

FRIEDMAN & GOTBAUM LLP

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RECEIVED

DEC 17 2015

BY COMMUNITY BOARD 8

December 11, 2015

BY CERTIFIED MAIL/Returned Receipt Requested

Hon. James G. Clynes
Chair
Manhattan Community Board 8
505 Park Ave, Suite # 620
New York, NY 10022

Re: **Ronald McDonald House of New York**
405-411 East 73rd Street (the "Site")
Block 1468 Lot 5, Manhattan
BSA Cal No. 253-89-BZ SOC Application

Dear Mr. Clynes:

We are special land use counsel to the Ronald McDonald House of New York ("RMH"), beneficial owner/lessee of the Site referenced above, which is improved with the Ronald McDonald House (the "House"). We write to advise you that today we filed on the RMH's behalf an SOC Application with the NYC Board of Standards and Appeals ("BSA") to amend the ZR Sec. 72-21 bulk variance granted by the BSA on April 24, 1990 under BSA Cal. No. 253-89-BZ.

The approval of this Application will permit RMH to increase the House's capacity by eleven family units (from 84 to 95 family units), including enlargement and conversion of six existing family units to create new, larger rooms for immunocompromised children. The proposal will result in a 6,954 sf increase in floor area on the zoning lot located in an R8B and a C1-9 zoning districts.

A complete copy of the Application is enclosed for your review. We look forward to having the opportunity to discuss the Application with all interested parties. Please contact me should you have any questions or comments about the project.

Very truly yours,

Shelly S. Friedman



7012 1640 0001 4941 6635

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December 11, 2015

BY HAND

Hon. Margery Perlmutter, R.A., Esq.
Chair
NYC Board of Standards & Appeals
250 Broadway - Floor 29
New York, NY 10007

**Re: Ronald McDonald House of New York
405-411 East 73rd Street (the "Site")
Block 1468 Lot 5, Manhattan
BSA Cal No. 253-89-BZ SOC Application**

Dear Madam Chair:

We are special land use counsel to the Ronald McDonald House of New York ("RMH"), beneficial owner/lessee of the Site referenced above, which is owned by the New York City Industrial Development Agency ("IDA")¹ and improved with the Ronald McDonald House (the "House") completed in 1994 pursuant to ZR Sec. 72-21 bulk variance granted by the Board on April 24, 1990 under BSA Cal. No. 253-89-BZ (the "1990 Variance"). RMH is seeking a modification to the 1990 Variance that will permit RMH to increase the House's capacity by eleven family units (from 84 to 95 family units), including enlargement and conversion of six existing family units to create new, larger rooms for immunocompromised children. The proposal will result in a 6,954 sf increase in floor area on the zoning lot located in an R8B and a C1-9 zoning districts.

Enclosed please find one (1) original and two (2) copies of the following materials in connection with the applications:

1. SOC Application form;
2. Statement of Facts;
3. Affidavit of Ownership by RMH and Letter of No Objection from IDA. Also enclosed is a copy of the Declaration of Zoning Lot Restrictions dated as of October 31, 1986 recorded in the Office of New York City Register on December 3, 1986 in Reel 1138 page 510 and Certification of Parties in Interest dated November 23, 2015;
4. Department of Buildings Notice of Comments stamped "DENIED" on December 7, 2015;

¹ The City of New York assisted in the construction of the current House through the issuance of tax exempt bonds, as a result of which the land beneath the House is City-owned for the duration of the life of the bonds.

5. Certificate of Occupancy No. 105436;
6. Violation History;
7. Certificate of Inspection and Compliance;
8. Zoning Map (9a);
9. Tax Map;
10. Radius Diagram/Land Use Map;
11. BSA Zoning Analysis Form;
12. Photographs 1 through 6;
13. BSA resolutions under Cal. ## 253-89-BZ; 981-77-BZ; 982-77-A; 556-75-BZ;
14. Previously-Approved BSA Plans/Existing Plans²;
15. Proposed Plans (Drawings A-0 through A-16 dated December 11, 2015).

Also enclosed are:

- A CD containing all materials listed above;
- A check in the amount of \$2,110.00 payable to the Board of Standards and Appeals representing the variance amendment filing fee.

Thank you for your cooperation. If you should have any questions please feel free to call me or Elena Aristova at (212) 925-4545.

Very truly yours,



Shelly S. Friedman

Enclosures

cc: ✓ Hon. James G. Clynes, Chair, Manhattan CB 8
Hon. Ben Kallos, City Council Member
Hon. Gail A. Brewer, Manhattan Borough President
Ms. Edith Hsu-Chen, Director, Manhattan Office, Department of City Planning
Mr. Christopher Holme, Zoning & Urban Design Division, Department of City Planning
Martin Rebholz R.A., Manhattan Borough Commissioner, Department of Buildings
Richard Martin
Joel Newman

² While certain interior partitions shown "FOR ILLUSTRATIVE PURPOSES ONLY" on the drawings approved by the 1990 Variance have been relocated, total existing floor area on the zoning lot remains at 73,208.36 sf as approved by 1990 Variance.



**Board of Standards
and Appeals**

250 Broadway, 29th Floor
New York, NY 10007
212-386-0009 - Phone
646-500-6271 - Fax
www.nyc.gov/bsa

SPECIAL ORDER CALENDAR (SOC)

Application Form

BSA APPLICATION NO. 253-89-BZ

Section A

**Applicant/
Owner**

Friedman & Gotbaum LLP by Shelly S. Friedman, Esq.

NAME OF APPLICANT

568 Broadway - Suite 505

ADDRESS

New York NY 10012

CITY STATE ZIP

212 925-4545

AREA CODE TELEPHONE

212 925-5199

AREA CODE FAX

sfriedman@frigot.com; earistova@frigot.com

EMAIL

New York City Industrial Development Agency

OWNER OF RECORD

110 William Street

ADDRESS

New York NY 10038

CITY STATE ZIP

Ronald McDonald House of New York

LESSEE / CONTRACT VENDEE

405 East 73rd Street

ADDRESS

New York NY 10021

CITY STATE ZIP

Section B

Site Data

405-411 East 73rd Street

10021

STREET ADDRESS (INCLUDE ANY A/K/A)

ZIP CODE

Property is situated on the north side of East 73rd Street, 113 ft east of the corner formed by the intersection of East 73rd Street & First Ave.

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

1468	5	Manhattan	8	n/a
BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT

Ben Kallos	C1-9; R8B	9a
CITY COUNCILMEMBER	ZONING DISTRICT	ZONING MAP NUMBER

(include special zoning district, if any)

Section C

Description

(LEGALIZATION ☐ YES ☒ NO ☐ IN PART)

The proposed action will facilitate expansion of the Ronald McDonald House of New York ("RMDH") and will enable it to continue its mission of providing a home away from home for families while the child of the family is undergoing ambulatory and intermittent inpatient treatment for a cancer at any one of RMDH's thirteen hospital partners in New York City that provide pediatric oncology services, by increasing its capacity from 84 to 95 family rooms.

Section D

Actions

APPLICATION IS HEREBY MADE TO:

1. ☐ Waive of the Rules of Practice and Procedure (Explain in your statement)

2. ☐ Extension of Time to:

☐ Complete construction ☐ Obtain a Certificate of Occupancy Expiration Date: _____

3. ☒ Amendment to Previous Board Approval

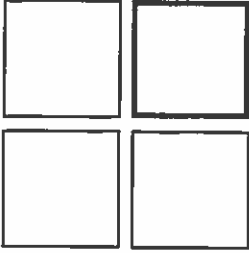
4. ☐ Extension of Term of the:

☐ Variance ☐ Special Permit For a term of _____ years Expiration Date: _____

5. ☐ Other (Explain in your statement)

Authorizing Section(s) of the Zoning Resolution:

☐ § 11-411 ☐ § 11-412 ☐ § 11-413 ☒ §§ 72-01 and 72-22 ☐ § 73-11 ☐ Other _____



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BSA Cal. No. 253-89-BZ

STATEMENT OF FACTS IN SUPPORT OF SOC APPLICATION

405-411 East 73rd Street, New York, NY 10021
Block 1468 Lot 5

1. The Application

This Statement is filed in support of the Special Order Calendar (SOC) Application by Friedman & Gotbaum, LLP on behalf of Ronald McDonald House of New York ("RMH"), which is the beneficial owner/lessee of Lot 5 on Block 1468 in Manhattan (the "House Site").¹ The Application seeks to amend the Zoning Resolution of the City of New York (the "Zoning Resolution" or "ZR") Sec. 72-21 bulk variance granted by the Board on April 24, 1990 under BSA Cal. No. 253-89-BZ (the "1990 Variance"), which permitted a new development (hereinafter the "Ronald McDonald House," or "House") to be built on a vacant lot, which at that time was located in both C1-9 and R8B districts. The 1990 Variance was required because the House exceeded the then-applicable maximum permitted floor area ratio, lot coverage, street wall, depth of recess, front and rear sky exposure planes, and rear yard obstruction provisions of the Zoning Resolution. The House is an eleven (11) story community facility with sleeping accommodations (Use Group 3) located at 405-411 East 73rd Street on Manhattan's Upper East Side, Community Board 8, close to the research institutes and hospitals which it serves.²

¹ Submitted to the Record is a Letter of No Objection to the filing of this Application dated November 3, 2015 from the Industrial Development Agency ("IDA"), owner of the House Site.

² The Board's original grant of the 1990 Variance, without which the House could not have been built, has made a difference in the lives of 30,000 children and their families since 1978. Prior to the Board's approval, RMH occupied two townhouses on East 86th Street, with a total of 22 small bedrooms. Today, thanks to the Board's assistance, the House is the largest venue of its kind in the world, serving 13 New York hospitals and families on six continents. Since its opening, the House has increased its mission to extend program support to families within the New York metropolitan area that do not need lodging, including the recent opening of a hospitality suite on the pediatric floor of Kings County Hospital, a model which RMH seeks to expand to other NYC HHC hospitals.

This SOC Application seeks modification of the 1990 Variance to allow a 6,954 sf enlargement of the House for permitted Use Group 3 uses through a combination of horizontal new construction and alterations on floors 1, 2, 3, 4, 7 and 9 – 11, thereby expanding the number of rooms, or “family units”, by 11 and enlarging six existing rooms to create new, larger rooms for immunocompromised children (hereinafter referred to as the “Immunosuppression Rooms” and the project as a whole as the “RMH Enlargement”). The RMH Enlargement consists of (i) two alterations that occur wholly within the existing envelope of the House: (1) infills within the volume of the existing 4-story atrium/entrance lobby to create three new family units on 3rd floor and to enlarge and convert two existing units to Immunosuppression Rooms and accommodate a new office on the 4th floor; and (2) infills at the rear of the 2nd floor to create an additional kitchen and expand the dining area, and (ii) three areas of alterations that will modify the upper floors of the front (south) elevation: (1) expansion of the 7th floor, which is currently setback 20 to 22 ft over the roof of the 6th floor (serving as the front wall setback for zoning purposes), to enlarge and convert four existing family units into four Immunosuppression Rooms, (2) expansion of the 9th and 10th floors, which are currently setback to provide an enclosed terrace over the roof of the 8th floor, to create eight new family units and (3) expansion of the 11th floor to provide a new enclosed terrace that will house the relocated health and wellness center from the 9th floor, all as shown on Drawing A-3, Proposed Section Diagram.

As further explained in this Statement, in order to accommodate this programmatic expansion, the 1990 Variance must be modified to (1) increase the original grant of additional zoning floor area by 6,954 sf, (2) allow the introduction of the 2nd floor expansion, which increases by 310 sf the extent of the originally approved noncomplying second floor within the 23 ft high rear extension of the House located in the rear yard, (3) increase the extent of the originally permitted non-complying setback above the front wall, a condition that was waived in 1990 based on height and setback provision that has since been superseded, (4) recognize the inability of the preexisting rooftop mechanical equipment, to which a new chiller will be added, to comply with the applicable locational and screening requirements set forth in ZR Sec. 24-51(f)(1), which were adopted subsequent to the design and construction of the House and (5) recognize the inability to comply with the requirements for an enclosed bicycle parking room set forth in ZR Sec. 24-80, which were adopted subsequent to the design and construction of the House.

2. The Ronald McDonald House

RMH provides temporary affordable lodging for out-of-region pediatric cancer patients and their families while the child is undergoing treatment at any of RMH's thirteen partner hospitals. The House is deemed essential to the cancer research programs at several of these hospitals, four of which are designated by the federal National Institutes of Health as "national cancer centers" due to their important cancer research. Cancer research relies heavily on the participation of both patients and currently healthy participants, often family members of the sick child, without whom such research into the diagnosis and treatments of cancers would not be possible.

In addition to increasing the House's capacity by 11 family units, the RMH Enlargement will also expand its lodging services for pediatric cancer patients by introducing a new room format, which is presently unavailable anywhere in New York City or for that matter elsewhere within the global Ronald McDonald House system, by enlarging and converting six existing family units on floors 4 and 7 to Immunosuppressive Rooms. These six units will be uniquely designed to serve the needs of a family with an immunocompromised child who is recovering from a bone marrow transplant, permitting the family to lodge with the child at RMH for up to 90 days while the child remains in relative isolation for the critical 4 – 6 week post-procedure period during which the child's immunosuppressive system is literally "rebooting." Without this temporary lodging, the child would be required to remain in his or her hospital as an in-patient and the family member(s) would be required to find other affordable lodging elsewhere. In addition to the obvious emotional benefits of re-uniting or maintaining the family united during the child's ordeal, removing the child from a hospital environment as quickly as medically feasible to a close-by, off-site immunosuppressive environment is consistent with the overall trend toward rapid hospital discharge to avoid post-procedure complications such as infection and is a significant positive factor in pediatric cases in improving the general emotional and medical factors influencing a child's recovery and medical outcome.

As important as this SOC Application is in providing assistance to the children and their parents or caregivers who will stay at the House, this SOC Application is equally important to the millions of children worldwide whose lives will be affected by the ongoing pediatric oncology medical research that RMH enables. The study of cancers, including rarely seen childhood cancers,

requires an opportunity to study concurrently the largest possible spectrum of cases. The House is an essential resource for research, providing affordable lodging for children from all over the world, thereby facilitating ongoing research with a wider spectrum of cases to study and treat. Without the House, the progress of research into pediatric cancers at New York City's cancer research institutions, principally Memorial Sloan Kettering Cancer Center, which typically represents 60% of the House's occupancy, would be significantly slower than its present pace. In addition, clinical trials, the essential milestone in the advance of any new cancer therapy, require a critical mass of patients for the extended periods of time necessary to evaluate the new therapy's benefits and risks. The overwhelming majority of the children staying at the House are participants in these clinical trials, which, in addition, are frequently the only remaining option for their treatment.

The availability of affordable temporary lodging in close proximity to these clinical trials and other ongoing research and treatment is therefore essential to the academic and research programs of the national cancer centers located in New York City. Many of these children spend years, and in some cases their entire childhoods into adulthood, coming to New York and then returning home over many cycles to battle their cancers while enrolled in these research programs and clinical trials. The weekly, monthly and sometimes yearly cumulative costs of temporary New York City housing, whether in hotels or short term rentals, can be enormously consequential for these families and for their access to the life-providing treatments and research that can make a difference. The availability of affordable temporary housing especially programmed for these families and in close proximity to the child's doctors and researchers is often the determining factor in their ability to come, and in many cases to return over and over again, to New York City to participate in these clinical trials. Moreover, the six proposed rooms for immunocompromised children, in addition to improving medical outcomes, will fill a City-wide void in the ability to temporarily house children and their families participating in this growing and promising field of immunotherapies to treat cancers.

RMH charges a nominal fee of no more than \$35.00 per night for its rooms, which is waivable based on economic need if requested by the referring hospital. The House offers a robust array of programs to assist the child and family, largely provided by corporate donors and individual volunteers. Not unexpectedly, on most weekday nights RMH is fully occupied and

cannot accept new families. Even with the additional family units that the Board's approval of this SOC Application will make possible, it is an unfortunate fact that the House's capacity will remain below demand and that the House will continue to turn away children referred by its partner hospitals.

3. The Zoning Lot

The 12,223 sf Zoning Lot,³ located on the north side of East 73rd Street between First and York Avenues, 87 ft east of First Avenue, is comprised of tax lot 5 in block 1468 (the "House Site"), which is the subject of this Application, and tax lot 104 (the "Residential Site"), which is improved with a five-story multiple dwelling whose owner prior to the grant of 1990 Variance charitably donated the majority of its unused development rights⁴ (approximately 10,600 sf) to RMH for inclusion in the House. The House Site is a nearly square lot measuring 100 ft in width by 102 ft in depth. The Residential Site is a contiguous narrow rectangular lot measuring 26 ft in width by 77.17 ft in depth. With regard to the 1990 Variance and this Application, the Residential Site was not altered and none of the waivers apply to that passive site.

The Zoning Lot is split by a C1-9/R8B district boundary line, with approximately 92 percent of the Lot (including all of the House Site and 50 percent of the Residential Site) located within the R8B district.⁵ Total permitted floor area on the Zoning Lot is approximately 67,227 sf, which breaks down to 10,032 sf within the C1-9 and 57,221 sf in the R8B, with an adjusted maximum FAR of FAR

³ Established pursuant to Declaration of Zoning Lot Restrictions (the "DZLR") dated as of October 31, 1986 and recorded in the City Register of the City of New York on December 3, 1986 in Reel 1138 Page 510. *See*, DZLR and Certification of Parties in Interest dated November 23, 2015, page 4.

⁴ Subject to the reservation of 1,200 sf of zoning floor area for the future addition of a penthouse to the existing residential building, which as of the date of this Application has not occurred and is preserved in this Application.

⁵ At the time of 1990 Variance, the Zoning Lot was split 26% C1-9 and 88% R8B. The C1-9 portion of the Lot contained the Residential Site and the westernmost 12% of the House Site, with the remaining 88% of the House Site located within the R8B district. However, a 1994 generic zoning map amendment (930136 ZMM, see CPC Report dated December 20, 1993, Cal. # 8; the "1994 Rezoning") re-drew the north/south avenue/midblock zoning boundaries throughout the eastern portion of the Upper East Side, in this case moving the C1-9/R8B zoning district boundary 25 ft to the west so that today the Zoning Lot is split 8% C1-9 and 92% R8B. As a result, all of the House Site and 50% of the Residential Site are now within R8B district. The 1994 Rezoning therefore effectively "downzoned" a significant portion of the Zoning Lot from C1-9 (FAR 10 CF) to R8B (FAR 5.1 CF). Accordingly, the proposed floor area exceedance on the Zoning Lot today stands at 12,935.64 sf based on the zoning district boundary re-drawn in 1994 Rezoning, which was subsequent to the completion of the House's construction. One of the necessary actions in this Application is to recognize the impact the 1994 Rezoning has had on available zoning floor area without penalizing RMH's programmatic mission to pursue the RMH Enlargement.

5.5⁶). This is approximately 10,949 sf less than the approximately 78,176 sf of floor area that was permitted on the Zoning Lot at the time of the 1990 Variance. As more fully described in Footnote 5, this loss of permissible zoning floor area over the entire Zoning Lot is due to the subsequent movement of the zoning district boundary by the 1994 Rezoning, which reduced the portion of the Zoning Lot located within the C1-9 district.

The 1990 Variance established 63,785.86 sf of permitted floor area for the House Site and 9,422.5 sf of permitted area for the Residential Site, which included the transfer of approximately 10,279 sf of floor area across the zoning district boundary from the then-C1-9 portion of the Zoning Lot to the then-R8B portion of the Zoning Lot. The 1990 Variance left approximately 4,968 sf of floor area unused and available within the then-C1-9 portion of the Zoning Lot. As discussed in greater detail in Footnote 5, this unused floor area was mathematically eliminated as a result of the 1994 Rezoning.

