

BZA Application No. 20705

Atlas Doghouse

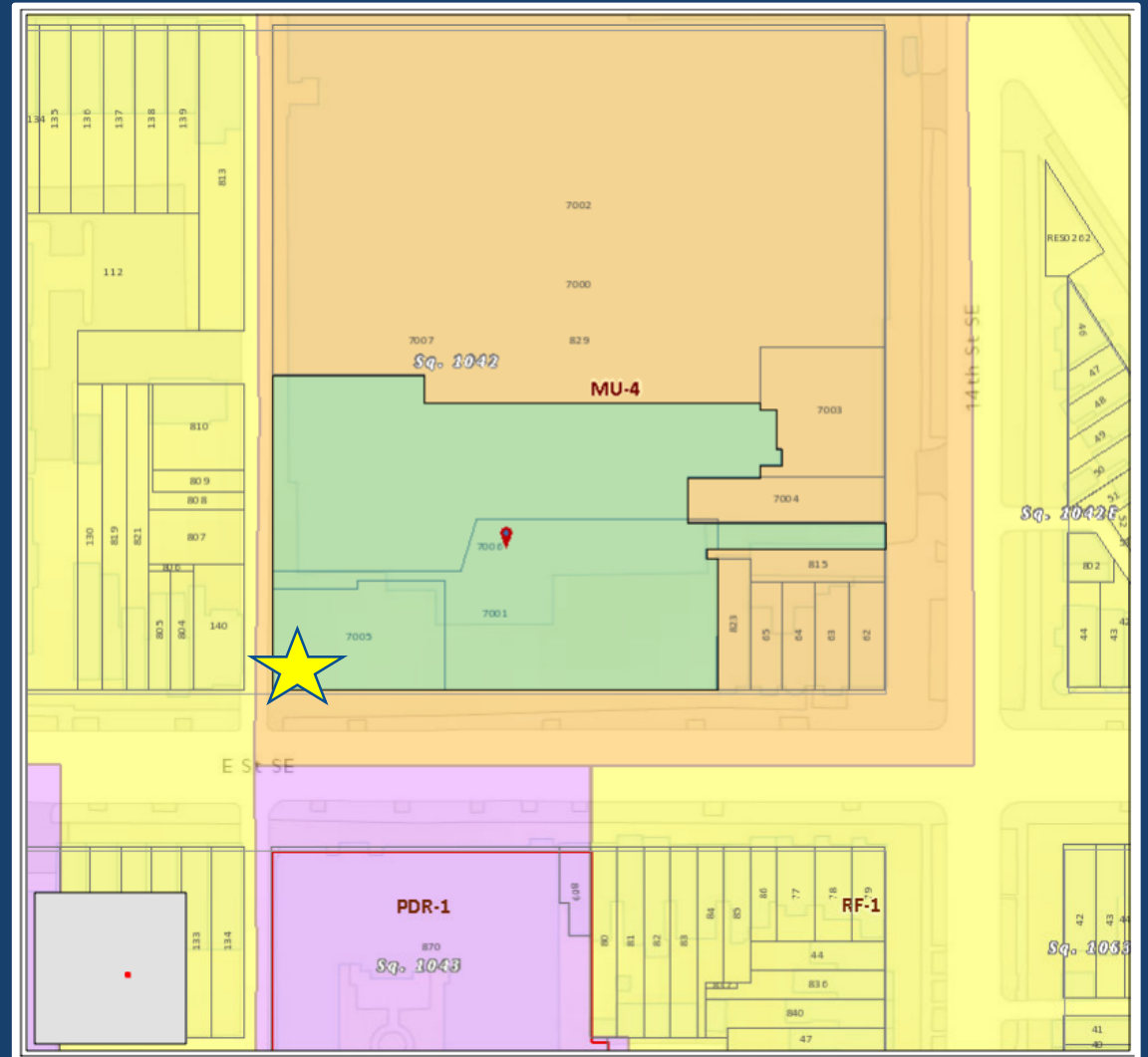
