

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

Application of  
Square 737 LLC

BZA Application No:  
ANC: 6D07

**STATEMENT OF THE APPLICANT**

**I. Nature of Application**

This application is made by Square 737 LLC (the “**Applicant**”) for special exception relief 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 Project is located at 150 I Street SE (Square 737, Lot 828) (the “**Property**”). The application requests special exception relief pursuant to 11-I DCMR § 303.1(i) to allow veterinary hospital use as set forth in the Zoning Regulations. The Project will conform to the Zoning Regulations in all other respects.

**II. Jurisdiction of the Board**

The Board has jurisdiction to grant the relief requested pursuant to Subtitle X, §901.1 of the Zoning Regulations (11-X DCMR §901.1).

**III. Information Regarding the Property and Project**

A. Description of the Property and Surrounding Area

The Property is located at 150 I Street SE in the Capitol Riverfront neighborhood just north of the Navy Yard and the Nationals Ballpark in Ward 6. It is comprised of approximately 42,910 square feet of land area and is situated at the intersection of I Street SE and 2<sup>nd</sup> Street SE. The Property is part of the larger, square-wide project the Applicant is developing called The Collective, which consists of (1) the Agora, a mixed-use apartment building including a Whole Foods on the ground floor and 336 apartment units above, (2) the Park Chelsea, a 429-unit

apartment building, and (3) the Garrett. Together, the Collective will provide over 1,100 residential units and a significant amount of retail.

The surrounding area includes the District Child and Family Services Agency to the east, an undeveloped parking lot to the south, and apartment buildings to the west. The Property is located approximately 0.3 miles from the Navy Yard-Ballpark Metrorail Station. The Project is currently under construction and the Applicant is entering the lease-up phase for the ground floor retail. The Property is located in the D-5 Zone District and is designated as appropriate for high-density development.

**B. Description of the Proposed Veterinary Use**

The Applicant is undergoing lease-up of the ground floor retail spaces in the Garrett and has entered into negotiations with Heart + Paw Veterinary Care. Heart + Paw will provide full service veterinary hospital care, including routine wellness exam services for pets. Additionally, Heart + Paw will provide grooming services and related daytime care uses for animals. However, no overnight boarding services will be provided. Heart + Paw will occupy approximately 5,000 square feet on the ground floor of the Project. The veterinary hospital use is proposed to be located at the southeast corner of the Project right at the corner of 2<sup>nd</sup> Street SE and I Street SE and will be accessed from 2<sup>nd</sup> Street SE.

In addition to the Heart + Paw space, the remainder of the ground floor will be devoted to other retail tenants and service and amenity spaces for the residential use above. There are no residential units located on the same floor as the proposed veterinary use. The main residential lobby entrance is located on I Street SE, so it is separated from the proposed veterinary use entrance. A plan of the first floor of the Garrett is attached as Exhibit A.

#### **IV. Description of Relief Requested**

Pursuant to 11-I DCMR § 303.1(i), the Board may grant a special exception to allow veterinary hospital uses, subject to the conditions in 11-U DCMR §513.1. Pursuant to 11-U DCMR § 513.1(l), a veterinary office or boarding hospital is allowed subject to several conditions, as detailed below. Therefore, in order for Heart + Paw to operate at the Project, the Applicant requests special exception approval for the proposed veterinary hospital and related grooming and care uses at the Project.

#### **V. Satisfaction of Standards for Relief**

##### **A. Specific Conditions for Veterinary Use**

For special exception approval of veterinary use pursuant to 11-U DCMR §513.1(l), an applicant must demonstrate compliance with certain conditions for relief. These conditions for relief are described below along with how this application satisfies each. A preliminary test fit for the Heart + Paw space is attached as Exhibit B.

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);*

Heart + Paw will only board animals that may lawfully be sold in the District.

