

February 2, 2023

D.C. Zoning Commission  
441 4th Street, N.W., Suite 210  
Washington, D.C. 20001

Re: Response to Applicant Submissions – ZC Case No. 22-06

Dear Chairman Hood and Commissioners,

The Capitol Square Homeowners Association (CS HOA) writes to respond to the documents added to the case file since the Zoning Commission’s last meeting, in particular to the inclusion of a quote (Exhibit 127C) that the Applicant obtained and submitted without our awareness or input in its creation. They have told us that the inclusion of this quote into the case file intends to prove their offer of \$100,000 towards traffic gates to be installed in our community to be sufficient. It is not sufficient and the quote is flawed by several technical, legal, and logistical issues. We outline these issues in depth in Attachment A to this letter, in the form of correspondence between the CS HOA and the Applicant.

All of our issues with the quote are important to read in the attachment, but the two key technical and legal issues are:

1. It assumes DDOT would permit a gate on our 7th Street curb cut and the Applicant has not provided evidence from DDOT to that effect,<sup>1</sup> and
2. It relies on an assumption that electrical power for gate installation can be provided by “pulling power” from individual owner’s homes in our community, which our attorney has advised we cannot compel them to do based on our bylaws and covenants.

These two assumptions in the quote need to be addressed with changes that make it significantly more expensive to implement gates than purported by the Applicant.

Because the Applicant has refused to work with us to identify a jointly acceptable comprehensive solution, our Association’s committee was forced to engage in research and develop our own plan which includes not just traffic gates, but also speed tables, signage, and the related costs of design, project management, permitting, and maintenance. This was included in the case file in Exhibit 122.

Unbeknownst to us, while we were doing the work ourselves, the Applicant was simultaneously developing their own plan for our community *without us*, including using their own traffic consultant Gorove Slade to study our community. That memo (Exhibit 112F) indicated that gates, closing entrances, or changing traffic patterns would be *some* possible mitigation methods for the cut-through traffic issues. The inclusion of that memo surprised us because we had requested the Applicant fund a different consultant to do this study with our input, but they refused. This memo, plus the solicitation of the quote from Mid Atlantic Entry added on January 26, 2023 (Exhibit 127C), are inherently flawed

---

<sup>1</sup> View of the curb cut in question available here <https://vimeo.com/795013110> showing lack of stopping room leaving vehicles stuck in oncoming traffic.

because we, the community where such infrastructure will be installed, were not consulted on either. Furthermore, a logical reader would realize the documents are biased – it would be in the vendors’ interest to keep future business with the Applicant to develop options based on the Applicant’s budget and disregard better options if more expensive.

We disagree with the Applicant on many things related to the mitigation options, including on the number of gates to be installed, how power would be provided to those gates, as well as the idea that gates-only would be the best mitigation scenario. As Commissioners are well aware due to your expertise, changing infrastructure in a community often has indirect effects that can be negative in a way that puts the mitigation itself into question. Installing gates on our community would have indirect adverse effects of being burdensome to install, expensive maintain, and reduce the quality of life for our residents. We feel our plan, while more expensive, is truly comprehensive and reduces the negative impacts of gates. It also reduces the likelihood our community will have to pay out-of-pocket for things we need to do to mitigate the impact of the occupancy of the propose 899 Maine Ave. SW.

For our much more comprehensive plan, we obtained a quote for implementing such from CLEAT Design + Build (Tasks 1-7 below, also submitted in full as Attachment B to this letter) and supplemented it with the costs of asphalt replacement and a maintenance allowance (Tasks 8-9). If our estimates end up being excessive, we have always offered to return unspent funds to the Applicant, or once everything is complete, we would be happy to donate anything left over in the one-time costs (Tasks 1-7 in the table below) to Jefferson Middle School to compliment the funds the Applicant has donated.

<b>Task #</b>	<b>Task Name</b>	<b>Cost</b>	<b>Cost Source</b>
1	Peer Review Traffic Study	\$12,220.00	CLEAT Proposal
2	Design & Permit Plan Development	\$15,000.00	CLEAT Proposal
3	DC DOB Permit Expedition & Permit Cost	\$7,500.00	CLEAT Proposal
4	Procurement, Construction Management, Quality Control & Warranty Administration	\$15,000.00	CLEAT Proposal
5	Furnish & Install (2) Community Ingress / Egress Access Gates	\$69,000.00	CLEAT Proposal
6	Demo Existing Speed Bumps, Installation (8) New Speed Tables & New Markings	\$75,000.00	CLEAT Proposal
7	Furnish & Install (6) New Custom Reflective Signs	\$9,000.00	CLEAT Proposal
8	Maintenance for 20 years @ \$2500 per year (including cost of replacement gate arms, remote control system access fees, repairs, signage replacement as needed, etc.)	\$50,000.00	Market Research
9	One cycle (2023-2043) of asphalt repair and replacement due to increased need for vehicles to circle around to access public exits	\$136,671.00	Capitol Square HOA 2022 Reserve Study

<b>Total:</b>	<b>\$389,391.00</b>
---------------	---------------------

\*Difference between what we provided previously is due to the draft reserve study being finalized after the fact.

\*\*<https://gatedepot.com/replacement-parts/traffic-control-bollard-spike-replacement-parts>

Beyond the unresolved issue of mitigation of negative impacts, we were pleased to see the documents indicating additional units of “workforce housing” included in the case file. While these do not eliminate the need for the applicant to actually include Inclusionary Zoning percentages to the level expected for a building this size, it does add an actually significant proffer to their list.

Despite this one positive development, other objections to the PUD remain despite the inclusion of the new documents including, but not limited to:

1. The Applicant has not engaged the community in a genuine way. They have used meetings to “check boxes” and not faithfully listened to concerns as evidenced by their failure to develop a mitigation plan with our community. Furthermore, we remind the Zoning Commission that inclusion of letters of support sent via a “Squarespace” website or other auto-forwarding services is in violation of the regulations and those letters should be removed from consideration. DC 11 DCMR, Subtitle Z, Section 206 requires “All comments submitted by e-mail shall...(d) Be e-mailed to zcsubmissions@dc.gov.”<sup>2</sup> If a person wishing to declare support or opposition to a case intends for their information to be included in a case file, they must decide to submit for themselves by email or IZIS. There are dozens of letters in the case file in support submitted improperly through the Applicant’s misleading website (see Exhibits 88A and 92), including by fake people and Jair Lynch employees, lending a veneer of support to the Applicant that does not exist.

