

# GOVERNMENT OF THE DISTRICT OF COLUMBIA



## OFFICE OF ZONING

February 18, 2022

### Via E-Mail

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

Dear Chairman Mendelson:

In response to the Committee of the Whole's Performance Oversight preliminary questions dated February 8, 2021, related to the Office of Zoning (OZ), I respectfully submit the following information:

1. *Please provide, as an attachment to your answers, a current organizational chart for your agency with the number of vacant and filled FTEs marked in each box. Include the names of all senior personnel, if applicable. Also include the effective date on the chart.*

Please see **Attachment A**.

2. *Please provide, as an attachment, a Schedule A for your agency which identifies all employees by title/position, current salary, fringe benefits, and program office as of January 31, 2022. The Schedule A also should indicate any vacant positions in the agency. Please do not include Social Security numbers.*

Please see **Attachment B**.

3. *Please list as of January 31, 2022 all employees detailed to or from your agency, if any, anytime this fiscal year (up to the date of your answer). For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date the detail began, and the employee's actual or projected date of return.*

N/A

4. *(a) For fiscal year 2021, please list each employee whose salary was \$125,000 or more. For each employee listed provide the name, position title, salary, and amount of any overtime and any bonus pay.*

2021				
Name	Position Title	Salary	Overtime	Bonus Pay
Abung	IT Specialist	\$126,508.00	N/A	N/A
Bardin	Director	\$186,886.08	N/A	N/A
Moy	Supervisory Zoning Specialist	\$165,546.15	N/A	N/A
Rose	Zoning Specialist	\$126,508.00	N/A	N/A
Schellin	Supervisory Attorney Advisor	\$142,058.74	N/A	N/A

(b) For fiscal year 2022, please list each employee whose salary is or was \$125,000 or more. For each employee listed provide the name, position title, salary, and amount of any overtime and/or bonus pay as of the date of your response.

2022				
Name	Position Title	Salary	Overtime	Bonus Pay
Abung	IT Specialist	\$126,508.00	N/A	N/A
Bardin	Director	\$186,886.08	N/A	N/A
Lovick	Supervisory Attorney Advisor	\$150,477.00	N/A	N/A
Moeller	General Counsel	\$163,809.00	N/A	N/A
Moy	Supervisory Zoning Specialist	\$165,546.15	N/A	N/A
Nagelhout	Supervisory Attorney Advisor	\$185,877.00	N/A	N/A
Ritting	Attorney Advisor	\$148,558.00	N/A	N/A
ROSE	Zoning Specialist	\$126,508.00	N/A	N/A
Schellin	Supervisory Attorney Advisor	\$142,058.74	N/A	N/A

5. Please list, in descending order, the top 15 overtime earners in your agency for fiscal year 2021. For each, state the employee's name, position or title, salary, and aggregate overtime pay.

OZ does not have any overtime earners.

6. For fiscal years 2021 and 2022 (as of January 31), please provide a list of employee bonuses or special award pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

OZ did not have any bonuses or special pay in FY 2021 or 2022.

7. For fiscal year 2021 and 2022 (as of January 31), please list each employee separated from the agency with separation pay. State the amount and number of weeks of pay. Also, for each, state the reason for the separation.

OZ did not have any employees separated from the agency in FY 2021 or 2022.

8. For fiscal years 2020, 2021, and 2022 (as of January 31), please state the total number of employees receiving worker's compensation payments.

OZ did not have any employees who received worker's compensation in fiscal years 2020, 2021 or 2022.

9. *Please provide the name of each employee who was or is on administrative leave in fiscal years 2021 and 2022 (as of January 31). In addition, for each employee identified, please provide: (1) their position; (2) a brief description of the reason they were placed on leave; (3) the dates they were/are on administrative leave; (4) whether the leave was/is paid or unpaid; and (5) their current status (as of January 31).*

OZ did not have any employees on administrative leave in fiscal years 2021 or 2022.

10. *For fiscal years 2021 and 2022 (as of January 31), please list, in chronological order, all intra-District transfers to or from the agency. Give the date, amount, and reason for the transfer.*

FY 2021 Intra-Districts - BJ0 as the Buyer			
Seller Agency	Date	Amount	Description
Office of Contracting and Procurement	10/1/2020	\$19,353	PCARD
Department of Human Resources (DCHR)	10/1/2020	\$11,950	HR Services/Support
FY 2021 Intra-Districts - BJ0 as the Seller			
Funding Agency	Date	Amount	Description
Office of Planning (BD0)	10/1/2020	\$6,882	Provide audio/visual support for Historic Preservation Review Board (HPRB) Hearings
FY 2022 Intra-Districts - BJ0 as the Buyer			
Seller Agency	Date	Amount	Description
Office of Contracting and Procurement	10/1/2021	\$25,000	PCARD
Department of Human Resources (DCHR)	10/1/2021	\$11,950	HR Services/Support
FY 2022 Intra-Districts - BJ0 as the Seller			
Funding Agency	Date	Amount	Description
Office of Planning (BD0)	10/1/2021	\$6,883.00	Provide audio/visual support for Historic Preservation Review Board (HPRB) Hearings

11. Please list, in chronological order, every reprogramming of funds into and out of the agency for fiscal years 2021 and 2022 (as of January 31). Include a "bottom line" that explains the revised final budget for your agency. For each reprogramming, list the reprogramming number (if submitted to the Council for approval), the date, the amount, and the rationale.

Reprogrammings Into/Out of the Agency			
FY 2021 Original Budget			
Reason	Amount	From	To
None			
<b>FY 2021 Revised Budget</b>			

Reprogrammings Into/Out of the Agency			
FY 2022 Original Budget			
Reason	Amount	From	To
None			
<b>FY 2022 Revised Budget</b>			

12. Please list, in chronological order, every reprogramming within your agency during fiscal year 2022 to date. Also, include known, anticipated intra-agency reprogrammings. For each, give the date, amount, and rationale.

OZ has not reprogrammed any funds thus far in FY 2022.

13. For fiscal years 2021 and 2022 (as of January 31), please identify each special purpose revenue fund maintained by, used by, or available for use by your agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a description of the programs that generates the funds; (4) the amount of funds generated annually by each source or program; and (5) expenditures of funds, including the purpose of each expenditure. For (4) and (5) give starting and ending balances. You may wish to present this information first as a list (for numbers 1-5) and then as separate tables for numbers 4 and 5.

OZ does not have any special purpose revenue funds maintained by, used by, or available for use by the agency.

14. Please provide a table showing your agency Council-approved original budget, revised budget (after reprogrammings, etc.) for fiscal years 2020, 2021, and the first quarter of 2022. In addition, please explain the variances between fiscal year appropriations and actual expenditures for fiscal years 2020 and 2021.

Object		FY20			FY21		
Class	Description	Revised Budget	Obligations	Available Budget	Revised Budget	Obligations	Available Budget
<b>Personal Services:</b>							
11	Salaries - Continuing Full-Time	\$2,254,306	\$2,104,564	\$149,742	\$2,149,586	\$2,092,575	\$57,011
12	Salaries - Term	\$0	\$46,410	\$(46,410)	\$81,070	\$82,406	\$(1,336)
13	Additional Gross Pay	\$0	\$9,983	\$(9,983)	\$0	\$43,936	\$(43,936)
14	Fringe Benefits	\$484,676	\$433,751	\$50,925	\$457,074	\$448,936	\$8,138
15	Overtime	\$0	\$0	\$0	\$0	\$0	\$0
	<b>Total Personnel Services</b>	<b>\$2,738,982</b>	<b>\$2,594,708</b>	<b>\$144,274</b>	<b>\$2,687,730</b>	<b>\$2,667,854</b>	<b>\$19,876</b>
<b>Non-Personal Services:</b>							
20	Supplies	\$16,991	\$15,415	\$1,576	\$14,600	\$12,661	\$1,939
31	Telecommunications	\$1,100	\$187	\$913	\$1,100	\$342	\$758
40	Other Services	\$107,360	\$80,802	\$26,557	\$142,007	\$133,831	\$8,176
41	Contractual Services	\$248,785	\$241,844	\$6,941	\$244,575	\$216,644	\$27,932
70	Equipment	\$7,510	\$7,510	\$0	\$23,750	\$23,013	\$737
	<b>Total Non-Personnel Services</b>	<b>\$381,746</b>	<b>\$345,759</b>	<b>\$35,987</b>	<b>\$426,033</b>	<b>\$386,491</b>	<b>\$39,542</b>
40	<b>Intra-District Fund - 0700</b>	<b>\$24,000</b>	<b>\$21,770</b>	<b>\$2,230</b>	<b>\$5,525</b>	<b>\$5,525</b>	<b>\$0</b>
<b>Total Budget</b>		<b>\$3,144,728</b>	<b>\$2,962,237</b>	<b>\$182,491</b>	<b>\$3,119,287</b>	<b>\$3,059,870</b>	<b>\$59,418</b>
<b>NOTES:</b>							
	The PS funds that remained at the end of FY20 was the result of vacancy savings from multiple positions that were later filled.						
	Remaining stipend funds - the Board and Commission did not meet for 2+ months due to COVID.						
	Remaining transcription funds.						

