having commercial space on the second floor of apartment buildings or on corner residential properties. City Planning Commission Chairperson Daniel Garodnick, during his time as a New York City Council Member, knows just how under-resourced and under-staffed the City of New York Department of Buildings finds itself (NYCDOB). The NYCDOB cannot presently inspect and enforce work without a permit and/ or contrary to zoning complaints when occurring in real-time. If the CPC permits commercial use on the second floor, there will never be enough enforcement to ensure that the business is operating in accordance to building and safety guidelines. Second floor business owners will do the same as storefront business owners and not allow inside NYCDOB and FDNY inspectors to corroborate complaints. Also, why exactly would the City Planning Commission recommend a second-floor business and take valuable housing away from New Yorkers?

Secondly, we find amusing that the CPC is encouraging second story commercial use when most business districts cannot fully occupy ground floor commercial space in many of our

communities. Would it not make worse our vacant storefront issue? Thirdly, which New York City Housing Authority developments did the Commission contact? Throggs Neck Houses residents were never consulted about “enabling resident-serving retail services, and makerspace.” This phrase comes from a presentation shared with us by the Commission’s staff. NYCHA needs tens of billions of dollars in repairs. None of these business or service practices will succeed under the same crumbling infrastructure residents experience every day even if residents wanted it, which they do not.

Fourthly, this is a back-handed approach to a rezoning of our C1 districts. Our residents vehemently oppose C2 uses within our C1 zoning district. This could allow for big box retail to expand at the expense of a “mom-and-pop” business. Our C1 zoning districts are separated from C2 zoning districts to protect and enhance quality-of-life and to give New Yorkers an ensemble of businesses to patronize in commercial districts. It should remain this way. Our current C1 zoning district does not need to accommodate C2 uses. This is a one-size-fits-all policy prescription.

Fifthly, our Community Board took particular concern with urban agriculture. The sheer number of resources the NYCDOB and FDNY will need to enforce against businesses that are not properly following buildings and fire code is exponential. You all are creating an environment of unpermitted construction. If we were to consider the benefits of urban agriculture businesses within our commercial district and/or on the second floor of a building, then there should be explicit details on what can be grown, and we should also be able to review the required safety and building code guidelines. It is too dangerous to “explicitly permit” any indoor agriculture.

Lastly, we proudly boast of having the City Island Special District Zoning. The vague phrase “enhance corridor design rules and simplify and modern use terms” means nothing to us and discourages us from supporting the text amendment. No special district zoning is the same. The Commission assumes what works in other parts of our city will work in City Island. We encourage you to scrap special district entirely from the text amendment and work with communities from the ground-up and not the top-down. Urban planning is conducted with grassroots input which is firmly how Special Districts came into existence.

On the matter of the *Gaming Facility Zoning Text Amendment*, all our civic groups contacted our Board Office to oppose the GTFA. The fear remains that should the State of New York increase again the number of available gaming licenses, it will open our communities’ manufacturing and heavy commercial districts to a gaming facility that no one sought in our communities in the first place. Bronx Community Board 10 has an extensive swath of heavy commercial and light manufacturing districts – all of which are performing rather well. We stand in solidarity with the Community Boards in other parts of the city who have opposed this text amendment to defend their own commercial and manufacturing districts. Furthermore, this is a naked attempt at changing zoning and adding use groups to the Zoning Resolution that should only begin at the Community Board level.

Should you or the Commission need to speak with us further, do not hesitate to contact us at (718) 892-1161.



Sincerely,

Joseph Russo, Chairperson



# COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, NY 11211- 8813

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

Website: [www.nyc.gov/brooklyn1](http://www.nyc.gov/brooklyn1)

HON. ANTONIO REYNOSO  
BROOKLYN BOROUGH PRESIDENT



SIMON WEISER  
FIRST VICE-CHAIRMAN

DEL TEAGUE  
SECOND VICE-CHAIRPERSON

GINA BARROS  
THIRD VICE-CHAIRPERSON

DAVID HEIMLICH  
FINANCIAL SECRETARY

SONIA IGLESIAS  
RECORDING SECRETARY

PHILIP A. CAPONEGRO  
MEMBER-AT-LARGE

DEALICE FULLER  
CHAIRPERSON

JOHANA PULGARIN  
DISTRICT MANAGER

HON. LINCOLN RESTLER  
COUNCILMEMBER, 33rd CD

HON. JENNIFER GUTIERREZ  
COUNCILMEMBER, 34th CD

February 13, 2024

## COMMITTEE REPORT

### Land Use, ULURP, and Landmarks (Subcommittee) Committee

TO: Chairperson Dealice Fuller and CB1 Board Members

FROM: Ms. Del Teague, Committee Chair  
Mr. Stephen Chesler, Committee Co-Chair  
Ms. Bozena Kaminski, Landmarks Subcommittee Co-Chair

RE: Land Use Committee Report from February 5, 2024

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The Committee met on the evening of February 5, 2024 at 6:00 PM at 211 Ainslie Street.

**Present:** Teague; Chesler; Kelterborn; Meyers; Pferd; Sofer; Vega; Kawochka\*

**Absent:** Kaminski; Drinkwater; Indig; Itzkowitz; Kantin; Miceli; Rabbi Niederman; Weiser; Berger\*; Stone\* (\*non-board member)

8 members were present.

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## AGENDA

1. **PRESENTATION: GAMING FACILITY TEXT AMENDMENT – N 240179 ZRY** – The NYC Department of City Planning is proposing this citywide zoning text amendment to allow gaming facilities licensed by the State and developed through a new State defined siting process to be permitted in certain Commercial and Manufacturing districts Presenter: Mr. S. Johnson, Department of City Planning.



# COMMUNITY BOARD NO. 1

435 GRAHAM AVENUE – BROOKLYN, NY 11211

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

Website: [www.nyc.gov/brooklyn1](http://www.nyc.gov/brooklyn1)



**MOTION TO NOT RECOMMEND GAMING FACILITY TEXT AMENDMENT – N 240179 ZRY DUE TO THE LACK OF THE ULURP PROCESS OR ANY OTHER ALLOWANCE OF DIRECT INPUT BY COMMUNITY BOARDS REGARDING THE APPLICATIONS.**

Motion made by: **William Vega**

Seconded by: **Bozena Kaminski**

DATE: **02-13-2024**

	YES	NO	ABS		Yes	NO	ABS
GINA ARGENTO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	KATIE DENNY HOROWITZ	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BOGDAN BACHOROWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SONIA IGLESIAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LISA BAMONTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MOISHE INDIG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GINA BARROS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JACOB ITZKOWITZ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ERIC BRUZAITIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ROBERT JEFFERY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IRIS CABRERA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BOZENA KAMINSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILIP CAPONEGRO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CORY KANTIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FRANK CARBONE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PAUL KELTERBORN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STEPHEN CHESLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAM KLAGSBALD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MICHAEL CHIRICHELLA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MARIE LEANZA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KEVIN COSTA	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ADAM MEYERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STEPHANIE CUEVAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SANTE MICELI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RONAN DALY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOBY MOSKOVITS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GIOVANNI D'AMATO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RABBI DAVID NIEDERMAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ERIN DRINKWATER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MARY ODOMIROK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ARTHUR DYBANOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JANICE PETERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LLOYD FENG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AUSTIN PFERD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JULIA AMANDA FOSTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MICHELLE ROJAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEALICE FULLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BELLA SABEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRYSTAL GARCIA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ISAAC SOFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOEL GOLDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SAMEER TALATI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANGELINA GRONTAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DEL TEAGUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOEL GROSS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAM VEGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DAVID HEIMLICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIMON WEISER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SABRINA HILPP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Time: **8:58 pm** Tally: **27** YES **2** NO **1** ABS **0** RECUSAL

A copy of the presentation, which includes the proposed sites, is attached to this report.

Mr. Johnson explained that the purpose of this amendment is to add a gaming use in zoning resolutions in C4,5,6,7,8 and M1,2,3 districts. Currently, gaming facilities are not permitted in NYC.

The state controls gaming in the state. The definition of a gaming facility allows non-gaming uses which are related to gaming, such as restaurants, hotels, and theaters. Currently there are three available licenses, with nine applications for NYC sites. These proposed projects could consist of only casinos or could also have a casino with a related use. None of those sites are located in our district.

A Community Advisory committee (CAC) will review each application. The CAC consists of the governor, the NYC mayor, the state senator, the state Assemblymember, the borough president, and the NYC councilmember. There is no provision for inclusion of representation from community boards.

The applications approved by the CAC will then be reviewed by the State Gaming Facility Location Board. Mr. Johnson explained that the only way our district would be directly affected would be in the unlikely event that at least three licenses were not approved out of the current applications.

The committee members were concerned that the CAC did not contain a community board member, and that the process takes ULURP and community board reviews out of the process. We noted that other community boards withheld approval due to the same concerns. We also discussed the lack of anecdotal data regarding the effect of casinos in metropolitan districts.

### **Recommendation**

7 of the 8 members present agreed to recommend that we not approve the text amendment due to the lack of the ULURP process or any other allowance of direct input by community boards regarding the applications.

## **2. SOCCER SPORT COMPLEX PROPOSAL** – Informational Presentation

The presenter asked to postpone his presentation to a future time.



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 7	<b># Against:</b> 0	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 9
<b>Date of Vote:</b> 1/22/2024 12:00 AM		<b>Vote Location:</b> 350 Jay Street	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 1/17/2024 6:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	350 Jay Street

**CONSIDERATION:**

Recommendation submitted by	BK CB2	Date: 2/5/2024 6:42 PM
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# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b>
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 29	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 42
<b>Date of Vote:</b> 2/8/2024 12:00 AM		<b>Vote Location:</b> Weeksville Heritage Center, 158 Buffalo Avenue, Brooklyn, N.Y.	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 2/8/2024 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Weeksville Heritage Center, 158 Buffalo Avenue, Brooklyn, N.Y. 11213

<b>CONSIDERATION:</b> See attached.		
<b>Recommendation submitted by</b>	BK CB8	<b>Date:</b> 2/9/2024 2:01 PM



# COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213  
(718) 467-5620/5574 • BROOKLYNCB8.ORG • BROOKLYNCB8@GMAIL.COM

**Antonio Reynoso**  
*Borough President*

**Irsa Weatherspoon**  
*Chairperson*

**Michelle T. George**  
*District Manager*

February 9, 2024

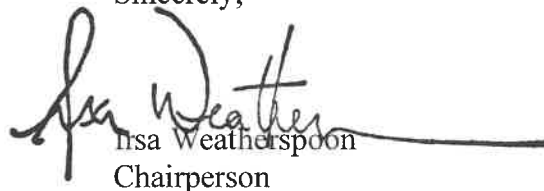
Mr. Dan Garodnick, Chairperson  
City Planning Commission  
120 Broadway  
31st Floor  
New York, NY 10271

Dear Chairperson Garodnick,

At the February 8, 2024 Community Board 8 general meeting, members voted unanimously with 29 members present, to withhold support for the Dept. of City Planning's Gaming Text Amendment. We recognize this as a City of Yes provision for expansion of gaming in manufacturing districts. It is the sentiment of this Board that support is not warranted at this time due to the need for each community to assess gaming proposals on a case-by-case basis to provide nuanced evaluations based on specific locales and community impacts.

