2 LAND USE, ZONING, AND PUBLIC POLICY

2.1 Introduction

Per 2021 *CEQR Technical Manual* guidelines, a land use assessment identifies the uses and development trends in the area that may be affected by a proposed project and determines whether a proposed project is compatible with land use conditions or may affect development trends. Similarly, the analysis considers the project's consistency with, and effect on, the area's zoning and other applicable public policies.

As described in Chapter 1 of this Environmental Impact Statement (EIS), "Project Description", the Applicant, Bally's New York Operating Company, LLC ("Bally's"), seeks a series of discretionary land use actions (the "Proposed Actions") to effectuate the "Bally's Bronx" gaming and recreation facility (the "Proposed Facility") at Bally's Golf Links at Ferry Point (the "Golf Course") in the Throggs Neck neighborhood of Bronx Community District 10. To allow the Proposed Facility, Bally's proposes to rezone the area generally around the Development Site (the "Proposed Rezoning Area").

In connection with the Proposed Facility, the uninterrupted circular roadway within the Park that connects the southbound and northbound Hutchinson River Expressway service roads (the "Ring Road") would be widened and improved in coordination with the New York City Department of Transportation (NYCDOT). The existing Park access roadway west of where the Proposed Facility would be located (the "Waterfront Access Roadway") would be improved so that it can also be used to access portions of the Proposed Facility. Collectively, the Development Site and the improved Ring Road comprise the "Affected Area." The Proposed Facility, a replacement golf clubhouse, improved Waterfront Access Roadway, and improvements to Ring Road comprise the "Proposed Development."

According to the *CEQR Technical Manual*, a land use and zoning analysis is warranted for projects involving a change in land use or zoning. As the Proposed Actions involve a number of actions that would result in changes in use in the Affected Area, an analysis is warranted.

The Proposed Actions include:

- A City Map Amendment to demap a portion of the Development Site (the "Disposition Parcel") as parkland allowing the disposition of an interest in those areas.
- A City Map Amendment to map the widened Ring Road as a City Street.
- A Zoning Map Amendment to designate existing parkland as a C8-4 commercial zoning district, in which gaming facilities are permitted pursuant to NYC Zoning Resolution Sections 32-10 (32-18, 32-181, 32-183) and 42-10 (42-18, 42-181, 42-183).
- Approval for the disposition of City-owned real property to facilitate the transfer of a non-exclusive access easement or other similar agreement over the Waterfront Access Roadway necessary for the Proposed Development from the City of New York (through NYC Parks) to Bally's
- The extension and modification of the existing Golf Course Concession, through either a renewal concession or a lease, to facilitate the long-term operation of the public Golf Course by Bally's.

In addition, coordination and approvals for public improvements will be required with NYC Department of Parks and Recreation (NYC Parks), NYC Department of Transportation (NYCDOT), and the NYC Department of Environmental Protection (NYCDEP).

The Proposed Actions from the State of New York include:

- State Legislation and Governor's Approval to authorize the alienation and disposition of parkland within Ferry Point Park (the Park).
- Approval by the Gaming Facility Location Board and issuance of a gaming license from the New York State Gaming Commission to allow the operation of the Proposed Facility.
- Approval from New York State Department of Environmental Conservation (NYSDEC) of a "Change of Use Workplan" to allow the use of and construction on the Development Site because it is part of a closed landfill.

Other State approvals include approval from NYSDEC for stormwater discharges during construction and approvals from NYSDOT and potentially other State agencies to facilitate certain street improvements near the Hutchinson River Expressway. In addition, coordination (or approvals for public improvements) may be required with State agencies or authorities such as the Metropolitan Transportation Authority (MTA) (including the New York City Transit [NYCT] and Bridges and Tunnels [TBTA]).

The Proposed Development may also include various ministerial actions, such as approval from the Public Design Commission (PDC) for the replacement golf clubhouse.

Collectively, the Proposed Actions would allow the development of the Proposed Facility, an approximately 3,093,880-gross-square-foot (gsf) gaming facility containing up to 5,146 gaming positions[1], restaurants, a 500-key hotel with a spa and meeting space, retail space, a 2,000-person event center, and parking for approximately 4,660 vehicles. The Proposed Facility would rise to a maximum height of 245 feet[2] and have a floor area ratio (FAR) of approximately 3.53 FAR. As a part of the Proposed Development, Bally's would also construct a replacement standalone clubhouse for the Golf Course. Ring Road would be

[1] Defined as one seat at a slot machine or table game.
[2] At an elevation of 35 feet, the Proposed Facility would rise 245 feet to an elevation of 280 feet (reported in North American Vertical Datum of 88 (NAVD88).

widened and constructed in coordination with NYCDOT, NYC Parks, and the NYC Department of Environmental Protection (NYCDEP).

2.2 Principal Conclusions

The Proposed Actions would not result in significant adverse impacts related to land use, zoning, or public policy. The Proposed Actions include amendments to the City Map, amendments to the Zoning Map, and an extension and modification of an existing concession license, through either a concession and/or lease, between NYC Parks and Bally's. Additional approvals from the State of New York include the authorization of parkland alienation, issuance of a gaming license from the New York State Gaming Commission, and approvals from NYSDEC.

The Proposed Actions would remove portions of the Development Site from the Park and designate the Proposed Rezoning Area as a C8-4 commercial zoning district. The Proposed Actions would permit the uses proposed to be located within the Proposed Facility on the Development Site. The Development Site would be located on the existing Golf Course parking lot, clubhouse, a portion of the practice area, and other landscaped areas allowing the majority of the Golf Course (over 200 acres) to remain intact and open to the public. Additionally, the Proposed Development would further the goals in the 2015 *Hutchinson River Transportation Corridor Parkway Study* by making privately funded infrastructure and safety improvements to the Ring Road and surrounding roadways.

Land Use

The Development Site is in an area well-suited to attract tourists and residents and is easily accessible from regional destinations because of its location near the Hutchinson River Expressway and connections to other major highways, the Ferry Point Park Ferry Stop, and New York City's airports. The Development Site is improved with the Golf Course's clubhouse, parking lot, a portion of the practice area, and other landscaped areas. These uses support the Park's primary use as open space and are amenities to the Golf Course. The quarter-mile Study Area largely comprises the Park but also contains commercial, industrial, and residential uses at the northwestern and eastern fringes. In the No-Action Condition, these land uses would remain as existing conditions.

The Proposed Actions would facilitate a change in land use on the Development Site and on Ring Road, both areas of which would be removed from the Park. In the With-Action Condition, Bally's would construct the Proposed Facility on the Development Site. A new clubhouse would be developed north of the Proposed Facility to support existing Golf Course uses. New commercial uses – gaming, eating and drinking establishments, hotel, entertainment, and retail – would be introduced to the Development Site. A new clubhouse would be developed to enhance service to the Golf Course's existing client base. These new commercial uses are expected to generate significant economic activity and tax revenue for both the City and State and have been designed to complement the Golf Course and the Park. The increased intensity of land use on the Development Site is estimated to generate approximately 3,500 employees at the Proposed Facility and replacement golf clubhouse when fully operational.

Ring Road comprises approximately 2.41 acres of the Park. In the With-Action Condition, Ring Road would be removed from the Park and would be transferred from NYC Parks to NYCDOT so that it can be used as an official City Street, as recommended in the *Hutchinson River Transportation Corridor Parkway Study.* To support the Proposed Facility,

improvements would also be made to Ring Road to manage stormwater and to support safety for pedestrians, cyclists, and vehicles.

The Affected Area fronts the Park and roadways, and the Proposed Actions would not alter current land uses within the quarter-mile Study Area beyond the Affected Area. Accordingly, the Proposed Actions would not result in significant adverse impacts to land use.

Zoning

The Proposed Actions would introduce a new C8-4 commercial district to the Study Area, a zoning district with a maximum floor area ratio (FAR) of 5.0 for commercial uses, and where new residential uses are not allowed as-of-right. The proposed C8-4 zoning district is intended to support the goals of the project by allowing a gaming facility (if a license is granted by the NYS Gaming Commission) that would complement the Golf Course and the Park.

Bally's proposes to map a C8-4 district to accommodate the Proposed Facility and does not propose any residential development. The proposed C8-4 zoning district would be consistent with other C8 districts across NYC, which are often mapped along major traffic arteries, and bridge between residential and manufacturing uses. The Gaming Facility Text Amendment approved by the New York City Council in April 2024 states that, "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 [the NYC Zoning] Resolution." In the With-Action Condition, the Proposed Facility – as approved in the future by the New York State Gaming Commission – would satisfy all applicable zoning. Accordingly, Proposed Actions would not result in a significant adverse zoning impact.

Public Policy

The Proposed Actions would not result in a significant adverse public policy impact and would not have the potential to conflict with citywide public policies. The actions would support the goals of: *OneNYC 2050; Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery;* the NYC Waterfront Revitalization Program (WRP); *Green Wave: A Plan for Cycling in New York City*; *NYC Streets Plan: Update 2024*; *Mayoral Greenways Expansion Plan; Vision Zero*; *Hutchinson River Parkway Transportation Corridor Study; Penn Station Access*; and *Bronx Metro-North Rezoning*.

The Proposed Actions would allow the development of the Proposed Facility, which would be one of the first new gaming facilities constructed in New York City in decades. The Proposed Facility is expected to generate significant revenue for both the City and State that could be directed to advancing public policy goals. The Proposed Facility would generate an estimated 3,500 jobs, consistent with an "inclusive economy" and other goals of *OneNYC 2050*. In compliance with the New York City Rules and Regulations (NYCRR) statutes for gaming facilities, Bally's will submit annual plans related to increasing diversity in the workforce and contracting with minority and women-owned businesses. Additionally, the Proposed Actions would generate additional jobs during the temporary construction period. Overall, the Proposed Actions would be consistent with policies that encourage new commercial development and provide new economic opportunities.