15. Please list all memoranda of understanding (MOU) either entered into by your agency or in effect during fiscal years 2021 and 2022 (as of January 31). For each, describe its purpose, indicate the date entered, and provide the actual or anticipated termination date.

2021			
Agency	Service	Date Entered	Date Terminated
Office of Planning	Provide audio/visual support for Historic Preservation Review Board (HPRB) Hearings.	10/01/2020	09/30/2021
Office of the Attorney General	To reassign three FTEs to OAG.	10/01/2020	09/30/2021
DCHR	To provide personnel services for the Office of Zoning.	10/01/2020	09/30/2021
2022			
Agency	Service	Date Entered	Date Terminated
Office of Planning	Provide audio/visual support for Historic Preservation Review Board (HPRB) Hearings.	10/01/2021	09/30/2022
DCHR	To provide personnel services for the Office of Zoning.	10/01/2021	09/30/2022

16. D.C. Law requires the Mayor and the Chief Financial Officer to submit to the Council, simultaneously with a proposed budget submission, actual copies of all agency budget enhancements requests, including the "Form B" for all District agencies (See D.C. Code § 47-318.05a). In order to help the Committee to understand agency needs, and the cost of those needs for your agency, please provide, as an attachment to your answers, all budget enhancement requests submitted by your agency to the Mayor or Chief Financial Officer as part of the budget process for fiscal years 2020, 2021 and 2022.

OZ had one budget enhancement request for FY2021. It was for three additional FTEs so the legal services for the ZC and BZA could be housed at OZ. (see **Attachment C**)

17. Please list all currently open capital projects for agency (as of January 31st), including those projects that are managed or overseen by another agency or entity. Include a brief description of each, the total estimated cost, expenditures to date, the start and completion dates, and the current status of the project. Also, indicate which projects are experiencing delays and which require additional funding.

### Description

OZ has one capital project that is focused on the continued, multi-year implementation of a variety of mission-critical information technology systems relating to the Zoning Regulations, the Zoning Map, the Zoning Handbook, and the Interactive Zoning Information System (IZIS). The objectives of the project are to: (1) improve zoning services through the use of technology to enable the public to better understand available zoning relief mechanisms; and (2) provide the community with user-friendly zoning information systems that are updated in real time.

## Progress Assessment

The capital project remains ongoing. OZ has built IZIS, the new Zoning Map, and the Zoning Handbook; however, it continues to make enhancements to IZIS, the Zoning Map, and the Zoning Handbook to make the most up-to-date information readily available to the public.

### Funding:

Project No	Approp No	Budget	Allotments	Expenditures	Encumbrances	Lifetime Balance
JM102C	70561	\$1,377,658	\$1,377,658	\$1,244,578	\$126,142	\$6,937

18. *Please list all pending lawsuits that name your agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city to significant liability in terms of money and/or change in practices. The Committee is not asking for your judgment as to the city's liability; rather, we are asking about the extent of the claim. For those claims identified, please include an explanation about the issues for each case.*

Not Applicable

19. *(a) Please list and describe any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed at any time in fiscal years 2021 or 2022 (as of January 31, 2021).*

Not Applicable

*(b) Please list and describe any ongoing investigations, audits, or reports of your agency or any employee of your agency.*

Not Applicable

20. *How many grievances have been filed by employees or labor unions against agency management? Please list each of them by year for fiscal years 2019, 2020, and 2021 (as of January 31). Give a brief description of each grievance, and the outcome as of January 31, 2021. Include on the chronological list any earlier grievance that is still pending in any judicial forum.*

OZ has not had any grievances filed by labor unions in the years listed above.

21. *(a) Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees.*

*(b) If different, please describe the agency's procedures for investigating allegations of misconduct.*

OZ follows the Mayor's Sexual Harassment Policy, Guidance and Procedures (Mayor's Order 2017-313) as a guideline to investigate allegations of sexual harassment or misconduct committed by or against its employees. (Sections 422(2), (3), and (11) of the District of Columbia Home Rule Act, 87 Stat. 790; Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2), (3), and (11) (2016 Repl.), and the District of Columbia Human Rights Act of 1977, D.C. Law 2-38, D.C. Official Code §§ 2-1401.01 et seq. (2016 Repl.).

### **Agency Review and Investigation of Reported Claims**

- Any supervisor or manager who receives a complaint or concern regarding sexual harassment or inappropriate conduct must take immediate steps to notify the Sexual Harassment Officer, who will ensure that an investigation is conducted and take other appropriate action. Any such effort shall be documented.
- Where there is an allegation of criminal misconduct, including for example, sexual assault, kidnapping, stalking, and threats to do bodily harm, the agency may, after consulting its General Counsel, place the victim and/or the alleged harasser on administrative leave with pay pending final administrative resolution of the complaint or any criminal proceeding. The complainant at his or her choice may report the alleged criminal violation to a law enforcement agency, including the Metropolitan Police Department (MPD). Where either the agency or an appropriate law enforcement officer determines that a criminal violation occurred, the agency shall recommend discipline of the perpetrator up to, and including, termination.
- When an allegation of sexual harassment is reported, including allegations of criminal conduct, the agency shall notify the agency's General Counsel, who in turn must notify Mayor's Office of Legal Counsel (MOLC) of the allegation.
- Allegations of sexual harassment shall be investigated and resolved as soon as practicable, but no later than 60 days after reporting. The agency or office investigating the charges must provide the employee and the alleged harasser with a written notification of its findings and conclusions after the 60 day period, and shall convey the same to MOLC.
- The agency shall also require that any employee found to have engaged in inappropriate conduct who is not terminated must attend mandatory sexual harassment training within 60 days of receipt of the findings. Such training is supplemental to any disciplinary actions and must occur even if the employee recently received training.
- The agency shall also remind complainants of sexual assault or other possible crimes of the existence of the DC Victim Hotline. The Hotline, 1-844-443-5732, is available 24/7 by telephone, text or online chat to seamlessly connect victims of crime to free resources to help them navigate the physical, financial, legal, and emotional repercussions of crime. In particular, through the Hotline, victims may be matched with an advocate who can help them decide whether to pursue a matter through the criminal justice process.



(b) List and describe each allegation received by the agency in FY 2019 and FY 2020, to date, and the resolution of each as of the date of your answer.

OZ received no complaints in FY 2020 and FY 2021.

22. In table format, please list the following for fiscal years 2021 and 2022 (as of January 31, 2021) regarding the agency's use of SmartPay (credit) cards for agency purchases: (1) individuals (by name and title/position) authorized to use the cards; (2) purchase limits (per person, per day, etc.); and (3) total spent (by person and for the agency).