We thank you for the opportunity to comment on such important matters facing our community. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

  
Irsa Weatherspoon  
Chairperson

cc: Brooklyn Borough President Antonio Reynoso  
Councilmember Chi Osse  
Councilmember Crystal Hudson  
Councilmember Darlene Mealy  
Councilmember Shahana Hanif



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

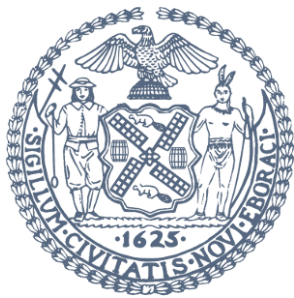
<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 33	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 33
<b>Date of Vote:</b> 1/23/2024 12:00 AM		<b>Vote Location:</b> MS61 - 400 Empire Boulevard, Brooklyn, NY 11225	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

<b>CONSIDERATION:</b>		
Recommendation submitted by	BK CB9	Date: 1/30/2024 10:23 AM





# BROOKLYN COMMUNITY BOARD 9

## **BROOKLYN COMMUNITY BOARD 9 RESOLUTION**

### **GAMING FACILITIES TEXT AMENDMENT**

CB9 opposes the gaming facilities zoning text amendment which would permit gaming facilities of unlimited size in our commercial districts including our C8 and M1 districts. We do not believe a casino or other gaming facility is appropriate anywhere in our district and object to community boards being removed from the approval process.

**Antonio Reynoso**  
*Borough President*

**Dante B. Arnwine**  
*District Manager*

**Fred P. Baptiste**  
*Chair*

**Primo Lasana**  
*1<sup>st</sup> Vice Chair*

**Francisca Leopold**  
*2<sup>nd</sup> Vice Chair*

**Linda Watson-Lorde**  
*Executive Secretary*

**Mayna Legoute**  
*Treasurer*

**Nicolas Almonor**  
*Member-at-Large*

**Dexter Roberts**  
*Member-at-Large*

**ADOPTED: January 23, 2024**



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b>
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 18	<b># Against:</b> 2	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 40
<b>Date of Vote:</b> 1/11/2024 12:00 AM		<b>Vote Location:</b> Bensonhurst Center for Rehabilitation, 1740 84 Street, Brooklyn, 11214	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 1/9/2024 7:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	St Finbar Annex, 138 Bay 20 Street, Brooklyn, NY 11214 (enter parking lot on Bay 20 St)

**CONSIDERATION:** 1. That any affected Community Board be afforded the opportunity to provide public input.  
2. If Coney Island is ultimately selected that Community Board 11 have an opportunity to review the traffic studies and provide recommendations, and that residents of Community Board 11 have an opportunity to participate in job fairs.

Recommendation submitted by	BK CB11	Date: 2/1/2024 2:06 PM
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# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 11	<b># Against:</b> 16	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 28
<b>Date of Vote:</b> 12/27/2023 12:00 AM		<b>Vote Location:</b> St. Paul's Church - 2801 West 8th Street	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION:** See attached letter

Recommendation submitted by	BK CB13	Date: 1/12/2024 2:58 PM
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**BROOKLYN COMMUNITY BOARD 13**  
1201 Surf Avenue – 3<sup>rd</sup> Fl., Brooklyn, NY 11224  
(718) 266-3001 FAX (718) 266-3920  
<http://www.nyc.gov/html/bkncb13>

**ANTONIO REYNOSO**  
Borough President

**LUCY MUJICA DIAZ**  
Chairperson

**EDDIE MARK**  
District Manager

At the December 27, 2023 meeting of Community Board 13, a vote was taken on the Gaming Facility Text Amendment.

Voting **YES** on the Motion – with conditions – indicates that you want NYC’s zoning to change to allow casinos in commercial and manufacturing districts

Voting **NO** on the Motion means that you do not want NYC’s zoning laws change to permit casinos in commercial and manufacturing districts.

**Vote:** *In Favor:* 11                      *Opposed:* 16                      *Abstentions:* 1  
**Motion denied** (quorum present) Roll call on file at C.B. Office

The reasons for the denial of the City-wide Text Amendment are listed below.

- This vote is not about whether we want or do not want a casino to come to Coney Island. We are voting on a city-wide Zoning Text Amendment. It applies not only to CB 13, but other locations too.
- Land in NYC is zoned for various things. If a location is zoned for residential, that means that housing is allowed there, if it is zoned for commercial, that means that businesses can be in that area and if it is zoned for manufacturing, that means that industrial uses are permitted. All three types of zoning can be found within CB 13.
- A casino is a gaming or gambling facility. It is a way of using a location, just like an apartment building or a medical center or a school or a grocery is a way of using a location.
- Right now, NYC zoning laws do not allow land to be used for a casino, so this text amendment would allow this use (a casino) in commercial and manufacturing zones.
- The text amendment not only covers a casino building, but it also allows associated non-gaming uses such as hotels, restaurants, etc. that may be associated with the casino.

Keep in mind that:

- Voting for this text amendment makes a casino “as of right” where the zoning allows it.
- NY State is currently planning three casino licenses now, but more may be approved in the future. While tonight’s vote applies only to the three licenses that are now under consideration, it sets a precedent for what happens if more licenses are approved in the future. This means that if in the future, NYS decides to issue more casino licenses for CB 13 or other areas, it makes it that much easier to pass additional text amendments that would permit more casinos.
- If this text amendment is passed, be aware that there may be other, zoning changes underway or in the near future that could radically change the character of the community. For example, the 2009 Rezoning and Mandatory Inclusionary Housing made it easier for high density development to occur on Coney Island. There are changes underway that you will hear about in the coming months that will change commercial uses in NYC. The text amendment you are voting on tonight changes a “use” in commercial districts.

- If New York State decides to issue more casino licenses in the future, it will be easier to locate more of them in any area where it is permitted by the zoning.

Again, we are not voting on whether we want to see a casino in Coney Island. We are voting on a change in NY regulations that will allow casinos and associated structures to be in commercial and manufacturing zones in NYC.



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

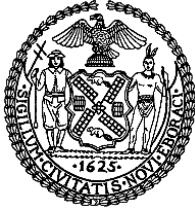
<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 20	<b># Against:</b> 14	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 35
<b>Date of Vote:</b> 1/30/2024 12:00 AM		<b>Vote Location:</b> 2001 Oriental Boulevard, Room U112, Brooklyn NY 11235	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 1/30/2024 7:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Kingsborough Community College 2001 Oriental Blvd., Room U112 Brooklyn, NY 11235

**CONSIDERATION:** The Board is in favor of Gaming in the outer Boroughs, with the exclusion of Brooklyn. Southern Brooklyn is flood prone, fears of more congestion, evacuations protocols, lack of security and an aging infrastructure are of great concern to this community.

Recommendation submitted by	BK CB15	Date: 1/31/2024 1:24 PM
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**JESSICA CHAIT**  
Chair

**JESSE R. BODINE**  
District Manager

CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**

424 West 33 Street, Suite #580  
New York, NY 10001  
tel: 212-736-4536  
[www.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

January 12, 2024

Dan Garodnick  
Chair  
City Planning Commission  
120 Broadway  
New York, New York 10007

**Re: Proposed Citywide Zoning Text Amendment to Allow Gaming Facilities as a Permitted Use in Certain Commercial and Manufacturing Districts**

Dear Chair Garodnick,

On December 13<sup>th</sup>, 2023, the NYC Department of City Planning (DCP) presented to Manhattan Community Board 4's (MCB4) Clinton/Hell's Kitchen Land Use Committee (CHKLU) its proposal for a citywide zoning text amendment to allow gaming facilities as a permitted use in certain commercial and manufacturing districts.

DCP's proposed text amendment would allow gaming facilities in C4, C5, C6, C7, and C8 commercial districts as well as M1, M2, and M3 manufacturing districts, which would include areas like Times Square and Hudson Yards. It would remove all proposals for gaming facilities from the Uniform Land Use Review Procedure (ULURP), thereby bypassing New York City's standard public review process and entirely eliminating City oversight for zoning compliance of all gaming facilities.

Gaming facilities, including casinos, would only need approval from four members of a six-member Community Advisory Committee (CAC), comprised of the governor, mayor, and four local officials.

**At its regularly scheduled Full Board meeting on January 3<sup>rd</sup>, 2024, MCB4, on the recommendation of its CHKLU Committee, voted 40 in favor, 0 opposed, 0 present but not eligible, and 1 abstaining, to recommend denial of the proposed zoning text amendment.**

## **Background**

In 2013, the New York State Constitution was amended to authorize up to seven commercial casinos in New York State. Four casinos were subsequently licensed in upstate New York. The 2022 legislation requires that 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 New York State Gaming Commission regulates all aspects of gaming activity in New York State. The Gaming Facility Location Board was established by the Gaming Commission to oversee the selection and review process related to the three unissued licenses. In January 2023, the Gaming Facility Location Board outlined a process to review applications for the three casino licenses which includes siting and review criteria, establishing Community Advisory Committees to review and approve each individual application. Every CAC will consist of six members, all elected officials: the Governor, Mayor, local Assemblymember, State Senator, Borough President, and City Councilmember.

As noted above, DCP's proposed text amendment would allow gaming facilities in C4, C5, C6, C7, and C8 commercial districts as well as M1, M2, and M3 manufacturing districts, which would include areas like Times Square and Hudson Yards. (See attached map). Further, the amendment specifies that **a gaming facility, as approved by the State, will be deemed complying and conforming with all applicable use and bulk zoning regulations. This proposed action would entirely remove normal city oversight for zoning compliance of all gaming facilities**, and as such, the proposed text amendment would remove all gaming facilities from the ULURP process. These actions would have the consequence of effectively eliminating the standard New York City public review process.

DCP has represented that this will apply only to gaming licenses issued under the legislation enacted by the 2022 legislation. There are seven casino sites proposed citywide, two of which are within Manhattan Community District 4.

The presentation from DCP at December 13<sup>th</sup>'s Clinton/Hell's Kitchen Land Use Committee was met with considerable concerns and questions from the Committee and attending members of the public.

## **Eliminating Public Review**

The NYC Charter was amended in 1975 to include transparent public review, with a predictable mandated time clock. The thorough public review process through ULURP is a mandate of the City Charter to ensure full technical review and transparent political compromise. Removing the gaming facilities from the ULURP process eliminates the public review process.

If this text amendment were not proposed, there would have to be a ULURP process at each proposed casino site. However, DCP contends that an individual ULURP process for each site would be time-consuming and delay the New York State license approval. By this rationale, any and all public review of land use applications might be considered time-consuming and eliminated, eroding the democratic participations of citizens in planning the future of their communities.



### **Community Advisory In Name Only**

The current proposal will deem a gaming facility, as approved by the State, in compliance with all applicable use and bulk zoning regulations. This proposal will cede public review, mandated under the standard NYC land use process, to a six-member Community Advisory Committee, composed solely of elected officials with no technical expertise in zoning regulations and no members of the community.

Ceding public review process to a committee composed of only six elected officials, and putting the approval power in the hands of only four of these officials (only four of the six have to approve) is not a true, open public review process since there is no actual community representation in this process. In a non-regulated, non-transparent public review process, where applicants, lobbyists, and special interest groups can advise elected officials but community boards cannot, there is no guarantee that the interests of the community will be heard.

### **City Charter Mandate For Public Review**

In the 1975 NYC Charter revision, ULURP was established to be a transparent public process on all land use matters. DCP is asking MCB4 to approve through public review a text amendment to eliminate public review. The Board is unclear of the legitimacy of voting to eliminate its City Charter mandated responsibility to hold public review for “proposals for the use of land...in the district.” \*

Further, this text amendment is a ‘one size fits all’ action in a city which is not a monolith, but is made up of varying neighborhoods and districts, all of which have different zoning and development requirements. This proposal is only being presented to seven of the 59 Community Boards and is not being presented citywide. Yet if all three licenses are not approved by the CACs in the current proposed sites, there is the potential that a gaming facility could be proposed in any number of Community Districts across the City. The restricted sharing of information while seeking all 51 Councilmembers to vote on this proposal is inappropriate given that their constituents are not being educated on the potential ramifications.

