

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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 IN THE MATTER OF: :
 :
 GEORGETOWN UNIVERSITY : Case No.
 : 19-20
 :
 ----- :

Thursday,
December 12, 2019

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 19-20 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

ANNE FOTHERGILL
JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from
the Public Hearing held on December 12, 2019.

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

6:34 p.m.

1
2
3 CHAIRMAN HOOD: Good evening, ladies and gentlemen.
4 This is the public hearing of the Zoning Commission for the
5 District of Columbia. My name is Anthony Hood. Joining me
6 are Vice Chair Miller, Commissioner Shapiro, Commissioner
7 May, and Commissioner Turnbull.

8 We're also joined by the Office of Zoning staff,
9 Ms. Sharon Schellin, as well as the -- also Mr. Paul Young,
10 who is operating our electronics and our stream.

11 I want to ask the Office of Attorney General to
12 introduce themselves, as well as the Office of Planning to
13 introduce themselves.

14 MR. RITTING: Good evening, my name is Jacob
15 Ritting. I'm an assistant attorney general.

16 MR. LAWSON: Good evening, Joel Lawson with the
17 D.C. Office of Planning.

18 MS. FOTHERGILL: Good evening, Anne Fothergill
19 with D.C. Office of Planning.

20 CHAIRMAN HOOD: And did I see Mr. Zimmerman? We
21 also have Mr. Zimmerman from the District Department of
22 Transportation.

23 The notice of this hearing was published in the
24 DC Register, and copies of that announcement are available
25 in the bin near the door. Because the hearing is being

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1 recorded by -- well, might be recorded by a court reporter
2 --as is also webcast live, we also ask that you refrain from
3 any disruptive noises.

4 The hearing will be conducted in accordance with
5 the provisions of 11-Z, DCMR, Chapter 4, as follows:
6 preliminary matters, applicant's case, report of the Office
7 of Planning, report of other government agencies, report of
8 the ANC, testimony of organizations and individuals who are
9 in support, opposition, and who are undeclared. Then we'll
10 have rebuttal and closing by the applicant.

11 I'm going to skip the rest. The staff will be
12 available throughout the hearing to discuss procedural
13 questions. Will all individuals wishing to testify please
14 rise and take the oath? Ms. Schellin, would you please
15 administer the oath?

16 SECRETARY SCHELLIN: Yes, please raise your right
17 hand. Do you solemnly swear or affirm the testimony you'll
18 give this evening will be the truth, the whole truth, and
19 nothing but the truth?

20 PARTICIPANTS: I do.

21 SECRETARY SCHELLIN: Thank you.

22 CHAIRMAN HOOD: And I understand we have a high-
23 ranking official here, so I want to apologize for not having
24 a tie on, but my office did have that holiday celebration
25 today, so forgive me. If I had known officially, I probably

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1 would have carried it with me, so forgive me.

2 MR. AVITABILE: You'll note I'm wearing my
3 Georgetown --

4 CHAIRMAN HOOD: I was told that's no excuse, so.

5 MR. AVITABILE: I'm wearing my Georgetown tie, so
6 it's fun and casual.

7 CHAIRMAN HOOD: Oh, okay, all right. All right,
8 so Ms. Schellin, do we have any preliminary matters?

9 SECRETARY SCHELLIN: Yes, just a couple. There
10 is one. There's an ANC that is a little more than 200 feet
11 away. They're not an affected ANC per the regulations, but
12 they are, I think, about 300, a little over 300 feet within,
13 away from the property, and that's 6E.

14 They have filed for party status. That party
15 status app came in today. They are asking for a waiver since
16 it was not filed 14 days prior to the hearing, and so they
17 would ask the Commission to consider that request first.

18 CHAIRMAN HOOD: Okay, certainly. Commissioners,
19 they are not an affected ANC though, correct?

20 SECRETARY SCHELLIN: That's correct.

21 CHAIRMAN HOOD: They are not an affected ANC. I
22 don't usually like to turn our ANCs down, but I am --

23 SECRETARY SCHELLIN: And if I didn't say it, I'm
24 sorry. It is in support. They are asking for five minutes
25 to testify.

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1 CHAIRMAN HOOD: Yeah, I don't really have a
2 problem with giving them, granting party status, but let me
3 hear from others. Any objections? Okay, no objections. All
4 right, so we will grant party status. Okay, all right, so,
5 anything else, Ms. Schellin?

6 SECRETARY SCHELLIN: Did the applicants say they
7 had no problem because they did not have the timing to --

8 MR. AVITABILE: No problem. No problem.

9 SECRETARY SCHELLIN: All right, so then the other
10 --

11 CHAIRMAN HOOD: I didn't think they would.
12 They're in support.

13 SECRETARY SCHELLIN: Yeah, because they're in
14 support.

15 CHAIRMAN HOOD: Even across town, they're in
16 support.

17 SECRETARY SCHELLIN: The proffered expert
18 witnesses, there's Chris Kabatt in engineering from Wells and
19 Associates. I have him as the only one that's previously
20 been accepted if the Commission would consider him in this
21 case.

