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March 12, 2007

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Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, NW
Washington, DC 20036

**Re: Zoning Commission Case No. 05-38; Post-Hearing Submission of
Marina View Trustee, LLC for a Planned Unit Development and
Amendment to Zoning Map (Square 499, Lots 50, 853)**

Dear Chairperson Hood and Members of the Commission:

Enclosed please find an original and twenty copies of the Applicant's post-hearing submission. A public hearing for the above-referenced case was held on February 28, 2007. At that time, the Zoning Commission requested additional information, which we provide herein. We believe this submission fully addresses each request made by the Commission for further clarification or detail.

Commitment to LEED Score

The Applicant submitted in its supplemental filing dated January 26, 2007, a pre-certification estimate of the number of LEED points the project may achieve toward LEED certification. Though the Applicant is not pursuing LEED certification, it will commit to achieving a minimum of 20 points as defined on the LEED scorecard.

Condominium Discount Purchase Program and Alternative Amenities

There is no legal requirement that the Applicant offer existing tenants of the Marina View Towers condominium units at a discounted rate. Nevertheless, in response to requests from tenants and the Marina View Towers Tenants' Association, the Applicant decided to make a homeownership opportunity available to tenants at a discount off the market rate. The Applicant will allow residents to lock-in a price at today's condominium market rates that is further discounted by \$100 per square foot despite the fact the value will likely rise by the time the building is constructed.

ZONING COMMISSION
District of Columbia

CASE NO.

05-38

EXHIBIT NO.

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ZONING COMMISSION
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EXHIBIT NO. 69

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The Applicant believes approximately one-third of its residents will participate in this program given the feedback it has received. The Applicant values this program at \$3,240,000. This is based on an average unit size of 648 square feet and fifty residents participating in the program (648 x \$100 x 50). Participants in this program will not be permitted to sell their units for a period of two years from the date a certificate of occupancy is issued for the residential unit. This restriction will be memorialized in a covenant recorded with the deed.

The Applicant can appreciate the Commission's concern that in the event the enthusiasm for this program is not as great as the Applicant believes it will be, that an opportunity for providing affordable housing at this site will be lost. Accordingly, the Applicant will proffer as a condition of the approval of this planned unit development ("PUD"), that if less than 80 residents take part in either the condominium purchase program or the rental program by December 31, 2007, it will increase the amount of work-force affordable housing it will provide to 16,000 square feet. The workforce affordable housing will be reserved for those households making up to 80% of the area median income. These units will be restricted through a deed restriction, covenant, and/or other legal means in their resale for a period of twenty years.

Rental Program

D.C. law permits property owners to increase rents periodically to cover the cost of capital improvements made on the property. Building-wide improvements could justify the property owner to increase rents by 20% per improvement. For instance, if multiple improvements were made throughout the entire building such as replacing the windows and the boiler, each improvement could trigger a 20% increase of the existing rent.

The renovation of the Pei towers could easily trigger a 100% increase in the current rent of the units; however, the Applicant will not take advantage of this option. Rather, the Applicant is committed to maintaining the current rent levels for its existing tenants. The Applicant will only raise the rent based on the Consumer Price Index for Urban Wage Earners and Clerical Workers, which is typically 1-3%, as permitted under D.C. law.

The Applicant values this program at \$384,000 annually. This amount is based on an average unit size of 640 square feet, a discount of \$1.00 per square foot and 50 tenants participating in this program -- $640 \times \$1.00 \times 12 \text{ (months per year)} \times 50 = \$384,000$.

Parking

The Applicant believes that the amount of parking it is providing is appropriate. Each of the existing surface parking lots includes approximately 82 parking spaces. During the construction of the new north building these parking spaces will not be available. The parking garage under the south building will include a fourth level that will be able to accommodate the loss of the 81 parking spaces while the north parking lot is off-line as a result of construction activity.

In addition, the Applicant has had numerous discussions with the Arena Stage regarding the possibility of providing parking spaces to Arena Stage guests. The parking garage has been designed so that spaces could be allocated to Arena Stage, or another commercial user in the neighborhood, that would not impact the safety of residents of the Marina View Towers.

It is certainly a paradox, but an understandable one that in order to get commuters to move into denser, urban areas the provision of parking is essential. Even when no longer driving to work, many people desire to own a car for those occasions when public transit, bikes or walking don't work. The Applicant believes that the parking spaces provided on this site will be utilized by cars that are driven primarily on the weekend, and not everyday. Moreover, the underparking of existing buildings in the area compels the newer buildings to provide an appropriate amount of parking to satisfy the limited street parking available to current residents of the neighborhood. Ultimately, the Applicant believes that its transportation demand management efforts will encourage the use of public transportation.

Phasing

The Applicant agrees to the following phasing plan:

- 1) Phase I: Renovations of the existing North Pei Tower (expected to start Fall 2007 and last approximately one year).
- 2) Phase II: Southern portion of the site. Upon completion of the renovation of the North Pei Tower, the Applicant will complete all other work on the site south of the property, including rehabilitation of the South Pei Tower, the construction of the below grade parking structure, the new residential building on the southern portion of the site, the vest pocket park, the concession pavilions and the amenities building. This also includes the private drive adjacent to this area, the

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landscaping for the Great Lawn, the proposed tree relocation, and curb and sidewalk improvements along 6th Street, S.W. and M Street, S.W. Phase II is expected to be completed within 2 years of completion of Phase I.

