



BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA



MOTION

Notice: See other side of motion form for instructions.

Applicant, Appellant, Appellee, Party, Intervener

vs.

Applicant, Appellant, Appellee, Party, Intervener

Greater Washington Animal Services

Motion of:

(state what you want the Board to do)

Request That the Board waive the 14-day
filing requirement under DCMR 3118.3.

Points and Authorities:

(state the each and every reason why the Board should grant your motion, including relevant references to the Zoning Regulation or Map)

Please see attached cover letter.

Thank you.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18584

EXHIBIT NO. 38

CERTIFICATE OF SERVICE

I hereby certify that on this 3 day of July, 2013 I served a copy of the forgoing Motion on each
entity that has requested party status; or entities that have been granted party status – on the above referenced BZA case via

☒ First-class mail ☐ Hand delivery ☐ Other (specify)

(ATTACH A LIST OF PARTIES SERVED)

Signature: Gail Jankowski Applicant*

Print Name: Gail Jankowski Firm/Organization: Sullivan & Barros, LLP

Address: 1990 M St NW Suite 200 Washington DC 20036

* In the event an authorized agent files a motion on the behalf of the maker of the motion, a letter signed by the maker of the motion authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision:
(Maker of Motion or Authorized Agent)*

Name: Martin P. Sullivan, Esq.

Address: 1990 M St NW, Suite 200 Washington, DC 20036

Phone No.: 202 503-1704 Fax No.: E-Mail: msullivan@sullivanbarros.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

RECEIVED
D.C. OFFICE OF ZONING
2013 JUL -3 PM 12:39

July 3, 2013

Via Hand Delivery

Lloyd Jordan, Chairperson
D.C. Board of Zoning Adjustment
Office of Zoning
441 4th Street, NW
Suite 210S
Washington, DC 20001

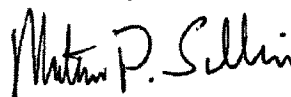
Re: Acoustic Analysis; and Request to Waive the Filing Deadline to File an Acoustic Analysis; BZA Application No. 18584 of Stjepan Sostaric; 1310 Pennsylvania Avenue, S.E.

Dear Chairman Jordan and Board Members:

Please see the attached Acoustical Analysis (the "Analysis") for the proposed Animal Boarding Use at 1310 Pennsylvania Avenue, S.E. This Analysis was not originally contemplated, but was later initiated in response to concerns expressed by neighbors and at the request of ANC 6B. ANC 6B and the Office of Planning have both recommended approval of the Application based only on the Applicant's commitment to undertake this Analysis and follow its recommendations. But the Applicant managed to have the Analysis completed prior to the hearing, so it is submitting it herewith for the Board's consideration.

For this reason, the Applicant respectfully requests that the Board waive the filing requirements under 11 DCMR § 3113.8 and accept this Analysis into the record. Thank you.

Sincerely,



Martin P. Sullivan

cc: Nichole Opkins, ANC 6B
Stephen Mordfin, Office of Planning
Dr. Patricia Fisher, 1308 Pennsylvania Ave. SE
Ms. Judy Wood and Ms. Andie Moss, 1312 Pennsylvania Ave. SE
Mr. Robert McMichael, 534 13th Street, SE

Enclosures

Matthew V. Golden

616 4th Street NE, Washington DC 20002, (202) 714-0600, mvgolden@gmail.com

SUMMARY

Talented acoustician with 10 years of experience and a foot in sales who takes initiative to solve business-critical issues. Qualifications include degrees in Mechanical Engineering & Acoustics, a LEED AP, several issued and filed patents along with extensive computer skills.

EMPLOYMENT

Scantek Inc., Columbia MD: Laboratory Instrument Sales Manager – 10/06 to 4/12

- Provide technical support for all instrumentation
- Promote the use of Scantek instrumentation
- Create and manage Scantek's on-line presence
- Technical consulting in building acoustics and vibration

Kinetics Noise Control Inc, Dublin OH: Acoustical Product Engineering Manager – 10/06 to 4/12

- Oversaw new product development, from concept to market, including patents and third party testing
- Developed corporate response to LEED and other green building issues
- Spearheaded development of mission-critical in-house software
- Modernized engineering laboratory
- Represented company at industry trade shows and technical conferences
- Created technical marketing materials
- Provided technical sales assistance

Serious Materials LLC, Sunnyvale CA: Senior Acoustical Engineer – 6/03 to 6/06

- Started acoustical engineering department
- Developed products, application methods, and inexpensive facilities for acoustical measurements
- Co-authored patents
- Provided technical sales support and created, implemented, and conducted product demonstrations
- Prepared technical marketing materials, including data sheets, application notes, and CSI specifications
- Developed and implemented production processes for new products
- Designed, obtained permits, and brought new production facility on-line

Wilson, Ihrig & Associates Inc., Oakland CA: Assistant Consultant – 4/01 to 6/03

- Obtained measurements, analyzed data, prepared reports and consulted with clients regarding many aspects of acoustics including transit noise and vibration, product noise testing, and multi-family dwelling noise mitigation.

EDUCATION

M.S. Acoustics: Pennsylvania State University – 5/01

Thesis: An Acoustical Analysis of Infant/Toddler Rooms in Child Care Centers

B.S. Mechanical Engineering: Pennsylvania State University – 5/98

Minor: Science, Technology, and Society

LEED Accredited Professional US Green Building Council

Matthew V. Golden

616 4th Street NE, Washington DC 20002, (202) 714-0600, mvgolden@gmail.com

COMPUTER SKILLS

Extensive computer skills including but not limited to Microsoft Office, VBA for Excel, Google Sketch Up, Matlab and AutoCAD

PROFESSIONAL AFFILIATIONS

Acoustical Society of America
Institute of Noise Control Engineering
American Society of Testing and Materials (E33 committee)

PATENTS, PUBLICATIONS & PRESENTATIONS

M.V Golden et al, "Vibration Isolation Mounting Clip",
U.S. 12/419,293, Filed Apr 7, 2009, Pending

