BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of BP Amoco Corporation
and Steuart Investment Company

BZA Application No. 16648
Public Hearing: December 19, 2000
ANC 6A

STATEMENT OF THE APPLICANT

I. Nature of Relief Requested

This is an application pursuant to 11 DCMR 3104.1 for a special exception under Subsection 726.1 for the development and the expansion of an existing gasoline service station including a pump island canopy, an upscale foodmart/convenience store (including a Metropolitan Police Substation or Kiosk) and an automatic car wash in a C-2-A District at premises 300-332 H Street, N.E. (Square 776, Lots 9, 25-27, 29, 51-53, 800, 814-819 and 821).

II. Jurisdiction Of The Board

This Board has jurisdiction to grant the requested special exception relief pursuant to Section 3104.1 of the Zoning Regulations. The Applicant's clear satisfaction of the burden of proof is set forth below.

III. Background Of The Application

This is an application by the BP Amoco Corporation (Owner of Lots 9, 25-27, 29, 51, 52, 800, 814-819 and 821 and long-term ground lessee of Lot 53) and the Steuart Investment Company (Owner of Lot 53) (collectively, "BP Amoco") to redevelop a BP Amoco gasoline service station, upscale foodmart/convenience store and automatic car wash at this recently

BZA
Case No. 16648
Exhibit No. 62

Board of Zoning Adjustment
District of Columbia
CASE NO.16648
EXHIBIT NO.62A1

assembled site. As assembled, the entire site is zoned C-2-A and will have a lot area of 58,347 square feet or 1.34 acres. *See* Site Plan, attached as Exhibit A.

A. Foodmart/Convenience Store and Car Wash are Matter-of-Right Uses.

The foodmart/convenience store and automatic car wash are both matter-of-right uses in the C-2-A zone and do not require Board approval. Although this development proposal involves redevelopment of an enlarged gasoline service station (as compared to the existing one), the overall density of development of the site will be approximately half of what exists now on the entire site. *See* Exhibit A and Existing Condition Plan, attached as Exhibit B.

B. The Site.

The site is bounded by 3rd Street, N.E. on the west, an existing public alley on the north and part of the east side, 4th Street on the east and H Street on the south. A gasoline service station has operated on the corner of 3rd and H Streets, N.E. since at least 1959. Currently, an Amoco gasoline service station with six (6) multi-product dispensers (pumps) with a canopy is operating on approximately 5,760 square feet on the southwest portion of Lot 53. A small kiosk for a cashier is located within the existing building on Lot 53 immediately adjacent to the pump canopy. *See* Existing Condition Plan, Exhibit B.

Until recently, the balance of Lot 53 and the other properties within the proposed development site were neither owned nor controlled by BP Amoco or its predecessor, Amoco. BP Amoco has now obtained a long-term lease for all of Lot 53 and ownership of the other lots, including the abandoned and condemned buildings facing on H Street (316 -332 H Street) which

have long been an uncontrolled haven for drug and other criminal activity. All of the existing buildings within the development site will be demolished.[1]

C. Alley Closing and Dedication Application.

In order to consolidate the site, BP Amoco has also filed an alley closing and dedication application with the D.C. Surveyor (S.O. 00-90). *See* Proposed Plat of Alley Closing and Dedication Square 776, attached as Exhibit C. This application provides for closing a portion of the north-south 15-foot alley running from the east-west alley to H Street and the intersecting 8- and 30-foot east-west alleys in the interior of the site. Additionally, this application includes a dedication of land by BP Amoco and Steuart Investment Company to widen the existing east-west alley running behind the I Street houses to at least 15 feet and the existing north-south alley running behind the 4th Street properties and turning running parallel to H Street and running into 4th Street. As reconfigured and enlarged, the alley system will better serve the residents along the alley by providing improved access for private vehicles, garbage trucks and other City service vehicles, and especially fire equipment and other emergency vehicles. Also, closing portions of the alley around the abandoned buildings and incorporating the vacant area into a redeveloped site will eliminate the unlit and hidden havens for loitering and criminal activity which currently plague this Square and the residents who live in the existing nearby houses. The existing and expanded alley system will provide an additional substantial buffer to the adjacent residential properties.

---

[1] The Stanton Park Neighborhood Association has filed an historic landmark designation application for 316 H Street, N.E. This application is scheduled for a contested case hearing before the Historic Preservation Review Board on December 14, 2000.

D. Proposed Gasoline Service Station, Foodmart/Convenience Store and Car Wash.

The proposed gasoline service station will front on H Street (a six-lane undivided roadway designated by the City as a Principal Arterial) and include eight (8) multi-product dispensers (pumps) arranged in a linear fashion along H Street. Each of the pumps will be fully ADA accessible and at least one pump will be designated for "priority service" for the disabled and elderly. The pumps will be covered with a canopy containing solar panels. Behind the pump canopy, will be the 4,224 square foot foodmart/convenience store. Twenty-six (26) parking spaces (8 more than the minimum required) will be located around three (3) sides of the foodmart/convenience store. Although stacked parking is permitted, each parking space will be fully accessible at all times. The 986-square foot automatic car wash provides queuing for at least fifteen (15) vehicles as required. Vehicles enter the queuing area on the east side of the foodmart/convenience store and proceed around the rear of the store and through the car wash.

While BP Amoco will develop and own this facility, the D.C. "divorcement" laws prohibit any petroleum refiner (including BP Amoco) from operating the company-owned facility. Operation of the facility will be by Kenneth J. Wilhelm, as the BP Amoco Franchisee/Dealer. Like most gasoline service stations in the District, this facility will operate 24 hours a day, subject to the voluntary limitations on the car wash operations. In the first instance, the facility's hours of operation are customer-demand driven, but will also have the substantial additional benefit of allowing the Metropolitan Police to maintain its presence on the site on a continuous basis. BP Amoco will provide the Metropolitan Police Department space and other required facilities within the foodmart/convenience store to operate a Community

Workstation or similar facility on the premises on an around the clock basis. A draft Memorandum of Understanding with the Metropolitan Police Department is attached as Exhibit D.

1. **Design and Streetscape Enhancements.**

In response to community comments, the original design of the foodmart/convenience store has been substantially modified to be in greater harmony with the design elements of the neighborhood. Specifically, brick facades for the foodmart/convenience store and car wash have been incorporated. Similarly, the original 15-foot high freestanding signs have been replaced with lower scale 9-foot brick monument signs at the corners of 3rd and H Streets and 4th and H Streets. *See* Elevation Plan attached as Exhibit E. By law, BP Amoco is required to have signs to post gasoline prices for each grade of gasoline offered at the site.

In addition to the new brick monument signs, great care has been taken with the streetscape, landscaping, buffer and lighting elements of the plan. Again, in response to community suggestions, a 3-foot high brick knee wall has been added on the 3rd, H, and 4th Street frontage to enhance the compatibility of the facility with the existing streetscape and provide an additional buffer between the proposed facility and the adjacent public streets. BP Amoco will replace the damaged sidewalks on all three street frontages adjacent to the site. Within the site, crosswalks have been added which take pedestrians safely from the street across the site to the foodmart/convenience store. *See* Site Plan.

2. **Landscaping and Buffer Plan.**

An extensive landscaping and buffering plan has been adopted. A substantial landscaping plan, including a variety of trees, bushes, and grass area, has been planned to bring a

natural greenspace where only concrete now exists. At the northwest corner of the site on 3rd Street, the only surviving mature tree will be saved and incorporated into the landscaping and buffer plan at the request of the immediate neighbor. New street trees will be planted in the long vacant tree boxes on 3rd, H and 4th Streets. *See* Site Plan including Landscape Plan, Exhibit A. In addition to the natural buffer provided by the landscaping, the north and east perimeter will be enclosed with 6-foot high fencing. *See* Site Plan. The immediate neighbors are currently considering two fencing options: (1) wrought iron; or (2) wood board-on-board. Lighting of the site has been carefully designed to achieve its objectives, especially maintaining security, without an impact on the adjacent properties. The choice and location of lighting will ensure that it is contained within the site.

E. BP Amoco Innovation and Environmental Respect.

In no respect will this be a typical gasoline service station. A full-size prototype of this new BP Amoco station was developed secretly in a warehouse in Atlanta, Georgia as an introduction for the newly merged BP Amoco and its role as an environmentally-sensitive energy company. Under its new BP Amoco image, the gasoline service station will be new and innovative in its design, services and products. As the world's largest producer of solar energy equipment, BP Amoco has designed the pump island canopy to incorporate solar panels to harvest the sun's energy to provide power to the facility. The multi-product dispensers or pumps will not only have the latest in vapor containment equipment to safeguard the air, but provide free Internet access to customers. BP Amoco will sell low sulfur fuels (80% less sulfur than currently marketed fuels) several years ahead of federal requirements and the newly installed underground storage tanks will be the latest technology, including double-wall fiberglass

underground storage tanks with overfill protections and alarms, and a "closed" piping system to prevent vapor release into the atmosphere. *See* Environmental Evaluation attached as Exhibit F.

The foodmart/convenience will not be another 7-11, but offer upscale goods and services to customers in an area starved for quality offerings. The foodmart/convenience store's size, 4,224 square feet will enable it to offer a wider range of goods and services. Inside the BP Connect" will be a wide range of fresh and packaged goods, including everything from fresh produce, fresh baked goods, and common food and household staples. Also, BP Amoco plans to co-locate a "Wild Bean Café," an upscale coffee bar and delicatessen. The Wild Bean Café is being developed in consultation with and similar to Au Bon Pain.

The automatic car wash will be located behind the foodmart/convenience store with queuing for at least the required fifteen (15) vehicles. BP Amoco has voluntarily agreed to limit the car wash's hours of operation to 7:00 am to 11:00 pm. The car wash's east-west orientation, limited size, quiet operation, and sound containment design in conjunction with the proposed landscaping and buffering of the site perimeter will prevent disturbance to the surrounding community.

IV. Community Outreach and Participation

Long before filing this application, BP Amoco began the task of including the Community in the development process. BP Amoco has actively participated with all levels of the Community from the individual neighbors immediately adjacent to the site, a variety of community groups, Advisory Neighborhood Commission 6A, the H Street Community Development Corporation, and to the Honorable Sharon Ambrose, the Ward 6 Council member. In October and November, the BP Amoco team attended at least seven different community

meetings. Praise for BP Amoco was not universal, but everyone involved achieved a fuller understanding of the project. These community meetings are ongoing with two meetings scheduled this week. Numerous important suggestions, large and small, were made by the Community and many have been incorporated into the development plan that has evolved and is presented here. The lower scale brick monument signs, new brick facade and brick knee-wall are just a few of the community suggestions that have been embraced by BP Amoco.

