

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: February 6, 2018

SUBJECT: Report on PR 22-718, “Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018”

The Committee of the Whole, to which PR 22-718, the “Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018” was referred, reports favorably thereon and recommends approval by the Council.

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I. BACKGROUND AND NEED

On January 5, 2018, PR 22-718, the “Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018” was introduced by Chairman Mendelson at the request of the Mayor.¹ The purpose of PR 22-718 is to confirm the appointment of Lorna John as a member of the Board of Zoning Adjustment (“BZA”) replacing Anita Butani D’Souza for a term to expire September 30, 2018.

Ms. Johns is a retired attorney who has lived in the District for 30 years and is currently a Ward 6 resident. Ms. Johns earned a Bachelor of Arts in English from the University of the West Indies, a Master of Education from Howard University, and a Juris Doctor from the Georgetown University Law Center. Ms. John began her career as a partner in the firm of Thomas and John, with a concertation in contracts, litigation, real estate, Landlord and Tenant law, criminal law, and family law. Later, she

¹ PR 22-537, “The Board of Zoning Adjustment Lorna John Confirmation Resolution of 2017” was originally introduced Friday, October 6, 2017 by Chairman Mendelson at the request of the Mayor. However, it was withdrawn and reintroduced as PR 22-718 so that the Committee could hold a hearing before the resolution was deemed disapproved.

worked as a Hearing Examiner and Staff Attorney at the former District of Columbia Office of Human Rights and Minority Business; this experience allowed her to become familiar with the processes and procedures of local boards and commissions.

In 1990, Ms. John began her 23 year-long career with the Federal Aviation Administration (“FAA”) as a Staff Attorney and later as a Senior Attorney. At the FAA, Ms. John was lead counsel for several complex multi-million-dollar acquisition programs and successfully handled a wide range of acquisition matters. In 1996, she received Vice President Al Gore’s Hammer Award for superior accomplishment in acquisition reform and for drafting the FAA’s innovative acquisition policies and procedures.

As a Senior Attorney in the FAA’s International Law, Legislation and Regulations Division, Ms. John provided legal advice and counsel to management and other agency personnel on a wide range of legal and policy issues affecting international aviation, including European and FAA regulatory harmonization projects. Ms. John drafted and reviewed rulemaking documents and participated in rulemaking committees and international conferences. She has also provided legal technical assistance to many civil aviation authorities around the world. Ms. John’s expansive background in drafting and interpreting policy and regulations is a transferrable skillset that will allow her to make meaningful and thoughtful contributions to the BZA. As she stated at her confirmation hearing, “this background makes me uniquely qualified to consider both sides of and issue in situations where the Board must balance the property owner’s need for relief against maintaining the integrity of the zoning regulations and maps.”

Additionally, Ms. John has demonstrated her commitment to community service. She is the President and Founder of the Luna Brown Street Foundation, a non-profit organization that provides scholarships to underserved students here and overseas. Ms. John currently serves as General Counsel for the High Tea Society, a non-profit mentoring organization for young girls in the District.

At the public hearing on her nomination, Ms. John stated that she does not have any conflicts of interest that would interfere with her duties as a member of the BZA. Ms. John also stated that she is able to meet the time commitment required as a member of the BZA.

The Board

The Board of Zoning Adjustment is a creation of federal law.² The BZA is composed of a member of the National Capital Planning Commission or an NCPC staff member; a rotating member of the Zoning Commission; and three members appointed by the Mayor of the District of Columbia with the advice and consent of the Council.³ Of the three members appointed by the Mayor, each must have been a resident of the District of Columbia for at least three years immediately preceding his or her appointment, and at least one of those three members must own his or her own home.⁴ The terms of the three members appointed by the Mayor are for three years.⁵

² Ch. 534, 52 Stat. 797 (1938), An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes.

³ D.C. OFFICIAL CODE § 6-641.07(a) (2008 Supp.).

⁴ *See id.*

⁵ *Id.* § 6-641.07(b).

