

## **IX. 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 which will be accomplished with the use of underground storage and mechanical devices. In addition to underground storage and mechanical devices, we are planning to provide a green roof system on a portion of the roof which will be considered an additional Low Impact Development, LID, measure.

The underground system will be located outside of the footprint of the principal structure within the parking area at the southwest portion of the site. The site does not currently contain any stormwater controls, and though DDOE does not currently require stormwater quantity control in this area, Safeway will commit to managing the 2-yr, 10-yr, and 25-yr events and maintain runoff from the site to pre-development rates. Stormwater quality treatment will ensure the treatment for 80% Total Suspended Solids, TSS, removal through the use of previously approved devices used elsewhere in the District such as Stormfilter systems.

## **X. AIR QUALITY STUDY**

Safeway

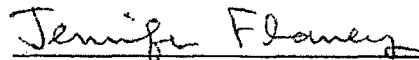
**Air Quality Study**  
***For the Environmental Impact***  
***Screening Form (EISF) Process***

*Safeway Store #2865*  
*4203 Davenport Street NW*  
*Washington, DC 20016*

12 JUNE 2009



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## **APPENDICES *(provided on CD)***

**Appendix A – MOBILE6 Input/Output Files**

**Appendix B – SCREEN 3 Output Files**

**Appendix C – Traffic Impact Study**

**Appendix D – CAL3QHCR Input/Output Files**

**Appendix E – Meteorological Data**

Safeway is proposing to redevelop an existing Safeway store (#2865), located at 4203 Davenport Street NW, Washington, DC. According to the draft *Traffic Impact Study - Tenleytown Safeway Store Planned Unit Development*, dated January 2009 and subsequent updates, the existing Safeway store (35,162 square feet) currently supported by 114 space surface parking lot will be replaced with a new 58,860 square feet Safeway store, which will be supported by approximately 180 parking spaces. The current parking lot could be accessed via three entranceways: one each along Ellicott Street, Davenport Street and 42nd Street. Access to the new parking garage would continue via the existing Ellicott Street and Davenport Street entranceways. The existing entrance along 42nd Street would be closed.

Development projects such as this one, which meet certain criteria as outlined on the Environmental Impact Screen Form (EISF), require an air quality impact analysis for review by the District of Columbia's Department of Consumer & Regulatory Affairs (DCRA) under the District of Columbia Municipal Regulations (DCMR) Title 20, Chapter 2, Section 207.1.

The following air quality analysis was conducted to assess the significance of impacts associated with Safeway's proposal to develop this site. In accordance with the *Guidance for the Analysis of Air Quality Studies performed as a Result of the Environmental Impact Screening Form (EISF) Process* (dated September 2003), ambient air quality impacts were assessed for carbon monoxide (CO), particulate matter less than 10 microns (PM10) and ground level ozone. The objective of the analysis documented in this report is to evaluate the mobile source micro scale CO and PM10 air quality concentrations associated with the incremental increase due to the project (i.e., future emissions minus existing emissions) and compare these predicted air quality concentrations with the appropriate National Ambient Air Quality Standards (NAAQS). Also, because ozone is not emitted directly into the atmosphere and per the EISF guidance, its precursors nitrogen dioxide (NO<sub>x</sub>) and volatile organic compounds (VOCs) are addressed on an annual basis in this analysis. For completeness sake, sulfur dioxide (SO<sub>2</sub>), CO and PM10 are also addressed on an annual basis.

The following sections provide more details for the completion of this analysis. Section 2.0 describes the methodology for determining the

emission factors; Section 3.0 describes the basis for background concentrations used for the analyses and the standards to which the results are compared; Section 4.0 describes the stationary sources (i.e., the parking garage) associated with the project; Section 5.0 describes the mobile sources (i.e., traffic) associated with the project; and Section 6.0 presents the results and conclusions of this analysis.

Emission factors used for both the stationary and the mobile source analyses were generated by the application of the Environmental Protection Agency (EPA) Mobile Source Emission Factor Model, MOBILE6. As per the EISF guidelines, assumptions and parameters used in the State Implementation Plan (SIP) and available online at <http://www.mwcog.org/environment/air/> were used as input into the MOBILE6 model.

However, while the MOBILE6 runs created for the SIP included over 500 different scenarios, only five scenarios were used for the proposed project. Wisconsin Avenue is a four-lane bi-directional roadway, classified as a principal arterial, with a posted speed limit of 35 miles per hour (mph). Both Ellicott Street and 42 Street are two-lane bidirectional roadways, classified as local roadways, with a posted speed limit of 25 mph. It should be noted that 42 Street is one-way between Ellicott and 42<sup>nd</sup> spur. Davenport Street is a two-lane bidirectional roadway, classified as a local roadway, with a posted speed limit of 15 mph. Therefore, MOBILE6 runs were created for an arterial roadway at 35 mph and 2.5 mph (which is the EPA default for queuing lanes and parking lots); and local roadways 25 mph, 15 mph and 2.5 mph. A copy of the input file and output MOBILE6 files are included in Appendix A.

It should be noted that MOBILE6 wintertime emission factors were used in conjunction with 2008 traffic volumes because CO concentrations are typically highest in wintertime. This same period was used for the PM analyses since PM is not sensitive to temperature.

For air dispersion modeling, appropriate background air quality data from near and representative state air monitoring stations is obtained. The maximum concentrations of pollutants predicted by the air dispersion models (future scenario minus the existing scenario) are then added to these background concentrations to determine the overall impact. For this project, the closest monitoring station is located at Piney Branch Road and Dahlia Street; however this station only monitors for NO<sub>x</sub>. The next closest station, located at L Street between 20th and 21st Streets only monitors for CO. The only monitoring station that monitors for PM is located at 34<sup>th</sup> and Dix Streets. Therefore, in accordance with the EISF guidance, the highest 2<sup>nd</sup> maximum value for the last three years (2006, 2007, and 2008) was used from L Street for CO and 34<sup>th</sup>/Dix for PM.

The overall impact from the project was then compared to the appropriate NAAQS. The NAAQS represent a maximum concentration, or "threshold level," of a pollutant in the air above which humans or the environment may experience some adverse effects. The actual threshold levels are based on years of epidemiological, health, and environmental effects research conducted by the EPA. It is assumed that projects subject to the EISF process will have minimal impacts of NO<sub>x</sub>, SO<sub>2</sub>, and lead; therefore, only CO and PM<sub>10</sub> are addressed in this report. However, because NO<sub>x</sub> and VOCs are precursors to ozone, annual emissions are presented in the results section. CO, PM<sub>10</sub> and SO<sub>2</sub> annual emissions are also presented for completeness.

## 4.0

## STATIONARY SOURCE AIR QUALITY ANALYSIS

The methodology used to perform the stationary air quality analysis for the proposed redevelopment conforms to the guidelines of the EPA and the EISF process.

## 4.1

### NATURE OF SOURCES

Currently, parking for the Safeway store exists only at surface level. However, Safeway is proposing to construct a two-story underground parking garage. The existing ground level parking was modeled as an area source with dimensions of 270 feet by 232 feet while the future parking garage was modeled as an area source. The dimensions of the future ground level parking are 82 feet by 113 feet. The dimensions of the future lower level parking are 276.7 feet by 207.6 feet.

These parameters, as used for the SCREEN3 modeling are summarized in Table 1 for the existing area source and Table 2 for the future area source.

**Table 1 - Existing Area Source Parameters**

| Parameter                  | Existing |
|----------------------------|----------|
| Height (m)                 | 1.8      |
| Length of Larger Side (m)  | 82.3     |
| Length of Shorter Side (m) | 70.7     |
| Receptor Height (m)        | 1.8      |

**Table 2 - Future Area Source Parameters**

| Parameter                  | Future |
|----------------------------|--------|
| Height (m)                 | 1.8    |
| Length of Larger Side (m)  | 84.3   |
| Length of Shorter Side (m) | 25     |
| Receptor Height (m)        | 1.8    |

Because the emission factors generated by MOBILE6 are in grams per mile, an estimate of the total amount of miles each car travels in the parking lot was necessary. To be conservative (for the existing scenario), it was estimated that each car will travel the perimeter of the parking lot (~0.19 miles). The miles travelled for the future scenario consists of Safeway traffic at the Davenport Street intersection and traffic at the Ellicott Street intersection. For cars entering the ground level parking at the Davenport Street intersection, the miles travelled for each car is the length from the Davenport Street intersection to the entrance of the ground level parking lot, then travelling south in the lot until the car reaches the northeast corner. To be conservative, it was estimated that each car travels 0.08 miles when using the Davenport Street intersection. For cars entering the lower level parking at the Ellicott Street intersection, the miles travelled for each car is the length from the Ellicott Street intersection starting west and travelling up and down each row until the car reaches the northeast corner of the lot. To be conservative, it was estimated that each car travels 0.14 miles when using the Ellicott Street intersection.

The future scenario short-term emission rates, represented in terms of grams per second per meter squared ( $\text{g/s-m}^2$ ), were estimated using a weighted average for the future scenario. As described above, Safeway is proposing a ground level lot and lower level lot in the future scenario. The weighted average emission rates used in the model were estimated as follows:

$$((\text{Emissions from Parking Lot 1}) * (\text{Area of Lot 1}) + (\text{Emissions from Parking Lot 2}) * (\text{Area of Lot 2})) / (\text{Area of Lot 1} + \text{Area of Lot 2})^2$$

## 4.2

### **ESTIMATED ANNUAL POLLUTANT EMISSIONS**

To calculate the total annual emissions for each of the criteria pollutants, the increase in the traffic due to the project was estimated for both the morning (AM) and evening (PM) peak hour. As shown in Table 3, there was a greater increase in traffic for the PM peak. Therefore, to be conservative, the PM peak hour was used to estimate the annual emissions as shown in Table 4. All estimated annual tonnages are below 25 tons per year.

