

PROPOSED CONDITIONS

As requested by the Board, the Applicant is including a list of its proposed conditions in the first column. The second column cites the associated concern raised by the ANC, represented by Mr. Warburton, and the two members of the community who testified in opposition. The third column explains the Applicant’s rationale behind each condition and why each condition is sufficient to address the concern.

Proposed Condition	Cited Concerns, prompting condition	Explanation and Rationale for Condition
1. <u>Pest Control.</u> a. The Applicant shall maintain a pest control service arrangement providing, at a minimum, monthly extermination services — including treatment for insects, spiders, rats, and other rodents — performed by a licensed exterminator, at the fast-food establishment expense. b. The Applicant shall exercise care in its handling of garbage, waste, and refuse, and shall remove such materials from the building as frequently as necessary to prevent pests from entering the premises or surrounding areas. In the event pests are discovered in or about the premises that are reasonably attributable to the fast-food establishment operations, the establishment shall promptly take all commercially reasonable, necessary, and appropriate measures to address the issue.	Ex. 21: ANC Report - “An increase in the local rodent population” Ex. 30: Opposition from Greg Meeropool - “Acknowledging an existing rodent problem without presenting a mitigation strategy is not sufficient. The applicant has not demonstrated that this use will not exacerbate known sanitation issues.” Ex. 31: Comments from Chair Warburton - “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.” Hearing Testimony: Kendra Roesner (Summarized) - Expressed concerns regarding rodent issues associated with the proposed	There is currently no pest control service at this location. Any existing pest issue therefore predates Wingstop's occupancy and cannot be attributed to its operation. If anything, the proposed pest control condition would represent a net improvement over the status quo, not a response to a problem Wingstop created. At worst, its effect would be neutral. Yet the condition as drafted is more stringent than what would be imposed on a Starbucks, Dunkin, or full-kitchen restaurant occupying the same space, none of which would be subject to a comparable requirement.

	use, including concerns from the perspective of a dog owner.	
2. Grease Management and Odor a. The Applicant shall install and maintain a grease interceptor, grease trap, or equivalent system in accordance with applicable code requirements and shall ensure the regular collection and recycling of used cooking oil by a licensed third-party provider. b. Quarterly, the Applicant shall have hoods and exhaust systems inspected and serviced using commercially licensed providers.	Ex. 21: ANC Report - “Odors, even with roof exhaust” Ex. 31: Comments from Chair Warburton - “Multiple neighbors have expressed strong concern about the odors from a fry shop. Odors and any increase in cooking odors would further degrade the pleasantness of the neighborhood. While ANC 4C appreciates the Applicant 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.” Ex. 35: ANC’s presentation - “Odors are likely impact the homes above Safeway, right across the street” - “The mitigating factor of the Applicant’s ventilation plan is unproven, especially for residences at the same height as the exhaust.” Hearing Testimony: Kendra Roesner (Summarized) - Raised concerns odors, particularly in connection with activity on the building’s roof deck area.	From the Director of Construction, Jennifer Francis, who testified at the hearing: Our engineers work with the building department to design an appropriate exhaust system for every restaurant location, based on each building’s height, structure, and surrounding conditions. This reflects best practice, drawing on our engineers’ expertise together with DOB independent review. DOB has expertise in avoiding impacts such as odors, and works with us to arrive at a solution that satisfies all applicable legal requirements. We have done the same at our 8th Street (Capitol Hill) and 7th Street (Shaw) locations. At this site, the building’s height allows us to route the exhaust to the roof and vent at a high point, making this the appropriate solution here — a shorter building might have required additional structural measures, which the height of this building renders unnecessary here. Given the limited usable roof space at this location, the current design was the product of over a month of coordination between our engineers and the building department, and no additional mechanical equipment can

