

**BEFORE THE ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA**

**Z.C. CASE NO. 24-13
PREHEARING STATEMENT**

**ZONING MAP AMENDMENT
FROM THE MU-3A ZONE TO THE MU-7B ZONE**

**4301 NANNIE HELEN BURROUGHS AVENUE, NE
SQUARE 5094, LOT 104**

THE MCDONALD'S CORPORATION

February 7, 2025

Respectfully submitted by:

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Table of Contents

LIST OF EXHIBITSIII

I. INTRODUCTION4

II. COMPLIANCE WITH ZONING MAP AMENDMENT EVALUATION
STANDARDS.....4

III. SETDOWN RECOMMENDATION4

A. OFFICE OF PLANNING SETDOWN REPORT4

B. ZONING COMMISSION SETDOWN OF APPLICATION.....5

IV. COMMUNITY ENGAGEMENT UPDATE.....5

V. CONCLUSION.....5

Certification of Compliance
with Subtitle Z § 401 of the Zoning Regulations

Pursuant to 11-Z DCMR § 401.4, the undersigned, on behalf of The McDonalds Corporation (the “Applicant”), hereby certifies that the application and this supplemental filing comply with the provisions of 11-Z DCMR § 401.1 *et seq.* In accordance with Subtitle Z § 401.5, the application will not be modified less than thirty (30) days prior to the public hearing.

<u>Subtitle Z Subsection</u>	<u>Description</u>	<u>Exhibit</u>
401.1(a)	Information requested by the Zoning Commission and the Office of Planning	N/A
401.1(b)	List of witnesses prepared to testify on behalf of the Applicant	Exhibit A
401.1(c)	Written summary of witness testimony and the professional resume for any expert who may be called to testify	Exhibit B
401.1(d)	Additional information introduced by the Applicant	N/A
401.1(e)	Architectural drawings	N/A
401.1(f)	List of maps, plans, or other documents readily available that may be offered into evidence	Exhibit C
401.1(g)	Estimated time required for presentation of the Applicant’s case	Exhibit A
401.3(a) and (b)	Names and addresses of owners of all property within 200 feet of the Property and for each person having a lease with the owner for all or part of any building located on the Property.	Exhibit D
401.7	Transportation memorandum prepared by traffic consultant	N/A

List of Exhibits

- Exhibit A: List of witnesses and time requested for presentation
- Exhibit B: Outlines of witness testimony and resume of expert witness
- Exhibit C: List of maps, plans, or other documents readily available
that may be offered into evidence
- Exhibit D: List of names and addresses of all owners of property
within 200 feet of the property and of each person having a lease
- Exhibit E: Hearing Fee Calculator Form

I. INTRODUCTION

This Prehearing Statement and accompanying documents are submitted on behalf of The McDonald's Corporation (the "Applicant") in support of its application to the Zoning Commission for the District of Columbia (the "Commission") for a Zoning Map amendment from the MU-3A zone to the MU-7B zone (the "Application") for the property located at 4301 Nannie Helen Burroughs Avenue, NE (Square 5094, Lot 104) (the "Property").

II. COMPLIANCE WITH ZONING MAP AMENDMENT EVALUATION STANDARDS

As described in the Applicant's Statement in Support (Exhibit 3) and Comprehensive Plan Evaluation (Exhibit 3G), which were filed as part of the Application on October 21, 2024, the proposed Zoning Map amendment is not inconsistent with the Comprehensive Plan as summarized below:

- The Zoning Map amendment is not inconsistent with the Property's designation on the Future Land Use Map ("FLUM") as mixed-use Medium Density Commercial and Medium Density Residential, or with the Property's designation on the Generalized Policy Map ("GPM") as a Neighborhood Commercial Center and within a Resilience Focus Area.
- The Zoning Map amendment advances policies within the Far Northeast and Southeast Area Element of the Comprehensive Plan within which the Property is located, and supports numerous policies within the Citywide Elements, particularly the Land Use, Transportation, Housing, and Environmental Protection Elements.
- The Zoning Map amendment is not inconsistent with the Nannie Helen Burroughs Corridor Small Area Plan, which was approved by the D.C. Council in November of 2024, and which recommends increasing density in the area in which the Property is located.
- When analyzed through a racial equity lens, the proposed Zoning Map amendment creates favorable outcomes for all District residents.
- Any potential inconsistencies with the Comprehensive Plan are outweighed by other Comprehensive Plan policies or competing considerations.

III. SETDOWN RECOMMENDATION

A. Office of Planning Setdown Report

By report dated December 20, 2024, the Office of Planning ("OP") recommended that the Commission setdown the Application for a public hearing (the "OP Setdown Report"). *See* Exhibit 9. The OP Setdown Report confirmed that the Application would not be inconsistent with the Comprehensive Plan, including the GPM and FLUM designations, the Far Northeast/Southeast Area Element, and the Citywide Elements, and concluded that "[o]n balance, this proposal would not be inconsistent with the Comprehensive Plan." *See* OP Setdown Report, p. 1.

The OP Setdown Report also found that the Zoning Map amendment would be not inconsistent with a variety of other plans and public policies, including (i) the Nannie Helen Burroughs Corridor Small Area Plan, because it would "permit a higher amount of mixed-use development on a property on Nannie Helen Burroughs Avenue between Minnesota Avenue and

Division Avenue;” (ii) the Comprehensive Community Development Model because it would “allow for more density on th[e] site which could bring more housing and job opportunities to the area;” and (iii) the Deanwood Strategic Development Plan, because it would “allow more density for mixed use development on a site that is adjacent to the Marvin Gaye Park.” *Id.* at pp. 17-18. Finally, the OP Setdown Report included a racial equity analysis that evaluated the zoning action through a racial equity lens.

The OP Setdown Report did not request any additional information from the Applicant or raise any concerns regarding the Application.

B. Zoning Commission Setdown of Application

The Commission voted to setdown the Application for a public hearing at its public meeting on January 30, 2025. The Commission did not request any additional information from the Applicant at that time.

IV. COMMUNITY ENGAGEMENT UPDATE

The Property is within the boundaries of Advisory Neighborhood Commission (“ANC”) 7C and specifically within the jurisdiction of ANC 7C09. The Applicant has met with the community, including the ANC, on several occasions as follows:

- Prior to filing the Application the Applicant met with Commissioner Carrie Brown, the single member district (“SMD”) representative for ANC 7C09. During that meeting, the Applicant introduced the application and responded to initial questions.
- On January 30, 2025, the Applicant’s representatives made a presentation to the Executive Committee for ANC 7C.
- The Applicant is schedule to make a presentation at ANC 7C’s regularly scheduled public meeting on February 13, 2025.

The Applicant will continue to work closely with the SMD representative and the full ANC and will provide further updates on its community engagement prior to the public hearing on this application.

V. CONCLUSION

This Prehearing Statement and the materials filed in the case record meet the requirements for a contested case Zoning Map amendment application pursuant to Subtitle X, Chapter 5 and Subtitle Z of the Zoning Regulations. In light of the foregoing, the Applicant respectfully requests the Commission schedule a public hearing on the Application.