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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning
Zoning Commission of the District of Columbia

PUBLIC HEARING OF THE ZONING COMMISSION

CASE NAME: TOLL DC II, LP-PUD MODIFICATION @ SQUARE 749
CAUSE NO. Z.C. 05-36I

6:35 p.m. to 8:00 p.m.

Thursday, October 30, 2014

441 4th Street, N.W.
Jerrily R. Kress Memorial Room
Second Floor Hearing Room, Suite 220 South
Washington, D.C. 20001

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1 Commissioners:

2 ANTHONY HOOD, Chairman

3 MARCIE COHEN

4 PETER MAY

5 ROBERT MILLER

6 MICHAEL TURNBULL

7

8 Also Present:

9 SHARON SCHELLIN, Secretary

10 JENNIFER STEINGASSER, Office of Planning

11 STEVE COCHRAN, Office of Planning

12 EVELYN ISRAEL, District Department of Transportation

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C O N T E N T S

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Holland & Knight LLP	
DOUGLAS CARTER, Architect,	8
Davis, Carter, Scott Associates	
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P R O C E E D I N G S

1
2 CHAIRMAN HOOD: Okay. Let's begin. Good
3 evening, ladies and gentlemen. This is a public hearing of
4 the Zoning Commission for the District of Columbia.
5 Today's date is Thursday, October the 30th, 2014. We're
6 located in the Jerrily R. Kress Memorial Hearing Room.

7 My name is Anthony Hood. Joining me are Vice-
8 Chair Cohen and Commissioner Miller, Commissioner May, and
9 Commissioner Turnbull. Here also is Zoning staff, Ms.
10 Sharon Schellin, as well as the Office of Planning, Ms.
11 Steingasser, Mr. Cochran, and from the District Department
12 of Transportation, Ms. Israel.

13 This proceeding is being recorded by a court
14 reporter and is also webcast live. Accordingly, we must
15 ask you to refrain from any disruptive noises or actions in
16 the hearing room, including display of signs or objects.
17 Notice of today's hearing was published in the D.C.
18 Register, and copies of that announcement are available to
19 my left, on the wall near the door.

20 The hearing will be conducted in accordance with
21 the provisions of 11 DCMR 3022, as follows: preliminary
22 matters, Applicant's case, report of the Office of
23 Planning, report of other government agencies, report of
24 the ANC, organizations and persons in support,
25 organizations and persons in opposition, rebuttal and

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1 closing by the Applicant.

2 The following time constraints will be maintained
3 in this meeting. The Applicant will have up to 20 minutes
4 of additional time if needed. If you hit the high points,
5 20 minutes should do it for us. Organizations 5 minutes,
6 individuals 3 minutes.

7 All persons appearing before the Commission are
8 to fill out two witness cards. These cards are located to
9 my left on the table near the door. Upon coming forward to
10 speak to the Commission, please give both cards to the
11 reporter, sitting to my right, before taking a seat at the
12 table.

13 The decision of the Commission in this case must
14 be based exclusively on the public record. The Staff will
15 be available throughout the hearing to discuss procedural
16 questions. Please turn off all beepers and cell phones at
17 this time, so as not to disrupt these proceedings.

18 Would all individuals wishing to testify, please
19 rise to take the oath. Ms. Schellin, would you please
20 administer the oath.

21 MS. SCHELLIN: Yes. Please raise your right
22 hand. Do you solemnly swear or affirm the testimony you
23 will give this evening will be the truth, the whole truth,
24 and nothing but the truth?

25 [Witnesses sworn en masse.]

1 MS. SCHELLIN: Thank you.

2 CHAIRMAN HOOD: Okay. At this time, the
3 Commission will consider any preliminary matters. Does the
4 staff have any preliminary matters?

5 MS. SCHELLIN: Other than the Affidavit of
6 Maintenance has been received, and other than that it's
7 just the proffered experts. There appears to be just one,
8 Mr. Carter, that's not previously been accepted.

9 CHAIRMAN HOOD: Okay. Okay, Mr. Glasgow. Good
10 evening.

11 MR. GLASGOW: Good evening, Mr. Chairman.

12 CHAIRMAN HOOD: And for the record, you are
13 proffering a few experts, as well?

14 MR. GLASGOW: Yes.

15 CHAIRMAN HOOD: One that has not been --

16 MR. GLASGOW: Right, and you probably just didn't
17 go back far enough in the records, because I know that Doug
18 Carter and I have handled cases --

19 CHAIRMAN HOOD: Oh, yeah. I've seen -- yeah.
20 Okay. I didn't look at you. Yeah, I've seen you.

21 MR. GLASGOW: I think he's been proffered and
22 accepted as an expert in the past.

23 CHAIRMAN HOOD: Okay. I think, Mr. Carter, I do
24 remember, but, then again, don't rely on my memory. But I
25 do remember Mr. Carter. I believe we did do that in the

1 previous -- any objections? Okay. I'm not seeing any.

2 Anyone else that we have not --

3 MR. GLASGOW: I think everybody else has
4 previously accepted.

5 CHAIRMAN HOOD: Okay, and I think if we hit the
6 highlights, I think that would do.

7 MR. GLASGOW: I think -- I will give a brief
8 opening statement, Mr. Carter will give a presentation, and
9 then we're going to be ready for questions. So, we have
10 everybody, has, you know, been qualified and sworn in, and
11 we can just have questions to the panel.

12 CHAIRMAN HOOD: Okay. Let me just ask this. Is
13 there anyone present who is in opposition to this case?
14 Okay, Mr. Glasgow, you may begin.

15 MR. GLASGOW: Thank you, Mr. Chairman. Good
16 evening, members of the Commission. For the record, my name
17 is Norman M. Glasgow, Jr., with the law firm of Holland &
18 Knight, appearing on behalf of the property owner, Toll DC
19 II, LLP, for modifications of the existing PUD at Square
20 749, which will complete development of this square.

21 Here with me this evening are Mr. Dennis Hughes,
22 also of Holland & Knight; Jeff Harris of Toll Brothers, who
23 is sitting to my immediate right; Doug Carter of Davis,
24 Carter, Scott Associates, and there are other members of
25 Davis, Carter, Scott here; Jami Milanovich of Wells &

1 Associates; Mary Ramsey and Will Lattanzio of Wiles Mensch.
2 They're civil engineers.

3 We are pleased to be here this evening with
4 recommendations in support from the Office of Planning,
5 with some comments; the ANC, with conditions; and DDOT, in
6 support of the project. We do have a revised set of plans
7 which address some of the questions that have come up
8 during the course of the proceedings, and you should have a
9 copy of that in front of you, and those plans are -- what's
10 the date of the plans, Doug, that we're using this evening?
11 Today's date?

12 MR. CARTER: October 30th.

13 MR. GLASGOW: October 30th. This project in this
14 square, in various iterations, has been going on for close
15 to 20 years. That's how long I've been working on
16 different PUDs and prior iterations of this development,
17 and we are now hopeful to bring it to a conclusion.

18 In summary, the most apparent modifications being
19 requested here this evening are a relocation of the entry
20 to the publicly accessible court from 2nd Street frontage,
21 where it faces a retaining wall, to K Street frontage, as
22 supported by the community, and which is much more
23 accessible to the community, and the redesign of the court
24 in a way which we believe is very welcoming and intriguing,
25 and Mr. Carter will be discussing that. We have increased,

1 by 25,000 square feet, the amount of residential gross
2 floor unit area within the building, and with our
3 commitment for 10 percent for affordable housing, an
4 additional 2,500 square feet of affordable housing over the
5 previous approval.

6 We have revised and updated elevations, which we
7 believe are an improvement over the existing facades, and a
8 reorganization of the roof level, and we were responsive to
9 recent comments from the Commissioners, including a comment
10 that I received on Monday night, which resulted in movement
11 of a roof structure on the west side of the building. So
12 when you all talk, yes, we do listen.

13 Lastly, we have endeavored to right-size the
14 parking garage as a result of the experience, generally,
15 with respect to parking demand within high-rise buildings,
16 and the experience and leasing of parking spaces in the
17 Phase I of the project, where there is a significant
18 vacancy with respect to parking spaces.

19 Also with respect to parking -- and I think this
20 was raised by Commissioner Miller -- Toll Brothers
21 continues to confirm the statement that was made during the
22 last hearing, concerning the Phase III project, that should
23 there be spaces available in the garage that they could be
24 available to the Phase III property, in accordance with the
25 terms of that letter. And, however, as the letter that I

1 wrote in that prior case, the Phase III building did not
2 participate in providing any -- did not provide any parking
3 or have a lease that would not accommodate those that had a
4 car, but still Toll is amenable to that.

5 If there are no preliminary questions or matters,
6 I'd like to call the first witness, Mr. Doug Carter of
7 Davis, Carter, Scott.

8 MR. CARTER: Thank you, Chip, and Mr. Chairman,
9 members of the Commission. For the record, Douglas Carter,
10 architect for the project, and with me is Jan Makovnik, who
11 is our lead designer, and behind me Hero Nemi [ph], the
12 project director, and Bo [ph], as well, as his assistant.

