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Testimony of Drury Tallant, Representing
Stanton Park Neighborhood Association
Before the
Board of Zoning Adjustment of the District of Columbia
Case No. 16648
BP Amoco Proposal, 300 Block of H Street, NE

Statement of Opposition

For the past year BP has presented essentially the same project to the community at numerous public meetings. At each of those meetings, BP has heard a chorus of voices criticizing the proposal for introducing a suburban development into an urban neighborhood. At each of those meetings, the community begged BP to abandon their off-the-shelf service station and design a project which offers a positive contribution to the community and the H Street commercial corridor. The community's objection should have come as no surprise to BP. The community has long expressed a desire for neighborhood serving retail, and specifically discouraged gas-n-go services stations for this corridor in the Comprehensive Plan. The Office of Planning has recommended that this application be denied. SPNA agrees with and supports the Office of Planning staff report.

On two occasions the Board of Zoning Adjustment delayed this hearing with specific instructions to the applicant to work with the community in crafting a solution. BP has failed to take the Board's advice to heart, and instead has sought only the appearance of working with the community. BP has disregarded every opportunity for meaningful discussion and rejected the community's suggestions. Before addressing the project itself, I want to acquaint the Board with some of the tactics adopted by BP in their effort to circumvent the weight of public opinion and the Board's instructions to work with the community.

1. Early in the review process - ignoring nearby residents and organizations - BP concocted a "voluntary agreement" that was submitted to the BZA in December. That agreement wrongly indicated the support of numerous parties who had never even seen the document prior to its submission to the BZA.

2. At the December 2000 BZA hearing, BP objected to the Stanton Park Neighborhood Association's request for party status in an attempt to limit SPNA's involvement in this process.

3. In a letter dated December 21, 2000 - immediately following the December BZA hearing - Mr. Patrick Brown requested "the consolidated and coordinated input of various elements of the community." Mr. Brown further requested that those comments be received approximately two weeks later. In response, nine organizations (the National Trust for Historic Preservation, Scenic America, the Committee of 100, DC Preservation League, Capitol Hill Restoration Society, Near Northeast Residents Association, H Street Merchants Association, Square 776 residents, and Stanton Park Neighborhood Association) drafted a joint response that was sent to BP on January 10, 2001. Tremendous effort was required to meet BPs

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request in a two week period over the Christmas and New Years Holidays. BP has never responded to that letter, indicating that their desire for input from the community was not genuine.

4. The Office of Planning offered to sponsor talks and negotiations. BP refused.

5. At the March BZA hearing, BP submitted a motion to dismiss the Office of Planning staff report, claiming that the community's stated goals as expressed in the Ward 6 elements of Comprehensive Plan had no bearing on the BZA process. BP has thereby sought to limit the information presented to this Board.

6. BP has failed to satisfy the concerns of the immediate neighbors on Square 776 and has not even attempted to address the larger issues with community-wide importance. Instead of positive discussions that might lead to an agreement, BP has limited all discussions to secondary and tertiary issues.

The Board has in their file numerous letters from individual citizens. I wish to add over 250 petition signatures collected in December of 2000. No doubt there would be a great many more signatures if the community had the resources to collect them. I am sure you understand that this project has consumed an enormous amount of the community's time and effort - unlike BP's staff and paid consultants, all of our effort has been from civic-minded volunteers who care enough about our community to oppose this inappropriate project.

For many years, the small gas station at the corner of Third and H was a problem for this neighborhood. During the period from January 23, 1999 through December 11, 2000, DC police records contain 186 "incident reports"- - a rate of nearly two per week. I submit those police records for your consideration. As nearby residents can testify, the number of recorded incidents pales in comparison to the many unreported incidents and quality of life issues arising from that small gas station operation. Complaints to the franchisee of persistent panhandling, fencing of stolen goods, and disorderly conduct have gone unheeded for many years. The deplorable record of this corporation and its franchisee has the community very concerned about a much larger operation that is inadequately separated from residential properties.

For the reasons noted above, I and much of the community have a deep distrust of BP. We have no confidence in this corporation or the franchisee's intent to adequately address future problems arising from this fueling operation. They failed to address past problems over a period of many, many years, and they failed to develop a proposal which makes a positive contribution to this community despite over one year of community effort. If this gas station is built, the community will be forced to live with whatever consequences result. BP's callous disregard for this community over the past several years and their conduct throughout this process indicate that problems arising from the large number of cars, trucks, and busses brought into our neighborhood on a 24 hour basis will be ignored.

The Office of Planning has noted the multiple deficiencies and overall failure of this proposal to meet the criteria for granting a Special Exception. The bottom line is that this project has not been designed to protect the neighborhood or the commercial corridor from the deleterious effects of introducing a large, commuter-serving gasoline

station into an historic neighborhood retail corridor. This proposal would expand a 5,500 Sq. Ft. neighborhood-scaled gas station into a 35,843 Sq. Ft., 24 hour, major refueling location for cars, trucks, and busses. The proposed gas station would be nearly seven times as large as the former operation. This project has not been designed to enhance the architectural character of the neighborhood or the commercial corridor. Rather than assessing the appropriateness of this site for the proposed use, BP has insisted on a standard prefabricated building design and site plan without regard to the essentially urban nature of this site.

The project under your review today is far more significant than the expansion of a gas station and its harmful effects on the immediate neighborhood. For decades H Street has been in need of investment to spur a broad economic recovery that extends down the corridor, into the adjacent neighborhoods, and create benefits for the entire city. This project harms the potential redevelopment of H Street as a neighborhood serving retail corridor for the primary benefit of commuters who contribute little besides traffic to the District of Columbia. The gateway block to the H Street Corridor has excellent public transit access, is two blocks from Union Station, and one block from the proposed Securities and Exchange Commission building. This highly visible urban site some seven blocks from the U.S. Capitol deserves a worthy commercial development. This project sends H Street down the sad path traveled by New York Avenue, NE by introducing a commuter oriented retail activity that is out of scale, detrimental to the adjacent neighborhood, and contrary to neighborhood oriented activity. This project provides minimal employment, and a small amount of tax revenue. But, it imposes a severe harm on the immediate neighborhood, and diminishes commercial opportunities on nearby parcels. On balance this project is a net loss for the District when compared with other likely developments for the gateway block to the H Street Corridor.

If the Board is inclined to grant the applicant's request for a Special Exception, I implore you to consider the needs of the community and impose reasonable controls. The quality of the design and streetscape amenities must be improved. Genuine separation must be included to protect nearby residents. The hours of operation should be limited to the period between 6:00 AM and 11:00 PM, and the Special Exception should be granted only for a period of no more than three years to assure that there is a meaningful penalty should BP fail to address problems. I hope, however, that the Board will recognize that this proposal is fundamentally flawed and vote to reject it outright.

In recent weeks, the H Street Merchants Association again voted to oppose this project. ANC 6A has also recently voted a second time - unanimously - to reject this proposal. They are joined by Ward 6 Council Member Sharon Ambrose, the DC Office of Planning, National Trust for Historic Preservation, Scenic America, Committee of 100, DC Preservation League, Capitol Hill Restoration Society, Near Northeast Residents Association, Residents of Square 776, and Stanton Park Neighborhood Association in rejecting this proposal. Literally hundreds of residents have voiced their opinion in meetings, letters to the Board, and by petition. Seldom has the community been so united in its opposition to a project. We ask the Board to join us by denying the applicant's request for a Special Exception.