22 CHAIRMAN HOOD: Okay.

23 SECRETARY SCHELLIN: Then Regina --

24 CHAIRMAN HOOD: Let's deal with -- I don't think
25 we're going to go back over what we've already done, so we

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1 will continue that status.

2 SECRETARY SCHELLIN: Okay, Regina Bleck from
3 Georgetown University in architecture?

4 MR. AVITABILE: Yes, she's the university
5 architect. The on-staff university architect, so we're
6 proffering her as an expert, along with Graham Wyatt from
7 Robert A.M. Stern Architects, who is the project architect.

8 SECRETARY SCHELLIN: And Kevin Fisher from
9 Rhodeside & Harwell in landscape architecture.

10 MR. AVITABILE: Correct.

11 SECRETARY SCHELLIN: So if the Commission would
12 consider those three?

13 CHAIRMAN HOOD: So --

14 SECRETARY SCHELLIN: They're at 9b, Exhibit 9b.

15 CHAIRMAN HOOD: 9b. Any objections to any? I
16 know one of the firms used to do a lot of historic work. I
17 think your firm, so. I do read sometimes. Okay, so --

18 COMMISSIONER MAY: Mr. Chairman?

19 CHAIRMAN HOOD: Yes.

20 COMMISSIONER MAY: So, I mean, I do have a
21 question about this because ordinarily we would -- well, we
22 made it certainly a practice a few years ago not to give
23 party status to the applicant or any of the applicant's
24 representatives, and so the university architect, Ms. Bleck,
25 is that right?

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1 MS. BLECK: Bleck.

2 COMMISSIONER MAY: Bleck, sorry about that, is a
3 university employee, part of the applicant team as opposed
4 to being a consultant, so again, clearly, you know, good
5 qualifications, no doubt an excellent architect, an excellent
6 university architect, but whether we should confer party, I
7 mean, expert status on the applicant is a question from my
8 perspective.

9 CHAIRMAN HOOD: Okay, I think that is how we have
10 proceeded in the past, so I don't know what others think.
11 I would associate myself as well. We want to make sure that
12 we try to keep a clean slate. Let me hear from others.

13 COMMISSIONER SHAPIRO: Yeah, I don't remember
14 dealing with this before, but I'm the newer addition to the
15 team, so what's the distinction that we make between somebody
16 who is the full-time employee versus somebody who is being
17 paid by an applicant as a consultant? Why is there a
18 distinction between those two?

19 COMMISSIONER MAY: You know, I mean, here it's a
20 little bit more gray because it is somebody -- I mean, most
21 developers don't come before us with their own architect
22 speaking on their behalf, but, I mean, the rule has just --

23 I think we started this a long time ago, that it
24 felt -- didn't seem exactly right to have somebody who is the
25 actual applicant being given expert status.

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1 I mean, maybe it gives some unfair advantage.
2 It's so long ago that we even considered this question, so
3 I don't know. I just, like I said, it's been our practice.
4 I'm inclined --

5 CHAIRMAN HOOD: I can kind of see how that ties
6 in. Let me hear from others. So unless I have an objection
7 -- any objections to go along with Commissioner May? Any
8 objections?

9 We will definitely hear her testimony, but we
10 won't grant expert status because of the position, and I
11 think that kind of keeps it in the same way we have done
12 previously.

13 Do we have anything else? Oh, the other two. Was
14 it two more or was it one more? No objections on the rest?

15 I want to first of all tell you that we don't
16 think any less of your testimony, but I do want to -- I'm
17 trying to hurry up because I want to get to the gentleman
18 because I know we have some time frame constraints, so, and
19 we appreciate you coming. I'm not sure we asked you to come,
20 but we appreciate you coming.

21 MR. CHATAS: I'm glad to be here. I should have
22 brought a tie too.

23 CHAIRMAN HOOD: Huh?

24 MR. CHATAS: I didn't bring a tie either, so.

25 CHAIRMAN HOOD: Oh, that is true, so we both are

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1 doing the same thing tonight. Did you have a holiday or
2 something?

3 MR. CHATAS: A holiday dinner coming up, yeah.

4 CHAIRMAN HOOD: Oh, you're going to one?

5 MR. CHATAS: I'm going to one, so.

6 CHAIRMAN HOOD: Okay, well, let's all leave at the
7 same time.

8 (Laughter.)

9 CHAIRMAN HOOD: All right, so, Mr. Avitabile, you
10 may begin.

11 MR. AVITABILE: Sure, and I'll add we're happy to,
12 given that we're here with full support from DDOT, Office of
13 Planning, and both ANCs, we're happy to rest on the record,
14 and we have a brief 30-minute presentation focused on the
15 design or we can just rest on the record and go right to
16 questions, whatever the Commission would like.

