

For Release June 6, 2022

The Council @ Park Morton (Resident Council)

DC Zoning Commission to Determine if Black Lives Matter in Land Use Decisions

The Role of Racial Equity Analysis in Land Use Decisions

On June 9th the DC Zoning Commission (ZC) led by Chairman Anthony Hood will take a critical step in determining whether and how the recently approved Racial Equity provisions of DC's Comprehensive Plan apply to residents of DC's public housing, residents who are predominately Black.

“This upcoming ZC Racial Equity hearing is our historic ‘Dread Scott Case’ when it comes to the impact of land use decisions my life and those of my residents at Park Morton. The Question the ZC must answer is when it comes to land use decisions do we as Black residents of public housing have rights that the ZC is bound to respect?”

Shonta' High, President Council @ Park Morton (Park Morton resident council)

The Park Morton resident council, which represents the public housing community located in DC's Ward 1 who've suffered under the city's New Community Initiative (NCI) since 2007, requested the June 9th hearing to challenge the ZC's execution of its Racial Equity analysis responsibilities under the Comprehensive Plan in the Park Morton NCI land use case. In its previous zoning order the ZC ruled that the adverse impacts of the NCI project on the lives of Park Morton's Black residents (people) are not germane to ZC land use decisions of the commission, only that Future Land Use Map (FLUM) guidance regarding the physical environment (buildings) truly matter. In requesting the hearing, the resident council argues that the ZC commission erred in its previous decision because the commission conducted its Racial Equity Lens analysis without the training and Racial Equity tools required by Comprehensive Plan's Implementation Section.

At issue are two key failed promises made to Park Morton residents by the NCI redevelopment program first in 2008 and then again in 2014.

- First, the traditional harms due to resident displacement cause by public housing redevelopment programs would be **fully mitigated** through the implementation of the “build-first” principle, specifically in the Park Morton case that no resident would be displaced from Park Morton nor the neighborhood until “build-first” units were ready.

- The second promise, that the NCI “human capital” program would economically integrate residents into the Park View/Petworth Community.

Instead since 2014 approximately 116 of the original 133 Park Morton families have been displaced from Park Morton the great majority outside of the neighborhood while zero build-first units have been produced. The development team has failed to fully implement available programs designed to ensure resident economic integration such as DC Housing Authority’s Self-Sufficiency and home buy programming. The ZC has ruled that it is not obligated to capture and include these adverse impacts in its Racial Equity Lens analysis and use of Racial Equity tools in this land use case.

The resident council argues that our lives matter, that the adverse impacts which have resulted from the failure to keep these promises must be considered in the commissions land use analysis and would be captured if the commission had used state of the industry Racial Equity Analysis standards and if commissioners had been properly trained. In fact, the ZC itself affirmed its lack of a industry recognized Racial Equity Analysis process when they released their initial draft Racial Equity tool three days after the ZC’s ruling in the Park Morton Case.

As well, the only DC agency currently conducting industry quality Racial Equity Analysis, the DC Council’s Office on Racial Equity (CORE) run by experts in this field have shared an email pointing out the weaknesses of the ZC’s approach as well the legislative intent of the Racial Equity Analysis elements of the amended DC Comprehensive. In particular how such analysis should address Black residents such as those who live(ed) at Park Morton.

“We don't fully understand the moving pieces here[Case 16-11(1)], but from a cursory review, our concern is that the Commission’s findings are more akin to a racial equity “rubber stamp” and not a racial equity analysis. The illusion of an analysis harms the District’s Black residents who are disproportionately affected by matters of zoning. ... Unfortunately, neither what the Zoning Commission has submitted in Section D (pages 98-102) nor OP’s Supplemental Report qualify as racial equity analyses... [ZC’ Racial Equity Analysis] do not provide any critical, balanced analysis as to who would be harmed or who would benefit,”

Namita (Nami) Mody, Associate Director of Policy + Systems Council Office of Racial Equity

The resident council believes that in order to ensure that Black Lives Matter in land use decisions and to avoid the mistake of the DC’s ZC becoming infamous for its version of “Dred Scott”, that the ZC must adopt the resident council’s request of relief in its motion:

“Rehearing together ZC Cases 16-11 and 16-12 for the purposes accepting new evidence, expert testimony and public testimony in order for the Commission to prepare and implement equity tool(s) tailored to properly apply a racial equity lens and harm-benefit analysis and consistency evaluations in the Park Morton NCI zoning cases 16-11 Remand and 16-12.”

The Council @Park Morton (Park Morton resident council) Motion to Reconsider ZC Remand Zoning Order 16-11 & Limited Rehearing of ZC Oder 16-12 w/ regards to Racial Equity Lens Review

Black Lives at Park Morton must Matter as intended by DC's Comprehensive Plan.

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Additional Resources:

- **"Comprehensive Plan Amendment Act of 2020", B23-0736 April 23, 2020**
<https://lims.dccouncil.us/Legislation/B23-0736>
- **The Council @ Park Morton (Park Morton resident council) Motion to Reconsider ZC Remand Zoning Order 16-11 & Limited Rehearing of ZC Oder 16-12 w/ regards to Racial Equity Lens Review**
<https://app.dcoz.dc.gov/Exhibits/2010/ZC/16-11/Exhibit458.pdf>
- **CORE: RACIAL EQUITY IMPACT ASSESSMENT COMPREHENSIVE PLAN AMENDMENT ACT OF 2020 (4/19/21)**
<https://www.dropbox.com/s/6r89or2s8byya2m/FinalComprehensivePlanREIA4.19.pdf?dl=0>
- **Thursday, June 9, 2022 ZC Public Meeting 4:00 PM - 16-11: Park View Community & the District of Columbia**
<https://app.dcoz.dc.gov/Calendar/ZCBZACalendar.aspx>
- **Racial Equity Tool DC Zoning Commission**
https://dcoz.dc.gov/sites/default/files/dc/sites/dcoz/release_content/attachments/Racial%20Equity%20Analysis%20Tool.pdf
- **ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA ZONING COMMISSION ORDER NO. 16-11(1) Z.C. Case No. 16-11**
<https://app.dcoz.dc.gov/Exhibits/2010/ZC/16-11/Exhibit454.pdf>