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, Heart + Paw will not provide any overnight boarding of animals. However, there will be daytime boarding care for animals. The gross floor area of the entire tenant space is approximately 5,000 square feet, while only 1,146 square feet of that space will be devoted to daytime boarding use. Therefore, less than 50% of the entire gross floor area of the veterinary hospital is devoted to the boarding of animals.

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 Heart + Paws 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 Heart + Paw space. All of these residential units are separated by an eight-inch thick floor slab from the Heart + Paw 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;*

All windows and doors accessing the veterinary use shall be kept closed on a regular basis and only opened for day-to-day operational needs. There are no doors to the veterinary hospital use that face a residential use.

*(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;*

All animal waste shall be collected and disposed in a way to avoid any impact on the residential use at the Project. Specifically, animal waste will be placed in a “Powerloo” toilet that functions as a normal toilet and connects to the building’s water and sewer lines. Therefore, there will be no negative impact of animal waste disposal associated with the use.

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

The Heart + Paw space will have an HVAC system designed to effectively control any odor from the veterinary use. Further, other aspects of the Heart + Paw space are designed to minimize animal odors, including seamless non-porous flooring, odor control drain maintenance, antimicrobial turf, vapor mitigation and moisture suppression systems, pet sanitation system with metered dispensing, waterproof membranes, and commercial grade power washers. All of these features will prevent animal odors from impacting the residential use at the Property.

*(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;*

All floor finish materials, any area intended to be set, and all wall finish materials within 48 inches of the floor will be made of impervious materials and be washable.

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

The Heart + Paw use will not include external yards or other external facilities.

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

In support of the veterinary care use, Heart + Paw will provide ancillary pet grooming and incidental daytime care boarding of animals in the Project. This grooming and boarding will provide other services for veterinary customers that will support overall pet care and health. As shown in Exhibit B, the majority of the Heart + Paw space is dedicated to uses (exam and treatment rooms, surgery and lab spaces) that are associated with a veterinary hospital.

*7. The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties.*

The Applicant believes the design of the Project and the specific space and operational commitments detailed herein will adequately protect adjacent uses and properties without any additional conditions.

B. General special exception standards – The requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not adversely affect or impact surrounding areas.

Under Subtitle X, § 901.2, in order to obtain special exception relief, an applicant must show that the requested relief will be in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring properties. As discussed below, the relief requested is in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps and will not adversely affect neighboring properties and the Project meets the specific conditions of Subtitle U, § 513.1(1).

The requested relief will not have an adverse impact on surrounding area and furthers the general purpose and intent of the Zoning Regulations. As discussed, the Heart + Paw space is designed to prevent any objectionable impact on residents within the Project or on adjacent properties or uses. The stringent requirements in the Regulations for the veterinary use ensures that such use will not have an adverse impact on the surrounding area.

The Project will also further the general intent of the Regulations by providing a needed use in a rapidly expanding neighborhood. In the D-5 Zone, the Regulations encourage a mix of residential and non-residential uses. Additionally, the Capitol Riverfront is a neighborhood with a quickly expanding residential population, including the over 1,100 units at The Collective. Over half of the existing residents in the Collective have pets (and that same ratio is expected in the Garrett), as the neighborhood provides parks, safe sidewalks, and other pet-friendly features. Specifically, all three Collective apartments are pet friendly and the Park Chelsea includes a rooftop dog park. Providing needed veterinary, grooming, and related daytime care will enhance the experience for residents in the square and in the neighborhood and encourage the mix of uses contemplated in the Regulations.

Therefore, the relief requested allows the Applicant to provide needed care for animals of Capitol Riverfront residents, including those living at The Collective, while preventing negative impacts from the veterinary use on surrounding residents and areas.

**VI. Exhibits**

Exhibit A      Ground Floor Plan for the Garrett.

Exhibit B      Preliminary Test Fit for the Heart + Paw Space.

**VII. Conclusion**

For all of the above reasons, the Applicant is entitled to the requested special exception relief requested in this case.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Paul A. Tummonds

\_\_\_\_\_/s/\_\_\_\_\_  
Meghan Hottel-Cox