

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM:  Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: June 20, 2014

SUBJECT: ZC 05-22A – Modification of ZC Order 05-22, 2303 14th St. NW

I. RECOMMENDATION

The Office of Planning (OP) is not opposed to this requested modification of Zoning Commission (ZC) Order 05-22 being **setdown** for public hearing. The proposal, to allow a dog daycare, pet grooming, and overnight boarding facility, would not be inconsistent with the general intent of the approved PUD (the facility would occupy space identified in the PUD for retail / service uses) or with the Comprehensive Plan. The proposal would not detrimentally alter the approved external appearance of the building, or alter the approved benefits or amenities for the site but would help to fulfill occupation of ground floor commercial space with a use that is generally desired by many District residents.

However, this proposal was recently denied by the Board of Zoning Adjustment in BZA 18702 as not meeting the requirements for these types of uses, which are permitted only by special exception within the C-2-B zone. The BZA denied the Applicant's special exception request in part due to issues of adjacency with residential zones and uses. While OP supported the original BZA request, OP is concerned with this proposal to request approval from the Zoning Commission of a special exception use already denied by the BZA. The filing notes that the applicant feels that the "BZA erred in its findings", but does not note whether the applicant considered BZA reconsideration of the finding, or has filed any form of appeal.

As a result of this and other BZA cases recently, the Zoning Commission requested OP bring forward text amendments needed to clarify what was intended by the phrase "*use shall not abut a residential zone*" with respect to animal related uses. OP has submitted to the Zoning Commission a proposal which addresses issues of adjacency of animal uses to off-site residential uses, as well as residential uses within the same structure as the animal use, both of which are relevant to this PUD modification request.

II. APPLICATION

The Applicant, View 14 Investments LLC, requests a modification to ZC Order 05-22; the Order, dated January 9, 2006, approved the View 14 Planned Unit Development (PUD) currently located at 2303 14th Street, NW (the "Property"). The Property is improved with a mixed use building which consists of approximately 32,000 square feet of commercial and service uses at or below grade and 185 apartment units on the upper nine floors. More specifically, the Property includes four retail

units, two of which are currently occupied. The Property is zoned C-2-B, which permits matter-of-right medium density development, including office, retail, housing, and mixed uses. However, pursuant to Section 735, animal boarding and grooming uses are permitted only by special exception, subject to a number of conditions and specifications.

The Applicant seeks to modify the PUD to include language permitting a dog daycare, pet grooming, and overnight animal boarding use (the “facility”) on the Property that would otherwise require approval by special exception. The proposed facility would consist of approximately 4,300 square feet along 14th Street NW, and would include cage-free dog daycare in five internal “play parks,” pet grooming, and overnight boarding. Five residential units on the second floor are situated directly above the space dedicated for the proposed facility. Two and three story rowhouses are located across the 15 ft. public alley to the east.

III. BACKGROUND

The Applicant’s proposed facility use was the subject of Board of Zoning Adjustment (BZA) Case 18702, heard on February 4th, 2014. OP supported the Applicant’s request for approval of the special exception, with support contingent on the following conditions:

- 1) Animals shall only enter and exit the business through the front door facing 14th Street NW;
- 2) There shall be staff on site at all times that animals are on site, including overnight.

The ANC also supported the request. However, there was also a party in opposition consisting of some of the residents of the building and the broader neighborhood.

At its public meeting on March 11, 2014, the BZA denied the request, based on its determination that the Property abuts a residential zone (R-5-B zoning located to the east of the site) and that the Applicant did not demonstrate that the proposed use would not produce objectionable noise within the building. The applicant subsequently filed this case to amend the PUD for the site.

This property is zoned C-2-B, which, like all commercial mixed zones, permits a variety of uses including both residential and retail/service uses. In this case, the area of the building devoted to the facility would front 14th Street, and there is an R-5-B (residential) zone across the alley from the building to the east and residential units directly above its the proposed location.

