

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FINAL RULEMAKING**  
**AND**  
**ZONING COMMISSION ORDER NO. 13-15**  
**Z.C. Case No. 13-15**  
**(Text Amendment – 11 DCMR)**  
**(Text Amendment to Allow Veterinary Boarding Hospital and Veterinary**  
**Hospital Uses in SEFC/CR District)**  
**March 31, 2014**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of adoption of the following text amendment to the Zoning Regulations of the District of Columbia, at Title 11 of the District of Columbia Municipal Regulations (DCMR). A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 14, 2014 at 61 DCR 1320. The amendment shall become effective upon the publication of this notice in the *D.C. Register*.

**Description of Amendments**

The text amendment adds a new § 1803.16 to allow veterinary boarding hospital and veterinary hospital uses in the portion of the Southeast Federal Center (SEFC) Overlay District that is also mapped in the Mixed-Use Commercial Residential (CR) District. The amendment makes the uses subject to conditions, some of which may apply to only one of the uses. For example, a veterinary boarding hospital may devote not more than fifty percent (50%) of its gross floor area to animal boarding and must do so within an enclosed and soundproof building, while a veterinary hospital may board animals anywhere in its facility, but may only do so if needed for their convalescence.

**Procedures Leading to Adoption of Amendments**

On November 22, 2013, FC 1212, LLC and FC QUAICB, LLC submitted a petition requesting an amendment to the regulations to allow a veterinary boarding hospital on Lot 12 in Square 7711. The Office of Planning (OP) submitted a preliminary and pre-hearing report dated November 29, 2013 recommending that the proposed amendment be set down for a public hearing. The report further indicated that while “the petition limits the location of a veterinary

hospital to a specific lot, OP would not be opposed to allowing the use on any property in the SEFC/CR District.”

At its December 9, 2013 public meeting, the Commission voted to set down the amendment for a public hearing and to advertise the amendment as permitting the more limited veterinary hospital use in addition to the veterinary boarding hospital use. The Commission also voted to advertise the text amendment as applying to any property within the SEFC/CR District, rather than only to Lot 12 in Square 771.

The Commission requested that OP address measures that would attenuate sound and manage waste created by the operation of veterinary hospital and veterinary boarding hospital uses. The Commission also sought clarification as to whether the boarding hospital use would or would not exclude dogs. OP and the Office of the Attorney General were granted the flexibility to revise the text consistent with the clarifications sought.

A notice of public hearing was published in the December 20, 2013 edition of the *D.C. Register* that included revised text necessary to protect against the potential adverse impacts of the proposed uses based upon existing zoning regulations governing those uses. The notice also clarified that dog boarding was permitted.

The District Department of Transportation (DDOT) submitted a report dated January 27, 2014. DDOT found that the proposed amendment would have no adverse impacts on the travel conditions of the District’s transportation network.

OP submitted a final report dated January 27, 2014. The report recommended approval of the text amendment with a proposed revision, clarifying that the requirements of § 1803.16(d) that all boarding take place entirely within an enclosed and soundproof building would apply to a veterinary boarding hospital use, but not a veterinary hospital use, since the limited boarding permitted for a veterinary hospital is associated solely with the care of convalescing animals.

A public hearing was scheduled for and held on February 6, 2014. At the hearing, Lyle Blanchard, Esquire, on behalf of the Petitioner, presented the written testimony of Ramsey D. Meiser, Senior Vice-President of Development for Forest City Washington, in support of the amendment. Mr. Meiser’s testimony highlighted the need for a veterinary hospital in the SEFC Overlay.

At the close of the hearing, the Commission authorized the publication of a notice of proposed rulemaking in the *D.C. Register* and a referral to the National Capital Planning Commission (NCPC) for the thirty (30)-day period of review required under § 492 of the District Charter for the proposed text amendment.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 14, 2014 at 61 DCR 01320. In response to concerns expressed by the Commission, the word “incidental” was removed from proposed § 1803.16 in describing the limitation on animal boarding for veterinary hospitals. Since such boarding was already limited to circumstances where the boarding was needed for convalescence, the term “incidental” was redundant and potentially confusing. No comments were received in response to the notice’s publication during the thirty (30)-day comment period ending on March 12, 2014. However, on March 18, 2014, the Commission received the a letter from the District of Columbia Veterinary Medical Association. The Commission decided by consensus to accept the letter into the record, despite its late filing. The letter expressed support for the proposed amendment.

In a letter dated March 11, 2014, NCPC’s Executive Director indicated that through delegated action he found that the proposed text amendment would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

At a properly noticed public meeting held on March 31, 2014, the Commission took final action to adopt the text amendment, making no changes to the text as proposed.

Advisory Neighborhood Commission (ANC) 6D submitted a report dated January 24, 2014 indicating that, at a regularly scheduled and properly noticed meeting, a quorum of Commissioners voted 6-0 in support of the proposed amendment. In accordance with § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)), the Commission must give “great weight” to the issues and concerns of the affected ANC. In this instance the Commission finds the ANC’s advice to be persuasive.

Title 11 DCMR, **ZONING**, is amended as follows:

Title 11 DCMR, Chapter 18, **SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT**, is amended by adding a new § 1803.16 to read as follows:

1803.16 Notwithstanding §§ 602.1(r) and 618, veterinary boarding hospital and veterinary hospital uses are permitted in the SEFC/CR Zone District, subject to the conditions below, which apply to both uses unless stated otherwise:

- (a) No more than fifty percent (50%) of the gross floor area of a veterinary boarding hospital may be devoted to the boarding of animals;
- (b) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to § 9(b) (1) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1808 (h) (1));

- (c) A veterinary hospital may include the boarding of animals as necessary for convalescence;
- (d) Animal boarding at a veterinary boarding hospital shall take place entirely within an enclosed and soundproof building so that no noise or odor emanates onto neighboring properties;
- (e) Animal and animal waste odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;
- (f) External yards or other exterior facilities for the keeping of animals shall not be permitted;
- (g) All animal waste shall be placed in closed waste disposal containers and shall be collected and disposed of at least once a week by a qualified waste disposal company; and
- (h) Pet grooming and the sale of pet supplies are permitted only as accessory uses (i.e., not as an independent line of business).

On February 6, 2014, upon the motion of Commissioner Miller, as seconded by Commissioner May, the Zoning Commission **APPROVED** the petition at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On March 31, 2014, upon the motion of Vice Chairman Cohen, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May to adopt; Michael G. Turnbull to adopt by absentee ballot).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the D.C. Register; that is, on April 11, 2014.

  
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ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
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SARA A. BARDIN  
DIRECTOR  
OFFICE OD ZONING

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The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.