

**The Council @ Park Morton  
615 Morton St. NW, Washington, DC.**

**Ms. Shonta High, President**

**Z.C. Case No. 16-11, Response to Limited Purpose Evaluation**

October 12, 2021

**The Park Morton Resident Council filing in Opposition to PUD 16-11 for failure to meet Racial Equity and Other standards, requests significant modifications**

**Introduction**

The Park Morton resident council (Council @ Park Morton), Shonta High President, an approved party to Zoning Case 16-11 representing Park Morton residents living onsite and offsite requests the Zoning Commission (the Commission) find that PUD 16-11 **“does not satisfy”** PUD requirements of Chapter 24 of the 1958 Zoning Regulations based on “Racial Equity Len” provisions in the updated Comprehensive Plan and related findings of fact.

Further the Park Morton resident council (Council@PM) requests that the Commission recognize the Council@PM and Park Morton residents are covered under multiple “Protected Traits” under The DC Human Rights Act including but not limited to Race, Color, Sex, Family responsibilities and place of residence with regards to Housing, Employment and Public Accommodations.

Further, the Commission recognize the Council@PM’s Park Morton Equity Plan (PMEP) as our baseline for equitable development, adequate services and opportunities for Park Morton a low-income community of color located in the gentrified Lower Georgia Avenue Corridor. And request the Commission adopt the PMEP as the official “Equity Tool” in evaluating PUD 16-11’s consistency with the updated Comprehensive Plan and the quality of public benefits.

The Council@PM also notes that in ordering this limited scope hearing, the Commission likely erred in not including PUD 16-12 which governs the Park Morton site. The structure of public benefits, specific benefits to Park Morton residents, fully understanding the inherent conflict of interests between the DC Government, DC Housing authority and the Applicant require PUD 16-11 and PUD 16-12 be evaluated simultaneously. Maintaining the explicit and implied rights, as well the benefits and adverse impact of PUD 16-11 on the Council@PM and residents through a

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Racial Equity Lens require simultaneous evaluation. For example, the harm already done by displacement of 116 of the original 133 resident family from the Park Morton site contrary to New Communities Initiative (NCI) and update Comprehensive Plan cannot be properly accessed by the Commission.

In short, the updated Comprehensive Plan requires that land use policies and actions be reviewed through a racial equity lens particular when a PUD impacts neighborhoods of color and low-income communities. This evaluation has not occurred with PUD 16-11, therefore it cannot be found to satisfy comprehensive plan requirements by the Commission. Were the Commission in this review fail to ensure a thorough “Racial Equity Lens” review of PUD 16-11 it risks violating the DC Human Rights Act and compounding hardships for Park Morton residents.

The PMEP provides the Commission with ready-made Equity Tool and basis for conducting a “Racial Equity Lens” review of PUD 16-11 as well PUD 16-12. The Council@PM urges the Commission to evaluate the PUDs via a Racial Equity Lens and find “does not satisfy” and order significant modifications to PUD 16-11 and PUD 16-12.

### **Facts and Background**

The National Capitol Housing Authority (NCHA) completed Park Morton development in 1961 as one of the first affordable housing projects designed for families displaced by urban renewal in Southwest, D.C..<sup>6</sup> Beginning in 2006, then Ward 1 Council Member Jim Graham began urging then Mayor Williams to include the Park Morton community in the city’s New Community Initiative <sup>7</sup>. Unlike other communities chosen for the initiative, the Park Morton community along Georgia Avenue NW was not geographically isolated, already experiencing new development, access to key amenities and experiencing gentrification id. Therefore, the Park Morton Redevelopment Initiative Plan<sup>8</sup> focused on the preservation of affordable housing,

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economic integration, resident participation, crime reduction strategies and access to opportunities.

In October of 2009 Park Morton Development Partners (PMDP) was selected by DMPED to execute the \$130M Park Morton NCI<sup>9</sup>. However, a little over 5 years later in February of 2014 DMPED terminated its relationship with PMDP referencing the lack of progress and a long timeline. However, PMDP did deliver a 83 unit project called The Avenue to the Lower Georgia Avenue Corridor. The Avenue included 27 Park Morton NCI replacement units. PMDP also worked with the DC Housing Authority (DCHA) to relocated residents from apartments 630 and 640 Park Road. at the Park Morton site. With this NCI's continued DC's long history of broken promises to Black residents who often ended up historically displaced by such urban renewal schemes.

