

§ 1-306.07. Zoning conformity

DC ST § 1-306.07

Part A. General.

§ 1-306.07. Zoning conformity.

(a)(1) Except as provided in paragraphs (2), (3), and (4) of this subsection, the government shall be subject to zoning.

(2) Any governmental land uses that were either existent or substantially planned, documented, and invested in prior to May 23, 1990, shall not be subject to zoning.

(3) The use of government-owned property on Lot 276 in Square 1282, which is located at 3050 R Street, N.W., as a residential treatment and special education facility for not more than 24 emotionally disturbed children, ages 6 to 12 years, and as a treatment and special education facility for not more than 15 emotionally disturbed children, ages 6-12, who do not reside at the facility, shall not be subject to zoning.

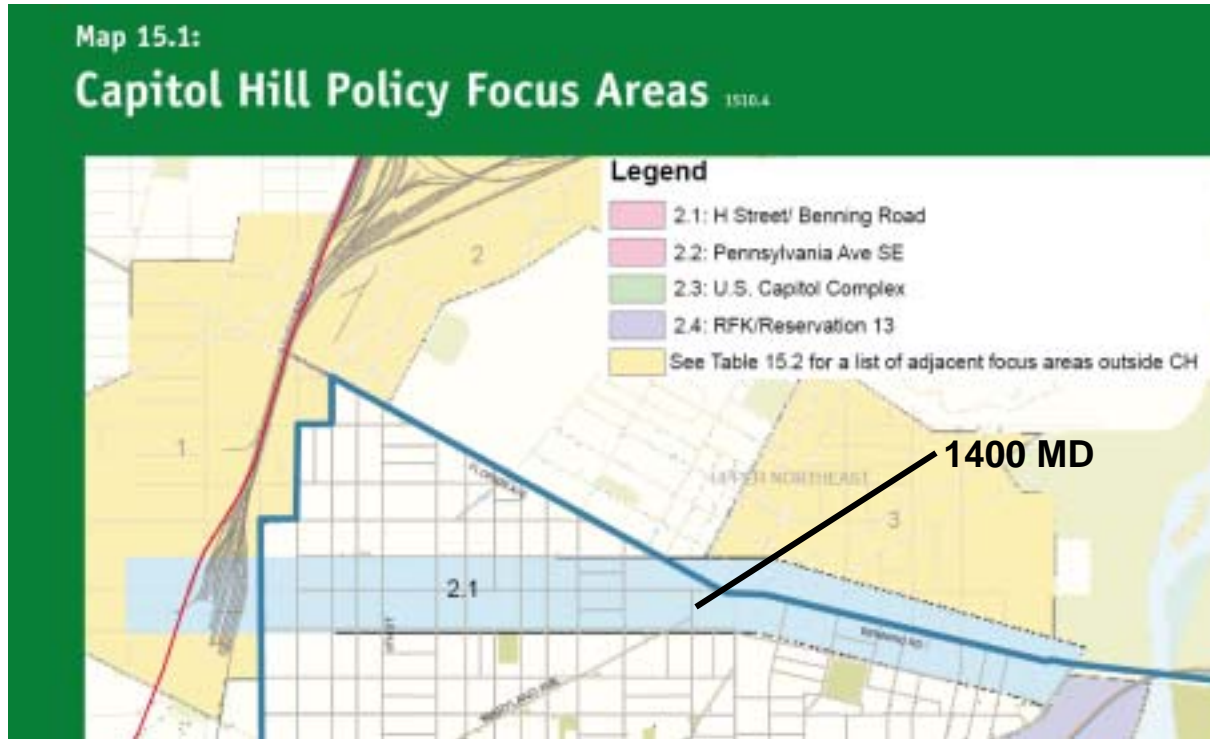
(4) The government's use of property on the former site of the United States Naval Air Station communications facility located in the northeast corner of the east campus of Saint Elizabeths Hospital as a facility to send and receive 911 or other governmental emergency communications shall not be subject to zoning. Any governmental use of this property for other purposes or any non-governmental use of this property shall be subject to zoning or review and approval by the Council.

(b) The Mayor shall within 16 months of March 8, 2007, propose amendments to the zoning regulations or maps to eliminate any inconsistency of the zoning regulations with the Land Use Element of the Comprehensive Plan.

CREDIT(S)

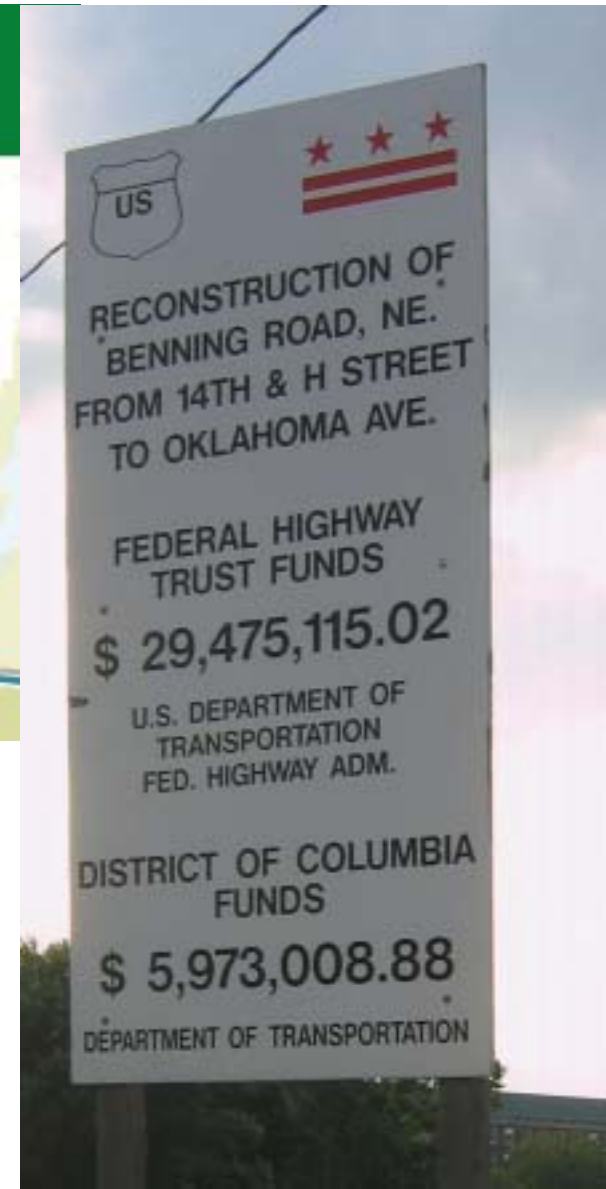
(Mar. 16, 1985, D.C. Law 5-187, § 7, as added May 23, 1990, D.C. Law 8-129, § 3(b)(3), 37 DCR 55; Oct. 6, 1994, D.C. Law 10-193, § 3(b)(3), 41 DCR 5536; Mar. 21, 1995, D.C. Law 10-235, §§ 2(l), 4(b), 42 DCR 30; Apr. 27, 1999, D.C. Law 12-275, § 3(c), 46 DCR 1441; Mar. 8, 2007, D.C. Law 16-300, § 4, 54 DCR 924; Oct. 18, 2007, D.C. Law 17-23, § 2, 54 DCR 8009; Mar. 25, 2009, D.C. Law 17-353, § 171, 56 DCR 1117.)

