



July 16, 2020

Mayor Walsh and Board of Trustees
Village of Larchmont

Chairman Parkinson and Planning Board Members
Village of Larchmont

Dear Mayor Walsh, Village Board of Trustees, Chairman Parkinson and Members of the
Planning Board:

We are writing to express our continuing concerns about Elk Homes' revised Centro Project and its application for a Special Permit under the Village's recently enacted Public Amenity Supplemental Mixed-Use Development District law.

Principal Issues with Revised Centro Proposal

- 1. Fifth Floor in Exchange for Public Amenity Package:** Better Larchmont continues to believe that Centro should be only four floors to be more in keeping with the neighborhood. The Special Permit legislation passed by the BOT allows a fifth floor subject to the sufficiency of the public amenity package offered by the developer. The only public amenity proposed in the current plan is a pedestrian walkway, which has always been part of the earlier proposals. While Mr. Hirsch attempted to suggest at the June 20th PB meeting that various requirements written into the Special Permit law, including burying power lines and meeting LEED certification standards should be considered "public amenities" since they are over and above what would have been required under the prior law, this assertion is specious.

We have reviewed the Cleary Consulting Memo dated July 3, 2020 in which Mr. Cleary sets forth a formula for calculating the additional Public Amenity requirement as a monetary fee connected to 3 missing parking spaces and additional theoretical parking spaces. We believe these amounts to be completely inadequate and in no way

commensurate with the value of the zoning rights being sought by the developer to add and additional floor with two luxury penthouse apartments.

The right way to determine the value of the concession being granted to the developer is first to ascertain the difference between the value of the developed property under the existing zoning and the value of the property with the enhanced zoning. **The Village has already given away valuable rights without compensation to the developer with the passage of the new Zoning law, allowing four floors “of right” where only three were allowed under the original zoning.** It goes without saying that the partial fifth floor is the most valuable part of the building; based on surrounding comparables, as well as the pandemic-driven flight to the suburbs, the two proposed luxury penthouse apartments on the fifth floor could sell for \$4.5 – 5 M total. Using conservative numbers, Elk’s construction cost to build the fifth floor could be around \$2.5 – 3 M, leaving a net profit of \$2.5 – 3 M from the fifth floor.

An independent study is required. We submit that the Village should receive a significant share of that additional profit in exchange for giving Elk Homes the right to construct the fifth floor, especially since it has in effect already given them the right to build the fourth floor for free. The Village is giving the developer “free air rights”, which other communities require developers to pay for up front. We urge the Village to obtain an independent appraisal of the added value to the developer represented by the right to build the penthouse floor.

While the BOT wrote the law to state that the determination of the appropriateness of a proposed public amenity will be entirely at the discretion of the BOT, we believe that the public would be best served if the negotiations were made in public to give residents the opportunity to comment on the amenity package, considering that the Village is trading away valuable zoning rights that will have a significant development impact on the Village.

- 2. Building Height:** While the overall height of the proposed building meets the height restriction of the Special Permit Zoning, it is higher than it needs to be to accommodate five floors with more reasonable indoor ceiling heights. Ceiling heights of 13’3” on the retail floor, 11’6” on floors two and three, 12’2” on floor three and 13’ for the fifth floor are

excessive and add the equivalent of another floor on the Chatsworth side and even higher on the Wendt Avenue side. Standard ceiling height for area luxury rentals is 9' and 10' for luxury condos. We urge the PB to require the developer to reduce the interior ceiling heights to more reasonable proportions.

In addition, the mechanicals on top of the fifth floor will add additional height, and Elk Homes has still not provided renderings or details about the height and bulk of these mechanicals. It is clear that these mechanicals will have a significant height and visual impact, because at the June 20th PB Meeting, Elk Homes' architect specifically went out of his way to show a long-distance elevation from the train station side suggesting that you "wouldn't notice them." We submit that Elk Homes should be required to submit drawings of the proposed mechanicals, and that the PB and BOT should require the lowering of the proposed interior ceiling heights to help minimize the additional height created by the mechanicals.

