

PETITION TO AMEND THE ZONING REGULATIONS TO PERMIT REBUILDING AND EXPANSION OF EXISTING FAST-FOOD RESTAURANTS WITH A DRIVE-THROUGH

EVALUATION OF CONSISTENCY WITH THE DC COMPREHENSIVE PLAN

I. EXECUTIVE SUMMARY

Pursuant to Subtitle X § 1300.2, the Zoning Commission shall evaluate and act on a Text Amendment Petition (“**Petition**”) according to the standards of this section. In making its determination, the Zoning Commission shall find that the proposed text amendments are not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject text.

The Commission also considers whether the Petition advances the District’s goals of equity, sustainability, and resilience and whether it is appropriate in light of current planning initiatives, including the Comprehensive Plan and Small Area Plans.

Applying a racial equity lens, this Evaluation analyzes the proposed amendments’ consistency with relevant Citywide Elements and Districtwide policies, summarizes community outreach, and identifies outcomes that advance racial equity, while acknowledging and balancing potential inconsistencies.

PETITION SUMMARY

The Petition is submitted on behalf of McDonald’s Corporation (the “**Petitioner**” or “**McDonald’s**”) pursuant to Subtitle X, Chapter 13, and Subtitle Z § 305. It proposes text amendments to Subtitle U to permit existing drive-through service at fast-food restaurants to continue with new, modernized, or expanded buildings by special exception before the Board of Zoning Adjustment (“**BZA**”). The amendments would apply in specified MU and PDR zones where such establishments already operate, ensuring case-by-case review and enforceable, site-specific conditions that align operations with neighborhood context and the Comprehensive Plan.

KEY FINDINGS

- **No displacement.** The amendments do not authorize or require removal or conversion of housing or businesses and therefore would not result in direct or indirect displacement.
- **No map or density changes.** The amendments do not rezone property or alter FLUM/GPM designations or density ranges; they introduce a case-by-case review mechanism within existing zones.
- **Procedural equity and predictability.** A clear special exception pathway promotes consistent, transparent application citywide and enables enforceable, site-specific conditions shaped by ANC and public input.

- **Localized access benefits.** While the amendments do not change the District’s transit network or land-use mix, site-specific approvals can reduce time and mobility burdens for seniors, people with disabilities, caregivers, and residents in underserved corridors.
- **Mitigated externalities.** BZA conditions can address curb-cut frequency and placement, internalize queuing, and provide ADA-compliant pedestrian connections—protecting pedestrian safety and environmental quality while supporting inclusive entrepreneurship.

CONCLUSION

Taken together, the Petition is a narrow, process-oriented change that neither removes nor increases housing, does not displace residents or businesses, and does not alter public space, infrastructure, or the broader mix of neighborhood amenities. Instead, the Petition provides a clear special exception pathway that yields predictable, enforceable, site-specific conditions, shaped by ANC and public input, to ensure compatibility with neighborhood context. By creating this calibrated review framework, the amendments advance procedural equity and regulatory certainty across corridors citywide.

At the same time, the text amendments can modestly improve day-to-day access by allowing certain restaurants to improve existing drive-through service where appropriate, reducing time and mobility burdens for seniors, people with disabilities, caregivers, and residents in underserved areas. The case-by-case BZA conditions (e.g., curb-cut limits, internal queuing, or ADA paths) protect pedestrian safety and environmental quality while supporting inclusive entrepreneurship. In sum, the text amendments deliver targeted access and expand opportunities for a variety of District residents.

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II. INTRODUCTION

This Evaluation supports proposed text amendments to allow drive-through service at fast-food establishments by special exception and is filed on behalf of the Petitioner pursuant to Subtitle X, Chapter 13, and Subtitle Z § 305. The Petitioner operates several fast-food establishments with drive-through facilities in the District, many of which are approximately 30–40 years old and nonconforming under the current Zoning Regulations. The amendments would provide a context-sensitive, case-by-case pathway administered by the BZA, enabling modernization where appropriate while allowing enforceable conditions to ensure compatibility with neighborhood context and consistency with the Comprehensive Plan.

