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November 26, 2012

VIA HAND DELIVERY

Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210S
Washington, DC 20001

Re Opposition to BZA Application 18474 of Wagtime LLC (the "Application")
1232 9th Street NW (the "Property") – Special Exception Application

Dear Chairperson Jordan & Members of the Board

Please accept for filing the enclosed opposition by Nayereh Sahrapour (the "Party in Opposition") to BZA Application 18474 of Wagtime, LLC. Enclosed you will find one original and twenty copies of the submission of the Party in Opposition. The Party in Opposition requests that the Board of Zoning Adjustment deny the special exception request to permit pet grooming, animal boarding, and animal shelter uses at the Property.

In addition to the Statement in Opposition, the submission package includes the following materials:

- 1 Agent Authorization Letters
- 2 Certificate of Occupancy
- 3 Washington Post Article on Wagtime
- 4 Photographs from Wagtime Website
- 5 Additional Photographs of Exterior Areas
- 6 Outdoor Rented External Yard
- 7 200-Foot Radius Map
- 8 Photograph of Waste

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18474

EXHIBIT NO. 35

Board of Zoning Adjustment
District of Columbia
CASE NO. 18474
EXHIBIT NO. 35

I believe that the opposition stated herein demonstrates the grounds on which the Board of Zoning Adjustment should reject the above stated Application. If you have any questions, please do not hesitate to contact me on behalf of the Opponent. Thank you for your attention to this submission.

Sincerely,

GRIFFIN & MURPHY, LLP

A handwritten signature in black ink, appearing to read 'M. Moldenhauer', written over a horizontal line.

By Meredith H. Moldenhauer

CC

Leila Batties, Esq., Counsel for the Applicant

Office of Planning

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**OPPOSITION OF
NAYEREH SAHRAPOUR**

**APPLICANT: WAGTIME, LLC
HEARING: DECEMBER 18, 2012
PROPERTY: 1232 9TH STREET NW
ANC: 2F**

STATEMENT OF THE PARTY IN OPPOSITION

REQUEST FOR PARTY STATUS

Pursuant to 11 DCMR §3106, Nayereh Sahrapour hereby requests to appear and participate as a party in opposition to Application No. 18474. Ms. Sahrapour, the owner of 1230 9th Street NW, is represented by her husband and authorized agent, George Beheshtian (see Agent Authorization Letters, attached hereto as Tab 1)(the “Party in Opposition”). Wagtime, LLC (the “Applicant”), a tenant of the property located 1232 9th Street NW, has applied for a special exception to permit animal boarding, pet grooming, and animal shelter uses in the cellar, first, and second floor of the building located at 1232 9th Street NW (the “Property”). For the following reasons 1230 9th Street will be specifically affected by the zoning relief requested at the Property. 1230 9th Street NW is directly adjacent to the Property. 1230 9th Street NW will suffer environmental, economic, social, and other impacts if the zoning relief requested of the Board of Zoning Adjustment (the “Board” or “BZA”) is approved because of the odor, noise, and sanitary concerns associated with the zoning relief sought. These impacts are more significantly, distinctively, and uniquely affected in character and kind by the proposed zoning relief than those of other persons in the general public because 1230 9th Street is directly adjacent to the Property seeking zoning relief and the Party in Opposition intends to open a restaurant at that location.

STATEMENT IN OPPOSITION

I. BACKGROUND

A Background Information Regarding the Property

The Applicant's Property is located at 1232 9th Street, NW and is improved with a three-story building. The Applicant seeks special exception approval to permit animal boarding, pet grooming, and animal shelter uses in the cellar, first, and second floor of the building. The Applicant has been operating the establishment since May 2005 (see Certificate of Occupancy, attached hereto as Tab 2) without the proper BZA approval. The submission of an application to rectify a noncompliant use is proper and commendable, however, here the Applicant failed to present a complete and accurate set of facts to the Board. We point out this discrepancy only to clarify the facts and provide the Board with the proper context in which to review the evidence supporting denial of the Application. Based on the facts and evidence presented herein by the Party in Opposition, the Applicant cannot satisfy the special exception standard as set forth in the Zoning Regulations.

B Description of Improvements in the Surrounding Area

Square 368 is split zoned with an R-4 District occupying much of the northern, western, and southern portion of the Square and a C-2-A District occupying the eastern portion along 9th Street. Square 368 is bounded by 10th street to the west, M Street to the north, 9th Street to the east, and N Street to the south. The properties in the center of the block on 9th street between M Street and N Street are primarily being used for commercial uses. Directly abutting the Property to the north is the Long View Gallery. Also located nearby along 9th Street is Bell Architects, Cuttin'-Up Barber Shop, Mongolian Grill and Tokyo Sushi, and Old City Green. The majority of M Street and N Street between 9th Street and 10th Street are large, brick, attached dwellings or lots with anticipated residential development. In addition, 10th Street between M Street and N Street is almost exclusively attached residential dwellings. Blagden

Alley has a number of residential projects proposed for development in the coming months including Blagden Alley Residences

II. NATURE OF RELIEF SOUGHT AND STANDARD OF REVIEW

The Board of Zoning Adjustment is authorized under Section 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, 799, as amended, D C Official Code §6-641 07(g)(2)(2001)), to grant special exceptions as provided in the Zoning Regulations. The Applicant is seeking a special exception pursuant to §§735, 736, and 739 to permit animal boarding, pet grooming, and animal shelter uses in the C-2-A District at the Property.

The Board may grant a special exception only when, in its judgment, two general tests are met as well as the conditions specific to the special exception relief being requested are met. With regard to the general tests, the requested special exception relief must first “be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.” 11 DCMR §3104.1. Second, the zoning relief requested must “not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.” 11 DCMR §3104.1. With regard each of the three special exception provisions, the Board must find that the Application has met its burden of proof with respect to each of the stated criterion, which here it clearly does not.

III. THE APPLICANT FAILS TO MEET THE BURDEN OF PROOF FOR SPECIAL EXCEPTION RELIEF

An animal boarding house, a pet grooming facility, and an animal shelter are not permitted in the C-2-A District unless the Applicant obtains special exception relief from the Board of Zoning Adjustment pursuant to §§735, 736, and 739 respectively. The conditions specific to these three forms of special exception relate to (1) prohibition of external yards and other facilities to prevent noise and odor from affecting nearby properties, (2) the proximity of the use to a Residential Zone, and (3) control of odors and noise through proper waste storage and removal, soundproofing, and air filtration. The Board is also entitled to impose any additional requirements regarding entry, exit, buffers, barriers, fencing,

soundproofing, odor control, waste storage and removal, the species, number or breed of animals, and otherwise to protect adjacent or nearby property. The Applicant does not meet the standard or has failed to provide sufficient evidence to demonstrate they have met the burden of proof required with respect to each of the conditions specified.