Fiscal Year	Card Holder	Title	Purchase Limit		Total Spent
			Individual/Daily	Monthly	
2020	Zelalem Hill	Special Assistant	\$2,500.00 for services \$5,000.00 for Goods	\$20,000.00	\$34,185.81
2021	Zelalem Hill	Special Assistant	\$2,500.00 for services \$5,000.00 for Goods	\$20,000.00	\$18,174.04

23. Please provide a list of all procurements for goods or services for use by your agency over \$25,000 for fiscal years 2021 and 2022 (as of January 31). Give a brief explanation of each, including the name of the contractor, purpose of the contract, and the total dollar amount of the contract. Exclude from this answer purchase card (SmartPay) purchases.

FY 2021 Procurements Over \$25,000		
Description	Vendor	Amount Obligated in 2021
Court Reporting Services	Hunt Court Reporting	\$72,000.00
IZIS Development Project and Website Support	OST, INC.	\$303,497.59
Zoning Map Support, Maintenance and Enhancements	Blue Raster, LLC	\$99,952.80
Zoning Regulations of 2016		\$25,380.00

FY 2022 Procurements Over \$25,000		
Description	Vendor	Amount Obligated in 2021
IZIS Development Project and Website Support	OST, Inc.	\$304,696.55
Zoning Map Support, Maintenance and Enhancements	Blue Raster	\$80,000.00
Court Reporting Services – BZA	Neal R. Gross	\$40,000.00
Court Reporting Services – Zoning Commission	Hunt Reporting	\$32,000.00

24. (a) Please describe how your agency manages and limits its mobile, voice, and data costs, including cellular phones and mobile devices.

OZ limits who may have use of an agency issued cellphone. In addition, OZ limits costs by using a cell phone plan with a standard monthly rate with shared minutes, so that no overages are accumulated. OZ also reviews the monthly statements.

(b) In table format if the answer is more than 20 lines, and as an attachment, please provide the following information for fiscal years 2021 and 2022 (as of January 31), regarding your agency's use of cellular phones and mobile devices: (1) individuals (by name and title/position) authorized to carry and use such devices; (2) total annual expense (FY) for each individual's use; and (3) justification for such use (per person). If the list is more than 20 individuals, group the answer by program, giving the total number of FTEs for that program as well as the number of cellular phones and mobile devices.

2021			
Phone Holder	Title	Annual Expense	Justification
Donna Hanousek	Senior Zoning Specialist	\$540	Telework during the pandemic made it necessary for cellphones to be purchased for these employees in order to receive work related calls and to be able to use VPN.
Robert Reid	Zoning Specialist	\$540	
Mercedes Frazier	Contact Representative	\$540	
Sheila Waiters	Staff Assistant	\$540	
Adrianne Carter	IZIS Program Manger	\$540	Requirement to be available on a 24/7 basis for the purpose of maintaining the IT network.
Ndifon Abung	IT Specialist	\$540	
Michael Sakinejad	GIS Program Manager	\$540	
2021			
Phone Holder	Title	Annual Expense	Justification
Robert Reid	Zoning Specialist	\$540	Telework during the pandemic made it necessary for cellphones to be purchased for these employees in order to receive work related calls and to be able to use VPN.
Mercedes Frazier	Contact Representative	\$540	
Ndifon Abung	IT Specialist	\$540	Requirement to be available on a 24/7 basis for the purpose of maintaining the IT network.
Michael Sakinejad	GIS Program Manager	\$540	
Ryan Nicholas	Attorney Advisor	\$540	Attorneys teleworking.
Hillary Lovick	Lead Attorney Advisor	\$540	
Mary Nagelhout	Lead Attorney Advisor	\$540	
James Moeller	General Counsel	\$540	
Sarah Bajaj	Attorney Advisor	\$540	
Dennis Liu	Attorney Advisor	\$540	

25. *(a) Does your agency have or use one or more government vehicle? If so, for fiscal years 2021 and 2022 (as of January 31), please list any vehicle the agency owns, leases, or has assigned to it. You may group the vehicles by category (e.g., 15 sedans, 33 pick-up trucks, three transport buses, etc.); and (6) what employee discipline resulted, if any.)*

OZ does not have or use a government vehicle.

*(b) Please list all vehicle accidents involving your agency's vehicles for fiscal years 2020, 2021, and 2022 (through January 31). Provide: (1) a brief description of each accident; (2) the type of vehicle involved; (3) the name and title/position of the driver involved; (4) the justification for using such vehicle; and (5) whether there was a finding of fault and, if so, who was determined to be at fault.*

Not applicable.

26. *Please list every lawsuit against the agency that was settled or decided by a trial court in FY 2021 and FY 2022 to date. Briefly describe each and the sanction, if any.*

Not applicable.

27. *D.C. Law requires the Mayor to pay certain settlements from agency operating budgets if the settlement is less than \$10,000 or results from an incident within the last two years (see D.C. Code § 2-402(a)(3)). Please itemize each charge-back to your agency for a settlement or judgment pursuant to D.C. Code § 2-402.*

Not applicable.

28. *(a) D.C. Law prohibits chauffeurs, take-home vehicles, and the use of SUVs (see D.C. Code §§ 50-203 and 50-204). Is your agency in compliance with this law?*

OZ does not have or use a chauffeur, take-home vehicles, or the use of SUVs. OZ is in full compliance.

*(b) Please explain all exceptions, if any, and provide the following: (1) type of vehicle (make, model, year); (2) individuals (name/position) authorized to have the vehicle; (3) jurisdictional residence of the individual (e.g., Bowie, MD); and (4) justification for the chauffer or take-home status.*

Not applicable.

29. *In table format, please provide the following information for fiscal years 2021 and 2022 (as of January 31) regarding your agency's authorization of employee travel: (1) each trip outside the region; (2) individuals (by name and title/position) authorized to travel outside the region; (3) total expense for each trip (per person, per trip, etc.); (4) what agency or entity paid for the trips; and (5) justification for the travel (per person and trip).*

Not applicable.

30. *Please provide and itemize, as of January 31, 2021, the current number of When Actually Employed (WAE), term, and contract personnel within your agency. If your agency employs WAE or term personnel, please provide, in table format, the name of each employee, position title, the length of his or her term, the date on which he or she first started with your agency, and the date on which his or her current term expires.*

WAE		Term		Contract	
0		0		0	
Name	Title	Length of Term	Date Started	Date Term Expires	

31. *What efforts has your agency made in the past year to increase transparency? Explain.*

OZ is very proud of actions it has taken to ensure that zoning processes are very transparent to the public. OZ will continue to expand on the information already available 24/7 to the public. Along with the tremendous amount of searchable information that is available on its website, OZ also provides the following services and information that enhance agency transparency:

1. IZIS – Interactive Zoning Information System
  - a. All case documents for all ZC and BZA case types, including PUDs, map amendments, appeals, rulemakings, time extensions of approved PUDs, minor modifications of approved PUDs, campus plans, special exceptions, variances, and foreign mission cases.
  - b. Case information for all case types (i.e., status, relief, action, order, transcripts, etc.).
  - c. Automatic notifications to alert ANCs on newly filed cases.
2. Official Electronic Zoning Map
  - a. Zone district information.
  - b. Case information (i.e., orders, relief, and locations for closed cases).
  - c. Links to the Zoning Handbooks that contains additional information.
3. New more user-friendly regulations
4. All ZC and BZA Orders
5. All ZC and BZA Transcripts since 1997
6. ZC and BZA Calendar with Hearing and Meeting Schedules
7. Live Webcast of All Hearings and Meetings
8. Video on Demand Hearings and Meetings dating back to 2006

In addition, pursuant to the Open Meetings Act, OZ has made every effort to be in compliance with Open Meetings requirements, including announcing, noticing, and voting on all closed meetings for the purpose of seeking legal advice from counsel and deliberating upon, but not deciding cases scheduled for decision, pursuant to §§ 405(b)(4) and 405 (b)(13) of the District of Columbia Administrative Procedure Act ("Act"). Further, in accordance with § 408 of the Act, OZ maintains a recorded archive of all such meetings.

32. *What efforts will your agency be making to increase transparency? Explain.*

In FY 2022 and beyond, OZ will continue to strive to make all of its services and information available to the public. A few initiatives that OZ will be working on in FY 2021 and beyond are:

- Commenting module for all rulemaking cases;
- Calendar app to highlight comment periods;
- Wizard forms for party status, motions, postponements, etc.; and
- Enhancements to existing systems.

