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Chairperson
Committee on Human Services
(including Alcohol Regulation)

January 10, 2012

Hon. Meridith Moldenhauer, Chairperson
Board of Zoning Adjustment
441 4th Street, NW – Suite 210S
Washington, DC 20001

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Re: Appeal No. 18256 of Advisory Neighborhood Commission 1C
Regarding Peking Garden Carryout, 2008 18th Street, NW

Dear Chairperson Moldenhauer,

I am writing to express my strong support for the position of Advisory Neighborhood Commission 1C, representing Ward One's Adams Morgan community, in the above-referenced Appeal No. 18256. This Appeal was filed on June 6, 2011 following the Zoning Administrator's refusal to take enforcement action against the well-documented and high-volume food delivery services being provided by Peking Garden Carryout, 2008 18th Street, NW, outside the scope of that establishment's Certificate of Occupancy to operate a "carryout." This refusal to enforce the Zoning Regulations appears to have been based on the Zoning Administrator's determination in a May 13, 2011 e-mail that "the fast food establishment use at Peking Garden . . . is a lawful use under the zoning regulations" and on his subsequent failure to investigate and deliver a report to the ANC, as promised, on Peking Garden's delivery operations.

Ample evidence has been produced in this Appeal, and additional evidence will be presented at the Board's hearing on Tuesday, January 17th, showing that Peking Garden uses multiple drivers and vehicles to deliver its food to off-premises customers, and that these drivers and vehicles not only violate parking and traffic laws but also pose physical safety hazards to neighboring residents. These abuses, which appear to have begun or substantially increased beginning in late 2010, were brought to the attention of ANC 1C in early May. The ANC responded with a unanimous 5-0 vote in favor of filing an Appeal of the Zoning Administrator's May 13th determination and refusal to take enforcement action, and more recently with a unanimous 8-0 vote in support of

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recommending in its formal report to the BZA that the Zoning Administrator be overturned.

In the interest of upholding both the letter and the intent of the Zoning Regulations, and specifically its various prohibitions on the extension or enlargement of existing uses without legal and proper authorization, it is important that the Zoning Administrator in this case be reversed and that he be directed by the Board to take appropriate enforcement action against this establishment.

Please ensure that all members of the Board are apprised of my support for the ANC's position in this case, and thank you for your consideration.

Sincerely,



JG/wr

cc: Hon. Wilson Reynolds, Chairperson
Advisory Neighborhood Commission 1C
P.O. Box 21009
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Hon. Stacey Moye, SMD 1C01 Commissioner
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