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May 10, 2005

By Hand Delivery

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: BZA Application No. 17324 – Pre-Hearing Statement of the Applicant Development of the Shops at Park Village on the Former Camp Simms Property

Dear Chairman Griffis and Members of the Board:

Enclosed please find 20 copies of the pre-hearing statement of the DC Department of Housing and Community Development and CHR, LLC (the "Applicant"). The Applicant looks forward to presenting its case at the public hearing on May 24, 2005.

Respectfully,

Paul A. Tummonds, Jr.

cc: ANC 8B
Maxine Brown-Roberts, OP
Matt Ritz

Document #: 1478382 v.1

BZA
Case No. 17324
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17324
EXHIBIT NO. 25

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of D.C. Department of Housing and Community Development and CHR, LLC
BZA Application No. 17324

Public Hearing: May 24, 2005

ANC 8B

STATEMENT OF THE APPLICANT

This is an application of the DC Department of Housing and Community Development and CHR, LLC[1] (collectively the "**Applicant**") for special exception approval, and possibly variance relief, for the proposed development of a shopping center (the Shops at Park Village) on the site of the former Camp Simms Military Reservation located at 1501 Alabama Avenue, SE (Square 5912, Lot 804) (the "**Property**"). The Property consists of approximately 25 acres and is located within the C-2-B, R-5-A, and R-3 Zone Districts. A plat of the Property and a copy of the pertinent portion of the Zoning Map are attached as Exhibit A.

The Shops at Park Village will be part of a mixed-use project on the Property that will also include a residential component of 75 single-family detached homes. This residential component, to be known as Asheford Court, will provide new home ownership opportunities for District residents. The Shops at Park Village will consist of approximately 117,000 square feet of retail space. The centerpiece of the Shops at Park Village will be the development of a Giant Food grocery store. In addition, a building pad site suitable for a food eating establishment, possibly a sit-down restaurant, and a strip shopping center building (both with frontage along Alabama Avenue) will also be included in the Shops at Park Village.

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[1] The property that is the subject of this application is owned by the District of Columbia, acting by and through the Department of Housing and Community Development. CHR, LLC is the contract purchaser of the property.

I. Amended Nature of Relief Sought

The initial application sought special exception relief from the Board of Zoning Adjustment (the "**BZA**" or "**Board**") under Title 11 §2514 of the D.C. Municipal Regulations in order for the proposed grocery store structure to cross the Zone District boundary into the R-5-A zoned portion of the Property, and variance relief from 11 DCMR §2514.2(d) which limits the extension of the grocery store use to only 35 feet into the R-5-A District. Initially, the proposed grocery store structure was to extend approximately 55 feet into the R-5-A Zone District. However, after consultation with the Office of Planning ("**OP**"), the Applicant and representatives of Giant Food agreed to reconfigure the location of the Giant Food grocery store so that it now extends approximately 33.95 feet into the R-5-A Zone District. Therefore, the Applicant is no longer requesting variance relief from 11 DCMR §2514.2(d). Rather the Applicant is only seeking special exception relief pursuant to 11 DCMR §2514. The Applicant's satisfaction of the standards for granting special exception relief is discussed in detail in Section V of this statement.

As noted in the statement that was included with the initial application, the Applicant believes that the three separate buildings (the grocery store, the building pad site, and the strip shopping center) are permitted to be developed on the Property as a matter-of-right in accordance with 11 DCMR § 3202.3, which states in pertinent part:

> A building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; . . .
>
> **Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.** (emphasis added.)

The Applicant notes that it will be the owner of each of these structures and will lease space to the proposed retailers, including Giant Food. Therefore, 11 DCMR §3202.3 is satisfied.

In preliminary discussions with the Office of the Zoning Administrator, the Applicant's land use counsel was informed that §3202.3 of the Zoning Regulations does not apply in this case. The Applicant requests that the BZA make a determination on this issue. In order to allow this project to be reviewed by the Board, the Applicant is requesting, in the alternative, variance relief from §2516 of the Zoning Regulations, specifically §2516.4, in order to construct two or more principal structures on a single subdivided lot that is located on or within twenty-five (25) feet of a Residence District.

II. Jurisdiction of the Board

The Board has jurisdiction to grant the special exception, and potential variance, relief requested herein pursuant to §8 of the Zoning Act, D.C. Code, 2001 Ed. § 6-641.07(g)(2).

III. Background

A. Site Location

The Property is generally bound by Alabama Avenue, SE to the north, 15th Street, SE to the west, Stanton Road, SE and the Villages of Parkland apartment complex to the east, and Mississippi Avenue, SE to the south. The District of Columbia purchased the Property in 1984 from the Federal Government for mixed-use redevelopment. The Property is currently vacant and includes varying topographic features. The highest point of the Property is found along Alabama Avenue with an elevation of 190 feet. At the southern end of the Property, along Mississippi Avenue, the elevation is only 100 feet. The Property's most significant topographic feature is a steep slope located in the central portion of the site where the elevation drops from

approximately 185 feet to less than 125 feet over a distance of only 150 feet. The steep slope serves as a natural buffer between the residential and commercial developments.

B. Large Tract Review Approval

In June of 2003, a Large Tract Review application (LTR Case No. 03-01) was filed with OP outlining a proposal for the redevelopment of the Property. The Shops at Park Village will occupy the northern portion of the Property and will be accessed from Alabama Avenue, SE and Savannah Street, SE. On the remainder of the Property, Smith Camp Simms Residential, LLC intends to develop Asheford Court, a residential development including 75 single-family detached homes on the lower portion of the Property bordering Mississippi Avenue[2]. The homes will consist of three and four bedrooms ranging in size from 1,850 – 2,350 square feet with one and two car garages. Sixteen of these homes will be sold as affordable housing units.

Twenty-five percent of the profits from the sales at Asheford Court will go to the Town Hall Education Arts Recreation Campus ("THE ARC") which is located on Mississippi Avenue, SE in close proximity to the Property. THE ARC will bring cultural arts, recreation, education, and health providers together under one roof. A snapshot of the organizations that will have facilities in THE ARC includes: The Boys and Girls Club of Greater Washington, the Corcoran Gallery of Art, the Levine School of Music, the Washington Ballet, Covenant House of Washington, the Children's Health Project of D.C., and many other organizations that will provide services to the over 7,000 children that live within walking distance of THE ARC. In addition, the D.C. Department of Parks and Recreation will provide recreation activities on the

[2] The Asheford Court project is also moving forward with pending legislation in the DC City Council to create the public street system for this residential community. Permits for the residential development have been filed and are under review by various District agencies.

THE ARC's 16 acre site. The District government was an early proponent of THE ARC and helped provide funding in its earliest stages. Subsequently, many local and national foundations have joined in this effort such that THE ARC is expected to open its doors in June of 2005.

The District Department of Transportation ("**DDOT**") reviewed the Large Tract Review application to determine the impact of the proposal on the traffic circulation and the parking conditions in the vicinity of the Property. DDOT had no objection to the development of either the Shops at Park Village or the homes of Asheford Court. OP approved the Large Tract Review application on November 18, 2003. Copies of the DDOT and OP Report in LTR Case No. 03-01 are attached as Exhibit C. OP's approval allowed the creation of a 10.58 acre lot along Alabama Avenue for the proposed commercial development. This lot includes area that is zoned C-2-B, as well as the steeply sloped portion of the site discussed above which is located in the R-5-A Zone District.

It should be noted that OP's approval of the Large Tract Review application did not require the creation of a record lot for each individual component of the Shops at Park Village. Rather, OP approved the creation of a single record lot for the building pad site, the strip shopping center and the grocery store building.

