

ATTACHMENT H

JANUARY 15, 2015 LETTER OF DETERMINATION ISSUED BY DC ZONING ADMINISTRATOR

Washington, DC 20004-1020
1225 K Street, NW, 5th Floor
Gordon & Potts
Christine Kelly, E.

RE: Consolidation of Lots and Development of Spring Valley Shopping Center
(Space 1500, 1501, 1502, and 1503 ("Property"))

Dear Mr. Roddy:

This memorandum sets out the discussion at our meeting on May 8, 2014. It is my understanding that your client, Washington Real Estate Investment Trust ("WREIT"), has purchased the Property and plans to construct a modern addition to the shopping center along Massachusetts Avenue. The shopping center is comprised of three commercial structures located on three record lots. The buildings located on the Property are a designated historic landmark. WREIT would like to consolidate the three record lots into one record lot and to construct a fourth commercial building along Massachusetts Avenue. I am confirming that WREIT may rely on Section 1202.3 to subdivide the lot to create a single record lot and maintain four independent commercial buildings on the Property.

Section 1202.3 provides that "any combination of commercial structures separated in their entirety, owned or maintained in a single ownership shall be considered as one (1) structure." In sum, Section 1202.3 allows for multiple commercial buildings on a single record lot so long as the property is maintained in single ownership. The provision is generally used in the few locations in the District, such as this, that can be described as a strip shopping center.

The Property also is adjacent to Section 1202.1 is contingent on compliance with the requirements of Section 1216, however, Section 1216 is not applicable in this instance since the Property is not located within 25 feet of a residential district. The Property is currently located in the C-4 Zone District. Properties to the west are located in the R-4 Zone District and properties to the south are located in the R-1 Zone District, yet the zone boundary line separating the Property from these properties runs down the centerline of the street. Each of the streets are at least 50 feet wide, meaning that the Property is not located within 25 feet of a residential zone. More specifically, Massachusetts Avenue is 100 feet wide, 25' street + 50 feet wide and Fordham Road is 60 feet wide, thus the Property is located at least 30 feet away from the closest residential district. Accordingly, the restrictions of Section 1216 are not triggered and the project can benefit from the flexibility afforded by Section 1202.3.

You have also asked not to consider the application of new construction on the single record lot with respect to parking requirements, given site ratio ("GAR") requirements and site area. As a historic landmark, no additional parking requirements are triggered if there is less than 10% of the total existing gross floor area. In calculating the existing gross floor area, the applicant must submit the as-built floor area of the three existing buildings.

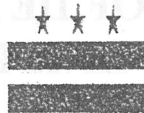
Board of Zoning Adjustment
District of Columbia
CASE NO.19274
EXHIBIT NO.9

1100 4th Street, NW 3rd Floor Washington, D.C. 20004
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

January 15, 2015

Christine Roddy, Director
Goulston & Storrs
1999 K Street, NW, 5th Floor
Washington, DC 20006-1020



RE: Consolidation of Lots and Development of Spring Valley Shopping Center
(Square 1500, Lots 1, 2, and 3 ("Property"))

Dear Ms. Roddy:

This memorializes our discussion at our meeting on May 8, 2014. It is my understanding that your client, Washington Real Estate Investment Trust ("WRIT"), has purchased the Property and plans to construct a modest addition to the shopping center along Massachusetts Avenue. The shopping center is comprised of three commercial structures located on three record lots. The buildings located on the Property are a designated historic landmark. WRIT would like to consolidate the three record lots into one record lot and to construct a fourth commercial building along Massachusetts Avenue. I am confirming that WRIT may rely on Section 3202.3 to subdivide the lots to create a single record lot and maintain four independent commercial buildings on the Property.

Section 3202.3 provides that "any combination of commercial occupancies separated in their entirety, erected or maintained in a single ownership shall be considered as one (1) structure". In sum, Section 3202.3 allows for multiple commercial buildings on a single record lot so long as the property is maintained in single ownership. This provision is typically used in the few locales in the District, such as this, that can be described as a strip shopping center.

The flexibility allowed pursuant to Section 3202.3 is contingent on compliance with the requirements of Section 2516; however, Section 2516 is not applicable in this instance since the Property is not located within 25 feet of a residential district. The Property is currently located in the C-2-A Zone District. Properties to the west are located in the R-4 Zone District and properties to the south are located in the R-1-B zone district, yet, the zone boundary line separating the Property from these properties runs down the centerline of the street. Each of the streets are at least 50 feet wide, meaning that the Property is not located within 25 feet of a residential zone. More specifically, Massachusetts Avenue is 160 feet wide, 49th Street is 90 feet wide and Fordham Road is 60 feet wide; thus, the Property is located at least 30 feet away from the closest residential district. Accordingly, the restrictions of Section 2516 are not triggered and the project can benefit from the flexibility afforded by Section 3202.3.

You have also asked me to confirm the implications of new construction on the single record lot with respect to parking requirements, green area ratio ("GAR") requirements and side yard requirements. As a historic landmark, no additional parking requirements are triggered if the addition is less than 50% of the total existing gross floor area. In calculating the existing GFA on the single record lot, calculate the combined density of the three existing buildings.

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Assuming the addition does not exceed the 50% threshold, it will not trigger a new parking requirement and only existing parking which may be displaced by the addition would need to be either replaced in kind or relief granted by a variance or other zoning process. Similarly, an addition will not trigger the GAR requirements so long as the new construction is less than 50% of the existing GFA of the three buildings combined.

Finally, the proposed infill development will not create side yards but will create courts. A side yard is located between a building and a side property line. Because the yards will be located between two buildings and not between a building and a side property line, they are considered courts and not side yards. Accordingly those spaces must comply with the court requirements of the Zoning Regulations.

Please let me know if you have any further questions.

Sincerely,



Matthew Le Grant
Zoning Administrator

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