13 I know that you are aware that this was a
14 previously approved PUD. We did make the changes just
15 referred to by Chip. We have a condensed version of the
16 PUD. We actually came with our own projector, our own
17 screen, so that we could hopefully project the real true
18 colors. In lieu of us being able to actually change the
19 colors on the screen, I know that you all have this package
20 in front of you, and so maybe we can just walk through the
21 package, where you can see, really, I think, to good
22 effect, the changes that we have made.

23 So, the first page -- this sounds like it's going
24 in and out -- the first page is a perspective along K
25 Street, looking at the building from the east, and I think,

1 as the, Chip just mentioned, the, the -- okay, this is
2 Sheet A(505). The first thing that you can notice is that
3 the staircase, the offending staircase has been moved back,
4 and so now, from this perspective of K Street you don't see
5 that staircase. What you do see is a building that we have
6 really worked hard to enhance, in terms of architectural
7 articulation, and we have brought the materials with us
8 tonight, and I think they are up there on the dais with
9 you. And so, I think as you hand the materials around, you
10 will be able to see that we have actually created a
11 building that I think is fully compatible with Phase I.

12 So, if we flip the page, I think we can look at
13 the first major change, and that is the entrance. By the
14 way, north is to your right on the page. But you see that
15 we've created a passageway to invite the public into our
16 courtyard. We worked very hard to make it a friendly
17 access for the public, and relate more to the community,
18 but, moreover, we want that passageway to be activated 18
19 hours a day. And so, our main entrance into the
20 residential building is off that passageway. So, it will
21 be lit, it will be peopled, and, so, we have a degree of
22 welcome to both the public and to the tenants in the
23 building.

24 If we go to the next slide, you will that that is
25 an enlargement of the courtyard. We -- because we know the

1 public is welcome, we have tried to create a courtyard that
2 has a sense of intrigue, a sense of exploration, and a
3 sense of surprise. And so as you come through the
4 passageway, you see the articulation of the passageway
5 itself, so we're creating a little bit of drama. So as you
6 come into the courtyard, it starts to widen out, 35 feet of
7 entrance width there.

8 On your left-hand side as you come in, we'll show
9 you a perspective in a moment, we've got a fire-and-water
10 element. That element is intended to intrigue, intended to
11 draw you in. And then we have a series of events that pull
12 you through to the north side of the courtyard, where you
13 can actually come around the water wall and planting area
14 and come into the quieter areas, where we are providing
15 eating areas and seating areas, so people can come in, feel
16 welcome. As you go in, there's a lot of seating area, and
17 the green area that you see in the bottom left-hand corner
18 of the courtyard is for the daycare area, as a play area
19 itself.

20 If we flip the page, we are now on sheet L(1), it
21 shows you -- I'm sorry, L(4). Sorry. It shows you, from K
22 Street, the entrance into the courtyard. And so we have
23 widened the courtyard. It is now 18 feet tall, as it was
24 in the originally approved PUD, but we've again tried to
25 welcome the public and tenants coming into the building,

1 glass on both sides, lit on both sides, activities on both
2 sides. On the right-hand side, as you walk in, there's the
3 daycare. On the left-hand side is the main entrance into
4 the building. And then, as you look at the perspective on
5 the right-hand side, you're looking further into the
6 courtyard, and so you can see both the green walls and the
7 water walls.

8 So, a major change, yes, but we think a very,
9 very significant change in terms of the relationship of the
10 building to the community. It was otherwise looking right
11 out at a big wall of the railway lines as they pull north
12 out of Union Station.

13 The next sheet, then, is a plan which shows the
14 public space. We have had a lot of discussions with the
15 public space. Phase I exists. Phase I is at a higher
16 elevation on K Street, and so there are two plans here.
17 The one on the left is before, the one on the right is
18 after, and if you will flip the page, I think the picture
19 is worth a thousand words. The perspective on the left-
20 hand side is as we were until we started the dialog with
21 public space, and the perspective on the left shows you, I
22 think, a much better transition from the higher elevation
23 on K Street, down onto the lower elevation here, which
24 gives us access to a passageway and to the daycare center
25 entrance.

1 The perspective L(5), on the other side, is
2 putting you right in the courtyard. On the left-hand side,
3 you will see the flame-and-water element. Over the top of
4 that, you can see people sitting in the seating area, the
5 quieter seating area, so that we can, indeed, have
6 different activities going on in the courtyard, be it
7 public or tenants, so that you've got larger crowds here,
8 in the seating area, quieter crowds sitting and eating in
9 the, behind the fire-and-water element. So it's really
10 intended to provide a variety of spaces, and, relatively,
11 the courtyard itself, is not a very large space but with
12 this kind of articulation, we can have a lot more fun.

13 If you flip the page, perspective L(6) shows you
14 as you would be walking towards the north, turning around
15 and looking towards the south, so you can see the fire-and-
16 water element. You can see the water walls, and those are
17 around the corner from the planting walls that you see as
18 you come in. Different experiences. Really, we think, a
19 pretty neat place for people to come in and rest at
20 lunchtime, or be there in the evening.

21 So that is really the courtyard. What we'd like
22 to do now with the rest of these slides or pages is to walk
23 you through the difference between the before and the
24 after. The before is really what you saw at your sit-down
25 hearing, and so, quickly, if you look at each of these

1 pages, the before is at the bottom. Our proposal for
2 tonight is at the top. And so you see the change here.
3 The courtyard is moved to the south. We've condensed the
4 loading dock, so we only have one curb for loading docks
5 and we have one entrance for the parking. So we've
6 actually cleaned up a lot of the curb cuts that we had.

7 We can go back, obviously, and answer any
8 questions, but I'm trying to get through this quickly.

9 If you flip to the next page, we start with the -
10 - sorry. Missed one page here, myself. We go to the floor
11 plans, and the typical floor plan, as you see it, at the
12 bottom is the PUD approved, and at the top is our
13 redesigned building. So I think you can see inside the
14 courtyard we have provided a great deal more articulation,
15 plus we have built into the project, we believe, with Toll
16 Brothers' guidance, apartments which are really market-
17 driven and appropriate for this area of Washington, D.C.
18 Again, any questions we can answer later.

19 The right page is actually the green roof. Now,
20 I think you're probably aware that we did lose some green
21 roof area. However, we think that we've done this to great
22 advantage to both the city and to the tenants. We're using
23 a split-system mechanical system, and so that means these
24 little black dots are the air-cooled condensers on the
25 roof. At the bottom you see the approved PUD. You can see

1 many fewer black dots.

2 What that means is, is that where we are missing
3 a black dot for an apartment, the condenser for that
4 apartment is through the wall. That means through the
5 wall, either onto the street or, and particular for the
6 courtyard, through the wall unit, into the courtyard, and
7 if you can imagine all of those air conditioners in the
8 middle of a nice, quiet evening, we think that this, even
9 though we lost a little area on the green roof, is a far,
10 far better environmental, and actually energy-conserving
11 measure.

12 So that is a change that did happen, we think for
13 the better. It helped us clean up the façade, which we are
14 now going to turn to, if you will turn the page and look at
15 the first of the elevation sheets, which should be on your
16 left-hand side. That is the K Street elevation. To the
17 right, if you're looking at the bottom elevation first,
18 which is the approved PUD, to the right is Phase I.

19 And so we are, as you see, taller than Phase I,
20 but we have kept our color scheme -- and we'll show you
21 that in a few minutes -- very, very empathetic with Phase
22 I. This K Street elevation, as proposed, then, is at the
23 top. I think you start, now, to get a feel for the degree
24 of articulation which we have provided. We felt that the
25 approved PUD could really use some enhancement. If you

1 look at the contrast between the approved and our proposed
2 tonight, I think, well, you are, you are judge and jury, so
3 we feel like we have provided you with a building which has
4 definitely much more articulation in the façade, and I
5 think definitely more interesting roof line.

6 So, this is the K Street elevation. You see, in
7 the center there, the entrance into the courtyard, and we
8 have, actually, I think, responded to all of the comments
9 that we had from staff and from yourselves, as we have
10 responded to this. And I am being told I've got 5 minutes,
11 so I'm going to do this very, very quickly.

12 But I think we've set the scene now, and so the
13 rest of this should be able to go a little faster. So if
14 you then look at the next page, to the right in your
15 booklet, you see the 2nd Street elevation as it was
16 proposed, at the bottom, with the courtyard entrance, and
17 then, again, much, I think, a much more articulated roof
18 line and more articulation into the projections and
19 recessions of the façade. You see, I think, the colors are
20 very, very empathetic, and actually, in your booklet, I
21 think we've got, further back -- do we have the -- these
22 are the finished renderings with trees. We do have in the
23 PUD submittal, these elevations, these same elevations
24 without trees in front of them, if that would be of
25 concern.

1 So, moving on, we've looked at the 2nd Street
2 elevation. If you will turn the page, please, we are now
3 looking at the L Street elevation, that is the north
4 elevation, and, again, the faded area to the left is the
5 Phase I, and the ultimate phase coming in this corner. And
6 so, again, at the bottom, the approved, at the top, our
7 proposed for tonight, and, again, we feel that we've been
8 able to provide you with a great deal more articulation.

