

November 25, 2022

DC Zoning Commission
441 4th Street NW, Suite 200
Washington, DC 20001
Via email: zcsubmissions@dc.gov

Re: Zoning Commission case number 22-19

Dear Members of the Zoning Commission,

I am writing in support of the recommendations contained in the report of the District Department of Transportation (DDOT) for Zoning Commission case no. 22-19. I am a resident in ANC 5A. I live roughly 0.7 miles from the subject McDonald's property located at 4950 South Dakota Avenue NE, where there is currently not a drive-through on the property. I support DDOT's recommendations because they are more consistent with the goals and policies of the District's Comprehensive Plan than the recommendations outlined in the report from DC's Office of Planning (OP). OP's recommendations and analysis are completely contrary to the goals and policies of the District's Comp Plan.

Approving the Applicant's request that is being submitted solely to permit building a drive-through as a matter of right in this case would plainly be at odds with the District's sustainability, transportation, and Vision Zero goals. Furthermore, the Applicant's goal of building a new state-of-the-art, neighborhood-serving restaurant would be better served by building a more pedestrian-oriented restaurant without a drive-through.

McDonald's is seeking to rezone its property from MU-3A to MU-7B solely to add a drive-through. There is no question about this. In a list of FAQs provided by McDonald's to residents of ANC 5A, McDonald's states that they do not intend to build a mixed-use development on the property, nor do they seek to maximize the allowable zoning limits, should their rezoning request be granted. From the May 2022 FAQs (see attachment):¹

Is McDonald's going to develop a mixed use retail residential development on the property?

No. The existing restaurant was constructed in 1968. With the construction of a new restaurant, McDonald's intends to continue to serve the neighborhood for the long term.

How will the new McDonald's restaurant compare to the zoning development standards for the MU-7B zone district?

The new McDonald's restaurant will be a 2-story building with a height of approximately 32 feet and have approximately 5,000 square feet of floor area. The MU-7B zone permits a maximum height of 65 feet and a non-residential density of 2.5 FAR, which is equal to

¹ Available at <https://anc5a.org/documents/#minutes>. Last accessed November 25, 2022.

a building with 52,500 square feet of floor area. Therefore, the new construction on the property will be well below the height and density permitted in the MU-7B zone district. While the Office of Planning (OP) contends that a map amendment cannot guarantee a specific project or development, OP's report recommends that the Commission do just that—assign a zone that would permit the Applicant to build a drive-through as a matter-of-right. OP states that MU-7B Group F is an appropriate zone because McDonald's is an existing fast-food restaurant, and MU-7B Group F permits fast-food restaurants without restriction. Importantly, though, the McDonald's is an existing fast-food restaurant *without an existing drive-through*. And other zones besides MU-7B, such as MU-5 Group E, do in fact permit fast-food restaurants. They are just not permitted to have drive-throughs. If the Zoning Commission is being asked to simply accommodate an existing nonconforming use, then certainly the public interest would best be served by assigning a zoning that is more aligned with the goals of and policies of the Comp Plan.

As OP points out, the Comp Plan calls for **pedestrian-oriented** development along arterials such as South Dakota Avenue NE. As OP also notes, the Comp Plan **discourages auto-oriented uses**, such as drive-through businesses. Permitting a drive-through as a matter of right, where there is none currently, is plainly at odds with these goals. At a time when the District is completely failing at meeting its Vision Zero goals, approving Applicant's request would only serve to move the District in the wrong direction.

OP notes that when analyzing a zoning action through a racial equity lens, one should start by asking what are the anticipated positive and negative consequences of the action. It is clear here that if the Zoning Commission does as OP recommends, McDonald's and McDonald's alone will reap the benefits of the zoning action, while everyone else pays for the externalities.

The Zoning Commission should follow the considered recommendations in DDOT's report.

Sincerely,
Uchenna Evans
Resident, Hamilton Street NE, ANC 5A

ATTACHMENT

MCDONALD'S CORPORATION
ZONING COMMISSION CASE NO. 22-19
4950 SOUTH DAKOTA AVENUE, NE

FREQUENTLY ASKED QUESTIONS

What is an application for a Zoning Map amendment?

An application for a Zoning Map amendment seeks to change the zoning district on a specific property. A Zoning Map amendment is commonly referred to as a rezoning. These applications are filed with the Zoning Commission and the Zoning Commission reviews and approves the application based on their consistency with the Comprehensive Plan.

The McDonald's property is currently zoned Mixed Use ("MU")-3A and an application has been filed to rezone the property to MU-7B.

What properties are included in the Zoning Map amendment application?

The only property included in the Map Amendment is the property at 4950 South Dakota Avenue, NE (Square 3786, Lot 1). The rezoning application does not include the adjacent shopping center next door, the vacant lot behind the McDonald's, or the mini-market across the street from the McDonald's.

Why does McDonald's have to rezone the Property to MU-7B?

Drive-thrus are specifically prohibited for eating and drinking establishments in the MU-3A zoning district. *See* 11-U DCMR § 510.1(g)(1).

The MU-7B zoning district is the lowest zoning district that permits an eating and drinking establishment with a drive-thru. 11-U DCMR § 515.1.

Why does McDonald's want a drive-thru?

With the construction of a new restaurant, McDonald's desires to maximize its options to efficiently and conveniently serve customers. Drive-thrus are standard features for modern fast-food establishments and critical to their business models.

Raoul Alvarez is the owner/operator of the McDonald's; his family has owned the franchise since 1991. Mr. Alvarez and McDonald's are long time, vested stakeholders in the community. The new restaurant, including the drive-thru, allows McDonald's to hire additional staff and continue to be a supportive resource in the community.

If you have any questions or concerns about the restaurant, please contact Mr. Alvarez at raoul.alvarez@partners.mcd.com.

Is McDonald's going to develop a mixed use retail residential development on the property?

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How will the new McDonald's restaurant compare to the zoning development standards for the MU-7B zone district?

The new McDonald's restaurant will be a 2-story building with a height of approximately 32 feet and have approximately 5,000 square feet of floor area. The MU-7B zone permits a maximum height of 65 feet and a non-residential density of 2.5 FAR, which is equal to a building with 52,500 square feet of floor area. Therefore, the new construction on the property will be well below the height and density permitted in the MU-7B zone district.

When will the building design and the site plans be available to the community?

The building design will be presented at the ANC 5A meeting scheduled for May 25th. Soon, McDonald's will meet with DDOT to discuss elements of the site plan. McDonald's will update the community on a regular basis as the site plan evolves and goes through permitting. McDonald's welcomes feedback from the community during this process; presentations will be coordinated through Commissioner Lucio.

For the convenience of the community, McDonald's will place the renderings and the site plan in the restaurant lobby.

What is the expected timeline for the rezoning process?

Based on experience, McDonald's expects the Zoning Commission to have a public hearing on the application in early Fall. If the Zoning Commission finds that the proposed MU-7B is not inconsistent with the Comprehensive Plan, final approval should be granted within 45 days of the public hearing.

After the Zoning Commission Order is issued, it will take up to 8 months to go through the permitting process. The new restaurant will take approximately 4 months to construct.

How can residents engage in the rezoning process and make their opinions known?

Residents can make their opinions known at the full ANC meeting on May 25, 2022, and at every subsequent public meeting or hearing on the application. McDonald's representatives will be pleased to address community comments and concerns.

Residents can continually monitor the Zoning Commission case through the following link: https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=22-19.

Residents can contact the Office of Zoning, (202) 727-6311, to speak to a representative about the case. Please be sure to reference the application's case number, 22-19, when contacting the Office of Zoning.

Residents can file letters to the case file using the following link: <https://dcoz.dc.gov/service/interactive-zoning-information-system>.

Residents can contact their ANC Single Member District Representative, Commissioner Lucio at 5a03@anc.dc.gov.