2. The building’s height and density is out of character with the Southwest neighborhood. An up-zoning to a MU-10 to match the also-proposed 807 Maine Ave. SW (ZC 22-11) would be much more appropriate and eliminate this party’s concerns about Comprehensive Plan consistency. PUDs must be consistent with the Comprehensive Plan as a whole, we cannot simply disregard some provisions of the Comprehensive Plan on the ground that a PUD is consistent with or supported by other provisions of the Comprehensive Plan. This building would be out of character for the Neighborhood Conservation Area in which it would be located. It would appear to those on the ground to be part of the Regional Center of the Wharf, whereas we know the parcel was not included in that zoning order. It would cast unacceptable shadows on our community. Approval of this PUD would embolden future PUD Applicants to propose out of character buildings that maximize profits over communities.

Thank you kindly again for your time and for your service to the citizens of the District of Columbia. Please do not hesitate to reach out or to have us join the upcoming hearing for testimony or questions from the Commissioners.

Sincerely,

/s/ Erin Berg, President, Capitol Square Homeowners Association

<sup>2</sup> [https://dcoz.dc.gov/sites/default/files/dc/sites/dcoz/publication/attachments/SubtitleZ\\_2.pdf](https://dcoz.dc.gov/sites/default/files/dc/sites/dcoz/publication/attachments/SubtitleZ_2.pdf)

CERTIFICATE OF SERVICE

I certify that on February 2nd, 2023, I emailed a true copy of the foregoing Response to Advisory Neighborhood Commissions 6D (6d@anc.dc.gov), as well as the counsel for the Applicant Christopher Cohen (Christopher.Cohen@hklaw.com) and Leila Batties (Leila.Batties@hklaw.com)

/s/ Erin Berg, President, Capitol Square Homeowners Association Dated: February 2, 2023



Erin B <eringberg@gmail.com>

## Capitol Square response to Mid Atlantic Entry quote provided by Jair Lynch

Erin B <eringberg@gmail.com>

Thu, Feb 2, 2023 at 2:48 PM

To: Malcolm Haith <mnh@jairlynch.com>, "Radhika C. Mohan" <RCM@jairlynch.com>, "Cohen, Christopher S (WAS - X75127)" <christopher.cohen@hklaw.com>, "Batties, Leila M J (WAS - X72583)" <leila.batties@hklaw.com>  
Cc: "ANC 6D Office (ANC 6D)" <6d@anc.dc.gov>, "Bob Link (SMD 6D01)" <6D01@anc.dc.gov>, "Collins, Ronald R. (SMD 6D03)" <6d03@anc.dc.gov>, "Todd A. Sinkins" <tsinkins@reesbroome.com>, Corinne Carroll <wcarr37882@aol.com>, Gustavo Pinto <gumathias@gmail.com>, Patricia Giorno <patgiorno@gmail.com>, Savin Ven Johnson <savin.venjohnson@gmail.com>, Chris Jamieson <jamieson@alum.wpi.edu>, "Allen, Charles (Council)" <callen@dccouncil.gov>, "DeMayo, Jennifer (Council)" <jdemayo@dccouncil.gov>, "Salmi, Erik (Council)" <esalmi@dccouncil.gov>, "Mitchell, Katherine (Council)" <kmitchell@dccouncil.gov>

Dear Malcolm,

Thank you for replying, even though you did not answer our questions. You wrote that you provided a "comprehensive proposal" and "the purpose of the proposal is to demonstrate that our \$100,000 contribution is sufficient to cover the associated costs." **This is a statement based on false pretenses.** Jair Lynch has decided gates alone are the "associated costs." We disagree and have developed our own comprehensive proposal as previously shared and described again below. We hope when this letter is entered into the case file the Zoning Commission sees that having the Applicant dictate to a community of how to solve this problem, when the community itself has provided a fair and reasonable alternative, is unacceptable.

We are very disappointed that Jair Lynch yet again made decisions for our community by obtaining this quote without our knowledge or input. We have always made ourselves available to work with you, but Jair Lynch shows no desire to be good neighbor to Capitol Square and Southwest. **We asked you why you didn't alert us or invite us to participate in the creation of the quote you submitted to the Zoning Commission, but you refused to answer that question.** If informed, we would have happily provided committee members to walk the property and discuss the scope of work with the vendor you recruited.

The plan you have developed without our input and had prepared in the quote is insufficient, impractical, and **will not mitigate the problem of increased cut through traffic caused by 899 Maine Ave. because it will cause additional indirect problems to our community.**

In comparison to the quote from Mid Atlantic Entry, we refer you to the truly comprehensive proposal we sent you on January 2, 2023 (attached again here for your convenience) from CLEAT Design + Build that includes the design and installation of two gates (including significant electrical work to draw power from our streetlamp system), new signage, and speed tables, inclusive of permitting and project management costs, itemized in the table below. We also referenced in the case file our own reserve study, which indicates a cost of \$136,671\* over the next 20 years (2023-2043) for asphalt repair and replacement, and our estimate using market research\*\* of \$2,500 per year for 20 years of maintenance and repair of the gates and replacement of signs (\$50,000). This would make an inclusive, fair mitigation contribution of **\$389,391**. Your offer of \$100,000 is insufficient and therefore if the PUD is approved with just that amount, **the negative impacts will remain unmitigated.**

Task #	Task Name	Cost	Cost Source
1	Peer Review Traffic Study	\$12,220.00	CLEAT Proposal
2	Design & Permit Plan Development	\$15,000.00	CLEAT Proposal
3	DC DOB Permit Expedition & Permit Cost	\$7,500.00	CLEAT Proposal
4	Procurement, Construction Management, Quality Control & Warranty Administration	\$15,000.00	CLEAT Proposal
5	Furnish & Install (2) Community Ingress / Egress Access Gates	\$69,000.00	CLEAT Proposal
6	Demo Existing Speed Bumps, Installation (8) New Speed Tables & New Markings	\$75,000.00	CLEAT Proposal
7	Furnish & Install (6) New Custom Reflective Signs	\$9,000.00	CLEAT Proposal

8	Maintenance for 20 years @ \$2500 per year (including cost of replacement gate arms, remote control system access fees, repairs, signage replacement as needed, etc.)	\$50,000.00	Market Research
9	One cycle (2023-2043) of asphalt repair and replacement due to increased need for vehicles to circle around to access public exits	\$136,671	Capitol Square HOA 2022 Reserve Study
	<b>Total:</b>	<b>\$389,391</b>	

\*Difference between what we provided previously is due to the draft reserve study being finalized after the fact.

