

Zoning Commission PUD Evaluation Process (ZR2403)

Park Morton Equity Tool



The Park Morton Racial Equity Tool

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10/26/21 - Resubmisison

Testimony :

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Resubmitting Tool Portion of a previous submission as an example of what a Racial Equity Tool would look like.

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.

The Park Morton Racial Equity Tool

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Special Acknowledgement: DC Council Office of Racial Equity Online Tools <https://www.dcraciaequity.org/>

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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.

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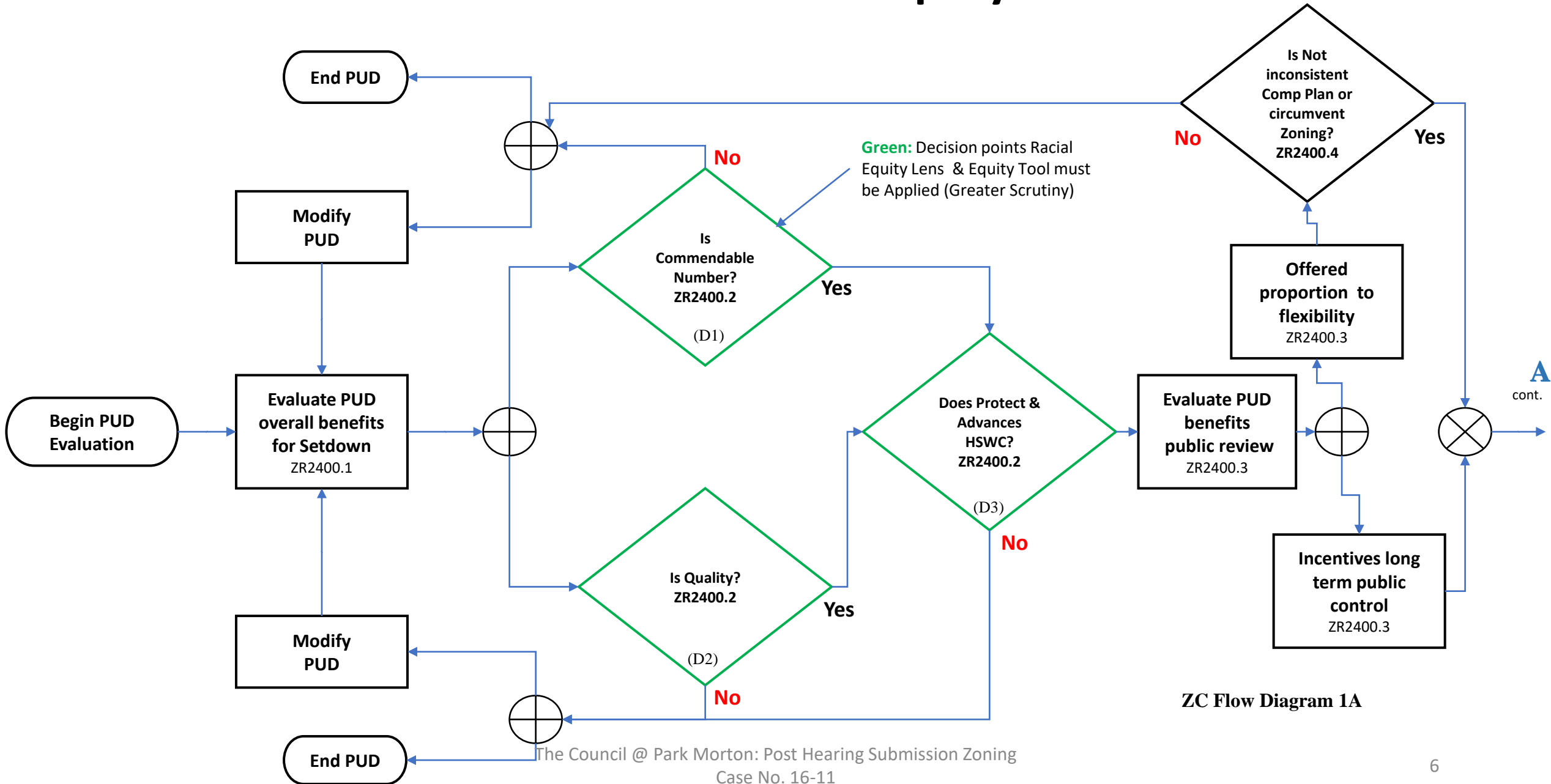
Steps to completing the Park Morton Racial Equity Tool. (continued)

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.

