Z.C. Case No. 25-16

Zoning Text Amendment to Allow
Continuation of Existing Drive-Through Facilities as a Special Exception

Petition of McDonald's Corporation

Public Hearing
September 28, 2026

Holland & Knight

ZONING COMMISSION
District of Columbia
CASE NO. 25-16
EXHIBIT NO. 20

Overview of Petition

Background

- Several existing fast food restaurants with drive-throughs are legal nonconforming uses because the zoning does not permit use as a matter of right.
- In order to rebuild, modernize, or expand these establishments, property must go through a Comprehensive Plan amendment and/or rezoning.

Proposed Text Amendment

- Changes use permissions for certain MU zones, PDR zones, and NMU zones (Sub. U, Ch. 5 and 8; Sub. H, Ch. 60).
- Would allow existing fast-food establishments with drive-throughs to rebuild or expand through special exception approval by the BZA.

Justification for Text Amendment

Inefficient / Overly Burdensome Entitlement Process

In some cases, permitting a drive-through requires both a Comprehensive Plan amendment and a rezoning, which can take years to secure.

Community Concerns Regarding Upzoning

Stakeholders support rebuilding the existing restaurants and drive-through but oppose potential high-density development permitted if property is upzoned.

Neighborhood Reinvestment

Creating a more efficient approval process for facility upgrades encourages reinvestment, improves customer and employee experiences, and enhances neighborhood aesthetics.

See Prehearing Statement, Ex. 11 at pp. 2-3

Existing Fast Food Establishments with Drive-Through Facilities

Site #	Address	Zone District	SMD	Operator
1	2334/2328 Georgia Avenue, NW	MU-10	1E-07	McDonald's
2	3900 Georgia Avenue, NW	NMU-7B/GA	4C-02	Wendy's
3	7425 Georgia Avenue, NW	MU-4 / R-2	4B-01	McDonald's
4	5200 Georgia Avenue, NW	MU-4	4E-03	Popeyes
5	3200 Bladensburg Road, NE	PDR-1	5C-02	Popeyes
6	1539 Pennsylvania Avenue, SE	MU-4 / RA-2	6B-09	McDonald's
7	1401 Maryland Avenue, NE	NMU-4/H-A	6A-06	Chick-fil-A
8	1635 Benning Road, NE	MU-5A	7D-06	McDonald's
9	601 Malcolm X Avenue, SE	MU-4	8C03	Popeyes

*List provided to Petitioner by Office of Planning (*see* Ex. 10)

Community Outreach

- Petitioner contacted ANC for each of the nine drive-through establishments that would be impacted (*see* Exhibits 11C and 11D).

- Four ANCs responded:

  - **ANC 4B (July 7):** Declined a presentation, noting Petition would affect only one property in the ANC.

  - **ANC 4E (July 28):** Petitioner gave presentation and received questions; ANC took no action.

  - **ANC 8C (Aug. 12 and Sept. 9):** Voted in support of petition.

  - **ANC 1E (Sept. 23):** Declined a presentation, noting lack of interest.

Revisions to Petition Since Original Filing

See Ex. 11B, June 23, 2026; Ex. 17, Sept. 15, 2026

Expanded Applicability to NMU Zones

Added NMU zone amendments to account for existing drive-through establishments in NMU zones.

Eliminated Unnecessary Amendments

Removed proposed amendments to MU-Use Group F because drive-through fast-food restaurants are already permitted as a matter-of-right in those zones.

Clarified Text for MU-Use Group G

Refined MU-Use Group G (MU-10/CG-4) amendments to prevent unintended authorization of other drive-through uses.

Integrated DDOT Feedback

Added a requirement to submit a CTR to DDOT at least 45 days before the BZA public hearing.

Proposed Text for MU Zones (Representative)

MU-Use Groups Impacted:
- Group D: MU-3
- Group E: MU-4, MU-5, MU-6, CG-2
- Group G: MU-10, CG-4

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 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) . . .

(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.**

Proposed Text for NMU Zones

Amendments to Subtitle H, NEIGHBORHOOD MIXED-USE (NMU) ZONES

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

6001.5 In a 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:

(a) . . .

(e) Eating and drinking establishment uses as follows:

(1) . . .

(2) Fast food establishments or food delivery business shall be permitted, subject to the following conditions:

(A) . . .

(E) The use ~~**shall not**~~ **may** include a drive-through**, 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.**

Proposed Text for PDR Zones

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 (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**;

Agency Reviews

Office of Planning

- Report dated Sept. 18, 2026, recommends approval (Ex. 18)
- Text amendment not inconsistent with Comprehensive Plan
- Revisions made to petition in response to feedback

DDOT

- Report dated Sept. 18, 2026, states no objection to approval (Ex. 19)
- CTR requirement integrated into proposed text in response to feedback

Z.C. Case No. 25-16

Zoning Text Amendment to Allow
Continuation of Existing Drive-Through Facilities as a Special Exception

Petition of McDonald's Corporation

Public Hearing
September 28, 2026
Petitioner's Presentation

Holland & Knight