

November 30, 2024

FROM: Brian Heilman
6451 31st St NW
Washington, DC 20015

TO: ANTHONY HOOD, CHAIRMAN CC: COMMISSIONERS

ZCSUBMISSIONS@DC.GOV CC: Sharon.Schellin@DC.GOV

RE: SUPPORT FOR CONTESTED CASE FOR CASE 23-25

Anthony Hood, Chairman

CC: Commissioners

Thank you for your service Chair Hood, and thank you to your fellow Zoning Commissioners.

As a 25-year resident of Wards 3 and 4 in the District of Columbia, I write to urge the Commissioners to properly recognize that Case 23-25 is a “Contested” case, to correct the “set-down” to a Contested Case, and to proceed with a Contested case hearing.

I support a Contested Case hearing.

I believe that Case 23-25 was improperly and unlawfully set-down as a “Rulemaking” rather than a “Contested” case. As many other residents have pointed out, and via the past testimony of Attorney Edward Hanlon, the DC Municipal Regulations under 201(2) clearly defines what shall constitute a contested case, and 23-25, which includes the Chevy Chase Civic Core (Community Center, DPR park, and Library), precisely fits that definition: “(e) Map amendments filed by the property owner or owners for a single property or for multiple properties that are contiguous or are only separated by a street or alley.”

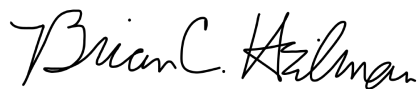
If the Zoning Commission does not permit a rehearing as a contested case, the District will certainly have to defend legitimate appeals in higher courts all the way to the Supreme Court of the United States, as a violation of the due process clause of the 14th Amendment of the Constitution of the USA, and a compensable taking of property.

It is my belief that a more appropriate and just course of action would simply be to permit a rehearing as a contested case, and to admit testimony from District of Columbia residents on both sides of the issue.

Attorney Edward Hanlon has presented clear evidence that regulations stipulate that the hearing for the lots covered by C Commons should properly be conducted as contested, not as rulemaking. Chevy Chase residents have a right to a contested case, to present evidence and to cross-examine witnesses, and also thus preserve the right of appeal. The ZC public record also shows that at least one Zoning Commissioner also agreed that the hearing should be conducted properly as contested. Local residents' pleas, and the requests of property owners immediately adjacent or in close proximity to the Chevy Chase Commons were unfortunately ignored when the ZC set down the case as "Rulemaking."

Should the Commission rightly decide to rehear the case as a Contested Case, it would permit the Office of Planning, DMPED, Mayor Bowser, and the DC Council sufficient time and space to build a wider discussion with the neighboring property owners and District Residents about how best to realize their collective vision for a more equitable, sustainable, and inclusive future use of the real estate included in 23-25.

Thank you for your consideration.

A handwritten signature in black ink that reads "Brian C. Heilman". The signature is written in a cursive, flowing style.

Brian Heilman
6451 31st ST. NW
Washington DC 20015