

I am therefore of the opinion that the height of the building here involved should be measured from the middle of the front of the building on H Street, the elevation of the sidewalk on that street permitting the greater height.


RECOMMENDATION:

It is recommended that a copy of this opinion be furnished Lt. Col. T. J. Hayes.

/s/ VERNON E. WEST  
Corporation Counsel, D. C.

VEV:ehh  
CCO-799.1 - Virginia Hotel Co.  
5/10/50

# **ATTACHMENT D**

PURSUANT TO THE RECORDING OF THE DECLARATION OF TAKING, RECORDED 01/30/2020, INSTRUMENT NUMBER 2020012220, AND CONSENT ORDER AND FINAL JUDGMENT, RECORDED 02/19/2020, INSTRUMENT NUMBER 2020023091, AT THE RECORDER OF DEEDS, THE 30' BUILDING RESTRICTION LINE SHOWN THIS:  IS HEREBY ESTABLISHED.

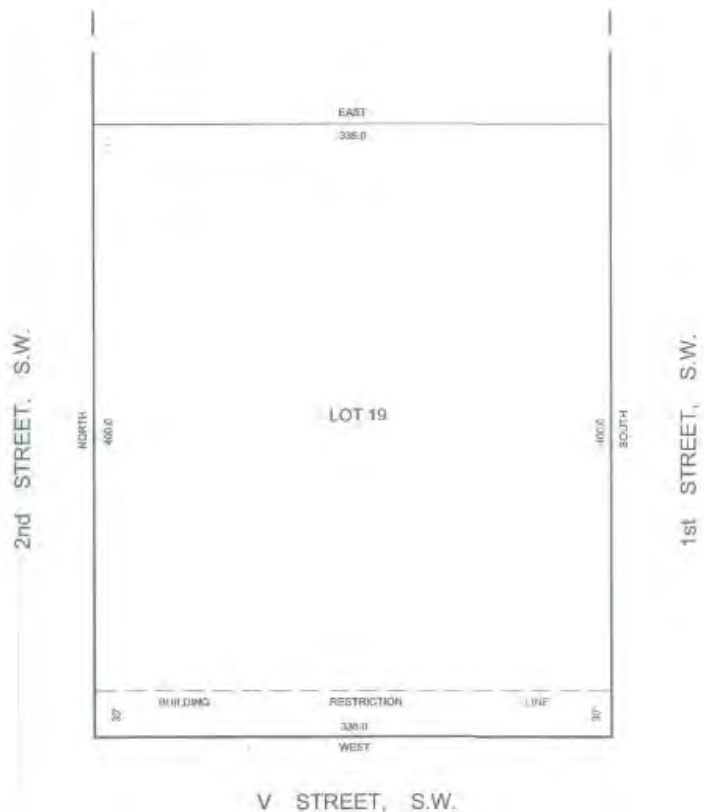
# PLAT SHOWING ESTABLISHMENT OF 30' BUILDING RESTRICTION LINE ON V STREET, S.W., SQUARE 611

OFFICE OF THE SURVEYOR, D.C.

*March 12, 2020*

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED:

  
SURVEYOR, D.C.



### SURVEYOR'S OFFICE, D.C.

Made for: KAYLA SWATTUCK

Drawn by: L.E.S. Checked by: *LM*

Record and computations by: E. MYERS

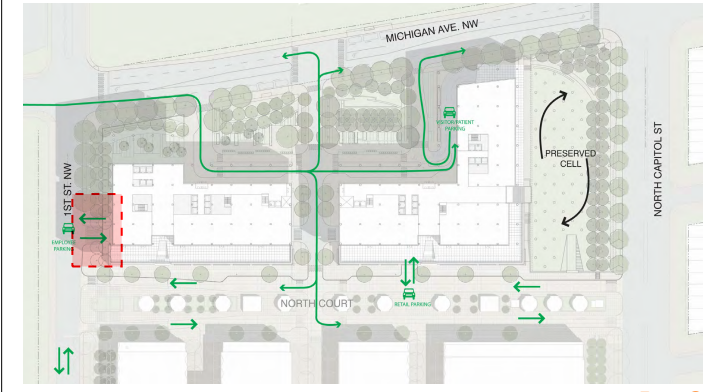
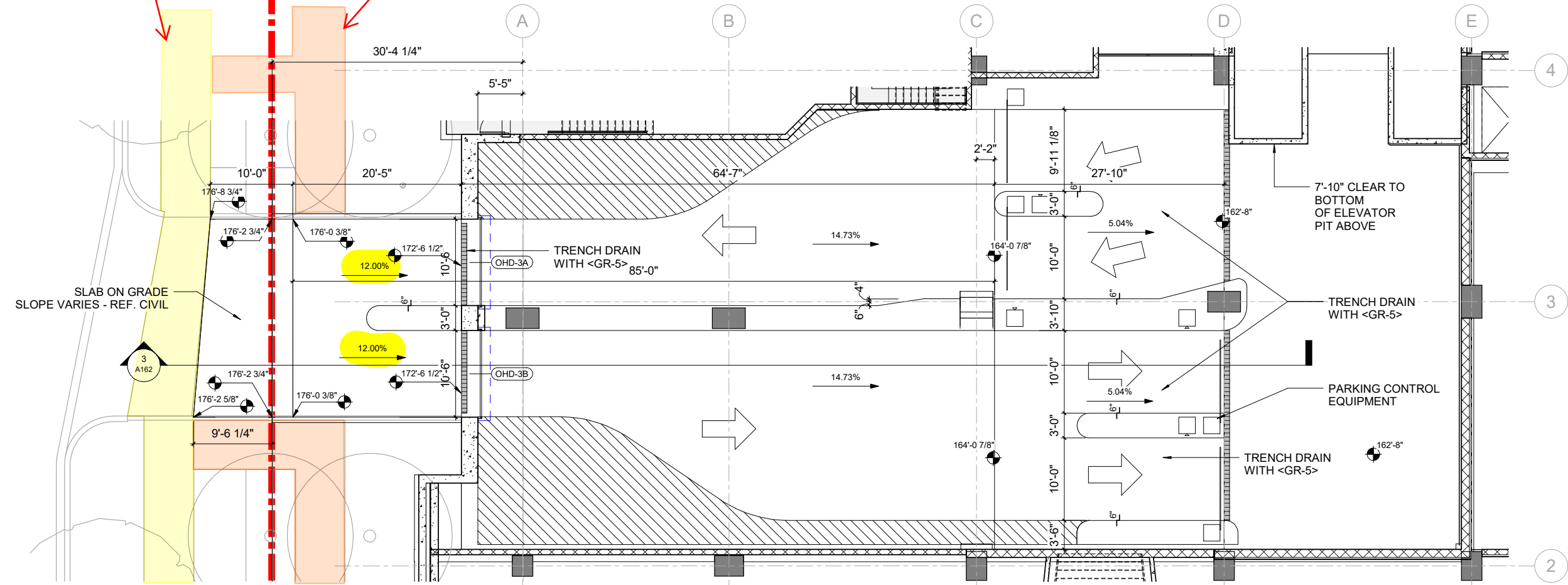
Recorded at: *2:00 PM ON MARCH 12, 2020*

Recorded in Book *217* Page *2* SR-19-07791

Scale: 1 inch = 40 feet File No: 19-047241

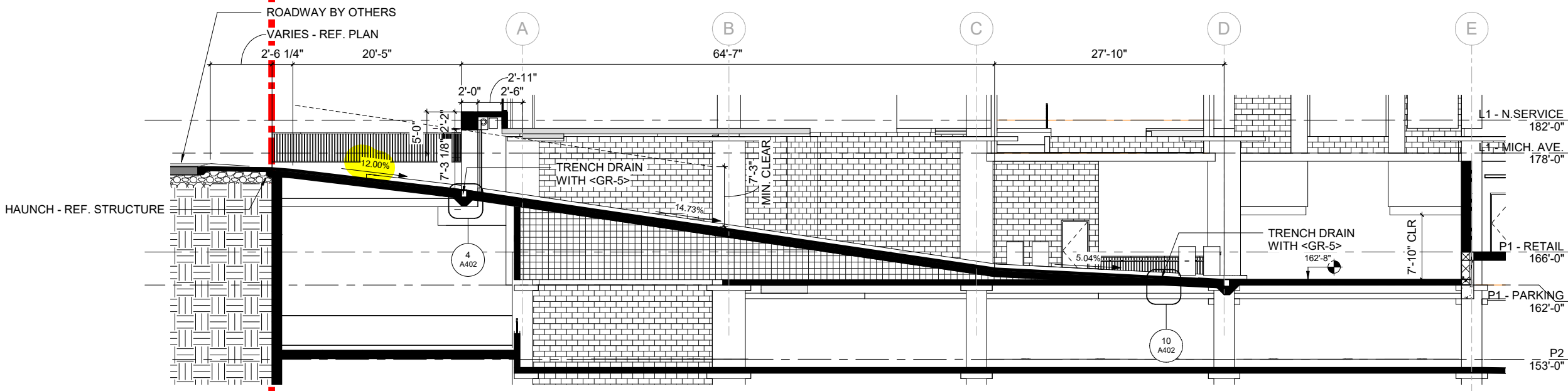
2019/BRL\_ESTABLISHMENT/3R-019-07791-SQ 611

SIDEWALK  
PROPERTY LINE  
OLMSTEAD WALK



KEY PLAN

GARAGE RAMP 3  
SCALE  
1/8" = 1'-0"  
4



RAMP 3 - SECTION 1  
SCALE  
1/8" = 1'-0"  
3

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Norman M Glasgow, Jr.  
(202) 419-2460  
norman.glasgowjr@hklaw.com

TO: Matthew Le Grant  
FROM: Norman M. Glasgow, Jr.  
DATE: July 8, 2020  
RE: 100 V Street, SW; Zoned CG-4

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In furtherance of our virtual meeting of June 25, 2020, we discussed the following issues relating to the above-referenced site:

**1. Uses Excluded from Net Residential Floor Area for Purposes of Calculating IZ Set-Aside**

In addressing this issue we reviewed Attachment A, which is a summary of uses that would be included in the proposed mixed-use building at 100 V Street, SW. We discussed that Attachment A is preliminary and that the actual building areas will likely change, but the discussion was for the purpose of confirming the types of uses that would be excluded from net residential floor area when calculating the IZ set-aside requirement.

