GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

DATE: December 11, 2000

TO: District of Columbia Board of Zoning Adjustment

THROUGH: Andrew Altman, Director OP
Ellen McCarthy, Deputy Director OP

FROM: David J. McGettigan, AICP

SUBJECT: Board of Zoning Adjustment Case No. 16648
BP Amoco Store No. 84661
306 H Street, N.E.

ATTACHMENTS:
1. Location Map
2. Comprehensive Plan References
3. ANC6A Minutes from 10-11-00 Meeting

BZA
Case No. 16648
Exhibit No. 69

BP Amoco Store No. 84661 Staff Report

Summary

This report recommends that BP Amoco Corporation's request for a special exception for redevelopment and expansion of a gasoline service station in the C-2 district be denied.

Issues:

- In considering this case, the Board should consider if the application would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. Based on the analysis of the Office of Planning, the proposed design will not be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.
- The Board should determine if granting the special exception would adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The inconsistency of the proposed design with the

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2) Prevent the establishment of "gas-n-go" self service stations, service stations with twenty-four (24) hour mini-marts or convenience stores throughout the ward, and support the continuation of existing full-service gas stations on Pennsylvania Avenue, S.E., especially from the Capitol to Minnesota Avenue, S.E.;[8]

The citizens of Ward 6 recognized the adverse impacts of "gas-n-go" developments, such as the one proposed by BP/Amoco with this application, when they helped craft Chapter 17 of the Comprehensive Plan.

Zoning Analysis

In Harmony with the General Purpose and Intent

The applicant's proposal to expand the gas station from an approximately 5,000 square foot fueling area to an approximately 20,000 square foot fueling area with accessory convenience store and car wash is designed to serve the automobile commuters using the H Street corridor. This is not the type of development appropriate in the C-2-A, Community Business Center District, which is "designed to provide facilities for shopping and business needs, housing, and mixed uses."[9] The applicant proposes demolition of 70% of Square 776 and the entire H Street frontage for their development. A development this large in the C-2-A district should be incorporating a mix of uses including office and residential uses. A mix of uses is required for stability, livability, and security. Development of a large portion of the corridor for a gas station will deprive the neighborhood of space for uses needed to revive the neighborhood. [10]

Good urban design is in harmony with the general purpose and intent of the Zoning Regulations. The role of good urban design in furthering the purposes of the zoning ordinance to provide a use of land "that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational and cultural opportunities"[11] is encompassed in an entire chapter of the Comprehensive Plan devoted to urban design. As discussed above the design proposed does not represent good urban design.

Adversely Affect Use of Neighboring Property

The inconsistency of the proposed design with the Comprehensive Plan will adversely affect the use of neighboring property as envisioned by the General Provisions, Transportation, Urban Design and Land Use elements of the Comprehensive Plan as well as the Ward 6 Plan. The long-term negative impact of the proposed development on the character of the H Street, N.E. corridor will impair the ability of the business district to develop a unifying streetscape.

The three entrances on H Street, which will be heavily used, would create too many pedestrian/vehicular conflicts to encourage pedestrian use of the site's frontage. The

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[8] Comprehensive Plan Amendment Act of 1998, Section 1735.1, pg. 17-35.

[9] Zoning Regulations of the District of Columbia, Chapter 1, Section 720.2, pg. 7-10.

[10] The corridor needs housing, offices, arts, entertainment, restaurants and a defining streetscape.

[11] Zoning Regulations of the District of Columbia, Chapter 1, Section 101.1(c), pg. 1-2.

open character of the site, even with the low brick wall, will also discourage pedestrian traffic. Visitors to the Children's Museum would be discouraged from venturing toward possible shopping and dining opportunities further down the street and pedestrian movements between Union Station and H Street businesses and neighborhoods would be curtailed. This development would be particularly disruptive to pedestrian commuters walking to the Union Station Metro Station, which would not "further economy and efficiency in the supply of public services"[12].

Other adverse impacts include noise, odor, and light. Noise impacts include revving engines, blasting car stereos, and squealing tires, with 24-hour operation these noises will be problematic to adjacent residents. Despite modern vapor recovery technology, gasoline and vehicle exhaust fumes from activity on the site will be considerable. Residential dwellings with windows facing the station will need extensive covering to block out the excessive light that will emanate from the site. Though the lighting is important for security of the gas station, the station's 24-hour operation will not be compatible with adjacent residential neighbors. The amount of screening proposed by this development is inadequate to mitigate these adverse impacts and even the amount of land provided by the development for that purpose is not sufficient to plant an adequate vegetative screen.

Special Conditions for Gasoline Service Stations

Due to the unacceptable design of the proposed facility, the case will not meet the special conditions established in Section 726. Section 726.1 requires the Board to consider the conditions of Section 3104, which are discussed above, the conditions of Chapter 23, and the provisions of Section 706. Section 726.2 requires referral to the Office of Planning for this report.

Section 706 lists two conditions for gasoline service station development: separation from residence districts, and impact on traffic conditions. An alley separating the gas station and the adjacent residential district would help meet the first condition and does provide some buffer, but, as is discussed above, the width is inadequate to prevent adverse impacts from noise, fumes and lighting. The proposed development will create unsafe and objectionable traffic conditions by substantially increasing the number of mid-block turning movements during peak hours, as shown in the following table.

H Street Turning Movements

	Existing	Proposed	Increase
A.M. Peak Hour	68	108	40
P.M. Peak Hour	65	121	56

Source: Traffic Impact Analysis for BP-Amoco, O.R. George & Associates, Inc.

The traffic report and the numbers above assume that distribution of the increase in trips among the site entrances will remain the same (currently 55% for H Street). It is more

[12] Zoning Regulations of the District of Columbia, Section 101.1(c), pg. 1-2.

likely that the percentage of trips coming from H Street will increase, further increasing the number of mid-block turning movements on H Street.

Chapter 23 of the Zoning Regulations adds three additional conditions over and beyond those found in Section 706. First, no gasoline service station shall have a vehicular entrance or exit connected with a street at a point closer than twenty-five feet to any Residence district unless separated by a street or alley. The proposed design complies with this condition, but the entrance on 4th Street is very close to the alley access on 4th Street, creating an unsafe situation. Second, no driveway of any entrance or exit shall be closer than 40 feet to a street intersection as measured from the intersection of the curb lines extended. The entrance on 4th Street does not meet this requirement, at less than 30 feet from the intersection. The third condition regarding grease pits and hoists is not applicable to this application.

Other Agencies – Comments from the Department of Public Works, the Department of Health, the Office of the Fire Marshall and the Metropolitan Police Department were solicited by the Office of Planning. No comments have been received from these agencies at the time of this report[13], except the Trees and Landscape Division. The Trees and Landscape Division noted that existing street trees shown to be removed on the plan couldn't be removed unless they are dead, dying or diseased. Additional street trees should be provided on H and 3rd Streets.

ANC's and Community Groups – The applicant presented its application to ANC 6A on December 7, 2000. The Commission did not have a quorum. A number of letters have been received in the record against the project. Minutes from ANC 6A Zoning and Licensing Subcommittee meeting of October 11, 2000 are provided as Attachment 3. No other comments on this project have been received from ANC 6A at the time of this report.

