

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

Letter in Opposition

November 24, 2018

Dear District of Columbia Board of Zoning Adjustment,

I live at 223 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 only lived in Manor Park since August 2017; therefore, I will defer to my neighbors, who have also filed letters in opposition, to inform the BZA regarding the history of the VIP Room in the neighborhood. However, just 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.

¹ In addition, the Board is required to give "great weight" to the recommendation of the ANC. ANC 4B has not had the opportunity to submit a written report, nor has ANC 4B held a public meeting on this issue.

As for myself, in the approximately 15 months since I have lived next door to the VIP Room, I have been disturbed on multiple occasions after 10 p.m. by loud music coming from the VIP Room (the music is usually played loudly enough to wake me up out of a deep sleep or prevent me from falling asleep). I have called the ABRA nighttime hotline to complaint about the noise violations. Such noise violations are in direct violation of the 2017 ABC Order.

Given the above, 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 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/ Amber Husbands

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