33. *Please identify any legislative requirements that your agency lacks sufficient resources to properly implement. Explain.*

Not applicable.

34. *Please identify any statutory or regulatory impediments to your agency's operations.*

OZ is unaware of any statutory or regulatory impediments to its operations at this time.

35. *Did your agency receive any FOIA requests in fiscal year 2021? If yes, did the agency file a report of FOIA disclosure activities with the Secretary of the District of Columbia? If available, please provide a copy of that report as an attachment. Also state here the total cost incurred by your agency for fiscal years 2020, 2021, and 2022 (as of January 31) related to FOIA.*

As shown in the FY21 data, of the 144 requests received, 96% (138 requests) of the FOIA requests received by OZ were referred, in whole or in part, to another public body. In practice, this occurs frequently because individuals submit FOIA requests to DCOZ seeking information regarding building permits, certificates of occupancy, zoning compliance actions, or environmental hazards, for which DCOZ keeps no relevant records. These requests are referred to the appropriate agency, which is most often the Department of Consumer and Regulatory Affairs or to the Department of Energy and Environment.

In addition, much of the zoning information sought by FOIA request in FY 2020 was publicly available and therefore did not require the release of internal records. For those requests, OZ provided a response to the individual that indicated where the information sought could be found and, when possible, provided links to the relevant OZ tool or resource. Most often, the information sought could be found in the Official Zoning Map, the Interactive Zoning Information System, and/or the Zoning Regulations. As a result, requests seeking only public information are included in the "Other disposition category."

OZ responded to all requests for FY 2021 within the statutory 15-day period. Of the requests processed, the majority requested information in the domain of another agency, primarily DCRA. There were no records for many of the requests, or the information requested was in the public domain at OZ. (see **Attachment D**)

Fiscal Year	Amount
FY 2020	\$1,154.70
FY 2021	\$1,921.44
FY 2022	-

36. *For CBE agency compliance purposes, what is your agency's current adjusted expendable budget; how much has been spent with SBEs; and what percent of your agency's expendable budget was spent with SBEs? Further, where SBEs were not available, how much has been spent with CBEs, and what percent of CBE spending, relative to your current expendable budget? How many CBE waivers (including dollar amount) did the agency submit? What efforts has the agency taken to reduce the number of CBE waivers submitted? What is the CBE spending goal for your agency per the DSLBD SBE Opportunities Guide (Green book)? Give this answer for fiscal years 2020, 2021 and 2022 (as of January 31).*

Fiscal Year	Adjusted Expendable Budget	Amount Spent with SBEs	Percentage Spent with SBEs	CBE Spending Goal Per opportunities Guide
FY 2020	\$99,126	\$110,519	112%	\$135,664
FY 2021	\$105,945	\$71,785	68%	\$141,581
FY 2022	\$97,998	\$19,853	20%	\$97,997

Fiscal Year	Amount Spent with CBEs	Percentage Spent with CBEs	Number of CBE Waivers Submitted	Waiver Dollar Amount	Efforts to reduce Waivers
FY 2020	\$110,519	65%	N/A	N/A	Whenever possible, OZ made every effort to spend all expendable dollars with CSBEs before contracting with non-CSBE entities.
FY 2021	\$71,785	87.31%	1	\$147,848	
FY 2022	\$19,853	Not Available	N/A	N/A	

37. *Please provide, as an attachment, a copy of your agency's current annual performance plan as submitted to the Office of the City Administrator.*

Please see **Attachment E**.

38. (a) What are your agency's key performance indicators and what has been your agency's performance (for each of these KPIs) in fiscal year (or calendar year) 2020, 2021, and 2022 (through the first quarter).

Measure	FY2020 Actual	FY2021 Actual	FY2022 1st Qtr
Percent of updates to the official Zoning Map completed within 5 of days of the issuance of a zoning order	91%	100%	100%
Percent of web streamed video of ZC and BZA hearings and meetings that are posted to OZ's website with 48 hours of recording	100%	100%	100%
Percent of zoning certifications completed within 5 business days	84%	92%	100%
Percent of BZA hearings scheduled within 3 months of application acceptance (excluding recess month)	59%	23%	5%
Percent of BZA summary orders issued within 10 business days	100%	98%	100%
Percentage of website inquiries responded to within 24 hours	95%	93%	80%
Percentage of the Zoning Commission order backlog cleared	N/A	N/A	44%
Percentage of the Board of Zoning Adjustment order backlog cleared	N/A	N/A	3%

- (b) What KPIs have been dropped (or changed) since 2020? List each specifically and explain why it was dropped or changed.

No KPIs were changed or dropped since FY2019.

39. What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in fiscal years 2021 and 2022.

#### 1. Providing service to the Zoning Commission and Board of Zoning Adjustment

The mission of OZ is to provide administrative, professional, and technical assistance to the Zoning Commission (ZC) and the Board of Zoning Adjustment (BZA) in support of their oversight and adjudication of zoning matters in the District of Columbia. OZ administers the zoning application processes for the ZC and BZA. The agency reviews and accepts

applications, schedules hearings to determine whether cases meet specified zoning criteria, schedules meetings to make determinations with respect to pending applications, and issues legal orders. It is the top priority of OZ to provide the highest level of assistance to the ZC and BZA.

## **2. Interactive Zoning Information System**

OZ is working to improve the internal and external IZIS workflows to allow for increased efficiency in the processing to cases. OZ is developing workflows that will allow employees to see process information at a glance. In addition, OZ is overhauling the external user interface to facilitate the filing of cases and documents into the case record. Much like a TurboTax user-interface, the new intake pages will walk you through filing an application in an intuitive, user friendly way.

## **3. Zoning Map**

OZ is working to develop new upgrades to the Zoning Map in an effort to provide added information to the public. Some of the upgrades will include adding new data sets for map amendment cases; adding increased PUD information, including project FAR, total units, affordable units, public benefits; and adding 2D developments standards. The updates will enhance the Zoning Map user experience by providing additional pertinent zoning information.

## **4. Public Outreach/Customer Service to the Public**

Public outreach remains one of the biggest priorities for OZ. OZ will spearhead targeted outreach to the ANCs again this fiscal year. This training will be focused on teaching the public how to access and use the regulations, map, and handbook and will outline the main changes from the previous regulations. Transparency, education, innovation, and responsiveness are the cornerstones of OZ's customer service mission. For more than a decade, OZ has strived to find new and innovative ways to improve the delivery of service and information to its customers. OZ has worked very hard to make its operations and services transparent and easily accessible. While these efforts have been applauded by the community, we will not stand on our laurels. In addition, OZ remains steadfast in its commitment to answering telephone inquiries and emails within 24 hours or the next business day.

## **5. Racial Equity**

OZ has made it a priority this year to advance racial equity. Based on the Comp Plan, the ZC asked OP to apply the racial equity lens in its reports for the ZC to consider in their decision-making process. OZ is also providing a series of racial equity training to staff and the ZC and BZA. OZ will participate in community engagement efforts to demystify the zoning process and build GIS tools for mapping and analysis of racial inequities in an effort to support better understanding and to promote racial equity in our communities. OZ will also



continue to engage with OP and the Office of Racial Equity to develop ideas on how to advance racial equity.