- 3) Phase III: Existing northern parking lot. Upon completion of Phase II, the Applicant will begin work on the existing North parking lot, including the construction of the below grade parking structure and the fourth residential building and the private drive adjacent to this area.

The Applicant will coordinate each phase with the construction of the Waterside Mall PUD. Accordingly, the Applicant requests flexibility allowing for the PUD to be valid for a period of two years from the effective date of Zoning Commission Order No. 05-38. Within such time, an application must be filed for a building permit for the construction or renovation of one of the residential buildings as specified in 11 DCMR Sections 2404.8 and 2409.1; the filing of the building permit application will vest the Zoning Commission Order. An application for the final building permit completing the development of the approved PUD project must be filed within seven (7) years of the issuance of the final certificate of occupancy for the first building.

Lighting Detail

The Applicant's approach to the public space lighting will be based on standards as set forth by the Illuminating Society of North America for site and exterior lighting of public spaces. Additionally, aesthetics of the architecture will drive design decisions about actual fixture selection, as well as energy efficiency, and Dark Sky criteria. Site lighting will be controlled through an automated system programmed for particular usage.

Public Sidewalks:

Sidewalk lighting to follow the DC Streetscape Guidelines.

Publicly Accessible pedestrian and bicycle pathways crossing east-west through the property:

These pathways flanking the "Great Lawn" will be lit in a manner to provide a safe, clear and inviting pathway through the property. The lighting fixtures will be positioned to provide an even, low level distribution of light. The type of fixtures will shield the view of the source of light to the occupants of the residential units above.

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Shared Private Drive:

The design intent is to have this shared private drive feel more like a campus drive and less like a service alley. In the heavily pedestrian zones, with the connection to the Metro access, the lighting will be a continuation of the lighting approach for the pedestrian and bike pathways. The more heavily vehicular areas at the north and south ends of the private drive will be lighted with overhead shielded lighting. There are residential units on both adjacent properties that face this drive. The shared drive wants to be well lit on the ground but not overly lit. The glass wall of the linear corridor on the upper floor of the recreational building will act somewhat like a lantern contributing a warm glow to the service drive and acting as “eyes on the alley” to provide a greater sense of security for the private drive.

Great Lawn:

The main circular pathway will have a low even level of lighting provided by shielded fixtures. The entry gates at either side will be illuminated by the pathway lighting. The lighting in the four corner path gardens will be more subdued with interspersed landscaping accent lighting. The adjacent recreational building will provide a glow of lighting towards the great lawn.

6th Street Garden:

Streetlights will be the primary lighting source. This garden is intended primarily for daytime and early evening use. After early evening the lighting level will be reduced. Low level plant lighting will be incorporated in the low planting at the street edge and the planting beds behind the sinuous seat bench on the east side. Downlighting will be integrated into the overhead trellis over the continuous seat bench. There will be some focal lighting on the public side of the refreshment kiosk.

Vest-Pocket Parks:

The feature wall fountain will be lit from a light source in the side walls to avoid light glare to the units above. The trees will be softly up-lit with shielded lighting under the canopy or moon lighting will be installed to provide down lighting from the trees. The arcade lighting and the new lobby lighting will provide additional borrowed lighting for this area.

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Parking Entry Ramp:

Low level lighting will be provided in the terraced landscaped areas flanking the entry ramp. There will be two feature light fixtures denoting the location of the parking entry ramp. These may incorporate building signage as well. Some low level side lighting will be incorporated at the bike ramp entry wall. The auto court will be uniformly well lit. Downlighting will be incorporated in the skylight area.

Existing Pei Tower Arcades:

Recessed downlighting to provide lighting consistent with the existing look of the arcade.

Existing Pei Tower Lobbies:

Recessed downlighting to provide lighting consistent with the approach to the lobby. Additional feature lighting may be incorporated.

Existing Pei Tower Roof Lighting:

Low level pathway lighting will be provided in areas where the resident's will use the roofs as recreational space. The lighting will be designed such that the lighting source is not visible from the adjacent roofs.

New South Tower:

The retail and residential entries will be well lit with some focused lighting provided by downlighting from the canopy and soffits above. The objective is to provide the minimum lighting level to achieve a safe and animated street level for the building. The lighting will be more apparent at the residential and retail elevator lobby area. The residential lobby access corridor will clearly illuminate the pathway through the building to the vest pocket park beyond.

New North Tower:

Since this tower has residential units on the ground floor, only the residential entry will be lit with some focused downlighting from the canopy and soffits above. The objective for the lighting is to indicate the location of the residential entry and provide the minimum lighting level to provide a safe arrival point for the residential building

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opposite the public park to the north. The residential lobby access corridor will clearly illuminate the pathway through the building to the vest pocket park beyond.