4. Existing Conditions

The 1990 Variance waived the then-existing non-compliances in FAR, lot coverage, streetwall, recess dimensions, rear yard and height and setback so that RMH could build, on a vacant lot provided by Consolidated Edison, an 11-story 63,785.86 sf purpose-built building with the unique envelope required for its unique program. The specialized envelope permitted by the waivers in the 1990 Variance addressed the following programmatic necessities:

- 84 family units ranging in size from 300 sf to 370 sf,⁷ which approximate very small hotel rooms sufficient for two double beds, with the larger rooms suitable for an additional cot or crib. The unique envelope provided by the 1990 Variance, in specific its allowances to modify the height of the front wall, the coverage of the base of the building and the exceedance of then-existing height and setback regulations, allowed RMH to provide what was estimated at the time to be double the number of family units than could have been permitted as a matter of right. The typical family unit is configured to provide lodging for at least one parent and one child, although the

⁶ Pursuant to ZR Sec. 77-22.

⁷ While certain interior partitions shown on the drawings approved by the 1990 Variance "FOR ILLUSTRATIVE PURPOSES ONLY" have been relocated, total existing floor area on the Zoning Lot remains as approved by the 1990 Variance.

program often requires the room to handle both parents and, in some situations, siblings (siblings are often bone marrow donors) for an extended stay. Some rooms may be combined through shared interior doors into two- or three-room family units. A currently insufficient number of family units have specially designed bathrooms equipped with the features necessary for a parent to assist a seriously ill child. Laundry rooms, a programmatic necessity, are provided on each floor.

- Unusually large amounts of common areas on the cellar, ground, second and ninth floors through which the ill children and their parents, and often siblings, can interact, prepare meals in common kitchens,⁸ dine together and share activities with each other. The therapeutic importance of these large common areas, including communal dining and kitchens, cannot be overstated, especially given the small size of family units. The shared experiences among the children and their families are at the heart of the RMH program. For many new arrivals, these common areas provide a family with their first interaction with other cancer families outside of the medical setting in which their child was originally diagnosed. These common areas also provide the first and only opportunity of the day for the parents to re-gain their strength after a long day beside their children in the hospital, while their children are occupied by late afternoon and nightly activities in the House's playrooms and other common areas. And finally, these common areas are extensively used as educational venues for the children, all of whom have been removed from their educational situations back home while they are in New York for extended periods. The common areas include specialized computer rooms, a dedicated room for musical instruction, and a playroom under professional guidance for socialization, games and reading. Volunteer educators work with many of these children, most especially the teenagers. In many instances longer-term residents attend local public schools through special arrangements with the Department of Education, with tutoring available at the House.

These common areas, when combined with the RMH administrative offices, constituted a very large blocks of space, measured either as floor area or volumetrically within the massing of

⁸ There are four large kitchens on the second floor, with shared appliances and individual pantries assigned to each family. The programmatic need for these kitchens relates to (1) the fact that the reaction of the sick child to his or her treatment on any given day may require special diets, custom prepared food or meals at odd hours, (2) affordability, as most lodgers cannot afford NYC restaurant and food prices on an extended basis and (3) the sense of community developed by these communal arrangements. This Application will permit the expansion of these communal dining facilities on the second floor to respond to the general increase of 11 family units; in addition, each of the six proposed Immunosuppression Rooms will be equipped with its own kitchen and dining area.

the building, which the then-permitted R8B envelope for community facilities could not possibly accommodate on an as-of-right basis.

The unique programming of the existing House is arranged as follow:

- Cellar. Full lot coverage containing a play area and library designed for various age groups, including infants, an extensive donated computer room, a TV/entertainment area, a music room with instruments (lessons are provided free of charge by volunteers from the NY Pops Orchestra) and offices for the program specialists who work with the children and plan activities.

- First Floor. Full lot coverage containing the four story atrium/lobby and reception area, a meeting room, two resource libraries for staff and parents, the living room, public restrooms, a conference room and the RMH administrative offices.

- Second Floor. Full lot coverage floor (minus the continued void for the lobby/atrium and over the libraries, which are two-story clearstory rooms within the permitted 23 ft high rear yard extension with skylights overhead) containing the communal dining area for 160 persons, the on-site manager's apartment, the development office and the food preparation area consisting of five large communal kitchen modules for the families to prepare their meals (see footnote 8).

- Third Floor. Built to the front wall but set back above the rear yard extension to provide a 30 ft rear yard. The rooftop over the rear portion of the second story is landscaped as an outdoor terrace under a trellis. The third floor contains ten family units and the continued void for the lobby/atrium.

- Fourth Floor. Also built to the front wall, containing ten family units and the continued void for the lobby/atrium.

- Fifth and Sixth Floors. Also built to the front wall, providing 13 family units on a double-loaded corridor.

- Seventh and Eighth Floors. Built with variegated front setbacks that range between 18 ft and 20 ft from the front wall, each floor providing ten family units.

- Ninth, Tenth and Eleventh Floors are further setback from the Eighth Floor and each contain six family units as shown on the Previously Approved BSA Plan A-13, Section Looking West.

5. BSA Approved Conditions Relevant to the SOC Application

The four conditions set forth in the 1990 Variance Resolution have been met. They are:

1. *"[T]hat all work substantially conform to drawings as they apply to the objections above noted filed with this application. . ."* The House received its Certificate of Occupancy based on compliance with its Department of Buildings ("DOB") permit, which in turn was based on substantial compliance with the drawings referenced in the Resolution.

2. *"That the Department of Buildings issue no permits for a period of thirty-one (31) days from the date of this resolution. . ."* DOB did not issue its building permit based on the 1990 Variance within 31 days of the date of the Resolution.

3. *"That the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department. . ."* The building, as approved by DOB and built under its jurisdiction, has been continuously subject to DOB verification for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and other relevant laws under DOB's jurisdiction.

4. *"That the construction be completed in accordance with Z.R. § 72-23"*. The first temporary certificate of occupancy for the House was issued on January 11, 1993 and the final certificate of occupancy was issued on July 15, 1994, accordingly the 1990 Variance did not lapse pursuant to ZR Sec. 72-23 or any preceding version.

6. Proposed Conditions

This SOC Application proposes modifying the 1990 Variance to permit a 6,954 sf enlargement through the combination of horizontal new construction and alterations on floors 1, 2, 3, 4, 7 and 9 – 11, thereby expanding the number of family units by 11 and enlarging and converting six existing units. Since approval of the 1994 Rezoning, the House Site has been located entirely within the R8B district.

Approval of this request will enable the RMH Enlargement as follows:

- Cellar. No change.

- First Floor. The recessed entranceway will be relocated to the front property line, which will require 150 sf of floor area not presently available. The two libraries will have their volumes reduced to single stories as the second floor slab will be extended over them. (See Drawing A-5, Proposed First Floor Plan.)

- Second Floor. The floor will be enlarged 310 sf to accommodate two new 155 sf slabs over the libraries, which will require floor area not presently available. There will be no change in the building envelope approved by the 1990 Variance. (See Drawing A-6, Proposed Second Floor Plan.)

- Third Floor. The four-story lobby/atrium will be reduced to two stories, allowing the third floor slab to be enlarged for three new 370 sf family units, which will require 1,105 sf of floor area not presently available. There will be no change in building envelope approved by the 1990 Variance. (See Drawing A-7, Proposed Third Floor Plan.)

- Fourth Floor. A similar enlargement of the slab into the former atrium space will provide two converted and enlarged 650 sf Immunosuppression Rooms for post-transplant immunocompromised children, equipped with kitchens, dining areas and individualized laundry equipment required for medical reasons. This will require 1,105 sf of floor area not presently available. There will be no change in the building envelope approved by the 1990 Variance. (See Drawing A-8, Proposed Fourth Floor Plan.)

- Fifth and Sixth Floors. No changes.

- Seventh Floor. The front elevation of this floor, currently set back 20-22 ft from the front property line, will be brought forward 13 ft 4 in to provide for four enlarged and converted Immunosuppression Rooms, ranging from 510 sf to 600 sf, which will require 1,104 sf of floor area not presently available and the Board's permission to provide a 6 ft 8 in initial setback, rather than the minimum 15 ft setback over the base building height currently required. (See Drawing A-11, Proposed Seventh Floor Plan.)

- Eighth Floor. No change. Beginning at this floor level, the remaining floors of the building comply with the current 15 ft minimum initial setback requirement.

- Ninth Floor. The front elevation will be extended south (toward the front property line) as much as 3 ft to align with the variegated Eighth Floor front elevation and the elevational changes

for the Tenth and Eleventh Floors. The proposed change on the Eleventh Floor will permit relocation of the Ninth Floor enclosed garden terrace to provide for four new family units ranging in size from 340 sf to 390 sf and will require 230 sf of floor area not presently available. (See Drawing A-13, Proposed Ninth Floor Plan.)

- Tenth Floor. The front elevation will be extended south (toward the front property line) as much as 17 ft 11 in to align with the variegated Ninth Floor to provide for four new family units ranging in size from 340 sf to 390 sf, requiring 1,590 sf of floor area not presently available. (See Drawing A-14, Proposed Tenth Floor Plan.)

- Eleventh Floor. The front elevation will be extended south as much as 14 ft 11 in to provide space for the enclosed garden terrace that will house the relocated health and wellness center currently located on the Ninth Floor. This change will require 1,360 sf of floor area not presently available. (See Drawing A-15, Proposed Eleventh Floor Plan.)

- Roof. The roof approved for the 1990 Variance provided for the existing visible House mechanical equipment. As further described in the following section, a proposed new air-cooled chiller and a proposed new condensing unit are required to meet the needs of the new family units. The condensing unit is a small unit invisible behind the parapet and can be provided with no issue. Given the existing limitations on the roof and the array of equipment already there, the 65 sf chiller is visible and as such its inclusion subjects all the rooftop mechanical equipment to the Zoning Resolution's locational and screening requirements necessary to qualify the rooftop mechanicals as permitted obstructions. The Board's permission is requested to allow the chiller to be added without triggering these requirements.

Given the extent and variety of the waivers provided through the 1990 Variance, this Application asks for modifications to achieve the floor-by-floor modifications described above which are by any measure minor. The programmatic needs presented for the 1990 Variance support these current requests. There is nothing in the record of the 1990 Variance to suggest that had the physical modifications requested herein been included in the application for the 1990 Variance, or had the then-current Zoning Resolution included the more recent provisions generating objections, the Board would have considered them a difference in either kind or extent from the initial request.

7. Modifications to the 1990 Variance to Allow the Proposed Condition

The proposed modifications address changes to certain of the waivers the Board provided to clear the six objections set forth the DOB Objections Sheet dated January 25, 1989 and updated through June 16, 1989 (the "1989 DOB Objections"), which is attached hereto as Exhibit A. Those objections are discussed below to identify the extent of the modifications sought in this SOC Application. In addition, this Application requests two additional waivers unassociated with the original objections but which address Zoning Resolution texts adopted by the City Planning Commission two decades after the 1990 Variance was originally considered.

A. Modifications to the 1990 Waivers

Specifically, with each waiver number below corresponding to its number on the 1989 DOB Objections:

Waiver 1. RMH requests an increase of 6,954 sf in the original ZR Sec. 24-11 waiver to allow 12,935.64 zsf more than currently permitted on the Zoning Lot. This modification is required to enlarge the House by 6,954 sf and to compensate for the 10,949.25 sf of floor area eliminated by the 1994 Rezoning. If approved, the Zoning Lot's proposed floor area will be 80,162.36 sf, with an adjusted FAR of FAR 6.56. (See Drawings A-5, A-6, A-7, A-8, A-11, A-13, A-14 and A-15, Proposed Floor Plans, showing the areas requiring additional floor area.)

Waivers 2 and 6. RMH requests an increase to the original ZR Sec. 24-11 and 24-33 lot coverage waivers, as well as a waiver of ZR Sec. 24-12, which did not exist at the time of the 1990 Variance, to allow additional floor area to be built within the rear yard portion of the existing House. UG 3 community facilities uses in an R8B district are permitted full lot coverage for one story or 23 ft above grade, whichever is less. Thus, a building which extends full lot coverage with one story in the rear yard portion of the zoning lot to a height of 23 ft or less above curb complies with both ZR Sec. 24-11 for lot coverage and ZR Sec. 24-33 for rear yard, in the latter case as a permitted rear yard obstruction. The 1990 Variance permitted a waiver of both provisions for less than the entire volume of the two-story buildout in the rear yard because only a portion of that buildout includes the 2nd floor slab extending into the rear yard. This Application requests an enlargement to the 2nd floor such that the entire rear yard buildout will now include two stories, without changing the existing envelope. (See Drawing A-6, Proposed Second Floor Plan.) Expansion

of the 2nd floor within the existing rear yard buildout is required to provide for communal dining areas proportionate to the other aspects of the RMH Enlargement, in particular to serve the occupants of the eleven added standard rooms. References in the 1989 DOB Objections to Chapters 33 and 35 are no longer applicable because the entire House Site is now located entirely within the R8B portion of the Zoning Lot.

Waivers 3 and 4. The height and setback provisions cited in the 1989 DOB Objections and in the 1990 Variance no longer exist. In lieu thereof, the City Planning Commission subsequently adopted ZR Sec. 23-633 for contextual districts such as R8B, which is made applicable to UG 3 community facilities located in R8B districts by ZR Sec. 24-522(b). ZR Sec. 23-633(b) regulates setbacks above the maximum base height, which in R8B on a narrow street can be no less than 15 ft from the street wall. The horizontal expansion of the 7th floor is set back 6 ft 8 in from the street wall, necessitating the requested modification. (See Drawing A-11, Proposed Seventh Floor Plan.)

Waiver 5. ZR Sec. 24-523-4, cited in the 1989 DOB Objections and in the 1990 Variance, which established a rear sky exposure plane, no longer exists. In lieu thereof, the Commission subsequently adopted ZR Sec. 24-552(b) for contextual districts such as R8B, which establishes a rear setback. However, because there is no proposed work on the rear wall and the height of the building remains unchanged, there is no need to modify the corresponding waivers in the 1990 Variance.

B. Additional Waivers for ZR Text Added since 1990

Since the approval of the 1990 Variance, the City Planning Commission has adopted two text changes now applicable to the RMH Enlargement. The current configuration of the House will not permit strict compliance with their terms and therefore this SOC Application requests the 1990 Variance be modified to include their waiver.

1. ZR Sec. 24-51(f)(2) and (3). The required additions to the existing mechanical equipment (*i.e.*, heating, venting and air handling systems) necessary to accommodate the RMH Enlargement will be minimal, amounting to the addition of two relatively small pieces of equipment (See Drawing A-16, Proposed Roof Plan). Nonetheless, the addition of any equipment requires compliance with the screening provisions in ZR Sec. 24-51(f)(2) and the locational requirements of ZR Sec. 24-51(f)(3). With regard to screening, the existing configuration of visible rooftop

equipment cannot be screened so as to comply with the requirements in ZR Sec. 24-51(f)(2) without undertaking significant structural modifications on the roof to secure the screening to the building. In addition, the existing configuration of the roof, and its visible location on the Zoning Lot, assures that any such screening will be highly visible, creating a much greater presence than the current conditions. Nonetheless, all mechanical systems are presently operating in compliance with all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code) and the added chiller equipment will not generate noise at levels that will result in any significant increase in ambient noise levels.

With regard to location, once again the pre-existing configuration of the rooftop, as well as the existing overall distribution of the equipment on it, presently does not meet the locational and dimensional requirements for rooftop mechanical systems set forth in ZR Sec. 24-51(f)(3). The addition of the chiller will not significantly increase the extent of non-compliance of the existing array of machinery.

The difficulties of reconfiguring the existing roof, or reconfiguring the existing configuration of mechanical equipment on the existing roof, present practical and financial obstacles of such magnitude that compliance with these two provisions would effectively terminate this project and permanently preclude RMH from expanding its services on the House Site. Given these existing site constraints, allowed by the original 1990 Variance, RMH respectfully requests that the Board modify its 1990 Variance to include these two waivers for rooftop mechanical equipment so that RMH can meet its programmatic objectives.

2. ZR Sec. 25-811. This text requiring enclosed bicycle parking spaces was adopted in 2011. Pursuant to its provisions, the RMH Enlargement is required to provide an enclosed room of not less than 90 sf for eight bicycles. With regard to the children and their caregivers temporarily residing at the House, bicycles are obviously not an option as their medical conditions preclude it. Many travel back and forth daily from their hospitals connected to IV equipment, either via RMH vans or in strollers or wheelchairs operated by their caregivers. Most also have ports or shunts inserted in their bodies, making riding a bicycle impossible. Their caregivers do just that, staying close to the children while they are in transport. With regard to the small administrative staff,

presently a headcount of 58 with no more than 30 in the building during normal hours and as few as four after hours, provision of a separate enclosed room for eight spaces representing 27% of the staff population at its height and two times more than the entire staff at its minimum, is under these programmatic circumstances an unnecessary and burdensome hardship.

It is especially burdensome given the realities of the existing building, which was built in accordance with the 1990 Variance. The only two grade level entries to the building are the main entrance doors and a small service door which connects directly to a service elevator. The programmatic uses on the ground floor, including RMH's entire administrative staff, preclude the possibility of a separate locked room of 90 sf for bicycle storage anywhere on that floor. There is also no space for such a room below grade in the cellar, which is extensively developed with the House's only playroom, computer room and musical education room and areas for mechanical and electric equipment. Any such below grade space could only be accessed by bringing a bicycle completely through the lobby to access the two main passenger elevators at the far end of the lobby, bringing them into conflict with the children and their families, or through the service entrance and down the service elevator, which requires staff operation. Given these site planning constraints (which can serve as the basis for waiver of all such spaces at the City Planning Commission (*see*, ZR Sec. 25-82), RMH respectfully requests that the Board modify its 1990 Variance to include a waiver of this provision to avoid compromising its programmatic requirements.

8. Factors Requiring the Current Action

Capacity. The demand for the unique temporary housing and family support services provided at the House far exceeds the existing 84-family capacity. The RMH Enlargement seeks the greatest amount of expansion that can occur on the House Site without having to close the House and cease operations for construction, which would require asking its current long-term residents to seek other lodging and would require its hospital partners to take extraordinary steps with regard to their ongoing clinical trials involving these children. The specific areas on each floor that will be altered have been chosen for their ability to be altered without causing major disruption in building services and major reductions in occupancy.

Growth in Pediatric Oncology Research and Hospitals. In 1990, only Memorial Sloan-Kettering Cancer Center was conducting significant research programs in pediatric oncology in New York City. In fact, Memorial filled the House to full occupancy for at least the first decade after the House opened. Since that time, the research/treatment activities in pediatric oncology in New York have expanded significantly, as have the training and academic institutions investigating childhood cancers. Today, RHM receives requests from 13 hospitals and research programs. Since the House opened, Columbia Presbyterian has opened the Morgan Stanley Children's Hospital, Montefiore has opened its Children's Hospital and NYU Langone is opening its new Children's Hospital. Each is affiliated with a medical school program that includes training new investigators and physicians in pediatric oncology and related fields. In addition, New York's first proton beam research and treatment facility, organized by a three-hospital consortium, will open in 2018 two miles away in East Harlem. It is expected that a significant number of pediatric cancers, currently seen at other proton beam facilities in Boston, Philadelphia and New Jersey, will be treated and studied at this new facility. While the number of rooms RMH is capable of providing is small in comparison to the geometric increase in demand represented by this growth of New York City's healthcare institutions, it is willing to "max out" its site to add to the supply of rooms for these children and their families.

Need for Rooms for Immunocompromised Children. There are few areas of research in pediatric cancers showing more promising results than immunotherapies facilitated through bone marrow transplants. A bone marrow transplant, in laymen's terms, replaces a diseased or compromised immune system with that of a donor, usually a family member. While the procedure is now standard, a post-transplant child with a barely functioning immune system has a much higher risk of getting ill and has a limited ability to respond to it. Thus, it has up to now required a six to eight week hospitalization following the procedure to give the new immune system time to mature.

Today, procedures have improved so that the child can leave the hospital soon after the procedure, provided the child remains close to the hospital as a precaution, and provided the child can be isolated from the general population until his or her immune system is "rebooted." While total isolation is not necessary, the potential for complications during the first 60 days following the procedure still requires that the child not re-enter the general population and stay close by his

or her doctors and treatment. While some of these immunocompromised children have stayed at the House, they are forced to remain in the existing 310-370 sf rooms for up to 60 days and cannot enter the House's common areas. The current House's rooms are simply too small for these children, and in any event lack the proper appliances to maintain the necessary isolation. The six proposed Immunosuppression Rooms will range from 510 sf to 650 sf, each with its own kitchen, washer/dryer and dining area, with significantly more playspace within each room for the child.

Limitations of the Site. The New York City Ronald McDonald House is the only facility of its kind devoted entirely to pediatric oncology. It has approached this expansion dedicated to the proposition that it should remain open to the extent it can during construction, with the highest occupancy level possible consistent with the best practices for each child's health and safety. Dedication to the health and welfare of its families, some of whom are currently long term residents, requires that the House be altered slowly and under very controlled conditions, which limits the amount of floor area that can be altered and the areas of the building that can be considered for expansion. This Application reflects those many adjustments, resulting in a small incremental increase in floor area in very specific areas of the building.

9. The DOB Objections

The Department of Buildings ("DOB") has issued the following Notice of Comments dated December 7, 2015 with regard to the House Site:

No.	Section of ZR and/or MDL	Comments
1.	ZR 24-11	Proposed Floor area exceeds permitted Floor Area
2.	ZR 24-11, 24-12, 35-23	Proposed enlargement increases the degree of non-compliance permitted by BSA 253-89-BZ for lot coverage.
3.	ZR 23-633 (b), (1)	Seventh floor enlargement exceeds previous non-compliance permitted by BSA 253-89-BZ for setback.
4.	ZR 24-51(f)(2), (3)	Mechanical screening is required and the maximum volume shall be limited.
5.	ZR 25-811	Bicycle parking is required.

10. Violations History

There are eight open DOB violations issued to the House Site:

1. V 032108LL108101405 (LL1081 - LOCAL LAW 10/81 - ELEVATOR)
2. V 050312BENCH00782 (BENCH - FAILURE TO BENCHMARK)
3. V 083013FISPNRF00913 (FISPNRF - NO REPORT AND/OR LATE FILING (FAÇADE))
4. V 050114BENCH00764 (BENCH - FAILURE TO BENCHMARK)
5. V 091015E9027/552173 (E – ELEVATOR)
6. V 091015E9027/552174 (E – ELEVATOR)
7. V 100115LBLVIO02079 (LBLVIO - LOW PRESSURE BOILER)
8. V 100115LBLVIO02080 (LBLVIO - LOW PRESSURE BOILER)

All violations are being corrected and are expected to be cleared by mid- or late 2016.

Conclusion

The Ronald McDonald House of New York is like no other building in the world. Its use and massing have been designed exclusively to meet the needs of a very specialized population: children with a wide range of cancers and their families and/or caregivers. Many of these families arrive having been suddenly removed from the comforts of their homes and surroundings to rush to New York City, sometimes with only a day's notice, for hopefully life-saving treatments and participation in clinical trials that are the backbone of cancer research. The House must accommodate these arrivals, not knowing how long each child will be in occupancy. Largely due to the popularity of a recent book and PBS series on the subject, cancer has become tagged as the "Emperor of All Maladies," for its mysteries, unpredictability and adaptability in the face of treatment. Nowhere is the effort to solve these questions more intense than among the hospitals, universities and research institutions in New York City in general, and in the medical corridor along York Avenue in specific. The Ronald McDonald House is the only affordable facility in the midst of this medical community where children battling their cancers can come for treatment regimens and clinical trials that are available nowhere else.

The approval of this SOC Application will increase RMH's capacity to serve these children, which is its only mission. By so doing it serves the parallel purpose of supporting medical research and science, as well as training tomorrow's leading physicians and scientists. The requests for the affordable temporary lodging and services the House provides far exceed availability. The RMH Enlargement responds to this need by increasing the overall number of rooms and by creating six

rooms for immunocompromised children for longer term temporary occupancy, the first units of their kind in New York City devoted entirely to the needs of post-bone marrow transplant children.

The modifications to the 1990 Variance are minimal. Thirty-six percent of the 6,954 sf of new floor area occurs within the existing envelope, with no impacts on the building envelope or height. The lot coverage waiver is not due to any increase in the footprint of any building on the Zoning Lot but is merely required because the heights of two clearstory rooms at grade within the 23 ft high rear yard extension will be cut in half to permit the insertion of flooring within an existing space, again with no change in the building's exterior envelope. A further objection relates to the change in height and setback regulations in contextual zones such as R8B which were adopted subsequent to the House's construction, generating an 8 ft 4 in shortfall in the required minimum setback distance caused by the enlargement of the 7th floor to provide the necessary footprint for the new Immunosuppression Rooms. And finally, two of the requested modifications relate to new Zoning Resolution texts that did not exist until after the House was constructed, dealing with the lack of an enclosed room for bicycle parking and the screening and location of predominantly existing rooftop mechanicals. None of these requested modifications to the 1990 Variance contradict or diminish the original findings or the original programmatic needs that they supported, all of which, unfortunately, are as vital today as when originally considered.

For these reasons, RMH respectfully submits that the Board can and should modify the original grant to the extent necessary for the RMH Enlargement.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Shelly S. Friedman', with a long horizontal flourish extending to the right.

Shelly S. Friedman

Dated: New York, New York
December 11, 2015

Exhibit A



THE CITY OF NEW YORK DEPARTMENT OF BUILDINGS

253 89 82

MANHATTAN ☐
Municipal Bldg.
New York, N.Y. 10007
(212) 246-2311

BROOKLYN ☐
Municipal Bldg.
Brooklyn, N.Y. 11201
(718) 643-7943

BRONX ☐
1012 Arthur Avenue
Bronx, N.Y. 10457
(212) 679-6934-6948

QUEENS ☐
120-08 Queens Blvd.,
Kew Gardens, N.Y. 11417
(718) 736-3266

STATEN ISLAND ☐
Rena Hall,
3 College Ave.,
Staten Island, N.Y. 10310
(718) 746-7200

OBJECTIONS

M.B. APPLICATION No. 3, 1989 BLOCK 1468 LOT. 5,104
(N. B. A. B. B. B. B.)

LOCATION 425-409 East 73rd St

DISAPPROVED 1/25/89

with the following OBJECTIONS:

NOTE: Plans may be corrected to meet objections without filing amendments. Amendments need be filed only when reconsideration of objections is requested and then only if required by the Superintendent or his assistants. After approval no changes on approved plans are permitted. New plans accompanied by amendment sheets must then be filed to cover changes.

- ① Floor area ratio (FAR) on residential portion exceeds that permitted by section 24-11 Z.R.
- ② Lot Coverage exceeds that permitted by sections 35-23 Z.R., 24-11 Z.R., 24-12 Z.R.
- ③ Street wall for residential from 3rd floor to 4th floor does not comply with 24-523-1 Z.R.
- ④ Maximum depth of recess in Resid. for 2nd floor to comply with 24-523-1(c) Z.R.
- ⑤ Rear sky exposure plane to comply with 24-523-4 Z.R.
- ⑥ Two stories within 20' height is not a permitted rear yard obstruction as per 33-23 Z.R. & 24-23 Z.R.

DENIED

FOR APPEAL TO BOARD OF STANDARDS AND APPEALS

DATE June 16, 1989

BY [Signature]

FOR BORO SUPT.

JORGE B. VILAMAZ

Examiner.

Borough Superintendent.



Board of Standards
and Appeals

250 Broadway, 29th Floor
New York, NY 10007
212-386-0009 - Phone
646-500-6271 - Fax
www.nyc.gov/bsa

BSA Cal. # 253-89-BZ

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership

William T. Sullivan, being duly sworn, deposes and says that (s)he resides at c/o 405 E. 73rd St.,
in the City of New York, in the County of New York, in the State of New York; that
New York City Industrial
Development Agency is the owner in fee and Ronald McDonald House of New York is the beneficial
owner of all that certain lot, piece or parcel of land located in the Borough of Manhattan, in
the City of New York and known and designated as Block 1468, Lot(s) 5, Street and House Number
405-411 East 73rd Street; and that the statement of facts in the annexed application are true.

Check one of the following conditions:

- ☐ Sole property owner of zoning lot
☐ Cooperative Building
☐ Condominium Building
☒ Zoning lot contains more than one tax lot and property owner

Owner's Authorization

The owner identified above hereby authorizes Friedman & Gotbaum, LLP

to make the annexed application in her/his behalf.

Signature of Owner

Print Name

William T. Sullivan

Print Title

President & CEO,
Ronald McDonald House of New York,
Beneficial Owner

Sworn to before me this 5TH day

Of NOVEMBER 2015

SUZANNA C. HOUSTON
Notary Public, State of New York
No. 31-4984311
Qualified in New York County
Commission Expires July 22, 2017



New York City
Industrial Development Agency

BSA Cal. # 253-89-BZ

110 William Street, New York, NY 10038
212/619 5000
www.nyceda.com/nycida

November 3, 2015

Mr. William T. Sullivan
President & Chief Executive Officer
Ronald McDonald House of New York
405 East 73rd Street
New York, NY 10021

RE: Ronald McDonald House of New York
403 405 East 73rd Street
BSA Cal No. 253-89-BZ (the "Application")
Block 1468 Lot 5

Dear Mr. Sullivan,

The New York City Industrial Development Agency (the "Agency") issued bonds (the "Bonds") on May 1, 1991 for the Children's Oncology Society of New York, Inc. ("COS"). For purposes of the financing, the Agency acquired title to the property consisting of Section 5, Vol. 6, Block 1468 Lot 5 on the Official Tax Map of New York County (the "Property"). The Bonds were issued to finance the acquisition, construction and equipping of the Ronald McDonald House of New York. Pursuant to the terms of the financing, COS is the beneficial owner of the Property. COS will file the referenced Application to amend a variance previously granted by the NYC Board of Standards and Appeals. The Agency does not object to the filing of the Application. The Agency does not waive any of its rights and remedies under the Agency Lease, dated May 1, 1991, between the Agency and COS and any of the related Bond documents.

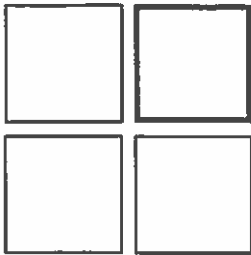
Sincerely,



Agnes Stec
Compliance Officer,

New York City Industrial Development Agency

CC: Jay Lopez, New York City Industrial Development Agency
Shelly Friedman, Friedman & Gotbaum LLP



FRIEDMAN & GOTBAUM LLP

568 BROADWAY SUITE 505
NEW YORK NEW YORK 10012
TEL 212-925-4545
FAX 212-925-5199

December 11, 2015

BY HAND

Hon. Margery Perlmutter, R.A., Esq.
Chair
NYC Board of Standards & Appeals
250 Broadway - Floor 29
New York, NY 10007

**Re: Ronald McDonald House of New York
405-411 East 73rd Street (the "Site")
Block 1468 Lot 5, Manhattan
BSA Cal No. 253-89-BZ SOC Application**

Dear Madam Chair:

We are special land use counsel to the Ronald McDonald House of New York ("RMH"), beneficial owner/lessee of the Site referenced above, which is owned by the New York City Industrial Development Agency ("IDA")¹ and improved with the Ronald McDonald House (the "House") completed in 1994 pursuant to ZR Sec. 72-21 bulk variance granted by the Board on April 24, 1990 under BSA Cal. No. 253-89-BZ (the "1990 Variance"). RMH is seeking a modification to the 1990 Variance that will permit RMH to increase the House's capacity by eleven family units (from 84 to 95 family units), including enlargement and conversion of six existing family units to create new, larger rooms for immunocompromised children. The proposal will result in a 6,954 sf increase in floor area on the zoning lot located in an R8B and a C1-9 zoning districts.

Enclosed please find one (1) original and two (2) copies of the following materials in connection with the applications:

1. SOC Application form;
2. Statement of Facts;
3. Affidavit of Ownership by RMH and Letter of No Objection from IDA. Also enclosed is a copy of the Declaration of Zoning Lot Restrictions dated as of October 31, 1986 recorded in the Office of New York City Register on December 3, 1986 in Reel 1138 page 510 and Certification of Parties in Interest dated November 23, 2015;
4. Department of Buildings Notice of Comments stamped "DENIED" on December 7, 2015;

¹ The City of New York assisted in the construction of the current House through the issuance of tax exempt bonds, as a result of which the land beneath the House is City-owned for the duration of the life of the bonds.

5. Certificate of Occupancy No. 105436;
6. Violation History;
7. Certificate of Inspection and Compliance;
8. Zoning Map (9a);
9. Tax Map;
10. Radius Diagram/Land Use Map;
11. BSA Zoning Analysis Form;
12. Photographs 1 through 6;
13. BSA resolutions under Cal. ## 253-89-BZ; 981-77-BZ; 982-77-A; 556-75-BZ;
14. Previously-Approved BSA Plans/Existing Plans²;
15. Proposed Plans (Drawings A-0 through A-16 dated December 11, 2015).

Also enclosed are:

- A CD containing all materials listed above;
- A check in the amount of \$2,110.00 payable to the Board of Standards and Appeals representing the variance amendment filing fee.

Thank you for your cooperation. If you should have any questions please feel free to call me or Elena Aristova at (212) 925-4545.

Very truly yours,



Shelly S. Friedman

Enclosures

cc: Hon. James G. Clynes, Chair, Manhattan CB 8
Hon. Ben Kallos, City Council Member
Hon. Gail A. Brewer, Manhattan Borough President
Ms. Edith Hsu-Chen, Director, Manhattan Office, Department of City Planning
Mr. Christopher Holme, Zoning & Urban Design Division, Department of City Planning
Martin Rebholz R.A., Manhattan Borough Commissioner, Department of Buildings
Richard Martin
Joel Newman

² While certain interior partitions shown "FOR ILLUSTRATIVE PURPOSES ONLY" on the drawings approved by the 1990 Variance have been relocated, total existing floor area on the zoning lot remains at 73,208.36 sf as approved by 1990 Variance.

1138 510

DECLARATION OF ZONING LOT RESTRICTION

FAYS REALTY CORPORATION, a New York corporation having an address at 360 East 72nd Street, New York, New York 10021 ("Owner") and CHILDREN'S ONCOLOGY SOCIETY OF NEW YORK, INC., a New York not-for-profit corporation having an address at 419 East 86th Street, New York, New York 10028 ("Developer") constituting the "parties in interest" (excepting those parties waiving their respective rights to join herein) as defined in Section 12-10 of the Zoning Resolution of the City of New York effective December 15, 1961, as amended (the "Zoning Resolution"), with respect to the lands known as Tax Lots 104 and 5 in Block 1468 on the Tax Map of the City of New York, County of New York, do declare that the tract of land known as and by the street number 403 East 73rd Street, New York, New York, more particularly described on Schedule A annexed hereto and made a part hereof (the "Owner Land"), and the tract of land known as and by the street number 405-411 East 73rd Street, New York, New York, more particularly described on Schedule B annexed hereto and made a part hereof (the "Developer Land"), are to be treated as one zoning lot for the purposes of and in accordance with the provisions of the Zoning Resolution, in accordance with and subject to all of the terms, covenants and conditions of the Zoning Lot and Development Agreement between declarants bearing even date herewith, a copy of which is attached hereto as Schedule C (the "Zoning Agreement").

This Declaration may be amended to provide for the addition of any additional grantors of any zoning rights benefiting the Developer Land and to provide for execution in counterparts.

REC 1138m 511

IN WITNESS WHEREOF, Owner and Developer have
executed this instrument as of the 24 day of October, 1986.

FAYE REALTY CORPORATION

By: Nathan Rosen
Nathan Rosen, President

CHILDRENS ONCOLOGY SOCIETY OF
NEW YORK, INC.

By: Vivian Harris
Vivian Harris, President

MAN 73rd REALTY ASSOCIATES

By: Arthur B. Melcher
Arthur B. Melcher

MAN 73rd Realty Associates has executed this Declaration for
the purpose of evidencing its consent to and joining in this
this Declaration and Zoning Agreement

1138 512

SCHEDULE A

Owner Land

All that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of 73rd Street, distant 87 feet easterly from the corner formed by the intersection of the northerly side of 73rd Street with the easterly side of First Avenue; running

thence Northerly and parallel with First Avenue, 77 feet 2 inches;

thence Easterly and parallel with 73rd Street and part of the distance through a party wall 26 feet;

thence Southerly and parallel with First Avenue 77 feet 2 inches to the northerly side of 73rd Street;

thence Westerly along the northerly side of 73rd Street 26 feet to the point or place of beginning.

The above premises are known as 403 East 73rd Street, New York, New York.

Tax Map Designation: Block 1468, Lot 104.

SCHEDULE B

Developer Land

ALL that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of 73rd Street, distant 113 feet easterly from the northeasterly corner of 73rd Street and First Avenue;

and running thence Northerly and parallel with First Avenue, 102 feet 2 inches to the center line of the block between 73rd and 74th Streets;

thence Easterly along said center line, 100 feet;

thence Southerly and again parallel with First Avenue, 102 feet 2 inches to the northerly side of 73rd Street;

thence Westerly along said northerly side of 73rd Street, 100 feet, to the point or place of BEGINNING.

The above premises are known as 405-411 East 73rd Street, New York, New York.

Tax Map Designation: Block 1468, Lot 5.

OFF 1138 514

SCHEDULE C

zoning Lot and Development Agreement

ZONING LOT AND DEVELOPMENT AGREEMENT

AGREEMENT dated as of the 31 day of October, 1986, between FAYE REALTY CORPORATION, a New York corporation having an address at 360 East 72nd Street, New York, New York 10021 ("Owner") and CHILDREN'S ONCOLOGY SOCIETY OF NEW YORK, INC., a New York not-for-profit corporation having an address at 419 East 86th Street, New York New York 10028 ("Developer").

Preliminary Statement

Owner is the owner of that certain parcel of land (the "Owner Land"), more particularly described in Schedule A to the Zoning Declaration (hereinafter defined) and the building thereon which is located at, and generally known as, 403 East 73rd Street, New York, New York (the "Owner Building"). Developer is the owner of that certain parcel of land (the "Developer Land"), more particularly, described in Schedule B to the Zoning Declaration and generally known as 405-411 East 73rd Street, New York, New York.

The Owner Land and the Developer Land are contiguous for a minimum of 10 linear feet and are located within the same "block" as defined in Section 12-10 of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended (the "Zoning Resolution").

Developer intends to construct a building, which shall have no commercial uses, on the Developer Land (the "Developer Building"). Developer intends that the Developer Building will contain more floor area ("Floor Area") (as that term is defined in Section 12-10 of the Zoning Resolution) than is now available for use under the applicable "floor area ratio" (as that term is defined in Section 12-10 of the

Zoning Resolution) limitation contained in the present Zoning Resolution relating to the Developer Land. Developer desires to make use of the procedure available under the Zoning Resolution for combining the Developer Land with the Owner Land into a single "zoning lot" (as that term is defined in Section 12-10 of the Zoning Resolution) for the purpose of determining compliance of the Developer Building with all applicable zoning limitations. Such procedure would make available to Developer for such purpose the currently unused Floor Area and development rights available to the Owner Land under the present Zoning Resolution in excess of the Floor Area and development rights utilized by the present improvements on the Owner Land, and Owner is willing to make such procedure available to Developer for such purposes. Developer and Owner are simultaneously herewith executing and delivering a Declaration of Zoning Lot Restrictions, as defined in Section 12-10 of the Zoning Resolution (the "Zoning Declaration"), which makes such procedures available to Developer for such purpose by creating a single zoning lot (the "Combined Zoning Lot") out of the Owner Land and the Developer Land.

NOW, THEREFORE, Developer and Owner hereby covenant and agree as follows:

1. Owner hereby grants to Developer a perpetual easement for light and air over and above the existing improvements on the Owner Land, as same may be altered from time to time in accordance with this paragraph. No building or other improvement shall be constructed or allowed to exist on the Owner Land and/or the Owner Building: (a) at a height

greater than 15 feet above the roof the Owner Building as it now exists, except for a stairway enclosure on the roof of the Owner Building which shall not exceed the height of 15 feet above the presently existing enclosure, or (b) at a level lower than the lowest level of the Owner Building as it now exists, or (c) with a total square footage greater than 1200 square feet in excess of the total square footage of the Owner Building as it now exists. No new building or improvements hereafter erected on the Owner Land shall contain more bulk or Floor Area or utilize more zoning or development rights than are contained in, or utilized by, the existing buildings or improvements located on the Owner Land on the date hereof, plus 1200 square feet of Floor Area (the "Owner Building Zoning Envelope").