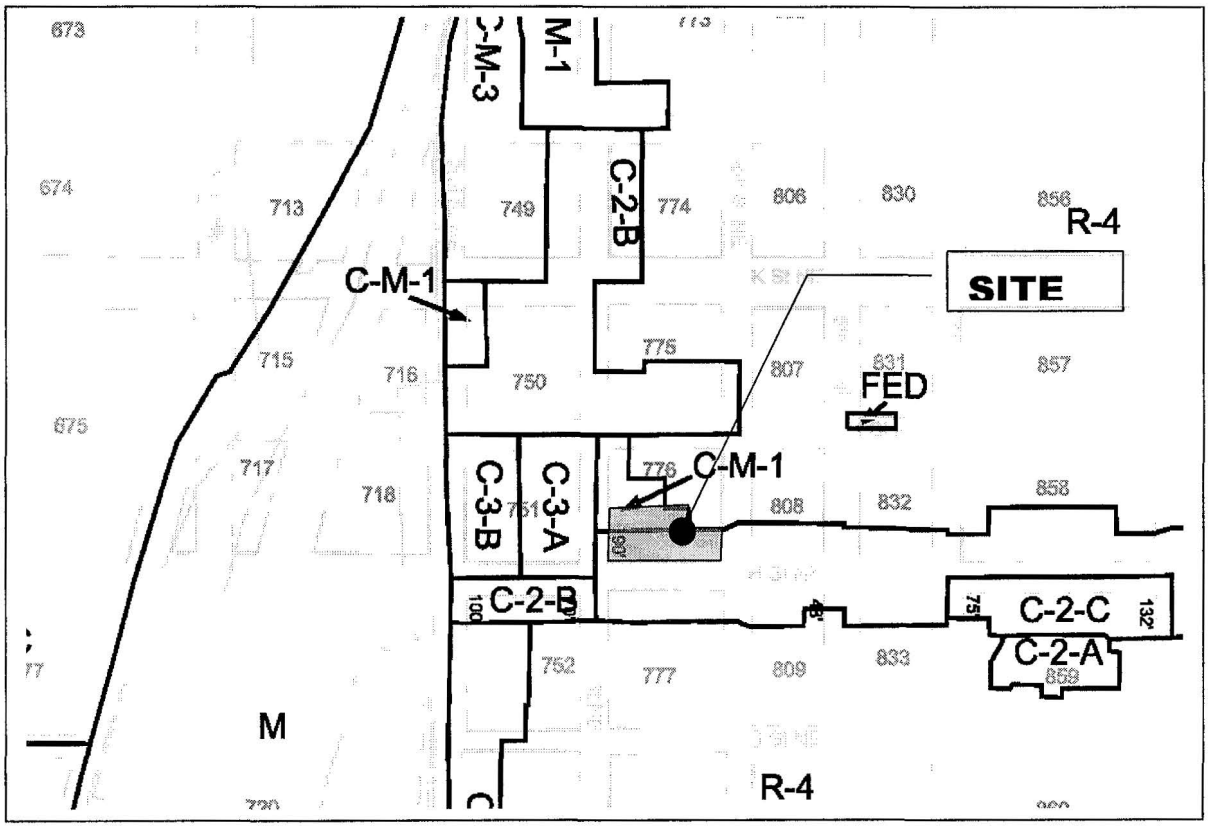
Recommendation

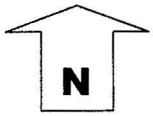
The Office of Planning recommends that BZA application 16648, requesting a special exception to permit redevelopment and enlargement of a gasoline service station be denied. The Office of Planning met with the applicant and discussed design alternatives. The applicant was unwilling to change the site design; claiming visibility was maximized by this design. BP/Amoco "only sells gas" and would not consider putting other preferred uses or structures on the site.

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[13] In accordance with Section 725.2 of the Zoning Regulations the written reports from these agencies should have accompanied the application submitted to the Office of Planning by the Board.

Location Map





Comprehensive Plan References applicable to BP/Amoco

102 STABILIZING AND IMPROVING THE DISTRICT'S NEIGHBORHOODS

102.1 The successful and creative functioning of neighborhoods is a fundamental concern. Citizen participation in civic improvement starts from the interest that people have in their neighborhood blocks and in their day-to-day relationships. District services are primarily directed to homes and their environs.

102.2 The District elements of the Plan propose that the residential character of neighborhoods be maintained and improved. Many city neighborhoods are historic or possess social, economic, and physical qualities that make them unique and desirable places in which to live. These qualities can also lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods desirable. These pressures and potential adverse impacts must be controlled to ensure that the character of our neighborhoods is preserved and enhanced.

102.3 Many city neighborhoods also include integral commercial and institutional uses that contribute to their character. Neighborhood businesses, schools, park and recreational facilities, churches, and other public facilities all add to the liveability of our communities. These uses too must be protected, stabilized, and improved.

102.4 Promoting and ensuring good quality neighborhoods is of utmost importance to the District. The District elements of the Plan's policies and strategies on increasing housing opportunities, neighborhood commercial facilities, and improving transportation in some neighborhoods will be combined with other District policies on historic preservation, environmental quality, and public facilities to conserve functioning, stable neighborhoods, and to stabilize or improve those which need redirection.

701.1 It is the goal of the District to promote the protection, enhancement, and enjoyment of the natural environs and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient.

707.2 The policies established in support of the built environment objective are as follows:

(e) Strengthen and enhance the design of the distinguishing physical qualities of neighborhoods; and

708.2 The policies established in support of the buildings are as follows:

(a) Design residential, commercial, and all other buildings to complement or enhance the physical character of the District; and

(b) Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.

