

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Jemal's Gateway DC, LLC
7800 Alaska Avenue, NW (Square 2960, Lot 0818)

I. INTRODUCTION.

This Statement is submitted on behalf of Jemal's Gateway DC, LLC (the "**Owner**") and Emerald Wings, LLC (the "**Tenant**") (collectively known as and hereinafter referred to as the "**Applicant**") for the property located at 7800 Alaska Avenue, NW (the "**Property**").

The Property is located in the MU-4 zone and in the R-1B Zone. The portion of the Property being leased is located in the MU-4 zone. The Property overall is improved with a one-story commercial building (the "**Building**") which is part of a larger commercial shopping center. The Property was most recently occupied by H&R Block, a commercial retail/service use consistent with the MU-4 zone. The Applicant proposes to use the space for a Wingstop, a fast-casual restaurant specializing in chicken wings, tenders, sandwiches, fries, and related items, offering dine-in service with 34 seats and carry-out and delivery operations.

As described more fully below, the Zoning Regulations classify this use as a fast-food establishment, triggering the special exception requirement under U-513.1(e). Although Wingstop provides a fast-casual dining experience—with 34 seats and a full dine-in option in addition to carry-out and delivery—the District's zoning regulations treat food service operations whose preparation relies on pre-portioned, minimally processed ingredients as "fast food" regardless of the dining format. Because Wingstop's food preparation model meets that definition, special exception relief is required. The Applicant accordingly seeks special exception approval pursuant to U-513.1(e), which permits "fast food establishments or food delivery service eating and drinking establishments in any of the MU-4 zones, subject to the following conditions."

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the requested special exception relief requested pursuant to X-901.2 and U-513.1(e).

III. BACKGROUND.

A. Property Description and Proposed Use

The overall Property is a large commercial lot comprising 87,523 square feet of land area, located at the corner of Alaska Avenue and Kalmia Road. The Property is improved with a one-story commercial building and is part of a larger shopping center that includes Target and other established commercial tenants. The prior tenant in the subject space was H&R Block, confirming the long-standing commercial character of this location. The Property benefits from a large public parking lot at the rear of the shopping center, providing ample parking for patrons and employees. In addition, Eastern Avenue, which abuts the Property to the north, marks the boundary between the District of Columbia and the State of Maryland, meaning the Property sits at a major inter-jurisdictional commercial node. The Applicant intends to lease the commercial space at 7800 Alaska Avenue to Wingstop.

Wingstop is a nationally recognized quick-service restaurant brand operating through a franchise model. The proposed location will be operated by Emerald Wings, LLC, an authorized Wingstop franchisee.

The proposed hours of operation are 10:00 a.m. to 3:00 a.m., seven days per week. The restaurant does not serve alcohol and therefore is not expected to generate the types of impacts commonly associated with late-night entertainment uses. The restaurant is expected to employ approximately four to eight employees per shift, with approximately 15 to 20 employees' total.

The majority of orders are anticipated to be placed digitally. Typically, more than seventy percent (70%) of Wingstop orders are placed online, either for carry-out or through third-party delivery platforms such as DoorDash or Uber Eats, as well as Wingstop's white-label delivery platform, which is fulfilled through DoorDash. Wingstop does not employ its own delivery drivers.

The restaurant's food preparation process involves minimal on-site food preparation. Chicken products are delivered pre-portioned and are cooked on-site in fryers. Boneless chicken products and fries arrive frozen and pre-cut. Only limited items, such as ranch dressing and vegetables, are prepared on site, resulting in minimal food waste and limited food preparation activity.

The proposed use will involve a standard restaurant tenant fit-out within the existing commercial space, with no expansion of the building footprint. No exterior modifications are proposed aside from the installation of standard restaurant ventilation equipment and exterior signage consistent with zoning regulations.

B. Surrounding Area

The Property is situated at a significant commercial intersection. Abutting the Property to the north is Eastern Avenue, which serves as the boundary between the District of Columbia and the State of Maryland, positioning the Property at a high-traffic inter-jurisdictional commercial node that draws customers from both jurisdictions. Abutting the Property to the south are Alaska Avenue and Kalmia Road. Abutting the Property to the west is a group of residential row dwellings and detached single-family dwellings, separated from the commercial uses by the shopping center building itself. Abutting the Property to the east is Georgia Avenue, a major commercial priority corridor.

In terms of public transportation, the Property is well-served by public transportation. It is located directly adjacent to Georgia Ave., which is a priority corridor in the District. It is also located near several bus stops. The Property also has a Walkscore of 94, making the area extremely walkable. The Applicant anticipates that its customer base will primarily come from the immediately surrounding area.

IV. THE APPLICATION SATISFIES THE GENERAL AND SPECIFIC SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2 AND U-513.1(E).

A. General Special Exception Requirements.

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

The proposed use is consistent with the purpose and intent of the MU-4 zone, which is designed to accommodate active commercial uses along major corridors. Georgia Avenue is a priority commercial corridor, and Eastern Avenue—which forms the DC-Maryland boundary at the northern edge of the Property—is likewise a significant commercial artery serving customers from both jurisdictions. The subject space has operated as a commercial retail establishment, most recently occupied by H&R Block, confirming the site's established commercial character. Fast-casual restaurant uses are common and well-suited along this corridor, and the proposed use will replace a prior commercial tenant with one that activates the space more dynamically, offers employment, and serves the surrounding pedestrian and transit-accessible customer base. The high

foot traffic generated by Georgia Avenue and the Property's Walkscore of 94 further support this use.

B. Special Exception for 'Fast-Food'

The Applicant seeks special exception approval to operate a fast-casual restaurant under the 'fast food' use category as defined by U-513.1(e). As explained in the Introduction, Wingstop offers a sit-down dining experience with 34 seats alongside carry-out and delivery options. The Zoning Regulations' classification of this use as 'fast food' reflects the food preparation methodology—specifically, reliance on pre-portioned ingredients and fryer-based cooking—rather than the dining format. The Applicant addresses each applicable condition below:

(e) Fast food establishments or food delivery service eating and drinking establishments in any of the MU-4 zones, subject to the following conditions:

(1) If the use is a single tenant in a detached building:

A) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a R, RF, or RA zone, unless separated therefrom by a street or alley; and

(B) If any lot line of the lot abuts an alley containing a zone district boundary for a residential zone, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot;

This does not apply as this is not a single tenant in a detached 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;

There is a dedicated space at the rear of the Building for trash and recycling. Trash will be picked up no less than twice a week.

(3) The use shall not include a drive-through:

No drive-through is 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;

The proposed restaurant will be designed and operated so as not to become objectionable to neighboring properties. Wingstop is a fast-casual restaurant offering both dine-in service (34 seats) and carry-out and delivery operations. Although more than seventy percent (70%) of orders are placed digitally for carry-out or delivery, the restaurant functions as a conventional sit-down dining establishment as well, and will be operated accordingly.

The kitchen operations involve minimal on-site food preparation, and the majority of menu items are delivered pre-portioned and prepared through standard fryer equipment. Cooking ventilation will be routed along the exterior of the building and exhausted above the roofline in accordance with applicable building code requirements. The ventilation system will ensure that odors are properly mitigated and directed away from adjacent properties. Additionally, the use will not expand the amount of commercial space within the building, and restaurant uses are common along the Georgia Avenue corridor.

The proposed use does not trigger any parking requirement under the Zoning Regulations due to the size of the space. There is a parking lot directly behind the subject space which patrons and employees will have access to. It is a relatively large parking lot with ample parking generally available to the public. Moreover, the Property is located adjacent to the Georgia Avenue commercial corridor and within walking distance of multiple Metrobus routes.

The surrounding area is highly walkable, with a Walkscore of 94, and the Applicant anticipates that the majority of customers will arrive on foot or through delivery services. Approximately twenty-five percent (25%) of customers are expected to walk in, while approximately seventy-five percent (75%) of orders will be pick-up or delivery orders placed digitally.

(5) The use shall provide sufficient off-street parking, but not less than that required by Subtitle C, Chapter 7 to accommodate the needs of patrons and employees;

The proposed use does not trigger any parking requirement under the Zoning Regulations due to the size of the space (1,873 square feet). However, there is a large parking lot for the shopping center directly behind the Building which will be available for employees and patrons. The Property is also located adjacent to the Georgia Avenue commercial corridor and within walking distance of multiple Metrobus routes.

(6) The use shall be located and designed so as to create no dangerous or otherwise objectionable traffic conditions; and

The use will not generate dangerous or objectionable traffic conditions. Because more than seventy-five percent (75%) of orders are placed digitally for carry-out or delivery, vehicle traffic associated with the restaurant will be limited and transient in nature. The Property is also served by multiple Metrobus routes along the Georgia Avenue corridor, and with a Walkscore of 94, a meaningful share of customers are expected to arrive on foot or by transit. The large public parking lot at the rear of the shopping center will accommodate any vehicle trips that do occur without creating congestion or safety concerns.

(7) The Board of Zoning Adjustment may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property;

The Applicant will comply with additional conditions.

V. CONCLUSION.

For the foregoing reasons, the proposed Wingstop restaurant satisfies all applicable requirements for a special exception under Subtitle X § 901.2 and U-513.1(e). The use is consistent with the established commercial character of the MU-4 zone and the Georgia Avenue corridor, is compatible with surrounding properties, and meets each of the specific conditions set forth in U-513.1(e). Moreover, the proposed use will not tend to affect adversely the use of neighboring property because it will occupy an existing commercial tenant space within an established shopping center, utilize existing parking and access facilities, and require no expansion of the building footprint. The restaurant will also operate subject to all applicable District licensing, building, health, and life-safety requirements. Accordingly, the Applicant respectfully requests that the Board grant the requested special exception approval.

Respectfully Submitted,

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