[DRAFT – APPLICANT'S PROPOSED ORDER]

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 22-08B

Z.C. Case No. 22-08B
NRP Properties, LLC
(Modification with Hearing of Approved Design Review
and Special Exception @ Square 5085, Lots 843 and 844)
November 5, 2026

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a virtual public hearing on November 5, 2026, to consider the application of NRP Properties, LLC ("Applicant") for a modification with hearing (the "Application") of the voluntary design review approved by Z.C. Order No. 22-08, as extended by Z.C. Order No. 22-08A (together, the "Original Order"), for a new all-affordable residential building (the "Project") at 4401-4435 Benning Road, N.E. (Square 5085, Lots 843 and 844) (the "Property") in the MU-7B zone. The Applicant requested the following relief under Title 11 of the District of Columbia Municipal Regulations ("DCMR") (Zoning Regulations of 2016 [the "Zoning Regulations"] to which all references are made unless otherwise specified):

- A modification with hearing of the Original Order pursuant to Subtitle Z § 704; and
- Special exception relief pursuant to Subtitle C § 909.2 and Subtitle X § 901.2 from the minimum loading berth vertical clearance requirement of Subtitle C § 905.2 (14 feet required; 10 feet proposed).

The public hearing was conducted in accordance with Subtitle Z, Chapter 4. For the reasons stated below, the Commission hereby APPROVES the Application.

FINDINGS OF FACT

I. BACKGROUND

PRIOR APPROVALS

1. Pursuant to Z.C. Order No. 22-08, effective August 26, 2022, the Commission approved voluntary design review pursuant to Subtitle X, Chapter 6, with flexibility from the building height (Subtitle G § 403.1), rear yard (Subtitle G § 405.3), and side yard (Subtitle G § 406.1) requirements, and special exception relief from the vehicular parking requirements (Subtitle C § 703.2) and to locate two parking spaces within the front setback (Subtitle C § 710.3), to construct a 9-story plus penthouse, all-residential building with 109 all-affordable dwelling units. (Ex. 3F.)

2. Z.C. Order No. 22-08 approved a Project with approximately 118,537 square feet of gross floor area plus habitable penthouse space (4.56 FAR); a maximum building height of 93'6" plus an 18'4" penthouse; 109 dwelling units, all affordable at or below 80% Median Family Income ("MFI"), with 22 units at 30% MFI, 65 units at 50% MFI, and 22 units at 80%

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MFI, including 27 two-bedroom and 22 three-bedroom units; and approximately 13 vehicular parking spaces, one loading berth, and one service/delivery space. (Ex. 3F.) The approval did not require relief from the loading requirements. (Ex. 3.)

3. Pursuant to Z.C. Order No. 22-08A, effective October 3, 2025, the Commission granted a two-year time extension of Z.C. Order No. 22-08, extending the validity period and deadline to commence construction to August 26, 2027. (Ex. 3F.)

PARTIES

4. The parties to this proceeding are the Applicant and Advisory Neighborhood Commission ("ANC") 7F, the ANC in which the Property is now located and, therefore, an "affected ANC" pursuant to Subtitle Z § 101.8. At the time of Z.C. Order No. 22-08, the Property was located within ANC 7D; due to ANC redistricting, the Property is now within the boundaries of ANC 7F. (Ex. 3F; Transcript ["Tr."] from November 5, 2026 hearing at pp. 5, 13-14.)

5. The Commission received no requests for party status.

NOTICE

6. The Applicant mailed a Notice of Intent on June 1, 2027 to file a zoning application to all owners of property within 200 feet of the Property and to the affected ANCs, and served the July 30, 2026 Application on ANC 7F, ANC 7D, the Office of Planning ("OP"), and the District Department of Transportation ("DDOT"). (Ex. 3B; Ex. 8.)

