7800 Alaska Avenue, NW

Washington, D.C. 20012 | Square 2960, Lot 818



BZA CASE NO. 21503

Special Exception — Fast Food Establishment

Zone: MU-4 ANC: 4A | Ward 4

APPLICANT'S TEAM

Martin Sullivan | Applicant's Counsel (Sullivan & Barros, LLP)
Saad Usman | Managing Member, Emerald Wings, LLC
Jen Francis | Wingstop Brand Manager, Emerald Wings, LLC

Applicants: Jemal's Gateway DC, LLC (Owner) and Emerald Wings, LLC (Tenant)

Board of Zoning Adjustment
District of Columbia
CASE NO. 21503
EXHIBIT NO. 28

Project Introduction

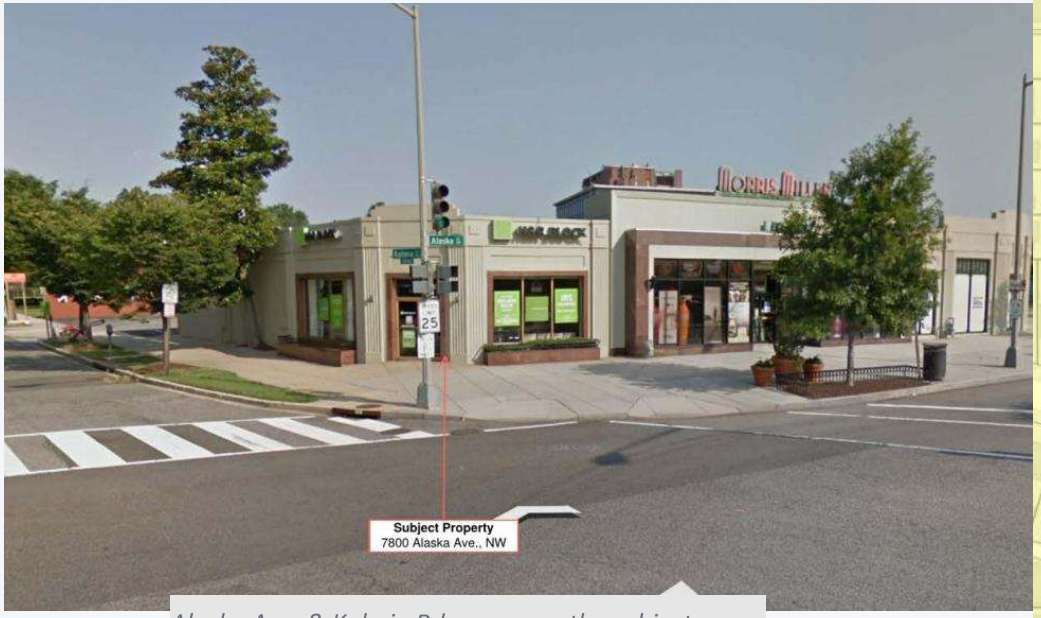
The Building	One-story commercial building within a larger shopping center.
The Space	1,873 sq. ft. corner tenant space at Alaska Ave. & Kalmia Rd. — most recently H&R Block.
Proposed Use	Wingstop — 34 dine-in seats plus carry-out and delivery; no alcohol; no drive-through
Hours	10:00 am – 1:00 am Sun.–Thu.; 10:00 am – 2:00 am Fri.–Sat. (agreed with ANC 4A); ~4–8 employees per shift
Location	Georgia Avenue commercial corridor at the D.C./Maryland line. Surrounding by surface parking | Walkscore 94



