

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

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**TO:** All Councilmembers

**FROM:** Chairman Phil Mendelson  
Committee of the Whole

**DATE:** July 13, 2021

**SUBJECT:** Report on PR 24-229, “Zoning Commission Robert Miller Confirmation Resolution of 2021”

The Committee of the Whole, to which Proposed Resolution 24-229, the “Zoning Commission Robert Miller Confirmation Resolution of 2021” was referred, reports favorably thereon and recommends approval by the Council.

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**I. BACKGROUND AND NEED**

PR 24-229, the “Zoning Commission Robert Miller Confirmation Resolution of 2021,” was introduced by Chairman Mendelson at the request of the Mayor on April 24, 2017 and referred to the Committee of the Whole. The purpose of PR 24-229 is to confirm the Mayor’s reappointment of Robert Miller as a member of the Zoning Commission, for term to end February 3, 2021.

The Zoning Commission is an independent, quasi-judicial and quasi-legislative body established by Congress in 1920<sup>1</sup>. The District of Columbia was one of the first jurisdictions in

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<sup>1</sup> The Zoning Commission is referred to as an independent agency created outside of District government in Part F of Title VI of the Charter of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 6-621.01); *see also*, Tenley & Cleveland Park Emergency Comm. v. Dist. of Columbia Bd. of Zoning Adjustment, 550 A.2d 331 (D.C. 1988).

the United States to develop a comprehensive zoning ordinance after New York City. Under the 1920 Zoning Act, the Zoning Commission was authorized to divide the city into districts, or zones, to regulate land usage. This consisted of three specific categories of zoning: building heights within zones; “use districts” such as residential, commercial and industrial; and lot occupancy.

The Zoning Act of 1938 expanded the regulatory power of the Zoning Commission’s original jurisdiction.<sup>2</sup> It also called for a Comprehensive Plan for the District, created a framework for public involvement in zoning matters, established permitting systems, and exempted public buildings from zoning controls.<sup>3</sup>

After establishment of the DC Council in 1967, the Mayor-Commissioner and the Chairman and Vice-Chairman of the DC Council were automatically members of the Zoning Commission. The other two members were the Architect of the Capitol and the Director of the National Park Service. With passage of the Home Rule Act in 1974, the three District members were replaced by three Mayoral appointments, who are confirmed by the Council.

In 1990, the Council adopted the Office of Zoning Independence Act<sup>4</sup> which created the Office of Zoning as an independent agency with professional staff to assist both the Zoning Commission and the Board of Zoning Adjustment.<sup>5</sup>

The Zoning Commission has exclusive jurisdiction over all matters concerning zoning in the District of Columbia.<sup>6</sup> Although there is a separate Board of Zoning Adjustment (on which a rotating member of the Zoning Commission sits), the Zoning Commission has plenary authority and may review *sua sponte* any decision of the Board. The Zoning Commission is responsible for the zoning regulations (11 DCMR) and reviews all cases relating to the zoning map and text. These include planned unit developments (PUD) and campus plans of colleges and universities. The Zoning Commission is responsible for implementing the land use element of the Comprehensive Plan, a plan which is proposed by the Mayor and adopted by the Council.

**Table 1: Membership of the Zoning Commission for the District of Columbia**

<b>Resolution #</b>	<b>Appointee</b>	<b>Nominated for Term Expiring:</b>	<b>Residency</b>
<b>PR 24-229</b>	<b>Robert Miller</b>	<b>February 3, 2025</b>	<b>Ward 3</b>
R. 23-198	Peter Shapiro, Nominee	February 9, 2023	Ward 3
R. 22-459	Anthony J. Hood, Chairman	February 3, 2022	Ward 5
N/A	Michael G. Turnbull, Architect of the Capitol Designee	N/A	N/A
N/A	Peter G. May, National Park Service Designee	N/A	Ward 6

<sup>2</sup> Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§6-441.01 to 6-641.15 (formerly codified at D.C. Code §§ 5-413 to 5-432))

<sup>3</sup> <http://dcoz.dc.gov/about/history2.shtm>; *see also* D.C. Official Code § 6-621.01.

<sup>4</sup> D.C. Official Code § 6-623.01 (Sept. 20, 1990, D.C. Law 8-163, § 2, 37 DCR 4676.)

<sup>5</sup> D.C. Official Code § 6-623.02

<sup>6</sup> *Tenley & Cleveland Park Emergency Comm. v. Dist. of Columbia Bd. of Zoning Adjustment*, 550 A.2d 331 (D.C. 1988).

Mr. Miller is currently the Vice Chairman of the Zoning Commission and has served on the Commission since October 2012.<sup>7</sup> A native Washingtonian, Mr. Miller received his Bachelor of Arts in American Studies from Hamilton College, and a Juris Doctor from The George Washington University. Mr. Miller's life's work has been devoted almost entirely to public service on behalf of the residents of the District of Columbia beginning in 1980, when he worked as Legislative Aide to former Councilmember Polly Shackleton.