17 CHAIRMAN HOOD: So I would like for the gentleman
18 to speak. Forgive me, I don't have -- I'm having some
19 computer problems, so I don't have your name up. I know that
20 you're a high-ranking official at Georgetown, so I would like
21 for you to say something because I know you came down here.

22 We don't want you to go away without saying
23 something, and then I think, Mr. Avitabile, if you can hit
24 the highlights and some of the agreements, and I think that's
25 all we need unless I hear from others, and then we will ask

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1 our questions.

2 MR. AVITABILE: That's perfectly fine. Thank you.

3 So we'll just let Geoff Chatas start. Thank you.

4 MR. CHATAS: Thank you.

5 CHAIRMAN HOOD: How do you pronounce your last
6 name, Chatas?

7 MR. CHATAS: Chatas.

8 CHAIRMAN HOOD: Chatas.

9 MR. CHATAS: Chatas, C-H-A-T-A-S, and thank you
10 for having me here to the Commission and everyone else in
11 attendance.

12 So I am Geoff Chatas. I'm the Senior Vice
13 President and Chief Operating Officer at Georgetown
14 University. It's a position I've held now for about two
15 years.

16 Before that, I was the Chief Financial Officer at
17 The Ohio State University in Columbus, Ohio, before moving
18 to D.C., and before that, I actually graduated from
19 Georgetown, class of 1985, and had a career in the energy
20 sector, and then as a fund manager for JP Morgan, before
21 moving to higher ed about 10 years ago.

22 I'm very pleased to be here tonight to introduce
23 the project and discuss with you how it fits in with our
24 university's broader development goals and vision.

25 As the Commission is aware, a key component of the

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1 university's recent long range planning efforts is
2 identifying opportunities to grow and develop at locations
3 other than our historic, but space limited, hilltop campus.

4 I thank the Commission for encouraging university
5 leadership to think beyond the hilltop. When I got to
6 Georgetown, I quickly learned how the university, our
7 Georgetown neighbors, and the city came together to get
8 behind our last two campus plans and promote growth off the
9 hilltop.

10 I proudly serve with Ron Lewis as the Co-Chair of
11 the Georgetown Community Partnership, so I stay very involved
12 in these affairs.

13 Over the past two years, we've had a sustained
14 focus on creating a Capitol Campus that expands our presence
15 and programming downtown in a thoughtful and forward-looking
16 manner. The East End is an area where Georgetown already has
17 a significant presence.

18 The university's law center, located at 600 New
19 Jersey Avenue, has been an anchor of the neighborhood for
20 decades and has contributed to the transformation of the
21 surrounding area, and in 2013, we relocated our School of
22 Continuing Studies to 640 Massachusetts Avenue, about five
23 blocks from the law center.

24 Earlier this year, we acquired 500 First Street
25 NW, which along with the existing buildings at the law

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1 center, completes an entire block of Georgetown properties.

2 This 130,000 square foot building will provide a
3 mix of classrooms, offices, and collaboration areas, and will
4 promote interdisciplinary research and collaboration across
5 the university's numerous schools and centers, particularly
6 the Law Center and the McCourt School of Public Policy, but
7 also the Georgetown University Medical Center, which will
8 house its global health initiative in that building.

9 It will also house the Capital Applied Learning
10 Lab, or CALL, experiential learning program for
11 undergraduates. The CALL is intended to capitalize on the
12 university's home in the nation's capital, and is organized
13 around the living and learning environment, requiring a
14 semester in residence downtown close to internship,
15 mentorship, and networking opportunities.

16 As demonstrated by the CALL program, growing our
17 Capitol Campus builds on Georgetown's tradition that compels
18 us to be relevant and allows us to reimagine the learning
19 experience for the 21st century, allowing us to recruit and
20 educate the next generation of leaders.

21 The proposed residence hall at 55 H Street serves
22 an important role in achieving this long-term vision of a
23 dynamic capital campus with cutting-edge academic programs,
24 serving both undergraduate and graduate students.

25 Extending academic instruction and exploration to

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1 the residential experience is central to Georgetown's
2 educational mission and ethos of cura personalis, or care for
3 the whole person.

4 While the building initially opens in, excuse me,
5 when it opens in 2022, we anticipate the residents will
6 consist of undergraduate students, including those enrolled
7 in the CALL program, law students, and graduate students,
8 including those enrolled in the continuing study programs.

9 Thank you for the opportunity for discussing this
10 exciting project. My colleague, Gina Bleck, will now discuss
11 the building and the project itself, and then we'll be ready
12 to answer any questions you may have about how this fits into
13 our broader strategy in the District.

14 MR. AVITABILE: I think they are -- we're happy
15 to pause and take questions on Mr. Chatas' testimony, and we
16 can then go to summarizing the relief and the finer bits of
17 the project. Thank you.

18 CHAIRMAN HOOD: Okay, we appreciate the testimony.
19 Any questions first of the senior vice president?

20 COMMISSIONER TURNBULL: I just had one. Where do
21 students go to law school now? Where do they reside or do
22 they just --

23 MR. CHATAS: We have one dorm on the law campus
24 which is located toward the south end, toward the 500 First
25 building, but on the west side, but the bulk of the students

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1 now live out in the neighborhoods.

2 COMMISSIONER TURNBULL: In the neighborhoods?

3 MR. CHATAS: Yeah, and across the District.

4 COMMISSIONER TURNBULL: All right, thank you.

5 CHAIRMAN HOOD: Any other questions? I just want
6 to also say I appreciate the work that Georgetown has done
7 because we've come a long way, and it looks like, as you
8 mentioned, Mr. Vice President, working with Ron Lewis in that
9 neighborhood, it looks like everything has went well.

10 Because I can tell you honestly, I know we made
11 some statements up here at that time. I really didn't
12 believe we were going to get to where we were, how we got
13 there. When I left -- when I said, when I was one of the --
14 all of us said it, but I said it.

15 I really pushed it along with my colleagues, but
16 I said I had hope, but I didn't think we was going to get
17 there, and we've been there ever since, so I want to commend
18 Georgetown and that community for doing this.

19 MR. CHATAS: Thank you. Thank you. I walked in,
20 obviously, at an amazingly good point, but I must say it's
21 been working very well.

22 CHAIRMAN HOOD: And a lot of it's due to a lot of
23 the people in this room, but especially to the gentleman
24 sitting over your left shoulder back there. I want to make
25 sure I don't -- Don. I want to make sure I don't -- because

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1 I know he did a lot.

2 MR. CHATAS: Yes, indeed.

3 CHAIRMAN HOOD: I've actually sat in on some of
4 his actions and how he works with communities and groups, so
5 I want to commend you on that. Okay, any other follow-up
6 questions or comments?

7 VICE CHAIR MILLER: Just a follow-up comment on
8 your comment, Mr. Chairman. Thank you to Georgetown for
9 being a pioneer in that East End of downtown and -- it's very
10 commendable. For this 55 H Street project, does Georgetown
11 own that? Did they buy it?

12 MR. CHATAS: The land itself?

13 VICE CHAIR MILLER: The land.

14 MR. CHATAS: We actually leased it on a long term
15 lease from one of our Jesuit brethren institutions.

16 VICE CHAIR MILLER: Gonzaga?

17 MR. CHATAS: Yes, Gonzaga, so it's an 85-year
18 ground lease.

19 VICE CHAIR MILLER: Okay, thank you.

20 CHAIRMAN HOOD: Okay, do we have any questions up
21 here? Do any of us up here look familiar?

22 MR. CHATAS: To me?

23 CHAIRMAN HOOD: Oh, that's right. You only were
24 there for two years.

25 MR. CHATAS: Yes, so I'm a relatively new person.

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1 CHAIRMAN HOOD: So you were at Ohio State?

2 MR. CHATAS: I was.

3 CHAIRMAN HOOD: Oh, okay. No, I didn't say
4 anything. I just don't like to have Georgetown come down and
5 I don't acknowledge that we do have some of our people who
6 went to Georgetown.

7 MR. CHATAS: I had heard.

8 CHAIRMAN HOOD: Oh, you did?

9 MR. CHATAS: Is that right?

10 COMMISSIONER MAY: Yeah, I finished in '81, so we
11 didn't overlap.

12 MR. CHATAS: I have a more famous classmate,
13 Patrick Ewing, who you may have heard of.

14 CHAIRMAN HOOD: Oh, yes, but we have -- but I
15 think -- I don't know what year. What year did you play?

16 COMMISSIONER MAY: I never played and I never said
17 I played.

18 (Laughter.)

19 CHAIRMAN HOOD: All right.

20 COMMISSIONER MAY: You seem to think I played.
21 I don't know what you're talking about, but full disclosure,
22 I am a member of the Yates Field House for many decades.

23 CHAIRMAN HOOD: So we're having fun tonight. We
24 don't usually have fun. We can have fun sometimes. All
25 right, let's go to the -- so this particular ANC, assuming

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1 that this is the affected ANC, they didn't provide anything,
2 did they?

3 MR. AVITABILE: 6E did provide a letter of
4 support.

5 CHAIRMAN HOOD: 6E provided a letter in support.
6 Okay, I'm looking at my notes. All right, I'll go to that
7 later. Do we have anyone here from 6E?

