

**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: May 5, 2022

SUBJECT: Report on PR 24-576, “Board of Zoning Adjustment Lorna John Confirmation Resolution of 2022”

The Committee of the Whole, to which PR 24-576, the “Board of Zoning Adjustment Lorna John Confirmation Resolution of 2022” was referred, reports favorably thereon and recommends approval by the Council.

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I. BACKGROUND AND NEED

On January 31, 2022, PR 24-576, the “Board of Zoning Adjustment Lorna John Confirmation Resolution of 2022” was introduced by Chairman Mendelson at the request of the Mayor.¹ The purpose of PR 24-576 is to confirm the Mayor’s nomination for reappointment of Lorna John as a member of the Board of Zoning Adjustment (“BZA”) for a term to expire September 30, 2024.

Ms. John is a retired attorney who has lived in the District for 30 years and is currently a Ward 6 resident. Ms. John earned a Bachelor of Arts in English from the University of the West

¹ PR 22-898, “The Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018” was originally introduced Wednesday, June 6, 2018 by Chairman Mendelson at the request of the Mayor. However, it was withdrawn and reintroduced as PR 22-1102 because the original the resolution would have deemed disapproved before the Committee and Council could consider the nomination.

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 concentration in contracts, litigation, real estate, Landlord and Tenant law, criminal law, and family law. Later, she worked as a Hearing Examiner and Staff Attorney at the former District of Columbia Office of Human Rights and Minority Business; this gave her some experience with the processes and procedures of local boards and commissions.

In 1990, Ms. John began a 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 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 also provided legal technical assistance to many civil aviation authorities around the world.

Ms. John was first appointed to the BZA in February 2018 to complete the term originally held by Anita Butani D’Souza. She now serves as Vice-Chair of the BZA. As she stated at her most recent confirmation hearing, her “service on the BZA has been very rewarding” and she has, “developed a deeper understanding of the zoning regulations and applied [her] legal training and experience in resolving zoning issues.” She went on to say that in her view, the Board does a good job listening to litigants and applying the zoning regulations fairly.

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

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.

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

Table 1: Membership of the Historic Preservation Review Board

| Resolution | Position | Appointee | Term Expiring: | Residency |
|------------|---|-----------------|--------------------|-----------|
| R23-636 | Member, District Resident (Chairperson) | Fred Hill | September 30, 2023 | Ward 2 |
| PR 24-576 | Member, District Resident | Lorna John* | September 30, 2024 | Ward 6 |
| R24-43 | Member, District Resident | Carl Blake | September 30, 2022 | Ward 4 |
| N/A | National Capital Planning Commission | Chrishaun Smith | N/A | N/A |
| N/A | Zoning Commission Designee | Rotating | N/A | N/A |

* Currently under Council review.

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:

- **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

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

⁴ *See id.*

⁵ *Id.* § 6-641.07(b).

⁶ *Id.* § 6-641.07(f).

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

the owner of such 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

- **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.
- **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

When the Committee first approved Ms. John’s initial appointment, the Committee concluded that while Ms. John lacks experience in zoning or planning related issues. However, in her now extended service on the board, she has gained valuable experience that complements her other background in administrative proceedings and understanding statutory and regulatory interpretation that contribute to her work on the BZA.

The Committee recommends the confirmation of Ms. Lorna John for reappointment as a member of the Board of Zoning Adjustment for a term to expire on September 30, 2024.

II. LEGISLATIVE CHRONOLOGY

January 31, 2022 PR 24-576 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

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).

period for Council review begins. If the measure is not acted upon by the Council before May 25, 2022, PR 22-898 will be deemed disapproved.

- February 11, 2022 Notice of Intent to Act on PR 24-576 is published in the *Register*.
- April 8, 2022 Notice of a public hearing on PR 24-576 is published in the *Register*.
- April 25, 2022 The Committee of the Whole holds a public hearing on PR 22-898.
- November 13, 2018 The Committee of the Whole marks-up PR 24-576.

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 24-576, the nomination of Ms. Lorna John to the Board of Zoning Adjustment on Monday, April 25, 2022. The testimony summarized below is from that hearing. A copy of the testimony is attached to this report.

Jeffrey Utz, Board of Directors, District of Columbia Building Industry Association, testified in support of Ms. John calling her an important and conscientious presence that has contributed greatly to the Board's work.

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 continuing to serve on the BZA.

The Committee received no testimony or comments in opposition to the nominee or PR 24-576.

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 24-576 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 24-576. |
| <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, 2021. |
| <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 24-576 shall take effect immediately. |

IX. COMMITTEE ACTION

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.

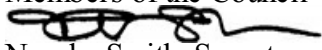
¹⁴ The Chairperson of the BZA who is a public member receives an addition compensation of 20 percent above the annual \$12,000 cap. See D.C. OFFICIAL CODE § 1-611.08(c)(2)(J).