9 Then we get to the end elevations, and so Phase
10 II, the east elevation is a permanent elevation, obviously.
11 The Phase II-A a north elevation is a temporary wall
12 condition, and so that will ultimately disappear as Phase
13 II gets built. And then the east elevation is actually
14 that little elevation piece that you saw in that original
15 perspective on K Street, and you can see, in actual fact,
16 that that staircase, the offending staircase, has been
17 moved way back on the roof, so it is literally invisible.

18 So if we keep moving and we go to the
19 enlargement, that is simply enlargements of K Street, the K
20 Street elevation, to give you a better idea of the
21 articulation. You see, over here, on the right-hand side
22 of those two pages, an enlarged detail of the entrance into
23 the courtyard, and underneath it is obviously what the K
24 Street elevation was before.

25 If we then flip again to the, I think, the last

1 perspective, really, it is of the K Street elevation, just
2 as a reaffirmation of where we started, and then the
3 elevations following are removing all of the trees, so you
4 can look at the buildings, if you will, in their bare
5 glory, as opposed to having any of it covered with
6 vegetation, so you can see all of the detail there.

7 And, so, very quickly, if you flip past those,
8 you see a perspective of the courtyard entrance with the
9 gate. Now, there is a certain time when this, these gates
10 can be closed, and the tenants can have the courtyard for
11 their own enjoyment, and so that is the way that we are
12 separating the public area from the courtyard. And, to the
13 left, where the gentleman with the beard is, is the main
14 entrance into the main lobby.

15 And then, the last page is, as requested, we've
16 taken the samples that you have in front of you to the
17 site, and what you see at the right there is the Phase I
18 building with our samples against it, so you can see the
19 compatibility, and then, on the left, is a little larger
20 blow-up of the masonry samples themselves, and I think you
21 have them in front of you.

22 So, Mr. Chairman, members, that is -- and did it
23 make it in 5 minutes? I made it in 5 minutes.

24 MR. GLASGOW: Mr. Chairman, that concludes our
25 direct presentation.

1 CHAIRMAN HOOD: Okay. Thank you. I appreciate
2 you trying to keep within a time frame. We may have some
3 questions that may go over the 20 minutes, but let's see
4 what happens.

5 MR. GLASGOW: We're here, sir.

6 CHAIRMAN HOOD: Okay. Let's open it up. Any
7 questions, Commissioners? We may not have any questions.
8 Mr. May?

9 COMMISSIONER MAY: Okay. So I do appreciate the
10 fact that you changed the stair penthouses and moved them
11 away from the wall, because that was my first issue, based
12 on the materials that we received in advance, and I
13 appreciate the fact that Mr. Glasgow listens. I had no
14 idea. I mean, I hadn't looked at this set. I didn't know
15 this was coming, but it is a recurring theme, where people
16 don't take the time to move it off, and move those
17 stairways away from the end of the building, when the end
18 of the building is going to be quite visible.

19 So, there are a number of changes that have been
20 made to the façade, and it's gotten a bit more complex,
21 frankly, than what it was before, and it was already busy,
22 and so it's still quite busy. I'm not going to hold back
23 on commenting too much on this. It does feel like it's
24 sort of too many colors and layers that are trying to be,
25 that you're trying to work with here, but that's, that's

1 the design that you're going for, so I'll hold off on that
2 -- I just think it's a little bit busier than it needs to
3 be -- and I'll focus on a few more specific questions.

4 You've added these rooftop elements that
5 accentuate the vertical pieces, and I don't really have a
6 good sense of what they look like. They look kind of
7 heavy. Have you looked into what they're actually going to
8 be, you know, made of, and how thick any of those -- I
9 mean, they look just like heavy tops. So are you trying to
10 create something that's trellis-like up there?

11 MR. CARTER: Yes, and if you look at the
12 perspective at the front, I think you can see what the
13 intention is. So they would be made out of aluminum, and
14 they need to have sufficient heft, both structurally and, I
15 think, aesthetically, so that they will stand up there.
16 But you see that we've actually created the trellis --
17 well, it is a trellis, literally, and so I think it will
18 feel light and airy, and I think it adds something to the
19 verticality. I think it adds some needed relief to the
20 building.

21 COMMISSIONER MAY: Right. I think that adding
22 something that accentuates the vertical elements like that,
23 I think is perfectly fine move, but I do question whether
24 that, whether it's really fully designed yet. It does feel
25 like it's more of a roof than a trellis piece, and that

1 there might be some things that you could do with making
2 the, making the slots that are in it maybe a little bit
3 longer and narrower, but more of them, to make it feel more
4 like a traditional kind of wooden trellis. I know that
5 it's not going to be the same dimension, but something that
6 speaks more to lightness and airiness, because it just
7 feels heavy.

8 MR. CARTER: I think we'd be very happy to look
9 at that, sir.

10 COMMISSIONER MAY: I think it's worth looking at.
11 You may find that it works, looks worse, but it's worth
12 taking a look at.

13 MR. CARTER: Thank you.

14 COMMISSIONER MAY: The trellis piece that is
15 most, that seems a little bit out of place is the one
16 that's in the area of the pool, and I think it would be
17 helpful to see some better view of what the rooftop looks
18 like. I mean, we've seen in plan, but the plan doesn't
19 really reflect exactly where the trellis is. The only
20 reason I know that there's a trellis is because it's
21 visible in the perspective views. But clearly it's
22 somewhere in the vicinity of where the pool house or the
23 pool equipment is, and all that sort of stuff. So seeing -
24 - I would really love to see a perspective view of what you
25 see on the roof, when you are on the roof.

1 But I think, more importantly, there's -- the
2 trellis pieces, generally, seem to be accentuating the
3 light-colored vertical elements, and then when you get to
4 the pool, it's the width of a broad piece of that lighter
5 element, lighter brick element, but then it extends even
6 beyond it, the trellis does, so it doesn't line up with the
7 vertical. Yeah. I'm not sure what view shows it best.

8 MR. CARTER: Well, I think if you look at the --
9 let's see, what sheet is this? -- A(302), if you can see
10 it, it's actually the 2nd Street elevation.

11 COMMISSIONER MAY: Right.

12 MR. CARTER: That shows you the west elevation,
13 and you can see the masonry element that you're referring
14 to, and that masonry element goes up and the trellis is
15 actually passing --

16 COMMISSIONER MAY: Joining up with it, right.

17 MR. CARTER: -- through it and then projecting out
18 to the south, having the support of aluminum columns there.

19 COMMISSIONER MAY: Okay. So what I was really
20 talking about was the K Street elevation, A(301) --

21 MR. CARTER: Okay.

22 COMMISSIONER MAY: -- where, you know, you can
23 see on the right-hand side the vertical tower element, if
24 you will, the trellis lines up on the right, and then when
25 you go to the broader piece, on the left, it lines up on

1 one side but it doesn't line up on the other. So you're
2 kind of losing, you're losing the accentuation of the tower
3 element there, when it doesn't, when it continues all the
4 way to the corner. And so when you go to A(302), and you
5 have that portion, you know, the lighter brick portion that
6 comes up and over --

7 MR. CARTER: Mm-hmm. Mm-hmm. Mm-hmm.

8 COMMISSIONER MAY: I mean, that really feels out
9 of place. It doesn't seem to work with everything else
10 that you have going on. All of the other vertical elements
11 are accentuated by these trellis pieces, and then you have
12 this, just this one section where a piece of the façade
13 sort of goes up and does that piece. So I would reexamine
14 that whole corner, the larger trellis over the pool and
15 then the way that light piece goes up there.

16 On the gate, we have a view of the gate, I'm
17 sorry, a view of that passage --

18 MR. CARTER: Mm-hmm.

19 COMMISSIONER MAY: -- with absolutely no gate
20 whatsoever, and then there's a view of it with a gate. So,
21 you know, I understand that there are ways to make the gate
22 kind of go away, but I'm wondering how it does go away and
23 whether it's really going to be completely invisible, or
24 whether it folds back, you know, against the glass walls,
25 or does it slide into a slot? I mean, what happens to it?

1 MR. CARTER: That is actually still a work in
2 progress. I'm sorry. Yes, we've looked at all kinds of
3 things. At the moment, this is, I think, a placeholder.
4 We've looked at pivoting sections of it so you will just
5 see a slim -- you'll see the end of the railing, if you
6 will.

7 COMMISSIONER MAY: Right.

8 MR. CARTER: So, we've actually looked at
9 different kinds of textures, as well.

10 COMMISSIONER MAY: So I think my point, if it is
11 not fully designed yet, I think we do want to see it fully
12 designed --

13 MR. CARTER: Okay.

14 COMMISSIONER MAY: -- because what I see now is,
15 you know, the potential for that gate to have a post that
16 blocks part of the passage, and, you know, it may be
17 perfectly fine for it to block part of the passage, but, on
18 the one hand, you're showing this view that shows it really
19 wide opened and a very grand entrance into the -- or a
20 spacious entrance into the courtyard, and then, you know,
21 it might actually be, you know, only half that width or
22 two-thirds that width with a lot of iron in the way, and
23 it's a different look, at the very least.

