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January 8, 2010

ByFax and Federal Express

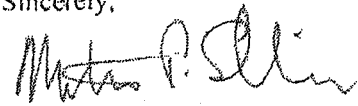
Board of Zoning Adjustment  
441 4<sup>th</sup> Street, NW  
Suite 210S  
Washington, DC 20001

Re: Statement of Intervenor Movants in Opposition to Appeal No. 18027

Dear Members of the Board,

Enclosed please find a Statement in Opposition to Appeal No. 18027, filed on behalf of  
Intervenor Movants, residents of Potomac Street, N.W.

Sincerely,

  
Martin P. Sullivan

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2010 JAN -8 PM 2:14

BOARD OF ZONING ADJUSTMENT  
District of Columbia

CASE NO. 18027

EXHIBIT NO. 34

Board of Zoning Adjustment  
District of Columbia  
CASE NO. 18027  
EXHIBIT NO. 34

BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA

APPEAL No. 18027 of Mehmet Kocak and Philly Pizza & Grill, Inc.

STATEMENT IN OPPOSITION TO APPEAL NO. 18027  
by  
INTERVENOR MOVANTS

**I. Introduction.**

This Statement is filed in opposition to the granting of Appeal No. 18027 (the "Appeal"), on behalf of Lynn Schubert of 1220 Potomac Street, N.W., Anne Alonzo of 1216 Potomac Street, N.W., and Alex Meeraus of 1217 Potomac Street, N.W. (collectively referred to herein as the "Potomac Street Intervenors" or the "Intervenors"). The Potomac Street Intervenors, as described fully in the Motion for Leave to Intervene filed on December 29, 2009, have a specific legal right and interest in the actions of the Board of Zoning Adjustment (the "Board" or "BZA") in the Appeal. As described herein, the Zoning Administrator clearly did not err in issuing the Notice to Revoke Certificate of Occupancy No. 0800124 or the Notice to Revoke Certificate of Occupancy No. 0903354.

The Notice to Revoke was issued by the Department of Consumer and Regulatory Affairs ("DCRA") because DCRA discovered that Appellant was not operating as a restaurant, as such term is defined in the Zoning Regulations, and therefore was operating outside the boundaries of its Certificate of Occupancy. Appellant has filed a long brief, with numerous exhibits, attempting to establish an argument that Appellant somehow qualifies as a restaurant under the Zoning Regulations. Amidst the attempted obfuscation of that brief, however, is a flat-out admission by Appellant that it does not prepare and sell food *primarily for consumption on the*

*premises. The requirement to prepare and sell food primarily for consumption on the premises is the ultimate requirement for a business operation to be considered a restaurant under the Zoning Regulations. Appellant has admitted that it does not meet this requirement; it is therefore not a restaurant, and the Appeal must be denied.*

Although this point alone should suffice to quickly dispose of the Appeal, the Potomac Street Intervenor will also demonstrate that the intensity of Appellant's carryout use is woefully under-reported by Appellant. Intervenor will further prove that, even assuming Appellant's numbers, the carryout use is *not* clearly subordinate to its restaurant use. The Potomac Street Intervenor will not only present evidence that strains the credibility of Appellant's claim that 45% of its transactions are for dine-in service, but will also explain how Appellant's carryout use is *not* "clearly subordinate" to its purported restaurant use, according to BZA and D.C. Court of Appeals decisions.

Appellant's arguments regarding technicalities of the Notices to Revoke and whether or not the Zoning Administrator has the authority to issue such Notices have no basis in law or fact, and are also easily dismissed, as described herein.

Finally, the laches and estoppel arguments are easily dismissed, as the elements required for these remedies are not present in this case. Furthermore, laches and estoppel are judicially disfavored and rarely applied in the zoning context because of the public interest in the enforcement of the zoning laws.

## **II. Public Interest.**

In Case No. 83-6 (1985), which was prompted by a petition from ANC 1B, the Zoning Commission adopted a definition for "restaurant, fast food", and also permitted fast food establishments in the C-2-A zone district *only* by special exception approval by the Board. In

Zoning Commission Order No. 460, the Zoning Commission *"was persuaded that the establishment of fast food restaurants in certain commercial districts had a substantial adverse affect on neighboring residential areas"* (ZC Order No. 460, p.1). The Zoning Commission also resolved that *"it is necessary to take immediate action to prevent fast food restaurants from locating as a matter-of-right in lower density commercial districts, adjacent to residential districts."* (ZC Order No. 460, p.3.)

