

Zoning Commission PUD Evaluation Process (ZR2403) Park Morton Equity Tool



The Council @ Park Morton: Post Hearing
Submission Zoning Case No. 16-11

Zoning Hearing Case No. 16-11 - Post Hearing Submission

Shonta High, President Council @ Park Morton

10/26/21

On October 19, 2021, the Park Morton resident council (Council@PM) participated as a party with regards to the vacate and remand hearing in Zoning Case No. 16-11. Before the hearing was closed, Mr. Anthony Hood, Chairman of the DC Zoning Commission (ZC) requested the Council@PM provide a post hearing submission to which all other parties can respond. The Council@PM was directed by the Commission to include in this submission information as it regards the concept of racial equity and examples/models of racial equity tools that can and must be applied for zoning cases like this. In particular, Comprehensive Plan policies 2502.11 and 2011.14. To provide clarity on these issues, The Council@ Park Morton's response follows:

Zoning Hearing Case No. 16-11 - Post Hearing Submission v - Shonta High, President Council @ Park Morton

This post hearing submission guides and directs the Zoning Commission (ZC) through a re-evaluation of Zoning Case No. 16-11 (PUD16-11) using a “Racial Equity Lens” as required by the updated Comprehensive Plan policy IM-1.1.6 (2502.11) and related action IM-1.B. (2501.8). This submission also advocates the use of a “Racial Equity Lens” in responding to D.C. Court of Appeals remand questions. The updated Comprehensive Plan narrative, policies states:

1. The ZC shall develop and utilize an “Equity Tool” when applying a “Racial Equity Lens”;
2. The ZC shall utilize an Equity Tool when conducting a Charter 24 Zoning Regulations review; Comprehensive Plan policies and actions consistency analysis; utilizing DC agency studies and reports; and “any information needed”;
3. In this submission Park Morton resident council (Council@PM) provides the ZC with its “Park Morton Racial Equity Tool”; recommended reading, studies and other information to guide the ZC in its evaluation of PUD16-11 through using a “Racial Equity Lens”;
4. In particular, the ZC must apply the “Park Morton Racial Equity Tool”, or an equivalent, with regards to Comprehensive Plan action MC-2.1.E (2011.14);
5. The ZC should use the “Park Morton Racial Equity Tool” in partnership with the “Park Morton Equity Plan” when evaluating PUD16-11 benefits and adverse impacts.

The Council@PM concludes, the ZC must find that PUD16-11 “does not satisfy” the Comprehensive Plan consistency review under the requirements of Chapter 24 of the 1958 Zoning Regulations based on Racial Equity Lens provisions, until a thorough racial equity analysis is completed. Council@PM therefore recommends that PUD16-11 and its companion PUD16-12 be significantly modified by adopting the Park Morton Equity Plan (PMEP).

Zoning Hearing Case No. 16-11 - Post Hearing Submissionv - Shonta High, President Council @ Park Morton

2502.11 Policy IM-1.1.6: Studies Informing Zoning Case Approvals To the extent the following factors are relevant for consideration, ensure that zoning case reviews on matters such as PUDs are informed by: (1) transportation and infrastructure studies and recommended conditions of approval to mitigate potential impacts; (2) agreements for financing any necessary improvements, including public and private responsibilities; (3) agreements to comply with District employment and hiring requirements and other regulations that provide public benefits to District residents; and (4) racial equity reviews, as identified in Action IM-1..B. 2502.11

- Equity is both an outcome and a process. CP213.6
- Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. CP213.6
- Therefore, to achieve equitable outcomes the ZC must take greater responsibility to ensure benefits and mitigations to adversary impacts are likely to be successful.
 - ZC achieves this by providing city agencies less deference
 - Ensure studies support proffers and mitigations
 - Financing and Budgetary elements are actually in place (including timelines)
 - This as well applies to private entities especially in Public-Private deals.
- The Comprehensive Plan’s focus on Racial Equity Lens reviews rely on outcomes of these agreements being achievable.

Note: PUD 16-11 was approved by the ZC in 2017 although the project carried a \$36M plus funding gap. Today that gap is \$60M+. As well, PUD 16-11 relies on First-Source agreements which have a long and problematic history.

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Action: IM-1.B: Equity Tools for District Agencies, including the Zoning Commission Prepare and implement tools, including training, to assist District agencies in evaluating and implementing the Comprehensive Plan’s policies and actions through an equity, particularly a racial equity lens. This includes tools to use as part of the development review process, preparation of plans, zoning code updates, and preparation of the capital improvement program, that consider how to apply an equity analysis in these processes, including any information needed. **This shall specifically include a process for the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis.** 2501.8

- The use of an Equity Tool especially in conducting a racial equity lens review is **“shall”** for the Zoning Commission.

Note: In the Case of PUD16-11 this takes on a greater importance given DC’s Office of Planning’s failure to use an Equity Tool drafting in its Supplemental Report.

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Action MC-2.1.E: Park Morton New Community Continue redevelopment of Park Morton as a new community, replacing the existing public housing development with an equivalent number of new public housing units, plus new market-rate and moderate-income housing units, to create a new mixed-income community. Ensure that every effort possible is made to avoid permanent displacement of residents. Provide opportunities for Park Morton residents to access ownership opportunities on redevelopment sites and within the community. 2011.14

There are several important factors for which the ZC must use a high-level of scrutiny in conducting a consistency evaluation.

