

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Crystal Myers, Development Review Specialist
MBR
Maxine Brown-Roberts, Associate Director, Development Review
DATE: September 18, 2026
SUBJECT: OP Hearing Report, ZC 25-16 - Proposed Text Amendment to Subtitle U to permit fast-food establishments with drive-throughs to be modernized or expanded

I. RECOMMENDATION

McDonald's Corporation (Applicant) has requested several text amendments to Subtitle U, Use Permissions, of the Zoning Regulations, to permit existing drive-throughs to be continued with newly constructed, modernized or upgraded fast-food establishments if approved through special exception. The proposed text amendments would impact properties in the Mixed Use (MU) Groups D, E, F, G and the Production, Distribution, and Repair (PDR) zones. Subsequent to the ZC setting down the proposal for a public hearing on May 28, 2026, the application expanded the proposed amendments to include amendments to Subtitle H, Use Permission for Neighborhood Mixed-Use zones.

On balance, the proposed text amendments would not be inconsistent with the Comprehensive Plan and therefore the Office of Planning (OP) recommends the Zoning Commission **approve** the proposed text amendments to the following areas:

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
- § 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)

Subtitle H, Use Permissions for Neighborhood Mixed-Use (NMU) Zones

- § 6001.5 – Designated and Restricted Uses
- § 6007.1 – Special Exception

II. BACKGROUND

The Applicant operates several fast-food establishments with drive-through throughout the District. Fast-food establishments are not permitted in most MU and NMU zones. They are also not permitted in PDR zones when near a residential zone. Currently, those that exist in zones where they are prohibited continue to operate as permitted nonconforming uses. Subtitle C § 204 prohibits the expansion of nonconforming uses, and a new structure cannot include a nonconforming use. As a result, the Applicant has not been able to rebuild, expand or modernize these establishments without first rezoning the properties. Because these establishments have long operated at their current locations, the Applicant is requesting this text amendment to allow for their expansion or modernization through the special exception process.

III. COMMENTS FROM OP AND ZONING COMMISSION

At set down, both OP and the Zoning Commission requested that the Applicant provide an update on their community outreach efforts. OP identified the locations of nine fast-food establishments with drive-through that are in zones that do not permit this use (Attachment 1). The Applicant then contacted the ANCs for each site. The Applicant has indicated that responses were received from three ANCs and none of the three expressed opposition to the text amendment. Additional details are provided in the Community Outreach section of this report and in the Applicants submission.

IV. CHANGES SINCE SET DOWN

- OP identified two existing fast-food establishments with drive-through located in NMU zones. In response, the Applicant updated their text amendment to include changes to H § 6001.5 and H § 6007.1 (e) which have existing establishments in the NMU zones consistent with the amendments in Subtitle U.
- In response to a request from DDOT, the amendments include a requirement for a comprehensive transportation study to be submitted as part of the special exception review.
- U § 515.1 and U § 516.1 were removed from the list of proposed amendments since MU-Use Group F zones permit fast-food establishments with drive-through as a matter of right.
- Simplified the proposed amendments to U § 519.1 for properties in MU-Use Group G to make the text clearer and more concise.

V. PROPOSED TEXT AMENDMENT

The proposed text amendment to Subtitles H and U of the Zoning Regulations is as follows: (text to be deleted is marked in ~~bold and strikethrough~~; added is **bold and underlined**).

1. Amendments to Subtitle H, NEIGHBORHOOD MIXED USE ZONES

CHAPTER 60, USE PERMISSIONS FOR NEIGHBORHOOD MIXED-USE (NMU) ZONES is amended as follows:

- 6001.5 In an NMU zone, no drive-through or drive-in operation shall be permitted as a principal or accessory use, **except as an accessory to an eating and drinking establishment approved by special exception, subject to Subtitle H § 6007.1(e)(2)(E).**
- 6007.1 In areas other than designated use areas, the uses in this section 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 conditions applicable to each use as follows:
- (1) . . .
 - (2) Fast food establishments or food delivery businesses shall be permitted, subject to the following conditions:
 - (A) . . .
 - (E) The use ~~shall not~~ **may** include a drive-through, **provided that 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 (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board.**

2. Amendments to Subtitle U, USE PERMISSIONS

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 510, MATTER-OF-RIGHT USES (MU-USE GROUP D) is 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) . . .
 - (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 (i) 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 (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board.

