

205 E 34th Street

- Summary of the Request
- 1. Accept new and clarified evidence showing that the decision was based on outdated and incorrect drawings and on misapplied code interpretations.
- 2. Acknowledge procedural and substantive error in the addition of new motion language not publicly deliberated.
- 3. Reconsider and amend the October 13 2025 decision to remove the attic-space clause “is not limited to whether the floor is load bearing or not” and to clarify that non-habitable attic volume remains excluded as gross floor area until Council acts otherwise.

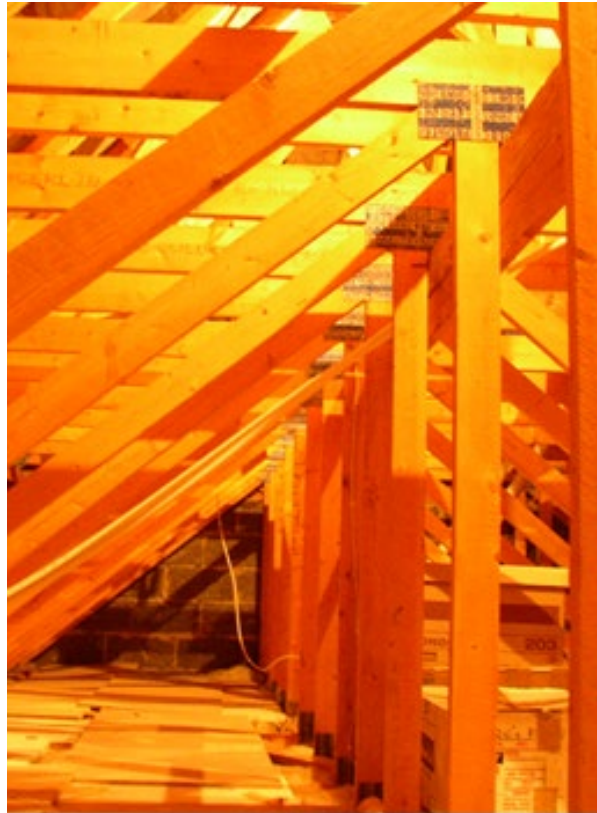
Gross Floor Area (25-1-21) Definition in the Land Development Code

GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls.

HOME Ordinance:

(E) This subsection applies to the area established in Subsection 1.2.1 of Chapter 252, Subchapter F (*Residential Design and Compatibility Standards*).

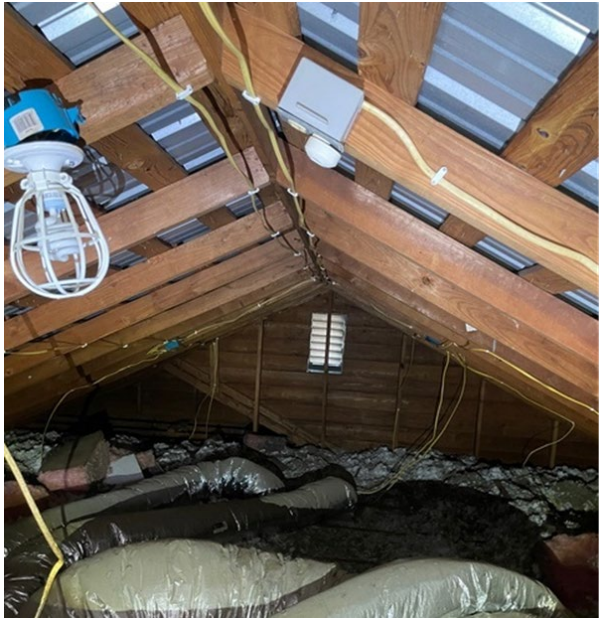
- (1) In this subsection,
 - (a) EXISTING DWELLING UNIT means a dwelling unit that is:
 - (i) legally permitted and occupied before December 7, 2023; or
 - (ii) described in an application for a residential permit that was submitted on or before December 7, 2023.
 - (b) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls, except as provided in this subsection.
- (2) Gross Floor Area Exclusions.
 - (a) For a property that includes an existing dwelling unit that was constructed on or before December 31, 1960, the property owner may exclude the preserved square footage from the gross floor area if the requirements in Subsection (F) are met.
 - (b) For a property that includes an existing dwelling unit that was constructed on or after January 1, 1961, and is at least 20 years old, the property owner may exclude the preserved square footage from the gross floor area if the requirements in Subsection (F) are met.