The Proposed Actions would facilitate improvements to public infrastructure, thereby advancing the "modern infrastructure" goal of *OneNYC 2050*. Improvements to Ring Road would be designed in coordination with NYC Parks, NYCDOT, NYCDEP, and MTA. As the

NYC Department of City Planning noted in the 2015 *Hutchinson River Parkway Transportation Corridor Study*, Ring Road does "not have the necessary facilities to support the current level of traffic and does not provide adequate access and crossing points for pedestrians." The study recommended that Ring Road be improved and transferred to NYCDOT, which would be facilitated by the Proposed Actions. Two new traffic controls would enhance circulation, safety, and access to the Development Site for pedestrians, cyclists, and vehicles, furthering the safety goals of *Vision Zero*. The improvements to Ring Road would introduce new pedestrian and cycling infrastructure that would connect to existing pedestrian and cycling routes. New infrastructure would also be introduced in Ring Road to manage stormwater and would reduce the potential for the Development Site and Ring Road to flood during stormwater events. Thus, the Proposed Actions would strengthen the resiliency of Ring Road, the Development Site, and the Park, and support policies related to the WRP (See Appendix A).

The Proposed Actions would also support localized planning policies such as the *Hutchinson River Parkway Transportation Corridor Study*, *Penn Station Access*, and *Bronx Metro-North Rezoning* through improvements to Ring Road, improved access to the Development Site, and the implementation of city-sponsored recommendations identified in the *Hutchinson River Parkway Transportation Corridor Study*. Accordingly, the Proposed Actions would not result in a significant adverse public policy impact.

2.3 Methodology

This detailed analysis describes the existing and anticipated future conditions for the 2030 build year, assesses the nature of any changes on these conditions created by the Proposed Development, and identifies the changes, if any, that could be significant or adverse. The analysis follows the guidance of the *CEQR Technical Manual* and examines the effects of the Proposed Development on land use, zoning, and public policy, and determines the potential for the Proposed Development to result in significant adverse impacts in these areas. Per the *CEQR Technical Manual*, a detailed assessment of land use, zoning, and public policy is appropriate if an action would result in a significant change in land use or would substantially affect regulations or policies governing land use.

An assessment of zoning is typically performed in conjunction with a land use analysis when the action would result in a change in zoning. The Proposed Actions include changes in zoning and land uses; accordingly, a land use and zoning assessment was warranted. A public policy assessment was also prepared to determine the potential for the Proposed Actions to alter or conflict with applicable public policies.

The land use, zoning, and public policy assessment in this chapter:

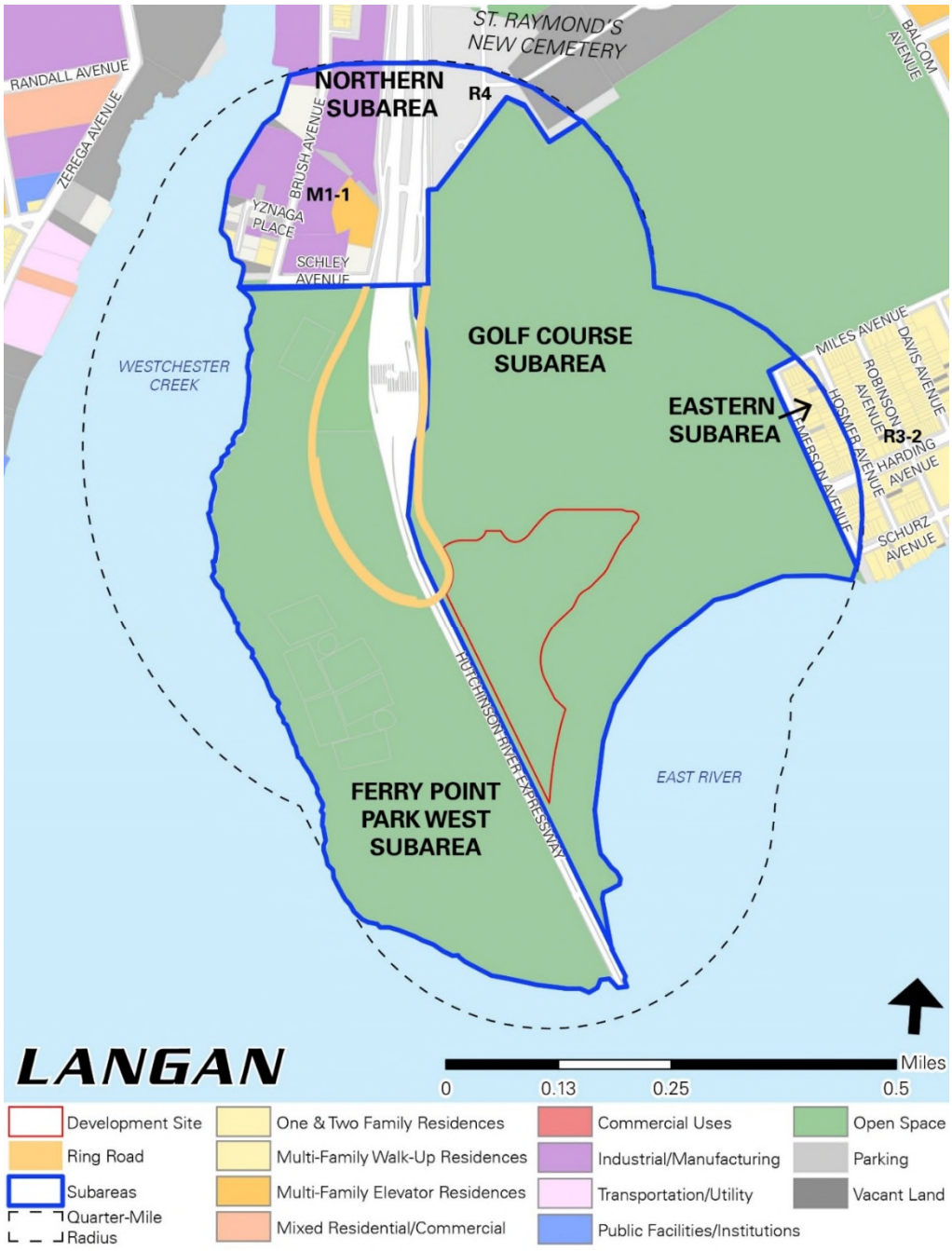
1. Describes land uses and development trends in the area that could potentially be affected by the Proposed Actions;
2. Describes zoning and public policies that guide development; and
3. Determines whether the Proposed Actions are compatible with those conditions and policies and whether the Proposed Actions have the potential to adversely affect them.

Study Area

The *CEQR Technical Manual* states that the appropriate study area for land use and zoning is related to the type, size, and location of a project proposed, and context of the area

that could be affected. Per the *CEQR Technical Manual*, the study area should include at least the project site and the area within 400 feet of the site's boundaries. A proposed project's immediate effects on an area of this size can be predicted with some certainty. When other, more indirect effects may also occur, a larger study area may be used. The Proposed Actions would allow the development of the Proposed Facility, a use that would be markedly different from the existing uses in the area. Thus, a quarter-mile (approximately 1,320 feet) of the Affected Area was selected, as shown in Figure 2-1.

Figure 2-1: Land Use and Zoning Map



The Study Area is generally bounded by Hosmer Avenue to the east, the Whitestone Bridge to the south, Westchester Creek to the west, and Saint Raymond's New Cemetery to the north. The Study Area comprises four subareas:

- The Golf Course Subarea, which is generally bounded by Saint Raymond's New Cemetery to the north, Ferry Point Park to the east, the Whitestone Bridge to the south, and the eastern edge of the Hutchinson River Expressway to the west. The Development Site is located within the Golf Course Subarea.
- The Ferry Point Park West Subarea, which encompasses the entirety of the portion of Ferry Point Park that is west of the Hutchinson River Expressway. It includes a portion of Ring Road and the MTA office building and parking lot. This subarea is bounded by Schley Avenue to the north, the eastern edge of the Hutchinson River Expressway to the east, the Whitestone Bridge to the south, and Westchester Creek to the west.
- The Northern Subarea, which is a predominately industrial area is generally bounded by the eastern prolongation of Randall Avenue to the north, Ferry Point Park to the east, Schley Avenue to the south, and Westchester Creek to the west.
- The Eastern Subarea, which includes residential areas of the Throggs Neck neighborhood, is generally bounded by Miles Avenue to the north, Hosmer Avenue to the east, Schurz Avenue to the south, and Emerson Avenue to the west.

Impact Criteria

Land Use and Zoning

Per the *CEQR Technical Manual*, land use changes may be significant but not adverse, and while changes in land use conditions could create impacts in other technical areas, it is rare that a project would have land use impacts in the absence of impacts in other technical areas. When considering the potential for significant adverse impacts, the following should be considered:

- If a project would directly displace a land use and such a loss would adversely affect surrounding land uses, this displacement should be considered in the Socioeconomic Conditions analysis.
- In general, if a project would generate a land use that would be incompatible with surrounding uses, such a change should be considered in other technical areas if:
    - The new land use or new site occupants would interfere with the proper functioning of the affected use, or of land use patterns in the area. The relevant technical area may vary depending on the type of incompatible use identified. One example could be a new heavy manufacturing use near a residential area that might diminish the quality of residential use because of noise or air pollution. If so, the information provided in the land use analysis may be relevant for the noise or air quality analysis.
    - The incompatible use could alter neighborhood character and should be considered in the neighborhood character analysis described in the Neighborhood Character analysis.
    - The project would create land uses or structures that substantially do not conform to or comply with underlying zoning. An example would be the rezoning of several blocks from manufacturing to commercial use; such a change might permit development of desired residential uses on vacant or underutilized sites

in the area, but it could turn existing manufacturing uses into non-conforming uses and might render their structures non-compliant as well. Such a project could affect operating conditions in a specific industry and may need to be considered in the Socioeconomic Conditions analysis.

- If a project would alter or accelerate development patterns, it could affect real estate market conditions in the area. If this is the case, this analysis should be considered in the Socioeconomic Conditions analysis.

Public Policy

For public policy, the *CEQR Technical Manual* indicates that the following should be considered in determining whether land use changes are significant and adverse:

• Whether the project would create a land use conflict or would itself conflict with public policies and plans for the site or surrounding area.

