

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Request for a Modification with Hearing to BZA Order No. 20900

Applicant's Statement of 1140 Florida NE, LLC
1140 Florida Avenue, NE (Square 4070, Lot 84)¹

I. INTRODUCTION AND OVERVIEW.

This Statement is submitted on behalf of 1140 Florida NE, LLC (the “**Applicant**”), owner of the property located at 1140 Florida Avenue, NE (Square 4070, Lot 84) (the “**Property**”). The Property is zoned MU-4 and is currently improved with a two-story building, most recently used for commercial purposes.

In BZA Case No. 20900, the former owner was granted special exception relief under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701.5, and under Subtitle G §§ 409.1 and 1200 from the lot occupancy requirements of Subtitle G § 404.1, to allow an addition to the existing two-story row building for conversion to a mixed-use project with nine dwelling units above ground-floor retail.²

The current owner purchased the Property in February 2025 and now proposes to establish a lodging use with six lodging units in place of the previously approved nine residential units and commercial space. While the Applicant has made design refinements to accommodate the proposed change in use (ex. Floor plan changes, window layouts), as detailed in the Plan Change Summary included with this filing, the approved building envelope will remain unchanged. The parking requirement also remains identical to that approved in the prior case: relief for one (1)

¹ The Property can also be searched using 1106 Montello and 1108 Montello, but the formal address will be 1140 Florida Avenue, NE.

² The Board previously approved zoning relief, including relief from the lot occupancy and parking requirements contained in the 1958 Zoning Regulations, to allow enlargement of the existing building at the subject property into a four-story building containing six apartments and ground-floor retail space. See Application No. 19061 (1106 Montello LLC; December 3, 2015). Three vehicle parking spaces were required for the proposed development and none would be provided, in keeping with DDOT’s testimony that the subject property lacked a “curbside location ... that would meet DDOT’s standards for distances from an intersection for location of a curb cut” and that vehicle access from Montello Avenue would conflict with DDOT policy to minimize the impacts of curb cuts on public space, pedestrian circulation, and safety. (19061 Exhibit 28.) The project was not developed.

parking space. Because the proposed change in use affects the review of the parking relief and related standards, this Application is properly submitted as a Modification with Hearing.³

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the Modification with Hearing pursuant to Subtitle Y § 704 of the Zoning Regulations.

III. BACKGROUND.

A. Description of the Subject Property and Surrounding Area.

The Property is located in the MU-4 zoning district in the northwest quadrant of Florida Avenue and Montello Avenue NE. The Property has a lot area of approximately 2,500 square feet and is improved with a two-story, vacant commercial structure. The Property has no alley access and is currently served by a single curb cut from Montello Avenue. However, as confirmed by DDOT in the previous BZA case, no vehicular access or curb cut will be permitted at this location due to its proximity to the signalized intersection and recent pedestrian and transit improvements along Montello Avenue. Accordingly, no on-site vehicular parking can be provided.

To the north of the Property is Montello Avenue NE; to the south is Florida Avenue NE; and to the east and west are mixed commercial and residential buildings consistent with the surrounding neighborhood. The area is characterized by mixed-use development associated with the nearby H Street Corridor, located approximately one mile to the south.

The Property is well served by public transportation and neighborhood amenities. It is located approximately one mile from the NoMa–Gallaudet U Metro Station and one-quarter mile from the H Street Corridor Streetcar line, and is within walking distance of several bus stops, Capital Bikeshare stations, and established bicycle routes. Multiple grocery stores, a pharmacy, and retail and restaurant uses are also located nearby. Walkscore.com identifies the Property as a “walker’s paradise,” with “excellent transit” and “very bikeable” ratings, indicating that daily errands do not require a car.

B. Original Approval and Proposed Change in Use.

³ DOB originally told the current Applicant via email that no modification for parking would be required as they are not increasing the degree of relief. That occurred in January 2025, prior to the Applicant purchasing the property, as part of due diligence to obtain assurances that additional BZA relief was not required for the change of use. DOB has since changed its mind.

The Applicant in the Original Approval proposed to redevelop the existing commercial building as a mixed-use project containing nine (9) dwelling units above ground-floor retail. The project largely maintained the existing building footprint—already at approximately 84% lot occupancy—with modest infill at the building’s corner and partial reconstruction of existing exterior walls, necessitating lot occupancy relief (90% approved). A third story and penthouse were also approved.

The Applicant proposes no changes to the approved building envelope. Minor façade and interior adjustments that do not require BZA action have been approved by DOB. All other modifications are described in the Plan Comparison document included with this submission.

Under the parking regulations, the Property qualifies for a 50% parking reduction because it is located within one-quarter mile of the H Street Corridor Streetcar line. The prior residential proposal required one (1) parking space (two ordinarily, reduced by half). The proposed lodging use, which includes approximately 4,970 square feet of GFA, would require 0.5 spaces per 1,000 square feet in excess of 3,000 square feet—also resulting in one (1) required space after reduction.

IV. THE APPLICATION SATISFIES THE GENERAL AND SPECIFIC SPECIAL EXCEPTION REQUIREMENTS OF SUBTITLE X-901.2, C-703.2.

A. General Special Exception Requirements.

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property.

The proposed use is permitted as a matter-of-right in the MU-4 zone. The nature of the proposed lodging use, compared to the originally approved residential use, is inherently less vehicle-dependent, as guests typically arrive via public transit, rideshare, or taxi rather than owning or storing vehicles on-site. Accordingly, the proposed use represents a lower-intensity, transient occupancy that is functionally less impactful than a permanent residential use in relation to parking demand and overall site activity.

B. Special Exception Requirements of Subtitle C-703.2.

In reviewing applications for a special exception under the Zoning Regulations, the Board’s discretion is limited to determining whether the proposed exception satisfies the relevant zoning

requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

The Applicant is requesting special exception relief from the minimum parking requirements of C § 701.5 pursuant to C § 703.2.

Section 703.2 “The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant’s demonstration of at least one (1) of the following:

The Applicant is only required to satisfy one of the considerations under C § 703.2. The information below includes the section that most safely applies to this subject Property and Application.

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

The Property has no alley access and DDOT does not permit a curb cut for one parking space according to its manual. Accordingly, there is no physical way to provide parking legally. All parking lots within 600 feet are dedicated to their own respective residential and commercial uses.

Additionally, as noted in the Original 20900 Application (referencing the 19061 Application): The Property is also a corner lot, located directly at the intersection of Florida Avenue and Montello Avenue. The Property is only 100 feet deep. As such, any vehicular access to the Property would be located less than 100 feet of the signalized intersection. As confirmed from the DDOT report in connection with the underlying Special Exception application (Exhibit 28, Case No. 19061) “[t]here is no curbside location associated with this site that would meet DDOT’s standards for distances from an intersection for location of a curb cut.”

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

As noted in the Original Order: The proposed use of the subject property is particularly well served by mass transit, shared vehicle, and bicycle facilities. The Applicant’s project will meet zoning requirements for short- and long-term bicycle parking, and the subject Property is

within walking distance of several neighborhood-commercial services and a variety of public transportation options.

More specifically, The Property is located approximately one-mile from the NoMaGallaudet U Metro Station and approximately 0.25 miles from the H Street Corridor Streetcar line. The Property is also well-served by various bus routes within one-quarter mile of the Property (D4, D8 and X3).

(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

As noted in the Original order: The land use and transportation characteristics of the neighborhood minimize the need for required vehicle parking spaces. In addition to the prevalence of transportation options and existing and planned bicycle facilities available at the site, the area surrounding the subject Property contains a variety of commercial, institutional, and service uses within convenient walking distance of the subject Property.

More specifically, The Property is surrounded by several neighborhood serving commercial uses, including full-service grocery stores, pharmacy, restaurants, and retail uses that visitors could utilize within walking distance.

(d) The amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create.

In the Original order for 20900, the Board, in evaluating nine residential units, stated:

The amount of traffic congestion existing or which the parking for the building or structure would reasonably be expected to create in the neighborhood would be minimal. The Board notes that ANC 5D recommended that parking should be made available, given the number of units in the Applicant's project. (Exhibit 52.) However, the Board credits DDOT's conclusion that approval of the application would have a minimal impact on the transportation network given, among other things, the site's access to transit and the walkability of the neighborhood. (Exhibit 47.) In concluding that approval of the requested parking relief will not likely result in traffic congestion in the surrounding neighborhood, the Board notes that the zoning requirement for vehicle parking for the Applicant's project is one space and credits the Applicant's testimony that the subject property is located in an area with prevalent "neighborhood serving commercial uses, in combination with the various transit services, all within walking distance...." (Exhibit 15.) Page 7 of the Order.

This evaluation remains applicable. Moreover, the proposed lodging use would reasonably be anticipated to generate even less traffic activity than the previously approved residential use,

given the transient nature of guests and the minimal likelihood of vehicle ownership or long-term parking demand.

Section C-703.3 Any reduction in the required number of shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

The reduction in the required number of parking spaces (one space) is only for the amount the Applicant is physically unable to provide. Regarding parking demand, as discussed above, the Applicant anticipates that the nature of the proposed use, combined with the neighborhood's transportation characteristics and amenities, will not result in any discernible increase in on-street parking or impacts to neighborhood parking availability.

V. CONCLUSION.

For the reasons set forth above, the Application satisfies the requirements for approval of a Modification with Hearing. The proposed change in use does not alter the findings or conditions of the original special exception and, in fact, represents a lower-intensity use with respect to parking and traffic impacts. Accordingly, the Applicant respectfully requests approval of this Modification with Hearing.

Respectfully submitted,

Alexandra Wilson

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