New Tower Roofs:

The lighting level provided will meet the minimum required by code according to the use. To the greatest extent possible the lighting will be incorporated in such a way to have the source of the lighting not visible from the street level. There will be low level landscape and pathway lighting. There will be internal lighting in the swimming pool.

Setback on M Street

Pursuant to comments from Tiber Island residents, the Applicant reviewed its proposal to set the ground floor of its building back 18 feet, 8 inches from the curb rather than 22 feet from the curb. Attached as Exhibits A and B are materials which address the appropriateness of the siting of the proposed building along M Street. The attached Exhibit A shows that the proposed sidewalk width accommodates the 6 foot planting strip proposed by the Office of Planning and affords nearly 13 feet for a pedestrian walkway. Moreover, retail entry doors are inset an additional 3 feet and 4 inches, placing them twenty-two feet from the curb. Also attached as Exhibit A are photographs of retail use along the 700 Block of 7th Street, NW, near the Verizon Center, that demonstrate that even more narrow sidewalks and public rights-of-way are sufficient in one of the most heavily pedestrian areas of the city. Exhibit A demonstrates that the sidewalk and public space dimensions proposed for this project are both functional and attractive.

Fundamental design principles argue against setting the retail portion or the entire building back any further than the Applicant is currently proposing. The Height Act of 1910 established a schedule of heights that are appropriate for the width of the unusually broad thoroughfares in the District. The schedule of heights was calibrated to ensure that all properties would have dependable and abundant quantities of light and air, as well as attractive views and vistas when properties were built along their front property line to the maximum permissible height. The 120 foot width of M Street would allow for a building height of 130 feet at this site; however, the Applicant is proposing a building that is considerably shorter with a maximum height of 112 feet and a setback at 102 feet. There is a distinct lack of spatial definition at the western terminus of M Street; thus, the building's alignment helps mitigate that apparent lack of definition on the south side of M Street at Tiber Island, and helps re-establish a coherent public realm at this end of M Street.

Tiber Island has voiced concern of losing views if the Marina View project is not set back 22 feet; however, Tiber Island is over 300 feet away – a distance nearly double the width of Pennsylvania Avenue, NW. Given the distance between the buildings, setting the building back an additional 3 feet, 4 inches would have little benefit for the residents of Tiber Island. It would, however, have a significant consequence for the residents of Marina View. It would require the Applicant to diminish the width of its vest pocket park to a sub-optimal width.

Finally, the Applicant attaches a view corridor as Exhibit B. This demonstrates that the corridor along M Street is already significantly wider than any other street in the vicinity of the Marina View Towers. Not only is it unnecessary to extend it any further, but extending it an additional 3 feet, 4 inches will have little effect on the neighboring properties. The Southwest Waterfront Plan (which has been approved by the City Council as a Small Area Plan to the DC Comprehensive Plan) envisions similar height and bulk along the Washington Channel, thus solidifying the District's attempt to define the vistas in Southwest as it is redeveloped.

The Applicant noted in its testimony at the hearing that its proposed setback from M Street, SW was supported by the Historic Preservation Review Board. At the public hearing, the Office of Planning similarly noted its support for the proposed setback. There is no rational basis for moving the proposed building back an additional 3 feet, 4 inches from the curb along M Street. All design professionals and planners that have reviewed the proposed setback agree that it is appropriate. No discernible benefit will be provided to the community if the setback is increased, as requested by the Tiber Island residents. Yet, clearly discernible adverse impacts would be felt by existing and new residents of Marina View Towers if the width of the vest pocket park was diminished, or the width of individual residential units was diminished. For all of these reasons, the Commission should approve the location of the new south tower as presented by the Applicant.

Conclusion

As presented in the materials filed in the record of this case and the testimony presented at the public hearing, the proposed project, as noted by the Historic Preservation Office, "serves as a real model for how to integrate substantial new construction within the Southwest environment."

The proposed project and community amenities packages are significant, the design details of the new buildings, the appropriate historical renovation of the Pei Towers, and

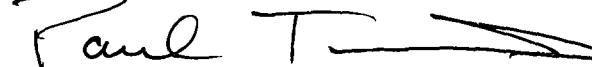
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the proposed treatment of the existing landscaping and the new landscape elements all create a project of truly exemplary architecture and site planning. This project fully satisfies the PUD standards enumerated in Section 2403 of the Zoning Regulations. Similarly, as noted in the Applicant's pre-hearing statement and the Office of Planning's report, the PUD project and the proposed Zoning Map Amendment are consistent with both the "old" and "new" Comprehensive Plan.

For all of these reasons the proposed project satisfies the Zoning Regulations' requirements for approval of a Planned Unit Development and Zoning Map Amendment application. Therefore, we request that you approve this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul T.", followed by a long horizontal line.

Paul Tummonds

A handwritten signature in black ink, appearing to read "Christine", followed by a long horizontal line.

Christine Roddy

Enclosures

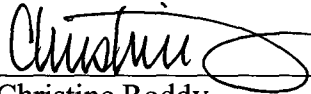
CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2007, a copy of the Applicant's post-hearing submission was delivered via hand delivery or first-class mail, to the following:

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25 M Street, SW
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Christine Roddy