As set forth below, the proposed text amendments are not inconsistent with the Comprehensive Plan as adopted by the D.C. Council pursuant to D.C. Law L23-0217 (Comprehensive Plan Amendment Act of 2017) and D.C. Law 24-0020 (Comprehensive Plan Amendment Act of 2020), including the GPM and FLUM (D.C. Resolution R24-0292), collectively referred to herein as the “Comp Plan”.¹

The Comp Plan guides the District’s development, both broadly and in detail, through maps and policies that address the physical development of the District. *See* 10-A DCMR § 103.2. The Comp Plan also addresses social and economic issues that affect and are linked to the physical development of the city and the well-being of its citizens. The Comp Plan provides the “big picture” of how change will be managed in the years ahead and, thus, is intended to be interpreted broadly. *See* 10-A DCMR § 103.5.

a. STANDARD OF REVIEW

Pursuant to the Home Rule Charter, zoning shall not be inconsistent with the Comp Plan. D.C. Code §6-641.02. As stated in the Framework Element, “[i]n its decision-making, the [Commission] must make a finding of not inconsistent with the [Comp Plan]. To do so, the [Commission] must consider the many competing, and sometimes conflicting, policies of the [Comp Plan], along with the various uses, development standards and requirements of the zone districts. It is the responsibility of the [Commission] to consider and balance those policies relevant and material to the individual case . . . and clearly explain its decision-making rationale.” *See* 10-A DCMR § 224.8. **Approval turns on whether, on balance, the action is not inconsistent with the Comprehensive Plan as a whole after weighing competing policies and clearly explaining the balancing rationale. See 10-A DCMR § 224.8.**

III. COMPREHENSIVE PLAN CONSISTENCY EVALUATION

As detailed herein, **the proposed text amendments are not inconsistent with the policies and goals of the Comp Plan when read as a whole.** The following sections reflect the Petitioner’s thorough evaluation of the text amendments’ overall consistency with the Comp Plan. Given the broad range of overlapping policy topics addressed in the Comp Plan, certain Citywide Elements

¹ D.C. Law L23-0217 took effect on August 27, 2020, and included amendments to the Comp Plan Framework Element. D.C. Law L24-0020 took effect on August 21, 2021, and included amendments to the Comp Plan general, citywide, and area elements, and the Generalized Policy Map and Future Land Use Map. The Generalized Policy Map and Future Land Use Map were formally approved on November 16, 2021, pursuant to Resolution No. R24-0292.

may have little to no applicability to a zoning proposal. Such is the case for the proposed text amendment. Nevertheless, in conducting its Comp Plan evaluation, the Petitioner has thoroughly reviewed the goals and policies of each and every Comp Plan Element. For those Citywide Elements that are more directly applicable to the Petitioner’s request, a narrative is provided below explaining the basis for the Petitioner’s determination that the text amendments are not inconsistent with that particular element. Finally, in accordance with the guidance provided by the D.C. Court of Appeals (the “Court”), the Petitioner’s evaluation also includes a specific assessment of potential Comp Plan inconsistencies.

IV. BALANCING POTENTIAL INCONSISTENCIES

As described in Section VI. E., to the extent that the text amendment is inconsistent with individual Comp Plan policies, such inconsistencies are far outweighed by other Citywide policies relating to, among others, land use, transportation, and economic development.

To the extent that the text amendment is inconsistent with certain recommendations, the inconsistencies are outweighed by other Comp Plan policies.

V. RACIAL EQUITY AND THE COMPREHENSIVE PLAN

A primary focus of the Comp Plan, as reflected throughout its various policies, is achieving racial equity. The Framework Element of the Comp Plan defines racial equity as the moment when “race can no longer be used to predict life outcomes and outcomes for all groups are improved.” *See* 10-A DCMR § 213.7. Indeed, the importance of equity to District residents was made abundantly clear when the D.C. Office of Planning (“OP”) conducted its D.C. Values survey in Spring 2019. In addition to equity, city residents also expressed concerns about rising costs and inequitable access to opportunities for housing, businesses, employment, and other necessities. Overall, livability, equity, and safety were considered the most critical values. *See* 10-A DCMR §§ 107.17–107.22.

As stated in the Framework Element and as further discussed below, equity is both an outcome and a process. *See* 10-A DCMR § 213.6. **Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race, class, or gender. Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities.** An important factor to advancing racial equity is to acknowledge that equity is not the same as equality. *Id.* “As an outcome, the District achieves racial equity when race no longer determines one’s socioeconomic outcomes, when everyone has what they need to thrive, no matter where they live or their socioeconomic status; and when racial divides no longer exist between people of color and their white counterparts. As a process, we apply a racial equity lens when those most impacted by structural racism are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives, particularly people of color.” *See* 10-A DCMR § 213.9.

Equity is conveyed through the Comp Plan, particularly in the context of zoning, where certain priorities stand out, including affordable housing, avoiding displacement, and access to opportunity. To help guide the Commission in applying a racial equity lens to its decision making, the Implementation Element reads, in relevant part, “[a]long with consideration of the defining

language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests and needs of different areas in the District.” *See* 10-A DCMR § 2501.6.

