

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON
ISSUING A NOTICE OF COMPLETION AND SCHEDULING A PUBLIC HEARING
ON THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
AND ZONING PETITION FOR THE PROPOSED
DOWNTOWN TRANSIT ORIENTED ARTS DISTRICT (DTOAD)**

WHEREAS, the City of Mount Vernon (“City”) and 20 S. 2nd Square CMV, LLC (“Petitioner”) entered into a Land Disposition Agreement, dated July 2, 2021, as amended (“Agreement”), in connection with the development of approximately 340,000 square feet of mixed residential development and other amenities, approximately 320 mixed market rate and affordable housing, and up to 18,000 square feet of non-residential community space (“Development Project”); and

WHEREAS, to facilitate the Development Project, Petitioner submitted a Rezoning Petition for Zoning Map and Text Amendment, dated December 3, 2021, seeking to rezone approximately forty-one (41) tax parcels of property between East 1st and East 2nd Streets and between South 1st and South 3rd Avenue (“Property”), including certain City-owned parcels, as a new transit oriented district to be called the Downtown Transit Oriented Arts District (“DTOAD”) (“Zoning Petition,” together with the Development Project, the “Proposed Action”); and

WHEREAS, the Property is currently located in the Downtown Business (DB) and Multifamily Residence (RMF-10) zoning districts; and

WHEREAS, the Proposed Action is a Type I Action, and Petitioner, pursuant to the Agreement, agreed to conduct a full environmental review in connection with and pursuant to SEQRA and its implementing regulations; and

WHEREAS, the City Council is embarking on a study to create a Comprehensive Plan for the Mount Vernon East Downtown Area; and

WHEREAS, pursuant to the Comprehensive Plan process, on January 24, 2024, the City Council adopted a Downtown Vision Report; and

WHEREAS, the Proposed Action shall be consistent with the Downtown Vision Report, which recommends medium (up to 12 stories) to high density (up to 15 stories) for the area of the City in which the Property is located; and

WHEREAS, the City Council adopted a Resolution on January 26, 2022, declaring its intent to act as Lead Agency under SEQRA for the Proposed Action; and

WHEREAS, the City Council adopted a Resolution on June 28, 2023, issuing a Notice of Completion and scheduling a public hearing on the Draft Generic Environmental Impact Statement (“DGEIS”) for the Proposed Action in accordance with SEQRA (6 N.Y.C.R.R. Section 617.9(a)(2)); and

WHEREAS, the DGEIS examined the potential significant adverse environmental impacts

of the Proposed Action; and

WHEREAS, the City Council held public hearings on the DGEIS on August 9, 2023, and December 13, 2023, and accepted written comments on the DGEIS through December 27, 2023; and

WHEREAS, Petitioner has reduced the scale and footprint of the Proposed Action in response to public comments on the DGEIS, which modifications are described and studied in a Final Generic Environmental Impact Statement (“FGEIS”) that was submitted to the City Council on August 13, 2024; and

WHEREAS, as modified, the Proposed Action currently consists of approximately 307,932 s.f. of mixed residential development and other amenities, including 292 mixed-income residential apartments, approximately 11,630 s.f. of community facility space, and 109 parking spaces; and

WHEREAS, the FGEIS examines the potential significant adverse environmental impacts of the Proposed Action, including the proposed DTOAD zoning code and zoning map amendments, as well as the proposed site-specific Development Project; and

WHEREAS, even though SEQRA does not require a public hearing or public comment period on the FGEIS, the City Council has determined to hold a public hearing and accept public comments given the interest regarding the Proposed Action and the Project modifications following the DGEIS, as well as that a public hearing is otherwise required for the Zoning Petition; and

WHEREAS, the City Council, its independent consultants, and special counsel reviewed the FGEIS to determine whether to accept it as complete for the purpose of distributing it to the public; and

WHEREAS, the City Council, its planning consultants, and special counsel identified deficiencies in the FGEIS; and

WHEREAS, on October 11, 2024, the City Council provided Petitioner with written comments on the FGEIS, and directed Petitioner to address the Council’s comments in a revised FGEIS; and

WHEREAS, the City Council’s comments related to, among other things, parking, the elimination of the artist live/work units, and visual analysis of the other potential development sites within DTOAD; and