Going further, BP Amoco has agreed to enter into a Voluntary Agreement with the Community to govern the development and operation of the new gasoline service station. BP Amoco has worked with an initial draft agreement prepared by the Linden Neighborhood Association and made revisions and updates and additional terms and conditions imposed on itself. A revised draft of this Voluntary Agreement will be provided to ANC 6A and the Linden Neighborhood Association for its review and comment. *See* Draft Voluntary Agreement attached as Exhibit G. It is anticipated that the Voluntary Agreement will be finalized prior to the BZA hearing.

Additionally, BP Amoco has taken a number of additional steps to make a positive contribution to the Community. BP Amoco has agreed to provide technical support, facilitate and encourage broader corporate support and provide some direct financial support to the Capital Children Museum located directly across the Street at the intersection of 3rd and H Streets. BP Amoco Global Social Investment program has meeting with and working with the various community groups and neighbors to craft a long-term Community Enhancement Program which will make a substantial contribution to the well-being of the community, especially its children and economic development in the long stagnant H Street corridor.

V. Applicant Meets The Requirements For The Requested Special Exception

Uses that are allowed by special exception are deemed compatible with other uses permitted in that particular zoning classification provided certain requirements are met. In reviewing applications for a special exception under the Zoning Regulations, the BZA's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites of the Regulations are satisfied, the Board ordinarily must grant the application. See, e.g., Bakers' Local Union No. 118 v. District of Columbia Board of Zoning Adjustment, 437 A.2d 176, 178 (D.C. 1981).

As set forth in greater detail below, approval of special exception relief in this case meets or exceeds all of the applicable requirements and is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of nearby properties.

In the C-2-A zone, a special exception under § 726 for a gasoline service station is subject to the requirements set forth in § 706, including:

706.1 A gasoline service station established or enlarged after the adoption of these regulations shall be permitted in a C-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in § 3108 of chapter 31 of this title, subject to the provisions of chapter 23 and the provisions of this section.

706.2 Each application submitted under this section shall be referred to the Office of Planning in accordance with the provisions of § 705.

BP Amoco Compliance: BP Amoco has met with the Office of Planning staff after providing updated plans. Additional information, including this Statement will be provided to Office of Planning.

706.3 The station shall not be located within twenty-five (25 ft.) of a Residence district unless separated from the Residence district by a street or alley.

BP Amoco Compliance: As shown on the attached Site Plan, the assembled side is separated from the adjacent residential properties by existing alleys. Additionally, BP proposes to widen these alleys and implement a substantial landscaping and buffer plan around the site perimeter immediately adjacent to the enlarged alleys.

706.4 The operation of the use shall not create dangerous or other objectionable traffic conditions.

BP Amoco Compliance: As more fully detailed in the Traffic Impact Analysis Prepared by O.R. George & Associates, Inc., Transportation Planning & Engineering Consultants, attached as Exhibit H, the proposed facility will "not create dangerous or other objectionable traffic conditions." In particular, the Traffic Impact Analysis clearly demonstrates the following conclusions:

1. Existing Levels of Service on the adjacent roadway network are quite acceptable, and are well within the City's stipulated standards.

2. The uses proposed by the Application do not attract a significant level of destination trips. Approximately eighty percent (80%) of peak hour trips are attracted from traffic volumes already on the adjacent roadways.

3. Even if all trips accessing the station were assumed to be new or destination trips, the situation upon build out of the future gas station and accessory uses would still be well within the City's Levels of Service standards.

4. The number of curb cuts or driveways along Third and H Streets would be maintained, but they would be widened and better spaced to facilitate site access. One additional curb cut provided off Fourth Street would consolidate the access of seven (7) separate lots along H Street, and a large commercial lot along Fourth Street.

5. The development proposal will incorporate improvements to the alleyway system that would enhance access and safety.

706.5 The Board may impose requirements pertaining to design, appearance, screening, or lighting, or other requirements as it deems necessary to protect adjacent or nearby property.

BP Amoco Compliance: As more fully set forth in this Statement, BP Amoco has incorporated substantial design, streetscape, landscaping, buffering, lighting and other elements to the proposed development plan. Many of these elements were modified in response to input from the community.

706.6 Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection

shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space.

BP Amoco Compliance: As shown on the Site Plan, BP Amoco has provided parking substantially in excess of the minimum required. All parking spaces are fully accessible at all times without impacting site circulation or safety.

Additionally, Section 2302 imposes the following requirements for a gasoline service station, including:

2302.2 No portion of the structure or premises to be used for any of the uses listed in 2302.1 [gasoline service station] shall be located within twenty-five feet (25 ft.) of a Residence district unless separated from the Residence district by a street or alley.

BP Amoco Compliance: Into the alley to be enlarged which separates the site, a substantial landscaping and buffer plan will be implemented to further eliminate any impacts on the nearby residences.

2302.3 No use listed in 2302.1 shall have a vehicular entrance or exit connected with a street at a point closer than twenty-five feet (25 ft.) To any

Residence district existing at the time the use is established, unless separated from the Residence district by a street or alley.

BP Amoco Compliance: All vehicular entrances and exists are more than twenty-five feet (25 ft.) from any residential district. See Site Plan.

2302.4 No driveway of any entrance or exit to any use listed in 2302.1 shall be closer than forty feet (40 ft.) to a street or intersection as measured from the intersection of the curb lines extended.

BP Amoco Compliance: All driveways and curb cuts providing any entrance and exist to the site are located more than forty feet (40 ft.) from any intersection as measured under the Zoning Regulations.

VI. Witnesses

The following witnesses will testify in support of this Application:

1. Mr. Stephen R. Faletto, BP Amoco Corporation.
2. Mr. John Lombardo, BP Amoco Corporation
3. Mr. Dan M. Duke, Bohler Engineering.
4. Mr. Osborne R. George, O.R. George Traffic Consultants.
5. Mr. Kenneth J. Wilhelm, BP Amoco Dealer
6. Representative from Global Social Investment, BP Amoco
7. Representative from Capital Children's Museum
8. Representative from Metropolitan Police Department

9. Rabbi Spero, 4th Street, N.E.

10. Representatives of the Community In Support.

VII. Exhibits In Support Of Application

Exhibit A: Site Plan.

Exhibit B: Existing Condition Plan.

Exhibit C: Plat of Alley Closing and Dedication Square 776.

Exhibit D: Draft Memorandum of Understanding With Metropolitan Police Department.

Exhibit E: Elevation Plan.

Exhibit F: Environmental Plan.

Exhibit G: Draft Voluntary Agreement.

Exhibit H: Traffic Impact Analysis by O.R. George & Associates, Inc.

VII. Conclusion

For the reasons set forth above, the requested special exception relief can be granted without impairing the intent, purpose and integrity of the Zoning Regulations.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

December 5, 2000

By: _____
John Patrick Brown, Jr.

LAW OFFICES OF ANTHONY M. RACHAL, III

By: _____
Anthony M. Rachal, III

Co-Counsel for Applicant

148074

VII. Conclusion

For the reasons set forth above, the requested special exception relief can be granted without impairing the intent, purpose and integrity of the Zoning Regulations.

Respectfully submitted,

GREENSTEIN DELORME & LUCHS, P.C.

December 5, 2000

By: _____
John Patrick Brown, Jr.

LAW OFFICES OF ANTHONY M. RACHAL, III

By: _____
Anthony M. Rachal, III

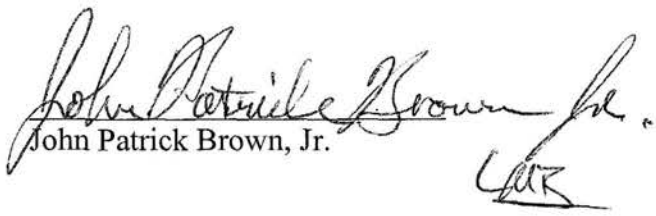
Co-Counsel for Applicant

148074

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Statement of the Applicant was served by first-class mail, postage prepaid, this 5th day of December, 2000, upon:

Ms. Wanda Harris
Advisory Neighborhood Commission 6A
624 H Street, N.E.
Washington, D.C. 20002



John Patrick Brown, Jr.

148074



EXHIBIT 62A

FROM

CASE 16648

HAS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE

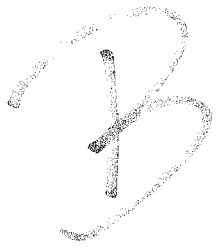


EXHIBIT 62B

FROM

CASE 16648

HAS AN OVERSIZED DOCUMENT

PLEASE SEE AT OFFICE



THE ALLEY SHOWN THUS: ▨ IS CLOSED, AND TITLE VESTS AS SHOWN UPON RECORDATION OF THIS PLAT.
THE LAND SHOWN THUS: ■ IS BEING DEDICATED FOR ALLEY PURPOSES.

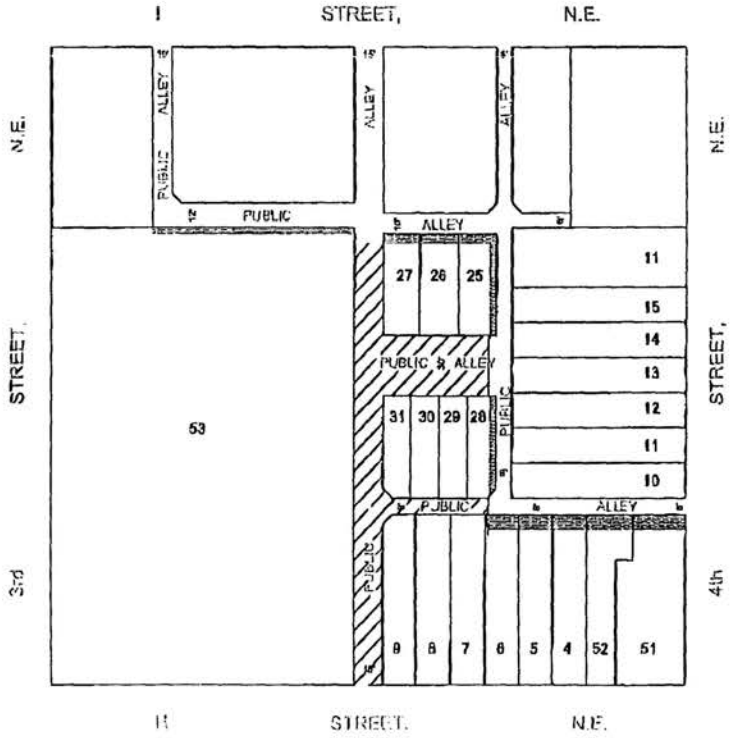
OFFICE OF THE SURVEYOR, D.C.

_____, 2000

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

_____
SURVEYOR, D.C.

PLAT OF ALLEY CLOSING AND DEDICATION
SQUARE 776



SURVEYOR'S OFFICE, D.C.
Made by: 2000008
Drawn by: L.E.S. Checked by: _____
Record and computations by: P. SUDLOW
Recorded at: _____
Recorded by Book _____ Page _____ S.O. XXXX
Scale: 1 Inch = 50 Feet File No. _____



MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by the BP Amoco Corporation, One West Pennsylvania Avenue, Towson, Maryland (BP Amoco) and the Metropolitan Police Department of the District of Columbia (MPDC).

