

**Statement of 10 Residential and Commercial Neighbors Seeking Party Status
In Conditional Support of Application No. 21438**

To: Members of the Board of Zoning Adjustment
From: 10 Residential & Commercial Neighbors on Squares 902 & 925 Seeking Party Status to Conditionally Support Emerald Wings
Re: BZA 21438 – Special Exception Application of Emerald Wings, LLC
Date: June 12, 2026

Ten residential and commercial property owners whose properties are nearby 406 8th Street, SE – the property for which Emerald Wings is seeking a fast-food special exception – have filed for party status. **This Memorandum is not an addendum to our application for party status, which we understand will be ruled on at the start of the hearing on June 17, 2026.**

Rather, we are filing this Memorandum as citizens because we believe that in considering Emerald Wings’ application, it may be helpful to understand something of the now two-decade shift from retail to food businesses in the 400 block of 8th Street, SE, and how that shift has impacted the two squares bounded by the 400 block of 8th Street, Squares 902 and 925.

Critical to that history is the *collaborative effort* that has emerged as property owners (commercial and residential), residents, and businesses (including food operations) have grappled with how to mitigate the negative impacts that the increased concentration of food businesses (including, particularly, fast foods) on the 400 block have had on the other “mixed-use” purposes served by other properties on Squares 902 and 925. We briefly review that history below.

We have also attached, as Exhibit A to this Statement, nine individual impact statements from 16 residential or commercial property owners on Squares 902 and 925. These statements provide a sampling of the negative impacts that the increased concentration of fast-food operations on the 400 block 8th Street have had on other properties *and*, additionally, describe how these impacts have been significantly reduced by the implementation of mitigating conditions by many of the food businesses on the block, including *every fast*-food business to set up operation since 2010.

As Emerald Wings has done here, each of these post-2010 previous applicants reached agreement with various neighbors and ANC 6B as to the specific mitigating conditions it would implement. As is the case with Emerald Wings, those conditions were carefully crafted by all parties to address menu- and site-specific impacts of the proposed fast-food operation. And as with Emerald Wings, each applicant modified its application to make clear that it was explicitly asking the BZA to include the agreed-upon conditions in any order granting the requested fast-food exception. And, finally, as we hope will be the case with Emerald Wings, in each of these cases the BZA explicitly incorporated the mitigating conditions into the orders granting or extending the fast-food exception applications. *See* BZA Order Nos. 18770 (2014), 18770-B (2016), & 18770-C (2019) (&Pizza); BZA Order No. 18238-B (Chipotle) (2021); BZA Order No. 21144 (Taco Bell) (2024).

Critically, the BZA's incorporation of these conditions into its orders is legally authorized by 11 DCMR §§ 513.1(e)(4) and (e)(7). As a practical matter, incorporation ensures that fast-food operators do not drop agreed-upon conditions following their garnering of support for their application by promising to implement those conditions. This is an important consideration given the length of the term that fast-food operators generally seek in order to make their investment in the property financially feasible.

*Brief History of the Collaborative Approach to
Fast-Food Applications on the 400 Block of 8th Street*

The property for which Emerald Wings seeks a fast-food exception sits on a block that bounds both Square 902 and Square 925. Square 902 (which is bordered by 8th and 7th and D and E Streets) and Square 925 (which is bordered by 8th and 9th and E Streets and Pennsylvania Avenue) consist of mostly residential properties on 7th and E Streets, mostly commercial properties (including largely non-food businesses) on D Street and Pennsylvania Avenue, and mostly commercial properties (including many food establishments) on 8th Street. Many of the residential properties in the 800 block of E Street (Square 925) abut an east/west alley that opens at its west end toward Square 902. This is the alley in which Emerald Wings originally proposed to place its trash and recycling.

Over the past two decades, on-line shopping has resulted in the replacement of many retail storefronts on "8th St. Barracks Row" with food businesses. As a result, the 400 block of 8th Street (creating the shared boundary of Squares 902 and 925) has grown increasingly food-oriented. At the same time, 7th Street and E Street (which bounds the south side of both squares) have grown increasingly residential, with the development of a seven-unit condominium at 710 E Street, the conversion of an automobile repair shop to a 13-unit apartment complex at 712-714 E Street, the conversion of nonprofit offices to condominiums at 418-420 7th Street, and the conversion of a law office to a residential property at 700 E Street. The conversion of a number of owner-occupied homes into group rental units and Air B&Bs has similarly increased the number of residents and residential visitors on both squares.

Notably, these various residential conversions have added housing density (at varying price points) that mixed-use blocks are intended to accommodate. This type of density is a particular goal when, as is the case with Squares 902 and 925, there is plentiful public transportation nearby.

