Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

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May 24, 2003

Mrs. Jerrily R. Kress, Director
Office of Zoning
441 Fourth Street, NW, Suite 110
Washington, DC 20001

Re: BZA Application No. 17021, for Estelle Goldman on behalf of 7-Eleven, Inc., 912 New Hampshire Avenue, NW, Square 28, Lot 122

Dear Mrs. Kress:

This letter is to request a postponement of the request by the Southland Corporation (hereinafter referred to as 7-eleven or 7-11) for a new special exception to permit the operation of the 7-Eleven store at 912 New Hampshire Avenue, NW (Square 28, Lot 122) under a new set of conditions different from those governing the current operations.

The store is located in a strictly residential area zoned R-3, in the Foggy Bottom Historic District, which is the same as the Foggy Bottom Overlay District described in 11 DCMR, Chapter 1521.3. The Overlay District was created by the Zoning Commission to strengthen and ensure the protection of the Historic District as a district of historic importance to the District of Columbia. Under the R-3 zoning established by the Zoning Commission in 1992, commercial activity cannot be conducted as a matter of right. On two occasions, the 7-11 requested special exception to operate the business. In both cases the Board of Zoning Adjustment (BZA) agreed to grant the application only on the basis of a Management Agreement negotiated between the 7-11 and ANC-2A. This Management Agreement specifically limits the operations in a way designed to protect and enhance the residential character of the neighborhood and to prevent the development of conditions detrimental to residents living in the Overlay District. Agreement between ANC-2A and the 7-11 on the conditions embodied in the Management Agreement took considerable time.

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ANC-2A has not been able to fully examine the new proposals by the 7-11, but among them is one for the 7-11 to operate 24 hours a day. This and any

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other changes in the operating conditions of the 7-11 are of concern to ANC-2A, and would, on the basis of previous experience with applications for special exception requested by the 7-11, require detailed negotiations. A presentation by the 7-11 to ANC-2A was to have taken place at ANC-2A's regular monthly meeting on May 21, 2003, but John P. Brown, Jr. representing 7-11 agreed a postponement would be in the best interests of his client and that he would be sending a letter to that effect to the BZA. ANC-2A has agreed to a presentation by 7-11 at its monthly meeting scheduled for June l8, 2003. This would be the opening step in negotiations; but clearly there will need to be subsequent meetings, both private and public.

ANC-2A hopes to have productive negotiations with the 7-11, as it has in the past, and hopes that again it will be able to come before the BZA at the eventual public hearing with a position acceptable to the 7-11 and to the community. To permit the required time for negotiations, ANC-2A requests that a date for the public hearing on this application be set no earlier than August 2003.

Respectively submitted,

Dorothy Miller

Dorothy Miller, Chair
Advisory Neighborhood Commission 2A