

GOVERNMENT OF THE DISTRICT OF COLUMBIA



OFFICE OF ZONING

February 21, 2023

Via E-Mail

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

Dear Chairman Mendelson:

In response to the Committee of the Whole's Performance Oversight preliminary questions dated February 1, 2023, 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, 2023. 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, 2023 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 2022, 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.*

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

(b) For fiscal year 2023, 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.

2023			
Last	Title	Salary	Overtime/Bonus Pay
Abung	IT Specialist	\$ 129,671.00	N/A
Bardin	Director	\$ 194,431.60	N/A
Lovick	Supervisory Attorney Advisor	\$ 166,649.00	N/A
Moy	Supervisory Zoning Specialist	\$ 172,230.07	N/A
Nagelhout	Supervisory Attorney Advisor	\$ 193,382.00	N/A
Ritting	Attorney Advisor	\$ 158,849.00	N/A
Rose	Zoning Specialist	\$ 129,671.00	N/A
Schellin	Supervisory Zoning Specialist	\$ 147,794.36	N/A

5. Please list, in descending order, the top 15 overtime earners in your agency for fiscal year 2022. 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 2022 and 2023 (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.

NAME	Amount	Description
Nagelhout	\$ 3,553	FY21 OAG Union Bonus
Ritting	\$ 2,840	FY21 OAG Union Bonus
Abung	\$ 4,428	District-wide Union Bonus

Andrews	\$	3,353	District-wide Union Bonus
Cochran	\$	2,720	District-wide Union Bonus
Frazier	\$	2,384	District-wide Union Bonus
Givens	\$	2,001	District-wide Union Bonus
Hamala	\$	2,982	District-wide Union Bonus
Mehlert	\$	3,546	District-wide Union Bonus
Reid	\$	3,168	District-wide Union Bonus
Rose	\$	4,428	District-wide Union Bonus
Sakinejad	\$	3,168	District-wide Union Bonus
Waiters	\$	2,798	District-wide Union Bonus
Young	\$	2,720	District-wide Union Bonus
Bajaj	\$	4,094	District-wide Non-Union Bonus
Bardin	\$	6,639	District-wide Non-Union Bonus
Hill	\$	3,891	District-wide Non-Union Bonus
Lovick	\$	5,346	District-wide Non-Union Bonus
Moy	\$	5,881	District-wide Non-Union Bonus
Nagelhout	\$	6,603	District-wide Non-Union Bonus
Ritting	\$	5,278	District-wide Non-Union Bonus
Schellin	\$	5,047	District-wide Non-Union Bonus

7. *For fiscal year 2022 and 2023 (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 2022 or 2023.

8. *For fiscal years 2021, 2022, and 2023 (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 2021, 2022, or 2023.

9. *Please provide the name of each employee who was or is on administrative leave in fiscal years 2022 and 2023 (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 2022 or 2023.

10. *For fiscal years 2022 and 2023 (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 2022		Intra-Districts - BJO as the Buyer		
Seller Agency	Date	Amount	Description	
Office of Contracting and Procurement	10/1/2021	\$25,000	PCARD	
FY 2022		Intra-Districts - BJO as the Seller		
Funding Agency	Date	Amount	Description	
Office of Planning (BD0)	10/1/2021	\$6,685	Provide audio/visual support for Historic Preservation Review Board (HPRB) Hearings	
FY 2023		Intra-Districts - BJO as the Buyer		
Seller Agency	Date	Amount	Description	
Office of Contracting and Procurement	10/1/2022	\$25,000	PCARD	
DSLBD	10/1/2022	\$296	License	
FY 2023		Intra-Districts - BJO as the Seller		
Funding Agency	Date	Amount	Description	
Office of Planning (BD0)	10/1/2022	\$6,487.00	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 2022 and 2023 (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 2022 Original Budget			
Reason	Amount	From	To
None			
FY 2022 Revised Budget			

Reprogrammings Into/Out of the Agency			
FY 2023 Original Budget			
Reason	Amount	From	To
None			
FY 2023 Revised Budget			

12. Please list, in chronological order, every reprogramming within your agency during fiscal year 2023 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 2023.

13. For fiscal years 2022 and 2023 (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 2021, 2022, and the first quarter of 2023. In addition, please explain the variances between fiscal year appropriations and actual expenditures for fiscal years 2021 and 2022.