1. Existence and Use of External Yards and Exterior Facilities

The animal boarding house, pet grooming facility, and animal shelter special exception provisions prohibit or strictly control the existence and use of external yards and exterior facilities. For animal boarding houses and pet grooming establishments, ‘external yards or other external facilities for the keeping of animals **shall not** be permitted.’ 11 DCMR §§ 735.6 and 736.5 (emphasis added). Under §739, in the context of an animal shelter, external yards and facilities are not permitted unless the entire yard is located a minimum of 200 feet from an existing residential use or Residence District. The Applicant has represented in the Preliminary Statement of Compliance with Burden of Proof, p2, that “[t]he animal boarding will take place *entirely within an enclosed and soundproof building* in such a way as to produce no noise or odor objectionable to nearby properties. *There are no external yards on the Property*” (emphasis added). Similar statements are made with respect to pet grooming and animal shelter uses. The Applicant later represents on p3 of the Preliminary Statement of Compliance that “The Property does not have an external yard. The applicant will not use any exterior facilities of the Building for animal boarding.” Similar statements are repeated twice later in the Preliminary Statement of Compliance. These statements are not accurate. The Applicant has failed to provide detailed or accurate architectural plans and has given only very limited details regarding the existing use of external yards and areas.

Substantial evidence exists showing that the Property has extensive exterior facilities for keeping of animals. As stated in a September 7, 2012 article in the Washington Post about Wagtime, “[t]he top two floors have access to outdoor, screened-in areas, and the ground-floor dogs are taken to a backyard

area regularly” (attached hereto as Tab 3) The Applicant even markets the outdoor space in the attached pictures pulled from the Wagtime website, wagtimedc.com (see Photographs from Wagtime Website, attached hereto as Tab 4) The Applicant omitted the fact that the Property has an uncovered rooftop area on the second floor for the dogs to play outside (see Tab 5, Photograph #1) and another outdoor area on the side of the structure where dogs are kept and cleaned (see Tab 5, Photograph #2)

In addition, it is believed that Wagtime LLC rents another lot in the area as an external yard nearby to the Property to provide additional outdoor space for the dogs (see Outdoor Rented External Yard, Tab 6) The rented yard is located off of a public alley in the rears of properties at 1218 and 1216 9th Street, also known as tax lots 18 and 121 At this time, the Applicant has failed to disclose these existing conditions and facts to the Board The Party in Opposition can hear the dogs from his lot and the outdoor lots used by the Applicant is even closer to residences on M Street and Blagden Alley Therefore, the Applicant’s statements regarding external yards and facilities are either a gross oversight or a misrepresentation of the facts

In the context of an animal shelter, “external yards or other external facilities for the keeping of animals shall not be permitted unless the **entire yard** is located a minimum of two hundred (200) feet from an existing residential use or Residence District.” 11 DCMR §739.6 (emphasis added) As stated, there are residential properties and R-4 Districts to the north, west and south of the property Properties in each of these directions are within 200 feet Furthermore, additional residential units are planned for development in Blagden Alley, such as Blagden Alley Residences, which will also be located within 200 feet of this area (see 200 Foot Radius Map, attached hereto as Tab 7)

2 Proximity to a Residential Use or Residential Zone

The animal boarding house, pet grooming facility, and animal shelter special exception provisions strictly control the proximity of the use to residences While the Property is in the C-2-A District, Square 368 is split zoned with an R-4 District occupying much of the northern, western, and southern portion of

the Square and a C-2-A District occupying the eastern portion along 9th Street. In fact, the majority of Square 368 contains existing residential uses and residential districts. Most of M Street and N Street between 9th Street and 10th Street are large, brick, attached dwellings or lots with anticipated residential development. 10th Street between M Street and N Street is almost exclusively attached residential dwellings. In addition, considerable residential development is proposed for nearby lots, including the Blagden Alley Residences at 817 M Street NW and 1212 9th Street NW and the Naylor Court Stables at 10th which came before the Board in March, 2012 (BZA Case No. 18318).

Each use is prohibited by their respective provision from abutting an existing residential use or residential district. The Applicant, in its own Preliminary Statement of Compliance, has stated that the third floor is a residential unit with a full kitchen and bathroom that is currently vacant but was previously leased. Based on that fact alone, the Applicant does not comply with §§736 4, and 739 5, which prohibit the proposed uses from abutting a residential use or residential district. Moreover, as stated, the Property does not comply with the animal shelter special exception provision requiring that all external yards and facilities are prohibited unless greater than 200 feet from residential uses or districts. The conflict with nearby residential uses will only be exacerbated as new infill residential development becomes occupied. For the above reasons, the Applicant has failed to demonstrate compliance with special exception criteria under §§735 2, 736 4, 739 5, and 739 6.

3. Control of Odor and Noise Through Proper Waste Storage and Removal, Soundproofing, and Air Filtration

The animal boarding house, pet grooming facility, and animal shelter special exception provisions also contain criterion regarding the manner in which odor, noise, and waste are controlled. According to the Washington Post, “Wagtime hosts more than 150 dogs every day” (see Washington Post Article, Tab 3). As stated, the Property is located particularly close to residential uses. Thus, in light of the substantial number of animals and proximity to residential uses, taking proper measures to control odor, noise, and waste are especially important at this Property.

