

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **September 28, 2026 @ 4:00 p.m.**
Via WebEx: <https://dcoz.dc.gov/ZC25-16> (to participate & watch)
Via Telephone: 1-650-479-3208 **Access Code:** 2319 352 8725 (audio participation & listen)
Via YouTube: <https://www.youtube.com/c/DCOfficeofZoning> (to watch)
Instructions: <https://dcoz.dc.gov/release/virtual-public-hearings>
Witness Sign Up: <https://dcoz.dc.gov/service/sign-testify-public-hearing>

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 25-16 (McDonalds Corporation – Text Amendment to Subtitle U §§ 510.1, 511.1, 512.1, 513.1, 514.3, 517.1, 518.1, 519.1, and 803.2)

THIS CASE IS OF INTEREST TO ALL ANCs

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website indicted above. Also see below: *How to participate as a witness – oral statements*. **On the day of the hearing – by 3:00 p.m.**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements*.

On September 8, 2025, McDonald's Corporation ("Petitioner") filed a petition ("Petition") to the Zoning Commission ("Commission") proposing the following amendments to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified) to permit existing drive-through facilities to continue operating in connection with new, modernized, or expanded fast food establishments with special exception approval from the Board of Zoning Adjustment:

Subtitle U, Use Permissions

Chapter 5, Use Permissions for Mixed Use (MU) Zones

- § 510.1 – MU-Use Group D, Matter-of-Right Uses
- § 511.1 – MU-Use Group D, Special Exception Uses
- § 512.1 – MU-Use Group E, Matter-of-Right Uses
- § 513.1 – MU-Use Group E, Special Exception Uses
- § 514.3 – MU-Use Group E, Prohibited Uses
- § 515.1 – MU-Use Group F, Matter-of-Right Uses
- § 516.1 – MU-Use Group F, Special Exception Uses
- § 517.1 – MU-Use Group G, Matter-of-Right Uses
- § 518.1 – MU-Use Group G, Special Exception Uses
- § 519.1 – MU-Use Group G, Uses Not Permitted

Chapter 8, Use Permissions for Production, Distribution, and Repair (PDR) Zones

- § 803.2 – Special Exception Uses (PDR)

The Petition aims to address zoning constraints that classify many drive-through restaurants as legal nonconforming uses, limiting their ability to be rebuilt or expand under Subtitle C § 204. By expanding use permissions in certain MU zones and in the PDR zones through a special exception process, the Petition establishes a targeted approval pathway to facilitate reinvestment in existing facilities without requiring map amendments or Comprehensive Plan changes. Special exception approval would be subject to limitations, including that the drive-through must be existing and operational at the time of application or, if discontinued, that such discontinuance has not exceeded one (1) year prior to the date of application.

The Office of Planning (“OP”) filed a report (“OP Setdown Report”), dated May 18, 2026, recommending that the Commission set down the Petition for a public hearing except for the proposed amendments to Subtitle U § 515.1 because a drive-through is already permitted as a matter-of-right in MU-Use Group F and the proposed amendments would make these zones more restrictive¹. OP concluded that the text amendments are not inconsistent with the Comprehensive Plan, including the Comprehensive Plan maps, Citywide Elements, and Area Elements, and also found the Petition consistent when viewed through a racial equity lens. OP further recognized that requiring each establishment to pursue a rezoning is inefficient. Instead, the Petition would allow for more tailored review through the special exception process. OP also identified supporting Land Use and Transportation policies, among others, and found that the Petition would facilitate reinvestment and upgrades in locations where such uses remain viable and needed due to limited walkability and/or transit.

At its public meeting on May 28, 2026, the Commission voted to set down the proposed text amendments as revised by OP for a public hearing as a rulemaking case.

The complete record in this case, including the OP Setdown Report and video of the public meeting, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at https://app.dcoz.dc.gov/Home/ViewCase?case_id=25-16.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text).²

¹ The OP Setdown Report did not state that the proposed language in Subtitle U § 516.1 should be removed from this proposal; however, based on OP’s recommendation to remove the proposed Subtitle U § 515.1 language, the proposed Subtitle U § 516.1 language should also be removed because special exception relief for a drive-through in MU-Use Group F is not needed since already permitted as a matter-of-right.

² The changes shown herein reflect only those amendments material to the Petition and do not include conforming or stylistic edits (e.g., renumbering, formatting, or grammatical corrections) that may be required in the final codified text. Based on the recommendation in the OP Setdown Report, no amendments to Subtitle U §§ 515.1 and 516.1 (i.e., MU-Use Group F) are included herein.

