

February 12, 2023

Delivered by email only to Ayesha.abbasi@dc.gov

Ayesha Abbasi, Esq.
Office of the Attorney General

**Re: Truxton Circle
1514 N. Capitol Street, N.W.
Development Project of Cycle House**

Dear Ms. Abbasi:

This firm represents Shannon Boyle, SEB, Inc. t/a Uncle Chip's, and Barnes & Boyle, LLC, being the owner and tenant at 1514 N. Capitol Street, N.W., Washington, D.C. (herein "1514"). On February 7, I responded to an email that Mr. Patrick Smith sent to our client. He has since indicated that correspondence be sent to your attention, with a copy to him¹.

Ordinarily, I would accord you more time to reply, but I understand that the developer, via Mark James desires to take imminent action and, before that happens, we do need to have an understanding or set some ground rules.

First and foremost, Mr. James has been difficult to deal with. We had asked that someone else act as either an intermediary or as a source of information. We do submit that that small accommodation might ease the majority of the problems, most of which involve the lack of information or misinformation.

Turning to my February 7 letter, the following appear to have escalated in importance, given Mr. James desire to move quickly forward:

Dumpster/Trash: Since my client has an active restaurant, we need to ensure that we have plans for trash before access to the alley is impeded. The replacement (smaller) cans must be on site, there must be a path to the alley to move the cans, and there has to be a place to temporarily store my client's larger, existing receptacles.

Confirmation of timeline and need for correction to site plan. We had pointed out that the site plan is ambiguous about the timeline. We would a confirmation that the impediment to access will last no longer than 8 days for installation and a subsequent 3 days (at a later date,

¹ Please confirm to me that you consent to me sending copies to Mr. Smith, thank you.
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and with notice?) for concrete to cure. And we need some form of redress if the time period exceeds those periods.

Loading. My client and other businesses need to know where they will be loading/unloading during the 8-day/3-day periods. Do we have assurance from DDOT that they are on board with Mr. Smith's conclusion that the alley may be obstructed for deliveries during these periods and that no tickets will be issued?

Clarification. We had trouble understanding this sentence of your email: "Once the concrete pad is complete, you will be able to load directly from your back door to your van again as shown on the "Demolition, Stormwater installation and concrete Parking Pad Plan", noting that the six month period after concrete cure and easement includes ensuring you have access directly to your back door for loading and unloading as well as space for keeping the 36" deep dumpsters off-street and on the concrete pad." [underlining added]. Can you explain the reference to "six month"?

Maintenance of Stormwater system. Now that we have a copy of the Demolition, Stormwater Installation, and Concrete Parking Pad Plan" we can see that the obligation to maintain rests with the Developer. I am not sure if the plans are to create condominiums. If so, once the condominium units are sold, and the declarant/developer is out of the picture, who will be saddled with that maintenance responsibility? Is the condominium association to be the successor in interest to the Developer and assume that responsibility. The manhole cover that is on the 1514 property is separate from the proposed Stormwater system and no access should be needed to it. Further, the area needs to have a surface that i) drains water away from the rear of the buildings, and ii) free of trip hazards, and iii) have a surface that can withstand salt which is traditionally applied in Winter to prevent staff from slipping on the surface."

There are the other items in my February 7 letter to discuss, but I believe that the foregoing may be at the triage level. The experiences in the past week illustrate the difficulty in communicating with the developer. In sum, even though no correction has been made to the site plan, the developer plans to roll forward, even tomorrow. We need matters and communication addressed so that the businesses can continue uninterrupted.

If you have a moment, it might help to speak by phone.

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Thank you.

Sincerely yours,

JACKSON & CAMPBELL, P.C.

A handwritten signature in black ink, appearing to read "Roy L. Kaufmann", with a long horizontal stroke extending to the right.

Roy L. Kaufmann

RLK:dmp

cc: *(via email only)*
Ms. Boyle
Mr. Patrick Smith, Development Manager, DMEOD (Patrick.Smith3@dc.gov)
Mr. Mark James (mjames@urbangreenllc.com)