Table 1: Membership of the Board of Zoning Adjustment

Resolution #	Position	Appointee	Nominated for Term Expiring:	Residency
R 22-255	Member, District Resident (Chairperson)	Fred Hill	September 30, 2020	Ward 2
PR 22-718	Member, District Resident	Lorna John	September 30, 2018	Ward 6
R 22-16	Member, District Resident	Lesylleé White	September 30, 2019	Ward 4
N/A	National Capital Planning Commission Designee	Carlton Hart	N/A	N/A
N/A	Zoning Commission Designee	Rotating	N/A	N/A

The BZA is authorized to consider applications for special exceptions and variances, as well as to hear appeals from decisions granting or refusing a building permit or granting or withholding a certificate of occupancy, or appeals from other administrative decisions based on the zoning regulations or zoning map.⁶ The BZA addresses the following types of cases, and each case includes a public hearing before the BZA:

- **Appeals**—appeals from any order, requirement, decision, determination, or refusal made by the Mayor, Zoning Administrator, or any other administrative officer or body in the carrying out or enforcement of the zoning regulations.
- **Special Exceptions**—requests for special exceptions to the zoning regulations, regarding approval of certain aspects of the development or use of property, where “in the judgment of the BZA, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps....”⁷ Special exceptions are explicitly contemplated in the zoning regulations and are subject to special conditions specified in the regulations.
- **Variances**—Relief from the strict application of the zoning regulations, specifically: “[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any [zoning regulation] would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such

⁶ *Id.* § 6-641.07(f).

⁷ D.C. MUN. REGS. title 11, § 3104.1 (2011).

property....”⁸ Such relief may be granted in order to relieve the resulting hardship or practical difficulties; however, relief can only be granted “without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.”⁹

- **Other**—decisions on other special questions which the BZA is authorized by its regulations to opine on, including map interpretations.¹⁰

The Board of Zoning Adjustment is distinct from the Zoning Commission; the latter has plenary authority over zoning, including formulation of the zoning regulations. The Zoning Commission has exclusive jurisdiction over all matters concerning zoning in the District of Columbia.¹¹ In addition to being responsible for the zoning regulations (Title 11 of the D.C. Municipal Regulations), the Commission reviews all cases relating to the zoning map and text. These include planned unit developments (PUDs) and campus plans for colleges and universities. The Zoning Commission is also responsible for implementing the land use aspects of the Comprehensive Plan—a plan which is proposed by the Mayor and adopted by the Council. The Commission’s plenary authority includes the right to review, *sua sponte*, any decision of the Board of Zoning Adjustment.¹²

The Committee recognizes that while Ms. John lacks experience in zoning or planning related issues, she has a strong background in administrative proceedings and understanding statutory and regulatory interpretation that will allow her to contribute significantly to the BZA. Further, the Committee finds Ms. John sincere in her willingness to become versed in zoning matters and her commitment to serving the District. Therefore, the Committee recommends the confirmation of Ms. Lorna John as a member of the Board of Zoning Adjustment for a term to expire on September 30, 2018.

II. LEGISLATIVE CHRONOLOGY

January 5, 2018	PR 22-718, “Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018” is introduced by Chairman Mendelson at the request of the Mayor.
January 9, 2018	PR 22-718 is referred to the Committee of the Whole; on this date the referral of the PR to the Committee of the Whole is official and the 90-day period for Council review begins. If the measure is not acted upon by the Council before March 15, 2018, PR 22-718 will be deemed disapproved.
January 12, 2018	Notice of Intent to Act on PR 22-718 is published in the <i>Register</i> .

⁸ D.C. OFFICIAL CODE § 6-641.07(g)(3) (2008 Supp.).

⁹ *Id.*

¹⁰ *Id.*(f)-(g). The law also specifies that the Zoning Commission may authorize the BZA to interpret the zoning maps, and address questions of lot line or district boundary line disputes, or similar questions that may arise. *Id.* § 6-641.07(d).

¹¹ *Tenley & Cleveland Park Emergency Comm. v. Dist. of Columbia Bd. of Zoning Adjustment*, 550 A.2d 331 (D.C. 1988).

¹² See D.C. MUN. REGS. title 11, § 3128 (2000).

January 12, 2018 Notice of a public hearing on PR 22-718 is published in the *Register*.

January 16, 2018 The Committee of the Whole holds a public hearing on PR 22-718.

February 6, 2018 The Committee of the Whole marks-up PR 22-718.

III. POSITION OF THE EXECUTIVE

Ms. John is the Mayor's nominee for one of the three District resident positions on the Board of Zoning Adjustment.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public roundtable on PR 22-718 on Tuesday, January 16, 2018. The testimony summarized below is from that hearing. A copy of the testimony is attached to this report.

