



Pillsbury  
Winthrop  
Shaw  
Pittman LLP

RECEIVED

D.C. OFFICE OF ZONING

2007 NOV 30 AM 10:43

2300 N Street NW  
Washington, DC 20037-1128

Tel 202.663.8000  
Fax 202.663.8007  
www.pillsburylaw.com

November 29, 2007

Hand Delivery

Ms. Sharon Schellin  
Secretary to the Zoning Commission  
441 4<sup>th</sup> Street, NW, Room 210  
Washington, DC 20001

**Re: Zoning Commission Case No. 07-28 – Zoning Regulations Text  
Amendment to §701.4 and §721.3  
Statement in Support from CHR, LLC and CHR II, LLC**

Dear Ms. Schellin:

Enclosed please find an original and 20 copies of a statement in support of the above-mentioned text amendment application. Matt Ritz, on behalf of CHR, LLC and CHR II, LLC, will present testimony in support of the application at the public hearing on December 13, 2007.

If you have any questions or comments regarding the attached statement, please feel free to contact the undersigned.

Sincerely yours,

Paul A. Tummonds, Jr.

Enclosure

cc: Maxine Brown-Roberts (By Hand Delivery)  
Matt Ritz (By Scheduled Express)

ZONING COMMISSION  
District of Columbia

CASE NO. 07-28

EXHIBIT NO. 5

**ZONING COMMISSION CASE NO. 07-28  
TEXT AMENDMENT TO §§ 701.4 AND 721.3  
STATEMENT IN SUPPORT OF APPLICATION FROM THE  
PROPERTY OWNER – CHR, LLC AND CHR II, LLC**

This statement is submitted on behalf of CHR, LLC and CHR II, LLC, the owners of the property that includes The Shops at Park Village, in support of the above-mentioned application. Matt Ritz will present testimony on behalf of CHR, LLC and CHR II, LLC at the public hearing on December 13, 2007.

**THE SHOPS AT PARK VILLAGE**

The Shops at Park Village will bring needed local and national retailers to the underserved Congress Heights neighborhood of Ward 8. The anchor and centerpiece of this development will be an approximately 64,495 square foot Giant Food supermarket. 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 commercial center to create approximately 40,000 square feet of in-line commercial space. The Shops at Park Village seeks a mix of commercial uses that includes national and local retailers, which will hopefully create franchise opportunities for locally based minority entrepreneurs.

We are pleased to note that The Shops at Park Village will fill a significant void in Ward 8 when the first major full-service grocery store, Giant Food, opens its doors to the public on December 7, 2007. Until Giant opens, Ward 8 is the only Ward without a full-service grocery store.

The in-line retail space currently includes the following tenants; SunTrust Bank, Instant Tax, Park Village Cleaners, Nationwide Insurance, Edy's Ice Cream, H&M Hardware, Wachovia, Barber Shop, and Dots Fashion. In addition, we recently executed a lease with IHOP to become the only major sit-down restaurant in Ward 8. The owner/franchisee of the IHOP is a Ward 8 business.

**NEED FOR THE TEXT AMENDMENT**

As noted in the Office of Planning's report, The Shops at Park Village is split-zoned C-1 and C-2-B. The C-1 Zone District does not allow fast food establishments and limits the amount of seating in a prepared food shop to 18 seats as a matter-of-right. However, as shown in the pictures attached as Exhibit A, the architecture and feel of the shopping center does not differentiate between the portion of the property that is zoned C-1 and the portion of the property that is zoned C-2-B.

The proposed text amendment will allow fast food establishments on the entire property, which would not otherwise be allowed as a matter-of-right because the property abuts a residential zone that is not separated from the property by a street or alley.

In order to have the flexibility needed to create an appropriate mix of retail, restaurant and service uses in The Shops at Park Village, it is necessary to have the flexibility to

allow fast food establishments and prepared food-shops (including coffee shops) of any size in both the C-1 and C-2-A zoned portions of Square 5912. The proposed text amendment will help enhance the retail experience, and ultimately the success, of The Shops at Park Village.

### RESPONSE TO OP'S REQUEST FOR INFORMATION REGARDING DUMPSTER LOCATIONS AND PROTECTION OF ADJACENT RESIDENTIAL USES

The in-line retail space at The Shops at Park Village is designed to be a single, cohesive shopping center. All of the trash receptacles provided in this portion of the project will be located in a single enclosed area. Exhibit B, picture #1 shows the loading berth (the garage door on the right-hand side of the picture) and the trash storage area (the garage door on the left-hand side of the picture) for the shopping center. Trash will be placed in a compactor located behind the garage door on the left and will be removed by a private trash service.

No trash receptacles (dumpsters) for the portion of the building that is split-zoned (and runs parallel to Alabama Avenue) will be provided in the drive-way that is located behind that portion of the building (see Exhibit B, picture #3). The trash from those tenants will be taken from the rear of those units to the enclosed loading and trash areas shown in Exhibit B, picture #1. As shown in Exhibit B, picture #2, stairs and a door to the trash room (with a keycard entry system) are provided for those tenants.

The proposed trash removal system and the landscaping buffer provided by this project will help assure that the commercial uses in The Shops at Park Village will not cause adverse impacts on the adjacent residential uses.

### POLICIES OF THE COMPREHENSIVE PLAN THAT SUPPORT THE PROPOSED TEXT AMENDMENT

There are numerous policies in the Comprehensive Plan that support this text amendment application.

*Policy LU-2.4.1: Promotion of Commercial Centers* – Promote the vitality of the District's commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city's role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents.

312.5

*Policy ED-3.1.1: Neighborhood Commercial Vitality* – Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to the residents. 713.5

*Policy FSS-1.1.8: Supermarkets and Services* – Attract additional supermarkets, family-style restaurants, full-service gas stations, and general merchandise stores to the Far Southeast/Southwest. The area's larger commercial sites should be marketed to potential investors, and economic and regulatory incentives should be used to attract business. The upgrading and renovation of the area's existing auto-oriented shopping centers is strongly encouraged. 1908.9

As discussed in detail in OP's report, The Shops at Park Village will further these important policies. In addition, representatives of CHR, LLC and CHR II, LLC have made numerous presentations to various community groups and organizations regarding The Shops at Park Village project, including a presentation to ANC 8B on November 20, 2007. No opposition to the proposed text amendment application was raised at that ANC meeting.

#### CONCLUSION

For the above-mentioned reasons, we support the adoption of ZC Case No. 07-28 and look forward to presenting testimony and answering any questions at the December 13, 2007 public hearing.