2. Developer may incorporate into the Developer Building all of the Floor Area and development rights attributable to the Owner Land, less the Owner Building Zoning Envelope (such excess Floor Area and development rights being herein called "Owner's Excess Zoning Rights") under the Combined Zoning Lot; and Owner hereby grants to Developer a perpetual easement for said purpose. Owner shall not use or permit to be used Owner's Excess Zoning Rights in connection with any building other than that to be built on the Developer Land. Owner represents and warrants that it has not previously transferred, assigned, conveyed or otherwise encumbered Owner's Excess Zoning Rights in any manner whatsoever, except for possible encumbrances disclosed by the public records in favor of parties in interest who have joined in the execution of this Agreement or have executed and delivered to Developer waivers of their rights to execute

same, containing releases of Owner's Excess Zoning Rights from their interests. Owner shall take all reasonable steps requested by Developer to implement the foregoing and in furtherance thereof, covenants that:

(a) Owner shall cooperate with Developer in all reasonable respects in the use and enjoyment by Developer of Owner's Excess Zoning Rights, including but not limited to, the prosecution of all zoning, variance, landmark, environmental and other building applications to the Planning Commission of the City of New York, the Board of Estimates, the Board of Standards and Appeals, the Landmarks Preservation Commission, the New York City Department of Buildings, and/or Federal offices, agencies and commissions relating to the Developer Building and the Developer Land, and the incorporation therein of Owner's Excess Zoning Rights, and the execution of all documents pertaining thereto and reasonably required therefor, provided that (i) such cooperation, prosecution and document execution does not materially increase or materially alter the responsibilities or liabilities of Owner under this Agreement or the Zoning Declaration, and (ii) Owner's reasonable expenses, including reasonable attorneys' fees, in connection therewith shall be paid by Developer simultaneously with the execution of such documents.

(b) (i) If requested by Developer, Owner shall join in any application or applications which Developer may deem necessary or desirable or to any governmental agency, in order to effect the use by Developer of Owner's Excess Zoning Rights and their availability for, and incorporation in, the Developer Building, subject to the provisions of 2(a)(i) and (ii).

(ii) Neither Owner nor any of their successors or assigns shall appear in opposition to Developer or its successors or assigns in any action or proceeding brought, sought or defined by them before the Planning Commission of the City of New York, the Board of Estimate, the Board of Standard and Appeals, the New York City Department of Buildings, the Department of Environmental Protection or any other city, state or any community board meeting or hearing arising out of or in connection with any zoning or variance applications relating to the Developer Building or the Developer Land and the incorporation of Owner's Excess Zoning Rights therein or any other certificate, amendment, permit, approval, license or ruling that in the reasonable judgment of Developer affects or may affect the ability of Developer to construct the Developer Building and to incorporate Owner's Excess Zoning Rights therein or in the Developer Land.

(c) If requested by Developer, Owner shall execute, acknowledge and deliver, one or more amendments to the Zoning Declaration and this Agreement for the purpose of enlarging or diminishing the Combined Zoning Lot covered by the Zoning Declaration and this Agreement (including obtaining such waivers as may be required) to include one or more additional parcels or to exclude any other parcels hereafter included, and adding additional parties with respect to such parcels, subject to the provisions of 2(a)(i) and (ii), and provided that the obligations and restrictions imposed on Owner with respect to the enlarged or diminished Combined Zoning Lot are no more onerous than those imposed on Owner

hereunder and that the rights granted to Developer with respect to the Owner Land are no broader than those granted hereunder, or as set forth in 3.

3. (a) Notwithstanding anything to the contrary herein contained, Developer and Owner acknowledge and agree that this Agreement and the Zoning Declaration are intended solely to create the Combined Zoning Lot; to grant to Developer the conditional perpetual easement for light and air over and above the existing building and improvements on the Owner Land; to regulate the rights and obligations of the parties hereto; and to impose the restrictions upon Owner herein set forth; and that, except as herein specifically set forth, each party retains full ownership and control of its premises. Nothing herein contained grants to either party the right or easement of physical access (as distinguished from the easement for light and air granted to Developer by Owner under, upon or over the premises of the other party, except Developer shall have the right of physical easement and access on the Owner Land for scaffolding and similar temporary structures in connection with the construction, development and maintenance of the Developer Building; provided that Developer (i) obtains or causes to be obtained casualty and liability insurance policies which (x) name Owner as a named insured, and (y) provide for the same notice provision as required by Developer's first mortgages, (ii) delivers or causes to be delivered to Owner copies of certificates of insurance evidencing such policies, and (ii) maintains or causes to be maintained such insurance policies for the period Developer has the right of physical easement and access to Owner's Land. Developer and Owner further covenant that no

portion of any building or other structure hereafter erected on their respective premises shall encroach upon the premises of the other party in any way at any time, except as herein-after permitted. If any encroachment shall occur, it shall be removed by the party who erected it at such party's sole cost and expense upon written request of the other party; and if a party fails to commence such removal within a reasonable period of time after receipt of such request, the other party shall have all legal and equitable remedies with respect to such failure as described in 5.

(b) The Owner's Excess Zoning Rights shall not, except as otherwise provided in 3(a), include:

(i) Any right to erect any structure or any portion thereof on, under or above the Owner Building or any portion thereof;

(ii) Any right to erect any structure on the Developer Land which encroaches upon the Owner Land or any portion thereof, or the Owner Building or any portion thereof;

(iii) Any right to use any portion of the Owner Building for "party wall" purpose;

(iv) Any right of ingress and egress through, under or over the Owner Land or any portion thereof; or

(v) Any right of use, by easement or otherwise, with respect to the Owner Land or any portion thereof, or to the Owner Building or any portion thereof.

4. Construction plans and specifications for, and applications for Certificates of Occupancy of, any buildings on the Developer Land shall be separate and independent from those for any building on the Owner Land, and vice versa, and

shall be so filed with the Department of Buildings of the City of New York so as to obtain separate "new building" and/or "alteration" numbers.

5. In the event of any breach or threatened breach of this Agreement by either party, the nondefaulting party shall have the right to any remedy available at law or equity, including, but not limited to, injunctive relief and specific performance; provided, however, that no breach hereof by any party hereto, shall have any effect on the treatment of the Owner Land and the Developer Land as a combined single zoning lot for purposes of the Zoning Resolution.

6. The separate interests of the parties hereto require that tax assessments and tax liens concerning the Owner Land and the Developer Land shall continue to be separate and independent of each other. Each party shall execute such documents as may be reasonably required in support of the separateness of the Owner Land and of the Developer Land as tax lots. Neither Developer nor Owner will hereafter do anything to oppose the separateness of said tax lots.

7. Except as stated in this Agreement and the Zoning Declaration, no party hereto shall be deemed to have made any representations, warranties or promises, express or implied, concerning anything affected by this Agreement or the Zoning Declaration.

8. This Agreement cannot be changed or terminated orally, but only by a written agreement signed by the party against whom any such change or termination is asserted.

9. In the event of the destruction or demolition of all or substantially all of the Owner Building or the Developer Building, Owner and Developer shall cooperate with

each other in all reasonable respects in connection with applications, if any, made by Owner or Developer to any municipal department for permits or approvals for reconstruction or replacement of the Owner Building or the Developer Building and shall join in any such applications at the other's request, provided that (i) any building or other structure erected on the Owner Land or the Developer Land shall be built in accordance with applicable law and in the case of the Owner Land shall not exceed the maximum height, bulk or Floor Area specified in 1, and shall not utilize more zoning or development rights than are contained in or utilized by the existing buildings and improvements located on the Owner Land on the date hereof, and Developer shall not be deprived of the use or enjoyment of Owner's Excess Zoning Rights or of any of the other rights, easements or benefits granted to Developer hereunder and under the Zoning Declaration, (ii) said cooperation does not materially increase or alter the responsibilities or liabilities of Developer or Owner under this Agreement and/or the Zoning Declaration, (iii) the applications are made in accordance with all applicable laws and have met or will meet with the approval of the New York City Department of Buildings and any other New York City municipal department or agency having or claiming jurisdiction of the Combined Zoning Lot, it being understood and agreed that the right of Owner to reconstruct or replace the Owner Building and the right of Developer to reconstruct or replace the Developer Building shall in such case be subject to the restrictions of the Zoning Resolution and other provisions of law as may hereafter be amended or enacted and in effect at the time that such applications are made, and (iv)

Developer's (or Owner's, as the case may be) reasonable expenses, including reasonable attorney's fees, in connection therewith shall be paid by Owner (or Developer, as the case may be) simultaneously with the execution of such documents.

10. (a) All of the grants, interests, covenants, agreements and conditions contained in this Agreement:

(i) shall run with the land and buildings affected;

(ii) shall inure to the benefit of and be binding upon each party to this Agreement and such party's successors and assigns so long as they respectively have any interest in the Owner Land or the Developer Land, as the case may be;

(iii) shall, to the extent rights hereunder are assigned to the holder of any mortgage encumbering the Developer Land, the Owner Land or any interest therein, be enforceable by any such assignee after default under any such mortgage; and

(iv) shall inure to the benefit of and be binding upon any additional party hereto as the result of any amendment to the Zoning Declaration and/or this Agreement entered into for the purpose of enlarging the Combined Zoning Lot as provided in 2(c).

(b) All obligations of Owner and Developer under this Agreement shall, except for liabilities accruing during each respective period of interest, terminate as to such party upon the termination or expiration date of such party's interest in the Owner Land or the Developer Land, as the case may be.

11. (a) Any notice or demand which under the terms of this Agreement must or may be given or made by the parties hereto shall be in writing and shall be given or made by personal delivery or by mailing same by registered or certified mail, addressed to the parties at the respective addresses hereinbefore given. At the same time any notice is sent to Owner hereunder, a copy shall be sent to Owner's counsel, Albert Rosen, Esq., 23 Sea Colony Drive, Santa Monica, California 90405. At the same time any notice is sent to Developer, a copy shall be sent to Developer's counsel, Shea & Gould, 330 Madison Avenue, New York, New York 10017, Attention: Ernest J. Bertolotti, Esq. Any notice given by mail shall be deemed delivered when deposited in a United States General or Branch Post Office, enclosed in a registered or certified prepaid wrapper, addressed as hereinabove provided.

(b) Any party or its respective successors in interest taking the benefit of this Agreement may designate by notice in writing a new or other address to which such notice or demand shall thereafter be given, made or mailed.

12. Owner and all other parties in interest having an interest in or lien on the Owner Land who have executed this Agreement or the Zoning Declaration or who have executed a waiver in respect thereof (the "Owner Parties in Interest") hereby agree and consent that any modification or termination of this Agreement or the Zoning Declaration or both, as may affect the Combined Zoning Lot or any enlarged zoning lot, shall not be required to be executed by Owner or the Owner Parties in Interest if the modification or termination either reduces or further increases the size of the Combined Zoning

Lot provided said further increases affect only the rights other than Owner and the Owner Parties in Interest in the Combined Zoning Lot and do not adversely affect the rights of Owner and the Owner Parties in Interest in and to said Combined Zoning Lot or the property of Owner and the Owner Parties in Interest. Notwithstanding the foregoing, Owner and the Owner Parties in Interest shall, within 30 days after request, execute acknowledge and deliver any such modification or termination or deliver any requested waiver or consent provided same are reasonably acceptable in form and content by Owner's attorney and such shall be at the sole cost of Developer including attorneys' fees for Owner.

13. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

14. Owner, by executing this Agreement, does not waive any of its rights and Developer shall not be relieved of any of its obligations under Section C26-1501.5 of the Administrative Code of the City of New York or any other laws, rules, regulations or requirements which impose any duties or obligations on Developer relative to the Owner Land by reason of Developer's construction of a new building on the Developer Land.

15. In the event of any breach or threatened breach of this Agreement by either party, the other shall have the right to any remedy available hereunder, at law or in equity, including without limitation, injunctive relief.

16. This Agreement is to be recorded and notice is hereby given that this Agreement restricts Owner's Land by eliminating Owner's Excess Zoning Rights and benefits Developer's Land by adding Owner's Excess Zoning Rights thereto.

IN WITNESS WHEREOF, Owner and Developer have executed and delivered this Agreement as of the date hereof.

FAYE REALTY CORPORATION

By: Nathan Rosen
Nathan Rosen, President

CHILDREN'S ONCOLOGY SOCIETY OF
NEW YORK, INC.

By: Vivian Harris
Vivian Harris, President

MAN 73rd REALTY ASSOCIATES

By: Arthur B. Weisner
Arthur B. Weisner

MAN 73rd Realty Associates has executed this Agreement and the Zoning Declaration pursuant to paragraph 12 herein as an Owner Party in Interest for the purpose of evidencing its consent to and joining in this Agreement and the Zoning Declaration.

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

On the 15 day of October, 1986, before me personally appeared Nathan Rosen to me known, who being duly sworn did depose and say that he resides at 360 East 72nd Street, New York, New York; that he is the President of FAYE REALTY CORPORATION the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Christine Cornu Wissel
Notary Public

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

CHRISTINE CORNU WISSEL
Notary Public, State of New York
No. 40-4781846
Qualified in Westchester County
Commission Expires March 30, 1987

On the 2 day of October, 1986, before me personally appeared Vivian Harris to me known, who being duly sworn did depose and say that she resides at 300 Central Park West, New York, New York; that she is the President of CHILDREN'S ONCOLOGY SOCIETY OF NEW YORK, INC. the corporation described in and which executed the foregoing instrument; that she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that she signed her name thereto by like order.

Diane M. Brown
Notary Public

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

DIANNE M. BROWN
Notary Public, State of New York
No. 4677413
Qualified in Dutchess County
Commission Expires January 31, 1989

On this 12 day of October, 1986, before me personally appeared Arthur B. Welsher to me known, who, being duly sworn, did depose and say that he is a general partner of M&W 73rd REALTY ASSOCIATES; and that he executed the foregoing instrument in the name of said entity, and that he had the authority to execute the same.

Christine Cornu Wissel
Notary Public

CHRISTINE CORNU WISSEL
Notary Public, State of New York
No. 40-4781846
Qualified in Westchester County
Commission Expires March 30, 1987

002 1138 529

STATE OF NEW YORK)
) ss.
 COUNTY OF NEW YORK)

On the 15 day of October, 1986, before me personally appeared Nathan Rosen to me known, who being duly sworn did depose and say that he resides at 360 East 72nd Street, New York, New York; that he is the President of FAYE REALTY CORPORATION the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.


 Notary Public

STATE OF NEW YORK)
) ss.
 COUNTY OF NEW YORK)

CHRISTINE CORBIN WESSEL
 Notary Public, State of New York
 No. 60-4791846
 Qualified in Westchester County
 Commission Expires March 30, 1987

On the 31 day of October, 1986, before me personally appeared Vivian Harris to me known, who being duly sworn did depose and say that she resides at 300 Central Park West, New York, New York; that she is the President of CHILDREN'S ONCOLOGY SOCIETY OF NEW YORK, INC. the corporation described in and which executed the foregoing instrument; that she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that she signed her name thereto by like order.


 Notary Public

STATE OF NEW YORK)
) ss.
 COUNTY OF NEW YORK)

DIANNE M. BROWN
 Notary Public, State of New York
 No. 4877412
 Qualified in Dutchess County
 Commission Expires January 31, 1988

On this 12 day of October, 1986, before me personally appeared Arthur B. Welsher to me known, who, being duly sworn, did depose and say that he is a general partner of MAN 73rd REALTY ASSOCIATES; and that he executed the foregoing instrument in the name of said entity, and that he had the authority to execute the same.


 Notary Public

CHRISTINE CORBIN WESSEL
 Notary Public, State of New York
 No. 60-4791846
 Qualified in Westchester County
 Commission Expires March 30, 1987

1932 18011

M-24144 1138 530

Comp

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B-31

34219

LOC. VER.
BY TAX MAP

Blk 1468
lot 5 & 104
NY Co.

Record + Return:
Brosky & Decker, Esq
Shea & Gould
330 Madison Ave.
NY 10017

1932 18011

OFFICE OF CITY ENGINEER
New York County

RECORDED
Witness my hand
and official seal

J. A. [Signature]
CITY ENGINEER

N.B. # _____
or
Alt. # 121192958

EXHIBIT II

CERTIFICATION OF PARTIES IN INTEREST
PURSUANT TO SUBDIVISION (D)
OF THE DEFINITION OF ZONING LOT SET FORTH
IN SECTION 12-10 OF THE ZONING RESOLUTION
OF THE CITY OF NEW YORK
EFFECTIVE DECEMBER 15, 1961
AS AMENDED

SPECIAL SERVICE NO. SS#15(01)025 (AMENDED)

STEWART TITLE INSURANCE COMPANY, a title insurance company licensed to do business in the State of New York and having its principal office at 300 East 42nd Street, New York, New York, through its division, Title Associates, hereby certifies to Friedman & Gotbaum LLP (the "Applicant") that as to the land hereafter described, being a tract of land either unsubdivided or consisting of two or more lots of record contiguous for a minimum of ten linear feet located within a single block and that all parties constituting a "party in interest" as defined for purposes of the provisions of subdivision (d) of the Definition of Zoning Lot set forth in Section 12-10 of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are as follows:

1. PARTY IN INTEREST: New York City Industrial Development Agency
110 William Street
New York, NY 10038

TAX LOT AFFECTED: Tax Lot 5 (Block 1468)

TYPE OF INTEREST: Fee Owner by Deed recorded on June 5, 1991 in Reel 1787 page 1984.
2. PARTY IN INTEREST: Children's Oncology Society of New York, Inc., now known as Ronald McDonald House of New York, Inc.
419 East 86th Street
New York, NY 10028

TAX LOT AFFECTED: Tax Lot 5 and Development Rights of Lot 104 (Block 1468)

TYPE OF INTEREST: (i) Lessee (of tax lot 5) by Ground Lease recorded June 5, 1991 in Reel 1787 page 2183.

(ii) Beneficiary of easement for light and air over lot 104 and holder of excess development rights from lot 104 by Zoning Lot and Development Agreement recorded November 3, 1986 in Reel 1138 page 493.

SPECIAL SERVICE NO. SS#15(01)025

3. PARTY IN INTEREST: JPMorgan Chase Bank, N.A.
1166 Avenue of the Americas
Floor 16
New York, NY 10036
- TAX LOT AFFECTED: Tax Lot 5 and Development Rights of Lot 104
(Block 1468)
- TYPE OF INTEREST: Mortgagee by Mortgage recorded June 5, 1991
in Reel 1787 page 1988 and last assigned by
Assignment of Mortgage recorded November 22,
2006 in CRFN 2006-000-648397.
4. PARTY IN INTEREST: The Bank of New York Mellon (f/k/a The Bank
of New York), as successor trustee to United
States Trust Company of New York
101 Barclay Street
New York, NY 10286
- TAX LOT AFFECTED: Tax Lot 5 and Development Rights of Lot 104
(Block 1468)
- TYPE OF INTEREST: Secured Party by:
- (i) UCC-1 filed June 2, 2004 in CRFN 2004-
000-339702 and last continued by UCC-3
filed April 17, 2014 in CRFN 2014-000-
131114.
- (ii) UCC-1 filed June 2, 2004 in CRFN 2004-
000-339691 and last continued by UCC-3
filed May 5, 2014 in CRFN 2014-000-
150753.
5. PARTY IN INTEREST: Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, NY 10038
- TAX LOT AFFECTED: Tax Lot 5 (Block 1468)
- TYPE OF INTEREST: Reversionary Interest regarding use of
premises contained in Deed recorded November
3, 1986 in Reel 1138 page 449, as modified.
6. PARTY IN INTEREST: 403 East 73rd Street Realty Associates, LLC
1526 First Avenue
New York, NY 10021
- TAX LOT AFFECTED: Tax Lot 104 (Block 1468)
- TYPE OF INTEREST: Fee Owner by Deed recorded on April 19, 2005
in CRFN 2005-000-225957.

