

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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REGULAR PUBLIC MEETING

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WEDNESDAY

JANUARY 27, 2021

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The Regular Public Meeting of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 9:30 a.m. EDT, Frederick L. Hill, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

FREDERICK L. HILL, Chairperson
LORNA JOHN, Vice Chair
CHRISHAUN SMITH, Board Member

ZONING COMMISSION MEMBER PRESENT:

ANTHONY J. HOOD, Commissioner

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JOHN RICE, Esquire
ALEXANDRA CAIN, Esquire

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The transcript constitutes the minutes from the
Regular Public Meeting held on January 27, 2021.

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

I. MOTIONS

Case No. 20329 - Application of Ekop Graham
(Limited scope hearing). 13

Case No. 20353 - Application of 1306 Longfellow Street NW,
LLC (Vote Rescinded). 15

II. DECISIONS

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Haleh Rajae 11

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

(9:30 a.m.)

CHAIRPERSON HILL: This meeting will please come to order.

Good morning, ladies and gentlemen. We are convening and broadcasting this decision meeting by videoconference. This is the January 27th public meeting session of the Board of Zoning Adjustment of the District of Columbia. My name is Fred Hill, Chairperson. Joining me today is Lorna John, Vice Chair; Chrishaun Smith, Board Member; and representing the Zoning Commission is Anthony Hood.

Today's meeting agenda is available to you on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live.

The video of the webcast will be available on the Office of Zoning's website after today's meeting session. Accordingly, everyone who is listening on Webex or by telephone will be muted during the meeting. We do not take any public testimony at our decision meetings.

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1 your telephone call-in, then please call our Office of Zoning
2 Hotline. I'll repeat the number at 202-727-5471. Once again,
3 202-727-5471 to receive Webex login or call-in instructions.

4 At the conclusion of the meeting session, I shall, in
5 consultation with the Office of Zoning, determine whether a full
6 or summary order may be issued. A full order is required when the
7 decision it contains is adverse to a party, including an affected
8 ANC. A full order may also be needed if the Board's decision
9 differs from the Office of Planning's recommendation. Although
10 the Board favors the use of summary orders whenever possible, an
11 applicant may not request the Board to issue such an order.

12 Preliminary matters relate to whether a case will or
13 should be heard today, such as requests for a postponement,
14 continuance, or withdrawal, or whether proper and adequate notice
15 has been given.

16 Mr. Secretary, do we have any preliminary matters?

17 MR. MOY: Mr. Chairman, yes, we do, but I think for
18 everyone's efficiency, I would suggest that I call those
19 preliminary matters when I call the case.

20 CHAIRPERSON HILL: Okay. All right. And again,
21 actually, I mean, there's just a lot of different issues that have
22 come up in terms of new things into the record as well as just
23 preliminary matters, so I will ask that the staff and also even
24 the attorneys, remind me or help me if there's something that I
25 missed.

1 Mr. Moy, if you could please call our first public
2 meeting case?

3 MR. MOY: All right. Before the Board in its meeting
4 session is Case Application No. 20370 of 1337 Taylor Street, LLC,
5 captioned and advertised for a special exception under the
6 residential conversion requirement, Subtitle U, Section 320.

7 2. This would convert the existing principal dwelling unit into a
8 three-unit apartment house in the RF-1 Zone at premises 1337
9 Taylor Street, Northwest, Square 2822, Lot 18. And participating
10 on this application is the Zoning Commissioner, Peter Shapiro.

11 CHAIRPERSON HILL: Okay. Great. All right. Is the
12 Board ready to deliberate? Okay. I can start. Since we last
13 heard this, we did get something from the ANC in terms of their
14 report. It's actually now in support and they had a variety of
15 conditions. Unfortunately, I don't think any of those conditions
16 are necessarily in the purview of the BZA. I am glad to see that
17 the ANC and the applicant were able to come to a resolution or,
18 you know, get on the same page in terms of this particular
19 project.

