

**MEMORANDUM**

2011 APR -8 PM 3:35

TO: District of Columbia Zoning Commission

FROM:  Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: April 8, 2011

SUBJECT: ZC Case 05-28B: Final Report for a Second Stage PUD for Block I2 of "Parkside," filed by District of Columbia Primary Care Association.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the second stage PUD application, subject to the approval by the Zoning Commission of Case 05-28E, which would provide for necessary modifications to the First Stage approval for this site.

APPLICATION

District of Columbia Primary Care Association (DCPCA), the applicant, has petitioned the Zoning Commission for a Second Stage PUD pursuant to the major modifications requested under ZC 05-28E. That application has been scheduled for decision before the Commission on May 9, 2011.

The application also requests relief to:

- Reduce the number of required off-street parking spaces from 102 to 63;
- Reduce the side yard from 7 feet to 4 feet, 4 inches; and
- Eliminate the loading platform and loading berth requirement.

A map showing the location of the DCPCA proposed building is attached as Appendix 2.

In response to comments made by the Zoning Commission, the applicant has modified the original submission to:

- Move on-site parking below grade;
- Adjust the green roof, to be located over the health center rather than interior parking; and
- Refine the roof structure, reduce its height and eliminate its undulating roof line.

BACKGROUND

The original First Stage PUD application for the Parkside development was approved by the Zoning Commission and became effective on April 13, 2007. To date five additional Parkside applications have been filed, as described below.

ZC 05-28A: Second-stage application and modification for blocks A, B and C (refer to Appendix 2) was approved by the Commission and the order became effective on October 3, 2008, including a 98-unit senior citizen apartment building on Block A at 60 percent of AMI, and 112 townhouses on blocks B and C, 42 of

which would be made available at 80 to 120 percent of AMI. Modification was required to permit 66 townhouses on Block C in place of low-rise apartments. Construction has begun on the senior citizen apartment building.

ZC 05-28E: Modification request for Blocks G, H and I, set down by the Commission on July 26, 2010. The hearing was held on April 4, 2011 and continued to April 18, 2011, with a decision set for May 9, 2011. This application included the following modifications to the First Stage PUD approval:

- Change the PUD-related map amendment from C-2-B to C-3-A;
- Change the use from residential to medical office to permit a 42,644 square-foot health center; and
- Decrease the building height:
 - along Kenilworth Avenue from 90 feet and 9 stories to 28 feet and one-story; and
 - along Kenilworth Terrace from 54 feet and 5 stories to 42 feet and three-stories.

ZC 05-28B: Second-stage application for part of Block I was filed on May 10, 2010. This request was set down by the Commission on July 26, 2010 and is the subject of this application.

ZC 05-28C: Second Stage application was filed on June 3, 2010 to permit a community college, also on Block I. The original request also included requests to modify the First Stage Approval for Blocks G, H, and I, but these were separated out at the request of the Commission and are being addressed in Case 05-28E. This request was set down by the Commission on July 26, 2010 and scheduled for hearing on April 18, 2011.

ZC 05-28D: Two-year PUD extension request to October 3, 2013 was determined to be premature and was denied without prejudice by the Commission at its public hearing on July 12, 2010.

PROPOSAL

Block 12, the subject of this second-stage application, is located on the southwest side of Hayes Street, between Kenilworth Terrace and Kenilworth Avenue. The existing pedestrian bridge over Kenilworth Avenue and I-295 is located adjacent to the site, along the Hayes Street frontage of the property.

The proposed 42,644 square foot health center building would be 42 feet and 3 stories in height along Kenilworth Terrace. It would contain 63 below-grade garage parking spaces, 12 bicycle parking spaces, four of which would be outside the building, and one service delivery loading space. Pedestrian access to the building would be from the corner of Hayes Street and Kenilworth Terrace, and vehicular access would be from Kenilworth Terrace. The garage entrance would also provide access to the garage to be constructed beneath the community college building on the adjacent site (ZC 05-28C.) A green roof would be provided on the rear portion of the building, along the Kenilworth Avenue frontage, above the walk-in clinic. The green roof would be visible from the existing pedestrian overpass over Kenilworth Avenue.

Uses within the clinic would include family practice, dental, W.I.C (Women, Infants and Children), a wellness center and a walk-in clinic. The building would also include a medical laboratory, a pharmacy, administrative offices and patient waiting rooms. The pharmacy would be located on the ground floor for easy access to those filling prescriptions.