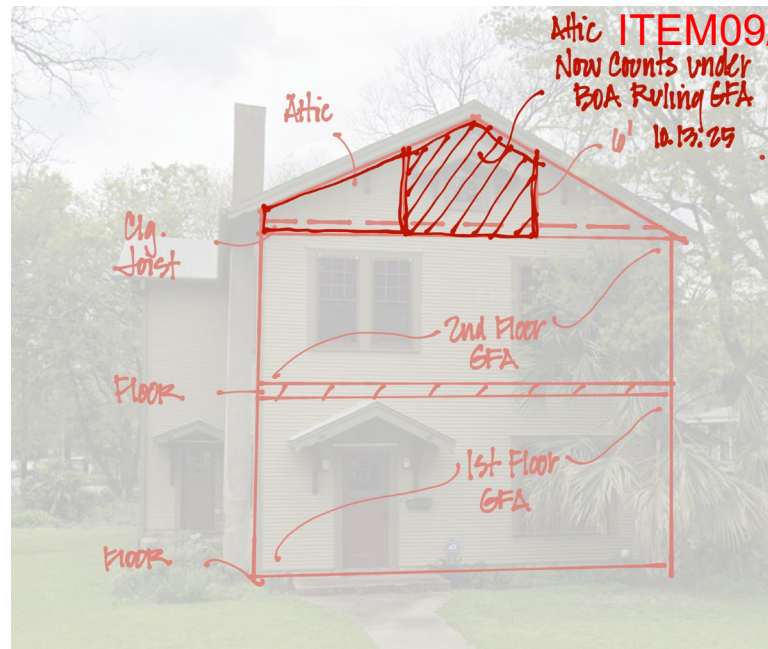
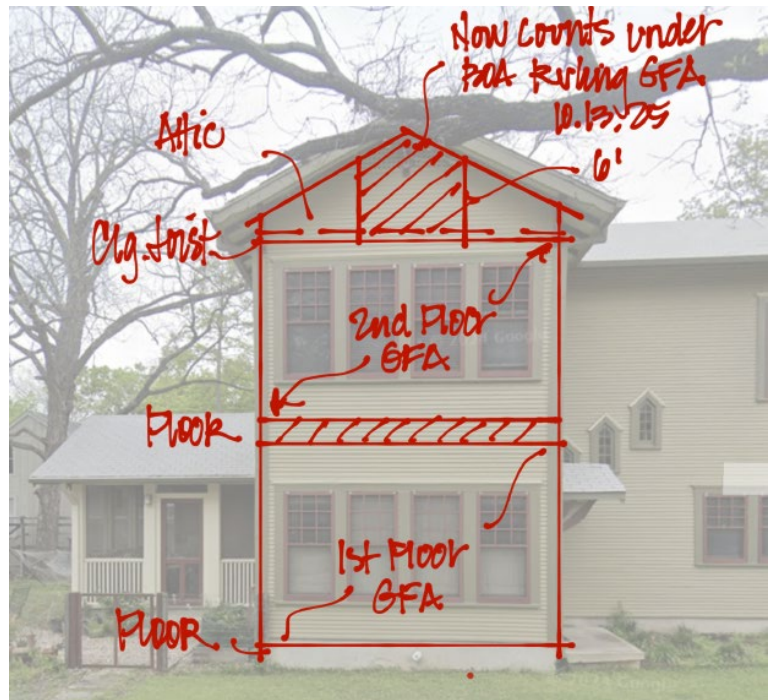
ITEM09/3-PRESENTATION PERMIT HOLDER