The purpose of this MOU is to set forth the understanding and agreement between BP Amoco and the MPDC concerning the operation and functions of the First District Community Work Station in the BP Amoco Service Station #_____, located on the first floor of 306 "H" Street, Northeast.

The aforementioned portion of the premises will be made available to the MPDC by BP Amoco and shall be utilized as a First District Community Work Station in order to provide a full range of police services for the business-commercial establishments and the citizens in Patrol Service Area (PSA) 106. The use of the premises shall be in accordance with the MOU approved by the appropriate officials on behalf of BP Amoco and the Chief of Police of the MPDC.

The MPDC agrees to accept the below listed responsibilities relative to the police functions and/or obligations of the First District Community Work Station.

- To provide police personnel to patrol the area of the PSA 106 and to staff the Community Work Station with police personnel as deemed appropriate by and at the discretion of the Commander of the First District.

- To take necessary precautions to ensure the security of the Community Work Station when it is not actively staffed by the police personnel.

- To initiate and publish memorandums, as necessary, to ensure that the Community Work Station, office equipment and telephones are used only for official police business.

- To ensure that all police personnel using the Community Work Station do so in such a manner that it is maintained in a healthy, clean and orderly condition.

- To take appropriate steps to ensure that all trash within the Community Work Station is removed and disposed of, as needed, in order to keep the interior of said station in a clean and orderly condition.

The terms of the MOU shall be for an indefinite period of time and/or for such period of time as dedication by the MOU between BP Amoco and the MPDC. However, this MOU between BP Amoco and MPDC may be terminated by any of the said parties upon a written notice at least thirty (30) days prior to the date of termination.

This MOU shall commence on a date agreed to between BP Amoco and the MPDC after the premises have been surrendered to the MPDC by BP Amoco, and after all renovations have been completed and the Chief of Police of the MPDC, or his authorized representative(s), have approved of the premises as being acceptable for use by and staffing of police personnel.

This Memorandum of Understanding has been agreed upon between the Metropolitan Police Department and BP Amoco and signed this _____ **day of** _____**, 2000.**

_____ ___/___/___
Charles H. Ramsey, Chief of Police, MPD Date

_____ ___/___/___
Sharon Ambrose, Councilmember Ward 6 Date

_____ ___/___/___
Stephen Faletto, BP Amoco Corporation Date

_____ ___/___/___
Kenneth Weilhelm, BP Amoco Dealer Date

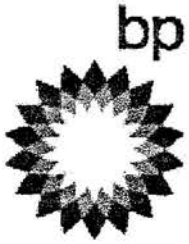




BP CORPORATION

ENVIRONMENTAL EVALUATION

SS # 84661
306 'H' STREET, N.E.
WASHINGTON, D.C.



Prepared For:
BP CORPORATION
ONE WEST PENNSYLVANIA AVENUE
SUITE 95
TOWSON, MD 21204-5027

Prepared By:
BOHLER ENGINEERING, P.C.
109 CARPENTER DRIVE, SUITE 210
STERLING, VA 20164

PHONE: (703) 709-9500

BEPC #S97611

November 2000

BOHLER ENGINEERING, P.C.

109 Carpenter Drive, Suite 210
Sterling, VA 20164
703.709.9500
703.709.9501 fax
va@bohlereng.com

ENVIRONMENTAL EVALUATION
BP CORPORATION
306 'H' STREET, N.E.
WASHINGTON, D.C.

BP Corporation proposes to raze and rebuild the existing Amoco service station located at 306 'H' Street, N.E., Washington, D.C. The site currently consists of a one (1) story masonry building and six (6) multiple product dispensers under a canopy. Several adjacent condemned buildings currently not associated with the gas station will be removed to accommodate the proposed development.

Existing Subsurface Monitoring

The existing subsurface monitoring of groundwater conditions has been in place since 1991. A variety of monitoring methods have been utilized under the guidance of the District of Columbia. These methods include the following:

- Operation of a 24-hour per day pumping system installed at the site that removed, collected, and treated fluids from the water table.
- Operation of a 24-hour per day vacuum system installed at the site that removed, collected, and treated the existing soil as necessary.
- Periodic groundwater sampling to monitor improvements to the subsurface conditions.

Proposed Fuel Containment System

In conjunction with the proposed improvements, the existing underground storage tanks will be removed and transferred to an approved disposal location. The new underground storage tanks will be comprised of double-wall fiberglass with overfill protection and alarms. Existing monitoring wells will remain so that the surrounding conditions can be monitored. Overspill sensors at the tank fill sumps will be installed to electronically detect leaks or line breaks.

Air Quality

A vapor recovery/extraction system will be utilized in conjunction with the product piping, which links the underground storage tanks to the multiple product dispensers. The proposed system will be "closed" to prevent any vapor from escaping into the atmosphere. The proposed layout will contain a modified orientation of the multiple product dispensers. The revised orientation will facilitate easy access for vehicles refueling at the subject facility. Due to the improved layout, the vehicles will not be required to queue in order to access the multiple product dispensers and therefore will reduce the carbon monoxide emissions from the idling vehicles.

BP Corporation will also sell gasoline grades with 80% less sulfur content that the gasoline currently available. The reduction in sulfur content will reduce pollutants discharged by motor vehicles.

BOHLER
ENGINEERING, P.C.

Stormwater Management

Stormwater run-off will be captured via trench drains at the proposed access points and via inlets within the site. The on-site system will capture all runoff prior to exiting the site. The site runoff will then be routed to an on-site quality control device. This device will be a sandfilter or other water quality control device approved by the District of Columbia. The on-site system will eliminate pollutants from the runoff prior to entering the public storm drain system. Quantity control will be provided to reduce post-development flow to the pre-development flow levels.

Erosion and Sediment Control

Prior to commencement of site construction, a variety of Erosion and Sediment control devices will be placed on site in order to eliminate sediment runoff from exiting the proposed development. These facilities will be in place during the entire construction period of the facility in order to prevent sediment from exiting the proposed site. The controls will be in place when the underground storage tanks are removed from the ground and the new tanks are installed. The Erosion and Sediment control devices typically include silt fence, hay bales, stabilized construction entrances, sediment filters, truck wash tanks and other types of structures.

Landscaping

Existing facility is devoid of any green space, trees or other types of landscaping. The proposed facility will provide approximately 19 shade trees, 25 ornamental trees, 104 bushes or other types of shrubbery, and a wrought iron fence along the north and east property lines. The shade trees, ornamental trees and bushes will provide a habitat for native bird species. Overall, approximately 15% of the site will landscaped in the post-development condition.



DRAFT

VOLUNTARY AGREEMENT BETWEEN

LINDEN NEIGHBORHOOD ASSOCIATION,
ADVISORY NEIGHBORHOOD COMMISSION 6A,

AND

BP AMOCO CORPORATION

AND

KENNETH J. WILHELM
(BP AMOCO ~~FRANCHISEE~~**FRANCHISEE/DEALER**)

~~24 OCTOBER~~ **DECEMBER** 2000

Linden Neighborhood Association (the "Association")**and Advisory Neighborhood Commission 6A ("ANC 6A") have** ~~which has~~ had the benefit of oral presentations of BP Amoco's proposal to redevelop the current gasoline station located at 3rd and H Streets, N.W., in a C-2-A zone (medium commercial) and apply for a **Board of Zoning Adjustment** Special Exception ~~to have a car wash that is 20 feet from residential housing in an R-4 zone (high residential)~~**and Alley Closing Application. BP Amoco's meetings with the Association and ANC 6A were part of a much broader and ongoing community outreach and participation process. To date, BP Amoco has met with community groups on at least seven separate occasions as well as numerous other less formal contacts with community members. As a result, BP Amoco has received substantial community input which has been incorporated into the proposed development plan.**

Whereas, BP Amoco said the current gasoline tanks will be removed and replaced with fiberglass tanks **and other state-of-the-art environmental protection systems** and ~~bays~~**multi-product dispensers (pumps)** will be increased from 6 to 8 ~~bay~~ conducive to automotive traffic from H Street **and safer and more efficient on-site circulation**; and

Whereas, BP Amoco has said the new station will be consumer friendly, have a food mart with groceries, sodas, fresh fruit and facilities for the Metropolitan Police Department; and

Whereas, BP Amoco has agreed to landscape the area adjacent to the station itself; and

Whereas, BP Amoco has agreed to have some form of economic investment conducive to general interests and concerns of the community for its residents; and

Whereas, BP Amoco has provided the Association with a copy of its global community investment plan; and

Whereas, BP Amoco has stated that building a state-of-the-art gasoline station will attract new commercial development to the H Street corridor and provide employment opportunities for the citizens of the community.

The signatories hereto accept the following as Findings of Fact:

That the Association is comprised of residents and registered voters from the surrounding vicinity of the establishment, who seek to enhance the security, economic revitalization, strong corporate leadership from BP Amoco and the Franchisee/**Dealer** and the well-being of the neighborhood, its residents, commercial establishments and patrons in the community, seeks to accomplish these objectives by cooperative efforts;

BP Amoco will be the owner of the redeveloped gasoline station, but under the applicable District of Columbia "divorcement" laws cannot operate the facility. Proposed operation of the gasoline station will be by BP Amoco's Franchisee/Dealer, Mr. Kenneth J. Wilhelm;

That the Association understands BP Amoco and its franchisee/**Dealer** seek to continue the successful operation of its business in cooperation with the residents and owners of other businesses in the neighborhood, and shares with the Association, the Advisory Neighborhood Commission and other community organizations, the objectives stated above;

That the Association having entered into this Agreement to seek a mutually beneficial resolution of certain problems and concerns shared by the Association, the community at-large and BP Amoco, both acknowledge that because of the location of BP Amoco within a diverse economic and cultural section of the city, an effort by the residents and business establishments is necessary to improve the *Quality of Life* of the residents, businesses and promote economic opportunity for all; **and**

That given the desire and understanding that BP Amoco wishes to work with the Association and **ANC 3A to** become a part of the community to assist in solving some of the problems present in the neighborhood, particularly those attributable to the operation of a gasoline station, car wash **(operation voluntarily limited to 7:00 a.m. to 11:00 p.m., daily)** and food mart open 24 hours per day, 52 weeks per year ~~within~~**adjacent to** a residential neighborhood; and

That the Association seeks to encourage the economic re-development of the neighborhood and wishes to assist in improving the economic opportunity of those merchants willing to work with the Association in improving the Quality of Life and ensuring the safety of the residents, merchants and patrons within the community~~; and~~.