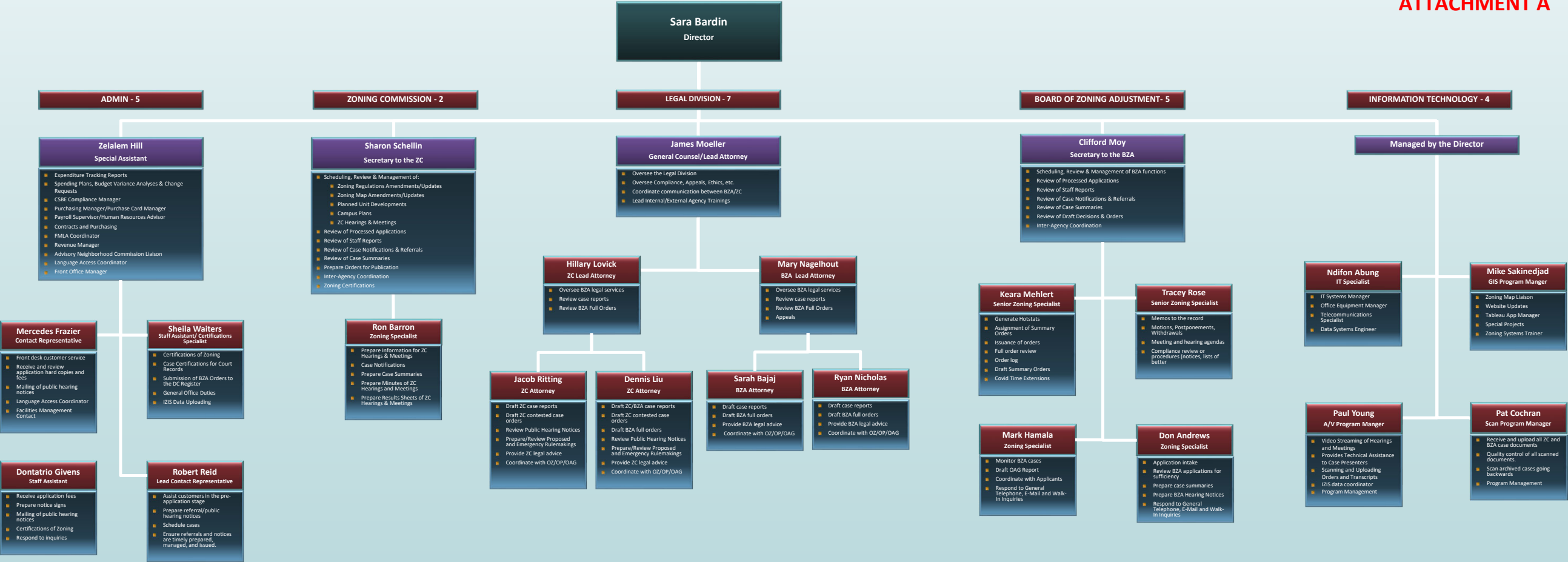
If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sara A. Bardin', with a stylized flourish extending to the right.

Sara A. Bardin  
Director

Enclosure: Attachment A – Organizational Chart  
Attachment B – Schedule A  
Attachment C – FY 2021 Enhancement Request  
Attachment D – FY 2019 FOIA Report  
Attachment E – FY 2020 OZ Performance Plan



Office of Zoning (BJ0) FY 2022 Schedule A as of January 31, 2022													
Position Number	Title	Vac Stat	FTE	Pgm Code	Grade	Step	FTE x Dist %	Salary	Fringe 21.4%	Salary x Dist %	Fringe x Dist %	Total Comp	
AGENCY MANAGEMENT PROGRAM													
00085121	Special Assistant	F	0.25	1010	13	8	25%	109,528	23,439	27,382	5,860	33,242	
			0.25	1010 Personnel Total						27,382	5,860	33,242	
00085121	Special Assistant	F	0.25	1020	13	8	25%	109,528	23,439	27,382	5,860	33,242	
			0.25	1020 Contracting and Procurement Total						27,382	5,860	33,242	
00039850	Information Technology Spec	F	0.50	1040	13	10	50%	126,508	27,073	63,254	13,536	76,790	
00104355	Zoning Specialist	F	0.50	1040	12	1	50%	85,209	18,235	42,605	9,117	51,722	
			1.00	1040 Information Technology Total						105,859	22,654	128,512	
00075244	DIRECTOR	F	0.25	1050	10	0	25%	186,886	39,994	46,722	9,998	56,720	
00085121	Special Assistant	F	0.25	1050	13	8	25%	109,528	23,439	27,382	5,860	33,242	
			0.50	1050 Financial Management Total						74,104	15,858	89,962	
00075244	DIRECTOR	F	0.25	1090	10	0	25%	186,886	39,994	46,722	9,998	56,720	
00085121	Special Assistant	F	0.25	1090	13	8	25%	109,528	23,439	27,382	5,860	33,242	
			0.50	1090 Performance Management Total						74,104	15,858	89,962	
			2.50	TOTAL AGENCY MANAGEMENT PROGRAM							308,830	66,090	374,919
ZONING SERVICES PROGRAM													
00039850	Information Technology Spec	F	0.50	2010	13	10	50%	126,508	27,073	63,254	13,536	76,790	
00104354	Zoning Specialist	F	1.00	2010	12	5	100%	95,793	20,500	95,793	20,500	116,293	
00104989	Attorney Advisor	F	1.00	2010	13	4	100%	115,238	24,661	115,238	24,661	139,899	
00075244	DIRECTOR	F	0.50	2010	10	0	50%	186,886	39,994	93,443	19,997	113,440	
00102946	Zoning Specialist	F	1.00	2010	12	1	100%	85,209	18,235	85,209	18,235	103,444	
00105166	Staff Assistant	F	1.00	2010	11	3	100%	73,296	15,685	73,296	15,685	88,981	
00104726	Staff Assistant	F	0.75	2010	9	1	75%	57,162	12,233	42,872	9,175	52,046	
00105134	Attorney Advisor	F	1.00	2010	13	3	100%	111,747	23,914	111,747	23,914	135,661	
00104588	Attorney Advisor	F	1.00	2010	15	2	100%	150,477	32,202	150,477	32,202	182,679	
00104413	Zoning Specialist	F	1.00	2010	13	2	100%	101,324	21,683	101,324	21,683	123,007	
00104378	General Counsel	F	1.00	2010	2	0	100%	163,809	35,055	163,809	35,055	198,864	
00002798	SUPV ZONING SPEC	F	1.00	2010	15	0	100%	165,546	35,427	165,546	35,427	200,973	
00104386	Attorney Advisor	F	1.00	2010	15	10	100%	185,877	39,778	185,877	39,778	225,655	
00103259	Attorney Advisor	F	1.00	2010	13	1	100%	104,766	22,420	104,766	22,420	127,186	
00097275	Zoning Specialist	F	1.00	2010	12	4	100%	93,147	19,933	93,147	19,933	113,080	
00104384	Attorney Advisor	F	1.00	2010	14	7	100%	148,558	31,791	148,558	31,791	180,349	
00036011	ZONING SPEC	F	1.00	2010	13	10	100%	126,508	27,073	126,508	27,073	153,581	
00099480	Data Coordinator (Zoning)	F	1.00	2010	12	4	100%	93,147	19,933	93,147	19,933	113,080	
00085124	SUPV ZONING SPEC	F	1.00	2010	15	0	100%	142,059	30,401	142,059	30,401	172,459	
00085123	Staff Assistant	F	0.75	2010	11	6	75%	79,935	17,106	59,951	12,830	72,781	
			18.50	2010 Zoning Services Total						2,216,021	474,228	2,690,249	
00092114	Program Support Specialist	F	1.00	2030	11	5	100%	77,722	16,633	77,722	16,633	94,355	
00104355	Zoning Specialist	F	0.50	2030	12	1	50%	85,209	18,235	42,605	9,117	51,722	
00092113	Audiovisual Production Spec	F	1.00	2030	11	5	100%	77,722	16,633	77,722	16,633	94,355	
			2.50	2030 Information Management Total						198,049	42,382	240,431	
00104726	Staff Assistant	F	0.25	2040	9	1	25%	57,162	12,233	14,291	3,058	17,349	
00085123	Staff Assistant	F	0.25	2040	11	6	25%	79,935	17,106	19,984	4,277	24,260	
			0.50	2040 Zoning Certifications Total						34,274	7,335	41,609	
			21.50	TOTAL ZONING SERVICES PROGRAM							2,448,343	523,945	2,972,289
Areas shaded in yellow are vacant position			0.00	Vacant FTEs as of 2/8/2022						Salary	Fringe	Total Comp	
Areas shaded in green are updated position			24.00	Filled FTEs Grand Total				Sch A	2,757,173	590,035		3,347,208	