• Whether the project would result in significant material changes to existing regulations or policy. For example, this could include a proposed bulk variance within a special district which conflicts with the goals and built form within the special district.

Data Sources

Information for this land use, zoning, and public policy assessment was obtained from the MapPLUTO dataset published by the NYC Department of City Planning (DCP), the Zoning and Land Use Application (ZoLa) maintained by DCP, the Zoning Application Portal (ZAP) maintained by DCP, and the Building Information System (BIS) maintained by the NYC Department of Buildings (DOB).

2.4 Existing Conditions

Land Use

Development Site

The Development Site (Bronx Block 5622, p/o Lot 1) is an approximately 18-acre parcel located entirely within the Golf Course. As noted above, the Golf Course is part of Ferry Point Park, a 413.8-acre park comprising active and passive recreational uses. The Park is under the jurisdiction of NYC Parks. The Development Site is generally bounded by Hutchinson River Expressway to the west, and otherwise bounded by the Golf Course to the north, east, and south. Bally's operates the Golf Course pursuant a license agreement with NYC Parks.

The Development Site is currently improved with the Golf Course clubhouse, a surface parking lot, a portion of the practice area, and other landscaped areas. The clubhouse is one story and has approximately 25,265 gross square feet (gsf) of floor area. The Development Site also includes several temporary structures such as trailers and storage containers.

The Development Site is accessed from Hutchinson River Expressway, the local street network, and Ring Road, which connects the southbound Hutchinson River Expressway service road to the northbound service road by looping beneath the Whitestone Bridge within the Park. To the north, the Hutchinson River Expressway provides access to interstates 95, 278, and 295. These interstate highways allow onward regional

connections to areas such as the Bronx, Westchester, New Jersey, and Connecticut. Southbound, the Hutchinson River Expressway provides access across the East River via the Whitestone Bridge to the Cross Island Parkway, which provides onward connections to Queens and Long Island.

Development Site History

The Park was created through a combination of land purchase and reclamation. The Park's original 171 acres were purchased by the City in proceedings to acquire land for the Whitestone Bridge in 1937, and plans were made for a beach, bathhouse, and cafeteria complex with a bus terminal and parking field. When the portion of the Park west of the Whitestone Bridge opened in 1941, the design had been scaled back and included a comfort station, baseball diamonds, an overlook, and picnic areas. In 1948, two park additions totaling 243 acres were acquired by condemnation. The NYC Department of Sanitation operated a municipal solid waste landfill on a portion of the Park that is east of the Whitestone Bridge from 1952 to 1970.[3] The landfill included earthen berms, mounded construction debris, mounds of waste material, and stockpiles of cover soil based on aerial photographs dated as early as 1951. Fill was placed in upland areas and areas formerly submerged by the East River and inlets along the shoreline. After the landfill was covered in the mid-1960s, aerial photographs indicate that portions of the Development Site were used as informal dirt bike trails and a model airplane landing strip. By the 1990s, additional closure operations were finalized, and baseball fields and a basketball court were developed within the Park, which are present today. In 2015, the public 18-hole Golf Course was completed over the former landfill, within the Park.

In July 2000, NYSDEC issued permit No. 2-6006-00014/00011 to allow the importation of fill material to construct the Golf Course on the Development Site. The permit, as subsequently modified during construction activities, expired in May 2024. As required by the NYSDEC permit, a post construction custodial plan was established to set forth post-construction and monitoring requirements associated with the former landfill use and construction allowed by the permit. Monitoring as required by the post construction custodial plan is currently conducted by NYC Parks.

Ring Road

Ring Road is a roadway (unmapped street) under jurisdiction of NYC Parks and within the Park. Ring Road is currently mapped as parkland and is used by motorists, pedestrians, and cyclists to access and egress the Park and an MTA office building.

Study Area

The Study Area is divided into four subareas, as previously shown in Figure 2-1.

Golf Course Subarea

The Development Site is within the Golf Course, which is mapped and operates as parkland. The 222-acre Golf Course is a regional public recreation facility located on the eastern portion of the Park, bounded by the Whitestone Bridge to the west, Balcom Avenue and Emerson Avenue to the east, Schley Avenue and Saint Raymond's New Cemetery to the north, and the East River to the south. The 18-hole links-style course was designed by Jack Nicklaus and features native grasses and dunes with teeing grounds that

[3] https://www.nycgovparks.org/parks/ferry-point-park/history

rise at varied elevations. The Golf Course was designed to accommodate national and international tournaments and has been open to the public since 2015.

South of the Development Site is a surface parking lot and paved walking paths along the shore of the East River. In March 2021, the Ferry Pont Park Passive Waterfront Path and Landscape Construction created a new walking path and saltwater marsh along the East River waterfront between the Whitestone Bridge and Emerson Avenue. The waterfront path includes five lookout stations, a small parking lot, and a pedestrian connection to the Throggs Neck neighborhood to the east along Harding Avenue.

Ferry Point Park West Subarea

As noted above, the Park is bisected by the Whitestone Bridge and the Hutchinson River Expressway. The western portion of the Park offers barbecuing areas, basketball courts, cricket fields, football fields, dog-friendly areas, handball courts, playgrounds, public restrooms, soccer fields, and Wi-Fi Hot Spots. Additionally, there is a surface parking lot for park users, an MTA office building, and connection to the Ferry Point Park Ferry Stop. A walking and biking trail connects to Schley Avenue and the Northern Subarea to the north.

In 2018, a new comfort station was added to the western portion of the Park. In 2022, the Ferry Point Park Ferry Stop opened at the southern end of the subarea and extended the Soundview route of the NYC Ferry farther north. This ferry stop is the second location in the Bronx and provides access along Manhattan's eastern edge to Wall Street via stops at Soundview, East 90th Street, East 34th Street, and Stuyvesant Cove.

Eastern Subarea

The Eastern Subarea is generally defined by a standard urban street grid and one- and two-family residences, with some three-family residences in discrete locations. Residences within the subarea range in height from one to three stories. Data provided on publicly available databases indicates that residences in this area were constructed in various decades, with the oldest residences being constructed in the 1920s. Residences are generally setback about 18 feet from the street to allow parking in the front yard, and some residences have a garage on the ground floor.

Northern Subarea

The Northern Subarea is generally defined by Saint Raymond's New Cemetery, industrial uses, and vacant land. Industrial uses west of the Hutchinson River Expressway include a beverage distribution facility, construction contractor yards, and UPS and FedEx facilities. These buildings range between one and three stories and were generally built between 1931 and 2008. These industrial buildings contain surface parking, on-site truck parking, and construction contractor yards that contain storage containers, construction vehicles, and materials. Additional parking for Ferry Point Park is available along Schley Avenue. Pedestrian and cycling connections to the Park are available from the corner of Schley and Brush avenues.

At 555 Hutchinson River Parkway (Bronx Block 5610, Lot 87), on the west side of Hutchinson River Parkway, is an approximately 33,320-gsf, two-story hotel used for the public purpose of housing assistance. Within this subarea, non-conforming two single-family homes are interspersed among the industrial buildings. These two residences were built in 1925 – before the adoption of the 1961 New York City Zoning Resolution – and rise up to two stories. East of the Hutchinson River Expressway is Saint Raymond's New

Cemetery – the only Catholic cemetery in the Bronx and one of the busiest in the United States.[4] The cemetery spans approximately 180 acres and is a part of Saint Raymond's Parish, which serves the Church of Saint Raymond. The cemetery is open to the public year-round between 8:00 am and 4:30 pm.

Zoning

Development Site and Ring Road

The Development Site and Ring Road have been mapped parkland since the adoption of the 1961 New York City Zoning Resolution. A public park is any publicly owned park, playground, beach, parkway, or roadway within the jurisdiction and control of the NYC Parks.[5] Public parks are not subject to zoning regulations, and the use of parkland is at the discretion of NYC Parks. Typically, NYC Parks requires construction permits for any project that affects assets under its jurisdiction, such as natural areas, greenstreets and green infrastructure, monuments, or concessions, as well as the sidewalks and roadways that serve these features. Title 56, "Department of Parks and Recreation" of the *Rules of the City of New York* lists the regulations and rules for parks in New York City.

Study Area

The Study Area's zoning districts include low-density residential districts (R3-2 and R4) and an M1-1 light manufacturing district. In 1987, the *Brush Avenue Rezoning* rezoned Block 5610, Lot 25 and portions of surrounding lots from an R4 residential district to an M1-1 light manufacturing district (CEQR No. 86-002X). In 2004, the *Throggs Neck Area Rezoning* downzoned portions of the Throggs Neck neighborhood from R4, R3-2, and C3 districts to lower density or contextual zoning districts (CEQR No. 04DCP050X). This neighborhood rezoning encompassed 242 blocks from Westchester Avenue to the north, the East River to the south, Eastchester Bay to the east, and Emerson Avenue to the west and generally increased density along select corridors and decreased elsewhere within the rezoning area.

A description of each zoning district in the Study Area and the maximum FAR permitted by use is shown in Table 2-1.

