COZEN O'CONNOR

October 9, 2026

Meridith H. Moldenhauer
Direct Phone 202-747-0763
Direct Fax 202-683-9389
mmoldenhauer@cozen.com

VIA IZIS

Chairperson Anthony Hood
D.C. Zoning Commission
441 4th Street, NW, Suite 200-S
Washington, DC 20001

Re: Z.C. Case No. 22-08B, 4435 Benning Road, NE
Motion to Accept Updated Loading Management Plan and Witness List

Chairperson Hood and Honorable Members of the Commission,

On behalf of the Applicant, please accept the enclosed motion requesting permission to file the updated Loading Management Plan ("LMP") in advance of the November 5, 2026 public hearing. Pursuant to Subtitle Z § 101.9, the Applicant requests a waiver of the 30-day filing deadline under Subtitle Z § 401.8, to the extent applicable. Good cause exists because the Applicant's transportation consultant has been coordinating with the District Department of Transportation ("DDOT") to finalize the LMP, and the final version was issued on October 8, 2026, two days after the applicable filing deadline. The Applicant is submitting it promptly upon receipt. Acceptance of the filing will not prejudice any party, as the hearing remains four weeks away and DDOT has not yet filed its report, allowing time for the final LMP to be considered before the hearing.

The Applicant also submits the attached witness list. The listed witnesses will be available to testify should the Commission have questions for them.

For these reasons, the Applicant respectfully requests that the Commission grant the enclosed motion and accept the updated LMP into the record.

Sincerely,

COZEN O'CONNOR

Meridith Moldenhauer

Enclosures:
Form 150 – Certificate of Service, Witness List, Motion, Updated Loading Management Plan

ZONING COMMISSION
District of Columbia
CASE NO. 22-08B
EXHIBIT NO. 9

Certificate of Service

I hereby certify that on this 9th day of October, 2026, a copy of this a copy of this letter together with its attachments, was served via electronic mail as follows:

D.C. Office of Planning
1100 4th Street, S.W., Suite E650
Washington, D.C. 20024
Planning@dc.gov

D.C. Department of Transportation
c/o Erkin Ozberk
250 M Street, S.E.
Washington, D.C. 20003
Erkin.Ozberk@dc.gov

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



Meridith Moldenhauer

WITNESS LIST

The following witnesses will be available to testify if called upon by the Zoning Commission. They will not make presentations during the Applicant's case-in-chief.

1. **Karl Alt, Vice President of Development, The NRP Group**
   Mr. Alt will be available to answer questions regarding the project's background.

2. **Jamie Yaniga, Senior Project Manager, The NRP Group**
   Ms. Yaniga will be available to answer questions regarding the project's design and the need for the requested relief.

3. **Daniel Solomon, Principal, Gorove Slade**
   Mr. Solomon will be available to answer questions regarding the Loading Management Plan, including coordination with DDOT in developing and finalizing the plan.

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 the filing deadline under Subtitle Z § 401.8 pursuant to Subtitle Z § 101.9 and accept the late filing of the Applicant's updated Loading Management Plan and witness list for the November 5, 2026 public hearing.

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

Further Explanation: _____

CERTIFICATE OF SERVICE

I hereby certify that on this 09 **day of** October **,** 2026

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

GOROVE SLADE
Transportation Planners and Engineers

TECHNICAL MEMORANDUM

To:	Preston Jutte	DDOT-PSD
	Erkin Ozberk	
Cc:	Karl Alt	The NRP Group
	Jamie Yaniga	
From:	Salem Zewdu	
	Ashley Orr, PE	
	Daniel Solomon, AICP	
Date:	October 8, 2026	
Subject:	4401-4435 Benning Road NE (Case No. 22-08) – Loading Management Plan	

Introduction

The memorandum presents the Loading Management Plan (LMP) in support of a voluntary Design Review application (ZC No. 22-08) for the proposed development at 4401-4435 Benning Road NE in the Benning neighborhood of Washington, DC.

