

# Holland & Knight

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## **VIA IZIS**

Zoning Commission for the  
District of Columbia  
441 4<sup>th</sup> Street, NW - Suite 210S  
Washington, DC 20001

**Re: ZC Case No. 18-02 / MR 1700 Columbia Retail, LLC  
Text Amendment for Veterinary Uses  
Prehearing Statement**

Dear Members of the Commission:

This letter serves as a supplemental filing in support of the above-referenced zoning application, pursuant to Subtitle Z § 501 of the Zoning Regulations. The application proposes text amendments to Subtitle U §§ 508, 511 and 513 of the Zoning Regulations in order to permit veterinary hospitals and veterinary boarding hospitals as special exceptions in the MU-Use Groups C, D and E.

### **I. SUPPLEMENTAL INFORMATION ON THE APPLICATION**

#### **A. Demand for Veterinary Uses**

In a 2016 *Washington Post* article, Richard Lake of Roadside Development, the developer of CityMarket at O Street, noted that 40% of the population that rents in the District has dogs. The proliferation of pet amenities (dog washing stations, dog walk areas, “yappy” hours) in new buildings certainly demonstrates the growing importance of pets to the District’s population. Given the District’s development patterns, many of these new buildings and their residents are in mixed use areas and more dense neighborhoods. Despite this increased density or pet ownership, there are only 16 veterinary facilities in the District. As shown on the map attached as Exhibit A, there are large portions of mixed use neighborhoods in which no veterinary uses are located.

As noted in the Office of Planning’s (“OP”) Setdown Report (Exhibit 7 of the record), according to a 2015 *Washington Post* report, the number of dog licenses in the District more than doubled in a two-year period between 2013 and 2015 and, thus, demand for veterinary services is increasing. Ostensibly, the increased demand correlates with the District’s residential population, which continues to grow at an average monthly rate of 803 residents. Since 2013, only six new

veterinarian uses have been issued certificates of occupancy within the District, which is not sufficient to meet the current demands of District pet owners. According to a report provided by one national veterinary hospital operator with facilities in the D.C. Metro area, the District is grossly underserved as demonstrated by the ratio of veterinary hospitals to households. Currently in the District, there is only one veterinary hospital per 27,000 households. For reference, San Diego has one veterinary hospital per 3,559 households. Seattle has one veterinary hospital per 4,180 households.

B. Resolution from ANC 3D

The Applicant has reviewed the resolution from Advisory Neighborhood Commission (“ANC”) 3D, filed as Exhibit No. 14 of the record, and has no objections to the revisions proposed for the text amendment. Specifically, ANC 3D proposed the following changes in Subtitle U, §§ 508.1(4)(C), 511.1(4)(C), and 513.1(4)(C): Animal waste ~~will~~ **shall** be placed in closed waste disposal containers located away from abutting or confronting residential windows and doors; and ~~will~~ **shall** be collected by a waste disposal company at least **twice** weekly to prevent potential objectionable conditions.

Further, to be responsive to ANC 3D’s concerns the Applicant proposes the following additional changes in Subtitle U §§ 508.1(4)(C), 511.1(4)(C), and 513.1(4)(C): Animal waste ~~will~~ **shall** be placed in closed waste disposal containers located **in enclosed areas or** away from abutting or confronting residential windows and doors; and ~~will~~ **shall** be collected by a waste disposal company at least **twice** weekly to prevent potential objectionable conditions.

C. Text Amendments for Animal Care Uses

ZC Case No. 05-21. The Zoning Commission adopted, on an emergency basis, text amendments for animal care uses. Specifically, in Zoning Commission Case 05-21, in response to a BZA ruling that animal boarding was not permitted as a matter of right in commercial districts, the Zoning Commission noted that “to make such dog board services immediately unavailable to District residents would cause public hardship and inconvenience and potentially impact public safety if owners cannot find a place to board their dogs.”

ZC Case No. 14-10. In 2014, the zoning regulations for animal boarding uses were amended to permit said uses in mixed use buildings. The mitigations proposed for a veterinary hospital and veterinary boarding hospital under the subject application are the same as those provided for animal boarding uses under Subtitle U § 513.1(m).

**II. ADDITIONAL REQUIREMENTS OF SUBTITLE Z § 501 OF THE ZONING REGULATIONS**

A. List of Witnesses Prepared to Testify on Behalf of the Applicant

In accordance with Subtitle Z § 501.1(b) of the Zoning Regulations, the following person will testify on behalf of the Applicant:

1. Josh Olsen, Executive Vice President, Monument Realty LLC

B. Summary of Testimony of Witnesses or Reports and Area of Expertise

In accordance with Subtitle Z § 501.1(c) of the Zoning Regulations, an outline of Mr. Olsen's testimony is attached as Exhibit B.

C. List of Maps, Plans or Other Documents Readily Available

In accordance with Subtitle Z § 501.1(f) of the Zoning Regulations, a list of the maps, plans, or other documents that are readily available to the general public and that may be offered into evidence at the public hearing is attached as Exhibit C.

D. Estimate of Time Required for Presentation of Applicant's Case

In accordance with Subtitle Z § 501.1(g) of the Zoning Regulations, the estimated time for the presentation of the Applicant's case is 10 minutes, subject to the decision of the presiding officer at the public hearing.

**III. CONCLUSION**

In light of the foregoing, the Applicant remains hopeful of the Zoning Commission's favorable consideration of its requests.

Sincerely,

HOLLAND & KNIGHT LLP



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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)