[4] https://straymondparish.org/our-cemetery-1
[5] https://www.nyc.gov/site/planning/zoning/glossary.page

Table 2-1: Zoning Districts in the Study Area

District	Description	Maximum FAR
R3-2	R3-2 districts are general residential districts that allow a variety of housing types such as low-rise attached houses, small multifamily apartments, and detached and semi-detached one- and two-family residences. It is the lowest density zoning district in which multiple dwellings are permitted and are mapped widely throughout all boroughs outside of Manhattan. Buildings in these districts must be setback from the street line and have low lot coverage (35 percent). Residential buildings are allowed a FAR of up to 0.50 and a maximum building height of up to 35 feet. Qualifying affordable independent residences for seniors (AIRS) residences are allowed up to an FAR of 0.95. With the adoption of the *City of Yes for Housing Opportunity Text Amendment*, the maximum residential FAR in R3-2 districts has been increased to 0.75. The residential FAR could also be increased up to 1.00 for qualifying residential sites.	R: 0.50 R (AIRS): 0.95 C: 0.00 CF: 1.00 M: 0.00
R4	R4 districts allow for all types of housing at a slightly higher density than R3-2 districts. These districts also have an attic allowance for space that is under a pitched roof, which often produces buildings with three stories instead of two. These buildings have moderate lot coverage and are setback from the street line. These districts have varying setback requirements if the development is a single-family or multi-family development. Residential buildings are allowed an FAR of up to 0.75 and a maximum building height of up to 35 feet. Qualifying AIRS residences are allowed up to an FAR of 1.29. With the adoption of the *City of Yes for Housing Opportunity Text Amendment*, the maximum residential FAR in this district has been increased to 1.00. The residential FAR could also be increased up to 1.50 for qualifying residential sites.	R: 0.75 R(AIRS): 1.29 C: 0.0 CF: 2.00 M: 0.00
M1-1	M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. Light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities are permitted. Nearly all industrial uses are allowed in M1 districts if they meet the stringent M1 performance standards. Offices and most retail uses are also permitted as-of-right.	R: 0.0 C: 1.0 CF: 2.4 M: 1.0
Special Areas		
Park	Public parks are not subject to zoning regulations, and the use of City parkland is at the discretion of NYC Parks.	N/A
Coastal Zone Boundary	Development within the Coastal Zone Boundary (CZB) are subject to additional review as defined by New York City's Waterfront Revitalization Program (WRP).	N/A
Uses:	R: Residential C: Commercial CF: Community Facility M: Manufacturing	

Golf Course and Ferry Point Park West Subareas

Like the Development Site, the rest of Ferry Point Park is mapped parkland and is within the jurisdiction and control of NYC Parks. Public parks are not subject to zoning regulations, and the use of City parkland is at the discretion of NYC Parks.

Eastern Subarea

The Eastern Subarea is entirely within an R3-2 residential district. The subarea was originally mapped as an R4 residential district in 1961 and was a part of the *Throggs Neck Area Rezoning* in 2004, which downzoned this area of Throggs Neck to a lower maximum density. R3-2 residential districts allow a variety of housing types up to a FAR of 0.50 and a maximum lot coverage of 35 percent. Qualifying affordable independent residences for seniors (AIRS) residences are allowed up to an FAR of 0.95. The *City of Yes for Housing Opportunity Text Amendment* was adopted, and the residential FAR for this district has been increased to 0.75 and up to 1.00 for qualifying residential sites. Community facility uses within R3-2 districts are allowed up to a FAR of 1.0. Manufacturing and commercial uses are not allowed as-of-right. Buildings can rise to a height of 35 feet and must be setback from the streetline. These districts are the lowest density zoning district in which multiple dwelling units are permitted and are widely mapped throughout the Bronx.

Northern Subarea

Zoning in the Northern Subarea is split between manufacturing and residential districts. An M1-1 light manufacturing district is west of the Hutchinson River Expressway and an R4 residential district is to the east of the expressway. M1-1 zoning districts are manufacturing districts that allow light industrial uses, and most commercial and community facility uses. New residential uses are not allowed as-of-right. Commercial and industrial uses are allowed up to a FAR of 1.0, and community facilities are allowed up to a FAR of 2.4.

In 1987, the *Brush Avenue Rezoning* rezoned Block 5610, Lot 25 and portions of Blocks 5559 and 5610 from an R4 residential district to an M1-1 light manufacturing district (CEQR No. 86-002X). The rezoning allowed for the development of a beverage distributing facility on Lot 25 in 2008.

East of the Hutchinson River Expressway, an R4 residential district is mapped across Saint Raymond's New Cemetery. R4 districts allow all types of housing up to an FAR of 0.75 for residential uses and 2.00 for community facility uses. Qualifying affordable independent residences for seniors (AIRS) residences are allowed up to an FAR of 1.29. The *City of Yes for Housing Opportunity Text Amendment* was adopted and the maximum residential FAR for this district has been increased to 1.00 and up to 1.50 for qualifying residential sites. Manufacturing and commercial uses are not allowed as-of-right. Residences must be setback from the streetline and have a maximum building height of 35 feet and maximum lot coverage of 45 percent. The existing use of the subarea as a cemetery is an as-of-right community facility use within an R4 residential district.

Replacement Parkland and Park Improvements

Park improvements and replacement parkland would also be provided consistent with the requirements of the State alienation legislation. Bally's would contribute funds to the City of New York to be devoted to NYC Parks for such public improvements and deed the designated new parkland to NYC Parks.

2.5 No-Action Condition

Land Use

Development Site

In the No-Action Condition, existing conditions on the Development Site would remain. The one-story, 25,265-gsf golf clubhouse, accessory surface parking lot, a portion of the practice area, and other landscaped areas would remain. No new public infrastructure – such as roadway or park improvements – would be developed. The existing uses on the Development Site are allowable uses on parkland pursuant to a license agreement between Bally's and NYC Parks.

Ring Road

Absent the Proposed Actions, Ring Road would not be widened, and no additional improvements would be made to the roadway or existing roadway infrastructure. Traffic controls to enhance pedestrian safety would not be implemented, and walking and biking paths for cyclists and pedestrians would not be developed. Additionally, Ring Road would remain under jurisdiction of NYC Parks.

Study Area

A review of active building permits and filings found no "No-Build" projects within the Study Area by the 2030 build year.[6] However, independent of the Proposed Actions NYCDOT is proposing to create new tidal wetlands to the south of the Development Site at the edge of the East River. This wetland improvement project would be completed after the 2030 analysis year, but construction of the proposed tidal wetlands is likely to start before 2030; thus, this project is included as a No-Build project. Bally's would coordinate with NYC Parks and NYCDOT to ensure any construction, staging areas, or potential outfalls would not preclude or substantively inhibit NYCDOT's proposed wetland mitigation projects along the East River waterfront.

The existing zoning within the Study Area, including all four subareas, would remain in the No-Action Condition. Land uses in the Study Area would generally continue to reflect the permitted uses in each zoning district. Ferry Point Park would continue to operate as a regional park with a Golf Course. Light manufacturing and residential uses would continue west of the Hutchinson River Expressway. The residences the Eastern Subarea would also continue as a low-density, mature urban neighborhood with one- to three-family residences.

Replacement Parkland and Park Improvements

Absent the Proposed Actions, park improvements and replacement parkland would not be provided by Bally's.

Zoning

Development Site and Ring Road

The Development Site and Ring Road are currently mapped parkland. Public parks are not subject to zoning regulations, and the use of parkland is at the discretion of NYC Parks. Therefore, the current use of the Development Site as a golf course is a permitted use on public parkland. This use would continue in the No-Action Condition.

Study Area

A review of available sources found no pending zoning actions from the City Planning Commission (CPC) in the Study Area other than the Proposed Actions. Therefore, existing zoning in the Study Area would remain as existing conditions in the No-Action Condition. The Study Area would continue to have medium- to low-density residential (R3-2 and R4) districts and an M1-1 light manufacturing district. Mapped parkland within the Golf Course and Ferry Point Park West subareas would continue to be within the jurisdiction and control of NYC Parks.

Replacement Parkland and Park Improvements

Absent the Proposed Actions, park improvements and replacement parkland would not be provided by Bally's.

[6] No-Build projects are projects that would be developed independent of the Proposed Actions by the analysis year. These projects are typically identified through a review of new building and alteration Type 1 applications made to the NYC Department of Buildings, projects shown on the ZAP application maintained by DCP, the Decisions Map maintained by the NYC Board of Standards and Appeals, announced public projects, and media sources.

2.6 With-Action Condition

Land Use

In the With-Action Condition, the Proposed Actions would be adopted, and Bally's would construct the Proposed Facility, improve Ring Road, make off-site improvements to Ferry Point Park, and convey land to the City as replacement parkland. The proposed site plan for the Development Site is shown in Figure 2-2.

A city map and zoning map amendment would be included as a part of the Proposed Actions.

Development Site

The Proposed Actions would allow the development of Proposed Facility on the Development Site. The Proposed Facility would contain approximately 561,320 gsf of gaming and food and beverage space, a 500-key hotel with a spa and meeting space, a 2,000-person event center, approximately 6,100 gsf of retail, and a new police substation. An approximately 40,160 gsf new standalone golf clubhouse would also be constructed north of the Proposed Facility. Table 2-2 provides a breakdown of the proposed square footage by use. The Proposed Facility would be supported by approximately 1,941,910 gsf of parking (4,660 spaces). Overall, the Proposed Facility would contain approximately 3,093,880 gsf and rise to a maximum height of 245 feet above the ground floor, or an elevation of 280 feet NAVD88.

Figure 2-2: Proposed Illustrative Site Plan[7]



Source: HKS Architects

[7] For illustrative purposes only.

Table 2-2: Project Increment Gross Square Footage by Use

	No-Action	With-Action	Increment
Proposed Development (GSF)			
Golf Clubhouse	25,265	40,160	14,895
Casino	0	561,320	561,320
Hotel with Spa and Meeting Rooms	0	509,330	509,330
Event Space	0	75,220	75,220
Sundry Retail	0	6,100	6,100
Parking	0	1,941,910	1,941,910
Total (GSF)	**25,265**	**3,134,040**	**3,108,775**
Proposed Development (ZSF)			
Golf Clubhouse	16,505	22,140	5,635
Casino and Gaming	0	390,320	390,320
Hotel, Spa, Meeting	0	488,430	488,430
Event Space	0	62,160	62,160
Sundry Retail	0	6,100	6,100
Parking	0	1,614,320	1,614,320
Total (ZSF)	**16,505**	**2,583,470**	**2,566,965**
Other Programming			
Parking (Spaces)	315	4,660	4,345
Alienated Open Space (Acres)	0.00	26.54	26.54
Building Height (Feet)	40	280[1]	240

1. At an elevation of 35 feet, the Proposed Facility would rise 245 feet to an elevation of 280 feet (reported in NAVD88).