Mr. Miller later served as Legislative Counsel to the Council Chairman for 25 years, for five consecutive Chairs. During his tenure at the Council, Mr. Miller was responsible for the oversight of land use matters, including public hearings and Council adoption of five major legislative measures amending the Comprehensive Plan. His experience with the Comprehensive Plan includes the most recently adopted amendments in 2010 and the complete rewrite and overhaul of the Comprehensive Plan in 2006. Mr. Miller also drafted former Council Chairman David Clarke's legislation that established the Office of Zoning as an independent agency in 1991. From 2011 to 2012, after leaving the Council, Mr. Miller was the Deputy Director of the Mayor's Office of Policy and Legislative Affairs. These experiences have given Mr. Miller a unique perspective on how particular zoning decisions might support the policy decisions of the Council and Mayor, while remaining cognizant of the Zoning Commission's role as an independent entity.<sup>8</sup>

Mr. Miller served on the National Capital Planning Commission from 1985-2014: as the DC Council Chairman's alternate representative from 1985 to 2010, as a Mayoral appointee from 2011 to 2014, and as the Commission's elected vice-chair from 2007 to 2014. Additionally, Mr. Miller has served on the Zoning Commission for the past nine years. In this role, he participated extensively in the Zoning Commission's comprehensive review and reform of the Zoning Regulations, a multiyear effort that involved many public hearings by the Zoning Commission, as well as oversight by the Council.

Mr. Miller is a native Washingtonian with more than three decades of experience as a civil servant in the District. His expansive experience with the District Government has provided him with a deep understanding of the District's planning policies that guide zoning and it has allowed him to respectfully balance community, economic development, and other stakeholder interests, as required in deliberations on zoning cases.<sup>9</sup> Mr. Miller's diverse background, including relevant experience in zoning and land use matters, will allow him to continue to contribute significantly to the Zoning Commission. Mr. Miller will also play a role in implementing new provisions of the Comprehensive Plan that require that zoning cases be considered through the lens of racial equity.

The Committee of the Whole recommends his appointment.

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<sup>7</sup>The Council approved Mr. Miller's previous Zoning Commission appointment on October 2, 2012. *See* R 19-581.

<sup>8</sup> PR 22-278, *Zoning Commission Robert Miller Confirmation Resolution of 2017: Public Hearing before the Council of the District of Columbia Committee of the Whole*, Jun. 13, 2017, at page 3 (written testimony of Robert Miller, Nominee).

<sup>9</sup> *Id.* at page 2.

## II. LEGISLATIVE CHRONOLOGY

- May 11, 2021 PR 24-229, “Zoning Commission Robert Miller Confirmation Resolution of 2021,” is introduced by Chairman Mendelson at the request of the Mayor.
- May 18, 2021 PR 24-229 is “read” at a regular meeting of 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 Council does not act by October 19, 2021, PR 24-229 is deemed disapproved.<sup>10</sup>
- May 25, 2021 Notice of Intent to act on PR 24-229 is published in the *District of Columbia Register*.
- May 28, 2021 Notice of a Public Hearing on PR 24-229 is published in the *DC Register*.
- June 24, 2021 The Committee of the Whole holds a hearing on PR 24-229.
- July 13, 2021 The Committee on the Whole marks-up PR 24-229.

## III. POSITION OF THE EXECUTIVE

Mr. Miller is the Mayor’s nominee for appointment to the Zoning Commission.

## IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

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

## V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public roundtable on PR 24-229 on Tuesday, June 13, 2017. The testimony summarized below is from that hearing. Copies of the testimony are attached to this report.

**Paul Tummonds, Director, Goulston & Storrs**, testified in support of the nomination. Mr. Tummonds described Mr. Miller’s “knowledgeable, fair, evenhanded, and diligent evaluation of zoning and planning issues” during his tenure on the Zoning Commission.

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<sup>10</sup> Should the Council extend the 2021 summer recess, this date would have extended into November 2021.

**Cheryl Cort, Policy Director, Coalition for Smarter Growth**, testified in support of Mr. Miller's reappointment and described Mr. Miller's long commitment to serving the public. She emphasized his knowledge, experience, and efforts to make the city a more inclusive place for low-income residents.

**Robert Miller, Nominee**, summarized his background and experience, including his current role on the Zoning Commission as Vice Chair. Mr. Miller emphasized his 25 years of experience as Legislative Counsel to the Council Chairman where he specialized in land use matters and worked on multiple comprehensive plans.

## VI. IMPACT ON EXISTING LAW

There are five members of the Zoning Commission pursuant to D.C. Official Code § 6-621.01(a). The Zoning Commission consists of the Architect of the Capitol, the Director of the National Park Service, and three members appointed after Council confirmation by the Mayor. Each Mayoral appointee shall serve for a term of four years.<sup>11</sup> The Mayor nominated Mr. Miller for appointment to the Zoning Commission on April 24, 2017, subject to Council confirmation.

## VII. FISCAL IMPACT

The approval of PR 24-229 will have no fiscal impact. Zoning Commissioners receive a stipend of 25 dollars an hour for a maximum allotment of \$12,000 dollars a year.<sup>12</sup> These costs are included as part of the annual budget for the Office of Zoning.

## VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of PR 24-229.
<u>Section 2</u>	Confirms the appointment of Robert Miller to the Zoning Commission to complete a term ending February 3, 2021.
<u>Section 3</u>	Directs the Council to transmit a copy of this resolution to the nominee and to the Office of the Mayor.
<u>Section 4</u>	Provides that PR 24-229 shall take effect immediately.

## IX. COMMITTEE ACTION

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<sup>11</sup> D.C. Official Code § 6-621.01(a).

<sup>12</sup> D.C. Official Code § 1-611.08(c)(6).

