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June 5, 2008

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Ms Jerrily Kress
Director, Office of Zoning
441 4th Street, NW, Room 210
Washington, DC 20036

**Re Zoning Commission Case No 05-38A, Minor Modification
Application of Marina View Planned Unit Development (Square 499,
Lot 61, also known as Lots 855, 856, 857, 858, 859)**

Dear Ms Kress

Marina View Trustee LLC (the “Applicant”) hereby submits an application to the Zoning Commission for the review and approval of a minor modification to an approved Planned Unit Development (“PUD”) pursuant to 11 DCMR Section 3030 et seq of the D C Zoning Regulations The original PUD Order, Order No 05-38 (“Order”), became final and effective on October 26, 2007 The approved PUD included up to 570 residential units spread among four residential buildings (including the two existing buildings designed by noted architect I M Pei), 16,000 square feet of workforce affordable housing (approximately 18 units)¹, and 8,900 square feet of retail use along M Street (the “Project”)

During the February 28, 2007 public hearing in this case, former Chairperson Mitten noted

I am not one to gush about projects that we see, but this is a fabulous project, I think This is going to be a great place to live It’s so sensitively designed Its just fabulous So, congratulations on that

¹ As a part of the original PUD, the Applicant offered to increase its workforce affordable housing component in the event that it could not reach the participation numbers it expected in the condominium discount purchase and rental discount programs Consequently, the Applicant has increased the workforce affordable housing component of the project to 16 000 square feet, from 11,541 square feet

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None of the changes in the proposed minor modification application seek to lessen the quality of the architecture and site planning that resulted in former Chairperson Mitten's comments on the Project. The Applicant is proposing very limited modifications to the Project, which include (i) refinements of some of the facades and roof structures of the various buildings, (ii) removal of the for-sale component, (iii) relocation of a pool from inside the Amenities Building to outside, adjacent to the Great Lawn, and (iv) modifications to the community amenities package.

The Applicant believes that the proposed modifications are of a minor nature considering the scope of the Project and satisfies the requirements of 11 DCMR Section 3030 for consideration by the Zoning Commission as a Consent Calendar item. The proposed minor modification request has been forwarded to Advisory Neighborhood Commission ("ANC") 6D.

Building Design

The proposed modifications to the facades and roof structures of the existing and proposed buildings, and the relocation of the pool from inside the Amenities Building are the result of further study of the mechanical systems in the existing Pei Buildings, refinements of the façade treatments for all of the buildings, and additional thought regarding the proposed use of the amenities building. Plans depicting the approved PUD Project and the proposed modifications are attached as Exhibit A.

- The Applicant is proposing a new façade treatment for the east elevations of the new South and North Towers and the east and west elevations of the Amenities Building. The east elevation facades of these buildings face the new service road/alley separating the Project from the Waterside Mall development. On the new South and North Towers, the Applicant is reducing the number of balconies (replacing with bay windows) and extending glass bays, distinguishing the east façade from the other elevations. All of the residential units on the east side of these buildings will still have a balcony facing either K Street, M Street, or the courtyards shared with the Pei Buildings. The Applicant will continue to use the same quality materials on the east façade as it is using on the other elevations of the buildings.

The elevation on the east side of the Amenities Building has been refined to include more brick and less glass area. The west elevation of the Amenities Building has been adjusted to reflect the revised interior layout.

of the building (including the removal of the pool), but remains true to the intent of the approved PUD design

- The Applicant is retaining the existing layout of units in the South Pei Building by eliminating the additional elevator which was originally approved in the PUD. The Applicant has eliminated recreation space on the rooftops of the Pei Buildings, due to the restriction on access to the roof and has increased the area of the green roof. The Project continues to feature an abundance of outdoor recreation space. Based on further study of the necessary mechanical structures for the new North and South Towers, the Applicant has made minor adjustments to the roof structures on the new buildings creating a more refined treatment of the roof structures, recreational spaces, and the green roof areas.
- The Applicant is moving the pool from inside the Amenities Building to the outside of the Amenities Building, adjacent to the Great Lawn. Based on feedback from residents of Marina View Towers and experience with other projects, the Applicant believes that an outdoor pool better complements the social aspect of the Great Lawn and is more beneficial to the tenants during the summer than an indoor pool. The District of Columbia State Historic Preservation Officer has indicated that he has no objection to this proposed modification.
- Based on further study of the lobbies of the Pei Buildings, the Applicant has decided to maintain the lobby plan configuration similar to that which was originally designed. The Applicant will install expensive 10' X 10' glass panels on the ground floor of the Pei Buildings to more closely follow Mr. Pei's original design. The District of Columbia State Historic Preservation Officer has indicated that he has no objection to this proposed modification.
- The maximum number of units provided in the PUD will increase to 580, which is within the Zoning Administrator's authority to approve pursuant to 11 DCMR Section 2409.6(b). However, the Applicant is requesting that the Zoning Commission approve up to 580 residential units for this project. The Applicant is not requesting an increase in the number of parking spaces originally approved (556 residential spaces, 8 retail spaces and 5 spaces for a car-sharing service). The Applicant will continue to make one bike parking space available for each residential unit.

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For-Sale Component

The approved PUD contemplated a for-sale condominium component to the Project. Given the current state of the residential condominium market in the District of Columbia, the Applicant does not believe a condominium project is financially viable at this time. The Applicant is therefore requesting permission from the Zoning Commission to replace the for-sale component of the project with rental units at this time, while still reserving the possibility of selling condominium units in the future, as a condominium regime has been established for this Project.

During the initial PUD application, the Applicant engaged in an extensive dialogue process with the Marina View Towers tenants in order to provide those tenants with a variety of residential options. The Applicant addressed the needs of the tenants by providing three programs: (i) a condominium discount purchase program, (ii) a rental discount program, or (iii) a financial compensation program. As a result of the removal of the for-sale component of the project, the Applicant is not able to provide the condominium discount purchase program.

Representatives of the Applicant have addressed the issue of the removal of the condominium discount program with the Marina View Towers Tenants Association and the Tenants Association is supportive of the proposed minor modification application. There were ultimately 19 Marina View Towers tenants that chose to participate in the condominium discount purchase program. All of those tenants have now agreed to participate in the rental discount program or the financial compensation program. In addition, if condominiums are ultimately sold in the Project, the 19 tenants that chose to participate in the condominium discount purchase program will have an opportunity to return to Marina View within three years of the date of the first sale of a condominium unit and purchase a condominium unit at a 20% discount from the market rate.

The Applicant recognizes that the condominium discount purchase program was initially valued at \$3,240,000, based on a condominium sales price of \$425/per square foot offered to the Marina View Towers residents. However, it is important to recognize that this valuation was based on an estimated market rate condominium value of \$525/square foot. Today, the estimated market rate condominium value is approximately \$450/square foot.

Using the same factors as the original calculation of the value of the condominium discount purchase program with the new discount of \$25 per square foot, results in a total value of only \$810,000 (648 s f (average unit size) X \$25 (discount price

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per s f) X 50 (estimated number of participants in the program) compared to \$3,240,000. If the calculation is based on the actual number of Marina View Towers residents that opted to enter into that program, the value is only \$307,800 (648 X \$25 X 19). Thus, the Applicant wants to make clear to the Zoning Commission that it is not receiving a great financial windfall by removing the condominium discount purchase program. Rather, the significant change in the market for residential condominium units in the District is the most significant factor in reducing the value of this program.

Community Amenities Package

The Applicant does recognize that it is appropriate to provide additional community and project benefits for this minor modification application. The Applicant is proposing the following new community amenities:

- **Town Center West Park** The original PUD approval required that the Applicant engage the original designers of the Town Center West Park, Wallace Roberts & Todd (“WRT”), to assess the current condition of the park and recommend steps to utilize the park as a true community amenity. WRT prepared the required study and it was submitted to the Commission on January 7, 2008.

In consideration of the approval of the minor modification application, the Applicant will pay for and undertake the renovations for the Town Center West Park outlined in the WRT study, up to a value of \$178,500 as outlined in the preliminary cost estimate attached as **Exhibit B**. This work will be completed prior to the issuance of a certificate of occupancy for the new South Tower. A copy of the WRT study is also attached as **Exhibit B**.

- **Shuttle-Bug proposal** The Applicant will make a financial contribution of \$50,000 to the Deputy Mayor for Planning and Economic Development’s (“DMPED”) Shuttle-Bug proposal. The purpose of the Shuttle-Bug is to provide a safe and effective transportation system around the “SuperBlock” (which is bound by 4th, M, K and 6th Streets, SW) while construction activity occurs on the Marina View, Waterfront Associates, and Town Center East properties. A complete description of the Shuttle-Bug proposal is attached as **Exhibit C**. In the event that the Shuttle-Bug program is not implemented by the DMPED’s Office, the \$50,000 will be held in escrow for use by ANC 6D’s Community Investment Fund.

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Based on discussions with the ANC 6D Commissioners, the Applicant has agreed to reallocate the \$17,000 financial contribution that was originally intended for Bowen Elementary School. Bowen Elementary School will close on June 30, 2008. Therefore, Jefferson Middle School will now receive \$22,000 for enhancement of the school's computer and technological development capabilities, Amidon Elementary School will now receive \$22,000 for renovation of its library, and the Friends of the Southwest Library will now receive \$22,000 for expansion of the resource collection. The contributions to Jefferson Middle School and Amidon Elementary School will be made to the Student Funds of each school. A copy of the revised and complete community amenities package is attached as Exhibit D.

Conclusion

As discussed in this submission and as shown in the attached materials, the proposed modifications to the approved PUD Project satisfy the standards of 11 DCMR Section 3030 et seq. The proposed minor modifications are consistent with the intent of the Zoning Commission in approving the original PUD and approving the minor modifications will not impair the intent, purpose, or integrity of the zone plan.

The Applicant requests that the Zoning Commission review this minor modification request at the July 14, 2008 Public Meeting. If you have any questions or comments regarding the proposed minor modifications, please feel free to contact the undersigned.

Sincerely,


Paul Tummonds


Christine Roddy

Enclosures

cc See attached Certificate of Service

Certificate of Service

I hereby affirm that a copy of the Minor Modification Application was sent to the following addresses on June 5, 2008 by first-class mail or hand delivery

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