GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE November 23, 2004

SUBJECT: BZA Application **17253**
D.C. Fire Department –2101 14th Street, S.E. (Engine Company #15)

APPLICATION

The applicant, D.C. Fire and Emergency Medical Services (DC FEMS), filed an application with the Board on October 7, 2004 for the renovation and modernization of Engine Company #15. The application requested variance and special exception relief pursuant to 11 DCMR §§3103.2 and 2104 respectively from:

- The side yard requirements under Section 405
- The nonconforming structure provisions under subsection 2002.6, and
- Special exception relief to allow a reduction in the number of permitted parking spaces under §2101 and 2108.

Subsequently, based on the submitted development plan, the Office of Zoning (OZ) advised the applicant in a memo dated October 12, 2004, (Exhibit 11), that different and/or additional variance relief may be required. The Office of Zoning requested the applicant to address the questions that were posed in the memo before the application was accepted and scheduled for public hearing. In addition, the applicant was also given the option of obtaining a referral from the Zoning Administrator.

The applicant self-certified and relief was advertised from:

- The side yard requirements under Section 405
- The use provisions under subsection 320.3
- The nonconforming structure provisions under subsection 2002.6, and
- The limitation on the number of buildings that can occupy a single lot under subsection 3202.3

The application was scheduled for public hearing and OP's initial review included a site visit to clarify the proposal as filed by the applicant. The site visit revealed that the development proposal for the site does not propose construction of a new building on the lot. Rather, a second story addition is proposed for the existing EMS building, known as

BZA
Case No. 17253
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17253
EXHIBIT NO. 23

Fire Company #15, located on the northwest corner of 14th and V Streets, S.E. OP noted that the pre-existing condition of the subject lot (Lot 847) includes an unrelated building, which accommodates the Anacostia Health Center. Both buildings and the single lot of record are owned by the District of Columbia and predate the May 1990 requirement that city government property be subject to the Zoning Regulations.

Based on this clarification, OP discussed the site visit with the Office of Zoning, and clarified the proposal. The Office of Zoning concurred with OP's determination that the relevant variance relief in this instance should be addressed as follows:

- **Variance relief from the side yard requirement under Section 405 and**
- **Variance from the limitation on the number of buildings that can occupy a single lot under Section 3202.3**

In addition, the application requests special exception relief to permit a reduction in the required number of parking spaces per §§ 2101 and 2108.

SUMMARY RECOMMENDATION

The Office of Planning **recommends approval** of the following area variances:

- Variance from the side yard requirement of Section 405 and
- Variance from the limitation on the number of buildings that can occupy a single lot per Section 3202.3

In addition, the applicant applied for special exception relief to permit a reduction in the number of parking spaces under §§ 2101.1 and 2108. The site currently provides sixteen (16) spaces where nineteen (19) are now required. Proposed site improvements, including repair and restriping of the existing lot estimates an addition of another parking space, which would increase the number of available spaces to seventeen (17). OP supports approval of seventeen (17) spaces, which represents a fifty percent (50%) reduction in the number of spaces which would be required after the building's addition.

SITE AND AREA DESCRIPTION

The subject property is located at 2101 14th Street, S.E in Square 5781, Lot 847. The property is a 65,520-square foot, flag-shaped lot, which accommodates 2 existing buildings, which front on W Street (Anacostia Health Center) and 14th Street (Engine Company #15). The surrounding neighborhood is a mixture of single-family, semi-detached homes and apartment homes with some churches and institutions. The fire station is located in the Anacostia Historic District.

The property is zoned R-3, and currently there is no use category for fire stations within this Zone District. These facilities have been permitted as government uses on City property and were previously not subject to zoning. However, in 1990 the Council of the

District of Columbia passed legislation making new or expanded District governmental land use subject to zoning. This requirement is reflected in Chapter 1 of 11 DCMR:

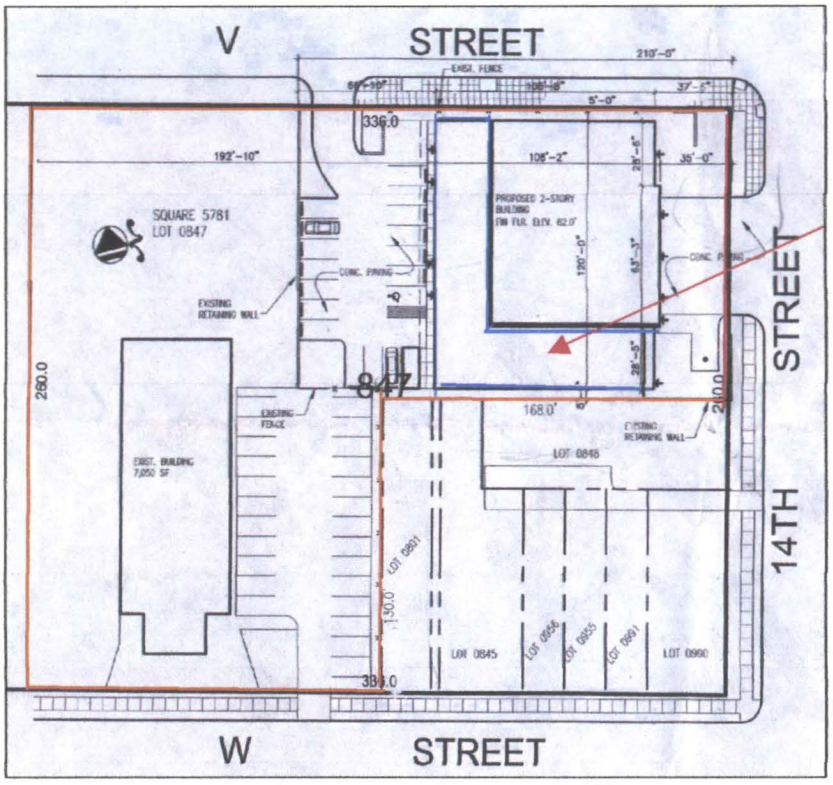
> *106.5 Properties of the District of Columbia government shall be subject to zoning; Provided that:*
>
> *(a) Any governmental land or building uses that were either in existence or were substantially planned, documented and invested in prior to May 23, 1990, shall not be subject to zoning;*
>
> *(b) With regard to the properties referenced in (a) above, any change or expansion in the use of land or buildings, or any new construction or additions to buildings shall be subject to zoning; and*
>
> *(c) District of Columbia public buildings in the Central Area shall be exempt from zoning but shall continue to require approval of the National Capital Planning Commission, pursuant to §5(c) of the Planning Act (40 U.S.C. 71d(c).*

The Zoning Regulations do not currently address municipal uses. As a result, they are non-conforming uses outside of the Central Area and those areas of the District zoned General District ("M"), either by right or by special exception. Therefore, a use variance would be required for establishment of new facilities. However, proposed rulemaking is being considered by the Zoning Commission to include fire and emergency service uses as matter-of-right uses within residence zones (ZC– 04-29). The proposed text amendment will permit this use as a matter of right in all zoning districts, and establish minimum parking requirements.

The existing structures on the lot predate the requirement of Chapter 1, 11 DCMR.

PROJECT DESCRIPTION

The District of Columbia Department of Fire and Emergency Medical Services, is proposing a complete renovation of Engine Company #15, including an L-shaped, second- story addition designed to upgrade personnel rooms to meet ADA requirements, locker rooms, bathrooms, and other site improvements to modernize the existing structure for the needs of the Engine Company. The design accommodates areas for decontamination of equipment and ambulances, and facilities for women EMS workers, thus recognizing the changing program needs of the Fire Department since the building's original construction in 1968. The proposal represents a significant public safety improvement in a currently underserved community.



Proposed 2nd Story Addition

ZONING REQUIREMENTS and ANALYSIS

Variance Relief

The proposed expansion of Engine Company #15, which is zoned R-3, requires two (2) area variances, including a side yard variance, as relief from the existing 5-foot wide side yard, pursuant to §405 and relief from the limitation on the number of buildings on a single lot of record, (§3202.3) as shown below:

Item	Existing	Required	Proposed	Variance
Side Yard - § 405	5 feet	8 feet	5 feet	-3 feet
# Bldgs. - § 3202.3	2	1	2	-1

The applicant must show that a practical difficulty exists in upholding abovementioned requirements of the R-3 Zone District according to the provisions of Section 3103.2 as follows:

(a) *The property is unique by reason of its exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situation or condition;*

The fire station was constructed in 1968 prior to 1990 Council action requiring city properties be subject to zoning. OP has no information on when the lots were combined to create the existing flag-shaped lot of single record. However, the subject building is an existing, non-conforming structure due to its 5-foot side yard, where a minimum of 8 feet

is required in this zone district. In addition, there are two structures on the lot, which according to Section 3202.3 requires a separate lot of record for each principal structure.

Therefore, OP believes that the existing structures on the lot, in combination with the location of the fire station on the lot, create an exceptional condition of the property due to the portion of the fire station's structure, which already encroaches 3 feet into the south facing side yard.