SPECIAL SERVICE NO. SS#15(01)025

7. PARTY IN INTEREST: Albert Rosen, as Trustee under the Trust Agreement made on July 12, 1988
23 Sea Colony Drive
Santa Monica, California
- TAX LOT AFFECTED: Tax Lot 104 (Block 1468)
- TYPE OF INTEREST: Holder of nine (9) mortgages consolidated by Agreement recorded November 21, 1986 in Reel 1146 page 1413 and last assigned by Assignment of Mortgage recorded June 4, 1996 in Reel 2329 page 2042.
8. PARTY IN INTEREST: Flushing Bank
144-51 Northern Boulevard
Flushing, NY 11354
- TAX LOT AFFECTED: Tax Lot 104 (Block 1468)
- TYPE OF INTEREST: Holder of two (2) mortgages consolidated by Agreement recorded June 24, 2013 in CRFN 2013-000-246556.
9. PARTY IN INTEREST: Santander Bank formerly Sovereign Bank
195 Montague Street
Brooklyn, NY 11201
- TAX LOT AFFECTED: Tax Lot 104 (Block 1468)
- TYPE OF INTEREST: Secured Party by UCC-1 filed February 3, 2012 in CRFN 2012-0000-48473.

SPECIAL SERVICE NO. SS#15(01)025

The tract of land as to which the aforesaid parties are parties in interest is known as Tax Lots 5 and 104 in Block 1468 as shown on the Official Tax Map of the City of New York, New York County, and more particularly described as follows:

TAX LOT 5 (BLOCK 1468)

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of 73rd Street, distant 113 feet easterly from the northeasterly corner of 73rd Street and First Avenue;

AND RUNNING THENCE northerly and parallel with First Avenue, 102 feet 2 inches to the center line of the block between 73rd and 74th Streets;

THENCE easterly along said center line, 100 feet;

THENCE southerly and again parallel with First Avenue, 102 feet 2 inches to the northerly side of 73rd Street; and

THENCE westerly along said northerly side of 73rd Street, 100 feet, to the point or place of BEGINNING.

TAX LOT 104 (BLOCK 1468)

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, County, City and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of 73rd Street, distant 87 feet easterly from the corner formed by the intersection of the northerly side of 73rd Street with the easterly side of First Avenue;

RUNNING THENCE northerly and parallel with First Avenue, 77 feet 2 inches;

THENCE easterly and parallel with 73rd Street and part of the distance through a party wall, 26 feet;

THENCE southerly and parallel with First Avenue, 77 feet 2 inches to the northerly side of 73rd Street; and

THENCE westerly along the northerly side of 73rd Street, 26 feet to the point or place of BEGINNING.

NOTE: Lots 5 and 104 are to be treated as one zoning lot for purposes of the Zoning Resolution pursuant to the Declaration of Zoning Lot Restriction recorded December 3, 1986 in Reel 1138 page 510.

SPECIAL SERVICE NO. SS#15(01)025

That the said premises are known as and by street addresses 405 East 73rd Street (Lot 5 in Block 1468) and 403 East 73rd Street (Lot 104 in Block 1468), New York, New York as shown on the annexed diagram.

[SEE DIAGRAM ANNEXED]

NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York or on any recorded subdivision plat or deed. A Zoning Lot may be subdivided into two or more Zoning Lots, provided that all resulting Zoning Lots and all buildings thereon shall comply with all of the applicable provisions of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended.

THIS CERTIFICATION IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND DOLLARS (\$1,000).

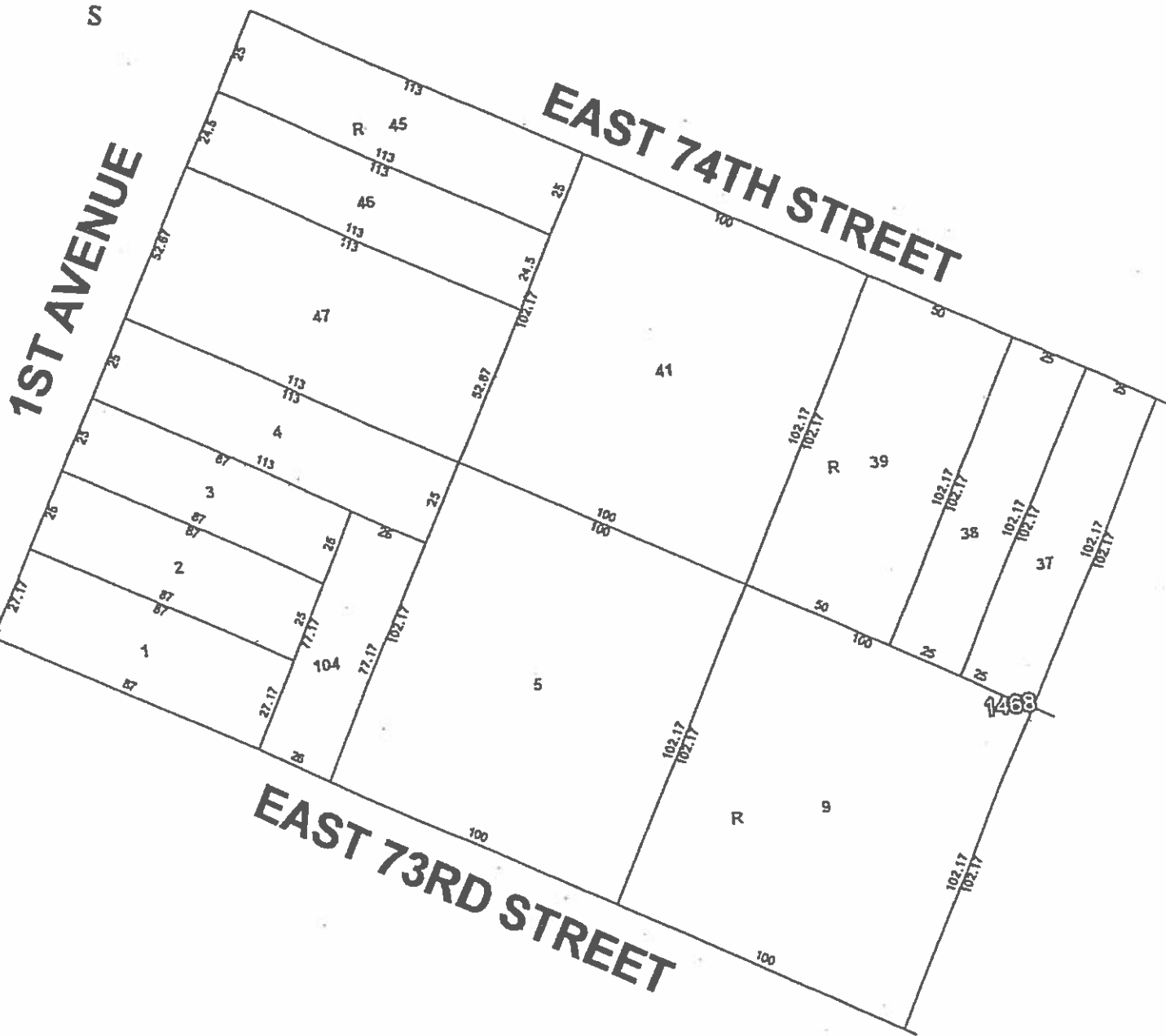
TITLE ASSOCIATES, a division of
Stewart Title Insurance Company

DATED: November 23, 2015

By:



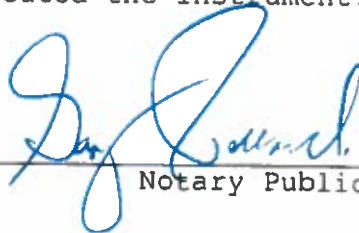
Charles E. Ryan
Underwriting Counsel



**LOTS 5 AND 104
IN BLOCK 1468**

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

On the 23rd day of November in the year 2015 before me, the undersigned, personally appeared Charles E. Ryan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

GARY POLLARD
Notary Public, State of New York
No. 01PO4827351
Qualified in New York County
Commission Expires April 30, 2018 /18



BSA Cal. # 253-89-BZ

NYC Development Hub
Department of Buildings
80 Centre Street
Third Floor
New York, New York 10013
nycdevelopmenthub@buildings.nyc.gov

Notice of Comments

Owner: WILLIAM SULLIVAN RONALD MCDONALD HOUSE 405 EAST 73 STREET, NEW YORK NY 10021	Date: November 13, 2015 Job Application #: 121192958 Application type: Alt-1
Applicant: CARLO M ZASKORSKI, RA ZASKORSKI & ASSOCIATES ARCHITECTS 247 WEST 35 STREET 16 TH FL NEW YORK, NY 10001	Premises Address: 405 East 73 Street, NY Zoning District: C1-9/R8B Block: 1468 Lot: 5 Doc(s): 01
Lead Plan Examiner at NYC Development Hub: Costas P. Vanezis, RA	

Examiner's Signature:

No.	Section of ZR and/or MDL	Comments	Date Resolved
1.	ZR 24-11	Proposed Floor area exceeds permitted Floor Area	
2.	ZR 24-11, 24-12, 35-23	Proposed enlargement increases the degree of non-compliance permitted by BSA 253-89-BZ for lot coverage.	
3.	ZR 23-633 (b),(1)	Seventh floor enlargement exceeds previous non-compliance permitted by BSA 253-89-BZ for setback.	
4.	ZR 24-51(f) (2), (3)	Mechanical screening is required and the maximum volume shall be limited.	
5.	ZR 25-811	Bicycle parking is required.	

REVIEWED BY
Scott D. Pavan, RA
Deputy Borough Commissioner

Building

DENIED

For Appeal to Board of
Standards And Appeals

Date: 12/07/2015

H Form 24 (Rev. 1/78)

THE CITY OF NEW YORK


DEPARTMENT OF BUILDINGS NB# 3/89
CERTIFICATE OF OCCUPANCY

BOROUGH MANHATTAN

DATE **JUL 15 1994** NO. **105436**

This certificate supersedes C.O. NO

ZONING DISTRICT **R8-B**THIS CERTIFIES that the new ~~new~~ ~~existing~~ building—premises located at**CL-9****405-409 EAST 73RD STREET N/S 'B7' EAST OF 1ST AVE. Block 1468 Lot 5,104**

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN.

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOAD LBS PER SQ FT	MAXIMUM NO OF PERSONS PERMITTED	ZONING DWELLING OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
CELLAR	OG				3	B-2 D-2	STORAGE MECHANICAL EQUIPMENT AND METER ROOMS
		60 16				F-3 F-3	PLAYROOM EXERCISE ROOM
1ST FLOOR	100	12			3	E	OFFICES LOBBY
		100			3	F-4	LOUNGE
		23			3	G	LIBRARY
		25			3	P-1B	CHAPEL
		26			3	J-1	CONFERENCE ROOM
2ND FLOOR	100		2	6	3	J-1	RESIDENCE
		160				F-4	DINING ROOM
		20				D-2	KITCHENS
						F-4	PARENT'S LOUNGE
3RD FLOOR	40		10	10	3	J-1	RESIDENCE
		74			3	J-1	OUTDOOR GARDEN
4TH FLOOR	40		10	10	3	J-1	RESIDENCE
5TH FLOOR	40		13	13	3	J-1	RESIDENCE
6TH FLOOR	40		13	13	3	J-1	RESIDENCE
7TH FLOOR	40		10	10	3	J-1	RESIDENCE
		50				F-3	ROOF GARDEN
8TH FLOOR	40		10	10	3	J-1	RESIDENCE
9TH FLOOR	40		6	6	3	J-1	RESIDENCE

(CONTINUED)

OPEN SPACE USES

(SPECIFY—PARKING SPACES, LOADING BERTHS, OTHER USES, NONE)

M.C.

NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS

A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED

THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND SPECIFICATIONS NOTED ON THE REVERSE SIDE.

BOROUGH SUPERINTENDENT

COMMISSIONER

☐ ORIGINAL☐ OFFICE COPY - DEPARTMENT OF BUILDINGS☐ COPY



THE CITY OF NEW YORK

DEPARTMENT OF BUILDINGS

CERTIFICATE OF OCCUPANCY

NBI 3/89

BOROUGH MANHATTAN

DATE JUL 15 1994 NO.

105436

This certificate supersedes C.O. NO.

THIS CERTIFIES that the new ~~1100 N.Y. STATE~~ building—premises located at
 405-409 EAST 73RD STREET N/S 87' EAST OF 1ST AVE. Block 146 Lot 5,104

ZONING DISTRICT RB-B
C1-9

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN

PERMISSIBLE USE AND OCCUPANCY

FLOOR	FIRE LOAD LBS. PER SQ. FT.	MAXIMUM NO. OF PERSONS PERMITTED	ZONING Dwelling OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
		50				F-3	ROOF GARDEN (ENCLOSED)
10TH FLOOR	40		6	6	3	J-1	RESIDENCE
11TH FLOOR	40		6	6	3	J-1	RESIDENCE
MAIN ROOF						D-2	MECHANICAL EQUIPMENT
MECH. LEVEL						D-2	ELEVATOR MACHINE ROOM

NOTE: THIS PREMISES HAVE BEEN DECLARED A SINGLE ZONING LOT CONSISTING
 OF TAX LOT 5 AND 104 WITH REC. 1696 PAGE 735.

THIS CERTIFICATE OF OCCUPANCY MUST BE POSTED
 WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES
 OF THE DEPARTMENT PROMULGATED MARCH 31ST, 1967.

OPEN SPACE USES

(SPECIFY—PARKING SPACES, LOADING BERTHS, OTHER USES, NONE)

M.C.

NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS
A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINEDTHIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND
SPECIFICATIONS NOTED ON THE REVERSE SIDE.

Romy A. Aronson, P.E.
 BOROUGH SUPERINTENDENT

M-1

COMMISSIONER

☐ ORIGINAL☐ OFFICE COPY - DEPARTMENT OF BUILDINGS☐ COPY

THAT THE ZONING LOT ON WHICH THE PREMISES IS LOCATED IS BOUNDED AS FOLLOWS:

BEGINNING at a point on the N/E/C
 distant 113 1ST AVENUE
 running thence N. 77'-2" feet; thence E. 26'-0" feet;
 thence N. 25'-0" feet; thence E. 100'-0" feet;
 thence S. 102'-2" feet; thence W. 100'-0" feet;
 thence to the point or place of beginning.

ALJ 152 No. 3/89 DATE OF COMPLETION 6/24/94 CONSTRUCTION CLASSIFICATION 1-A
 BUILDING OCCUPANCY GROUP CLASSIFICATION J-1 HEIGHT 11 STORIES, 104' FEET

THE FOLLOWING FIRE DETECTION AND EXTINGUISHING SYSTEMS ARE REQUIRED AND WERE INSTALLED IN COMPLIANCE WITH APPLICABLE LAWS.

	YES	NO		YES	NO
STANDPIPE SYSTEM	X		AUTOMATIC SPRINKLER SYSTEM	X	
YARD HYDRANT SYSTEM					
STANDPIPE FIRE TELEPHONE AND SIGNALLING SYSTEM					
SMOKE DETECTOR	X				
FIRE ALARM AND SIGNAL SYSTEM	X				

STORM DRAINAGE DISCHARGES INTO:

A) STORM SEWER ☐ B) COMBINED SEWER ☐ C) PRIVATE SEWAGE DISPOSAL SYSTEM ☐

SANITARY DRAINAGE DISCHARGES INTO:

A) SANITARY SEWER ☐ B) COMBINED SEWER ☐ C) PRIVATE SEWAGE DISPOSAL SYSTEM ☐

LIMITATIONS OR RESTRICTIONS:

BOARD OF STANDARDS AND APPEALS CAL. NO. _____

CITY PLANNING COMMISSION CAL. NO. _____

OTHERS: _____



BSA Cal. # 253-89-BZ


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NYC Department of Buildings
DOB Violations

Page: 1

Premises: 405 EAST 73 STREET MANHATTAN

BIN: 1076319 Block: 1468 Lot: 5

NUMBER	TYPE	FILE DATE
V* 112079C267-1	DOB VIOLATION - CLOSED	00/00/0000
CLOSURE DATE: 09/28/2011		
V* 112079C267-1	DOB VIOLATION - CLOSED	00/00/1979
CLOSURE DATE: 09/28/2011		
V* 112079C2671	DOB VIOLATION - DISMISSED	11/20/1979
DISMISSAL DATE: 06/24/1994		BADGE NO.: 411
<u>V* 081400E9013/125776</u>	DOB VIOLATION - RESOLVED	08/14/2000
<u>V* 081400E9013/125777</u>	DOB VIOLATION - RESOLVED	08/14/2000
<u>V* 081400E9013/125778</u>	DOB VIOLATION - RESOLVED	08/14/2000
<u>V* 040401E9013/135630</u>	DOB VIOLATION - RESOLVED	04/04/2001
<u>V* 040401E9013/135631</u>	DOB VIOLATION - RESOLVED	04/04/2001
<u>V* 112602E9444/165289</u>	DOB VIOLATION - RESOLVED	11/26/2002
<u>V* 020504E9444/192291</u>	DOB VIOLATION - RESOLVED	02/05/2004
<u>V* 021304LL629104511</u>	DOB VIOLATION - DISMISSED	02/13/2004
<u>V* 021304LL629104512</u>	DOB VIOLATION - DISMISSED	02/13/2004
<u>V* 060205E90111130321</u>	DOB VIOLATION - RESOLVED	06/02/2005
<u>V* 060205E90111130322</u>	DOB VIOLATION - RESOLVED	06/02/2005
<u>V* 060205E90111130323</u>	DOB VIOLATION - RESOLVED	06/02/2005
<u>V* 050206C0801KP</u>	DOB VIOLATION - DISMISSED	05/02/2006
<u>V* 081606E9011/170577</u>	DOB VIOLATION - RESOLVED	08/16/2006
<u>V* 081606E9011/170579</u>	DOB VIOLATION - RESOLVED	08/16/2006
<u>V* 081606E9011/170580</u>	DOB VIOLATION - RESOLVED	08/16/2006
<u>V* 081707E9011/211264</u>	DOB VIOLATION - RESOLVED	08/17/2007
<u>V* 081707E9011/211265</u>	DOB VIOLATION - RESOLVED	08/17/2007
<u>V* 081707E9011/211266</u>	DOB VIOLATION - RESOLVED	08/17/2007
<u>V 032108LL108101405</u>	DOB VIOLATION - ACTIVE	03/21/2008
<u>V* 070908E9011/270785</u>	DOB VIOLATION - RESOLVED	07/09/2008
<u>V* 070908E9011/270786</u>	DOB VIOLATION - RESOLVED	07/09/2008

[Next](#)

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



BSA Cal. # 253-89-BZ


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NYC Department of Buildings
DOB Violations

Page: 2

Premises: 405 EAST 73 STREET MANHATTAN

BIN: 1076319 Block: 1468 Lot: 5

NUMBER	TYPE	FILE DATE
<u>V* 070908E9011/270787</u>	DOB VIOLATION - RESOLVED	07/09/2008
<u>V* 031810E9027/328041</u>	DOB VIOLATION - RESOLVED	03/18/2010
<u>V* 031810E9027/328040</u>	DOB VIOLATION - RESOLVED	03/18/2010
<u>V* 092110E9027/358374</u>	DOB VIOLATION - RESOLVED	09/21/2010
<u>V* 092110E9027/358375</u>	DOB VIOLATION - RESOLVED	09/21/2010
<u>V* 092110E9027/358376</u>	DOB VIOLATION - RESOLVED	09/21/2010
<u>V* 080911E9027/394469</u>	DOB VIOLATION - RESOLVED	08/09/2011
<u>V* 080911E9027/394470</u>	DOB VIOLATION - RESOLVED	08/09/2011
<u>V* 080911E9027/394471</u>	DOB VIOLATION - RESOLVED	08/09/2011
<u>V 050312BENCH00782</u>	DOB VIOLATION - ACTIVE	05/03/2012
<u>V* 100912E9027/451872</u>	DOB VIOLATION - RESOLVED	10/09/2012
<u>V* 100912E9027/451873</u>	DOB VIOLATION - RESOLVED	10/09/2012
<u>V* 100912E9027/451874</u>	DOB VIOLATION - RESOLVED	10/09/2012
<u>V 083013FISPNRF00913</u>	DOB VIOLATION - ACTIVE	08/30/2013
<u>V* 091614E9027/524801</u>	DOB VIOLATION - RESOLVED	09/16/2014
<u>V* 091614E9027/524803</u>	DOB VIOLATION - RESOLVED	09/16/2014
<u>V 050114BENCH00764</u>	DOB VIOLATION - ACTIVE	05/01/2014
<u>V 091015E9027/552173</u>	DOB VIOLATION - ACTIVE	09/10/2015
<u>V 091015E9027/552174</u>	DOB VIOLATION - ACTIVE	09/10/2015
<u>V 100115LBLVIO02079</u>	DOB VIOLATION - ACTIVE	10/01/2015
<u>V 100115LBLVIO02080</u>	DOB VIOLATION - ACTIVE	10/01/2015

[Previous](#)

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



**Board of Standards
and Appeals**

250 Broadway, 29th Floor
New York, NY 10007
212-386-0009 - Phone
646-500-6271 - Fax
www.nyc.gov/bsa

BSA Cal. No.:	253-89-BZ		
Street Address:	405-411 East 73rd Street		
	New York, NY 10021		
Block:	1468	Lot(s):	5
Borough :	Manhattan		

CERTIFICATION OF INSPECTION & COMPLIANCE

Shelly S. Friedman, Esq.,

hereby states that I personally inspected the

(Applicant, Agent, Registered Architect or Registered Engineer)

premises and surrounding area on November 5, 2015. In addition, I have
(Date of most recent inspection)
researched all relevant BSA records related to the premises, including BSA-approved plans and resolutions.

