

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 15-33 [Insight E Street, LLC. Consolidated
PUD and Related Map Amendment at Square 1043, Lots
128, 156, 157, 818, and 819.]

6:30 p.m. to 7:50 p.m.

Thursday, June 30, 2016

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

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5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JOEL LAWSON

13

14 DDOT:

15 EVELYN ISRAEL

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P R O C E E D I N G S

CHAIRPERSON HOOD: Okay. Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission for the District of Columbia. Today's date is June 30th, 2016. My name is Anthony Hood. We are located here in the Jerrily R. Kress Memorial Hearing Room.

Joining me this evening are Vice Chair Cohen, Commissioner Miller, Commissioner May, and Commissioner Turnbull. We're also joined by the Office of Zoning staff Ms. Sharon Schellin. Soon to be joined by the Office of Planning staff and we're also joined by the District Department of Transportation, Ms. Israel.

This proceeding is being recorded by a court reporter. It's also webcast live. Notice of today's hearing was published in the D.C. Register and copies of that announcement are available to my left on the wall near the door. The hearing will be conducted in accordance with provisions of 11-DCMR-3022 as follows, preliminary matters, applicant's case, report of the Office of Planning, report of other government agencies, report of the ANC, organizations and persons in support, organizations and persons in opposition, rebuttal and closing by the applicant.

1 The following time constraints will be
2 maintained in this meeting. The applicant has up to
3 60 minutes. We have reviewed the record. We don't
4 even think 25 minutes is what we need for tonight's
5 case. So I'll ask you to condense that as much as
6 you can. Organizations, five minutes. Individuals,
7 three minutes.

8 All persons wishing to testify before the
9 Commission this evening's hearing are asked to
10 register at the witness kiosk to my left and fill out
11 two witness cards. These cards are located to my
12 left on the table near the door. Upon coming forward
13 to speak to the commission, please give both cards to
14 the reporter sitting to my right before taking a seat
15 at the table.

16 When presenting information to the Commission
17 please turn on and speak into the microphone, first
18 stating your name and home address. When you are
19 finished speaking please turn your microphone off so
20 that your microphone is no longer picking up sound or
21 background noise.

22 Please turn off all electronic devices at
23 this time so as not to disrupt these proceedings.
24 Would all individuals wishing to testify please rise
25 to take the oath? Ms. Schellin, would you please

1 administer the oath?

2 MS. SCHELLIN: Yes. Please raise your right
3 hand.

4 [Oath administered to the participants.]

5 MS. SCHELLIN: Thank you.

6 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we
7 have any preliminary matters?

8 MS. SCHELLIN: Yes, sir. The applicant has
9 proffered a few expert witnesses and from what I can
10 tell only the last two have not been accepted by the
11 Commission before, Ryan Brannan and Stephen Statler.
12 Their resumes are at Exhibits 27A and I.

13 CHAIRPERSON HOOD: Okay. Commissioners,
14 let's use -- let's do Mr. Brannan first. And he's
15 being proffered as a civil engineer, expert in civil
16 engineering. Exhibit 27H.

17 Anybody have any problems with Mr. Brannan?

18 [No audible response.]

19 CHAIRPERSON HOOD: Okay. So we will, unless
20 I hear otherwise, we will give him expert status.
21 Okay. Let's go on to -- one second.

22 Okay. Let's go to Mr. Statler.

23 MS. SHIKER: If I may, Chairman? He is
24 unable to attend today so we have Trini Rodriguez,
25 the principal with Parker Rodriguez, in his place.

1 We uploaded her resume today and she has been
2 accepted by -- as an expert witness before this
3 Commission before.

4 CHAIRPERSON HOOD: Okay. She's been her
5 previously, we will -- okay. So we will take Ms.
6 Shiker's word on it that she has been proffered
7 previously so we don't need to revisit anything we've
8 done in the past, even though some people probably
9 want us to. So we will give her -- continue her
10 expert status.

11 Also, we've been joined by Mr. Lawson from
12 the Office of Planning.

13 Okay, Ms. Schellin, do we have anything else?

14 MS. SCHELLIN: No, sir.

15 CHAIRPERSON HOOD: Okay. Ms. Shiker, you all
16 may begin.

17 MS. SHIKER: Thank you, Chairman, Members of
18 the Commission. My name is Christie Shiker with the
19 law firm of Holland and Knight. I'm representing the
20 applicant in the case before you this evening. We
21 are joined by a large team. I have Sarah Davidson to
22 my right from Insight Property Group. She is
23 representing the applicant who is the contract
24 purchaser of the site. We have Dennis Connors from
25 SK&I Architecture the architect for the project,

1 Trini Rodriguez the landscape architect, Erwin Andres
2 the traffic consultant, Shane Dettman a land use
3 planner with Holland and Knight, myself, and then Joe
4 Gaon as well from Holland and Knight.

5 We are here tonight to request approval for a
6 consolidated PUD and rezoning for the development of
7 a residential apartment house in Capitol Hill. The
8 site is located in the 1300 block of E Street with
9 frontage on E Street and three public alleys. The
10 property is currently zoned C-M-1 and is used for
11 industrial uses in the center of this residential
12 area.

13 As I noted as a part of the application we
14 are requesting a rezoning to R-5-B. The project and
15 proposed rezoning is consistent with the Future Land
16 Use Map of the Comprehensive Plan, which designates
17 this site for moderate density residential, not for
18 industrial uses. And the overall project, as you've
19 seen in our filings and will hear this evening,
20 aligns with the planning goals for the city.

21 This site has an area of 41,183 square feet,
22 which equals .95 acres. A PUD in the R-5-B District
23 requires one acre, and so we have submitted in our
24 PUD application a request for a waiver from that
25 requirement. Section 2401.2 of the Zoning

1 Regulations does allow the Commission to grant
2 waivers when there are -- up to 50 percent, and we're
3 at much less than that. We're like five percent, if
4 the Commission finds that the project is an
5 exceptional merit and in the best interest of the
6 city and country, and at least 80 percent of the
7 gross floor area is used for residential use. In
8 this case the entire project is a residential project
9 and we believe through our pleadings and our
10 testimony tonight that you'll find that the
11 development is of exceptional merit and will be a
12 benefit to the city and the country.

13 So, we will get into our presentation in a
14 minute. I just wanted to do a couple of introductory
15 matters. We've been working very closely with the
16 Office of Planning and with DDOT. We submitted,
17 today, a response to the Office of Planning report,
18 adding the information that they requested as part of
19 their support for the project, and that is in the
20 Exhibit 33 in the record today. And we've gone over
21 that with the Office of Planning as well.

22 We will address some of those documents
23 through our presentation. We've also worked very
24 closely with DDOT and are pleased to have their
25 support. DDOT did not put any conditions in their

1 report, but they did ask for a car charging station
2 in the garage and we have added that as an element to
3 our TDM plan, and that is part of our presentation
4 this evening as well.

5 As you will hear from Ms. Davidson, the team
6 has worked very closely with the community for over a
7 year on this project. We are pleased to have
8 unanimous support from the ANC 6B, and the ANC in
9 their letter did include a copy of our executed
10 memorandum of understanding of that ANC which
11 addresses amenities, construction issues, so we're
12 pleased to have that fully in place by the date of
13 this hearing.

14 We're also pleased to have support from the
15 Capitol Hill Restoration Society, which is in the
16 record, and we are at this point, aware of no
17 opposition to the project. There was a letter in the
18 record from Mr. Horn, and our team, since receiving
19 that letter, has met several times with him. And it
20 is our understanding that his concerns and issues
21 have been resolved, so -- but we did take that
22 seriously and met with him a couple of times.

23 In the interest of having a condensed
24 presentation I think we'll to Ms. Davidson to talk
25 through that community outreach and the benefits and

1 amenities, go to Mr. Connors to talk through the
2 architecture and programming of the building, and
3 then very briefly to Ms. Rodriguez to talk about the
4 landscaping. And at that point we'll open it up for
5 questions, unless there's something else you'd like
6 for us to directly present on.

7 Ms. Davidson.

8 MS. DAVIDSON: Good evening, Members of the
9 Commission. My name is Sarah Davidson. I'm a
10 partner at Insight Property Group.

11 Insight is a D.C. based multi-family
12 residential developer and we've developed about 1200
13 units in the Washington Metropolitan area. Right now
14 we're very active in Ward 6. We are under
15 construction on the Apollo projects at 6th and H, and
16 are also redeveloping the Buchanan School which is
17 directly across the street from this project that
18 we're discussing this evening.

19 We are the contract purchasers of the
20 properties located at 1339 E Street, which are
21 currently used as a trash truck storage facility, and
22 an auto collision repair center.

23 We began conversations with the community
24 about the redevelopment of this site in May of last
25 year, and have since then had three additional open

1 community meetings. We have also had a series of
2 meetings with ANC 6B, and its public amenities and
3 benefits subcommittee. We've met with a series of
4 our individual neighbors, the management team at
5 Kentucky Courts, Safeway, our council person, Capitol
6 Hill Village, the Capitol Hill Restoration Society,
7 as well as a series of developers who are
8 concurrently developing in this neighborhood,
9 including the Watkins Alley developer and Cas Riegler
10 who is redeveloping the New York Pizza site.