### **Short Circuiting This Amendment’s Public Review**

The timing of City Planning Commission certification of this proposed amendment has created serious difficulty for adequate public review. The proposed text amendment was certified on November 27<sup>th</sup>, 2023, the Monday after Thanksgiving. DCP is asking Community Boards to review this through the Thanksgiving, Christmas, and New Years holidays, straining the ability of the volunteer Community Board members during the busy holiday season.

Such timing can give the impression to the public that the City wants to certify this citywide text amendment during the end of the year holidays in order to short circuit a thorough public review of its consequences.

### **Circumventing The Hotels Text Amendment**

The proposal also includes language that would permit non-gaming uses related to gaming, and deem those uses in compliance with applicable use and bulk regulations. These uses include hotels, restaurants, and bars.

Midtown Manhattan is dense with hotels. The Department of City Planning proposed and the City Council adopted the Citywide Hotels Text Amendment on December 9<sup>th</sup>, 2021, which is a citywide text amendment requiring ULURP for a special permit for new and enlarged hotels and motels. This proposed gaming facilities text amendment would permit hotels associated with gaming uses to be reviewed by a CAC, circumventing the recently adopted 2021 Citywide Hotels Text Amendment. The City should not propose to exempt these hotels from the permit process, especially when these hotels tied to casinos will be very large with high room counts, high parking requirements, and an outsized impact on the community.

Within the proposed gaming facilities text amendment, there is a section stating the applicant must comply with the parking provisions of the Manhattan-Core off-street parking regulations in Article 1, Chapter 3 within Manhattan Community Districts 1 through 8. DCP's presentation noted that this section was outdated and removed from the proposed text amendment.

### **Circumventing The Court's Decision on Parking In Hudson Yards**

The two proposed casino sites within MCD4 are both in the Hudson Yards Special Zoning District (HYSD). This Special Zoning District is subject to the Hudson Yards Parking Text Amendment, resulting from a 2009 lawsuit brought by the Hell's Kitchen Neighborhood Association against the Bloomberg Administration.

Elements of the settlement included in the 93-80 Off Street Parking regulations section of the zoning are:

- No minimum parking requirement in the HYSD.
- Total off-street parking is subject to a hard cap of 6,084 spaces.

However, the proposed text amendment will deem parking, as a non-gaming use related to gaming uses, compliant with use and bulk regulations, only certified by CACs without any technical input from DCP. CACs must abide by the settlement and the Hudson Yards Parking Text Amendment in their review process. Such text must be included in the proposed text amendment.

### **Recommendations**

MCB4 does not support the proposed citywide zoning text amendment to allow gaming facilities as a permitted use in certain commercial and manufacturing districts since the proposal eliminates the standard public review process through ULURP, a mandate of the 1975 NYC Charter amendment. The community review process is part of the mandate for a Community Board, and in eliminating this process, the City is also eliminating the community's ability to voice its needs.

MCB4 also opposes the idea of removing the professionals at DCP or at the City Planning Commission from the review process to speak to zoning regulations and compliance; the idea that the six-member CAC can approve without knowledge of zoning regulations is bad policy.

This text amendment, coupled with the 6-member CACs which have the review and approval power, eliminates the public review process, to the detriment of our communities.

MCB4 asks that New York State extend its casino siting timeline and have each proposed site go through the ULURP process instead of eliminating public review with the CAC proposal. And, to adequately inform the public and ensure complete transparency, the Board urges DCP to present its proposal to all New York City community boards to get feedback, not only from the boards, but also from the citizens they serve.

Sincerely,



Jessica Chait  
Chair  
Manhattan Community  
Board 4



Paul Devlin  
Co-Chair  
Clinton/Hell's Kitchen Land Use Committee



Jean-Daniel Noland  
Co-Chair  
Clinton/Hell's Kitchen Land Use Committee

Enclosure

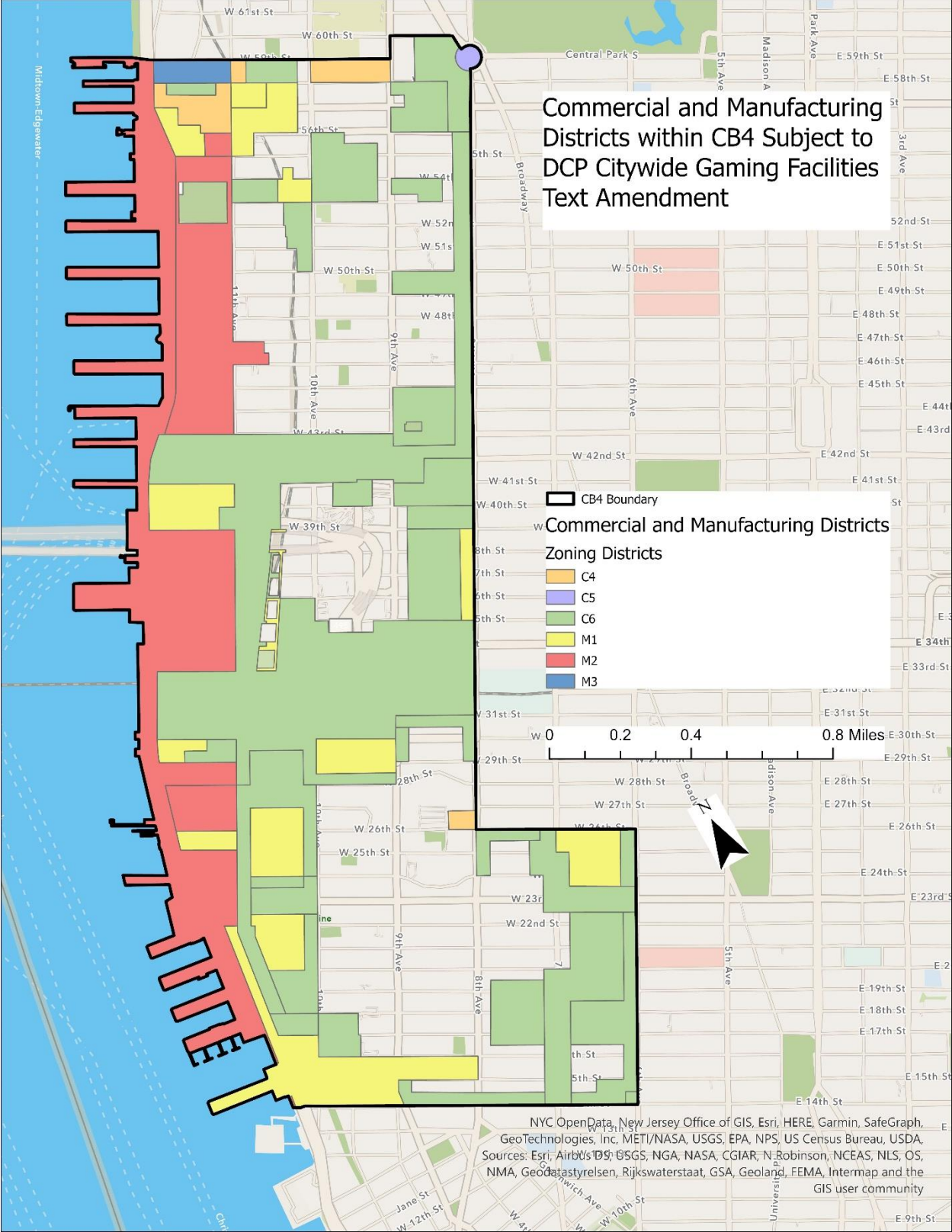
Cc: Hon. Brad Hoylman, NYS Senator  
Hon. Tony Simone, NYS Assemble Member  
Hon. Erik Bottcher, NYC Council Member  
Hon. Mark Levine, Manhattan Borough President  
Vikki Barbero, Chair, Manhattan Community Board 5  
Sandra McKee, Chair, Manhattan Community Board 6  
Local Block Associations

\*For each proposed location.

<https://casetext.com/case/hells-kitchen-neighborhood-association-v-bloomberg>

- **New York City Charter**, Chapter 70, Section 2800. Community Boards. (17) Exercise the initial review of applications and proposals of public agencies and private entities for the use, development or improvement of land located in the community district, including the conduct of a public hearing and the preparation and submission to the city planning commission of a written recommendation;...

# Commercial and Manufacturing Districts within CB4 Subject to DCP Citywide Gaming Facilities Text Amendment





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 35	<b># Against:</b> 0	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 48
<b>Date of Vote:</b> 1/11/2024 12:00 AM		<b>Vote Location:</b> 30 West 16th Street	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 12/20/2023 6:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	450 7th Avenue, Suite 2109

**CONSIDERATION:** Please see attached CB5 Resolution.

Recommendation submitted by	MN CB5	Date: 1/16/2024 3:24 PM
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## Manhattan Community Board Five

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Vikki Barbero, Chair

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

Marisa Maack, District Manager

January 16, 2024

Daniel Garodnick  
Chair of the City Planning Commission  
22 Reade Street  
New York, NY 10007

### **Re: Resolution on the Department of City Planning Gaming Text Amendment**

Dear Chair Garodnick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, January 11, 2024, the following resolution passed with a vote of 35 in favor; 0 opposed; 1 abstaining:

WHEREAS, The New York City Department of City Planning has proposed a Text Amendment to permit gaming facilities as a permitted use within specified certain (C4, C5, C6, C7, and C8) and manufacturing (M1, M2, and M3) zoning districts, potentially bypassing the established Uniform Land Use Review Procedure (ULURP); and

WHEREAS, The 2013 amendment to the New York State Constitution sanctioned the establishment of a maximum of seven commercial casinos in the state, and subsequently, four casinos received licenses in upstate New York, and as per the 2022 legislation, the allocation of the remaining three gaming facility licenses is exclusively designated for the downstate New York region, encompassing New York City, Nassau, Suffolk, Putnam, Rockland, and Westchester Counties; and

WHEREAS, The oversight of gaming activities in New York State falls under the jurisdiction of the New York State Gaming Commission, and the Gaming Facility Location Board was established by the Gaming Commission to manage the selection and assessment procedures concerning the three outstanding licenses; and

WHEREAS, In January 2023, the Gaming Facility Location Board presented a comprehensive process for evaluating applications for the three downstate casino licenses, with a procedure involving specific criteria for siting and review, including the establishment of Community Advisory Committees (CACs) tasked with the evaluation and approval of each individual application; and

WHEREAS, Each Community Advisory Committee (CAC) will comprise representatives of six elected officials, including the Governor, Mayor, local Assemblymember, State Senator, Borough President, and City Councilmember; and

WHEREAS, for a casino license application to be eligible to be assessed by the Gaming Facility Location Board, it must receive the support of 2/3 of the CAC as well as be a conforming use according to underlying local zoning at its proposed location; and

WHEREAS, the DCP Zoning Text Amendment proposes that a gaming facility, as approved by the State, will be deemed complying and conforming with all applicable use and bulk zoning regulations, entirely circumventing ULURP and site-specific zoning evaluation; and

WHEREAS, the Amendment fails to provide any bulk, height, capacity, signage, transportation, socio-economic impact review and guideline; and

WHEREAS, the Amendment received a EAS Negative declaration under the package of zoning text amendments known as The City of Yes for Economic Opportuniries, but it has now been seered from this package and no clear EAS evaluation and conclusions have been shared by DCP regarding the resent Amendment that would permit gaming use in NYC, and therefore, DCP is failing its basic mandate to evaluation the impact of the Amendment; and

WHEREAS, Such an amendment would diminish the oversight role of community boards, reduce the opportunity for community engagement and input, and thus would have detrimental effects on the established fabric of communities by circumventing meaningful community input; and

WHEREAS, The proposed amendment could set a concerning precedent where major land use decisions are expedited at the cost of democratic participation and thorough technical review, undermining the New York City Charter mandate for public review of "proposals for the use of land...in the district;" and

WHEREAS, The amendment would also bypass the recently adopted Citywide Hotels Text Amendment which requires a special permit for new and enlarged hotels, a notable concern given the associated non-gaming uses related to gaming; and

WHEREAS, The critical public review process established by ULURP in the New York City Charter is a fundamental tool for ensuring transparency and accountability in land use and development; therefore be it

**RESOLVED**, That Manhattan Community Board Five opposes the Gaming Facility Text Amendment as proposed by the Department of City Planning due to its potential to eliminate public review and undermine ULURP; and be it further

**RESOLVED**, That Manhattan Community Board Five calls upon the City Planning Commission to retract the proposed Text Amendment and uphold the principles and processes enshrined in ULURP, ensuring that community boards retain their essential role in land use decisions; and be it further

**RESOLVED**, That Manhattan Community Board Five requests a more comprehensive city public review process that includes extensive community board consultation and broader public engagement to better assess the potential impacts of gaming facilities within the community, ensuring full technical review and community input.