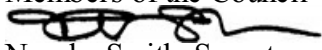
## **X. ATTACHMENTS**

1. PR 24-229 as introduced
2. Nominee's response to Committee questions
3. Written testimony
4. Letters in support of nominee
5. Legal Sufficiency Determination
6. Committee Print for PR 24-229

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

Memorandum

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To : Members of the Council  
From :  Nyasha Smith, Secretary to the Council  
Date : Monday, May 17, 2021  
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Tuesday, May 11, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Zoning Commission Robert Miller Confirmation Resolution of 2021", PR24-0229

INTRODUCED BY: Chairman Mendelson, at the request of Mayor

The Chairman is referring this legislation to Committee of the Whole. This resolution will be deemed disapproved on Friday, October 01, 2021 without Council action.

Attachment  
cc: General Counsel  
Budget Director  
Legislative Services



**MURIEL BOWSER**  
MAYOR

May 11, 2021

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 1 of the Act To regulate the heights, area, and use of buildings in the District of Columbia and to create a Zoning Commission, and for other purposes, approved March 1, 1920 (41 Stat. 500; D.C. Official Code § 6-621.01), which established the Zoning Commission ("Commission") for the District of Columbia, and section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), I am pleased to nominate the following person:

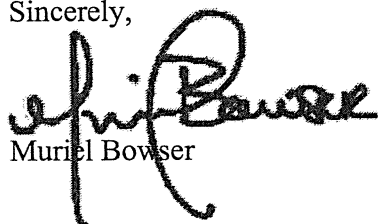
Mr. Robert Miller  
35th Street, NW  
Washington, DC 20016  
(Ward 3)

for reappointment as a member of the Zoning Commission, for a term to end February 3, 2025.

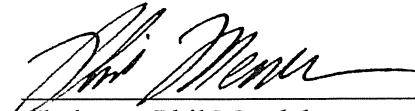
Enclosed you will find biographical information detailing the experience of Mr. Miller, together with a proposed resolution to assist the Council during the confirmation process.

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

To confirm the reappointment of Mr. Robert Miller to the Zoning Commission for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Zoning Commission Robert Miller Confirmation Resolution of 2021”.

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

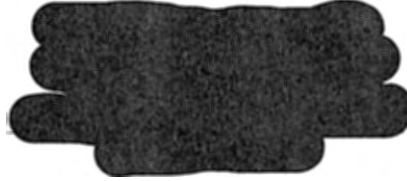
Mr. Robert Miller  
35th Street, NW  
Washington, DC 20016  
(Ward 3)

as a member of the Zoning Commission in accordance with section 1 of the Act to regulate the height, area, and use of buildings in the District of Columbia and to create a Zoning Commission, and for other purposes, approved March 1, 1920 (41 Stat. 500; D.C. Official Code § 6-621.01), for a term to end February 3, 2025.

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.

**ROBERT E. MILLER**



**BAR ADMISSION**      District of Columbia, 1980

**PUBLIC POLICY EXPERIENCE**

- 2012-present    **DC Zoning Commissioner**
- 1985-2014    **National Capital Planning Commissioner (vice chair 2007-2014)**
- 2011-2012    **Deputy Director, Mayor's Office of Policy and Legislative Affairs**
- 1985-2010    **Legislative Counsel to DC Council Chairman (5 consecutive chairs)**
- 1983-1984    **Issues Adviser in Mondale for President Campaign**
- 1980-1983    **Legislative Aide to DC Councilmember Polly Shackleton**
- 1979          **Law Clerk at US Consumer Product Safety Commission**

**OTHER EXPERIENCE**

- 1973-1976    Managing Editor, news editor and reporter for college newspaper
- 1976          Construction laborer during summer on downtown D.C. office building

**EDUCATION**

- 1980          J.D., George Washington University Law School
- 1977          B.A., Hamilton College, Clinton, NY, American Studies major
- 1973          Graduated from Sidwell Friends School, Washington DC



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

## Robert Miller



Mr. Robert Miller is the Vice Chairman of the Zoning Commission for the District of Columbia.

Mr. Miller has served on the Zoning Commission since October 2012. Mr. Miller previously served as the Deputy Director of the Mayor's Office of Policy and Legislative Affairs, and prior to that he spent over 25 years as the legislative counsel to the DC Council Chairman. During his tenure at the Council, Mr. Miller was primarily responsible for oversight of land use matters, including public hearings and Council adoption of five major legislative measures amending the Comprehensive Plan. Mr. Miller also served on the National Capital Planning Commission from 1985-2014; as the DC Council Chairman's alternate representative from 1985-2010, as a Mayoral appointee during 2011-2014, and as the Commission's elected vice-chair from 2007-2014.

A Ward 3 resident, Mr. Miller received a Bachelor of Arts in American Studies from Hamilton College, and a Juris Doctor from The George Washington University.



Robert E. Miller  
[REDACTED] 35th Street NW  
Washington, DC 20016

June 14, 2021

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

Dear Chairman Mendelson:

Thank you for your letter dated May 28, 2021, expressing congratulations on my recent nomination by the Mayor for reappointment as a member of the Zoning Commission for the District of Columbia, and in which you requested responses to the standard questions to nominees. The questions are reprinted below, along with my responses.

Mr. Chairman, I very much appreciate your support of both my original appointment to the Zoning Commission in 2012, and my previous reappointment in 2017, and I thank Mayor Bowser for nominating me again for reappointment. I also appreciate your scheduling a public confirmation hearing on my nomination for Thursday, June 24th, when I look forward to being with you via Zoom.

