DEPARTMENT OF CITY PLANNING
TECHNICAL REVIEW DIVISION

PRE-CERTIFICATION REPORT
Bally's Ferry Point

250085 MMX

December 31, 2024

SUBJECT

Bally's New York Operating Company, LLC, a wholly-owned subsidiary of Bally's New York, Inc. ("Bally's"), and the City of New York, acting through the New York City Department of Parks and Recreation ("DPR"; together with Bally's, the "Applicants") are submitting an application for the actions listed (the "Proposed Actions") to facilitate the development of a gaming facility with approximately 5,100 gaming position stations, a 500-key hotel and a 2,000- seat multi-purpose event and entertainment venue, restaurants, and parking (the "Proposed Gaming Facility" or the "Proposed Development") within Bally's Golf Links (the "Golf Course") at Ferry Point Park in the Bronx. Bally's is the applicant for the City Map Amendments and the Zoning Map Amendments (as defined below), and the Applicants are co-applicants for the Disposition of Non-Residential City Owned Property action (as defined below).

BACKGROUND AND PROJECT DESCRIPTION

Gaming facilities are regulated in New York State by the Gaming Commission. After a statewide referendum in 2013 approved the construction of new commercial casinos in New York, the state constitution was amended to authorize up to seven gaming facilities. Licenses for four of those gaming facilities were awarded to operators in upstate New York. In 2022, the New York State Racing, Pari-Mutuel Wagering and Breeding Law (the "PML") was amended to allow the remaining three licenses to be awarded in the downstate New York region, including within New York City.

On April 18, 2024, the New York City Council adopted a citywide text amendment (the "Gaming Facility Text Amendment") to Sections 32-10 and 42-10 of the Zoning Resolution of the City of New York (the "ZR" or "Zoning Resolution") to allow up to three gaming facilities chosen by the Board to operate within New York City, within specified zoning districts.

The Gaming Facility Text Amendment limits gaming facilities to those operating under a gaming license issued by the Gaming Commission pursuant to Section 1306 of the PML. "Gaming Facilities" includes, but is not limited to, non-gaming uses related to gaming areas, including, without limitation, transient hotels related to the casino, eating or drinking establishments, and other amenities.

Pursuant to the Gaming Facility Text Amendment, gaming facilities which are approved by the Gaming Commission and located in one of the specified zoning districts shall be deemed in compliance with all applicable regulations of the Zoning Resolution. The Board and Gaming Commission will not act on an application for a gaming license without the approval of a Community Advisory Committee, established by the Board, consisting of six members appointed by the Governor of the State of New York, the Mayor of the City of New York, the local New York State Assembly Member, the local New York State Senator, the Borough President, and the local New York City Council Member.

Ferry Point Park is a 413-acre New York City park located west of the Throggs Neck Peninsula in the south-eastern quadrant of the Bronx. The Park is bounded by Schley Avenue and St. Raymond's Cemetery to the north, Balcom Avenue and Emerson Avenue to the east, the East River to the south, and Westchester Creek to the west. The Park is bisected by the Whitestone Bridge and Interstate 678.

Ferry Point Park is currently served by Ring Road, consisting of a one-way, approximately 30-foot-wide park road located south of Schley Avenue and serving the Hutchinson River Parkway. Ring Road provides access to the Bronx-Whitestone Bridge MTA building, to a parking area serving Ferry Point Park, and to the Golf Course. Ring Road does not currently have bike paths or pedestrian walkways.

The Park was initially comprised of a 171-acre parcel that came under the jurisdiction of DPR in 1937. In 1948, the Park was expanded to its current 413-acre configuration. The eastern portion of the park was operated by the New York City Department of Sanitation as a solid waste landfill from 1952 until it was closed in the 1960s.

Nearly all of the eastern portion of the Park is currently utilized for the Golf Course. In December 202,1 NYC ferry service began with the opening of a new landing at Ferry Point Park. The ferry stop is part of the Soundview Route, which starts at Ferry Point Park and continues to stop in Soundview, East 90th Street, 34th Street, Stuyvesant Cove, and Wall Street/Pier 11.

