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September 29, 2025

VIA IZIS

Zoning Commission
for the District of Columbia
441 4th Street, NW, Suite 210S
Washington, D.C. 20001

**Re: Z.C. Case No. 24-11
Applicant's Response in Opposition to ANC 5D's Party Status Request**

Dear Members of the Commission:

On behalf of Jemal's Schaeffer LLC and Jemal's Bumper George LLC (together, the "Applicant"), we submit this response in opposition to the request for Party Status in Opposition filed by Advisory Neighborhood Commission ("ANC") 5D on September 22, 2025. *See* Exhibit [50](#). This filing is made pursuant to Subtitle Z § 404.9 and is timely, as it is submitted within seven days of ANC 5D's service of its request.

The Applicant respectfully opposes ANC 5D's party status request on the following grounds:

1. ANC 5D is Not Uniquely Affected

Subtitle Z § 404.14 provides that "[t]he Commission shall grant party status only if the person requesting party has clearly demonstrated that the person's interests *would likely be more significantly, distinctively, or uniquely affected* in character or kind by the proposed zoning action than those of other persons in the general public." (Emphasis added.)

ANC 5D's interests do not meet this standard. Its filing emphasizes that it seeks to represent nearby communities it believes are disproportionately burdened by industrial facilities. That role, however, does not establish that ANC 5D itself is more uniquely affected than ANC 5C, the ANC in which the subject property is located, and which is automatically a party to this case. Indeed,

ANC 5C has already raised the very concerns that ANC 5D now seeks to present at the hearing. *See* ANC 5C Report dated September 11, 2025 ([Exhibit 48](#)) (opposing the application, in part, because it would “impose significant, lasting costs and harms on surrounding neighborhoods” and citing the “fundamental incompatibility” of industrial uses with nearby residential areas). ANC 5C is fully equipped to represent these overlapping interests and has taken an active role in this case, as shown by the multiple reports it has filed to the record.


2. ANC 5D's Geographic Proximity is Overstated

ANC 5D indicates that its boundary is within 200 feet of the subject property. While the shared ANC 5C/5D boundary technically falls within that radius, the overlap is minimal and does not include any privately owned property in ANC 5D. *See* Exhibits [3I](#) and [24F](#). The radius cuts across the New York Avenue/West Virginia Avenue/Montana Avenue roundabout (“Montana Circle”), capturing only a small sliver of ANC 5D. As shown in the excerpt of the Zoning Map attached hereto as **Exhibit A**, the shortest distance between the PUD site and any private property within ANC 5D is approximately 243 feet.¹ In addition, the PUD site and that property, along with other properties on that same block, are separated by the Metropolitan Police Department's Fleet Services Division, located at 2175 West Virginia Avenue, NE (and within ANC 5C), as well as by multiple rights-of-way converging at Montana Circle.

For these reasons, ANC 5D has not demonstrated that its interests are more significantly, distinctively, or uniquely affected than those of ANC 5C, nor that it is better positioned to represent overlapping concerns. The Applicant respectfully requests that the Commission deny ANC 5D's request for party status.

Respectfully submitted,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties

Christopher S. Cohen

Madeline S. Williams

cc: Certificate of Service

Exhibit

¹ The referenced lot is located at 1765 New York Avenue, NE (Lot 829 in Square 4099) and is owned by DAG Realty LLC. That site is zoned PDR-2 and is occupied with a gas station use.

CERTIFICATE OF SERVICE

We hereby certify that on September 29, 2025, a copy of the foregoing correspondence was served via electronic mail upon the following at the addresses listed below:

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Pending Party Status in Opposition Request (Ex. 50)

Commissioner Sebrena L. Rhodes

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