



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**  
c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015

**Resolution Opposing Commerce Bank's**  
**Application for Public Space Permit**  
**AMENDED November 8, 2007**

**WHEREAS**, DDOT agreed to extend the deadline to submit our response for the Commerce Bank Public Space Permit Application until the Fire Marshal made a recommendation regarding the propriety of the alley driveway.

**WHEREAS**, In our October 22, 2007 resolution, ANC 3E reserved the right to revise or amend the resolution, resubmit it to DDOT and expect they be awarded “great weight” in deciding the outcome of the public space permit.

**WHEREAS**, the District of Columbia Office of the Fire Marshal has determined that the proposed curb cut accessing the public alley does not comply with applicable Fire Code regulations which require a minimum width of 20 feet.

**WHEREAS**, Deputy Director Ken Laden, in an e-mail has stated that Commerce Bank will comply with the fire code requirements.

**WHEREAS**, ANC 3E and Councilmember Mary Cheh requested that Commerce Bank be required by DDOT to submit revised plans reflecting Mr. Laden’s claim that the fire code will be followed by the Bank and allow the ANC sufficient time to review the drawings before issuing a public space permit.

**WHEREAS**, DDOT has responded to neither the ANC nor to Councilmember Cheh.

**WHEREAS**, ANC 3E submitted questions to DDOT through the DDOT technical engineer who represented DDOT at 3E’s Saturday October 20, 2007 special meeting but despite repeated request, DDOT refuses to provide answers to the community and the ANC.

**WHEREAS**, On the grounds of “irregularities of the procedure and substance of both the building permit and the forthcoming public space permit.” Councilmember Cheh has asked Mayor Fenty not to issue any additional permits but furthermore, to rescind the already-issued permits until full and complete compliance with all rules and regulations is demonstrated.

**WHEREAS**, Councilmember Brown has also written to the Mayor asking that the process be suspended for a full airing of the issues.

**THEREFORE BE IT RESOLVED** that ANC 3E strongly opposes the issuance of a Public Space Permit to Commerce Bank for any purpose including the driveways on Ellicott St. and Wisconsin Avenue.

**BE IT FURTHER RESOLVED** that ANC 3E joins with Councilmembers Cheh and Brown in requesting that the Mayor stops any and all permits from being issued as well as rescinding the already-issued permits until complete compliance with all codes, rules and regulations is demonstrated.

ANC 3E approved this resolution at its November 8, 2007 public meeting which was properly noticed and at which a quorum was present. The resolution was approved by a unanimous vote of 3-0. Commissioners Amy McVey, Carolyn Sherman, and Anne Sullivan were present.  
Amy McVey, Chair, ANC 3E

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