

**3450 EADS STREET, NE PLANNED UNIT DEVELOPMENT  
DEVELOPMENT AND CONSTRUCTION MANAGEMENT PLAN**

3443 Benning LLC (the “**Developer**”) seeks to mitigate any adverse impact on the surrounding neighborhood resulting from construction activity related to the Developer’s plans to construct a five-story multi-family residential building with related site improvements (the “**Project**”) at 3450 Eads Street, NE (the “**Property**”) pursuant to a planned unit development.

1. **Communication**

a. **Developer’s Representative.** The Developer shall designate a representative to be the primary point of contact during the period of construction of the Project for interaction with the owners of property within 200 feet of the Property and Advisory Neighborhood Commission (“**ANC**”) 7D.

The Developer’s representative (the “**Representative**”) shall have a local office and shall 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 conspicuously posted on the Property and shall be readily available to members of the community. In addition, a name and telephone number of a person designated by the Developer 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 Developer’s Representative.** The Representative and his/her designee shall be available and 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) Receive notice of violations of this Plan;
- (ii) Respond as soon as possible, to the person who has reported the violation, and to the Single Member District representative of ANC 7D, or their designee; and
- (iii) Act to remedy the violation as soon as possible.

2. **Neighboring Structure Protection** Benning shall, within six months of the issuance of the PUD order for the Case, initiate the completion of a geotechnical analysis of the property. In preparing the scope Benning shall require that the geotechnical analysis explicitly consider, based on the proposed means of construction for the building, the potential for negative impacts to surrounding residential properties located on Eads Street, NE between 34<sup>th</sup> Street and 36<sup>th</sup> Street NE (the “**Eads Properties**”).

Should conditions be identified, as a result of the geotechnical analysis, that could result in damage to the Eads Properties during construction, Benning shall retain an engineer to prepare a plan to mitigate any potential threats to the Eads Properties. This plan may include recommendations for a monitoring plan in accordance with good engineering practice. Benning shall cover the cost associated with the geotechnical analysis and any property damage mitigation plan and associated monitoring actions.

The geotechnical analysis, recommendations for mitigating structural damage to the Eads Properties, and any structural monitoring plan and associated monitoring actions shall be prepared or performed by a qualified professional engineer licensed to complete work within the District of Columbia.

Benning shall share the initial geotechnical analysis report, and any subsequent recommendations and any proposed property damage mitigation plan in a timely manner for review by members of the community through RTCO and individual property owners who, at the recommendation of the associated professional engineer, should be contacted directly.

Should the professional engineer recommend direct contact with an individual property owner, for any reason, the issue shall be a civil matter and shall be dealt with between Benning and the property owner.

If, as a result of the analysis and the implementation of the property damage mitigation plan, damage to an adjacent property does occur, this shall also be a civil matter between Benning and the relevant property owner. Benning shall be liable for any expenses associated with property damage to the Eads Properties caused by its employees, contractors or agents in connection with the construction to occur at the Property.

3. **Construction** The Developer shall require that all of their personnel and vendors, including supply and service vendors, shall comply with all applicable District of Columbia Municipal Regulations applicable to 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 Developer, its general contractor and all subcontractors.

a. **Permits:** The Developer shall secure all permits that are required to complete the Project. All plans and permits for the Project shall be kept on the Property or as otherwise required under the DC Construction Code.

b. **Site Management:**

(i) The Developer shall erect and maintain construction fencing and barricades in order to screen and secure the Property during the construction process. The Developer and its contractors shall work with community members and the Department of Consumer and Regulatory Affairs (“DCRA”) to maintain temporary storm water 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.

- (ii) A minimum amount of lighting, directed away from residential properties, shall be provided on the Property at night. Such lighting shall be sufficient to provide necessary security and to comply with federal and municipal safety standards.

c. **Traffic and Construction Control Plan:** Prior to the start of construction, the Developer shall provide ANC 7D and the River Terrace Civic Organization for review and comments, a draft Site Utilization Plan for construction detailing construction staging and truck routing. The Developer shall work with ANC 7D to address and incorporate comments to the Site Utilization Plan, to the extent feasible, that mitigate community concerns. In preparing the Site Utilization Plan, the Developer shall prioritize the use of Benning Road, NE and the alley to the North of the Property for construction traffic, in order to minimize potential negative impacts to the surrounding residential community. At each construction entrance, a flagman, as required, shall be positioned to direct the flow of construction traffic and to maintain the public's safety.

d. **Construction Parking:** On street parking of construction workers shall be prohibited. On-site parking shall be made available to construction workers; otherwise, workers shall be required to park off-site at parking lots under the control of the Developer or to use mass transit pursuant to a list of such parking lots provided to the Developer's general contractor by the Developer. The general contractor shall coordinate off-site parking with its subcontractors to eliminate parking by construction personnel on adjacent residential streets. The Developer shall include a statement in its contract with the general contractor that parking by construction personnel and subcontractors in areas not specifically designated for parking is prohibited.

e. **Cleanliness:** The Developer shall remove rubbish and construction debris continuously during the construction period during the normal construction workday. In addition, the Developer shall daily (or more often as required to ensure cleanliness) monitor and police the construction site and area immediately surrounding the Property. All excavation or back fill trucks shall be covered before proceeding from the Property onto city streets. Dust and debris shall be removed from the Property on an as needed basis. The Developer shall also provide monthly street sweeping of Eads Street, NE throughout the duration of construction.

f. **Work Hours:** All work hours shall comply with DCRA guidelines. No construction activity shall occur on Sundays without approval from DCRA. In the event the general contractor seeks to obtain an off-hours work permit the Developer shall notify ANC 7D of the duration of the work and provide a two (2) week advance notice when the work shall occur.

g. **Contractors and Subcontractors:** The Developer shall 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 Developer shall also require that all contractors and subcontractors use only licensed vehicles and drivers and they comply with all DC traffic laws and regulations.

h. **Traffic, Loading, and Parking:**

- (i) Specific truck queuing and routing shall be determined in coordination with the DC Department of Transportation during the public space permit review process of the Developer's Traffic Control Plan, and outlined in the Site Utilization Plan provided to ANC 7D, in accordance with Section 2. c. above.
- (ii) A flagperson shall be assigned to expedite movement of construction related traffic, if any consistent traffic backups occur on any of the streets adjacent to the Property.
- (iii) No construction related parking shall be permitted on the adjacent neighborhood streets.

4. **Security.** The Developer's general contractor shall be responsible for providing adequate security for areas within the limits of construction. The Developer's general contractor shall notify the D.C. Metropolitan Police Department prior to the start of construction and provide a point of contact to ensure proper communication and security coverage. The Developer shall also provide afterhours security and/or security cameras as needed throughout the duration of construction.

5. **Compliance with Codes:** In the event that there is a conflict between this Plan and the Construction Codes of the District of Columbia, the Developer shall be permitted to comply with the applicable code(s) without violating the terms of this Plan.

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