

September 18, 2025

**VIA IZIS**

Anthony J. Hood, Chairman  
Zoning Commission for the District of Columbia  
441 Fourth Street, NW, Suite 200S  
Washington, DC 20001

**Re: Z.C. Case No. 24-15: Application of 901 Monroe Street, LLC (the "Applicant") to the District of Columbia Zoning Commission for a Consolidated PUD and Related Zoning Map Amendment — Applicant's Draft Proffers and Conditions**

Dear Chairman Hood and Commissioners:

Pursuant to the requirements of Subtitle X, Sections 308.2 - 308.4, the Applicant hereby submits its list of proffers and corresponding conditions of approval for the mixed-use project (the “Project”) consisting of approximately 233 residential units with a mix of studio, junior one-bedroom, one-bedroom, one-bedroom + den, two-bedroom, and three-bedroom units. The Project reserves 15% of the residential gross floor area as Inclusionary Zoning (“IZ”) units. Along Monroe Street five live-work units are provided, with two of the live-work units, located at the corner of 10<sup>th</sup> Street and Monroe Street – approximately 1,800 square feet, made available for retail use for 18 months.

Set forth below is a chart outlining the proffers associated with the Project and the corresponding draft conditions that are both specific and enforceable.

<b>Public Benefits</b>	
<b>Proffer</b>	<b>Condition</b>
<b><u>Superior Urban Design and Architecture (11-X DCMR § 305.5(a))</u></b> : The Project's design is reflective of superior architectural and urban design characteristics relative to any matter-of-right development. The Project includes significant setbacks along all sides of the building, the introduction of live/work units along Monroe Street, and individual residential unit stops for two ground floor apartments on Lawrence Street.	<ol style="list-style-type: none"> <li>1. The Project shall be constructed in accordance with the plans and materials dated April 1, 2025 (Ex. 24A1-24A3), as modified in the materials included in the post-hearing submission dated August 4, 2025 (Ex. 135A (the “<u>Plans</u>”).</li> <li>2. The Property shall be subject to the requirements of the MU-5B zone.</li> <li>3. <u>Proposed Retail Space</u>. The Applicant will market the approximately 1,800 square feet of</li> </ol>

**Site Planning and Efficient Land Utilization**

**(*id. § 305.5(c)*):** The Project takes a significantly underutilized site and creates a thoughtfully planned, transit-oriented development.

**Streetscape Plans (*id. § 305.5(l)*)**: The Project will include improvements to the streetscape along Monroe Street and 9<sup>th</sup> Streets. These improvements include the significant widening of the sidewalk along Monroe Street (meeting DDOT standards) and the undergrounding of utilities along Monroe Street, which will allow for the installation of larger street trees and the removal of inactive utility poles on 9<sup>th</sup> Street. The Applicant noted that the anticipated cost of the undergrounding of the utilities will be approximately \$1,000,000.

space located at the intersection of Monroe and 10<sup>th</sup> Streets, NE (depicted as “L/W 4” and “L/W 5” on the plans submitted as page 033 in Exhibit 24A2) for retail use for a period of at least eighteen (18) months, consisting of twelve (12) months prior to the opening of the Project and six (6) months after the opening of the Project. The term “opening” shall be considered the date the first Certificate of Occupancy is issued for the Project.

- a. **Actions to be Taken to Market and Lease the Space.** The Applicant shall take commercially reasonable actions to market the Retail Space for retail use and will offer the Retail Space to potential tenants with terms and conditions that are commercially reasonable in the immediate submarket. The Applicant shall accept referrals of potential retail tenants from members of the surrounding community.
- b. **Restrictions on Potential Tenants in Retail Space.** The Applicant will not market the Retail Space to a cannabis retailer.
- c. **Notice to Interested Parties.** The Applicant will notify Advisory Neighborhood Commission 5B and the Brookland Neighborhood Civic Association when marketing of the Retail Space has commenced. The Applicant will also notify these organizations if the time period noted above expires and the Retail Space is marketed for Live/Work space.
- d. **Ability to Return Retail Space to Live/Work Space.** If the Applicant is not able to find an appropriate tenant to occupy the Retail Space within the time period noted above, it shall be able to lease the Retail Space as a Live/Work Unit(s).
- e. **Ability to Lease.** These proposed conditions of approval do not preclude the Applicant from seeking a possible future modification of the Application to allow additional retail

	<p>use along Monroe Street.</p> <p>4. The Applicant shall have flexibility in the following areas:</p> <ul style="list-style-type: none"><li>a. Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the Order;</li><li>b. Exterior Materials - Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the Order;</li><li>c. Exterior Details - Location and Dimension: To make minor refinements to locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or the design shown on the plans approved by the Order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, skylights, windows, bays, and other architectural elements;</li><li>d. Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%); except that (1) the total square footage of the residential units shall not be reduced, and (2) the number of units and the square footage reserved for affordable housing shall not be reduced;</li><li>e. Parking Layout: To make refinements to the approved parking configuration, including layout and number of parking spaces of plus or minus ten percent (10%), so long as the number of parking spaces is at least the minimum number of spaces required by the</li></ul>
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	<p>Zoning Regulations;</p> <p>f. Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division;</p> <p>g. Signage: To vary the font, message, logo, and color of the approved signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the Order and are compliant with the DC Signage Regulations; and</p> <p>h. Sustainable Features: To vary the approved sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below the minimum required for LEED standard specified by the Order</p>								
<p><b><u>Production of Housing with three or more bedrooms (id. § 305.5(f)(3)): </u></b>The production of units with three or more bedrooms is considered a public benefit of the Project. The Project includes 12 3-bedroom units.</p> <p><b><u>Affordable Housing in Excess of Inclusionary Zoning Requirements (id. § 305.5(g)): </u></b>The Project also reserves fifteen percent (15%) of its residential GFA for affordable housing units. The IZ Regulations only require 10% of the residential gross floor area be reserved as affordable units.</p>	<p><b><u>For the life of the Project,</u></b> the Project shall provide housing, including affordable housing, as set forth in the following chart.</p>								
	<table border="1"><thead><tr><th>Residential Unit Type</th><th>Total Residential Gross Floor Area (“GFA”)</th><th>Units (Type)</th><th>Affordable Control Period</th></tr></thead><tbody><tr><td><b>Total</b></td><td>251,241 sf of GFA 179,283 net square feet</td><td>233</td><td></td></tr></tbody></table>	Residential Unit Type	Total Residential Gross Floor Area (“GFA”)	Units (Type)	Affordable Control Period	<b>Total</b>	251,241 sf of GFA 179,283 net square feet	233	
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	<b>Market Rate</b>	152,390 sf net square feet	197 <sup>1</sup> (41 live-work, studios, and junior one-bedrooms; 114 one-bedroom and one-bedroom with dens, 32 two-bedrooms; and 10 three-bedrooms)	
	<b>IZ</b>	26,893 sf net square feet (15% of Residential GFA, at 60% MFI)	36 (7 live work, studios, and junior one-bedrooms; 20 one-bedroom and one-bedroom with den; 7 two-bedrooms; and 2 three-bedrooms)	Life of Project

<sup>1</sup> Pursuant to subtitle X §308.3, the numbers for the individual market rate units have been revised from the draft order to reflect the accurate numbers of the units that will be market-rate and IZ units.

