

***State Environmental Quality Review Act (SEQRA)  
Findings Statement***

***Mount Vernon West  
Transit Oriented Form Based Zoning Code***

City of Mount Vernon, Westchester County, New York

**SEQRA Lead Agency:**

Mount Vernon City Council

City Hall

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Mount Vernon, New York 10550

**Date:**

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## **1.0 PROJECT DESCRIPTION**

Pursuant to the requirements of 6 NYCRR 617.11, the action addressed in this Findings Statement is the adoption of the Mount Vernon West transit oriented form-based zoning ordinance and corresponding zoning district (hereinafter referred to as the “Proposed Action” or “The MVW Zoning”). This new zoning is the product of the City’s efforts to create a well-conceived, long-term vision for the Mount Vernon West area. As articulated in the City’s draft Comprehensive Plan Update and the City’s long-range planning strategy, the existing five zoning districts covering the area do not adequately provide the development tools necessary to achieve the agreed-upon vision for the area. As a result, new zoning is required.

A defining, and perhaps the most important feature for the future development of the area, is the Mount Vernon West Metro-North train station. The area’s proximity to this feature indicated to the City the suitability of employing some form of transit oriented development zoning. Additionally, given the City’s desire to encourage high quality development that would integrate mixed-uses into the area, form-based zoning is an appropriate zoning tool to employ.

The proposed MVW Zoning incorporates the principles of both transit oriented development and form-based zoning into a new zoning district designed to precisely meet the City’s long-term goals for the area, which include:

- Position Mount Vernon West as a concentrated investment area.
- Utilize innovative “transit oriented development” zoning to redevelop the area.
- Strengthen the Mount Vernon Avenue gateway from Mount Vernon to Yonkers.
- Explore high-density options through rezoning and the development of vacant parcels (buildings) and underutilized sites.
- Develop a strategy for streetscape and facade improvements that ensures well-designed and attractive street frontages along principal streets.
- Make general improvements to the public realm throughout the area including open space, landscaping, lighting, signage and graphics.
- Renovate the train station and create a more inviting pedestrian environment and accommodate taxis and “kiss and ride” drop offs.

- Enhance the functioning of the area’s roadways and intersections for vehicular traffic and pedestrians.
- Work with property owners wishing to upgrade or repurpose existing buildings.

The proposed MVW Zoning includes an amendment to the City’s Official Zoning Map to geographically designate the MVW District (known as the Regulating Plan) and the adopting of the MVW Zoning text amendments which are composed of 9 basic elements:

- General Provisions
- Regulating Plan
- Allowable Building Types
- Permitted Building Types by District
- Building Type Regulations
- Permitted Use Table
- Parking Regulations
- Design Guidelines
- Administration

The proposed MVW Zoning represents a fundamental change in the way the City regulates the use of land. The proposed form-based zoning is different from the existing traditional zoning in that it relegates the regulation of *use* to a position that is ancillary and secondary to *form*. The proposed form-based zoning is vision-based, built upon the foundation of community input and guidance begun several years ago under the direction of Pace University’s Land Use Law Center. The proposed zoning is holistic in that it addresses both public and private spaces to create a whole area, including buildings, streets, sidewalks, parks and parking. In this way, private development is properly integrated into the public realm. It is ‘place-based’, building upon and enhancing the unique characteristics of the Mount Vernon West area. It is spatially organized to enable a sense of community through smooth and often imperceptible transitions between regulatory zones. And because of the level of detail embedded in the form-based zoning code, the development review and approval process will be streamlined, requiring less, if any, discretionary review than with traditional “use” based zoning.

The Mount Vernon West area (also referred to herein as the “Project Area”) includes 248 separate tax parcels and covers approximately 46 acres in the southwestern portion of the City. The Project Area is defined by the Metro-North rail line and the City of Yonkers to the west and extends to the east across MacQuesten Parkway, Terrace Avenue and High Street (that run north to south). The Project Area’s southern limit runs just south of Grove Street and it extends north to Oak Street, with a corridor extending further north along MacQuesten Parkway. A second corridor extends to the east beyond High Street along Mount Vernon Avenue to the Lincoln Avenue intersection.

The Project Area includes a mix of industrial, commercial, neighborhood business and multi-family residential zoning districts and corresponding uses. The existing industrial uses are generally located along MacQuesten Parkway. Commercial uses are interspersed along MacQuesten Parkway, but are primarily located along the Mount Vernon Avenue corridor. The eastern flank of the Project Area is comprised of two and multi-family residential housing. The Project Area is fully developed, with less than 9% of the area consisting of currently vacant properties that previously supported building improvements of one kind or another.

## **2.0 PROJECT HISTORY**

For nearly ten years, the City of Mount Vernon has been working to develop a comprehensive, sustainable, long-term vision for the Mount Vernon West area.

Initiatives such as the Regional Plan Associations Mayor’s Institute, the Mount Vernon West TOD Zoning Recommendations & Options by the Pace University School of Law, the Mount Vernon West Station Area Strategy by the Jonathan Rose Company, the Tri-State Transportation Campaign TOD Symposium: Planning to Implementation, the City of Mount Vernon Demographic, Market and Development Study by HR&A Advisors, among other programs and initiatives, have all laid a solid foundation upon which the proposed MWV Zoning has been formulated.

In 2013, the Mount Vernon Department of Planning & Community Development produced a “Mount Vernon West Rezoning Initiative”, which summarized the previous efforts to establish an approach for moving forward. On July 13, 2013, the City Council designated its Intent to serve as Lead Agency for the SEQRA review of this Type I Action. In September of 2014, the City Council retained Cleary Consulting to draft the

new zoning for the Mount Vernon West Area, and prepare the anticipated Generic Environmental Impact Statement (“GEIS”) to evaluate the potential impacts associated with the new zoning.

On November 26, 2014, the City Council serving as Lead Agency adopted a Positive Declaration, requiring the preparation of a GEIS. On February 25, 2015, the City Council as Lead Agency conducted a public hearing on the draft scope, which relevant comments were incorporated into the scope to finalize the issues, studies and analyses to be included in the Draft GEIS (“DGEIS”).

In August of 2015 the draft DGEIS was submitted to City staff and consultants to review the adequacy and completeness of the document, which was then adopted by the City Council as complete in December of 2015. The notice of the public hearing date and notice of acceptance of the DGEIS were published in the ENB. The DGEIS was also published on the City’s website. Public hearings on the DGEIS were conducted on February 10 and 24, 2016, and the written comment period was kept open until March 7, 2016.

The relevant comments were responded to in the Final GEIS (“FGEIS”). In April of 2016 the draft FGEIS was submitted to City staff and consultants to review the adequacy and completeness of the document, which was then adopted by the City Council as complete on June 8, 2016. The notice of acceptance of the FGEIS was published in the ENB. The FGEIS was also published on the City’s website. The City Council accepted public comments on the FGEIS until June 22, 2016.

### **3.0 REQUIRED PERMITS & APPROVALS**

#### ***Required Approvals/Referrals:***

##### **A. City Council:**

- a. SEQRA – Determination of Significance, Findings
- b. Adoption of MVW Zoning Amendment and Zoning Map Change

##### **B. Planning Board:**

- a. §267-56 Report and Recommendation: MVW Zoning Amendment and Zoning Map Change

C. Architectural Review Board:

- a. §267-56 Report and Recommendation: MVW Zoning Amendment and Zoning Map Change

D. Westchester County Planning Board

- a. §267-59 & §239-l, m, n and nn

***Interested Agencies:***

New York State:

- NYSDEC
- NYSDOS

County of Westchester:

- Westchester County Planning Board

City of Mount Vernon:

- City Council
- Planning Board
- Architectural Review Board
- Office of the Mayor
- Zoning Board of Appeals
- Urban Renewal Agency
- Industrial Development Agency
- Office of the City Clerk
- Department of Buildings
- Department of Planning and Community Development
- Department of Public Works
- Police Department
- Fire Department
- Emergency Management Office
- Mount Vernon City School District

Other Government Agencies:

- Westchester County Department of Planning

- City of Yonkers
- City of New York

#### **4.0 FINDINGS CONCERNING ENVIRONMENTAL IMPACTS**

The DGEIS and FGEIS include an evaluation of the following environmental resource issues:

- Land Use & Zoning
- Urban Design, Aesthetics & Visual Character
- Socio-Economics
- Municipal Services & Community Resources
- Utilities & Infrastructure
- Historic, Cultural & Archaeological Resources
- Open Space, Parks & Recreation
- Traffic
- Hazardous Materials
- Natural Resources
- Air Quality & Noise
- Green Building & Sustainability

#### **4.1 LAND USE & ZONING:**

The existing land use in the 46-acre Project Area reflects a dynamic diversity symbolic of an evolving urban setting. The industrial uses situated to the west, primarily along MacQuesten Parkway (within the I – Industrial zoned areas) include manufacturing, industrial, warehouse, office, retail and service uses, while the Mount Vernon Avenue corridor, which is primarily zoned NB – Neighborhood Business & CB – Commercial Business, is defined by mixed-use buildings with first floor retail, service or restaurant uses, and with apartments above. The balance of the Project Area, generally east of Terrace Avenue, which is zoned RMF-10 and RMF-15 (Residential – Multi-Family), uniformly consists of 2, 3 and multi-family residences.

