

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC HEARING

VIA WEBEX

THURSDAY, MAY 23, 2024

The Public Hearing of the District of Columbia Zoning Commission convened via videoconference pursuant to notice at 4:00 p.m. EDT, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
TAMMY STIDHAM, Commissioner
JOSEPH S. IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, Esquire

This transcript serves as the minutes from the Public Hearing held on May 23, 2024.

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C O N T E N T S

Case No. 23-25 Text And Map Amendments to Create the Chevy Chase Neighborhood Mixed Use Zones NMU-4/CC-1 and NMU-4/CC-2	3
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P R O C E E D I N G S

(4:00 p.m.)

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3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. My name is Anthony Hood, Chairman of the D.C.
5 Zoning Commission.

6 Joining me are Vice Chair Miller, Commissioner
7 Imamura, Commissioner Stidham, as well as Office of Zoning
8 staff Ms. Sharon Schellin, as well as our Office of Zoning
9 attorney, Mr. Jacob Ritting. Also handling all of our
10 virtual operations is Mr. Paul Young.

11 Case No. 23-25

12 This evening, we are continuing Zoning Commission
13 Case Number -- which is also Planning and Zoning Commission
14 Case Number 23-25, and what that is, for the record, that is
15 for all zoning texts and map amendment to create a MU, Chevy
16 Chase Neighborhood Mixed Use Zones, MU-4/CC-1 and MU-4/CC-2,
17 and that's a whole mouthful.

18 We have started this proceeding, and the first --
19 Ms. Schellin, do we have any preliminary matters?

20 MS. SCHELLIN: Yes, sir. I was contacted by the
21 ANC in this case -- it's 34-G -- and they have what they are
22 titling a compromise on this case with OP, and so, they
23 wanted to present that.

24 So, I don't know if the Commission wants to
25 entertain that or -- I know we've already passed that

1 portion of the hearing.

2 So, if that's something the Commission wants to
3 entertain, Chairman, or if it's something you want them to
4 submit in writing or if you want to check with OP about
5 this, how you want to proceed.

6 CHAIRPERSON HOOD: Let me check with OP and let me
7 hear -- I'm not really necessarily always inclined to
8 backtrack, but let me -- let us hear from OP.

9 MS. SCHELLIN: Okay.

10 CHAIRPERSON HOOD: Ms. Steingasser or whomever is
11 representing OP.

12 MS. SCHELLIN: Maxine, Joel, Jennifer. I'm not
13 sure which one may speak.

14 CHAIRPERSON HOOD: All right.

15 MS. STEINGASSER: We understand the ANC has -- is
16 working on an alternate proposal. We have not had a chance
17 to look at it or analyze it at this point. The hearing is
18 still going on. We tend to wait till the end of the
19 hearing, till we hear from others, before we start to
20 entertain or review proposals. So, at this point, we have
21 no comment.

22 CHAIRPERSON HOOD: Okay. Thank you, Office of
23 Planning.

24 We will hold that in abeyance and deal with that
25 once we finish the proceeding that's in front of us now, as

1 opposed to changing course.

2 Unless I hear any objections from my colleagues,
3 we're going to keep proceeding as we are in this manner.

4 Any objections? Okay.

5 I'm going to -- I'm actually getting ready to -- I
6 have an emergency that I need to deal with. So, I'm going
7 to turn this over to Vice Chair Miller. I should be back.
8 I hope to be back. But I want to assure the public that I
9 will review everything that I have missed.

10 Let me just say that again. I will review
11 everything that I have missed.

12 So, with that, Vice Chair Miller -- and I hope to
13 join you all in maybe an hour or so. Thank you.

14 VICE CHAIR MILLER: Thank you, Mr. Chairman, and I
15 hope you are back as soon as possible, for my sake and for
16 the public's sake and your sake.

17 So, we had -- we began this hearing, I think, on
18 April 29th, and we, pursuant to our rules, went through the
19 order of hearing evidence and arguments at that hearing,
20 including the Call to Order, Opening Statement, Preliminary
21 Matters.

22 The Petitioner in this case, which was the Office
23 of Planning, was the Applicant or the Petitioner, Office of
24 Planning, other government agencies, affected ANCs, and
25 we've heard from -- we heard that there might be additional

1 stuff that we'll hear from -- comments we'll hear from the
2 agency, and we're holding that in abeyance to consider
3 later, and we heard from individuals and organizations in
4 support of the petition.

5 So, I think we completed all of that, Secretary
6 Schellin. Is that correct?

7 MS. SCHELLIN: Yes. So, all that's left are the
8 individuals and organizations in opposition. The Commission
9 heard from those in support and undeclared. So, the only
10 category left is opposition, and that's where we are ready
11 to start, and then for OP to give any kind of closing and
12 anything -- the direction the Commission wants to, you know,
13 give as far as maybe the, you know, ANC submitting their
14 alternate proposal and responses, however you guys want to
15 deal with that.

16 But at this point, we're ready to start with the
17 opposition, if you want me to start calling names.

18 VICE CHAIR MILLER: Yes, please. Please do that.
19 Please call -- we'll take several of them at once.

20 MS. SCHELLIN: How many do you want? Four, six?

21 VICE CHAIR MILLER: As many as you think we can
22 handle.

23 MS. SCHELLIN: Okay. How about if we go with
24 five?

25 VICE CHAIR MILLER: That's a compromise.

1 MS. SCHELLIN: Okay. Mr. Young, let me know if
2 I'm going too fast where you have to switch screens.

3 Okay. Catherine O'Leary. Anita Bier. Carrie
4 Baroody. Liudmila Pestun. And I know I totally messed that
5 one up. It's L-i-u-d-m-i-l-a for the first name. And
6 Christopher Rinkus.

7 That's five. How many do we have?

8 Mr. YOUNG: Are any of them on?

9 MS. SCHELLIN: Oh, goodness. And you refreshed?

10 MR. YOUNG: I did.

11 MS. SCHELLIN: Okay. Let's keep going then.

12 Jill McNeese. David Lavan. Cheryl Wasserman.
13 Laura Phinizy. Christopher Rinkus. Did I just call him?

14 How about now, Paul?

15 MR. YOUNG: I have two on.

16 MS. SCHELLIN: Okay. Paul Johnson. Brian
17 Heilman. Any Terris. I'll wait for you to tell me you have
18 five. Michele Wolin.

19 VICE CHAIR MILLER: So, Ms. Schellin, just for my
20 -- individuals have three minutes and organizations have
21 five.

22 MS. SCHELLIN: That's correct.

23 VICE CHAIR MILLER: And we'll start with Jill --
24 well, I see Any Terris on the screen. That's the only video
25 person I see on the screen. So, why don't we begin with Amy

1 Terris?

2 MS. TERRIS: Point of order. Is there an absence
3 of a quorum?

4 VICE CHAIR MILLER: No. There are three -- three
5 members of the Commission -- three members of the Commission
6 constitute a quorum, and there are three members here.

7 MS. TERRIS: Okay. Thank you.

8 Thank you, Mr. Chairman and Zoning Commissioners.
9 My name is Amy Terris. I am a DC resident, and I live
10 within one mile of the Chevy Chase Library and Community
11 Center.

12 Before I begin, I would like to make an official
13 protest over how this hearing is being conducted. The
14 Zoning Commission has violated my rights under 11 DCMR,
15 subtitle Z, section 201.2(e), which defines Case 23-25 as a
16 contested case. So, thank you.

17 I am here to testify in opposition to the zoning
18 amendment currently under consideration, which would allow
19 for affordable and market-rate housing to be built on the
20 Chevy Chase Core, or a hotel, and I don't know if you all
21 know about this or not, but it's actually in the RFP 23
22 times. It allows for a hotel.

23 So, all this talk about affordable housing, the
24 RFP allows for a hotel 23 times. The RFP has been through
25 three amendment processes. The hotel language has survived

1 all three amendment processes.

2 It's in the FAQ with DMPD, where they say, you
3 know, basically what's this hotel business, and the response
4 is that a hotel is not required but is definitely allowed.
5 So, I just wanted to bring to your attention that, while a
6 lot of people are talking about affordable housing, for
7 whatever reason this RFP allows for a hotel, and DMPD
8 specifically says that we should ask Zoning if this is zoned
9 for a hotel. So, I'd pose that question to you.

10 All right. So, anyway, I believe that everyone in
11 DC should be housed. I just think that there is a cheaper,
12 faster, and better way to do it.

13 In Fiscal Year '23, over 4,000 Federally funded
14 affordable housing vouchers went unused by the District,
15 according to HUD reporting, and I believe affordable housing
16 needs should be addressed by these free to the DC budget
17 housing vouchers.

18 That way people could be housed immediately rather
19 than waiting two years or however long the construction
20 process lasts to redevelop the Chevy Chase Core, and we're
21 really lucky, because right now, DC is at a really important
22 turning point.

23 DCHA, which distributes those Federal housing
24 vouchers has recently hired just this incredible guy,
25 director, highly esteemed, Keith Pettigrew. I don't know if

1 you've had a chance to watch him testify, but he's done an
2 amazing job. He's impressive. He only took over the DCHA
3 in November.

4 I'm just asking that, you know, this guy that we
5 recruited, that we allow him to have a chance to do
6 affordable housing through the free HUD vouchers instead of
7 bulldozing a park, and Chevy Chase Core is a park, so -- and
8 then on a housekeeping matter --

9 MS. SCHELLIN: Time.

10 VICE CHAIR MILLER: You can complete your thought,
11 complete your sentence.

12 MS. TERRIS: I respectfully request that my
13 earlier letters in opposition, Amy Terris Exhibit 70 and
14 Exhibit 257, already posted on the zoning docket, be
15 considered part of my official testimony.

16 Thank you.

17 VICE CHAIR MILLER: Thank you, Ms. Terris, and
18 yes, that is -- the written comments are considered part of
19 the -- part of the record, and I have reviewed them.

20 If you can hang tight while we go to the other
21 witnesses, members may have -- members have questions
22 after --

23 MS. TERRIS: Maybe you could just answer the
24 question on --

25 VICE CHAIR MILLER: I'm not going to do that at

1 this time. We will at an appropriate time, in consultation
2 with the staff and counsel. We will get back -- we will get
3 back to you. Thank you. Thank you for raising that issue.

4 If we can go to our next witness now -- let's go
5 to Cheryl Wasserman right now. Thank you.

6 MS. WASSERMAN: Thank you, Commissioners.

7 I live one block from Chevy Chase Core for 35
8 years, raised two children here from birth, and made full
9 use of the site. I am opposed to the rezoning of that site.

10 First, inappropriate building height: Connecticut
11 Avenue is punctuated by tall apartment buildings and low-
12 rise commercial areas that define neighborhoods and provide
13 a sense of place.

14 I support making low-rise commercial areas mixed-
15 use as a good approach to achieving more vibrancy in
16 housing.

17 However, an 80-foot building at the site will be
18 incompatible with everything around it.

19 Second, inappropriate privatizing of public land
20 in public use: The site is more than the library and
21 community center. It includes a well-used ballpark that
22 draws and serves the wider DC community with a rare mix of
23 age, race, and income. The children's play area humanizes
24 the library. The RFP makes no mention of these assets. It
25 will be impossible to recover this public asset in its

1 entirety once it is privatized.

2 Third: It's a false premise and promise of
3 affordability. The entire justification for privatizing our
4 public asset and increasing building height is to offer an
5 incentive for private developers to include 30-percent
6 affordable housing, which means 70-percent unaffordable
7 housing.

8 Why don't we just build the 30 percent on land
9 that remains public and ensure that, indeed, the housing
10 will be affordable and heights appropriate for the
11 neighborhood. Better yet, offer this housing via lottery to
12 the very people it is presumably designed to serve: local
13 employees and public servants who need affordable housing to
14 serve the community.

15 Fourth: Inadequate public engagement. I was
16 engaged throughout the small area planning process. There
17 was, in fact, a lot of outreach. It succeeded in
18 introducing the possibility that the site could include some
19 affordable housing and offered imagined guidelines for new
20 development.

21 Goodwill was lost with the proposed surplus of the
22 site, which took me, at least, by surprise, which preceded
23 an RFP, and the RFP that emerged does not include the
24 ballpark nor the children's play area but surprisingly does
25 include the possibility of commercial use, with potential

1 competition with local small businesses.

2 Then there was the 94-foot 80-percent lot
3 coverage, which was never in public outreach efforts nor was
4 the revised proposal of 80/60, which should not be seen as
5 an OP compromise, as the original proposal was so absurd.

6 Further, the usual public engagement opportunity
7 for PUD increased heights are eliminated when built into the
8 proposed zoning.

9 In closing, the only reason we are here today with
10 a contested proposal for rezoning is a false premise. The
11 site will not offer any significant increase in affordable
12 housing, and we have much to lose.

13 Let's keep this public asset public, and if
14 necessary, let's build the affordable 20 or 30 units on the
15 public land, limit building heights to no more than four to
16 five stories, and ensure we keep the ballpark and children's
17 play area, and you have my support.

18 Thank you.

19 VICE CHAIR MILLER: Thank you, Ms. Wasserman.
20 Hold tight. We may have some questions for you.

21 Let's go to Brian Heilman.

22 MR. HEILMAN: I'm going to keep my comments brief
23 this afternoon, in part because of my major premise, which
24 is less is more with respect to this development, but I'll
25 also point out that I did submit written testimony which

1 included two pieces of the maps that have been used by the
2 comprehensive plan and the future use -- future land use
3 map, as well.

4 I ask you today to consider that you are
5 considering a dramatic change in the use of public property,
6 a dramatic change in the character and accessibility for the
7 transition zone of the first five blocks along Connecticut
8 Avenue as one enters the District of Columbia from Maryland
9 to the north.

10 I ask that you reject the zoning change proffered
11 by OP on the basis that it is inconsistent with the
12 comprehensive plan and the small area plan.

13 The area from Chevy Chase Circle at the Maryland
14 State line to the large apartment buildings at Livingston
15 Street, Northwest, has been a retail main street and a
16 community zone.

17 In the middle of those five blocks stands a
18 library, a community center, and a Department of Parks and
19 Recreation-managed playground and basketball and pickleball
20 courts.

21 According to the DPR Ready to Play report, the
22 community and DPR-managed play facility were the fifth most
23 actively used locations across more than 80 DPR-managed
24 sites for the three years pre-covid from 2017 to 2019, and I
25 reference to the ReadyToPlayDC.com report. There is

1 evidence that it's more utilized today than it was pre-
2 covid.

3 In 2021, the council adopted -- in the middle of
4 the pandemic, by the way -- adopted the amended
5 comprehensive plan, which included language and references
6 to the small area plan, which are in conflict and
7 inconsistent with the OP's application for a zoning change,
8 and so, I've referenced the policy map, with the enlargement
9 with respect to Connecticut Avenue, and you'll see there the
10 reflection, the back half of the property as park.

11 In the future land use map, also approved by
12 Council, the entire two parcels are designated as mixed use
13 and private moderate density housing is conflated with a
14 public park, as well as a community center and library.

15 While in other areas of the District housing has
16 been built on top of libraries or retail adjacent to
17 libraries, in no other area has housing for individuals and
18 families been collocated with a public community center or
19 park.

20 This is against fundamental rights of due process
21 and just compensation. Some have suggested this as
22 compensation for wrongs of the past. Two wrongs don't make
23 it right.

24 The OP should design a plan which enhances the
25 public experience not at the expense of the public property.

1 My own view is the community center could serve all District
2 residents and include resources to support DC-based
3 entrepreneurs, artists, and future distinguished residents
4 and history-makers in our neighborhood.

5 I testify as a 25-year Ward 4 resident alongside
6 scores of fellow users of the Chevy Chase community center,
7 play facilities, and library, and ask the Commission to
8 weigh carefully the impact of the proposed changes and
9 consider what the studies of the potential impacts have
10 shown.

11 If no impact studies have been conducted, we ask
12 you to return the proposal back to the District and ask the
13 OP to conduct full studies of the potential impacts of the
14 proposed changes on accessibility, traffic patterns, school
15 enrollments, and the 50 existing small businesses along
16 upper Connecticut Avenue.

17 VICE CHAIR MILLER: Thank you.

18 MR. HEILMAN: -- far wide of the goal of creating
19 a welcoming entryway into DC from Chevy Chase Circle and
20 housing units.

21 In closing, let me underscore the fact that I
22 believe this Case 23-25 was improperly set down as a
23 rulemaking case and should properly be reflected as a
24 contested case.

25 In that context, the Zoning Commission may have

1 violated my rights as a user of the facility under 11 DCMR,
2 subtitle Z, and 201.2(e), which defines Case 23-25 as a
3 contested case.

4 Thank you for your time and consideration.

5 VICE CHAIR MILLER: Thank you, Mr. Heilman. We
6 have your -- thank you for your testimony. We have your
7 written testimony, as well. Hang tight. We may have some
8 questions for you.

9 Jill MacNeice, you're on.

10 MS. MacNEICE: I'm Jill MacNeice. I'm a resident
11 of Chevy Chase, DC, for 35 years, and I'm against Case 23-
12 25. This does not mean that I'm against racial and economic
13 diversity. I'm horrified at the way proponents have tarred
14 the opposition as racist and uncaring. This is a cynical
15 ploy by developers and their supporters to get the city to
16 give them ever more land at bargain rates for ever more
17 luxury housing.

18 If the intention of the plan before the BZA is to
19 address racial and economic inequity, then be honest. What
20 is being proposed at the civic core on upper Connecticut
21 Avenue is not affordable housing. It's luxury housing with
22 a few units thrown in, 20 to 30 percent affordable.

23 This handful of units will not solve the city's
24 affordable housing problem nor will it substantively address
25 historic injustice in housing at Chevy Chase, but it will

1 exacerbate the problem by replacing rent-controlled units
2 with new buildings not subject to rent control and minimal
3 affordable units, and Ward 3 has more rent-stabilized units
4 than any ward in the city.

5 Bottom line, this proposal is a boondoggle to
6 developers, who will remove valued civic and greenspace in
7 our neighborhood and replace it with yet another urban
8 canyon of luxury apartment buildings.

9 One of the reasons the Chevy Chase Civic Core is
10 so successful and beloved is because of its human scale.
11 It's warm and welcoming. It's a refuge from urban stress,
12 where you can connect with the community, get to know your
13 neighbors at the library, the community center, on shaded
14 benches, pickleball and basketball courts, and the toddler
15 playground.

16 We must not sacrifice this good in the name of
17 racial and economic equity. Rather, we should preserve this
18 blessing for the deserving people we want to encourage to
19 move into our neighborhood.

20 If we really want to welcome people of modest
21 means, we must give them the best that Chevy Chase has to
22 offer.

23 We must make it easy for them to interact with the
24 community and feel truly at home.

25 So, let's truly commit to making the neighborhood

1 more diverse.

2 If there must be housing at the civic core, make
3 it 100-percent affordable. Go for social housing or invert
4 that luxury housing ratio and make it 80 percent affordable.
5 Otherwise, we're pretending to address the problem while
6 giving public land to developers once again.

7 And then preserve the human scale. No 80-foot
8 monsters. Keep the height at 60 feet as the existing
9 buildings on Connecticut Avenue are. Limit lot coverage to
10 60 percent for more green and open space. No up-zoning
11 along upper Connecticut Avenue. Allow those rent-controlled
12 units to remain.

13 The people who will occupy affordable units in
14 Chevy Chase deserve good urban design with outdoor space
15 that encourages integration with the community, not an
16 isolating high-rise canyon.

17 And I would also like to add that the rezoning of
18 the civic core meets the criteria for a contested case
19 rather than a rulemaking case, and I also believe that the
20 Zoning Commission has violated my rights under DC statute,
21 which defines Case 23-25 as a contested case.

22 VICE CHAIR MILLER: Thank you, Ms. MacNeice. We
23 may have some questions. So, hang tight.

24 We'll next go to Michelle Wolin. Are you here? I
25 don't see your video, but I see your screen.

1 MS. WOLIN: I'm here.

2 CHAIRPERSON HOOD: Are you choosing not to use
3 your --

4 MS. WOLIN: Well, hold on. Let me --

5 VICE CHAIR MILLER: You don't have to, but --

6 MS. WOLIN: Okay.

7 VICE CHAIR MILLER: There you are. Good.

8 MS. WOLIN: All right. Let me pull up my thing
9 here.

10 My name is Michelle Wolin. I have lived in Chevy
11 Chase, DC, for the past 28 years, and I also believe that
12 this hearing should be a contested case.

13 A public civic core space is home to our
14 community-shared outdoor recreation space, a park with open
15 greenspace and mature trees, a basketball and pickleball
16 court and a playground, all of which are in constant use,
17 and our library community center, with numerous activities
18 for children, adults, and seniors.

19 For eight weeks every summer, there is a DPR
20 summer camp for 75 kids, and during the school year, there's
21 a DPR play group for about 15 preschool children.

22 The SAP recognized how valued this open greenspace
23 is to this community and said it should be maintained, and
24 the recent ANC survey, with 2,300 respondents, revealed that
25 preserving the open outdoor greenspace was a top priority

1 for 78 percent of the respondents.

2 But adding an 80-foot-tall private apartment
3 building to this small site and allowing a developer to
4 build on 60 percent of the site, when currently buildings
5 occupy only 35 percent, will invariably result in a loss of
6 this open space, park, and trees.

7 An 80-foot-tall building will dominate the site,
8 looming over everything, with a tall wall of windows looking
9 out over whatever recreation space is left.

10 Further, combining a private apartment building
11 with public space will result in neither feeling like it
12 truly belongs to them.

13 It also means this public space, which is already
14 in short supply in DC, will never be able to be expanded for
15 another use, such as a senior center, a preschool, or more
16 outdoor space, recreation space.

17 Our commercial area, our small local businesses,
18 our restaurants, the Avalon Theater are thriving. Even the
19 Office of Planning recognized this, and it's our low-rise
20 buildings and streetscapes that are inviting specifically
21 because they are human-scale and unique rather than chains
22 and tall buildings.

23 Also, our community is mostly families and
24 seniors, and many people are not within reasonable walking
25 distance of our commercial area, and we are not on a Metro

1 station. So, parking is critical to our businesses'
2 success, but the proposed upzoning will result in the loss
3 of many of our small businesses, as the new mixed-use
4 buildings will raise rents and parking will become extremely
5 difficult.

6 But importantly, there are already plans in place
7 to build an enormous amount of housing, all including
8 affordable units, throughout Ward 3 and throughout DC.

9 Your references to the last meeting, to our
10 housing not meeting RCW's goals, ignores what's already in
11 the pipeline.

12 Further, our population has dropped considerably
13 in recent years, with a net loss of 18,000 people from 2020
14 to 2022, and it has not yet come back.

15 Also, Mayor Bowser wants to build 15,000 housing
16 units downtown, where revitalization is desperately needed,
17 but in Ward 3 alone, in my written comments I list what is
18 already in the pipeline, and the total -- I'll just give the
19 total, and I am including Lord & Taylor or the WMATA site in
20 Friendship Heights -- one of them will become housing. I'm
21 giving it 250 units with 10 percent affordable.

