

November 6, 2020

Office of Zoning  
Government of the District of Columbia  
Suite 210 South  
441 4<sup>th</sup> Street, NW  
Washington, DC 20001

Re: **Burden of Proof – Use Variance for Fast Food Establishment Use**  
**Address: 5504 Connecticut Avenue NW**  
**Square, Suffix, Lot: Square 1859, Lot 0086**  
**Zoning District: MU-3A**

Applicant Mama Lucia's of Chevy Chase ("Mama Lucia's") hereby applies for a Use Variance for the approval of a Fast Food Establishment Use exception for the retail premises located at 5504 Connecticut Avenue, N.W., Washington, DC, Square 1859, Lot 0086, Zoning District MU-3A ("Premises"). As Mamma Lucia's Fast Food Establishment Use does not fall within the Matter-of-Right Uses for the MU-Use Group D under Section U-510.1, Mamma Lucia's seeks a Use Variance under Section X-1001.4(a).

Mama Lucia's is a popular, locally owned Italian sit-down and take-out restaurant that currently operates six (6) other locations in the State of Maryland, primarily in Montgomery County, Maryland. Mama Lucia's has entered into a lease agreement for the operation of a Mama Lucia's restaurant at the Premises. The Premises consists of approximately 900 square feet and is located in a pedestrian heavy, mixed use neighborhood that borders Chevy Chase, Maryland.

Mama Lucia's intends to have approximately ten (10) customer seats for indoor dining and will predominately rely on carry-out and delivery sales. In its plans to perform certain

interior alterations to the Premises, it was determined that Mama Lucia's was required to obtain a Fast Food Establishment Use Variance as the Premises falls within MU-3A zoning district which does not permit a fast food establishment use. The prior occupant of the Premises, Pumpernickels Bagelry & Delicatessen, apparently obtained a Fast Food Establishment-A-2 Variance and operated a similar use business as Mama Lucia's seeks.

Mama Lucia's hereby request that it be granted a Use Variance to permit it to operate a Fast Food Establishment Use at the Premises. In that regard, Mama Lucia's satisfies the burden of proof necessary to obtain a Use Variance for its business operations.

**I. The physical characteristics of the property creates exceptional and undue hardship for the owner in using the property consistent with the Zoning Regulations.**

As previously stated, the Premises consists of approximately 900 square feet. Due to the size limitations of the Premises, Mama Lucia's would not be able to maintain a financially viable business if it were limited to dine-in service only. Given the limited number of indoor customer seats (approximately 10) that will be available in the Premises, Mama Lucia's anticipates that approximately 90% of its business will come from carry-out sales and delivery service. In addition, the devastating impact of COVID-19 and customers' concerns regarding indoor dining has, for the foreseeable future, changed people's dining habits. In order to maintain a viable business during the COVID-19 pandemic, it is essential that restaurants change the manner in which they serve their customers. The demand for delivery and carry-out dining now exceeds indoor dining, particularly in the Washington, DC area. If Mamma Lucia's were denied a Fast Food Establishment Use, it would be unable to maintain a business at the Premises. The limited in-door seating capacity in the Premises combined with COVID-19 and related government

dining restrictions would effectively preclude Mamma Lucia's from operating its business in the Premises.

**II. Granting the Application will not be of substantial detriment to the public good.**

Granting Mama Lucia's a Use Variance to establish a Fast Food Establishment Use will be of significant benefit to the surrounding neighborhood and would not, in any manner, be a detriment to the public good. Mama Lucia's is a well-known Italian restaurant in the Washington, DC metropolitan area and has been a popular community restaurant since 1997. The neighborhood will benefit from the establishment of an Italian restaurant with delivery and carry-out services. Again, COVID-19 has caused diners to transition from indoor dining to carry-out and delivery service. Most established restaurants have been required to change their business model to meet the challenges of COVID-19 by transforming their restaurants from dine-in to delivery and take-out services. Unfortunately, many restaurants have not survived COVID-19. Mama Lucia's business model for the Premises meets the new realities of the post COVID-19 restaurant world by predominantly relying on carry-out and delivery service. As a result of the limited indoor dining options, Mama Lucia's operation of the business in the Premises as a Fast Food Establishment Use will have virtually no impact on the traffic, noise or trash load in the surrounding neighborhood and there will be no drive-thru service.

**III. Granting the application will not be inconsistent with the general intent and purpose of the Zoning Regulations and Map.**

The Mixed-Use (MU) zone, within which the Premises are located, provides for mixed-use developments that permit a broad range of commercial, institutional and multiple dwelling unit residential development at varying densities. The MU-3 zones are intended to provide, among other things, convenient retail and personal service establishments for the day-to-day

needs of a local neighborhood. Granting Mama Lucia's Use Variance to establish a Fast Food Establishment Use, as the Board apparently did with Pumpernickels, the prior restaurant operator at the Premises, is entirely consistent with the general intent and purpose of the Zoning Regulations of the MU-3 Zone and Map. The restaurant will provide a substantial benefit to the community and will meet the day-to-day dining needs of the neighborhood, particularly in light of the COVID-19 pandemic. There will be no negative impact whatsoever on the neighborhood if the Board were to approve Mamma Lucia's Use Variance Application. To the contrary, Mama Lucia's would provide a great benefit to the neighborhood and would significantly and safely enhance the community's dining options.

Mama Lucia's anticipates obtaining written and/or testimonial support for its Application from the ANC 3G/3G06 and members of the community.