The adoption of the MVW Zoning may impact existing patterns of land use by facilitating redevelopment that encourages mixed-uses (as opposed to the distinctly segregated uses that exist today). While no change to the array of land uses that exist in the 5 zoning districts that currently encompass the Project Area is proposed, the way in which these uses are permitted to be deployed and developed going forward, may change.

**(a) Generalized Land Use**

The adoption of the MVW form-based zoning will not significantly alter the generalized land use pattern of the City. The distinctions between the areas known as the North Side, the South Side, Downtown and Mount Vernon Heights will remain intact. The well defined and logically configured boundaries of the MVW zone will assure that the redevelopment of the Project Area will be limited to the appropriate areas defined by the zoning.

Importantly, future development allowable under the proposed MVW Zoning will be located entirely within the draft Comprehensive Plan’s “Higher Intensity Planning Area.” Within this area permitted land uses are to be modified to promote higher/greater development potential and quality of life.

No change to the permitted uses allowable under the existing zoning is proposed.

**(b) Relationship of Allowable Development Under MVW Zoning to Overall Land Use Patterns**

While the list of uses permitted in the proposed MVW Zoning is identical to those uses currently allowable under the existing zoning, the *distribution* of those uses may change.

Currently, the boundaries separating the various districts serve to segregate land uses. Opportunities to accommodate mixed-uses are limited by the restrictions and limitations of the existing zoning. The proposed MVW Zoning accommodates, and in fact encourages, mixed-use development to occur. This represents a basic tenet of transit-oriented development – where a comprehensive and well-conceived land use pattern comprised of mixed-uses, all seamlessly integrated,

creates a dynamic and vibrant urban setting – a place where both residents and businesses want to be.

**(c) Compliance with Land Use Plans**

The vision for the Mount Vernon West area has been well established for some time, and it is only now that the corresponding zoning has been developed to advance that vision toward a tangible reality. As documented in Section VI.A 1. (f) of the DGEIS – a number of land use plans exist for the area, all of which recommend the type of development being discussed herein. New zoning is recognized as a necessary component to achieve this goal. The proposed MVW Zoning is entirely consistent with all of the planning initiatives addressing the area.

**(d) Primary Study Area Land Use**

The MVW Zoning has the potential to alter the existing pattern of land use within the Primary Land Use Study Area, not through the elimination of existing uses or the addition of new uses, but through the integration of existing uses throughout the area. One of the main objectives of the MVW Zoning is to facilitate mixed-use development, which takes advantage of the area’s proximity to the Mount Vernon West train station.

It is likely that the development related incentives included in the proposed MVW Zoning would result in some of the 22 vacant properties, as well as the various underutilized properties in the Project Area, being redeveloped under the provisions of the proposed zoning. This is generally a positive impact as new development will help to redefine the character of the area, will provide opportunities to accommodate new uses that were previously unable to establish themselves in the area, and will provide significant economic benefits to the area and the City as a whole.

**(e) Present Uses in the Project Area**

The proposed MVW Zoning will not eliminate any existing uses, so existing conforming uses wishing to remain in the Project Area, will be unaffected by the new zoning. Redevelopment and new development would be required to conform to the new MVW Zoning provisions and requirements.

(f) **Existing Zoning**

The rezoning will replace the existing I-Industry, CB-Commercial Business, NB-Neighborhood Business, RMF-10-Residential Multi-Family and RMF-15-Residential Multi-Family zones within the Project Area with the new MVW Zoning district. This rezoning would only affect the Project Area, and all other areas of I, CB, NB, RMF-10 and RMF-15 found elsewhere in the City would remain in place and unchanged.

(g) **Differences Between Existing & Proposed Zoning**

The foundation upon which the MVW Zoning is constructed is fundamentally different from the City's existing zoning provisions. This is so due to the "form-based" structure of the proposed zoning. While the zoning approach of the MVW Zoning differs from the existing zoning, the basic building blocks embedded within the zoning itself are consistent with the City's existing zoning hierarchy.

Use provisions remain identical. Bulk, area, height, setback and other dimensional controls are consistent with (and in most instances taken directly from) the other zoning districts found elsewhere in the City. The basic difference between the existing and proposed zoning is the proposed zoning's emphasis on building *form* over *use*. Such an approach is commonly recognized as a significant benefit.

**FINDING:**

***The City Council finds that the Proposed Action will not result in any adverse land use or zoning impacts. The proposed form-based zoning is different from the existing traditional zoning in that it relegates the regulation of use to a position that is ancillary and secondary to form. The proposed form-based zoning is vision-based, built upon the foundation of community input and guidance. It is holistic in that it addresses both public and private spaces to create a whole place, including buildings, streets, sidewalks, parks and parking. It is 'place-based', building upon and enhancing the unique characteristics of the Mount Vernon West area. It is spatially organized to enable a sense of community through smooth and often imperceptible transitions between regulatory zones. And because of the level of detail embedded in the form-based zoning code, the development review and approval process is streamlined, requiring little or no subjective review.***

*The result is an innovative zoning approach that has been specifically created to assure excellence in building design and the overall integration of new buildings into the existing fabric of the Mount Vernon West area. As a result, no adverse impacts are anticipated. No land use or zoning mitigation measures are required.*

#### **4.2 URBAN DESIGN, AESTHETICS & VISUAL CHARACTER:**

The diversity of the visual appearance of the Project Area is rooted in the underlying existing zoning and pattern of land use. Moving east from the Yonkers municipal boundary in the west, intensive industrial uses gradually give way to less intensive commercial uses, multi-family residences and ultimately lower density residential uses, punctuated by the commercial spine of Mount Vernon Avenue.

##### **(a) Projected Future Build-Out**

It can be projected that the future build-out of the Project Area under the proposed MVW Zoning would yield approximately 3,153 new residential units and approximately 263,700 square feet of commercial space. This new development would be located almost entirely within the MVW “Hub” area, with some additional potential development within the “Corridor” area.

The MVW Zoning does allow for increased densities in areas proximate to the train station, which is a basic tenet of transit oriented development zoning. Taller buildings along MacQuesten Parkway are the result of this policy.

Taller building heights along MacQuesten Parkway are appropriate for several reasons. The character of taller buildings has already been established on the west side of the Bronx River Parkway in Yonkers. 6 to 8 story buildings set atop rising topography, which dominate views to the west, are present parallel to MacQuesten Parkway. Views and vistas along Mount Vernon Avenue to the west terminate with views of these taller buildings. Aside from this existing condition, and perhaps more importantly, the topography of the area drops significantly from east to west – toward the Bronx River valley. The actual visual impact of tall buildings located in the vicinity MacQuesten Parkway will

be mitigated by this drop in elevation, which varies from a high point with an elevation of approximately 150' at the intersection of Mount Vernon Avenue and West Lincoln Avenue to a low point along the Bronx River of approximately elevation 80' (a drop of 70 feet – the equivalent of a 7 story building). Recognizing these unique conditions, building heights ranging from 15 to 20 stories within the “Hub” area have been evaluated and have been determined to result in comparatively similar visual impacts based on the visual impact analyses and shadow studies conducted.

Moreover, the build-out analysis took into account these building heights, and it has been established that development related impacts would not significantly increase due to the increase in the number of stories. The overall net build-out of the area would not change. Form based zoning is unique in that it embeds an array of zoning controls into a single integrated package. The build-out analysis, which was the primary basis for evaluating all impacts in the Generic Environmental Impact Statement, was based on this integrated zoning package. Increasing the height of a residential apartment building by several stories, would not necessarily result in the addition of any more dwelling units. Rather the same number of units would simply be bigger (more bedrooms for example, or larger square footages).

This is so due to a number of the proposed form-based zoning’s governing regulations, such as the provisions for areas of usable open space required for each dwelling unit, or off-street parking requirements per dwelling unit. These provisions effectively become density limiters. If a taller building added more dwelling units, then those restrictive regulations would likely be exceeded, resulting in non-compliant projects. Parcel size, rather than building height, plays a more important role in regulating density in this regard.

The build-out analysis in the GEIS reflected the uniqueness of the form-based zoning in-toto - resulting in a fixed-build out number. The same overall density number would apply if short squat buildings or tall skinny buildings were built. The build-out density for the Project Area would not change appreciably.

The development of buildings in the “Hub” area would meet the long-term goals and objectives of the area.

**(b) Impact of Existing/Proposed Zoning on Visual Character**

It is anticipated that implementing the new MVW Zoning would result in a positive impact when contrasted with the development allowable under the existing zoning. The existing traditional “Euclidian” zoning provides no provisions for enhanced and contextually sensitive design. The proposed form-based zoning incorporates these fundamental attributes.

The 5 existing zoning districts in the Mount Vernon West area prescribe 9 zoning dimensional regulations:

- Lot area
- Lot area per dwelling unit
- Building coverage
- Impervious surface coverage
- Minimum lot width
- Front yard setback
- Side yard setback
- Rear yard setback
- Maximum building height (in feet and stories)

By contrast, the proposed MVW form-based zoning regulates 8 specific building types:

- Mixed-Use Building
- One Story Commercial
- General Commercial
- Civic Building
- Multi-Family Apartment
- Tower on Podium
- Townhouse
- Detached Dwelling

The proposed zoning then establishes where these building types are permitted (this is known as the *Regulating Plan*, which is similar to a zoning map). Additionally, each building type is then physically regulated in the following ways:

- **Lot**
  - Lot Dimensions
    - Lot Area
    - Lot Width
  - Usable Open Space
- **Building Placement**
  - Building Setbacks
    - Common Lot Line
    - Lot Line Abutting RMF Zone
  - Build To Line
    - Primary Street
    - Side Street
  - Parking Setbacks
    - Primary Street
    - Side Street
    - Parking Location
  - Coverage
    - Building
    - Impervious Surface
- **Height & Mass**
  - Building Height
  - Story Height
    - Ground Story
    - Upper Story
  - Building Mass
    - Maximum Length Upper Story
    - Upper Story Offset Depth
    - Upper Story Offset Depth
    - Building Length

- **Activation**
  - Transparency
    - Ground Story Primary Street Transparency
    - Ground Story Secondary Street Transparency
    - Blank Wall Length Primary Street
    - Blank Wall Length Secondary Street
  - Functional Entries
    - Functional Entries
    - Area of Garage or Service Bays Along Street Wall
  - Permitted Building Elements
    - Porch
    - Stoop
    - Balcony
    - Awning/Canopy
    - Forcourt

While form takes precedent in the zoning hierarchy, uses are also regulated through the establishment of permitted and special permit uses in the respective Hub, Corridor and Transition areas. Importantly, design standards have been established to assure that an elevated degree of design excellence is achieved.

When compared to the 9 basic zoning provisions of the existing zoning, the proposed MVW Zoning affords a highly refined level of zoning control that provides greater assurance that the overall planning goals for the area will be achieved.

Employing the proposed MVW Zoning will effectively assure that new development results in a beneficial impact on the visual character of the area, and that this newly evolving character remains consistent with the long-term vision that has been established for the Project Area.

***FINDING:***

***The City Council finds that the potential impact of the proposed MVW***

*Zoning on the urban design, aesthetics and visual character of the Mount Vernon West area is expected to be beneficial. Today, the area combines distinctly segregated uses in an uncomplimentary juxtaposition. Hard edges reinforce a generally negative perception of industrial uses while commercial uses lack a coherent sense of architectural continuity. Abandoning the existing hierarchical limitations inherent in the existing zoning, and instead employing a new zoning system that comprehensively addresses the entire Project Area, will foster a new and distinctively unique aesthetic character, tailored specifically to Mount Vernon West. No significant adverse urban design, aesthetic or visual character impacts are anticipated.*

#### **4.3 SOCIO-ECONOMICS:**

The adoption of the MVW Zoning has been designed to facilitate new mixed-use development that will positively impact demographic, labor and market conditions and trends.

**(a) Demographics**

Mount Vernon's diverse population of 68,224 makes it the 8<sup>th</sup> largest city in New York State; the 2<sup>nd</sup> most densely populated city in the State; and the 11<sup>th</sup> most densely populated city (with a qualifying population over 50,000) in the United States.

Based upon the projected build-out under the MVW Zoning, it is estimated that a population increase of 7,930 new residents can be anticipated.

**(b) Residential Market**

The City supports 25,998 occupied housing units, of which 62.3% are renter occupied and 37.7% are owner occupied. The residential housing market in the City peaked in 2007 when the average home value was \$510,000. Since that time, the average home value has declined to \$390,600.

A number of factors have recently coalesced to create a very strong rental housing market in southern Westchester County, including: 1) the high cost of

purchasing a home; 2) tight underwriting criteria used by banks for mortgages; 3) the limited housing supply; 4) a continuing challenging job market, particularly for young people entering the work force; 5) the trend of millennial's to prefer rental housing due to employment location variability; and 5) the trend for baby boomers to downsize from their single-family homes to lower maintenance condominium and apartments units located in familiar communities.

The market for transit oriented ("TOD") rental apartments has developed rapidly in Westchester County. TOD developments have been constructed or are underway in virtually every community that hosts a Metro-North station. The local community planning benefits of focusing growth and development in concentrated areas around transit hubs has become prevalent.

The market characteristics to support new residential apartment development in Mount Vernon West are all aligned. Furthermore, the market is currently so underserved that redevelopment in Mount Vernon West will simply address existing pent up demand, without detracting from existing residential areas elsewhere in the City. No significant adverse impacts on residential markets are anticipated.

**(c) Retail Market**

The City's retail inventory totals approximately 3.42 million square feet, with a vacancy rate of approximately 3%. The traditional retail core in the Downtown along Gramatan Avenue has been strongly reinforced by the Mount Vernon Shopping Center on Sandford Boulevard, which demonstrates the viability of satellite retail nodes located outside of the traditional downtown area. It is projected that \$76 million in untapped retail spending exists in the Mount Vernon West area, accounting for 132,000 square feet of supportable new retail space.

Many of the traditional industrial uses located along MacQuesten Parkway have been declining for some time, with an associated decline in the area's industrial work force. While the redevelopment of some of these parcels

would eliminate previously existing industrial uses, it is anticipated that the more productive and economically viable industrial uses would remain, and only those sites that are underutilized would be redeveloped.

The proposed MVW Zoning is designed to facilitate mixed-use development. While this approach to the use of land in the area would change employment characteristics, it would not eliminate employment opportunities. The build-out projection for the Project Area estimates that 89 “soft” (or underutilized) sites are present in the Mount Vernon West area, which could support 263,700 square feet of new commercial space, 132,000 square feet of which would be specifically devoted to retail use. Given the fact that most new redevelopment would likely occur on sites that are currently underutilized, it is reasonable to conclude that the adoption of the MVW Zoning would actually result in an increase in employment opportunities in the Project Area.

Employing standard econometric planning modeling, the 263,700 square feet of commercial space would generate 677 new jobs in the retail, service and food service industries.

The \$205 million in city-wide untapped retail spending and more specifically, the \$76 million in untapped retail spending related to the Mount Vernon West area represents clear evidence that a thriving retail market can be supported in the area.

A fundamental principle of form-based transit oriented development zoning is the incorporation of mixed-uses into an area. The various uses within a mixed-use development compliment one another, creating and expanding market opportunities. Facilitating new residential development will result in an increase demand for retail and supportive retail service uses. The presence of those uses will strengthen the viability of the residential market opportunities. Not only does a significant untapped retail market exist now in the Mount Vernon West area, but new development permitted under the new MVW zoning will further expand that market.

**(d) Secondary Jobs:**

In addition to the new jobs anticipated to be generated by the new commercial space, construction industry jobs associated with the construction of 3,153 apartment units and 263,700 square feet of commercial space would also be generated. It can be projected that approximately 3,641 construction industry jobs would be generated over the course of the multi-year build-out of the Project Area.

This level of redevelopment would also produce secondary or “multiplier” jobs in industries supporting the Project Area – suppliers and vendors of all types. Approximately 587 off-site jobs would be created as a result of new development in the Mount Vernon West area.

**(e) Tax Generation:**

It is estimated that the total cost of new construction in the Mount Vernon West area resulting from the projected build-out would be \$796,275,000.

The Mount Vernon West area currently generates approximately \$5,718,300 in real estate taxes to the various taxing jurisdictions. It is estimated that the full build-out would result in the generation of \$37,749,656 in real estate taxes, of which \$9,732,175 would be paid to the City. This estimate does not take into consideration the potential for PILOT (payment in lieu of taxes) agreements. It is possible that redevelopment projects may seek PILOT agreements with the City. Future requests for PILOT agreements would be addressed by the City on an individual case-by-case basis, after applying a cost benefit analysis to ensure that any potential impact on City services from the project will be offset by the additional revenue from the PILOT agreement.

The new retail space is anticipated to generate approximately \$65,925,000 in sales, resulting in sales tax revenue of approximately \$3,521,219, of which \$659,250 would be paid to the City.

