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July 19, 2010

VIA HAND-DELIVERY

Mr. Anthony J. Hood, Chairman
D.C. Zoning Commission
One Judiciary Square
441 4th Street N.W.
Second Floor
Washington, D.C. 20001

Re: **Z.C. Case No. 05-28B: CONTINUED SET DOWN MEETING ON JULY 26, 2010**
District of Columbia Primary Care Association
PUD Application for a Second Stage Review and Approval of a Planned Unit
Development, Zoning Map Amendment and a Corresponding Modification to an
Approved First Stage Planned Unit Development
(Square 5055, Lots 23, 24, 25, 801, 802 and Portions of Lots 22 and 803) ("Property")

Dear Chairman Hood and Members of the Commission:

The Applicant, District of Columbia Primary Care Association ("DCPCA"), is pleased to revise and supplement the record in response to the Commission's comments and questions at the July 12, 2010 Public Meeting. This information is provided to assist the Commission in its continued review of this Application and the Office of Planning's recommendation that this case be set down for a hearing.

I. REVISED APPLICATION

A. Temporary Surface Parking Lot Eliminated

In order to minimize the requested modification of the approved First Stage PUD and to fast-track this District of Columbia funded project which has been approved specifically at this location by the D.C. Department of Health, DCPCA has revised the proposed health care center ("Parkside Health Care Center") to eliminate the adjacent temporary surface parking lot and provide two levels of below grade parking with approximately seventy-two (72) parking spaces on the original Project Site. As revised, the proposal will maintain a single curb cut from Kenilworth Terrace providing two-way vehicular access to the building and the underground

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ZONING COMMISSION
District of Columbia
CASE NO. 05-28B
EXHIBIT NO. 13



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parking. Exhibit A. The proposed building envelope will remain unchanged, but the ground floor space previously devoted to twelve (12) parking spaces has been converted to a Walk-In Clinic accessed through a lobby area/corridor from the Main Entrance at the corner of Kenilworth Terrace and Hayes Street. Exhibit A.

With the elimination of the temporary surface parking lot (24,240 square feet of land area), the Project site has been reduced to 20,030 square feet resulting in a reduction of more than half of the land area of the originally requested modification to the approved First Stage PUD.

The Applicant, given the limited time available, has proposed limited preliminary architectural design changes in response to the Commission's comments. As it has done throughout this process, DCPCA will continue to consult closely with the Office of Planning regarding all aspects of this project, including architectural design. DCPCA welcomes any additional guidance from the Commission on architectural design issues which can be incorporated into the ongoing project development process.

B. Zoning Relief As Revised

- Limited Modification of First Stage Approval from residential to health care center for only 20,030 square feet of land area and reduction in the approved height. Height will be 10.5 feet along Kenilworth Avenue (with an architectural embellishment increasing the height to 23.83 feet) and 45.66 feet along Kenilworth Terrace.
- Confirm rezoning from C-2-B to C-3-C as approved in First Stage PUD.
- Second Stage PUD approval for health care clinic.
- Variance relief from parking, loading and side yard requirements.

II. SUPPLEMENTAL INFORMATION

A. Background

In April 2007, the Zoning Commission's approval of the First Stage PUD approval for the 15.5 acre site became effective. The First Stage of the PUD approved ten "building blocks" consisting of residential, mixed-use, commercial and retail buildings that will contain



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approximately 3,003,000 square feet of gross floor area, including 1,500-2,000 dwelling units, 500,000-750,000 square feet of office space and 30,000-50,000 square feet of retail. The site plan approved in the First Stage is attached as Exhibit B. The floor area ratio for the entire 15.5 acre PUD was approved at 4.4 and a maximum height of 110 feet for the office buildings and 90 feet for the mixed-use buildings. Specifically, for Parcels G, H, & I (all of Square 5055: 242,416 square feet of land area), a combination of residential and commercial uses were authorized. Parcel I (41,856 square feet) was to be developed with 390-440 residential units. The modification requested by DCPCA for the Parkside Health Care Center only involves 20,030 square feet of the Parcel I land area (which is only 48% of Parcel I), resulting in approximately 187-211 fewer residential units.