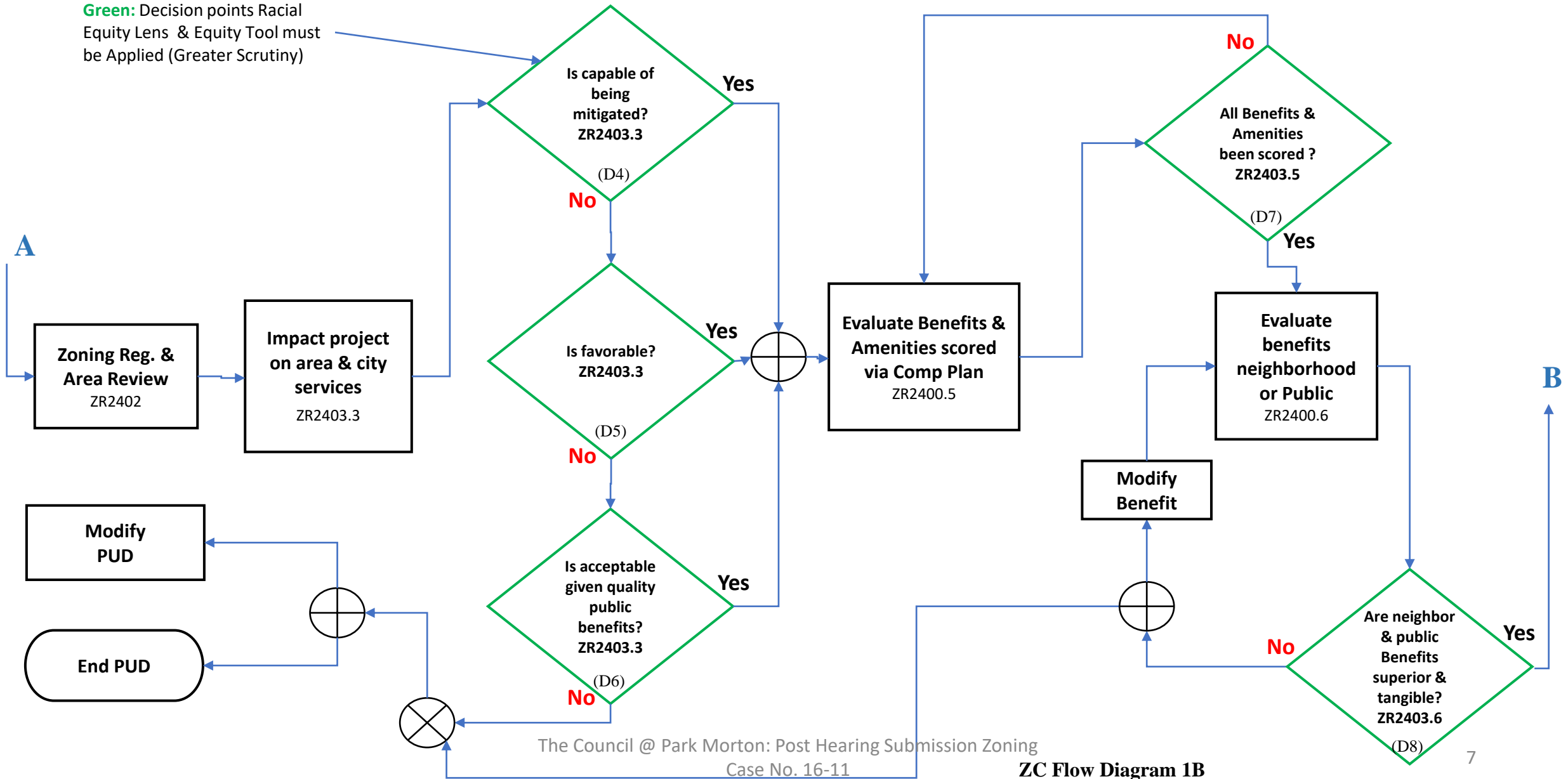
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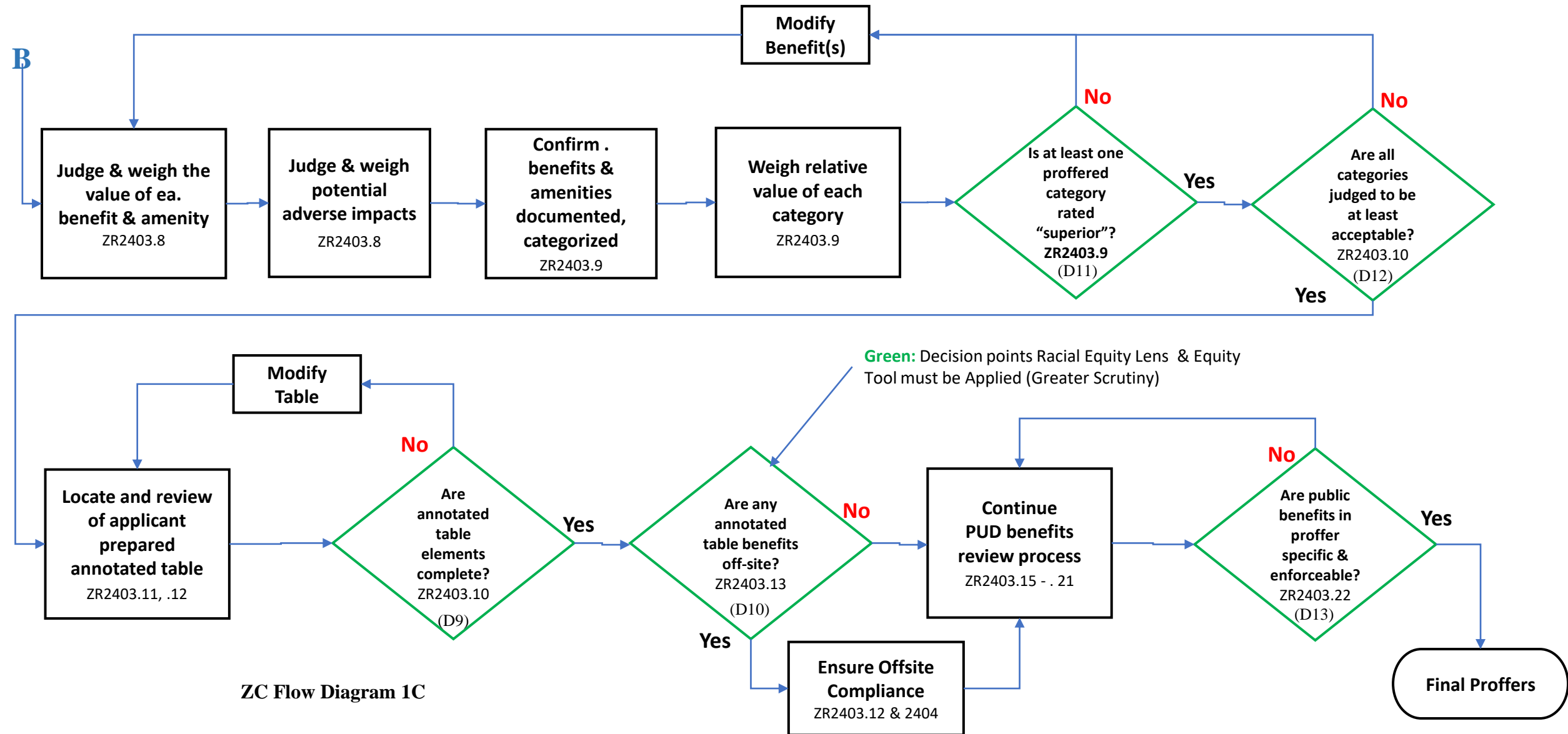
ZC Flow Diagram 1A

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



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ZC Flow Diagram 1C

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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 Benfits?	Unintended Consequences

Equity Toot Table 2

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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

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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

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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 [CP512.1]	Transportation Access [CP403.13]	Displacement [CP504.19]

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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

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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 Toot 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

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Amenities		How do they Benefit	Unintended Consequences	Likelihood Implement	“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

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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.

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Conclusions: Racial Equity Lens		1. Benefit/ Amenity Composite Average Score	2. Adverse Impact Score	3. Subtotal Value Score	4. Racial Equity Normalize /Baseline Score	5. Composite 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

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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 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.

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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 family-sized.	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 sustain 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.	

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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 Enforcable	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.	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 forsale 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 forsale and partnership for PM residents.	Unlikely opportunity under 16-11	potential "5"	Currently not applicable	

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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 no 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

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Guidance and Direction for the ZC in 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 require is a significant benefit for PM residents.	The trade-off of benefits vs. adverse impacts from a racial equity lens in 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 resident of PM and city at large benefits from racial equity lens anallysis.	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.		