<p><b>Environmental and Sustainable Benefits:</b></p> <p><b>LEED Gold (id. § 305.5(k)):</b> The Project will provide a number of environmental benefits, including solar power generation on the roof of the building using a photovoltaic and green roof system. The Project will be designed to achieve LEED Gold certification.</p>	<ol style="list-style-type: none"> <li>1. <b>Prior to the issuance of a Certificate of Occupancy for the Project</b>, the Applicant shall demonstrate that it has registered the Project with the USGBC to commence the LEED Gold certification process by furnishing a copy of its LEED Gold certification application to the Zoning Administrator. The building permit application shall indicate that the Project has been designed to achieve at least the minimum number of points necessary to achieve Gold certification.</li> <li>2. <b>For the Life of the Project</b>, the Applicant shall maintain the solar panels and green roof on the building.</li> </ol>
<p><b>Uses of Special Value to the Neighborhood:</b></p> <p><b>(id. § 305.5):</b> The Applicant proposes additional items of value to the community in which the Property is located. The Applicant created a public benefits package in consultation with ANC 5A04 Commissioner Ra Amin which included financial contributions to Greater Brookland Intergenerational Village (GBIV), Washington Area Bicyclist Association (WABA), Casey Trees, and Deaf-Reach, Inc. The public benefits package also included a financial contribution for a study to activate the land surrounding the Brooks Mansion.</p>	<ol style="list-style-type: none"> <li>3. <b>Prior to the issuance of a Certificate of Occupancy for the Project</b>, the Applicant shall provide written evidence to the Zoning Administrator, with a copy delivered to OZ, that it has made the following contributions, and the items or services funded have been or are being provided: <ol style="list-style-type: none"> <li>a. \$30,000 to the Greater Brookland Intergenerational Village (GBIV) to expand intergenerational community events and support year-round programming and operations. <ul style="list-style-type: none"> <li>• GBIV will use this financial contribution to sustain and expand inclusive, intergenerational community events such as Front Porch Fridays, Fall Fest, Holiday Meal Giveaway, and the Summer Solstice Celebration.</li> <li>• GBIV will use this financial contribution to directly support local businesses and community partners by sourcing food, beverages, services, event space, vendors, and supplies from within the Brookland and Ward 5 Areas.</li> </ul> </li> </ol> </li> </ol>

- The financial contribution will allow GBIV to continue to employ local Brookland area residents.
- b. \$25,500 to the Washington Area Bicyclist Association (WABA) to host a League Certified Instructor seminar and youth and adult community bike riding classes.
  - WABA will hold a class to train League Certified Instructors and then teach three learn to ride and/or bicycle safety classes in the Brookland community for youth and adults.
- c. \$15,000 to Casey Trees for a Brookland community tree planting event.
  - Casey Trees will collaborate with Horning DC, The Menkiti Group, and a local landowner (such as Catholic University of America) to organize an impactful tree planting event engaging up to 50 Brookland community volunteers.
- d. \$25,000 to Deaf-Reach, Inc. for main office facility capital improvements.
  - Deaf-REACH, Inc.'s services include housing, counselling, case management, and day programs. These services are provided by deaf and hard of hearing staff in a deaf-friendly environment. Deaf-REACH Inc.'s main facility is located at 3722 12<sup>th</sup> Street, NE in the heart of Brookland's longstanding commercial corridor.
  - The funding provided by the Applicant will allow for necessary improvements to the facility, including the retrofitting of accessibility features for all client-facing spaces and upgrading kitchen and bathroom facilities.
- e. \$30,000 for a study to examine activation

	<p>of the land surrounding Brooks Mansion.</p> <ul style="list-style-type: none"><li>• Brooks Mansion is a key cultural and historical landmark in Brookland, Ward 5, and Washington, DC. The land surrounding the Brooks Mansion is currently used for surface parking and fenced-off grass areas and remains underutilized. This space represents a prime opportunity for community activation and engagement. The Applicant's financial contribution will fund a study exploring potential uses for this land. The study will focus on small-scale park concepts and developing a vision for long-term community engagement. The study will be prepared by an architectural and/or planning firm with experience in public space planning. The study will include a site analysis, a community engagement process, concept development ideas, a feasibility and cost analysis, and the preparation of a final report.</li></ul>
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### Transportation Mitigation Measures

1. **Prior to the issuance of the first certificate of occupancy for the Project**, the Applicant shall provide the Zoning Administrator with information showing that the Applicant has completed the following pedestrian and safety improvements, subject to DDOT approval:
  - a. Submit a detailed curbside management plan with proposed signage for review and approval by DDOT Curbside Management Division (CMD). If CMD requires multi-space meters for the remainder of the frontage, they will be at the Applicant's expense;
  - b. Provide a plan showing the detailed design of the long-term bike storage room so PSD can confirm it meets the requirements in Title 11 of DCMR, Subtitle C § 800, Title 18 of DCMR, § 1214, and DDOT Bike Parking Guide best practices, including larger spaces for cargo bikes;
  - c. The Applicant recorded a permanent easement along the site's Monroe Street frontage and at the 9<sup>th</sup> Street/Monroe Street and 10<sup>th</sup> Street/Monroe Street intersections to include the full width of the DDOT Standard sidewalk and tree box (minimum 12 feet from back of curb) so that DDOT can provide cohesive maintenance **for the life**