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

511.1 The following uses in this section 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 (i) 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 (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board.**

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 512, MATTER-OF-RIGHT USES (MU-USE GROUP E) is 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 (i) 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 (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board; and

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 513, SPECIAL EXCEPTION USES (MU-USE GROUP E) is 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 (i) 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; (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board;

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 514, PROHIBITED USES (MU-USE GROUP E) is 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 (i) 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 (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board;

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 517, MATTER-OF-RIGHT USES (MU-USE GROUP G) is 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 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 each use below:

(a) . . .

(f) 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 (i) 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 (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board;

CHAPTER 5, USE PERMISSIONS FOR MIXED USE (MU) ZONES. § 519, USES NOT PERMITTED (MU-USE GROUP G) is 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, **except for a fast-food restaurant approved pursuant to Subtitle U § 518.1(t);**

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

- 803.1 Any use not permitted by conditions, special exception, or as an accessory use in this subtitle shall be deemed to be not permitted.
- 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 (i) 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 (ii) a comprehensive transportation review is provided to the District Department of Transportation no later than forty-five (45) days before the public hearing before the Board;**

OP agrees with the Applicant's proposed amendments.

VI. PLANNING CONTEXT

Comprehensive Plan Analysis

Future Land Use Map and Generalized Policy Map Guidelines

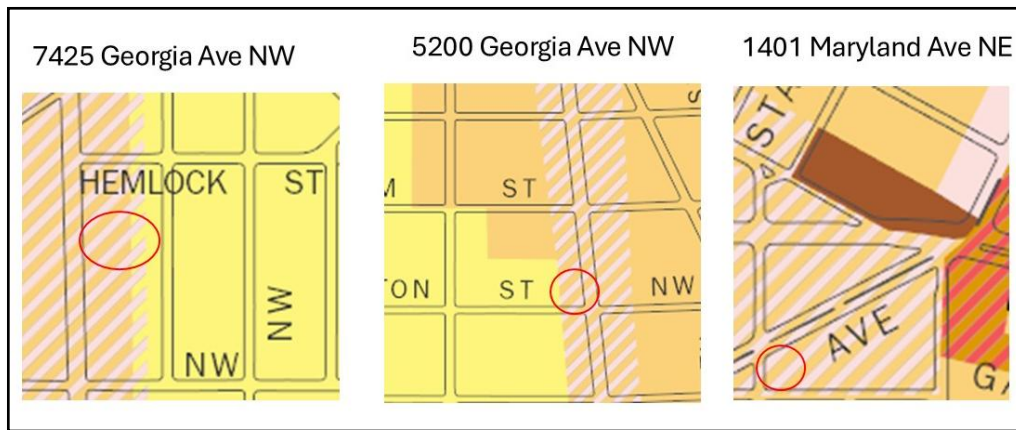
As described in Chapter 2, Framework Element, Section 226, *Guidelines for Using the Generalized Policy Map and the Future Land Use Map*, the maps are intended to provide generalized guidelines for development decisions. They are to be interpreted in conjunction with relevant written goals, policies and action items in the Comprehensive Plan text, and further balanced against policies or objectives contained in relevant Small Area Plans and other citywide or area plans.

Properties Designated for Low Density Commercial Uses

On the Future Land Use Map (FLUM), fast-food establishments with drive-throughs are typically located on properties designated for moderate, medium, or high-density commercial uses, as well as most PDR areas. This is consistent with zoning regulations, which permit drive-through uses in higher-density Mixed Use (MU) zones but not in lower-density MU zones.

A review of all NMU, MU and PDR-zoned properties in the District identified approximately twenty-four sites that currently include fast-food establishments with drive-throughs. Nine of these sites are in zones where drive-throughs are not permitted (Attachment 1). Three of the nine have a low-density commercial designation on the FLUM. Two properties, which are on Georgia Avenue,

NW are zoned MU-4 and one property, which is on Maryland Avenue, NE is zoned NMU-4/H-A. Both zones are intended for low-density development.



Under current zoning and FLUM guidance, these properties would not be eligible for a new drive-through if they were redeveloped. Their zone prohibits this use, and unlike other similarly zoned nonconforming fast-food establishments with drive-throughs, the FLUM designations on these sites do not support rezoning to a zone it would be permitted.