Under §735 3, animal boarding “shall take place entirely within an enclosed and soundproof building in such a way as to produce no noise or odor objectionable to nearby properties ” In addition, “[t]he windows and doors of the premises shall be kept closed and no animals shall be permitted in an external yard on the premises ” The Applicant has stated that it will conduct animal boarding in an enclosed soundproof building but has provided no plans and few details Prior applicants seeking special exception relief under §735 provided Tuflex to prevent noise from reverberating (see BZA Transcript, Case No 17856, p117-118) The Party in Opposition seeks additional information regarding what the industry standard for sound-absorbing materials are, a comparison to similar plans put forward by other animal shelters in the area, and a more detailed description of what materials the Applicant intends to use for this animal shelter

Under all three special exception provisions, all animal waste “shall be place in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste on a weekly basis ” 11 DCMR §§735 4, 736 3, and 739 4 While the Applicant has agreed to weekly pickup, few details have been provided regarding whether waste will be stored indoors or outdoors and whether containers will be sealed or not The Party in Opposition has seen the dog waste placed in an open, unsealed wooden box at the rear of the Property that permits foul odor to waft throughout the area (see Photograph of Waste, attached hereto as Tab 8) Prior applicants under §735 have assured the Board that a disposal company was scheduled to come to the site every day to pick up waste (see BZA Transcript, Case No 17784, p104-105) and that waste would be kept indoors in sealed containers The Applicant has stated that it will wash all indoor floors with a water/chemical mixture that breaks down urine odor The Applicant has not stated a method for how exterior facilities will be cleaned or how the cleaning solution will be captured to prevent its flow outside of the exterior facility Prior applicants seeking special exception relief under these provisions have agreed application of epoxy on floors to act as a sealant so urine cannot leak through concrete and other flooring (BZA Transcript, Case

No 17784, p 105) The Applicant has not indicated that they intend to apply such epoxy or expressed a willingness to do so

To control odor, the special exception provisions require that an air filtration system or an equivalently effective odor control system be used 11 DCMR §§735 4, 736 3 and 739 4 Due to the Applicant s extensive exterior facilities, there is no way to control odors by means of an air filtration system Prior applicants have agreed to have air conditioner units in all daycare areas throughout the building, arrange for daily filter changes of the ventilation system, and to have the air conditioner units and vents maintained and cleaned by a professional company The Applicant has not expressed a willingness to do the same

For these reasons, the Applicant has failed to meet its burden of proof as to §§ 735 3, 735 4, 736 2, 736 3, 739 2, 739 3, and 739 4 The Applicant has not provided sufficient information to indicate that they have met the required criterion For the vast majority of its responses, it has simply restated the obligation and said it will comply with little, if any, elaboration Particularly in such a dense, residential area, the surrounding neighbors and Party in Opposition are entitled to know more about how odor and noise will be affecting their properties

IV. UNIDENTIFIED AREAS OF RELIEF

The Applicant's application materials and Self-Certification Form fail to address a number of the areas of zoning relief required to use the property as identified in the Application including (1) a variance for the parking requirements under §2101 1. (2) a variance from the permitted proximity of external yards and facilities from residences and the provisions controlling noise, odor, and waste. (3) a variance from FAR requirements, and (4) use of the rental yard that has yet to be mentioned in the Applicant's application materials

1. Parking Variance

The Applicant has failed to provide adequate information regarding parking relief. According to the Washington Post article on Wagtime, attached hereto as Tab 3, “Wagtime has exploded. It’s a pet boutique, grooming service, doggie day-care center and boarding facility with 55 employees, including groomers, day-care employees, walkers, drivers, night-shift workers and receptionists.” A use as intensive as this is required to provide adequate parking under the Zoning Regulations. Pursuant to §2101.1, a retail or service establishment (except a gasoline service station and repair garage) must provide one space for every 300 feet² (gross floor area and cellar floor area) in excess of 3000 square feet. Neither the Applicant’s Preliminary Statement of Compliance nor Self-Certification Form 135 provide sufficient information regarding the number of existing spaces, the number of proposed spaces, or confirmation from the Zoning Administrator with regard to satisfaction of the parking requirement. The Applicant’s Preliminary Statement of Compliance, p1, states that 3700 square feet will be used for commercial use. This use would result in a parking requirement of 2 spaces (see BZA Case No. 18192). In addition, one space would be required for the residential unit above the commercial use because under §2101.1 a one-family dwelling is required to provide 1 space for each dwelling unit. Thus, based on the information provided by the Applicant a variance for two spaces is required for the use that is the subject of the special exception request and 3 spaces total for the building as a whole.

At this time, the Applicant has not provided sufficient information or architectural plans to verify their claims regarding square footage. As described in more detail elsewhere, the Party in Opposition has reason to believe that far more space than 3700 square feet is and will be dedicated to animal boarding, pet grooming, and animal shelter use. The Washington Post, describing Wagtime as a “doggie department store,” states that Wagtime consumes 6,000 square feet (see Washington Post Article, Tab 3). If that were the case, the Applicant would be obligated to provide 10 parking spaces. Providing 0 spaces, the Applicant would need proper variance relief from the Board of Zoning Adjustment for those 10 spaces.

2. Proximity to a Residential Use or District and Noise, Odor, and Waste

To the extent the Applicant has failed to meet the special exception criterion specified in §§735, 736 and 739 regarding proximity to residential uses and districts as well as preventing noise, odor, and waste, variance relief is required. As stated, the Applicant has failed to comply with §§736.4, and 739 5, which require that pet grooming and animal shelters not abut a residential use. The Applicant has also failed to comply with §§735 6 and 736 5 which prohibit keeping animals on external yards or other external facilities as well as §739 6 which prohibits external yards or external facilities when located within 200 feet of an existing residential use or Residential District. Regarding the special exception criterion designed to protect neighboring property owners from noise, odor, and waste, the Applicant has failed to meet its burden of proof. Therefore, the Applicant is required to apply for variance relief pursuant to the procedure prescribed by the Zoning Regulations for each aforementioned provision that the Board finds has not been met. It is our submission that if such variances are requested, the Applicant cannot satisfy the strict variance standard.

3. FAR Relief

In a C-2-A District, the permitted total FAR is 2.5, 1.5 of which may be used for non-residential uses. 11 DCMR §771.2. The Applicant has stated that the Property has a total land area of 2,475 square feet, therefore up to 3,712.5 square feet of gross floor area may be used for animal boarding, pet grooming, and animal shelter use. The Applicant then states that because the gross floor area of the first and second floors is only 3,700 square feet that no FAR relief is required. This is a misrepresentation because (1) the Party in Opposition believes the Applicant is currently unlawfully using and presumably intends to continue using what has been referred to as a vacant residential unit for animal boarding and animal shelter use, (2) the Applicant has not yet shown that what it is referring to as a “cellar” does in fact meet the definition of a cellar, which is excluded from FAR, rather than a basement, which is included, and (3) the first and second floors take up more than 3,700 square feet of gross floor area.