20 I think that after, you know, we heard the case and
21 reviewing the record again, I would agree with the application --
22 or the applicant in terms of how they're meeting the standards for
23 which we can grant this relief. I also would be thinking -- I
24 also do think that the Office of Planning's report was sufficient
25 in their analysis and also how they were in support, so I would

1 agree with the Office of Planning's report.

2 DDOT also had no objection to this. Does anyone have
3 anything they'd like to add?

4 Mr. Smith?

5 BOARD MEMBER SMITH: No, Mr. Chairman. I think what you
6 stated fully encapsulates my feelings on this particular (audio
7 interference) at this point.

8 CHAIRPERSON HILL: Vice Chair John, do you have anything
9 to add?

10 VICE CHAIR JOHN: No, I have nothing to add.

11 CHAIRPERSON HILL: All right. Then I'm going to go
12 ahead and make a motion to approve Application No. 20370 as
13 captioned and read by the Secretary and ask for a second.

14 Ms. John?

15 VICE CHAIR JOHN: Second.

16 CHAIRPERSON HILL: Mr. Moy, the motion has been made and
17 seconded. Could you take a roll call vote, please, and also let
18 us know about Commissioner Shapiro?

19 MR. MOY: Yes. Yes, Mr. Chairman. So before I give the
20 -- well, okay. Let's do a roll call vote. When I call your
21 names, if you would please respond with a yes, or a no, or abstain
22 to the motion made by Chairman Hill to approve the application for
23 the relief requested. The motion was seconded by Vice Chair John.
24 Mr. Smith?

25 BOARD MEMBER SMITH: Yes.

1 MR. MOY: Vice Chair John?

2 VICE CHAIR JOHN: Yes.

3 MR. MOY: Chairman Hill?

4 CHAIRPERSON HILL: Yes.

5 MR. MOY: We have an absentee ballot from Zoning
6 Commissioner Peter Shapiro and his vote is to approve the
7 application for the relief requested which stuck with -- and if
8 there were any conditions imposed, then he would be in support of
9 that, but, of course, I don't see that here.

10 So that would give a final vote of 4 to 0 to 1, and this
11 is on the motion of Chairman Hill to approve seconded by Vice
12 Chair John. Also in support, Mr. Smith, and, of course, Mr. Peter
13 Shapiro, the Vice Chair, and yourself, Mr. Chairman. We have a
14 Board seat vacant. Again, the motion carries 4 to 0 to 1.

15 CHAIRPERSON HILL: All right. Thank you, Mr. Moy. All
16 right. Mr. Moy, you can call our next one when you get a chance.

17 MR. MOY: All right, Mr. Chairman. I believe it is Case
18 Application No. 19847A, A as in alpha, of Elton Investment, LLC.
19 This is a request by the applicant to extend for an additional
20 year BZA Order No. 19847 approving -- which approved a special
21 exception under Subtitles E, Section 205.5 and 5201 from the rear
22 addition requirements of Subtitle E, Section 205.4 to construct a
23 third story and rear addition to a principal dwelling unit and
24 convert the dwelling into a flat. So this is a time extension,
25 sir.

1 CHAIRPERSON HILL: Okay. Thanks, Mr. Moy.

2 All right my fellow Board members. I guess, I mean, I
3 was ready to talk about this, but after looking at the record and
4 there was a -- there's a notice requirement that the ANC needed 51
5 days notice and, unfortunately, that wasn't provided. They didn't
6 meet the criteria for that and it's something, I guess, that we
7 can't waive because it's an ANC provision. And so what I would
8 suggest is go ahead and, I guess, Mr. Moy and maybe Ms. Cain, you
9 can tell us in terms of the proper timing when we might be able to
10 decide this.

11 Mr. Moy, do you know?

12 MS. CAIN: So, Mr. Chair, the ANC did actually submit a
13 letter to the record. That's at Exhibit 15, stating that they did
14 actually have notice of this application prior to the applicant
15 notifying them on January 15th and that they chose not to take any
16 action on the application at their January meeting.

17 So since that is the case and they have clearly
18 demonstrated that they knew about the application and, you know,
19 made a clear decision not to take any action, we believe that the
20 waiver is no longer needed. It's essentially record moot by this
21 ANC letter and the Board can actually proceed with taking action
22 today.