8 Okay, so let's go to the Office of Planning and
9 the District Department of Transportation.

10 Mr. Zimmerman, I did introduce you while you were
11 out.

12 Okay, so, Ms. Fothergill?

13 MS. FOTHERGILL: Good evening. For the record,
14 I'm Anne Fothergill with the Office of Planning, and the
15 Office of Planning rests on the record in support of the
16 application.

17 I did want to note that within the report, when
18 we referenced Zoning Commission Case 19-05, we should have
19 referred to it as being set down, not approved, so I just
20 wanted to make that clarification on the record, and I'm
21 happy to take any questions.

22 CHAIRMAN HOOD: Thank you. Mr. Zimmerman?

23 MR. ZIMMERMAN: Good evening, Chairman Hood and
24 Commissioners. For the record, my name is Aaron Zimmerman
25 with the District Department of Transportation. DDOT is very

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1 supportive of this application, specifically the proposal to
2 provide only three parking spaces on site.

3 The site is located in a pedestrian-oriented part
4 of the city within a one-quarter mile walk of numerous
5 transit options such as Union Station, Metrorail, DC
6 Streetcar, DC Circulator, Capital Bikeshare, and the
7 existing, current, Georgetown University Shuttle.

8 To encourage usage of these non-automotive modes
9 of travel, the applicant has proposed a robust transportation
10 demand management plan that also includes a 19-dock Capital
11 Bikeshare station.

12 So DDOT has no objection of the approval of this
13 design review application with two conditions contained in
14 our December 2 report, which are the TDM and loading
15 management plans.

16 The applicant has agreed to these in the draft
17 conditions of approval, which is Exhibit 90 on the record.
18 Thank you.

19 CHAIRMAN HOOD: Okay, any questions or comments
20 to the Office of Planning or the District Department of
21 Transportation? Vice Chair Miller?

22 VICE CHAIR MILLER: Yeah, I just wanted to thank
23 both agencies for their comments, and agree with the Office
24 of Planning's suggestions for different flexibility language
25 in their report for the streetscape designs, sustainable

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1 features, and signage.

2 I think they wanted to make that flexibility
3 language that's being requested in those areas more in
4 conformity with what we had previously done in the past, so
5 I guess that's my only question.

6 Who is using the surface parking lot now, Gonzaga,
7 and how many spaces are there?

8 (Off-mic comments.)

9 COMMISSIONER MAY: And where are those folks going
10 to park? Are they going to now take Metro?

11 MR. AVITABILE: It's not actually actively used
12 to our knowledge, so it's not really displacing any active
13 parking.

14 VICE CHAIR MILLER: It's not a commercial parking
15 lot?

16 MR. AVITABILE: No, it's not a commercial parking
17 lot.

18 VICE CHAIR MILLER: Okay, how many -- so it's not
19 fully used, you're saying?

20 MR. AVITABILE: That's right. They have a garage
21 that they use.

22 MR. CHATAS: They have an underground garage right
23 next door. It's been used as tennis courts, but it's
24 basically empty right now, the lot.

25 VICE CHAIR MILLER: Okay, thank you. And did I

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1 read somewhere that students would not be eligible for -- I
2 don't even know if there's RPP in that neighborhood, but we
3 don't even know if that site -- they didn't bring that up
4 because they don't know if that even is workable, but did I
5 read somewhere that they're not going to have --

6 MR. AVITABILE: Right, so the site --

7 VICE CHAIR MILLER: -- have RPP, and most of them
8 don't have cars, or all of them don't have cars?

9 MR. AVITABILE: Right, right, there's no RPP for
10 this site because it's commercially zoned, and there's
11 actually no RPP parking for blocks.

12 That was one of the issues that initially came up
13 when we were at 6E and when we kind of looked at the maps,
14 and everyone got comfortable that this wouldn't be an issue
15 because there was -- not only is there no eligibility for
16 RPP, there's no place where you could park cars on an RPP
17 street, so it's not an issue.

18 VICE CHAIR MILLER: Thank you.

19 CHAIRMAN HOOD: Any other questions or comments
20 to follow up? Does the applicant have any questions or
21 comments?

22 MR. AVITABILE: No.

23 CHAIRMAN HOOD: Okay, oh, I'm sorry.

24 COMMISSIONER MAY: I actually had another question
25 of the applicant, of the architect. I mean, I noticed that

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1 they were using these vertical photovoltaic panels on the top
2 floor. Can you tell me a little bit more about it?

3 I mean, those are full panels as opposed to the
4 sort of standard three by five panels? It's a full
5 architectural panel, as it were, that generates photovoltaic
6 power, is that right?

7 MR. WYATT: Yes, it is. Graham Wyatt with Robert
8 Stern Architects for the applicant. And those are
9 architecturally integrated panels that are the full height
10 of that floor.

11 COMMISSIONER MAY: Okay, and what -- I mean, it's
12 got a nice southern exposure. It's not an awful lot of
13 surface area. How much -- what percentage of the power for
14 the building might be generated by those panels? Have you
15 calculated that?

