

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: August 29, 2014
SUBJECT: BZA Case 18821, 1401 New York Avenue NE

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **special exception approval** of the animal boarding, pet grooming and pet shop facility included in the proposed Petco store at 1401 New York Avenue NE., pursuant to Section 802.21, 802.25 and 802.26 of the Regulations.

II. LOCATION AND SITE DESCRIPTION

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| Address | 1401 New York Avenue, NE |
| Legal Description | Square 4037, Lot 0804 |
| Ward/ANC | 5/ANC 5D |
| Lot Characteristics | The lot is a flat rectangular lot which was formerly a part of the Hecht Warehouse site. |
| Zoning | C-M-3 - The proposed uses are permitted subject to conditions to minimize objectionable conditions due to noise, odor and waste. |
| Existing Development | Garage structure, permitted in this zone. |
| Historic District | None |
| Adjacent Properties | Mixed use building owned by the applicant to the west |
| Surrounding Neighborhood Character | The neighborhood off New York Avenue is typically noted for a variety of industrial uses, including an existing animal shelter to the west of the site and some auto related uses. |

III. APPLICATION-IN-BRIEF

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| Proposal | Jemal's Hecht's LLC and Petco (co-applicant) request special exception approval to permit an animal boarding, pet grooming and pet shop use (Petco) on the ground floor of the garage structure in the C-M-3 District. |
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IV. ZONING REQUIREMENTS and RELIEF REQUESTED

The proposed uses, including animal boarding, pet grooming and pet shop are permitted by special exception, subject to the requirements of §§ 802.21; 802.25 and 802.26 respectively.

V. OFFICE OF PLANNING ANALYSIS

Special Exception Relief pursuant to § 802.21; § 802.25; § 802.26

ANIMAL BOARDING

802.21 *An animal boarding use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.*

802.22 *The animal boarding use shall be located and designed to create no condition objectionable to adjacent properties resulting from animal noise, odor, or waste.*

Parcels within the square to the east and west, of the subject building within which the use would be located are owned by the applicant and separated by drive aisles – Hecht Avenue to the west and an unnamed aisle to the east of the store. (See Exhibit A). Therefore, due to its location and the surrounding uses, OP does not anticipate objectionable conditions to adjacent properties.

802.23 *The animal boarding use shall not abut a Residence District.*

The use would not abut a residential district, as the property is located in the C-M-3 District and surrounded by other zones of the PDRM (industrial) districts.

802.24 *External yards or other exterior facilities for the keeping of animals shall not be permitted.*

No external yards are proposed for this establishment. All functions for this use would be internal to the building.

PET GROOMING

802.25 *A pet grooming establishment may be permitted ... subject to the requirements of this subsection.*

(a) The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;

The pet grooming operation would be located on the ground floor of a 5-level parking structure and should not generate objectionable conditions to affect adjacent retail properties on the ground floor of the building. There are no adjacent residential properties where the use would be located on the east side of the building. Waste retention would be controlled through double-bagging and placed in covered containers. Waste removal would occur at least once per week. The interior or the space would be designed to include an air filtration system appropriate for odor control and customary for this type of use.

(b) All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;

As stated, double-bagged waste would be disposed in closed waste containers in a designated trash area on the property. A qualified waste disposal company would collect and dispose of such at least once per week. Odor would be appropriately controlled by an air handling system.

(c) The pet grooming establishment shall not abut an existing residential use or a Residence District;

For reasons previously stated, the use would not abut an existing residential use or district. The animal boarding, pet grooming and accessory pet shop uses would be included within one assigned retail space on the ground floor of the parking structure.

(d) External yards or other external facilities for the keeping of animals shall not be permitted;

No external yards are proposed.

(e) The sale of pet supplies is permitted as an accessory use; and

Pet supplies would be provided as an accessory use within the facility.

(f) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

OP does not recommend additional requirements to protect nearby properties except the applicant should indicate to the Board the location of its proposed waste collection.

PET SHOP

802.26 *A pet shop may be permittedsubject to the requirements of this subsection.*

(a) The pet shop shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;

The pet shop including sale of pet supplies such as pet food and associated pet paraphernalia should not create objectionable conditions due to noise, odor or waste,

(b) The pet shop shall not abut an existing residential use or a Residence District;

This condition is satisfied as stated in §§ 802.23 and 802.25 (c).

(c) External yards or other external facilities for the keeping of animals shall not be permitted; and

No external yards are proposed.

(d) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

OP does not recommend additional requirements to protect nearby properties. However, the applicant should indicate to the Board the location of its proposed waste collection.

Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal is in harmony with the general purpose and intent of the regulations as the uses are presumed compatible with the C-M districts and are permitted as special exception, if approved by the Board (§802.1).

Would the proposal appear to tend to affect adversely, the use of neighboring property?

The proposed uses within the Petco store will be housed on the ground floor of a five-level parking garage within 12,437 square feet of retail space. There is no residential use abutting the location of the proposed store. Uses to the east of the store are industrial and railroad tracks are north of New York Avenue.

The concrete structure in combination with sound proof materials and an air filtration system to be included in the store's interior design would ensure that objectionable conditions from the uses within the store could be minimized. Waste collection would be removed at least once per week by a qualified waste removal service. Thus the use of neighboring property would not be adversely affected.

The combined uses within the Petco store satisfy the conditions for special exception approval pursuant to Sections 802.21, 802.25, 802.26 and 3104 of the Zoning Regulations.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation would provide comments under separate cover. Comments from other District agencies were not received.

VII. COMMUNITY COMMENTS

The ANC 5D has voted to support the special exception request as stated in its June 10, 2014 report, which is included as part of the Board's record (Exhibit 13).

