GOVERNMENT OF
THE DISTRICT OF COLUMBIA

In the Matter of:	)	
	)	
NRP PROPERTIES, LLC –	)	Z.C. Case No. 22-08B
MODIFICATION WITH HEARING	)	
OF APPROVED DESIGN REVIEW	)	
AT 4401 BENNING ROAD, N.E.	)	
(SQUARE 5085, LOTS 843 AND	)	
844)	)	
	)	
REGULAR PUBLIC HEARING	)	

Pages: 1 through 36

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Date: November 5, 2026

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION

In the Matter of:	)	
	)	
NRP PROPERTIES, LLC – MODIFICATION WITH HEARING OF APPROVED DESIGN REVIEW AT 4401 BENNING ROAD, N.E. (SQUARE 5085, LOTS 843 AND 844)	)	Z.C. Case No. 22-08B
	)	
REGULAR PUBLIC HEARING	)	

Thursday,
November 5, 2026

The Regular Public Hearing of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice, at 4:01 p.m., Anthony J. Hood, Chairman, presiding.

APPEARANCES:

Zoning Commission:

ANTHONY J. HOOD, Chairman
ROBERT MILLER, Vice Chair
CHRISTINE BRUINS, Commissioner
JOSEPH IMAMURA, Commissioner
GWEN MARCUS WRIGHT, Commissioner

Office Of Zoning Staff:

SHARON S. SCHELLIN, Secretary

Office Of Zoning Legal Division Staff:

JACOB RITTING, Esquire

For the Office of Planning:

CRYSTAL MYERS, Development Review Specialist

APPEARANCES: (Cont'd)

On Behalf of the Applicant:

MERIDITH H. MOLDENHAUER, Esquire, Cozen O'Connor
KARL ALT, NRP Properties
DANIEL SOLOMON, Gorove Slade

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P R O C E E D I N G S

(4:01 p.m.)

CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood. I'm joined by Vice Chair Miller, Commissioners Wright, Imamura, and Bruins. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, as well as our Office of Zoning legal division, Mr. Jacob Ritting. Mr. Paul Young will be handling all of our virtual operations for this proceeding, and we will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter, is also webcast live via WebEx and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. Accordingly, all those listening on WebEx or by phone will be muted during the hearing, and only those who have signed up to testify will be unmuted at the appropriate time.

When called, please state your name before providing your testimony. When you're finished speaking, please mute your audio. If you experience difficulty accessing WebEx or with your telephone call-in, then please call our OZ Hotline number at 202-727-0789 to receive WebEx login or call-in instructions or if you have not signed up to testify.

All persons planning to testify must sign up in advance and will be called by their name at the appropriate time. At the time of sign-up, all participants will complete the oath or affirmation required by Subtitle Z 408.7. If you wish to file written testimony or additional supporting documents during the hearing, then please be prepared to describe and discuss it at the time of your request when testifying.

The subject of this afternoon's hearing is Zoning Commission Case No. 22-08B, NRP Properties LLC, modifications to approve voluntary design review with hearing and special exception at Square 5085, Lots 0843 and 0844. Again, today's date is November the 5th, 2026. The hearing will be conducted in accordance with the provisions of 11-Z DCMR Chapter 4 as follows: preliminary matters, applicant's case, the report of other government agencies, Department of Transportation, report of the Office of Planning, report of the ANC, testimony of organizations -- of organizations and individuals, each five and three minutes respectively, and we'll hear in the order from those in support, opposition, and undeclared. Then we'll have rebuttal and closing by the applicant. Again, this ANC is ANC 7D. ANC 7F is now an affected ANC as well. It's an automatic party at 7F. I'm not sure how that's going to work out, but we'll work through that.

All right. At this time, the Commission will

consider any preliminary matters. Does the staff have any preliminary matters? Okay. We do have a couple of waiver requests, I believe. But let me see. Ms. Schellin, do we have any preliminary matters? Or maybe this is not the case. I don't know. I get them -- they run together for me. Okay, Ms. Schellin, don't worry about it. Just drive safely and wait until you get home. So will you cut your camera off and just do that? Mr. Ritting, do we have any preliminary matters?

MR. RITTING: Yes, there are two. The first is a motion by the applicant to waive the 40-day posting requirement to allow posting of the property for only 30 days. The legal standard is at Subtitle Z, Section 402.12, which says that the Commission may waive a defect in the public hearing notice if it's minor, considering three factors, the first being the nature and extent of actual notice by the parties from all sources; the second being the attendance or lack thereof at the public hearing; and the third being the nature and extent of the construction.

In this case, the property was posted for 30 days, which is less than the 40 that's required, but is nonetheless a significant amount of time. There was evidence of additional notice provided to the community from other sources, and the change in construction is limited to the height of the loading berth. So it's ready for your decision.