- For the residents of Park Morton benefits and adverse impacts are tied to both PUD16-11 and PUD16-12. This actions requires both be considered together, especial when conducting a racial equity review.
- DC's Housing Authority (DCHA) is an implied Applicant for 16-11 and critical to the execution and outcomes of several key proffers.
 - They are responsible for Resolution 16-06
 - DCHA is also responsible for providing 90 project-based vouchers almost 1/3 of the project's financing
- The Park Morton Equity Plan is the only plan which centers affordable ownership opportunities. (16-11 and 16-12 are currently not structured for ownership, only lip service).

The Park Morton Racial Equity Tool

Contents

- Park Morton Racial Equity Tool Implementation Guide ... Pages 8,9
- Zoning Commission PUD Evaluation Standards Process Flow Diagram ... Pages 10 - 12
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- Guidance for Applying the Racial Equity Tool for PUD16-11 ... Pages 23, 24
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Special Acknowledgement: DC Council Office of Racial Equity Online Tools <https://www.dcraciaequity.org/>

Steps to completing the Park Morton Racial Equity Tool.

1. **ZC Flow Diagrams 1A, 1B and 1C**, represents the standard PUD review and decision-making process. This tool should be applied at every step in the process (**D1 thru D13**), not just at the final step.
2. State goal or purpose of this evaluation
 - Complete **Equity Tool Table 1**.
3. Identify who benefits or is burdened from a decision; (CP 2501.4)
 - Complete **Equity Tool Table 2**. Focus on identifying a broad range of groups who may be impacted.
4. Identify and consider past and current systemic racial inequities; (CP 2501.4)
 - Complete **Equity Tool Table 3**. Pull out from **Equity Tool Table 2** those groups most impacted by current and historic racial inequities
 - Complete **Equity Tool Table 4**. Focus on those identified in **Equity Tool Table 3**, complete with the specifics of this PUD in mind.
5. Disaggregate data by race, and analyze data considering different impacts and outcomes by race; and (CP 2501.4)
 - Complete **Equity Tool Table 5** and **Equity Tool Table 6** together, using the studies, reports and other identified in **Equity Tool Table 6** to complete **Equity Tool Table 5**. Include groups identified in **Equity Tool Table 2**.
 - Many of the studies and resources in Table 6 should include disaggregated data by race and other factors. This data will be used particularly in evaluating the impacts PUD benefits and adverse impacts.

The Park Morton Racial Equity Tool

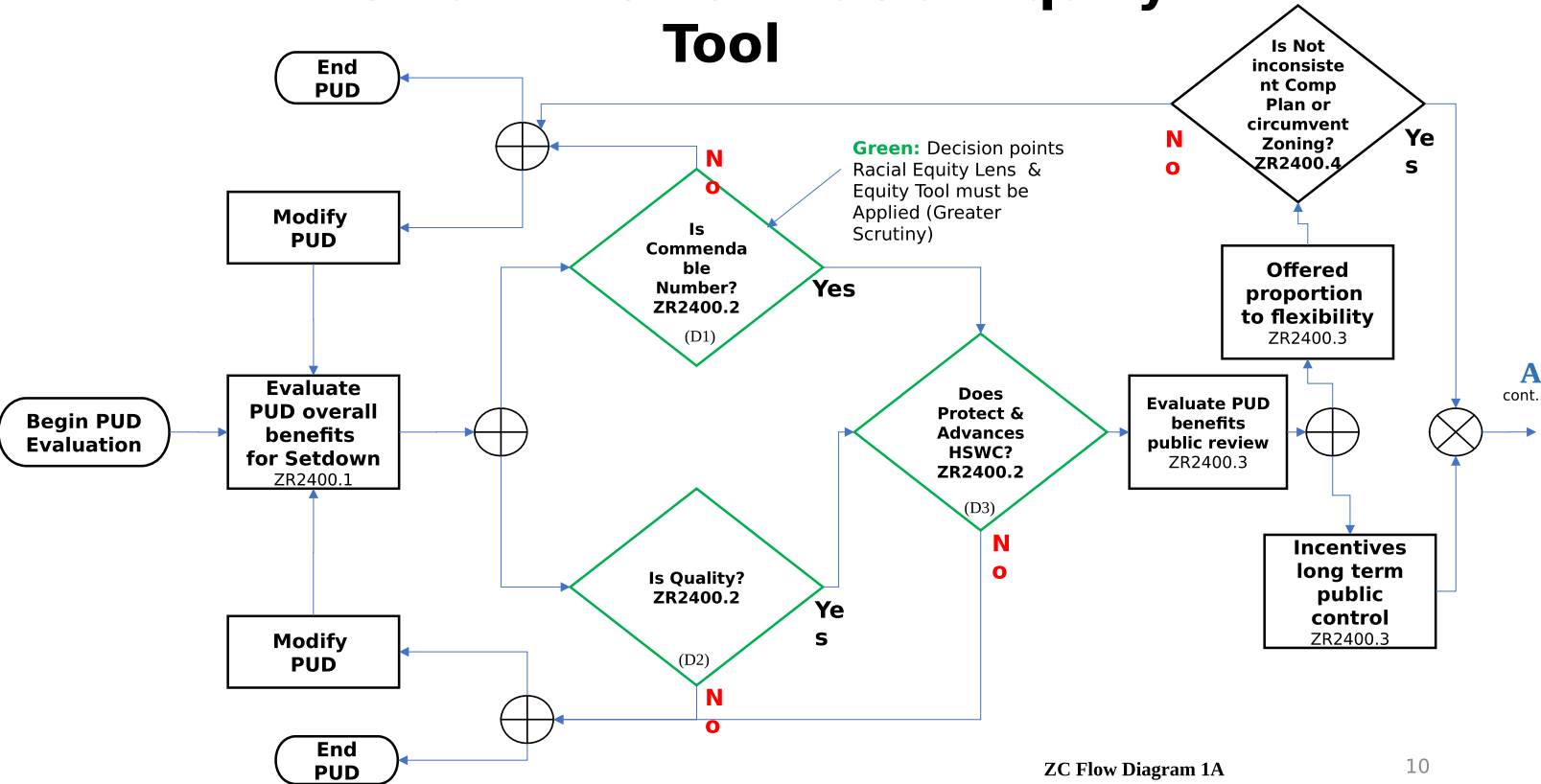
Steps to completing the Park Morton Racial Equity Tool. (continued)

