

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

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MR 1700 COLUMBIA RETAIL, LLC : Case No.

Text Amendment : 18-02

:

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Thursday,

April 12, 2018

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 18-02 by the

District of Columbia Zoning Commission convened at 6:30

p.m. in the Jerrily R. Kress Memorial Hearing Room at 441

4th Street, N.W., Washington, D.C., 20001, Anthony J.

Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
STEPHEN MORDFIN

The transcript constitutes the minutes from
the Public Hearing held on April 12, 2018.

P-R-O-C-E-E-D-I-N-G-S

6:48 p.m.

1
2
3 CHAIRMAN HOOD: Okay, I'll read this statement as
4 well. This is a rule-making. Hold on one second. Okay,
5 good evening, ladies and gentlemen. This is a public hearing
6 of the Zoning Commission for the District of Columbia.

7 Today's date is April the 12th, 2018. My name is
8 Anthony Hood. We are located in the Jerrily R. Kress
9 memorial hearing room.

10 Joining me are Vice Chair Miller, Commissioner
11 Shapiro, and Commissioner Turnbull. We're also joined by the
12 Office of Zoning staff, Ms. Hanousek, and well as the Office
13 of Planning, Ms. Steingasser and Mr. Mordfin.

14 This proceeding is being recorded by a court
15 reporter and is also web cast live. Notice of today's
16 hearing was published in the DC Register and copies of that
17 announcement are to my left on the wall near the door.

18 The hearing will be conducted in accordance with
19 provisions of 11 Z DCMR Chapter 5 as follows, preliminary
20 matters, presentation by the petitioner, reports of the other
21 government agencies, a report of the Office of Planning as
22 well, report of the ANC, organizations and persons in
23 support, organizations and persons in opposition,
24 organizations and persons who are undeclared.

25 The following time constraints will be maintained

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1 in this meeting. The petitioner has 60 minutes. I think we
2 can do this in five or less, organizations five minutes,
3 individuals three minutes.

4 The staff will be available throughout the hearing
5 to discuss procedural questions. Please turn off all
6 electronic devices.

7 At this time, the Commission will consider
8 preliminary matters. Does the staff have any preliminary
9 matters?

10 MS. HANOUSEK: No, sir.

11 CHAIRMAN HOOD: For the record, is there anyone
12 here who is in opposition of this amendment, text amendment?
13 Okay, we'll turn it over to you, Ms. Batties. I think the
14 record is complete. We don't need a 15-minute presentation.

15 MS. BATTIES: Leila Batties with the law firm of
16 Holland & Knight on behalf of the applicant, MR 1700 Columbia
17 Retail, LLC, an affiliate of Monument Realty.

18 Monument seeks the Zoning Commission's approval
19 of amendments to certain provisions of the MU zoned districts
20 that would permit veterinary hospitals and veterinary
21 boarding hospitals in mixed use buildings.

22 The proposed text amendments are straightforward
23 and mirror very closely those that the Zoning Commission
24 approved for dog daycare centers in Zoning Commission case
25 14-10.

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1 Like in that case, the basis for the proposed
2 change is basically that the zoning regulations pertaining
3 to veterinary hospitals don't reflect the current and future
4 development patterns, demographics, and demand for animal
5 care services in the District.

6 Only one ANC as you know, 3D, filed a report on
7 this application. The applicant accepts the recommendation
8 of the ANC 3D. Of course as a property owner, the applicant
9 has every incentive to mitigate impacts from the ground floor
10 retailer services, especially as it relates to the residents
11 that live in that building.

12 And so with that - or in any mixed use building.
13 And with that, I will turn the floor over to Josh Olsen who
14 is the Executive Vice President with Monument Realty.

15 MR. OLSEN: Thank you. As Leila indicated, I'm
16 with Monument Realty. We're a DC-based owner and developer
17 of real estate. The firm's been around for 20 years. I've
18 been there for 15 years. We've done about six million square
19 feet of office space, 4,500 residential units.

20 And I'm really just here to confirm the importance
21 of pets amongst our residential tenants and therefore, the
22 importance of veterinary clinics to those tenants as well,
23 so I'll just give you a few brief figures.

24 What we're seeing right now amongst our tenants
25 in apartment buildings and owners in condo buildings, about

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1 40 percent of the residents have pets, and this is about
2 twice what we saw even five years ago, so there's a lot of
3 pet ownership, an increasing amount of pet ownership.

4 And looking nationally, I think that we may only
5 be at the beginning of this trend in DC. So for instance in
6 LA, there was a survey done recently that concluded that 70
7 percent of apartment renters had pets. The Washington Post
8 in 2016 cited a national survey that found that especially
9 amongst younger people, people in their 30s, 75 percent of
10 the people had pets.

11 So we've got increasing pet ownership, and
12 obviously if you have increasing pet ownership, we need more
13 veterinarians to take care of the pets, and that's where DC
14 is falling behind.