Object		FY21		FY22		FY23	
Class	Description	Approved Budget	Revised Budget	Approved Budget	Revised Budget	Approved Budget	Revised Budget
Personal Services:							
11	Salaries – Cont. Full-Time	\$2,169,586	\$2,149,586	\$2,654,133	\$2,654,133	\$2,783,882	\$2,783,882
12	Salaries - Term	\$81,070	\$0	\$92,554	\$92,554	\$0	\$0
13	Additional Gross Pay	\$0	\$0	\$0	\$0	\$0	\$0
14	Fringe Benefits	\$457,074	\$484,676	\$587,435	\$587,435	\$584,615	\$584,615
15	Overtime	\$0	\$0	\$0	\$0	\$0	\$0
	Total Personnel Services	\$2,707,730	\$2,687,730	\$3,334,121	\$3,334,121	\$3,368,497	\$3,368,497
Non-Personal Services:							
20	Supplies	\$19,600	\$16,991	\$19,600	\$19,600	\$19,600	\$19,600
31	Telecommunications	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100
40	Other Services	\$157,007	\$107,360	\$157,007	\$157,007	\$377,007	\$377,007
41	Contractual Services	\$322,482	\$248,785	\$322,482	\$322,482	\$322,482	\$322,482
70	Equipment	\$23,750	\$7,510	\$23,750	\$23,750	\$53,750	\$53,750
	Total Non-Personnel Services	\$523,940	\$381,746	\$523,940	\$523,940	\$773,940	\$773,940
40	Intra-District Fund - 0700	\$24,000	\$24,000	\$24,000	\$24,000		
	Total Budget	\$3,334,989	\$3,144,728	\$3,882,061	\$3,882,061	\$4,142,436	\$ 4,142,436

NOTES:

	The difference in budget reflects budget reductions due to the COVID Pandemic.
	The difference in budget reflects the addition of 6 attorney positions.
	The difference in budget reflects funds to buildout OZ space to accommodate the new attorneys.

Object		FY21			FY22		
Class	Description	Revised Budget	Obligations	Available Budget	Revised Budget	Obligations	Available Budget
Personal Services:							
11	Salaries - Cont. Full-Time	\$2,149,586	\$2,092,575	\$57,011	\$2,654,133	\$2,732,759	\$(78,626)
12	Salaries - Term	\$81,070	\$82,406	\$(1,336)	\$92,554	\$26,687	\$65,867
13	Additional Gross Pay	\$0	\$43,936	\$(43,936)	\$0	\$139,519	\$(98,519)
14	Fringe Benefits	\$457,074	\$448,936	\$8,138	\$587,435	\$512,069	\$75,365
15	Overtime	\$0	\$0	\$0	\$0	\$0	\$0
	Total Personnel Services	\$2,687,730	\$2,667,854	\$19,876	\$3,334,121	\$3,411,034	\$(35,912)
Non-Personal Services:							
20	Supplies	\$14,600	\$12,661	\$1,939	\$19,600	\$19,430	\$170
31	Telecommunications	\$1,100	\$342	\$758	\$1,100	\$0	\$1,100
40	Other Services	\$142,007	\$133,831	\$8,176	\$157,007	\$136,193	\$20,814
41	Contractual Services	\$244,575	\$216,644	\$27,932	\$322,482	\$307,923	\$14,560
70	Equipment	\$23,750	\$23,013	\$737	\$23,750	\$16,502	\$7,248
	Total Non-Personnel Services	\$426,033	\$386,491	\$39,542	\$523,940	\$3,891,082	\$7,979
40	Intra-District Fund - 0700	\$5,525	\$5,525	\$0	\$24,000	\$6,685	\$0
	Total Budget	\$3,119,287	\$3,059,870	\$59,418	3,882,061	\$3,897,766	\$7,979

NOTES:

15. Please list all memoranda of understanding (MOU) either entered into by your agency or in effect during fiscal years 2022 and 2023 (as of January 31). For each, describe its purpose, indicate the date entered, and provide the actual or anticipated termination date.

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
2023			
Agency	Service	Date Entered	Date Terminated
Office of Planning	Provide audio/visual support for Historic Preservation Review Board (HPRB) Hearings.	10/01/2022	09/30/2023
DSLBD	To provide funding for Salesforce licenses for access to DSLBD's District Enterprise System ("DES").	10/01/2022	09/30/2023

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 2021, 2022 and 2023.

OZ had one budget enhancement request for FY2022 (three additional FTEs to the legal services for the ZC and BZA) and one for FY 2023 (buildout of office space for the legal services division). (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	\$192,390	\$1,355,266	\$202,138	\$12,643

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 2022 or 2023 (as of January 31, 2023).*

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 2021, 2022, and 2023 (as of January 31). Give a brief description of each grievance, and the outcome as of January 31, 2023. 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 fiscal years 2021, 2022, and 2023.

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.

(c) List chronologically and describe each allegation of sexual harassment and misconduct received by the agency in FY 2022 and FY 2023 (as of January 31) and the resolution of each as of the date of your answer.

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 Legal 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 Legal 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 2022 and FY 2023, to date, and the resolution of each as of the date of your answer.