The Golf Course was the subject of two prior actions at the Department of City Planning:

- On December 22, 1999, the City Planning Commission approved an application for a Major Concession to develop the eastern portion of the Park as a public recreational facility to be operated by a licensee under Application No. C 000090 MCX; and
- On December 22, 1999, the City Planning Commission approved a Change in the City Map to eliminate portions of Emerson Avenue and Schley Avenue to establish an addition to the Park under Application No. C 000048 MMX.

The Golf Course concession was licensed to Trump Ferry Point LLC pursuant to a license agreement dated as of February 21, 2012 (the "Golf License"), and the course construction was completed in 2015. The Golf License was assigned to Bally's pursuant to a Licensor Consent entered into by Bally's, Trump Ferry Point LLC and DPR dated as of August 17, 2023. The Golf License runs through March 31, 2035; Bally's intends to seek authorization through the Franchise Concession Review Committee to extend the term of its operation of the Golf Course and modify the license terms in light of the proposed plan to build and alienate a portion of the premises for the Proposed Gaming Facility.

The Proposed Development requires State alienation legislation authorizing use of the approximately 16-acre Development Site and an adjacent approximately 1.40-acre parcel for a shared roadway (the "Waterfront Access Boundary"; collectively, the "Development Site Alienation Parcel") for the Proposed Gaming Facility. The Development Site Alienation Parcel is within an area that will be mapped a C8-4 zoning district, which permits licensed gaming facilities; the approximately 16-acre parcel used for the Development Site will no longer be reflected as a park on the City map.

Bally's is also seeking a mapping action to create a City street under the jurisdiction of the New York City Department of Transportation ("City DOT") in an area known informally as "Ring Road" (the Rezoning Area, and Ring Road, collectively, the "Project Area"), currently under the jurisdiction of DPR. That area, an approximately 9.54-acre park road, would also be subject to alienation legislation (the "Ring Road Alienation Parcel"; together with the Development Site Alienation Parcel, the "Alienation Parcels"). In connection with the Proposed Development, Bally's will upgrade Ring Road to include biking areas and walkways; improvements will be made to existing City-owned parkland; and Bally's will fund the acquisition of, or provide DPR with, additional property to be used as neighborhood parkland consistent with the alienation legislation

SURROUNDING AREA AND PROJECT SITE

The Project Area is comprised of the Rezoning Area and Ring Road. The land located within a 600-foot radius of the Rezoning Area and Ring Road (the "Surrounding Area") is described below.

With the exception of the Bronx-Whitestone Bridge adjacent to the Rezoning Area, all of the land within a 600-foot radius of the Rezoning Area is currently shown as parkland on the City Map and the zoning map. Beyond the Surrounding Area, east of the Proposed Gaming Facility and across Emerson Avenue, is the Throgs Neck neighborhood of the Bronx, which is zoned primarily within R3-2 and R4A zoning districts and a C3A zoning district along the East River. Beyond the Surrounding Area north of the Park and east of the Hutchinson River Parkway, is the 180-acre St. Raymond's Cemetery. Within the Surrounding Area northwest of Ring Road is the Zerega Industrial Business Zone, which is zoned within an M1-1 zoning district. Beyond the Surrounding Area west and south of the Park are Westchester Creek and the East River, respectively.

The Rezoning Area is surrounded on all sides by parkland, including the 222-acre Golf Course within the 413-acre Park. The area within a half-mile of the Project Area has approximately 27.31 acres of open space per 1,000 residents. There are no individual landmarks or historic districts within the Surrounding Area.

The Park is located in proximity to major and local thoroughfares. Major highways include the Hutchinson River Parkway, which extends north from the Park beyond the northern terminus of the Bronx-Whitestone Bridge, and the Cross Bronx Expressway, Bruckner Expressway and New

England Thruway, all of which bisect the Hutchinson River Parkway north of the Park. The Throgs Neck Expressway runs parallel to the Hutchinson River Parkway beyond the Throgs Neck neighborhood east of the Park. The Park is accessible to all three of the major regional airports, including LaGuardia International Airport located approximately 20 minutes from the Development Site by car.

