

ZONING COMMISSION
District of Columbia

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D.C. OFFICE OF ZONING

July 28, 2006

CASE NO. 05-21A FAX

2006 JUL 21 AM 10:58

The Hon. Carol J. Mitten,
Chair, DC Zoning Commission,441 4th Street, NW, Suite 210-South,
Washington, DC 20001EXHIBIT NO. 17

Re: ZC No. 05-21A: Text Amendment to Permit Pet Grooming, Pet Shops, Veterinary Hospitals and Animal Shelters

Dear Chairwoman Mitten,

At the Zoning Commission's June 29 hearing on this matter we agreed to provide more information regarding outdoor yards. This letter, which is a joint submission by the Washington Humane Society and the Q Street Neighborhood Association, contains information regarding soundproofing outdoor yards as well as a compromise position regarding the use of outdoor yards by animal shelters, a matter on which opposing views were expressed at the hearing.

1. Outdoor runs, external yards and noise-absorbing materials

As noted at the hearing, after several weeks of shelter life the behavior of sheltered dogs often becomes negative due to stress. These stress-related behavioral issues would be significantly exacerbated by a requirement for the dogs to remain indoors at all times. Such a requirement would result in fewer dogs being viewed by the public as adoptable and thus in more dogs needing to be euthanized. In order to reduce the stress experienced by sheltered dogs the existing District of Columbia Animal Shelter makes use of both outdoor runs and external yards.

In the shelter each individual dog cage has a fully fenced outdoor section or "outdoor run" and an indoor section. Dogs can go from outdoor area to indoor area (and vice versa) through an opening similar to a doggie-door in a home. Outdoor runs give dogs intermittent access to the outdoors for sunlight and fresh air, thereby decreasing the stress of the shelter experience and allowing the dogs to maintain adoptable behaviors.

In addition to outdoor runs, an external yard is utilized as a location for introductions between sheltered dogs and potential adopters, and for socialization and agility training conducted by an animal behaviorist.

Both outdoor runs and external yards are used for exercise and air only. Dogs eat inside and are kenneled inside all night. Dogs are only permitted in outdoor runs and external yards between the hours of 8 a.m. and 8 p.m. (The doggie doors allowing access to the outdoor runs are locked at 8 p.m., restricting the dogs to the indoor portion of their individual kennels). In general, no more than one dog is allowed in either an outdoor run or an exterior yard at one time. On occasion, up to 3 dogs may be together in either a yard or a run, for example, in the case of a mother and two puppies (in a run), or in the case of socialization or agility training of several dogs (in a yard).

The existing outdoor runs and exterior yards are constructed using chain-link fences for walls and dirt/grass in the yards and concrete in the runs for flooring. The Humane Society is proposing that any new exterior yards or outdoor runs at animal shelters in the District could be constructed using noise-absorbing materials and other construction techniques that would make these areas substantially more quiet than the present runs/yards. For example the walls of outdoor runs and yards could be constructed of acoustical concrete, acoustical masonry units, noise-absorbing rubber composite materials or other similar noise-absorbing materials. In addition to absorbing any noise that is generated by dogs, walls that are constructed of opaque materials such as these significantly reduce

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the total quantity of noise in the first instance by ensuring that dogs in outdoor runs or yards are not visible to each other, unlike the present chain link construction.

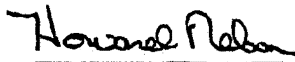
The Humane Society is also proposing that the interior structures of any new shelters in the District be designed to use industry standard sound absorbing materials such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustic landscaping. In addition, any future shelters would be designed so as to ensure that both indoor kennels and any outdoor runs or yards would be located at the furthest point on the lot from the nearest Residence Zones. Offices, meeting areas, storage areas, parking areas, etc would be used to buffer surrounding properties from those areas of the shelter in which animals are kept.

2. The use of external yards and outdoor runs by animal shelters

Both the Humane Society and the Q Street Association agree that: (1) in the Commercial Zone Districts animal shelters should be special exception uses and should not have exterior yards or outdoor runs; and (2) in the Industrial Zone Districts animal shelters could be matter of right uses and could have exterior yards and/or outdoor runs subject to certain conditions that are set out in the attachment in the form of draft amendments to the Zoning Regulations.

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

Sincerely


Howard Nelson

Executive Director, Washington Humane Society
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Washington, DC 20012
Tel. 202.723.5730


Joan D. Ferraris

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

Attachment

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

ATTACHMENT**PROPOSED AMENDMENTS TO THE ZONING REGULATIONS TO ALLOW
ANIMAL SHELTERS**

Chapter 1, THE ZONING REGULATIONS, § 199.1 is amended by adding the following new definitions:

Animal shelter- Any premises that houses and feeds stray or abandoned animals without a fee, and is operated by a non-profit organization or governmental agency.

Chapter 7, COMMERCIAL DISTRICTS, is amended as follows:

740 ANIMAL SHELTER

740.1 An animal shelter 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 animal shelter shall be located, designed and operated to create no condition objectionable to adjacent properties resulting from animal noise, odor or waste. The shelter shall utilize industry standard sound absorbing materials such as acoustical floor and ceiling panels, acoustical concrete and masonry.

740.3 The animal shelter shall not abut an existing residential use, or a Residence Zone.

740.4 External yards, outdoor runs or other external facilities for the keeping of animals shall not be permitted.

740.5 Animal shelters shall not engage in boarding or grooming of animals that are sheltered for a fee.

740.6 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby property.

Chapter 8, INDUSTRIAL DISTRICTS, is amended as follows:

801.11 An animal shelter shall be permitted in a C-M District as a matter of right, subject to the standards of external effects in § 804 and subject to the requirements of this section:

- (a) The animal shelter shall be located, designed and operated to create no condition objectionable to adjacent properties resulting from animal noise, odor or waste. The shelter shall utilize industry

standard sound absorbing materials such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustic landscaping.

- (b) The animal shelter shall not abut an existing residential use, or a Residence Zone.
- (c) The animal shelter shall place all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect of and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system.
- (d) Animal shelters shall not engage in boarding or grooming of animals that are sheltered for a fee.
- (e) Outdoor runs and/or external yards for the exercise of animals shall be permitted as part of an animal shelter, subject to the requirements of this section:
 - (1) Use of external yards and outdoor runs shall be subject to the standards of external effects in § 804.
 - (2) Any external yard or outdoor run shall be located, designed and operated to create no condition objectionable to adjacent or nearby properties resulting from animal noise, odor or waste.
 - (3) No part of an external yard or outdoor run may be located within 200 feet of an existing residential use, or a Residence Zone.
 - (4) No animals shall be permitted in outdoor yards or outdoor runs between the hours of 8:00 p.m. and 8:00 a.m.
 - (5) External yards and outdoor runs shall be fenced off both for the safe confinement of animals and for the absorption of noise. Fencing of both external yards and outdoor runs shall be 8 feet in height and constructed of solid and opaque materials with maximal noise-absorbing characteristics.
 - (6) No more than 3 animals may be in an exterior yard or outdoor run at any one time.

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

From: Howard Nelson, Washington Humane
Society, &
Joan Ferraris, Q Street Association

Fax: 202.727.6072

Pages: 5, incl. cover

Phone: 202.727.6311

Date: 7/31/06

Re: ZC 05-21A – Requested Submission

Please see the attached submission per request at June 29 hearing.