

October 23, 2009

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Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 4th Street, N.W.
Second Floor
Washington, DC 20001

Re: Zoning Commission Case No. 09-14/Safeway Inc./Supplemental Filing

Dear Chairman Hood and Members of the Commission:

Our client, Safeway Inc., is pleased to submit 20 copies of this supplemental filing as required by Section 3013 of the District of Columbia Zoning Regulations. Also attached is Safeway's check in the amount of \$6,502.25 (52,018 square feet ÷ 10,000 x \$1,250) as required by Sections 3041.1 and 3041.5 of the Regulations.

This submission follows the provisions of Section 3013 of the Regulations:

Section 3013.1(a)

Safeway has revised its original site plans to include more landscaping and tree canopies on the surface parking lot. These additions have taken three additional parking spaces, so now Safeway will be providing 176 of the 185 spaces that the building requires. Also attached are a summary of testimony regarding LEED certification, a Preliminary Construction Management Plan, an Updated Landscape Narrative and a draft Public Hearing Notice.

Section 3013.1(b)

Witnesses that Safeway intends to call at the public hearing are:

Avis Black (Safeway Real Estate Manager);

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09-14
13

Anthony J. Hood, Chairman
October 23, 2009
Page 2

Steve Neibergall (Safeway Eastern Division President)
Brian O'Looney, TortiGallas & Partners (project architect);
David Crowe, Freeland & Kauffman (landscaping consultant);
Charles Garcia, Freeland & Kauffman (consultant on storm water
management and civil engineering);
Louis Slade of Gorove/Slade (transportation consultant);
Melanie Jacobson, LEED AP, Architectural Energy Corporation
(LEED consultant); and
Community Representative(s) (TBD)

Section 3013.1(c)

Attached at Exhibits A-F are summaries of the testimonies of:

the Applicant;
the project Architect;
the project Transportation Consultant;
the project Landscaping Consultant;
the project Civil Engineer; and
the project LEED Consultant

The applicant will request the Commission to recognize each of these witnesses as experts in their respective fields.

Section 3013(d)

Please refer to the supplemental documents described at Sections 3013.1(a) and (c) above.

Section 3013(e)

Reduced plans are submitted herewith.

Section 3013(f)

Maps and plans are included in the above-referenced documents.

Anthony J. Hood, Chairman
October 23, 2009
Page 3

Section 3013(g)

Safeway estimates that its presentation, exclusive of questions and answers, will be accomplished in one hour's time.

Section 3013.2

Two sets of full sized plans are submitted herewith.

Section 3013.3

Safeway Inc. is the sole owner of all property that is proposed to be rezoned in this case.

Section 3013.4

Safeway proffers to extend its existing First Source Employment Agreement with the D. C. Department of Employment Services to this store location. This agreement is in place at many of its other stores in the District of Columbia.

Safeway has proposed an Adopt-A-Park relationship with the D.C. Recreation Department. A copy of that proposal is at Exhibit H. The D.C. Department of Recreation has, in Safeway's opinion, been receptive to the proposal but, largely due to the absence of a director and in the absence of a recommendation from the local Advisory Neighborhood Commission, an agreement has not yet been formalized in writing. Safeway is hopeful that such will be accomplished prior to the public hearing.

Safeway has also proposed to landscape the WMATA property that abuts the site. A letter from WMATA is attached at Exhibit G.

Safeway has proposed to remove some of the trees on public space around the site and replace them with a landscaped design. Safeway has discussed this intention with the D.C. Department of Transportation. The officials at the D.C. Department of Transportation have said that the Department does not object to this plan.

In addition, Safeway will present written and oral evidence of the public benefits and amenities that will be proffered in this project including:

Anthony J. Hood, Chairman
October 23, 2009
Page 4

- Urban design, landscaping and preservation of open spaces
- Transportation management measures
- Employment and training opportunities
- Environmental benefits in sustainability and in storm water management

Additional public benefits are enumerated on pp. 21-38 of the Applicant's Statement in Support of this application dated August 11, 2009.

Section 3013.6(a)

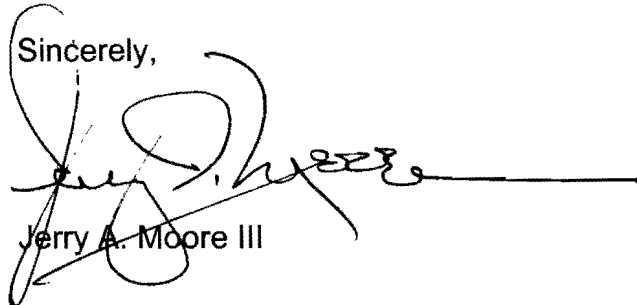
A listing of the owners of all property located within 200 feet of the subject property is attached at Exhibit I.

Section 3013.6(b)

No person has a lease with Safeway Inc. for any part of the site.

Through counsel, the applicant certifies that all of their requirements of Section 3013 have been complied with as stated above. The applicant expects to make and submit further modifications to the plan no less than 20 days prior to the public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry A. Moore III", is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Jerry A. Moore III

JAM/ljm
Enclosures

EXHIBIT A

Summary of Applicant's Presentation

Safeway Inc Testimony

Safeway is a Fortune 50 Company and has been serving the District of Columbia for 80 years. It has 16 stores in the City which will increase to 17 next year when the new Georgetown store re-opens. About five years ago, Safeway launched a new format ---the Lifestyle store---which showcases enhanced service departments, such as floral, produce, deli/food service, bakery meat and seafood, in a warm and inviting setting. The format was created to respond to the changing needs of today's customers and emphasizes high quality perishable products, including a wide range of organic and natural products.

Safeway has been converting its District stores to the Lifestyle concept, including redeveloping and building our new standard store where possible. Right now, our Georgetown store and our Waterfront store in southwest are being enlarged to Lifestyle stores. We opened a new store in City Vista at 5th & L Streets in 2008. Safeway wants to do the same thing in Tenleytown.

Safeway has been serving the Tenleytown community since 1957. The current store opened in 1981 and is 35,000 s.f. This is much smaller than the Lifestyle Safeways that we build today, which are approximately 58,000 s.f. Safeway wants to bring a Lifestyle store to Tenleytown and has developed a plan that would enable the store to have a wider variety of products and many new features, such as a Starbucks, service meat department, expanded food service department, Pizza oven, scratch bakery with a hearth oven for baking bread, gourmet cheese department and a beer and wine department. We would also have an indoor seating area, a pick up station for Bergmann's cleaners and an outside seating area. To provide all this we need our standard size store, 58,000 s.f.

The new store would increase the employment of DC residents. The current store employs 72 persons, 61% of which are DC residents. The new store would require between 125 and 150 employees. The new jobs will first be offered to DC residents under a First Source Agreement with DOES. We expect many of the new positions will be held by DC residents. Safeway does not just offer jobs but potential careers.

We have met with as many of the members of the community as we could, including all of our immediately adjacent neighbors, and their input helped make the plan more responsive to the community's needs.

EXHIBIT B

Summary of Architect's Presentation

ARCHITECTURAL QUALITIES

Safeway has a national program to reinvigorate and replace their stores with their new state-of-the-art "lifestyle" supermarkets. The applicant's goal in this PUD submission is to provide the Tenleytown community with their up-to-date, optimal store design, while improving the store's physical relationship to the community. These stores include more spacious and convenient check-out areas, larger produce departments, state of the art food preparation areas, a greater selection of prepared foods and, in general, a greater selection of grocery products to appeal to the wide variety of individual tastes of residents that live in Tenleytown. Here in Tenleytown,, the Applicant is proposing to build its current standard size store to bring the Lifestyle features to the community. The overall style of the building is "Inclusive Modern", to be in keeping with the character of buildings along Wisconsin Avenue.

Wisconsin Ave.

We expect to use the opportunity of a potential new store to make improvements to the quality of the relationship of the Safeway store to the neighborhood. Currently, the store turns its back to the half of the Tenleytown community that lives east of Wisconsin Avenue. We rectify this by creating a pedestrian-oriented entrance that strongly addresses Wisconsin Avenue, and creates an inviting choice for nearby residents to walk to this store, to do their shopping or just pick up a meal for their families.

42nd Street

On most blocks within the Tenleytown neighborhood, density segues along the cross streets from single family houses deep in the neighborhood to townhouse retail on and adjacent to Wisconsin Avenue and then finally to larger buildings on Wisconsin Avenue proper. Our building design echoes this neighborhood character by using repeated bays along 42nd street, evoking the rhythm, material character and humane scale of Wisconsin Avenue's beloved character. We've used a brick evocative of the traditional character of these townhouses, and our window proportions echo that of the best townhouses in the District of Columbia. A covered outside café seating area is to be incorporated along the urbanized street frontage of 42nd street, to create a place for residents to gather, activate the street. This café will have outside seating and tables much like that shown in the comprehensive plan.

Davenport Street

The mass of the Safeway at the corner of 42nd and Wisconsin Avenue relates to that of Georgetown Day at 42nd Street, and the cornice lines align between the buildings to unify the street frontages, both on 42nd Street and Davenport. Our facades facing Davenport, are simpler than that on 42nd St or Ellicott St, and respond to GDS's facades by utilizing flush contrasting masonry banding at a similar scale to that on GDS. Our loading court is across from GDS's loading dock on Davenport and it is screened by a brick wall and landscaping. The garage clearances will not allow trucks to pass under the store; this will keep trucks off of Ellicott St.

Ellicott Street

Along Ellicott Street, the building is set back behind a well-landscaped park which will provide open space for the immediate neighborhood. The building deliberately steps down in height as it moves westward, assuming a lower, subdued presence to harmonize with its residential neighbors by the use of a gabled roof massing and design elements. Vehicular and pedestrian entrances serve Tenleytown residents who come to the store from the north. The vehicular entrance lane from Ellicott will be adjusted to provide a more convenient perpendicular access to the lower parking level beneath the store. Its place of entry to the lower parking level allows this level to be conveniently driven like a conventional parking lot.