3. Traffic and Safety:

- a) The Easement is Obviously Too Narrow:** As noted by Mr. Cleary in his June 26th memo, current zoning law requires a minimum 12' driveway for one-way traffic and a 24' driveway for two-way traffic. The easement is 10' wide. As illustrated by the fact that just before the Centro discussion at the June 20th PB meeting, the Planning Board was giving a homeowner on Harrison Drive a hard time about the turning radius on his 12' residential driveway, it is inconceivable that the PB can find this proposal to use a 10' driveway to accommodate the two-way traffic from 38+ parking spaces using that easement to be acceptable.

- b) Exiting the Easement is Already Dangerous Due to Limited Sightlines:** The owner and occupants of the Gaita property state that exiting the easement onto Wendt has always been a dangerous proposition because the sightline on the left side is extremely limited. Increased traffic exiting the easement will pose an even greater threat to pedestrian and bicycle traffic coming from the left.

- c) The Proposed Signal System Will Cause Back-ups on Wendt and Palmer Avenues:** The developer proposes to utilize a signal system that will alert traffic attempting to enter the easement from Wendt Avenue if a car is exiting the garage, so that they will stop and

wait for the car to exit before entering. First, cars may already have started to turn into the easement and will have to back up to wait, causing danger to traffic and pedestrians. Secondly, any cars attempting to turn left on to Wendt Avenue from Palmer Avenue will very quickly get backed up, creating congestion on Palmer Avenue back towards Chatsworth Avenue. More importantly, these same adverse effects on vehicular traffic could pose, in our view, a significant threat to the safety of pedestrian and bicycle traffic.

- d) Sanitation Trucks Picking Up on Wendt Will Cause Back-ups on Wendt and Palmer Avenues:** With respect to trash collection, Elk Homes admitted that sanitation trucks cannot possibly fit down the easement to get to the building and back out again, so they propose that they will park the trucks on Wendt Avenue and roll the dumpsters down the driveway to the street. This will not be an easy process, and once again, traffic attempting to turn left from Palmer Avenue onto Wendt Avenue will be stalled and backed up for a significant period of time while the dumpsters are manually rolled up and down the easement and tipped into the trucks.

Some mention was made about possibly removing street parking spaces on Wendt between Palmer and the easement to accommodate this process, but it seems inconceivable that the Village would consider giving up much-needed parking spaces to accommodate the developer's ingress and egress requirements.

- e) Fire Safety:** Fire trucks will not be able to access the back of the building if this narrow easement is the only entryway.
- f) Centro Deliveries:** With respect to deliveries, Elk Homes says they will be directed to Chatsworth Avenue, which will result in double-parking immediately adjacent to the intersection of Palmer and Chatsworth and resultant back-ups and congestion at that intersection and beyond.
- g) The Developer's Traffic Study is Completely Inadequate:** The Kimley-Horn Traffic Study submitted by Elk Homes is patently inconsistent and incorrect on its face, and its calculation of the pre-existing number of trips fails to take into account the fact that all of the properties that use the easement to access their dedicated parking spaces have been vacant for years. Once 1912 Palmer Avenue is completed, there will be additional trips generated by its residents using their 8 parking spots, adding to the access issue.

Total spaces utilizing the easement at full capacity will be 38+ if you count all the spaces for Centro, 1912 Palmer, the adjacent 1918 Palmer Avenue retail property and the Gaita property.

An independent traffic/safety study is required. We submit that it is imperative for the Village to obtain an independent Traffic & Safety Study so as to develop accurate information about the traffic and safety implications of the revised Centro Site Plan and proposal, and not rely on the developer's unsafe and unworkable ideas.

4. Legal Status of Easement: The Village must obtain a legal opinion with respect to the legal status of the existing easement to determine if there are any restrictions on its use, and whether consent must be obtained from the other parties who utilize it.

5. Public Hearing and Opportunity for Public Input: We urge the BOT to provide transparency in the Special Permit decision process. We believe that the public should be given ample opportunity to be heard on an issue as vital as trading valuable Village interests to a developer without receiving adequate compensation.

Thank you for your consideration.

Respectfully,
Better Larchmont