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June 11, 2026

VIA IZIS

Board of Zoning Adjustment
of the District of Columbia
441 4th Street, NW, Suite 210-S
Washington, DC 20001

**Re: BZA Case No. 21438 / Emerald Wings LLC
Supplemental Information for Public Hearing
Memorandum of Agreement with ANC 6B**

Dear Members of the Board:

The supplemental information provided herein and attached is submitted on behalf of Emerald Wings LLC (the “Applicant”) in support of its application seeking special exception approval to permit a fast food establishment at the property and special exception approval relating to the refuse dumpster requirements (the “Application”), which is scheduled to be heard by the Board on June 17, 2026. To the extent necessary, we request that the Board waive Subtitle Y § 300.15 in order to permit this submission less than 30 days prior to the public hearing. The purpose of this submission is to update the Board on the Applicant’s engagement with ANC 6B and other neighborhood stakeholders since the Prehearing Statement was filed on May 18, 2026.

Studies/Plans for PCU and Indoor Trash & Recycling Area

At the time the Prehearing Statement was filed, the Applicant’s engineers were still studying the total weights for the pollution control unit (“PCU”) in order to design the platform for the PCU. The total weights have since been confirmed and the Applicant’s engineers have determined that they do not pose a problem for the construction of a platform that can support the PCU as laid out in documents shared with the ANC and neighborhood stakeholders. Those documents are attached as an exhibit to the Memorandum of Agreement entered into between the Applicant and ANC 6B. Similarly, the layout for the enclosed refrigerated area for the indoor storage of trash and recycling has been circulated and attached as an exhibit to the Memorandum of Agreement.

ANC 6B Review / Support of Application

The Applicant met with the ANC 6B Planning & Zoning Committee on June 4, 2026, at which time, the Committee voted to recommend approval of the Application to ANC 6B. At its regularly scheduled meeting on June 9th, ANC 6B voted 7 to 1 to support the Application. The ANC's support was subject to a Memorandum of Agreement entered into between ANC 6B and the Applicant (the "Agreement"). A copy of the Agreement, signed by the Applicant, is attached.

Conditions to BZA Order

The Agreement includes several provisions that are directly intended to mitigate the potential adverse impacts that may result from the fast food establishment proposed in the Application. The Applicant respectfully requests that the Board include the following provisions of the Agreement as conditions of the BZA Order approving the Application:

1. **Term Limit and Applicant's Good Faith Commitment.** This approval shall become effective the date this order becomes final and shall remain valid for a period of ten (10) years following the issuance of Applicant's Certificate of Occupancy (the "Term"). Throughout the Term, Applicant commits to using commercially reasonable efforts to work in good faith with the community to address reasonable concerns related to operations regarding noise, odors and pests, consistent with the intent of these conditions and applicable laws and regulations. For purposes of this condition, the Applicant shall provide to the ANC the name and contact information for the person designated to serve as a community liaison.
2. **Hours of Operation.** Applicant's operations hours for the restaurant shall be from 10:30 a.m. to 12:00 a.m. (midnight), Sunday through Thursday and from 10:30 a.m. to 2:00 a.m., Friday and Saturday. Notwithstanding the foregoing, on Friday and Saturday between the hours of 1:00 a.m. and 2:00 a.m., the establishment shall only accommodate mobile and online orders, no walk-in orders shall be permitted.
3. **Restaurant Trash and Recycling Pick-Ups.** Applicant shall provide for the onsite storage of trash and recycling in enclosed refrigerated storage areas, substantially consistent with the plans on Sheet M1 (Mechanical Floor Plan), marked as Revision 5 and dated 06/23/26 (attached hereto as **Exhibit 1**), and in accordance with applicable health and building code requirements, until removal from the building. Applicant shall arrange for trash pick-up service six (6) days per week and recycling pick-up service five (5) days per week. All trash pick-ups shall occur from the abutting 8th Street, SE curb.
4. **Grease Collection, Storage & Removal.** The Applicant shall install a grease interceptor and oil collection system on the Property, designed to collect and store used cooking grease indoors on the Property. The equipment and schedule of maintenance and oil collection shall be operated and maintained in a commercially reasonable manner

consistent with similarly situated restaurant uses in the District of Columbia and in accordance with applicable laws, regulations, and manufacturer recommendations.