The case of Philly Pizza, and the plight of the Intervenors and other residents on Potomac Street, presents the exact situation that the Zoning Commission was trying to prevent by implementing the new definition and prohibiting fast food use as a matter of right in the C-2-A zone district.<sup>1</sup>

### **III. Authority of the Zoning Administrator.**

In contrast to Appellant's unsupported argument, the Zoning Administrator clearly has the authority to revoke the subject Certificates of Occupancy and to issue the corresponding Notices to Revoke. It is a novel concept, indeed, to suggest that the Director of DCRA may not delegate zoning enforcement matters to the Zoning Administrator. Pursuant to 12 DCMR 103.1.1, "The code official shall have the authority to delegate his or her duties and powers under the Constructions Codes...". The "Construction Codes" includes 12 DCMR 110.5.1, which provides that "[a]ny certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the code official, after notice, if the actual occupancy does not conform with that permitted." The Director has clearly delegated this authority to the Zoning

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<sup>1</sup> The definitions of "fast food establishment" and "restaurant" were revised again in ZC Case No. 06-23, in response to a request from ANC 6A. In Case 06-23, the definition of fast-food establishment was clarified, in response to instances where DCRA had identified establishments such as the 49-seat Cluck-U Chicken on H Street as restaurants rather than as fast food establishments. The definition of restaurant, as it applies to the facts in this case, did not change materially as a result of ZC Case 06-23.

Administrator, and the Zoning Administrator frequently and consistently exercises such authority.

#### IV. Appellant Does Not Meet the Definition of Restaurant in the Zoning Regulations.

A. Appellant's Admission. By Appellant's own admission, it does not prepare and sell food *primarily for consumption on the premises* and therefore does not meet the definition of "restaurant" in the Zoning Regulations. Pursuant to 11 DCMR 199.1, a "restaurant" is:

"a place of business that does not meet the definition of a "fast food establishment" or "prepared food shop," where food, drinks, or refreshments are prepared and sold to customers primarily for consumption on the premises. Any facilities for carryout shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises. [emphasis added.] 11

DCMR 199.1

Appellant admits in its pre-hearing statement that 45.41% of its transactions are for dine-in service, *i.e.*, for the preparation and sale of food for consumption on the premises. Appellant correspondingly admits (as it must) that the remaining 54.59% of its transactions are for the preparation and sale of food for consumption off the premises. By any reasonable interpretation of the word "primarily," or by the actual Webster's Unabridged Dictionary definition of primarily (essentially, mostly, chiefly, principally), and even by Appellant's *own* version of the definition (Pre-hearing Statement, p. 18), Philly Pizza and Grill is most certainly not a place of business where food is prepared and sold primarily for consumption on the premises.<sup>2</sup> It is this

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<sup>2</sup> Intervenor's concur with Appellant's argument that Webster's Unabridged Dictionary should control in defining the meaning of the word "primarily." The Intervenor's counsel's copy of Webster's Unabridged Dictionary, Second Edition, however, has the definition of primarily as: "essentially, mostly, chiefly, principally," rather than Appellant's "first of all" or "in the first place." Under either version of the definition, Appellant's product is not consumed primarily on the premises (45% on premises and 55% off-premises) and Appellant is therefore not operating as a restaurant, by its own admission.

requirement - that customers actually consume their fare on the premises - that makes a business a restaurant. Under the D.C. Zoning Regulations, as applied to the numbers provided by Appellant, Philly Pizza is not a restaurant.

B. Whether Appellant Operates as a Restaurant is the Only Relevant Analysis.

Appellant attempts to frame the argument by first claiming that they do not fit the definition of a fast food establishment (they do), and then Appellant claims that the “final analysis” is the definition of “restaurant.” The definition of “restaurant” is actually the first analysis, and it is the only relevant analysis in this case, although it may be enlightening, for any future applications, to show how Appellant’s operations do indeed qualify as a fast food establishment.

