

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



January 3, 2012

Mr. Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP
2099 Pennsylvania Avenue, NW - Suite 100
Washington, DC 20006

Re: 750 1st Street, N.E. -Addition within an Existing Architectural Embellishment

Dear Mr. Sher:

This is to confirm the substance of our discussion on November 9, 2011, concerning the above referenced property. The property is known as lot 146 in Square 677 and is located in the block bounded by North Capitol, 1st and H Streets and G Place, N.E. The property is zoned C-3-C and is in the North Capitol Receiving Zone for the use of transferable development rights (TDRs). The property is improved with an office building constructed in 1991.

We had previously discussed whether the owner, APA 750 LLC, could construct an addition within the architectural embellishment. By letter, dated, May 14, 2010, you confirmed that, through the use of TDRs, the building could be built to a maximum height of 110 feet measured from the point established when the building was built.

The architects are now devising the precise composition and structural support for the roof to be installed in the embellishment. You presented a drawing, a copy of which is attached, showing that the top of the internal roof over the new partial twelfth floor, including the internal roof framing, the internal roof membrane and the steel grid for suspension of systems and finishes, would not exceed a height of 110 feet. The area above the 110 foot level will be unoccupied space, save for hangar rods imbedded in the roof of the embellishment, which would enable the internal roof to derive partial support from the embellishment roof.

Since the receiving zone provisions allow the 110 foot height and extra density through the use of TDRs, I previously concluded that you may construct a new twelfth floor within the existing tower as long as you obtain and transfer to the site sufficient TDRs to account for all of the gross floor area which would be added above the existing ninety foot level. You must present proper documentation through a TDR covenant and/or a certificate of transfer at the time that you apply for a building permit. I hereby confirm that the roof described above and as

shown on the attached plan, complies with the height limitations of the C-3-C zone as modified by the TDR Receiving Zone provisions.

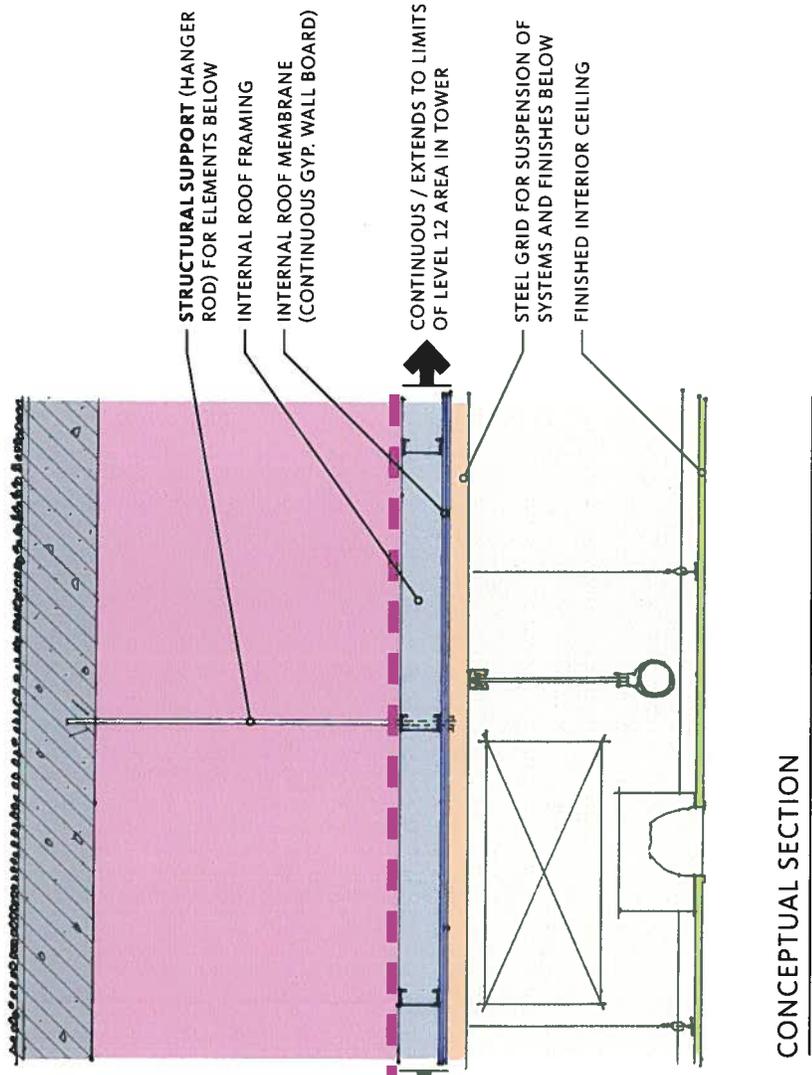
Upon presentation of proper plans and computations as part of a building permit application consistent with the facts stated herein and demonstrating that the correct number of TDRs have been vested in the property, I will approve the permit for zoning purposes. My approval does not obviate the need for you to obtain all of the other approvals required for a building permit.

Please let me know if you have any further questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

Attachment: Conceptual Internal Roof Construction Section, prepared by Gensler,
dated October 10, 2011

CONCEPTUAL INTERNAL ROOF CONSTRUCTION WITHIN EXISTING TOWER (ARCH. EMBELLISHMENT)



CONCEPTUAL SECTION

EMBELLISHMENT ROOF
STRUCTURAL + WEATHER BARRIER,
ELEVATION VARIES

UNOCCUPIED VOID SPACE
NO SYSTEMS RELATED TO OCCUPIED SPACE
BELOW; CLEAR HEIGHT VARIES TO APPROX.
MAX. OF 7'-8"

INTERNAL ROOF
DERIVES PARTIAL SUPPORT FROM
EMBELLISHMENT ROOF

CEILING PLENUM
SYSTEMS FOR OCCUPIED SPACE
BELOW

**ARCHITECTURAL
EMBELLISHMENT**

110' (HEIGHT LIMIT)



NEW LEVEL 12



PHOTO OF EXISTING TOWER EMBELLISHMENT WITH 110' HEIGHT LIMIT PLANE ILLUSTRATED