As related to zoning actions, racial equity is not a separate consideration from the normal legal standard of review. Rather, the Commission properly considers equity as an integral part of its analysis regarding whether a proposed zoning action is “not inconsistent” with the Comp Plan. The scope of the racial equity review and the extent to which Comp Plan policies apply depend upon the nature of the proposed zoning action. In this case, the Commission shall evaluate the proposed text amendment using its Racial Equity Tool² to make its determination regarding whether the requested text amendment is not inconsistent with the Comp Plan as a whole.

a. RACIAL EQUITY AS A PROCESS

The Framework Element states that racial equity is a process, and that as the District grows and changes, it must do so in a way that builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes. *See* 10-A DCMR § 213.7.

b. RACIAL EQUITY AS AN OUTCOME

The Framework Element states that “equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Equity is not the same as equality.” *See* 10-A DCMR § 213.6. As stated above, under the Comp Plan, the Commission shall carry out its Comp Plan evaluation for the Application through a racial equity lens. The table in Section IX correlates the proposed text amendment with a number of equitable development indicators in general terms. As the table shows, the text amendment has the potential to address a number of equity issues experienced by residents District-wide.

The following evaluation follows the Zoning Commission’s Racial Equity Tool, organized in four parts.

VI. PART ONE: RACIAL EQUITY ANALYSIS SUBMISSIONS (GUIDANCE REGARDING THE COMPREHENSIVE PLAN)

As required by Part One of the Racial Equity Tool, the Petitioner has conducted a thorough evaluation of the proposed text amendments’ consistency with the Comp Plan, including the FLUM, the GPM, the policies of all applicable Citywide and Area Elements, and all other applicable adopted public policies and active programs.

a. COMPREHENSIVE PLAN OVERVIEW AND APPLICATION

As discussed below, the proposed text amendment is not inconsistent with the Comp Plan, as adopted by the D.C. Council pursuant to D.C. Law L23-0217 (Comprehensive Plan Amendment Act of 2017) and D.C. Law 24-0020 (Comprehensive Plan Amendment Act of 2020), including

² Available at: <https://dcoz.dc.gov/release/zc-racial-equity-analysis-tool-new>.

the FLUM and the GPM (D.C. Resolution R24-0292), collectively referred to herein as the Comp Plan.³

The Comp Plan guides the District's development, both broadly and in detail, through maps and policies that address the physical development of the District. *See* 10-A DCMR § 103.2. The Comp Plan also addresses social and economic issues that affect and are linked to the physical development of the District and the well-being of its citizens. The Comp Plan provides the general overview of how change will be managed in the years ahead and, thus, is intended to be interpreted broadly. *See* 10-A DCMR § 103.5.

Because the Comp Plan is the one plan that guides the District's development, it carries special importance in that it provides an overall direction and shapes all other physical plans the District may adopt. *See* 10-A DCMR § 103.2. The Comp Plan includes detailed maps and policies for the physical development of the District and addresses social and economic issues that affect the District and its citizens. The Comp Plan allows the District to ensure its resources are used wisely and efficiently and that public investment is focused in areas where it is most needed. *See* 10-A DCMR § 100.13. Subsection 228.1(d) of the Comp Plan reads, in relevant part, the “zoning of any given area should be guided by the [FLUM] interpreted in conjunction with the text of the Comp Plan, including Citywide Elements and the Area Elements, as well as approved Small Area Plans.”

b. FUTURE LAND USE MAP

Because the Petition does not propose any rezonings or target specific parcels, the FLUM functions as policy context rather than a site-specific directive. The relevant inquiry is whether creating a special exception pathway for drive-through service is compatible with the types of places the FLUM envisions, particularly neighborhood shopping and mixed-use corridors, when the Comp Plan is read as a whole.

The amendments neither rezone property nor alter underlying land-use designations or density ranges; they introduce a case-by-case review mechanism within existing zones. Consistent with the Framework, FLUM ranges are applied broadly and in concert with the Comp Plan text rather than as rigid caps. The amendments neither rezone property nor alter underlying land-use designations or density ranges; they introduce a case-by-case review mechanism within existing zones.

Moreover, neighborhood-serving retail and services are anticipated within the FLUM's Commercial, Mixed Use, and PDR categories mapped along many corridors and nodes. Allowing existing drive-through service to continue by special exception approval keeps such establishments within the intended retail and service fabric while preserving flexibility to tailor outcomes to local conditions and the surrounding residential context.

