

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, April 12, 2018, @ 6:30 P.M. – 2nd Case**
Office of Zoning Hearing Room
441 4th Street, N.W. Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 18-02 (MR 1700 Columbia Retail, LLC – Text Amendments to Allow Veterinary Hospitals and Veterinary Boarding Hospitals as Special Exceptions when Abutting an Existing Residential Use in a Mixed-Use Building and to Permit such Hospitals to Board Domesticated Dogs)

THIS CASE IS OF INTEREST TO ALL ANCs

Through a petition filed January 18, 2018, MR 1700 Columbia Retail, LLC requested text amendments to Subtitle U, Title 11, Zoning, of the District of Columbia Municipal Regulations (“DCMR”), concerning the special exception approval of veterinary hospitals and veterinary boarding hospitals in those zones to which MU-Use Groups C, D, and E apply, which are currently:

MU-Use Group C	MU-Use Group D	MU-Use Group E
MU-12, MU-13 MU-14 CG-5 CG-6 CG-7	MU-3	MU-4, MU-5 MU-6 MU-17, MU-18 MU-19 MU-24, MU-25 MU-26, MU-27 CG-2

Veterinary hospitals are permitted as special exceptions in these zones. Veterinary boarding hospitals are not expressly mentioned, except in one of the three applicable provisions. Among the conditions applicable to the use is that it may not abut existing residential uses or board domesticated dogs. The amendment would clarify that the special exception also is available to Veterinary boarding hospitals. The amendments would also permit veterinary boarding hospitals and Veterinary hospitals to abut existing residential uses in mixed-use building if certain conditions are met and to board domesticated dogs.

In its setdown report dated February 2, 2018, the Office of Planning recommended that the petition be set down for public hearing. The Zoning Commission set the case down for hearing on February 12, 2018; and authorized the immediate publication of this notice of public hearing with a 30-day notice period.

The proposed amendments to Title 11 of DCMR (the Zoning Regulations of 2016) follow with new text shown in **bold** and underline text and deleted text shown in ~~striketrough~~ text:

Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Subtitle U, is amended as follows:

Paragraph (k) of § 508.1 of § 508, SPECIAL EXCEPTION USES (MU-USE GROUP C), is amended to read as follows:

508.1 Unless specifically prohibited by Subtitle U § 509, the following uses shall be permitted in MU-Use Group C if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the following conditions:

...

(k) Veterinary office, hospital, or boarding hospital subject to the following conditions:

- (1) A veterinary hospital or veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(j)(1), ~~except domesticated dogs~~;
- (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
- (3) The veterinary hospital or veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
- (4) The veterinary hospital or veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed use building and the Applicant demonstrate that:
 - (A) The Building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
 - (B) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use will be kept closed, and all doors facing a residential use will be solid core;
 - (C) Animal waste will be placed in closed waste disposal containers and will be collected by a waste disposal company at least weekly;
 - (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and
 - (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable; and
- (5) External yards or other external facilities for the keeping of animals shall not be permitted; and
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and

...

Paragraph (m) of § 511.1 of § 511, SPECIAL EXCEPTION USES (MU-USE GROUP D), is amended to read as follows:

511.1 The following uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section.

...

- (m) Veterinary office or hospital, **or veterinary boarding hospital** subject to the following conditions:
- (1) A veterinary hospital **or veterinary boarding hospital** may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(j)(1), ~~except domesticated dogs~~;
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
 - (3) The veterinary hospital **or veterinary boarding hospital** shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - (4) The veterinary hospital or veterinary boarding hospital shall not abut an existing residential use or a residential zone; **unless the existing residential use is in a mixed use building and the Applicant demonstrate that:**
 - (A) **The Building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;**
 - (B) **The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use will be kept closed, and all doors facing a residential use will be solid core;**
 - (C) **Animal waste will be placed in closed waste disposal containers and will be collected by a waste disposal company at least weekly;**
 - (D) **Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and**
 - (E) **Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable; and**
 - (5) External yards or other external facilities for the keeping of animals shall not be permitted; and
 - (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and

...

Paragraph (l) of § 513.1 of § 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), is amended to read as follows:

513.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section

...

(l) Veterinary office or hospital, **or veterinary boarding hospital** subject to the following conditions:

- (1) A veterinary hospital **or veterinary boarding hospital** may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(j)(1), ~~except domesticated dogs~~;
- (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
- (3) The veterinary hospital **or veterinary boarding hospital** shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
- (4) The veterinary hospital **or veterinary boarding hospital** shall not abut an existing residential use or a residential zone; **unless the existing residential use is in a mixed use building and the Applicant demonstrate that:**
 - (A) **The Building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;**
 - (B) **The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use will be kept closed, and all doors facing a residential use will be solid core;**
 - (C) **Animal waste will be placed in closed waste disposal containers and will be collected by a waste disposal company at least weekly;**
 - (D) **Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and**
 - (E) **Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable; and**
- (5) External yards or other external facilities for the keeping of animals shall not be permitted; and
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and

...

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat 797), as amended, D.C. Official Code § 6-64101 (2001), *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of 11 DCMR-Z § 506.

How to participate as a witness.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001, by email to zcsubmissions@dc.gov, or by fax to (202) 727-6072. Please include the case number (ZC Case No. 18-02) on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗?如果您需要特殊便利设施或语言协助服务(翻译或口译),请在见面之前提前五天与 Zee Hill 联系·电话号码(202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሙሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እንኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።