22 That results in 4,000 housing units, with 477
23 affordable, already planned, and there will be much more to
24 come.

25 For example, the Homeland Security site on

1 Nebraska Avenue will become available. GSA will be
2 offloading that. That's a huge --

3 MS. SCHELLIN: Time.

4 MS. WOLIN: Okay. I hope you read my two written
5 submissions, because I go into much more detail, and I also
6 disagree with those who say that the Office of Planning did
7 adequate community engagement for the small area plan.

8 Thank you.

9 VICE CHAIR MILLER: Thank you, Ms. Wolin, for your
10 thoughtful testimony, and we do have your written comments
11 in the record, as well.

12 Thank each of you for your testimony.

13 Let me ask my colleagues. Do you have any
14 comments or questions to any of the witnesses? Let me start
15 with Commissioner Imamura.

16 COMMISSIONER IMAMURA: Thank you, Mr. Vice Chair.
17 I don't have any questions, but I just want to -- a couple
18 of comments.

19 First, thank you all for participating in the
20 public process. I appreciate the perspectives that you
21 bring. Opposing viewpoints or disparate points of view
22 often generate better outcomes. So, I appreciate the
23 position that you share.

24 I also appreciate -- to varying effectiveness --
25 each of you delivered your testimony with varying degrees of

1 effectiveness, and I think the most important piece of
2 information that you share with us -- I think some of you
3 touched on it, but sort of speaks to each of our interests
4 on the Zoning Commission, whether it's the human scale of
5 things, the open design, affordable housing.

6 Topics of those natures, I think, are more often
7 effective to influence sort of our thought process in
8 deliberation and decision-making.

9 So, for those individuals that follow, I do
10 appreciate the passion that you all bring, and your
11 experience in the neighborhood, and some of you were more
12 succinct than others, but that's where -- that's the most
13 effective part that you can play in this public process, is
14 to highlight those points that speak to our specific
15 interests here, as we sort of contemplate what is best for
16 the neighborhood and what is best for the city.

17 You know, zoning is imperfect and it's a balancing
18 act, and so, it's not easy, but we appreciate your
19 participation, and again, you know, I value your efforts to
20 influence the decision-making process.

21 So, thank you.

22 VICE CHAIR MILLER: Thank you, Commissioner
23 Imamura.

24 Commissioner Stidham, do you have any questions or
25 comments for these witnesses?

1 COMMISSIONER STIDHAM: No questions or comments.
2 Just thank you for your participation this evening and your
3 very thoughtful testimony.

4 VICE CHAIR MILLER: Thank you, Commissioner
5 Stidham.

6 Thank each of you for your testimony, and we will
7 be reviewing it again.

8 Ms. Schellin and Mr. Young, can we pull back these
9 witnesses, and Ms. Schellin, can you call the next set of --

10 MS. SCHELLIN: I'll let Mr. Young take those down.

11 VICE CHAIR MILLER: Okay.

12 MS. SCHELLIN: We started so quickly, if you don't
13 mind -- I know we don't usually go back, you know, for
14 witnesses not here if they're not here when we call them,
15 but because we started the hearing so quickly -- we didn't
16 have the long opening -- I would like to go back and call
17 those at the beginning --

18 VICE CHAIR MILLER: Please do.

19 MS. SCHELLIN: -- of the list, just to be fair to
20 them.

21 VICE CHAIR MILLER: Yes, please do.

22 MS. SCHELLIN: So, Mr. Young, I'm going to circle
23 back.

24 So, let me get back to my split view. Catherine
25 O'Leary. I didn't see her, but -- Anita Bier. Carrie

1 Baroody. Liudmila Pestun. Christopher Rinkus. David
2 Lavan. Laura Denacy. Paul Johnson. Andrea Rosen. I note
3 there were a couple others. Let me go back.

4 Have you gotten any yet, Mr. Young?

5 MR. YOUNG: I got the last two that you said, Paul
6 Johnson and Andrea Rosen.

7 MS. SCHELLIN: Okay. Let me see who is next.
8 It's hard because I can't see the other screen to see who's
9 coming up, so you tell me when you get five. I know Nathan
10 Piper, I believe it is -- he should be up now. I thought I
11 saw him appear. That's four or three?

12 MR. YOUNG: That's three.

13 MS. SCHELLIN: Three? Okay. Let's keep going.
14 How about Elizabeth Nagy? Carol Grunenwald?

15 MR. YOUNG: That's five.

16 MS. SCHELLIN: Okay. Great. Thank you.

17 VICE CHAIR MILLER: Okay. Let's go to the first
18 one that was available amongst this set.

19 Mr. Paul Johnson, are you there? Mr. Paul
20 Johnson, can you hear me? I see you. You may begin your
21 testimony whenever you're ready.

22 MR. JOHNSON: Thank you. Thank you for the
23 opportunity to testify, and I wanted to state my full
24 support for the -- for the action taken by Chevy Chase Voice
25 against the Zoning Commission by denying residents their

1 basic legal and constitutional rights in the hearing to
2 upzone the Chevy Chase Community Center and library site in
3 order to build mostly luxury housing on this public land,
4 this zoning case 23-25.

5 I believe that residents and neighbors should have
6 a right to a contested case with the ability to call
7 witnesses, to introduce evidence, and appeal any adverse
8 decision to the DC Court of Appeals, and I challenge other
9 elected leaders and those aspiring to be elected to join me
10 in this stance.

11 I also wanted to state that the preservation of
12 public land is an important tenet. I've worked on these
13 issues with respect to the proper preservation of public
14 land and the proper benefit to District residents for the
15 use of public land in projects.

16 I also believe in the tenets of the community
17 having a right to opine and to shape the contours of any
18 substantial development project that affects the community
19 use and the public commons.

20 So, thank you for your time, and I'm happy to
21 answer any questions.

22 Thank you.

23 VICE CHAIR MILLER: Thank you, Mr. Johnson, for
24 your testimony. Hang tight. We may have some questions for
25 you.

1 Let's go to our -- the next witness, I believe,
2 who was called was Andrea Rosen. You may begin whenever
3 you're ready.

4 MS. ROSEN: I'm Andrea Rosen, a Chevy Chase
5 resident. Thank you, Commissioners, for hearing us.

6 The law is clear that 23-25 should be a contested
7 case. Making it a rulemaking is antidemocratic.

8 Since 2019, officials have assured Chevy Chase
9 residents that there would always be another round of
10 engagement when they would help shape the future of their
11 main street. That round has yet to come.

12 Now, by getting out in front of property owners
13 with by-right custom zones and by defining associated map
14 and text amendments as rulemaking, the Office of Planning
15 and the Zoning Commission have put redevelopment on the fast
16 track and jettisoned community participation.

17 Chevy Chase I and Chevy Chase II lack meaningful
18 customization. Custom zones, we were told, could address
19 with specificity residents' sometimes conflicting goals for
20 their main street: significant affordability, design in
21 architectural deference to existing buildings, mapping
22 sympathetic to single-family homes.

23 Developers hoping to get greenlighted would have
24 to abide by these requirements.

25 But these custom zones do not work as advertised.

1 The provision of IZ-plus for affordable housing is just
2 business as usual. That it's public property being disposed
3 of would not trigger a larger amount of affordability nor
4 more deeply affordable units, because the civic site is too
5 far from the Metro stop or a DDOT priority bus route to
6 qualify.

7 The small area plan's design guidelines on pages
8 50 to 55 provide more provisions than are codified in these
9 custom zones.

10 The CC-2 zone is inappropriate, because the civic
11 site does not meet the criteria to be deemed surplus and
12 disposed of for private development. The library and
13 community center are well used year-round. On a nice day,
14 every bit of the outdoor space is in use.

15 There is no precedent for surplussing and
16 disposing of District property in active use by the public.
17 To declare any part of this site as surplus is bending the
18 law to breaking.

19 The CC-2 zone lacks merit. When private uses
20 impinge on public space, neither residents nor the public
21 feel at home.

22 This is understood by residents across the city
23 who have resisted the Mayor's plans to collocate apartment
24 buildings with public space and facilities.

25 In other places, governments are rehabbing and

1 creating new public spaces, because they recognize the
2 absolute good of places where strangers meet and all comers
3 are welcome without barriers of ownership, residence,
4 membership, or the cost of a cup of coffee.

5 Residents of apartment buildings on Connecticut
6 Avenue have no backyards where they can shoot hoops or sit
7 in the shade of a tree.

8 We've been told that the greenspace displaced by
9 private use of the civic site can be put on the roof of the
10 apartment building.

11 We know how that will end, with locked doors and
12 empty roof.

13 Public facilities and public spaces elevate
14 people's sense of belonging. Public space redounds to the
15 credit of the government. But the taking of public space is
16 bad policy and bad politics.

17 Thank you.

18 VICE CHAIR MILLER: Thank you, Ms. Rosen. Hang
19 tight. I think we may have some questions for you.

20 Let me go to the next -- I will go with Carol
21 Grunewald, since I see her.

22 Ms. Grunewald, you're on when you're ready.

23 MS. GRUNEWALD: Good afternoon. Can you hear me?

24 VICE CHAIR MILLER: Yes, we can hear you. Thank
25 you.

1 MS. GRUNEWALD: I'm going to speak very fast,
2 because I've timed this.

3 My name is Carol Grunewald, and my family has
4 lived in Chevy Chase, DC, since 1990. We are strongly
5 opposed to the proposed upzoning of Connecticut Avenue in
6 Chevy Chase.

7 I despair being able to say anything meaningful in
8 the three minutes that have been allotted to me, but I need
9 to say this.

10 The several year process of arriving here at this
11 moment before you, the Zoning Commission, has been the most
12 undemocratic, unfair, and stressful of any civic experience
13 I've had in my life.

14 My family has invested heavily in our home, our
15 neighborhood, and in the city. We have paid hundreds of
16 thousands of dollars in income and property taxes to the
17 District.

18 Our experience with the Mayor's political push to
19 erase and then redevelop Chevy Chase gives new meaning to
20 the DC motto "Taxation without representation."

21 Upzoning upper Connecticut Avenue, our main
22 street, will destroy Chevy Chase, because the very essence
23 of Chevy Chase is its human-scale, low-rise, village-style
24 design.

25 The relaxed, open, accessible, and friendly

1 atmosphere experienced by Chevy Chase residents is a direct
2 result of the low-rise built environment. The small
3 commercial buildings with affordable rents that our much
4 loved mom-and-pop merchants can afford segue nicely into the
5 surrounding context of single-family homes, many of which
6 are old and historic, as are some of the storefronts here.

7 Just as thousands of people of color here who have
8 experienced gentrification under the Mayor's development
9 policies and who lament the loss of their well-loved
10 neighborhoods, their history, and their culture, so, too, do
11 Chevy Chasers love their neighborhood and don't want it
12 erased.

13 But that's what the Mayor intends to do, erase and
14 replace.

15 The replacement of our human-scale main street
16 with tall, massive, over-scaled residential and commercial
17 buildings will erase our community.

18 The Mayor and housing proponents, using the excuse
19 that we need more affordable housing, are proposing to take
20 our entire main street. They want it all. But how is that
21 fair -- how is it fair that developers and their proponents
22 get it all and residents have no say? Where is the give and
23 take?

24 A more fair and equitable solution, one that
25 would, for the first time, take the desires of Chevy Chase

1 residents into consideration, would be to allow smaller-
2 scale development to occur along upper Connecticut Avenue.
3 We should do a 50/50 split between what residents want and
4 what the Mayor wants.

5 Since one- and two-story buildings currently
6 predominate along our main street but the Mayor wants 80-
7 foot maximum heights, we should split the proposed maximum
8 80-foot height in half and allow only 40-to-45-foot-tall
9 buildings here.

10 That is what current zoning allows, and except for
11 one existing building that is four stories, no one has yet
12 developed upper Connecticut Avenue to its currently
13 allowable potential. Current zoning should be retained.

14 In addition to the affordable housing that could
15 be placed in appropriately sized buildings along the avenue,
16 there are dozens of other places here where truly affordable
17 housing can be built.

18 The Urban Land Institute has recommended that
19 churches and synagogues in Rock Creek West be rezoned to
20 allow the construction of affordable apartments on their
21 sites.

22 This is a fantastic idea, and I can imagine that
23 this would be -- can I finish just my -- my thought here?

24 VICE CHAIR MILLER: Just finish your thought, yes.

25 MS. GRUNEWALD: This is a fantastic idea, and I

1 can imagine that this would be heartily embraced by those
2 religious institutions that are active with the Washington
3 Interfaith Network, otherwise known as WIN, which advocates
4 for affordable housing.

5 Lots more to say but no time to say it.

6 I would like to close by stating I'm hereby
7 registering an official complaint and protest regarding how
8 this case is being handled by the Zoning Commission. The
9 Zoning Commission has violated my rights which defines Case
10 23-25 as a contested case.

11 Thank you.

12 VICE CHAIR MILLER: Thank you, Ms. Grunewald.
13 Hang tight in case we have any questions or comments with
14 you.

15 Elizabeth -- I'm going to ruin this last name --
16 Nagy? Correct me, I'm sorry.

17 MS. NAGY: Sorry. I'm trying to unmute. It's
18 Elizabeth Nagy.

19 VICE CHAIR MILLER: Elizabeth Nagy. Welcome.

20 MS. NAGY: Thank you.

21 VICE CHAIR MILLER: Welcome. And whenever you're
22 ready, you may begin.

23 MS. NAGY: Okay. Thank you.

24 I, too, am going to zoom through, because I have a
25 lot to say and not much time to say it.

1 So, as you know, my name is Elizabeth Nagy. I
2 live in Ward 3. I've lived here for 35 years. I oppose the
3 upzoning of upper Connecticut Avenue, and I'd like you to
4 take my written testimony, which I have yet to submit, which
5 is what I'm saying now, and add it to my already existing
6 testimony, written testimony that I submitted for the
7 previous iteration of this hearing.

8 I'm testifying at this rulemaking hearing despite
9 my belief that this matter should have been set as a
10 contested hearing under DC law.

11 The Chevy Chase community and I have been
12 discriminated against by the Zoning Commission by its
13 unlawful action.

14 With regret, I also feel bound to say that I
15 believe that the head of the Zoning Commission should recuse
16 himself from any consideration of upzoning on upper
17 Connecticut Avenue and, indeed, from any business before the
18 Commission relating to Rock Creek West.

19 There is ample reason to question his ability to
20 be fair and unbiased on the issues before the Zoning
21 Commission today in light of his disparaging comments about
22 Ward 3 west of the park at the November 9th set-down hearing
23 and again, unbelievably, three times at the April 29th
24 hearing.

25 Mr. Hood has said essentially what is it with the

1 people of West of Rock Creek Park? Anytime the issue of
2 affordable housing comes up, there is pushback.

3 It is, indeed, possible to be pro-affordable
4 housing and yet to have legitimate and principled concerns
5 about privatization and densification. This is particularly
6 true in light of DC's dismal record addressing those
7 concerns.

8 The insinuations and outright accusations of
9 racism and NIMBYism that has surfaced as a result of the
10 proposed upzoning are as untrue as they are unproductive.
11 To have these insinuations come from the head of the Zoning
12 Commission is both shocking and cause for recusal at a
13 minimum.

14 Adding affordable housing to Ward 3 is a
15 smokescreen to hide its giveaways to developers, DC's
16 giveaways to developers.

17 In the case of The Commons, we're talking about
18 land worth around \$200 million, which ostensibly will be
19 leased to a developer for a dollar a year for 99 years, or
20 \$99 total.

21 Children born today, unless they live to be more
22 than 100 years old, will never know a time when the
23 developer isn't raking in the enormous benefits of the
24 proposed land giveaway.

25 So-called affordable housing at The Commons would

1 not be affordable as the rent in stabilized buildings up and
2 down Connecticut Avenue. You can debate all day long
3 whether rent stabilized buildings are affordable enough, but
4 it's absolutely clear they're more affordable than the so-
5 called affordable housing at The Commons will ever be, and
6 it has to be noted that if the proposed upzoning were to
7 occur, affordable housing might not be built on The Commons
8 site.

9 In what can only be described as a sleight of
10 hand, shockingly, the city's RFP does not actually even
11 require housing on The Commons site, and while the city
12 crows about its commitment to increasing affordable housing,
13 the Mayor is willing to surplus property that's currently in
14 use and lease it for a pittance.

15 There is a budget shortfall of hundreds of
16 millions of dollars. It's unconscionable to give away any
17 public land, no less land worth hundreds of million of
18 dollars. Developers get richer, and the community loses
19 valuable public land that can never be replaced.

20 The Zoning Commission should adhere to the wishes
21 of the community as expressed in the official ANC 34-G
22 survey and the ANC 34-G resolution on April 25th, which is
23 to be given great weight by the Commission under law, and
24 deny the upzoning of Connecticut Avenue.

25 Going against the duly elected entity's expression

1 of the sentiments of the community is not only contrary to
2 law, it's a bad look for DC and the democratic process.
3 Democracy in DC deserves better than that.

4 For all of the above reasons, the Zoning
5 Commission might not permit the upzoning -- may I finish my
6 sentence? -- the upzoning of upper Connecticut Avenue.

7 Thank you for your time, and I'm available for
8 questions.

9 VICE CHAIR MILLER: Thank you, Ms. Nagy. We
10 appreciate your testimony.

11 Let's go to Mr. Nathan Piper. Whenever you're
12 ready, you may begin.

13 MR. PIPER: My name is Nathan Piper. I currently
14 reside at 3750 North Hampton Street, Northwest, which is
15 immediately adjacent the library and basketball court. I'm
16 currently looking out my window and see a very vibrant scene
17 of children playing basketball and on the playground, which,
18 you know, is something we enjoy every day here.

19 But I'm testifying in opposition to the proposed
20 zoning change. While I understand there are significant
21 issues with how the Zoning Commission has handled this
22 procedurally, I'm also substantively opposed to the change.

23 My family and I believe the current neighborhood,
24 you know, is a great place to live, to work, and to raise a
25 family, and is a welcoming environment. We recognize that

1 Chevy Chase will inevitably evolve over time, which is a
2 good thing, and we hope that the diversity of the
3 neighborhood increases.

4 I hope that city planners will look for creative
5 ways to do this, adding affordable housing without the need
6 to build high-rise buildings that do not work with the
7 surrounding neighborhood.

8 However, the proposed zoning change will be
9 disruptive, and we believe it will change the fabric of the
10 surrounding neighborhood in a way that will result in the
11 loss of some of the unique aspects of our neighborhood.
12 It's currently a great mix of residential streets and unique
13 and interesting small businesses and restaurants.

14 Just to name a few of the places that we frequent
15 regularly, it would be Little B's, Macon, Salon Familia,
16 McGruder's, Harmonic Music Studios, and Art Sound Language,
17 and of course, Child's Play, which has been invaluable to
18 ensuring that we always pick perfect birthday gifts for our
19 son and his friends.

20 So, we're concerned that the -- you know, the
21 upzoning will result in a change that would make it very
22 difficult for some of these smaller businesses to maintain
23 their locations and will also impact the current residential
24 nature of the streets surrounding our house.

25 While we have great schools here, there is already

1 an issue with crowded schools, and as far as we're aware,
2 the increase in density from a zoning change is not
3 accompanied by plans to supplement school resources.

4 Additionally, public transportation, traffic,
5 parking, and other infrastructure would need to be addressed
6 in advance of the zoning change.

7 Overall, there is a lack of sufficient planning,
8 and the currently proposed zoning change is at best
9 premature.

10 The city owes it to this community to engage in a
11 more holistic approach to address these issues before making
12 changes such as this action.

13 The process shows a lack of sincerity by the city
14 in really listening and actually accounting for the views of
15 the neighborhood.

16 One personal concern is a description in the RFP,
17 in Amendment 3, of an easement along the eastern side of the
18 alleyway.

19 This easement will actually run right through
20 where I'm sitting right now.

21 We were not engaged with by the city before this
22 was put into the RFP, which is very concerning, to say the
23 least.

24 So, ultimately, we think the rights of the
25 residents of Chevy Chase are not being respected with the

1 23-25 rulemaking hearing and believe it should be a
2 contested hearing.

3 Thank you.

4 VICE CHAIR MILLER: Thank you, Mr. Piper, and
5 thank each of you for your testimony.

6 Let me go to Commissioner Imamura. Do you have
7 any questions or comments for this panel?

8 COMMISSIONER IMAMURA: Thank you, Vice Chair
9 Miller.

10 Again, just thank you all for sharing your
11 perspective and lived experience in the neighborhood with
12 us.

13 We do take that into consideration and appreciate
14 the time that you've spent to prepare your testimony to come
15 before the Commission tonight.

16 So, thank you.

17 VICE CHAIR MILLER: Thank you, Commissioner
18 Imamura.

19 Commissioner Stidham?

20 COMMISSIONER STIDHAM: Thank you for being here
21 tonight and preparing such detailed testimony for us. It's
22 very appreciated.

23 VICE CHAIR MILLER: Thank you, Commissioner
24 Stidham.

25 We do have the written testimony that some of you

1 may have already submitted. I remember reading at least
2 some of them, if not all of them.

3 Ms. Nagy, I think you mentioned that you might
4 have one or two to send in to tonight's testimony. So, why
5 don't you just do that as soon as you are capable of doing
6 that?

7 MS. NAGY: Thank you.

8 VICE CHAIR MILLER: Thank you each for your
9 testimony.

10 We'll go to the next -- Mr. Johnson, you had a
11 question?

12 MR. JOHNSON: I just wanted to indicate if it was
13 okay if I could send in my written testimony, as well?

14 VICE CHAIR MILLER: Yes.

15 MR. JOHNSON: Okay.

16 VICE CHAIR MILLER: I meant to apply that to
17 everybody, anybody who had not yet submitted -- but if you
18 could do it maybe even during this hearing, while you're --
19 it would be helpful.

20 MR. JOHNSON: Fantastic. Thank you.

21 VICE CHAIR MILLER: Thank you. Thank each of you.

22 Mr. Young, we'll go to the next panel that's
23 available.

24 MS. SCHELLIN: Okay.

25 Mr. Young, picking back up, let's see. Eniko

1 Miksche. I know I'm butchering some of these names, and I
2 apologize. Carolyn Gehrig Cook. Edward Hanlon. And he
3 gets five minutes. And Jane Sherman. How many does that
4 give us?

5 MR. YOUNG: Just one.

6 MS. SCHELLIN: Okay. Stuart Meyers. Elizabeth
7 McPike. David Brown. He also gets five minutes. Do we
8 have five now?

9 MR. YOUNG: You have four.

10 MS. SCHELLIN: Okay. How about Jeanne Cohen?

11 MR. YOUNG: Okay, that's five.

12 MS. SCHELLIN: Okay. Great. Thank you.

13 VICE CHAIR MILLER: Thank you, Ms. Schellin and
14 Mr. Young.

15 Let's see. I see Mr. Hanlon, a familiar face. We
16 welcome you to the Zoning Commission again, and you may
17 begin your five minutes of testimony whenever you're ready.

18 MR. HANLON: Thank you. Just give me one moment.
19 Can you hear me okay, Commissioner Miller?

20 VICE CHAIR MILLER: We can hear you fine. Thank
21 you.

22 MR. HANLON: Thank you.

23 Good afternoon, Chairperson Hood, who is not here
24 at the moment, Commissioners Miller, Imamura, and Stidham.
25 My name is Edward Hanlon. I am the attorney for Chevy Chase

1 Voice, an organization with hundreds of supporters
2 throughout the Chevy Chase neighborhood of DC, more than
3 1,300 of whom signed a petition opposing the upzoning of the
4 Chevy Chase civic site.