23 CHAIRPERSON HILL: Okay. Great. Let me just take a
24 look at this. Give me one second, please. Okay. I see it's from
25 Commissioner Holman. All right. Well, then if that's the case,

1 then in terms of the merits, I didn't have any issues with it in
2 terms of, you know, their reasoning was, again, primarily due to
3 things that have kind of come into play because of the pandemic
4 and I would be fine with granting the extension. Also, the Office
5 of Planning was in support of that and now also we have the ANC
6 letter in support in terms of the timing, and then also DDOT
7 didn't have any issues with it. So I'm fine moving forward.

8 Mr. Smith, do you -- Mr. Hood, are you -- you're with us
9 on this one. Do you have anything you'd like to add?

10 COMMISSIONER HOOD: No, I think this warrants our
11 approval for the two-year time extension and I appreciate the
12 ANC's basically waiving their rights and letting us know where
13 they stand on this particular case and I think this merits for the
14 redesign and the review of the -- more approval of the review of
15 the plans. I think warrants our approval for the two-year time
16 extension. Thank you.

17 CHAIRPERSON HILL: Mr. Smith?

18 BOARD MEMBER SMITH: I'll second Mr. Hood's comments.
19 So I will be in support.

20 CHAIRPERSON HILL: Ms. John?

21 VICE CHAIR JOHN: I have nothing to add. I agree with
22 Mr. Smith.

23 CHAIRPERSON HILL: Okay. Then I'll make a motion to
24 approve Application No. 19847A as captioned and read by the
25 Secretary and ask for a second.

1 Ms. John?

2 VICE CHAIR JOHN: Second.

3 CHAIRPERSON HILL: Mr. Moy, the motion has been made and
4 seconded. Could you please take a roll call vote?

5 MR. MOY: Yes, sir, thank you. When I call your name,
6 if you would please respond with a yes, no, or abstain on the
7 motion made by Chairman Hill to approve a request for time
8 extension. The motion was seconded by Vice Chair John. Mr.
9 Smith?

10 BOARD MEMBER SMITH: Yes.

11 MR. MOY: Zoning Commission Chair, Anthony Hood?

12 BOARD MEMBER SMITH: Yes.

13 MR. MOY: Vice Chair John?

14 VICE CHAIR JOHN: Yes.

15 MR. MOY: Chairman Hill?

16 CHAIRPERSON HILL: Yes.

17 MR. MOY: And we have a Board seat that's vacant. Staff
18 would record the vote as 4 to 0 to 1 on the motion of Chairman
19 Hill to approve, seconded by Vice Chair John. Also in support,
20 Mr. Smith and Zoning Commissioner Chair, Anthony Hood. Board seat
21 vacant. Again, the motion carries 4 to 0 to 1.

22 CHAIRPERSON HILL: All right. Thank you, Mr. Moy. Mr.
23 Moy, when you do have a chance, you can call our next decision
24 case.

25 MR. MOY: Thank you, Mr. Chairman. Again, this is

1 another time extension request. This is Case Application No.
2 19905A, A as in alpha of Nariman, N-A-R-I-M-A-N, Dash and Haleh
3 Rajae. So Haleh, H-A-L-E-H, R-A-J-A-E-E. And again, this is to
4 extend for an additional two years BZA Order No. 19905 of Herb
5 Hribar, H-R-I-B-A-R, for special -- this was the underlying case,
6 this -- which for a special exception under Subtitle F, Section
7 5201 from the lot occupancy requirements of Subtitle F, Section
8 604.1 to construct a rear deck and bay window addition to an
9 existing semi-detached principal dwelling unit, RA-8 Zone at
10 premises 1410 15th Street, Northwest, Square 195, Lot 107.

11 CHAIRPERSON HILL: Okay. Are we all ready to talk about
12 this? Okay. All right. Let's see. So the first thing is that
13 the Office of Planning's report was late, and I didn't have any
14 issues with their reasoning as to why to let the Office of
15 Planning's report in. Obviously, we would like to hear it. So
16 unless the Board has any issues, we'll go ahead and let the Office
17 of Planning's report in. I don't see anyone raising their hand,
18 so I assume it's okay.