6 . 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. (CP 2501.4)

- Complete **Equity Tool Table 7**. Identify specific PUD benefits, how they impact each group and score them.
- Complete **Equity Tool Table 8**. Identify specific PUD amenities, how the impact each group and score them
- Complete **Equity Tool Table 9**. Identify specific PUD adverse impacts, how the impact each group and score them

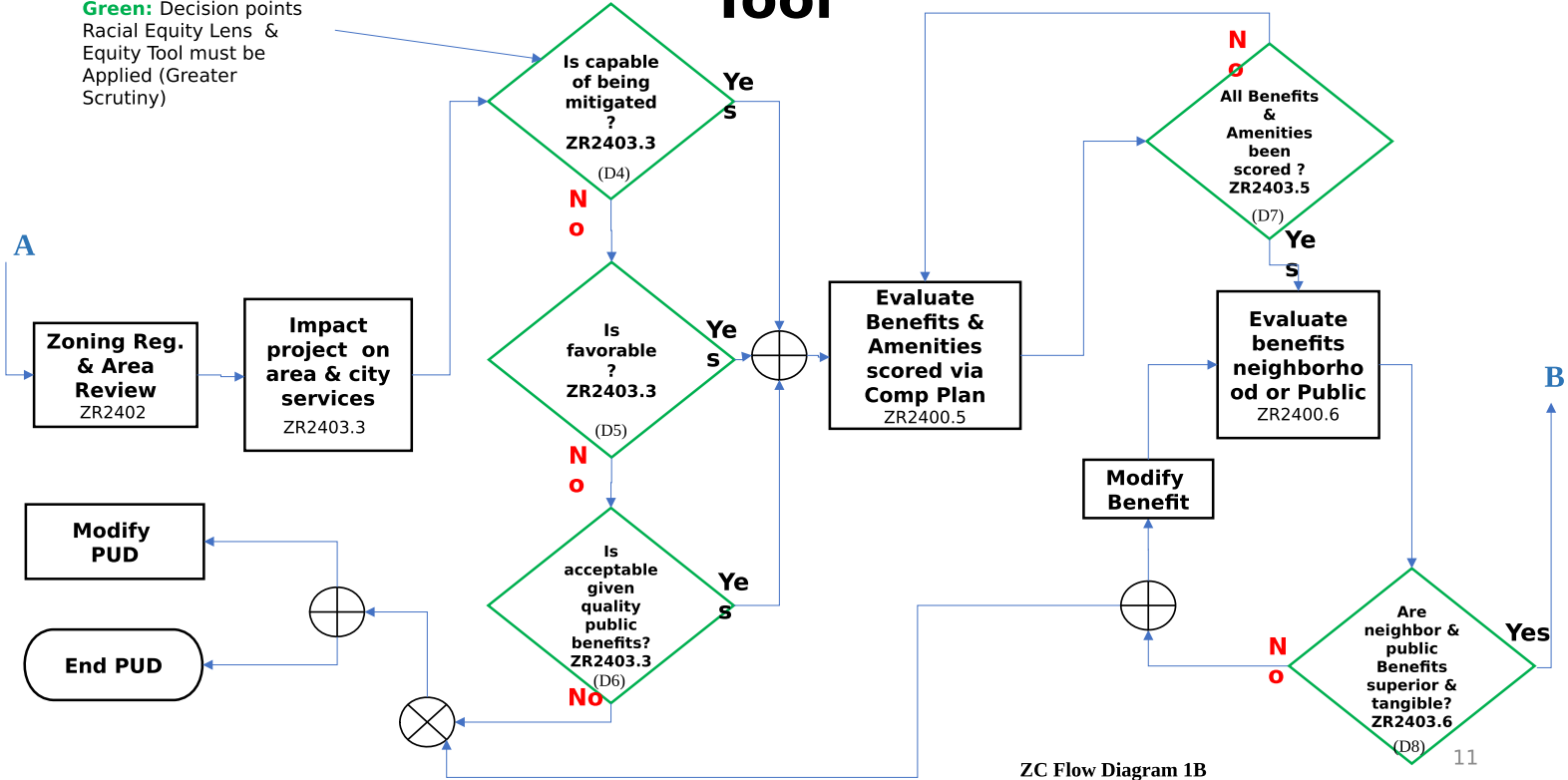
7. Use **Equity Tool Table 10** to identify PUD Proffer Categories and evaluate them through a Racial Equity Lens. In each category weigh benefits against adverse impacts focusing impacted groups previously identified. In the PUD evaluation process benefit scores should significantly outweigh adverse impacts scores. From a racial equity perspective, the difference between these two score should help advance racially equitable equity outcomes.