Now, therefore, the parties agree to resolve their differences in a reasonable and prudent manner and agree to the following:

BP AMOCO CORPORATION

1. BP Amoco agrees to assign a ~~corporate officer~~**Community Liaison, Mr. Stephen R. Faletto, Retail Development Manager** to be the point of contact for the community at-large to regularly communicate with the Association and ANC on corporate and franchise operations ~~in the District of Columbia, particularly~~**at** the proposed facility to be located at 3rd and H Streets, N.W. Washington, D.C. 20002. **As Community Liaison, Mr. Faletto may be contacted as follows:**

Mr. Stephen R. Faletto
BP Amoco Corporation
One West Pennsylvania Avenue, Suite 95
Towson, MD 21204-5027
Telephone: (410) 494-3724
Facsimile: (410) 494-3777
email address: falettsr@bp.com

2. BP Amoco agrees to provide the H Street community a ~~written~~**detailed** plan for the proposed development, ~~complete with descriptions of projects in other cities in the United States and/or North America with which we can compare and contacts from other cities for which we can communicate~~ **as attached as Exhibit __**;

3. BP Amoco **through its Franchisee/Dealer** agrees to sit on the executive board of the H Street Merchants Association for the purpose of assisting in the redevelopment of the H Street corridor and act in partnership with other entities, as an economic resource for that redevelopment;

4. BP Amoco agrees to ~~insure~~**ensure** that signage **(lower scale brick monument signs substituted for taller, free-standing signs)** and lighting do not impact adversely on the quality of life of the residents in the area immediately surrounding the proposed development and to provide the necessary security, 24 hours per day, 7 days per week to ensure such;

5. BP Amoco agrees to encourage the ~~f~~**F**ranchisee**/Dealer** to offer incentives to residential members to purchase gasoline and other items from the new station **(i.e., coupons, newspaper ads, frequent fill-up programs)** ~~by developing a decal offered through the Association and other organizations in the community at-large~~;

6. **[To be Supplemented per traffic report]** BP Amoco accepts that ~~the vast majority~~**many** of **the** customers will not be from this community and BP Amoco understands that for the community to support this concept the facility must be ~~scaled back to~~ a ~~more~~ community friendly project (a friendly service concept**, including special accommodations for disabled and elderly customers**);

7. BP Amoco **through its Global Social Investment Program** agrees to ~~invest $3,000,000.00 to $5,000,000.00 in the community,~~**develop and implement a Community Enhancement Program,** including, but not limited to, ~~the Sherwood Recreation Center (10th and G Streets, N.W.)~~ J.O. Wilson Elementary School (7th and K Streets, N.W.) **and the Children's Museum** ~~and the Atlas Theater (1335 H Street, N.W.)~~ to create a haven for educational development and recreation for our children and senior citizens. This ~~monetary~~**long-term** investment demonstrates that BP Amoco recognizes that the corporation ~~has long neglected the~~**can make an important contribution to** growth and vitality of this thriving community ~~and would assist in the community's programs of diversion~~ for youth and others from less than constructive behavior;

8. BP Amoco agrees to share with the community a list of corporate officers and the extent of its diversity programs and positions of top ranking corporate diverse personnel **as continuously updated on its web-site; www.bp.com**;

9. BP Amoco ~~agrees to provide to the community through LNA a full environmental analysis in the form of an environmental impact statement or an environmental assessment which outlines the impacts that the proposed redevelopment of the establishment would have on the vitality of wildlife and human health and factors outlined to mitigate for such impacts~~**, as requested by the community, has provided an Environmental Evaluation of the site, attached as Exhibit __. This Environmental Evaluation details the current and proposed environmental safeguards for the site, including existing subsurface monitoring, proposed fuel containment system, air quality systems, stormwater management, erosion and sediment control, and landscaping**;

10. BP Amoco agrees to **comply with all federal and District laws regarding**~~specifically provide information in the form of a report on~~ the removal and disposal of existing underground tanks, **and prevention of** possible leakage and runoff and contamination of underground water;

11. BP Amoco ~~agrees to provide information on CO2 emissions and increased CO2 emissions resulting from increased motor traffic. This report must be provided in writing prior to the community considering support of this project. Such information must be reviewed and originated in consultation with a federally recognized entity such as the Environmental Protection Agency or the U.S. Fish and Wildlife Service~~**will comply with all federal and District of Columbia environmental laws and regulations**;

~~FRANCHISEE~~**KENNETH J. WILHELM, FRANCHISEE/DEALER**

1. The ~~f~~**F**ranchisee**/Dealer** shall maintain the exterior areas ~~adjacent to the store~~**of the site, including the immediately adjacent public sidewalks on 3rd, H and 4th Streets**. The area around the store shall remain clean and free of litter and shall be regularly **and continuously** inspected **and cleaned** by the **Franchisee/Dealer** ~~franchisee or his/her designee. "Regularly", shall be defined as a period of three (3) hours from the start of business (defined as when the business polls daily cash receipts) and every 3 hours after that until the close of business when there shall have a final inspection and cleanup~~.

2. The Association and ANC **6A** recognize~~s~~ that trash and debris will accumulate on ~~and near~~ the property that will not result from patrons of the establishment. It is understood by the ~~f~~**F**ranchisee**/Dealer** that ~~they are legally~~**it will be** responsible for any trash, debris, garbage, and/or other unattended items left on ~~or near~~ the property. At no time shall the exterior perimeter**, excluding the public alleys,** be fouled with trash or debris as a result of neglect **or** be left by customers or other individuals within the community not patronizing the facility;

3. The Franchisee**/Dealer** shall pursue any and all reasonable efforts, both directly and through communications with D.C. Police Communications, the Metropolitan Police Department (5th District), the Association, Fire and Emergency Medical Services

Department and Advisory Neighborhood Commission 6A, to discourage individuals from congregating for extended periods on the premises ~~and areas adjacent to its business~~. The Franchisee/**Dealer** will prohibit any loitering and solicitation of goods and services by those individuals who are not patrons nor employees of BP-Amoco and/or the Franchisee/**Dealer** and who seek to disrupt good and fair business practices of the facility. "No Loitering" signs shall be posted on the property in conspicuous places for all to see. The Franchisee/**Dealer** shall consult and work in conjunction with the Association on its operations, marketing and advertising. The Franchisee/**Dealer** shall keep the Association informed of its activities and problems with law enforcement and emergency medical services responses. **The Franchisee/Dealer shall fully support and facilitate the operation of a Metropolitan Policy Department ("MPD") Community Workstation or similar facility within the convenience store as established under a Memorandum of Understanding between BP Amoco and MPD;**

4. The Franchisee/**Dealer** agrees and accepts that when and if the "No Loitering" signs are being neglected, ignored or defaced, the ~~f~~**F**ranchisee**Dealer** will notify the Metropolitan Police Department immediately;

5. The ~~f~~**F**ranchisee/**Dealer** shall not support the installation of any new pay phones ~~in and around the establishment~~**on the site** (however replacement phones shall be acceptable provided they are **properly** maintained ~~by the franchisee~~). The ~~f~~**F**ranchisee/**Dealer** shall maintain contact with the owner of the current phones and shall monitor the type of usage. If it appears that drug activity or other illicit activity is occurring, the ~~f~~**F**ranchisee/**Dealer** shall notify the proper authorities and inform the Association and ANC 6A;

6. The ~~franchisee~~**Dealer** shall voluntarily refuse to sell products associated with illegal drug activities (single ~~cigars~~**cigarettes**, pipes, bongs, "jewelry bags"~~, etc.~~) and will refuse to sell **any** alcoholic beverages;

7. The ~~Franchisee~~/**Dealer** shall insure that all health codes are adhered to totally and insure that certified food managers are ~~always~~ on duty **as required by law**;

8. The ~~f~~**F**ranchisee/**Dealer** agrees to attend some meetings of the Association/AN**C 6A** and provide updates on its operation;

9. The Association **and ANC 6A** agree~~s~~ to inform its membership of this Agreement and pledges to enlist the support of its members and of all the organizations that represent the community at-large on the T~~t~~erms and ~~C~~conditions of this ~~A~~agreement **and support BP Amoco's BZA Application No. 16648, Alley Closing Application No. S.O. 00-90, and other approvals required by BP Amoco to complete the proposed development as set forth in the plans attached as Exhibit __.** . The Association in conjunction with the ANC **6A**, H Street Merchants Association~~, and H Street Community Development~~

~~Corporation~~ will conduct a survey of the community residents to ascertain what products residents would likely purchase if stocked by the establishment~~ if the perceived level of security and safety in shopping at the facility~~;

10. The Franchisee/**Dealer** agrees to ~~hire Special Police Officers or off-duty Metropolitan Police Department officers to secure the property on a 24 hour basis~~**carefully monitor security at the site and take commercially reasonable steps to increase security as required, including the hiring of Special Police officers and/or off-duty MPD officers**;

11. The ~~f~~Franchisee/**Dealer** acknowledges its understanding that the signatories hereto are members of the Board of Directors of the Linden Neighborhood Association, elected government officials and others who shall not be individually liable for the enforcement of this agreement. In accordance with the Association bylaws, members of the board may change and as such the new board members' signatures shall be substituted under this agreement for such board member. **This Agreement shall be binding on the Association, ANC 6A, BP Amoco and the Franchisee/Dealer, and the parties agree and understand the various rights and obligations of the parties are expressly contingent upon BP Amoco obtaining all necessary approvals from the District and any other governmental agency required to fully implement the proposed development plan.**

12. The parties agree to maintain open dialogue to address mutual concerns and provide constructive remedial actions whenever necessary. This agreement shall be reviewed every five **(5)** years for compliance and amendments. If any of the parties believes in good faith that any signatory has failed to comply with any provision of this agreement, that party shall notify the other in writing of the concern. The parties shall make every effort to resolve any outstanding issues before filing any complaints;

13. This agreement shall be executed in fourteen (14) counterparts, each of which shall constitute an original.

Parties to this action are:

~~Chairman of the Board~~ **Joseph Mulan, Asset Manager**
~~BP-Amoco~~**Atlantic Business Unit**
BP Amoco

Robert Pittman
Co-President-Administration
Linden Neighborhood Association

Stephen R. Faletto
Retail Development Manager

Atlantic Business Unit
BP Amoco

~~Franchisee/Proprietor~~**Kenneth J. Wilhelm**
~~Manager~~**BP Amoco Franchisee/Dealer**

Lisa A. Greene
Co-President-Operations
Linden Neighborhood Association

Commissioner Marvin Fields
Chairman
Zoning and Licensing Committee
Advisory Neighborhood Commission
6A

Christina J. Moody
Association Vice President
Linden Neighborhood Association

Commissioner Daniel Pernell
Single Member District 6A02
Advisory Neighborhood Commission 6A

Commissioner Frank Withrow
Single Member District 6A03
Advisory Neighborhood
Commission 6A

Anthony M. Rachal, III
Legal Counsel
BP-Amoco

Legal Counsel
Linden Neighborhood Association

Legal Counsel
BP-Amoco/Franchisee

Legal Counsel
Linden Neighborhood Association

Diane Cromer
Vice President
Commercial Development
Linden Neighborhood Association

Janet Uthman
Vice President
Community Development
and Recording Secretary
Linden Neighborhood Association

Anwar Seleem
President
H Street Merchants Association

Stanton Park **Neighborhood**
Association

Signed and witnessed this _____day of _____, 2000.