The L-shaped Proposed Facility would be developed to the east of the Hutchinson River Expressway and to the south of Ring Road, as shown in Figure 2-2. The Proposed Facility would rise to a maximum of 23 stories. The Proposed Facility would partially be in an area identified by the Federal Emergency Management Agency (FEMA) as a one-in-one-hundred-year floodplain. Accordingly, floodproofing measures would be incorporated into the Proposed Facility in accordance with NYC Building Code.

The Development Site is sited away from residences and local businesses to minimize land use conflicts between the Proposed Facility and these areas. The development of the Proposed Facility would eliminate approximately six-acres (266,737-sf) of surface parking and other paved areas developed on mapped parkland – an accessory use to the Park. The Proposed Facility would provide gaming, hotel, and retail uses to the public on a portion of mapped parkland that would not otherwise provide open space recreational uses to the public.

To the north of the Proposed Facility, Bally's would construct a new 40,160 gsf, three-story, 40-foot-tall clubhouse (elevation of 75 feet NAVD88) for the Golf Course on the Development Site. The new golf clubhouse would be developed on NYC Parks-owned land and operated by Bally's pursuant to an agreement with NYC Parks. The golf clubhouse would be redeveloped to enhance service to its existing client base, and include lockers, a lounge area, terrace, pro-shop, bar, and event space.

The Development Site would be accessed from a three-lane driveway from Ring Road. The driveway would provide onward access to pick up and drop off areas and the proposed parking garage.

Ring Road

Ring Road is an approximately 2.41-acre existing NYC Parks roadway. As a part of the Proposed Actions, an approximately 9.61-acre area of the Park, including the 2.41 existing roadway, would be alienated (an approximately 100-foot right-of-way). Approximately 4.89 acres of the Park would be developed as a City Street and under the jurisdiction of NYCDOT to accommodate up to a 60-foot right-of-way.[8] Ring Road would be wider than the existing roadway to allow design flexibility to accommodate vehicles, bicycles, and pedestrians accessing the Park and the Proposed Facility. New traffic controls are proposed to enhance pedestrian safety between the Park's parking lot and its recreational areas. Pedestrian improvements such as paved sidewalks would also enhance connectivity along Ring Road beneath the Whitestone Bridge, allowing improved connections between the Development Site and the Ferry Point Park West Subarea.

Ferry Point Park

Bally's intends to design and construct improvements to the Park in coordination with the City of New York. NYC Parks requires construction permits for any project that affects assets under its jurisdiction, such as natural areas, greenstreets and green infrastructure, monuments, or concessions, as well as the sidewalks and roadways that serve these features.

An easement or similar agreement would allow Bally's to share use of the Waterfront Access Roadway. This would allow park users continued access to the Park's parking lot and roadway south of the Development Site for connectivity to the waterfront and recreational uses. Pedestrian access would be available from the Golf Course to the waterfront in Ferry Point Park via a paved sidewalk or other pedestrian element.

Replacement Parkland and Park Improvements

Park improvements and replacement parkland will also be provided consistent with the requirements of the State alienation legislation. Bally's will contribute funds to the City of New York to be devoted to NYC Parks for such public improvements and will deed the designated new parkland to NYC Parks.

Land Use Actions

City Map Amendment

The City Map is the official adopted map of the city. It shows the location, dimension and grades of streets, parks, public places, and certain public easements.

A city map amendment changes the map. A city map amendment requires adhering to the requirements of the Uniform Land Use Review Procedure (ULURP) and Sections 197-c, 198, and 199 of the New York City Charter. City map amendments must be brought before the Community Board, Borough President, and the City Planning Commission (CPC) as part of ULURP.

[8] The parkland alienation legislation will be introduced to the New York State Legislature during the Uniform Land Use Review Procedure (ULURP). The proposed alienation areas are larger than the area proposed to be removed from the Park to accommodate potential minor modifications to the configuration of Ring Road that may arise during ULURP and to allow temporary construction activities within the alienated area. Areas of the Park that are not removed for Ring Road or the Development Site will remain part of the Park and under jurisdiction of NYC Parks. Pursuant to Article 6, Part 617.5(46), actions by the New York State Legislature are not subject to environmental review. See Chapter 1 of this EIS, "Project Description" for more information.

The proposed amendments to the City Map would remove the Development Site and Ring Road from the Park. The city map amendment would also map Ring Road as an official City Street.

Summary of Land Use Changes

The Proposed Actions would enable Bally's to construct the Proposed Facility and a replacement golf clubhouse for the Golf Course, thereby facilitating a change in land use on the Development Site from parkland to commercial. The existing uses on the Development Site include parking, the existing clubhouse, a portion of the practice area, and landscaping – uses that support the Golf Course. The 18 holes that comprise the Golf Course would remain as existing conditions. A permanent reservation in the deed to Bally's or similar agreement would be executed to maintain public access through the Development Site to the parking lot and recreational uses that are located to the south of the Development Site and along the East River waterfront.

The Development Site is strategically located in proximity to interstate highways and regional airports. The Hutchinson River Expressway provides access to interstates 95, 278, and 295. These interstate highways allow onward regional connections to areas such as the Bronx, Westchester, New Jersey, and Connecticut. Southbound, the Hutchinson River Expressway provides access across the East River via the Whitestone Bridge to the Cross Island Parkway, which provides onward connections to Queens and Long Island.

The proposed commercial uses have been designed to complement the Golf Course and the Park and would not be incompatible with the surroundings. The proposed land uses would not interfere with the core recreational uses in the Park, and instead complement them by adding additional entertainment opportunities by permitting park users easy access to the commercial and entertainment uses of the Proposed Facility. Further, the land uses that would be displaced support the Golf Course, and the displaced practice area, golf clubhouse, and parking would be replaced with comparable or improved facilities. These land use changes do not rise to the level of a significant adverse impact based on the criteria of the *CEQR Technical Manual*.

The Proposed Facility is projected to generate significant economic activity and tax revenue for both the City and State, including an estimated 3,500 jobs. A new golf clubhouse would be developed to enhance service to its existing client base. To support the Proposed Facility and to implement the recommendations of the *Hutchinson River Parkway Transportation Corridor Study*, Ring Road would also be removed from the Park, mapped as a City Street, transferred to NYCDOT, and improved as a City Street in coordination with the City of New York to support pedestrians, cyclists, and vehicles.

The Affected Area fronts the Park and roadways, and the Proposed Actions would not alter current land uses outside of the Affected Area or within the quarter-mile Study Area. The Proposed Actions would introduce commercial uses on the Development Site that would complement the Golf Course and the Park.

Study Area

The Proposed Actions would be limited to the Affected Area and are not projected to result in land use changes beyond the Development Site. The Development Site is surrounded by a highway, golf course, and the East River. These three bounding features insulate the Development Site from residences and local businesses.

Uses on the Development Site would be consistent with the current recreational uses (the Golf Course) within the Park and would provide new commercial and retail facilities for

Park users. Commercial uses proposed on the Development Site would be distinct from the industrial uses in the Northern Subarea and would therefore be unlikely to attract a similar customer base and compete for services.

Like the No-Action Condition, NYCDOT would undertake a wetland mitigation project to the south of the Development Site. A permanent reservation in the deed to Bally's or similar agreement would continue to allow park users (including staff from NYC Parks and NYCDOT) access to the Park and would not preclude NYCDOT's implementation of the wetland mitigation project.

Land uses in the Study Area would generally continue to reflect the permitted uses in each zoning district – light manufacturing, residential and open space uses west of the Hutchinson River Expressway, and residential and open space uses east of the expressway. Residential uses within the Eastern Subarea would also continue to reflect the uses allowed within that zoning district.

Land Use Conclusion

The Development Site is surrounded by a highway, golf course, and the East River. These three bounding features insulate the Development Site from residences in the Northern and Eastern subareas and local businesses and manufacturing uses within the Northern Subarea. The Proposed Facility would be sited over 1,000 feet from residential uses within the Throggs Neck neighborhood to the east, and over 400 feet from the East River providing a separation between the Proposed Facility and these sensitive areas.

Consistent with the No-Action Condition, the Development Site would continue to provide the same active recreational uses (the Golf Course) to the public. This recreational use would continue to generally exist within a public park, and the park would continue to be bisected by the Hutchinson River Expressway. This separation of distinct active recreational uses to the east and west of the expressway would remain in the With-Action Condition. With the Proposed Actions, the Proposed Facility would provide new commercial and gaming uses in an area that is currently accessory to the Golf Course, but is not in and of itself a recreational area. The Proposed Development would result in the removal of approximately six acres of accessory surface parking or other paved areas to allow the development of the Proposed Facility. New parking areas for the Golf Course would be provided within the Proposed Facility to support the existing uses on-site. With the Proposed Actions, new recreational uses would be provided in an area that did not previously act as recreational areas, and the Proposed Actions would provide enhanced supportive services to the Golf Course in the With-Action Condition.

As a part of the Proposed Actions, Ring Road – an unmapped NYC Parks roadway – would be converted to a City Street and improved to support the Proposed Facility . In 2015, DCP concluded in the *Hutchinson River Parkway Transportation Corridor Study* that Ring Road does "not have the necessary facilities to support the current level of traffic and does not provide adequate access and crossing points for pedestrians." The proposed improvements to Ring Road would be compatible with the roadway's existing use as a vehicular throughway that provides access to Ferry Point Park and the Golf Course, but the improvements would be designed in coordination with NYC Parks and NYCDOT to reflect its location within a park. The proposed improvements to Ring Road would also support the surrounding areas with improved traffic conditions and safety improvements for pedestrians, cyclists, and vehicles. Ring Road would be widened to accommodate additional visitors for the new commercial and gaming uses, and would include a sidewalk, bike lane, parking spaces where practicable, and two moving lanes. A pedestrian connection between the east and west portions of Ferry Point Park, which are bisected by

the Hutchinson River Expressway, would be developed with the Proposed Actions. Pedestrian safety features would also be incorporated.