**FINDING:**

***One of the fundamental goals underlying the transit oriented form-based zoning being proposed to facilitate development of the Mount Vernon West area is to support the revitalization of an area that has experienced a degree of decline, while taking advantage of the obvious benefits inherent to the area's proximity to the Mount Vernon West Metro-North train station.***

***The development of over 3,000 dwelling units would increase the City's population by nearly 9,000 residents – returning the resident population to the peak level recorded over 50 years ago in the 1960 census. These new residents will require additional City services; however, the financial benefits associated with the full projected build-out, including nearly \$39 million annually in new real estate taxes, 677 new full time jobs, 3,641 construction related jobs, 587 secondary or “multiplier” jobs, \$66 million in new retail spending and over \$3.5 million in sales taxes will far off-set any operational service costs incurred by the City.***

**4.4 MUNICIPAL SERVICES & COMMUNITY RESOURCES**

The adoption of the MVW Zoning would accommodate the redevelopment of property within the Mount Vernon West area. New commercial and residential development is anticipated, which would result in a corresponding increase in the demand for municipal services.

**(a) Police Department**

One of the tangible benefits of developing higher density mixed-use neighborhoods is that there is often a *reduction* in crime rates due to the presence of residents and merchants that care about their neighborhood, and as such provide “eyes on the street”. The creation of a new vibrant area that is potentially enlivened 24/7, rather than simply during the commercial hours of the workday, as is currently typical along MacQuesten Avenue, will potentially reduce opportunities for mischief and create a safer environment.

Based on the build-out projections described herein, redevelopment in the Mount Vernon West area has the potential to increase the City's population by

7,930 residents over time. Utilizing the standard police personnel projection ratio, an additional 16 police officers would be required to serve this population.

The 212 uniformed officers currently employed by the Department exceeds the recommended national ratio of officers per 1,000 in population by 76 officers. The 16 new officers required to address the build-out *would not* exceed the recommended ratio. No adverse impacts are therefore anticipated.

**(b) Fire Department:**

The primary redevelopment focus within the Mount Vernon West area is in the “Hub” paralleling MacQuesten Parkway. Most of the buildings within this area are older industrial buildings supporting a host of industrial and commercial uses. Many of these older buildings fail to meet current Building and Fire Code provisions. The potential to redevelop these sites and replace these older buildings with new fully code conforming structures would be a positive improvement from a fire protection perspective.

The Fire Station at 9 – 11 Oak Street (Station 4) sits on the northeastern edge of the Mount Vernon West area. Response times from this location would be as rapid as crossing the street to reach the north side of the area, and would be at most a few minutes to reach the south edge.

New development would place increased demands on the Fire Department. The potential increase in resident population would require an additional 13 firefighters. The 135 uniformed firefighters currently employed by the Department exceeds the recommended national ratio by 22 firefighters. The 13 new firefighters required to address the build-out *would not* exceed the recommended ratio. No adverse impacts are therefore anticipated.

**(c) Emergency Services:**

It is projected that a population increase of 7,930 residents would result in 289 additional calls for EMS assistance annually. The City’s Emergency Management Office coordinates ambulance service. It is not anticipated that

this additional volume of emergency service calls will result in any adverse impacts.

**(d) Health Care:**

New residents and new businesses occasionally require hospital services. Montefiore Mount Vernon Hospital is located less than ¼ mile from the Mount Vernon West area, and is capable of handling the medical needs of the community.

Adding the potential build-out population to the City's 2013 population of 68,224 results in a total future population of 76,154. Based on the standard planning ratio, 305 hospital beds would be required. The 176 existing beds at Montefiore Mount Vernon Hospital would not meet this demand.

It should be noted that the ratio cited above does not reflect current healthcare trends and hospital usage rates. In recent years hospital admittance rates have decreased by 15% and the average length of stay has decreased by 13%. It is therefore likely that the demand for hospital beds will be somewhat less than required by the standard ratio.

Additionally, hospital attendance is not restricted geographically to one's community of residence. The prevalence of other hospitals and health care facilities in lower Westchester County, and the proximity of the facilities of New York City, mitigates any perceived local deficiency.

**(e) Schools:**

The recent resurgence of transit oriented development has focused primarily on two age groups; first, young "millennial's" who are financially unable, or more often, voluntarily electing to bypass suburban areas in favor of active, vibrant urban areas with easy transit access and high quality amenities; and second "empty-nesters" who are downsizing from their suburban homes, yet wish to remain near family and friends and the familiarity of their community.

The very large numbers of these two groups (“empty-nesters” generally baby boomers) and their children (“Millennial’s”) significantly influence social trends – including housing choices.

Both of these age cohorts do not account for the generation with large numbers of school-aged children. The Baby Boomers are generally finished raising their families, and the Millennial’s often have not yet begun.

These factors indicate that the 3,153 dwelling units projected to be constructed over the course of the build-out of the Mount Vernon West area are not likely to attract significant numbers of families with children.

Nevertheless, school age children projections can be made to estimate the potential future impact on the Mount Vernon City School District. The projected future build-out would result in the generation of approximately 394 school-aged children that would attend the Mount Vernon public schools. It is anticipated that many of these children would attend the Hamilton School located on Oak Street. Older children would attend the A.P. Davis Middle School and the Mount Vernon, Mandella or Thorton high schools. The school children would not be anticipated to enter the school system in a single year, but would rather enter the system over the course of the redevelopment of the Mount Vernon West area.

During the district’s period of peak school enrollment (the 2003-2004 school year) district wide enrollment totaled 10,009 students – or 1,949 above the current district wide enrollment. The ability of the district to absorb the 394 children projected to be generated from the Mount Vernon West area does not present a capacity problem for the schools where the children would attend of for the School District as a whole.

Furthermore, the full projected build-out of the Mount Vernon West area would result in the generation of \$24,281,752 in real estate taxes for the School District. Utilizing the current cost per student expenditure figure of

\$12,460, the 394 students would cost \$4,909,240 to educate annually, resulting in a significant revenue surplus to the School District of \$19,372,512.

(f) **Public Works:**

The new residences and commercial spaces projected to be constructed during the build-out of the Mount Vernon West area will place an increased burden on certain Bureaus of the Public Works Department.

The Bureau of Engineering would likely experience an increase in development applications being filed, requiring their review and the issuance of permits for road openings, etc. Likewise, the Bureau of Stormwater Management would be responsible for ensuring new developments comply with Phase II stormwater regulations.

The Bureau of Sanitation would be most directly impacted by future redevelopment. Based on the solid waste generation ratios, the full projected build-out would result in the generation of approximately 14.4 tons/day of solid waste.

It is important to note that virtually all of the new development that may occur in the Mount Vernon West area will involve the redevelopment of already developed properties. Therefore the 14.4 tons of solid waste would be proportionally reduced by the amount of existing solid waste already being generated from the area. The net number is anticipated to be significantly lower. The Bureau of Sanitation has the capacity to handle this volume of additional solid waste.

Additionally, the City recycles 39% of its waste, so the volume of solid waste generated from the potential redevelopment would be reduced by 5.6 tons/day to account for recycling, resulting in a net solid waste generation of 8.8 tons/day.

**FINDING:**

***The Lead Agency finds that the potential full build-out of the area will not***

*create an excessive demand for municipal services, and that most service providers currently have excess capacity sufficient to support the additional development. Furthermore, project taxes generated from the build-out of the Project Area will sufficiently fund any increase in municipal services required due to the potential redevelopment. A net tax surplus for all taxing jurisdictions is anticipated.*

#### **4.5 UTILITIES & INFRASTRUCTURE:**

Redevelopment permitted under the MVW Zoning will result in increases in the demand for water and will produce wastewater and stormwater generation.

**(a) Water Supply:**

The properties located within the MVW Zone are supplied with water by the City of Mount Vernon Board of Water Supply, which receives all of its water from Shaft 22 of the New York City's Catskill/Delaware reservoir system. The entire water supply system throughout this section of Mount Vernon is gravity feed. There are no significant pressure issues within the water system and there is adequate capacity. However, buildings of 7-stories or more, which is permitted under the MVW Zoning, use pumps to boost the internal water pressure for fire protection systems.

Although the system is aging, approximately 75% of the water lines within the municipality have been cement lined within the past 20-years to prolong the useful life of the water lines and the associated infrastructural network.

The estimated water demand for development under the MVW Zoning build-out, plus the water demand for all remaining properties in the Project Area, is estimated to be 1,934,817 gallons per day ("gpd"). Although it is anticipated that the water demand for this area will increase significantly if the entire Project Area is developed to its fullest projected capacity, this increase in demand can be handled by the existing water distribution system. However, to preserve the integrity of the system, to prolong its useful life and to offset the impact of an increase in demand, all watermains within the project area should be cement lined. These improvements should be undertaken by the

property owners proposing the development as part of the mitigation of any proposed development.

