

Holland & Knight

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February 1, 2018

VIA IZIS

District of Columbia Zoning Commission
441 4th Street, NW - Suite 210S
Washington, DC 20001

**Re: CORRECTED -- Amendment to Application for ZC Case No. 18-02
Text Amendments to Subtitle U, Sections 508, 511 and 513**

Dear Members of the Commission:

In this correction, the term “veterinary boarding hospital” is included throughout the proposed text amendments, as appropriate, in order to continue the distinction between a veterinary hospital and a veterinary boarding hospital consistent with Subtitle B, Section 100 of the Zoning Regulations. The basis for the proposed amendments on an emergency basis and the Comprehensive Plan discussion are set forth in the original and amended application statements filed on January 19th and January 30th, respectively.

Special Exception Use / MU-Use Group C -- Subtitle U, § 508.1(k)

FROM

- (k) Veterinary office or hospital subject to the following conditions:
- (1) A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(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 shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - (4) The veterinary hospital shall not abut an existing residential use or a residential zone;

- (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

TO

(k) 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; or in the case of a mixed use building, the veterinary hospital or veterinary boarding hospital use shall be subject to the following:
 - (i) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on 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;
 - (ii) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use shall be solid core;
 - (iii) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;
 - (iv) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;

- (v) Floor finish material, and, areas intended to be wet, wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (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

Special Exception Use / MU-Use Group D -- Subtitle U, § 511.1(m)

FROM

- (m) Veterinary office or hospital subject to the following conditions:
 - (1) A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(1), except domesticated dogs;
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals;
 - (3) The veterinary 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 shall not abut an existing residential use or a residential zone;
 - (5) External yards or other external facilities for the keeping of animals shall not be permitted;
 - (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
 - (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

TO

(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; or in the case of a mixed use building, the veterinary hospital or veterinary boarding hospital use shall be subject to the following:
 - (i) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on 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;
 - (ii) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use shall be solid core;
 - (iii) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;
 - (iv) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (v) Floor finish material, and, areas intended to be wet, wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted;

- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

Special Exception Use / MU-Use Group E -- Subtitle U, § 513.1(l)

FROM

- (1) Veterinary office or hospital subject to the following conditions:
 - (1) A veterinary hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(1), except domesticated dogs;
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals subject to the spacing requirements of Subtitle U § 513.2(a);
 - (3) The veterinary 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 shall not abut an existing residential use or a residential zone;
 - (5) External yards or other external facilities for the keeping of animals shall not be permitted;
 - (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
 - (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties;

TO

- (1) 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 subject to the spacing requirements of Subtitle U § 513.2(a);
- (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; or in the case of a mixed use building, the veterinary hospital or the veterinary boarding hospital use shall be subject to the following:
 - (i) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on 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;
 - (ii) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use shall be solid core;
 - (iii) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;
 - (iv) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (v) Floor finish material, and, areas intended to be wet, wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties;

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Thank you for your considerate attention to this matter. We remain hopeful of the Commission's favorable review of this application.

Sincerely,

HOLLAND & KNIGHT LLP



Leila M. Jackson Batties, Esq.

cc: Ms. Jennifer Steingasser, Office of Planning (via email)
Mr. Joel Lawson, Office of Planning (via email)
Mr. Stephen Mordfin, Office of Planning (via email)
Alan Bergstein, Esq., Office of the Attorney General (via email)