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VIA ELECTRONIC FILING AND HAND DELIVERY

District of Columbia Zoning Commission
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: Zoning Commission Case No. 05-36I - Application of Toll DC II LP
Modification of Phase II of Approved PUD in Square 749

Dear Members of the Commission:

Toll DC II LP (the "Applicant") hereby submits the attached prehearing submission materials, pursuant to section 3013 of the Zoning Regulations, in support of its application to the Zoning Commission to modify Phase II only of the multi-phased planned unit development ("PUD") in Square 749 first approved by Zoning Commission in Order No. 05-36. The Orders of the Commission specifically applicable to Phase II, and for which modification is requested, are Nos. 05-36A, 05-36E, and 05-36H.

As described in the Applicant's modification application package filed with the Commission on April 8, 2014, the Applicant is seeking to make certain refinements to the Phase II building's layout, façade treatment, and parking and loading operations, consistent with the Commission's original approvals for Phase II and section 2403 of the Zoning Regulations.

The Office of Planning report, dated May 30, 2014, recommended that the Zoning Commission schedule a public hearing on this application, and the Commission voted at its June 9, 2014, public meeting to set the application down for a public hearing. The Commission and the Office of Planning requested the Applicant undertake further study and provide additional detail regarding certain aspects of the revised architectural design program. To that end, the Applicant has enclosed a revised booklet of architectural drawings to replace the set submitted as part of its April 8, 2014, filing. The revised set demonstrates refinements made to all of the building's street elevations as well as the interior courtyard and building end-elevations, as described herein. The Applicant has also enclosed the materials required for supplemental submissions, as established in section 3013 of the Regulations, as detailed below.

Responses to Issues raised at Setdown

In the discussion leading up to the Commission's decision to set down the Application for public hearing, members of the Commission raised a variety of questions and comments for the Applicant's consideration in proceeding with the Application. The Commission requested further clarification of the plans and additional information regarding the following items, including items raised by the Office of Planning in its setdown report:

Comparison of Approved and Proposed Drawings:

Pursuant to the Commission's request, the enclosed set of drawings provides the approved elevations, perspectives, and certain plans immediately opposite the proposed revised drawings in order to facilitate the Commission's comparison of the designs. Similarly, the Applicant has provided in the drawings set an index (last page) highlighting the changes made to relevant sheets, along with note of new sheets inserted, to facilitate comparison of the current proposal with the proposal the Commission reviewed in advance of the set-down meeting on June 9.

2nd Street, NE, Elevation and Loss of Windows:

The Applicant has undertaken further study of this elevation in light of the Commission's Comment and in coordination with Office of Planning staff. Refinements have included brightening of the masonry color palette and introducing texture to the pedestrian level. An extra column of windows was introduced to the north end of the 2nd street elevation. The brick mass of the south end of the 2nd street elevation was maintained to visually balance the projected bay window element, enhancing the entrance tower. In addition, the brick mass is carried beyond the roof line to embellish the architecture of the corner area. The Applicant also has provided a supplemental sheet (A-302) in order to show the building's appearance with the landscaping included as approved by the DC Public Space Committee.

K Street, NE Elevation and Courtyard Entrance:

The Applicant has likewise undertaken further study and refinement of this elevation, providing a brighter materials palette and additional glass and metal elements intended to highlight the bays and add texture to this elevation as well as to better differentiate the Phase II building from the existing Phase I building. In addition, the area immediately next to the Phase I building is now treated with a continuous window column, which wraps the building corner. This element clearly distinguishes the Phase II building from the Phase I building.

The Applicant also has made efforts to further expand the entry point to the publicly-accessible courtyard and, to that end, has widened the entrance, revised the entry point from a barrel vault to a more open lintel-oriented structure, and as demonstrated in the new perspective views and plans included as Sheets L-3 and L-4, significantly brightened and animated the entrance. In addition, as highlighted in elevation on Sheet A-301 and in plan at Sheet L-2, the

Applicant has greatly improved upon the public realm experience all along the K Street frontage, including its connectivity to the Phase I building, but especially so immediately adjacent to the courtyard opening. The Applicant is pleased to report that the Public Space Committee approved the Applicant's plans at its June 26, 2014 public meeting.

