

Letter in Opposition from Mike Warburton for Case 21462

Hello,

My name is Mike. I am Commissioner of Single Member District for 4C03 and am ANC 4C's chosen representative for this case regarding the Application of Thomas Jefferson Real Estate, LLC and Emerald Wings, LLC. ANC 4C and I oppose the relief requested by the Applicant. We do not want this fast-food establishment in our neighborhood.

Relevant Zoning Regulations

The affected Property is in zone NMU-7B/GA.

By H § 6008.1(d), fast food establishments are not permitted in this zone as a matter of right.

By H § 6009.1(c), fast food establishments may be permitted by Special Exception if they meet conditions of H § 6007.1(e).

By H § 6007.1(e)(2)(G), the Special Exception may only be granted if the fast food establishment will not, "become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions." The Zoning Regulations do not define a limit on what "other conditions" may include, so we use the Merriam-Webster definition of "conditions" which is "attendant circumstances".

By X § 901.2(a), any Special Exception should, "be in harmony with the general purpose and intent of the Zoning Regulations."

By G § 101.3(b), mixed-use zones are intended to, "Provide for a varied mix of residential, employment, retail, service, and other related uses at appropriate densities and scale throughout the city."

By G § 101.3(d), mixed-use zones are intended to, “Encourage safe and efficient conditions for pedestrian and motor vehicle movement.”

By G § 101.3(f), mixed-use zones are intended to, “Preserve and enhance existing commercial nodes and surroundings by providing an appropriate scale of development and range of shopping and service opportunities.”

By G § 101.3(g), mixed-use zones are intended to, “Ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces.”

By H § 101.2(a), a purpose of neighborhood mixed-use zones is to, “Provide for a varied mix of residential, employment, retail, service, and other related uses in the area.”

By H § 101.2(b), a purpose of neighborhood mixed-use zones is to, “Encourage safe and efficient conditions for pedestrian and motor vehicle movement.”

By H § 101.2(c), a purpose of neighborhood mixed-use zones is to, “Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services.”

By H § 101.2(e), a purpose of neighborhood mixed-use zones is to, “Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors.”

By H § 101.2(f), a purpose of neighborhood mixed-use zones is to, “Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement.”

By H § 800.1(a), a purpose of zone NMU-7B/GA is to, “Implement the objectives of the Georgia Avenue - Petworth Metro Station Area and Corridor Plan, approved by the Council of the District of Columbia, effective July 20, 2006 (Res. 16-686).” The neighborhood objectives in that plan are:

- Attract quality retail that serves neighborhood needs
- Strengthen existing businesses

- Provide opportunities for quality affordable housing and increase homeownership
- Provide opportunities for job training
- Improve neighborhood parking, traffic, and transit conditions and services
- Maintain and enhance neighborhood character

By H § 800.3, zone NMU-7B/GA is intended to, “to permit mixed-use development at a medium density with a focus on employment, including additional residential uses above commercial uses.”

By X § 901.2(b), any Special Exception should, “not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations.”

By X § 901.3, “The applicant for a special exception shall have the full burden to prove no undue adverse impact and shall demonstrate such through evidence in the public record. If no evidence is presented in opposition to the case, the applicant shall not be relieved of this responsibility.”

Evidence and Reasoning

H § 6007.1(e)(2)(G)

The Application has already generated objection from owners and residents of neighboring properties. ANC 4C received more communication about this Application than for any other new business since at least 2024. None of the communication was in support of the new business. 2 concerned residents live in the affected building. Uptown Main Street, a community organization that supports the neighborhood and hosts events like Petworth Porchfest, also expressed concern.

We know that fast food establishments are a significant cause of litter. A study from 2021, for example, found that more than half of all litter in the oceans comes from take-out items¹. It’s part of why DC has policies around Styrofoam packaging, plastic straws, and automatic inclusion of cutlery. A fast food establishment that offers no seating will almost certainly generate more litter than it would with seating. Extra materials, especially plastic

¹ <https://www.theguardian.com/environment/2021/jun/10/takeaway-food-and-drink-litter-dominates-ocean-plastic-study-shows>

bags, are required when packaging something for take-out or delivery. Take-out food, like wings, is often eaten in public, requiring public services to handle the trash that might have been collected by a dine-in establishment. This is particularly disappointing because there is a patio space attached to this commercial space that will remain unused.

The litter from a chicken wing establishment will include pieces and bones of chicken. Multiple neighbors have expressed concern for the safety of their pets, due to an increase in this kind of material around our streets. They are particularly worried about injuries from broken chicken bones.

Pursuant to Subtitle X § 901.3, the Applicant should cite evidence that take-out-only wing shops like theirs would not increase litter in the area.

Neighbors are concerned about the late operating hours, particularly during the work week. While the internal restaurant operations may not be very loud, the lack of seating will push customers into the street, where there is less sound protection for neighbors. With a delivery-heavy business model, there will be an increase in nighttime mopeds, which can often be louder than cars. Neighbors also worry about the light pollution from nighttime signage.

Pursuant to Subtitle X § 901.3, the Applicant should share the quantity of customers and delivery drivers they expect after 8 pm, how that number of customers and drivers will impact the local soundscape, and specific plans for mitigating light pollution.

Multiple neighbors have expressed strong concern about the odors from a fry shop. Odors from the Wendy's across the intersection are already pervasive in the area and any increase in cooking odors would further degrade the pleasantness of the neighborhood. While ANC 4C appreciates the Applicant's plans to vent all the odors through the roof of their building, neighbors remain skeptical of how much that will help.

Pursuant to Subtitle X § 901.3, the Applicant should prove the degree of odor mitigation from their plan at street and balcony levels.

Neighbors are concerned about the quality of the jobs at this business. The Applicant was not willing to guarantee that all employees would be paid the adult minimum wage for DC. This leads to significant concern for the well-being of child workers. The community wants our young people to be respected and supported, not exploited.

Pursuant to Subtitle X § 901.3, the Applicant should share their planned compensation structure and demonstrate that employees will not be paid differently due to their age.

Neighbors object to how this use will extract wealth from the community in the form of franchise fees and high profit margins. The Applicant expects about \$30-40,000 of revenue per week and a 5% franchise fee, which would translate to about \$80,000-\$100,000 per year leaving the community, before profits are calculated. The Applicant expects a profit margin in the teens, which would mean an additional \$200,000-\$400,000 extracted from the community per year.

Further, according to an analysis from Civic Economics, independent restaurants recirculate 64% of their revenue into the local economy, on average. Chain restaurants, however, recirculate only about 30%.² With anticipated annual revenue of perhaps \$2 million, this would mean an annual loss of about \$600,000 from our community when compared to an average independent restaurant with the same revenue.

Pursuant to Subtitle X § 901.3, the Applicant should demonstrate how they will offset their extractive business model and the corresponding financial losses to our community.

Neighbors are concerned about food waste from this establishment increasing the rodent population in the area. ANC 4C sought a commitment from the Applicant on this issue and the Applicant offered to pay for monthly rodent treatment. Neighbors expressed a desire for litter collection as well.

Neighbors are concerned about traffic efficiency and safety, due to the large amount of delivery orders expected at this business. The report from DDOT on this case notes a likely increase in vehicle trips and parking scarcity. The intersection of Georgia Ave & Randolph St already experiences double-parking on a near-daily basis due to the Safeway and ANC 4C respectfully suggests that DDOT is underestimating the impact on this intersection.

Further, the Applicant repeatedly sought to avoid responsibility for the behavior, such as double-parking, of the drivers they will use to deliver their products. Despite choosing a business model reliant on delivery, the Applicant wishes to externalize the responsibility of those deliveries onto workers who are often themselves victims of wage theft and other exploitation. DoorDash, for example, was fined \$17 million in 2025 for stealing tips.³

Pursuant to Subtitle X § 901.3, the Applicant should detail the quantity of delivery drivers expected throughout a day and provide a comparison to the amount of open parking typically available across the same timeline. The Applicant should also detail how they, not their workers, will take responsibility for preventing traffic issues caused by their deliveries.

² <https://www.civiceconomics.com/indie-impact.html>

³ https://www.democracynow.org/2025/4/24/headlines/doordash_workers_protest_food_apps_wage_theft_and_other_labor_violations

G § 101.3(b)

The requested use is not sufficiently varied from other uses in this area of the city. At least 12 establishments on the Georgia Ave corridor within a quarter mile of the affected Property already offer chicken wings: Honeymoon Chicken, Seta Oasis, America's Best Wings, Spice, Mama Tee's Kitchen, Mary's Bar and Grill, Pizza Hut, Safeway, Amen Cafe, Manny & Olga's Pizza, Southern Style Chicken & Waffle, and Dannie's Kitchen.

There are at least 6 establishments in the same area that I would consider fast food or adjacent: Wendy's, America's Best Wings, Pizza Hut, Safeway's deli (which serves fried chicken), Manny & Olga's Pizza, and Dannie's Kitchen.

There are at least 3 establishments that are national chains in the same area: Wendy's, Safeway, and Pizza Hut.

G § 101.3(d)

The requested use will do the opposite of encouraging safe or efficient traffic conditions, as noted by the report from DDOT.

G § 101.3(f)

The requested use will not enhance this commercial node, due to the prevalence of existing wing and fried chicken options. The requested use will not preserve this commercial node because it will threaten locally owned establishments; will underutilize the Property by keeping the patio empty; and will extract wealth from the community in the form of franchise fees, low wages, and high profit margins, as described for H § 6007.1(e)(2)(G).

G § 101.3(g)

The requested use will not support active use of public transportation because it will largely serve customers through delivery drivers.

H § 101.2(a)

Same as for G § 101.3(b).

H § 101.2(b)

Same as for G § 101.3(d).

H § 101.2(c)

Same as for G § 101.3(f).

H § 101.2(e)

Same as for G § 101.3(f), plus we are worried about the needs of our workers. Our workers need and deserve adequate compensation for their work. Fast food workers in 2018 were, “ranked third highest for SNAP enrollment rates out of all occupations.”⁴ Weighed against the 5% franchise fee and an anticipated profit rate in the teens, this use will not meet the needs of our workers.

H § 101.2(f)

Same as for G § 101.3(b) and G § 101.3(d).

H § 800.1(a)

The requested use does not further any of the objectives of the Georgia Avenue - Petworth Metro Station Area and Corridor Plan. Due to an extractive business model, low wages, traffic congestion, a limited menu, and no seating, this is not quality retail. It would threaten existing businesses. It would degrade traffic conditions. As a chain restaurant, it would detract from the neighborhood character.

H § 800.3

The requested use does not offer sufficient quality employment for a zone focused on employment.

X § 901.2(b)

The requested use would make neighboring uses less likely, due to the negative neighborhood impacts detailed in the sections above. Further, it is ANC 4C’s understanding that high rents are contributing to the many commercial vacancies in our area. We would like to see commercial rents come down, so that local businesses have a better chance of flourishing. An international brand might be appealing for the owner of 3831 Georgia Ave, but it will have negative effects on neighboring uses because other landlords will see this as a signal to hold out for similar tenants. This will continue the pricing out of local businesses and will incentivize a loss of neighborhood character & wealth.

⁴ <https://prismreports.org/2024/11/19/low-wage-workers-in-the-food-service-industry-cant-afford-to-eat/>

Conclusion

On behalf of ANC 4C and our local community, I ask the Board to deny the Applicant's Special Exception request.

The requested use has generated a large number of objections from the community, and the requested use would bring an extractive, unremarkable business to the community.

There are strong community concerns about the adverse impact of this use on our neighborhood, even after hearing the Applicant's proposed agreement. There are also many ways in which this use would run counter to the purpose and intent of zone NMU-7B/GA. The Applicant does not have a relationship with the community that might engender trust, and the Applicant was not willing to make sufficient commitments to the community to overcome that lack of trust. I and ANC 4C do not believe the Applicant can sufficiently offset their operating impact to bring the requested use into alignment with the conditions, character, needs, and intent of our neighborhood and zone. If this were a locally owned fast food establishment, or if our neighborhood lacked food options, then we might be willing to risk it. But taken together, the details of this Application led us to the conclusion that the requested use would be a net negative for our community; we hope the Board concludes the same.

Thank you,



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Background

- Why Are There So Many Shuttered Storefronts in the West Village? - <https://web.archive.org/web/20150525182755/https://www.newyorker.com/business/currency/why-are-there-so-many-shuttered-storefronts-in-the-west-village>

- Neighborhood-Level Analysis on the Impact of Accessibility to Fast Food and Open Green Spaces on the Prevalence of Obesity - [https://www.amjmed.com/article/S0002-9343\(19\)30747-8/abstract](https://www.amjmed.com/article/S0002-9343(19)30747-8/abstract)
- Fast Food - <https://foodispower.org/access-health/fast-food/>
- The American Dream Pyramid Scheme: How Franchise Corporations Extract Wealth From Small Business Owners While Dodging Worker Protections - <https://theequitybeat.com/franchise-pyramid-scheme-wealth-extraction/>
- Corporate Community Neglect - <https://renaygraced.substack.com/p/corporate-community-neglect>
- Locally-owned, independent businesses are the backbone of our local economy and the foundation of communities' unique culture. - <https://localbusinessinstitute.org/2025/02/locally-owned-backbone-of-economy/>
- Indie Impact Study Series - <https://www.civiceconomics.com/indie-impact.html>
- The pandemic has transformed America's dining landscape into an oligopoly dominated by chains - <https://thecounter.org/pf-changs-new-york-city-chain-restaurants/>
- The link between food and mental health - <https://www.apa.org/monitor/2017/09/food-mental-health>
- Are DoorDash and Other Delivery Apps Hurting Restaurants? - <https://knowledge.wharton.upenn.edu/article/are-doordash-and-other-delivery-apps-hurting-restaurants/>
- When Delivery Comes to Town: The Effect of Digital Distribution Platform Emergence on Industry Structure and Competition - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4051874
- The True Cost of Convenience - <https://www.eater.com/22228352/convenience-of-delivery-apps-destroying-restaurants-uber-eats-doordash-postmates>
- The Local Multiplier Effect: How Independent Locally Owned Businesses Help Your Community Thrive - <https://amiba.net/local-multiplier/>
- Takeaway food and drink litter dominates ocean plastic, study shows - <https://www.theguardian.com/environment/2021/jun/10/takeaway-food-and-drink-litter-dominates-ocean-plastic-study-shows>
- Low-wage workers in the food service industry can't afford to eat - <https://prismreports.org/2024/11/19/low-wage-workers-in-the-food-service-industry-cant-afford-to-eat/>
- DoorDash Workers Protest Food App's Wage Theft and Other Labor Violations - https://www.democracynow.org/2025/4/24/headlines/doordash_workers_protest_food_apps_wage_theft_and_other_labor_violations