As shown on Attachment A, the building would include a variety of “Lobby/Amenity” and “Core” uses that would support the residential use. We reviewed Subtitle C § 1003.2, which establishes the IZ set-aside requirement for the site and states that the IZ set-aside requirement “shall be converted to net square footage pursuant to Subtitle C § 1003.4.” In turn, Subtitle C § 1003.4 states that the square footage required to be set-aside for IZ units “shall be converted to net square footage based on the ratio of net residential floor area to gross residential floor area” and that for multiple dwellings the term “net residential floor area” means “the area of a unit that is bounded by the inside finished surface of the perimeter wall of each unit including all interior walls and columns.”

Upon your review of Attachment A and Subtitle C §§ 1003.2 and 1003.4, you agreed that the uses listed under “Lobby/Amenity” and “Core” in Attachment A are not part of the “net residential floor area” that is required to be set-aside for IZ units pursuant to 11-C DCMR § 1003.4. Accordingly, the square footage devoted to the uses identified as Lobby/Amenity and Core space can be excluded from residential net square footage when converted from gross floor area for the purposes of calculating the IZ set-aside requirement.

## 2. **IZ Bonus FAR Calculation.**

The subject property is located within the CG-4 zoning district with FAR permitted pursuant to 11-K DCMR § 504.3. The permitted FAR in the CG-4 zone is as follows:

(a) The maximum permitted FAR in the CG-4 zone shall be 6.0 or 7.2 FAR with IZ, with a maximum non-residential FAR of 3.0;

(b) A building shall be allowed a maximum FAR of 8.2; provided that the additional 1.0 FAR shall be devoted solely to residential uses, which, for the purposes of this subsection, does not include hotel uses;"

For purposes of this discussion, we assumed an 8.2 FAR building all residential with 100,000 square feet of lot area.

In this regard we also reviewed 11-C DCMR §§ 1002.1, 1002.3 and 1002.4.

In analyzing the regulations concerning bonus density for IZ purposes we first turned to 11-C DCMR § 1002.1, which provides that developments subject to IZ are eligible for the modifications of development standards and bonus density established in this section.

The term “bonus density” is defined in 11-C § 1002.3. quoted below:

"Inclusionary developments, except those located in the ..., may construct up to 20% more gross floor area than permitted as a matter of right (“bonus density”) as reflected in the zone specific development standards and subject to all other zoning requirements (as may be modified by the zone) and the limitations established by the Height Act." (emphasis added)

In this case, as previously cited in Subtitle K § 504.3(a), the maximum FAR permitted as a matter of right in the CG-4 Zone shall be 6.0 or 7.2 FAR with IZ. Note, the additional 1.0 FAR permitted under Subtitle K § 504.3(b) is not permitted as a matter of right. Rather, a development may only take advantage of the additional 1.0 FAR if this additional density is “devoted solely to residential uses.” If the additional 1.0 FAR was considered part of the density permitted as a matter of right there would be no reason to separate it from the 6.0 FAR (7.2 FAR with IZ) stated in Subtitle K § 504.3(a).

Therefore, the IZ bonus density in the CG-4 zone is the 20% increase from 6.0 FAR to 7.2 FAR, a bonus of 1.2 FAR, since, as stated in Subtitle C § 1002.3, this represents “20% more gross floor area than permitted as a matter of right.”

*See also* 11-C DCMR § 1002.4, which states that an inclusionary development that has met its IZ set aside requirements and used all the bonus density permitted by IZ (in this case 1.2 FAR) may be eligible for other bonus density permitted by other chapters of this title, provided the inclusionary developments total density does not exceed the FAR-maximum associated with the zone permitting that additional bonus density.

Matthew Le Grant

July 8, 2020

Page 3

The purpose of this provision is twofold. First, it establishes that developments may be eligible for other forms of bonus density elsewhere in the Zoning Regulations on top of the 20% IZ bonus density. Second, it requires that a development first use “all the bonus density permitted by IZ” before it can take advantage of any other form of bonus density available outside IZ. This is intended to prevent developments from claiming non-IZ bonuses first in an attempt to reduce the amount of IZ bonus density utilized and thus potentially reducing the IZ set aside.

As it relates to the subject site, an additional 1.0 FAR is permitted (from 7.2 FAR to 8.2 FAR) if the additional 1.0 FAR is solely devoted to residential uses (Subtitle K § 504.3(b)). Per Subtitle C § 1002.4, this 1.0 FAR of additional density can only be accessed after full utilization of the 20% (1.2 FAR) IZ bonus density. Finally, when increases in FAR gained outside of the IZ regulations are to be included in IZ set aside calculations the IZ regulations expressly state as such. Specifically, pursuant to Subtitle C § 1003.10, “[i]ncreases in FAR as a result of variances granted by the [BZA] shall be included within gross floor area for the purposes of calculating the maximum IZ requirement.” This provision is in direct contrast with Subtitle C § 1002.4, which simply points out that an inclusionary development may be eligible for other (non-IZ) bonus density so long as the IZ bonus density is fully utilized first.

Based on the foregoing, it is clear that the additional 1.0 FAR available under Subtitle K § 504.3(b) is not part of IZ bonus density, and is not required to be included in the IZ bonus density set aside calculation.

As a result, in computing the IZ requirement for a CG-4 piece of property under Subtitle C § 1003.2, assuming Type I construction, the set aside calculation would be as follows:

Assuming an FAR of 8.2, the calculation would be the greater of 8% of 8.2 FAR, which for a site having 820,000 GFA of residential use would equal 65,000 GFA of IZ, or 50% of the bonus density utilized, which would be one-half of the 1.2 FAR IZ bonus density times the 100,000 square feet site area which equals 60,000 GFA of IZ. Thus, based on this example, 65,000 GFA of affordable housing would be required. If there is penthouse habitable space then that would be a separate calculation at 8% of the penthouse habitable space pursuant to Subtitle C § 1500.11.

Should the foregoing be in accordance with your understanding of the application of the regulations to this site, please provide confirming email.

Attachment

# **Attachment A**



**100 V Street SW - Phase I Program Summary**

**Lobby/Amenity =** includes entrance lobbies and residential concierge, lounge areas, work/office spaces, club rooms, gyms/fitness centers, communal kitchen/dining areas, game rooms, media rooms, pet grooming rooms, etc. for the primary use of residents of the building

**Core =** includes common utilitarian or access/egress areas like stairways, elevator cores, hallways, ramps, and mechanical or fire rooms.

	Building 1-A	Retail	Lobby / Amenity	Resi.	Hotel	Core	Total by Floor
Floor:	Penthouse		3,897	3,732		4,438	12,067
	12			24,305		3,816	28,121
	11			24,305		3,816	28,121
	10			24,305		3,816	28,121
	9			24,305		3,816	28,121
	8			24,305		3,816	28,121
	7			24,305		3,816	28,121
	6			24,305		3,816	28,121
	5			24,305		3,816	28,121
	4			24,305		3,816	28,121
	3			29,640		4,516	34,156
	2		4,093	29,640		4,516	38,249
	1.5		5,124	5,334		2,130	12,588
	1	12,892	6,018	6,668		11,755	37,333
	<b>TOTAL:</b>	<b>12,892</b>	<b>19,132</b>	<b>293,759</b>	<b>-</b>	<b>61,699</b>	<b>387,482</b>

% Amenity/Core: 20.86%

	Building 1-B	Retail	Lobby / Amenity	Resi.	Hotel	Core	Total by Floor
Floor:	Penthouse		4,522	5,737		1,792	12,051
	13			19,414		2,584	21,998
	12			19,414		2,584	21,998
	11			19,414		2,584	21,998
	10			19,414		2,584	21,998
	9			19,414		2,584	21,998
	8			19,414		2,584	21,998
	7			19,414		2,584	21,998
	6			19,414		2,584	21,998
	5			19,414		2,584	21,998
	4			17,077		2,441	19,518
	3		5,579	14,745		3,504	23,828
	2		10,420	10,228		4,153	24,801
	1	12,109	7,537	5,078		4,039	28,763
	<b>TOTAL:</b>	<b>12,109</b>	<b>28,058</b>	<b>227,591</b>	<b>-</b>	<b>39,185</b>	<b>306,943</b>

% Amenity/Core: 21.91%

	Building 2-C	Retail	Lobby / Amenity	Resi.	Hotel	Core	Total by Floor
Floor:	Penthouse		5,408	2,780		8,549	16,737
	12			22,235		3,528	25,763
	11			22,235		3,528	25,763
	10			22,235		3,528	25,763
	9			22,235		3,528	25,763
	8			22,235		3,528	25,763
	7			22,235		3,528	25,763
	6			22,235		3,528	25,763
	5			22,235		3,528	25,763
	4			22,235		3,528	25,763
	3			22,235		3,528	25,763
	2		17,366	7,123		4,274	28,763
	1.5			2,320			2,320
	1	13,509	6,765	2,920		7,697	30,891
	<b>TOTAL:</b>	<b>13,509</b>	<b>29,539</b>	<b>237,493</b>	<b>-</b>	<b>55,800</b>	<b>336,341</b>

% Amenity/Core: 25.37%

	Building 2-D	Retail	Lobby / Amenity	Resi.	Hotel	Core	Total by Floor
Floor:	Penthouse		3,073			873	3,946
	12				4,473	1,622	6,095
	11				4,473	1,622	6,095
	10				4,473	1,622	6,095
	9				4,473	1,622	6,095
	8				4,473	1,622	6,095
	7				4,473	1,622	6,095
	6				4,473	1,622	6,095
	5				4,473	1,622	6,095
	4				4,473	1,622	6,095
	3					6,095	6,095
	2		4,501			738	5,239
	1		4,916			871	5,787
	<b>TOTAL:</b>	<b>-</b>	<b>12,490</b>	<b>-</b>	<b>40,257</b>	<b>23,175</b>	<b>75,922</b>

% Amenity/Core: 46.98%

Phase 1 Summary	Retail	Lobby/Amenity	Resi.	Hotel	Core	Bldg Total
Bldg 1-A	12,892	19,132	293,759	-	61,699	387,482
Bldg 1-B	12,109	28,058	227,591	-	39,185	306,943
Bldg 2-C	13,509	29,539	237,493	-	55,800	336,341
Bldg 2-D	-	12,490	-	40,257	23,175	75,922
<b>Phase 1 TOTAL</b>	<b>38,510</b>	<b>89,219</b>	<b>758,843</b>	<b>40,257</b>	<b>179,859</b>	<b>1,106,688</b>

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(202) 419-2460  
norman.glasgowjr@hklaw.com

TO: Matthew LeGrant

FROM:: Norman M. Glasgow, Jr.

DATE: September 22, 2020

RE: 100 V Street, SW (CG-4)  
Consolidated Analysis on Various Zoning Issues

---

Mr. LeGrant,

As part of our virtual meetings in June, August, and September, 2020, we reviewed a variety of zoning issues related to development of 100 V Street, SW (Squares 609 and 611) (the “Property”), which is located in the CG-4 zone district in the Buzzard Point neighborhood of Southwest Washington, DC. This memorandum is intended to consolidate each of those discussions into a single document for simplicity sake. The following four items will be addressed as follows:

1. Method of calculation for plazas and courts for the overall development site;
2. Method of calculating the Inclusionary Zoning (“IZ”) set-aside requirements for the overall development site;
3. Compliance with the penthouse height requirements for “Parcel C;” and
4. Compliance with the penthouse setback requirements for “Parcel D.”

## **Background on Proposed Development**

The Property is currently comprised of Square 609 (entire) and Square 611 (entire) and is bounded by T Street, SW to the north, 1<sup>st</sup> Street, SW to the east, V Street, SW to the south, and 2<sup>nd</sup> Street, SW to the west.

Prior to redevelopment, the Property will be subdivided into two new irregularly-shaped record lots referred to as “Lot 1” and “Lot 3,” each with frontage on T Street to the north and V Street to the south. Lot 1 will be developed with a single building comprised of five different segments identified as Parcels A, B, I, H and G and attached via meaningful connections in the form of bridges above the ground level. Similarly, Lot 3 will be developed with a single building comprised of four segments identified as Parcels C, D, E and F attached via meaningful connections in the form of bridges above the ground level.

The Property will be developed in phases, with Phase 1 on the southern portion of the Property and comprised of Parcels A, B, C and D. Phase 2 is on the northern portion of the Property and is comprised of Parcels E, F, G, H and I.

A depiction of the proposed lot lines, Parcel boundaries, and phase line is included at Exhibit A, Sheet 1.

## **1. Plazas and Courts**

### **A. Plazas**

Pursuant to Subtitle K § 504.13, new development in the CG-4 zone on a lot greater than 10,000 square feet shall provide plaza space comprising 8% of the lot area in accordance with the provisions of Subtitle C, Chapter 17. Pursuant to Subtitle C, Chapter 17, the plaza shall be located immediately adjacent to the main entrance to the principal building or structure on the lot and shall serve as a transitional space between the street or pedestrian right-of-way and the building or structure. The plaza shall be open to the sky or have a minimum vertical clearance of one story or ten feet, shall be adequately lighted and landscaped for public use, and shall be open and available to the general public on a continuous basis.

Exhibit A, Sheet 3 shows the locations of main entrances and the size of plaza space adjacent to each main entrance. As shown on Exhibit A, Sheet 3:

- Lot 1 has a total land area of approximately 164,723 square feet and therefore a plaza requirement of 13,178 square feet (8% of total);
- Lot 1 is providing a total of approximately 39,838 square feet of plaza space comprised of Plazas 1.1, 1.2 and 1.3.
- Lot 3 has a total land area of approximately 130,077 square feet and therefore a plaza requirement of 10,406 square feet (8% of total).
- Lot 3 is providing a total of approximately 23,919 square feet of plaza space comprised of Plazas 3.1 and 3.2.

Based on your review of Sheet 3, including the general configurations of the Lots and Parcels, the locations of the main entrances, and the amount of open space adjacent to each entrance, you agreed that the open spaces identified as **Plazas 1.1, 1.2, 1.3, 3.1 and 3.2 are considered plazas within the meaning set forth in Subtitle C § 1701.1, and that the plazas shown are in compliance with the 8% plaza area requirement of Subtitle K § 504.13.**

In addition, we discussed that the project may include removable bollards adjacent to some or all portions of the cartway that is specifically exempted from the plaza spaces on Exhibit A. You stated that if such bollards are in the “up” position more than 182 days per year (such that vehicles cannot pass), then those areas would count towards the plaza requirement. Conversely, if the bollards are in the “down” position more than 182 days per year (such that vehicles can pass) then those areas would not count toward the plaza requirement. Regardless, based on the square

footages shown on Exhibit A, even without removable bollards, the development site is in compliance with the 8% plaza requirement.

## **B. Courts**

Please reference the following sections of the Zoning Regulations:

- Subtitle K § 504.10 (court requirements in the CG-4 zone);
- Subtitle B § 100.2 (definitions of “Court, Open,” “Court, Closed,” “Court, Width of”); and
- Subtitle B §§ 322.2 and 322.4 (rules of measurement for general court).

As shown on Exhibit A, Sheet 2, which is an excerpt of the southern portion (Phase 1) of the development site, a variety of irregularly-shaped open and closed courts will be created on the Lots as a result of the irregularly-shaped lot lines and Parcels. During our meeting, you confirmed the following:

- The open spaces on the Property located outboard – between the bridges that connect the Parcels and the adjacent public streets – are considered open courts; and
- The open spaces on the Property located inboard of the bridges and surrounded on all sides by exterior building walls and lot lines are considered closed courts.

**You therefore confirmed that pursuant to Subtitle C § 1502.1(c)(5), any penthouse that is located adjacent to a building wall that borders a closed court, as described above, is not subject to the penthouse setback requirements** (e.g. a penthouse located on Parcel D inboard of the bridges and facing Court 3.1 would not have to be setback from the exterior building walls (*see* Exhibit A, Sheet 2)). However, penthouses located adjacent to a building wall that borders a closed court would be subject to the penthouse setback requirements.

Exhibit A, Sheets 4-5 provide enlarged diagrams of one closed court (Court 1.2) and one open court (Court 3.3) to demonstrate how the minimum court width and areas are being calculated across the Property. Each court is divided into three sub-courts established at the three heights within each court. The different court heights are created as a result of a variety of plinths/poidums/terraces established at lower elevations than the top of the buildings. **During our meeting you confirmed that the method of calculating the different court widths and areas based on the different court heights was consistent with your interpretation of the definitions of courts (Sub. B § 100.2) and the rules of measurement for courts (Sub. B §§ 322.2 and 322.4) and that the courts shown in Courts 1.2 and 3.3 are compliant with the minimum court requirements of Subtitle K § 504.10, assuming the dimensions shown, for the CG-4 zone and can serve as the method of calculating open and closed courts throughout the Property.**

## 2. IZ Calculations

In furtherance of our virtual meeting of June 25, 2020, we discussed the following issues relating to the IZ set-aside requirements for the Property:

### A. Uses Excluded from Net Residential Floor Area for IZ Set-Aside Calculation

Please reference the following sections of the Zoning Regulations:

- Subtitle C § 1003.2 (IZ set-aside shall be converted from gross to net floor area); and
- Subtitle C § 1003.4 (method of conversion from gross to net).

Please see Exhibit B, which lists the mix of uses that will be included in project. This list is preliminary and the actual building areas will likely change, but our discussion was for the purpose of confirming the types of uses that should be excluded from net residential floor area when calculating the IZ set-aside requirement.

As shown on Exhibit B, the building will include a variety of “Lobby/Amenity” and “Core” uses that will support the primary residential use. Upon review of Exhibit B and Sub. C §§ 1003.2 and 1003.4, you agreed that the uses listed under “Lobby/Amenity” and “Core” are not part of the “net residential floor area” that is required to be set-aside for IZ units. **Accordingly, the square footage devoted to the uses identified as Lobby/Amenity and Core space can be excluded from residential net square footage when converted from gross to net for the purposes of calculating the IZ set-aside requirement.**

### B. IZ Bonus FAR Calculation

Please reference the following sections of the Zoning Regulations:

- Subtitle K § 504.3(a) (maximum FAR in CG-4 zone is 6.0 FAR and 7.2 FAR with IZ);
- Subtitle K § 504.3(b) (maximum FAR can be increased to 8.2 FAR in CG-4 zone if the additional 1.0 FAR is devoted solely to residential use);
- Subtitle C § 1002.1 (IZ developments eligible for bonus density);
- Subtitle C § 1002.3 (20% bonus permitted as a matter of right);
- Subtitle C § 1002.4 (IZ developments that meet the IZ set aside and have used all bonus density permitted by IZ may be eligible for other bonus density in other chapters); and
- Subtitle C §1003.10 (increase in FAR from a BZA variance is included in GFA for purposes of calculating maximum IZ requirement).

For our discussion we assumed an 8.2 FAR building, all residential, with 100,000 square feet of lot area.

The maximum FAR permitted as a matter of right in CG-4 is 6.0 FAR or 7.2 FAR with IZ. The additional 1.0 FAR of Sub. K § 504.3(b), from 7.2 FAR to 8.2 FAR, is a separate bonus density provided in another chapter of the Zoning Regulations, as it is only available if the additional 1.0 FAR is “devoted solely to residential uses.” If the additional 1.0 FAR was considered matter of right IZ density, then there would be no reason to separate it from the 6.0 / 7.2 FAR with IZ provision of Sub. K § 504.3(a) and the two separate provisions of Sub. K § 504.3(a) and Sub. K § 504.3(b) would be unnecessary.

**Therefore, the IZ bonus density in the CG-4 zone is the 20% increase from 6.0 FAR to 7.2 FAR, a bonus of 1.2 FAR, since this represents “20% more gross floor area than permitted as a matter of right” per Sub. C § 1002.3.**

*See also* Sub. C § 1002.4, which establishes that (i) projects may be eligible for other forms of bonus density elsewhere in the Zoning Regulations on top of the 20% IZ bonus density; and (ii) projects must first use “all the bonus density permitted by IZ” before it can take advantage of any other form of bonus density available outside of IZ. This is intended to prevent projects from claiming non-IZ bonuses first in an attempt to reduce the amount of IZ bonus density utilized and thus potentially reducing the IZ set aside.