7. Pursuant to Subtitle Z § 402, the Office of Zoning ("OZ") provided notice of the November 5, 2026 virtual public hearing by letter on August 25, 2026 to the Applicant, ANC 7F, ANC Single Member District ("SMD") 7F03, the Ward 7 Councilmember, the Office of ANCs, OP, DDOT, the Office of Zoning Legal Division ("OZLD"), the At-Large Councilmembers and the Chair of the Council, and owners of property within 200 feet of the Property, and by publication in the September 4, 2026 Vol. 73/36 edition of the D.C. Register. (Ex. 4.)

8. The Applicant posted notice of the hearing on the Property on October 6, 2026, 30 days prior to the public hearing, and filed an Affidavit of Posting the same day. (Ex. 8.) Because notice was posted less than the 40 days required by Subtitle Z § 402.3, the Applicant filed a motion to waive that requirement. (Ex. 8.) The Applicant's motion asserted that the waiver would not prejudice any party in light of the notice of intent, service of the Application, and the Applicant's agency and community outreach. (Ex. 8.)

9. At the start of the public hearing, the Commission considered the posting waiver under Subtitle Z § 402.12, which permits the Commission to waive a minor defect in public hearing notice considering the nature and extent of actual notice, the attendance or lack thereof at the hearing, and the nature and extent of the proposed construction. The Commission found that the 30-day posting was a significant period, that additional notice was provided to the community from other sources, and that the change in construction is limited to the height of the loading berth, and it granted the waiver. (Tr. at pp. 6-7.)

THE PROPERTY

10. The Property is an interior lot of approximately 25,925 square feet with frontage on Benning Road, N.E. and a 20-foot-wide unimproved alley to the rear, located approximately one-half block from the Benning Road Metrorail Station. (Ex. 3.) The Property was approved as Lots 40 and 61, which have since been subdivided into current Lots 843 and 844; the Property is also identified in the land records as Record Lot 74. (Ex. 3.)

11. As the Commission found in Z.C. Order No. 22-08, the buildable area of the Property is constrained by a building restriction line along Benning Road, two WMATA vent shafts, a WMATA underground tunnel easement, and a utility easement (collectively, the "Encumbrances"), which restrict the Project's buildable area to the rear half of the Property. (Ex. 3, 3F.)

CURRENT ZONING

12. The Property is located in the MU-7B zone, which is intended to "permit medium-density mixed-use development" and to "be located on arterial streets, in uptown and regional centers, and at rapid transit stops." (Subtitle G § 400.6(a)-(b).)

II. THE APPLICATION

THE PROPOSED MODIFICATION

13. On July 30, 2026, the Applicant filed the Application requesting to modify the Original Order to permit the Project's loading berth to provide 10 feet of vertical clearance rather than the 14 feet required by Subtitle C § 905.2. (Ex. 3.)

14. Subtitle C § 905.2 requires each loading berth to be a minimum of 12 feet wide and 30 feet deep and to provide a minimum vertical clearance of 14 feet. (Ex. 3.) The Project will continue to provide the required 12-foot width and 30-foot depth, the loading platform, and the service/delivery space, and will continue to provide one loading berth and one service/delivery space as required by Subtitle C § 901.1. (Ex. 3, 10.)

15. The Applicant explained that, as the Project advanced, it determined that the loading berth could not achieve the required 14-foot vertical clearance. (Ex. 3.)

16. The Applicant stated that the constraint cannot be cured by adding building height because the approved height of 93'6" is the maximum the Commission could grant through design review under Subtitle X § 603.3 (90 feet for a PUD in the MU-7B zone, plus the 5% increment under Subtitle X § 303.10). (Ex. 3.) The required clearance could be achieved only by removing a residential floor, which would eliminate approximately 12 affordable dwelling units and require renegotiation of the Project's financing, which is based on 109 units. (Ex. 3; Tr. at pp. 22-23, 25.)

17. The Modification does not change the Project's approved height, density, unit count, affordability levels, unit mix, lot occupancy, massing, façade, landscaped front setback, curb cut, or exterior configuration, and affects only the interior vertical clearance of the loading berth within the ground-level garage. (Ex. 3, 3I.)

