



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

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District Manager

May 4, 2011

Borough Commissioner Derek Lee, R.A.
Manhattan Borough Office
Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007

**Re: 182-184 Eleventh Avenue/561-565 West 23rd Street
Illegal Hotel Use**

Dear Commissioner Lee:

Manhattan Community Board 4 (CB4) is writing to request your assistance in resolving what has become an untenable situation for the permanent residential tenants at 182-184 Eleventh Avenue/561-565 West 23rd Street (the "Site") in Manhattan by enforcing Sections 27-2075 and 27-2079 of the Administrative Code. A representative of the permanent residential tenants attended CB4's April 21, 2011 Housing Health & Human Services (HHHS) Committee meeting to present the current situation at the building. 182-184 Eleventh Avenue is being used as an Illegal Hotel, the Chelsea Highline Hotel, by Jazz Hostels (the "Operator") renting to tourists for short term stays. The use is openly advertised online and targets young travelers seeking inexpensive, hostel-style accommodations.

Background

182-184 Eleventh Avenue has historically been operated as a 4-story Single Room Occupancy Class B Hotel ("SRO") (See Attached Certificate of Occupancy dated October 2, 1952). The Site has been the subject of tenant harassment and illegal construction (See CB4 Resolutions dated December 11, 2007 and May 9, 2008). In 2009, the then net lessee began work on the building without permits and gutted part of the second floor in an attempt to create a lap dancing hotel. As part of the rezoning of the Special West Chelsea District (SWCD), new adult uses cannot be created and existing adult uses cannot be expanded.

Required Certificate of No Harassment— Special West Chelsea District

The SWCD, under Zoning Resolution (ZR) Section 98-70, incorporates the anti-harassment provisions of the Special Hudson Yards District, ZR § 93-90, and requires an owner to obtain a Certificate of No Harassment ("CONH") from the NYC Department of Housing Preservation and Development ("HPD")

before the NYC Department of Buildings (“DOB”) can issue an Alteration Type 1 Building Permit. The owner of this Site was denied a CONH by HPD on April 2, 2009.

The Site has been the subject of a number permit applications, permit revocations and Stop Work Orders. The current party in control of the building has filed for a series of Alteration Type 2 permits, most recently on March 28, 2011. Alteration Type 2 permits are for alterations that do not change the use or occupancy of the building. However, the changes being made do change the use or occupancy of the building and thus require an Alteration Type 1 permit. Filing an application for an Alteration Type 1 permit would trigger the need for a CONH.

When DOB inspected the premises they discovered that the owner had applied for the wrong permits in order to circumvent the need for a CONH and issued Stop Work Orders for permits 120504695 and 120504711. Those Stop Work Orders were issued on January 6, 2011; \$15,000 in DOB fines, presently fully due and owing, have been imposed for failure to comply with the Stop Work Orders.

Permitted Occupancy and Use

Pursuant to the most recent Certificate of Occupancy for the Site (See Attached Certificate of Occupancy dated April 14, 1965), there are a total of 68 rooms and there are 9 bathrooms in the SRO portion of the premises, floors two through four, distributed as follows:

- 2nd Floor: 22 bedrooms and 3 bathrooms
- 3rd Floor: 23 bedrooms and 3 bathrooms
- 4th Floor: 23 bedrooms and 3 bathrooms

As a Single Room Occupancy Class B Hotel, the building is subject to the rules of the former Local Law 19 which is now codified in the SRO rules of Administrative Code Section 27-2093 (See Attached) which also require a CONH to be issued before alterations can proceed.

Overcrowding and Non-Compliance

The Operator has systematically turned vacant SRO rooms into hostel units for tourists by installing 2-4 bunk beds in each vacant SRO unit on the 4th floor. Section 27-2075 of the Administrative Code of the City of New York (See Attached) sets forth maximum permitted occupancy as no more than two persons if the minimum floor area of the SRO is not less than 130 square feet. Therefore, the rooms at 182-184 Eleventh would have to be a minimum of 130 square feet to be legally shared and even then could only be shared by two people. According to data collected by the long term residential tenants, only 11 of the 68 rooms in the building are 130 sq. ft. or larger. For example, on the 4th floor there are 23 SRO rooms; 4 occupied by long-term permanent tenants; the remaining 19 are short term tourist rentals. While only three units on the 4th Floor are larger than 130 square feet, all 19 vacant SRO units are currently being rented to at least two and often four tourists.

The illegal overcrowding of the rooms triggers additional non-compliance with the number of available bathrooms. The code that determines the required number of bathroom facilities is based on the number of *people in the building*, not the number of *units*. Section 27-2079 of the Administrative Code (See Attached) requires that each SRO apartment shall have at least one bathroom for every six people.

Permanent tenants must plan and strategize in order to secure a shower before the tourists queue up, often having to wake up before 6:00 a.m. to beat the rush and ensure they can shower.

CB4 therefore requests that DOB inspect the premises to investigate the alleged violations of both Sections 27-2075 and 27-2079 of the Administrative Code of the City of New York which govern maximum occupancy and adequate bathroom facilities. Such inspections should be coordinated with the Mayor's Office of Special Enforcement, the NYC Fire Department and HPD.

Sincerely,



John Weis, Chair
Manhattan Community Board 4



Sarah Desmond, Co-Chair
Housing, Health & Human Services Committee

[signed 4/7/11]

Barbara Davis, Co- Chair
Housing, Health & Human Services Committee

cc: Commissioner Robert LiMandri – DOB
Commissioner Mathew Wambua – HPD
Matthew Shaffit – General Counsel/Deputy Commissioner of Legal Affairs, HPD
Deborah Rand – Assistant Commissioner for Housing Litigation, HPD
NYC Council Speaker Christine Quinn
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
Congressman Jerrold Nadler
Manhattan Borough President Scott Stringer