

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING
CASE NO. 25-16

+ + + + +

MONDAY

SEPTEMBER 28, 2026

+ + + + +

The Public Hearing of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice, at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
ROBERT E. MILLER, Vice Chair
JOSEPH IMAMURA, Commissioner
GWEN WRIGHT, Commissioner
CHRISTINE BRUINS, Commissioner

OFFICE OF ZONING STAFF PRESENT:

PAUL YOUNG, Zoning Data Specialist
SHARON S. SCHELLIN, Secretary

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

BRIAN LAMPERT, ESQUIRE

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ALSO PRESENT:

LEILA BATTIES, ESQUIRE, Holland and Knight
CHRISTOPHER COHEN, ESQUIRE, Holland and Knight
CRYSTAL MYERS, DC Office of Planning
ERKIN OZBERK, DC Department of Transportation

The transcript constitutes the minutes from the
Regular Public Hearing held on September 28, 2026.

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(4:00 p.m.)

CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood. I'm joined by Vice Chair Miller, Commissioners Wright, Imamura, and Bruins. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, as well as our Office of Zoning Legal Division, we're joined this evening by Mr. -- this afternoon by Mr. Lampert, and Mr. Paul Young, who will be handling all of our virtual operations. I will ask all others to introduce themselves at the appropriate time.

Copies of today's virtual public hearing notice are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. Accordingly, all those listening on Webex or by phone will be muted during the hearing and only those who have signed up to participate or testify will be unmuted at the appropriate time.

Please state your name before providing oral testimony on your presentation. Oral presentations should be limited to a summary of your most important points. When you are finished speaking, please mute your audio, so that your microphone is no longer picking up sound or background noise. If you experience

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1 difficulty accessing Webex or with your telephone call-in, then
2 please call our OZ Hotline Number at 202-727-0789 to receive
3 Webex log-in or call-in instructions or if you need assistance
4 to sign up to testify. All persons planning to testify either
5 in favor, opposition, or undeclared must sign up in advance and
6 will be called by name. If you wish to file written testimony
7 or additional supporting documents during the hearing, then
8 please request -- please request that the submissions be entered
9 into the record and be prepared to describe it at the time of
10 your testimony.

11 The hearing will be conducted in accordance with the
12 provisions of 11-Z DCMR, Chapter 5 as follows: preliminary
13 matters; report of other government agencies; presentation by the
14 petitioner in this case; report of the ANCs -- this is citywide --
15 testimony of organizations and individuals, each having five and
16 three minutes, respectively; and we'll hear in the order from
17 those in support, opposition, or undeclared. While the
18 Commission reserves the right to change the time limits for
19 presentation, if necessary, it intends to adhere to the time
20 limits as strictly as possible and notes that no time shall be
21 ceded.

22 At this time the Commission will consider any
23 preliminary matters. Does the staff have any preliminary matters?

24 MS. SCHELLIN: Just very briefly. This is a text
25 amendment, so it's a rulemaking case. There are no parties. The

1 applicant's attorney, or petitioner's attorney rather, Leila
2 Batties, has advised that she will be the only one presenting and
3 plans to take about ten minutes. The Office of Planning report
4 recommending approval; they stated a bunch of other things in
5 their report I won't go through, but that's at Exhibit 18. DDOT's
6 report is at Exhibit 19. They have no objection to the requested
7 text amendment. And so I'll turn this over to the Office of
8 Planning -- I'm sorry -- to the Office -- to the Commissioners.
9 I wanted to say at this time, at the time of writing the report,
10 we had not heard from the ANC. I don't know if they've submitted
11 something since the writing of the report, but I will turn this
12 over to the Commissioners to proceed.

13 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. We
14 appreciate that. Again, today's case is Zoning Commission Case
15 Number 25-16, McDonald's Corporation, text amendment to Subtitle
16 U to allow fast food establishments to continue existing drive-
17 through facilities as a special exception. And, again, today is
18 September 28th, 2026.