Sincerely,



Vikki Barbero  
Chair



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

Cc: Hon. Mark Levine, Manhattan Borough President  
CPC Commissioners  
Hon. Erik Bottcher, NYC Council Member, 3rd District  
Hon. Keith Powers, NYC Council Member, 4th District  
Manhattan Community Board 4  
Manhattan Community Board 6





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 39	<b># Against:</b> 1	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 41
<b>Date of Vote:</b> 1/10/2024 12:00 AM		<b>Vote Location:</b> Lewis Davis Pavilion, 25 Waterside Plaza, New York, NY	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 12/19/2023 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	211 East 43rd Street

**CONSIDERATION:** THEREFORE, BE IT RESOLVED that Manhattan Community Board Six OPPOSES the NYC Department of City Planning Gaming Facility Text Amendment proposal and urges the City Planning Commission to reconsider and withdraw the proposed amendment, safeguarding the integrity of the ULURP process and maintaining the vital role of community boards in land use decisions, including the selection of casino locations.

Recommendation submitted by	MN CB6	Date: 1/11/2024 3:32 PM
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SANDY MCKEE  
CHAIR

JOHN KELLER, FIRST VICE CHAIR  
MARK THOMPSON, SECOND VICE CHAIR



JESÚS PÉREZ  
DISTRICT MANAGER

GABRIEL TURZO, TREASURER  
BEATRICE DISMAN, ASST. TREASURER  
LIVIA SHREDNICK, SECRETARY  
RUPAL KAKKAD, ASST. SECRETARY

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

**VIA E-MAIL**

January 11, 2024

Dan Garodnick  
Director  
Department of City Planning  
120 Broadway, 31st Floor  
New York, NY 10271

**Opposing NYC Department of City Planning Gaming Facility Text  
Amendment proposal**

At the January 10, 2024 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

**WHEREAS**, on March 8, 2023 Manhattan Community Board Six (CB6) passed a resolution in opposition to the establishment of a casino within the boundaries of Manhattan Community District 6 due to concerns about potential negative impacts on the community;

**WHEREAS**, CB6 reaffirms its belief in the critical role of local communities in making decisions about major developments happening within their neighborhoods, recognizing the importance of community input and engagement in shaping the character and future of their communities;

**WHEREAS**, the proposed text amendment by the NYC Department of City Planning seeks to introduce gaming facilities as of right within specified zoning districts across the city, potentially bypassing the Uniform Land Use Review Procedure (ULURP) process and diminishing the role of community boards in the casino location selection process;

**WHEREAS**, CB6 firmly believes that the proposed text amendment, by potentially eliminating the ULURP process and reducing community involvement, could have detrimental effects on the established fabric of our communities, exacerbating existing challenges and circumventing meaningful community input;

**THEREFORE, BE IT RESOLVED** that Manhattan Community Board Six opposes the NYC Department of City Planning Gaming Facility Text Amendment proposal and urges the City Planning Commission to reconsider and withdraw the proposed amendment, safeguarding the integrity of the ULURP process and maintaining the vital role of community boards in land use decisions, including the selection of casino locations.

**VOTE: 39 In Favor 1 Opposed 1 Abstention 0 Not Entitled**

Best regards,

A handwritten signature in blue ink, appearing to read 'Jesus', with a stylized flourish at the end.

Jesús Pérez  
District Manager

Cc: Hon. Mark Levine, Manhattan Borough President  
Hon. Carlina Rivera, Council Member  
Hon. Keith Powers, Council Member  
Hon. Julie Menin, Council Member  
Majed Abdulsamad, Chair, CB6 Land Use & Waterfront Committee

Valerie S. Mason  
Chair

Will Brightbill  
District Manager



505 Park Avenue, Suite 620  
New York, N.Y. 10022-1106  
(212) 758-4340  
(212) 758-4616 (Fax)  
www.cb8m.com – Website  
info@cb8m.com – E-Mail

**The City of New York  
Community Board 8 Manhattan**

January 24, 2024

Daniel R. Garodnick, Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

**Re: Gaming Facility Text Amendment (N240179ZRY)**

Dear Chair Garodnick,

At the Land Use Committee meeting of Community Board 8 Manhattan held on Wednesday, January 17, 2024, the board approved the following resolution by a vote of 41 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

**WHEREAS:** The City is proposing a citywide zoning text amendment to allow gaming facilities as a permitted use in certain commercial districts (Section 32-10) and manufacturing districts (Section 42-10) in the Zoning Resolution; and

**WHEREAS:** This modification would allow a gaming facility licensed by the State and developed through a new State defined siting process to be developed without regard to any potential conflict with the Zoning Resolution; therefore

**BE IT RESOLVED** that Community Board 8 Manhattan **DISAPPROVES** this application as presented.

Please advise our office of any action taken on this matter.

Sincerely,

*Valerie S. Mason*

Valerie S. Mason  
Chair

cc: Honorable Kathy Hochul, Governor of New York  
Honorable Eric Adams, Mayor of the City of New York  
Honorable Mark Levine, Manhattan Borough President  
Honorable Jerry Nadler, 12th Congressional District Representative  
Honorable Liz Krueger, NYS Senator, 28th Senatorial District  
Honorable José M. Serrano, NYS Senator, 29th Senatorial District  
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District  
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District  
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District

Honorable Keith Powers, NYC Council Member, 4th Council District  
Honorable Julie Menin, NYC Council Member, 5th Council District  
Honorable Diana Ayala, NYC Council Member, 8th Council District



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 23	<b># Against:</b> 2	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 26
<b>Date of Vote:</b> 1/31/2024 12:00 AM		<b>Vote Location:</b> Vaughn College - 86-01 23rd Ave, East Elmhurst, NY 11369	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION:** Queens Community Board 3 votes No. The proposal lacks a public review process, which essentially ensures that casinos will be as of right in particular zoned areas. These matters must be considered on a case by case basis with vigorous public review. With a vote of 23 in Favor, 2 Opposed, and 1 Abstention, the motion to disapprove the proposal was passed.

Recommendation submitted by	QN CB3	Date: 2/15/2024 11:37 AM
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# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 31	<b># Against:</b> 0	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 33
<b>Date of Vote:</b> 1/9/2024 12:00 AM		<b>Vote Location:</b> Virtual	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION:** Annexed are the concerns Community 4Q brought up at its January 9 full Community Board meeting. Motion to deny gaming facility text amendment passed.

Recommendation submitted by	QN CB4	Date: 2/16/2024 10:52 AM
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## COMMUNITY BOARD # 4Q

Serving: Corona, Corona Heights, Elmhurst, and Newtown

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Corona, New York

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**Donovan Richards**  
Queens Borough President

**Marialena Giampino**  
Chairperson

**Ebony Young**  
Deputy Borough President

**Christian Cassagnol**  
District Manager

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Gaming Facility Text Amendment

Presented to the full Board January 9, 2024

The Board expressed several concerns related to the proposed Gaming Facility Text Amendment for the community and the entire city as this proposed amendment would allow casinos and gambling facilities into our communities.

No representation from the Dept. of City Planning was present at either the ULURP/Zoning Committee or at the full Board meeting held on January 9, 2024. Board Members had questions which were unanswered about this text amendment and as a result, pertinent information was not given.

Allowing casinos and gambling in our area would create much congestion in an already overcrowded community. It was brought up these are full casinos with restaurants, bars, and dancing not a Resorts World NYC in Jamaica featuring just slot machines. Gaming facilities can take different shapes and allow many uses.

The proposed zoning text amendment would remove ULURP requirements which would eliminate the Community Board and the Borough President in the decision making.

It was confirmed at the Board meeting one of possible sites was Citifield which is protected public parkland.

Jobs created would not be high quality for the community and the jobs are not guaranteed to be given to community residents.

Question arose at the ULURP/Zoning Committee meeting and the full Board meeting if a Gentlemen's Club was allowed. No response was given since there were no representatives.

It is a tremendous disservice to our community there are no clear answers to essential questions.

Motion to deny gaming facility text amendment. The vote was 31 in favor, 0 opposed with 2 abstentions. Motion to deny passed.





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 19	<b># Against:</b> 17	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 48
<b>Date of Vote:</b> 2/7/2024 12:00 AM		<b>Vote Location:</b> Christ the King HS 6802 Metropolitan Avenue in Middle Village, NY 11379	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 11/8/2023 7:30 PM	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	We did not have a hearing regarding this Gaming Facility Text Amendment

<b>CONSIDERATION:</b> Community Board 5, Queens recommends No Objection to the Proposed Gaming Facility Text Amendment, provided that no more than 3 gaming licenses are issued in the entire downstate region of New York State.		
We did not conduct a Public Hearing regarding this matter, therefore the hearing information, regarding the 11/8/2023 date is incorrect.		
Recommendation submitted by	QN CB5	Date: 2/15/2024 4:51 PM



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b>
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 37	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 37
<b>Date of Vote:</b> 2/12/2024 12:00 AM		<b>Vote Location:</b> St. Luke RC Church	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 2/12/2024 7:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	St. Luke RC Church 16-34 Clintonville Street, Whiteston, NY 11357

<b>CONSIDERATION:</b> Note: Attached is 01/25/24 Committee report in addition to a letter forward to Commissioner Raj Rampsad.		
Recommendation submitted by	QN CB7	Date: 3/12/2024 3:32 PM



# Community Board 7

## Borough of Queens

Bay Terrace, College Point, Beechhurst, Flushing  
Malba, Queensborough Hill, Whitestone and Willets Point

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Flushing, NY 11354

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Donovan Richards, Jr.  
*Queens Borough President*

February 26, 2024

Eugene T. Kelty Jr.  
*Chairperson*

Marilyn McAndrews  
*District Manager*

Hon. Raj Rampersad, Commissioner  
City Planning  
Borough Hall  
120-55 Queens Boulevard Room 201  
Kew Gardens, NY 11424

Commissioner Rampersad,

### **RE: Gaming Facility Zoning Text Amendment**

On Jan 25, 2024, Community Board 7 Land Use committee met and had a virtual presentation from City Planning regarding the CW Gaming Facility Zoning Text Amendment which would remove ULURP and Community review and making casino locations "As-of-Right" in Community Board's 4, 7, and 8.

After the presentation, the committee met and discussed the merits of the Gaming Facility Zoning Text Amendment. The proposed text incorporates casinos into the zoning regulations, permitting them in Commercial Districts ranging from C4-C8. The establishments would not face any limitations on their size and may include, among other amenities, hotels, dance halls and restaurants.

Currently, once the State selects the winners for the casino proposals, each one must undergo a community review process. This allows residents to provide input, request community benefits and suggest modifications to the proposal. With the new text in the Commercial Districts C4-C8 this would be an 'As-of-Right' and no pre review by the local Community Board.