In October 2008, the Zoning Commission approved the first Second Stage application for three of the ten building blocks in the Parkside PUD – Blocks A, B, and C. The Commission approved a senior living facility consisting of at least 98 units to be reserved for individuals with an income no greater than 60% of the area median income (“AMI”). It also approved 112 townhouses, 42 of which would be reserved for buyers with incomes between 80% and 120% AMI.

On May 10, 2010, DCPCA filed this application for the proposed Parkside Health Care Center. On June 3, 2010, Lano Parcel 12, LLC (“Lano”) filed Application No. 05-28C and 05-28D (Time Extension),¹ including a request to: 1) modify the First Stage PUD approval and PUD – related Map Amendments; 2) approval of Second Stage PUD for the proposed Community College of the District of Columbia. The proposed community college is currently unfunded. In its application, Lano was clear that the Parkside Health Care Center was “separate and distinct from the instant application.” Lano Application at Page i.

B. Entire PUD Site Remains Vacant

More than three years after the original First Stage PUD approval, the entire 15.5 acre PUD site remains vacant land and no construction is anticipated in the foreseeable future. Even the senior housing and townhouses which received Second Stage PUD approval (Z.C. Case No. 05-28A) almost two years ago do not appear to be moving forward at this time.

¹ On July 12, 2010, the Zoning Commission denied without prejudice the requested time extension as premature.



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C. DCPCA Funded and Able to Move Forward Immediately with Neighborhood Oriented Project

Under the circumstances, the Parkside Health Care Center will be the lead and anchor project for the entire 15.5 acre PUD Site. With its dedicated District funding for this location, this project can be in the ground and under construction within one (1) year of receiving Zoning Commission approval. Often, the first phase of a large and diverse mixed use development is the hardest and riskiest. This first success will breed further success and momentum for the following phases of the Parkside PUD particularly in these challenging and uncertain economic times.

From a zoning² and practical perspective, the Parkside Health Care Center is compatible with and will be an important, but currently unavailable resource to the existing Parkside residential neighborhood and the future mixed use Parkside PUD. It is undisputed that providing access to quality health care near where residents live and work in Ward 7 is a desirable objective and substantial public amenity.

D. Need for Ward 7 Health Care Resources

Regardless of income, ability to pay or insurance coverage, the residents of Ward 7 are chronically and dangerously medically underserved. Exhibit C ("A D.C. Neighborhood Finds Itself in Unhealthy Condition," Washington Post, November 24, 2006). A 2008 RAND Corporation report identified Ward 7, and specifically the 20019 Zip Code where the PUD Site is located, as a high priority area in need of primary care services for children and adults. Currently, Unity Health Care operates only two small outdated and overcrowded medical facilities in Ward 7. The Hunt Place facility (4130 Hunt Place, N.E.) is located in a leased, windowless 13,500 square foot brick building which does not comply with ADA requirements and has limited hours of operation. Exhibit D (Photo of Hunt Place Center). Unity leases the land for the East of the River facility (123 45th Street, N.E.), a 5,772 square foot modular building. Exhibit E (Photo of East of the River). Neither of these facilities is modern or state-of-the-art or able to provide adequately for patient and staff dignity.

² A "Clinic for humans" is first permitted as a matter-of-right in the R-4 zone district. 11 DCMR 330.5 (g).

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The Parkside Health Care Center will serve all patients, regardless of ability to pay, in a patient-oriented and dignified, modern and state-of-the-art facility providing comprehensive care and services, including walk-in care, family practice, dental, women and infant care, laboratory and pharmacy.

E. Limited Role and Resources of DCPCA and Unity Health Care

Except out of necessity, neither DCPCA nor Unity Health Care are real estate developers. They are in the limited business to fund, develop and operate specific health care facilities in targeted locations. They lack the expertise, funding, tolerance for risk or time required to engage in speculative real estate development beyond their very specific health care mandate. Specifically, neither DCPCA nor Unity Health Care are willing or able to develop (or operate) the Parkside site with additional height or gross floor area beyond their specific needs for lease or sale to third-parties or design a building for future expansion. The Commission should note that the purchase price being paid by DCPCA is based on the gross floor area actually used, not the maximum development potential of the property.