19 I expect this to go relatively quickly, considering our
20 past track record. And I know that we have some time frames that
21 some of us has, and I plan on helping all those who have time
22 frames this evening meet them, so I'll stop talking. Let's
23 bring -- let's bring -- and I did see your note. I may not have
24 responded, because I've been rolling today, but let's bring
25 everyone up, Ms. Batties and whoever's coming up, and let's try

1 to do -- can we say, unless there's some opposition -- I've looked
2 at this file and I didn't see any -- we should be off -- if we're
3 not out of here by 4:45, there's a problem, but, anyway, Ms.
4 Batties.

5 MS. BATTIES: Good afternoon, Chairman, members of the
6 Commission. Leila Batties and Christopher Cohen on behalf of the
7 petitioner, McDonald's Corporation. I will be very quick. If
8 Mr. Young, can pull up our slides -- PowerPoint?

9 (Whereupon, applicant's PowerPoint presentation was
10 shared on the screen.)

11 MS. BATTIES: All right. Next slide please. So the
12 text amendment proposes changes to multiple provisions of the use
13 permissions set forth in Subtitle U, Chapter 5, for the MU and --
14 MU use categories, as well as Chapter 8 for the PDR zones and
15 use categories, and then, finally, provisions to Subtitle H,
16 Chapter 60 for the NMU zone, so a total of 11 provisions would
17 be amended.

18 And, again, the purpose of this text amendment is to
19 allow existing fast food restaurants with drive-throughs
20 operations to continue operating in a new -- in new or modernized
21 or expanded buildings when the drive-through use is not supported
22 by the underlying zoning district. In these cases, the drive-
23 throughs are legal nonconforming uses, which means that under the
24 zoning regulations they cannot be rebuilt or expanded. So what
25 that means, in order for fast food establishments to be rebuilt

1 or modernized or expanded, the property has to go through --
2 first, the property has to be rezoned, which could first require
3 an amendment to the Comprehensive Plan Future Land Use map.

4 Where both processes are required, both the Comp Plan
5 change and a rezoning, the entitlement process can take a very
6 long time, up to a decade in some cases, and we saw that in Zoning
7 Case Number 22-19, which was the McDonald's on South Dakota Avenue
8 and, also, the McDonald's at Nannie Helen Burroughs, which was
9 approved under Zoning Case 24-13. In those cases, both sites
10 were upzoned from MU-3A to MU-7, but before we could even file a
11 rezoning application, we had to file for the Future Land Use Map
12 to be changed for those properties and wait for the Council then
13 to approve the Land Use Map change.

14 Next slide please. So the feedback from the community
15 engagement process for both the South Dakota Avenue and the Nannie
16 Helen -- Nannie Helen Burrough sites was really the impetus for
17 the proposed text amendment. In addition to agreeing that the
18 entitlement process was inefficient, a lot of the community
19 members had concerns about upzoning the property to accommodate
20 the drive-through use. And they weren't opposed to the drive-
21 through, but they were concerned about rezoning that would allow
22 for high-density development that could change the character of
23 the neighborhood. So that was a primary concern about just
24 upzoning properties. The other thing is that allowing for a more
25 efficient entitle process allows for faster reinvestment in the

1 establishment, which is beneficial to the community overall.
2 First and foremost, it provides -- the new and modern facilities
3 allow for an improved aesthetic to the neighborhood, and then,
4 in a lot of cases, these establishments provide employment
5 opportunities for people in the neighborhood, and they also
6 partner with local activities and programs.

7 Next slide please. So this is a list of the nine
8 establishments that the Office of Planning has identified that
9 could possibly utilize the new proposed text amendments. Next
10 slide. Oh, and I should point out that even though McDonald's
11 is the petitioner, it is not the only -- all of the sites are
12 not McDonald's sites; there are different fast food
13 establishments on the -- on the nine sites.

14 So in terms of community outreach, which was something
15 that the Zoning Commission asked about at the time of setdown,
16 we sent correspondence to all of the ANCs where the existing
17 drive-through operations are located, and, of the correspondence
18 that was sent, only two ANCs responded. That was ANC 4E and ANC
19 8C. We presented to those ANCs, and only 8C voted, and they
20 voted in support of the petitions of the proposed text amendment,
21 and the other ANCs declined to -- declined the presentation or
22 didn't respond at all.