The Park Morton Racial Equity Tool

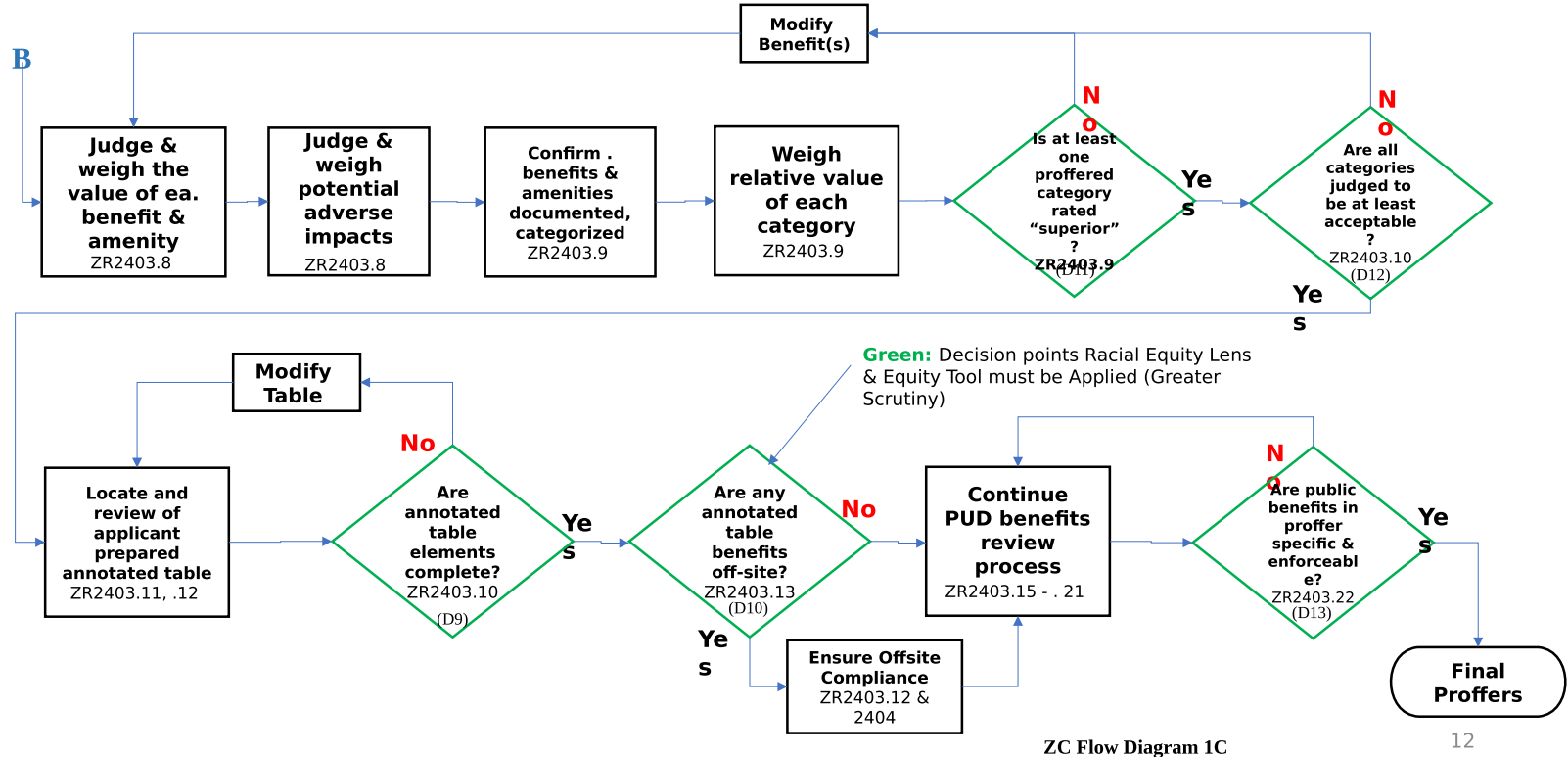


The Park Morton Racial Equity Tool

Green: Decision points
Racial Equity Lens &
Equity Tool must be
Applied (Greater
Scrutiny)



The Park Morton Racial Equity Tool



ZC Flow Diagram 1C

The Park Morton Racial Equity Tool

1. What is the purpose and goal is this project or PUD evaluation?

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Equity Toot Table 1

2. Who benefits from or is most impacted by the project’s purposes and goals?

Identify Groups & Individuals	Who Benefits?	Unintended Consequences

Equity Toot Table 2

The Park Morton Racial Equity Tool

3 . If one or more groups or individuals Identified in **Equity Tool Table 2** have been historically and/or are experiencing the impacts of systematic racism and/or included in one DC's most vulnerable residents. Begin Equity analysis.

Ex. The District has divides by income and race, a result of factors that include urban renewal, redlining, segregation, restrictive racial covenants, infrastructure development, and disinvestment.

Focus Equity Lens: Center groups and individuals impacted by DC's systematic racism

Name Group/Individuals	City-wide	Area Element	Nearby/Directly/Community/ Individual Impacted	Historic Conditions	Current Conditions

The Park Morton Racial Equity Tool

4. Focusing on impacted groups and centering on them, how does the overall development flexibility and other incentives, such as increased building height and density of this project/PUD have the potential to offer a commendable number or quality of public benefits and protects and advances the public health, safety, welfare, and convenience?

