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BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Appeal of Stephanie Mencimer, et al., pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of Denzil Noble, Acting Zoning Administrator, Department of Consumer and Regulatory Affairs, from the issuance of Certificate of Occupancy No. CO57903, dated July 23, 2003, to WagTime LLC, a 24-hour dog boarding and grooming with accessory retail sales of pet supplies.	)	BZA Appeal No. 17092

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DISTRICT OF COLUMBIA DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS' RESPONSE TO BOARD'S REQUESTS

This filing responds to the Board's request, made at the March 30, 2004 hearing in this appeal, that the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA") (1) explain the applicability to this appeal of the requirements of the District's Environmental Policy Act, and (2) report on the agency's inspections of the premises at 1412 Q Street, N.W. [1]

1. Applicability of District's Environmental Policy Act

Wagtime's dog boarding facility is small – only 1248 square feet. Exh. 36 at 2 (Application for Certificate of Occupancy). Given that the cost of the project was well under the usual cost threshold for requiring an Environmental Impact Screening Form ("EISF"), the project would require an EISF only if it would "imminently and substantially affect[ ] the public health, safety, or welfare." 20 DCMR § 7201.3.

[1] The Board also asked each party to this appeal to identify any letters in the record that the party wished to adopt as part of its own case. DCRA is not adopting or relying upon any of the letters that private citizens have submitted in this appeal.

BZA
Case No. 17092
Exhibit No. 85

Board of Zoning Adjustment
District of Columbia
CASE NO. 17092
EXHIBIT NO. 85

Whether or not the opening of a dog boarding facility requires an EISF depends on whether it is a "major action" as defined by the District's Environmental Policy Act ("Act"). D.C. Official Code §§ 8-109.02(2) & 8-109.03(a) (2001). The EISF, a copy of which is attached hereto as **Attachment A**, "is designed to help applicants and District government agencies to determine whether or not a major action . . . would likely result in significant adverse environmental impacts." EISF (instructions) at 1. The EISF is used if, and only if, an action qualifies as a "major action" under the Act.

The Act and its implementing regulations define two types of major actions: (1) an action that meets a million-dollar cost threshold and "*may* have a significant impact on the environment," 20 DCMR § 7201.2 (emphasis supplied), and (2) an action that does not meet the million-dollar cost threshold but "imminently and substantially affects the public health, safety, or welfare," 20 DCMR § 7201.3. The million-dollar cost threshold is calculated in 1989 dollars adjusted annually according to the Consumer Price Index and, therefore, is substantially higher than $1 million in current dollars. 20 DCMR § 7201.1.

Examples of actions that "may have a significant impact on the environment" include an action that "*might* cause significant adverse change in the existing level of noise in the vicinity of the action" or an action that "*might* violate published national or local standards relating to hazardous waste, solid waste or litter control." 20 DCMR § 7201.2(b) & (n) (emphasis supplied). Given its *possible* impact on noise or solid waste, the operation of a dog boarding facility is a use that "may have a significant impact on

the environment." Therefore, the opening of a dog boarding facility would require an EISF if the cost of the project exceeded $1 million in 1989 dollars.

Projects that cost less than $1 million in 1989 dollars do not trigger the EISF requirement without a relatively high degree of certainty regarding the presence of substantial, adverse, environmental effects. Examples of actions that "imminently and substantially" affect "the public health, safety, or welfare" include an action that "*would* contaminate a public water supply" or an action that "*would* create a public health hazard under applicable District regulations." 20 DCMR § 7201.4(c) and (d) (emphasis supplied). As these examples make clear, the mere *possibility* of a dog boarding facility contaminating the water supply or creating a public health hazard does not establish the likelihood of an imminent and substantial effect.

