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VIA IZIS

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

**Re: Text Amendment Petition to Permit Fast-Food Establishments with Existing Drive-Throughs as Special Exceptions
McDonald's Corporation | Statement of Purpose and Objectives**

Dear Members of the Zoning Commission:

This Text Amendment Petition (“**Petition**”) is filed on behalf of McDonald’s Corporation (hereinafter referred to as “**Petitioner**” or “**McDonald’s**”) pursuant to Subtitle X, Chapter 13, and Subtitle Z § 305 of the Zoning Regulations. The Petition proposes several text amendments to Subtitle U of the Zoning Regulations that would permit existing drive-throughs to be continued with newly constructed, modernized or expanded fast-food establishments, subject to special exception approval by the Board of Zoning Adjustment. These amendments are directed particularly to certain Mixed Use (MU) zones and to the Production, Distribution, and Repair (PDR) zones.

This statement and attachments are submitted under Subtitle Z § 305.5, which requires a petitioner to state the proposal’s purposes and objectives, demonstrate consistency with the Comprehensive Plan, and provide a racial equity analysis using the Zoning Commission’s current Racial Equity Tool.¹ In accordance with Subtitle Z §§ 305.2, 305.6 and 1600.2, the \$325.00 filing fee will be provided to the Office of Zoning upon filing the application, and, as shown in the Certificate of Service, the Petitioner is concurrently serving the Office of Planning and all Advisory Neighborhood Commissions (ANCs). Given the Districtwide applicability, Petitioner is serving all ANCs out of an abundance of caution.²

¹ Available at: <https://dcoz.dc.gov/service/zoning-commission-racial-equity-tool>.

² Subtitle Z § 101.8 provides that if a petition has a “District-wide effect, all ANCs are deemed to be affected.”

I. Background, Purposes and Objectives

The Petitioner operates several existing fast-food establishments with drive-through facilities in the District of Columbia, many of which are 30 to 40 years old. At the sites not zoned MU-7B or PDR, these restaurants operate as legal nonconforming uses. Under Subtitle C § 204, a nonconforming use may not be expanded in land area, gross floor area, or intensity of use, and a new structure may not be constructed to contain a nonconforming use. As a result, despite the significant need, many existing McDonald's sites with drive-through facilities cannot be rebuilt or modernized unless and until the property is rezoned.

Pursuant to Z.C. Order No. [24-13](#), the Zoning Commission approved a Zoning Map amendment for the site at 4301 Nannie Helen Burroughs Avenue, NE (Square 5094, Lot 104) from the MU-3A zone to the MU-7B zone. In recommending approval of the application, Advisory Neighborhood Commission ("ANC") 7C supported the proposal, noting that the rezoning would facilitate redevelopment consistent with other McDonald's sites in the District and contribute to the revitalization of the Nannie Helen Burroughs corridor. However, ANC 7C also suggested that the upzoning to accommodate the existing drive-through was inefficient and could have been more efficiently addressed through an alternative entitlement process. See Z.C. Case No. 24-13, [Exhibit 27](#).

This proposal to amend the Zoning Regulations is appropriate when considering the following:

- **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 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.

II. Proposed Text Amendments

The Petition advances text amendments intended to create a uniform treatment of existing drive-through operations under the Zoning Regulations by allowing them to be continued in new, modernized or expanded buildings, subject to special exception approval by the Board of Zoning Adjustment. These amendments are directed particularly to certain Mixed Use (MU) zones and to the Production, Distribution, and Repair zones. Set forth below are the Petitioner's proposed revisions to Subtitle U of the Zoning Regulations (text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text):³

Amendments to Subtitle U, Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES

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

...

(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;**

Sec. 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.

...

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

...

- (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**

³ The changes shown herein reflect only those amendments material to this 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.

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.

Sec. 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.

...
(e)

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

...
(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

Sec. 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:

...
(e) Fast food establishments or food delivery service eating and drinking establishments in any of the MU-4 zones, subject to the following conditions:

...
(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;**

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

...
(1) 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;**

Sec. 515.1 The following uses shall be permitted in MU-Use Group F as a matter of right, subject to any applicable conditions for each use below.

...

- (f) Eating and drinking establishments with no restrictions; **however a fast-food restaurant with a drive-through must be approved as a special exception pursuant to Subtitle U § 516.1(k).**

Sec. 516.1 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:

...

- (k) **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;**

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

...

- (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).**

Sec. 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:

...

- (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 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;**

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

...

- (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;**

Amendments to Subtitle U, Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES

Sec. 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:

- ...
- (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;**

III. Comprehensive Plan Consistency and Racial Equity Analysis

A thorough evaluation of the Petition's consistency with the Comprehensive Plan, considered on balance, together with an assessment prepared in accordance with the Zoning Commission's Revised Racial Equity Tool, is attached hereto as **Exhibit A**. This section highlights the principal ways in which the proposed text amendment aligns with the Economic Development Element. The Comprehensive Plan provides:

Economic development is about more than simply increasing the number of jobs and improving the District's finances. It is also about ensuring that all residents have opportunities to thrive economically. This means fostering good-quality jobs with career paths to higher wages and connecting more residents to those good-quality jobs through better preparation. This is especially true for residents who have traditionally faced greater challenges accessing the benefits of economic growth, such as communities of color and low-income residents. Economic development harnesses the benefits of the strong regional economy to grow the District's economy equitably. Economic development strategies are also critical to improving the quality of life in neighborhoods, **and bringing retail, restaurants, and basic services to communities that are underserved by these amenities today.** (10-A DCMR § 700.5) (emphasis added)

This Petition advances those objectives by creating a more efficient entitlement pathway for reinvestment in long-standing neighborhood-serving restaurants. Drive-through facilities, when modernized, can improve accessibility for residents with limited mobility, caregivers with young children, seniors, and others for whom walking or reliance on transit may not be practical. In this way, the Petition enhances equitable access to food and services across the District. The Petition also specifically advances the following policy under the Economic Development Element:

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. (10-A DCMR § 713.5)

The proposed text amendments further Policy ED-3.1.1 by facilitating reinvestment in long-standing fast-food establishments that function as anchors in neighborhood commercial

areas. By establishing a predictable entitlement process for modernizing existing drive-through facilities, the amendments promote business retention, support local employment, and broaden the mix of goods and services available to nearby residents. In doing so, the amendments may also incentivize reinvestment in corridors that have historically attracted less private capital, expand equitable access to food and services for residents with limited mobility or transit options, and help neighborhood retail districts remain stable and competitive.

IV. Conclusion

In light of the foregoing, the Petitioner respectfully submits that the proposed text amendment advances the objectives of the Comprehensive Plan by creating a predictable entitlement framework under which existing fast-food restaurants with drive-through facilities may be modernized or rebuilt, subject to special exception approval by the Board of Zoning Adjustment. The Zoning Commission's approval will facilitate reinvestment in long-standing neighborhood-serving establishments, support continued local employment, and improve equitable access to goods and services for District residents.

Thank you for your considerate attention to this proposal.

Very truly yours,

HOLLAND & KNIGHT LLP

By: 
Leila M. Jackson Batties
Christopher S. Cohen

cc: Certificate of Service

Attachment (Exhibit A)

Certificate of Service

I hereby certify that, in accordance with Subtitle Z §§ 101.8 and 305.6, a copy of the foregoing text amendment petition has been served via electronic mail on the Office of Planning and all Advisory Neighborhood Commissions in the District of Columbia:

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