146946

H

TRAFFIC IMPACT ANALYSIS FOR BP-AMOCO BOARD OF ZONING ADJUSTMENT AND ALLEY CLOSURE APPLICATIONS, THIRD AND H STREETS, NORTHEAST, WASHINGTON, DC

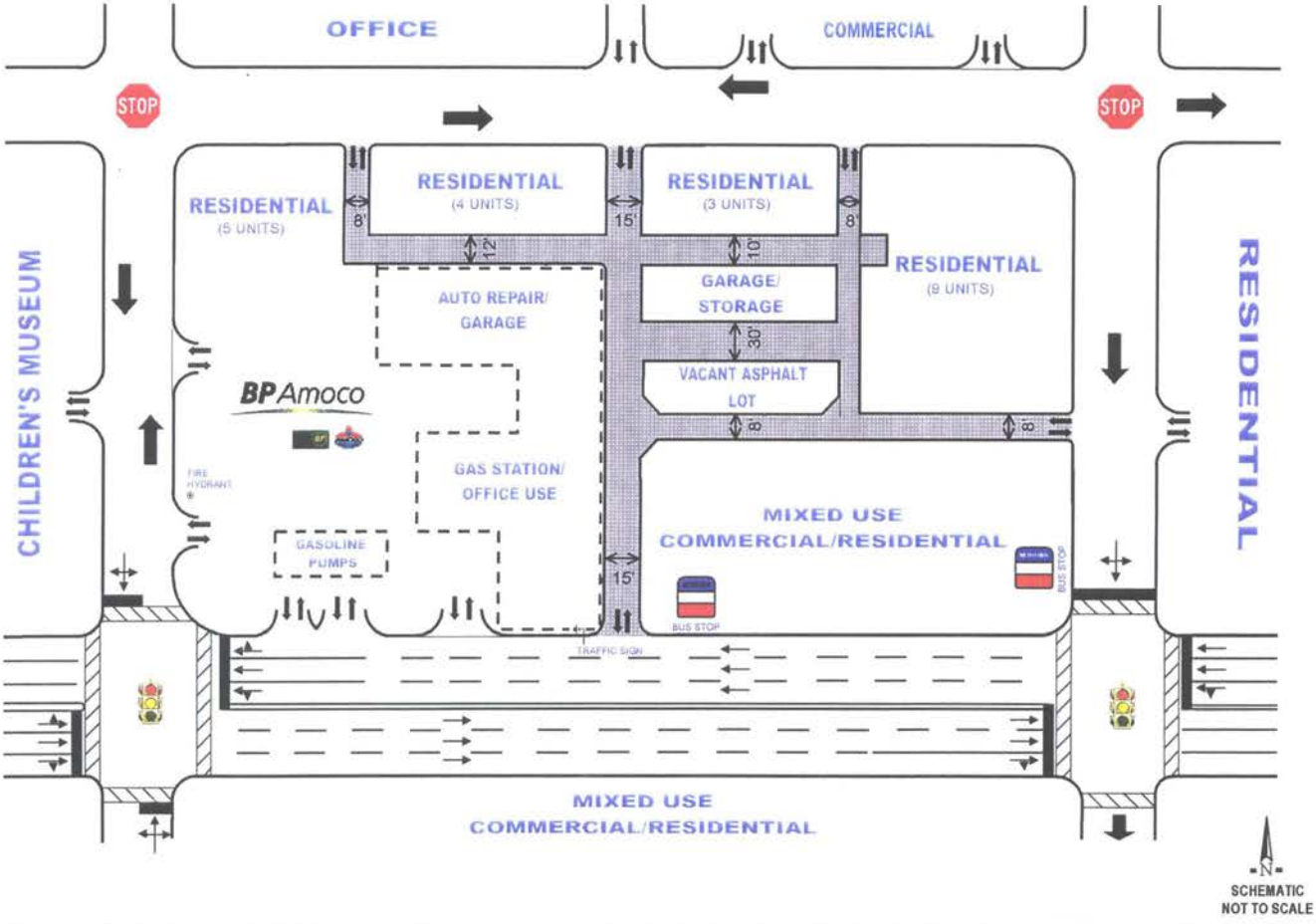
BP Amoco

Prepared for:
BP-AMOCO Corporation
One West Pennsylvania Avenue, Suite 900
Towson, Maryland 21204-5027

Correspondents:
GREENSTEIN, DeLORNE & LUCHS, PC
J. Patrick Brown, Esquire
Anthony M. Rachal, III, Esquire

Prepared by:
O. R. GEORGE & ASSOCIATES, INC.
Transportation Planning & Engineering Consultants
1738 Elton Road, Suite 321
Silver Spring, Maryland 20903
Tel: (301) 434-7722

December 4, 2000



O. R. GEORGE & ASSOCIATES, INC.

EXHIBIT 2: Existing Land Use & Alleyway Network
BP-AMOCO BZA & Alley Closure Application, N.E. Washington, D.C.

2.0 EXISTING ROADWAY AND TRAFFIC CONDITIONS

2.1 Site Location and Access

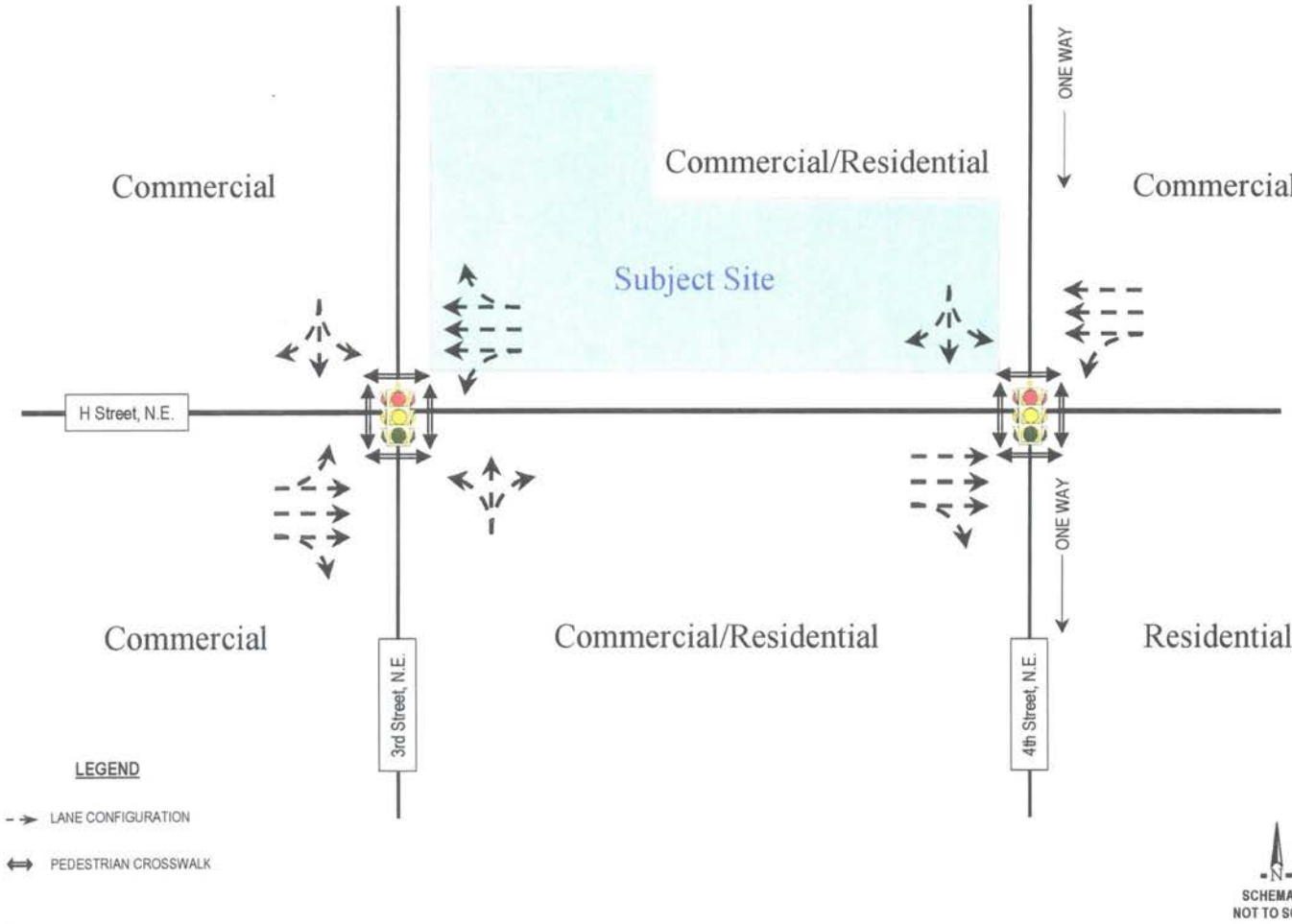
The location and configuration of the subject property was briefly described, and the alleyway system within Square 776 was shown in Exhibit 2. It is further noted here that the site is located within a built-up and well established area of the City. Land uses within the area are mixed, consisting of residential, commercial, and some institutional uses. The H Street corridor, (defined as the section of this roadway between the AMTRAK Railroad Corridor/North Capitol Street and Benning Road), has historically been dominated by retail and commercial uses. Since the mid 1960s, the corridor has experienced economic decline. However, except for two retail centers in the area of H and 8th Streets, Northeast, the corridor continues to be dominated by underutilized retail and commercial uses.

In terms of access to properties within the immediate vicinity of the subject site, the transportation system is dominated by the H Street corridor. This is a six-lane undivided roadway, classified as a principal arterial on the City Street System. The location and cross-section of this roadway, as well as its east-west alignment within the regional road network, has resulted in its use as a major commuter route into and out of the City's central employment core as well as major visitor attractions.

The designation of H Street as a principal arterial is quite significant. This is the same classification of roadways such as New York Avenue, North Capitol Street, Florida Avenue/Benning Road, and Pennsylvania Avenue. The use of such roadways by "commuter traffic" has been noted. In this connection, the term has often been used to connote travel between the City and its neighboring suburban jurisdictions. While this is accurate to some degree, it is also an important fact that the section of H Street considered in this study carries significant vehicular travel between the outlying areas of the City (in the Northeast and Southeast sections) and the central employment area. It is also an important fact that there are a number of significant trip attractions to the east and north of the corridor. These include the Gallaudet University, Bureau of Motor Vehicle Services and Inspection Station, the National Arboretum, and the Hechinger Mall.