K.J. Surace, M. U. Porat, B. D. Tinianov, M. V. Golden, "Acoustical ceiling panels",
U.S. 7798287, filed Jan 20, 2005, Issued Sep 21, 2010

K.J. Surace, B. D. Tinianov, M. V. Golden, "Soundproof assembly",
U.S. 10/996,509, Filed Nov 24, 2004, Issued Mar 22, 2011

M. Golden "WAVE Hanger: A Revolutionary Noise Control Wood Frame Ceiling Hanger"
Invited Paper, Proceedings of NoiseCon11, July 25 – 27, 2011, Portland, OR

M. Golden "Understanding the Acoustical Implications of Underwriters Lab (UL) Listings"
Invited Paper, 156th Meeting Acoustical Society of America, Nov 10 – 15, 2008 Miami, FL,
Published in Proceedings on Meetings on Acoustics, Vol. 5

M. Golden and T. Paige "Effect of Lagging on Material on Duct Breakout Noise"
Invited Paper, Proceedings of NoiseCon07, October 22 – 24, 2007, Reno, NV

M. Golden and T. Frank "Further Acoustical Analysis of Infant/Toddler Rooms in Daycare Centers"
Presentation, 139th Meeting of the Acoustical Society of America, May 30 – June 3, 2000, Atlanta, GA.

T. Frank and M. Golden "Acoustical Analysis of Infant/Toddler Rooms in Daycare Centers"
Presentation, 138th Meeting of the Acoustical Society of America, Nov. 1 – 5, 1999, Columbus, OH.

M. Golden, R. Keolian, and S. Garrett "Sonic Gas Analyzers"
Presentation, 135th Meeting of the Acoustical Society of America, June 20 – 26, 1998, Seattle, WA.

S. Garrett, M. Golden, and R. Keolian "Sonic Gas Analyzers"
Proceedings, Resonance Meeting, May 11 – 15, 1997, Asilomar Conference Center, Pacific Grove, CA.

Jesse Heier & David Liedman

City Dogs

1832 18th St NW

Washington, DC 20009

July 3rd 2013

Project: City Dogs - 1310 Pennsylvania Avenue SE, Washington DC, 20003

Re: Acoustical Analysis for Proposed Location

Prepared by: Matthew V. Golden, MS Acoustics, LEED AP

This report summarizes our acoustical analysis of the proposed City Dogs facility at 1310 Pennsylvania Avenue SE, Washington DC, 20003. Our analysis consisted of four parts. These parts were:

1. Measure the outdoor ambient noise level in the front and rear of the proposed site
2. Measure the maximum noise level from the dogs currently being cared for at City Dogs Dupont Circle
3. Measure the noise reduction between the proposed location of the dog holding areas and the abutting properties and to the rear of the property
4. Estimate the potential impact of the noise from the dogs on the adjacent spaces

After this analysis was complete we developed several recommendations to reduce any potential impacts.

The current and proposed floor plans for the 1st floor of 1310 Pennsylvania Avenue SE are shown in Figure 1.

Outdoor Ambient Noise Levels

Data logging sound level meters were placed in the front and rear of 1310 Pennsylvania Avenue SE. The sound level meter in the front was attached to the security bars on the windows as shown in Figure 2. The sound level meter in the rear was located on the roof as shown in Figure 3.

As shown in Figure 4, the energy average sound pressure level (L_{eq}) in the front of the building along Pennsylvania Avenue was in the high 60's to low 70's. This is considered to be about as loud as a vacuum cleaner is at approximately 10 ft. It is important to note that levels shown are hourly average sound levels. The noise level can sometimes be even louder. The noise is mostly due to the six lanes of traffic on Pennsylvania Avenue that includes several major bus lines. The bus stop for most of those lines is approximately 50 feet away.

As shown in Figure 5, the energy average sound pressure level (Leq) in the rear of the building on the weekend was in the low 50's with occasionally higher sound levels. During the week the average noise level was occasionally as loud as it is in the front of the building. There were many potential noise sources that this could be attributed to. Most likely the automobile garage, DPW equipment, or food vendor garage located nearby.

Again, it is important to note that levels shown are hourly average sound levels. It is often much louder. For example, Figure 6 shows the 5 minute L_{10} statistical levels for Tuesday June 20th. The L_{10} statistical level is the noise level exceeded 10% of the time. In this case, a 5 minute L_{10} means that the noise level exceeds the given level for 30 seconds within a 5 minute period. As shown in Figure 6, the noise level often exceeds 70 dB and can be as high as 80 dB.

In summary, the area around 1310 Pennsylvania Avenue SE, Washington DC, 20003 would be considered to be quite noisy by a listener of average sensitivity.

Noise Level from Dogs

Measurements were conducted at the current location of City Dogs in the Dupont Circle area of Washington DC. At this location the dogs are divided into two rooms, one for the larger dogs and one for the smaller dogs. While the proposed location will be set up differently and will have more acoustical absorption to reduce the noise level, the Dupont Circle location can be used as a basis for our analysis. The measured maximum noise level was measured for each set of dogs to predict a "worst case scenario". The dogs were encouraged to make noise during the measurement. That fact, coupled with less acoustical absorption than will be at the new proposed location, make the measured noise level higher than is likely to occur at the new location.

Noise Reduction Measurements

The noise reduction between the proposed holding area for the dogs and the abutting buildings was attempted to be measured. The owners of 1308 and 1312, the two abutting properties on Pennsylvania Avenue SE, either denied access to conduct the measurements or failed to respond to requests for access. To overcome this obstacle, measurement of the noise reduction was conducted between the center of the proposed holding areas, in the rear of 1310 Pennsylvania Avenue SE, location 1 in Figure 1, and the front room of the building, location 2 in Figure 1. Then, historic data for the transmission loss of three layers of brick was used to predict the noise level of the dogs in the adjacent spaces. This was done since only the front 2/3rds of the original footprint of the house directly abuts 1308. Bathrooms and mechanical rooms will be located on the back half side of the original footprint of the house that abuts 1312. The result of this measurement and calculation of noise reduction between the proposed holding area and the abutting properties is shown in Figure 7.