Unfortunately, the simultaneous increase in the density of both food operations and residential uses on our two squares has presented residents and commercial property owners (including those renting to food and non-food businesses) with substantial challenges. It is simply not easy to maintain a vibrant, healthy environment in which to work and do business and in which one can live, raise children, and grow old, in the face of the negative impacts that typically emanate from the concentration of (a) cooking and grease odors, (b) noise from mechanicals and sometimes loud late-night patrons, and (c) the explosion of rats and other vermin that accompany increased food-related trash and recycling. Mitigation of these impacts has only become more challenging with the post-pandemic rise in high-volume food operations that provide no indoor eating area and use cars and scooters to deliver a substantial portion of their sales, as does the model proposed by Emerald Wings for the 400 block of 8th Street.

Nonetheless, as has been demonstrated in our two-square neighborhood, “not easy” does mean impossible. In the early 2000s, residential neighbors on Squares 902 and 925 began to encourage food establishments and their landlords in the 400 block of 8th Street to consider various methods for mitigating the negative impacts of food businesses. With the entry of new food businesses onto the block (including, particularly, regional and national chains unfamiliar with the mixed-use character of Squares 902 and 925), several ANC 6B commissioners encouraged the residential neighbors to bring these discussions to the ANC. There, they were considered within the framework of the zoning regulations governing the award of fast-food exceptions and certain rules governing liquor licensing for other food businesses.

Initially, effective solutions were difficult to identify. However, through years of experimentation, persistence, and good faith on the part of residential neighbors and food businesses and their landlords, certain methods were found that proved to blunt significantly some of the worst impacts on property values and the use and enjoyment of other properties on Squares 902 and 925. Indeed, it eventually became apparent to many of these food businesses and their landlords that adoption of these methods also improved the dining experience of their customers and the work life of their employees.

Through this long-term effort, “the neighbors”—now broadly defined to include residential and commercial property owners, short and long-term renters, and businesses (including food operators)—have reached over a dozen agreements regarding the implementation of mitigating conditions. Some are memorialized in private contracts. Others were reached through and documented in what were at the time ABRA settlement agreements. But when the food business is a fast-food establishment, the most effective means of achieving and memorializing these agreements has been through the application of the zoning criteria governing fast-food exceptions set out 11 DCMR § 513.

As the Board knows, among the criteria under which the BZA may grant a special exception for a fast-food establishment in the MU-4/CHC zone is the requirement that “[t]he use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions.” 11 DCMR § 513.1(e)(4). In granting such exceptions, the Board is specifically authorized to “impose conditions ... necessary to protect ... nearby property.” *Id.*, § 513.1(e)(7).

As noted, since 2011 the Board has exercised this authority by incorporating menu- and site-specific conditions negotiated by applicants with nearby property owners, businesses, and residents into every order granting or extending a fast-food exception on the 400 block of 8th Street. *See* BZA Order Nos. 18770, 18770-B, & 18770-C (&Pizza); BZA Order No. 18238-B (Chipotle); BZA Order No. 21144 (Taco Bell). All of these orders include conditions pertaining to (a) indoor trash & recycling storage; (b) mechanical noise barriers; (c) limits on operating hours, intended to mitigate excessive and unreasonable patron noise; and (d) Pollution Control Units (PCUs) or, in situations involving less pungent odors and little grease, deflectors or other directional control of cooking exhaust.

In the spirit of this now multi-decade effort to prove that, *through informed compromise and collaboration*, mixed-use blocks can serve all their intended (if sometimes competing) goals, Emerald Wings and a group of Square 902 and 925 neighbors (led by ANC 6B) engaged in over six months of negotiations. As relevant to Emerald Wings' proposed operation, there were three impacts of significant concern:

- (1) the increased availability of rat-sustaining trash and recycling in outdoor alley dumpsters, as well as wrappers and food abandoned by carry-out patrons who eat on the street, at the Metro Plaza, and in cars parked on Squares 902 and 925;
- (2) rodent-attracting cooking exhaust, laden with grease and other food particulate, that is also unhealthy for humans and a serious nuisance when it enters homes and workplaces through open windows and air vents or invades outdoor gathering spaces; and
- (3) the sometimes-raucous (occasionally unsafe) behavior of (a) patrons seeking fast food in the early morning hours after exiting bars and entertainment establishments on Barracks Row and other nearby venues and (b) the noise of cars and scooters parked outside residences while waiting to deliver late-night and early-morning orders.

