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

August 16, 2001

Mr. Denzil Noble, Deputy 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. Noble,

Thank you for our meeting on Tuesday, August 14 to review the status of BP Amoco's plans and permits. There are aspects of the situation which remain unclear to me in large part because of BP's failure to provide accurate information to DCRA, however, I will endeavor to present what I believe to be the principle issues.

During the course of our meeting there seemed to be some concern that a legal challenge might result if DCRA decided to revoke permits that were issued in error. I have reviewed the available documentation and have found numerous errors, inconsistencies, and examples of outright lies by BP which make a clear case for voiding these permits. In this instance the documentation demonstrates that a knowledgeable and professional applicant has deliberately misled DCRA in order to circumvent not only the fees applicable to the District, but most importantly to evade DC law and the proper review by other District agencies.

For well over one year BP has sought a special exception in BZA Case No. 16648, and has been actively engaged in a review process with the community and other District Agencies. Briefly, in June 2000 BP publicly announced plans for a block long gas station. Following the initial December 2000 BZA hearing it became clear that the multiple alley closings required for BP's block long gas station would not be approved. Since then, BP has pursued a revised proposal for a large expansion on Lot 53. This latter proposal remains unacceptable to the community and the Office of Planning. A final vote on BZA Case No. 16648 is expected in the first week of September. The Board of Zoning Adjustment has given every indication that they intend to reject BP's proposal. Curiously, the revised proposal currently pending before the BZA is very similar in scope to the plans on file for the permits BP already has in hand (described further below). I believe that BP itself recognizes that these permits were fraudulently obtained and has failed to act on those permits for well over 1 1/2 years because they recognize their exposure to a challenge of those permits. I have noted the following errors and omissions by BP.

BZA
Case No. 16648
Exhibit No. 153

Board of Zoning Adjustment
District of Columbia
CASE NO.16648
EXHIBIT NO.153

1. Certificates of Occupancy on Lot 53

BP has stated to the community on several occasions that they did not have control over a large portion of the site. Since BP did not have a valid Certificates of Occupancy for the entire site, the plans currently on file for Permit No. B424729 should have been subject to the review process for expansion or enlargement of a gasoline service station prior to issuance. I believe that BP represented to DCRA that they had control of the entire site in order to maintain that their application was not technically an "expansion". Clearly, however, the enlargement of BP's 6,500 square foot presence on Lot 53 to the entire 35,000 square feet of lot 53 would constitute a significant expansion.

2. Permits for New Construction

The first permit for new construction appears to be Permit No. 424729 issued on February 16, 2000. The permit application includes a letter dated December 3, 1998 which contains an estimate of "probable" construction costs that are absurdly low. BP would have been motivated to mislead DCRA as to the true likely construction costs in order to reduce permit fees, but also to make the project appear less significant. Permit No. B424729 was extended by Permit No. B434057 on January 2, 2001 through July 6, 2002 (although the 2002 date may be a typographical error). Permit No B434057 was extended on June 29, 2001 through January 6, 2002 by Permit No. B431454.

There are numerous inconsistencies in the above permits. The permit documentation indicates that work will begin and be completed "ASAP", but this is not the case and was never BP's intention, or else the work would have been underway long before now. BP acquired these permits for the sole purpose of a fall-back position in the event that their application to the BZA was denied. In the application for Permit No. B424729, question 22, BP answers "yes" to disturbing the earth, and indicates use of a dumpster for removal of debris in question 21. However, in the renewal of that permit in No. B434057 the applicant claims there is no soil disturbed, and that the method of debris removal is by pickup truck. The information regarding soil disturbance and debris removal is very important on a site with known ground contamination that (according to BP) has been under a monitoring program since 1991. Further , I believe that removal of contaminated soil would be an important component of the Environmental Impact Screening Form - something which BP has failed to do in accordance with DC law and despite a direct request by the community that they do so.

The application for a construction permit clearly states that "erasing, crossing out, whiting out, or otherwise altering any entered information will void this application". Yet, the application has been revised by crossing out both the "new car wash building" and "underground storage tanks". The plans on file do not reflect those changes.

I am a bit confused that the most recent extension dated June 29 2001 (No. B431454) has a lower number than the extension granted in January of this year (No. B434057) or even the original building permit. I do not have the backup documentation for the most recent renewal (No. B431454) and hereby request that information.

3. Failure to provide correct information with regard to demolition

BP acquired the initial building permit prior to the request for a raze permit. In fact, the raze

permit was issued on January 12, 2001 - well after the applicant had begun demolition. The raze permit is critical. One of the most important ways that the community learns of issues affecting our neighborhood is through the permitting process - and especially requests for demolition. In the case of demolition permits, I believe that additional sign-offs are required by various DC agencies, including the Office of Planning, and Historic Preservation Division, (among others) and includes a notice to the Advisory Neighborhood Commission. In failing to file for a demolition permit prior to the construction permit, the community was deprived of a critical opportunity to learn of BP's intentions. In BP's application for new construction (Permit No. 424729) they were required to inform DCRA in Section C if razing a building was involved. BP is well versed in the legal requirements for demolition and construction in the District of Columbia. They cannot claim ignorance, and this is more than a mere oversight - BP knowingly and willfully lied to DCRA. BP misled DCRA for the express purpose of acquiring a construction permit under false pretenses. Had BP provided DCRA with honest responses to the information requested, then the community would have learned of BP's intentions prior to the issuance of these construction permits, and the gasoline service station expansion would have been reviewed according to DC law inclusive of the Special Exception process prior to issuance of any permits.

It seems clear from my cursory overview that the plans and information BP submitted to DCRA contain numerous errors designed to mislead DCRA as to the cost of the work involved, and the extent of the work involved for the purpose of evading the proper review processes for expansion of a gasoline service station. BP has further misled DCRA as to the timing of this project while they simultaneously attempted to legitimize their proposal through a parallel application to the BZA for a Special Exception for a nearly identical gasoline service station. Most importantly, BP claimed there was no demolition involved in their application for Permit No. 424729 for the express purpose of subverting DC's review processes.

I appreciate DCRA's cooperation in researching BP's permit history and look forward getting more complete information from DCRA on this matter. I believe it is very clear that BP was improperly issued permits based largely on false and misleading statements by the applicant. I see no other choice than to revoke these permits. I further request that BP and their agents be called to account for their deliberate mis-statements to DCRA and appropriate penalties imposed in accordance with DC law.

Thank you,

Drury Tallant

Drury Tallant, Co-Chair, Land Use Committee
Stanton Park Neighborhood Association

cc: Mayor Anthony Williams
Council Member Sharon Ambrose
David Clark, Director, DCRA
Sheila Cross-Reid, Chair Board of Zoning Adjustment
Ivette Basterrechea, Chair ANC 6A
Anwar Saleem, President, H Street Merchants Association