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April 19, 2007

Ms. Sharon S. Schellin
Secretary to the Zoning Commission
Via email to: dcoz@dc.gov
And by hand to: 441 4th Street, NW, Suite 210

Re Case No 06-23

Dear Ms. Schellin,

Stanton Park Neighborhood Association (SPNA) is a civic association that works for improvement of the Stanton Park neighborhood by representing the interests of the community in the area bounded by East Capitol Street, 10th Street NE, H Street NE, and 2nd Street NE

SPNA fully supports the need to amend the Eating Establishment Definitions and supports the stated intention to include criteria within the definition of "fast food establishment" that can be readily determined as part of the Zoning Administrator's building permit review process. However, the language that has been proposed contains vagueness that will cause problems similar to the current definition. For example, the proposed definitions state that a fast food establishment is a place where food is "cooked". Does this definition include food that is microwaved or simply reheated? SPNA can foresee BZA cases that hinge on how this word is interpreted. In addition, many of the physical characteristics that were proposed by ANC 6A have been eliminated in the proposed definitions. SPNA would like to see these elements of ANC 6A's proposed definition incorporated into the final definition.

In addition, SPNA recommends the following

Elimination of the self certification provision of §199.1(b) that permits an establishment, in which customers pay for food before it is consumed and the permit plans show a service counter without seating, to avoid the fast food classification by claiming its carry out business is subordinate to the principal business of a restaurant or grocery.

Elimination of the Prepared Food Shop definition. Both Prepared Food Shops and Fast Food Establishments are similar in terms of the externalities they impose

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on the community in terms of high customer turnover that generates more foot and vehicular traffic and more trash. The distinction needs to be made between these kinds of establishments and traditional restaurants that do not impose those externalities. Fast Food Establishments should be defined as serving “prepared” food rather than “cooked” food

In terms of implementation of SPNA’s recommendation, SPNA defers to ANC 6A for recommendations concerning specific language and appreciates their taking the lead in this area. SPNA also commends the Commission for addressing this issue and recognizing the need to revise the existing regulations

Sincerely

A handwritten signature in black ink, appearing to read 'Monte Edwards', written over the printed name.

Monte Edwards, Co-Chair
SPNA land Use Committee

cc: Joe Fengler, Chair, ANC 6A
Karen Wirt, Chair, ANC 6C