



BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

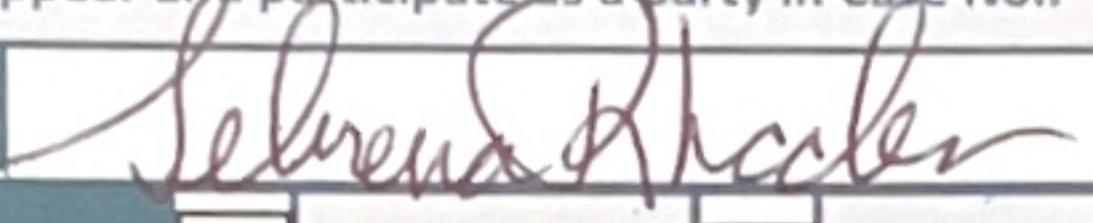


FORM 140 - PARTY STATUS REQUEST

Before completing this form, please go to www.dcoz.dc.gov > IZIS > Participating in an Existing Case > Party Status Request for instructions.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name:	Advisory Neighborhood Commission 5D		
Address:	371 Morse St NE		
Phone No(s):	202-945-3006	E Mail:	5D02@anc.dc.gov
I hereby request to appear and participate as a party in Case No.:		ZC 24-11	
Signature:			Date: September 19, 2025
Will you appear as a(n)	<input type="checkbox"/> Proponent	<input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, please enter the name and address of such legal counsel.

Name:	N/A		
Address:	N/A		
Phone No(s):	N/A	E Mail:	N/A

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for:

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness;
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts; and
4. The total amount of time being requested to present your case.

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board? See Supplemental
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) See Supplemental
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.) See Supplemental
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied? See Supplemental
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied. See Supplemental
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public. See Supplemental



FORM 140 SUPPLEMENTAL

ZC 24-11

ANC 5D, representing the neighborhoods of Carver-Langston, Gallaudet, Ivy City, Trinidad, and Union Market, opposes the subject application for a Planned Unit Development (PUD) and Map Amendment to rezone nearly five acres of Square 4268 (commonly known as Montana Triangle) from MU-5B to PDR-1.

Party Witness Information

1. A list of witnesses who will testify on the party's behalf;

- Sebreana Rhodes, Commissioner, 5D02, the Single-Member District immediately adjacent to the subject property

2. A summary of the testimony of each witness;

Commissioner Rhodes will testify on behalf of ANC 5D's position (see attached Form 129) in opposition to the application, citing concern for the community harms presented by Production, Distribution, and Repair uses and a desire for zoning casework here to focus on a more inclusive set of uses.

3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts

Both witnesses are representatives of ANC 5D, the Commission geographically surrounding the subject property, and have seen first-hand the harms presented by Production, Distribution, and Repair facilities and difficulties of adaptive reuses of such facilities.

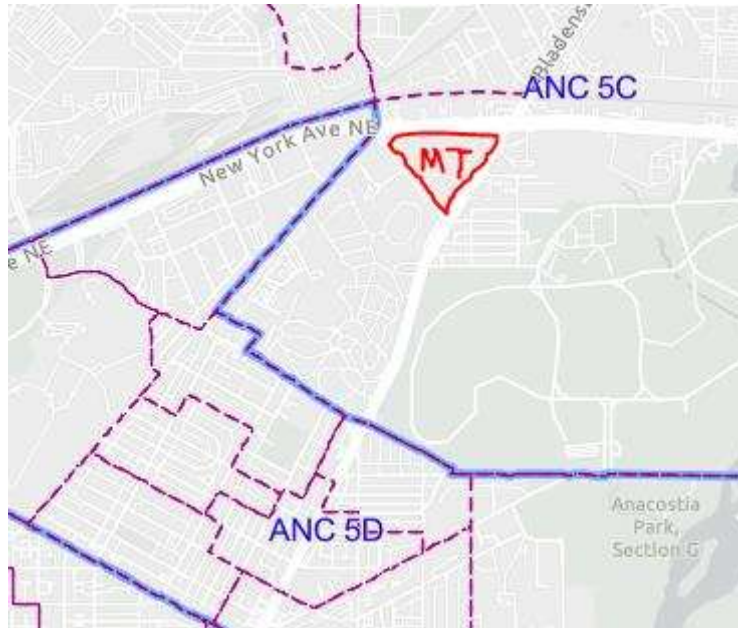
4. The total amount of time being requested to present your case.

Five minutes.

Party Status Criteria

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?