The measurement of the noise reduction between the proposed holding area and outside the rear of the building was also measured and is shown in Figure 9. The relatively low noise reduction is attributed to an old, large, decaying garage door, broken glass block, an open chimney, and an unsealed door.

Analysis

The expected noise level in the abutting properties was compared to the ambient noise level in the front room of 1310 Pennsylvania Avenue SE, shown in Figure 8. The ambient level in the front of 1310 was used since it was the closest representation of the ambient noise level in the abutting properties that was available.

A similar analysis was conducted of the expected noise level in the area just behind 1310 Pennsylvania Avenue SE, shown in Figure 10.

The proposed design includes a trash room that will enclose the rear door. This will help reduce the noise transmission to the outside.

Conclusion

Using the “worst-case” scenario noise level from the Dupont Circle location in the analysis of the noise impacts at the Pennsylvania Avenue location, the level of noise in the abutting buildings at 1308 and 1312 Pennsylvania Avenue, from the dog holding area, will be well below the ambient noise level at these locations, and will in fact be below the threshold for hearing at several frequencies as well.

Again using the “worst-case” scenario noise level from the Dupont Circle location in the analysis, the level of noise reaching the rear exterior of the building may be higher than the ambient noise at times, but the noise level reaching this location can be attributed to an old, large, decaying garage door, broken block glass, an open chimney, and an unsealed door. These issues are all easily corrected as described in the recommendations below.

Recommendations

The following are recommendations to lower the noise levels outside of the property to at or below ambient levels:

1. The equivalent of 1/3 of the ceiling area and walls of the holding area shall be covered with acoustical absorbing material with an NRC value of at least 0.85. There are many products that can be used including:
 - 2” thick fabric wrapped wall panels by Kinetics Noise Control, Wall Technology or others
 - Hanging banners or baffles by Kinetics Noise Control, MBI or others
 - Suspended cloud systems or suspended ceilings by Armstrong, USG, or others
2. Replace the back garage door with either:
 - A new insulated roll up door and sound rated curtains by Kinetics Noise Control, Sound Seal or others

- Masonry Block
 - Glass Block
 - Acoustically rated double door by Overly, Krieger or others
3. Rehabilitate steel door in the rear of the building with new weather/acoustical seals or fully replace door with a new exterior grade door
 4. Repair any broken glass block around back door
 5. Close any open penetrations in the walls or ceiling to the outside using standard construction best practices

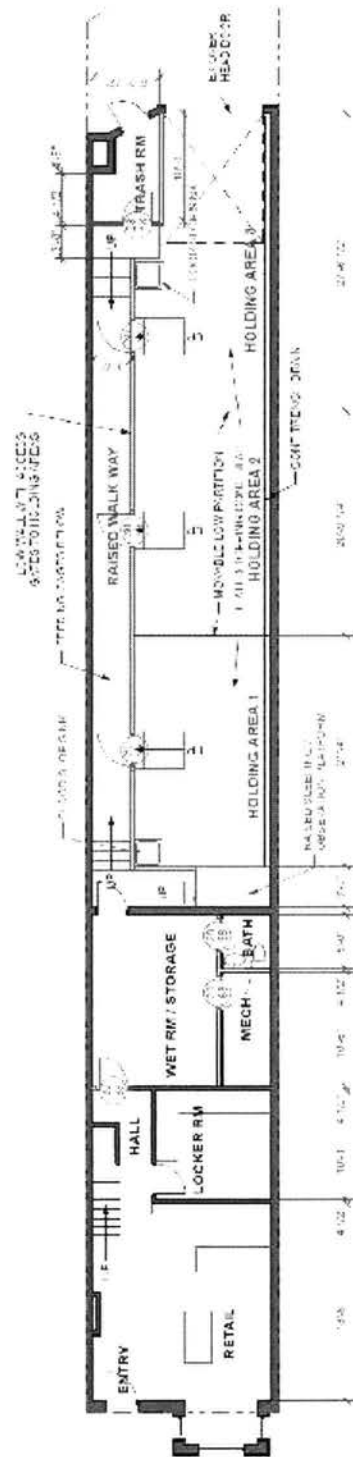


Figure 1: Proposed (Left) and As Is (Right) 1st Floor Plan of 1310 Pennsylvania Avenue SE Washington DC

