

South Fourth Avenue-East Third Street Urban Renewal Plan Plan Adoption, Zoning Code and Map Amendments



Final Generic Environmental Impact Statement

Date of Acceptance: September 16, 2014

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Conceptual Rendering

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Urban Renewal Agency
Mount Vernon, NY

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FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
Mount Vernon South Fourth Avenue-East Third Street Urban Renewal Plan
Plan Adoption, Zoning Code and Map Amendments

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New York State Department of Environmental Conservation, Region 3
New York State Department of Transportation
Westchester County Department of Health
Westchester County Planning Board
Westchester County Planning Department
City of Mount Vernon Planning Board
City of Mount Vernon Zoning Board of Appeals
City of Mount Vernon Architectural Review Board
City of Mount Vernon Industrial Development Agency
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1 Introduction & Executive Summary

This Final Generic Environmental Impact Statement (FGEIS) is prepared in compliance with Article 8 of the New York State Environmental Conservation Law governing State Environmental Quality Review (SEQR), Part 617 of Title 6 of the Rules and Regulations of the New York State Department of Environmental Conservation (NYS DEC). The FGEIS addresses the comments received with respect to the adoption of the proposed *South Fourth Avenue-East Third Street Urban Renewal Plan* and Zoning Code and Map Amendments. The comments received fall within three broad categories: (1) comments on the Draft Generic Environmental Impact Statement (DGEIS), (2) comments on the proposed Urban Renewal Plan and (3) proposed revisions to the UR-PUD-S4 overlay zone as proposed in the Urban Renewal Plan.

Comments on the DGEIS include concerns about the blighted condition of certain properties, shadow impacts on the “Modern Flats” properties, hazardous waste “spills” within the Urban Renewal Area and the role of non-motorized mobility in the traffic trip generation analysis. Comments on the proposed Urban Renewal Plan include the process for “Qualified and Eligible Sponsor” designation, a proposed redevelopment on South Third Avenue by Sentinel Construction, merging the proposed Urban Renewal Plan with existing urban renewal efforts in the City, attracting higher income residents to support local business, measures to ensure the proposed Urban Renewal Plan benefits the whole City, open space requirements within the proposed Urban Renewal Area, provisions for street trees and the proposed Urban Design Guidelines that accompany the Plan.

The proposed revisions to the UR-PUD-S4 overlay zone include the substantive revisions to the proposed Urban Renewal Plan and to the implementing zoning text amendments. The proposed revisions include changes to the rehabilitation and reconstruction requirements and the elimination of the deviations and waivers provision for the townhouse preservation sub-district. The majority of the proposed revisions to the UR-PUD-S4 overlay zone are procedural in nature and clarify the approving authority for each step of the application and approval process for developments under the zone. Additional proposed changes to the requirements under the zone include the elimination of building setbacks, revisions to yard setbacks, revised density bonus requirements, changes to the off-street parking requirements and design standards, and elimination of the alternative methods of providing parking, green standards, design bulk exceptions and waivers.

1.1 Description of FGEIS Format

This FGEIS is comprised of the following sections:

- **Section 1** is the *Introduction*, which contains the description of the FGEIS format and a brief discussion of the DGEIS.
- **Section 2** contains the *Responses to DGEIS Comments*. The responses to the comments are organized by DGEIS Section Heading, Topic or Zoning Amendment section and identify the author/speaker by name and an assigned comment number. Comments that are similar in content have been grouped together to allow for coordinated responses. The comments appear in a small, bold type with the corresponding comment number(s) identified in the left margin of the page. The responses appear in standard type.
- **Appendices** consists of the transcript of the DGEIS Public Hearing, written comments/letters received by the Lead Agency, project documentation (Urban Renewal Agency resolutions, notices of public hearings, etc.), and the revised *South Fourth Avenue-East Third Street Urban Renewal Plan*. Each speaker identified in the transcript and written

comment letter has been assigned an “Item Number” (located in the upper left hand corner of the letter or in the left hand margin of the transcript).

1.2 Draft Generic Environmental Impact Statement

The Draft Generic Environmental Impact Statement for the proposed *South Fourth Avenue-East Third Street Urban Renewal Plan* and Zoning Code and Map Amendments, which was accepted as complete by the Lead Agency on May 30, 2014 and was the subject of a public hearing on June 26, 2014, is hereby incorporated into and made part of this FGEIS by reference.

The Proposed Action presented in the DGEIS would adopt the proposed *South Fourth Avenue-East Third Street Urban Renewal Plan* (the Plan) and Zoning Code and Map Amendments in furtherance of the Plan. The Plan has been designed to implement the City’s planning and economic development goals of providing quality housing for residents, increasing commercial amenities and offerings for residents and stakeholders, providing sufficient parking for redevelopment, increasing the number of employment opportunities for residents, and stabilizing the City’s tax base.

The site of the Proposed Action, the South Fourth-Avenue East Third Street Urban Renewal Area (Urban Renewal Area), includes 64 properties¹, approximately 10.85 acres, bounded by East Third Street to the north, East Fourth Street to the south, South Fifth Avenue to the west and South Third Avenue to the east located in the City of Mount Vernon, New York.

Implementation of the Plan will consist of the eventual development of fourteen (14) disposition parcels, with mixed-market rate and affordable housing, commercial and office facilities, and off-street parking on South Fourth Avenue. Implementation will consist of title clearance and property valuation, acquisition, clearance, relocation² and new construction and rehabilitation. Fifty-three (53) of the properties will be fully acquired, with five of the remaining eleven properties designated for rehabilitation. As part of this preservation effort, there may be residential rehabilitation of the “Modern Flats” on South Third Avenue.

As part of the Proposed Action the new *South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development Overlay Zone (UR-PUD-S4)* and *Townhouse Preservation Sub-District (UR-PUD-S4-TP)*³ are intended to be made part of the City’s Zoning Ordinance in order to effectuate the *South Fourth Avenue-East Third Street Urban Renewal Plan*. The purpose of the UR-PUD-S4 overlay zone is to preserve the special character of architecturally and culturally significant structures while fostering the development of high-rise mixed use buildings within the Urban Renewal Area. South Fourth Avenue has a consistent retail presence with a variety of shopping opportunities within the City’s downtown; accordingly, the enhancement, rehabilitation, growth and expansion of this shopping district is essential to the future growth and stability of the proposed Urban Renewal Area.

The DGEIS included discussions of potential impacts associated with the Proposed Action pertaining to land use, zoning and public policy, urban design and visual character, historic and

¹ The *Mount Vernon East Third Street-South Fourth Avenue Blight Determination Study* (October 24, 2012) cites 67 properties in the Urban Renewal Area. The most recent City tax map indicates that four of these properties, 210-224 South Fourth Ave., were consolidated under one owner and are identified as Map Key Parcel 365.

² Relocation of current residents and commercial entities will be subject to The Uniform Relocation Act of 1970 as amended under 49CFR Part 24

³ See *South Fourth Avenue-East Third Street Urban Renewal Plan*.

archaeological resources, natural resources, infrastructure, transportation, traffic and parking, air quality and noise, economic development, municipal services and construction. Further, the DGEIS considered alternatives, including No Action, As-of-Right and Focused Density scenarios. The No Action scenario assumed all properties retained their current zoning and no development took place. The As-of-Right scenario analyzed the maximum permitted build-out under the existing zoning. The Focused Density alternative assumed that maximum development was focused at the intersection of South Fourth Avenue and East Third Street before tapering off along South Fourth Avenue and West Third Street which served as a buffer for the more residential nature of the surrounding area.

All comments made during the DGEIS public hearing, and in correspondence received by the Lead Agency up to and including August 8, 2014, comments received after the close of the public comment period from the Mount Vernon City Council and Planning Board and a Memorandum from Ferrandino & Associates Inc., are included in the Appendices of this FGEIS.

2 Responses to DGEIS Comments

The responses to comments are organized by DGEIS Section Heading and identify the author/speaker by name and an assigned comment number. Comments that are similar in content have been grouped together to allow for coordinated responses. The comments appear in a small, bold type with the corresponding comment number(s) identified in the left margin of the page. The responses appear in standard type.

The complete transcript of the June 26, 2014 Public Hearing and all comment letters submitted to the Lead Agency are located in Appendices A and B.

