

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON
ISSUING A NOTICE OF COMPLETION AND SCHEDULING A PUBLIC HEARING
ON THE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT 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 (“Agreement”), in connection with the development of approximately 340,000 square feet of mixed residential development and other amenities, including, 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 near 1 Roosevelt Square North (“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, which Comprehensive Plan process shall run parallel with the SEQRA review for the Proposed Action; and

WHEREAS, ultimately Petitioner’s Proposed Action will have to be consistent with the Comprehensive Plan that is adopted by the City Council; however the City Council is allowing the SEQRA review for the Proposed Action to continue in accordance with the Agreement; 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 conducted a Public Scoping Session on a Draft Scope on May 11, 2022, and accepted written comments until May 25, 2022; and

WHEREAS, the City Council adopted a Final Scope for the preparation of a Draft Generic Environmental Impact Statement (“DGEIS”) for the DTOAD in accordance with SEQRA (6 N.Y.C.R.R. Section 617.8) on June 22, 2022; and

WHEREAS, Petitioner submitted a DGEIS to the City Council on December 1, 2022; and

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

WHEREAS, the City Council, its planning consultants, and special counsel reviewed the DGEIS to determine whether to accept it as “adequate with respect to its scope and content for the purpose of commencing public review” pursuant to 6 N.Y.C.R.R. Section 617.9(a)(2); and

WHEREAS, the City Council identified deficiencies in the DEIS, and on January 13, 2023, the City Council and its planning consultants issued comments to Petitioner, and directed Petitioner to prepare a revised DGEIS that addresses the comments; and

WHEREAS, on February 28, 2023, Petitioner resubmitted the DGEIS, which was revised to address the aforementioned comments; and

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

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 DGEIS is complete and adequate with respect to its scope and content for the purpose of commencing public review pursuant to 6 N.Y.C.R.R Section 617.9(a)(2); and

BE IT FURTHER RESOLVED, that the City Council directs that the DGEIS, and the attached Notice of Completion and Notice of Public Hearing for the DGEIS relative to the Proposed Action, shall be filed, published and circulated in accordance with the requirements of 6 N.Y.C.R.R. Sections 617.9 and 617.12, notifying the public, among other things, that (i) the City Council shall hold a Public Hearing on the DGEIS on August 9, 2023, 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 DGEIS, and (ii) written comments on the DGEIS 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 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 (ENB); and

BE IT FURTHER RESOLVED, that the City Clerk, with the assistance of the Council’s consultants and special counsel, shall arrange to have copies of the DGEIS 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 Council's consultants and special counsel, shall arrange to have the DGEIS 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 Council's consultants and special counsel, shall arrange to have the DGEIS 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 while the City Council is amenable to the SEQRA process continuing for the Proposed Action simultaneously with the City's Comprehensive Plan process, 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.

VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

RESOLUTION _____. SO ORDERED.

Approved for Filing:

Tanesia M. Walters, J.D., M.P.A.
City Clerk

June 28, 2023