19 In terms of the actual case, in terms of the extension,
20 I didn't have any issues with the extension. I thought that the
21 reasoning -- the reasons that they have given for the extension, I
22 was comfortable with. I think it's something that I could be in
23 favor of. Also again, the Office of Planning's report was in
24 support. So I don't have anything necessarily to add about this.

25 Chairman Hood, do you have anything you'd like to add?

1 COMMISSIONER HOOD: No, I don't have anything to add. I
2 think this warrants our approval as well, but I'm just curious why
3 this was not done administratively and that's a question that the
4 Commission did recently. Maybe this didn't meet the time and I'm
5 sure Ms. Cain can explain to me later on, but I don't need to hear
6 it. We don't -- I don't think the Board needs to hear it now, but
7 I think this probably could have been done administratively, but
8 I'm sure there's a reason it wasn't. So that's all I have, Mr.
9 Chairman.

10 CHAIRPERSON HILL: Okay. Thank you, Chairman Hood.
11 Mr. Smith?

12 BOARD MEMBER SMITH: I don't have anything to add. I
13 think it may not have met the automatic time extension because the
14 expiration date for this one is after the (audio inference) so it
15 could be automatic (audio interference) extension, but I'll wait
16 for Ms. Cain, but I would be in support.

17 CHAIRPERSON HILL: Vice Chair John?

18 VICE CHAIR JOHN: I'm in support of the time extension.
19 I think they have a right to it.

20 CHAIRPERSON HILL: Okay. Then again, I make a motion to
21 approve Application No. 19905A as captioned and read by the
22 Secretary and ask for a second. Ms. John?

23 VICE CHAIR JOHN: Second.

24 CHAIRPERSON HILL: Motion made and seconded. Mr. Moy,
25 could you please take a roll call vote?

1 MR. MOY: Yes. Thank you, Mr. Chairman. Again, when I
2 call your name if you would please respond with a yes, no, or
3 abstain from the motion made by Chairman Hill to approve the
4 request for time extension. The motion was seconded by Vice Chair
5 John. Mr. Smith?

6 BOARD MEMBER SMITH: Yes.

7 MR. MOY: Zoning Commission Chair Anthony Hood?

8 COMMISSIONER HOOD: Yes.

9 MR. MOY: Vice Chair John?

10 VICE CHAIR JOHN: Yes.

11 MR. MOY: Chairman Hill?

12 CHAIRPERSON HILL: Yes.

13 MR. MOY: And we have a Board seat vacant. Staff would
14 record the vote as 4 to 0 to 1 on the motion of Chairman Hill to
15 approve, seconded by Vice Chair John. Also in support, Mr. Smith,
16 Zoning Commission Chair Anthony Hood. We have a Board seat
17 vacant. Staff would record the vote as 4 to 0 to 1. The motion
18 carries.

19 CHAIRPERSON HILL: Okay. Thank you, Mr. Moy. All
20 right. Mr. Moy, when you're ready I guess there's a couple of
21 things we need to deal with, right?

22 MR. MOY: Yes, sir. We have two open Board motions to
23 reopen the record on two separate cases. The first is Case No.
24 20329 of Ekop, E-K-O-P, Graham. And I can go through this or OAG
25 can, but I think you have before you the -- your reasons for

1 reopening the record. I can go through that if you would like.

