Pillsbury
Winthrop
Shaw
Pittman LLP

June 1, 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 – Post-Hearing Submission - Development of the Shops at Park Village on the Former Camp Simms Property

Dear Chairman Griffis and Members of the Board:

At the conclusion of the public hearing in the above-mentioned case on May 24, 2005, the Board requested that the DC Department of Housing and Community Development and CHR, LLC (the "Applicant") submit the following information:

1) A Lighting Plan;

2) An Enhanced Landscape Plan;

3) A Loading Operations Plan for the Giant Food Grocery Store; and

4) A Description of the Proposed Pedestrian Connection to Savannah Street and the Monitoring of that Connection; and

Enclosed please find 20 copies of these materials. Please note that the photometric lighting plan prepared by the Applicant's architect depicts the impact that the proposed lighting of the Shops at Park Village will have on adjacent properties. Due to the cut-off fixtures and the house-side shields that are used in the light fixtures in the parking lot and on the side of the Giant Food Grocery Store building, there is virtually no light spillover onto the adjacent properties.

The Applicant believes that the attached materials provide further evidence that it has satisfied the special exception relief standards pursuant to §2514 and that the proposed extension of the grocery store use into the adjacent R-5-A Zone District will not have an adverse effect upon the present character or future development of the neighborhood, that adjacent or nearby properties are appropriately protected from any

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adverse impacts created by the proposed Shops at Park Village, and that the proposed application is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map.

The Applicant looks forward to the Board's decision on this application at the June 7, 2005 public meeting so that this important project can move forward.

Respectfully,

Paul A. Tummonds, Jr.

cc: ANC 8B (by mail)

Document #: 1482276 v.1

EXHIBIT 31

CASE NO. 17324

IS AN OVERSIZED EXHIBIT

PLEASE SEE AT OFFICE

THE SHOPS AT PARK VILLAGE

PROPOSED DELIVERY AND TRASH REMOVAL OPERATIONS PLAN FOR THE GIANT FOOD GROCERY STORE

During the public hearing on May 24, 2005, the Board of Zoning Adjustment raised questions regarding the proposed loading dock operations in the area behind the Giant Food grocery store. Giant Food appreciates the Board's concern regarding this issue and will strive to be a good neighbor, especially during the unloading of trucks and refuse disposal. The following measures will be taken to minimize impact of the loading and refuse disposal operations on the surrounding residential communities.

Refuse Collection

Giant Food and the Landlord, CHR, LLC, will adhere to the DC Noise Regulations regarding trash collection in and adjacent to residential zones. The DC Noise Regulations (20 DCMR §§ 2806.2 and 2799) state that trash may not be picked up at Nighttime on any day of the week. Nighttime is defined as the hours of 9 pm to 7 am. Giant Food and the Landlord will adhere to all noise ordinances governing maximum sound levels. The maximum allowable decibel level during the daytime for this property is 65 db (A) and 60 dB (A) at Nighttime (20 DCMR §§ 2701.1 and 2701.4).

Unloading of Delivery Trucks

Giant Food understands the concern regarding noise and will use its best efforts to minimize impact on the surrounding residential properties. The first step in addressing this issue begins with the design of the loading dock area. The drive aisle to the loading dock area has been designed to reduce the time the trucks will be in reverse, which has an audible alarm, by creating a circular driveway. This design also forces the trucks to drive at a very low speed, speed can be a cause of noise and reducing speed reduces noise. The landscaping will also contribute to minimizing the impact of noise with plantings in the middle of the circular drive, as well as along the ridge that serves as an additional buffer. Due to the steep topography between the single-family residential development to the south and southwest of the grocery store (called Asheford Court), the trucks and their headlights will not visibly impact the homes at Asheford Court when they are docked. In addition, the loading dock will be enclosed, except for the trucks facing out westward, therefore, the Village of Parklands apartments to the east of the grocery store will not be visibly impacted by the docked trucks.

As stated at the public hearing, the Giant Food store will be a state of the art supermarket – this includes the loading dock area. Once a delivery truck pulls into the loading dock a truck sleeve wraps around the rear of the truck during loading and unloading effectively incorporating the truck as an addition to the already partially enclosed loading dock. The truck sleeve further minimizes any potential impact of noise on the surrounding residential communities because the unloading activities are performed in an enclosed environment. A visual depiction of the operation of the truck sleeve is provided below.

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Step 1



Step 2



Step 3



Giant Food anticipates approximately 2 to 3 trucks will visit the property per day. Generally, there will be one grocery truck and one refrigeration truck per day and one frozen delivery truck every other day. The timing of these deliveries represents one of the most critical components for minimizing the impact of loading operations on the adjacent and nearby residential properties. Giant Food plans to implement a "quiet zone" in the loading dock area. Only a small percentage of Giant Food's stores in the Washington Metropolitan Area have his designation. A quiet zone means truck deliveries are prohibited between the hours of 10 pm and 6 am. Also, when trucks arrive for deliveries they will not be allowed to idle. Appropriate signage will be installed in the loading dock area as a reminder to the truck drivers to turn off their engines.

The applicant believes that it is entirely appropriate for the times of the quiet zone and the trash ordinance to vary slightly. First, Giant Food generally tries to restock the store during closed, or non-peak hours, to prevent interruption of the customers' shopping experience. Second, trash collection is typically much louder than the unloading of a delivery truck. Most people in the District have experienced the loud and abrupt sounds that occur when a trash dumpster is shaken to remove all of the debris located in the dumpster. Third, the DC Noise Regulations are intended to address the situation where dumpsters are located in alleyways adjacent to residential buildings. Since the loading docks are separated from the adjacent residential uses by a large area, and the loading docks are appropriately buffered as described above, the proposed quiet zone loading hours of 10 pm to 6 am are appropriate for this project and will not create objectionable impacts on adjacent residential properties.

Community Liaison

The name and telephone number of the Giant Food store's general manager will be provided to the nearby Advisory Neighborhood Commissioners (ANC) so that they have a contact person to call in case of complaints. William C. Smith & Co. will be the property manager for the Landlord and will provide contact information to the local ANC as well. William C. Smith & Co. owns and manages property throughout the District, but has demonstrated a primary focus in the communities east of the river. William C. Smith & Co. owns and manages the adjacent Village of Parklands apartments next to the center and will ensure that any complaints are addressed thoroughly and expeditiously.

THE SHOPS AT PARK VILLAGE - DISCUSSION OF PROPOSED PEDESTRIAN ACCESS TO THE PROJECT AND MAINTENANCE

Access from Savannah Street to the Project

From the very beginning of this project, the goal was to provide efficient and safe vehicular and pedestrian entrances to the project. The development of the Shops at Park Village presented a significant design challenge for the applicant and its various consultants due to the irregular shape of the lot and the steep topography of the site. As discussed in detail at the public hearing and in the pre-hearing statement, the site includes a very steep grade change at the approximate location of where Savannah Street runs into the western edge of the property. At this location, the existing grade of Savannah Street is 25 feet below the grade of the Shops at Park Village. This significant grade change made a vehicular access point at this location impossible. Moreover, concerns were raised that adding an additional vehicular access point into the Shops at Park Village would create congestive traffic flows in the shopping center itself. For these reasons, a vehicular access point on the western edge of the property was not provided.

Initially, the site plan did not provide for any pedestrian access from the neighborhood to the west of the property to the Shops at Park Village. However, during the community dialogue process, residents from the neighborhoods to the west of the property expressed their desire for a pedestrian access point to the Shops at Park Village from Savannah Street. As a result of this request from the community, the applicant created a pedestrian access point into the Shops at Park Village that includes two landings to allow pedestrians to safely and efficiently walk to the stores in the shopping center.

Monitoring

The pedestrian access point to the Shops at Park Village will be a controlled entrance. Wrought iron fencing will be constructed on both sides of the sidewalk and gates at either end will be installed. The gates will be closed every night at dusk. The sidewalk and access point will include appropriate lighting and the landscaping adjacent to the sidewalk will create an aesthetically pleasing environment for pedestrians as they stroll to the stores in the shopping center. In order to ensure the safety of the pedestrians that utilize the internal sidewalks and the access points to the property, the landscaping will be limited to an appropriate height so users of the sidewalks will be visible at all times.

Maintenance

William C. Smith & Co., the property manager of the Shops at Park Village, will be responsible for ensuring maintenance of the internal sidewalks on the property and the pedestrian access points to the Shops at Park Village. The maintenance work will include: trash pick-up, repairing any damage to the sidewalks, maintaining the landscaping, prohibiting loiterers, and locking the gates every night at dusk.