As noted earlier, H Street is six lanes wide, providing three lanes in each direction. The importance of this roadway as a commuter route is evidenced by the parking restrictions. Parking along the north side of the roadway is restricted during the morning peak period, facilitating use of three (3) travel lanes westbound into the downtown area. During the afternoon peak hours, the situation is reversed. Parking is prohibited along the south side of the roadway, providing for three (3) travel lanes eastbound, out of the central employment area. Exhibit 3 shows the existing roadway lane configuration and traffic control devices provided at the study area intersections. Traffic volume data and related roadway user characteristics are discussed in Section 2.2- Existing Traffic Conditions.

Other roadways within the area consist of north-south local and minor collector roadways, typical of the City's grid system. Fourth Street (with its one-way southbound flow) and Sixth Street (with its one-way northbound flow) form a one-way pair, which connects the site and its immediate environs with the broader Stanton Park area. These roadways also connect the area with other regional routes such as Florida and New York Avenues to the north, and Pennsylvania Avenue to the south.



O. R. GEORGE & ASSOCIATES, INC.

EXHIBIT 3: Existing Lane Configuration
BP-AMOCO BZA & Alley Closure Application, N.E. Washington, D.C.

2.2 Existing Traffic Conditions

In order to assess the existing traffic conditions within the defined study area, this study performed the following tasks:

(a) Field inspections of the properties, which constitute the subject site and the alleyway system within Square 776.

(b) Weekday morning (7:00–9:00 AM) and afternoon (4:00–6:00 PM) turning movement counts at the intersections of H Street with Third and Fourth Streets. (The count was performed on Thursday, November 9, 2000.)

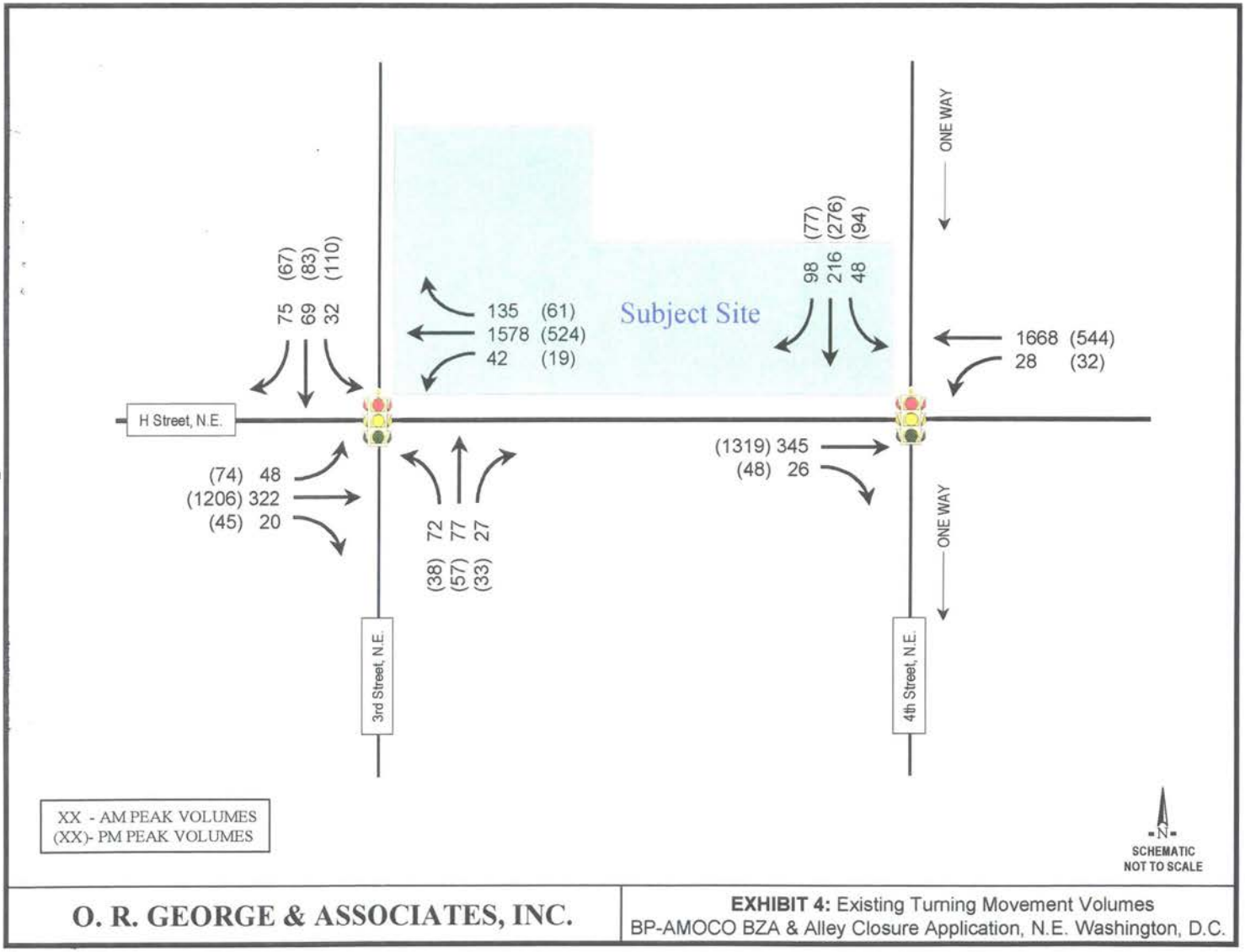
(c) A 12-hour survey of vehicles entering and exiting the access points to the existing gas station and adjacent auto repair shop, as well as the alleyways within Square 776.

(d) A license plate survey of vehicles entering and exiting the driveways of the existing gas station and adjacent auto repair facility. (This, it was felt, would give some indication of the level of "passerby" vs. destination trips.)

The morning and afternoon peak hours, at the two adjacent intersections and for the site, were determined to be as follows:

	WEEKDAY PEAK HOUR	
LOCATION	**AM**	**PM**
• Third Street @ H Street, NE	8:00 - 9:00	4:30 - 5:30
• Fourth Street @ H Street, NE	7:45 - 8:45	4:30 - 5:30
• Existing AMOCO Station	7:15 - 8:15	4:15 - 5:15

Exhibit 4 shows the existing peak hour volumes at the adjacent intersections, and at the gas station entrances. The turning movement count summaries are presented in Appendix A. The study performed an analysis of the intersection turning movement volumes using the capacity analysis procedures stipulated by the Department of Public Works. The results are summarized in Table 1 (on page 8). The analysis shows that both intersections currently operate quite acceptably, at Level of Service B during both peak periods, which is well within the City's standards.



O. R. GEORGE & ASSOCIATES, INC.

EXHIBIT 4: Existing Turning Movement Volumes
BP-AMOCO BZA & Alley Closure Application, N.E. Washington, D.C.

TABLE 1
SUMMARY OF INTERSECTION CAPACITY ANALYSIS RESULTS – EXISTING TRAFFIC CONDITIONS

	AM Peak Hour		PM Peak Hour	
Intersection	**Level of Service**	**Average (Sec./Veh.)**	**Level of Service**	**Average (Sec./Veh.)**
Third Street@ H Street, NE	B	17.5 Sec.	B	18.5 Sec.
Fourth Street @ H Street, NE	B	19.5 Sec.	B	17.2 Sec.

Source: O. R. George & Associates.

"*Level of Service*" is a qualitative measure, which describes operational conditions within a traffic stream or at an intersection, and incorporates their perception by roadway users. Principal considerations are factors such as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort, convenience and safety. Current engineering practice defines six (6) Levels of Service, with Level of Service "A" representing best operating conditions, and "F" representing worst conditions. The District of Columbia has adopted Level of Service "E" as the minimum standard for purposes of planning and design. This Level of Service is typically equivalent to a delay of less than 80 seconds per average vehicle utilizing the intersection under consideration. With regard to the vehicular access patterns, the 12-hour survey showed the following:

(a) A total of 753 vehicles currently access the station for purchase of fuel and other purposes typically related to a gasoline or service station.

(b) The hourly distribution of trips entering and leaving the site was observed to be as tabulated below. As discussed in Section 3.2 of this report, and also as presented in Table 2, the observed trip generation compares quite favorably with trip rates published and recommended by the Institute of Transportation Engineers (ITE).

		INBOUND		OUTBOUND	
	Hour	**No.**	**%**	**No.**	**%**
AM	7:00 – 8:00	89	12%	84	11%
	8:00 – 9:00	61	8%	63	8%
	9:00 – 10:00	57	8%	54	7%
	10:00 – 11:00	64	8%	67	9%
	11:00 – 12:00	64	8%	64	9%
PM	12:00 – 1:00	53	7%	56	7%
	1:00 – 2:00	58	8%	55	7%
	2:00 – 3:00	59	8%	62	8%
	3:00 – 4:00	67	9%	66	9%
	4:00 – 5:00	61	8%	58	8%
	5:00 – 6:00	62	8%	64	9%
	6:00 – 7:00	58	8%	63	8%
	TOTAL	753	100%	756	100%

Source: O. R. George & Associates.

(c) In assessing site accessibility opportunities and constraints, the directions of ingress and egress are important considerations. The generalized access patterns for the existing station are as follows:

Direction	Distribution
H Street Westbound	30%
H Street Eastbound	25%
Third Street Northbound	15%
Third Street Southbound	20%
Fourth Street Southbound	10%
TOTAL	**100%**

Note: Percentages refer to proportion of total vehicles during the one-hour survey period.

(d) The license plate survey showed that fifty-four (54%) of the gas station patrons are residents of the District of Columbia. The remaining patrons are primarily residents of the State's of Maryland and Virginia. Forty-four percent (44%) of all vehicles access the station from H Street, with the majority being D. C. residents. The remaining 56% of the total vehicles access the site from 3rd Street, with an even split between District of Columbia and other residents.

In addition to the above, traffic accident data was obtained from the City for the two adjacent intersections covering the most recent three-year period. Copies of the accident data summaries provided by the City are included in Appendix B. The data shows the following levels of accident occurrences.

	Accident Occurrences		
Location	**1995**	**1996**	**1997**
• 3rd Street @ H Street, NE	10	N/A	4
• 4th Street @ H Street, NE	4	N/A	5

N/A = Data Not Available.

Source: DC Department of Public Works and O.R. George & Associates.

Based upon the accident rates that could be computed using the level of accident occurrences, and the daily traffic volumes using the two intersections, no safety deficiencies warranting special analysis and further evaluation is considered to be warranted.

3.0 TRAFFIC IMPACT ANALYSIS – PROPOSED BP-AMOCO STATION

3.1 Development Plan

As noted earlier, BP-AMOCO's plan calls for the existing gas station to be expanded and upgraded, to include the following elements:

(a) Demolition of the existing one-story brick building and elimination of the automobile repair and storage/office use currently on the site.

(b) Development of a gas station to consist of eight (8) pump islands with sixteen (16) multiple-product dispensers on eight (8) pump islands, a convenience market and a car wash.