Several modifications have been made to the building in response to comments from the Commission:

- The parking would now be located below-grade, improving the street-level portion of the building;
- The green roof would be located over a portion of the health center;

- The roof structure has been refined and simplified. The undulating roof line of the roof structure has been eliminated, and the height of the roof structure reduced so that it now only extends one-foot above the parapet wall. The applicant has also submitted an alternative to the roof structure that would eliminate the curve along the Hayes Street frontage.
- On-street parking on Hayes Street is currently permitted only on the northeast side of the street. In order to better facilitate access to the building, the applicant would relocate the on-street parking to the opposite side of Hayes Street, and create an emergency vehicle pick-up area on Hayes Street near the building's main entrance. The portion of Kenilworth Terrace in front of the building would be reserved loading purposes, and the application includes a request to seek relief from loading on-site. DDOT informed the Office of Planning by telephone that the relocation was acceptable.

The exterior of the building would be finished using a variety of materials. The ground level facing Hayes Street and extending around the corner to Kenilworth Terrace would be glass, with an aluminum canopy over the building entrance. The upper floors would be sided with a silver-gray finished cement board facade and a metal screen wall would enclose the penthouse. Most of the remainder of the ground floor facing Kenilworth Terrace would be an aluminum panel facade, and the upper levels facing Kenilworth Terrace and the side of the building facing the community college would be a brick color masonry wall system with ribbon windows. A glass facade along the street-level of the Hayes Street frontage would feature artwork of the heritage of the local community. The applicant has been working with the W7 Arts Collaborative in the design.

ZONING and OP ANALYSIS

As part of its original First Stage consideration, the Zoning Commission approved a PUD-related map amendment for the subject application, rezoning the site from R-5-B to C-3-A, subject to fifteen conditions. Listed below are the relevant / applicable conditions and a review of how the subject application conforms to them.

1. *The Applicant shall submit, with the application for second-stage approval of the PUD, an application for rezoning the PUD site from R-5-A and C-2-B to C-3-A and CR that specifies the proposed rezoning by square and lot.*

The PUD-related map amendment is addressed under ZC 05-28E.

2. *The first-stage PUD is approved in accordance with the plans and materials submitted by the Applicant marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions, and standards of this Order.*

The plans and materials submitted are in conformance with the modifications requested under ZC 05-28-E for the proposed health center.

3. *The second-stage design of the PUD shall be based on further development and refinement of the plans marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions, and standards of this Order and shall include all public benefits described in Findings of Fact 32 through 34.*

The subject application is in conformance with the use and building heights as requested under ZC 05-28E for the proposed health center.

4. *In accordance with the plans and materials noted above, the approved PUD shall consist of approximately 1,500–2,000 dwelling units, 500,000–750,000 square feet of office space, 30,000–50,000 square feet of retail, with approximately 2,400 total parking spaces. The entire project will include approximately 3,003,000 square feet of gross floor area resulting in an overall density of*

approximately 4.44 FAR. The total lot occupancy of the PUD will be approximately 62.4 percent. The maximum height of the PUD will be 110 feet, which will be reserved solely for the buildings located in the center portion of Parcel 12 fronting Kenilworth Avenue. The heights for the remaining buildings shall not exceed 90 feet and must scale down to lesser heights around the existing townhomes, as depicted in the Applicant's plans.

At a building height of 42 feet, a gross floor area of 42,644 square feet and 63 parking spaces, the proposed health center would not exceed the maximums set forth in the above condition, and would be consistent with the modifications requested under ZC 05-28E.

8. *The Applicant shall submit, as part of the second-stage application, landscape plans, detailed architectural plans, and elevations indicating the design treatment of each building.*

The subject second stage application includes landscape plans, detailed architectural plans and elevation drawings.

9. *The Applicant shall submit, as part of a second-stage application, an analysis of the potential for providing access to the PUD Site from Benning Road.*

An analysis on the potential for providing access to the PUD site from Benning Road was submitted as a part of the first second-stage application, ZC 05-28A.

