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# CITY OF NEW YORK

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## LAND USE

Committee Meeting Minutes

Thursday, September 23, 2021 – 6:30 PM

Hon. Karen Dixon, Chair

Hon. Kevin Bitterman, Vice Chair

### WELCOME & INTRODUCTIONS (5 minutes)

- A. CB10 Land Use Committee Members – Hon. K. Dixon, C. Harris, K. Bitterman, C. Powell, H. Dukes, D. Glover, S. Gleaton, L. Downing, J. Richardson, G. Harrell, K. Taylor
- B. CB10 Board Members – Hon. K. Horry, D. Gilliard, V. Diggs, B. Nelson, D. Brown-Blackmon, D. Gill, S. Brannon, D. Boyce, D. Perkinson, D. Patterson

### PRESENTATION

**One45/ Museum of Civil Rights** – Presented an overview of the One45/Museum of Civil Rights project to the community and CB 10 board members. Presenters stated that the project started several years ago with a goal to redevelop the site in a contextually, positive way.

#### Presenters

Tristan Nadal

Gregg Pasquerelli – SHoP Architect

Melissa Rosenberg, Associate Vice President – Kasirer NYC

Paul Selver, Partner – Kramer Levin

Bruce Teitelbaum – Owner

Linh Do, Senior Vice President Environment & Land Use Planning - AKRF

Brian Darling

Robert Otero

Riley MacPhee

**OVERVIEW:** The Developer proposes the following to facilitate a mixed-use development that includes residential, commercial and community facility uses:

- A zoning map amendment;
- A special permit pursuant to Zoning Resolution Section (“ZR”) 74-74 – height and setback regulations;
- A special permit pursuant to ZR 74-533 – parking special permit to reduce the number of required spaces from 40% (260-280) of market units to 20% (130 – 140 spaces) ;
- A City Planning Commission (“CPC”) certification pursuant to ZR 32-435;
- A CPC certification pursuant to ZR 26-15; and

- A zoning text amendment to Appendix F of the ZR mapping a Mandatory Inclusionary Housing (“MIH”) area

Existing conditions and proposed changes:

- The site is approximately 68,730 SF
- The proposed structure would include about 824,760 SF
- The existing zoning is **C8-3 and R7-2/C1-4**
- The proposed new zoning is C4-6 (which would have an FAR of 12.0)
  - o Building 1 tower (at corner of Lenox and West 145th) 28 floors and 363 feet
  - o Building 2 tower (along West 145th) 32 floors and 363 feet
- The developer is proposing two potential scenarios:
  - o Residential Podium Scenario
    - 741,714 GSF of residential area / 939 units (235-282 affordable)
    - 17,710 GSF of commercial office (including National Action Network headquarters- hereafter referred to as NAN)
  - o Commercial Podium Scenario
    - 684,358 GSF of residential area / 866 units (217-260 affordable)
    - 75, 018 GSF commercial office (including National Action Network headquarters)
- If the zoning changes are not approved the developer would be allowed to construct a 40- story, 519-foot structure at the corner of Lenox Avenue and 145th Street.

Currently, the site has the Timbuktu Islamic Center, NAN, 99 Cents Store, laundromat, some food stores, gas station, vacant gas station and a vacant lot.

The project will also include the new location NAN, who will rent space, as well as the location of the Museum of Civil Rights. The museum is chartered by the Civil Rights Foundation and will be curated by Ralph Appelbaum Associates.

The developer reported meeting with several community members and elected officials to discuss the project viability and to secure feedback. The project hopes to be certified in October 2021. The ***Environment Impact Statement*** is in process and has not been completed.

The presenters identified the following community benefits:

1. Museum of Civil Rights – creates a world-class cultural space for civil rights education, activism, and training.
2. Utilizing the two walls between the buildings to create an incredible piece of art or mural.
3. Local job training programs – for technology education, cultural activism, and arts. Plan is to seek local partners including MWBE certified businesses.
4. Direct and indirect jobs for the Harlem community
5. Office and event space
6. 250 units of affordable housing
7. Sustainable and transit-oriented development – located on top of a subway stop
8. New state-of-art location for the National Action Network and Hall of Justice for community gatherings and neighborhood intake.
9. National recognition and partnerships – creating opportunities for growth in Harlem