CHAIRMAN HOOD: Okay. Thank you, Mr. Ritting, for

teeing that up. We have two waiver requests. I'd like to move those en bloc unless there's any objection. Any objections to the time requirement and other notes? Okay. All right, so both of those waiver requests will be noted. I don't believe we have anything else before us.

I'm going to ask Mr. Young to bring up Ms. Moldenhauer and all those who are going to be participating today. Okay. Ms. Moldenhauer, whenever you're ready, you can let us know. You can hit the highlights and just let us know how much time you think you need.

MS. MOLDENHAUER: I think I told Ms. Schellin I needed 15 minutes. I went through my presentation, and I probably only need ten, so hopefully that will be good news. I also have with me Mr. Daniel Solomon from Gorove Slade, if he can be invited up as a panelist, as well as Karl Alt, who I see -- both are panelists, if you both want to turn on your camera. If Mr. Young wanted to pull up the PowerPoint presentation, we'll walk through our presentation and be available for any questions. Thank you so much.

Meridith Moldenhauer here on behalf of Cozen O'Connor. We're here to discuss this modification for a hearing from an approved design review application for 22-08B. Next slide. As I indicated, I'm here today joined with the applicant, Karl Alt from the NRP Group, Mr. Daniel Solomon from Gorove Slade. Thank you. Next slide.

This application is in conjunction with an approved voluntary design review application that was approved by the Zoning Commission back on June 9th of 2022 and became effective in August of 2022. We had also submitted a request to extend the commencement of the construction date to August 26th of 2027. The overall project includes a nine-story plus penthouse, all affordable residential building with a proposed 109 dwelling units. Those dwelling units will be divided into 22 units at 30 percent MFI, 65 percent -- 65 units will be at 50 percent MFI, 22 units will be at 80 percent MFI. And of those 109 units, 27 will be two bedrooms, and 22 will be three-bedroom units.

We previously obtained flexibility for building height, which will come into play on the relief that we're asking for today: rear yard relief, side yard relief, and obtained special exception relief for vehicle parking and allowing two parking spaces in the front setback. The project did propose and does still propose 13 parking spaces, one loading berth and platform, and one service bay and delivery space. Next slide.

The requested modification that we're here this afternoon to discuss is under Subtitle C 905.2, which requires that each loading berth be 12 feet wide and 30 feet deep with a 14-foot height of vertical clearance. During pre-construction design development, the applicant determined that the loading

berth could not achieve the required 14 foot of clearance. The building height cannot be increased, as we had already sought relief under design review to obtain the additional height at 93 feet, 6 inches, above the 90-foot maximum permitted under the PUD height requirement; only alternative is to remove a residential floor in order to meet the vertical height requirement here.

Therefore, we are seeking special exception relief to be able to provide only 10 feet in vertical clearance rather than the required 14 feet in vertical clearance. We will still provide the required 12-foot-wide and 30-foot-deep loading platform and service bay and delivery space. The proposal has no changes to the height, the density, the unit count, the lot occupancy, massing, façade, landscaping, or setback. Next slide.

This is an image of the ground floor that will be the same. The red area is the truck turning/maneuvering area. The dark gray is the first-floor lobby space, and around the red area are all of the existing proposed parking spaces. Next slide. As you can see here, the loading requirements include a 12-foot wide and 30-foot-deep space. We are providing that required square footage. However, we are asking for 10-foot vertical clearance when 14 feet vertical clearance is required. We are also providing -- there's no change in our one loading berth and one loading space being provided on the site. Next

slide.

Based on the design review approvals, none of those material elements have changed. The order found the project satisfied the design review standards, that it was not inconsistent with the Comprehensive Plan, that there was no adverse effect on neighboring properties, and that it provided superior design requirements. The modification only impacts the interior vertical clearance height in the garage, and there's no changes to the public benefits or public amenities that the order was originally issued under. The Office of Planning has reviewed, and we have provided to them, that this proposal remains not inconsistent with the Comprehensive Plan and also has been evaluated through the racial equity lens. Next slide.

Under the special exception standard review, Subtitle X 901.2, we believe this requested relief is in harmony with the purpose and intent of the Zoning Regulations. The MU-7B zone does intend for a modest medium density development that is in close proximity to transit, as this project is right across from the Benning Road Metro stop. All of the required loading facilities will be provided, as noted previously. The building will remain and be able to provide all the necessary accommodations for residents' move-in and move-out. And as Daniel Solomon from Gorove Slade will identify, we have a Loading Management Plan and have coordinated with DDOT on waste

collection for the units. The relief would not adversely affect the use of neighboring properties, as we have accounted for how the project will handle move-in and move-out mechanisms, as well as reduce the clearance; that is not going to impact the public realm.