The Committee was not in favor of this loss of authority by the local Community Board and a motion was made on the night of Jan 25, 2024, to disapprove this Text Amendment. A vote was taken and passed Unanimously.

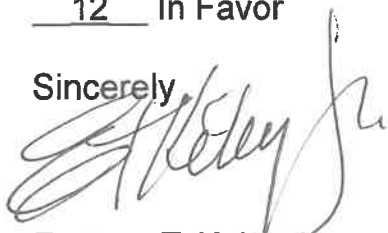
On February 12, 2024, the Board had its Public Hearing where this Text Amendment was presented before the public and full Board. The Chair of the Committee gave a presentation and review of the committee meeting. The public was asked to comment, and no testimony

was given. The Chair read his report and advised the General membership of the vote to disapprove, a second was made followed by discussion.

Several members reiterated what was brought out in the committee meeting that this CW Text Amendment took away the local Community Board's review powers. The vote was called and the final vote to disapprove The CW Gaming Facility Zoning Text Amendment proposal.

  12   In Favor        0   Against        0   Abstain.

Sincerely,



Eugene T. Kelly, Jr.  
Chairman of the Board

Community Board 7 Land Use Committee

Date: 1/25/2024

The meeting was called to order at 7:00 pm

- Chairperson: Warren Schreiber
- Members: See the attendance sheet

Agenda: Dept. of City Planning Gaming Text Amendment

The State has authorized up to 3 casinos along with related activities for downstate NY ( NYC, Long Island, Westchester, Putnam, Rockland) and established a community advisory committee (CAC) process to consider all applications submitted to the State. DCP has proposed a gaming facility text amendment to deal with the casinos to be licensed by the State.

**Summary:**

The committee had the following concerns:

\*Casinos are presently prohibited throughout New York City. Nonetheless, the state of New York has recently authorized the establishment of up to three casinos within the city limits. City Planning is proposing that these casinos to have the freedom to be located in any commercial district within areas of medium to high density, bypassing community review processes.

\* The proposal suggests incorporating casinos into the zoning regulations, permitting them in Commercial Districts ranging from C4 to C8. These establishments won't face any limitations on their size and may include, among other amenities, hotels, dance halls, and restaurants. The sole prerequisite for these businesses is to secure a license from the New York State Commission on Gambling. With this license, the development will proceed "as of right," rendering it immune to community review or the necessity for additional governmental scrutiny or requirements.

\* At present, once the state selects the winners of the three casino proposals, each one must undergo a community review process. This allows residents to provide input, request community benefits, and suggest modifications to the proposals. However, this step will be removed since acquiring a license will enable the casino to proceed with construction "as of right," unaffected by any community objections. Additionally, there will be no obligation for the casino to offer any compensatory benefits to the community for hosting the establishment in their neighborhood.

\* The Casino amendment does not specifically approve or disapprove any project. Instead, it is a citywide text amendment designed to strip community boards of their ability to represent their communities by eliminating the Uniform Land Use Review Procedure (ULURP) process. This amendment will allow any casino location to proceed "as of right," provided it holds a license from the state, effectively bypassing community input.

**Recommendations:**

A MOTION TO DISAPPROVE PASSED UNANIMOUSLY

Meeting adjourned at 8:40 pm

Respectfully submitted,

Warren Schreiber

CB 7 LAND USE COMMITTEE – JANUARY 25, 2024

GAMING TEXT AMENDMENT

ATTENDANCE:

WARREN SCHREIBER - CHAIR

KAILY CHENG

KIM CODY

PABLO HERNANDEZ

CODY HERRMANN

BETSY MAK

REV. MCEACHERN

FRANK QUATELA

PAUL RIFINO

JOSEPH SWEENEY

SALEEM SYED

LEI ZHAO

MATTHEW SILVERSTEIN

MARILYN MCANDREWS

SENATOR TOBY STAVISKY REPRESENTED

COUNCIL MEMBER PALADINO REPRESENTED

DEPARTMENT OF CITY PLANNING:

SCOTT SOLOMON

STEPHEN JOHNSON



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 1	<b># Against:</b> 30	<b># Abstaining:</b> 3	<b>Total members appointed to the board:</b> 47
<b>Date of Vote:</b> 2/15/2024 12:00 AM		<b>Vote Location:</b> 120-55 Queens Boulevard	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 2/13/2024 7:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	120-55 Queens Boulevard, RM213 Kew Gardens NY 11424

<b>CONSIDERATION:</b> Resolution in Opposition to the Gaming Facility Text Amendment	
Queens Community Board 9 opposes adding Gaming to the New York City zoning code for two important reasons:	
1, The Gaming Facility Text Amendment provides insufficient information about what physical structures and uses would be permitted in the gaming zone, and.	
2. It allows for no input from the communities or neighboring communities that could be affected.	
<b>INSUFFICIENT INFORMATION</b>	
Consult the zoning handbook for the City of New York. You will read and understand the conditions and uses of the areas specified. Thus, one can understand the size and dimensions of the structures permitted depending upon the size and dimensions of the location.	
New York City's zoning code defines not only the size and borders of a permitted structure (s) to be built, but also what uses are permitted in that particular zone,.	
<b>LACK OF ANY DEFINED PUBLIC PARTICIPATION</b>	
Most importantly, the Gaming Facility Text Amendment does not include any provision for requiring consultation with the communities which exist near or adjacent to that new casino zone.	
<b>THE GAMBLING PLAN PRESENTED</b>	
The Gaming Text Amendment states that casinos would not be permitted in residential districts. However, it does not say how far it must be placed from a residential district. This is important since the kind of casinos being proposed, will most probably be large and most likely built with accompanying structures, such as a large hotel, and probably a large parking area. One must also be concerned with the roads leading up to the casino. As an example, will the road have to be enlarged, etc. to manage the casino's size, times of operation that a large casino must accommodate if it is to succeed. Additionally, will any entrances to and around the casino be sure not to impose upon the rest of the area.	
It would appear from this plan that casinos will have carte blanche and even if they don't, they will be erected without any consultation fro	
Recommendation submitted by	QN CB9
Date: 2/16/2024 11:17 AM	





# COMMUNITY BOARD NO.9

Queens Borough Hall  
120-55 Queens Boulevard, Room 310-A  
Kew Gardens, NY 11424

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Website: [www.nyc.gov/queenscb9](http://www.nyc.gov/queenscb9)

Facebook: [@communityboard9](https://www.facebook.com/communityboard9)

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Sherry Algreto, Chairperson \* James S. McClelland, District Manager \* Donovan Richards, Borough President

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February 15, 2034

## Resolution in Opposition to the Gaming Facility Text Amendment

Queens Community Board 9 opposes adding Gaming to the New York City zoning code for two important reasons:

1. The Gaming Facility Text Amendment provides insufficient information about what physical structures and uses would be permitted in the gaming zone, and.
2. It allows for no input from the communities or neighboring communities that could be affected.

### INSUFFICIENT INFORMATION

Consult the zoning handbook for the City of New York. You will read and understand the conditions and uses of the areas specified. Thus, one can understand the size and dimensions of the structures permitted depending upon the size and dimensions of the location.

New York City's zoning code defines not only the size and borders of a permitted structure (s) to be built, but also what uses are permitted in that particular zone.

### LACK OF ANY DEFINED PUBLIC PARTICIPATION

Most importantly, the Gaming Facility Text Amendment does not include any provision for requiring consultation with the communities which exist near or adjacent to that new casino zone.

### THE GAMBLING PLAN PRESENTED

The Gaming Text Amendment states that casinos would not be permitted in residential districts. However, it does not say how far it must be placed from a residential district. This is important since the kind of casinos being proposed will most probably be large and most likely built with accompanying structures, such as a large hotel, and probably a large parking area. One must also be concerned with the roads leading up to the casino. As an example, will the road have to be enlarged, etc., to manage the casino's size, times of operation that a large casino must accommodate if it is to succeed. Additionally, will any entrances to and around the casino be sure not to impose upon the rest of the area.

It would appear from this plan that casinos will have carte blanche and even if they don't, they will be erected without any consultation from the neighboring community or communities that could or would be affected. These three casinos will be built in a city not a forest.

Casinos, such as will probably be proposed, will not be small physical structures. But if a large casino is within a certain distance from a residential area or perhaps school district, resulting issues may not be easily solved. All the more reason to have the public on one's side or at least not left out of the picture.



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 25	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 48
<b>Date of Vote:</b> 2/1/2024 12:00 AM		<b>Vote Location:</b> Old Mill Yacht Club	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION:**

Recommendation submitted by	QN CB10	Date: 2/26/2024 2:32 PM
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# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 30	<b># Against:</b> 3	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 34
<b>Date of Vote:</b> 2/6/2024 12:00 AM		<b>Vote Location:</b> KCS, 203-05 32 Avenue, Bayside, NY	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION:**

Recommendation submitted by	QN CB11	Date: 2/12/2024 1:42 PM
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# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b>
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 23	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 23
<b>Date of Vote:</b> 1/24/2024 12:00 AM		<b>Vote Location:</b> Webex Virtual	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 1/10/2024 7:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Community Board 3 - 1243 Woodrow Road 2nd Floor Staten Island NY 10309

<b>CONSIDERATION:</b> Gaming Facility Text Amendment Non-ULURP – Project ID 2024Y0197 The City is proposing a citywide zoning text amendment to allow gaming facilities as a permitted use in certain commercial districts (Section 32-10) and manufacturing districts (Section 42-10) in the Zoning Resolution. This modification would allow a gaming facility licensed by the State and developed through a new State-defined site process to be developed without regard to any potential conflict with the Zoning Resolution. Whereas the Community Board 3 Land Use Committee thoroughly reviewed and discussed the Gaming Facility Text Amendment, Whereas, the Land Use Committee disagrees that there should be a permitted use for gaming facilities in the five boroughs. Now, Therefore, Be It Resolved, a Motion was made to deny this text amendment as presented. Vote: In Favor 8; Opposed 1 (DiGennaro); Abstentions 0 Morano Y; Barlotta Y; Donahue Y; Fleming Y; Geary Y; Reiter Y; Venuto Y; DiGennaro N; Felicetti Y	
Recommendation submitted by	SI CB3
Date: 1/25/2024 11:29 AM	



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Administrator:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Conditional Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:** The Brooklyn Borough President, pursuant to Sections 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following modifications:

1. Manufacturing districts (amendments to Section 42-10 of the Zoning Resolution) be removed from this application.
2. Other associated uses be removed (Section 32-181(b), second paragraph) from the text amendment.
3. The waiver of the ULURP process (Section 32-181(b), third paragraph) be removed from the text amendment.

Please see attached memo for full comment.

Recommendation submitted by	BK BP	Date: 2/1/2024 5:22 PM
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**Brooklyn Borough President Antonio Reynoso**  
Brooklyn Borough Hall  
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
[calendaroffice@planning.nyc.gov](mailto:calendaroffice@planning.nyc.gov)

**Uniform Land Use Review Procedure (ULURP) Application**

GAMING FACILITY TEXT AMENDMENT – N240179ZRY

IN THE MATTER OF an application submitted by the NYC Department of City Planning to allow gaming facilities as a permitted use in certain commercial districts (Section 32-10) and manufacturing districts (Section 42-10) in the Zoning Resolution. This modification would allow a gaming facility licensed by the State and developed through a new State-defined siting process to be developed without regard to any potential conflict with the Zoning Resolution.