H Street Overlay – No, but...



Work Includes the 1400 block of Maryland and the 600 block of 14th surrounding 1400 MD Avenue...gateways to H Street

**Total Public Streetscape Investment =
\$65,777,088.40**



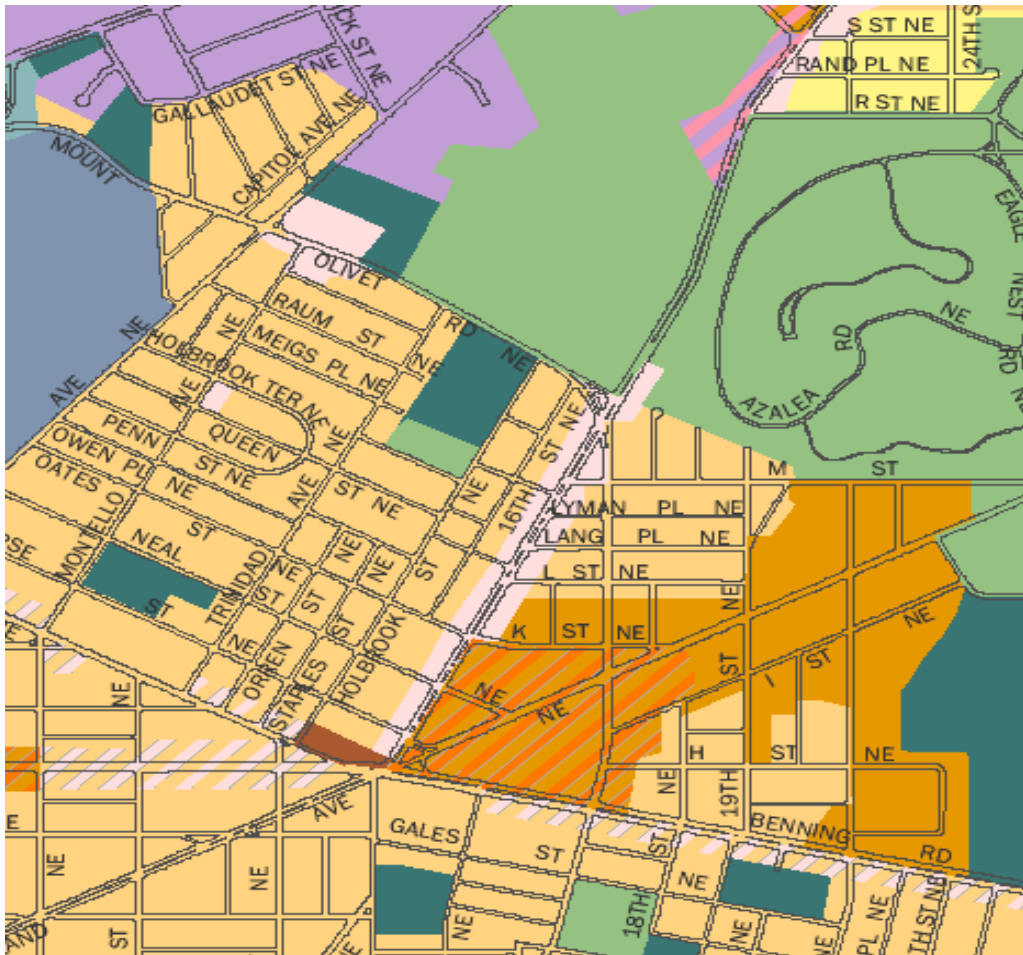
Comprehensive Plan – Capitol Hill Element

Policy CH-2.1.1: H Street Revitalization

Support the revitalization of the H Street corridor between North Capitol Street and 17th Street NE in a manner that is consistent with the approved 2003 H Street Strategic Development Plan. This Plan recommended the development of four thematic areas along the H Street corridor:

- c. An **Arts and Entertainment District**, extending from 12th Street to 15th Street. This area builds on the established Atlas Theater, H Street Playhouse, and RL Christian Library. New arts and cultural uses are encouraged, as are complementary specialty retail uses, sit-down restaurants, arts-related retail, and other community services. Moderate-density residential and office space, including live-work space, also is encouraged in this area.

Comp Plan – Future Land Use

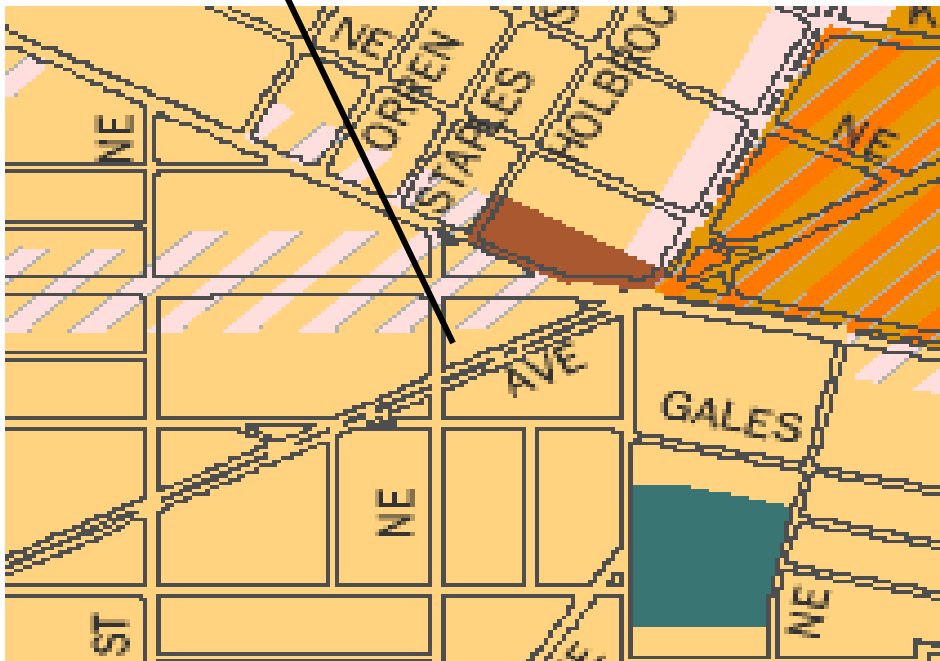


**Comprehensive Plan
Future
Land Use**
Map 7

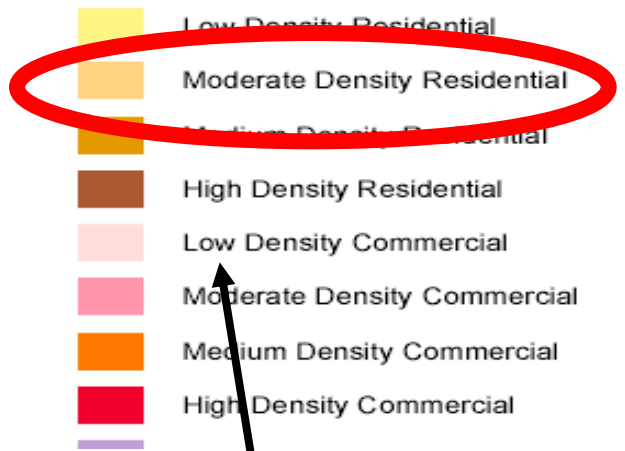
- Low Density Residential
- Moderate Density Residential
- Medium Density Residential
- High Density Residential
- Low Density Commercial
- Moderate Density Commercial
- Medium Density Commercial
- High Density Commercial
- Production, Distribution, and Repair
- Federal
- Local Public Facilities