10. *The Applicant shall submit, as part of a second-stage application, a detailed traffic study that will (a) address the adequacy of pedestrian and vehicular access to the PUD Site, including an analysis of the DDOT recommendation with respect to pedestrian access; (b) address traffic conditions pertaining to Kenilworth Avenue, particularly in light of the transportation initiatives identified by DDOT as planned or underway in the vicinity, such as the Kenilworth Avenue Corridor study; and (c) analyze the traffic impacts of the PUD in light of other new developments and uses in the vicinity, such as the Cesar Chavez Public Charter School.*

A traffic impact study was submitted as a part of the subject application, and is being evaluated by DDOT.

13. *The first-stage approval is valid for a period of one year, within which time a second-stage application shall be filed. If the second-stage application is for less than the entire development described in this Order, no subsequent second-stage application may be filed after three (3) years from date of approval of the partial second-stage. It is within the Zoning Commission's discretion to extend these periods.*

ZC Order 05-28 became effective on April 13, 2007, and on November 16, 2007 a second stage application was filed. That second stage application, ZC 05-28A, became effective on October 3, 2008. The subject application was filed less than three years from the effective date of the order for ZC 05-28A.

Relief from Zoning Regulations is required from regulations pertaining to the number of on-site parking spaces, side yard setback along Hayes Street, and loading:

Parking - The number of parking spaces proposed is 63, less than the 102 that are required. The location of the site within close proximity to the Minnesota Avenue Metrorail station, and the location of the of the pedestrian bridge over Kenilworth Avenue from the Metrorail station immediately adjacent to the subject property, minimizes the need for off-street parking spaces at this Metro accessible site.

Setback - The building would be set back to widen the sidewalk along Hayes Street to 11 feet, resulting in a need for side yard relief (7 feet required; 4 feet, 4 inches proposed.) The granting of this relief would improve pedestrian circulation around the pedestrian bridge.

Loading - A 30-foot deep loading berth and a 100 square-foot loading platform would be required for the proposed building. The applicant requested relief to not provide these. Most of the deliveries to the site would be accommodated by the service delivery space. The applicant requested to use the portion of Kenilworth Terrace to the front of the building for loading instead, and DDOT informed the Office of Planning by telephone that this was acceptable.

CONSISTENCY WITH THE PUD EVALUATION STANDARDS OF SECTION 2400

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. The overall PUD has been determined to be consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR § 2400.

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is “*designed to encourage high quality developments that provide public benefits.*” Through the flexibility of the PUD process a development that provides benefits to the surrounding neighborhood can be achieved. At 20,029 square feet for the health clinic and 24,240 square feet for the temporary surface parking lot, the application meets the minimum site area requirements of § 2401.1(c) required for a PUD within a commercial zone district. Additional flexibility has been requested as a part of this second stage PUD application, for side yard, loading, and number and location of parking spaces.

PUBLIC BENEFITS AND AMENITIES

Public benefits are defined in § 2403.5 as “*superior features... that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under... matter of right...*” Amenities are defined under § 2403.7 as including “*one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors.*”

The applicant proposes the following benefits and amenities for the Second Stage PUD:

- Urban Design and Architecture: The application proposes as a benefit the size and scale of the building as it relates to other buildings within the surrounding area, and the siting of the building with respect to the street edge, forming a strong corner at Kenilworth Terrace and Hayes Street.
- Site Planning: The application proposes as a benefit the efficient use of the site through the incorporation of the existing pedestrian bridge into transit oriented design, and by locating a health center on vacant land in the midst of the population it aims to serve. The Office of Planning views this as a benefit.
- Effective and Safe Vehicular and Pedestrian Access, Transportation Management Measures, Connections to Public Transit Services, and other measures to mitigate adverse traffic impacts: The application proposes a Transportation Management Program (TMP) to be implemented for visitors and employees, including:
 - A staff member(s) of the building management or Parkside Health Care Center would be designated as Transportation Coordinator to be a primary point of contact responsible for coordinating the implementation of the TMP;
 - Employees would be provided with pre-tax WMATA SmartBenefits for transit use;
 - Information regarding ridesharing opportunities would be provided via website links to CommuterPage.com;

- Eight bicycle parking spaces would be provided within the building and 4 would be provided outside the building along Kenilworth Terrace;
- Private space in front of the building on Hayes Street would be designated as a sidewalk, providing a better pedestrian experience from the pedestrian bridge over Kenilworth Avenue to the front door of the center;
- Provision of a taxi passenger loading/ unloading at the main entrance at the main entrance or in the garage;
- Designation of an accessible paratransit pick-up/drop-off and waiting area, appropriately signed, for employees and visitors, ADA accessible; and
- Provision of effective directional signage to direct visitors and service vehicles to appropriate locations within the building.