Appellant, in its pre-hearing statement, skips over any meaningful analysis of the first sentence in the definition of “restaurant” (which is the actual definition itself) and instead proceeds to the second sentence.<sup>3</sup> The second sentence, however, only applies to a use that first meets the definition of restaurant in the first sentence. The second sentence is, for purposes of this Appeal, completely irrelevant. The fact that there may be a permitted “subordinate” carryout use does not make a restaurant where one did not exist in the first place. As explained above, Appellant does not qualify as a restaurant. It does not matter that Appellant has a carryout use that it claims is “clearly subordinate” to a principal restaurant use, because there is no principal restaurant use.

C. Dividing the Off-Premises Uses Does Not Alter the Analysis. Appellant also claims that because it has divided its principal use of selling food for consumption *off the premises* into two separate distribution methods (neither of which are permitted as a matter-of-right in the C-2-

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<sup>3</sup> Without speaking for Appellant’s counsel, they seem to imply on page 17 of their pre-hearing statement that the requirement is only that the food be *prepared and sold* on the premises, and not actually *consumed* on the premises. Such an assertion flies in the face of logic or any reasonable interpretation of the phrasing of the definition, and it would serve to obliterate all distinction between restaurant, carryout, fast food, and food delivery use categories.

A zone district), that the subordinate *on-premises* portion of its operation is somehow transformed into a majority, principal use. This argument ignores the actual wording of the definition of a restaurant - a place of business where food is prepared "primarily for consumption on the premises." The only analysis is whether or not the food is "for consumption primarily on the premises." In that analysis, there are only two possible variables: the food is either for consumption on the premises, or it is for consumption off the premises. Whether the food consumed off the premises is sold at the carryout counter, or delivered to a home, is meaningless for purposes of determining whether or not the Appellant is operating as a restaurant under the Zoning Regulations.<sup>4</sup>

D. Appellant's Occupancy Does Not Conform With That Permitted. Appellant's Certificate of Occupancy authorizes restaurant use. Because Appellant has now openly and unequivocally admitted that it does not prepare and sell food primarily for consumption on the premises, it is not operating as a restaurant, as such term is defined in the Zoning Regulations. Therefore, Appellant's actual occupancy does not conform with that permitted. Pursuant to 12 DCMR 110.5.1, because Appellant's actual occupancy does not conform with that permitted, the Zoning Administrator is not merely empowered, he is *required*, to revoke the Certificate of Occupancy. Therefore, Appellant's claim of Zoning Administrator error, along with this Appeal, should be summarily dismissed, and Appellant's unlawful operation should cease immediately.

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<sup>4</sup> In addition, it would defy common sense, as well as the spirit and intent of the Zoning Regulations, to think that one could have a principal, permitted use as long as that use is slightly more than any number of accessory, non-permitted uses. By Appellant's logic, one could have a restaurant with only 22% dining on the premises, as long as there were four other uses (permitted or not) that each represented 19.5% of the total - for a collective "subordinate" use of 78%.

V. Carryout Use Is *Not* Clearly Subordinate.

As described above, the issue of whether or not there is a carryout use that is clearly subordinate to a principal restaurant use is moot, since it has been established that a principal restaurant use doesn't even exist in the first place.

Nevertheless, the Intervenor is prepared to provide evidence that questions the credibility of Appellant's unverified and unsubstantiated accounting numbers. Furthermore, even if Appellant's percentages were verifiable and credible, the Intervenor asserts that 45% to 26% does not represent a "clearly subordinate" relationship between dine-in and carryout, based on BZA and Court of Appeals precedent. Such precedent suggests that the phrase "subordinate" denotes a relationship between a primary and secondary use that is more like 85% to 15%, or 80% to 20%, not merely 45% to 26%.<sup>5</sup> While there is no jurisprudence directly addressing exactly what makes a carryout use "clearly subordinate" to its principal restaurant use, there is clear guidance in the jurisprudence involving accessory uses, which provides insight to the definition of the word "subordinate" under the Zoning Regulations.

An accessory use is defined as a "use customarily incidental and subordinate to the principal use, and located on the same lot with the principal use." (11 DCMR 199.1) Accessory uses are often permitted in zones where they would not otherwise be permitted if they were considered a principal use, and the concept is identical to the rationale behind allowing carryout use as a "clearly subordinate" use to a principal restaurant use. More directly, the jurisprudence on this point helps define the word "subordinate" in the context of principal and subordinate uses under the Zoning Regulations. It is a settled principle of statutory construction that a term in a

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<sup>5</sup> If "subordinate" means something at or higher than an 80/20 ratio, then "clearly subordinate" must be equal to or higher than that 80/20 minimum ratio.

statute should have a consistent definition throughout a statute.<sup>6</sup> This concept is especially true here, where the Board would be evaluating the relative intensity of an alleged principal use and a subordinate use, just as it does in evaluating what qualifies as an accessory use.