F. Amenities

DCPCA provides the following more detailed analysis of the substantial amenities offered by this project.

The proposed new health care facility at this location within the Ward 7 community and the ongoing collaborative planning process with community members, the Office of Planning and this Commission is an important step in dramatically improving the availability and quality of health care services to the community. Under Section 2403.9, the following is a review of Public Benefits and Project Amenities offered which provide continued opportunities for community involvement and its betterment.

1. Uses of Special Value to the Neighborhood or the District of Columbia as a Whole – Unity Health Care, Inc. is a 501(c)3 non-profit, certified as a federally qualified health center. As an FQHC and a current Section 330(h) and Section 330(e) grantee, Unity, with extremely limited resources, provides high quality primary medical care and social services to homeless and medically underserved residents of the District of Columbia, regardless of their ability to pay. The proposed Parkside Health Care Center will replace Unity's Hunt Place Health Center as its main facility in Ward 7.



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Unity strives to meet the social and health needs of all members of its target population by offering a complete continuum of care which will be offered at the Parkside Health Care Center including Outreach Services providing health education and health screening as an important service to the communities it serves and as a method to increase awareness of the importance of primary care and preventive health care.

2. Urban Design and Architecture – The Parkside Health Care Center is designed to be a good neighbor. Both its size and height are compatible with the existing neighborhood buildings. The scale of the openings in the façade recalls similar size openings in the existing residential buildings. The new structure respects the street edge, forming a strong corner at Kenilworth Terrace and Hayes Street. The prominent building entrance will be highly visible to traffic along Kenilworth Terrace which will act as the primary pedestrian and vehicular access to the site. The exterior materials will be environmentally friendly and durable, their color and texture establish a strong link to the existing materials in the immediate neighborhood.
3. Green Roof - The 5,260 square foot sustainable green roof feature situated above the ground floor at the south part of the Project at Kenilworth Avenue is at approximately the same vertical elevation and visible to the public coming to the site and neighborhood from across I-295 via the Minnesota Ave. metro station pedestrian bridge and ramp. Exhibit F. From the interior of the Health Care Center, the south end of the patient public waiting areas front the green roof on the upper levels providing a direct visual access to the green roof feature. Controlled and secured access to the green roof is also provided for employees at level 2. The green roof amenity also serves to assist in minimizing the water run-off at the site.
4. Site Planning – The Project makes efficient use of the site by incorporating the existing pedestrian bridge that is to remain into the transit oriented design maintaining the pedestrian access from the Minnesota Metro station to the Parkside Health Care Center and the surrounding community. Where permissible, building footprint has been held back away from the property line adjacent to the existing pedestrian bridge to allow for an extra wide public sidewalk access to increase accessibility and safety as an alternative

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to the existing no sidewalk between the pedestrian bridge and Hayes street traffic.

5. Effective and Safe Vehicular and Pedestrian Access – These measures include: 1) development and implementation of a Transportation Management Plan; 2) improvements to neighborhood pedestrian and vehicular circulation paths along Hayes Street; 3) designated pick-up and drop-off areas; 4) employees will be provided with WMATA SmartBenefits for transit; 5) bicycle parking spaces on the exterior and within the building; and 6) wider sidewalks along Hayes Street and at the Kenilworth Terrace main entrance intersection.
6. First Source Employment Program – Applicant will enter into an ‘employment and training’ agreement to participate in the Department of Employment Services First Source Program.
7. Environmental Benefits – As a sustainable green feature, the south part of the Project above the ground floor is covered with a 5,260 square foot green roof. Exhibit F. On the street level, additional landscaped zones are provided on the three street frontages of the Parkside Health Care Center. Exhibit A.
8. Public Art – The Applicant has committed to explore the viability of a public art project in conjunction with the development. The art project could be located around the existing pedestrian ramp in a designated area on Hayes Street. Ideally, such a project will involve the community schools, local artists, and residents. The Applicant has already reached out to the W7 Arts Collaborative to begin discussions. The Collaborative is a nonprofit whose mission is to foster participation in the arts among community residents and visitors, and to preserve and enhance the local community’s cultural heritage.

G. Architectural Design Considerations

The Applicant, given the limited time available, has proposed focused design modifications to the Parkside Health Care Center that work toward addressing key concerns and/or requests for clarification regarding design aspects of the Project. Through continued



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discussion and collaboration with the Office of Planning and the Zoning Commission, as well as input from the community, the Project team will continue to develop the design of the Project and address items for clarification that would potentially require substantial architectural, engineering, and planning design changes that would benefit from an appropriate time frame for investigation and comprehensive collaborative design study in order to appropriately address project and city requirements. The following is a summary of the design modifications recently made in preparation for addressing the Zoning Commission's questions regarding the design the Parkside Health Care Center:

1. Temporary surface parking area west of the site has been eliminated and 2 levels of below grade parking have been added supplying approximately 72 parking spaces for employees and visitors.
2. Vehicular Access ramp for below grade parking has been updated to meet minimum standard requirements.
3. Level One floor plan has been modified to eliminate inefficient parking spaces previously shown on level one and replaced with additional health care program space.
4. Building footprint on level one has been reduced providing additional public space fronting Hayes Street at street level.
5. Public waiting area plan on upper levels has been modified to allow for immediate adjacency and visibility access to green roof amenity.
6. Penthouse architectural roof screen has been reduced in footprint.
7. West property line façade has been modified to delete parking access gate previously required. Clarification of adjacent developments' proposed impact on the west façade has been indicated on elevation.
8. West and North masonry façade with ribbon windows set high on floor elevation at levels 2 and 3 afford patient privacy for medical exams rooms fronting those facades while still allowing for maximum natural light into the facility.

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9. East and South facades are rendered with a larger percentage of glazing where more public spaces are allocated. The East facade fronting Hayes Street depicts a fenestration pattern compatible with the scale of the openings on the existing residential facades to the east of the Parkside Health Care Center.
10. The sculpted shape of the one story south portion of the building allows for visibility of the green roof from the adjacent elevated existing pedestrian ramp that approaches the site and extends approximately three quarters of the length of the east façade on Hayes Street, while maintaining a minimum height and distance clearance between the green roof and the slope of the existing ramp for pedestrian safety and security.
11. The façade integrated light source at the south portion of the site provides illumination of the sidewalk area for safety between the project building at the east property line and the existing pedestrian ramp at Hayes Street.
12. Façade materials and color have been selected to be compatible with existing structures and adjacent proposed future development at the west property line by others.

H. Requested Modification Limited and Consistent With First Stage PUD Approval

DCPCA's selection of this site for the Ward 7 health care center was the result of a lengthy and frustrating process which failed to identify any other viable locations. The proposed Parkside Health Care Center represents an important opportunity to Ward 7, the Parkside neighborhood and the over all PUD Project. The modifications requested by DCPCA to the approved First Stage Approval are very limited in land area, neighborhood-oriented uses, and reduced height and density as balanced against the currently approved First Stage PUD. Not only will the material facts and amenities relied upon by the Zoning Commission remain substantially unchanged, but the Parkside Health Care Center will achieve life-saving improvements for the residents of the neighborhood and all of Ward 7.



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If you have any questions regarding the application or this clarification please feel free to call the undersigned at 202-452-1400.

Very truly yours,

GREENSTEIN DELORME & LUCHS, P.C.

John Patrick Brown, Jr.

Kate M. Olson

JPB/prm

Enclosures

cc: Ms. Robin Halsband, D.C. Primary Care Association
Ms. Alissa A. Woods, Chair, ANC 7D
Mr. Stephen Mordfin, D.C. Office of Planning
Mr. Jeffrey Jennings, D.C. Department of Transportation