Moreover, when increases in FAR gained outside of the IZ regulations are to be included in IZ set aside calculations, the IZ regulations expressly state as such. *See, e.g.* Sub. C § 1003.10, stating that “[i]ncreases in FAR as a result of variances granted by the [BZA] shall be included within gross floor area for the purposes of calculating the maximum IZ requirement.” This is in direct contrast to Sub. C § 1002.4, which simply points out that an IZ project may be eligible for other (non-IZ) bonus density so long as the IZ bonus density is fully utilized first.

Therefore, as it relates to the Property:

- An additional 1.0 FAR is permitted (from 7.2 FAR to 8.2 FAR) if the additional 1.0 FAR is solely devoted to residential uses (Sub. K § 504.3(b));
- The 1.0 FAR additional density can only be accessed after full utilization of the 20% (1.2 FAR) IZ bonus density from 6.0 FAR to 7.2 FAR (Sub. K § 504.3(a) and Sub. C § 1002.4); and
- The additional 1.0 FAR available under Sub. K § 504.3(b) from 7.2 FAR to 8.2 FAR is not part of the IZ bonus density, and is not required to be included in the IZ bonus density set aside calculation.

As a result, the IZ requirement for the Property (CG-4 zone and Type I construction) would be the greater of:

- 8% of 8.2 FAR, which for a site having 820,000 GFA of residential use would equal 65,000 GFA of IZ; or
- 50% of the bonus density utilized, which would be one-half of the 1.2 FAR IZ bonus density times the 100,000 square feet site area, which equals 60,000 GFA of IZ.

Thus, based on this example, 65,000 GFA of affordable housing would be required. If there is penthouse habitable space, then that respective area would be a separate calculation at 8% of the penthouse habitable space pursuant to Subtitle C § 1500.11.

### **3. Parcel C Penthouse**

As a part of our virtual meeting of August 4, 2020, we reviewed a section and floor plan for “Parcel C” (Exhibit C). The section shows penthouse heights and setbacks and utilization of penthouse area. There are three different heights above the 130 foot level (top of roof) all setback at or more than the 1:1 ratio required in accordance with Sub. C §§ 1500 and 1502.1.

The section depicts penthouse amenity space at an initial height, with a pool inset above and an associated guardrail at a second penthouse height, and a third penthouse height of 20 feet for the mechanical equipment beyond, all measured from the top of the roof slab to a maximum height of 20 feet to the top of the mechanical penthouse. Planting areas, including guard rails are also shown, all meeting the 1:1 setback requirement. Therefore, the penthouse as shown on Exhibit C for Parcel C is fully compliant with the height and setback requirements of the Zoning Regulations.

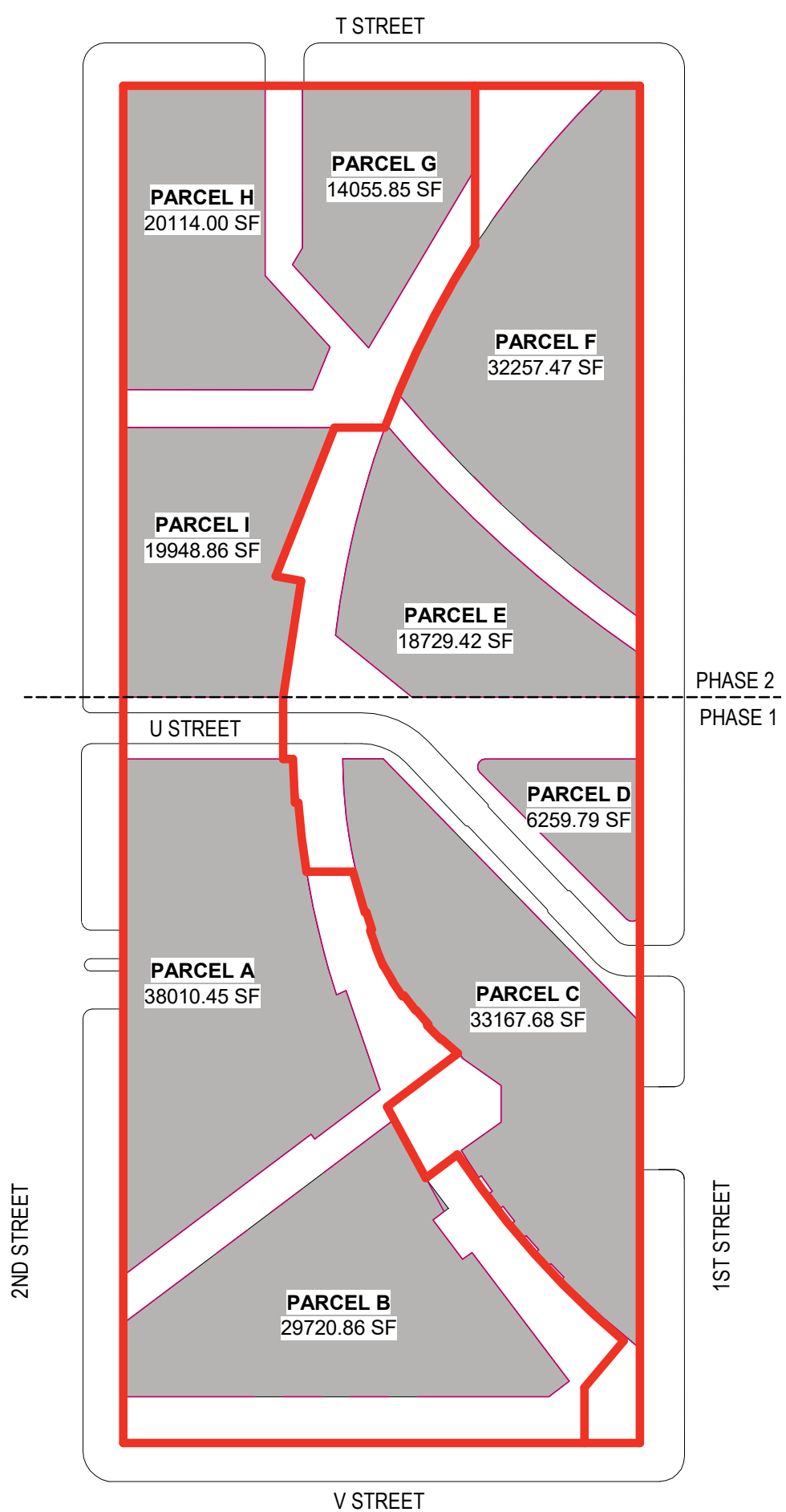
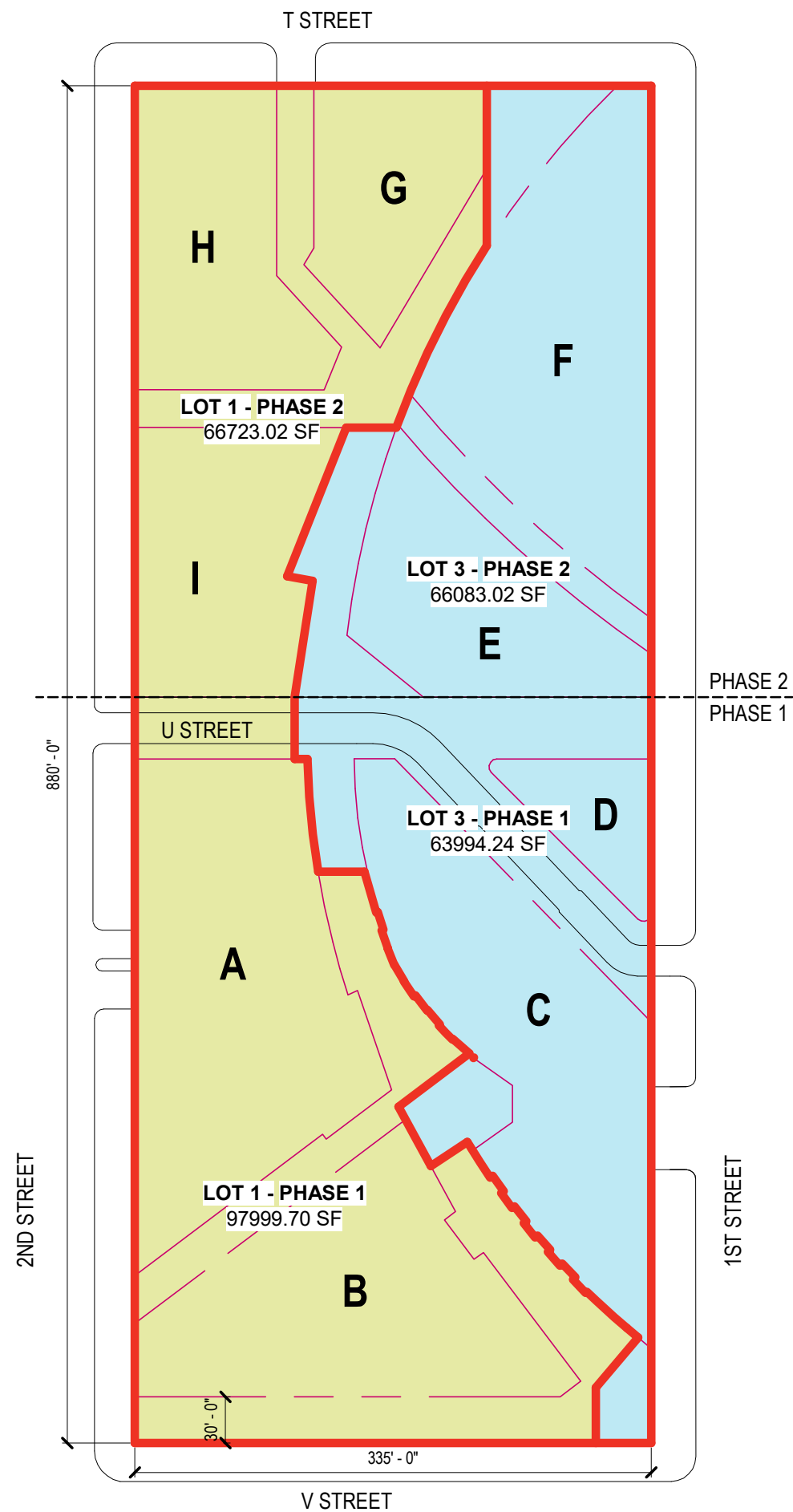
### **4. Parcel D Penthouse**

As a part of our virtual meeting of September 14, 2020, we reviewed sections and floor plans for two rooftop options for “Parcel D” (Exhibit D). Both options show penthouse heights measured from the top of the roof slab, which is at elevation 129’-6.” The roof slab is shown in purple in plan view and exceeds 50% of the penthouse perimeter in both options.