24 MR. HARRIS: Mr. May, Jeff Harris with Toll
25 Brothers. This kind of gets out of Doug's realm here a

1 little bit on these gates. This is from my landscape
2 architect, but the intent is to have central gates to where
3 the actual fence portion pivots 90 degrees, so you're
4 actually only looking head-on in a very thin profile, which
5 the intent, as that is shown on L(2) and L(1), to where you
6 have a central post and it's actually rotating. The intent
7 is to rotate it, and what we tried to do is show it in the
8 open position here, and also give you a perspective showing
9 it in a closed position. So I think what you're asking for
10 is a perspective in the open position.

11 COMMISSIONER MAY: Well, I think what I -- well,
12 maybe I need to look at L(2) and L(1), which is in the
13 bigger package we received?

14 MR. CARTER: It's L(3). This is sheet L(3),
15 shows you the blow-up, yes, L(1) and L(3). L(3) is the
16 blow-up, which allows you to see the gate pivoted.

17 COMMISSIONER MAY: Oh, okay. I didn't read those
18 as the -- okay. So, yes. But when you look at L(4), in
19 neither direction do we actually see that, even that sliver
20 of gate, right? I mean, what you're proposing may be
21 perfectly fine but, at the very least, we have to see it.
22 I didn't put those two together and realize that's what it
23 was.

24 And then my last -- sorry. I have two more
25 questions. Three more questions. Four more questions.

1 Sorry.

2 Did I hear you say that there will be no through
3 wall units whatsoever?

4 MR. CARTER: Correct.

5 COMMISSIONER MAY: Okay. I just wanted to make
6 sure I understand that. And then the east elevation, where
7 you've added windows, that elevation is across the alley
8 from Phase III, or from the ramp or something that leads to
9 -- it's between it and Phase III? Is that right?

10 MR. CARTER: I think if you look at the original
11 perspective, the red, the cover sheet --

12 COMMISSIONER MAY: Okay.

13 MR. CARTER: -- that you can see the east
14 elevation of Phase II and you see Phase I directly adjacent
15 to it. If you look at the sheet A(305), you will see, at
16 the right-hand side, that is the east elevation so that is
17 the grade area. On the right-hand partial elevation there
18 is the Phase II building, which is hard up against our
19 building. So the only thing that you will see of the east
20 elevation is just that little three-story piece, right at
21 the top.

22 COMMISSIONER MAY: Right. And I wasn't talking
23 about that. There are two things. Phase II-B East
24 elevation is what I was --

25 MR. CARTER: Correct.

1 MR. GLASGOW: That overlooks the driveway.

2 COMMISSIONER MAY: Right. So I've forgotten --
3 how tall is Phase III?

4 MR. GLASGOW: Phase III is about 65 feet, as I
5 recall.

6 COMMISSIONER MAY: So it's maybe half the height
7 of that?

8 MR. GLASGOW: It's about half the height of that,
9 and it's separated by the driveway --

10 COMMISSIONER MAY: Right.

11 MR. GLASGOW: -- that goes into --

12 COMMISSIONER MAY: Right.

13 MR. GLASGOW: -- Phase I.

14 COMMISSIONER MAY: Okay. All right. That's
15 fine. While we're on that page, Phase II-A, north
16 elevation, which is the temporary wall condition --

17 MR. CARTER: Yes.

18 COMMISSIONER MAY: -- I appreciate the fact that
19 you've gone to great lengths to make that look better than
20 just a big blank wall. I often complain about big blank
21 walls. But I think maybe you've gone farther than you need
22 to, that there's almost too much going on there, and maybe
23 two colors of brick or three colors of brick is enough, and
24 not four. It just seems like it's -- you know, again, it's
25 busier than it needs to. I think just having some

1 articulation is good. It doesn't necessarily have to have
2 that much variation, but leave that up to you.

3 The next question I have is, on the ANC report.
4 So the ANC supports the project, but their comment was that
5 it's conditioned, right? It's conditioned on there being a
6 prohibition of RPP. And I didn't see any indication --
7 maybe I missed it -- but I didn't see an indication that
8 you'd agreed to that.

9 MR. GLASGOW: We agreed to the prohibition on
10 RPP. There is draft MOU that's gone back and forth. There
11 is one provision where we are not in accord, and I can
12 submit, for the record, the red-lined and a clean version.
13 And the part where we are not in accord at this point is
14 that the community wanted, or the ANC was requesting that
15 if there's a lawsuit that's brought to enforce the RPP
16 provision, and the community prevails, that Toll would pay
17 their legal expenses. Toll has said that's fine, but then
18 they wanted it to be that if the ANC -- well, it's not the
19 ANC, directly, but a member in the ANC community brings an
20 enforcement action and loses, Toll says then they want to
21 be reimbursed for their expenses.

22 Conversely, we have said that if the parties come
23 and there is some type of suit, either then both parties,
24 they bear their own expenses, but we have not agreed that
25 we will pay their expenses if they win, and they don't pay

1 our expenses if they lose.

2 COMMISSIONER MAY: Okay, so, and I don't think we
3 want to necessarily get into that, that whole discussion.
4 But how are you proposing to enforce the prohibition on
5 RPP, since this is, these are all -- I mean, I assume that
6 these streets are all RPP-eligible.

7 MR. GLASGOW: Right. We have, we will submit our
8 document. It is taken from the Babes. It's the same type
9 --

10 COMMISSIONER MAY: It's a lease provision --

11 MR. GLASGOW: Lease provision. If they don't
12 comply with the lease provision, then they can get thrown
13 out, to the extent permitted by law.

14 COMMISSIONER MAY: Sure.

15 MR. GLASGOW: All of that, all of that is the
16 same.

17 COMMISSIONER MAY: All right. So, I guess I hate
18 to keep referring to the Babes case. Maybe if it were a
19 better name, but --

20 MR. GLASGOW: I suggested that it be changed
21 years ago, and we did change one of the Jamal entities,
22 which was Jamal's Hookers.

23 [Laughter.]

24 MR. GLASGOW: I did make them change that, and it
25 was changed.

1 COMMISSIONER MAY: Okay. Well, yeah. All right.
2 And I wonder if there's -- I mean, this is sort of an
3 aside, but given that we are moving in the direction of a
4 number of these projects having the RPP prohibition, in
5 your various conversations with DDOT about projects like
6 this, are you also kind of trying to push them to make
7 regulatory provisions that could perhaps circumvent the
8 need for all of this lawsuit language?

9 MR. GLASGOW: We're trying. We're not there yet.

10 COMMISSIONER MAY: Yeah. Okay. Well, keep it
11 up.

12 MR. GLASGOW: Because this a pain in the neck for
13 us, obviously, also.

14 COMMISSIONER MAY: Right. I understand, and
15 we're not trying to make it harder for you, ultimately.
16 We're trying to make it easier.

17 MR. GLASGOW: I know. I think that everyone
18 would be happier if -- because we've had such a great
19 relationship on working through, and as you've seen,
20 there's, the last couple of cases that we had on this,
21 there were issues and problems and everything, and now
22 we've got everybody in accord, and now we're hung up on one
23 line in a five-page document --

24 COMMISSIONER MAY: Right.

25 MR. GLASGOW: -- on the RPP thing.

1 COMMISSIONER MAY: Right. So, I don't
2 particularly care to have that into the record, but it's up
3 to the rest of the Commission to decide whether we need
4 that. I just, to understand the nature of where you are,
5 and that is helpful, and to know that you've agreed to the
6 no-RPP condition. That's it for me. Sorry. I've taken
7 more than 20 minutes.

8 CHAIRMAN HOOD: Okay. Vice-Chair Cohen.

9 VICE-CHAIR COHEN: Thank you, Mr. Chairman. I'd
10 just like to go to the elevation of the 2nd Street approved
11 PUD and proposed. Can you just explain the major changes?
12 I mean, I could visualize the major -- I see the major
13 changes, but can you explain what they were supposed to do,
14 other than, I guess, the consistency of the façade on 2nd
15 Street was a little too consistent. So if you could just
16 give me an idea of your thinking on the redesign.

17 MR. CARTER: Yes. I think it's a combination of
18 function and aesthetics, and so, obviously, the first
19 change that you see is we now have no entrance into the
20 courtyard on that 2nd Street elevation. The second issue
21 is that if you look at the approved PUD set, you will see
22 two loading docks and one parking entrance. And, so, if
23 you look at the 2nd Street elevation, literally from north
24 to south, you've got mostly non-street-activating things
25 happening all the way along.

1 Yeah, we did move the entrance into the
2 courtyard, and so the approved -- I'm sorry, our proposed
3 for tonight shows, then, a single loading dock that serves
4 both buildings, and then, in the center where the approved
5 PUD had the courtyard entrance, we have the loading dock.
6 But then I would point out that if you walk along 2nd
7 Street that there are only two elements, really, that is
8 the loading dock and the parking entrance, that are not
9 street-activated. So we've got the main lobby in the
10 southwestern corner, we've got activities for amenities,
11 stretching from that south corner all the way up to where
12 the loading dock is, and then, beyond to the north.