709.2 The policies established in support of the streetscape objective are as follows:

(a) Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian ways;

(b) Reduce conflicts between pedestrians and vehicular traffic in order to increase pedestrian safety and comfort;

(c) Create a visually interesting environment that utilizes the design opportunities present in the public space and defines a special image for both Downtown and District neighborhoods;

(d) Create an environment in the public space that attracts people and stimulates redevelopment and commerce;

710 AREAS OF STRONG ARCHITECTURAL CHARACTER

710.1 The areas of strong architectural character objectives are to protect areas of strong architectural character and to provide that the architecture of any new development in these areas be complementary to the existing architectural character.

710.2 The policies established in support of the areas of strong architectural character objectives are as follows:

(a) Respect the boundaries of areas having strong architectural character, both to preserve the continuity of these areas and to prevent inappropriate encroachment;

(b) Encourage development adjacent to areas of strong architectural character to provide a physical transition in building design detail in order to create a complementary form of transition;

(c) Encourage rehabilitation, rather than demolition or redevelopment, in areas of strong architectural character;

(d) Encourage new development within areas of strong architectural character to contribute to the physical identity and character of those areas;

(e) Encourage building massing and scale of new development to be sensitive to established patterns;

(f) Protect and enhance the green landscape and park-like setting of trees, grass areas, and plants; and

(g) Enhance and maintain design emphasis on the special nature of each area through distinctive landscaping and the development of paving, lighting,

signs, and street furniture in accord with the architectural character of the area.

711 AREAS OF STABLE CHARACTER

711.1 The areas of stable character objectives are to maintain those areas of the District that have a positive physical image and to provide that new development and renovation within or adjacent to these areas is complementary in scale and character.

711.2 The policies established in support of the areas of stable character objectives are as follows:

(a) Encourage in-fill development to be complementary to the established character of the area. In-fill development in stable areas should not create sharp changes in physical pattern which might lead to deterioration;

(b) Encourage rehabilitation, rather than demolition and redevelopment, of architecturally significant and structurally sound structures in deteriorating areas, so that these renovated structures can be initial elements that help to bring about a positive image to an area;

(c) Use landscaping in areas without strong building character to present a more positive physical image;

(d) Consider large-scale developments or capital improvement projects as opportunities for establishing a positive image or redirection in deteriorated areas; and

(e) Use site planning and design treatment to screen unsightly uses, particularly in areas adjacent to manufacturing or industrial yards.

712 AREAS IN NEED OF NEW AND IMPROVED CHARACTER

712.1 The areas in need of new and improved character objective is to encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity.

712.2 The policies established in support of the areas in need of new and improved character objective are as follows:

(a) Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;

(b) Encourage in-fill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment;

(c) Encourage rehabilitation rather than demolition and redevelopment in appropriate locations in deteriorated areas;

713 COMMERCIAL ACTIVITY CORRIDORS

713.1 The commercial activity corridors objective is to coordinate and strengthen the design function and image of commercial activity corridors that serve neighborhood centers.

713.2 The policies established in support of the commercial activity corridors objective are as follows:

(e) Orient major new development toward the street in order to emphasize the public space as a setting for active use;

(f) Balance and design development sensitively within low-scale regional activity centers in order to respect the established residential scale and character of the areas;

(g) Encourage special design quality around Metrorail stations to create aesthetically pleasing physical concentrations of activity and development;

(h) Strengthen the function and design image of the development and activity corridors that serve as neighborhood centers;

(i) Focus special design attention on corridors and centers in areas of the District that have poor images, low development of activity concentrations, and are underserved;

(j) Encourage the design of future development to be compatible with the established characters of the surrounding areas;

(k) Encourage the development of physical boundaries between commercial concentrations and adjacent residential areas so as to enhance the character and integrity of both sectors;

(l) Emphasize the activity function and visual character of corridors and centers through special signs, lighting, design, or other means which contribute to their overall identity and sense of place, but also allow for the unique identities of the individual businesses; and

(m) Encourage the design of in-fill developments within commercial corridors to be appropriately sited in order to strengthen functional and image guidelines.

1100.3 (c) Commercial development should be managed so that traffic, inappropriate uses, noise, and pollution do not threaten neighborhood quality and stability.

1100.8 Development in Metrorail station areas will be undertaken to assure orderly growth, compatible mixes of uses, appropriate densities, good pedestrian and vehicular circulation, and appropriate combinations of public and private action.