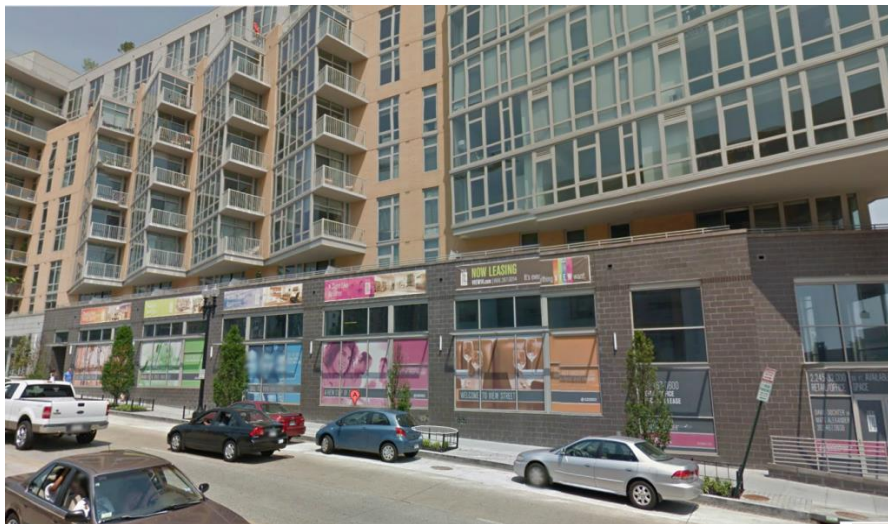
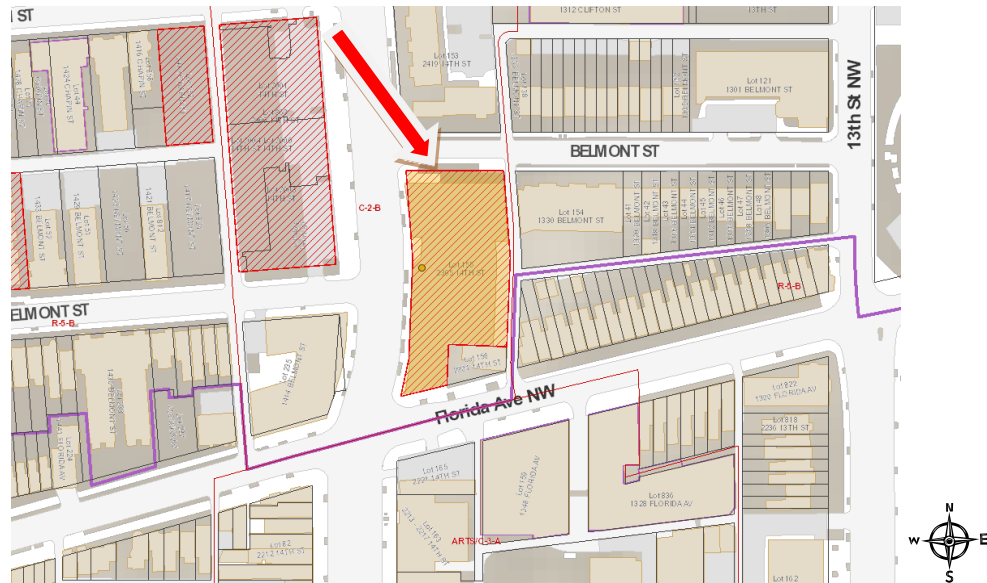
IV. ANALYSIS

The facility would be located on the ground floor, internal to the building. There are no external yards on the Property, and there would not be an outdoor play area for the dogs. The facility would not share common access ways or hallways with the residential uses on the Subject Property.

As detailed in the application, the Applicant proposes to include noise attenuation measures, including installation of an acoustical gypsum board ceiling, acoustical ceiling panels rated for noise reduction, and MBI ColorSonix wall panels mounted to the walls. According to the Applicant, the windows and doors of the premises would be kept closed. Odors from the proposed facility would also be mitigated; floors would be cleaned with scrubbers and cleaning products. The Applicant would dispose of all bagged animal waste in closed waste disposal containers. According to the Applicant, waste would be removed from the establishment and placed in a

separately designated trash enclosure space on the Property. A qualified waste disposal company would collect and dispose of all animal waste at least once per week. The Applicant would also control odor by installing HEPA filtration systems throughout the facility.

Although the Applicant has made previous efforts to work with the community regarding the proposed facility, OP encourages the Applicant to continue to coordinate with the residents in the building, neighboring property owners, and ANC 1B, particularly the residents located most proximate to the facility and those residents who expressed opposition to the BZA case, to address any potential concerns arising from the proposed use.



Subject Property

JLS/smg, Case Manager: