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June 24, 2008

Paul Tummonds  
Phone 202 663 8873  
paul.tummonds@pillsburylaw.com

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

**Re Zoning Commission Case No 05-38A - Supplemental Filing**

Dear Ms Kress

On June 5, 2008, Marina View Trustee LLC (the "Applicant") filed an application for the review and approval of a minor modification to an approved PUD. The Applicant would like to supplement its submission with the attached chart. **This chart is not amending any aspect of the June 5, 2008 minor modification application**. Rather, the chart is intended to provide greater clarity as to the minor nature of the modification application. As the chart shows, the majority of the conditions of the original PUD remain unchanged.

The Applicant appreciates the Commission's prompt consideration of this modification application. The real estate market, as well as the lending market, has changed significantly since the original PUD was approved and the proposed changes are necessary, in large part, to secure financing for the project. The Applicant is prepared to proceed immediately should this application be approved, otherwise, the Applicant may be forced to delay construction until a more favorable residential condominium market returns. Despite the proposed modifications, the fundamental characteristics of the PUD will not be modified. As described in greater detail in the previous submission, the proposed modifications are of a minor nature and the Applicant asks that this application be considered during the Commission's July 14, 2008 Public Meeting.

Sincerely,



Paul Tummonds



Christine Roddy

ZONING COMMISSION  
District of Columbia

CASE NO 05-38A

EXHIBIT NO 7  
ZONING COMMISSION  
District of Columbia  
CASE NO. 05-38A  
EXHIBIT NO. 7

**Minor Modification to Marina View PUD  
Comparison of Original and Proposed Modified Conditions**

<b>Approved in Case No 05-38</b>	<b>Proposed in Case No 05-38A</b>
<p>1 The PUD project shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibits 2, 20, 21, 26, 32, 53, 54, 55, 56, and 69 of the record, as modified by the guidelines, conditions, and standards of this Order</p>	<p>Unchanged, except that the plans will be modified pursuant to Case 05-38A</p>
<p>2 The Applicant shall make the following contributions, prior to the issuance of a building permit for the new south building on the Subject Property</p> <ul style="list-style-type: none"> <li>• Jefferson Junior High School The Applicant shall make a financial contribution of \$17,000 to Jefferson Junior High School to be used for enhancement of the school's computer and technological development capabilities</li> <li>• Amidon Elementary School The Applicant shall make a financial contribution of \$17,000 to Amidon Elementary School to be used to renovate the school's library</li> <li>• Bowen Elementary School The Applicant shall make a financial contribution of \$17,000 to Bowen Elementary School to be put toward technological advancements including computers and Smart Boards</li> <li>• Friends of Southwest Library The Applicant shall make a financial contribution of \$15,000 to the Friends of the Southwest Library to be used to expand their resource collection</li> </ul>	<p>Unchanged, except that the Applicant is contributing \$22,000 to Jefferson Middle School, Amidon Elementary School, and Friends of the Southwest Library Further, WRT prepared the study required under the original PUD and a copy was submitted to the Zoning 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 The Applicant will complete its renovations prior to the issuance of the Certificate of occupancy for the new South Tower</p>

<ul style="list-style-type: none"> <li>• Study of the Potential Renovation of the Town Center West Park \$15,000</li> </ul>	
<p>3 No later than six months after making the contributions described in subparts (a) through (d) of Condition 2, the Applicant shall provide evidence to the Office of Zoning's Compliance Review Manager demonstrating that named organizations have applied funds to the designated use. If the money has not been applied to the designated uses within six months, the Applicant shall provide a reasonable explanation to the Office of Zoning's Compliance Review Manager as to why not and shall present evidence to the Office of Zoning's Compliance Review manager within one year thereafter indicating that the contribution has been properly allocated.</p>	<p>Unchanged</p>
<p>4 Prior to the sale of the first condominium unit, the Applicant shall establish a condominium discount purchase program whereby existing Marina View Towers tenants may purchase a condominium at a discount of no less than \$100 per foot.</p>	<p>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.</p>
<p>5 Prior to the sale of the first condominium unit, the Applicant shall establish a program providing existing Marina View tenants the opportunity to rent a newly renovated apartment in the project at no additional cost. The monthly rental rate for the tenant will increase only in connection with the annual Consumer Price Index increases, provided the tenant chooses to stay in a similarly sized unit.</p>	<p>Unchanged, except that it will be completed prior to the issuance of the certificate of occupancy for the new south tower.</p>
<p>6 Prior to the sale of the first condominium unit, the Applicant shall establish a transportation demand.</p>	<p>Unchanged, except it will be completed prior to the issuance of the certificate of</p>

<p>management program that includes the following</p> <ul style="list-style-type: none"> <li>• Coordination with a local car-sharing service to reserve five parking spaces for residents and visitors of this project,</li> <li>• A one-time membership fee subsidy of \$35 per residential unit for resident to join a local car-sharing service,</li> <li>• A complimentary SmarTrip card with \$20 Metro fare for all new residents upon move-in, to encourage the use of mass transit,</li> <li>• An on-site business center to provide residents access to a copier, facsimile machine, and internet services,</li> <li>• A secure bicycle storage space for each residential unit, and</li> <li>• A member of building management designated as a point of contact who is responsible for coordinating and implementing transportation demand management incentives</li> </ul>	<p>occupancy for the new south tower</p>
<p>7 The Applicant shall preserve the Pei Towers and shall renovate their exteriors, including the replacement of exterior glass walls and windows with insulated glass panels and windows in the same geometric configuration, repairing exposed concrete, and expanding the lobbies in each structure</p>	<p>Unchanged</p>
<p>8 The Applicant shall use the landscape firm known as Zion Breen &amp; Richardson to renovate and update its original landscape plan to accommodate the new project, to design two new “vest pocket” parks located between the existing Pei Towers and the Applicant’s proposed residential buildings, and a new linear public garden flanking 6<sup>th</sup> Street between the Pei towers</p>	<p>Unchanged</p>

<p>9 The Applicant shall coordinate its design for a shared driveway in the rear of the property with the adjacent property owners. The Applicant and the adjacent property owner shall create reciprocal easement agreements that will ensure that the mid-block pedestrian connections between the properties will remain open and accessible to the general public. The Applicant shall provide the commission with evidence of a recorded easement prior to the issuance of a certificate of occupancy for any units in the new south building.</p>	<p>Unchanged</p>
<p>10 The Applicant shall provide public access through the site in designated areas to accommodate pedestrian/bicycle traffic between 6<sup>th</sup> Street and the Waterfront/SEU Metrorail Station.</p>	<p>Unchanged</p>
<p>11 The Applicant shall abide by the development and construction management plan submitted on January 26, 2007. This development and construction management plan includes a pest control program to ensure that no increase in pest activity occurs during the period of construction on the Property.</p>	<p>Unchanged</p>
<p>12 The Applicant shall reserve 11,541 square feet of gross floor area in the PUD as affordable units to households having an income not exceeding 80 percent of Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for family size), and consistent with the eligibility requirements and enforcement mechanisms enumerated in Exhibit G of Exhibit 26. Should fewer than 80 residents participate in the condominium discount purchase program or the rental program described in Conditions 4 and 5 by December 31, 2007, the Applicant shall increase its commitment to affordable housing to a total of 16,000 square feet. To the extent that minor modifications are needed in the execution of this program to</p>	<p>Unchanged</p>

<p>conform to District or Federal housing programs, the Applicant shall work with the Department of Housing and Community Development (DHCD) to make such changes comply with the same</p>	
<p>13 The PUD shall be valid for a period of two years from the effective date of this Order. 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.</p>	<p>Unchanged, except the PUD will be valid for a period of two years from the effective date of Order No. 05-38A.</p>
<p>14 The Applicant shall enter into a Memorandum of Understanding ("MOU") with the Office of Local Business Development ("OLBD") in substantial conformance with the memorandum of understanding submitted as Exhibit I of Exhibit 26 of the record. A fully signed MOU between the Applicant and OLBD must be filed with the Office of Zoning prior to the issuance of a building permit for the new south building.</p>	<p>Unchanged</p>
<p>15 The Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services ("DOES") in substantial conformance with the First Source Agreement submitted as Exhibit I of Exhibit 26 of the record. A fully signed First Source Employment Agreement between the Applicant and DOES must be filed with the Office of Zoning prior to the issuance of a building permit for the new south building.</p>	<p>Unchanged</p>

<p>16 The Applicant shall achieve a minimum of 20 points as defined by the U S Green Building Council in the LEED certification process and further described in Exhibit D of Exhibit 32 of the record</p>	<p>Unchanged</p>
<p>17 The Applicant shall have flexibility with the design of the PUD in the following areas</p> <ul style="list-style-type: none"> <li>• To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration of the structures,</li> <li>• To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials, and</li> <li>• To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases and cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit</li> </ul>	<p>Unchanged</p>
<p>18 The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA and no building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning</p>	<p>Unchanged</p>

<p>DIVISION of DCRA Such covenant shall bind the Applicant and all successors in title to construct and use the Property in accordance with this Order, or amendment thereof by the Zoning Commission The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning</p>	
<p>19 The change of zoning from the R-5-D Zone District to the C-3-C Zone District for the Property shall be effective upon the recordation of the covenant discussed in Condition No 18, pursuant to § 3028 9</p>	<p>Unchanged</p>
<p>20 The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, DC Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code § 2-11401 01 <u>et seq</u> (' Act'), the district of Columbia does not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place or residence or business Sexual harassment is a form of sex discrimination, which is also prohibited by the Act In addition, harassment based on any of the above protected categories is also prohibited by the Act Discrimination in violation of the Act will not be tolerated Violators will be subject to disciplinary action The failure or refusal of the Applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order</p>	<p>Unchanged</p>
<p>21 N/A</p>	<p>The Applicant will make a financial contribution of \$50,000 to the Deputy</p>

	<p>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 4<sup>th</sup>, M, K and 6<sup>th</sup> Streets, SW) while construction activity occurs on Marina View, Waterfront Associates, and Town Center East properties. 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 the ANC's Community Investment Fund.</p>
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Certificate of Service

I hereby affirm that a copy of the foregoing letter was sent to the following addresses on June 24, 2008 by first-class mail or hand delivery

Joel Lawson  
Office of Planning  
801 N Capitol Street, NE  
Washington, DC 20001

ANC 6D  
PO Box 71156  
Washington, DC 20024

Max Skolnik, ANC 6D01  
700 7<sup>th</sup> Street, SW  
#610  
Washington, DC 20024

  
Christine Roddy