JORDAN & KEYS, LLP
ATTORNEYS AT LAW
SUITE 520
1400 SIXTEENTH STREET, N.W.
WASHINGTON, D. C. 20036-2217
(202) 483-8300
FACSIMILE (202) 328-6153

KATHLEEN A. CAREY+
RACHEL C. EVANS+
GEORGE R. KEYS, JR.+
O'NEIL S. KING+
+Also Admitted in Maryland

OF COUNSEL:
HAROLD E. JORDAN

E-mail: gkeys@jordankeys.com

February 6, 2004

RECEIVED
D.C. OFFICE OF ZONING
2004 FEB -6 P 3:08

HAND-DELIVERED

Carol J. Mitten, Chairperson
District of Columbia Zoning Commission
441 4th Street, N.W. - Room 210 South
Washington, D.C. 20001

Re: Zoning Commission Case No. 04-02

Dear Ms. Mitten:

This firm represents Washington Gas Light Company ("WGLC") and Lincoln Property Company in connection with the development of the Maritime Plaza complex, which is situated on an 11-acre parcel lying east of the Navy Yard and roughly bounded by Water Street, 12th Street, M Street and Virginia Avenue, S.E. (the "Project"). The first phase of the Project, consisting of two office buildings on 5.2 acres of land, is completed and the owner and developer are now on the verge of submitting the remainder of the site for Large Tract Review pursuant to Chapter 23, 10 DCMR *Planning and Development* (1994).

In the course of discussions with the staff of the Office of Planning ("OP") on January 23, 2004, preparatory to submitting the Large Tract Review application, we became aware for the first time of an intent by the OP to rezone the area in which the Project is located. We immediately sought a further meeting with OP to explore the details of the proposed rezoning. In the subsequent meeting on January 29, 2004, we were informed that OP intended to recommend rezoning of the East M Street Area to W-3 with the addition of a modified Capitol Gateway Overlay. Since neither the OP report in the instant case nor the final text of the Capitol Gateway Overlay was then available for our review, we had no informed basis on which to analyze the impact of OP's proposal on the Project. Joel Lawson and Stephen Cochran of the OP staff described for us in general terms how the Capitol Gateway Overlay

ZONING COMMISSION
District of Columbia
Case 04-02
Exhibit 2

ZONING COMMISSION
District of Columbia
CASE NO.04-02
EXHIBIT NO.2

might work and what modifications to it might be necessary if it were to be applied to East M Street Area.

We have now obtained a copy of the Office of Planning report and now see that the proposed zoning has potentially serious effects on the design and timing of development for the Project, the full implications of which require further examination. We would have hoped for more advance notice of the rezoning plan and a genuine opportunity to engage OP in a full discussion of the interaction of the Large Tract Review process with the proposed rezoning and the content of the proposed overlay. As the OP report demonstrates, with the exception of one .90 acre parcel (Lot 1, Square 1048 South) which came before the Zoning Commission as ZC Case No. 03-22, WGLC is the owner of perhaps the only other developable parcel in the East M Street Area and is currently halfway through the Project's development, which when complete will comprise over 1,000,000 square feet of office, hotel and associated facilities. As such, a hasty, poorly coordinated rezoning has a disproportionate impact on WGLC. In the several years in which the Project has been under consideration, we have responded to the public objectives for the waterfront area, most recently set forth in the Anacostia Waterfront Initiative. The Project in its first phase was adjusted to accommodate waterfront planning considerations through the Large Tract Review process and we expect to be engaged in a similar process in the pending Large Tract Review.

For all of the foregoing reasons, we would urge the Zoning Commission to postpone a decision to set the rezoning down for public hearing until OP has fully disclosed the details of the Capitol Gateway Overlay and engaged with WGLC and Lincoln in a collaborative process to find some consensus on the future of the East M Street Area.

Respectfully submitted,

George R. Keys, Jr.

cc: Office of Planning