5 Over 2,200 Chevy Chase residents answered an ANC-
6 sponsored survey overwhelmingly opposing the upzoning with
7 the Chevy Chase civic site.

8 Others today will address a wide range of problems
9 with this upzoning request. I will address today some of
10 the legal problems with this zoning case.

11 One: There are currently two open investigations
12 of the Zoning Commission by the Office of Open Government.
13 I confirmed only yesterday that the investigation of this
14 Commission is ongoing.

15 Two: This Commission has been sued in the
16 Superior Court for violating the due process rights of my
17 client and is alleged to have violated the constitutional
18 rights of hundreds of other residents of Chevy Chase in this
19 case.

20 Three: This Commission has insisted on proceeding
21 today while failing to have given proper legal notice of the
22 first meeting in this case on November 9. This Commission
23 failed to publish notice in the DC Register that it was
24 holding a public hearing on November 9 in this case, as is
25 required by the Open Meetings Act. This Commission has no

1 authority to waive a mandatory provision of a statute. This
2 Commission was required to publish notice in the DC Register
3 and didn't.

4 This Commission failed to notify any property
5 owners within 200 feet of the site of the November 9 public
6 meeting and failed to properly notify the ANC. On November
7 9, this Commission illegally determined important due
8 process rights of thousands of Chevy Chase residents without
9 proper notice.

10 This Commission voted to deny residents of Chevy
11 Chase a contested hearing, thereby denying the residents of
12 Chevy Chase the right to be parties in this case, the right
13 to call witnesses, the right to introduce evidence, the
14 right to cross-examine witnesses, the opportunity for
15 rebuttal, and the right to appeal any adverse decision of
16 this Commission.

17 This Commission has improperly set this case down
18 as a rulemaking case when quintessentially it's a contested
19 case.

20 This Commission's own regulations of subtitle Z,
21 201.2(e), unambiguously defines this case as a contested
22 case.

23 "Contested cases include a map amendment filed by
24 the property owner for one or more multiple properties that
25 are either contiguous or only separated by a street or an

1 alley."

2 With respect to the civic core, this is exactly
3 what this case is. The city is the owner. The city has
4 filed a map amendment. This case must be done as a
5 contested case, as I believe Commissioner Miller saw and
6 understood at the previous hearing.

7 Even Sara Bardin, director of the Office of
8 Zoning, conceded under a written response to the ongoing
9 investigation that this case meets all the criteria for a
10 contested case under the zoning regulation.

11 You don't have unbridled discretion to choose a
12 procedure that affords the residents of Chevy Chase no
13 rights when the facts of this case, even the Office of
14 Zoning concedes, meets the criteria for a contested case,
15 including the right to cross-examine government witnesses.

16 There are likely soon to be calls for additional
17 investigations.

18 In addition, I believe and my client believes
19 Chair Hood should recuse himself from any further
20 deliberations in this case.

21 Chair Hood's public comments on the record on
22 April 29 are very disturbing. Saying at a public hearing
23 that he was being, quote/unquote, threatened in this case is
24 completely unacceptable conduct for a public official and
25 adversely affects public faith in the integrity of the

1 District government.

2 Chair Hood is not being threatened. He is being
3 sued in a court of law in his official capacity as
4 chairperson of this Commission by citizens of the District
5 of Columbia for violating their constitutional rights.
6 Chairperson Hood said on April 29th, as it is recorded in
7 the official transcript, quote, "I have already been
8 threatened and the Commission has already been threatened
9 before I even hit the gavel to start this case. Threaten is
10 the word I'm going to use, which is fine. We can go to
11 court. That's your legal right. Before we even have a
12 case, before you even heard the first word, before you've
13 even spoke, before I even spoke, I'm not going to be
14 dissuaded by no threats," end quote.

15 No, sir, I say to Chairperson Hood, you're not
16 being sued -- you're not being sued before you even start a
17 case.

18 You started the case on November 9. You're being
19 sued because you voted on November 9 to illegally deny the
20 citizens of Chevy Chase their right to a contested hearing.
21 You're being sued for violating the constitutional rights of
22 thousands of people.

23 Thank you.

24 VICE CHAIR MILLER: Thank you, Mr. Hanlon.

25 Let's go to our next witness. I see on the screen

1 Stuart Myers. Why don't you begin when you're ready?

2 Mr. MYERS: Are you able to hear me?

3 VICE CHAIR MILLER: Yes, we can hear you very
4 well.

5 MR. MYERS: Okay. So, I've been a resident for
6 the last 40 or so years. I spent a lot of my time up in the
7 area in question and happen to enjoy it very much.

8 The Chevy Chase area really has its own character,
9 just like Georgetown, just like Adams Morgan, although we
10 don't have the kind of flash appeal of these areas. I don't
11 think any -- I don't think anybody would be talking about
12 building a 60-foot apartment building on M Street, for
13 example, in Georgetown to come up with more affordable
14 housing, but I suppose, in Chevy Chase, we must be somewhat
15 expendable, and building that kind of building in our
16 neighborhood just is not a big deal.

17 This idea of affordable housing -- it sounds like
18 we're going to put up a building with maybe 50 units, 50
19 units, 6 stories, 50 units. Probably 40 of them are going
20 to be million-dollar apartments. Probably 10 of them are
21 going to be for disadvantaged people.

22 I don't think that's really going to move the
23 needle on providing more affordable housing nor on
24 increasing the diversity of our neighborhood.

25 We're also thinking of putting people into this

1 area where there's no good public transportation, the stores
2 are expensive, and it's -- I mean, it's just not a place to
3 put people where -- who need these sorts of things.

4 Furthermore, I think if we really want to get to
5 the root of the problem, we need to think out of the box. I
6 understand there's certain vouchers that are available for
7 housing. I can't really remember the exact terms for them,
8 but they're free to DC, and they could pay for any rented
9 apartment, apparently, anywhere west of Rock Creek Park.

10 If, every time somebody moved out of an apartment
11 along Connecticut Avenue and was replaced with a
12 disadvantaged person with a voucher, that would really
13 change -- that would really offer much more affordable
14 housing for people and really change the diversity of our
15 community.

16 Just simple mathematics: If our community was 100
17 people and we were all wealthy and we had no disadvantaged
18 people, it would be 100-percent wealthy people. If we had
19 40 people move out of apartments and were replaced with 40
20 disadvantaged people, the balance of our neighborhood would
21 be 60/40 or 40-percent diverse.

22 We're talking about building 50 apartments, 40 of
23 which are going to be for wealthy people and 10 for
24 disadvantaged. If you add that to the previous schema,
25 we've got 140 wealthy people and 10 disadvantaged people, or

1 a diversification of 7 percent in our neighborhood.

2 So, what you're proposing just doesn't make any
3 sense if you really want to provide --

4 MS. SCHELLIN: Time.

5 MR. MYERS: -- more housing or if you really want
6 to diversify our community. You should think about just
7 putting people into the apartment buildings that already
8 exist on Connecticut Avenue, when they move out, give them
9 to disadvantaged people, and you'll find a lot more places
10 for these people to live and our community will diversify
11 much quicker. Those are my ideas.

12 VICE CHAIR MILLER: Thank you, Mr. Myers.

13 MR. MYERS: Oh, by the way, one last thing. I
14 would like to issue my opposition to this whole upzoning
15 thing, and it ought to be heard as a contested case.

16 VICE CHAIR MILLER: Thank you, Mr. Myers.

17 MR. MYERS: Thank you.

18 VICE CHAIR MILLER: Hang tight. We may have some
19 questions or comments for you.

20 Let's go to Elizabeth McPike, if you're here, Ms.
21 McPike. Ms. McPike, are you here?

22 Why don't we go to Jeanne Cohen? Oh, Elizabeth
23 McPike is here. Sorry, Ms. Cohen. We'll get to you.

24 Ms. McPike, do you want to try to use your video
25 or not?

1 Ms. McPIKE: Not especially.

2 VICE CHAIR MILLER: Okay.

3 MS. McPIKE: I'm kind of an old cadger here and
4 I'm not very computer --

5 VICE CHAIR MILLER: That's fine.

6 MS. McPIKE: I'm also not as eloquent as many who
7 came before, but I'm going to try to make three points.

8 Number one, I have never testified before the
9 Zoning Commission or even watched a hearing. So, I did not
10 know what to expect when I tuned in a few weeks ago.
11 However, the one thing I did not expect is that the
12 chairman, after having fulsomely praised the government
13 officials for their presentation, would introduce the voices
14 from the community by saying -- and this is a quote. I went
15 back and checked the recording.

16 "Why is it that every time we have something
17 dealing with affordable housing in Rock Creek West, it's
18 always a problem?"

19 I was taken aback. I guess I shouldn't be. There
20 have been so many awful characterizations made of us who
21 oppose this, our motives and values misrepresented, and I,
22 for one, am weary of all of this.

23 A very long time ago, my late husband and I bought
24 a modest, semi-attached house here in Chevy Chase. We
25 raised our family. We contributed to our church and our

1 community, and we dedicated our work lives to trying to make
2 the world a little bit better. I don't see myself and I
3 don't see my community as a problem.

4 Point two: This city has now either completely
5 replaced or substantially refurbished 20 out of its 26
6 libraries. I'm a library fan. It is an amazing
7 achievement, and I think will be remembered in the long
8 decades ahead as the Mayor's magnificent and most lasting
9 legacy.

10 I have visited many of these libraries, including
11 the gorgeous one in the chairman's ward with that beautiful
12 third floor with the sun pouring in from the latticed third
13 floor roof.

14 And so, my question is, why is Chevy Chase the
15 only place in this great city that has been deemed unworthy
16 of a standalone architecturally dazzling library?

17 What we oppose is not affordable housing but
18 rather that our community and only our community should have
19 to give up our small little plot of land and be satisfied
20 with having a library and community center that are but a
21 couple of floors in a huge apartment building.

22 My last point -- and this is a question. What is
23 your limiting principle here?

24 The majority of the land at the civic center is a
25 kind of combination playground/park. Will all

1 park/playground combinations such as we have now be fair
2 game to have a special zone set up so that housing can be
3 built?

4 In one sentence, how about Turtle Park in
5 Councilman Freeman's neighborhood -- you could probably walk
6 to it -- which is about the same size as ours, and will all
7 DC citizens have to wonder if their park/playgrounds are
8 next?

9 Thank you very much.

10 VICE CHAIR MILLER: Thank you, Ms. McPike. Hang
11 tight in case we have some comments or questions.

12 Jeanne Cohen, are you here with us? Jeanne Cohen?
13 I'm sure I'm mispronouncing one way or the other.

14 MS. COHEN: I'm here.

15 VICE CHAIR MILLER: Good to see you.

16 MS. COHEN: Can you see me?

17 VICE CHAIR MILLER: Yes, we can see you. Welcome
18 to the Zoning Commission.

19 MS. COHEN: Perfect.

20 VICE CHAIR MILLER: You can begin whenever you're
21 ready.

22 MS. COHEN: Great. My name is Jeanne Cohen. I
23 have lived in Chevy Chase DC for almost 25 years, and I have
24 been going to the library and community center since the
25 late 1970s. Like many residents, I enjoy both the human

1 scale of the library and community center buildings and the
2 park area in the back, together with the small reading area.
3 This is the only public outside space within close walking
4 distance of Connecticut Avenue. We live in a fairly small
5 neighborhood, and there should be no radical change to this
6 property.

7 I have several specific points to make.

8 I am opposed to the zoning/land use proposal, but
9 I am not opposed to affordable housing. I am one of the
10 many residents who do not think affordable housing or luxury
11 apartments should be on the civic core site. There are
12 other locations much better suited, and there is no reason
13 other property cannot be used for this purpose.

14 Two: I support moderate development in the
15 neighborhood, reasonable development for our community, and
16 I feel Advisory Neighborhood Commissioner Bruce Sherman
17 captured many of my concerns.

18 Number three: I've heard people speak about an
19 obsession with height limits. This is not an obsession.
20 Height limits do matter. The density affects interaction.
21 I grew up in New York City where greenspaces were few and
22 most, depending upon the time of the day, were hidden in the
23 shadows, with the sunlight blocked. We don't need that
24 here.

25 Number four: There's been discussion about the

1 civic core site being considered surplus. Calling this much
2 used public property surplus property does not appear to be
3 honest. It is not surplus in any defensible meaning of the
4 term.

5 Five: I'm deeply troubled that the results of the
6 community survey are being disregarded. The community is
7 concerned about size and scale. Fifty-six percent of survey
8 respondents were opposed to the development of housing on
9 the civic core, and these results should not be disregarded
10 or disparaged.

11 I've heard the criticisms -- the survey wasn't
12 scientifically done, no margin of error. It's easy to
13 criticize when you don't like the results. The results
14 should not be disregarded.

15 And last, the hearing meets the criteria of a
16 contested hearing and not a rulemaking. A contested hearing
17 would assure much greater participation in the process, and
18 I'd like this to be converted to a contested hearing.

19 Thank you.

20 VICE CHAIR MILLER: Thank you, Ms. Cohen, for your
21 testimony. We appreciate it.

22 Let me call next David Brown. Are you here, Mr.
23 Brown? Welcome again to the Zoning Commission.

24 MR. BROWN: Good afternoon, Vice Chair Miller and
25 Commissioners, and Chair Hood -- I thought I saw his

1 pictured back in the -- back in the scene there just a
2 moment ago.

3 I'm David Brown, an attorney here on behalf of
4 three Chevy Chase homeowners residing near the civic site.
5 They are identified in my written submissions, Exhibit 170
6 and 170-A.

7 They want you to use the contested case process to
8 produce the win-win that Chair Hood would like to see for
9 the civic site.

10 While my clients are supportive of the many Chevy
11 Chase residents expressing concern today about using the
12 rulemaking for the 40 or so other properties, I am here to
13 emphasize that the rulemaking process is very much the wrong
14 choice for the civic site.

15 First, in a memo I submitted, Exhibit 170, I
16 explain in detail why a contested case for this one property
17 is the proper way to proceed.

18 At the start of last month's hearing, Mr. Vice
19 Chair, you said that you thought that the civic site
20 rezoning should be done as a contested case, but you also
21 said that the Commission has complete discretion to proceed
22 by rulemaking instead.

23 I respectfully disagree that you have that
24 discretion in this case.

25 Under Z-201.9, discretion must be exercised,

1 quote, "based on the standards contained in Z-201.2,
2 contested case standards, and 201.5, the rulemaking
3 standards."

4 The contested case definition could not be
5 clearer, as Mr. Hanlon quoted it. Contested cases include
6 map amendments for a single property. A rulemaking can be
7 initiated by OP for a map amendment for multiple properties.

8 The clear boundary line for a discretionary choice
9 between contested case and rulemaking is the single property
10 rezoning, regardless of who initiated it.

11 The remarks I heard in last month's hearing
12 confirm for me in spades, clubs, hearts, and diamonds that a
13 contested case hearing for the civic site is the way to go,
14 and that's only reinforced by what I've heard here today.

15 I remember from that prior hearing ANC
16 Commissioners Goslin and Sherman describe well what a
17 difficult balancing act the civic site rezoning is, and
18 Commissioner Imamura stated equally well that a collision of
19 ideas leads to a better planning process. I believe you
20 said much the same thing again today.

21 It will mean a final rezoning decision for the
22 civic site grounded in a record of sworn testimony, subject
23 to cross-examination on both sides, that the Commission can
24 rely upon for that hope for a win-win.

25 There are strong competing arguments that warrant

1 being hashed out in a contested case.

2 To highlight just one key question, can the new
3 zone's by-right building heights of 65 feet and FAR in the
4 3.0 to 3.6 range be squared with the recommendations for the
5 property in the 2021 comprehensive plan?

6 What you can take from the hearing testimony is
7 that there are those who say with firm conviction that the
8 answer to that question is yes and others who will offer an
9 equally firm no, and there are other equally strong
10 contested issues -- you've heard them again today -- that
11 can only be convincingly resolved via sworn cross-examined
12 evidence in a contested case.

13 Finally, the proposed rezoning for the civic site
14 seems designed to eliminate any public hearing at all on the
15 civic site replacement project.

16 The proposed by-right development standards for
17 the civic site zone closely track what could be accomplished
18 in the CC-1 zone but only with a public hearing in a PUD
19 proceeding.

20 The small area plan promised that the reimagined
21 civic core would be -- and I'm quoting from them -- "rooted
22 in community engagement." Honoring that commitment to the
23 residents cries out for the rezoning to be resolved in a
24 contested case.

25 Thanks very much.

1 VICE CHAIR MILLER: Thank you, Mr. Brown, for your
2 thoughtful testimony, and each of you for your testimony.

3 Let me go to my colleagues to see if they have any
4 comments or questions.

5 Commissioner Imamura?

6 COMMISSIONER IMAMURA: Thank you, Vice Chair
7 Miller.

8 Again, thank you all for your testimony tonight.

9 Mr. Brown, I'm not sure that I've ever been quoted
10 before.

11 But thank you again for the time you spent to
12 prepare your thoughts and come before us tonight.

13 VICE CHAIR MILLER: Thank you, Commissioner
14 Imamura.

15 Commissioner Stidham, did you have any questions
16 or comments?

17 COMMISSIONER STIDHAM: I have no questions or
18 comments. Just thank you for your testimony this evening,
19 really appreciate it.

20 VICE CHAIR MILLER: Thank you, Commissioner
21 Stidham.

22 Chairman Hood, did you want to respond -- did you
23 have any questions or comments of this panel? You just
24 joined us during this -- during this panel. Or did you want
25 to wait till the next panel?

1 CHAIRPERSON HOOD: No, I just will say I did hear
2 one part. I was finishing up. I turned it on so I could
3 listen.

4 I appreciate everyone's testimony. Even though I
5 haven't heard everyone, I want you all to know, everyone
6 that I missed, until I got to -- I think it's -- I've heard
7 Mr. Myers. I'm going to start with his testimony and listen
8 to everybody's testimony, especially in this panel, prior to
9 you all up to this point, everybody in this panel, from
10 after this panel going forward. I listened to all that
11 before.

12 But I did hear Ms. McPike, and I just want to say
13 this before she goes down.

14 What I said about Rock Creek West, I stand behind
15 it 100 percent. I unequivocally do not apologize for my
16 comments, and I'm not being nasty. I'm just telling you
17 what I've experienced in my term here.

18 And here's the other thing -- and I'm not being
19 defensive, I'm just telling you what I see in this city, and
20 a lot of people have mentioned to me about those comments,
21 Ms. McPike, and a lot of people concur and then a lot of
22 people disagree. That's part of the process.

23 So, other than that, I want to thank you all. I
24 know what you said, but I will listen and definitely, in any
25 decisions that I make, I will evaluate what you all are

1 saying, as well.

2 So, I'll turn it back over to you, Vice Chair.
3 Give me one more panel, get myself together, and I'll take
4 it after that if you want me to.

5 VICE CHAIR MILLER: Yes. Thank you. Thank you,
6 Chairman Hood. I appreciate that.

7 So, thank each of you for your testimony, and Ms.
8 Schellin and Mr. Young, we'll go to the next panel of
9 available persons or organizations who are in opposition to
10 this case.

11 MS. SCHELLIN: Okay. Next we have Mark Wolf,
12 Stella O'Leary, Stephen Bluestone, Judy Licht, Stuart
13 Ishimaru. Do we have five?

14 MR. YOUNG: No, we have two.

15 MS. SCHELLIN: Okay. Cheryl Barnes, Harry Barnes,
16 Ronald Kahn. Does that give you five?

17 MR. YOUNG: Yes.

18 MS. SCHELLIN: Okay. Thank you.

19 VICE CHAIR MILLER: Okay. Thank you.

20 Ms. Cheryl Barnes, you are the first person I see
21 on the screen, on my screen at least. So, why don't you
22 begin whenever you're ready?

23 MS. BARNES: Thank you.

24 I'm Cheryl Barnes, cofounder of Chevy Chase Voice.
25 I'm opposed to the new NNU-4/CC-1 and CC-2, and the RF-1

1 zones for Chevy Chase.

2 These new zones won't promote affordable housing
3 anymore than this Commission's upzoning in other wards has
4 done throughout our city over the last two decades.
5 Instead, the real purpose of upzoning is to provide relief
6 to a quickly emptying tax base in DC.

7 Unfortunately, new residents who once wanted Class
8 A market-rate housing are no longer planning on moving here.
9 These new zones will displace small business owners and low
10 to moderate wage earners up and down the Ward 3 main
11 corridor, just as your upzoning has done in every single
12 other ward.

13 Upzoning is the ruination of our once beautiful
14 city. Now, with its newly gentrified neighborhoods covered
15 in blocks and blocks of lookalike glass and steel buildings
16 forming unengaging street walls.

17 A few other points reflect my views and those of
18 other Chevy Chase Voice supporters.

19 The Mayor wants to surplus and privatize a beloved
20 park. This is a first for DC and is in direct conflict with
21 the standard of public good. It likely does not meet the
22 criteria for public surplus.

23 Two: The RFP doesn't require housing on The
24 Commons site, and it's a sham public land giveaway to
25 private developers in the guise of creating affordable

1 housing.

2 Indeed, the proposed zoning will promote Ward 3
3 displacement and gentrification all along Connecticut Avenue
4 corridor, where thousands of low to moderate income
5 residents reside.

6 Point three: Housing, hotels, and mixed use
7 retail are incompatible with the current public use of Chevy
8 Chase Commons' park, library, and community center.

9 Four: DC purposefully undercounted truly
10 affordable housing options in Ward 3 in order to shame and
11 blame Ward 3 for not doing its fair share. But Ward 3 has
12 more rent stabilized units than any other DC ward, truly
13 affordable housing, and those units are intentionally left
14 out of the count of affordable housing by the city's own
15 admission.

16 Five: ANC 3/4G residents' demands have been
17 sidelined by the DC Office of Planning, DC Deputy Mayor for
18 Planning, Economic Development, and by the majority of our
19 own ANC commissioners who are derelict in their duty to
20 serve their constituents.

21 Six: The illegal Zoning Commission set-down for
22 Case 23-25 must be redone. This case, by definition, is a
23 contested case.

24 Thank you.

25 VICE CHAIR MILLER: Thank you, Ms. Barnes.

1 Let's go to Stuart Ishimaru, if you're available.
2 I'm sorry for mangling your last name. Welcome to the
3 Commission.

4 MR. ISHIMARU: Thank you, members of the
5 Commission, for allowing me to testify.

6 I submitted a written statement by email on April
7 28th. It wasn't 24 hours before the hearing. So, I ask
8 that it be made part of the record.

9 I oppose the upzoning in Case 23-25, and I also
10 believe, like many other people testifying today, that this
11 is -- is and should be a contested case, not a rulemaking,
12 for all the reasons stated.

13 I don't want to repeat a lot of the things that
14 have been said. I do want to raise a number of issues.

15 At the last meeting, where I sat and watched the
16 Commission for nearly five hours, one of the developer
17 proponents was talking about -- that this site -- the plan
18 is to have 100-plus units for some 300-plus new residents,
19 which was somewhat shocking to me, but even taking that as a
20 basis of comparison, if you put in 100 new units at this
21 site and let's say 30 percent were set aside for affordable
22 units, that would leave you with basically 30 units of new
23 affordable housing, which is a third of -- it's my
24 understanding -- of what they're putting in at the Lisner
25 home on Western Avenue, newly built affordable housing there

1 for seniors.