1700.6 H Street, N.E., has a different character than Pennsylvania Avenue, S.E., but similar problems. At one time it was the second busiest commercial area in the District. That function diminished in the 1960s and nearly disappeared after the riots of 1968. The H Street corridor has experienced some revitalization as a result of an Urban Renewal Plan; however, the development of the Hechinger Mall on the east end of the corridor and the substantial office and retail space in the area of Union Station on the west end tend to drain off retail investment and customers from the rest of H Street. This polarization of economic activity needs to be considered in reviewing H Street development. Between the two (2) ends of heavy development, H Street may have to assume a special character in order to fully develop its commercial potential.

1720.5 Finally, on the west end of the ward, a distinctive streetscape plan is necessary to establish the character and undergird the viability of the H Street/Benning Road commercial corridor.

1722.1 The policies in support of urban design objectives are as follows:

(a) Ensure that redeveloped and new structures in Ward 6 commercial corridors strengthen the urban design image of those areas and relate to adjacent residential neighborhoods;

1723.1 The actions to implement urban design are as follows:

(i) Establish strict design controls of commercial signage, awnings, street furniture and trash receptacles;

1732.7 The H Street corridor is still rebuilding from the disturbances of 1968. However, there are a number of positive actions which are stimulating rebuilding. First, there is a long-standing Urban renewal Plan for the corridor which has been implemented through a number of D.C. government investments and land assemblages. Equally important to the street's revitalization as an important shopping area has been the development of the Hechinger Mall which is still under expansion and is helping to stimulate development in the adjacent Benning Road area. Another development of somewhat more upscale character is the development of Union Station and environs as a large shopping mall and office buildings. That is affecting development in the nearby H Street corridor. And the continuing revitalization of the Capitol Hill Historic District will help support even more business development along H Street, N.E. and Benning Road, N.E.

1735.1 The actions to implement the land use objectives are as follows:

(e) Protect the existing alley system and develop policy and plans for use of large block interior spaces. These plans shall be developed in coordination with the affected ANC;

(u) Prevent the establishment of "gas-n-go" self service stations, service stations with twenty-four (24) hour mini-marts or convenience stores throughout the ward, and support the continuation of existing full-service gas stations on Pennsylvania Avenue, S.E., especially from the Capitol to Minnesota Avenue, S.E.;

Minutes from ANC 6A Zoning and Licensing Subcommittee Meeting October 11, 2000
by Commissioner Marvin F. Fields, Jr.

On Wedneday, October 11th, 2000 ANC Z and L subcommittee convened its regularly scheduled meeting at 900 G Street, NE at 7pm. The meeting was chaired by Commissioner Marvin F. Fields, Jr.

BZA applicants before the Z and L subcommittee were BP Amoco and Sasha Bruce House. The ANC Z and L committee did not take a position.

The matter concerning BP Amoco is as follows:

- The 6A Commissioners and the surrounding community asked for the BP Amoco project to be scaled back.
- Commissioner Gregory Ferrell asked for the applicant to explain their need for a special exception. And, if bp amoco received no support from the BZA or the ANC 6A, would BP Amoco bring their present property up to standard? Not a positive response to Commisioner Ferrell.
- Community member Mr. Pat Lally asked BP Amoco representatives about height, density, curb cutting, landscaping and weeding of the alleys.
- Commissioner Daniel M. Pernell felt that the BP Amoco project would be a high rise and a negative impact on the surrounding community and an impact on the Capital Children's Museum, just across the street from the proposed project, housing two charter schools.
- 6A Commissioners and community members voiced their opinion that it would be vital to have another meeting to discuss modification, and on-going community issues, retail services, community reinvestment, traffic and enviromental assessments and survey, fire department review, and if all buffer zones are necessary regarding the proposed BP Amoco gasoline station. It would be necessary to schedule a meeting with all parties involved before the next ANC 6A regularly-scheduled meeting for November 4, 2000.

Many attending the meeting believed there is no proposal in place for an alternative plan.

The matter concerning Sasha Bruce House is as follows:

- To arrange another meeting involving the surrounding community and to confer with the SMD ANC commissioner Marvin F. Fields before their hearing date with the BZA on October 24th, 2000.

Commissioner M.F. Fields, Jr.