OZ received no complaints in FY 2022 and FY 2023.

22. *In table format, please list the following for fiscal years 2022 and 2023 (as of January 31, 2023) 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		
2022	Zelalem Hill	Special Assistant	\$2,500.00 for services Goods	\$5,000.00 for	\$20,000.00	\$43,699.41
2023	Zelalem Hill	Special Assistant	\$2,500.00 for services Goods	\$5,000.00 for	\$20,000.00	\$21,634.69

23. *Please provide a list of all procurements for goods or services for use by your agency over \$25,000 for fiscal years 2022 and 2023 (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 2022 Procurements Over \$25,000		
Description	Vendor	Amount Obligated in 2022
Court Reporting Services	Neal Gross	\$57,000.00
IZIS Development Project and Website Support	OST, INC.	\$304,696.55
Zoning Map Support, Maintenance and Enhancements	Blue Raster, LLC	\$94,600

FY 2023 Procurements Over \$25,000		
Description	Vendor	Amount Obligated in 2023
IZIS Development Project and Website Support	OST, Inc.	\$305,989.98
Zoning Map Support, Maintenance and Enhancements	Blue Raster	\$80,000.00
Court Reporting Services – BZA/ZC	Hunt Reporting	\$75,000.00
Suite Renovation	TBD	\$199,700.00

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 2022 and 2023 (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.

2023			
Phone Holder	Title	Annual Expense	Justification
Robert Reid	Zoning Specialist	515.88	Teleworking
Ella Ackerman	Zoning Specialist	171.96	
Mercedes Frazier	Contact Rep	515.88	
Ryan Nicholas	Attorney Advisor	515.88	
Hillary Lovick	Lead Attorney Advisor	515.88	
Mary Nagelhout	Lead Attorney Advisor	515.88	

Cometria Cooper	Attorney Advisor	515.88	Requirement to be available on a 24/7 basis for the purpose of maintaining the IT network.
Sarah Bajaj	Attorney Advisor	515.88	
Dennis Liu	Attorney Advisor	515.88	
Carissa Demare	Attorney Advisor	61.05	
Ndifon Abung	IT Specialist	515.88	
Michael Sakinejad	GIS Program Manager	515.88	
2022			
Phone Holder	Title	Annual Expense	Justification
Robert Reid	Zoning Specialist	\$540	Teleworking
Mercedes Frazier	Contact Representative	\$540	
Ryan Nicholas	Attorney Advisor	\$540	
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	
Ndifon Abung	IT Specialist	\$540	
Michael Sakinejad	GIS Program Manager	\$540	Requirement to be available on a 24/7 basis for the purpose of maintaining the IT network.

25. (a) Does your agency have or use one or more government vehicle? If so, for fiscal years 2022 and 2023 (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 2021, 2022, and 2023 (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 2022 and FY 2023 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 2022 and 2023 (as of January 31) regarding your agency's authorization of employee travel: (1) each trip outside the region on official business or at agency expense; (2) individuals (by name and title/position) who 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, 2023, 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		1		0
Name	Title	Length of Term	Date Started	Date Term Expires
Ella Ackerman	Zoning Specialist	13 months	06/21/2022	07/20/2023

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 2023 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 2023 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 2022? 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 2021, 2022, and 2023 (as of January 31) related to FOIA.

As shown in the FY22 data, of the 149 requests received, 35% (52 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 OZ seeking information regarding building permits, certificates of occupancy, zoning compliance actions, or environmental hazards, for which OZ keeps no relevant records. These requests are referred to the appropriate agency, which is most often the Department of Buildings or to the Department of Energy and Environment.

In addition, much of the zoning information sought by FOIA requests in FY 2022 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." 54% (81 requests) of the FOIA requests fell in this category.

OZ responded to all but 2 requests for FY 2022 within the statutory 15-day period. The two other requests were responded to within 25 days, so OCTO would have sufficient time to conduct an email search. (see **Attachment D**)

Fiscal Year	Amount
FY 2021	\$1,921.44
FY 2022	\$4,923.23
FY 2023	-

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 2021, 2022 and 2023 (as of January 31).

Fiscal Year	Adjusted Expendable Budget	Amount Spent with SBEs	Percentage Spent with SBEs	CBE Spending Goal Per opportunities Guide
FY 2021	\$62,614	\$71,785	114.65%	\$141,581
FY 2022	\$97,998	\$116,349	118.73%	\$97,997
FY 2023	\$87,736	0.00	0%	\$197,736

Fiscal Year	Amount Spent with CBEs	Percentage Spent with CBEs	Number of CBE Waivers Submitted	Waiver Dollar Amount	Efforts to reduce Waivers
FY 2021	\$71,785	115%	1	\$147,848	Whenever possible, OZ made every effort to spend all expendable dollars with CSBEs before contracting with non-CSBE entities.
FY 2022	\$116,349	119%	N/A	N/A	
FY 2023	\$87,736	Not Available	1	\$197,736	

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) 2021, 2022, and 2023 (through the first quarter).