**(b) Sanitary Sewer:**

The properties located within the proposed MVW Zone are located within the Bronx Valley Sewer District (BVSD). The City of Mount Vernon Department of Public Works (“DPW”) maintains and repairs the sanitary sewer mains and manholes throughout the municipality.

DPW identified one problem area, which is located within the proposed MVW Zone. There are two sanitary sewer lines located beneath Mount Vernon Avenue. The main located under the middle of Mount Vernon Avenue is pitched in two different directions. The split occurs at the intersection with High Street. According to the DPW, the main in the middle of Mount Vernon Avenue is prone to grease build-up and the DPW regularly cleans the line to remove the excess grease.

It is estimated that total wastewater generated from the build-out of the MVW Zone is 1,934,817 gpd. Although this volume reflects a significant increase in anticipated sanitary sewer flows, the existing sanitary sewer collection system has adequate capacity to handle the anticipated increase in flows. Because the sanitary sewer system is gravity fed, increased volumes will not result in specific increases in maintenance obligations. However, each future development project should be assessed on an individual basis to confirm anticipated flows and the appropriate connection point to the municipal system.

In addition to preserving the integrity of the collection system and to extend its useful life, all of the main lines within the Project Area should be cleaned, inspected and lined at the time each new development comes on line. These improvements should be undertaken by the property owners proposing the development as part of the mitigation of any proposed development.

(c) **Stormwater:**

The City of Mount Vernon is a regulated land use control Municipal Separate Stormwater Sewer System (MS4), which means the City is responsible for regulating stormwater runoff and monitoring stormwater outfalls within the municipality.

The DPW maintains and repairs the drainage lines, catch basins and manholes within the municipality. There are no known problems with the existing drainage lines in the MVW Project Area which include drainage lines ranging from 12-inches to 36-inches in diameter. However, the storm drainage lines are only located within the major roadways: Mt. Vernon Avenue, Oak Street and portions of Grove Street and MacQuesten Parkway S. The cross streets such as S. Terrace Avenue, S. High Street and a portion of MacQuesten Parkway do not have storm water drainage lines.

There are no significant existing drainage problems within the Project Area, which is already generally developed and is almost entirely covered by impervious surfaces. Construction of projects within the proposed MVW Zone will generally involve site grading, driveway and parking grading and paving, installation of storm drainage systems, installation of associated utilities, and construction of buildings. Some of these changes may result in a change in the amount of impervious areas, which could alter the hydrologic characteristics of the existing watersheds and indirectly impact the quality and quantity of stormwater runoff throughout the Project Area. Because of the extensive existing impervious surface coverage, redevelopment will not significantly increase the amount of impervious surfaces, and in certain instances may result in decreases through the use of pervious paving materials and associated infrastructural improvements.

The majority of the properties within the proposed MVW Zone are developed and many were constructed many years ago without stormwater management facilities of any kind. Projects that redevelop these properties will be required to use the redevelopment activity criteria outlined in the *New York State Stormwater Management Design Manual*, latest edition to address the water

quality and quantity control measures. The redevelopment activity criteria was specially developed for redevelopment projects and provides options for water quality and quantity controls.

Runoff reduction techniques can also be incorporated into the redevelopment projects. Runoff reduction is best achieved through the reduction of the effective impervious surface area. Alternative practices, such as rain gardens, green roofs, stormwater planters, cisterns, and permeable paving can be incorporated during the individual development's approval process, where feasible, to promote runoff reduction through infiltration and evapotranspiration.

In order to reduce potential stormwater runoff quality and quantity impacts, projects within the proposed MVW Zone should:

- Maintain existing drainage patterns.
- Control increase in the rate of stormwater runoff resulting from the projects.
- Reduce potential stormwater quality impacts and soil erosion from stormwater runoff generated during and after construction.

Projects that will result in land disturbances of less than 1-acre should, at a minimum, provide water quality control measures (such as hydrodynamic separators or vortech units) prior to connecting into the City of Mount Vernon drainage system.

Projects resulting in land disturbances of 1-acre or more should be required to provide both water quality and quantity control measures in accordance with the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity Permit Number GP-0-15-002 or its successor. The development's Stormwater Pollution Prevention Plan (SWPPP) should be reviewed and approved by the City prior to submitting the Notice of Intent to the NYSDEC to obtain coverage under the SPDES General Permit.

It is also recommended that storm drainage lines be installed along MacQuesten Parkway, South Terrace Avenue, North Terrace Avenue, South High Street, North High Street, and North Bleeker Street to collect the stormwater runoff instead of solely relying on overland flow of stormwater runoff to the drainage structures located at the intersections. These improvements should be undertaken by the property owners proposing the development along each of these streets as part of the mitigation of any proposed development.

As part of the suggested drainage improvements recommended for the cross streets listed above, the implementation of green practices should be applied by those undertaking the improvements. The goal of these green practices is to provide water quality treatment not only for each project, but for the streets also. The types of green practices to be implemented include curb side catch basins with water quality practices such as bio-filters.

**(d) Electric, Telephone, Cable and Other Utilities**

Electric, telephone, cable, and gas are currently available to the properties located within the proposed MVW Zone. Con Edison provides electric and gas service, and Verizon provides telephone and cable service to the project area.

As properties are redeveloped, there is the potential for an increase in the demand for electric, telephone, cable, and gas services. The existing utilities within the proposed MVW Zone may have to be extended to provide service to properties currently not receiving any utilities, such as vacant properties or properties containing parking lots only. These public utilities are mandated to provide adequate service to their customers. New ratepayers will provide for any service expansions that may be necessary.

***FINDING:***

***The Lead Agency finds that the existing utility and infrastructural network serving the Project Area can accommodate the level of redevelopment***

*envisioned under the proposed MVW Zoning. Sound long term infrastructural maintenance and improvement practices, such as cement lining the existing sanitary sewer lines within the MVW area, and employing best management practices in the design of stormwater management improvements, will assure that any adverse impacts will not result from the proposed action.*

#### **4.6 HISTORIC, CULTURAL & ARCHAEOLOGICAL RESOURCES:**

No properties on the State or National Register of Historic Places are located in the Project Area or would be impacted by the adoption of the MVW Zoning, or the potential redevelopment of the Mount Vernon West area under the MVW zoning controls.

Three sites have been identified as being potentially “eligible” or “undetermined” for listing in the Historic Register. “Undetermined” means that additional evaluation is required before a formal decision can be made regarding their eligibility for listing on the Register. These sites include:

- Mount Vernon West Train Station (Eligible)
- St. Mary’s Church (Undetermined)
- 16 Mount Vernon Avenue (Undetermined)

According to SHPO, both the train station and 16 Mount Vernon Avenue have been significantly altered over time, seriously diminishing or precluding their eligibility for inclusion on the Register. Only St. Mary’s Church, which was built in 1909 and exhibits a mix of shingle style with Gothic revival/carpenter Gothic architectural styles remains in a state where it would still be eligible for listing. It is located in the “Transition” area where redevelopment is unlikely due to the relative stability and built-out condition of the surrounding neighborhood..

No archaeological resources or sensitive areas are located within the Mount Vernon West project area. Therefore, there will be no adverse impacts in this respect.

**FINDING:**

***Potential redevelopment that might occur under the proposed MVW Zoning will not impact any designated historic resources. While the train station has been identified as potentially eligible for listing on the Historic Register, its conversion to a commercial building has seriously degraded its historical context. Nevertheless, should the property be redeveloped, consideration should be given to conserving the historic elements of the building that remain, either in-situ, or through the reuse of the salvageable building details, such as the columns, mural frieze and/or sgraffito panel.***

***While the redevelopment of St. Mary's Church would appear unlikely, should 16 Mount Vernon Avenue be considered for redevelopment, its eligibility for inclusion on the Historic Register should be further assessed before any action is taken.***

***No archaeological mitigation measures are necessary, as no sensitive sites have been identified in the area.***

**4.7 OPEN SPACE, PARKS & RECREATION:**

The potential increase in resident population resulting from the adoption of the MVW Zoning would place an increased demand on the open space, parks and recreational resources of the City.

A total of 241.09 acres of open space and recreational lands exist in the City of Mount Vernon. This accounts for 8.56% of the City's 2,815.74 total acres. The Department of Recreation manages 29 parks and playgrounds in the City.

No passive open space resources presently exist within the Mount Vernon West project area. The proposed action will therefore not result in the elimination of any such resources. No adverse impacts will result.

The proposed MVW Zoning requires on-site open space for new residential development. This open space is required to be incorporated into new development projects for the various building types as follows:

- Mixed-Use Building – 200 sqft/dwelling unit
- Tower on Podium – 130 sqft/dwelling unit
- Multi-Family Apartment – 200 sqft/dwelling unit
- Townhouse – 200 sqft/dwelling unit
- Detached Dwelling – 500 sqft/dwelling unit

The specific type of open space provided, or the recreational improvements and/or facilities included within the open space, would be addressed during the site plan approval process.