³ D.C. Law 23-0217 took effect on August 27, 2020, and included amendments to the Comp Plan Framework Element. D.C. Law 24-0020 took effect on August 21, 2021, and included amendments to the Comp Plan general, citywide, area elements, and the GPM and FLUM. The GPM and FLUM were formally approved on November 16, 2021, pursuant to Resolution No. 24-0292.

Furthermore, because approvals are not matter-of-right, the BZA may impose conditions on design and operations, such as minimizing or consolidating curb cuts, internalizing queuing, and enhancing the streetscape, to ensure site-level decisions remain consistent with the intent of the Zoning Regulations and neighborhood character.

Although District-wide in scope, the text amendments' practical effect is limited to mapped Commercial and Mixed Use corridors and PDR-zoned properties where such restaurants already exist. In those locations, the FLUM anticipates everyday retail and services and supports calibrated operational allowances vetted case-by-case.

Accordingly, because the Petition proposes no rezonings, situates decisions within special exception, context-specific review, and aligns with the FLUM's expectation for neighborhood-serving retail/services in Commercial, Mixed Use, and PDR areas, it is **not inconsistent with the FLUM when read together with the Comp Plan as a whole.**

c. GENERALIZED POLICY MAP

The Petition neither proposes rezonings nor targets specific parcels; therefore, the GPM serves as a directional lens for decision-making rather than a site mandate. The GPM outlines how different parts of the District are expected to conserve, enhance, or accommodate change and is expressly applied in tandem with the Comp Plan text and other maps, with boundaries interpreted in context.

The text amendments do not alter Generalized Policy Map designations; instead, they channel proposals for fast-food establishments with existing drive-through service through a special exception process, enabling site-specific conditions that uphold intended place typologies—such as consolidated curb cuts, internalized queuing, and enhanced pedestrian connections—to protect corridor character and pedestrian safety.

Accordingly, by leaving GPM designations untouched and channeling approvals through a context-specific, case-by-case process that can preserve or improve area objectives, the Petition is **not inconsistent with the GPM when read together with the Comprehensive Plan as a whole.**

d. CITYWIDE ELEMENTS

i. LAND USE ELEMENT

The Land Use Element is the cornerstone of the Comp Plan. It establishes the basic policies guiding the physical form of the city, and provides direction on a range of development, conservation, and land use compatibility issues. The Land Use Element describes the balancing of priorities that must take place to accommodate a multiplicity of land uses within the boundaries of the District. *See* 10-A DCMR § 300.1.

Permitting existing drive-through service to continue for fast-food establishments is not inconsistent with the Land Use Element when applied through a context-sensitive, special

exception review. The text amendments will accommodate a contemporary commercial format in places where auto-oriented patterns already exist or where residents rely more heavily on cars, thereby improving the functional mix of neighborhood-serving uses without displacing established residential character and while advancing affordability, racial equity, and opportunity on appropriately selected sites (LU-2.1.1).

Allowing improvements and upgrades to existing drive-throughs can activate underutilized commercial and mixed-use corridors or PDR properties, drawing consistent customer traffic, reducing vacancy, and catalyzing complementary investment; in underserved areas this format can also provide convenient, affordable dining options, and entry-level jobs, aligning with the policy's emphasis on equitable development and benefits for disadvantaged residents (LU-2.1.2).

Where feasible, integrating drive-through functionality into the rehabilitation or adaptive reuse of existing commercial or industrial buildings extends the life of older structures, preventing blight, and preserving architectural continuity, delivering updated services while maintaining neighborhood character and cultural assets (LU-2.1.4).

Finally, a regulated pathway for drive-through service bolsters the vitality of commercial centers by reinforcing centers as accessible, attractive destinations that meet daily needs, particularly in retail-poor neighborhoods and for residents with mobility or time constraints, supporting job creation, a stronger customer base, and a resilient mix of goods and services (LU-2.4.1).

Read together, these policies support new construction and the modernization or expansion of existing drive-throughs via special exception review to tailor design, circulation, and operations to local context, thereby advancing neighborhood variety, equitable revitalization, building reuse, and commercial-center vitality, and demonstrating consistency with the Land Use Element when the Comp Plan is considered as a whole.

The proposed text amendments specifically advance the following Land Use Element policies:

LU-2.1 A District of Neighborhoods

- LU-2.1.1: Variety of Neighborhood Types
- LU-2.1.2: Neighborhood Revitalization
- LU-2.1.4: Rehabilitation Before Demolition

LU-2.4 Neighborhood Commercial Districts and Centers

- Policy LU-2.4.1: Promotion of Commercial Centers

ii. TRANSPORTATION ELEMENT

The Transportation Element provides policies and actions to maintain and improve the District's transportation system and enhance the travel choices of current and future residents, visitors, and workers. These policies are complemented by policies in the Land Use, Urban Design, and Environmental Protection Elements on related topics, such as air quality and the management

of public space. Recognizing the interplay between transportation and these related topics is critical to improving safety, mobility, and accessibility in the District. *See* 10-A DCMR § 400.1.