Identify Groups & Individuals	Who Benefits?	Unintended Consequences

Equity Tool Table 4

The Park Morton Racial Equity Tool

5. Zoning Case reviews on matters such as PUDs are informed by: (1) transportation and infrastructure studies and recommended conditions of approval to mitigate potential impacts; (2) agreements for financing any necessary improvements, including public and private responsibilities; (3) agreements to comply with District employment and hiring requirements and other regulations that provide public benefits to District residents; and (4) racial equity reviews

Impacted Groups & Individuals	Income	Wealth	Health	Employment	Ownership <small>[CP512.1]</small>	Transportation Access <small>[CP403.13]</small>	Displacement <small>[CP504.19]</small>

The Park Morton Racial Equity Tool

5. Continued

Key Reports, Studies, Data	Comments	Is data disaggregated by race & etc.? Yes/No [CP 2501.4]
DC Office of Planning. Racial Equity Crosswalk (required) [CP 2501.3]		
Council REIA on Comp Plan		

Equity Tool Table 6

The Park Morton Racial Equity Tool

PUD Benefits		How do they Benefit?	Unintended Consequences	Likelihood of Implementation* [CP2502.14]	“Superior” or “Acceptable” (ZR2403.9)	Value Score**	Specific & Enforceable (ZR2403.22)	Burden Of Proof Met (ZR2403.2)
Benefit 1:	Group/Individual 1							
	Group/individual 2 (impacted)							
	Group/individual 3...							
Benefit 2:	Group/Individual 1							
	Group/individual 2 (impacted)							
	Group/individual 3...							
Benefit 3:	Group/Individual 1							
	Group/individual 2 (impacted)							
	Group/individual 3...							

Equity Tool Table 7

* Likelihood Implementation – Audits and other reviews have found many commitments such as employment, affordable housing ranges go unfilled despite government sponsor agreements (i.e. First-Source). From in racially equity lens perspective a simple signed agreement should not be enough to count as a full benefit.

** Value Score [0 to 5] 5-- Highest

The Park Morton Racial Equity Tool

Amenities		How do they Benefit	Unintended Consequences	Likelihood of Implementation	“Superior” or “Acceptable”	Value Score **	Specific & Enforceable	Burden Of Proof Met
Amenity 1:	Group/Individual 1							
	Group/Individual 2 (impacted)							
	Group/Individual 3...							
Amenity 2:	Group/Individual 1							
	Group/Individual 2 (impacted)							
	Group/Individual 3...							
Amenity 3:	Group/Individual 1							
	Group/Individual 2 (impacted)							
	Group/Individual 3...							

Equity Tool Table 8

** Value Score [0 to 5] 5-- Highest

The Park Morton Racial Equity Tool

Adverse Impacts		Specific Impact⁺⁺	Favorable/ Mitigated/ Acceptable- Benefits	Value Score	Linkage to specific Balancing Benefit(s) & Amenities
Adverse Impact 1:	Group/Individual/Area 1				
	Group/individual/Area 2 (impacted)				
	Group/individual/Area 3...				
Adverse Impact 2:	Group/Individual/Area 1				
	Group/individual/Area 2 (impacted)				
	Group/individual/Area 3...				
Adverse Impact 3:	Group/Individual/Area 1				
	Group/individual/Area 2 (impacted)				
	Group/individual/Area 3...				

Equity Tool Table 9

** Value Score [-5 to 0] -5—Most negative impact, "0" no impact.

The Park Morton Racial Equity Tool

Conclusions: Racial Equity Lens		1. Benefit/ Amenity Composi te Average Score	2. Adverse Impact Score	3. Subtot al Value Score	4. Recial Equity Normal ize/Bas eline Score	5. Composi te Value Score	6. Comments/ Discussion	Impact Racial Equity Value <small>(Will Exacerbate, Potential to Exacerbate, Status Quo, Potential to Advance, Will Advance)</small>
Proffer Category 1:	Group/Individual 1 (impacted)							
	Group/individual 2 (impacted)							
Proffer Category 2:	Group/Individual 1 (impacted)							
	Group/individual 2 (impacted)							
Proffer Category 3:	Group/Individual 1 (impacted)							
	Group/individual 2 (impacted)							
	Totals							

Equity Tool Table 10

The Park Morton Racial Equity Tool

Guidance and Direction for the ZC in applying the “Park Morton Racial Equity Tool” at Park Morton

1. This action must be centered on the families of Park Morton who are primarily low-income Black households headed by women.
2. Currently and historically the New Community Initiative (NCI) and its implementation has resulted in a high number of adverse impacts for Park Morton residents and similar public housing populations across the city.
3. Meeting this action at a minimum requires the successful execution of PUD16-11 and PUD16-12; therefore, both must be evaluated together.
4. Replacing existing housing with an equivalent number of new housing is not a benefit which requires a PUD because it can be delivered via matter-of-right development. The additional moderate-income housing and market-rate housing can only be considered a benefit if the outcomes from other NCI principles, economic integration and human capital support advancement are executed.
5. The Park Morton community currently exists in the mixed-income Park View community with access to same transportation, open space, employment and business opportunities proffered in PUD16-11. Both the Comprehensive Plan and Appeals rules indicate the ZC must go beyond affirming these proffers via lists in the order, but independently evaluate the quality and likely outcomes of these proffers.
6. The ZC must consider current conditions such a resident displacement, city’s failure to allocate required gap funding for PUD16-11’s execution.
7. The PMEP offers a Racially Equitable alternative which can be executed as a matter-of-right and/or as apart of PUD’s 16-11 and 16-12. The PMEP must be used as a baseline in evaluating PUD16-11.
8. The Comprehensive Plan recognizes the tension between Racial Equity and Growth. Growth does not in itself result in benefits to communities of color within out significant adverse impacts such as displacement.