The uses that would be displaced from the Development Site include parking, the existing clubhouse, a portion of the practice area, and landscaping – uses that support the Golf Course. However, these displaced uses would be replaced with comparable or improved facilities that would also support the Proposed Facility.

The Development Site is accessible from regional destinations because of its connection to the Hutchinson River Expressway, and the Development Site is well-suited to attract tourists and residents. The With-Action Condition is expected to generate significant economic activity and tax revenue for both the City and State by generating an estimated 3,500 jobs.

In conjunction with the displacement of parkland, park improvements and replacement parkland would also be provided consistent with the requirements of the State alienation legislation. Bally's would contribute funds to the City of New York to be devoted to NYC Parks for such public improvements and deed the designated new parkland to NYC Parks.

With the Proposed Actions, current land uses outside of the Affected Area and within the Study Area are projected to continue. In the With-Action Condition, the Study Area would continue to contain residential, industrial, and open space uses, with vacant land and parking facilities interspersed. Uses on the Development Site would complement recreational uses in the Park and would not alter existing uses outside of the Affected Area. The Proposed Facility would be sited over 1,000 feet from residential uses within the Throggs Neck neighborhood to the east, and over 400 feet from the East River providing a separation between the Proposed Facility and these sensitive uses. Uses on the Development Site would also continue to be separated from the existing subareas to the north and west by the existing road network. The Proposed Actions would not create any non-conformance and would not alter existing development patterns. Accordingly, the Proposed Actions would not result in any significant adverse impacts to land use and no further analysis is warranted.

Zoning

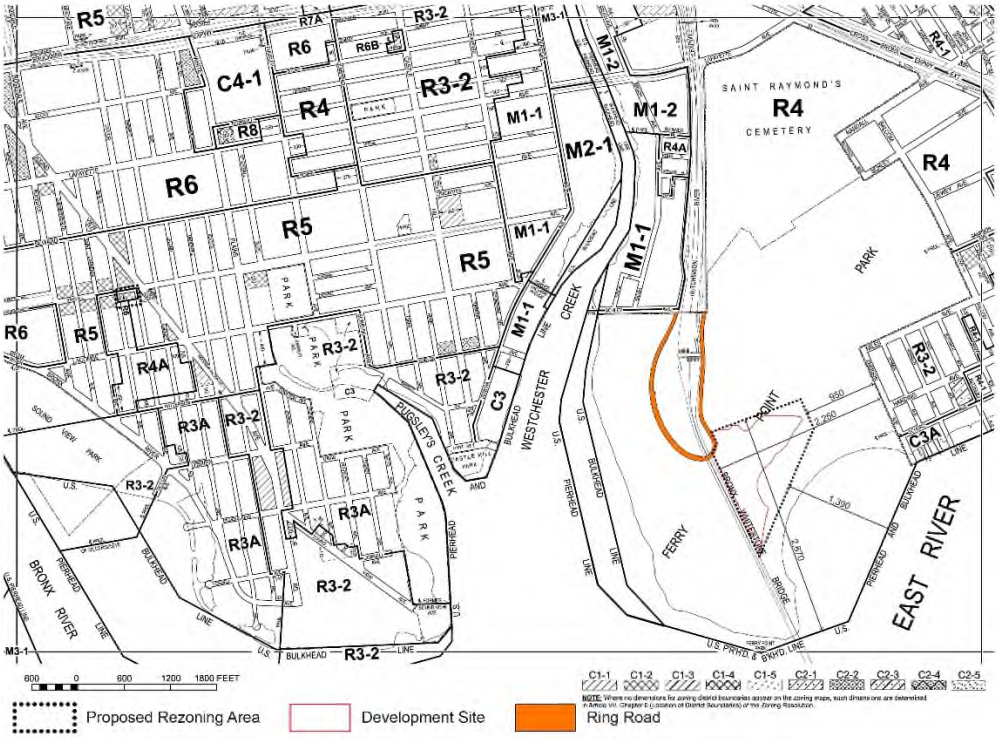
Development Site

In the With-Action Condition, the Proposed Actions would be adopted, and the Development Site would be mapped as a C8-4 commercial district. The proposed C8-4 zoning district is intended to support the goals of the project by allowing a range of commercial uses on the Development Site, including a gaming facility (if a license is granted by the NYS Gaming Commission), and support the Park and the Golf Course.

Bally's proposes to map a C8-4 district to accommodate the Proposed Facility. New residences are not allowed as-of-right in C8-4 districts. The proposed C8-4 zoning would be consistent with other C8 districts across NYC, which are often mapped along major traffic arteries and bridge between residential and manufacturing areas.

The Proposed Rezoning Area would be defined by a line 2,870 feet north of the U.S. Pierhead and Bulkhead Line south of Ferry Point Park to the north, a line 1,390 northwest of the U.S. Pierhead and Bulkhead Line to the south, a line 950 feet west of Emerson Avenue to the east, and a line 2,250 feet west of Emerson Avenue to the west (see Figure 2-3).

Figure 2-3: Proposed Rezoning Area



Zoning Map Amendment

A zoning map amendment is a change in designation or district boundary for any zoning district on the New York City Zoning Map. The current zoning does not allow gaming facilities because the Affected Area is within mapped parkland.

The Proposed Actions would remove the Development Site from parkland and map a new C8-4 commercial district as shown in Figure 2-3. C8-4 districts allow a wide range of commercial uses. Underlying regulations in C8-4 districts allow new buildings to rise to a height of 85 feet (or six stories, whichever is less) before an initial setback of 15 feet from a narrow street (a street mapped to a width less than 75 feet), or 20 feet from a wide street (a street mapped to a width of 75 feet or greater). Above this initial setback, building heights are governed by a sky exposure plane. Section 33-473 of the New York City Zoning Resolution (ZR), as adopted 06 June 2024 via the *City of Yes Economic Opportunity Zoning Text Amendment*, considers the Park a "wide street" for the purpose of applying the front height and setback regulations. Commercial uses are allowed up to an FAR of 5.0.

However, the recently adopted *Gaming Facility Zoning Text Amendment* deems that gaming facilities approved by the New York State Gaming Commission (at the time of their initial licensure) satisfy all applicable regulations of the NYC Zoning Regulations. Thus, with the gaming license from the New York Gaming Commission, the Proposed Facility would comply with zoning.

Study Area

In the With-Action Condition, there would be no change to the existing zoning within the Study Area other than on the Development Site. The Eastern Subarea would remain mapped as an R3-2 residential district and the Northern Subarea would remain mapped

as an M1-1 manufacturing district to the west of the Hutchinson River Expressway and as an R4 district to the east of the expressway. After the *Brush Avenue Rezoning* was completed in 1987 and the *Throggs Neck Area Rezoning* in 2004, no other zoning amendments have been approved within the Study Area and there are no pending zoning map amendments.

Independent of the Proposed Actions, NYCDOT is proposing a wetland mitigation project along the East River, to the south of the Development Site and in the Golf Course Subarea. This No-Build project would not result in a change to zoning in the Study Area. The wetland mitigation project is expected to be operational after the 2030 analysis year. Bally's is coordinating with NYCDOT to ensure that the Proposed Actions would not preclude or substantially hinder NYCDOT's wetland mitigation project.

Zoning Conclusion

The Proposed Actions would introduce a C8-4 commercial district to the Study Area. The zoning designation would be consistent with other C8 districts across NYC, which are often mapped along major traffic arteries. The C8-4 commercial district would only be mapped within the Proposed Rezoning Area and would not extend beyond this area into the surrounding Study Area. The Proposed Rezoning Area would be the only commercial district within the Study Area. However, the proposed district would not create any non-conformance of existing buildings and should not accelerate existing development patterns within the Study Area. The two most recent rezonings in the Study Area include the 1987 *Brush Avenue Rezoning* and the 2004 *Throggs Neck Area Rezoning*. No other approved zoning amendments were identified in the Study Area.

The C8-4 commercial district would allow the proposed uses and FAR of the Proposed Facility on the Development Site and would not allow residential uses. While the C8-4 commercial district would be mapped across the Proposed Rezoning Area and be the only commercial district in the Study Area, it would be separated from existing uses to the north and west by the existing road network, and the residential uses to the east by the Park and Golf Course. The C8-4 commercial district would allow for a height of up to 245 feet (elevation of 280 feet NAVD88) and an FAR of approximately 3.53. As further discussed in Chapter 8 of this EIS, "Urban Design and Visual Resources," the height of the Proposed Facility would be shorter than the suspension towers of the Whitestone Bridge and the height and bulk of the development would not overwhelm the skyline from the pedestrian view. Thus, the changes to zoning would not allow for development that is inconsistent with the zoning of the Study Area.

The recently adopted Gaming Facility Zoning Text Amendment deems that gaming facilities approved by the New York State Gaming Commission (at the time of their initial licensure) satisfy all applicable regulations of the NYC Zoning Regulations. Thus, with the gaming license from the New York Gaming Commission, the Proposed Facility would comply with zoning. Accordingly, the Proposed Actions would not result in significant adverse zoning impacts and no further analysis is warranted.

2.7 Public Policy

Per the *CEQR Technical Manual*, a proposed project within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. A preliminary assessment of public policy identifies and describes relevant public policies, including formal plans or published reports, which pertain to the Study Area. If the proposed action

could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary.

Public policies applicable to the Study Area include:

- *OneNYC 2050*: New York City's wide-ranging sustainability policy to address the challenges of population growth, aging infrastructure, increasing inequalities, and climate change. *OneNYC 2050* focuses on prioritizing equity, tackling issues of sustainability from the regional perspective, and leading by example through bringing City actions into compliance with OneNYC visions and goals.
- *Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery*: Mayor Eric Adams' administration developed a plan to accelerate the recovery of New York City's economy after the 2019 COVID-19 pandemic. The plan is intended to guide the City's economic recovery through equity and inclusivity.
- *Green Wave: A Plan for Cycling in New York City*: The City's cycling plan presents a long-term citywide vision for improving cycling safety and rider experience in New York City, while focusing on sustainability and strengthening State and Local laws to make streets safer.
- *NYC Streets Plan (Update 2024)*: The Streets Plan presents a vision for planning and designing New York City's streets, establishing ten goals to be achieved through recommendations across 11 program areas.
- *Mayoral Greenways Expansion Plan*: The mayor's greenway expansion seeks to fill gaps in the outer-borough greenway network by creating 60 miles of greenway corridors. The greenway network will include 40 miles of new, protected bike infrastructure and improve existing infrastructure along corridors to expand safer and greener transportation options throughout the City.
- *Vision Zero Action Plan*: *Vision Zero* is the City's foundation for ending traffic deaths and injuries on New York City streets. *Vision Zero* is a collaborative effort to eliminate traffic fatalities through support from the government, advocacy groups, and the private sector.