On March 31<sup>st</sup> 2014, the DC Housing Authority (DCHA) and the Office of the Deputy Mayor for Planning and Economic Development (DMPED) issued a new Request for Proposals (RFP) for a team to act as the Master Planning and Development Team to refine and implement the redevelopment plan for the Park Morton New Community Initiative (NCI)<sup>1</sup>. In that same year on August of 2014 the DC government released a report harshly critiquing NCI approach to financing, build-first, 1 for 1 replacement and planning. [The Policy Advisor's Recommendations, 16-11, Ex. 182]. In November of 2014, DCHA awarded Park View Community Partners (PVCP) the Park Morton NCI Master Planning and development contract<sup>2</sup> of three other teams.

PVCP was awarded contract primarily because PVCP proposed using the DC Government owned Bruce Monroe site to meet the NCI build-first requirement and provide additional workforce housing units. PVCP didn't have the site control for the Bruce Monroe site as required by the RFP. This fact has led to much of PUD 16-11's current harms and deals.

As well, in awarding PVCP DHCA and DMPED ignore the opportunity to utilize vacant properties on the Park Morton site, 630 & 640 Park Rd. as a build-first option, instead waiting until

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November 2015 to announce the use of the Bruce Monroe site<sup>3</sup>, losing a year. DMPED then extended the process an additional year performing a community site search and planning process to only award the Bruce Monroe site to PVCP<sup>4</sup> as originally planned, PR21-0909 - Bruce Monroe Disposition Approval Resolution of 2016, December 2016. On May 5, 2017 approximately two and one half years after the initial award proposing the use of the Bruce Monroe site, the Commission approved Z.C. Order No. 16-11.

When the public land disposition was approved in December of 2016, the proposed development plans for the Bruce Monroe contained a development funding gap of approximately \$37 million as calculated by DMPED. The PVCP approach would ignore many of the warnings and lessons learned cited in The Policy Advisor's Recommendations report around financing and risks associated with build-first and 1 for 1 replacement and timelines.

On May 27, 2021, seven years later Mayor Bowser effectively proposed the ended the current Park Morton NCI development program with the release of her FY22 Budget<sup>13</sup>, which defunded the initiative. Mayor Bowser instead proposed using HUD's RAD program to rehab the Park Morton site and return residents. At this time, the Council@PM was in discussions with DCHA officials support adopting the PMEP which could be modified to include a mix for rehab and redevelopment along with resident equity. After intervention, by Ward 1 Council Member Nadeau with minimal engagement with the Council@PM derailed this effort.

Mayor Bowser agreed via an errata budget letter<sup>14</sup> for July 24, 2021 to restore some funding for Park Morton NCI, \$37million; however, it well short of the required \$97M. The letter also restricted funding to compliance to Zoning Orders PUD 16-11 and PUD 16-12. Thereby, placing the PMEP and the fate of PM residents in the hands to the zoning commission.

Based on reporting from PVCP, DMPED and DCHA, As of August 18, 2021:

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1. In the nearly seven years since the November 2014 PVCP award zero (0) Park Morton NCI build-first units, affordable, workforce or market-rate units have been completed nor are under construction.
2. Contrary to NCI principles 116 of the 131 resident families located at Park Morton at the time of the award have been displaced from the property.
3. The financial gap for Park Morton NCI stands at approximately \$97 million, the responsibility of DMPED. DMPED 6year capital budget authority only includes \$37 million.
4. The first housing units are scheduled to be delivered of occupancy in December of 2023 as the Park Morton site, not schedule for Bruce Monroe the subject of this matter. Ten years after the original PCVP award and 16 years since the 2007 Park Morton NCI kickoff.