Comp Plan – Future Land Use Map

1400 MD



**Comprehensive Plan
Future
Land Use
Map 7**



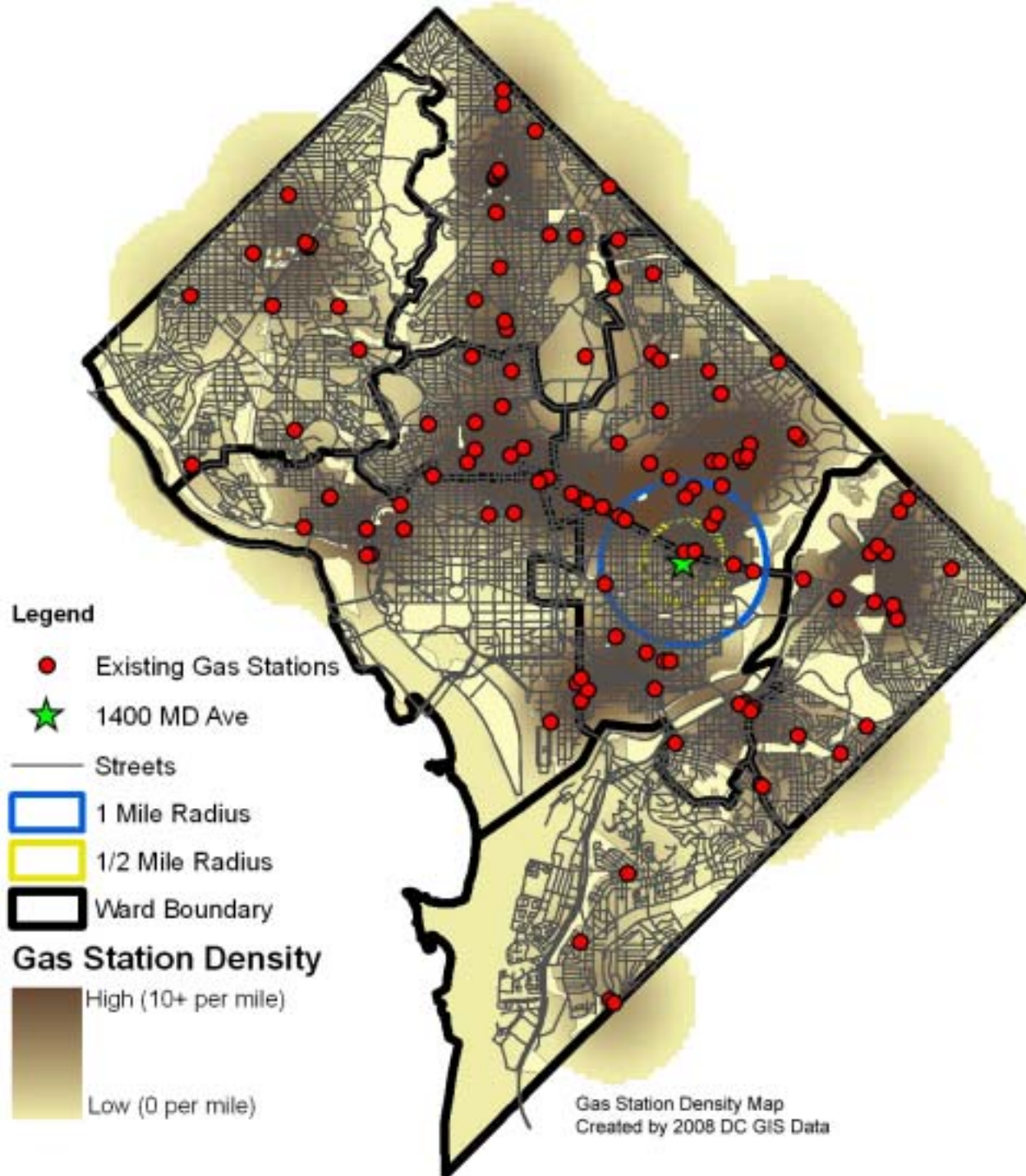
Application fails to meet § 3104

Applicant Incorrect –
Exhibit 12

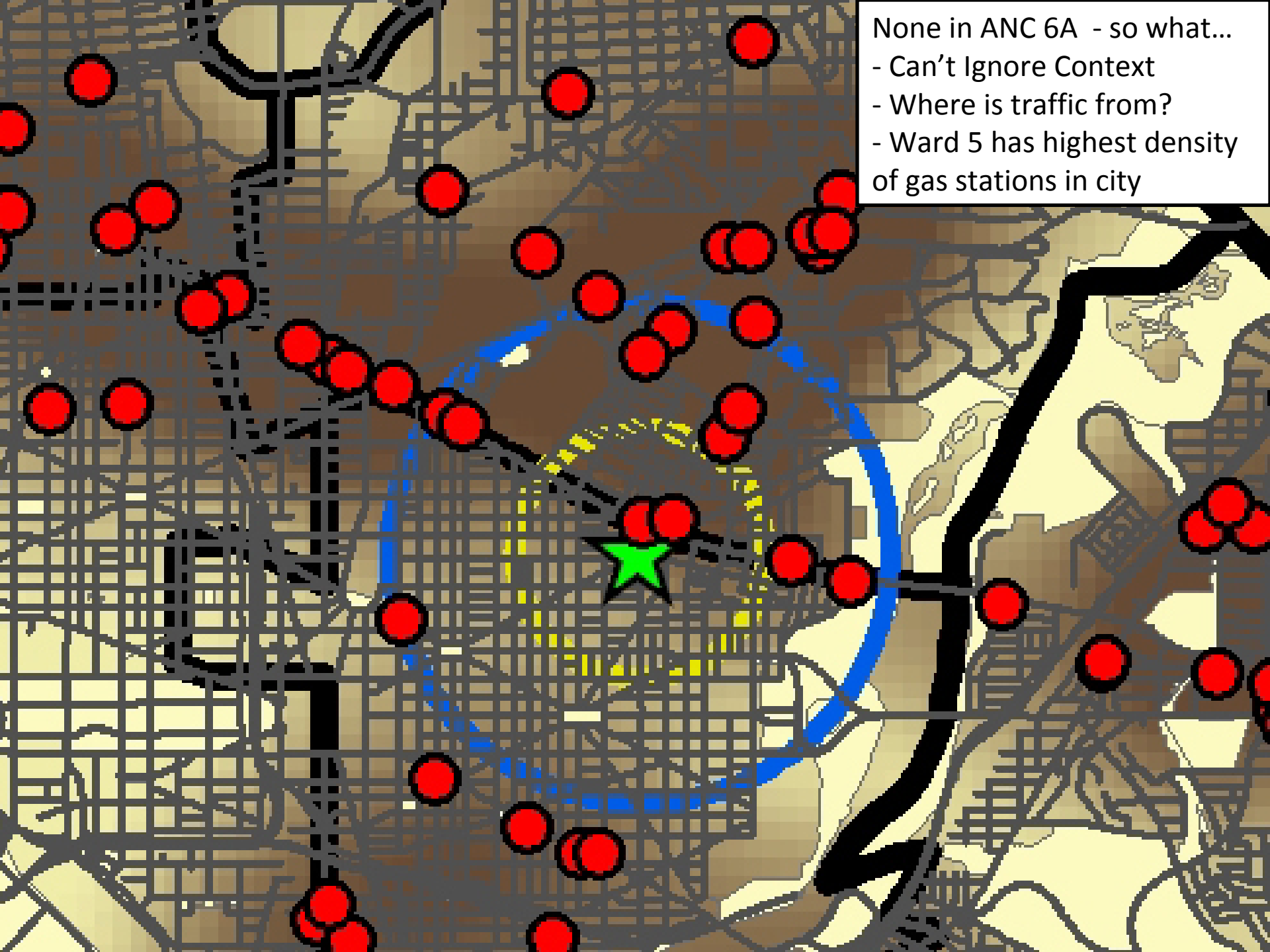
Comprehensive Plan – Capitol Hill Element

Policy CH-1.1.6: Inappropriate Commercial Uses

Prevent the proliferation of fast food outlets, self-service gas stations, convenience mini-marts, and other “drive-through” businesses along Capitol Hill’s commercial