SULLIVAN & BARROS, LLP
Real Estate | Zoning | Land Use | Litigation

Martin P.Sullivan
Direct: (202) 503-1704
msullivan@sullivanbarros.com

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Via IZIS

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

Re: Applicant's Response to ANC 4A's Condition List - BZA Case No. 21503 – 7800 Alaska Avenue, NW

Dear Members of the Board:

On behalf of the Applicant, we are submitting this response to the comments of ANC 4A on the Applicant's proposed conditions. The Applicant appreciates the ANC's continued engagement on this application. As the ANC notes, the parties agree on most of the proposed conditions. The Applicant has incorporated nearly all of the ANC's requested changes, and a revised set of proposed conditions is included at the end of this letter. The two remaining differences are the weekday closing time and the length of the term.

Status of the Rear Parking Lot

The ANC's letter states that uncertainty about the rear parking lot overshadows its assessment, and that it disagrees with the Office of Planning on whether the use could operate without the lot. Douglas Development, the property owner, has been contacted about this issue and has committed to following up with its zoning counsel to address the parking lot's approval. The ANC also notes that they do not wish any uncertainty to delay the processing of this application. The Applicant does not ask the Board to resolve the lot's status in this case. Any question about the lot's approval history is a matter for the property owner and this Board, eventually, when the property owner brings forth a special exception application to renew its previous approval to operate the parking lot.

The proposed conditions already address the ANC's concern directly. If the establishment loses access to the rear lot for any reason, including enforcement action by the Zoning Administrator, the Applicant must file an application with the Board to modify the condition within 30 days, with notice to ANC 4A. This ensures the Board and the ANC would review the operation again before it continues without the lot.

Board of Zoning Adjustment
District of Columbia
CASE NO. 21503
EXHIBIT NO. 38

Response to Each ANC Comment

The table below summarizes each item.

No.	Condition	ANC 4A Comment	Applicant's Response
1	Hours	Prefers 10 a.m.–midnight Sun–Thu; would accept 2 a.m. Fri–Sat with no walk-ins after 1 a.m.	Weekend hours agreed as filed. Applicant maintains 1 a.m. Sun–Thu (see below). The parties now agree on weekend hours. The ANC stated it would accept a 2:00 a.m. closing on Fridays and Saturdays if walk-in customers were not served after 1:00 a.m. The Applicant is comfortable with this condition. The only remaining difference on daily hours is the Sunday–Thursday closing time: midnight (ANC) versus 1:00 a.m. (Applicant). The ANC relies on the Wingstop order on Georgia Avenue (Case No. 21462). That order permits operation until midnight on weekdays and 3:00 a.m. on Fridays and Saturdays. The Applicant's proposal gives up one hour on weekends compared to that order, in exchange for one additional hour on weekdays. The Applicant believes this balance is consistent with the Board's prior approvals while reducing the latest weekend activity, which is when late-night noise is most likely.
2	Parking Lot	Acceptable if the lot is available.	Agreed. The 30-day modification requirement covers loss of access.
3	Supply Deliveries	Acceptable if deliveries in the rear lot occur 8 a.m.–9 p.m.	Agreed. Applicant shall request that deliveries be limited to 8 a.m.–9 p.m.
4	Delivery Drivers	Acceptable.	Agreed. No change.
5	Trash	Acceptable; collection 8 a.m.–9 p.m.	Agreed. Applicant shall request that collection be limited to 8 a.m.–9 p.m.
6	Litter	Specify streets; add anti-litter signage; keep the garden area clean and trimmed.	Mostly agreed. Streets and signage, maintenance added. Garden is not Applicant controlled.
7	Pest Control	Acceptable.	Agreed. No change.
8	Grease and Odor	Acceptable.	Agreed. No change.
9	Noise	Encourage employees, customers, and drivers to be considerate late at night.	Agreed. Added posted signage and a request in driver pickup instructions.
10	Security Camera	Exterior camera acceptable.	Agreed. No change.
11	Community Contact	Contact should address complaints and attend ANC 4A meetings as necessary.	Agreed. Added complaint response and meeting attendance on request.
New	Term	Initial term of 5 to 7 years.	Applicant maintains 10 years (see below).

Hours of Operation

The parties now agree on weekend hours. The ANC stated it would accept a 2:00 am closing on Fridays and Saturdays if walk-in customers were not served after 1:00 am. The Applicant is comfortable with this condition.

The only remaining difference on daily hours is the Sunday–Thursday closing time: midnight (ANC) versus 1:00 am (Applicant). The ANC relies on the Wingstop order on Georgia Avenue (Case No. 21462). That order permits operation until midnight on weekdays and 3:00 a.m. on Fridays and Saturdays. The Applicant's proposal in this case gives up one hour on weekends compared to that order (agreeing to 2:00 am instead of 3:00 am), in exchange for one additional hour on weekdays (1:00 am instead of 12:00 am). Alternatively, the Applicant would be agreeable to 12:00am Sun-Thurs/3:00am Fri-Sat as found in Case No.21462 but believes the 1:00am Sun-Thurs/2:00am Fri-Sat balance is consistent with the Board's prior approvals while reducing the latest weekend activity, which is when late-night noise is most likely.

Term

The Applicant requests a term of 10 years, consistent with the term approved for the Wingstop at 406 8th Street, SE in Case No. 21438. A ten-year term aligns with both the Applicant's lease term and its franchise agreement and reflects the Applicant's substantial investment in building out the space. The conditions also give the ANC ongoing tools to raise concerns: a designated community contact, quarterly communication, and attendance at ANC meetings on request. –

Revised Proposed Conditions

The Applicant proposes the following conditions, which supersede those filed on October 29, 2026:

1. **Term.** Approval of the special exception shall be for a term of ten (10) years, beginning on the date this order became final.
2. **Hours.** The hours of operation of the fast-food establishment use shall not exceed 10:00 a.m. to 1:00 am Sunday through Thursday and 10:00 am to 2:00 am on Fridays and Saturdays. On Fridays and Saturdays between 1:00 am and 2:00 am, the fast-food establishment shall not permit any walk-in orders but may accommodate mobile and online orders.
3. **Parking Lot.** Employees who drive to work shall park in the surface parking lot at the rear of the shopping center, outside of the area highlighted in yellow as the "Restricted Parking Area" on the site plan attached as Exhibit A. Employees shall not park in the Restricted Parking Area, on Kalmia Road, or on other neighborhood streets. If the establishment loses access to the rear parking lot, including as a result of enforcement action by the Zoning Administrator, the Applicant shall, within 30 days of being notified thereof, file an application with the Board to modify this condition, with notice to ANC 4A.

4. **Supply Deliveries.** Supply deliveries shall occur no more than three times per week and the Applicant shall request that deliveries occur between 8:00 am and 9:00 pm. Delivery vehicles shall be directed to park in the rear parking lot and not on Kalmia Road. The Applicant agrees to request its foodservice distributor to not park in the rear parking lot if deliveries take place overnight.

5. **Delivery Drivers.** On each third-party delivery platform that allows written pickup instructions, the Applicant shall instruct drivers to:

    a. Park in the rear parking lot;

    b. Not park or wait on Kalmia Road or other residential streets;

    c. Not stop in travel lanes, on sidewalks, or across driveways; and

6. **Trash.** All trash and recycling shall be stored inside the premises in rat-proof containers and collected by a private hauler at least three times per week. The Applicant shall request that trash be collected between 8:00 am and 9:00 pm. Trash shall not be placed outside the premises except during collection. The establishment shall not use any exterior dumpster.

7. **Litter.** At least twice daily, the Applicant shall pick up litter on the sidewalks adjacent to the premises, on Kalmia Road from Alaska Avenue to the parking lot driveway, and on Alaska Avenue from Kalmia Road to the Morris Miller (or future neighboring) store. The Applicant shall post signage discouraging littering inside and outside the premises, subject to applicable laws and regulations.

8. **Pest Control.** The Applicant shall maintain a contract with a licensed pest control company for service at least once per month.

9. **Grease and Odor.** The Applicant shall maintain a grease interceptor and kitchen hood and exhaust system, each serviced at least quarterly. Used cooking oil shall be stored inside and removed by a licensed recycler.

10. **Noise.** No speakers or amplified sound shall be permitted outside the premises. The Applicant shall post a sign at the entrance asking customers to be respectful of neighbors when leaving and shall instruct employees to keep noise to a minimum when arriving and leaving late at night.

11. **Security Cameras.** The Applicant shall install and maintain an exterior security camera covering the entrance.

12. **Community Contact.** Before opening, the Applicant shall give ANC 4A the name, phone number, and email of a designated community contact, and shall provide updated information within 10 days of any change. The community contact or their designee shall reasonably respond to community complaints, communicate with the ANC on a quarterly basis as requested, and attend ANC 4A meetings as reasonably requested.

Respectfully Submitted,

Martin P Sullivan

Martin P. Sullivan, Esq.
Sullivan & Barros, LLP

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2026, an electronic copy of this submission was served to the following:

D.C. Office of Planning
Philip Isaiah
philip.isaiah@dc.gov

Advisory Neighborhood Commission 4A

ANC Office
4A@anc.dc.gov

Paula Edwards, Chairperson & SMD
4A01@anc.dc.gov

Advisory Neighborhood Commission 4B (located across the street)

ANC Office
4B@anc.dc.gov

Shamina Christian, Chairperson
4B02@anc.dc.gov

Douglas Payton, SMD
4B01@anc.dc.gov

Respectfully Submitted,

Sarah Harkcom
Sarah Harkcom, Case Manager
Sullivan & Barros, LLP