



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

January 18, 2017

Glen Rosenberg
Vice President, General Counsel
Marx Realty & Improvement Co, Inc.
708 Third Avenue, 21st Floor
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Glen.R@marxrealty.com

Tommy Wells
Director
Department of Energy and Environment
1200 First Street NE
Washington, DC 20002
tommy.wells@dc.gov

Karl Racine
Attorney General
Office of the Attorney General of the District of Columbia
441 4th Street NW
Washington, DC 20001
Karl.Racine@dc.gov

RE: Closure of the Service Station at 2200 P Street NW

Dear Mr. Rosenberg, Director Wells, and Attorney General Racine:

At its regular meeting on January 11, 2017, the Dupont Circle Advisory Neighborhood Commission (“ANC 2B” or “Commission”) considered the above-referenced matter. With 8 of 8 Commissioners in attendance, a quorum at a duly-noticed public meeting, the Commission approved the following resolution by a vote of (8-0-0):

WHEREAS, Advisory Neighborhood Commission 2B understands that the approval of the Gas Station Advisory Board is required in order to close a full service station within the District of Columbia,

WHEREAS, ANC 2B requested clarification of the process to request approval to close a service station from the Department of Energy and Environment (DOEE) at the Commission’s November 9, 2016 meeting,

WHEREAS, the Gas Station Advisory Board jurisdiction was amended as recently as July 2016 with the passage of emergency DC Council Bill B21-808, which exempted a segment of service stations from the Gas Station Advisory Board’s review purview,

WHEREAS, ANC 2B understands that the Gas Station Advisory Board must provide Great Weight to an affected Advisory Neighborhood Commission before a hearing regarding a service station closure within an affected ANC,

WHEREAS, ANC 2B has not received notification of an application to the Gas Station Advisory Board or other District of Columbia agency to close the service station at 2200 P Street NW,

WHEREAS, ANC 2B has not received Great Weight of a Gas Station Advisory Board proceeding which would allow the closure of the service station to proceed,

WHEREAS, the owner at 2200 P Street NW ended the lease for the operator of the Sunoco service station at 2200 P Street NW, effective December 31, 2016,

WHEREAS, ANC 2B received notification of this closure through a constituent communication and did not receive notification from any District of Columbia agency,

WHEREAS, the owner has subsequently fenced off the service station, removed gas pumps, and has applied for a permit to remove the service station's fuel tanks,

WHEREAS, ANC 2B did not receive notification of a permit application to remove the gas pumps, which would be a prerequisite to the closure of the service station,

WHEREAS, ANC 2B believes that the approval of the Gas Station Advisory Board has not been reached for the closure of the service station, and

WHEREAS, ANC 2B further believes that the Commission was not and should have been granted Great Weight in any proceeding regarding the closure of the service station.

THEREFORE, BE IT RESOLVED that ANC 2B requests that the owner at 2200 P Street NW reinstall the gas pumps and reopen the Sunoco service station.

BE IT FURTHER RESOLVED that if the owner does not reopen the service station, ANC 2B requests that the Department of Energy and Environment and the Office of the Attorney General enforce the existing law.

BE IT FURTHER RESOLVED that ANC 2B recognizes that legally closing a service station under the existing law is challenging to the owner of 2200 P Street NW due to the current composition of the Gas Station Advisory Board and urges the owner to work with ANC 2B and Councilmember Jack Evans' office to develop legislation which would potentially allow a legal closure of the service station under conditions of community benefit to be developed through the process.

Commissioners Daniel Warwick (daniel.warwick@dupontcircleanc.net) and Nicole Mann (nicole.mann@dupontcircleanc.net) are the Commission's representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicole Mann', with a long horizontal flourish extending to the right.

Nicole Mann
Chair