I will also note here that we did present -- I presented to ANC 7F on October 20th. They voted unanimously to support the application. I did coordinate with them as well as coordinating through NRP's partner, the Marshall Heights Community Development Organization, and Babatunde Oloyede. But however, we do not have a letter of support in the record, but we did present to them, and the prior ANC, 7D, did defer to 7F, as the boundary lines did change following the initial application. Next slide.

There are additional special conditions under Subtitle C 909.2(a). We believe we satisfy those. One is that the use generated a lower loading demand than the minimum standards required as a result from the natural use. An all-affordable residential building will have potentially more limited move-in/move-out requirements, and that -- we have obviously addressed those through our Loading Management Plan and are still providing the required square footage for the loading berth and loading space. It is just the clearance that is being addressed. The Loading Management Plan must be approved by DDOT, and we have coordinated with DDOT, and I will

let Mr. Solomon address that next. Next slide, please.

I'll turn it over now to Mr. Daniel Solomon.

MR. SOLOMON: Thanks, Meridith. Good afternoon, Commissioners. For the record, Daniel Solomon, the transportation planner and principal with Gorove Slade. We've been working with NRP Group, the project team, and DDOT related to this modification and the requested relief, and I'll just quickly touch on the highlights of our coordination and review with DDOT.

As Meridith mentioned, during permitting, it became apparent that the internal garage layout -- that the utility and system components created a condition that the project can't meet the 14-foot vertical clearance that's required by zoning. As a result, we've requested flexibility from the vertical clearance requirements from 14 feet to 10 feet. To ameliorate any potential impacts, the Loading Management Plan was established with DDOT, with the highlights of the Loading Management Plan listed on the slide.

I'll also note that a bus rapid transit line is proposed along Benning Road and may prohibit curbside loading and curbside trash collection in the future. To provide flexibility depending on future constraints along Benning Road, the Loading Management Plan contains flexibility for either curbside collection outside of peak periods or on-site collection using back-in/front-out maneuvers at the driveway

with a dock manager and flagger. Next slide, please.

We coordinated extensively with DDOT during their review, and we're pleased to have their support in the form of a no objection staff report. DDOT's report did include the condition that the applicant implement the Loading Management Plan as proposed in Exhibit 9 for the life of the project, unless otherwise noted, including the recommendation by DDOT that trash be collected curbside, which the applicant has agreed to. At this time, we believe we have addressed all of DDOT's concerns. That'll conclude my testimony. We'll be available to answer any questions. Thank you, and I'll pass it back to Meridith.

MS. MOLDENHAUER: Thank you very much, and I believe that concludes our presentation. We are available to answer any questions that the Commission has and thank you for your time.

CHAIRMAN HOOD: Thank you, Ms. Moldenhauer and Mr. Solomon. Before I go to Commissioner -- I'm going to start with Commissioner Imamura on this one. But before I go to him, Ms. Moldenhauer, I'm trying to remember -- when did the Commission first deal with this case? I'm trying to remember. This is like a second --

MS. MOLDENHAUER: 2022.

CHAIRMAN HOOD: Oh, okay. That's four years ago. Okay. All right. And I -- because I'm just trying to figure

out the ANC. You said the boundaries changed. I'm trying to think. When did we do that? Was that four years ago, too?

MS. MOLDENHAUER: So four years ago, the boundaries were -- obviously, this was under 7D. And I believe two years ago, two and a half years ago, so maybe like almost like three years ago, the boundaries changed. So we went through this application, all of it, under 7D, and so really 7F had not really seen this application before. They obviously are excited to see the affordability in their neighborhood. And I presented to 7F, as 7D said, "Well, it's no longer under our boundaries. We defer to them."

CHAIRMAN HOOD: Okay, I wanted to ask. I was just trying to put the time, how -- the time sequence and effect of the redistricting, because I was involved with that, too. I was just trying to figure out when we did that. So I know I heard this case, and I know we did the redistricting. I thought the redistricting came before we heard this case, but it was obviously the other way around. That's all. That's all. I know 7F, I think -- was it 7F, 7D -- the first ANC was very excited about this project. I remember. I do remember that because I remember when we --

MS. MOLDENHAUER: And they both are still, yes. I mean --

CHAIRMAN HOOD: Okay. Okay. That's a good point, but I just remember that. I'm going back to that one. I know

they are here as well as what you've already testified to. Anyway, all right. Okay. That gives me a reference.

I'm going to ask Commissioner Imamura, and then I'm going to go to Commissioner Wright, then Commissioner Bruins, and then Vice Chair Miller, and then I'll end up. Okay. Commissioner Imamura?

COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Ms. Moldenhauer or Mr. Solomon, I've got a couple questions. The first one is are you all still in DDs? Design development, right? You haven't moved on to construction documents yet.

MS. MOLDENHAUER: Mr. Alt?

