

My name is Erin Berg, and I am the President of the Capitol Square Homeowners Association. I am also a Southwest DC resident of over a decade, and the parent of a child who attends a Jefferson Middle School feeder elementary.

In my role as President, I act as our Bylaws prescribe, like the chief executive officer of any other corporation. However, I act for the Association in these matters, I am supported by a Board of similarly engaged and well-intentioned concerned individuals. We are also supported in this process by a committee of Association members who have put in many hours of personal time to research and respond to the PUD at 899 Maine Ave., including surveying our membership for their thoughts and identifying a consensus on certain proposed elements. It is of note that a good portion of this time has also been to research the PUD process itself, and how best to submit documents, testimony, etc. Being a novice to the process I apologize in advance if I misspeak to anything.

As you know from previously submitted documents, Capitol Square at the Waterfront is a 2 block by 1 block development built in 2001, and is bordered by 7th, 9th, and G Streets, as well as the 395 highway to the north. Our membership is comprised of 93 homeowners, each of whom own their own lot individually. As an incorporated Association we own the common areas of front yards, courtyards, sidewalks, and private roads within the development. The Capitol Square HOA seeks party status due to the following reasons: 1) we own land within the 200 ft. radius of the proposed project, 2) all of our property (including that outside the 200 ft. radius) is significantly, distinctively, and uniquely affected by the proposed zoning action; 3) all of our members, those who are able to claim individual party status and those who are not, are significantly, distinctively, and uniquely affected by the proposed zoning action.

I say that even our land that is not in that radius is unusually affected because we know many visitors to the Wharf (including those who park in the existing 800 9th St. building now for events) speed through our private roads, primarily from our 7th Street curb cut to the 9th Street or G Street curb cuts in order to access the Wharf without having to deal with the Maine Ave traffic, or to circle around looking for the limited street parking on G Street. We also experience swells of foot traffic to and from the Wharf that use our sidewalks and expect that would increase as residents of 899 Maine travel to and from L'Enfant Plaza metro and other places. Though of course, we mind the foot traffic less because it doesn't usually endanger our residents, including children, the elderly, and pets, in the way that speeding cars do. However even with pedestrians we have experienced issues with things such as people letting their dogs use our landscaped areas to relieve themselves, as well as public urination and property damage by people leaving late night Wharf events. While we accept that living downtown in the District and enjoying our access to the Wharf comes with tradeoffs such as noise, traffic, crime, and the like, we have done what we can to mitigate negative impacts via "private property" signs and speed bumps. Unfortunately, the developers of our community did not plan for the kind of traffic we currently experience, and so we physically/logistically cannot gate or otherwise protect our roads better than we have.

We have many concerns with the 899 Maine Ave project as currently proposed. My testimony echoes much of what you will hear further in depth from my neighbors (or that you have in the case file via written submissions and letters of opposition), in particular Gustavo Pinto, Corinne Carroll, Gail Fast, and Patricia Giorno. We have benefited from a positive working relationship with our Area Neighborhood Commissioner and adopt all the ANC positions described in their Report (Exhibit 84). This includes: "1.

The Applicant's PUD violates the spirit and intent articulated by community residents within the Southwest Small Area Plan; 2. The Applicant's PUD violates the vision of Maine Avenue that is incorporated within the Small Area Plan; 3. The Applicant's PUD would deleteriously affect the social and economic diversity of the community and fly in the face of the District's racial equity guidelines; 4. The Applicant's PUD would create unsafe traffic conditions detrimental to the community and provides no adequate plan their amelioration; 5. The Applicant's PUD offers no significant community benefits to warrant such an extraordinary exception to the Small Area Plan."

Some will call us "NIMBYs" or and others have emphasized that we in Capitol Square live in a low density, high property value development. We acknowledge the density/income characteristics of our community, but I want to assure you, we do want a new building in our backyard (or for most of us, front yards). It is possible to live where we do and still care deeply about what happens around us, including wanting the Southwest Small Area Plan to be followed, especially regarding building heights, affordable housing, and in relation to developments fostering racial and income equity. As I mentioned, we surveyed our members and none of the comments we received indicated anything other than a consensus to 1) see the site redeveloped into residential and retail, 2) have the project offer a measurable amount (that is beyond minimums) of affordable and family-sized units, and most commonly mentioned by our members, to 3) see the redevelopment mitigate its impact on the traffic situation, which is already dangerous, by having vehicular ingress and egress somewhere other than the northern point of the parcel on G Street.

We knew this building would be redeveloped, but expected something more along the lines of a mid-rise residential building with some kind of appropriate retail or restaurant on the ground floor. We hoped the lot would only be partially filled by the building and would also offer a small patch of green space where building residents could gather or relieve pets – so as not to be tempted by our private property. We hoped that the parking included would reduce demand on area street parking, and that they might change the curb cuts to be on Maine Ave. and 9th Street, to help funnel visitors in via the south side, not encourage flow towards the dangerous corner of 9th and G Streets SW. We thought maybe the developer would want to come observe from our vantage in their traffic study, so that residents and visitors would safely come to 899 Maine without increasing the burden on the private roads that our members pay to maintain.

These hopes have not materialized and instead we were presented with a building that is 150 ft at its actual height, more than triple the current zoning, and a vague promise of a grocery store and a bank (but no letters of interest or description of how such a grocer would fit in the proposed space which is smaller than even a specialty retailer would need). The concept of a grocery store sounds great at first, especially to our Southwest neighbors further east tired of the poorly managed Safeway on 4th St., but 9th and G St./9th and Maine Ave. are possibly the worst corners in the quadrant on which to build a grocery store. It's so far out of the neighborhood that, if it is an actual grocer (and again that's in doubt due to the extremely small footage described in the applicant's proposal) even other Southwest residents will still need to drive to accomplish a regular weekly shopping trip for a family. And documents in the case file indicate that residents quite far away from Southwest are excited about some hypothetical Trader Joe's or MOM's that Jair Lynch wants us to believe are interested in their space, indicating to us that this would be a further draw of cars from other areas. As you will see in my neighbor Gustavo's presentation, the proposed curb cut into and out of the building on G Street

regularly jams with traffic coming off the highway or from the Wharf, it is easy to imagine the honking and dangerous driving by people trying to get in and out of a grocery store amongst the standstills.

To summarize my Association's feelings on this PUD request, we want to unequivocally state that this PUD is not a just variance to the current zoning. It's a massive departure and makes assumptions and promises the applicant can't deliver. The applicant wants to make this block part of the Wharf, or has invented some "transition zone" that has no origin in the Small Area Plan or any other zoning documents. This block is NOT the Wharf. It is not anchored by District Square, the Anthem, or the Fish Market; it is anchored by the Southwest icon of Jefferson Middle School Academy. It is anchored by a much beloved and well used wide open field, circled by mature trees, that lets children and adults alike recreate in sunshine. We are not compelled by Jair Lynch's drive to profit as much as possible from their gamble to purchase a tiny parcel and force an enormous building onto it with no benefits to the community.

Finally, aside from our many rational, carefully considered concerns with the project itself, I want to raise the issue of Jair Lynch and Holland and Knight's conduct in this process. While they cite many "community meetings" it is important to know that these meetings that we attended were primarily them setting the agenda, presenting what they want to do, then being dismissive and indifferent to our concerns. We feel that the minimal effort they have made to engage with us was to check a box, then refuse to see what they can change in their scope that would allow us to support the project. This has manifested itself in several disappointing actions, including trying to silence our Association through their opposition to our party status on a very specious technical matter. The latest tactic has been to try to solicit "letters" of support through a web site they created, www.899maine.com (a PDF of the website as of the evening of October 3, 2022 can be provided upon request). A neighbor was curious and googled some of the supporters, who seem to include Jair Lynch employees, and also noticed that a number of individuals live quite far from Southwest. This site lacks any content beyond some pictures, vague promises of an unnamed grocery store/bank/bike lanes/etc., and a form that auto sends information directly to the zoning commission email. Community members not affiliated with our Association also created a survey to collect names, however that linked to the Zoning Commission website so signers could check out information for themselves. On Jair Lynch's 899maine.com there are no links to the proposals, traffic study, shadow study, etc. so one wonders how informed these submitters actually are. The site 899maine.com also does not indicate to the individuals that when they enter their comments, their personally identifiable information will end up included in the zoning case's public record, and this auto send function circumvents the Commission's own procedures requiring email letters to be sent by the writer to zcsubmissions@dc.gov.

Why, if they are so convinced their project offers so many benefits to the community, does Jair Lynch feel the need to silence parts of said community in these ways? This conduct by Jair Lynch has us concerned about not only the final building but wondering if they will be responsive during the construction period when we have concerns or issues. It will be a long couple of years for us if they don't reverse their course of ignoring, silencing, and being disingenuous to the community. No matter the outcome of the Commissioners careful consideration of this PUD, I hope Jair Lynch will take our testimony to heart and re-approach us and welcome other community stakeholders into the process. Thank you again the opportunity to provide this testimony.