When evaluating whether the proposed text amendment would conflict with land-use policy for these sites, both the Comprehensive Plan's Citywide policies and the relevant Area Element must be considered.

Rock Creek East Properties

Two of the properties are within the Rock Creek East Area Element (7425 and 5200 Georgia Avenue, NW). Both properties have existing businesses along Georgia Avenue, which is considered a vibrant local shopping street. As discussed in the policies below, the Comprehensive Plan encourages commercial development along Georgia Avenue and supports assisting existing businesses to remain in the Rock Creek East Planning Area. The proposed text amendment would not be inconsistent with these Rock Creek East policies:

Policy RCE-1.1.4: Neighborhood Shopping Areas

Maintain and encourage the development of multi-use neighborhood shopping and services in those areas designated for commercial or mixed-uses. 2208.5

Policy RCE-1.1.13: Vibrant Local Shopping Streets

Encourage a vibrant mix of commercial businesses, including local retail options, to avoid excessive concentrations of liquor stores on local shopping streets. 2208.14

Policy RCE-1.2.5: Small and Local Businesses

Assist small and local businesses along Kennedy Street, Georgia Avenue, and other Rock Creek East commercial districts in providing neighborhood services and creating job opportunities for area residents

Policy RCE-2.3.4: Coordinated Business Community

Support existing business organizations that provide beautification and business assistance

services along upper Georgia Avenue NW. Encourage efforts to coordinate business improvement strategies among the various Georgia Avenue business associations through the implementation of the Upper Georgia Avenue Land Development Plan. Assist businesses in adapting to changing markets and customer bases that shift with new uses and development on the corridor, particularly around the Walter Reed site. 2213.9

Capitol Hill Properties

One property is within the Capitol Hill area element (1401 Maryland Avenue, NE). Both are close to the H Street commercial corridor and near other commercial establishments. The Capitol Hill Element recommends upgrading and improving the physical appearance of this area. The proposal would allow the fast-food restaurants with drive-through to be upgraded and modernized resulting in more attractive buildings.

Policy CH-2.1.3: Physical Improvements

Improve the infrastructure and physical appearance of the H Street NE corridor as a way to enhance its market perception and to attract investors, visitors, shoppers, and residents. 1510.8

Policy CH-1.1.3: Upgrading Commercial Districts

Reinforce and upgrade the major commercial districts of Capitol Hill, including the H Street NE and Benning Road NE corridors. 1507.3

Future Land Use Map

On balance when considering the Comprehensive Plan’s Area Element guidance for these two locations along with the guidance from the Citywide Elements, which is discussed in the racial equity/Comprehensive Plan section, OP finds that the proposed text amendment would not be inconsistent with the Future Land Use Map.

Racial Equity Analysis

The Zoning Commission’s Racial Equity Tool requires that every zoning action is evaluated through a racial equity lens. This analysis identifies and addresses structural inequalities and aims to ensure that all members of the community, regardless of race or ethnicity, can benefit from the zoning action.

Typically, the Racial Equity Analysis involves presenting demographic data for the affected Planning Area and comparing it with District-wide data to highlight potential disparities. However, in this case, there are existing fast-food establishments that are non-conforming uses in almost every Ward in the City. Therefore, demographic data would not provide meaningful or relevant insights.

Comprehensive Plan Analysis including Racial Equity Lens

The Implementation Element of the Comprehensive Plan calls for “*the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis*” 2501.8. Equity is conveyed throughout the Comprehensive Plan, particularly in the context of zoning. Subtitle X § 1300.2 requires the Zoning Commission to determine that a proposed petition for a text amendment to the Zoning Regulations “*is not inconsistent with the Comprehensive Plan and other adopted public policies and active programs related to the subject text.*” The direction to consider equity “as part of its Comprehensive Plan consistency analysis”

indicates that the equity analysis is based on the policies of the Comprehensive Plan and part of the Commission’s consideration of whether a proposed zoning action is “not inconsistent” with the Comprehensive Plan. As discussed below, on balance, the proposed text amendment would not be inconsistent with these Comprehensive Plan policies:

Land Use Element

Policy LU-2.1.1: Variety of Neighborhood Types

Maintain a variety of neighborhoods, ranging from low-density to high density. The positive elements that create the identity and design character of each neighborhood should be preserved and enhanced while encouraging the identification of appropriate sites for new development and/or adaptive reuse to help accommodate population growth and advance affordability, racial equity, and opportunity. 310.7

Policy LU-2.1.2: Neighborhood Revitalization

Facilitate neighborhood revitalization by focusing District grants, loans, housing rehabilitation efforts, commercial investment programs, capital improvements, and other government actions in those areas that are most in need, especially where projects advance equitable development and racial equity, as described in Section 213 of the Framework Element, and create opportunities for disadvantaged persons and for deeply affordable housing. Engage and partner in these efforts with the persons intended to be served by revitalization, especially residents. Use social, economic, and physical indicators, such as the poverty rate, the number of abandoned or substandard buildings, the crime rate, and the unemployment rate, as key indicators of need. 310.9

Policy LU-2.4.1: Promotion of Commercial Centers

Promote the vitality of commercial centers and provide for the continued growth of commercial land uses to meet the needs of residents, expand employment opportunities, accommodate population growth, and sustain Washington, DC’s role as the center of the metropolitan area. Commercial centers should be inviting, accessible, and attractive places, support social interaction, and provide amenities for nearby residents. Support commercial development in underserved areas to provide equitable access and options to meet the needs of nearby communities. 313.9

The proposed text amendment would not be inconsistent with the land use element. Permitting existing drive-through establishments by special exception approval would allow them to rebuild within the boundaries of what is appropriate to local conditions. Drive-through restaurants that are allowed to fully upgrade and modernize would help to activate underutilized commercial and mixed-use corridors.

Transportation

Policy T-1.1.7: Equitable Transportation Access

Transportation within the District shall be accessible and serve all users. Residents, workers, and visitors should have access to safe, affordable and reliable transportation options regardless of age, race, income, geography or physical ability. Transportation should not be a barrier to economic, educational, or health opportunity for District residents. Transportation planning and development should be framed by a racial equity lens, to identify and address historic and current barriers and additional transportation burdens experienced by communities of color. 403.13

The proposed text amendment would not be inconsistent with the Transportation Element, especially regarding providing equitable transportation access. Seniors, individuals with disabilities, and caregivers prefer to use drive-through establishments, as they offer convenient access for those who are uncomfortable or unable to physically enter a building. Drive-throughs are also often located in areas with limited walkability and transit service, which are conditions that frequently affect underserved neighborhoods where many communities of color reside. Allowing these establishments to be upgraded and to remain in place would help ensure that residents can continue to rely on these neighborhood businesses.

Economic Development

Policy ED-1.1.4: Promote Local Entrepreneurship

Support District residents, including women-owned businesses and equity impacts enterprises (small, resident-owned Black and Brown business) seeking entrepreneurship opportunities through layered programs, including technical assistance, promotion of District products and services, and market development. 703.15

Policy ED-3.1.1: Neighborhood Commercial Vitality

Promote the vitality and diversity of Washington, DC's neighborhood commercial areas by retaining existing businesses, attracting new businesses, supporting a strong customer base through residential density, and improving the mix of goods and services available to residents. 713.5

Policy ED-3.1.2: Targeting Commercial Revitalization

Continue to target government economic development programs to areas of greatest need and historically neglected areas, including older business areas with high vacancy rates and commercial centers that inadequately serve surrounding areas. Commercial revitalization should focus on serving existing neighborhood residents and opportunities to support resident owned businesses. Focus on equitably achieving critical mass to sustain viable neighborhood commercial centers, recognizing that critical mass may vary according to zoning and historical investments. 713.6

The proposal would not be inconsistent with the Economic Development element. Some drive-through restaurants are locally owned and serve as important businesses within their neighborhoods. Allowing these existing drive-throughs to modernize or expand on their current sites would help improve sales volumes, increase customer turnover efficiency, and strengthen their overall financial stability. Drive-through facilities also draw a broader customer base by accommodating people who prefer not to enter the restaurant.

In some older corridors with high vacancy, the drive-through restaurants may function as an anchor for a neighborhood shopping center. Permitting these businesses to modernize or expand on their site can help the surrounding commercial center maintain the “critical mass” needed to attract additional retailers and remain economically viable.