**CITYWIDE TEXT AMENDMENT**

**RECOMMENDATION**

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

**RECOMMENDATION FOR:** GAMING FACILITY TEXT AMENDMENT – N240179ZRY

In April 2022, New York State Legislators voted to allow up to three casino licenses in downstate New York, which includes New York City, Long Island, and Westchester. In January 2023, the New York State Gaming Facility Location Board (the Board) released a Request for Applications calling for proposals to build a casino with a minimum capital investment of \$500 million. The Board received nine applications for downstate casinos, including one in Coney Island, Brooklyn. Each proposal will be evaluated by their own Community Advisory Committee (CAC), and the CACs for New York City proposals will consist of six members, one each appointed by the governor, mayor, applicable state senator, applicable state assemblymember, applicable borough president, and applicable city councilmember. The CACs will hold public hearings, solicit written comments, and will issue a finding, by a two-thirds vote, approving or disapproving the proposal. If approved, the proposal will be referred to the Board, who will select up the three licenses for downstate casinos.

The proposed zoning text amendment consists of four components. The amendment:

- Adds the State-defined term “gaming facility” to the Zoning Resolution, limited to the three downstate licenses approved by the State Legislature in 2022.
- Places gaming facilities in Use Group 8 – Recreation, entertainment, and assembly spaces, and lists it as a permitted use in C4-C8 districts and M1-M3 districts.

- Declares that gaming facilities may include both gaming facilities as well as “any other non-gaming uses related to gaming areas including, but not limited to, transient hotels, eating or drinking establishments, as well as other amenities.”
- Establishes that any gaming facility that is granted a license by the Gaming Commission shall be considered compliant with the Zoning Resolution – in other words, waiving ULURP in favor of conducting all public and environmental review through the CAC process and State-led environmental review.

The Department of City Planning (DCP) has stated that if this zoning text amendment were not to be approved, the alternative course of action would be that all nine proposals would have to complete ULURP in order for their respective CAC processes to begin. DCP argues that it would be prohibitively inefficient and a burden on DCP staff to undertake nine separate environmental reviews and potentially substantial actions, such as zoning map changes or street de-mappings, when it is unclear how many proposals will be approved by CACs and ultimately only three licenses will be granted.

This zoning text amendment is unusual and speaks to the difficulty of making City and State-defined approval processes work in concert. The core question at hand in this application is procedural: when and how should ULURP factor into the State-defined approval process? However, because there is only one proposal currently submitted in Brooklyn, the Office of the Brooklyn Borough President is focused on the Brooklyn proposal, in which Thor Equities, with partners Saratoga Casino Holdings and the Chickasaw Nation, proposes a \$3 billion casino project to be located at Surf and Stillwell Avenues adjacent to the Coney Island Boardwalk. The proposal includes the casino, as well as a hotel and convention center and a substantial retail and food/beverage component, with the developer promising a “community-friendly” venue that provides year-round entertainment and local jobs for the Coney Island community.

The Borough President held two community forums in Community District 13 on March 6, 2023, to gather feedback on a potential casino in Coney Island. More than 350 people participated in the two sessions, and the Borough President’s Office received nearly 500 responses total to the three questions posed during the sessions. The full feedback [report is available on the Borough President’s website](#).

Borough President Reynoso held a public hearing on this zoning text amendment on January 16, 2024. Three members of the public testified in favor of this zoning text amendment, all citing the potential jobs that could come with a new gaming facility. Additionally, five members of the public submitted written testimony in favor of this application. All testimony in favor of this application used testimony as a venue to voice support for a specific casino project rather than speaking to the question of how much public review should occur through ULURP or the CAC process. This recommendation addresses the zoning text amendment, not a specific casino proposal. Borough President Reynoso will weigh in on the Coney Island proposal through the CAC process and any subsequent specific ULURP actions.

### **Community Board Position**

As of February 5, the following Brooklyn Community Boards have taken action on this application:

- Community Board 1 held a public hearing on January 9, 2024
- Community Board 11 held a public hearing on January 9, 2024
- Community Board 13 provided an unfavorable vote on December 27, 2023

### **Approval Rationale**

Borough President Reynoso understands that in order for the State to allow the CAC evaluation process to begin, gaming facilities need to be an approved use in the Zoning Resolution. The Borough President is committed to participating in the CAC process and wants to facilitate the



beginning of that process expeditiously. To that end, the Borough President conditionally supports the most minimal actions necessary to initiate the formation of CACs: adding gaming facilities as a defined use in the Zoning Resolution. However, the Borough President has significant concerns about the additional three components of this zoning text amendment.

First, Borough President Reynoso opposes listing gaming facilities as a permitted use in manufacturing districts as a matter of principle and precedent. As mentioned in his City of Yes for Economic Opportunity recommendations, the Borough President is concerned about the loss of manufacturing land across the city. Like nightlife, gaming facilities and their associated non-gaming structures such as hotels and restaurants introduce conflicts with manufacturing uses and have no special requirements that merit inclusion in a manufacturing district.

As such, the Borough President opposes the inclusion of M districts in the new proposed use, and requests that they be removed. The Borough President acknowledges that none of the nine pending applications are located within a manufacturing district and that any future licenses would require another amendment to the Zoning Resolution. Nonetheless, this zoning text amendment represents the first entry of “gaming facility” in the Zoning Resolution and the Borough President wants to reiterate that manufacturing districts are off limits for these types of uses.

Second, Borough President Reynoso believes provisions for other uses should be removed from the text. The State definition of gaming facilities referenced in the text amendment already includes non-gaming uses related to the gaming area. If the intent is to establish that gaming facilities as understood by the State are a permitted use in commercial districts, then the text that references the Racing, Pari-mutuel Wagering and Breeding Law should suffice. Borough President Reynoso believes that uses such as hotels, restaurants, and off-street parking connected to a casino fit the textbook definition of an accessory use: incidental to and customarily found in connection with the principal use. Borough President Reynoso requests that DCP consider such non-gaming facilities as accessory uses during any follow-up ULURP actions and the appropriate level of scrutiny and review be conducted.

Finally, Borough President Reynoso opposes waiving ULURP and consolidating all technical, environmental, and public review into the CAC process. The Borough President believes that the CAC process is a public forum for the public to debate the merits of a casino in a particular neighborhood. However, he does not believe this process is intended or fit to serve as the vehicle for conducting technical and environmental review for issues such as building bulk, appropriateness of off-street parking structures, compliance with citywide planning efforts such as the Waterfront Revitalization Plan, or the analysis conducted in the City Environmental Quality Review (CEQR), to name a few. The Borough President plans to participate in the CAC process but is concerned about the lack of public input and standardization of processes across CACs. This late into the process, several issues remain unclear: how many hearings will each CAC be required to hold, how long will CACs solicit feedback, and is there a minimum requirement for public feedback and participation?

Borough President Reynoso agrees with DCP that completing nine separate ULURP processes prior to the CAC process is overly burdensome, but he is unconvinced that the proposed text amendment is the only alternative course of action. Instead, the Borough President believes that only the proposals that receive CAC approval should undergo ULURP. In the Request for Applications (RFA) for this round of licenses, the State Gaming Facility Location Board stated that they will establish a timeline providing all applicants a “reasonable amount of time to obtain zoning approval for their proposed projects” before being considered by the Board. DCP has stated that several proposals – including the Thor Equities application at Coney Island – will require follow-up ULURP actions even if this zoning text amendment were passed as proposed. The reasonable timeline promised by the Board should include sufficient time for any of these major development proposals to undergo ULURP only after receiving CAC approval.

In summary, Borough President Reynoso recommends only approving the first component of this text amendment, adding gaming facilities to Use Group 8. He recommends removing gaming facilities as a permitted use in M1, M2, and M3 districts by removing all proposed amendments to Section 42-10, as there is no land use rationale for including gaming facilities in Use Group 8 and would provide no material benefit other than demonstrating consistency across this Use Group. The Borough President requests that the inclusion of non-gaming facilities and waiving of ULURP as articulated in second and third paragraphs in Sections 32-183(b) be removed. The Borough President has attached an edited version of the draft zoning text with these changes reflected by red strikethrough text.

**Recommendation**

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following modifications:

1. Manufacturing districts (amendments to Section 42-10 of the Zoning Resolution) be removed from this application.
2. Other associated uses be removed (Section 32-181(b), second paragraph) from the text amendment.
3. The waiver of the ULURP process (Section 32-181(b), third paragraph) be removed from the text amendment.

**Be it Further Resolved**

The Department of City Planning clarify their role in the CAC process and the manner they anticipate providing technical and environmental review for each application.



February 1, 2024

---

BROOKLYN BOROUGH PRESIDENT

---

DATE

# Gaming Facilities Text Amendment

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

## ARTICLE III COMMERCIAL DISTRICT REGULATIONS

### Chapter 2 Use Regulations

\* \* \*

#### 32-10 USE ALLOWANCES

\* \* \*

#### 32-18 Use Group 8 – Recreation, Entertainment and Assembly Spaces

##### C1 C2 C3 C4 C5 C6 C7 C8

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 32-182 (Use Group 8 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section 32-183 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;

- (d) Section 32-184 (Use Group 8 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section 32-185 (Use Group 8 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group table; and
- (f) Section 32-186 (Use Group 8 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

The provisions of Sections 32-182, 32-183 and 32-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

**32-181  
Use Group 8 – general use allowances**

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

<b>USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES</b>									
● = Permitted    ◆ = Permitted with limitations    ○ = Special permit required – = Not permitted S = Size restriction    P = Additional conditions    U = Open use allowances									
<b>Uses</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>C4</b>	<b>C5</b>	<b>C6</b>	<b>C7</b>	<b>C8</b>	<b>PRC</b>
<b>Amusement and Recreation Facilities</b>									
#Amusement or recreation facilities#	● s	● s	○	●	●	●	● U	● U	*
#Outdoor amusement parks#	–	–	–	–	–	–	● s U	● s U	C
<b>Art Galleries and Studios</b>									
Art galleries	●	●	–	●	●	●	●	●	*
Art, music, dancing or theatrical studios	●	●	–	●	●	●	●	●	A2
Production or entertainment studios	● s	● s	–	●	●	●	●	●	B1

Entertainment and Sporting Venues									
Arenas or auditoriums	–	–	–	● S	● S	● S	● S	● S	B1
Drive-in theaters	–	–	–	–	–	–	○	○	N/A
Racetracks	–	–	–	–	–	–	–	○	B1
Stadiums	–	–	–	● S U	● S U	● S U	● S U	● S U	B1
Theaters	● P	● P	–	● P	● P	● P	●	● P	B1
Other Assembly Spaces									
Banquet, function or reception halls	●	●	–	●	●	●	●	●	B1
<u>Gaming facilities</u>	–	–	–	● P	● P	● P	● P	● P	<u>B1</u>
Historical exhibits	●	●	–	●	●	●	●	●	B1
Meeting halls	●	●	–	●	●	●	●	●	B1
Non-commercial clubs	●	●	●	●	●	●	●	●	*
Observation decks	● U	● U	–	● U	● U	● U	● U	● U	B1
Outdoor day camps	○	○	○	○	○	○	○	● U	G
Publicly accessible spaces	● U	● U	–	● U	● U	● U	● U	● U	N/A
Riding academies or stables	○	○	○	○	○	○	○	● P U	A4
Trade expositions	–	–	–	● S	● S	● S	● S	● S	B1

\* \* \*

### 32-183

#### Use Group 8 – uses subject to additional conditions

For #uses# denoted with a “P” in Section 32-181 (Use Group 8 – general use allowances), the following provisions shall apply:

(a) Motion picture theaters, in a new or existing #building# in C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, C5, C6 and C8-4 Districts, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater in order to prevent obstruction of #street# areas. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.

(b) Gaming facilities shall be limited to those operating under a gaming license issued by the New York State Gaming Commission pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on [date of text amendment referral]. No other gaming facilities shall be permitted.