15 So DC has one veterinary hospital for 27,000
16 households. You can compare that to other cities. So for
17 instance, San Diego has one veterinary hospital for 3,600
18 households. Seattle has one veterinary hospital for about
19 4,200 households. Again, DC is one per 27,000.

20 So we have an increasing number of pets. We don't have
21 very many veterinary clinics and one reason is we're building
22 all these mixed use buildings, apartments above retail, and
23 the way the zoning reads right now, it's difficult to
24 actually have a veterinary clinic in that sort of mixed use
25 zone.

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1 The other thing I would add with respect to
2 veterinary clinics, they're actually great retail from an
3 owner or developer's perspective. Everyone's heard of the
4 problems that retail has right now with the internet and with
5 people shopping online. Veterinary clinics are one of the
6 uses that are immune to that.

7 You're not going to get your dog's toenails
8 clipped online. You're not going to get their vaccines
9 updated online. You're still going to have to go to a bricks
10 and mortar location, so veterinary clinics make good retail.

11 So in sum, we all know that DC's population in
12 general has been increasing. Pet ownership is increasing,
13 so you really have an exponential rate of growth here amongst
14 pets with ownership and pet ownership or with residency
15 population and pet ownership increasing. So the sooner that
16 we can get more veterinary clinics to catch up with the
17 demand, the better. Thank you.

18 CHAIRMAN HOOD: Thank you. Any questions up here?
19 I do have one. Are you familiar with Lance London who -
20 what's the name of his restaurant, Lance London? What's the
21 name of his restaurant? I know you know his restaurant off
22 Rhode Island Avenue Row and he has another one out in
23 Landover.

24 MS. BATTIES: Oh, the Carolina Kitchen.

25 CHAIRMAN HOOD: Carolina Kitchen. Are you

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1 familiar with Lance London?

2 MR. OLSEN: I am not, no.

3 CHAIRMAN HOOD: Okay, so you'll be hearing - you
4 heard it from me first. You'll be hearing about him when you
5 talk about pets real soon, about dogs and some of the things
6 that he's doing.

7 Some of it actually is online, and that's not
8 getting your nails clipped or anything like that or grooming,
9 but there's some things that he's getting ready to, and I was
10 just wondering has that got out there? Hopefully I haven't
11 put his stuff out there yet, but anyway. Any other questions
12 up here? Vice Chair Miller?

13 VICE CHAIR MILLER: Thank you, Mr. Chairman.
14 Yeah, I'm very supportive of this text amendment, and I think
15 we've seen the BZA cases that, and just the type of
16 development that's happening that calls for the need for
17 this.

18 And I would just note that it was interesting.
19 The map that was provided in your exhibit of the location of
20 existing vet hospitals in relation to the MU zones, I noticed
21 that like a lot of uses, unfortunately, East of the river,
22 they have a paucity. I think they have maybe just one, maybe
23 just one right over the East.

24 So to the extent - I don't know if that's because
25 they're not mixed use zones, but to the extent you're

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1 involved with development of East of the river, I can see
2 that there's a need there for this kind of retail and mixed
3 use developments that are happening east of the river. I
4 don't know if they're in the MU zones. I can't remember now,
5 but thank you for bringing this forward.

6 CHAIRMAN HOOD: Commissioner Shapiro?

7 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just
8 a quick question and it's along the lines of Vice Chair
9 Miller. So the reason why you picked this zone is because
10 it essentially mirrors the decision that was done around
11 boarding? Is that why?

12 MS. BATTIES: Correct.

13 COMMISSIONER SHAPIRO: Okay, so, because I
14 completely recognize the need, but I'm wondering if this does
15 enough?

16 MS. BATTIES: Well, Mr. Mordfin is kind of the
17 zoning czar when it comes to the animal case uses. You know,
18 arguably when we did it for the dog daycare centers, we
19 probably should have looked at all of the animal care uses
20 in the mixed use buildings at that time, but it just, it
21 wasn't before us, and that was tied to a very specific
22 property and case when we did that amendment.

23 In this case, we're not tying this request to any
24 specific property. Monument has several buildings throughout
25 the city, so.

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1 COMMISSIONER SHAPIRO: Thank you.

2 MS. BATTIES: And leases pending.

3 COMMISSIONER SHAPIRO: All right, thank you.

4 CHAIRMAN HOOD: Okay, any other questions? Okay,
5 let's go to the Office of Planning. Mr. Mordfin?

6 MR. MORDFIN: Good evening, Chair and members of
7 the Commission. The Office of Planning supports this
8 application as filed and as revised by the applicant, and
9 recommends that the Commission approve it, and is available
10 for any questions. Thank you.

11 CHAIRMAN HOOD: So Mr. Mordfin, we have questions
12 now. We know that you'll be the person dealing with
13 veterinarians and with animals. We didn't know that, so we
14 learn something new every time we come down here.

