

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



October 14, 2014

Cynthia A. Giordano, Esq.
Saul Ewing LLP
1919 Pennsylvania Avenue, N.W. - Suite 550
Washington, DC 20006-3434

Re: Vesting of PUD Order 05-38 - Marina View

Dear Ms. Giordano:

This letter in response to your question as to whether PUD Order Nos. 05-38 and 05-38A (the “PUD Orders”) have vested with the issuance of Building Permit No. B119176, dated May 30, 2008 which authorized the cleaning and sealing of the exterior of 1100 6th Street S.W. and the subsequent C of O for the same property dated July 8, 2010 (CO1002614.) This building is one of the existing Pei apartment buildings included in the project which is the subject of the PUD Orders. The applicable provision which governs the term of the PUD approval is Condition #13 of PUD Order 05-38, which is as follows:

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 certificates of occupancy for the first building.

The operative effective date set forth in ZC Order No. 05-38A is January 2, 2009. (PUD Order No. 05-38A extended the validity of Order No. 05-38, the effective date of which was October 26, 2007.) Building Permit No. B119176 authorizing work on one of the existing Pei buildings was issued on May 30, 2008 within the two-year time frame following the effective date of ZC Order No. 05-38A.

The building permit was followed by a building inspection. An approved building inspection certification for Building Permit No. B119176 was issued by the DCRA’s Inspections and Compliance Administration. Finally, DCRA issued Certificate of Occupancy No. C01002614, dated July 8, 2010, to Tritex Marina View LLC authorizing the occupancy of 128 apartment units on the basement and floors 1-8 for 1100 6th Street, SW.

Therefore, I conclude that PUD Orders Nos. 05-38 and 05-38A have vested in accordance with Condition #13.

Please let me know if you have any further questions.

Sincerely, *Matthew Le Grant*
Matthew Le Grant
Zoning Administrator