



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



October 31, 2005

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

Re: Overdue Report on Inspections of H Street NE Eating Establishments

Dr. Canavan:

On October 13, 2005, Advisory Neighborhood Commission 6A unanimously voted to request that DCRA honor its commitment to provide a report on this summer's inspections of eating establishments in the 200-1500 blocks of H Street NE. As you may recall, the report was: 1) to identify all eating establishments along H Street NE, 2) to determine what use their Certificates of Occupancy allows, 3) to specify what violations were identified at each establishment, and 4) to detail how violations have been addressed. Despite reminder emails from Commissioner Rice on September 16 and 23, the report has never been delivered.

At the current time, two additional eating establishments are under construction or near opening which may not have been inspected during the previous effort: Birdland at 1118 H Street NE and H Street Cafe at 1253 H Street NE. It is our hope that DCRA will make a timely and careful determination of whether these establishments meet the criteria established by the Board of Zoning Adjustment (BZA) for fast-food restaurants.

As new eating establishments open along the H Street NE Corridor, the need for DCRA to identify the fast-food restaurants prior to issuing building permits has become acute. Earlier in the summer, DCRA was notified of two new fast-food restaurants: Taste of Jamaica at 538 H Street NE and Cluck-U Chicken at 1123 H Street NE. The intent was to alert DCRA to the need for special exception hearings early in the process. Unfortunately, DCRA issued permits and allowed both establishments to open without the required special exception hearings at BZA. The Certificates of Occupancy for both establishments are now under appeal with BZA.

It would be preferable for all involved for DCRA to examine building permit applications more carefully to avoid this problem in the future. A more careful zoning review at the initial stages of permit application would create a level playing field and more regulatory certainty for business owners while preserving the right of residents to protect their neighborhoods from the litter, rodents, grease, traffic and noise that often come with fast-food restaurants.

Thank you for your attention. We look forward to receiving the report shortly.

Respectfully yours,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Jim Graham, Chair of the Committee on Consumer and Regulatory Affairs
Councilmember Sharon Ambrose
Bill Crews, DCRA Zoning Administrator