(b) *By reason of the aforementioned unique and exceptional condition of the property, the strict application of the Zoning Regulations will result in peculiar and exceptional practical difficulties or to exceptional and undue hardship upon the owner of the property.*

The existing buildings, the location of the subject fire station, and the current requirement of the municipal regulation (Chapter 1,11 DCMR), which requires District properties be subject to zoning requirements, combine to create an exceptional condition of the property. A practical difficulty therefore arises in attempting to modernize the building, which was constructed in 1968, prior to such regulations. In addition, the flag-shaped lot is not wide enough at the location of the subject building to accommodate any practical additions for this type of facility that would not violate the side yard requirements, for this zone.

The facility's proposed design accommodates the updated space requirements of the Fire Department's personnel, including additional rooms and an apparatus bay. Inability to increase the site's buildable area, as intended would create a practical difficulty for the Fire Department, since an additional 7,437 square feet of expansion space would not be available for the necessary modernization. The building's renovation would not further reduce the width of the existing side yard to accommodate the second story addition.

The addition would not be in alignment with the existing structure if the 8-foot side yard were maintained and a practical difficulty would emerge if the building were partially demolished to satisfy the side yard requirement.

OP believes that the location of the other existing structure on the lot is also a practical difficulty as it conflicts with the current Zoning Regulations, including Section 3202.3. This public facility, which currently serves the community, cannot be demolished nor is it proposed for demolition to satisfy the limitation prescribed by Section 3202.3 of the Zoning Regulations.

(c) *The variance will not cause substantial detriment to the public good and will not impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*

Granting the area variances will not cause substantial detriment to the public good since the project results in an increase in public safety and modernization of a facility that has

been in place for thirty-six (36) years. The applicant states that there would be no expected increase in traffic and noise due to the proposed improvements.

While the existing structure predates the requirement of government properties to conform to the Zoning Regulations, renovation and modernization of the existing structure would enhance the Engine Company's ability to accommodate women at the facility.

The unique flag-shaped lot does not allow the site to retain convenient locations for additions. The existing side yard measurement would not be decreased to accommodate the renovation. Further, the second-story addition's size and scale respects the surrounding neighborhood, as it is well within the height limit prescribed for the zone and no shadows would be cast on any neighboring property due to the addition of the second floor. OP therefore has no objection to the second floor addition to the pre-existing structure, which prior to 1990 was not subject to current Zoning Regulations.

Special Exception

Parking

According to the applicant, the existing structure provides 16, on-site parking spaces. Section 2101.1 requires all other structures, in all districts, to provide a parking space for each 600 square feet of gross floor area and cellar floor area. The proposed gross building area is 19,324 square feet and this provision would require 33 parking spaces after renovation.

The renovation project for the site would also improve the existing parking area at the rear of the fire station, including resurfacing and addition of another parking space, for a total of 17 spaces for personnel parking. Section 2108, allows the Board to reduce the number of required parking spaces to no more than 50%. OP has no objection to this reduction, since there is no additional space in the parking lot's current location to accommodate the requirement's full complement of thirty-three (33) spaces. The fire station's parking area is not accessible to the other parking lot located on the subject property and a 6-foot high wooden fence separates both parking lots.

The applicant has stated that the facility has operated with sixteen spaces since its establishment in 1968, and this has proven sufficient for the department's needs. According to staff at Engine Company #15, the station observes a 24-hour staff rotation of approximately 16 staff persons per shift. Each shift starts and ends at 7 am. OP has no further information on the number of employees who drive to this location. OP observed that there is ample on-street, unrestricted parking in the immediate vicinity of the fire station.

OP has not received comments from the District Department of Transportation regarding this project.

Section 3104
OP believes that grant of the special exception to permit a reduction in the number of parking spaces by fifty percent (50%) will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property. No additional congestion is expected due to the limited number of spaces. The facility has existed in this neighborhood since 1968 and there is no information on record of adverse effects due on-street parking or increased traffic by the fire company's personnel.

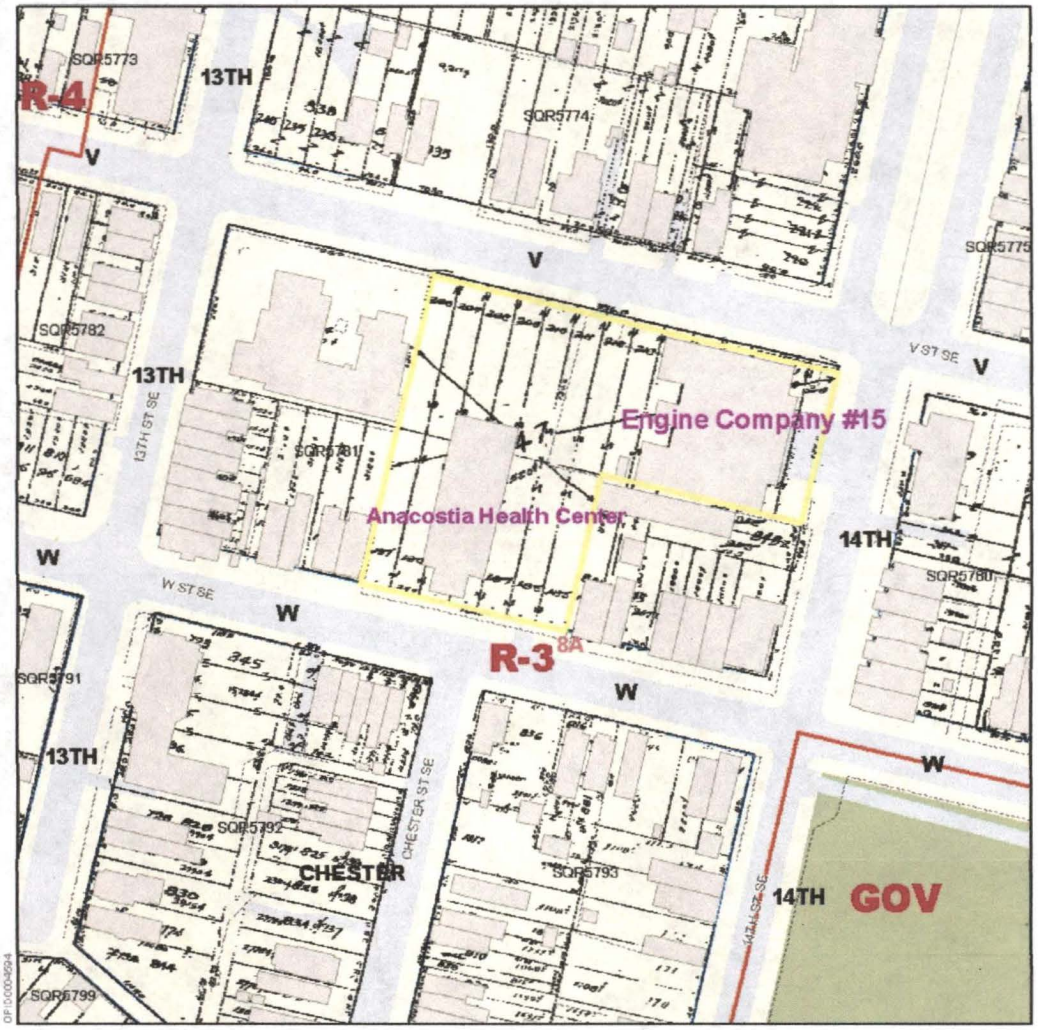
COMMUNITY COMMENTS

The applicant is scheduled to present the fire company's proposed addition to the Advisory Neighborhood Commission (ANC 8A) on November 31, 2004.

CONCLUSION

OP's analysis of the subject site's development proposal concluded that granting the area variances would not impair the intent, purpose and integrity of the R-3 zone requirements, even though the municipal use is not a designated use within this zone district. The site was developed in 1968 and was not previously subject to current Zoning Regulations prior to 1990 Municipal Regulations. The proposed improvements would allow the DC FEMS to improve its service capacity in this area. OP does not believe the intent of the Zoning Regulations will be compromised, since the applicant has made efforts to abide by the other bulk regulation of the zone including the height limitation at 40 feet.

OP therefore **recommends approval** of the application for a variance to permit the addition to the existing non-conforming structure due to its reduced side yard, as well as variance relief from the provision of Section 3202.3, to accommodate improvements for Engine Company 15's apparatus and personnel. In addition, OP supports approval of a special exception to permit a 50% reduction in the number of required parking spaces for the fire station.


SQR5773
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SQR5774
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13TH ST SE
SQR5781
Engine Company #15
Anacostia Health Center
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W ST SE
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R-3
8A
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13TH
SQR5792
CHESTER
CHESTER ST SE
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GOV
SQR5799
Square 5781
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Feet
0 50 100 150
Office of Planning ~ November 23, 2004
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Street Centerlines
Property Squares
Major Roads
Roads
2002 ANC Boundaries
Structure Lines