Neighborhood Commit gee

May 9, 1985

Dr. Jared I. Falek
Executive Director
The Washington Home
3720 Upton Street, NW
Washington, DC 20016

Dear Jared:

Enclosed you will find the original of the agreement between the Home and the neighbors regarding construction of the new building, etc.

I suggest that this be stored in a secure place as I am sure we will have to refer to it in the near and distant future.

Sincerely,

Michael H. McConihe

MHM:jh
enc.

Case No. 16836
Exhibit No. 87

Board of Zoning Adjustment
District of Columbia
CASE NO.16836
EXHIBIT NO.87

3. By the completion of the construction period, the open land shown on the final site plan approved by the BZA will not be dedicated to any uses incompatible with the objective of retaining open land as landscaped area. The Home has no present intention to otherwise dedicate the open land, and knowing the Citizens' strong interest in maintaining as much open space as possible, the Home agrees that if it should desire to otherwise dedicate the open land, it will make this fact publicly known so as to allow members of the neighborhood to participate in the decision making process prior to any formal application to the BZA concerning such change.

4. The plan will be supported by at least $100,000 in capital expenditures (exclusive of regular maintenance and of architect and landscape planning fees) for landscape planting visible from 37th Street or Upton Street made between this date and nine months after the completion of major construction activity on the site.

5. During the construction period it is agreed that:

(a) The Home will require construction vehicles, especially excavation and concrete trucks, to use the alley running between Wisconsin Avenue and the construction site to the greatest extent consistent with any limitations that may be imposed by law, the property rights of others, safety considerations or practical limits imposed by the construction itself. We understand that the Home will require the contractor to post flagmen in the right-of-way to maximize its use consistent with the above limitations, and that the excavation dump trucks and concrete trucks will utilize Upton Street from 38th Street to Wisconsin Avenue as their alternative route if the alley is unavailable as a source of entry or exit.

(b) For the vehicles used by construction personnel, the Home will provide not less than 50 temporary parking spaces in the southeast corner of the site, within the construction area surrounded by the construction fence.

(c) The principal means of movement of heavy materials between different parts of the construction site will be by a crane or cranes within the site, rather than by trucks around the circumference of the site.

(d) The Home will ensure that the contractor will prevent access or egress by construction equipment from the site via 37th Street from 7:45 a.m. until 9:15 a.m. and from 2:30 p.m. until 3:30 p.m. in order to help ensure the safety of the children attending nearby schools.

(e) (1) Subject to pertinent laws and other provisions of this agreement, the Construction site plan will conform generally to the topographic survey dated December 4, 1984 as annotated by the

Home's architects to show construction fencing, materials storage, construction personnel parking and placement of construction trailers; (ii) the construction fence will be constructed of wood where it fronts 37th Street or Upton Street; and (iii) at the end of each workday, the construction site, at least outside the construction fence, will be clear of litter, construction materials, machinery and other unsightly objects. Under no condition will construction vehicles (including trailers) be parked on the street overnight.

(f) To facilitate the expression of neighborhood concerns during the construction period, the Home will review its construction contract provisions with the undersigned prior to finalizing contract conditions. Further, during the construction period, a representative of the undersigned will be permitted to participate in meetings and to review progress reports and construction contract compliance. It is anticipated that the Citizen's representative will convey to the Home any concerns of the community regarding the conduct of the construction and the Home will attempt to have the contractor address these concerns promptly.

7. The architectural particulars respecting the location and enclosure of mechanical equipment, the mass of the building north wing, and the patio walls at the north elevation of the proposed new building, as discussed in your letter to us of April 8, will be subject to review and further understandings to be reached between your architect and Mr. John Blackburn.

In consideration of these understandings, we will support the Home's application for a special exception, except for the issue of parking spaces, to permit construction of its planned new building.

With great respect and gratitude for your efforts in reaching agreement on these matters with the community.

Yours sincerely,

AGREED:

Jack Blackburn

Dorothy Pendergast
President
The Washington Home

Richard Danzig

May 8, 1985

Ruth Dixon