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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment **2013 DEC -3 PM 3:27**
FROM: Paul Goldstein, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 3, 2013
SUBJECT: BZA Application #18669 – Request for special exception relief under §§ 735 and 3104 at 4824 MacArthur Blvd NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval, subject to conditions**, of this special exception application to add an animal boarding use to an existing pet grooming business at 4824 MacArthur Blvd NW. The application requires the following relief:

- §§ 735 and 3104, special exception for an animal boarding use

OP's approval is subject to the following conditions:

- 1) Although mostly addressed, the Applicant should provide outstanding information regarding noise mitigation and odor control as noted in the discussion of §§ 735.3 and 735.4 requirements below; and
- 2) Commitment that animals only enter and exit the business through the front door facing MacArthur Boulevard and that the rear facing rooms in the building's basement and second floor would not be occupied by animals.

OP also encourages the Applicant to address any remaining neighbor concerns prior to the hearing.

II. AREA AND SITE DESCRIPTION

Address:	4824 MacArthur Blvd NW
Legal Description:	Square 1388, Lot 25 (hereinafter, the "Property")
Ward/ANC:	3/3D
Lot Characteristics:	The site is roughly rectangular in shape and measures a total of 1,698 square feet. It has frontage on MacArthur Boulevard to the east and a rear 16' wide public alley to the west.
Zoning:	C-2-A: low to medium density residential that includes office employment centers, shopping centers, and medium-bulk mixed use centers.
Existing Development:	The Property is developed with a two-story (plus basement) row building. OP estimates that the building totals approximately 2,000 square feet across the three levels. A storage shed is located at the back of the building and two employee parking spaces are accommodated in the rear yard. OP estimates that the subject building is roughly 40' to 50' away from the nearest residentially-zoned properties, and 70' to 80' away from the nearest residential dwellings, across the public alley.
Historic District:	N/A
Adjacent Properties:	The Property abuts two-story row buildings also used for commercial purposes.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18669

EXHIBIT NO. 30

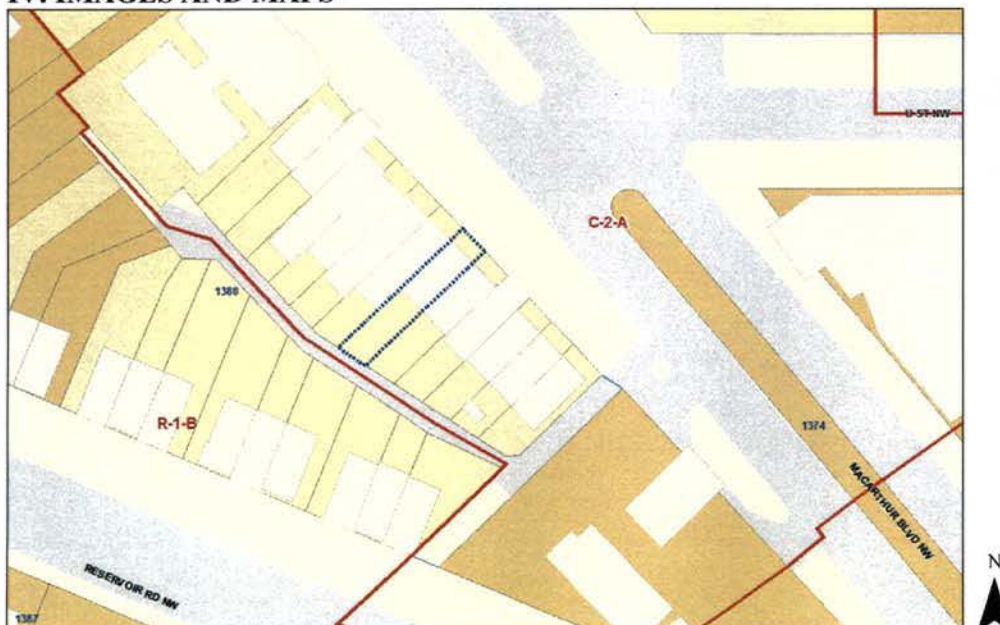


Surrounding Neighborhood Character:	Along the subject stretch of MacArthur Boulevard are predominately low to moderate scale commercial uses, with a few garden apartment buildings, zoned C-2-A. Outside the commercial strip is low scale residential use zoned R-1-B.
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III. PROJECT DESCRIPTION IN BRIEF

