

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: March 17, 2015
SUBJECT: BZA Case 18954, 3211 O Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception:

- § 735.1, Animal Boarding

II. LOCATION AND SITE DESCRIPTION

Address	3211 O Street, N.W.
Legal Description	Square 1244, Lot 800
Ward	2E
Lot Characteristics	Rectangular lot with no alley access
Zoning	C-2-A – low to moderate density commercial
Existing Development	Two-story commercial structure with a side and rear yard, permitted in this zone.
Historic District	Georgetown
Adjacent Properties	Retail stores, offices and restaurants
Surrounding Neighborhood Character	Commercial district to the east. To the west are residences and public schools.

III. APPLICATION IN BRIEF

The proposal is to establish an animal boarding use to facilitate the adoption of cats. The use would occupy the entire two-story plus basement building, housing up to twenty cats at a time. During the day the cats would occupy the entire building and at night they would stay within the basement in cages. Litter boxes would be kept in the basement only. All cats would be either spayed or neutered.

All animal and food wastes would be double bagged, and no pet food would be left out overnight.

The use would include a café aspect serving complementary coffee, tea and cupcakes. No food would be prepared or sold on-site.

IV. OFFICE OF PLANNING ANALYSIS

Special Exception Relief pursuant to § 735.1, Animal Boarding

735.2 *The use shall not be located within twenty-five (25 ft.) of a lot within a Residence District. The twenty-five (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal boarding use and any portion of a street or alley that separates the use from a lot within a Residence District. Shared facilities that are not under the sole control of the animal boarding use, such as hallways and trash rooms, shall not be considered as part of the animal boarding use.*

The building on the subject property is located approximately 42 feet from the Residence District to the east, the nearest residentially zoned lot the subject building, so conforms to this provision.

735.3 *The animal boarding use shall produce no noise or odor-objectionable to adjacent properties, including residential units located in the same building as the use.*

As the only animals that would be permitted within the building are cats, noise should not be an issue. All cats would be spayed or neutered, minimizing potential howling or other cat noises.

Odor would be controlled through the use of sealed litter boxes, cat deodorizers, and odor absorbing litter, aerosol dispensers and a HEPA air cleaning system to be installed in the basement. The applicant also proposes to minimize odors generated by cats by avoiding overcrowding and providing an average of 82 square feet of building area per cat.

735.4 *The applicant shall demonstrate that the animal boarding use will comply with the following conditions and any Board's approval shall be subject to the use's continued compliance with these standards:*

(a) *The animal boarding use shall take place entirely within an enclosed building;*

The proposed use will take place within an enclosed building only. No outdoor facilities are proposed.

(b) *Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties, including residential units located in the same building as the use. Additional noise mitigation shall be required for existing buildings not originally built for boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on insulation;*

There would be no residential units located within the same building as the proposed use, or on the adjoining lots. As a semi-detached structure, the existing structure adjoins only one other building, a commercial use. Therefore, the use of acoustical tiles, spray-on insulation and caulking should not be necessary in this case.

- (c) *The windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;*

All windows and doors would be kept closed and no doors would face a residential use.

- (d) *No animals shall be permitted in an external yard on premises;*

No external yards are proposed.

- (e) *Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;*

All animal waste would be double-bagged and then placed within closed waste disposal containers stored at the rear of the building. A waste disposal company would collect it two to three times a week.

- (f) *Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system; and*

The applicant proposes several methods of odor control, including the installation of a HEPA air filtration system in the basement. Other forms of odor control include the use of sealed litter boxes to prevent the spread of kitty litter and contain waste and spray, and use of clumpable odor fighting litter for easy disposal. The litter would be changed three times per day, or more often if needed, and placed within a Litter Champ Disposal system similar to that used for the disposal of baby diapers. Before being deposited into closed waste containers, all waste would be double bagged. Litter boxes would be deodorized daily and the cats would be deodorized daily using cat grooming deodorizing bath wipes.

- (g) *Floor finish material, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable.*

No carpeting would be used within the facility. The flooring will consist of vinyl tile in the basement, ceramic tile on the first floor, and sealed wood on the second floor. The applicant has verified that an impervious and washable surface will be provided on the wall, but is working on finalizing which material will be used.

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

OP makes no recommendations for additional requirements.

- 735.6 *External yards or other exterior facilities for the keeping of animals shall be permitted.*

No external yards or exterior facilities for the keeping of animals are proposed.

i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal would allow for an animal boarding use to operate within the C-2-A district, as a commercial use, in conformance with the provisions of the Zoning Regulations and the Zoning Map.

ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The Office of Planning finds the subject application to be conformance with the criteria as contained under Sec. 735 of the Zoning Regulations. Those criteria are intended to ensure that animal boarding establishments would not adversely affect surrounding properties.

V. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies.

VI. COMMUNITY COMMENTS

ANC 2E, at its regularly scheduled meeting of March 2, 2015, voted to recommend approval of the application.

Attachment: Location Map