The subject property is geographically located within Commission Area 5C, but is situated within an unpopulated 16-acre block (often referred to as Montana Triangle in OP documents) that sits on the boundary with Commission Area 5D. Development within Montana Triangle will be readily accessible by foot from, and have impact on, the Ivy City community, among other 5D neighborhoods.



ANC map, with Montana Triangle highlighted in red

2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

Adjacent Advisory Neighborhood Commission.

3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)

There is under 200 feet from the closest corner of the subject development/impacted parcels and the closest boundary of Commission Area 5D, occurring just south of the New York Avenue/West Virginia Avenue/Montana Avenue confluence (often referred to as "Montana Circle")

4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?

Commission Area 5D represents nearby communities, including Ivy City, which are disproportionately burdened by industrial facilities presenting grave environmental injustice. Allowing a map amendment to facilitate another geographic set of industrial spaces would further burden our communities.

5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied



This map amendment would create further capacity for real estate professionals from outside of our community to pursue matter-of-right industrial uses as a matter of right, before any specific uses are detailed. It's imperative that representatives of Ivy City and other 5D communities are given a chance to weigh in before any such action. Denying this would disgrace the principles of community input and racial justice that the Zoning Commission exists to uphold.



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FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to Subtitle Z § 406.2 and Subtitle Y § 406.2 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	ZC 24-11	Case Name:	Jemal's Schaffer LLC & Jemal's Bumper George LLC
Address or Square/Lot(s) of Property:	New York & Montana Aves. NE (Sq. 4268, Lots 6, 12, 14, 801, 804, & 819; and Parcels 153/113, 153/152 & 153/153) - Ward 5		
Relief Requested:	PUD and Map Amendment from MU-5B to PDR-1		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	09 / 01 / 25	Was proper notice given?:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Description of how notice was given:	Notice was posted on the 5D Commission website on September 2, 2025. Additionally, notice was sent to residents via email on September 2, 2025.		

Number of members that constitutes a quorum:	5	Number of members present at the meeting:	8
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MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

See supplemental and attached Resolution.

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

See supplemental and attached Resolution.

AUTHORIZATION

ANC	5 D	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	
Name of the person authorized by the ANC to present the report:	Sebrena Rhodes		
Name of the Chairperson or Vice-Chairperson authorized to sign the report:	Chairperson Salvador Saucedo-Guzman		
Signature of Chairperson/ Vice-Chairperson:		Date:	9-19-25

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO 11 DCMR SUBTITLE Z § 406 AND SUBTITLE Y § 406.



**RESOLUTION OPPOSING ZONING COMMISSION CASE 24-11 AND CALLING FOR
REDUCED INDUSTRIAL USES TO PROTECT IVY CITY AND OTHER
OVERBURDENED NEW YORK AVENUE COMMUNITIES**

Whereas, Ivy City is an historic Black resident community founded in 1872;

Whereas, Ivy City was a residential community before industrial zoning laws were enacted;

Whereas, Ivy City is a Ward 5 neighborhood in the Nation's Capital and has over 50% of the District's industrial uses;

Whereas, Ivy City already has industrial chemical facilities that use carcinogenic (cancer causing) chemicals without an Air Quality permit since the Clean Air Act was established;

Whereas, in the 2021 Comprehensive Plan revision, the Office of Planning proposed, and the DC Council adopted, Future Lane Use Map Amendment 9815¹ covering Ivy City's New York Avenue frontage, along with various low-population segments of New York Avenue stretching from Florida Avenue to South Dakota Avenue;

Whereas, Amendment 9815 reintroduced the prospect of industrial uses to Square 4268, commonly known as Montana Triangle, approximately 16 acres of unpopulated land bounded by New York Avenue NE, Montana Avenue NE, and Bladensburg Road NE immediately east of Ivy City;

Whereas, Montana Triangle has been identified for decades as a potential mixed-use neighborhood, with significant public and private investment in advancing this vision:

- In 2006, the DC Office of Planning (OP) and DC Council designated Montana Triangle in the Comprehensive Plan Future Land Use Map (FLUM) for *Residential Medium Density* and *Commercial Moderate Density*
- In 2007, the Zoning Commission approved ZC 06-15², a PUD and Map Amendment by Abdo New York LLC to rezone the 15-acre "Schaeffer Assembly" within Montana Triangle to CR (later MU-10), authorizing eight mixed-use buildings with 3,400–3,600 homes and 148,121 SF of retail
- In 2014, OP proposed, in ZC 14-16³, a new C-2-B-1 zone (later MU-5B) via Text Amendment and concurrently applied it to the Schaeffer Assembly via Map Amendment