16 MR. WYATT: We have, and it's actually
17 supplemented by a substantial number of solar panels that are
18 on the roof.

19 COMMISSIONER MAY: Right.

20 MR. WYATT: And the two of those together, our
21 goal and what we believe we're more than achieving, is that
22 the energy produced by those panels would more than provide
23 the full domestic hot water requirement. Even though they
24 are photovoltaic, they're not for hot water.

25 That's the way in which we're intending to measure

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1 it, and that tends to be the more efficient way actually to
2 -- rather than generating hot water on site, to use the PV
3 to create that amount of electricity, so that's the way we
4 think about it.

5 COMMISSIONER MAY: Okay, which is not the way we
6 think about it. We're used to seeing and hearing a
7 percentage, so.

8 MR. WYATT: I don't --

9 COMMISSIONER MAY: You don't actually know?

10 (Simultaneous speaking.)

11 MR. GRIDLEY: The entire -- sorry, Will Gridley
12 with Robert Stern Architects. All of the PV panels combined
13 generate roughly five percent of the building's energy needs.
14 The facade integrated panels generate about 10 percent of
15 that total capacity.

16 COMMISSIONER MAY: So about half a percent?

17 MR. GRIDLEY: Yeah.

18 COMMISSIONER MAY: That's still pretty good even
19 the relative area --

20 MR. GRIDLEY: Yeah.

21 COMMISSIONER MAY: -- of it, so that's impressive.
22 I'd love to see more of that. Thank you.

23 CHAIRMAN HOOD: Vice Chair Miller?

24 VICE CHAIR MILLER: Yes, that's commendable, as
25 well as the LEED gold certification that you're seeking for

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1 that project, right?

2 And what's the status? Are you going to do the
3 GUTS shuttle bus at the 55 H Street or are you going to see
4 how, if people need it, and let them walk to wherever the
5 closest pickup is?

6 MR. KUO: Hi, this is Ben Kuo, Vice President of
7 Facilities at Georgetown University. So currently, we have
8 a shuttle bus that runs between our hilltop campus and the
9 law center. As this project progresses, we'll look at what
10 the demand is and we'll study what the needs are, and then
11 we'll change the routes or change the frequencies as
12 appropriate.

13 VICE CHAIR MILLER: And you've talked with DDOT
14 about where that pickup and drop off point would be, or you
15 haven't gotten to that point yet?

16 MR. KUO: We haven't gotten to that point yet.
17 Currently, we're still using the same drop off point we have
18 at the law center.

19 COMMISSIONER MAY: Yeah.

20 MR. KUO: But as that progresses and we see what
21 the needs are, we can see whatever changes might be
22 appropriate.

23 COMMISSIONER MAY: Okay, thanks.

24 MR. CHATAS: Mr. May, I think it's important to
25 note that consistent with the plan with the community, these

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1 students will be taking all of their classes down here, so
2 it's not intended that they're taking the shuttles for
3 classes, but rather for other activities they may have on
4 campus.

5 COMMISSIONER MAY: Thanks.

6 CHAIRMAN HOOD: Any other questions up here? All
7 right, and again, no one is here from the ANC, so I'll just
8 go to the ANC's report and from Chairperson Marriott, they
9 voted six -- I mean, I'm sorry. It was seven -- I think I
10 saw seven to zero in support, and it says, "Therefore, ANC
11 6E is in support of this proposed project," so.

12 Also the other government agencies, I did see a
13 comment from DOEE who had nothing but positive things, I
14 believe, to say. I didn't see anything else unless others
15 picked up on something I may have missed.

16 Okay, let's go to the report. Oh, we just did
17 that. Let's go to the ANC that's in support. Come forward.
18 Party, he's a party, so. Oh, that's right. Mr. Eckenwiler,
19 did you have any questions of the proposed -- I missed that
20 -- of the applicant or DDOT?

21 MR. ECKENWILER: I was wondering if you'd ask
22 that. I do not.

23 CHAIRMAN HOOD: Okay.

24 MR. ECKENWILER: Thank you, Mr. Chair, and members
25 of the Commission. I'm Mark Eckenwiler, Vice Chair of ANC

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1 6C, here on behalf of the ANC. First of all, I want to thank
2 you for granting our party status application.

3 You have our letter in the record before you. I
4 think it's case exhibit 17. I don't really have a lot to add
5 to it. I think it speaks for itself.

6 As you can see, the language that we've proposed
7 and the language that is in the applicant's supplemental
8 submission that came in today, I think that's exhibit 14,
9 it's identical. They are agreeable to what we suggested
10 about that depth of view.

11 And I just want to say the chief reason we're
12 proposing that, it's really of a piece with OP's suggestion
13 about this property and its, you know, future, you know, the
14 distant future if this ever were to change use. They have
15 said they would like to see IZ applicable if it ever was
16 converted to housing, and the same thing here is true.

