

RECEIVED

D.C. OFFICE OF ZONING

2008 APR 14 AM 11:29



401 9th Street, NW
North Lobby, Suite 500
Washington, DC 20004
Tel 202 482-7200
Fax 202 482-7272
www.ncpc.gov

Commission Members

Presidential Appointees

John V. Cogbill, III, Chairman
Herbert F. Ames
Jose L. Galvez, III

Mayoral Appointees
Arrington Dixon
Stacie S. Turner

Ex Officio Members
Secretary of Defense
The Honorable Robert M. Gates

Secretary of the Interior
The Honorable Dirk Kempthorne

Administrator
General Services Administration
The Honorable Lurita Alexis Doan

Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
The Honorable Joseph I. Lieberman

Chairman
Committee on Oversight
and Government Reform
U.S. House of Representatives
The Honorable Henry A. Waxman

Mayor
District of Columbia
The Honorable Adrian M. Fenty

Chairman
Council of the District of Columbia
The Honorable Vincent C. Gray

Acting Executive Director
Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 08-01

APR 08 2008

**Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001**

Members of the Commission:

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I found that the proposed project for Parcel D in Square 826 at the corner of M and 4th Streets, SE in the Southeast Federal Center would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it have an adverse impact on any other federal interests only if all rooftop penthouses are set back from all exterior walls a distance equal to their heights above the adjacent roofs.

Alternative designs requiring setback relief for roof structures, with rooftop structures that are not set back from all exterior walls, would violate the Height of Buildings Act, which allows mechanical penthouses above the limit of height only if they are set back from all exterior walls a distance equal to their heights above the adjacent roofs.

A copy of the Delegated Action of the Acting Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Acting Executive Director

Enclosure

cc: **Harriet Tregoning, Director**
D.C. Office of Planning

Anthony Hood
Chairman, Zoning Commission

Matthew LeGrant
Zoning Administrator

ZONING COMMISSION
District of Columbia

CASE NO.

ZONING COMMISSION
District of Columbia

EXHIBIT NO.

CASE NO.08-01
EXHIBIT NO.29

**SOUTHEAST FEDERAL CENTER OVERLAY REVIEW
PARCEL D, SQUARE 826**

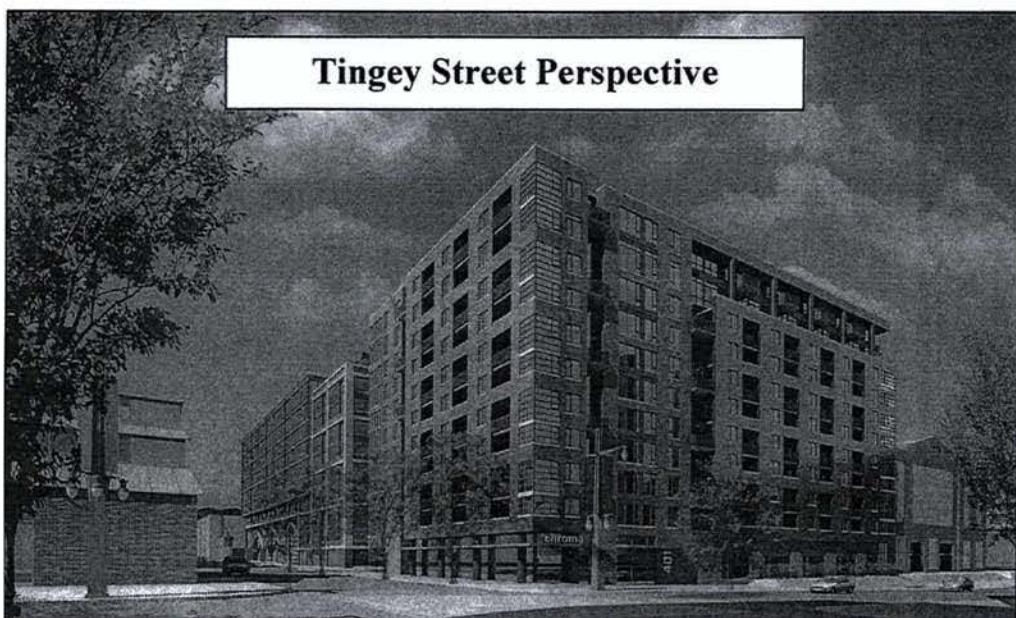
M Street and 4th Street, SE
Washington, D.C.