¹ https://plandc.dc.gov/sites/default/files/dc/sites/Comprehensiveplan/page_content/attachments/PUBLIC_REVIEW_DRAFT_Comp%20Plan%20Proposed%20Map%20Amendments%20with%20Evaluation_Oct%202019.pdf

² https://app.dcoz.dc.gov/Home/ViewCase?case_id=06-15

³ https://app.dcoz.dc.gov/Home/ViewCase?case_id=09-06



- In 2015, the Zoning Commission approved ZC 14-16, creating the zoning framework on Montana Triangle that remains today
- In 2016, Douglas Development submitted a Large Tract Review⁴ for 2,380 homes, 338,464 SF of retail, and 177,889 SF of office space on the Schaeffer Assembly
- In 2017, Douglas Development completed acquisition of the Schaeffer Assembly⁵ as well as Parcel 153-111 (then occupied by Washington Mathematics Science Technology PCS, closed in 2018⁶), consolidating control for a mixed-use plan
- In 2023, OP published the *New York Avenue Vision Framework*⁷ after extensive public engagement, referencing Montana Triangle at least six times as a major mixed-use hub to anchor housing production and corridor revitalization;

Whereas, in 2024, Douglas Development submitted ZC 24-11⁸, a proposal to rezone nearly five acres of Montana Triangle fronting New York Avenue from MU-5B to PDR-1, an industrial zone that permits matter-of-right uses such as waste management facilities, automotive repair, and heavy manufacturing, to notionally construct a 183,170 square-foot “warehouse” building;

Whereas, execution of such a plan would foreclose housing, community-serving retail, and other land uses and investments that would uplift the community for a generation, chilling neighboring redevelopment opportunities along with it;

Whereas, in its Setdown Report for ZC 24-11, OP observed that “MU-5B does not permit PDR or industrial land uses so a change in zoning from the MU-5B is necessary to be fully consistent with the FLUM’s PDR recommendation in this area. At present, the zoning regulations do not include a zone which permits the range of residential, commercial, and PDR uses indicated by the FLUM designation” thereby suggesting PDR-1 is somehow more FLUM-compliant than MU-5B, despite neither being in full compliance with the three-category FLUM designation OP itself created just four years prior;

Whereas, other jurisdictions, recognizing this exact need, have crafted zoning districts to mix housing, retail, and clean production while prohibiting harmful industrial uses, including Philadelphia’s Industrial/Residential Mixed-Use zone (which combines housing with light industry but bans heavy industrial), New York City’s M1/R “MX” districts (which layer residential with light industrial under strict use limits), Somerville, Massachusetts’ Fabrication District (which

⁴ https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/LARGE%20TRACT%20REVIEW_NEW%20CITY_Compressed%20Filing.pdf

⁵ <https://www.commercialsearch.com/news/douglas-development-buys-66m-land-for-dc-project/>

⁶ <https://dcpccb.org/closing-information-wmst-pchs-families-and-students>

⁷ https://planning.dc.gov/sites/default/files/dc/sites/op/page_content/attachments/New%20York%20Ave%20NE%20Vision%20Framework%2020231130%20web.pdf

⁸ https://app.dcoz.dc.gov/Home/ViewCase?case_id=24-11



protects space for artisans and clean production while excluding storage yards), and San Francisco's Production, Distribution, and Repair zones (which permit small-scale food processing like coffee roasting but exclude waste facilities);

Whereas, OP has a responsibility to actuate its own recommendations, particularly where it is well within its purview to do so, and it has a history of proposing concurrent text and map amendments for Montana Triangle specifically;

Resolved, ANC 5D urges the Zoning Commission to reject ZC 24-11 and deny Douglas Development the opportunity to continue overburdening communities such as historic Ivy City in Ward 5 with five additional acres of industrial-use land.

Further resolved, ANC 5D urges the Office of Planning to (1) join ANC 5D in opposing ZC 24-11, given its obvious conflicts with OP's own *New York Avenue Vision Framework* and (2) apply to the Zoning Commission for a Text Amendment to create a Mixed Industrial Zone, actuating the FLUM category mix of Amendment 9815 and allowing minimal industrial concurrence with mixed-use development.

This resolution presented by Commissioner McCray came before ANC 5D at a duly noticed public meeting on September 9, 2025. ANC 5D is composed of 8 Commissioners such that 5 Commissioners constitute a quorum. With 7 Commissioners present, ANC5D voted 7 (Yea) 0 (Nay) 0 (Abstain).

Salvador Saucedo-Guzman
Chairperson, ANC 5D

Anna Roblin
Secretary, ANC 5D