GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: Zoning Commission for the District of Columbia

FROM: Ellen M. McCarthy
Interim Director

DATE February 23, 2005

SUBJECT: **Z.C. Case No. 04-29- Final Report for Text Amendments to permit**

- Fire Stations by right within any zone district,
- Fire Department Training Facilities by right within the Industrial Zone Districts,
- Fire Department Administrative Facilities by right within select Residence, Mixed Use, Commercial, Industrial and Waterfront Zone Districts, and by special exception within Special Purpose Zone Districts, and
- Fire Department Support Facilities by right within select Residence Zone Districts and Special Purpose, Mixed Use, Commercial and Industrial and select Waterfront Zone Districts

initiated by the Office of Planning and the Fire & Emergency Medical Services Department (FEMS)

RECOMMENDATION

The Office of Planning recommends the Commission **ADOPT** the proposed text amendments to provide for Fire Stations, Fire Department Training Facilities, Fire Department Administrative Facilities and Fire Department Support Facilities within the Zoning Regulations (11 DCMR).

BACKGROUND

Fire Stations, Fire Department Training Facilities, Fire Department Administrative Facilities and Fire Department Support Facilities historically had been permitted as government uses and therefore were not subject to zoning. However, in 1990 the Council of the District of Columbia passed legislation making new or expanded District governmental land uses subject to zoning. This requirement is reflected in Chapter 1 of 11 DCMR.

Properties of the District of Columbia government shall be subject to zoning; provided

ZONING COMMISSION
District of Columbia
CASE NO. 04-29
EXHIBIT NO. 4

ZONING COMMISSION
District of Columbia
CASE NO.04-29
EXHIBIT NO.4

> *(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))*

As a result of the adoption of the above referenced text amendment, Fire Stations, Fire Department Training Facilities, Fire Department Administrative Facilities and Fire Department Support Facilities became nonconforming uses in those areas of the District of Columbia that were not zoned General Industry Industrial District (M) or which were located outside of the Central Area.

ZONING

The Zoning Regulations do not currently address fire and emergency medical services facilities. As a result, Fire Stations, Fire Department Training Facilities, Fire Department Administrative Facilities and Fire Department Support Facilities are not permitted anywhere other than in M Zone Districts or within the Central Area, either by right or by special exception. Therefore, a use variance is required to establish, construct or add onto Fire Stations, Fire Department Training Facilities, Fire Department Administrative Facilities and Fire Department Support Facilities. The proposed text amendment will provide for

- Fire Stations to be permitted as a matter-of-right within any zone district,
- Fire Department Training Facilities to be permitted as a matter-of-right within industrial zone districts only,
- Fire Department Administrative Facilities to be permitted·
    - as a matter-of- right within select residence, mixed use, commercial, industrial and waterfront zone districts only, and
    - as a special exception within the special purpose districts,
- Fire Department Support Facilities to be permitted within select residence, special purpose, mixed use, commercial, industrial and select waterfront zone districts only, and
- Minimum parking requirements for Fire Stations, Fire Department Training Facilities, Fire Department Administrative Facilities and Fire Department Support Facilities

These facilities, financed and supported by public money, are provided for the benefit and safety of the District's citizens. They are an exercise of the District's police powers and should be permitted to be planned as needed.

DEFINITIONS

The Department of Fire and Emergency Medical Services and the Office of Planning propose to add definitions for Fire Department, Fire Stations, Fire Department Training Facilities, Fire Department Administrative Facilities and Fire Department Support Facilities, as shown in Table 1 below.