Laura Richards, The Committee of 100 on the Federal City, testified on Ms. John's nomination. Ms. Richards stated that the Committee of 100 does not object to Ms. John's nomination, but neither does it endorse her. She testified that while Ms. Johns lacks demonstrated experience and interest in zoning or planning related issues, she has mastered complex technical subjects (aviation law) and is familiar with federal administrative law and process. Ms. Richards concluded that "this is relevant preparation for the position she seeks on a decision-making multi-member board."

Lorna John, Nominee, testified and answered questions regarding her background and experience as they pertain to the Board of Zoning Adjustment, and her interest in serving on the BZA. She expressed that her nomination provides her with an excellent opportunity to use her skills and training to benefit and serve her community. Ms. John drew from her years of legal experience and stated, "I will be able to use by litigation skills, knowledge of administrative proceedings, and understanding of statutory and regulatory interpretation in deciding matters that come before the Board."

The Committee received no testimony or comments in opposition to PR 22-718.

VI. IMPACT ON EXISTING LAW

This confirmation is consistent with existing law. Pursuant to D.C. Official Code § 6-641.07(a), the BZA shall be composed of one representative of the National Capital Planning

Commission; one representative of the Zoning Commission; and three other members appointed by the Mayor with the advice and consent of the Council. Of those three members confirmed by the Council, each must have been a resident of the District for at least three years immediately preceding his or her appointment, and at least one shall own his or her own home. By operation of law, the appointment is deemed disapproved on the 90th day (excluding days of Council recess) following submission of the nomination by the Mayor, absent Council action.¹³

VII. FISCAL IMPACT

PR 22-718 will have no fiscal impact on the District of Columbia budget or financial plan. Pursuant to D.C. Official Code § 1-611.08(c)(2)(A), the three District members of the Board of Zoning Adjustment are compensated for their services at a rate of \$25 per hour, with a cap of \$12,000 per board member per year.¹⁴ The compensation for members of the BZA is included in the annual budget for the Office of Zoning.

VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of PR 22-718.
<u>Section 2</u>	Confirms the appointment of Lorna John as a member of the Board of Zoning Adjustment for a term to expire September 30, 2018.
<u>Section 3</u>	Requires that a copy of the resolution, upon adoption, be transmitted to the nominee and to the Mayor.
<u>Section 4</u>	Provides that PR 22-718 shall take effect immediately.

IX. COMMITTEE ACTION

X. ATTACHMENTS

1. PR 22-718 as introduced
2. Nominee's response to Committee questions
3. Written testimony
4. Legal sufficiency determination
5. Committee Print for PR 22-718

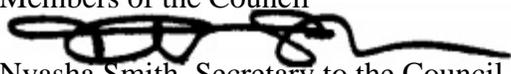
¹³ See D.C. OFFICIAL CODE § 1-523.01(e). The 90 day period of review for PR 22-718 expires on March 15, 2017.

¹⁴ The Chairperson of the BZA who is a public member receives an addition compensation of 20 percent above the annual \$12,000 cap. See D.C. OFFICIAL CODE § 1-611.08(c)(2)(J).

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : January 08, 2018

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, January 5, 2018. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018", PR22-0718

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole. This resolution will be deemed disapproved on Wednesday, April 18, 2018 without Council action.

Attachment

cc: General Counsel
Budget Director
Legislative Services



2018 JAN -5 PM 12:38
OFFICE OF THE
SECRETARY

MURIEL BOWSER

MAYOR

JAN 5 2018

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

In accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), and pursuant to section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07), I am pleased to nominate the following individual:

Ms. Lorna John
927 French Street NW
Washington, DC 20001
(Ward 6)

for appointment as a public member of the Board of Zoning Adjustment, replacing Anita Butani D'Souza, to serve the remainder of an unexpired term to end September 30, 2018.

Enclosed you will find biographical information detailing the experience of Ms. John, together with a proposed resolution to assist the Council during the confirmation process.

I would appreciate the Council's earliest consideration of this nomination for confirmation. Please do not hesitate to contact me, or Steven Walker, Director, Mayor's Office of Talent and Appointments, should the Council require additional information.

Sincerely,

Muriel Bowser



Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution,
which was referred to the Committee on _____.

