

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR**



June 18, 2012

Steven E. Sher  
Director of Zoning and Land Use Services  
Holland & Knight LLP  
2099 Pennsylvania Avenue, N.W. - Suite 100  
Washington, DC 20006

Re: 222 G Street and 734 3<sup>rd</sup> Street, N.E.

Dear Mr. Sher:

This is to confirm the substance of my discussion on Thursday, April 26, 2012, with Chip Glasgow of your office concerning the use of the above-referenced properties for temporary construction offices. The property at 222 G Street is located on the north side of G Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets, N.E. The site is known as Lot 30 in Square 752. The property is zoned R-4.

The property is presently improved with a two story plus basement rowhouse, presently unoccupied. The property is owned by Station Townhouses, LLC, which is also the owner of Lot 861 in the same square. Lot 861 is located immediately across a public alley from the subject property. That lot is the site of a planned unit development approved by the Zoning Commission in Cases 05-37 and 05-37B which will comprise an apartment building with ground floor retail.

I also understand that Station Townhouses, LLC acquired the property at 734 3<sup>rd</sup> Street, NE, known as lot 832 in Square 752. That property is also improved with a two story plus basement rowhouse and it immediately abuts the PUD site on 3<sup>rd</sup> Street. I understand that Station Townhouses, LLC would also like to use that house in the same manner as 222 G Street.

Station Townhouses, LLC is proposing to begin construction on the PUD site in the near future. Station Townhouses proposes to use the two properties as construction offices to supervise and manage the construction of the building on the PUD site. You advised that when the construction is complete, the buildings will be returned to a conforming R-4 residential use.

In an R-4 District, pursuant to §201.1(s), incorporated by reference from the R-1 District, a "temporary building for the construction industry that is incidental to erection of buildings or other structures permitted by this section" is a use permitted as a matter-of-right. While the section refers to a "temporary building," I am of the opinion that it can be fairly read to include the temporary use of an existing building for the same purpose. It would make no sense to require that the existing building be demolished and be replaced with a temporary building, only to have that building demolished and replaced with a row dwelling or flat when the construction is finished.

Accordingly, I conclude that the existing buildings may be used as construction offices under the following circumstances:

- The buildings may only be used by Station Townhouses, LLC and its agents in connection with the construction as approved by the Zoning Commission in Cases No. 05-37 and 05-37B;
- The buildings shall be used only for activities related to the Capitol Place PUD, located in the same square, and not for development of any other project;
- No changes to the configuration of the buildings shall be made which would preclude the buildings from being returned to residential use when the construction is complete; and
- The District will issue temporary certificates of occupancy for the buildings to be used as construction offices for a period of two years after the certificates are issued, subject to extension for an additional period in the sole discretion of the Zoning Administrator if the construction is not complete at the end of two years.

Please let me know if I may be of further assistance.

Sincerely,

  
Matthew Le Grant  
Zoning Administrator