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|                                                                                                                                                              | <p align="center"><b>ADVISORY NEIGHBORHOOD COMMISSION 3C</b><br/> <b>GOVERNMENT OF THE DISTRICT OF COLUMBIA</b><br/>         CATHEDRAL HEIGHTS • CLEVELAND PARK<br/>         MASSACHUSETTS AVE. HEIGHTS<br/>         MCLEAN GARDENS • WOODLEY PARK</p> |  |
| <p>Single Member District Commissioners<br/>         01-Lee Brian Reba; 02- William Kummings; 03-Anne-Marie Bairstow; 04-Josh Hart; 05-Leila Afzal; 06-Trudy Reeves<br/>         07- Richard Rothblum; 08-Catherine May; 09-Nancy MacWood</p> | <p align="right">4025 Brandywine Street, NW<br/>         Washington, DC 20016-1843<br/>         P: (202) 657-5725 F: (515) 474-8595<br/>         Website <a href="http://www.anc3c.org">http://www.anc3c.org</a></p>                                   |  |

Mr. Anthony Hood  
 Chairman, D.C. Zoning Commission  
 Office of Zoning  
 441 4<sup>th</sup>, NW, Suite 210  
 Washington, DC 20001

**Re: Zoning Commission Case Number 08-15**

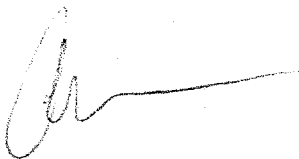
Dear Chairman Hood:

At its monthly meetings held on December 15, 2008, and January 21, 2009, ANC 3C considered the above-referenced application to the Zoning Commission for a Planned Unit Development and related Zoning Map Amendment for the Friendship Shopping Center.

At its regularly noticed and scheduled public meeting of ANC 3C on January 21, 2009, with all nine Commissioners in attendance, constituting a quorum, ANC 3C passed a resolution recommending approval, with conditions, of the application in Zoning Commission Case No. 08-15. The vote was unanimous (9/0). ANC 3C Resolution 2009-01 is enclosed.

Thank you for giving great weight to the position of ANC 3C on this matter. If you have any questions, please feel free to contact me at 202-441-9576.

Sincerely,



Anne-Marie Bairstow, Chair

Enclosure

cc: Phil Feola, Pillsbury Winthrop Shaw Pittman, LLP

ZONING COMMISSION  
 District of Columbia  
 CASE NO. 08-15  
 EXHIBIT NO. 69

2009 FEB -6 AM 11:23  
 U.S. OFFICE OF THE DISTRICT ATTORNEY

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**ANC 3C Resolution No. 2009-01  
Resolution Regarding the Planned Unit Development  
Friendship Neighborhood Center (Giant)  
Zoning Commission Case No. 08-15**

WHEREAS, on May 16, 2008, Friendship-Macomb SC Inc. (Applicant) filed an application with the Office of Zoning requesting consolidated review and approval of a planned unit development (PUD) and related map amendment for the property located within ANC 3C-06 and 07, bordered by Wisconsin Avenue to the east, Idaho Avenue to the North and west and on the south by commercial buildings along Macomb Street (Cactus Cantina, Two Amys, and an apartment building) and a hearing date of February 19, 2009 has been established by the DC Zoning Commission; and

WHEREAS, the Applicant has worked with representatives of ANC 3C and the surrounding community extensively for over three years to solicit input and address concerns through multiple formal and informal presentations, meetings and conversations; and

WHEREAS, the development of this PUD will carry out the purposes of Chapter 24 of the Zoning Regulations, and create a well-planned development that offers a variety of building types with more efficient and attractive overall planning and design than that achievable under matter-of-right development; and

WHEREAS, the character, scale, mix of uses and design of uses in the proposed PUD are appropriate, and the proposed development is compatible with the surrounding neighborhood context; and

WHEREAS, the proposed height and density will not cause an adverse effect on nearby properties, are compatible with the height and density of surrounding properties, and are appropriate given the location along a major multi-modal transportation corridor and the mix of retail, commercial, and residential uses are appropriate for the site, which is located in a neighborhood commercial center; and

WHEREAS, the PUD-related zoning map amendment to the C-2-A Zone District, the increase in height and density as permitted under the PUD guidelines, and the other areas of flexibility requested by the Applicant are acceptable and the benefits and amenities provided by the project, particularly the provision of a state-of-the-art grocery store and other neighborhood-serving retail, high-quality architecture, streetscape improvements, pocket parks, sustainable design features, community parking, and affordable housing are reasonable for the development incentives proposed in this application; and

WHEREAS, in multiple public meetings neighbors have raised concerns of the follow issues:

1. Location of the loading dock on Idaho Avenue;
2. Allocation of the loading docks among the retail areas;
3. Adequacy of parking;
4. Potential impact of the project on the surrounding neighborhood;
5. Use of the retail space;

WHEREAS, Applicant has represented to the ANC that they will include an amendment to their PUD application limiting the use of the retail space by restaurants and prepared food shops, including fast food establishments, to 25% of the linear frontage of the PUD;

THEREFORE, BE IT RESOLVED that ANC 3C recommends approval of Zoning Commission Case No. 08-15 subject to the following conditions:

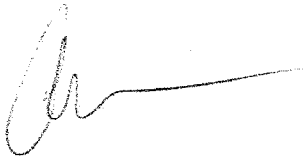
1. That the Zoning Commission shall address perceived deficiencies in the number, size and location of loading docks, and
  - a. require a full-time loading dock manager on duty during all loading hours for all loading docks covered by the PUD,
  - b. prohibit truck deliveries between the hours of 9 PM and 7 AM,
  - c. prevent any delivery trucks or vans servicing the retail and commercial establishments in the PUD from idling or parking in public space,
  - d. require a covenant of all retail and commercial tenants (i) to restrict the size of delivery trucks to only those that will fit the loading docks and (ii) to prohibit off-loading in public space; and
  - e. require the applicant to provide access from the Giant supermarket loading dock to the loading area for businesses in the PUD on Newark Street and Wisconsin Avenue in the south parcel so that overflow from the Macomb Street loading area can load or unload at the Giant supermarket loading dock.

2. a. The Zoning Commission shall require the Applicant to continue to review the proposed design, location, and operation of the planned Giant supermarket loading area off Idaho Avenue with DC Office of Planning (OP) and DC Department of Transportation (DDOT). The goal shall be to determine a location further removed from existing houses and to develop a design and operations plan that (i) minimizes the visibility of the loading dock from adjacent residential property to the south; (ii) minimizes the noise impacts generated by trucks and loading activity; and (iii) prohibits truck traffic serving the PUD from using Idaho Avenue south of the loading dock;  
  
b. The Zoning Commission shall require the Applicant, as promised in representations by Applicant's agents to ANC3C, to mitigate noise generated by the truck loading and maneuvering areas to the level that existed before the development by: i) making acoustic measurements to characterize existing noise levels; ii) including in its plans the recommendations of its acoustic consultant to achieve the mitigation of projected noise levels to no greater than that obtained currently; iii) modifying the existing plan such that large trucks are not able to exit the loading area and turn left on Idaho Avenue (This will be accomplished by rotating the access driveway in a horizontal plane (plan view) so that the driveway intersects Idaho Avenue at least 160 feet from the nearest existing residential property line.);
3. The Zoning Commission shall require the Applicant to continue to work with OP and DDOT to ensure that the planned amount of parking is adequate to accommodate the planned uses on the PUD site;
4. The Zoning Commission shall require commercial parking spaces in the North Parcel to serve the North Parcel retail and offices;
5. The Zoning Commission shall require the Applicant to take measures to restrict all residents in the PUD from obtaining Residential Parking Permits, or their equivalent, for parking on neighborhood streets;
6. The Zoning Commission shall require the Applicant to provide parking space(s) for a car sharing vehicle(s) (such as Zipcar);
7. The Zoning Commission shall require the Applicant to provide thirty (30) spaces for overnight parking to the surrounding community and in addition will provide thirty (30) spaces for existing neighborhood restaurants;
8. The Zoning Commission shall require the Applicant to pay for the cost of installing a new traffic light at Wisconsin and Idaho Avenues and in addition to set aside an escrow of \$500,000 to provide for traffic calming and mitigation of problems resulting from the PUD.

9. The Zoning Commission shall require the number of bulb-outs on Newark Street to be reduced to preserve the turning lane on Newark Street at Wisconsin Avenue and to allow for the maneuvering of buses from Idaho to Newark at the bus terminal located on Newark Street, eliminating any bulb-outs that may impede bus traffic, while retaining pedestrian safety;
10. The Zoning Commission shall require that no more than 20% of the ground-level retail gross floor area of the PUD along Wisconsin Avenue, Newark Street, and Idaho Avenue shall be devoted to banks, loan offices, other financial institutions, and tax preparation establishments;
11. The Zoning Commission shall require that within the PUD, restaurants and prepared food shops, including fast food establishments, be permitted but shall occupy no more than 20% of the linear street frontage of the PUD along Wisconsin Avenue, Idaho Avenue and Newark Street, based on a representation by Applicant of approximately 1,500 total linear feet of retail frontage in the PUD;

BE IT FURTHER RESOLVED that the Chair of ANC3C or her designee is authorized to represent ANC 3C on this matter.

Attested by Anne-Marie Bairstow, Chair, on January 24, 2009



*This resolution was approved by a vote of 9-0 on January 21, 2009 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.*