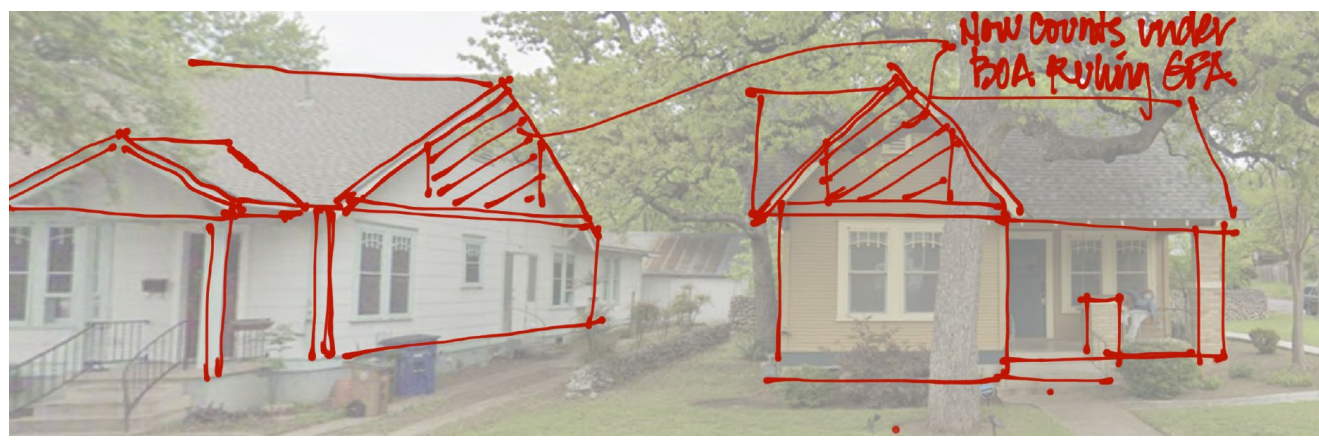
Attic Area with load bearing framing-
both trussed and conventional framing

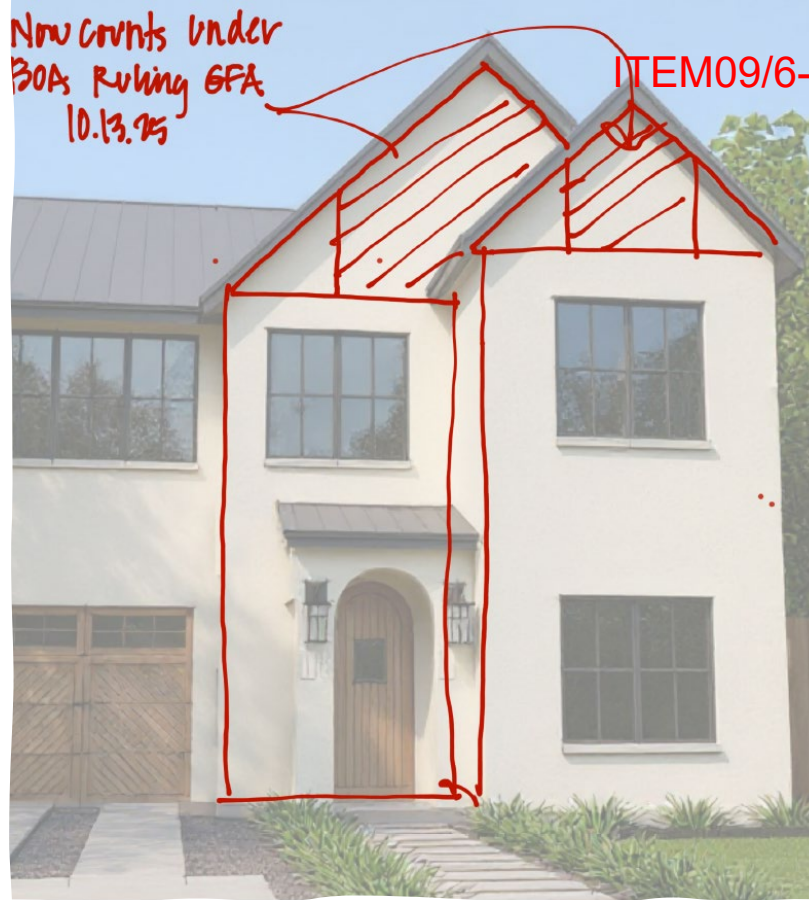


Attic area with Mechanical Systems



Examples of Historic structures in the Neighborhood





- These new structures become non-complying based on the BOA Ruling for GFA 10.13.25 with an attic. If the ceilings are vaulted then the GFA doesn't count but yet the forms are the same. This adds complexity to calculations.