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*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.*

Attachment A to this letter is a copy of my Financial Disclosure Statement recently filed with the Board of Ethics and Government Accountability for calendar year 2020. In accordance with your instructions, because Attachment A provides responses to your questions 2-8, my next response in this letter will be to question #9.

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.*

I have served as a Mayoral appointee on the Zoning Commission since October 2012. I served as a Mayoral appointee on the National Capital Planning Commission ("NCPC") from 2011-2014, and as the Council Chairman's representative on NCPC from 1985-2010 (excluding 1991). I also served as the Council Chairman's representative on the Pennsylvania Avenue Development Corporation from 1985-1990 and from 1993-1996. I also served as the Council Chairman's representative on the Council of Governments Metropolitan Development Policy Committee during the late 1980s, and on the Business Regulatory Reform Commission and DC Agenda in the mid-to-late 1990s.

10. *Please list any other boards (e.g., Board of Directors of a non-profit) on which you are currently a member.*

I am not currently a member of any board other than the Zoning Commission.

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.*

No.

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 the performance of your duties as a member of the Zoning Commission?*

In addition to ownership of my personal residence at 3305 35th Street NW, I have a very small limited partnership interest in multifamily residential rental properties located at 2424 Pennsylvania Avenue NW and at 1884 Columbia Road NW. Should any of these properties be involved in cases before the Zoning Commission or the Board of Zoning Adjustment, I would disclose the conflict and recuse myself from participation in such cases.

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 all campaign contributions to a DC candidate or political committee.*

Attachment B to this letter is a copy of a printout from the DC Office of Campaign Finance website of contributions which I have made to DC campaign committees during the past five years.

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

No.

*15. Why have you agreed to serve another term, and how do you plan to continue to help the Commission fulfill its role and mission during your time on the Commission?*

Since 1980, my professional life's work has been devoted almost entirely to public service on behalf of the residents of the District of Columbia. I would like to continue to make a positive difference in the District, my hometown, especially in support of land use policies and mixed use/mixed income neighborhood development projects which help grow a more inclusive city. This overarching inclusionary goal means striving, in incrementally but cumulatively progressive ways, to create more pathways to the middle class for more DC residents, in an important effort to achieve more racial and economic equity throughout all 8 wards.

As a member of the Zoning Commission for nearly 9 years, and having served as vice chair under the excellent and longstanding leadership of Zoning Commission Chairman Anthony Hood, I believe that I have continued to establish a solid record of responsible and responsive membership on the Commission. I have continued to listen and learn so much during my experience on the Zoning Commission, and still look forward to continuing to listen and learn more - from my colleagues, from the many civic-minded residents, ANCs and other organizations who have testified before the Commission and the Board of Zoning Adjustment, from the private and public sector applicants who have presented cases before us, and from the many officials who have provided us professional advice from the Office of Planning, the Office of Zoning, the Office of the Attorney General, and from DDOT, DOEE, DMPED, DHCD and other District and federal agencies.

My approach to each zoning case in which I have participated, both at the Zoning Commission and the BZA, has been first and foremost to respect the law and regulations which apply to each case. This approach includes respecting and considering carefully the views of both proponents and opponents who testify before us or submit comments. It is essential, of course, to deliberate and decide cases in a manner which is lawful and fair, factoring in many diverse interests, and mitigating potential adverse impacts, that are often at stake.

I believe that my tenure on the Zoning Commission has demonstrated a skillset and temperament that both supplements and fits well with my colleagues on the Commission, and warrants the Council's confirmation of my reappointment to this body.

*16. Given that you are currently serving on the Commission, what challenges do you believe the Commission has experienced during your time on the Board, and how do you believe these challenges should be addressed moving forward?*

One of the biggest challenges during my time on the Zoning Commission relates directly to the fundamental role and mission of the Commission: how to balance appropriately the many important, and sometimes competing, objectives and policies set forth in the Comprehensive Plan, because the District's Home Rule Charter requires zoning to be "not inconsistent with" the Comprehensive Plan.

As you know, several of our past zoning orders, particularly Planned Unit Development orders, have been challenged in the courts, sometimes successfully, delaying - for years! - housing and economic development projects initiated or supported not only by the Zoning Commission, but also supported by the Mayor and the Council, and by affected Advisory Neighborhood Commissions.

These challenges and delays to major projects have frustrated the aspirations of many District residents and officials, and many in the development community. Therefore, we as a Commission have assiduously tried, in both our more recent deliberations and our written orders, to do a better job of acknowledging and articulating potential adverse impacts of projects and the necessary mitigating measures required to ameliorate those impacts, and why we are giving greater weight to some policies in the Comprehensive Plan, such as the creation of more affordable housing, over other policies, such as the preservation of the existing character of a neighborhood.

In our ongoing efforts to improve the legal sustainability of our decisions, the Zoning Commission appreciates the resources provided in recent years by the Council and the Mayor to the Office of Zoning, the Office of Attorney General and the Office of Planning, to enhance the professional advice which we receive, the deliberations and decisions which we make, and the zoning orders which we issue.

The Commission also appreciates recent amendments by the Mayor and the Council to the Comprehensive Plan, both to the Framework Element last year, and to the Land Use and other Elements of the Comp Plan this past month. I am hopeful that these amendments collectively have clearly prioritized the District's goal to preserve and create a greater amount of more deeply affordable housing for residents throughout all 8 wards, while emphasizing the need to accomplish this civic priority in a way that both minimizes displacement and promotes racial and socio-economic equity.

