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Jerrily R. Kress, Director
Office of Zoning
441 4th Street, N.W.
Washington, D.C 20001

RE: WITNESS AMENDMENT AND AMENITY EXPANSION FOR PARTY STATUS STATEMENT FOR NOVEMEBER 22, 2004 PUBLIC HEARING FOR CASE NUMBER 04-11

DATE: 11/18/2004

Pursuant to 11 DCMR 3022, the Concerned Citizens of North Michigan Park (CCNMP) has requested to appear and participate as a party in the public hearing for case 04-11, on November 22, 2004. To ensure compliance with the provisions of 11 DCMR 3022.3, we add the following witness to amend our November 8, 2004 party status proposal regarding 11 DCMR § 3022.3 requirement that a party clearly demonstrate that the person's interest would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public.

Additional Witness

Mrs. Ann Hunter lives at 641 Emerson St. NE . She will testify about her concerns relating to the traffic impact this development will have during construction and after the new residences move in. She will address the adverse affects the loud vibrating noise impact on her home. She is experiencing cracks in her ceiling and is required to do regular home repairs to correct the damage coming from the construction trucks. She will also address the pollution concerns relating to this development and special needs of the widowed elderly residents.

1. Mrs. Hunter is a widowed elderly resident of the community who has lived in this neighborhood for over 30 years She has a vested interest in the proposed change in the face of the community and increase residences that may disrupt the quite community atmosphere.

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CASE NO. 04-11
EXHIBIT NO. 25

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2. Mrs. Hunter's home is in close proximity to the proposed development and as such will be directly impacted by the construction noise, flying debris, and smells.

3. Mrs. Hunter is subjected to the increased traffic congestion due to the trucks supplying construction materials, forklifts, backhoes, the placing of all building equipment and vehicles in the street way.

The interests of current residents in preserving their neighborhood will be significantly, uniquely, and distinctively affected to a much greater extent than the general public. The current residents, such as the members of CCNMP, should be protected from disruptive uses, and should have input into the development of amenities and benefits, such as the provision of affordable housing, green space, and increased retail and commercial services The proposed development serves as a public nuisance by substantially interfering with the use and enjoyment of the residence's property. CCNMP has requested party status to have the opportunity to testify as to the current unmet needs of the community, burdens that this community will directly experience if the PUD application is approved and public benefits that should be required in exchange for the flexibility of the PUD development.

Additionally, pursuant to 11 DCMR 2403.7, we amend the previous requested amenity of a Community Restoration Fund to include the following specificity:

1. This fund will also be used to make repairs to the homes that are adversely affected by this development's construction.

Thank you for your attention to this matter. Please feel free to contact us at the above stated contact information. Laurie Morin, the supervising attorney, can also be contacted at (202) 274-7335.

Kessela Brown
Student Advocate

Caragh Fay
Student Advocate

CC: Rocky Gorge Development

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DATE: 11/18/04

TO: Richard Nello - Office of Zoning

FAX NUMBER: 202 727 6072

FROM: Caragh Fay + Kessela Brown
UDC-DCSL FAX NO: 202-274-5569

RE: Case No. 04-11 - amended filing

TOTAL PAGES: (Including this cover sheet) 3

FAX OPERATOR: Caragh Fay

FAX OPERATOR PHONE: 202-274-5122

BRIEF MESSAGE: Please file this document in Case No. 04-11 - Zoning Commission Contested case. Thanks

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