

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Leila Batties
202.419.2583
leila.batties@hklaw.com

Christopher S. Cohen
202.469.5127
christopher.cohen@hklaw.com

Madeline Shay Williams
202.469.5741
madeline.williams@hklaw.com

June 23, 2026

VIA IZIS

Zoning Commission
for the District of Columbia
441 4th Street, NW, Suite 200-S
Washington, DC 20001

**Re: Z.C. Case No. 25-16
Prehearing Statement of the Petitioner
Petition for a Text Amendment to Permit the Modernization of Existing
Fast-Food Establishments with Drive-Throughs as a Special Exception**

Dear Members of the Zoning Commission:

On behalf of McDonald's Corporation ("McDonald's" or the "Petitioner"), the Petitioner hereby submits this Prehearing Statement and accompanying exhibits (collectively, the "Prehearing Submission") for the above-referenced petition (the "Petition") pursuant to Subtitle Z §§ 500.15 and 501. At its public meeting on May 28, 2026 (the "Setdown Meeting"), the Commission voted to set down the Petition for a public hearing as a rulemaking case pursuant to Subtitle Z § 201.5(a). **Accordingly, the Petitioner respectfully requests that the Office of Zoning schedule a public hearing on the earliest available date.**

Pursuant to Subtitle Z § 1601.3, the Petitioner must pay a hearing fee of \$325 per section amended, up to a maximum of \$1,300. Because the Petition proposes amendments to nine sections, the total fee is \$1,300.¹ A check made payable to the D.C. Treasurer will be provided to the Office of Zoning under separate cover. A completed and signed Form 116 (Hearing Fee Calculator) is attached as **Exhibit A**.

¹ The Petitioner proposes amendments to Subtitle H §§ 6001.5 and 6007.1; and Subtitle U §§ 510.1, 511.1, 512.1, 513.1, 514.3, 517.1, 518.1, 519.1, and 803.2 (eleven (11) sections in total).

I. REVISED PETITION

In response to feedback from the Office of Planning (“OP”), the Petitioner submits an updated version of the proposed text amendment as **Exhibit B**. The Petition has been revised as follows:

- Amendments to Subtitle H §§ 6001.5 and 6007.1(e), consistent with the amendments to the Subtitle U, Chapter 5 (Use Permissions for Mixed Use (MU) Zones), in order to account for existing establishments with drive-through in the NMU zones;
- Removes unnecessary changes to Subtitle U §§ 515.1 and 516.1 because a fast-food establishment with a drive-through is already permitted as a matter of right in the MU-Use Group F zones.²
- Simplifies the Petitioner’s proposed amendment to Subtitle U § 519.1 by removing subsection (f) altogether, which currently prohibits drive-through operations as either a principal or accessory use in zones that fall under MU-Use Group G.

The proposed text amendments with the changes noted above, as reflected in Exhibit B, are hereinafter collectively referred to as the “Text Amendments”.

II. BACKGROUND

On September 8, 2025, McDonald’s filed the Petition to allow existing drive-throughs to continue with a new, modernized or expanded fast-food establishments. *See* Ex. 2-2B. The Text Amendments would permit such operations by special exception from the Board of Zoning Adjustment, particularly in the MU, NMU and PDR zones. Specifically, the Text Amendments address zoning constraints that treat many drive-through restaurants as legal nonconforming uses, which cannot be expanded or rebuilt under Subtitle C § 204. As a result, many older facilities cannot be rebuilt or modernized without a rezoning.