5. **Rodent and Pest Control.** During the operation of the Wingstop, the Applicant shall cause extermination services, including treatment for insects, spiders, rats, mice, moles and other rodents to the Property by a licensed exterminator on a monthly basis. In the event that any such pests are discovered on the Property, the Applicant shall take all commercially reasonable and appropriate measures to promptly relieve the Property of such pests.

6. **Customer Trash Receptacle.** During the operation of the Wingstop, the Applicant shall provide a trash receptacle in the customer waiting/pick up area in order to reasonably discourage littering in and around the Property.

7. **No Littering Sign.** Prior to the issuance of a final certificate of occupancy for the Wingstop, the Applicant shall place an anti-littering sign on the Property, in accordance with the signage to be finalized and attached with the MOA and subject to applicable laws and regulations.

8. **Pollution Control Unit.** In order to mitigate odors from the fast food establishment, the Applicant agrees to install a pollution control unit ("PCU") as part of the exhaust system. The PCU shall be substantially the same as the PCU specs reflected in Drawing No. 4LU1A1DK15FE2, and the installation shall be substantially the same as the engineering sketch represented in Sheet M1 (Mechanical Floor Plan), marked as Revision 5 and dated 06/23/26, Sheet M1.2 (Mechanical Roof Plan), marked as Revision 5 and dated 06/23/26, and Sheet M2 (Mechanical Schedules), marked as Revision 5 and dated 6/23/26. (All five documents are attached as **Exhibit 2.**)

9. **Minor Design Flexibility.** Applicant is granted minor design flexibility from the attached plans, including modifications to the layout, dimensions, configuration, screening, location, and specifications of the PCU, exhaust systems, rooftop equipment, HVAC equipment, mechanical systems, trash facilities, and related architectural or engineering elements as may be required by field conditions, permitting requirements, Historic Preservation Office review, Historic Preservation Review Board review, engineering considerations, manufacturer requirements, or code compliance, provided the overall intent of the Conditions 3 and 8 and the incorporated Exhibits 1 and 2 are maintained and such changes do not materially increase external impacts. Mechanical equipment may be repaired, replaced, relocated, upgraded, or modified over time with substantially equivalent or improved equipment, provided such changes comply with applicable law, and provided the overall intent of Conditions 3 and 8 and the incorporated Exhibits 1 and 2 are maintained and such changes do not materially increase adverse external impacts. Nothing herein shall prohibit repairs, replacements, maintenance,

upgrades, or modifications required by applicable law, permitting authorities, manufacturers, insurers, or operational necessity, provided the overall intent of Conditions 3 and 8 and the incorporated Exhibits 1 and 2 are maintained and such changes do not materially increase adverse external impacts.

10. **Instructions for Delivery Drivers.** The Applicant shall use commercially reasonable efforts, where able, to guide app-based delivery drivers to adhere to all signage along the Bus Only Lanes and to only park or stand in legal spaces, including the curbside spaces along the west side of 8th Street SE, the south side of Pennsylvania Avenue SE, and on D Street SE. The instructions shall specifically include a note that parking or standing in front of the fire station driveway is prohibited.

The Applicant is pleased to have the support of ANC 6B, as well as favorable reports from the Fire and Emergency Medical Services Department, the District Department of Transportation, and the Office of Planning. We appreciate the Board's consideration of this application.

Respectfully submitted,
HOLLAND & KNIGHT LLP

A handwritten signature in black ink that reads "Leila Batties". The signature is written in a cursive, flowing style.

By: _____

Leila Jackson Batties
Madeline Shay Williams

Certificate of Service

I hereby certify that on June 11, 2026, a copy of the foregoing application to the Board of Zoning Adjustment was served by electronic mail on the following at the addresses stated below.

DC Office of Planning

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Shepard Beamon
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District Department of Transportation

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Commissioner Samuel Pastore

Chair, ANC 6B
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Commissioner Vince Mareino

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