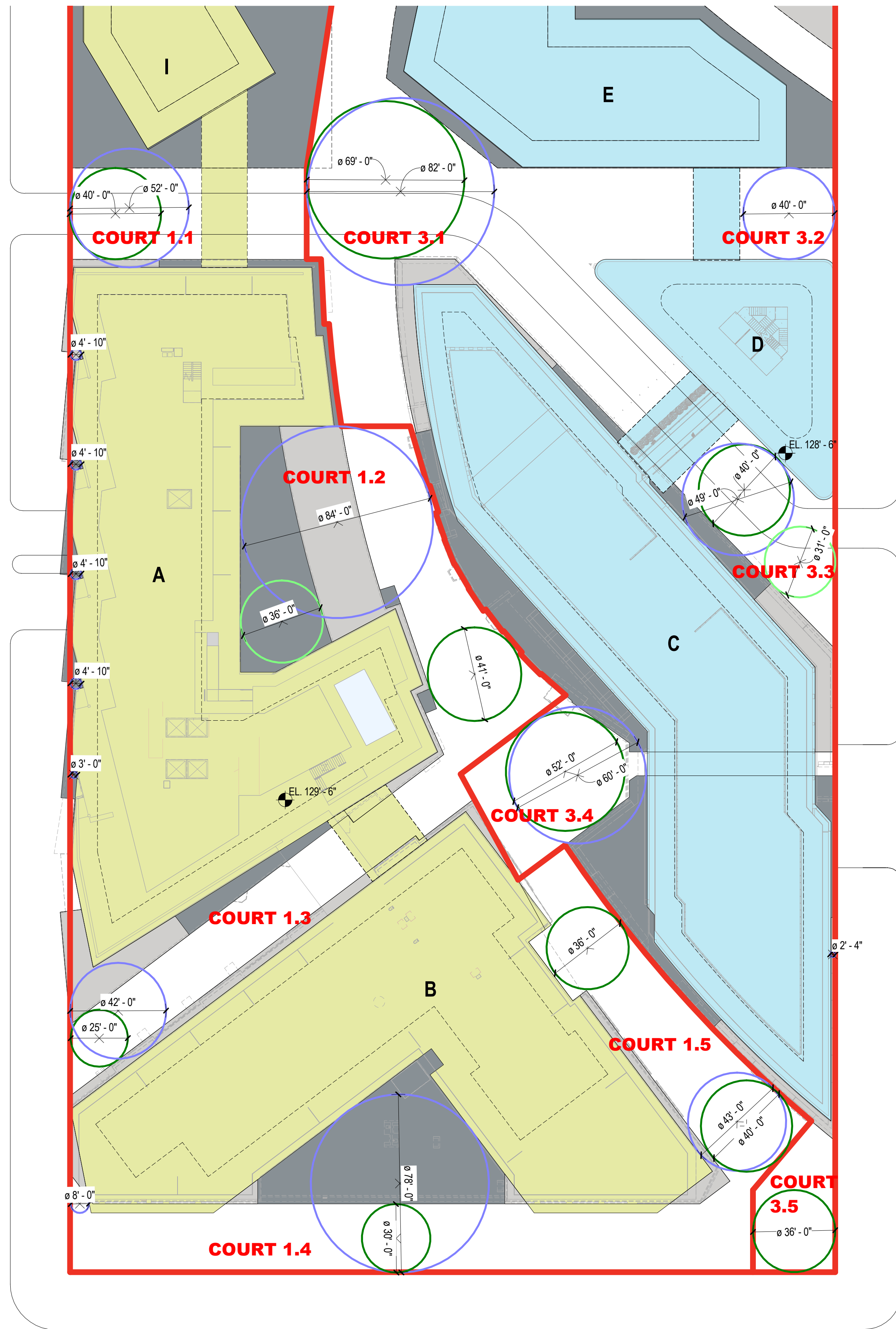
Both options measure the heights of the penthouses from the top of the roof slab at elevation 129’-6” to the highest point of each penthouse (including to the top of the penthouse parapet, where applicable). The 1:1 setback is taken from the intersection of the top of the roof slab at elevation 129’-6” and the exterior wall of the building, and therefore both options conform with the penthouse height and setback requirements of the Zoning Regulations.

**EXHIBIT A**

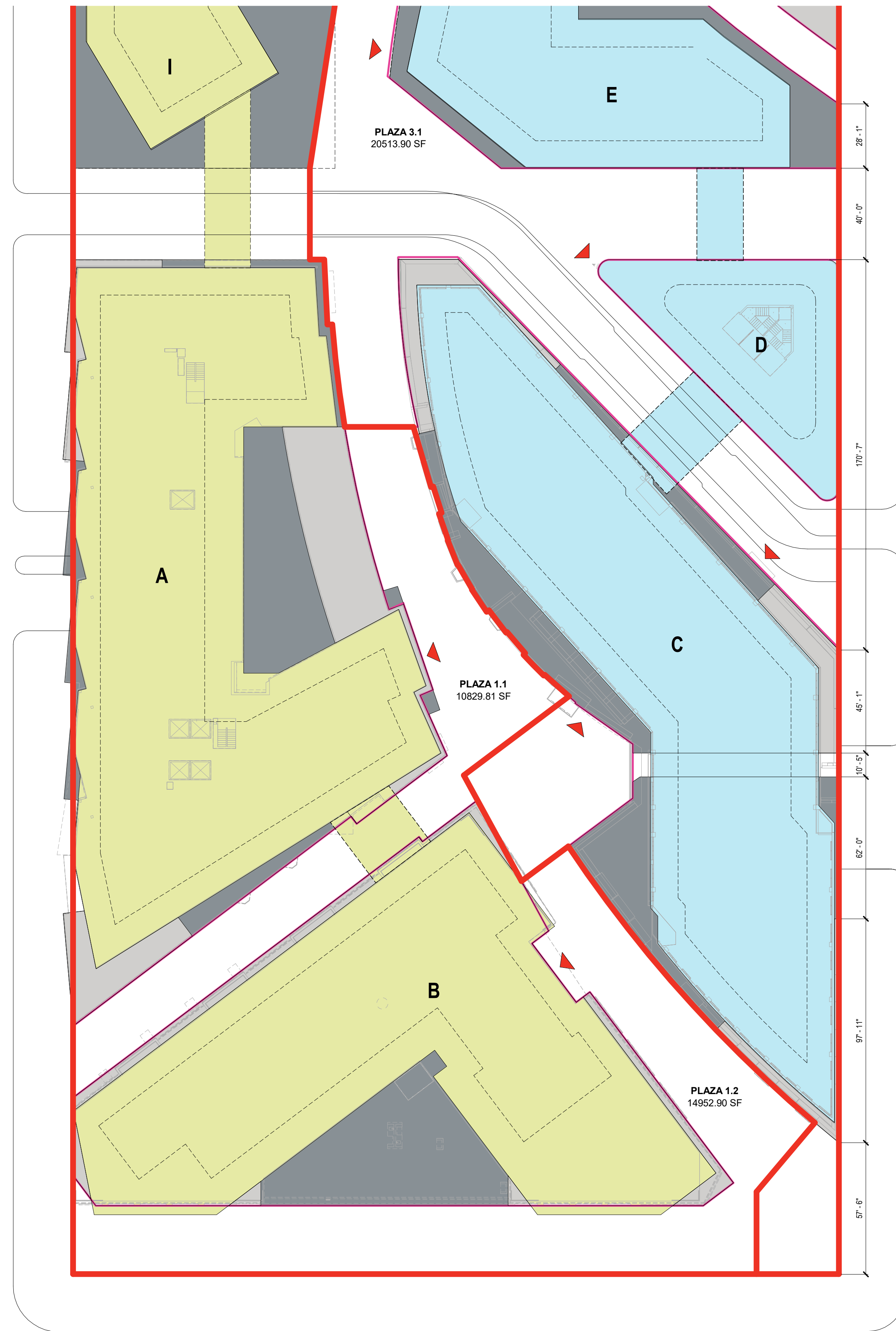




NOTE:  
 PARCELS A, B, G, H, & I ARE PART OF A SINGLE BUILDING ON LOT 1  
 PARCELS C, D, E, & F ARE PART OF A SINGLE BUILDING ON LOT 3

