



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

May 10, 2012

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

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

Dear Commissioner Lee:

Manhattan Community Board 4 (CB4) is writing to request your assistance in resolving a series of contradictory filings, which are in arguably not in compliance with the current zoning at 222 West 23rd Street (the "Chelsea Hotel"), by the owner, the Chetrit Group ("the Developer"). Representatives of the permanent residential tenants of the Chelsea Hotel have attended several of CB4's Housing Health & Human Services ("HH&HS") and Landmarks Committee meetings to present the current situation at the building. Renovation work is proceeding at the Chelsea Hotel with the permanent residents in place. The Chelsea Hotel has historically been operated as a combination of a transient hotel rooms and residential apartments (See Attached Certificate of Occupancy #101899171 dated October 29, 2004). Recently, the Developer bought the building and has filed applications with the Department of Buildings ("DOB") to renovate the interior of the building and add a rooftop eating or drinking establishment.

Background

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

Bulk Issues

The Chelsea Hotel is located on West 23rd Street, between Seventh and Eighth Avenues. It is located within a C2-7A Zoning District which is equivalent to an R9A Zoning District. The Chelsea Hotel sits on a lot that is approximately 175 feet wide by 98.75 feet

deep. This gives the building a total lot area of approximately 17,281 square feet. A C2-7A District has a maximum residential Floor Area Ratio (“FAR”) of 7.52 and, within that, a maximum commercial FAR of 2.0.

Of the three forms that the Developer has filed with zoning information, all contain inconsistent information within 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 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 |

| | 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 |

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 which has an FAR of 7.52. 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

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

total proposed zoning floor area as 166,770 square feet. Both 166,770 square feet and 170,033 square feet exceed the total permitted FAR of 129,953 square feet.

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 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 understands how commercial floor area can be eliminated within an existing building, if it were to be converted to residential floor area, **however, in a building that is already overbuilt, there would be no net decrease in total floor area, therefore, how would this provision be applied?**

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 having 175 dwelling units.

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

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

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to be 'CJ', is positioned above the typed name.

Corey Johnson
Chair

cc: NYC Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
NYS Senator Thomas K. Duane
NYS Assemblyman Richard Gottfried
NYS Assemblywoman Linda Rosenthal
Congressman Jerrold Nadler
Commissioner Robert LiMandri – DOB
Landmarks Preservation Commission
Chetrit Group
Tenant Association