corridors, recognizing that these streets are part of the historic L’Enfant Plan and shape the city’s identity and national image. ^{1508.7}



None in ANC 6A - so what...
- Can't Ignore Context
- Where is traffic from?
- Ward 5 has highest density of gas stations in city



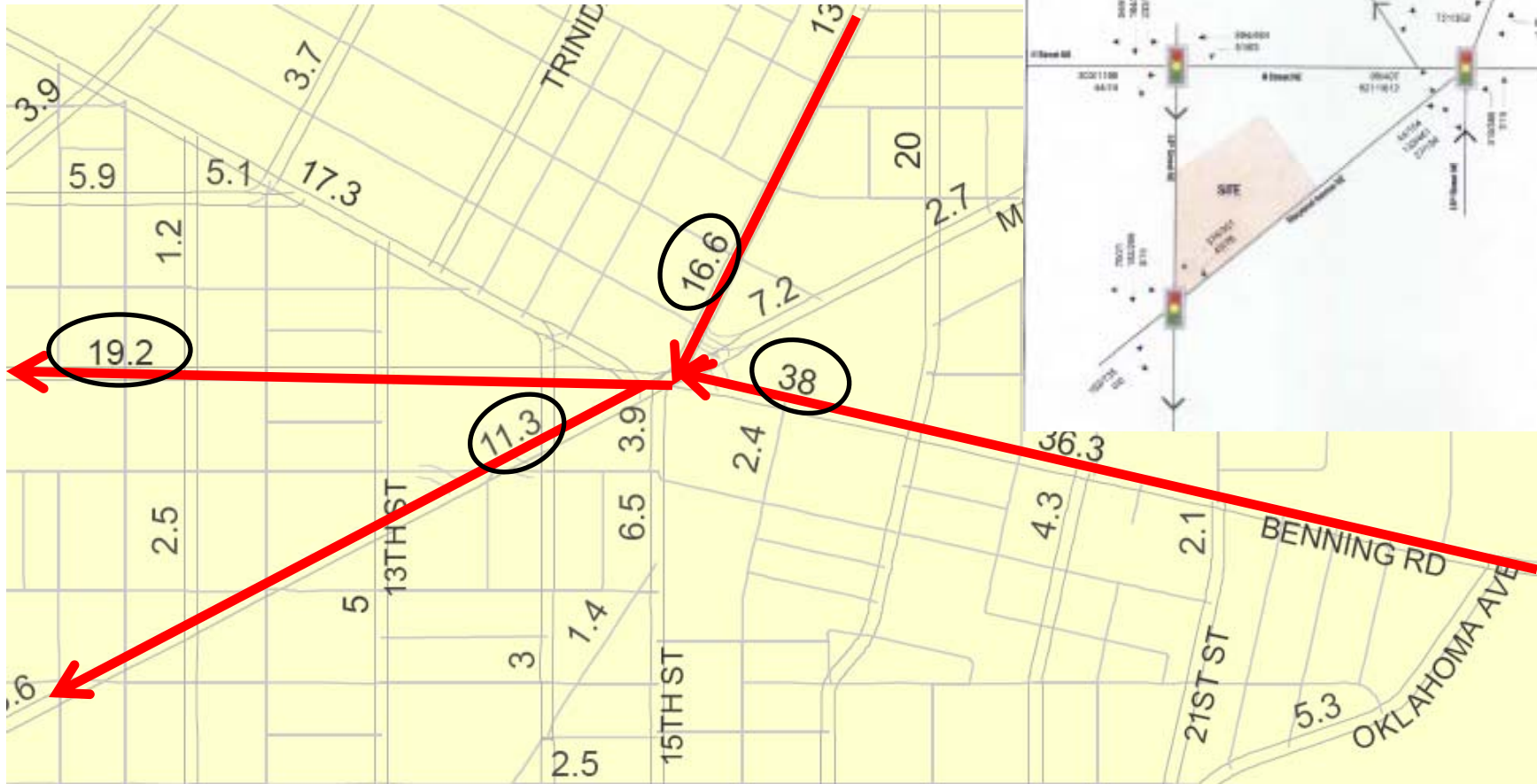
DC Government is Supporting Gas Station Construction with Creativity

Bladensburg Shell, Dag Petroleum
3200 Bladensburg Road
Constructed 2009



DDOT Traffic Volumes (thousands)