The Applicant currently has a Certificate of Occupancy for a “retail pet shop” occupying 1500 square feet of the structure (see Tab 2). Despite the limited Certificate of Occupancy, the Applicant is currently using the property for animal boarding, pet grooming, and as an animal shelter as well as a pet shop, on far more than 1500 square feet, in violation of its Certificate of Occupancy. The Applicant has represented that the third floor is a vacant residential unit, however, no certificate of occupancy has been issued for this residential unit. Without a valid certificate of occupancy, the owner cannot obtain proper landlord registration or licensing, which leads one to question whether the unit was previously rented. The Party in Opposition has reason to believe that the third floor is not used for residential purposes but rather by Wagtime, LLC (see Additional Photographs of External Areas, attached hereto as Tab 5, Photographs #3 and #4). The Washington Post article about Wagtime states, “Wagtime looks like a doggie department store. Large dogs roam the ground-floor room of the 6,000-square-foot cage-free rowhouse, medium-size dogs are on the second floor, **small dogs up on the third**” (see Tab 3) (emphasis added). Moreover, it is hard to believe that a residential rental will be viable over an establishment used for 24-hour, animal boarding, pet grooming, and as an animal shelter. Based on the above, the Applicant exceeds non-residential FAR.

In addition, the Applicant has not yet shown that what it is referring to as a “cellar” does in fact meet the definition of a cellar, which is excluded from FAR, rather than a basement, which is included. The plans submitted, while not providing an elevation plan, refer to the bottom floor as a basement. Unless the Applicant can demonstrate that the bottom floor is, in fact, a cellar, the bottom floor counts toward FAR and would cause the Applicant to exceed the permitted FAR.

Finally, even if the FAR calculation were limited to the first and second floor, the external facilities push the non-residential FAR well in excess of 1.5 FAR. The first floor roof and second floor roof contain large, fenced-in spaces where dogs are currently being kept. While proper disclosure from the Applicant is needed to do an evaluation, these fenced-in spaces appear to be roof structures that contribute to the floor-to-area ratio. Under §777.1, the provisions of §411 also regulate structures in

Commercial Districts Under §411.13, “[i]n computing the floor area ratio of a roof structure, the aggregate square footage of all levels or floor contained within a roof structure measuring six and one-half feet (6½ ft) or more in height shall be included in the total floor area ratio permitted ” Once the Applicant has fully disclosed the intended use of each floor measurement and elevations of all areas, the Board will be better equipped to analyze whether these requested uses would exceed the 1.5 non-residential FAR permitted

In sum, the Party in Opposition has reason to believe that the proposed use will violate the FAR requirements, and the Party in Opposition does not believe that the Applicant qualifies for variance relief

4. Rental Yard

Based on substantiated personal knowledge, documented by photographs taken by the Party in Opposition (see Outdoor Rented External Yard, attached hereto as Tab 6), it is believed that the Applicant is currently renting space used as an external yard on a different lot close to the Property. The Applicant has not disclosed these facts nor that it uses and intends to continue using the external yard for animal boarding and the animal shelter use. Proper zoning relief must be obtained not just for the subject Property but also for the leased external yard for animal boarding or as an animal shelter.

V. CONCLUSION

In conclusion, the special exception will not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. In addition, the special conditions specified with respect to §§735, 736, and 739 have not been met. In light of the lack of plans and limited detail provided in the Application, it is clear the Applicant has not met their burden of proof regarding the zoning relief requested. Moreover, in addition to the zoning relief requested, the Applicant would also need to apply for variance relief from the parking requirements and FAR requirements. Therefore, the

Party in Opposition respectfully requests that the Board of Zoning Adjustment refuse to grant the special exception relief requested by the Applicant

Sincerely,

GRIFFIN & MURPHY, LLP

A handwritten signature in black ink, appearing to read 'M. H. Moldenhauer', written over a horizontal line.

By Meredith H Moldenhauer

1

November 20, 2012

VIA HAND DELIVERY

Board of Zoning Adjustment
441 4th Street, N W
Suite 210S
Washington, DC 20001

Re: Application No. 18474

Honorable Members of the Board

I, Nayereh Sahrapour, am the owner of the property located at 1230 9th Street, NW, Washington, DC, 20001. This letter serves as notice that George Beheshtian will be my authorized agent in connection with the opposition to Application No. 18474 before the Board of Zoning Adjustment.

Sincerely,


Nayereh Sahrapour

November 20, 2012

VIA HAND DELIVERY

Board of Zoning Adjustment
441 4th Street, N W
Suite 210S
Washington, DC 20001

Re: Application No. 18474

Honorable Members of the Board.

I, Nayereh Sahrapour, am the owner of the property located at 1230 9th Street, NW, Washington, DC, 20001. This letter serves as notice that Meredith H. Moldenhauer of Griffin & Murphy, LLP will be my authorized agent in connection with the opposition to Application No. 18474 before the Board of Zoning Adjustment.

Sincerely,


Nayereh Sahrapour

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Department of Consumer and Regulatory Affairs
 Building and Land Regulation Administration
 941 North Capitol Street N.E. room 2100
 Washington D.C. 20002
 Tel: (202) 442 - 4470 Fax (202) 442 - 4862

Government
 of the District
 of Columbia
 BLRA 94A

C of O

CERTIFICATE OF OCCUPANCY

PERMIT NO.

CO 88180

THIS PERMIT IS VALID ONLY FOR THE PREMISES
 OF THE PROJECT ADDRESS

DATE : 5/9/2005

ADDRESS : 1232 9TH ST NW		FLOOR(S): 1ST	PRCLID : 0368 (square)	-0000-	0885 (lot)
			WARD : 2	ZONE : C2A	
PERMISSION IS HEREBY GRANTED TO : CORPORATION : WAGTIME LLC ID No.: L09504			TRADING AS: WAGTIME		
APPROVED USES : PET SHOP			PREVIOUS USES : OTHER - SEE DESCRIPTION		
TYPE : USE CHANGE		BZA NO. :	OCCUPIED SQ. FOOTAGE: 1,500	OCCUP. LOAD:	EXPIRATION DATE: NONE
DESCRIPTION OF USE: RETAIL PET SHOP					FEE : \$75.00
THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, VALID ONLY for the premise at the above address or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.					
David A. Clark DIRECTOR		PERMIT CLERK: MYRIAM VILLARROEL			

FILE COPY

3

The Washington Post

[Back to previous page](#)

Wagtime in D.C., a doggie day care/salon that helps find rescue dogs new homes

By Melody Wilson, Published: September 7

Last year, Lisa Schreiber and Ofer Khal fostered approximately 500 dogs for adoption. But they don't work for a shelter or a rescue agency. They're running a business.