APPLICANT'S SUBMISSIONS

18. In addition to the testimony at the public hearing, the Applicant made the following submissions to the record in support of the Application:

- The initial Application and related materials filed on July 30, 2026, including a Comprehensive Plan and racial equity analysis; (Ex. 3-3I.)
- An Affidavit of Posting and a motion to waive the 40-day posting requirement of Subtitle Z § 402.3, filed on October 6, 2026; (Ex. 8.)
- A motion to waive the filing deadline of Subtitle Z § 401.8 pursuant to Subtitle Z § 101.9 and accept an updated Loading Management Plan dated October 8, 2026 (the "LMP")[1] and a witness list, filed on October 9, 2026;1 and (Ex. 9.)
- A hearing presentation. (Ex. 12.)

APPLICANT'S JUSTIFICATION FOR THE MODIFICATION

19. Consistency with the Original Order. The Applicant asserted that the Modification does not disturb the Commission's findings under Subtitle X § 604 that the Project is not inconsistent with the Comprehensive Plan and other adopted public policies (§ 604.5), will not tend to affect adversely the use of neighboring property and meets the general special exception criteria (§ 604.6), and provides urban design superior to matter-of-right development (§§ 604.7 and 604.8), because the only change is an interior dimension of the garage. (Ex. 3.)

20. Comprehensive Plan and Racial Equity. The Applicant submitted an updated analysis demonstrating that the Project remains not inconsistent with the Future Land Use Map, Generalized Policy Map, Citywide Elements, the Far Northeast and Southeast Area Element, and the Benning Road Corridor Redevelopment Framework, because the Modification does not alter the Project's use, height, density, affordability, unit mix, or transit-oriented location. (Ex. 3I.) The Applicant further asserted that the Modification does not change the Commission's prior racial equity conclusions, will not cause direct or indirect displacement, preserves the approved affordable units without reducing the Project's height, and that any operational impacts of the loading relief are addressed through the LMP. (Ex. 3I.)

21. Special Exception – Subtitle X § 901.2. The Applicant asserted that the relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because the MU-7B zone is intended for medium-density development near rapid transit, all required loading facilities are provided, and the building remains able to accommodate deliveries, resident move-ins and move-outs, and waste collection. (Ex. 3; Tr. at pp. 10-11.) The Applicant asserted that the relief will not tend to affect adversely the use of neighboring property because the reduced clearance is an interior dimension not

[1] At the November 5, 2026 public hearing, the Commission granted the Applicant's waiver requests en bloc and accepted the LMP into the case record. (Tr. at pp. 6-7.)

perceptible from neighboring property or the public realm, and loading operations will be managed under the LMP. (Ex. 3; Tr. at p. 11.)

22. Special Exception – Subtitle C § 909.2(a). The Applicant asserted that the Project satisfies Subtitle C § 909.2(a) because (1) the nature of the all-affordable residential use generates a lower loading demand, with loading activity limited to resident move-ins and move-outs, package and grocery deliveries, and trash and recycling collection that can be served largely by vans and smaller trucks; and (2) the Applicant will implement the DDOT-reviewed LMP as a condition of approval. (Ex. 3, 9; Tr. at p. 11.)

23. Loading Management Plan. The LMP provides for, among other measures: a designated loading dock manager on duty during delivery hours; scheduling of deliveries and move-ins/move-outs; a low-clearance bar at the garage entry; a lease provision requiring tenants to use the loading berth and trucks shorter than 10 feet in height; use of the curbside space on Benning Road, N.E. for trucks taller than 10 feet, with no curbside loading or unloading between 7:00-9:30 a.m. and 4:00-6:30 p.m.; alternative scenarios for curbside or on-site trash collection, with a flagger present for on-site trash truck maneuvers; and anti-idling and truck-routing requirements. (Ex. 9.) The Applicant's transportation consultant testified that because a bus rapid transit line is proposed along Benning Road that may prohibit curbside loading in the future, the LMP provides flexibility for on-site collection using back-in/front-out maneuvers with a dock manager and flagger. (Ex. 9; Tr. at pp. 12-13, 20-21.)