~~Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.~~

~~Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.~~

(bc) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

\* \* \*

## ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

### Chapter 2 Use Regulations

\* \* \*

#### 42-10 USE ALLOWANCES

\* \* \*

## **42-18**

### **Use Group 8 – Recreation, Entertainment and Assembly Spaces**

#### **M1 M2 M3**

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 42-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 42-182 (Use Group 8 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section 42-183 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section 42-184 (Use Group 8 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section 42-185 (Use Group 8 – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with “o” in the Use Group table; and
- (f) Section 42-186 (Use Group 8 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

The provisions of Sections 42-182, 42-183 and 42-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

## **42-181**

### **Use Group 8 – general use allowances**

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

## USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES

● = Permitted    ♦ = Permitted with limitations    ○ = Special permit required  
 – = Not permitted  
 S = Size restriction    P = Additional conditions    U = Open use allowances

Uses	M1	M2	M3	PRC
<b>Amusement and Recreation Facilities</b>				
#Amusement or recreation facilities#	● U	● U	● U	*
#Outdoor amusement parks#	● S U	● S U	● S U	C
<b>Art Galleries and Studios</b>				
Art galleries	●	●	●	*
Art, music, dancing or theatrical studios	●	●	●	A2
Production or entertainment studios	●	●	●	B1
<b>Entertainment and Sporting Venues</b>				
Arenas or auditoriums	● S	● S	● S	B1
Drive-in theaters	○	○	○	N/A
Racetracks	○	○	○	B1
Stadiums	● S U	● S U	● S U	B1
Theaters	●	●	●	B1
<b>Other Assembly Spaces</b>				
Banquet, function or reception halls	●	–	–	B1
<u>Gaming facilities</u>	<del>●</del> P	<del>●</del> P	<del>●</del> P	<u>B1</u>
Historical exhibits	●	●	●	B1
Meeting halls	●	●	●	B1
Non-commercial clubs	●	●	●	*



Observation decks	● U	● U	● U	B1
Outdoor day camps	● U	● U	● U	G
Publicly accessible spaces	● U	● U	● U	N/A
Riding academies or stables	● P U	● P U	● P U	A4
Trade expositions	● S	● S	● S	B1

\* \* \*

### 42-183

#### Use Group 8 – uses subject to additional conditions

For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the provisions of this Section shall apply.

For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) ~~Gaming facilities shall be limited to those operating under a gaming license issued by the New York State Gaming Commission pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on [date of text amendment referral]. No other gaming facilities shall be permitted.~~

~~Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.~~

~~Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.~~

- (b) In all #Manufacturing Districts#, riding academies or stables shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Administrator:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:** See attached recommendation

Recommendation submitted by	BX BP	Date: 2/5/2024 6:22 PM
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**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.



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Administrator:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Conditional Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:**

Recommendation submitted by	MN BP	Date: 2/5/2024 6:13 PM
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OFFICE OF THE

# MANHATTAN BOROUGH PRESIDENT

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**Mark Levine, Borough President**

February 5, 2024

## **Recommendation on Non-ULURP Application No. N240179ZRY – Gaming Facility Text Amendment By NYC Department of City Planning**

### **PROPOSED ACTIONS**

The Department of City Planning (DCP) proposes a zoning text amendment to Section 32-10 and Section 42-10 of the New York City Zoning Resolution (ZR) to allow gaming facilities as a permitted use in certain commercial and manufacturing districts.

This action would facilitate the siting of up to three gaming facilities licensed by New York State pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, and chosen through a process determined by the State.

### **BACKGROUND**

In 2013, an amendment to the New York State Constitution passed by referendum to allow up to seven commercial casinos. Four licenses were awarded in upstate New York as a result of that change. Additional State legislation was passed in 2022, which reserved the remaining three licenses for the Downstate region, which includes New York City, Nassau, Suffolk, Putnam, Rockland, and Westchester Counties. On January 3, 2023, the State announced a Request for Applications for the three remaining casino licenses.

On February 3, 2023, interested parties submitted questions regarding the application to the State, and the State released their responses to those questions on August 30, 2023. On October 6, 2023, interested parties submitted a second set of questions to the State. Once the State responds to those questions, applicants will have 30 days to submit their applications. That step kicks off a public review process that will be informed by a local Community Advisory Committee (CAC). Each casino application will have a CAC that will be made up of members appointed by the following elected officials:

- New York State Governor
- New York City Mayor
- New York State Assemblymember
- New York State Senator
- Borough President
- New York City Councilmember

The CACs will hold public hearings as part of their review of each application under their purview. CAC members will vote to either approve or disapprove an application. Only those applications that are approved by two-thirds of the CAC will proceed to evaluation by the State's Gaming Facility Location Board (GFLB). The GFLB, which is expected to provide further

## No. N240179ZRY – Gaming Facility Text Amendment

guidance on timeline and details of the CAC process, will also assess each proposal’s compliance with zoning, economic activity and revenue impacts, local siting impacts, workforce enhancement, and diversity framework. The GFLB may select up to three applications for Downstate licenses that will then be considered by the State’s Gaming Commission, which makes the final licensing determination.

There are currently five proposals for casinos in Manhattan by the following applicants at the following locations, all of which are in 3 community districts:

- Related Companies and Wynn Companies at the Western Rail Yards in Community District 4
- Silverstein Properties and Greenwood Gaming at Hudson Yards in Community District 4
- SL Green, Caesars Entertainment, and Roc Nation at 1515 Broadway in Community District 5
- Saks Fifth Avenue and Hudson’s Bay Company at 611 5<sup>th</sup> Avenue in Community District 5
- Soloviev and Mohegan at 38<sup>th</sup> - 41<sup>st</sup> Streets and 1<sup>st</sup> Avenue in Community District 6

State legislation requires that “funds from taxes, fees, expired gaming relating obligations, interest or penalties, and funds forfeited from gambling activity generated from gaming facilities will go to the State’s Commercial Gaming Revenue Fund.” For gaming facilities licensed in New York City, fifty percent of the taxes and any interest and penalties related to the taxes will be paid monthly from a custody fund established by the Gaming Commission to the Metropolitan Transportation Authority commercial gaming revenue fund. The other fifty percent of the taxes, as well as associated interest and penalties, will be deposited into the commercial gaming revenue fund to be used only for elementary and secondary education or real property tax relief<sup>1</sup>. Applicants will propose the tax rates in the Supplement Return Date phase of the application, and the Gaming Commission will set the final tax rate for each gaming facility, but for the first submission applicants will assume a 25 percent tax rate on gross gaming revenue on slot machines and a 10 percent tax rate on gross gaming revenue from all other sources<sup>2</sup>.

### Proposal

The New York City Zoning Resolution is mute on gaming facilities. This omission from the zoning text means in effect that there is currently no path for citing a casino in the city. The proposed zoning text amendment would establish gaming facilities within Use Group 8, which is permitted in C4, C5, C6, C7, C8 commercial districts and M1, M2, and M3 manufacturing districts. The text amendment allows gaming facilities to include other non-gaming uses that are related to the gaming areas, including but not limited to, hotels, eating or drinking establishments, or other amenities. It also grants that any gaming facility approved by a CAC is compliant with zoning regulations and therefore would not need to seek waivers or modifications through the Uniform Land Use Review Procedure (ULURP).

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<sup>1</sup> [NYS Open Legislation | NYSenate.gov](https://www.nysenate.gov/legislation/bills/2024/0179)

<sup>2</sup> [08.30.23.round1questionsanswers.pdf \(ny.gov\)](https://www.nysenate.gov/legislation/bills/2024/0179/08.30.23.round1questionsanswers.pdf)



## **No. N240179ZRY – Gaming Facility Text Amendment**

Gaming facility applicants may apply separately for any additional approvals needed to facilitate their projects not covered by this text amendment, including amendments to the City map to de-map parkland or map streets, zoning map amendments for zoning district changes, or approvals for disposition of City property.

The proposed text amendment does not apply to future modifications to a proposal not included in the application approved by the CAC.

The proposed text specifies that it would only apply to gaming facilities that undergo review as outlined in the current New York State law that permits three gaming facilities Downstate. This amendment would not apply to any gaming facilities that may be permitted in the future through any future State actions.

### **COMMUNITY BOARD RESOLUTIONS**

The Department of City Planning referred the proposed text amendment to community boards, borough presidents, and borough boards on December 5, 2023.

Manhattan Community Board 4 voted to recommend disapproval of the proposed text amendment on January 3, 2024, recommending that each of the gaming facility proposals be subject to ULURP, which requires input from community boards and the City Planning Commission along with a final, binding vote by the City Council. They also recommended that the text amendment be considered by all community boards in New York City, and that existing hotel permit and parking requirements, including the Hudson Yards parking settlement, apply to gaming facilities.

Manhattan Community Board 5 voted to recommend disapproval of the proposed text amendment on January 11, 2024, and also recommended that each gaming facility proposal be subject to ULURP. The board expressed concern over the lack of oversight from the Department of City Planning (DCP) and the lack of formal zoning regulations.

Manhattan Community Board 6 voted to recommend disapproval of the proposed text amendment on January 10, 2024, also nothing their request for a ULURP process.

Manhattan Community Board 8 and Manhattan Community Board 11 also discussed the proposed text amendment during public meetings on January 17, 2024, and January 10, 2024, respectively, and Community Board 8 voted to recommend disapproval while Community Board 11 did not hold a vote. There are currently no proposed gaming facilities in those community districts.

### **BOROUGH BOARD RESOLUTION**

On January 18, 2024, the Manhattan Borough Board voted to recommend disapproval of the proposed text amendment. Members representing Community Boards 4, 5, and 6, in which all of the Manhattan gaming facility proposals are located, expressed their desire for the siting of such facilities to be subject to ULURP.

## **BOROUGH PRESIDENT’S COMMENTS**

A citywide zoning text amendment that would allow the siting of a casino within the five boroughs of New York City for the first time must be carefully considered. Allowing for the possibility of siting a new casino opens the door to all the positives and negatives that such a facility could bring, from creating jobs and badly needed revenue streams for local community projects, to strains on infrastructure and social programming. If we are going to allow casinos in Manhattan, we must do it correctly and ensure that we can maximize the opportunities they could provide our economy and local communities. This text amendment is a first step in that process.

The 2013 authorizing referendum, as well as the legislation that opened a prospective additional permit to be awarded in the five boroughs, guarantees that revenue generated from any development be used to address budget needs in the city and state, and guarantees that local CACs will have the opportunity to review each proposal. CACs will not only hold public hearings, but also have the authority to work with applicants to make modifications to their proposals, drive hard bargains and secure important benefits for local communities. And very importantly, they have the ability to turn down projects that they deem not to meet the high bar CACs should expect of them. However, we will not be able to even discuss these opportunities if this text amendment isn’t allowed to move forward.

I believe we should use this process to its full potential and dig into the details of each proposal to ensure a fair determination. Although this process is not the same as ULURP, the ability to reckon with land use issues is still possible through the CACs.

We expect that at any moment the State will publish their responses to the second set of questions from interested parties. This step will start the clock on the public review process, regardless of whether or not New York City has established a zoning framework for siting casinos. To give New Yorkers a fair shot at formally weighing in on these casino proposals, including how to get the most community benefits from them, we must have a zoning framework in place in advance of the State process.

I understand the positions of the Manhattan community boards regarding the ULURP process and I believe that the Department of City Planning should begin drafting a new zoning text amendment that ensures that if any additional casino licenses are allowed downstate, those proposals must go through the full ULURP process. I also believe that the text, as currently written offers too much leniency on other zoning requirements, such as parking, accessory uses, and height and bulk requirements. Any proposals that are not in compliance with these zoning requirements should be required to formally seek zoning approval prior to submission to the GFLB. Finally, while I understand the inclusion of manufacturing districts is intended to be consistent with Use Group 8 regulations, I believe that the siting of a casino within a manufacturing district could present significant conflicts with other uses in those areas. This is evidenced by the fact that of the 9 New York City proposals that we know about, not one is in a manufacturing district.