2 I don't know how many are going in at the Mazza
3 site. An earlier witness today talked about hundreds of new
4 units in the pipeline being built now for Ward 3. I agree
5 that Ward 3 needs more affordable housing. What worries me
6 is the lack -- the number of luxury units that will actually
7 be constructed if this moves forward.

8 I'd also like to talk -- because I haven't heard
9 it talked about in all of the testimony so far -- is the
10 types of units that -- that will be going in, and frankly, I
11 don't know whether this is a zoning question or not.

12 But one thing that I've seen around the city as
13 these new buildings have gone up is that they are studios
14 and one-bedrooms. There's very little family housing of
15 two-, three-, four-bedroom units.

16 What's going to happen here? We have talked
17 throughout this whole process of wanting to have family
18 housing in Chevy Chase, which I think is terrific. What I
19 worry about, though, is that developers will be putting in
20 small units that have limited use for families.

21 In one thing that I saw in recent days, somebody
22 was talking about putting in 100-percent senior housing,
23 which would also yield very small units.

24 So, I hope you take our concerns seriously. I
25 worry that this is a giveaway for developers at the -- under

1 the guise of providing housing to try to deal with the
2 legacy of segregation in Chevy Chase, and I think, if we go
3 forward with this, you'll actually exacerbate that problem,
4 and I've made this point in a number of earlier submissions
5 to various entities.

6 So, I appreciate the time, and thank you.

7 VICE CHAIR MILLER: Thank you, Mr. Ishimaru.

8 Let's go to Stephen Bluestone.

9 MR. BLUESTONE: I am a resident of this
10 neighborhood for almost 50 years, with my wife. We live on
11 Morrison Street, a block from the civic center, and I oppose
12 the Chevy Chase neighborhood mixed use zones, as proposed by
13 the Commission.

14 Statutory surplus and multiagency conspiracy is
15 the topic I want to touch on.

16 The statutory foundation for this significant
17 upzoning project is DC law section 10-801 -- I call it the
18 law -- which is the District surplus public land statute in
19 which the actively used community center and library have
20 been transformed by DMPD into surplus, along with the entire
21 DC-owned Chevy Chase civic site.

22 To be eligible for public property to be disposed
23 of through the law, it must, quote, "no longer be required
24 for public purposes," close quote. Tearing down these two
25 DC buildings and replacing them with privately owned

1 apartment buildings is not for a public purpose.

2 General counsel of DMPD, Susan Longstreet, in a
3 letter to me of July 6, 2023, stated, quote, "Section 10-801
4 does not preclude the surplus or disposition of District
5 facilities in active use from its application," close quote.
6 In my opinion, she is absolutely wrong. The law absolutely
7 does preclude the surplus of active properties.

8 The result can only be that DMPD and District
9 agencies knowingly and intentionally bypassed the public
10 purposes requirement of the law in order to satisfy the
11 Mayor's request.

12 The intention of the law is not to take public
13 land which is current in use for actively public purposes
14 and convert it, or a portion of it, into private land. The
15 intention is to do just the opposite, which is to take
16 public land which is truly no longer in use for public
17 purposes and hold it for future public uses or otherwise
18 dispose of it.

19 The law has no section authorizing the Mayor to
20 declare, quote, "active," close quote, properties as surplus
21 properties at any time. Neither can the Council declare
22 active properties as surplus without being in violation of
23 the law.

24 There are consequences to this multiagency
25 conspiracy. (a) The Mayor is in violation of the DC Code,

1 which requires her to, quote, "be responsible for the proper
2 execution of District laws," close quote; (b) DMPD would be
3 in violation of a land disposition agreement or 99-year
4 lease when it falsely represents that it, quote, "has the
5 authority," close quote, to dispose of the District property
6 and also when a warranty deed is signed affirming that there
7 is no title flaw; (c) DMPD's Office of General Counsel is
8 avoiding the issue of legality when it stamps on the
9 agreement that is, quote, "reviewed," close quote, which
10 implies approval; (d) a developer will be running scared
11 when he realizes that the agreement he signed obligates him
12 to state that he complies with all applicable District laws,
13 including DC Code Section 10-801.

14 The District will be a participant in this
15 conspiracy. No government or its executive is above the
16 law.

17 Thank you.

18 VICE CHAIR MILLER: Thank you, Mr. Bluestone.

19 Let's go to Ron Kahn. Are you with us? Begin
20 whenever you're ready.

21 MR. KAHN: Thank you very much.

22 Good day, Chairperson Hood, Commissioner Miller,
23 Imamura, and Stidham.

24 My name is Ronald Kahn, and I'm a resident of ANC
25 3/4G. I live within 200 feet of the zoning change areas.

1 To that end, I have followed and studied events over the
2 past two years quite closely.

3 After considerable diligence -- and I'm going in a
4 little bit different direction here with my points, so stay
5 tuned. I'm here today to draw your attention to the
6 underlying pending fast track legislation, bill 25480. Its
7 purpose is to nullify building covenants that, as it states,
8 are contrary to public policy with any -- also with any pre-
9 1938 covenants that prevent multifamily housing. Its
10 passage is critical to this hearing in many ways, and I
11 contend this legislation is unconstitutional and otherwise
12 contains rationales that are without merit.

13 The courts must have their say before any forward
14 action occurs. Specifically, at a minimum, please delay any
15 related Zoning Commission decision and inform DMPD to have
16 RFP bidders hold off.

17 At this point, the bidder instruction indicates a
18 nonissue related to passage of that legislation. That's a
19 very wrong characterization.

20 Now, what I want to talk about is the process.
21 This whole process started with the Mayor's 2025 Rock Creek
22 West roadmap with no diligence whatsoever related to the
23 civic core affordable housing recommendation.

24 This was continued with the small area plan
25 legislation which aligns with the roadmap, then the later

1 discovery of a covenant which represents a critical systemic
2 lack of diligence, then followed by the fix it fast track,
3 25480 legislation, which I've mentioned, now, and it's also
4 facilitated by the Mayor's use of 10801 which, if applied to
5 this case, invalidates the definition of words.

6 Then the set-down, which fundamentally and
7 repeatedly misrepresents community support -- we have that,
8 too -- and brings us to this rulemaking hearing, quite a
9 journey.

10 On top of that, from the onset, a persistent and
11 significant campaign to discredit those in our community who
12 dare to think otherwise, all their interrelated attempts to
13 undermine the basic fabric of our community by dangerously
14 unconstitutional means offering up a methodology akin to
15 throwing something on the wall and hoping it sticks.

16 And this is a message mainly to developers but not
17 exclusively. The covenant that should be used in this
18 situation was written in stone thousands of years ago. It
19 applies to where we are today. Thou shalt not bear false
20 witness.

21 Thank you very much, and I've submitted written
22 testimony, as well. Thank you very much.

23 VICE CHAIR MILLER: Thank you, Mr. Kahn. Your
24 testimony -- we appreciate your testimony, and the written
25 testimony is part of the record, as well.

1 I think our last witness in this particular group
2 is Harry Barnes. We started with Cheryl Barnes. I don't
3 know if there's a relationship there, but we're happy to end
4 with Mr. Barnes with this panel, if you're here.

5 MR. BARNES: Good evening, Chair Hood and
6 Commissioners. I apologize if I end up treading over some
7 ground that Cheryl, my wife, has already covered. We are
8 actually separate people, but we do have many of the same
9 concerns.

10 So, I am Harry Barnes. I'm a resident -- a DC
11 resident of Ward 4. My family has lived here and has used
12 the public resources of Chevy Chase Commons for over 50
13 years.

14 I am opposed to the three proposed new zones in
15 this zoning case, and I believe that the hearing should be
16 contested, as others have stated previously.

17 The Chevy Chase Commons is comprised of a public
18 park, library, and community center used primarily by DC
19 citizens in Wards 4 and 3 but also by patrons from all over
20 DC.

21 No other wards in DC have been asked to give up
22 their community centers, parks, and recreation facilities to
23 private real estate developers for incompatible uses.

24 I oppose the city's plan to surplus and upzone
25 this extremely valuable public property, because residential

1 housing is incompatible with public uses of these resources,
2 and because it is an unconscionable transfer of the city's
3 public assets to private developers to building luxury
4 housing under the guise of providing a still undetermined
5 amount of dedicated affordable housing.

6 Quite simply, I feel strongly that the whole Chevy
7 Chase Commons site should remain a public asset for all
8 residents of DC.

9 I am not opposed to increasing dedicated
10 affordable housing in the upper Connecticut Avenue corridor,
11 but I am concerned that the statistical data that the DC
12 City Council has cited to justify the need to create greater
13 housing density is obsolete, based upon the Office of
14 Planning's model using data from the 2010 Census rather than
15 the 2020 Census.

16 That error overstates DC's projected 2025
17 population by as much as 90,000 persons and thus calls into
18 question the need for increased housing density,
19 particularly in areas that are not designated as
20 transportation corridors or hubs.

21 Again, this apparent error points to the need for
22 a contested hearing in Case 23-25, in which representatives
23 of OP could be questioned about the basis of their
24 population projections.

25 Finally, I would like to point out that Ward 3 has

1 the greatest number of rent stabilized housing units of any
2 ward in DC, and while the city is unwilling to acknowledge
3 these units as affordable housing, the fact remains that
4 many or most of the units rent for less than newly built IZ
5 units throughout the city.

6 The rent stabilization program is clearly a part
7 of the city's efforts to keep housing affordable, and
8 excluding it from consideration in computing each ward's
9 contribution to achieving the city's affordable housing
10 goals puts a thumb on the scale in favor of an
11 undemonstrated need for the development of new rental
12 housing units.

13 Thank you very much.

14 VICE CHAIR MILLER: Thank you, Mr. Barnes, for
15 your testimony. Thank each of you for your testimony.

16 Let me go to Commissioner Imamura, if you have any
17 comments or questions.

18 COMMISSIONER IMAMURA: Thank you, Vice Chair
19 Miller.

20 Again, thank you all for your testimony tonight.

21 Mr. Ishimaru, thank you for raising the issue of
22 the need for more family housing, two- and three-bedroom
23 units. It's an issue that is important to me, and I know
24 that I've mentioned that before in several cases, and I
25 think other Commissioners have, too, but I appreciate the

1 point of view and your raising that issue.

2 Thank you, Vice Chair Miller. I yield back.

3 VICE CHAIR MILLER: Thank you, Commissioner
4 Imamura.

5 Commissioner Stidham, do you have any comments or
6 questions?

7 COMMISSIONER STIDHAM: No questions. Just thank
8 you for your participation in testimony this evening.

9 VICE CHAIR MILLER: Thank you, Commissioner
10 Stidham.

11 Chairman Hood, did you have any comments or
12 questions?

13 CHAIRPERSON HOOD: No, I don't have any comments
14 or questions.

15 I want to thank everyone for their presentation
16 regardless of whatever position you take.

17 But I will say this. What I've heard since I've
18 been back on -- I want to make sure that we focus on what's
19 in front of us.

20 I know it's hard sometimes to differentiate the
21 two, but we're not necessarily talking about a project, and
22 I appreciate Mr. Kahn and Ms. Barnes and Mr. Barnes and
23 everyone's testimony.

24 But I want to make sure that we're focused -- I
25 don't know how much testimony we had about how many units

1 and -- this is not that type of case.

2 This is a rulemaking case. We have a text in
3 front of us, and we have -- this is a rulemaking. I'll just
4 leave it at that.

5 I want to make sure we stay focused, and I know
6 it's hard. Even I grapple with it. But let's make sure we
7 stay focused and talk about the intentions of use and the
8 zone change and what's being proposed here, as opposed to
9 talking about a project.

10 I don't know if you mentioned that already, Vice
11 Chair. I'm not sure. But I wanted to make sure that that's
12 being mentioned, because we want to stay focused.

13 VICE CHAIR MILLER: Thank you, Mr. Chairman. No,
14 that had not been mentioned this evening. I think it was
15 mentioned at the first hearing.

16 There is a lot of process involved. There has
17 been a lot of process involved and so far with this -- with
18 the Chevy Chase sites, with the small area plan, the Rock
19 Creek West plan, the RFP that is pending.

20 But this is the zoning -- this is the zoning map
21 and text amendment process. We appreciate everyone's
22 participation in this part of the process of your journey
23 about these sites.

24 So, with that, we can go to our next group of
25 available persons or organizations who are in opposition,

1 Ms. Schellin.

2 MS. SCHELLIN: Okay. Next --

3 VICE CHAIR MILLER: And I will turn it back over
4 to Chairman Hood gladly.

5 Thank you.

6 CHAIRPERSON HOOD: This is a rulemaking. You're
7 doing very well. Contested cases are a totally different
8 animal, buddy, believe me.

9 VICE CHAIR MILLER: Yeah. I've been on a dais for
10 decades with rulemakings and legislative type -- but yeah,
11 you have the decades of the other cases.

12 CHAIRPERSON HOOD: Thank you. Thank you. Let me
13 just say this, Ms. Schelling.

14 Thank you, Vice Chair and my colleagues, for
15 indulging me, and again, I want to assure the public, those
16 who testified that I didn't hear, I will make sure that I go
17 back and review the record.

18 So, let's proceed, Ms. Schellin. We're bringing
19 up five?

20 MS. SCHELLIN: Yes, we're bringing up five.

21 Mr. Young, let me know when we get to five,
22 because like I said, I can't see both screens.

23 Rick Tempchin. Mary Rowse. Priya Cariappa. I
24 know I messed that one up. Robert Gordon, if he's
25 available. He gets five minutes. Robert Smolik. Jane

1 Delgado.

2 MR. YOUNG: That's five.

3 MS. SCHELLIN: Okay. Great. Thank you.

4 CHAIRPERSON HOOD: Okay. I'm going to go with who
5 I see on my screen first. Let's go to Ms. Cariappa. I
6 probably messed your name up, but forgive me.

7 MS. CARIAPPA: That's fine. My name is Priya
8 Cariappa. Hello, everyone. I'm a DC resident and a public
9 servant who serves our country overseas, including in high-
10 threat posts. My family returned to America in 2021 and
11 felt very fortunate to find a home immediately next to the
12 Chevy Chase library.

13 While we were abroad, we adopted our son as a
14 toddler. Our biggest concern moving to DC was to make sure
15 he felt secure.

16 We chose this neighborhood and our house, even
17 though it was higher priced than our initial budget, because
18 of the proximity to the library and playground.

19 Even with this choice, we could not have
20 anticipated how much we use the library and the surrounding
21 grounds over the last three years. It features in our son's
22 daily routine and in our own family's daily routine, and
23 when my son heard it might be changed, he burst into tears.

24 Moving back to the U.S. from Africa, we were
25 frankly concerned Chevy Chase might lack diversity. While

1 we recognize there is room for improvement, we have met
2 people here with wide ranging backgrounds. It would be a
3 great loss to the community to not have this outdoor
4 gathering space, which has been a source of many new
5 friendships for our family.

6 As a related matter, we are opposed to the idea of
7 surplussing the Chevy Chase library site and believe the
8 zoning change to be a related step in this process.

9 Our kitchen overlooks the site. From daily
10 observations, we can safely say that any declarations of the
11 site as surplus would be at best a legal fiction. Every
12 square foot of the grounds is utilized for public good,
13 whether by people in the community or for preserving
14 valuable nature.

15 Declaring the site a surplus would do an
16 everlasting harm to the community by placing the grounds
17 within the control of developers with interests that may
18 diverge from the community despite whatever restrictions or
19 covenants are placed upon them.

20 It would be far better to pursue community-led
21 options.

22 Additionally, we are very concerned about plans in
23 the current RFP that would result in a high-rise building
24 with insufficient setback on the property and lack of
25 necessary greenspace. Not only will this be detrimental to

1 the community at large, but it would severely impact our own
2 home situation by removing natural sunlight that current
3 powers our home via solar panel.

4 It would also remove all privacy from our yard and
5 house, permitting strangers to look directly into our son's
6 bedroom. This would, in turn, endanger his own sense of
7 security at a time critical for his development.

8 While we are a family in favor of affordable
9 housing, we're strongly against upzoning to permit building
10 a high-rise building on a site and removal of current
11 greenspace.

12 Our son loves the library. We visit multiple
13 times a week. He made his first friend in America in that
14 library, and the kids spill out onto the playground.

15 As a family and with his friends, he plays soccer,
16 pickleball, tennis, hockey, rides his bike and rollerblades.
17 We sit in the garden. We see -- we enjoy ongoing community
18 events such as Chevy Chase Day and trick or treating with
19 the local police. We've seen spectacular butterflies.

20 The space has hosted our son's birthday parties
21 and playdates, and we'd be extremely sad to see the inherent
22 nature of the area change.

23 Finally, we concur -- I concur that the rights of
24 the residents of Chevy Chase are not being respected with
25 the 23-35 rulemaking hearing and that this should be changed

1 to a contested hearing.

2 Thank you.

3 CHAIRPERSON HOOD: Thank you.

4 Let's go to Mr. Gordon.

5 Mr. GORDON: Hi. My name is Robert Gordon. I'm
6 the director of the Chevy Chase Business Association. I'm
7 hoping to have five minutes to speak.

8 I'm speaking about the commercial portion of the
9 area on Connecticut Avenue that's under consideration.

10 I've been a resident of Chevy Chase for 45 years.
11 I've served three terms as an ANC commissioner and have been
12 the past president of the Chevy Chase Community Association.
13 These organizations use the community center exclusively for
14 formal and informal meetings, Chevy Chase DC Day, and other
15 events.

16 I recently founded the Chevy Chase Business
17 Association to oppose the proposed upzoning along
18 Connecticut Avenue.

19 My family owns two businesses on Connecticut
20 Avenue, Little B's Bistro and Artsy Beast. We did not
21 receive Zoning Commission notice of potential zoning
22 changes.

23 The Chevy Chase main street commercial corridor,
24 spanning four blocks from Livingston Street to the Chevy
25 Chase Circle, houses 65 businesses catering to various

1 neighborhood needs, including retail, restaurants, grocery
2 stores, banks, and personal service providers. The two-
3 story buildings are generally owned by outside landlords.
4 The businesses are primarily owned by individuals and family
5 entrepreneurs.

6 The Chevy Chase small area plan praised these
7 establishments that have built beneficial relationships with
8 their local patrons by offering customized services and
9 products.

10 Despite the severe setbacks of the covid pandemic,
11 local small business owners have prevailed through
12 perseverance, dedication, and financial innovation.
13 However, the proposed upzoning of the commercial strip
14 threatens our livelihood and will realize little to no
15 affordable housing.

16 I believe that it will be the beginning of the end
17 of existing small businesses. I therefore strongly oppose
18 the zoning change to NMU-4/CC-1 in Case 23-25. The measure
19 is not supported by the building owners or commercial
20 tenants.

21 In 2019, only two property owners requested
22 comprehensive plan amendments during the open call period.
23 No businesses sat on the CAC that developed the small area
24 plan.

25 I want to repeat that. No businesses were

1 represented on the CAC that developed the small area plan.

2 Nevertheless, the Office of Planning mysteriously
3 recommended that the entire strip should be upzoned.

4 The result of upzoning will enable landlords to
5 build higher and denser. The consequence is that will
6 displace existing tenants during the demolition and
7 rebuilding period, likely two years or more. Store rents
8 will skyrocket, rendering it impossible for the current mom-
9 and-pop stores and restaurants to afford them.
10 Consequently, they will be replaced by national brands that
11 can afford the inflated rents.

12 Other problems not examined by the Office of
13 Planning include such conversions will homogenize the
14 commercial strip and destroy its unique charm that most
15 Chevy Chase residents care about.

16 Greater density will add to an already severe
17 parking shortage in the neighborhood. Underground parking
18 is not feasible in these small buildings on the west side of
19 Connecticut Avenue. It will increase traffic in an already
20 congested area.

21 The small area plan failed to examine the
22 consequences to already overcrowded schools, parking,
23 traffic, pedestrian safety, and infrastructure. The new
24 buildings will tower over adjacent homes.

25 The 2025 comprehensive planning process will soon

1 begin. That's the 2025 comprehensive planning process.
2 This will allow a thorough review of zoning across
3 Washington, DC.

4 I recommend that the Zoning Commission postpone
5 voting on NMU-4/CC-1 during the -- until the 2025 comp plan
6 brings clarity on the matters discussed above. Otherwise, I
7 urge that the NMU-4/CC-1 zoning be a contested case.

8 Thank you.

9 CHAIRPERSON HOOD: All right. Thank you.

10 Ms. Delgado?

11 MS. DELGADO: I have never testified in front of a
12 commission or, you know, shared my views. So, a lot of the
13 language that has been used is new to me. So, I'm just
14 going to express my opinion, okay? And I understand that
15 you said that this is rulemaking, as opposed to contested.
16 So, I hope that I am doing what I'm supposed to. I
17 submitted written comments.

18 I want you to know I'm a DC resident for 45 years.
19 I have been a homeowner two blocks from the area under
20 consideration for 33 years.

21 What I have experienced in this process has been
22 very disappointing. The public engagement did not seem
23 real.

24 The small area plan meetings -- I'd make a
25 comment. Nobody would listen to it. And what were my

1 comments based on? Most of my comments were based on the
2 idea that, hey, we've had a pandemic. How people live and
3 work has markedly changed.

4 We need to think about our city as a whole, and we
5 need to use new data to understand what the needs of
6 different communities are.

7 Our community is a community that works, and it's
8 special because it has greenspace, and also, when I walk on
9 Connecticut Avenue, I see the sky, okay? That, to me, is
10 beautiful, and that's good for everybody.

11 And as for affordable housing, of course we want
12 affordable housing, but not to have these canyons down the
13 street.

14 We want you to consider a whole approach to our
15 city.

16 You know, I wrote our city has a donor problem.
17 This is the time, the opportunity to rethink, for the Zoning
18 Commission, how we grow as a city.

19 You know, just to focus on Chevy Chase now, I live
20 here. Of course I care about it. But I care about our
21 city, and I think that we need to keep what's working and
22 keep it together, and our community works.

23 You know, the people love the parks. We get
24 people from all over. The playground is across from my
25 house. We have people playing basketball at all times.

1 This is a community that works. It doesn't need to be
2 changed, and what worries me is there is an undertone that
3 the ones who are getting the free public space and all these
4 kinds of things that we all enjoy now are going to be
5 developers, and they don't care about the community that I
6 care about. They care about something else.

7 So, I'm hoping that this Zoning Commission will
8 really take a bigger picture and just -- you know, that
9 gentleman who spoke before me, you know, who said, you know,
10 wait until this other plan comes out, absolutely. The world
11 has changed, and you and all of us have to change with it.

12 That's all my comments. I know I didn't take my
13 three minutes, but thank you for hearing me out, and I hope
14 that we can work together to make our city great, not this
15 little piecemeal approach of tinkering and doing stuff like
16 that.

17 CHAIRPERSON HOOD: Thank you.

18 Let's go to Mary Rowse. You may begin.

19 MS. ROWSE: Thank you.

20 Well, I think my video just went out. Sorry.

21 CHAIRPERSON HOOD: Actually, your video never was
22 on. Are you still there?

23 MS. ROWSE: Yes, I am. Can you hear me?

24 CHAIRPERSON HOOD: Yeah, we can hear you. So, go
25 right ahead.

1 MS. ROWSE: Okay. I apologize. Okay. I'm trying
2 to get my video going.

3 My name is Mary Rowse. I've been a Chevy Chase DC
4 resident for 44 years. I live a half-block from the
5 commercial strip that has been targeted by developers and
6 the DC Office of Planning for increased density and
7 upzoning.

8 I'm opposed to the proposed new zones, and I urge
9 the Commission to make this a contested case, not a
10 rulemaking one.

11 I agree with my neighbor Jane Delgado who said
12 that our community works. It absolutely works, and it seems
13 that DMPD wants to remake our neighborhood.

14 I don't think we want that. I don't think we feel
15 there's anything wrong here. I think that there are many
16 people who have joined in support of the proposed historic
17 district that will give the ANC and the community a chance
18 to weigh in on any new proposed construction, matter of
19 right or otherwise.

20 But these new zones will be producing more matter
21 of right and not giving the community any say about anything
22 here.

23 Community participation and engagement will be
24 jettisoned, and we will not have any opportunity unless we
25 have an historic district. So, that's why so many people in

1 this community support community feedback and engagement.

2 These zones were presented to this community in a
3 classic top-down style. They're not the product of any
4 community planning. The Office of Planning did some
5 community outreach, but they didn't knock on the doors of
6 the people most directly affected, residents like me, who
7 live within a block of the area, and the 40, 50, 60 business
8 owners and lessees along Connecticut Avenue and the side
9 streets, who will be directly impacted.

10 With the except of a handful of neighbors in the
11 development industry, no one ever said they wanted these
12 form-based zones.

13 Why would any of the businesses want them?
14 Because they're very likely to be displaced from these zones
15 if redevelopment occurs without a historic district or even
16 with one.

17 New zones were mentioned only on the very last
18 page of the draft Chevy Chase small area plan in a very
19 vague reference to a new zone could be created.

20 In the final CCAP SAP, a new zone should be
21 created, was the language.

22 How is it possible to change those two things in
23 such a short time?

24 Studies have shown that commercial blocks like
25 ours, with its mix of older, smaller buildings, perform

1 better than areas dominated by larger, new structures across
2 a broad range of economic, social, and environmental
3 factors.

4 These are irreplaceable historic buildings. They
5 are powerful engines of economic growth, vitality, and
6 quality of life, and contribute to the success of our
7 neighborhood by providing more small business and creative
8 jobs, more new businesses, fewer chain businesses, and more
9 women- and minority-owned businesses than areas with newer,
10 larger structures.

11 People patronize more businesses in smaller scale
12 areas than in taller ones, and overall, there is empirical
13 evidence that the older buildings play an important role in
14 a community's health and long-term success.

15 This is a successful community. This is a
16 community that works already.

17 Small independent businesses in Chevy Chase DC
18 keep dollars in the local economy and provide more
19 resilience against economic downturns, but their future will
20 be threatened if new, larger buildings replace them along
21 this important commercial strip.

22 Increased density and upzoning will also likely
23 destroy the low-scale livable community we have enjoyed for
24 decades.

25 And I just want to make one final comment that if

1 new construction at the former Wardman site in Woodley Park
2 is only offering 72 affordable units and 900 market rate,
3 what does that say about what they're going to be offering
4 at the community center and library? How many truly
5 affordable units will there be there?

6 Thank you.

7 CHAIRPERSON HOOD: Thank you.

8 Let's go to Robert Smolik.

9 MR. SMOLIK: Good evening, everyone.

10 Chairman Hood, I speak as a long-term resident for
11 my family of this community, as were my parents for many,
12 many years.

13 I would like to commend to you, sir, the testimony
14 of at least three of the citizens who entered their comments
15 before you joined our meeting, and those are Ms. McNeice,
16 Mr. Johnson, and Ms. Grunewald.

17 Others made some very good points, but I would
18 like, in the interest of concision -- and I know that Mr.
19 Imamura asked us to be concise -- simply to highlight,
20 underline, emphasize three points that those people have
21 made before you joined us.

22 One is the question of surplus of this property. I
23 don't think any reasonable person could believe that this
24 property is not used by the citizens of the community.
25 Anyone going to the library, to the community center,

1 looking at children on the playground, would have a very
2 difficult time making that case. So, I believe, as others
3 have said, that the legal case is not there to surplus it,
4 nor is, if I may say so, the community moral case.

5 The second point I'd like to emphasize is that of
6 the library, which my family and I and many, many others
7 have used with feeling of great privilege.

8 Our library seems, under this plan, to be
9 sacrificed, whereas libraries of many other parts, if not
10 all other parts of the District, beginning with Tenley and
11 Cleveland Park, which are closer, have been upgraded,
12 standalone, architecturally handsome libraries where
13 community people gather, learn, share with each other. It's
14 a meeting place.

15 And I'm very sad to see that the plan or the RFP
16 makes light of the library, light of how it should be
17 continued.

18 And the third point I'd like to underline is what
19 someone termed as taxation without representation, and I
20 fear that that may be the case in this hearing. I feel very
21 strongly that I have contributed financially, as has my
22 family, for many, many years to the community, and I believe
23 our voice should be heard.

24 And so, therefore, I would like to simply say that
25 I support a contested hearing not only for the public

1 property at Chevy Chase but for the entire corridor.

2 Thank you for the opportunity to comment.

3 CHAIRPERSON HOOD: Thank you.

4 I want to thank this panel. I appreciate -- I'm
5 going to start off with my colleagues, and I want my
6 colleagues, after this panel, to be thinking -- I know I
7 just got here, but I know you all have been going for two
8 hours, and if you need a break, let me know after this
9 panel.

10 But I want to thank this panel. I think I got
11 some information that I want to consider.

12 Let me say this, Ms. Delgado, I think you did a
13 very good job. We may not always agree, but I appreciate
14 you being respectful.

15 I've heard some people call it DMPD and
16 everything. We may all disagree. You may not like what I
17 say sometimes. At the end of the day, we all have to live
18 here. We're all going to have to make sure -- we all want
19 to be respectful.

20 Even if you don't like what's going on -- it's a
21 lot of things. Sometimes I don't like what's going on in
22 this Commission, but I'm respectful.

23 But let me ask you this, Mr. Gordon. I'm very
24 concerned when I hear about small business, and you know, I
25 try to keep it focused to what's in front of us. But how

1 did we come to that conclusion?

2 Do you feel like the small businesses are being
3 left out of the process? Help me understand the small
4 businesses, because I want the Office of Planning to know
5 that I do want to know where the small businesses are within
6 whatever is going to go on here. Mr. Gordon, if you could
7 help me understand that just a little bit more.

8 MR. GORDON: I'll be happy to do that.

9 As you know, small business has been in trouble
10 for the last four or five years. Covid was a killer to
11 business. Most of the businesses along Connecticut Avenue
12 had to do all kinds of things to adjust to the new reality
13 of covid, and it took a toll on businesses, on their
14 financial resources that were sitting in the bank.

15 Then there have been other policies. The policy
16 that -- having to do with bike lanes would have threatened
17 the parking along Connecticut Avenue, reduce parking, made
18 it more difficult for our customers to come to the store,
19 pick up their things, and for suppliers to drop off things.
20 So, it was the second policy that made things difficult.
21 And I know I'm going a little bit off the zoning issue, but
22 I think you need to get this perspective.

23 Then, finally, the tipped worker law went into
24 effect, which is raising the minimum wage for tipped workers
25 from something in the neighborhood of \$6 an hour -- and I

1 want to explain that -- all the way up to \$17 an hour in the
2 next two or three years. But it was never that way. If a
3 tipped worker didn't earn the minimum wage, which was \$15,
4 they automatically got it.

5 So, my workers at my restaurant typically make 25
6 to 30 dollars an hour, and more, depending on the night or
7 the shift that they work.

8 So, this is just a little background on the
9 stresses that are hitting businesses.

10 Now, what the zoning -- what the upzoning would do
11 along Connecticut Avenue --

12 CHAIRPERSON HOOD: That's where I want to go.
13 That's where I need you to be.

14 MR. GORDON: I know that, and I apologize,
15 Commissioner Hood.

16 CHAIRPERSON HOOD: That's all right.

17 MR. GORDON: Okay. So, if you allow -- right now,
18 the buildings are two stories, for the most part. In one or
19 two cases, there are three-story buildings. So, they're
20 typically 20 feet to 30 feet tall. If you allow buildings
21 to become 70 feet, then the landlord has a great incentive
22 to build to that height.

23 Now, what will happen to the businesses that are
24 now operating?

25 Say my restaurant, say the landlord decides he

1 wants to take advantage of putting in a 70-foot building.

2 What he will do, logically, is either wait out my
3 lease, which comes up in another three or four years, and
4 then say I am not negotiating with you, because I want to
5 build a 70-foot building.

6 During that two years that this building is
7 demolished, you can -- you have to go somewhere else. You
8 have to do something else. Anyway, you're out of business
9 for those two years.

10 Perhaps you can come back when the building is
11 completed, but it's unlikely, because in two years, a
12 business -- my business is just not going to survive. I'm
13 going to have to find another place to go. I'll go to
14 Maryland or College Park or somewhere else.

15 So, then this new beautiful, wonderful building
16 that's just been built will have a nicer -- a nice place,
17 but it will only be affordable by a chain, by a national chain
18 that can afford to pay that kind of a rent.

19 CHAIRPERSON HOOD: Okay, Mr. Gordon.

20 MR. GORDON: I won't be able to come back to that
21 space, ever.

22 CHAIRPERSON HOOD: Right. I think I get your
23 point. I was just trying to get the nexus, and I appreciate
24 your comments. I will be asking -- I will follow up at some
25 point with the Office of Planning. I made myself a note.

1 And I appreciate your point on that.

2 Let me see if my colleagues have any questions or
3 comments.

4 Vice Chair Miller.

5 VICE CHAIR MILLER: Thank you, Mr. Chairman. No
6 comments or questions. I appreciate everybody's thoughtful
7 testimony today.

8 CHAIRPERSON HOOD: Commissioner Stidham.

9 COMMISSIONER STIDHAM: No questions from me
10 either, but thank you for being here and providing us your
11 testimony.

12 CHAIRPERSON HOOD: And Commissioner Imamura.

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
14 underscore Vice Chair Miller's comments, as well last
15 Commissioner Stidham's. Thank you all for your testimony
16 tonight.

17 Ms. Cariappa, I do appreciate the memories that
18 you shared with us tonight. Those are important to every
19 person in the neighborhood, so I just wanted to comment on
20 that and confirm that your testimony -- we take that into
21 consideration.

22 CHAIRPERSON HOOD: And Mr. Gordon, I'm going to
23 give you 15 seconds, because you're going to take 30. Go
24 ahead and give me your final point.

25 MR. GORDON: It would be a shame to displace

1 current retail establishments that serve the community, and
2 my request is that you wait and rethink and wait for the
3 2025 comprehensive plan amendments.

4 CHAIRPERSON HOOD: Okay. Thank you, Mr. Gordon.
5 I appreciate it.

6 All right. Thank you all for your testimony. We
7 appreciate it and appreciate you all hanging with us and
8 sticking with us. Thank you.

9 Let me ask my colleagues -- again, I haven't been
10 here for two hours, but I know you all have. Do you need to
11 take a break?

12 COMMISSIONER STIDHAM: Yes, please.

13 CHAIRPERSON HOOD: Okay. Do you need 5-10
14 minutes?

15 COMMISSIONER STIDHAM: Ten minutes would be great.

16 MS. SCHELLIN: Chairman Hood, before you guys take
17 off and before some of the other people who have testified
18 take off, since Vice Chair Miller is allowing it, those who
19 testified and were not able to upload their testimony, if
20 they could do that by noon tomorrow, because the record --
21 you know, for the testimony -- maybe they were late
22 submitting it, and so, the record will -- they asked for it
23 to be open to allow them to submit their testimony, so --
24 some, I see, are already doing that. They're already
25 submitting it. So, if they could do that by noon tomorrow,

1 that would be great.

2 CHAIRPERSON HOOD: Okay. Thank you. Yes. We're
3 looking forward to getting that.

4 Anything else before we take a break? Anything
5 else we need before we take a five-minute break?

6 MS. SCHELLIN: No.

7 CHAIRPERSON HOOD: Okay. So, I'll see everybody
8 back at 6:21.

9 (Recess.)

10 MS. SCHELLIN: I think one that you missed -- I
11 actually see her on -- is Teresa Grana? I think you missed
12 her. Do you see her?

13 MR. YOUNG: Yes, she's on.

14 MS. SCHELLIN: Okay. Robert Diener. Robin.
15 Robin will receive five minutes. Maurice Moore. Carol
16 Matteini. Claudia Russell. And I believe she might on as
17 C. Russell. Do you have five?

18 MR. YOUNG: No, I have four.

19 MS. SCHELLIN: I have two more witnesses, so I'm
20 just going to call them both. There's only two more on the
21 list. Richard Teare and Leonard Shambon. And that's the
22 end of the list.

23 CHAIRPERSON HOOD: So, after this panel, we're
24 complete?

25 MS. SCHELLIN: We are done, other than closing,

1 yes, sir.

2 CHAIRPERSON HOOD: Okay. I thought we had -- okay
3 -- much more. Maybe a few people didn't show. Okay. All
4 right.

5 Let's start with Ms. Robin Diener first, please.

6 MS. SCHELLIN: I apologize. There's two people
7 who came on. They were having problems with their
8 connectivity. There are two others that notified me by
9 email. So, I apologize. There's two more.

10 CHAIRPERSON HOOD: No problem. I understand that.
11 We will hear from them, as well.

12 Okay, Ms. Diener, you may begin.

13 MS. DIENER: Can you hear me?

14 CHAIRPERSON HOOD: Yes, we can, yes.

15 MS. DIENER: Okay. Great. So, thanks -- thanks
16 for having us.

17 I represent the Library Renaissance Project, which
18 was founded in 2002 to protect and commit to public interest
19 in the library.

20 We are in opposition to this upzoning and concur
21 with so much that has been said. I hope that we can
22 contribute something to the conversation that is helpful.

23 The Office of Planning's Chevy Chase small area
24 plan identified eight opportunity sites, as they were
25 called, opportunity sites to be explored for the possibility

1 of creating affordable housing.

2 To our knowledge, none of those have been
3 explored, certainly not any public -- on it. I don't know
4 what OP might have done, but it seems like it was their job
5 to do that.

6 If we were to look at OP's track record in
7 utilizing incentives and other things that would help them
8 to explore how the private owners could contribute
9 affordable housing, we can look at the award money, which I
10 believe everybody is pretty familiar with, where the
11 community was assured by OP that OP had many tools at its
12 disposal to incentivize affordability in that private
13 project and had been requested by the ANC there, by the Ward
14 3 -- in a resolution and hundreds of signers of a petition.

15 So, eventually, eventually, OP did meet with the
16 developer, Carnell, but in the end, OP had to admit that it
17 was, quote/unquote, "disappointed" and that none of the
18 offers that the city made, that OP made on behalf of the
19 city were, quote/unquote, "taken up."

20 So, public land, such as the library is on, was
21 not at issue with the award money, but it is in Chevy Chase.
22 Our limited and irreplaceable land, the so-called civic
23 core, should not be considered for turning over to private
24 ownership.

25 If OP is not prepared to follow its own advice and

1 sincerely explore the eight opportunity sites for affordable
2 housing, then we citizens are left to feel that OP is not to
3 be believed and that the SAP was a sham document.

4 We're left here feeling that it was intended
5 simply to bring up zoning to this public land to turn it
6 into a for-profit enterprise and thereby destroy the
7 possibility of using it later, when OP says that now there
8 are enough options that exist to do affordability.

9 I called upon OP to do this as a part of what they
10 have done by creating this small area plan, and until such
11 time as they do, it feels like we're not at the place where
12 we can make a decision about upzoning, since most of us
13 believe the purpose of the upzoning is to create height, to
14 give us more building to bring in more affordability.

15 I want to just mention, taking up some points that
16 other people have said, that DC does not measure naturally
17 occurring affordable housing.

18 Former Director Andrew Trueblood has told me about
19 this, and that's a shame, because we need to know those
20 numbers about affordability.

21 I also want to say that the -- Ms. Delgado, I
22 think, said this, that the civic core in Connecticut Avenue
23 commercial stretch, with the low-rise buildings, is
24 characterized by sunshine, greenspace, light and air. These
25 attributes draw people to the area and they help to make it

1 successful.

2 DMPD and the RFP and all of the surplussing is
3 part of this process.

4 They have said that occupying the civic core land
5 to a higher height of zoning but on the same percentage of
6 land occupancy will not interfere with light and sun and
7 air, and that is false. There's no way that you can achieve
8 that.

9 So, again, we feel as citizens that we're up
10 against these agencies who are not fairly representing the
11 situation.

12 I'm sorry if I'm taking too long.

13 Quickly, at a surplus hearing -- people have
14 referred to this January 10, 2023 -- was led by DMPD,
15 attended by more than 200 people in the dead of winter. ANC
16 Commissioner Peter Gosline, a very reasonable man, said --
17 and I quote -- he said, "This process is insane."

18 And Chair Hood, as you have said, process is not
19 really the matter before you. But you're very good at
20 hearing, picking up on these -- on these points, sir, I have
21 observed, and perhaps you can share with the people who
22 appoint you how disappointed the public sometimes is in what
23 they feel is not a fair process.

24 And just one point I want to make about the RFP,
25 which will be presented to the council, with the surplus and

1 so forth -- that RFP process does not have a place for the
2 public, for the ideas of we, the public, including our
3 preferences for who should own the land and what should
4 become of it.

5 CHAIRPERSON HOOD: Ms. Diener, give us your --
6 give us your closing --

7 MS. DIENER: As indicated by the ANC's --

8 CHAIRPERSON HOOD: Give us your closing thought.
9 Give us your closing --

10 MS. DIENER: -- own survey which they chose to
11 ignore.

12 CHAIRPERSON HOOD: Ms. Diener, give us your
13 closing thought. Give us your closing thought.

14 MS. DIENER: Okay. I just have one more
15 paragraph. This is my expertise with libraries. Now I
16 speak to that.

17 CHAIRPERSON HOOD: Ms. Diener, I understand about
18 libraries. I know what you are. But just give us your
19 closing thoughts. We have other people who are waiting to
20 testify.

21 MS. DIENER: Okay. My thought about the library,
22 very simply, is this library was one of 11 that was built in
23 the public works project.

24 This is the only one that has a staircase in the
25 middle with a skylight. But all of them were built to be

1 expanded.

2 They were structurally engineered to have more
3 added to them, and instead of incorporating a library and a
4 rec center underneath of housing and making the library
5 smaller, which is the plan currently, such as it has been
6 explained, we could make this library twice as big and offer
7 all the more services that the extraordinary DC Public
8 Library has just won a national award for being the best
9 library in the country. So, why would we want a smaller one
10 in Chevy Chase that's already so well used?

11 CHAIRPERSON HOOD: Okay.

12 MS. DIENER: Thank you, Chair Hood for your time.

13 CHAIRPERSON HOOD: Thank you, Ms. Diener. Don't
14 go anywhere, because I know I have a couple of comments and
15 questions for you.

16 Ms. Grana, can you hear me?

17 Okay. She can't hear me.

18 Let me go to Mr. Teare.

19 Mr. Teare. Hopefully I didn't mispronounce your
20 name. If I did, correct me. First name Richard, Richard
21 Teare.

22 Ms. Grana, if you could mute, yeah, and we'll call
23 you in a minute.

24 MR. TEARE: My name is Richard Teare. I have
25 lived in Chevy Chase DC since 1967, on and off, and

1 continuously since 1998, when I retired from the Foreign
2 Service. I'm a regular user of the library and the
3 community center, along with the post office, bank, and
4 businesses on upper Connecticut Avenue.

5 I'm an advocate of historic preservation and of
6 affordable housing, and I am strongly opposed to the
7 proposed upzoning of our stretch of Connecticut Avenue.

8 I have been dismayed by the procedural errors,
9 failures of notification, and denial of due process in this
10 case, as outlined in Mr. Hanlon's testimony, and I would
11 like to associate myself with the powerful testimony of Ms.
12 McNeice and Ms. Rosen, among others, on the merits of the
13 community, and the testimony of Mr. Bluestone about the
14 surplussing, so-called, of the public land, which I see as a
15 giveaway to developers.

16 It is not clear to me that there will be any
17 significant amount of affordable housing if the proposed
18 development of this civic core goes ahead, and I'm just
19 entirely skeptical of the whole arrangement.

20 I regard the proposed upzoning as another
21 infringement on our community, along with bike lanes and the
22 proposed artificial turf at Lafayette Elementary School,
23 which my children attended.

24 I don't want our part of DC to become another
25 Friendship Heights, and I can only believe that this case,

1 23-25, must be considered contested.

2 Thank you.

3 CHAIRPERSON HOOD: Thank you.

4 Let's go to Ms. Matteini.

5 MS. MATTEINI: Good day.

6 I've never testified before. Good day. My name
7 is Carol Matteini. I have lived in a 10-story-high
8 condominium building on Connecticut Avenue since 1987. As
9 an architect's daughter and a student of architectural
10 history, I know that tall buildings can be designed that are
11 aesthetically pleasing and can still serve the needs, both
12 public and private, of the community.

13 I am here today to say that I want to share my
14 lived experience with this civic site.

15 I have used the Chevy Chase Community Center and
16 the DC Public Library next to it, the park and the parking
17 lot.

18 As a young mother with children, we used the park
19 and the community center for classes and summer camp. I
20 have also been a student in many classes over my lifespan.

21 I have voted there, attended public meetings of
22 candidates running for City Council. I have been interested
23 in classes offered now that I am a senior, to help keep
24 fitness and with tax help.

25 For me, it is heartening to see young people come

1 to the daycare facility, to ballet classes, for martial
2 arts, and other creative classes at the center. I do want
3 to add the fact that we do not have the voices of young
4 people, and young people are, I guess, the greatest users of
5 this core, of this civic center. They use the library.
6 They use the community center, both during the year and
7 during the summer.

8 Also what I wanted to point out to the Commission
9 is to keep an open mind about the evolution of our cities.
10 We are getting more and more dense. We are building up. As
11 I said, I'm not against that idea, but along Connecticut
12 Avenue, there are more and more high-rises.

13 Also, we have to look outside of the DC lines and
14 look at what's happening in Maryland along Connecticut
15 Avenue, and there we have tremendous complexes going up, and
16 we do not have a Metro serving the area, as we also do not
17 have a Metro serving the Chevy Chase community.

18 So, whenever there are any zoning issues, those
19 things have to be considered, and in fact, I would propose
20 that those have to be built first before anything else can
21 be considered.

22 What I just want to add, basically, is that as the
23 city will become more dense, there will be greater need for
24 greenspaces, spaces for community to interact, public spaces
25 that are not private, public spaces that are in the hands of

1 the government, where officials are elected by its residents
2 and its people. I am dismayed to hear many of the comments
3 about the government's ability to contact and have input and
4 seriously consider the input of citizens who, in a sense,
5 own that public space, and I do think that, with innovative
6 vision, it can become even more dynamic.

