

BOARD OF ZONING ADJUSTMENT
SPECIAL EXCEPTION APPLICATION
APPLICANT'S STATEMENT

Epiphania LLC (Owner/Applicant)
DeLuca Studio (Tenant/Operator)
2028 P Street, NW; Square 96, Lot 18

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I. Introduction

This application requests special exception approval pursuant to Section 731 of the District of Columbia Zoning Regulations to operate a massage therapy practice in the building (the "Building") located at 2028 P Street, NW (the "Property") DeLuca Studio has operated a successful massage therapy studio at 1329 Connecticut Avenue, NW for over eleven years. The owner of DeLuca Studio, Luis Franca, recently purchased the building located at 2028 P Street, N W with the intention of moving DeLuca Studio to that address, two blocks from the current location Moving his existing operation to the other side of Dupont Circle, however, puts the operation within a different Zone District (C-2-B). In the C-2-B Zone District, massage - as a principal use - is permitted only with Special Exception approval. The Applicant and property owner, Epiphania LLC (also principally owned by Mr Franca), is therefore asking the Board for special exception relief so that DeLuca Studio may relocate its massage therapy business to 2028 P Street, NW

II Description of the Use

DeLuca Studio has been in business at its Connecticut Avenue location for over eleven years The Studio offers Swedish Massage, Deep Tissue Massage, Sports Massage, and Hot Stone Massage, all by District - licensed, professional massage therapists (see flyer attached as Exhibit A). DeLuca Studio holds a D C Basic Business License for a massage establishment (copy attached as Exhibit B), and a certificate of occupancy for its current operation at 1329 Connecticut Avenue (copy attached as Exhibit C) The current Studio is mid-block between Dupont Circle and N Street, NW, in the heart of Dupont Circle's retail district The move to 2028 P Street places DeLuca Studio in another section of that same retail district, one block west of Dupont Circle At this new location, DeLuca Studio will continue the existing massage therapy

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18384
EXHIBIT NO. 5

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practice, and will also include related matter-of-right uses such as yoga, aroma therapy, and the incidental sale of related products DeLuca Studio will occupy the entire building at 2028 P Street, NW

III. Description of the Property and Surrounding Neighborhood

The Property is located about a block and a half west of Dupont Circle, mid-block on the south side of P Street between 20th and 21st Streets The Property is located in the middle of a high-traffic retail area that includes dry cleaners, a framing shop, a veterinary clinic, a small grocery store, two wine stores, and several restaurants (See maps attached as Exhibit D-1 and D-2, and photos attached as Exhibit E)

IV The Application Satisfies the Special Exception Requirements of Sections 3104 and 731

A Overview. Pursuant to Section 3104 1 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under Section 214 of the Zoning Regulations

Uses that are permitted by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D C Board of Zoning Adjustment*, 753 A.2d 984, 986 (D C 2000) This application provides satisfactory evidence that the Applicant has satisfied the relevant zoning requirements of Sections 214 and 3104 1, as described below.

B The Special Exception Requirements

The proposal in this application satisfies the requirements of 11 DCMR §§ 731 and 3104 1, as follows

Section 731.3 The establishment shall be compatible with other uses in the area

The Property is located within a high-traffic retail area in which a massage therapy studio, with highly-trained and licensed massage therapists, is perfectly compatible

Section 731.4 The use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions

DeLuca Studio's use of the Property for massage therapy will not have any objectionable effect on the character of the neighborhood. The use will produce no material amount of noise. The proposed use is embedded in the heart of a pedestrian retail area near a Metro Station, and will therefore have no impact on traffic. Virtually all of DeLuca Studio's current customers walk to the Studio from their homes or local jobs, or they ride the Metro. There are no other conditions presented by this use which could reasonably be considered to be objectionable.

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Section 731.5 The establishment shall not have an adverse impact on religious, educational, or other institutional facilities located in the area.

DeLuca Studio is a well-established, licensed operation in which licensed professionals provide a desired service in a professional manner to Dupont Circle residents and employees. DeLuca Studio has served the Dupont Circle community from its Connecticut Avenue location for over eleven years without complaint from residents or businesses, and without complaint from any religious, educational, or other institutional facility. To our knowledge, there are no such facilities within two hundred feet of the Property.

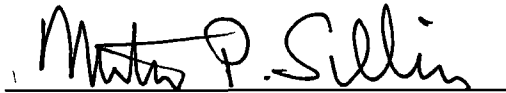
Section 3104.1 Special Exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps

For the same reasons noted in the above paragraphs, special exception relief will not tend to adversely affect the use of neighboring property. To the contrary, the provision of these services will draw desirable clientele to the restaurants and other neighboring establishments.

