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October 5, 2001

BY FACSIMILE AND FIRST-CLASS MAIL

Jeannine Rustad Zigner, Esq.
Robins, Kaplan, Miller & Ciresi, L.L.P.
1801 K Street, N.W.
Suite 1200
Washington, D.C. 20006

Re: **BZA Application No. 16740**
2989 Arizona Avenue, N.W.

Dear Jeannine:

We were surprised to learn for the first time after the ANC 3D meeting that your clients were unwilling to move forward in good faith negotiations until they have documented the trees that were removed. Apparently, your clients are concerned that the tree removal which occurred has not been accurately documented by Mr. Jacobsen. Although substantial time and effort has been devoted to this issue by Mr. Jacobsen and his ISA-certified aborist, there may be room for disagreement under the circumstances. Your clients indicated that they have extensive documentary evidence on the tree removal issue and apparently could have provided that information a long time ago. Providing that information now to Mr. Jacobsen was promised on an expedited basis.

Mr. Jacobsen is not interested in a prolonged dispute about the specific number of trees which were removed, but remains focused on the future of the property and the corrective measures he is willing to undertake. Accepting that trees were removed, Mr. Jacobsen believes it would be more productive for the

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District of Columbia
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EXHIBIT NO.86

Case 16740
Exhibit No. 86

community to respond to the opportunity to provide specific input on his revised development and reforestation plan.

Please forward the tree removal data that your clients have assembled as soon as possible. If you have any questions, please feel free to contact me.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

By: _____
John Patrick Brown, Jr.

JPB/sp
cc: Eleanor Roberts Lewis, Esq., Chair, ANC 3D
Ms. Maxine Brown-Roberts, Office of Planning
Ms. Sherri M. Pruitt, Board of Zoning Adjustment
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