AvalonBay Communities, Inc. 2900 Eisenhower Avenue, Suite 300, Alexandria, VA 22314

BOARD OF ZONING ADJUSTMENT
2002 JUL -5 AM 10:53

BY HAND

July 2, 2002

Mr. Geoffrey Griffis
Chairperson
Board of Zoning Adjustment
441 Fourth Street, N.W., Room 201
Washington, D.C. 20001

Re: BZA Application No. 16897; Application of JBG/JER 6th Street LLC (the "Property")
Hearing Date: July 16, 2002
REQUEST FOR PARTY STATUS AND STATEMENT IN OPPOSITION TO THE RELIEF REQUESTED

Dear Mr. Griffis and members of the Board of Zoning Adjustment:

On behalf of Avalon Bay Communities, Inc. (hereinafter "AvalonBay") we request that the Board of Zoning Adjustment permit AvalonBay to appear as parties in opposition in the above-referenced application. Additionally, we request that the relief sought by the instant application be denied. In support hereof, we provide the following:

A. STATEMENT IN SUPPORT OF PARTY STATUS.

With regard to the requirements of 11 DCMR § 3106.2(a)-(d), we state as follows:

a. The persons seeking party status are AvalonBay. AvalonBay owns neighboring property.

b. AvalonBay requests to appear as a party to this matter;

c. AvalonBay will appear in opposition to the application; and

BZA
Case No. 16897
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO.16897
EXHIBIT NO.27

d. The persons who will appear for AvalonBay are Matthew Birenbaum, Regional Vice President and Richard Koch, Senior Development Director.

In accordance with 11 DCMR § 3106.2(e), we provide the following:

1. Interest in Immediate Neighboring Properties -- 11 DCMR § 3106.2(e)(1)-(3).

AvalonBay owns the property located across the public alley to the immediate east of the subject Property facing on 5th Street and property north of the east west alley facing on 6th Street.

2. Impact of the Requested Relief -- 11 DCMR § 3106.2(e)(4)&(5).

Based on the close proximity to the Property, AvalonBay stands to suffer substantial harm if the Board were to grant the requested relief, including but not limited to, loss of light and air, reduced property value, and reduced rental income. Apartments located on the rear (alley-facing) side of our building on 5th Street N.W. would only have approximately 30 feet of light and air between them and the proposed building proposed to be constructed on the Property on 6th Street if the variance were granted, whereas if the minimum 15" setback is respected, these apartments would enjoy approximately 45 feet of light and air between the two buildings. Thus, the proposed variance would reduce the setback between the two buildings by 33%, from 45 feet to 30 feet, a very significant adverse impact to the apartments on the rear of our building.

In addition, an action by the Board to grant the requested relief would allow other lot owners along 6th Street in Square 486 to develop under similar plans as proposed by the Applicants and in effect be an amendment to the zoning map since it would require similar relief for all of the other lots. This would lead to a reduction in setbacks on lots further down the block, further impacting apartments on the rear of our building.

3. Significant Impact -- 11 DCMR § 3106.3.

As the immediate neighboring property owner AvalonBay interests will be more significantly, distinctively and uniquely affect by the proposed building. No other property owner in the surrounding neighborhood stands to suffer the loss of light and air, reduced property value and reduced rental income that will be suffered by AvalonBay.

CONCLUSION

For the foregoing reasons, we request that AvalonBay be allowed to appear as a party in opposition at the hearing scheduled for July 16, 2002, in the above-referenced matter. Additionally, we further request that the Board deny the relief requested.

We appreciate your consideration.

Sincerely,

Matthew Birenbaum
Regional Vice President

Richard Koch
Senior Development Director

cc: Maxine Brown Roberts
Ellen M. McCarthy