

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Joshua Mitchum, Development Review Specialist
 Joel Lawson, Associate Director, Development Review
DATE: January 7, 2026

SUBJECT: BZA Application No. 21394: Request for special exception relief to permit a fast-food eating establishment in an existing, attached commercial building in the MU-4 Zone.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle G § 5201 and Subtitle X § 901

- **Special Exception Uses (MU-Use Group E), U § 513.1 (e)** (Fast-food use requires special exception)

II. LOCATION AND SITE DESCRIPTION

Address:	3287 ½ M Street NW
Applicant:	FC LLC c/o Zachary Williams
Legal Description:	Square 1206, Lot 833
Ward; ANC:	Ward 2; ANC 2E
Zone:	MU-4, Moderate-Density Mixed-Use
Historic District:	Georgetown Historic District
Existing Development:	The property is currently improved with a 3-story mixed use building.
Adjacent Properties:	The subject property is bounded to the north by attached residential dwellings in the R-3/GT Zone, to the south by mixed-uses in the MU-13 Zone, to the west by attached residential dwellings in the R-3/GT Zone and mixed uses in the MU-4 Zone, and to the east by attached residential dwellings in the R-3/GT Zone and mixed uses in the MU-4 Zone.
Surrounding Neighborhood Character:	The surrounding neighborhood can be characterized by moderate density mixed uses, which include restaurants and retail stores. The subject property and adjacent properties are located within the Georgetown Historic District.
Proposed Development:	The Applicant is proposing to establish and operate a fast-food restaurant in an existing, attached commercial building.

III. ZONING REQUIREMENTS AND RELIEF REQUESTED

MU-4 Zone	Regulation	Existing	Proposed	Relief
Density G § 201	2.5 3.0 (IZ)	Not given	No change	None requested
Height G § 203	50 ft. max. No story max.	Not given	No change	None requested
Front Setback G § 206	0 ft. min.	Not given	No change	None requested
Rear Yard G § 207	15 ft. min.	Not given	No change	None requested
Side Yard G § 208	0 ft. min. for non- detached or semi- detached single- family dwelling	0 ft.	No change	None requested
Lot Occupancy G § 210	60% max. 75% (IZ)	Not given	No change	None requested
Parking C § 701	1.33 spaces per 1,000 sq. ft. in excess of 3,000 sq. ft.	0 spaces	No change	None requested
Use U § 513	Fast-food use requires special exception	Vacant	Fast-food eating establishment use	Special exception requested

IV. OFFICE OF PLANNING ANALYSIS

Subtitle U § 513 SPECIAL EXCEPTION USES (MU-USE GROUP E)

513.1 The following uses shall be permitted if approved by the Board of Zoning Adjustment as a special exception pursuant to Subtitle X, Chapter 9 and subject to the applicable conditions for each use 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 (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 line 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 criterion is inapplicable, as the use is not a single tenant in a detached building.

- (2) Any refuse dumpster use 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;*

The Applicant states that refuse dumpsters will be located in a below-grade garage that is accessible to the subject property.

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

The proposed use does not include a drive-through.

- (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 use should not become objectionable to neighboring properties because of noise, sounds, odors, lights, or hours of operations.

The proposed hours of operation are 11:00am to 10:00pm Monday through Thursday, 11:00am to 2:00am Friday and Saturday, and 11:00am to 8:00pm on Sunday. These hours do not appear to be out of character with other similar uses in the surrounding M Street NW area.

Furthermore, no alcohol will be served, and trash collection will be administered in an existing garage that serves the subject property. Exterior amplified music has not been proposed.

- (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 Applicant will be providing no off-street parking spaces. Per Subtitle C § 701, eating and drinking establishments are required to provide 1.33 spaces per 1,000 square feet in excess of 3,000 square feet. The proposed use will be housed within a 1,678 square foot space; therefore, the use is not required to provide off-street parking.

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

The proposed use is designed in a way that should not create dangerous or otherwise objectionable traffic conditions. The Applicant states that it anticipates that most customers will visit the property by walking or by car, similarly to other businesses along M Street NW. The District Department of Transportation (DDOT) has indicated that it has no objections to the application as presented.

(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;

OP does not recommend special treatment in this case.

Subtitle X § 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The special exception, if granted, would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The MU-4 Zone is a moderate-density zone intended to permit a broad range of commercial, institutional, and multi-density residential dwellings. The proposed fast-food eating establishment would be established in an existing building and proposes no new exterior renovations.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The special exception, if granted, should not adversely affect the use of neighboring property. The proposed use, a fast-food eating establishment, is consistent with the character of M Street NW, and is not proposing hours of operation or construction that would adversely affect neighboring property.

(c) Subject in specific cases to the special conditions specified in this title.

The application satisfies the special conditions specified in Subtitle U § 513, as discussed earlier in the report.

V. OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) has indicated to OP that it has no objections to the subject application as presented. As of the date of this report, comments from other District agencies have not been submitted into the record.

VI. ADVISORY NEIGHBORHOOD COMMISSION

A report from ANC 2E indicating support for the subject application is in the record at Exhibit 18.

VII. COMMENTS FROM THE COMMUNITY

One letter from the community in opposition to the subject application has been submitted into the record as Exhibit 19.

Location Map