The BZA and D.C. Court of Appeals jurisprudence behind accessory uses provides clear guidance that the term "subordinate," as it applies in the evaluation of accessory uses and as it also applies in this case (as explained in the previous paragraph), denotes a secondary use that is no more than 20% of the total use, compared against a principal use that makes up at least 80% of the total. See *Dupont Circle Citizens Association v. District of Columbia Board of Zoning Adjustment*, 749 A.2d 1258 (D.C.2000), and *Association for Preservation of 1700 Block of N Street, N.W. and Vicinity v. District of Columbia Board of Zoning Adjustment* (384 A.2d 668, 673), in which the Court of Appeals recognized an accessory use intensity of 20%, after which a use would not be considered subordinate to the principal use. See also BZA Appeal No. 17675 of the Reed-Cooke Neighborhood Association, in which the Board comprehensively explains when an accessory use becomes too large to be considered customarily incidental and subordinate, using 15% as an upper limit. (Appeal No. 17675, p.5).

This concept of measuring accessory uses is known to be regularly practiced by the Zoning Administrator and has been accepted by the Board.

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<sup>6</sup> In *Dupont Circle Citizens Association v. District of Columbia Board of Zoning Adjustment*, 749 A.2d 1258 (D.C.2000), the Court of Appeals, in addressing accessory uses and the meaning of "customarily incidental and subordinate," quoted certain controlling cases which stated that "[i]t is a well-established principle of statutory construction that different provisions within the same statute should be construed together." *Flemming v. United States*, 546 A.2d 1001, 1005 (D.C.1988); *District of Columbia Dep't of Human Servs. V. Bicksler*, 501 A.2d 1, 6 (D.C.1985); and a particular term should be assumed to have a consistent definition throughout a statute, see *Carey v. Crane Serv. Co., Inc.*, 457 A.2d 1102, 1108 (D.C.1983)."

## VI. Appellant Operates as a Fast Food Establishment.

Appellant argues that it does not meet the definition of a fast food establishment, as if not being a fast food establishment automatically qualifies one affirmatively as a restaurant. After finding that Appellant clearly does not operate within the confines of its Certificate of Occupancy as a restaurant, however, the Board has no obligation to delve further to determine Appellant's actual use category. Any discussion beyond that analysis is simply beyond the scope of this Appeal.

Nevertheless, a review of Appellant's evidence shows clearly that the actual use is a fast food establishment. Furthermore, testimony from the Potomac Street Intervenors (including the pictures attached hereto as Exhibit A hereto, taken both in August and December of 2009) will render this fact even more obvious to the Board. The definition of a fast food establishment is:

a place of business, other than a "prepared food shop," where food is prepared on the premises and sold to customers for consumption and at least one of the following conditions apply:

(a) The premises include a drive-through;

(b) Customers pay for the food before it is consumed. One characteristic that would satisfy this element would be building permit plans that depict a service counter without seating unless the applicant certifies that the intended principal use is for a restaurant or grocery and that the counter is part of a carry out service that is clearly subordinate to that principal use; or

(c) Food is served on/in anything other than non-disposable tableware. Characteristics that would satisfy this element include, but are not limited to: the building permit plans do not depict a dishwasher or do depict trash receptacles in public areas.

A proposed or existing establishment meeting this definition shall not be deemed to constitute any other use permitted under the authority of these regulations, except that a restaurant, grocery store, movie theater, or other use providing carryout service that is clearly subordinate to its principal use shall not be deemed a fast-food establishment. (54 DCR 9393) [emphasis added]

Appellant has claimed in its submissions that (1) it does not have a dishwasher, (2) it has placed trash receptacles in public areas, (3) it has had to hire security to keep order among its carryout patrons on Potomac Street, (4) it regularly cleans up debris from disposable tableware

both from its trash receptacles and from the surrounding neighborhood, (5) it prepares and sells food which is primarily for consumption *off the premises*, and (6) it has a mere 13 seats for dine-in use.