IV. Description of the Proposed Shops at Park Village

The present application only involves the proposed commercial development on the Property. The Shops at Park Village intends to establish a neighborhood retail center that will meet the underserved retail needs of the Ward 8 community, primarily the lack of a supermarket. Presently, Ward 8 offers fewer commercial services than any other Ward in the District. This project will provide a critical step towards solving the retail needs of Ward 8 residents by

developing a neighborhood destination of commerce and community. The anchor and centerpiece of this development will be a Giant Food grocery store, that will include approximately 72,389 square feet of grocery store use. The other components of the shopping center will be a building pad site (suitable for a 5,000 square foot restaurant) and an expansion of an existing strip center with approximately 40,000 square feet of retail space. The Applicant seeks to include a mix of local and national retailers offering a variety of goods and services that will serve the commercial needs of the blossoming Congress Heights community. The Applicant also seeks to create franchise opportunities for locally based minority entrepreneurs. The proposed buildings in the Shops at Park Village, reviewed as one structure consistent with §3202.3 of the Zoning Regulations, satisfy all applicable requirements of the C-2-A Zone District. The FAR is only 0.2, the maximum building height is approximately 30 feet, the lot occupancy is only 20%, the rear yard provided is approximately 360 feet, and the side yard provided is a minimum of six feet.

V. The Application Satisfies the Requirements for Special Exception Relief Under §2514 of the Zoning Regulations

The proposed grocery store structure satisfies the standards for special exception relief under 11 DCMR §2514.

> 2514.2 – If approved by the Board of Zoning Adjustment as a special exception under §3104, the regulations applicable to that portion of a lot located in a lesser restrictive use zone district that control the use, height, and bulk of structures and the use of land may be extended into that portion of the lot in a more restrictive use zone district; provided
>
> A. The extension shall be limited to that portion of the lot in the more restrictive use zone district but not exceeding thirty-five feet (35 ft.);

A site plan depicting the proposed structures on the Property is attached as part of Exhibit D. As shown in the attached site plan, the grocery store structure has been moved to the east,

such that the structure now only extends into the adjacent R-5-A Zone District approximately 33.95 feet.

B. In authorizing an extension, the Board shall require compliance with §2514.1(d);

§2514.1(d) is not applicable to the R-5-A Zone District.

C. The extension shall have no adverse effect upon the present character and future development of the neighborhood;

The proposed site plan for the Shops at Park Village reinforces the existing street and sidewalk plans and will maintain street trees and sidewalks on adjacent streets. As shown in the landscape plan attached as part of Exhibit D, the Applicant will add vitality and energy to the Alabama Avenue frontage of the site through the introduction of hardscape and softscape materials. The Applicant seeks to create an inviting, welcoming, and safe pedestrian experience for the patrons of the grocery store through the creation of a continuous sidewalk that will connect the Giant Food grocery store to the sidewalk on Alabama Avenue, as well as pedestrian connections to the sidewalks on Savannah Street to the east and west of the Property.

In the initial application, the loading docks for the grocery store would be accessed via a service drive adjacent to the Villages of Parklands, an apartment complex on the eastern edge of the Property. The revised placement of the grocery store structure has allowed the loading docks for the grocery store to be accessed from a service lane located on the western edge of the Property and also allows for the loading docks to be moved further towards the center of the Property. The proposed circular service drive also allows for an easier truck-turning movement into the loading berth. Both of these actions help minimize the noise and visual impacts that the loading operations will have on the residents of the Villages of Parklands. The Applicant will also abide by all applicable DC noise regulations.

D. The Board may impose requirements pertaining to design, appearance, screening and location of structures, lighting, or any other requirements it deems necessary to protect adjacent or nearby property.

As shown in the landscape and site plans attached as part of Exhibit D, the Applicant will create a significant landscape buffer surrounding the proposed grocery store structure that will mitigate any visual impacts that the proposed structure may have on the new single-family homes that will be developed on the southern portion of the Property, or the Villages of Parklands to the east of the Property. The reconfiguration of the grocery store structure has allowed the Applicant to create a two-tiered retaining wall that will be extensively landscaped. This tiered retaining wall allows for a visually pleasing view from the Asheford Court homes that are closest to the grocery store structure. As shown in the attached materials, through the use of the retaining wall and landscaping materials, the grocery store structure will be significantly and substantially obscured from the rear of those homes.

Representatives of OP raised a question regarding the visual impact that the grocery store structure will have on the residents of the Villages of Parklands. As shown in the attached eastern elevation of the grocery store building, the proposed eastern wall of the building will be treated in a manner that will create a visually appealing façade. All signage on the grocery store will be located on the front of the structure facing Alabama Avenue, consistent with District of Columbia Building Code Regulations, so as to minimize any impacts on the adjacent residential properties.

The Applicant has also sought to minimize the amount of lighting on the Property so as to avoid any adverse impacts on the existing neighboring residential buildings, as well as the new homes in Asheford Court. The Applicant believes that the lighting provided on the Property has

achieved an appropriate balance of providing an adequate amount of safety for patrons of the commercial uses, while minimizing any adverse impacts on the adjacent residential properties.

E. The application satisfies the requirements for special exception relief under §3104 of the Zoning Regulations

The proposed application is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property. The Generalized Land Use Map, adopted as part of the Comprehensive Plan, includes the entire Property in the moderate density commercial land use category as well as a housing opportunity area, a development opportunity area, and a new or upgraded commercial center. The proposed Shops at Park Village and Asheford Court are entirely consistent with these land use designations.

As noted in greater detail in OP's Large Tract Review approval, the Shops at Park Village address and satisfy many goals of the Ward 8 Element of the Comprehensive Plan. In particular, the Shops at Park Village will:

> Expand and improve supermarket food services in Ward 8 so that residents may have adequate, convenient and affordable grocery shopping opportunities in the Ward (10 DCMR §1906.1(d); and
>
> Develop additional commercial services in Ward 8 to help meet resident's needs. (10 DCMR §1906.1(e).

For these reasons, the Applicant believes that granting the requested special exception relief is in harmony with the purpose and general intent of the Zoning Regulations, the Zoning Map and the Comprehensive Plan of the District of Columbia.

VI. The Application Satisfies the Requirements for Variance Relief Under §3103.2 of the Zoning Regulations

This application meets the requirements for variance relief under § 3103.2 of the Zoning Regulations. The burden of proof for area variance relief is well established. The Applicant must demonstrate that: (i) the Property is affected by an exceptional or extraordinary situation or condition; (ii) that the strict application of the Zoning Regulations will result in a practical difficulty to the Applicant; and (iii) that the granting of the variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose or integrity of the zone plan. See Palmer v. BZA, 287 A. 2d 535, 541 (D.C. 1972). As set forth below, this application meets the three-part test for area variance relief.

A. The Subject Property is Affected by an Exceptional Situation or Condition

As noted above, the Property encompasses a large area (25 acres in total, approximately 10.58 acres for the Shops at Park Village) that includes a significant slope in the portion of the Property that serves as the boundary between the C-2-B and R-5-A Zone Districts. This slope is too steep for development and acts as a natural buffer between the proposed commercial and residential uses. Moreover, the portion of the Property that will include the Shops at Park Village is an irregularly shaped lot that becomes extremely narrow at the western edge of the lot. These factors create the required "exceptional narrowness, shallowness, or shape of property" that is necessary to satisfy the first prong of the variance test.