13 So, I think what we were trying to do was solve
14 the functional problem, if the entrance can be called a
15 functional problem, solve other functional problems, and
16 make it cleaner and simpler, with reducing curb cuts, and
17 then, instead of this wall of non-pedestrian-active
18 treatment, to really enliven 2nd Street with a lot of
19 activities inside the building that can be seen as people
20 walk by. So, that really explains, I think, the functional
21 changes.

22 The aesthetic changes, I think, I can go through
23 them in detail, but obviously they're self-evident in the
24 sense that we've got the projecting bay windows, the --

25 VICE-CHAIR COHEN: Let me just maybe help you

1 out. I guess I concur with Commissioner's May observation
2 that on the right-hand side, that's a little bit of a funky
3 protrusion --

4 MR. CARTER: Okay. Mm-hmm.

5 VICE-CHAIR COHEN: -- and it just doesn't feel
6 right when you look at, or doesn't look right when you're
7 staring at it from, again, an elevation drawing, but that's
8 just, again, something that was already brought up. So I
9 think you mentioned you'd pay a little bit more attention
10 to it. Is that correct?

11 MR. CARTER: Mm-hmm.

12 VICE-CHAIR COHEN: I have another observation
13 that I wanted to make, is that on the daycare play area, on
14 L(3) --

15 MR. CARTER: Mm-hmm.

16 VICE-CHAIR COHEN: -- unless you actually put
17 some furniture there, that's going to be used by dogs, and
18 I can tell you, from experience, it's going to be mostly
19 not green but brown, because of the depositing of urine.
20 And so I think you really have to make that a noticeable
21 play area so that people will try to keep their dogs away
22 from it as much as possible. And then --

23 MR. HARRIS: Can I respond to that?

24 VICE-CHAIR COHEN: Oh, sure.

25 MR. HARRIS: Yeah. That whole area will be

1 fenced. There will not be any access coming from the
2 courtyard, from the public or the residents. That will be
3 strictly for the daycare, as an outdoor area. The color
4 green, it could be any color. We haven't engaged a daycare
5 user at this time, so we don't know what kind of surface
6 they wish to have out there, but that area will be
7 separated. There is an emergency egress gate coming out of
8 there, in cases of emergency only, but there's no entry
9 into that from the courtyard.

10 VICE-CHAIR COHEN: Oh, okay. And what kind of
11 fencing do you contemplate? Pretty fencing, right?

12 MR. HARRIS: Yes. It will be a higher quality
13 than --

14 VICE-CHAIR COHEN: On the cover page there are
15 steps, and I didn't see any access. I mean, that may be to
16 the other building, if that's the Phase I building, but I
17 assume that you have access throughout for handicapped
18 access. Is that correct?

19 MR. HARRIS: Yes. The steps that you're looking
20 at on L(1), where you're referring to, out along K Street?

21 VICE-CHAIR COHEN: Yes.

22 MR. HARRIS: Yes. That's the grade transition
23 but there is handicapped access from 2nd up to 3rd Street,
24 along the street, as well as handicapped access along the
25 front of our building, and there is a means of ADA access

1 from the public walk, as well.

2 VICE-CHAIR COHEN: Okay. All right. I also
3 concur with Commissioner May's observations about the
4 busyness of the north elevation, the temporary wall
5 condition. Again, I think that it satisfies our concerns
6 about it being blank, but then having too many colors makes
7 it also very, a little too busy. So, let's see. And,
8 actually, that's my concerns.

9 CHAIRMAN HOOD: Any other questions? Anybody
10 else? Commissioner Miller.

11 COMMISSIONER MILLER: Thank you, Mr. Chairman. I
12 think most of my questions have been raised by others. On
13 the -- did we lose balconies from the K Street façade?
14 There was a whole row of balconies at the end, that were in
15 the approved and are not in the proposed, or am I seeing
16 something?

17 MR. HARRIS: We're not proposing any balconies on
18 any exterior of the building that faces any public streets.
19 We have bay window projections.

20 COMMISSIONER MILLER: I think the facades, in
21 general, are very attractive, and I like all the
22 articulation and the colors, both on K Street and 2nd
23 Street, and even on the temporary and permanent end pieces.
24 I didn't find it too busy, but --

25 MR. HARRIS: Commissioner Miller, I stand

1 corrected. The architect pointed out there are four, four
2 balconies at the very top.

3 COMMISSIONER MILLER: Right. On what's being
4 proposed?

5 MR. HARRIS: Correct.

6 COMMISSIONER MILLER: But there weren't balconies
7 -- I guess it's A(301), on the left side of that, on the
8 approved PUD. Was that a -- it looked like a whole, every
9 floor looked like it had something, or was that just a
10 grid, a grille of some sort above the window? Do you see
11 what I'm talking about.

12 MR. HARRIS: Yeah, I see what you're talking
13 about. I'm not familiar enough with that architecture.

14 COMMISSIONER MILLER: Okay. Well, in general, I
15 like balconies on residential buildings, so that they don't
16 look like K Street office buildings, which is why I liked
17 the articulation and the façade that you have against the
18 glass on these facades, so that the more you take away from
19 it, the more it does look like a K Street box, a glass box,
20 so I think that's good.

21 What is the -- on the gate, I guess I missed
22 this. It won't be -- there won't be -- how often will it
23 be closed?

24 MR. HARRIS: It closes in the evening and opens
25 again in the morning, so during the hours that were

1 previously approved to have that open to the public. So
2 it's mainly, I would probably say closer to dusk or seven
3 or eight, depending on when it gets dark, it closes for the
4 public, and then the residents have the courtyard in the
5 evening to themselves. But during the day, it's shared by
6 the public and the residents.

7 COMMISSIONER MILLER: And is that every day or is
8 that just the weekdays? Does it include the weekends, or
9 no?

10 MR. GLASGOW: Commissioner Miller, I believe it's
11 every day and it's eleven a.m. to seven p.m. It's going to
12 be the same as what it was in the prior order.

13 COMMISSIONER MILLER: Which is fully open to the
14 public?

15 MR. GLASGOW: Yes. There are going to be rules
16 and regulations that everybody follows, because we have
17 that, that we said previously. Obviously, any kind of
18 public space like that, publicly accessible space, is going
19 to be subject to the rules and regulations, but they apply
20 to everybody.

21 COMMISSIONER MILLER: Right. In the courtyard,
22 what is the surface material? Is that paving? I couldn't
23 tell. It almost looked like a carpet in some of these
24 renderings. What is it?

25 MR. HARRIS: Yes. It is two types of paving, of

1 which -- Lanshing is now here. Yes. Lanshing Hwang is my
2 landscape architect who is designing this courtyard, and
3 she would be better equipped to tell you what specific
4 materials that we're considering. It is a decorative
5 paving-type material, at least two types. Is that correct,
6 Lanshing? Is that correct, two types?

7 MS. HWANG: There are two types.

8 CHAIRMAN HOOD: She's going to have to come up to
9 the mic.

10 MR. HARRIS: Come up to the mic.

11 CHAIRMAN HOOD: And, could we swear her in?
12 She's going to have to be sworn in. Unless she just gives
13 you the answer directly and you can give it to us.

14 MR. HARRIS: So two types of paving?

15 MS. HWANG: There are two types.

16 CHAIRMAN HOOD: Okay. Okay. Here's what we're
17 going to do. Stand up. Stand up. No, hold on. Let's
18 just get her sworn in.

19 MS. SCHELLIN: You've got to be sworn in. Raise
20 your right hand, please. Do you solemnly swear or affirm
21 the testimony you will give this evening will be the truth,
22 the whole truth, and nothing but the truth?

23 MS. HWANG: Yes.

24 [Witness is sworn in.]

25 MS. SCHELLIN: Okay. Now you can turn your mic

1 on and identify yourself.

2 MS. HWANG: There are two --

3 MR. HARRIS: Wait a minute. You need to identify
4 yourself, for the record.

5 MS. HWANG: I am Lanshing Hwang, the landscape
6 architect working on this project, and for the courtyard
7 there are basically two types of paving patterns. The one
8 in the middle, as you can see, between the water walls and
9 the planting area, they are bounded aggregates. So that's
10 a very beautiful material. It has a very soft kind of
11 feeling. It's not pavers. It's not unit pavers. It's no
12 concrete. This material has been used in parks and even in
13 front of the British Museum. And in the area behind the
14 green wall and the water wall, between this element and the
15 building face, is just the gray type of a paver. It's
16 harvested in Virginia, and locally, you can say harvested
17 material, paver material to accentuate the interior paving
18 pattern to the outside, so it feels more like a courtyard
19 type of feeling. So these are the two types of pavers, and
20 it does differentiate the feels of a courtyard.

21 COMMISSIONER MILLER: Thank you. The only last
22 thing I would say, Mr. Chairman, I would agree with
23 Commissioner May and the Vice-Chair on the trellis element
24 at the corner, and maybe looking to see if you can narrow
25 it the way that Commissioner May had suggested, to open it

1 up.

2 CHAIRMAN HOOD: Okay. Thank you. Commissioner
3 Turnbull.

4 COMMISSIONER TURNBULL: Thank you, Mr. Chair.
5 Well, I think the courtyard was a great improvement. I
6 think reoriented in what you're trying to do there is a
7 really great improvement. However, since I was here on the
8 original when we approved this, and I know we went through
9 struggling on the design issues, we ended up with something
10 that was, at least, we thought there was a rhythm, there
11 was a balance to it, and I think we struggled with it at
12 the time, too, trying to get something that I thought, we
13 thought would fit in with the neighborhood. And I
14 understand what you're trying to do with the articulation,
15 but it's a little uneven, from a balance. If I look at it,
16 it feels a little awkward, and I just want to -- if we look
17 at the 2nd Street elevation, which is probably the worst
18 elevation, facing the tracks, you had a very horizontal
19 look to it. You had the roof line horizontal appearance.

20 Now you've got these four projecting vertical
21 elements coming up, with these rather awkward-looking --
22 they look like heavy benches -- on the top. It's like, we
23 don't know how to finish the top. There was a nice balance
24 with the rhythm, the flow of the thing, even though it was
25 long, and I think we thought, well, maybe it's a little bit

1 too boring. But I think, with the articulation now, the
2 rhythm going up and down, and especially with these
3 vertical elements just ending with these little, funny
4 little trellises, it just feels a little awkward. It just
5 feels that there's the rhythm that you may have had before
6 is gone.

7 If I can go back to Vitruvius, we talk about
8 firmness, commodity, and delight. I know you're trying to
9 get your delight, but I think the firmness and the
10 commodity, somehow there's a little bit missing there from
11 the overall appearance of it, and I think we need a little
12 bit more work on that. I think I know what you're trying
13 to do, by trying to get a little bit more articulation, but
14 I think, and especially with the roof line, at the right-
15 hand side at the top, it just looks awkward, and it just
16 feels very uneven, and I think, like some of the others
17 have already said, I think we need to go back and maybe
18 look at that.

19 And that continues as you go around the building.
20 I think there's this uneven balance. You're trying to get
21 this articulation, but I think with some of it, especially
22 at the top, the ending of it, it just seems like it just
23 ends, with these awkward trellises, and I really think you
24 need to take a look at that.

25 The other thing is that even when the arch was on

1 2nd Street, which is probably not the most advantageous
2 place, it had a rather nice, soft arch to it. Now that you
3 put it on K Street, you've got almost an entry that could
4 be to a high school. It's this concrete top that comes
5 out. We're going to have townhouses across the street. It
6 would be nice if the arch or something could come back to
7 be a little bit more welcoming, from the community
8 standpoint.

9 I mean, you're facing a residential area. It
10 just seems that it's a little harsh. It's a little bit
11 rectangular and -- as I say, the arch was probably
12 inappropriate in the first place, from where it was on 2nd,
13 but if it had gone a little bit softer on the other side, I
14 think it might be a little bit more inviting to the
15 community, or it just might make it look more residential.

16 I guess what I would also like to see is some
17 more information on the roof, these trellises. I would
18 like to see, when you redo it, get some sections, and maybe
19 a couple of perspectives or renderings up on the roof to
20 tell us, really, what's going on up there. I think that
21 would be a big help.

22 But I think the courtyard design is a wonderful
23 change. I think you've done a lot of work. You did a lot
24 of -- and it really shows, and I want to thank you for
25 that. It really looks good.

1 And, Mr. Chair, I think that's it.

2 CHAIRMAN HOOD: Okay. Thank you. I want to go
3 to L(4), and help me understand what's going on with the
4 courtyard. I'm not sure what's to the left as I look at it
5 on to the rendering, but what's to the right? I think you
6 said the daycare center?

7 MR. HARRIS: Yes, sir.

8 CHAIRMAN HOOD: So if I'm walking past it, I can
9 just walk up and look in the daycare center, go to the
10 glass and tap on the glass with the kids and do what I
11 want?

12 MR. HARRIS: You can.

13 CHAIRMAN HOOD: From a security standpoint, how
14 viable is that? And I'll tell you why. I dealt with that.
15 I had facilities at EPA, and it was the same issue, and I
16 had to deal with that. I'm just asking, you know, if the
17 parents, if they get people in there like that, most
18 people, you know, in this day and time, you want to make
19 sure kids are in a safe place. And I know it's the glass
20 in between them, but there's some stranger things that are
21 going on in this world, actually, and that was an issue I
22 had to face with it at that agency, at my agency. So I'm
23 just curious, because when I look at it, I say, this
24 reminds me of that. So what discussions have you had with
25 the security experts?

1 MR. HARRIS: I think I understand what you're
2 saying, and the intention that we're having is how it's
3 finished and fit out on the inside of the glass, relative
4 to -- I think it's important to keep the glass flanking
5 both sides of this entryway, to allow light to continue to
6 emanate. But there are treatments that we can do, that we
7 will have a professional daycare provider who goes into
8 these spaces, to where they can, I believe, fit out. If
9 it's visual, if they need a visual screen, we can, they can
10 create something inside to where you can't see down to the
11 children, or the children can't see out.

12 CHAIRMAN HOOD: See in, see out. Yeah. Okay.

13 MR. HARRIS: I think there's opportunities to get
14 creative with that interior design, relative to that, and
15 you are correct. It does need to be from a professional
16 daycare provider who is familiar with the needs of
17 security.

18 CHAIRMAN HOOD: Okay. So you already had that.
19 You had it on the map before I brought it up?

20 MR. HARRIS: It was very cognizant, as soon as we
21 put the glass on it.

22 CHAIRMAN HOOD: Okay. All right. So I get no
23 credit on that. Okay. The other thing, let's talk about
24 the RPP. Mr. Glasgow, I know Ms. Israel is here, but I'm
25 just not comfortable with that RPP and I'm not comfortable

1 with what's going on with the Babes. Could you give us a
2 report on what's going on with Babes? I mean, you don't
3 have to do it tonight, but I'm just not comfortable,
4 because the last I checked with DDOT is, yes, we put it in
5 the database, yes, this can happen and we can exclude
6 certain streets but certain streets we can't -- I know in
7 commercial areas -- but I still have not gotten the answer,
8 does it work, being excluded from RPP?

9 MR. GLASGOW: Well, what we've done is whether
10 they exclude -- our focus is to address the issue that's
11 raised, that's been raised. Whether we ever get on RPP or
12 not, what our position is, is that if you violate your
13 lease, you can get thrown out of the building. Okay.
14 That's where we're coming from.

15 CHAIRMAN HOOD: And in the lease -- help me,
16 remind me what happened, and if it's in the lease, what did
17 the lease say?

18 MR. GLASGOW: The lease is going to have
19 provisions in there -- and we have the specific language -
20 - is that if you, Toll commits to taking the following
21 steps, we will request that it be deleted. We're going to
22 place a clause in the lease, emphasized, a bold-faced
23 typeface, in all leases for residential units, prohibiting
24 any resident from applying for or obtaining an RPP, or
25 using an RPP visitor pass. So this is between the tenant.

1 Alright, I'm the tenant and I'm coming into his
2 building. I'm signing a lease that is specific and has
3 bold-faced type that says I can't apply for RPP or I'm
4 violating my lease. And we believe, and we had to look at
5 this issue for something that was raised. We think that's
6 no different than saying that you can't have animals in the
7 building, or whatever, that that is not a protected class.
8 You don't have a right to an RPP permit.

9 And so we have the right to exclude you from
10 asking for one, and if I go out and try to get one and
11 somebody finds out about it, they can terminate my lease.
12 So that's in the lease agreement, so that's between Toll
13 and the tenant. It doesn't have anything to do with what
14 DDOT does or doesn't do, other than that they're the ones
15 that issue the RPP. But that's off to the side.

16 CHAIRMAN HOOD: Do we have any other projects
17 that we've done that with?

18 MR. GLASGOW: Yeah, the -- I'll call it Wisconsin
19 and Brandywine.

20 CHAIRMAN HOOD: Do we have any others, because
21 I've heard so many different stories on that one, I don't
22 even know what to believe no more.

23 MR. GLASGOW: Right. Well, we saw some things on
24 the blogs, back on that other case, that just weren't true,
25 you know, about --

1 CHAIRMAN HOOD: Because you looked into that for
2 me once before, I think, did you?

3 MR. GLASGOW: That's correct.

4 CHAIRMAN HOOD: Okay. I just can't remember. We
5 only have one case a year down here, so I just can't
6 remember right now. No, I was just trying to remember. I
7 forgot what the findings were. Can you help me?

8 MR. GLASGOW: The findings on that -- that's why
9 we developed the program when we're dealing directly, if
10 you will, between the landlord and the tenant, because DDOT
11 was -- there were different responses that were coming out
12 in different cases at different times. I don't know
13 whether it's more regularized or not now, but we just
14 determined that in order for us to have control of the
15 issue, that we were going to do it between the landlord and
16 the tenant.