**Park Morton Equity Plan**

In the Summer of 2017, Ms. Shonta High was elected President of the Park Morton resident Council. Prior to her election Ms. High had been active in the PMDP development process and the later PVCP led process. As well, she served on the Park Morton NCI Steering Committee and would become Co-chair of that committee with her 2017 election. During the first six months of her presidency, DMPED had begun to pull back on resident engagement given the legal process regarding the appeal of the PUD 16-11 by members of the Georgia Avenue community. Park Morton NCI Steering Committee meetings the main form of resident and community engagement were reduced from once a month to once a quarter to only as needed.

In response, President High and her board began to hold resident led development meetings inviting representatives from DCHA, DMPED, Council member's office, ANCs and community members. As well conducted regular resident council meetings focused on residents needs. By the Winter/Spring of 2018 the Council@PM was having regular meetings looking for ways to

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move the Park Morton NCI development project forward using alternative means while addressing the today needs with Park Morton resident constituents. Out of that process the Park Morton Equity Team would evolve.

During the Spring/Summer of 2018 it would come to the attention of the Council@PM that PVCP and appellants were engaging in court mandated settlement talks. Upon learning that no settlement would be reached, and the DC City Council would take up a Disposition Extension request in October of 2018, the Council@PM formerly began its own efforts at facilitating and crafting a settlement and alternative development plans (council hearing). These plans would become more formalized as the Park Morton Equity Plan (PMEP).

On February 12<sup>th</sup>, 2019 the Council@PM would submit a certified letter HUD, exercising the Resident Opportunity to Purchase In Case of Proposed Disposition for the Park Morton site. This action was approved by resolution and vote on 2/6/19 in the presences of a quorum at a resident council meeting by a vote of 31-0-0 in favor.

At a regularly schedule DCHA board meeting, President High presented the HUD resolution along with a copy of the PMEP, requesting that the board formally support the HUD resolution and the PMEP.

In March of 2019, the resolution and PMEP was presented to the PM NCI Steering Committee for adoption. Since then, the PMEP as been the basis of all discussions and negotiations between the Council@PM and all official government, quasi government, community entities and individuals including DCHA, DMPED, ANCs, City Council, the Zoning Commission and PVCP.

**Position and Analysis**

**Z.C. Order No.16-11 (PUD 16-11) “does not satisfy” PUD requirements of Subtitle Z, Chapter 24 of the 1958 Zoning Regulations.**

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It is the clear intend of the updated Comprehensive Plan that the Commission when conducting PUD evaluations using subtitle 11-Z, DCMR 2403 shall do so *through “an equity, particularly a racial equity lens”* (2502.11, Policy IM-1.1.6 and 2501.8, Action IM-1.B). There is no indication that PUD 16-11 has been evaluated in this by the Commission therefore does not satisfy requirements. Further, *“..., land use policies and actions must be viewed through a racial equity lens to provide equitable development that provides adequate access to these services and opportunities within neighborhoods of color and low-income communities.”* (LU-2.1 A District of Neighborhoods 310 310.1)

The Commission under 11-Z, DCME 2403.3 must weigh the impact of PUD 16-11 on the surrounding area which includes the low-income community of color Park Morton, specifically the residents represented by the Council@PM. In particular, the Commission must find and the Applicant has the burden of proving (11-Z, DCMR 2403.2) impact review is satisfied when viewing PUD 16-11 through a racial equity lens as described by the updated Comprehensive Plan.

The Park Morton community is described as low income, nearly one third of employed residents make less than \$5,000 per year. Approximately 30% of those employed make between \$20,000 and \$29,999 per year, and nearly 25% of resident make between \$10,000 and \$19,999 per year. The median income of residents is \$10,000 to \$19,000. Heads of household are predominately female (94%), single (77%), and middle-aged, with the largest percentage of heads of household (32%) between the ages of 40 and 49 and predominately Black or African American.<sup>8</sup> These residents are recognized as possessing protected traits under DC’s Human Rights Act and affirmed in under 514.1 and 515.2 of the updated Comprehensive Plan. PUD 16-11 in its approved development phasing severely restricts Park Morton residents’ access to new housing in each phase based on their race, sex and source of income (housing subsidy). For example, in PUD 16-11 (item 85) on ninety of 273 proposed units are available to Park Morton residents.