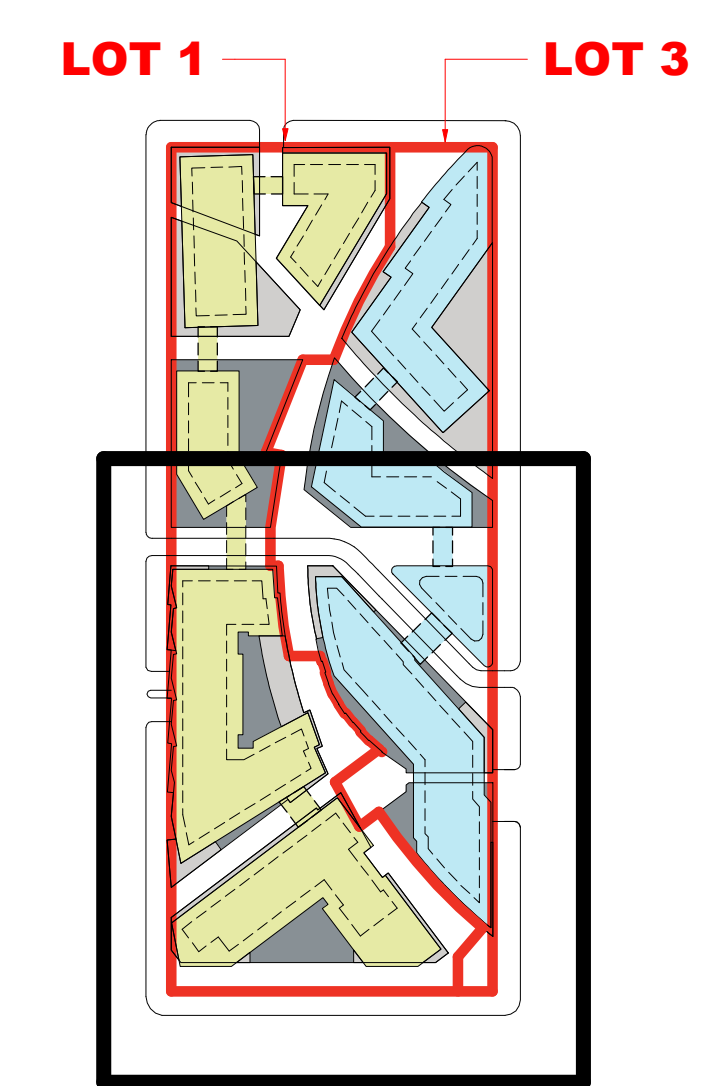
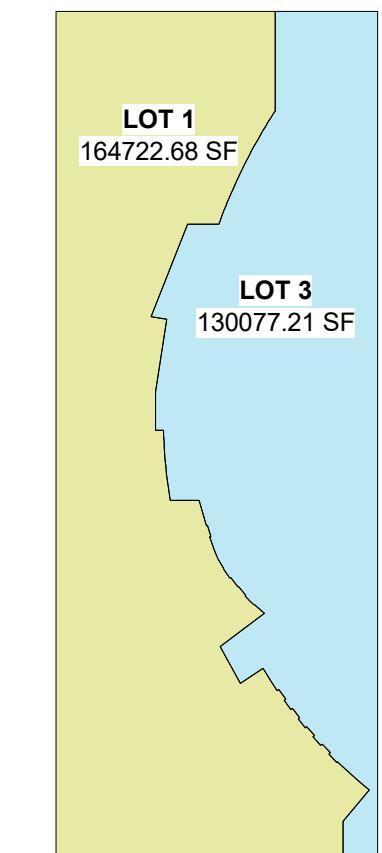


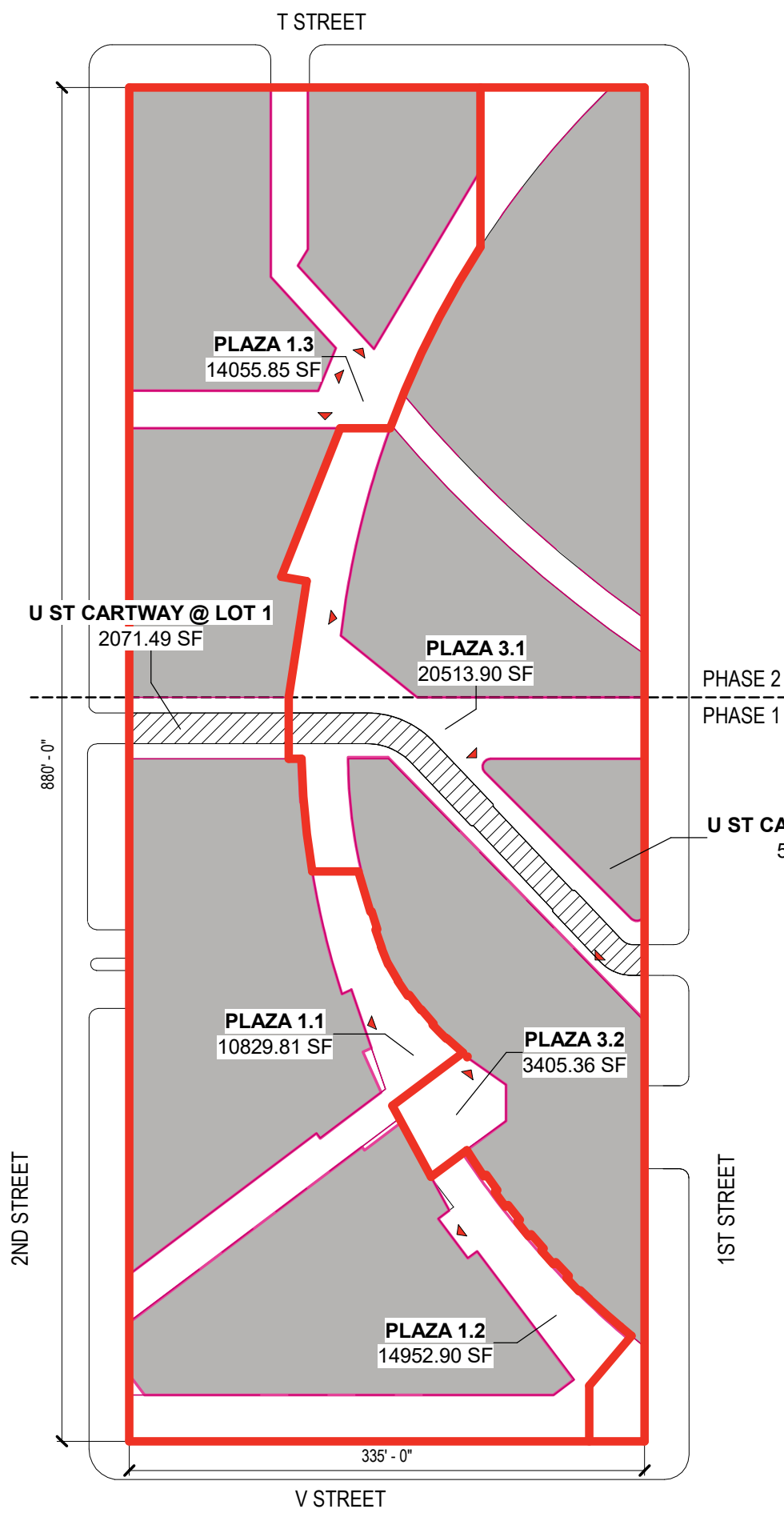
**1** SITE PLAN - PHASE 1 COURTS  
SCALE: 1/32" = 1'-0"



**2** SITE PLAN - PHASE 1 PLAZAS  
SCALE: 1/32" = 1'-0"

- LOT 1 TOWERS
- LOT 3 TOWERS
- PODIUM ABOVE 48'
- PODIUM BELOW 48'
- PRIMARY BUILDING ENTRY
- COURT/PLAZA BOUNDARY
- LOT LINES
- PODIUM SEPARATION
- TOWER SEPARATION





**8% PLAZA REQUIREMENT**

**LOT 1 REQUIRED = 13,178 SF**  
**LOT 1 PROVIDED = SHOWN PER PLAZA 1.1, 1.2, 1.3**

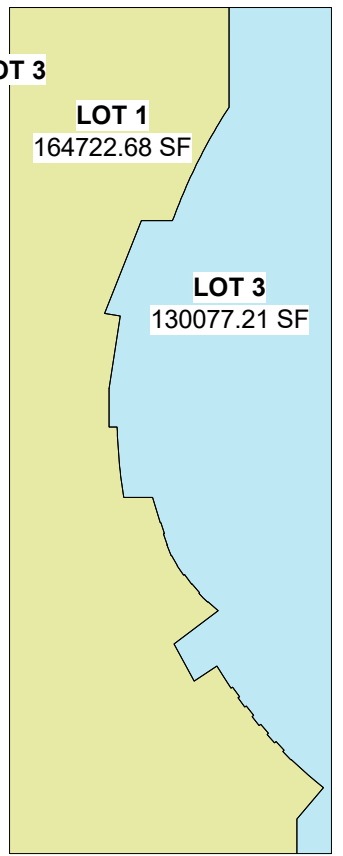
*PLAZA 1.1 - 10,829.81*  
*PLAZA 1.2 - 14,952.90*  
*\*PLAZA 1.3 - 14,055.85*  
**TOTAL = 39,838.56 SF**

**LOT 3 REQUIRED = 10,406 SF**  
**LOT 3 PROVIDED = SHOWN PER PLAZA 3.1, 3.2**

*\*PLAZA 3.1 - 20,513.90*  
*PLAZA 3.2 - 3,405.36*  
**TOTAL = 23,919.26 SF**

*\*Phase 2 areas and building entries shown are in progress to be further refined with forthcoming design phases*

