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Summary of Testimony for ZC Case No. 14-10
Text Amendments to 11 DCMR, Chapters 7 & 8

Response to provision requiring uses not be within 25 feet of a property in a Residence District used for residential purposes.

We respectfully seek confirmation that, in the case of a mixed-use building, the 25-foot measurement is taken from the exterior wall of the space actually utilized for the dog day care use and not from the exterior wall of the building or the property line.

For example, the property at 2400 14th Street, NW, is a mixed-use building located at the northeast intersection of 14th Street and Florida Avenue. There is retail space at the ground floor and residential above. The building extends from 14th Street (which is zoned C-2-B) east to a public alley at the rear of the building. On the east side of the alley, there are rowhouses in the R-5-B District. The retail spaces at the ground level of the building front on 14th Street, but do not extend to the rear of the building/rear property line. A dog day care center is proposed in one of the retail spaces.

Our understanding of the 25-foot provision is that, for purposes of verifying that the use complies with the spacing requirement, the measurement would be taken from the exterior rear wall of the retail space to the property line of the closest residence to the east, as shown on the survey.

Response to provision pertaining to noise impact on residential units in the same building.

Based on the Board of Zoning Adjustment's deliberations in BZA Case 18702, it would be helpful to understand, in the case of a mixed-use building, what constitutes sufficient evidence that the use produces no noise objectionable to residential units in the same building. We propose that an applicant must demonstrate that the design and build out of the space mitigates the noise generated from the use such that background noise levels in the residential units are within the acceptable standards established by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) or similar industry authority.