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11-Z, DCMR 2403.5 instructs the Commission to evaluate specific public benefits and project amenities in context of the Comprehensive Plan. The updated Comprehensive Plan then instructs the Commission and other agencies to use “racial equity lens” in their evaluations and decisions. And further when accounting for communities of color such as the Park Morton community represented by the Council@PM the Commission must:

- Identify and consider past and current systemic racial inequities;
- Identify who benefits or is burdened from a decision;
- Disaggregate data by race, and analyze data considering different impacts and outcomes by race; and
- Evaluate the program, activity or decisions to identify measures, such as policies, plans, or requirements, that reduce systemic racial inequities, eliminate race as a predictor of results, and promote equitable development outcomes.

Neither the Commission nor DC Office of Planning had conducted a “racial equity lens” evaluation in PUD 16-11, instead relies primarily on Applicant proffers and standard agreements (PUD 16-11 items 89). In particular, the Commission must closely evaluate public benefits and quality considering bullet four above. As well, implement 2011.14 Action MC-2.1.E when assessing the performance of the Park Morton New Communities Initiative to date and likely outcomes. The Council@PM notes that the actions of the Applicant, DMPED and DCHA have not been in line with ensuring that every effort is being made to avoid permanent displacement of residents.

As of August 18, 2021 approximately 116 of the 131 Park Morton residents families have been displaced from the Park Morton site, yet PUD 16-11 still refers to satisfying a build-first requirement and benefit. The Commission should no longer see these units as avoiding displacement of residents.

If we compare a similar May 28, 2020 DCHA/DMEP/PVCP report, on that date only 25 of 131 Park Morton families had been displaced. A comparison between 8/18/21 and 5/28/20 reveals



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that 91 families were displaced during the heart of the city's COVID-19 Pandemic, a number greater than the proposed number of PUD 16-11 build-first units. This reflections actions opposite of 2011.14 Action MC-2.1.E particularly given most families took vouchers. The choice of a voucher should be viewed by the Commission as a Park Morton resident's lack of confidence in build-fist and the PARK MORTON RELOCATION AND REOCCUPANCY PLAN<sup>12</sup>.

Further, the updated Comprehensive Plan 2502.11 Policy IM-1.1.6: Studies Informing Zoning Case Approvals, under element two (2) the Commission must review, "agreements for financing any necessary improvements, including public and private responsibilities". In the case of Park Morton NCI, DMPED is the primary party responsible for assuring project financing goals are met. However, from FY2015 until FY2021 DMPED's Life Time Budget Authority as been set at \$796,911 compared to project funding gap of approximately \$97 million. It is only as of August of 2021 that the FY22 budget committed \$37 million leaving a \$60million gap. This lack of financial commitment is largely responsible for the adverse impacts visited upon Park Morton residents to date.

In fact DMPED's budget includes the following language, *"FY22 BSA subtitle states that the use of funds allocated for the redevelopment of public housing at Park Morton shall be limited to furthering the project requirements and shall be subject to the guidelines, conditions, and standards as approved by Zoning Commission Order Nos. 16-11 and 16-12, and any subsequent applicable orders issued by the Zoning Commission."*, placing even greater review and evaluations responsibilities on the Commission and for PUD 16-11 and PUD 16-12.

In short, under the updated Comprehensive Plan the Commission must evaluate current and historic outcomes with regards to the Park Morton community and PUD 16-11. As well agreed that the related PUD 16-12 must be evaluated simultaneously in determining whether PUD 16-11 satisfies Chapter 24 of the 1958 Zoning Regulations.

2501.8 Action: IM-1.B: Equity Tools for District Agencies, including the Zoning Commission of the updated Comprehensive clearly intends the Commission to utilize "Equity Tools" to

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evaluate PUD 16-11 and by proxy PUD 16-12. As well, other agencies such as DC's Office of Planning in submitting reports and studies to the Commission must do the same. The Council@PM working with its equity team has developed such an equity tool, commonly referred to as the Park Morton Equity Plan (PMEP).