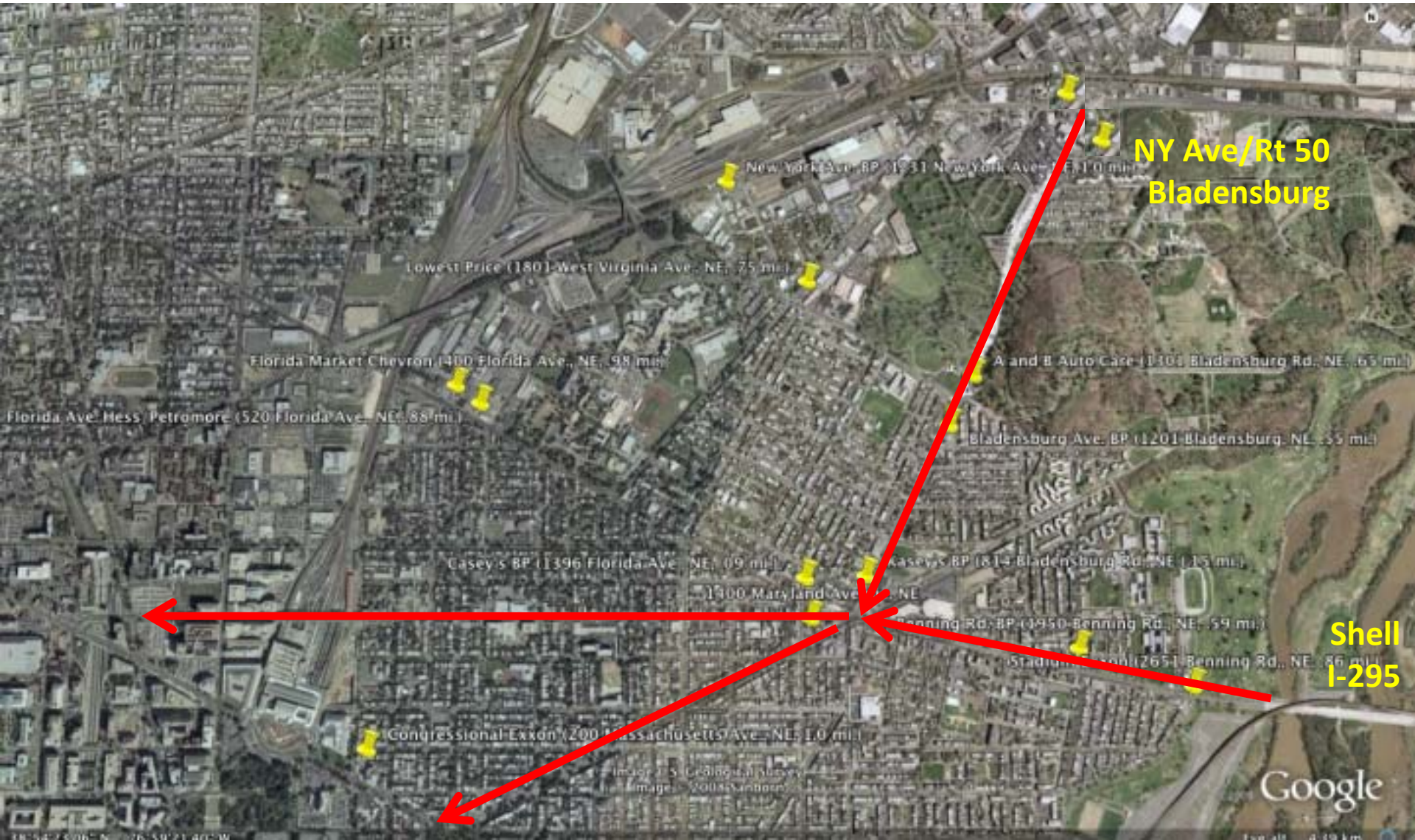
Target Customer = Commuters



Source: DDOT 2007 Traffic Map

http://ddot.dc.gov/ddot/frames.asp?doc=/ddot/lib/ddot/information/maps/trafficvolume/2007_citywide.pdf

Morning Commute Traffic



Inbound Bladensburg Road Traffic Passes 7 Gas Stations; 3 w/in 1 mile



- 814 Bladensburg Rd – Bladensburg Amoco (with repair shop)
- 1201 Bladensburg Rd - Bladensburg Amoco (with repair shop)
- 1301 Bladensburg Road – Lowest Price (with repair shop)
- 1925 Bladensburg Road – Exxon
- 2230 New York Ave – Exxon
- 2210 Bladensburg Rd NE – NE Amoco
- 3200 Bladensburg Rd - Shell

Starburst BP – 650 feet away from 1400 MD



Morning Commute Traffic



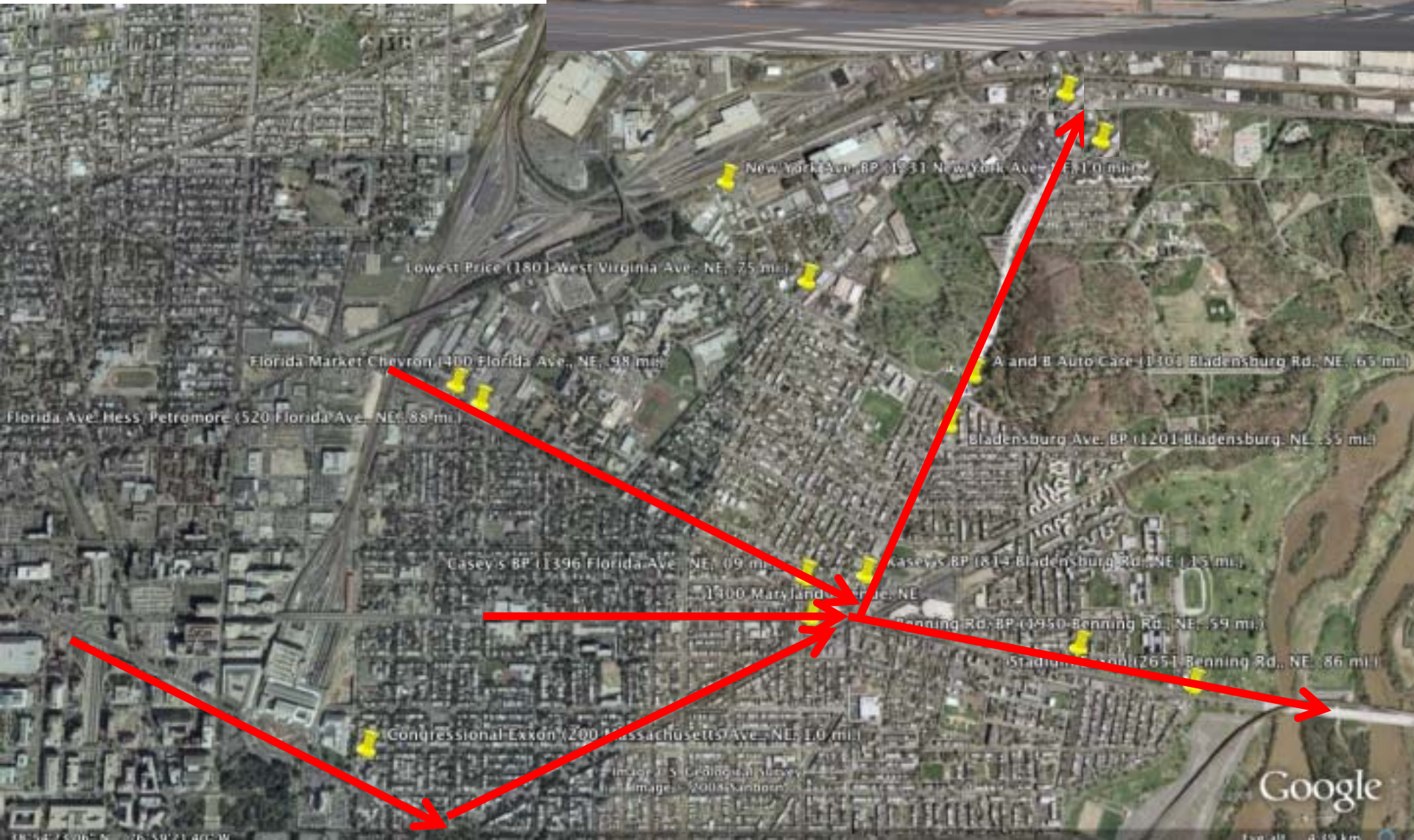
Inbound Benning Road Road Traffic Passes 3 Gas Stations; 2 w/in 1 mile