Use	Definition
Fire Department	**The Fire and Emergency Medical Services Department of the District of Columbia.**
Fire Station	**A building and associated land used by the Fire Department to house personnel and equipment in connection with the provision of fire, rescue, emergency medical, hazardous materials response, and other types of emergency services throughout the District of Columbia, and includes the harbor facility.**
Fire Department Training Facility	**A building and associated land used by the Fire Department to provide classroom and practical training for emergency services and support personnel.**
Fire Department Administrative Facility	**A building (including the Fire Department's Headquarters) used to provide administrative support to the Fire Department.**
Fire Department Support Facility	**A building and associated land used to provide fleet maintenance, facilities maintenance, communications, or other types on non-administrative support to the Fire Department.**

Table 1

Fire Stations (All zone districts)

Fire stations are proposed to be permitted as a matter-of-right within any zone district to enable FEMS to locate these facilities as it sees appropriate to provide the greatest amount of protection and service possible. Currently, the only fire station located within a Waterfront Zone District is the Fire Boat at 550 Water Street, S.W. It is located within the W-1 Zone District, and at the same location as the Police Harbor Unit.

Fire Department Training Facilities (C-M, M Zone Districts)

The Fire Department Training Facility is proposed to be permitted as a matter-of-right within the Industrial Zone Districts only. As a facility that includes live fire training buildings, its location within industrial districts is appropriate. Its location within all other zone districts is inappropriate due to the potential adverse impact of live and

simulated fires on other parts of the City, especially residence and commercial zone districts due to the greater amount of human activity that occurs there Currently the FEMS's Training Academy is located within the C-M-1 Zone District (low bulk commercial-light manufacturing industrial district), consistent with this proposal.

Fire Department Administrative Facilities (C, SP, CR, W Zone Districts)
These facilities are similar in intensity to office uses They are currently located within the R-4 Zone District (Headquarters) and the C-3-C Zone District (Fire Prevention Division). However, the Fire Prevention Division is also located within the Central Area and as such is not subject to zoning. Generally, these facilities are quiet uses and well suited adjacent to residential areas As a use that is similar to office, its location within Commercial, Mixed Use and Waterfront Zone Districts is appropriate. Commercial office uses are permitted as a matter-of-right within Commercial and Industrial Zone Districts.

The Fire Department Headquarters, located within the R-4 Zone District, is within a former public school building, the Grimke Public School, and within the Greater U Street Historic District FEMS has informed the Office of Planning that this facility essentially operates as an office building and is active from 6.00 a.m. to 6.00 p.m. If a major emergency were to occur, the facility could be active late into the night and on weekends, although this would be a rare occurrence Visitors to the building each day typically consist of FEMS officials that work off-site, vendors and other City agencies A parking lot to the rear of the building is used by employees during the day and some vehicles are parked on the site 24-hours a day. Therefore, the Office of Planning concurs that the Headquarters operates in a manner typical of other office buildings.

Within the Residence Zone Districts office uses are not permitted, as either a matter-of-right use or by special exception, and the FEMS Headquarters is an office use. In order to permit this facility at its current location, this use would have to be added to the uses permitted within the R-4 Zone District, which would also serve to permit it within the R-5 Zone Districts However, the Office of Planning prefers not to introduce office uses into the R-4 and R-5 Zone Districts, as it is not a use consistent with those that are now permitted. As a result, the Headquarters will continue to be a nonconforming use that was legally established As such, it may remain for as long as the FEMS Department desires. The use may also be modernized and repaired per § 2001.

FEMS has also informed the Office of Planning that they are considering the relocation of the Headquarters By not including this use into the R-4 and R-5 Zone Districts, the possibility of the Headquarters being relocated into another residential district is eliminated. Therefore, the Office of Planning recommends that Fire Department administrative facilities not be permitted within the R-4 Zone District, as a matter-of-right or by special exception.

Alternatively, should the Commission adopt the proposed text amendment to the Zoning Regulations to permit District government agencies to locate within historically

designated former public schools within a residence district by special exception, the Fire Department Headquarters could be permitted at its current location by special exception.

The SP (Special Purpose) Zone District is one that is intended to function as a buffer between commercial and industrial areas. Office uses are permitted by special exception only with the SP Zone District. Therefore, it is appropriate to permit fire department administrative facilities, as a special exception if approved by the Board of Zoning Adjustment, and subject to the same provisions as required for office uses under § 508 of the Zoning Regulations.

Fire Department Support Facilities (R-5, SP, C, C-M, M, W-1, W-2, W-3)
Fire Department Support Facilities, as described within the definition above, includes several facilities, which include vehicle maintenance and warehousing and distribution facilities, are suitable and appropriate within the Commercial and Industrial Zone Districts in which they are currently located. The Property Warehouse is located within the C-M-1 Zone District, a commercial light manufacturing district, and Fleet Maintenance is located within the C-3-A Zone District, a major business and employment center commercial district. These zone districts are appropriate for those uses. The Office of Planning therefore recommends that they be permitted within those zone districts. However, the Support Facilities also includes the Communication Facility, which is located within the R-5-B Zone District. The Communication Facility is used for dispatching 911 calls.

The R-5-B Zone District is a residence district, and as such warehousing, supply distribution and vehicle repair are inappropriate. Therefore, the Office of Planning recommends that only the Communications Facility, which is currently located within the R-5-B Zone District, be permitted as a matter-of-right within the R-5 Zone Districts, and as all uses permitted within the R-5 are also permitted within the Special Purpose Zone District, the Special Purpose District also.

The Office of Planning proposes to permit Fire Stations, Fire Department Training Facilities, Fire Department Administrative Facilities and Fire Department Support Facilities as shown in Table 2 below.

Zone District	Fire Station	Fire Department Training Facility	Fire Department Administrative Facility	Fire Department Support Facility
R-1, R-2, R-3	Matter-of-Right	Not Permitted	Not Permitted	Not Permitted
R-4	Matter-of-Right	Not Permitted	Not Permitted	Not Permitted
R-5	Matter-of-Right	Not Permitted	Not Permitted	Communications Facility Matter of Right Only. Otherwise, Not Permitted.

Special Purpose (All)	Matter-of-Right	Not Permitted	Special Exception	Communications Facility Matter of Right Only. Otherwise, Not Permitted.
Mixed Use	Matter-of-Right	Not Permitted	Matter-of-Right	Matter-of-Right
Commercial (All)	Matter-of-Right	Not Permitted	Matter-of-Right	Matter-of-Right
Industrial (All)	Matter-of-Right	Matter-of-Right	Matter-of-Right	Matter-of-Right
Waterfront (W-0)	Matter-of-Right	Not Permitted	Matter-of-Right	Not Permitted
Waterfront (W-1,W-2, W-3)	Matter-of-Right	Not Permitted	Matter-of-Right	Matter-of-Right

Table 2

Parking

Fire and Emergency Services Facilities operate twenty-four hours a day, seven days a week. Firefighters work twenty-four hour shifts, and are provided eating, bathing and sleeping accommodations during their shifts. Paramedics, Emergency Medical Technicians, Communication Dispatchers, Arson Investigators, and some Fleet Maintenance personnel work twelve-hour shifts. Administrative personnel work either eight or ten hour shifts. Therefore, the most number of shift changes per day occurs with the administrative personnel, and the least number with the firefighters, once per day.

FEMS maintains a fleet of 338 vehicles, which are primarily located within its buildings. Newly planned facilities could be made to provide on-site parking, similar to the requirements that were adopted for the Metropolitan Police Department under Z.C. Application No. 02-28. In that case the parking requirements adopted were similar to office requirements and could be applied only to the amount of office space provided within each facility, and not the large spaces within each station that are used to store vehicles. This would serve to not only protect communities proposed for new facilities, but also because the opportunity exists at a new site to design it with adequate parking. FEMS provides space within its buildings for almost all of its vehicles. Therefore, adequate parking is provided for FEMS vehicles, and no additional parking need be required for those vehicles.