The Office of Planning considers this to be a benefit of the PUD.

- First Source Employment Program: The applicant will enter into an agreement to promote and encourage the hiring of District residents during the development and construction process.
- Environmental Benefits: The proposal would include a 5,260 square-foot green roof on the south part of the building that would be visible to pedestrians as they cross the pedestrian bridge over Kenilworth Avenue from the Minnesota Avenue Metrorail station. The Office of Planning considers this to be an amenity because of the positive impact on heat island effect and reduction in stormwater runoff.
- Special Value for the Neighborhood: The proposal would provide a variety of health care services to all of Ward 7, including the homeless and children, regardless of their ability to pay. The Office of Planning considers this to be an amenity because this facility would provide medical services to an underserved part of the City.
- Public Art: Artwork would be provided on a glass façade along the Hayes Street frontage of the building. The applicant proposed to continue to work with the W7 Arts Collaborative in the design of this artwork. The Office of Planning considers this to be a benefit.

A significant part of this benefits and amenities package is the provision of medical services to Ward 7 residents, regardless of ability to pay. These services would benefit not only the current residents of Ward 7, but also future residents. The Office of Planning finds that the benefits and amenities package to be consistent with the relief requested.

COMPREHENSIVE PLAN

The Zoning Commission found the overall PUD to be not inconsistent with the Comprehensive Plan in effect at the time. Since approval of the PUD the City Council has adopted the 2006 Comprehensive Plan. OP finds this second stage PUD application also to be not inconsistent with the 2006 Comprehensive Plan, and would further many of the policies of the 2006 Comprehensive Plan, as described in Appendix 1.

The subject application is not inconsistent with the provisions of the Comprehensive Plan. It would make available medical services to an underserved part of the City. The proposed building would be located on a currently vacant tract of land with easy access to the Minnesota Avenue Metrorail station. A green roof would be provided over a portion of the building that would be visible to pedestrians walking across the existing pedestrian ramp over Kenilworth Avenue from the Metrorail station.

The proposal is not inconsistent with the policies of the Comprehensive Plan, the land use designation on the Future Land Use Map or the depictions on the Generalized Policy Map, as further described in the OP

setdown report and outlined Appendix 1. It will provide for medical office use in a building that is consistent with the existing character of the surrounding area the land use designation on the Future Land Use Map.

AGENCY COMMENTS AND REFERRALS

The Department of Health (DOH) submitted a memorandum dated January 11, 2011 to the file indicating their continued support for the application.

DDOT informed the Office of Planning by telephone that the relocation of the parking on Hayes Street and the establishment of a loading zone to the front of the building on Kenilworth Terrace is acceptable. DDOT is expected to submit written comments in a separate report to the Commission.

COMMUNITY COMMENTS

ANC 7D, at its regularly scheduled meeting of March 8, 2011, voted to oppose the application.

Parkside Civic Association submitted a letter to the file dated February 10, 2011 in support of the application.

Eastland Gardens Civic Association submitted a letter to the file dated March 25, 2011 in opposition to the application.

Mayfair Mansions Tenants Association, Inc. submitted a letter to the file dated March 30, 2011 in opposition to the application.

One community resident submitted a letter to the file in support of the application.

RECOMMENDATION

The Office of Planning supports the proposal for a new health center that will help to serve the medical needs of the existing and future residents of not just Parkside, but for all of Ward 7. The proposed second-stage PUD is not inconsistent with the elements of the Comprehensive Plan or the major modifications requested to the original first-stage approval under ZC 05-28E. However, that application, scheduled for decision on May 9, 2011, has not yet been decided by the Commission and must be approved before this application can be granted.

Therefore, the Office of Planning recommends that the application be approved, subject to the approval of ZC Case 05-28E by the Commission.