Wagtime's facility was inspected on July 11, 2003 by Peggy Keller, Chief, Animal Disease Prevention Division, D.C. Department of Health, who summarized her conclusions in a July 15, 2003 e-mail to DCRA:

> [T]he owner has corrected the areas that I was concerned about from a disease preve[n]tion standpoint that I po[in]ted out to her on an earlier inspection as a consultant.
>
> As you know the regulations that were drafted regarding doggie day care facilities have not been approved by the Council yet. Therefore, I can only act as a consultant and made recommendations on proper sanitary and disease preve[n]tion methods.
>
> At the time of the inspection last Friday, I would have approved the facility if the draft regulations were in place. I would allow approximately twenty-five dogs per day.

A copy of her e-mail is attached hereto as **Attachment B.**

Unless there was good reason to believe that an imminent and substantial effect on public health, safety, or welfare was likely to result, DCRA could not require

completion of an EISF for a dog boarding facility that cost less than $1 million in 1989 dollars. A different rule would invite the opponents of virtually any small project to use speculation as to possible adverse effects in order to trigger an extensive and costly environmental review.

2. DCRA's Inspections of Premises at 1412 Q Street, N.W.

DCRA's records show that the agency's inspections of Wagtime's facility at 1412 Q Street, N.W., took place in June and July, 2003, and included the following types of inspections:

(1) Zoning – inspected by Yvonne Rockett. [see Exh. 36 at 10-11]

(2) Construction – inspected by Edward Ball. [see Exh. 36 at 19]

(3) Plumbing – inspected by Denvert Boney, Robert Tierney, and Ronald White [See Exh. 36 at 20].

(4) Fire – inspected by Arnold Carroll and Donald Van Leuven.

(5) Electrical – inspected by Tanya Lewis. [see Exh. 36 at 15, 17-18]

After Zoning Inspector Yvonne Rockett inspected the facility on June 30, 2003, she immediately requested that DCRA issue "a Notice to Discontinue Use" of the facility "until a certificate of occupany has been issued." A copy of her request is attached hereto as **Attachment C**.

Respectfully submitted,

ROBERT J. SPAGNOLETTI
Corporation Counsel

DAVID M. RUBENSTEIN
Deputy Corporation Counsel
Public Safety Division

BENNETT RUSHKOFF (Bar #386925)
Chief, Consumer and Trade Protection Section
Office of the Corporation Counsel
441 4th Street, N.W., Suite 450-N
Washington, D.C. 20001
(202) 727-3500

Attorneys for the District of Columbia

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of April, 2004, I caused true and correct copies of the foregoing District of Columbia Department of Consumer and Regulatory Affairs' Response to Board's Requests to be mailed, first-class postage prepaid, to the following:

Stephanie Mencimer
1414 Q Street, N.W.
Washington, DC 20009

Ed Donohue, Esq.
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, N.W., Suite 200
Washington, DC 20006-3458

Andrea C. Ferster, Esq.
1100 17th Street, N.W., 10th Fl.
Washington, DC 20036

Andrea Doughty
1417 Q Street, N.W.
Washington, DC 20009

Helen M. Kramer
Chair, ANC 2F
P.O. Box 9348
Mid-City Station
Washington, DC 20005

and faxed to:

Ed Donohue, Esq.	202-452-0067 (fax)
Andrea C. Ferster, Esq.	202-331-9680 (fax)
Andrea Doughty	202-319-2808 (fax)



Bennett Rushkoff

DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
941 North Capitol Street NE, Suite 2000
Washington DC 20002

ENVIRONMENTAL IMPACT SCREENING FORM (EISF)

The Environmental Impact Screening Form (EISF) is designed to help applicants and District government agencies to determine whether or not a major action, as defined in DC Law 8-36, (District of Columbia Environmental Policy Act of 1989), would likely result in significant adverse environmental impacts, either during the construction or operational phase of a project. The EISF review process provides an orderly and comprehensive procedure that permits the introduction of information that is tailored to the specific project or actions proposed. **Please note that, pursuant to the Environmental Policy Act Regulations (Chapter 72, Title 20 DCMR), no agency is permitted to issue a license, permit, certificate or authorization until the environmental impact review process is completed.**

The Department of Consumer and Regulatory Affairs will transmit your EISF and supporting documents to other agencies for their review, including the Department of Health, the Department of Public Works, the Office of Planning and the DC Water and Sewer Authority. To expedite review of your submission, it is important that the information you provide is as complete and comprehensive as possible.