The Office of Planning recommends that the Zoning Regulations be amended to include parking requirements for FEMS facilities as shown in Table 3 below. Existing facilities are valid nonconforming uses and therefore would not be subject to the proposed parking standards unless expanded. However, the Office of Planning recommends against making these requirements applicable to the expansion of existing facilities. The existence of adequate space in which to provide parking could prove difficult, and the importance of the provision of adequate facilities with which to operate the Department far outweighs the need for on-site parking. Therefore, the new parking standards should be applied only to new locations so as not to adversely affect neighborhoods proposed for

new facilities, and because the opportunity exists at a new site to design it with sufficient parking.

Zone District	**Parking Required** (for facilities established after the effective date of this amendment, not including the expansion of facilities existing as of the effective date of this amendment)
All R Districts, C-1, C-2-A, C-3-A	**1 space for each 600 sq. ft. of gross floor area and cellar area in excess of 2,000 sq. ft. used as office space**
SP, C-2-B, C-2-C, C-3-B, C-4, C-5, C-M, M, W-1, W-2, W-3	**1 space for each 1,800 sq. ft. of gross floor area in excess of 2,000 sq. ft. used as office space**

Table 3

COMPREHENSIVE PLAN
The text amendment is not inconsistent with many of the Comprehensive Plan themes, goals, objectives and policies, including:

CHAPTER 1: GENERAL PROVISIONS

101 MAJOR THEMES OF THE COMPREHENSIVE PLAN

101.1 In the process of developing the District elements of the Comprehensive Plan ("the Plan") and coordinating the widespread citizens review the following ten (10) major themes were discerned:

(i) Promoting enhanced public safety; and

102 STABILIZING AND IMPROVING THE DISTRICT'S NEIGHBORHOODS

102.3 Many city neighborhoods also include integral commercial and institutional uses that contribute to their character. Neighborhood businesses, schools, park and recreational facilities, churches, and other public facilities all add to the livability of our communities. These uses too must be protected, stabilized, and improved.

110 PROMOTING ENHANCED PUBLIC SAFETY

110.1 Enhanced public safety is one of the highest priorities of the District and is vital to the economic well-being of the District:

(a) The District can thrive and prosper only if residents, businesses, and visitors feel safe and secure in neighborhoods throughout the District;

(d) The District government must continue to improve responsiveness both to public requests for emergency police, fire, or medical assistance, and to other emergency situations ranging from infrastructure and public utility failures to natural disasters Moreover, the District must engage in appropriate planning and capital projects that reduce the likelihood or severity of such emergencies in the future.

CHAPTER 6: COMPREHENSIVE PLAN: PUBLIC FACILITIES ELEMENT

606 LOCATION OF PUBLIC FACILITIES

606.1 The location of public facilities objective is to locate public facilities to provide optimum service and to support the land use, transportation, economic and social development, and neighborhood improvement objectives.

CHAPTER 9: COMPREHENSIVE PLAN: DOWNTOWN PLAN ELEMENT

922 PUBLIC SAFETY

922 1 The public safety objective for Downtown is to improve public safety and increase the sense of safety in Downtown day and night.

CHAPTER 11: COMPREHENSIVE PLAN: LAND USE ELELMENT

1114 1 Capital improvements include certain anticipated major new construction or rehabilitation of the following types of public facilities·

(c) Police and fire harbor units;

CHAPTER 12: WARD 1 PLAN

1216 WARD 1 PUBLIC FACILITIES

1216.1 The public facilities throughout Ward 1 play an important role in serving residents and contributing to the quality of the ward's neighborhoods. These facilities include schools, parks and recreation centers, libraries, police and fire stations, and health and cultural facilities. The following section highlights these facilities in Ward 1, some of which are designed to serve both the immediate areas and the city.

