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Testimony on B19-582, the Comprehensive Boards and Commissions Review Amendment Act of 2011

Hearing by the DC Council Committee on Operations

By Loretta Neumann

Thursday, February 9, 2012, 1 PM

Madam Chair, thank you for the opportunity to testify today on this legislation. My name is Loretta Neumann. I live in DC and am a trustee of the Committee of 100 on the Federal City, a nonprofit organization dedicated to safeguarding and advancing Washington's historic distinction, natural beauty and overall livability.

The Committee of 100 has often interacted with various boards and commissions in DC, of which there are about 150. We have some generally applicable observations, but given our mission as a citizens planning organization, we will limit our specific comments to the three commissions with which we are most involved – the DC Historic Preservation Review Board (HPRB), Zoning Commission (ZC), and Board of Zoning Adjustment (BZA). And we will offer a few additional suggestions.

Overview of Bill

As written, the bill would require the Mayor, within 90 days of enactment, to promulgate rules establishing criteria for evaluating each board and commission to determine whether it is carrying out its purpose and whether it should be revised, merged with another board or commission or abolished. The Mayor would then make recommendations to the agency head and the DC Council on actions to be taken. Thereafter, the Mayor would conduct a similar review every 2 years and, beginning February 1, 2012, prepare a report to the DC Council every other year with specified information on each board.

Implementation

We support the intent of the bill, which we feel could do much to improve the visibility and effectiveness of many DC boards and commissions. We do, however, have several concerns about its implementation.

Timetable: Clearly the time table in the bill needs to be adjusted. The date for completion of the first review should be February 1, 2014, not 2012.

Staffing: We question whether the current, tiny staff of the Office of Boards and Commissions would be capable of carrying out the full responsibilities of this bill. As noted, there are about 150 boards and commissions in DC. Additional staff and resources would be needed not only for OBC but also for the boards and commissions themselves, which would need to provide a substantial amount of the required information. Also, a public outreach effort would be needed to assure that affected individuals, organizations and ANCs have an opportunity to provide input into the reviews and recommendations that are made.

Statutorily Created Boards & Commissions: A potential problem is that the bill lumps together all boards and commissions, regardless of their need and statutory framework. In the case of the HPRB, ZC and BZA, they perform essential and unique functions, and all were established pursuant to federal as well as local law. And while we may at times have concerns about member appointments and some of their decisions, the need for their existence is unquestionable.

Here are some examples:

- **Historic Preservation Review Board:** Established by the DC Historic Preservation Act, HPRB is the official body of advisors appointed by the Mayor to guide the government and public on preservation matters in DC. It also serves as the State Review Board under the National Historic Preservation Act, to assist with implementation of federal preservation programs and the review of federal projects in DC. Board members must meet specific qualifications spelled out by the DC and federal laws. Indeed, the board is essential to DC qualifying for federal historic preservation funds.

We have generally been satisfied with the professional and thoughtful way the HPRB has handled cases that came before it. However, we are also extremely concerned about the long delays in filling the HPRB positions, some lasting several years. We were therefore pleased with the prompt consideration the Council gave to the recent nominations of Nancy Pryor Metzger and Maria Casserella-Cunningham. We are also pleased that the Mayor has put recently forward the remaining nominations, and we urge the Council to expedite their consideration as well. We hope that this bill, if enacted, will help assure timely appointment of qualified HPRB members.

- **Zoning Commission:** An independent, quasi-judicial body, the ZC was created by law and charged with preparing, adopting, and subsequently amending the Zoning Regulations and Map. Three members are residents of DC appointed by the Mayor and confirmed by the Council. The fourth is the Architect of the Capitol (or representative). The fifth is the Director of the National Park Service (or representative). There are no specifications for the citizen members. Our concern is that the ZC should be well balanced. An understanding of planning and knowledge of zoning regulations and issues should be the main criteria.
- **Board of Zoning Adjustment:** The BZA is an independent, quasi-judicial body empowered to grant relief from the strict application of the Zoning Regulations (variances), approve special exceptions, and hear appeals of actions taken by the Zoning Administrator. Normally, the Board's five members consist of three Mayoral appointees, a rotating member of the ZC, and a designated representative of the National Capital Planning Commission. Again, there are no specific qualifications for citizen members. The BZA must be well balanced with members who have an understanding of planning and knowledge of zoning regulations and issues.

Planning Commission

While it may be useful and desirable eventually to decrease the number of some boards and commissions in DC, we feel that there are other unmet needs in DC that could best be served by creating a new commission. The Committee of 100 has long recommended the establishment of a Planning Commission, which would not duplicate the current ZC or BZA but would offer – as in most other major US cities – a vehicle for planning that would encompass many more issues, from land use to transportation, than is currently the case in DC. It could also consider other issues, like parks and conservation, which currently do not have an independent citizen voice in DC. We urge you to explore this possibility.

Thank you again for the opportunity to testify.