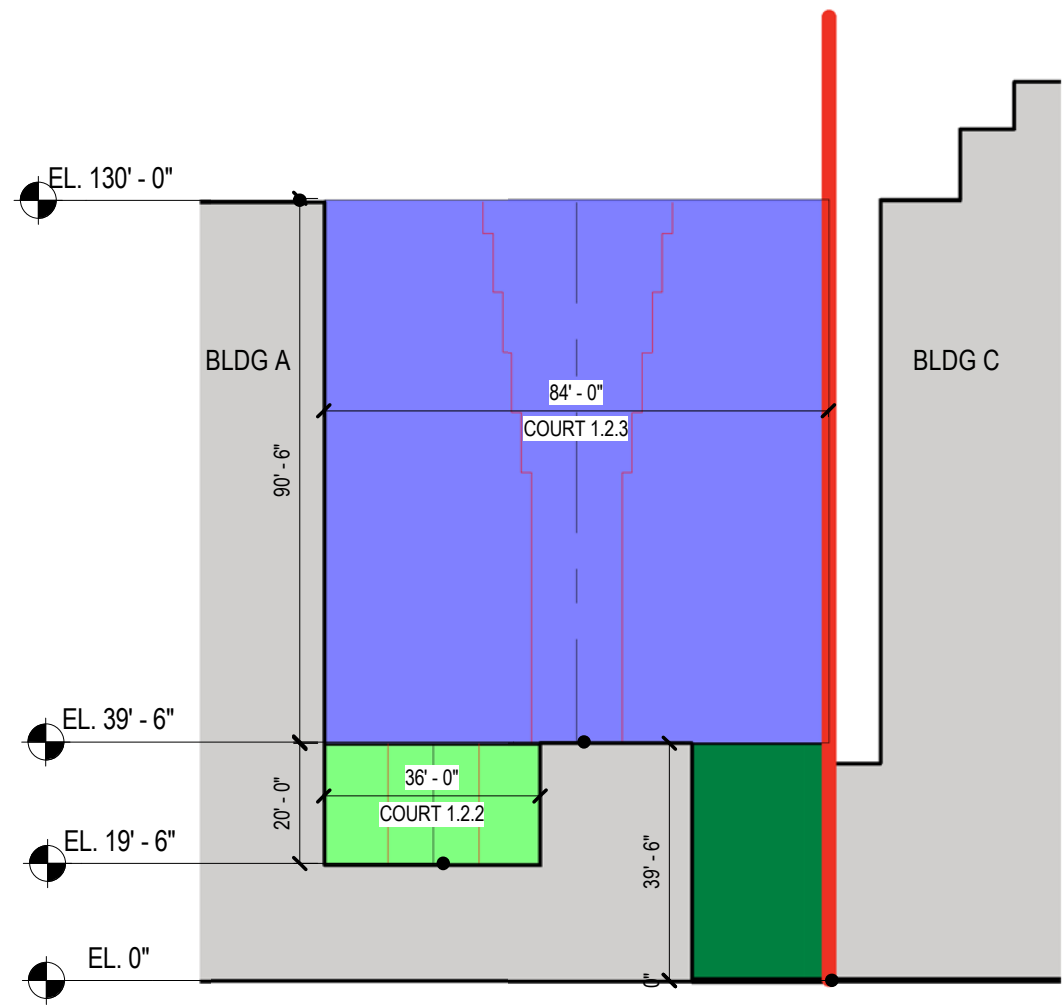
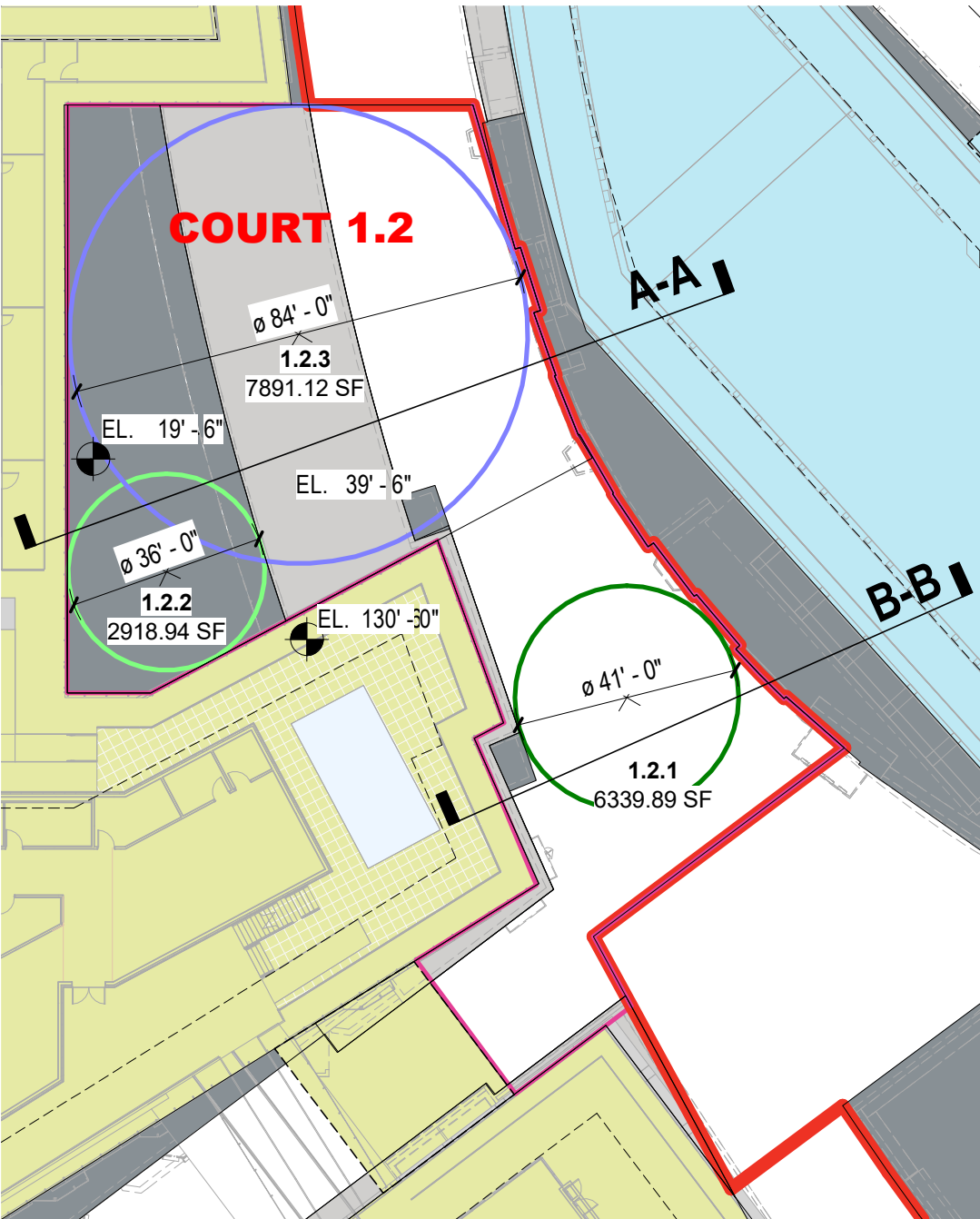
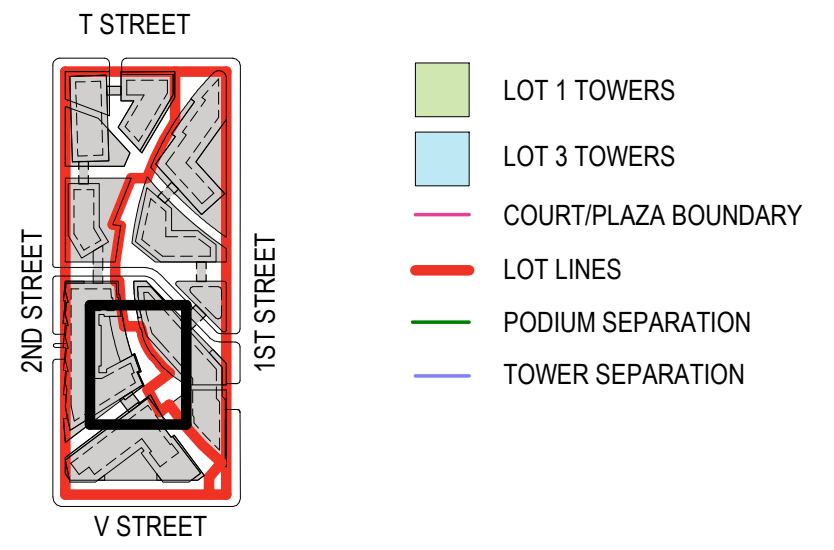
- PARCEL FOOTPRINT
- PRIMARY BUILDING ENTRY
- PLAZA BOUNDARY
- LOT LINES



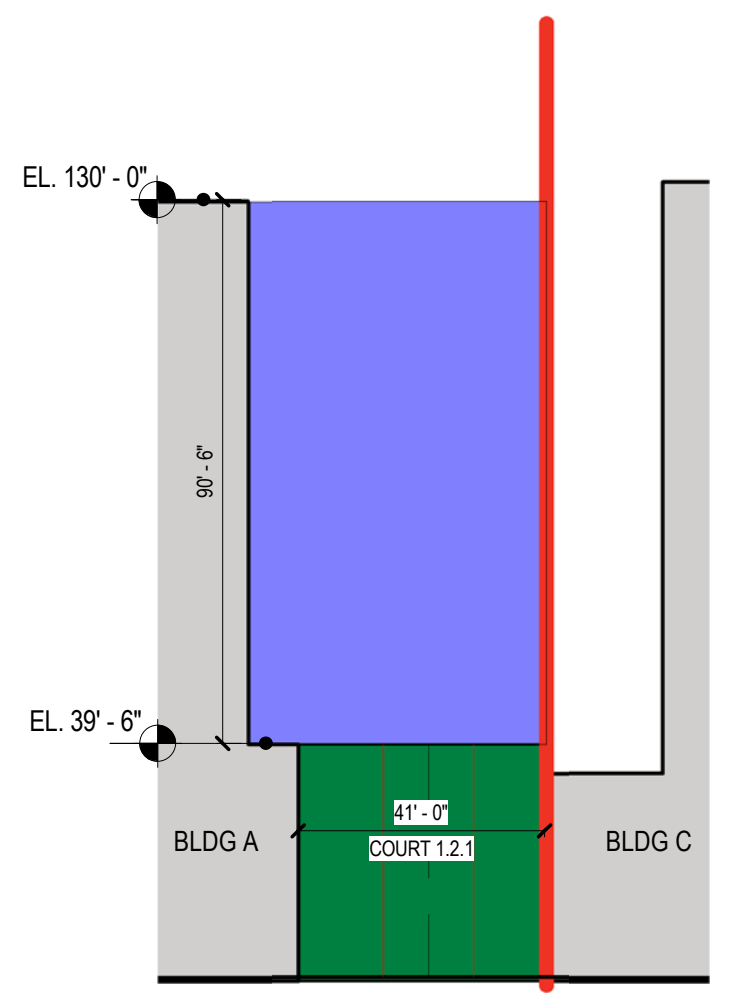


# COURT 1.2

COURT NO. AND TYPE	@ ELEVATION	COURT WIDTH REQ.	COURT WIDTH PROVIDED	COURT AREA REQ.	COURT AREA PROVIDED	COMPLY (Y/N)
<i>Residential Courts</i>						
		<i>4" per foot, 15' min</i>		<i>twice the square of reqd. width, 450 sft min</i>		
1.2.1 CLOSED	@ 39' - 6"	15'	41' - 0"	450 SF	6,339 SF	Y
1.2.2 CLOSED	@ 39' - 6"	15'	36' - 0"	450 SF	2,918 SF	Y
1.2.3 CLOSED	@ 130'-0"	30.2'	84' - 0"	1,824 SF	7,891 SF	Y