The project site is currently an undeveloped plot at 4401 Benning Road NE and a vacant building at 4435 Benning Road NE (formerly a single-story dental office totaling 1,658 sf). The proposed development includes 109 all-affordable residential units and 1,692 square feet of residential amenity space, which is supported by approximately 13 vehicle parking spaces and 51 bicycle parking spaces (46 long-term and five (5) short-term). One (1) 12' x 30' loading berth and one (1) 10' x 20' service/delivery space are located in the building's ground-level garage, which is accessible from a private service road off of Benning Road NE, and has a minimum vertical clearance of 10'. As the development will feature all-affordable residential units with an aim to maximize the quantity of affordable and family-sized units provided, the Applicant is requesting flexibility from zoning requirements outlined in DC Zoning Regulations (Subtitle 11-C § 905.2), which requires all loading berths to be a minimum of 12' wide, have a minimum depth of 30' and have a minimum vertical clearance of 14'. All minimum dimensions are met in the proposed loading dock design except for clearance height, which is less than the 14' required by code. As such, an LMP is proposed to support loading operations, as summarized below.

It should be noted that a Bus Rapid Transit line is proposed along Benning Road NE and may prohibit curbside loading and trash collection in the future. To provide flexibility depending on future constraints on Benning Road NE, two scenarios are being contemplated for trash collection operations: curbside trash collection on Benning Road NE and onsite trash collection via back-in/front-out maneuvers through public space. Front-in/front-out maneuvers are not possible given the limited turnaround space on the property, as demonstrated in Attachment A.

Loading Management Plan (LMP)

In support of the requested flexibility, an LMP is proposed as part of the project to mitigate any impact that the proposed loading configuration and operations may have within public space. The goals of this plan are to maintain a safe environment for all users of the site, the loading area, the adjacent streets, and any nearby intersections; minimize undesirable impacts to pedestrians and to building tenants; reduce conflicts between truck traffic using the loading facilities and other users; and ensure efficient operation of the loading facilities through appropriate levels of management and scheduled operations.

Consistent with recommended DDOT guidelines, the components of the loading management plan that will be implemented for the life of the project are as follows:

- A loading dock manager will be designated by the building management who will be on duty during delivery hours. The dock manager will be responsible for coordinating with vendors and residents to schedule deliveries and move-ins/move-outs and will work with the community and neighbors to resolve any conflicts should they arise;
- The dock manager will schedule deliveries using the berths such that the dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time when a berth will be available so as to not compromise safety or impede Benning Road NE traffic flows;
- The Applicant will install a low clearance bar at the garage entry noting the height of the ceiling clearance;
- A lease provision will require all tenants to use only the loading berth for all deliveries and move-in and move-out activities and to use trucks shorter than 10-feet in height;
- In the event that a truck taller than 10-feet arrives at the loading area or is otherwise unable to fit through the loading entrance, the dock manager will instruct the driver to use the curbside space on Benning Road NE to load or unload. Curbside loading/unloading should follow signed curbside designations, and no curbside loading/unloading or parking on Benning Road NE will be permitted between the hours of 7-9:30 AM and 4-6:30 PM;
- All tenants and vendors will be required to schedule deliveries that utilize the loading berth (any loading operation conducted using a truck 20 feet in length or larger).
- In the case that curbside trash collection is utilized:
    - The loading manager will coordinate with building staff to roll trash receptacles from the building to the curb for collection. Trash bins will be rolled to the curb at the time of collection and will be expeditiously returned to the building trash room.
    - Trash trucks will be prohibited from serving the site between the hours of 7-9:30 AM and 4-6:30 PM.
- In the case that onsite trash collection is required:
    - The dock manager will monitor inbound and outbound trash truck maneuvers and will ensure that trucks accessing the site do not block vehicular, bike, or pedestrian traffic along Benning Road NE except during those times when a truck is actively entering or exiting the site.
    - Trash truck traffic interfacing with Benning Road NE traffic will be monitored during peak periods and management measures will be taken if necessary to reduce conflicts between truck and vehicular movements.
    - In addition to the presence of a dock manager, a flagger will be present whenever a trash truck is entering/exiting the site. This flagger will alert pedestrian/bicyclists/other vehicles to trucks that may be entering or exiting the loading facilities.
- Trucks using the loading dock will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the goDCgo Motorcoach Operators Guide, and the primary access routes shown on the DDOT Truck and Bus Route Map (godcgo.com/freight).
- The dock manager will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the development's loading dock. The dock manager will also distribute flyer materials, such as the MWCOG Turn Your Engine Off brochure and others from DDOT and goDCgo, to drivers as needed to encourage compliance with idling laws. The dock manager will also post these materials and other relevant notices in a prominent location within the loading area; and
- The dock manager will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the development's loading dock as well as notifying all drivers of any access or egress restrictions.