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DC Zoning Commission Public Hearing, March 18, 2020

My name is Jennifer Ho, and I am a concerned DC resident submitting written comments in opposition to CASE NO. 20-34 of the Zoning Commission for the District of Columbia. This new proposed development does not meet the goals of the Southwest Neighborhood Plan, is laced with financial conflicts of interest, and is proposed by a notorious DC slumlord convicted of wire fraud and pardoned during the final days of the Trump presidency. The current proposal is another threat to the historic character of DC's Southwest neighborhood and takes Southwest further away from serving as a model for equity and diversity.

Lack of proposed affordable units and adverse impact on the community

Washington, DC continues to be the most rapidly gentrifying city in the country, and it has not done so in an inclusive way that cares for its current residents. Southwest residents, including myself, overwhelmingly want to maintain the economic and racial diversity that make the community so strong and vibrant. Families who have been able to call Southwest their home for decades, some whom I have had the honor of meeting and saying hello to each morning, are getting pushed out because the DC government and developers prioritize potential profit more than opportunities to uplift human beings. One estimate says the Black population in Southwest has decreased from 67 to 40 percent since 2000. While politicians and companies in DC are eager now to say how much Black lives matter, they have failed to translate these free, low-risk verbal statements into financial or political investments.

The land in this case is located within a D-8 Zone. The proposed development in this case would allocate eight percent of the total square footage for "affordable" units, which means about 50 of the 610 rental units would be reserved for households earning 50 to 80 percent AMI. How does this fit into the Mayor's goal of building 12,000 new affordable units over the next six years, and how is this plan appropriate, especially amid a historic pandemic and ensuing economic hardship and exacerbated affordable housing crisis for many DC residents? DC needs to be better than this. This is insulting and ethically unacceptable for an area that has already experienced unprecedented gentrification and displacement.

The Zoning Commission must reject this development unless the developer redesigns the project to be an example of equity and inclusion with one-third of the units being market rate, one-third being workforce housing units for households earning 50 to 80 AMI, and one-third being deeply affordable units for households earning zero to 50 AMI. If we are serious about the neighborhood meeting the Southwest Neighborhood Plan, we cannot solely rely on public land for affordable housing - private development must provide more than their fair share. The Courts have told the Commission that affordable housing is within the Commission's purview for "design review". According to Title II, Subtitle X, section 600.1(a) of the Zoning regulations, the Zoning Commission must find no adverse impact during the design review. This project will

have an adverse impact, as it will lead to an unjustified discriminatory effect and will disproportionately harm a particular group of persons (Black residents) and harm the Southwest community generally by perpetuating segregated housing patterns. The Zoning Commission must step up to address our affordable housing crisis by demanding more affordable units from this project and others in the pipeline.

There is already a glut of luxury housing in Southwest, as evidenced by luxury apartment buildings having trouble filling units. We need to use the limited land in Southwest to provide safe, affordable housing to its residents so they are empowered to focus on education, career-building, and other critical areas rather than housing issues and skyrocketing payments.

Developer of the project is a DC slumlord who was convicted of a crime

The developer also needs to understand the damage this project will cause to this community – except the developer, Douglas Jemal, has presided over the mass displacement and gentrification in Washington, DC over the past 30 years as an aggressive DC developer. In 2006, the former DC deputy director of property management testified Mr. Jemal bribed DC government officials in exchange for exorbitantly priced leases and city contracts with inflated profits, costing taxpayers millions of dollars. Though he was ultimately acquitted of the charges related to bribery, conspiracy, and tax evasion, he was convicted of wire fraud. He was recently pardoned by Donald Trump during the final days of Mr. Trump’s presidency.

Douglas Jemal had attempted to evict people from the use of a community space popularly called the “Secret Garden” behind Check It Enterprises, a small business collectively created in 2009 by marginalized LGBTQ+ 9th graders in Anacostia and We Act Radio, a public radio studio and community media producer in Anacostia. Both Check It Enterprises and We Act Radio have been active in efforts to build a Go-Go Museum in Anacostia to celebrate the cultural contributions of Go-Go. In a longstanding legal battle, Mr. Jemal persistently attempted to claim control of the outdoor community space that has been used for community events for many years until, after sustained public outcry, Mr. Jemal yielded the land to the Go-Go Museum in early February 2021.

According to a news article published on February 22, 2021, people have reached out to the Attorney General’s office in Buffalo, NY for help suing Mr. Jemal for holding their deposits after their weddings had to be cancelled due to the COVID-19 pandemic.

Douglas Development is not tenant-friendly, is guilty of defrauding the public, and is a scourge on the history of DC due to its participation in the mass displacement of Black people over the last 20 years.

Financial conflict of interest in the ANC’s support

Per ANC6D’s report for this case from March 10, 2021, ANC6D04 Commissioner Andy Litsky voted in favor of Zoning Commission CASE NO. 20-34 under the condition that the applicant for the case will provide \$100,000 to the Southwest Community Foundation, which he is a current board member of. This is an egregious financial conflict of interest and is a potential

violation of 18 U.S.C. § 208(a), which prohibits a government employee from “participate personally and substantially” in a “particular matter” that could affect his or her own financial interests or the financial interest of any organization in which the employee serves as officer, director, trustee, general partner, or employee. Commissioner Litsky may have violated DC and federal ethics laws because, as a sitting elected official, he voted in favor of (i.e. participated personally and substantially) an application for a development project (i.e. particular matter) contingent on a community benefit agreement of \$100,000 to a foundation for which he is a member of the Board of Directors.

Not only must the DC Zoning Commission reject this case particularly on these grounds, but the DC Board of Ethics and Government Accountability must open an investigation.

I thank the members of the DC Zoning Commission for reading and considering my written comments in opposition to this case. The Zoning Commission must look at where it can build better housing to meet the dire and growing housing need, not just where it could produce the largest profit.

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