MR. ALT: No, we're actually under construction. So that's where this issue became present, when -- once we had our subcontractors on board. We're not only the developer, but we're also the contractor on the project, and we go through an extensive BIM model with our subs. And then once we started mapping out all of the ductwork, lights, sprinkler pipe, conduit is where the conflict started to show, that we weren't able -- the ceiling itself on the concrete is over 14 feet. But then once you started layering everything in, that's when the issue came.

COMMISSIONER IMAMURA: Right. So this isn't design-build, though, right?

MR. ALT: No, it's not. It was a -- technically, it's design-bid-build. So we've designed it --

COMMISSIONER IMAMURA: Right. So I --

MR. ALT: -- permitted it, and then our --

COMMISSIONER IMAMURA: Right, so what -- I guess this is why I'm a little confused. On the slides that Ms. Moldenhauer showed, right, it said that this was caught at pre-construction design development, is what it said on the slide.

MR. ALT: It might have been a wrong term that we didn't catch in the slide. It was --

COMMISSIONER IMAMURA: So if you're using BIM, like, this is a big whoops, right? The intent was to meet the requirements of 14 feet. So that -- this is pretty significant, right? And obviously -- well, far too late to distribute that among the floors. It's not just something easy that you can divide, you know, by eight floors, six inches, and decrease the floor height --

MR. ALT: Correct.

COMMISSIONER IMAMURA: -- between each floor. I totally get that, right? Because that also impacts your bricks, your brick count, and everything like that on your facade. It's just -- I would've expected something less, right? All right, we're off by 12 inches, right, with -- but here, this is -- we're off 48 inches. So I guess I'm curious how we got here.

MR. ALT: Just because, unfortunately, when we agreed on the zoning or when we're looking at zoning, obviously the

drawings aren't as fully developed as they progress through the -- you know, as our architect develops the plans. And then even further, even with the architect and the mechanical and electrical and plumbing engineers and fire protection engineers, it's -- this building is just not that large of a building either. And so when you start getting and layering in all those systems, it became evident that we just did not have the room to meet --

COMMISSIONER IMAMURA: But you account for that in the design, right? Even in concept, you know that's a problem, right?

MR. ALT: You would hope. You would hope.

COMMISSIONER IMAMURA: And so in DDs, you catch that, and then on top of that, you're claiming that you guys were using BIM, right? So your clash detection probably picked this up.

MR. ALT: So -- no. So just to clarify, we don't -- it's our general contractor who uses BIM once all the subs have been selected, and then all the subs model it up. The design team themself did not do the building in BIM and do clash detection.

COMMISSIONER IMAMURA: So you guys are in a real pickle here -- under construction.

MR. ALT: Yes.

COMMISSIONER IMAMURA: 48 inches off --

MR. ALT: Yes.

COMMISSIONER IMAMURA: -- in the design. That probably should have been caught well earlier in the process.

MR. ALT: Absolutely.

COMMISSIONER IMAMURA: You know, I'm really shocked. This is something that we've not seen on the Zoning Commission this far off in the design before. So it's an important project as Ms. Moldenhauer had described, right? It's going to bring a lot of affordable housing to the area, to the District. It's important to the neighborhood. So in that regard, that certainly works in your favor.

This brings a lot of heartburn to me. So this is regrettable for sure, to see a design like this this far off and this late in the game, right, that it comes up. But I will yield back and -- interested to hear what my fellow commissioners have to say, but this is really unfortunate. I guess the good news is that it only impacts -- not any of the livable space, right? So this is just really --

MR. ALT: Correct.

COMMISSIONER IMAMURA: -- the parking and loading, so the garage there. So that's the good news here. But yeah, it's unfortunate. Thank you, Mr. Chairman.

CHAIRMAN HOOD: Thank you. Commissioner Wright?

COMMISSIONER WRIGHT: Thanks. You know, I agree with Commissioner Imamura. This is unfortunate, and it's

unfortunate that it's happening at this late date after the building is actually under construction. It feels a little like our hands are tied a little bit. We don't have a lot of choice. But the thing that gives me a level of comfort is that you have worked out a very detailed loading plan with the DDOT and that you are figuring out how you will handle larger trucks and trash removal, which are the things that could be affected by this request to lower the height of the loading dock.

So again, not ideal; but again, it's a good project, and it's something that we want to see happen, and you have worked out something with DDOT that at least is convincing them that you have the loading covered. I would just -- you know, I know that your firm manages buildings that you build. You have your management arm. And so it really is up to your management arm to make sure that those loading requirements are adhered to and that you actually fulfill all the requirements that you've worked out with DDOT. I think that's very important.

And so with the understanding that there is a Loading Management Plan, I'm basically okay with this change. I do feel a little bit backed into a corner, that it is coming at a very late time when the building's already under construction. But again, I'm going to rely on DDOT and you all to make sure that we don't end up with lots and lots of large trucks blocking the road, so.