Delegated Action of the Executive Director
MAR 27 2008

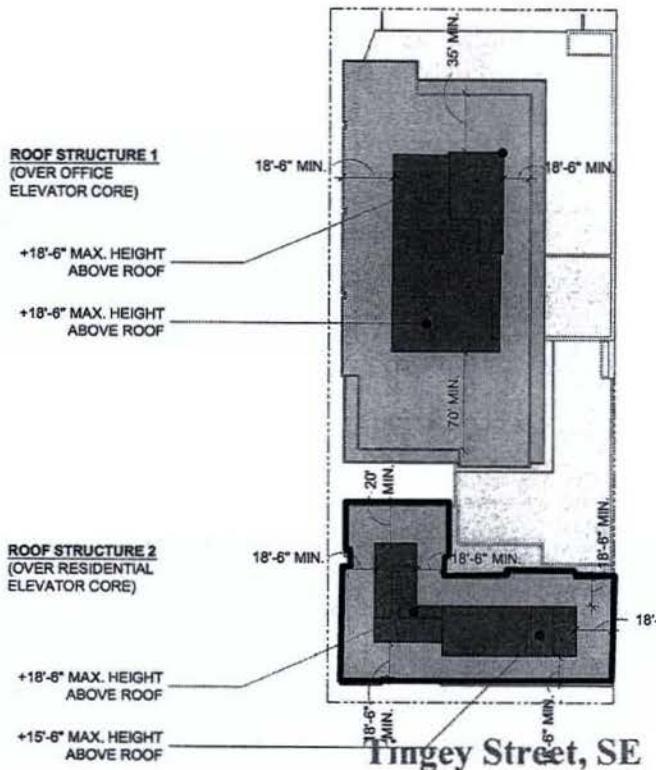
Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I find that the proposed project for Parcel D in Square 826 at the corner of M and 4th Streets, SE in the Southeast Federal Center would not be inconsistent with the Comprehensive Plan for the National Capital nor adversely affect any other federal interests only if all rooftop penthouses are set back from all exterior walls a distance equal to their heights above the adjacent roofs.

* * *

The Zoning Commission of the District of Columbia has referred a project on Parcel D in the Yards Development within the Southeast Federal Center (SEFC) Overlay District for review and comment by NCPC. The proposed project consists of 605,000 square feet of development and includes a 10-story office component and an 11-story residential component rising above a 2-story retail base. There are also two below-grade levels of parking planned.



M Street,



Roof Plan

^{MIN}North

At the July 12, 2007 Commission meeting, NCPC approved the 35% design submission for Parcel D. The submission included the Tingey Street perspective and the roof plan shown above.

Identified federal interests in the area include the Height of Buildings Act, historic buildings to the east and west, and the U.S. Department of Transportation building across 4th Street, SE.

If constructed according to the plans shown herein, the proposal would not be inconsistent with the Comprehensive Plan for the National Capital nor have an adverse affect on any identified federal interests. The proposal would comply with the Height of Buildings Act of 1910 because rooftop mechanical penthouses are set back from all of the exterior walls of the buildings a distance equal to their heights above the adjacent roofs.

Alternative designs requiring setback relief for roof structures, with rooftop structures that are not set back from all exterior walls, would violate the Height of Buildings Act, which allows mechanical penthouses above the limit of height only if they are set back from all exterior walls a distance equal to their heights above the adjacent roofs.

Markus

Marcel C. Acosta
Acting Executive Director