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

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December 18, 2000

Chairperson Sheila Cross Reid
Board of Zoning Adjustment
441 Fourth St., NW Suite 210 S
Washington, DC 20002

Re: BZA Case 16648

Dear Ms. Reid,

I concur with the request of Councilwoman Sharon Ambrose for a continuance of BZA Case No. 16648. I believe there should also be a letter requesting a continuance from ANC 6A. At an ANC Zoning and Licensing meeting held last week, the ANC voted to request a continuance and much of the community has now been notified that the case would probably be postponed. Given the great importance and opposition within the community to this project, the nearby community will certainly protest any attempt on BP Amoco's part to have their application heard without a full public review.

In addition, I believe there remain serious problems that must be resolved in advance of the BZA hearing. Principal among these is the issue of the alley closing. I do not believe it is proper for the BZA to rule on an application for a special exception which includes property which the applicant does not own or control. The several alleys which BP Amoco seeks to close are currently public property for which there is an application pending (S.O. 00-90). The alley closing was not specifically mentioned in the applicant's initial materials (dated 9/14/00), but is referred to in materials submitted December 5, 2000. Again, I do not believe it is proper for the BZA to entertain the applicant's request for a special exception until and unless they own the property on which the BZA would be ruling, and request that you direct the Applicant to resolve this matter prior to any BZA hearing.

A second serious deficiency is BP Amoco's failure to provide an environmental impact assessment or environmental impact statement. BP Amoco's "environmental plan" is inadequate and does not appear to meet the statutory requirements. SPNA requests that the DC Department of Environmental Health conduct a full review of this project, hold public meetings that will take seriously the community's concern's regarding the environmental impact of a 50,000+ sq. ft. gas station, and provide adequate time for that report's preparation. It is crucial that the BZA have this information prior to any ruling or hearings on the applicant's request for special exception.

BZA
Case No. 16648
Exhibit No. 81

Board of Zoning Adjustment
District of Columbia
CASE NO.16648
EXHIBIT NO.81

Third, the Applicant's materials submitted on December 5 include certain factual misrepresentations. One such misrepresentation is the "Draft Voluntary Agreement". The community most directly affected by BP Amoco's proposal was not involved in, or even invited to participate in the preparation of this document. In addition to the fact that this document has not been finalized, and does not appear to be legally enforceable, the Stanton Park Neighborhood Association has objected to our inclusion as a party on a document of which we were totally unaware prior to BP Amoco's submittal of that document to the BZA. Clearly, BP Amoco is attempting to create the appearance of community involvement without actually involving the community. The BZA should not hear the applicant's case for a special exception until the applicant has provided documents which are factually correct. Although I am not an attorney, I do believe that a Special Exception based on misrepresentations by the Applicant would certainly subject the decision to a legal challenge.

Finally, I have observed that BP Amoco closed their gas station operation approximately two weeks ago and began demolition. Some of that work, including demolition work on a Civil War-era structure exceeded the scope of work outlined in any vaild permits BP Amoco held at that time. I believe that a stop work order was issued, and that at least some of the permit irregularities have been resolved. The Stanton Park Neighborhood Association rejects any "time is of the essence" argument by BP Amoco. It was BP Amoco's decision to close their operation, it was their decision to proceed in advance of the BZA hearing, and it was their decision to conduct work without valid permits. BP Amoco's decision to fast track this project can not now be used as an excuse to circumvent the full public review of a project that has been the subject of intense community opposition, and received a particularly negative review by the District's Office of Planning.

On behalf of the Stanton Park Neighborhood Association, and as a Party to BZA Case No. 16648, I request a continuance until each of the above matters have been resolved.

Sincerely,

Drury J. Tallant, Co-Chair
Stanton Park Neighborhood Association

cc: Mayor Anthony Williams
Councilwoman Sharon Ambrose
Andrew Altman, Director, DC Office of Planning
ANC 6A
Mr. John Patrick Brown, Jr. Co-Counsel for the Applicant
Mr. Anthony Rachal, Co-Counsel for the Applicant

(Delivered by hand, by fax, and by email on December 18, 2000)

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. In addition, the increased noise, air pollution, and light pollution will adversely affect neighboring residential dwellings.

- The Board should review the special conditions established in Section 726 for gasoline service stations in the C-2 district. Due to the unacceptable design of the proposed facility the applicant does not meet the special conditions established in Section 726.

