Stanton Park Neighborhood Association
P.O. Box 75085, National Capitol Station, Washington, D.C. 20013-5085

July 23, 2001

Mr. Dave Clark, Director
DC Dept. of Consumer and Regulatory Affairs
941 North Capitol St., NE
Washington, DC 20002

Re: BP Corporation
300 Block of H Street. NE
BZA Application 16648
Square 776, Lot 53, et. al.

Dear Mr. Clark,

I recently learned that BP applied for and received building permits beginning in January 27, 2000 (No. B424349) for underground storage tanks, and February 16, 2000 (No. B424729)for a new convenience store and canopy. An extension was filed in January 2, 2001 (No. B434057).

I believe these permits were issued in error based on factual misrepresentations by the applicant, and I wish to appeal the issuance of these permits. I suspect there are three grounds on which to challenge the issuance of these permits.

First, BP has documented in BZA Application No 16648 that they had no control over most of Lot 53 in Square 776, and maintained only a 5600 Sq. Ft. presence on that site for the pumps and a small payment kiosk. According to BP all other operations on that lot were not under their control. I request permission to review the applicants' submission to DCRA on all relevant permits to determine if the construction of a new convenience store and gas pump canopy would exceed the area occupied by the former gas station operation. Any expansion of the gas station should have been referred to the BZA and the Office of Planning for review.

Second, BP has been asked by the community on numerous occasions the file an Environmental Impact Screening Form (EISF). Chapter 72 (Environmental Policy Act Regulations) §§7200.1 states:

> Before an agency, board, commission, or authority of the District of Columbia government shall approve any major action, or issue any lease, permit, license, certificate or other entitlement or permission to act for a proposed project, the environmental impact of the action must be adequately considered and reviewed by the District government, as provided in these regulations.

BZA
Case No. 16648
Exhibit No. 152

Board of Zoning Adjustment
District of Columbia
CASE NO.16648
EXHIBIT NO.152

BP was specifically made aware of these regulations in a letter dated January 26, 2001, but to date BP has refused to file an EISF. Certainly a building permit should not have been issued for a new convenience store and an expansion of the gas station without an EISF.

Third, I believe the issuance of separate permits for the underground storage tanks and another for the convenience store constitute an attempt by BP to mislead DCRA as to the actual extent of the work involved. Taken together these permits represent a significant expansion of the gas station, and almost surely would exceed the $1 million construction cost trigger for requiring an EISF.

In June of 2000, BP proposed closing several alleys and the construction of a block long gas station from Third Street to Fourth Street. Once it became clear that the multiple alley closings were not possible, the project was scaled back, but still represents a seven fold expansion from 5600 to 35,800 Square Feet. BP has refused to indicate to the community its plans for the disposition of the substantial remaining properties it controls between the alley and Fourth Street, NE. The BZA case was heard on June 19, 2001, with a final meeting date set for September 6, 2001. The permits referenced above are in direct contradiction to the BZA process, and over one year of community involvement. Although BP has held these permits for over one an a half years, they have not moved to act on those permits. It is crucial that these permits be rescinded prior to the start of any construction.

I am deeply troubled by BP's duplicitous actions on this project. BP has never indicated to the community that they had already applied for and received certain building permits. I believe it is clear that BP has been pursuing a dual-track approach on this project - - on the one hand misrepresenting their project to DCRA in order to acquire quaetionable building permits; and on the other hand trying to force an unacceptable design on the community. I know that BP has misrepresented their intentions and activities to the community, and strongly suspect that they have made factual misrepresentations to DCRA as well.

I wish to review all information provided by the applicant in connection with these permits. I also request that you conduct an internal investigation to assure that the applicant's request conforms to all relevant DC regulations. Please advise me on the appeal process for a building permit.

Sincerely,

Drury Tallant, Co-Chair
Land Use Committee
Stanton Park Neighborhood Association
(202) 543-8773

cc: Council Member Sharon Ambrose
Sheila Cross Reid, Chair, Board of Zoning Adjustment
Andrew Altman, Director, Office of Planning