Subject to context-specific conditions, drive-through service can advance equitable access by accommodating residents with diverse mobility needs and circumstances (T-1.1.7). For households in areas where car ownership is higher due to limited nearby retail and food options, drive-throughs can provide safe, reliable access to affordable dining without lengthy trips or multiple transfers. They can also expand access for individuals with physical disabilities, seniors, and caregivers with young children, for whom entering and exiting a restaurant may present barriers. In this way, a special exception pathway helps ensure that mobility constraints do not prevent residents from meeting basic needs, consistent with the policy's directive that transportation should not be a barrier to opportunity.

Additionally, framing transportation access through a racial equity lens, drive-through facilities in underserved commercial or mixed-use corridors and PDR properties can help redress historic inequities in access to services for communities of color. By locating services in proximity to neighborhoods where walkability and transit connectivity are limited, drive-throughs reduce the additional transportation burdens these residents often face and provide more equitable access to everyday needs.

The application specifically advances the following Transportation Element policy:

T-1 Linking Land Use and Transportation

- T-1.1.7: Equitable Transportation Access

iii. ECONOMIC DEVELOPMENT ELEMENT

The proposed text amendment is consistent with the guidance and direction in the Economic Development Element of the Comp Plan. The Comp Plan states that economic development is about more than simply increasing the number of jobs and improving the District's finances. 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.

Permitting new buildings and the modernization or expansion of existing fast-food establishments with drive-throughs can promote local entrepreneurship by improving sales volume and customer turnover, thereby strengthening the financial viability of resident-owned operators, including women-owned businesses and equity impact enterprises (small, resident-owned Black and Brown businesses) (ED-1.1.4). This expanded operational flexibility can help historically underrepresented entrepreneurs compete, stabilize cash flow, and reinvest in staff, training, and neighborhood-serving improvements.

Drive-through service also advances neighborhood commercial vitality by broadening the effective customer base, particularly for car-dependent households, seniors, and residents with limited mobility, thereby supporting existing businesses, encouraging reinvestment, and improving the local mix of goods and services (ED-3.1.1). By channeling additional activity to neighborhood nodes without mandating by-right approvals, a special exception pathway can tailor

site design, circulation, and operations to context while sustaining vibrant, convenient destinations for everyday needs.

Finally, allowing drive-throughs can serve as a targeted revitalization tool in areas of greatest need, such as older corridors with high vacancy, by providing reliable anchor activity that helps achieve the “critical mass” necessary to attract complementary retail and maintain viable neighborhood centers (ED-3.1.2). When located in historically disinvested areas, drive-through services can bring essential services closer to residents and create opportunities for local ownership and employment, aligning economic development programs with equitable, resident-serving outcomes.

The application specifically advances the following Economic Development Element policies:

ED-1.1 Diversifying the Economic Base

- ED-1.1.4: Promote Local Entrepreneurship

ED-3.1 Strengthening Retail Districts

- ED-3.1.1: Neighborhood Commercial Vitality
- ED-3.1.2: Targeting Commercial Revitalization

e. ANALYSIS OF POTENTIAL INCONSISTENCIES WITH THE COMPREHENSIVE PLAN

Notwithstanding the numerous policies across the Comp Plan’s various city-wide and area elements that the proposed Text amendment would advance, an analysis of potential inconsistencies with the Comp Plan is also necessary to demonstrate that the Text amendment is “not inconsistent with the Comp Plan[.]” 11-X DCMR § 500.3. As established by the D.C. Court of Appeals, it is not sufficient to simply identify the policies that would be advanced when evaluating a proposal for consistency with the Comp Plan. Rather, because of the overlap within and between the elements the evaluation must also recognize where there may be potential inconsistencies.

Since first being adopted by the D.C. Council, the Comp Plan has always recognized that there is intentional overlap between its individual components (elements), and that it is intended to be a policy framework that is to be interpreted broadly and provide guidance to all executive and legislative decision making. Indeed, the first Comp Plan adopted in 1984 stated “[t]he primary dynamic of the District elements of the Plan are the overlapping of its elements’ goals. This overlapping is intentional.” (Section 102, District of Columbia Comprehensive Plan Act of 1984). The current Implementation Element reflects the same language: “[r]ecognize the overlapping nature of the Comprehensive Plan elements as they are interpreted and applied. An element may be tempered by one or more of the other elements.” See 10-A DCMR § 2504.6.