While the Grove Street Playground, which is an active recreational facility, is located within the *MVW Corridor* area of the proposed MVW district, and as such could be redeveloped in the future, it was not included as a parcel to be redeveloped in the build-out projection. Only those parcels with a realistic potential for redevelopment were included in the build-out analysis. The playground is a City-owner parcel, and its ultimate disposition would be a City decision. Recognizing the importance of local parks and playgrounds, the City renovated the Grove Street playground in the summer of 2015. As a result, no significant adverse impacts are anticipated.

**FINDING:**

***The adoption of the MVW Zoning will not result in any adverse impacts to open space resources. No mitigation measures are required.***

***All new residential development occurring under the MVW Zoning provisions would be required to provide on-site usable open space to meet the recreational needs on building tenants. This provision would serve to improve the conditions in the area by potentially creating additional parkland and open space that does not currently exist.***

***The build-out scenario projects a potential population increase of 7,930 residents. Utilizing standard recreation planning ratios an additional 49.6 to 83.2 acres of parkland should be provided under the proposed MVW Zoning.***

#### **4.8 TRAFFIC:**

The Mount Vernon West project area is served by an existing roadway network consisting of Mount Vernon Avenue, Oak Street, MacQuesten Parkway, Bronx River Road, Bronx River Parkway and West Lincoln Avenue. Other local roads within the study area include Grove Street, Elm Street, N/S Terrace Avenue, N/S High Street, N/S Bleeker Avenue, N/S Bond Street and New Haven Railroad Street.

16 intersections in the project area were evaluated to assess existing operating traffic conditions and to compare how the same intersections will likely operate in the future when the project generated traffic is introduced. Existing and future parking conditions were also evaluated.

The existing operating conditions of the various intersections (as measured in Levels-of-Service) vary significantly, with some operating at a LOS A, and others operating at LOS F.

Trip generation rates were calculated for the various future uses in the Project Area. Taking into consideration a mass transit credit, interplay between the residential, office and retail uses and a pass-by credit from the existing traffic stream for the retail uses, the project build-out would likely generate a total of 1,460 “new” trips (498 “new” entering trips and 962 “new” exiting trips) during the Weekday Peak AM Hour and a total of 1,498 “new” trips (882 “new” entering trips and 616 “new” exiting trips) during the Weekday Peak PM Hour. It must be emphasized that this volume of additional traffic would be generated gradually as the developments occur, over a number of years, and would not impact the roadway network all at once.

Similar to the existing traffic operating condition, future project generated traffic volumes at the 16 intersections within the Project Area will continue to operate at various Levels-of-Service from A through F, although it is recognized that levels of service will generally be affected by the anticipated increase in ridership through the area. Impacts to levels-of-service would result in longer delays at intersections.

The total parking demand for the build-out envisioned is 3,648 weekday parking spaces and 3,450 weekend parking spaces.

Within the Mount Vernon West area there will be a need for a comprehensive parking plan to be developed and subsequently implemented in conjunction with the redevelopment of the area. There are two primary methods to provide parking:

- On an individual project basis constructed by each Applicant.
- On a Citywide basis with parking structures built and operated by the City.

Since it is not possible to predict when a particular development will “come on line,” it could be a financial burden and is not practical for the City to build parking structures in anticipation of possible future demands. However, the City will, under the proposed MVW Zoning and site plan approval process, ensure that the parking needs are satisfied on a project-by-project basis. In addition, since the development area is close to the Metro-North Mount Vernon West station the City may also permit the developer to lease parking spaces to commuters during weekday daytime hours when deemed appropriate, which could improve the current parking situation for commuters in the area.

The following traffic and parking mitigation measures are proposed to address the impacts identified above. Implementation of these mitigation measures will be undertaken by property owners proposing the development. In certain instances coordination with the City, County and/or State DOT will be required. The specific design of mitigation measures, timing and costs will be established during the review of individual development applications.

- As the project build out is developed and traffic volume projections are met, geometric improvements such as widening, additional lanes, removal of parking, installation of traffic signals, signal coordination and optimization, etc., may be necessary.
- A “new” on ramp to the Bronx River Parkway from Bronx River Road north of Oak Street would improve the operation of the Bronx River Parkway NB ON-Ramp at Oak Street (Intersection 8) and the resulting queueing at the Bronx

River Road/Oak Street/Sherwood Avenue intersection (Intersection 6), by prohibiting left turns from Oak Street.

- In order to improve the operation (LOS and queueing) along Mount Vernon Avenue between Yonkers Avenue and MacQuesten Parkway, including the Bronx River Parkway NB Off Ramp (Intersection 9) and the Bronx River Road/Mount Vernon Avenue/Yonkers Avenue intersection (Intersection 7), a one-way traffic system could be developed from Yonkers Avenue (one-way eastbound) to Oak Street (one-way westbound) via N. West Street (one-way northbound). (Figure VI.H-3).
- Dedication of additional Right of Way along the Project Area's frontages to address future roadway improvements and parking layout.
- Develop a parking matrix based on scope of development to assure that an adequate supply of parking is available for all uses in the area, and that the shared use of parking can be accommodated.
- Depending on the development mix, the City can adjust the parking needs for the office and retail components based on a shared parking analysis that may include on-street parking. It is recommended that any reduction due to shared parking not be in excess of 20% of the residential parking requirement.
- To provide commuter parking, the developer/owner can opt to lease to commuters on a monthly basis (with permission from the City) up to 10% of the residential parking area. However, the developer must demonstrate to the City after the project is completed and in operation for one year that these spaces are available during the weekday daytime hours.
- The City should explore the feasibility of changing on-street parking to a meter system on most if not all roadways within the MVW area to increase turnover and availability of parking spaces.
- A Construction Management Plan be developed as part of each individual development to include the anticipated number of trucks, delivery times and

construction activity times and ensure adequate parking for construction workers and other trucks/equipment on site.

**FINDING:**

***The adoption of the MVW Zoning would accommodate new development that would increase traffic volumes and impact the levels-of-service of the intersections in the project area. Mitigation measure have been identified that will reduce these impacts to within acceptable levels. Individual developments will be responsible for implementing the appropriate mitigation measures, thereby assuring that no significant adverse traffic impacts will result.***

**4.9 HAZARDOUS MATERIALS:**

A large portion of the Mount Vernon West area currently supports industrial uses. This historical pattern of use raised a concern over the presence of hazardous materials in the Project Area. This was investigated through an analysis of historical records, field observations and a review of federal and state databases; including the Federal Hazardous Waste Database (CERCLIS) and the various New York State Environmental Remediation Databases.

Two sites containing hazardous materials have been identified within the Mount Vernon West area, the former Red Devil Paint site, which is now the Extra Space Storage facility, and the Rapetti Service Station. Both are classified as Brownfield Cleanup Sites, while the Red Devil site is also a State Superfund site.

No other recorded incidences of the presence of hazardous materials exist in the Project Area. The potential adoption of the MVW zoning will afford opportunities to redevelop property within the Project Area, including sites that previously housed industrial operations. Because the vast majority of the Project Area is already developed, redevelopment activities will inevitably involve the re-use or partial or total demolition of existing buildings. This activity has the potential to uncover environmental contamination not previously identified or reported, such as the presence of asbestos, storage tanks, hazardous chemicals, refrigerants, lighting ballasts, mercury thermostats, batteries, etc.

These potential impacts are likely to be very site specific and will have to be resolved and mitigated before any individual project is approved.

The contamination at the Red Devil Paint (Extra Space Storage) site has been mitigated through compliance with the 1996 Record of Decision (ROD), although on-going mitigation measures remain in place. Unless this site is redeveloped, no further mitigation measures are required. If it is redeveloped, additional mitigation measures may be necessary as identified in the ROD.

**FINDING:**

***The Lead Agency finds that existing areas of environmental contamination within the Project Area have been identified, and mitigated or have established protocols to fulfill mitigation. For all other areas, Environmental Site Assessments (EAS) would be necessary for all potential future redevelopment, including Phase I (ASTME E1527) and Phase II (ASTME 1903) site assessments. Environmental remediation, if found to be necessary, would be required, prior to the construction of new facilities. State and Federal programs, such as the New York State Superfund Program, the Brownfield Cleanup Program and the Voluntary Cleanup Program, exist to facilitate environmental remediation activities. The NYSDEC En Zone, which has been designated in the Mount Vernon West area, is an additional resource that is available to support site remediation activities and encourage redevelopment to occur.***

**4.10 NATURAL RESOURCES:**

Mount Vernon West is a nearly fully developed urban area. Impacts to natural resources are anticipated to be minor.