The Potomac Street Intervenors and their witnesses will present testimony of their eyewitness observations of Appellant's operations. Such eyewitness observations include (1) an overwhelming number of carryout patrons, (2) overflowing trash receptacles in public areas (placed there by Appellant, by their admission), (3) Philly Pizza carryout boxes, plates, and napkins both in the trash receptacles and throughout the neighborhood, (4) enough carryout patrons dining in the street to disrupt the lives of Potomac Street residents and necessitate regular calls to the Metropolitan Police Department, (5) harassment to residents due to carryout patrons double-parking on Potomac Street or parking their cars in front of an entrance to a Potomac Street residential garage.

## **VII. DCRA Investigation.**

Appellant chastises the DCRA investigation as inherently unreliable (without explanation), undocumented, and "inconsistent with the permitted use authorized by the Current Certificate of Occupancy." It is not clear why an investigation must be consistent with the permitted use of a restaurant. Also, it is the responsibility of *Appellant* to operate consistent with the use authorized by its certificate of occupancy – and because DCRA found that Appellant was not doing so, Appellant's Certificate of Occupancy was revoked.

Appellant complains that DCRA did not contact it as part of its undercover investigation, but does not say why it thinks that DCRA is required to do so. Also, Appellant complains that DCRA did not ask Appellant for any documentation – although it admits shortly thereafter that it completed a building permit application, a certificate of occupancy application, and an Eating

Establishment Questionnaire as part of the initial approval process. On the Eating Establishment Questionnaire, Appellant represented that it would be 60% dine-in, meaning that it would prepare and sell food primarily for consumption on the premises. In its pre-hearing statement, Appellant admits that it actually operates with only 45% dine-in, but still somehow concludes that "the Restaurant's actual and documented sales transactions are entirely consistent with the projections provided and the approvals granted." (Pre-hearing Statement, p. 14). In this case, if one assumes Appellant's representations are credible, this change from a 60% majority (as originally represented) to a 45% minority (as now admitted) is completely decisive for purposes of determining whether or not Appellant is lawfully operating as a restaurant.

Appellant claims that DCRA is unreasonably destroying its business on short notice. It is, however, the responsibility of Appellant to operate its business in conformance with the use permitted in its Certificate of Occupancy, and neither DCRA nor anybody else other than Appellant is responsible for the unlawful operation of Philly Pizza. The fact that Appellant has invested resources in its operation does not entitle it to operate unlawfully.

Appellant's counsel claims that "it is overwhelmingly in the public interest that the recipient of numerous DCRA approvals can rely on those approvals to establish a business without fear of DCRA unilaterally changing its mind without reasonable or documented justification..." (Pre-hearing Statement, p. 15). This argument misses the mark entirely, on two levels: First, Appellant's counsel offers no support or legal precedent for this conclusion about the "overwhelming interest." Rather, the weight of the public interest rests with the District in seeing that its zoning laws are enforced, particularly in this case where the unlawful use results in considerable harm to District residents. Second, the receipt of "numerous approvals" for restaurant use means only that Appellant is required to operate as a restaurant. This is not a case

of a revocation due to an alleged error in approval by DCRA. This is a revocation due to the failure of Appellant to conform to its legitimately issued Certificate of Occupancy. Appellant admits that it represented one thing in its Easting Establishment Questionnaire (60% dine-in) and now admits something critically different in its pre-hearing statement (45% dine-in). In the application process, Appellant claimed it would sell food primarily for consumption on the premises (arguably meeting the definition of a restaurant). Now, in actuality, it finds, and admits, that it does not sell food primarily for consumption on the premises (clearly failing to meet the definition of restaurant).

#### **VIII. Laches and Estoppel Defenses Do Not Apply In This Case.**

“The defenses of estoppel and laches are judicially disfavored in the zoning context because of the public interest in enforcement of the zoning laws” *Sixson v. District of Columbia Bd. of Zoning Adjustment*, 805 A.2d 964, 971 (D.C. 2002).