MR. ALT: If I can just --

COMMISSIONER WRIGHT: Those are my comments.

MR. ALT: If I can add one. So you brought up a really good point, and I don't think this was mentioned. You are correct. We do manage our own properties, and they were very much instrumental in working with Gorove Slade and Meridith and DDOT in crafting the Loading Management Plan. So that was something -- they were brought in at the table as well as that item was being discussed.

COMMISSIONER WRIGHT: That's great, because they're the ones who are going to have to be involved when it's implemented, so.

MR. ALT: That's right. That's right.

COMMISSIONER WRIGHT: Okay. That was all I had to say. Thank you.

CHAIRMAN HOOD: Thank you. Commissioner Bruins?

COMMISSIONER BRUINS: Hi. Yes, thank you. I concur with some of the comments that have already been said. And the only question I had for the applicant team is that there appears to be two plans for these large trucks, one in the immediate and one if and when a priority bus lane is implemented on the road. And Mr. Solomon touched on it briefly. I think the application package addresses what will happen before a bus lane is implemented. But if you could just speak in a little more detail to what the plan is after a rapid bus lane goes in, please.

MR. SOLOMON: Sure. Absolutely. So if and when the bus rapid transit line comes in, depending on the design of whether it is center lane or exterior lane, DDOT's preference, based on our understanding, is that it would -- loading and trash collection, the truck will reverse into the driveway, into the parking lot. When that backing maneuver happens, there'll be a member of building management who will come out there and assist to make sure that -- to reduce any likelihood of conflicts with pedestrians happening there, because we're not fans of trucks backing across sidewalks. And then once that servicing happens, it -- then at that point, it's front-out maneuvers, which is DDOT standard, so the flagger won't need to be present. So that is essentially the flexibility that we built into the loading impact management plan with DDOT for the eventuality of the bus rapid transit line.

COMMISSIONER BRUINS: Okay. Thank you. Those are my only -- that's my only question. I yield back.

CHAIRMAN HOOD: Thank you. Vice Chair Miller?

VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank you to the applicant team for bringing this forward, even if late in the process, as I share some of the concerns that -- I share the comments that my colleagues have made about this, and I won't repeat them.

Ms. Moldenhauer, you said that the 7F -- you probably said that -- unanimously approved it, I think, fairly recently.

What was the date of that meeting where they -- and we don't have the written -- as you pointed out, we don't have anything in writing, but do you know approximately when 7F gave that unanimous approval?

MS. MOLDENHAUER: Yes. It was on October 20th, and I have an email where I emailed the commissioner at like 7:56 saying, "Thank you for the meeting." And so we presented at that meeting and they all had questions. Some of them also had questions about the timing of the construction in this application, so they too kind of raised that. We discussed it, and then they voted unanimously to support it.

VICE CHAIR MILLER: Great. And the chairman pointed out that he remembers that 7D also previously was supportive of the project, which is good to know. I see that the Loading Management Plan does -- that you've agreed to and that we, I guess, Mr. Chairman, can -- should include as a -- well, I'll put this to Mr. Ritting, too. We should include as a condition of our modification -- approval of this modification that the LMP is part of that, our approval. I think that's appropriate and what we would want to do.

So the curbside -- I certainly wouldn't want you to eliminate a floor of residential mixed-income housing. It's 109 units, and so I guess -- what is it? A floor is nine to 10 units. I don't know if I'm doing the math correctly.

MS. MOLDENHAUER: 12 units per floor.

VICE CHAIR MILLER: 12 units per floor. Yeah, and if it had come before us with 12 less units, so it was 97 rather than 109 with the appropriate loading, we probably would have just approved it, and you probably wouldn't have asked for -- I don't think, unless the financing wouldn't work for a 97-unit affordable building. But it's always good to have more housing, more affordable housing, and there seems to be a plan to deal with the larger trucks. I do share some of the concern about blocking that curb of Benning Road, but you do have the operational hours condition, not peak hours there. I'm not really familiar with what the traffic situation is like on Benning at that location, but it's always been busy whenever I've been on it. So I hope that's not a problem. The -- I think there was one other question I had. Nope, I think that's it. Thank you, Mr. Chairman. That's it for me.

CHAIRMAN HOOD: Thank you. Ms. Moldenhauer, this has nothing to do with this case, but I remember -- I think I asked this the last time, and because it's been so long, I'm going to ask it again. What was the name of the eating place that was there? It was a big eating place.

MS. MOLDENHAUER: This used to be a doctor's office or -- and --

CHAIRMAN HOOD: No, no, you don't. You don't go far enough back. Don't worry about it, Ms. Moldenhauer.

MS. MOLDENHAUER: Okay.