17 You know, we have great confidence in the good
18 faith of the applicant, but, you know, ownership and use of
19 buildings can change, and we'd just like to -- it would be
20 nice to see that same promise, that enhanced pedestrian
21 experience at street level, carried through as a condition
22 in the order.

23 So, that's really all I have. I'd be happy to
24 answer any questions.

25 CHAIRMAN HOOD: Thank you, Mr. Eckenwiler. Let's

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1 see, do we have any questions up here? Commissioner Shapiro?

2 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. This
3 is actually just a process question. What are you doing
4 asking for party status about two hours before the hearing
5 considering how well you know our process?

6 MR. ECKENWILER: We wound up taking this case this
7 month. I apologize for that, Commissioner Shapiro, but our
8 workflow caused us to push this into December.

9 And I know it's cutting it close, but, you know,
10 as it turns out, we're really not -- we're not gumming up the
11 works for anybody. So I understand the concern and we do
12 understand the process.

13 MR. AVITABILE: Well, and also I'll jump in and
14 say that they originally wanted us to come in November and
15 deferred at our request because we had some conflicts that
16 we couldn't come to them that night.

17 So part of the reason why they took this case up
18 in December was because the university asked to come in
19 December, so it's as much -- it's not really their fault that
20 they were considering the case last night. It was because
21 of our request.

22 COMMISSIONER SHAPIRO: That's helpful to hear, and
23 thank you very much, Commissioner.

24 CHAIRMAN HOOD: You all are really holding hands.
25 Everybody is holding hands. I wish all of the hearings were

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1 like this. Okay, all right, so any questions, again, Mr.
2 Eckenwiler?

3 MR. ECKENWILER: No.

4 CHAIRMAN HOOD: Okay, any questions of Mr.
5 Eckenwiler? Okay, thank you very much. We appreciate you
6 coming down and providing testimony. Do we have any other
7 persons who are here? I'm going to call for all of them.

8 Any other persons who are here in support, who are
9 here in opposition, or who are here undeclared? Okay, Mr.
10 Avitabile, I think we're all going to get out by 7:00. Well,
11 we would have gotten out by 7:00 if Commissioner Shapiro
12 didn't ask that last question.

13 (Laughter.)

14 MR. AVITABILE: That's right, and thank you.
15 We're pleased to be here, and I think everything is in order.
16 You know, the two comments in the Office of Planning report
17 were about one, the condition related to IZ which we
18 proffered.

19 The other was about the design flexibility. The
20 language we proffered is actually language that the
21 Commission has approved in a number of recent cases. I don't
22 necessarily have issue with the recommended changes to F on
23 streetscape design or on signage.

24 The only one that I do like our language on is the
25 condition G related to sustainable features only because it

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1 does --

2 I see this come up often as we go and develop the
3 building design, and if the green roof or the solar panels
4 remain the same size, but they adjust in location as the
5 building design evolves, it's helpful to have the ability to
6 make those minor adjustments.

7 And I think we're trying to make it clear to the
8 Zoning Administrator what we can and what we cannot do, and
9 not be too broad, and I think we were trying to enumerate
10 these specific features that might be modified rather than
11 just having a broad reference to approve sustainable
12 features, but we're certainly --

13 I think the intent of the condition either way is
14 clear. I just wanted to note that the language we proposed
15 is actually language that we have proposed before and the
16 Commission has approved recently, but we're happy to do as
17 the Commission desires on that language.

18 We, as DDOT noted, addressed their conditions.
19 We addressed the conditions brought up by both ANC 6E and 6C.
20 And so we thank you for your time and we are happy to be here
21 delivering in the promises we've made. Thank you.

22 CHAIRMAN HOOD: All right, with that, I will close
23 the hearing. I want to thank you all for your presentations.
24 Any follow-up questions first from anybody?

25 COMMISSIONER TURNBULL: I just have one minor on

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1 number H for your flexibility for the penthouse.

2 MR. AVITABILE: Yes, yes.

3 COMMISSIONER TURNBULL: OP really didn't have any
4 other comments or corrections on that. I'm assuming when
5 you're talking about changes, you're talking about minor
6 massaging of the footprint, but nothing to do with the
7 height?

8 MR. AVITABILE: No, no, nothing to do with the
9 height. And this is, again, language that the Commission has
10 approved before.

11 COMMISSIONER TURNBULL: Right.

12 MR. AVITABILE: And it's actually language that --
13 you can even port it over from the old flexibility. It's
14 just, again, as you figure out what mechanical you need and
15 things move around, but it's not related to those
16 foundational features like height.