Each non-compliance with the terms, conditions and/or plans of the effective prior BSA grant is explained in detail below. The specific date or time frame on which compliance will be restored, where possible to ascertain, is listed.

[Note: A request to eliminate any prior condition must be part of the relief sought in the application; such request should not be made on this form]

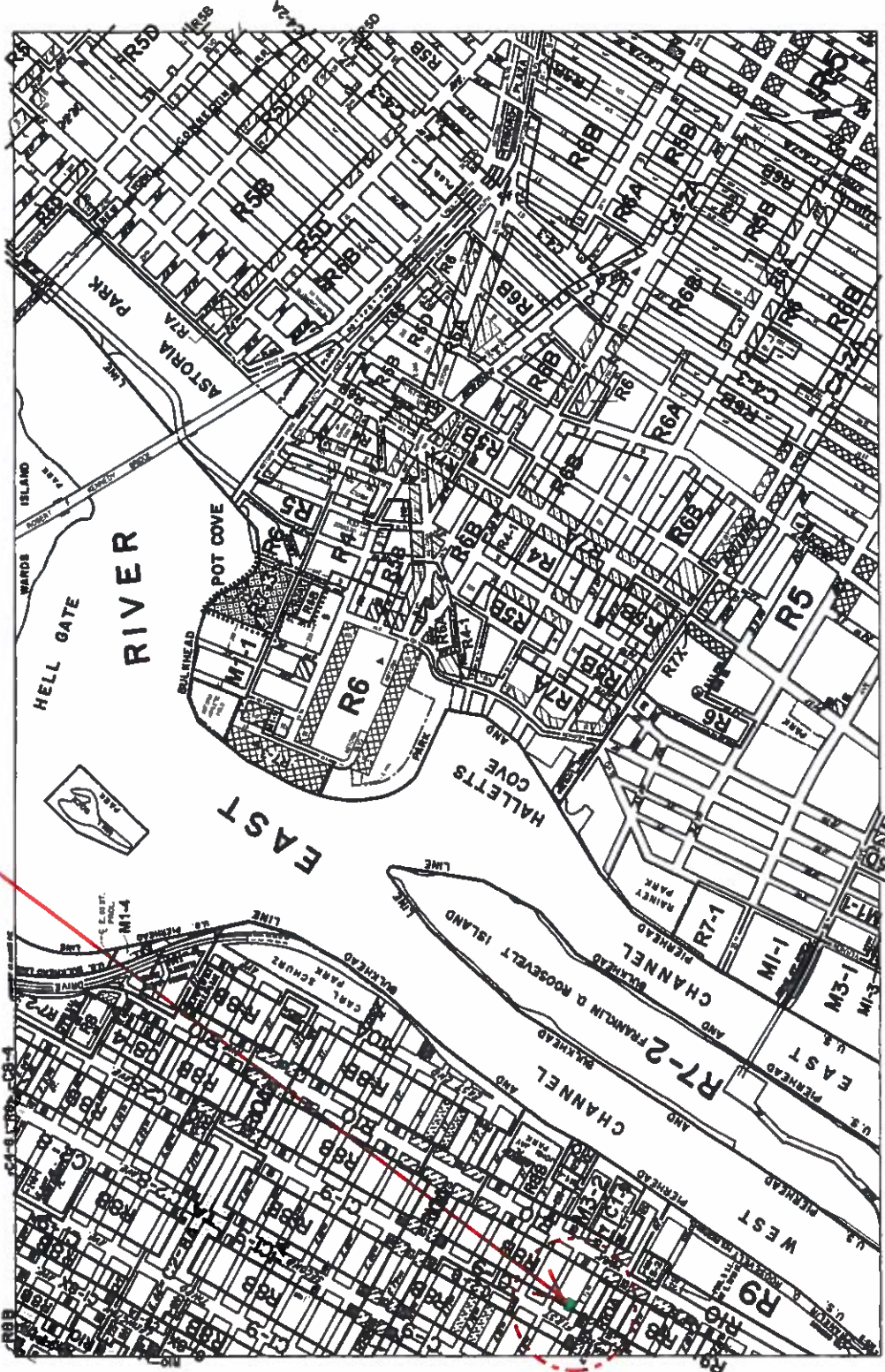
- ☒ I confirm that the premises is developed and operates in accordance with the currently effective BSA-approved plans and resolution, submitted with this application.
- ☐ The following deviation(s) from the currently effective BSA-approved plans and/or resolution exist on the site:

Area(s) of non-compliance

Date(s) to achieve compliance.

Applicant/Agent Signature
(Registered Architect/Engineer Seal as Appropriate)

SITE



NOTE: STREETS FOR THE STREET MAP CHANGE, C 1998 (AND ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE CORRESPONDING DISTRICTS).

NOTE: Where no dimensions for zoning district boundaries appear on the zoning map, such dimensions are determined by the City of Astoria, Oregon, and are subject to change.

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
The number(s) and/or letter(s) and letters on the map indicate the zoning district. The zoning district code, use, bulk and other controls as described in the text of the Zoning Resolution.

- R — RESIDENTIAL DISTRICT
- C — COMMERCIAL DISTRICT
- M — MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area describes the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:
11-25-2014 C 140322 ZMO

Special Requirements:

For a list of lots subject to CEOR special requirements, see APPENDIX C.
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
For Inclusionary Housing designated areas on this map, see APPENDIX F.

CITY MAP CHANGE(S):
A 09-13-2014 C 130068 WMO

ZONING MAP 9a

MAP KEY

5d	6b	6d
8c	9a	9c
8d	9b	9d

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NOTE: Zoning information is shown on the map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website, or contact the Zoning Information Unit at (212) 776-2971.

BSA Cal. # 253-89-BZ



NYC Digital Tax Map

Effective Date : 12-05-2013 10:11:45

End Date : Current

Manhattan Block: 1488

- Legend**
- Streets
 - Microcensus Tract
 - Predecessor Lots
 - Boundary Lines
 - Lot Area
 - Lot First Predecessor Lots
 - Regular
 - Underwater
 - Tax Lot Polygon
 - Carroll Number
 - Tax Block Polygon
 - Project Site**
 - Zoning Lot**



RONALD McDONALD
HOUSE NEW YORK
405 E. 73RD ST
NEW YORK, NY 10021

ZASKORSKI & ASSOCIATES
ARCHITECTS
247W 35TH STREET, 16 FL
NEW YORK, NY, 10001

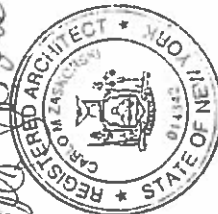
BSA CALENDAR
253-89-BZ

RADIUS
DIAGRAM

SCALE: 1" = 100'-0"

12/11/15

Handwritten signature



ZONING MAP: 3a
LEGEND

BLOCK: 1468 TAX BLOCK NUMBER

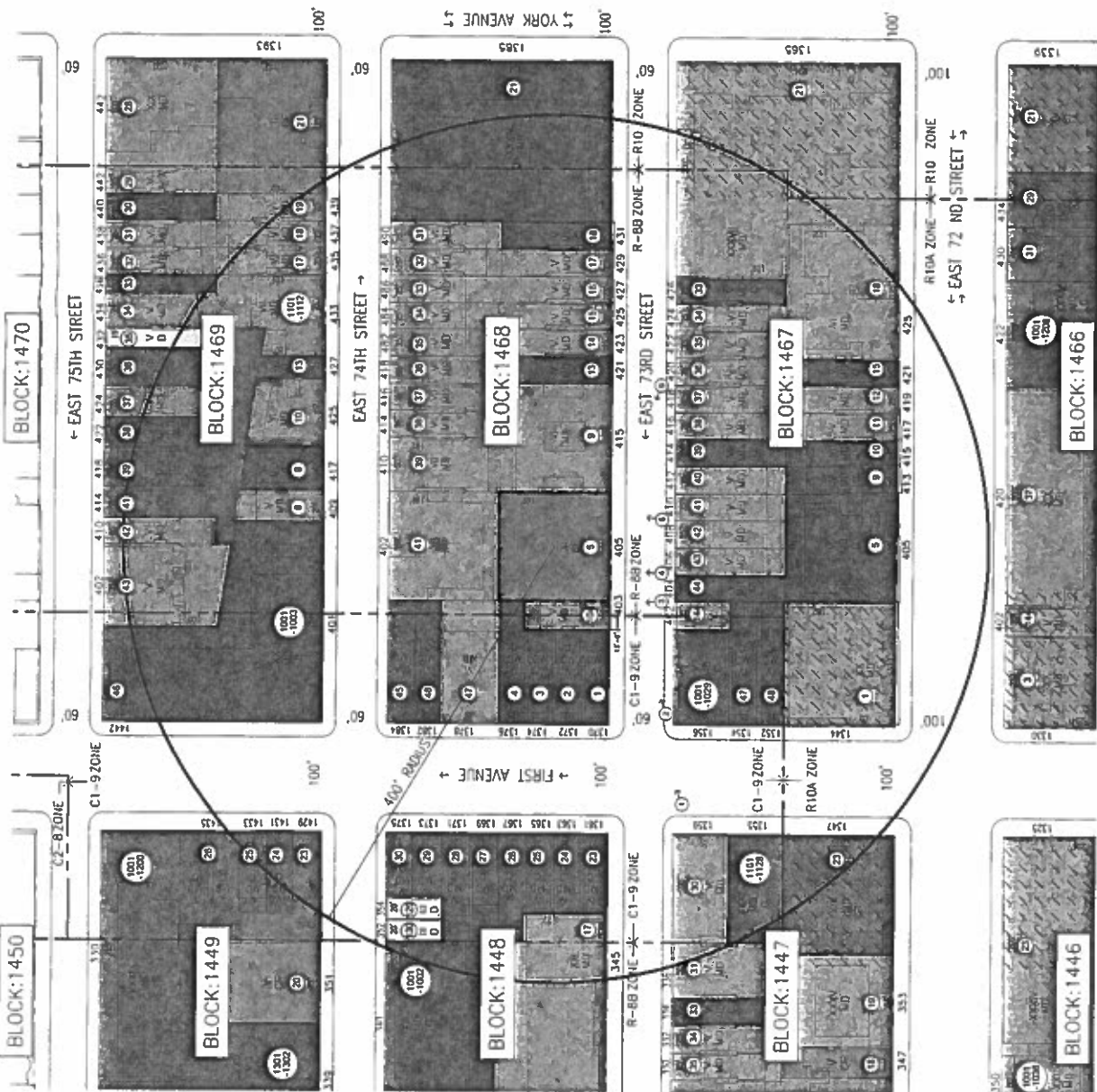
- LOT NUMBER
- LOT DIMENSION
- BUILDING NUMBER
- STREET WIDTH
- NUMBER OF STORES

- 400 FLOOR RADIUS
- PROJECT SITE
- BUILDING FOOTPRINTS
- ZONING DISTRICT LINES

- C1-9 ZONE
- C1-5 COMMERCIAL OVERLAY
- CAMERA POSITION

- KEY TO LAND USE CODES
- D ONE OR TWO FAMILY DWELLING
- MD MULTIPLE DWELLING
- C COMMERCIAL
- CF COMMUNITY FACILITY & INSTITUTIONS

- ONE OR TWO FAMILY DWELLING
- MULTIPLE DWELLING
- MIXED RESIDENTIAL / COMMERCIAL
- COMMERCIAL
- COMMUNITY FACILITY & INSTITUTIONS



BSA CALENDAR NO.	253-89-BZ		BLOCK 1468		LOT 5*	
SUBJECT SITE ADDRESS	405 EAST 73RD STREET, NEW YORK, NY 10021					
APPLICANT	RONALD MCDONALD HOUSE OF NEW YORK					
ZONING DISTRICT R8B; C1-9*	PRIOR BSA # 253-89-BZ					
SPECIAL/HISTORIC DISTRICT						
COMMUNITY BOARD 8M						
	* APPLICABLE	MAXIMUM	MINIMUM	LEGAL PER		
	ZR SECTION	PERMITTED	REQUIRED	C of O or BSA	EXISTING	PROPOSED
COMPLIANT: "Y"						
IF NOT: "N" and						
INDICATE AMT						
OVER/UNDER						
LOT AREA	N/A		N/A	12,223 SF*	12,223 SF*	12,223 SF*
LOT WIDTH	N/A		N/A	126 FT	126 FT	126 FT
USE GROUP (S)	2 & 3			2 & 3	2 & 3	2 & 3
FA RESIDENTIAL	23-145/34-112	54,911 SF		9,422 SF	9,422 SF	9,422 SF
FA COMMUNITY FACILITY	24-11	57,221 SF		63,786	63,786	70,740 SF
FA COMMERCIAL/INDUST.				0	0	0
FLOOR AREA TOTAL	77-22	67,226 SF*		73,208 SF*	73,208 SF*	80,162 SF*
FAR RESIDENTIAL	23-145/34-112	4 / 10		0.42 / 4.7	0.42 / 4.7	0.42 / 4.7
FAR COMMUNITY FACILITY	24-11	5.1		5.69*	5.69*	6.30*
FAR COMMERCIAL/INDUST.				0	0	0
FAR TOTAL	77-22	5.5*		5.99*	5.99*	6.56*
OPEN SPACE	N/A		N/A	N/A	N/A	N/A
OPEN SPACE RATIO	N/A		N/A	N/A	N/A	N/A
LOT COVERAGE (%)	24-11; 24-12/35-23	70%		71.3%*	71.3%*	73.8%*
NO. DWELLING UNITS	23-20	134		106	106	117
WALL HEIGHT	23-633	60'		59'	59'	59'
TOTAL HEIGHT	23-633	75'		104'	104'	104'
NUMBER OF STORIES				11	11	11
FRONT YARD	24-34		0'	0'	0'	0'
SIDE YARD	24-35		0'	0'	0'	0'
SIDE YARD	24-35		0'	0'	0'	0'
REAR YARD	24-36		30'	30'	30'	30'
SETBACK (S)	23-633		15' @ 60'	20' @ 59'	20' @ 59'	6'-8" @ 59'
SKY EXP. PLANE (SLOPE)	33-432	2.7:1@85'		2.7:1@85'	N/A	N/A
NO. PARKING SPACES	25-31	N/A	0	0	0	0
LOADING BERTH (S)	25-72	N/A	0	0	0	0
OTHER: BICYCLE PARKING	25-811	N/A	8	0	0	0

* In Applicable ZR Section column. For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, indicate nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Development Application are included.

NOTES:

Zoning Lot includes tax lot 104 in Block 1468 (developed with a 5-story residential building built in 1928)