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES, § 510, MATTER-OF-RIGHT USES (MU-USE GROUP D), is proposed to be amended as follows:

510.1. The following uses shall be permitted in MU-Use Group D as a matter-of-right subject to any applicable conditions:

(a) ...³

(g) Eating and drinking establishment uses, subject to the following conditions:

(1) A ~~drive-through or~~ drive-in operation and a food delivery service shall not be permitted;

(2) A fast food establishment shall not be permitted as a matter of right in the MU-3 zone except that fast food establishments with no drive-through shall be permitted in Square 5912, Square 3499 (Lot 3), and Square 3664 (Lot 820) as a matter of right; **and**

(3) **A drive-through shall not be permitted, unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that the drive-through is existing and operational at the time of application or, if discontinued, the discontinuance has not exceeded one (1) year prior to the date of application;**

...

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES, § 511, SPECIAL EXCEPTION USES (MU-USE GROUP D), is proposed to be amended as follows:

511.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section:

(a) ...

(e) Fast food establishment, subject to the following conditions:

(1) ...

(4) The use shall not include a drive-through; **unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that the drive-through is existing and operational at the time of application, or, if discontinued, the discontinuance has not exceeded one (1) year prior to the date of application;**

...

³ The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the amendment of the text at issue does not signify an intent to repeal those other provisions.

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES, § 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), is proposed to be amended as follows:

512.1 The following uses shall be permitted in MU-Use Group E as a matter of right subject to any applicable conditions for each use below.

(a) ...

(e) Eating and drinking establishment uses, subject to the following conditions:

(1) ...

(2) A fast food establishment or food delivery service in all other MU-Use Group E zones, subject to the following conditions:

(A) ...

(D) The use shall not include a drive-through; **unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that the drive-through is existing and operational at the time of application or, if discontinued, the discontinuance has not exceeded one (1) year prior to the date of application;** and

...

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES, § 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), is proposed to be amended as follows:

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:

(a) ...

(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) ...

(3) The use shall not include a drive-through; **unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that the drive-through is existing and operational at the time of application or, if discontinued, the discontinuance has not exceeded one (1) year prior to the date of application;**

...

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES, § 514, PROHIBITED USES (MU-USE GROUP E), is proposed to be amended as follows:

514.3 In the MU-4/RC and MU-5A/RC zones, the following uses shall be prohibited:

(a) ...

(l) Drive-through; unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that the drive-through is existing and operational at the time of application or, if discontinued, the discontinuance has not exceeded one (1) year prior to the date of application;

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES, § 517, MATTER-OF-RIGHT USES (MU-USE GROUP G), is proposed to be amended as follows:

517.1 The following uses shall be permitted in MU-Use Group G as a matter of right subject to any applicable conditions:

(a) ...

(e) A fast-food restaurant, provided, that if the use includes a drive-through, the drive-through must be approved as a special exception pursuant to Subtitle U § 518.1(t).

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES, § 518, SPECIAL EXCEPTION USES (MU-USE GROUP G), is proposed to be amended as follows:

518.1 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 ease use below:

(a) ...

(t) A fast-food restaurant with a drive-through approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that the drive-through is existing and operational at the time of application or, if discontinued, the discontinuance has not exceeded one (1) year prior to the date of application;

...

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES, § 519, USES NOT PERMITTED (MU-USE GROUP G), is proposed to be amended as follows:

519.1 The following uses shall be specifically prohibited in MU-Use Group G:

(a) . . .

(f) Drive-through operation as either a principal or accessory use; unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that the drive-through is existing and operational at the time of application or, if discontinued, the discontinuance has not exceeded one (1) year prior to the date of application;

...

CHAPTER 8, USE PERMISSIONS FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, § 803, ADDITIONAL USE RESTRICTIONS AND CONDITIONS (PDR), is proposed to be amended as follows:

803.2 Regardless of the permissions, and in addition to any restrictions or conditions of this chapter, the following uses shall not be permitted on any lot located in whole or in part within one hundred feet (100 ft.) of a residential zone:

(a) . . .

(e) Drive-through operation as either a principal or accessory use; unless approved as a special exception by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, provided that the drive-through is existing and operational at the time of application or, if discontinued, the discontinuance has not exceeded one (1) year prior to the date of application;

...

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, et seq. (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5.

How to participate as a witness – oral presentation

How to participate as a witness – oral presentation Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing on OZ's website at <https://dcoz.dc.gov/> or by calling Ella Ackerman at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, provided all written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing**. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ella Ackerman at (202) 727-0789 for further assistance.

“Great weight” to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the petition, and sets forth the information that the report must contain. Pursuant to Subtitle Z §505.2, an ANC that wishes for oral testimony of the ANC representative to be given great weight must file a written report approved by the ANC in support of the testimony within seven days of the public hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, GWEN M. WRIGHT, TAMMY STIDHAM, AND JOSEPH S. IMAMURA, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነዚህ አገልግሎቶች የሚሰጡት በነጻ ነው።