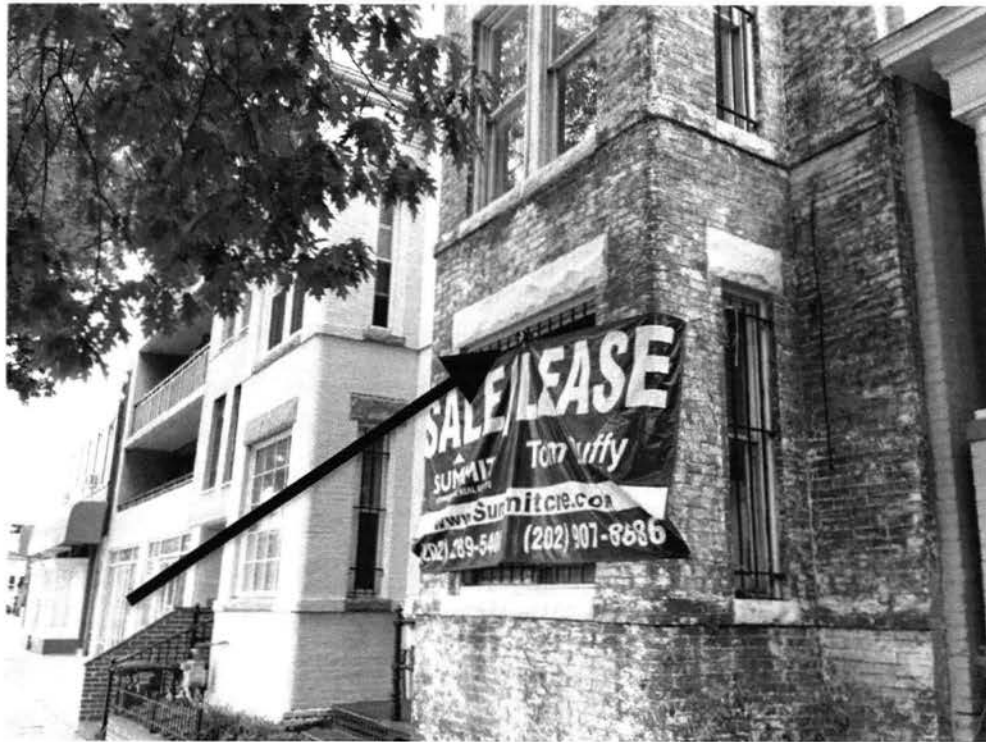


Figure 2: Location of Data Logging Sound Level in the Front of 1310 Pennsylvania Avenue SE



Figure 3: Location of Data Logging Sound Level in the Rear of 1310 Pennsylvania Avenue SE

Fig. 4: Energy Average Sound Pressure Level (Leq)

Front of 1310 Pennsylvania Avenue SE

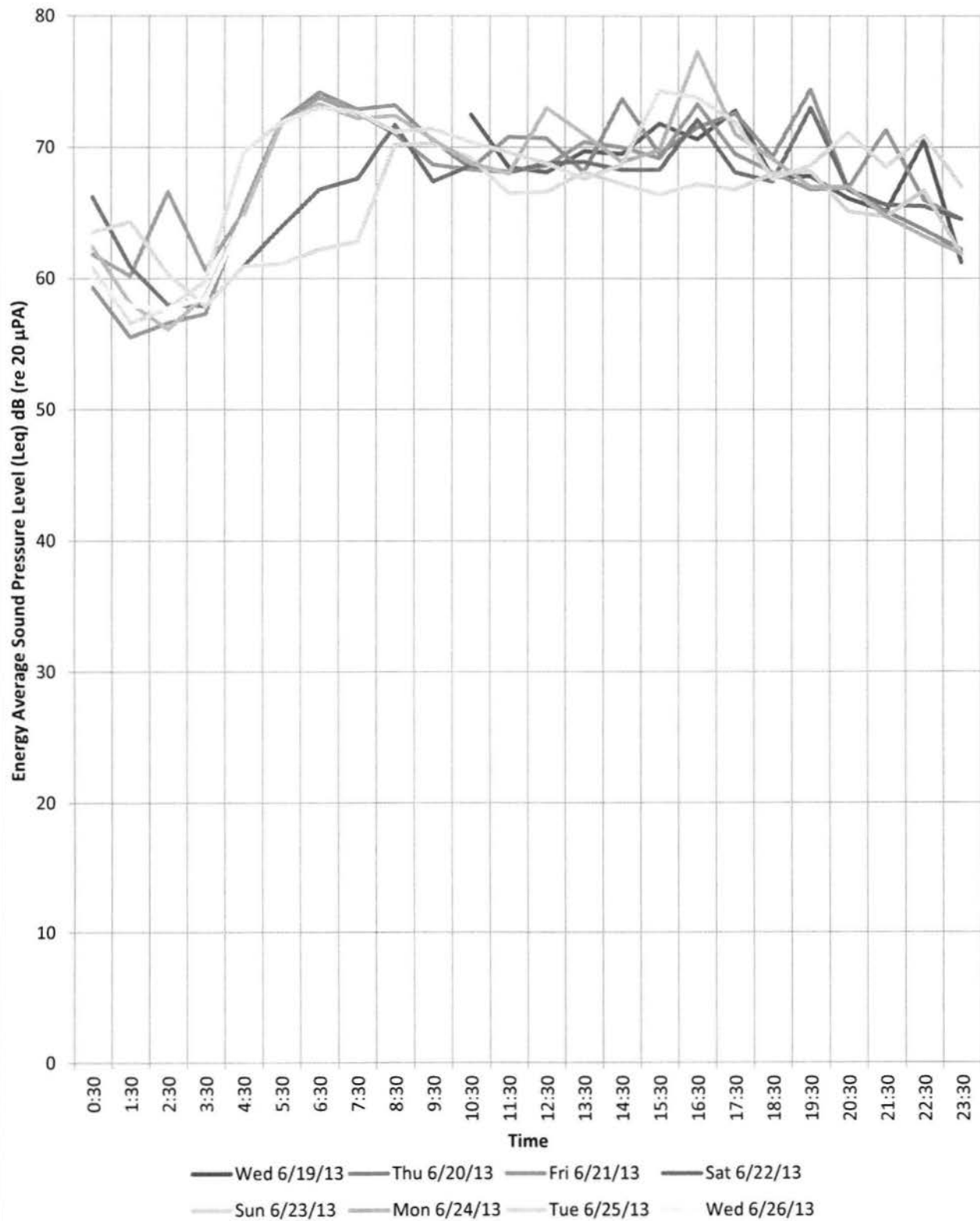


Fig 5: Energy Average Sound Pressure Level (Leq)