2.1 Comments on the Draft Generic Environmental Impact Statement

Chapter 4 Existing Environmental Conditions, Anticipated Impacts and Mitigation

4.1 Land Use, Zoning, and Public Policy

Comment 0709.01a **“Sentinel, with its principle (sic) headquarters located at 12 East 3rd Street, is designated as parcel #41 on the URA plan, and is one of the few parcels designated as “good”, with no blighting influence on the surrounding neighborhood, according to the recent blight study conducted in 2010. We respectfully request that our property be corrected to reflect this designation in the Draft Generic Environmental Impact Study.”**

Terrance Horton
Submitted: 07/09/14
(CL-0709.01)

Response 0709.01a The property in question, located at 12 East Third Street, identified as Map Key #41 (Tax Map: 169.22-3109-3) in the proposed Urban Renewal Plan and the 2012 Blight Determination Study⁴, is considered as being in “Fair” condition on property condition maps in both documents. The data sheet on the property, included in the appendix of the 2012 Blight Determination Study, indicates that the building was judged at the time to be in “Good” condition while the lot was judged to be in “Fair” condition.

To the City’s knowledge there was no blight study of the area conducted in 2010 to which the Commenter refers.

4.3 Historic and Archaeological Resources

Comment 0811.01a **“The Plan states that “the proposed Urban Renewal Area will allow for significantly taller buildings adjacent to the ‘Modern Flats’ which, if fully built out, will completely shade the ‘Modern Flats’ during the morning and evenings throughout the year.” (Page 4.3-4) Such lack of sunlight year round will likely have an adverse impact on the residents of the Modern Flats. While preserving the architectural qualities of the Modern Flats is an**

Mount Vernon City
Council
Submitted: 08/11/14
(CL-0811.01)

⁴ Mount Vernon East Third Street-South Fourth Avenue Blight Determination Study prepared by Ferrandino & Associates Inc., July 2012 and adopted by the Mount Vernon City Council on October 24, 2012.

important objective, so, too, is preserving the health and well-being of its residents. Therefore, the URA is encouraged to consider adding provisions to the Plan that would ensure adequate sunlight for the Modern Flats year round.”

Response 0811.01a Please note that the document quoted by the City Council is the DGEIS, (page 4.3-4), not the Urban Renewal Plan.

To mitigate the shadow impacts on the Modern Flats the DGEIS proposes three potential mitigation measures (page 4.3-5): (1) focused density, (2) revisions to yard requirements, (3) site-specific architectural mitigations. The second measure, revisions to yard requirements, has been proposed as a revision to the Urban Renewal Plan – please see Proposed Revision 2.

The first impact mitigation measure recommends that density within the Urban Renewal Area be “focused” at the intersection of the South Fourth Avenue-East Third Street commercial corridor with more moderate scale development along South Third Avenue. The third mitigation measure recommends that additional site-specific architectural mitigations could be incorporated into a proposed development to further reduce the impact upon the Modern Flats. Both mitigation measures would be determined by the City Council during its SEQR review of the “preliminary development concept plan” for site-specific urban renewal development proposals.

Pursuant to proposed revisions to the Urban Renewal Plan (see Proposed Revisions 9 and 10), during the “preliminary development concept plan” review the City Council would have the option to impose “more restrictive” bulk requirements on a site-specific proposal (Section X.(B)(4)), such as reduced maximum height, increased yard setbacks, etc. These more restrictive bulk requirements could mitigate some of the potentially adverse shadow impacts observed for the Modern Flats. Furthermore the Urban Renewal Plan contemplates a multi-phased approach where the Modern Flats would be minimally impacted by the early phases of development and likely not until the later phases would the City Council need to impose greater restrictions.

4.4 Natural Resources

Comment 0811.01b “[T]he URA is urged to conduct a brief-but close-review of the five (5) hazardous materials spill incidents that occurred in the Urban Renewal Area to determine what remediation measures were taken and whether there was ever any prior – or even currently existing – aftermath. (For example, did anyone ever get sick as a result of the spill? etc.)”

Mount Vernon City
Council
Submitted: 08/11/14
(CL-0811.01)

Response 0811.01b

There have been five (5) recorded “spill incidents”, since 1991, within the proposed Urban Renewal Area (DGEIS page 4.4-1 to 4.4-2). The five incidents in the proposed Urban Renewal Area occurred on three separate sites:

1. 210 South Fourth Avenue has two recorded spills, the first in 1991 (National Uniform Corp.) involved fabric shards, and the second in 2013 involved an equipment failure that spilled an unknown substance;
2. 225 South Fourth Avenue also has two records of spills, the first in 1994 (Atlas Trucking) was a deliberate dumping of waste oil into the sewer and the second in 2005 (National Gear and Piston, Inc.) was a tank test failure of #2 fuel oil;
3. At the corner of South Fourth Avenue and East Third Street, there was a spill of an unknown petroleum product in 2009.

According to the NYS Department of Environmental Conservation (DEC) Spill Incidents Database, all five incidents have been “closed”. The spill cases were closed because either: a) the records and data submitted indicated that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary; or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). . DEC records do not indicate any lasting effects, such as impacts to human health, due to the spill incidents.

Further investigation into these spill incidents and any other hazardous material contamination in the Urban Renewal Area would be undertaken during a Phase 1 and/or Phase 2 Environmental Site Assessment (ESA) as part of SEQR review for site-specific development projects. Any additional site remediation necessary to meet State and Federal requirements would be identified at this time.

4.6 Transportation, Traffic and Parking

Comment 0616.01

Westchester County
Planning Board
Submitted: 06/16/14
(CL-0616.01)

“We note that the traffic and transportation section of the draft GEIS does not discuss the role that non-motorized mobility could play in the redevelopment of this area. We recommend that a review of walking distances between new residential units and shopping and services should be undertaken to see if automobile trips could be avoided with enhanced pedestrian and bicycling facilities.”

and

Westchester County
Planning Board
Submitted: 08/05/14
(CL-0805.01)

Response 0616.01

The trip generation calculations included in Section 4.6 of the DGEIS do account for a reduction in vehicle trips as a result of the mix of uses that encourages walking/biking trips - i.e. internal capture trips. The DGEIS also noted the existing Bee Line bus routes that serve the area which also would help to reduce car trips. Furthermore, site plans for new Urban Renewal developments will include improvements to pedestrian and bicycle facilities, such as new sidewalks and crosswalks, upgrades at intersections to include pedestrian signals and push-buttons, as well as conveniently placed bicycle racks.

2.2 Comments on the Proposed Urban Renewal Plan

Comments that are similar in content have been grouped together to allow for coordinated responses. The comments appear in a small, bold type with the corresponding comment number(s) identified in the left margin of the page. The responses appear in standard type.

Proposed revisions to the proposed *South Fourth Avenue-East Third Street Urban Renewal Plan*, based upon a memorandum prepared by Ferrandino & Associates Inc. dated September 8, 2014 and mitigation measures proposed in the DGEIS, are in Section 2.3 of this FGEIS.

(The complete transcript of the June 26, 2014 Public Hearing and all comment letters submitted to the Lead Agency are located in Appendices A and B.)

Comment 0626.01

Terrance Horton
Submitted: 06/26/13
(PH-0626.01)

“I find this to be a very forward-thinking and robust overall plan for the area.... But it’s very important that we, the business owners in that area, get a chance to make sure we participate significantly in the entire process, in the development process, in the building of the construction, the design phase, so we no longer feel disenfranchised.”

Response 0626.01

Comment noted. The urban renewal process officially commenced in 2011. Over the past three years there has been extensive public presentations and dialogue to shape the Urban Renewal Plan, providing individuals and business owners the opportunity to participate in the initial development and design process. Moving forward, it is likely that redevelopment projects initiated under the proposed Urban Renewal Plan will be financed, at least in part, through State funds which require legal adherence to MWBE⁵, EEO⁶, SEC. 3⁷ and other thresholds throughout the construction process. In addition, the Urban Renewal Agency and City Council may choose to require public presentations and compliance updates to insure no one feels disenfranchised.