The layout of the proposed improvements is illustrated in Exhibit 5. As far as vehicle access to the future site, it is noted that three (3) commercial entrance driveways will be provided off H Street, and two (2) will be provided off Third Street. The number of entrances will be consistent with the existing access situation. The future entrances will significantly enhance access by aligning vehicles relative to the fuel pumps, as well as facilitating access to the parking. One additional driveway will be provided off Fourth Street. This latter access point will be quite convenient and safe, particularly considering that H Street is one-way southbound.

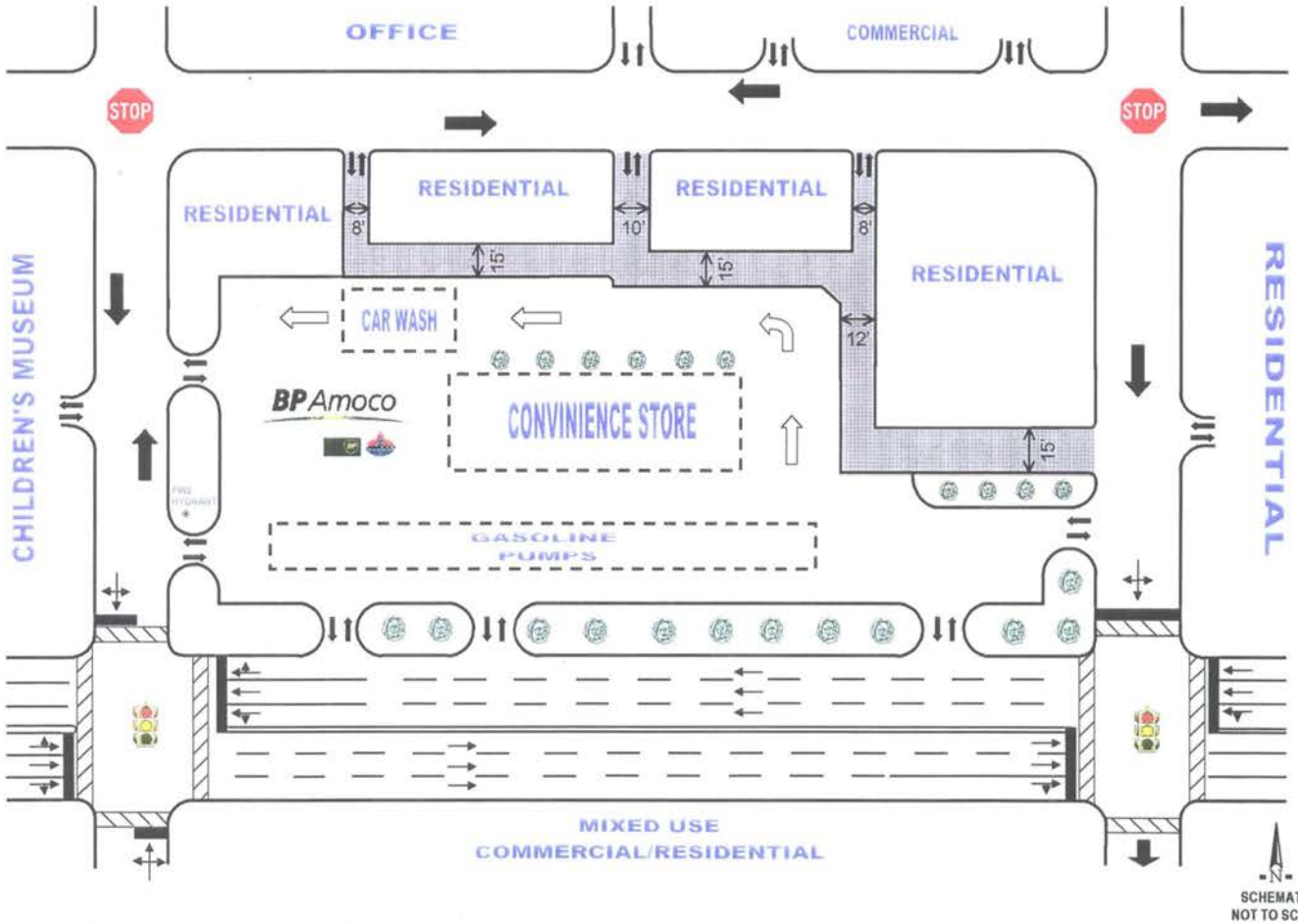
Considering that the existing site includes auto repair and office use components, the car wash is the only truly new use being proposed. This use therefore deserves special consideration. It is important to note that the car wash will be a "limited service operation," whereby only the exterior of vehicles will be washed. A single vehicle space/position is provided for air pressure and vacuum service. The car wash service is provided as an adjunct to the gasoline sales. The service is available free of cost or at discounted prices with gasoline purchase.

BP-AMOCO's plan provides for storage (or queuing) of fifteen (15) vehicles within the designated car wash area. This level of storage is quite adequate based on the following factors.

(a) Levels of Usage: Based on observation of gas stations with car washes in Prince George's and Montgomery Counties, these car washes are not heavily utilized (particularly during morning and afternoon peak periods.) Typically, the highest usage occurs on Saturday afternoons.

(b) Information provided by BP-AMOCO and other station operators indicate that the heaviest usage occurs during the Winter, on days after heavy snow falls. Here also the peak usage occurs during off-peak periods. Stations typically assign management personnel to direct queuing operations and otherwise expedite usage of the car wash facility during the period.

Based on the above factors, this study has concluded that the site layout provides for safe and efficient access and on-site circulation for the uses proposed.



O. R. GEORGE & ASSOCIATES, INC.

EXHIBIT 5: Proposed Land Use & Alleyway Network
BP-AMOCO BZA & Alley Closure Application, N.E. Washington, D.C.

3.2 Trip Generation and Vehicle Trip Assignment – BP-AMOCO Station

In accordance with the policies of the District of Columbia Department of Public Works, the trip generation rates used in this study are in accordance with the Fifth Edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE). That document provides both morning and afternoon peak hour vehicular trip generation rates for a service station with a convenience market and car wash. The rates are based upon the number of fueling positions as the primary variable. The ITE Manual notes that Gasoline/Service Stations with Convenience Markets and Car Washes are "generally located at intersections" and that "the primary business is the fueling of motor vehicles."

The ITE Manual includes a section dealing specifically with "Primary Trips" versus "Pass-by" or "Diverted Linked" trips for Gasoline/Service Stations with Convenience Markets. For clarity, the definitions of these terms from the ITE Manual are cited below.

- *Primary trips* are trips made for the specific purpose of visiting the generator. The stop at that generator is the primary reason for the trip. For example, a home-to-shopping-to-home combination of trips is a primary trip set.
- *Pass-By Trips* are trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street, which contains direct access to the generator. These trips do not require a diversion from another roadway.
- *Diverted Linked Trips* are trips attracted from the traffic volume on roadways within the vicinity of the generator but which require a diversion from that roadway to another roadway to gain access to the site. These roadways could include streets or freeways adjacent to the generator, but without access to the generator.

The ITE surveys and trip generation rate data are national in scope. The data sets included four (4) sites in Suburban Maryland [two (2) in Silver Spring]. In summary, the ITE data shows the following breakdown of trips nationally and for the local sites. For clarification, the trips are broken down into primary and "non-primary." categories.

	Primary Trips	Non-Primary Trips	
		Diverted	Pass-by
1) ITE Survey of Gas Station Sites Nationally			
- AM	16.6%	21.8%	61.6%
- PM	12.3%	31.1%	43.4%
2) ITE Survey of Suburban Maryland Sites			
- AM	14.3%	24.0%	61.7%
- PM	10.3%	35.0%	54.7%

Source: Institute of transportation Engineers (ITE) and O. R. George & Associates.

In summary, the above data shows that approximately 85% of all trips to sites such as the subject BP-AMOCO location are non-primary (i.e., other than "new" trips). The data is quite consistent with generalized industry data provided by the Applicant. However, in order to be conservative and allow for a "factor of safety" appropriate for the planning process, this study assumed a 50%/50% split between primary and non-primary trips. These factors are applied to the trip generation presented in Table 2 (on page 13).

TABLE 2

VEHICLE TRIP GENERATION – PROPOSED BP-AMOCO GAS STATION (WITH CONVENIENCE MARKET AND CAR WASH)

	AM Peak Hour			PM Peak Hour		
Trip Generation Rates	**In**	**Out**	**Total**	**In**	**Out**	**Total**
• Trips/Pump	6.3	6.0	12.3	6.9	6.9	13.8
• Net New Trips/Pump (Assuming 50% Primary Trips)	3.2	3.0	6.2	3.5	3.5	7.0
Trip Generation						
• Total Trips Per 16 Pumps	101	96	197	110	110	220
• Net New Trips (Assuming 50% Primary Trips)	51	48	99	55	55	110

* These rates were recommended by ITE for a Service Station with Convenience Market and car wash. "Pump" here refers to each multiple product dispensing unit (or fueling position).

Source: Institute of Transportation Engineers, and O. R. George & Associates.

The observed trip distribution patterns for vehicles entering and leaving the existing BP-AMOCO station were discussed earlier in this report. The data showed the distribution to be as follows:

1) H Street (WB)	30%
2) H Street (EB)	25%
3) Third Street (SB)	20%
4) Third Street (NB)	15%
5) Fourth Street (SB)	10%
TOTAL	**100%**

It is important to note that this distribution is somewhat unusual; and reflects the fact that a number of office employment uses are located to the north, particularly off I Street. This distribution pattern was used as the basis for assigning the new/future trips to the study area road network. The projected trip distribution pattern and trip assignments are illustrated in Appendix D.

The vehicle trip generation data presented in Table 2 shows that the future site will generate a total of approximately one hundred five (105) vehicle trips entering and leaving the site during weekday morning and afternoon peak hours. Of this number, approximately twenty (20) trips would be new trips having an origin and a destination within the development.

Considering the existing levels of service at the adjacent intersections, it becomes immediately apparent that this increase in traffic will have no appreciable impact. However, in the interest of completeness, and in order to simulate the "worst case scenario," fifty percent (50%) of the total trips entering and leaving the station were added to the existing traffic volumes. The traffic assignment reflecting this situation is shown in Exhibit 6. The assigned traffic volumes were analyzed using the same procedure as for the existing situation. The resulting levels of service are presented in Table 3. The capacity analysis worksheets for this situation are presented in Appendix E.