In the event there are inconsistencies, an explanation must be provided as to why said inconsistencies are outweighed by the advancement of other policies and considerations. A “roadmap” of sorts for evaluating a proposal’s consistency with the Comp Plan can be found in the Court’s initial review of the McMillan PUD:

The Comprehensive Plan is a “broad framework intended to guide the future land use planning decisions for the District.” *Wisconsin-Newark Neighborhood Coal. v. District of Columbia Zoning Comm’n*, 33 A.3d 382, 394 (D.C. 2011) (internal quotation marks omitted). “[E]ven if a proposal conflicts with one or more individual policies associated with the Comprehensive Plan, this does not, in and of itself, preclude the Commission from concluding that the action would be consistent with the Comprehensive Plan as a whole.” *Durant v. District of Columbia Zoning Comm’n*, 65 A.3d 1161, 1168 (D.C. 2013). The Comprehensive Plan reflects numerous “occasionally competing policies and goals,” and, “[e]xcept where specifically provided, the Plan is not binding.” *Id.* at 1167, 1168 (internal quotation marks omitted). Thus “the Commission may balance competing priorities in determining whether a PUD is consistent with the Comprehensive Plan as a whole.” *D.C. Library Renaissance Project/West End Library Advisory Grp. v. District of Columbia Zoning Comm’n*, 73 A.3d 107, 126 (D.C. 2013). “[I]f the Commission approves a PUD that is inconsistent with one or more policies reflected in the Comprehensive Plan, the Commission must recognize these policies and explain [why] they are outweighed by other, competing considerations.” *Friends of McMillan Park v. District of Columbia Zoning Comm’n*, 149 A.3d 1027, 1035 (D.C. 2016) (brackets and internal quotation marks omitted).

Upon review, the Petitioner has identified one inconsistency between the proposed text amendments and the Comp Plan. To the extent the Commission were to conclude that the proposal is inconsistent with more individual policies, the Petitioner submits that such inconsistencies are clearly outweighed by the Petition’s consistency with the FLUM, the GPM, and Citywide Elements that include Land Use, Transportation, and Economic Development Elements. Collectively, these guiding components of the Comp Plan demonstrate that the Petition will meaningfully advance the District’s policy objectives.

i. T-1.2.3: DISCOURAGING AUTO-ORIENTED USES

Allowing drive-throughs for fast-food establishments is inconsistent with the District’s goal of discouraging auto-oriented uses. Drive-throughs typically require curb cuts and dedicated vehicle access points, which can disrupt the pedestrian network, reduce sidewalk continuity, and detract from the character of pedestrian-oriented corridors. These design elements are the very impacts that Policy T-1.2.3 seeks to minimize, as they can diminish pedestrian safety and conflict with broader efforts to prioritize walkability and other car-free means of transportation.

While Policy T-1.2.3 weighs against drive-throughs, the special exception framework enables targeted mitigation—including curb-cut minimization or consolidation, internalized queuing, defined turning movements, delivery windows, pedestrian-first site design, and ADA-compliant paths and lighting—so that conflicts with the pedestrian realm are addressed. When weighed against equitable access (T-1.1.7), neighborhood commercial vitality (ED-3.1.1), and targeted revitalization (ED-3.1.2), the amendments are not inconsistent with the Comprehensive Plan as a whole.

VII. PART TWO: COMMUNITY OUTREACH AND ENGAGEMENT

The Zoning Commission expects Comp Plan analysis submissions to include a detailed discussion from the Petitioner on community outreach and engagement efforts.

a. IMPACTED COMMUNITY(IES)

This petition seeks a District-wide text amendment and is not tied to a particular site or neighborhood; accordingly, a property-level outreach program was not feasible prior to filing. In practical terms, the text amendments would primarily affect commercial, mixed use, or PDR zoned properties, which are distributed across multiple Advisory Neighborhood Commissions (“ANCs”). The “affected community” therefore consists of residents, ANCs, small businesses, and corridor stakeholders located along these mapped commercial and industrial areas citywide.

In Z.C. Case No. [24-13](#), the Commission approved a Zoning Map amendment on May 29, 2025, for 4301 Nannie Helen Burroughs Avenue NE (Square 5094, Lot 104), rezoning the property from MU-3A to MU-7B to facilitate modernization of an existing McDonald’s with a nonconforming drive-through. ANC 7C supported the Application for its corridor revitalization benefits but also noted that relying on an upzoning to accommodate a long-standing drive-through was an inefficient tool and suggested a more tailored entitlement process. *See* Z.C. Case No. 24-13, [Exhibit 27](#). Also, while community stakeholders supported rebuilding the existing McDonald’s restaurant, they expressed concern that upzoning the parcels could allow higher-density development as a matter-of-right in the future. A similar concern arose in Z.C. Case No. 22-19, involving 4950 South Dakota Avenue NE, which was upzoned consistent with the Comprehensive Plan to permit a new McDonald’s with a drive-through. Finally, many fast-food restaurants have been long-term community stakeholders—employing neighborhood residents, serving as gathering spaces, and supporting local programs.

