



Government of the District of Columbia Advisory Neighborhood Commission 5C

Arboretum | Brentwood | Fort Lincoln | Gateway | Langdon | Woodridge

December 14, 2025

DC Zoning Commission
441 4th Street NW Suite 210S
Washington, DC 20001
(transmittal via zcsubmissions@dc.gov)

ZC 24-11: Response to Applicant's Second Post-Hearing Statement (Exhibit 145)

Chairperson Hood and members of the Zoning Commission,

ANC 5C appreciates the Applicant's continued engagement with the Commission and the community and submits this preliminary response to the "Second Supplemental Post-Hearing Statement" (Exhibit 145). Two issues require immediate clarification to ensure the record accurately reflects ANC 5C's position and the Commission's expectations under Subtitle X.

1. CHEMICAL STORAGE / DISTRIBUTION: LOOPHOLE DEFEATS THE STATED CONCESSION

ANC 5C acknowledges the Applicant's decision to add "chemical storage and distribution" to the prohibited-use list. However, the newly added clause—permitting chemical storage "except for small-scale or accessory operations consistent with permitted light industrial uses"—creates a **loophole so broad that it functionally nullifies the exclusion.**

The Commission is well aware that "small-scale," "accessory," and "consistent with light industrial uses" are **undefined, highly elastic, and unenforceable in practice without thresholds.** As drafted, the language would allow a future tenant to maintain significant quantities of hazardous or regulated materials as long as they are characterized as "accessory" to any allowed operation—a standard that is circular, self-policing, and not meaningfully reviewable by District agencies at the permitting, inspection, or enforcement stages.

This is precisely why ANC 5C's Exhibit 143 called for **either complete exclusion of chemical storage or meaningful bounding**, and explicitly referenced the Portland and Seattle MU-PDR frameworks as examples of how modern jurisdictions define:

- **permissible incidental quantities,**
- **maximum aggregate volumes,**
- **clear thresholds,**
- **specific categories of allowed substances, and**

- **pre-occupancy agency review requirements.**

ANC 5C did *not* propose a free-floating “small-scale or accessory” allowance. We proposed a **structured, enforceable model**, tied to quantifiable limits and requiring DOEE input. The Applicant’s adoption of the *words* but not the *framework* transforms a protective condition into an unenforceable exception and an alarming precedent in an environmental-justice-sensitive corridor.

Requested Clarification

ANC 5C requests that the Commission direct the Applicant to revise the chemical-handling provision to include **clear thresholds and DOEE review**, such as:

“Chemical storage and distribution shall be prohibited, except for incidental quantities used customarily and directly in on-site light-industrial operations, stored in containers of no more than five (5) gallons per material, with an aggregate maximum of twenty (20) gallons of hazardous materials (as defined by DOEE or applicable Fire Code provisions) on-site, and subject to DOEE review and certification for each tenant prior to issuance of any Certificate of Occupancy.”

This aligns with best practices, provides genuine public protection, and preserves the operational flexibility typical of light industrial tenants.

2. THE APPLICANT MISINTERPRETS PUBLIC BENEFITS

The Applicant’s assertion that ANC 5C’s proposed community benefits are “grossly disproportionate” fundamentally misreads the substance of ANC 5C’s filing, the Zoning Regulations, and the regulatory function of public benefits in a PUD. The central issue is not height, density, or the absence of design relief—it is the **permanent PUD-related map amendment** and the **long-term industrial externalities** that the community will bear as a direct and foreseeable result of that entitlement.

The Applicant’s PUD Clearly Receives a Significant Development Incentive

The Applicant argues that because the project does not seek additional height or density, the PUD confers no meaningful incentive. But Subtitle X § 303.12 directly contradicts this: **a PUD-related Zoning Map amendment is itself a development incentive**, regardless of FAR, bulk relief, or dimensional flexibility. The permanent shift from MU-5B to PDR-1 carries substantial regulatory value to the Applicant and substantial long-term costs to the community.

As ANC 5C’s filing explains, the Comprehensive Plan identifies industrial zoning as a land-use category with **inherent and enduring externalities disproportionately borne by nearby residents**—including environmental burdens, loss of mixed-use potential, reduced future housing capacity, diminished retail opportunities, and intensified trucking and traffic impacts. A

PUD that locks in PDR-1 entitlement in the Montana Triangle therefore delivers the Applicant a significant, durable benefit that must be balanced under Subtitle X §§ 304 and 305.

ANC 5C's Benefit Structure Is Squarely Within Subtitle X § 305 and Established PUD Practice

The Applicant's claim that ANC 5C's proffer is "inappropriate" under Subtitle X § 305 ignores how the regulations function. ANC 5C grounded its recommendations directly in **Subtitle X § 305.11**, which authorizes the Commission to find benefit packages insufficient and to suggest improvements. ANCs are not only permitted—but expected—to identify benefits commensurate with the development incentive granted.

Nothing in § 305 prohibits recurring or annualized benefits where they are reasonably related to long-term impacts, nor does Subtitle X distinguish between benefits delivered pre-Certificate of Occupancy and benefits that operate for the life of the project. The Zoning Commission has repeatedly approved PUDs with ongoing programmatic commitments, educational funding, community-serving contributions, and long-term public-realm obligations. ANC 5C's proposed structure is fully consistent with that precedent.

The Applicant Omits Key Context That Informs ANC 5C's Proffer

The Applicant selectively characterizes ANC 5C's proposal as if it were arbitrary or punitive. In reality, ANC 5C's filing explicitly acknowledged:

- the Applicant's as-of-right industrial entitlement under PDR-1,
- the political history and impacts of the FLUM amendment that created today's constraints, and
- the limited physical scale of the proposed building itself.

The benefits ANC 5C proposed respond not to the footprint of the building but to the **broader, long-term environmental, public-health, transportation, and opportunity costs** imposed on a corridor already carrying a disproportionate share of the District's industrial burden. These are precisely the factors that Subtitle X §§ 304 and 305 require the Commission to weigh.

The Applicant's Framing Ignores What the Community Actually Loses

The Applicant's argument narrows the conversation to height, density, and timing of benefits. ANC 5C's filing addresses the real stakes: **the Applicant gains a permanent industrial zoning entitlement, while residents absorb permanent impacts.**

The map amendment eliminates future mixed-use potential, restricts the corridor's long-term evolution, worsens environmental justice conditions, and reduces the possibility of housing, small-business growth, and neighborhood-serving retail. The ANC's proposed benefits are not excessive—they represent the minimum needed to mitigate long-term, intergenerational harm and ensure the PUD aligns with the public interest.

3. REQUEST FOR COMMISSION DIRECTION

Given the unresolved issues surrounding chemical handling and the Applicant's narrow reading of public-benefits requirements, ANC 5C respectfully requests that the Commission:

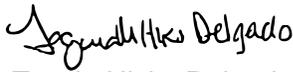
1. **Direct the Applicant to provide clear, enforceable chemical-handling limits,** including numeric thresholds and DOEE review; and
2. **Clarify that public benefits must be evaluated under Subtitle X §305.11,** inclusive of the permanent nature of a PUD-related map amendment.

ANC 5C appreciates the Commission's continued attention to the health and safety of Ward 5 residents. We will remain actively engaged ahead of the Commission's decision in order to ensure District land use **benefits, reflects, and respects** the people living here.

Very respectfully,



Shawn Nelson
ZC 24-11 representative



Tequia Hicks Delgado
Chairperson



Vijay "VJ" Kapur
Vice Chairperson