

March 9, 2022

Dear ANC3,

I am a resident and owner of 4516 Davenport Street NW, WDC, 20016, and am writing to strongly oppose the Special Exception request for a two story Accessory building at 4511 Chesapeake Street NW.

I will be brief in summarizing the concerns about the proposed Special Exception, which is larger than the matter-of-right size of 450 SF.

Mr. Alten, who requested the Special Exception and is the owner of 4511 Chesapeake Street NW, has been using his garage, shed and yard to store and operate a construction business since he moved into his home – and that use has created dangerous conditions for residents of the block, including for families with children who use the alley. Specifically, Mr. Alten’s crews regularly use his garage/shed/yard to store construction material and also use the alley area for both loading and unloading of material and for actual construction activities.

I would like to focus on the use of the alley area for loading and unloading of material and actual construction activities – as that is where the most dangerous conditions arise.

On loading and unloading, I am a regular driver in the mornings to go to work (prior to the pandemic). Prior to the pandemic, at least 2-3 times per week, I would encounter Mr. Alten’s crews blocking 2 points of access through the alley (access to Chesapeake Street, and the “middle part” of the alley that runs parallel to Davenport and Chesapeake) as they load/unload material. As a result, I regularly had to reverse my car, and back onto Davenport Street. While inconvenient, my primary concern is that in the mornings – especially weekdays - there are scores of kids and metro commuters who walk on the Davenport sidewalks. I am careful when I back up – but not everyone is. For that blockage to occur multiple times a week – during high traffic days – is an unacceptable risk.

On the actual construction in the alley, that is even more problematic. First, I cannot imagine it is legal to have an open, unfenced construction in a public alley. Second, over the years, there is frequently material and debris, including wood shards, screws and metal scraps left in the area. The only reason I notice is because I also walk and bike the alley. In recent months, that area has been picked up better – but there is no assurance that will continue. Kids play in that alley – including mine – I don’t want dangerous debris there. (My kids are middle and high school, and there are plenty of elementary and toddlers on our block.)

I understand that the application does not suggest the ADU will be used for storage of his construction material or construction activities – but that omission should not be used in the application’s favor. Most of the residents on this block have written about current use of the area to run a construction business – and based on that information – the burden should be on Mr. Alten to confirm it will not be used in that matter. And that confirmation should be done in a legally binding matter. This is not a matter of aesthetics alone – it’s a safety issue, as I hope I have made clear.

I have not “complained” to date about the use – but believe that if a larger building is constructed – the conditions described above will get materially worse. And to some extent, I do wish I had spoken up earlier about prior conditions. But I don’t think prior reluctance to say something should be used

against any of us. As residents of AU Park, you know we are community, and generally want to support our neighbors.

Finally, I understand that the relevant Zoning regulation [Subtitle U Section 253.8 (d)] stipulates: “An accessory building that houses an apartment shall not be used simultaneously for any accessory use other than as a private vehicle garage, an artist studio, or *storage for a dwelling unit on the lot.*” The regulation is clear that storage should be used “for the dwelling” and not for business use.

I understand that the ANC may not believe “use” is relevant to your review. I disagree. ANC3’s website is clear that its purview includes “advis[ing] the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, **health, safety, and sanitation** in that neighborhood commission area” and that comments from the ANC “must be given ‘great weight’ when final decisions are made by the government.” (my emphasis) This is a health and safety issue – and given the overwhelming concern being expressed by the block, we hope you as our elected officials would act in our best interest, and the interest of the neighborhood.

Thank you,

Viji Rangaswami

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