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OFFICE OF PLANNING STAFF PRESENT:

STEPHEN COCHRAN

D.C. OFFICE OF ATTORNEY GENERAL PRESENT:

ALEXANDRA CAIN, ESQ.

The transcript constitutes the minutes from the Public Hearing held on Thursday, September 23, 2021.

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T A B L E O F C O N T E N T S

OPENING STATEMENT:

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PRESENTATION:

Case Number: 05-36M - Toll DC II, LP,  
Modification of Significance of Approved Planned  
Unit Development and Related Map Amendment  
200 K Street (Square 749, Lots 826 and 827) . . . . . 9

COMMENTS AND QUESTIONS:

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1 P-R-O-C-E-E-D-I-N-G-S

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and  
4 gentlemen. Today's date is September 23, 2021. We are convening  
5 and broadcasting this public hearing by videoconferencing. My  
6 name is Anthony Hood and joining me are Vice Chair Miller and  
7 Commissioner Shapiro. We are also joined by the Office of Zoning  
8 staff, Ms. Sharon Schellin, and Mr. Paul Young, who will be  
9 handling all of our virtual operations. Others will introduce  
10 themselves at the appropriate time.

11 Tonight is Zoning Commission Case No. 05-36M. This is  
12 a PUD Modification of Significance for a special exception for  
13 animal sales, care, and boarding use, in order to add it to the  
14 approved PUD uses. The applicant is proposing to operate a dog  
15 daycare center, dog grooming, and boarding use on the ground-  
16 floor of Phase II of the original case -- Phase II building.

17 The virtual public hearing notice is available on the  
18 Office of Zoning's website. This proceeding is being recorded by  
19 a court reporter. The platforms used are Webcast Live, Webex,  
20 and YouTube Live. The video will be available on the Office of  
21 Zoning's website after the hearing.

22 All persons planning to testify should have signed up  
23 in advance and will be called on by name at the appropriate time.

24 At the time of sign up, all participants will complete  
25 the oath or affirmation required by Subtitle Z, Section 408.7.

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1 Accordingly, all those listening on Webex or by phone will be  
2 muted during the hearing, and only those who have signed up to  
3 participate or testify will be unmuted at the appropriate time.  
4 When called, please state your name and home address before  
5 providing your testimony. When you are finished speaking, please  
6 mute your audio.

7           If you experience difficulty accessing WebEx or with  
8 your telephone call-in, or have not signed up, then please call  
9 our OZ hotline number at 202-727-5471.

10           If you wish to file written testimony or additional  
11 supporting documents during the hearing, then please be prepared  
12 to describe and discuss it at the time of your testimony.

13           The hearing will be conducted in accordance with  
14 revisions of 11-Z DCMR, Chapter 4 as follows: preliminary  
15 matters; the applicant's case. The applicant has up to 60  
16 minutes. I am not sure if we need 60 minutes. The report of  
17 the Office of Planning and District Department of Transportation.  
18 The report of other government agencies; the report of the ANC -  
19 - in this case ANC 6C; testimony of organizations five minutes,  
20 individuals three minutes, and we will hear in the following  
21 order from those who are in support, opposition, or undeclared.  
22 Then we will have rebuttal and closing the applicant.

23           Again, any issues, the OZ hotline number is 202-727-  
24 5471. With that, I will turn it over -- I will ask Ms. Schellin,  
25 do we have any preliminary matters?

1 MS. SCHELLIN: I'm sorry, Chairman Hood. I've got Mr.  
2 Hughes on the phone, but he is trying to log in. Holland and  
3 Knight has blocked our link for him, and so he is working through  
4 that, but before that, we will go ahead.

5 There's a motion for the waiver of the technical  
6 requirement for the name of each lessee, that was granted already.

7 And then we go to expert witnesses. We have, of course,  
8 Shane Dettman, who has previously been accepted, would ask that  
9 he be accepted in this case. And then Scott Pfeiffer in  
10 acoustical design. His resume is at Exhibit 27B. If the  
11 Commission would consider him. Mr. Hughes, are there any other  
12 concerns?

13 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.

14 Commissioners, let me also acknowledge --

15 Sir, would you put yourself on mute, please? Thank  
16 you.

17 Let me also acknowledge, we have Ms. Alexandra Cain,  
18 who is our counsel. I did not acknowledge her. Counsel is always  
19 here with us in the background, but I'm going to start and make  
20 sure I acknowledge them, because they help us out tremendously.

21 I did check with counsel. We're good as far as the  
22 granting of which -- as Ms. Schellin has already mentioned.

23 Mr. Dettman, we have already previously accepted him. Any  
24 objections to continuing our status?

25 (No audible response.)

1 CHAIRPERSON HOOD: I see no objection. I forgot -- was  
2 that Ms. Timiraos. I forget. Ms. Schellin?

3 COMMISSIONER SHAPIRO: Mr. Pfeiffer?

4 CHAIRPERSON HOOD: Was it Mr. Pfeiffer? And he's being  
5 proffered? I missed that.

6 MS. SCHELLIN: Yes, in acoustical design, Mr. Pfeiffer,  
7 at 27B is the exhibit.

8 CHAIRPERSON HOOD: Okay.

9 COMMISSIONER SHAPIRO: I have no objection, Mr. Chair.

10 CHAIRPERSON HOOD: Okay. But let me ask this before  
11 we -- once before, we had someone for acoustical design, and I'm  
12 trying to remember. Did we give him expert status? I thought we  
13 didn't do that for acoustics. Does anybody else recall? Do you  
14 recall that, Vice Chair Miller?

15 VICE CHAIR MILLER: I'm sorry, I do not recall.

16 MS. SCHELLIN: I thought in GW or Georgetown. Maybe  
17 Georgetown in acoustics. Was it --

18 CHAIRPERSON HOOD: I certainly don't have it. I'm not  
19 going to make a big issue, but I just -- unfortunately,  
20 Commissioner May, I remember that discussion, and I think he led  
21 it. And I don't believe we acknowledged it, and I can't remember  
22 the reason why. But because I can't remember the reason why and  
23 nobody else can, we will ahead and make Mr. Pfeiffer -- offer  
24 him expert status in acoustics.

25 MS. SCHELLIN: If we could have Mr. Young bring Mr.

1 Hughes in.

2 CHAIRPERSON HOOD: Okay. Any objections to Mr.  
3 Pfeiffer, Vice Chair? I know Commissioner May doesn't -- I mean  
4 Commissioner Shapiro doesn't.

5 VICE CHAIR MILLER: (Negative head shake.)

6 CHAIRPERSON HOOD: Okay. All right. So we will give  
7 him expert status.

8 Mr. Hughes, whenever you get set, you may begin.

9 MR. HUGHES: Mr. Chairman, can you hear me?

10 CHAIRPERSON HOOD: Yes, I can, Mr. Hughes.

11 MR. HUGHES: You cannot see me, I take it?

12 CHAIRPERSON HOOD: Yes, I --

13 MS. SCHELLIN: You have to turn your camera on.

14 CHAIRPERSON HOOD: I will ask you why did your firm  
15 -- I don't know, what did they do? They deleted us or they  
16 blocked us? Why did they do that? I mean, that's the next  
17 question.

18 MR. HUGHES: I'm sure it's not you. It's that they are  
19 very militaristic in terms of adding on things. I guess they  
20 expect we're going to be playing games during the day. I don't  
21 know, I apologize. And let me let me try to start my video,  
22 although you might be disappointed. There I am.

23 CHAIRPERSON HOOD: There you go.

24 MR. HUGHES: (Audio interference) when I last presented  
25 before you a few months ago, that there was some starting and

1 stopping. So if that happens again, please just yell at me or  
2 something, and I'll turn my video off.

