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March 14, 2006

Delivered by hand
Board of Zoning Adjustment
441 4th St., NW
Suite 210-S
Washington, DC 20001

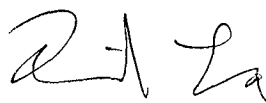
RECEIVED
D.C. OFFICE OF ZONING
2006 MAR 14 PM 2:26

Re: BZA Appeal No. 17439

To Whom It May Concern:

Please accept for filing the attached 20 copies of the first 16 pages of materials that the appellant may wish to introduce into evidence in the above-referenced BZA appeal.

Thank you,



Richard Luna

enclosures

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17439
EXHIBIT NO. 17

Board of Zoning Adjustment
District of Columbia
CASE NO. 17439
EXHIBIT NO. 17

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DCRA/DOC FOIA 5740
PUBLIC RECORDS

From: D.C. code 2-534(a)(2)
Sent: Thursday, July 07, 2005 3:06 PM
To: Derrick (OP) Woody
Cc: Cody Rice
Subject: Fwd: Re: Taste of Jamaica

Derrick,

Aside from Blimpie's, there are two new fast food establishments on H Street since the BZA order 17214 that clearly stated that fast food establishments are not a matter of right development in zone C-2A.

Taste of Jamaica located at the corner of 6th and H Streets
Cluck-U-Chicken at 1123 H Street.

Cluck-U-Chicken has not been issued a certificate of occupancy and DCRA has a note to contact our ANC when the application appears. I am afraid that the ANC will again be put in the position of being the bad guy. The investors and owners have put in quite an investment -- but they need a variance to operate. If the ANC doesn't provide one, they will suffer. My question is why does it have to come to this? When they apply for the building permits, what is the oversight? For example, DCRA wouldn't issue building permits for someone to build a six story structure in an R4 zoning. Why are building permits being issued to construct fast food establishments?

As to the Taste of Jamaica, how did they open? How did they get a certificate of occupancy? The BZA order was in effect for several months and they just opened a few weeks ago.

We have worked long and hard to implement zoning to encourage development. This continued practice of looking the other way on fast food establishments must stop.

Thanks.

2-534(a)(2)

wrote:

Date: Wed, 6 Jul 2005 09:21:14 -0700 (PDT)

From: 2-534(a)(2) .com>

Subject: Re: Taste of Jamaica

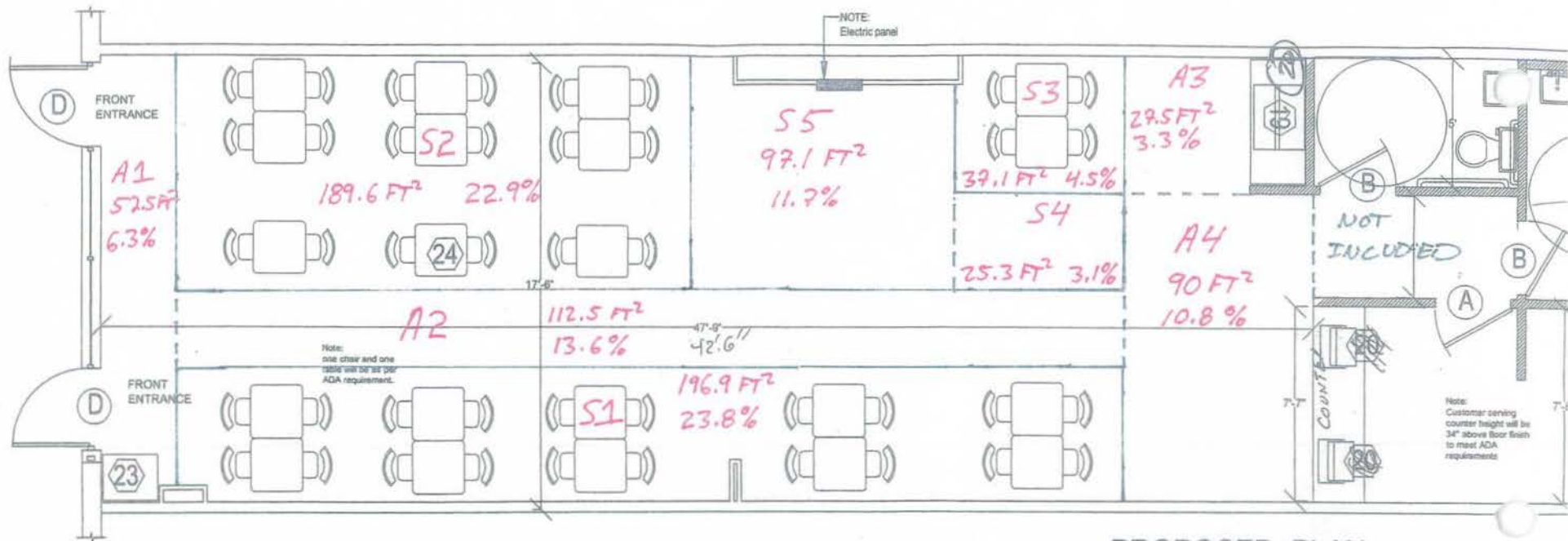
To: @crs.loc.gov>

CC: anc@michaelgsherman.com, 2-534(a)(2) com

the support I am looking for is to fight matter of right certificate of occupancy for fast food establishments. The BZA order is on our web page (large PDF file) - other documents, land use correspondence. In short, how did the Taste of Jamaica get its CofO?

2-534(a)(2) @crs.loc.gov> wrote:

FLOOR AREA CALCULATIONS BASED UPON CLUCK U PERMIT SUBMISSION



PROPOSED PLAN SCALE 1/4" = 1'-0"

SUB AREAS: Queuing & Access

	SIZE	Area	% of total Floor
A1: Front Exit & Entrance	3.0' x 17.5'	52.5 FT ²	6.3 %
A2: Aisle Between Seating & Access to Counter	3.0' x 39.5'	112.5 FT ²	13.6 %
A3: Queuing Area in Front of Soda Machine	5.5' x 5.0'	27.5 FT ²	3.3 %
A4: Queuing Area at Service Counter	7.5' x 12.0'	90.0 FT ²	10.8 %

SUB AREAS: SEATING

	SIZE	Area	% of Floor
S1: Actual Seating Area - Originally Shown on Plan	5.25' x 39.5'	196.9 FT ²	23.8 %
S2: Actual Seating Area - Originally Shown on Plan	9.25' x 20.5'	189.6 FT ²	22.9 %
S3: Actual Seating Area - Originally Shown on Plan	6.75' x 5.5'	37.1 FT ²	4.5 %
S4: Actual Seating Area - Not Shown on Plan	3.75' x 6.75'	25.3 FT ²	3.1 %
S5: Actual Seating Area - Not Shown on Plan	9.25' x 10.5'	97.1 FT ²	11.7 %

$$\text{Total Floor Area} = 828.5 \text{ FT}^2 = 100\%$$

$$\text{Plan Submission Seating Area} = S1 + S2 + S3 + S4 + S5$$

$$423.6 \text{ FT}^2 = 51.2\%$$

$$\text{Provided Seating Area} = S1 + S2 + S3 + S4 + S5$$

$$546.0 \text{ FT}^2 = 66.0\%$$

$$\text{Plan Submission Queuing Area} = A1 + A2 + A3 + A4$$

$$404.9 \text{ FT}^2 = 48.8\%$$

$$\text{Provided Queuing Area} = A1 + A2 + A3 + A4$$

$$282.5 \text{ FT}^2 = 34.0\%$$