23 Next slide please. And this slide just summarizes the
24 revisions that were made to the petition since our filing in
25 September of last year. And we worked really closely with the

1 Office of Planning to make sure the proposed text amendment was
2 right, in terms of the actual language, and we also incorporated
3 DDOT's recommendation to require a Comprehensive Transportation
4 Review as part of the special exception approval process.

5 Next slide please. And these next slides just cover
6 the language or just show the language that is proposed in the
7 various sections of the zoning regulations. I just want to point
8 out the key elements to the proposed language is that, one, it's
9 approved, obviously, as a special exception; two, the drive-
10 through has to be existing and operational at the time of the
11 application; or, three, if it -- if the drive-through has been
12 discontinued, it has to have been discontinued within a year --
13 one year of the application; and, last, the Comprehensive -- the
14 Comprehensive Transportation Review has to be filed with DDOT
15 within 45 days of the public hearing on the application.

16 Next slide please. And this is the language that's
17 proposed for the neighborhood mixed-use zones. Next slide please.
18 This is the language proposed for the PDR zones. And then we
19 have one more slide please.

20 So I'll just conclude my remarks by noting that we are
21 pleased that both the Office of Planning and DDOT have issued
22 reports in support of this petition. I want to point out that
23 DDOT -- the DDOT report acknowledges that the proposed special
24 exception approval is actually a more appropriate process to
25 permit the drive-through use than the rezoning process that we

1 used for the South Dakota Avenue and Nannie Helen Burroughs cases,
2 because it gives them an opportunity, as part of the legal
3 standard of review, to review the site operations. So, in light
4 of that, we respectfully request the Zoning Commission's approval
5 of the petition, and, of course, I'm happy to answer any questions
6 that you may have. Thank you.

7 CHAIRMAN HOOD: Thank you, Ms. Batties and Mr. Cohen.
8 We appreciate your very succinct and to the point. I'm having
9 some unstable -- I don't know if anybody else is having it, but
10 I'm having some unstable issues, so we'll just keep moving. I'm
11 going to go first to Commissioner Wright, then Commissioner
12 Bruins, Commissioner Imamura, then Vice Chair Miller, and then
13 myself. So Commissioner Wright.

14 COMMISSIONER WRIGHT: Thank you. I think this is a
15 very appropriate text amendment. I think that, as was stated,
16 not only is rezoning a property to allow for an existing fast
17 food restaurant to renovate and upgrade their property is just
18 regulatory overkill, but, also, the rezoning does mean that if
19 there was ever a new owner, there could be additional density
20 that the community would have concerns about. So I think the
21 special exception process is a much, much better process, and I
22 fully support this text amendment. Thank you.

23 CHAIRMAN HOOD: Thank you. Commissioner Bruins.

24 COMMISSIONER BRUINS: I have no additional comments.
25 I'd like to align myself with Commissioner Wright's comments.

1 Thank you.

2 CHAIRMAN HOOD: Thank you. Commissioner Imamura.

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm
4 also in agreement with Commissioner Wright's comments and want
5 to underscore that this is one of those text amendments that's
6 very surgical and very specific here, so -- and it makes a lot
7 of sense. What's also remarkable is DDOT has no objection to
8 this. I think in Case 22-19 and 24-13, they had some objection
9 to that and concern about auto-dependency and how drive-throughs
10 increase or encourage that. However, I think this is a case-by-
11 case sort of scenario or situation that merits this text
12 amendment. And I think to Ms. Batties' slide that there are nine
13 potential locations, and I think somewhere in OP's report it
14 mentioned maybe 24, but to the comment that was made, that this
15 also helps improve sites and expedite new use or improved use
16 for the surrounding neighborhood, and I think that's an important
17 component of this text amendment and outcome. So, with that, I'm
18 ready to support, and yield my time.

