



Advisory Neighborhood Commission 1C

PO Box 21009, NW, Washington, DC 20009

www.anc1c.org

Representing Adams Morgan

Commissioners:

Stacey Moye (1C01)
Vice Chairperson

Marty Davis (1C02)

Olivier Kamanda (1C03)

June 6, 2011

Gabriela Mossi (1C04)

Meredith H. Moldenhauer, Chairperson

-empty (1C05)

Board of Zoning Adjustment

441 4th St., NW Suite 200-S

Steve Lanning (1C06)
Secretary

Washington, DC 20001

Wilson Reynolds (1C07)
Chairperson

Dear Ms Moldenhauer:

Katherine Boettrich (1C08) Treasurer

At a duly-noticed public meeting of ANC 1C held on June 1, 2011, with a quorum of five of seven Commissioners present, Advisory Neighborhood Commission 1C approved by unanimous vote a Resolution to file an Appeal with the BZA regarding a business located at 2008 18th St., NW.

The motion as approved is reproduced below. Please note that myself and Vice Chair, Commissioner Stacey Moye are authorized to represent ANC 1C in this matter.

On behalf of ANC 1C, thank you.

Wilson Reynolds
Chair, Advisory Neighborhood Commission 1C

Attachment

Cc: Matt LeGrant

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO.

18256

EXHIBIT NO.

10

BZA #18256

2011 JUN -6 PM 12:57

ANC 1C**Resolution Authorizing Appeal of Zoning Administrator Decision In Re: Certificate of Occupancy for Peking Garden**

WHEREAS, a sole proprietorship operates under the trade name Peking Garden at 2008 18th Street, NW, within the boundaries of Advisory Neighborhood Commission 1C and Single Member District 1C01, and provides fast-food and delivery services from that location; and

WHEREAS, Peking Garden is located in a C-2-A Zone, where fast-food and food delivery services are not permitted as a matter of right under current zoning regulations and instead would require a special exception to operate legally; and

WHEREAS, the owner of the building had obtained a Certificate of Occupancy for a "retail food, delicatessen, carryout" use in 1979, prior to an amendment to the Zoning Regulations that took effect in 1985 disallowing such uses as a matter of right in a C-2-A Zone and instead requiring a special exception; and

WHEREAS, in May 2003, the Department of Consumer and Regulatory Affairs granted to Peking Garden a so-called "change of ownership" Certificate of Occupancy that had the effect of reviving a "retail food, delicatessen, carryout" use that had been discontinued and abandoned by the owner of that building more than six years prior to 2003, thus causing the 1979 C of O to lapse; and

WHEREAS, the current establishment has extended and enlarged the previously authorized, but abandoned, use by opening a fast food establishment and by offering extensive food delivery service; and

WHEREAS, no actual change of ownership occurred in 2003, either with respect to ownership of the building or ownership of the business; and

WHEREAS, the foregoing circumstances suggest that the "change of ownership" C of O was issued erroneously by DCRA; and

WHEREAS, in an April 7, 2011 e-mail to a neighboring resident, the Zoning Administrator determined that Peking Garden is a lawful fast-food establishment which has a valid Certificate of Occupancy, and reaffirmed that determination in a further e-mail dated May 13, 2011 and addressed to that resident, his ANC Commissioner, and the members of the ANC's Planning, Zoning and Transportation (PZT) Committee; and

NOW, THEREFORE, BE IT RESOLVED, that ANC 1C hereby authorizes its Chairman, and/or Vice Chair to file with the Board of Zoning Adjustment an appeal of the Zoning Administrator's above determinations, on the grounds set forth above or on such other grounds as shall be established by further investigation, and within sufficient time after approval of this Resolution to protect the rights of ANC 1C and the community.

FAX Transmission

From: Wilson Reynolds
202-340-7476

TO: Rick Nero

Total Pages (including cover) 3

Faxed to: 202-204-5165

RE: Corrected - Correspondence Re:
BZA Case 18256.

Thank you.

Wilson Reynolds
202-340-7476