District of Columbia
Office of Planning

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Crystal Myers, Development Review Specialist
MBR
Maxine Brown-Roberts, Associate Director Development Review

DATE: October 23, 2026

SUBJECT: ZC #22-08B – **Hearing Report**
Modification with Hearing to Voluntary Design Review and Special Exception to decrease the height clearance of a Loading Berth

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I. RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission (Commission) approve the proposed Modification with Hearing to ZC Order No. 22-08 and ZC 22-08A and the proposed special exception relief from the required height of a loading birth pursuant to Subtitle C § 909.2 and Subtitle X § 901.2, subject to any recommendations or conditions provided by the Department of Transportation (DDOT):

- Subtitle C § 905.2 - Loading Berth Vertical Height Requirement (14 feet required; 10 feet proposed).

II. SITE LOCATION



ZONING COMMISSION
District of Columbia
CASE NO. 22-08B
EXHIBIT NO. 10

III. APPLICATION-IN-BRIEF

Address:	4401-4435 Benning Road, NE
Applicant:	NRP Properties, LLC
Legal Description:	Square 5085; Lots 843 and 844
Ward / ANC:	Ward 7 / ANC 7F
Zoning:	MU-7B, Medium-Density Mixed Use

IV. BACKGROUND

In ZC Case 22-08, the project completed a voluntary design review and was approved for a nine-story residential building with a penthouse. The all-affordable development includes 109 units reserved for households earning at or below 80% MFI, 50% MFI, and 30% MFI. The BZA granted flexibility from the building height, rear yard, and side yard requirements, as well as special exception relief from the parking requirements. The Order became effective on August 26, 2022. Later in 2025, the Applicant requested and was granted a two-year time extension of the Order (ZC 22-08A).

During the pre-construction phase of the project, the Applicant discovered that the loading berth vertical clearance of 14 feet could not be accomplished without reducing the residential floors above the berth. The applicant states that meeting the 14-foot clearance would Instead of doing this and losing dwelling units in the project the Applicant is requesting special exception relief for a 10 foot vertical clearance. No other changes are proposed and no finding of facts from the original case have changed.

V. REQUIREMENT/MODIFICATION

	REQUIRED/APPROVED	PROPOSED	REQUEST
Loading C § 905.2	12 ft. wide 30 ft. deep 14 ft. vertical distance	12 ft. wide 30 ft. deep **10 ft. vertical distance**	**Special Exception Requested**
Loading C § 901.1	1 loading berth 1 service/delivery space	No change	Complies

VI. OFFICE OF PLANNING EVALUATION

A. Special Exception Relief Analysis

Special Exception Relief from Loading Requirements of C § 905.2, pursuant to C § 909.2

As stated in the table above, C § 905.2 requires a loading berth height of 14 feet vertical distance and but only 10 feet would be provided. C § 909.2. allows for the reduction if the specified conditions and those of X § 901.2 are met.

909.2 The Board of Zoning Adjustment may grant full or partial relief from the number of loading berths or service/delivery spaces required by Subtitle C § 901.1, or from the size and layout requirements of Subtitle C § 905, as a special exception under Subtitle X, Chapter 9, and under the applicant's demonstrations to the Board's satisfaction that:

(a) The use or structure will generate a lower loading demand than the minimum loading standards of Subtitle C §§ 901 and 905 require, as a result of:

(1) The nature of the use or structure; or
(2) A loading demand management plan filed in the case record in accordance with Subtitle Y § 300.14 and approved by District Department of Transportation, the implementation of which shall be a condition of the Board of Zoning Adjustment's approval, that will result in a lower loading demand than the minimum loading standards of Subtitle C §§ 901 and 905 require; or

The Applicant states that most loading operations on the property would be accommodated by vans and smaller trucks. In addition, a draft Loading Demand Management Plan has been submitted to the record and is under review with DDOT. Loading activity would be limited to resident move-ins and move-outs, package and grocery deliveries, and trash and recycling collection. According to the draft plan, these operational restrictions would be incorporated into tenant leases. Although smaller trucks and vans are expected to meet the majority of loading needs, the draft plan also provides for curbside service to accommodate larger trash collection vehicles.

(*b) The only means by which a motor vehicle could access the lot is from a public street, and provision of a curb cut or driveway on the street would violate any regulation in this chapter, or in Chapters 6 or 11 of Title 24 DCMR;*

Not applicable.

(c) The loading berths or service/delivery spaces are required for an addition to a Historic Resource, and providing the required loading facilities in compliance with the requirements of Subtitle C §§ 901 and 905 would result in significant architectural or structural difficulty in maintaining the integrity and appearance of the Historic Resource.

Not applicable.

Subtitle X § 901.2

Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

Granting the requested relief would be in harmony with the general purpose and intent of the Zoning Regulations and Maps. Although the vertical clearance would be reduced, the loading berth would still be able to accommodate resident move-ins, deliveries, and certain trash trucks. Furthermore, if approved by DDOT the loading demand management plan should help with managing loading activities on the site.

The MU-7B zone is intended to support medium-density mixed-use development. The draft Loading Demand Management plan includes a curbside loading option for larger trash trucks, ensuring loading needs can still be met. Approving this relief would allow the subject property to be improved with a medium-density residential building consistent with the intent of the zone.

*Would the proposal appear to tend to affect adversely, the use of neighboring property**?***

The requested relief should not adversely affect neighboring properties. Vans and smaller trucks would utilize the approved curb cut to enter and exit the garage with head-in and head-out movements, thereby avoiding any backing into or out of the public right-of-way. The reduced vertical clearance would not be perceptible to adjacent properties and would not result in queuing, spillover activity, or other adverse off-site impacts. In instances where a trash truck is too large to access the garage, the vehicle would instead use the designated on-site ground-level area for loading and unloading.

B. Comprehensive Plan Analysis and Racial Equity Analysis

The proposed change to the height of the loading dock would continue to be not inconsistent with the Comprehensive Plan Generalized Policy Map and the Future Land Use Map as well as the identified policies including when viewed through a racial equity lens. The proposal does not alter the considerations evaluated in the original case identified in the OP Hearing Report and the conditions of ZC Orders 22-08 and 22-08B.

VII. AGENCY REPORTS

DDOT will submit its report under separate cover.