

June 28, 2006

The Hon. Carol J. Mitten,
Chair, DC Zoning Commission,
441 4th Street, NW, Suite 210-South,
Washington, DC 20001

RECEIVED
D.C. OFFICE OF ZONING

2006 JUN 29 AM 10:00
ZONING COMMISSION
District of Columbia

Re: **ZC No. 05-21A: Agenda Item on June 29, 2006**
Supplemental Report

CASE NO. 05-21A FAX

EXHIBIT NO. 10

Dear Chainwoman Mitten,

We are writing to you on behalf of Q Street residents regarding the Office of Planning's Supplemental Report (dated June 20) containing new proposals for veterinary hospitals and animal shelters.

Veterinary Hospitals

- Since the impact of veterinary practices is less than that of animal boarding facilities (because the former are dealing with sick animals while the latter are dealing with healthy animals) we believe that regular veterinary practices could be permitted to remain as matter of right uses in the C-2 through M Zone Districts, provided that the conditions outlined in the original proposal remain in place, namely §§ 739.3, 739.4 and, with some modifications (discussed further below), § 739.2.
- However, we think that 24-hour veterinary practices should only be matter of right uses in the C-M and M Zone Districts and should be special exception uses in the C-2 through C-4 Zone Districts. 24-hour veterinary hospitals could have significant impacts on neighboring property owners in the commercial zones and we believe that the BZA should review applications for this particular kind of veterinary hospital in the C-2 – C-4 zones to assess potential parking, traffic, noise and other impacts.
- We do not oppose veterinary hospitals being able to board non-canine animals as an accessory use provided (as proposed by OP) that the area devoted to boarding is less than 50 percent of the area of the veterinary hospital. However, since we understand that some veterinary clinics board up to 50-60 cats during peak holiday periods, we believe that it is essential that the Zoning Regulations should explicitly state that veterinary hospital uses must take place within fully enclosed buildings, with the windows and doors of the premises kept closed.
- Please see our suggested revisions to the proposal for veterinary hospitals, which are attached.

Animal Shelters

- We strongly oppose the Supplemental Report's proposal to allow animal shelters in the C-2 to C-4 Zone Districts to have exterior yards that are located 200 feet (instead of the originally proposed 1000 feet) from existing residential uses and Residence Zone Districts.
- We believe that -- as a matter of principle -- it is completely inappropriate for the DC Zoning Regulations to contemplate any new outdoor animal yards being located in densely occupied urban areas such as the C-2 – C-4 Zone Districts. The Zoning Commission's original proposal imposed a setback from residential uses and zones on such yards of 1000 feet, which effectively ruled out the possibility of shelters with such yards being able to open in the commercial zones. With the proposed reduction in this setback to 200 feet, it now becomes feasible that new outdoor yards might indeed be approvable in the commercial zones. We believe that this possibility of new outdoor animal yards flies in the face of modern urban zoning principles.

ZONING COMMISSION
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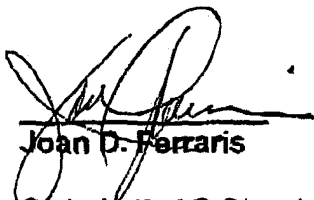
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- In our view the appropriate way to deal with this issue is not for the regulations to open the door to new outdoor animal yards, but rather it is for the regulations to specifically grandfather the outdoor yards of the 1 or 2 existing facilities that are affected, while requiring all new animal shelters that wish to locate in the commercial zones to be fully enclosed facilities. Even in the industrial zones, the noise created by such outdoor yards would have substantial adverse impacts on surrounding businesses.
- We completely reject OP's argument that "the special non-profit, public service nature of animal shelters and their need for outdoor areas" makes this 200-foot provision necessary. The fact that shelters are not-for-profit organizations should not allow them to impinge on the rights of surrounding property owners. Even with a setback of 200 feet and even with yards being restricted to use during the daytime only, still the impact of potentially hundreds of barking dogs in these yards day after day will have significant adverse impacts on property owners well beyond 200 feet away. Animal shelters are non-profit boarding kennels and, given the anti-social nature of some of the dogs that shelters are obliged to take in, the potential external impacts of shelters are even greater than those of commercial boarding establishments, which can and do turn away unruly dogs. Rather than having a "special need" for outdoor areas, the special characteristics of animal shelters make it essential in our view that future animal shelter uses located in the commercial zones take place in fully enclosed and soundproof structures.
- We believe that adoption of the significantly weakened proposal on animal shelters that is contained in the Supplemental Report would result in the future in extremely difficult, lengthy and costly disputes between shelters and neighboring property owners regarding noise and other impacts. In order to avoid such an undesirable outcome, we ask that the Zoning Commission reject the approach in the Supplemental Report. As noted, we believe the appropriate solution is to grandfather existing affected facilities while prohibiting new shelters from having exterior yards but, if that is not possible for some reason, we recommend adoption of the original proposal that any new exterior yards should require a setback of 1000 feet in the C-2 – C-4 Zone Districts.