17 CHAIRMAN HOOD: Okay. And the reason I've raised
18 this is because I've been here long enough, and a lot of
19 projects have been built, and some we've dealt with, and
20 all of them, they were not all yours. But when you go over
21 to someone's house, and you see what's going on, and it's a
22 project that this Commission, which I was on, and voted on.
23 And when you go over there for a peaceful event and they
24 start complaining about, "This is what you all approved.
25 This is a problem," that whole thing about the parking

1 permit issue, when you've got neighbors -- and I know some
2 things you can't change, you can't control.

3 You've got neighbors selling -- so it causes a
4 problem, and I guess, I don't want the ANC to have raised
5 expectations about RPP, and it just doesn't work. And I
6 don't think of anybody in that area that I'm going to
7 visit, but I'm just saying, I just think that we need to
8 make sure that the expectations are what -- they are
9 actually going to materialize. That's kind of why I'm --
10 and I'm not picking on you, Mr. Glasgow, or this applicant.
11 I'm just saying, in general, because we've had some where
12 it sounds good down here, but what's actually going on in
13 the communities is something totally different.

14 So I just wanted to know what was going on with
15 that. I'm not going to belabor the point on that, but I
16 will follow up with DDOT, not tonight, on that issue. If
17 you want to ask Ms. Israel later on, you can, but I'm just
18 not sure if that whole piece is working. I'm not sure
19 what's going to happen here. We have to wait for it. I
20 might not be here when that all gets taken care of. But we
21 just have to see how this thing is going to pan out, what's
22 realized and what's really happening.

23 All right. That's all the questions I have.
24 Thank you. Any other questions?

25 Okay. Let's go to the ANC, and that's ANC 6C.

1 Is Chairperson Wirt, anyone here from the ANC? Do I see
2 anyone. Okay. Let's go to the Office of Planning and
3 District Department of Transportation.

4 MR. COCHRAN: Thank you, Mr. Chair. For the
5 record, Steve Cochran. Our report is very brief. After 20
6 years, OP likes this project. We're strongly in support of
7 it. There are just a couple of things that we hope we'll
8 be able to work with the applicant on between now and final
9 action. One is to look at a consolidated, revised order.
10 Given that we're now on INJ, we think that the Zoning
11 Commission ought to have a very clear order that
12 consolidates all of the changes that have been made over
13 the last couple of decades.

14 And then, finally, we think the applicant has
15 done an excellent job with the courtyard. We have only one
16 reservation. About 13,000 square feet of it is supposed to
17 be open to the public. We think that a public that's
18 willing to wander back in will find a very interesting
19 experience. We just think that the western part of the
20 courtyard is designed in a way that it might not be as
21 obvious to the public that they're welcome to that section
22 as they are to others, and we would recommend that the
23 Zoning Commission perhaps encourage the Applicant to add
24 another entrance to that western section, up near the
25 southern part of that fire fountain, so that you won't have

1 to walk around those very tall walls and find, almost like
2 Alice, that, indeed, there is another opening.

3 Thank you, and that concludes OP's report, and
4 we're certainly happy to answer any questions.

5 CHAIRMAN HOOD: Okay. Let's go to DDOT, and
6 we'll come back with our questions.

7 MS. ISRAEL: Good evening, Chairman and
8 Commissioners. Evelyn Israel for DDOT. As the Chairman
9 correctly pointed out, ultimately RPP and the restrictions
10 that we have discussed tonight aren't ultimately
11 enforceable by district government. That would be purely
12 enforceable by the leasing company and Toll Brothers. We
13 can follow up with the Commission to find out, to let you
14 know what exactly is --

15 VICE-CHAIR COHEN: Can you pull your mic up?

16 MS. ISRAEL: Sorry. Can you hear me better now?

17 VICE-CHAIR COHEN: Yes.

18 MS. ISRAEL: I apologize. Do you need me to
19 repeat?

20 VICE-CHAIR COHEN: No.

21 MS. ISRAEL: Ultimately, we're looking towards
22 making provisions like this more enforceable, but I don't
23 know the status, quite frankly, of where that is at this
24 point. I can follow up with the Commission at a later
25 point, if you would like that. However, ultimately, we

1 feel that future residents are ultimately likely to use not
2 auto modes of transportation, given its location and
3 proximity close to the Metro, proximity also close to a
4 variety of Capital Bikeshare stations, and so on and so
5 forth. Also the on-street parking utilization was, I
6 believe, 73 percent during the peak demand. Therefore, we
7 think that ultimately there is plenty of on-street -- there
8 is essentially sufficient parking supply on the streets for
9 the proposed modification, if you have any further
10 questions.

11 CHAIRMAN HOOD: I want to thank the Office of
12 Planning and DDOT. Let's see if we have any questions.
13 Mr. Turnbull.

14 COMMISSIONER TURNBULL: Yeah. Thank you, Mr.
15 Chairman. Mr. Cochran, looking on drawing L(3),
16 whereabouts on L(3) were you concerned about? Are you
17 looking at the upper, just past the overhead canopy?

18 MR. COCHRAN: Remember, on L(3), north is to your
19 right.

20 COMMISSIONER TURNBULL: Right.

21 MR. COCHRAN: So, yes. We're concerned that,
22 first off, that there be adequate signage at the front of K
23 Street, telling the public that this is open and welcome.

24 COMMISSIONER TURNBULL: Right.

25 MR. COCHRAN: Maybe even listing every Zoning

1 Commissioner over the last 20 years that helped it come
2 about. I'm kidding.

3 COMMISSIONER TURNBULL: And Mr. Cochran, too.

4 MR. COCHRAN: So going back into the area where
5 you see the fire fountain, putting a small and ideally
6 accessible opening right there. As you'll look at sheets
7 L(5) and L(6), once you get past the fire fountain, you do
8 have an unusually rich experience with the green walls and
9 the water walls, but they appear to be impenetrable.

10 Now, if you know to go around, of course, you can
11 get back up into that area that has the tables and chairs,
12 but we just think it would be a lot more obvious that that
13 area is open to the public as well as to the residents, if
14 you simply had an entry into it, right where everything is
15 low, right where that fire fountain is.

16 COMMISSIONER TURNBULL: Okay. Thank you for
17 clarifying that.

18 CHAIRMAN HOOD: Okay. Any other questions?
19 Commissioner May.

20 COMMISSIONER MAY: Yeah. Well, I just wanted to
21 follow up, I guess. When you were just suggesting that the
22 fire fountain thing could be shortened or moved, or that
23 there be some sort of an opening between there and the
24 walls.

25 MR. COCHRAN: Yes, sir.

1 COMMISSIONER MAY: So, are you willing to do
2 that?

3 MR. HARRIS: If I may, I would like to describe
4 what our thought process was on how we came up with this
5 design. Our intention was to create a sense of intrigue
6 and encourage exploration of our courtyard, not just a
7 piece of it. I understand what Mr. Cochran is saying. We
8 intentionally kept the fire-and-water element low, so you
9 could see across and understand there's something over
10 there, and we wanted people to actually come into our
11 courtyard, and explore it, and wander around in it. It
12 also helps create multiple nodes for people of different
13 sizes to gather in here, and have different experiences, to
14 be able to congregate either in a larger group or a smaller
15 group.

16 So, with all due respect, I understand what
17 you're saying. That was not what we were going for. We do
18 feel that, you know, just because you can not see a direct
19 path to it doesn't prohibit the ability to access it, and
20 it is open. You just need to explore a little bit. That
21 was our thought.

22 COMMISSIONER MAY: So that's a long no.

23 [Laughter.]

24 MR. HARRIS: I think it's helpful to understand
25 the context.

1 COMMISSIONER MAY: I appreciate that. You know,
2 I have to say, generally speaking, I'm more sympathetic to
3 Mr. Cochran's point of view, and I'm not saying that it
4 should be the sort of thing where once you get to the
5 portal that you can go left and go behind the fire fountain
6 and then go right to go in the main courtyard, but maybe
7 there are some other opportunities to find paths to explore
8 that get you back there a little bit sooner, so that it's
9 just a bit more porous.

10 MR. HARRIS: I'm happy to work with Mr. Cochran.

11 COMMISSIONER MAY: Okie dokie. I have a question
12 for DDOT. So you cited the 73 percent availability of on-
13 street parking. So, how much of that is on streets that
14 are rush-hour streets?

15 MS. ISRAEL: On rush-hour streets? I don't
16 believe any of those were on rush-hour streets.

17 COMMISSIONER MAY: K Street is a rush-hour
18 restricted street, right?

19 MS. ISRAEL: Let me see. Give me one moment to
20 look it over. I believe that actually is one of the
21 streets that has, actually, a higher occupancy rate.
22 Unfortunately, my copy here is not in color, and it's hard
23 to --

24 COMMISSIONER MAY: I guess I should have asked the
25 consultant, since she's come to the table and can probably

1 answer this better.

2 MS. MILANOVICH: I'm sorry. I just thought I
3 would help answer it.

4 COMMISSIONER MAY: Please.

5 MS. MILANOVICH: I'm just reviewing the inventory
6 that we put together. It looks like K Street is the only
7 rush-hour-assigned street in our study area. We did
8 roughly a quarter-mile radius. So that was the only
9 street.