## I. Enhancement Request Snapshot

**Agency Name:** Office of Zoning**Agency Code:** BJ0**Enhancement title:** Phase II: 3 Attorney Transfer from OAG**This request is priority:** 1 out of 1 for this agency.**Agency Point of Contact:** Sara Bardin**Date:** 10/31/2019**What is the amount of Local funds requested?**

Personal Services (PS) Funds	Non-Personal Services (NPS) Funds	Total Funds
\$587,607	\$0	\$587,607

**Number of new FTEs requested:****What type of cost will this enhancement be? (select one)**One-time / Partially recurring / **Recurring****If it is a recurring, or partially recurring cost, what do you estimate to be the costs in each of the following years?**

FY 2022	FY 2023	FY 2024
\$616,987	\$647,837	\$680,229

**Please summarize this enhancement in two sentences, where the first sentence tells us what the enhancement is, and the second sentence tells us what the expected impact of the enhancement would be:**

In FY 2020, the City Council reassigned 3 attorneys from OAG to OZ in Phase I of transferring the agency's legal services from OAG to OZ. The Phase II is to transfer of the remaining 3 attorneys from OAG, effectively transferring BZA and ZC legal service responsibilities to the OZ.

**Please detail here or in an attached spreadsheet what the requested funds would purchase (personnel, equipment, contracts, etc.). For each proposed FTE, list the proposed grade and position type/title.**

*“The Council shifts several land-use attorney positions from the OAG to the Office of Zoning (OZ). Currently six OAG attorneys support the Zoning Commission and the Board of Zoning Adjustment through OZ – two under an MOU between the OAG and OZ, and three funded wholly by the OAG. The OZ and the OAG have worked hand in hand to improve the quality and timeliness of zoning orders. At the same time, there is a desire on the part of the OAG to expand its mission to the support the public interest in the land use arena which can put it in conflict with its*

*duty to represent its client – in this case OZ. The Council’s goal is to create an independent cadre of zoning attorneys within OZ to continue its work unimpeded. The OAG and OZ have committed to continuing their current relationship despite shifting three attorney positions from the OAG to OZ. The agencies will enter into agreements as necessary to ensure that legal resources dedicated to zoning orders will be held harmless. Only when OZ is confident that it has the resources needed to fully provide in-house legal services will the OAG stop providing support. At that time additional physical space for the OZ attorneys will be necessary.”*

These funds would support Phase II of the above initiative started by the City Council in FY2020. The funding supports the transfer of three remaining FTEs from OAG.

FTE 1	14/8	Attorney Advisor
FTE 2	15/10	Attorney Advisor
FTE 3	LX2	Supervisory Attorney Advisor

OZ contacted DGS and was informed that while additional space to accommodate these FTEs is not available at this moment, it is possible that space could be found for 2021. OZ is a locally funded agency; therefore, all costs are managed and budgeted within DGS’ budget. OZ will absorb the costs for hardware and software costs related to the transfer of these FTEs.

## II. Rationale

### **What problem for the District are you aiming to address?**

The OZ and the OAG have worked hand in hand to improve the quality and timeliness of zoning orders. At the same time, there is a desire on the part of the OAG to expand its mission to the support the public interest in the land use arena which can put it in conflict with its duty to represent its client – in this case OZ. The Council's goal is to create an independent cadre of zoning attorneys within OZ to continue its work unimpeded.

### **What are the reasons why this problem exists?**

OZ, BZA, and ZC have historically received legal services from OAG. It has been suggested that because OZ is an independent agency it should have its own legal services in-house.

### **How does this enhancement address this problem and its underlying reasons?**

This request transfers the 3 remaining attorneys from OAG to OZ with the goal of creating an independent cadre of zoning attorneys within OZ to work effectively and efficiently to produce legally sufficient orders in a timely manner.

### **Is this enhancement a change to an existing program/initiative or a completely new program/initiative?**

- ☒ Change to an existing program/initiative (e.g., adding staff or resources, serving more or a different set of residents, making changes to the service model)
- ☐ Completely new program/initiative for DC

### **Cost-Benefit Analysis and/or Return on Investment: How does the amount invested relate to the anticipated/desired outputs and outcomes?**

(if relevant, please also submit a supporting Excel sheet)

Please ensure responses address the following:

OZ contacted DGS and was informed that while additional space to accommodate these FTEs is not available at this moment, it is possible that space could be found for 2021. OZ is a locally funded agency; therefore, all costs are managed and budgeted within DGS' budget. OZ will absorb the costs for hardware and software costs related to the transfer of these FTEs.

### **Will legislative support be required?** (Yes/No – If Yes, please submit BSA form)

IMPORTANT: If this enhancement request is for \$400,000 or more, **you must** also complete sections III, and IV. Incomplete submissions will be returned.

### III. Draft Project Plan

*Please complete this draft project plan to depict how the use of these requested funds would be managed. This will help demonstrate that the plan will enable the delivery of results before the end of the fiscal year. This will also help OBPM determine when full funding will be required for the full implementation of this initiative. Complete as best you can, with the understanding that this draft project plan may evolve if/once the enhancement is granted.*

**Project Owner:** (Who is the single person who will be ***most*** responsible for this initiative?)

Name: Sara Bardin

Title: Director

Email: sara.bardin@dc.gov

Phone: 202-727-5372

**Other Key Team members** (Add more as needed):

Name:

Title:

Role in this project:

**What other agencies or stakeholders would be critical to this project's success, and what communication have you had with them?**

OAG – yes

DGS – yes

City Council - yes

**Project Timeline:** (Place expected milestones, by month. Some months may be blank.)

***Preparation for project launch, end of prior Fiscal Year***

*June 2019:* Locate space within 441 4<sup>th</sup> Street

*July:*

*Aug:*

*Sept:* Purchase some hardware and software

***Fiscal Year starts, funds disbursed***

*Oct:* Attorney's transferred, purchase remaining hardware and software

*Nov:*

*Dec:*

*Jan 2020:* Establish new order writing timeframes

*Feb:*

*March:*

*April:*

*May:*

*June:*

*July:*

*Aug:*

*Sept:*

#### IV. Draft Project Evaluation

*Please complete this draft project evaluation to describe evidence that already supports the initiative, metrics that will demonstrate its success, and significant risk and success factors.*

*OBPM will categorize the research evidence you cited based on whether:*

- the study design was rigorous and the study was well-implemented;*
- the findings are positive and statistically significant; and*
- the evidence is based on a model and population similar to the proposed enhancement.*

*Have questions about the evidence? E-mail [thelab@dc.gov](mailto:thelab@dc.gov). The Lab can pre-review the evidence agencies are thinking of citing, brainstorm future evaluation ideas, offer ideas on where to look for evidence, help agencies think through the evidence they've found.*

**If the enhancement is granted, is your agency willing to evaluate whether the enhancement actually achieves the desired outcome for a randomly selected group of residents or neighborhoods?**

- ☒ Yes  
☐ No

**What evidence supports the likelihood that this enhancement will achieve the desired outcome?** Please describe outcomes from similar efforts that have been undertaken before in the District and/or in other cities. If possible, include formal evaluation studies as well as lessons learned from both successes and failures in any similar attempts. *Provide links to or cite your sources.*

The transfer will be a success, if the BZA order backlog begins to be reduced, orders are issued within established timeframes, and Court of Appeals remands are reduced.