As stated in the original statement, the Petitioner believes the Text Amendments are appropriate for the following reasons:

- **Inefficiency of Dual Comprehensive Plan / Zoning Map Amendment Process.** In cases where a site must be rezoned to support a drive-through, the applicable zone district may also require a corresponding amendment to the site’s land use designation on the Comprehensive Plan Future Land Use Map. Securing both a Comprehensive Plan amendment and a Zoning Map amendment typically takes several years. For example, the Comprehensive Plan amendment application for the subject property in Z.C. Case No. 24-13 was filed in June 2017, the Council adopted

² In its Setdown Report, OP only identified § 515.1, but the proposed changes to § 516.1 should also be removed from the Petition. McDonald’s originally proposed a new Subtitle U § 516.1(k) to create a special exception pathway for fast-food establishments with drive-throughs in the MU-Use Group F zones. However, as OP noted, such uses are already permitted by-right in those zones, rendering the proposed changes to both §§ 515.1 and 516.1 unnecessary.

the Comprehensive Plan amendments in June 2021, and the Zoning Commission took proposed action on the Zoning Map amendment in April 2025.

- **Community Concerns Regarding Upzoning.** In Z.C. Case Nos. [22-19](#) and 24-13, community stakeholders supported rebuilding the existing McDonald's restaurants but expressed concern that upzoning the parcels could allow higher-density development as a matter of right in the future. Permitting a drive-through to continue after special exception approval addresses this concern.
- **Benefits of Modernization and Community Reinvestment.** Many fast-food restaurants have been long-term community stakeholders—employing neighborhood residents, serving as gathering spaces, and supporting local programs. Creating a more efficient entitlement process for the continued use of upgraded facilities promotes reinvestment in the community, enhances employee and customer experiences, and improves neighborhood aesthetics.

See [Ex. 2](#) at p. 2. The original statement also cites the Zoning Map amendments approved in Z.C. Case Nos. 24-13 and 22-19 as evidence of the inefficiency of the current entitlement process to rebuild existing fast food establishments.

III. OFFICE OF PLANNING SETDOWN REPORT

OP filed a setdown report on May 18, 2026, recommending that the Commission set the Petition down for a public hearing. See [Ex. 9](#) (the "Setdown Report"). OP concluded that the Petition is not inconsistent with the Comprehensive Plan maps, Citywide policies, or Area Elements when relevant, including when viewed through a racial equity lens.

In identifying relevant Land Use policies, OP found that "[p]ermitting existing drive through-establishments by special exception approval would allow them to be rebuilt and upgraded within what is appropriate to local conditions." With respect to the Transportation Element, OP noted that "[d]rive-throughs are also often located in areas with limited walkability and transit services...[so] allowing these establishments to be upgraded...would help ensure that residents can continue to rely on these neighborhood businesses." See Setdown Report at 8–9.

OP also recommended removing the proposed changes to Subtitle U § 515.1, noting that fast-food establishments with drive-throughs are already permitted as a matter of right in the MU Use Group F zones and that the proposed text would therefore be more restrictive. See Setdown Report at 1; Ex. 2 at 4–5. The Petitioner concurs with OP's suggestion. As discussed in Section I above and reflected in Exhibit B, the Text Amendments to Subtitle U §§ 515.1 and 516.1 are now removed from the Petition. The revised Petition also proposes a simpler change to Subtitle U § 519.1 by removing subsection (f) altogether. McDonald's will continue to coordinate with OP and refine the Text Amendments as needed.

OP also requested an update on community outreach if the Commission set down the Petition for a hearing. An update is provided in Section V below.

IV. RESPONSES TO COMMENTS FROM THE ZONING COMMISSION

At the Setdown Meeting, the Commission noted OP's request for information regarding the Petitioner's community outreach and made the same request of the Petitioner given the citywide implications of the proposed text amendment. An update is provided in Section IV below.

V. UPDATES ON COMMUNITY OUTREACH

According to OP, the Text Amendments would be applicable to the fast-food establishments at the following locations (SMD and current zoning indicated in parenthesis):³

- 2334/2328 Georgia Avenue, NW (1E07; MU-10)
- 3900 Georgia Avenue, NW (4C02; NMU-7B/GA)
- 7425 Georgia Avenue, NW (4B01; MU-4/R-2)
- 5200 Georgia Avenue, NW (4E03; MU-4)
- 3200 Bladensburg Road, NE (5C02; PDR-1)
- 1539 Pennsylvania Avenue, SE (6B09; MU-4/RA-2)
- 1401 Maryland Avenue, NE (6A06; NMU-4/H-A)
- 1635 Benning Road, NE (7D06; MU-5A)
- 601 Malcolm X Avenue, SE (8C03; MU-4)

A chart with the ANC information for each of these sites is attached as **Exhibit C**.

