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Testimony of Kirby Vining, private citizen, in Zoning Case 23-02, 18 January 2024, 4pm, as an opponent.

I am Kirby Vining, active in several community organizations in my Stronghold neighborhood of Ward 5, but testifying as a private citizen on matters involving this case that have citywide implications. My points will be brief and center on two issues: notice of such cases and the use of public land.

Regulations in force require noticing of Zoning Commission action on cases, and the failure to do that properly in this case resulted in initial postponement. Most importantly, and obviously, neighbors need a bit of time to consider zoning cases that affect their neighborhood and standing regulations stipulate the minimum noticing time. **While this case stipulated the street address of the property concerned, many such notices do not, including a couple of cases on the Jan. 25th calendar that refer only to a Square number, such as case 85-16. Mere mortals, in most cases but perhaps excluding persons here tonight, have no idea where Square 1661 is, and it would be helpful to the public for a specific address or even a city street block number to be included, so that neighbors could know that the case concerns their immediate area.**

The larger issue of the use of public space involves the Zoning Commission directly but is also a political matter. You continue to hear arguments from some local residents that the proposed upzoning to MU-10 via a map amendment would make a lot of what follows matter of right, while neighbors are now trying to see how the city's goals can be more consistent with neighborhood wishes before it is too late. The Mayor's housing policies are not being implemented in this case where an OP Setdown Report simply argues for a DMPED project. The Zoning Commission could argue, as I have heard it argue before, that its role is to evaluate cases presented to it, and this is an Office of Planning determination, via the Setdown Report, concerning a DMPED case. But the Zoning Commission, as an independent agency, could find, as I do, that OP's argument that this case is not inconsistent with certain Comprehensive Plan policies, in fact does not produce "significant" new affordable housing in the IZ Plus details, cited in MC-2.3.7, and thus is either mere lip service to the Mayor's larger housing policies, or is an attempt to evade the spirit of the Mayor's policies for the use of public land. So much of the housing produced by DMPED projects is actually producing 80% MFI housing, which albeit is for "low income" earners, you know well that that MFI level is the income level of many couples who buy their first home without any assistance, and is another slap in the face to those at the 50-80% MFI levels, at "very low" income, who cannot purchase a home without help.