The Council@PM urges the Commission to adopt the PMEP as its "Equity Tool" in evaluating PUD 16-11 and PUD 16-12. And incorporate the PMEP in any new or modified zoning order.

**In Conclusion**

The Council@PM find that PUD 16-11 "does not satisfy" PUD requirements of Chapter 24 of the 1958 Zoning Regulations based on Racial Equity Len provisions in the updated Comprehensive Plan. As are result PUD 16-11 and PUD 16-12 be significantly modified to achieve an evaluation of "does satisfy".



President, The Council@ Park Morton

10/12/21

**Resources**

1. **PARK MORTON NEW COMMUNITIES INITIATIVE** A Neighborhood Revitalization Opportunity, Request for Proposals Master Planning and Development Team Issued by the District of Columbia Housing Authority In Partnership with the Government of the District of Columbia through the Office of the Deputy Mayor for Planning and Economic Development SOLICITATION NO. ISSUE DATE: March 31, 2014 CLOSING DATE: July 1, 2014 0031-2014  
<https://dcnewcommunities.org/wp-content/uploads/2014/04/Park-Morton-RFP.pdf>

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2. **DCHA Resolution 14-43, TO APPROVE THE AWARD OF A DEVELOPMENT AGREEMENT FOR MASTER PLANNING AND DEVELOPMENT SERVICES FOR PARK MORTON**  
<http://www.dchousing.org/docs/n5tppfvw549.pdf>
3. **An Open Letter to Park Morton and Bruce Monroe Community Residents and Stakeholders, November 23, 2015**  
<https://dmped.dc.gov/sites/default/files/dc/sites/dmped/publication/attachments/Park%20Morton%20Open%20Letter%20from%20Deputy%20Mayor%20Kenner.pdf>
4. **PR21-0909 - Bruce Monroe Disposition Approval Resolution of 2016**  
<https://lims.dccouncil.us/Legislation/PR21-0909>
5. **Policy Advisor's Recommendations On The District Of Columbia's New Communities Initiative**  
<https://dcnewcommunities.org/wp-content/uploads/2014/09/Policy-Advisors-Recommendations-on-the-NCI-Program.pdf>
6. **Building Park Morton: An Historical Perspective**  
<https://parkviewdc.com/2015/12/08/building-park-morton-an-historical-perspective/>
7. **Gentrification, With a Difference City Hopes a Mix of High and Low Incomes Will Stamp Out Drug Havens**  
<https://www.washingtonpost.com/archive/local/2006/07/20/gentrification-with-a-difference-span-classbankheadcity-hopes-a-mix-of-high-and-low-incomes-will-stamp-out-drug-havens-span/a59ba491-4ff3-43a7-ba0a-6ed3471d181f/>
8. **Park Morton Redevelopment Initiative Plan Dec/ 2007**  
<https://lims.dccouncil.us/downloads/LIMS/21457/Introduction/PR17-0589-INTRODUCTION.pdf>
9. **Landex Corp. picked for Park Morton work**  
<https://www.bizjournals.com/washington/stories/2009/10/05/daily69.html>
10. **D.C. parts ways with developer of Park Morton complex**  
<https://www.washingtonpost.com/news/capital-business/wp/2014/02/10/d-c-parts-ways-with-developer-of-park-morton-complex/>
11. **The DC Office of Human Rights Act, Protected Traits in DC**  
<https://ohr.dc.gov/protectedtraits>
12. **PARK MORTON RELOCATION AND REOCCUPANCY PLAN**  
[https://dcha.us/img/guest\\_uploads/temp\\_0k9R6ArIR21588602194TC3fEQWKQ1F7IgxN48U0.pdf](https://dcha.us/img/guest_uploads/temp_0k9R6ArIR21588602194TC3fEQWKQ1F7IgxN48U0.pdf)
13. **May 27, 2021 FY 2022 Budget**  
<https://lims.dccouncil.us/downloads/LIMS/47312/Introduction/B24-0285-Introduction.pdf>
14. **FY 2022 Budget Errata Budget Letter**  
<https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/60d7318314fd3e66d313bf7a/1624715651742/MMB+to+Council+Errata+Letter+No2+6.25.21+with+attachment.pdf>

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