Comment 0709.01b

Terrance Horton
Submitted: 07/09/13
(CL-0709.01)

“Our [Sentinel Construction, Inc.] development plan addresses the properties designated as tracts 4 and 5 on the Urban Renewal Plan.... Therefore, we look forward to the adoption of the Urban Renewal Plan and would like to consult with the appropriate local officials as soon as possible to discuss the acquisition of the properties identified in the study as tracts 4 and 5, to review the necessary steps in order to execute our development project.”

Response 0709.01b

Comment noted. Tracts 4 and 5, along East Third Street between South Fourth and South Third Avenues, mentioned in the comment above correspond to Disposition Parcels 4 and 5 on Map 7: Disposition Parcels in the proposed *South Fourth Avenue-East Third Street Urban Renewal Plan*.

⁵ Minority & Women Owned Business Enterprises

⁶ Equal Employment Opportunity

⁷ Section 3 of the Housing & Urban Development Act of 1968

Upon adoption of the proposed *South Fourth Avenue-East Third Street Urban Renewal Plan*, developers interested in acquiring City owned and other property within the Urban Renewal Area will need to be approved by the Urban Renewal Agency (URA) and the City Council as a “Qualified and Eligible Sponsor”. Please see the Mount Vernon Urban Renewal Agency Redeveloper Requirements & Designation Procedures Policy (Appendix C).

Comment 0722.01

Terrance Horton
Submitted: 07/22/13
(CL-0722.01)

“We [Sentinel Construction, Inc.] are pleased to submit for your review an overview of our Master Plan for the tracts designated as 4 and 5 on the ‘Urban Renewal Plan’.

From its inception in 2008 to present, our vision has always been to provide a mix use facility that will combine retail, office, education, community and cultural space, affordable housing as well as the development and construction of market rate units for the first time in this area, for residents of Mount Vernon....

We have set aside approximately 30,000 sf on the street level for retail space. On the 1st, 2nd, and 3rd floors of our development representing approximately 50,000 sf of space we will house our newly accredited 501C ‘Sentinel Vocational Apprentice Training’, as well as our small business incubator for entrepreneurial development....

As part of our ‘Master Plan’ we have set aside space for an SMWBE Incubator which will provide affordable office space to SMWBE businesses, as well as provide desperately needed support services to ensure their success.

Our ‘Master Plan’ does not neglect the community aspect that all successful developments plan in the community and we have designed approximately 15,000 sf throughout the development for a community facility and cultural space....

Finally, the balance of the space will be designated for housing. The residential component of the ‘Master Plan’ is designed to meet the needs of young professionals by providing affordable market rate residential units, which will include ‘Micro Units, Studios, and 1 bedroom facilities to ensure a price point that all can afford.”

Response 0722.01

Comment noted. Under the proposed *South Fourth Avenue-East Third Street Urban Renewal Plan* the maximum build out of Disposition Parcels 4 and 5 would permit only 15,680 square feet of ground floor retail space and up to 64 residential dwelling units. Additionally, universities, colleges, private schools and business and/or trade schools are uses allowed by special permit under the proposed zoning regulations. Once a preliminary development concept plan application for the parcels is submitted, further review to determine compatibility with the proposed Urban Renewal Plan and zoning regulations can be undertaken.

Comment 0808.01

City of Mount Vernon
Planning Board
Submitted: 08/08/14
(CL-0808.01)

“That the Urban Renewal Agency considers merging this propose[d] urban renewal plan with any existing and surrounding urban renewal plans in the area and in accordance with the spirit of the Draft City of Mount Vernon Comprehensive Plan.”

Response 0808.01

When the South Fourth Avenue-East Third Street Urban Renewal Plan was first conceived in 2013, there was some consideration to either expand the existing Center City Improvement Program (CCIP) to cover the entire area or merge the two Plans. However, given the differing nature of the two Plans it was determined that it would be best for the South Fourth Avenue-East Third Street Urban Renewal Plan to stand alone.

The CCIP (adopted 1980 and expanded 1982 and 1985) is an urban renewal plan that is focused on rehabilitating the Gramatan Avenue/South Fourth Avenue corridor between North Street/Oakley Avenue and East/West Fourth Street, including a portion of the proposed South Fourth Avenue-East Third Street Urban Renewal Area. The CCIP called for the clearance of a select few properties, located to the north of East/West Third Street, with the remaining properties to be rehabilitated to standards set forth in the Plan. Under the CCIP only commercial uses are permitted, in either the Downtown Business or the Neighborhood Business districts, with no mixed or residential uses permitted within the urban renewal plan boundaries.

In the intervening 30 plus years since the CCIP was first adopted planning best practices have evolved to recognize that a mix of uses is necessary to create the vibrant urban spaces that the City is looking for. The proposed South Fourth Avenue-East Third Street Urban Renewal Plan encourages mixed uses, which is recommended for this area in the 2011 Draft Mount Vernon Comprehensive Plan, and focuses more on the redevelopment rather than the rehabilitation of the area. Furthermore, by concentrating the focus of the South Fourth Avenue-East Third Street Urban Renewal Area on only a few blocks it will allow the City to concentrate its resources on redeveloping a critical intersection on the City’s south side which could provide an anchor for the redevelopment of the South Fourth Avenue corridor.

Comment 0811.01c

Mount Vernon City
Council
Submitted: 08/11/14
(CL-0811.01)

“[T]he Council encourages the housing aspects of the Plan to target ways to attract residents on the higher end of the income spectrum. The extra disposable income of such residents could, in turn, help attract more diverse businesses to the downtown shopping area. The resulting diversity of shops could attract not only Mount Vernon residents, but residents from surrounding communities as well. All of this could help restore – and propel – the vibrancy of the South 4th Avenue shopping area.”

Response 0811.01c

Comment noted. The purpose of the proposed urban renewal plan is to eliminate existing blighting conditions and create a vibrant community along the South Fourth Avenue corridor; however, this should not be done at the expense of the neighborhood's existing residents. The proposed South Fourth Avenue-East Third Street Urban Renewal Plan calls for the development of "mixed income ownership and rental housing" which permits both market-rate and affordable housing. While ultimately it should be the City's goal to encourage higher income residential development to be incorporated into the proposed Urban Renewal Area, there is an existing population in the area that is under-served with quality affordable housing.

However, what will be constructed within the proposed urban renewal area, and when, will be dependent on prevailing market forces, developer funding sources and the approval of site-specific preliminary development concept plans by the City Council. Given the neighborhood's current demographics where the average household income is \$40,362 (2010 ACS data), and the relative availability of funding, initial development proposals are likely to focus on affordable housing.

For example, current "market rate" rents in this area are on par with HUD mandated rents for affordable units. On average in Census Tracts 29 and 31, which encompass the Urban Renewal Area, 64 percent of residents paid between \$750-\$1,449 per month for rent (ACS 2010) while the 2010 HUD Fair Market Value Rent for Westchester County was between \$1,177-1,449 for a 2-3 Bedroom unit (79 percent of existing units in the Urban Renewal Area are 2-3 bedroom).

Furthermore, the proposed Urban Renewal Plan promotes mixed-uses with ground floor retail located along the South Fourth Avenue and Third Street corridors which will allow this area to become a vibrant hub of diverse services and shops, both local and national, which will in turn attract a diverse demographic of income bands.

Comment 0811.01d

Mount Vernon City
Council
Submitted: 08/11/14
(CL-0811.01)

"[M]erchants along the South 4th Avenue corridor have indicated that previous urban renewal efforts along the 3rd Street corridor at times simply shifted negative occurrences from one area of the City to another. The URA is urged to keep this in mind and consider what measures can be taken to ensure that the *entire* City is uplifted as a result of this Plan."

Response 0811.01d

Comment noted. It is anticipated that the elimination of the vacant, deteriorated and abandoned properties within the proposed urban renewal area and replacement with new mixed-use development will provide a critical mass for further redevelopment along the South Fourth Avenue and East/West Third Street corridors. Any residents and businesses potentially displaced by the proposed Urban Renewal Plan would be relocated in accordance with the policies, procedures and requirements applicable to funding sources utilized

for acquisition and other project components, including possible compliance with the Federal Uniform Relocation Act. Some displaced households may qualify for new housing developed and would be given first preference to same.

Comment 0811.01e

Mount Vernon City
Council
Submitted: 08/11/14
(CL-0811.01)

“The Plan states that all structures shall be developed so that at least 10 percent of the total area of the development remains permanently as usable open space. The URA is encouraged to thoroughly review the open space provisions of the Plan. Urban America often lacks space for community members to just...breath [Sic]. This gives rise to a host of health issues and social ills. Moreover, there is currently an initiative underway between the City, local merchants, and community based organizations to enhance the South 4th Avenue downtown business City district. Part of this initiative includes the challenge of identifying and creating inviting open spaces where the community can socialize without obstructing the sidewalks. Although a particular project has not yet been presented, the URA is nevertheless encouraged to thoroughly scrutinize the adequacy of area currently allotted for open space as well as to conceptualize potentially meaningful sites for community gatherings.”

Response 0811.01e

Comment noted. Per the proposed urban renewal plan, all structures are required to have at least 10 percent open space, except that structures on less than 10,000 square feet are not subject to open space requirements unless the project is part of or subsequently becomes a part of a series of projects or phases of a larger development. In that case, the original project shall be joined with all subsequent projects or phases in order to determine the required open space for the whole.

For purposes of the Plan, usable open space is defined as an area that: (1) is not encumbered with any substantial structure; (2) is not devoted to use as a roadway, parking area, sidewalk or above-ground stormwater retention/detention area; (3) is either: properly planted or landscaped, or enhances the pedestrian environment (4) is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation; and (5) is legally and practicably accessible to the residents of the development from which the required open space is taken, or to the public.

These areas may include, but are not limited to, active and passive recreation areas, tot lots and community gardens on individual plots, green roofs, and hardscaped courtyards that may include water features, benches or low walls with seating areas, free-standing planters, public art or other pedestrian space or design features integrated into the overall design of the development. The exact location and nature of the required open space will be identified by the developer(s) as part of their preliminary development concept plan application which will be reviewed and approved by the City Council.

Furthermore, any density bonus approved by the City Council as part of its

preliminary development concept plan review would be tied to physical, social or cultural community benefits or amenities such as, but not limited to, plazas, parks and displays of public art (see Proposed Revision 3) which would be in addition to the required 10 percent open space set aside.

If fully built out, the urban renewal plan is anticipated to create, at a minimum, just over one acre of new open space to be enjoyed by the residents of the area. Additionally there is nothing in the Plan that would preclude a public-private partnership between the City and a private developer to create a park or some other “inviting open spaces where the community can socialize without obstructing the sidewalks” within the urban renewal area.

Comment 0811.01f

Mount Vernon City
Council
Submitted: 08/11/14
(CL-0811.01)

“Although work on a municipal tree ordinance is still underway, the Council encourages the URA to include provisions for tree maintenance and plantings in the renewal Plan.”

Response 0811.01f

The proposed municipal tree ordinance, to which the Council refers, focuses on the preservation of “significant” trees and the prevention of clear cutting during site development. The City’s existing tree ordinance and, once adopted, the proposed tree ordinance are applicable to the proposed Urban Renewal Area; however, given the character of the existing neighborhood, this will not be a major concern for the City Council or Planning and Architectural Review Board’s when reviewing proposed developments in this area. As the majority of the properties along South Fourth Avenue are of an industrial or commercial nature, there are few trees planted on the properties, and there are no street trees along the corridor between East West Third and Fourth Streets. The small playground next to the day care center, which has some trees of “significant” stature, is marked as “not to be acquired” under the proposed Urban Renewal Plan.

The Urban Design Guidelines attached to the Plan recommend the planting of street trees and native landscaping to promote clean air, reduced stormwater runoff and urban heat island effect. Additionally, the Plan requires that at least 10 percent of any development over 10,000 square feet be dedicated to some form of “open space” which can include landscaping.

Furthermore, general landscape plans for any proposed development within the urban renewal area would be reviewed by the City Council during its preliminary development concept plan approval and detailed landscape plans would be reviewed by the Planning Board and Architectural Review Boards during site plan approval and Certificate of Appropriateness review.

Comment 0811.01g

Mount Vernon City
Council
Submitted: 08/11/14
(CL-0811.01)

“The Plan contains Urban Design Guidelines aimed at creating an aesthetically pleasing environment as well as ensuring that the area grows into a vibrant mixed-use community. The Council supports such guidelines because they employ principles of form-based development, whereby the City can proactively shape its vision for a particular area, and thus enhance the City as a whole.”

Response 0811.01g

Comment noted.

2.3 Proposed Revisions to the UR-PUD-S4 Overlay Zone as Proposed in the Urban Renewal Plan

The *South Fourth Avenue-East Third Street Urban Renewal Plan* includes proposed zoning text amendments to implement the Plan. Based upon a memorandum prepared by Ferrandino & Associates Inc. dated September 8, 2014 (Appendix B) and mitigation measures proposed in the DGEIS that would necessitate changes to certain standards and requirements in the proposed zoning text amendments, several changes are being proposed to the Plan's description of the UR-PUD-S4 district and UR-PUD-S4-TP sub-district. (Please note: proposed revisions in the September 8, 2014 Memorandum correspond to the Proposed Revision and Responses numbering below)

The substantive revisions to the proposed *South Fourth Avenue-East Third Street Urban Renewal Plan* and to the implementing zoning text amendments proposed in that Plan are organized below by Urban Renewal Plan section. The proposed text revisions appear in bold type; text that is ~~struck through~~ will be deleted and replaced with the underlined text. The responses follow in standard type. All the changes discussed below, and additional minor revisions, corrections or clarifications proposed to the Plan, are included in the revised South Fourth Avenue-East Third Street Urban Renewal Plan (Appendix D) as track changes.

X. Proposed Amendments to Existing Codes and Ordinances (A) Townhouse Preservation Sub-District (UR-PUD-S4-TP)

Proposed Revision 1a 4. Requirements

a. Rehabilitation

Under this sub-district, redeveloper(s) and/or property owner(s) shall make every effort to preserve, maintain and restore all structures within this sub-district. As such, any exterior alteration, restoration, reconstruction, demolition or new construction of properties in this sub-district will maintain the materials, height, bulk, setbacks, light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements which affect the appearance and cohesiveness of the "~~Moderne~~Modern Flats". In the event that a building(s) or structure(s) of which or a portion of which is destroyed or damaged by any means to an extent of 75 percent or ~~less~~more of the replacement cost of such building or structure, the building(s) or structure(s) shall be reconstructed as prescribed in ~~the aforementioned~~ Section X (A)(4)(b) of this Plan.

Response 1a

The above revisions are recommended to clarify the damage threshold established as a pre-condition to redevelopment of the Modern Flats Properties pursuant to the reconstruction provisions of Section 4b. These changes are not anticipated to have any environmental impact.

Proposed Revision 1b

b. Reconstruction

~~In the event that the redeveloper(s) and/or property owner(s), at the discretion of the Building Commissioner determines that a building(s) or structure(s), of which all or a portion of which is destroyed or damaged by any means to an extent of greater than 75 percent or less more of the replacement cost of the entire building or structure used in connection therewith at the time of the reconstruction, the redeveloper(s) and/or property owner(s) may elect one (1) of the following:~~

- ~~• To reconstruct as prescribed in this Plan a multi-family building(s), not to exceed three (3) dwelling units, within the existing building footprint(s) which is in keeping with the architectural style of the Modern Flats as determined by the Architectural Review Board during Certificate of Appropriateness review; or~~
- ~~• To merge the parcel(s) into the overall South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development District and follow all regulations governing development in that district provided that the redeveloper(s) and/or property owner(s) demonstrate to the City Council that efforts to find a purchaser interested in acquiring the property(ies) for preservation purposes have failed and that the property is incapable of earning a reasonable return.;~~
- ~~• To follow the existing underlying zoning designation.~~

Response 1b

The recommended revision to the first option/bullet point further clarifies the intent of the Urban Renewal Plan – to construct a new townhouse in keeping with the character of the Modern Flats to preserve the historic character of the whole.