## DISCUSSION:

### CB 10 Board Members

- Horry: Inquired about who would be the curator for the museum – ***We were informed that Ralph Appelbaum Associates would be the curator.***
- Glover: Stated that the great views created by the project would create considerable shading for the surrounding residents. Questioned whether the 29 stories included the base of the building and stated that the NYC Council recently passed legislation to include racial impact studies in applications. Unfortunately, this is not required until next year but asked if they would consider doing one anyway, thus giving the project authentic respect. ***The developer indicated that the 29 stories included the base and the residential units and stated that they would only do what was currently required by the city.***
- Dixon: Questioned the number of affordable units versus fair market units. The project only creates the minimum required number of affordable units (250-260) while adding at least 610 fair market units to the 145<sup>th</sup> Street corridor. Additionally, 600-650 new fair market apartments in Harlem should not be considered a community benefit as the AMI levels are already unrealistic for residents. This will create significant density to the area while the 145<sup>th</sup> Street & Malcolm X Blvd #3 subway station does not accommodate a full train. ***The presenters indicated that the affordable units would include units with deeper affordability with some units as low as the 30% AMI level.*** Further, visitors to the museum would also add density that has not been addressed in the presentation. Chair Dixon asked if they were seeking to use Elevate Transit. ***The presenters stated that they are evaluating transportation impacts via the EIS and indicated that anything that is required would be implemented and discussed with the MTA.*** Chair Dixon also questioned the special permit for parking highlighting the community already has insufficient parking for existing residents. Adding 900 additional units, while requesting permission to reduce the number of required parking spaces, further creates additional burden to the residents in the surrounding area.
- Nelson: Expressed concern that a project in Assembly District 71 was not presented from the onset to the Assemblyman. ***Presenters indicated that there was no slight intended and acknowledged that they were seeking input from the city council member and the local officials as this was a city project. They will continue their efforts to meet with everyone to discuss the project.***
- Gilliard: Outlined concerns related to traffic, one crosstown bus, and significant delays in travelling to the Bronx especially when there is a Yankee game. Therefore, adding substantially more people to the area is unjust. Further, Member Gilliard asked how was adding 650 fair market units going to enhance the neighborhood, ***B. Teitelbaum responded by stating that, at their own expense, they met with various public entities to address this issue, and suggested that we can have this project (cultural institution, open public space, creation of hundreds of temporary and permanent jobs) instead of a vacant gas station.***
- Dixon: Chair Dixon stated that the community can support cultural institutions and affordable housing, however reiterated the ratio of fair market unit to affordable units is a problem especially in light of the pandemic. With many of our residents impacted negatively by the COVID-19 pandemic, are struggling to get assistance through the ERAP (Emergency Rental Assistance Program), thus a disproportionate number of fair market units results in displacement of residents.

- Board Member: Indicated that on the other side of the 145<sup>th</sup> Street bridge, there is new residential construction, a new charter school, and a Hip Hop Museum. Also questions what considerations have been made to address the density and transportation issues already outlined by other Board members. Additionally, if the special permit reduces the number of parking, what considerations were made for the existing community residents regarding increasing density but reducing the required number of parking spaces by 50%. ***The presenters stated that they are concerned about the congestion created by existing and new developments that will be addressed in the EIS. Parking spaces will be located in the cellar of the building***
- Glover: Expressed concerns about the Scoping hearing held in the Spring wherein there was little participation by the community due to very limited, short notification to the community board and the community at large. ***Presenters stated that they notified the community board 30 days prior to the scoping hearing.***
- Board Members: What was the number of parking spaces in the cellar, how many would be for residents (fair market or affordable), who will manage the parking garage, why not more parking spaces, and have you considered the flood zone issues. ***Number of parking slots (140-150) are based on feasibility and what can be fit on the site. Parking garage will be managed by a third party – no management company identified yet.***
- Downing: Asked what type of construction jobs would be made available to the community. Member Downing requested job training and employment for skilled laborer positions as well such as carpenters, electricians, and project managers. ***The developers indicated that they are committed and will set goals and minimums associated with the project as it relates to MWBE businesses and local hiring from the community.***
- Gill: The National Urban League is building a Civil Rights Museum on 125<sup>th</sup> Street. It does not seem productive to have another museum 20 blocks away. ***The presenters stated that they could not speak to the programming at the other museum, deferring to the Civil Rights Foundation.***
- Dixon: Recommended that the community reach out to elected officials to express their concerns regarding this project.

### **Elected Officials/Representatives**

- Hon. Assembly Member Al Taylor: Indicated that he met with B. Teitelbaum and members of Esplanade Gardens Board of Directors but only after being informed that the project was before the city approximately 4-5 months ago. Unfortunately, he was not made aware prior to that. Additionally, Assembly Member Taylor wanted clarification regarding the two options that he was presented. ***B. Teitelbaum clarified his statement regarding who and when they met with elected officials in the community. The other option that might have been presented was the As-of-right development but they are only pursuing the proposal presented with the 29 stories.***
- Shana Marks, Congressman Espailat's Office: Reported that Congressman Espailat's questions/concerns were similar to the ones raised by Chair Dixon, as well as some infrastructure issues not limited to the subway station as well as the schools. The office is seeking responses to these questions so that they can have a broader perspective on what the project brings to the community, and how it will impact its residents,
- Nina Norwood, Assembly Member Ines Dickens' Office: Community Liaison stated that the developers did meet to discuss the project wherein Assembly Member Dickens expressed many of the concerns outlined by the participants. Ms. Norwood requested notification of

future meetings to discuss the aforementioned issues and to ensure transparency. *The presenters stated that they will communicate with CB 10 and elected officials prospectively to ensure participation.*

