



COUNCIL OF THE DISTRICT OF COLUMBIA
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WASHINGTON, DC 20004

MARY M. CHEH

Councilmember, Ward 3
Chair, Committee on Public Services and Consumer Affairs

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November 7, 2007

Mayor Adrian M. Fenty
Government of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Mayor Fenty:

I write today to express my deep concern over the planned construction of a Commerce Bank at the intersection of Ellicott Street and Wisconsin Avenue. This project is inappropriate for the site and the neighborhood, and the entire concept is fatally flawed. Moreover, the process by which this project has been approved has been highly irregular and requires examination of the building permit by Director Argo and examination of the public space permit by Director Monome.

In order to fully lay out my concerns, I must first describe the site plan. This site was previously the Outer Circle Odeon theater and the Roundtable restaurant. It sits on the south east corner of the intersection of Wisconsin Avenue and Ellicott Street, in the northernmost section of Tenleytown. It is bounded in the rear by a narrow alley. Ellicott Street at that point is narrow and primarily traveled by local traffic. Commerce Bank plans on installing a branch focused on teller lanes. As I understand, the current plan calls for two such lanes, with the potential to add a third. Such a plan would bring approximately 1000 cars to what is otherwise a minimally-used corner. Moreover, in order to accommodate the queuing lanes, the plan calls for a third driveway curb cut to access the site from the rear alley. The original plan called for a forty-foot curb cut; however, traffic engineers from the Department of Transportation recommended that it be no larger than fourteen feet given the narrow width of the alley.

The public space permit is expected to be issued this Friday, November 9, 2007. I find this fact troubling because of both the procedures followed by the Department of Transportation and the substance of the permit. In terms of procedure, there seems to be a fundamental disagreement between the planning officials and the traffic engineers. Specifically, while the planning officials concluded that the site plan was acceptable, the traffic engineers, joined by the city engineer at the time, concluded that the traffic strain

would be too great. These concerns are shared by the members of the community, and have been clearly expressed by the members of ANC 3E. To address at least some of these concerns, the driveway has been reduced from a forty-foot curb cut to a fourteen-foot curb cut. This change, however, is itself problematic. First, the ANC does not support this curb cut. Second and most troubling, is that the fourteen-foot driveway is in violation of the fire code, which requires a minimum of twenty-feet for ingress driveways.

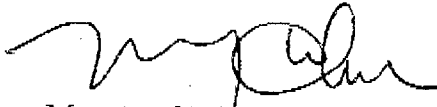
The building permit issued for this site also poses problems. First, based on original drawings, the project was classified as "matter of right." As a result, no zoning variances were required. However, according to Matt LeGrant, Board of Zoning Administrator, the current site plan, after several re-drawings, cannot fairly be classified as "matter of right" because the queuing lanes do not meet the zoning regulations (11 DCMR §§ 2304.2-3). Therefore the project does require zoning relief. Such relief has neither been requested, nor granted, and yet the building permit remains. Moreover, as previously stated, the site plan is not in compliance with the fire code. And, finally, the building permit issued on August 23, 2007, is replete with errors, including identifying the construction as occurring in Ward 4 rather than Ward 3, permitting alteration and repair rather than razing and building afresh, and listing the proposed use as a theater rather than a bank. Now these latter items may be corrected by modest word changes, but they reflect a level of sloppiness and inattention that may explain why, substantively, this project has been improperly evaluated from the beginning.

Given the irregularities of the procedure and substance of both the building permit and the forthcoming public space permit, I am asking that both be thoroughly reconsidered before any work is permitted to be done. Further no permits of any kind should be issued, or, as appropriate, already-issued permits should be rescinded until full and complete compliance with all rules and regulation is demonstrated.

Additionally, though, this matter brings a larger issue into relief, one that I believe plagues any such development projects on the Wisconsin Avenue corridor. Rather than debating the appropriateness of each project as they occur, it seems time that we create a small area plan—one which identifies the kind of neighborhood and business community we wish to foster and the appropriate projects that move toward that goal. This moves beyond merely "matter of right" issues of height and density, and should address zoning for mixed retail, aesthetics, set backs, environmental standards, store compatibilities, architectural designs, and the like. I therefore would like to request a formal study by the office of planning working together with all the residents and businesses to develop a vision of how the "Tenleytown Mainstreet" should look. We can then zone appropriately to achieve our vision, rather than conducting ad hoc reviews that result in unwanted businesses, unwanted uses, and vacant properties. I know there have been unsuccessful attempts at this in the past. But it is a new day, with new opportunities, and we need to shape out future rather than reacting to what is thrust upon us.

I greatly appreciate your attention to the questions surrounding this project and hope that your office and DCRA and DDOT will be receptive to my requests.

Sincerely,



Mary M. Cheh
Councilmember, Ward 3

- Cc: Linda Argo, Director, Department of Consumer & Regulatory Affairs
Lucy Eldridge, Commissioner, ANC 3E 04
Amy McVey, Chair, ANC 3E
Emeka Moneme, Director, Department of Transportation
Harriet Tregoning, Director, Office of Planning