CHAIRMAN HOOD: This used to be -- my parents used to take me there as a kid, so I'm trying to name it. It was the best place in D.C., but I can't -- I wish that would come back there, but I can't think of it. But don't worry about it, Ms. Moldenhauer. I forgot you're younger than I am. You probably wouldn't -- so anyway. All right. I'll figure it out. I see Mr. Ritting's light, and then I'll get to my questions. Mr. Ritting?

MR. RITTING: Yeah, I just popped up because Commissioner Miller asked whether it would be appropriate to include the Loading Management Plan as a condition, and the answer is yes, and in fact, the Office of Planning, in their report, recommended that you do so.

CHAIRMAN HOOD: Thank you for that.

VICE CHAIR MILLER: Thank you.

CHAIRMAN HOOD: Yes, thank you for that. I'm trying to think. I really want to associate myself with the comments I heard previously. I was going to ask some other questions, but I think my colleagues, especially Commissioner Imamura, really drilled down on the basic issue. And, you know, we got to balance. We are where we are. I think that's where Commissioner Wright -- we are where we are. I'm not -- we're not happy about it, but we are where we are. I just don't like to have my hands tied. Oh, I think I am going to ask this question. If we didn't approve this modification, what

happens?

MS. MOLDENHAUER: The client would be in a real pickle. I mean, at the end of the day, there's no other way to say it. I think it's pretty clear from the questions raised by Mr. Imamura. And it's an unfortunate situation. You know, the project has gotten financing based on the 109 units. They would have to go back, and they would have to remove 12 units because we are at the maximum height. We'd already obtained height relief. I've advised the clients that they can't go higher. And so this was a special exception relief for loading, and so it was a question of, you know, at least seeking and seeing what the Zoning Commission would say. But obviously, if you, in your ability, if you were determined to not approve this, we would have to go back and renegotiate the financing, because the financing is identified on the total number of units, and they'd have to remove the 12 units.

CHAIRMAN HOOD: Okay. All right. Thank you for that. And I wasn't going to ask that, because I think, like I said, Commissioner Imamura had really drilled down, but I said let me just go there. All right. Any follow-up questions or comments from anyone? All right. Let's see. Mr. Ritting, do we have anyone here from the ANC? I don't think so. I've already looked. I answered my own question, but if -- Mr. Young, if you or Mr. Ritting see anyone here from the ANC, please let me know. I don't see anyone.

MR. RITTING: No.

CHAIRMAN HOOD: Okay. All right. Thank you. Let's go to the -- hold on one second. I lost my -- let's go to the Department of Transportation. Are they here? Let me see. I think we do have someone here from DDOT. Oh, Ms. Schellin, you ready? Do we have --

MS. SCHELLIN: Just OP earlier is all I saw. Did you?

CHAIRMAN HOOD: Yeah, there was somebody here from DDOT at one time. I don't see them now.

MR. RITTING: The only current attendees are from the Office of Planning.

CHAIRMAN HOOD: All right. Well, let's go to the Office of Planning. I know I saw somebody from DDOT. Ms. Myers, you may begin whenever you're ready.

MS. MYERS: Hello, Commissioners. Crystal Myers, Office of Planning. The Office of Planning recommends the Zoning Commission approve this requested modification with special exception relief. OP finds the relief complies with the C 909.2 loading special exception criteria and with the general special exception criteria in X 901. There are no other changes proposed, and no finding of facts from the original case have changed. The project would continue to not be inconsistent with the Comprehensive Plan maps and policies, including when viewed through a racial equity lens. And with

that, I will conclude the OP testimony, and of course, I'm here for questions. Thank you.

CHAIRMAN HOOD: Thank you, Ms. Myers. Let's see if we have any questions for Ms. Myers. Commissioner Imamura, any questions?

COMMISSIONER IMAMURA: No questions. Thank you, Ms. Myers.

CHAIRMAN HOOD: Commissioner Wright, any questions?

COMMISSIONER WRIGHT: No, no questions.

CHAIRMAN HOOD: Okay. Commissioner Bruins, any questions?

COMMISSIONER BRUINS: No.

CHAIRMAN HOOD: Okay. Vice Chair Miller, any questions?

VICE CHAIR MILLER: No questions, but thank you again for your report and presentation, Ms. Myers.

CHAIRMAN HOOD: Okay. Thank you, Ms. Myers, as always. We have to double thank you so we can make sure that we respond in February when we're told that we don't thank people. So -- I shouldn't make a joke about it. Ms. Moldenhauer, do you have any questions for Office of Planning?

MS. MOLDENHAUER: No. Thank you, Ms. Myers, for working with us on this application.

CHAIRMAN HOOD: All right. Thanks again, OP. Ms. Schellin, do we have anyone here who would like to testify in

support, opposition, undeclared?

MS. SCHELLIN: We had one person. That was Ms. Coleman.