## Community Members

- J. Tajiddin, Preserve Harlem's Legacy: Stated that the District Manager of CB 10 learned about the scoping hearing on the same date so he does not understand who received the notification. He added that he heard about the scoping meeting after the fact but was able to watch it on YouTube. Mr. Tajiddin also stated that a draft scope does allow for a racial impact assessment on how the project affects fair housing and the Voting Rights Act, adding that the project threatens to dilute and manages to diminish the black plurality in Central Harlem by not giving the community the long-standing ability to elect the candidate of their preference as indicated in Section 2 of the Voting Rights Act as amended in 2006. Mr. Tajiddin also stated that the developer can utilize any AMI level they wanted to create housing that is conducive to the needs of the community. With respect to construction jobs, Mr. Tajiddin expressed concerns regarding the historic practice of companies hiring undocumented workers for lower wages or individuals that are not residents of the community. Mr. Tajiddin requested that the developer hire Black citizens for a majority of these jobs. Concluding that the rezoning being proposed is significant, he indicated that additional discussion was needed with the community to address all of the aforementioned issues.
- Baggett: Developers never build As-of-right, so communities should not feel threatened when these options are presented. Mr. Baggett stated that the Board and the community should be more concerned about what other development potential will be gained through this project if all the rezoning and special permits are granted. He added that community board members are devoted volunteers but another component is the dialogue downtown. He suggested that communication that does not start with the District Manager before the Speaker of the Council, is way of undermining the community. Mr. Baggett encouraged the community to seek out all the elected officials prior to them leaving office, adding that we will have many new council members that may not fully understand the value of council preference in the ULURP process.
- McLemore: Ms. McLemore is a resident of the community. Her family has resided in Harlem since her great grandmother came to the community. She stated that 250 affordable units is not enough for a building with 900 apartments. Significant emphasis is placed on the museum but expressed concerns about the displacement of residents who cannot afford to reside here. She ending by stating that the project is not suitable for the community as more affordable units are needed.
- Davis-John, President Esplanade Board of Directors: As a shareholder and resident of Esplanade Gardens, several other shareholders contacted her to discuss the impact of the project on the community. She participated in a meeting with B. Teitelbaum to discuss concerns regarding affordability, homeless challenges in NYC, congestion and traffic, and new construction on the other side of the bridge. The major concern is that their home, community will change exponentially. Ms. Davis-John wants to see a smaller development, with greater and deeper affordability. Additionally, community development outreach programs, communication with existing store owners, and jobs should be a major component of this project.
- Mr. Ross: Expressed concern regarding shadows created by the proposed height of the project. Requested reconsideration of the height of the building and inquired whether CB 10 could mandate this change. *Presenters deferred to the EIS document as the place in which*

***this issue would be addressed and reiterating that the project will remain at 29 stories.***

Chair Dixon explained that the community board will have an opinion on the project that can recommend changes to the project but ultimately the decision will be made by the CPC, City Council, and the mayor.

- L. Cauthen: Expressed concern that the EIS was not completed as he is a resident of Esplanade Gardens. Outlined similar concerns regarding traffic, the environment, etc. Inquired as to when the EIS would be completed and would the community have an opportunity to voice their concerns. ***Presenters explained that the project cannot be certified for ULURP unless there is a Draft Environmental Impact Assessment done. Comments are taken during the City Planning Commission Public Hearing where people can testify in person or perhaps virtually.***
- Ms. Mary Sweeting: Ms. Sweeting had concerns regarding the remaining retail businesses. ***The presenters stated that they met with all the tenants to see if they would be interested in moving elsewhere in the neighborhood and/or to remain once the project is completed. To date, they have not finalized discussions with all businesses currently located in the space.***

At the end of the discussion, Chair Dixon thanked the presenters, the board, and the community for their participation. Below is a summary of the concerns raised by the community:

- Affordability- insufficient number of affordable units (25%)
- Density – 900 new apartments
- Congestion/Traffic
- Transportation and subway and bus routes
- Insufficient parking
- Jobs, training, and use MWBE business
- Displacement of residents

## **VOTING ITEM**

None

## **OLD BUSINESS**

None

## **NEW BUSINESS**

None

## **ADJOURNED**

Meeting adjourned at 8:30 pm.

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