**Is your enhancement identical to the model the evidence comes from?**

- ☐ Yes – the enhancement is identical to the model the evidence comes from and the population served is similar. Below, indicate how you will make sure your agency will implement the model fully.
- ☐ No – the enhancement differs from the model the evidence comes from, is just a part of that model, serves a different population, etc. Below, describe how it differs and why:



**List agency key performance indicators (KPIs) that will result from this enhancement.**  
*List KPIs from most significant to least. If you are proposing a new KPI, write “NEW” in the columns for FY2018-FY2020 Actual.*

	<b><i>Key Performance Indicator</i></b>	<b><i>Directionality</i></b>	<b><i>FY2018 Actual</i></b>	<b><i>FY2019 Actual</i></b>	<b><i>FY2020 Actual</i></b>	<b><i>FY2021 Target</i></b>
<b>1.</b>	ZC full orders issued within 4 months of decision.	Up is better	<i>New</i>	<i>New</i>	<i>New</i>	75%
<b>2.</b>	BZA full orders issued within 4 months of decision.	Up is better	<i>New</i>	<i>New</i>	<i>New</i>	75%
<b>3.</b>						

## V. Proposed Budget Swap

*Agencies may be interested in a new program or approach to a problem because they believe it is more effective than what they are currently doing. Enhancements are more likely to be approved if they replace a corresponding, less effective reduction.*

Reduction title (from Form 1): OZ does not have sufficient funding to reduce any other line items.

Total amount reduced: \_\_\_\_\_

**What evidence is there that this reduction is not achieving desired outcomes?** Please describe outcomes from the proposed reduction in the District and/or in other cities. If possible, include formal evaluation studies as well as lessons from both successes and failures in any similar attempts. *Provide links to or cite your sources.*

## Agency Name

DC OFFICE OF ZONING

**Annual Freedom of Information Act Report for Fiscal Year 2021**  
**October 1, 2020 through September 30, 2021**

FOIA Officer Reporting: Tracey Rose

<b>PROCESSING OF FOIA REQUESTS</b>
------------------------------------

- |  |     |
|--|-----|
| 1. Number of FOIA requests received during reporting period .....  | 144 |
| 2. Number of FOIA requests pending on October 1, 2020.....   | 0   |
| 3. Number of FOIA requests pending on September 30, 2021 .....   | 4   |
| 4. The average number of days unfilled requests have been pending before each public body as of September 30, 2021 ..... | 3   |

<b>DISPOSITION OF FOIA REQUESTS</b>
-------------------------------------

- |   |     |
|---|-----|
| 5. Number of requests granted, in whole.....                            | 2   |
| 6. Number of requests granted, in part, denied, in part.....            | 0   |
| 7. Number of requests denied, in whole.....                             | 0   |
| 8. Number of requests withdrawn.....                                    | 0   |
| 9. Number of requests referred or forwarded to other public bodies..... | 100 |
| 10. Other disposition .....   | 38  |

<b>NUMBER OF REQUESTS THAT RELIED UPON EACH FOIA EXEMPTION</b>
--

- |  |   |
|--|---|
| 11. Exemption 1 - D.C. Official Code § 2-534(a)(1).....  | 0 |
| 12. Exemption 2 - D.C. Official Code § 2-534(a)(2).....  | 0 |
| 13. Exemption 3 - D.C. Official Code § 2-534(a)(3)       |   |
| Subcategory (A).....                                     | 0 |
| Subcategory (B).....                                     | 0 |
| Subcategory (C) .....                                    | 0 |
| Subcategory (D) .....                                    | 0 |
| Subcategory (E) .....                                    | 0 |
| Subcategory (F) .....                                    | 0 |
| 14. Exemption 4 - D.C. Official Code § 2-534(a)(4) ..... | 0 |
| 15. Exemption 5 - D.C. Official Code § 2-534(a)(5).....  | 0 |

16. Exemption 6 - D.C. Official Code § 2-534(a)(6)	
Subcategory (A).....	0
Subcategory (B).....	0
17. Exemption 7 - D.C. Official Code § 2-534(a)(7).....	0
18. Exemption 8 - D.C. Official Code § 2-534(a)(8).....	0
19. Exemption 9 - D.C. Official Code § 2-534(a)(9).....	0
20. Exemption 10 - D.C. Official Code § 2-534(a)(10).....	0
21. Exemption 11 - D.C. Official Code § 2-534(a)(11).....	0
22. Exemption 12 - D.C. Official Code § 2-534(a)(12).....	0

<b>TIME-FRAMES FOR PROCESSING FOIA REQUESTS</b>
---

23. Number of FOIA requests processed within 15 days.....	140
24. Number of FOIA requests processed between 16 and 25 days.....	0
25. Number of FOIA requests processed in 26 days or more.....	0
26. Median number of days to process FOIA Requests.....	0

<b>RESOURCES ALLOCATED TO PROCESSING FOIA REQUESTS</b>
--

27. Number of staff hours devoted to processing FOIA requests.....	32
28. Total dollar amount expended by public body for processing FOIA requests.....	\$1,921.44

<b>FEES FOR PROCESSING FOIA REQUESTS</b>
--

29. Total amount of fees collected by public body.....	0
--	---

<b>PROSECUTIONS PURSUANT TO SECTION 207(d) OF THE D.C. FOIA</b>
---

30. Number of employees found guilty of a misdemeanor for arbitrarily or capriciously violating any provision of the District of Columbia Freedom of Information Act .....	0
--	---

<b>QUALITATIVE DESCRIPTION OR SUMMARY STATEMENT</b>
---

Pursuant to section 208(a)(9) of the D.C. FOIA, provide in the space below or as an attachment, “[a] qualitative description or summary statement, and conclusions drawn from the data regarding compliance [with the provisions of the Act].”

DCOZ responded to all requests for FY 2021 within the statutory 15-day period. Of the requests processed, the majority requested information in the domain of another agency, primarily DCRA. There were no records for many of the requests, or the information requested was in the public domain at DCOZ.

## Office of Zoning FY2022

Agency Office of Zoning

Agency Code BJO

Fiscal Year 2022

**Mission** The mission of the DC Office of Zoning (DCOZ) is to provide administrative, professional, and technical assistance to the Zoning Commission (ZC) and the Board of Zoning Adjustment (BZA).

### Strategic Objectives

Objective Number	Strategic Objective
1	Leverage new and existing technologies to further ensure that the District of Columbia's zoning processes are easily understandable and accessible to the public.
2	Streamline zoning regulations to enhance efficiency and transparency of zoning processes.
3	Create a convenient, easy to use, and understandable zoning process through website development, expansive outreach and educational programs for District residents and businesses.
4	Create and maintain a highly efficient, transparent, and responsive District government.

### Key Performance Indicators (KPIs)

Measure	Directionality	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Target
<b>1 - Leverage new and existing technologies to further ensure that the District of Columbia's zoning processes are easily understandable and accessible to the public. (2 Measures)</b>					
Percent of updates to the official zoning map completed within 5 of days of the issuance of a zoning order	Up is Better	100%	91.1%	100%	98%
Percent of webstreamed video of ZC and BZA hearings and meetings that are posted to OZ's website within 48 hours of recording	Up is Better	100%	100%	100%	98%
<b>2 - Streamline zoning regulations to enhance efficiency and transparency of zoning processes. (5 Measures)</b>					
Percent of zoning certifications completed within 5 business days	Up is Better	100%	84.2%	92%	98%
Percent of BZA hearings scheduled within 3 months of application acceptance (excluding recess month)	Up is Better	77.2%	58.7%	23.5%	98%
Percent of BZA summary orders issued within 10 business days	Up is Better	99.6%	100%	98.3%	98%
Percentage of the Zoning Commission order backlog cleared	Up is Better	New in 2022	New in 2022	New in 2022	New in 2022
Percentage of the Board of Zoning Adjustment order backlog cleared	Up is Better	New in 2022	New in 2022	New in 2022	New in 2022
<b>3 - Create a convenient, easy to use, and understandable zoning process through website development, expansive outreach and educational programs for District residents and businesses. (1 Measure)</b>					
Percent of website inquiries responded to within 24 hours	Up is Better	90.6%	95.2%	93.1%	98%

Due to an oversight, several OZ measures were excluded from their original FY22 performance plan printout. These measures have been included as of February 2022.

