

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

In the Matter of

Application No. 18881 of Nando's of Woodley Park, LLC

Opposition of the Woodley Park Community Association

The Woodley Park Community Association urges the Board to summarily deny Nando's motion for reconsideration.¹

The Board concluded that "an 'escape hatch' is needed here" and that "five years is the maximum period that can be permitted to pass before the Board should have an opportunity to determine whether the impact of Nando's operations matched the Board's predictions." Order at 15. WPCA agrees with both conclusions.

Nando's, however, wants to eliminate this "escape hatch" and deny the Board the opportunity it concluded was necessary.

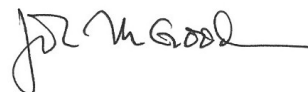
Nando's motion, first, asks the Board to extend the term of the condition to 20 years, making the condition essentially meaningless. The reason Nando's gives for seeking this change is that the Order is inconsistent with Nando's "business arrangement" with its landlord. If that is the case, the simple solution is for Nando's and its landlord to modify their business arrangement to be consistent with the Board's Order.

In the alternative, Nando's asks that the "escape hatch" condition be eliminated altogether and replaced with three conditions relating to how the restaurant would operate. These proposed conditions do not address the "concern over the potential adverse impacts of adding another eating establishment" in the overlay zone (Order at 14) that was one of the reasons the Board imposed it and, therefore, cannot eliminate the need for a five-year review.

Nando's assured the Board that the order it sought would have no adverse impacts. The fact that it is unwilling to live with a five-year review suggests that it's really not so sure.

For these reasons, the Board should deny Nando's motion.

Respectfully submitted,



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¹ Although the motion is dated May 1, WPCA received it by email on May 9.