In addition to the EISF, your submission must include:

1. 20 copies of a vicinity map of approximately a one-mile radius, showing neighborhood names, institutional uses, shopping centers, fire and police stations, metro stations, parks and public space.
2. One copy of a site plan (24" x 36") showing existing conditions, with a narrative that describes existing topographic and drainage conditions, including location and names of any wetlands, streams and water courses on and/or adjacent to the property.
3. 20 copies of a detailed site plan.
4. 20 copies of a context map, showing buildings, uses and building heights for a one-block radius.
5. One copy of a separate plan (24" x 36") showing conceptual erosion and sediment control measures for the project, including proposed grading and total square footage of disturbed earth.
6. One copy of a separate plan (24" x 36") showing conceptual storm water management measures and their location(s), including drainage layout. No storm water management computations are required for this initial phase.
7. 20 copies of a brief written summary of the project (one page is sufficient)

You may attach additional information that will assist you to accurately describe your project. This information could be in the form of a narrative description of the project, brochures describing the project or processing equipment, geotechnical reports, soil surveys, phase one and phase two environmental assessments, traffic surveys, air quality analyses, or any other information, which may assist reviewing agencies.

Submit 20 copies of the completed EISF and supporting documents to the Department of Consumer and Regulatory Affairs (DCRA), Building and Land Regulation Administration (BLRA). Do not submit bound documents.

Each applicant will be notified regarding DCRA's findings within 30 business days of receipt of an EISF, unless additional information has been requested by a reviewing agency. DCRA's findings will indicate whether or not the proposed project is likely to have substantial negative impact on the community, and whether or not an Environmental Impact Statement (EIS) is required.

Attachment A

RESOURCES FOR ENVIRONMENTAL IMPACT SCREENING FORM

Following is a list of resources that may be used in order to complete the Environmental Impact Screening Form (EISF). All telephone numbers are within the (202) area code. Note that in addition to the resource locations listed below, all District of Columbia laws and regulations are available at local DC public libraries. Or you may visit the DCRA www.dcra.dc.gov on the Internet to find forms, laws and regulations, maps and links to other websites that provide information related to environmental policy review.

- A contextual map can be acquired for a nominal fee from the National Capitol Planning Commission (NCPC). NCPC's telephone number is 482-7200.
- A vicinity map, which is essentially a street map, can be purchased at many locations. One example is an ADC map, which is at 1 inch=2000 feet scale and indicates shopping centers, churches, schools, parks and other uses near your site.
- Questions about the existing conditions plan, site plan and contextual map should be directed to the EIS Coordinator, DC Office of Planning, 442-7600.
- For the current zoning classification, call 442-4560, or visit the Internet at www.dcoz.dcgov.org.
- For information regarding zoning conditions, call 727-6311.
- Water, sewer, and storm water sewer maps, and as-built construction documents are available for a nominal fee at the Water and Sewer Authority (WASA) at 5000 Overlook Avenue SW, Second Floor, Washington DC 20032.
- 1,000' scale water and sewer maps of all publicly maintained pipelines are available for review at WASA. The sewer maps identify combined sewer locations throughout the District of Columbia.
- Other questions regarding water and sewer issues can be directed to WASA at 787-2443 or 787-2388.
- Call the Department of Public Works, Division of Transportation, at 671-2700 with questions related to traffic volume and parking.
- Allowable decibel levels during construction and during business operations can be found in DCMR 20, Chapters 27, 28 and 29, which are available at the Office of Documents, 441 4th Street NW.
- Information regarding wetlands in the District of Columbia can be found on the Internet at www.dchealth.com\EHA\wqd\reports.htm – or you can call 535-2190.
- Call 535-2190 if you have any questions regarding the water table in the District of Columbia.
- There are three species on the District of Columbia's threatened or endangered species list. They are the bald eagle, Hay's Spring amphipod, and the shortnose sturgeon. If additional information is needed, call 535-2266.
- Call 535-2506 for information regarding water quality, watershed protection, fisheries and wildlife, air quality, hazardous materials and toxic substances and underground storage tanks.
- Call 645-4301 for additional information regarding solid waste requirement.
- Additional information regarding recycling requirements can be found by calling 645-7190.
- Environmental Policy Reviewing Agencies:

  Department of Health – 535-2506
  Office of Planning – 442-7600
  Department of Public Works
  Solid Waste Management Administration – 645-4301
  DC Division of Transportation – 671-2700
  Water and Sewer Authority – 787-2379
  Department of Consumer and Regulatory Affairs – 442-9557

I. PROJECT INFORMATION

Name of Project		
Location of Project (Street Address)	Lot	Square
Name of Applicant	Telephone	
Email Address	Fax	
Mailing Address		
City	State	Zip
Name of Authorized Agent	Telephone	Fax
Mailing Address		
City	State	Zip
Name of Owner	Telephone	Fax
Mailing Address		
City	State	Zip

Please complete each question – indicate N/A if not applicable

II. EXISTING CONDITIONS

1 Present land use.
- a. Industrial ___
  Commercial ___
  Residential ___
  Public/Institutional ___
  Other _____
- b. Percent of impervious area _____%
- c. Floor Area Ratio _____ Gross Floor Area _____ Building Height _____
- d. Number and type of dwelling units _____

2. What is the current zoning classification of the site? _____

3 Have any zoning conditions been placed on the site? _____ If yes, cite case number _____

4 What are the predominant land uses and zoning classifications within a ¼ mile radius of the project site?
_____

5. Total size of project land area _____ (square feet/acres)

6 What is the predominant soil type on the project site? _____

7. Is there any contaminated soil within the project limits? Yes _____ No _____

8. What is the Federal Emergency Management Administration (FEMA) flood designation for the project?
_____

9 Approximate percentage of slopes on project site:
0-10% _____
11-15% _____
greater than 15% _____

10 List all adjacent properties with description of current use of each:

_____
_____
_____

11. List any adjacent properties or buildings that are listed on the National Register of Historic Places

_____
_____

12. What is the depth of the water table in feet at the project site, if known? _____
Provide source of data (e g soil boring on-site monitoring well data on adjacent property, etc)

_____

13 Does the project site contain any species of plant or animal that is identified as threatened or endangered? Yes _____ No _____ if yes, identify each species _____

14 Are any streams within 100 feet of the project site? Yes ____ No ____ If yes, name the stream and the river to which it is a tributary _____

15. Are any lakes, ponds, springs or wetlands within 100 feet of the project site? Yes ____ No ____ If yes, provide name and size

_____

16 Is the site served by existing public utilities? Gas____ Electric____ Water____ Sanitary Sewer____ Storm Sewer____ Combined Sewer ____

17. Do you plan to connect to existing water, sanitary, storm and combined sewers? If so, what size?

_____

18 What are the existing average and peak sewage flows generated by the existing facilities? _____(GPM)

19. What are the distances from the property line to the public water, sanitary, storm and combined sewers?

_____

20. Has the site ever been used as a landfill, construction fill or for the disposal of solid waste?
Yes ____ No ____

21. What are the pre-development peak storm water runoff flows for a 2-year and 15-year storm event?

_____

III. PROJECT DESCRIPTION

1. Proposed land use:
Industrial ___
Commercial ___
Residential ___
Public/Institutional ___
Other _____

2. Project area to be developed _____ (sq. ft./acres)
Project area to remain undeveloped: _____ (sq. ft /acres)
Dimensions of proposed structure: height _____ width _____ length _____
Gross floor area of proposed structure: _____sq ft
Depth of any excavation: average _____ (ft) maximum _____ (ft)
Percent of impervious cover after development _____ %

