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One45/Museum of Civil Rights Resolution Manhattan Community Board 10

RESOLUTION: To disapprove the private application by One45 Lenox LLC for a zoning map and zoning text amendments, special permits, and NYC City Planning Commission certifications to facilitate the development of a mixed-use building in Manhattan Community District 10 known as One45/Museum of Civil Rights.

WHEREAS, One45 Lenox LLC development group is seeking approval of a Uniform Land Use Review Procedure (*hereafter known as "ULURP"*) application for C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM for a zoning map and zoning text amendments, special permits, and NYC City Planning Commission certifications to facilitate the development of mixed-use buildings in Manhattan Community District 10 known as One45/Museum of Civil Rights; and

WHEREAS, the C220134-ZMM application is seeking approval for a zoning map amendment to rezone the area from a C8-3 and R7-2 zone with a 6.50 FAR (floor area ratio) to a C4-6 zone with a 12.0 FAR and maximum commercial FAR of 3.4; and

WHEREAS, the N220135-ZRM application seeks approval for a zoning text amendment to Appendix F of the ZR mapping a Mandatory Inclusionary Housing ("MIH") area, by proposing that 25% (220 apartments) of the units will be permanently affordable with an average 60% AMI (area median income of which 10% (85 apartments) of the total number of units designated affordable, will be at 40% AMI; and

WHEREAS, the C220136-ZSM application seeks a special permit for height and setback regulations, and the C220137-ZSM application seeks a special permit for the event space to be located above residential units, the event space lobby to be located within 50 ft. of the street wall, and allows for signage modifications for the museum. The C220142-ZSM application seeks a special permit to reduce the required number of parking spaces from 40% (260-280) of the market units to 20% (130-140) spaces; and

WHEREAS, the N-220128-ZCM, N220139-ZCM, and N220143-ZCM applications request a zoning certification to waive the requirement that 50% of the street wall be used for commercial uses on the north side of Building 1 in order to provide space for the community facility museum frontage; a zoning certification to allow two curb cuts on a narrow street (144th Street) for parking and loading entrances; as well as a zoning certification to permit a curb cut on a wide street (145th Building 2); and

WHEREAS, the development consists of two buildings, one with 28 stories the other with 32 stories, located on 145th Street between Malcolm X Blvd & Adam Clayton Powell, Jr. Blvd., as well as 144th to 145th Street on Malcom X. Blvd., with approximately 850 apartments that will be connected by a Civil Rights museum, and includes the new offices of the National Action Network (“NAN”); and

WHEREAS, One45 Lenox LLC development group identified community benefits such as dedicated community spaces, economic opportunity for community residents via the creation of 1100 jobs, of which 550 would be permanent, job training and development, and opportunities to empower youth that includes a youth mentorship program. Other community benefits suggested by the developer is the creation of a Harlem-based Business Preference Initiative providing below market rent and preferential space for Harlem businesses, the addition of 220 permanently “affordable” residential units in the community, and utilizing the Turning Harlem Green program; and

WHEREAS, Manhattan Community Board 10 facilitated two public hearings on 12/16/21 and 12/27/21 wherein the One45 Lenox LLC development group conducted presentations, received comments from the CB 10 board members, community members, and elected representatives, and answered questions; and

WHEREAS Manhattan Community Board 10 remains extremely concerned about the following issues that were not adequately addressed by the development team:

- **Affordable Units/Affordability** – the project will have **850** residential units but only **220** of them will be designated permanently affordable. Of the 220 units, only 85 will be at 40% AMI with no units designated for homeless or those individuals receiving homeless assistance within CB10. The remaining 135 apartments will be at an average of 60% AMI. While the community gains 220 permanently affordable unit, it will also gain 630 fair market units that is not consistent with community needs.
- **Apartment Ratio** – 21% or 178 apartments will be studios, 52% or 442 apartments will be one-bedroom units, and 27% or 230 apartments will be two- or three-bedroom units. Therefore, 73% or 620 of the apartments will be studio or one-bedroom units. The developer proposes the application of the same ratio to the permanently affordable residential units. Thus 46 units will be studios, 114 units will be one-bedrooms, and only 60 units will be two or three bedrooms. This configuration of residential units does not support the growing number of families in the community and the shortage of affordable housing for this segment of population within our district.
- **Increased Density/Transportation Concerns** – The project will add two buildings with at least 28 stories each, taller than any building in the surrounding area. Based on the number of residential units (850), it is estimated that 1900 to 2600 new residents will be added to this area. This increased density will severely impact the existing public transportation systems in the area.