3 CHAIRPERSON HOOD: I think -- Mr. Hughes, go ahead and  
4 turn it off now because it is starting to do that now. So turn  
5 it off now, and let your firm know that we're going to be looking  
6 at them and wondering why we are being blocked. But anyway, you  
7 may proceed.

8 MR. HUGHES: Bear with me, please. I can't even get  
9 the video to stop.

10 CHAIRPERSON HOOD: Well, it's stopped now, if that  
11 helps.

12 MR. HUGHES: Okay. All right. So Mr. Hood, should I  
13 just go ahead and introduce the application and our witnesses?

14 CHAIRPERSON HOOD: Yeah, let's go ahead and let's see  
15 how it goes. And if there's a problem, we will let you know.

16 MR. HUGHES: Okay. Good afternoon, Mr. Chairman, and  
17 members of the Commission. For the record, my name is Dennis  
18 Hughes with the firm of Holland and Knight. I'm appearing today  
19 on behalf of Toll DC II, LP, which is the owner of a mixed use  
20 residential and retail development in Square 749 in the NoMa  
21 neighborhood. It's known as Union Place. Joining me for our  
22 presentation today are Mallie Timiraos, who is the national  
23 director for Toll's retail portfolio, and she happens also to be  
24 a District resident. And Mr. Michael Pastreich, who is the owner  
25 of Colby's Dog Care and Spa and the prospective operator of the

1 dog care facility that we're here to discuss with you this  
2 afternoon. So I'll just stop. And are you having any trouble  
3 hearing me? Okay, terrific.

4 And you've qualified, thankfully. Thank you for  
5 qualifying Mr. Pfeiffer, of Threshold Acoustics. He is an expert  
6 in acoustical design as his resume, I think, strongly suggests  
7 and confirms. He's going to be available to answer any questions  
8 that you might have with regard to the specifics of the sound  
9 attenuation measures that we are proposing for the dog care use.

10 So before I turn things over to Mallie and Michael for  
11 their brief testimony, I'd like to provide you a summary  
12 background of the project and the nature of the application. In  
13 essence, we're appearing today to request a special exception to  
14 locate a dog care with grooming and boarding in what is in an  
15 established mixed use residential retail building in a mixed-use  
16 zone where such uses are permitted by special exception when  
17 they're located at the ground level and above. We've  
18 detailed in our extensive materials in the hearing record, and  
19 what we will summarize in a moment with our witnesses, that we  
20 have fully satisfied the applicable criteria and conditions  
21 established for the dog care use.

22 And so there's one thing I'd like to take this  
23 opportunity to clarify for you, and also for anyone who may be  
24 following the proceedings today, is that the hearing notice  
25 (audio interference) is animal sales, care and boarding uses as

1 the proposed special exception use. That language is directly  
2 pulled from Subtitle B, Section 200, which is the definition of  
3 the category as a categorical definition that includes the uses  
4 we're proposing. I just want it to be clear, and Mr. Pastreich  
5 will reinforce this. The request here is not to operate a pet  
6 store in the space. There's no pet sales, animal sales  
7 contemplated. This is purely going to be a dog care, grooming  
8 and boarding use. So I just want to put that out for anyone who  
9 might have had some questions about it.

10 So as I said before, this is a special exception  
11 approval, which is generally reviewed by the BZA. However,  
12 because the property where the use is proposed is the subject of  
13 a longstanding approved PUD, multiphase PUD, a review of the  
14 special exception by the Zoning Commission is appropriate as it  
15 will require a limited modification to the PUD approval, which  
16 has an extensive history.

17 Union Place, the building we're here to talk to you  
18 about today, is the second phase of the PUD and it's located in  
19 Square 749, which is bounded to its west by 2nd Street Northeast,  
20 to its south by K Street, to its east by 3rd Street, and to its  
21 north by L Street. It's two apartment buildings. The Loree  
22 Grand was constructed first and is not part of this application.  
23 Union Place was constructed more recently and began occupancy, I  
24 believe, in 2019. It was approved for approximately 525  
25 residential units and about -- just under 14,000 square feet of

1 retail, but that retail happened to include a commitment to  
2 provide a sizable daycare use, which is not technically retail.  
3 And as Mallie may mention, and I'll just steal her thunder a  
4 little bit, that daycare use opened earlier this month and just  
5 expect it to be a terrific addition to the community.

6           So there remains just under 7,000 square feet of ground  
7 floor space within Union Place. And I'm just going to check in.  
8 Everybody can still hear me, right? Okay, great.           And  
9 that 7,000 square feet of space, which is at an isolated corner  
10 of the northwest corner of the building, very close to the rail  
11 overpass, a large stone retaining wall, and then you've got  
12 the L Street underpass under those tracks and some light  
13 industrial and commercial uses to the north, and this space has  
14 remained vacant despite extensive retail leasing efforts by the  
15 owner. Mallie will get into that a little bit more. And so with  
16 that background, the owner engaged with Colby's daycare and Mr.  
17 Pastreich, and just noting the very great demand for dog care  
18 facilities in the neighborhood, which has only been exacerbated  
19 by the health emergency, we're deciding to sort of switching  
20 gears here and proposing for that remaining 7,000 square feet for  
21 it to be used as a dog care and boarding facility. We believe  
22 it will be a very beneficial addition to the community. It's in  
23 keeping with the other amenities that the building owner is  
24 offering the tenants. And we believe it is completely in harmony  
25 with the Zoning Regulations and won't adversely affect use of

1 neighboring property in accordance with the Regulations.

2           As I said before, we've submitted multiple prehearing  
3 submissions where we've laid out the detail, compliance with the  
4 special exception criteria, and noted the language proposed for  
5 your approval to modify the PUD. Glad to get into that further  
6 as you see fit.

7           Before I turn the presentation over to Mallie, I do  
8 want to note that the project is supported by the Office of  
9 Planning. We thank that office for its review, especially Mr.  
10 Cochran, for his time and review and input. And he has been  
11 involved with this site even longer than I have. And I think  
12 his involvement may date back to the 20th Century. So we  
13 appreciate that.

14           And you've just received this afternoon, I believe, for  
15 the record, the recommendation, unanimous recommendation from the  
16 ANC in support -- recommending support of our application, and  
17 we certainly appreciate their consideration. We've been in  
18 discussions with our SMD and with the Planning and Zoning  
19 Committee for months, and we really appreciate their  
20 consideration and feedback.

21           So with that long-winded introduction, I want to turn  
22 the presentation over to Mallie and ask her to share her testimony  
23 with you. Thank you very much.

24           MS. TIMIRAOS: Hello, I'm Mallie Timiraos. Can you all  
25 hear me and see me?

1 MR. HUGHES: Yes.

2 MS. TIMIRAOS: Okay. Thank you, Dennis.

3 As Dennis mentioned, I am the retail portfolio director  
4 at Toll Brothers Apartment Living. I oversee the retail component  
5 of our mixed-use projects across the country. We currently have  
6 more than 20 projects across 9 different markets that fit that  
7 description, retail on the ground floor and residential above.  
8 In total, we have about -- we have a little more than 600,000  
9 square feet of retail across those projects. But, of course,  
10 D.C. is close to my heart. I am a D.C. resident. I live in  
11 Adams Morgan. I work in Dupont Circle at our corporate office  
12 here in D.C. And, of course, I also spend plenty of time at the  
13 Union Place community in NoMa, as well as our other development  
14 sites, Banner Lane, at Sursum Corda, and Vermeer on Buzzard Point.