To confirm the appointment of Ms. Lorna John to the Board of Zoning Adjustment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Lorna John
927 French Street NW
Washington, DC 20001
(Ward 6)

as a public member of the Board of Zoning Adjustment, pursuant to section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07), replacing Anita Butani D'Souza, to serve the remainder of an unexpired term to end September 30, 2018.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

LORNA JOHN

PROFESSIONAL EXPERIENCE:

February 2001
to September 2013 **Office of the Chief Counsel
International Law, Legislation and Regulations Division
Federal Aviation Administration, Washington, D.C.
Senior Attorney**

Provided legal advice and counsel to management and other agency personnel on a wide range of legal and policy issues affecting international aviation. As Senior Attorney for International Regulatory Compliance, provided legal advice and counsel regarding European and FAA regulatory harmonization projects and other international legal and policy issues impacting the rulemaking process. Drafted and reviewed rulemaking documents and participated in aviation rulemaking committees (ARCs), other rulemaking committees, and international conferences. Assisted foreign civil aviation authorities in drafting laws, regulations and guidance to satisfy international standards. Drafted and reviewed international agreements. Served as principal legal advisor for emergency operations in potentially hostile situations. Represented the agency's aviation interests before international organizations, foreign governments, and funding organizations.

February 1990
to January 2001 **Office of the Chief Counsel
Acquisition and Commercial Law Division
Federal Aviation Administration, Washington, D.C.
Senior Attorney**

Served as lead counsel for several multi-million dollar, high visibility acquisition programs for services and equipment. Served as lead counsel in litigation involving bid protests and contract disputes. Served as lead counsel for the development and implementation of the agency's innovative Acquisition Management System (AMS). Reviewed and analyzed legislation and regulations, drafted agency policy and guidance, legal memoranda, and contractual documents. Handled a wide range of other issues related to acquisition, including civil fraud, bankruptcy, antitrust, and mergers and acquisitions in coordination with the Department of Justice and the Federal Trade Commission. Served as liaison to the inter-agency Suspension and Debarment Committee. Received Vice President Gore's Hammer Award for superior accomplishment in acquisition reform.

April 1986
to January 1990 **District of Columbia Office of Human Rights
and Minority Business Development, Washington, D.C.
Staff Attorney/Hearing Examiner**

Managed the Monitoring and Evaluation Division responsible for oversight of small business utilization in District government contracting. Managed litigation defending the District of Columbia's minority business program. As Hearing Examiner, conducted hearings and rendered

decisions on cases brought under the D.C. Human Rights Act of 1977. Prepared and presented cases alleging violations of the Minority Contracting Act of 1976 to the former Minority Business Opportunity Commission.

September 1981 **Thomas & John, Washington, D.C.**
to March 1986 Partner

Represented individual and corporate clients, and small businesses. Areas of concentration included contracts, civil and criminal litigation, landlord-tenant, real estate, immigration, and family law.

EDUCATION:

Georgetown University Law Center
Washington, D.C.
J.D. 1981, (Member, Criminal Justice Clinic)

Howard University
Washington, D.C.
M.A.T. Education, 1973

University of the West Indies
Jamaica, W.I.
B.A. English Honors, 1970

BAR ADMISSION: District of Columbia, December 1981



Executive Office of the Mayor - Office of Talent and Appointments
John A. Wilson Building | 1350 Pennsylvania Avenue, Suite 600 | Washington, DC 20004

Lorna John



Lorna John is a retired attorney with experience in government relations, regulatory compliance, procurement, regulations, acquisitions and policy.

Ms. John began her career as a partner in the firm of Thomas and John, with a concentration in contracts, litigation, real estate, Landlord and Tenant law, immigration, criminal law and family law. Ms. John concluded a long career in the Federal Aviation Administration (FAA) as a Senior Attorney Office of the Chief Counsel. Additional roles at FAA included serving as a Senior Attorney and lead counsel for several complex multi-million dollar acquisition programs and successfully handling a wide range of acquisition matters. In 1996, she received Vice President Al Gore's Hammer Award for superior accomplishment in acquisition reform, in particular, drafting the agency's innovative acquisition policies and procedures.

