

June 25, 2013

By Hand Delivery

Lloyd Jordan, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

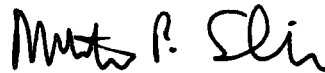
RECEIVED
D.C. OFFICE OF ZONING
2013 JUN 25 PM 2:11

Re: **Pre-Hearing Statement; BZA Application No. 18584; 1310 Pennsylvania Avenue, S.E.;
Square 1043, Lot 865**

Dear Chairman Jordan and Members of the Board,

Enclosed please find an original and ten (10) copies of the Applicant's pre-hearing statement for Application No. 18584.

Sincerely,



Martin P. Sullivan

enclosures

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18584
EXHIBIT NO. 29

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION NO. 18584
PRE-HEARING STATEMENT

Stepian Sostaric

1310 Pennsylvania Avenue, S.E.; Square 1043, Lot 865

RECEIVED
D.C. OFFICE OF ZONING
2013 JUN 25 PM 2:11

I. Introduction.

On behalf of the Applicant and current property owner Stjepan Sostaric (the “Applicant”), Greater Washington Animal Services, Inc. dba City Dogs (“City Dogs”) hereby requests special exception approval pursuant to 11 DCMR § 735 to operate an animal boarding use at the property located 1310 Pennsylvania Avenue, S.E. (Square 1043, Lot 865) (the “Property”). The Property is located in the C-2-A zone district. The Property abuts the R-4 zone for approximately 2’ 6” at the Property’s northwest corner (rear left). The C-M-1 zone district is adjacent to the Property to the northeast. City Dogs intends to operate an animal boarding use with accessory pet grooming and retail.

II. History and Background of City Dogs.

City Dogs has successfully operated a “Dog Day Care” establishment at 1832 18th Street, N.W. for over twelve years. The Dupont Circle operation is a dog daycare and overnight boarding establishment that also provides incidental grooming and retail services. City Dogs provides dogs a fun and active environment while also fostering good manners and social skills. All dogs are cage-free and attended by staff at all times.

City Dogs currently provides day care for an average of about forty-five (45) dogs in its Dupont Circle location (which is similar in capacity to the Pennsylvania Avenue building). For both daily boarding and overnight boarding, City Dogs accepts only well-behaved dogs that interact well with people and with other dogs. Before being accepted by City Dogs, clients must complete an extensive application (see a copy of the introductory instructions and application attached as Exhibit A).

The demand for dog day-care services has grown tremendously since City Dogs opened its Dupont Circle location. It has also become quite difficult to find a property in the District that meets both the requirements of the Zoning Regulations and a successful dog day care’s operational requirements. Animal boarding use is not permitted, even by special exception, in the

C-1 zone district, a district which permits uses such as bars, dry cleaners, hardware stores, and restaurants as a matter of right. City Dogs has, in the last few years, located several potentially ideal locations in the C-1 zone district, but could not proceed because special exception relief under Section 735 was not available. An optimal animal boarding use also requires the dogs to be kept in a building - or portion thereof – which is virtually soundproof or able to be modified so. City Dogs also believes that to be successful, the operation must be principally a neighborhood serving use and that the majority of the clients should be drawn from neighborhood residents. For these reasons and several others, this Property is an ideal location for the proposed use as described below.

City Dogs also intends to offer an incidental service of pet grooming and retail of related pet products. While the general retail use would be permitted as a matter-of-right in the C-2-A zone district, the pet grooming use is permitted as an accessory use to the animal boarding use. The revenue from dog grooming services, based on figures from the Dupont Circle location, is expected to be approximately three percent (3%) of gross receipts, well below the fifteen percent (15%) threshold for accessory uses.¹

III. The Property and Surrounding Neighborhood.

The building on the Property (the “**Building**”) consists of an original two-story row structure with a one-story addition that extends almost the entire length of the exceptionally long and narrow property (the “**Addition**”). The Addition is enclosed with cement block walls, with the only window being an inoperable glass block window. The Building is currently used for some type of construction business (see interior photos attached as Exhibit B). Due to its construction materials and also due to its separation from the original building and adjacent buildings, the Building is virtually soundproof. City Dogs has hired an acoustical engineer to perform tests and to recommend measures to further bolster that condition. Because of this

¹ The Zoning Regulations define “accessory use” as a “use customarily incidental and subordinate to the principal use, located on the same lot with the principal use.” 11 DCRM § 199.1. The principal use must be proportionally larger, or more important, or more functionally central, than the accessory use. There is no “bright line” standard as to when an accessory use becomes so large or so important as to veer into the territory of “principal uses.” See National Cathedral Neighborhood Ass’n. v. D. C. Board of Zoning Adjustment, 753 A.2d 984, 986 (D.C. 2000). In BZA Appeal No. 17677, the Board found an accessory use based on that use comprising no more than fifteen percent (15%) of an operation’s gross receipts.

inherent soundproofing, the Addition is an ideal location for the dog boarding use. The original part of the Building, on the other hand, is ideal for City Dogs's ancillary administrative functions, including office use and incidental dog grooming and retail. The dual functions of the City Dogs operations, therefore, fit perfectly with the layout and condition of this Building.