15 We started the lease up effort for the retail at Union  
16 Place more than three years ago. We engaged a best-in-class  
17 broker, Rappaport, in August of 2018, and started our campaign  
18 to market about 16,000 square feet of retail at Union Place. We  
19 are delighted to mention that we have executed leases with a  
20 daycare which is in the space. I'm sorry, not only an executed  
21 lease, we now have an open and operating daycare as of September  
22 7th. They opened their doors the day after Labor Day. That is  
23 in the retail space facing K Street. We also have an executed  
24 lease and an open and operating tenant on the other side of the  
25 project facing L Street, F45, which is a boutique fitness

1 operator. They do HIIT workouts, high- intensity interval  
2 training. They are actually an international concept out of  
3 Australia, and we were delighted to bring a franchise location  
4 to Union Place and have both of those retailers, the daycare and  
5 the fitness operator open earlier this year.

6           The effort to lease the space along 2nd Street, really  
7 at the corner of 2nd and L, with storefront both along 2nd Street  
8 and along L Street, has had some challenges. It's been an active  
9 marketing effort really over the past three years. Of course -  
10 - I mean, the setting, the backdrop for retail leasing just in  
11 general across our portfolio, as an increasing share of consumer  
12 spending moves online, that is a headwind that we face across all  
13 retail space. And with that in mind, the oversupply of retail  
14 that exists just broadly across the country, when you have site-  
15 specific challenges to retail space, it can really be quite  
16 difficult to find the right tenant for that space. And with the  
17 elevated rail across 2nd Street from the retail space that we're  
18 discussing here today, that can be a challenge to get attention  
19 for that retail space because there's no activation, there's no  
20 co-tenancy, there's no energy to exchange across either side of  
21 the street, and the benefits of merchandizing mix and critical  
22 mass to a specific location.

23           I would also add that our site is between a couple of  
24 different vibrant retail nodes. You have the nucleus of NoMa  
25 around the Metro station. You have H Street corridor and of

1 course you have Union Market District. I'm particularly familiar  
2 with Union Market District because I joined Toll coming from  
3 EDENS, and I worked at the EDENS office at Union Market and worked  
4 on that development.

5           When retailers consider coming to this part of the  
6 District, they do have an abundance of options. That was the  
7 case prior to the pandemic, and that has only become more of a  
8 challenge since the pandemic with the additional supply coming  
9 online, second-generation, supply built-out retail locations as  
10 retailers have closed.

11           As we went through the effort, we really were looking  
12 to identify the right tenant to join our community in the final  
13 retail space, and when we connected with Mr. Pastreich and his  
14 concept, Colby's Dogcare and Spa, really, right away, we felt  
15 that that was an excellent fit for our project, for the community,  
16 for the neighborhood. We do see dog daycare as a growing category  
17 across all of our markets across the country. Dog ownership has  
18 only continued to increase through the pandemic. That is  
19 absolutely the case at Union Place. I was there today walking  
20 inside and outside the building. There are dogs everywhere. I  
21 won't share any of the data about our -- how many people pay pet  
22 fees every month, but it continues to grow, and it's evident and  
23 abundant. So not only did we feel that Colby's Dogcare and Spa  
24 was a good use in and of itself, but also it brings a nice  
25 complement to our other tenants, F45 and Bright Start Daycare.

1 We really see the potential for the same customer using services  
2 from all three of these retailers. And further, it's a nice  
3 complement to the other retail in our node in NoMa, at Uline and  
4 at Loree Grand as well. As additional retail has come online  
5 here, we really feel that the fabric of the neighborhood continues  
6 to strengthen, and that Colby's can be a nice part of that  
7 community.

8 I want to mention -- I want to emphasize Toll Brothers'  
9 commitment to the success of this project. We have a vested  
10 interest in the success of this project. We want to see our  
11 retail thrive, and we want to see our residential units upstairs  
12 stay well occupied, of course, as well. So it's of critical  
13 importance to us that we work with our tenant, with Colby's, to  
14 manage its impact on our residents and the surrounding  
15 neighborhood. I feel very confident in the plan that Mr.  
16 Pastreich has put together and will share with us here shortly.

17 Last, but not least, we have been in active  
18 communication with both the neighborhood and our residents, our  
19 neighborhood, through communication and multiple open forums at  
20 the ANC, and direct communication with our residents through our  
21 resident portal. We had a "Yappy Hour" event on August 3rd that  
22 was open to all of the residents of our building. It was very  
23 well attended. We also sent a recap after the event to invite  
24 our community to engage with us, and these points of communication  
25 have affirmed the desire and demand for Colby's Dogcare and Spa.

1 MR. HUGHES: I'm sorry to interrupt you. This is  
2 Dennis. I should have mentioned. If Mr. Young can hear me,  
3 could you please bring up our presentation? And while Mallie  
4 transitions to Mr. Pastreich, we can just give you a sense of  
5 the relationship of the spaces. So it'll be the first slide.  
6 And Mallie, if you could just kind of point out -- well, it's  
7 somewhat self-explanatory, but maybe reference this slide for the  
8 location and so forth, and then we'll turn it over to Michael  
9 for his comments real quickly. Thank you.

10 MS. TIMIRAOS: Oh, yes. Well, this is good. I was  
11 right. I was wrapping up. And this is a good visual to show  
12 the space that we're discussing at the corner of 2nd. Now, you  
13 can see that the three retail spaces, they face every side of  
14 our project. And by activating the space at 2nd and L, it really  
15 gives an opportunity to activate every part of the streetscape  
16 and contributes to the placemaking surrounding this project.

17

18 And last, but not least, this is a good reminder for  
19 me also about our -- how close we are to Swampoodle Park, the  
20 first portion that has been delivered to date, and the second  
21 portion that will also be delivered in the near future. Again,  
22 just supporting the vibrant community of dog owners.

23 MR. HUGHES: Thank you very much, Mallie. And just so  
24 I don't we don't confuse the Commissioners, you'll have to turn  
25 your head to the right very sharply because the orientation on

1 this image is -- the north is to the right, and so I apologize  
2 for that. But just in case there's any confusion there. L Street  
3 is showing up and down on the right side and so forth. So thank  
4 you for that. And mindful of our time, and I apologize for  
5 running over with mine.

6 Michael, if you could introduce yourself and share your  
7 share testimony with the Commission. Thank you.

8 MR. PASTREICH: Wonderful. Thank you all for allowing  
9 us to present today. I am truly grateful.

10 Mr. Young, would you mind going to the next slide,  
11 please? Thank you.

12 My plan is to go through what I believe to be the most  
13 salient points as efficiently as I can in order to leave as much  
14 time as possible at the end for you to ask whichever specific  
15 questions resonate with each one of you as possible. Mr.  
16 Young, if you wouldn't mind advancing.

17 The problem that we're trying to solve is that the  
18 pandemic has led to an explosion in pet ownership. Pet parents  
19 are now, as they return to work, in need a solution of what to  
20 do with their pets, and this is a real crisis. This is mainly  
21 hitting younger adults, mainly people who aren't from Washington,  
22 D.C., so they either have no or limited local family. And it's  
23 usually people who either are single or not yet parents.

24 Mr. Young, if you wouldn't mind advancing.

25 And where we're located is in the middle of a real dog

1 daycare desert. If you draw a circle around Colby's, a half a  
2 mile circle, at the moment, there is only one existing dog daycare  
3 that holds about 70 dogs within a half a mile of us. There's  
4 soon going to be another one opening, but it's even smaller than  
5 the one existing. If you draw a circle that's a mile around,  
6 you don't add any more. If you just cross that one mile, then  
7 you'll add a third dog daycare, but it's even smaller than either  
8 of the other two.

9 Mr. Young, if you wouldn't mind.

10 So I think this is a bigger problem than Colby's. We're  
11 part of the solution. What we're going to provide is daycare,  
12 sleepovers, grooming, wellness, and training. The -- Mr. Young.