As a Senior Attorney in the FAA's International Law, Legislation and Regulations division, Ms. John provided legal and policy advice on a wide range of international and domestic regulatory issues including the regulatory harmonization to North American Free Trade Act (NAFTA) and Pilot Record Improvement Act (PRIA) matters. Ms. John drafted and interpreted regulations pertaining to foreign air carrier operations within the United States and on special Federal Aviation Regulations (SFARs). She has also provided legal technical assistance to many civil aviation authorities around the world.

A Ward 6 resident, Ms. John received a Bachelor of Arts in English from the University of the West Indies, a Master of Education from Howard University, and a Juris Doctor from the Georgetown University Law Center.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of Mayor Muriel Bowser



Office of the General Counsel to the Mayor

To: Alana Intrieri, Steve Walker
From: Betsy Cavendish
Date: September 27, 2017
Subject: Legal sufficiency review of Resolution nominating Lorna John as a public member of the Board of Zoning Adjustment

This is to Certify that this office has reviewed the above-referenced legislation and found it to be legally unobjectionable. If you have any questions in this regard, please do not hesitate to call me at 202-724-7681.

A handwritten signature in black ink that reads 'Elizabeth A. Cavendish'. The signature is written in a cursive style.

Elizabeth Cavendish

Lorna John, BZA Nominee

January 8, 2018

- I. Please provide a copy of the Financial Disclosure Statement you filed with the Office of Campaign Finance or the Board of Ethics and Government Accountability. If you have not filed a Financial Disclosure Statement, please provide answers to questions 2-8 in lieu of that statement.
 - A. See below.
2. Please provide the name of each business entity transacting any business with the District Government in which you have a beneficial interest valued in excess of \$5,000, including publicly traded stock.
 - A. None.
3. Please provide the name of each business entity transacting any business (including consulting) with the District Government from which you or your immediate family have received (or are receiving) income for services rendered in excess of \$1,000 during the past two years.
 - A. None.
4. Please provide the name of each business entity transacting business with the District Government in which you or any member of your immediate family serves as an officer, director, partner, or agent. Also list the position(s) held, a brief description of the entity, and any other pertinent details.
 - A. None.
5. Please provide the name of any lender and the amount of liability for each outstanding liability borrowed by you or any member of your immediate family in excess of \$5,000. Do not include loans from a federal or state insured or regulated financial institution, or from any business enterprise regularly engaged in the business of providing revolving credit or installment accounts.
 - A. None.
6. Please list the location of all real property located in the District of Columbia in which you have an interest with a fair market value in excess of \$5,000.
 - A. 1452 Juniper Street, NW
Washington, DC 20012

Lorna John, BZA Nominee

January 8, 2018

Page 2 of 3

- B. 927 French Street, NW
Washington, DC 20001
- 7. Please list all professional and occupational licenses held by you.
 - A. District of Columbia Bar
- 8. Please list any professional organizations of which you are currently a member.
 - A. Society of Children's Book Writers and Illustrators
Association of Writers and Writing Programs
- 9. Please list all boards and commissions connected with the District government on which you are or have been a member, and include the term of service for each.
 - A. Office of Human Rights agency representative on the Mayor's Temporary Commission on Pay Equity and Training (1987 (approximately).
- 10. Please list any other boards (e.g. Boards of Directors of a non-profit) on which you are a member.
 - A. The High Tea Society Board of Directors
The Luna Brown Street Foundation Board of Directors
- 11. Do you have any outstanding liability for taxes, fees, or other payments to the District, federal, or other state or local governments, either contested or uncontested? If so, please provide documentation of attempts to pay the amount owed or to resolve the disputed claim.
 - A. None.
- 12. Do you or any member of your immediate family have any interest, financial or otherwise, that may directly or indirectly pose a conflict of interest for you in performance of your duties as a member of the BZA?
 - A. No.
- 13. Please describe any local political activity (i.e. the District of Columbia local elections or campaigns) that you have engaged in over the past five years, including campaign contributions to a local candidate or political action committee.
 - A. None

Lorna John, BZA Nominee

January 8, 2018

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14. Are you registered with any local, state, or federal government to lobby? If so, list the jurisdiction(s) in which you are registered.

A. No.

15. (a) Why have you agreed to serve, and how do you plan to help the BZA fulfill its role and mission during your time on the BZA over the next year?

A. I volunteered to serve on the Board because, as a long term D.C. resident, it is a welcome opportunity to serve my community.

