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D.C. OFFICE OF ZONING  
2008 APR 14 AM 11: 29



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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  
2<sup>nd</sup> Floor, Suite 210 South  
441 4<sup>th</sup> 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 4<sup>th</sup> 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. 08-01  
EXHIBIT NO. 29 (LURIG)  
ZONING COMMISSION  
District of Columbia  
CASE NO. 08-01  
EXHIBIT NO. 29

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

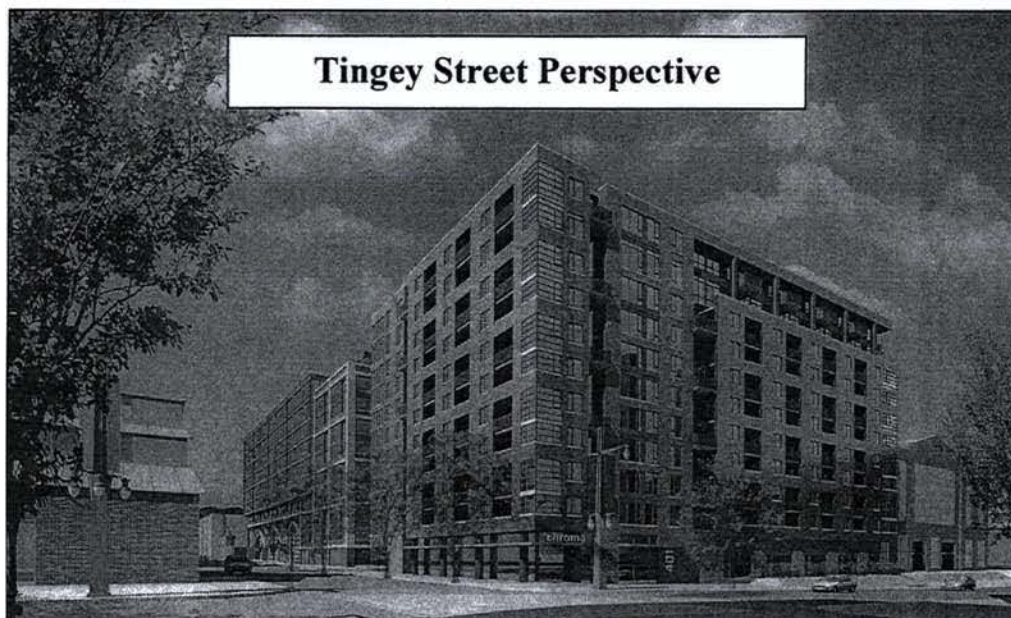
M Street and 4th Street, SE  
Washington, D.C.

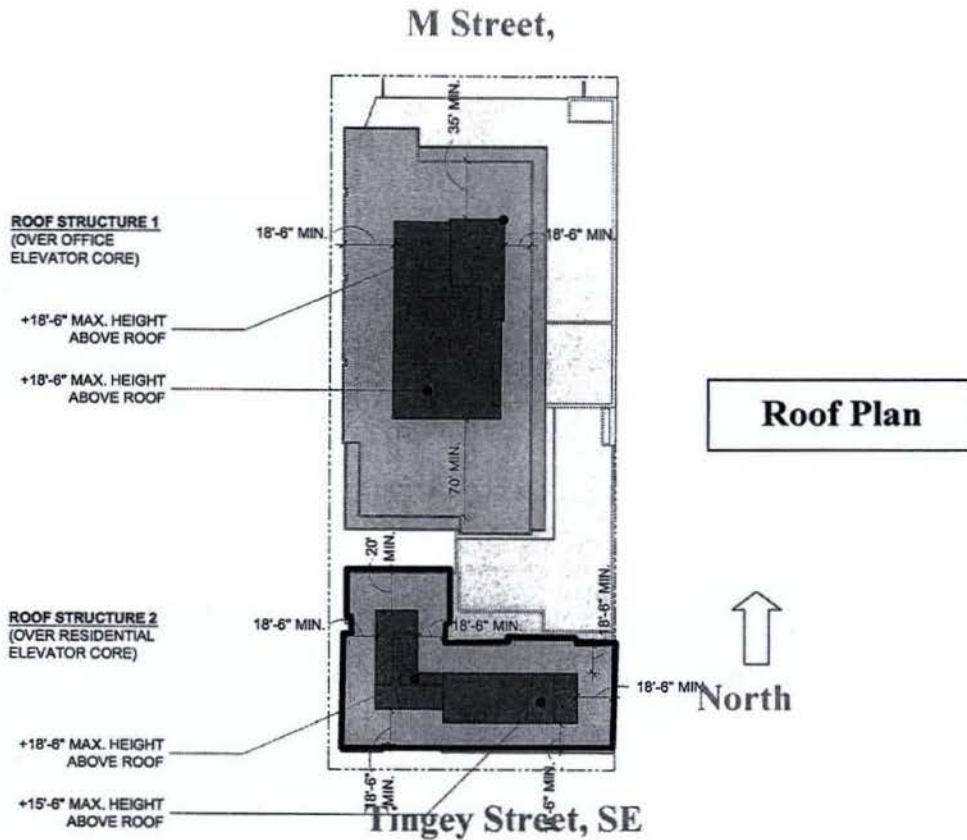
**Delegated Action of the Executive Director**  
**MAR 27 2008**

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.



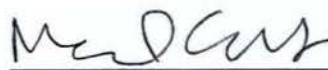


At the July 12, 2007 Commission meeting, NCPC approved the 35% design submission for Parcel D. The submission included the Tingey Street perspective and the roof plan shown above.

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.

  
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Marcel C. Acosta  
Acting Executive Director