Currently, the BX 19 bus runs from Riverbank State Park to the Botanical Gardens in the Bronx. The IRT#3 train station at 145th Street and Malcom X. Blvd. is a short station that only affords 5-6 subway cars to open up on the platform. The existing transportation hubs are not equipped to support the increased density.

The developer is requesting a special permit to reduce the number of required parking spaces for fair market units from 40% to 20%, or from 260 to 130 spaces. The remaining spaces will be used by residents, museum visitors, and other tenants, thereby creating an additional parking challenge in the surrounding community already overburdened with the lack of adequate parking for residents and businesses.

Although the Citywide Zoning for Accessibility Text Amendment identifies several subway stations in Manhattan Community Board 10 that are eligible for easements and/or bonus, the station located at 145th Street and Malcolm X. Blvd. is only eligible for easements that would not address the aforementioned concerns related to the increased density.

- **Community Benefits** – The developer proposed several community benefits that on the surface would add value, improve the quality of life, and support a healthier future for Central Harlem residents. However, the developer was not able to provide concrete, written agreements with community organizations and/or MWBE businesses to achieve the goals outlined in the aforementioned community benefits, thus reaffirming the community’s perspective that developers make promises to secure support for their project but often fail to deliver once the project is completed.
- **Displacement** – In Central Harlem 86% of residents are renters of which 23.7% are severely rent burdened, spending more than 50% of their income on rent. The proposed location does not currently have residential tenants. However, the proposed addition of 650 fair market residential units, for income levels of \$83k to \$100k or more, creates an additional challenge for a community where the cost of housing continues to rise. Current “affordability” rates are not realistic nor do they reflect the needs of the community. Consequently, the potential increase of these levels would result in the displacement of lifetime residents who can no longer afford to live in the community.
- **African American Plurality/Voting Rights** - City Council District 9 residents successfully fought to strengthen the African American plurality in District 9 (as well as Community Board 10) when the City brought forth its City Council Redistricting plan in 2012-2013, making such plurality (59%) greater by 8%. Community Board 10 and District 9 residents relied on the Voting Rights Act of 1965, as amended in 2006 known as the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. The Act’s purpose in part was to guarantee the right of protected groups (i.e., African American) to be able to cast meaningful votes [Section 2].

Congress has declared in part that any practice or procedure that affects voting that has the purpose of or will have the effect of diminishing or diluting the ability of any citizens in a protected class (i.e., African American) to elect their preferred candidates of choice denies or abridges the right to vote [Section 5]. The African American population in CB 10 and Council District 9 is sufficiently large and geographically compact to constitute a majority in a single – member district; such group is politically cohesive; and the majority votes sufficiently as a bloc. Therefore, African Americans living in CB 10, Council District 9, Senate District 30, Assembly District 70, enjoy African American representation in government, which is by their choice, as they have demonstrated that

they want to continue voting for people in their group. The United States Supreme Court in 2013 in a matter known as *Shelby County v Eric Holder* upheld Section 5, which means a district's plurality could sustain its political power and reject any rezoning or redistricting that threatens such political power. The One45/Museum of Civil Rights project creates an environment that threatens African American plurality in the Central Harlem community.

- **Preparedness & Responsiveness** – Overwhelmingly, Manhattan Community Board 10 is disappointed by the developer's lack of preparation and their failure to address the concerns repeatedly outlined in both public hearings, as well as in the pre-certification meeting held in September 2021. Concerns related to affordability, the number of permanently affordable units, increased density, transportation implications, and community benefits were not addressed. For example, the response to the request for deeper affordability included statements from the developer that NYC did not provide any funding for the project, followed by a request to the community to help advocate on behalf of the project to secure such funding. Yet, throughout their presentations, One45 Lenox LLC stated that they have been working on this project for several years, thus affording them sufficient time to secure the necessary funding to create a project with acceptable levels of affordability.

WHEREAS, Manhattan Community Board 10 has 60 days to review the One45/Museum of Civil Rights Certification application and render an opinion, which such time to review began on November 24, 2021; and

WHEREAS, Community Board 10 through its Land Use Committee held two public meetings on December 16, 2021 and December 27, 2021, respectively, affording One45 Lenox LLC the opportunity to present to the board and the public, and affording opportunities to review said applications and comment; and

WHEREAS, on December 27, 2021, the Land Use Committee after hearing all of the views, including written submissions, for and against the project voted **23 Yes, 0 No, 0 Abstention, and 3 Recusal** to disapprove the application; and

WHEREAS, on December 29, 2021, The Executive Committee voted **12 Yes, 0 No, 0 Abstention, and 1 Recusal** to disapprove the application.

NOW THEREFORE, BE IT RESOLVED Manhattan Community Board 10 **DISAPPROVED** C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted **35 Yes, 0 No, 0 Abstention, and 2 Recusal.**