2 CHAIRPERSON HILL: Yeah, that would be great or Mr.
3 Rice. Whatever.

4 MR. MOY: Essentially, and Mr. Rice can join in.
5 Essentially, Mr. Chairman, the summary of this is that when the
6 Board held its hearing, I believe it was on January 13th, there
7 was an individual who attempted to access the hearing and ran into
8 technical difficulties in doing that and under the COVID emergency
9 procedures, there's allowances made for an individual to submit or
10 post their written testimony into the record within --

11 MR. RICE: Yeah, I think --

12 MR. MOY: -- 24 hours.

13 MR. RICE: I think Mr. Moy is speaking about Case No.
14 20353 not 20329.

15 MR. MOY: Oh, I'm sorry. All right. Hold on.

16 MR. RICE: We can proceed under either.

17 MR. MOY: All right. Mr. Rice, why don't you pick up
18 because actually I -- I'm reading my wrong notes.

19 MR. RICE: Chairman and members of the Board, so in Case
20 No. 20329, the Board previously considered and approved the case
21 on December 9th. The following day, Ms. Hammett submitted a
22 request to reopen evidence for the purpose of her testimony coming
23 in. For reasons of technical difficulties, she wasn't allowed to
24 get in previously. Her testimony did come into the case. It's at
25 Exhibit 46. She has objected to the variance and, you know, said

1 some details related to her objections.

2 The Board did provide dates for the applicant to file a
3 response as well as the ANC. Both the ANC and the applicant have
4 filed their responses to Ms. Hammett's testimony. The applicant's
5 response largely, you know, responds in line with the individual
6 topics that Ms. Hammett has raised and that's available as Exhibit
7 48. ANC 7C filed their response largely in agreement with Ms.
8 Hammett, that they are opposed to the relief and they would like
9 to see certain remaining issues that Ms. Hammett raised either
10 codified in a construction agreement or detailed by the applicant
11 itself.

12 So the next steps really for the Board at this point,
13 since this information has to come in, is really to consider
14 rescinding its prior vote and then to discuss or determine
15 whether, you know, these items change your prior decision and to
16 vote on the matter and to determine, if necessary, whether a
17 further hearing is needed. If you guys determine a further
18 hearing is needed to hear from, you know, Ms. Hammett or the
19 applicant itself, I would encourage you guys to be sure to give
20 both the applicant and Ms. Hammett at least 10 days notice.

21 CHAIRPERSON HILL: Okay. And again, this one is -- we
22 did vote on this one already to approve?

23 MR. RICE: Yes, it was approved --

24 CHAIRPERSON HILL: Oh.

25 MR. RICE: -- but it was -- I believe the ANC was

1 opposed at that time too.

2 CHAIRPERSON HILL: Right. And the -- and I'm going to
3 jump around a little bit here. So 20353, what are -- what's the
4 issues with that one again?

5 MR. RICE: So in 20353, it was a similar matter, issue,
6 where -- one second. Ms. Martin, she received the notice of the
7 hearing, but she received it on the day of the hearing actually
8 and that was for the January 13th hearing and she was not able to
9 submit her testimony. So she did subsequently submit a motion to
10 reopen the record as well as a motion for consideration of her
11 prior testimony.

12 The issue with Ms. Martin's request is that under Y
13 103.13(m) Ms. Martin's request to reopen evidence is supposed to
14 be an entirely separate document from her prior testimony. The
15 rationale behind that is so that the Board can consider the two
16 independent of each other and not be kind of swayed by either. So
17 currently, they're both kind of meshed into one. So if the Board
18 wants to go ahead and consider it, I would encourage it to try and
19 consider the two documents but independently of each other.

20 And again, if you guys grant the motion to reopen
21 evidence, the parties need to be given a deadline to respond and
22 then after this date, in the future, you guys will consider the
23 responses as well as, again, whether to rescind your prior vote
24 and to vote again on the matter.

25 Additionally, Ms. Martin does raise some individual

1 issues related to notice. She received her notice on the date of
2 the actual hearing, so in the event you guys reopen the hearing, I
3 would encourage you guys to consider waiving the deficiency and
4 notice that Ms. Hammett described.