15 Do we got any questions for Mr. Mordfin? Okay,
16 do you have any questions of Mr. Mordfin?

17 MS. BATTIES: No.

18 CHAIRMAN HOOD: Okay, all right, let's see. The
19 ANC 3D, their report has already been accepted, those
20 changes. Do we have anyone who is here, organizations or
21 persons who are here in support, organizations or persons who
22 are here in opposition, organizations or persons who are here
23 undeclared?

24 Typically, we don't give a closing, Ms. Batties,
25 but we'll give you a closing.

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1 MS. BATTIES: Thank you. And in my closing, I
2 just want to reiterate, respectfully reiterate our original
3 request for emergency rule-making for the proposed text
4 amendment.

5 The Zoning Commission, as you know, has the
6 discretion to adopt regulations on an emergency basis where
7 it determines that there is an immediate interest in the
8 District to do so. The Zoning Commission has previously
9 determined that animal care uses and animal service uses are
10 critically important to District residents.

11 In the notice, the public hearing notice for
12 Zoning Commission case 05-21, the Commission noted that the
13 threat of reducing the number of dog daycare centers in the
14 commercial districts would cause quote unquote, "public
15 hardship and inconvenience, and potentially impact the safety
16 if owners cannot find a place to board their dogs." On that
17 basis, the Zoning Commission adopted proposed text amendments
18 on an emergency basis.

19 If the lack of animal care uses caused concern in
20 2005, there should be equal if not greater concern given the
21 significant growth in the human and pet population in the
22 District over the past 13 years as Josh has already noted.

23 We have renters, 40 percent of renters owning
24 pets. The District has a significantly lower ratio of
25 households to veterinary hospitals when compared to other

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1 markets.

2 Much of the growth, development, and population
3 in the District over the last 13 years has been along mixed
4 use corridors, but as the map indicates, most of the mixed
5 use corridors don't have veterinary hospitals.

6 So the Commission's concern about the lack of
7 animal facilities causing public hardship and inconvenience,
8 and potentially impacting public safety is still an issue,
9 and given the 2005 precedent that's been set by the Zoning
10 Commission, we respectfully seek your approval of the
11 proposed text amendment on an emergency basis. Thank you.

12 CHAIRMAN HOOD: Thank you. Okay, anything else,
13 Commissioners? Okay, you've heard the request, the request
14 as well as putting this on an emergency, as well as the
15 approval. What is your pleasure?

16 VICE CHAIR MILLER: Mr. Chairman, I think the case
17 has been made and I would move that the Zoning Commission
18 take - is it, for the permanent action, is it one vote or two
19 votes?

20 MS. HANOUSEK: It's going to be two votes.

21 VICE CHAIR MILLER: Two votes for the permanent,
22 okay. So I would move that the Zoning Commission take
23 emergency action and proposed permanent action on case number
24 18-02, veterinary hospitals and veterinary boarding
25 hospitals, and ask for a second.

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1 COMMISSIONER SHAPIRO: Second.

2 CHAIRMAN HOOD: Okay, it's been moved and properly
3 seconded. Any further discussion?

4 COMMISSIONER TURNBULL: Mr. Chair?

5 CHAIRMAN HOOD: Yes?

6 COMMISSIONER TURNBULL: I just want to note that
7 the language of ANC 3D is incorporated into the Office of
8 Planning report, and that's the language I think we want.
9 The language in the public hearing notice is different, so
10 I think it's the Office of Planning language that we're
11 looking at.

12 VICE CHAIR MILLER: That's correct. That was -
13 I meant to say that as part of my motion. Thank you for
14 mentioning that, and the applicant accepted that -

15 CHAIRMAN HOOD: Right.

16 VICE CHAIR MILLER: - 3D language, so thank you
17 very much for bringing that up.

18 CHAIRMAN HOOD: Any further discussion? All in
19 favor?

20 PARTICIPANTS: Aye.

21 CHAIRMAN HOOD: Any opposition? Not hearing any,
22 Ms. Hanousek, would you record the vote?

23 MS. HANOUSEK: The Zoning Commission took proposed
24 action and emergency action in case 18-02 on the motion of
25 Vice Chairman Miller as seconded by Commissioner Shapiro,

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1 with a vote of 4-0-1 with Hood, Miller, Shapiro, and Turnbull
2 to approve, May not present and not voting.

3 CHAIRMAN HOOD: Okay, thank you, Mr. Hanousek.
4 Ms. Hanousek, do we have anything else before us tonight?

5 MS. HANOUSEK: No, we don't.

6 CHAIRMAN HOOD: Okay, I want to thank everyone for
7 their participation. This hearing is adjourned.

8 (Whereupon, the above-entitled matter went off the
9 record at 7:02 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: MR 1700 COLUMBIA RETAIL, LLC

Before: DCZC

Date: 04-12-18

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

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