10 COMMISSIONER MAY: That was the only one?

11 MS. MILANOVICH: Yes.

12 COMMISSIONER MAY: Yes.

13 VICE-CHAIR COHEN: You need to identify yourself.

14 MS. MILANOVICH: I'm sorry. Jami Milanovich with
15 Wells & Associates.

16 COMMISSIONER MAY: Thanks. I having rush-hour
17 restrictions is a big issue, particular if it's a morning
18 restrictions, people are not going to park there. I mean,
19 an evening-restricted street, I think is more likely to get
20 people parking overnight, if they don't have to move the
21 car at seven in the morning, but if it's only one street,
22 that's not a huge chunk of that inventory. So, thank you.

23 CHAIRMAN HOOD: Okay. Any other questions?

24 Okay. Ms. Israel, I would say I don't think we need to
25 peruse that on this case, about the RPP issue. That's a

1 big issue. I don't want to penalize this applicant. So
2 that is something that I do, at some point in time, want to
3 find out what the status is and what's going on with DDOT,
4 but I'm not going to use that for this applicant.

5 Okay. Report of other government agencies? We
6 saw an Office of Planning report, with again DDOT talk
7 about the curb cut. Any other reports that I may have
8 missed?

9 Okay, let's go to the report of the ANC. This
10 report is Exhibit 20, and basically says, it talks -- I'm
11 just going to read the last paragraph. "The Commission
12 voted unanimously 6-0-0 to support the following
13 modifications to Phase II of the project. (1) Relocate and
14 consolidate loading facilities along 2nd Street; (2)
15 Increase the internal bicycle parking from 55 to 175 spaces
16 and reduce the number of car parking spaces from 329 to
17 243; (3) Increase the number of units from 500 to 525, and
18 (4) Reorient the courtyard entrance from 2nd Street to K
19 Street, as well as also the height, from three stories to
20 two stories, and width of the portal of passway --
21 passageway." I'm sorry.

22 Let me make this larger. I still think I'm a
23 little younger.

24 Okay. Now, the last paragraph, just as I think
25 we kind of discussed some of this, and many of the

1 Commissioners voted to support the formal MOU which you
2 already have talked about. The ANC and the developer
3 concerns of the RPP permit -- we've been into that. Thank
4 you for giving great weight to the recommendations of ANC
5 6C, and this is signed by Karen Wirt, the ANC 6C chair.

6 All right. Do we have any organizations or
7 persons who are here in support? Any organizations or
8 person who are here in opposition?

9 And let me back up a little bit. Mr. Glasgow,
10 did you have any cross-examination on the Office of
11 Planning or DDOT?

12 MR. GLASGOW: No cross-examination.

13 CHAIRMAN HOOD: Okay. I forgot that. Okay. So
14 we can do rebuttal and closing by the Applicant.

15 MR. GLASGOW: Mr. Chairman, what we would like to
16 do, because there are a number of things that we've been
17 asked to take a look at and submit to the Commission, if we
18 could, we would like to get proposed action this evening.
19 We have worked very hard on this project, I think as you
20 can tell, and then submit the information that's been
21 requested between then and final action, and hopefully wrap
22 this up.

23 CHAIRMAN HOOD: That's your closing, too?

24 MR. GLASGOW: Yes, sir.

25 CHAIRMAN HOOD: Okay. All right. Commissioners,

1 let's see how we want to proceed. We had a request. I'm
2 not sure how you all want to deal with that. Are you all
3 right with that?

4 COMMISSIONER MAY: I think I'm fine with that.
5 Most of the things we asked for are kind of nibbling at the
6 edges. It's not, you know, major issues with it, but there
7 is a list of things that I think we ought to see something
8 on, but otherwise I'm ready to vote.

9 COMMISSIONER MILLER: Yes. I think we should
10 keep the momentum going on this 20-year project.

11 [Laughter.]

12 CHAIRMAN HOOD: Okay. All right. Mr. Turnbull,
13 are you okay?

14 COMMISSIONER TURNBULL: Yeah, I'm fine.

15 CHAIRMAN HOOD: Vice-Chair Cohen, are you okay?

16 VICE-CHAIR COHEN: I'm fine.

17 CHAIRMAN HOOD: Why don't we do the list first,
18 and then we will proceed. Ms. Schellin, if you want to
19 work with Mr. Glasgow and Mr. May, because I think a lot of
20 it came from -- Mr. May, Mr. Glasgow, and Ms. Schellin, if
21 the three of you all can work together for the list.

22 MS. SCHELLIN: I'm sure Mr. May will correct me.
23 Take a look at the vertical element and see if it can be
24 made to look a little better. Perspectives, views, when
25 you're looking the roof that shows the trellis piece --

1 sections, yes. End sections. Re-examine the larger
2 trellis over the pool.

3 COMMISSIONER MAY: I'm not sure it's exactly over
4 the pool. It might just be over the -- it's more toward
5 the lobby, now that I look at it. It's where the pool used
6 to be.

7 MS. SCHELLIN: Okay, I'm sorry. Where the pool
8 used to be. Okay. With regard to the gate, a fully
9 designed view of the gate at the passage to the courtyard.
10 The blank wall may have too much going on, so take a look
11 at that.

12 MR. GLASGOW: Simplify the design on that blank
13 wall.

14 VICE-CHAIR COHEN: And fewer colors.

15 MR. GLASGOW: Yeah, and fewer colors. Thank you.

16 MS. SCHELLIN: Mr. Turnbull brought up the 2nd
17 Street elevation and continuation around the corner. He
18 thought it looked awkward, it's uneven, uneven balance. It
19 needs a little more work. You're looking for something a
20 little more there? Okay.

21 He asked -- I think I've already said
22 perspectives in elevation of the roof, to show what's going
23 on up there. I think we've already touched on that. And
24 then, Commissioner May asked that based on OP's testimony,
25 to look at an entrance to the back of the fire fountain

1 area. Anything else? Commissioner May? So that's it.

2 COMMISSIONER MAY: You know, I think that we do
3 need to have something in writing with regard to RPP, and
4 your commitment on RPP, but not necessarily the MOU, or
5 whatever you're working on. But if that's the easiest way
6 to do it, whatever.

7 MR. GLASGOW: Commissioner May, I'll take a look
8 at whether it's easier just to redact part of that and say
9 this is what we have agreed to with respect to the RPP as
10 it relates to the lease.

11 COMMISSIONER MAY: You know, I think all we
12 really need is even a letter saying that you've agreed to
13 place restriction on RPP in the lease.

14 VICE-CHAIR COHEN: And I think we need the Memo
15 of Understanding, or some agreement with regarding to
16 further elaborate on the RPP, that you agree to --

17 COMMISSIONER MAY: I was suggesting that they
18 maybe don't need to submit the MOU. I think just something
19 in writing, saying that they agree to restrict the RPP.

20 VICE-CHAIR COHEN: Oh, okay. That's fine.

21 COMMISSIONER MAY: If you really want the MOU --

22 VICE-CHAIR COHEN: No.

23 COMMISSIONER MAY: I'm sure it's just the finest
24 product that you'll see from Holland and Knight.

25 VICE-CHAIR COHEN: Well, I just enjoy reading it.

1 CHAIRMAN HOOD: Okay. Anything else? All right.
2 I would move that we approve Zoning Commission Case No. 05-
3 36I, and ask for a second.

4 COMMISSIONER MAY: Second.

5 CHAIRMAN HOOD: It has been moved and properly
6 seconded. Any further discussion? All those in favor?

7 [Multiple ayes.]

8 CHAIRMAN HOOD: Any opposition? [?] Ms.
9 Schellin, would you record the role?

10 MS. SCHELLIN: Yes. Staff records the role at 5-
11 0-0 to approved Proposed Action Zoning Commission Case
12 Number 05-36I. Commissioner Hood moving, Commissioner May
13 seconding, Commissioners Cohen, Miller, and Turnbull in
14 support. And, in addition to those items, I'd ask the
15 Applicant to also comply with the section of the regs in
16 Chapter 24, which he is very well aware of, and also if we
17 could have the items that we went through this evening by
18 November 21st, along with -- let's see if that's going to
19 be enough time for the draft planning specs. And then ANC
20 would have until December 1st, because of the holiday,
21 December 1st to file a response to those items.

22 Chairman Hood, is there anything that OP or DDOT
23 needs to file a response to, or we'll just say if they want
24 to, they have until December 1st to do so?

25 CHAIRMAN HOOD: Okay, unless my colleagues say

1 they need something. I don't think so.

2 MS. SCHELLIN: I don't think there was anything
3 for them to file a response to. Okay. So just the ANC.
4 All filings due by three o'clock p.m. And then as far as
5 the draft Findings, Facts, Conclusions of Law, I really
6 need to get that a little bit earlier. If we could get
7 that by December 17th -- I'm sorry, November 17th -- and
8 then we'll put this on the December 8th agenda for final
9 action.

10 CHAIRMAN HOOD: Okay. So are we all on the same
11 page? All right. I want to thank everyone for their
12 participation in this hearing tonight, and this hearing is
13 adjourned.

14 [Whereupon, at 8:00 p.m., the Public Hearing of
15 the Zoning Commission was adjourned.]

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