The Park is served by bus access via the BXM-9, BX-5, Q-50, and Q44-SBS buses which have stops located north of the Project Area and the BX42 bus line which has stops located east of the Project Area. The closest subway station to the Project Area, located approximately 2 miles north of the Park, is the Middletown Road subway station on the 6 train. Currently, Bally's operates a shuttle bus between this stop and the golf course. As part of the Project, Bally's is working with applicable agencies to plan for one or more new bus stops along Ring Road. There is ferry service at the southwestern tip of the Park, which is the northern terminus of the "Soundview Route" with stops at Clason Point in the Bronx, and East 90th Street, East 34th Street, Stuyvesant Cove, and Pier 11, in Manhattan.

The Rezoning Area, which is located in Bronx Community District 10, is mapped over the Development Site Alienation Parcel. That Parcel is currently entirely occupied by the Golf Course, and contains the Development Site of approximately 685,000 square feet. The Development Site is currently used as the clubhouse, parking area, and a portion of the practice area of the Golf Course.

The Proposed Gaming Facility will include 270 parking spaces for visitors to the Golf Course. Bally's intends to replace the practice area and existing clubhouse, including banquet space and pro shop, with a new Replacement Clubhouse located within the Replacement Clubhouse Area (outside of the Development Site Alienation Parcel).

In order to accommodate the requirements for linear boundaries in the zoning map, the Rezoning Area is slightly larger than the Development Site Alienation Parcel and the Development Site. Portions of the Rezoning Area that are not within the Development Site Alienation Parcel will remain as City parkland.

Ring Road, located in the area of a longstanding park road, consists of the northbound and southbound service roads located south of Schley Avenue and serving the Hutchinson River Parkway. Ring Road loops at its southernmost boundary across from the Development Site. The Development Site is accessed via the northbound portion of Ring Road. Ring Road is accessible by the Hutchinson River Parkway in both directions by Exit 18 and from Lafayette Avenue. Ring Road also provides access to other areas of the Park and is currently under the jurisdiction of DPR.

As part of the Proposed Development, Ring Road will be reconstructed wherever possible to DOT standards. To the west of I-678, between Schley Avenue and the eastern parking lot driveway, Ring Road will be mapped and reconstructed to a consistent 70-foot width, inclusive of two southbound travel lanes, a parking lane, a 12-foot sidewalk, a five-foot landscape buffer, and a 12-foot two-way bike lane. A bus stop serving the Metropolitan Transportation Authority and New York City Transit will also be provided on the west side of the roadway in this section of the mapped and reconstructed Ring Road, along the Ferry Point Park frontage, to enhance transit connectivity for patrons traveling to and from the Park.

At the southern end of the Ring Road, there is a delineated federal wetland on the south side of the roadway. To avoid encroaching on this wetland, Ring Road will be mapped and reconstructed to a consistent 45-foot width between the eastern park parking lot driveway and the Proposed Development access driveway (including under the I-678 overpass), inclusive of two travel lanes, a nine-foot sidewalk, and an eight-foot two-way bike lane.

On the east side of I-678, there is an existing Golf Course maintenance road that runs along the east side of the existing Ring Road to the north of the Proposed Development access driveway. The maintenance road is routed in its current on-site location specifically for safety reasons, among others, and cannot be moved. As such, the remaining alienated section of Ring Road will be mapped and reconstructed to a consistent 38-foot width on the east side of I-678, north of the Proposed Development access driveway, inclusive of two 11-foot northbound travel lanes, and a 15-foot shared-use pedestrian and bicycle path.

POLLING LETTER

The potentially affected agencies and utilities were polled by email on November 6, 2024, and comments received are described below. The following agencies or utilities were polled but did

not issue comments: DCAS, FDNY, the Law Department, the Bronx Borough President's Office, and Bronx Community Board 10.

