

February 17, 2021

D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 200S
Washington, D.C. 20001

Re: **Board of Zoning Adjustment Case No. 20281 - Square 737 LLC – BZA Application for 150 I Street SE (Square 737, Lot 828) (the “Property”) – Applicant’s Pre-Hearing Statement**

Dear Members of the Board:

On March 17, 2020, Square 737 LLC (the “**Applicant**”) submitted an application for a special exception pursuant to 11-I DCMR § 303.1(i) to allow veterinary hospital use on the ground floor of a mixed-use building with ground-floor retail and 375 residential units above known as The Garrett (the “**Project**”). The Board is scheduled to hold a public hearing to consider the Applicant’s request on March 10, 2021. In advance of the upcoming public hearing, the Applicant hereby submits this pre-hearing statement to provide to the Board additional and updated materials regarding the application.

I. New Proposed Veterinary User

In the initial application materials, the Project anticipated the proposed veterinary hospital use would be by Heart + Paw. However, the Applicant is now proposing the veterinary hospital use will be operated by District Veterinary Hospital. The proposed use is still a veterinary hospital, as contemplated in the initial application. However, District Veterinary Hospital will be a solely veterinary care-focused operation and will not provide grooming or daytime boarding services that were initially contemplated. District Veterinary Hospital’s plans for the Project are consistent with the analysis in the initial application.

District Veterinary Hospital will occupy 4,115 square feet at the Project. A test fit of District Vet’s proposed space is attached as Exhibit A. As detailed below, District Veterinary Hospital’s proposed operations continue to meet the special exception standards for approval of a veterinary hospital under 11-U DCMR §513.1(l):

1. *A veterinary hospital or veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(j)(1);*

There will be no animal boarding at District Veterinary Hospital.

2. *No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals.*

As noted above, District Veterinary Hospital will not provide any boarding of animals at the Project.

3. *The veterinary hospital or veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;*

As detailed below, the veterinary use is located and designed so that it will not create objectionable conditions to adjacent properties or residential uses within the building from animal noise, odor, or waste. The use is located at the corner of the building and therefore buffered on two sides by a public street. Further, the design of the District Veterinary Hospital space and its relationship to the residential use at the Project will prevent negative impacts on other tenants in the building or adjacent properties.

4. *The veterinary hospital or veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the Applicant demonstrates that:*

The veterinary use is located on the ground floor of a mixed-use building, while residential units begin on the second floor. However, the Applicant meets the conditions as outlined below for the veterinary use to abut residential use in the mixed-use building. The Property does not abut a residential zone.

- (A) *The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;*

The Project is a new construction development with quality materials that prevent noise, odor, and other objectionable impacts from affecting other areas of the building. Only four residential units are located immediately above the District Veterinary Hospital space. All of these residential units are separated by an eight-inch thick floor slab from the District Veterinary Hospital space below, which will prevent any odor or noise from affecting any units.

- (B) *The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;*

There are no windows facing residential units or residential space. The windows of the veterinary hospital do not open and are double-paned, sound-resistant glass. There are no doors

facing residential spaces or units. The only internal door is access to a hallway leading to the door to the loading dock corridor. This will be a solid core door. Both of these doors are fire-rated and shall be kept closed at all times. The front door will have a double-door vestibule facing the sidewalk. These doors will be opened only for entry and egress of the unit by customers. They will be closed at all times otherwise.

(C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;

District Veterinary Hospital will not board animals and expects any animal waste to be at a minimum. All waste shall be placed into closed plastic bags and disposed of directly into the retail client dumpster in the loading dock area. No waste will be transported through residential areas. The commercial dumpsters shall be emptied on a routine basis as indicated by the base building management agreements. All other refuse is standard non-odor materials such as plastics and paper packaging.

(D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and

District Veterinary Hospital will not produce any significant odors from operations as there will not be boarding animals. The space will have an HVAC system designed specifically to control any potential odors, with exhaust ventilation within each enclosed space.

(E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;

The flooring in the District Veterinary Hospital space will be non-porous, preventing any accumulation of odor. There will be no bathing or boarding

5. *External yards or other external facilities for the keeping of animals shall not be permitted;*

There will be no external yard or use of any external areas. All animals and use will be within the space.

6. *Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and*

There will be no grooming or incidental boarding of animals related to District Veterinary Hospital's use.

Certificate of Service

The undersigned hereby certifies that copies of the foregoing document were delivered by e-mail to the following addresses by February 17, 2020.

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