13 This is going to be a high-end facility. We're breaking  
14 the dogs into four different play areas so that we can create  
15 the right environment for each dog. Since half of our "kids"  
16 will be resting at any given moment, no more than about a half a  
17 dozen dogs or about 12-ish dogs will be playing in any given room  
18 at any time. If we walk through this space in sort of a circle  
19 starting in the upper left hand corner, there we have our large  
20 dog room. Then next to that is the -- one of the two medium-  
21 sized dog rooms. Then next to that is my office. Below my office  
22 is our breakroom. Next to my office is the lobby. Below that  
23 are the restrooms. Across from the restrooms, we'll have two  
24 luxury suites for the higher end dog care. Then below there is  
25 our small dog play area. In the upper left hand corner of the

1 small dog area, you'll see there's a place for someone to sleep  
2 overnight. Then you'll see a long, skinnier run. That's our  
3 grooming area. Then to the left of the grooming area is the  
4 final play area, another medium sized dog play area. And then  
5 next to that is the work area.

6 Then you'll see each of the play areas has access to  
7 what we call a tap room. That's a separately ventilated space  
8 where the waste can be quickly brought from the play area, is  
9 cleaned, and stored. There will be a mop sink and the ability  
10 to keep the place thoroughly clean.

11 And we are quite dedicated to being very good neighbors  
12 in the area. I'd like to delve into what I think are probably  
13 the most salient regulations to think about here as we look out  
14 for the neighborhood, sound, odor, and waste.

15 As we start with sound, Mr. Young, if you wouldn't  
16 mind. The first one, on every wall, we will have multiple layers  
17 of sound attenuating blanket. Mr. Young -- which is then covered  
18 by a layer of five-eighths-inch gypsum board. Mr. Young -- then  
19 the ceiling is an eight-inch slab of concrete and then sprayed  
20 on there -- Mr. Young -- we have a product called K-13 which  
21 dissipates the sound. Then -- Mr. Young -- we have hanging from  
22 there two layers of gypsum board, and they're hung actually by  
23 springs so that the sound cannot go through the springs and travel  
24 to the ceiling above the structure.

25 COMMISSIONER SHAPIRO: Mr. Chair.

1 MR. PASTREICH: Yes, sir.

2 COMMISSIONER SHAPIRO: May I jump in?

3 CHAIRPERSON HOOD: Yes, go ahead, Commissioner Shapiro.

4 COMMISSIONER SHAPIRO: If I may, and respectfully, it's  
5 an impressive level of detail, and I appreciate the passion that  
6 the team is bringing to it too, absolutely. But respectfully,  
7 I'm not sure that this may be more information than we need.

8 MR. PASTREICH: Okay. Then, Mr. Young, can you skip  
9 four down?

10 MR. HUGHES: Mr. Shapiro. We appreciate that. We just  
11 wanted to certainly be overprepared rather than the opposite.  
12 When you say that, do you -- this is all material that's generally  
13 in our submissions. Do you want any discussion about the other  
14 items, the odor, the waste removal, or shall we just go forward  
15 to conclude our testimony and answer -- ask --

16 COMMISSIONER SHAPIRO: I'll see where my colleagues  
17 are, but based on what I've seen in the record, I'm comfortable  
18 with hearing your conclusion, but I certainly don't want to step  
19 ahead of either of my colleagues.

20 CHAIRPERSON HOOD: Let me just opine. I was hoping  
21 -- I'm glad Commissioner Shapiro mentioned -- we do review the  
22 record. I did have one question, especially when you are talking  
23 about high end, but we can get to that. I think this will better  
24 advised, and I will let the Vice Chair speak after me, but this  
25 will be better advised if we ask our questions. I think this is

1 a very thorough job from the submissions. And let me just assure  
2 you and public, we do read. So we already have pretty much --  
3 maybe not to the level of detail, but I think sufficient enough  
4 to move forward with our review and our actions. So I would  
5 agree with Commissioner Shapiro. But also, I think -- I know  
6 that you all rehearse, and I didn't want to take anything away  
7 from anybody. So if you want to rehearse and when the lights  
8 come on, I wanted you to be able to proceed. So, you know, if  
9 can condense more of it, and we can kind of -- I even thought  
10 you were going to stand on the record, actually, but since you  
11 didn't --

12 (Laughter.)

13 MR. HUGHES: I apologize, from jumping out of the gate.  
14 No, sir. Thank you very much for your comments. And certainly,  
15 you were going to ask Commissioner Miller if he had any comments.

16 CHAIRPERSON HOOD: Let's let Vice Chair Miller opine.

17 VICE CHAIR MILLER: I also appreciate the presentation.  
18 I had reviewed the record. I guess -- I didn't get a chance to  
19 review the PowerPoint, if you want to just go through each of  
20 the slides for a couple of seconds, maybe without commentary. If  
21 somebody has a question about it, we could ask it, but I think  
22 they are pretty self-explanatory since we had the previous  
23 information. But I would like --because I didn't get a chance  
24 to look at the PowerPoint beforehand. If you want to just go  
25 through your PowerPoint, just without commentary, a couple

1 seconds, and then if one of us has a question, we can ask about  
2 it. That might be a solution.

3 MR. HUGHES: Mr. Young, we'll just flip it after five  
4 seconds or so.

5 MR. PASTREICH: Mr. Young, could you go one higher, two  
6 in the other direction. Yes, there. Then I'll be quiet while  
7 you go quickly. So we are so close to the end.

8 CHAIRPERSON HOOD: Close to the end. Okay.

9 MR. HUGHES: These items are just -- Commissioners,  
10 these are just the specified criteria in the Regulations. And  
11 so those are those are the high notes, treatment of odor and  
12 noise, and waste removal. And then there's a specific provision  
13 related to having these materials along the walls and that's all  
14 going to be provided. So we'll conclude and thank you for your  
15 patience. And we're right here to answer any questions that you  
16 have.

17 CHAIRPERSON HOOD: Okay. Thank you all for your  
18 presentation. I want you to rest assured that this is not our  
19 first dog care case to be heard. So we're kind of familiar with  
20 the odor and the waste and the soundproofing, even though I think  
21 Mr. Pastreich really wanted to talk about the sound. I could  
22 tell the way it was laid out by the different layers and the  
23 side, and the materials used. He really wanted to get into that,  
24 and I didn't want to take that from him, even though we have kind  
25 of been through something similar. It may not be some of the

1 same materials. So we are very well aware of how you're  
2 preserving, and how you're trying to make sure that you're  
3 respectful of the community. So with that, let me open it up.  
4 I do want to come back to my "high end," because I have a lot of  
5 neighbors who -- I want to be able to talk about dog daycare to  
6 them, and they are going to think that I really know something  
7 about that. But I will come back and ask my questions later.

8 Commissioner Shapiro, any questions or comments?

9 COMMISSIONER SHAPIRO, Oh, gosh, I'm so hesitant to ask  
10 this, but I need to. Mr. Pastreich, I discovered new dog poop  
11 bags online that allow me to actually flush down the toilet,  
12 because they're biodegradable -- they're (indiscernible)  
13 disintegrate with water. Am I making a mistake with that? And  
14 why don't you do the same technology?

15 MR. PASTREICH: Well, we are not allowed to by city  
16 ordinance. I would -- where the ordinance is different. What I  
17 would do is I would have a container of organic chemical that I  
18 would put the waste in and then periodically dump that down the  
19 toilet and flush it, but the city ordinance does not allow that.  
20 City ordinance requires me to put it in the dumpster.

21 COMMISSIONER SHAPIRO: For commercial properties?

22 MR. PASTREICH: Yes.

23 COMMISSIONER SHAPIRO: Okay. All right. Thanks.

24 Mr. Chair, I apologize for my previous question. This  
25 is a very thorough presentation that you've given, and I think

1 that the record is quite complete. And I have no further  
2 questions, Mr. Chair.

