

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of

MEDC, LLC, d/b/a Massage Envy

STATEMENT OF THE APPLICANT

I. NATURE OF RELIEF SOUGHT

Massage Envy (the “Applicant”) submits this application, pursuant to 11 DCMR sections 3108.2 and 731.1 for a special exception to establish a massage spa at the premises addressed as 4620 Wisconsin Avenue, N.W. (Square 1732, Lot 45) (the “Property” or “Site”).

II. JURISDICTION OF THE BOARD

The Board of Zoning Adjustment has jurisdiction to grant the requested special exception relief pursuant to section 3108.2 of the Zoning Regulations.

III. BACKGROUND OF THE CASE

A. Site and Vicinity Characteristics

1. The Property

The property which is the subject of this application is located on the west side of Wisconsin Avenue between Brandywine and Chesapeake Streets, N.W. It is located in the Tenleytown neighborhood in Ward 3 along the commercial corridor of upper Wisconsin Avenue. The Property is located two blocks to the north of the Tenleytown Metrorail Station. It is zoned C-2-A (See attached zoning map, Exhibit A) and is located within the boundaries of Advisory Neighborhood Commission 3E.

The Property is currently improved with a four-story office building with ground floor retail uses and a below grade garage. The office floors primarily occupied by the owner, American University, with the university’s administrative offices. The Property is surrounded by

commercial office, retail, and service uses. To the immediate north of the Property are two- and three-story mixed-use buildings with ground floor retail uses. Immediately to the south is a vacant property for which a new, five-story apartment building with ground floor retail uses has been approved (Jemal's Babes, ZC No.10-23.)

B. The Applicant

Massage Envy Spas are a national franchise success story of the last decade growing to 1,000 locations. Massage Envy Spas' corporate philosophy favors a strong community-focused approach by way of passionate and dedicated community-based franchisees. Massage Envy Spas' franchised locations serve their communities by providing professional, convenient, and affordable health and wellness core services to the niche market for membership-based massage therapy and healthy skin facial services. There are currently 35 locations operating in the Maryland and Northern Virginia markets. The proposed Tenleytown store will be the first Massage Envy Spa in the District of Columbia as the next closest stores are in Bethesda, MD and Arlington, VA. As is the case with the most of the employees and patrons of the proposed Tenleytown location will be commuters who use the Tenley Metro Station or residents of the immediately surrounding neighborhood.

C. Nature of Special Exception Request

The Applicant proposes to occupy approximately 2,857 square feet of space on the ground floor of the Property with a massage establishment. The space was formerly occupied by a restaurant: Morty's Delicatessen. According to Section 731 of the Zoning Regulations, massage establishments are permitted in the C-2 District as a special exception based on the following criteria:

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

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.

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

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF FROM THE ZONING REGULATIONS

A. The Proposed Use is Compatible with Other Uses in the Area

As indicated above, the surrounding area includes a wide variety of commercial uses.

Massage Envy offer professional therapeutic massages and healthy facials. These services are not unlike those offered at other businesses, such as physical therapists' offices and day spas, which are commonly located in C-2 zoning districts in multi-use office buildings. The proposed use which is essentially a service use that will serve the community. It is compatible with the surrounding commercial and residential uses and provides an additional service to the community.

B. The Proposed Use Will Not Be Objectionable Because of its Effect on the Character of the Neighborhood or Because of Noise, Traffic, or Other Conditions

The Massage Envy Spa location will be open during convenient and reasonable hours: Monday-Friday from 8am – 10pm, Saturday from 8am to 8pm and Sunday from 10am to 8pm.

Massage Envy Spas' clientele are dues-paying members whose identification and records are scrupulously monitored and updated. Massage Envy Spa employees include professionally licensed therapists and administrative staff, all of whom undergo thorough pre-employment background and identification verification.

Each Massage Envy Spa is meticulously cleaned and maintained. In addition, the brand signage, the décor and design of each location and the uniforms for all staff members are professional, consistent, and recognizable.

The proposed use will require minimal parking. The prepared location is well served by Metrorail and Metrobus and the location is walkable from the surrounding residential neighborhood. In addition, parking will be available in the onsite parking garage with one our free with validation from Massage Envy.

C. The Establishment Will Not have an Adverse Impact on Religious, Educational, or other Institutional Facilities Located in the Area

It is Massage Envy Spas' express policy that the highest standards of decorum, ethics, modesty, cleanliness, and professionalism will be observed by all therapists, administrative staff, and clientele. Inappropriate behavior on the part of any therapist, staff member, or client is expressly prohibited and is not tolerated at any time under any circumstance.

CONCLUSION

For the reasons stated above, the requested relief meets the applicable standards of the Zoning Regulations and can be granted without substantially impairing the intent, purpose, and integrity of the Zoning Regulations. The Applicant therefore requests that the Board grant this application.

Respectfully submitted,

SAUL EWING LLP

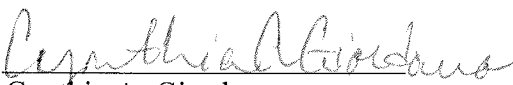
By 
Cynthia A. Giordano
1919 Pennsylvania Avenue, NW
Suite 550
Washington, DC 20006
(202) 333-8800



EXHIBIT A

District of Columbia Office of Zoning

EXTRACT OF THE DISTRICT OF COLUMBIA ZONING MAP

April 17, 2014



Zoning Layers

☐ Zone Districts	☐ Overlays Districts	☐ TDRs	☐ Air Rights Zone
☐ Pending Zones	☐ Pending Overlay Districts	☐ Pending PUDs	☐ Baist Index
☐ Historic Districts	☐ Campus Plans	☐ Active PUDs	☐ CEA

To certify zoning on any property in order to satisfy a legal requirement, contact the Office of Zoning at (202) 727-6311.