

Cochran, Patricia (DCOZ)

From: Jbenderly1 <jbenderly1@gmail.com>
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To: DCOZ - ZC Submissions (DCOZ)
Cc: sharon.schellin@dc.com; ccdcvoice@gmail.com
Subject: Zoning Case 23-25

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Dear Zoning Commissioners:

Zoning case 23-25 was set down improperly; Chevy Chase residents have a right to a contested case, so that we can present evidence and cross-examine witnesses, and so that we will have the right to appeal the zoning decision.

As a longtime resident of the District of Columbia, I am outraged that the Zoning Commission acted arbitrarily and incorrectly in this case related to upzoning the Chevy Chase Commons, which would essentially end its usefulness as a public resource for the neighborhood. The Zoning Commission took this action, despite the testimony of Attorney Edward Hanlon, who demonstrated clearly that regulations stipulate that the hearing for the CC Commons must be conducted as contested, not as rulemaking; despite the concern of at least one Zoning Commissioner that the hearing should be conducted properly as contested; despite the Resolution of the ANC 3/4G Commissioners demanding a contested hearing; despite the pleas of local residents, including those living adjacent or in close proximity to the CC Commons, that the Commission conduct the hearing as contested.

While the Commission, though its Director Sara Barden, asserted, erroneously, that it had absolute discretion to set down the Case in the manner of its choosing, Chair Hood made it absolutely clear that he felt personal irritation with and animus against citizens of the District of Columbia residing in "Ward 3—West of the Park," and that his intention was to avoid personal inconvenience and discomfort that he might experience, if those citizens were accorded their proper right to engage fully in the zoning process. While Chair Hood may feel that his convenience is of greater value than the rights DC citizens affected by his actions, this brazenly autocratic behavior undermines public confidence in the objectivity and evenhandedness of the Zoning Commission and brings disrepute upon the Government of the District of Columbia in condoning his behavior.

The Chevy Chase Commons is a prized public resource, not only to the residents of Chevy Chase, but to all citizens of the District of Columbia. Generations of District citizens of all ages and backgrounds have used it for play, socializing, celebrating civic events, getting to know one another, and building community. The zoning hearing for

this significant property should be conducted to accord those citizens their right to a contested case in compliance with the DC regulation.

Yours truly,

Jordan Benderly

Chevy Chase DC 20015