**(a) Topography:**

The topography of the Mount Vernon West area reflects a gradual rise from the valley floor of the Bronx River. No areas of significant steep slopes exist in the area. Given the fact that virtually the entire area has been developed and disturbed, redevelopment that might occur under the

proposed MVW Zoning would not result in any significant adverse impacts to the area's topography.

**(b) Geology:**

The geologic conditions within the Mount Vernon West area do not represent any significant impediments to the potential redevelopment allowable under the proposed MVW zoning. The presence of bedrock within 1 meter of the surface may require rock removal in certain instances to accommodate basements or other site development excavations or grading, which would be accomplished by mechanical methods or through blasting. This will be addressed during site specific reviews.

**(c) Soils:**

Approximately 75% of the Mount Vernon West area contains soils defined as "Urban Land". Because Urban Land soils are comprised primarily of fill materials, the building suitability and engineering characteristics cannot be generically determined at this time. Individual site-specific analysis must be carried out during site excavations to determine if soil impacts will occur. However, it is important to repeat the fact that the entire area is fully developed and soils have already been disturbed. It is therefore unlikely that any unforeseen adverse soil impacts would result from redevelopment activities facilitated by the adoption of the MVW Zoning.

**(d) Habitats/Vegetation:**

No significant habitats, areas of significant vegetation or champion trees are located within the area. However, the mature Pin Oaks that line the median of MacQuesten Parkway have been identified as a unique and locally important resource, and are recommended to remain untouched. No adverse impacts are anticipated.

**(e) Wildlife:**

No Endangered, Threatened or Species of Special Concern are located within the Mount Vernon West area, and no habitats that might support

such species are present. Wildlife identified or expected to be in the area are those hardy species that are tolerant of dense urban area environments. The redevelopment that might occur as a result of the adoption of the MVW Zoning would maintain this existing urban setting.

One potential impact that may occur would be as a result of an increase in the permitted heights of buildings in the area. Tall buildings (Tower on Podium building type) may result in additional bird collisions. The problem is most pronounced during spring and fall migration, accounting generally for the death of up to 5% of the fall bird population. As Mount Vernon lies within the Atlantic Flyway, the increased potential for bird/building collisions represents a potential adverse impact.

(f) **Floodplains:**

The entire Mount Vernon West Project Area lies outside of areas of flood hazard. No FEMA imposed building restrictions exists, and as such no adverse impacts are anticipated.

**FINDING:**

***Impacts to natural resources resulting from the adoption of the MVW Zoning are anticipated to be negligible.***

***The potential impact of taller buildings increasing bird collisions can be mitigated through adherence to bird-safe strategies and best practices for the design of new taller buildings, including landscaping, glass choices, the use of window films, translucent glass, fritted (patterned) glass, and other high and low-tech products. Adjusting lighting levels during migration seasons can also help to reduce collisions. Programs such as the New York Audubon Society's – Project Safe Flight provides guidance to effectively mitigate this potential impact. These practices should be incorporated into specific developments when appropriate.***

***The preservation of the tree-lined boulevard along MacQuesten Parkway is strongly recommended as a mitigation measure to preserve the character of the area, and the habitat formed by these trees.***

#### **4.11 AIR QUALITY & NOISE:**

Development allowable under the MVW zoning has the potential to impact air quality and noise. Air quality impacts can be either direct or indirect. Direct impacts stem from emissions generated by stationary sources, including fuel burned for building mechanical systems, heating and air conditioning. Indirect sources are generally attributable to emissions from mobile sources, such as vehicles. Three types of noise impacts may result, including mobile sources, stationary sources and construction sources.

**(a) Air Quality:**

The existing air quality in the vicinity of the Mount Vernon West area is acceptable and poses no known threat to the health or welfare of the general public. In the event of elevated ozone levels, the State has an air pollution episode monitoring plan to issue health warnings to the public to caution those prone to health problems to remain indoors and to refrain from strenuous activities.

Potential development under the MVW Zoning would be consistent with all New York State Department of Transportation (NYSDOT) regional transportation control programs and thus, would be in conformance with the State Implementation Plan that addresses on-going programs to bring the area into compliance with the ozone and CO AAQS.

It has been established that both short-term construction related air quality impacts, as well as long term impacts related to new building operations and induced vehicle trips will not cause any violations of the State or Federal Ambient Air Quality Standards and therefore will have minimal, if any, impacts.

(b) **Noise:**

The proportional increase in traffic (mobile source noise) resulting from future redevelopment within the Mount Vernon West area is not anticipated to result in a significant adverse impact.

The redevelopment of former industrial operations to new mixed-use developments will likely improve stationary source noise impacts. The proposed MVW Zoning provides for the opportunity to develop new mixed-use buildings incorporating residential uses not currently allowed in a majority of the Project Area. Existing industrial and manufacturing uses, while remaining as allowable uses, will likely be replaced over time by more economically viable mixed-use developments. The long-term result of this transition will be the elimination of existing industrial and manufacturing noise sources. This transition could potentially eliminate what may exist today as an adverse condition.

New buildings developed under the new MVW Zoning would be equipped with current code-compliant building mechanical and HVAC equipment.

Short-term noise impact associated with construction related activities will result from new development. These impacts will be mitigated through employing standard construction related best management practices, maintaining construction equipment in good working order, and through compliance with the City's Noise Ordinance.

***FINDING:***

***On the basis of the findings of the traffic analysis, the thresholds that would trigger a supplemental microscale air quality analysis would not be exceeded. It can therefore be concluded that the adoption of the proposed MVW Zoning would not adversely impact long-term air quality and will not result in any new violations of the NAAQS. No mitigation measures are necessary.***

***While not required as a specific mitigation measure, restricting the type of fuel that could be used to supply heat and hot water for new buildings would reduce emissions, and as a consequence assist in improving and/or minimizing any impacts on air quality. For instance, No. 4 and No. 6 fuel oils have greater emissions than No. 2 oil or natural gas.***

***Individual assessment of future projects should be conducted to assure that emission thresholds are not exceeded, and adverse impacts are not created.***

***Short term air quality impacts associated with future construction related activity would be mitigated by following Westchester County Best Management Practices guidance, by maintaining all construction equipment in good condition and sound working order and by complying with the City of Mount Vernon's construction standards.***

***The adoption of the proposed MVW Zoning may actually result in a reduction in noise levels, as older industrial and manufacturing uses may be replaced by mixed-use and residential developments. No long-term noise impacts will result from the adoption of the proposed zoning. No mitigation measures are necessary other than those inherent in the selection of building mechanical and HVAC and associated screening and sound attenuation fixtures and appurtenances.***

***Short-term construction related noise impacts would be addressed on a case-by-case basis during the environmental review of individual developments. It is likely that requiring adherence to the City's Noise Ordinance during construction, and designing construction management plans to be aware of near-by sensitive receptors and to impose appropriate mitigation measures as required, will assure that adverse impacts will not occur.***

#### **4.12 GREEN BUILDING AND SUSTAINABILITY:**

“High performance building” or “green buildings” have the potential to significantly reduce any potential health and/or environmental impacts of their construction, use and operation.

The MVW Zoning incorporates a range of performance standards, which have been designed to illustrate methods, techniques and standards for projects to implement, thereby helping to achieve the City’s development goals and expectations for the area. One such standard involves sustainability and green building through the construction of buildings that are energy efficient (with high levels of insulation, using high performance windows, etc.); that use renewable resources (such as solar heating, daylighting, etc.); are designed for durability, future reuse and adaptability; and use low maintenance building materials with low embodied energy. Building materials should be locally sourced, with a high percentage of salvaged and recycled materials. They should employ high efficiency heating and cooling equipment, high efficiency lighting and appliances and water efficient plumbing fixtures.

The United States Green Building Council (USGBC), the nation’s foremost coalition of real estate and environmental organizations working to promote green buildings, has developed a green building rating system known as LEED (Leadership in Energy and Environmental Design). Buildings and projects receive LEED certification if their designs score sufficient "points."

The LEED *Neighborhood Development* rating system will prove particularly applicable to the MVW Zone, as it emphasizes smart, healthy and green neighborhood development. It emphasizes factors such as smart location and linkages, walkable streets, compact development, a connected and open community, mixed-use neighborhoods, mixed-income and diverse communities, reduced parking footprints, transportation demand management, access to civic and public spaces, community outreach and involvement, tree-lined streets, etc. LEED ND is unique because it encompasses multiple buildings, and a larger geographic area (a neighborhood). Projects seeking LEED ND certification can be advanced by a single property owner or developer on behalf of the larger area, a group of property owners, an independent organization or a municipality. This is a very

different approach than the individual building certification programs, such as LEED for New Construction (LEED NC).