		be accommodated on the roof. <u>To provide further assurance, in good faith, the Applicant has also added a condition ensuring quarterly servicing of the exhaust system.</u>
3. <u>Trash Storage</u> a. The Applicant shall store all trash within the existing internal rear trash room and shall not utilize an exterior dumpster. b. The Applicant shall coordinate with the landlord, Thomas Jefferson Real Estate LLC, to ensure adequate trash storage capacity and odor control and maintain unobstructed access for rolling trash collection. c. Trash shall be collected four times per week, with the collection frequency reassessed after commencement of operations based on actual waste generation and operational experience.	Ex. 30: Opposition from Greg Meeropool - “Emerald Wings LLC / Wingstop acknowledged the existing rodent and trash issues, but did not explain how additional high-volume food waste will be handled, how food packaging will not end up on the street, or address late-night trash overflow.” Ex. 31: Comments from Chair Warburton - “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.” Hearing Testimony: Kendra Roesner (Summarized) - Noted that the existing trash area already experiences unpleasant odors and expressed concern that additional food waste could exacerbate those conditions.	Wingstop acknowledges that any use in this location will create some additional trash impacts compared to the current vacant use. Wingstop’s model intentionally avoids food waste. Wingstop’s operating model is intentionally streamlined and designed to minimize food waste. Chicken arrives pre-portioned from Wingstop’s supply chain, eliminating the need for on-site butchering, trimming, or bulk storage of raw proteins. Fries arrive frozen and pre-cut, removing the need for on-site produce processing. Because most ingredients aside from ancillary vegetables arrive in ready-to-cook form, there is no significant ancillary organic waste stream, such as protein trimmings, or potato peelings that would otherwise attract pests. This stands in contrast to a full-service kitchen, which must store, prep, and dispose of raw and perishable ingredients on-site, generating a

		materially higher volume and variety of food waste. This model is further reinforced by the carryout- and delivery-only format. With no seating and no dine-in service, there is no need to prepare food in advance of demand or hold prepared items for extended periods, since orders are cooked to order upon receipt. Because approximately 75% of orders are placed digitally, food preparation is closely synced to actual demand, further reducing the likelihood of overproduction and unused inventory. Wingstop would also like to avoid unpleasant odors from the trash room given they would also be tenants of the building and would be happy to discuss mitigation with the owner as noted in the condition. Currently, Wingstop's national brand standards are to double-bag contaminated waste (e.g. classic chicken wings) to prevent odors & pests, and the Applicant would like to note this should be very effective in minimizing trash odors. [also applicable to littering/loitering concerns, below] This Wingstop
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		location avoids concerns over lingering/loitering and eating in public. There is no seating, internal or external. Wingstop is different from other wing shops as it is known for its hand tossed and sauced wings. The wings are the base; the sauce is why people are ordering. There is a huge variety of sauces on the menu (from Hawaiian, Garlic Parm, Hot Honey). If someone is ordering from Wingstop, it is unlikely they are getting plain, un-sauced wings, or wings with no sauce. From a practical standpoint, the Wings are extremely saucy and would be nearly impossible to eat standing up in public. As noted in another condition, there will be no lingering/loitering signs.
4. <u>Anti-Littering Sign</u> The Applicant shall post and maintain at least one anti-littering sign on the property. 5. <u>Customer Trash Receptacle</u> The Applicant shall provide and maintain at least one trash receptacle in the customer waiting/pick up area.	Ex. 21: ANC Report - “Litter, due to no seating at the establishment” - “Safety hazards for dogs from discarded chicken bones” Ex. 30: Opposition from Greg Meeropool - The area has significant student foot traffic. Fast food locations become gathering points that generate extended loitering, noise, and litter”	Wingstop’s model intentionally avoids food waste. It is good for the business, the environment, and the community to do so. (See above) As noted above, the Wings are extremely saucy and would be nearly impossible to eat standing up in public. As noted in another

	Ex. 31: Comments from Chair Warburton - “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 items. 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 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.” - “Neighbors expressed a desire for litter collection as well” Ex. 35: ANC’s presentation - “Take-out & delivery packaging generates more waste than dine-in.”	condition, there will be no lingering/loitering signs.
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	- “The Applicant has not offered any meaningful solution to increased litter, or evidence that litter will not increase.” Hearing Testimony: Kendra Roesner (Summarized) - Expressed concerns regarding potential litter issues associated with the proposed use, including concerns from the perspective of a dog owner.	
6. <u>Community Point of Contact</u> a. The Applicant shall designate a local point of contact for ANC 4C and surrounding neighbors to address operational questions or concerns. b. The Applicant shall respond to inquiries within a reasonable timeframe and shall make reasonable efforts to meet informally with community members to discuss and resolve concerns that are not otherwise addressed.	Ex. 31: Comments from Chair Warburton - “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.” - “If this were a locally owned fast food establishment, or if our neighborhood lacked food options, then we might be willing to risk it” Hearing Testimony: Chair Warburton - “Since we have this opportunity to push back against an international billionaire owned chain coming in and extracting at least \$500,000 per year from the community.”	Emerald Wings is an independent Wingstop franchisee, and Saad Usman is one of its owners; he is not the owner of Wingstop, the national brand. Mr. Usman has participated in multiple meetings with the ANC, as well as a separate one-on-one meeting with Mr. Warburton, to listen to community concerns and identify reasonable accommodations. The Applicant has incorporated the requested operational commitments into its proposed conditions in a good-faith effort to address those concerns. To the extent there remains an objection based solely on the Applicant not being a locally owned business, that is not a concern the Applicant can meaningfully address.