It is recommended that the third option/bullet point, “to follow the underlying zoning designation”, be eliminated as it would require the property owner to obtain multiple area variances to construct a new residential building on the property. The underlying zoning for the Modern Flats is RMF-6.75, which requires a minimum lot size of 6,750 square feet while the largest lot for the five Modern Flats is only 2,100 square feet. Additionally it has other minimum dimensional requirements such as lot area per dwelling unit, lot width and setbacks which would make it virtually impossible for a new building to be constructed on any single Modern Flats property under the RMF-6.75 zone. The only way that a new residential building could be constructed under the RMF-6.75 zone, without variances, would be for three properties to be combined; however, there are four separate owners for the five properties which would necessitate at least one of the property owners selling to another. Given these difficulties in developing the Modern Flats properties under the existing RMF-6.75 zone it is recommended that that option be eliminated.

While the construction of a new townhouse within the existing footprint is anticipated to have limited environmental impact, if the Modern Flat properties are folded into the overall urban renewal area any potential environmental impacts would be examined as part of the site specific development review.

Proposed Revision 1c

~~c. Deviations and Waivers.~~

~~To account for any unforeseen or unusual circumstances, building design deviations or waivers as prescribed in this Plan may be waived by the City of Mount Vernon Architectural Review Board provided that the redeveloper(s) and/or property owner(s) demonstrates:~~

- ~~• That the proposed design exception will not substantially impair the intent of the City's long range planning strategy.~~**
- ~~• That the proposed design will not present a substantial detriment to the public health, safety and welfare of the community.~~**
- ~~• That the proposed design will enhance the aesthetic value of the overall design, the site itself and the surrounding area.~~**
- ~~• That the proposed design will advance the purposes of this Urban Renewal Plan.~~**

~~d. Obtaining Approval of Design Exceptions and Waivers.~~

~~The applicant shall demonstrate to the satisfaction of the City Council the following approval of an exception or waivers:~~

- ~~• The goals and objectives of this Urban Renewal Plan and the City's long range planning strategy shall be further advanced.~~**
- ~~• The project will have no adverse impact on physical, visual and spatial character of the surrounding area.~~**
- ~~• The project will enhance the physical, visual and spatial character of the streetscape.~~**

Response 1c

Given the enumeration of the options in 4(a) and 4(b) above for rehabilitation or reconstruction of the Modern Flats there is no need to provide explicit recourse for building design deviations and waivers to the requirements under the Townhouse Sub-District. If the Modern Flat property is to be reconstructed under option one, the new townhouse would be reviewed by both the Planning Board and Architectural Review Board as part of site plan approval and Certificate of Appropriateness, at which time they would determine if the project was architecturally "in keeping" with the Modern Flats. If the Modern Flat property(ies) is reconstructed under the second option, review of the project would follow the process outlined in Proposed Revision 9, below.

Therefore, it is recommended that this section be eliminated.

While the construction of a new townhouse within the existing footprint is anticipated to have limited environmental impact, if the Modern Flat properties are folded into the overall urban renewal area any potential environmental impacts would be examined as part of the site specific development review.

X. (B) South Fourth Avenue-East Third Street Urban Renewal Planned Unit Development District (UR-PUD-S4)

Proposed Revision 2a 4. Standards

- a. **Building height. A maximum of 120 feet in height from the finished grade and not more than 11 stories. ~~The minimum base height shall not be less than 20 feet. For every 10 stories there shall be a minimum setback of 10 feet.~~**

Response 2a

The primary intent of the building setbacks above a minimum base height is to provide increased light and air reaching the street, with a secondary intent of providing visual interest to the building façade by modulating the mass and bulk of the building. However, with a maximum building height of 11 stories, with a potential additional 3 stories via density bonuses, buildings within this zone are not anticipated to create large enough shadow impacts so that the building setbacks would provide a significant increase in the light and air that reaches the street. The secondary benefit of the setbacks, the modulation of the building mass, is accomplished through the requirement for complex massing in the Design Standards section of the Plan (see Proposed Revision 7).

The removal of the building setback language above is not anticipated to have further environmental impact beyond that which was covered in the DGEIS. Furthermore, the environmental impacts of any proposed building under the urban renewal plan would have to be examined as part of the site specific environmental review of the overall application.

Propose Revision 2b f. Setbacks.

- i. **Front Yard Setback. At least 70 percent of the aggregate length of the street wall along a commercial corridor shall be located at the property line. The front yard setback along a non-commercial corridor shall not be less than the average front yard setback for the existing buildings on the same side of the street.**
- ii. **Secondary Front Yard Setback. The maximum secondary front yard setback along a commercial corridor shall not exceed the property line. The minimum secondary front yard setback on a non-**

commercial corridor shall not be less than the average front yard setback for the existing buildings on the same side of the street.

- iii. **Side Yard Setback. ~~The maximum side yard setback shall not exceed the property line.~~ The minimum side yard setback for properties fronting on a non-commercial corridor shall not be less than the average side yard setback for the existing buildings on the same side of the street.**

Response 2b

Per the mitigation measures identified in DGEIS Section 4.2.4 and 4.3.3, the proposed revisions above are intended to help preserve the residential character of South Third, Fifth and Sixth Avenues by allowing contextual setbacks while reinforcing the strong street wall on the South Fourth Avenue and East/West Third Street commercial corridors.

Traditionally commercial districts, such as the DB, CB and NB districts, do not have any yard setbacks. The lack of yard setbacks permits commercial buildings to be constructed up to the lot line to maximize their frontage; creating a continuous street wall which is typical of traditional downtowns. However in order to preserve the character of the residential streets (i.e. South Third, Fifth and Sixth Avenues) it is recommended that contextual yard setbacks should be maintained. Furthermore, by allowing some discretion on the side yard setbacks, potential shadow impacts may be mitigated in certain site-specific situations.

Proposed Revision 3

7. Density Bonus

Upon approval by the ~~Planning Board~~ City Council during its review of a preliminary development concept plan, an applicant may be granted a density bonus by providing ~~additional storied setbacks which would enhance the visual and aesthetic value of any structures~~ physical, social or cultural community benefits or amenities such as, but not limited to, plazas, parks and displays of public art. In such instances where the ~~Planning Board~~ City Council finds the proposed benefits or amenities to be acceptable, the applicant shall be afforded a bonus not to exceed three (3) additional stories of building height.

Response 3

It is recommended that approval of a density bonus, which governs the overall bulk and intensity of a development project, should be determined by the City Council during its review of a preliminary development concept plan. The environmental impacts of any such density bonus would have to be examined as part of the site specific environmental review of the overall application.

Furthermore, instead of tying approval of the density bonus to providing “additional storied setbacks” it is proposed that the applicant “provide physical, social or cultural community benefits or amenities”. Providing additional setbacks for additional height would provide little benefit in terms of

additional light and air when the maximum height permitted, including the bonus, is only 14 stories. Typically such bonuses are tied to a public benefit or amenity such as the construction of a park or public art as is recommended above.

Proposed Revision 4a **9. Off Street Parking Space Requirements**

b. Number of Required Parking Spaces

- i. The minimum number of parking spaces required for multi-family dwelling units shall be ~~0.75~~1.0 per dwelling unit, except that for senior dwelling units 0.25 per dwelling unit.**

Response 4a

An integral element of the proposed South Fourth Avenue-East Third Street Urban Renewal Plan is a balanced division of residential, retail and office uses. As such, the Plan encourages that available parking spaces be shared by the various uses since each has a different peak demand pattern - residential in the evenings and overnight and the commercial space typically "9 to 5". This assumption of balanced mixed-use shared parking, which effectively decreased the number of required parking spaces for the multi-family residential dwelling units by 25 percent (from 1.0 to approximately 0.75 per dwelling unit), underpinned the parking demand and supply calculations that were used in the DGEIS which found no significant adverse environmental impact. (See Proposed Revisions 4c and 4e in regard to shared parking facilities.)

However, given that the Plan does not require all development within the Urban Renewal Area to be mixed-use, it is recommended that the required minimum number of parking spaces for multi-family residential uses be modified as above. The increase to a minimum of 1.0 space per dwelling unit for a multi-family residential uses is consistent with similar types of new development being proposed in the City. The parking impacts of any such multi-family residential only development would have to be examined as part of the site specific environmental review of the overall application.

- Proposed Revision 4b** **iii. The minimum number of required parking spaces for all other permitted principal uses and uses allowed by special permit are as provided in the zoning code; except, where not so provided, the parking requirement shall be determined by the City Council, upon the recommendation of the Commissioner of Planning and Community Development, as part of its review of a ~~proposed~~ preliminary development concept plan.**

Response 4b

The revised text above is intended to clarify the City Council's role in determining the required number of parking spaces for the few non-residential

permitted principal and special permit uses that may not be enumerated in the City's zoning code. These procedural changes are not anticipated to have any adverse environmental impacts.

Proposed Revision 4c **iv. For mixed-use developments, approval by the City Council of shared parking facilities may effectively reduce the total number of required parking spaces by up to a maximum of 25% or to a rate of 0.75 spaces per multi-family residential dwelling unit, whichever is less.**

Response 4c

The new text above is intended to clarify that the 0.75 parking spaces per mixed-use multi-family residential dwelling unit, which was assumed in the DGEIS, may still be applied based upon the provision for and approval of shared parking agreements and/or facilities. Approval of such agreements and/or facilities, and the determination of the actual parking rate reduction, will be determined by the City Council during preliminary development concept plan review. (See Proposed Revision 4e for clarification on the documentation required for shared parking approval.)

Generally, shared parking reduces adverse environmental impacts such as stormwater runoff, but reducing the amount of impervious surface coverage dedicated to parking. However, the impacts of any shared parking facilities would be examined as part of the site specific environmental review of the overall application.

Proposed Revision 4d **c. Location of Required Parking Spaces**

- i. The ~~Planning Board~~ City Council may allow all or part of the required parking spaces to be located: (i) on site; (ii) in a municipal garage or lot within 500 feet of the dwelling units or other permitted uses for which the parking spaces are required, as measured from the edge of the site to the closest edge of the municipal garage or lot; or (iii) a combination of both (i) and (ii), the amount of parking spaces provided in each category to be determined by the ~~Planning Board~~ City Council as part of its preliminary development concept plan review of a proposed development concept plan.**
- ii. Where the ~~Planning Board~~ City Council approves the location of such parking spaces on a lot different from the lot occupied by the structure or use served, the ~~Planning Board~~ City Council shall require a legal instrument, in form and filing, satisfactory to the Corporation Counsel assuring the continued use of said parking spaces in connection with the uses or structures served.**

Response 4d

It is recommended that approval of the location of required parking spaces should be determined by the City Council during its review of a preliminary development concept plan. These procedural changes are not anticipated to have any adverse environmental impacts.

Proposed Revision 4e

~~d. Joint-Shared use parking facilities serving mixed-use developments are encouraged. Uses may provide more Applicants may propose less than the maximum total required number of parking spaces for all uses if the additional spaces are provided as part of a joint-shared use parking facility. However, if the joint use parking facility is a surface parking lot, the total number of spaces in the surface lot shall not exceed the sum of maximum spaces allowed for all individual uses sharing the facility. This limit shall not apply to a multilevel parking garage that is used as a joint use facility. Joint Shared use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. A request for joint shared use of required parking spaces must be~~ is allowed if the following documentation is submitted in writing to the Planning Board-City Council as part of a building permit application or site plan its preliminary development concept plan review:

- i. The names and addresses of the uses and of the owners or tenants who are sharing the parking;
- ii. The location and number of parking spaces that are being shared;
- iii. An analysis, prepared by a qualified planning or engineering professional, showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking times; and
- iv. A legal instrument such as an easement or deed restriction that guarantees access to the ~~joint~~ shared parking for all uses.

Response 4e

It is recommended that approval of shared use parking, which governs the total number of parking spaces provided for a mixed-use development project, which may be less than the required minimum number of parking spaces for separate uses, should be determined by the City Council during its review of a preliminary development concept plan. These procedural changes are not anticipated to have any adverse environmental impacts. However, the impacts of any site-specific shared parking facilities would be examined as part of the site specific environmental review of the overall application.

Proposed Revision 5

~~10. *Alternate methods of providing parking*~~

~~a. *Applicability. In the UR-PUD-S4 District any applicant required to*~~

~~provide off-street parking in connection with a use, building or structure, may make an application by special use permit to provide an alternative means of satisfying the off-street parking requirements for that use, building or structure, as provided herein.~~

~~b. Fee in lieu of parking.~~

- ~~i. In lieu of providing all or a portion of the required off-street parking spaces, an applicant may request the Planning Board to accept, following an affirmative vote in favor thereof by the Planning Board, a cash payment to the City of Mount Vernon Parking Reserve Fund to satisfy the number of parking spaces required in this chapter. The Planning Board may at its discretion accept all or a portion of the offered fee in lieu of parking in substitution for all or a portion of the required parking spaces. Where appropriate, it may require the submission of studies and plans demonstrating that practical considerations preclude the provision of such parking spaces by the applicant.~~
- ~~ii. The amount of the fee in lieu of parking required in such cases shall be established and reviewed on an annual basis by the Planning Board and approved by the City Council, based on the projected construction cost for municipal provision of the required parking spaces, operating costs where the parking spaces are not revenue producing and any loss in taxes resulting from municipal provision of such parking spaces. Provision may be made for periodic payment of an amount to cover operation and maintenance costs.~~
- ~~iii. By acceptance of the fee in lieu of parking, the City of Mount Vernon undertakes to provide parking of a type, location and quantity appropriate for the particular use within a reasonable period of time, taking into account the existing supply and demand for parking in the area of said use. The City may charge for the use of such spaces an amount generally consistent with the charge for other publicly provided parking in the same area.~~
- ~~iv. At least that portion of the fee in lieu of parking which is based on the projected construction cost shall be placed in the City of Mount Vernon Parking Reserve Fund. The expenditure of revenues from such parking Reserve Fund shall be limited exclusively to those actions designed to increase the quantity and/or quality of parking spaces available to serve properties within the district in which the fee in lieu of parking has been accepted.~~

Response 5

It is recommended that that the “Alternate Methods of Providing Parking” section be eliminated.

At present the City of Mount Vernon does not have any mechanism, such as a parking reserve fund, by which this alternative would operate. Furthermore, such an alternative could set a precedent, where the responsibility for the provision of parking for new developments devolves from the developer to the City. This deferment of parking provision could potentially have resulted in significant environmental impacts for individual development projects which would then have to be mitigated by the City rather than by the developer.

Propose Revision 6

~~12. Green Standards.~~

~~Some green standards and strategies are included in the attached Urban Design Guidelines (Appendix A). The City of Mount Vernon is currently developing specific green standards that once adopted will be applicable to the South Fourth Avenue-East Third Street Urban Renewal Plan Area.~~

Response 6

Currently, the City of Mount Vernon is working toward developing green standards or strategies as part of its zoning code; however none are currently adopted. It is recommend that if any such standards are adopted, they should be drafted in such a way as to be applicable to the South Fourth Avenue-East Third Street Urban Renewal Area.

In the meantime, the Urban Design Guidelines attached to the Plan contain a short section on green standards and strategies which briefly discusses issues such as increased density, solar orientation, street trees, traffic calming, open space, green infrastructure and green construction standards. These recommendations are applicable to development projects in the Urban Renewal Area and will be utilized by the developer and the relevant approving agencies during site plan review.

Furthermore, any voluntary green buildings or technologies, which are to be integrated into a proposed development, shall be included in the preliminary development concept plan to be reviewed by the City Council (see Proposed Revision 9 below).