**SECTION A-A**

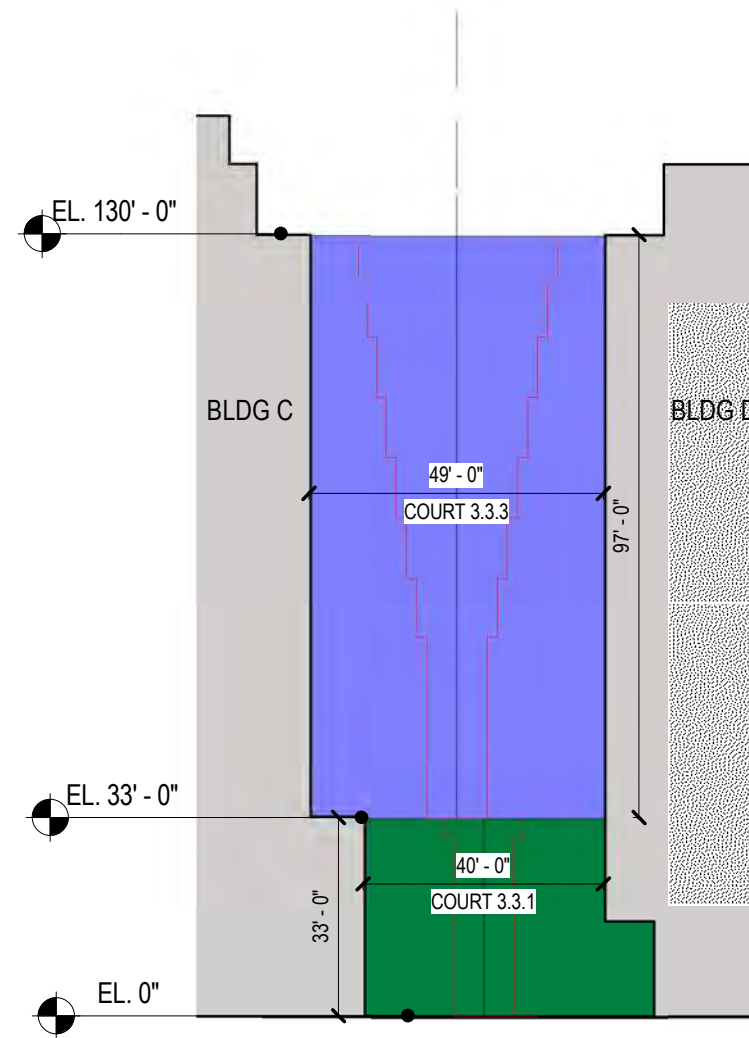
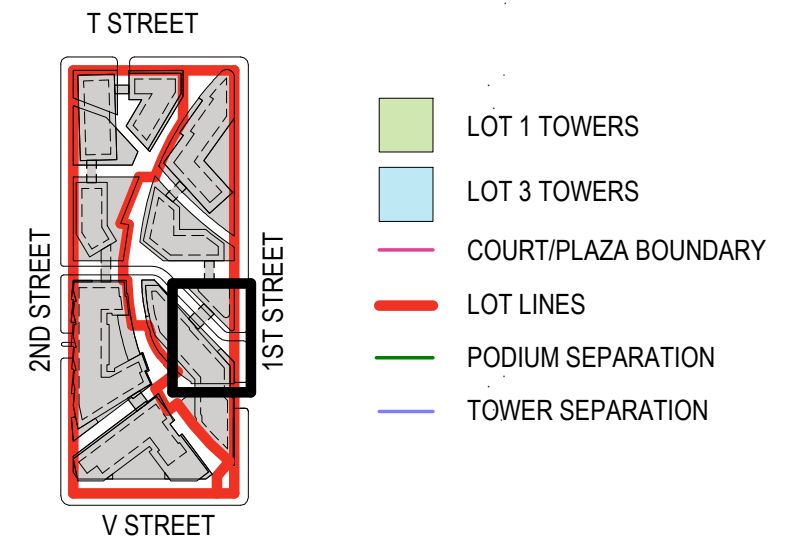
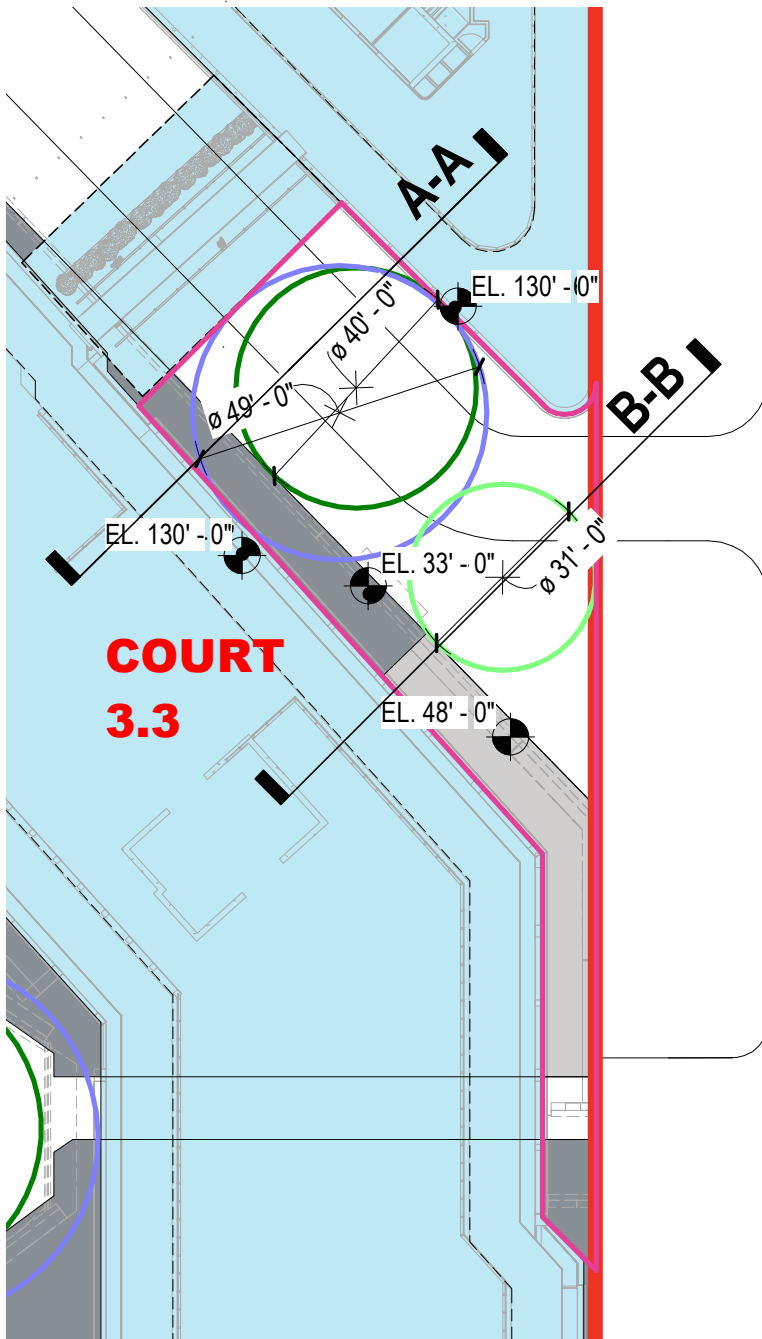


**SECTION B-B**

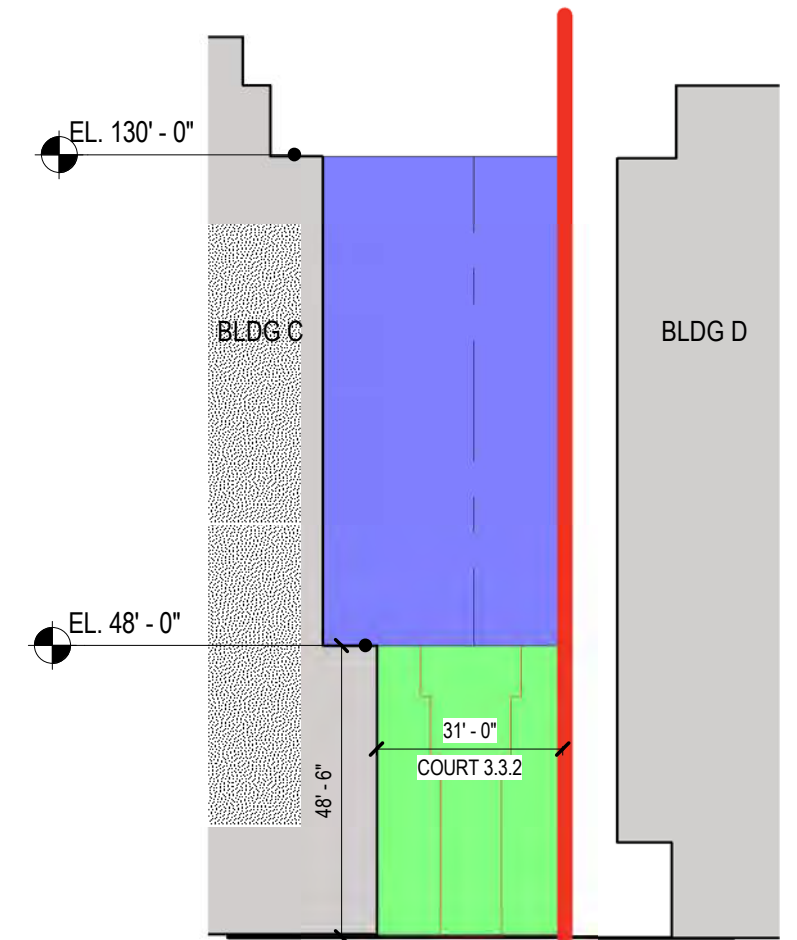
**1 ENLARGED PLAN - COURT 1.2**  
SCALE: 1/32" = 1'-0"

# COURT 3.3

COURT NO. AND TYPE	@ ELEVATION	COURT WIDTH REQ.	COURT WIDTH PROVIDED	COURT AREA REQ.	COURT AREA PROVIDED	COMPLY (Y/N)
3.3.1 OPEN	@ 33' - 0"	11'	40' - 0"	Not required		Y
3.3.2 OPEN	@ 48' - 0"	16'	31' - 0"			Y
3.3.3 OPEN	@ 130' - 0"	32.3'	49' - 0"			Y



SECTION A-A



SECTION B-B

## 1 ENLARGED PLAN - COURT 3.3

SCALE: 1/32" = 1'-0"

U :

**M/**