3 Does the proposed action require a planning or zoning decision? Yes____ No____
If yes, indicate decision required.
Zoning variance ____
Special exception ____
Special use permit ____
Subdivision large tract review ____
Historic Preservation Review Board _____
Other _____

4 Number and type of dwelling units, if any. _____

5. If commercial, office or institutional use, the number of employees _____

6 Provide the modal split of residents, employees and daily customers/visitors (i e., how many would be expected to arrive by automobile/mass transit/walking/bicycle)_____

---

7. Provide the estimated number of peak hour morning (6.30 AM – 9.30 AM) and evening (4.30 PM – 6.30 PM) vehicular trips into and out of the property _____

8. Provide the location of parking entry, drop off areas and pedestrian entry
_____

9 Cite the number of daily deliveries by truck, if any, and location of loading area, if any _____

10. Will the proposed project contain residential premises, apartment dwellings, a subdivision or other housing complex designed to house 50 or more families? Yes ____ No _____

11 Will the proposed project provide 50 or more new parking spaces? Yes ____ No ____

12. Will the proposed project consist of shopping and /or commercial facilities having 50,000 or more square feet of gross floor space? Yes____ No ____

13 Will the proposed project consist of entertainment and /or recreational facilities, including but not limited to theaters, auditorium, sports stadiums, bowling alleys, etc having the capacity to accommodate more than 400 persons at one time? Yes ____ No ____

14 Will the proposed project increase traffic volume, which would result in a street volume – to capacity ratio? of 0 90, or greater (Street Level-of- Service E or F)? Yes ____ No ____

15 Will the proposed project increase traffic volume that would result in a vehicle delay of 55 or more? seconds at any signalized intersection? (Intersection Level- of – Service E or F) Yes ____ No ____

NOTE *If you answered yes to any of questions 10 through 15, you are required to submit three copies of an air quality analysis of emissions (in pounds or tons of pollutants per day) of Carbon Monoxide (CO), volatile organic compounds (VOCs), and nitrogen oxide (NOx) resulting from the operation of mobile sources associated with the proposed project The most current version of the U S Environmental Protection Agency's (EPA's) " MOBILE " emission factor model must be used in deriving the emission estimates In addition, an analysis of the impact from mobile sources on CO concentrations (in parts per million) in the vicinity of the proposed project must also be provided This analysis, at a minimum, must be conducted in accordance with the procedures identified in the Department of Health's "Guidance on the Review of Air Quality Studies Performed as a Result of the EISF" using an approved dispersion model (the default model is the latest version of CALQCHR3 posted on the EPA regulatory model website) and must include a comparison of the resulting air quality of the resulting air quality with both the one (1) hour average and eight (8) hour average National Ambient Air Quality Standards (NAAQS) for CO*

16. Will the proposed project result in an emission into the atmosphere of odorous or other air pollutants from any source, in any quality and of any characteristic and duration which is or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life and property?
Yes ___ No ____ if yes, describe: _____

17. How much natural material (rock, earth, etc.) will be removed from the site? _____ (tons/cubic yards)

18. How much vegetation will be removed from the site? _____ (sq ft /acres)

19 Will any mature trees or other locally important vegetation be removed from the site? Yes ____ No ____

20. Will construction be on land where the depth to the water table is less than 3 feet? Yes ____ No ____

21 What are the projected average and peak sewage flows to be generated by this project? _____

22 What water demand for peak domestic and peak fire protection will result from this project?
_____

23. What are the peak storm flows for a 2-year and 15-year event that will result from this project?
_____

24 Will pumping of ground water be required at the site during and/or after the project is completed?
Yes____ No ____
a. If yes, explain the purpose (e.g. sump for dewatering; continuous for industrial use)
_____
b. The expected pumping rate is _____ gallons per day

25 Will construction be on land where the bedrock is exposed or is within 3 feet of the existing ground surface? Yes ____ No ____