11 The conversations that we've had with the
12 community have been very instructive and have been
13 really fundamental in how we approached our design as
14 well as how we built our amenities and benefits
15 package. Our proposed massing, building height, and
16 building setbacks, the proposed expansion of the
17 northern portion of the alley adjacent to our
18 project, the quality of the materials, and the
19 character of the street-facing façade are a response
20 to those conversations with the community.

21 As it relates to our public amenities and
22 benefits package, we have committed to a broad array
23 of improvements that were a direct result of our
24 conversations in the community and that we think will
25 bring enduring value to the neighborhood. Perhaps

1 the most significant of these is our proposal to
2 renovate the existing townhome that is on the parcel,
3 and dedicate it as a rent-free space for the
4 programming and providing services to the senior
5 population on the Hill. We've worked closely with
6 Capitol Hill Village, which provides a series of
7 services to seniors on the Hill to help us figure out
8 the best program and the best provider for these
9 services on the Hill, and we've entered into an MOU
10 with them regarding this partnership and the use of
11 that space.

12 We have also committed to expanding the alley
13 from on the north side of the block, from 15 feet to
14 20 feet on our property. We have an extensive kind
15 of alley restoration program, including repaving the
16 alleys on the west and south of our property lines,
17 creating alley lighting, signage, and mirrors to
18 enhance safety in the alley, creating a delineated
19 pavement pattern and pedestrian path in the alleys.
20 We noticed in the community it was very clear that
21 these alleys are used significantly by pedestrians as
22 well as vehicles.

23 And then we've committed to removing snow in
24 the alleys that are -- on our property in the winter.

25 MS. SHIKER: In the interest of time we've

1 been very detailed in our presentation about our
2 amenities and benefits, but I think we'll let Ms.
3 Davidson kind of just finish up. Those details are
4 in your PowerPoint that you have before you and we're
5 happy to answer questions, and then we can move on
6 into the architecture and design of the project, if
7 that pleases the Commission.

8 MS. DAVIDSON: So I think, you know, we've
9 assembled a talented and experienced team of
10 professionals with whom we have longstanding
11 relationships of success. Our plan, we think
12 responds on the one hand to the three alleys which
13 border it on three sides, and also centers around a
14 courtyard oasis which has been carefully sized to
15 allow light and air into the space.

16 We have included several exemplary
17 sustainability features, including expansive array of
18 voltaic panels on our roof and highly green storm
19 water management detention facilities on site. We
20 expect to deliver a residential community that is of
21 its place from a design standpoint, as well as in the
22 partnerships that we build in the neighborhood and
23 that will ultimately stand the test of time. And
24 hand it over to Dennis.

25 MR. CONNORS: Good evening, Commissioner Hood

1 and fellow Commissioners. I am of course delighted
2 to be here on a project in Capitol Hill, working with
3 Insight again, and I will be very quick but point out
4 what I think is the most important things on the
5 project.

6 As you can see, this is just a quick photo of
7 the existing façade or building that will be kept,
8 restored, on the site. I wanted to just zoom in to
9 the area very quickly and point out that one of the
10 things we really studied very well on this site, and
11 as we used -- developed in the design is the site
12 itself.

13 The site is located mid-block, so it's not a
14 corner expression, and it is about one eighth of the
15 total block which is an unusually large block in
16 Capitol Hill. And the block itself represents all
17 the variety and typologies and building types within
18 the grater Capitol Hill community. So we used a lot
19 of that information in our design process.

20 And right away, looking at the site and
21 seeing how the E Street façade was treated currently
22 it made sense of course to bring all the circulation
23 around to the rear of the property, and with the
24 lower two-story houses to the east it made sense to
25 be very sensitive towards that as we developed the

1 design. You could see all the existing trucks and
2 industrial uses on the site, and lack of green.

3 I want to stay on this main slide just for
4 one minute because this is really the essence of the
5 design. We really looked at trying to, or
6 implementing an appropriately scaled, appropriately
7 massed building within this community with the same
8 character and types of details that you would find
9 within the Capitol Hill community, but not mimic a
10 grouping of row homes per se, or trying to create a
11 quote/unquote, facadomy of sorts.

12 We looked at creating a composition because
13 that's what it really is. It's its own typology.
14 It's an apartment building, and it is assembled as a
15 composition that is appropriate to the community. We
16 looked at various other apartment typologies within
17 Capitol Hill, and of course one of the main features
18 of an apartment building is this sort of grand entry
19 setback. And we used the setback of the 4th floor as
20 an opportunity to create a transition of the top
21 material coming down to the entry of the building.

22 So all of these types of things we
23 considered. The two-story bays relate to the houses
24 which are shown on the left, which are to the east,
25 and then the three-story reading of the brick is

1 relating to the beautiful Wardman style houses to the
2 right on the image, which is to the west.

3 There is an aerial view, and you can see that
4 as we worked with the community we substantially
5 reduced the top floor and we pulled back as far as we
6 can from the eastern properties.

7 Here is a view into the improved alley. You
8 can see that five-foot extra zone there for
9 pedestrian passing. And we carried the articulation
10 of the E Street façade through the alley, and one of
11 the main features of the design was to create a
12 nicely composed alley façade as well. So there are
13 recessed balconies about midway down the alley, which
14 line up with the smaller stem alley to the west. And
15 that will be a nice opportunity for greening and
16 other types of ways of adding interest along that
17 alley scape.

18 And as we work around the building you can
19 see the rear façade. This is where the loading and
20 vehicular entry are appropriately located, but you
21 will also see that we added some French balconies
22 here to make it look more residential and less harsh
23 to the alley streetscape. And the material does come
24 down from the top occasionally in the building to
25 break up that mass of the building and add some light

1 and texture to all facades.

2 The last view of the building is the
3 southeast corner, and this is where we, as we set the
4 building back from the neighbors to the east, we
5 found a great opportunity to create not only a green
6 space, which acts as a privacy buffer to the east,
7 but becomes a bio retention area. And our garage
8 level, which is below the cellar level, does not go
9 all the way to the east. So there's real dirt on the
10 site which allows for tremendous tree growth
11 opportunities.

12 The plans, I don't need to go through too
13 much. However, on the ground floor it would be very
14 telling for the design to see that where we located
15 the lobby was also towards the west because of that
16 sensitivity towards the East. But as you entered the
17 lobby there is a passage, a flow through the building
18 that allows you to go through the amenity space and
19 experience the courtyard. And then also we have an
20 amenity on the rear of the property which activates
21 that alley area.

22 There are the typical floor plans. You can
23 see the setbacks, the fourth floor and penthouse.
24 These are the two main sections. The one on the top
25 is the north/south section, the main section through

1 E Street. And you can see a sight line from across
2 the 90 foot of right of way, and because the
3 penthouse is set back, the full depth of the unit on
4 the top floor, and because we have an additional
5 setback on the fourth floor, it's well over 30 feet
6 setback. It would be virtually -- it won't be seen.
7 All the renderings are true conditions that we've
8 presented in the package.

9 But just to show you a flat view of the
10 building and to see some of the articulation of the
11 penthouse, we went around all facades and included
12 the fenestration on these elevations, even though for
13 instance, if you look at the south façade of the
14 alley, what you're seeing of the penthouse windows,
15 that are windows that are set across the closed
16 courtyard.

17 Materials are very important in this project
18 because we wanted to depict this building as a very
19 refined, very authentic building in Capitol Hill.
20 And we are using real true body bricks that have
21 texture and range to them, real stone, and real
22 metal. I've provided some zinc samples up there for
23 the Commissioners to look at, and then of course as
24 you go around the building in the landscaped areas,
25 we had to use an architectural block because of

1 concern with getting beat up in the alley and so
2 forth. But there's a very nice contrast between the
3 reddish brick, and then this wonderful zinc material
4 which is real zinc, it's not applied, and will patina
5 over time. And that's very fitting with the type of
6 building that Insight has asked us to produce with
7 them.

8 Something that is very lasting and changes
9 over time, and we are very much in love with the idea
10 that as this building ages, so too will the material
11 age over time. Most people are familiar with copper
12 aging and patina, but it's a real metal that will
13 have a similar effect.

14 These are some quick images of different
15 typologies that use zinc in the Washington area. The
16 upper two are the most similar because this flat lock
17 siding that we're implementing also gives a shadow
18 effect on the building. So it's not just a very
19 harsh metal, it's something that changes with the
20 sunlight and produces a very nice texture to the
21 building. Similarly, the lower right picture, the
22 Amy Weinstein Esocoff building, there they use a
23 copper flat lock siding on their infill and it does
24 the same effect.

25 Here is a blow up of a rendering and that's

1 the whole idea that the highly detailed brick will
2 produce a nice contrast between this metal, which has
3 richness and texture.

4 I will turn it over to Trini and she has a
5 few minutes here.

6 MS. RODRIGEUZ: Good evening, Commissioners.
7 Mr. Chairman. Trini Rodriguez for the record. It's
8 my pleasure to be here tonight.

9 Just as my colleagues have expressed, the big
10 guideline that we received from ownership was to make
11 sure that this site fit within the neighborhood.

12 Just as Dennis has explained from the urban
13 design standpoint, the idea was to make sure that
14 these structures fit seamlessly, and so does the
15 landscape. In terms of materiality and scale, that's
16 something Dennis has been emphasizing and we're doing
17 exactly the same thing using all the vernacular
18 vocabulary that is present in Capitol Hill.