Rear of 1310 Pennsylvania Avenue SE

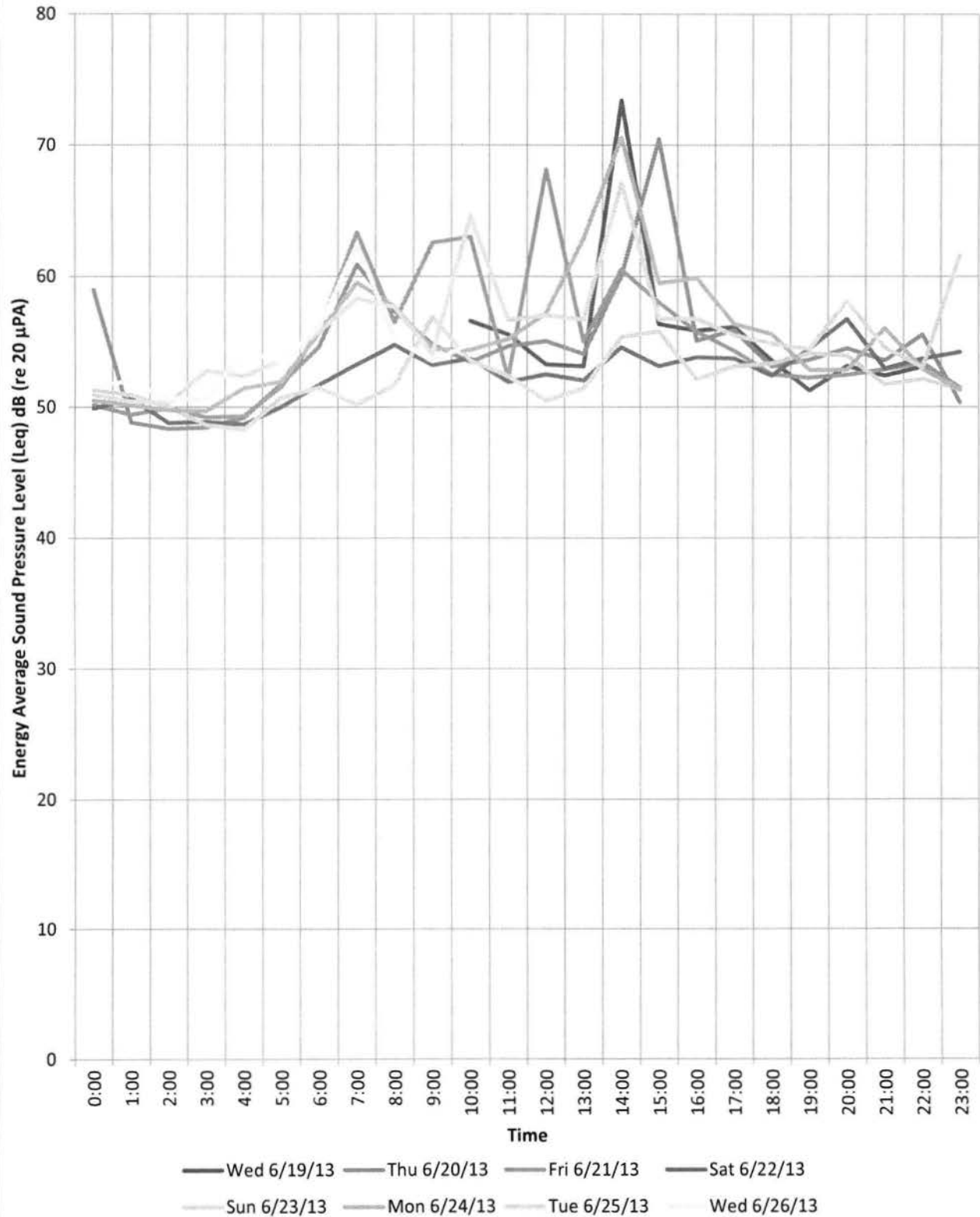
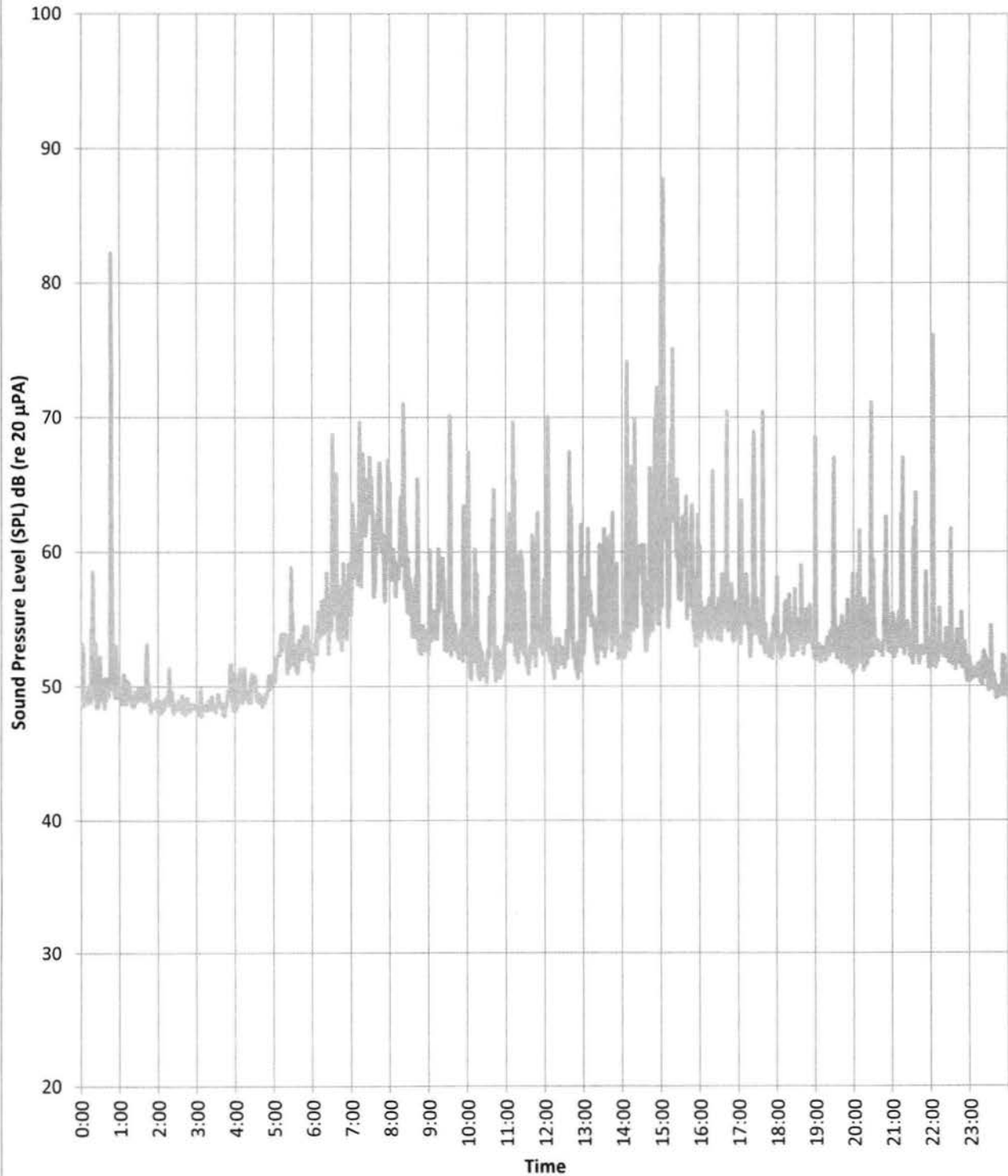