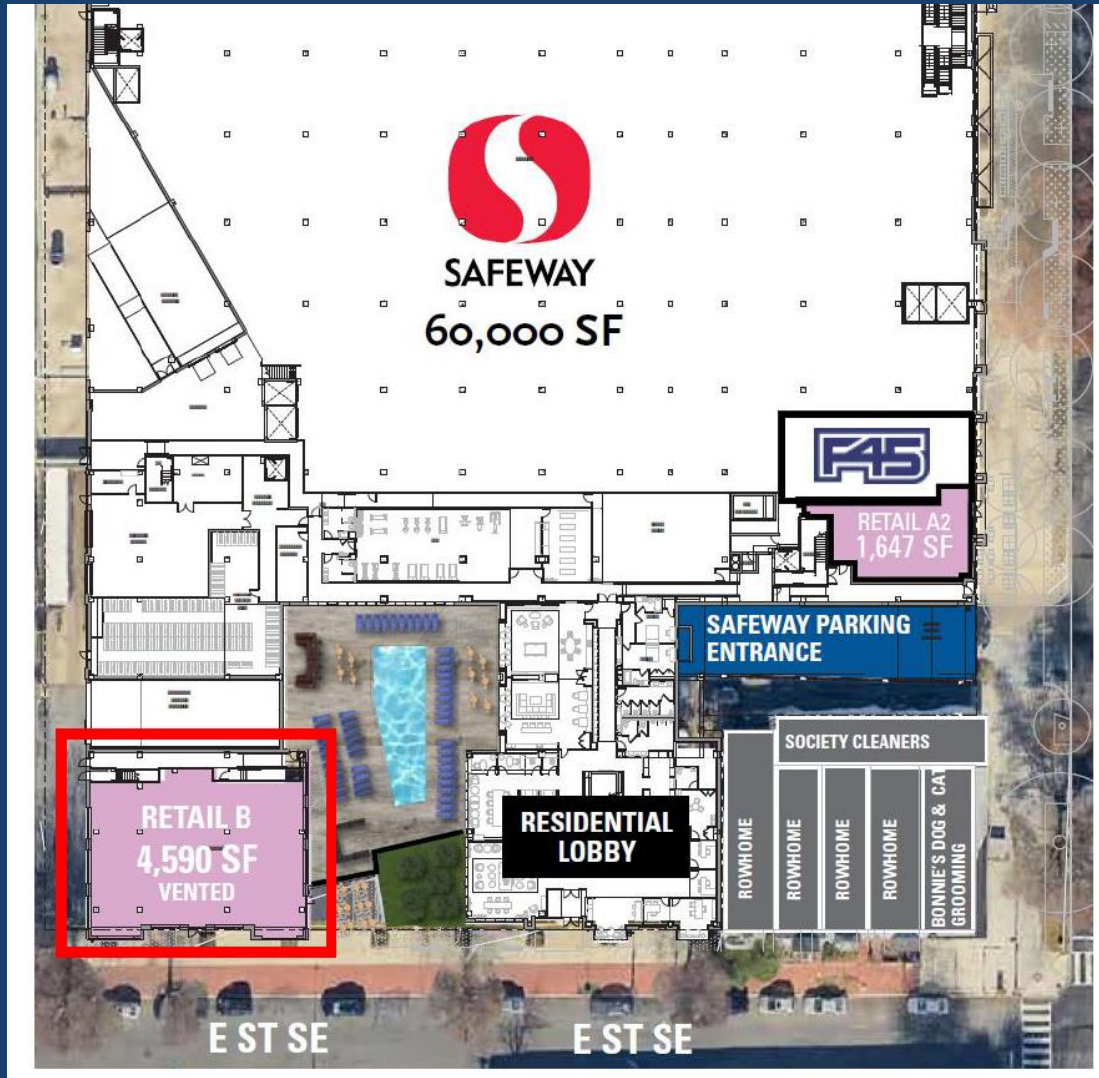
1350 E Street, SE
(Sq. 1042, Lot 7006)