19 As you saw in the plan the building basically
20 creates a very strong edge, creating a strong
21 streetscape along E Street, and flanking the alleys
22 all around the site. What this does as well is puts
23 eyes all around those edges, which provides
24 additional safety for all these places.

25 As you can see on the western alley, it has

1 been appropriately scaled. We have a pedestrian area
2 demarcated --

3 [Sound of timer.]

4 MS. RODRIGUEZ: Okay. With stamped concrete
5 creating sort of a [garbled speech]. And this
6 creates a great opportunity for a safer place and
7 much more aesthetically pleasing.

8 The south alley as well, as you can see we
9 have the same treatment at the intersection. We have
10 a special treatment demarcating that intersection.
11 If you don't mind just sort of going back for a
12 second.

13 And then on the east alley, just as has been
14 explained, we got a great opportunity to create a
15 green buffering that buffers not only our units or
16 the units of this apartment, but also two of the
17 neighboring units on the site and provide a respite
18 of green within that rear area of the alleys.

19 The area on the east alley is currently
20 existing brick, so we're preserving that and we're
21 using similar treatments to tie it to that.

22 On the next slide we now have sort of a close
23 up of the E Street streetscape. The first thing I
24 should point out, which I probably should have
25 mentioned on the previous slide is, we have been

1 working with a community and they had asked us to add
2 some additional beautification to existing tree pits
3 within that streetscape, which we've done. But on
4 our edge the whole goal was to continue that
5 vocabulary that is present along all that street with
6 brick sidewalks, front yard that are defined by
7 wrought iron steps and our stoops going up to the
8 units, very much like the vocabulary that is present
9 all throughout Capitol Hill.

10 There's small brick walls defining entrances
11 and patios and all of that is clearly demarcated and
12 highlighted on our plans.

13 Next. So these two sections actually are
14 kind of key sections that show you on the left-hand
15 side is the E Street streetscape with the tree pits
16 and the regular space street trees, the brick
17 sidewalk, the wrought iron, the green garden, and the
18 stoops to the units. And then on the right-hand side
19 is a section to that buffering area and green area on
20 the east alley that we mentioned before.

21 At the bottom you can see the bio retention
22 areas where is the water and the storm water
23 management, we have been working with a civil
24 engineering team to make sure that it's contained
25 within the site.

1 And then lastly is the next slide, is our
2 courtyard which is our major residential amenity. I
3 think Dennis had highlighted that actually as you get
4 into the building you get views immediately into this
5 space. The goal for this space was to be
6 predominantly green. It is our green oasis, it
7 provides spaces for our community and residents to
8 sit and socialize. We've introduced a lot of
9 textures, a lot of color. The materiality again is
10 sort of looking at this character that is very much
11 part of Capitol Hill.

12 And lastly but not least it was really
13 important for us to make sure that it was something
14 that was very pleasant to look at since we have a
15 large number of units sort of looking into that sort
16 of green oasis. And I think with that, thank you.

17 MS. SHIKER: With that we would end our
18 direct presentation and are happy to answer any
19 questions that you might have.

20 CHAIRPERSON HOOD: Okay. Thank you all very
21 much for your presentation. Let's see if we have any
22 comments or questions up here. Do we have any? So I
23 guess you all did such a great --

24 MS. COHEN: Yeah we do.

25 CHAIRPERSON HOOD: Well, you all need to --

1 let's go then. If I don't hear nothing after about
2 five minutes, it's time to move on. Oh, I'm sorry,
3 did you --

4 MR. MAY: I have just a few small questions,
5 I think. All right. First of all, I think the
6 project is -- I mean, I usually don't start out
7 talking about how good a project is, but this is a
8 pretty good project in terms of the design. I think
9 you've done a good job. I don't know, maybe just
10 because we've seen a number of projects recently that
11 were not very well considered or were not making the
12 right decisions about materials and so on, I mean,
13 this is pretty well thought out so I don't have a
14 whole lot to say.

15 The first question I have, so this gives you
16 a sense of how minor my comments are. The brick
17 sample that was originally submitted versus what's on
18 the material board right now, does that mean that you
19 have narrowed the range to this -- the more orange
20 iron spot kind of bricks? Or is it the full range of
21 possibilities that were in the submission?

22 MR. CONNORS: Oh, compared with the first
23 original submission we were looking at a range, but
24 we've narrowed them down to these --

25 MR. MAY: So what's on the board is the range

1 you're talking about?

2 MR. CONNORS: Yes, it's --

3 MR. MAY: Okay. Got it.

4 MR. CONNORS: -- closer. We had various
5 brick reps come in and discuss what we were looking
6 for and they provided -- and also because of LEED.

7 MR. MAY: That's fine. I just, you know, it
8 was such a wide assortment. You had a very orange
9 brick, you had a very red brick. I just wanted to
10 know what you do, and you chose the right direction;
11 the direction I would have recommended, so that was
12 good.

13 MR. CONNORS: Yeah, we think so.

14 MR. MAY: And I like the one in the middle
15 better than the one on the top and bottom, but that
16 doesn't matter. It's all close.

17 And you're using -- you're using the same
18 brick all the way around the building?

19 MR. CONNORS: Correct.

20 MR. MAY: Yeah. Okay. Well, do you want to
21 address the LEED question because I know that you
22 weren't --

23 MS. SHIKER: Yes, we can address that. Yes.

24 MR. MAY: Yeah, please.

25 MS. SHIKER: So we had submitted to the

1 record this morning, a revised commitment on our
2 LEED. As you may know there's -- 50 is Silver, 60 is
3 Gold. We have committed to achieve at least 58
4 points with a commitment for best efforts to try to
5 get at least two others. We submitted a LEED
6 scorecard showing five additional potential points
7 that we could get. However, several of those points
8 will not be able to be determined until later in the
9 process, which is why we've somewhat revised our
10 commitment.

11 We can go into as much detail as you want but
12 there are some constraints when you have a wood frame
13 building as opposed to a concrete frame building.
14 You have a virtually clean site so we don't have any
15 brown fields. We have worked with the community to
16 make --

17 MR. MAY: I believe the trash parking lot,
18 trash compactor parking lot --

19 MS. SHIKER: It's shocking, but --

20 MR. MAY: -- is shockingly clean, huh?

21 MS. SHIKER: It is shockingly clean.

22 MR. MAY: I guess that's a good thing.

23 MS. SHIKER: No, it is a good thing. And we
24 also, for example, in our work with the community of
25 making sure that we have larger units, and we're

1 trying to make these a bit bigger so if people come
2 in there has also been a desire to make sure there
3 was an attendant parking to that. So we are, you
4 know, we're not getting those kind of basic points
5 that a lot of sites get. But we do believe with
6 Insight's track record that, you know, the commitment
7 to 58, we're almost there and we've shown you the
8 places where we might be able to get there and the
9 applicant would commit to those best efforts to try
10 to get to the Gold. It just, it can't commit today
11 because it doesn't know.

12 So I'm happy to have Ms. Davidson walk
13 through more details if you want.

14 MR. MAY: No, I mean, I think that's fine.
15 The only follow up question I have is, I mean it
16 sounds like you are not only committing to go for all
17 these things, but you're committing to actually get
18 it certified. Yes. Okay. Because some people, you
19 know, say this is what I think we can get in the
20 points, but then don't certify. Okay.

21 MS. DAVIDSON: For the record, yes, we intend
22 to certify.

23 MR. MAY: Okay. Very good. Thank you.
24 Yeah, I guess I needed to have you answer that on the
25 record.

1 So you have the rooftop amenity space that
2 looks out on to E Street, and you've got a fantastic
3 view of the back side of the Safeway and the parking
4 lot, right? So I'm just curious, do you know what's
5 going to happen with that? I mean, you obviously
6 know what's going on in that neighborhood, so is the
7 Safeway going to change at some point?

8 MS. DAVIDSON: I'm not sure the status of the
9 negotiations with Safeway, but there are plans for --

10 MR. MAY: They're negotiating with people to
11 purchase it.

12 MS. DAVIDSON: For the redevelopment of --

13 MR. MAY: Redevelop.

14 MS. DAVIDSON: -- that site, yes.

15 MR. MAY: Okay. All right. That will be
16 interesting. I'm sure we'll see that at some point.

17 And the last thing is, on the handrails, the
18 handrail at the front of the building, I guess at the
19 amenity space, it doesn't seem to meet the one-to-one
20 setback and I'm wondering why. I mean, you gave the
21 sort of blow-up diagrams and I'm trying to understand
22 what you're thinking.

23 MS. SHIKER: So we incorporated that into the
24 parapet of the building.

25 MR. CONNORS: Yes.

1 MR. MAY: So you're pretending it's a
2 parapet, even though it's a handrail?

3 MR. CONNORS: We have a parapet railing
4 assembly there, and the parapet is at least two feet
5 above the deck, perhaps a little more. I forget the
6 precise detail.

7 MR. MAY: Right.

8 MR. CONNORS: But the notion is, especially
9 with us trying to be as sensitive to all of the other
10 solar panels that we need to put on the roof, and the
11 amenity space, and trying to keep that small amenity
12 space up there kind of clean as well, that by
13 creating a parapet and then setting back the rail in
14 more, it creates this dead zone which is not only
15 unsightly but it reduces our potential for a nice
16 space.