Fig 6: L₁₀ Statistical Sound Pressure Level (5 Min)

Rear of 1310 Pennsylvania Avenue SE



— Thu 6/20/13

Fig 7: Projected Noise Reduction
to abutting properties

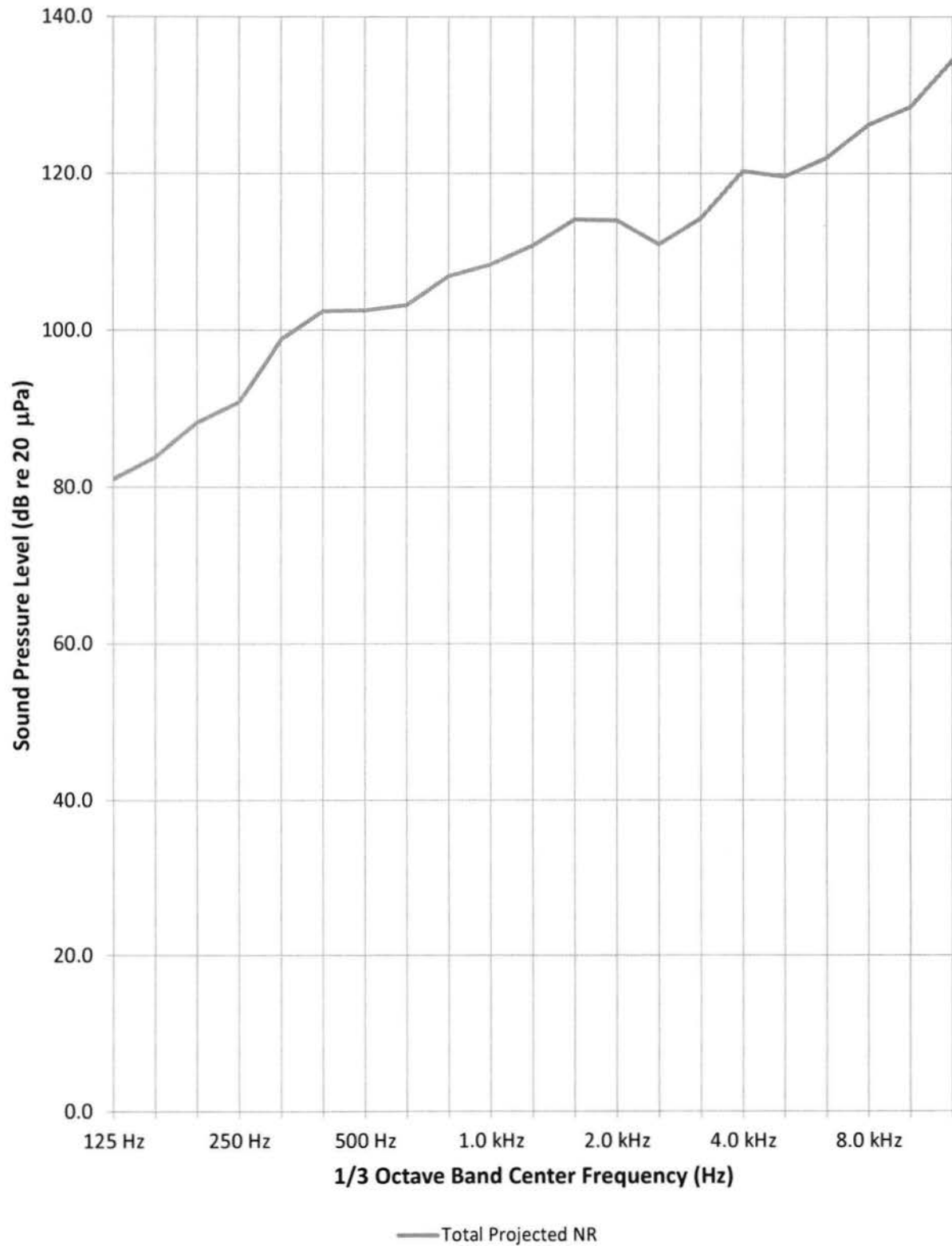
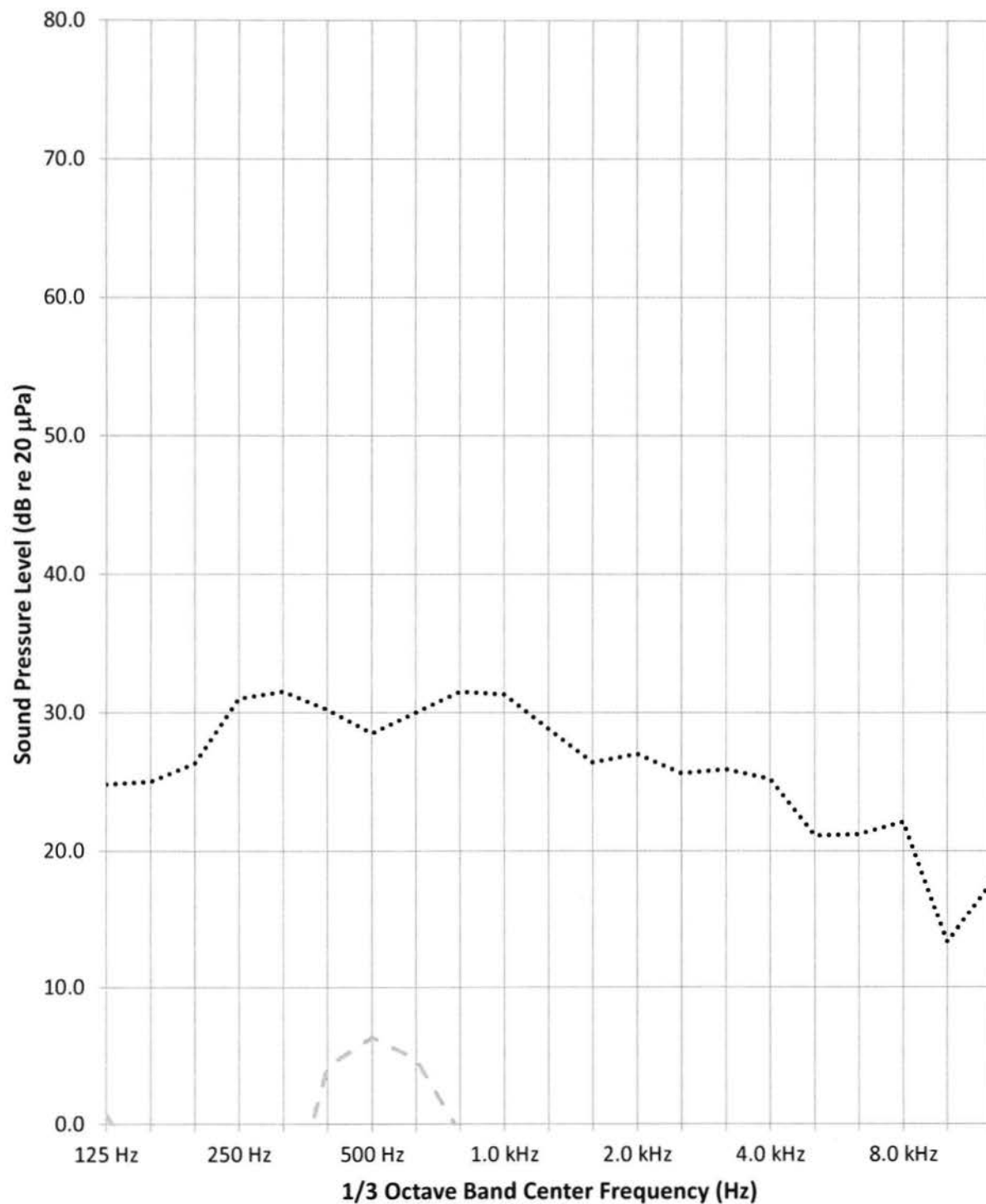
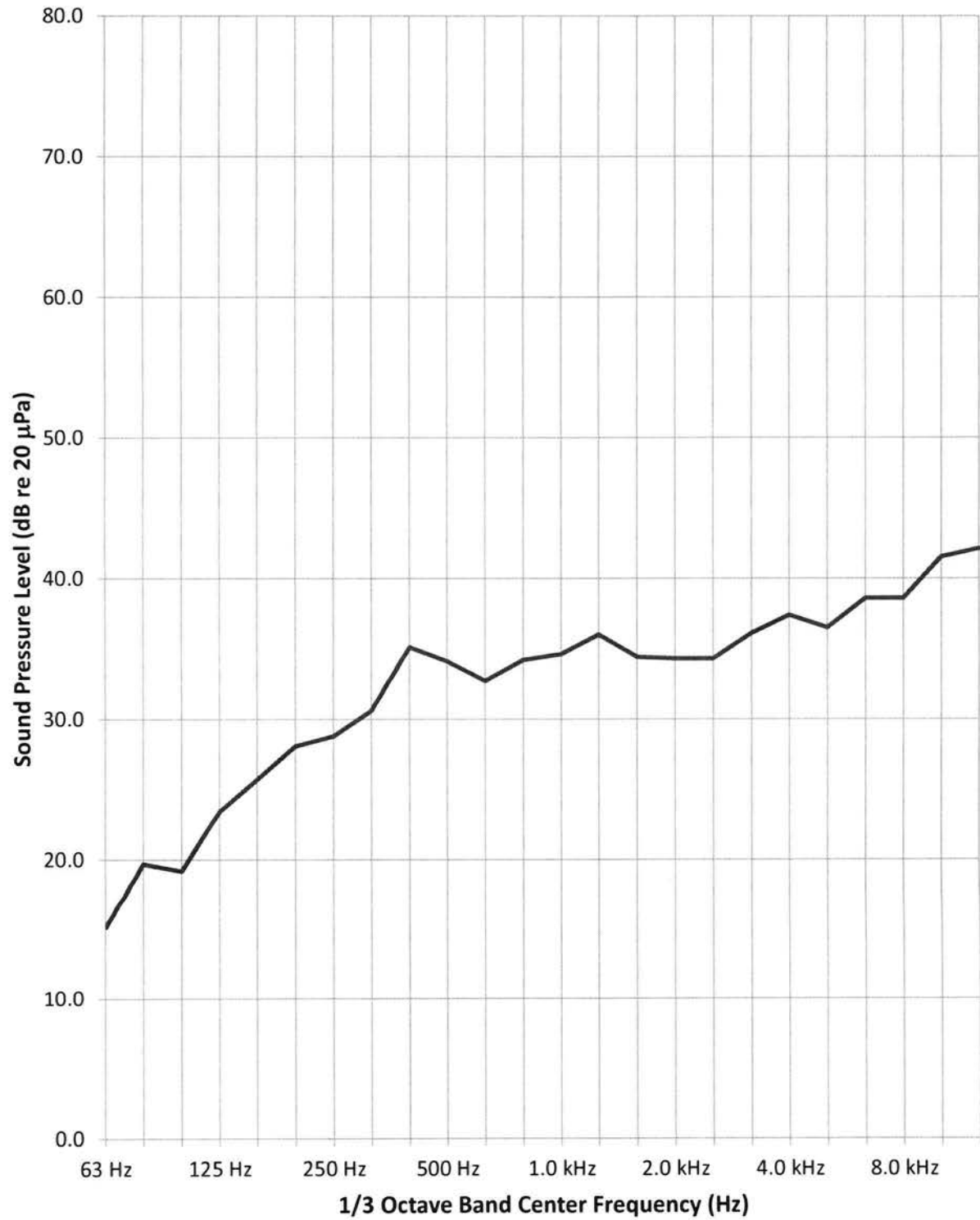