3 CHAIRPERSON HOOD: Okay, thank you.

4 Vice Chair Miller.

5 VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank  
6 you, Mr. Hughes and the others, Toll Brothers and Mr. Pastreich,  
7 for your presentation this evening. And congratulations on  
8 getting the childcare and fitness facility space leased and  
9 operating and open. That's great news. And I'm sure Colby's  
10 Dogcare will also be a great addition for the immediate residents  
11 and the nearby community.

12 Just out of curiosity. I'm not sure it affects our  
13 special exception review. Well, does Colby's Dogcare operate  
14 elsewhere in the city at this time, or this will be the first  
15 one for this particular operator?

16 MR. PASTREICH: Well, it will be the first one ever.  
17 This is a flagship location.

18 VICE CHAIR MILLER: Okay. And Ms. Timiraos -- sorry,  
19 I mispronounced your name. This is unrelated. Of the -- you  
20 said you leased up the residential units of this phase and 500  
21 plus units in 2019. I'm just curious what the occupancy rate.  
22 These are all rental units?

23 MS. TIMIRAOS: Correct. 525 rental units.

24 VICE CHAIR MILLER: I'm just curious what the occupancy  
25 rate is and if that's been affected by the -- well, I'm sure that

1 after you opened up -- but was it affected by the pandemic?

2 MS. TIMIRAOS: We are about 80 percent occupied  
3 currently of the 525 units, and we have had pretty steady growth  
4 up until the pandemic. We did lose some occupancy. We have many  
5 residents who I'm going to just describe moved back home to their  
6 -- to live with their parents during the pandemic. That that  
7 was a bit of a setback, and we've seen return to growth since  
8 then.

9 VICE CHAIR MILLER: And the Loree Grand, which was --  
10 I don't know if I got the right name for the first phase. Is  
11 that over 700 units?

12 MS. TIMIRAOS: That's not our project. Dennis might  
13 be able to confirm.

14 VICE CHAIR MILLER: Okay.

15 MR. HUGHES: I'm sorry, Commissioner, I don't have the  
16 exact numbers, but I believe it is closer to 200 units.

17 VICE CHAIR MILLER: Okay. Right. The 700 was the  
18 total for the whole PUD. Okay, so I won't ask any questions  
19 about occupancy of that since the owner is not here for that.

20 I have one question for, I guess for the applicant --  
21 for Mr. Hughes and for OP. On the specific conditions to mitigate  
22 against odor, waste and sound that are being proposed here, and  
23 this may be a question for our counsel as well. Do those specific  
24 conditions, which are all great in terms of a proposed mitigation  
25 plan, are they -- do they become part -- are they proposed to

1 become part of our draft order or are they just referenced by  
2 exhibit? I didn't see a reference to them in the new language  
3 that's in the modification of significance. I'm just wondering  
4 how the specific conditions get enforced. Does the ZA have to  
5 go back and look at their record and see what was here, or is  
6 there a reference to the exhibit, or do the conditions actually  
7 get incorporated in the order of this  
8 -- what would be a special exception for the BZA, but it's a  
9 modification of significance of the PUD.

10 What's your understanding of that, Mr. Hughes? Because  
11 I don't have an understanding of how that works.

12 MR. HUGHES: Well, it's an excellent question. I  
13 think generally it's -- we're asking for flexibility to add this  
14 use. This use is a special exception, so that is somewhat  
15 unusual. The language that Mr. Cochran discussed with me that's  
16 provided -- shared with me, that's in the Office of Planning  
17 report, the details, that is one thing. But your point is right.  
18 It doesn't really tie to these conditions. So -- by the way,  
19 let me interrupt myself, because my screen is -- I can't seem to  
20 see anyone, but can you still hear me?

21 COMMISSIONER SHAPIRO: Yes.

22 VICE CHAIR MILLER: Yes.

23 MR. HUGHES: Okay. That's all that matters.

24 We certainly, I don't believe have any objection to  
25 supplementing that language that we're proposing to reference,

1 the relevant exhibits in the record here, that show in our  
2 statement that provides what we're proposing, if staff and you  
3 believe that's your preference. Otherwise, to answer your  
4 question, I think it would be something that in the permitting  
5 process, the DCRA would come back and make sure that what's  
6 proposed in terms of construction build-out is consistent with  
7 what we've shared with you today.

8 VICE CHAIR MILLER: Yeah, I'll ask the OP about that  
9 and maybe our counsel when we go forward. But I think there  
10 would be, off the top of my head, useful for the order to not  
11 only permit the use, but also to reference the proposed mitigating  
12 conditions. I think if this were a BZA case, special exception,  
13 we would actually have the specific conditions right in the order.  
14 It doesn't necessarily have to be that. It could be more  
15 flexible. It could just reference the exhibit or comparable  
16 mitigating measures because the technology for all that changes  
17 over time. I'm glad you're willing to work with our counsel on  
18 that in the draft order.

19 MR. HUGHES: Absolutely. And to kind of follow, I  
20 think your point, my concern with respect to just the (audio  
21 interference) that was shown is that the build-out -- I don't, I  
22 can't speak for Mr. Pastreich, the build-out could deviate -- I'm  
23 just throwing this out as a conjecture -- from the specific, you  
24 know, the room orientations or the door entries and so forth, and  
25 I wouldn't --

1 VICE CHAIR MILLER: Yeah, I don't want to see this come  
2 back before us again.

3 MR. HUGHES: I think the relevant issues are more what  
4 we've shown you in the PowerPoint in terms of the noise and the  
5 odor and so forth, the waste removal. That would be the  
6 commitment that would be referenced in the condition, if that's  
7 agreeable to you and your --

8 VICE CHAIR MILLER: I will see what my colleagues and  
9 the OP and counsel say, but yeah, I appreciate your willingness  
10 to work with us on that. Thank you.

11 CHAIRPERSON HOOD: Okay, thank you. I think -- and I  
12 would agree with the Vice Chair, and also my other colleague,  
13 Commissioner Shapiro, I think this modification of significance  
14 from the record and from the things that are being proposed,  
15 especially with the soundproofing that Mr. Pastreich necessarily  
16 didn't get a chance to finish, because I know he was very excited  
17 about it.

18 MR. PASTREICH: I come from the world of symphony. I  
19 love sound.

20 CHAIRPERSON HOOD: Oh, okay. But I still think all that  
21 is involved in this, it just needs to be codified and  
22 memorialized somewhere, so we won't have any issues and people  
23 have some certainty. That takes it for me for what we are  
24 supposed to do.

25 I have some other questions, and these are very helpful

1 (indiscernible) in the community. You all are experts with dog  
2 daycare. What is high end? I didn't understand. What is high  
3 end? I really don't know what low end is, but what is the high  
4 end of care?

5 MR. PASTREICH: So there are sort of two main  
6 philosophies or strategies in dog daycare. One is that you have  
7 an open room, all the dogs go in that open room all day long,  
8 all night long. You have somebody who sleeps in the room with  
9 the dogs at night. And another one is that you have rooms where  
10 you have kennels on the outside. The dogs spend some time  
11 playing, then some time resting, and then they go back and play  
12 again, which a) helps them -- prevents them from becoming overly  
13 stimulated, which can in long term actually change personality;  
14 and b) prevents them from eventually playing to the point where  
15 they get hurt, exhausted and hurt. There's also -- the law allows  
16 us to put, I think, I'm not sure, but I genuinely believe it to  
17 be 20 dogs with one person. And we're going to keep it generally  
18 under 10, in extreme cases, as many as 12 dogs playing with one  
19 person. We're going to also, as I've done my site visits at  
20 other places in the area, often I see the person watching the  
21 dogs also on their cell phone or sitting down. We're not going  
22 to have a chair for a person sitting. They're not allowed to  
23 play on their cell phone. They are going to be interacting with  
24 the dogs the whole time. We're investing very heavily in odor  
25 control. Often when you walk into a dog daycare, there's a smell.