Applicant(s):	Shiau Feng Chen (owner) and Yong C. Kim (John) for Diva Dogs, Inc. (collectively the "Applicant")
Proposal:	The Applicant seeks special exception relief to add an animal boarding use to an existing pet grooming establishment, as well as to expand the business to the building's second floor. In a June 2013 Order (Application No. 18572), the BZA granted the Applicant approval under § 736 for a pet grooming establishment (see attached order). The business presently operates in the building's first-floor and basement, and the second floor is vacant. The Applicant now proposes to operate an animal boarding use in the building's basement and to use the second floor for animal pick-up, waiting, and day care space primarily ancillary to the grooming operations. Concerning the boarding use, the Applicant anticipates that approximately 4 to 5 dogs would be held overnight, although typically for no more than 1 or 2 days. Two staff members would be on-site twenty-four hours when dogs are kept overnight. The Applicant also anticipates that only 4 to 5 dogs would typically be held in daycare, which is intended for dogs waiting for pick-up after grooming. Pet grooming would continue to operate on the first floor as previously approved by the BZA. No retail sales accessory to the business is anticipated.
Relief Sought:	§ 735, special exception for an animal boarding use

IV. IMAGES AND MAPS



Aerial view of the site (highlighted)



View of the subject block looking west across MacArthur Blvd (Property approximately identified, Bing Maps)



View of the front of the subject Property¹



View of the rear of the subject Property

¹ The Applicant has indicated that, notwithstanding the sign announcing “boarding” operations, that the boarding use is not currently occurring on-site.



View of the subject alley (Subject Property is approximately identified behind the low cement wall)

V. ZONING REQUIREMENTS

In C-2-A zones, animal boarding is permitted as a special exception under § 735. Each section of relief will be examined below:

Section 735

735.1 An animal boarding use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

735.2 The animal boarding use shall not abut a Residence Zone.

The Property does not abut a residence zone. The nearby R-1-B district is across an alley.

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 Applicant indicates that the existing building is substantially brick and block construction that would trap noise internally. Boarding and daycare activities would be confined to rooms in the front half of the building, leaving rear rooms to act as buffers from residential neighbors across the alley behind the Property. The Applicant also provided that egg crate foam would be installed to further attenuate sound impacts and OP encourages the Applicant to provide additional information regarding this strategy. No animals would be permitted in external yards. The Applicant also indicated to OP that windows and doors to the premises would be kept closed.

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.

The Applicant indicates that an Ozone Generator system, as approved for the pet grooming use approved in BZA Case No. 18572 and referenced on page 22 of the application, already is operating. OP encourages the Applicant to further describe how the existing system has the capacity to handle the new animal boarding use and the expansion of the business to the second floor, or alternatively how the system would be expanded to meet the new use. Rear outdoor waste disposal containers would contain animal waste and be picked-up by a private disposal company. OP urges the Applicant to confirm that waste pick-up would occur at least weekly.

- 735.5 *The Board may impose additional requirements pertaining to the location of buildings or other structures; entrances and exits; buffers, barriers, and fencing; soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property.*

OP recommends that the Board require that animals would only enter and exit the business through the front door facing MacArthur Boulevard. Additionally, OP recommends that the rear facing rooms in the basement and second floor not be occupied by animals in order to minimize any sounds impacts on residential neighbors. No other requirements are recommended.

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

The Applicant does not propose to keep animals in an external yard or other exterior facilities.

- 735.7 *Notwithstanding §735.6, an animal boarding use existing on July 11, 2005, under a Certificate of Occupancy for a "Dog Care Center" or "Dog Day Care Center," may continue the use of an external yard for the keeping of dogs if approved by the Board of Zoning Adjustment pursuant to § 3104 and the requirements of this section.*

- (a) *The yard shall be located and designed to create no condition objectionable to adjacent properties resulting from animal noise, odor, and/or waste;*
- (b) *The applicant shall demonstrate that the external yard will be fenced off for the safe confinement of the animals;*
- (c) *The applicant shall demonstrate that the external yard is located entirely on private property; AND*
- (d) *The Board shall establish the hours in which animals may be kept in the yard, provided that no animals shall be permitted in the yard between the hours of 8:00 p.m. and 7:00 a.m.*

Not applicable.

VI. ANC/COMMUNITY COMMENTS

The Applicant has stated that ANC 3D will consider the application at its December 4, 2013 meeting. OP has reviewed 21 statements of support from neighbors, including what appear to be two adjacent neighbors. OP also understands that a residential neighbor has filed a party status application in opposition to the proposal.

VII. AGENCY COMMENTS

DDOT submitted a report, dated November 4, 2013, stating that it “has no objection to the approval of the requested special exception.” To date, OP has not received comments from other District agencies.

JLS/pg

Paul Goldstein, case manager