Background

H Street, N.E. is one of a few special corridors in the City. As stated in the Comprehensive Plan,

> 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.[1]

To promote a special character for this commercial area the Comprehensive Plan concludes, "a distinctive streetscape plan is necessary to establish the character and undergird the viability of the H Street/Benning Road commercial corridor."[2]

The existing Amoco station, built in 1959, takes up a relatively small corner of the block between 3rd and 4th Streets. The majority of the block was, as is typical of H Street, N.E., defined by a solid mass of buildings fronting directly on the street. These buildings have been or are in the process of being demolished by BP/Amoco Corporation. A network of alleys serve properties interior to the block and residential properties fronting 3rd, 4th, and I Streets. The block's proximity to the H Street bridge over the major railway lines north of Union Station makes it an important gateway block into the H Street, N.E. corridor.

Planning for revitalization of this important commercial corridor is underway, with the hope of establishing a distinctive streetscape plan that will establish a character for the area and improve the commercial viability of the area. In addition, the District's Department of Employment Services will be relocated to the corridor, which will bring additional retail demand and streetlife to the area. Re-establishment of this commercial area is an important step in stabilizing and improving the corridor's adjoining neighborhoods.

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[1] Comprehensive Plan Amendment Act of 1998, Section 1700.5, pg. 17-2.
[2] Comprehensive Plan Amendment Act of 1998, Section 1720.5, pg. 17-23.

Plan Description

BP/Amoco plans to completely remove buildings from the entire block's frontage on H Street, N.E., to be replaced with over two-thirds of an acre of asphalt and concrete and a 200-foot long canopy accented with a green, pearl and yellow and topped by silver solar panels. The canopy will be shielding pump islands that will provide fueling stations for 16 vehicles. A modest store of 4,224 square feet and a single bay car wash will be the only buildings on the site. The proposed development will require multiple alley closings including a portion of a north-south alley at mid-block.

For vehicular access to the development, the plan proposes 6 entrances to the site, including three on the H Street frontage. The intensity of vehicular use of the site will be greatly increased. Besides the 16 vehicle fueling stations and associated circulation lanes around the pump islands, the development proposes 26 parking spaces, 15 standing spaces for the car wash, and a loading space. Landscaping is provided to the rear of the site and in a small area on the corner of H and 4th Streets near one of two 9' x 7' monument signs.

An internally illuminated plastic yellow canopy, some brick veneer and a 22-foot high, elliptical sign tower will accent the green metal and glass façade. A low 3' wall will be built along the site frontage. The planting of three shade and two ornamental trees will soften the rear façade of the building. No foundation plantings are proposed along the front or side of the building. A single row of shrubs flanks the eastern alley and several clusters of shrubs adorn the 3rd Street frontage. A row of evergreen trees punctuated by some shade trees provides a minimal buffer for the residential properties to the north.

Comprehensive Plan Analysis

The first of ten themes set forth in the Comprehensive Plan, "Stabilizing and Improving the District's Neighborhoods", explains how the proposed design can adversely affect the neighborhood.

> 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.[3]

As mentioned in the background discussion above, the H Street corridor was once the second busiest commercial area in the District. The corridor's building materials, height, scale, and massing distinguished it as a unique commercial corridor. Like other formerly vibrant retail streets in the District, the physical character of H Street must be maintained to have hope of revitalizing it.

Key to rebuilding the character of the corridor are urban design principles, which encourage streetscape elements such as the massing of buildings along the street frontage to provide comfortable pedestrian activity. "It is the goal of the District to promote the

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[3] Comprehensive Plan Amendment Act of 1998, Section 102.3, pg. 1-3.

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."[4] Some of the policies identified to achieve this goal include:

- Strengthen and enhance the design of the distinguishing physical qualities of neighborhoods; and
- Design residential, commercial, and all other buildings to complement or enhance the physical character of the District; and
- Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.
- Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian ways;
- Reduce conflicts between pedestrians and vehicular traffic in order to increase pedestrian safety and comfort;
- 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;
- Create an environment in the public space that attracts people and stimulates redevelopment and commerce;[5]

The applicant's proposed design is contrary to all of these policies.

The Comprehensive Plan further defines objectives "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."[6] The proposed architecture and site design do not reflect these objectives (See Attachment 2, Section 710.2 for these objectives). The most critical objective is to "encourage building massing and scale of new development to be sensitive to established patterns"[7]. These themes are echoed over again in Comprehensive Plan Section 711 Areas of Stable Character, Section 712 Areas in Need of New and Improved Character and Section 713 Commercial Activity Corridors (See Attachment 2).

Particularly important guidance comes from the Ward 6 Plan (Chapter 17 of the Comprehensive Plan) regarding the land use objectives expressed by the citizens of Ward 6:

1) 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;

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[4] Comprehensive Plan Amendment Act of 1998, Section 701.1, pg. 7-1.
[5] Comprehensive Plan Amendment Act of 1998, Section 700.

[6] Comprehensive Plan Amendment Act of 1998, Section 710.1, pg. 7-7.

[7] Comprehensive Plan Amendment Act of 1998, Section 710.2(e), pg. 7-7