Measure	FY2021 Actual	FY2022 Actual	FY2023 1st Qtr
Percent of updates to the official Zoning Map completed within 5 of days of the issuance of a zoning order	100%	97.4%	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	92%	100%	100%
Percent of BZA hearings scheduled within 3 months of application acceptance (excluding recess month)	23%	50%	5%
Percent of BZA summary orders issued within 10 business days	98%	98%	100%

Percentage of website inquiries responded to within 24 hours	93%	100%	80%
Percentage of the Zoning Commission order backlog cleared	-	84.1%	-
Percentage of the Board of Zoning Adjustment order backlog cleared	-	18.6%	-
Percentage of Zoning Commission orders issued within 4 months of decision.	N/A	N/A	100%
Percentage of Board of Zoning Adjustment full orders issued within 5 months of decision.	N/A	N/A	0%

(b) What KPIs have been dropped (or changed) since 2021? List each specifically and explain why it was dropped or changed.

The only KPIs that have changed are those that measure the success of the legal divisions work. The Zoning Commission cleared its backlog in the first year, so the corresponding measure was eliminated. OZ had a hard time making the calculation of clearing the BZA backlog represent the work that was actually being achieved, so it shifted the KPI to a strategic initiative. In FY 2023, OZ added two new KPIs that represent future goals for the office:

- Percentage of Zoning Commission orders issued within 4 months of decision.
- Percentage of Board of Zoning Adjustment full orders issued within 5 months of decision.

OZ understands that as it works towards clearing the backlog, the percentages on the BZA side will be low, but it will eventually show the progress made as we make the process timely and predictable.

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 2022 and 2023.*

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. Racial Equity

OZ has made it a priority this year to advance racial equity initiatives, particularly with respect to Zoning Commission decisions. The recent updates to the Comprehensive Plan (the “Comp Plan”) required the Commission to evaluate all zoning actions through a racial equity lens. In order to comply with these Comp Plan requirements more formally, the Commission released its initial racial equity analysis tool on April 28, 2022. While the Commission found the initial tool’s guidance regarding requirements of racial equity submissions and racial equity themes and outcomes to consider in evaluating zoning actions helpful, it acknowledged the limitations of the information being considered and the need for more data to be considered in the evaluation process. For this reason, the Commission held a public roundtable on September 22, 2022 to seek community input and ideas about ways the Commission could refine the initial tool. The Commission then instructed OZ staff to subsequently meet with DC government agencies and external stakeholders with knowledge and expertise on racial equity issues to revise and refine the initial tool. After a few months of collaboration and several iterations, the revised tool was released on February 3, 2023. The main revisions include a new community outreach and engagement component, a new disaggregated race and ethnicity data component requiring centralized data sources, and additional evaluation themes and outcomes to consider. The Commission expects the revised tool to improve its efforts in advancing racial equity initiatives and expects the tool to continue to be refined over time.

3. ZC and BZA Order Writing

The transfer of the responsibility for legal services for the ZC and BZA to OZ is a responsibility that the office takes seriously. We assembled a team that has made it their goal not only to serve the ZC and BZA to the best of their ability, but to clean up the BZA and ZC order backlog that we inherited. Even though there was a learning curve, they all hit the ground running and have been providing excellent service to the ZC and BZA and have been producing orders. In FY2021, only 21 BZA full orders were issued. In FY2022, 71% more orders were issued, including some orders that had aged up to 3½ years. On the ZC side, the backlog was cleared, including orders for cases than had been decided over a year before. As we continue to work on aging orders, we will also make strides to issue newly decided cases within established timeframes to ensure predictability.

4. Technology - Interactive Zoning Information System/Zoning Map

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. OZ is also 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.

5. 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.

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

Sincerely,



Sara A. Bardin
Director

Enclosure: Attachment A – Organizational Chart
Attachment B – Schedule A
Attachment C – FY 2022 Enhancement Request
Attachment D – FY 2022 FOIA Report
Attachment E – FY 2023 OZ Performance Plan

FTEs – 24
 Filled – 24
 Vacant – 0
 (as of January 31, 2023)

ATTACHMENT A



Office of Zoning

Attachment B

Schedule A

(as of January 31, 2023)