5 CHAIRPERSON HILL: Okay. And this one we also voted to
6 approve?

7 MR. RICE: I believe so, but if you give me one second,
8 I'll double-check.

9 BOARD MEMBER SMITH: Yes. This is the one we did vote
10 to approve.

11 CHAIRPERSON HILL: Thanks, Mr. Smith.

12 MR. RICE: Yes.

13 CHAIRPERSON HILL: We voted to approve both. Okay. All
14 right. Well, I guess -- I mean, my thoughts, I guess is, and I
15 don't know if I have to call them separately or what have you.
16 You guys can -- Mr. Rice, you can let me know, but, you know, I
17 guess I would rescind. I say we should rescind both votes, take a
18 look at the items that are in -- allow everything into the record
19 because it's, again, the issues with -- well, one was the issues
20 of, I guess, technical issues and the other was also -- I'm a
21 little confused as to whether Ms. Martin was a technical issue or
22 not for 20353. Was it a technical issue, Mr. Moy?

23 MR. MOY: Well, technical being that she had received
24 her notice on the day of the hearing --

25 CHAIRPERSON HILL: Right.

1 MR. MOY: -- and it makes -- apart from good common
2 sense to allow time to -- for due process.

3 CHAIRPERSON HILL: Right. And again, now -- but I kind
4 of remember. Maybe I'm getting some things mixed up. Could you
5 all mute your line for now? There's kind of feedback. There was
6 a lot of issues with the mail that I know was going on during the
7 holidays. Again, primarily due to the pandemic, I think. So I
8 don't know if that was or wasn't the case, but I would be
9 interested in, I guess, unless the Board has any different
10 thoughts, I thought we would go ahead and rescind our votes on
11 both cases.

12 I know Mr. -- Chairman Hood, I'll let you speak. Just
13 give me one second. And then if you have a different opinion,
14 that's great. And then at the break, we can go ahead, and we
15 would take a look at this and come back and talk about both cases
16 again and see what we wanted to do.

17 Chairman Hood, you had a thought?

18 COMMISSIONER HOOD: Sure. I don't have a different
19 opinion. I think I'm on one case and Commissioner Miller -- Vice
20 Chair Miller's on the other case, so you may need to do them
21 separately. That's my only comment.

22 CHAIRPERSON HILL: Which one is Commissioner Miller on?
23 Which one are you on, Chairman Hood?

24 COMMISSIONER HOOD: I'm on the -- hold on. Let me see.
25 I lost my place.

1 MR. MOY: The Graham case, Mr. Chairman.

2 CHAIRPERSON HILL: What's the number of that again, Mr.
3 Moy?

4 MR. MOY: 20329.

5 CHAIRPERSON HILL: Okay.

6 MR. MOY: You got Graham at (audio interference).

7 COMMISSIONER HOOD: Yeah, it was Graham. Okay. Thank
8 you, Mr. Moy.

9 MR. RICE: And then --

10 CHAIRPERSON HILL: Mr. Rice?

11 MR. RICE: -- Case 20353. Case 20353, sir, is --
12 Commissioner Miller is on it and if you guys choose to reopen the
13 hearing and receive the testimony there, I would encourage you
14 guys before -- not to actually vote today, but to set deadlines
15 for the parties to respond. In Case 20329, the parties have been
16 given a response and filed them because they're on the record.
17 Case 20353 has not yet had the opportunity to respond to the
18 testimony coming in.

19 CHAIRPERSON HILL: Okay. Well, and I appreciate that.
20 I mean, but, Mr. Rice, and I'm just -- I'm asking now. I
21 understand your opinion there, but if the Board doesn't think it's
22 necessary for any further information, could we still move forward
23 or you're just saying that that's not advised?

24 MR. RICE: You could choose to move forward, however the
25 Zoning Regulations, the procedure outlined in them, is that you

1 would typically afford the parties the opportunity to respond to
2 the testimony that came in and that is what you did in Case No.
3 20329.

4 CHAIRPERSON HILL: Okay. All right. Well, let's take
5 this one step at a time, I guess, also.

6 Ms. John or Mr. Smith, since Chairman Hood is not on
7 that, what are your thoughts on 20353 in terms of do you want --
8 well, I guess we can take a look at the break because what I was
9 going to plan -- what I was planning on doing is since we haven't
10 really gotten that far is the next case or the first case of the
11 day has Commissioner Turnbull on it. So I thought we'd go ahead
12 and do the first case of the day, then take a break, then take a
13 look at all the stuff that we're now going to allow in the record
14 and then determine whether or not we want to have time for the
15 parties to respond in 20353 or move forward.