1950 Benning Rd – Benning Road Amoco
2651 Benning Road – Stadium Exxon (with repair shop)
3355 Benning Rd NE – Benning Road Shell



Evening



Florida Ave BP - 350 feet away from 1400 MD



Proliferation of Convenience Stores

- 22 convenience stores are located within ½ mile of Maryland Avenue
 - Rite Aid Pharmacy – 801 H Street
 - Dollar Express – 957 H Street
 - Super Pharmacy – 1048 H Street
 - 1101 Convenience Store – 1101 H Street
 - Me and My Supermarket – 1111 H Street
 - Jumbo Liquor – 1122 H Street
 - Northeast Liquor's – 1344 H Street
 - Scoe Associates Depo – 1351 H Street
 - ANM Convenience and Deli – 1363 H Street
 - DC Supermarket – 539 8th Street
 - Young's Market – 250 10th Street
 - Black Supermarket – 910 13th Street
 - Brother's Liquor/Grocery - 1140 Florida Avenue
 - 1424 G Street Market
 - J & K Market. 234 15th Street
 - Old Country Deli & Liquor – 409 15th Street
 - 7-Eleven – 801 Maryland Avenue
 - Safeway – 1601 Maryland Avenue (full service grocery)
 - BP Amoco snack booth - 814 Bladensburg Rd
 - Rose's Liquor – 830 Bladensburg Road
 - CVS – 845 Bladensburg Road
 - Stanton Liquor – 1044 Bladensburg Road

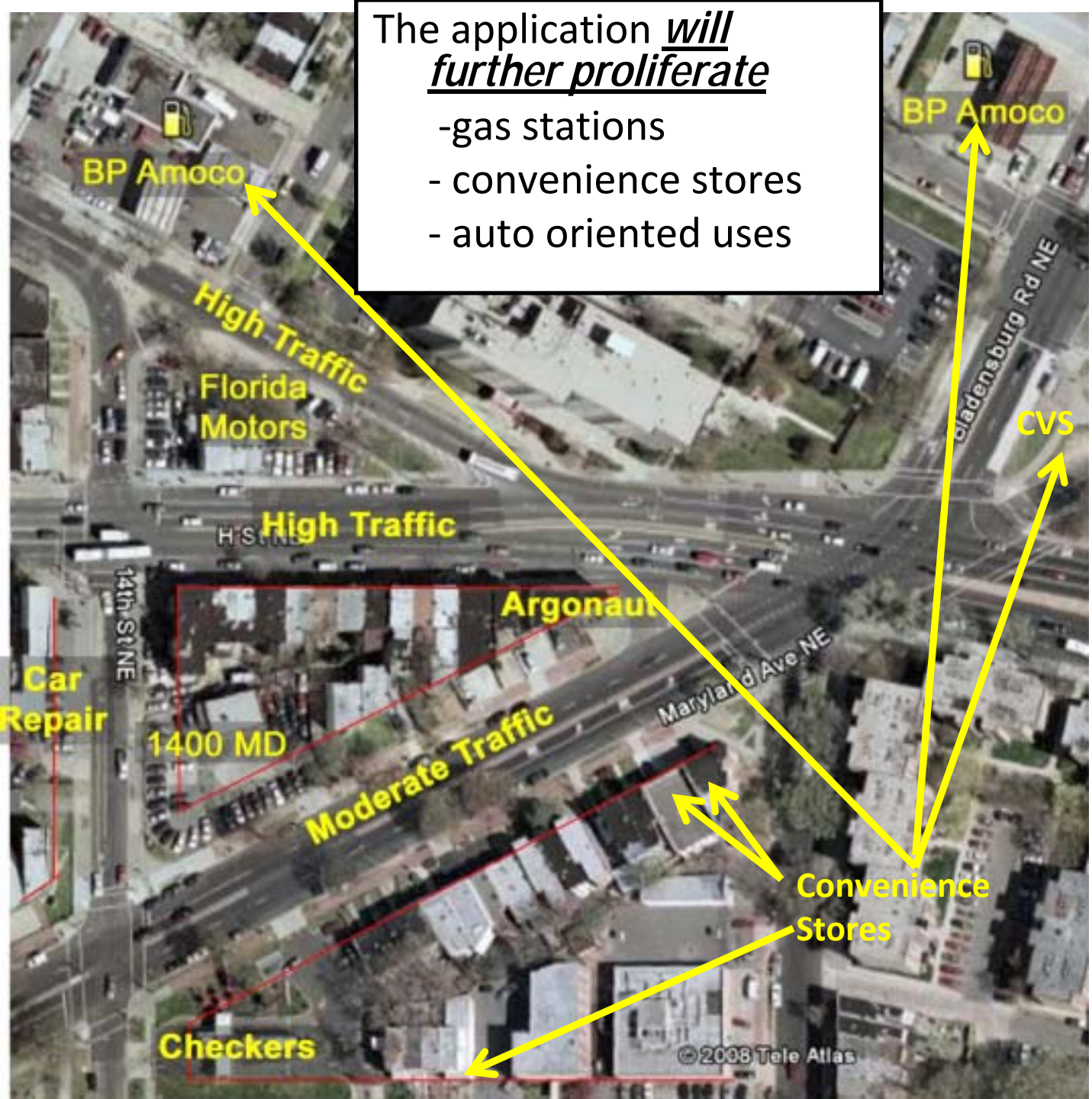


Proliferation of “Drive Thru” Automobile Oriented Uses



The application will
further proliferate

- gas stations
- convenience stores
- auto oriented uses



BP Amoco

High Traffic
Florida Motors

High Traffic

Car Repair

1400 MD

Moderate Traffic

Checkers

Argonaut

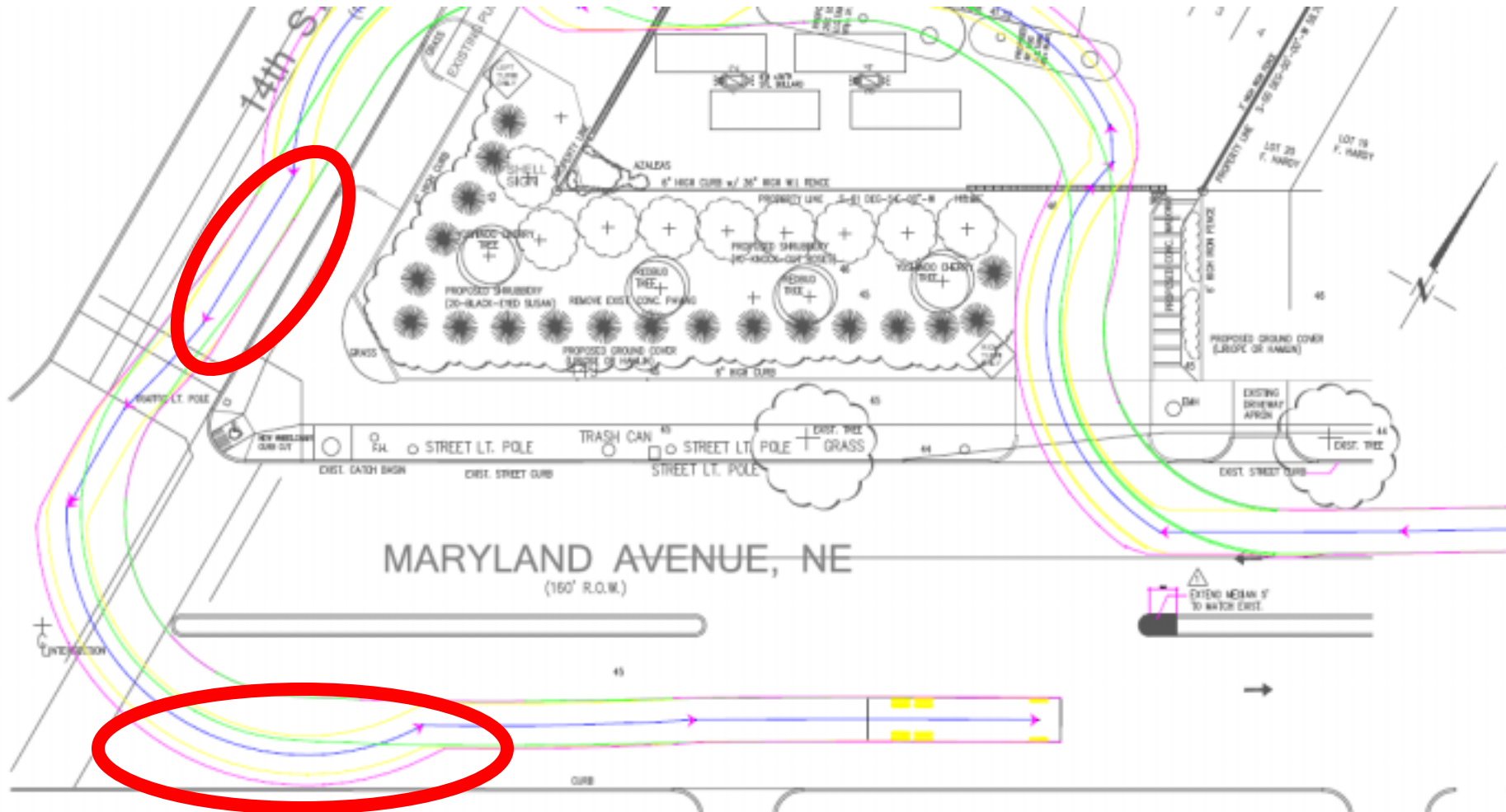
Maryland Ave NE

Convenience Stores

BP Amoco

CVS

Applicant Fails to Meet 704.4



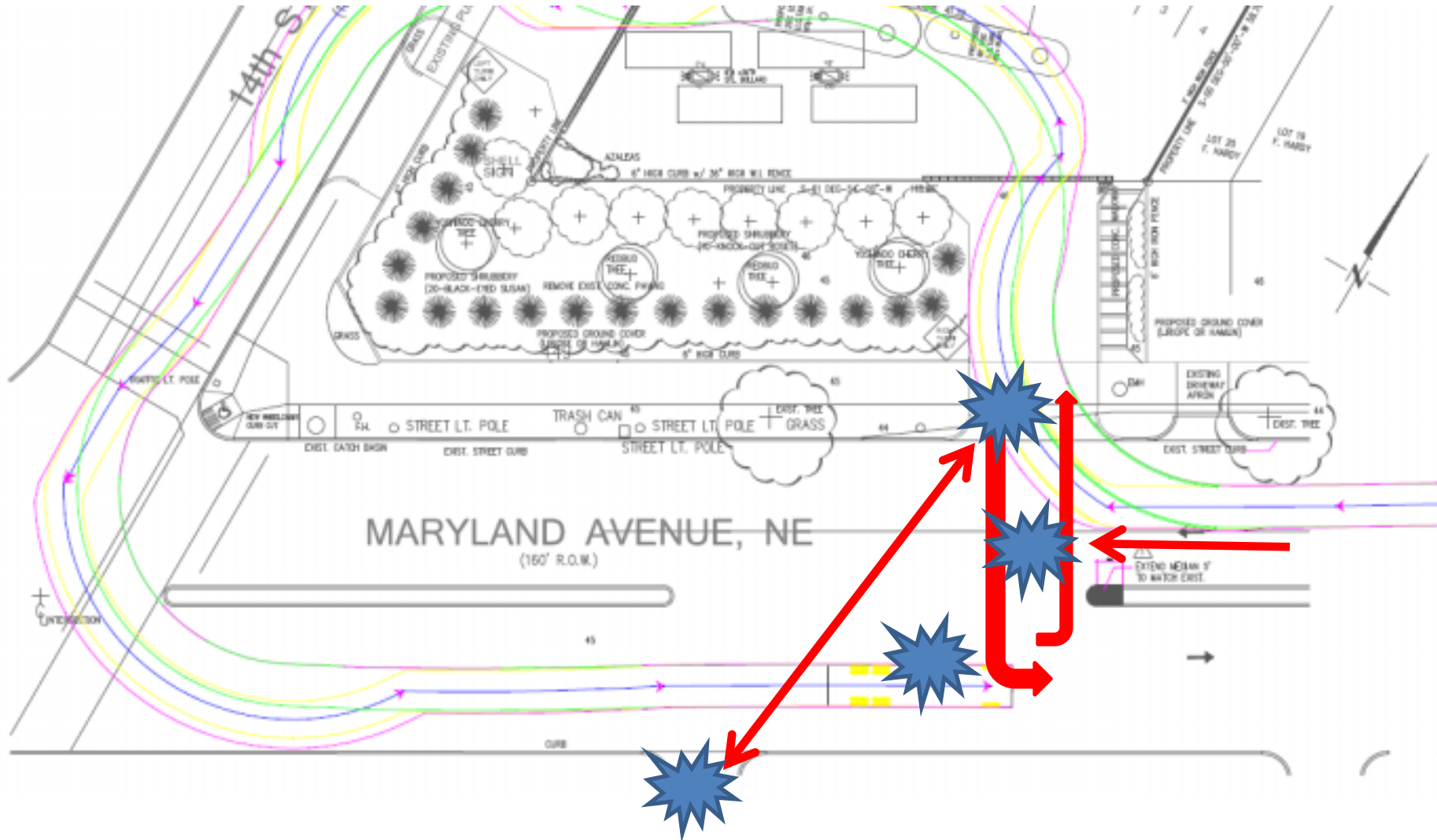
Oppose Proposed Parking Elimination



Preserve “potential” parking

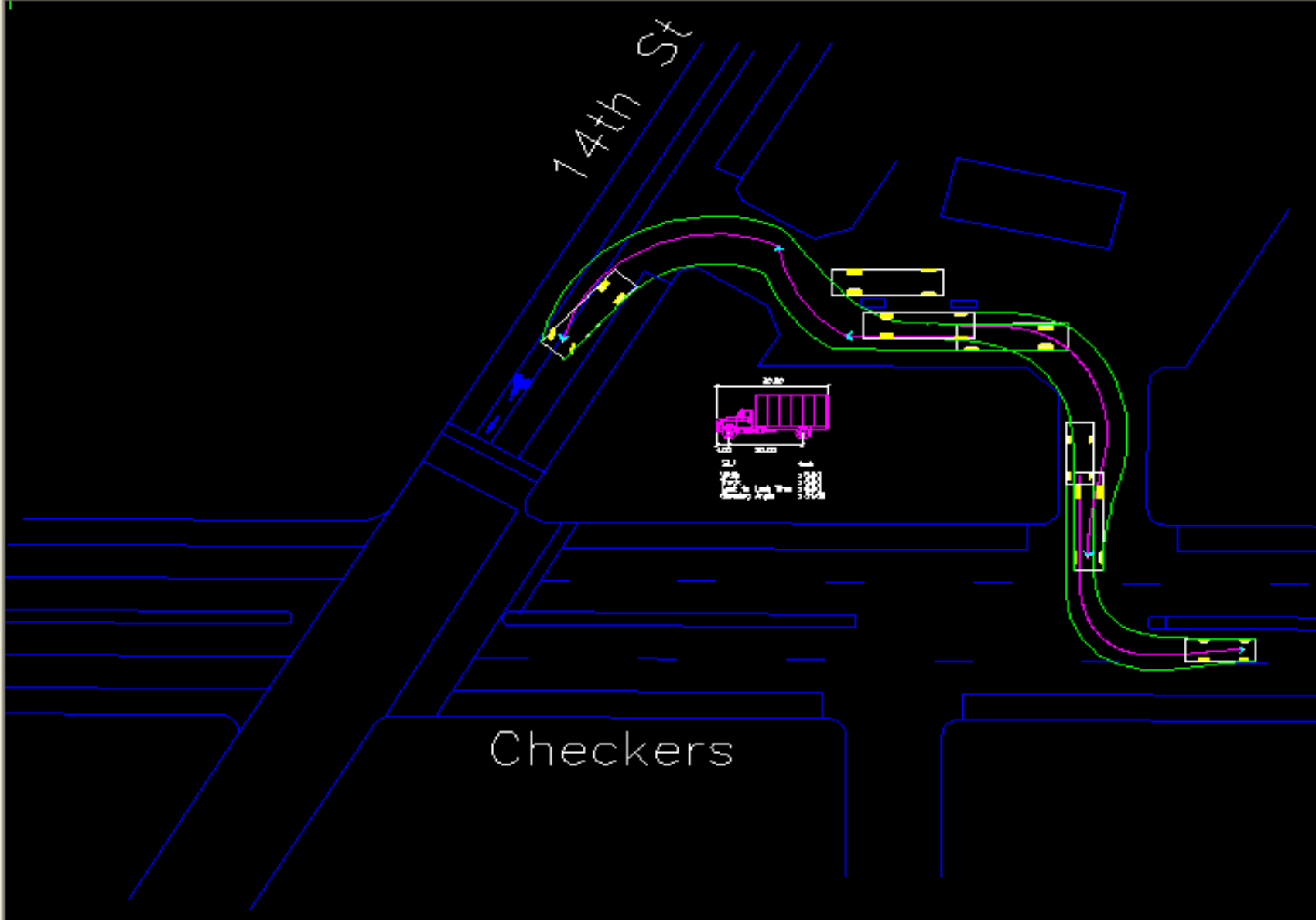
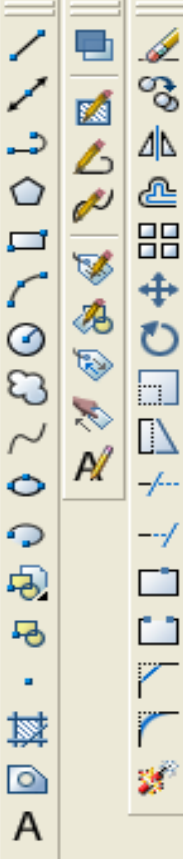


Applicant Fails to Meet 704.4



Applicant Fails to Meet 704.4





1400 Block of MD Congestion

Effect of Evening eastbound congestion:

- Shell property lefts will block westbound traffic
- 14th Street lefts divert to neighborhood streets
- Congestion blocks crosswalks forcing pedestrians into roadway











THIS BUS IS RUNNING ON CLEAN NATURAL GAS

metrobus

08

Summary of Opposition

- Application **fails to comply with Comprehensive Plan CH 1.1.6**
 - Proliferates gas stations
 - Proliferates convenience stores
 - Proliferates Auto Oriented Use
- Application **fails to comply with future land use map** which reconciles Comprehensive Plan
- Application **fails special condition test 706.4**
 - Increases potential hazards on 1400 MD
 - Reduces public parking supply for sole benefit of applicant
 - Increases pedestrian hazards with 1,300 crossings of sidewalk per day
 - Increases evening congestion by increasing friction in traffic stream which is not present today
 - Increases neighborhood cut through traffic

Application of Conditions Context – Maryland Avenue







CVS
pharmacy

DRUGS • SUPPLIES
PHARMACY

1 Hour Photo

CVS
pharmacy

C

Checkers

Conditions

- **Restrict hours of operation to 6 am – 10 pm.**
- **Require the sign illumination to be limited to the hours of operation.**
- **Require the elimination of bulletproof glass from the building.**
- **Require the elimination of exterior sound/music.**
- **Limit the light from the canopy to the property – no spillover to neighborhood.**
- **Require the complete closure of the median on the 1400 block of Maryland Avenue.**
- **Require modifications of sign to blend with structure and community**



Shell
3.891
4.441