***FINDING:***

***Employing the design standards embedded in the MVW Zoning, combined with an emphasis on complying with green building certification standards, such as LEED, it is anticipated the new development within the Mount Vernon West area will be effectively “green” and sustainable.***

**5.0 ALTERNATIVES:**

5 specific alternatives were considered in the Generic Environmental Impact Statement; including:

- No Action
- Alternative TOD Zoning Tools
- Alternative Density
- Alternative Height
- Alternative Uses

**(a) No Action:**

The no action alternative preserves the status quo. The existing I - Industry, NB - Neighborhood Business, CB - Commercial Business, RMF-15 and RMF-10 - Residential Multi-Family zoning districts would remain in place, as would their respective governing bulk, area, height and other dimensional controls.

The City has expended considerable energy and resources establishing an appropriate future vision, as well as a corresponding set of very clear goals and objectives for the Mount Vernon West area. Should the no-action alternative occur, achieving this vision and implementing these goals would be far more difficult, and ultimately dependent upon individual initiatives acting independently of (and perhaps in contrast to) the City’s goals.

The existing ongoing decline of the industrial base within the Mount Vernon West area would proceed unchecked. Moreover, the existing zoning is failing to accommodate current land use trends and facilitate new

uses that are inherently drawn to the Mount Vernon West area, due in large measure to the proximity of the Metro-North train station. Under the no action alternative, from a zoning perspective these uses are incompatible and non-conforming.

Failure to positively address these market driven forces will result in viable and economically stimulating uses (and/or users) bypassing or even fleeing the City, for more accommodating communities elsewhere in the region.

All of the significant benefits described throughout this DGEIS associated with the adoption of the MVW zoning, would be lost if the no action alternative is realized. As few significant adverse impacts have been identified with the proposed action, embracing the no action alternative would not even be viewed as an approach to lessen or minimize adverse impacts on the community.

**(b) Alternative TOD Zoning Tools:**

The following alternative zoning tools were explored:

▪ **Rezone the Project Area to an Existing Zoning District:**

The simplest approach to achieving the Mount Vernon West area vision and goals would be to employ a zoning district that already exists in the City of Mount Vernon. A basic tenet of transit-oriented development is the inclusion of mixed-uses within the area. Utilizing one of the City's existing zoning districts would not achieve this goal as most districts are strictly segregated between residential and non-residential uses. Opportunities for mixed-uses are significantly limited.

▪ **Overlay Zone:**

An overlay zone involves the superimposition of a new zoning district that is designed for a specific purpose; on top of existing zoning designations which would continue to remain in place. The provisions of an overlay zone can be more restrictive or less restrictive than those of the underlying zoning district(s) and its

boundaries need not necessarily correspond to the boundaries of the underlying zoning. An overlay zone is often utilized as a method to provide development incentives or bonuses for a particular area.

In the specific case of the Mount Vernon West area, employing an overlay zone would allow for a more uniform and unified approach toward redeveloping the Project Area as opposed to that afforded under the five existing separate zoning districts that currently apply. An overlay zone could allow for mixed-uses and could include area, bulk, height and other dimensional regulations that would provide for the type of development envisioned for the area.

The limitations of an overlay zone relate to the discreet variability necessary to accommodate the very distinct areas that need to be established for the Project Area (defined as the *Hub*, *Corridor* and *Transition* areas in the proposed MVW zoning). A single overlay zone would not be capable of accommodating the fine-scale distinctions that need to be created between these three areas. Therefore, it would likely be necessary to establish three separate overlay zones.

Relying on an overlay zoning approach would also leave the underlying zoning in place, including permitted uses and the various associated area, bulk, height and other dimensional controls. In instances where the underlying zoning continued to be utilized, objectives of the transit oriented, form based zoning, such as creating a well-defined and unified streetscape would be undermined by the provisions of the existing zoning, which in most cases do not meet the intent of the current transit oriented development goals. Existing building setbacks, open space provisions, maximum height and several other provisions could potentially conflict with the broader goals for the area.

- **Floating Zone:**

A floating zone is a zoning technique typically employed to encourage a particular use (or uses) within a municipality. Unlike conventional zoning districts, however, the floating zone is not designated on the zoning map. Once enacted into law it "floats" over the community until, upon approval of an application, it is "brought down to earth" to be affixed to a particular area through an amendment to the zoning map.

Often, a particular use or economic sector will be identified as being potentially beneficial for a given community. The use may also be unfamiliar to the community, so a solid understanding of its impacts or municipal infrastructural demands may be only vaguely understood.

Employing a floating zone in the Mount Vernon West area would appear to be unnecessary. This is so primarily due to the fact that the geographic boundaries of the Project Area where redevelopment activity is proposed are already so well defined. There is no reason to keep the district "floating" when its geographic disposition has already been set.

- **Special Permits:**

A special permit use is considered a permitted use – *if* – the applicable special permit criteria are met. Typically, uses established as special permit uses have the potential to cause potential issues that would not otherwise exist with uses permitted as of right, requiring more regulation and control.

Special permit standards could be developed and employed to better regulate the future development of existing uses. However, in order to achieve the goals and vision for the Mount Vernon West area, virtually every existing use would need to be converted to a special permit use, and new zoning criteria established for each and every use. Doing so would perhaps be precedent setting for similar

uses located elsewhere in the City (outside of Mount Vernon West) – where such development might be less preferable. Moreover, such large-scale amendments to the existing zoning would effectively be a complete rezoning anyway. This approach would also put a burden of the municipal boards charged with hearing special permit applications.

(c) **Alternative Density**

Under the existing I, NB, CB, RMF-15 and RMF-10 zoning districts, both residential and non-residential densities are fairly well regulated. This combined with the limited sizes of the parcels in the Mount Vernon West area, and the existing patterns of ownership produces a situation where large-scale redevelopment is not possible without some form of revision to the existing zoning. Small parcels controlled by multiple owners makes assembling a project site that is large enough to economically justify redevelopment difficult.

Lowering the allowable density of the existing zoning provisions would translate to proportionally decreased development related impacts. However, it is important to note that, as assessed in this GEIS, the development densities proposed by the MVW district do not result in adverse impacts that cannot be appropriately mitigated. Therefore it can be concluded that while reducing development densities would reduce associated impacts, the reduction likely would not be necessary to mitigate significant adverse impacts. It should also be noted that the level of development allowed by the MVW Zoning also has the potential to result in a number of beneficial impacts, most notably the generation of significant surplus tax revenues. Reducing allowable densities would result in a corresponding reduction in these benefits.

Increasing the allowable density would translate to proportionally increased development related impacts. As noted, build-out under the proposed MVW Zoning is projected to return the City's resident population and school population to previously existing levels, and associated impact threshold limits. Increasing densities would result in increases beyond

these thresholds, where new impacts may result. Similarly, impacts to traffic operating conditions resulting from increased densities may require additional traffic mitigation measures, which may prove difficult to achieve.

**(d) Alternative Height:**

The proposed MVW zoning includes modifications to the allowable building heights in the Mount Vernon West area. The MVW Zone allows for taller buildings, the most notable being the tower on podium building, which is permitted to reach 15 stories/150’.

Aside from providing for enhanced development densities in accordance with the goals and vision for the area, one of the primary reasons why taller buildings are permitted in the MVW-Hub zone in particular, is the area’s existing topography. The MVW-Hub zone lies along the low-lying Bronx River valley. The perceptual impact of taller buildings, set at lower base elevations, will be diminished. Likewise, elevating the dwelling units in these buildings high enough to create appealing views, is an important marketing approach. Thus, allowing for taller buildings in this area is a logical approach.

It has been established in the technical studies, build-out analysis impact evaluations and visual impact analysis included in the GEIS that building heights of up to 20 stories in the MVW-Hub area will not result in adverse impacts.

Reducing the permitted heights by a story or two, would not result in any real perceptual visual impact. Large-scale reductions in building height would undermine the economic efficiency of a tall building. That loss of density could not otherwise be made up by allowing the development to take up more of the lot, given the constricted size of most of the parcels in the area. Large-scale parcel assembly would tend to constrain the diversity of the urban fabric of the area, resulting in fewer buildings and less architectural diversity.

(e) **Alternative Uses:**

The proposed MVW Zoning incorporates all of the existing uses found in the 5 existing zoning districts. No new or additional uses are proposed, although combinations of existing uses on a property and/or in a zone not currently allowed would be permitted (i.e. mixed-uses).

A very wide range of uses would be allowable under the proposed MVW Zoning. While it would always be possible to permit additional uses, it is unlikely that any uses necessary to adequately support a transit-oriented district are currently excluded.

**FINDING:**

***The Lead Agency finds that the proposed MVW transit-oriented form-based zoning is the most appropriate zoning tool available to achieve the articulated goals for the Mount Vernon West area.***

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**CERTIFICATION OF FINDINGS**

Having considered the Draft and Final Generic Environmental Impact Statements, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, this Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided to the

maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

City of Mount Vernon, City Council

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Marcus A. Griffith  
City Council President

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Date