17 COMMISSIONER TURNBULL: Okay, that's fine.

18 CHAIRMAN HOOD: Any other follow up? All right,
19 so we've heard the request. I think the only thing
20 outstanding is whether we want about the applicant's
21 flexibility language or if we want to stick with pretty much
22 do, and I think either way is --

23 I think the applicant has said either way is fine,
24 I believe, if I'm not misquoting him. I would recommend that
25 for now, we stick with what we, our process, but let me hear

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1 from others. Any objection to that?

2 VICE CHAIR MILLER: I would -- I don't have any
3 problem with maybe the applicant and OAG working that out.
4 I think we understand what the goal is.

5 They said that the language they proposed is what
6 was recently adopted. When I made the statement, when I saw
7 OP's language, I thought that that was what we usually did,
8 so I'm now a little bit confused on that point.

9 So whatever we've done, I think we should continue
10 to do, but I would leave it to --

11 CHAIRMAN HOOD: Okay.

12 VICE CHAIR MILLER: I'm comfortable with leaving
13 it to the applicant and OAG to work that out.

14 CHAIRMAN HOOD: Okay, I just wanted to make sure
15 we knew exactly what we were voting on. Any other comments
16 on that flexibility language? We'll just leave it up to make
17 sure. Can we do that, Mr. Ritting? I see you're already at
18 the mic, so there must be --

19 MR. RITTING: Normally I would say no, but the
20 differences here are so small, and it seems like the only one
21 that's really at issue is G if I understood that correctly,
22 and if I could repeat what I think I heard the applicant say,
23 they want to go with their G because it's more specifically
24 tailored to this project.

25 And if I could just make a suggestion, why don't

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1 you just adopt what OP is suggesting except for G, and adopt
2 the applicant's G? And then I'll know what to do.

3 COMMISSIONER TURNBULL: I'm okay with that.

4 CHAIRMAN HOOD: Okay, so, are we all fine with
5 that? Okay, so with that, I would move approval of this case
6 excepting what the Office of Planning has referenced with the
7 exception of G, and also implementing the applicant's G and
8 leaving it up to the Office of the Attorney General to help
9 fine-tune everything.

10 VICE CHAIR MILLER: Second.

11 CHAIRMAN HOOD: Did I get that right, Mr. Ritting?
12 I want to make sure the motion is right.

13 MR. RITTING: That was very good.

14 CHAIRMAN HOOD: It was very good. Mr. Ritter,
15 you're going a long way, you know that, with me. You're all
16 right except for -- what did you say?

17 MR. RITTING: I said except for the last thing you
18 said, that was fine.

19 CHAIRMAN HOOD: Okay, I'm going to switch your
20 seat. Okay, so it's been moved and properly seconded.
21 Anything further? Oh, no, oh, yeah, any further discussion?
22 All in favor?

23 (Chorus of aye.)

24 CHAIRMAN HOOD: Aye. Any opposition? Ms.
25 Schellin, did you record your vote?

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1 SECRETARY SCHELLIN: I don't get a vote, but I'll
2 record yours.

3 CHAIRMAN HOOD: What did I say, record your vote?

4 SECRETARY SCHELLIN: Yes.

5 CHAIRMAN HOOD: Would you record the vote?

6 SECRETARY SCHELLIN: Staff will record the vote
7 five to zero to zero to approve final action in Zoning
8 Commission case number 19-20, Commissioner Hood moving,
9 Commissioner Miller seconding, Commissioners Shapiro, May,
10 and Turnbull in support.

11 CHAIRMAN HOOD: So, Mr. Senior Vice President, I
12 want to assure you that this was an easy night. I'd like
13 this all of the time. So it looks like we have a good time,
14 but, you know, we work real hard, so tonight was very
15 enjoyable, so I want to thank everyone for their
16 participation.

17 I'm not going to read the opening statement, I
18 mean, the closing statement. I need to work on that. So
19 with that, I appreciate your attention to this matter. Do
20 I need to do something else?

21 SECRETARY SCHELLIN: Just to have Mr. Avitabile
22 or his staff provide us a draft order by the end of the year,
23 maybe, or the first of next year.

24 MR. AVITABILE: Sure.

25 SECRETARY SCHELLIN: Thank you.

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1 CHAIRMAN HOOD: Go ahead, Commissioner May. I
2 want to hear this.

3 COMMISSIONER MAY: You know, you forgot to mention
4 Mr. Murphy, now that he has arrived, that his law --

5 (Simultaneous speaking.)

6 COMMISSIONER MAY: -- our sound.

7 CHAIRMAN HOOD: Well, did we ever get the mics
8 fixed?

9 COMMISSIONER MAY: No.

10 CHAIRMAN HOOD: Murphy's Law.

11 COMMISSIONER MAY: Murphy's Law.

12 (Laughter.)

13 CHAIRMAN HOOD: All right, so I want to thank
14 everyone for their attention tonight and their participation
15 in this case, and this hearing is adjourned.

16 (Whereupon, the above-entitled matter went off the
17 record at 7:08 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 12-12-19

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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