

3266 Worthington St., N W
Washington, DC 20015
December 1, 2024

To: DC Zoning Commission
cc: DC Office of Zoning

Re: Zoning Case 23-25

We are writing to protest the set down of Zoning Case 23-25 as a Rulemaking Case. Faced by the destruction of our public space, Chevy Chase, DC, residents have a right to the level of public participation that is only conferred by a Contested Case. As an independent body, the Zoning Commission needs to consider residents' evidence and glean information that comes from cross-examination of witnesses – particularly government witnesses, who accounted for a disproportionate number of the supporters of the Office of Planning's proposed text and map amendments.

We who live in Chevy Chase, use and value the Chevy Chase Commons (OP's "civic core"), and pay taxes to a government we expect to represent us, deserve to be able to appeal the Zoning Commission's decision in court if we are unhappy with it. No less than the federal government depriving District residents of statehood, the Zoning Commission's arbitrary and improper set-down of Case 23-25 as a Rulemaking case deprives us of our rights on multiple fronts.

The Commission ignored attorney Edward Hanlon's reasoned argument that regulations mandate that the hearing for a change in zoning for the Chevy Chase Commons must be conducted as contested; rolled over the concern of at least one commissioner that the hearing should be conducted properly as contested; gave no weight to the Resolution of the ANC 3/4G Commissioners demanding a contested hearing; and turned a deaf ear to the pleas of local residents, including those living adjacent, or in close proximity, to the Chevy Chase Commons, that the Commission conduct the hearing as contested.

The Zoning Commission does *not* have "absolute discretion" to set down the case in the manner of its choosing; rather, it must abide by DC regulations. Moreover,

in justifying his autocratic decision, Chair Hood expressed personal animus against residents of “Ward 3—West of the Park,” whose motives for clamoring for public participation he impugned. His behavior undermines public confidence in the evenhandedness and judiciousness 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. 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.

Sincerely,

Andrea Rosen and Leonard Jewler