Wagtime looks like a doggie department store. Large dogs roam the ground-floor room of the 6,000-square-foot cage-free rowhouse, medium-size dogs are on the second floor, small dogs up on the third. There's a separate area for older dogs, rooms for problem pooches. At any given time there are a couple of well-behaved dogs in the Wagtime boutique interacting with customers.

Khal strides through the rooms, ticking off the names of dogs available for adoption: Ladybug, Russell, Nellie, Joey, Gavin, Champ. The list goes on.

In the big-dog area, two workers are standing in the middle of a small herd of shepherds, retrievers, collies, poodles and the ever-popular mixed breeds. The dogs tilt their heads at the sound of Khal's voice, and a visitor gets a chance to scratch behind a few ears.

The top two floors have access to screened-in areas, and the ground-floor dogs are taken to a backyard area regularly.

It all started in 2000, when Schreiber began a dog-walking business in Dupont Circle. Then she started a doggie day care in Shaw and Khal came to work with her. They married four years ago, after Wagtime moved to the neighborhood near D.C.'s Walter E. Washington Convention Center. In its new home, Wagtime has exploded: It's a pet boutique, grooming service, doggie day-care center and boarding facility with 55 employees, including groomers, day-care employees, walkers, drivers, night-shift workers and receptionists.

There seems to be plenty for those employees to do: With all of its services, Wagtime hosts more than 150 dogs every day, at \$35 a day for doggie day care and \$53 a night for boarding; grooming rates are based on the breed and size of dog. The enterprise has even attracted the attention of National Geographic, whose crews recently spent three days filming a pilot episode of a show about doggie day care.

But not all of those dogs are paying guests. Schreiber and Khal's "pet spa" works with local rescue agencies and shelters to foster dogs for adoption, fostering the dogs themselves or hooking them up with "foster parents" who take in the dogs, socialize them, and feed and care for them until permanent owners can be found. Together the partners are like a canine's Robin Hood — they use profits from financially secure dog owners to support canines in need. About 20 percent of the dogs at Wagtime are fosters.

"Ozzy, he's a special case," Khal says, gesturing toward a 1-year-old Rottweiler mix. "He's been here for like a month now, and it's starting to get to that point where he's like, 'Okay, I'm done with this place.'"

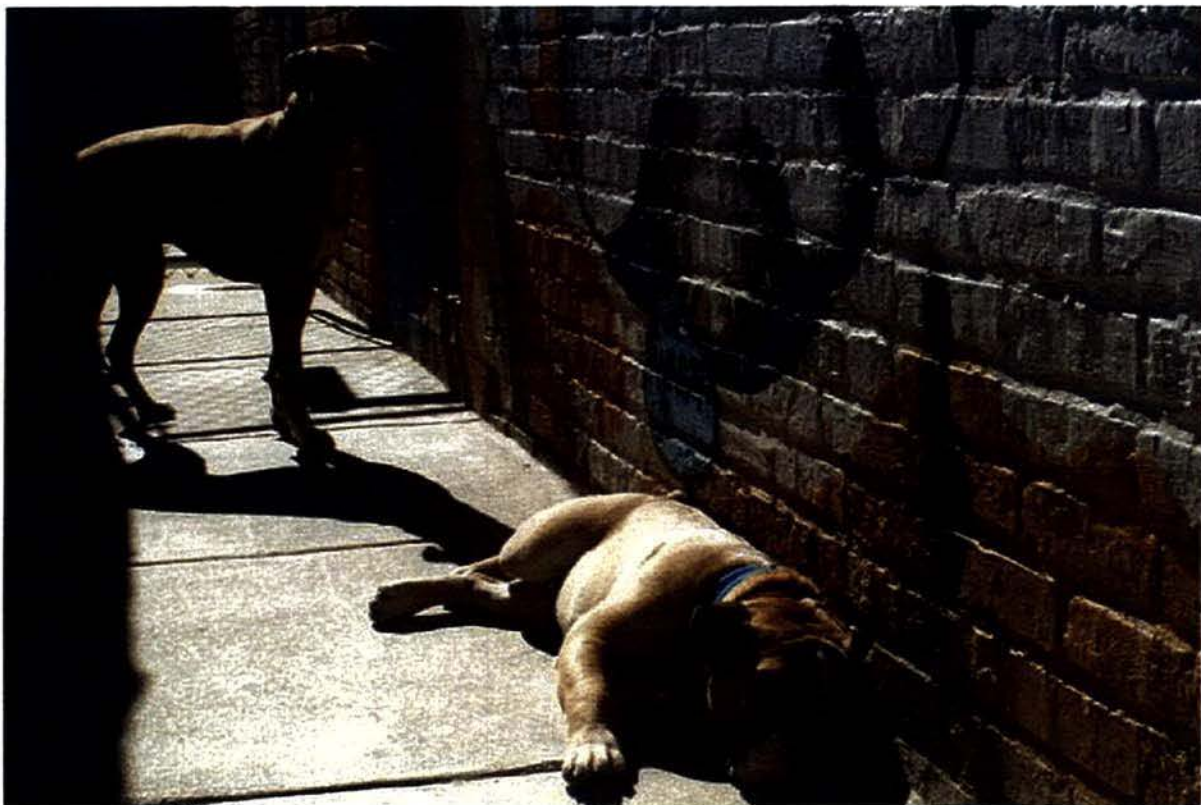
While the day-care environment is a fun break for dogs, it wears on them in the long term. "It's constantly playtime. There's no quiet time, there's no owner," Khal says. "You can't get a good night's sleep!"



