

**Construction Management Agreement for Development of the Stanton Square and
Commons Project - (ZC No. 13-09)**

Stanton Square, LLC (the “**Applicant**”) agrees to the following Construction Management Agreement (“**CMA**”) provisions in order to minimize or ameliorate the impact from the construction of the Stanton Square and Commons project (the “**Project**”) on the surrounding community. The Applicant will request that the Zoning Commission include compliance with these provisions as a condition of approval in Zoning Commission Case No. 13-09.

1. **Traffic and Construction Control Plan:** Vehicular ingress and egress will be only through approved, permitted construction entrances. At no time are trucks permitted to queue (which is deemed to be waiting for more than 15 minutes) or idle on the adjacent streets. Nor are workers allowed to individually congregate, queue or idle in the surrounding residential areas before the 7 a.m. or 8 a.m. start of the construction day. Flagmen will be positioned as necessary, to direct the flow of construction traffic and to maintain the public’s safety in this residential area. Throughout construction, the Applicant agrees to ensure safe pedestrian access around the perimeter of the site. The Applicant agrees to develop and implement (after approval by DDOT) a plan for temporary pedestrian and vehicular circulation during construction. At a minimum, the plan shall identify temporary sidewalks, interim lighting, construction vehicle routes, and any other features necessary to ensure safe pedestrian and vehicular travel around the site during construction.
2. **Construction Parking:** Parking for construction workers will be provided within the boundaries of the construction site. Construction personnel will be encouraged to utilize mass transit, including Metro rail and Metro bus.
3. **Site Management:**
 - **Trailers and Materials:** All construction trailers, all construction materials and all equipment, and portable toilets will be located and always retained on the Applicant’s property for the duration of the construction.
 - **Odors:** There will be no noxious odors emanating from the construction site.
 - **Lighting:** Ongoing temporary on-site lighting during construction will be erected for the site to provide lighting for safety and security. No generators will be used at night to provide temporary site lighting. The Applicant will keep the lighting directed into the site only and not impact the surrounding community.
 - **Electrical Generators:** All electrical generators and compressors will be turned off at the end of each day’s construction activities, i.e., by 7 p.m.
 - **Stormwater Management:** The Applicant will maintain temporary stormwater management systems throughout the Project’s construction until such time as the permanent facilities are constructed, approved, and functioning such that there shall be no adverse water impacts on the adjacent neighborhood.

4. Excavation and Rodent Infestation: The Applicant will enact a substantive rodent abatement/rodent control program during pre-construction and while construction activity is occurring. Rodents are deemed to include rats, possums, raccoons, snakes, etc. Upon receipt of any rodent complaint, rodent damage and/or rodent issues, the Applicant will immediately resolve any problems and inconvenience resulting from rodent infestation.
5. Cleanliness: The Applicant will require the continuous removal of rubbish and construction debris during the normal construction day and during any other periods of work. During construction activities, there will be a dumpster on-site for the removal of trash and construction debris. The dumpster will remain covered at all times and will never overflow onto the ground. The removal and replacement of the dumpster will take place during normal working hours on Monday through Saturday. All excavation or back-fill trucks will be covered before proceeding from the Applicant's property onto city streets.
 - The areas adjacent to the site will be policed daily by the contractor and will always remain clean of any trash or debris resulting from construction activities.
 - At the end of each work day during construction, the Applicant agrees to ensure that any streets used for hauling construction materials and the entrance to the construction site are free of mud, dirt, trash, dust and debris and that all streets adjacent to the construction site are free of trash and debris.
 - The Applicant agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period.
6. Work Hours and Workers: The normal construction work-week will be Monday through Friday, 7 a.m. to 7 p.m., and Saturday, 8 a.m. to 4 p.m. The Applicant will make good faith efforts to limit the work that could disturb the residents of the surrounding neighborhood to weekdays, except where limitations on work during the week require work on Saturdays to meet the requirements of construction teams for a 40 hour work week. No Sunday work hours will be utilized.
 - Trucks: All trucks for delivery of materials, construction or otherwise, will arrive, depart and operate on the Applicant's property during the foregoing hours.
 - Workers: Workers will not be on Applicant's property prior to stated work hours.
 - Noise: There will be no noise generating activities prior to the start of the work day. There will be no start-up or idling of equipment prior to the start of the work day. Indoor construction activity, defined as activity occurring entirely within a structure fully enclosed on all sides by insulated exterior walls, windows and or doors shall end at midnight each day, and any such activity that occurs after 7:00 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The Applicant agrees to place a minimum of one (1) sign per street-front around the perimeter indicating the permissible hours of construction, to place additional

signage within construction field offices, and to provide a written copy of the permissible hours and rules of construction to all subcontractors prior to the start of their work.

7. Communication: The Applicant shall designate a representative (the “**Representative**”) to be the key contact for interaction with members of the community regarding construction. The Representative will have a local office, cell, fax and voice mail and be accessible during all business hours. The Representative will respond to all community queries within the same business day (Monday-Saturday). In addition, the Applicant will provide an emergency point of contact who can be reached 24 hours a day for construction concerns. The name of the key contact and his or her telephone numbers will be conspicuously posted on the Applicant’s property at all times. The Applicant will work with neighboring residents and the surrounding community to designate a single contact person (“**Neighborhood Contact Person**”), who may change from time to time, to represent the surrounding community. The initial Neighborhood Contact Person shall be designated by the community and will be determined prior to the start of construction activity on the Property. The Neighborhood Contact Person will receive and disseminate information from the Applicant to the community. The Applicant shall provide to the Neighborhood Contact Person, and keep updated, the names of and pertinent information about the Representative, the designee and emergency contact, including their home phone numbers and beeper numbers, as appropriate. In the event that a single Neighborhood Contact Person cannot be agreed upon, the Applicant shall provide the information described in this Plan to the ANC 8B Single-Member District Commissioner for the Property.

- The Applicant’s designated Representative shall: (a) receive notice of violations of the Construction Management Agreement; (b) respond to the person who reported the violation within the same business day (Monday-Saturday); (c) act to remedy the violation as soon as possible; (d) correspond with the Neighborhood Contact Person to explain the complaint, proposed remedy, and timeframe for resolution of the problem; and (e) maintain a log of all complaints received and the steps taken to address the complaints.
- Before commencing any clearing, grading, or demolition activities, the Applicant shall hold a meeting with the neighboring community to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Applicant further agrees to meet with the neighboring community should the exigencies of construction require modifications to any details specified herein. In addition, the Applicant shall meet with the neighboring community periodically during the construction activities and shall meet with the neighboring community, at a minimum, once every three (3) months in order to address any construction related issues.
- Copies of the plan shall be posted on the construction site and provided to each subcontractor before its work commences.

8. Contractors: The Applicant will enforce contractor compliance with all rules and regulations described herein with all such conditions included in all general and sub-contractor oral and written contracts. The Applicant will require that all contractors and subcontractors use only licensed vehicles and that they comply with all DC traffic laws and regulations.
9. Permits. All plans and permits will be on-site as required under the DC Construction Code and available for inspection by the community.