1217 WARD 1 OBJECTIVES FOR PUBLIC FACILITIES

1217.1 The objectives for public facilities are as follows·

(a) To ensure the construction, rehabilitation, and maintenance of facilities essential for public service delivery in Ward 1,

(c) To locate public facilities to provide optimum service and to support the land use, transportation, economic and social development, and neighborhood improvement plans throughout Ward 1

CHAPTER 13: WARD 2 PLAN

1313 WARD 2 OBJECTIVES FOR PUBLIC FACILITIES

1313 1 The public facilities objectives are as follows:

(a) Ensure the construction, rehabilitation, and maintenance of facilities essential for public service delivery to the ward's current and future population; and

CHAPTER 14: WARD 3 PLAN

1405 WARD 3 PUBLIC FACILITIES

1405.4 Objectives and policies for adequate service delivery are as follows

(a) In addition to the city-wide objective and policies stated in the Public Facilities Element·

(2) Existing public facilities should be improved as follows.

(G) The renovation or upgrading of fire and emergency service facilities should occur on-site or on adjacent land acquired for this purpose (and must be sensitive to existing architectural qualities);

CHAPTER 15: WARD 4 PLAN

1516 WARD 4 PUBLIC FACILITIES

1516.1 The District's public facilities program is focused on improving and maintaining the city's existing infrastructure, including public health facilities, recreation centers, schools, public libraries, senior citizens' centers, facilities for persons with mental or physical impairments, and police and fire stations.

1517 WARD 4 OBJECTIVES FOR PUBLIC FACILITIES

1517 1 The objectives for public facilities are as follows:

(b) Ensure coordinated planning, construction, renovation and maintenance of public facilities for an adequate public service delivery system;

CHAPTER 16: WARD 5 PLAN

1616 WARD 5 PUBLIC FACILITIES

1616 1 The public facilities goal of the District government is to provide adequate public facilities to support the cost-effective delivery of municipal programs and services and to support economic development and neighborhood improvement objectives. Public facilities throughout Ward 5 provide essential services to all members of the community These facilities include schools, parks and recreation centers, libraries, fire and police stations, community service centers and general public works such as streets, sewers and water lines

1617 WARD 5 OBJECTIVES FOR PUBLIC FACILITIES

1617 1 The objectives for public facilities are as follows:

(b) Ensure the construction, rehabilitation and maintenance of facilities essential for public service delivery to all citizens;

CHAPTER 17: WARD 6 PLAN

1717 WARD 6 OBJECTIVES FOR PUBLIC FACILITIES

1717 1 The objective for public facilities is to provide adequate facilities for the efficient distribution of services that promote the health, education and welfare of the citizens of Ward 6

CHAPTER 18: WARD 7 PLAN

1816 WARD 7 PUBLIC FACILITIES

1816 2 Three (3) fire stations, providing both firefighting and emergency services, are located within the ward: Engine Company 19 and Truck Company 16 at 2813 Pennsylvania Avenue, S E ; Engine Company 27 at 4201 Minnesota Avenue, N E ; and Engine Company 30 and Truck Company 17 at 50 49th Street, N.E.

1817 WARD 7 OBJECTIVES FOR PUBLIC FACILITIES

1817 1 The objectives for public facilities are as follows:

(a) Provide adequate public facilities to support the delivery of municipal programs and services and to support economic development and neighborhood improvement objectives in Ward 7,

(d) Locate public facilities to provide optimum service to the Ward 7 community and to support the land use, transportation, economic and social development, and neighborhood improvement objectives;

CHAPTER 19: WARD 8 PLAN

1917 WARD 8 OBJECTIVES FOR PUBLIC FACILITIES

1917 1 The objectives for public facilities are as follows.

(a) Ensure that adequate and high quality neighborhood-based public services and facilities are available and accessible to the Ward 8 community at a minimal cost,

The objectives and policies of the Comprehensive Plan, as described above, recommend the availability of improvements to public facilities and the provision of adequate fire and police services in every ward of the City. By permitting the proposed uses within the Zoning Regulations, the Department of Emergency and Medical Facilities will be able to renovate existing facilities and construct new ones in order to ensure that it is able to provide optimum service throughout the District By being able to provide optimum service and by being able to maintain new or upgraded facilities, the public's sense of safety will also increase as the public awareness of these facilities expands.

