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April 16, 2001

RECEIVED
D.C. OFFICE OF ZONING
2001 APR 16 AM 10:09

Ms. Carol Mitten
Chairperson
DC Zoning Commission
441 4th Street, NW
Suite 210
Washington, DC 20001

RE: ZONING COMMISSION CASE NO. 96-3/89-1(Buzzard Point)

Dear Commissioner Mitten:

Enclosed is a letter filed and dated March 9, 2001 requesting that **Square 701 be advertised in tandem with any further advertisement(s) associated with Case No. 96-3/89-1.**

The Office of Zoning staff, at the February 12th meeting of the Commission, distributed a document prepared recently (we believe by Nate Gross of Arnold and Porter), setting forth what was characterized as earlier "consensus decisions" the Commission arrived at some time ago (November 21 and 25, 1997). **It was reported that the Commission acting on those dates decided, among other things, to adopt BP/C-3-C (which was not advertised), instead of the proposed BP/CR for Squares 700 and 701.** Since it was not advertised in the hearing Notice, a new advertisement must be prepared, and a hearing held.

Contrary to the report of the Office of Planning, the planning and zoning process would be better served if the hearing on this matter were to be held in conjunction with any new hearings granted for the Buzzard Point case as a whole. The Office of Planning offers no logical basis or rationale for delaying the hearing. Square 701 in particular is Metro-rail connected and its development will contribute, in a positive manner, to the "Navy Yard expansion" as noted by the OP in its March 3rd report to you. Furthermore, as stated, the Commission has already decided to adopt BP/C-3-C for Square 701.

Finally, the Office of Planning recommendation, on page seven (7) of its March 3rd report, to delay adopting Squares 700 and 701 as C-3-C for a period of at least 12 months until the Anacostia Waterfront Initiative is completed, is unfair. **Squares 700 and 701 are not waterfront properties.**

ZONING COMMISSION
District of Columbia
Case 96-3/89-1
Exhibit 89

Commissioner Mitten and members of the Zoning Commission I would appreciate your immediate attention to this matter. Allowing a hearing would only provide you with the facts to make a final decision-nothing more.

I will be available at the April 16th meeting should you need me to expand on this request.

Thank you.

Kind regards,

Fred L. Greene

Enclosure

cc: Members of the Zoning Commission
Office of Planning

F. L. Greene Associates, L.L.C.

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Public/Private Sector Advisors

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March 9, 2001

D.C. OFFICE OF ZONING
RECEIVED
2001 MAR -4 PM 3:15

Ms. Carol Mitten
Chairperson
DC Zoning Commission
441 4th Street, NW
Suite 200
Washington, DC 20001

RE: ZONING COMMISSION CASE NO. 96-3/89-1

Dear Commissioner Mitten:

It is my understanding that the above referenced case is on your March 12, 2001 regular meeting agenda for your consideration of further hearings. I received a copy of the Office of Planning (OP) recommendation on this matter on yesterday at a meeting of property owners in the affected area. It recommends that the base case, 96-3/89-1, be adopted with certain refinements that will be advertised as soon as possible, including M Street design review, an identification of square to be covered by W-2 zoning, and a mandate for PUD treatment of future development bordering on the waterfront. The OP report recommends that, among other things, Squares 700 and 701 not be advertised as part of the refinements to the base case.

The purpose of this letter is to encourage you to uphold a preliminary decision made by the Zoning Commission on November 21 and 25, 1997 to adopt BP/C-3-C, instead of BP/CR, for Squares 700 and 701, and to advertise this action for public hearing at the point in which the "certain refinements", as proposed by OP, are advertised. If the Commission decides to re-advertise the entire case for public hearing, then we respectfully request that the notice include the acceptance of public testimony on Squares 700 and 701 as BP/C-3-C. The Commissions' preliminary decision in 1997 to adopt BP/C-3-C, after further advertisement, for these square is summarized in a status report presented to you at your last regular meeting on February 12th. It is my understanding the Nate Gross of Arnold and Porter prepared the report for the OP that summarized the November 21st and 25th actions.

The Commissions' main reason for adopting BP/C-3-C for Squares 700 and 701 was that these squares are located immediately adjacent to the Navy Yard/Southeast Federal Center Metro-rail Station and that higher density should be consider and realized. The

Commission also considered the fact that property located immediately north of Squares 700 and 701, across M Street, SW, is zoned C-3-C. Commissioner Franklin supported this action after hearing arguments from a representative of the Washington Metropolitan Area Transit Authority and a representative of the property owners of property of Square 701.

Finally, the Commission and OP staff would benefit from a public hearing on this matter, as expert testimony will be provided to allow the Commission to make a final decision. The Office of Planning will have the right to issue a final recommendation after the record is closed and after it has had an opportunity to review the testimony and evidence. The Office of Planning may also participate in the public hearing by providing direct testimony. The Commission, of course, will make the final decision. Therefore, there is nothing to be lost by holding a public hearing.

I appreciate your immediate attention to this matter. I will be available at the regular meeting on Monday, March 12th. Should you have any questions, please do not hesitate to give me a call.

Kind regards,

Fred L. Greene