

5 May 2009

2009 MAY -5 PM 3:21

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th St., NW, Suite 210 South
Washington, DC 20001

Re: ZC Case No. 08-21 (Application of Athena Group)

Dear Chairman Hood:

As the neighbors most immediately affected by the Canal Project PUD, we want to address the unresolved issue with respect to connectivity and the use of bollards between Ligan Way and Ligan Road, NW. To assist the Commission in its deliberations, we offer this one-page summary of the key points regarding this issue:

Every party in this PUD application is opposed to connectivity, including myself and my next door neighbor, Dr. Sarafian, the applicant, DDOT and Councilmember Mary Cheh. The ANC has no problem with our position, and neither do the neighbors.

FEMS is satisfied with the compromise as to bollards. In that regard, Fire Marshal Gary Palmer has submitted a letter confirming this stance, written April 3, 2009 to Maxine Brown-Roberts.

DDOT has not identified any traffic or safety issues regarding bollards, but is resting on an aesthetic and precedent-setting objection to bollards that we don't believe should dominate the discussion.

There are significant countervailing issues of traffic safety and pedestrian safety if there is connectivity, which is why no one, especially my neighbor and I, favors it.

DDOT's written report from November expressed a belief that Athena would work with FEMS to satisfy FEMS concerns. At no point did DDOT indicate that if FEMS was happy, DDOT would be unhappy.

DDOT's written report failed to analyze the traffic and safety hazards if there are no bollards or some other barrier to connectivity. By contrast, our testimony described the potential hazards to pedestrian and vehicle safety, which no one has refuted.

DDOT has no regulatory jurisdiction over the placement of bollards on private property, which is what we have here. While we understand DDOT's aesthetic objection to bollards, DDOT has identified no safety issues independently of FEMS, which has declared itself satisfied and which is exclusively responsible for fire and rescue missions. In the absence of any specific evidence other than aesthetics, the Commission should note DDOT's concerns and move on. As the neighbors most affected by this particular issue, we feel that the weight of our opinions must be taken into serious consideration.

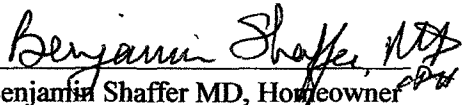
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As the neighbors most immediately affected by this unique issue, we hope you will agree connectivity is not an option. We hope to have your support in this regard.

Thank you for your consideration.

Sincerely,


Benjamin Shaffer MD, Homeowner
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CERTIFICATE OF SERVICE

I hereby certify that copies of this letter were served by first-class mail, postage prepaid, this 5th day of 2009 upon:

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