



District of Columbia Government  
Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



April 20, 2005

Dr. Patrick J. Canavan, Director  
Department of Consumer and Regulatory Affairs  
941 North Capitol Street, NE, Room 2200  
Washington, DC 20002

Re: Need for Special Exception for "Cluck-U Chicken" at 1123 H Street NE

Dear Dr. Canavan,

Our Commission is writing regarding a new establishment ("Cluck-U Chicken") at 1123 H Street NE. At our April 14, 2005, Commission meeting, properly noticed as required by law, and with a quorum present, we voted to send this letter regarding our concerns that DCRA will issue a certificate of occupancy to this establishment without determining whether a special exception for a fast food restaurant is required from the Board of Zoning Adjustment (BZA). The special exception process allows the ANC and residents living near the property to provide input on potentially objectionable aspects of fast food restaurants such as noise, odors, lights, hours, traffic safety, and litter.

Our Commission is particularly sensitive to this issue because of past mistakes by DCRA on H Street NE. On November 2, 2004, BZA determined that the Zoning Administrator erred by issuing a certificate of occupancy for a "deli/restaurant" in the C-2-A zoned premises at 721 H Street, NE currently occupied by Blimpie/Noble Roman Pizza. BZA found the premises are actually a "fast food restaurant" as defined at 11 DCMR 199.1 and require a special exception from BZA per 11 DCMR 733.1.

Because it is important to have a level playing field for new and existing businesses on H Street NE:

- 1) We request a written response from DCRA on the proposed use of the establishment at 1123 H Street NE, in particular whether it is a "fast food restaurant" requiring a special exception by May 6, 2005.
- 2) We request a written status report on DCRA's efforts to bring Blimpie/Noble Roman Pizza into compliance with BZA 17214 requiring a special exception from BZA by April 29, 2005.
- 3) We request that DCRA bring the fast food restaurants on H Street NE into compliance with "clean and safe" requirements through special exception review or additional code enforcement by October 1, 2005.

If you have any questions or need further information, please contact Commissioner Cody Rice, Chair of ANC 6A's Economic Development and Zoning Committee at 202-544-3734.

Respectfully yours,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Sharon Ambrose  
Councilmember Jim Graham  
Toye Bello, DCRA/BLRA  
Jerrily R. Kress, Office of Zoning  
Peter Jones, Ward 6 NSC