Fig 8: Projected Noise Levels from City Dogs
to abutting properties



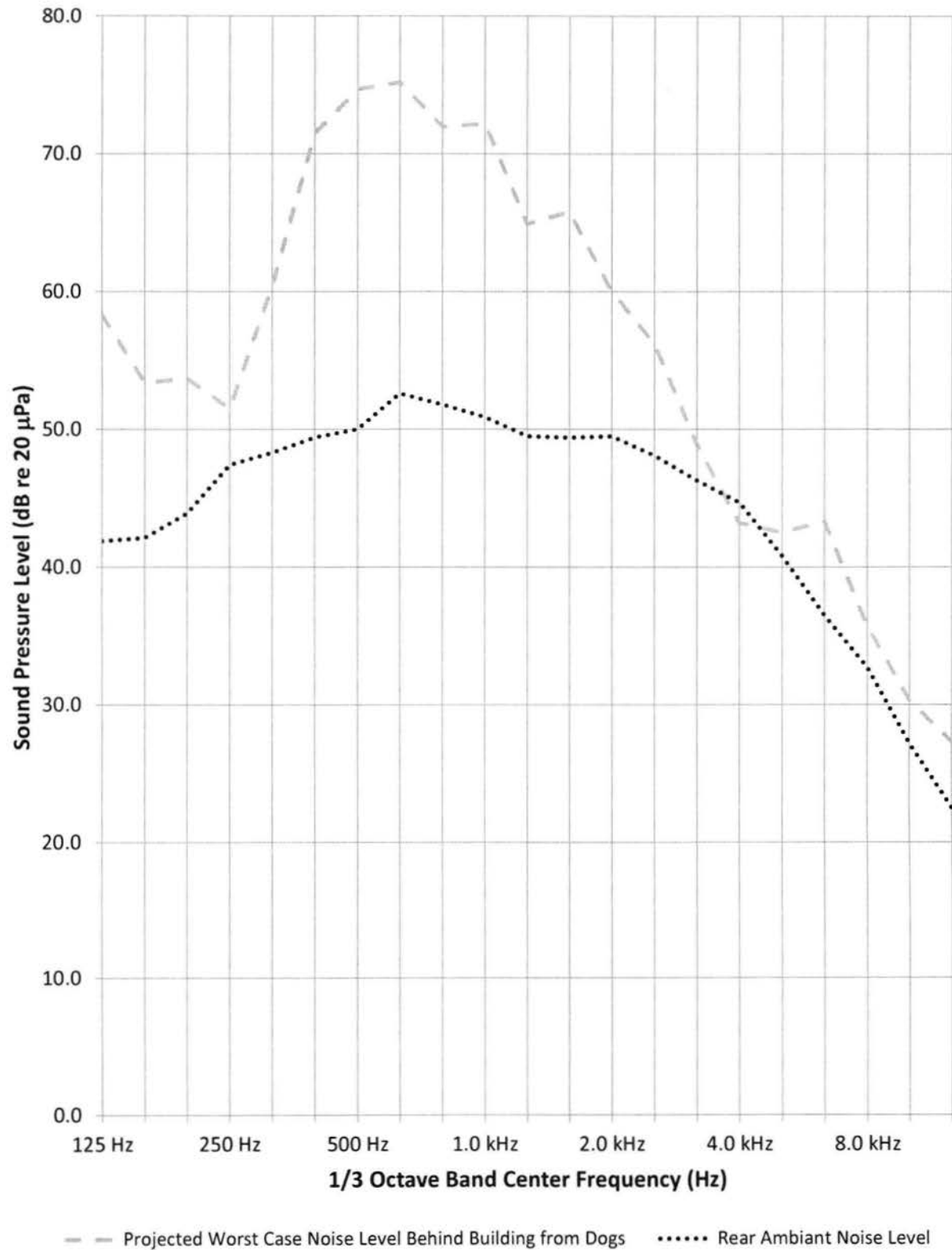
— — Projected Worst Case Noise Level in Adjacent Space from Dogs
 Front Room Ambient of 1310 Penn Ave SW

Fig 9: Measured Noise Reduction
to rear of building



— Measured Noise Reduction From Inside to Outside of Rear Building

**Fig 10: Noise Levels from City Dogs without any Mitigation
to rear of building**









CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2013, a copy of this filing was delivered to the following, via first class mail or e-mail:

Stephen Mordfin
Office of Planning
1100 4th Street, SW, Suite E650
Washington, DC 20024
Steve.Mordfin@dc.gov

Advisory Neighborhood Commission 6B
Attn: Nichole Opkins, SMD
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Washington, DC 20003
6B06@anc.dc.gov

Robert V. McMichael
c/o: Joseph E. Sandler, Esq.
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Washington, DC 20005
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jwoodcpa@mossgroup.us

Dr. Patricia Fisher
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docpatfisher@verizon.net

A handwritten signature in black ink, appearing to read "Martin P. Sullivan". The signature is fluid and cursive, with the first name "Martin" and last name "Sullivan" clearly distinguishable.

Martin P. Sullivan