Proposed Revision 7

~~13-11. Design Standards.~~

~~The placement, pattern, scale size and rhythm of window and door openings on building facades and the architectural details, including materials, trims, bands and cornices, determine the appeal of a building. The relationships of these architectural features from one building to another set and define the character of a neighborhood and provide a human scaled backdrop to the street space. The design standards below are meant to complement and reinforce the Urban Renewal Plan, and to assist in achieving the goals set forth in the Plan. Development within the UR-PUD-S4 District shall be in~~

accordance with the South Fourth Avenue-East Third Street Urban Renewal Plan Design Guidelines attached to the Plan, as determined by the Planning Board during site plan review and by the Architectural Review Board during Certificate of Appropriateness review. Furthermore, any development within the District shall incorporate the following design elements:

- a. Buildings shall maximize the number of street level façade openings for windows and doors in keeping with the intended function of the building and the architectural character of the street.
- ~~b. Buildings shall maximize upper level façade openings for punched in windows, or glass and metal curtain wall. (Note: a glass block filled wall opening is part of the solid wall surface and not considered a window).~~
- ~~c. Along commercial corridors buildings shall set ground floor window frames at a height above the finished grade to reflect traditional "Main Street" building qualities.~~
- ~~d. Buildings shall recess all window frames, particularly along the ground floor, from the typical wall plane surface to provide a shadow line and accentuate the ground floor.~~
- ~~e. All windows shall exhibit proportional scale that appropriately indicates functions within the building.~~
- ~~f. Buildings shall delineate change in surface material by a reveal or a recess detail.~~
- ~~g.b.~~ All sides of a building open to public view shall employ architectural features such as windows, a variety of colors, patterns and complex massing to achieve interest especially at the pedestrian level. Flat, blank walls along public rights-of-way shall be prohibited.
- ~~h.c.~~ Architectural massing refers to the way a building is shaped. Complex massing shall be used for all structures proposed. Building designs featuring a single geometric shape, such as a simple rectangle, shall not be allowed. ~~Complex massing shall be used for all structures proposed.~~ The requirement for complex massing may be met by building designs featuring a variety of parapet heights, varying building wall setbacks or balconies, a variety of roof forms at different heights and an irregular building footprint.
- ~~i.d.~~ Each building on a site shall have clearly defined, highly visible ground floor entryway(s) featuring no less than three of the following:
 - ~~(a) Entryways shall be recessed or projected along the street level façade of the typical wall plane.~~
 - (b) Canopies or porticoes
 - (c) Overhangs
 - (d) Recesses or projections

- ~~_____ (e) Raised corniced parapets over the door~~
- ~~_____ (f) Peaked roof forms~~
- ~~_____ (g) Arches~~
- ~~_____ (h) Outdoor patios~~
- ~~_____ (i) Planters~~
- ~~_____ (j) Wing walls, and~~
- ~~_____ (k) Any other architectural detail or feature that accentuates the entryways for the public~~

Response 7

It is recommended that approval of the architectural design of proposed developments should be determined by the Planning Board during site plan review and the Architectural Review Board during Certificate of Appropriateness review. While the City Council may determine the broad parameters of a development, such as the height, bulk, number of parking spaces, etc. during its review and approval of a preliminary development concept plan, the approval of the actual design of a building should be under the purview of the Planning and Architectural Review Boards. This separation of roles is appropriate and consistent with the City's typical modus operandi for other special types of development approvals. These procedural changes are not anticipated to have any adverse environmental impacts.

The above revisions are proposed to the Design Standards section to reinforce the link to the Urban Design Guidelines included in the Plan for all design considerations for both the applicant and the Planning and Architectural Review Boards. Additionally, certain design elements are identified which shall be required for all development within the district. To accomplish these objectives, the original text of this section has been simplified and clarified as follows:

- Integrate requirements b and c into requirement a. Emphasis is now on contextualization and removed from "street level" façade openings which would have been appropriate for buildings on commercial corridors, but not in keeping the residential streets. This revision will help to mitigate some of the neighborhood character impacts identified in Section 4.2 of the DGEIS.
- Eliminate requirements c and d. They focused on "street level" design issues which are appropriate for commercial corridors but not for residential streets. Standards which cover the same issues are included in the Urban Design Guidelines attached to the Plan. This revision will help to mitigate some of the neighborhood character impacts identified in Section 4.2 of the DGEIS.
- Eliminate requirement f. This requirement is too detailed and restrictive. The review and approval of specific architectural design elements should be within the purview of the Planning and

Architectural Review Boards.

- Simplify requirement i. The list of design features that could be used to create a clearly defined and highly visible entryway is included in the Urban Design Guidelines attached to the Plan. There is no need to repeat them in the zoning requirements.

Proposed Revision 8

~~14. Design Bulk Exceptions and Waivers.~~

~~Deviation from the development bulk requirements enumerated in §267-26 (F), provisions, standards, uses and regulations may be necessary in unusual circumstances. To account for these circumstances the City Council, upon review and recommendation by the Planning Board Architectural Review Board, has the ability to waive or allow an applicant to deviate from this Section based on existing conditions, hardship or a special reasons hardship.~~

~~a. Existing Conditions Hardship and/or Special Reasons Hardship. In instances where the applicant is confronted with hardships arising from an existing condition of the land or instances where the applicant incidentally creates the hardship to enhance the building and site design, the City Council may grant exceptions from certain bulk, parking or design requirements, provided the applicant demonstrates that:~~

- ~~• The proposed design exception will not substantially impair the intent of the City's long range planning strategy.~~
- ~~• The proposed design will not present a substantial detriment to the public health, safety and welfare of the community.~~
- ~~• The proposed design will enhance the aesthetic value of the overall design, the site itself and the surrounding area.~~
- ~~• That the proposed design will advance the purposes of this Urban Renewal Plan.~~

~~b. Obtaining Approval of Design Exceptions and Waivers. The applicant shall demonstrate, to the satisfaction of the Architectural Review Board City Council, the following for approval of an exception or waiver:~~

- ~~• The goals and objectives of this Urban Renewal Plan and the City's long range planning strategy shall be further advanced.~~
- ~~• The project will have no adverse impact on the physical, visual and spatial character of the surrounding area.~~
- ~~• The project will enhance the physical, visual and spatial character of the streetscape.~~

Response 8

The procedure for waivers of bulk and area requirements is discussed in Proposed Revision 11. Review of proposed development projects, including any deviations from design requirements, would follow the process outlined in Proposed Revision 9, below. These procedural changes are not anticipated to have any adverse environmental impacts.

Proposed Revision 9

C. Review Process.

~~Following amendment of the Zoning Code by the City Council to establish the South Fourth Avenue East Third Street Urban Renewal Planned Unit Development Overlay Zone (UR-PUD-S4), an application for development approval within a UR-PUD-S4 District shall follow a two-phased review process:~~

- ~~• Application for the placement of the South Fourth Avenue East Third Street Urban Renewal Planned Unit Development Overlay Zone (UR-PUD-S4) and approval by the City Council; and~~
- ~~• Application for site plan and/or subdivision approval by the Planning Board and approval of a Certificate of Appropriateness by the Architectural Review Board for development within the UR-PUD-S4 District.~~

~~Timing of the submission of rezoning, site plan, subdivision and Certificate of Appropriateness applications to the City Council, Planning Board and Architectural Review Board shall be coordinated to minimize the length of the review process.~~

Following determination by the Urban Renewal Agency and approval by the City Council of a designated redeveloper(s), the application by the designated redeveloper(s) for development approval within a UR-PUD-S4 District shall follow a two-phased review process:

- Application for preliminary development concept plan approval by the City Council; and
- Application for subdivision and/or site plan approval by the Planning Board and Certificate of Appropriateness from the Architectural Review Board.

Timing of the submission of preliminary development concept plan, site plan and Certificate of Appropriateness applications to the City Council, Planning Board and Architectural Review Board will be coordinated to minimize the length of the review process.

Response 9

It is recommended that the above revisions to the review process be adopted in order to clarify the roles of the City Council and the Planning and Architectural Review Boards. These procedural changes are not anticipated to have any adverse environmental impacts.

Prior to any proposed development applications going before the City Council and Planning Board and ARB, the developer must be designated by the URA and the City Council as a “Qualified and Eligible Sponsor”. In order to be so designated, a developer must submit a “Redeveloper Statement” which includes: the developer’s financial history demonstrating the financial capability to undertake and complete the project; developer experience in successfully undertaking and completing similar projects; and proposed redevelopment plans.

Following designation as a “Qualified and Eligible Sponsor”, the developer

would submit an application for preliminary development concept plan approval to the City Council to be followed by applications for site plan approval to the Planning Board and Certificate of Appropriateness to the Architectural Review Board. (See Proposed Revision 10 for the application process).

Please Note: Proposed Revisions 9 & 10 are relevant for designated developers and/or property owners who are seeking to redevelop property within the proposed Urban Renewal Area under the UR-PUD-S4 zone. Property owners may renovate or rehabilitate their properties under existing zoning in conformance with §267-11 "Nonconforming uses and other nonconformities" of the City Zoning Code. Renovation or rehabilitation of the Modern Flats properties is governed by the proposed UR-PUD-S4-TP sub-district.