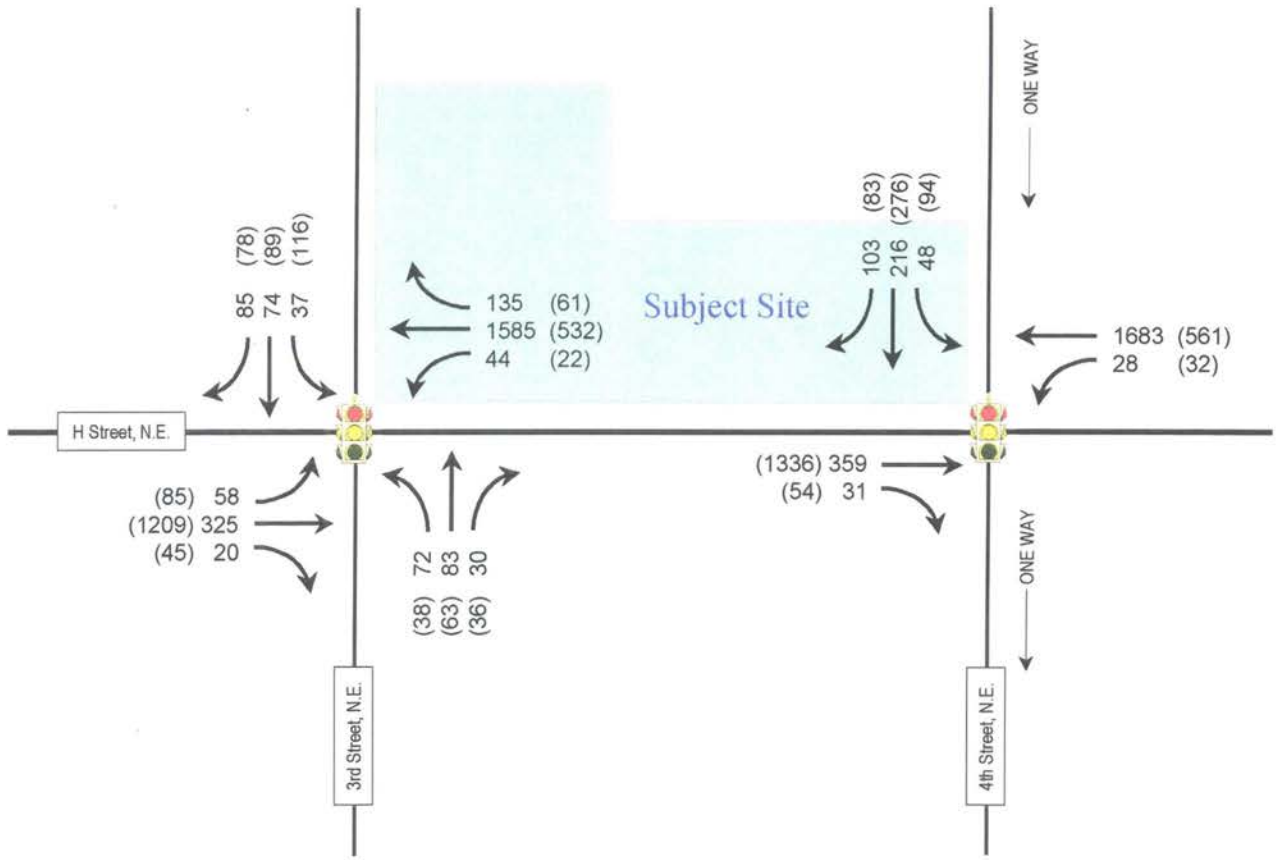
TABLE 3

SUMMARY OF INTERSECTION CAPACITY ANALYSIS RESULTS – PROJECTED TRAFFIC CONDITIONS

	AM Peak Hour		PM Peak Hour	
Intersection	**Level of Service**	**Average (Sec./Veh.)**	**Level of Service**	**Average (Sec./Veh.)**
Third Street@ H Street, NE	B	19.2 Sec.	C	20.1 Sec.
Fourth Street @ H Street, NE	B	19.8 Sec.	B	17.4 Sec.

Source: O. R. George & Associates.

This study proffers that the results presented in Table 3 shows conclusively that the Applicant's proposal should not adversely impact users of the adjacent roadway network or property owners from the perspective of traffic operations and safety.



O. R. GEORGE & ASSOCIATES, INC.

EXHIBIT 6: Future Turning Movement Volumes
BP-AMOCO BZA & Alley Closure Application, N.E. Washington, D.C.

4.0 PROPOSED ALLEY CLOSURE – I MPACT ASSESSMENT

As noted earlier, the Applicant's development proposal would require changes to the alleyway system serving Square 776. This would include primarily the closure of a section of the north-south alley running between H and I Streets. The proposal would also widen (from 8 Ft. to 15 Ft.) approximately 220 Ft. of alley connecting 4th Street with the central area of the Square. The proposed changes were illustrated in Exhibit 5.

In order to support the impact assessment, this study undertook surveys of vehicle trips into and out of the alleyway system. This effort included a 12-hour (7:00 AM - 7:00 PM) count of all alleyways on a mid-week day, as well as observations during a number of other periods on weekdays and on a Saturday. Usage of the alleys was determined to be extremely light. Only the alley section running between H and I Streets was utilized for vehicular access, with 20 vehicles entering and 24 vehicles exiting during the 12-hour weekday survey.

The major trip "attraction" within the square appeared to be the garage/storage building within the central area; and the greatest percentage of trips entered the square from I Street. It is important to note that the Applicant owns the latter use, and this portion of the square would be included in the proposed development. Most of the gas station facilities will lie within properties which are zoned C-2-A.

Considering the Applicant's proposal, the future remaining uses on the site would consist of the following:

(a) Five (5) residential units along Third Street in the northwestern corner of the Square within the R-4 zone;

(b) Seven (7) residential units along the mid-block section of I Street within the R-4 zone; and

(c) Nine (9) residential units along Fourth Street and along the eastern end of I Street, in the R-4 zone.

In terms of general access and service provisions for the square, it is noted that, of the 21 residential units described above, one (1) unit has a rear-side garage. Trash pick-up service for the entire square is provided via the adjacent streets. Streetlights are provided at strategic points within the alleyway system.

The function of alleyways is to provide for supplementary service access to the abutting properties. With the land use changes proposed by the Applicant, the service access needs of the square will change significantly, as highlighted by the following factors:

(a) The future BP-AMOCO site will constitute approximately seventy percent (70%), and will no longer require service access;

(b) The existing garage/storage within the central area of the Square (and which attracts most of the vehicle trips) will be eliminated; and

(c) The residential uses along H Street will be incorporated into the BP_AMOCO site and would no longer require alleyway/service access.

Alleyways within the District of Columbia are planned to provide service and auxiliary access to abutting properties within their particular square. ***Section 504 of District of Columbia Law 12-86 "Omnibus Reform Amendment Action of 1998" stipulates that the City "may close all or part of any street or alley which is determined..... to be unnecessary for street and alley purposes."*** Considering the land use changes proposed by the Applicant, the sections of alley which would be closed would no longer be necessary for the purposes of alley access to the affected properties. The immediate access from these properties to the internal alleyway system would continue to be as currently provided. In addition, the Applicant's proposal would enhance this access through the proposed widening of three (3) sections from 8-Ft. to 10-Ft.and 15 Ft; and two sections from 10 Ft and 12-Ft. to 15-Ft.

In essence, the only significant change in terms of alleyway access to the residential properties would be the elimination of direct access from H Street. The existing 25-Ft. access onto H Street, could be considered a "hidden entrance." Since this alleyway accesses H Street, a heavily traveled principal arterial, its elimination would be positive and represent a safety improvement. Based upon this factor and the other considerations cited above, closure of the alleyway section and other changes proposed would duly address the public interest.

5.0 SUMMARY AND CONCLUSION

This study was undertaken to assess the potential impacts of the land use changes proposed by the Applicant. In addition, the study addresses the proposed changes to the alleyway system within Square 776. These elements were addressed from the perspectives of the governing laws and applicable regulations of the District of Columbia. The findings are summarized below.

5.1 BZA Application

Section 706.4 of DCMR (Title 11 – Zoning) require that the Special Exception use proposed within a commercial zone shall not produce "objectionable" effects on the "neighborhood" because of "traffic conditions." This study has demonstrated the following:

(a) Existing Levels of Service on the adjacent roadway network are quite acceptable, and are well within the City's stipulated standards.

(b) The uses proposed by the Application do not attract a significant level of destination trips. Approximately eighty percent (80%) of peak hour trips are attracted from traffic volumes already on the adjacent roadways.

(c) Even if all trips accessing the station were assumed to be new or destination trips, the situation upon build out of the gas station would still be well within the City's Level of Service standards.

(d) The number of curb cuts or driveways along Third and H Streets would be maintained, but they would be widened and better spaced to facilitate site access. One additional curb cut provided off Fourth Street would consolidate the access of seven (7) separate lots along H Street, and a large commercial lot along Fourth Street.

(e) The development proposal will incorporate improvements to the alleyway system that would enhance access and safety.

Based upon the factors highlighted above, this study submits that the application satisfies the City's stipulated requirements for the subject Special Exception use.

5.2 Alley Closure Application

Section 504 of District of Columbia Law 12-86 stipulates that the City may ***"close all or part of any street or alley which is determined ... to be unnecessary for street and alley purposes."*** This study has determined the following:

(a) The subject site consists of approximately seventy percent (70%) of Square 776.

(b) The site will incorporate properties within the square, which currently generate the highest use of alleyway traffic.

(c) The residential units which will remain after the expansion and upgrade of the existing gas station will all have frontage along Third, Fourth and I (Eye) Streets. These units will all continue to have alleyway access; and this access will be improved through the widening proposed by the Applicant.

(d) Elimination of the alleyway connection onto H Street, (a principal arterial on the City's street system) will be a significant safety improvement.

Based on the above factors, which have been dealt with in greater detail in the body of the report, this study submits that the closure of the section of alley, and widenings proposed by the Applicant would be in the public interest.

5.3 Conclusion and Recommendations

The conclusion of the study regarding the two elements of the Applicant's proposal is presented in Sections 5.1 and 5.2 above. It is concluded that, from the perspectives of vehicular access and circulation, the proposals satisfy the applicable laws and regulations. This study further recommends that the Applicant consider and address the following matters:

(a) The development proposal would require eliminating (or relocating) two (2) bus stops (one along Fourth Street north of H Street, and the other along H Street west of Fourth Street). This matter should be brought to the attention of the Washington Metropolitan Area Transit Authority.

(b) The site improvements would eliminate one roadway traffic sign along the north side of H Street west of Fourth Street. The Applicant should address this issue with the Bureau of Traffic Services of the Department of Public Works.

(c) The Applicant's proposal would eliminate two parking spaces along the north side of H Street between Third and H Streets; and this should be addressed with the appropriate City agencies.

(d) The Applicant should replace streetlights removed within the alleyways with lights that will satisfy the City's lighting standards for alleyways.

(e) The Applicant should incorporate corner "chamfers" where necessary, in order to enhance sight distances and facilitate traffic circulation within the square.

Based upon our discussions with the Department of Public Works staff, the above issues would typically be addressed and resolved during the development implementation phase. Accordingly, they could be the subject of conditions of approval by the Board of Zoning Adjustment.

<<<<<< >>>>>>