Transitioning to the Neighborhood

The building is tallest to the east where it faces a major arterial; but it is kept smaller in scale than other buildings along the Wisconsin Avenue corridor to reflect its relationship to the neighborhood to the west. The building also steps down as it transitions to the west, and we have given much consideration to allow sun and light to our neighbors to the west. This has been carefully analyzed using a computer-based solar study. We've also provided a 15' rear yard with evergreen planting along the egress walkway on this side of the building to provide a fantastic dense forested backdrop to our neighbor's back yards. Tightly spaced, 20' high Arborvitae trees will buffer the neighbor's view, beyond the dense planting that already exists. Our loading dock will be moved away from where it is currently located adjacent to the residences at this part of the site.

Store Access

Vehicular access will remain nearly the same as it is today; neighborhood residents can access the store either from the alley on Ellicott Street or an entrance off of Davenport Street in locations similar to where they are now. These vehicular entrances will access a covered parking lot below the store. Customers will have escalators, stairs and elevators at the north end of the building that they can use to access the main store level. Pedestrians will be provided with the new entrance at the corner with Wisconsin Avenue, as well as one within the park on Ellicott Street previously described, which will encourage pedestrian use.

Materials and Lighting

Materials for the facades and ground plane have been carefully chosen for the Tenleytown Safeway. Red brick also respects the distinction in District architecture between Civic architecture (stone, heavy masonry, some glass) and commercial buildings (traditionally red brick). Windows along 42nd street and on the Ellicott street park will bring light into the store. The articulated paving within the Ellicott Street park will be stamped concrete. The café seating and entrance pavings for pedestrians along 42nd street will also be articulated stamped concrete. Scored concrete will define vehicular roadways to the covered garage. Paving in parking lots and loading areas will be broom-finish concrete.

A high level of consideration has been given to the architectural lighting of the store. Pedestrian paths to the store in the Ellicott Street park and on 42nd street will be lit with bollards to levels appropriate for pedestrian safety. The 42nd street façade will be carefully lit to enhance the architecture in the evening. The Entrance Feature at Wisconsin Avenue will be lit with a soft glow befitting its identifier as the main building entrance. The light from within will glow like a welcoming lantern from clerestory windows at the top of this Entrance Feature toward Wisconsin Avenue. Roof overhangs will protect the dark skies and the majority of lighting will be directed downward. Full Cut-off Lighting is proposed for outside and overhead garage fixtures that will keep light from the source of these fixtures directed to shine on Safeway's property, and not on our neighbors.

EXHIBIT C

Summary of Landscape Designer's Presentation

LANDSCAPE NARRATIVE

Prepared for



*Store # 2865 (R1395)
4203 Davenport Street, NW
Washington, D.C.*

October 16, 2009

INTRODUCTION

The Safeway landscape plan addresses the green space that Safeway owns as well as adjacent public space and property owned by the Washington Metro Area Transit Authority (WMATA). Time has taken its toll on the plantings at this location. Many of the trees are unhealthy, misshapen and over-grown and there is minimal other landscaping. The purpose of this plan is to enhance the landscaping of the parcels adjacent to Safeway in a coherent design in order to create an overall sense of place. The identity of this location will be established through harmonious plantings that refresh the natural environment and support the intended uses of each parcel, whether it be a park, outside seating area, an enhanced bus stop waiting area, a buffer between uses or decorative touches surrounding the new building.

Landscaping is planned on Safeway's property in three basic areas: on Ellicott Street, where a vacant parcel will become a new park for the community, in the surface parking lot on the west side of the building, and in a setback on the west façade as a buffer to adjacent residences. Greenroof planting, consisting of water conserving plants, is planned for the southeast section of the roof over the loading / receiving area.

With City approval, landscape and hardscape amenities will be provided in public space in four areas: along 42nd Street, along the north side of Davenport Street, on the south side of Ellicott Street and in the triangular area where the bus stop is located at Wisconsin Avenue and 42nd Street.

Safeway also proposes to work with WMATA to refresh the landscaping on its parcel at 42nd Street and Ellicott Street to harmonize the plantings with Safeway's landscaping and to better screen the WMATA facility from the neighborhood.

The overall intent of the plan is to provide a combination of plantings that give year round seasonal interest through blooming times and colors, fall leaf colors, maintaining green leaves during the winter, bark colors, etc. The same plants appear in all areas in similar colors but in various arrangements to provide continuity with variety.



EXISTING LANDSCAPE CONDITIONS



Red Maple, Red Oak, and Pin Oak, Street Trees are planted along Ellicott Street, Wisconsin Avenue, 42nd Street, and Davenport Street in the vicinity of the existing Safeway Grocery Store. These Street Trees are generally 25 feet to 30 feet tall. The Red Maple Street Trees on the west side of 42nd Street are misshapen from trimming under the existing powerline.



Misshapen
Maple Trees

Existing landscaping around the WMATA chilled water building, north of the Safeway, consists of four Deodar Cedars (35 to 40 feet tall), three large Hollies, and other shrubs against the foundation of the building. There are several gaps in the landscape allowing open views to the WMATA building.



The interior Safeway site landscaping consists of 10 inch to 12 inch diameter Oak Trees (25 to 30 feet tall) planted within the parking lot islands. There are three Bradford Pear trees, and two Pines, along the western perimeter of the parking lot.



Adjacent to residential at the northwest corner, near Ellicott Street, there are two Cedar trees (25 to 30 feet tall). Moving to the south there is a gap in the landscape and then three Black Locust Trees (40 to 45 feet tall). The remainder of the existing residential screening, on Safeway property and the residential parcels, consists of Pine trees (45 to 50 feet tall). The Pine tree screening is not totally opaque as you can partially see between the trunks of the pine trees to the residences.





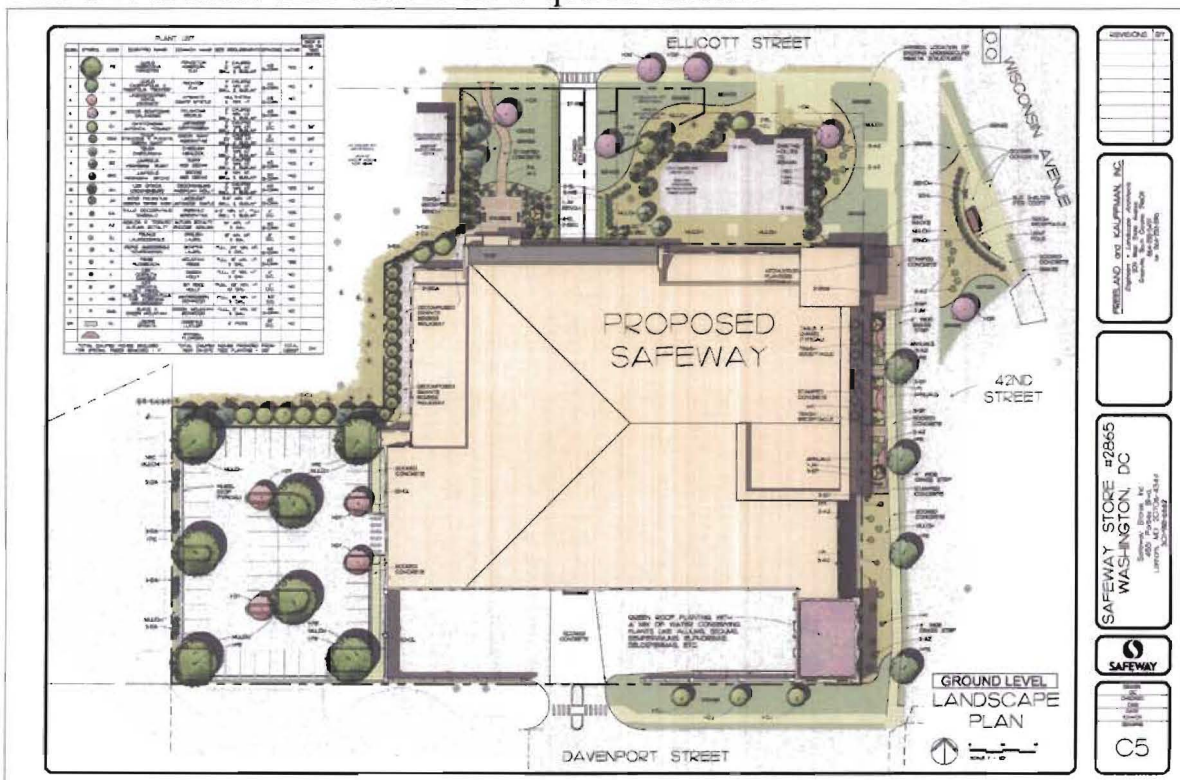
PROPOSED LANDSCAPE

A major design theme for the redevelopment is for the “Secret Safeway” to remain a neighborhood serving store while turning the store so the main entrance faces the intersection of Wisconsin Avenue, Ellicott Street, and 42nd Street. A second entrance provides a park-like pedestrian entry from Ellicott Street. Through landscape and hardscape amenities, the redevelopment of the Safeway store will provide an appropriate transition from pedestrian oriented commercial to residential.

The landscape design will compliment the Safeway building by accenting and allowing views to the main entrances. Park and Streetscape spaces, created around these entrances, not only invite the community to the store but provide outdoor places for the community’s enjoyment. A Greenroof, with involvement with Georgetown Day School, using water conserving plants, is planned over the loading / receiving area. Canopy trees and Summer flowering trees will provide shade and color to the surface parking area. Tall growing evergreen tree varieties will screen the Safeway building from the adjacent residences and better screen the WMATA chilled water facility. Low growing hedges will define spaces and frame views. New street trees, flowers, accent trees and shrubs will revive the 42nd streetscape. Plant selections are designed to provide year-round seasonal interest from Spring flowering trees and shrubs, pockets of annual flowers, bursts of color from Summer flowering trees, Fall blooming shrubs, bright Fall leaf colors,

red berries, and evergreen trees. Plant selections are repeated throughout the project to provide continuity but in different arrangements for variety.

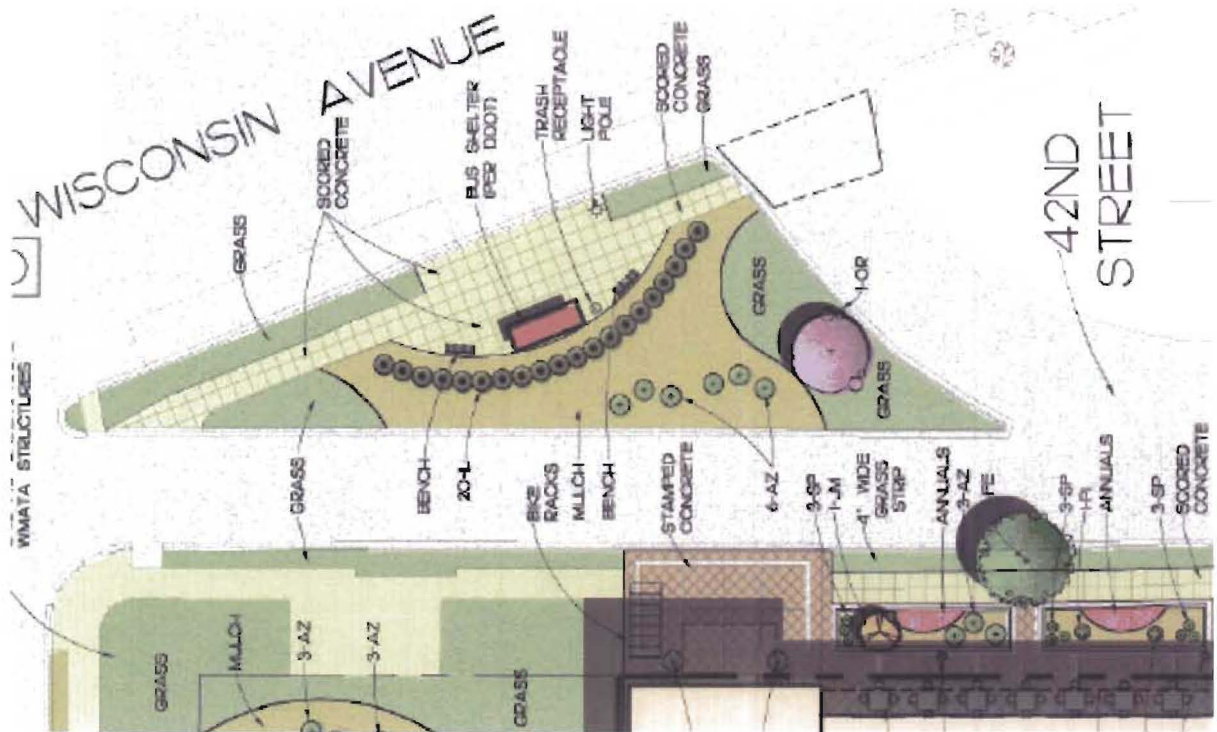
The proposed development area, including Safeway property, Public Space, and WMATA property currently has approximately 42 existing trees. 37 trees are planned to be removed to allow room for the building, create views, and replace misshapen and damaged trees. Within the same development area 81 trees are to be planted back. For every tree removed 2.2 trees will be planted. Trees that are 18 inches in diameter are designated as “Special Trees” and their removal must be approved by the DC Urban Forestry Administration. The total cumulative diameter inches for Special Trees removed must equal the total caliper inches of trees planted. This project proposes the removal of 5 designated Special Trees amounting to a total of 111 total inches. Safeway is proposing to plant 229 inches in new trees. This also is more than double the required amount.





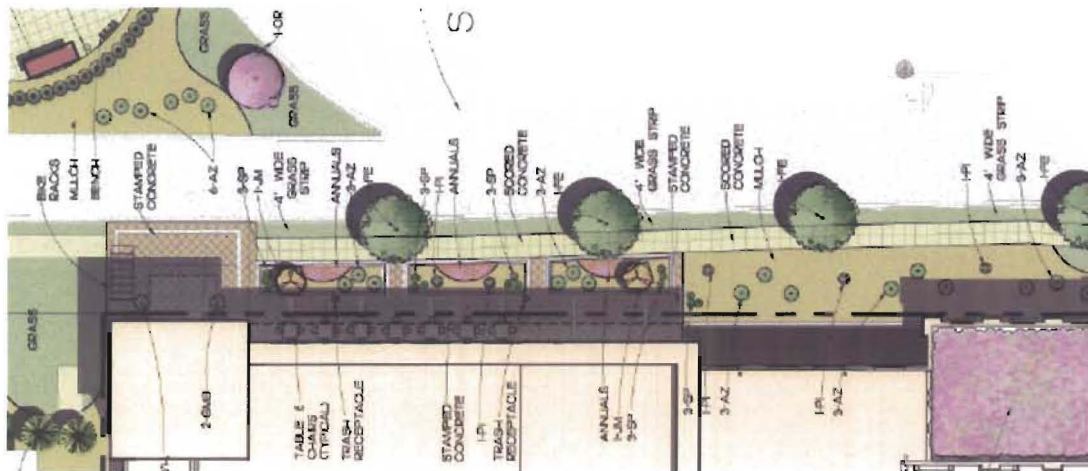
The creation of a park area in the triangular island between Wisconsin Avenue and 42nd Street in front of the proposed main entrance will include:

1. Removal of the four existing trees to allow better visibility to the main entrance of the building.
2. Benches, lighting, and an additional crescent shaped scored pavement area around a new bus shelter.
3. A Redbud tree, Encore Azaleas, Carissa Hollies, and grass. A low growing crescent shaped hedge of evergreen Carissa Hollies will provide definition to the bus stop area while framing the view of the Safeway. Encore Azaleas, which bloom in the Spring and again in Fall, are to be planted in the area between the bus stop and 42nd Street, directly across from the main entrance to Safeway. An Oklahoma Redbud Tree, offset slightly from the view to the vestibule, will provide lavender blooms in the early Spring. The Redbud will reach an ultimate size of approximately 20 to 25 feet tall and wide. The ends of the park area are to be flanked by grassed turf areas.



Streetscape improvements along 42nd Street include:

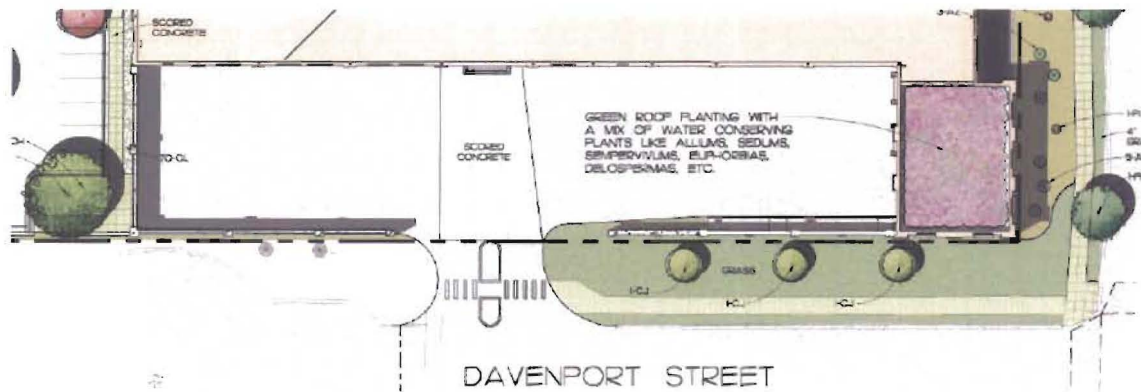
1. Removal of the misshapen Red Maple trees and replanting and re-spacing them with Frontier Elm trees that will not have to be cut back if the power line remains.
2. Stamped concrete paving accenting entrances to the building and accenting the entrances to the outdoor seating / cafe area.
3. Two large Craftsman Series decorative planters at the main entrance to the building containing Green Mountain Boxwoods.
4. Landscape plantings including annual flowers beds, seasonal interest trees and shrubs including specimen plantings such as Crimson Queen Laceleaf Japanese Maple and Sky Pencil Holly to accent entrances.



Proposed Craftsman hammered finish self watering Planters provided in front of the main entrance on 42nd Street.

Davenport Street plantings, visible from Georgetown Day School include:

1. Three evergreen Yoshino Japanese Cryptomeria Trees that will be 12 feet tall when planted, reaching a height of 15 feet within three to four years, ultimately reaching a height of 40 to 50 feet in thirty to forty years.
2. Greenroof planting over the loading dock and receiving area including a mix of water conserving plants like alliums, sedums, sempervivums, euphorbias, and delospermas with involvement with Georgetown Day School.



Yoshino
Cryptomeria

WMATA building landscape improvements include:

1. Removal of three Deodar Cedars (45 to 50 feet tall and 35 to 40 feet wide) on the east side to improve visibility to the main entrance of the new Safeway building.
2. Replanting two Burkii Red Cedar Trees and three Croonenburg American Holly Trees on the east side to screen the WMATA building but still allow visibility to the Safeway building entrance. These proposed evergreen trees will be 12 feet tall when planted, reaching a height of 15 feet in three to four years. Their ultimate height will be between 25 and 30 feet within 15 to 20 years. Their

3. Additional new plantings around the WMATA building include two more Burkii Red Cedars, nine more American Holly, two Yoshino Cryptomeria Japonica, Azaleas, English Laurel, and two Redbud trees. These plantings will be added to the existing plants around the WMATA building to provide additional screening and seasonal interest.
4. Two Oklahoma Redbud trees will be planted along Ellicott Street to fill a gap in the existing Red Maple Street Tree Plantings. The overhead powerline prevents the planting of a new Red Maple to match the existing trees.



1. Provide a decorative sidewalk (in the same location as the existing worn path through the grass) which will lead shopper's from the neighborhood to the northwest store entrance.
2. Plantings of Redbud trees, Schip Laurel, Carissa Hollies, and grass provide seasonal interest along the walk to the store and between the vehicular driveway and WMATA building.
3. A low hedge of Wintergreen Boxwoods provides visual and physical separation between the pedestrian park and the driveway.

4. One Crimson Queen Laceleaf Japanese Maple, Sky Pencil Holly, Schip Laurel, and tall but narrow growing Brodie Red Cedar Trees accent the building entrance.
5. One existing Cedar Tree, Hemlocks, and Croonenburg American Holly Trees provide screening of the residences along the western boundary of this park-like pedestrian entryway.



In response to initial comments from the DC Office of Planning, the surface parking area design has been refined by eliminating parking spaces to provide more pervious area, more green space, and more tree canopy cover.

1. Seven Princeton American Elm Trees and four Dynamite Crape Myrtle Trees will be planted in the interior islands for a total of eleven deciduous trees. This provides a ratio of 1 tree for every 4.5 spaces in the 50 space parking lot. The existing 114 space Safeway parking lot has 15 trees in and around it for a ratio of 1 tree for every 7.6 spaces. The Princeton Elms will be 12 feet tall when planted,

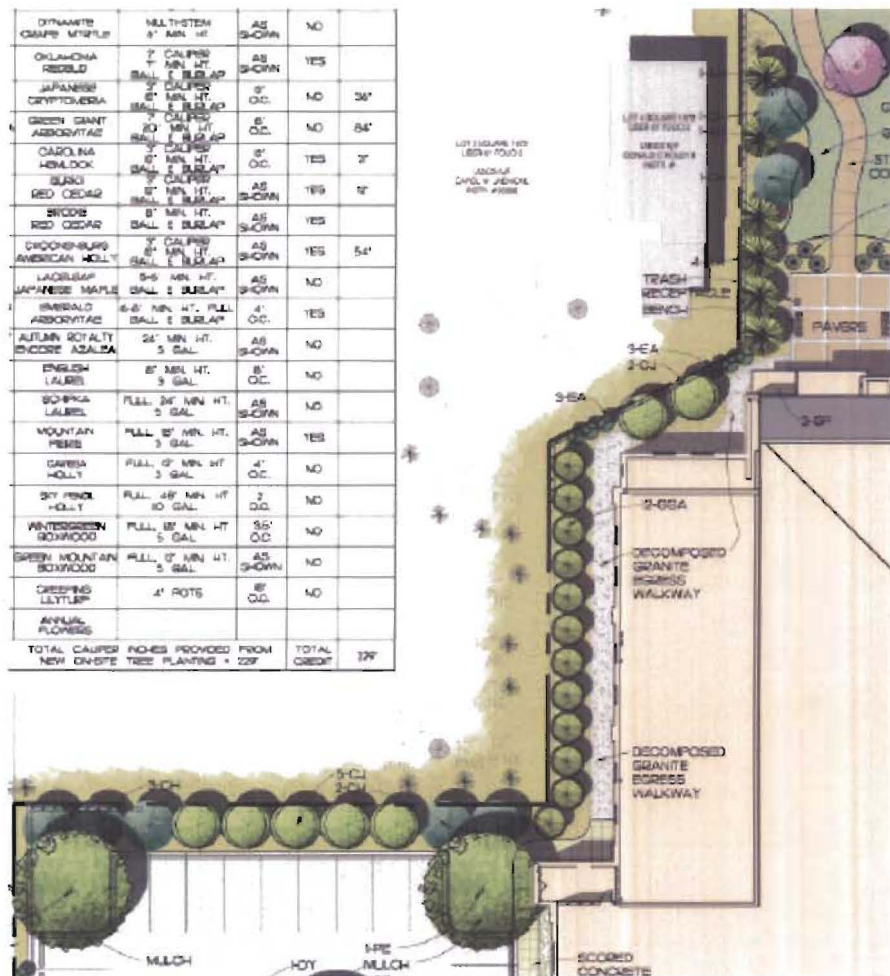
growing 40 to 50 feet tall by 30 feet wide in 20 years. Dynamite Crape Myrtle Trees will be 6 feet tall when planted, reaching a mature size of 15 to 20 feet tall by 8 to 10 feet wide.

2. Ten large growing evergreen screening trees (five Carolina Hemlocks and five Yoshino Japanese Cryptomeria) will be planted along the north curb-line of the parking area, adjacent to the residential properties. These evergreen trees will be 12 feet tall when planted, reaching an ultimate height of 30 to 50 feet.
3. Liriope Spicata (Creeping Lilyturf) border grass will be planted between the sidewalk and the building.
4. Emerald Arborvitae evergreen trees will be planted between the western property line and the parking lot, reaching a mature height of 15 to 20 feet.
5. The surface parking area design greatly exceeds the code required landscaping. The District of Columbia Municipal Regulations require landscaping to cover a minimum of 5% of the total parking area and that the parking spaces shall be screened from residential property by a solid brick or stone wall at least 42 inches tall or by evergreen hedges or evergreen growing trees that are at least 42 inches in height when planted. The parking area design provides 12% landscape area in the interior islands, not including adjacent green space. The existing wall, which is taller than 42 inches, will remain and evergreen trees, planted at a height of 12 feet tall, will be planted between the parking area and the residential properties.

Residential Buffer and Screening:

1. Carolina Hemlock, Croonenburg American Holly, and Yoshino Cryptomeria Japonica trees will be 12 feet tall when planted reaching a height of 15 feet in three to four years. Twelve Green Giant Arborvitae trees (planted between the townhomes and Safeway) will be 20 feet tall when planted reaching a height of 30 feet in four to six years. All these evergreen trees will grow together to create a continuous screen in three to five years. Their ultimate height will be between 30 and 50 feet. The average roof height of the residential buildings is approximately 30 feet.
2. Emerald Arborvitae Trees, which grow 10 to 15 feet tall, are to be planted with Cryptomeria in an area near the northwest building entrance.
3. Off-site existing Pine trees on residential properties will also continue to provide screening.

DYNAMITE GRAPES MYRTLE	MULTISTEM 8" MIN. HT.	AS SHOWN	NO	
OKLAHOMA REDBUD	7" CALIPER T. MIN. HT. BALL & BURLAP	AS SHOWN	YES	
JAPANESE CRYPTOMERIA	6" MIN. HT. BALL & BURLAP	8' O.C.	NO	36"
GREEN GIANT ARBORVITAE	20" MIN. HT. BALL & BURLAP	8' O.C.	NO	54"
CADOLINA HENDOCK	6" MIN. HT. BALL & BURLAP	8' O.C.	YES	2"
GUANO RED CEDAR	8" MIN. HT. BALL & BURLAP	AS SHOWN	YES	12"
SHODS RED CEDAR	8" MIN. HT. BALL & BURLAP	AS SHOWN	YES	
CROONENBURG AMERICAN HOLLY	7" CALIPER 8" MIN. HT. BALL & BURLAP	AS SHOWN	YES	54"
LACINIA JAPANESE MAPLE	5-6" MIN. HT. BALL & BURLAP	AS SHOWN	NO	
EMERALD ARBORVITAE	6-8" MIN. HT. FULL BALL & BURLAP	4' O.C.	YES	
AUTUMN ROYALTY SHODS AZALEA	24" MIN. HT. 5 GAL.	AS SHOWN	NO	
ENGLISH LAUREL	8" MIN. HT. 5 GAL.	8' O.C.	NO	
SPRING LAUREL	FULL 24" MIN. HT. 5 GAL.	AS SHOWN	NO	
MOUNTAIN HIBISCUS	FULL 18" MIN. HT. 5 GAL.	AS SHOWN	YES	
CARESSA HOLLY	FULL 12" MIN. HT. 5 GAL.	4' O.C.	NO	
ROYAL HOLLY	FULL 18" MIN. HT. 10 GAL.	3' O.C.	NO	
WINTERGREEN BOXWOOD	FULL 18" MIN. HT. 5 GAL.	3' O.C.	NO	
GREEN MOUNTAIN BOXWOOD	FULL 12" MIN. HT. 5 GAL.	AS SHOWN	NO	
CREeping LILY	4' ROTS	8' O.C.	NO	
ANNUAL FLOWERS				
TOTAL CALIPER INCHES PROVIDED FROM NEW ON-SITE TREE PLANTING = 228"			TOTAL CREDIT	178"



The proposed landscape, made up of the following, is designed to provide year-round seasonal interest that flows through all areas:

Spring

Oklahoma Redbud	Lavender – flowers
Encore Azalea	Pink, Red, White, Orange flowers
Schip and English Laurel	White flowers
Mountain Pieris	White flowers
Crimson Queen Japanese Maple	Red new leaf color

Summer

Dynamite Crape Myrtle	Bright Red flowers
Liriope Spicata (Creeping Lilyturf)	Pale Pink flowers
Crimson Queen Japanese Maple	Purplish Red Summer leaf color
Annual Flower Beds	Miscellaneous Colors

Fall

Encore Azalea	Pink, Red, White, Orange flowers
Frontier Elm	Red Fall leaf color
Crimson Queen Japanese Maple	Crimson Red Fall leaf color
Oklahoma Redbud	Reddish Purple – Orange Fall color
Dynamite Crape Myrtle	Orange – Red Fall leaf color
Princeton American Elm	Yellow Fall leaf color

Winter

Croonenburg American Holly	Red berries, Evergreen
Dynamite Crape Myrtle	Creamy attractive bark
Green Giant Arborvitae	Evergreen
Yoshino Japanese Cryptomeria	Evergreen
Carolina Hemlock	Evergreen
Burkii Red Cedar	Evergreen
Brodie Red Cedar	Evergreen
Emerald Arborvitae	Evergreen
Carissa Holly	Evergreen
Sky Pencil Holly	Evergreen
Mountain Pieris	Evergreen
Laurels	Evergreen
Wintergreen Boxwood	Evergreen
Green Mountain Boxwood	Evergreen

EXHIBIT D

Summary of LEED Consultant's Presentation



CORPORATE

2540 Frontier Avenue, Suite 201
Boulder, Colorado 80301 USA
P: 303.444.4149 | info@archenergy.com

SAN FRANCISCO

142 Minna Street
San Francisco, California 94105
P: 415.957.1977

NASHVILLE

303 Bridge Street
Franklin, Tennessee 37064
P: 615.599.5368

CHICAGO

955 North Lively Boulevard
Wood Dale, Illinois 60191
P: 630.860.1439

MEMORANDUM

TO: Avis Black, Safeway, Inc.
FROM: Melanie Jacobson, Architectural Energy Corporation
DATE: 10/22/2009

SUBJECT: LEED Summary for Safeway Store #2865 Testimony

Safeway, Inc. is committed to achieving sustainable design goals in their building portfolio. Since 2006, Architectural Energy Corporation has worked with the Safeway, Inc. Design & Construction Department to develop the internal Sustainable Building and LEED Certification Program. Safeway Store #2865 is the sixth store to participate in the program. Sustainable design solutions have been adopted at the corporate level and fine-tuned for the regional and climate conditions of the store site. The project is pursuing LEED Certification under the LEED-Retail New Construction 2009 Rating System. Currently, the store is pursuing fifty-five points with the goal of achieving LEED-Silver Certification.

As part of the LEED Certification effort, Safeway, Inc. has incorporated green requirements into the prototype specifications for all new stores. Therefore, each new store will incorporate responsible site development practices, water-saving fixtures, energy-saving building strategies, efficient material selection, and low-toxic building materials. Based on industry research, there is a strong business case for green building. As a result, a number of green strategies and sustainable building products have been explored for application.

Safeway, Inc. Corporate Design & Construction has studied the performance and life-cycle costs associated with both a green roof application and a cool roof application for a prototypical store. The environmental benefits pertaining to energy efficiency (heat gain and insulation), the heat-island effect, and stormwater runoff were studied. Using computer simulated energy modeling software, called DOE 2.2R, the performance of both materials were analyzed compared to the national energy standard, ASHRAE 90.1. The studies concluded that it is equally efficient yet economically advantageous to apply a combination of design solutions to achieve the same environmental performance over applying the green roof solution alone.

Several design strategies have been included in the site design as a response to stormwater runoff and the heat island effect. The amount of landscaping has increased and a retention system has been designed to address stormwater. The presence of pervious concrete allows water to infiltrate into the ground. As an alternative to asphalt, the light-colored parking pavement has reflective characteristics that reflect the sun and reduce the heat island effect. In addition, the tree canopy has been increased which provides additional shading for reduced heat emitted from the asphalt.

As part of a larger effort that involves several corporate departments, Safeway, Inc. has developed a broader lifestyle theme that promotes sustainability and staying healthy. Safeway-brand organic products line has been launched to promote natural foods with fewer processed ingredients. Both a sustainability messaging feature and an education center will be fixed within the store. The education center will be an interactive informational monitor displaying information on design features, green cleaning, energy operations and local green programs, such as nearby public transportation. As a separate display, the sustainability messaging feature will be a visual attraction to educate customers on broad sustainable concepts such as saving water, green energy, materials and health.

EXHIBIT E

Summary of Civil Engineer's Presentation

Storm Water Management

The site is in an MS4 area and the management of stormwater quantity and quality will be provided for the redevelopment of this site. The existing site does not contain any stormwater control measures and simply discharges untreated and uncontrolled runoff to the storm drain system. For purposes of this development, the baseline for determining pre-development flow will assume a vacant property with vegetative ground cover.

The City requires that we control the runoff from the 2-year and 15-year storm event to pre-development rates. For our project, stormwater quantity control will be accomplished using the City's volume control method as this is a more conservative approach. This will significantly reduce the rate of flow from the site from all storm events of a 25-year frequency and less. (e.g. 2-year, 15-year, etc...) The rate of runoff from the mandated 2-year and 15-year storm events will be reduced to levels far below the requirements of the regulations providing relief to downstream pipe systems. Any larger storm events will pass safely through the underground system and directly to the existing storm drain system without any additional overland flow being introduced onto adjacent properties.

Infiltration has been neglected in the calculations for this project, but it is important to note that the bottom of the underground detention system is gravel and will allow infiltration of the surface runoff on site. Though this is not accounted for in the calculations, any amount of infiltration will allow for an even further reduction in the amount of runoff from the site.

In addition to the green roof system to be installed on a portion of the Safeway structure, stormwater quality control will be accommodated through the use of a Bayfilter system. The Bayfilter system has been field tested for removal of various pollutants and the efficiencies are noted below:

- Zinc - 47%
- Copper - 47%
- Total Nitrogen - 47.8%
- Total Phosphorous - 55.4%
- Suspended Sediment Concentrations - 85.4%
- Total Suspended Solids - 84.4%

The above numbers show that all of the City's requirements are exceeded through the use of this system.

The underground stormwater system will be located outside of the footprint of the principal structure in the area of the surface parking lot at the southwest corner of the site. All runoff from the roof of the building will be piped directly underground and tied into the system in order to avoid overland flow conditions. All of the stormwater runoff from storms of 25-year frequency or less which fall on the roof and loading area of the structure will pass through the Bayfilter

device, thus assuring that it is treated prior to leaving the site. The City requires the first 0.5 inch of runoff be treated for stormwater quality, and our project will treat 100% of the stormwater from the roof and loading area. The only stormwater that will leave the site untreated would be parking lot runoff from a larger storm event that would result in bypass of the treatment device. Even in this case, however, the first 0.5 inch of runoff from the parking area is treated as required by the City.

Charles A. Garcia, PE, LEED® AP
Freeland & Kauffman, Inc.
209 West Stone Avenue
Greenville, SC 29609
Tel: (864) 672-3430
Fax: (864) 233-8915

EXHIBIT F

Summary of Transportation Consultant's Presentation



TRANSPORTATION TESTIMONY

In support of this project, our firm has worked with the Safeway development team to develop an effective pedestrian and vehicular access and circulation system, maximize the opportunities relative to the public transit that serves the site, address traffic impacts related to the proposed plan, and prepare a Transportation Management Plan to manage on-site operations and promote alternative transportation modes to and from the store.

This store has been in operation since 1957 and has established a strong customer base from the local community that frequents the store on a regular basis. The broader range of goods and services that the new store will provide will enable neighborhood shoppers to satisfy their needs with one trip to the one Safeway store reducing the need for multiple trips to other stores and reducing vehicle miles of travel.

The proposed vehicular access system of the new store is in keeping with DDOT's driveway design guidelines with vehicular access proposed on Davenport Street and on the existing alley off of Davenport Street. The existing curb cut on 42nd Street is proposed to be removed to facilitate pedestrian circulation along 42nd Street. The truck loading for the store is located on the south side of the building away from the Davenport Street residential neighbors. Trucks accessing the loading dock will only be able to access the loading dock to and from Davenport Street. The design of the new store provides measures to ensure efficient and safe vehicle and pedestrian access, circulation, parking and truck loading facilities.

Based on the intersection capacity analysis performed for the area intersections for existing, future background, and total future traffic conditions, the study area intersections operate and will continue to operate at very good levels of service A and B during the weekday morning and afternoon peak hours. The single exception to this is the 42nd Street Spur, which currently operates and is projected to operate at LOS D with the proposed store redevelopment.

The proposed parking supply is more than adequate to serve the projected store parking demand. Parking will be adequate to serve all Safeway shoppers to ensure that there will be no parking encroachment off-site. The proposed parking supply is slightly below the current zoning requirement, but is geared to ensure that excessive parking does not attract unnecessary vehicle trips.

In accordance with DDOT requirements, the Applicant proposes the implementation of a Transportation Management Plan (TMP) to reduce single-occupant auto peak hour and daily trips by employees and patrons. The TMP would include measures to encourage use of alternative travel modes including transit, rideshare, bicycle and walk. Based on our findings, the proposed development is not projected to have adverse traffic and parking impacts on the surrounding community.

EXHIBIT G

Letter from Washington Metropolitan Area Transit Authority



October 14, 2009

Ms. Avis E. Black
Area Real Estate Manager
Safeway, Inc.
4551 Forbes Blvd
Lanham, MD 20706

RE: Safeway at Tenleytown
PCN 250926

Dear Ms. Black:

This letter is WMATA's confirmation of its acceptance of the proposed redevelopment project of the Safeway property at NW, Washington, DC, subject to detailed review of the project's civil and landscaping plans. Within WMATA property, the project includes the removal of the existing mature trees, the planting and maintenance of new landscaping, and the replacement of the existing retaining wall that runs parallel to the WMATA south property line. Within the WMATA property is a WMATA above-ground chiller plant, its driveway, electrical power cabinet, and an underground vent shaft with its surface grates and with emergency stairway and its surface hatchways. As discussed with you, WMATA and Safeway will enter into an agreement for Safeway maintenance of the new landscaping.

If you have any questions, or require additional information, please contact me at 301-618-1016.

Sincerely,

John M. Dittmeier
Manager, Adjacent Construction

cc: JDAC – R. Dhru
SAAM – M. Meister

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, DC 20001
202/962-1234

By Metrorail:
Farrington Station—Red Line
Farrington Station—Blue Line
Farrington Station—Green and
Yellow Lines
By Metrobus:
Routes D1, D3, D6, P6,
70, 71, 80, X2

Washington, District of Columbia,
Maryland and Virginia
Transit Partnership

EXHIBIT H

Adopt-A-Park Partnership Proposal

Adopt-a-Park Partnership Proposal

Prepared for



Store # 2865 (R1395)
4203 Davenport Street, NW
Washington, D.C.

October 22, 2009

Prepared by
FREELAND & KAUFFMAN, INC
Engineers-Landscape Architects
209 West Stone Avenue
Greenville, South Carolina 29609
864-672-3411
FAX 864-233-8915
email: kkauffman@fk-inc.com

Adopt-a-Park Partnership Proposal

The District of Columbia has a triangular park located in Northwest Washington at the intersection of Wisconsin Avenue and Ellicott Street. The triangle is formed by Wisconsin Avenue, 42nd Street and a spur from 42nd Street to Wisconsin Avenue. Safeway Inc. has filed an application for a Planned Unit Development to enable it to redevelop its existing Tenleytown Safeway grocery store, located at 4203 Davenport Street, NW. The new store would have its primary entrance on 42nd Street, facing Wisconsin Avenue. Safeway would like to improve and enhance the triangular park at Wisconsin Avenue and Ellicott Street, NW as a part of its overall landscape plan provided in that PUD application. This triangular shaped grassy area is currently used as a bus stop waiting area with a shelter. The area will continue to be used for waiting on the bus but would be re-landscaped to provide a pleasing open space area that blends and complements the other landscape and hardscape areas surrounding the new store.

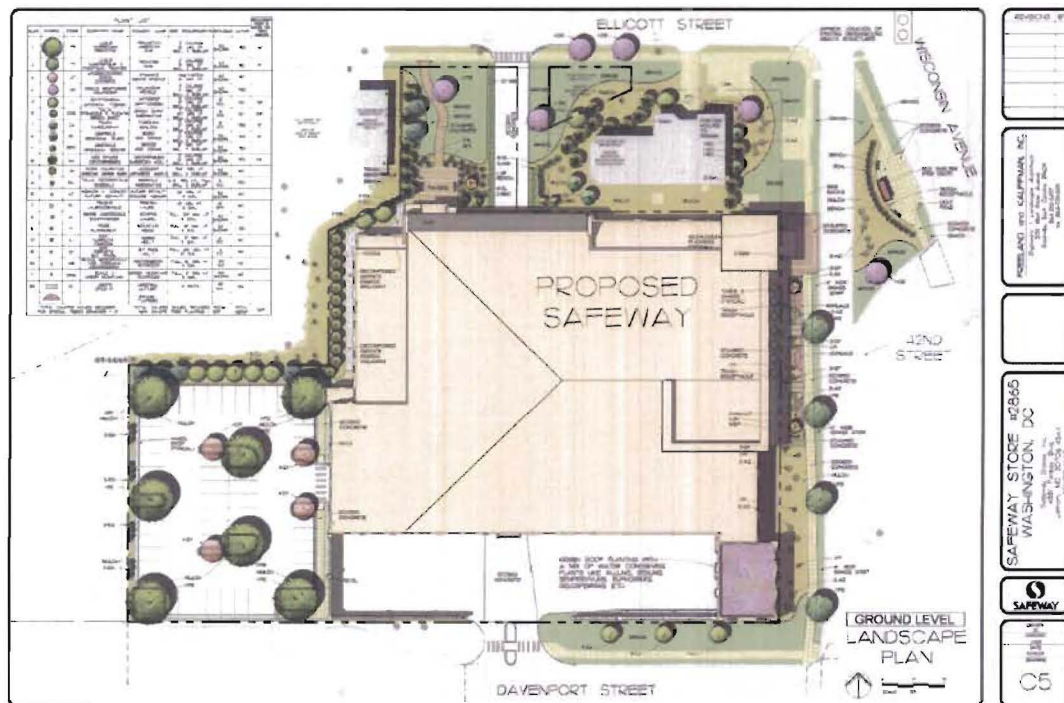




Rendering of the Triangle Park area in front of the Safeway

Overall Safeway Plan

The landscaping of the Triangle Park would be a component of the overall Safeway landscape plan. Time has taken its toll on the plantings at this location. Many of the trees are unhealthy, misshapen and over-grown and there is minimal other landscaping. With this redevelopment the landscaping of the parcels adjacent to Safeway would be enhanced in a coherent design in order to create an overall sense of place. The identity of this location will be established through harmonious plantings that refresh the natural environment and support the intended uses of each parcel, whether it is a park, outside seating area, an enhanced bus stop waiting area, or a buffer between uses or decorative touches surrounding the new building. The overall plan, including Safeway property, Public Space, and WMATA property currently has approximately 42 existing trees. 37 trees are planned to be removed to allow room for the building, create views, and replace misshapen and damaged trees. Within the same development area 81 trees are to be planted back.

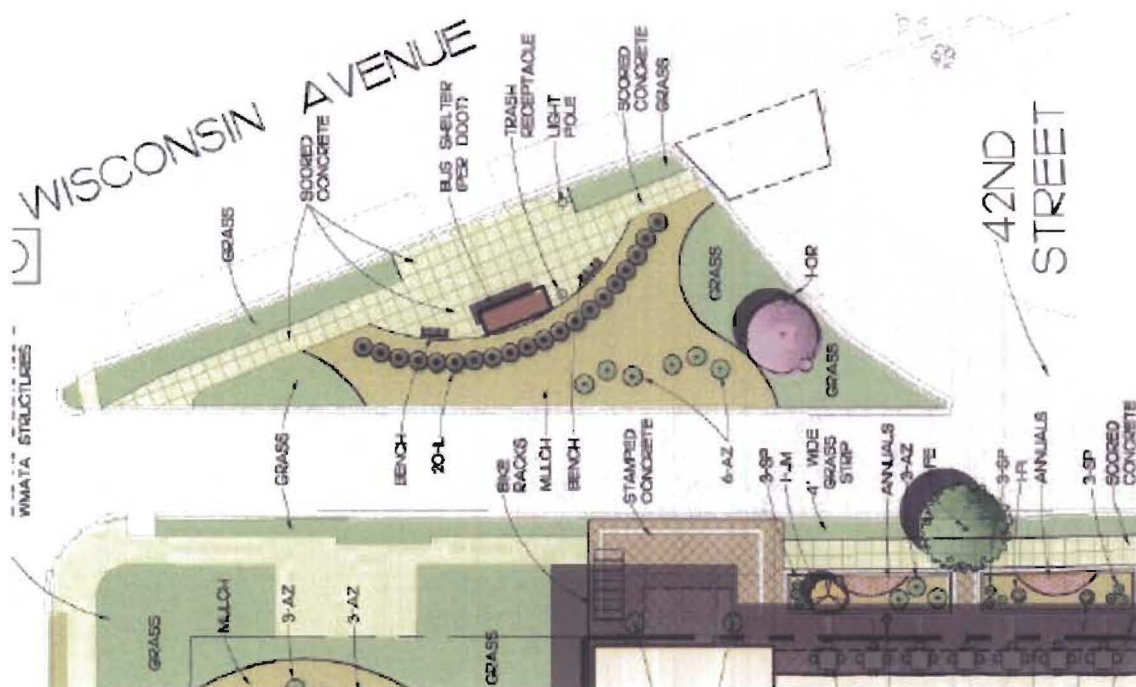


Overall Safeway Landscape Plan including the Triangle Park

Triangular Park Re-landscaping

Planned improvements to the triangle park area include the following:

1. The existing trees are misshapen from trimming them away from the utility lines. Therefore the plans call for replacement of the four existing trees to avoid continued conflicts with the existing overhead utility lines and to allow visibility to the proposed 42nd Street tree-lined streetscape.
2. A Redbud tree, Encore Azaleas, Carissa Hollies, and grass. A low growing crescent shaped hedge of evergreen Carissa Hollies will provide definition to the bus stop area while framing the view of the Safeway. Encore Azaleas, which bloom in the Spring and again in Fall, are to be planted in the area between the bus stop and 42nd Street, directly across from the main entrance to Safeway. An Oklahoma Redbud Tree, offset slightly from the view to the vestibule, will provide lavender blooms in the early Spring. The Redbud will reach an ultimate size of approximately 20 to 25 feet tall and wide. The ends of the park area are to be flanked by grassed turf areas.
3. Benches, lighting, and an additional crescent shaped scored pavement area around a new bus shelter.



Plan of improvements to the Triangle Park in front of the Safeway

Other Components to the Safeway Landscape Plan:

Safeway-owned green space.

Landscaping is planned on Safeway's property in three basic areas: on Ellicott Street, where a vacant parcel will be preserved as open space and become a new park for the community, in the surface parking lot on the west side of the building, that will contain large growing shade trees, and in a setback on the west façade that will enhance an existing wall and contain new large growing evergreen trees as a buffer to adjacent residences. Green roof planting, consisting of water conserving plants, is planned for the southeast section of the roof over the loading / receiving area.

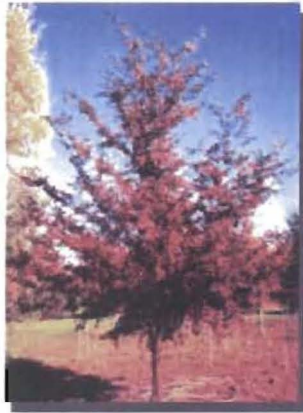
Public Space along 42nd Street, Ellicott Street and Davenport Street.

With City approval, landscape and hardscape amenities will be provided in public space in four areas: along 42nd Street, along the north side of Davenport Street, and on the south side of Ellicott Street. These proposed improvements will not only invite the community to the store but also provide and preserve outdoor places for the community's enjoyment.

WMATA Facility at 42nd and Ellicott Streets.

Safeway also proposes to work with WMATA to refresh the landscaping on its parcel at 42nd Street and Ellicott Street to harmonize the plantings with Safeway's landscaping and to better screen the WMATA facility from the neighborhood.

Landscape Plants selected for the Triangle Park and Safeway Landscape



Frontier Elm



Princeton Elm



Cronenberg American Holly



Carolina Hemlock



Encore Azalea



Crimson Queen Japanese Maple



Japanese Cryptomeria



Burkii Red Cedar



Emerald Arborvitae



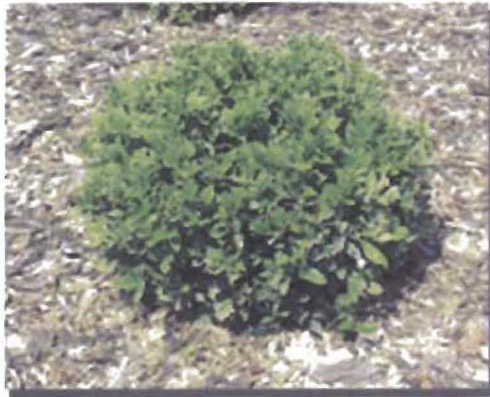
Oklahoma Redbud



English Laurel



Dynamite Crape Myrtle



Carissa Holly



Sky Pencil Holly



Schip Laurel



Creeping Lilyturf



Wintergreen Boxwood



Brodia Red Cedar



Mountain Pieris



Green Mountain Boxwood



Green Giant Arborvitae

Adopt-a-Park Maintenance Agreement

Turf grass will be cut on a weekly basis April through September and bi-weekly or as needed throughout the remainder of the year.

All walkways will be blown clean when the grass is mowed.

Weeds shall be controlled in all areas, including turf areas, shrub beds, and paved areas.

All areas will be policed for weeds on a weekly basis April through September and bi-weekly or as needed throughout the remainder of the year.

All areas will be policed and litter/debris picked up once a week.

Leaves will be monitored September through March.

Trees and shrubs shall be fertilized where there are signs of nutritional deficiencies or there is a desire for additional growth.

Turf grass areas shall be fertilized at least twice a year in the Spring and Fall with a professional slow release granular turf fertilizer according to the manufacturer's recommendations.

Pruning of shrubs shall be provided as necessary to promote structural strength and accentuate the plant's natural forms and features. Hedging and shearing of plants will be done where called for by design and space limitations.

All trees will receive annual pruning as needed, including pruning for pedestrian clearance, structural clearance, and for immediate safety issues (such as removal of broken limbs).

Plants that are dead or in a state of decline will be replaced with plants of the same species and variety and meeting accepted nursery standards.

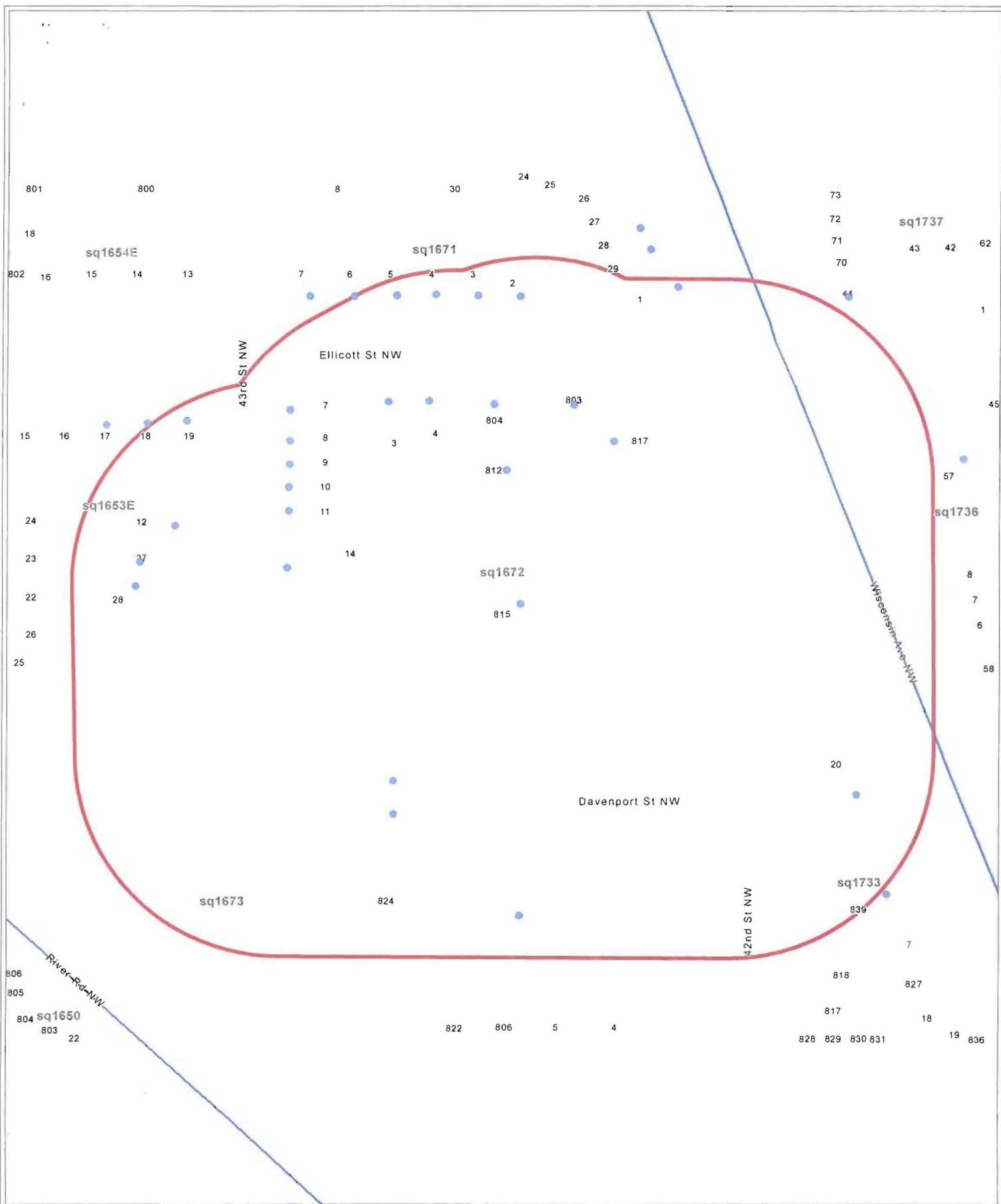
The Community Liaison for the Triangle Park will be Ms. Avis Black, Area Real Estate Manager with Safeway's Eastern Division.

Avis E. Black
Area Real Estate Manager
Eastern Division

Safeway Inc.
4551 Forbes Boulevard
Lanham, MD 20706
Direct - (301) 918-6662
Fax (301) 918-8937
avis.black@safeway.com

EXHIBIT I

List of Property Owners within 200 feet of site



Square 1672 Lot 0815

- Property Lines
- 200 Foot Radius

*** Office of Tax and Revenue
OTR Real Property Assessment Division
GIS Geographic Information Systems



IMPERIAL INVSTMT (GROSVENOR) LTD
4800 WISCONSIN AVE NW
WASHINGTON, DC 20016-4612

MARTENS PROPERTIES LTD
4800 WISCONSIN AVE NW
WASHINGTON, DC 20016-4612

DONOVAN PROPERTY LLC
1134 HALESWORTH DR
ROCKVILLE, MD 20854-6180

4903 WISCONSIN ASSOCIATES LLC C/O
C/O SUITE 200
1111 14TH ST NW
WASHINGTON, DC 20005-5603

NICHOLAS J PATTAKOS
4820 43RD ST NW
WASHINGTON, DC 20016-4019

DAVID S MARTIN
4308 ELLICOTT ST NW
WASHINGTON, DC 20016-4029

SAMUEL H LEWIS
4304 ELLICOTT ST NW
WASHINGTON, DC 20016-4029

SERVATIUS DOROTHY M
4830 43RD ST NW
WASHINGTON, DC 20016-4019

CHRISTIAN P YODER
4818 43RD ST NW
WASHINGTON, DC 20016-4019

RONALD P COLLINS
4816 43RD ST NW
WASHINGTON, DC 20016-4019

DAG LAND HOLDING COMPANIES LLC
6820B COMMERCE ST
SPRINGFIELD, VA 22150-2601

KEVIN J O'NEIL
4207 ELLICOTT ST NW
WASHINGTON, DC 20016-4026

STEPHEN W BUCK C/O C/O TAYLOR
REAL ESTATE
5506 CONNECTICUT AVE NW STE 27
WASHINGTON, DC 20015-2600

WILLIAM A CHEDESER
4211 ELLICOTT ST NW
WASHINGTON, DC 20016-4026

ROBERT C EWALD
4213 ELLICOTT ST NW
WASHINGTON, DC 20016-4026

LEONARD CHURCH
4215 ELLICOTT ST NW
WASHINGTON, DC 20016-4026

CAROL E CUMMINS
4901 43RD ST NW
WASHINGTON, DC 20016-4020

4904 WISCONSIN AVE, LLC C/O STE 500
4401 E WEST HWY
BETHESDA, MD 20814-4523

DAG LAND HOLDING COMPANIES LLC
6820B COMMERCIAL DR
SPRINGFIELD, VA 22151-4201

CAROL JAENICKE
4226 ELLICOTT ST NW
WASHINGTON, DC 20016-4027

DONALD C REILEY II
4228 ELLICOTT ST NW
WASHINGTON, DC 20016-4027

JOHN F BERCHERT
4825 43RD ST NW
WASHINGTON, DC 20016-4064

LEE MACVAUGH
4823 43RD ST NW
WASHINGTON, DC 20016-4064

ADAM J RUBINSON
4821 43RD ST NW
WASHINGTON, DC 20016-4064

WILBUR C HADDEN
4819 43RD ST NW
WASHINGTON, DC 20016-4064

JONATHAN A SMITH
4817 43RD ST NW
WASHINGTON, DC 20016-4064

EUGENE J GALLAGHER
4815 43RD ST NW
WASHINGTON, DC 20016-4064

SAFEWAY STORES INC #1395 C/O C/O
CPTS
1371 OAKLAND BLVD STE 200
WALNUT CREEK, CA 94596-8408

SAFEWAY INC
4551 FORBES BLVD
LANHAM, MD 20706-4325

SAFEWAY INC
4551 FORBES BLVD
LANHAM, MD 20706-4325

SAFeway INC
4551 FORBES BLVD
LANHAM, MD 20706-4325

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY (WMATA)
600 5TH ST NW
WASHINGTON, DC 20001-2610

GEORGETOWN DAY SCHOOL INC C/O
PETER BRANCH
4530 MACARTHUR BLVD NW
WASHINGTON, DC 20007-4202

Square Suffix and Lot: 1733 0020 * Lot Address: 4800 - 4810 WISCONSIN AV NW
Owner: IMPERIAL INVSTMT (GROSVENOR) LTD * Owner's Address: 4800 WISCONSIN AVE NW WASHINGTON, DC 20016-4612

Square Suffix and Lot: 1733 0839 * Lot Address: NW
Owner: MARTENS PROPERTIES LTD * Owner's Address: 4800 WISCONSIN AVE NW WASHINGTON, DC 20016-4612

Square Suffix and Lot: 1736 0057 * Lot Address: 4849 WISCONSIN AV
Owner: DONOVAN PROPERTY LLC * Owner's Address: 1134 HALESWORTH DR ROCKVILLE, MD 20854-6180

Square Suffix and Lot: 1737 0044 * Lot Address: 4901 WISCONSIN AV NW
Owner: 4903 WISCONSIN ASSOCIATES LLC C/O C/O SUITE 200 * Owner's Address: 1111 14TH ST NW WASHINGTON, DC 20005-5603

Square Suffix and Lot: 1653E 0012 * Lot Address: 4820 43RD ST NW
Owner: NICHOLAS J PATTAKOS * Owner's Address: 4820 43RD ST NW WASHINGTON, DC 20016-4019

Square Suffix and Lot: 1653E 0017 * Lot Address: 4308 ELLICOTT ST NW
Owner: DAVID S MARTIN * Owner's Address: 4308 ELLICOTT ST NW WASHINGTON, DC 20016-4029

Square Suffix and Lot: 1653E 0018 * Lot Address: 4304 ELLICOTT ST NW
Owner: SAMUEL H LEWIS * Owner's Address: 4304 ELLICOTT ST NW WASHINGTON, DC 20016-4029

Square Suffix and Lot: 1653E 0019 * Lot Address: 4830 43RD ST NW
Owner: SERVATIUS DOROTHY M * Owner's Address: 4830 43RD ST NW WASHINGTON, DC 20016-4019

Square Suffix and Lot: 1653E 0027 * Lot Address: 4818 43RD ST NW
Owner: CHRISTIAN P YODER * Owner's Address: 4818 43RD ST NW WASHINGTON, DC 20016-4019

Square Suffix and Lot: 1653E 0028 * Lot Address: 4816 43RD ST NW
Owner: RONALD P COLLINS * Owner's Address: 4816 43RD ST NW WASHINGTON, DC 20016-4019

Square Suffix and Lot: 1671 0001 * Lot Address: 4900 WISCONSIN AV NW
Owner: DAG LAND HOLDING COMPANIES LLC * Owner's Address: 6820B COMMERCE ST SPRINGFIELD, VA 22150-2601

Square Suffix and Lot: 1671 0002 * Lot Address: 4207 ELLICOTT ST NW
Owner: KEVIN J O'NEIL * Owner's Address: 4207 ELLICOTT ST NW WASHINGTON, DC 20016-4026

Square Suffix and Lot: 1671 0003 * Lot Address: 4209 ELLICOTT ST NW
Owner: STEPHEN W BUCK C/O C/O TAYLOR REAL ESTATE * Owner's Address: 5506 CONNECTICUT AVE NW STE 27 WASHINGTON, DC 20015-2600

Square Suffix and Lot: 1671 0004 * Lot Address: 4211 ELLICOTT ST NW
Owner: WILLIAM A CHEDESER * Owner's Address: 4211 ELLICOTT ST NW WASHINGTON, DC 20016-4026

Square Suffix and Lot: 1671 0005 * Lot Address: 4213 ELLICOTT ST NW
Owner: ROBERT C EWALD * Owner's Address: 4213 ELLICOTT ST NW WASHINGTON, DC 20016-4026

Square Suffix and Lot: 1671 0006 * Lot Address: 4215 ELLICOTT ST NW
Owner: LEONARD CHURCH * Owner's Address: 4215 ELLICOTT ST NW WASHINGTON, DC 20016-4026

Square Suffix and Lot: 1671 0007 * Lot Address: 4901 43RD ST NW
Owner: CAROL E CUMMINS * Owner's Address: 4901 43RD ST NW WASHINGTON, DC 20016-4020

Square Suffix and Lot: 1671 0028 * Lot Address: 4904 WISCONSIN AV NW
Owner: 4904 WISCONSIN AVE, LLC C/O STE 500 * Owner's Address: 4401 E WEST HWY BETHESDA, MD 20814-4523

Square Suffix and Lot: 1671 0029 * Lot Address: NW
Owner: DAG LAND HOLDING COMPANIES LLC * Owner's Address: 6820B COMMERCIAL DR SPRINGFIELD, VA 22151-4201

Square Suffix and Lot: 1672 0003 * Lot Address: 4226 ELLICOTT ST NW
Owner: CAROL JAENICKE * Owner's Address: 4226 ELLICOTT ST NW WASHINGTON, DC 20016-4027

Square Suffix and Lot: 1672 0004 * Lot Address: 4228 ELLICOTT ST NW
Owner: DONALD C REILEY II * Owner's Address: 4228 ELLICOTT ST NW WASHINGTON, DC 20016-4027

Square Suffix and Lot: 1672 0007 * Lot Address: 4825 43RD ST NW
Owner: JOHN F BERCHERT * Owner's Address: 4825 43RD ST NW WASHINGTON, DC 20016-4064

Square Suffix and Lot: 1672 0008 * Lot Address: 4823 43RD ST NW
Owner: LEE MACVAUGH * Owner's Address: 4823 43RD ST NW WASHINGTON, DC 20016-4064

Square Suffix and Lot: 1672 0009 * Lot Address: 4821 43RD ST NW
Owner: ADAM J RUBINSON * Owner's Address: 4821 43RD ST NW WASHINGTON, DC 20016-4064

Square Suffix and Lot: 1672 0010 * Lot Address: 4819 43RD ST NW
Owner: WILBUR C HADDEN * Owner's Address: 4819 43RD ST NW WASHINGTON, DC 20016-4064

Square Suffix and Lot: 1672 0011 * Lot Address: 4817 43RD ST NW
Owner: JONATHAN A SMITH * Owner's Address: 4817 43RD ST NW WASHINGTON, DC 20016-4064

Square Suffix and Lot: 1672 0014 * Lot Address: 4815 43RD ST NW
Owner: EUGENE J GALLAGHER * Owner's Address: 4815 43RD ST NW WASHINGTON, DC 20016-4064

Square Suffix and Lot: 1672 0803 * Lot Address: 4203 DAVENPORT ST
Owner: SAFEWAY STORES INC #1395 C/O C/O CPTS * Owner's Address: 1371 OAKLAND BLVD STE 200
WALNUT CREEK, CA 94596-8408

Square Suffix and Lot: 1672 0804 * Lot Address: ELLICOTT ST NW
Owner: SAFEWAY INC * Owner's Address: 4551 FORBES BLVD LANHAM, MD 20706-4325

Square Suffix and Lot: 1672 0812 * Lot Address: DAVENPORT ST NW
Owner: SAFEWAY INC * Owner's Address: 4551 FORBES BLVD LANHAM, MD 20706-4325

Square Suffix and Lot: 1672 0815 * Lot Address: 4203 DAVENPORT ST
Owner: SAFEWAY INC * Owner's Address: 4551 FORBES BLVD LANHAM, MD 20706-4325

Square Suffix and Lot: 1672 0817 * Lot Address: 4852 42ND ST NW
Owner: WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) * Owner's Address: 600 5TH ST
NW WASHINGTON, DC 20001-2610

Square Suffix and Lot: 1673 0824 * Lot Address: 4200 DAVENPORT ST
Owner: GEORGETOWN DAY SCHOOL INC C/O PETER BRANCH * Owner's Address: 4530 MACARTHUR BLVD NW
WASHINGTON, DC 20007-4202

Square Suffix and Lot: 1672 0818 * Lot Address: DAVENPORT ST
Owner: * Owner's Address: ,

Square Suffix and Lot: 1673 0823 * Lot Address: DAVENPORT ST
Owner: * Owner's Address: ,

EXHIBIT J

Preliminary Construction Management Plan

Construction Fence: The final selection of placement of the construction fence will be made with input from the general contractor. Safeway's intention is to retain the existing brick wall and board fence along the west property line and on the north side of the parking area next to the houses on 43d Street. The additional construction fence would be on Safeway's property inside of the wall.

Noise: We will comply with District of Columbia ordinances but use best practices in minimizing unnecessary noise.

Dust: Best practices will be used to minimize dust from construction activities.

Staging Areas: The areas of possible staging that are on-site are: vacant lot on Ellicott Street; proposed surface parking area and proposed service area. If needed, we may seek a public space permit to do additional staging in public space along 42nd and Davenport Streets, inside of the sidewalk. The final selection of staging areas will be made by the general contractor as needed during the phases of construction.

Truck/Vehicle Routes: Trucks will use Wisconsin Avenue, 42nd Street and the sections of Ellicott and Davenport from 42nd Street up to the current entrances from those streets. Trucks will not use the section of Ellicott Street from River Road to the site.

Hours: The primary hours of work will be 7 AM to 3 PM. Limited traffic will occur during the morning and afternoon peak commuting periods. There will be phases of work for which extended hours of work will be sought either until 7 PM or on Saturdays.

Parking: There will be limited to no parking on site until the parking level is constructed. Contractors will make arrangements and provide incentives for their employees to carpool, vanpool, use transit and other alternative community modes.

Pedestrian Walkway: Pedestrian movements will be maintained throughout the construction period by the use of a covered walkway or fence.

Community Contact: Craig Muckle, Manager Public Affairs, Safeway, will be the contact for the community during the construction period.

EXHIBIT K

Draft Notice of Public Hearing

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: _____, 2009, 6:30 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 09-14

THIS CASE IS OF INTEREST TO ANC 3E

On August 11, 2009, the Office of Zoning received an application from Safeway Inc.. The Applicant is requesting approval of a Consolidated Planned Unit Development and related map amendment at 4203 Davenport Street, N.W. The Office of Planning provided its report on October 9, 2009, and the case was set down for hearing on October 19, 2009. The Applicant provided its prehearing statement on October __, 2009.

The property that is the subject of this application consists of approximately 108,000 square feet of land area and is located at 4203 Davenport Street, N.W. (Square 1672, Lots 0803, 0804, 0812 and 0815). The subject property is comprised of three zones: C-2-A along the eastern portion which contains an existing Safeway store, an R-2 zone on the west which contains an existing surface parking lot and an undeveloped R-3 area at the northwest corner of the site.

The Applicant proposes to change the zoning on the R-2 and R-3 portions of the lots to C-1. The C-2-A zoning on lot 0815 would remain. The applicant also requests approval of a planned unit development to authorize the replacement of the existing full service grocery store with a larger store that would be approximately 58,000 square feet in size.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written

statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
 - (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;
 - (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and

- (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The Applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.

Time limits.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200/210-S, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.