

April 24, 2018

Mr. John M. Anderson, Jr.  
Representative  
St. Paul's College Neighbors for Thoughtful Development  
502 Regent Place NE  
Washington, DC 20017

Dear Mr. Anderson,

We are appreciative of the time and effort you and your neighbors have invested over the last 2+ years in working with us to develop a set of mutually acceptable standards and expectations to govern the development of the Paulist Property. The purpose of this letter is to document those standards in a form that can be added to the record of our pending application (No. 19377) to the Board of Zoning Adjustment to provide assurances to both parties going forward. Pursuant to that goal, we hereby make the following commitments regarding the project:

Design Elements:

1. Building Height – Proposed building heights will not exceed the matter of right zoning maximum of 40' and 3 stories. The grading of the proposed homes on Lots 1-7 and 23-28 has been designed to slope away from the existing Chancellor's Row homes in the immediate vicinity, resulting in a "cellar" condition in the front of the building for the ground or, garage, floor. In addition, no penthouses shall be proposed for the homes on Lots 1-7 and 23-28. Instead, the homes on Lots 1-7 and 23-28 shall be designed with a partial top story that is set back for the portions of the houses facing the immediately adjacent existing homes in Chancellor's Row. An outdoor terrace shall be provided on the partial story level to substitute for the absence of the penthouse feature. To the extent practicable, sightlines from the rooftop decks of the Chancellor's Row homes facing Lots 1-7 and 23-28 shall not be obstructed by

- buildings, mechanical, or other home design elements other than those homes themselves proposed by the plans approved by the BZA.
2. Placement of AC Units – No AC units shall be located on the roofs of the houses on Lots 1-7 and 23-28. For these lots, the AC units shall be located on the outdoor terrace of the partial 3<sup>rd</sup> story or some other location other than the rooftop.
  3. Stormwater Management System – The proposed stormwater management system shall meet all current District of Columbia (D.C.) laws, regulations, and requirements and be designed in a manner to allow for sufficient maintenance and repair. The details of the stormwater management system design shall be reviewed and approved by all relevant D.C. agencies in conjunction with the building permit process and a copy of the approved plans shall be provided to the Chancellor’s Row HOA per the terms of the existing reciprocal easement agreements (“REA”) and stormwater covenant established in conjunction with the development of Chancellor’s Row. Existing easements on the Paulist Property shall be revised, if necessary, to reflect the locations of the new infrastructure once approved by the relevant D.C. agencies. The Chancellor’s Row HOA will reasonably cooperate and sign off on the revision of these and other easements, as necessary, to facilitate the satisfaction of this commitment and the development of the property and shall allow such documents to be recorded, as necessary.
  4. Existing Parking Lot Connection to Regent Place – The access point between the existing Paulist Property parking lot and Chancellor’s Row, currently blocked by landscape planters, will be permanently closed by installing curb and gutter in conjunction with the residential development.
  5. Existing Roadway Connection to Regent Place – A vehicular connection exists between the Paulist Property driveway and Regent Place. A vehicular “boom gate” was previously installed at this connection by others to regulate traffic flow between the Paulist Property and Chancellor’s Row. In order to mitigate traffic impacts on the streets of Chancellor’s Row, no residential or construction traffic from the proposed development (pursuant to BZA Case No. 19377) shall have access through this gate in either direction. The Homeowners Association documents for the proposed development shall contain a covenant that memorializes this restriction. We note that

we are not able to alter or modify the existing obligations between the schools and the Chancellor's Row properties as the result of the commitments contained in this letter.

6. Regent Place Gate – Subject to any required permits or approvals, the aforementioned “boom gate” shall be replaced with a semi-permanent gate with stone or stone-wrapped pillar(s) at no cost to Chancellor's Row. The replacement gate will be designed to readily allow for access by emergency vehicles. The specific materials and design shall be subject to Building Hope review and approval.
7. References to Regent Place – No attempts shall be made by the development team to remove the gate or otherwise connect the proposed development to Chancellor's Row. Furthermore, no suggestions or references to a future, unrestricted connection shall be made in project documents or presentations.

#### Landscaping:

1. Design of Adjacent Open Spaces – The landscaping for the two main open spaces in between the proposed development and Chancellor's Row: 1) the immediate area between Lots 1-7 and the Chancellor's Row community, and 2) the immediate area along the south side of the new Paulist building, shall be planned jointly with the homeowners in the identified locations as permitted by the BZA approval regarding the design of such areas. The development team will cover the cost of the design, plans, materials, and installation of the final mutually-agreed upon landscaping at the initial, complete construction of the project. The final plans and landscape improvements shall be commensurate in quality, content and cost to similar landscaped conditions in Chancellor's Row.

#### Construction:

1. Vehicle Access and Staging - No construction vehicles for the proposed development shall access or stage equipment within "shared roadway" easement areas on Chancellor's Row. No construction workers or related parties shall park within Chancellor's Row and no construction traffic of any sort shall access Chancellor's

Row roads. All construction access, vehicle and pedestrian, shall be from 4th Street. The foregoing shall not preclude access and work that is performed on the adjacent charter school property unrelated to the construction of townhomes in the residential development.

2. Pre-Construction Survey – A pre-construction survey of homes that immediately abut the construction site, specifically houses numbered 500, 502, 504, 506, 508, 510 and 512 on Regent Place, shall be offered and prepared upon owner consent prior to construction. Following the completion of construction activities a post-construction survey will be completed for the homes previously surveyed, and the Chancellor’s Row homes assessed for any construction-related damage, the results of which and any noted damage discussed with the homeowners. Any damages noted which are determined to be a result of the construction activities, shall be addressed by the developer to the satisfaction of the homeowner.
3. Dust Control – Vertical fabric-covered barriers or fencing shall be erected around the construction site(s) throughout the construction period, as necessary, to limit dust and debris from the construction site. Dust shall be proactively managed, to the extent possible and reasonable, by establishing grass cover, avoiding large open areas of bare dirt and soil piles and utilizing site watering and other dust mitigation techniques throughout the construction period.
4. Construction Debris – Streets and sidewalks of Chancellor’s Row that abut the construction site shall be monitored on a daily basis for construction debris and cleaned as necessary throughout the construction period. Chancellor’s Row agrees to permit access to its property for the personnel necessary to effectuate this task.
5. Powerwashing – The homes, roadways and sidewalks of Chancellor’s Row that immediately abut the construction site shall be powerwashed by a third-party contractor as necessary throughout the construction period with a reasonable frequency.
6. Construction Hours – District of Columbia laws, regulations, and requirements for construction hours shall be strictly followed. Notwithstanding the foregoing, the development team agrees to a restricted start time of 9am on Saturdays. No pre-construction or “staging” activities shall occur prior to the applicable starting time.

No exemptions from regular construction hours shall be requested without the written approval by a representative of the HOA no less than seven (7) days prior to such work, due to restricted and/or emergency circumstances.

7. Contact Person - Contact information for the on-site construction foreman shall be provided to the Chancellor's Row HOA and Managing Agent. A representative shall be available either in person or via telephone at all times during the construction hours noted above. After-hours contact information shall also be provided to ensure a person of authority to address issues can be contacted in case of an emergency.
8. Construction Phasing – In order to create a partial buffer for Chancellor's Row from the remaining development activities, the first phase of the vertical building construction will contain the 2 rows of proposed townhomes in the northeastern corner of the site (Lots 1-7 and 23-28) and shall be constructed in conjunction with the first phase of the project at the time of construction of the model home for the community.
9. Pest control – Any on-site sediment basins shall be pumped down on a regular basis in order to prevent potential mosquito breeding. The development team shall work to avoid standing water throughout the site, to the extent possible, to discourage potential mosquito breeding. The developer shall be responsible for proactively managing all pests, including rodents and mosquitos, on site throughout the construction period.
10. Security - The developer shall be responsible for securing the development site both during construction and after-hours. Reasonable measures shall be taken to ensure the community is not negatively affected by security risks at the construction site.

#### Building Hope / Charter Schools:

In addition to the items above, the development team also pledges its support in working with the Chancellor's Row HOA to facilitate solutions to the following operational issues as identified by existing Chancellor's Row residents relating to the daily operation of the adjacent charter schools:

1. Reciprocal Easement Agreement – Investigate the feasibility of further restricting the shared roadway access use by the schools to limit potential adverse impacts to Chancellor’s Row roads and residents.
2. Ongoing Issues Cited by Chancellor’s Row Residents – Discuss issues that have been observed by Chancellor’s Row residents since the charter schools began operation.

Those issues include:

- a. Students walking in middle of private streets and not moving out of way for vehicles.
- b. Students cutting through Chancellor’s Row property and not utilizing previously designated pathways.
- c. Student drop-off and pick-up occurring on/from the Chancellor’s Row streets instead of school property or public streets.
- d. Package theft in neighborhood.
- e. Student behavior walking to and from the schools
- f. Unauthorized teacher parking on Chancellor’s Row streets.
- g. School delivery and service vehicles parking in fire lanes along Regent Place.

NOTE: All of the aforementioned commitments shall be conditioned upon receiving unappealable BZA approval for the site plan as presented in Application #19377. In the event that the plan is meaningfully altered during the BZA process or a subsequent appeal, both parties pledge to reconvene in good faith to reach consensus on any items that are impacted by the alterations.

Sincerely,

By: Boundary/Elm Fourth Street, LLC

By: 

Name: John Wilkinson

Title: Member

By: Boundary/Elm Fourth Street, LLC

By: 

Name: Stephen Horne

Title: Member

Agreed and Accepted by:

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