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Mr. Chairman, thank you for this opportunity to provide responses to your standard questions to nominees. It truly has been an honor and a privilege to serve the public, the Council and the Mayor for the past four decades. I welcome the challenge to continue my public service to the District of Columbia as a reappointed member of the Zoning Commission.

Sincerely,



Rob Miller

Attachments





**FDS Filing Details for 2020**

**Name:** Robert E. Miller

**Date of Appointment or Employment:** 10/4/2012

**Final Date of Service:** 12/31/2020

**Position:** Board Member

**Agency:** Office of Zoning

**Position Held with the District Government During the Prior calendar year (If Not The Same As Above)**

**Position:**

**Final Date in Position:**

**Agency:**

**Non District Employment/Business**

1) Did you have any non-District employment or engage in any outside business or other activity during the previous calendar year for which you received compensation of \$200 or more?

No

2) Was your spouse, registered domestic partner, or dependent child(ren) employed by a private entity or did they engage in any business endeavors during the previous calendar year for which they received compensation of \$200 or more?

No

3) In the previous calendar year, did you serve in any unpaid position or in any other formal capacity (without compensation) of a non-government board or other outside entity where you had influence over the entity's finances or decision-making (e.g., as an officer, director, partner, consultant, contractor, volunteer, or member)?

No

4) During the previous calendar year, did your spouse, registered domestic partner, or dependent child(ren) serve in any unpaid position or in any other formal capacity (without compensation) of a non-government board or other outside entity where they had influence over the entity's finances or decision-making (e.g., as an officer, director, partner, consultant, contractor, volunteer, or member)?

No

5) During the previous calendar year, did you have any agreements with a former or current employer, other than with the District of Columbia, for future payments or benefits (such as separation pay, partnership buyouts, or pension or retirement pay) or for future employment or for a leave of absence?

No

6) During the previous calendar year, did your spouse, registered domestic partner, or dependent child(ren) have any agreements with a former or current employer, other than with the District of Columbia, for future payments or benefits (such as separation pay, partnership buyouts, or pension or retirement pay) or for future employment or for a leave of absence?

No

7) Did you have a beneficial interest in or hold any security at the close of the previous calendar year that exceeded, in the aggregate, \$1,000 or that produced income of \$200 or more?

List each security and/or beneficial interest you held below	Total Value of Beneficial Interests or Securities at the close of previous calendar year.
Bonds: DC Govt GO Bonds; DC Ballpark Revenue Bonds; DC National Public Radio Rev Bonds; DC Childrens Hospital Rev Bonds; DC American Medical Association Rev Bonds; DC Housing Production Trust Fund Rev Bonds; DC Georgetown University Rev Bonds; DC Water & Sewer Authority Rev Bonds; DC Convention Center Authority Dedicated Tax Rev Bonds; Massachusetts State Dev Finance Agency Rev Bonds; Winchester Massachusetts Purple Line Rev Bonds; First Trust Unit Municipal Bonds; WisdomTree Bonds; PIMCO Corporate & Income Opportunity Funds; Nuveen Municipal Bond Funds; Blackrock Multi-Sector Income Trust; Wells Fargo Preferred Stock Fund; Equities: Alphabet Inc; Amazon Inc; Apple Inc; Coca Cola; and Under Armour	Over \$1,000,000

8) Did your spouse, registered domestic partner, or dependent child(ren) have a beneficial interest in or hold any security, at the close of the previous calendar year, that exceeded, in the aggregate, \$1,000 or that produced income of \$200 or more?

List each security and/or beneficial interest you held below	Total Value of Beneficial Interests or Securities at the close of previous calendar year.
Bonds: Blackrock Multi-Sector Income Trust; Western Asset Grade Income Fund; Pimco Corporate & Income Opportunity Fund; IsharesUS ETF Trust High Yield Bond; WisdomTree Trust High Yield Bond	\$15,001 - \$50,000

9) Did you owe any entity or person (other than a member of your immediate family) \$1,000 or more (excluding: mortgages on your personal residence, student loans, automobile loans, credit card accounts or other revolving credit, and other loans from a federal or state insured or regulated financial institution) during the previous calendar year?

No

10) Did your spouse, domestic partner or dependent child(ren) owe any entity or person (other than a member of their immediate family) \$1,000 or more, (excluding: mortgages on your personal residence, student loans, automobile loans, credit card accounts or other revolving credit, and other loans from a federal or state insured or regulated financial institution) during the previous calendar year?

No

11) Did you have an interest in any real property located in the District of Columbia during the previous calendar year, aside from your primary personal residence, where your interest had a fair market value \$1,000 or more, or where the property produced income of \$200 or more?

Location of Real Property	Purchase or Acquisition Date	Date Sold or Conveyed	Value of Ownership Interest in Real Estate
2424 Pennsylvania Ave NW; 1884 Columbia Road NW	01/14/2001		\$15,001 - \$50,000

12) Did your spouse, domestic partner, or dependent child(ren) have an interest in any real property located in the District of Columbia during the previous calendar year aside from their primary personal residence, where their interest had a fair market value of more than \$1,000, or where the property produced income of \$200 or more?

No

**Regulated Professions**

13) Do you hold any professional or occupational licenses issued by the District of Columbia government (i.e., are you licensed to practice law in the District of Columbia, or are you licensed by the District's Department of Health, the District's Department of Consumer and Regulatory Affairs, the District's Department of Mental Health, the District's Department of Insurance Securities and Banking, the Metropolitan Police Department, the District's Occupational and Professional Licensing Administration, etc.)?

Type of License Issued	Issuing Entity	Expiration date (if applicable)
DC Bar	DC Court of Appeals	

14) Does your spouse, domestic partner, or dependent child(ren) hold any professional or occupational licenses issued by the District of Columbia government (i.e., are they licensed to practice law in the District of Columbia, or are they licensed by the District's Department of Health, the District's Department of Consumer and Regulatory Affairs, the District's Department of Mental Health, the District's Department of Insurance Securities and Banking, the Metropolitan Police Department, or the District's Occupational and Professional Licensing Administration, etc.)?

Type of License Issued	Issuing Entity	Expiration date (if applicable)
DC Bar	DC Court of Appeals	

**Gifts**

15) Did you receive any gift(s) from any person that has or is seeking to do business with the District, conducts operations or activities that are regulated by the District, or has an interest that may be favorably affected by the performance or nonperformance of your duties in the total amount or with a total value of \$100 or more during the previous calendar year?

No

**Additional Comments**

**Supporting Documents**

**I certify that I have:**

- Not caused title to property to be placed in the legal name, possession, or control of another person or entity for the purpose of avoiding the disclosure requirements on this form;
- Filed and paid my income and property taxes or am in current good standing with the IRS and state tax collector because of an extension, payment plan or other arrangement or agreement;
- Diligently safeguarded the assets of the taxpayers and the District;
- Complied with my duty to report known illegal activity, including attempted bribes, to the appropriate authorities;
- Not been offered or accepted any bribes;
- Not directly or indirectly received government funds through illegal or improper means;
- Not raised or received funds in violation of federal or District law; and
- Not received or been given anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that my official actions or judgment or vote would be influenced.
- Completed a full ethics training within the last 365 days;

**I understand that:**

- Submission of this report means that I have completed the report with all applicable schedules and that the report is ready

ATTACHMENT B

Home (/Home/Home) > Contribution and Expenditure (/ContributionExpenditure) > Search Result

## Principal Campaign Committee Contributions Search Result

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You searched for First Name: Robert | Last Name: Miller | Contributor Types: Individual

Show 10 entries

Search:

Committee Name	Contributor Name	Contributor Address	Contributor Type	Contribution Type	Receipt Date	Amount
Vince Gray 2020	Robert Miller	██████████ 35th St NW, Washington, DC 20016	Individual	Credit Card	03/26/2020	\$100.00
Brianne for DC 2018	Robert K Miller	██████████ 35th St NW, Washington, DC 20016-3141	Individual	Credit Card	10/25/2018	\$50.00
Elissa 2018	Robert Miller	██████████ 35th St Nw, Washington, DC 20016	Individual	Credit Card	10/10/2018	\$100.00
Re-Elect Muriel Bowser Our Mayor	Robert Miller	██████████ 35th St NW, Washington, DC 20016	Individual	Credit Card	05/18/2018	\$200.00
Mendelson for Chairman 2018	Robert B Miller	██████████ 35th St NW, Washington, DC 20016	Individual	Credit Card	04/30/2018	\$200.00

Committee Name	Contributor Name	Contributor Address	Contributor Type	Contribution Type	Receipt Date	Amount
Elissa 2018	Robert Miller	██████ 35th St Nw, Washington, DC 20016	Individual	Credit Card	03/01/2018	\$100.00
Ed Lazere for DC Chair	Robert Miller	██████ 35th St NW, Washington, DC 20016	Individual	Credit Card	01/29/2018	\$100.00
Cheh 2018	Robert Miller	██████ 35th St NW, Washington, DC 20016	Individual	Credit Card	01/25/2018	\$100.00
Robert White At-Large 2016	Robert Miller	██████ 35th St NW, Washington, DC 20016	Individual	Credit Card	06/01/2016	\$200.00
Re-Elect Brandon Todd for Ward 4	Robert Miller	██████ 35th Street, NW, Washington, DC 20016	Individual	Credit Card	05/20/2016	\$100.00

Showing 1 to 10 of 53 entries

1 2 3 4 5 6 Next

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**Council for the District of Columbia: Committee of the Whole**

**PR 24-229 - Zoning Commission for the District of Columbia:  
Robert Miller Confirmation Resolution of 2021**

Testimony from Paul Tummonds, Director, Goulston & Storrs

Good afternoon Chairman Mendelson and Members of the Committee of the Whole. My name is Paul Tummonds, and I am a Director at Goulston and Storrs. I am pleased to present our strong and unqualified support for the re-appointment of Robert Miller to the Zoning Commission. My colleagues and I at Goulston & Storrs are truly thankful that Mr. Miller is seeking to extend his long history of service to the residents of the District of Columbia and to continue to serve in this very important position.

Public service on the Zoning Commission plays an important role in making the District of Columbia a thriving and vibrant place to live, work, and play for existing and future residents. This service can at times appear to be a thankless job. It includes long hours of preparation before hearings, long evenings of testimony and presentations, and then considerate attention to often voluminous information submitted into the record of the case.

In his almost nine years on the Zoning Commission, Mr. Miller has steadfastly served the best interests of the District of Columbia through

knowledgeable, fair, evenhanded and diligent evaluation of all cases that come before the Zoning Commission. Mr. Miller carefully considers all points of view and ensures that issues and concerns are fully addressed, in a meaningful and enforceable way, before making any decision.