## Operations

Operations Title	Operations Description	Type of Operations
<b>1 - Leverage new and existing technologies to further ensure that the District of Columbia's zoning processes are easily understandable and accessible to the public. (3 Activities)</b>		
The Official Zoning Map	OZ is responsible for updating and maintaining the official Zoning Map of the District of Columbia.	Key Project
Interactive Zoning Information System (IZIS)	OZ reviews and accepts applications, schedules public hearings and meetings, and issues legal orders that document the decisions of both the Zoning Commission and the BZA. This process is managed through the IZIS system.	Key Project
Court of Appeals Information	The decisions of the BZA and ZC can be appealed to the DC Court of Appeals for review.	Daily Service
<b>2 - Streamline zoning regulations to enhance efficiency and transparency of zoning processes. (2 Activities)</b>		
Zoning Regulations of 2016	OZ is responsible for updating and maintaining the official Zoning Regulations of the District of Columbia.	Key Project
Effectively process ZC and BZA applications and petitions.	OZ reviews and accepts applications, schedules public hearings and meetings, and issues legal orders that document the decisions of both the Zoning Commission and the BZA.	Daily Service
<b>3 - Create a convenient, easy to use, and understandable zoning process through website development, expansive outreach and educational programs for District residents and businesses. (2 Activities)</b>		
Website development to serve the public with zoning information	OZ is responsible for making zoning information easily accessible to the public. This is achieved by making a wealth of information, including, documents, video and regulations available on its website 24/7.	Daily Service
Conduct expansive outreach and provide educational programs	OZ believes an informed public is better able to navigate the zoning process in the District of Columbia; therefore it conducts expansive outreach to educate the public about the process before the ZC and BZA.	Daily Service

## Workload Measures (WMs)

Measure	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
<b>1 - The Official Zoning Map (1 Measure)</b>			
Number of unique Zoning Map hits	153,358	139,528	120,131
<b>2 - Effectively process ZC and BZA applications and petitions. (7 Measures)</b>			
Number of Appeals to the DC Court of Appeals (by Calendar Year)	14	6	7
Number of Zoning Commission hearings and meetings	56	51	69
Number of Zoning Commission cases filed	74	64	68
Number of Zoning Commission orders issued	73	68	58
Number of Board of Zoning Adjustment hearings and meetings	42	36	40
Number of Board of Zoning Adjustment cases filed	302	207	242
Number of Board of Zoning Adjustment orders issued	282	171	192

Measure	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual
<b>2 - Zoning Regulations of 2016 (1 Measure)</b>			
Number of errata and text amendments processed	12	13	19
<b>3 - Conduct expansive outreach and provide educational programs (1 Measure)</b>			
Number of outreach meetings held	6	4	8
<b>3 - Website development to serve the public with zoning information (1 Measure)</b>			
Number of unique website hits	643,446	576,518	439,899

## Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Proposed Completion Date
<b>Effectively process ZC and BZA applications and petitions. (2 Strategic initiatives)</b>		
ZC/BZA Racial Equity Training	Working with the Office of Racial Equity (ORE), provide training for the ZC and the BZA on how to apply a racial equity lens in Comp Plan analyses and coordinate a mid-year assessment of the training with ORE.	09-30-2022
Racial Equity Comp Plan Analysis	Ensure that 100% of the Zoning Commission orders for cases that are analyzed under the 2020 Comprehensive Plan include a discussion of the consistency with the Comp Plan through a racial equity lens.	09-30-2022
<b>The Official Zoning Map (1 Strategic Initiative)</b>		
HUB/GIS Racial Equity Tools	OZ will develop mapping and website tools to display racial equity, affordable housing, and project proximity data. The updates will enhance the Zoning Map user experience by providing additional pertinent zoning information.	09-30-2022

# GOVERNMENT OF THE DISTRICT OF COLUMBIA



## OFFICE OF ZONING

February 28, 2022

### Via E-Mail

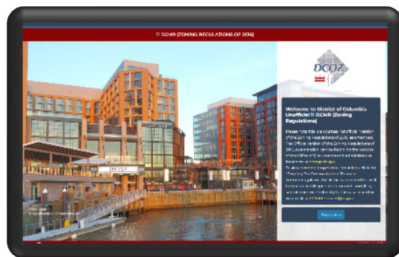
The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

In response to the Committee of the Whole's Performance Oversight additional questions from the Office of Zoning (OZ) on February 24, 2022 hearing, I respectfully submit the following information:

- **Describe the additional works that were completed on OZ's website and IZIS.**

- New online Zoning Regulations: [11 DCMR \(Zoning Regulations of 2016\) \(encodeplus.com\)](#)



Zoning Certifications online, notifications, payment modules, etc.



- IZIS modernization by converting modules to .NET 6 to host webservices for ZDOCS, Mobile compatible
- ZDOCS enhancements and security fixes recommended by OCTO
- Deployed new version of Zoning Case Search
- Enhancements to external IZIS including, forms wizards, filing
- Enhancements to internal IZIS, including ZC and BA Order log modules, workflow updates, BZA Summaries, etc.
- Maintenance activities including, security updates and fixes, database maintenance, SSL updates, etc.
- Activities to strengthen the security for IZIS modules.



- **What is the status of the OAG's cases that are currently filed with the Zoning Commission?**

Case No.	Description of Case	Date Filed	Hearing Date	Next Steps
22-05	Office of the Attorney General - Text Amendment to Subtitle Y, Sections 300, 402 & 403 and Subtitle Z, Sections 300, 301, 304, 402 & 403 (Relocation/Return of Current Tenants, Notice Requirements & Automatic Party Status)	02/08/22		OP to file report; then Commission to consider set down
21-25	Office of the Attorney General - Text Amendment to Subtitle C, Section 1003.6 (increase affordable housing benefits for required IZ units off-site)	12/02/21		OP to file report; then Commission to consider set down
21-24	Office of the Attorney General - Text Amendment to Subtitle C, Section 1003.7 (deeper IZ affordability by reducing MFI levels)	12/02/21		OP to file report; then Commission to consider set down
21-23	Office of the Attorney General - Text Amendment to Subtitle I, Sections 502.3, 516.2, 531.4, 539.2, 547.3, 555.2, 562.3, 569.2 (apply IZ to non-IZ D Zones )	12/02/21		Petitioner to file analysis by 3/15; OP filing report for Commission to consider set down at their 4/14 Meeting
21-22	Office of the Attorney General – Text Amendment to Subtitle C, Section 702.4 (remove parking requirements for households earning less than 80% MFI)	12/02/21	04/11/22	Case set down on 1/13/2022 for public hearing

- **Councilmember Lewis-George requested clarification on comments Chairman Hood made to her regarding a project on 14<sup>th</sup> Street that proposes affordable housing units but is getting pushback from neighbors.**

The statement Chairman Hood made at the set-down meeting for ZC Case No. 21-18 – Dance Loft Ventures, LLC was to encourage the applicant to work with Councilmember George:

*“I would encourage the applicant to continue to work with the councilmember of Ward 4, as well as the community, because I think that's very important.”*

The case is currently scheduled for hearing on May 5, 2022. As of today, there are 134 letters of support and no letters in opposition in the case record.

- **Did the Commission require OP to provide a racial equity analysis of the recommendation to waive the additional IZ requirements for the new Ward 8 changes?**

OP did not recommend IZ Plus in ZC Case No. 21-19 - Tabernacle Baptist Church site. The OP report for that case does contain a Racial Equity analysis which was coupled with a Housing Equity analysis. The two together lead OP to recommend regular IZ be applicable to the map amendment.

- **Addressing the “reverse discrimination” and lack of racial equity lens for the ZC Case No. 16-11 comments from Mr. Jordan:**

In ZC Case No. 16-11, upon review of the video and transcripts (which are both readily available on OZ’s website) from the October 2020 hearing and the November 2020 meeting, at no time during either session did Chairman Hood say that he believed there was reverse discrimination involved in this project. In fact, Chairman Hood emphasized that racial equity improvements to the project would not only help people along racial lines, but also those who are otherwise disadvantaged.

Further Mr. Jordan stated that no racial equity lens/tools were used in the approval of the project, however, as Chairman Hood stated in his response at the oversight hearing, the ZC used the Park Morton Resident Council Plan that was developed by Shonta High when reevaluating the project.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Sara A. Bardin  
Director