For all of the foregoing reasons, the text amendments proposed in the Petition are warranted and not inconsistent with the Comprehensive Plan.

b. ANALYSIS OF PAST AND PRESENT RACIAL DISCRIMINATION / HARM

This District-wide text amendment does not authorize site-specific construction and therefore does not create property-level impacts; however, many commercial and mixed-use corridors or PDR properties that could utilize the special exception pathway are located in communities that have experienced historic disinvestment, service gaps, and mobility and environmental burdens. The text amendments’ case-by-case review structure allows the BZA to require context-sensitive design and operations that mitigate potential auto-oriented externalities (e.g., limiting curb cuts and managing queuing) while improving equitable access to everyday services for residents, including seniors, people with disabilities, caregivers, and workers with limited time. In combination with ongoing District efforts to strengthen neighborhood businesses, enhance pedestrian safety, and support inclusive entrepreneurship, the special exception process provides a mechanism to ensure that any approved drive-through reduces historic access burdens without exacerbating safety, environmental, or displacement risks.

i. DRIVE-THROUGH SPECIAL EXCEPTION WILL ADDRESS PAST DISCRIMINATION

Communities of color along commercial and mixed-use corridors or near PDR-zoned properties have experienced historic disinvestment, mobility barriers, and environmental burdens. The special exception process advances procedural equity by issuing approvals only with clear, enforceable, site-specific conditions, developed under codified criteria and informed by ANC input given great weight, that directly mitigate potential disparate impacts (e.g., minimizing/merging curb cuts, internalizing queuing, and ADA-compliant pedestrian paths and lighting). These conditions create certainty and accountability, ensuring that any approved drive-through improves access to services without exacerbating safety, environmental, or displacement risks for historically burdened neighborhoods.

c. COMMUNITY PRIORITIES AND IMPACT ON THE ZONING ACTION

During the 2006 Comp Plan revision process, residents and stakeholders from each Planning Area identified key challenges and priorities related to growth, neighborhood character, and institutional impacts.

In some cases, similar corridors typically raise concerns about pedestrian safety and access, such as added curb cuts, conflicts at crosswalks or bus stops, and queuing that spills back onto sidewalks. Communities also worried about traffic and circulation (turning movements, cut-through on local streets, peak-hour congestion), environmental and health externalities (noise, lighting, idling/air quality, litter), and context/equity risks from concentrating auto-oriented uses in historically disinvested areas.

The proposed text amendment does not grant by-right approval; each proposal must obtain BZA special exception relief, which allows the Commission to impose clear, enforceable conditions that eliminate or substantially mitigate impacts. Typical conditions include pedestrian-first site design (minimized/merged curb cuts, internalized queuing, ADA-compliant paths and lighting, marked crosswalks), circulation/TDM measures (turn restrictions and delivery windows), and environmental controls (anti-idling plans and signage, waste/litter management, landscape buffers/trees, light-spill control). These conditions run with the land and are enforceable. This ensures access benefits can be realized without exacerbating safety, environmental, or displacement risks, aligning the amendment with the Comp Plan's equity and neighborhood-vitality objectives while respecting corridor context.

The proposed text amendment can improve access to everyday needs by providing convenient, affordable food/service options for seniors, people with disabilities, caregivers, and time-constrained workers. It can bolster neighborhood commercial vitality by anchoring activity that sustains nearby small businesses and reduces vacancy. It can also support inclusive entrepreneurship and local jobs by creating opportunities for resident- and minority-owned operators and neighborhood hiring/contracting. Finally, the process itself advances procedural equity and certainty through ANC "great weight," public testimony, and written BZA orders with clear conditions.

VIII. PART THREE: DISAGGREGATED DATA REGARDING RACE AND ETHNICITY

The Zoning Commission expects disaggregated race and ethnicity data from the Office of Planning in every Comp Plan analysis submission that analyzes a zoning action. Any additional information requested by the Zoning Commission will be provided.

