

**DEVELOPMENT AND CONSTRUCTION MANAGEMENT PLAN FOR ZONING
COMMISSION CASE NO. 14-18A**

In response to questions and comments that were provided at the ANC 5C05 Single Member District Public Meeting on March 9, 2017, Mid-City Financial Corporation, Brentwood Associates Limited Partnership, and MCF Brentwood SC, LLC, collectively the Applicant in Zoning Commission Case No. 14-18A (“**Applicant**”), seeks to mitigate any adverse impact on the surrounding neighborhood resulting from the Applicant’s plans to construct: (i) a four-story apartment building containing approximately 131 units with below-grade parking spaces (“**Building A**”), and (ii) a four-story residential building containing approximately 200 seniors-only independent living units with below-grade parking spaces (“**Building B**” and together with Building A, the “**Project**”). This property is known as Block 7 of the approved First-Stage PUD approval and is generally bound by Saratoga Avenue, NE to the north, 14th Street, NE to the east, a 16-foot wide public alley to the south, and Brentwood Road, NE to the west (the “**Property**”).

The Applicant will submit this Development and Construction Management Plan (the “**Plan**”) to the Zoning Commission and will request that the Zoning Commission include compliance with this Plan as a condition of approval in Zoning Commission Case No. 14-18A.

1. **Communication.**

a. **Applicant’s Representative.** The Applicant shall designate a representative to be the key contact during the period of construction of the Project for interaction with the owners of all property within 200 feet of the Property. The Applicant’s representative (the “**Representative**”) will have a local office and will be accessible during all business hours. At any time construction activity is occurring on the Property, the Representative or his/her designee shall be available on-site or by telephone to receive communications from the surrounding community. The name and work telephone number of the Representative or his/her appointed designee shall be readily available to members of the community. In addition, a name and telephone number of a person designated by the Applicant to contact in case of emergency during hours in which no construction activity is occurring shall be readily available to members of the community.

b. **Duties of the Applicant’s Representative.** The Representative and his/her designee will be able to answer questions and receive comments about the site activities, address any concerns members of the community might have throughout the construction process, and have authority to remedy promptly violations of this Plan and enforce its provisions. The Representative, designee and emergency contact shall:

- (i) Hold a pre-construction meeting to coordinate planned construction activities on the Property at least 30 days before construction activity starts;
- (ii) Receive notice of violations of this Plan;

- (iii) Provide notice to the surrounding community of any anticipated public space work (limited street or sidewalk closures) that may impact pedestrian or vehicular circulation around the Property;
- (iv) Respond as soon as possible, to the person who has reported the violation, and to the Neighborhood Contact Person (described below); and
- (v) Act to remedy the violation as soon as possible.

c. **Neighborhood Contact Person.** The Applicant will work with representatives of the adjacent properties located along the 1300 block of Bryant Street, NE and the ANC 5C05 Commissioner 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 contact information about the Representative, the designee, and emergency contact. 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 5C05 Single-Member District Commissioner for the Property.

2. **Construction.** The Applicant shall require that all of their personnel and vendors, including supply and service vendors, will comply with all District of Columbia Municipal Regulations which are applicable to the Project regarding hours of work, noise, dirt, trash, and public health and safety. The following is a discussion of construction-related issues and shall be binding on the Applicant, its general contractor and all subcontractors.

a. **Permits.** The Applicant will secure all permits that are required to complete the Project. All plans and permits will be on-site as required under the DC Construction Code.

b. **Site Management.**

- (i) The Applicant will erect and maintain construction fencing and barricades in order to screen and secure the site during the construction process. The Applicant and its contractors will work with community members and the Department of Consumer and Regulatory Affairs to maintain temporary storm water management systems throughout the Project’s construction until such time as the permanent facilities are constructed, approved and functioning so that there shall be no adverse water impacts on the adjacent neighborhood.
- (ii) A minimum amount of lighting, directed away from residential properties, will be provided on the Property at night. These lights will be sufficient to provide necessary security and to comply with District of Columbia and OSHA safety standards.

c. **Cleanliness.** The Applicant will remove rubbish and construction debris as needed during the construction period during the normal construction workday. In addition, the Applicant will monitor and police the construction site daily or more often as required to ensure cleanliness. The Applicant will also undertake a program of pest control to ensure that no increase in pest activity occurs during the construction period. All excavation or back fill trucks will be covered before proceeding from the Property onto city streets. Standard dust control measures will be taken on an as needed basis. Debris will be removed from the Property on an as needed basis.

d. **Work Hours.**

- (i) The normal construction work week will be Monday through Saturday from 7:00 a.m. until 7:00 p.m. No construction activity will occur on Sundays. All trucks for delivery of materials, construction or otherwise, will arrive, depart and operate on the Property only during the foregoing hours. The Applicant will make good faith efforts to limit queuing of construction related vehicles on the adjacent streets prior to the stated work hours.
- (ii) The Applicant will make good faith efforts to limit work that could disturb the residents of the adjacent neighborhoods to weekdays, except where limitations on work during the week require work on Saturdays to meet the requirements of the construction teams for a 40 hour work week.

e. **Contractors and Subcontractors.** The Applicant will require that all contractors and subcontractors be contractually required to follow the terms of, and comply with, the policies set forth in this Plan. The Applicant will also require that all contractors and subcontractors use only licensed vehicles and drivers and they comply with all DC traffic laws and regulations.

f. **Vehicular Access.**

- (i) A flagperson will be assigned to expedite movement of construction related traffic, if any consistent traffic backups occur on any of the streets adjacent to the Property.
- (ii) Access to the alley to the south of the Property for the owners of the odd numbered properties in the 1300 block of Bryant Street, NE shall be maintained to the greatest extent possible, and the Applicant shall minimize any temporary closures of the access to the alley.

3. **Pre and Post-Construction Surveys.** Prior to commencement of the excavation work on the Property, the Applicant will seek consent from each of the owners of the odd numbered properties in the 1300 block of Bryant Street, NE (“**Adjacent Owner**”) to have their property and all improvements on their property thoroughly surveyed by an independent professional. The surveys will include video evidence of the condition of each surveyed Adjacent Owner property. After substantial completion of the excavation and construction work on the Property, a final survey of each Adjacent Owner property (with video evidence) will be undertaken by the same independent professional. The surveys are intended to provide the parties a reference point from which to determine the effect, if any, that excavation and construction activity on the

Property had on Adjacent Owner properties. The surveys will be performed at the Applicant's sole cost and expense. Each survey report shall be provided to the Applicant and to the Adjacent Owner. If the Applicant is not permitted access to an Adjacent Owner property, the Applicant is not required to perform the above-noted survey for that particular Adjacent Owner property.

4. **Responsibility for Damage to Adjacent Owner Property**

The Applicant agrees to repair, at its own expense and as promptly as reasonably possible, any damage to the property or improvements thereon of an Adjacent Owner, which is proximately caused by the construction activity on the Property.