Happily, during the course of our negotiations, Emerald Wings resolved to actively participate in this now years-long collaborative effort to maintain and continue to improve Square 902 and 925's gains against food-use impacts that, when left unaddressed, plague and often degrade mixed-use blocks such that they are no longer able to serve all of their intended purposes. Consequently, Emerald Wings, on behalf of and with the authorization of its landlord at 406 8th Street, has agreed to a number of conditions that significantly address these concerns and has asked that the BZA include these conditions in any order granting the requested fast-food exception.

These negotiated conditions are stated in provisions 1-10 (and the incorporated Exhibits) of the Memorandum of Agreement between Emerald Wings and ANC 6B (Exhibit 32A on the docket of this case). On the condition that the BZA includes these conditions and the incorporated exhibits in any order through which it grants Emerald Wings a fast-food exception, the ten neighbors seeking party status are pleased to support Emerald Wings' application.

Exhibit A
Neighbors' Adverse Impact Statements

This exhibit comprises nine statements by 16 owners of residential or commercial properties on Squares 902 or 925. These statements are offered to provide the Board members with an understanding of the adverse impact that the ready availability of food trash, cooking exhaust (particularly cooking exhaust from deep fryers, which is the predominant form of cooking that will be employed by the proposed Wingstop), and excessive noise of various types, have had on the use and enjoyment of the neighbors' properties and their property values. Most of these statements also provide a sense of how the Board's previous orders imposing mitigating conditions on its grant of fast-food special exceptions with respect to properties in the 400 block of 8th Street SE have succeeded.

The ten neighbors seeking party status, as well as those who drafted these statements, respectfully submit that, unless the BZA holds Emerald Wings to the same standards that it has &Pizza, Chipotle, and Taco Bell in its five most recent orders pertaining to the 400 block of 8th Street, the progress that has been made in combatting rodents, as well as odor and mechanical noise pollution, on Squares 902 and 925 will be undone.

Katherine Szafran, 704 E Street, SE

Having lived in Square 902 for well over twenty years, I have witnessed how the rat population increases with the availability of food. The residents of the square have done all they can to control rats at considerable time and personal expense, such as ensuring no food sources are available outside their home and removing low decks under which the rats often burrow. I had to remove some of the concrete in my driveway to eliminate burrows dug below it (which did not exist when I moved in) and I removed double fencing around my yard because it was serving as a “rat highway.” Twice a week I clean my front and back garden areas and inspect for the appearance of rat burrows.

We need all businesses in the square to do their part. I noticed a decrease in the rat population when &Pizza and Eat Bar (now the site of Ledo’s) established secure, indoor trash/recycling rooms, which reduced available food, and followed other “best practices,” including the installation of pollution control units, which remove rat-attracting odor, grease, and food particulate from kitchen exhaust.

I noticed another reduction in rat activity when Chipotle adopted similar practices (including indoor trash/recycling storage) pursuant to a negotiated agreement with the neighbors and the BZA’s order extending Chipotle’s fast-food special exception. Prior to that time, Chipotle’s outdoor trash shed, though well-constructed, had been a major food source for the rats as a result of human error in getting all the trash into the shed and keeping the door to the shed closed and secured. As part of its BZA fast-food extension application, Chipotle corrected this problem by agreeing to build an extension onto 413 8th St. so that it could install a fully indoor walk-in cooler for trash and recycling.

Unfortunately, Square 902 (and beyond) is still inundated with the distinctive pungent odor of rat-attracting Popeyes grease exhaust. And, because Popeyes is grandfathered out of the fast-food exception requirement, it will likely continue to fight the neighbors’ requests that it adopt a PCU. Because of this, there are many days when I cannot open my windows and can smell Popeyes as soon as I open my dryer. I have invested significantly in a lovely garden. But unfortunately, because I never know when it will smell as if I operate a Popeyes out of my home, I never know when I will be able to use it to entertain. This is all despite the reduction (and ultimately the near virtual elimination of) rat burrowing in my yard following the adoption of indoor trash and recycling storage by &Pizza, Ledos, Chipotle, Taco Bell, and finally, most recently, Popeyes itself.

The thought of Emerald Wings adding another fast-food operation almost exclusively dependent on the deep frying of chicken without adopting a PCU and indoor trash and recycling is nearly unthinkable. Because neither Norway or roof rats, nor pungent, grease-laden exhaust are intimidated by crossing 8th St., and because the Popeyes rats regularly did and Popeyes fried chicken exhaust regularly does traverse the distance from Popeye (which is located directly across the 8th St from the proposed Wingstop), all that we have achieved on Square 902 will likely be undone if the BZA does

not incorporate the conditions to which Emerald Wings has agreed into any order granting it a fast-food exception.