1 We find that the folks that we're aiming for are often -- what  
2 they're doing is they're getting the dog in order to try out  
3 parenthood, or to demonstrate to their partner their ability to  
4 parent. And so we're keeping a very heavy daycare look and feel  
5 to the place and smell to the place, and throughout trying to  
6 treat it as if someone was putting their child in the space.

7 MR. HUGHES: Mr. Hood, if I could just interject here.  
8 The term "high end" (indiscernible) my ear. I don't think that  
9 Mr. Pastreich meant it as distinguishing between a low-end  
10 product and high end. Everything I've heard -- (indiscernible),  
11 Mr. Pastreich is very enthusiastic about his business here, and  
12 I think it's going to be a great success. And everything I've  
13 heard is every -- all the care for all the pets is going to be  
14 very high end. What I took from these very unusual suites, if  
15 you will, is more -- I don't want to say, like, I think maybe a  
16 demanding, particularly demanding customer who might have an  
17 antisocial creature or something like that. I don't want to put  
18 -- I don't want to say anything negative toward anyone, but I  
19 just think that is for more focused care of particular pets. And  
20 Michael, please correct me if I'm wrong. But I just want to  
21 clarify, that it's not a high end versus a low-end care. It's  
22 very high end throughout your operation. And I'll stop with  
23 that.

24 CHAIRPERSON HOOD: Okay. I actually didn't take it  
25 that way, but I was thinking that, you know, it's just like when

1 I go -- when I'm flying somewhere, I'm in second class with the  
2 first class. So I was trying to figure out, is there something  
3 additional? I get it. So I didn't take it that way. I was just  
4 trying to figure out what else.

5 MR. HUGHES: Okay. My apologies.

6 CHAIRPERSON HOOD: My last question absolutely has  
7 nothing to do with this hearing. It is for my own -- and I'm  
8 going to seize the moment because you all are the experts. My  
9 question is, when I was growing up, and I always talk to my wife  
10 about this, she's from Jackson, Mississippi, so she says the same  
11 thing. We both say the same thing. Growing up here in D.C., I  
12 didn't see a lot of people at one time walking dogs when I was  
13 younger. I live right here in Ward 5. And then I was thinking,  
14 well, maybe that was the reason, most of the time I was jumping  
15 over somebody's fence to get away from the dog or jumping on  
16 somebody's car. But I guess the laws have changed. People have  
17 changed. I notice now everybody walks their dog. But years ago,  
18 I didn't see that. What actually prompted that? Or did I miss  
19 something, or did I just not pay attention? I've been wanting  
20 to ask that question. I want to seize the moment.

21 MR. PASTREICH: I think there are two things. One is  
22 laws. When I was little, we let the dog out and he'd run out  
23 the front door and then he'd come back. And I would step in  
24 things that dogs left behind and (indiscernible) higher than  
25 that. And now if you let your dog loose, then it will get picked

1 up by the city and you'll be fined. And that just doesn't happen.  
2 And if you leave your dog in your backyard too long and it barks  
3 too loud, then the city will come and talk to you about it. So  
4 that's one thing. I think dogs have also societally changed  
5 their position. Right? If you go back even 20 years, no dog  
6 was allowed in a restaurant. No dog was allowed near food,  
7 prepared food, and dogs weren't even allowed in an outdoor  
8 restaurant. Now, you know, I just moved from St. Petersburg  
9 where the rule is, if you want outdoor seating, you have to allow  
10 dogs. The whole world has changed in mentality. There are now  
11 -- I was talking to the executive director of the Board of  
12 Veterinary Medicine, and they're now looking at how close can  
13 animals come to a kitchen, as the animals are now being seen less  
14 as pets and more as family members.

15 CHAIRPERSON HOOD: Okay. I thank you very much for  
16 indulging me and everyone indulging me, because I've been wanting  
17 to ask that question, but since I have the experts, I've learned  
18 a long time ago to seize the moment. So thank you both, and Mr.  
19 Hughes for providing that information. Are there any follow up  
20 questions, Commissioners? I don't have any additional ones.

21 Do we have anyone here from ANC 6C, Ms. Schellin? I  
22 don't believe so. I do know we have a letter.

23 MS. SCHELLIN: Let me double-check, but I don't think  
24 so. I do not see anyone.

25 CHAIRPERSON HOOD: Okay, let's go to the Office of

1 Planning report. Mr. Cochran. As he always does, let's keep it  
2 brief.

3 (Laughter.)

4 MR. COCHRAN: I have too good a memory from the last  
5 hearing, Mr. Chair.

6 I'm Steve Cochran, and I'm presenting OP's testimony  
7 for Case No. 05-36M.

8 And in reference to a comment from Mr. Hughes earlier,  
9 yes, I have been professionally involved with this site since the  
10 last century. PUDs -- the original PUD goes back to 1995.

11 Okay, so on this one, OP is recommending approval of  
12 the modification of significance for this PUD. That includes a  
13 special exception to use approximately 6,900 square feet for  
14 animal sales, care and boarding, and additions to Condition 2 of  
15 Order 06-36I. This change in the condition is noted in OP's  
16 report, and it would enable the requested special exception use.  
17 And I can answer Mr. Shapiro's -- or at least try to address Mr.  
18 Shapiro's question; no, it was Mr. Miller's question, later.

19 The PUD occupies all of the square, as has been  
20 described, except for a dog park at the corner of 3rd and L. The  
21 (indiscernible) are governed by MU-Use Group F category,  
22 associated with PUD related MU-9 Zone. The proposed use would be  
23 located at the corner of 2nd and L on the ground floor and the  
24 OP illustration of this does have north going -- pointing upwards.  
25 There would be no changes to any other space or uses in the

1 building. All of these are a matter of right and consistent with  
2 the PUD orders. However, the requested use must meet the specific  
3 use conditions in U-516.1(b) and the general special exception  
4 criteria in Subtitle X, Chapter 9. The application and use would  
5 meet all of those conditions and criteria as we presented in our  
6 report. And today, ANC 6C filed a letter in support of the  
7 report, not our report, but the application, sorry.

8 At this point, I'd be happy to stand on the record, but  
9 I could also give you a little bit more information about how  
10 the application meets the requirements, more specifically, if  
11 you'd like. Otherwise, I'd be happy to answer questions.

12 CHAIRPERSON HOOD: Okay. Thank you, Mr. Cochran, as  
13 always. And I think your report was very thorough as always, so  
14 thank you very much. Let's see if we have any questions,  
15 Commissioners. Any questions for Mr. Cochran? Vice Chair Miller.

16 VICE CHAIR MILLER: Thank you, Mr. Cochran, for your  
17 report. Yes, so I would just be interested in your comment on  
18 whether or not you think there needs to be any language in  
19 addition to what's proposed that permits the dog care, boarding  
20 and grooming use. Also in reference to the conditions that are  
21 referenced in your report or in the exhibits that have been  
22 provided by the applicant, do we need anything in the order, in  
23 your opinion, to reference those specific conditions or  
24 comparable conditions that mitigate against the odor, waste, and  
25 noise, which those standards in the Zoning Regulations are

1 designed to address.

2 MR. COCHRAN: For an answer that would hold up to legal  
3 inquiry, I'd have to defer to OAG or to Ms. Steingasser, but just  
4 from a commonsense standpoint, I might suggest that Condition 2  
5 have the following phrase added on to the end of it. Actually,  
6 let's see. Let me go back to my port. Oh, there we go. You've  
7 got the language what we added to the condition. And to that  
8 you might to add, "which shall be fitted out and operated in  
9 accordance with the materials and measures described in Exhibit  
10 27 through 27D."

