

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:

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14 Manhattan Community Board 4 (CB4) is writing to request your assistance in resolving a series
15 of contradictory filings which are in addition not in compliance with the current zoning at 222
16 West 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 several
18 of CB4’s Housing Health & Human Services (“HH&HS”) and Landmarks Committee meetings
19 to present the current situation at the building. Renovation work is proceeding at the Chelsea
20 Hotel with the permanent residents in place. The Chelsea Hotel has historically been operated as
21 a combination of a transient hotel rooms and residential apartments (See Attached Certificate of
22 Occupancy #101899171 dated October 29, 2004). Recently, the Developer bought the building
23 and has filed applications with the Department of Buildings (“DOB”) to renovate the interior of
24 the building and add a rooftop eating or drinking establishment.

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26 **Background**

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

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35 **Bulk Issues**

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

43

44 Of the three forms that the Developer has filed with zoning information, all contain inconsistent
 45 information within and between the documents. The three forms are a Plan/Work Application
 46 (“PW-1”) signed by the Developer on August 8, 2011 and filed with DOB under Job
 47 #120853754, the Application Details for Job # 120853754, and the Zoning Resolution
 48 Determination Form (“ZRD1”) signed by the Developer’s architect and approved with
 49 conditions by DOB on August 30, 2011. See tables below for a comparison of the allowable,
 50 existing, and proposed FAR and floor area at the Chelsea Hotel:
 51

	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

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	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

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 54 According to the above mentioned PW-1, the building currently has a total floor area of 165,360
 55 square feet and an FAR of 9.57. Accordingly, the Chelsea Hotel is already substantially overbuilt
 56 for a C2-7A District. Further, on the same PW-1, the Developer has filed a proposed commercial
 57 zoning floor area of 90,702 square feet and a proposed residential zoning floor area of 79,331
 58 square feet. This equals a total proposed zoning floor area of 170,033 square feet; however, the
 59 PW-1 lists the total proposed zoning floor area as 168,875 square feet.
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61 According to the PW-1, the Developer is proposing a 5.25 commercial FAR and a 4.59
 62 residential FAR, for a total proposed FAR of 9.84. However, a C2-7A District only allows a

^{1, 2, 3, 4} All of the information about existing floor area and FAR is taken from the Developer’s filings.

63 commercial FAR of 2.0 and a total FAR of 7.52. Further, the Developer is filing to increase the
64 bulk non-compliance by 3,515 square feet and .27 FAR. CB4 requests clarification on how a
65 building that is already overbuilt can increase the degree of non-compliance.
66

67 Further complicating matters, under the Application Details for Job # 120853754, the same job
68 the above PW-1 is filed under, both the existing and proposed floor area totals are the same:
69 166,770 square feet or 9.65 FAR. The residential zoning floor area is listed as 56,999 square feet
70 and the residential FAR is listed as 3.30 FAR. The commercial zoning floor area is listed as
71 109,771 square feet and the FAR is listed as 6.35 FAR. These numbers, while different than the
72 numbers listed on the PW-1, continue to show that both the commercial FAR and the total FAR
73 are currently significantly overbuilt for a C2-7A district.
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75 Further, page 2 of the ZRD1 states that the proposed rooftop *“eating or drinking establishment*
76 *will not increase the total amount of commercial floor area within the building because an*
77 *equivalent amount of commercial floor area will be eliminated elsewhere within the building.”*
78 CB4 understands how commercial floor area can be eliminated within an existing building, if it
79 were to be converted to residential floor area, however, in a building that is already overbuilt,
80 there would be no net decrease in total floor area, therefore, how would this provision be
81 applied?
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83 Height Issues

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85 The maximum building height in a C2-7A District is 145 feet. The PW-1 noted above lists the
86 existing building height of the Chelsea Hotel as 150 feet but does not state whether this is the
87 height of the whole building or just a portion of the building. However, this means that the
88 Chelsea Hotel is already overbuilt for a C2-7A district which has a maximum building height of
89 145 feet. The Developer has proposed a rooftop addition; however the Developer has listed no
90 change to the proposed building height. CB4 does not understand how the Developer can
91 increase the degree of non-compliance on the height of the building when the building is already
92 overbuilt.
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94 Permitted Occupancy and Use

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96 On the above mentioned PW-1, the Developer has filed to change the occupancy classification
97 from the existing commercial classification to an R-1 classification. An R-1 occupancy group is
98 primarily for transient hotel uses. However, as noted on the Certificate of Occupancy, this
99 building contains both permanent apartment units and transient hotel rooms, which would lend
100 itself to an R-2 classification. On the ZRD1, the Developer lists the building’s proposed use on
101 the roof level as a transient hotel despite there being permanent residential apartments on that
102 floor. Further, the PW-1 lists this building as having 175 dwelling units.
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104 CB4 requests a meeting with your office to sort out the myriad issues raised by the Developer’s
105 filings, most notably:
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- 107 • How can a building that is already overbuilt for bulk can increase its degree of non-
108 compliance both for commercial FAR and for total FAR?

- 109 • How can a building that is already overbuilt for height can increase its degree of non-
110 compliance for height?
111 • How can a building with both permanent apartments and transient hotel units can be filed
112 under an R-1 classification?
113

114 Thank you for your assistance.

115 Sincerely,

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118 Corey Johnson

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121 Cc: All Local Electeds
122 Commissioner Robert LiMandri – DOB
123 Landmarks
124 Chetrit Group
125 Tenant Association
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