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

Real Estate Consultants
Public/Private Sector Advisors

Suite 503
1411 K Street, N.W.
Washington, D.C. 20005
Phone: 202/393-2515
FAX: 202/783-1045

March 9, 2001

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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

ZONING COMMISSION
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Exhibit 86

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