BZA Public Hearing
Wednesday, May 4, 2022



Board of Zoning Adjustment
District of Columbia
CASE NO. 20705
EXHIBIT NO. 32

Beckert's Park Site Plan & Zoning (MU-4)



Application Overview

- Requesting **special exception** approval pursuant to Sub. U § 513.1(b) and Sub. X § 901.2 **to permit animal boarding use** in the MU-4 zone.
- Office of Planning
 - Report in support with (2) conditions (Ex. 28)
 - Applicant responded via *Supplemental Prehearing Submission* (Ex. 30)
- DDOT
 - Report stating no objection to approval (Ex. 29)
- ANC 6B
 - Applicant met with Planning & Zoning Committee on April 5, 2022
 - ANC voted in unanimous support (9-0-0) at April public meeting (Ex. 26)

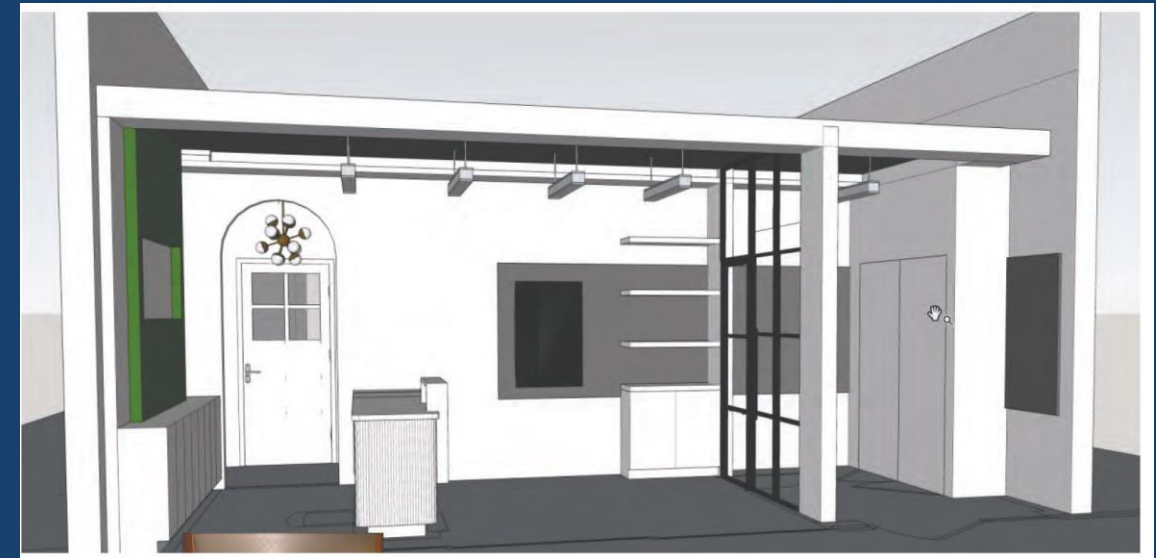
Creating a “Retail” Experience



Front Entrance

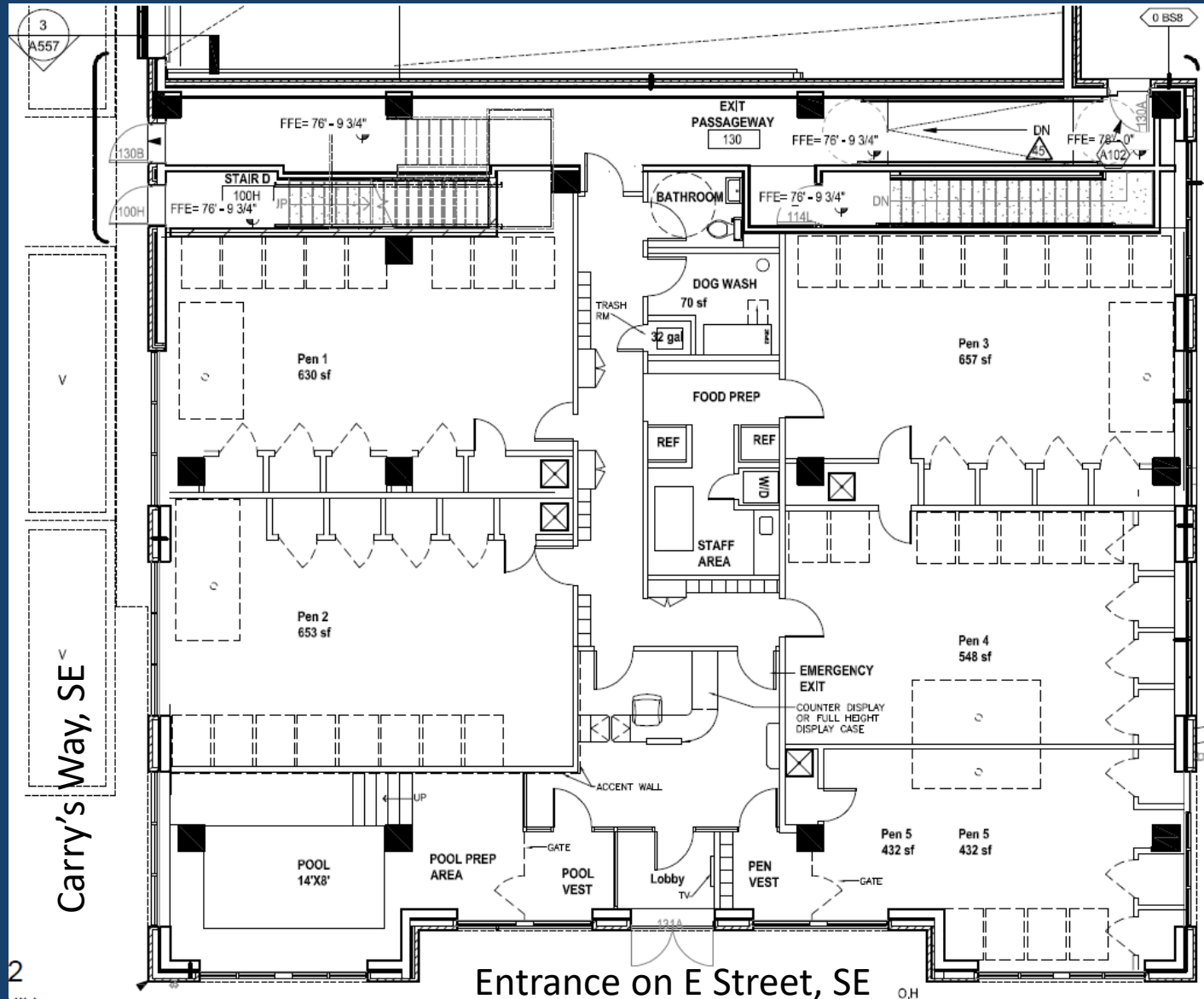
Carry's Way, SE

E Street, SE



Sample of lobby shown at Bethesda location: use of high-quality materials and design to create inviting environment for both pets and owners

Preliminary Floor Plan (Ex. 30, Tab A)



Operations & Mitigating Adverse Impacts

- Governing philosophy of **behavioral therapy** – fosters environment for dogs to feel engaged, comfortable, and happy.
- The location is **well-suited to accommodate animal boarding** use.
 - Does not abut any other uses, with the exception of the apartment units above, which are buffered by concrete slab. *See OP Report at p. 2.*
 - “DDOT anticipates much of the activity generated will be by pedestrians similar to other retail uses...also notes curbside pick-up/drop-off zone directly in front of the site.” *See DDOT Report at p. 1.*
- Tenant space is designed to **absorb sound** (e.g., internal vestibule, façade windows).
- Extensive **waste management** protocols.
- Proactive approach to dog care and **24/7 supervision**.
- Overnight stays offered as ancillary service for dogs that have demonstrated **good nighttime behavior and established familiarity**.