**Table 3. Increase in Traffic Entering and Exiting Safeway (Both Driveways)**

|                 | AM         | PM         |
|-----------------|------------|------------|
| Existing        | 92         | 131        |
| Future          | 302        | 335        |
| <b>Increase</b> | <b>210</b> | <b>204</b> |

**Table 4. Annual Increase in Emissions Due to the Project**

| Pollutant | Tons per year |
|-----------|---------------|
| NOx       | 3.4           |
| VOC       | 3.7           |
| SO2       | 0.2           |
| CO        | 1.1           |
| PM10      | 0.01          |

#### **4.3 SCREEN3 ANALYSIS**

SCREEN3 is a Gaussian plume model that incorporates source-related factors and assumed meteorological parameters to estimate pollutant concentrations from continuous sources. SCREEN3 is a simplified model that assumes a continuous release of pollutants, that pollutants do not undergo chemical reactions, and that no pollutant removal processes take place. SCREEN3 predicts the maximum 1-hour ground-level concentration of a given pollutant and the distance to the point of maximum concentration. SCREEN3 was run for both the existing scenario and the future scenario. A copy of each SCREEN3 output file is included in Appendix B.

As shown in Table 5, the 1-hour concentrations of CO estimated by SCREEN3 were multiplied by the appropriate meteorological persistence factor of 0.7 to estimate the maximum 8-hour average pollutant concentrations.

**Table 5 Summary of CO Impacts from Stationary Sources ( $\mu\text{g}/\text{m}^3$ )**

| Scenario         | 1-hr<br>Concentration<br>( $\mu\text{g}/\text{m}^3$ ) | 8-hr<br>Concentration<br>( $\mu\text{g}/\text{m}^3$ ) |
|------------------|-------------------------------------------------------|-------------------------------------------------------|
| Existing Morning | 106.0                                                 | 74.2                                                  |

## **5.0**

### **MOBILE SOURCE AIR QUALITY ANALYSIS**

The methodology used to perform the mobile air quality analysis for the proposed redevelopment conforms to the guidelines of the EPA and the EISF process.

## **5.1**

### **ANALYSIS AREA AND RECEPTOR SITES**

The mobile air quality analysis evaluated the four closest potentially impacted intersections, in addition to the two entrances and exits (three for existing scenario) to the proposed project. The locations of the roadways and intersections are presented on a link-by-link basis relative to the proposed project. A walk-through of the area to verify some of the information provided in the Traffic Impact Study such as road width, lane configurations, etc., was conducted on 20 September 2008. A copy of the Traffic Impact Study is provided in Appendix C.

Consistent with EPA guidance, receptors are located at the center of all sidewalk areas or at the adjacent property line in areas where sidewalks are not present. Receptors are located at the corners of all intersections (edge of the mixing zone) and at points along both sides of all approach links at spacing of approximately 100 feet. Because of the limitations of CAL3QHCR (links and receptor limitations), the project was divided into two sections – the north section and the south section. The north section includes the entrance/exit along Ellicott Street, the intersection of Wisconsin Avenue and Ellicott Street, and the intersection of 42<sup>nd</sup> Street Spur and Wisconsin Avenue. The north section also includes the 42<sup>nd</sup> Street entrance/exit for the existing scenario. The south section includes the Davenport Street entrance/exit, the intersection of Davenport Street and 42<sup>nd</sup> Street, and the intersection of 42<sup>nd</sup> Street and Chesapeake Street.

## **5.2**

### **TRAFFIC DATA**

Traffic data used in this analysis included year 2008 hourly volumes for the AM and PM peak travel periods for both the Existing and Future scenarios, as provided in Traffic Impact Study.

Intersections included in this analysis are: the entrance and exit to the site, the intersection of Wisconsin Avenue and Ellicott Street, the intersection of 42<sup>nd</sup> Street Spur and Wisconsin Avenue, the intersection of Davenport Street and 42<sup>nd</sup> Street, and the intersection of 42<sup>nd</sup> Street and Chesapeake Street.

All intersections, with the exception of Ellicott Street and Wisconsin Avenue have stop signs. The intersection of Ellicott Street and Wisconsin Avenue is signalized.

### 5.3 *CAL3QHCR ANALYSIS*

The EPA CAL3QHCR air dispersion model is a microcomputer-based modeling methodology developed to predict the level of CO and PM10 pollutant concentrations from motor vehicles traveling in a free flow condition and near roadway intersections. Based on the assumption that vehicles at an intersection are either in motion or in an idling state, the program is designed to predict air pollution levels by combining the emissions from both moving and idling vehicles. By including emissions from idling vehicles, CAL3QHCR represents a reliable tool for predicting concentrations near signalized intersections where idling vehicles interact with moving vehicles in complex configurations. CAL3QHCR is a consolidation of the CALINE3 line source dispersion model and an algorithm that internally estimates the length of the queues formed by idling vehicles at signalized intersections.

Number of queuing lanes, traffic light cycle time, red light duration time, yellow time, and queue traffic volumes were included as reported in the Traffic Report. Default values were used for saturation flow volumes, signal type and arrival rates. All of these parameters were used as input into the CAL3QHCR idle emission routine for all signalized intersections. This analysis resulted in the prediction of worst-case one-hour and eight-hour CO concentrations and 24-hour and annual PM10 concentrations at each receptor site. A copy of the CAL3QHCR input and output files is included in Appendix D.

CAL3QHCR requires five years of hour-by-hour meteorological data as input files. The most recent meteorological data available for Washington DC is 2001 through 2005. Surface meteorological data used in the analysis was collected at Washington Reagan Airport; upper air meteorological data was collected at Sterling Airport. EPA's recommended meteorological preprocessor, PCRAMMET, was used to

combine the surface and upper air data into a format that could be used in CAL3QHCR. The meteorological data used includes wind speed, wind direction, stability category, ambient air temperature and mixing height data for every hour of the year for 2001 through 2005. A copy of this meteorological data is included in Appendix E.

## 6.0

## RESULTS

### 6.1

### CARBON MONOXIDE ANALYSIS

To estimate the overall impact of the project, the maximum incremental increase (i.e., the difference between the future and existing scenarios) from the mobile analysis was combined with the maximum incremental increase from the stationary analysis and the appropriate background concentration was added. Table 10 shows the increase in 1-hour CO concentrations due to the project and Table 11 shows the increase in 8-hour CO concentrations due to the project in parts per million (ppm).

**Table 10. Increase in 1-Hour CO Concentration Due to the Project (ppm)**

|                    | Receptor 1  |           | Receptor 2 |           | Receptor 3  |             | Receptor 4 |           | Receptor 5  |           | Receptor 6 |           |
|--------------------|-------------|-----------|------------|-----------|-------------|-------------|------------|-----------|-------------|-----------|------------|-----------|
|                    | AM          | PM        | AM         | PM        | AM          | PM          | AM         | PM        | AM          | PM        | AM         | PM        |
| Maximum Mobile     | 0.20        | NC        | NC         | NC        | 0.10        | 0.10        | NC         | NC        | 0.10        | NC        | NC         | NC        |
| Maximum Stationary | NC          | NC        | NC         | NC        | NC          | NC          | NC         | NC        | NC          | NC        | NC         | NC        |
| <b>Total</b>       | <b>0.20</b> | <b>NC</b> | <b>NC</b>  | <b>NC</b> | <b>0.10</b> | <b>0.10</b> | <b>NC</b>  | <b>NC</b> | <b>0.10</b> | <b>NC</b> | <b>NC</b>  | <b>NC</b> |

NC - No Change in emissions between existing and future scenario

Receptor 1 - Point of maximum concentration along Ellicott Street

Receptor 2 - Point of maximum concentration along 42<sup>nd</sup> Street (northern half)

Receptor 3 - Point of maximum concentration along Wisconsin Avenue

Receptor 4 - Point of maximum concentration along Davenport Street

Receptor 5 - Point of maximum concentration along 42<sup>nd</sup> Street (southern half)

Receptor 6 - Point of maximum concentration along Chesapeake Street

**Table 11. Increase in 8-Hour CO Concentrations Due to the Project (ppm)**

|                    | Receptor 1  |             | Receptor 2 |           | Receptor 3  |             | Receptor 4 |           | Receptor 5  |           | Receptor 6 |           |
|--------------------|-------------|-------------|------------|-----------|-------------|-------------|------------|-----------|-------------|-----------|------------|-----------|
|                    | AM          | PM          | AM         | PM        | AM          | PM          | AM         | PM        | AM          | PM        | AM         | PM        |
| Maximum Mobile     | 0.10        | 0.04        | NC         | NC        | 0.09        | 0.05        | NC         | NC        | 0.02        | NC        | NC         | NC        |
| Maximum Stationary | NC          | NC          | NC         | NC        | NC          | NC          | NC         | NC        | NC          | NC        | NC         | NC        |
| <b>Total</b>       | <b>0.10</b> | <b>0.04</b> | <b>NC</b>  | <b>NC</b> | <b>0.09</b> | <b>0.05</b> | <b>NC</b>  | <b>NC</b> | <b>0.02</b> | <b>NC</b> | <b>NC</b>  | <b>NC</b> |

NC - No Change in emissions between existing and future scenario

Receptor 1 - Point of maximum concentration along Ellicott Street

Receptor 2 - Point of maximum concentration along 42<sup>nd</sup> Street (northern half)

Receptor 3 - Point of maximum concentration along Wisconsin Avenue

Receptor 4 - Point of maximum concentration along Davenport Street

Receptor 5 - Point of maximum concentration along 42<sup>nd</sup> Street (southern half)

Receptor 6 - Point of maximum concentration along Chesapeake Street

For comparison to the NAAQS, the maximum stationary concentration (future scenario) was combined with the maximum mobile concentration (future scenario), for each intersection, and the appropriate background concentration was added. Table 12 shows this comparison for both the AM and PM peaks for the 1-hour CO concentrations and Table 13 shows this comparison for both the morning and evening peaks for the 8-hour CO concentrations.

**Table 12. 1-Hour CO Concentrations**

|                    | Receptor 1 |            | Receptor 2 |            | Receptor 3 |            | Receptor 4 |           | Receptor 5 |            | Receptor 6 |            |
|--------------------|------------|------------|------------|------------|------------|------------|------------|-----------|------------|------------|------------|------------|
|                    | AM         | PM         | AM         | PM         | AM         | PM         | AM         | PM        | AM         | PM         | AM         | PM         |
| Maximum Mobile     | 1.40       | 1.70       | 0.40       | 0.40       | 1.30       | 1.50       | 0.20       | 0.00      | 0.30       | 0.20       | 0.20       | 0.10       |
| Maximum Stationary | 0.1        | 0.1        | 0.1        | 0.1        | 0.1        | 0.1        | 0.1        | 0.1       | 0.1        | 0.1        | 0.1        | 0.1        |
| Background         | 3.9        | 3.9        | 3.9        | 3.9        | 3.9        | 3.9        | 3.9        | 3.9       | 3.9        | 3.9        | 3.9        | 3.9        |
| <b>TOTAL</b>       | <b>5.4</b> | <b>5.7</b> | <b>4.4</b> | <b>4.4</b> | <b>5.3</b> | <b>5.5</b> | <b>4.2</b> | <b>4</b>  | <b>4.3</b> | <b>4.2</b> | <b>4.2</b> | <b>4.1</b> |
| <b>NAAQS</b>       | <b>35</b>  | <b>35</b>  | <b>35</b>  | <b>35</b>  | <b>35</b>  | <b>35</b>  | <b>35</b>  | <b>35</b> | <b>35</b>  | <b>35</b>  | <b>35</b>  | <b>35</b>  |

NC - No Change in emissions between existing and future scenario

Receptor 1 - Point of maximum concentration along Ellicott Street

Receptor 2 - Point of maximum concentration along 42<sup>nd</sup> Street (northern half)

Receptor 3 - Point of maximum concentration along Wisconsin Avenue

Receptor 4 - Point of maximum concentration along Davenport Street

Receptor 5 - Point of maximum concentration along 42<sup>nd</sup> Street (southern half)

Receptor 6 - Point of maximum concentration along Chesapeake Street

**Table 13. 8-Hour CO Concentrations**

|                    | Receptor 1  |             | Receptor 2  |             | Receptor 3  |             | Receptor 4  |            | Receptor 5  |             | Receptor 6  |             |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|------------|-------------|-------------|-------------|-------------|
|                    | AM          | PM          | AM          | PM          | AM          | PM          | AM          | PM         | AM          | PM          | AM          | PM          |
| Maximum Mobile     | 0.88        | 1.02        | 0.23        | 0.18        | 0.77        | 0.88        | 0.07        | 0.00       | 0.12        | 0.08        | 0.07        | 0.03        |
| Maximum Stationary | 0.1         | 0.1         | 0.1         | 0.1         | 0.1         | 0.1         | 0.1         | 0.1        | 0.1         | 0.1         | 0.1         | 0.1         |
| Background         | 2.3         | 2.3         | 2.3         | 2.3         | 2.3         | 2.3         | 2.3         | 2.3        | 2.3         | 2.3         | 2.3         | 2.3         |
| <b>TOTAL</b>       | <b>3.28</b> | <b>3.42</b> | <b>2.63</b> | <b>2.58</b> | <b>3.17</b> | <b>3.28</b> | <b>2.47</b> | <b>2.4</b> | <b>2.52</b> | <b>2.48</b> | <b>2.47</b> | <b>2.43</b> |
| <b>NAAQS</b>       | <b>35</b>   | <b>35</b>   | <b>35</b>   | <b>35</b>   | <b>35</b>   | <b>35</b>   | <b>35</b>   | <b>35</b>  | <b>35</b>   | <b>35</b>   | <b>35</b>   | <b>35</b>   |

NC - No Change in emissions between existing and future scenario  
 Receptor 1 - Point of maximum concentration along Ellicott Street  
 Receptor 2 - Point of maximum concentration along 42<sup>nd</sup> Street (northern half)  
 Receptor 3 - Point of maximum concentration along Wisconsin Avenue  
 Receptor 4 - Point of maximum concentration along Davenport Street  
 Receptor 5 - Point of maximum concentration along 42<sup>nd</sup> Street (southern half)  
 Receptor 6 - Point of maximum concentration along Chesapeake Street

## 6.2 *PM10 ANALYSIS*

To estimate the overall impact of the project, the maximum incremental increase (i.e., the difference between the future and existing scenarios) from the mobile analysis was combined with the maximum incremental increase from the stationary analysis and the appropriate background concentration was added. Table 14 shows the increase in 24-hour PM10 concentrations due to the project in micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ).

**Table 14. Increase in 24-Hour PM10 Concentrations Due to the Project ( $\mu\text{g}/\text{m}^3$ )**

|                    | Receptor 1 |    | Receptor 2 |    | Receptor 3 |    | Receptor 4  |           | Receptor 5  |           | Receptor 6  |           |
|--------------------|------------|----|------------|----|------------|----|-------------|-----------|-------------|-----------|-------------|-----------|
|                    | AM         | PM | AM         | PM | AM         | PM | AM          | PM        | AM          | PM        | AM          | PM        |
| Maximum Mobile     | NC         | NC | NC         | NC | NC         | NC | 007         | NC        | 0.23        | NC        | 0.21        | NC        |
| Maximum Stationary | NC         | NC | NC         | NC | NC         | NC | NC          | NC        | NC          | NC        | NC          | NC        |
| <b>Total</b>       | NC         | NC | NC         | NC | NC         | NC | <b>0.07</b> | <b>NC</b> | <b>0.23</b> | <b>NC</b> | <b>0.21</b> | <b>NC</b> |

NC - No Change in emissions between existing and future scenario  
 Receptor 1 - Point of maximum concentration along Ellicott Street  
 Receptor 2 - Point of maximum concentration along 42<sup>nd</sup> Street (northern half)  
 Receptor 3 - Point of maximum concentration along Wisconsin Avenue  
 Receptor 4 - Point of maximum concentration along Davenport Street  
 Receptor 5 - Point of maximum concentration along 42<sup>nd</sup> Street (southern half)  
 Receptor 6 - Point of maximum concentration along Chesapeake Street

For comparison to the NAAQS, the maximum stationary concentration was combined with the maximum mobile concentration, for each intersection, and the appropriate background concentration was added. Table 15 shows this comparison for both the morning and evening peaks for the 24-hour PM10 concentrations.

**Table 15. Increase in 24-Hour PM10 Concentrations Due to the Project ( $\mu\text{g}/\text{m}^3$ )**

|                    | Receptor 1   |              | Receptor 2   |              | Receptor 3   |              | Receptor 4   |              | Receptor 5   |              | Receptor 6   |              |
|--------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
|                    | AM           | PM           | AM           | PM           | AM           | PM           | AM           | PM           | AM           | PM           | AM           | PM           |
| Maximum Mobile     | 0.47         | 0.84         | 0.12         | 0.14         | 0.47         | 0.88         | 0.34         | 0.15         | 0.67         | 0.27         | 0.57         | 0.18         |
| Maximum Stationary | 0.2          | 0.2          | 0.2          | 0.2          | 0.2          | 0.2          | 0.2          | 0.2          | 0.2          | 0.2          | 0.2          | 0.2          |
| Background         | 63           | 63           | 63           | 63           | 63           | 63           | 63           | 63           | 63           | 63           | 63           | 63           |
| <b>TOTAL</b>       | <b>63.67</b> | <b>64.04</b> | <b>63.32</b> | <b>63.34</b> | <b>63.67</b> | <b>64.08</b> | <b>63.54</b> | <b>63.35</b> | <b>63.87</b> | <b>63.47</b> | <b>63.77</b> | <b>63.38</b> |
| <b>NAAQS</b>       | <b>150</b>   | <b>150</b>   | <b>150</b>   | <b>150</b>   | <b>150</b>   | <b>150</b>   | <b>150</b>   | <b>150</b>   | <b>150</b>   | <b>150</b>   | <b>150</b>   | <b>150</b>   |

NC - No Change in emissions between existing and future scenario

Receptor 1 - Point of maximum concentration along Ellicott Street

Receptor 2 - Point of maximum concentration along 42<sup>nd</sup> Street (northern half)

Receptor 3 - Point of maximum concentration along Wisconsin Avenue

Receptor 4 - Point of maximum concentration along Davenport Street

Receptor 5 - Point of maximum concentration along 42<sup>nd</sup> Street (southern half)

Receptor 6 - Point of maximum concentration along Chesapeake Street

### 6.3 OTHER CRITERIA POLLUTANTS

Washington DC is in a moderate nonattainment area for ozone. Due to the complex nature of ozone modeling and because projects that are subject to the EISF process are thought to contribute nominally to the NO<sub>x</sub> and VOC emissions, ozone modeling is not necessary for this project. However, the EISF guideline state that an annual emission estimate of NO<sub>x</sub> and VOC from all sources associated with the project should be included. Therefore, Table 16 presents a summary of these annual emissions. Estimates of SO<sub>2</sub>, CO and PM10 are also included for completeness.

**Table 16. Summary of the Other Criteria Pollutants Due to the Project**

| <b>Pollutant</b> | <b>Tons per year</b> |
|------------------|----------------------|
| NO <sub>x</sub>  | 0.2                  |
| VOC              | 0.2                  |
| SO <sub>2</sub>  | 0.01                 |
| CO               | 1.1                  |
| PM10             | 0.01                 |

**CONCLUSIONS**

Based on the air quality impact analysis results, the major conclusions include:

- The proposed reconstruction of Safeway is not considered a major source for any criteria pollutant because the estimated annual tonnages were under the threshold level of 25 tons per year in severe nonattainment areas.
- The combined concentrations from stationary and mobile sources showed the highest predicted impact levels within the study area did not exceed the NAAQS for CO or PM10.
- Analysis of estimated NO<sub>x</sub> and VOC emissions in tons per year are minimal.

In summary, no significant air quality impacts were predicted for the modeled criteria pollutants as a result of the proposed action.

- Code of Federal Regulations, Protection of Environment, Part 51.
- Gorove/Slade Associates Inc. Draft *Traffic Impact Study - Tenleytown Safeway Store Planned Unit Development*. January 2009.

## **XI. ESTIMATED QUANTITIES OF POTABLE WATER AND SEWAGE**

Safeway estimates for the domestic water demand will be approximately 105 GPM based on approximately 275 supply fixture units (using the 2006 International Plumbing code table E103.3(2) for the supply fixture units and table E103.3(3) for estimating the demand).

The estimate for the sanitary sewage is approximately 740 drainage fixture units (using the 2006 International Plumbing Code table 709.1 for the drainage fixture units).

The building storm water is based on the building roof/wall square footage which for roof and canopies is approximately 59,000 square feet (using 2006 International Plumbing Code section 1106 and tables 1106.2 and 1106.3 with a rainfall rate of 4" from appendix B).

## **XII. COMMUNITY BENEFITS AND INPUT**

**A. Local Community Outreach Related to the New Tenleytown Store**

Safeway is committed providing Tenleytown residents with a new modernized neighborhood store with expanded services and amenities. To this end, Safeway worked with community stakeholders and interested groups to understand what the community wanted from an improved Safeway and how they felt a new store development fit best into their neighborhood. Safeway representatives have held numerous meetings with the Tenleytown community to present its development plans and receive feedback. To date, Safeway representatives have met with representatives from Ward 3 Vision, the Coalition for Smarter Growth, SMD Commissioner for ANC-3E, IONA Senior Services, the Georgetown Day School, the Friendship Neighborhood Association, the Alliance for Rational Development (formerly named the Coalition to Stop Tenley Overdevelopment), the Resident Council of Friendship Terrace and the Washington Metropolitan Area Transit Authority. As previously described, Safeway has also met with individual residents, property owners and business owners to hear their concerns.

As a result of these meetings, Safeway revised its original plan to 1) modify its original intent to request a change of zoning to the C-2-A district; instead it now requests a change of zoning to a C-1 district; 2) make this Application available in electronic format; 3) create an inside seating area; 4) improve on a place-making design on 42<sup>nd</sup> and Ellicott Streets, NW; 5) design a building that is LEED certifiable; 6) 7) create wider store aisles; 8) locate restrooms at the front of the store; 9) improve the seafood department; 9) make streetscape improvements (with the approval of the Department of Transportation); 10) landscape the Washington Metropolitan Area Transit Authority lot (with permission of WMATA); 11) direct Safeway's construction contract or to not to use neighborhood

streets for construction traffic; and to (12) increase the size of trees in buffer between abutting houses and store. Safeway thanks the community for its input.

**B. Local Area Outreach Efforts**

Focusing on the D.C. Metro Area, Safeway takes its commitment to this community very seriously. In general, the Eastern Division, which includes Safeway's stores in the D.C. Metro Area, has contributed more than \$12 million in 2008 in the form of in cash and in-kind donations to non-profit agencies throughout the mid-Atlantic region. Specifically, Safeway lends assistance to the many non-profit organizations based within the D.C. Metro Area through financial or in-kind food donations. Below are some examples of Safeway's numerous contributions to the local community:

*Safeway Foundation*

- Since its 2003 inception, The Safeway Foundation has bestowed grants totaling more than \$1 million to non-profit organizations such as the Capital Area Food Bank, the Greater Washington Urban League, the Leukemia and Lymphoma Society, Alexandria Walk for Breast Cancer, the American Red Cross, Associated Black Charities (on behalf of Bea Gaddy Day) and Morgan St. University.

*Easter Seals*

- Through its annual Persons with Disabilities fundraising campaign and Safeway Foundation Pro-Am Golf Tournament benefiting Easter Seals, Safeway helps raise money to support people with disabilities and their families across Maryland, Northern Virginia and the District of Columbia. The 2008 Safeway Foundation Pro-Am Golf Tournament generated more than \$425,000 in revenue to help people with disabilities.

### *Education*

- During the 2008 calendar year, Safeway provided \$1.14 million to local schools who participated in its Club Card program. The program provides monthly cash donations to public, private and parochial schools in the local community.

### *Feeding the Hungry*

- Safeway hosted its seventh annual “Feast of Sharing” in November of 2008, providing Thanksgiving meals to nearly 4,000 needy people at the Washington Convention Center.

### *Cancer Research*

- Safeway conducts separate fundraising drives annually for prostate and breast cancer. In addition, Safeway also sponsors the Susan G. Komen Race For The Cure events in both Washington, D.C. and Baltimore to benefit breast cancer research.

Lastly, motivated by its dedication to the local community, Safeway has made donations to the following organizations in the Friendship-Tenleytown neighborhoods:

- The National Presbyterian School at 4121 Nebraska Ave. NW
- The Francis Scott Key Elementary School PTA at 5001 Dana Place NW
- Friends of Friendship Park
- Sidwell Friends School at 3825 Wisconsin Ave. NW
- The American University
- Youth Leadership Foundation at 4101 Yuma St. NW
- KidSave at 5165 MacArthur Blvd. NW
- Second District Citizens Advisory Council

### **C. National Community Outreach Efforts**

As the neighborhood supermarket in hundreds of communities across North America, Safeway has an obligation to serve in ways that extend beyond its core business. To this end, Safeway has partnered with local organizations all over the country to support such causes as hunger relief, education, health and human services,

supporting individuals with special needs and disaster relief. In addition, Safeway has implemented its own green initiatives in order to promote growth through conservation of our natural resources. Below are just a few examples outlining Safeway's efforts:

#### *Hunger Relief*

- Safeway is one of the largest contributors to food banks and feeding programs in its operating areas. During 2007 alone, it contributed approximately \$110 million worth of merchandise to food banks, soup kitchens, shelters and various other feeding programs – bringing its total of these in-kind donations to more than \$1 billion over the past decade.

#### *Cancer Research*

- Similarly, Safeway is a major contributor in the area of health and human services. Safeway is one of the largest corporate fundraisers for breast and prostate cancer research, raising more than \$100 million since 2001. Over the past 7 years, The Safeway Foundation has raised nearly \$60 million – including more than \$18 million in 2008 alone – for medical research to improve detection and treatment of breast cancer. In total, the foundation has raised \$41.8 million for prostate cancer, including \$13.2 million in 2008.

#### *Supporting Individuals with Disabilities*

- Over the last 20 years, Safeway has raised more than \$100 million to benefit Easter Seals and other charities that assist people with disabilities. Safeway has also raised more than \$32 million for the Muscular Dystrophy Association. In addition, through its partnerships with organizations that

create jobs for disabled individuals, Safeway currently employs nearly 10,000 people with disabilities – approximately 6% of the workforce.

#### *Disaster Assistance*

- In recent years, the company has provided more than \$8 million to support emergency relief and rebuilding efforts for disasters such as Hurricane Katrina and the tsunami in South Asia. Similarly, in 2007, Safeway donated almost \$1 million in cash and in-kind assistance to support communities struck by the devastating fires in California and by the floods in coastal areas of the Pacific Northwest.

#### *Green Building Design*

- Safeway strongly supports green building and development efforts. Safeway's corporate construction and design department has developed a sustainable construction process using the U.S. Green Building Council's LEEDs portfolio program as a benchmark for improving the environmental footprint of its stores. As a result of these initiatives, and the ongoing focus in this area, benefits have been realized in reduced energy usage and reduced product waste. Furthermore, the company has continued retrofitting its stores with energy-efficient lighting and heating systems to conserve energy.

#### *Greenhouse Gas Reduction*

- According to the Environmental Protection Agency, Safeway is one of the largest retail users of renewable energy in the United States. The company has completed 14 solar projects in California and 9 new projects are under development, which will help remove more than 10 million pounds of carbon

dioxide from the air. By harnessing the power of renewable wind energy, Safeway has reduced its carbon footprint by more than 142 million pounds of CO<sub>2</sub>.

**D. The New Store Will Favorably Impact Economic Development In The District of Columbia**

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Safeway is the District of Columbia's largest provider of grocery and related services. Safeway has 17 stores throughout the District, which includes the new Safeway at CityVista (5<sup>th</sup> and K St., NW). Without question, Safeway stores are a needed and popular service to the residents of the District. Therefore, in keeping with its tradition of providing exceptional goods and services to its customers, Safeway is replacing an aging 20+ year old store with a new modernized neighborhood store with expanded services and amenities. Since the expansion of supermarkets is a favored land use for the District as evidenced by legislation such as the Supermarket Tax Incentive Act of 1988, the modernization of the existing store at 4203 Davenport Street, NW (Tenleytown Safeway) will further this goal.

It is well established that the development of a new grocery store brings with it numerous economic benefits that impact the surrounding community. More specifically, the development of the Tenleytown Safeway will have a positive economic impact on the surrounding community and the District as a whole. The new development will help the District reach its financial goals by providing quality goods and expanded services, by adding needed jobs and providing job training to local residents, and by bring revenues

from franchise, withholding, and other taxes associated with the activity generated by the supermarket.

**1. Goods and Services**

The Office of Planning's 2004 "*Upper Wisconsin Avenue Corridor Study Strategic Framework Plan*" reinforces that Safeway is a valuable asset to the community, but also acknowledges that a large percentage of the retail offerings in this area do not meet the expectations of the local customer base and do not adequately capture their retail expenditures. The new Safeway will provide a wider variety of goods and services to its customers and will capture residents' dollars that are "leaking" out to other communities. The new store will increase revenue to the District during a time when the city's expenses are growing and revenue is flat.

**2. Employment**

Safeway's new store will also bring much needed jobs to the District, which has seen employment growth come to a halt in 2009 and unemployment jump from 6.4% a year ago to 9.3% in January. According to a study from the National Congress for Community Economic Development, a new supermarket creates anywhere between 100 and 200 permanent jobs, many of which go to local residents, and they also provide temporary construction jobs. The new store will add employees because of the expanded offerings and the construction of the new building will add construction jobs. The existing store employs 72 persons, 61% of whom are D.C. residents. The new store will employ 125 to 150 persons. These new employment opportunities will be first offered to

D.C. residents in cooperation with the city's First Source Employment Program of which Safeway is a part.

In addition, Safeway provides its employees with training and developmental opportunities to help build their knowledge, skills and abilities and allow them to perform their best in their current position, and prepare them for future opportunities. Safeway offers permanent, career positions. Many of Safeway's current managers have started out at Safeway in the stockroom. Providing the level of job training skills is also a positive economic benefits to the District because it makes residents more marketable and allows them to reuse their acquired skills. Furthermore, Safeway intends to enter into a First Source Employment Agreement with the Department of Employment Services, thus assuring city residents priority for jobs created by the new store.

### **3. Tax Revenues**

The development of a new grocery store will also bring needed revenue to the District through sales and employment taxes.

### **4. Additional Economic Benefits**

Finally, a grocery store like Safeway will spur local economic development. A supermarket like Safeway anchors a retail corridor and nearby retailers benefit from the customer traffic drawn to the area of the supermarket. Therefore, a modern Safeway will attract additional private sector investment in other complementary stores and services. With more places to spend money locally, these stores also capture

residents' dollars that were formerly spent outside of their communities. This beneficial effect is especially likely to result from this project because the new Safeway building will no longer be hidden but will face the front towards Wisconsin Avenue. The corridor will be enlivened and can attract local economic development.

**E. Legislation to Attract Full Service Grocery Stores**

It is important to emphasize that the District of Columbia has long recognized the importance of furthering the expansion of supermarket locations and services in the city. For example, the District enacted the Supermarket Tax Incentive Amendment Act of 1988, which was amended in 1999 by the Tax Exemption Act to add a sales tax exemption and extended the current taxes and fees exemptions to ten years. The Tax Exemption Act provides tax incentives for new and renovated grocery stores in all areas of the city. Further, the D.C. Comprehensive Plan Act provides a clear policy in support of the District's public action objective to "provide tax, employment and other incentives to retain, expand and attract grocery stores and supermarkets to the areas east of the Anacostia River and to other underserved areas." 10 D.C.M.R. §1138.1(w). The District recognizes that large grocery stores are often "anchors around which businesses develop and are a provider of the wide range of goods, services and one-stop shopping convenience."

## **XIII. CONCLUSION**

## XII. CONCLUSION

In sum, there are at least 28 attributes that support the approval of this application:

1. No bonus density or building height is requested;
2. This is a “preferred use” of special value to this neighborhood;
3. Safeway has conducted an effective and responsive community outreach;
4. The development is not inconsistent with the comprehensive plan or its land use maps;
5. Environmentally friendly in accord with District of Columbia policies;
6. LEED certifiable;
7. Stormwater runoff controls in excess of those required by regulations;
8. Adequate (free) parking;
9. No adverse traffic impact;
10. Pedestrian friendly;
11. Seniors friendly;

12. Offers expanded products and services to the Tenleytown community;
13. Superior architecture and design;
14. Attractive landscaping;
15. Preserves and beautifies open space;
16. Attractive and effective buffering from residential uses;
17. Use not inconsistent with other uses in the area;
18. No evidence of excessive noise, littering, or loitering;
19. Construction management program;
20. Accessible to public transit: Metrobus, Metrorail, and Zip Car;
21. Increased employment opportunities for D.C. residents (through FirstSource Employment Agreement);
22. No displacement of residential uses;
23. Reorients front of building to street edge with parking in rear;
24. Provides the facility for shopping and business needs outside of the central core;
25. No adverse impact on air quality;

26. Safeway has no history of being an adverse land user at this or any other of its 16 stores in D.C.;
27. High-quality development that provides public benefits;
28. Community place for gatherings, groceries, sit-down sandwiches, pizza, sushi, Starbucks coffee, gourmet meals to go, soup and olive bars, a traiteur case of salads, sides, and hot foods, dry cleaning, banking services, etc.

For the foregoing reasons, Safeway requests the approval of the Planned Unit Development submitted herewith, together with a rezoning of the site from R-2 and R-3 to C-1 as set forth on the proposed zoning map at Chapter II. This PUD and rezoning is consistent with the comprehensive plan, comprehensive plan land use maps and the Ward 3 plan. Most importantly, the proposed rezoning is consistent with the land use history of Square 1672 and with the prevailing uses in this upper Wisconsin Avenue quarter enclave of nonresidential uses.

The relief requested will promote orderly development and conformity with the District of Columbia's zoning plan as embodied in the zoning regulations, maps and the Comprehensive Plan for the District of Columbia. The proposed C-1 zoning, as requested, complements the character of the area and is consistent with the overall plan and comprehensive scheme of the zoning regulations and advances the overall planning and economic

development objectives of the District of Columbia. The proposed PUD and rezoning is in accord with good planning, zoning, transportation, environmental and economic development policies. It furthers the purposes of the Zoning Act by promoting the general public welfare and stabilizing and improving the area.

Thus, the applicant, Safeway Inc., believes that the requested PUD and change of zoning is merited and respectfully requests that the PUD be approved, to permit the grocery store use and the level of off-street parking that is requested and that the zoning map be amended to reflect the R-2 and R-3 portions of the site on Square 1672 as within the C-1 zone district as specifically requested herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry A. Moore III", written over a horizontal line.

Jerry A. Moore III  
Counsel to the Applicant  
Venable LLP  
575 7<sup>th</sup> Street, NW  
Washington, DC 20004  
[jamoore@venable.com](mailto:jamoore@venable.com)  
(202) 344-4763

## **XIV. APPENDICES**

DISTRICT OF COLUMBIA GOVERNMENT  
OFFICE OF THE SURVEYOR

Washington, D.C., June 9, 2009

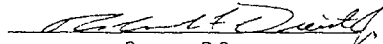
Plat for Building Permit of: SQUARE 1672 LOT 803

Scale: 1 inch = 10 feet      Recorded Per Deed

Receipt No. 02944

Furnished to: ANGIE THOMAS

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

  
Surveyor, D.C.

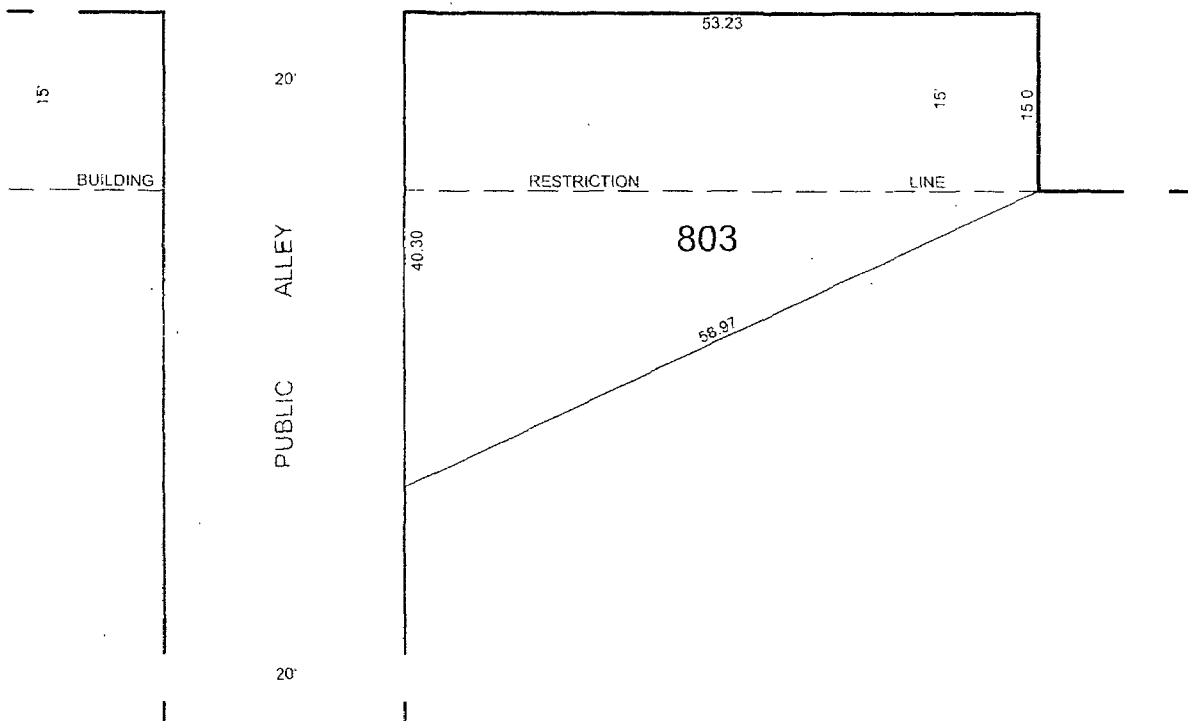
Date: \_\_\_\_\_

By: A.S. 

\_\_\_\_\_  
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

ELLICOTT STREET, N.W.



DISTRICT OF COLUMBIA GOVERNMENT  
OFFICE OF THE SURVEYOR

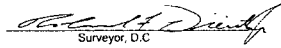
Washington, D.C., June 9, 2009

Plat for Building Permit of SQUARE 1672 LOTS 804, 812 & 815

Scale 1 inch = 30 feet Recorded in Book A & T Page 3382 - A (LOT 804)  
Book A & T Page 3668 - A (LOT 812)  
Book A & T Page 3704 - K (LOT 815)

Receipt No. 02943

Furnished to ANGLE THOMAS

  
Surveyor, D.C.

By A.S.

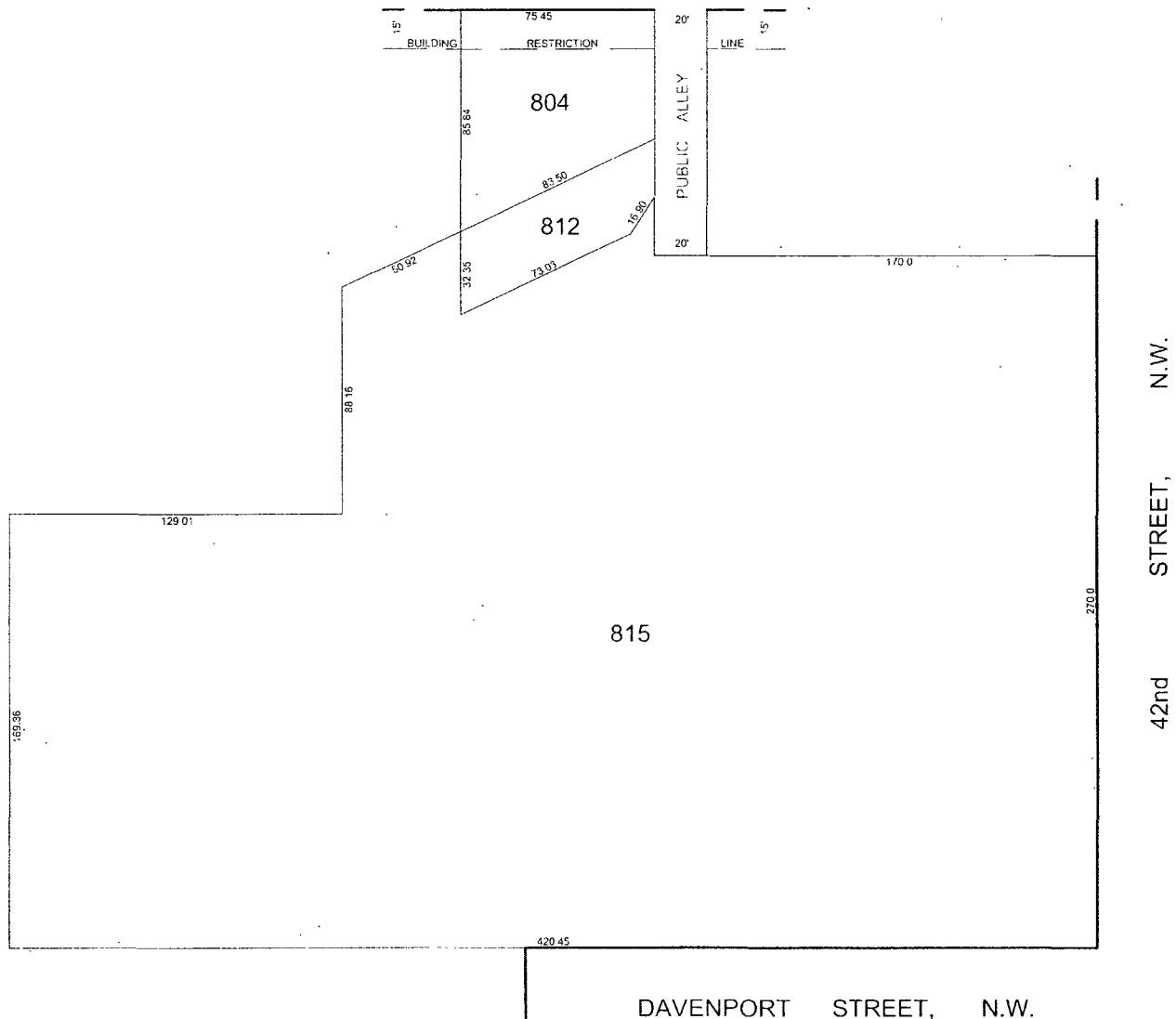
I hereby certify that all existing improvements shown hereon, are completely dimensioned and are correctly plotted, that all proposed buildings or construction or parts thereof, including covered porches are correctly dimensioned and plotted, and agree with plans accompanying the application, that the foundation plans as shown hereon, are drawn and dimensioned accurately to the same scale as the property lines shown on this plat and that by reason of the proposed improvements to be erected as shown hereon, the size of any adjoining lot or premises is not decreased to an area less than is required by the zoning Regulations for light and ventilation, and it is further certified and agreed that accessible parking area where required by the zoning Regulations will be reserved in accordance with the zoning Regulations, and that the area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or lots or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date \_\_\_\_\_

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

ELLICOTT STREET, N.W.



06/23/2009 09:59 301-918-8937

SAFeway

## Department of Consumer and Regulatory Affairs

Permit Operations Division

941 North Capitol Street NE Room 2100

Washington DC 20002

Tel: (202) 442-4589 Fax: (202) 442-4862

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-8857

**C O****CERTIFICATE OF OCCUPANCY**THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK UNTIL  
WORK IS COMPLETED AND APPROVED

PERMIT NO. CO0900093

Date: 02/02/2009

| Address of Use:      | Zipcode: | Zone: | Ward: | Square: | Suffix: | Lot: |
|----------------------|----------|-------|-------|---------|---------|------|
| 4203 DAVENPORT ST NW |          |       | 3     | 1672    |         | 0803 |

Description of Occupancy:

RETAIL GROCERY W ACCESSORY PREPARED FOOD SHOP (30 SEATS)

|                                                   |                                                   |                               |                         |
|---------------------------------------------------|---------------------------------------------------|-------------------------------|-------------------------|
| Permission is Hereby Granted To:<br>Safeway, Inc. | Trading Ass:<br>SAFeway                           | Elabor(s) Occupied:<br>1ST    | PERMIT FEE:<br>\$191.26 |
| Previous Use(s):<br>Retail or Wholesale Store - M | Approved Use(1):<br>Retail or Wholesale Store - M | Approved Use(2):              |                         |
| Type of Occupancy:<br>Ownership Change            | BZA Number:                                       | Occupied Sq. Footage:<br>3400 | Occupant Load:<br>50    |

**CERTIFICATE OF OCCUPANCY**

Conditions/ Restrictions:

This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year.

All Construction Done According To the Current Building Codes and Zoning Regulations;

As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit.

|                            |                             |                          |
|----------------------------|-----------------------------|--------------------------|
| Director:<br>Linda K. Argo | Permit Clerk:<br>Erika King | Expiration Date:<br>NONE |
|----------------------------|-----------------------------|--------------------------|

TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-821-1838

FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557



# Square 1672 Lot 0815

- Property Lines
- 200 Foot Radius


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

  
Map Created: 04-14-2009  
For planning purposes only

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 PATAKOS \* 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:

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

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REAL ESTATE  
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WASHINGTON, DC 20016-4026

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

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4551 FORBES BLVD  
LANHAM, MD 20706-4325

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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

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12432, of Edward B. Harry, Lawrence W. Harry and Franklin L. Derrick, Trustees of the Estate of John B. Harry, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to establish a parking lot for a Safeway store at 4840 42nd Street, N. W., (Square 1672, part of Lot 810).

HEARING DATES: June 15, July 20, September 21 and  
October 11, 1977

DECISION DATES: December 6, 1977, January 4 and March  
1, 1978

FINDINGS OF FACT:

1. The application for a special exception was filed by Safeway Stores, Inc., with the authorization of the Trustees of the Estate of John B. Harry, on May 2, 1977. The application requested approval of a parking lot for 181 cars on land adjacent to the existing Safeway Store at 4840 42nd Street, N. W., to allow the existing store to be reconstructed and expanded.

2. The application was advertised and scheduled for hearing on June 15, 1977. On June 15, 1977, the Board received and discussed a request for an extension of time within which to report from the D. C. Department of Transportation dated May 17, 1977, a request for a postponement from the Municipal Planning Office dated June 10, 1977, and a request from an individual in opposition to the case for a continuance. The Chairman ruled that the hearing would be postponed, in order to allow both DOT and MPO time to file reports so that the best available information on the case would be before the Board. The Chairman ruled that the case would be heard at the end of the agenda on July 20, 1977.

3. On July 20, 1977, counsel for Safeway requested the Board to postpone the hearing of the case until September 21, 1977, in order that Safeway could have time to determine, in cooperation with the Municipal Planning Office, whether the expansion of the store and the relocation of parking

could be accomplished with an amendment to the zoning map, which would require no action from the Board. The parties in opposition raised no objections to the postponement. On a motion made by William F. McIntosh, seconded by Walter B. Lewis, the Board postponed the hearing until September 21, 1977 by a vote of 5-0 (William F. McIntosh, Walter B. Lewis, Leonard L. McCants, Charles R. Norris and Chloethiel Woodard Smith to postpone). In so ruling, the Board determined that if the case were to go forward for hearing on September 21, 1977, there would have to be additional advertisement and posting of the property.

4. In accordance with the Board's direction, the application was readvertised and notice given on August 19, 1977, for public hearing to be held on September 21, 1977. An affidavit of posting was filed on September 1, 1977.

5. On September 21, 1977, the applicant stated that he wished to go forward with the case. The Board heard testimony on the proposed parking lot from the applicant, and from various proponents of the application. At the conclusion of these presentations, counsel for the applicant requested that he be allowed to submit an amended site plan to the Board, to enable the applicant to comply with the wishes of an abutting property owner to the north. The amended site plan, marked as Exhibit No. 65 in the record, reduced the number of parking spaces to 145. This reduction required that the Board also consider whether to grant a special exception under Section 7203 to reduce the amount of parking required for the Safeway store under Section 7202. The applicant therefore requested the permission of the Board to so amend the application.

6. The Chairman ruled that the application could be so amended. In order to allow for full public hearing and comment on the revised plans, the Chairman continued the hearing until October 11, 1977 and directed the applicant to supply copies of the amended plans to the parties in opposition.

7. The parties in opposition questioned whether the application should be filed and considered under Paragraph 3101.411, for accessory parking, rather than under Paragraph 3101.48, which is a parking lot generally. The Chairman ruled that Paragraph 3101.48 was the governing regulation, since there would be no use other than parking on the residentially-zoned portion of the site.

8. The application therefore before the Board in this case requests approval of two special exceptions, one under

Paragraph 3101.48 to establish a parking lot and one under Section 7203 to reduce the amount of required parking.

9. The subject site is located in the square bounded by Davenport, 43rd, Ellicott and 42nd Streets. The site borders directly on Davenport and 43rd Streets, which are only paper streets and are not in place except for a short piece of Davenport Street at the southeast corner of the parking lot. The eastern boundry of the parking lot would be the reconstructed Safeway Store on the same lot. The northern boundry of the lot is the back of property fronting on Ellicott Street, N. W.

10. The subject site is presently divided by a public alley, which the applicant proposes to close. To the east of the alley is a lot which contains 59,369 square feet. This lot is presently improved with a Safeway Store containing 14,639 square feet of gross floor area adjacent to the alley, and has seventy-six parking spaces south and east of the store. To the west of the alley is the part of lot 810, containing 40,158 square feet, proposed to be used as a parking lot. This part of the lot is vacant.

11. The portion of the subject site east of the alley is zoned C-2-A while the portion to the west is zoned R-2. The zone boundry line follows the centerline of the alley. Even though parking is permitted as a matter-of-right in a C-2-A District, and approximately forty-two of the proposed parking spaces are in the C-2-A portion of the lot, the Board considered the lot as a whole, since it is impossible to separate the lot into two parts.

12. Safeway proposes to build a store on the C-2-A portion of the site, containing a gross floor area of 38,085 square feet. The store would utilize less than half the maximum permitted density of the C-2-A District, and would be entirely within the C-2-A District. The store would be constructed on the eastern side of the C-2-A portion, adjacent to 42nd Street.

13. In a C-2-A District, parking for retail uses is required at the rate of one space for each 200 square feet of gross floor area in excess of 2,000 square feet. The store would thus require 180 spaces. Safeway proposed to provide 145 spaces, or thirty-five less than normally required. Such a decrease amounts to a reduction of approximately nineteen per cent, within the twenty-five per cent reduction permitted under Section 7203.

14. Access to the proposed lot would be in three places, from 42nd Street by way of a ramp adjacent to and on the north side of the new store, from Ellicott Street by way of the public alley and directly from Davenport Street on the south.

15. The proposed parking lot falls in its entirety within 200 feet of a commercial district and is contiguous to or separated only by an alley from that commercial district. The western boundary of the proposed parking lot is 185 feet from the middle of the alley which is the boundary of the C-2-A commercial district.

16. The proposed parking lot has been designed to comply with the requirements of Section 7404 regarding parking lots, as follows:

- A. All of the land to be used for parking and access drives will be paved with asphalt. The loading berths and sidewalks will be concrete. These materials form an all weather impervious surface.
- B. A brick wall twelve inches thick will be constructed around the north, west and south boundaries of this lot. This will prevent any vehicle or part thereof from projecting over any lot line or building line.
- C. There is no other use proposed to be located in the parking lot.
- D. The parking lot will have three entrances, which will be located on Ellicott, 42nd and Davenport Streets. All entrances will be more than twenty-five feet from the nearest intersection. The entrance on Ellicott Street will be the current alley entrance which is approximately 200 feet from the nearest intersection at 42nd and Ellicott Streets. The entrance on 42nd Street is approximately 130 feet from the intersection of 42nd and Ellicott Streets and the proposed entrance on Davenport Street is approximately 220 feet from the intersection of Davenport and 42nd Streets.
- E. Safeway plans to light the parking lot by using light standards approximately twenty feet in height with square fixtures having aluminum side panels which will direct the light downward to the surface of the parking lot. The number of lamps on each standard will vary from one to four, depending upon the location of the standards. A preliminary site

plan of the light standards, submitted as Exhibit 55, shows that the standards will be located near the entrances to the lot on Ellicott Street and Davenport Street and at the western side of the lot as well as in the southwest corner. Four fixtures will be placed throughout the lot. The spacing of the standards is designed to light all portions of the lot without illuminating the adjacent property.

- F. A brick wall, twelve inches thick, will be constructed around the perimeter of the parking lot. The wall will have a minimum height of forty-two inches, but will increase in height according to the topography of the site. The topographical survey plat, shows that the parking lot slopes downward from east to west, with a maximum variance in elevation of approximately twenty feet. The wall will be constructed in segments thirty feet in length which will be arranged in steps along the slope to accommodate the differences in elevation. The top of each segment of wall will remain level, but the height of the wall will vary according to the changes in the slope. The eastern side of each segment of wall will be forty-two inches and the western side will vary in height up to a maximum of five feet. The only exception to the minimum height of the wall will be in the northwest corner. There, the minimum height of the wall will be six feet.
- G. The Safeway property which is not paved or devoted to parking was proposed to be landscaped in accordance with the plan submitted as Exhibit 65. The landscaping would be located outside of the brick walls and would include a mixture of shade trees, flowering trees, needle evergreens and some deciduous shrubs. The plant material was selected to provide a varied appearance along the brick wall. All of the landscaping shown on the plan, with the exception of the five existing maple trees on 42nd Street, would be planted by Safeway.

17. The proposed parking lot will be reasonably necessary or convenient to the neighborhood. The lot will be located immediately adjacent to the store which it is intended to serve, and will provide parking required under the Zoning Regulations to serve the store.

18. Safeway proposes to enlarge its store to provide better retail grocery service to the surrounding community. The current store building needs substantial structural improvement and is too small to provide a full line of merchandise. Although Safeway can provide 12,000 items of merchandise, the current store can stock only 7,000 items. The proposed store would provide space to stock approximately 15,000 items. In a larger store, Safeway would be able to provide shoppers with greater variety of items and more selection among brands. The enlarged store requires more parking, which is reasonably necessary for the operation of the store and the convenience of the neighborhood.

19. The parking lot is designed so as to not become objectionable to adjoining or nearby property because of noise, traffic or other objectionable conditions. The brick wall surrounding the lot will help to block both the light from headlights of cars and any noise generated by cars in the lot. The plant material used to landscape the area around the parking lot will supplement the brick wall in screening the parking lot from the residential area. The trees and shrubs will further filter any light and noise that may originate from the store or from cars in the parking lot.

20. The traffic generated by the enlarged Safeway store can be easily accommodated by the existing street system. The current Safeway store is located just to the south of the intersection of 42nd Street, Ellicott Street and Wisconsin Avenue. Traffic conditions at this intersection are excellent and the intersection operates at service level A during the peak hours of traffic. (Exhibit 60, p. 2). Although the floor space of the proposed store will increase by 165%, Safeway's traffic expert stated and the Board finds that there would be only a sixty-five per cent increase in traffic to and from the store during the peak hours. Even though the actual increase in traffic should be substantially less, Safeway's traffic expert testified and the Board finds that, if traffic increased by 165% and was distributed in accordance with existing patterns, all intersections in the area would continue to operate at satisfactory levels of service during the peak hours. Furthermore, the intersection of 42nd Street, Ellicott Street and Wisconsin Avenue would continue to operate at service level A during the peak hours.

21. Safeway's traffic expert testified and the Board finds that the maximum number of spaces likely to be occupied at any one time is approximately 116. The revised plan would provide approximately thirty spaces more than that number. The proposed reduction in the number of spaces to be provided will be sufficient to serve the needs of the proposed store and will not result in any undue congestion at the store or

on neighborhood streets. The Board finds that the reduction in spaces will benefit adjoining properties since it enables Safeway to provide an expanded buffer zone between the parking lot and the neighboring residential property.

22. The location of the parking lot to the west of the current Safeway store will not adversely affect the character of the existing neighborhood. Safeway proposes to locate the parking lot on a vacant tract of land. There are only two residences adjacent to the site on the north side of the proposed parking lot, although several townhouses will be built on the northwest corner of the site in the near future. Vacant land and streets surround the remaining portions of the proposed parking lot. Although the area is largely undeveloped, the amended site plan provides an undeveloped strip of land along the west and northwest sides of the parking lot. This area of the parking lot is the closest to residentially-developed land and the strip of land will be landscaped to form a buffer between the residentially-zoned land and the parking lot. Because the parking lot is located in an area which is largely undeveloped, any impact that the parking lot may have on adjacent property can be minimized by the proposed buffer strip, brick wall and landscaping plan.

23. The Municipal Planning Office, by reports dated July 15, 1977 and September 16, 1977 and by testimony presented at the hearing, recommended approval of the application with the revised site plan, on the grounds that the improved Safeway Store would be consistent with general city policy and would provide a needed facility in the area, and that the expanded store would require parking to serve it. The Board so finds. The MPO reported and the Board finds that the only feasible method of providing the required parking at this time is to locate the parking to the west of the proposed store.

24. The D. C. Department of Transportation, by memorandum dated September 26, 1977 and by testimony at the hearing, reported to the Board on the issues of level of service and surplus capacity, impact of the proposed development, public financial investment needed to accommodate this development and potential traffic generation by alternative development of the site. The Department reported and the Board finds that the two intersections most directly affected by this application, Wisconsin Avenue at Ellicott and 42nd Streets and River Road at 42nd Street, are both operating at level of service A at present, and that there is surplus capacity at both intersections which would keep those intersections operating at level of service C. The Department reported and the Board finds that even if traffic generation increases at a rate proportional to the increase in the number of parking spaces, there would be

an additional 140 trips in and 140 trips out of the facility during the peak hours, and that if those trips were distributed in the same directions as present trips, no street in the vicinity would fall below level of service C. The Department reported and the Board finds that no capital expenditures by the District would be necessitated by this application.

25. The Department of Transportation submitted to the Board a report prepared for DOT by the Department of Environmental Services dated October 4, 1977. The DES report stated that there are deficiencies in the storm water drainage system in the area, and recommended that on site storage of storm water be considered to minimize run-off. The Board finds that such a system for storm water run-off is necessary to protect adjoining properties which might otherwise suffer from the consequences of uncontrolled run-off.

26. In order to further investigate the issues raised about storm water run-off, the Board referred a copy of the site plan to the Department of Environmental Services. By memorandum received on December 27, 1977, the Department reported that the existing storm water system serving the area is not adequate to accommodate the parking lot drainage, and that additional run-off into the system could cause excessive sur-charging and possible street ponding in some areas. The Department reported that sufficient run-off could be detained on-site so that the impact on the system would be no greater than under present conditions. By memorandum dated January 3, 1978, the Department reported that it had reviewed preliminary design drawings and computations for such a system prepared by Safeway's engineers, and that such a system would be adequate and acceptable as a method for managing additional storm water run-off caused by the parking lot. The Board so finds.

27. Following receipt of the drawings regarding the storm water system, the Board reopened the record to allow the parties in opposition to file written comment on those drawings. Comments were filed by some of the parties in opposition, which comments suggested that the proposed system would be inadequate. The Board notes that there was no background technical information to support that position, and lacking definitive information from an engineer, the Board finds no reason not to accept the findings of the Department of Environmental Services.

28. Advisory Neighborhood Commission 3-E, after notice and public meeting, appeared before the Board and opposed the application, on the grounds that the application constitutes an unacceptable intrusion of commercial usage into a residential neighborhood, and that further widening of the Wisconsin Avenue commercial corridor is undesirable and would create a dangerous

precedent for future expansion. The ANC did state its concern over seeing the Safeway Store remain in operation, as Safeway has stated it will.

29. The Friendship Neighborhood Coalition, certain nearby property owners and area residents also opposed the application, on the same grounds as the ANC, and also on the grounds that the proposed parking lot with its attendant, noise, traffic, light and air pollution will adversely affect the residential character of the neighborhood.

30. There was testimony in the record, from nearby property owners and other area residents, in support of the application.

31. The Municipal Planning Office is in the process of preparing a Sectional Development Plan for the Tenley Circle Area. As part of that process, in accordance with Sub-section 7502.4, a Community Advisory Group (CAG) has been formed to work with the MPO. The Tenley CAG took no position on the application.

32. As to the concerns of the ANC, the Board finds that the present application does not constitute an unreasonable intrusion into a residential neighborhood. The subject site is vacant, is abutted by two paper public streets, neither of which is improved, and is further surrounded by vacant land to the south and west. The Board finds that Safeway has made a reasonable effort to further minimize the effects of the parking lot by providing an extensive landscaped buffer on the north and west sides of the lot, and by providing the required brick wall around the perimeter of the lot. As to the setting of a precedent, the Board finds that each individual case must be decided on its own merits and on the record before the Board in that case. The granting of this application by itself would not be sufficient to sustain the granting of any other application. The Board further finds that an examination of the existing parking lot cases in this general area sustains that view. The Board further finds that expansion of parking to the south of the new store is not a real possibility, and cannot be considered a viable alternative.

33. As to the other concerns raised in opposition, the Board finds that Safeway has made an extensive and reasonable effort to meet the concerns raised by the neighborhood, and that the specific findings as to impacts cited above are sufficient to sustain the view that the parking lot would not result in unreasonable, unacceptable neighborhood impacts.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the applicant has filed for the proper special exception; that is, for a parking lot under Paragraph 3101.48, rather than for accessory parking under Paragraph 3101.411. Based on the findings of fact and the extensive record in this proceedings, the Board further concludes that the applicant has met all of the requirements for the two exceptions requested, and that the application is not likely to be objectionable to the surrounding neighborhood because of noise, traffic or other objectionable conditions.

The Board notes that there was substantial support for the application in the community, and also substantial opposition. The Board notes that it will not decide applications on the basis of the number of people in favor or opposed to an application, but rather concludes that it must decide cases on the basis of the facts presented in the record. The Board concludes that each application must be decided on its own facts, and that this decision cannot by itself serve as a precedent for other applications such that no facts or basis for the grant of such an application need be presented. If the facts warrant that a case be granted, it will be granted; if the facts warrant that a case be denied, it will be denied.

The Board notes that the ANC opposed the application. The Board concludes that it has given the "great weight" intended by the statutes to the issues and concerns of the ANC, but as cited in the Findings of Fact, the Board did not accept the recommendations of the ANC for the reasons noted.

The Board concludes that the parking lot should be approved. The Board however concludes that the proposed plans as submitted should be further revised, to even further reduce the number of spaces to even further minimize traffic impact, and to increase the landscaping and buffer areas of the plan, to even further protect the area. The Board concludes that the number of spaces in the lot should be reduced by the maximum of twenty-five percent under Section 7203, which reduction is the maximum the Board can approve without the granting of a variance. It is therefore hereby ordered that the application is granted subject to the following conditions:

1. The parking lot shall be developed to include the storm water detention system approved by the Board and marked as Exhibits No. 101 and 102 in the record.
2. The parking lot shall be developed in accordance with the parking and landscaped site plan as modi-

fied and approved by the Board and marked as Exhibit No. 107 in the record. There shall be a total of 136 parking spaces on the lot, as shown on the plan.

3. The lot shall comply with the requirements of Section 7404.

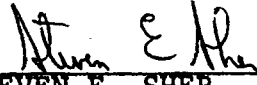
Votes: 4-0 to grant the application on January 4, 1978 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants to grant, John G. Parsons not present, not voting).

5-0 to approve the storm water dention plans on March 1, 1978 (Charles R. Norris, William F. McIntosh, Leonard L. McCants, and Chloethiel Woodard Smith to approve, John G. Parsons to approve by proxy).

5-0 to approve the site plan as modified by the Board on March 1, 1978 (Charles R. Norris, William F. McIntosh, Leonard L. McCants and Chloethiel Woodard Smith to approve, John G. Parsons to approve by proxy).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 17 APR 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITNIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

July 29, 2009

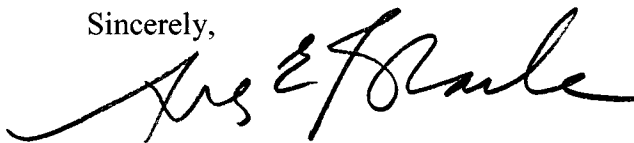
Richard Nero, Acting Executive Director  
D.C. Office of Zoning  
441 – 4<sup>th</sup> Street, N.W., Second Floor  
Washington, D.C. 20001

Re: Safeway Inc.

Dear Mr. Nero:

Pursuant to the provisions of 11 DCMR §3002, Safeway, Inc., the fee simple owner of Lots 0803, 0804, 0812 and 0815 in Square 1672 in the District of Columbia, hereby authorizes the law firm of Venable LLP to act as its agent before the Zoning Commission to seek a Consolidated Planned Unit Development and an amendment to the Zoning Map to change the zoning of a portion of this property from R-2 and R-3 to C-1. This letter of authorization includes the power to bind the Applicant in the case before the Commission.

Sincerely,



Avis E. Black  
Area Real Estate Manager

August 5, 2009

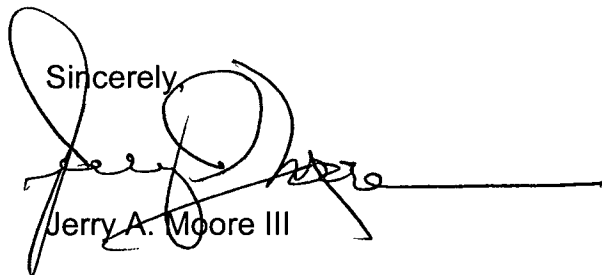
Mr. Richard Nero  
Acting Director, D.C. Office of Zoning  
441 4<sup>th</sup> Street, N.W.  
Suite 210 South  
Washington, DC 20004

Re: Compliance with 11 DCMR §2406.7

Dear Mr. Nero:

Please be advised that on July 31, 2009, the attached Letter of Intent was mailed, first-class, postage prepaid to Advisory Neighborhood Commission 3E and to the owners of all property within two hundred feet (200 ft.) of the perimeter of the site that is the subject of these applications.

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.

JAM/ljm  
Attachment

July 30, 2009

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

Re: Notice of Intent to File Application for Consolidated Planned  
Unit Development and Change of Zoning on Square 1672:  
11 DCMR § 2406.7

Dear Sir or Madam:

Our client, Safeway Inc., wants to bring it's newest state of the art "Lifestyle" store to your Tenleytown community. The current Safeway store at 4203 Davenport Street, N.W. is twenty-eight years old and, at 35,000 square feet, is too small to provide the range of products and services that the modern consumer expects. Hence, Safeway plans to replace the existing store with an exciting new building containing 58,000 square feet on the property that Safeway now owns on Square 1672.

The new building will be LEED certifiable and designed to face 42<sup>nd</sup> Street on the property line with a primary entrance on 42<sup>nd</sup> Street and Ellicott Street. In addition to a wide array of new products and services, the new store will contain a café seating area, a Starbucks coffee service, expanded meat, seafood and bakery departments and other attractive amenities. Off-street parking will be provided beneath and at the rear of the new building. The site will be attractively landscaped, including a vacant lot on Ellicott street that Safeway owns which will become community open space. Safeway also plans to apply to "Adopt" and beautify the triangular park at 42<sup>nd</sup> and Ellicott Streets.

To build this new store and its amenities a zoning change is needed on the parts of Safeway's property that are presently zoned for "residential" uses such as semi-detached and row dwellings, churches and public schools. Despite its "residential" zoning the same property has been used by Safeway primarily as an accessory parking lot and as vacant space for the past 28 years. Hence, in no fewer than 10 days, Safeway will file an application seeking the approval of a Planned Unit Development ("PUD") with a change in the current "residential" zoning to the C-1 district, the lowest density nonresidential zoning category available that will permit a grocery store use. Although the PUD process is designed to allow larger buildings than the zoning regulations would otherwise

July 30, 2009

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allow, Safeway's new building will actually be lower in height (averaging 32 feet) than could be built under the existing "residential" zoning plan. In addition to permitting a grocery store use, the PUD also seeks a small reduction in the off-street parking (6 spaces), roof top structure, rear yard (5 feet), side yard and courtyard (8 feet) requirements.

The application will be filed with the D.C. Office of Zoning (441 - 4th Street, N.W., Suite 210 South). A copy of the application will be mailed to Advisory Neighborhood Commission 3E. Questions about this application may be directed to Craig Muckle, Manager, Safeway, Public Affairs and Government Relations at: [www.craig.muckle@Safeway.com](mailto:www.craig.muckle@Safeway.com), (301) 918-6803. Community meetings will continue to be scheduled to present Safeway's exciting new plans.

Sincerely,



Jerry A. Moore III  
Land Use Counsel to Safeway Inc.