11 VICE CHAIR MILLER: Thank you. I think that's a good  
12 suggestion, and we'll hear from maybe -- well, we'll hear from  
13 OAG, or we'll just let the applicant work that out with OAG for  
14 the draft order. So I appreciate just hearing your perspective  
15 on that. Thank you.

16 CHAIRPERSON HOOD: Any other questions? Okay. Mr.  
17 Hughes, does the applicant have any questions of Mr. Cochran?

18 MR. HUGHES: No, sir.

19 CHAIRPERSON HOOD: Okay. Thank you, as always, Mr.  
20 Cochran. We appreciate it.

21 And again, I don't believe we have anyone here from the  
22 ANC. Ms. Schellin, 6C? Do we have anyone from ANC 6C?

23 MS. SCHELLIN: (Negative head shake.)

24 CHAIRPERSON HOOD: Okay. All right. Other government  
25 reports? I did not see any. Let me go to the ANC report, as

1 stated by Mr. Cochran. We did get the letter in from ANC 6C. We  
2 got one supporting the 35-day. And then we have another one --  
3 let me see, this is our exhibit -- just a second, pull it up.  
4 Exhibit 36, I believe. No, Exhibit 35. And it says -- does it  
5 have the vote? (Indiscernible) ANC 6C is in support for the  
6 requested modification of Zoning Commission Case 05-36, the  
7 modest change -- this is what they say, "the modest change would  
8 add a welcomed business service for nearby pet owners. We find  
9 this application satisfies the requirement of Subtitle U, Section  
10 516.1(b), that the proposed operation will not impose  
11 objectionable conditions or other adverse effects on residents  
12 of the building or nearby properties," and I won't continue to  
13 read it. Thank you for giving us the great weight of our views,  
14 ANC 6C. So they don't find this objectionable.

15 Ms. Schellin, do we have anyone who is here to testify  
16 either in support, opposition or undeclared?

17 MS. SCHELLIN: We do. I don't see -- the first person  
18 on the list in support is Anthony Petty. I do not see him. And  
19 then we have Mr. Tefera. I don't see that person in our list  
20 either. We do have a call-in user, but that phone number is not  
21 coming up. I don't know, Mr. Young, if you want to try bringing  
22 that person on to see who that caller is, because that phone  
23 number is not registered.

24 MR. YOUNG: It's (indiscernible).

25 CHAIRPERSON HOOD: We don't have anybody to testify

1 other than the phone number that we're checking now.

2 MS. SCHELLIN: No. We have in opposition Llewellyn  
3 Jones is on. And other than that, there was one person that was  
4 undeclared, and that is Patty Chaney.

5 CHAIRPERSON HOOD: Okay. Let's bring everybody up  
6 then.

7 MS. SCHELLIN: Other than that, that's all I've got.

8 CHAIRPERSON HOOD: Okay. So we have called for  
9 everyone, and I think we have two people and one person who may  
10 be identified that is on the phone. Let's bring everybody up so  
11 we can go ahead. And we'll start with Mr. Jones. Llewellyn  
12 Jones. There you are.

13 MR. JONES: Yeah, I'm a resident of the 200 block of K  
14 Street. I've been here for about 15 years. I have to admit,  
15 when I first saw the invitation for commenting, I thought it was  
16 about the construction project on the next block over, which has  
17 many more issues that were -- the neighbors are trying to deal  
18 with. But so, that said, I still wanted to have some comments  
19 as a homeowner and who has children and a cat, and not a dog.  
20 We've seen the huge influx of dogs in the neighborhood, you know,  
21 which is great. We're seeing -- like, it's great to see the  
22 neighborhood alive, and a lot of people out and about at the dog  
23 park is fantastic. It's -- there are some issues about what was  
24 being talked about, the smell. And, you know, the dog stuff  
25 that's around. In general, people are really great about it, but

1 with more dogs and more dogs coming for the service, it's going  
2 to be here, there's going to be even more dogs. And what we're  
3 seeing is these trash cans are full of bags of dog poop and  
4 there's just dog urine everywhere. And the smell in the summer  
5 months, it's really something else. And to be honest, I'm not  
6 actually against the project, but I'm hoping that the folks  
7 involved might be willing to say something to help deal with  
8 these issues that are outside of the business, just sort of in  
9 the surrounding blocks. Like, right now, there's just like  
10 there's this little sliver of a place for kids to go play at,  
11 and there's lots of stuff for dogs. You know, I was wondering  
12 if there something you guys could help contribute to, like  
13 helping. You know, I don't know if it's like hosing down that  
14 area around or if there's some way to deal with the surge. But  
15 there's going to be an even larger overflow of dog poop in the  
16 garbage cans around, things like that. I mean, I don't have any  
17 specific ideas about what could be done, but I'm hoping to hear  
18 what you guys might say to that.

19 CHAIRPERSON HOOD: Okay. We will let them respond if  
20 they choose to respond. So that's not necessarily in our  
21 bailiwick, but if they choose to respond, because I tell you,  
22 some of the same issues that you are dealing with Mr. Jones, is  
23 some of the same with the whole city to a certain point is dealing  
24 with. It's about balancing. It's about being respectful.

25 I know when people take their dogs for a walk, what

1 I've never figured out, is let your dog do what he's going to do  
2 there and then take him a walk. No, they're grass is actually  
3 green and mine is brown. So either way, it's a -- so those are  
4 some of the same issues that we all are dealing with, but we all  
5 got to learn to live here together. Dogs -- I know I like playing  
6 with dogs when they don't try to bite me. But, you know, we all  
7 -- so we got to balance it. We have to balance it. So let me  
8 hear from the next person. Who was it again, Ms. Schellin? And  
9 then we'll -- Mr. Jones, we may have some questions and we may  
10 get a response.

11 MS. SCHELLIN: There wasn't anybody else.

12 CHAIRPERSON HOOD: I thought there was somebody on the  
13 phone?

14 MS. SCHELLIN: Well, there was a call in, but I don't  
15 think Mr. Young was able to -- or maybe he did check and see.  
16 Mr. Young, were you able to find out who the caller was?

17 MR. YOUNG: I don't know who it is. I unmuted them,  
18 but they didn't say anything.

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: You did unmute them?

21 MR. YOUNG: Yes.

22 CHAIRPERSON HOOD: Let the record reflect that we tried  
23 to reach out to everyone to make sure everyone was able to  
24 participate.

25 So Ms. Timiraos and Mr. Pastreich, do you all have any

1 responses to Mr. Jones or would you -- you all will be neighbors  
2 so you can probably continue that collaboration later, but do you  
3 have a response for him now, if you like?

4 MR. HUGHES: Let me just jump in, if I could. With  
5 respect to Mr. Jones' concern about odor and piling up of dog  
6 waste and bins and so forth. To clarify, the proposed use we  
7 are here today to seek your approval for -- the dogs are not  
8 going to be walked in the community. It's not a matter of them  
9 staying at the dog care and then being walked around and then  
10 the waste left in the trash containers. So it's actually going  
11 to -- you know, we think it will actually take dogs off the  
12 streets, if you will, that doesn't sound right. But there won't  
13 be -- this use does not add to that at all. In fact, we believe  
14 it will reduce it. And as we discussed before, there's a very  
15 robust program that we've got in place to make sure that there's  
16 not any smell or waste emanating from inside the building. So I  
17 don't think it is a -- we appreciate the concern, but we don't  
18 think that this use adds to that whatsoever and, in fact, should  
19 improve it somewhat.

20 And then as to the unrelated issues in terms of  
21 amenities, Mallie, if maybe you could speak to that and the items  
22 around the perimeter of the building.

23 MS. TIMIRAOS: Absolutely. I think the concerns or  
24 observations that Mr. Jones mentioned are all things that we  
25 share in the interest of the community and the neighborhood. Our

1 residents are walking those same sidewalks that you are, as a  
2 homeowner across the street, and our intention is to be a good  
3 neighbor and proactive and work together. And as Mr. Hood  
4 suggested, you know, happy to continue this conversation offline.

