

Certificate of Notice

I HEREBY CERTIFY that on June 1, 2026, a copy of the attached Notice of Intent to File a Zoning Application was sent via first-class mail to the owners of property within 200 feet of 4401-4435 Benning Road, N.E. (Square 5085, Lots 843 and 844) and to Advisory Neighborhood Commission (“ANC”) 7D, which was the ANC party to the original application approved in Z.C. Case No. 22-08. On June 4, 2026, a copy of the Notice of Intent was also sent via first-class and electronic mail to ANC 7F, which is the ANC currently affected by the subject Application. Notice was provided pursuant to Subtitle Z §§ 301.6, 301.7, and 301.10(e) of the Zoning Regulations.

Additionally, pursuant to Subtitle Z § 301.8, the Applicant made all reasonable efforts to attend a duly noticed meeting of ANC 7F during the forty-five-day notice period. The Applicant contacted ANC 7F by telephone and email on multiple occasions in an effort to secure a place on the ANC’s June 2026 meeting agenda but did not receive a response to those outreach efforts. Although the Applicant was therefore unable to present during the forty-five-day notice period, it made every reasonable effort to do so in accordance with the Zoning Regulations and looks forward to presenting the Application to ANC 7F when the ANC returns from its summer recess in September 2026. The Applicant also met with the D.C. Department of Transportation on July 15, 2026, for a preliminary discussion regarding the draft Loading Management Plan.



Zachary Bradley

NOTICE OF INTENT TO FILE A ZONING APPLICATION

APPLICATION TO THE DISTRICT OF COLUMBIA ZONING COMMISSION FOR A MODIFICATION TO Z.C. ORDER NO. 22-08 (DESIGN REVIEW)

June 1, 2026

NRP Properties, LLC (the “Applicant”) gives notice of its intent to file an application to modify Z.C. Order No. 22-08 (the “Application”) for the property located at 4401-4435 Benning Road, N.E., which is more particularly known as Lots 843 and 844 in Square 5085 (the “Property”). By Z.C. Order No. 22-08, which became effective on August 26, 2022, the Zoning Commission approved a voluntary design review, with associated zoning flexibility and special exception relief, for the construction of an all-affordable residential building at the Property (the “Project”).

The Property fronts on Benning Road, N.E., approximately one-half block from the Benning Road Metrorail Station, and is located in the MU-7B Zone in Ward 7 and within the boundaries of Advisory Neighborhood Commission (“ANC”) 7D. The Project is a nine-story-plus-penthouse, all-affordable residential building containing approximately 109 dwelling units, all of which are affordable to households at or below 80% of the Median Family Income. The building is served by one loading berth and one service/delivery space located within the building and accessed by a drive aisle from Benning Road, N.E. Preliminary site work has commenced for the Project.

During pre-construction plan review of the Project, it was determined that the loading berth cannot achieve the vertical clearance required under the Zoning Regulations. Subtitle C, Section 905.2 sets forth the minimum size and layout requirements for loading berths, including a minimum vertical clearance of fourteen (14) feet. As a result of structural and building-systems conditions within the loading area, the Project’s loading berth will provide a vertical clearance of ten (10) feet. No other aspect of the loading facilities, or of the building as approved by Z.C. Order No. 22-08, is proposed to change.

In connection with the Application, the Applicant will seek a modification of Z.C. Order No. 22-08 to obtain special exception relief from the loading size and layout requirements of Subtitle C, Section 905.2, pursuant to Subtitle C, Section 909.2 of the Zoning Regulations, to permit the loading berth to provide a vertical clearance of ten (10) feet in lieu of the required fourteen (14) feet. The requested modification does not alter the height, density, number of dwelling units, or exterior configuration of the building approved by Z.C. Order No. 22-08. Because the new relief is being requested, the Application will be processed as a Modification with Hearing.

The Application will be filed with the District of Columbia Zoning Commission as a modification to Z.C. Order No. 22-08 pursuant to Subtitle Z, Chapter 7 of the District of Columbia Zoning Regulations of 2016, and will be subject to the general special exception criteria of Subtitle X, Chapter 9 and the specific conditions of Subtitle C, Section 909. The Application can be filed not less than forty-five (45) days from the date of this Notice, which is given pursuant to Subtitle Z, Section 301.6 of the Zoning Regulations. The land use counsel is Cozen O’Connor. For additional information regarding this Application, please contact Meridith Moldenhauer at 202-747-0763.