		If the only means of overcoming that concern would be to provide financial contributions or payments, that is not an appropriate basis for evaluating this application. Instead, the Board should evaluate the application based on the merits of the proposed use, the conditions voluntarily offered by the Applicant, and the evidence demonstrating that the use will not create adverse impacts on the surrounding neighborhood.
<u>7. Time Limitation</u> Approval of the special exception to allow a fast-food establishment on the first floor commercial space of the existing building shall be for a term of ten years beginning on the date when this order became final.	ANC requested a three year time limit.	The Board's minimum time limits, even in the most impactful cases, are 5-7 years. The Applicant is requesting 10 years, consistent with the other location (at the suggestion of that ANC which has quite the expertise with fast-food uses). A ten-year term is also consistent with the Applicant's long-term commitments under both its lease and its franchise agreement. Given the substantial capital investment required to develop and operate the Premises, a ten-year approval period provides the certainty necessary to justify that investment while remaining entirely consistent with prior Board approvals.
<u>8. Hours of Operation</u>	Ex. 31: Comments from Chair Warburton	This explanation also applies to noise, too. The Applicant does not

The hours of operation shall not exceed 10:00 a.m. to 3:00 a.m., seven days a week.	- 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. - Mr. Meeropol (the adjacent business owner with salon/retail uses, requested that the hours be restricted to 10pm)	anticipate an intense volume of in-person customers going out of their way for Wingstop by exiting the Georgia Avenue Metro late night. But there are multiple apartment buildings in the area, there are likely many people coming home from work or visiting friends—those people are probably coming back to the area disappointed the only food option is Wendy's. This is not a particularly bar-heavy area so we don't anticipate lots of late night boisterousness. There is one small bar in the area and that happens to not serve food, closes at 2am, so maybe someone goes there and on the way home stops by Wingstop. To the extent any patrons stop at Wingstop on their way home, they would typically do so briefly to pick up food before leaving the area. The Applicant does not expect prolonged gathering or loitering. At most, the later hours will generate a few additional vehicles per hour, using dedicated pick-up spots designed for quick turnover consistent with the businesses' respective operating models. Georgia Avenue is a major
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		commercial corridor, and this modest increase will not rise to the level of an undue or excessive impact. DDOT itself, in reviewing the proposed hours, found only a minor increase in traffic. Accordingly, extending operating hours is expected to generate only a modest number of additional transactions during the late-night period, likely delivery orders—far from the level of activity that would materially affect surrounding properties. <u>But those incremental customers provide meaningful economic benefits by supporting local employment, improving the viability of a business in a corridor with numerous vacant storefronts, and expanding late-night dining options for neighborhood residents, all without creating undue adverse impacts.</u> The Premises is located on a commercial corridor where the ground-floor uses are overwhelmingly retail and service businesses. Wingstop's operation is fully consistent with those existing commercial uses and is no more intensive than other quick-service
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		restaurants operating nearby. While residential units exist above portions of the corridor, an occupied business with employees on-site, exterior lighting, and security cameras provides additional "eyes on the street" during late-night hours, which can enhance activity and safety compared to a vacant storefront. The Applicant has sought to balance operational needs with neighborhood concerns and is willing to work with the Board on a reasonable compromise. Specifically, if the Board believes it appropriate, the Applicant is willing to reduce its closing hours to 2:00 a.m. Sunday through Thursday, while maintaining its requested weekend hours, demonstrating its good-faith commitment to working collaboratively with the Board and the community.
9. <u>Noise</u> The Applicant shall conduct its operations and maintain all equipment associated with the premises such that sound originating from the premises does not exceed 55 decibels inside any nearby residence, as measured with the doors of both the premises and the residence closed.	Ex. 21: ANC Report - "Nighttime noise from guests" Ex. 31: Comments from Chair Warburton - "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" Ex. 35: ANC's presentation	See above.