Guidance and Direction for the ZC in applying the “Park Morton Racial Equity Tool” to PUD16-11

	PUD16-11	Who benefits analysis?	Unintended Consequences, Adverse impacts	Likelihood Implemented	Value Score	Specific Enforceable	Burden of Proof
Replace existing public housing units with equivalent number	Produces 90 Build-First to the required 147 replacement units.	For Park Morton residents basically a break-even proposition. No income or wealth gain. DCHA classes PM as family property, new units not larger or family-sized (3+bedroom).	Developing 90 units as both replacement units & build-first, reduces resident choice of unit type. Most residents can't return to PM site as promised. Even under best case scenario 3 to 4 year wait.	The necessary gap financing \$60M + never included by DMPED in city's budget.	"1" on 0 to 5 scale	Yes, specific and enforceable. However, DCHA, DMPED/DHCD have poor record on 0-30% MFI units.	Minimal
Produce new market-rate units	Produces 70 -74 market-rate units	Park Morton residents no direct benefit.	Adding market-rate units to Park View housing market only sustian market as unaffordable for residents.	Higher likelihood of development	"0" on 0 to 5 scale	Not Applicable	
Produce new moderate-income units	Produces 109 -133 moderate-income units	Benefit to PM residents unclear and not family-sized.	Potentially fewer options for PM Residents.	Gap funding and timing issues	"1" on 0 to 5 scale	Neutral	
Create new mixed-income community	Public housing, workforce, market-rate mix of 32%, 41%, 26% project. CBE, First Source agreements. DCHA 16-06 Right-of-return	Generally, few of these elements directly benefit PM residents.	Provide false hope leading to frustration for residents. 105 residents chose vouchers vs. confidence in NCI delivery.	DCHA 16-06 no track record. PUD16-11 doesn't mitigate history.	"1" on 0 to 5 scale	Yes, specific and enforceable. DCHA, DMPED/DHCD poor enforcement record.	

Guidance and Direction for the ZC in applying the “Park Morton Racial Equity Tool” to PUD16-11 (continued)

	PUD16-11	Who benefits analysis?	Unintended Consequences, Adverse impacts	Likelihood Implemented	Value Score	Specific Enforceable	Burden of Proof
Every effort possible to avoid permanent displacement of Park Morton residents	Produces 90 replacement units	Little benefit to PM resident especially with no viable build first site. Resident must be displaced not to be permanently displaced. Residents have been displaced during a pandemic, a severe disruption at the worst time without compensation.	At best, DHCA has a 30% success rate after 10 years on NCI, Hope 6 and similar projects. Current development offers no mitigation or reversal of this trend .	30% at best, well below a Racial Equity standard.	"1" on 0 to 5 scale	Yes, specific and enforceable. However DCHA, DMPED/DHCD have poor enforcement record on 0-30% MFI units.	
Provide residents access to ownership opportunities in redevelopment	No concrete plans for foresale units	Greatest benefit for PM residents.	New to include more foresale and partnership for PM residents.	Unlikely opportunity under 16-11	potential "5"	Currently not applicable	
Provide Park Residents access to ownership opportunities in community	No project or process currently exists.	Greatest benefit for PM residents.	New to include more foresale and partnership for PM residents.	Unlikely opportunity under 16-11	potential "5"	Currently not applicable	

The Park Morton Racial Equity Tool

Guidance and Direction for the ZC in applying the “Park Morton Racial Equity Tool” to Remand Questions

	Who benefits analysis?	Unintended Consequences, Adverse impacts	Likelihood Implemented
1) Take into account that the ninety-foot-high building protrudes into a Neighborhood Conservation Area;	Offers PM residents no tangible benefit, especially given can not longer be used for build-first.	Per conversations with DMPED & Developer size/financial structure of the building precludes additional affordable family-sized units and ownership opportunities. Housing type fundamentally different current experience with little benefit.	There is currently no gap funding in DMPED's Capital Budget
2) Take into account that the areas adjacent to the western portion of the PUD are designated moderate-density residential, not medium-density residential;			
3) Take into account that the ninety-foot-high building and the sixty-foot-high building are not generally consistent with, respectively, the medium-density-commercial and moderate density-residential designations in the FLUM;	Approved changes to the PLUM supports these buildings, the project, density. However, there is no evidence to support increased density directly benefiting PM residents.	Per DHCD, higher density new construction is more expensive generally working to reduce the number of family-sized units and ownership opportunities.	There is currently no gap funding in DMPED's Capital Budget

The Park Morton Racial Equity Tool

Guidance applying the “Park Morton Racial Equity Tool” to Remand Questions (continued)

	Who benefits analysis?	Unintended Consequences, Adverse impacts	Likelihood Implemented
4) Either identify record support for the statement that the senior building “mimics many other apartment houses that have been built as infill developments in the area” or forgo reliance on that consideration;			
5) Independently analyze and discuss whether the PUD is inconsistent with specific policies, or would have adverse effects, timely identified before the Commission;	A racial equity analysis centers the PM resident community. The previous review lacked this racial equity lens. The consistency analysis now requires a significant benefit for PM residents.	The trade-off of benefits vs. adverse impacts from a racial equity lens is therefore not apart of the record during the previous review.	
6) Determine whether, in light of the Commission’s conclusions on these issues, the Commission should grant or deny approval of the PUD; and	The residents of PM and city at large benefit from racial equity lens analysis.	A racial equity lens review may lengthen the projects timeline.	
7) Explain the Commission’s reasoning in granting or denying approval	Additional density may benefit the project, but possible at the expense of PM residents.		

