

MEMORANDUM

TO: District of Columbia Zoning Commission

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

DATE: April 10, 2015

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

I. RECOMMENDATION

The Office of Planning (OP) **recommends approval** of this requested modification of Zoning Commission (ZC) Order 05-22. 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 and is consistent with the intent of the zoning.

II. APPLICATION-IN-BRIEF

Location: East side of 14TH Street between Florida Avenue and Belmont Street NW
Ward 1, ANC 1B

Applicant: View 14 Investments LLC

Zoning: C-2-B

Site Area: 34,357 square feet total

Approved Development:

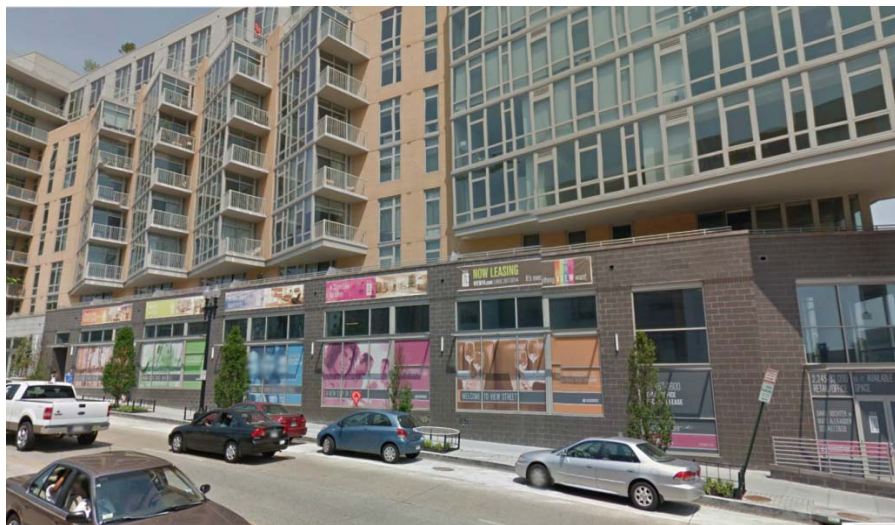
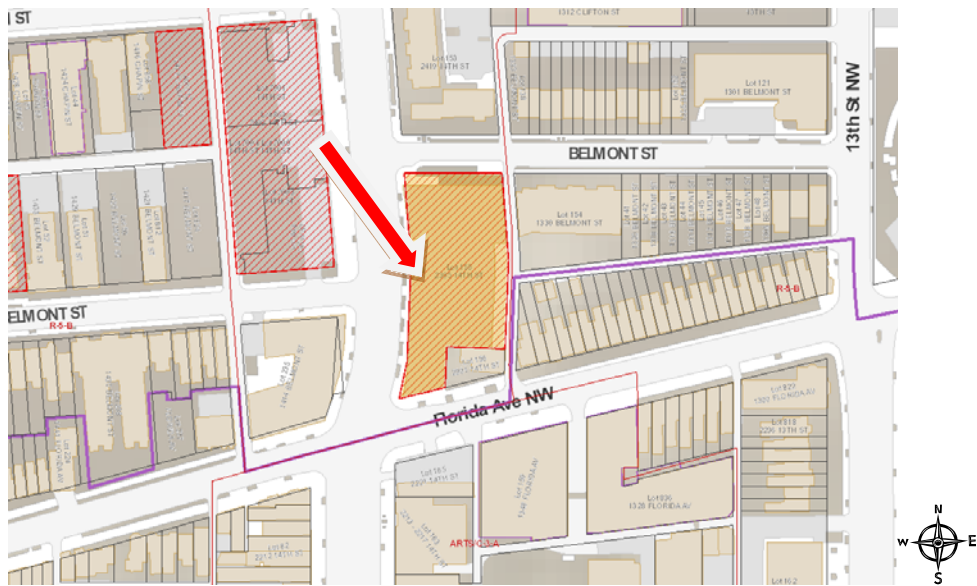
The Property, located at 2303 14th Street, NW (the “Property”), is improved with a mixed use building which consists of approximately 32,000 square feet of commercial and service uses at or below grade and 185 apartment units on the upper nine floors.

Description of Modification:

The Applicant requests a modification to ZC Order 05-22; the Order, dated January 9, 2006, approved the View 14 Planned Unit Development (PUD). 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.

The Applicant seeks to modify the PUD to include language permitting a dog daycare, pet grooming, and overnight animal boarding use 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.



Subject Property

III. BACKGROUND

The Applicant's proposed dog boarding use was the subject of Board of Zoning Adjustment (BZA) Case 18702, heard on February 4th, 2014. The Office of Planning 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 supported the request, but there was a party in opposition consisting of some of the residents of the building and the broader neighborhood. 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.

As a result of this and other similar BZA cases, 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. The text amendments (Zoning Commission Case 14-10, approved February 9, 2015), clarified the prohibition against the adjacency of animal boarding, pet grooming, pet shop, veterinary boarding hospital, and animal shelter uses to residential uses in two ways. First, the amendments provided that an animal use shall not be located within twenty-five feet (25 feet) of a lot within a Residence District and dictate how that distance is to be measured. Second, the amendments addressed animal uses within the same structure as residential uses, requiring that an applicant demonstrate during the special exception review process that the use would produce no odor or noise objectionable to residential units within the same building. Additionally, the requirement that the animal use take place within a soundproof building was replaced with a requirement that the use produce no noise objectionable to nearby properties, to be more consistent with the standard special exception criteria. Finally, the text amendments permit animal boarding uses to operate as a matter-of-right in basement or cellar spaces beginning in the C-2-A District.

Subsequent to its BZA denial, the Applicant filed this case to amend the PUD for the site. At its public meeting on June 20, 2014, the Zoning Commission decided to hold in abeyance the setdown of the application pending proposed text amendments clarifying animal boarding and grooming uses. At its public meeting on February 9, 2015, the Zoning Commission voted to set down the application for a public hearing.

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 on 14th Street. There is an R-5-B (residential) zone across the alley from the building to the east and residential units directly above its proposed location.

IV. ANALYSIS

Pursuant to Section 735, animal boarding and grooming uses not located in the basement or cellar are permitted only by special exception, subject to a number of conditions and specifications. 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.

The proposed animal boarding use would be consistent with the revised regulations as described in Zoning Commission Order 14-10, which clarified the sections of Chapters 7 and 8 of the Zoning Regulations pertaining to animal boarding and pet grooming.

First, the proposed dog day care center would not be located within twenty-five feet (25 feet) of a lot within a Residence District. The animal boarding use would be located on the western side of the building fronting on 14th Street NW and would be in excess of 25 feet from the R-5-B District, which is located to the east across a 15 foot alley.

Second, the proposed animal boarding use should produce no odor or noise objectionable to residential units within the same building or to nearby properties. 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.

The proposal 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 Applicant has made previous efforts to work with the community regarding the proposed facility. The Office of Planning 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.

The Meridian Hill Neighborhood Association proposed, and the Applicant agreed to, the following conditions:

1. The dog day care operator shall advise clients to refrain from double-parking on streets adjacent to the subject property when dropping off and picking up dogs.
2. In order to keep dogs from the front yards on the surrounding residential streets, employees of the dog day care center shall only walk dogs along the 14th Street corridor.

The Office of Planning supports the inclusion of these conditions into the amended PUD.

JLS/smg, Case Manager: