VJ Kapur Advisory Neighborhood Commissioner Single-Member District 5C07 https://anc5c07.com

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DC Zoning Commission transmittal via zcsubmissions@dc.gov



Testimony in Opposition of ZC Application 24-11: Montana Triangle

Good evening, Chairperson Hood and members of the Commission,

I'm Commissioner VJ Kapur, ANC 5C Vice Chair, representing 5C on our Resolution Calling for a Mixed Industrial Zone, which appears in Exhibit 48 of the case record.

That resolution calls on the Office of Planning to design and apply a new Mixed Industrial (MU-PDR) zone through text amendment and apply it to the New York Avenue corridor via map amendment, an approach that would directly answer the questions raised tonight by Commissioners Wright and Miller about how to reconcile the mixed FLUM categories created by Amendment 9815.

For Montana Triangle and the land we're discussing today, this would maintain the housing capacity created by OP and this Commission in ZC 14-16 and possibly even expand that capacity along the New York Avenue frontage, all while still also creating a *technically coherent allowance* for limited light industrial uses as offered through *examples* by the Applicant.

The resolution also calls on OP to join ANCs 5C and 5D in our opposition to ZC 24-11.

As we know, OP has gone in a different direction. Rather than even acknowledge this ask, OP's report in Exhibit 55 implies the communities surrounding Montana Triangle don't understand the stakes of this case.

They characterize 4 acres of corridor frontage as merely "a 200-foot portion of the property". They imply that parking lots and truck bays that nominally remain MU-5B within the PUD's envelope remain available for housing construction. They ignore the nearly 2 acres of New York Ave frontage that remains PDR-1 today, because OP itself left those lots out of the MU-5B rezoning in ZC 14-16.

All of this leaves us with a mere 5.6 acres, or 34% of Montana Triangle, remaining for matter-of-right mixed-use. I'll note that because of that residual 1.7 acres of PDR-1 on the

northeast corner, it's *not 7.4 acres* as the Applicant's representative mentioned earlier and in closing. I know this error well as we had to correct it in one of our own filings.

OP's report goes on to characterize the proposed structure as a "warehouse." But "warehouse" is a specific, mostly accessory, use in the zoning regulations—and the applicant would not be bound to it. Rather than enumerating any of these specific uses, the Applicant is offering to pluck a few of an infinite number of PDR uses off of noncomprehensive lists. In other words, in the infinite number of PDR uses, the Applicant is only binding itself to infinity minus 17, or, infinity. This wordplay is highlighted in **Appendix 1**.

This rhetoric bleeds into substance. We saw it on the DDOT report with the conflict on parking spaces, and we do see it in the OP report. For instance, on page 17, in the racial equity analysis meant to consider the disparate impacts that this proposal would have on the black and brown communities surrounding Montana Triangle on all sides, OP offers that the *conceptual*, non-binding warehouse use makes the proposal "light industrial" and therefore "not expected to significantly impact public health."

And while OP gives a brief, dismissive nod to the *New York Avenue Vision Framework* under Section 9 ("Other Planning Documents"), it completely omits mention of its own PDR Land Use Report issued just a year ago—one that recommends OP lead an effort, within 0–2 years, to implement MU-PDR zoning typologies just like those ANC 5C, ANC 5D, and Councilmember Parker have all called for as an alternative to this case. That same report also recommends a 70 percent preservation goal for exclusive use PDR, which would read as advice against the exclusive use PDR expansion proposed here.

I know the Zoning Commission will want to give technical deference on these matters to OP, but I'd urge you to consider whether the agency has properly balanced that technical judgment with the lived experience of those who have filled this record with opposition. And I want to emphasize that I do believe our communities understand what's at stake in this case.

The Comprehensive Plan isn't a series of physics equations or computer code. Its meaning is ultimately executed through your deliberation.

I thank you for that work and look forward to seeing it proceed. Happy to take any questions.

Appendix: PDR-exclusive uses and offered exclusions

PDR-exclusive uses from Exhibit 123A2 (slide 48) and their examples as provided in 11-B § 200.2, with the Applicant's exclusions from Exhibit 123A2 (slide 49) struck through.

- Education uses, public (no limitations offered by Applicant)
- Wholesale or storage establishment (no listed examples, no limitations offered)
- Youth rehabilitation home and adult rehabilitation home (no listed examples, no limitations offered)
- Self-storage, subject to conditions (no listed examples, no limitations offered)
- Waste-related service uses: per 11-B § 200.2(hh): "Examples include, but are not limited to:
 - composting facility
 - Incinerator
 - solid waste handling facility
 - non-intensive recycling facility."
- Production, distribution and repair uses per 11-B § 200.2(z): "Examples include, but are not limited to:
 - manufacturing facility
 - concrete plant
 - asphalt plant
 - material salvage
 - hauling or terminal yard
 - chemical storage or distribution
 - outdoor material storage
 - acetylene gas manufacturing
 - fertilizer manufacturing
 - rock quarrying
 - warehouse
 - storage
 - self-storage establishment
 - ground shipping facility
 - wholesale sales"
- Basic utilities per 11-B § 200.2(gg): "Examples include, but are not limited to:

- telephone exchange
- optical transmission node
- electronic equipment facility [includes data centers per 11-B § 100.2]
- sewer plant
- water treatment plant
- methods and facilities for renewable energy generation other than a community solar facility
- utility pumping station"
- Animal sales and care per 11-B § 200.2(c)(3): "Examples include, but are not limited to:
 - pet shop
 - veterinary clinic or hospital
 - pet grooming establishment
 - dog day care center
 - animal boarding facility
 - animal sales establishment
 - animal shelter"
- Government uses, large scale per 11-B § 200.2(r)(2): "Examples include, but are not limited to:
 - o airports
 - jails
 - truck dispatch facilities
 - police/fire training facilities;"
- Transportation infrastructure per 11-B § 200.2(ff): "Examples include, but are not limited to:
 - streetcar or bus passenger depots
 - transportation rights of way
 - Metro stations
 - mass transit stations
 - bus stops
 - bicycle paths
 - bus transfer stations
 - access ways, airports
 - bicycle facilities

- o multi-use paths
- o pedestrian connections
- o streets"
- Motor vehicle-related sales and repair (provided not within 200 ft. of R, RA or RF zone or residential development): per 11-B § 200.2(v): "Examples include, but are not limited to

 - o auto repair facility
 - o car wash
 - o automobile sales
 - boat sales
 - o motorcycle sales"