The proposed use is also compatible with the surrounding neighborhood. The Property is located on the north side of Pennsylvania Avenue, SE; mid-block between 13th Street and G Street. The Property is a long narrow lot, approximately 18 feet wide by 135 feet. This part of Pennsylvania Avenue is 160 feet wide, and consists of six lanes, plus a parking lane on each side of the street. Four major Metrobus routes travel past the Building and have a stop almost directly in front of the Building. The Property is located in the C-2-A zone district, and it abuts the R-4 residential zone for a distance of about 2.5 feet at the rear of the Property. The C-M-1 zone district is adjacent to the northeast of the Property.

The Building occupies the entire area of the lot except for the last 10 feet of the Property at the rear. This 10 foot area is not available for any meaningful use or development, as it is subject to an easement for the benefit of the Iridium Condominium (1306 Pennsylvania Avenue, S.E.) for vehicle ingress and egress, including trash collection and deliveries.

East of the Property, at 1312 Pennsylvania Avenue, is a commercial building used by the Moss Group, Inc., a criminal justice consulting firm. The owners of that building and that business have expressed their opposition to the Application at ANC 6B meetings, due to concerns about noise from barking dogs and also from general noise from the commercial use of the Building (doors opening and closing was noted as one of the concerns). Specifically, the Moss Group has noted that it performs video and audio productions in the front room on the first story of their building.

West of the Property, at 1308 Pennsylvania Avenue, S.E., is a building owned and occupied by Dr. Patricia A. Fisher. Dr. Fisher previously operated her professional business out of this building, and recently converted the property to residential use. Dr. Fisher is also concerned about noise from barking dogs and from the general commercial use of the Property.

At the rear of the Property, at its northwest corner, the Property abuts the property of Mr. Robert V. McMichael for approximately 2.5 feet. Mr. McMichael has also expressed his opposition based on concerns about possible noise from barking dogs as well as concerns about

how the use may affect conditions in the shared public alley adjacent to the respective properties.

To the northeast is a large light-industrial area zoned C-M-1, which includes a City DPW facility that nearly abuts the Property at its northeastern tip, among a host of other light industrial uses throughout the alley system in the area to the northeast of the Property.

IV. The Application Satisfies Special Exception Requirements of Sections 3104 and 735.

A. Overview. Pursuant to Section 3104.1 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; subject also, in this case, to the specific requirements for relief under § 735 of the Zoning Regulations.

Uses that are permitted by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. 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). As described herein, this application satisfies the requirements of §§ 3104.1 and 735.

NOTE: City Dogs has signed an agreement with ANC 6B (the "ANC Agreement") in which City Dogs has committed to certain conditions designed to resolve any potential negative impact from the proposed use and to ensure that the Application complies with the requirements of Section 735. This Agreement will be referred to below in discussing the Applicant's compliance with the special exception requirements. A copy of the Agreement is attached hereto as Exhibit C.

B. The Special Exception Requirements.

Section 735.2 *The animal boarding use shall not abut a Residence Zone.* The Property is located within the C-2-A zone district, but it abuts the R-4 zone district for approximately 2.5 feet where the rear of the Property meets the rear of the Property located at 534 13th Street, N.W. The Applicant is therefore requesting variance relief from the strict requirements of this Section. The variance test is discussed in more detail below.

Section 735.3 *The animal boarding use shall take place entirely within an enclosed and soundproof building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises shall be kept closed and no animals shall be permitted in an external yard on the premises.*

The use will take place entirely within the Building, and the dogs will only be kept within the area of the Addition.

Noise: As noted above, the Addition is composed of cement block walls, with just one window – a non-operable glass-block window. In addition to the inherently soundproof building materials, the Addition does not abut the neighboring buildings at any point, as shown on . The Addition extends the remaining length of the Property, with open space adjacent thereto, including the Iridium’s parking lot to the west, and a DPW facility to the northeast. In response to the concerns of neighbors and the ANC, City Dogs has engaged an acoustic engineer ScanTek, Inc., that specializes in sound containment and mitigation, with expert knowledge in building materials used for sound absorption and containment. Scantek is in the process of performing sound tests at the Property, after which it will issue a report recommending any additional measures necessary to mitigate noise from the proposed use. City Dogs has agreed to follow Scantek’s recommendations to contain the potential noise from barking dogs.

The Applicant believes that the existing condition of the Building already compares very favorably with other animal boarding uses in the District, and it is already unlikely that dog barking would be heard outside the Building. But the engineer’s report, and City Dogs compliance with its recommendation, provides additional assurance that City Dogs use of the Property will comply with Section 735.3 as it relates to potential noise impact.

Odor: The sustainability of City Dogs's client base depends on not having odors within the facility or on the dogs. City Dogs therefore takes every necessary measure to eliminate odors within the Building. The ANC Agreement, in Paragraphs 2, 3, and 4, addresses potential odors and provides conditions which are certain to prevent odor issues. Paragraph 2 addresses animal waste and trash collection. City Dogs has agreed to keep all animal waste and other trash inside the Building until such time as the trash is collected. Paragraph 3 addresses cleaning of floors to prevent odors. Paragraph 4 addresses the use of HEPA air filters and the professional maintenance of the HVAC system.

Windows, Doors, External Yards: the acoustic engineer will evaluate, among other things, the existing windows and doors. There are no windows in the Addition – other than the glass-block window. So windows cannot be opened. The doors will be evaluated, and upgraded if necessary. An existing garage door in the rear of the Property will be replaced with an appropriately soundproofed door.

No part of the Property is available for use as an external yard. The small portion of the Property that is open space is subject to an easement for the benefit of the Iridium Condominium at 1306 Pennsylvania Avenue, for ingress and egress of resident's vehicles and other traffic to and from the rear of the Iridium. Regardless of this easement, City Dogs has agreed to conditions that substantially restrict its use of the rear entrance to the Building as well as the adjacent alley system. Paragraph 6 of the ANC Agreement provides that dogs will not enter or exit the Building, and that deliveries – other than trash collection – will be received at the front of the Building. Clients will only enter through the front of the Building, and employees will not park in the rear alley.

For all the reasons discussed above, the Applicant believes that City Dogs has responded strongly to the concerns of neighbors and the ANC, and safely satisfies the requirements of Section 735.3.

Section 735.4 *The animal boarding use shall place all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system (for*

example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system.

As noted in the section above, City Dogs has agreed to keep all trash indoors until pick-up; to have pick-up at least three times weekly; and to install a HEPA filtration system to effectively control odor.

Section 735.6 External yards or other exterior facilities for the keeping of animals shall not be permitted.

As noted above, there are no available external yards, and none will be used for the keeping of animals.

Section 3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions 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 in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title.

For the reasons described above, granting of the special exception in this case will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

V. Neighbor Concerns and the Applicant's Response.

City Dogs has responded directly to neighbor's concerns, as follows:

A. Noise.

The residential neighbor to the west, Dr. Patricia Fisher, and the commercial neighbor to the east, Andie Moss, have both expressed concern about potential noise from barking dogs. In Dr. Fisher's case, she has also expressed concern about other routine noise from the commercial use of the building, noting that she hears noise from the current use of the building in the form of voices and doors opening and closing. Dr. Fisher had a professional office in the building located

at 1308 Pennsylvania, and recently converted that commercial building for residential use. Ms. Moss owns a criminal justice consulting practice and is concerned about hearing noise from barking dogs, in particular when conducting meetings and conference calls.

In addition to the immediate neighbors, Ms. Andrews Weller, from 1314 Pennsylvania Avenue, Mr. McMichael from 534 13th Street, and Mr. Lance Laney, from 540 13th Street, also expressed concerns about noise and other issues.

Response: The Applicant has agreed that all dogs will be kept in the rear portion of the Building, in an area that is enclosed with cement block walls with no operable windows. The walls of the addition do not abut the neighboring buildings; the front part of the building does. The original part of the Building (which is also separated in part by an open court on Ms. Fisher's property) will only be used for administrative purposes and incidental dog grooming and retail. Because of this configuration, the Applicant does not expect neighbors to hear dogs barking inside the building.

In addition, the Applicant has agreed to engage an acoustic consultant to evaluate potential noise impacts and make recommendations, if necessary, to mitigate any noise due to barking dogs. The Applicant will implement measures necessary to mitigate such noise.²

B. Possible Disturbance from Dog Walking.

Ms. Andrews-Weller expressed her fear of dogs and her concern about dog-walking in the neighborhood, as well as concerns about City Dogs patrons illegally parking in her reserved handicapped spot and in the Metro Bus no-parking zone.

Response:

The Applicant has agreed that it will be vigilant in making sure its customers do not park illegally. In contrast to other retail or professional uses that could be located in this Building, the Applicant has an on-going and valued relationship with its clients. This relationship allows the

² Veterinary Hospital Use and many other potentially more impactful uses are permitted in the C-2-A zone as a matter-of-right, so the Zoning Regulations recognize that residents can expect some reasonable noise level from commercial activity in the C-2-A zone; including even a matter-of-right animal-related use. The Applicant believes its use will be of much less negative impact than many other matter-of-right uses that could be located here.

Applicant to ensure that its customers abide by all parking restrictions. The Applicant has agreed to advise its customers, in writing, of the necessity of following all parking restrictions when visiting City Dogs. City Dogs also has the ability to require adherence to such regulations as a condition of the customer's dog being accepted for daily boarding.

Regarding dog walking, the Applicant expects most of its dogs to come from the local neighborhood. As such, the majority of the dogs being walked would have been walked through the neighborhood anyway. City Dogs charges an extra fee for dog walking, so not all customers select this option. They estimate possibly about 15 dogs being walked once a day; not more than four dogs at one time, and always by trained staff. City Dogs does not accept dogs that cannot get along with other dogs or with people, so they do not expect any disturbances during walks. In twelve (12) years in Dupont Circle, they have never had a negative experience or complaints from residents about the dog walking activities.

City Dogs schedules its walks at definite times usually between 12pm and 1pm, and it would be happy to share that schedule with Ms. Andrews-Weller so she is aware when dog walks are taking place. Dogs certainly will not be milling about in any location on this block or anywhere else and are not likely to disrupt pedestrian traffic.

C. Odor.

Neighbors have expressed concern about potential odor from animals and animal waste.

Response: The Applicant has agreed to certain procedures regarding clean up of waste inside the property to prevent excessive odor, and air filtration. They take these precautions at their current site, as their reputation with their customers depends on preventing odors on site and on their dogs. The Applicant has also agreed to keep all animal waste indoors until just before trash collection. Trash will be collected at the rear of the building three times per week.

D. Activity at the Rear of the Property.

Mr. McMichael, owner of 534 13th Street, S.E., has expressed concern about commercial deliveries near his property, access to his property, trash collection, customer and employee parking, and rodent control.

Response: The Applicant has agreed to not have trash bins outside, which should eliminate all concerns about animal waste odors, trash pollution, and rodent control. The Applicant has not experienced difficulty with rodents at its Dupont Circle location, and has not found that its use particularly attracts rodents. The Applicant has always intended, and has agreed, that it will not use the rear entrance to the building for dogs, clients, employees, or deliveries. Only trash collection will take place at the rear, three times a week. Customers and employees will not be permitted to park in the alley or at the rear of the Property.

While the Applicant's property technically abuts Mr. McMichael's property for 2.5 feet, that area of the Applicant's property is subject to a right-of-way benefitting the Iridium Condominium for ingress and egress of cars, loading, and other deliveries. So that portion of the Applicant's Property is not within its control. At any rate, with only the trash collection taking place in back, the activity in the rear of the Property is likely to be substantially less than either the current use of the building or any other possible matter-of-right use.

Certainly, in relation to the DPW facility abutting the rear of 1310 Pennsylvania, which includes large trucks and street sweepers, and the activity from the Iridium, the proposed City Dogs use will be the least noticeable use in the alley.

VI. Area Variance Relief from Section 735.2.

Pursuant to D.C. Code § 6-641.07(g)(3) and 11 DCMR § 31/3.2, the Board is authorized to grant area variance relief where it finds that three conditions exist:

- (i) the property is affected by exceptional size, shape, or topography or other extraordinary or exceptional situation or condition;
- (ii) the owner would encounter practical difficulties in complying with the strict application of the Zoning Regulations; and
- (iii) granting relief would not cause substantial detriment to the public good and would not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See Gilmartin v. D.C. Board of Zoning Adjustment, 579 A.2d 1164, 1167 (D.C. 1990).

A. The Property is Unusual Because of its Size, Shape, or Topography or is Affected by an Exceptional Situation or Condition.

In order to prove an extraordinary or exceptional condition, or uniqueness, the Applicant must show that the property has a peculiar physical aspect or other extraordinary situation or condition. *Monaco v. D.C. Board of Zoning Adjustment*, 407 A.2d 1091, 1096 (D.C. 1979). The phrase “exceptional situation or condition” in the variance test applies not only to the land, but also to the existence and configuration of a building on the land. *See Clerics of St. Viator v. D.C. Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Moreover, the unique or exceptional situation or condition may arise from a confluence of factors which affect a single property. *Gilmartin v. D.C. Board of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). It is not necessary that the Property be unreservedly unique. Rather, applicants must prove that a property is affected by a condition that is unique to the property and not related to general conditions in the neighborhood. *Gilmartin*, 579 A.2d at 1167.

In this case, the Property is uniquely affected by its exceptionally long and narrow shape. The Property is approximately 135 feet long and only 18 feet wide. The exceptional length causes the Property to technically abut a property in the R-4 residential zone, but only for a distance of approximately 2’ 6” in the northwest corner of the Property. As mentioned above, this portion of the Property is also subject to an easement for the benefit of the Iridium Condominium, so City Dogs will hold ownership of this portion of the Property in name only, and cannot control its use or use it in any meaningful way.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty to the Owner.

The second prong of the variance test is whether the unique condition from the first prong of the test results in a practical difficulty for the Applicant in complying with a strict application of the Zoning Regulations. In reviewing the standard for practical difficulty, the Court of Appeals stated in *Palmer v. Board of Zoning Adjustment*, 287 A.2d 535, 542 (D.C. App. 1972), that “[g]enerally it must be shown that compliance with the area restriction would be unnecessarily burdensome. The nature and extent of the burden which will warrant an area

variance is best left to the facts and circumstances of each particular case.” In area variances, applicants are not required to show “undue hardship” but must satisfy only “the lower ‘practical difficulty’ standards.” *Tyler v. D.C. Bd. of Zoning Adjustment*, 606 A.2w 1362, 1365 (D.C. 1992) (citing *Gilmartin v. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990)).

The BZA may consider “a wide range of factors in determining whether there is an ‘unnecessary burden’ or ‘practical difficulty’ ... including “the severity of the variance(s) requested”; “the weight of the burden of strict compliance”; and “the effect the proposed variance(s) would have on the overall zone plan.” *Gilmartin*, 579 A.2d at 1711. Thus, to demonstrate practical difficulty, an applicant must show that strict compliance with the regulations is burdensome, not impossible.

The strict application of Section 735.2 in this case would result in a practical difficulty to the Applicant. Section 735.2 provides that in order to be granted special exception relief to operate an animal boarding use, the subject property may not abut a residential zone. The unique shape and length of the Property, compared to surrounding properties, in this case has resulted in the Property abutting the R-4 residential zone. Therefore, City Dogs cannot operate its animal boarding use without the requested relief. The Applicant could subdivide and convey the back portion of the Property to avoid the need for this variance relief, but such an action would be unnecessarily burdensome.

As noted above, the Board may also consider the degree of variance requested. In this situation, the degree of the variance is de minimus, for the following reasons: the area where the Property abuts the R-4 zone is only 2.5 feet. The portion of the Property which abuts the R-4 zone is subject to an easement for the benefit of another property, and is not able to be used in any meaningful way. Finally, the Applicant has agreed that the use of the rear of the Property will be greatly restricted. No animal boarding use will be apparent from the rear of the Property. Dogs will not enter or exit through the rear door; customers or employees will not park in the rear alley or enter or exit through the rear door; and pick-ups and deliveries other than trash collection will not take place through the rear of the Property. In addition, the Applicant’s agreement with ANC 6B, and its compliance with the special exception requirements of Section 735 will ensure that there is no detrimental impact on the R-4 residential zone from the proposed use.

C. No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose, and Integrity of the Zone Plan.

There will be no substantial detriment to the public good and no substantial impairment to the intent, purpose, and integrity of the zone plan by granting the requested variance. For this particular variance request, the Board's consideration is limited to the potential impacts from the Property being adjacent to the R-4 zone, and not to the potential impacts relating to properties in the C-2-A zone – such potential impacts being comprehensively addressed in the special exception analysis above.

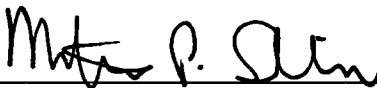
Because the Applicant has agreed to so severely restrict its use of its Property in the area adjacent to the R-4 zone, there is no likelihood that the proposed use will be a substantial detriment to the public good in the R-4 zone. Because of the de minimus nature of the requested relief, and the unique condition of the Property, there will not be any impairment to the intent, purpose, or integrity of the zone plan. Regarding other potential impacts, other than to the R-4 zone, the Applicant has directly addressed all concerns of potential impact as part of proving its special exception case.

At its regularly scheduled meeting on June 11, 2013, ANC 6B voted in favor of a resolution recommending approval of this Application.

VII. Conclusion.

For the reasons stated above, this application meets the requirements for special exception and area variance approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

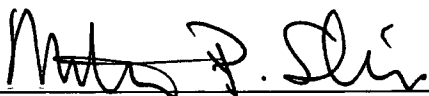
A handwritten signature in black ink, appearing to read "Martin P. Sullivan", is written over a horizontal line.

Martin P. Sullivan, Esq.

CERTIFICATE OF SERVICE

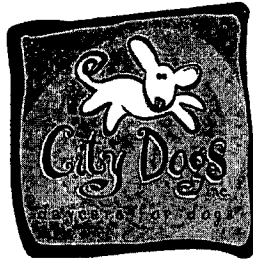
I hereby certify that on June 25, 2013, a copy of this Pre-Hearing Statement was delivered to the following, via first class mail or e-mail:

Advisory Neighborhood Commission 6B
921 Pennsylvania Ave SE
Washington, DC 20003



Martin P. Sullivan

Exhibit A



Dear prospective City Dogs client:

Attached please find the client application forms and informational material for enrollment. Please review all the enclosed materials carefully. If you have further questions not answered in this packet, please do not hesitate to telephone us at (202) 234-9247, preferably between 9:00 a.m. and 5:00 p.m. Monday through Friday, or to e-mail us at info@city-dogs.com, or fax us at 202-204-0985.

Please complete the enclosed forms, answering each question thoroughly. In addition to the completed application, we also require written proof from a veterinarian that your dog(s) is up-to-date on his/her **Bordetella, Rabies, and Canine Distemper** vaccinations before being admitted into daycare. You must include a copy of your dog's current vaccines with your application in order to have your application considered.

There is a one time \$5.00 non-refundable application fee that applies to all new daycare and boarding clients. You may write a check or money order for this amount, made out to City Dogs Inc. Upon receiving your completed application we will contact you to schedule your dog's first day. If you choose to fax your application to us we will add the application fee to the first day's invoice.

Thank you for expressing an interest in City Dogs' services. We look forward to getting to know you and your very special dog(s) in the near future!

Best regards,

Your fellow dog-lovers at City Dogs

**City Dogs Inc., Daycare for Dogs
Daycare Rules and Regulations**

To ensure the health and safety of your pet and of our other guests, we require that all of our clients comply with the following rules and regulations.

Age: All dogs must be at least 3 months of age or older. Puppies and shelter dogs must be in the home for 2 weeks prior to coming to daycare.

Sex: All dogs over the age of 6 months must be neutered or spayed.

Shots: All dogs must have up-to-date vaccinations. Owners must submit written proof that their dogs have current **DHLPP** (distemper), **Rabies**, and **Bordetella** (kennel cough) vaccinations.

Health: All dogs must be in good health. Owners will need to certify that their dog(s) are in good health and have not been ill in the last 30 days. On admission all dogs must be free from any condition that could potentially jeopardize other dogs. Dogs that have been ill with a communicable condition in the last 30 days will require veterinarian certification of health in order to be admitted or readmitted. Once admitted, please alert City Dogs' staff to any change in your dog's health that requires medication, even if we will not be required to administer it. If your dog is not feeling well, ie. vomiting or diarrhea, please do not bring him/her to daycare.

Behavior: Owners will need to certify that their dog(s) have not harmed or shown aggression or threatening behavior towards any person or other dog(s).

Application: All dogs must have a complete, up-to-date and approved application on file prior to attending daycare. There is a \$5.00 non-refundable application screening fee.

Rates: Due and payable in advance. **Daycare packages are non-refundable** and good for 3 months from the date of purchase. Half days cannot be deducted from packages.

Days and Hours: City Dogs is open for daycare Monday - Friday from 7 a.m. to 7 p.m. and Saturdays from 8am-7pm. Dogs may not be dropped off earlier than the scheduled opening times. Dogs not picked up by 7 p.m. and not scheduled to stay as a late pickup will be charged \$10 and must be picked up by 9p.m or will be required to spend the night.

Other Fees:

Vet Transportation Fee: \$10

Late Pickup (prior arrangements required): \$10. Dogs not picked up by 9 p.m. will be required to spend the night.

Reservations: Required. Cancellations with less than 24 hours notice and no-shows will be charged full fees.

Overnight Boarding Rules and Regulations

City Dogs offers cage-free boarding to dogs that meet the regular daycare requirements. Prior to boarding with us for the first time, dogs must have spent at least one full day in daycare. This “boarding trial day” is required so that we can get to know your dog and ensure that City Dogs will be an appropriate environment for him or her.

While boarding with us, dogs spend their day in the daycare and sleep uncrated at night. A staff member sleeps on the premises with the dogs. Dogs that are destructive, or are keeping the staff member and/or the other dogs awake during the night will be crated. Owners may request that their dog(s) be crated at night if it is part of the dog’s regular routine at home.

Reservations: Required. A credit card will be required to hold a reservation. No-shows will be subject to full payment of their dog’s reserved stay. Unscheduled early pick-ups may also be required to pay for the entire anticipated stay. Reservations made less than 3 days from scheduled check-in date are final as of 7 p.m. on the day they were made. Please make boarding reservations as far in advance as possible to ensure a space for your dog.

Drop Off /Pick Up Times:

Weekdays: Monday through Friday 7 a.m. to 7 p.m

Saturday: 8am-7pm.

Sundays: 8am-10am and 3pm-7 p.m.

Dogs picked up by 10 a.m. after an overnight stay will not be charged for daycare that day.

What to Bring: Enough food for the length of your dog’s stay, medication if needed, and emergency contact information. All items should be clearly labeled with the dog’s name. Please do not bring personal items like bones or toys. As this is a cage free environment, we cannot guarantee their return. We have food/water bowls, measuring cups, treats and toys.

Medication: Please clearly label medications and include written instructions with your dog’s name, type of medication, dosage, and schedule. Please include only enough medication for the length of your dog’s stay. Please alert us in advance if you know your dog will require medication. **City Dogs reserves the right to refuse a dog for boarding if he/she is taking medication for a communicable illness.**

Food Fee: \$2 per meal per dog if City Dogs provides food. It is preferable to bring your dog’s own food so as to disrupt his/her routine as little as possible.



At City Dogs our main concern is the happiness and well being of your dog. We encourage dogs to play and socialize while also learning important social skills that will benefit them throughout their lives.

This is, however, a very rough and tumble environment and there is always the possibility of injury. The staff at City Dogs makes every effort to prevent injury, but it is not always avoidable. We want every potential client to be aware that because dogs play with their mouths, cuts, nicks and scratches do occur. Very young dogs or extremely high energy dogs often miss warning cues from other dogs and may be snapped at or bitten as a form of "correction."

City Dogs playrooms are cleaned at the end of each day from approximately 5:30 – 7:00 p.m., during which time the dogs are crated.

If any of the above mentioned makes you uncomfortable, daycare may not be the best option for your dog(s).

Date _____

Check the box that corresponds to the program(s) you are interested in:

Daycare ☐ Boarding ☐ From _____ to _____

Owner Information (Please Print)

Name _____

Address _____

City _____ State _____ Zip Code _____

Home Phone _____ Cell/Pager _____

Employer _____

Work Phone _____ Ext _____

Email Address _____

Emergency Contact

Name _____

Home Phone _____ Work Phone _____ Ext _____

Cell Phone/Pager _____

Pet Information

1. Name _____ Breed _____ Sex _____

Date of birth _____ Neutered/Spayed? (circle one) If not, when? _____

2. Name _____ Breed _____ Sex _____

Date of birth _____ Neutered/Spayed? (circle one) If not, when? _____

Veterinary Clinic

Name _____ Telephone _____

Client Name _____ Dog(s) Name: _____

PET PERSONALITY PROFILE

General Information

How did you hear about City Dogs? _____

Dog's Name _____

How old was your dog when you got him/her? _____
Where did you get your dog? _____
If adopted, do you have knowledge of your dog's past history? _____
If yes, describe: _____

Has your dog ever attended daycare before? _____ If so, where? _____

Number of people in your household _____ Adult males _____ Adult females _____
Male children/ages _____ Female children/ages _____
Does your dog like children? _____

Do you have any other pets? _____ If yes, how do they get along? _____

Health and Grooming

Is your dog on a flea prevention program? _____
Does your dog have any hip/joint problems? _____

If yes, what restrictions need to be placed on your dog's activities or movements? _____

Does your dog take any medication? (aside from heartworm pills) _____
How does your dog react to having his/her nails clipped? _____

Does your dog have any sensitive areas on his/her body that he does not like touched? _____

Has your dog been sick recently? _____ If yes, when, and what was the treatment? _____

Does your dog have any known allergies or food restrictions? _____

Behavior

How does your dog react to new people/dogs coming into your house? _____

Are there any kinds of people/dogs that your dog automatically fears or dislikes? _____

Has your dog ever bitten a person or another dog? _____ What were the circumstances? _____

Has your dog ever growled at someone? _____ What were the circumstances? _____

Is your dog overly frightened or nervous about anything? _____

How does your dog react to other dogs approaching when you're out on a walk-

- a. On lead _____
- b. Off lead _____

Has your dog ever jumped or climbed over a fence? _____ How high was it? _____

Does your dog have any problems in the following areas:

Mouthiness (chews on , our hands, clothing) _____
Housetraining _____
Excessive barking _____
Chewing/Destructiveness _____
Coprophagia (eating his/her own feces or other dogs' feces) _____
Separation Anxiety _____
Has your dog ever growled or snapped at anyone taking food or toys away? _____

Has your dog had any socialization with other dogs? _____
Is your dog fearful or aggressive around small/large dogs? _____

Are you able to remove things from your dog's mouth? _____
How does your dog react to puppies? _____
Is your dog crate trained? _____
What do you do with your dog when you are not at home? _____
What kind of collar do you walk your dog in? _____ Is it effective in
keeping him/her under control? _____

Has your dog had any basic obedience training? _____
If yes, when? _____

Other comments or information about your dog that you feel might be helpful: _____

Please make sure to read and sign our waiver page attached

**City Dogs, Daycare for Dogs
Daycare and Boarding Agreement**

I understand that I am solely responsible for any harm caused by my dog(s) while dog(s) is/are attending daycare at City Dogs, Inc.

I also understand and agree that in admitting my dog(s), City Dogs, Inc. has relied on my representation that my dog(s) is/are in good health and have not harmed or shown aggressive or threatening behavior towards any person or any other dog. However, as this is a cage free environment there are inherent risks that I accept.

While my dog is in the care and custody of City Dogs and I am unreachable in the event of an emergency, I hereby authorize City Dogs, its agents, and/or representatives to seek immediate veterinary care for my dog.

I understand that all costs in connection therewith, including transportation, and veterinary, medical, and otherwise, shall be my responsibility and I am herewith providing City Dogs with credit card information to be used for such purposes.

I further release and discharge City Dogs and its employees from any liability, claims and damages in connection therewith.

Although we carefully screen all applicants, occasionally we discover that this is not an appropriate environment for every dog. City Dogs reserves the right to permanently remove a dog from daycare at any time.

I certify that I have read and understand the rules and regulations set forth on the preceding pages and that I have read and understand this agreement. I agree to abide by the rules and regulations and accept all the terms, conditions, and statements of this agreement.

Signature of Owner

Date

Credit Card Information:

Visa or Mastercard Number

Expiration Date

3 Digit V-Code

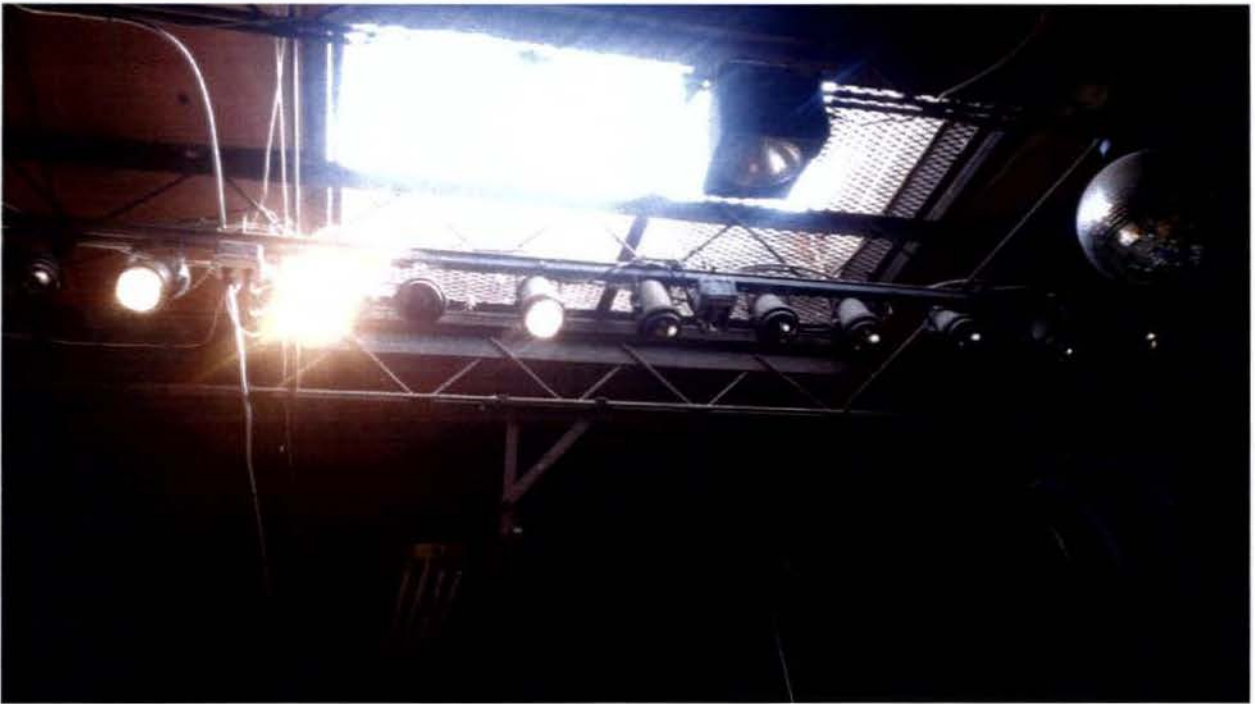
Exhibit B



View out back from second floor



Interior- back portion



Interior

Exhibit C

OPERATIONAL CONDITIONS FOR CITY DOGS

1310 Pennsylvania Avenue SE

Washington, DC 20003

BZA Application #18584

1. The Applicant shall maintain the existing concrete masonry building, which helps to absorb sound, and shall also utilize industry standard flooring sealants to help eliminate bacteria and minimize odors by preventing waste from penetrating into the concrete floor. The Applicant also agrees to engage an acoustic consultant to perform a sound test and submit recommendations to the Applicant, which the Applicant will execute, prior to the City issuing a Certificate of Occupancy, if necessary to mitigate any noise disturbance caused by the dogs present within the building.
2. The Applicant shall place all solid animal waste from the indoor dog areas in bags and in closed waste disposal containers. The Applicant shall utilize a qualified waste disposal company to collect and dispose of all animal waste three (3) times per week. The Applicant agrees to keep the waste disposal container inside the building until the disposal company comes to retrieve the trash.
3. The Applicant will wash all indoor floors with a water/chemical mixture that breaks down urine odor and the liquid mixture will be captured by a code-compliant drainage system.
4. The Applicant shall control odor by installing HEPA filtration systems for all air conditioner units in all daycare areas throughout the building. The units and vents shall be maintained and cleaned by a professional company twice a year.
5. The Applicant will encourage all customers to park legally. The Applicant will discourage customers from parking in the WMATA bus stop as well as any handicap space located on the 1300 block of Pennsylvania Avenue, S.E., through verbal and written messages.
6. The Applicant will not allow dogs in any area to the rear of the building, and the rear door will not be used for ingress and egress of dogs. Other than trash collection, deliveries shall be received at the front of the building. There may be some pick-up and delivery to the rear of the building during the initial establishment of the use, if necessary, but not as part of the actual operation of the animal boarding use.
7. The Applicant agrees to create, within sixty (60) days of the issuance of a BZA Order to approve the application for the proposed City Dogs located at 1310 Pennsylvania Avenue, S.E., an on-going Liaison Committee to address any neighborhood concerns regarding the operation of the site. The Liaison Committee shall be composed of a representative from the Applicant and a neighborhood representative selected by Nichole Opkins, the Single Member District Commissioner for Advisory Neighborhood Commission 6B06. Both the Applicant and Commissioner Opkins have the right to change their designated representatives upon written notice to the other party. The Applicant's representative to the Liaison Committee is Jesse Heier, whose current

telephone number is 202-320-1258 and current email address is Jessery@gmail.com. The operations of the facility will be reviewed by the Liaison Committee no less than 6 months and 1 year from the effective date of the Certificate of Occupancy issued as a result of the BZA Order approving the application.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.

Applicant: Greater Washington Animal Services Inc.
d/b/a City Dogs
1832 18th Street NW
Washington, DC 20009
202-234-9247
info@city-dogs.com



Date: 6/18/13

ANC: Advisory Neighborhood Commission 6B
921 Pennsylvania Avenue SE, Suite 305
Washington, DC 20003
202-543-3344
office@anc6b.org
Brian Flahaven, Chair

Date: _____