CHAIRMAN HOOD: Is Ms. Coleman here? I don't see her.

MS. SCHELLIN: Did she go away?

MR. YOUNG: I don't see her.

CHAIRMAN HOOD: So I know I saw DDOT, and I hope that we didn't have a snafu, but I still see Office of Planning here, so I'm going to keep moving. I hope that they didn't drop off somewhere and would like to speak.

MS. SCHELLIN: They did not sign up. They may -- yeah, they may have tuned on to listen, but they did not register to testify.

CHAIRMAN HOOD: Okay.

MS. SCHELLIN: And they always sign up to testify.

CHAIRMAN HOOD: All right. I'm not going to belabor the point. Okay. We heard about the ANC, so -- Vice Chair Miller, that's why I didn't call you about the ANC report because Ms. Moldenhauer kind of gave us that. So I think we're good on that. All right. Colleagues, any follow-up questions or comments? And again, Ms. Schellin has already mentioned we have no one here to testify in support, opposition, or undeclared. And Ms. Moldenhauer, any closing?

MS. MOLDENHAUER: No closing. Thank you for your

time, and we appreciate you considering this case today.

CHAIRMAN HOOD: Okay. All right. With that, I'll close the record, and let's deliberate. I want to see kind of where Commissioner Imamura is. Sounds like he was willing, but -- well, let me not put any words. Let me turn it over to you.

COMMISSIONER IMAMURA: Thank you, Mr. Chairman. You read it correctly. I'm willing, though I'm not probably willing to make the motion -- willing to support but not make the motion, and just, at least during my tenure on the Commission, I've not seen a design this far off before, so it will certainly be one that I will remember during my career and a story that I will tell. I guess my biggest concern, and I don't foresee -- this is a very small percentage of projects that probably run into this, and what I will say is they've probably suffered enough in their panic.

This is a big whoops, and so I'm willing to support, but certainly don't want anybody else in the public to -- that's watching or any other future applicants that, you know, this is not a way to move forward with a design if you find a sort of a mea culpa -- oops, let's go to the Zoning Commission and we'll get it fixed at the last minute and put them in a pickle, so. I don't foresee that happening, so like I said, not many projects come through, you know, encounter something like this. But anyhow, would prefer another peer, if others are willing to support this, make the motion, but I will lend

my support.

CHAIRMAN HOOD: Okay. Thank you. Commissioner Wright, do you have any comments on this other than what you've already said?

COMMISSIONER WRIGHT: No, and I -- again, and I'm glad to make the motion. Ultimately, the change is not going to be all that visible to a person actually living in the building or walking by the building. The concern is the operational issue as to whether there is going to be a problem with trucks or trash removal because of this change. And I am, again, relying on the work that was done with the District Department of Transportation and that they feel confident that the Loading Management Plan will resolve those issues. And that is my -- that is why I'm ready to support or make the motion if need be.

CHAIRMAN HOOD: Okay. I'm going to hear from everybody else, and I'm going to come back to you since I've got one person that will make the motion, because I was in line with Commissioner Imamura -- I wasn't really particular about making a motion or seconding it, actually. Commissioner Bruins?

COMMISSIONER BRUINS: Yeah, I don't -- we don't want to see a change this big this late, but I think the benefit of 12 affordable units in this neighborhood and the loading plan, both now and if a bus lane comes in, is adequate in/out, and

that operational challenge is outweighed by the housing benefit, in my perspective.

CHAIRMAN HOOD: Thank you. Vice Chair Miller, any additional comments?

VICE CHAIR MILLER: Only that I agree with -- again, I agree with my colleagues' comments and Commissioner -- particularly Commissioner Bruins' last comment. I think the special -- I'm willing to make a motion or second it, despite the concerns that each of us have about the timing of this at this stage of construction. I don't recall a Zoning Commission case where it's late, but it might have -- there might be one or two or three, I don't know.

But I know that there are -- I do recall BZA cases where we were presented with an application which was basically after the fact to give blessing to something that was already done without the proper approvals. And I don't know if it was any BZA I was on, but I know that there had been BZAs that have not given approvals to after the fact. But I don't know if they ever demolished what was supposed to not happen without a special exception or variance in that case. But anyway, I think the special exception stands, the Loading Management Plan is important, and I'd be happy to make a motion or second it if Commissioner Wright or Commissioner Bruins makes that motion.

CHAIRMAN HOOD: Okay. Thank you. I will say that I've done a lot of after the fact, not necessarily on the

Zoning Commission, more on BZA -- I just had one, I think, last week or week before last when I was there. Early on in my career in zoning, I had problems with it, but I learned -- sometimes, as former Mayor Williams used to always say, "We are where we are." That's kind of what Commissioner Wright was saying today. We are where we are, and we have to go forward.