The role of the Board is to grant relief from the strict application of the zoning regulations and maps. It conducts hearings on applications for variances, special exceptions, and appeals from administrative decisions.

If I am confirmed, I commit to devoting the necessary time and attention to review the zoning regulations and apply the regulations to the facts presented in each case in a fair and impartial manner. I will also seek the advice of the Office of the Attorney General, and consult with the technical experts who serve on, or support, the Board as necessary.

16. Please discuss any past and present experiences not already mentioned that you believe are relevant to support your appointment as a member of the BZA.

A. During the arc of my professional life, I have demonstrated exceptional skill in reviewing, drafting and interpreting statutes and regulations. I honed my legal skills by assuming responsibility for increasingly complex matters having national and international significance. This work required in-depth research, analysis, critical thinking, the exercise of sound judgment and decision making, and consensus building.

**Testimony of Lorna L. John
Committee of the Whole
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004**

Good morning Mr. Chairman and members of the Committee. I am Lorna John, and I would like to thank you for providing this opportunity to appear before you today. I would also like to express my gratitude to Mayor Bowser for nominating me to the Board of Zoning Adjustment (BZA).

I have lived in the District of Columbia for almost 30 years. I currently live in Ward 6, but I have also lived in Wards 2 and 4. I obtained my undergraduate degree from the University of the West Indies, my graduate degree from Howard University, and a law degree from Georgetown University. After graduating from law school, I was a partner in a small general practice law firm in the District. Later, I worked as a Hearing Examiner and Staff Attorney at the former Office of Human Rights and Minority Business. In 1990, I was hired as a Staff Attorney and then as Senior Attorney at the Federal Aviation Administration. I served in that capacity until I retired in late 2013. I currently serve as General Counsel for The High Tea Society, a non-profit mentoring organization for young girls in the District of Columbia. I am the President and Founder of the Luna Brown Street Foundation, a non-profit organization that provides scholarships to underserved students, here and overseas.

I accepted the nomination to serve on this Board because it provides an excellent opportunity to use my skills and training to benefit and serve my community. I believe my educational background and my legal and personal skills are a good fit for this Board. As I noted earlier, I worked as an attorney in the private sector and in the federal and District governments. While employed by the former District of Columbia Office of Human Rights and Minority Business Development, I became familiar with the processes and procedures of local boards and commissions.

In drafting policy and regulations as a federal attorney, I developed skills in evaluating the impact of public policy on individuals and organizations. This background makes me uniquely qualified to consider both sides of an issue in situations where the Board must balance the property owner's need for relief against maintaining the integrity of the zoning regulations and maps.

I became interested in economic development and zoning issues early in my legal career while providing advice to clients on various real estate matters. As a long-time resident and homeowner in the District in two wards, I fully appreciate the importance of the District's zoning laws and regulations in sustaining viable residential and commercial neighborhoods.

Because the Board is a quasi-judicial body, I will be able to use my litigation skills, knowledge of administrative proceedings, and understanding of statutory and regulatory interpretation in deciding matters that come before the Board. I also worked in many situations that required successful teamwork, collaboration and adherence to deadlines. My ability to properly handle confidential information is demonstrated by the high-level security clearance I held while representing the federal government in international aviation matters.

The BZA's purpose is to provide relief to interested parties from the strict application of the zoning regulations and maps, by hearing requests for variances, special exceptions and appeals from administrative orders. In this way, the BZA plays a crucial role in maintaining the integrity of the District's zoning regulations and plans. I am keenly aware that the time it takes for a petition to move through the system could be a significant financial and personal burden for the parties.

Therefore, if I am confirmed, I commit to working with my colleagues to further the Board's purpose. I also commit to devoting the time and attention necessary to prepare for and decide matters that come before the Board and to do so fairly, as the regulations allow.

I appreciate this opportunity to share a summary of my education, training and skills, and my views about serving on this Board, and I thank you for your consideration of my appointment. I am available to answer any questions.

The Committee of 100 on the Federal City



www.committeeof100.net

January 16, 2018

Hon. Phil Mendelson
Chair, D.C. City Council
John Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Founded 1923

Chair

Stephen A. Hansen

Vice-Chair

Meg Maguire

Secretary

Erik Hein

Treasurer

Carol F. Aten

Trustees

Charlie Bien

Judy Chesser

George Clark

Monte Edwards

Larry Hargrove

Kathy Henderson

Kate Montague Perry

Elizabeth Purcell

Laura M. Richards, Esq.