Proposed Revision 10 ***D. Application Process***

~~In reviewing any application for a UR-PUD-S4 zone development, the Planning Board shall be guided by standards set forth in these regulations and comparable uses and good planning practice, to ensure that the resulting development shall be compatible with the surroundings and assure the stability of the uses proposed to be developed for the site.~~

~~1. Prior to proceeding with any application for the establishment of a UR-PUD-S4 District, the developer shall first submit an application to the Commissioner of Planning and Community Development, along with the following support materials for the Commissioner's recommendation to the City Council:~~

~~a. A preliminary development concept plan of the proposed development showing all proposed buildings and uses on the site, proposed building spacing and yard setbacks, the proposed location and design of all streets, driveways, parking lots, screening, landscaping, open spaces and recreational areas, proposed architectural features of all buildings, and the relationship of the proposed development to adjacent land, health, safety and general welfare of the community.~~

~~b. Such plans shall be accompanied by a brief analysis, in written form, explaining the proposed development concept and the planning purposes which will be derived for the City and the immediately surrounding neighborhood in accordance with this Urban Renewal Plan.~~

~~The City Council shall refer all applications for UR-PUD-S4 zoning designation to the Planning Board for review and report as to whether the establishment of such zone will be in accordance with the standards contained herein and will be of benefit to the City by satisfying the intent and purposes as set forth in this Plan.~~

~~2. Upon close of the public hearings and completion of the SEQRA process,~~

~~if the rezoning request is approved by the City Council, site plans shall be submitted to the Planning Board and Certificate of Appropriateness applications submitted to the Architectural Review Board. Such plans shall be approved by the Planning Board and the Architectural Review Board in accordance with the municipal zoning code, prior to issuance of a building permit.~~

1. The application for a preliminary development concept plan review shall be submitted to the City Clerk, who will forward the Application to the Commissioner of Planning and Community Development, for the Commissioner's review for substantial compliance with application standards, prior to its referral to the City Council. The Application shall include:
 - a. A preliminary development concept plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public community and/or recreation facilities, utility and maintenance facilities and open space. An indication of the approximate square footage of buildings and the approximate number of dwelling units (if applicable). An indication of the appropriate number of parking and loading spaces in relationship to their intended use, accompanied by a description of any alternative means of parking to be utilized. An indication of need for phasing of construction of the project. The configuration of any interior road system and connection/access to the adjoining City road system. The general configuration of pedestrian circulation systems. Descriptions, sketches and elevations showing the general architectural treatment and design scheme for the entire development. Any proposed "green" design features and technologies to be incorporated into the development. Density bonus and bulk and/or area variances sought. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing or final site plan.
 - b. Such plans shall be accompanied by a brief analysis, in written form, explaining the preliminary development concept plan and the planning purposes which will be achieved and the benefits to be derived by the City and the immediately surrounding neighborhood in accordance with the South Fourth Avenue-East Third Street Urban Renewal Plan.
2. Upon receipt by the Commissioner of Planning and Community Development of a preliminary development concept plan application in substantial compliance with application standards, the application shall be returned to the City Clerk for placement on the City Council's agenda. The City Council shall refer the application to the Planning Board and Architectural Review Board for review and report. Within 65 days of the date of the Planning Board meeting at which such referral is received, the Planning Board shall make its report to the City Council, and within 65

days of the date on which such referral is filed with the Secretary of the Architectural Review Board, the ARB shall make its report to the City Council. No action shall be taken by the City Council until the City Council's receipt of the Planning Board report or the expiration of the Planning Board 65 day review period, and the City Council's receipt of the ARB report or the expiration of the ARB 65 day review period. Either or both of said review periods may be extended by resolution of the City Council.

3. City Council review of preliminary development concept plans will be in accordance with the State Environmental Quality Review Act. During the course of its review of a preliminary development concept plan, the City Council may request such additional information as it deems necessary in order to properly evaluate the application.
4. The City Council shall hold at least one public hearing, with notice published in the City's official newspaper in accordance with the City Code, on the application for preliminary development concept plan approval. The Applicant must notify all property owners within 500 feet of any boundary of the development site which is the subject of the application of the public hearing; such notices shall be given by registered mail or certified mail, return receipt requested and regular mail to such property owners whose names appear as the owners of record in the Office of the Assessor. Such notice shall be mailed not more than 21 days prior to and not less than 10 days before the date of the public hearing. The Applicant shall file with the City Council, not less than 9 days prior to the date of the public hearing, a duly sworn affidavit attesting that such property owners were so notified. Where the City Council is serving as lead agency under SEQRA and determines to hold a SEQRA hearing, the SEQRA hearing may be conducted jointly with this public hearing if practicable.
5. Within 45 days of the close of the public hearing and completion of the SEQRA process, the City Council shall approve, approve with modifications or disapprove the preliminary development concept plan. The review period may be extended by resolution of the City Council as circumstances require.
6. Approval or approval with modifications of the preliminary development concept plan by the City Council is required for and shall be deemed to authorize the Applicant to proceed with the detailed design of the proposed development in accordance with such preliminary development concept plan and to submit a site plan and/or subdivision application to the Planning Board for approval per Article VII of §267 of City Code and submit a Certificate of Appropriateness application to the Architectural Review Board. Such plans shall be approved by the Planning Board and the Architectural Review Board, in accordance with the municipal zoning code, prior to issuance of a building permit.
7. Preliminary development concept plan approval shall expire 12 months

from the date of City Council approval unless all required approvals from the Planning Board and ARB are received prior to that date. Upon request of the Applicant, the City Council may extend that time period in increments of not more than 6 months, each time an extension is granted.

Response 10

It is recommended that the above revisions to the review process be adopted in order to clarify the roles of the City Council and the Planning and Architectural Review Boards. These procedural changes are not anticipated to have any adverse environmental impacts.

The City Council is responsible for setting the general parameters of a proposed urban renewal project during the preliminary development concept plan approval process. During this review, the Council will review the height, bulk, setbacks, number of parking spaces proposed, etc. As part of its review, the Council will refer the preliminary development concept plan to the Planning Board and ARB for their review and comments. It is also anticipated that the City Council would likely undertake the Lead Agency role in the coordinated environmental review of the proposed development under SEQR. Following a public hearing, the completion of SEQR and after receiving any comments from the Planning Board and ARB, the City Council would then vote whether or not to approve the preliminary development concept plan.

Once the preliminary development concept plan is approved by the City Council, the developer would then submit full site plans to the Planning Board and ARB for approval and Certificate of Appropriateness. The Boards would focus on site planning details and the design of the proposed development and whether it is consistent with the Design Guidelines attached to the Plan and the supplemental requirements included within the UR-PUD-S4 zoning regulations.

Furthermore, it is recommended that the changes here be reflected in *Section C. Site Plan and Design Review* of the Plan (see Appendix D).

Proposed Revision 11 **E. Conflicts with other zoning requirements**

1. **In approving a preliminary development concept plan under this Plan, the City Council may vary the bulk and area requirements that would otherwise apply under any other provision of the Plan.**
2. **If any provision of the South Fourth Avenue East Third Street Urban Renewal Planned Unit Development Overlay District conflicts with any other requirement of the Zoning Code, the South Fourth Avenue East Third Street Urban Renewal Planned Unit Development Overlay District provision shall supersede that other requirement to the extent of such inconsistency.**

Response 11

It is recommended that the above text replace Section X.(B)(14) “Design Bulk Exceptions and Waivers” (Proposed Revision 8). The revised language is intended to clarify the City Council’s role in approving variances to the bulk and area requirements included in the Plan during the preliminary development concept plan approval process.

While the proposed UR-PUD-S4 zone permits the Council to approve a density bonus in exchange for the provision of certain physical, social or cultural benefits or amenities by the developer, the Council may also vary the bulk and area requirements under the zone when requested by the Applicant. This permits the Council a certain amount of leeway in approving proposed developments, which would otherwise require that the Applicant also go before the Board of Zoning Appeals for variances, and further streamlines the process for development of the urban renewal area.

The second provision deals with any potential conflicts with other sections of the City’s Zoning Code. These procedural changes are not anticipated to have any adverse environmental impacts.