17 And it's actually better to have a parapet
18 railing assembly together visually because then the
19 top of the building is not as heavy looking. You can
20 have --

21 MR. MAY: Okay. So is this handrail going to
22 wrap the entire building?

23 MR. CONNORS: No, we had it noted in our
24 submission, our details, that in the events that we
25 have mechanical equipment within 10 feet of that

1 space, which in some areas we don't, we would not
2 have that railing, that there would be just a
3 parapet. But it certainly is wrapping the front of
4 the building.

5 MR. MAY: Okay. So I'm not --

6 MR. CONNORS: You can see the --

7 MR. MAY: -- buying that a handrail
8 integrated with a parapet becomes parapet. Okay? I
9 mean, it's obviously not a problem on the lower
10 sections of the roof, but a handrail is a hand rail.
11 It's not a parapet. I mean, you could do a parapet
12 that doubles as a handrail. It would have to be
13 taller. But I think what you're producing is, you
14 know, is -- I don't understand how that could be
15 consistent with the Zoning Regulations which require
16 that handrails be set back one-to-one.

17 MS. SHIKER: So that obviously the
18 regulations do require guardrails to be set back one-
19 to-one.

20 MR. MAY: Yeah.

21 MS. SHIKER: In the R-5-B District you get --
22 you measure your height up to the highest point of
23 the roof and then you have up to four feet for a
24 parapet. So we had incorporated it into that --

25 MR. MAY: Into it, so it's called --

1 MS. SHIKER: So it was a parapet --

2 MR. MAY: With a handrail integrated into it.

3 MS. SHIKER: -- assembly in there. So that
4 is -- you know, and that is why we had shown a blow
5 up of it to make sure everyone was clear what we were
6 doing.

7 MR. MAY: I was trying to understand what
8 that meant.

9 MS. SHIKER: And was to create a, you know, a
10 more usable better amenity space.

11 MR. MAY: Well, I know everybody would do
12 that too.

13 MR. CONNORS: Truly --

14 MR. MAY: Everybody would push -- you know,
15 but we require that so that it reduces the visual
16 height of the building, right?

17 MS. SHIKER: And the height of this building
18 has been kept down, you know --

19 MR. MAY: Right. It's less than what you
20 would be under R-5-B, yes.

21 MS. SHIKER: Yes. We've kept it down, we've
22 made sure to have more of the horizontal nature than
23 the vertical nature.

24 MR. MAY: Yeah.

25 MS. SHIKER: And so we felt that it was an

1 appropriate tradeoff. We were certainly not butting
2 up against anything with the 1910 Height Act.

3 MR. MAY: Right. I know. That's not the
4 issue.

5 But it's not just a Height Act issue, right?
6 It's a zoning issue and you know that I've been a
7 stickler about the enforcement of new penthouse
8 regulations. So I think what I need to see -- you
9 know, we saw in the section that you can see that
10 handrail from across the street, right? Those
11 sightlines from across the street show that it's
12 visible, I think. Right? Yeah. So you can see
13 that, standing across the street.

14 So I think what I would like to see and which
15 we don't -- maybe you already have it one of your
16 renderings, but sort of a straight on perspective
17 view that allows us to see it so I can understand
18 that if in fact it looks like it is part of the
19 parapet, if it is truly designed to be part of the
20 parapet.

21 MR. CONNORS: Sure. That's understandable.

22 MR. MAY: That would be -- and if it doesn't
23 -- if you look at that and you think it doesn't
24 really look like it's designed well to be part of the
25 parapet then maybe you need to tweak it a little bit,

1 come up with something that makes it look like it's
2 part of the parapet. So I'll buy the argument, I
3 just want to see what it looks like.

4 All right. I've talked much longer than I
5 intended to, so thank you very much.

6 CHAIRPERSON HOOD: Okay. Any other questions
7 or comments? Vice Chair Cohen?

8 MS. COHEN: Thank you, Mr. Chairman. First
9 of all, I appreciate your responding to all of our
10 comments. I wish you would have done it yesterday or
11 even this morning, but whatever. At least we have
12 it. One of my questions has to do with what I read
13 in the OP report, which I'll ask them as well is
14 we're talking about IZ units and the need for
15 additional information. But we're talking about 55
16 feet roughly would be made available to households at
17 or below 80 percent AMI. What do you mean by that?

18 MS. SHIKER: So the definitions in the Zoning
19 Regulations say it's no more than 80 percent AMI, no
20 more than 50 percent AMI in this zone. We are
21 required to have every other unit for 50 percent for
22 the defined low income households. In this case we
23 had agreed to make more of the units at that level
24 where, instead of having the first and every odd unit
25 at 50 percent, will have first, second, and third at

1 50 percent or less. And then every odd unit from
2 then, so that gets effectively greater affordability
3 within the amount of IZ that's provided. I am not
4 sure I understand your question further than that if
5 I haven't answered it.

6 MS. COHEN: No, you did.

7 MS. SHIKER: Oh, okay. Thank you.

8 MS. COHEN: You did, thank you. I thought
9 this site had some auto repair work done on it at a
10 point in time. So I presume you've done
11 environmental testing and you found it's clean, which
12 is pretty shocking.

13 MS. DAVIDSON: We were surprised as well. We
14 have done environmental testing. I think one of the
15 things we've learned across the street is we have
16 highly impervious materials, soils, in this
17 particular neighborhood. We've found basically 14
18 feet of clay on the site across the street. So if
19 there was any contamination it didn't go down, it
20 probably disbursed or something.

21 MR. MAY: I've dug up a lot of that clay. I
22 can totally believe that. There's a lot of clay in
23 that. I live a few blocks away.

24 MS. COHEN: Another question has to do with
25 Capitol Hill Village. You're also adding elderly --

1 and I'd like you to define elderly because that word
2 bothers me a great deal. Elderly development center.
3 What is the difference? Is it more intensive on site
4 at first, or am I mixing them up?

5 MS. SHIKER: So the elderly development
6 center is a term from the Zoning Regulations. We
7 didn't come up with it. You have a child development
8 center or you have an elderly development center.
9 And we're looking to see if there's anything specific
10 in the Zoning Regulations that I can provide you.

11 MS. COHEN: I'm surprised I didn't change
12 that, the term elderly. It should be senior citizen.

13 MS. SHIKER: We can look at ZR-16 and see if
14 it is changed in there.

15 The reason we have asked -- noted this use,
16 is in the R-5-B District an elderly development
17 center is permitted as a matter of right up to 16
18 individuals. Because there is going to be a very
19 intensive community process to determine the exact
20 scope of work, scope of work that's going to go on in
21 this house, in this 1,200 square feet, we wanted the
22 flexibility to go up to 25 individuals. Probably
23 will be at 16 but we figured since we were here, and
24 as Capitol Hill Village and the community goes
25 through this intensive process to determine how to

1 focus those elderly services towards, especially
2 towards low income elderly citizens in the community,
3 that's why we've asked for that relief. And it is in
4 the little two-story row house that is part of the
5 overall project, and it will be dedicated rent-free
6 to the user.

7 MS. COHEN: Okay, because Kentucky Courts has
8 senior housing attached too.

9 MS. SHIKER: So this isn't senior housing.
10 This is going to be --

11 MS. COHEN: No, I understand that. But for
12 the community. So that's -- I'm glad you're opening
13 it up to the community.

14 Let's just -- you would make me very happy if
15 you really gambled and went for Gold, period. I know
16 that you're making the effort, but what tends to
17 happen in every design exercise is what is
18 eliminated? Are the, you know, when you do your
19 value engineering, is something having to do with
20 sustainability. So if you pledge to Gold and it's in
21 our zoning order it would make I'm sure all of us
22 happy. Not just me. I'd be the happiest, but we're
23 all very supportive of that because it's a priority
24 of the city as you know, and the solar up on the roof
25 helps achieve that.

1 So really think more carefully about it. You
2 have that five-point spread. I am sure that you
3 could reach it. You have creative people sitting
4 around you and supporting you so I would task them
5 because if you don't commit to it and you do have
6 that opportunity to just do Silver, you will do
7 Silver.

8 MS. DAVIDSON: I would just suggest that we
9 are committed to doing whatever we can to get to LEED
10 Gold in terms of really making a good faith effort to
11 get there. I would state that on a project that we
12 did in Montgomery County we committed to LEED Silver
13 and we ended up getting to LEED Gold, even though it
14 wasn't required. So we did go the extra step to move
15 from Silver to Gold even though there was no
16 requirement to do that.

17 MS. COHEN: Well, I think my colleagues would
18 be shocked if I didn't push for it again.

19 If we're taking actually -- I would vote for
20 that second brick as well. I go along with
21 preferring it so if you're taking a vote of the
22 commissioners the two of us are in agreement. It's
23 the middle one is the nicest in my humble opinion.

24 Glad you're doing the electric car. And
25 actually, those were my questions. Thank you.

1 CHAIRPERSON HOOD: Okay. Commissioner
2 Turnbull.

3 MR. TURNBULL: Well, I didn't know we were
4 voting on brick tonight. I wasn't quite prepared to
5 vote on brick but I'll go along with that, yeah.
6 Yeah, that one. Okay. Well, I guess we're all in
7 favor of that brick.