JS/sjm^{AICP}

Case Manager: Stephen J. Mordfin, AICP

Appendix 1

COMPREHENSIVE PLAN

Chapter 3: Land Use Element

Policy LU-1.3.4: Design To Encourage Transit Use

Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots. (§ 306.13)

Chapter 4: Transportation Element

Policy T-1.1.4: Transit-Oriented Development

Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. (§ 403.10)

Chapter 6: Environmental Protection Element

Policy E-1.1.3: Landscaping

Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. (§ 603.6)

Chapter 9: Urban Design Element

Policy UD-2.2.11: Parking Structures

Encourage creative solutions for designing structured parking to minimize its visual prominence. Where feasible, the street side of parking structures should be lined with active and visually attractive uses to lessen their impact on the streetscape. (§ 910.21)

Chapter 11: Community Services and Facilities Element

The goal for community services and facilities is:

Provide high-quality, accessible, efficiently managed, and properly funded community facilities to support the efficient delivery of municipal services, protect public health and safety, and enhance the well-being of current and future District residents. (§ 1101.1)

Policy CSF-2.1.1: Primary and Emergency Care

Ensure that high quality, affordable primary health centers are available and accessible to all District residents. Emergency medical facilities should be geographically distributed so that all residents have safe, convenient access to such services. New or rehabilitated health care facilities should be developed in medically underserved and/or high poverty neighborhoods, and in areas with high populations of senior citizens, the physically disabled, the homeless, and others with unmet health care needs. (§ 1106.12)

Chapter 17: Far Northeast & Southeast Area Element

Policy FNS-1.2.7: Health Care Facilities

Provide additional facilities to meet the mental and physical health needs of Far Northeast and Southeast residents, including primary care facilities, youth development centers, family counseling, drug abuse and alcohol treatment facilities. Such facilities are vital to reduce crime and

promote positive youth development. Specific plans for new social service and health facilities should be developed through needs assessments, agency master plans, strategic plans, and the city's public facility planning process. All plans should be prepared in collaboration with the community, with input from local ANC's and civic associations, residents and businesses, and local community development corporations and non-profit service providers. (§ 1709.7)

Policy FNS-2.8.2: Kenilworth-Parkside Transit Oriented Development
Support mixed-use residential, retail, and office development on the remaining vacant properties in the Kenilworth-Parkside neighborhood. Take advantage of this area's proximity to the Minnesota Avenue Metrorail station and its relative isolation from the low-density single family neighborhoods to the east to accommodate medium to high density housing that is well connected to transit and the adjacent waterfront open space. (§ 1718.6)

The Future Land Use Map designates the site as within the "mixed land use" category, consisting of the "high density residential" and "medium density commercial" land use categories. High density residential is defined as "neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use." Medium density commercial is defined as "shopping and service areas that are somewhat more intense in scale and character than the moderate density commercial areas. Retail, office, and service businesses are the predominant uses."

The Generalized Policy Map depicts the site as within the "Neighborhood Enhancement Areas" designation. "The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development "fits in" and responds to the existing character, natural features, and existing /planned infrastructure capacity."

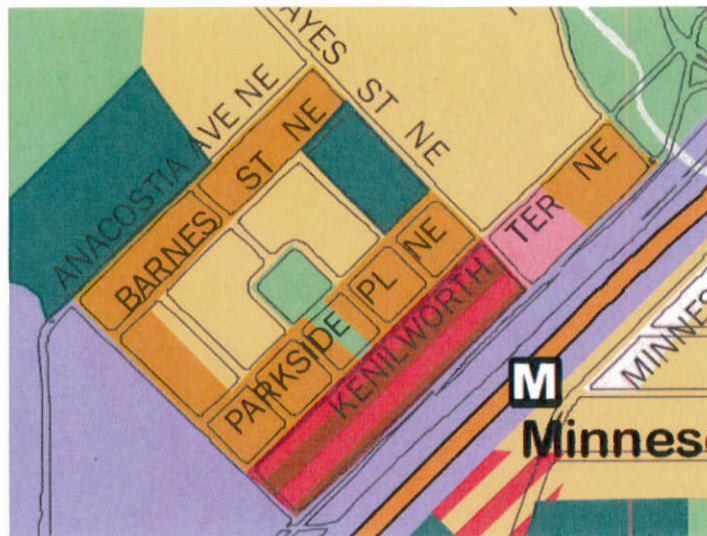
Appendix 2

AREA MAP



Map Depicting Location of Health Center Site within Parkside

Future Land Use Map



Generalized Policy Map