B. Strict Application of the Zoning Regulations Would Result in a Practical Difficulty to the Applicant

The requested relief is for an area variance. In reviewing the standard for practical difficulty, the D.C. Court of Appeals stated in Palmer v. D.C. Bd. of Zoning Adjustment, 287 A.2d 535, 542 (D.C. 1972) that, "[g]enerally it must be shown that compliance with the area

restriction would be unnecessarily burdensome. [Footnote omitted.] The nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case." In area variances, applicants are not required to show "undue hardship" but must satisfy only "the lower 'practical difficulty' standards." Tyler v. D.C. Bd. of Zoning Adjustment, 606 A.2d 1362, 1365 (D.C. 1992), citing Gilmartin v. D.C. Bd. of Zoning Adjustment, 579 A.2d 1164, 1170 (D.C. 1990). Finally, it is well settled that the BZA may consider "... a wide range of factors in determining whether there is an 'unnecessary burden' or 'practical difficulty' ....". Gilmartin, 579 A.2d at 1171, citing Barbour v. D.C. Bd. of Zoning Adjustment, 358 A. 2d 326, 327 (D.C. 1976). See also, Tyler v. D.C. Bd. of Zoning Adjustment, 606 A.2d 1362, 1367 (D.C. 1992). Thus, to demonstrate practical difficulty, the Applicant must show that strict compliance with the regulations is burdensome, not impossible. The Applicant, as demonstrated below, meets this standard.

The Applicant is requesting variance relief from §2516 of the Zoning Regulations. The materials provided in this application generally address the requirements of §2516 that are applicable to this case (i.e. §2516.3, §2516.6, §2516.7, §2516.9, §2516.10, and §2516.11). However, §2516.4 of the Zoning Regulations states:

> The number of principal buildings permitted by this section shall not be limited; provided that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to §2507), and §§3202.2 and 3202.3 are met.

In order to satisfy the requirements of this section of the Zoning Regulations, the Applicant would be required to create separate record lots for each of the three proposed structures to satisfy all applicable zoning requirements. The practical difficulty that results from such a requirement is that the Applicant would be required to create oddly shaped lots, that would

undoubtedly look like gerrymandered voting districts, that include enough area to satisfy zoning requirements such as parking and loading, rear yard and side yards, etc. In addition, it is unlikely that the Applicant could satisfy the required rear yard requirement for the restaurant pad site given the existing oddly shaped and at certain points very narrow lot. Therefore, the Applicant faces a practical difficulty in satisfying the requirements of §2516.4.

C. Relief Can Be Granted Without Substantial Detriment to the Public Good and Without Impairing the Intent, Purpose and Integrity of the Zone Plan

The requested variance relief will not result in substantial detriment to the public good, nor will it substantially impair the intent or integrity of the Zoning Regulations and Zoning Map. The Shops at Park Village has been thoroughly reviewed by the Office of Planning through the Large Tract Review process and by the Board through this case. All of the proposed structures in the Shops at Park Village will be appropriately buffered from neighboring residential properties and will include minimal lighting and signage to mitigate any potential adverse impacts. As noted above, the proposed shopping center (and specifically the creation of a full-service grocery store in Ward 8, which currently does not have such a grocery store), fulfills many goals and satisfies many policies of the District of Columbia Comprehensive Plan. The proposed shopping center will bring much needed retail and employment opportunities to this neighborhood, while strengthening and improving the physical character of the surrounding neighborhood.

VII. Community Outreach

The Applicant presented this application to ANC 8B on April 19, 2005, at the ANC's regularly scheduled monthly public meeting. At that meeting ANC 8B approved the issuance of a letter of support for this project. A copy of this letter is attached as Exhibit H.

VIII. List of Witnesses Expected to Testify

The following witnesses are expected to testify at the public hearing on behalf of the Applicant:

1) Brad Fennell/Matt Ritz, Representative of the Applicant;

2) Representative of Giant Food; and

3) Trini Rodriguez, Landscape Architect.

IX. Exhibits in Support of the Application

Exhibit A: Plat of the Property and Zoning Map showing the Property outlined in red.

Exhibit B: Photographs of the existing Property.

Exhibit C: Office of Planning and District Department of Transportation memoranda submitted in Large Tract Review Application No. 03-01.

Exhibit D: Site plans, landscape plans, and elevations depicting the proposed Shops at Park Village and the Giant Food grocery store.

Exhibit E: Outline of testimony of Brad Fennell/Matt Ritz, Representative of Applicant.

Exhibit F: Outline of testimony of Representative of Giant Food.

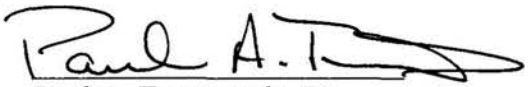
Exhibit G: Outline of testimony of Trini Rodriguez, Landscape Architect.

Exhibit H: ANC 8B letter in support of BZA Application No. 17324.

X. Conclusion

For all of the above reasons, the Applicant is entitled to the requested special exception, and potential variance, relief in this case.

Respectfully submitted,
PILLSBURY WINTHROP SHAW
PITTMAN, LLP

By: 
Paul A. Tummonds, Jr.

May 10, 2005

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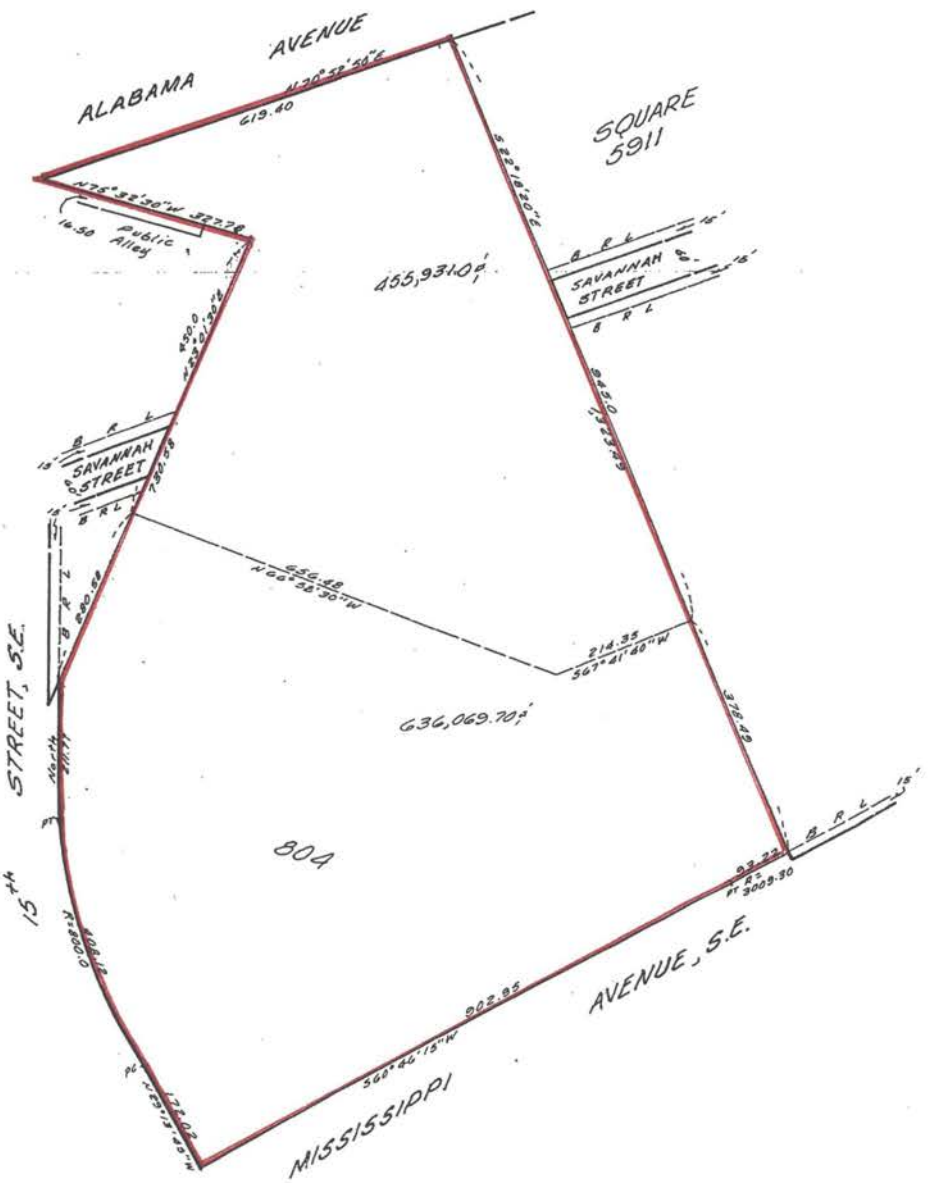
District of Columbia Government
OFFICE OF THE SURVEYOR

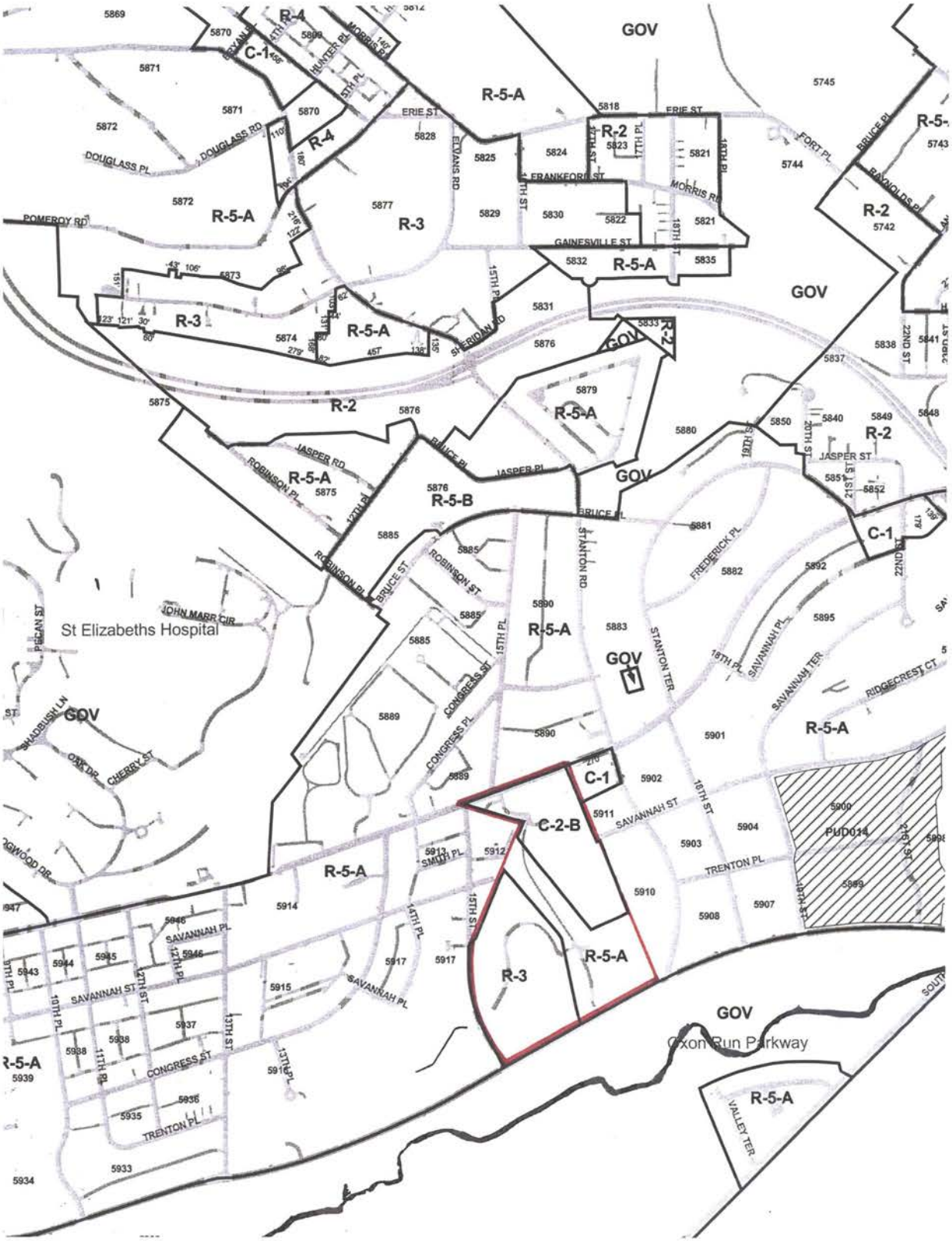
Survey Book 203 Page 87

Washington, D.C. March 23, 1988

Plat of computation on Lot 804
Square 5912

Receipt No. 2933




R-4
C-1
R-5-A
R-2
R-3
R-5-B
C-2-B
GOV
PUD014
St Elizabeths Hospital
Oxon Run Parkway
ERIE ST
FRANKFORD ST
GAINESVILLE ST
JASPER ST
JASPER PL
BRUCE PL
ROBINSON PL
ROBINSON ST
CONGRESS ST
CONGRESS PL
SAVANNAH ST
SAVANNAH PL
SAVANNAH TER
TRENTON PL
SMITH PL
STANTON RD
STANTON TER
FREDERICK PL
RIDGECREST CT
JOHN MARR CIR
SHADBUSH LN
OAK DR
CHERRY ST
DOUGLASS RD
DOUGLASS PL
POMEROY RD
SHERIDAN RD
ELVANS RD
MORRIS RD
FORT PL
BRUCE PL
REYNOLDS PL
VALLEY TER
15TH PL
15TH ST
16TH ST
16TH PL
17TH PL
17TH ST
18TH PL
18TH ST
19TH ST
20TH ST
21ST ST
22ND ST
12TH PL
13TH ST
13TH PL
14TH PL
10TH PL
11TH PL

B



View facing northwest from the entrance of the proposed Giant Food



View facing southwest toward the proposed Asheford Court from atop the slope



View facing Savannah Street to the west where the proposed sidewalk will go



Land between the proposed center and the Village of Parklands apartments



View facing the proposed center from the adjacent Villages of Paklands



View facing northward from the proposed residential development (Asheford Court)



View facing eastward from Asheford Court



View facing the proposed shopping center from Savannah Street to the west



View facing North from Entrance of Proposed Giant Food



View from across Alabama Avenue facing the Proposed Shopping Center



View facing the Village of Parklands Apartments adjacent to the site

C

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

[redacted]

Office of the Director

Memorandum

TO: Roland Driest, Surveyor

FROM: Andrew Altman, Director
Office of Planning

DATE: November 18, 2003

SUBJECT: Large Tract Review – Camp Simms

CHR, LLC and Smith Camp Simms Residential, LLC, William C. Smith & Co. (applicant) submitted an application for Large Tract Review to subdivide an approximately 25-acre parcel of land (Square 5912, Lot 804) for a mixed-use development consisting of residential and commercial retail uses. The property is currently owned by the District of Columbia but the applicant has an agreement to purchase the property.

Summary Recommendation

The development of the subject will provide benefits to the surrounding community, as it will develop a property that has remained vacant while other development around it has taken place. The proposed project will increase home ownership in the area and will provide needed retail and service businesses. The proposal is in conformance with the recommendations of the Comprehensive Plan for development of this site and therefore OP recommends **APPROVAL** of the subdivision.

Location and Area Description

The approximately 25-acre site fronts on Alabama Avenue, 15th Street, and Mississippi Avenue, S.E. and was formerly a federal facility known as Camp Simms Military Reservation within the Douglass/Shipley Terrace neighborhood. A 14.50-acre portion fronts on 15th Street and Mississippi Avenue and is in the R-5-A and R-3 Districts. A second 10.58-acre portion that fronts on Alabama Avenue is in the C-2-B Zone. The property is currently undeveloped.

To the east of the property is a small neighborhood shopping center in the C-2-A District, and Villages of Parklands, which is a mixture of apartments and townhouses in the R-5-A District. To the south are portions of Oxon Run Park that are not zoned. To the west is Mildred Green Elementary School and apartments in the R-5-A District. To the north of the site is the new Henson Ridge apartments and townhouses.

Proposal

The proposed development is composed of a 14.50-acre residential portion, *Asheford Court*, fronting on 15th Street and Mississippi Avenue and a 10.58-acre commercial portion, *Shops at Park Village*, to be developed as a neighborhood shopping center along Alabama Avenue.

Residential Portion
The applicant proposes to subdivide the residential portion of the site into 72-lots to accommodate single-family detached units with access from Mississippi Avenue and 15th Street. The lot sizes are in the range of 4,800 to 7,000 square feet with houses ranging between 2,000 to 2,400 square feet in area. There will be a choice of three models with a mixture of 3- and 4-bedroom units.

Commercial Portion
The commercial portion of the property will house an approximately 100,000 square foot neighborhood commercial center in three buildings. On the northeastern portion of the site, a one-story building to house small retail businesses will be located. The building will be attached to the existing neighborhood center on the adjacent property that is also owned by the applicant. The existing center will be renovated and become a part of the new neighborhood center and will have approximately 40,000 square feet of retail and office space.

The second building will be 55,000 square feet to accommodate a full service supermarket. At this time, it is envisioned that Giant Foods will be the tenant. The supermarket will be located on the southern portion of the site with the parking in front. The location of the parking lot in front of the building does not, in the opinion of the Office of Planning, contribute to the vitality of Alabama Avenue as much as a different site design might, but this was a stipulation of Giant Foods. OP has advised the applicant that the parking lot should be heavily landscaped in order to minimize the impact of a wide-open parking lot along Alabama Avenue, and the applicant has agreed.

The third building on the western portion of the site is intended to be a 5,000 square foot restaurant. To date, the applicant has not identified a user. OP recommends that the restaurant not have drive-in facilities, which would have an adverse impact on pedestrians using Alabama Avenue to access the Metro station or the shopping center.

Comprehensive Plan and Zoning

The Comprehensive Plan Generalized Land Use Map designated the area for moderate density commercial use. The Generalized Land Use Policies Map designated the site as a housing opportunity area, a development opportunity area, and for a new or upgraded commercial center. Section 1903.6, Current Development Activity, described the subject site as followers:

> "(g) ***The twenty-five (25) acre Camp Simms mixed-use development site is in the Alabama Avenue Development Zone and is designated as a Development Opportunity Area in the Comprehensive Plan. It lies east of 15th Street S.E. between Alabama and Mississippi Avenues S.E. The District purchased this former D.C. National Guard site from the federal government in 1984 for mixed-use redevelopment. A ridge divides the site into a raised plateau along Alabama Avenue S.E. (zoned C-2-B) and a lower, almost-flat area along Mississippi Avenue S.E. (zoned R-3 and R-5-B). The master***

plan developed by the Department of Housing and Community Development for the site calls for the development of a community shopping center on the C-2-B zoned land, an elderly housing complex on the R-5-B zoned portion of the site and up to one hundred sixty-eight (168) townhouse units on the R-3 zoned land;"

Development of the subject property has been envisioned for a number of years and the community has anxiously awaited its development. The proposed development is consistent with the recommendation for a mixed-use development as outlined above except for the recommendation for elderly housing and townhouse residential units. At this time, the market in the area dictates that single-family detached units are the desired housing type. Provision of the single-family detached homes is consistent with the desire and recommendation for residential use in this area. It must be noted that the applicant has developed housing in this area including townhouse uses in the vicinity of the subject property.

Section 1906 of the Ward 8 Plan recommends that the site be developed to help meet the economic objectives of the Ward;

*"1906.1(d) **Expand and improve supermarket food services in Ward 8 so that residents may have adequate, convenient and affordable grocery shopping opportunities in the Ward:***

(1) The city has estimated that Ward 8 could support additional supermarkets in or near the following neighborhoods: . . . Congress Heights, Shipley Terrace and Douglas (all to be served by a single additional store at Camp Simms . . .:
(2) Recommended actions:
(A) Promote and encourage supermarket food chains to expand or locate full-service, modern supermarket outlets in Ward 8 neighborhoods;"

The commercial portion of the development is consistent with this recommendation, as the applicant has secured an agreement with a large supermarket chain, Giant Foods, to locate a full service supermarket in this commercial center.

*"1906.1(e) **Develop additional commercial services in Ward 8 to help meet residents' needs:***

(1) . . . The ward contains no general merchandise or apparel outlets and only one (1) family-style restaurant. . . .
(2) Recommended actions:
(D) Encourage developers of new or renovated commercial development to include full-service family-style restaurants in their building plans, where feasible:"

In addition to the supermarket, a restaurant pad site is also provided which could accommodate a family-style restaurant. The applicant is the owner of the adjacent strip commercial center to the east of the site. The new center will be attached to the existing center that will be renovated to become a part of the new center, and works to provide a full range of retail goods and services.

Section 1908, Ward 8 Objectives for housing includes;

"(a) Increase the number of owner-occupied and single family housing units in the ward:"

The proposed development will help in increasing home ownership in Ward 8 and in increasing the stock of single-family detached homes. The development will include 72 single-family units that will be sold to be owner-occupied.

Analysis

The subject property has steep topography and wooded slopes that divide the site into a residential portion to the south and a commercial portion to the north. The design of the development takes advantage of the topography to separate the two uses.

The commercial portion of the proposed development is important to the community, as it will bring additional retail services to the area. Over the last few years, many new homes have been built and others upgraded but the needed retail uses to serve the residents have not followed. Of great importance is that fact that it will bring a full service supermarket and a "sit-down" restaurant to the area, uses that have not been present for a number of years. The retail center will be easily accessible with the main entrance off of Alabama Avenue and secondary access off Stanton Road and Savannah Avenue. The center will be enhanced by landscaping and pedestrian walkways

The residential portion of the development makes use of the topography to give many of the homes a great view of the Oxon Run Park to the south of the development. The units along Mississippi Avenue have direct access from this roadway and will help to activate this street. The residential community will be further enhanced by a small pocket park for recreational use by the residents.

In accordance with the Large Tract Review procedures, the Office of Planning provided copies of the submission the DC Department of Transportation (DDOT), Department of Fire and Emergency Medical Services, Metropolitan Police Department (MPD), the Department of Health (DOH), District of Columbia Water and Sewer Authority (WASA), and the Office of Corporation Counsel for review and comments. None of these agencies had objections to the proposed project.

Department of Health

The Watershed Protection Division of DOH recommends that, due to the severe slopes and poor soils there should be no construction on slopes greater than 25%. Additionally, mature trees on the steep slope areas should be preserved. The issue of stormwater management will be further addressed as part of the Site Plan Review process when more detailed hydrology studies are required.

The site was formerly used by the federal government as an army site. The Corp of Engineers has performed a site assessment and has determined that there are no buried munitions on the site. However, based on further soil and sediment testing the applicant has determined that there are residuals under the soil that need to be addressed. The applicant is working with the Hazardous Waste Division and the Voluntary Cleanup Program of DOH, which will review the applicants Phase II Environmental Study and their proposed Cleanup Program for the site.

District of Columbia Water and Sewer Authority

WASA has indicated that there are currently water and sewer mains in close proximity to the site into which the proposed development may tap and the proposed development will not exceed the capacity of these facilities. All water and sewer facilities to be placed in public right-of-way should meet WASA's design criteria and specifications. These design criteria and specifications will be further reviewed as part of the permitting process.

Department of Fire and Emergency Medical Services

The Department has no objection to this project but recommended that all residential units be equipped with a residential fire sprinkler system conforming to the requirements of the DC Construction Codes.

Metropolitan Police Department

The Police Department does not anticipate that the proposed development will pose any adverse effects on the Police Department or the community. In fact, they see this as a welcome addition to the area and as a sign of rejuvenation and interest in the area.

DC Department of Transportation

In its memo to OP, DDOT had no objections to the proposal. DDOT found that the existing transportation system in the area is adequate to support the proposed activities. Many bus routes along Mississippi Avenue and Alabama Avenue adequately serve the site with links to the Congress Heights Metrorail Station. The trips generated by the proposed development will not impact the current intersection capacity in the vicinity of the site and from access points leading to and from the site. The intersections currently operate at a good level of service and this will continue with the addition of this project. The applicant is proposing parking spaces on the commercial portion that triples that required by the Zoning Regulations. The parking for the residential portion will be adequate to serve the residents without spillover into the neighborhood.

Community Review

The applicant has had many conversations and meetings with the community organizations and Advisory Neighborhood Commission (ANC) 8B. At the October 14, 2003 meeting of the ANC the applicant gave a presentation on the proposed development. The proposal was well received by the participants and the ANC Commissioners and gained their support.

Recommendations

The Water Quality Management Area located at the intersection of Mississippi Avenue and 15th Street, is at one of the entrances into the development. OP therefore recommends that the fencing around the facility be of the highest quality. The applicant has submitted samples of fencing that are utilized on their other projects in the area consisting of wrought iron and brick pillars. This type of fencing or similar should also be used on lots along 15th Street and Lot 12 along Mississippi Avenue (See below).



The development of the subject will provide benefits to the surrounding community, as it will develop a property that has remained vacant while other development around it has taken place. The proposed project will increase home ownership in the area and will provide needed retail and service businesses. The proposal is in conformance with the recommendations of the Comprehensive Plan for development of this site and therefore OP recommends approval of the subdivision.

AA/mbr, AICP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT DEPARTMENT OF TRANSPORTATION

Transportation Policy and Planning Administration

Memorandum

08-06-03P03:23 RCVD

TO: Andrew Altman
Director
Office of Planning

FROM: Kenneth Laden
Associate Director

DATE: JUL 30 2003

SUBJECT: Large Tract Review (LTR 03-1) Application by CHR, LLC and Smith for the redevelopment of Camp Simms, Southeast.

The District Department of Transportation (DDOT) has reviewed the application and other material accompanying your memorandum of June 30, 2003. This report addresses the transportation aspect of the proposal.

The applicant proposes to construct 72 single-family detached homes and a shopping center containing approximately 85,000 square feet. The project will provide 455 parking spaces compared to 330 required under the Zoning Regulations.

Camp Simms is located in southeast Washington, DC and is bounded by Alabama Avenue on the north, Stanton Road on the east, Mississippi Avenue on the south, and 15th Street on the west. Access to the development is proposed along Alabama Avenue, 15th Street and Mississippi Avenue.

To determine the impact of the proposal on the traffic circulation and the parking conditions in the vicinity of the site, we have considered and examined the existing transportation system and facilities serving the area, trip generation and level of service and the level of parking supply necessary to minimize parking spillover onto nearby neighborhood residential areas and pedestrian facilities connecting the residential development to the commercial shopping center.

The road network serving the project include Alabama Avenue, a minor arterial, Mississippi Avenue, a collector street, and 15th Street a local street in the area. Access to the residential development is from both Mississippi Avenue and 15th Street. Access to the commercial development is off Alabama Avenue and the extension of Savannah Street into the commercial site.

The applicant stated that the project will improve the existing sidewalks on Mississippi Avenue and 15th Street to enhance the project's connection to the area's sidewalk system and to the commercial project. We conclude that the existing transportation system in the area and the construction of the new sidewalk is adequate to support the additional activity or project.

However, three new streets named A, B and C are proposed within the residential development for internal circulation. We understand that the applicant will dedicate these streets to the District. If the applicant proceeds under the dedication process, the Department staff will make sure that all Departmental standards and guidelines for roadway design and construction are met.

With regard to mass transit, the Department notes that the site is well served by numerous bus routes along Alabama Avenue, Mississippi Avenue and Stanton Road. These routes link the site to the Congress Heights Metrorail Station. We conclude that the project is well served by the existing mass transit system.

With regard to trip generation, the applicant's transportation assessment indicates that the commercial development will generate approximately 35 vehicle trips inbound and 58 trips outbound for a total of 108 vehicle trips during a typical morning peak hour. During the evening typical peak hour, there will be 108 inbound and 117 outbound for a total of 226 vehicle trips. These trips were based on a reduction of 60 percent due to pass-by trips. We concur that this assumption is reasonable for a commercial/retail development.

The residential component will generate approximately 15 vehicle trips inbound and 44 trips outbound for a total of 59 vehicle trips during a typical morning peak hour. During the typical evening peak hour, there will be 51 inbound and 29 outbound trips for a total of 80 vehicle trips. We note that trip rates used by the applicant are higher than those normally used by the Department of Transportation for similar development in the city.

We agree with the applicant's capacity analysis and level of service calculations at the critical intersections in the vicinity of the site and at the access points to and from the site. The result of the analysis indicates that the intersections leading to and from the site are currently operating at a good level of service and will continue to operate at an adequate level of service with the addition of this project.

With regard to parking, the applicant will provide 419 parking spaces for the commercial component which, more than triples the amount of parking required by the Zoning

Regulations. In addition, the applicant shall provide bicycle parking spaces at least equal to five percent of the number of automobile parking spaces required by the Zoning Regulations. We believe that the level of parking supply being provided will be more than adequate to accommodate the parking needs of the project and minimize any parking spillover on the neighborhood parking supply. According to the applicant, parking for the residential component includes one and two-car front loaded garages.

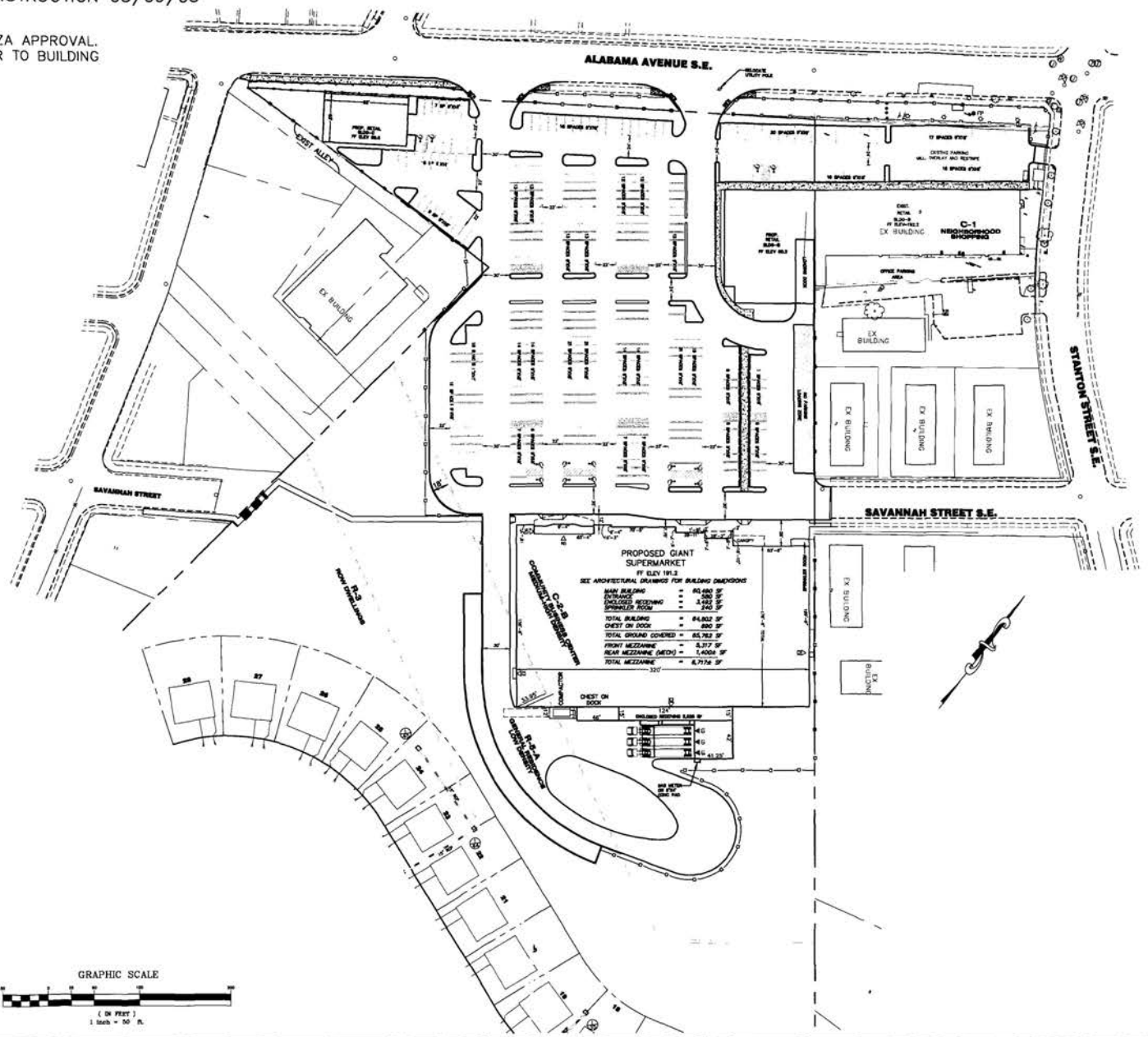
The project will provide one loading berth and no service delivery area as required by the Zoning Regulations. The Department recommends that the project provide the required service delivery area to fully meet the project demand for loading and service delivery facilities.

In summary, the site impact analysis indicates that there is no need for any improvements to the adjacent and nearby transportation system to maintain an adequate level of service, safety and access to the proposed development. Accordingly, the District Department of Transportation has no objection to the proposal.

D

CONCEPT DRAWING NOT FOR CONSTRUCTION 05/09/05

NOTE:
PARKING LAYOUT DOES NOT REQUIRE BZA APPROVAL. FINAL LAYOUT TO BE DETERMINED PRIOR TO BUILDING PERMIT APPLICATION.



Dewberry
203 Perry Parkway, Suite 1
Gaithersburg, MD 20877-2169
301.948.8300 Fax: 301.258.7607
www.dewberry.com

Drawn by: RA
Designed by: RA
Checked by: CPO
Date: MAY 2005
Scale: AS SHOWN
Zoned: N/A

DISTRICT OF COLUMBIA REGISTERED PROFESSIONAL ENGINEER 900813

OWNER
CWB, LLC
c/o WILLIAM C. SMITH & CO.
1100 NEW JERSEY AVE., S.E.
WASHINGTON, D.C. 20003
PHONE 202.862.3440

SHOPS AT PARK VILLAGE
CONCEPT PLAN
LOT 804 SQUARE 5911
ALABAMA AVENUE, S.E.
WASHINGTON, DISTRICT OF COLUMBIA

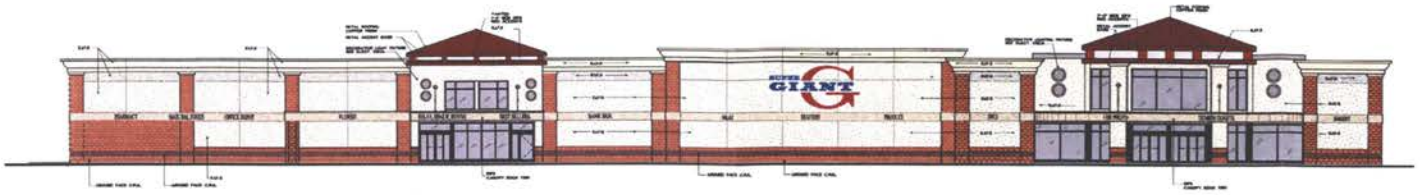
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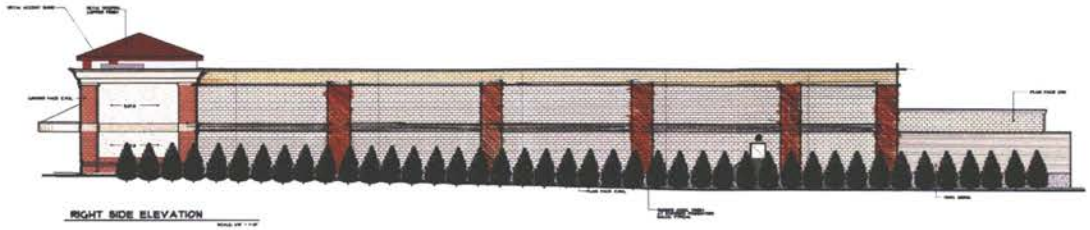


THE SHOPS AT PARK VILLAGE

LANDSCAPE PLAN



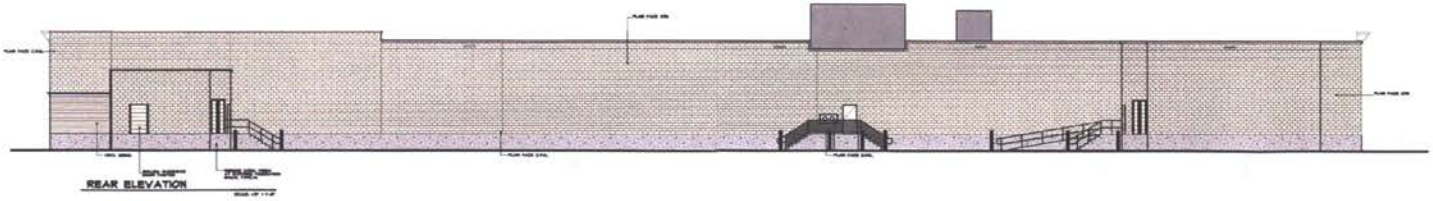
FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION

320' x 199'
PROTOTYPE ELEVATIONS

REVISED: 6/18/04
DATE: 12/8/03

LANDRY ARCHITECTS
389 MAIN ST. 2nd FLOOR SALEM, NH 03079
TEL: (603) 890-6414 FAX: (603) 894-4358

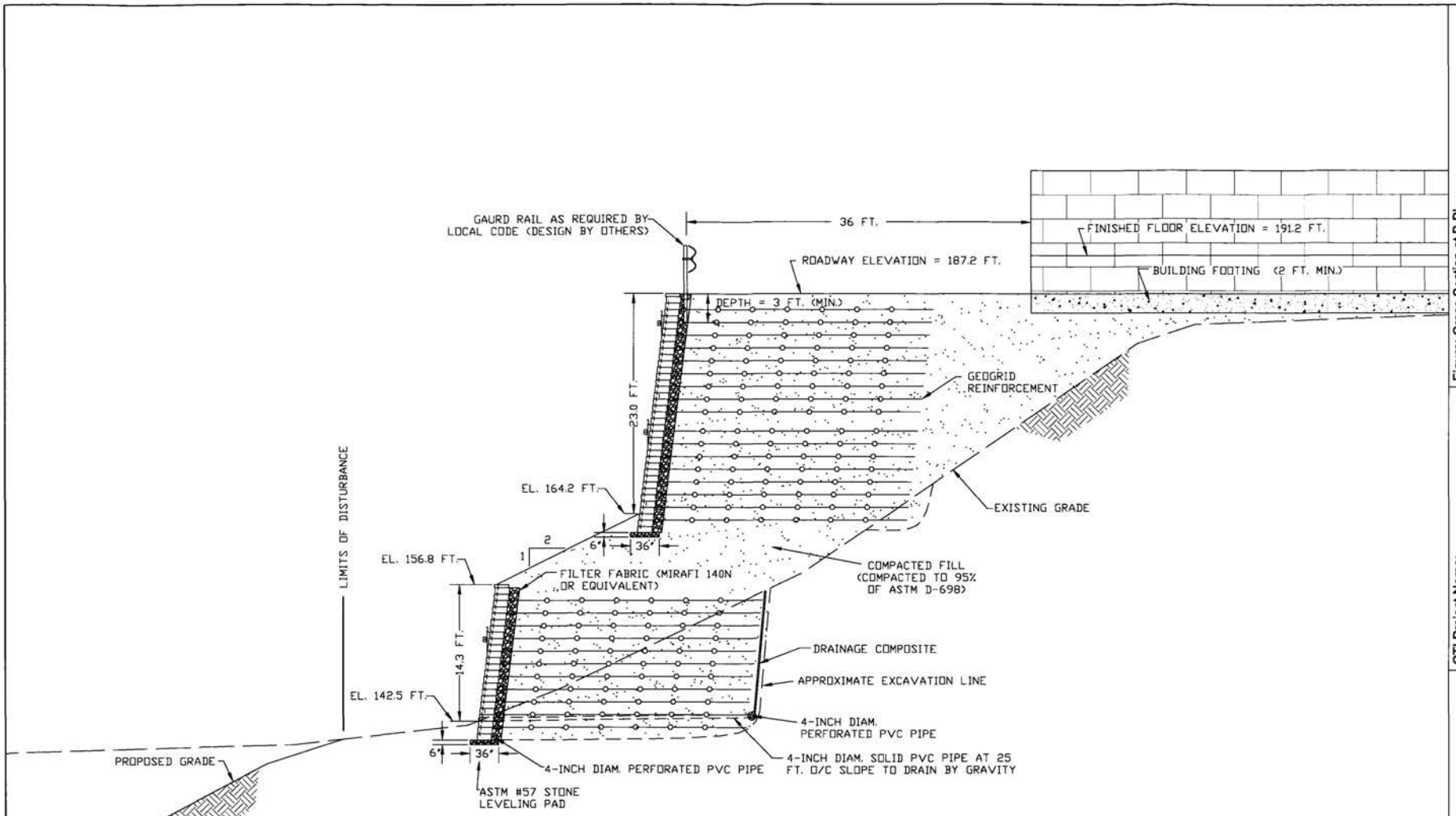


Figure: Cross Section at B-B'

Figure Number: 1

Date: May 2005

Prepared By: M. Wager

Scale: Approx. 1" = 10'

CTI Project Name:

Camp Simms
Washington, DC

CTI Project Number: 3-2025

CTI CONSULTANTS INC
14221-B Willard Road
Suite 100
Chantilly, Virginia 20151



THE SHOPS AT PARK VILLAGE

SKETCH FROM ASHEFORD COURT TOWARD WEST WALL OF GIANT FOOD STORE

E

OUTLINE OF TESTIMONY OF BRAD FENNELL/MATT RITZ, REPRESENTATIVE OF CHR, LLC

I. INTRODUCTION

A. Goals for the Development of the Former Camp Simms Property

B. Discussion of Relationship Between CHR, LLC and Developer of the Residential Portion of the project

II. PROPOSED DEVELOPMENT (SHOPS AT PARK VILLAGE)

A. History of the Project

B. Elements of the Project

1. Giant Grocery Store

2. Building Pad Site Suitable for a Sit-Down Restaurant

3. Strip Commercial Shopping Center

C. Revisions to Project

1. Revised Location of the Grocery Store Structure

2. Tiered Retaining Wall to Minimize Visual Impact on Neighboring Properties

3. Architectural Treatment of the Eastern Elevation of the Grocery Store Structure

III. COMMUNITY OUTREACH

A. Meetings with ANC 8B and Other Community Organizations

B. Broad Support for the Project

IV. CONCLUSION

F

OUTLINE OF TESTIMONY OF REPRESENTATIVE OF GIANT FOOD, LLC

I. INTRODUCTION

II. GIANT FOOD, LLC'S GOALS FOR THIS PROJECT

- A. Creation of a Modern, Full Service Grocery Store
- B. Need to Extend the Building into the Adjacent Residential Zone to Meet Giant's Programmatic Requirements for a Modern, Full Service Store
- C. Commitment to Good Neighbor Policy
- D. Job Creation

III. CONCLUSION

G

OUTLINE OF TESTIMONY OF
TRINI RODRIGUEZ, LANDSCAPE ARCHITECT

I. INTRODUCTION

A. Trini Rodriguez; Landscape Architect

B. Experience in the District of Columbia

II. PROPOSED LANDSCAPE PLAN

A. Treatment of Alabama Avenue Frontage

B. Treatment of Parking Areas

C. Treatment of Areas Surrounding the Grocery Store Building

D. Treatment of Tiered Retaining Wall

III. CONCLUSION

H

Advisory Neighborhood Commission 8B
1809 Savannah Street, SE
Washington, DC 20020

April 27, 2005

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW., Second Floor, N.E.
Washington, DC 20001

RE: BZA Application of DHCD and CHR, LLC (Square, 5912 Lot 804), Case No. 17324

Dear Chairman Griffis and Members of the Board:

As both a resident of SMD 8B07 and Chair of Advisory Neighborhood Commission 8B, I write this letter in support of the application for special exception relief to allow for the construction of a grocery store that extends in an R-5-A Zone District. We are eager to see The Shops at Park Village move forward especially now that a lease has been sign with Giant Food.

CHR has shown a commitment to meeting with the ANC and the community on numerous occasions. Their presentations have always been well received. Recently, CHR presented on the need to obtain special exception relief to allow for the construction of the grocery store that extends into an R-5-A Zone District. This letter serves to express ANC 8B's strong support for CHR's application for special exception relief from the BZA.

We look forward to having the developers keep us informed of the progress of the redevelopment projects as they move forward. Please let me know if I can be of further assistance in this matter.

Sincerely,

Jacque Patterson
ANC 8B