But I really agree with, through it all, while I -- and I don't want to sound like a pair of windshield wipers, but I really agree with Commissioner Imamura. But when -- and I also want to associate myself with Commissioner Bruins, because I'm looking at what is the benefit? It outweighs the issue. So I think the benefit is the affordability, and especially in that area. I do know about Benning Road and it's -- the traffic is not getting any better. There used to be two and three lanes or two lanes, but now I think they've taken it down to one. I'm not going to be the expert, but I'm sure that DDOT -- as has been mentioned, they are the experts. They get the awards. So if I get over there and get a long row of traffic, I'll be thinking about DDOT.

So with that, I will be voting in support of it, but my protest is not to make the motion or second it, but it looks like we don't need me to do that, because we have enough people that will do that. Are there any follow-up questions or comments? If not, I will accept a motion from Commissioner Wright, who says she would make the motion. And Vice Chair,

you can second it.

COMMISSIONER WRIGHT: So thank you. I'll move that the Zoning Commission approve Zoning Commission Case No. 22-08B, NRP Properties, LLC, modification to approve voluntary design review with hearing and special exception at Square 5085, Lots 0843 and 0844, and specifically including the Loading Management Plan that has been worked out with the District Department of Transportation.

VICE CHAIR MILLER: I would second that motion.

CHAIRMAN HOOD: It has been moved and properly seconded. Any further discussion? Not hearing any, Ms. Schellin, could you do a roll call vote, please?

MS. SCHELLIN: Commissioner Wright?

COMMISSIONER WRIGHT: Yes.

MS. SCHELLIN: Commissioner Miller?

VICE CHAIR MILLER: Yes.

MS. SCHELLIN: Commissioner Hood?

CHAIRMAN HOOD: Yes.

MS. SCHELLIN: Commissioner Bruins?

COMMISSIONER BRUINS: Yes.

MS. SCHELLIN: Commissioner Imamura?

COMMISSIONER IMAMURA: Long pause for dramatic effect. Yes.

MS. SCHELLIN: The vote is five to zero to approve. Let's see, this one is a one-vote final action, Zoning

Commission Case No. 22-08B, and I would ask that the applicant provide a draft order in two weeks, please. And the record is closed.

CHAIRMAN HOOD: Okay. Ms. Schellin, do we have anything else?

MS. MOLDENHAUER: Thank you, Commissioners, and we acknowledge and we hear you loud and clear on your comments.

CHAIRMAN HOOD: Okay. Ms. Schellin, do we have anything else before us?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. So with that --

VICE CHAIR MILLER: Mr. Chairman?

CHAIRMAN HOOD: Yes.

VICE CHAIR MILLER: I was tuning into the BZA, that very long BZA meeting/hearing yesterday. Commissioner Imamura, thank you for representing the Zoning Commission there and -- it's a continued hearing, it goes on and on. But I thought I heard at the end, did Chairman Pourciau say that -- is this Mr. Young's last week with us? Is that -- did I mishear that?

MS. SCHELLIN: Next week.

VICE CHAIR MILLER: Next week. So we -- okay. Well, we can say our thank yous at that time.

CHAIRMAN HOOD: Actually, Vice Chair, I'm actually on top of that. I was told it was extended, so I'm on -- it was supposed to have been last month, but I'm on top of that one,

trust me.

VICE CHAIR MILLER: Okay. Okay, yeah. We --

CHAIRMAN HOOD: That great service we got from Mr. Young, we will definitely do that at the appropriate time for what I was -- but I've been following this for a while, so.

VICE CHAIR MILLER: Okay. Great. I figured you did, so just wanted to make sure.

CHAIRMAN HOOD: All right. Anything else? So let me just say the Zoning Commission will meet again this coming Thursday for our regular meeting, which is the 12th. And we need to not go after -- we should be finished within two and a half hours this coming Thursday for sure. So if you all have other plans, we should not be here after two and a half hours when I look at the agenda. All right, I'm just saying that for obvious reasons or -- whatever, I'll let you all fill in the blanks. So with that, I want to thank everyone for their participation tonight. And with that, this hearing is adjourned. Thanks, everybody.

(Whereupon, at 4:49 p.m., the hearing in the above-entitled matter was concluded.)

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REPORTER'S CERTIFICATE

DOCKET NO.: 22-08B

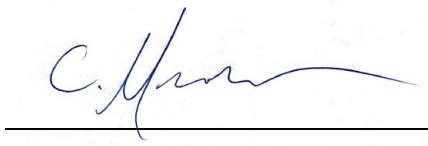
CASE TITLE: Modification with Hearing of Approved Design Review at 4401 Benning Road, N.E.

HEARING DATE: November 5, 2026

LOCATION: Washington, D.C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Government of the District of Columbia, Zoning Commission.

Date: November 5, 2026



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