Zoning Hearing Case No. 16-11
October 26, 2021

Park Morton Residents Council
Shonta High, President

GUIDELINES FOR THE ZONING COMMISSION IN USING THE PARK MORTON EQUITY TOOL ABOVE

WHAT IS RACIAL EQUITY

1. Racial Equity is listening to those directly impacted – Park Morton residents – by the decisions that will affect their lives. “Community organizing and power building is needed to bring community engagement out of tokenization and into true involvement of impacted residents in the decisions that impact them.” The Spectrum of Community Engagement to Ownership, https://d3n8a8pro7vhmx.cloudfront.net/facilitatingpower/pages/53/attachments/original/1596746165/CE20_SPECTRUM_2020.pdf?1596746165
2. Racial Equity means ensuring this zoning review under remand and subsequent written zoning order adopt wholecloth the Park Morton Equity Plan (PMEP) as a binding condition of approval. See for example, the Community Benefits Toolkit, <https://www.lisc.org/our-resources/resource/community-benefits-agreements-toolkit/>
3. Racial Equity is when DC and the our Zoning Commission, like other cities implement policies that require explicit consideration of proposed developments’ impacts on racial equity. For example, New York City is adopting a law requiring the anticipated impacts on racial equity be documented for large-scale housing projects that require city approval. <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3963886&GUID=D2C9A25B-0036-416E-87CD-C3AED208AE1B&Options=ID%7CText%7C&Search=1572>
4. Racial Equity in DC would look at planning like in Seattle’s comprehensive planning effort including a distinct focus Growth and Equity Analysis as part of their decision-making process for rezoning. <https://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/>

[2035EquityAnalysisSummary.pdf](#)

5. Racial equity is ensuring this project and others affecting lower income DC communities are rendered through a racial equity review process, such as that offered by the Council Office on Racial Equity, <https://www.dcraciaequity.org/racial-equity-impact-assessments>
6. Racial equity is when the city, and DCHA, DHCD and other agencies ensure grant/loan funds are available to public housing residents to “help level the playing field so that every qualified applicant has an equal opportunity to obtain credit.” Justice News webpage, "Assistant Attorney General Kristen Clarke Delivers Remarks Announcing a New Initiative to Combat Redlining" published by US Dept. of Justice, October 22, 2021, <https://www.justice.gov/opa/speech/assistant-attorney-general-kristen-clarke-delivers-remarks-announcing-new-initiative>
7. Racial equity is removing stigma and unfair restrictions and results of vouchers towards "Cash Out Voucher Assistance:" “Cashing out” rental assistance could convert some or all voucher assistance payments from a monthly payment from PHAs to landlords to direct cash transfers to eligible households for their housing or other expenses, eliminating the stigma associated with using a voucher and effectively eliminating the requirement that low-income households find landlords willing to accept vouchers. Urban Institute webpage, Housing as a Safety Net, Ensuring Housing Security for the Most Vulnerable, September 30, 2017, https://www.urban.org/research/publication/housing-safety-net/view/full_report (Page 25)
8. Racial equity is ensuring opportunities for homeownership for public housing and other lower income residents including mortgage readiness (financial literacy training, credit-building programs, financial coaching), credit access, intermediate option (rent-to-own programs), and additional supports for low-income residents (mortgage interest deduction (MID) reforms, voucher home ownership program) https://www.urban.org/research/publication/housing-platform/view/full_report (Page 15-18)
9. Racial equity includes much stronger approaches to new development such as community land trusts and other forms of shared equity homeownership allowing lower income households to access the stability and control that come with homeownership. Particularly in high-cost markets, shared equity programs show strong potential to provide residential stability and facilitate economic mobility for households that may otherwise lack the capacity to put down roots through buying a modest home. https://www.urban.org/research/publication/housing-platform/view/full_report (Page 17)

WHAT RACIAL EQUITY IS NOT

1. It is not racial equity when choosing to talk down to, not listen to, or talk over those directly impacted by the interconnected projects at Park Morton & Bruce Monroe.
2. Racial equity is not stealing away Park Morton residents' existing garden -style apartment living and not forcing Park Morton residents to move into smaller units in a much larger apartment buildings away from their existing local amenities, health services, and networks.
3. Racial equity is not just ignorantly approving projects like here without fundamental planning evaluations to ensure our community has enough community services – schools, recreation centers, clinics, libraries, police, fire, emergency responders, utilities – to handle the inducement of new population growth with each new project. If we must be ignored and shoved into small units in bigger buildings, we are rightfully fearful that we won't have the same level of community services at this new Bruce Monroe project that we have in the Park Morton area now. See numerous Comprehensive Plan policies and related amendments as cited on the zoning record in ZC Case No. 16-11 and adopted from all legal pleadings in the Bruce Monroe appeal cases (See DC Court of Appeals Case Nos. 17-AA-0554, 17-AA-0555, 17-AA-0556, 17-AA-0553).
4. Racial equity is not displacing Park Morton residents during a pandemic without any good faith efforts by the DC Housing Authority (DCHA) or project-proponent and driver, Councilmember Brienne Nadeau to not find and place Park Morton residents in temporary housing nearby in Ward One. The Council@PM led a search and found several locations, including the Wren and KC Sunshine sites as places that were opportune to serve as a way to stay in our neighborhood while these projects unfold. We were given unsubstantiated excuses or ignored out right and now our residents have been displaced to the wind, mostly away from Park Morton and out Ward One and even out of state.
5. Racial equity is not ignoring Council@PM pleas asking to be offered home ownership and small business opportunities in any new development projects directly affecting public housing residents especially considering the the massive disruption in the lives of Park Morton residents. We should be compensated for this serious disruption, not ignored and punished.
6. Racial Equity is not pitting neighbors up against each other holding our public land hostage pointedly trying to get neighbors to fight each other.

