

**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 premises address of 4926 Wisconsin Avenue, N.W. (Square 1671, Lot 805) (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. EXHIBITS IN SUPPORT OF THE APPLICATION

This application includes the following additional materials:

Exhibit A: Surveyor’s Plat showing existing site conditions.

Exhibit B: Architect’s drawing showing floor plan of a prototypical facility & floor layout of the tenant space that prototype will be fitted to.

Exhibit C: Zoning Map showing the Property outlined in red.

IV. 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 Fessenden St NW and Ellicott St, N.W. It is located in the Tenleytown neighborhood in Ward 3 along the commercial corridor of upper Wisconsin Avenue.

The Property is located between the Tenleytown and the Friendship Heights Metrorail Stations. There is a Metro Bus stop in front of the site. The Property is zoned C-2-A (See attached zoning map, Exhibit C) and is located within the boundaries of Advisory Neighborhood Commission 3E.

The Property is currently improved with a two-story dual-tenants – Animal Clinical Inventions, LLC on the 2nd floor, Massage Envy would be on the ground floor level previously occupied by Wells Fargo and the building controls 20 parking spaces. Neighboring buildings have tenants such as Young's Nails, De Louice Custom Tailor, National Driving Center, Tenely Sew-Vac, Hadeed Carpet Cleaning, Spring Garden, PetMAC, Tanad Thai Cuisine, Tartufo Italian. The Property is surrounded by commercial office, retail and service uses. To the immediate north of the Property are one and two-story mixed use buildings with ground floor retail uses with a Citibank bank across the corner from the site. Immediately to the south are more single story retail uses and a corner Shell gas station and a Safeway grocery store past and across Ellicott St. NW to the South.

Massage Envy Spas are a national franchise success story of the last decade growing to 1,100 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 45 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 Arlington, VA location, most of the employees and patrons of the proposed Tenleytown location will be commuters who use the Tenleytown Metro Station or residents of the immediate Tenleytown Neighborhood.

B. Nature of Special Exception Request

The Applicant proposes to occupy approximately 3,000 square feet of space on the ground floor of the Property with a massage establishment. 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.

V. 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.

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

Massage Envy Spas 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 and shopping centers. Each Massage Envy Spa location is open during convenient and reasonable hours, which serve the needs of the Spa's clientele, but which also assure that the Spa closes at a

reasonable hour.

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.

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.

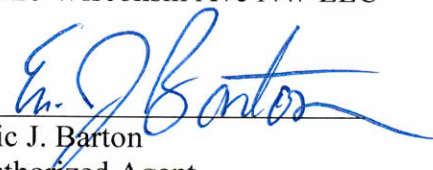
CONCLUSION

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,

For: 4926 Wisconsin Ave NW LLC

By


Eric J. Barton

Authorized Agent

Massage Envy Spas Regional Developer

4411 Taos Rd, Dallas, TX 75209

202.787.0464