Community Outreach and Engagement

The Applicant contacted the ANC for each of the nine drive-through establishments that would benefit from this text amendment. As reported by the Applicant, three ANCs responded as follows:

ANC	Drive-Through	ANC Response
ANC 4B	McDonald's 7425 Georgia Ave. NW	The ANC Chairperson declined the invitation for a presentation to the ANC because only one property in their ANC would be impacted.
ANC 4E	Popeye's 5200 Georgia Ave. NW	The Applicant presented to the ANC at their July meeting. The ANC and community members asked questions about the matter of right limitations on drive-throughs and whether traffic impacts would be evaluated in the special exception review. The ANC indicated that they would take no action on the case.
ANC 8C	Popeye's 601 Malcolm X Ave. SE	The ANC voted to support the proposal.

Criteria to Evaluate a Zoning Action through a Racial Equity Lens

Factor	Question	OP Response
Direct Displacement	Will the zoning action result in displacement of tenants or residents?	OP does not anticipate displacement of either residents or commercial tenants as part of this proposal. The intent of this text amendment is to allow existing businesses to remain in operation in their current location.
Indirect Displacement	What examples of indirect displacement might result from the zoning action?	OP does not anticipate that allowing existing establishments with drive-through to modernize and redevelop would have a significant enough impact on surrounding property values to lead to indirect displacement.
Housing	Will the action result in changes to: ▪ Market Rate Housing ▪ Affordable Housing ▪ Replacement Housing	The proposed text amendment would not impact housing.
Physical	Will the action result in changes to the physical environment such as: ▪ Public Space Improvements ▪ Infrastructure Improvements ▪ Environmental Changes ▪ Streetscape Improvements	The proposed text amendment would allow for architectural and modernization improvements for existing drive-through establishments and could lead to improved public space adjacent to the establishments or improvements to vehicular entrance and exit areas and the interplay with sidewalks.
Access to Opportunity	Is there a change in access to opportunity? ▪ Job Training/Creation ▪ Healthcare	This proposed text amendment would not impact health care or other services in the area. However, it would allow existing establishments with drive-throughs to modernize, provide improved service and remain in the neighborhoods. The jobs they

Factor	Question	OP Response
	▪ Addition of Retail/Access to New Services	provide would also be able to remain and could possibly lead to the creation of more jobs.

VII. COMMENTS FROM OTHER DISTRICT AGENCIES

Department of Transportation

DDOT reviewed the case and requested that the special exception include a requirement that a comprehensive transportation study be submitted to them during the Board of Zoning Adjustment review. DDOT will submit a separate report with their comments.

VIII. SUMMARY

The proposed text amendments would allow many existing nonconforming restaurants with drive-throughs to remain in their communities and continue serving residents. These establishments often act as commercial anchors in their neighborhoods and provide an important option for individuals who may not feel comfortable entering an establishment. Allowing these establishments via the special exception review process ensures public input and that future redevelopment occurs in a way that is compatible with the surrounding community. Additionally, this text amendment would enable these businesses to modernize without having to eliminate the drive-through function that is essential to their economic sustainability.

On balance this proposal would not be inconsistent with the Comprehensive Plan maps, Citywide policies, and Area Elements. Neither would they be inconsistent with the Comprehensive Plan when viewed through a racial equity lens. **OP therefore recommends the Zoning Commission approve the proposed text amendments.**

ATTACHMENT 1

The Department of Buildings (DOB) provided the Office of Planning with a list of existing fast-food establishments with drive-through in the District. While efforts were made to verify the information, there remains a possibility that some establishments may have been missed. These nine properties were identified as being in zones that do not permit drive-through fast food establishments with drive-through.

Address/Location	Zone
2334/2328 Georgia Avenue, NW	MU-10
3900 Georgia Avenue, NW	NMU-7B/GA
7425 Georgia Avenue, NW	MU-4/R-2
5200 Georgia Avenue, NW	MU-4
3200 Bladensburg Road, NE	PDR-1
1539 Pennsylvania Avenue, SE	MU-4/RA-2
1401 Maryland Avenue, NE	NMU-4/H-A
1635 Benning Road, NE	MU-5A
601 Malcolm X Avenue, SE	MU-4