26 Will the construction disturb more than 5,000 square feet of soil? Yes____ No ____

27 Will contaminated soil be disturbed by the construction of pipelines? Yes ____ No ____

28. Will the disturbed area be reclaimed? Yes ____ No ____
a If yes, for what intended purpose is the site being reclaimed? _____

29. If the project is single-phased, provide the length of construction ____ months (including demolition)

30 If the project is multi-phased
a Total number of phases anticipated _____
b Anticipated date of commencement of Phase1. month _____ year _____
c Anticipated date of completion of final phase month _____ year _____
d. Is Phase 1 functionally dependent on subsequent phases? Yes ____ No ____

31. Will blasting occur during construction? Yes ____ No ____

32. Will the surface area of an existing water body be increased or decreased by the project?
Yes ____ No ____ If yes , explain_____

33. Will the proposed project interfere with ground water recharge? Yes ____ No ____

34 Will the proposed project adversely affect existing surface water quality? Yes ____ No ____

35. Is the project or any portion of the project in a 100-year flood plain? Yes ____ No ____

36. Will liquid waste be generated, either during construction or afterwards? Yes ____ No ____
a If yes, indicate type of waste (chemical, industrial, sewage, etc.) and amount
_____
b How will this waste be disposed of?
_____

37 Will the project generate solid, medical, infectious, radioactive or other hazardous waste? Yes ____ No __
a. If yes, what is the type and amount per month?
type _____
amount _____
b Will any existing waste disposal facility be used? Yes ____ No ____
name of facility _____
location: _____
c. Will any waste not go into a waste disposal facility? Yes ____ No ____
If Yes, explain_____

38 Will the project produce odors? Yes ____ No ____
If yes, describe source of odor and duration _____

39 Will the project produce noise during construction that is above the allowable level (80db)? Yes ____ No ____

40. Will the operating noise level exceed the allowable decibel level for that zone? Yes ____ No ____

41. Will a pile driver be used during construction? Yes ____ No ____

42 Where will the A/C unit be located? _____

43. Will the project operation maintain an emergency generator? Yes ____ No ____ If yes, where will the generator be located?
_____

44. Where will other motor driven equipment be located? _____

45. Will the project operation have frequent deliveries by large vehicles? Yes ____ No _____

46 Will any underground storage tanks be installed? Yes ____ No ____
   a. If yes, how many tanks will be installed? _____
   b. Contents: _____
   c. Capacity. _____ (gallons)

47. Will pesticides (herbicides, insecticide, etc.) be used? Yes ____ No ____ If yes, indicate the type of pesticide and provide the name of the licensed applicator who will apply the pesticide _____
_____

48 Will any other substances that will adversely change existing surface and ground water quality be handled at the site either during or after construction? Yes ____ No ____ If yes, attach pollution prevention plan

49. Will the proposed project require the issuance of any permits or other approvals (Certificate of Occupancy, Public Space Permit, Raze Permit, Air Pollution Permit, Storm water Management Permit, Pretreatment Permit, etc) from the District Government in addition to a Building Permit? Yes ____ No ____ If yes, list all required permits _____

50. Will the proposed project require the issuance of any permits or other approvals (NPDES, Section 404 Degree and Fill Permit, etc) from the Federal Government? Yes ____ No ____
   If yes, list all required permits:
_____

51 How will solid waste (trash, garbage, debris) generated by occupants of the project be managed? _____
_____

52. How will recyclable materials generated by occupants of the project be managed? _____
_____

53. What plans will be implemented to maintain the abutting public space free of litter and debris during construction and post-occupancy?
_____
_____

IV. VERIFICATION

I certify that all of the statements on this application are true and complete to the best of my knowledge and belief I agree to comply with all applicable laws and regulations of the District of Columbia. The making of false statements on this application is punishable by criminal penalties (DC Code Ann Sec 22-2514)