##### **A. Elements of Estoppel Not Present In This Case.**

To make a case for estoppel, Appellant must show that (1) acting in good faith, (2) on affirmative acts of DCRA, (3) it made expensive and permanent improvements in reliance thereon, and (4) the equities strongly favor him. Appellant’s counsel completely mischaracterizes the present scenario in an attempt to confuse. This is most readily apparent in Appellant’s last sentence under Section D. of the Argument section in its pre-hearing statement, where counsel claims that the Appellant did not have “any notice that the Certificate of Occupancy was in violation of the Zoning Regulations and made no representations in any of the permit applications.” The Certificates of Occupancy were not in violation of the Zoning Regulations; it is Appellant’s actual use in conformance with that Certificate of Occupancy that is in question. Appellant’s claim of good faith rings hollow, as well, since it clearly made

representations in its permit applications that it would be a place of business preparing and selling food primarily on the premises.

In fact, not one of the elements necessary for an estoppel defense is present in this case. Appellant did not act in good faith; DCRA's affirmative act was to approve only a permitted *restaurant* use; Appellant, if it paid for said repairs, made them on its own with full knowledge of the Zoning Regulations, and not based on any affirmative act of DCRA; and as stated above, the equities in this situation favor the enforcement of the zoning laws and the protection of the general public from a use determined by the Zoning Commission to require a special exception approval in order to protect the interests of the surrounding residents.<sup>7</sup>

B. Laches. As thin as is Appellant's case for estoppel, its laches defense may be even more so. "Laches is rarely applied [in the zoning context] except in the clearest and most compelling circumstances." *Wieck v. District of Columbia Bd. of Zoning Adjustment*, 383 A.2d 7, 11 (D.C. 1978). Appellant again clearly mischaracterizes the current situation, and no element of laches is present here. Any possible claim for laches would have to consider the time delay only from the time that DCRA discovered Appellant's unlawful use until the time it issued its Notices to Revoke. Not only was this time frame limited to two months or less, but Appellant has not claimed that this delay has worked to its disadvantage in any way. Indeed, any delay by DCRA, and the Stay issued by the Board, have worked to extend Appellant's good fortune in being able to continue an unlawful use and experience great benefit therefrom at the expense of the surrounding neighborhood and the integrity of the District's zoning laws.

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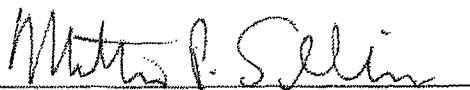
<sup>7</sup> The discussion of economic harm has to date been one-sided. The Potomac Street Intervenor has potentially experienced great economic harm in diminution of property value, since a home purchaser here can expect to play host to early-morning revelers that dine on Appellant's pizza while sitting on residential doorsteps and disturbing the peace until 4 a.m. Surely, the prevention of this economic harm should not be lightly dismissed, as it is the primary reason behind the public interest in the integrity, and proper enforcement, of the District's zoning laws.

In the end, Appellant is still free to operate an actual restaurant in this location, as it had represented it would do, and as DCRA had legitimately approved. As Appellant's own data shows, and as Intervenor's testimony will put beyond a shadow of a doubt, Appellant has failed to conform with its approved restaurant use. DCRA cannot possibly be made responsible for Appellant's failure, and residents of the surrounding neighborhood certainly should not have to suffer as a result.

#### **IX. Conclusion.**

The definition of "restaurant" in the Zoning Regulations requires that food be prepared and sold primarily for consumption on the premises. Appellant, by its own admission, does not prepare and sell food primarily for consumption on the premises. Therefore, Appellant is not a restaurant. Since it is not a restaurant, it is not operating in conformance with its Certificate of Occupancy, and DCRA is required to revoke such Certificate of Occupancy, as it has attempted to do. For this reason, the Potomac Street Intervenor respectfully request that the Board immediately dismiss this Appeal and allow DCRA to enforce the Zoning Regulations and cease Appellant's unlawful use.