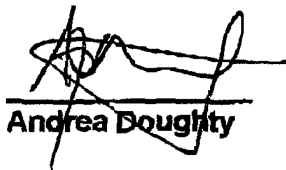
We thank the Commission for the opportunity to comment on these issues and thank Commissioners for their time and effort on this matter.

Sincerely



Joan D. Ferraris

On behalf of Q Street Association
1440 Q Street, NW
Washington, DC 20009
Tel. 202.797.8371



Andrea Doughty

On behalf of the Appellants in BZA Appeal 17092
1417 Q Street, NW
Washington, DC 20009
Tel. 202.319.1151

Attachment

cc: Zoning Commissioners
Ms. Jennifer Steingasser, Deputy Director, Office of Planning
Mr. Stephen Mordfin, Office of Planning

ATTACHMENT

199.1 DEFINITIONS

Veterinary hospital- An establishment used by a licensed veterinarian for the practice of veterinary medicine between the hours of 7:00 AM and 9:00 PM. A veterinary hospital is considered an emergency care veterinary hospital if it operates between the hours of 9:00 PM and 7:00 AM.

Emergency Care Veterinary Hospital- An establishment used by a licensed veterinarian for the practice of veterinary medicine between the hours of 9:00 PM and 7:00 AM.

739 VETERINARY HOSPITAL

739.1 A veterinary hospital ~~may shall~~ be permitted ~~in a C-2 District as a special exception if approved by the Board of Zoning Adjustment under § 3104~~ matter of right, subject to the requirements of this section.

739.2 The veterinary hospital shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste, and it shall take place in a fully enclosed building with the windows and doors of the premises kept closed.

739.3 The veterinary hospital shall not abut an existing residential use, or a Residence Zone.

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

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

739.6 Overnight boarding of non-canine animals is permitted as an accessory use, provided that the area devoted to this activity is less than 50 percent of the area of the veterinary hospital.

739.7 Overnight boarding of non-canine animals that occupies 50 percent or more of the area of a veterinary hospital, and/or non-incidental boarding of canine animals by a veterinary hospital, are subject to the requirements of § 735.

740 EMERGENCY CARE VETERINARY HOSPITAL

740.1 An emergency care veterinary hospital may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

740.2 The emergency care veterinary hospital shall be subject to all the requirements of § 739.

740.3 The Board may impose additional requirements pertaining to parking, noise, or other requirements, as the Board deems necessary to protect adjacent or nearby property.

Andrea J. Doughty
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Fax: 202.319.2808

Fax

To: Ms. Carol J. Mitten
Chair, DC Zoning Commission

From: Joan Ferraris, Q Street Association
Andrea Doughty, On behalf of the
Appellants in BZA No. 17092

Fax: 202.727.6072

Pages: 4, incl. cover

Phone: 202.727.6311

Date: 6/28/06

Re: ZC 05-21A – Supplemental Report

- Please see the attached letter regarding OP's Supplemental Report containing new proposals for veterinary hospitals and animal shelters.

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