

“Good afternoon. My name is Guy Durant, and I reside at 3410 10th Street, NE, Washington, DC. I live directly next door to the proposed PUD apartment development known as 901 Monroe Street. My neighbors and I, the “200 Footers,” strongly oppose the approval of this development as proposed. Today, I want to focus specifically on the Construction Management Agreement—the CMA—especially because it is a required condition by ANC 5B if Zoning Commission approval is to be granted.

I want to remind the Commission that over a decade ago, when the developers proposed an earlier version of this project under Zoning Case #10-28, the Parties—including the 200-Footers —agreed on a detailed 2012 CMA, which the Commission included with full-text in the Decision part of its Order. That document ran to seven pages and specifically addressed virtually every area of our concern—traffic, noise, environmental protection, and community safety. Fast forward to today’s proposal under Zoning Case #24-15: the developers have presented a 2025 version of the CMA that is notably shorter and less comprehensive. This pared-down version fails to capture many of the protections we demonstrated were necessary in 2012.

Let me draw a few key comparisons. First, on the issue of **air quality and ventilation**: the 2012 CMA was detailed in requiring measures to prevent encroachment of construction dust, debris, and odors into the surrounding neighborhoods. In contrast, the current 2025 version states general goals about site hygiene and dust control without precise methods or equipment specifications. Construction will undoubtedly reduce the outdoor air quality and, given our proximity, compromise the indoor air quality in our homes. The 200 Footers are deeply concerned about not only the dust but also the lingering odors emanating from large trash rooms, especially in the dead-end alley adjacent to our driveways, where we cherish family gatherings and community events. The CMA should require high-quality air purification systems during construction, mandate that the developers utilize equipment and materials designed to minimize dust and odor, and include protocols such as installing powered vents to direct trash odors away from our homes. These specifics were more robustly addressed in 2012 and should be part of any effective plan.

Second, regarding **structural integrity**: many of us worry that the vibrations from drilling, heavy truck movements, and continuous construction activities could adversely affect our older homes. The 2012 CMA clearly required stringent measures to monitor construction impacts—such as pre-construction inspections, continuous monitoring of vibrations, and scheduled post-construction surveys of foundational elements, brickwork, siding, and mortar. Unfortunately, the 2025 version lacks comparable detail. I urge the Commission to insist that the developers merge the best elements of the 2012 version with the current proposal. This means not only verifying structural integrity through independent pre-inspection and post-inspection but also ensuring that any damage is promptly and fully repaired at the developer’s expense. Moreover, every 200 Footer, especially the 6 rowhouses along 10th Street, should be added to the construction project’s insurance policy as a “Named Additional Insured” to secure our financial protection.

Third, the CMA should address the issue of pre-compensation for unforeseen issues, upgrades to safety, and increased property taxes that will impact our homes following construction. We know that large-scale development in our area is likely to boost property assessments. This financial burden—increasing our property taxes—renders our homes less affordable over time. The 2012

CMA acknowledged these indirect impacts through a framework of community protections that included compensation factors. In stark contrast, the 2025 version remains silent on these

repercussions. I propose that the developers pay a lump sum payment—to each 200 Footer, especially the 6 rowhouses along 10th Street—in advance. This sum would compensate not only for the inconvenience and potential structural risks but also for the inevitable rise in property taxes resulting from the completed project.

In closing, while the 2025 CMA does incorporate a modern administrative structure and steers towards efficient communication by designating a Representative and a Neighborhood Contact Person, it lacks the detailed, enforceable measures found in the 2012 version. The older CMA was comprehensive—it contained explicit designations for truck routes, noise restrictions with specific decibel limits, rigorous site management protocols, and concrete community safety measures. By merging the detailed protections of the 2012 version with the updated administrative framework of the 2025 version, the final Construction Management Agreement can become the best of both worlds. It can safeguard our quality of life, protect our homes' structural integrity, and compensate us for the losses we may incur.

I respectfully request that the DC Zoning Commission require the developers to revise the CMA—melding the robust, enforceable measures from the 2012 version with the streamlined communication protocols of the current proposal—to ensure that the rights and safety of the 200 Footers are fully protected. Our neighborhood deserves a plan that does not merely pay lip service to minimize disruption, but one that guarantees detailed, concrete protections against the adverse impacts of this extensive construction.

Thank you for your time and consideration.”

Additional Materials as Time Allows:

Below is a detailed comparison of the two versions of the Construction Management Agreement (CMA) and recommendations for how the newer (2025) version can be improved by incorporating the more robust protections found in the 2012 version—especially for the benefit of the "200 Footers" (the neighbors living within 200 feet of the construction).

1. Overall Scope and Community Protection

2012 Version:

- **Comprehensiveness:** The 2012 CMA is very detailed. It covers not only general construction and safety protocols but also specific provisions for protecting adjacent residential properties. For instance, it includes mandatory measures regarding the use of the north-south alley to safeguard essential ingress, egress, and light/air to rowhomes.

- **Community Engagement:** It mandates that all notices (e.g., for street closures) explicitly inform residents at least seven days in advance. It also requires designating a Neighborhood Contact Person from the community, ensuring active communication and accountability.
- **Robust Scheduling and Noise Controls:** The document clearly defines start times, specific construction work hours, and even noise limits (with decibel measurements) to minimize early-morning or late afternoon disruptions for residents.

2025 Version:

- **Streamlined Communications:** The newer plan emphasizes a modern, communication-focused approach by prescribing detailed roles for the Applicant's Representative and clear channels for emergency contacts. It uses a structured, step-by-step process for pre-construction meetings and ongoing communications.
- **Simplified Site Management:** It covers site hygiene, security, and stormwater management but generally offers broader directives. There are fewer specifics regarding truck routes, queuing restrictions, and noise levels.
- **Focus on Permits and Standard Practices:** The 2025 document includes provisions on obtaining permits and coordinating with utilities, but it lacks some of the in-depth operational and safety boundaries that directly protect the immediate neighborhood.

2. Detailed Provisions Comparison

A. Traffic and Site Operations

- **Truck Routes & Parking:**
 - *2012 Version:*
 - Clearly defines acceptable truck routes, explicitly excluding major residential streets (e.g., 9th, 10th, Lawrence, Kearney) from use as construction truck thoroughfares.
 - Provides detailed guidelines for parking, including the encouragement of mass transit and preventing construction worker parking in residential areas.
 - *2025 Version:*
 - Contains more general guidelines—construction-related vehicles are instructed to operate on the Property during construction hours, with efforts made to limit vehicle queuing.
 - Lacks the granular restrictions found in the 2012 version, which are critical to reducing heavy vehicle impact on the 200 Footers.

B. Noise, Dust, and Environmental Controls

- **Noise and Odor Controls:**

- *2012 Version:*
 - Provides specific decibel limits for operations, establishes clear cut-offs for generator use, and details noise restrictions at various times, ensuring quiet hours in residential neighborhoods.
- *2025 Version:*
 - Mentions that noise will be limited and that lighting will be directed away from residential properties, but it does not detail decibel limits or enforce strict time-based operational restrictions.
- **Dust, Debris, and Environmental Management:**
 - *2012 Version:*
 - Contains rigorous protocols for managing construction debris, rodent control, and even covers hazardous material handling, all tailored to minimize neighborhood disruption.
 - *2025 Version:*
 - Provides general instructions for debris removal, dust control, and pest management, but without the specificity seen in the older document.

C. Communication and Accountability

- **Community Liaison and Pre-Construction Surveys:**
 - *2012 Version:*
 - Mandates a detailed pre-construction survey (photographic and video evidence) of adjacent properties to establish a baseline for any damage, ensuring accountability if issues arise.
 - *2025 Version:*
 - Includes a similar survey process with an attached appendix listing adjacent property owners, but the focus is less expansive regarding ongoing damage and remediation protocols.
- **Contractor Requirements and Enforcement:**
 - *2012 Version:*
 - Provides strong language and detailed enforcement measures to ensure that all contractors and subcontractors adhere to the CMA provisions, even including definitions for "staging" and limitations on queuing.
 - *2025 Version:*
 - Requires compliance by contractors and subcontractors and mandates communication protocols but does not delve as deeply into operational

details that curb specific disturbances (like staging or queuing on residential streets).

3. Why the 2012 Version Is Stronger

- **Operational Specificity:** The 2012 agreement offers more thorough instructions on construction logistics, including precise traffic, parking, noise, and environmental control measures. This specificity translates into more enforceable conditions that directly protect the community.
- **High-Impact Provisions:** Detailed measures on preventing the use of public alleys for staging and ensuring unimpeded access for nearby residents and addresses community concerns more acutely.
- **Explicit Community Protections:** By providing exact time frames for notifications and detailed channels for accountability (like strict pre-construction surveys), the 2012 CMA underscores a commitment to transparency and accountability that directly protects the 200 Footers.

4. Recommendations to Merge Best Elements from the 2012 Version into the 2025 Version

1. Enhanced Traffic and Vehicle Restrictions:

- Incorporate the 2012 version's explicit restrictions on the use of residential streets (9th, 10th, Lawrence, and Kearney) for construction truck routes.
- Detail specific parking rules that prevent construction workers from parking on local streets, as well as clearly defined guidelines for queuing times (e.g., no more than 15 minutes waiting).

2. Stricter Noise and Environmental Controls:

- Add clear, measurable noise limits (in decibels) and specific operating hours for noisy equipment, mirroring the 2012 document.
- Introduce precise measures for dust and hazardous waste management to ensure a cleaner environment for residents.

3. Detailed Pre- and Post-Construction Surveys:

- Retain and possibly expand the survey requirements from the 2012 version. This could include more rigorous documentation (photographs, video, and written reports) and explicit timelines for remedial action if damage is detected.

4. Community Interaction and Notification Protocols:

- Merge the effective communication strategies from both versions. Use the 2025 version's clear role assignments for the Representative and the Neighborhood Contact Person while incorporating the 2012 version's proactive notice periods (e.g., seven days advance notice for any disruption longer than one hour).

- Establish more defined protocols for community meetings—such as periodic reviews during construction—to update and involve the 200 Footers continuously.

5. Contractor Compliance and Enforcement Measures:

- Integrate the stringent enforcement language and contractor oversight clauses from the 2012 document. This includes detailed stipulations on staging, operational limits, and duties to immediately remedy any violations or disruptions experienced by the community.

Conclusion

While the 2025 version successfully modernizes the language and organizational structure—focusing on efficient communication and streamlined management—the 2012 version demonstrates superior community protection through its meticulous operational details and enforceable measures. Merging the strengths of both can yield a CMA that is not only administratively efficient but also robust in safeguarding the interests of the 200 Footers. This unified approach would ensure that every aspect—from traffic flow and noise control to environmental management and proactive community engagement—is addressed comprehensively, thereby improving the overall protection and quality of life for residents adjacent to the construction site.

Quick Comparison of 10-28 & 24-15 Construction Management Agreements

Topic	10-28	24-15	Comment
Alley construction logics	Yes	No	IMPORTANT MISSING
Traffic & construction control plan	Yes	No	IMPORTANT MISSING
Construction truck route	Yes	No	
Construction parking	Yes	Weak	
Site management:	Yes	Yes	
Fence	Yes	Yes	
Odors	Yes	No	
Lighting	Yes	Yes	
Electric generators	Yes	No	
Stormwater management	Yes	Yes	
No disruption of services to property owners in Sq. 3829	Yes	Yes	
Hazardous waste, hazardous materials & pollutants	Yes	No	

Excavation & rodent infestation	Yes	No	
Cleanliness	Yes	Partial	
Work hours & workers:	Yes	Yes	differences in Sat hours
Trucks	Yes	No	
Workers	Yes	No	IMPORTANT MISSING
Noise	Yes	No	IMPORTANT MISSING
Communication	Yes	Yes	
Contractors	Yes	Yes	
Pre-Construction survey & responsibility for damage to adjacent	Yes	Yes & Yes	24-15 w/o full specs
Monitoring activities	Yes	No	
Foundation piles	Yes	No	
Noise	Yes	No	IMPORTANT MISSING
Permits	Yes	Yes	
Tree protection & replacement	Yes	No	
Crane swing agreements	Yes	No	
Maintenance prior to construction	Yes	No	
Post-Completion cleanup	Yes	No	