

Board of Zoning Adjustment 441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: BZA Case No. 20135 – 3428 O Street, NW

Dear Members of the Board:

We are writing to oppose the area variance requested by 3428 O Street LLC under the corner store provisions.

Nabeel Audeh, and I, Gina Vogel, are business partners and the owner of Wisemiller's, a neighborhood corner store located in a MU-3A zone at 1236 36th Street, NW. At 586 feet away, Wisemiller's is within 750 feet of the Subject Property located at 3428 O Street. The Applicant is requesting area variance relief from the 750-foot location restriction of U §254.6(g).

Wisemiller's is truly a neighborhood deli, and it has been operating for over 60 years, serving Georgetown students and staff and nearby residents, as well as, the Holy Trinity Community. We have leased the building for our deli and pay a rent premium for our close proximity to Georgetown University and the commercial zoning that allows us to operate our business as a matter of right. We entered into the lease agreement with the explicit understanding that, under the District zoning rules, no other prepared food shop or corner store could operate in our immediate Georgetown University area due to the minimum distance restrictions to a commercial zone.

Our economic vitality is predicated on this protection afforded us under the law. The premium we pay in rent for commercial space is necessarily reflected in the prices we must charge for our products; allowing a direct competitor to begin operating in the immediate vicinity without those structural costs will allow them to undercut our pricing and threaten the long-term viability of our business. We could not afford to pay the premium rent for properly zoned commercial space if other businesses are going to be allowed to skirt the regulations and drive us toward economic collapse. The vitality of the zone depends on businesses like ours, and we depend on the protection of the law to keep that symbiotic relationship working in the neighborhood's favor.

In addition, Nabeel is also the owner of 3500 O Street NW which houses Saxby's coffee shop and is directly across the street from the Subject Property, and proposed location of Call Your Mother ("CYM"). The Applicant also requires a waiver of the requirement of U § 254.6(b) stating that a corner store cannot be within 500 feet of another "corner store use defined as an eating and drinking establishment." Saxby's is an eating and drinking establishment and clearly within 500 feet. As a landlord, I am deeply concerned about the adverse effect that this would have on my tenant and their ability to uphold their leasehold obligations causing undue hardship to both tenant and landlord. Parking near our businesses which is already near to impossible would be dramatically affected by a chain retail food business. Further, we believe Saxby's

would suffer a negative impact given CYM will be selling the exact same menu items, but since Saxby's has both indoor and outdoor seating open to the community, CYM patrons will have nowhere else to sit but at Saxby's to eat their food and drink purchased across the street!

Granting a variance for CYM will certainly directly "negatively impact the economic viability" of our businesses. See U §254.15(b). According to the zoning regulations, the requirement that a corner store cannot be within 500 feet of another corner store cannot be waived unless the Applicant provides evidence that they would (a) Be neighborhood serving; and (b) Not negatively impact the economic viability or vitality of an area zoned MU or NC that is closer than seven hundred and fifty feet (750 ft.) to an R-20 zone or five hundred feet (500 ft.) to any other R zone.

We strongly believe that granting this variance would have a tremendous negative impact on our businesses. We therefore demand denial of the requested variance, and we would oppose the granting of a use variance as well for the same reasons highlighted above.

When you walk around Georgetown, look at the vacant shops and empty storefronts that use to house small shops owned by friends and neighbors, entrepreneurs who lost their dreams due to skyrocketing wholesale costs that retailers cannot keep up with, the difficulties of dealing with large wealthy chains and the sky-high rents that come with a Georgetown address. Despite all these challenges, we have stayed the course, hoping this weathered hard time too shall pass, Putting this new storefront within six hundred feet of both Saxby's and Wisemiller's will be an unfair burden, one that we may not be able to withstand and which is also unlawful by statute, a statute which we have always relied upon. Please take the "little guy" into consideration in this process and protect us as the statue was meant to do. Thank you

Virginia Vogel
Nabeel Audeh