III. RESPONSES TO THE APPLICATION

OFFICE OF PLANNING REPORT

24. OP submitted a report dated October 23, 2026 (the "OP Report") recommending approval of the Application, including the special exception relief from Subtitle C § 905.2 pursuant to Subtitle C § 909.2 and Subtitle X § 901.2, subject to any recommendations or conditions of DDOT. (Ex. 10.) OP concluded that:

- Under Subtitle C § 909.2(a), most loading operations would be accommodated by vans and smaller trucks, loading activity would be limited to resident move-ins and move-outs, package and grocery deliveries, and trash and recycling collection, and the LMP provides for curbside service for larger trash collection vehicles; (Ex. 10.)
- The relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because the loading berth would still accommodate resident move-ins, deliveries, and certain trash trucks, and would allow a medium-density residential building consistent with the intent of the MU-7B zone; (Ex. 10.)
- The relief should not adversely affect neighboring properties because the reduced clearance would not be perceptible to adjacent properties and would not result in queuing, spillover activity, or other adverse off-site impacts; and (Ex. 10.)
- The Project would continue to be not inconsistent with the Comprehensive Plan maps and policies, including when viewed through a racial equity lens, and no findings of fact from the original case have changed. (Ex. 10.)

25. At the public hearing, OP testified in support of the Application. (Tr. at pp. 26-27.)

DDOT REPORT

26. DDOT submitted a report dated October 26, 2026 (the "DDOT Report") stating that it has no objection to the Application, with the condition that the Applicant implement the LMP (Ex. 9) for the life of the Project, unless otherwise noted, and recommending that trash be collected curbside. (Ex. 11.)

27. The DDOT Report noted that, because the garage clearance is 10 feet, larger box trucks and trash trucks will not be able to access the internal loading facilities; that a 30-foot truck cannot make head-in/head-out movements in the front driveway but could back into the driveway from Benning Road; that trash will be stored internal to the building and wheeled out for curbside pick-up consistent with DDOT standards; and that DDOT recommends curbside trash pick-up unless the curbside lane of Benning Road changes due to a future bus priority project. (Ex. 11.) DDOT also noted that future residents should obtain "emergency no parking" signs from DDOT to reserve on-street space for move-ins and move-outs, and that its lack of objection is not an approval of public realm design. (Ex. 11.)

28. The Applicant agreed to DDOT's condition, including curbside trash collection. (Tr. at p. 13.)

ANC REPORT

29. ANC 7F did not submit a written report to the case record. The Applicant testified that it presented the Application to ANC 7F at its October 20, 2026 public meeting and that ANC 7F voted unanimously to support the Application. (Tr. at pp. 11, 21-22.) The Applicant further testified that ANC 7D, the affected ANC in the original proceeding, deferred to ANC 7F. (Ex. 3I; Tr. at pp. 11, 14.)

PERSONS IN SUPPORT OR OPPOSITION

30. No letters of support or opposition were filed in the case record, and no individuals or organizations testified in support or opposition at the public hearing. (Tr. at pp. 27-28.)

COMMISSION DISCUSSION

31. At the hearing, Commissioners expressed concern about the timing of the request and the magnitude of the discrepancy, which arose after the Project was under construction. (Tr. at pp. 15-19, 29-32.) The Commission nonetheless found that the preservation of approximately 12 affordable dwelling units outweighed the operational challenge of the reduced clearance, and relied on the LMP developed with DDOT and the Applicant's property management arm to address larger trucks and trash collection. (Tr. at pp. 19-20, 30-32.) The Commission determined that the LMP should be a condition of approval, consistent with the OP Report. (Tr. at pp. 22, 24.)

CONCLUSIONS OF LAW

AUTHORITY – MODIFICATION WITH HEARING

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Repl.)), the Commission may approve a voluntary design review application consistent with

the requirements of Subtitle X, Chapter 6 and Subtitle Z § 301. [Confirm modification authority under Subtitle Z § 704 and Subtitle Z § 703 for modifications with hearing.]

