

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, Development Review Specialist  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** April 22, 2022

**SUBJECT:** BZA Case 20705, 1350 E Street, S.E. to permit an animal boarding use

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- Subtitle U § 513.1(b), to permit an animal boarding use not located in a basement or cellar space;

subject to the following conditions agreed to by the applicant, intended to minimize potential impacts and ensure that the proposal adequately addresses the relevant review criteria:

1. Identify the storage room on the proposed floor plan for the animal waste disposal containers; and
2. Document that the doors into the space from E Street that face a residential building would be consistent with the solid core door requirement of the regulations.

**II. LOCATION AND SITE DESCRIPTION**

Address	1350 E Street, S.E.
Applicant	Atlas Doghouse
Legal Description	Square 1042, Lot 7006
Ward, ANC	Ward 6, ANC 6B
Zone	MU-4
Lot Characteristics	The subject property is a part of a larger mixed-use development, Beckert’s Park, occupying a relatively rectangular corner commercial space consisting of 4,590 square feet on the first floor of the building with residential apartments above
Existing Development	Mixed-use building, including 325 apartment units and a 60,000 square foot supermarket
Adjacent Properties	North: Four-story portion of the same development with a supermarket on the ground floor and apartments above South: Across E Street, 4-story apartment building East: Outdoor pool amenity area for building’s tenants West: Across the public alley, two-story row houses

Surrounding Neighborhood Character	Moderate density residential with retail
Proposed Development	Animal boarding use

### III. OFFICE OF PLANNING ANALYSIS

#### A. Special Exception Relief from Subtitle U § 513.1(b), Animal Boarding

*Animal boarding uses not meeting the conditions for those uses of Subtitle U § 512.1, subject to the following:*

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

The proposed animal boarding use would take place entirely within an enclosed commercial space within the subject building.

- (2) *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 the boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;*

The space proposed for the animal boarding use does not abut any other uses, with the exception of the apartment units above. To the north, the space abuts two stairwells and a common exit passageway out of the building. To the east it abuts an outdoor common area for use by residents of the building. To the west it faces a public alley, Carry's Way, and to the south the use faces the E Street public sidewalk. Additionally, the space has concrete walls separating it from the other interior spaces and the façade windows would be soundproof. A concrete ceiling slab separates the two floors and the applicant proposes the installation of acoustical ceiling tiles to mitigate any noise and to limit negative impacts on the residential units located directly above.

- (3) *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 to the space would be kept closed and the use would not face any other residential uses within the building. However, the use would face a residential apartment building across E Street, to the south. Although the applicant informed OP by email that the entrance doors to the use would meet the intent that they be solid core, the applicant should supplement the record accordingly.

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

No external yards are proposed.

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

Animal waste would be stored in closed waste disposal containers and collected two to four times a week. Although the applicant informed OP that a storage room for the animal waste is proposed, the revised preliminary floor plan does not specifically identify a waste storage room. The applicant should identify the proposed storage room on the plans.

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

The applicant proposes the installation of green walls and a dedicated ventilation system to remove and mitigate odors. The use of “pee pads” to contain animal urine and regular cleaning throughout the day would further contribute to controlling odors.

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

The application indicates that impervious and washable floor finish and wall finish materials 48 inches in height from the floor would be installed.

- (8) *External yards or other exterior facilities for the keeping of animals shall not be permitted; and*

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

- (9) *The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, 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 for the protection of adjacent or nearby properties.

## **B. Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed use would provide for a commercial use, an animal boarding establishment, within an existing commercial space specifically designed for commercial use within a mixed-use zone. Therefore, it would be in harmony with the purpose and intent of the Zoning Regulations and maps.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

The specific conditions required for animal boarding uses are designed to prevent animal boarding uses from adversely affect the use of neighboring properties. As OP finds that the proposed use is in conformance with all of the provisions of Subtitle U § 513.1(b), provided the applicant documents the location of the animal waste storage room and that the E Street doors to the use would meet the intent of the provision that they be solid core, the proposed use should not adversely affect the use of neighboring properties.

- (c) Subject in specific cases to the special conditions specified in this title.*

As noted under Section A above, the subject application is in conformance with the special conditions for animal boarding uses.

#### **IV. OTHER DISTRICT AGENCIES**

No comments from other District agencies were submitted to the record as of the date of the filing of this report.

#### **V. ADVISORY NEIGHBORHOOD COMMISSION**

ANC 6B submitted a letter to the record in support of the application. (Exhibit 26)

#### **VI. COMMUNITY COMMENTS TO DATE**

No community comments were submitted to the record as of the date of the filing of this report to the record.

### Location Map