19 CHAIRMAN HOOD: Thank you. Vice Chair Miller.

20 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
21 you to the petitioner for bringing this case forward. I agree
22 with you that the other two cases were the impetus for it and
23 this would -- by allowing this special exception process for the
24 nine establishments that it affects, it allows these
25 establishments, which are sometimes anchors of their

1 community -- of the adjacent community, to modernize, expand
2 without having to go through that burdensome zoning amendment
3 process without raising the concern that was raised in those two
4 cases, that the upzoning would permit in the future or in any
5 other property nearby that's affected by the Comp Plan amendment,
6 would allow higher-density development that's incompatible, so
7 the special exception process will allow that compatibility --
8 neighborhood compatibility to be and for the public input to
9 weigh in on that, and including the operational hours, so I fully
10 support this going forward. Thank you, Mr. Chairman.

11 CHAIRMAN HOOD: Okay. I don't have --

12 VICE CHAIR MILLER: Oh, and I had one question. I'm
13 sorry. You may have already said this, Ms. Batties. How many
14 of the nine existing drive-through establishments are in
15 neighborhood mixed-use -- neighborhood zones? Was it two?

16 MS. BATTIES: Only two.

17 VICE CHAIR MILLER: Okay. Thank you.

18 CHAIRMAN HOOD: Okay. Thank you. I would agree with
19 all the comments, and especially sitting on those cases, we know
20 what -- some of the arduous tasks that we had to go through.
21 And, Ms. Batties, I want to thank you all for bringing that, as
22 the Office of Planning was not able to do it. Thank you all for
23 bringing that forward and trying to get a win-win, because I
24 know, specifically, one of those cases, I remember years ago, as
25 a child, when we did not want the walk-through (sic), but as --

1 I mean the drive-through, but, as we've gotten older, the same
2 people who didn't want the drive-through, guess what, they were
3 there supporting the -- I mean, did not want the drive-through
4 then, 40-some-odd years later, they now want the drive-through.
5 That's the reality of life. The situations, our mobility issues,
6 and all that stuff changed, so I'm glad you all found -- you
7 found, Ms. Batties, and bringing something that we can manage a
8 little better, so thank you for doing that. I don't have any
9 questions. Any follow-up questions or comments?

10 (No response.)

11 CHAIRMAN HOOD: All right. Ms. Schellin, let's go to
12 the Office of Planning.

13 MS. SCHELLIN: Yes, sir. That's Mr. Ozberk.

14 CHAIRMAN HOOD: The Office of Planning or DDOT? Ms.
15 Myers.

16 MS. SCHELLIN: I'm sorry. That's DDOT. He is here.

17 CHAIRMAN HOOD: Oh, he is here?

18 MS. SCHELLIN: Usually, they don't show up, but I think
19 he has a very short report.

20 CHAIRMAN HOOD: Okay. Well, since he's here.

21 MS. SCHELLIN: I know. I know. It threw you off.

22 CHAIRMAN HOOD: Mr. Ozberk, if you want to come give
23 us your report at this time.

24 (No response.)

25 CHAIRMAN HOOD: Ms. Schellin, are you sure he's here?

1 MS. SCHELLIN: I thought he was. He sent us an e-mail.
2 We said it wasn't too late to sign up. Maybe he decided not to.
3 He e-mailed both Ella and I.

4 CHAIRMAN HOOD: He may still be in a drive-through.
5 No, let me stop. I'm -- that's why I do zoning and not a comedian.
6 All right. Let's go to Ms. Myers, Office of Planning.

7 MS. MYERS: Hello. Crystal Myers, Office of Planning.
8 The Office of Planning is recommending approval of this case by
9 McDonald's Corporation. On balance, we feel that the proposed
10 text amendment would not be inconsistent with the Comprehensive
11 Plan. I will also note that in our report we do identify that
12 there are 24 drive-through fast food establishments that we found
13 in the relevant zones; however, out of those 24, nine of them
14 have zoning that does not allow for a fast food drive-through,
15 so they are non-conforming uses. And then, out of those nine,
16 three of them also have the Future Land Use Map challenges, so
17 that's why the numbers are -- there's multiple numbers in our
18 report, but just wanted to clarify that. So, anyway, again, the
19 Office of Planning is recommending approval. Thank you.

20 CHAIRMAN HOOD: Thank you, Ms. Myers. Let's see if we
21 have any questions of the Office of Planning? Anybody have any
22 questions of the Office of Planning?

23 COMMISSIONER IMAMURA: No questions, but just a
24 comment, Mr. Chairman. Thank you, Ms. Myers, for that level of
25 precision.

1 CHAIRMAN HOOD: Anybody else?

2 (No response.)

3 CHAIRMAN HOOD: Vice Chair -- Vice Chair Miller, could
4 you thank Ms. Myers, so we can make sure we're covered in
5 February?

6 VICE CHAIR MILLER: So I have an unbeaten record on
7 that point? Okay. Thank you, Ms. Myers, as always, for your
8 thorough presentation.

9 CHAIRMAN HOOD: Okay. Thank you all. And, Ms. Myers,
10 I want to thank you as well always. Ms. Schellin, is Mr.
11 Ozberk -- is he here? Are you -- you're on mute. You're on --
12 you're on mute.

13 MS. SCHELLIN: Sorry about that. He did sign up, and
14 I'm thinking maybe he was confused, because, typically, they
15 don't sign up for text amendments, but it is the right case that
16 he e-mailed me about, but he is not on.

17 CHAIRMAN HOOD: Okay.

18 MS. SCHELLIN: I'm thinking he may have confused it
19 with another case.

20 CHAIRMAN HOOD: Okay. It's all good. All right. Do
21 we have anyone here to testify in support, opposition, or
22 undeclared, Ms. Schellin?

23 MR. YOUNG: I think he just logged on, if you want me
24 to bring him on.

25 CHAIRMAN HOOD: Okay.

1 MS. SCHELLIN: Oh, he did, yes, but nobody to testify
2 in any category, so he will be the only witness.

3 CHAIRMAN HOOD: Okay. Let's bring up, Mr. Osberk, and
4 he -- you may begin, whenever you're ready.

5 MR. OZBERK: Good evening. Sorry I was a little bit
6 late joining. Thank you. So, yes, good evening, Chairman Hood
7 and members of the Commission. For the record, my name is Erkin
8 Ozberk with the District Department of Transportation here
9 testifying for Case Number 25-16.

10 So DDOT has no objection to the text amendment, subject
11 to tonight's hearing. Our -- in our September 18th, 2026 report,
12 which is in the record as Exhibit 19, we recommended approval.
13 As discussed in our report, DDOT discourages drive-throughs,
14 generally, as they induce vehicular traffic, while increasing the
15 probability of crashes with other vehicles, as well as people
16 walking and biking, but the proposed tax amendment in the revised
17 petition, which is in the record as Exhibit 17, would require
18 applicants to scope and submit a transportation study, which is
19 called a Comprehensive Transportation Review or CTR, as part of
20 their special exception application to the BZA. And we find that
21 a special exception that requires applicants to complete a CTR
22 is a more appropriate means for evaluating the site-specific
23 transportation impacts associated with drive-through restaurants
24 than a zoning map amendment, which has been the path that the
25 applicant has taken into other recent cases.

1 Based upon the findings of a CTR submitted with future
2 special exception cases, DDOT expects BZA orders would require
3 appropriate mitigations that may result in design modifications
4 and improvements in public space related to the drive-through.
5 DDOT understands that the proposed text amendment would affect
6 up to nine properties with existing drive-throughs, based on the
7 applicant's submittals and, I believe, referencing some analysis
8 done by the Office of Planning. And, if approved, DDOT looks
9 forward to working with these future applicants in their BZA
10 cases to insure that drive-through modernizations are developed,
11 taking into account their full impacts on the transportation
12 network with safety mitigations implemented, as needed. So thank
13 you for your time, and happy to answer any questions.

