



BEFORE THE ZONING COMMISSION OR  
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



**FORM 140 - PARTY STATUS REQUEST**

Before completing this form, please go to [www.dcoz.dc.gov](http://www.dcoz.dc.gov) > IZIS > Participating in an Existing Case > Party Status Request for instructions. Print or type all information unless otherwise indicated. All information must be completely filled out.

**PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.**

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name: Linda Elliott, John West, Maurice Kreindler, Sarah Needle, Miles Hamilton, Sarah Vonesh, Kirk Beatley, Evangelos Fotopoulos, Ritu Upadhyay, Vinay Chawla

Address: Linda Elliott, 414 7th Street S.E.; see attached for additional addresses

Phone No(s): Linda Elliott, 202.669.1337 (see also attached) E Mail: linda.a.elliott@gmail.com (see also attached)

I hereby request to appear and participate as a party in Case No.:

Signature:  Date: May 21, 2026

Will you appear as a(n)  Proponent  Opponent Will you appear through legal counsel?  Yes  No

If yes, please enter the name and address of such legal counsel.

Name: (with conditions)

Address:

Phone No(s):

E Mail:

**ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:**

I hereby request advance Party Status consideration at the public meetings scheduled for:

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

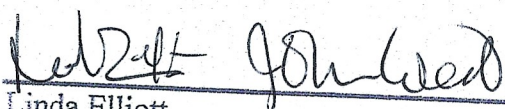
1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and
4. The total amount of time being requested to present your case.

PARTY STATUS CRITERIA:

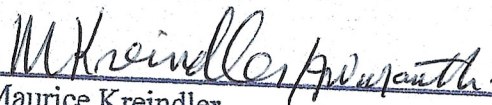
Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Signatures and Contact Information



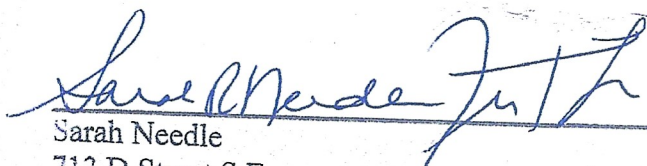
Linda Elliott  
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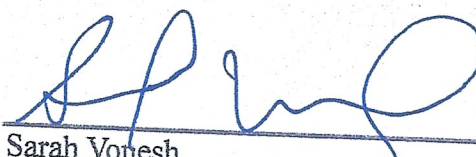
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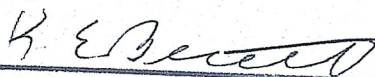
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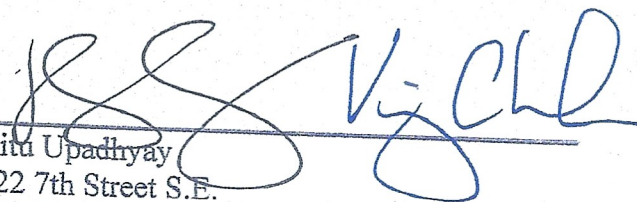
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### Party Witness Information

1. **“Witnesses who will testify on the party’s behalf”:** Linda Elliott and potentially one other member of this group

2. **“Summary of the testimony”:**

A history of the successful nearly 25-year collaborative effort undertaken by residential and commercial neighbors on Square 902 to address the impact on our mixed-use block of the steady replacement of first-floor retail storefronts in the 400 block of 8th Street with food-use operations. Frequently working with ANC 6B, nearly all of the residential and commercial Square 902 neighbors (including those seeking party status here) have experimented with and refined various techniques aimed at mitigating what (until fairly recently) was an ever-increasing rat population, nurtured and attracted by what had been the growing availability of food trash and the near-constant odor of cooking exhaust. These same neighbors also worked to identify and implement sound mitigation techniques which have greatly reduced the mechanical noise associated with food operations. This noise, together with the often grease-laden exhaust odors, at one point made it impossible for residents and commercial tenants to regularly open their windows or enjoy the outdoor spaces on the interior of the Square.

A description, in broad strokes, of the collaborative discussions spanning more than six months during which Wingstop and Douglas Development worked with the Square 902 neighbors to understand how the introduction of a new rat-attracting all fried-food menu on the 400 block of 8th St. would (without incorporation of proven mitigation techniques) undermine the significant success that has been achieved by the over two-decade efforts of the Square 902 residential and commercial property owners and tenants, including critically, the operators of fast foods on the 400 block of 8th St.

A description of the agreement reached as a result of the above described collaboration, specifically the applicant’s agreement (1) to adopt indoor trash and recycling storage consistent with one of several methods successfully used by other food operations on the block and (2) to install a pollution control unit to remove grease and odor from their exhaust which (per the engineering sketch and conceptual plans documenting that arrangement) would, critically, be located at the level of the one-story roof at the back of 406 8th St. The applicant also agreed—as have each of the other fast-food applicants on the 400 block 8th St.—to ask the Board to incorporate these agreed-upon conditions into any order it may issue permitting a fast-food use on the property.

3. **“Expert witnesses”:** None

4. **“Time requested”:** 15 minutes

### Party Status Criteria

1. **“How will the property owned or occupied by such person[s], or in which the person[s] have] an interest, be affected by the action requested of the Board?”**

As detailed below, the members of the group requesting party status are owners and/or residents of residential property, the owners of commercial property, and/or the operators of commercial businesses on Square 902. They and the representatives of nearly every residential and commercial property on Square 902 (who this diverse group members typify) have worked collaboratively to develop techniques – including, as particularly relevant here, mitigation of rodent-attracting and sustaining food trash/recycling and grease-laden and odorous cooking exhaust—to ensure that Square 902 returned to and remains a safe, functional, and pleasant environment for all of its intended mixed-use purposes. These efforts have been successful, thanks in significant part to the BZA’s openness to the now-common goals of the Square’s residential and commercial neighbors and the willingness of the Board to incorporate agreed-upon conditions into each of the orders granting fast-food special exceptions to applicants seeking to operate in the 400 block of 8th St., including Taco Bell, Chipotle, and &Pizza.

Incorporation of the conditions agreed to by this applicant into any BZA order granting the requested fast-food exception is necessary to ensure and preserve the gains made in returning Square 902 to the healthy, livable mixed-use environment it was before the significant replacement of store-front retail with food operations began on the 400 block of 8th St., some two decades ago.

2. **“What legal interest do[ ] the person[s] have in the propert[ies]? (i.e. owner, tenant, trustee, or mortgagee)”**

**Linda Elliott and John West:** owners of and residents at 414 7th Street S.E.

**Maurice Kreindler, Capitol Hill Investors, LLC:** owner of the commercial properties at 715 D Street S.E. (one rental unit); 717 D Street S.E. (one rental unit); 721 D Street S.E. (two rental units); 401 8th Street S.E. (two rental units); 405 8th Street S.E. (two units, including fast-food operator &Pizza); and 407 8th Street S.E. (two units)

**Sarah Needle and Miles Hamilton:** owners/operators of Hill’s Kitchen, 713 D Street S.E., and owners of the commercial property at 713 D Street S.E.

**Kirk Beatley:** owner of 416 7th Street S.E.

**Sarah Vonesh:** owner and HOA Vice-President, the Prout, 418/420 7th Street S.E.

**Evan Fotopoulos:** owner of 412 7th Street S.E.

**Ritu Upadhyay and Vinay Chawla:** owners of and residents at 422 7th Street S.E.;  
owners of 424 7th Street S.E.

3. **“What is the distance between [each] person’s property and the property that is the subject of the application before the Board? (preferably no farther than 200 ft.)”**

All of the members of this group live and/or own property and/or operate a business on Square 902. Seven of those Square 902 properties are well within 200 feet of the proposed Wingstop, several being directly across 8th St. from the proposed site. Four of the Square 902 properties are within 235 feet. One is at 280 feet.

4. **“What are the environmental, economic, or social impacts that are likely to affect the person[s] and/or the person[s]’ property if the action requested by the Board is approved or denied?”**

If the applicant is granted a fast-food special exception that does not include the agreed-to mitigation conditions, the hard-won success that has been collaboratively achieved with respect to the rat population and level of grease-laden odorous cooking exhaust on the Square (see answer to Question 1) could readily be undone.

Not only would this seriously impact the residential neighbors’ use and enjoyment of their property, their health, and their quality of life, but it would almost certainly have a negative impact on property values. This last impact is particularly significant for residential property owners living in their property, for whom the value of their home is often key to their retirement planning. These residential neighbors are also essential to the success and stability of Square 902, as they tend to be the individuals who provide leadership, as well as a model for short-term residential renters and new commercial operators who do not initially understand the collaborative effort required to keep Square 902 healthy and pleasant for all the mixed-use goals it is intended to serve.

The failure to require Wingstop to abide by the agreed-to conditions would also have a serious adverse impact on the non-restaurant uses of the neighboring commercial property owners. For example, Sarah Needle and Miles Hamilton, who are the business and property owners of Hill’s Kitchen at 715 D Street, have explained to ANC6B that the odor of fried chicken coming from the neighboring Popeyes—the one fast-food operator on Square 902 that is grandfathered out of obtaining a fast-food exception—has made it impossible for them to incorporate meals served in on their outdoor roof deck and in their back garden into their cooking classes as they originally intended when they bought the business and the property. Beyond that, it would be fundamentally unfair to the 8th Street fast-food operations that have incurred the expense of complying with agreed-upon conditions that the BZA has incorporated in orders granting fast-food exceptions if an

order granting the instant applicant's requested exception does not also incorporate agreed upon conditions. This includes &Pizza, which operates at 405 8th Street in a property owned by Mr. Kreindler, and uses a pollution control unit as a condition it agreed to (and which the BZA incorporated into) its order granting a fast-food exception.

5. **“Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.”**

See answer to No. 4.

6. **“Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.”**

All of the neighbors in this group own and/or reside in or operate a business in property that will be directly impacted by the Applicant's proposed fast-food restaurant. This cannot be doubted given the distance rodents and exhaust odors travel. Rats do not respect property lines or street signs. And Norway and Roof rats (which predominate in D.C.) frequently travel 100 to 300 feet from their burrows and nests to forage for food. Neither do grease-laden exhaust odors respect property lines or street signs. And grease-laden exhaust is not only unpleasant and unhealthy when it invades indoor and outdoor living and working spaces, but it also attracts rodents, who depend significantly on odors to navigate their environment and locate food.

If the Applicant is permitted to operate in a manner that does not comply with the conditions to which it has agreed, the impact on the Square 902 neighbors will be direct and immediate, and far greater than any impact on the general public. If the Applicant stores its trash and recycling outside, it will provide readily available rat food. This will sustain and likely increase the now limited rodent population on Square 902, impacting particularly the neighbors who own property within the 300 feet Norway and Roof rats comfortably travel to forage. As it stands now, food for rats on Square 902 is scarce (and the population accordingly much decreased though not non-existent) because the three fast-food special-exception operations on Square 902, two of the “non fast-food” sit-down restaurants, and Popeyes (which was grandfathered out of having to obtain a fast-food exception) all store their trash and recycling inside.

In addition, if Wingstop is not required to mitigate its grease-laden cooking exhaust (which carries a very pungent odor) by installing and locating a pollution control unit as agreed to, this exhaust will inundate Square 902 properties. This is especially so because the winds generally blow from east to west, toward Square 902. This impact would make it difficult for those on Square 902 to open their windows, enjoy their outdoor spaces, or – as in the case of Hill's Kitchen – use their property for intended commercial purposes. These are all specific financial and quality of life impacts on the listed Square 902 neighbors that are not shared with the general public.