5 CHAIRPERSON HOOD: And Mr. Hughes, certainly, I would  
6 not say that any of this has any bearing on us. I think the  
7 gentleman, Mr. Jones, was doing exactly what I was doing, getting  
8 educated and also seizing the moment. You got experts moving in  
9 your neighborhood, you seize the moment. You tap into that  
10 expertise, and I think that's what he was doing.

11 Mr. Jones, I'm sure they are looking forward to  
12 continuing having a discussion with you and all those who are  
13 concerned, and I'm sure they could give you some of that -- Mr.  
14 Pastreich, I'm sure he has about four or five hours that he can  
15 really give you the passion that he has. And I'm being sarcastic.

16 MR. PASTREICH: You can find my phone number on my  
17 website. I'm happy to talk to you.

18 CHAIRPERSON HOOD: Okay. Are we good, Mr. Jones?  
19 You're on mute. Mr. Jones, you're still on mute. There you go.

20 MR. JONES: All right. Thanks. One idea I'll just  
21 throw out there. I don't need to discuss it, but it might be  
22 helping to contribute to the NoMA BID, those are the folks that  
23 have been cleaning up around the area. But I can continue this  
24 discussion offline there.

25 MS. TIMIRAOS: Great. Thank you. We look forward to

1 that, and one of my colleagues actually just joined the BID Board.  
2 So absolutely. To be continued.

3 CHAIRPERSON HOOD: Okay, sounds great. That's what I  
4 always call a good neighbor policy. Okay. I think we've cleared  
5 all those who wanted to testify.

6 Mr. Hughes, do you have any closing or rebuttal?

7 MR. HUGHES: No rebuttal, and a very brief closing. Of  
8 all the things we've mentioned, I'm not sure if Mr. Pastreich  
9 mentioned it or not, but, you know, we have been pursuing this  
10 approval for several months. If the Commission will maybe recall,  
11 we had originally filed this as a modification of consequence,  
12 and that was considered back in April, and it was deemed that we  
13 needed to have a public hearing. And so here we are today. And,  
14 you know, we've enjoyed -- made the most of it and enjoyed our  
15 time with you here today. Hopefully, we have clarified some  
16 things. But what I'm trying to say is that we believe this is a  
17 much-needed use in the community. We believe it's totally  
18 consistent with the programming for the building and a great  
19 amenity for the building residents and the neighbors, and the  
20 health emergency has only exacerbated the need. And what we had  
21 sort of been concerned and noted in our first filings was that  
22 when the world starts to come back to normal, there's going to  
23 be an even bigger need, and I think that's played out somewhat  
24 over the past few months, unfortunately, with animals being  
25 abandoned and so forth. And so what I'm trying to say,

1 Commissioner, and members of the Commission is, we request your  
2 approval, and we'd like to get this opened and operating just as  
3 soon as possible. So thank you very much for your time and  
4 consideration. And we would request your approval. Thank you.  
5 And that concludes the applicant's presentation.

6 CHAIRPERSON HOOD: Thank you, Mr. Hughes. And  
7 colleagues, as you know, we ran (indiscernible), and Mr. Hughes  
8 would like the Commission's decision, but before we go there,  
9 Vice Chair Miller mentioned about the conditions. I want to ask  
10 Ms. Cain to come up and kind of explain the path forward. We  
11 probably could leave the flexibility for OAG as well as OP, but  
12 Ms. Cain, if you could kind of help us with that.

13 MS. CAIN: Yeah. So I think the condition that was  
14 proposed by the Office of Planning should work. The Office of  
15 the Attorney General would request some flexibility with the  
16 final language to make sure that all of the sort of sub exhibits  
17 in Exhibit 27 that capture the different elements of the sound  
18 attenuation and the odor control are properly captured, and that  
19 there's also enough flexibility built in so that the applicant  
20 doesn't have to come back, as Vice Chair Miller said, you know,  
21 for subsequent modifications.

22 CHAIRPERSON HOOD: Okay, thank you. Any questions of  
23 Ms. Cain right now, or are we good, Vice Chair?

24 VICE CHAIR MILLER: Thank you, Ms. Cain. I agree  
25 entirely with what you said, and I appreciate everyone's

1 willingness to work together on that.

2 CHAIRPERSON HOOD: Okay. I think this has been very  
3 informative. Mr. Hughes asked us -- or didn't ask us, he didn't  
4 say the exact words, so I won't say it. He would like a bench  
5 decision. I don't see any hesitation unless my colleagues have  
6 a reservation on that. And I'm looking at them to see if anybody  
7 is reserved on that, doing that tonight. Okay. So would somebody  
8 like to make a motion?

9 VICE CHAIR MILLER: Should I defer to the dog owner in  
10 our group? (Indiscernible) dog owner, but I'm not -- you don't  
11 have to recuse yourself or anything, but --

12 CHAIRPERSON HOOD: No, I think a lot of people would  
13 have to recuse themselves if that's the case.

14 VICE CHAIR MILLER: I'm sorry, I'm just being  
15 facetious.

16 CHAIRPERSON HOOD: No, we know. You have to have some  
17 fun sometimes.

18 VICE CHAIR MILLER: I will move approval of Zoning  
19 Commission Case No. 05-36M, Toll DC II, LP, modification of  
20 significance at Square 749, Lots 826 and 827, 200 K Street,  
21 Northeast, a previously approved PUD to include this particular  
22 dog care, grooming, and boarding use, and ask for a second.

23 COMMISSIONER SHAPIRO: And I would second that. And  
24 the only thing I would add is to make sure the motion includes  
25 the condition language that we had discussed.

1 CHAIRPERSON HOOD: Okay.

2 VICE CHAIR MILLER: Yes, thank you, Mr. Chair.

3 CHAIRPERSON HOOD: It's been moved and properly  
4 seconded. Amended by Commission Shapiro to include the conditions  
5 as discussed in moving forward with OAG and OP with the  
6 flexibility for them to work that out. Any further discussion?  
7 Not hearing any, Ms. Schellin, could you do a roll call vote  
8 please?

9 MS. SCHELLIN: Yes. Commissioner Miller.

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: Yes.

13 CHAIRPERSON HOOD: I think you called my name. I don't  
14 know if you can --

15 MS. SCHELLIN: Sorry. Commissioner Hood.

16 CHAIRPERSON HOOD: Yes.

17 MS. SCHELLIN: The vote is 3-0-2 to approve Zoning  
18 Commission Case No. 05-36M for final action, and that is  
19 Commissioner May not present, and the Architect of the Capitol  
20 representative not present. And this is approving with the  
21 conditions as discussed. And I believe Mr. Hughes asked for a  
22 summary order. Is the Commission approving that?

23 CHAIRPERSON HOOD: Yes, a summary order is sufficient.

24 MS. SCHELLIN: Summary order is sufficient. Other than  
25 that, that is all I have.

1 CHAIRPERSON HOOD: Okay. I want to thank everyone for  
2 their participation tonight. We appreciate it. A lot of it  
3 might not necessarily have been germane to our proceedings, but  
4 it was very helpful, so we appreciate that.

5 The Zoning Commission will be meeting again on  
6 September 27th. And this is CQ Metro Land, LLC, 20-22. We will  
7 meet at 4:00 p.m. on these same platforms, which is this coming  
8 Monday.

9 Ms. Schellin, do we have anything else?

10 MS. SCHELLIN: No, sir.

11 CHAIRPERSON HOOD: Okay. I want to thank everyone  
12 again for their participation tonight. And this hearing is  
13 adjourned. Good night.

14 (Whereupon, the above-entitled matter went off the  
15 record at 5:14 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 09-23-21

Place: Teleconference

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