8 I want to thank you for your presentation. I
9 would agree with Commissioner May that we've had a
10 string of projects that have needed a lot of work so
11 seeing this as far along as it is and as accomplished
12 it's -- we really appreciate it.

13 One thing which I want to -- which isn't
14 really addressed much, is the courtyard. The
15 materiality on the courtyard. Not on the
16 landscaping. We see a drawing. But I see in -- the
17 only really picture that I see of it is the latest
18 Exhibit 34B, which sort of shows a perspective
19 looking down. Can you tell me about the material,
20 what you're using? It looks all very gray, shades of
21 gray.

22 That's the only thing I've ever seen of the
23 courtyard.

24 MR. CONNORS: Yes. So it is completely
25 inward facing. But it's definitely a goal to create

1 a contrast between the landscaping, which would be
2 very green, and then a very lighter material because
3 we want the light to come down and illuminate that
4 courtyard. So from the ceiling of the fourth floor
5 down for the main facades, there will be a lighter
6 material, and we were thinking a light gray or some
7 sort of light color.

8 And then this is a view looking at where the
9 amenity space stacks. We have an amenity space in
10 the cellar, and then one on the first floor. And
11 that would have some sort of accent panel around it.
12 Probably a composite metal panel or something like
13 that to really brighten up the courtyard and to be a
14 counter point to some of the features that Trini has
15 done on the end of the courtyard.

16 And then to not just make this an
17 afterthought, we would be bringing down some of the
18 materials from the upper floor, from the penthouse
19 level, down in the corners of the courtyard so it's
20 tied together.

21 MR. TURNBULL: Is that the zinc? You're
22 looking at zinc?

23 MR. CONNORS: Well, this would be a --

24 MR. TURNBULL: Or you were looking at cement.

25 MR. CONNORS: It's a high performance cement

1 panel system.

2 MR. TURNBULL: Yeah.

3 MR. CONNORS: On the penthouse, which has a
4 similar type of spacing as the staggered I think that
5 we were looking at.

6 So we have those contrasting materials. And
7 then the base of the cellar level will also have some
8 of the stone that will be the architectural block,
9 which will be used in the landscape walls and things,
10 and you can see off to the right these are a couple
11 of our projects. And Trini was also the landscape
12 architect on both of those. So you can see how we
13 really try to brighten the courtyards and --

14 MR. TURNBULL: Well, maybe you could, for the
15 record, submit some better elevations of showing the
16 courtyard and calling out the materials for us, just
17 for the record. It sort of leads me to my next
18 question is that I looked on -- we just got your IZ
19 layout tonight, and other than the three-bedroom unit
20 it looks like all of the 50 percent AMI units are
21 focused on the courtyard. And I wonder, is there a
22 reason for that, why none of them are on street side
23 and why none of them look anywhere else, or why
24 they're all focused on the courtyard.

25 MS. DAVIDSON: We just tried to do -- oops,

1 sorry. We really tried to kind of look at kind of
2 what the view sheds were and kind of looked at the
3 sizing of the units and what made the most sense and
4 those kind of made the most sense in terms of looking
5 at the layout.

6 MS. SHIKER: And I'll point out, there are
7 only -- on most levels there are only four or five
8 units facing on the street. I mean, most of the
9 units either face into the courtyard or face out to
10 the east courtyard or to the alley or to the back,
11 and so they were kind of scattered.

12 MR. TURNBULL: No, I just found it kind of --
13 I just found it kind of unusual that all of the 50
14 percent, other than the three-bedroom are in the
15 courtyard. I would like you to look at that and
16 think about that a little bit more. See what other
17 opportunities might be there to shift a couple of
18 them to different areas. But if you could look at
19 that, I'm just --

20 MS. SHIKER: Okay.

21 MR. TURNBULL: I just found it a little
22 strange that they're concentrating them all on the
23 courtyard. So if you could take a look at that, I'd
24 appreciate it.

25 Okay. Actually those are -- I think

1 Commissioner -- I think we've touched on -- and I was
2 -- maybe getting back to the LEED Gold, maybe by
3 final action you could reach LEED Gold. Is that an
4 incentive for you?

5 MS. SHIKER: So I think that one of the
6 concerns is that the decision can't be made on those
7 points that are in contention right now until much
8 further into the design, which is why we wanted to
9 put in the best efforts to get one -- you know, we
10 only need two of those five, and we've identified on
11 the spreadsheet what the five are that we could get.
12 It's just the problem is, and Ms. Davidson could talk
13 a little bit more about it.

14 MR. TURNBULL: Okay.

15 MS. SHIKER: They have been going around and
16 around with the LEED. The LEED consultant. He
17 says --

18 MR. TURNBULL: Okay. Well --

19 MS. SHIKER: A lot of work has gone into it
20 to try to get to where --

21 MR. TURNBULL: Okay.

22 MS. SHIKER: -- we are.

23 MR. TURNBULL: Well, I just want to -- you've
24 now heard three out of five commissioners point you
25 to look for Gold. So I know you're making the effort

1 but just a little bit more might be --

2 MS. SHIKER: Mr. Chair, those are my
3 questions.

4 CHAIRPERSON HOOD: Thank you. Commissioner
5 Miller.

6 MR. MILLER: Thank you, Mr. Chairman. Thank
7 you for your presentation. This is a very attractive
8 project, the design, the materials, the 153 units of
9 housing are all very positive elements and I thank
10 you for working with the community, with the ANC to
11 reach an MOU with them on issues of concern to them
12 and reaching an MOU with the Capitol Hill Village on
13 the use of that townhouse for senior programming.
14 And then you have fallback positions if something
15 doesn't go through, which is all very good that
16 that's in there as well.

17 I'm not sure I have any questions. On the
18 LEED, I just saw this, the new LEED scorecard
19 tonight. Math has never been my strength, or I never
20 thought it was my strength. Even though I did better
21 on the math SAT than the verbal SAT, which I never
22 understood. But I counted the LEED yeses and I
23 thought I counted the LEED yeses at 63. And I saw
24 the five maybes, but maybe I counted -- I counted
25 twice. Or three times up here. But I may have

1 counted wrong. But if you could just check that to
2 see, because when you were saying that you had the
3 five identified, that's only when I went to look at
4 the maybes to see, and I saw them. Then I saw the
5 five maybes. So if you could just clarify that.

6 Yeah, I would encourage you to -- you've done
7 so many positive things with this project to just go
8 for the Gold as well.

9 And I look forward to seeing the courtyard
10 perspective that Commissioner Turnbull asked for.
11 And I saw the balconies in the corner but I didn't
12 see the balconies on the side. It's very attractive.
13 Are there balconies on the other sides, other than in
14 the corners on the courtyard on --

15 MR. CONNORS: In my longer more in-depth
16 presentation I was going to point it out. That was
17 one of the concerns with the neighbors to the east.
18 One of the reasons too are --

19 MR. MILLER: In the courtyard?

20 MR. CONNORS: Oh, I thought you were talking
21 about the east --

22 MR. MILLER: No, I wasn't talking about the
23 east.

24 MR. CONNORS: Oh, within the courtyard.

25 MR. MILLER: The internal courtyard.

1 MR. CONNORS: Oh, that's -- yeah, we might.

2 MR. MILLER: Just in this particular
3 perspective I just saw the flat --

4 MR. CONNORS: In all the corners we're
5 looking at balconies and --

6 MR. MILLER: I saw the corners.

7 MR. CONNORS: -- there might be some other
8 balcony opportunities that we're looking at, so.

9 MR. MILLER: It is such an attractive space
10 and I realize you want to get people into the
11 courtyard and you have that space on the roof, but I
12 always love more balconies.

13 But you're saying on the east courtyard there
14 was concern from neighbors to have balconies?

15 MR. CONNORS: Yes, they didn't want people
16 looking into their back yards, you know, actually
17 being outside looking. You know, so they asked us
18 not to have any balconies along that façade.

19 MR. MILLER: Right.

20 MR. CONNORS: Which is understandable.

21 MR. MILLER: Yeah, I understand that too.

22 MR. CONNORS: But we just, we'll do what's
23 appropriate in the courtyard too because we don't
24 want so many balconies that it's feeling
25 claustrophobic or confined. It will be a proper

1 balance between --

2 MR. MILLER: Right. In between all the noise
3 echoing off each other, and you want people to go
4 into the courtyard and on to the roof amenity.

5 The townhouse that's going to be used for
6 Capitol Hill Village, that's there now and you're
7 just renovating it and --

8 MR. CONNORS: Yes, that's existing and --

9 MR. MILLER: Was it occupied or by residents,
10 or --

11 MR. CONNORS: It's occupied --

12 MR. MILLER: The townhouse that's being
13 renovated for the --

14 MR. CONNORS: Christie Denardo or something.

15 MR. MILLER: -- for the Capitol Village, when
16 was that occupied by residences most recently? Or
17 was it ever? Or was it part of the auto
18 industrial --

19 MS. DAVIDSON: Right now it's the offices for
20 the signature auto collision site.

21 MR. MILLER: And what's the height of that?
22 Thirty-five or --

23 MR. CONNORS: It's very low. It's probably
24 only about 22 feet or so. It's a typology that I
25 know well in Capitol Hill. The first floor starts

1 almost a foot off the grade.