16 Mr. Smith, do you have any thoughts?

17 BOARD MEMBER SMITH: I agree with you, Mr. Chairman. I
18 think it would be great to take a break to analyze it before we
19 proceed (audio interference).

20 CHAIRPERSON HILL: Ms. John?

21 VICE CHAIR JOHN: I would take a slightly different
22 approach. I would reopen the record for 20353 and give the
23 parties an opportunity to respond and err on the side of them
24 having an opportunity to voice, you know, their opposition so that
25 we could, you know, more fully examine the record, so.

1 CHAIRPERSON HILL: Okay. All right. I'm fine with that
2 too.

3 VICE CHAIR JOHN: All right.

4 CHAIRPERSON HILL: So then -- okay. Let's see. Then,
5 in that case, so for 20353, so Mr. Rice or Mr. Moy, in terms of
6 timing then, when would that be back before us for -- so we're
7 rescinding -- I'm saying we're rescinding our vote for 20353.
8 We're going to reopen the record, let Ms. Martin's testimony in,
9 then go ahead and allow parties time to respond and then come back
10 for a decision again, correct?

11 VICE CHAIR JOHN: Yes.

12 CHAIRPERSON HILL: And so when then, Mr. Moy, would
13 20353 be back before us?

14 MR. MOY: I'm sorry. Mr. Chair, I would suggest that
15 the Board come back to this case on March 24th and I'll prepare an
16 OZ memo on the record with a timeline for responses, but to hear
17 this again on a limited hearing on the papers for a continued
18 hearing on March 24th. And as I said, I'll record the timeline
19 deadlines for responses in an OZ memo that I'll upload into the
20 record.

21 CHAIRPERSON HILL: Okay. I'm confused a little bit. Do
22 we have to do a continued hearing, or can we still just have a
23 decision meeting?

24 MR. MOY: Well, you can do either way unless Mr. Rice
25 corrects me, so that's your choice, sir.

1 MR. RICE: Okay. All right.

2 CHAIRPERSON HILL: He seems to be nodding. So I'm going
3 to go ahead and then let's just -- I mean, if we want to -- so
4 let's come back for a decision on March 24th, okay, and if we, at
5 some point, think that we need a continued hearing based on the
6 testimony, we can determine that March 24th.

7 The thing is though, and now I -- Mr. Moy, I'm just kind
8 of talking out there. That's two months away. I mean, Mr. Rice,
9 like when's the time that we can get this back before us?

10 MR. RICE: I mean, the only requirement that's really
11 spelled out in the regs, sir, is that the parties be afforded 10
12 days to respond. So as long as you afford them that 10 days.
13 Ideally, the case could be back before you guys, you know, the
14 first hearing date or meeting date, you know, following that 10-
15 day deadline. I'd defer to Mr. Moy on the actual dates and
16 scheduling.

17 CHAIRPERSON HILL: So that would be the 10th of
18 February.

19 MR. MOY: Yeah. Yes, I was -- how can I say this
20 delicately? I selected that date for the convenience of the
21 participating members.

22 CHAIRPERSON HILL: Got it. Okay. Well, Mr. Moy, why
23 don't we do this. Okay. I don't want to push it off for two
24 months, you know, but let's go ahead and continue to talk -- let's
25 take a -- let's go ahead and do my original plan. We'll come

1 back. Let me think about some stuff. We'll come back after a
2 break and figure out how to get all the timing done with all this,
3 okay, and take a look at 20329 as well and determine what we want
4 to do. Okay. All right?

5 So let's see. That being the case now, I'll go ahead.
6 So we're going to come back to these two issues after a break so
7 we can take a look at stuff. I'm going to go -- Chairman Hood, if
8 it's all right, I'll go ahead and let Mr. Turnbull do his first --
9 his case and then we'll take a break.

10 So let me read into our hearing here.

11 (Whereupon, the above-entitled matter went off the
12 record at 10:06 a.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCBZA

Date: 01-27-21

Place: Teleconference

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