Position Number	Title	Salary	Fringe 20.1%	Program
00039850	Information Technology Spec	\$129,671.00	\$26,063.87	100071
00106950	Zoning Specialist	\$87,339.00	\$17,555.14	300009
00104354	Zoning Specialist	\$98,188.00	\$19,735.79	300009
00104989	Attorney Advisor	\$123,522.00	\$24,827.92	300009
00075244	Director, Office of Zoning	\$194,431.60	\$39,080.75	150003
00092114	Program Support Specialist	\$79,665.00	\$16,012.67	100071
00108884	Attorney Advisor	\$116,259.00	\$23,368.06	150011
00109606	Attorney Advisor	\$108,996.00	\$21,908.20	150011
00105166	Staff Assistant	\$77,397.00	\$15,556.80	300009
00104726	Staff Assistant	\$60,463.00	\$12,153.06	300008
00104355	Zoning Specialist	\$90,051.00	\$18,100.25	300009
00085121	Special Assistant	\$113,950.00	\$22,903.95	150003
00105134	Attorney Advisor	\$123,522.00	\$24,827.92	300009
00104588	Attorney Advisor	\$166,649.00	\$33,496.45	300009
00104413	Zoning Specialist	\$107,084.00	\$21,523.88	300009
00002798	SUPV ZONING SPEC	\$172,230.07	\$34,618.24	300009
00104386	Attorney Advisor	\$193,382.00	\$38,869.78	300009
00103259	Attorney Advisor	\$116,259.00	\$23,368.06	300009
00097275	Zoning Specialist	\$98,188.00	\$19,735.79	300009
00104384	Attorney Advisor	\$158,849.00	\$31,928.65	300009
00036011	ZONING SPEC	\$129,671.00	\$26,063.87	300009
00099480	Data Coordinator (Zoning)	\$98,188.00	\$19,735.79	300009
00085124	SUPV ZONING SPEC	\$147,794.36	\$29,706.67	300009
00092113	Audiovisual Production Spec	\$79,665.00	\$16,012.67	100071
		\$2,871,414.03	\$577,154.22	

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 4th 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. 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.

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

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.*

Form 2: Operating Budget Enhancement Requests

FY 2023 Agency Budget Submission

Complete a separate Form 2 for each enhancement request in your submission.

SECTION I. OVERVIEW Required for ALL requests

ENHANCEMENT TITLE* **OZ Facility Renovation and Upgrades**

ENHANCEMENT PRIORITY* **1** OUT OF **1**

AGENCY* **Office of Zoning**

AGENCY CODE* **BJ0**

AGENCY POINT OF CONTACT* **Sara Bardin**

POINT OF CONTACT EMAIL* **sara.bardin@dc.gov**

REQUEST TYPE*
 Mark the one request type that best describes this enhancement. No type is preferred over any other, but the questions in Section II: Rationale differ by type.

A. Restore previous budget reduction/one-time funding

B. Increased cost to maintain existing program/activity

C. Operational improvement with strong business case

D. Expand high-performing existing program/activity

E. Completely new program/activity with highly likely or proven positive outcomes for District residents

For these request types, complete Sections I-III only

For these request types, complete Sections I through V

FUNDING REQUEST*
 Enter amount of Local Funds requested and indicate whether funds are one-time or recurring.

FY 2023 PERSONAL SERVICES (PS)	FY 2023 NON-PERSONAL SERVICES (NPS)	FY 2023 TOTAL REQUEST AMOUNT
\$0	\$250,000	\$250,000

ONE-TIME PARTIALLY RECURRING RECURRING

FUTURE COSTS*
 If recurring, enter estimated costs over the life of the Financial Plan.

TOTAL FY 2024	TOTAL FY 2025	TOTAL FY 2026
\$0	\$0	\$0

ENHANCEMENT SUMMARY*
 In 1-3 sentences, tell us what this enhancement is.

OZ's office space has not been renovated since 2005. The suite walls need to be patched and painted; carpet needs to be replaced in public areas, conference rooms, and some offices; old modular systems need to be replaced; the cracking and peeling floor tiles in the in some spaces need to be changed; broken and stained ceiling tiles require replacement; technological upgrades to the hearing room to allow for hybrid public hearings, etc. OZ also intends on building five office spaces within suite to accommodate the new attorneys.

ENHANCEMENT IMPACT*
 In 1-3 sentences, tell us what the expected positive impact is on District residents or government operations.

This project will be successful when OZ has fixed the health hazards and unsightly issues in the suite that has not been renovated since 2005. It also believes housing the six attorneys within its suite will allow for better coordination within the office and more efficient operations.

AGENCIES: Please use Form 2 to provide additional details about enhancement requests in your FY 2023 budget submission. This information is an important part of the decision-making process. Well thought-out and reasoned requests are much more likely to receive favorable consideration.

NEW IN FY 2023: RACIAL EQUITY BUDGET TOOL

The Office of Racial Equity (ORE) has developed the Racial Equity Budget Tool (REBT) to guide agencies toward assessing how their budgets benefit and/or negatively impact communities based on race, specifically Black, Indigenous, and People of Color (BIPOC) communities. Please use Section III of this form to share your agency's work in considering racial equity in developing budget enhancements requests. Discussion of racial equity considerations may be shared in other sections of the form as well.

REQUIRED SECTIONS

- Sections I-III are required for ALL requests.
- Sections I-V are required for Type D and Type E requests.

Please remember to submit the Form 2 Summary spreadsheet along with the separate Form 2s for each enhancement.

Does this enhancement specifically seek to mitigate racial equity gaps in the District?*

Regardless of yes/no, please complete Section III to share more information about this enhancement's impact on racial equity.

YES NO

SECTION I. OVERVIEW (continued) *Required for ALL requests*

SPENDING & STAFFING PLAN*

List below, or in an attached spreadsheet, what the requested funds would purchase (e.g., personnel, equipment, contracts). For each proposed FTE, list the grade and position type or title. ***Double-click the table to open the embedded Excel file.***

Item	Description	FTEs	PS	NPS	Total
	OZ Facility Renovation and Upgrades	0.0	\$0	\$250,000	\$250,000
	TOTAL	0.0	\$0	\$250,000	\$250,000

SECTION II. RATIONALE *Required for ALL requests*

Responses below may include discussion of racial equity issues addressed by this enhancement request. Use Section III to expand on these ideas and share more about the racial equity work that has informed this request.

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

This enhancement aims to address facilities issues within the Office of Zoning and to provide office space for the six new OZ attorneys. In addition, OZ wishes to facilitate the public hearing process by allowing for hybrid attendance by upgrading the technological systems.

What are the reasons why this problem exists?*

- The suite has not been renovated since 2005.
- OZ currently lacks the space to house the six new attorneys.
- OZ would like to provide hybrid hearing options for the public going forward.

How does this enhancement address this problem and its underlying causes?*

- The enhancement would repair the unsightly issues and health hazards within the suite.
- OZ was awarded funding to move the legal division within OZ. Unfortunately, the current floor plan does not have adequate office space for the attorneys. DGS has been searching for alternate space, but has been unsuccessful thus far. OZ believes it can accommodate the six FTE with a renovation to its suite.
- Due to COVID Zoning Commission and Board of Zoning Adjustment hearings went virtual. As things return to normal, OZ would like to continue to allow citizens to virtually attend hearings once in-person hearings resume. OZ would install technology that allows for a seamless hearing process whether in-person or virtual. This enhancement would allow the public greater access to hearings before the ZC and BZA without sacrificing time and resources.

Will legislative support be required?*

YES NO

If yes, please submit a proposed BSA subtitle using Attachment D.

QUESTIONS SPECIFIC TO ENHANCEMENT TYPE*

Mark the appropriate enhancement type and use the space below the table to answer the questions for that enhancement type.

IF YOUR ENHANCEMENT TYPE IS...	THEN ANSWER THESE QUESTIONS...
<input type="checkbox"/> A. Restore previous budget reduction/one-time funding	Why is the restoration of this reduction critical for the District at this time? What negative impact will result if this reduction is not restored?
<input type="checkbox"/> B. Increased cost to <u>maintain</u> existing program/activity	Why are costs increasing to maintain existing levels of service? What are the main cost drivers and what options has the agency already implemented or considered implementing to lower these costs?
<input type="checkbox"/> C. Operational improvement with a strong business case	How will this enhancement help the District save money in this or future fiscal years? How much will it save?
<input type="checkbox"/> D. Expand high-performing existing program/activity	Why is this program or activity considered to be high performing? How do the outputs or outcomes compare to those of similar programs within or outside of District government?

SECTION III. BUDGETING FOR RACIAL EQUITY

Required for ALL requests

E. Completely new program or initiative with highly likely or proven positive outcomes for District residents

What will be the District’s return on this investment, as measured by how many and/or which District residents are served, and/or relative social benefit?

Responses to Questions*

The return on the investment is the maintenance of District-owned facilities and the ability to house the legal division within the Office of Zoning suite rather than in another building. This enhancement would allow the public greater access to hearings before the ZC and BZA without sacrificing time and resources.

How does this budget enhancement align with the goal of advancing racial equity in the District?*

N/A

Please indicate the racial, ethnic, and/or economic inequities experienced by District residents that could be addressed via specific portions of this enhancement request.*

Please cite the data or data source(s) that support this determination.

N/A

Did your agency conduct a racial equity impact assessment of this proposed enhancement?*

YES NO

If yes, please describe below. If not, please explain why not.

N/A

Did your agency utilize race and ethnicity data to inform this enhancement request?*

YES NO

If yes, please describe below. If not, please explain the origin of this enhancement.

N/A

What additional disaggregated demographic data will your agency collect, track, design, implement, and/or evaluate to assess equity impacts in the community moving forward and inform future budget decisions?*

N/A

Is this enhancement in direct response to community engagement or requests?*

YES NO

If yes, please describe below. If not, please explain the origin of this enhancement.

N/A

STOP HERE for enhancement types **A, B, or C.**
CONTINUE to Section IV for enhancement types **D or E.**

SECTION IV. EVALUATION & PERFORMANCE *Required for Type D and E requests*

Required for all enhancement requests to expand existing programs or activities or launch completely new programs or activities. Incomplete submissions will be returned.

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 or in other cities. If possible, include formal evaluation studies and lessons learned from both successes and failures in any similar attempts. Provide links to cite your sources.

OZ suite has not been renovated since 2005. The last renovation was successful and lasted almost 20 years.

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. Indicate below how you will ensure your agency implements 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.

Director Sara Bardin managed the last renovation in 2005 and will oversee this renovation as well.

If the enhancement is granted, is your agency willing to evaluate whether the enhancement achieves the desired outcome?* This could involve piloting the enhancement. The Lab @ DC is able to provide guidance on how to do this

- YES** **NO**

List any agency key performance indicators (KPIs) impacted by this enhancement.*

List KPIs from most significant to least. If you are proposing a new KPI, write "NEW" in the columns for FY 2020-FY 2022.

KEY PERFORMANCE INDICATOR (KPI)	WHICH DIRECTION IS DESIRED?	FY 2020 ACTUAL	FY 2021 ACTUAL	FY 2022 TARGET
N/A				

EVALUATING ENHANCEMENTS

As part of the budget formulation process, OBPM will categorize the research evidence you cite 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.

THE LAB@DC TEAM IS HERE TO HELP!

Have questions about the evidence? Email thelab@dc.gov (and CC your budget analyst). The Lab can pre-review evidence, brainstorm future evaluation ideas, offer suggestions on where to look for evidence, and help you think through the evidence you've found.

SECTION V. PROJECT PLAN *Required for Type D and E requests*

Required for all enhancement requests to expand existing programs or activities or launch completely new programs or activities. Incomplete submissions will be returned.

Complete this draft project plan to show how the agency will deliver the intended results before the end of the fiscal year. This will also help OBPM determine when full funding will be required for implementation. Complete as best you can, knowing the plan might evolve.

PROJECT OWNER*

Who is the single person who will be most responsible for this initiative? If the project owner must be hired, specify who will own the project until that time.

NAME **Sara Bardin**
 TITLE **Director**
 EMAIL **sara.bardin@dc.gov**
 PHONE **202.727.5372**

BUSINESS PARTNER COORDINATION*

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

The Department of General Services (DGS) will spearhead the project. OZ has spoken with them and has a meeting and walk through scheduled for November 8, 2021.

PROJECT TIMELINE*

Describe below anticipated implementation milestones by month to show how the agency will deliver the intended results.

PREPARATION FOR PROJECT LAUNCH (before start of fiscal year)	
JUNE 2022	Begin planning and designing with DGS.
JULY	
AUG	
SEPT	
FISCAL YEAR STARTS, FUNDS DISBURSED	
OCT 2022	Construction and renovation start date
NOV	
DEC	
JAN 2023	
FEB	Construction and renovation completion date
MARCH	
APRIL	
MAY	
JUNE	
JULY	
AUG	
SEPT	

Agency Name

DC OFFICE OF ZONING

**Annual Freedom of Information Act Report for Fiscal Year 2022
October 1, 2021 through September 30, 2022**

FOIA Officer Reporting Tracey Rose

PROCESSING OF FOIA REQUESTS

- 1. Number of FOIA requests received during reporting period149
- 2. Number of FOIA requests pending on October 1, 2021.....4
- 3. Number of FOIA requests pending on September 30, 2022.....0
- 4. The average number of days unfilled requests have been pending before each public body as of September 30, 2022.....0

DISPOSITION OF FOIA REQUESTS

- 5. Number of requests granted, in whole.....18
- 6. Number of requests granted, in part, denied, in part.....1
- 7. Number of requests denied, in whole.....0
- 8. Number of requests withdrawn.....1
- 9. Number of requests referred or forwarded to other public bodies.....52
- 10. Other disposition81

NUMBER OF REQUESTS THAT RELIED UPON EACH FOIA EXEMPTION

- 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)1
- 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

TIME-FRAMES FOR PROCESSING FOIA REQUESTS

23. Number of FOIA requests processed within 15 days.....	151
24. Number of FOIA requests processed between 16 and 25 days.....	2
25. Number of FOIA requests processed in 26 days or more.....	0
26. Median number of days to process FOIA Requests.....	9

RESOURCES ALLOCATED TO PROCESSING FOIA REQUESTS

27. Number of staff hours devoted to processing FOIA requests.....	74 hrs/10 min
28. Total dollar amount expended by public body for processing FOIA requests.....	\$4,923.23

FEES FOR PROCESSING FOIA REQUESTS

29. Total amount of fees collected by public body.....	0
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PROSECUTIONS PURSUANT TO SECTION 207(d) OF THE D.C. FOIA

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
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QUALITATIVE DESCRIPTION OR SUMMARY STATEMENT

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].”

Virtually all requests received responses from DCOZ within the 15-day period. Only two cases took longer because they requested email information needed from OCTO. DCOZ had no responsive documents for many of the requests (Other Disposition). Again, in FY 2022, many requests contained multiple inquiries and sought information in the purview of other agencies, particularly DCRA (now Department of Buildings (DOB)).

Office of Zoning FY2023

Agency Office of Zoning

Agency Code BJO

Fiscal Year 2023

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 2020 Actual	FY 2021 Actual	FY 2022 Target	FY2022 Actual	FY 2023 Target
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 Measure records)						
Percent of updates to the official zoning map completed within 5 of days of the issuance of a zoning order	Up is Better	91.1%	100%	98%	97.4%	98%
Percent of webstreamed video of Zoning Commission and Board of Zoning Adjustment hearings and meetings that are posted to OZ's website within 48 hours of recording	Up is Better	100%	100%	98%	100%	98%
2 - Streamline zoning regulations to enhance efficiency and transparency of zoning processes. (3 Measure records)						
Percent of zoning certifications completed within 5 business days	Up is Better	84.2%	92%	98%	100%	98%
Percent of Board of Zoning Adjustment hearings scheduled within 3 months of application acceptance (excluding recess month)	Up is Better	58.7%	23.5%	98%	50%	98%
Percent of Board of Zoning Adjustment summary orders issued within 10 business days	Up is Better	100%	98.3%	98%	100%	98%
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)						
Percent of website inquiries responded to within 24 hours	Up is Better	95.2%	93.1%	98%	96.9%	98%
4 - Create and maintain a highly efficient, transparent, and responsive District government. (2 Measure records)						
Percentage of Zoning Commission orders issued within 4 months of decision.	Up is Better	New in 2023	New in 2023	New in 2023	New in 2023	New in 2023
Percentage of Board of Zoning Adjustment full orders issued within 5 months of decision.	Up is Better	New in 2023	New in 2023	New in 2023	New in 2023	New in 2023

Operations

Operations Title	Operations Description	Type of Operations
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 Activity records)		

Operations Title	Operations Description	Type of Operations
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
2 - Streamline zoning regulations to enhance efficiency and transparency of zoning processes. (2 Activity records)		
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
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 Activity records)		
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 2020 Actual	FY 2021 Actual	FY2022 Actual
1 - The Official Zoning Map (1 Measure)			
Number of unique Zoning Map hits	139,528	120,131	118,975
2 - Effectively process ZC and BZA applications and petitions. (7 Measure records)			
Number of Appeals to the DC Court of Appeals (by Calendar Year)	6	7	2
Number of Zoning Commission hearings and meetings	51	69	61
Number of Zoning Commission cases filed	64	68	76
Number of Zoning Commission orders issued	68	58	84
Number of Board of Zoning Adjustment hearings and meetings	36	40	44
Number of Board of Zoning Adjustment cases filed	207	242	241
Number of Board of Zoning Adjustment orders issued	171	192	267
2 - Zoning Regulations of 2016 (1 Measure)			
Number of errata and text amendments processed	13	19	3
3 - Conduct expansive outreach and provide educational programs (1 Measure)			
Number of outreach meetings held	4	8	13
3 - Website development to serve the public with zoning information (1 Measure)			
Number of unique website hits	576,518	439,899	454,726

Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Proposed Completion Date

Strategic Initiative Title	Strategic Initiative Description	Proposed Completion Date
Effectively process ZC and BZA applications and petitions. (2 Strategic Initiative records)		
Clearing the BZA Order Backlog	In FY23, OZ will work towards clearing the BZA full order backlog, so that applicants/appellants can expect a level of predictability in the issuance of orders.	09-30-2023
Racial Equity Comp Pan Analysis	In FY23 OZ will work with the Mayor's Office of Racial Equity (MORE), Council's Office of Racial Equity (CORE), and the general public to provide fine tune the Zoning Commission's Racial Equity Tool to ensure that cases are analyzed through a racial equity lens.	09-30-2023
Website development to serve the public with zoning information (1 Strategic Initiative)		
Upgrades to IZIS and OZ's Website	In FY2023, OZ will upgrade IZIS and its website to conform with the DC.GOV websites so that the public can access information in a more intuitive environment.	09-30-2023