	- “Walk outs are likely to be loud at night” - “Delivery drivers are likely to use mopeds, which are often louder than cars.”	
10. <u>Lighting</u> The Applicant shall make commercially reasonable efforts to shield and/or redirect exterior lighting fixtures away from residential windows, consistent with applicable law and the lighting necessary for safe operation of the premises.	Ex. 21: ANC Report - “Nighttime light from signage” Ex. 31: Comments from Chair Warburton - “Neighbors also worry about the light pollution from nighttime signage.” - “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.” Ex. 35: ANCs presentation - “lights are likely impact the homes above Safeway, right across the street”	The Applicant has noted its plan in this condition and has proffered this condition. In addition, the Applicant's national signage vendor will prepare the signage plans, obtain all required permits, and coordinate with the appropriate District agencies to ensure that all signage complies with applicable laws, regulations, and code requirements, including those governing illumination, placement, and design. Moreover, the proposed signage is modest in scale and is consistent with the character of the existing commercial corridor. Georgia Avenue already contains numerous illuminated business signs, including those for Wendy's and Safeway. Against that backdrop, the Applicant's signage is not expected to create any meaningful cumulative visual impacts or be obtrusive to the surrounding neighborhood. The overall effect will be negligible.

<u>11. Security</u> The Applicant shall provide one camera on the front exterior and one camera on the rear interior of the premises.	Ex. 30: Opposition from Greg Meeropool - “Emerald Wings LLC / Wingstop has failed address, crowd management, security presence & anti-loitering strategies” Hearing Testimony: Kendra Roesner (Summarized) - Expressed personal safety concerns, particularly as a woman, stating that she avoids Wing establishments due to concerns regarding loitering and related activity.	The testimony was vague as to whom they anticipate frequenting this restaurant at night with malintent and loitering. But Wingstop and the community are on the same side of not wanting to have anyone feel unsafe in or in front of its establishment. It would be antithetical to Wingstop’s goal of selling food if people felt it was unsafe coming in and ordering food. And again, an active use with video camera and eyes on the street is objectively safer than a vacant storefront.
<u>12. Traffic, Delivery Management, and DDOT Coordination</u> a) The Applicant shall, where delivery platforms allow, include pickup instructions encouraging delivery drivers to comply with all applicable traffic and parking laws and to avoid obstructing travel lanes, sidewalks, driveways, and neighboring properties. b) The Applicant shall continue to work with District Department of Transportation (“DDOT”) options for installing additional bike rack infrastructure and/or converting the	Ex. 21: ANC Report - “Traffic danger & congestion from delivery drivers, due to a delivery-heavy business model, at an already busy intersection which hosts a Safeway and a Wendy’s” - “The existence of another fast-food establishment (Wendy’s) on the same intersection” Ex. 30: Opposition from Greg Meeropool - “There is no dedicated loading zone at Georgia Ave & Randolph St, and no evidence of one being proposed.” - “The block already experiences frequent double parking for Safeway and nearby retail & high congestion	The Applicant explained the following at the ANC meeting AND provided this in its agreement with the ANC as an explanation of EXACTLY how the timing for orders works: <i>Emerald Wings notes that Wingstop's peak order volume is anticipated on Friday and Saturday evenings between approximately 7:00 p.m. and 9:00 p.m., with typical order turnaround times of approximately ten minutes. Third-party delivery platforms generally dispatch drivers based on their own</i>