I look forward to continuing to weigh this issue during the CAC process, when we will know more details about the applications.

**BOROUGH PRESIDENT’S RECOMMENDATION**

Therefore, I recommend **approval** of Non-ULURP Application No. N240179ZRY **with the following conditions:**

1. That the Department of City Planning commence work on a new zoning text amendment that would require any future casinos to obtain ULURP approval;
2. That the proposed zoning text be amended to require compliance with current zoning regulations, including parking, height and bulk; and
3. That the text amendment be modified to apply only to commercial zoning districts.



Mark Levine  
Manhattan Borough President



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Administrator:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Conditional Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:**

Recommendation submitted by	QN BP	Date: 2/27/2024 11:18 AM
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# Queens Borough President Recommendation

**APPLICATION:** Gaming Facilities Text Amendment  
**COMMUNITY BOARD:** Citywide

## DOCKET DESCRIPTION

**ULURP #N240179 ZRY – IN THE MATTER OF** an application submitted by The NYC Department of City Planning for a citywide zoning text amendment to allow gaming facilities as a permitted use in certain commercial districts (Section 32-10) and manufacturing districts (Section 42-10) in the Zoning Resolution. This modification would allow a gaming facility licensed by the State and developed through a new State defined siting process to be developed without regard to any potential conflict with the Zoning Resolution.

## PUBLIC HEARING

A Public Hearing was held by the Queens Borough President in the Borough President's Conference Room at 120-55 Queens Boulevard, Kew Gardens NY 11424, via Zoom webinar and livestreamed on YouTube on Thursday, February 1st at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

## CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of City Planning is proposing a citywide zoning text 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 and manufacturing districts. This modification would allow up to three (3) gaming facilities licensed by the State and chosen through a new State-defined siting process to be developed and deemed allowed under the Zoning Resolution ("ZR");
- The proposed text amendment would permit the new "Gaming Facility Use" in Use Group 8 in Commercial Districts C4-C8 (Section 32-10) and Manufacturing Districts M1-M3 (Section 42-10), and make updates to Appendix A ("Use Groups"). The text amendment also explicitly states that any gaming facility would be limited to any license issued by the NYS Gaming Commission;
- In 2013, a statewide referendum approved new commercial casinos, and the New York State Constitution was amended to authorize up to seven (7) gaming facilities. Four licenses were awarded to Upstate New York, and as a result, the New York State Gaming Commission created the NYS Gaming Facility Location Board ("GFLB"). In January 2023, the GFLB announced Requests for Applications in the Downstate New York Region including New York City, Long Island, as well as Putnam, Rockland and Westchester Counties. The GFLB must review applications on factors such as economic activity and revenue impact, local siting impact, workforce enhancement, and diversity framework;
- With this new casino siting process, the State is also authorized to put together a Community Advisory Committee ("CAC") for each proposed site. The CAC would be comprised of the Governor, Mayor, State Senator, Assemblymember, Borough President and Council Member for the proposed site. The CAC is also subject to the Open Meetings Law, must hold public hearings and issue a finding in support or opposition of a casino location by a two-thirds vote. Any opposing vote by a two-thirds vote would effectively end the licensing process for that specific location;
- There are currently nine (9) gaming facility proposals in New York City: five in Manhattan, two in Queens, one in the Bronx and one in Brooklyn. Four of these locations are also undergoing through separate Uniform Land Use Review Procedures (ULURPs): Ferry Point Golf Course in the Bronx, Future Queens Project in Queens, Coney Island in Brooklyn, and Western Rail Yards in Manhattan;
- At the time of this Recommendation signing, Queens Community Boards (CBs) 3, 4, 5, 9, 10 and 11 had voted on the text amendment and submitted their vote to the Zoning Applications Portal (ZAP).
  - CB3 voted against the text amendment by a vote of 23 in favor, 2 against and 1 abstention.
  - CB4 voted against the text amendment by a vote of 21 in favor, 0 against and 2 abstentions. Their comments included concerns about congestion in overcrowded communities, lack of CB and Borough President oversight in the ULURP process if this amendment were to pass, and the question of jobs that would be generated and if they would be "high quality."
  - CB5 voted for the text amendment with a condition by a vote of 19 in favor, 17 against and 0 abstentions. In their recommendation, they stated they had no objection to the proposed gaming facility, "provided that no more than 3 gaming licenses are issued in the entire downstate region of New York State."

- CB9 voted against the text amendment by a vote of 30 in favor, 1 against and 3 abstentions. Their comments included concerns about “insufficient information about what physical structures and uses would be permitted in the gaming zone,” and the lack of any defined public participation. There was also an issue with how close a gaming facility could be located near a residential district.
- CB10 voted against the text amendment with a vote of 25 in favor, 0 against and 0 abstentions.
- CB11 voted against the text amendment with a vote of 30 in favor, 3 against and 1 abstention.
  
- At the Borough President’s Land Use Public Hearing, the Land Use Director chaired the Public Hearing on the Borough President’s behalf. The Applicant gave a presentation, and clarified that this text amendment would only apply to the current three gaming licenses – any future gaming licenses the State may generate would be subject to a new state referendum, and eventually if the referendum passes, a new text amendment to the Zoning Resolution. The text amendment also does not apply to any future modifications or changes to a gaming facility that has been approved through the CAC process. There were no speakers, and the hearing was closed.

**RECOMMENDATION**

Based on the above consideration, I hereby recommend approval with the following condition:

- For any project approved by a CAC, there should be a Community Advisory Board (CAB) formed during the construction and a period of time determined by the Board that will act as a watchdog for local community benefits, workforce development, and issues any gaming facility may cause to the surrounding community.



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**PRESIDENT, BOROUGH OF QUEENS**

02/27/2024

\_\_\_\_\_  
**DATE**



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Gaming Facility Text Amendment	
<b>Applicant:</b> New York City Department of City Planning	<b>Applicant's Primary Contact:</b> STEPHEN JOHNSON
<b>Application #</b> N240179ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DCP004Y	<b>Validated Community Districts:</b>

**Docket Description:**

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 13	<b># Against:</b> 0	<b># Abstaining:</b> 5	<b>Total members appointed to the board:</b> 18
<b>Date of Vote:</b> 1/18/2024 12:00 AM		<b>Vote Location:</b> 1 Centre Street	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 1/18/2024 8:30 AM	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Zoom

**CONSIDERATION:**

Recommendation submitted by	MN BP	Date: 1/22/2024 4:22 PM
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**MANHATTAN BOROUGH BOARD RESOLUTION  
DISAPPROVING A GAMING FACILITY ZONING TEXT AMENDMENT TO MODIFY ZR  
SECTIONS 32-10 AND 42-10**

WHEREAS, the New York State Constitution was amended in 2013 to allow up to seven commercial casinos in the State and four licenses have been awarded in upstate New York; and

WHEREAS, New York State passed legislation in 2022 that reserved the remaining three licenses for the Downstate region, which includes all five boroughs of New York City and Nassau, Suffolk, Putnam, Rockland, and Westchester counties; and

WHEREAS, on November 27, 2023, the City Planning Commission referred a zoning text amendment application that would modify Sections 32-10 and 42-10 of the New York City Zoning Resolution (ZR) to allow gaming facilities as a permitted use in certain commercial and manufacturing districts; and

WHEREAS, the zoning text amendment would only facilitate the siting of up to three gaming facilities in New York City, licensed by the State pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, and through the process defined by the State; and

WHEREAS, on January 3, 2023, the New York State Gaming Facility Location Board released a Request for Application to Develop and Operate a Gaming Facility in New York State; and

WHEREAS, on February 3, 2023, interested parties submitted questions to the State, and the State responded to those questions on August 30, 2023; and

WHEREAS, interested parties submitted a second set of questions to the State on October 6, 2023 and the State is expected to respond to those questions, at which point applicants would have 30 days to submit complete RFP responses; and

WHEREAS, each gaming facility application will go through a public review process led by a Community Advisory Committee (CAC) made up of members representing the following elected officials: New York State Governor, New York City Mayor, Local New York State Assemblymember, Local New York State Senator, Borough President, and New York City Councilmember; and

WHEREAS, CACs will hold public hearings as part of their review process and vote to either approve or disapprove an application by a two-thirds vote; and

WHEREAS, only those applications approved by a CAC will go before the State Gaming Facility Location Board for consideration; and

WHEREAS, there are currently five proposals for casinos in Manhattan:

1. Related and Wynn Companies at the Western Rail Yards in Community District 4
2. Silverstein and Greenwood Gaming at Hudson Yards in Community District 4
3. SL Green, Caesars Entertainment, and Roc Nation at 1515 Broadway in Times Square in Community District 5
4. Hudson's Bay Co at 611 5th Avenue at Saks Fifth Avenue in Community District 5
5. Soloviev and Mohegan at 38th - 41st Streets and 1st Avenue in Community District 6; and



WHEREAS, on December 5, 2023, the City Planning Commission referred application No. N240179ZRY known as the Gaming Facility Text Amendment to community boards, borough boards, and borough presidents; and

WHEREAS, the Gaming Facility Text Amendment would:

1. Add gaming facilities to Use Group 8, which is permitted in C4, C5, C6, C7, and C8 commercial districts and M1, M2, and M3 manufacturing districts
2. Allow gaming facilities only through the current New York State law that permits three gaming facilities Downstate
3. Not apply to any gaming facilities that may be permitted in the future through any State actions
4. Allow gaming facilities to include other non-gaming uses related to the gaming areas, including but not limited to, hotels, eating or drinking establishments, or other amenities
5. Require gaming facility applicants to apply separately for any additional approvals needed to facilitate their projects not covered by the text amendment, including amendments to the City Map to de-map parkland or map streets, zoning amendments for zoning district changes, or approvals for disposition of City property
6. Grant that any gaming facility approved by a CAC is compliant with zoning and therefore would not have to seek any waivers or modifications through the Uniform Land Use Review Procedure (ULURP)
7. Not apply to future modifications not included in the application approved by the CAC; and

WHEREAS, on December 14, 2023 the Manhattan Borough Board received a presentation from the Department of City Planning on the proposed text amendment; and

WHEREAS, on January 3, 2024 Manhattan Community Board 4 voted to recommend disapproval of the proposed text amendment, requesting that each gaming facility proposal go through ULURP, ensuring that community boards and the City Planning Commission maintain their roles in the land use review process; that the proposed text amendment be considered by all community boards in New York City; and that gaming facility proposals be subject to existing hotel permit and parking requirements; and

WHEREAS, on January 11, 2024 Manhattan Community Board 5 voted to recommend disapproval of the proposed text amendment, requesting instead that gaming facility proposals go through ULURP, including community board consultation and public engagement; and

WHEREAS, on January 10, 2024 Manhattan Community Board 6 voted to recommend disapproval of the proposed text amendment in favor of the ULURP process and the role of community boards; and

WHEREAS, two other Manhattan community boards, Community Board 8 and Community Board 11 held public meetings to discuss the proposed text amendment on January 17, 2024 and January 10, 2024, respectively, and Community Board 8 voted to recommend disapproval of the text amendment but Community Board 11 did not hold a vote on the matter.

**RESOLVED, that Manhattan Borough Board votes to recommend disapproval of Application No. N240179ZRY and requests that the Department of City Planning work to establish a zoning approval process that is subject to the Uniform Land Use Review Procedure (ULURP).**

Adopted by the Manhattan Borough Board on the 18<sup>th</sup> day of January, 2024.

A handwritten signature in blue ink, appearing to read "Mark Levine". The signature is fluid and cursive, with the first name "Mark" and last name "Levine" clearly distinguishable.

Mark Levine  
Manhattan Borough President  
Chair of the Manhattan Borough Board