Additionally, a series of local planning initiatives relevant to the Study Area are included in this analysis such as the as the *Hutchinson River Parkway Transportation Corridor Study*, which evaluated transportation needs along and surrounding the Hutchinson River Parkway and Expressway corridor; *Penn Station Access* – the plan to develop four new Metro-North stations in the East Bronx; and the *Bronx Metro-North Rezoning,* which included an environmental analysis of the potential impacts of these new Metro-North stations. Because the Development Site is within the Coastal Zone Boundary, a Waterfront Revitalization Plan (WRP) consistency assessment was prepared; the WRP consistency assessment is provided in Appendix A.

OneNYC 2050

OneNYC 2050, originally released as PlaNYC in 2007, is a policy document designed to address New York City's long-term challenges, including accommodating a projected population of more than nine million residents by 2050, decreasing reliance on fossil fuels, encouraging new modes of transportation, increasing neighborhood safety, better access to education, and managing aging infrastructure. *OneNYC 2050* builds upon PlaNYC and focuses on eight goals comprised of 30 initiatives. The eight goals consist of a vibrant

democracy, an inclusive economy, thriving neighborhoods, healthy lives, equity and excellence in education, a livable climate, efficient mobility, and modern infrastructure.

Inclusive Economy (Volume 3)

Initiative 5 of 30: Grow the economy with good-paying jobs and prepare New Yorkers to fill them.

OneNYC 2050 states that it is important to create good-paying jobs that guarantee fair wages and dignified working conditions in New York City. Economic security and dignity are essential to overcome long-standing inequities and create a city where everyone can succeed. It is important that NYC continue to attract and grow good-paying jobs and guarantee fair wages and dignified working conditions.

The Proposed Actions would create 3,500 additional jobs in the Bronx and provide up to 990 temporary construction jobs for more than two years. The Development Site is well-suited to attract potential workers throughout the five boroughs, Westchester and Nassau counties because of its location near the Whitestone Bridge and Interstates 95, 278, and 295. The Development Site is also near residential areas of Throggs Neck, Bronx community districts 9 and 10, and Queens Community District 7.

Accordingly, the Proposed Actions would expand New Yorkers' opportunities to good-paying jobs. The Proposed Facility would provide these new jobs in dignified working conditions, within a modern gaming facility.

Initiative 6 of 30: Provide economic security for all through fair wages and expanded benefits.

With historic patterns of inequity in New York City, it is important to grow and diversify New York City's economy by creating opportunities for all and safeguard the American dream. A part of addressing inequities in the City is through addressing both the gender and racial wealth gaps.

As part of the New York Codes, Rules, and Regulations (NYCRR), gaming facilities must submit an annual plan to the Gaming Commission that illustrates how the facility intends to contract or subcontract minority or women-owned businesses. Additionally, gaming facilities must comply with workforce enhancement standards, including the annual submission to the Gaming Commission of a workforce diversity plan that ensures a diverse workplace and opportunity of employment for individuals from diverse backgrounds. In compliance with the regulations for gaming facilities, Bally's will submit annual plans related to increasing diversity in the workforce and contracting with minority and women-owned businesses.

Bally's is committed to providing all full-time employees with medical, dental, and vision insurance options. Additionally, Bally's provides a wellness fair, discount program, employee daycare discounts, and volunteer opportunities to employees.[9] Eligible employees can also receive paid time off, stock options, and a 401K match. Accordingly, the Proposed Actions would expand economic opportunities for all New Yorkers' opportunities through Bally's commitment to equity and diversity in the workplace, and the provision of expanded benefits to employees.

Initiative 8 of 30: Strengthen the City's fiscal health to meet current and future needs

[9] https://casinos.ballys.com/quad-cities/careers.htm

The Proposed Facility is expected to generate substantial tax revenue for the City and State. This new revenue could be allocated by the city and state to meet current or future needs.

Initiative 10 of 30: Ensure all New Yorkers have access to neighborhood open spaces and cultural resources

As described in Chapter 5 of this EIS, "Open Space," the Affected Area is well served by open space relative to City planning goals. The Proposed Actions would introduce replacement parkland within the Bronx that could be less well served by open space than the Open Space Study Area. Thus, the Proposed Actions would increase the number of New Yorkers who can easily access neighborhood open spaces.

As described in Chapter 7 of this EIS, "Historic and Cultural Resources," both the NYC Landmarks Preservation Commission and the New York State Historic Preservation Office determined that the Proposed Actions would not affect a historic or cultural resource.

Initiative 11 of 30: Advance shared responsibility for community safety and promote neighborhood policing

The Proposed Facility would advance shared responsibility for community safety and promote neighborhood policing. The Proposed Facility will have a security system of a modern gaming facility and will have a security team dedicated to the safety of its users. Additionally, a substation for the New York City Police Department (NYPD) has been incorporated into the design of the Proposed Facility.

Initiative 21 of 30: Strengthen communities, buildings, infrastructure, and the waterfront to be more resilient

The Proposed Actions would improve stormwater infrastructure on the Development Site and within Ring Road. These proposed improvements would reduce the potential for the Development Site and Ring Road to flood during stormwater events. Thus, the Proposed Actions would strengthen the resiliency of the Development Site, Ring Road, and the Park.

Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery

A *Blueprint for New York City's Economic Recovery* is a plan to accelerate the recovery of New York City's economy after the 2019 COVID-19 pandemic. The plan is intended to propel job creation back to pre-pandemic employment levels and create equitable economic opportunities for all. The core principles of the plan are to focus on people, build on existing strengths, tap into New York City's innovators and entrepreneurs, break down government silos, promote equity and economic opportunity, and encourage businesses and organizations in New York City to work together. The plan includes a myriad of strategies to support economic growth and equitable opportunity for all.

The COVID-19 pandemic unveiled the inequities across New York City's neighborhoods, including unsafe and overcrowded housing, disparities in access to open space, and disproportionate commute times for many of the city's most vulnerable populations. The plan includes an initiative to "Drive Inclusive Sector Growth and Build a Future-Focused Economy," which includes maintaining New York City's competitiveness as a global economic powerhouse and diversifying the economy through investing in promising growth industries.

The Proposed Actions would allow the development of the Proposed Facility, the first gaming facility developed in New York City in several decades. The gaming facility would

complement the current golf course use located within the Park and would generate additional visitors to the Park. The Proposed Facility includes a new hotel, which would provide 500 rooms, a meeting space for conferences and events, and a spa. Additionally, the Proposed Actions are estimated to generate approximately 3,500 new permanent jobs. Construction jobs would be created for the estimated 30-month duration.

During the operation phase, the Proposed Development is also expected to generate tax revenue for both the City and State including gaming taxes, corporate and employee income taxes, sales, hotel, and property taxes, and bridge/tunnel tolls. The project-generated job creation and tax revenue would provide substantial economic opportunities to New Yorkers after the COVID-19 pandemic.

In compliance with the NYCRR statutes for gaming facilities, Bally's will submit annual plans related to increasing diversity in the workforce and contracting with minority and women-owned businesses. Accordingly, the Proposed Actions would expand economic opportunities for all New Yorkers through its commitment to equity and diversity in the workplace.

Waterfront Revitalization Program (WRP)

New York City's Coastal Zone management tool is the WRP, which was adopted in 1982. Proposed projects that are within the designated boundaries of New York City's Coastal Zone must be evaluated pursuant to the WRP. The WRP charged the CPC to act as the City Coastal Commission and DCP to administer the WRP; it also required that local discretionary actions that occur in the Coastal Zone be subject to review. CPC must determine whether the Proposed Development is consistent with WRP policies (see Appendix A – WRP #24-001). As discussed in the WRP assessment, the Proposed Development is consistent with the City's WRP policies.

Green Wave: A Plan for Cycling in New York City

Green Wave: A Plan for Cycling in New York City is the City's plan to improve cycling safety and infrastructure. NYCDOT, and several other City partners – including NYPD – have committed resources to improving infrastructure, enforcing and upholding State and local laws that protect cyclists, and offering public education on cycling. This plan includes a vision to build 30 miles of protected bicycle lanes annually, build 75 miles of bicycle infrastructure in bicycle priority districts, and launch the next *Vision Zero* public awareness campaign to educate drivers with a focus on cyclist safety.

A main goal of this plan is to improve cyclist safety through the inclusion of safety bollards and other elements to protect cyclists from drivers. The Proposed Actions will enable improvements near the Development Site, which will include new pedestrian and cycling infrastructure beneath the Whitestone Bridge. These improvements would provide guests and Park users with improved access to the East River waterfront and walking paths south of the Development Site and new pedestrian and cycling connections between the Development Site and the western portions of the Park. Accordingly, the Proposed Development would support the City's initiative to expand safe biking infrastructure throughout New York City.

NYC Streets Plan: Update 2024

The *2021 New York City Streets Plan* created a vision for planning and designing New York City streets, including ten goals to be achieved through recommendations across ten

program areas. The 2024 update is the second update to the plan, which includes the work performed by NYCDOT in 2023 and the ongoing efforts to achieve the *NYC Streets Plan* goals. This five-year plan was developed in response to Local Law 195 of 2019, which directed NYCDOT to issue a transportation masterplan every five years. The masterplan includes the following goals:

1. Safety: Enhance street safety for all street users.
2. Equity: Incorporate equity into NYCDOT's programs and projects.
3. Mode Shift and Transportation Options: Increase sustainable travel modes by reconfiguring streets and making more attractive choices available for New Yorkers to support the continued growth of NYC while reducing congestion and emissions.
4. Access to Jobs: Expand access to job opportunities and encourage job creation through faster and more reliable transportation options.
5. Accessibility: Allow all New Yorkers, regardless of ability, to get around the City in multiple ways without encountering barriers to travel.
6. Public Space: Allow all New Yorkers, to have access to safe, welcoming and attractive public spaces close to where they live.
7. Sustainable Infrastructure: Rebuild old and new infrastructure in a way that is sustainable, future-proof, and resilient to the impacts of climate change.
8. Curb Management: Ensure that curb access is allocated in a rational manner to a diversity of users and uses.
9. Freight: Encourage more efficient and sustainable goods movement and decrease the negative effects of truck traffic.
10. Public Participation: Allow for greater public awareness of and impactful participation in transportation planning by expanding proactive outreach.

The Proposed Actions would include improvements to Ring Road, and other supplemental roadway improvements to enhance the circulation near the Development Site. The widening of Ring Road would support Goal 3 of the *NYC Streets Plan* by reducing congestion along the roadway. Additionally, two new traffic controls are proposed to enhance pedestrian safety between the Park's parking lot and its recreational areas, which would expand travel modes for New Yorkers (Goal 3) and enhance safety for pedestrians and cyclists (Goal 1).

Additionally, Bally's intends to design and construct improvements to the Park and adjacent roadways in coordination with the City of New York (Goal 6). All roadway improvements will be designed and constructed in coordination with NYC Parks and NYCDOT. The detailed design would include measures to design infrastructure in a sustainable way that is resilient against the impacts of climate change (Goal 7). Accordingly, the Proposed Development would support the City's initiative to expand transportation options for New Yorkers, increase safety for all street users, reduce congestion, and design infrastructure sustainably.

Mayoral Greenways Expansion Plan

In August of 2022, Mayor Eric Adams' administration secured a 7.25 million dollar Racialized and Indigenous Supports for Entrepreneurs (RAISE) grant. As a part of the RAISE grant, the administration intends to develop five additional greenway plans across New

York City. The New York City Greenway Expansion Plan would include approximately 60 miles of new and existing greenways that would build upon the Harlem River Greenway in the Bronx. The greenways are intended to increase New Yorkers' access to outdoor spaces and activities. As shown in Figure 2-4, one of the five greenway corridors proposed includes the south Bronx, which will provide a connection between waterfront parks from the Soundview and Throggs Neck neighborhoods.

Figure 2-4: NYC Greenway Expansion Plan



Source: NYC Office of the Mayor

The Park has existing waterfront amenities and access. The Proposed Actions would improve new pedestrian and cycling connections to the waterfront near the Development Site. New pedestrian and cyclist connections would be provided along Ring Road and beneath the Whitestone Bridge, thereby providing a new connection to existing bicycle and pedestrian infrastructure on either side of Whitestone Bridge.

Vision Zero Action Plan (2014)

The *Vision Zero Action Plan* was developed under the administration of Mayor Bill de Blasio in 2014. It is the guiding plan and foundation for ending traffic deaths and injuries on New York City streets. *Vision Zero* is a collaborative effort to eliminate traffic fatalities through support from the City, NYPD, and the private sector to make NYC streets safer.

The City actions proposed within *Vision Zero* include the establishment of a task force dedicated to traffic fatalities, regularly publish crash and safety data, and create a legislative campaign for speed and red-light cameras and a citywide speed limit of 25 miles per hour (mph). NYCDOT was tasked to implement safety engineering improvements at various intersections and corridors throughout the City. NYPD was tasked to conduct intensive street-level outreach and enforcement on safety problems and traffic laws, meet regularly with NYCDOT to review traffic safety performance and improvements, and develop borough-wide safety plans. The private sector was tasked with updating taxi schools to account for new streetscape features and alert drives to higher-crash street types.

The Proposed Development would improve Ring Road and the surrounding roadways in coordination with NYCDOT. Improvements would improve safety for pedestrian, cyclists, and drivers, furthering the goal of the *Vision Zero Action Plan*. New traffic controls are proposed to enhance pedestrian safety between the Park's parking lot and its recreational areas. Pedestrian improvements such as paved sidewalks would also enhance connectivity along Ring Road beneath the Whitestone Bridge, allowing improved connections between the Development Site and the western portions of the Park. Accordingly, the improvements to Ring Road and surrounding roadways would be developed in coordination with NYCDOT and would support the goal of the *Vision Zero Action Plan* through enhanced safety standards for pedestrians, cyclists, and drivers.

Relevant Local Planning Initiatives

Hutchinson River Parkway Transportation Corridor Study

In the spring of 2013, DCP began the *Hutchinson River Parkway Transportation Corridor Study* to evaluate transportation needs along and surrounding the Hutchinson River Parkway and Expressway corridor, generally between Pelham Parkway and the Park. The goal of the study was to develop long-term recommendations to relieve congestion and improve circulation and access to and from the Hutchinson River Parkway.

The *Hutchinson River Parkway Transportation Corridor Study* was completed in May 2015. It found that Ring Road did not have the necessary facilities to support the then-current level of traffic and did not provide adequate access and crossing points for pedestrians. The study concluded that traffic would likely continue to increase as the area around the Park continues to develop. DCP recommended that Ring Road be improved and transferred to NYCDOT. The *Hutchinson River Parkway Transportation Corridor Study* also recommended safety improvements for pedestrians, cyclists, and vehicles.

The Proposed Actions would remove Ring Road from the Park on behalf on the City, enable a transfer of Ring Road from NYC Parks to NYCDOT. The Proposed Actions would also increase the operational capacity for pedestrians, cyclists, and vehicles along Ring Road. Thus, the Proposed Actions would further the goals of the *Hutchinson River Parkway Transportation Corridor Study*.

Penn Station Access

In September 2021, the Federal Transit Administration issued a Finding of No Significant Impact for the Penn Station Access project, which includes four new ADA-accessible Metro-North stations in the East Bronx. These new stations would provide additional public transit options between the East Bronx and Penn Station, Westchester County, and Connecticut via the Metro-North. The Parkchester/Van Nest station is planned to be constructed near the intersection of East Tremont Avenue and Unionport Road, about 2.5 miles northwest of the Development Site.

The Proposed Actions would facilitate a new gaming facility on the Development Site. Users of the Proposed Facility would be able to use the four planned stations in the Bronx. Thus, the Proposed Actions would not conflict with Penn Station Access.

Bronx Metro-North Station Area Study

The notice of completion for the *Bronx Metro-North Station Area Study Final Environmental Impact Statement (FEIS)* (CEQR No. 23DCP065X) was issued on June 14, 2024. The FEIS includes zoning text and map amendments and changes to the City Map in an approximately 46-block area primarily along major corridors – East Tremont Avenue, White Plains Road, Bronxdale Avenue, Eastchester Road, and Stillwell Avenue — near the proposed Parkchester/Van Nest and Morris Park Metro-North stations in Bronx Community Districts 9, 10 and 11. On 15 August 2024, the City Council approved the Bronx Metro-North Station Area Plan.

Public Policy Conclusion

The Proposed Actions would support the goals of: *OneNYC 2050; Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery;* the NYC Waterfront Revitalization Program (WRP); *Green Wave: A Plan for Cycling in New York City*; *NYC Streets Plan: Update 2024*; *Mayoral Greenways Expansion Plan; Vision Zero*; *Hutchinson River Parkway Transportation Corridor Study; Penn Station Access*; and *Bronx Metro-North Rezoning*.

The Proposed Actions would facilitate the development of the Proposed Facility, which would be one of the first new gaming facilities constructed in New York City in decades. The Proposed Facility is expected to generate significant revenue for both the City and State that could be directed to advancing public policy goals. The Proposed Facility would generate an estimated 3,500 jobs, consistent with an "inclusive economy" and other goals of *OneNYC 2050*. In compliance with the New York City Rules and Regulations (NYCRR) statutes for gaming facilities, Bally's will submit annual plans related to increasing diversity in the workforce and contracting with minority and women-owned businesses. Additionally, the Proposed Actions would generate additional jobs during the temporary construction period. Overall, the Proposed Actions would be consistent with policies that encourage new commercial development and provide new economic opportunities to New Yorkers.

The Proposed Actions would facilitate improvements to public infrastructure, thereby advancing the "modern infrastructure" goal of *OneNYC 2050*. Improvements to Ring Road would be designed in coordination with NYC Parks, NYCDOT, and NYCDEP. As the NYC Department of City Planning noted 2015 in the *Hutchinson River Parkway Transportation Corridor Study*, Ring Road does "not have the necessary facilities to support the current level of traffic and does not provide adequate access and crossing points for pedestrians." The study recommended that Ring Road be improved and transferred to NYCDOT, which would be facilitated by the Proposed Actions. New traffic controls would enhance circulation, safety, and access to the Development Site for pedestrians, cyclists, and vehicles, furthering the safety goals of *Vision Zero*. The improvements to Ring Road would introduce new pedestrian and cycling infrastructure that would connect to existing pedestrian and cycling routes. New infrastructure such as catch basins would also be introduced in Ring Road to manage stormwater and would reduce the potential for the Development Site and Ring Road to flood during stormwater events. Stormwater best management practices such as bioswales, infiltration basins, or precast porous concrete panels would be explored in coordination with NYCDEP. Thus, the Proposed Actions would strengthen the resiliency of Ring Road, the Development Site, and the Park and support policies related to the WRP.

The Proposed Actions would also support localized planning policies such as the as the *Hutchinson River Parkway Transportation Corridor Study*, *Penn Station Access*, and *Bronx Metro-North Rezoning* through improvements to Ring Road, improved access to the Development Site, and the implementation of city-sponsored recommendations identified in the *Hutchinson River Parkway Transportation Corridor Study*. Accordingly, the Proposed Actions would not result in a significant adverse public policy impact and would not have the potential to conflict with citywide public policies, and no further analysis is warranted.