Marilyn Simon

Jim Smailes

Pat Tiller

Kirby Vining

Beverly Wheeler

Evelyn Wrin

945 G Street, N.W.

Washington, D.C. 20001

202.681.0225

info@committeeof100.net

Re: PR 22-728 -- Board of Zoning Adjustment Lorna John Confirmation
Resolution

Dear Chairman Mendelson and members of the Committee of the Whole:

Members of the Committee of 100 on the Federal City met with Ms. John to ascertain her interest in serving on the D.C. Board of Zoning Adjustment (BZA) and discuss our thoughts and concerns on the District's zoning function.

For the following reasons, we do not object to Ms. John but neither do we endorse her. She is, as we said in our meeting with her, *tabula rasa*.

Ms. John has no prior demonstrated interest in zoning, planning or related issues such as historic preservation, and no prior record of community activism or civic association membership. Much of her successful professional career involved aviation law and regulation. Her non-professional activity centers on the High Tea Society, a respected mentoring program for young girls; church membership (at historic Metropolitan AME); and a family foundation that provides scholarships to students here and abroad. .

On the other hand, Ms. John has mastered complex technical subjects (aviation law) and is familiar with federal administrative law and process. She also served as a hearing officer with a District Government agency early in her career. This is relevant preparation for the position she seeks on a decision-making multi-member board.

Ms. John also has no discernible conflicts or predispositions. She heard of the opening on the BZA and applied through the Mayor's Office of Talent and Appointments (MOTA).

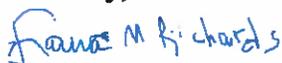
Her nomination thus presents the questions:

- Is subject matter experience necessary for a board member to exercise independent judgment, without over-reliance on staff from the Office of Planning or Office of Zoning?
- Is it enough for a BZA member to have analytic ability and an open mind?¹
- Would it matter if all mayoral appointees lacked subject matter experience?

In the absence of statutory qualifications for mayoral appointees to the BZA and Zoning Commission (such as the requirements for the Historic Preservation Review Board and professional licensing boards), a nominee's lack of subject matter experience is not automatically disqualifying. The issue thus rests within the discretion of individual council members.

That said, we were favorably impressed by Ms. John's comment that on viewing archived videos of BZA hearings, in preparation for today's hearing, she was struck by fact that witnesses who are not represented by counsel are at a decided disadvantage in the specialized zoning forum. This is a point that C100 and others have made at numerous oversight hearings. Indeed, the Office of Zoning website urges participants in zoning proceedings to seek competent representation, although this is not a feasible course of action for many individuals or groups appearing before the BZA or Zoning Commission. Should Ms. John be confirmed, we hope her sensitivity to this ongoing problem will lead to some improvement.

Sincerely,



Laura Richards, Chair
C100 Zoning Subcommittee

¹ The limited jurisdiction of the BZA, compared to the Zoning Commission, may render subject matter depth somewhat less critical. BZA cases tend to be fact-specific and relief is granted or denied pursuant to fairly straightforward standards.

1 **COMMITTEE PRINT DRAFT**

2 Committee of the Whole

3 February 6, 2018

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9 **A PROPOSED RESOLUTION**

10
11 22-718

12
13 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**

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17
18 To confirm the reappointment of Ms. Lorna John to the Board of Zoning Adjustment.

19
20 **RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**
21 resolution may be cited as the “Board of Zoning Adjustment Lorna John Confirmation
22 Resolution of 2017”.

23 **Sec. 2. The Council of the District of Columbia confirms the reappointment of:**

24
25 Ms. Lorna John
26 927 French St. NW
27 Washington, D.C. 20001
28 (Ward 6)

29
30 as a member of the Board of Zoning Adjustment, established by section 8 of An Act Providing
31 for the zoning of the District of Columbia and the regulation of the location, height, bulk, and
32 uses of buildings and other structures and of the uses of land in the District of Columbia, and for
33 other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07), for a term
34 to end September 30, 2018.

35 **Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution,**
36 upon its adoption, to the nominee and to the Office of the Mayor.

37 **Sec. 4. This resolution shall take effect immediately.**