



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	18799	Case Name:	PNC Bank Nat'l Assoc
Address or Square/Lot(s) of Property:	3816 Morrison St NW SQ 1859, Lot 95		
Relief Requested:	special exception for continued use of a parking lot		

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1	4	/	0	7	/	1	4	Was proper notice given?:	Yes	☒	No	☐
Description of how notice was given:	NW Current , Chevy Chase listserv., Website												

Number of members that constitutes a quorum:	4	Number of members present at the meeting:	6
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MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (*a separate sheet of paper may be used*):

Continued use of R-2 zoned area for a parking lot

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (*a separate sheet of paper may be used*):

(see attached)

AUTHORIZATION

ANC	3 G	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	6-0
Name of the person authorized by the ANC to present the report:	Jim McCarthy, chair, Randy Speck		
Name of the Chairperson or Vice-Chairperson authorized to sign the report:	Jim McCarthy, chair		
Signature of Chairperson/ Vice-Chairperson:		Date:	7/14/2014

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.

Board of Zoning Adjustment
District of Columbia
CASE NO. 18799
EXHIBIT 103.36

**ANC 3/4G Resolution Regarding PNC Bank
Special Exception No. 18799**

Whereas PNC Bank National Assoc. ("PNC") has submitted BZA Application No. 18799 seeking a special exception for an accessory parking lot with 26 spaces located at 3808-16 Morrison Street, N.W. (Square 1859, Lot 95);

Whereas this lot, zoned R-2, has been used as the bank's accessory parking lot for approximately 66 years;

Whereas it is PNC's general policy in the Washington area (with the exception of facilities in Georgetown and Dupont Circle) to leave its accessory parking lots open beyond banking hours for the convenience of the community;

Whereas on April 11, 1947, PNC's predecessor granted the owner of the Chevy Chase Arcade, located at 5520 Connecticut Avenue, N.W., a perpetual easement for "ingress and egress" on a portion of Lot 95;

Whereas the portion of Lot 95 that is subject to the easement has been physically separated from the PNC parking lot by a three-foot-high masonry wall and has been used by the Chevy Chase Arcade for many years as the location for solid waste dumpsters;

Whereas on March 24, 2014, this ANC entered an agreement with the Macon Bistro, a tenant at the Chevy Chase Arcade, imposing certain conditions on any grant of a license by the District of Columbia Alcohol Beverage Regulation Administration, including provisions related to the use of the solid waste dumpsters located in the area of the Chevy Chase Arcade's easement on a portion of Lot 95;

Whereas the owner of the Chevy Chase Arcade has agreed to abide by and enforce certain conditions on the use of dumpsters on the easement portion of Lot 95;

Whereas the ANC concludes that it is in the best interests of the entire community for the tenants in the Chevy Chase Arcade to have reasonable access to dumpsters for solid waste disposal;

Whereas the ANC concludes that it is in the best interests of the entire community for PNC to have the option, at its discretion, to open its accessory parking lot for reasonable use after banking hours; and

Whereas the ANC seeks to accommodate the interests of PNC, the owner of the Chevy Chase Arcade, its tenants, the nearby neighbors to Lot 95, and the larger community;

The ANC supports and does not object to the grant of the requested special exception with the following conditions:

1. The approval shall be granted for no more than five years.

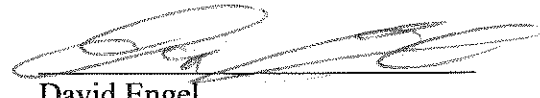
2. Three spaces of the five spaces on the east side of the lot and closest to the entrance to the bank shall continue to be marked for and reserved for the handicapped.
3. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving material forming an all-weather impervious surface, except that if PNC resurfaces or repaves the lot, it shall consider using other all-weather surfaces, including porous (or pervious) concrete, porous asphalt, and/or mechanically-reinforced grass, excluding grass or gravel, as permitted by Section 2303.1(a).
4. Bumper stops shall be erected and maintained for the protection of all buildings.
5. No vehicle or any part thereof shall be permitted to project over any lot or building line or over the public space.
6. All parts of the lot shall be kept free of open or loose refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition in a neat and orderly appearance.
7. Except for any easement granted or deemed granted to the owner of the Chevy Chase Arcade, no other use shall be conducted from or on the premises and no structures other than attendant's shelter and facilities associated with drive-in tellers and ATMs shall be erected or used on the premise unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located;
8. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.
9. PNC will be required to remove the snow from the sidewalk along Morrison Street, as if it were a residential property.
10. PNC may, at its discretion and consistent with its general policies for parking lots in the Washington area, leave the parking lot open for use by the public beyond banking hours, but if it does so, it will erect signs requesting those using the lot to be quiet and to respect the peace of the surrounding neighbors when removing their cars.
11. To the extent that the existing easement granted to the owner of the Chevy Chase Arcade may be construed (by virtue of an easement by proscriptio or otherwise) to include the right to locate solid waste dumpsters in the separate easement space or, if the parties agree to an easement that includes the location of dumpsters in this space, the special exception should include permission to locate solid waste

dumpsters in this separate space, subject to the conditions in Attachment A to this resolution.

Adopted at a duly noticed public meeting of ANC 3/4G on July 14, 2014 by a vote of ___ to ___ (a quorum being 4).



Jim McCarthy
Chair, ANC 3/4G



David Engel
Secretary, ANC 3/4G

Attachment A

The owner of the Chevy Chase Arcade has agreed to the following provisions, which should be made conditions for approval of BZA Application No. 18799 seeking a special exception for an accessory parking lot with 26 spaces located at 3808-16 Morrison Street, N.W. (Square 1859, Lot 95):

1. The owner of the Chevy Chase Arcade will use commercially reasonable efforts to ensure that commercial trash removal occurs after 9:30 a.m. and before 5:00 p.m.
2. The solid waste containers/dumpsters shall remain in the easement location identified on the site plan.
3. Fencing similar to that of PNC's fencing shall be installed between the parking lot and the solid waste dumpster area equal in height to the dumpsters or at least to a height of six feet.
4. The owner of the Chevy Chase Arcade shall provide vermin abatement, as needed.
5. The owner of the Chevy Chase Arcade will ensure that the area around the dumpsters is kept clean at all times and that no trash is placed on the alley or abutting residential property.
6. The owner of the Chevy Chase Arcade will contract or require its tenant(s) to contract to have pickup from the solid waste dumpsters by a commercial hauler as frequently as necessary to prevent dumpsters from overflowing. For the initial six months of the operation by its tenant, Macon Bistro, the owner of the Chevy Chase Arcade will contract or require its tenant(s) to contract to have trash removed six days per week, and following that period, the frequency of pickup may be modified if the owner of the Chevy Chase Arcade demonstrates that a modified schedule is warranted.
7. The owner of the Chevy Chase Arcade will ensure that all garbage is securely contained in dumpsters that are rodent-resistant and shall see that dumpster covers fit properly and remain fully closed and locked except for such times when trash and garbage is being added or removed. The owner of the Chevy Chase Arcade will not place trash in its dumpsters in any manner that would prevent the full closure of the dumpster and will ensure that all dumpsters used are properly maintained and replaced when damaged.
8. The owner of the Chevy Chase Arcade will require its tenants to prohibit their employees from taking breaks in the public alley or area near the easement space, will prohibit loitering by employees in this area, and will prohibit smoking by employees in these areas.