2. Subtitle Z § 704.4 provides that the scope of a hearing conducted on a modification with hearing shall be limited to the impact of the modification on the subject of the original application and shall not permit the Commission to revisit its original decision. [Confirm citation.] The Commission concludes that the Modification is limited to the interior vertical clearance of the loading berth and does not disturb the Commission's findings under Subtitle X § 604 in the Original Order. The Modification makes no change to the Project's height, density, unit count, affordability, lot occupancy, massing, façade, landscaped front setback, curb cut, or other elements of the approved design, and the findings of fact of the Original Order remain valid.

3. Subtitle X § 603.4 provides that "[a]n application for a special exception or variance that would otherwise require the approval of the Board of Zoning Adjustment may be heard simultaneously with a Design Review application, and shall be subject to all applicable special exception criteria and variance standards . . . ."

CONSISTENCY WITH THE COMPREHENSIVE PLAN

4. The Commission concludes that the Project, as modified, remains not inconsistent with the Comprehensive Plan and other adopted public policies, including when evaluated through a racial equity lens, as required by Subtitle X § 604.5 and 10-A DCMR § 2501.8. The Modification does not alter the Project's residential use, height, density, 109 all-affordable dwelling units, family-sized units, resident services, or proximity to the Benning Road Metrorail Station that formed the basis of the Commission's prior conclusions. The Commission further concludes that the Modification will not cause direct or indirect displacement and, by avoiding the loss of approximately 12 affordable units, preserves the housing benefits that informed the Commission's prior racial equity analysis.

AUTHORITY – SPECIAL EXCEPTION

5. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl.); see also Subtitle X § 901.2) authorizes the Commission to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Commission, the special exception:

- Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
- Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and
- Complies with applicable specific conditions set forth in the Zoning Regulations.

6. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application

for special exception relief, the Commission's discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and "if the applicant meets its burden, the [Commission] ordinarily must grant the application." (First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment, 423 A.2d 695, 701 (D.C. 1981) (quoting Stewart v. D.C. Bd. of Zoning Adjustment, 305 A.2d 516, 518 (D.C. 1973)).)

SPECIAL EXCEPTION – LOADING BERTH VERTICAL CLEARANCE (SUBTITLE C §§ 905.2 AND 909.2)

7. Subtitle C § 909.2 authorizes full or partial relief from the size and layout requirements of Subtitle C § 905 as a special exception under Subtitle X, Chapter 9, upon a demonstration that, among other things, "[t]he 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) [t]he 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 [approval] . . . ." (Subtitle C § 909.2(a).)

8. The Commission concludes that the Application's request for special exception relief to reduce the minimum loading berth vertical clearance from 14 feet to 10 feet satisfies the general special exception criteria and the specific conditions of Subtitle C § 909.2, as follows:

- Subtitle C § 909.2(a)(1) – The nature of the Project as an all-affordable residential building generates a lower loading demand than the minimum standards anticipate. The Project's loading activity is limited to resident move-ins and move-outs, package and grocery deliveries, and trash and recycling collection, the majority of which can be served by vans and smaller trucks operating within a 10-foot clearance;
- Subtitle C § 909.2(a)(2) – The Applicant has filed the LMP in the case record, DDOT has reviewed the LMP and has no objection to the relief conditioned on its implementation for the life of the Project, and implementation of the LMP is a condition of this Order;
- Subtitle C § 909.2(b) and (c) – The Commission notes these conditions are not applicable, and that Subtitle C § 909.2 requires satisfaction of only one enumerated condition;
- The Relief is in Harmony with the Purpose and Intent of the Zoning Regulations and Maps – The Project continues to provide the required loading berth width and depth, the loading platform, and the service/delivery space, and remains able to accommodate deliveries, resident move-ins and move-outs, and waste collection. The relief allows the Property to be developed with a medium-density, transit-oriented, all-affordable residential building consistent with the intent of the MU-7B zone (Subtitle G § 400.6) without the loss of approximately 12 affordable dwelling units; and
- The Relief Will Not Tend to Affect Adversely the Use of Neighboring Property – The reduced clearance is an interior dimension of the ground-level garage that is not perceptible from neighboring property or the public realm. Potential operational impacts

associated with larger trucks and trash collection are mitigated by the LMP, which designates a dock manager, requires scheduling of deliveries, directs taller trucks to curbside loading outside of peak periods, prohibits trash collection during peak periods, and requires a flagger for any on-site trash truck maneuvers.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

9. The Commission must give "great weight" to the recommendation of OP, pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment, 141 A.3d 1079, 1086-87 (D.C. 2016).)

