

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JL for* Jennifer Steingasser, Deputy Director
DATE: February 2, 2018
SUBJECT: Setdown Report for Proposed Text Amendments (ZC 18-02) to permit veterinary hospital and veterinary boarding hospital to abut residential uses or zones as special exception uses subject to a list of conditions within MU-Use Groups C, D and E.

I. BACKGROUND

The applicant proposes to amend Subtitle, U Chapter 5, Use Groups C, D and E of the Zoning Regulations (ZR-16) to permit “veterinary office or hospital” and “veterinary boarding hospital” as special exception uses when abutting a residential use or residential zone, subject to a list of specific criteria. Use Groups C, D and E currently permit veterinary uses by special exception, but not when abutting a residential use or residential zone.

II. RECOMMENDATION

OP recommends the Zoning Commission set this petition down for a public hearing and requests the flexibility to continue to work with the applicant and OAG on finalizing the wording of the proposed text amendments prior to the issuance of a Notice of Public Hearing.

III. REQUEST FOR EMERGENCY RULEMAKING

OP does not support the request for emergency rulemaking.

Emergencies, as referenced by Subtitle Z § 603.4 and defined by D.C. Code § 2-505, are described as “*necessary for the immediate preservation of the public peace, health, safety, welfare, or morals*”. The application indicates that an emergency rulemaking is requested due to the time needed to achieve a text amendment followed by the granting of a special exception use. OP does not find that this reasoning conforms to the provisions of the above cited section.

IV. PROPOSED TEXT AMENDMENT

The applicant’s proposed text amendments can be found in Exhibit 6. Subtitle U, Chapter 5, Use Groups C, D and E, currently permit veterinary office or hospital or veterinary boarding hospital uses by special exception, but not when abutting an existing residential use or residential zone. The proposed text amendments would permit these two uses to abut a residential use or zone by special exception, including when located within a mixed-use building, subject to specific special

exception criteria to address potential issues. In addition, the proposed text amendment would eliminate the provision that veterinary boarding hospitals may not board domesticated dogs.

As described in the applicant's submission of Exhibit 6, the proposed special exception criteria mimic those required for animal boarding uses when not located within a basement or cellar, within twenty-five feet of a lot within an R, RF or RA zone, or on the same floor as or directly below a residential use in a mixed-use building.

V. COMPREHENSIVE PLAN

The requested text amendments are not inconsistent with the Comprehensive Plan. They are intended to permit veterinary uses within mixed-use retail and residential buildings, a building type permitted throughout much of the City. MU zones are mapped along many of the Districts major commercial corridors, including Wisconsin Avenue, Georgia Avenue and Rhode Island Avenue, parts of Connecticut Avenue, Martin Luther King, Jr. Avenue, 12 Street, N.E. and Bladensburg Road.

Around the District's twenty-five neighborhood Metrorail stations, the District Elements section of the Comprehensive Plan further recommends there be, "*A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses*" (306.4). Additionally, Main Street Mixed Use Corridors and Neighborhood Commercial Centers, many of which are located within MU zones, recommend a mix of office, retail, small businesses and housing opportunities.

With the number of dog licenses more than doubling between 2013 and 2015, as reported by The Washington Post in 2015, the demand for veterinary services is increasing and will likely continue to do so. This is the case for both low density and moderate to high density mixed use neighborhoods. Permitting these uses throughout the District, with appropriate review process and mitigation criteria, would help to support a mix of uses within mixed-use retail/residential neighborhoods.