

FAQ: Gaming Facility Text Amendment

Why are you proposing this text amendment?

In 2013, New York State voters approved a constitutional referendum to grant up to seven commercial casino licenses statewide, with the goal of encouraging tourism, creating jobs, increasing revenue for schools, and lowering property taxes. Four of those licenses have been granted upstate; in April 2022, state legislators voted to grant up to three new gaming licenses, including New York City and Nassau, Suffolk, Westchester, Putnam, and Rockland Counties.

The State established a rigorous and open application review process, including public hearings and approval by a local Community Advisory Committee (CAC) for each casino application followed by the selection of up to three applications by the Gaming Facility Location Board and licensing by the Gaming Commission.

Applications must be complete – including any required land use approvals, among other approvals – before the Gaming Facility Location Board will begin its selection process. Because gaming facilities are not currently permitted in New York City zoning, applicants within New York City are at a disadvantage compared to other downstate applicants.

We are seeking to create a level playing field for New York City applicants and to avoid duplicating the rigorous CAC public review process.

Why would there not be a ULURP for casinos?

The environmental review and ULURP process for nine or more projects would take a significant amount of time and resources that would not likely meet the State's timeframe, and the opportunity for public participation will take place through the State's process, which has a similar open, publicly accessible process for reviewing applications.

Under our proposed text amendment, the various casino proposals would be allowed under the Zoning Resolution if and only if they are approved through the CAC public review process and licensed by the State.

What is the process for approving this text amendment?

It has been referred for review by the borough presidents and community boards for 60 days, which is the standard review period. Following their review and recommendations, the City

Planning Commission will hold a public hearing and a vote; if passed, it will be reviewed and voted on by the City Council.

What is a Gaming Facility?

The term Gaming Facility is a State-defined term which means: the premises approved under a State gaming license which includes a gaming area and any other non-gaming structure related to the gaming use and may include hotels, restaurants or other amenities.

A Gaming Facility is a broader term that could encompass more than a casino and include an entire facility with other related but non-gaming uses.

What is the State's Gaming Facility licensing process?

Once completed applications for a gaming license are submitted to the State, a Community Advisory Committee (CAC) will be created with six representatives from the applicant's sites' elected officials. The CAC will then hold a robust review process, including open meetings and public input, at least one public hearing, and vote on the application.

A two-thirds vote of the CAC is required for an application to proceed.

Following CAC votes on all applications, the Gaming Facility Location Board will select up to three applications from among those that received a two-thirds vote. The gaming facilities selected by the Gaming Facility Location Board will then need to apply to the State Gaming Commission for a license.

Where in NYC would the casino text amendment enable casinos to operate?

We are proposing to allow Gaming Facilities as a permitted use in Commercial Districts C4 through C8 and in Manufacturing Districts M1 M2 and M3 – but not in any residential districts. But first, the facility would need to secure one of the three state-granted gaming licenses for the downstate area that were approved in 2022.

The text amendment is explicitly tied to the three licenses that were authorized by the State and by New Yorkers in an earlier statewide referendum. Any Gaming Facility proposed and approved by the State in the future would not be permitted in New York City under the proposed zoning text amendment.

Could this text amendment apply to casinos or Gaming Facilities beyond the three licenses that are available in the Downstate region and are already authorized by the State?

No.

Who are the members of the Community Advisory Committee (CAC)?

Each proposed Gaming Facility application will have public meetings and at least one public hearing that are led by a six-member CAC. In New York City, a CAC will consist of the following six members or their representatives:

1. Governor
2. Mayor
3. State Assemblymember
4. State Senator
5. Borough President
6. City Councilmember

Can the CAC turn down a proposal?

Yes. All gaming facility applicants will submit detailed applications to be reviewed by their respective CAC which will then hold public meetings and at least two public hearings. If a CAC approves the application by a two-thirds (4 out of 6) vote, indicating public support for the application, the application may proceed to the next step of the process – review by the Gaming Facility Location Board.

Any application approved by the CAC will need to establish that it complies with all local zoning requirements.

An application that does not receive approval from two-thirds of the CAC will not advance to the Gaming Location Board and will not be considered for a gaming license.

Who does the environmental review of a casino proposal?

Any Gaming Facility application that reaches the Gaming Facility Location Board is subject to the environmental review requirements of the State Environmental Quality Review Act (SEQRA).

Any potential significant adverse impacts related to these future discretionary actions would be disclosed through the environmental review.

Who does the environmental review of the proposed text amendment?

The Gaming Facility text amendment was reviewed by the City Planning Commission in a conceptual analysis as part of City of Yes for Economic Opportunity's Environmental Assessment Statement (EAS).

Who is the Gaming Facility Location Board?

The Gaming Facility Location Board is the entity established under statute by the State Gaming Commission to oversee the application and review process for the three additional gaming licenses and to select up to three applicants.

The Gaming Facility Location Board cannot evaluate an application unless it has been approved by a CAC with two-thirds vote.

How many proposals are there for a gaming facility?

These are currently nine publicly known, active proposals within New York City: five are in Manhattan in Midtown Community Districts 4, 5, 6; there is one in the Bronx Community

District 10 at Ferry Point Park and Golf Course; there are two in Queens at Willets Point in Community District 7 and at Aqueduct in Community District 10; and finally, there is one in Brooklyn Community District 13 in Coney Island.

What happens if any of the four applicants going through ULURP are approved by the CPC and City Council and are not awarded one of three gaming licenses by the State?

If an applicant is not awarded a gaming facility license by the State after their ULURP applications are approved by the City, the mapping actions related to the gaming use will not be filed, any parkland requested for the gaming use will not be alienated and any new zoning designation would not become effective, and the development sites would remain in their current, existing condition whether they are mapped parkland or streets.