Form 140
(Revised 03/15/02)

Case No. 17047

PARTY STATUS APPLICATION

Notice: See other side of party status form for instructions. CLICK HERE.

NAME: Last	First	Middle I.
CAPITOL SQUARE MGT, LLC, By WILLIAM GERRISH, MG. DIR		

ADDRESS: Street	Apt. # (if any)	City	State	Zip Code
1300 1st ST. NE.		WASH.	DC	20002

Phone No.	Fax No.	E-Mail
202-289-7277	202-289-[illegible]4	

I, hereby request to appear and participate as a party. Signature Date 8/26/03

Will you appear as a(n) ☐ Proponent ☑ Opponent Will you appear through legal counsel ☑ Yes ☐ No

If yes, please enter the name and address of such legal counsel.

NAME: Last	First	Middle I.
GELL	STEPHEN	N.

ADDRESS: Street	Ste. # (if any)	City	State	Zip Code
5th Fl 1101 30th St. N.W.		WASH.	DC	20007

Phone No.	Fax No.	E-Mail
202-625-8311	703-522-5503	SGELL@HIS.COM

Please answer all of the following questions referencing why the above person should be granted party status.
(If you require additional space, please attach an additional sheet.)

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?

SEE ATTACHED

2). What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

SEE ATTACHED

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board? (Preferably no farther than 200ft.)

SEE ATTACHED

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?

SEE ATTACHED

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.

SEE ATTACHED

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other person's in the general public.

SEE ATTACHED

BZA
Case No. 17047
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO. 17047
EXHIBIT NO. 39

Attachment to Party Status Application from Capitol Square Management, LLC

BZA Case No. 17047

1). How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Board?

A. Grant of the variance for parking will enable the property to be used for a night club and other uses incompatible with the current uses of many of the nearby buildings.

B. Two methadone clinics and an alcohol rehabilitation clinic operated in properties owned by respondent will not easily mix with the establishment of a nightclub in close proximity. Specifically, 33 N Street and 1300 1st Street are both used for methadone clinics. 51 N Street is being used for alcohol rehabilitation, food stamp program, MPD internal affairs department, and the Dept. of Environmental Health, as well as the Commission on Mental Health Services, DHS, which counsels children and families suffering from a wide range of emotional, social, and educational problems.

C. In addition, the same principals own other property within 300 feet of the subject property: a parking lot next to 51 N Street, a parking lot at 50 Patterson St., directly across Patterson from the subject, an additional parking lot on 1st Street at the rear of 51 N Street, as well as 55 NY Ave. Most of these properties are within the same square as the subject.

D. The presence of a night club in such close proximity to these other uses will provide too many temptations to the clients of the District's programs who need an atmosphere conducive to rehabilitation. A cocktail lounge opening at 4:00 P.M. will attract people who are trying to reduce their dependence on addictive substances.

E. Parking is at a premium in the neighborhood. The influx of hundreds of cars will make it difficult for clients of our tenants to find parking places. It may discourage their regular attendance at programs, thus retarding their progress toward non-dependence.

F. Clearly, even if the applicants hold to a schedule of 4 days a week from 4:00 p.m. to 2:00 A.M., there will be numerous office staff, kitchen and wait staff, delivery trucks, catering trucks and the like that will have a significant parking and traffic impacts on the neighbors. Valet or garage parking would not be practical for delivery and catering trucks, and are unlikely to be available to staff, as well.

G. Night club facilities are often used for other purposes when the night club is not in operation. Conferences, seminars, shows, lunches, weddings and other

celebrations, cocktail parties, and the like will be daytime events fully impacting the neighborhood during the time when parking space is at a premium.

2). What legal interest does the person have in the properties?

A. Capitol Square Management, LLC, manages and speaks for the owners of the properties listed above.

3). What is the distance between the person's property and the property that is the subject of the appeal or application before the Board?

A. 51 N. Street, N.E. is 100 feet from the proposed night club.

B. 33 N Street is 50 feet from the proposed night club.

C. 50 Patterson is directly across the street from the proposed night club.

D. 1250 1st St. is less than 300 feet from the proposed night club.

E. 55 NY Ave is less than 300 feet of the proposed night club.

F. 1300 1st Street is less than 300 feet from the proposed night club.

4). What are the environmental, economic or social impacts that are likely to affect the person and/or the person's property if the action requested of the Board is approved or denied?

A. Currently, the three properties (above) are under lease to the District Government. If the prevalence of alcohol or drugs emanating from the club interferes with the rehabilitation programs or the long term success of efforts to rehabilitate clients of the District's programs, the respondent will have difficulty continuing to rent the properties to the District.

B. Other potential tenants of the properties will be concerned about the lack of parking during important parts of their operations. Some may use our properties in the evenings when the night club will make the competition for parking spaces intolerable.

5). Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Board is approved or denied.

A. It is significant that applicants have not committed to particular hours of operation, numbers of employees, numbers of events at the facility apart from the regular night club operation. We are concerned that the vague references to 4 days a week, 4:00 P.M. to 2:00 A.M., and no indication of the support

staff required for such an operation, will allow them to alter the concept as new marketing opportunities become attractive.

B. Any order issued by the Board should be carefully tailored to reduce impacts on the daytime activities of neighbors.

6). Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

A. Respondent represents a group which owns 6 properties within 300 feet. Some are as close as 20 feet from the subject site.

B. Respondent's driveways will be more susceptible to blockage from the lines of patrons waiting to enter the night club than other properties in the area generally.

C. Respondent's properties are the only nearby properties leased to the District Government for rehabilitation clinics. Clients of those clinics are in crisis and will be more susceptible than other visitors to the temptations brought by the night club.

D. Many of respondent's tenants work late at night.

WILLIAM GERRISH WILL TESTIFY

Capital Square Management, LLC
1300 1st Street, N.E.
Washington, DC, 20002

Geoffrey H. Griffis, Chairman
Board of Zoning Adjustment
Room 210
441 4th Street, N.W.
Washington, DC 20001

Re: Variance for 33 Patterson Street, N.E.
BZA No. 17047

Dear Mr. Griffis:

This will authorize Stephen N. Gell to represent me and bind me in proceedings on the subject matter before the Board of Zoning Adjustment and other District agencies.

William Gerrish, Capitol Square Management, LLC

8/21/03