Undersigned counsel has sent a letter to the ANC for each site summarizing the Text Amendments. Also, the email offers to present the Petition to the ANC at its regularly scheduled meeting in July. Copies of the emails and letter sent to the ANCs are attached as **Exhibit D**.

The Petitioner will file a supplemental prehearing submission, no later than 30 days prior to the public hearing in accordance with Subtitle Z § 401.5, providing an update on these outreach efforts, including any feedback received from the ANCs.

VI. SUPPLEMENTAL FILING REQUIREMENTS

The Petitioner provides the following information in accordance with Subtitle Z § 501.1. A Certificate of Compliance, certifying that all requirements of that section have been satisfied, is attached hereto pursuant to Subtitle Z § 501.2.

- **Subtitle Z § 501.1(a):** *Any additional information, reports, or other materials specified by the Commission at the time the matter was set down for public hearing; or, if the Commission requested the petitioner to make any changes in the petition, the updated petition and supportive material;*

³ For those properties listed below that have split-zoning, the existing establishment with the drive-through component only occupies the MU-zoned portion of the property.

In light of OP's recommendation, McDonald's submits an updated Petition that removes the proposed amendments to Subtitle U §§ 515.1 and 516.1. The updated Petition also simplifies Subtitle U § 519.1 by removing subsection (f) and amends Subtitle H §§ 6001.5 and 6007.1(e) to account for existing establishments in certain NMU zones. These revisions are shown in Exhibit B.

- **Subtitle Z § 501.1(b):** *A list of witnesses who are prepared to testify on the petitioner's behalf;*

At this time, the Petitioner does not intend to present any individuals as witnesses during its direct presentation.

- **Subtitle Z § 501.1(c):** *A written summary of testimony of all witnesses or of the written report, and a complete and professional resume for any expert who may be called to testify at the public hearing, or made available to answer questions;*

At this time, Petitioner is not proffering any expert witnesses to testify on its behalf at the public hearing.

- **Subtitle Z § 501.1(d):** *Any additional information, reports, or other materials the petitioner may wish to introduce;*

The Petitioner is not introducing any additional information, reports, or other materials in support of the Petition.

- **Subtitle Z § 501.1(e):** *Reduced architectural plans, which plans shall be no larger than the tabloid size of eleven inches (11 in.) by seventeen inches (17 in.), that show the "north arrow" reading up, and that include a bar scale;*

Not applicable. There are no architectural plans being submitted with this Petition.

- **Subtitle Z § 501.1(f):** *A list of maps, plans, or other documents that are readily available to the general public and that will be offered into evidence; and*

A list of the maps, plans, or other documents that are readily available to the general public and may be offered into evidence at the public hearing is attached as **Exhibit E**.

- **Subtitle Z § 501.1(g):** *An estimate of the time required for the presentation of the petitioner's case, subject to the decision of the presiding officer as provided in Subtitle Z § 408.2.*

The Petitioner estimates it will require approximately **20–30 minutes** to present its case, subject to the discretion of the presiding officer at the public hearing.

VII. CONCLUSION AND REQUEST FOR PUBLIC HEARING

The Text Amendments establish an efficient and transparent entitlement process for rebuilding and modernizing existing fast-food restaurants with drive-through facilities. The Text Amendments are not inconsistent with the Comprehensive Plan or other adopted public policies and active programs. As such, McDonald's respectfully requests that the Office of Zoning schedule a public hearing on the Petition for the earliest available date.