X. ATTACHMENTS

1. PR 24-576 as introduced.
2. Nominee's response to Committee questions.
3. Written testimony.
4. Legal sufficiency determination.
5. Committee Print for PR 24-576.

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 : Monday, February 7, 2022
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, January 31, 2022. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Board of Zoning Adjustment Lorna John Confirmation Resolution of 2022",
PR24-0576

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 Wednesday, May 25, 2022 without Council action.

Attachment
cc: General Counsel
Budget Director
Legislative Services



MURIEL BOWSER
MAYOR

January 31, 2022

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
French Street, NW
Washington, DC 20001
(Ward 6)

for reappointment as a member of the Board of Zoning Adjustment, for a term to end September 30, 2024. 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,

A handwritten signature in black ink that reads "Muriel Bowser".

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 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 2022".

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

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

as a 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), for a term to end September 30, 2024.

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 2018
to Present

**District of Columbia
Board of Zoning Adjustment
Board Member, District Appointee**

Conduct hearings on applications for variances and special exceptions from the strict application of the Zoning Regulations. Hear and decide appeals from decisions of the Zoning Administrator or any administrative officer or body, including the Mayor, in the administration or enforcement of the Zoning Regulations.

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
to March 1986

Thomas & John, Washington, D.C.
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 over 30 years of experience in the public and private sectors, and currently serves as a board member on the Board of Zoning Adjustment.

Ms. John previously served as Senior Attorney in the Federal Aviation Administration's (FAA) Office of the Chief Counsel. In this role, Ms. John served as lead counsel for several multi-million-dollar, high visibility acquisition programs for services and equipment. Ms. John also provided legal counsel on domestic and international regulatory issues including but not limited to civil fraud, antitrust, and harmonization projects with foreign nations. Prior to that role, Ms. John served as Staff Attorney and Hearing Examiner for the District of Columbia's Office of Human Rights and Minority Business Development and as partner in the firm Thomas and John.

Ms. John was recognized for her outstanding contributions to acquisition reform by receiving the Vice President Al Gore's Hammer Award.

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.



DC Council Questions and Answers

Lorna John, BZA Nominee

April 20, 2022

1. 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 disclosure form, please provide answers to questions no. 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 \$1,000, 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 \$200 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 \$1,000. 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 \$1,000.
 - a. 927 French Street NW, Washington, DC 20001

Lorna John, BZA Nominee

April 20, 2022

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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. None
9. Please list all board 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. Board of Zoning Adjustment – February 2018 to Present
 - b. 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., Board of Directors for a non-profit) on which you are currently a member.
 - a. The High Tea Society Board of Directors
 - b. 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

Lorna John, BZA Nominee

April 20, 2022

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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 six years, including all campaign contributions to a D.C. candidate or political committee.

a. \$200 contribution to Mayor Muriel Bowser mayoral campaign

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. Why have you agreed to continue to serve, and how do you plan to help BZA fulfill its role and mission? Include in your answer what you believe should be the priorities for BZA and specific challenges you see for BZA.

Since February 2018, I have had the privilege of serving on the Board of Zoning Adjustment. 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 and special exceptions and appeals from administrative decisions. These zoning decisions affect how we live and work in the District of Columbia.

If I am reconfirmed, 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.

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.

I have applied my litigation skills, knowledge of administrative proceedings, and understanding of statutory and regulatory interpretation to make sound decisions on zoning matters that have come before the Board. I have honed my listening and analytical skills in evaluating how applications and appeals meet the criteria for relief under the statute and regulations. In carrying out my duties, I work collaboratively with other BZA Board members, and I appreciate the excellent support of the Office of Zoning Staff, including Office of Zoning Legal Division and will continue to do so if I'm reconfirmed.



Testimony of Jeff Utz, Board of Directors, District of Columbia Building
Industry Association

Before the

Committee of the Whole

Chairman Phil Mendelson, Chair

Public Hearing

on

**Proposed Resolution 24-557, the Zoning Commission Anthony Hood
Confirmation Resolution of 2022, and**

**Proposed Resolution 24-576, the Board of Zoning Adjustment Lorna John
Confirmation Resolution of 2022**

April 25, 2022

12:00 pm

Good afternoon Chairman Mendelson, members of the Committee of the Whole, and staff. My name is Jeff Utz, and I am a member of the Board of Directors of the District of Columbia Building Industry Association (“DCBIA”). I am also a partner at the law firm Goulston & Storrs. Thank you for the opportunity to testify on the nominations of Anthony Hood for reappointment to the Zoning Commission, and Lorna John for reappointment to the Board of Zoning Adjustment. DCBIA is pleased to voice its strong support for both of the reappointments before the Committee of the Whole today. We are equally pleased that both Mr. Hood and Ms. John have offered to continue their service to the citizens of the District of Columbia.