4

Photographs from Wagtime Website

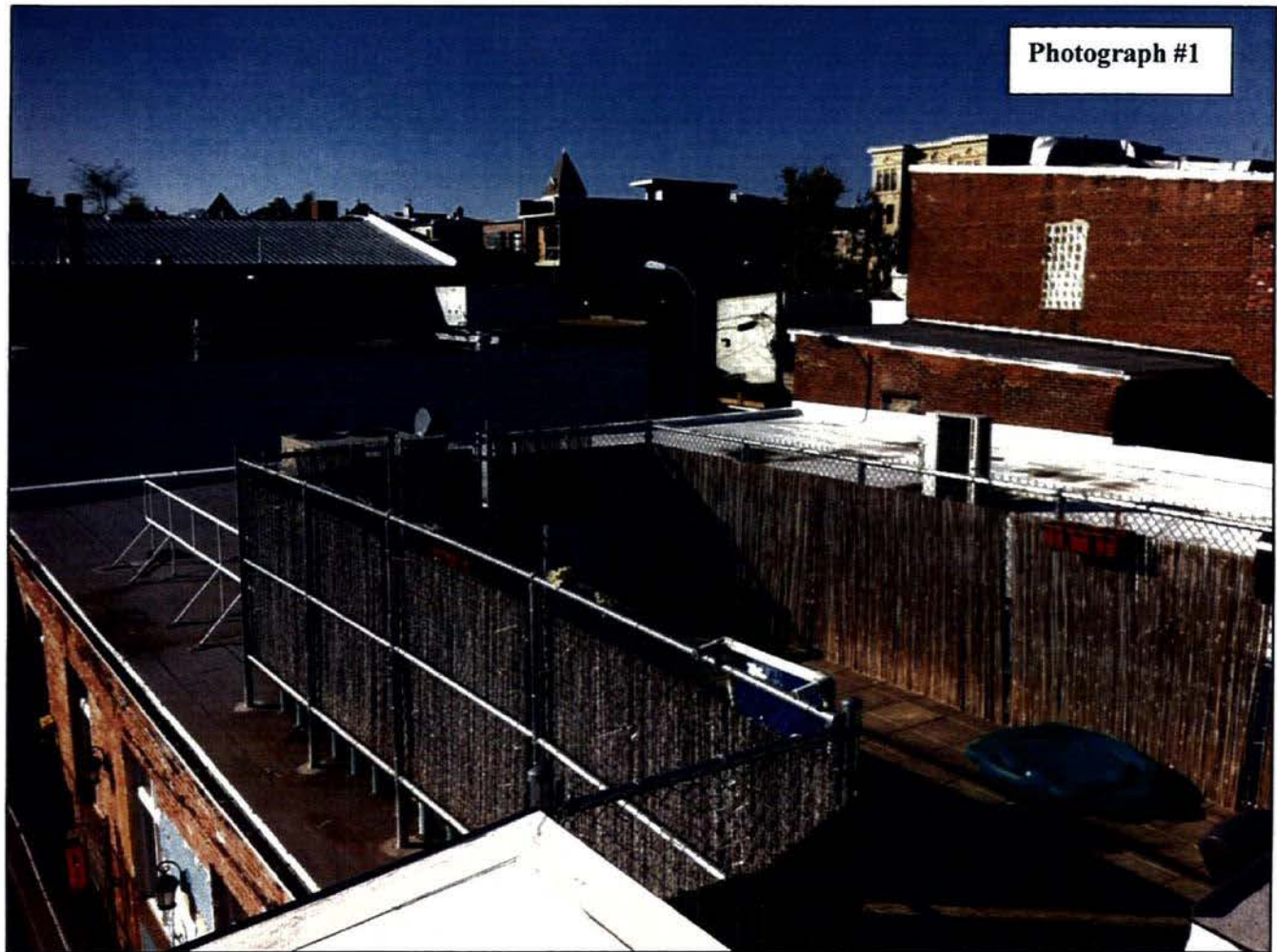
Source: wagtimedc.com



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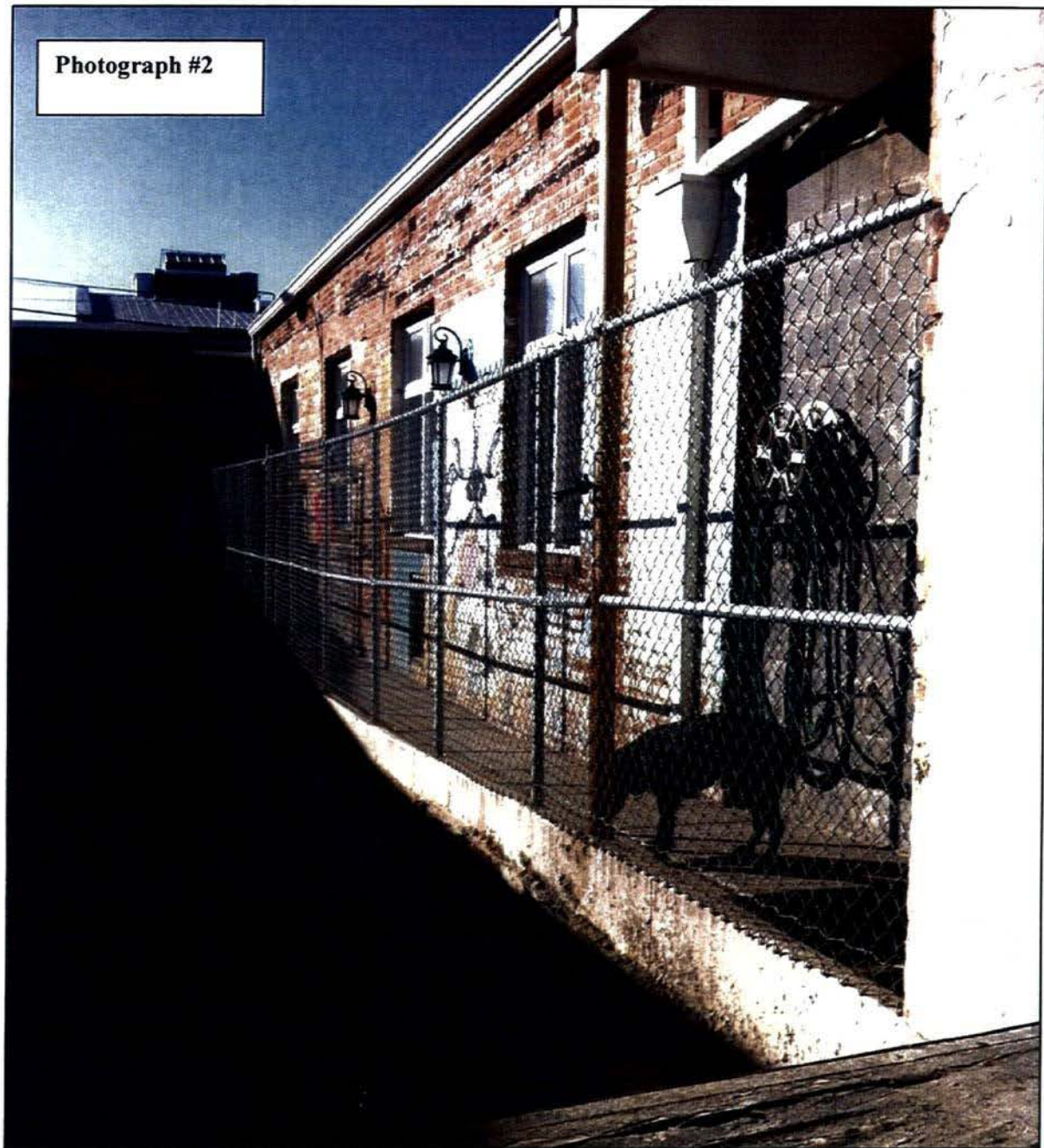
Additional Photographs of External Areas