We also wholeheartedly agree with Mr. Miller's written statement that "his tenure on the Zoning Commission has demonstrated a skillset and temperament that both supplements and fits well with his colleagues on the Commission." We believe that this is an important factor in allowing the Zoning Commission to continue be an effective and well-run administrative body.

In conclusion, the residents of the District of Columbia, the Executive and the Council, and the DC real estate development community will continue to be very well served with Mr. Miller's re-appointment to the Zoning Commission.

Thank you for your consideration.



June 24, 2021

Hon. Phil Mendelson, Chair  
Committee of the Whole of the  
Council of the District of Columbia

Regarding: PR 24-229, “Zoning Commission Robert Miller Confirmation Resolution of 2021”

Dear Chairman and members of the Committee:

Thank you for the opportunity to provide testimony. Please accept these comments on behalf of the Coalition for Smarter Growth, the leading non-profit organization in the D.C. region advocating for walkable, bikeable, inclusive, transit-oriented communities as the most sustainable and equitable way for the DC region to grow and provide opportunities for all.

We wish to express our support for Robert Miller in his reappointment to the DC Zoning Commission. I have known Mr. Miller and his work for many years, and admire his long commitment to serving the public. He has always focused on using his knowledge and experience to best serve the public interest. Mr. Miller has always demonstrated interest and respect in all public input in the land use decision-making process. He has shown specific concern that the development review process and zoning decisions can make the city a more inclusive place for low-income residents. He seeks out ways to create more affordable housing where it's possible.

I want to acknowledge the entire Zoning Commission, with Mr. Miller first among them, for their commitment to expanding Inclusionary Zoning to provide as much affordable housing as possible. Mr. Miller and the Commission have sought every plausible way of using zoning to create more affordable homes.

As for his qualifications, perhaps no one is more qualified. Mr. Miller has worked on DC's Comprehensive Plans and related land use matters since the 1980s as an aide to the DC Council chairman. He has continued to work in the area of land use policy for DC for all these decades, and now is an experienced Zoning Commissioner. What DC needs more than ever right now is thoughtful, concerned and diligent commissioners to pay attention to the details while also ensuring we are meeting the larger goals of creating and sustaining a truly inclusive city. Mr. Miller is an excellent choice for this responsibility.

I also wanted to note that Mr. Miller has sought to ensure that zoning orders conform to the Court of Appeals expectations. Two Planned Unit Developments facing new challenges are the Park Morton and Bruce Monroe PUDs. The Bruce Monroe PUD has been stalled in court by three homeowners for the last several years. The appeal of the PUD has prevented the timely construction of replacement homes for Park Morton public housing residents. Now we learn that the Mayor is proposing to abandon the plans for the Park Morton PUD. We urge the Mayor to reconsider this shocking change of direction after years of effort to craft a plan to deliver quality homes and public spaces for Park Morton residents and the community. We ask the Council to ensure that the Park Morton residents are given the replacement homes and improved parks and streets they were promised with the redevelopment of the Park Morton site this fall as planned, and the Bruce Monroe site soon after.



Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cheryl Cort', with a stylized flourish at the end.

Cheryl Cort  
Policy Director

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
**Zoning Commission**



Public Roundtable on

**PR24-229, the “Zoning Commission Robert Miller Confirmation Resolution of 2021.”**

**Testimony of  
Robert Miller**

Before the  
Committee of the Whole  
Council of the District of Columbia  
The Honorable Phil Mendelson, Chairman

Virtual Meeting Platform  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

June 24, 2021  
12:00 PM

Good afternoon, Chairman Mendelson, Councilmembers and staff, and the public.

My name is Rob Miller, and I am pleased to testify before you today, to respectfully request the Council's support for my confirmation as a member of the Zoning Commission for the District of Columbia.

I am extremely honored and humbled that Mayor Bowser has nominated me once again for reappointment to the Zoning Commission. I am also very appreciative of remarks on my behalf by persons and organizations whom I admire and respect, and with whom I have had the pleasure to work over many years. My sincere thanks to you and to them for taking time out of your busy schedules to be a part of this public hearing.

Since 1980, my professional life's work has been devoted almost entirely to public service on behalf of the residents of the District of Columbia. I would like to continue to make a positive difference in the District, my hometown, especially in support of land use policies and mixed use/mixed income neighborhood development projects which help grow a more inclusive city. This overarching inclusionary goal means striving, in incrementally but cumulatively progressive ways, to create more pathways to the middle class for more DC residents, in an important effort to achieve more racial and economic equity throughout all 8 wards of the city.

As a member of the Zoning Commission for nearly nine (9) years, and having served as vice chair under the excellent and longstanding leadership of Zoning Commission Chairman, Anthony Hood, I believe that I have continued to establish a solid record of responsible and responsive membership on the Commission. I have continued to listen and learn so much during my experience on the Zoning Commission, and still look forward to continuing to listen and learn more - from my colleagues, from the many civic-minded residents, ANCs, and other organizations who have testified before the Commission and the Board of Zoning Adjustment (BZA), from the private and public sector applicants who have presented cases before us, and from the many officials who have provided us professional advice from the Office of Planning, the Office of Zoning, the Office of the Attorney General, and from DDOT, DOEE, DMPED, DHCD, the DCRA Zoning Administrator, and other District and federal agencies, including, I might add, the occasional member or Chairman of the Council.

