

Re: BZA No. 12799A: 6201 3rd St. NW (Request for Modification of Consequence)

Letter in Opposition

November 26, 2018

Dear District of Columbia Board of Zoning Adjustment,

I live at 219 Rittenhouse Street NW and am writing in opposition to the Request for Modification of Consequence filed by the VIP Room. It is my understanding that the VIP Room wishes to change the longstanding condition of the 1979 BZA Order granting it the right to operate as a public hall; namely, that the VIP Room may not sell alcoholic beverages.

I have lived in Manor Park since 1996 and have witnessed the VIP Room's change in use from a dance hall that provided occasional private parties to, at times, a full-blown night club. The transition began occurring in 2013 after the death of the elder Abner Sampson when his son, commonly known as Bo Sampson, began operating the facility. He held loud parties and unmanaged events at the facility in clear violation of the 1979 BZA Order, which included a requirement to maintain 19 parking spaces for his events. Mr. Sampson not only ignored all aspects of the 1979 Order, but flagrantly violated the peaceful tranquility of the neighborhood to the detriment of the home owners living close to the night club, who pay taxes and vote. A previous ANC 4B Commissioner, the deceased Ron Austin, a close ally and friend of Mr. Sampson, was voted out of office for his underhanded and deceitful handling of Mr. Sampson's original application.

The VIP Room events have caused parking problems for me and my family as we do not have off street parking. On occasions in the past, we would return home to find that we had to drive around to find parking or block the street while we unloaded groceries. When confronted with the parking requirement under the BZA Order, Mr. Sampson falsely claimed he always maintained the required number of parking spaces onsite. ABRA's own recent report states he only has 8 parking spaces, but he never made any attempt to use even those limited number of spaces. Finally, out of frustration or acquiescence, ABRA removed that requirement of the BZA Order without consideration of the three houses on Rittenhouse Street within 200 feet of the VIP Room that do not have off-street parking. We were harmed by that decision, which impeded peaceful enjoyment of our home in violation of DCMR.

Such decisions have only reinforced Mr. Sampson's attacks on our community since he has the apparent backing of certain politicians who claim to represent us. In Trump-like fashion, Mr. Sampson has loudly and consistently used every means available to him to denigrate those in opposition to his night club vision for the VIP Room, spouting falsehoods like a rotted sewer pipe spurting sewage in every direction. He uses code words like "newcomers to the neighborhood" being in opposition to him, which he claims has led to him being treated unfairly. He fought to have the National Children's Center shut down because its education campus was within 400 feet of the VIP Room, which blocked all prior applications for a liquor license (Although that did not initially stop his application process as he produced an ABRA map in his original application that falsely showed the NCC was outside the 400 foot perimeter. The map was invalidated when the community forced ABRA to verify that document). He obtained a letter of support from the

Director of the Department of Parks and Recreation without any input from the neighbors, an unprecedented action, because public recreational space is within 400 feet of the VIP Room. Yet he claims he is the victim in this debate. These actions lead one to question Mr. Sampson's honesty and ability to abide by the laws and regulations that apply to us all.

This latest attempt at non-transparent action on behalf of the VIP Room only reinforces our feeling that our elected officials and those responsible for enforcing regulations that protect our quality of life are not acting in good faith nor do they intend to. We think it is because a full and open discussion regarding the VIP Room's application and change in use would not sit well with the community and is in violation of current law.

Last year, the District of Columbia Alcoholic Beverage Control Board ratified the condition that the VIP Room may not sell alcoholic beverages on the premises when it granted the VIP Room's request for a license, noting that to do otherwise would "have a detrimental impact on the quality of life of the VIP's neighbors." (See Order dated November 1, 2017 [the "2017 ABC Order"] filed as part of Suzanne Grinnan's Letter in Opposition, at paragraph 34).

There is a Memorandum in the file from Case Manager Stephen J. Mordfin at the Office of Planning dated Nov. 16, 2018 ("OP Memo") containing his recommendation that the BZA grant the request. I understand that the BZA normally gives such memoranda "great weight;" however, it should not do so in this case because the OP Memo is incorrect and/or incomplete on several counts.¹

First, in the analysis (Section V.), the OP Memo indicates the modification request is a "minor modification"; however, as indicated correctly in the case description on the BZA website, the request is for a "modification of consequence;" i.e., a proposed change to a condition cited by the Board in its order. Further, in the same Section V., the OP Memo states that "OP does not find a significant difference between the applicant being permitted to serve alcohol and being able to sell alcohol to be served on the premises...". This is incorrect. The VIP Room's request to remove a condition of the 1979 BZA Order is a significant and fundamental change to the 1979 BZA Order; it would result in the VIP Room changing from a "public hall" that provides a space for hosted birthday parties and repasts to a nightclub that can charge a cover and run a cash bar. As the 2017 ABC Order correctly recognized, this would have a detrimental impact on our neighborhood. The OP Memo should be modified to correct this error.

Second; the OP Memo notes in Section VII that no community comments were received; however, neither the VIP Room nor the Office of Planning gave any notice to neighbors within 200 feet of the VIP Room and the neighbors were only made aware of the request for modification because they were notified by their ANC Commissioner. Several neighbors have since filed letters in opposition in this case and the OP Memo should be modified to reflect as such.

The VIP Room's statement that it "has not had any problems in the neighborhood since" 1979 (Reasons for Modification, Paragraph 5) is false. Neighbors testified as to issues in the neighborhood at the hearing preceding the 2017 ABC Order (see Letter in Opposition filed by Jim Stehle); and in the year that has passed since that hearing, there have been numerous noise

¹ In addition, the Board should give "great weight" to the recommendation of the ANC. No written report has been submitted by ANC 4B; nor has ANC 4B held a public meeting on this issue.

complaints made to ABRA myself and by my neighbors (see Letters in Opposition filed by Jim Stehle, Suzanne Grinnan, and Jay Ferrari).

There is no need for the VIP Room to accept money at the door for “wedding receptions, birthday parties, anniversary parties, [or] repasts” (Reasons for Modification, Paragraph 8) because presumably the host of the event would pay for any alcohol served at the event. Contrary to its representation in Paragraph 1 of the Request for Modification, the VIP Room is not currently permitted to “have a cash bar, take money at the door and have alcohol on the premises”. These activities, presumably for the VIP Room’s unspecified “other special events” (Reasons for Modification, Paragraph 8) are what raise concern for me and my neighbors, because it is a way for the VIP Room to operate as a nightclub by holding “special events” for which it could charge admission at the door and sell drinks to customers – completely against the explicit and implicit conditions of the 1979 BZA Order. Having a nightclub operating on a block that consists of daycare centers and small businesses (none of which have a license to sell alcohol), and adjacent to single family homes in a quiet neighborhood, would fundamentally change the nature of the neighborhood.

I am in support of the VIP Room continuing to operate as a place to hold birthday parties, retirement parties, and repasts, as it has done in the past. As a homeowner and next-door neighbor of the VIP Room, I am vehemently in opposition to any plan for the VIP Room to re-invent itself as a nightclub, and request that the BZA deny the VIP Room’s request to eliminate the condition that “There shall be no alcoholic beverages sold on the premises.” Such a modification would be an end run around the simple and clear conditions of the 1979 BZA Order and the 2017 ABRA License that recognized and restated those conditions.

Sincerely,

/s/ Cordell and Millicent Olive

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