Source: Party in Opposition



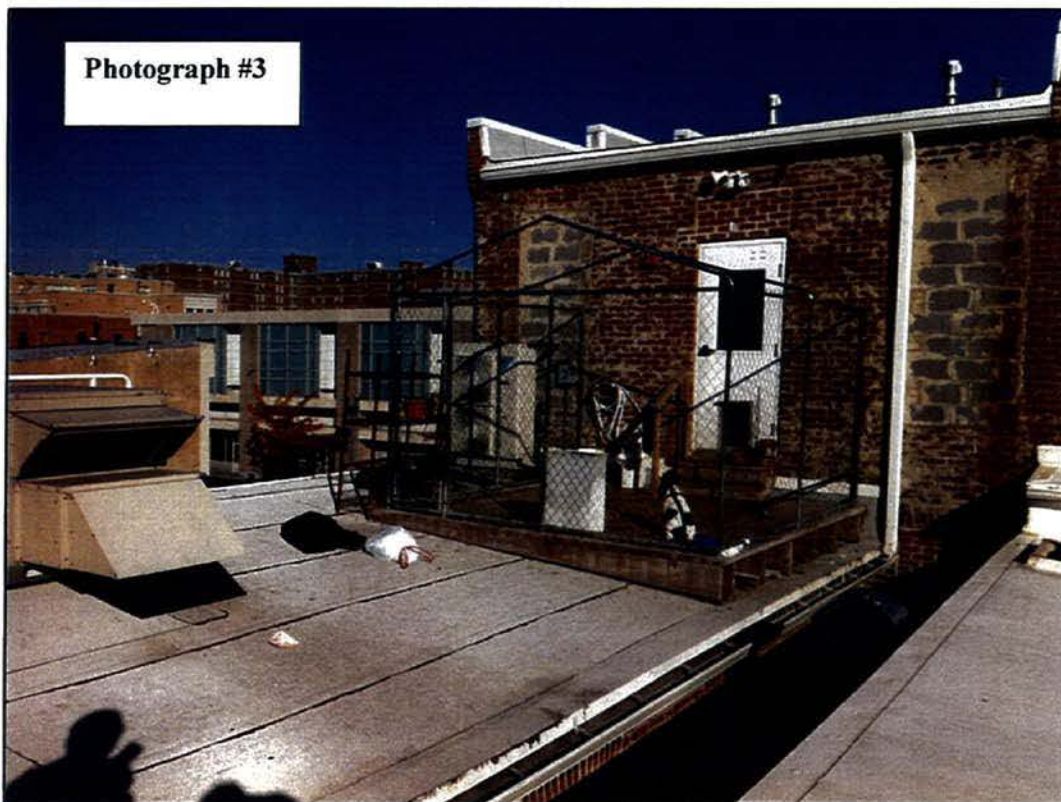
Additional Photographs of External Areas