\*\*<https://gatedepot.com/replacement-parts/traffic-control-bollard-spike-replacement-parts>

**The proposal you sent from Mid Atlantic Entry and your replies are insufficient to mitigate the increase in cut through traffic that will be caused by the occupancy of ZC 22-06/899 Maine Ave. in the following ways:**

### 1. The proposal assumes that 7<sup>th</sup> Street can be gated

**We asked you if DDOT had been consulted as to the legality and safety of gating our community at 7<sup>th</sup> Street, but you refused to reply.** We would have been happy to hear alternative viewpoints, but already know it is not possible. You can see from this video recently taken <https://vimeo.com/795013110> that when turning into the community at 7<sup>th</sup> Street there is no stopping room to wait for a gate to open after using a remote/RFID or to be opened with a code, particularly for cars making a left turn into the community. We had a vendor come out several years ago when we considered gates (which we did not continue to pursue then because existing cut through levels do not warrant the indirect nonmonetary costs of gates) and he explained to us at length that even if the gates open quickly, DDOT and other safety regulations would not let us put a gate there and risk cars blocking traffic. If it's a visitor trying to get in or if the gate malfunctions, it puts drivers and passengers at risk to be stuck blocking oncoming traffic. It's unclear why Mid Atlantic Entry did not identify that very obvious issue if they indeed walked the site, but if we had been present during their visit, we could have discussed it directly with them.

Even if it was feasible, we see keeping 7<sup>th</sup> Street open to be a logistical burden-saving measure. Having to maintain some kind of online system of preapproval of guests and deliveries in order to get a QR code or other way to let them in would be a burden on our Board and residents. **We asked you if the vendor was aware that while we are an HOA, we do not have on site property management to manage such a system, but you refused to reply.** We are not a large condo building with on-site staff like a concierge to manage administrative tasks like this or to respond to an intercom or camera. Requiring such a system would cost the HOA quite a bit per year in property management costs in addition to the \$2400 per year system website access fees indicated in your quote. If *legitimate* traffic with destinations within our private property can enter on 7<sup>th</sup> or G Streets, it lets them safely conduct their business here without needing preapproval and costing our community a not-insignificant part our budget per year on fees.

Because we couldn't discuss this with them directly, the Mid Atlantic Entry proposal is also mistaken in assuming 9<sup>th</sup> Street should be "card in/free out". Without being able to gate 7<sup>th</sup> Street it is important to make the 9<sup>th</sup> Street gate "resident exit only" by remote control/RFID or code because it will be the main cut-through egress option once 899 Maine is occupied. This will be the key disincentive to keep drivers from entering our community illegitimately to cut through. If they cannot exit onto 9<sup>th</sup> to access 899 Maine, they will not try to enter our community at all.

When the 899 Maine curb cut on G Street is moved to the west it will help make our G Street exit *partially* less desirable because vehicles will no longer be able to cut across to the 899 Maine garage. However, the patterns indicated on the map in Attachment A show that while 899's G Street curb cut movement helps reduce demand to exit via Capitol Square's G Street curb cut, moving it will just cause the 9<sup>th</sup> Street exit to become the most desirable curb cut for the same vehicles seeking to access 899 Maine Ave. Those vehicles coming from the north and east will try to avoid the legal route to access 899 Maine (the Blue Pattern) by making a loop around via our private streets (the Orange Pattern). This is in addition to an *entirely new* cut through pattern that will be generated by the building/occupancy of 899 Maine because residents/visitors to 899 Maine Ave. seeking to head west on Maine Ave. will now have incentive to cut through from our G Street curb cut in order to head south then west via our 9<sup>th</sup> Street curb cut (the Purple Pattern). This map or a version of it is part of the 22-06 case file from several of our submissions (Exhibits 113, 122). **We asked you if you provided this map to Mid Atlantic Entry, but you refused to reply.**

We would gate the G Street curb cut as a visual deterrent and we would have the gate use a proximity sensor to allow any vehicle trapped, as well as legitimate visitors and delivery drivers, egress onto G Street. There is no left turn out of

our community from 7<sup>th</sup> Street, so cars will need a safe way to head that direction and they will be able to continue to do so by turning onto G and then left on 7<sup>th</sup>. It would also let our residents, deliveries, and visitors who come to our community via Exit 4 of I-395 North, the 9<sup>th</sup> Street Tunnel, and 9<sup>th</sup> Street northbound to enter the community there once the 9<sup>th</sup> Street curb cut is made exit-only.

We include images in Attachment B that show what our committee has identified in terms of location of gates, speed tables, signage, etc.

## 2. The proposed methods to gain access to electrical are impossible

The proposal from Mid Atlantic Entry includes an assumption that the HOA can or is willing to cut into members' homes to access electrical (indicates power should come from 3 homes they identified). **We asked you if you had let the vendor know we are a community of fee simple townhomes with bylaws and covenants, but you refused to reply.** We asked our HOA's counsel about whether our bylaws or covenants would allow this, and he advised us that it would not be allowable, and even if a loophole could be found, he said would not be advisable.

Our plan intends to draw power from streetlights that we already have metered to our Association utility account. The need to pull power from farther sources as well as likely needing to install transformers to step down voltage is reflected in the relatively higher cost per gate (CLEAT proposal \$69,000 for two gates and installation, Mid Atlantic Entry proposing \$68,893.00 for three gates and installation).

## 3. The proposal does not include funds for design, permitting, or construction management

The Capitol Square HOA has already given hundreds of hours of member, resident, and property manager time towards engaging in the PUD process of 22-06/899 Maine Ave. We refuse to spend any more time than necessary to implement the mitigation of 899 Maine Ave.'s impact on our property. We require professional services to review existing traffic study and mitigation memos (\$12,220), design and develop permit applications (\$15,000), the cost of the permits (\$7,500), and the costs associated with procurement, construction management, and quality control (\$15,000). None of these costs are included in the proposal from Mid Atlantic Entry or where included, it references that costs would be "pass through."

