SAFEWAY INC.
4551 FORBES BLVD.
LANHAM, MD 20706-4344

January 8, 2001

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D.C. OFFICE OF ZONING
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Ms. Jerrily Kress, AIA
Director, Office of Zoning
441 Fourth Street, NW, Suite 220
Washington, DC 20001

Re: BZA Application Nos. 16642 and 16643

Dear Ms. Kress:

Pursuant to 11 D.C.M.R. § 3106.2 Safeway, Inc. hereby requests to appear and participate as an opposing party in the above-referenced applications. In furtherance of this request, the following supporting information is submitted:

a) person's name and address: Safeway, Inc., 4551 Forbes Boulevard, Lanham, MD 20706-4344

b) request to appear and participate as a party: said request is hereby made.

c) whether the person will appear as a proponent or opponent of the application or appeal: Safeway, Inc. will appear as an opponent to both applications.

d) whether the person will appear through legal counsel and, if so, the name and address of such legal counsel: Safeway, Inc. will appear through legal counsel as follows: Arter & Hadden LLP, Jerry A. Moore III, 1801 K Street, NW, Suite 400K, Washington, DC 20006.

e) a statement setting forth why the person should be granted party status: Safeway operates a grocery food store at 1855 Wisconsin Avenue, NW which is directly across Wisconsin Avenue, a distance of approximately 100 feet, from the site of the Georgetown Flea Market. Safeway provides a small parking lot exclusively for the convenience of its customers while shopping at Safeway. If the land were available, Safeway would prefer to have a larger parking lot to meet the needs of its own customers. This is especially true on Sundays which has become the busiest day of the week for this Safeway. In addition, there is an overall lack of available on-street public parking in this general area.

BZA
Case No. 16642
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO.16642
EXHIBIT NO.21

The Sunday Flea Market, which is the subject of these applications, has operated on the playground/parking lot area of the Hardy Middle School for quite some time. Because the Flea Market does not provide off-street parking for its patrons, many of those patrons park on the Safeway parking lot. The frequency with which its patrons use Safeway's lot for parking has grown progressively greater. Persons now routinely park on Safeway's lot and walk across Wisconsin Avenue to attend the flea market. They often ignore signs that Safeway has posted and the requests of Safeway security guards and store personnel to park elsewhere if they are not shopping at Safeway. Recently, to insure that parking is available for Safeway customers, Safeway has taken to towing the vehicles of flea market patrons at both a financial and a public relations cost to Safeway. In addition, traffic along Wisconsin Avenue, which is already congested, gets much worse during the Flea Market's operating hours. Because the Flea Market patrons take parking spaces on Safeway's lot, area residents seeking to do their grocery shopping are inconvenienced. This constitutes a substantial detriment to the public good and clearly adversely affects the use and enjoyment of our neighboring property.

As such, Safeway's position and views are unique with respect to its property interest and cannot be adequately represented by other persons or organizations. No other person or organization has the depth of knowledge nor the empirical experience in the number, frequency and occasions of persons using Safeway's parking lot to patronize the Georgetown Flea Market.

Thus, it is for these reasons and to further these interests that Safeway, Inc. respectfully requests to appear and participate in the above-referenced proceedings as an opposing party.

Sincerely,

Thomas D Castleberry

Thomas D. Castleberry
Vice President, Real Estate