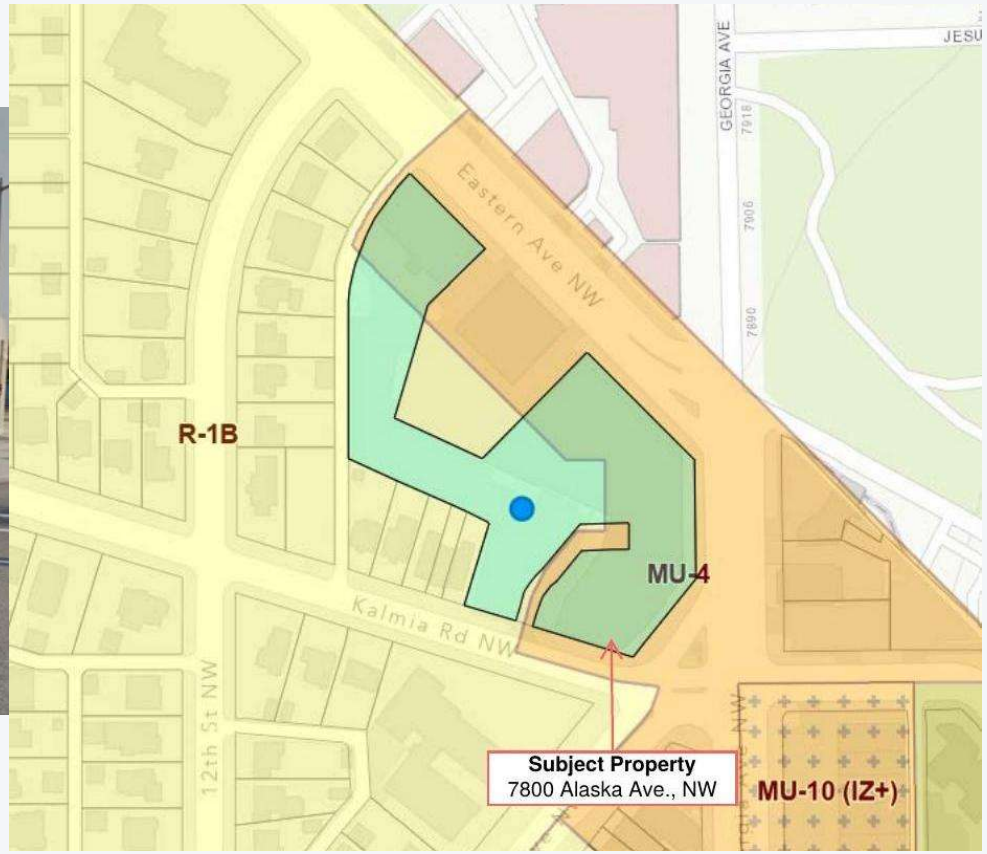
Representative Wingstop interior

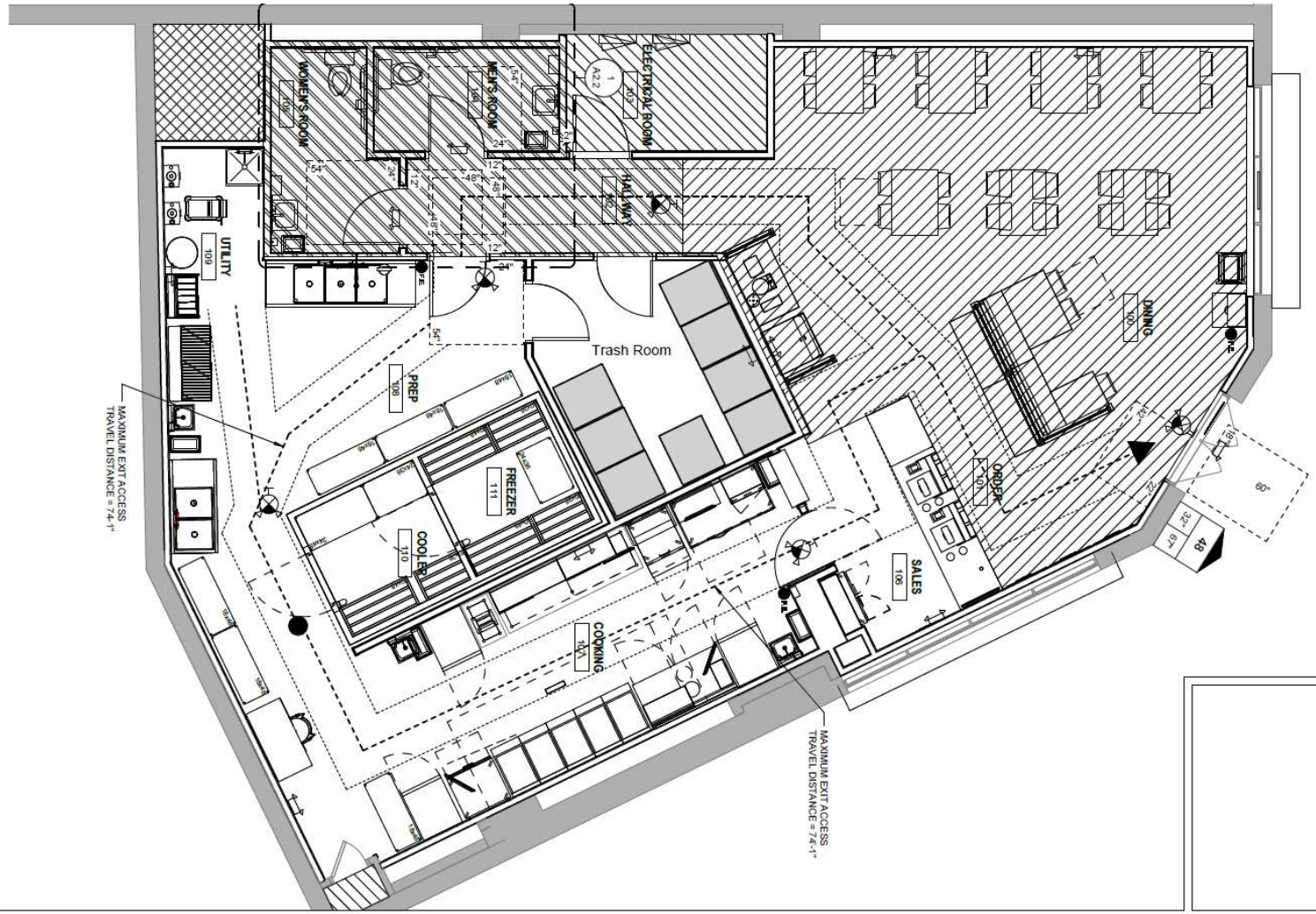
The Site

Alaska Avenue & Kalmia Road, NW — MU-4 Zone



Alaska Ave. & Kalmia Rd. corner — the subject space




WOMEN'S ROOM
MEN'S ROOM
ELECTRICAL ROOM
HALLWAY
UTILITY
Trash Room
PREP
FREEZER
COOLER
COOKING
SALES
ORDER
DINING
MAXIMUM EXIT ACCESS TRAVEL DISTANCE = 74'-1"
MAXIMUM EXIT ACCESS TRAVEL DISTANCE = 74'-1"



2 KEY PLAN

NOT TO SCALE

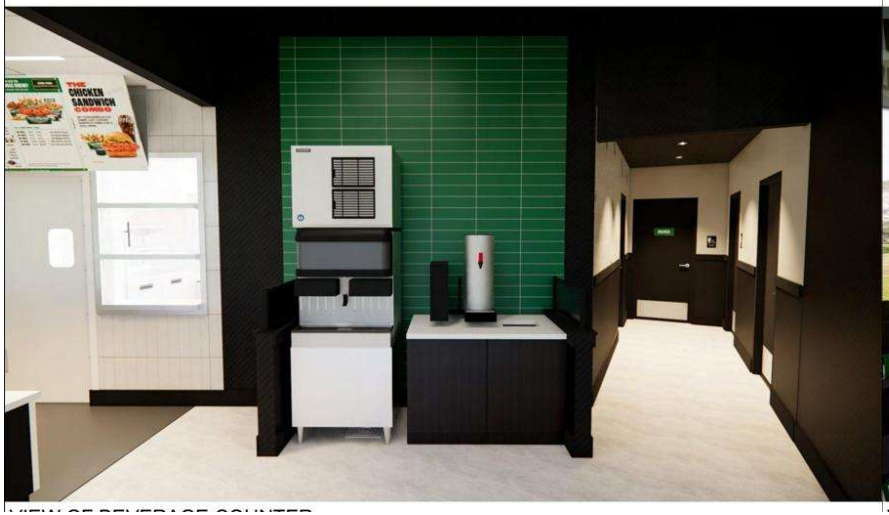
N



VIEW FROM FRONT DOOR



VIEW FROM SALES COUNTER





Proposed interior — Sheet A7.1



VIEW OF HALLWAY



VIEW FROM WALK-IN



VIEW OF COOKLINE



VIEW OF DISH ROOM

General Special Exception Review Standards

Regulation	Application
(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;	The MU-4 zone is designed to accommodate low- to moderate-density commercial uses serving surrounding neighborhoods, particularly along major roadways and commercial corridors outside the District's central core. The Property is located along Georgia Avenue, a priority commercial corridor, near other businesses and residences, with Eastern Avenue serving as a significant commercial artery along the DC-Maryland boundary. The existing one-story commercial building has an established commercial character, having most recently been occupied by H&R Block. The proposed fast food restaurant will replace a prior retail tenant with a use that is well-suited to the corridor, activates the space, provides employment opportunities, and serves the surrounding pedestrian, transit-accessible, and vehicular customer base. The high foot traffic along Georgia Avenue and the Property's Walk Score of 94 further support the suitability of the proposed use at this location.
(b) Will not tend to affect adversely the use of neighboring property; and	The Applicant has met with the ANC and worked collaboratively to develop conditions that address neighborhood concerns and ensure the proposed use is compatible with the surrounding community.