7 Some ideas are to partner not with commercial
8 enterprises and developers but to partner with UDC, for
9 example, that has a program to bring food to seniors and to
10 others why don't know how to cook farm produce, to help
11 reduce diabetes. There's also partnering with Howard
12 University.

13 There can be all sorts of developments that put DC
14 on the map and attract people. High-rise apartment
15 buildings and -- is not the only way to attract more
16 business and more income in Washington, DC.

17 What I'm saying is, given what is happening all
18 over the states and in cities, the Chevy Chase community,
19 with its little greenspace, with its marvelous library, with
20 its community center, with its playground --

21 CHAIRPERSON HOOD: Ms. Matteini, give us your
22 closing thoughts.

23 MS. MATTEINI: -- for old and young people will
24 become more and more precious.

25 Thank you.

1 CHAIRPERSON HOOD: Thank you.

2 Let me come to you, Ms. Grana, while you have your
3 light on, you have your camera on, you have your mic on.
4 Let's come to you right now. Can you hear us?

5 MS. GRANA: Can you hear me now?

6 CHAIRPERSON HOOD: Yeah, we can hear you, yes.

7 MS. GRANA: I can't hear anybody else. I didn't
8 hear the last --

9 MS. SCHELLIN: Did you hear me?

10 MS. GRANA: No. Now I can hear you.

11 MS. SCHELLIN: Okay. Chairman Hood is ready for
12 you go give your testimony.

13 CHAIRPERSON HOOD: Go right ahead. Go right
14 ahead.

15 MS. GRANA: Can you hear me?

16 CHAIRPERSON HOOD: Yes, I can hear you. Can you
17 hear me?

18 MS. GRANA: Can you hear me?

19 CHAIRPERSON HOOD: Say something, Ms. Schellin.
20 She can't hear me.

21 MS. GRANA: Hello. Can you hear me?

22 CHAIRPERSON HOOD: Yes.

23 MS. SCHELLIN: Yes, ma'am. Yes, ma'am. We can
24 hear you. So, go ahead and give your testimony.

25 MS. GRANA: Okay. My name is Teresa Grana. I've

1 lived in Chevy Chase for 51 years as of today, and I wish to
2 comment on Case 23-26. I oppose Chevy Chase neighborhood
3 mixed-use zones NMU-114-3C2.

4 I have used both the community center and the
5 library extensive over the years, and have worked with the
6 staff on different events, taught English to nannies, and
7 did a series of exhibitions of local artists, and I know how
8 valuable that community center and the library are.

9 At this time in our city, you can look on our
10 buses that have these giant signs about the crisis of mental
11 health, especially with our youth, and I think to destroy
12 those two facilities, which are so essential to young
13 people, would be a travesty, and there's no mention by
14 anybody about where programs would be moved in the two or
15 three years while this whole effort to put affordable
16 housing on the civic core is discussed.

17 There's no thought about what will happen to the
18 people who use that. There's been -- I assume there's some
19 off-the-wall plan to go to a basement in a church or
20 something, but that in no way will help enhance the programs
21 that need to be strengthened to help young people, seniors,
22 and new citizens who come to our neighborhood.

23 So, I really oppose this whole effort. I think
24 it's a bit of a travesty, the way it's been handled.

25 And lastly, I would like to say that -- and I

1 address this to you, Mr. Hood. I am appalled that you will
2 not take back your comments, and you say -- I'm sure this
3 will not make you happy, many things do not, but you're not
4 being threatened. You're being sued. And that's quite
5 different, and it's also our right.

6 But how are we to trust your commission,
7 government, when you say this very prejudicial statement
8 about Ward 3?

9 And it's not new. When we worked to save The
10 Avalon, we had similar problems. The city had poured
11 millions into the Lincoln Theater and the Howard Theater but
12 were not willing to give us money initially to save The
13 Avalon, and they said, quite frankly, downtown, oh, well,
14 you have everything in Ward 3.

15 Well, it's not true. We have new citizens in our
16 apartment buildings. We have a large group of Latinos, and
17 I am one, who are in our neighborhood, who need the services
18 of our community, which should be at that site.

19 And I hope you will reconsider your adamant
20 refusal, because that's very prejudicial towards us. You
21 have opposition in other parts of this city, and I think to
22 say that you always have problems with affordable housing
23 when you come to Ward 3 is just not fair.

24 We all support affordable housing in Chevy Chase.
25 We know the need, and we are very pleased that some of it is

1 already in the pipeline to be built.

2 But I think those -- you should reconsider taking
3 back those words.

4 Thank you.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 MS. GRANA: I can't hear you.

7 CHAIRPERSON HOOD: You obviously can't hear me,
8 because you didn't quote what I said correctly, so I'm
9 hoping that you go back and look at this video.

10 Let's go to C.J. Russell.

11 MS. GRANA: I cannot hear anything you're saying.
12 What's wrong with this program?

13 CHAIRPERSON HOOD: Sharon, can you hear me?

14 MS. SCHELLIN: Yes, I can hear you.

15 CHAIRPERSON HOOD: Ms. Grana, I hope that you can
16 eventually get that worked out.

17 MS. SCHELLIN: It's an audio issue on her side.

18 CHAIRPERSON HOOD: Can she hear you?

19 MS. SCHELLIN: It seems like she can sometimes.

20 Ms. Russell, can you unmute yourself and testify,
21 please?

22 CHAIRPERSON HOOD: Ms. Russell? C.J. Russell.

23 Hover over your mute button on your computer.

24 While Ms. Russell is getting that together, I
25 don't think I have anyone else.

1 Can everybody else hear me?

2 Ms. Diener, can you hear me?

3 VICE CHAIR MILLER: I can hear you, Mr. Chairman.

4 CHAIRPERSON HOOD: Okay.

5 Ms. Diener, I want to ask you a question, and I
6 did want to respond to Ms. Grana.

7 Ms. Diener, let me ask you -- I know you've been
8 working in libraries for a long time. I know your
9 reputation across this city.

10 In those discussions about this potential change
11 or proposed change -- let me back up. Do you know how many
12 discussions I've had talking about projects when we have
13 these map amendments and text amendments?

14 I have talked to -- I've had three sets of lawyers
15 since I've been on the Commission. I've asked them all the
16 same question. How do I get around talking about a project?

17 That's the process. I don't agree with it. But
18 I'll tell you this, Ms. Diener, what I do do is follow the
19 law. I follow our regulations.

20 I will tell you. I don't agree with that. And my
21 colleagues have heard me ask our lawyers over and over and
22 over and over again. How do we get to start to talking
23 about a text or a rulemaking or map amendment and not talk
24 about a project?

25 And I've even gotten to the point, Ms. Diener,

1 that I've asked applicants -- when you have a text amendment
2 or a map amendment, stop going to the public talking about a
3 project, because then when they come here, they talk about a
4 project, and I can't talk about a project.

5 So, I will tell you and counsel, my lawyers now,
6 my lawyers prior to them, and my lawyers when I first
7 started will tell you I've always had the same issue, but I
8 do follow the law.

9 But let me just ask this. I've noticed -- I've
10 noticed the library community has been very successful in
11 projects, of doing exactly what -- what happens -- what
12 gives you -- why do you think that that won't happen here?
13 It may be something I don't know about, but why do you think
14 that the library, which has, I think, taken the forefront
15 over the past few years, which is great for the city -- why
16 do you think that won't happen in a situation like this?

17 MS. DIENER: Right. We've had five big community
18 fights across the city over putting housing over libraries,
19 in Benning, West End, MLK, Southwest -- what's the other
20 one? -- Tenley, and these were -- to your point, the process
21 doesn't necessarily accommodate things at the right place.

22 If you ask me, it's very frustrating for us, and
23 clearly, I'm glad to hear -- frankly, I'm sorry, but if it's
24 frustrating for you, too, then we at least are on the same
25 side. But the housing over libraries just needs to be

1 really clearly thought through.

2 And we thought, when they did actually -- the one
3 piece of public land, freestanding library, was turned over
4 to a private developer, was West End, and then a couple
5 years later, we had this terrible --

6 CHAIRPERSON HOOD: Is Ms. Diener going in and out
7 with everybody else?

8 VICE CHAIR MILLER: Yes.

9 CHAIRPERSON HOOD: Okay.

10 MS. DIENER: You can't hear me?

11 CHAIRPERSON HOOD: Okay. Your video is off. Try
12 again, Ms. Diener. Your video is now back on.

13 VICE CHAIR MILLER: Just the last paragraph,
14 basically, of what you said. We heard most of it.

15 MS. DIENER: So, the one place where we did give
16 up the public land and we built this big development in West
17 End, which was primarily luxury housing, after all the
18 assurances that everything would be fine, there's no
19 problems with this, they had a big flood, and the library
20 was closed for two months. A private apartment overhead
21 flooded.

22 And what we are asking is that these things be
23 thought through and guaranteed.

24 Now, the library has agreed to do a study, a
25 report on what happened there. It's more than a year ago,

1 and they haven't done one yet, but they say they're working
2 on it now, and I think, at a minimum, we need to wait for
3 that before we consider a project that would have housing
4 over the public uses. That's just one thing.

5 And I also can tell you that a number of these
6 fights across the city -- there's a lot of concern about
7 children going in and out of the library, and teenage girls
8 and boys, and -- I have no idea about that, that that would
9 necessarily be a problem -- enunciated in Benning, in Ward
10 6, and --

11 CHAIRPERSON HOOD: Ms. Diener --

12 MS. DIENER: Those are the kinds of things that
13 haven't really been settled.

14 CHAIRPERSON HOOD: Ms. Diener, I think what we're
15 going to do -- you're going in and out. I did have one more
16 question. I'm going to try to get this one through, and
17 then we'll go to my colleagues.

18 The small area plan, unless something has changed
19 from when I was on the comp plan here in Ward 5 and when I
20 did it some years ago -- isn't that developed by the
21 community's input, as well?

22 Doesn't the community -- now, I don't know -- Ms.
23 Grana, can you hear me now? Okay. Good.

24 Isn't the small area plan helped -- developed by
25 the -- comp plan, small plan, elements of plan, whatever you

1 want to -- all these plans.

2 This city, under Mayor Williams and prior to Mayor
3 Williams, even the late mayor for life, has always included
4 input from the city -- I mean, from the residents, and I'm a
5 resident, and I've watched how we helped develop these
6 plans.

7 The plan that you have here in Chevy Chase --
8 wasn't that developed by residents, for the most -- whether
9 you agree with it or not, wasn't it developed by residents
10 who sat at the table, went to these sessions, and helped
11 develop that plan? Isn't that what normally happens?

12 MS. DIENER: Who are you asking?

13 CHAIRPERSON HOOD: Yeah, you, Ms. Diener, because
14 I know you have the experience.

15 MS. DIENER: Yes. Okay. So, I do not live in
16 Chevy Chase. I did not go to all of these things that were
17 had. But it was partly during covid, and it wasn't nearly
18 as much as it used to be, and you heard a couple of people,
19 I think, Ms. Delgado and others, say that they felt they
20 were not heard, and then Robert Gordon said businesses
21 weren't even included.

22 So, in that regard, I would say this just wasn't
23 as well done as it could have been in terms of public
24 inclusion, and then when the ANC did a survey, they threw
25 that out the window subsequently. I don't know how to

1 account for it.

2 And when we talk about the eight opportunity
3 sites, those were never discussed with the public, and I
4 think they just kind of threw that in, and it's actually a
5 good idea, but no one is following up with it as far as I
6 can tell from OP.

7 CHAIRPERSON HOOD: Okay.

8 MS. DIENER: So, no, I would say, for sure, this
9 Chevy Chase small area plan was not carried out with as much
10 public input as we are used to seeing.

11 CHAIRPERSON HOOD: Okay. All right. Thank you,
12 Ms. Diener. Thank you for indulging me.

13 Let me just also say, Ms. Grana -- I don't know if
14 you can hear me, but I'm going to say it so when you hear me
15 later on, maybe watch the video, I think you
16 mischaracterized what I said, but I stand behind what I
17 said.

18 What I'm saying is Ward 3 -- it seems like every
19 time we've had a project, Ward 3 always has a problem.
20 There was a case that just was won in court on another
21 affordable housing project, and I'm like, every time we talk
22 about affordable housing, there seems to be a problem.

23 I'm just going by my record and I'm going by what
24 this Commission has dealt with. I'm not making that up.
25 This stuff -- the record -- the tests and the files will

1 stand behind my comment.

2 And I'm not defending it. I'm just trying to
3 figure out how do we get to the bottom of it, because I have
4 people in Ward 7 telling me or mentioning that we don't need
5 -- we want more market rate, and I had never heard that
6 until about a year or so ago.

7 So, anyway, I'll leave it at that. And it's all
8 about striking a balance. That's all we're trying to do, is
9 strike the balance.

10 All right. Commissioner Imamura, any questions or
11 comments?

12 COMMISSIONER IMAMURA: No questions. Thank you,
13 Mr. Chairman.

14 CHAIRPERSON HOOD: Okay. Commissioner Stidham,
15 any questions or comments?

16 COMMISSIONER STIDHAM: No, sir.

17 CHAIRPERSON HOOD: Ms. Grana, I can't hear you.
18 I'm sorry. I'll tell you what. Just call Sharon and she
19 will relay your message back to me.

20 All right. Vice Chair Miller, any questions or
21 comments?

22 VICE CHAIR MILLER: I appreciate everyone's
23 thoughtful testimony.

24 CHAIRPERSON HOOD: All right. And I appreciate
25 it. It's all right for us to disagree and differ, but my

1 job to get out of you -- and I appreciate you, Ms. Diener,
2 for letting me do that -- is to try to figure out how I can
3 balance whatever decision is made from a personal
4 perspective.

5 So, thank you very much. Thank you all. We
6 appreciate it.

7 MS. DIENER: I appreciate that.

8 CHAIRPERSON HOOD: All right.

9 Ms. Schellin, can we bring up the next panel?

10 MS. SCHELLIN: There were a couple of people who
11 had -- who actually contacted the office, and they had
12 technical difficulty, and then I see there's someone on the
13 phone that we missed earlier in our calling.

14 So, Laura Phinizy. Mark Spiegel.

15 MS. PHINIZY: Hi. I'm here. Can you hear me?

16 CHAIRPERSON HOOD: Ms. Phinizy, hold tight for a
17 second. I'm going to call you first. So, hold tight.

18 MS. SCHELLIN: Michelle Wolin.

19 MR. SPIEGEL: I won't touch anything else. Can
20 you still see me?

21 MS. SCHELLIN: Michelle Wolin.

22 Just mute yourself for now, Mr. Spiegel.

23 MR. SPIEGEL: Okay. I will.

24 MS. SCHELLIN: Michelle Wolin.

25 MS. WOLIN: I already spoke earlier today.

1 MS. SCHELLIN: That's what I thought. I got a
2 message that you said you were never called --

3 MS. WOLIN: No. No, I was calling on behalf of
4 someone else. Thank you.

5 MS. SCHELLIN: Okay. Eniko Miksche. I think it's
6 listed as -- it's the last person on the list, Mr. Young.
7 And Rick Tempchin.

8 CHAIRPERSON HOOD: Ms. Phinizy?

9 MS. SCHELLIN: Judy Licht.

10 CHAIRPERSON HOOD: Oh, I thought you called --

11 MS. SCHELLIN: That's the only other one. I'm
12 sorry. She's the last person, Chairman Hood.

13 CHAIRPERSON HOOD: Okay.

14 MS. SCHELLIN: Judy Licht.

15 CHAIRPERSON HOOD: All right. Let's bring her up.
16 Ms. Phinizy?

17 MS. PHINIZY: Okay. I'm sorry. I don't know how
18 to get my video on, but I hope you can hear me okay.

19 CHAIRPERSON HOOD: Okay.

20 MS. PHINIZY: I'm trying to start the video, but
21 it doesn't seem to allow.

22 CHAIRPERSON HOOD: That's fine. We can hear you.

23 MS. PHINIZY: Okay. All right. Well, great.

24 Well, thank you so much for giving me the chance
25 to speak at the end. I'm sorry about the technical

1 difficulties that I had, and I know it's a late night.

2 I would like to let you know that I'm opposed to
3 the upzoning and the new zones, as well as to this case
4 being processed as a rulemaking and not contested.

5 As this surplussing and the civic core process has
6 unrolled, it's been kind of amazing to see what DC has
7 chosen to do and what they've chosen to ignore.

8 What I'm seeing is that the city and developer
9 friends have persisted in an effort to impose a failed model
10 on a working model, and what I mean by this is, like, with
11 covid, we saw downtown with heights and box stores and
12 minimal greenspaces empty out, and unlike downtown, during
13 covid, Chevy Chase, with low heights and open spaces, enable
14 people to maintain a healthy lifestyle and have contact
15 without contagion, and it held on during covid. It's
16 rebounded, right?

17 So, this is a strong area of the city, but it's
18 being asked to take on the characteristics of the city that
19 are not -- the part of the city that are in trouble.

20 I think it's also important to note that, in the
21 last census, Chevy Chase is one of the few, if not the only
22 parts of the city, that has decreased in diversity and not
23 gentrification in the sense of less socioeconomic diversity,
24 and if we're looking to redress segregation and issues from
25 the past, I think it's important to note that, in zones

1 where DC has allowed the increased heights, we've seen
2 displacement of current residents, some long-term residents,
3 people of color.

4 Where we've had zoning, we've seen a decrease in
5 socioeconomic diversity, which is one of the things I think
6 we don't want.

7 I agree with that Connecticut Avenue business
8 owner who forecasted that upzoning would be the death of his
9 business.

10 I walk up to Connecticut Avenue and go to the
11 shops and businesses several times a week, and I like to
12 walk there because of the sunlight and the trees. If the
13 buildings were high, I wouldn't go there and I wouldn't shop
14 there.

15 And in places that have upzoned, that I used to
16 go, like Arlington and Bethesda, even parts of Columbia
17 Heights -- I don't go there anymore. If I wanted to live in
18 a place like New York, I'd move to New York.

19 I might be only one person, but you take me, you
20 take my family, my visitors, you know, that's a lot of
21 people who are going to -- not going to upzoned places for
22 their shopping or their restaurants.

23 And I think it's also worthy of note that when
24 Randy Speck, the former ANC chair, raised the idea of a
25 small area plan, the ANC then was spinning it as one or two

1 stories above the existing structures. They never mentioned
2 surplussing of the site that Mr. Stucker of DMPD himself
3 characterized as 100-percent utilized.

4 And Chairman Speck said at the last minute that
5 the ANC would approve the comp plan without seeing the small
6 area plan beforehand, and that was not what the task force
7 for the small area plan had recognized, and during this
8 process of the small area plan, OP has consistently ignored
9 the preferences of the community for lower heights.

10 In the old ANC survey that was done, I think,
11 2018, and also the more recent one, when I spoke with Heba
12 and Erkin from OP, I asked what are you doing about
13 overcrowding? Have you made plans for that? No. What
14 plans have you made for parking? They hadn't.
15 Infrastructure. They hadn't. Infrastructure. They hadn't.
16 Traffic. They hadn't.

17 I think this plan would take the public land for
18 private luxury purposes, would put in heights that are
19 taking away the light and greenspace that have made this
20 area thrive in covid, and would remake us in the likeness of
21 the part of the city downtown that is really not in good
22 shape. It's part --

23 CHAIRPERSON HOOD: Ms. Phinizy --

24 MS. PHINIZY: -- of the city that is failing.

25 So, I think this plan is really the wrong plan,

1 and I would like to see it not pass, and I would like to see
2 the -- go as a contested case and not a rulemaking.

3 CHAIRPERSON HOOD: Okay. All right. Thank you.
4 We may have some questions.

5 Mr. Spiegel?

6 MR. SPIEGEL: Are you talking to me?

7 CHAIRPERSON HOOD: Yes. I'm sorry. I didn't hear
8 you, Mr. Spiegel. Go right ahead.

9 MR. SPIEGEL: Okay. Good. Incidentally, my wife
10 is also -- was also on the list and Ella says that she's
11 called twice to tell you.

12 CHAIRPERSON HOOD: Is she near you now?

13 MR. SPIEGEL: What?

14 CHAIRPERSON HOOD: Can she testify --

15 MR. SPIEGEL: Actually, she's supposed to be
16 before me, but I'll do it first and then she'll sit right
17 down at my --

18 CHAIRPERSON HOOD: Okay.

19 MS. SCHELLIN: Her name was called.

20 MR. SPIEGEL: Can you hear me okay?

21 CHAIRPERSON HOOD: Yes, I can hear you.

22 MR. SPIEGEL: All right. Good. Thank you very
23 much.

24 My name is Mark Spiegel. I've lived in Chevy
25 Chase DC for 40 years, and I am opposed to the height

1 increases of the lots along Connecticut Avenue, from
2 Livingston to the Circle, including the civic core of public
3 property.

4 Now, the current height limit is, I believe, 55
5 feet. To increase them to 70 feet along Connecticut Avenue
6 and 80 feet in the civic core area threatens to destroy the
7 unique small business village community environment that
8 Chevy Chase is now and has always been.

9 I know the city wants affordable housing in Chevy
10 Chase, but there must be a way to accomplish this without
11 destroying Chevy Chase.

12 Apparently, even with a zoning allowance of 55
13 feet -- there are not many, if any buildings this tall -- it
14 is possible that 55 feet does not allow sufficient profit
15 for real estate developers.

16 However, if this large upzoning goes through the
17 developers will see dollar signs and Chevy Chase will become
18 like Bethesda. Our community will be lost, and it will
19 never return.

20 To do this in the civic core is especially
21 horrific.

22 That land has a library, a community center,
23 public park, playground, basketball court, including parking
24 to serve these facilities.

25 If this public land is turned over to developers,

1 what kind of library will be built? What kind of gathering
2 place will the civic core be for our community? We have
3 been told that it will be just as we want it, but the manner
4 in which our opinions have been solicited and been ignored
5 does not give much hope.

6 I especially wish to state my opposition to the
7 Zoning Commission's decision to set down Case 23-25 as a
8 rulemaking case rather than as a contested case, which would
9 allow our ANC, as well as community organizations and groups
10 of residents, to take legal action to reverse the city's
11 plan.

12 Instead, making it a rulemaking case serves as a
13 way to steamroll the city's decision and deny residents
14 their rights.

15 I just have two more points.

16 The city claims that to provide affordable
17 housing, Chevy Chase must be turned over to developers,
18 because the city does not develop housing. I don't believe
19 that's true.

20 I believe in the past the city has built housing
21 and shelters and other buildings, and I believe that the
22 city could build affordable housing in structures well
23 within the 55-foot zoning limit.

24 Finally, I wish to state clearly that the Zoning
25 Commission has violated my rights under 11 DCMR, subtitle Z,

1 section 201.2(e), which defines Case 23-25 as a contested
2 case.

3 Thank you very much for the opportunity to speak.
4 Is it all right to turn this over to my wife?

5 CHAIRPERSON HOOD: Yeah, sure, you can do that.
6 We'll hear from her now.

7 MS. SPIEGEL: My name is Carol Newmeyer Spiegel.
8 I am very opposed to this zoning change.
9 Washington, DC, lives in my heart. It is my home and my
10 history.

11 In 1840, my great-great-grandparents lived above
12 their dry goods store at 10th and Pennsylvania Avenue where
13 they sold Union uniforms for the Civil War. My grandfather
14 was an attorney for the Watergate trial. I attended Janney
15 Dillon Wilson, which is now Jackson Reed, and we have lived
16 behind McGruder's near Chevy Chase Circle for nearly 40
17 years. Our kids are sixth-generation Washingtonians.

18 I feel that the voices of Pierre Charles L'Enfant
19 and the Founding Fathers of Nation's Capital are being
20 ignored and disrespected.

21 Washington, DC, was built specifically to be
22 beautiful, special, and unlike any other city in the United
23 States of America.

24 Once you break what is not broken, you will never
25 get it back. It cannot be undone. Once you sacrifice our

1 trees, our skyline, our uniqueness, you will lost Chevy
2 Chase's character, its history and charm and very used
3 public space.

4 An unwanted change in zoning could open the
5 floodgates and bring many more oversized buildings towering
6 overhead.

7 We could end up with a complete mess like what
8 Bethesda has become.

9 We want our unique small businesses that we now
10 have to thrive.

11 The majority of the neighbors who actually live in
12 the proposed area of Ward 3 that are most affected by this
13 not so small plan do not feel heard or listened to until,
14 hopefully, now.

15 Instead it feels like the only choice given to us
16 has been between bad and worse.

17 Of course affordable housing is good and
18 necessary, but it should not be at the cost of the city
19 surplusung our working community and basically handing it
20 over to for-profit builders.

21 This erroneously named small plan was pushed
22 through during a pandemic, when most residents had no idea
23 it had happened, and the businesses didn't either.

24 I don't understand how the city can look at the
25 state of our downtown, with all those empty buildings, and

1 not see more solutions there.

2 I don't say we shouldn't have it in Ward 3. We
3 absolutely should have affordable housing in Ward 3, and I
4 think we have a lot of it already, just not under this
5 category.

6 Why would anybody think it's a good idea to break
7 what isn't broken in order to achieve a very specific
8 agenda?

9 Who speaks for the trees? Who speaks for old
10 Washington and Washingtonians who have spent lifetimes
11 building this neighborhood to be what it is today? Who
12 speaks for the original village design of Chevy Chase and
13 our historical buildings? Who speaks for the Washingtonians
14 who want their trees, visible sky, and public space outside
15 to be preserved?

16 This is an already working, successful, diverse
17 neighborhood that homeowners bought into and have lived in
18 for decades or lifetimes and should not be irrevocably
19 changed to satisfy some of our city leaders' headstrong
20 agenda and eager developers' pocketbooks.

21 The Zoning Commission has violated my rights under
22 11 DCMR, subtitle 201.2(e), which defines Case 23-25 as a
23 contested case.

24 Thank you.

25 CHAIRPERSON HOOD: All right. Thank you.

1 Have we gotten everybody? Ms. Miksche?

2 MS. MIKSCHER: Thank you. It's Miksche. I know,
3 it's very strange. I think it was a pronounced milkshake
4 before, which almost made me want to singing.

5 My name is Szami Miksche. I live in Ward 4. I've
6 lived here with my family for over 20 years, and I'd just
7 like to start off by saying that I am definitely against the
8 upzoning, and I'm also against characterizing this as a
9 rulemaking situation instead of a contested case, which I
10 think it, unfortunately, is highly contested.

11 It's been an eye-opening experience. I also have
12 never testified, and I have probably not been as civically
13 involved as I should have up until the Chevy Chase Community
14 Center was threatened, and now I've seen -- it's been really
15 interesting.

16 I thought we lived in the seat of democracy, and
17 I'm sad to say that I don't think it's been the most
18 democratic process.

19 You know, I've signed petitions. I've gone to
20 many meetings. I have filled out a survey, and my
21 understanding is 60-percent-plus of the community is
22 opposing what's being proposed right now for the Chevy Chase
23 Community Center.

24 The ANCs, interestingly -- and I was very
25 surprised to see that -- they're supposed to be representing

1 us, and with the exception of one, Bruce Sherman, who has
2 been stellar -- he really does do his job very well and
3 takes it seriously and does represent the people. All the
4 other ANCs just seem like they just want to tell us what to
5 do and they don't really want to hear what we have to say.

6 You've heard -- and I know I'm like the 20
7 millionth person to say this, but the Chevy Chase Community
8 Center was wonderful. My spouse's family -- they all went
9 to the -- they all went to the library. They used the Chevy
10 Chase Community Center, took classes, etcetera, the
11 greenspace.

12 And I have to say that we have very little
13 greenspace here. We really do. And now the little that we
14 have is being threatened and we're going to lose it, which
15 is -- you know, really makes me very sad.

16 And I don't -- I mean, if this was about low-
17 income housing, which, yes, I think we should have low-
18 income housing, and if it was about low-income housing, then
19 that would be one thing.

20 I mean, you could have, you know, a six-story
21 building or a five-story building for low-income housing.
22 You can put it in places like the old, you know, Lord &
23 Taylor or the other sites that were being proposed and
24 viable, and that would be great, because that is very
25 important. But I don't think it's about low-income housing.

1 I think it's about money, like just pure and simple.

2 I mean, it's kind of like the opposite of a
3 Potemkin village, you know, where you have something glitzy
4 that's hiding inadequate housing.

5 Here you have a concern over inadequate housing
6 actually hiding this glitzy shove-through and push-through
7 of this high-rise.

8 You know, we've seen it. We've seen it in
9 Bethesda. You know, we've seen it down in Eckington and
10 Noma, Union Market. I'm sure you're familiar with it. I
11 mean, it looks like some weird thing out of the Matrix, like
12 these horrible dark canyons, and they're expensive and
13 sterile, and a lot of them are unoccupied, and they've
14 actually pushed the people who live in that community out of
15 that community. So, they've done the exact opposite of, you
16 know, giving people ability to find affordable housing.

17 You know, I know that they've tried to shame us
18 and blame us, but I don't -- I mean, I think that, to a
19 certain degree, the Mayor's office should be a little bit
20 ashamed, because I feel like -- maybe in their heart of
21 hearts, that's what they want, but I feel like a lot of this
22 has turned into -- instead of like pushing forward a great
23 cause for low-income housing, instead it's about greed,
24 power, and bullying, really.

25 And you know, I know that -- I think it was Mr.

1 Hanlon, who's a lawyer, said that you felt that you were
2 threatened, and that's terrible. Nobody wants to feel
3 threatened. It's not a good thing to feel. And I just say
4 it makes people get a little defensive.

5 Like, I guess I feel a little threatened. I feel
6 like --

7 MS. SCHELLIN: Time.

8 MS. MIKSCHE: -- the community center is
9 threatened. I feel that the city -- the Chevy Chase area is
10 being threatened. The neighborhood. I feel democracy is
11 being a little bit threatened, and I feel all of DC is kind
12 of being threatened.

13 I mean, it's a unique, diverse, special place, and
14 it's going to end up getting turned into a soulless
15 commercial monolith if we let this continue.

16 That's all I have to say. Thank you so much for
17 listening.

18 CHAIRPERSON HOOD: Thank you very much.

19 Did we cover everybody, Ms. Schellin? I think we
20 did.

21 MS. SCHELLIN: Well, we've definitely gone down
22 the list, and I went down the list of those who had
23 technical difficulties.

24 Everybody was called. If they weren't here, they
25 weren't here, but everybody has been called, and some were

1 called two, three, four times. So, yes.

2 CHAIRPERSON HOOD: We've done the best we could.

3 MS. SCHELLIN: Yes.

4 CHAIRPERSON HOOD: Let me start off asking a few
5 questions.

6 I'm going to have go back and look at the tape,
7 because I'm not sure where the "threatened" -- I've heard
8 that a couple of times. I'm not sure where that came from.
9 I'm not sure. I missed Mr. Hanlon's testimony. It looks
10 like I missed it, barely missed -- just missed it.

11 But the threat -- the threatening that I'm talking
12 about is not necessarily -- I think what people are
13 misconstruing was the letter said for me not to go forward
14 with the hearing. I'm not worried about that. It's your
15 due right to go to court.

16 And even though I've been advised -- I plan on
17 being there. This won't be my first time, so -- and I'm not
18 throwing it out there like that, but we have a job to do,
19 and I'm going to do the job.

20 But let me ask Ms. Miksche -- I'm messing your
21 name up totally. I have a question for you.

22 When you say somebody is representing you and --
23 and I get it, but I'm going to ask this question. I pretty
24 much know the answer.

25 Is it that they're not representing you because

1 they don't agree with you and they're not doing it the way
2 you want it done or -- help me understand -- I mean, you say
3 somebody is not representing you. Okay. So, I guess maybe
4 you don't want to answer that question. All right. But
5 I'll just leave that question out there.

6 One of the things I look at is, if somebody is
7 representing you and just because they don't do it exactly
8 the way you want it done, doesn't mean that they're not
9 representing you, you know, and I stand by that. I've
10 watched it over the years.

11 Doesn't mean that I don't support you because I
12 don't agree with you, Vice Chair Miller, 100 percent, does
13 not mean I don't support you. I just don't agree with
14 everything that way.

15 Just like me. It doesn't mean that. And I'm
16 using us as examples since Ms. Miksche didn't answer the
17 question. And that's my point.

18 And also, what I also want to encourage everyone
19 is to look at -- I know once something gets started
20 incorrectly in this city, it morphs, and it grows into a
21 snowball.

22 Look at our regulations and what it says about
23 rulemaking cases in text amendments versus contested cases,
24 and I will tell you, I've heard you all loud and clear, even
25 to the point that I've talked to my legal counsel, and I've

1 tried to figure out how that hearing would go, talking about
2 a contested case in this map amendment, and I have not
3 figured that out yet.

4 So, look at what our regulations say. Again, like
5 I stated earlier, I go -- we go by the law, and I'm not
6 being defensive. What I'm trying to do is make sure that
7 people understand that we have regulations we have to go by.
8 I might not like them all, as I mentioned to Ms. Diener, but
9 I have to go by them. I have to follow the rules, and
10 that's what I think all of us look forward to, is following
11 the rules and being predictable.

12 That's all I'll say on this for now. Let me see.
13 Commissioner Imamura.

14 COMMISSIONER IMAMURA: No questions or comments.
15 Thank you for your participation tonight and sharing your
16 points of view.

17 CHAIRPERSON HOOD: Okay. And Commissioner
18 Stidham.

19 COMMISSIONER STIDHAM: No comments or questions
20 either. Thank you.

21 CHAIRPERSON HOOD: Vice Chair Miller.

22 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
23 have no comments or questions other than to thank each of
24 the witnesses for their participation and testimony this
25 evening. Thank you.

1 CHAIRPERSON HOOD: Okay.

2 I, too, want to thank this panel, and I want to
3 thank all the panels, and again -- I've said this three or
4 four times -- I want to assure those that I missed that I
5 will be hearing your testimony. I will go back and review
6 the tape.

7 All right, Ms. Schellin, anything else?

8 MS. SCHELLIN: Chairman Hood and others, didn't
9 you guys hear from Leonard Shambon? He was one of the last
10 panels.

11 CHAIRPERSON HOOD: You know what? I saw that name
12 and then it disappeared.

13 MS. SCHELLIN: I think that's what happened. He
14 was called and he was up, and then he got off, and so, he is
15 having a fit that we bring him back up.

16 CHAIRPERSON HOOD: I agree with him.

17 MS. SCHELLIN: I knew we called him, and he was
18 up.

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: And the other people, like I've
21 said, we've called everybody that was on the list, and you
22 know, if they've submitted written testimony, it's been read
23 or will be read, and you know, we have to --

24 CHAIRPERSON HOOD: All right, Mr. Shambon, you may
25 begin.

1 MR. SHAMBON: Well, I'm here, and I just want to
2 explain, Webex made me reboot. I've never used Webex, and
3 it made me reload the program.

4 CHAIRPERSON HOOD: No problem.

5 MR. SHAMBON: Okay.

6 MS. SCHELLIN: I knew we had you somewhere.

7 MR. SHAMBON: Okay. So, my name is Leonard
8 Shambon. I live at 3619 Legation Street, Northwest, along
9 with my wife, Josephine Russo. I was actually born in DC in
10 1945, unlike most of the residents of the city. I returned
11 in 1972 and have lived at my current address for more than
12 40 years.

13 I've been a practicing lawyer both with the
14 Federal Government and in a major national law firm, but I'm
15 not here to be litigious, so Chairman Hood is probably happy
16 to hear that.

17 I'm making this presentation in opposition to the
18 proposed upzoning change, along with my wife, and not on
19 behalf of any organization, although we are aligned on many
20 points with Chevy Chase Voice.

21 A major attraction to us the small town feel of
22 the neighborhood, the exact opposite of the feel of
23 Friendship Heights. That area strikes us as overgrown,
24 dysfunctional, and overly commercial.

25 Let me mention at the outset what we are not

1 opposed to.

2 We do not oppose making room in our neighborhood
3 for affordable housing, if it's truly affordable, but in
4 many of these cities I've watched, affordable housing never
5 becomes affordable to the people who need it.

6 What we are opposed to is a jump to tall buildings
7 that would make us -- we are not opposed to a small height
8 increase in Connecticut Avenue below the circle if that is
9 the inevitable price of growth of the city. What we are
10 opposed to is a jump to tall buildings that would make us
11 look like Friendship Heights.

12 We note that we've had some difficulty in finding
13 out the actual height in feet of the Wisconsin Avenue-
14 Western Avenue corridor to compare with the height in feet
15 proposed for our neighborhood. I started asking that
16 question last November before the Planning Board, and I
17 never got an answer.

18 Not only does the scale of Friendship Heights
19 disturb us for our neighborhood, we know that the high
20 vacancy rate of the buildings in Friendship Heights -- for
21 instance, at the Embassy Suites Mall -- most stores are and
22 have been completely empty for months, if not years. We
23 have our own vacancy issue even at the low two-story height
24 in our neighborhood. Some of the vacancies have been there
25 for years. The problem of vacancy is further heightened

1 with the explosive growth of remote working.

2 You cannot predict that downtown will come back,
3 let alone by creating a new high-rise commercial area in our
4 neighborhood. In short, we don't want monstrous, overly
5 commercial, and possibly empty buildings in the
6 neighborhood.

7 While opposing a quantum leap in height for our
8 neighborhood, we propose the Zoning Board deal with the
9 issue in small increments over time to see if, in fact,
10 there are developers and businesses who would move at lower
11 heights. Do not go over five stories.

12 Thank you for hearing my presentation.

13 CHAIRPERSON HOOD: Thank you, Mr. Shambon.

14 MR. SHAMBON: I mean, downtown is a ghost town.
15 The Federal Government won't let anybody go down there.
16 Every time I go down there, it's completely empty. And now
17 we're thinking of another commercial zone?

18 CHAIRPERSON HOOD: Okay. Thank you very much.

19 MR. SHAMBON: Okay.

20 CHAIRPERSON HOOD: Let's see if we have any
21 questions for you. Hold tight.

22 Commissioner Imamura?

23 COMMISSIONER IMAMURA: No questions. Thank you,
24 Mr. Shambon.

25 MR. SHAMBON: Thank you.

1 CHAIRPERSON HOOD: Commissioner Stidham?

2 COMMISSIONER STIDHAM: Thank you for your
3 testimony.

4 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

5 VICE CHAIR MILLER: No questions either. I
6 appreciate all of the testimony of the witnesses.

7 MR. SHAMBON: Okay. Thank you, and go home.

8 CHAIRPERSON HOOD: All right. Thank you, Mr.
9 Shambon. We're at home, most of us. Thank you for your
10 testimony, and again, I apologize for missing you or
11 whatever happened, but we're glad to go to hear from you.
12 Thank you.

13 MR. SHAMBON: All good.

14 CHAIRPERSON HOOD: Okay.

15 Ms. Schellin, I'm going to say this -- and I'm not
16 sure of the procedure. I'm sure I'm going to be out of
17 line. It won't be the first time.

18 I want the Office of Planning, at some point, to
19 talk to me about the small business. I want to talk about -
20 - I want to know about -- and I know we're not talking about
21 a project. This is a problem that I have. I want to know,
22 did they mention, as Mr. Shambon mentioned, about downtown
23 being in this new zoning? Let me rephrase it.

24 Pertaining to the new zoning, I'm trying to figure
25 out what Mr. Gordon said about small business, the vacancy

1 issue, even though when I was down there today, it wasn't
2 exactly a ghost town, the library, what's going on there,
3 and is that in -- I'm not sure how to get around this. And
4 then new businesses. Those are some of the issues that I
5 would like to -- I don't necessarily need to know
6 specifically, because we're not talking about a project, but
7 I just want to even know, in this rezoning application, was
8 all those things taken into consideration, and about --
9 especially after covid -- the use of whatever is planned
10 there. Was all that put into the equation?

11 That's what I -- that's what I would like to know,
12 and I don't need to know it tonight, but I'd like to know
13 that at a later time.

14 Anybody else have anything else?

15 Vice Chair Miller.

16 VICE CHAIR MILLER: You're asking, Mr. Chairman,
17 what additional information we want from the Office of
18 Planning, the petitioner in this case?

19 CHAIRPERSON HOOD: Yeah. I would like for them to
20 -- I'm sure the -- if it's legally correct, I would like for
21 them to talk to me about, in this rezoning, were those
22 things taken into consideration, especially with the new way
23 that we're doing business. I know some people want the
24 Federal Government and downtown to get full again. I just
25 would like to know was all that in the evaluation of this

1 proposal. That's all.

2 VICE CHAIR MILLER: I think that would be useful,
3 particularly since the vision for the site, as far as I
4 know, does not include commercial office, and although a
5 hotel might be referenced in some RFP, I don't think that's
6 the vision for the site, and they are in a small area plan
7 for the Rock West plan or the goal of this zoning proposal,
8 and office is the primary problem downtown and in other
9 commercial areas, as opposed to housing.

10 But I think, at the first hearing on April 29th, I
11 requested Office of Planning to provide a response to
12 certain information, responses and certain information at
13 that hearing, and they did provide some verbal responses,
14 for example, but I think I would like to see in writing --
15 and I don't know if I need to review each of those requests
16 that are in the transcript in the record, but maybe I'll
17 just briefly say it.

18 I asked what changes were made in the initially
19 proposed zoning as a result of feedback and from the ANC and
20 from others in the community, and it was my understanding
21 that the zoning put forward, at least from OP's and some
22 residents' perspective, was already a compromise, that there
23 had been reductions in the height and density, I think, from
24 MU-5 PUD standards to the current MU-4 PUD standards, and in
25 addition, there was a reduction in the penthouse height, I

1 believe, from the initial proposal.

2 And in the text that's before us pending, which is
3 the OP proposal -- someone referred to -- at least one
4 person, maybe more, referred to it as the Zoning Commission
5 proposal. It's the Office of Planning proposal. We haven't
6 proposed anything yet.

7 But in the text amendment that they proposed as
8 part of this case, they added setback requirements. They
9 added rear yard requirements. And maybe other mitigating
10 features to try to make it compatible with the neighborhood
11 and more consistent with the comp plan, small area plan,
12 Rock Creek West, and just the neighborhood compatibility
13 issues.

14 So, I think they did respond very well at the
15 hearing verbally, but I think I'd like to see that, and I'm
16 sure it's in their very extensive report, but I think I'd
17 like to see that highlighted in a summary fashion in any
18 future written response from Office of Planning.

19 Secondly, I've asked for, at that hearing,
20 illustrative images or renderings comparing the massing of
21 what OP and the scale of what OP is currently proposing
22 versus what the ANC's height limits in their most recent
23 resolution -- I think it was 4 to 3, divided resolution, but
24 it was -- the resolution called for certain height
25 limitations. So, I just want to see the difference in the

1 images and renderings of what the ANC proposed in terms of
2 height and density versus what OP proposed, and in any other
3 future iteration that ANC may come up with.

4 Apparently there's -- I haven't seen -- I don't
5 know if it's in the record -- ANC's request to come up with
6 some further compromise proposal, but if there is a further
7 compromise proposal that is presented, that is made part of
8 the record of this case, I would like the Office of
9 Planning, or in conversations that ANC separately has with
10 Office of Planning, I would like their comparison of their
11 proposal with OP, with the -- what ANC -- latest compromise
12 proposal might be.

13 And as long as I'm speaking about the ANC, I would
14 just make this comment, just a general comment, and I'm sure
15 I might get some of the specifics wrong, so maybe I
16 shouldn't even make it.

17 But two years, in 2022, as I understand it, a
18 different ANC representing this area was unanimous in
19 calling for a significant amount of housing, particularly
20 affordable housing, on the civic core site, and I think the
21 small area plan that was developed and the zoning that
22 followed that was more in line with the previous ANC's
23 position for a significant amount of the housing to be
24 included on any redevelopment of the site, which this zoning
25 would permit, and in terms of comparison, back to my request

1 for the comparison of the renderings for the ANC proposal
2 versus OP proposal, I think at the hearing they also
3 responded to what the potential loss of housing units would
4 be under each of those proposals, and I think they provided
5 a fairly good response.

6 We don't have a project before us, so it's all
7 kind of hypothetical or potential, but I would like to know
8 what the potential maximum housing might be under the ANC's
9 proposal versus Office of Planning's, including the
10 affordable housing.

11 So, I also asked about what the -- the RFP process
12 is a separate process which will have a lot more specifics
13 and requirements, including a more -- a greater minimum
14 requirement for affordable housing than inclusionary zoning-
15 plus would require, which is a 20-percent set-aside versus
16 the 30-percent set-aside in a public disposition RFP
17 process.

18 I think I would want some clarification. Even
19 though the RFP is not before us. I don't want this to turn
20 into the RFP process or -- I don't want to duplicate what
21 already has happened -- is going to be happening at the
22 Council level in terms of that RFP process, but I think I
23 would need some clarification based on all the testimony in
24 the record from those who are concerned about the proposal
25 as to what the minimum affordable housing set-aside

1 requirements will be, what the minimum open space and
2 greenspace under the proposed zoning will be, what the
3 community center will be, what the minimum requirements will
4 be under the proposed zoning, and whether or not, given that
5 some people think that, because the RFP mentions, I guess,
6 permitted uses in the MU zone, like a hotel or office or
7 other uses that we don't necessarily -- that nobody
8 necessarily wants on this site, whether it would be
9 appropriate to have, in the text amendment part of this case
10 that's before us, further restrictions beyond what OP has
11 already proposed in terms of setbacks and height and
12 density, whether we should have restrictions on the type of
13 housing, the level of the set-aside, and a deeper
14 affordability level.

15 I think in another text amendment case -- this is
16 just off the top of my head. I didn't go back and look at
17 this. I think we put into that map and text amendment, the
18 text amendment part of it, stronger affordable housing
19 requirements than our zoning otherwise might have required
20 without that text amendment.

21 So, I just wanted to hear whether it would be
22 appropriate to include further textual -- text amendments
23 that would address some of the concerns that have been
24 raised about the open space, the greenspace, the playground
25 space, the basketball/pickleball court space, and the uses

1 that are going to be on this site, and what the status is of
2 that RFP, since it seemed to be a concurrent process that
3 might going on here.

4 I guess those are some of the questions that I'd
5 asked previously of Office of Planning and that I wanted to
6 see something in writing about.

7 They did provide verbal responses at the previous
8 hearing, which were helpful, but I think to have them in
9 writing might be helpful, as well.

10 That's it for now, Mr. Chairman.

11 CHAIRPERSON HOOD: Okay. Thank you, Vice Chair
12 Miller.

13 Anybody else have anything?

14 COMMISSIONER STIDHAM: I think probably most of
15 what -- what's rolling around in my head has been covered by
16 Commissioner Miller.

17 I think, just to be sure -- because I wasn't quite
18 sure of everything that Mr. Miller was saying -- this text
19 amendment needs to be a livable space. It needs to provide
20 livable space, right? And I think that's a lot of what
21 we're hearing tonight.

22 If you ignore all of the information about what is
23 there today and what may or may not be there tomorrow based
24 on a project that's delivered sometime in the future, if you
25 just think about sort of the principles of it and the need

1 for this space, if it goes forward to be livable, and to not
2 end up in a case where it's a canyon, I think that OP really
3 needs to be -- come back to us with development standards
4 associated with this text amendment that would ensure that
5 the building heights are the right fit, the setbacks are the
6 right fit, for this community to continue to have the
7 character that it's experienced over time, to meet the goals
8 and the objectives of the small area plan, as it was
9 developed, and to plan for a future that is a livable
10 community moving forward and not putting the area in a
11 position where they end up with a development that is just
12 not livable.

13 So, if OP can distill that sort of rambling down
14 into some information back to us, that would be really
15 helpful.

16 CHAIRPERSON HOOD: Okay. Great. Thank you.

17 Commissioner Imamura, you're the only one left, so
18 do you have anything?

19 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
20 I'm certain that OP is probably taking scrupulous notes on
21 this, so I'll add one more. I don't have anything
22 additional to add.

23 I underscore Commissioner Stidham's request. I
24 think it's terrific, as are Vice Chair Miller's requests,
25 too, particularly about just the volumetric space or the

1 volumetric study.

2 So, I have nothing further to add.

3 CHAIRPERSON HOOD: All right. We'll gather all
4 that was said and see what comes back. Again, I know this
5 is a rulemaking. I will probably be ready to move forward.
6 We'll figure it out as we go along. I'm not going to sit
7 here and try prescribe anything.

8 VICE CHAIR MILLER: Mr. Chairman, since you just
9 mentioned that it is a rulemaking, I just wanted to say that
10 if -- if we ever get to a point of proposing the rule, which
11 has the map and text amendment in it, there would be an
12 opportunity, like all proposed rulemaking, for their to be
13 public comment submitted in writing, as in all cases, before
14 we took any final action.

15 CHAIRPERSON HOOD: Right. Okay. All right.
16 Yeah. Everybody will have another shot at what we're
17 talking about. So, yeah, yeah. Thank you for bringing that
18 up.

19 All right. Anybody else? All right.

20 Ms. Schellin, what are we doing? Do we have any
21 dates or anything?

22 MS. SCHELLIN: I thought I heard Vice Chair Miller
23 say it, that the Commission is going to look for something
24 in writing from the ANC regarding their alternate proposal
25 or compromise that they've come up with with OP. Is that

1 correct?

2 You want it in writing? You're not going to hear
3 from them orally, correct?

4 VICE CHAIR MILLER: I did not want to hear from
5 anybody orally.

6 MS. SCHELLIN: That's what I thought. Okay. I
7 just wanted to make sure that --

8 VICE CHAIR MILLER: I do want to hear from in
9 writing --

10 MS. SCHELLIN: -- you said you wanted it in
11 writing.

12 VICE CHAIR MILLER: -- if they have something to
13 say.

14 MS. SCHELLIN: You want it in writing and you want
15 OP to respond to it. That's what I heard you say.

16 VICE CHAIR MILLER: Yes, please. I didn't even
17 know if it was already in the record or --

18 MS. SCHELLIN: It's not. That's my understanding.
19 It's not yet.

20 VICE CHAIR MILLER: Okay.

21 MS. SCHELLIN: Okay. Okay. And so, let's see,
22 Jennifer, Joel, I'm not sure sure which one of you want to
23 respond. How much time do you think you need to respond to
24 the items that the Commissioners have asked for?

25 MS. STEINGASSER: At least the last meeting --

1 CHAIRPERSON HOOD: You said the last meeting in
2 July.

3 MS. STEINGASSER: June.

4 CHAIRPERSON HOOD: Oh, June.

5 MS. SCHELLIN: Yeah, we can hardly hear you. So,
6 the last meeting in June --

7 MS. STEINGASSER: Yes.

8 MS. SCHELLIN: -- is when you want to come back
9 for consideration of proposed. So, I'll work backwards from
10 there. Okay. Okay. So, what I need, then, is for you --
11 is for the ANC to provide their alternative in two weeks,
12 and you guys provide your information in two weeks, and then
13 you'll have one week to respond to their proposal. Is that
14 going to work?

15 MS. STEINGASSER: No.

16 MS. SCHELLIN: That's what I thought.

17 MS. STEINGASSER: Move it to July.

18 MS. SCHELLIN: Yeah. Okay. So, how much time do
19 you want to respond to their proposal? Is a week going to
20 be okay?

21 MS. STEINGASSER: Yes.

22 MS. SCHELLIN: Okay. All right. So, in that case
23 -- so, two weeks -- so, if ANC -- if the ANC -- and I know
24 that they're listening, because as we know, they've been on
25 all evening. If they would submit their supplemental by

1 3:00 p.m. on June 6th, June 6th at 3:00 p.m., and OP also
2 submit their responses to the Commission from the two
3 hearings by June 6th, 3:00 p.m.

4 Then, by June 13th, 3:00 p.m., if OP would respond
5 to the ANC's alternative, and we could put it on for the
6 first meeting -- our last meeting in June, if you still want
7 to do that.

8 MS. STEINGASSER: I think we need to move it -- I
9 don't think we're going to be able to get it done by June
10 6th.

11 MS. SCHELLIN: Okay. Your additional -- so, you
12 need more than two weeks, is what you're saying.

13 MS. STEINGASSER: Yes. Yeah.

14 MS. SCHELLIN: Okay. So, which meeting in July do
15 you want to shoot for, the --

16 MS. STEINGASSER: What is the first meeting in
17 July?

18 MS. SCHELLIN: First meeting in July is the 11th.

19 MS. STEINGASSER: Working off that, what does that
20 give us?

21 MS. SCHELLIN: Okay. If we work backwards from
22 that --

23 MR. LAWSON: Sharon -- sorry -- Ms. Schellin, just
24 so you know, I don't know that we need two separate dates
25 for the ANC -- for our response to the ANC filing and our

1 response to the rest of the request from the Commission.

2 We're aware of the ANC proposal. We've been
3 working pretty closely with them. So, I don't think we need
4 to have them file it and then you need to give us extra time
5 for that.

6 It might make sense if we just file all of our
7 responses in -- in one package.

8 MS. SCHELLIN: Okay. So, I need to give them an
9 opportunity to file, though.

10 MR. LAWSON: Oh, I'm sorry. Yes. Yes,
11 absolutely. I understand.

12 MS. SCHELLIN: Yeah. So, if I give the ANCs -- we
13 can still keep the -- because it sounds like they already
14 know what their alternative is. So, two weeks for the ANC.

15 Chairman Hood, did you want to bring up one ANC
16 rep just to make sure two weeks is enough time for them to
17 submit their alternatives, because it sounds like they've
18 already got it ready, because they were ready to talk about
19 it tonight, or do you think two weeks is enough time?

20 CHAIRPERSON HOOD: Let's make sure it fits their
21 schedule. We don't need to get into their proposal.

22 MS. SCHELLIN: Right. We don't want to talk about
23 it. We just want to have them say whether two weeks is
24 enough time or not.

25 CHAIRPERSON HOOD: Yeah, I want them to --

1 MS. SCHELLIN: You could bring up Commissioner
2 Bruce Sherman, Mr. Young. I think he could answer that
3 question.

4 MR. SHERMAN: Yes, two weeks is enough time.

5 MS. SCHELLIN: Okay. Great. Thank you.

6 So, if the ANC could submit their proposal by June
7 6th, again by 3:00 p.m.

8 MR. SHERMAN: Can I interrupt real quick? My
9 fellow Commissioner Goslin just reminded me that we, as a
10 commission, don't meet again until June 10th. Could we have
11 dispensation to deliver that to you just after that meeting?

12 MS. SCHELLIN: How about the 13th.

13 MR. SHERMAN: Yeah, that would be helpful.

14 MS. SCHELLIN: That will give you three weeks.
15 Okay. So, we'll do June 13th, 3:00 p.m. Sorry, guys. And
16 then we'll give the Office of Planning the opportunity to
17 have that to respond to, plus everything else they've heard
18 from the two hearings that the Commission would like
19 responses to. We'll give them until -- let's see. We're
20 working from the July meeting. Let's give the Office of
21 Planning until 3:00 p.m. -- let's see -- July 1st. Will
22 that work for you guys?

23 MS. STEINGASSER: Yeah.

24 MS. SCHELLIN: Jennifer, Joel?

25 MS. STEINGASSER: Yes. Yes, that will definitely

1 work.

2 MS. SCHELLIN: 3:00 p.m. And then we'll put this
3 on for 7:11 at 4:00 p.m. for consideration of proposed
4 action.

5 And as Chairman Hood or Vice Chair Miller or
6 somebody asked, yes, if the Commission takes favorable
7 action, the proposed rulemaking would be published, which
8 opens it back up for a 30-day comment period from the public
9 and anybody else who wants to respond.

10 And Chairman Hood, if I may, just for one moment,
11 I understand that a couple people have contacted Ella and
12 they are angry, is the word she said, the way that they are
13 speaking, that they did not get called to testify.

14 I went down the list and called every single
15 person --

16 CHAIRPERSON HOOD: Hold on a second. How many
17 people was it?

18 MS. SCHELLIN: I don't know, because --

19 CHAIRPERSON HOOD: Take two minutes, find out how
20 many people it was, and bring up right now and let's
21 testify. I'm sorry. If they're around, let's bring them
22 up.

23 MS. SCHELLIN: Yeah. I mean, they were called,
24 and I -- you know, the only other one I can see that has
25 been calling and that I know of is Ms. Cook.

1 CHAIRPERSON HOOD: Okay. Let's bring Ms. Cook up.
2 And Ms. Cook, we're going to hear from you. I want from
3 everybody who has waited.

4 MS. SCHELLIN: Let me see if I can see any other
5 names that look familiar.

6 CHAIRPERSON HOOD: That story won't get told.

7 MS. SCHELLIN: No, because this is not our normal
8 process, I mean, you know -- and we know the names. They
9 were not on when we called. Let's see.

10 CHAIRPERSON HOOD: That's okay. We do the best we
11 can.

12 MS. SCHELLIN: Yes.

13 CHAIRPERSON HOOD: And I appreciate my colleagues
14 indulging me for doing that, but we want to make sure the
15 public is heard.

16 MS. SCHELLIN: I believe that may be it.

17 CHAIRPERSON HOOD: Okay. Well, let's go with Ms.
18 Cook. Let's hear from you, Ms. Cook. Ms. Cook? You have
19 to unmute. Carolyn Cook?

20 MS. COOK: Thank you very much for seeing my
21 pleading and upset to have sat through both hearings and not
22 to have a chance to testify.

23 I did not submit electronic testimony, but what I
24 want to say, in answer to your questions, Chairman Hood,
25 because I have been wanting to answer them for so long.

1 According to the SAP, 25 businesses were engaged in the
2 walkthrough of Chevy Chase that occurred on one day. Two
3 hundred people were participants at the virtual kickoff. A
4 hundred and fifty people they talked to at existing events,
5 the Chevy Chase farmer's market, a ribbon cutting at
6 Lafayette School, and Chevy Chase Day.

7 That doesn't really count in terms of their
8 engagement.

9 They had one hundred-plus people on three
10 community walks, as I said about the 25 businesses, and 215
11 people responded to their survey, and at the final community
12 meeting, on one day, during the day, there were 90 people
13 when they rolled out the design. So, no, this community was
14 not ever engaged.

15 I am a former ANC commissioner of Barnaby Woods
16 and Hawthorne. I served for eight years, and I was
17 reelected to a fifth term, even though I pulled out of the
18 race. Why? Because I believe in the engagement of the
19 community.

20 I was not there to be a mouthpiece or a panderer
21 for DC Government. What I was there is to remind or speak
22 for my residents when laws didn't work, when policies didn't
23 work, when the design of Chevy Chase isn't going to work.

24 And here's just a couple of things. I am a native
25 Washingtonian, and what I will say is that, when I was on a

1 call with our Ward 4 council member and I heard a father
2 pleading for speed bumps on his street that he can't get for
3 his daughter -- and I believe it's even on a street with a
4 school, could have been Kennedy Street -- we got speed humps
5 on four blocks of Barnaby Street and Barnaby Woods, with the
6 majority of residents not even knowing about this.

7 I also heard someone say please, please, can't we
8 get Kennedy Street Library renovated? We'll take housing,
9 just like you said. Ward 7 said market rate housing. We'll
10 take housing. We want it. They were told no. And here
11 you've got Chevy Chase Library, with the community saying
12 no, and you're going to take those resources away from a
13 library that deserves it and wants it and putting it into
14 Chevy Chase.

15 And what I will say from my perspective, I've
16 spoken to many DC natives like myself, and what we've all
17 agreed is that we're no longer going to retire here. We
18 wanted to, but we're not going to be able to, because we
19 can't afford it, and we're tired of feeling like sardines
20 and it taking 20-30 minutes to get anywhere, where it used
21 to take 10.

22 It's a city that we don't even recognize anymore,
23 and what I want to say that I think is a really compelling
24 argument, in addition to all that was made, is that when I
25 look at Ward 4, we have 8,000 residents. We have had no

1 input, not from our Ward 4 council member representing us.
2 She has not stood for us. Our ANC commissioner, who is a
3 successor of mine, did not stand --

4 MS. SCHELLIN: Time.

5 MS. COOK: -- for our district.

6 But what I want to say is, the power that DC has
7 to compete is Ward 4 on Georgia Avenue, because you have
8 Silver Springs sitting there, and I have a friend right now
9 that would love to move closer to DC, because she works in
10 DC, but she said I can't afford it, Carolyn.

11 And I wanted to tell our council member this --
12 and I actually, when I asked the question, what will be left
13 of Chevy Chase, I was told by the host of this public
14 campaign event that I needed to stop grandstanding and she
15 would not tolerate it in her living room, and I walked out.
16 I cried walking home.

17 I am a caregiver to my mother, who is 94. My
18 parents moved here in 1964, and they got separated and
19 divorced in 1974, and I am white, and my mom sacrificed so
20 much for us so that her two daughters could be raised in
21 Barnaby Woods.

22 We are below every income level here. If you ask
23 me how many restaurants I've been to on Connecticut Avenue,
24 barely any, because we couldn't afford it.

25 But you know the great equalizer is a library and

1 a community, because what I said to our council member is,
2 if you don't have a dime, if you're an elderly caregiver
3 like myself that is on Medicaid -- and I make no money for
4 taking care of my mother 24/7 so she dies with dignity in
5 her home that she sacrificed and fought so hard for, what is
6 left?

7 And you know, I just -- I can't tell you enough
8 that Chevy Chase is good when they're invited to the table
9 to talk about how can we be a part of the solution.

10 And I will say to you, Chairman Hood, that I would
11 volunteer -- we have a pretty small backyard in Barnaby
12 Woods, but I would volunteer to have a tiny house built by
13 the city and I would take care of a senior in my senior
14 years or I would take care of a single mom with children,
15 like my mom was, to give them a true sense of community, not
16 sitting in market rate housing on Connecticut Avenue.

17 We have Regency House that never has been
18 integrated into Ward 3. I tried, because we had no senior
19 program in Chevy Chase at our community center. Nothing for
20 seniors.

21 My mom used to drive across the park. She was the
22 only white lady at Fort Stevens. She didn't care. She
23 loved it. And when she could no longer drive and there was
24 nothing here at our community center, I started a program
25 for seniors, and I managed it as a volunteer for 18 months,

1 and then I lobbied for a paid position with the seniors, and
2 a budget, and we had a senior program there.

3 CHAIRPERSON HOOD: Ms. Cook, I appreciate all of
4 your passion and everything, and I appreciate your story,
5 but I need you to give us your closing remarks.

6 MS. COOK: Okay. And I just want to say, Chairman
7 Hood, if you're able to go back to the redistricting
8 hearings, when our neighbors in Wards 7 and 8 were pleading
9 with that redistricting commission, stop moving more white
10 people in Wards 7 and 8 -- I don't think forcing community
11 or making DC be something that it's not is really what
12 people want.

13 So, I just ask you -- I wish you were the head of
14 zoning. We have a huge McMansion next door to us. So, I
15 have lived through -- we have no sunlight. We have no view.
16 We are completely cut off from our neighborhood because of
17 the height, four stories high, and this house runs from the
18 beginning of our house to the end of our property.

19 I have lived this, and when people say sunlight
20 matters, air matters, trees matter, it does. It does. I
21 screamed and yelled at our neighbors because of what was
22 done to us, and they've done nothing to help, and when I
23 called the zoning commissioner at the time, he said, ma'am,
24 it's a matter of right. I said can you come out and just
25 see what this is, because development is a 2-D -- how you're

1 talking about it in terms of plans is 2-D, but it's 3-D.

2 And Chairman, I would love to have you out for a
3 cup of coffee, my mom and I, to just feel what this feels
4 like to have a cruise ship having been built because a savvy
5 developer was allowed to build in Ward 3.

6 He bought a house that cost 826,000 and sold it
7 for 2.6, and I'm saying but what about that affordable
8 housing? What about that middle class that was lost to him?
9 And all that was lost.

10 And the only -- the one thing that would have made
11 a difference, Chairman, is what we've lost here, is what the
12 Office of Planning didn't do, was just a postcard to invite
13 people to the table.

14 CHAIRPERSON HOOD: Ms. Cook, I thank you again.
15 As I say, we appreciate your passion, and I understand it.
16 I don't disagree with anything you said.

17 You know, one thing about this city, we all have
18 our fights and our battles, and some of the stuff -- some of
19 the -- I almost said monstrosities, but some of the big
20 things that are next to homes sometimes don't fit, and
21 that's why we have to continue to work together, to try to
22 make sure that people like you don't feel how you feel when
23 you come in front of groups like this.

24 So, we're going to continue to do the best we can.
25 It's always not the outcome that I like to see either, but I

1 have to follow the law and go and do the best we can.

2 MS. COOK: Just one last thing.

3 CHAIRPERSON HOOD: Let me finish.

4 MS. COOK: Okay.

5 CHAIRPERSON HOOD: I let you finish.

6 MS. COOK: All right.

7 CHAIRPERSON HOOD: And one thing I will say,
8 through all of that, actually you keep taking care of mom,
9 and I'll leave it at that.

10 MS. COOK: Can I just say one thing, Chairman?

11 CHAIRPERSON HOOD: Sure.

12 MS. COOK: You know Bethesda and Friendship
13 Heights and Tenley Circle all have Metro stations. That's
14 what we'll be competing with.

15 I don't see the housing staying in Chevy Chase
16 when they have those choices, or even Silver Spring, but our
17 neighbors in Ward 4 are begging for it, and I thought, you
18 know, Muriel, this is a win-win for you and our current
19 council member, to take care of Ward 4 and put that
20 investment there.

21 So, thank you so much for all the time, for all of
22 you.

23 CHAIRPERSON HOOD: Okay. Thank you. All right.
24 Thank you, Ms. Cook.

25 All right, Ms. Schellin. I think that was it.

1 We've heard from everybody that was here.

2 Have finished -- we've got all the dates and
3 everything straight, right?

4 MS. SCHELLIN: We do. And I was told that there
5 was one other person on. I got the phone number, and that
6 phone number is not on -- let's see -- the friend mixed up
7 my name with hers. Oh, maybe she's listed under -- I'm
8 trying to read what she's telling Ella.

9 Claudia Russell is the name of the person. We
10 already heard from Ms. Russell.

11 CHAIRPERSON HOOD: Yeah, C.J. Russell.

12 MS. SCHELLIN: She was the one that couldn't be
13 heard. So, I don't know. If she has something else, you
14 stated she could submit that in writing, because she already
15 was called.

16 CHAIRPERSON HOOD: Okay. All right.

17 MS. SCHELLIN: So, I'm not sure what she's talking
18 about.

19 CHAIRPERSON HOOD: Okay. So, we've already heard
20 from her, though, right?

21 MS. SCHELLIN: We heard from -- we called Claudia
22 Russell, and she's the one that came up and was having
23 problems hearing.

24 CHAIRPERSON HOOD: That was C.J. Russell. The
25 other lady was Karen. But anyway -- all right. As the Vice

1 Chair has already mentioned, whatever happens, we're moving
2 forward, however we move forward, there's always going to be
3 another time to opine and respond in writing to us.

4 Okay. Anything else?

5 MS. SCHELLIN: Correct.

6 CHAIRPERSON HOOD: Anybody have anything else?

7 COMMISSIONER IMAMURA: Mr. Chairman, I just want
8 to acknowledge your generosity to allow, you know, the
9 testimony of those who may have gone a minute or two beyond
10 their limits tonight, to allow them to express their
11 concerns and their stories.

12 And then the other thought, too, that I'd like to
13 just express is that, for those who had some frustration,
14 perhaps, and did call Ms. Ackerman, you know, the staff
15 works really hard, and they're just trying to do their job
16 as best they can, and so, if you do have a concern or a
17 grievance, certainly you can take up with the Commission
18 here, but please be respectful of the staff.

19 They work hard on behalf of the city, and they
20 deserve just as much respect as you would expect others to
21 give you.

22 So, please keep that in mind. We want to try to
23 keep things civil here.

24 CHAIRPERSON HOOD: On that note, that is the way
25 to end.

1 MS. SCHELLIN: And just to remind them, if they --
2 for some reason, they did have difficulties, they have till
3 noon tomorrow to submit their written testimony.

4 CHAIRPERSON HOOD: Thank you, Commissioner
5 Imamura, for saying that. I can't even come behind that.

6 MS. SCHELLIN: Yes. Thank you very much.

7 CHAIRPERSON HOOD: We appreciate that.

8 The Zoning Commission will meet again May the 3rd,
9 and as I'm looking, Ms. Schellin, after June the 3rd, the
10 Zoning Commission has, like, two weeks off.

11 MS. SCHELLIN: You do have a pretty good break in
12 June. June is pretty -- let's see. You've got June 3rd.

13 CHAIRPERSON HOOD: And that's it.

14 MS. SCHELLIN: The 13th, the 24th, and the 27th.
15 We don't have the meetings down yet.

16 CHAIRPERSON HOOD: Okay. All right. So, with
17 that, I want to thank everyone for their participation
18 tonight, and I will catch up with what I missed, and we'll
19 see everyone on June the 3rd. You all have a great holiday.
20 Good night, everyone, and thanks, everybody.

21 (Whereupon, the hearing was adjourned at 8:03
22 p.m.)

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REPORTER CERTIFICATE1
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This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC Zoning Commission

Date: 05-23-2024

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
accurate record of the proceedings.



Gary Euell