Source: Party in Opposition



Additional Photographs of External Areas

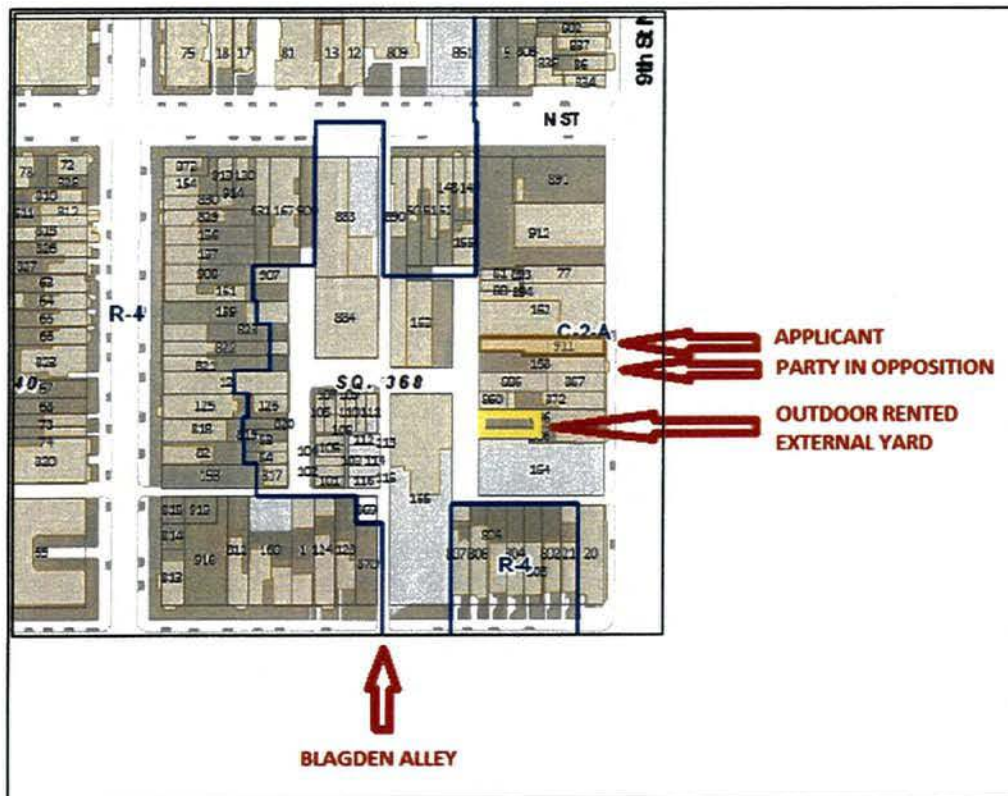
Source: Party in Opposition



6

Outdoor Rented External Yard

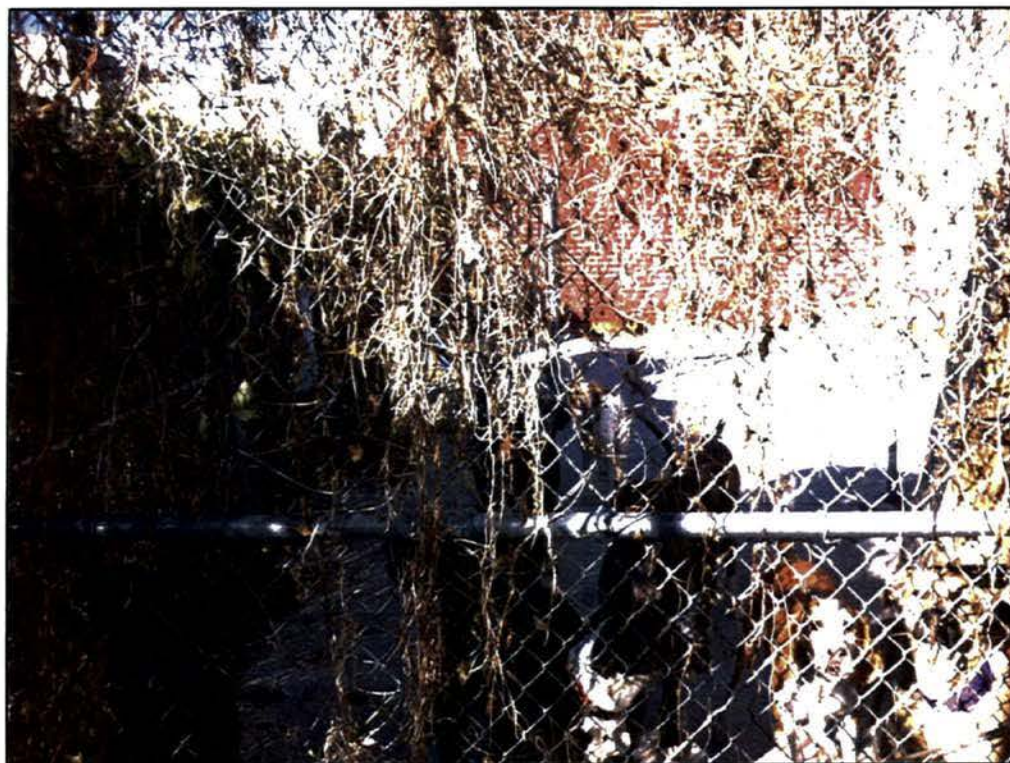
Source: Party in Opposition



VIEW OF RENTED EXTERNAL YARD FROM ROOF OF PARTY IN OPPOSITION'S PROPERTY (1230 9TH STREET)

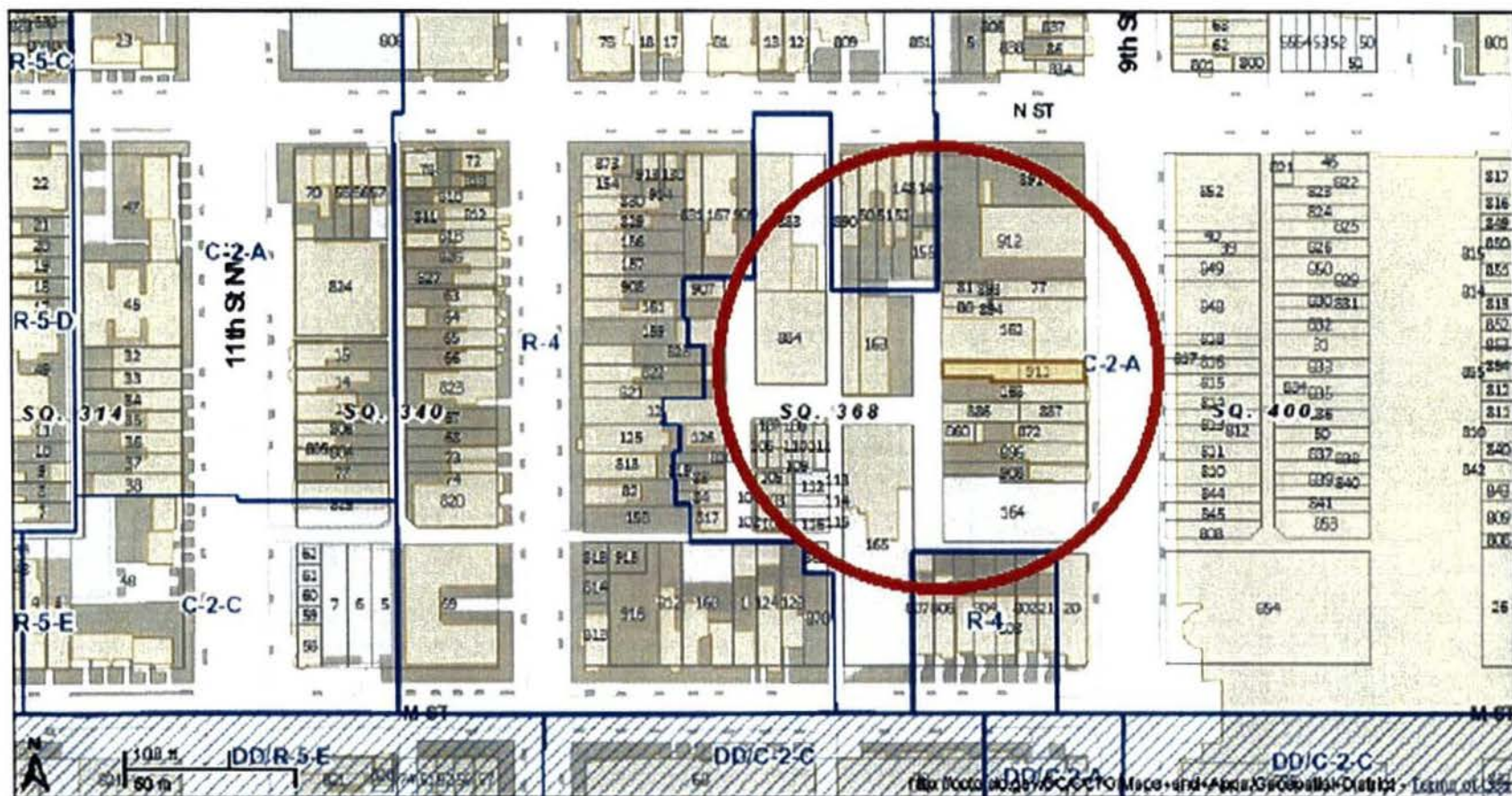
Outdoor Rented External Yard

Source: Party in Opposition



7

200 Foot Radius Map



8

Photograph of Waste

Source: Party in Opposition