Special Exception Review Criteria

Subtitle X § 901.2

The Board of Zoning Adjustment is authorized...to grant special exceptions, where...the special exceptions:

- a) Will **be in harmony** with the general purpose and intent of the Zoning Regulations and Zoning Maps*
- b) Will **not tend to affect adversely**, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*
- c) Will meet such **special conditions** as may be specified in his title.*

Burden of Proof

In reviewing an application for special exception relief, “[t]he Board’s discretion...is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 304 A.2d 516, 518 (D.C. 1973)). **If the applicant meets its burden, the Board must ordinarily grant the application.** *Id.*

Compliance with Conditions of Sub. U § 513.1(b)

Section / Text	Justification / Comments
<p>(1) The animal boarding use shall take place entirely within an enclosed building;</p>	<ul style="list-style-type: none"> All activities will occur entirely within the enclosed retail space.
<p>(2) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties, including residential units located in the same building as the use. Additional noise mitigation shall be required for existing buildings not originally built for the boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;</p>	<ul style="list-style-type: none"> Various noise mitigation measures. Tenant space is designed to absorb sound; e.g.: ceiling slab buffers noise for abutting residents above, internal vestibule, façade windows, proposed front door composition (STE-37) Acoustical tiles to be installed as necessary. Behavioral therapy techniques.
<p>(3) The windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;</p>	<ul style="list-style-type: none"> Windows and doors will be kept closed at all times. Front entrance door will be solid core. See Ex. 30. Windows will still allow for visual connections from public space. (Addressing OP Design Division comment.)
<p>(4) No animals shall be permitted in an external yard on the premises;</p>	<ul style="list-style-type: none"> Dogs will not be permitted in any outdoor areas or courtyards at Beckert's Park.

Compliance with Conditions of Sub. U § 513.1(b)

Section / Text	Justification / Comments
<p>(5) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;</p>	<ul style="list-style-type: none"> • Atlas Doghouse has extensive waste management protocols. • Utilization of special cleaning products. • Waste sealed in disposal containers, stored in trash area, and promptly removed to external garbage bins. • Privately contracted trash service pick-ups 2-4x per week.
<p>(6) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;</p>	<ul style="list-style-type: none"> • Each dog pen has dedicated drains and “pee pads” that will be cleaned at regular intervals. • Green walls and dedicated ventilation system.
<p>(7) Floor finish material, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;</p>	<ul style="list-style-type: none"> • Floor finish material, and wall finish materials measured a minimum of 48 inches from the floor, will be impervious and washable.
<p>(8) External yards or other exterior facilities for the keeping of animals shall not be permitted; and</p>	<ul style="list-style-type: none"> • No reliance upon external yards for keeping of dogs.
<p>(9) The Board of Zoning Adjustment may impose additional requirements ... as the Board deems necessary to protect adjacent or nearby property[.]</p>	<ul style="list-style-type: none"> • As demonstrated by filings and plans, proposed use will not result in any objectionable conditions. • “OP makes no recommendations for additional requirements for the protection of adjacent or nearby properties.” See OP Report at p. 3.

Compliance with General Special Exception Criteria of Sub. X § 901.2

a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps

- MU-4 zone intended to “[p]rovide facilities for shopping and business needs...and mixed uses for larger segments of the District of Columbia outside of the central core.” 11-G DCMR § 400.3(b)
- Commercial space specifically designed for proposed use within the Beckert’s Park mixed-use development.

b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

- Conditions of Sub. U, Sec. 513.(1)(b) are designed to minimize adverse impacts.
- Waste management, sound and odor mitigation.

c) Will meet such special conditions as may be specified in his title.

- Applicant has demonstrated conformance with conditions of Sub. U, Sec. 513.1(b).

Q&A

