

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

Letter in Opposition

November 27, 2018

Dear District of Columbia Board of Zoning Adjustment,

My extended family has lived in Washington, DC since the 1950s and my wife and I, along with our children live within 200ft of the V.I.P. Room. We have lived in this house for 16 years and what we, and everyone who visits us here recognizes is this is a quiet, residential neighborhood of the city with many youth-serving facilities. We just welcomed our 2nd daughter into the world 6 days ago and have now 2 young girls who will make this neighborhood their playground. We have several schools, daycare centers, a youth dance studio, and recreational facilities that are all within 200 feet of our home, and of the V.I.P. Room.

I know many neighbors have also written letters, outlining the many issues with the process and this request for modification to V.I.P. Room's BZA Order. I won't go into that detail here, but rather, I want to bring to your attention some of the many discrepancies in this process and the disingenuous manner that the owners of V.I.P. have used to in their desire to secure a full liquor license to open a nightclub and bar.

Since 2013, when V.I.P. Room applied for a liquor license the first time, there has been significant community opposition. After 2 full investigations and hearings with ABRA, that body concluded in both that V.I.P. Room was not a venue suited to sell alcohol but rather, was suited to offer private parties under contract, like birthdays, weddings, and other celebrations. In both conclusions, ABRA denied V.I.P. a full class C tavern license because it wasn't appropriate for the neighborhood.

ABRA did however recognize that V.I.P. Room has the right to operate as a business under the current model, and most recently determined that a class C tavern license, with significant restrictions, was appropriate to reduce their burden of securing same-day, temporary licenses each time they had a client renting the space, and continuing to preserve the nature of the rentable party venue and the neighborhood in which it is located.

What I want to call to Zoning's attention is that the V.I.P. Room owners have stated repeatedly over the years in person, at ANC meetings, in the press, and at 2 ABRA hearings on the record that they never intend to open a bar/nightclub and only want to alleviate the burden of going for same day temp license every time they have a client rent the venue to host an event. The truth is, despite their rhetoric, the owners' goal is a full liquor license without restrictions, even though both ABRA and Zoning have determined that inappropriate for this venue and this neighborhood.

Following are a few examples, of many, that demonstrate how V.I.P. Room's intentions have always been to secure a full, unrestricted liquor license. They are being disingenuous with you as they have been with ABRA. They not only intentionally tried to mislead you in their request for modification, but they are laser-focused on making strategic modifications on ABRA and Zoning sides of DC rules and regs in order to turn V.I.P. Room into something it was never intended or allowed to be.

V.I.P. Room's request for modification is factually inaccurate and dishonest, particularly:

- point 1...they state they have a hardship in still having to get temporary licenses
 - this is untrue as per the most recent ABRA ruling
- point 1...they state the temporary licenses allow them to have cash bar and sell at the door
 - This is incorrect. They have never had the right to have a cash bar or sell tickets at that door, even though they have publicly advertised many times a cover charge at the door
- point 8...they say they host all these events without the ability to serve alcohol or have alcohol on the premises
 - these statements are incorrect and deceitful and fail to acknowledge that ABRA did their due diligence and made a determination to grant a restricted license

ABRA recognized that a restricted license was all that would be appropriate for the neighborhood and the business model promoted by V.I.P. Room

- language from their determination
 - "that the Applicant ensures that the use of the property does not exceed the grant of authority provided by the BZA, which would have a detrimental impact on the quality of the life of VIP's neighbors. In that vein, the Board prohibits the direct sale of alcohol on the property or operations beyond 2:00 a.m. The Board also prohibits the collection of a cover charge, defined as "a fee required by the establishment to be paid by patrons for admission," as this type of fee also constitutes an indirect sale of alcohol. The Board further prohibits VIP from storing alcohol for more than 24 hours on the property, because the BZA order indicates that it would only operate as a BYOB ("Bring Your Own Beverage") establishment. *Supra*, at,r 7. The Board also prohibits the licensee from

allowing amplified music and other amplified sounds to be heard in any nearby residence or dwelling because this type of noise interferes with the use of nearby properties.”

Office of Planning believes there has been no community opposition

Stephen Mordfin from for Office of Planning stated he recommended an approval of V.I.P. Room’s modification request because there was no community input in the records. Not only were none of the residents in the impact zone notified, our own ANC Commissioner was not notified. Further, Mr. Mordfin only needed to look to ABRA to see that for over 5 years, the neighborhood has worked with ABRA to ensure our concerns are considered.

Further, the Office of Planning believes this is a ‘minor’ modification. How could the change of an establishment from a rentable party room to a bar and nightclub not constitute a significant change?

ABRA’s most recent hearing on the matter of V.I.P. Room applying for a liquor license

On the record during testimony V.I.P. Room’s lawyer stated:

“there have been no issues with noise complaints or parking issues”

- This is patently false. Your own Matt LeGrant and Reid Rohan issued a letter to V.I.P. Room’s owners to alert them to violations. And just look at your own records of how many times residents of this neighborhood have called to complain about parking and noise, even as recently as a week ago.

“the establishment currently operates six to eight times per month and if granted an ABC license would not operate on a daily fashion.”

- this again demonstrates V.I.P. Room’s owners are gaming the system to give the appearance they are planning to keep operating the same model but in fact, are working towards a full bar/nightclub. Why else would they need this modification?

ABRA’s investigator testified that:

- V.I.P. Room’s owner “stated that he intended to utilize V.I.P. Room for special events and did not intend to use the venue as a tavern.”

An ABRA Board Member asked a V.I.P. Room owner what business model they intended if they were granted a restricted license:

- “The business model is private parties. We celebrate people's milestones in life. Weddings, anniversaries, and if you leave this earth, we celebrate your life. We do repasts, baby showers, bar mitzvahs. It's based on what a person wants to do and, you know, we screen everybody that comes in V.I.P. Room. But we don't rent more than four hours.”

An ABRA Board Member asked: “Can general members of the public attend your events?”

- V.I.P. Room owners answered: “No. Our business model is family events. So, the business model for us is not a restaurant, not a club, not a bar. We are probably the only place in town that got this business model which specialize in celebrating people's lives, milestones in life, private parties. That's why we screen people.”

An ABRA Board Member stated/asked: “I don't know if I could speak for anyone here, but the current status quo is not the end of the world for the neighbors or for you, according to what we have heard. But how many changes do you expect to make from your current business model if you were to get approval for this application? What changes would you expect to make?”

- V.I.P. Room responded: “It would be the same. “

I strongly urge you to visit [*the following link](#) to read for yourself the transcripts from the hearings at ABRA. These are examples of how the owners of V.I.P. Room have been implementing a plan to secure a full, unrestricted liquor license. While they state they want relief from the burden of securing temporary licenses for their clients renting the space - which was granted by ABRA - to continue operating as a rental space, the truth is they are working hard to become a fully licensed, unrestricted venue to operate as a bar/nightclub.

There is no logic to the request for modification, given what ABRA granted meets the needs as the owners requested. The real reason behind these pursuits is V.I.P. Room's advisors have been helping them game the system. Our hope is you look closely at the facts, review the evidence (of which there is a significant amount more we would be happy to furnish), and speak with those most directly impacted by activities at the V.I.P. Room.

Thank you for taking this matter seriously and helping protect the established and reaffirmed nature of this community, a residential neighborhood with young families, youth-servicing facilities, and a safe place for children to be children.

[*https://abra.dc.gov/publications?after%5Bvalue%5D%5Bdate%5D=&before%5Bvalue%5D%5Bdate%5D=&keys=v.i.p.&type=78&sort_by=field_date_value&sort_order=DESC](https://abra.dc.gov/publications?after%5Bvalue%5D%5Bdate%5D=&before%5Bvalue%5D%5Bdate%5D=&keys=v.i.p.&type=78&sort_by=field_date_value&sort_order=DESC)

Thank you,

A handwritten signature in black ink, consisting of a stylized 'IO' followed by the names 'Holly K. Oliver' written in a cursive script.

Ian & Holly Oliver

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