



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

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

### **Second Resolution Opposing Commerce Bank's Application for Public Space Permit**

**WHEREAS**, On October 22, 2007, ANC 3E passed a resolution regarding the application of Commerce Bank for a public space permit to construct three driveways on its site at the southeast corner of Wisconsin Avenue and Ellicott Street, NW, at which site Commerce Bank proposes to construct a drive-thru enterprise that will generate between 750 and 1,000 cars per day. While ANC 3E did not object to the request for a permit to construct curb cuts along Wisconsin Avenue and Ellicott Street, it did object to the issuance of a permit for a curb cut into the alley.

**WHEREAS**, the District of Columbia Department of Transportation (DDOT) provided ANC 3E with a written response to its October 22, 2007 resolution. To the great surprise of ANC 3E, DDOT has determined that no permit is required for the construction of the driveway into the alley. Although the alley itself is public, DDOT reasoned, the access point is on private property. Unlike the curb cuts on Ellicott Street and Wisconsin Avenue, which will be on public property, this cut will remain on private property and therefore is beyond the scope of the Department of Transportation's authority.

**WHEREAS**, Notwithstanding DDOT's determination that the access point is on private property, ANC 3E believes that DDOT nevertheless should be concerned with the significant traffic impact flowing from the Bank's decision to flood excessive traffic down a small alley that was never intended to be used in this manner.

**WHEREAS**, ANC 3E reiterates what it stated in its October resolution: A drive-thru enterprise of this size and nature is anathema to the lifestyle of our neighborhood and is contrary to the stated goals of the Office of the Mayor of the District of Columbia, the Office of Zoning as well as the Office of Planning, to reduce traffic, increase transit oriented development and create a pedestrian friendly environment.

**WHEREAS**, ANC 3E also reiterates another important point: There is no precedent for the use of a public alley as an entrance to a drive-thru bank; the one location cited by Commerce Bank as precedent is so different from the current operation that it cannot be relied upon by Commerce Bank or DDOT to argue that this proposal complies with standard use and practice. In its written response to the October resolution, DDOT simply stated that "There are businesses in the District of

Columbia that use an alley as access to and from it.” Are any of those businesses drive-thrus? DDOT does not say. ANC 3E believes that they are not. It bears repeating: There is no precedent for the use of a public alley as an entrance to a drive-thru bank.

**THEREFORE BE IT RESOLVED** that ANC 3E withdraws its previous resolution in which it stated that it did not object to the request for a permit to construct curb cuts along Wisconsin Avenue and Ellicott Street, and hereby OPPOSES the request for a permit to construct those curb cuts along Wisconsin Avenue and Ellicott Street for the following reason: Allowing Commerce Bank to construct these curb cuts for the purpose of moving up to 1,000 cars per day in and out of the bank property will negatively affect traffic and travel along an already burdened roadway system.

**BE IT FURTHER RESOLVED** that despite DDOT’s determination that no permit is required to construct an access point from the Bank to the alley, ANC 3E nevertheless strongly objects to the use of the alley as an entry point to Commerce Bank. For the reasons set forth in the October resolution, the consequences stemming from the use of the alley as an entrance for this large volume of traffic are excessively negative and there is no precedent for such an endeavor. Using the alley in this fashion does not comport with standard use and practice and should not be permitted.

ANC 3E approved this resolution at its regular meeting on December 13, 2007 which was properly noticed and at which a quorum was present. The resolution was approved by a unanimous vote of 3-0. Commissioners Lucy Eldridge, Carolyn Sherman, and Anne Sullivan were present.

---

Lucy Eldridge, Vice-Chair, ANC 3E