WHEREAS, on October 31, 2024, Petitioner resubmitted a revised FGEIS, which addressed the aforementioned comments; and

WHEREAS, the City Council, its planning consultants, and special counsel reviewed the resubmitted FGEIS for completeness; and

WHEREAS, Petitioner made a presentation to City Council on December 9, 2024 regarding the FGEIS; and

WHEREAS, the City Council raised additional comments on the FGEIS during the presentation, including with respect to parking, public access to community facility space, and arts programming; and

WHEREAS, on December 10, 2024, the City Council directed Petitioner to respond to the additional comments raised during the presentation in a further revised FGEIS; and

WHEREAS, on December 13, 2024, Petitioner resubmitted the FGEIS, which was revised to address the aforementioned comments; and

WHEREAS, the City Council, its planning consultants, and special counsel reviewed the resubmitted FGEIS for completeness.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Mount Vernon, as Lead Agency under SEQRA, hereby determines that the information submitted in the FGEIS, dated December 13, 2024, is complete for the purpose of holding a joint public hearing on the FGEIS and Zoning Petition; and

BE IT FURTHER RESOLVED, that the City Council directs that the FGEIS, and the attached Notice of Completion and Notice of Public Hearing for the FGEIS relative to the Proposed Action, shall be filed, published and circulated in accordance with the requirements of 6 N.Y.C.R.R. Section 617.12, notifying the public, among other things, that (i) the City Council shall hold a Public Hearing on the FGEIS on February 12, 2025, at 7:00 p.m. in City Hall, 1 Roosevelt Square N, Mount Vernon, New York, 10550, and at such other times and dates thereafter to which the hearing may be adjourned, where public comment will be heard regarding the FGEIS, and (ii) written comments on the FGEIS are requested, and will be accepted by the City Council at least up to ten (10) days following the close of the Public Hearing; and

BE IT FURTHER RESOLVED, that the City Clerk, with the assistance of the City Council's consultants and special counsel, shall arrange to publish the Notice of Completion and Notice of Public Hearing at least fourteen (14) calendar days in advance of the hearing date in a newspaper of general circulation, as well as published as required in the Environmental Notice Bulletin; and

BE IT FURTHER RESOLVED, that the City Clerk, with the assistance of the City Council's consultants and special counsel, shall arrange to have copies of the FGEIS filed with the New York State Department of Environmental Conservation, the Mount Vernon Public Library, and the Office of the Clerk of the City of Mount Vernon for public review; and

BE IT FURTHER RESOLVED, that the City Clerk, with the assistance of the City Council's consultants and special counsel, shall arrange to have the FGEIS and a copy of the Notice of Completion and Notice of Public Hearing circulated to all involved and interested agencies; and

BE IT FURTHER RESOLVED, that the City Clerk, with the assistance of the City Council's consultants and special counsel, shall arrange to have the FGEIS posted on the City's website at <https://cmvny.com/>; and

BE IT FURTHER RESOLVED, that City of Mount Vernon staff, consultants and/or special counsel shall take all steps necessary to implement this Resolution and to take such other and further action as may be necessary to enable the City Council to meet its obligations as Lead Agency or as otherwise might be appropriate in its role as Lead Agency; and

BE IT FURTHER RESOLVED, that the City Clerk, with the assistance of the City Council's consultants and special counsel, shall also arrange to fulfill the public notice requirements set forth in Article XI of the City of Mt. Vernon Zoning Code regarding the Public Hearing for the Zoning Petition, which Hearing shall be held jointly with the SEQRA Hearing on February 12, 2025, at 7:00 p.m. in City Hall, 1 Roosevelt Square N, Mount Vernon, New York, 10550.

BE IT FURTHER RESOLVED, that while the City Council is amenable to the SEQRA process continuing for the Proposed Action simultaneously with the City's Comprehensive Plan process, especially in light of the adoption of the Downtown Vision Report, the City Council reserves its discretion not to issue a final SEQRA determination or other approvals for the Development Project and the Zoning Petition until such time as the Comprehensive Plan process is completed or otherwise to the satisfaction of the Council; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

APPROVED AS TO FORM

Assistant Corporation Counsel

Council Person

THIS RESOLUTION
ADOPTED BY CITY COUNCIL

President

Attest:

City Clerk

APPROVED

APPROVED

Dept. _____

Date

By

Mayor