## 4. Speeding prevention must be a part of the mitigation

**We asked you why the vendor did not include the other elements we have previously informed you we require as part of our plan – speed tables and signage – in their quote, but you refused to reply.** Because we can't prevent non-residents from entering on 7<sup>th</sup> Street seeking to find a way to 899 Maine Ave., we will end up with many cars trapped looking for an exit. There will also be significant numbers of cars not destined for 899 Maine but possibly the Wharf, Tidal Basin, etc. that are lost or try to cut through. Even though the latter cars will not necessarily be 899 Maine residents or visitors, the fact that they are trapped in our streets will be due to gates that we only need because of 899 Maine Ave. So, all trapped traffic will directly or indirectly be caused by the occupancy of 899 Maine Ave.

The speed bumps we added in lieu of gates in 2015 which mitigated the impact of the existing cut through traffic will not be enough to manage these new and additional frustrated drivers. We need to upgrade the 5 speed bumps to 8 speed tables at a cost of \$75,000. This will keep our residents and visitors safe as well as all pedestrians who use our private sidewalks to traverse between sites in Southwest, including Jefferson Middle School students and the future pedestrian residents and visitors of 899 Maine who are taking advantage of the building's transit-oriented location in Southwest.

## 5. Asphalt will need to be replaced ahead of schedule due to increased traffic

**We asked you if the vendor had thoughts on indirect impacts on our community due to the gates, such as increased wear on asphalt, but you refused to reply.** Because even legitimate visitor traffic to our community will now need to make a more circular pattern in order to access public exits, we expect that we will need to replace our asphalt more frequently than was planned based on assumptions of current traffic levels and straight-through routes. Our 2022 reserve study indicates a budget of \$136,671 for asphalt repair/maintenance and replacement over the next 20 years (2023-2043). We feel it is fair for Jair Lynch to pay for one period of replacement, given that the HOA will have to budget for the costs of the increased wear from then on in perpetuity.

## 6. New signage related to gates and traffic patterns must be procured and installed

**Again, we asked about other costs associated with the gates, but you refused to reply.** The Mid Atlantic Entry proposal does not discuss how we will need to update asphalt markings, reflective signs and the like. CLEAT recognized this need and \$9,000 is budgeted in their proposal for signs.

## 7. These measures must be maintained

**We asked if the vendor had provided an estimate of future maintenance costs, such as service, replacement of gate arms or bollards, etc., but you refused to reply.** We did see, however, that your quote includes \$2,400 per year in fees that the HOA would become responsible for in perpetuity. While we accept that at a certain point in the future after installation, the HOA must re-budget to include additional costs to maintain and repair the gates, speed tables, asphalt, and signage on our own, we feel it is unfair for Jair Lynch require us to install these items but not contribute funds to maintain them at all. We therefore require \$2,500 per year for 20 years (\$50,000) total to gradually allow us to assume responsibility for the costs, including future replacement, and include them in our reserve studies, etc.

If, once the mitigations are installed, there are any variances in actual cost for the one-time costs (professional design services and project management, permits, gates, speed tables, and signs) we would either 1) assume responsibility for overage if the amount provided by Jair Lynch ends up being insufficient or 2) we would return funds in those line items to Jair Lynch or donate it to Jefferson Middle School's PTA (at Jair Lynch's preference) if the amount provided by Jair Lynch was more than necessary for those costs. This arrangement would allow us to affirm to the Zoning Commission that the negative impact of increased cut through traffic on our community was fairly and adequately mitigated.

**Without adequate funding for both implementation and maintenance, we could be left to raise the funds ourselves, which would be burdensome on our members, and further increasing the negative impact of 899 Maine Ave. on our community.**

The Capitol Square HOA committee,

/s/ Erin Berg, President, Capitol Square HOA

/s/ Savin Ven Johnson, Member-at-Large and committee chair, Capitol Square HOA

With Corinne Carroll, Patricia Giorno, Chris Jamieson, Gustavo Pinto

---

## 2 attachments



**CLEAT Capitol Square Traffic Study & Mitigation Proposal 20221216.pdf**

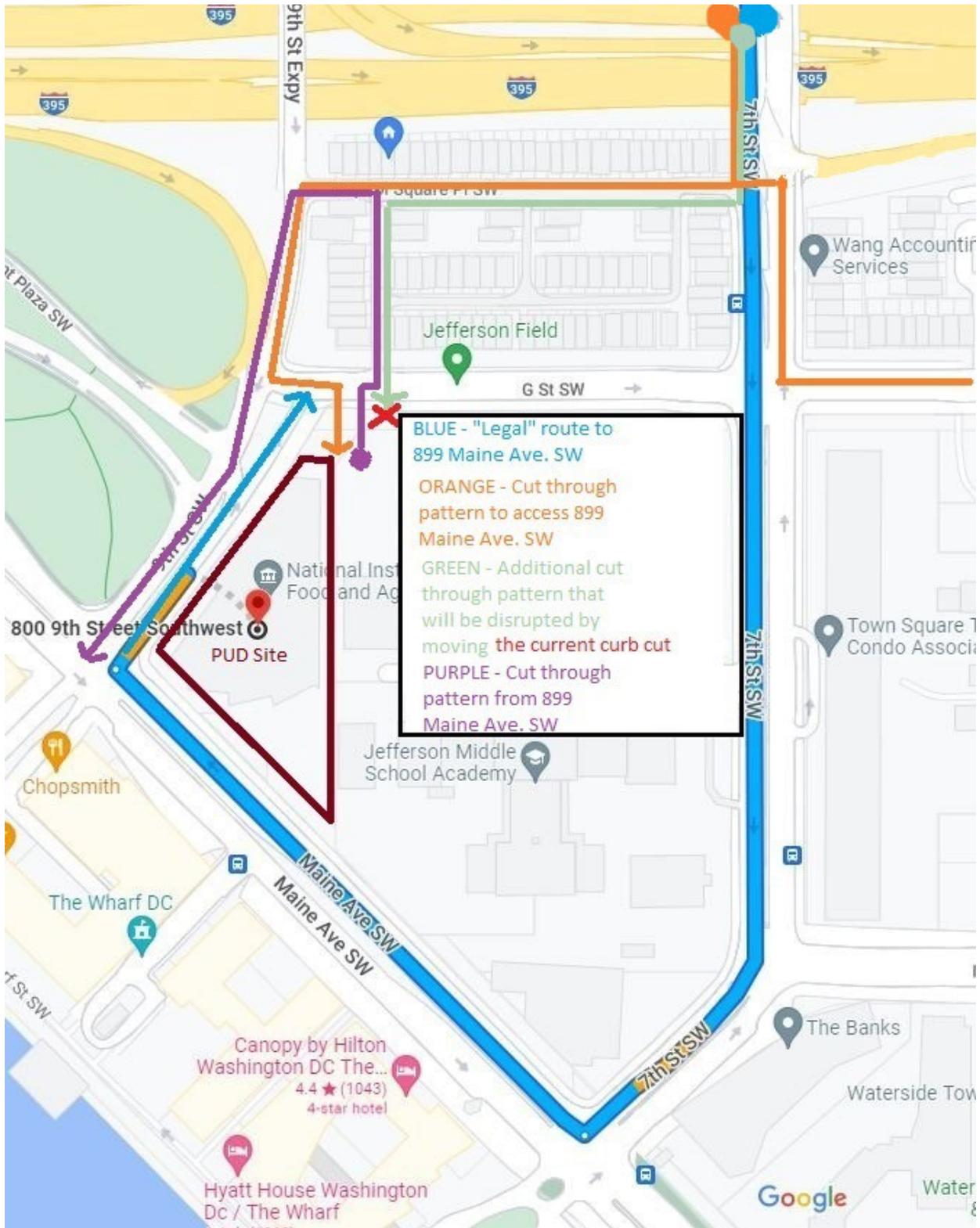
801K



**Response to Malcolm Haith 2.1.2023 Attachments A and B.pdf**

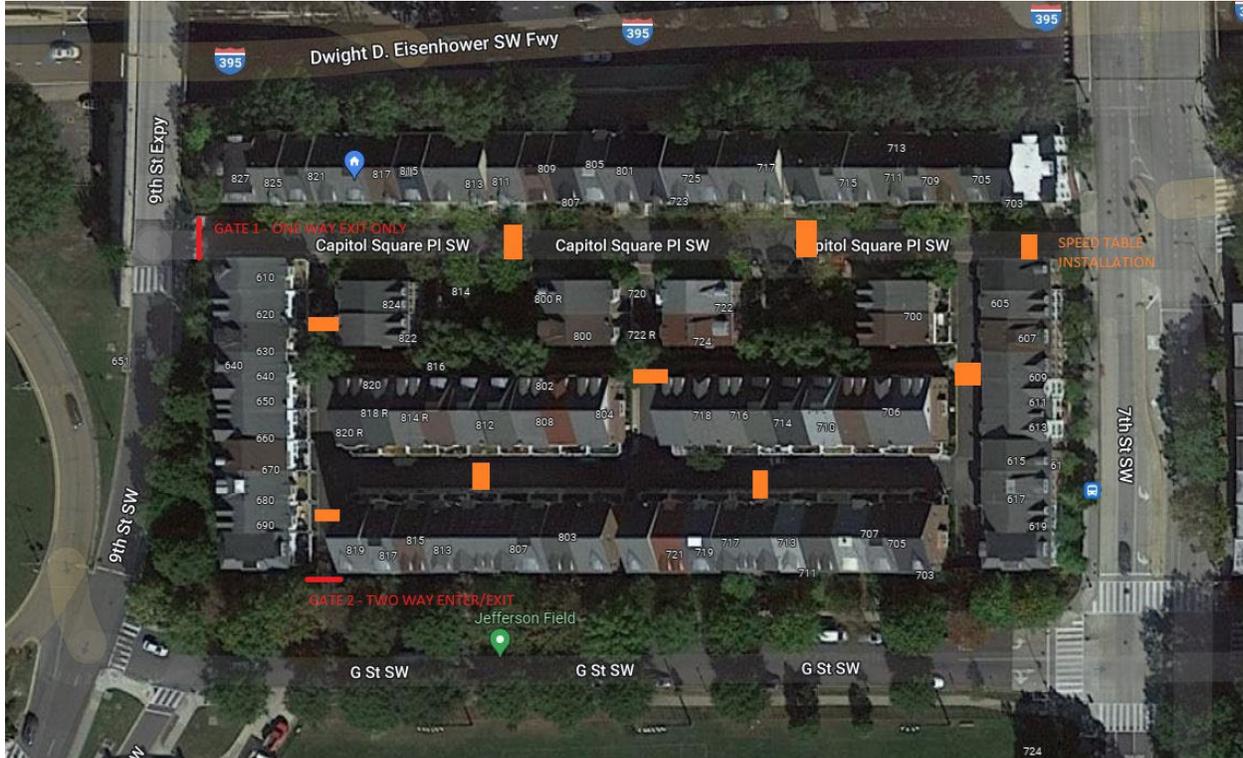
924K

Attachment A – Map of Referenced Cut Through Traffic Patterns

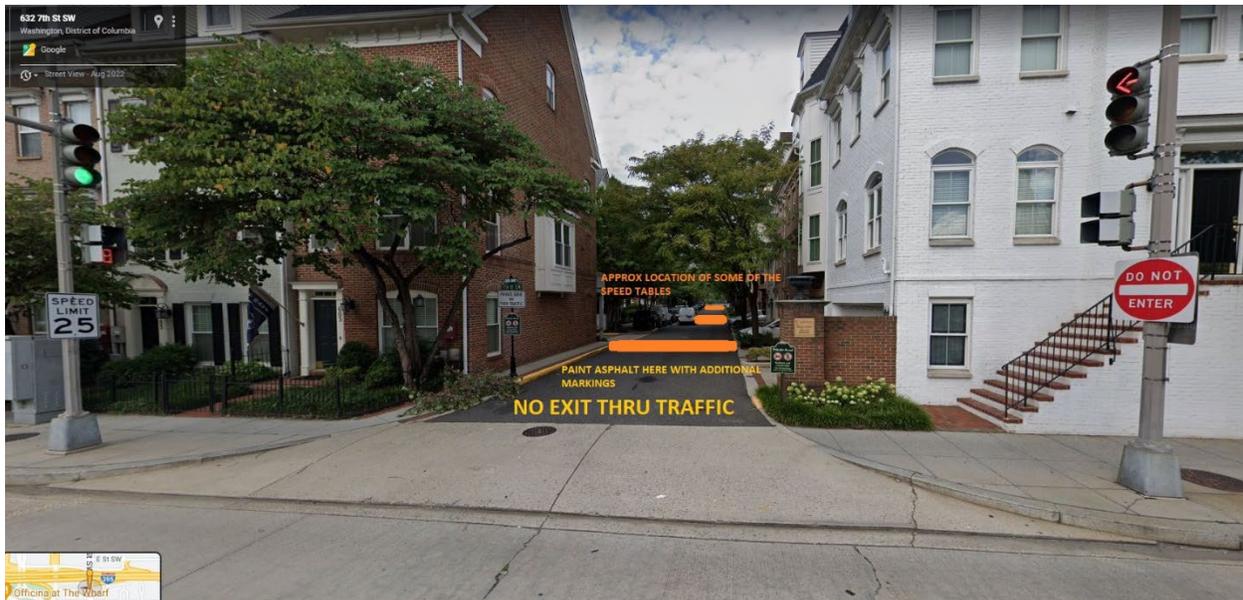


Attachment B – Images of Gate, Speed Table, and Signage Draft Concepts (to be approved by Capitol Square HOA once vendor has been contracted and submitted final concept design)

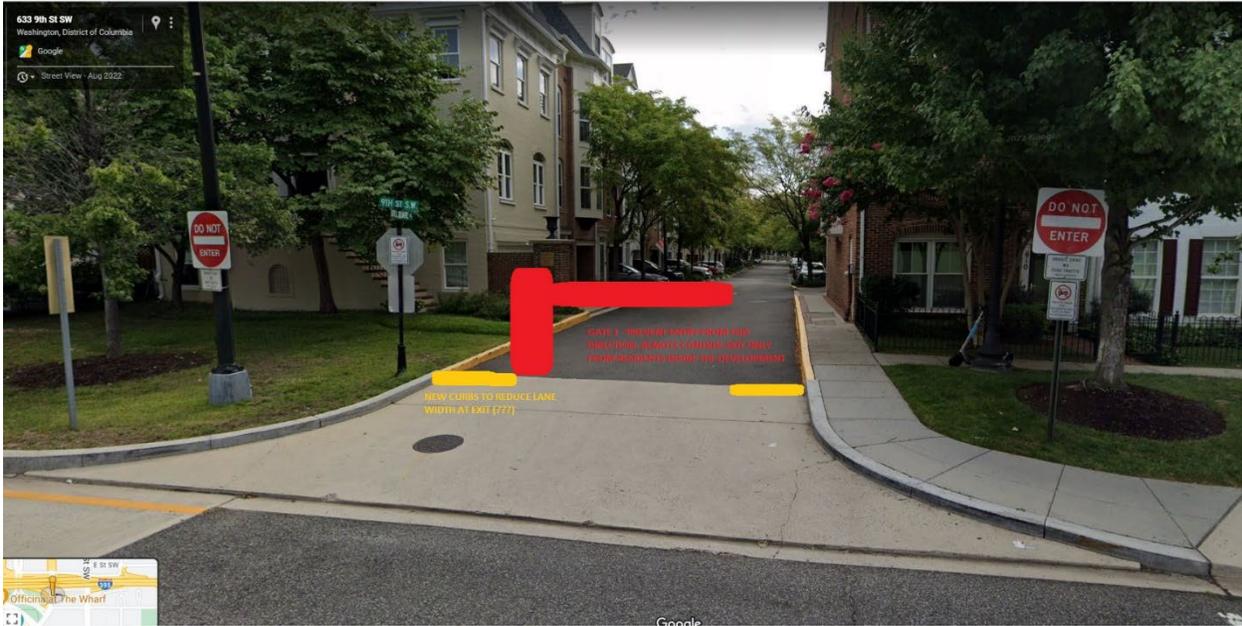
1. Aerial view of Capitol Square showing proposed location of gates (red) and speed tables (orange)



2. Street view of Capitol Square's 7th Street curb cut showing lack of stopping room, proposed speed tables, proposed signage/curb markings



3. Street view of 9<sup>th</sup> Street curb cut showing proposed resident/emergency vehicle exit only gate with possible curb changes



4. Street view of G Street entrance showing proposed gate that would be entry/exit to public to let out deliveries, visitors, and emergency vehicles





Erin B &lt;eringberg@gmail.com&gt;

---

## 899 Maine Ave Post Hearing Filing

---

**Malcolm Haith** <mnh@jairlynch.com>

Wed, Feb 1, 2023 at 7:19 PM

To: Erin B &lt;eringberg@gmail.com&gt;

Cc: Savin Ven Johnson &lt;savin.venjohnson@gmail.com&gt;, Chris Jamieson &lt;jamieson@alum.wpi.edu&gt;, Corinne Carroll &lt;wcarr37882@aol.com&gt;, Gustavo Pinto &lt;gumathias@gmail.com&gt;, Patricia Giorno &lt;patgiorno@gmail.com&gt;, "Radhika C. Mohan" &lt;RCM@jairlynch.com&gt;, "Leila.Batties@hklaw.com" &lt;Leila.Batties@hklaw.com&gt;, "Cohen, Christopher S (WAS - X75127)" &lt;Christopher.Cohen@hklaw.com&gt;, "Bob Link (SMD 6D01)" &lt;6D01@anc.dc.gov&gt;, "Collins, Ronald R. (SMD 6D03)" &lt;6d03@anc.dc.gov&gt;, "Todd A. Sinkins" &lt;tsinkins@reesbroome.com&gt;

Hi Erin and the Capitol Square Place HOA,

Thank you for your reply and questions below. We worked through a general contractor and asked them to provide a comprehensive proposal and quote for the installation of gates that can help mitigate cut-through traffic within your community. The purpose of the proposal is to demonstrate that our \$100,000 contribution is sufficient to cover the associated costs. The specific design and/or implementation of the gates or any other mitigation measures that can be supported by the contribution, are left entirely to the discretion of the HOA, as was clarified in our most recent filing.

Thank you again!

**MALCOLM N. HAITH**

**Sr. Development Manager**

Jair Lynch Real Estate Partners

**C** 336.456.2368 | **O** 202.888.4532

---

**From:** Erin B <eringberg@gmail.com>

**Sent:** Wednesday, February 1, 2023 12:21 PM

**To:** Malcolm Haith <mnh@jairlynch.com>

**Cc:** Savin Ven Johnson <savin.venjohnson@gmail.com>; Chris Jamieson <jamieson@alum.wpi.edu>; Corinne Carroll <wcarr37882@aol.com>; Gustavo Pinto <gumathias@gmail.com>; Patricia Giorno <patgiorno@gmail.com>; Radhika C. Mohan <RCM@jairlynch.com>; Leila.Batties@hklaw.com; Cohen, Christopher S (WAS - X75127) <Christopher.Cohen@hklaw.com>; Bob Link (SMD 6D01) <6D01@anc.dc.gov>; Collins, Ronald R. (SMD 6D03) <6d03@anc.dc.gov>; Todd A. Sinkins <tsinkins@reesbroome.com>

**Subject:** Re: 899 Maine Ave Post Hearing Filing

**External Email: Use caution**

Hello Malcolm,

We did see the filings. We have some questions on this quote, if you can please respond no later than tomorrow morning with the information it will help us understand it better.

1. We were unaware that you were sending a vendor out to look at our property again. Why did you not include us in the walk through with them?

2. Did you provide the map of cut through traffic patterns to the vendor, Mid Atlantic Entry? Particularly the most recent one in our last response, page 19 of ZC 22-06 Exhibit 122.
3. Did the vendor indicate the gate on 7th Street would be allowable under DC laws/DDOT policy?
4. Did you send the concept to DDOT to obtain approval to gate the 7th Street entrance, where there is no stopping room for cars to enter?
5. Did the vendor know that our community is an association of by right townhomes, not a condo or rental community, and we do not have on site concierges or management to manage an access system?
6. Did the vendor know that our bylaws and covenants do not allow for us to "pull power" from individual owners' homes?
7. Why did the vendor not include speed tables or signage in the quote?
8. What did the vendor indicate as to future maintenance costs, such as service, replacement of gate arms, bollards, etc.?
9. Did the vendor address any other impacts gating the community would have on our property, such as increased wear on asphalt?

I'll send more questions if our committee has any, but for now this would be helpful.

Thank you,

Erin Berg, President, CS HOA

On Tue, Jan 31, 2023 at 9:31 AM Malcolm Haith <[mnh@jairlynch.com](mailto:mnh@jairlynch.com)> wrote:

Hi Erin and Capitol Square Place HOA,

I hope this email finds you well. We filed the post hearing statement for [899 Maine Ave.](#) into the record on Friday. In the filing, we provided a quote and proposal for the traffic gates at the entrances at Capitol Square Place. We have attached the filing for your convenience.

Thank you!



**MALCOLM N. HAITH**

Sr. Development Manager  
Jair Lynch Real Estate Partners

1400 16<sup>th</sup> Street NW, Suite 430, Washington, DC 20036

**C** 336.456.2368 | **O** 202.888.4532

[mnh@jairlynch.com](mailto:mnh@jairlynch.com) | [jairlynch.com](http://jairlynch.com)





Erin B &lt;eringberg@gmail.com&gt;

---

## Capitol Square Traffic Mitigation Proposal

---

**Malcolm Haith** <mnh@jairlynch.com>

Tue, Jan 3, 2023 at 2:22 PM

To: Erin B <eringberg@gmail.com>, "Cohen, Christopher S (WAS - X75127)" <Christopher.Cohen@hklaw.com>  
Cc: "ANC 6D Office (ANC 6D)" <6D@anc.dc.gov>, "Daniels, Edward (SMD 6D07)" <6D07@anc.dc.gov>, "Fast, Gail (SMD 6D01)" <6D01@anc.dc.gov>, "Litsky, Andy (SMD 6D04)" <6D04@anc.dc.gov>, "Kramer, Fredrica (SMD 6D05)" <6D05@anc.dc.gov>, "Batties, Leila M J (WAS - X72583)" <Leila.Batties@hklaw.com>, Savin Ven Johnson <savin.venjohnson@gmail.com>, Chris Jamieson <jamieson@alum.wpi.edu>, Corinne Carroll <wcarr37882@aol.com>, Gustavo Pinto <gumathias@gmail.com>, Patricia Giorno <patgiorno@gmail.com>, "Radhika C. Mohan" <RCM@jairlynch.com>

Hi Erin,

Happy New Year! Confirming receipt of your email and attachment.

Thank you,

**MALCOLM N. HAITH**

Sr. Development Manager  
Jair Lynch Real Estate Partners

☎ 336.456.2368 | 📞 202.888.4532

---

**From:** Erin B <eringberg@gmail.com>

**Sent:** Monday, January 2, 2023 9:37 PM

**To:** Cohen, Christopher S (WAS - X75127) <Christopher.Cohen@hklaw.com>

**Cc:** ANC 6D Office (ANC 6D) <6D@anc.dc.gov>; Daniels, Edward (SMD 6D07) <6D07@anc.dc.gov>; Fast, Gail (SMD 6D01) <6D01@anc.dc.gov>; Litsky, Andy (SMD 6D04) <6D04@anc.dc.gov>; Kramer, Fredrica (SMD 6D05) <6D05@anc.dc.gov>; Batties, Leila M J (WAS - X72583) <Leila.Batties@hklaw.com>; Savin Ven Johnson <savin.venjohnson@gmail.com>; Chris Jamieson <jamieson@alum.wpi.edu>; Corinne Carroll <wcarr37882@aol.com>; Gustavo Pinto <gumathias@gmail.com>; Patricia Giorno <patgiorno@gmail.com>; Radhika C. Mohan <RCM@jairlynch.com>; Malcolm Haith <mnh@jairlynch.com>

**Subject:** Capitol Square Traffic Mitigation Proposal

**External Email: Use caution**

Hello all,

The Zoning Commission advised me that I should all concerned parties the attached proposal which our Association feels is a more adequate amount for the cut-through traffic mitigation. We are meeting with them later this week, please feel free to send me any questions or additional information needed. Please note that this proposal still does not include funds for post-installation maintenance and eventual asphalt replacement due to cars having to drive around on our roads more than currently in order to access non-gated exits. A better amount for reducing the impact of 899 Maine's increased resident and visitor/delivery traffic that includes those future costs incurred by the gates and other mitigations would be \$300,000. The Applicant must reply to the Commission with information on what their proposed amount to the Capitol Square HOA will cover, this should help them revise the amount and fulfill that requirement.

I have not asked the vendor if there is any non-public information that needs to be redacted if shared in the case file, so please use for internal purposes until I can follow up.

Thank you for confirming receipt of this email.

Erin Berg

President, Capitol Square HOA



# CAPITOL SQUARE AT THE WATERFRONT HOA

## Traffic Impact Consultation Proposal

December 16, 2022  
v2.0

Prepared By:  
Heath E. Wilkinson  
Cleat Design + Build  
600 Cameron St.  
Alexandria, VA 22314  
[hwilkinson@cleatdb.com](mailto:hwilkinson@cleatdb.com)  
(703) 705.4737

*Aggregate Bonding Capacity: \$24M*

*VA Class A Residential & Commercial License: 2705170909  
MD Contractor's License: 15852013  
DC Contractor's License: 410519000477*



December 16, 2022

Ms. Nancy Sherrill  
Community Manager  
EJF Real Estate  
1428 U Street, NW  
2<sup>nd</sup> Floor  
Washington, DC 20009

RE: *Traffic Study & Impact Consultation Proposal*

Dear Nancy,

Thank you for engaging Cleat Design + Build (CLEAT) to provide a detailed impact survey and traffic study proposal at Capitol Square at The Waterfront (“HOA”). We know that realizing challenging projects requires a unique combination of drive, ambition, skill and technical experience to ensure we provide a turnkey solution for our clients that is both realistic and extraordinary.

CLEAT has successfully designed and executed more condominium, apartment, HOA and base building renovation and construction projects in the Washington, DC Metro area than any other group in the past 20 years. Collectively, the CLEAT team has successfully executed ninety-eight (98) projects of similar scope, size and complexity which are valued at over \$1 billion dollars. You can also check out our portfolio of recent work online at: [CleatDB.com](http://CleatDB.com)

**BACKGROUND:**

The scope of this study includes identifying the potential issues and impacts that are likely to be generated by the proposed development on the roadway segments surrounding the Capitol Square development, based on the analysis results and traffic data provided in TIA and proposal of mitigation measures. The review of the study will be performed solely with the purpose of identifying impacts to the roadways. The purpose of the review will not be to verify traffic data or analysis results.

**CLEAT SCOPE OF WORK:**

**1.0 Traffic Study**

- a. Perform a peer review of the previously prepared traffic impact study for the DC Zoning Case 22-06, to determine the traffic impacts due to the trips generated by the proposed development on the following roadway segments surrounding the Capitol Square:

- i. G Street between 9th Street and 7th Street
  - ii. 7<sup>th</sup> Street between G Street and Capitol Square Place/I-395 NB on-ramp
  - iii. 9<sup>th</sup> Street between G Street and Capitol Square Place
- b. Make recommendations for mitigation to include the existing increase in traffic from the neighboring Wharf development.
- c. Make recommendations to reduce speeding by adding curb cuts, gates, traffic control, road resurfacing, and security services, if deemed appropriate
- d. Traffic pattern study to include peak and non-peak hours, and nearby event patterns
- e. Recommendations to reduce non-residential traffic altogether
- f. Provide budgetary pricing for implementing recommendations
- g. Deliverables include (1) written report
- h. Estimated duration is (4) weeks from contract execution and receipt of retainer
- i. It is assumed that the previous TIA was completed based on the DDOT guidelines and approved by the responsible agency. It is assumed that the HOA will provide the TIA report prepared previously for the proposed development at 899 Main Avenue.
- j. It is assumed that all scenarios, including existing and future conditions AM and PM peak hour and special event traffic data and analysis results, are included in TIA
- k. New traffic data collection, is excluded
- l. Verifying the geometric and traffic data (existing and future) provided in TIA, is excluded
- m. Calculating trip generation and distribution, is excluded
- n. Performing Synchro analysis and/or verifying Synchro input for the existing and future conditions, is excluded

### **2.0 Furnish & Install (2) Community Ingress / Egress Traffic Gates**

- a. Gate #1 on the 9th Street curb cut to make the current two-way open curb cut into a one-way gated exit only for resident-only traffic.
- b. Gate #2 on G Street curb cut to visibly discourage cut through use of our two-way entrance/exit (which will remain two way). This should be a “proximity open” gate that senses cars and doesn’t need a remote.

### **3.0 Demo Existing Speed Bumps & Install New Speed Tables**

- a. Demo (5) existing speed bumps
- b. Install (8) new speed tables
- c. Furnish & install new traffic markings

### **4.0 Furnish & Install (10) Custom Reflective Signs**

- a. Design & fabricate (10) new custom reflective signs
- b. Install (10) new custom reflective signs



CLEAT DESIGN + BUILD COST ESTIMATE		EST.
1.0	Peer Review Traffic Study	12,220
2.0	Design & Permit Plan Development	15,000
3.0	DC DOB Permit Expedition & Permit Cost	7,500
4.0	Procurement, Construction Management, Quality Control & Warranty Administration	15,000
5.0	Furnish & Install (2) Community Ingress / Egress Access Gates	69,000
6.0	Demo Existing Speed Bumps, Installation (8) New Speed Tables & New Markings	75,000
7.0	Furnish & Install (6) New Custom Reflective Signs	9,000
<b>TOTAL ESTIMATE:</b>		<b>190,500</b>
<i>Pricing is valid for (20) days due to current market conditions</i>		

This project represents an especially important opportunity for our firm, and we appreciate your thoughtful consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "HEW", with a horizontal line extending to the right.

Heath E. Wilkinson  
CEO & Founder  
[hwilkinson@cleatdb.com](mailto:hwilkinson@cleatdb.com)  
703.705.4737

Enclosed: [CLEAT Corporate Profile 2022](#)  
[CLEAT Architecture + Interior Design Portfolio 2022](#)



**ACCEPTANCE:**

If this proposal meets your approval, please return one (1) signed copy and a retainer of (\$5,000) payable to Cleat Design + Build (to be credited to the final invoice) to signify your approval and authorization to proceed. We look forward to working closely with you on the design and execution of this exciting project. Thank you for your confidence in our work.

Date: \_\_\_\_\_

Accepted

By: \_\_\_\_\_

*(Signature)*

\_\_\_\_\_  
*(Print Name)*

Its: \_\_\_\_\_

*(Title/Corporate Officer)*