DOT

See attached DOT comment e-mail dated December 30, 2024.

DEP

See attached DEP comment e-mail dated November 21, 2024.

MTA

See attached MTA comment e-mail dated December 5, 2024.

CONCLUSIONS

1. No city agency has expressed objections to the map change proposal, except as noted above.

2. The applicant shall comply with all agency requirements. It is required that alteration maps be submitted to the Borough President's office for their review and signatures. Any comments issued by the BP's office must be referred to the Department of City Planning Technical Review Division (DCP/TRD) along with any mark-ups of the draft Alteration Map before final signature by the BP. Completed signed alteration maps should also be referred to (DCP/TRD).

3. The applicant may be required to pay a map processing fee in the amount requested by the office of the Borough President. Initiation of the map change places no obligation upon the City Planning Commission or the City Council to approve the map. After the map is prepared, any mapping fees paid by the applicant are not refundable.

4. Where discontinuance and closing occurs, metes and bounds descriptions of the area being discontinued and closed must be submitted with the alteration map to DCP/TRD as an MS Word document at the same time as the issuance of the alteration map.

5. Where new block dimensions and angles are proposed, coordinate geometry computations shall be provided to the BP's Topographic Office and to DCP/TRD, demonstrating block closure.

6. The applicant is required to file appropriate documents pursuant to the City Environmental

Quality Review. The Department of City Planning will not be able to certify the application as complete until one of the following has been issued: a Negative Declaration; a notice of completion of a draft Environmental Impact Statement; or a determination that the proposed action is a Type II action. If the location of the City Map change lies within the State designated Coastal Zone Management (CZM) Area, as indicated on Item 6 of the application's LR Form, then the application is subject to review for consistency with the City's Waterfront Revitalization Program (WRP). The form(s) which the applicant must submit to the Waterfront and Open Space Division of DCP for review are found on DCP's website: http://www.nyc.gov/html/dcp/html/wrp/wrp.shtml

7. The applicant must notify -- by certified mail with return receipts requested, using the last known mailing address as shown on the City's tax records -- the owner of each property underlying or abutting the proposed change in the City Map about this application and request such owners to submit their comments concerning this proposal to the City Map Team Leader at DCP/TRD.

8. All agencies are requested to send additional comments, if any, to:

Chaim Simon
City Map Specialist
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271
212.720.3662
csimon@planning.nyc.gov

Abraham Abreu, EIT
City Map Team Leader
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271
212.720.3310
aabreu@planning.nyc.gov

With copies to:

Steven Lenard, AICP
Director, Technical Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

212.720.3226
slenard@planning.nyc.gov

David Schnakenberg
Special Counsel
Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, NY 10004
212.859.8499
david.schnakkenberg@friedfrank.com

Carol Rosenthal
Senior Counsel
Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, NY 10004
212.859.8495
carol.rosenthal@friedfrank.com

Such additional comments should be sent within three weeks of receipt of this report. Comments by **email** are preferred. These comments may be incorporated into a future addendum.

REQUEST FOR PREPARATION OF THE ALTERATION MAP

The Department of City Planning requests the Borough President's Office either to prepare the alteration maps or review and sign alteration maps prepared by the applicant's consultant. The maps will show the establishment of Ring Road and the elimination of parkland.

It is suggested that the title of the map read:

MAP NO. 13154

SHOWING THE ESTABLISHMENT OF

RING ROAD

AND THE ELIMINATION OF

PARKLAND

SOUTH OF SCHLEY AVENUE

AND

THE ADJUSTMENT OF LEGAL GRADES NECESSITATED THEREBY

The tracing must include, in each map's lower left-hand corner in the left margin and its upper right-hand corner in the right margin, the following information:

ALT MAP No. 13154 (C.P.C. No. 250085 MMX)

The maps should be transmitted to DCP/TRD for processing under the Uniform Land Use Review Procedure.

A PDF scan of the signed map should also be emailed to TRD staff.

REPORT PREPARED BY: Chaim Simon