

September 20, 2024

**Via JZIS**

Board of Zoning Adjustment  
441 4th Street, N.W.  
Suite 210S  
Washington, DC 20001

**Re: Proposed Conditions - BZA Case No. 21160 – 1314 21st Street, NW**

Dear Chairperson Hill and Members of the Board:

In an effort to very narrowly define the proposed use requested in this case, the Applicant is proposing conditions tailoring the approval to the Applicant's specific use: art gallery with prepared food shop with seats for 17 people and retail (selling of tea). While Ms. Wong owns the space and does not intend to sell the space in the foreseeable future, the intention of these specific conditions is to prevent this approval from being used to introduce a new or unwanted commercial use in this space in the event that it is sold.

The current approved use is an art gallery use. An art gallery is defined as: "an establishment that derives more than fifty percent (50%) of its income from the display and sale of objects of art." Ching Ching Cha already meets this definition. The intent is also not to restrict or overburden Ms. Wong's art gallery use by requiring more of the art gallery use and sales than is expressly stated in the regulations. Accordingly, in order to ensure that this principal use is maintained even with the approval, the Applicant is proposing to limit the revenue percentages for the requested variance uses as described below. (Condition #6).

Further, to ensure that the prepared food shop and retail uses are limited to tea sales, tea service, and some very limited food items such as biscuits and cookies, the Applicant is proposing strict conditions on the type of equipment and sales that may be in the store. Accordingly, here are the Applicant's proposed conditions:

1. The maximum permitted number of seats that may be occupied for any tea service is 17 seats.
2. Permitted beverage sales are limited to water and tea.
3. Permitted food sales are limited to tea biscuits and cookies. No other food items are permitted to be sold.
4. The approved food and beverage items (tea, water, tea biscuits and tea cookies) may be consumed

on premises or taken to go. Tea may be taken to go in any form (ex. loose leaf, tea bags, brewed and poured into a to-go cup).

5. Cooking equipment shall be limited to only that equipment required to prepare and serve tea and accompanying pre-made tea biscuits or cookies. No baking or cooking of any biscuits or cookies is permitted on site.
6. The yearly revenue from food and beverage sales may not exceed the yearly revenue from the pottery gallery sales (artisan tea wares, handicrafts and unique gift items).<sup>1</sup>

Respectfully Submitted,

*Alexandra Wilson*

---

Alexandra Wilson  
Sullivan & Barros, LLP

---

<sup>1</sup> Note: the Applicant is comfortable with a 51%, 49% split if the Board does not find the 'does not exceed' clear enough.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2024, an electronic copy of this submission was served to the following:

D.C. Office of Planning  
Philip Bradford  
[philip.bradford@dc.gov](mailto:philip.bradford@dc.gov)

Advisory Neighborhood Commission 2B

Meg Roggensack, Chairperson  
[2B01@anc.dc.gov](mailto:2B01@anc.dc.gov)

Matt Johnson, SMD  
[2B06@anc.dc.gov](mailto:2B06@anc.dc.gov)

Respectfully Submitted,

*Sarah Harkcom*

Sarah Harkcom, Case Manager  
Sullivan & Barros, LLP