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January 12, 2023

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

Re: **Third Amended Burden of Proof - Mamma Lucia of Chevy Chase
§901.2- Special Exception for Fast Food Establishment Use
Address: 5504 Connecticut Avenue NW, Washington DC
Square, Suffix, Lot: Square 1859, Lot 0086
Zoning District: MU-3A**

In further support of Applicant Mamma Lucia of Chevy Chase's ("Mamma Lucia's") previously filed request for a Special Use Exception for the approval of a Fast Food Establishment Use under §U-511.1(e) for its restaurant premises located at 5504 Connecticut Avenue, N.W., Washington, DC, Square 1859, Lot 0086, Zoning District MU-3A ("Premises"), Mamma Lucia states as follows and incorporates herein by reference the other grounds raised in its previously submitted Burden of Proof (as amended) filed herein:

In its February 25, 2022 Memorandum (the "Memorandum"), the Office of Planning ("OP") sought additional information in order to recommend Mamma Lucia's Special Use Exception. In addition to further supplementing its Burden of Proof, Mamma Lucia hereby responds to OP's Memorandum are as follows:

I. Information Regarding Trash Collection:

a. Frequency of Trash Collection: Trash collection at the shopping center wherein Mamma Lucia is located occurs six (6) days per week.

b. Whether the Trash Receptacles Have Secured Lids: The trash receptacles servicing Mamma Lucia and the other tenants located at the shopping center have secured lids.

c. Frequency of Cleaning Around the Receptacles: The area around the trash receptacles is cleaned six (6) days per week, Monday through Saturday.

d. Site Plan Identifying the Location of the Refuse Receptacles: The attached Alley Gate Drawing identifies the area within the shopping center wherein the trash receptacles are located.

e. Elevation of Refuse Dumpsters With Enclosures and Gates: See attached Alley Gate Drawing.

2. **Confirmation of Building Area Calculations.** The parcel that includes Mamma Lucia is Square 1859, Lot 86. It has an entire building footprint of 7,452 square feet on the first floor, 7,355 square feet in the basement and 7,090 square feet on the second floor.

3. **Hours of Operation:** Mamma Lucia's operating hours are as follows:

7:00am – 9:00pm (M-Thurs)

7:00am – 10:00pm (Fri – Sat)

7:00am – 9:00pm (Sun)

4. **Details Regarding Loading and Deliveries:** All loading and deliveries take place from Connecticut Avenue, which fronts Mamma Lucia. The landlord does not permit any loading or deliveries from the back area of the shopping center as it does not want the trash area to be blocked. Mamma Lucia receives delivery of its food and supplies approximately two (2) times per week, typically on Monday and Friday between the hours of 10:00 a.m. and 3:00pm. It

takes only approximately 10-15 minutes from the time of arrival for the delivery to be completed.

5. Floor Plan Identifying Location and Number of Seats Accommodating

Customers in the Restaurant: As the interior of Mamma Lucia's leased Premises consists of only approximately 913 rentable square feet of area, indoor seating space at the restaurant is limited. Presently, Mamma Lucia has two (2) interior tables that accommodate four (4) chairs. Floor and Equipment Plans as well as photographs of the seating area are attached. In addition, Mamma Lucia has an outdoor seating area. A Floor Plan of the outdoor seating area is attached.

6. Information Regarding Oven and Hood Vents: A detailed description of the components of the hood and vent system that Mamma Lucia installed in the Premises is as follows:

- a. Fan #1 EA-USBI24DD-RM-S - Exhaust Fan (KEF-1) - USBI24DD-RM Direct Drive Exhaust Only Unit With 24.750" Steel Wheel. Utility Set Exhaust Fan w/ 2" Grease Drain. Clockwise Rotation When Looking At Inlet. Exhaust Fan handles 3642 CFM @ -2.500" wc ESP, Fan runs at 1097 RPM. Exhaust Motor: 5.000 HP, 3 Phs, 460 V, 60Hz, 7.2 FLA, ODP, Premium (E-Plus3) Eff.
- b. 24" Diameter Duct - 24" Diameter Service Duct Used For Quick Disconnect From Fan Inlets & Duct Runs. Service Duct Kits Include (2) DW2407LT, (8) DW24RER12PCS, Hardware, & 3M Fire Barrier 2000 Plus Sealant;
- c. Grease Cup for Utility Sets. Option for Utility Sets;
- d. BI24 - 24" High Discharge Extension Assembly;
- e. BI - Discharge Orientation - Vertical Upper Left - CW Looking At Inlet;
- f. BI24 - 24" Flanged Grease Duct Connection;
- g. Floor Mount Spring Vibration Isolators. Option for the BI27 thru BI30, USBI24 & USBI30 (6 required) Utility Set units. Max Weight = 165 lbs. 1.2" Deflection. 3/8" bolt diameter. (5C128 X 6). "Black" (5C128) - Mason C-A-200.
- h. Mount Load Reactor in Fan;
- i. Line Reactor Mount used for mounting up to 25HP line reactor inside direct drive USBIs, CASREs, and larger DU/DRs;

j. KDRULA3L - 480V 8.2A Line/Load reactor. Used with VFD. Use VFD spreadsheet to determine which VFD HP can be associated with reactor. Replacing PN:RM0008N30; and

k. KEF-1 Curb RAILS-BI20-27 14H (Set of 2) On Fan #1 Flat Curb.

Photographs of Mamma Lucia's hood and ventilation system are attached.

The ventilation system installed is a high-end, updraft system that is more than sufficient to control the cooking odors at the business. The Parthenon Restaurant and Starbucks, which are located in the same shopping center, utilize this same ventilation system. Mamma Lucia has not received any complaints from any of the surrounding businesses regarding any smells or other issues with regard to the operation of its restaurant, including its ventilation system.

Although Mamma Lucia previously requested that the Board of Zoning Adjustment waive any condition to the granting of a Special Exception that the shopping center's dumpsters be enclosed as required by §U-511.1(e)(3), Mamma Lucia has, after much effort and expense, resolved the issue with its landlord and no longer requests a waiver of the rule. Attached hereto is the Alley Gate Drawing that details the enclosure of the shopping center's trash receptacles and which, upon information and belief, satisfies the requirement that the dumpsters be housed in a gated enclosure.

In sum, Mamma Lucia has provided, and will continue to provide, a great benefit to the neighborhood. It serves high quality made to order Italian food that is consistent with its six (6) other locations in the State of Maryland. A copy of Mamma Lucia's menu is attached. Mamma Lucia has been well-received in the neighborhood and is a true asset to the community. In fact, Mamma Lucia was selected to provide lunch and dinner on a daily basis to the United States National Guard who was guarding the United States Capitol building and political leaders after the January 6, 2021 insurrection. This resulted in Mamma Lucia providing approximately 2,000 meals per day to the National Guard for a three (3) month time period.

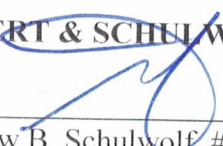
Despite the limited size of its Premises, Mamma Lucia spent approximately \$650,000 to build-out and improve the premises. Mamma Lucia transformed what was once an aging property into a first class restaurant business. Mamma Lucia's landlord reports that Mamma Lucia has been a terrific tenant, has been a great and much needed addition to its shopping center and the surrounding neighborhood and that its other tenants, including their employees, have been very pleased to have Mamma Lucia as a fellow tenant at the shopping center.

Mamma Lucia has met the Burden of Proof necessary to be granted a Special Use Exception for its approval as a Fast Food Establishment Use under §U-511.1(e) and it respectfully requests it be granted such Special Use.

Respectfully submitted,

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