2 MR. MILLER: And what's right across the
3 alley from that where the building begins? What's
4 the height of that first level of -- first element of
5 the building before you get to the setback? Is that
6 about 40 feet or 30 --

7 MR. CONNORS: Of the new building?

8 MS. SHIKER: So the row house --

9 MR. MILLER: Yeah.

10 MS. SHIKER: -- is flush with -- there's no
11 separation. The alley separates from some three-
12 story Wardman type row houses, so this is right next
13 to it. And then what is the bay windows that you
14 have.

15 MR. MILLER: Yeah, that's what I was asking.

16 MS. SHIKER: The rhythmic bays on the front
17 of the building, what height are those?

18 MR. CONNORS: Oh, that's -- well, those are -
19 - yeah, that's about that height. It's only two
20 stories. So it's --

21 MR. MILLER: I mean, it looked --

22 MR. CONNORS: -- about 24 --

23 MR. MILLER: It looked like that on the
24 pictures. I just was wondering how close it was.

25 MR. CONNORS: Twenty-four feet or so. Yeah,

1 it's pretty close.

2 MR. MILLER: Yeah.

3 MR. CONNORS: Yeah.

4 MR. MILLER: Well, I think that that's very
5 commendable how you made that relationship and the
6 sensitivity to the neighborhood. I think it's a
7 great project. Thank you, Mr. Chairman.

8 CHAIRPERSON HOOD: Let me continue on with
9 that line of questioning. That house to the --
10 between the alley, where the alley is, is that still
11 residential use? Or what's being done there?

12 MS. DAVIDSON: Currently the house to the
13 west of the alley is used by Bowie as their office
14 space.

15 CHAIRPERSON HOOD: Okay. So it's not
16 residential use.

17 MS. DAVIDSON: Correct.

18 CHAIRPERSON HOOD: And I would agree with
19 Commissioner Miller. I looked at that relationship
20 and I think that was very well done.

21 Mr. Andres has been quiet and I know he wants
22 to explain to me the diagram. I wasn't going to ask
23 the question since we got the diagram this afternoon,
24 but when I kept looking at it -- could you put that
25 up and show me how I'm going to maneuver when I come

1 off E Street and go in there and pull into the
2 loading dock and pull back out? How is that -- show
3 me how all that is going to work. I guess your
4 Exhibit 34A. Let's see. Might not be the same up
5 there. Do you have it?

6 Oh, it didn't make the presentation because
7 you submitted it late?

8 MR. ANDRES: Can you scroll down?

9 CHAIRPERSON HOOD: There it is.

10 MR. ANDRES: Do control L. There you go.

11 So this is for the -- these are for the
12 loading vehicles that are accessing the loading bay,
13 essentially the move in trucks. Essentially they
14 would come off of E Street, turn right, pull up and
15 back in. there's a 30-foot space there, which is
16 actually probably going to be larger than the trucks
17 that they're going to use, typical for residential
18 buildings of up to three-bedroom units. The trucks
19 that they use are 24 feet, so this is actually bigger
20 than that. So that shows it going in.

21 CHAIRPERSON HOOD: How wide is the alley?

22 MR. ANDRES: That portion -- well, this alley
23 is currently 15 feet, but we're setting back the
24 building by five feet, so essentially --

25 CHAIRPERSON HOOD: So they have 20 feet.

1 MR. ANDRES: -- this alley is 20 feet.

2 CHAIRPERSON HOOD: Okay.

3 MR. ANDRES: The rear alley, I believe, is 30
4 feet.

5 CHAIRPERSON HOOD: Okay.

6 MR. ANDRES: So it's generous in the rear.

7 CHAIRPERSON HOOD: And obviously it has to be
8 two-way because when you pull in there you have to
9 pull back out.

10 MR. ANDRES: Yes, that's correct.

11 CHAIRPERSON HOOD: Okay. All right. Let me
12 see if I've got a question on the other one. Can you
13 flip to the other rendering?

14 Show me what's going on down there. It looks
15 like --

16 MR. ANDRES: Okay. So in this case the truck
17 is --

18 CHAIRPERSON HOOD: Let me use the pointer.

19 MR. ANDRES: So the truck is ready to pull
20 out.

21 CHAIRPERSON HOOD: Hold on for a second. Let
22 me use this. I want to do like Ms. Cohen, Ms. Vice
23 Chair Cohen. She's all over here.

24 Show me what's going on right in that area.

25 MR. ANDRES: So essentially what we're doing

1 is we're showing the worst case scenario, which is if
2 they're coming from E Street and returning to E
3 Street they essentially have to pull forward, back
4 up, pull forward, back up, and then make that turn.
5 So it's about two movements in order to do that. And
6 the reason for it is because of the corners of the
7 building. The corners of the building are such that
8 those movements need to be made in order for that
9 sort of U-turn to take place.

10 CHAIRPERSON HOOD: So what would dictate
11 whether I need to make those movements as opposed to
12 what was on the first screen?

13 MR. ANDRES: Oh no, this is on your way out.
14 The first --

15 CHAIRPERSON HOOD: Oh, on my way out.

16 MR. ANDRES: The first page was on the way
17 in.

18 CHAIRPERSON HOOD: On the way out.

19 MR. ANDRES: Yeah.

20 CHAIRPERSON HOOD: Okay. Okay. All right.
21 Okay. Thank you.

22 My only other question is on page 9, I
23 probably shouldn't ask this question but I'm going to
24 ask it anyway because I just feel like doing it.

25 On page 9, is that Commissioner May going

1 home from a zoning meeting on his bicycle? That was
2 supposed to be funny. But anyway, I couldn't let
3 that one pass. I had to do that. But anyway.
4 That's all. I don't have any --

5 MR. MAY: No, it wasn't. I always wear a
6 helmet.

7 CHAIRPERSON HOOD: And you know what? I
8 actually thought about it. I said, that person
9 doesn't have a helmet on, and I don't see his lights
10 blinking. But then again, that's a still picture.

11 Anyway, any other questions up here?
12 Commissioner Miller.

13 MR. MILLER: Yeah, thank you, Mr. Chairman.
14 I neglected to state my appreciation for the deeper
15 affordability. The greater amount of deeper
16 affordability that you're providing with the
17 Inclusionary Zoning units and my deference to Capitol
18 Hill Resident Commissioner May on the brick that's
19 preferable in Capitol Hill, and you can show due
20 deference when we get to Cleveland Park next, in a
21 few weeks.

22 And I have no problem with the waiver for the
23 PUD size. It's very de minimis. Thank you.

24 CHAIRPERSON HOOD: Okay. Let's see if the --
25 thank you, Mr. Turnbull. Let's see what Commissioner

1 Burger has any cross-examination of the applicants.

2 Okay. All right. Let's go to Commissioner
3 May.

4 MR. MAY: I just had one more question on the
5 handrails. There was a note expressing some
6 uncertainty about whether you would need to have
7 handrails or guardrails for fall protection in the
8 vicinity of the solar panels. And why is that
9 uncertain? I mean, isn't that a -- I mean, I don't
10 know what the rule is, but there ought to be a clear
11 rule on whether that's required isn't there?

12 MR. CONNORS: No, it's more certain now.

13 MR. MAY: Yeah.

14 MR. CONNORS: The codes that were from just a
15 couple years ago, which when we started looking at
16 these types of things, there was uncertainty about
17 that.

18 MR. MAY: Uh-huh.

19 MR. CONNORS: Was solar [garbled speech]
20 mechanical equipment or not. And these types of
21 discussions have come up with green roof as well, and
22 now it's not. It's not a discussion, it's required.

23 MR. MAY: It is required?

24 MR. CONNORS: Yeah, it's actually in the new,
25 the new IBC, I believe, actually.

1 MR. MAY: So any time you have a solar panel
2 you have to have a guardrail?

3 MR. CONNORS: No, if it's within 10 feet of
4 the roof edge.

5 MR. MAY: Okay. So on my house where they
6 are within 10 inches of the roof edge, I should have
7 a guardrail there?

8 MS. COHEN: You're grandfathered.

9 MR. MAY: I know I'm grandfathered, I'm
10 just --

11 MR. CONNORS: Yeah.

12 MR. MAY: No, I mean, this has huge
13 implications because of the, you know, the growing
14 prevalence of these systems and in --

15 MR. CONNORS: Well, on single family.

16 MR. MAY: Yeah.

17 MR. CONNORS: You're going under IRC, not --

18 MR. MAY: Okay.

19 MR. CONNORS: -- IBC. So I'm sure there's
20 exceptions there.

21 MR. MAY: Okay.

22 MR. CONNORS: But if you don't provide the
23 fall protection you have to provide clip systems so
24 that somebody --

25 MR. MAY: Right.

1 MR. CONNORS: -- can clip into the roof
2 and --

3 MR. MAY: Yeah, and be held in place. Yeah.
4 Okay.

5 But in your circumstance where you have the
6 solar panels, I mean, are all of those guardrails
7 going to be set back? I mean, I'm concerned in
8 particular --

9 MR. CONNORS: Yes.

10 MR. MAY: -- about the ones that are --

11 MR. CONNORS: Yeah, we are and that's --

12 MR. MAY: -- on top.

13 MR. CONNORS: -- we've had to do that on the
14 roof plan. And all our railings are appropriately
15 set back.

16 MR. MAY: Okay.

17 MR. CONNORS: And it's a challenge because
18 otherwise you would be able to achieve either more
19 solar panels, or more --

20 MR. MAY: Yeah.

21 MR. CONNORS: -- you know, whatever.

22 MR. MAY: Sure. And so and you have solar
23 panels no top of the penthouse.

24 MR. CONNORS: Correct. Yes.

25 MR. MAY: And then you have handrails on top

1 of that. What's the top -- what's the height of the
2 top of the handrail, or the guardrail?

3 MR. CONNORS: Guardrail is three and a half
4 feet for --

5 MR. MAY: Above the -- I'm looking at the
6 total height because you have a 15-foot penthouse.

7 MR. CONNORS: So we have a --

8 MR. MAY: Limit.

9 MR. CONNORS: Yes. We have a 12-foot tall
10 penthouse with a one-foot parapet.

11 MR. MAY: Uh-huh.

12 MR. CONNORS: So it's total height is 13
13 feet.

14 MR. MAY: Right.

15 MR. CONNORS: And the railing preventing
16 falling from --

17 MR. MAY: Right.

18 MR. CONNORS: -- you know, mechanical, would
19 be two and a half feet higher than that parapet,
20 because the --

21 MR. MAY: So then it's at 15 and a half feet?

22 MR. CONNORS: Correct. Right. To the top of
23 the railing.

24 MR. MAY: So how is that consistent with the
25 limit of 15 feet?

1 MS. SHIKER: Handrails have been permitted on
2 top of penthouses. They're not necessarily
3 considered penthouse structures historically with --
4 you know, as long as they're set back one-to-one.

5 MR. MAY: Yeah, but I thought we tried to
6 clarify that.

7 MS. SHIKER: So even a guardrail on top for
8 safety purposes is going to be considered, you
9 know --

10 MR. MAY: Doesn't matter what the purpose is.

11 MS. SHIKER: -- setback, even if it's set
12 back one-to-one.

13 MR. MAY: All guardrails are for safety
14 purposes, right? So, yeah. I mean, I think that's a
15 question. I'm not sure, but I mean it was certainly
16 my thought that we're not going to have -- I mean,
17 think about this. You know, we allow now, 20-foot
18 penthouses. That's an absolute limit. It's not 20
19 feet plus a guardrail if you need it because you
20 know, within that 20 feet you've got mechanical
21 equipment. So, I mean, and there's an absolute 15
22 feet in this zone, right?

23 MS. SHIKER: The PUD for an R-5-B allows up
24 to 15 feet for a roof structure. So we will have to
25 -- we'll have to look at that issue.

1 MR. MAY: Yeah.

2 MS. SHIKER: We had assumed based on previous
3 you know --

4 MR. MAY: Right.

5 MS. SHIKER: -- uses on top of the penthouse
6 that you would be able to put it on as long as you
7 set it back one to one, because it wouldn't be
8 considered, you know, an additional structure.

9 MR. MAY: Yeah.

10 MS. SHIKER: But it's something that we can
11 look at.

12 MR. MAY: No, it's, I mean, I think we tried
13 to make it clear that you know, there's an absolutely
14 limit. I mean, the only thing that can go above that
15 penthouse height I think has to be a, you know, a
16 dome or a spire or something like that. It can't be
17 anything that's mechanical or in support of
18 mechanical, even if it's less than the four feet that
19 seems to not exist when you get on to roof tops. At
20 least that was what my understanding was. Maybe it,
21 I mean, maybe we need Office of Planning and the
22 Zoning Administrator to get together on this
23 question.

24 But you're within six inches.

25 MR. CONNORS: Six inches. So there's

1 opportunity to correct that even if it means that
2 when someone goes up there they have to --

3 MR. MAY: Right.

4 MR. CONNORS: -- hinge something up in place
5 or I don't know, something.

6 MR. MAY: Right.

7 MS. SHIKER: So we can investigate that and
8 figure out a solution --

9 MR. MAY: Okay.

10 MS. SHIKER: -- so that it doesn't hit above
11 that 15 feet.

12 MR. MAY: Okay. All right. Thank you.

13 CHAIRPERSON HOOD: Any other questions up
14 here? Comments?

15 Okay. Let's go to the Office of Planning and
16 then go to DDOT.

17 MR. LAWSON: Good evening, Chairman Hood and
18 Members of the Commission. Joel Lawson with the
19 Office of Planning. Excuse me.

20 I think that I'll pretty much rest on the
21 record. The applicant I think has done a good job of
22 addressing the questions that we had raised in our
23 report, so I won't bother kind of going through all
24 those.

25 With regards to the question that

1 Commissioner May just asked, I'd be happy to follow
2 up with the Zoning Administrator on that. It
3 actually was my understanding as well that the
4 penthouse height would serve as a cap, and I remember
5 discussions as part of the -- as part of the
6 penthouse case where certainly the Commission talked
7 about how, you know, once you reach that cap nothing
8 would be on top of that. I remember some very
9 specific comments of, you know, it's not 20 feet
10 plus, for example, solar panels. Or 20 feet plus
11 other stuff.

12 So, that was kind of my understanding too,
13 but I'd be happy to work with the applicant and work
14 with the Zoning Administrator just to get a
15 clarification on that.

16 And I think with that I'll just be available
17 for any questions. Thanks.

18 CHAIRPERSON HOOD: Okay. Thank you. We go
19 to DDOT. Ms. Israel.

20 MS. ISRAEL: Good evening, Chairman Hood and
21 Commissioners. Evelyn Israel for DDOT.

22 While not on the record the applicant
23 submitted truck turning maneuvers which DDOT finds
24 appropriate. Also, I'd like to note a few
25 technicalities with regard to the public amenities

1 package.

2 As part of any redevelopment DDOT expects
3 applicants to bring public space up to current DDOT
4 standards. As such it's not clear whether the E
5 Street streetscape improvements would be required
6 during the public space permitting process, or
7 whether these improvements would go above and beyond
8 DDOT standards.

9 Even if they go beyond standards such
10 proposed improvements may not be permitted by DDOT.
11 Additionally, while the alley expansion constitutes a
12 public amenity by DDOT it is not clear whether the
13 repaving of the existing public alleys would be
14 considered a public amenity.

15 If during construction the alley network is
16 damaged, DDOT expects the alley to be paved to
17 current DDOT standards.

18 Finally, until evidence is presented to DDOT
19 documenting a speed or safety problem the proposed
20 traffic calming measures within the alley are not
21 considered necessary and will not be permitted by
22 DDOT.

23 If you have any further questions I'm
24 available to answer them and work with the applicant
25 in any way.

1 CHAIRPERSON HOOD: Okay. Thank you. Let's
2 see. Any questions of either OP or DDOT? Okay. So,
3 Ms. Shiker, it sounds like from the DDOT presentation
4 you have some work to do.

5 MS. SHIKER: So we will work through the
6 public space permitting process for the streetscape
7 improvements along E Street. We also, as part of
8 that public benefits project have agreed to upgrade
9 some tree boxes that are not in front of our property
10 because we are working with the community and they
11 have asked us to do that. We will work with DDOT
12 standards.

13 We do view the streetscape and the enhanced
14 streetscape, the closing of the curb cuts, and the
15 reestablishment of parking along the street as a
16 benefit to the community. I think the community is
17 very happy to see that. The setting back of the
18 building and paving of a pedestrian strip in an
19 active alley we also see as an amenity and certainly
20 we'll work with DDOT on any repaving of the existing
21 public alley.

22 And we understood about the mitigation and we
23 will continue to work with DDOT to the extent that
24 there are issues with respect to the operation of the
25 alley.

1 CHAIRPERSON HOOD: Okay. But before I would
2 take a vote on this I would like to see, especially
3 before final, I would like to see what collaboration
4 because whether it goes to permitting or stays with
5 us, I'd like to see what kind of headway you all have
6 made on your collaborations with DDOT. Okay?

7 MS. SHIKER: Would that be on the mitigation
8 for the alley or --

9 CHAIRPERSON HOOD: Everything she just
10 rattled off. Everything. I know you responded, but
11 everything, I'd like to have that memorialized in
12 this record.

13 MS. SHIKER: Okay.

14 CHAIRPERSON HOOD: Okay? All right.

15 MR. MAY: I do have a follow-up question on
16 that.

17 CHAIRPERSON HOOD: Sure.

18 MR. MAY: I mean, the -- I've forgotten now,
19 is the traffic calming in the alley, was that one of
20 the benefits that you negotiated with the ANC?
21 Because if that's dependent on the public space
22 process it gets a little complicated.

23 MS. DAVIDSON: So there was a concern by the
24 community --

25 MR. MAY: Yeah.

1 MS. DAVIDSON: -- regarding kind of making
2 sure the spaces felt safe for pedestrians as well as
3 kind of slowing down the vehicular traffic that was
4 moving through that space. So, we did talk about,
5 you know, signage and mirrors to kind of help
6 mitigate --

7 MR. MAY: Yeah, but I mean, the real question
8 is what have you promised in the agreement that you
9 signed, and to what extent is that going to be
10 dependent on the public space process?

11 MS. SHIKER: I don't believe there's anything
12 in our ANC MOU about this.

13 MR. MAY: Okay.

14 MS. SHIKER: I will say that DDOT has agreed
15 that we can put mirrors on private property so long
16 as they're not in public space, and so we plan to do
17 that. We are going to work with DDOT to make the
18 two-way stop a four-way stop because we believe that
19 it will enhance safety and slow down speeds in the
20 alley. We understood that DDOT didn't care for some
21 other elements of like the raised table --

22 MR. MAY: Yeah.

23 MS. SHIKER: -- which we won't do. Which we
24 haven't promised anyone. It was just an idea. We
25 can also put signage on our buildings as long as

1 they're within our private property that says, you
2 know, watch for pedestrians.

3 MR. MAY: Okay.

4 MS. SHIKER: Watch for bicycles. Watch for
5 vehicles.

6 With respect to the pedestrian improvements
7 in the alley where we're repaving the four-foot
8 strip, that's within private property and we do not
9 need DDOT's approval for that because it is within
10 the five foot of private property that we're setting
11 back on. So I believe that most of the commitments
12 that we made are not --

13 MR. MAY: I just want to make sure that
14 whatever you're proffering that's going to be part of
15 this order is something that's not going to be
16 dependent on the public space process which we don't
17 control. Yeah. Okay. And I'm sure the ANC will
18 have something to say about that whole package, so.

19 CHAIRPERSON HOOD: Okay. Any other questions
20 or comments?

21 Okay. Does the applicant have any cross of
22 either OP or DDOT?

23 MS. SHIKER: I do not.

24 CHAIRPERSON HOOD: Okay. Does the ANC have
25 any cross?

1 All right. Now we will hear our ANC report.
2 Commissioner Burger.

3 How many people do we have here,
4 organizations and persons who are here in support?
5 Do we have any organizations or persons who are here
6 in opposition? Okay. You may begin.

7 MR. BURGER: Thank you. Good evening,
8 Chairman Hood and Members of the Commission. My name
9 is Nick Burger. I'm the Vice Chair of ANC 6B and the
10 Commissioner for 6B-06, the single-member district in
11 which this proposed project resides. I'm also a
12 resident of the block of E Street, the project sits
13 on. And I live across the street from the PUD site.

14 I thank you for the opportunity to testify
15 this evening. I've outlined previously to the
16 commission that ANC 6B formed a committee to work
17 through the three proposed PUD projects in our area
18 in 2015, and we have engaged with each of the
19 project's developers once their project has been set
20 down by this Commission and the Office of Planning.

21 Consequently, the benefits and amenities
22 package for this project reflects the developer's
23 engagement with the ANC's process and priorities, and
24 they reflect the efforts to provide benefits that
25 span across the three projects. My view is that the

1 approach has served us and the developers well.

2 In this case the benefits proffer also
3 includes a substantial item that the developer took
4 the lead in designing. And I'll return to that item
5 in a moment.

6 As you have seen in the record from our
7 letter, ANC 6B voted unanimously to support the
8 proposed development at our June 14th monthly
9 meeting. The vote was the culmination of a nearly
10 year-long process of engagement and consultation
11 between the ANC, Insight Property Group, and
12 community members. The ANC facilitated multiple
13 meetings with the community over the past year and we
14 held multiple dedicated meetings to discuss the PUD
15 project, along with the two other proposed PUDs in my
16 single-member district.

17 I want to specifically note and commend
18 Insight's active engagement with the ANC and with the
19 neighbors. Sarah and her team have consistently and
20 constructively worked with the community on multiple
21 projects in my area, which I appreciate and which has
22 made this a more successful project.

23 The ANC has signed a memorandum of
24 understanding with the developer, which covers
25 building and site design issues, construction

1 management, and operations once the project is
2 complete. The MOU reflects the ANC support for the
3 Insight PUD and will help guide the project's
4 interactions with the community going forward.

5 The ANC also supports the proffered benefits
6 and amenities proffer, including the transportation
7 demand management plan which would provide a
8 comprehensive package of benefits to the community.
9 The benefits address issues important to nearby
10 residents and to residents throughout ANC 6B. They
11 support community engagement in neighborhood quality
12 and affordable housing.

13 I want to specifically comment on and applaud
14 the core component of the benefits proffer, the
15 provision of the row house for perpetual use by the
16 Capitol Hill Village to provide services and support
17 for the neighbor's aging community, an essential
18 group on Capitol Hill.

19 The ANC particularly applauds Capitol Hill
20 Village's commitment and inside support to use the
21 space to renew its commitment to lower income
22 households on the Hill which will benefit from
23 dedicated assistance and focused support. We have
24 worked carefully with Insight and Capitol Hill
25 Village to ensure that there is a comprehensive plan

1 for contingencies for the building's future use, and
2 we support the MOU between Insight and Capitol Hill
3 Village that codifies this arrangement.

4 We also note the proposal to widen the alley,
5 a move that is essential to the effective
6 functioning, not only the applicant's project but to
7 other alley users.

8 ANC 6B supports the specific design elements
9 that Insight has proposed, including the attention to
10 detail on the façade brickwork and the metal
11 materials. We appreciate their attention to the main
12 E Street entrance and have encouraged them to use the
13 entrance as an opportunity to bring architectural
14 significance to the project.

15 Finally, in light of the recent conversation
16 this evening I'd like to comment on the proposed
17 traffic calming measures. These strongly supported
18 by the community and by the ANC and are considered
19 integral to the well-functioning of the alley system.

20 Furthermore, the use of the alley and the
21 demands on the specific traffic flows are changing
22 significantly as the result of this and of other
23 projects, and we urge DDOT to work with the
24 applicants to reassess the potential benefits of the
25 proposed traffic management efforts that will support

1 vehicular, bicycle, and pedestrian use.

2 Thank you very much and I'm happy to answer
3 any questions.

4 CHAIRPERSON HOOD: Thank you, Commissioner.
5 Let's see if any questions or comments up here from
6 any of us. Okay. Does the applicant have any cross?

7 MS. SHIKER: We do not.

8 CHAIRPERSON HOOD: Okay. We thank you very
9 much.

10 MR. BURGER: Thank you.

11 CHAIRPERSON HOOD: For all the hard work that
12 you all do. Thank you.

13 Okay, again, organizations and persons in
14 support. Organizations and persons in opposition.
15 Okay, Ms. Shiker, we can -- if you have any rebuttal
16 or we can do closing.

17 MS. SHIKER: We would ask that the Zoning
18 Commission consider this case for proposed action at
19 its earliest convenience subject to, obviously, any
20 further filings that the Commission would like. We
21 believe that it is a very important project to
22 Capitol Hill. It is an exemplary infill project in a
23 neighborhood that is such a wonderful neighborhood,
24 and this project will fit in well and will fulfil the
25 policies and objectives that the District has sought

1 for this area. Thank you.

2 CHAIRPERSON HOOD: Okay. Commissioners, I
3 think we could -- I think all of us agree that we can
4 move forward tonight, whatever we've asked for and
5 whatever we've asked them to continue to do. We can
6 get an update or status by final.

7 With our schedule we may need to go ahead and
8 solve this. This is an easy one so I think we need
9 to go ahead and resolve this tonight. So if that's
10 the case I will obtain a motion from someone.

11 MS. COHEN: Mr. Chairman, I move for proposed
12 action on Zoning Case No. 15-33, Insight E Street,
13 LLC. Consolidated PUD and Related Map Amendment at
14 Square 1043, and ask for a second.

15 MR. MILLER: Second.

16 CHAIRPERSON HOOD: Okay. It's been moved and
17 properly seconded. Any further discussion.

18 [Vote taken.]

19 CHAIRPERSON HOOD: Ms. Schellin, would you
20 please record the vote?

21 MS. SCHELLIN: Yes, sir. Staff records the
22 vote five to zero to zero to approve proposed action
23 in Zoning Commission Case No. 15-33. Commissioner
24 Cohen moving, Commissioner Miller seconding,
25 Commissioners Hood, Turnbull, and May in support.

1 And if we could just set some dates. How
2 much time do you guys think you need?

3 MS. SHIKER: With the holiday next week I'd
4 say we probably need two weeks.

5 MS. SCHELLIN: Two weeks? Okay. That's
6 fine. Okay. So, we could have your submissions by
7 3:00 p.m. July 14th. And if the ANC chooses to
8 respond, along with OP and DDOT, they will have until
9 3:00 p.m. on the 21st. And this will be taken up at
10 our first meeting in September for final action,
11 which will be -- I'm sorry, September 12th.

12 And you know too, to the proffers and
13 conditions process. Thank you.

14 MS. SHIKER: Yes.

15 MS. SCHELLIN: And also the draft, draft
16 order would be draft findings of facts, conclusions
17 of law would also be due on the 21st by 3:00 p.m.

18 MS. SHIKER: The 21st? Okay.

19 MS. SCHELLIN: Yes.

20 CHAIRPERSON HOOD: Okay, do we have anything
21 else?

22 MS. SCHELLIN: No, sir.

23 CHAIRPERSON HOOD: Okay. I want to thank
24 everyone for their participation tonight and this
25 hearing is adjourned.

1 MS. SHIKER: Thank you.
2 [Hearing adjourned at 7:50 p.m.]
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