Applicant/Authorized Agent (Signature) _____

Name (Print) _____ Date _____

Company _____ Title _____

Address _____

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL, CALL THE INSPECTOR GENERAL ON 1-800-521-1639

Noble, Denzil (DCRA)

From: Lewis, Theresa (DCRA)
Sent: Tuesday, July 15, 2003 2:21 PM
To: Noble, Denzil (DCRA)
Cc: Clark, David (DCRA); Parker-Woolridge, Doris (DCRA)
Subject: FW: update on Wagtime

Importance: High

Denzil:

Please print this e-mail and place in folder. Please assign Lorraine Bennett or another staff to draft a letter to the community notifying them that we intend to issue the C of O. The letter should identify the outcome of our inspections, the pertinent aspects of the Zoning Regulations, and the information contained in this e-mail.

Theresa D. Lewis
Deputy Director for Operations/Chief of Staff
Department of Consumer and Regulatory Affairs
941 North Capitol Street, NE
Washington, D.C. 20002
Office: (202) 442-8947
e-mail: Theresa.Lewis@dc.gov
Fax: (202) 442-9445

-----Original Message-----
From: Parker-Woolridge, Doris (DCRA)
Sent: Tuesday, July 15, 2003 1:48 PM
To: Lewis, Theresa (DCRA)
Subject: FW: update on Wagtime

-----Original Message-----
From: Keller, Peggy [mailto:pkeller@dchealth.com]
Sent: Tuesday, July 15, 2003 11:46 AM
To: doris.parker-woolridge@dc.gov
Subject: update on Wagtime

Doris-

I On Friday, July 11, 2003, I conducted an inspection of the Wagtime Doggie Day Care Center on the 1400 block of Q St, NW. The owner was familiar with the Animal Control Law requirements. The owner came to the Animal Disease Prevention Division office to pick up dog licenses to sell to her clients that are not compliant with the District law. In addition, the owner has corrected the areas that I was concerned about from a disease prevetion standpoint that I ponited out to her on an earlier inspection as a consultant.

As you know the regulations that were drafted regarding doggie day care facilities have not been approved by the Council yet. Therefore, I can only act as a consultant and made recommendations on proper sanitary and disease prevetion methods.

At the time of the inspection last Friday, I would have approved the facility if the draft regulations were in place. I would allow approximatley twenty-five dogs per day.

I assume that our meeting scheduled for today was canceled because I did not receive a return call from you.

Thanks,
Peggy Keller
Chief, Animal Disease Prevention Division
[phone number redacted]

Attachment B

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

June 30, 2003

MEMORANDUM

TO: Karen Edwards
Office of General Counsel

THRU: Denzil Noble
BLRA Administrator

FROM: Yvonne Rockett
Zoning Inspector

SUBJECT: Notice to Discontinue Use
Wagtime, LLC
1412 Q Street, N.W.

DCRA
OFFICE OF THE
GENERAL COUNSEL
2003 JUN 30 P 2:39
DOC. NO. 1804
ENTERED

I am requesting a Notice to Discontinue Use of the above property until a certificate of occupancy has been issued.

I conducted an on-site inspection today at the above address at approximately 10:45 a.m. and found the business (Wagtime) operating a pet supply, dog daycare and grooming service without a certificate of occupancy.

The first floor was stocked/displayed with merchandise for sale, several employees working, and customers on the premises.

I also observed approximately 15-20 dogs in a large first floor room.

The mezzanine was being used for grooming. I observed one employee grooming a dog.

To date, no application for a certificate of occupancy has been filed.

Attachment C

History

Wagtime was previously issued a citation, #050152 on May 29, 2003 at 2104 18th Street, N.W. for operating a dog grooming service/pet supply store without a certificate of occupancy. A hearing has been scheduled with the Office of Adjudication on July 23, 2003.

I was informed by the business operator that they would be moving out of 2104 18th Street, N.W. on Saturday, June 28, 2003 and relocating to 1412 Q Street, N.W.

I advised the operators not to move in until a certificate of occupancy has been issued.