Commissioner Hood

Mr. Hood has dutifully served on the Zoning Commission for over 20 years and he has been the Chair of the Commission for the majority of that tenure. Throughout his years of dedicated service, Mr. Hood has exemplified what it means to serve the public and the District as a whole. He works diligently to ensure that the Commission’s review of the matters that come before it is conducted in a fair and evenhanded manner for all stakeholders, that all voices have an opportunity to be heard, and that all proceedings are in accordance with the Commission’s rules and applicable statutes and regulations. Under Chairman Hood’s stewardship it is assured that the Commission will conduct its business in

an orderly and open manner. Chair Hood is careful to ensure that the rights of all participants are appropriately protected and that the Commission's decisions are based on due consideration of all the information and evidence before it and the relevant legal standards, including ever evolving case law and updates to the Zoning Regulations themselves.

Chairman Hood is a staunch advocate for the public interest and participation in Commission proceedings. In particular, Mr. Hood maintains an ardent commitment to community outreach and engagement. Chairman Hood also, importantly, is purposeful in working to foster a collegial environment on the Commission that ensures open, robust debate and the exchange of views in reaching decisions. He shares his views freely and listens intently to the views of his fellow commissioners and those of the public, making the Zoning Commission a forum of reasoned decisions and an environment of mutual respect, even in difficult cases where views can differ greatly.

His years-long leadership on the Commission has been a true gift to the District and its citizens, and DCBIA wholeheartedly supports his continued service in this capacity.

Board Member John

DCBIA is also pleased to support Ms. John's reappointment to the Board of Zoning Adjustment, where Ms. John has served since 2018, including serving as

Vice Chair for a portion of that tenure. During her time, Ms. John has served as an important, steady and conscientious presence on the Board. Her diligent, consistent, and careful review of the full spectrum of projects that come before the Board has contributed greatly to the important work the Board does in reviewing applications and appeals. Ms. John's presence on the Board ensures that the Board's review of the matters before it is thorough, evenhanded, and in accordance with the legal standards that the Board is tasked with upholding. Like Mr. Hood, Ms. John encourages and enjoys a mutual respect among her fellow Board members and the public that ensures robust engagement. Importantly, Ms. John constantly pursues thoughtful consideration of cases that takes into account the views of all stakeholders and the relevant standards, along with the full extent of the evidence presented in each case.

In summary, on behalf of DCBIA I would like to reiterate our strong and unqualified support for the reappointment of both Mr. Hood and Ms. John. The citizens of the District would be well served by their continued service in their respective volunteer roles on the Zoning Commission and Board of Zoning Adjustment.

* * *

Thank you for the opportunity to testify. I am happy to answer any questions you may have.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment**



Public Roundtable on

**PR24-0576, the “Board of Zoning Adjustment Lorna John
Confirmation Resolution of 2022”**

Testimony of

Lorna John

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

April 25, 2022
12:00 pm
Virtual Meeting Platform
The John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

**Testimony of Lorna John
For
Reappointment to the Board of Zoning Adjustment
Before the
Committee of the Whole Phil Mendelson, Chair**

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 re-nominating me to the Board of Zoning Adjustment (BZA).

First, I would like to tell you about myself and my qualifications for this important position. I have lived in the District of Columbia for approximately 30 years. I currently live in Ward 2, but I have also lived in other Wards. I obtained my undergraduate degree from the University of the West Indies, my graduate degree from Howard University, and my law degree from the Georgetown University Law Center. After graduating from law school, I was a partner in a small general practice law firm in the District of Columbia. 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 have been a member of the District of Columbia Bar since 1981.

I currently serve as the Vice-Chair of the Board of Zoning Adjustment (BZA) and was initially confirmed by the Council in February 2018. The BZA is a quasi-judicial entity. The Board provides 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 maps.

My service on the BZA has been very rewarding. Since my initial confirmation, I have developed a deeper understanding of the zoning regulations and applied my legal training and experience in resolving zoning issues that come before the BZA. This includes listening to and evaluating the credibility of witnesses, including expert witnesses, identifying relevant facts, making reasoned decisions based on the totality of

circumstances and providing a complete record that will withstand any potential D.C. Court of Appeals challenge. And while the Board's decisions are based on how applications meet the legal criteria for relief, as a member of the Board, I am aware that every one of our decisions affects the lives of real people.

As a long-time resident both as a renter and homeowner in several wards in the District, I fully appreciate the importance of the District's zoning laws and regulations in sustaining viable residential and commercial neighborhoods.

Therefore, if I am confirmed, I commit to continue working collaboratively with my colleagues to further the Board's purpose. I also commit to continuing to devote 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.

This concludes my testimony and I appreciate this opportunity to share a summary of my education, training and skills, and my views about continuing to serve on the BZA. Again, I thank you for your consideration of my appointment and I am available to answer any questions.

1 **DRAFT COMMITTEE PRINT**

2 Committee of the Whole

3 May 3, 2022

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9 A PROPOSED RESOLUTION

10
11 24-576

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 2022”.

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

24
25 Ms. Lorna John
26 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, 2024.

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.