** Pursuant to BSA 253-89-BZ ("1990 Variance")

*** Increase in 1990 Variance waiver

**** Additional Waiver requested



East 73rd Street

SITE

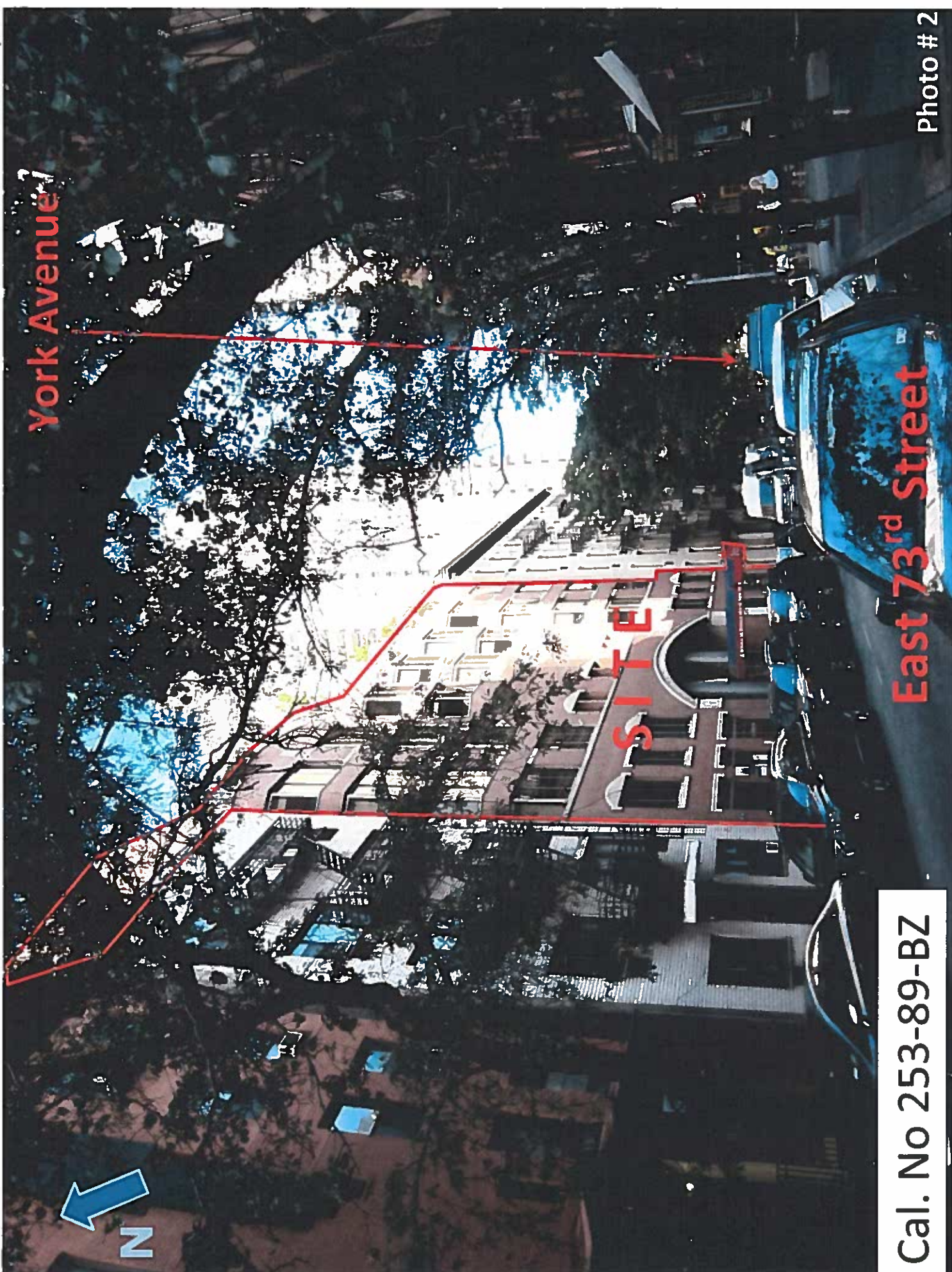
First Avenue

Cal. No 253-89-BZ

Site: 405-411 East 73rd Street, Manhattan

Photo # 1

Date: September 6, 2015



Cal. No 253-89-BZ

East 73rd Street

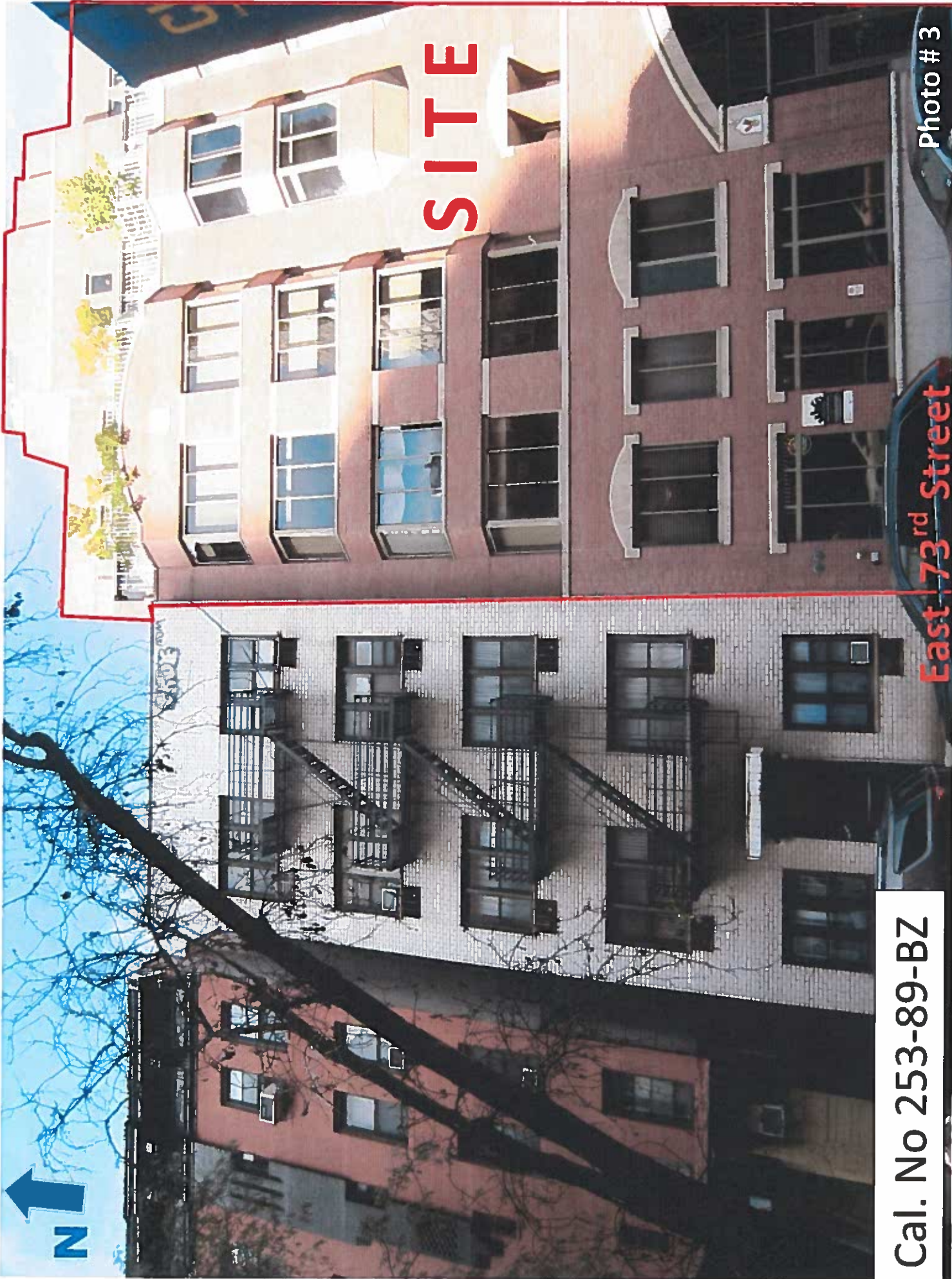
York Avenue

N

Photo # 2

Site: 405-411 East 73rd Street, Manhattan

Date: September 6, 2015



SITE

Photo # 3

Cal. No 253-89-BZ

Site: 405-411 East 73rd Street, Manhattan

Date: September 6, 2015



Cal. No 253-89-BZ

Site: 405-411 East 73rd Street, Manhattan

East 73rd Street

Photo # 4

Date: September 6, 2015



Cal. No 253-89-BZ

Site: 405-411 East 73rd Street, Manhattan

Photo # 5

Date: September 6, 2015

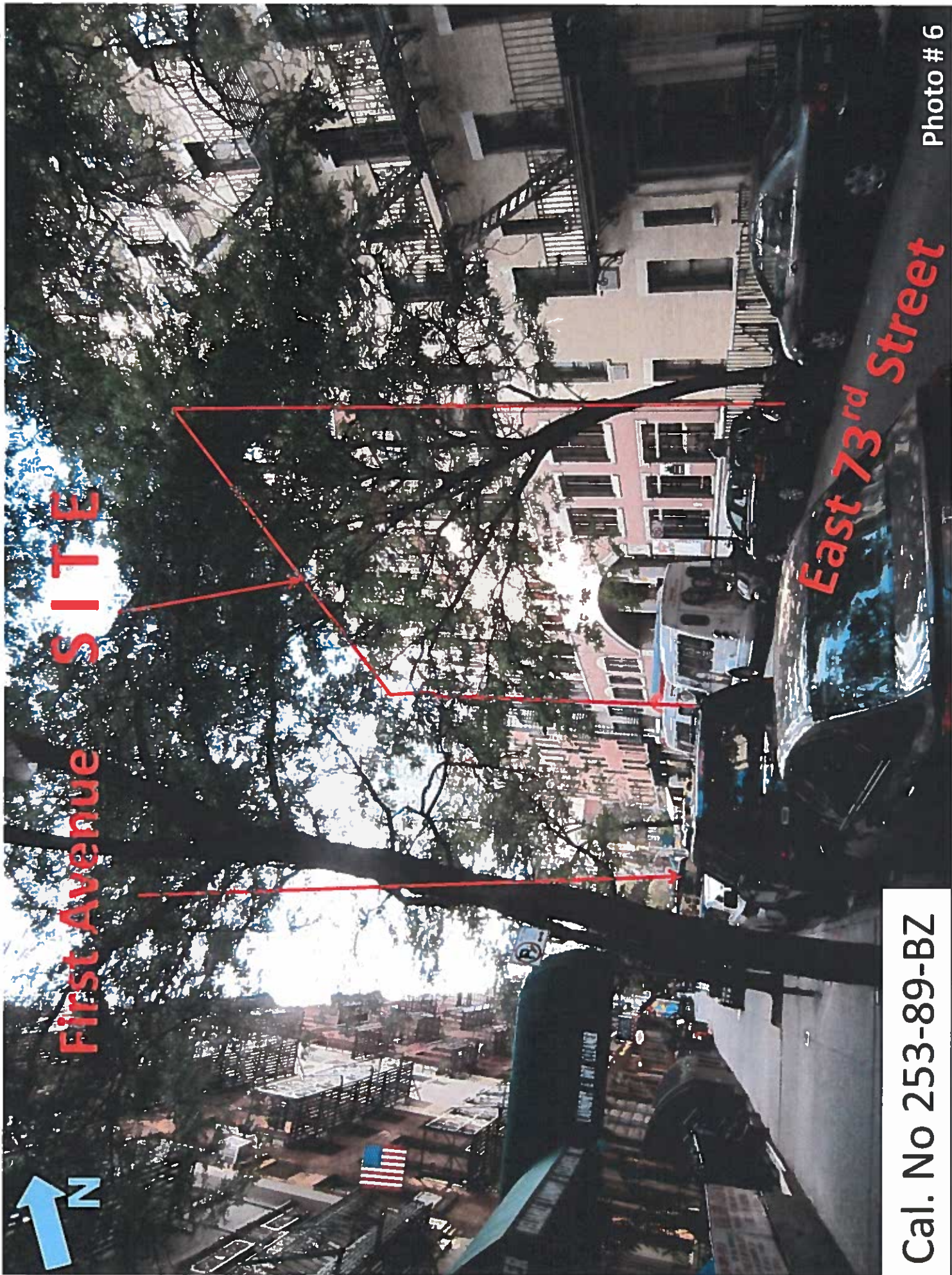


Photo # 6

Date: September 6, 2015

Cal. No 253-89-BZ

Site: 405-411 East 73rd Street, Manhattan

MINUTES

APPEARANCES—

For Applicant: Harriet Jacobs.

RECOMMENDATION OF COMMUNITY BOARD—

No Recommendation Received.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Lawrie and Commissioner Tamm 2

Negative: Chairman Bennett and Commissioner O'Keefe 2

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on December 5, 1989, after due notice by publication in the *Bulletin*, laid over to January 23, 1990, March 6, 1990, March 27, 1990, and then to April 24, 1990 for decision; and

WHEREAS, the decision of the Borough Superintendent, dated October 19, 1988; acting on Alt. Applic. #766/88, reads:

1. Proposed 2 story rear enlargement develops a non-complying side yard and is prohibited under Sections 23-49 and 54-31.

and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman Roger H. Bennett, P.E., Commissioner Arno Tamm, R.A. and Commissioner Raymond W. Lawrie, P.E.; and

WHEREAS, the site is a narrow lot 20' wide and 100' deep, developed with a two (2) story single family dwelling; and

WHEREAS, a variance is sought to legalize a two (2) story rear enlargement that encroaches into the required 8' side yard; and

WHEREAS, because the legal portion of the building, which was erected in the 1920's, has a lot line wall along one (1) of the two (2) side lot lines, Z.R. §23-49 requires only one 8' side yard; and

WHEREAS, evidence in the record fails to demonstrate that the site has a unique physical condition that creates a practical difficulty or unnecessary hardship in erecting a complying enlargement; and

WHEREAS, while the dwelling may be the only dwelling on this blockfront not attached to another dwelling, it is not "surrounded by yards or other open area on the same zoning lot" and therefore is not "detached" as defined in Z.R. §12-10; and

WHEREAS, the dwelling, for zoning purposes, is semi-detached, as are the other dwellings on this blockfront; and

WHEREAS, although the site and neighborhood examination by a committee of the Board revealed that some of the dwellings on the blockfront have rear enlargements similar to that which is proposed, the applicant's radius diagram and adjoining lots diagram evidence that the other dwellings are configured similarly to the subject pre-enlarged dwelling and the applicant further has failed to document that the neighboring enlargements not shown on the plans are legal; and

WHEREAS, moreover, the evidence fails to demonstrate why a complying rear enlargement that would accommodate a modernized kitchen on the first floor and an enlarged bathroom on the second floor could not be built; and

WHEREAS, the Board finds that on the basis of the record in this case it is unable to make finding (a) under Z.R. 72-21; accordingly, the remaining findings need not be addressed.

Resolved, that the decision of the Borough Superintendent dated October 19, 1988 acting on Alt. Applic. #766/88 Objection No. 1 be and it hereby is *affirmed* and the application be and it hereby is *denied*.

Adopted by the Board of Standards and Appeals, April 24, 1990.

253-89-BZ 4-24-90

APPLICANT—Brown & Wood, Esquires, for Children's Oncology Society of New York, owner.

SUBJECT—Application March 14, 1989—under Z.R. §72-21, to permit in a C1-9 and in an R8B district, an eleven (11) story community facility with residences (Use Group 2 and 3) which exceeds the maximum permitted floor area ratio, lot

coverage, street wall, depth of recess, sky exposure plan, and rear yard obstruction.

PREMISES AFFECTED—405/411 East 73rd Street, north side, 113' east of First Avenue, Block 1468, Lots 5 and 104, Borough of Manhattan.
COMMUNITY BOARD #8M.

APPEARANCES—None.

RECOMMENDATION OF COMMUNITY BOARD—Favorable to the Application.

ACTION OF BOARD—Application granted on condition.

THE VOTE TO GRANT—

Affirmative: Chairman Bennett, Commissioner Tamm, Commissioner Lawrie and Commissioner O'Keefe. 4

Negative: 0

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on March 20, 1990, after due notice by publication in the *Bulletin*, laid over to April 18, 1990 then to April 24, 1990 for decision; and

WHEREAS, the decision of the Borough Superintendent, dated January 25, 1989, and updated through June 16, 1989, acting on N.B. Applic. #3-89, reads:

1. Floor area ratio (FAR) on residential portion exceeds that permitted by Section 24-11 Z.R.
2. Lot coverage exceeds that permitted by Sections 35-23 Z.R., 24-11 Z.R., 24-12 Z.R.
3. Street wall for residential from 3rd floor to 4th floor does not comply with 24-523-1 Z.R.
4. Maximum depth of recess in residential for 2nd floor to comply with 24-523-1(c) Z.R.
5. Rear sky exposure plane to comply with 24-523-4 Z.R.
6. Two (2) stories within 28' height is not a permitted rear yard obstruction as per 33-23 Z.R. and 24-33 Z.R.

and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Commissioner Suzanne O'Keefe, R.A.; and

WHEREAS, Community Board No. 8, has recommended conditional approval of this application; and

WHEREAS, the Board has adopted a Conditional Negative declaration issued pursuant to 6 NYCRR Part 617; and

WHEREAS, the zoning lot consists of two (2) tax lots, lot 5 and lot 104, and is split by a zoning district boundary; and

WHEREAS, the zoning lot is located mainly in an R8B district, with the remainder of the zoning lot located in a C1-9 district; and

WHEREAS, tax lot 104 is developed with a five (5) story multiple dwelling and is located entirely in the C1-9 district; and

WHEREAS, tax lot 5, most of which is located in the R8B district, is proposed to be developed with an eleven (11) story community facility, requiring variances of floor area ratio ("FAR"), street wall and rear sky exposure plane regulations in the R8B district, and lot coverage and rear yard regulations in both the R8B and C1-9 districts; and

WHEREAS, the owner of tax lot 5, the Children's Oncology Society of New York, proposes to operate the facility as a Ronald McDonald House, which provides affordable accommodations for children and their families while the children are in New York City to receive treatment for cancer; and

WHEREAS, the building's location and design are dictated by the programmatic requirements of the community facility, including proximity to certain hospitals, large communal spaces conducive to social interaction and individual accommodations that approximate a home environment; and

WHEREAS, while the proposed FAR in the R8B district exceeds that which is permitted, if available unused floor area from the C1-9 district could be transferred across the district

MINUTES

boundary, this would result in a floor area on the site less than the total floor area permitted on the zoning lot; and

WHEREAS, evidence in the record demonstrates that because of the zoning district boundary and the presence of a multiple dwelling in the C1-9 portion of the zoning lot, there is a practical difficulty in meeting the programmatic requirements of the community facility in a complying building; and

WHEREAS, the proposed building will not alter the essential character of the surrounding area or substantially impair the appropriate use and development of adjacent property; and

WHEREAS, since the obstruction in the rear yard measures 23' above curb level, a zoning objection was triggered solely because two (2) stories, rather than one (1) story, are contained therein; and

WHEREAS, evidence in the record demonstrates that this variance is the minimum necessary to meet the community facility's programmatic requirements without significantly impacting on the surrounding community; and

WHEREAS, the Board has determined that the evidence in the record supports the findings to be made under Z.R. §72-21, and the applicant is therefore entitled to relief on the grounds of practical difficulty and/or unnecessary hardship;

Resolved, that the Board of Standards does hereby make each and every one of the required findings and grants a variation in the application of the Zoning Resolution limited to the objections cited, and that the application be and it hereby is granted under Z.R. §72-21 to permit, in a C1-9 and in an R8B district, an eleven (11) story community facility (Use Group 3) which exceeds the maximum permitted floor area ratio, lot coverage, street wall, depth of recess, sky exposure plane, and rear yard obstruction on condition that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received March 26, 1990" eleven (11) sheets, "April 13, 1990" five (5) sheets and "April 19, 1990" one (1) sheet; on further condition;

THAT the Department of Buildings issue no permits for a period of thirty-one (31) days from the date of this resolution;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, April 24, 1990.

271-89-BZ

APPLICANT—Leonard F. Rothkrug and Adam W. Rothkrug, Esquires, for Douglas Pulaski, owner.

SUBJECT—Application March 22, 1989—under Z.R. §72-21, to permit in an R5 district the construction of a three (3) story, two (2) family dwelling (Use Group 2), which encroaches into the required rear yard.

PREMISES AFFECTED—913 East 15th Street, east side, 100' south of Avenue I, Block 6708, Lot 186 tentative (part of Lot 84), Borough of Brooklyn.

COMMUNITY BOARD #14BK.

APPEARANCES—None.

RECOMMENDATION OF COMMUNITY BOARD—Favorable to the Application.

ACTION OF BOARD—Application granted on condition.

THE VOTE TO GRANT—

Affirmative: Chairman Bennett, Commissioner Tamm, Commissioner Lawrie and Commissioner O'Keefe 4

Negative: 0

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on December 5, 1989, after due notice by publication in the *Bulletin*, laid over to February 6, 1990, March 27, 1990 then to April 24, 1990 for decision; and

WHEREAS, the decision of the Borough Superintendent, dated January 27, 1988 and updated January 2, 1990, acting on N.B. Applic. #127/88, reads:

1. Proposed rear yard is contrary to Section 23-47, Zoning Resolution.

and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Commissioner Arno Tamm, R.A. and Raymond W. Lawrie, P.E.; and

WHEREAS, Community Board No. 14, Brooklyn, has recommended approval of this application; and

WHEREAS, this is a Type II action exempt from environmental review pursuant to 6 NYCRR Part 617; and

WHEREAS, the site is a shallow lot developed with a deteriorated single family dwelling; and

WHEREAS, a variance is sought to erect a row of four (4), three (3) story, two (2) family dwellings that encroach into the required rear yard; and

WHEREAS, evidence in the record demonstrates that the shallow depth of the lot creates a practical difficulty and unnecessary hardship in erecting a viable complying development; and

WHEREAS, while all the lots on this blockfront are similarly shallow, most of the lots are more densely developed, placing the instant lot at a disadvantage; and

WHEREAS, evidence in the record demonstrates that a complying development would not generate a reasonable return; and

WHEREAS, the lot backs onto a New York City Transit Authority railroad right-of-way on an embankment, thus providing an open area that minimizes the impact of a deficient rear yard; and

WHEREAS, the applicant has demonstrated that the proposed development and 20' rear yard are consistent with adjacent development; and

WHEREAS, evidence in the record demonstrates that this variance is the minimum necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21, and the applicant is therefore entitled to relief on the grounds of practical difficulty and/or unnecessary hardship;

Resolved that the Board of Standards and Appeals does hereby make each and every one of the required findings and grants a variation in the application of the Zoning Resolution, limited to the objections cited, and that the application be and it hereby is granted under Z.R. §72-21 to permit, in an R5 district, the construction of four (4), three (3) story, two (2) family dwellings (Use Group 2), which encroach into the required rear yard on condition that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received March 22, 1989" one (1) sheet and "April 11, 1990" twenty-two (22) sheets; and on further condition;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed in accordance with Z.R. §73-23.

Adopted by the Board of Standards and Appeals, April 24, 1990.

272-89-BZ

APPLICANT—Leonard F. Rothkrug and Adam W. Rothkrug, Esquires, for Douglas Pulaski, owner.

SUBJECT—Application March 22, 1989—under Z.R. §72-21, to permit in an R5 district the construction of a three (3) story, two (2) family dwelling (Use Group 2), which encroaches into the required rear yard.

MINUTES

SUBJECT—Application April 27, 1984—reopening for amendment of the resolution—to increase the size of the gasoline pump islands and to add one pump to each island, to change the design and size of the metal canopy and to add a new sign—decision of the Borough Superintendent; previously granted on condition under Section 73-211 of the Zoning Resolution, permitting in a C2-2 district, the reconstruction of an automotive service station with accessory uses previously before the Board.

PREMISES AFFECTED—71-10 Northern Boulevard, southwest corner of 72nd Street, Block 1244, Lot 1, Jackson Heights, Borough of Queens.