L Street, NE Elevation:

While neither the Commission nor the Office of Planning specifically noted items to be addressed for this proposed elevation, the Applicant has made refinements to this elevation similar to those made along both K and 2nd Streets in terms of brightened materials palette and additional attention to the metal and glass elements in order to enhance the perceived texture of that elevation (Sheets A-303 and A-303a). As with the other elevations, the Applicant has supplemented its earlier submission to show this elevation both with and without the landscaping program that was approved by the Public Space Committee.

Courtyard and Building-End Elevations:

As with the street elevations of the Phase II building, the Applicant has made refinements to the multiple courtyard elevations of the building, utilizing an overall brighter palette, more extensive use of red brick to highlight vertical elements while also supplementing the banding element near the roof in order to provide more definition (Sheets A-304 and A-305). With regard to the courtyard experience, extensive glazing has been provided between the courtyard and the indoor amenity spaces, further enhancing the indoor to outdoor connectivity within the courtyard. The revised, wider courtyard entrance also is visible in these elevations, and the lintel form of opening provides a more consistent rhythm along the base of the building than did the earlier-proposed barrel vault.

With regard to the requests made by the Office of Planning for more information regarding the appearance of the end walls of the Phase II building, the Applicant has provided an additional sheet of drawings showing both the permanent end walls abutting or adjacent to Phases I and III, respectively, and the temporary end wall condition for Phase II-A prior to construction of Phase II- B.

Penthouse:

The Commission indicated a concern regarding the rooftop structure above the stairwell in Phase II closest to the Phase I building, particularly its lack of setback from the building edge. In response to those concerns, this stair tower has been reduced in height from 18' 6" to 8'6". The reduced stair tower, coupled with its location on the roof, minimize any potential visual impact to pedestrians with the public space (Sheet A-505). The stair tower location is consistent with the constructed Phase I tower location.

Loss of Green Roof:

The Commission indicated concern with the proposed reduction in the amount of green space provided and requested an explanation for the loss as well as consideration of stacking HVAC units or some other way of recapturing that lost area. The mechanical design engineer has advised that the stacking of units is not an option, as it will not allow the necessary clearances for the mechanical units to function properly. The Applicant has intentionally created a design to avoid placing "through-the-wall" units on the building elevations. Through-the-wall units create an undesirable visual impact to the building elevations and have an acoustical impact to public spaces. The Applicant is pleased to note that its proposed green roof will contain a connection to a cistern within the Phase II building that will allow a reuse of stormwater within the cistern, including irrigation of the courtyard. This method will reduce the impact on the public storm drain system and the potable water consumption for the building (Sheet C-701).

This prehearing submission and the enclosed documents provide the applicable information required pursuant to section 3013 of the Zoning Regulations:

1. Revised Architectural Drawings, including side-by-side comparison of approved drawings and proposed revisions (Exhibit A);
2. Completed Form 116- Hearing Fee Calculator (Exhibit B);
3. List of witnesses prepared to testify on behalf of the Applicant (§3013.1(b)), including resumes of expert witnesses, and an estimate of time for presentation of the Applicant's case (§3013.1(g)) (Exhibit C);
4. Outlines of Witness Testimony (Exhibit D);
5. List of Maps, Plans or other Documents readily available which may be offered into Evidence (Exhibit E).
6. Check in the amount of \$16,663.92 made payable to the DC Treasurer for the required hearing fee;

With this additional information, the Applicant respectfully submits that its application to modify the approved PUD, as it applies to Phase II only, meets the standards set forth in Chapter 24 of the Zoning Regulations, is consistent with the purposes and intent of the Zoning Regulations and Zoning Map, will enhance the health, welfare, safety and convenience of the citizens of the District of Columbia, continues to satisfy the requirements for approval of a consolidated PUD and Zoning Map amendment, continues to provide significant public benefits and project amenities, and advances important goals and policies of the District of Columbia.

The Applicant estimates that it will require approximately one hour to present its case to the Commission. *See* 11 DCMR § 3013.1(g). With these materials, the Applicant hereby certifies that it has complied with all the requirements of section 3013 and requests that the Zoning Commission schedule a public hearing on the proposed modification for its first available date.

Sincerely,

HOLLAND & KNIGHT LLP



Dennis R. Hughes

Enclosures

cc: Stephen Cochran, Office of Planning
DC Department of Transportation
Advisory Neighborhood Commission 6C

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