existing pay to park area on the north end of the 3800 Block of Georgia to 10-minute parking in an effort to reduce alley and intersection congestion. Emerald Wings will provide ANC 4C with an update on those discussions within ninety (90) business days of opening. c) The Applicant will adopt and maintain written policies, and will train its employees, so that orders are not knowingly handed to, and deliveries are not knowingly accepted from, any person whose vehicle is stopped in an active travel lane of Georgia Avenue, NW. Emerald Wings will ensure that its employees are reasonably able to observe the area of Georgia Avenue, NW immediately in front of the premises, whether through the storefront windows or an interior camera, in support of this commitment.	due to Metro proximity and bus traffic” - “A Wingstop will significantly increase DoorDash/Uber Eats clustering, short-term parking turnover & illegal stopping in travel lanes” - “The applicant (Emerald Wings LLC / Wingstop) has not provided a credible delivery or curbside management plan. Without a designated loading zone, delivery drivers will predictably double park on an already congested corridor.” - “The applicant (Emerald Wings LLC / Wingstop) has delivered no quantified delivery estimates, no staging plan and no curbside management strategy” Ex. 31: Comments from Chair Warburton - “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	<i>proprietary systems, with drivers typically arriving near the anticipated completion time of an order rather than immediately after it is placed. In the case of DoorDash, Wingstop is further incentivized to place food in the hands of a delivery driver within 120 seconds of that point. As a result, delivery drivers typically spend only a brief period at the premises, reducing the likelihood of vehicles lingering or contributing to congestion. (Ex. 27)</i> The Applicant also notes that Mr. Meeropol's business, SOKIM Salon Studios, located directly across the street, closes at 6:00 p.m. or earlier every day. By contrast, Wingstop's business is concentrated during the dinner and late-evening hours as of the time of this application. As a result, there is expected to be minimal overlap between customer traffic associated with many businesses in the area, further reducing the likelihood of any meaningful cumulative traffic or parking impacts. Additionally, the Applicant has met and will continue to meet with DDOT. DDOT is the traffic and
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	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” - “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.” Ex. 35: ANC’s presentation - “DDOT acknowledges that the proposed use will likely degrade traffic conditions. And ANC 4C believes that DDOT is under-estimating the impact of the proposed use on this area.” - “Safeway customers regularly double-park immediately across from the Property.”	transportation expert that reviews these cases. They have confirmed that as part of the changes they are making to the Georgia Avenue bus lane, they are recommending “converting the existing pay-to-park spaces on the North end of the 3800 block of Georgia Avenue to Short-Term Parking (10-minute parking).” And have noted “mopeds and motorcycles will still be able to use the short-term zone, so we anticipate this solution will still accommodate the needs of the block.” Therefore, that will be the dedicated loading zone. The condition also details how employees will handle delivery orders. Also, the chair’s testimony ignores the word “minor” in DDOT’s report. Minor impacts. The regulation does not require there be “zero” impact. Additionally, the proposed use is not anticipated to create any meaningful incremental increase in delivery vehicle traffic. The opening of a single Wingstop location will not
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	- “Due to increasing density, street parking is becoming more in-demand.” - “The Wendy's & its drive-thru regularly cause congestion in the intersection as drivers enter and exit.” - “We support the upcoming bus lane on Georgia Ave and do not want delivery drivers tempted to park in a way that disrupts bus movement and wastes the City's efforts to improve bus efficiency.” - “The proposed use is oriented around delivery driving, which is contrary to active use of public transportation. The proposed use will threaten the efficiency and safety of the upcoming Georgia Ave Bus Lanes.”	expand the overall fleet of third-party delivery drivers operating in the neighborhood. Instead, existing Uber Eats and DoorDash drivers already serving the area are likely to simply pick up orders from this location as part of their regular delivery activity. And this location, perhaps unlike some others, is working with DDOT to provide dedicate 10-minute parking spaces.
<u>Good Faith Compliance</u> The Applicant shall ensure that minor or temporary interruptions, maintenance activities, equipment repairs, or isolated incidents beyond the Applicant’s reasonable control shall not constitute a violation of these conditions, provided that the Applicant acts in good faith to comply with these conditions and promptly addresses any such matters.	Ex. 31: Comments from Chair Warburton - “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.”	
<u>MISC Items:</u> Not within Board’s purview BUT The Applicant shall work with charities or organizations identified by ANC 4C and		Information that was provided to the ANC prior to July 8 meeting (Ex. 27); this agreement was given to the ANC prior to the July 8 th meeting: <i>Emerald Wings and Wingstop are committed to being a positive</i>

provide information on how to apply for the grant program through Wingstop Charities.		<i>presence in the community. Wingstop Charities supports the neighborhoods Wingstop serves through grant programs focused on education, entrepreneurship, and community development. Wingstop also maintains the Wingstop Foundation, which provides team members with emergency financial assistance and scholarship opportunities, including the Morrison Family Scholarship Program for first-generation team members pursuing higher education. Beyond these programs, this project will create jobs and economic opportunity for residents of the surrounding community. Additional information about these programs is available at wingstopcharities.org/our-programs</i>
Other requested items: - ANC's authority to request contributions (See Exhibit A - OAG position) - Information from Landlord documenting attempts to find a tenant (See Exhibit B - Landlord Email)	ANC chair requested information about items such as donations, revenue share etc., and landlord efforts to find a tenant.	