COMMUNITY BOARD #3Q.

APPEARANCES—

For Applicant: B. J. Amato.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO GRANT—

Affirmative: Chairperson Deutsch, Commissioner Wolf, Commissioner Bockman and Commissioner Itrera 4

Negative: 0

Absent: Vice Chairman Fossella and Commissioner Carroll 2

THE RESOLUTION—

WHEREAS, Community Board #3Q recommended approval which was received on July 5, 1984, and

WHEREAS, the applicant requested an amendment of the resolution; and

WHEREAS, a public hearing was held on this application on August 7, 1984 after due notice by publication in the Bulletin.

Resolved, that the Board of Standards and Appeals does hereby reopen and amend the resolution pursuant to Section 73-11 of the Zoning Resolution, said resolution having been adopted on December 17, 1968 as amended through February 15, 1984; by adding therein:

"to increase the size of the gasoline pump islands and to add one pump to each island, to change the design and size of the metal canopy and to add a new sign, substantially as shown on revised drawings of proposed conditions marked 'Received April 27, 1984'—three sheets; on condition that there be no parking of vehicles on the sidewalk or in such a manner as to obstruct pedestrian or vehicular traffic; that other than as herein amended the resolution above cited shall be complied with in all respects." (Alt. 533-82)

Adopted by the Board of Standards and Appeals, August 7, 1984.

423-82-A

APPLICANT—Charles M. Spindler Associates, for Shell Oil Company, owner.

SUBJECT—Application April 27, 1984—reopening for amendment of the resolution to increase the size of the gasoline pump islands and to add one pump to each island, to change the design and size of the metal canopy and to add a new sign—appeal from a decision of the Borough Superintendent, re-proposed use of self-service gasoline and oil selling station; previously granted on condition.

PREMISES AFFECTED—71-10 Northern Boulevard, southwest corner of 72nd Street, Block 1244, Lot 1, Jackson Heights, Borough of Queens.

COMMUNITY BOARD #3Q.

APPEARANCES—

For Applicant: B. J. Amato

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO GRANT—

Affirmative: Chairperson Deutsch, Commissioner Wolf, Commissioner Bockman and Commissioner Itrera 4

Negative: 0

Absent: Vice Chairman Fossella and Commissioner Carroll 2

THE RESOLUTION—

WHEREAS, the applicant requested an amendment of the resolution; and

WHEREAS, a public hearing was held on this application on August 7, 1984 after due notice by publication in the Bulletin. Resolved, that the Board of Standards and Appeals does hereby reopen and amend the resolution adopted on December 14, 1982 as amended through February 15, 1984; by adding thereto:

"to increase the size of the gasoline pump islands and to add one pump to each island, to change the design and size of the metal canopy and to add a new sign; substantially as shown on revised drawings of proposed conditions marked 'Received April 27, 1984'—three sheets; on condition that there be no parking of vehicles on the sidewalk or in such a manner as to obstruct pedestrian or vehicular traffic; that other than as herein amended the resolution above cited shall be complied with in all respects." (Alt. 533-82)

Adopted by the Board of Standards and Appeals, August 7, 1984.

981-77-BZ 8-7-84

APPLICANT—Stein, Davidoff, Malito and Teitler, for Gymnastics Enterprises, Incorporated, lessee

SUBJECT—Application June 6, 1983—reopening for amendment of the resolution to delete the requirement that a smoke detection system be installed with a central office connection—decision of the Borough Superintendent, previously granted on condition under Section 72-21 of the Zoning Resolution, permitting in an R8 district, the erection of a one story structure for use as a physical culture establishment that encroaches on the required rear yard.

PREMISES AFFECTED—405-11 East 73rd Street, north side, 113 feet east of First Avenue, Block 1468, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #8M.

APPEARANCES—

For Applicant: None

ACTION OF BOARD—Application withdrawn at the request of the applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairperson Deutsch, Commissioner Wolf, Commissioner Bockman and Commissioner Itrera 4

Negative: 0

Absent: Vice Chairman Fossella and Commissioner Carroll 2

Adopted by the Board of Standards and Appeals, August 7, 1984.

579-78-BZ

APPLICANT—Serge Klein, Reg. Architect for Robert Lemle and Clarence Lemle, Partners

SUBJECT—Application March 1, 1984—reopening for extension of term of variance which expired January 30, 1984—decision of the Borough Superintendent under Section 72-21 of the Zoning Resolution, permitting in an R8 district, in an existing six story

MINUTES

"1. The sideyard of 3.78' along the north lot line is contrary to Section 23-461 Z.R."

and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Section 72-21 of the Zoning Resolution, and that the applicant is therefore entitled to relief on the grounds of practical difficulty and/or unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby make each and every one of the required findings and grants a variation in the application of the Zoning Resolution, limited to the objection cited, and that the application be and it hereby is granted under Section 72-21 of the Zoning Resolution, to permit in an R3-2 district, on a corner lot, the maintenance of a three-story dwelling that encroaches on the required side yard, on condition that all work shall substantially conform to drawings as they apply to the objection, above noted, filed with this application, marked "Received December 13, 1977", 6 sheets; and on further condition that the basement ceiling be fire retarded with a one-hour rated material; that a smoke detection device be installed on each floor; and that all laws, rules and regulations applicable be complied with, and that substantial construction be completed within one year from the date of this resolution.

965-77-A

APPLICANT—Alphonse J. Calvanico for Louis Zulner, owner.

SUBJECT—Application December 13, 1977—appeal from a decision of the Borough Superintendent re-proposed three story two family dwelling of Class 4 Construction.

PREMISES AFFECTED—57 Carpenter Avenue, east side, 110.21 feet south of Glenn Road, Block 2015, Lot 243, New Springville, Borough of Staten Island.

APPEARANCES—

For Applicant: David C. Winters and Ellis Tremper.
For Opposition: None.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Fossella, Vice Chairman Agusta,
Commissioner Carroll, Commissioner Walsh,
Commissioner Cincotta and Commissioner Wolf 6
Negative: 0

THE RESOLUTION—

WHEREAS, the decision of the Borough Superintendent, dated November 14, 1977, on N.B. Applic. #3187/66, reads:

"2. The building is a three story, two family dwelling of Class 4 construction which is contrary to C26-254.0 of the Administrative Code."

and

WHEREAS, the premises was inspected by a committee of the Board which recommended that the appeal be granted under certain conditions.

Resolved, that the decision of the Borough Superintendent, dated November 14, 1977, acting on N.B. Applic. #3187/1966, Objection No. 2, be and it hereby is modified and that the appeal be and it hereby is granted on condition that all work conform to the resolution adopted this date under Calendar Number 964-77-BZ; and that all other laws, rules and regulations be complied with.

981-77-BZ 3-21-78

APPLICANT—Stein, Davidoff, Malito and Katz for Consolidated Edison of New York, Incorporated, owner, Gymnastic Enterprises, Incorporated, lessee.

SUBJECT—Application December 20, 1977—decision of the Borough Superintendent, under Section(s) 72-01 (b) and

72-21 of the Zoning Resolution, to permit in an R8 district, the erection of a one story structure for use as a physical culture establishment that encroaches on the required rear yard.

PREMISES AFFECTED—405-411 East 73rd Street, north side, 113 feet east of First Avenue, Block 1468, Lot 5, Borough of Manhattan, Community Board #8M.

APPEARANCES—

For Applicant: Sid Davidoff.
For Opposition: None.

RECOMMENDATION OF THE COMMUNITY BOARD—Favorable to the application.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Fossella, Vice Chairman Agusta,
Commissioner Carroll, Commissioner Walsh,
Commissioner Cincotta and Commissioner Wolf 6
Negative: 0

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on February 28, 1978, after due notice by publication in the Bulletin; laid over to March 7, 1978; then to March 21, 1978; and

WHEREAS, the design of the Borough Superintendent, dated November 9, 1977, acting on N.B. Applic. #30/1977, reads:

"1. Proposed Use Group 9 physical culture establishment is not a permitted use within a R-8 zoning district Section 22-00 Z.R.

7. Provide a minimum thirty (30) foot rear yard Section 23-47 Z.R."

and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Section 72-21 of the Zoning Resolution, and that the applicant is therefore entitled to relief on the grounds of practical difficulty and/or unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby make each and every one of the required findings and grants a variation in the application of the Zoning Resolution, limited to the objection cited, and that the application be and it hereby is granted under Section 72-21 of the Zoning Resolution, to permit in an R8 district, the erection of a one-story structure for use as a physical culture establishment that encroaches on the required rear yard, on condition that all work shall substantially conform to drawings as they apply to the objection, above cited, filed with this application, marked "Received December 20, 1977", 3 sheets, and "March 17, 1978", 2 sheets; on further condition that a smoke detection system be installed with a central office connection; that fences be provided along lot lines providing a fire barrier from adjoining windows; and that all laws, rules and regulations applicable be complied with, and that substantial construction be completed within one year from the date of this resolution.

982-77-A

APPLICANT—Stein, Davidoff, Malito and Katz for Consolidated Edison Company of New York, Incorporated, owner, Gymnastic Enterprises, Incorporated, lessee.

SUBJECT—Application December 20, 1977—appeal from a decision of the Borough Superintendent re-frontage separation from interior lot line.

PREMISES AFFECTED—405-411 East 73rd Street, north side, 113 feet east of First Avenue, Block 1468, Lot 5, Borough of Manhattan.

APPEARANCES—

For Applicant: Sid Davidoff.
For Opposition: None.

MINUTES

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Fossella, Vice Chairman Agusta,
Commissioner Carroll, Commissioner Walsh,
Commissioner Cincotta and Commissioner Wolf 6
Negative: 0

THE RESOLUTION—

WHEREAS, the decision of the Borough Superintendent, dated December 7, 1977, on N.B. Applic. #30/77, reads:

"3. Failure to provide a required ten (10) foot clear space around the entire perimeter of the tent structure contrary to C26-718.3.

4. Failure to provide a required twenty (20) foot separation from the interior lot lines, contrary to C26-718.2."

and

WHEREAS, the premises was inspected by a committee of the Board which recommended that the appeal be granted under certain conditions.

Resolved, that the decision of the Borough Superintendent, dated December 7, 1977, acting on N.B. Applic. #30/77, Objection Nos. 3 and 4, be and it hereby is modified and that the appeal be and it hereby is granted on condition that all work conform to the resolution adopted this date under Calendar Number 981-77-BZ; and that all other laws, rules and regulations be complied with.

268-77-BZ

APPLICANT—Calvanico Associate for Sunshine Brokerage Corporation, owner.

SUBJECT—Application May 25, 1977—decision of the Borough Superintendent, under Section 72-21 of the Zoning Resolution, to permit in an M-1 district, the installation of an advertising sign that on the distance to an arterial highway and encroaches on the residence district boundary.

PREMISES AFFECTED—82 Nelson Street, southwest corner of Henry Street, Block 526, Lot 24, Borough of Brooklyn. Community Board #6BK.

APPEARANCES—

For Applicant: David C. Winters.

For Opposition: None.

RECOMMENDATION OF THE COMMUNITY BOARD—Waive public hearing.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Carroll, Commissioner Cincotta 2

Negative: Chairman Fossella, Vice Chairman Agusta,
Commissioner Walsh, Commissioner Wolf 4

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on March 7, 1978, after due notice by publication in the Bulletin; laid over to March 21, 1978; and

WHEREAS, the decision of the Borough Superintendent, dated May 5, 1977, acting on E.S. Applic. #172/1976, reads:

"1. Proposed advertising sign in an M-1 district located within 200 feet of an arterial highway (B'klyn-Queens Exp.) is contrary to Sec. 42-53.

2. Proposed advertising sign in an M-1 district located within 100 feet of an adjoining residence district, facing at an angle of less than 165 degrees away from such residence district and not limited to an accessory business sign is contrary to Section 42-541 of the Zoning Resolution."

and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board finds that on the basis of the record

in this case it is unable to make findings b and C under Section 72-21 of the Zoning Resolution.

Resolved, that the decision of the Borough Superintendent, dated May 5, 1977, acting on E.S. #172/1976 Objection No. 1 and 2 be and it hereby is affirmed and that the application be and it hereby is denied.

Adjourned: 1:25 P.M.

ALAN D. GERSHUNY, Executive Director

REGULAR MEETING

TUESDAY AFTERNOON, MARCH 21, 1978, 2 P.M.

Present: Chairman Fossella, Vice Chairman Agusta, Commissioner Carroll, Commissioner Walsh, Commissioner Cincotta and Commissioner Wolf.

469-77-A

APPLICANT—Jeremiah T. Walsh, P.E., Commissioner of Buildings.

OWNER OF PREMISES—Cedar Management Corporation.

SUBJECT—Application July 7, 1977—for Modification of Certificate of Occupancy #18833 re- stairway enclosure.

PREMISES AFFECTED—65-69 Nassau Street, 28-30 John Street, southwest corner, Block 65, Lot 1, Borough of Manhattan.

APPEARANCES—

For Applicant: Louis Passione.

For Owner: Gerald M. Daub.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Fossella, Vice Chairman Agusta,
Commissioner Carroll, Commissioner Walsh,
Commissioner Cincotta and Commissioner Wolf 6
Negative: 0

THE RESOLUTION—

WHEREAS, the decision of the Commissioner of Buildings, dated July 1, 1977, to Modify C.O. #18833, reads:

"Application is hereby made to the Board of Standards and Appeals, in accordance with the provisions of Section 1804 (4) (c) (6) of the New York City Charter, to Modify Certificate of Occupancy #18833 in relation to the following building:

65-69 Nassau Street
AKA 28-30 John Street"

and

WHEREAS, the Premises was inspected by a committee of the Board which recommended that the application be granted under certain conditions;

Resolved, that the application of the Commissioner of Buildings for modification of the certificate of occupancy be and it hereby is granted, and that the certificate of occupancy be modified to require the work as indicated on a plan marked received "March 17, 1978", 1 sheet; and that an approved type smoke detection system interconnected to the existing fire alarm system be installed throughout the building; and that the occupancy be limited to a maximum of 15 persons on each floor, with a maximum for the entire building of 75 persons, and that all other laws, rules and regulations applicable shall be complied with.

916-77-A

APPLICANT—Tucciarone and Amin for 150th Street Realty Corporation, owner.

SUBJECT—Application November 30, 1977—appeal from a decision of the Borough Superintendent re- proposed subdivision of zoning lot.

MINUTES

PREMISES AFFECTED—45-11 Oceania Street, northeast corner of 45th Road, Block 7309, Lots 1 and 3, Bayside, Borough of Queens. Community Board #11Q.

APPEARANCES—

For Applicant: Sid Davidoff, Charles Helms, Tom Calinitos and Paul Mok.

For Opposition: Mandingo Tshaka, James W. Harrington, Grace Hawkins, Alice J. Taylor, Frances Stolfi and others.

ACTION OF BOARD—Laid over to May 25, 1976, at 10 A.M., for decision; hearing closed.

44-76-BZ

APPLICANT—Frank A. Vaccaro, P.E. for Pasquale Nazaro, owner.

SUBJECT—Application February 5, 1976—decision of the Borough Superintendent, under Section 72-21 of the Zoning Resolution, to permit in an R1-2 district, the maintenance of a dwelling that encroaches on the required side yard.

PREMISES AFFECTED—124 Marshall Avenue, southeast corner of Peru Street, Block 918, Lot 147, Todt Hill, Borough of Staten Island. Community Board #3S.I.

APPEARANCES—

For Applicant: Frank A. Vaccaro.

For Opposition: None.

ACTION OF BOARD—Laid over to May 25, 1976, at 10 A.M., for decision; hearing closed.

556-75-BZ 5-11-76

APPLICANT—William S. Bannon for Consolidated Edison Company of New York, Incorporated, owner.

SUBJECT—Application December 5, 1975—decision of the Borough Superintendent, under Sections 72-21 and 73-453 of the Zoning Resolution, to permit in a C1-9 and R8 district, the construction and maintenance of an accessory off-site parking facility for an electric generating station.

PREMISES AFFECTED—405-411 East 73rd Street, north side, 113 feet East of First Avenue, Block 1468, Lot 5, Borough of Manhattan. Community Board #8M.

APPEARANCES—

For Applicant: None.

For Opposition: None.

RECOMMENDATION OF THE COMMUNITY BOARD—Favorable to the application.

ACTION OF BOARD—Application withdrawn at the request of the applicant.

THE VOTE—

Affirmative: Chairman Klein, Vice Chairman Agusta, Commissioner Carroll and Commissioner Walsh 4

Negative: 0

270-75-BZ

APPLICANT—McGee & Morsellino for Grand Realty Company, owner.

SUBJECT—Application May 22, 1975—decision of the Borough Superintendent, under Section 72-21 of the Zoning Resolution, to permit in a C1-2 district, the erection of a seven story office building that exceeds the permitted floor area ratio and allowable height, has been less than the required parking and loading and encroaches on the required rear yard.

PREMISES AFFECTED—87-12 Grand Avenue, south side, 79-82 feet west of Queens Boulevard, Block 2851, Lot 15, Maspeth, Borough of Queens. Community Board #4Q.

APPEARANCES—

For Applicant: Joseph P. Morsellino.

For Opposition: Constance V. Winnemore.

RECOMMENDATION OF THE COMMUNITY BOARD—Opposed to the application.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative: Vice Chairman Agusta and Commissioner Carroll 2

Negative: Chairman Klein and Commissioner Walsh .. 2

THE RESOLUTION—

WHEREAS, a public hearing was held on this application November 5, 1975, after due notice by publication in the Bulletin; laid over to December 2, 1975; then to January 20, 1976; then to February 17, 1976; then to April 13, 1976; then to May 11, 1976; and

WHEREAS, the decision of the Borough Superintendent, dated April 24, 1975, acting on N.B. Applic. 674/1974, reads:

"1. Proposed seven story office bldg. (U.G. 6) in a C1-2/R6 district exceeds max. allowable height as per Sec. 33-431 and Sec. 32-421 Z. R.

2. Proposed office bldg. (U.G. 6) in a C1-2/R6 district with a floor area ratio of 4.93 is contrary to Sec. 33-121 Z.R.

3. Proposed office bldg. (U.G. 6) mapped within a C1-2/R6 district within the required rear yard is contrary to Section 33-26 Z.R.

4. Proposed 52,120.5 (sq. ft.) floor area office bldg. (U.G. 6) in a C1-2/R6 district with less than 174 parking spaces is contrary to Section 36-21 Z.R.

5. Proposed 52,120.5 (sq. ft.) floor area office bldg. (U.G. 6) in a C1-2/R6 district with out off street loading berths is contrary to Section 36-62 and Section 36-63 Z.R."

and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board finds that on the basis of the record in this case it is unable to make finding e, under Section 72-21 of the Zoning Resolution.

Resolved, that the decision of the Borough Superintendent, dated April 24, 1975, acting on N.B. Applic. 674/1974, Objection Nos. 1, 2, 3, 4, 5, be and it hereby is affirmed and that the application be and it hereby is denied.

565-75-BZ

APPLICANT—M. Martin Elkind for Sumner Jurist, owner.

SUBJECT—Application December 9, 1975—decision of the Borough Superintendent, under Section 72-21 of the Zoning Resolution, to permit in an R3-2 district, in an existing three story mixed building, the enlargement in floor area of the first floor Dentists Office that increases the degree of non-compliance in the lot area requirements and accessory parking.

PREMISES AFFECTED—208-22 Hollis Avenue, south side, 183.92 feet east of 209th Street, Block 11111, Lot 11, Hollis, Borough of Queens. Community Board #13Q.

APPEARANCES—

For Applicant: M. Elkind.

For Opposition: None.

RECOMMENDATION OF THE COMMUNITY BOARD—Favorable to the application.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Klein, Vice Chairman Agusta, Commissioner Carroll and Commissioner Walsh 4

Negative: 0

THE RESOLUTION—

WHEREAS, a public hearing was held on this application on March 30, 1976, after due notice by publication in the Bulletin; laid over to April 27, 1976; then to May 11, 1976; and

WHEREAS, the decision of the Borough Superintendent, dated December 1, 1975, acting on Alt. Applic. 977/1975, reads: