

D.C. OFFICE OF ZONING
2009 FEB -9 AM 11:35

February 4, 2009

BY FACSIMILE AND US MAIL

Office of Zoning
Suite 210
441 4th Street, NW
Washington, DC 20001

Re: Case No. 08-15 (Friendship-Macomb SC Inc. – Consolidated PUD
Approval & Related-Map Amendment – Square 1920, Lot 813 and
Square 1920-N, Lots 1 and 2)

To Whom It May Concern:

The homeowners listed below, the Ordway Street Neighbors Association, request to participate in Case No. 08-15 as a party in opposition. Consistent with the provisions of 11 DCMR 3022.3, we base this request on the following information set forth in the regulations and the Notice of Public Hearing on this case.

(a) Person's name, address, and daytime telephone number

Selig R. Kainer
3622 Ordway Street, NW
Washington, DC 20016-3176
202-966-2584

Thomas P. Higgins
3433 Wisconsin Avenue, NW
Washington, DC 20016-3005
202-244-5556

Daniel Hecker
3635 Ordway St., NW
Washington, DC 20016-3176
202-537-0105

ZONING COMMISSION
District of Columbia
CASE NO. 08-15
EXHIBIT NO. 100

David Isaacs
3610 Ordway St., NW
Washington, DC 20016-3176
202-966-7132

(b) A request to appear and participate as a party;

As stated in this letter, we request to appear and participate as a party in this matter.

(c) Whether the person will appear as a proponent or opponent of the application;

We will appear as an opponent to the unconditional approval of the application.

(d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;

We will not appear through legal counsel.

(e) A list of witnesses who will testify on the person's behalf;

The witnesses who will testify include:

Selig Kainer

Daniel Hecker

David Isaacs

(f) A summary of the testimony of each witness;

Selig Kainer – elimination of the protections provided by the overlay, adverse impacts of the zoning changes on Ordway Street.

Dan Hecker – the proposed absence of parking in the North Building for commercial establishments located in the North Building and the adverse impacts on Ordway Street, and how this problem will be exacerbated by the proposed elimination of the overlay, thereby allowing numerous bars and restaurants to be located at the site, and the introduction of a new traffic light that would enable easy parking on Ordway and access to the North Block restaurants/stores.

David Isaacs – the proposed changes to traffic patterns in the area (including the addition of a new traffic light at the intersection of Wisconsin Avenue/Idaho Avenue/ Ordway Street) and the adverse impacts to safety on Ordway Street;

elimination of the protections provided by the overlay, adverse impacts of the zoning changes on Ordway Street.

(g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;

None of the witnesses will be offered as experts.

(h) The total amount of time being requested to present their case; and

We request the maximum time permitted to present our case, and at minimum 15 minutes.

(i) A written statement setting forth why the person should be granted party status, including reference to the following:

(1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;

The properties owned by the members of this group are as follows:

Selig R. Kainer
3622 Ordway Street, NW
Washington, DC 20016-3176

Thomas P. Higgins
3433 Wisconsin Avenue, NW
Washington, DC 20016-3005

Daniel Hecker
3635 Ordway St., NW
Washington, DC 20016-3176

David Isaacs
3610 Ordway St., NW
Washington, DC 20016-3176

(2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;

Each of the members of the group are the owners of the properties referenced above.

(3) The distance between the person's property and the property that is the subject of the application before the Commission;

The properties of Tom Higgins and Selig Kainer are both located within 200 feet of the property that is the subject of the application, and both these homeowners received the required notice of the project. See Pre-Hearing Submission, Exhibit G ("NAME AND MAILING ADDRESS OF THE OWNERS OF ALL PROPERTY WITHIN 200 FEET IN ALL DIRECTIONS FROM ALL BOUNDARIES OF THE PROPERTY INVOLVED IN THE APPLICATION"). The house of Dan Hecker is approximately 300 feet from the proposed project, and the house of David Isaacs is approximately 500 feet from the proposed project.

(4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and

If the application is approved without modification, the proposed project will reduce the property values of the group's homes, and diminish the quiet enjoyment of our homes as a result of increased traffic (including bus and truck traffic on Ordway Street, a local residential street), the safety of Ordway Street, an increase in commercial parking on Ordway Street, the elimination of the overlay, and delivery and construction disturbances.

(5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The interests of the group would likely be more significantly, distinctively, or uniquely affected by the proposed zoning action than those of other persons of the general public.

First, the very proximity of the project to our homes will result in impacts that are more significant and unique than impacts to the general public.

Second, the proposed 5-story building in the North Block will be constructed directly opposite the house of Thomas P. Higgins, a resident of his house for 55 years.

Third, the North Block building is proposed to include extensive commercial development, in addition to a large residential building, but does not provide any parking for customers of these commercial establishments; the parking on the north block is reserved solely for residents of the new building. Because our houses are located on the last block of Ordway Street east of Wisconsin Avenue,

the construction of the North Block building as proposed will likely result in significant amounts of commercial parking on Ordway Street, directly in front of our houses. The proposed traffic light at the intersection of Wisconsin Ave./Idaho Ave./Ordway Street (see paragraph below) will enable pedestrians to cross Wisconsin Avenue and therefore encourage such parking.

Fourth, the proposed elimination of the overlay will result in increases in traffic, parking, and other disturbances along Ordway Street as a result of the addition of bars, restaurants, and similar establishments that may be located at the project site in the absence of the overlay.

Fifth, the project proposes several traffic changes that have distinct and significant impacts on Ordway Street. The developers propose to (a) "convert Idaho Avenue from one-way to two-way operation west of Wisconsin Avenue," (b) "reconstruct the Wisconsin Avenue/Idaho Avenue/Ordway intersection to adequately accommodate pedestrians, bicyclists, buses, trucks, and automobiles," and (c) "install a new traffic signal at the Wisconsin Avenue/Idaho Avenue/Ordway Street intersection." See Wisconsin Avenue Giant PUD Pre-Submission Exhibit F at page 20 (October 24, 2008). As proposed, these traffic measures will likely result in a significant increase in the volume of traffic on Ordway Street (classified as a local residential street), hazardous traffic conditions for vehicles due to the unusual 5-way intersection at Wisconsin/Idaho/Ordway, and the introduction of buses and trucks on to Ordway Street, which is classified as a local residential street.

Sixth, construction of the project and deliveries to the site once completed will have impact on the immediate neighbors, including our group.

For all of these reasons, we request to participate as a party at the hearing in this matter.

Sincerely,

Selig R. Kainer
3622 Ordway Street, NW

Thomas P. Higgins
3433 Wisconsin Avenue, NW

Daniel Hecker
3635 Ordway St., NW

David Isaacs
3610 Ordway St., NW