IX. PART FOUR: ZONING COMMISSION EVALUATION

Part Four of the Zoning Commission’s Racial Equity Tool provides the criteria with which the Zoning Commission shall evaluate a proposed action through a racial equity lens. This evaluation is guided by the following questions:

- *What Comprehensive Plan policies related to racial equity will potentially be advanced by approval of the zoning action?*
- *What Comprehensive Plan policies related to racial equity will potentially not be advanced by approval of the zoning action?*
- *When considering the following themes/questions based on Comprehensive Plan policies related to racial equity, what are the anticipated positive and negative impacts and/or outcomes of the zoning action?*

The table below indicates how the proposed text amendments will generally result in positive outcomes when considered through several racial equity themes, as it has the potential to address a number of equity issues that residents in District-wide are experiencing. Throughout the processing of this Application, the Petitioner will engage with the affected ANC and community stakeholders as requested.

Evaluation of Equitable Development Indicators	
Theme / Indicator	Proposed Petition / Applicable Public Benefit
Direct Displacement	The proposed text amendments would not result in the displacement of residents or businesses, as they do not involve the removal, restriction, or conversion of existing housing or commercial businesses. Rather, the text amendments would allow fast-food restaurants to continue operating with existing drive-through service, subject to special exception review, ensuring that their use remains consistent with neighborhood context while providing expanded access to food and services.
Indirect Displacement	The proposed text amendments would not result in indirect displacement because they would not alter the supply, affordability, or stability of housing in surrounding neighborhoods. Its scope is limited to clarifying that nonconforming fast-food restaurants with existing drive-through service may continue to operate subject to special exception review. This type of regulatory change does not

Evaluation of Equitable Development Indicators	
Theme / Indicator	Proposed Petition / Applicable Public Benefit
	incentivize speculative development, change allowable residential densities, or otherwise affect property values in a way that would lead to rising rents or displacement pressures.
Housing	<p>The proposed text amendments would not impact housing outcomes because they are limited in scope to the regulation of fast-food restaurants with existing drive-through service and do not involve the creation, removal, or restriction of residential uses. The amendments apply exclusively to commercial, mixed-use, or PDR-zoned properties, leaving residential zoning, density, and affordability requirements unchanged. As such, they do not affect the availability of family-sized units, the production of new market-rate or affordable housing, or the level of housing cost burden experienced by residents.</p> <p>The text amendments do not influence housing tenure, stability, or the balance between rental and ownership opportunities. They simply provide a regulatory pathway for fast-food establishments to continue operating an existing drive-through under a special exception process without altering housing-related policies or outcomes.</p>
Physical	The proposed text amendments would not affect physical aspects of the built environment such as public space, infrastructure, or cultural resources because they are narrowly tailored to permit the continued operation of fast-food restaurants with existing drive-through service by special exception. Sidewalks, parks, recreation facilities, and cultural or arts amenities would remain unaffected, as these elements are addressed through separate planning, capital improvement, or zoning initiatives. Similarly, the amendments do not alter environmental standards or introduce new requirements related to stormwater management, tree canopy, or energy performance. Any proposed drive-through use would remain subject to existing regulations, ensuring that neighborhood character and sustainability goals are preserved.
Access to Opportunity	The proposed text amendments would not affect access to opportunity, as it is limited to clarifying the conditions under

Evaluation of Equitable Development Indicators	
Theme / Indicator	Proposed Petition / Applicable Public Benefit
	<p>which fast-food restaurants with existing drive-through service may operate. The amendments do not expand or reduce transit access, add or remove job training facilities, or alter the mix of retail, services, or amenities available to residents. Existing public transportation networks, workforce development programs, and neighborhood-serving retail would continue to function independently of this regulatory change.</p> <p>While the amendments may allow certain fast-food establishments to continue their existing drive-through service, this does not materially change the overall availability of transit connections, employment resources, or community amenities. Access to opportunity, including transit mobility, workforce training, and access to new or diverse services, would remain unaffected by the proposed amendment.</p>

X. CONCLUSION

In summary, the proposed text amendments would not create adverse racial-equity impacts. They do not result in direct or indirect displacement, nor do they affect housing supply, affordability, or cost burden. They also do not, by themselves, alter public space, infrastructure, environmental features, streetscape conditions, recreation, or cultural amenities. However, by channeling proposals through BZA special exception, the amendments enable enforceable, site-specific conditions that can improve pedestrian safety, circulation, and ADA-compliant access while aligning operations with neighborhood context.

The amendments are narrowly focused on establishing a clear, BZA-administered pathway for drive-through uses at nonconforming fast-food establishments. Given this limited scope, and the availability of targeted mitigation through special-exception conditions, the amendments do not produce negative racial-equity outcomes; they offer neutral to localized positive effects on access while maintaining protections for neighborhood character and the pedestrian realm.