7. Racial equity is not confusing residents with a process that is attempting to use old zoning regulations along with new Comprehensive Plan regulations instead of old zoning regs and old Comp Plan policies. The arbitrary mixing of old and new regulations is the type of curve ball that is not only not rationale, it puts those not familiar with these administrative planning realms and jargon at a serious disadvantage.
8. Racial equity is providing Park Morton families equitable access to more open public space in this busy developing commercial corridor, an area with a dearth of open green recreation space.
9. Racial equity is not fraudulently funding “affordable” housing for wealthy single professionals. News webpage, "D.C. Inspector General: District 'Misspent' \$82 Million in Affordable Housing Funds in 2020, A new report accuses the District of misusing funds and failing to properly monitor projects aimed at creating housing for 'extremely low-income' households." Written by Dianan Ionescu, Plantizen, on October 7, 2021, <https://www.planetizen.com/news/2021/10/114894-dc-inspector-general-district-misspent-82-million-affordable-housing-funds-2020>
10. Racial equity is not hiring or appointing officials who are using their government positions to self-deal on types of real estate deals like here, while ignoring the socio-economic needs and desires of public housing residents. News webpage, "Neil Albert step downs from D.C. Housing Authority board amid ethics questions" written by Alex Koma and published by the Washington Business Journal, Oct 19, 2021, <https://www.bizjournals.com/washington/news/2021/10/19/neil-albert-dcha-resigns-report.html>
11. It is not racial equity when when DC officials ignore and step on basic planning policies and laws that seek to protect vulnerable communities like that at Park Morton. For example, when the Mayor’s Office of Planning, ANC, and DC City Council bypassed the laws that require environmental analysis and other planning impacts study of the associated changes to the Comprehensive Plan, especially the planning maps for Park Morton and Bruce Monroe where the city is trying to force us to live. See D.C. Code § 1-306.04 (d) [Amendments to the DC Comprehensive Plan] shall be accompanied by an environmental assessment of the proposed amendments. <https://code.dccouncil.us/us/dc/council/code/sections/1-306.04.html> And, 10A DCMR 2515.3 The following supporting information will be required when an [Comp Plan] amendment is proposed: (e) The anticipated impacts of the change, including the impacts on the geographic area affected and the issues presented. This should include an assessment of net benefits to the city resulting from the change. <https://www.dcregs.dc.gov/Common/DCMR/RuleList.aspx?DownloadFile=D019555F-0000-CD41-B5F7-B672196682EF> Among other laws and policies regarding changing the Comp Plan and planning maps such as the Future Land Use Map.

12. Racial equity is dispelling the unfair fraudulent definitions of “affordable” when describing housing included in the project proposed for ZC 16-11, as well as many others throughout the District (50-80% AREA Median income [including Fairfax county and Montgomery county] is housing not affordable for most working families and residents living in DC). DC law uses medium family income (MFI) as calculated by the U.S. Department of Housing and Community Development (HUD) that defines “extremely low income” (ELI) as households whose annual incomes are equal to 30% or less of the MFI.¹ In 2021, the Washington Metropolitan Area’s MFI for families of 4 at 30% MFI is \$38,700 annually.² More significant, the median income of the District’s African American families is only \$46,000 annually compared to the \$143,000 annually for the city’s white families.³ With half of all African American families earning less than \$46,000 annually, DHCD’s failure to fund housing for ELI families constitutes a massive racial equity failure in our city’s housing programs!

THE ZONING COMMISSION IS EXPECTED TO ANALYZE THE BRUCE MONROE PROJECT AND INTER-RELATED PARK MORTON PROJECT THROUGH THE NEWLY REQUIRED RACIAL EQUITY LENS THAT THE OFFICE OF PLANNING AND ZONING HAVE YET TO CONSIDER IN A WAY THAT HAS RESULTED IN A FORMAL FRAMEWORK, YET.

THE ATTEMPT TO LEAVE IT TO HOLLAND AND KNIGHT TO DEFINE AND SHAPE THE BOUNDARIES OF THE DISTRICT OF COLUMBIA’S NEW RACIAL EQUITY LENS AD-HOC WITHOUT PUBLIC HEARINGS IS THE OPPOSITE OF RACIAL EQUITY. AGAIN, HAVING A PRIVATE DEVELOPER-CLASS LAW FIRM THAT IS DIRECTLY REPRESENTING THE APPLICANT IN THIS CASE DEFINE RACIAL EQUITY IS SIMPLY UNACCEPTABLE FOR ALL THE REASONS ENUMERATED ABOVE.

THE EXAMPLES ABOVE OF WHAT RACIAL EQUITY IS, AND IS NOT, HELPS FRAME THE PARK MORTON EQUITY TOOL. CERTAINLY, ANY ORDER IN ZC CASE NO. 16-11 MUST INCLUDE THE PARK MORTON EQUITY PLAN AS A BINDING CONDITION OF APPROVAL AT A MINIMUM.

1 DC Code §42-2801 (1)(A)(i), (3) (2021).

2 FY 2021 Income Limits Documentation System-Summary for Washington-Arlington, Alexandria, DC-VA-MD Metro FMR Area HUD, accessed 10/11/21.

3 DC Health Matters Collaborative, 2021 Demographics, Summary Data for City: District of Columbia, <https://www.dchealthmatters.org/demographicdata?id=130951§ionId=936>.

Thus, the Council@PM offers the Zoning Commission the PM Equity Tool and analysis above to help Commissioners better understand what Racial Equity as a principle expects from this review and decision-making process.

Respectfully submitted on October 26, 2021.

Signed by,

Shonta High, President, Council@PM