

2 May 2, 2012

3 Borough Commissioner Derek Lee, R.A.
4 Manhattan Borough Office
5 Department of Buildings
6 280 Broadway, 3rd Floor
7 New York, NY 10007

8 **Re: 222 West 23rd Street**
9 **Chelsea Hotel**
10 **Zoning and Filing Issues**

11
12 Dear Commissioner Lee:

13
14 Manhattan Community Board 4 (CB4) is writing to request your assistance in resolving a
15 series of contradictory filings and filings inconsistent with the current zoning at 222 West
16 23rd Street (the “Chelsea Hotel”) by the owner, the Chetrit Group (“the Developer”).
17 Representatives of the permanent residential tenants of the Chelsea Hotel have attended
18 several of CB4’s Housing Health & Human Services (HH&HS) Committee and
19 Landmarks Committee meetings to present the current situation at the building.
20 Renovation work is proceeding at the Chelsea Hotel with the permanent residents in
21 place. The Chelsea Hotel has historically been operated as a combination of a transient
22 hotel and residential apartments (See Attached Certificate of Occupancy #101899171
23 dated October 29, 2004). Recently, the Developer bought the building and has begun
24 filing to renovate the interior of the building and add a rooftop eating or drinking
25 establishment.

26
27 **Background**

28
29 Since August 2011, the Developer has filed work on the Chelsea Hotel under 12 different
30 DOB Job Numbers. The Developer has signed and filed with DOB several forms for each
31 Job including multiple Schedule A and Schedule B filings and Plan/Work Approval
32 Applications. The information on these forms varies both within the documents
33 themselves and across the multiple documents. CB4 is concerned about the inconsistent
34 and contradictory information contained between and within the filings.

35
36 **Bulk Issues**

37
38 The Chelsea Hotel is located on West 23rd Street, between Seventh and Eighth Avenues.
39 It is located within a C2-7A Zoning District which is equivalent to an R9A Zoning
40 District. The Chelsea Hotel sits on a lot that is approximately 175 feet wide by 98.75 feet
41 deep. This gives the building a total lot area of approximately 17,281 square feet. A C2-
42 7A District has a maximum residential Floor Area Ratio (FAR) of 7.52 and a maximum
43 commercial FAR of 2.0.

44
45
46
47
48
49
50
51
52
53
54

Of the three forms that the Developer has filed with zoning information, all contain inconsistent information within the documents and between the documents. The three forms are a Plan/Work Application (“PW-1”) signed by the Developer on August 8, 2011 and filed with the Department of Buildings (“DOB”) under Job #120853754, the Application Details for Job # 120853754, and the Zoning Resolution Determination Form (“ZRD1”) signed by the Developer’s architect and approved with conditions by DOB on August 30, 2011. See tables below for a comparison of the allowable, existing, and proposed FAR and floor area at the Chelsea Hotel:

	Allowable in C2-7A	Existing (per Application #120853754) ¹	Existing (per PW-1 filed under Job #120853754) ²	Proposed on Application	Proposed on PW-1
Commercial Zoning Floor Area	34,562			109,771	90,702
Residential Zoning Floor Area	129,953			56,999	79,331
Total Zoning Floor Area	129,953	166,770	165,360	166,770	170,033

55

	Allowable in C2-7A	Existing (per Application #120853754) ³	Existing (per PW-1 filed under Job #120853754) ⁴	Proposed on Application	Proposed on PW-1
Commercial FAR	2.0			6.35	5.25
Residential FAR	7.52			3.3	4.59
Total FAR	7.52	9.65	9.57	9.65	9.84

56
57
58
59
60
61
62
63

According to the above mentioned PW-1, the building currently has a total floor area of 165,360 square feet and an FAR of 9.57. Accordingly, the Chelsea Hotel is already substantially overbuilt for a C2-7A District. Further, on the same PW-1, the Developer has filed a proposed commercial zoning floor area of 90,702 square feet and a proposed residential zoning floor area of 79,331 square feet. This equals a total proposed zoning floor area of 170,033 square feet; however, the PW-1 lists the total proposed zoning floor area as 168,875 square feet.

^{2, 2, 3, 4} All of the information about existing floor area and FAR are taken from the Developer’s filings.

64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109

According to the PW-1, the Developer is proposing a 5.25 commercial FAR and a 4.59 residential FAR, for a total proposed FAR of 9.84. However, a C2-7A District only allows a commercial FAR of 2.0 and a total FAR of 7.52. Further, the Developer is filing to increase the increasing bulk non-compliance by 3,515 square feet and .27 FAR. CB4 requests clarification on how a building that is already overbuilt can increase the degree of non-compliance.

Further complicating matters, under the Application Details for Job # 120853754, the same job the above PW-1 is filed under, both the existing and proposed floor area totals are the same: 166,770 square feet or 9.65 FAR. The residential zoning floor area is listed as 56,999 square feet and the residential FAR is listed as 3.30 FAR. The commercial zoning floor area is listed as 109,771 square feet and the FAR is listed as 6.35 FAR. These numbers, while different than the numbers listed on the PW-1, continue to show that both the commercial FAR and the total FAR are currently significantly overbuilt for a C2-7A district.

Further, page 2 of the ZRD1 states that the proposed rooftop *“eating or drinking establishment will not increase the total amount of commercial floor area within the building because an equivalent amount of commercial floor area will be eliminated elsewhere within the building”*. CB4 does not understand how commercial floor area can be eliminated within an existing building, as it could be converted to residential floor area, *but there would no net loss in total floor area and this building is already overbuilt.*

Height Issues

The maximum building height in a C2-7A District is 145 feet. The PW-1 noted above lists the existing building height of the Chelsea Hotel as 150 feet but does not state whether this is the height of the whole building or just a portion of the building. However, this means that the Chelsea Hotel is already overbuilt for a C2-7A district which has a maximum building height of 145 feet. The Developer has proposed a rooftop addition; however the Developer has listed no change to the proposed building height. CB4 does not understand how the Developer can increase the degree of non-compliance on the height of the building when the building is already overbuilt.

Permitted Occupancy and Use

On the above mentioned PW-1, the Developer has filed to change the occupancy classification from the existing commercial classification to an R-1 classification. An R-1 occupancy group is primarily for transient hotel uses. However, as noted on the Certificate of Occupancy, this building contains both permanent apartment units and transient hotel rooms, which would lend itself to an R-2 classification. On the ZRD1, the Developer lists the building’s proposed use on the roof level as a transient hotel despite there being permanent residential apartments on that floor. Further, the PW-1 lists this building as 175 dwelling units.

110
111
112
113
114
115
116
117
118
119
120
121

122

123
124
125
126
127
128
129
130
131

CB4 requests a meeting with your office to sort out the myriad issues raised by the Developer's filings, most notably:

- How a building that is already overbuilt for bulk can increase its degree of non-compliance both for commercial FAR and for total FAR?
- How a building that is already overbuilt for height can increase its degree of non-compliance?
- How a building with both permanent apartments and transient hotel units can be filed under an R-1 classification?

Thank you for your assistance.

Sincerely,

Corey Johnson

Cc: All Local Electeds
Commissioner Robert LiMandri – DOB

DRAFT