October 6, 2026

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VIA IZIS

Chairperson Anthony J. Hood
D.C. Zoning Commission
441 4th street NW
Washington, DC 20001

Re: Z.C. Case No. 22-08B
Applicant's Cover Letter and Motion to Waive Subtitle Z § 402.3

Chairperson Hood and Honorable Members of the Commission:

On behalf of NRP Properties LLC (the "Applicant"), please find enclosed an Affidavit of Posting. As reflected in the Affidavit, the required notice was posted at the subject property on October 6, 2026, which is 30 days prior to the November 5, 2026 public hearing. Since notice was posted less than 40 days in advance of the hearing, the Applicant is enclosing a Motion to waive this portion of Subtitle Z § 402.3. The Affidavit of Posting is being filed at least 30 days before the hearing, consistent with Subtitle Z § 402.8.

Under Subtitle Z § 101.9, the Commission may waive any provision of Subtitle Z for good cause shown, provided such waiver will not prejudice the rights of any party and is not otherwise prohibited by law. Here, waiver of the 40-day posting requirement will not prejudice any party because notice of the proposed modification has been provided through the notice of intent, service of the application, and the Applicant's agency and community outreach.

The subject application is a modification to the approved design review application in Z.C. Case No. 22-08 for an all-affordable residential development at 4401 Benning Road NE. The modification seeks special exception relief to provide 10 feet of vertical clearance for the loading berth rather than the required 14 feet. It preserves the Project's 109 affordable dwelling units and does not change the approved height, density, unit count, lot occupancy, massing, or exterior configuration.

There have been several other forms of notice provided for the modification, including the notice of intent distributed to property owners within 200 feet and the affected ANCs, and service of the July 30, 2026 application on ANC 7F, ANC 7D, the Office of Planning, and DDOT. These materials described the requested loading relief and made the proposal available for review well in advance of the public hearing. Despite not meeting the 40-day requirement, the property was posted 30 days before the hearing, providing additional notice and an opportunity for interested persons to participate.

ZONING COMMISSION
District of Columbia
CASE NO. 22-08B
EXHIBIT NO. 8

The Applicant has also pursued agency and community coordination concerning the modification. The project team met with DDOT on July 15, 2026, to discuss the loading management plan and has continued coordinating with DDOT through Gorove Slade. The Applicant has made repeated efforts to connect with ANC 7F by telephone and email since June, including outreach through the Office of Advisory Neighborhood Commissions, and is seeking to present the modification at ANC 7F's October 20 meeting.

Based on the foregoing, the Applicant respectfully submits that there is good cause to grant the waiver of Subtitle Z § 402.3 and that the waiver will not prejudice any party. The Applicant thanks the Commission for its consideration of this filing and looks forward to the public hearing on November 5, 2026.

Sincerely,

COZEN O'CONNOR



Meridith Moldenhauer

MHM

Enclosures

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 2026, a copy of this Cover Letter with attachments was served, via email, on the following:

District of Columbia Office of Planning
c/o Crystal Myers
1100 4th Street SW, Suite E650
Washington, DC 20024
Crystal.Myers@dc.gov

District Department of Transportation
c/o Erkin Ozberk
55 M Street SE, 5th Floor
Washington, DC 20003
Erkin.Ozberk1@dc.gov

Advisory Neighborhood Commission 7F
c/o Tyrell Holcomb, Chair
Kimory Kso Orendoff, SMD 7F03
7F01@anc.dc.gov
7F03@anc.dc.gov
7F@anc.dc.gov



Meridith Moldenhauer

(Revised 8/2/16)

Case No. 22-08B

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

FORM 145 – AFFIDAVIT OF POSTING

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Mark Ricker *(Name of person posting the property)*, being first duly sworn, do hereby depose and say that:

On October 6, 2026 *(date)* at 1316 *(time)* I caused 1 *(number of notices)*

Zoning Sign(s) furnished by the Office of Zoning to be posted on private property known as:

4435 Benning Rd NE *(address of premises)*

In plain view of the public on the following street frontages:

I caused to be taken, 1 *(no. of photos)* photograph(s), attached hereto, of the Zoning Sign(s) in place which fairly depict each Zoning Sign as seen by the public. The photographs are numbered and correspond to the following street frontages:

Photograph No.	Street Frontage
1	Benning Rd

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than $1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Date: 10/6/26 Signature: MR NRP

Subscribed and sworn to before me this 6 *(date)* day of October *(month)*, 2026 *(year)*

Ayana Davis *(Signature)*

Notary Public, D.C.

My commission expires on: January 31, 2031 *(date)*

(seal)

AYANA DAVIS NOTARY PUBLIC My Comm. Exp. Jan 31, 2031 DISTRICT OF COLUMBIA


ZONING COMMISSION
NOTICE OF PUBLIC HEARING
APPLICATION NO: 22-08B
APPLICANT: NRP Properties, LLC
CASE SUMMARY:
Air Rights
Modification
Map Amendment
Campus Plan (Further Processing)
Planned Unit Development
Design Review
ANC: 7F (7F03)
Public Hearing Date/Time: 11/05/2026 at 4:00 PM
Location: Virtual hearing via Webex
Visit dcoz.dc.gov for details
For more information please contact the District of Columbia Office of Zoning:
(202) 727-6311 • website: www.dcoz.dc.gov • e-mail: dcoz@dc.gov
THIS SIGN SHALL NOT BE REMOVED, DEFACED, OR DESTROYED UNDER PENALTY OF THE LAW.
DOOSAN
CAUTION

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

FORM 150 – MOTION FORM

THIS FORM IS FOR PARTIES ONLY. IF YOU ARE NOT A PARTY PLEASE FILE A FORM 153 – REQUEST TO ACCEPT AN UNTIMELY FILING OR TO REOPEN THE RECORD.

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.:	22-08B

Motion of: ☑ Applicant ☐ Petitioner ☐ Appellant ☐ Party ☐ Intervenor ☐ Other _____

PLEASE TAKE NOTICE, that the undersigned will bring a motion to:

Waive Subtitle Z § 402.3

Points and Authorities:

On a separate sheet of 8 ½" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion, including relevant references to the Zoning Regulations or Map and where appropriate a concise statement of material facts. If you are requesting the record be reopened, the document(s) that you are requesting the record to be reopened for must be submitted separately from this form. No substantive information should be included on this form (see instructions).

Consent:

Did movant obtain consent for the motion from all affected parties?

- ❑ Yes, consent was obtained by all parties
- ■ No attempt was made
- ❑ Consent was obtained by some, but not all parties
- ❑ Despite diligent efforts consent could not be obtained

Further Explanation: _____

CERTIFICATE OF SERVICE

I hereby certify that on this 06 D day of October Month , 2Y 0Y 2Y 6Y

I served a copy of the foregoing Motion to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of Planning in the above-referenced ZC or BZA case via: ❑ Mailed letter ❑ Hand delivery ■ E-Mail ❑ Other _____

Signature:	
Print Name:	Meridith Moldenhauer
Address:	2001 M Street NW
Phone No.:	202-747-0763
E-Mail:	mmoldenhauer@cozen.com