Respectfully submitted, on behalf of the Potomac  
Street Intervenor



Martin P. Sullivan  
D.C. Bar No. 460458  
January 8, 2010

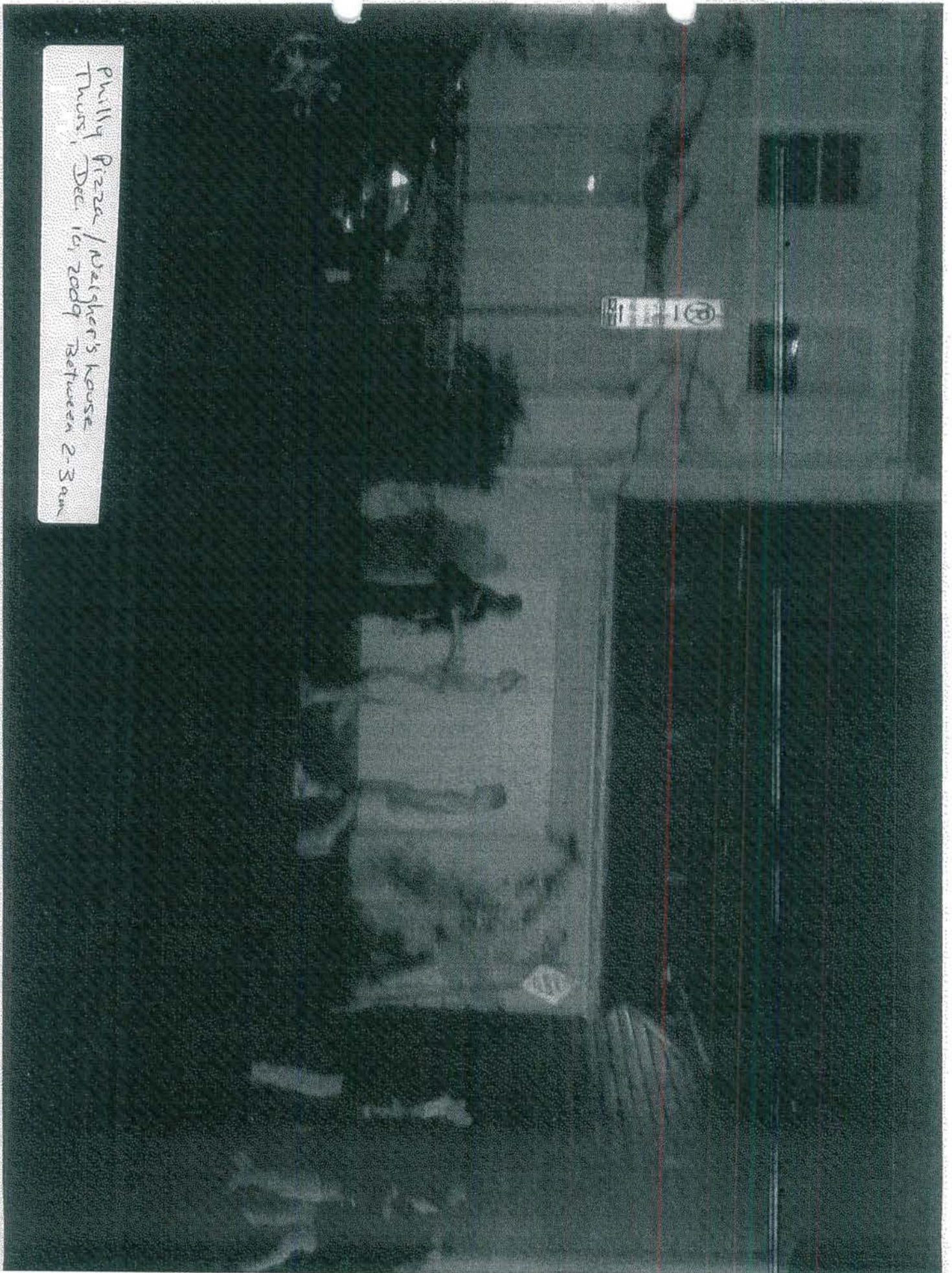
Exhibit A

Photos from September and December, 2009,  
Depicting the Fast Food Establishment Use of Philly Pizza on Potomac Street

Philly Pizza 2-4pm  
Sat, Sept 26, 2009



Philly Pizza / Walsh's house  
Thurs, Dec 10, 2009 Between 2-3 am



Philly Pizza Thurs. Dec 10, 2009  
Between 2-3 am







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n.Martin P. Sullivan To:Office of Zoning (1202727672)



1210 Potomac St.  
2-4 am Sat. 9/26/09

# Fax

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|-----------------------------|---------------------------------|
| <b>To:</b> Office of Zoning | <b>From:</b> Martin P. Sullivan |
| <b>Fax:</b> 12027276072     | <b>Pages:</b> 23                |
| <b>Re:</b>                  | <b>Date:</b> Jan 08, 2010       |

|               |                   |                       |                     |                        |
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● **Comments:**

Please see attached for Case No. 18027

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