AvalonBay COMMUNITIES, INC.
2900 Eisenhower Avenue, Suite 300 ▲ Alexandria, VA 22314 ▲ Tel (703) 329-6300 ▲ Fax (703) 329-1459

D.C. OFFICE OF ZONING
2002 JUL 17 PM 3:00

July 12, 2002

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210 South
Washington, D.C. 20001

Re: **Board of Zoning Adjustment Case No. 16897**
Square 486, Lots 801,802, and 803

Dear Members of the Board:

On behalf of AvalonBay Communities Inc., I write this letter in the above referenced case to inform the Board that we have reached an agreement with the applicant wherein we can support the application for relief from certain zoning requirements for the proposed apartment house to be developed at 6th Street, N.W., between G and H Streets, N.W. (the "Site"), subject to the applicant agreement to modify the application and plans as identified herein. AvalonBay is the owner and developer of property located behind the 6th Street Site on 5th Street NW. AvalonBay's development consists of 203 residential units in a 12 story high-rise apartment building. AvalonBay is also proposing to develop more residential units on the property north of the east-west alley on 6th Street, also in Square 486.

Our support for the application is conditional and is subject to the agreement by the applicant to modify the plan so that all of the floors above the third floor of the proposed apartment house are set-back from the rear property line a minimum distance of ten (10) feet. It is our understanding that the application commits the applicant to providing facilities for loading, trash collection and recycle collection (dumspter or trash room) for the proposed apartment house on the first floor of the building and that the public alley will not to be used for these purposes.

Sincerely,

Matthew Birenbaum
Regional Vice-President

BZA
Case No. 16897
Exhibit No. 44

Board of Zoning Adjustment
District of Columbia
CASE NO.16897
EXHIBIT NO.44

cc: Stewart Bartley JBG Companies
Jo-Anne Neuhaus, Penn Quarter
Kingdon Gould III, Penn Quarter
Ellen McCarthy, Office of Planning
Maxine Brown Roberts, Office of Planning
Richard Koch, AvalonBay Communities