The Specific Conditions — Subtitle U § 513.1(e)

Fast food establishments

(1) If a single tenant in a detached building: 25 ft. separation from R, RF, or RA zones, and a brick wall along alley lot lines with a residential zone boundary;

✓ **Not applicable — one tenant in a multi-tenant building.**

(2) Any refuse dumpster used by the establishment shall be housed in a three (3)-sided enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face or be within ten feet (10 ft.) of a R, RF, or RA zone;

✓ **Trash kept inside the premises in rat-proof containers until collection; revised plans show interior trash storage.**

(3) The use shall not include a drive-through; ✓ **None proposed.**

(4) The 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;

✓ **Addressed by the conditions developed with ANC 4A — hours, noise, trash, pests, grease, and security.**

(5) The use shall provide sufficient off-street parking, but not less than that required by Subtitle C, Chapter 7;

✓ **No minimum for 1,873 sq. ft.; shared shopping-center lot behind the building.**

(6) No dangerous or otherwise objectionable traffic conditions;

✓ **~75% digital orders; overnight supply deliveries.**

(7) The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking, signs, trash collection, or any other matter necessary to protect adjacent or nearby property.

The Applicant accepts the conditions developed with ANC 4A as included in the ANC submission.

✓ **Each condition is met or not applicable — OP report, Exhibit 22**

Office of Planning and DDOT

Office of Planning

Recommends Approval — Exhibit 22

From the Report:

- The intent of the MU-4 zone is to provide low- to moderate-density shopping and business needs outside the central core with access to main roadways. A fast-food use in a one-story commercial building along Georgia Avenue meets that intent.

- Neighboring property is unlikely to be adversely affected. Trash and grease will be stored inside the building, and ventilation will exhaust above the roofline. Each U § 513.1(e) standard is met or not applicable.

DDOT

No Objection — Exhibit 21

From the Report:

- DDOT found the use may lead to a minor increase in trips and pick-up/drop-off activity. It expects this to be mitigated by patron and employee access to the parking lot directly behind the property.

Working With ANC 4A

What the ANC Asked — How the Applicant Responded

TOPIC	ANC 4A REQUEST	APPLICANT RESPONSE
Hours	Close at least one hour before Champion Kitchen	✓ Close by 1 am Sun.–Thu. and 2 am Fri.–Sat.
Supply deliveries	Avoid lot congestion and blocked street parking – overnight deliveries preferred	✓ Overnight deliveries, ~15 min.; park away from homes, keep noise down
Security	Exterior cameras with MPD access	✓ Exterior cameras; will endeavor to join DC Connect
Parking	Keep employees off residential streets	✓ Employees park at rear of lot, not on the street
Noise	Manage late-night noise	✓ Discourage noise from staff, drivers, and others late at night
Trash, pests & grease	Prevent a return of the rat problem	✓ Interior trash; pest control; DOH grease-trap upkeep
First responders	Discounts for MPD and DCFD Engine 22	✓ Will consider discounts for MPD and DCFD
Point of Contact	Contact information for neighbors in case issues arise	✓ Contact information has been provided and will be maintained

Proposed Conditions — Operations

Hours of Operation

Hours shall not exceed 10:00 am – 1:00 am Sunday–Thursday and 10:00 am – 2:00 am Friday–Saturday.

Deliveries and Parking

Deliveries – expected 2 to 3 times per week in the overnight hours. Pickup instructions direct third-party drivers to follow traffic and parking laws and not block lanes, sidewalks, driveways, or parking areas. Employees park at the rear of the lot, not on neighborhood streets.

Noise

The Applicant will discourage noise from employees, delivery drivers, and others, especially late at night.

Security

Exterior security cameras, which the Applicant will endeavor to connect to MPD's DC Connect program; anti-loitering signs if needed.

Proposed Conditions

Pest Control

Monthly licensed extermination; prompt action on any pest issue attributable to the restaurant; rat-proof patron trash receptacles in the lot, emptied in coordination with the landlord.

Grease and Odor

Code-compliant grease interceptor serviced at least quarterly; sensor-triggered used-oil pickup by a licensed recycler; hoods and exhaust serviced at least quarterly.

Trash and Litter

All trash kept inside in rat-proof containers until collection, at least three times per week; daily litter pickup around the premises; anti-littering signs and a customer trash receptacle.

Community Point of Contact

A designated liaison for ANC 4A and neighbors, with timely responses and informal meetings as needed.

Conclusion

- Every applicable standard of Subtitle X § 901.2 and Subtitle U § 513.1(e) is met or not applicable.
- The use fills an existing commercial space in an established shopping center — no new building area, no drive-through, and no parking requirement.
- The Applicant worked through each ANC 4A concern and agreed to conditions on hours, deliveries, parking, trash, pests, security, and noise.

The Applicant respectfully requests approval of Application No. 21503