10. The Commission finds OP's analysis that the Application satisfies the special exception criteria of Subtitle C § 909.2 and Subtitle X § 901.2, and that the Project remains not inconsistent with the Comprehensive Plan, including through a racial equity lens, persuasive, and concurs with OP's recommendation to approve the Application subject to the DDOT condition.

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC

11. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy this great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (Wheeler v. D.C. Bd. of Zoning Adjustment, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted).)

12. ANC 7F did not submit a written report to the case record and, therefore, there is nothing to which the Commission can give "great weight." The Commission nonetheless notes the Applicant's testimony that ANC 7F voted unanimously to support the Application at its October 20, 2026 public meeting.

DECISION

Based on the case record, the testimony at the public hearing, and the above Findings of Fact and Conclusions of Law, the Commission concludes that the Applicant has satisfied its burden of proof and therefore APPROVES the Application's request for the following relief for the Property:

- A modification with hearing of Z.C. Order No. 22-08, as extended by Z.C. Order No. 22-08A; and
- Special exception relief pursuant to Subtitle C § 909.2 and Subtitle X § 901.2 from the loading berth vertical clearance requirement of Subtitle C § 905.2, to permit a vertical clearance of 10 feet.

The conditions of Z.C. Order No. 22-08, as extended by Z.C. Order No. 22-08A, remain in full force and effect, except as modified by the following condition, which is added as a new Condition No. [6] under a new heading "Loading Management Plan":

Loading Management Plan

[6] For the life of the Project, unless otherwise noted, the Applicant shall implement the Loading Management Plan dated October 8, 2026, as set forth in Exhibit 9 of the record of Z.C. Case No. 22-08B, including the following measures:

a. 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;

b. 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;

c. The Applicant will install a low clearance bar at the garage entry noting the height of the ceiling clearance;

d. 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;

e. 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 7:00-9:30 AM and 4:00-6:30 PM;

f. 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);

g. Trash shall be collected curbside, unless operational changes to the curbside lane of Benning Road NE associated with a future bus priority project prohibit curbside collection. When curbside trash collection is utilized: (i) 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; and (ii) trash trucks will be prohibited from serving the site between the hours of 7:00-9:30 AM and 4:00-6:30 PM;

h. In the case that on-site trash collection is required: (i) 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; (ii) 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; and (iii) in addition to the presence of a dock manager, a flagger will be present whenever a trash truck is entering/exiting the site to alert pedestrians, bicyclists, and other vehicles to trucks that may be entering or exiting the loading facilities;

i. 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 20 DCMR 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); and

j. 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, notifying all drivers of any access or egress restrictions, and distributing and posting in a prominent location within the loading area flyer materials, such as the MWCOG Turn Your Engine Off brochure and others from DDOT and goDCgo, to encourage compliance with idling laws.

Vote (November 5, 2026): 5-0-0 (Gwen Marcus Wright, Robert E. Miller, Anthony J. Hood, Christine Bruins, and Joseph S. Imamura to approve.)

On November 5, 2026, upon the motion of Commissioner Wright, as seconded by Vice Chair Miller, the Zoning Commission took FINAL ACTION to APPROVE the Application at its public hearing by a vote of 5-0-0.

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order No. 22-08B shall become final and effective upon publication in the District of Columbia Register; that is, on [_____, 2026/2027].

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

_____	_____
ANTHONY J. HOOD	SARA A. BARDIN
CHAIRMAN	DIRECTOR
ZONING COMMISSION	OFFICE OF ZONING

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR

PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.