**of the Project;**

d. The Applicant recorded a permanent easement for the area of the widened alley so that DDOT can provide cohesive maintenance for the entire alley **for the life of the Project;** and

e. The Applicant funded and constructed the following infrastructure improvements in public space, subject to DDOT approval:

i. Add intersection "daylighting" at the twelve locations at the four (4) intersections surrounding the project identified below (which shall be constructed of flexiposts and striping) to increase visibility of pedestrians and slow down vehicles traveling to and from the site:

1. Monroe Street & 9th Street NE

a. Southeast and southwest corners (9th Street only)

2. Lawrence Street & 9th Street NE

a. Northeast and northwest corners (9th Street only)

b. Northeast and southeast corners (Lawrence Street only)

3. Lawrence Street & 10th Street NE

a. Northwest and southwest corners (Lawrence Street only)

b. Northeast and northwest corners (10th Street only)

4. Monroe Street & 10th Street NE

a. Southeast and southwest corners (10th Street only)

ii. Install two (2) TAPCO speed bump assemblies in the public alley adjacent of the Property with a gap of at least two (2) feet provided between the speed bumps; and

iii. Construct a concrete protective barrier along the bicycle lane on the south side of Monroe Street between each intersection and the end of the parking lane.

2. **For the life of the Project,** the Applicant shall implement the following Transportation Demand Management Program:

a. Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit or commercial lease and charge a minimum rate based on the average market rate within a quarter mile. Only hourly, daily, weekly or monthly rates will be charged. Free parking, validation, or discounted rates will not be offered for retail customers.

b. Identify Transportation Coordinators for the planning, construction, and operations phases of development. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo.

- c. The Transportation Coordinator will conduct an annual commuter survey of building employees and residents on-site, and report TDM activities and data collection efforts to goDCgo once per year.
- d. The Transportation Coordinator will develop, distribute, and market various transportation alternatives and options to residents, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications.
- e. The Transportation Coordinator will subscribe to goDCgo's residential newsletter and receive TDM training from goDCgo to learn about the transportation conditions for this project and available options for implementing the TDM Plan.
- e. Provide residents and employees who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future.
- f. Offer a SmarTrip card and one (1) complimentary Capital Bikeshare coupon good for a free ride to every new resident within the first two years of occupancy or until the building achieves 90% residential occupancy, whichever occurs sooner.
- g. Provide, at no charge to and use by any tenant of the building or employee thereof, 12 short- and 80 long-term bicycle parking spaces.
- h. Long-term bicycle storage rooms will accommodate non-traditional sized bikes including cargo, tandem, and kids bikes, with a minimum 5% of spaces (minimum 4) being designed for longer cargo/tandem bikes (10' by 3'), a minimum of 10% of spaces (Minimum 8) will be designed with electrical outlets for the charging of electric bikes and scooters. A minimum of 50% of the spaces (minimum 40) will be located horizontally of the floor. There will be no fee to the employees for the use of the bicycle storage room. There will be no fee to the residents for usage of the bicycle storage room and strollers will be permitted to be stored in the bicycle storage room.
- i. Install a minimum of two (2) electric vehicle (EV) charging stations.
- j. Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map.
- k. Post all transportation and TDM commitments on building website, publicize availability, and allow the public to see what has been promised.
- l. Residents of the Project will not be permitted to obtain a Residential Parking Permit.

3. **Following the issuance of a Certificate of Occupancy for the Project,** the Transportation Coordinator will submit documentation summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to the Office of Zoning for inclusion in the IZIS record of the case.

### **Construction Mitigation Measures**

1. The Applicant will undertake the following actions to mitigate any adverse impact on adjacent properties resulting from construction activity related to the development of the Project.
  - a. **Alley Construction Logistics:** The north-south public alley behind the six abutting 10<sup>th</sup> Street row-houses is the only ingress and egress route for the car driveways of these residents and their porches, living rooms, and bedrooms face this 10-foot alley and are the sole means of their essential air and light on that side. The Applicant will endeavor to minimize construction disruption in the north-south public alley with the objective of not having closures last longer than a day. Any closure of the public alley lasting longer than one hour for construction activities will come with advance notice of at least forty-eight (48) hours. This public alley shall never be used for staging. For purposes of this CMA, staging is defined as "use of any portion of said public alley for construction-related purposes, such as a construction trailer, construction equipment, a materials trailer, building materials and other related uses by the Applicant.
  - b. **Traffic and Construction Control Plan:** Vehicular ingress and egress will be only through approved, permitted construction entrances to be approved by DDOT. The Applicant will minimize truck and vehicle queuing (which is deemed to be waiting for more than 15 minutes) or idling in the 3400 blocks of 9<sup>th</sup> and 10<sup>th</sup> Street and the 900 blocks of Lawrence and Kearney Streets. Nor are workers' vehicles allowed to queue or idle in the residential areas before the 7 a.m. or 8 a.m. start of the construction day. However, vehicles may regularly queue along the northernmost section of 9<sup>th</sup> Street on the east side of the street. There will be one or more regulated construction entrances for workers on foot, especially after the building superstructure is up. The Applicant will seek to have flagmen positioned on 9<sup>th</sup>, 10<sup>th</sup>, and Lawrence Streets to direct the flow of construction traffic and to maintain the public's safety in this residential area, subject to a DDOT approved Traffic Construction Plan.
    - i. 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, fencing around the site, construction vehicle routes, and any other features necessary to ensure safe pedestrian and vehicular travel around the site during construction.

- ii. The Applicant agrees to notify all adjacent property owners as well as all property owners facing the property across perimeter streets in writing or, if mutually agreeable, by e-mail, at least 48 hours in advance of any street or alley closure of more than one hour duration on any street, “emergencies” excepted, with “emergencies” as jointly defined by the Applicant and the 200-Footers Group.
- c. Construction Trucks: The Applicant will minimize the use of 9<sup>th</sup>, 10<sup>th</sup>, Lawrence, or Kearney Streets as construction truck or construction-related truck thoroughfares. There should be no construction truck parking along the 3400 blocks of 9<sup>th</sup> and 10<sup>th</sup> Streets and the 900 blocks of Lawrence and Kearney Streets.
- d. Construction Parking: Parking for construction workers will be provided within the fenced boundaries of the construction site. Construction personnel will be encouraged to utilize mass transit, including Metro rail and Metro bus. Parking by construction personnel along the 3400 blocks of 9<sup>th</sup> and 10<sup>th</sup> Streets and the 900 blocks of Lawrence and Kearney Streets will not be permitted. Construction personnel can utilize short-term parking in the Brookland-CUA Metro parking lot or park elsewhere off-site and be shuttled to the site.
- e. Site Management:
  - i. Fence: Once construction commences, a six foot (6') high construction fence with privacy fabric will be erected to screen construction activities and debris from the nearby affected properties. All construction trailers, all construction materials, and all equipment, and portable toilets will be located and always retained on the Applicant's property behind the construction fence for the duration of the construction. The construction fence will shield the trailers and portable toilets from the neighborhood and residential areas.
  - ii. Odors: The Applicant will use best efforts to minimize noxious odors emanating from the construction site.
  - iii. 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. In addition, the Applicant will maintain current lighting in the North-South alley at all times, subject to temporary construction needs.
  - iv. 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.
  - v. 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.

- vi. *No Disruption of Services to Property Owners in Square 3829:* The Applicant will work with all relevant utility providers to assure that construction activity on the 901 Monroe Street Property will minimize the disruption of utility, cable or phone services to other property owners within Square 3829, and that this will occur at no cost to the Square 3829 Property Owners.
- f. **Hazardous Waste, Hazardous Materials and Pollutants:** The Applicant shall not use, generate, manufacture, store, transport or dispose of, on or over the construction area any flammable liquids, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, or any other "hazardous materials" as defined under Federal or DC law. However, materials that are commonly used in the construction of mixed-use projects such as the project proposed by the Applicant are not subject to this provision #6. The Applicant does not anticipate that any blasting will be required, however, should blasting be required the Applicant shall notify the Neighborhood Contact Person (discussed in provision #10) at least 48 hours prior to any blasting. The Applicant shall also give 48 hours notice to the Neighborhood Contact Person prior to the commencement of Foundation work.
- g. **Rodent Infestation:** The Applicant will enact a substantive rodent abatement/rodent control program during pre-construction and while construction activity is occurring on the 901 Monroe Street Property. Rodents are deemed to include rats, possums, raccoons, snakes, etc. Upon receipt of any rodent complaint, rodent damage and/or rodent issues from 200 Footers up until completion of project, the Applicant will immediately address with a professional pest control company.
- h. **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 (*i.e.*, inside of the fence) for the removal of trash and construction debris. The dumpster will remain contained and not overflow onto the ground. The removal and replacement of the dumpster will take place during normal working hours on Monday through Saturday. The Applicant will undertake a program of pest control to ensure that no increase in pest activity occurs during the construction period (see provision #7). All back-fill trucks will be covered before proceeding from the Applicant's property onto city streets.
  - i. The areas adjacent to the site will be policed on days of construction activity by the contractor and will always remain clean of any trash or debris resulting from construction activities. The Applicant will ensure regular cleaning of construction debris from the north-south alley and all surrounding streets (*i.e.*, 9<sup>th</sup>,

10<sup>th</sup>, and Lawrence).

- ii. 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 from the construction activity and that all streets adjacent to the construction site are free of construction trash and debris.
- iii. The Applicant agrees to report the presence of potholes adjacent to the site to relevant authorities during the construction period.

i. 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 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.

- i. Trucks: All trucks for delivery of materials, construction or otherwise, will arrive, depart and operate on the Applicant's property during the foregoing hours. The Applicant agrees to minimize queuing (which is deemed to be waiting for more than 15 minutes), idling, standing, or parking of delivery trucks on the 3400 blocks of 9<sup>th</sup> and 10<sup>th</sup> Streets and the 900 blocks of Lawrence or Kearney Streets. However, regular queuing may occur on the northernmost section of 9<sup>th</sup> Street on the east side of the street.
- ii. Workers: Workers will not loiter or play loud music and will be encouraged not to talk loudly on 9<sup>th</sup>, 10<sup>th</sup>, Lawrence, and Kearney Street.
- iii. Noise (also see provision n): 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 workday. 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.

j. Communication: The Applicant shall designate a representative (the "Representative")

to be the key contact for interaction with members of the community (especially the 200 Footers) regarding construction. The Representative will have a local office, cell, 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 residents of 10<sup>th</sup> Street, NE whose homes are adjacent to the development site, residents of 9<sup>th</sup> Street, NE whose homes are directly across the street from the 901 Monroe Street Property, and residents of the 900 block of Lawrence Street, NE, to designate a 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 cell phone numbers. The community may also designate an alternate Neighborhood Contact Person, who will receive information related to construction activity and represent the community in the absence of the primary Neighborhood Contact person.

- i. The Applicant's designated Representative shall: (a) receive notice of violations of the Construction Management Plan/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 (this log shall be continually available for inspection by the 200 Footers).
- ii. Before commencing any clearing, or grading activities, the Applicant shall hold a meeting with the 200 Footers 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 200 Footers should the exigencies of construction require modifications to any details specified herein. In addition, the Applicant shall meet with the 200 Footers periodically during the construction activities and shall meet with the 200 Footers, at a minimum, once every three (3) months in order to review status/resolution of any construction or construction management issues from the prior quarter and provide an overview of major work for the upcoming quarter.
- iii. Copies of the plans shall be available and permits posted on the

construction site and provided to each subcontractor before its work commences.

- k. Contractors: The Applicant will enforce contractor compliance with all rules and regulations described herein with all such conditions included in all general and subcontractor 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.
- l. Pre- and Post-Construction Surveys. The Applicant will hire an independent testing and inspection firm. Prior to commencement of work on the Property, the Applicant will reach out to the owners of adjacent properties to inquire if such owners wish to have their property and all improvements on the property thoroughly surveyed by an independent professional. The owners of the following properties will be contacted: the rowhouses on the west side of 9th Street in Square 3829W, the six rowhouses on the west side of 10th Street in Square 3829, the properties in the 900 block of Lawrence Street (907-919 Lawrence Street) on the south side of Lawrence Street in Square 3830, 1000 Monroe Street in Square 3881, and 901 Newton Street in Square 3827. The owners of these properties will hereby called "Adjacent Owners." The surveys will include photographs and 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 interested Adjacent Owner property (with photographs and video evidence) will be undertaken by the same independent professional. The surveys are intended to provide the Applicant and each participating Adjacent Owner a reference point from which to determine the effect, if any, that construction activity on the Property had on each Adjacent Owner's property. 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.

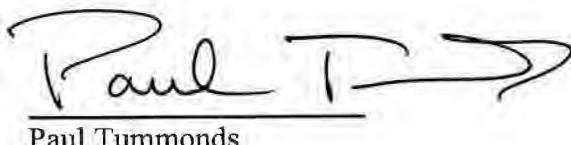
Should the Applicant become aware of any cracks that develop in improvements on the Surveyed Properties during construction, a program of crack monitoring administered by a qualified independent company shall be put in place immediately.

- m. Responsibility for Damage to Adjacent Owner Property. The Applicant agrees to repair, at its own expense, any damage to the property or improvements thereon of an Adjacent Owner, which is proximately caused by the construction activity on the Property. All repairs shall be commenced within 60 days of the Applicant and the Adjacent Owner agreeing upon the necessary and appropriate repairs. Prior to beginning the pre-construction survey, the name and firm's biographical information will be provided to the owners of the Surveyed Properties. Any damage to adjacent properties that is valued less than \$5,000, as agreed upon by Applicant and Adjacent Owner, shall be repaired by the Applicant commencing within three business days (Monday-Saturday) unless Applicant and Adjacent Owner jointly agree to monetary reimbursement instead of repairs.

- n. Noise (see also provision i.iii.). The Applicant will not permit any activity on the Applicant's property which generates sound levels in excess of eighty decibels (80 db.) measured 25 feet from edge of site per DC Department of Buildings' Noise Regulation Handbook. Additionally, all electrical generators and compressors will not be turned on before 7:00 a.m. on weekdays and 8:00 a.m. on Saturdays and will be turned off by 7:00 p.m. All exterior work and interior work at any hour shall not exceed eighty decibels (80 db.). At all times, workers will be prohibited from playing loud music and will be encouraged not to talk loudly on 9<sup>th</sup>, 10<sup>th</sup>, Lawrence, and Kearney Streets.
- o. Permits (see also provision j.iii.). All plans and permits will be on-site as required under the DC Construction Code and available for inspection by the community.
- p. Tree Protection and Replacement. The Applicant agrees to implement a tree protection plan which will designate any trees proposed to be saved by the Applicant. These trees may be located on the 901 Monroe Street Property. The tree protection plan shall be prepared by a certified arborist or a horticultural professional with demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved by DDOT prior to the issuance of a clearing, grading or demolition permit.
- q. Crane Swing Agreements. The Applicant shall endeavor to enter into agreements with each property owner should there be crane swings above its adjacent property.
- r. Maintenance Prior to Construction. The Applicant agrees to maintain the site in a clean, safe and well-maintained condition prior to the issuance of a clearing, grading or demolition permit.
- s. Post-Completion Cleanup. The Applicant will work with the 200-Footers Group to determine the terms at a later date.

The Applicant looks forward to the Commission taking Final Action on this application at the October 23, 2025, Public Meeting. Please feel free to contact the undersigned with any questions.

Respectfully submitted,



Paul Tummonds

ZC Case No. 24-15  
Applicant's Draft Proffers and Conditions  
September 18, 2025

CC: Hillary Lovick, Esq.  
Jacob Ritting, Esq.  
Office of Zoning Legal Division

### **Certificate of Service**

The undersigned hereby certifies that copies of the foregoing document will be delivered by electronic mail to the following addresses on September 18, 2025.

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Paul Tummonds