CONCLUSION

The proposed text amendments are not inconsistent with the above referenced Comprehensive Plan goals and objectives and will facilitate the realization of those goals. The Office of Planning recommends that the Commission **ADOPT** the following proposed amendments to 11 DCMR (ZONING)

A. Section 199, DEFINITIONS, subsection 199.1, is amended to add the following new definition.

Fire Department – the Fire and Emergency Medical Services Department of the District of Columbia.

Fire Station- a building and associated land used by the Fire Department to house personnel and equipment in connection with the provision of fire, rescue, emergency medical, hazardous materials response, and other types of emergency services throughout the District of Columbia, and includes the harbor facility.

Fire Department Training Facility- a building and associated land used by the Fire Department to provide classroom and practical training for emergency services and support personnel.

Fire Department Administrative Facility- a building (including the Fire Department's Headquarters) used to provide administrative support to the Fire Department.

Fire Department Support Facility- a building and associated land used to provide fleet maintenance, facilities maintenance, communications, or other types on non-administrative support to the Fire Department.

B. Section 201, USES AS A MATTER OF RIGHT (R-1), subsection 201.1 is amended by adding a new subparagraph (s) to read as follows:

(s) Fire Station.

C. Section 350, R-5 DISTRICTS: GENERAL PROVISIONS, subsection 350.4, is amended by adding a new subparagraph (h) to read as follows:

(h) Fire Department Support Facility, communications services only.

D. Section 508, OFFICE USES (SP), subsection 508.1, is amended by adding the following sentence at the end to read as follows:

Construction of Fire Department Administrative Facilities shall also be permitted in an SP District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

E Section 601, USES AS A MATTER OF RIGHT (CR), subsection 601 1, is amended by adding a new subparagraph ( )[1] through ( ) to read as follows.

( ) Fire Station.

( ) Fire Department Administrative Facility.

( ) Fire Department Support Facility.

F. Section 701, USES AS A MATTER OF RIGHT (C-1), subsection 701 6, is amended by adding a new subparagraph (j) to read as follows.

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[1] The Office of Planning is also requesting the Commission adopt a proposed text amendment to authorize Driver's License Road Test Facilities in several zone districts, including CR, CM and W-1 through W-3 In order to avoid the use of the same paragraph letter for these two different uses, no letter will be designated at this time with respect to these zone districts

(j) Fire Department Support Facility.

G Section 801, USES AS A MATTER OF RIGHT (C-M), subsection 801 7, is amended by adding a new subparagraph ( ) to read as follows·

( ) Fire Department Training Facility.

H. Section 901, USES AS A MATTER OF RIGHT (W) is amended as follows:

1. Subsection 901.1 (uses as a matter of right W-1, W-2, and W-3) is amended by adding new subparagraphs ( ) through ( ) to read as follows.

( ) Fire Station

( ) Fire Department Administrative Facility

( ) Fire Department Support Facility

2. Subsection 901.3 (uses as a matter of right W-) is amended by inserting new subparagraphs for each of the following uses in alphabetical order.

( ) Fire Station

( ) Fire Department Administrative Facility

I. Chapter 21, OFF-STREET PARKING REQUIREMENTS, is amended by inserting the following use in the table included in § 2101.1, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES: under "INSTITUTIONAL USES":

USES	NUMBER OF PARKING SPACES REQUIRED
Fire Station, Fire Department Training Facility, Fire Department Administrative Facility or Fire Department Support Facility (established after [the effective date of this amendment]), not including the expansion of facilities existing as [the effective date of this amendment]:	
All R Districts, C-1, C-2-A, C-3-A	**In excess of 2,000 ft.^{2}, 1 space for each 600 ft.^{2} of gross floor area and cellar floor area**

All other districts	**In excess of 2,000 ft.^{2}, 1 space for each 1,800 ft.^{2} of gross floor area**

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