My approach to each zoning case in which I have participated, both at the Zoning Commission, and at the BZA when I am the rotating Commission representative

there, has been first and foremost to respect the law and regulations which apply to each case. This approach includes respecting and considering carefully the views of both proponents and opponents who testify before us or submit comments. It is essential, of course, to deliberate and decide cases in a manner which is lawful and fair, factoring in many diverse interests, and articulating and mitigating potential adverse impacts that are often at stake.

I believe that my tenure on the Zoning Commission has demonstrated a skillset and temperament that both supplements and fits well with my colleagues on the Commission and warrants the Council's confirmation of my reappointment to this body. As a Mayoral appointee on the Zoning Commission who has previously held policy staff positions within the Executive Office of the Mayor and Council Chairman's office for a long time, I bring a unique perspective on how particular zoning decisions might support the policy agendas of both the Council and the Mayor. At the same time, as the drafter of former Council Chairman Dave Clarke's legislation that established the Office of Zoning as an independent agency in 1991, I am cognizant that the Zoning Commission is a Home Rule Charter independent entity whose members and staff should not be unduly influenced by either the executive or legislative branch of government.

I would like to emphasize that, in my opinion, the Zoning Commission has performed well for many years (long before I arrived on the Commission), and that it has been a body that has been comprised of thoughtful members who have been administratively staffed by an outstanding group of professional employees in the Office of Zoning led by Director Sara Bardin. Zoning Commission proceedings and records from ongoing and past cases have been open and accessible to the public, both in person - or virtually during the pandemic - and from a user-friendly website. Our deliberations have been conducted in an open, focused, and transparent manner so that participants and the public can understand the issues to be decided, and the reasons underlying the decisions that are made.

I believe that the Commission has consistently made a good faith effort to be fair to all parties and participants in zoning cases, and to identify and include conditions within orders that provide the public with meaningful amenities and benefits as well as enforceable measures that mitigate against potential adverse impacts upon surrounding communities. I look forward to continuing to contribute to positive outcomes for the District of Columbia as a member of the Zoning Commission.

One of the biggest challenges during my time on the Zoning Commission relates directly to the fundamental role and mission of the Commission: how to balance appropriately the many important, and sometimes competing, objectives and

policies set forth in the Comprehensive Plan, because the District's Home Rule Charter requires zoning to be "not inconsistent with" the Comprehensive Plan.

As you know, several of our past zoning orders, particularly Planned Unit Development orders, have been challenged in the courts, sometimes successfully, delaying - for years! - housing and economic development projects initiated or supported not only by the Zoning Commission, but also supported by the Mayor and the Council, and by affected Advisory Neighborhood Commissions.

These challenges and delays to major projects have frustrated the aspirations of many District residents and officials, and many in the development community. Therefore, we as a Commission have assiduously tried, in both our more recent deliberations and written orders, to do a better job of acknowledging and articulating potential adverse impacts of projects and the necessary mitigating measures required to ameliorate those impacts, and why we are giving greater weight to some significant policies in the Comprehensive Plan, such as the creation of more affordable housing, over other significant policies, such as the preservation of the existing character of a neighborhood.

In our ongoing efforts to improve the legal sustainability of our decisions, the Zoning Commission appreciates the additional resources provided in recent years by the Council and the Mayor to the Office of Zoning, the Office of Attorney General and the Office of Planning, to enhance the professional advice that we receive, the deliberations and decisions that we make, and the zoning orders that we issue.

The Commission also appreciates recent amendments by the Mayor and the Council to the Comprehensive Plan (Comp Plan), both to the Framework Element last year, and to the Land Use and other Elements of the Comp Plan just this past month. I am hopeful that these amendments collectively have more clearly prioritized the District's goal to preserve and create a greater amount of more deeply affordable housing for residents throughout all 8 wards, while emphasizing the need to accomplish this civic priority in a way that both minimizes displacement and promotes racial and socio-economic equity.

Mr. Chairman, thank you for this opportunity to testify before you today. It truly has been an honor and a privilege to serve the public, the Council, and the Mayor for the past four decades. I welcome the challenge to continue my public service to the District of Columbia as a reappointed member of the Zoning Commission.

I am available to address any questions or concerns that you or others may have at this time.

1 **DRAFT COMMITTEE PRINT**  
2 Committee of the Whole  
3 July 13, 2021  
4  
5  
6

7 A PROPOSED RESOLUTION

8  
9 24-229

10  
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
12  
13  
14  
15

16 To confirm the Mayoral reappointment of Mr. Robert Miller to the Zoning Commission for the  
17 District of Columbia.

18  
19 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
20 resolution may be cited as the “Zoning Commission Robert Miller Confirmation Resolution of  
21 2021.”

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

23 Mr. Robert Miller  
24 35<sup>th</sup> Street NW  
25 Washington, DC 20016  
26 (Ward 3)  
27

28 as a member of the Zoning Commission in accordance with section 1 of the Act to regulate the  
29 height, area, and use of buildings in the District of Columbia and to create a Zoning  
30 Commission, and for other purposes, approved December 24, 1973 (87 Stat. 810; D.C. Official  
31 Code § 6-621.01), and section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C.  
32 Law § 2-142; D.C. Official Code § 1-523.01), for a term to end February 3, 2025.

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

35 Sec. 4. This resolution shall take effect immediately.