V. Conclusion

For the reasons stated above, this application meets the requirements for special exception approval by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin P. Sullivan", written over a horizontal line.

Martin P. Sullivan, Esq
March 16, 2012

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*Could you use a break?
Some time for yourself to refresh?
Reward yourself at . . .*

DELUCA MASSAGE



*Swedish
Deep Tissue
Hot Stones
Sports Massage*

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DELUCA MASSAGE

Located in the heart of Dupont Circle since 2000. We suggest you make a reservation to guarantee your time, but you can also just walk-in and we will do our best to find a way to accommodate you.

Call us today!

202-USA-LUCA (202-872-5822)

1329 Connecticut Ave N.W.
Suite 200
Washington, D.C. 20036



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★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA Adrian M. Fenty, Mayor	Department of Consumer and Regulatory Affairs Business License Center 1100 4th Street, S.W. Washington, D.C. 20024	* Date Issued: 03/30/2010 4:24 PM Business ID/BBL#: 02055XXXX-66002534 Category: 228 License Period: 04/01/2010-03/31/2012														
BASIC BUSINESS LICENSE																
<u>Billing Name and Address</u> TWO BROTHERS, LLC 1329 CONNECTICUT AVE NW #200 WASHINGTON, DC 20036	<u>Premise/Applicant's Name and Address</u> 1329 CONNECTICUT AVE NW #200 WASHINGTON, DC 20036	<u>Registered Agent's Name and Address</u> DEFRANCA, LUIS 1329 CONNECTICUT AVE NW #200 WASHINGTON, DC 20036														
Owner's Name: Corp. Name: TWO BROTHERS, LLC Trade Name: DE LUCA STUDIO																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">CofO# / HOP# C029882</td> <td style="width: 15%;">Square:</td> <td style="width: 15%;">Lot:</td> <td style="width: 15%;">Suffix:</td> <td style="width: 10%;">Zone:</td> <td style="width: 10%;">Ward:</td> <td style="width: 10%;">ANC:</td> </tr> <tr> <td>Units:</td> <td>Kitchens:</td> <td>SQ FT:</td> <td>Perm No.:</td> <td>Tab First:</td> <td>Tab Last:</td> <td>VIN#</td> </tr> </table>			CofO# / HOP# C029882	Square:	Lot:	Suffix:	Zone:	Ward:	ANC:	Units:	Kitchens:	SQ FT:	Perm No.:	Tab First:	Tab Last:	VIN#
CofO# / HOP# C029882	Square:	Lot:	Suffix:	Zone:	Ward:	ANC:										
Units:	Kitchens:	SQ FT:	Perm No.:	Tab First:	Tab Last:	VIN#										
PUB HEALTH: PUB ACCOM MESSAGE ESTABLISHMENT																
---THE LAW REQUIRES THIS LICENSE TO BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES ---																
		 Linda K. Argo Director														
* License Effective from the later of Issued or Start of License-Period Date																
ADDENDUM																
It is a violation of the DC regulation 73-22 Human Rights Law to discriminate for any reason other than individual merit, including but not limited to discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, physical handicap, source of income, and place of residence or business. Failure or refusal to comply with the above shall be a proper basis for the revocation or suspension of this license.																

Exhibit B

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Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street N.E. room 2100
Washington D.C. 20002
Tel: (202) 442 - 4470 Fax (202) 442 - 4862

Government
of the District
of Columbia
BLRA94A

C of O

CERTIFICATE OF OCCUPANCY

PERMIT NO.

CO 29882

THIS PERMIT IS VALID ONLY FOR THE PREMISES
OF THE PROJECT ADDRESS

DATE : 5/21/02

ADDRESS : 1329 CONNECTICUT AVE NW	FLOOR(S): 2ND FLOOR	PRCLID : 0137 (square) WARD : 2	-0000- (lot) ZONE : C3C	0058
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PERMISSION IS HEREBY GRANTED TO :

TRADING AS:

CORPORATION : TWO BROTHERS LLC
ID No.: L10746

DELUCA STUDIO

APPROVED USES :

OTHER - SEE DESCRIPTION

PREVIOUS USES :

OTHER - SEE DESCRIPTION

USE CHANGE	BZA NO. :	OCCUPIED SQ. FOOTAGE: 750	OCCUP. LOAD:	EXPIRATION DATE: NONE
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DESCRIPTION OF USE
THERAPEUTIC MASSAGE

FEE :

\$57.00

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, VALID ONLY for the premise at the above address or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

David A. Clark
DIRECTOR

PERMIT CLERK:

THINGOC MACXOAN

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Exhibit C

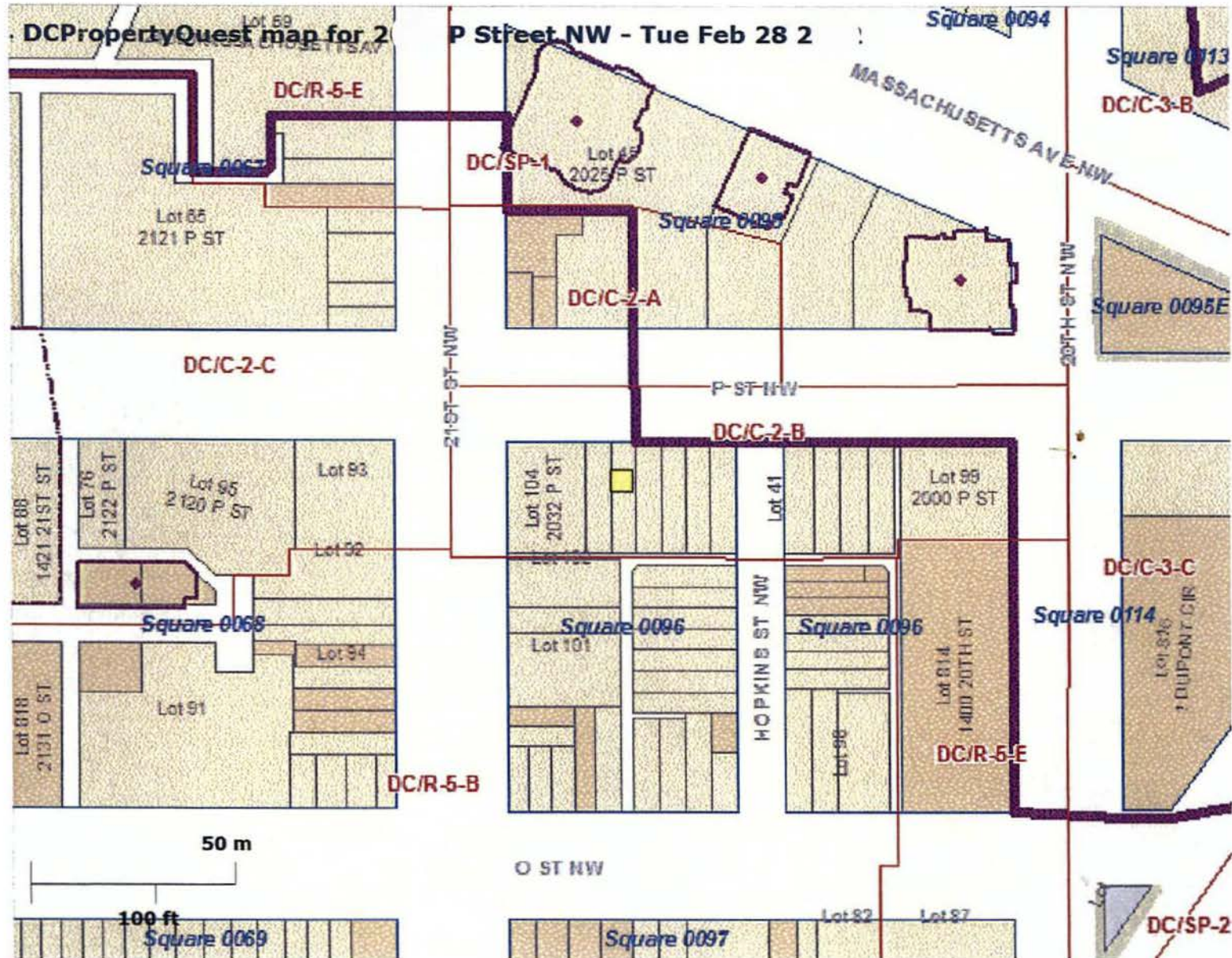
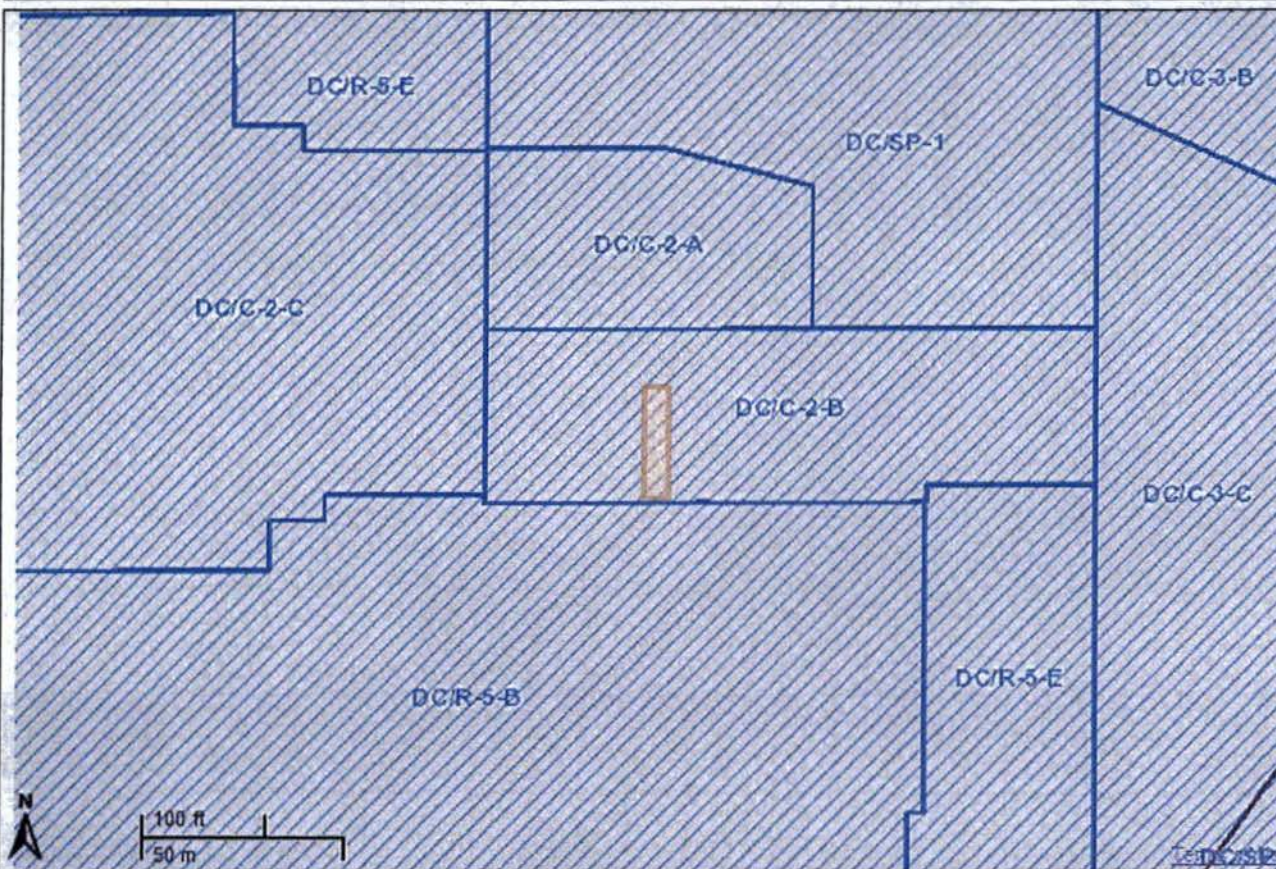


Exhibit D-1



Zoning Report for Square: 0096 Lot: 0018

February 28, 2012



Zoning
Layers

Zone Districts
Pending PUDs

CEA
PUDs

Campus Plans
Historic Districts

Overlays
TDRs

Latitude: 38.909392 Longitude: -77.046146

While DCOZ is committed to providing accurate and timely zoning information via the zoning map, DCOZ cannot guarantee the quality, content, accuracy, or completeness of the information, text, graphics, links, and other items contained therein. All data visualizations on the zoning map should be considered approximate. Information provided in the zoning map should not be used as a substitute for legal, accounting, real estate, business, tax, or other professional advice. DCOZ assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. DCOZ retains the right to change any content on its zoning map without prior notice.

Zoning Data Summary*

Square/Suffix/Lot	0096 / n/a / 0018
Premises Address	2028 P ST NW
Zoning District (s)	C-2-B
Overlay District (s)	DC
Pending Zoning District(s)	
Pending Overlay District(s)	
PUDs	None
Pending PUDs	None
Ward	2
Council Member	Jack Evans
ANC	2B
ANC Chairperson	Mike Silverstein
SMD	SMD 2B06
Commissioner	Mike Silverstein

* For a detailed explanation of zoning related terms, please refer to the DC Zoning Map Glossary available at http://maps.dcoz.dc.gov/css/Map_App_User_Guide/Glossary.pdf.

** To the extent an active PUD exists on a particular site, the PUD zoning depicts the zoning in effect for that site.



2028 P Street NW (in the center)



Properties to the East of the Property



View from the Property across P Street