I applaud Emerald Wings for developing an understanding of the adverse impact of its proposed menu on the properties on Squares 902 and 925 and for agreeing to conditions that will mitigate those impacts. I also very much appreciate that Emerald Wings has asked that the BZA explicitly include those agreed upon conditions in any order granting its fast-food special exception application.

Katherine Szafran

Owner, 704 E St SE, katalase@gmail.com

Linda J. Young, 706 E Street, SE

I purchased my home at 706 E St., SE in June, 2015. Since then, four major issues have threatened the quality of life in this block and the value of my property: rats, mechanical noise, greasy and very bad smelling exhaust from Popeyes, and, increasingly, after-midnight “partiers” from 8th Street. Absent mitigating practices, the proposed Wingstop exponentially threatens to increase three of these threats—rats, rat-attracting exhaust, and after midnight revelry overflow mostly, it appears, from the 400 block of 8th Street.

I had no experience with rats when I moved in (mice—yes, rats—no). My daughter was frightened to discover a rat staring at her from the pantry one evening. We found two had entered after chewing through foam that had been sprayed to keep them out. That started a long process of securing the house against rats at a cost of well over \$7000. In addition, I spray the front and back gardens’ brick areas with bleach every other week and have landscaped the house using plants that do not provide cover for the rats. When my mechanic told me that rats had been sitting on top of my transmission to eat, I spent more money to install devices to keep them out of the car’s hood area.

However, as time has progressed, conditions have improved. &Pizza, immediately across 8th Street from where Wingstop plans to operate, created a dedicated indoor trash and recycling room and installed a pollution control unit, at significant expense, to eliminate both rat food and rat-attracting grease, food particulate, and odor. Eat Bar, similarly, created an indoor trash and recycling storage space and installed a pollution control unit when it operated at 415 8th Street. Chipotle and Taco Bell also worked with the neighbors to adopt best practice mitigation for the more limited odor and very limited grease associated with their menus and installed state of the art mechanical noise proofing and walk-in coolers for trash and recycling. We also all appreciated the residential neighbor who facilitated by-weekly visits by DC Rodent Control to treat our block for rat burrows for several years running.

These collective efforts, which have cost the businesses and residents money and time, have led to a major reduction in the rat population, and eliminated nearly all mechanical noise and all but one terrible food odor from our Squares’ gardens and homes.

The terrible smell of Popeye’s chicken continues to pollute our entire Square multiple times a week— some weeks every day. Popeyes proves that if Wingstop had not agreed to install a PCU, those of us anywhere within a block of Wingstop’s proposed location would suffer twice the level of air pollution, nuisance odors, and health effects of the combined fry output of Wingstop and Popeyes.

Wingstop has also agreed to install an indoor trash and recycling cooler, for which we commend them. Had it not adopted both of these practices much of the effort and expense that we all have collectively put into the Square would have been wasted as rats

return and rat-attracting nuisance odors increase. A lower quality of life and decreased property values would have been the norm for all.

On additional note: Wingstop did agree to reduce its closing hour from 3:00 am seven days a week to midnight five days a week and 2:00 am two days a week. Though I still worry that scooters will continue to idle in front of my home late at night while awaiting delivery assignments from other fast foods, including Wingstop, the earlier closing times will help. I am also hopeful that with Wingstop's adoption of an earlier closing time at least five days a week, they will not add to what has been a growing problem over the past year with increased partying on the street that has at least twice in the past six months or so escalated into shootings. This is a serious issue that must be addressed.

Having lived here for 11 years now, it is evident that everyone on Squares 902 and 925, including the businesses in the 400 block of 8th Street must collaborate to preserve our gains. I thank Wingstop for joining its diverse neighbors in this effort and for asking the BZA to include the conditions it has agreed to in any order granting a fast-food exception. Such conditions (and their enforceability) are essential to providing everyone on the Square with a good quality of life.

Linda J. Young
Owner, 706 E St SE, LJYoung999@gmail.com

Evangelos Fotopoulos, 412 7th Street, SE

I am writing to ask that, if the BZA approves Emerald Wings application for a fast-food special exception for a Wingstop, that it include in its order the conditions negotiated between Emerald Wings, the ANC, and representatives of the neighbors.

I own 412 7th Street SE through my LLC. I bought the property several years ago as a rental unit. The biggest draw was the beautiful garden. Unfortunately, I quickly learned that the readily available food at the fast-food chains of Chipotle (which is located less than 17 feet from our property) and Popeye's and along with the recently abandoned 7/11 (also located on the 400 block of the Street) supported a robust rat population which had found its way to my garden and home.

During the first year I owned 412 7th Street, rats frequently crossed the property in broad daylight, even though all my residential neighbors and I were meticulous about not keeping any trash or food sources in our back gardens. By the next spring, they were using the telephone wires to traverse from the area at the back of the Chipotle property across to my property. In the second and third years I owned the house, with the assistance of my immediate neighbors, and to make it less attractive to rodents, I spent well over \$5,000 to significantly trim the garden, seal all areas around the home and rat proof the fence around it following instructions provided by the city. Nevertheless, I still had rodents strolling up my patio -- one walked into the house through a sliding glass door that had been left ajar. I had to bring in a trapping service to have the rat removed.

Obviously, city life necessarily involves the presence of rodents. But authoritative sources -- both DC City agencies and those on the internet -- emphasize over and over that the steps essential to keeping the rodent population under control is removing food sources and food odors that attract rats. Those of us who own homes in the 400 block of 7th Street were grateful that Chipotle and its landlord recognized their role in the problems, and they agreed to the eight conditions listed in their March 2021 amended application, including moving its trash and recycling from an outside storage shed to an indoor walk-in cooler. The situation has improved a lot since Chipotle adopted the indoor trash practice. It was paramount that Taco Bell included conditions similar to those agreed to by Chipotle, in its 2024 application and asked the BZA to include those conditions in its requested order.

Now it is up to Wingstop to do the same. As regards Wingstop, however, I would like to bring to your attention a serious odor issue currently caused by Popeyes that relates to Wingstop. Popeyes operates directly behind my property. And Wingstop will be located almost directly across the street from Popeyes -- so directly in line with my property.

As I understand it, Popeyes is not subject to the BZA regulations. This is unfortunate as Popeyes' exhaust is an incredible nuisance, often flooding my garden and my house with the smell of deep fryer vats filled with chicken. It's not a bad odor if you're eating chicken. It's an awful odor to have in a garden and, worse, a home. This nuisance cannot help but reduce the value of my property. Please assist us by including as a condition of

allowing Wingstop to operate that they must follow through on their agreement to install and properly operate the PCU. Double the fried chicken odor we deal with now will be impossible.

We ask your assistance in helping us, the existing property owners on our block, in making and keeping our community safe and healthy and (relatively) rodent free.

Evangelos Fotopoulos

Owner, 412 7th Street SE, info@RegalInternationalGroup.com

Amber Jones, 816 E St SE (and others listed below)

I live around the corner from the proposed Wingstop location. My neighbors, who join me in this impact statement, do as well. Our homes back up to the alley next to the fire station. We put up with rats traversing the fronts and backs of our homes on their way to and from Barracks Row and the trash dumpsters in the alley. We endure the odor of greasy chicken in our yards and windows, presumably from Popeye's. We are kept awake by late-night partying in front of our houses by Barracks Row patrons, primarily between midnight and 2 am. (This can be confirmed by the record of 911 calls about noise violations.) The amount of trash and broken bottles on our street each morning is impressive. The prospect of increasing the rat population, offensive chicken odors, late-night noise, and trash by adding another fast food establishment and allowing it to stay open late is strongly objectionable.

We prefer DC to enforce the ban on fast-food/carryout restaurants on Barracks Row. However, our ANC6B voted to support the special exception if certain conditions are met and incorporated into any order permitting Wingstop to open, as laid out in a Memorandum of Agreement with Emerald Wings/Wingstop. If the BZA grants the special exception, the residents of my block strongly urge that those conditions be required in the BZA approval and subsequently enforced by the city.

In particular, we want:

--Indoor trash storage routinely inspected by the city, with no additional dumpsters in the alley.

--A pollution control unit approved by and routinely inspected by the city to ensure proper installation, usage, filtering, and maintenance.

--Walk-up/carry-out hours ending at midnight on weekends and 11 pm on weekdays. (These are shorter hours than those in the Memorandum of Agreement with the ANC6B.)

Similar conditions were negotiated with other Barracks Row establishments and seem to be the minimum conditions needed to reduce the adverse impacts of fast-food establishments in a mixed commercial/residential neighborhood.

Finally, the residents of my block want to know who will enforce these conditions and who residents can contact if we observe non-compliance or detect noticeable increases of rodents, odors, noise, and trash after the opening of Wingstop. Wingstop has said in its agreed upon conditions that it will provide the name of that person to the ANC. We want to be sure it is available to the neighbors who live and work on the blocks adjoining Wingstop's location.

Amber Jones and Pope Barrow,
Owners, 816 E St SE, aljones1001@hotmail.com and mpb56054@yahoo.com

Bart Hutchinson,
Owner, 808 E St SE, planetwaves99@gmail.com

Jim Cho and Tamara Tatunchak,
Owners, 809 E St SE, jimcho@gmail.com

John Yellen and Allison Brooks,
Owners, 810 E St SE, jyellen@nsf.gov and brooksalisons@gmail.com

Noris Weiss Malvey,
Owner, 823 E St SE, nwm823@yahoo.com

Ritu Upadhyay and Vinay Chawla, 422 and 424 7th Street SE

We reside in the Eastern Market area of Capitol Hill. Our home and the rental property we own are adjacent to one another at 422 and 424 7th St SE and our back gardens are within a short distance of the 8th Street restaurants.

We purchased the first house in 2013 and fell so in love with the neighborhood we bought the one right next door the moment we knew it was going on the market. We have poured our entire life savings into these two homes. We are committed to this vibrant mixed-use neighborhood and plan to raise our young children, ages 7 and 9, here.

Sadly, we had to learn to deal with some level of rat infestation in our neighborhood, constantly closing up rat holes with dry ice, placing mouse traps in and outside our homes and regularly clearing rats from our parking spot that die while harboring in our vehicle undercarriage.

Several years ago, the infestations had multiplied to a point that was making it difficult to think of raising our children in the neighborhood. It was unsafe for us to let our kids play in their own backyard due to the fear that they would come in contact with the disease-infested rat feces, no matter how much we tried to clear it up. The rats made us and our renters in the neighboring property unable to comfortably and safely use the porch and back gardens which we spend much time and effort maintaining. And on a purely financial level, it decreased the value of the properties.

The rapidly growing rodent population posed a constant stream of problems for our tenants. We cringed when we heard from our renters that their children yell “Mommy I saw a rat!” Several years ago, their car’s engine wires were totally chewed through by rats while parked in the designated backyard space, requiring expensive repairs. Because they understandably no longer wanted to park in the back, we had to reimburse them for rent charged for the coveted parking spot. That same renter eventually asked to end their lease early because they were trying to start a family and were concerned that cleaning up rat feces would be detrimental to the pregnancy.

It is clear that the rat proliferation on our properties stemmed in very large part from the restaurant operations on 8th Street. We have photos of chew holes and grease marks in the fence between 415 8th St. SE (now Ledo’s pizza) and 413 8th St. SE (Chipotle) that clearly demonstrated that the rats which burrowed on the back of 415 ate at Chipotle. Openings to the burrows at the back of 415 8th St. SE popped up on the 7th Street side of the fence in the garden of our immediate neighbor 418/420 7th St. SE (The Prout building). The burrows got so bad that they spread to under our porch at 422 7th St. SE and the garden behind our adjacent property, 424 7th St. SE. Along with our other neighbors Linda Elliott, Linda Young, and Katherine Szafran, we have spent many hours pouring the dry ice into these burrows to try to clear the problem.

In the 15 years since we bought our first property on the block, we have been part of the neighbors' effort to work together with the restaurant owners on 8th street and our ANC to implement best practices to mitigate the adverse impact of restaurants on their neighbors, including in particular indoor trash and recycling storage and control of grease and cooking odors to remove rat-attracting odor and food and grease particulate from kitchen exhaust. A number of establishments on Barracks Row have adopted these practices.

All of this is to illustrate why we fully and wholeheartedly supported the conditions of agreement negotiated between the neighbors and &Pizza in 2014 and 2016 (an effort I was deeply involved in) and those negotiated with Chipotle in 2021. All of these conditions were incorporated into the BZA's orders extending both &Pizza's and Chipotle's fast-food exception. Similar best practices condition were negotiated by several of my neighbors and Taco Bell in 2024. They were also incorporated into the BZA's order granting its fast-food special exception. Those agreements went a long way toward addressing the root cause of the rat proliferation, by eliminating the restaurants' outdoor trash and recycling storage, which inevitably created a plentiful food source for rats, and requiring odor mitigation.

The implementation of the Chipotle and Taco Bell agreements following the BZA's orders in 2021 and 2024 (together with a similar, earlier agreement with &Pizza) have gone a long way to improve the situation on our block.

It is absolutely essential that Wingstop, which now seeks to operate a fast-food restaurant on the same block, be held to the same negotiated conditions that the BZA's orders have imposed on &Pizza, Chipotle, and Taco Bell. Were Wingstop permitted to operate a fast-food restaurant based a menu dominated by deep frying without regard to its agreement to adopt these conditions, all of the progress that has been made in recent years to rid the block of rodents and to reduce the restaurants' odor pollution would risk being undone. To its credit, Wingstop has worked with the neighbors on these issues and has accepted a set of conditions that require indoor trash storage and grease and odor control. If these conditions are not imposed by the BZA, the fast-food exception sought by Wingstop would have a serious adverse impact on the enjoyment of our properties and their value.

Ritu Upadhyay & Vinay Chawla

Owners, 422 7th St. SE and 424 7th St. SE, ritu_upadhyay1@yahoo.com

Jacquelyn V. Helm, 700 E Street SE

Living at 7th and E Streets, SE is a true delight. Restaurants and shopping abound; Eastern Market, Capitol Hill Arts Workshop, the Metro, and interesting and friendly neighbors round out this fantastic neighborhood. If this area is to continue to thrive, however, it will take the unified commitment of residents and businesses. We must support each other, be aware of our impacts on others, and come together to address problems as they arise.

It is in this spirit that I write in support of the conditions negotiated between Wingstop, the area residents, and our ANC concerning indoor trash/recycling storage, odor mitigation, and hours. I ask that the BZA adopt these conditions as mandatory.

This agreement represents exactly the type of cooperation and consideration between businesses and residents that we need and need to encourage. It is the culmination of many meetings, discussions, revisions, and reviews.

In particular, it addresses the very likely strong-rat attracting odor of exhaust from the deep fryers that Wingstop uses to produce its well-known wings. In addition to attracting odors, when this type of cooking exhaust enters the open windows of my home and hangs over my patio, it is truly disgusting and, I understand, unhealthy wholly apart from its rat-attracting qualities.

I believe Wingstop's agreement to install a pollution control unit will work in the best interests of all the parties and by incorporating it into Wingstop's fast food order, the BZA can ensure that Wingstop does not change its mind regarding its willingness to install this air cleaning device. Wingstop's request that you include the PCU and agreed upon indoor trash as a condition of its fast-food order stands as another example of how residents and businesses can work together to resolve issues.

Rats are not only unsightly and destructive; they carry disease. If the COVID-19 pandemic has taught us anything, it is that rodents not only carry disease, but can transmit disease to humans. I do not want our neighborhood to become the next epicenter of some rat transmitted disease. Nor do I want others to wonder why, if we knew about this problem, we just shrugged our shoulders and did nothing. The agreement before you does something. It is not a solution in and of itself, but is a great step forward that I believe will go a long way toward rat eradication. Please, join us in these efforts.

Jacquelyn V. Helm
Owner, 700 E Street SE, Jacquelyn.helm@gmail.com

Kristen Fenty, 426 7th Street SE

I have been the owner of 426 7th Street, SE since August 2005. I am grateful for and have participated in the community's long-term effort to keep rat intrusion at bay on our block. Over the years, I have come to have serious concerns about the sanitation practices of many restaurants, fast food or otherwise. It has been my experience that requiring restaurants to use indoor storage of trash and recycling is necessary to protect the residents and property values on our block.

In 2017, I lost tenants as a result of repeated rat intrusion. I spend \$340 per year on extermination services to prevent rodent intrusion of my garden, but it does not work in isolation. In the past, rodents drawn to restaurant trash and recycling that is stored outside, as well as greasy pungent cooking exhaust have readily worked their way onto my property. Three years, I paid \$600 for carpentry services to seal entry points. Other years, I have paid over \$950 to seal entry points.

Following the loss of my tenants in 2017, I demolished a deck to reveal a network of burrows leading to holes in my foundation. Realtors provided valuations of my property which were less than what I paid 12 years earlier. That year, I spent nearly \$100,000 restoring my foundation; repairing damaged wiring and insulation; and converting my exterior space to a rodent deterrent hardscape. I have sadly ripped out plants which were planted by a landscaper and undertaken every effort to keep my property rodent free.

My efforts will be in vain if performed in isolation. Residential neighbors cannot do it alone. Commercial property owners who rent to food establishments must do their part. Chipotle's initial experiment with an outdoor trash shed is good evidence that proper indoor storage of restaurant trash and recycling – such as the BZA ordered & Pizza, and subsequently Chipotle and Taco Bell, to undertake – is absolutely necessary to protect local residents. I am grateful that Chipotle was willing to admit that it was part of the problem and consequently joined the neighbors in asking that the Board impose eight conditions, including indoor storage of trash and recycling, as a prerequisite of extending their fast-food exception. In so doing, Chipotle and its landlord set the example that other landlords and restaurants need. Taco Bell came onto the block with a similar commit to do whatever was necessary to mitigate the impact of its operations on our block.

Wingstop must now be required to operate under the same standards with respect to indoor trash and recycling storage and odor control that its neighboring restaurants have applied. Unless the BZA incorporates the conditions negotiated between Wingstop and the neighbors (under the auspices of ANC 6B) any order granting a fast-food special exception, we will doubtless undo the progress that has been made on this block in recent years. Young children who live or attend school on our block deserve a safe, clean homes, classrooms, and outdoor environments. To that end, I ask the BZA to incorporate the agreed upon conditions in Wingstop's fast food exception.

Kristen M. Fenty, Owner of 426 7th Street, SE kristen.fenty@gmail.com

Kirk Beatley, 416 7th Street SE

I am writing in the expectation that the District of Columbia Board of Zoning Adjustment (BZA) will take into serious consideration all of the concerns addressed here regarding the fast food licensure requested by Emerald Wings, LLC and its landlord Douglas Development.

My family's home is located at 416 7th Street, SE, which is directly behind several of the 8th Street food establishments, including Chipotle and Taco Bell. My family has owned 416 7th Street, S.E., since 2008, and we spent over two years and several hundred thousand dollars to renovate and update our home. However, this has been "home" to family members for more than 120 years, since my great-grandmother purchased the house in 1903, and we expect to retain this home in our family for at least the next generation, if not longer. We share a common wooden fence with the Chipotle property directly behind us, which I installed in 2009 to enclose my property so my children and their friends could play in a safe and secure environment.

You cannot imagine how delighted my children were when learning about fast food establishments that would be opening on 8th Street, right behind our house, but even more unimaginable is the horror we felt when we realized that the garbage generated by that same fast-food establishment could create a new food source for huge, ugly, and very destructive rats that began roaming our yard, having burrowed under our wooden fencing and dug out burrows and dens in the same yard space where my children played with their friends. Of equal concern to the garbage available at Chipotle was the smell of stale deep fryer exhaust from Popeyes that did and does permeate the air and the near constant trash that is strewn about our community by those who eat their fast food on the street.

To prevent the rodents from burrowing into our property from the Eighth Street side of our block, we installed a cement block wall upon which we set the fence, but the rodents chewed through the openings between the fence slats, regaining access to our yard, and continued to burrow. My wife and I then coordinated with our residential neighbors, spending significant time and money attempting to eradicate these burrows. We were eventually forced to further alter our fence in a new effort to stop these rodents.

We have taken extraordinary steps to re-secure and protect our property from the discomforts experienced by too many fast-food establishments concentrated in a small area, but we are limited in what we can do as individual property owners. Consequently, we plead with you, *if you give Wingstop a fast-food license*, impose the conditions agreed to by Emerald Wings and the neighbors, including indoor storage of trash/recycling and installation of a PCU. These conditions are similar to ones the neighbors on this block have negotiated with other food establishments. They are a necessary expense of minimizing the adverse impacts of these types of restaurants on the residential property owners' use, enjoyment, and value of our homes and properties.

Kirk Beatley

Owner of 416 7th Street, S.E., kirkbeatley@gmail.com

David Momenian, 712-714 E Street SE

I am the owner of the property at 712-714 E Street SE. From 1986 until several years ago I owned and operated Hill Auto Repair in this building. I am now in the process of converting the building into 13 units of apartments, which I anticipate will be available for rental this year.

Since the time I began doing business in this square in 1986, the rat population has increased with the number of restaurants and fast-food facilities. I have had rats in the manhole in front of my shop, in the sewers, and in the back of my shop.

Until several years ago, the Chipotle restaurant (413 8th St SE) was a major contributor to the rat issues at the back of my shop. The rats got food at Chipotle. Often the door to Chipotle's trash shed was open, allowing easy access to the food in the often open trash cans. The rats spread from Chipotle and created large burrows at the back of 415 8th Street SE, and extended those burrows into the back of my shop, which adjoins 415 8th.

Fortunately, in 2021, Chipotle agreed to create an indoor trash room, and this condition was incorporated into the BZA's order extending Chipotle's fast-food special exception for an additional ten years. Conditions on the block, especially at the rear of my property, have improved markedly since then. Two years ago, Taco Bell's application for a special exception for its restaurant, immediately adjacent to Chipotle, was approved on the condition that it implement indoor trash storage and odor mitigation measures. Wingstop's application for a fast-food special exception raises the threat that this progress could be undone if it is not required to apply the mitigating conditions it has promised to its commercial and residential neighbors on the two blocks adjoining the 400 block of 8th St, SE.

When I began developing plans to convert my automobile repair shop's building into apartments, my plans included an indoor trash room. When, on initial review before ANC 6B, the commissioners suggested it was not large enough to accommodate the trash from the projected apartments, I had the architect enlarge it. I am concerned that, if each of us do not do our part to control the rat, odor, and noise issues on this block and the one on the other side of 8th St, it will be hard, if even possible, for me to rent my new apartments. Everyone living, working, and renting to others on these two block needs to work together to keep these issues under control. Otherwise, we will never be able to recognize the investment value of our properties.

David Momenian
Owner, 712-714 E Street SE
HillAuto12@gmail.com