Very truly yours,

HOLLAND & KNIGHT LLP

By: 
Leila M. Jackson Batties
Christopher S. Cohen
Madeline Shay Williams

Enclosures

Exhibits

Ex. A: Completed Form 116 (Hearing Fee Calculator)

Ex. B: Revised Text Amendment Petition

Ex. C: ANC Reference Chart for Affected Drive-Through Establishments

Ex. D: ANC Outreach Materials

Ex. E: List of Publicly Available Maps, Plans, and Other Documents

cc: Certificate of Service

CERTIFICATE OF SERVICE

We hereby certify that on June 23, 2026, a copy of the foregoing Prehearing Submission in Z.C. Case No. 25-16 was served by electronic mail on the Office of Planning and all Advisory Neighborhood Commissions in the District of Columbia at the addresses listed below:

D.C. Office of Planning

Radhika Mohan: radhika.mohan@dc.gov

Crystal Myers: crystal.myers@dc.gov

Maxine Brown-Roberts: maxine.brownroberts@dc.gov

Ward 1 ANC's

ANC 1A: 1A@anc.dc.gov

ANC 1B: 1B@anc.dc.gov

ANC 1C: 1C@anc.dc.gov

ANC 1D: 1D@anc.dc.gov

ANC 1E: 1E@anc.dc.gov

Ward 2 ANC's

ANC 2A: 2A@anc.dc.gov

ANC 2B: 2B@anc.dc.gov

ANC 2C: 2C@anc.dc.gov

ANC 2D: 2D@anc.dc.gov

ANC 2E: 2E@anc.dc.gov

ANC 2F: 2F@anc.dc.gov

ANC 2G: 2G@anc.dc.gov

Ward 3 ANC's

ANC 3A: 3A@anc.dc.gov

ANC 3B: 3B@anc.dc.gov

ANC 3C: 3C@anc.dc.gov

ANC 3D: 3D@anc.dc.gov

ANC 3E: 3E@anc.dc.gov

ANC 3F: 3F@anc.dc.gov

ANC 3/4G: 3G@anc.dc.gov

Ward 4 ANC's

ANC 4A: 4A@anc.dc.gov

ANC 4B: 4B@anc.dc.gov

ANC 4C: 4C@anc.dc.gov

ANC 4D: 4D@anc.dc.gov

ANC 4E: 4E@anc.dc.gov

ANC 3/4G: 3G@anc.dc.gov

Ward 5 ANC's

ANC 5A: 5A@anc.dc.gov

ANC 5B: 5B@anc.dc.gov

ANC 5C: 5C@anc.dc.gov

ANC 5D: 5D@anc.dc.gov

ANC 5E: 5E@anc.dc.gov

ANC 5F: 5F@anc.dc.gov

Ward 6 ANC's

ANC 6A: 6A@anc.dc.gov

ANC 6B: 6B@anc.dc.gov

ANC 6C: 6C@anc.dc.gov

ANC 6D: 6D@anc.dc.gov

ANC 6E: 6E@anc.dc.gov

ANC 6/8F: 8F@anc.dc.gov

Ward 7 ANC's

ANC 7B: 7B@anc.dc.gov

ANC 7C: 7C@anc.dc.gov

ANC 7D: 7D@anc.dc.gov

ANC 7E: 7E@anc.dc.gov

ANC 7F: 7F@anc.dc.gov

Ward 8 ANC's

ANC 6/8F: 8F@anc.dc.gov

ANC 8A: 8A@anc.dc.gov

ANC 8B: 8B@anc.dc.gov

ANC 8C: 8C@anc.dc.gov

ANC 8D: 8D@anc.dc.gov

ANC 8E: 8E@anc.dc.gov



Leila M. Jackson Batties, Esq.
Christopher S. Cohen, Esq.
Madeline Shaw Williams, Esq.
Holland & Knight LLP
Counsel for Petitioner

**CERTIFICATE OF COMPLIANCE WITH
SUBTITLE Z § 501 OF THE ZONING REGULATIONS**

Pursuant to Subtitle Z § 501.2 of the District of Columbia Zoning Regulations, the undersigned, on behalf of McDonald's Corporation, certifies that this Prehearing Submission filed in support of Zoning Commission Case No. 25-16 complies with all the requirements set forth in Subtitle Z § 501.1.

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

Christopher S. Cohen

Madeline Shay Williams