14 CHAIRMAN HOOD: Thank you, Mr. Ozberk. Let's see if
15 we have any questions for you. Anybody? I'm looking around.
16 Anybody have any questions?

17 (No response.)

18 CHAIRMAN HOOD: Okay. There's no questions. Vice
19 Chair Miller, you have any thank yous?

20 VICE CHAIR MILLER: Thank you, Mr. Ozberk, for your
21 testimony and for the suggestion that the CTR be part of the
22 special exception process, and that is a requirement in the
23 revised rulemaking.

24 MR. OZBERK: Yes, we -- and we appreciate the applicant
25 making those revisions, in response to our request, so --

1 CHAIRMAN HOOD: Okay. Thank you, too, Mr. Ozberk. We
2 appreciate you giving us DDOT's point of view and perspective.
3 Thank you. All right. Ms. Schellin, you said no one was here
4 to testify either in support, opposition, or undeclared, and this
5 is a --

6 MS. SCHELLIN: That is correct.

7 CHAIRMAN HOOD: And this is a rulemaking and,
8 typically, the applicant does not have a closing, but when it's
9 like this, Ms. Batties, you have anything to add? If not, we're
10 going to move forward.

11 MS. BATTIES: I have nothing to add.

12 CHAIRMAN HOOD: Okay. Thank you. All right.
13 Colleagues, as Commissioner Wright, in her opening comments a few
14 minutes ago -- she just opened up and said it was pretty
15 straightforward. We've examined this. We did our discovery.
16 We've had some experience on this. And I think this is a fix
17 for something that we've struggled with and had some problems,
18 even though I think this is a good middle piece to be able to
19 work with moving forward for the city, so I -- with that, I would
20 support that. Unless anybody has any additional comments, I
21 would ask Commissioner Wright to make a motion.

22 COMMISSIONER WRIGHT: Sure. I'm glad to. I move that
23 the Zoning Commission approve Zoning Commission Case Number 25-
24 16, McDonald's Corporation, text amendment to Subtitle U to allow
25 fast food establishments to continue existing drive-through

1 facilities as a special exception, and ask for a second.

2 COMMISSIONER IMAMURA: Second.

3 CHAIRMAN HOOD: It's been moved and properly seconded.

4 Any further discussion?

5 (No response.)

6 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, would
7 you do a roll call vote please?

8 MS. SCHELLIN: Commissioner Wright.

9 COMMISSIONER WRIGHT: Yes.

10 MS. SCHELLIN: Commissioner Imamura.

11 COMMISSIONER IMAMURA: Yes.

12 MS. SCHELLIN: Commissioner Hood.

13 CHAIRMAN HOOD: Yes.

14 MS. SCHELLIN: Commissioner Miller.

15 VICE CHAIR MILLER: Yes.

16 MS. SCHELLIN: And Commissioner Bruins.

17 COMMISSIONER BRUINS: Yes.

18 MS. SCHELLIN: The vote is five to zero to zero to
19 approve proposed action in Case Number 25-16, as discussed, and
20 so we'll leave it at that. And I believe the OZLD will prepare
21 the draft of proposed rulemaking. Thank you.

22 MS. BATTIES: Thank you so much.

23 CHAIRMAN HOOD: Okay. Thank you all. Before I close
24 this out, Ms. Schellin, can you tell us when our next hearing
25 is? I don't seem to have it.

1 MS. SCHELLIN: Yes, sir. And the next one will be held
2 on Thursday, October 1st. It is Case Number 26-02, Florida
3 Avenue. It's a map amendment case.

4 CHAIRMAN HOOD: Okay. Thank you very much. We'll be
5 on these same platforms, as Ms. Schellin mentioned, at four p.m.
6 I want to thank everyone for their participation tonight and all
7 the work that's been done, and, with that, this hearing is
8 adjourned. Good night, everyone.

9 (Whereupon, the above-entitled public hearing was
10 adjourned at 4:28 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing - Case No. 25-16

Before: DC Zoning Commission

Date: 09-28-26

Place: Webex Videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Deborah B. Gauthier