GOVERNMENT OF THE DISTRICT OF COLUMBIA OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE 1100 4th Street, SW, Suite E 650, Washington, DC 20024

IN THE MATTER OF:)	
)	HPA No. 12-044
Engine Company No. 29)	
Application for Permit for Alteration)	
4811 MacArthur Boulevard, NW)	
Square 1372, Lot 808)	

DECISION AND ORDER

This is an application submitted by District of Columbia Fire and Emergency Medical Services Department ("FEMS") for historic preservation permit clearance to renovate Engine Company No. 29, a landmark firehouse, at 4811 MacArthur Boulevard, N.W. The application is supported by the District of Columbia Department of General Services ("DGS"), which will manage the construction project. FEMS argues that this is a project of special merit within the meaning of the Historic Landmark and Historic District Protection Act of 1978 ("the Act"), D.C. Code, § 6-1101, et seq. For the reasons specified herein, the application will be granted.

Engine Company No. 29 was constructed in 1925 in a Colonial Revival style. The gabled brick façade is dominated by twin doorways topped with arched fan windows. Several aspects of the renovation, including the construction of a partially-detached third bay, have been previously approved without controversy. Recent changes in Federal emissions standards for fire trucks and emergency vehicles, however, have caused new vehicles to become wider and consequently necessitate widening of some fire house doorways. FEMS here proposes to widen the doors of Engine Co. No. 29 from ten feet to twelve feet and to raise their height from eleven feet to twelve feet. Its favored design would mimic the existing symmetry of the doorways but at the larger width and height. The Staff Report prepared by the District of Columbia Historic Preservation Office ("HPO") questioned the necessity for increasing the height of the door and criticized the proposal for excessive demolition of original features and for designing tall doors out of proportion with the rest of the façade. The Staff Report recommended that the Historic Preservation Review Board ("HPRB") find that the renovation was incompatible with the character of the landmark and thus inconsistent with the purposes of the Act.

¹ This opinion will constitute the findings and fact and conclusions of law required for decision in a contested case under the D.C. Administrative Procedure Act, D.C. Code § 2-509(e).

The HPRB heard the application at its meeting of January 26, 2012. Mr. Tim Dennee of the HPO expanded on the analysis in the Staff Report: "[T]he principal problem is that the ... opening of door with transom above gets very large ... in proportion to the remaining solid wall of he building. ... [I]t intrudes up into the gable of the building, and you've got ... this huge window and the huge doors." HPRB Transcript, p.5. Mr. Dennee argued for keeping the height of the doors at eleven feet, which would permit the retention of the existing fan windows. He suggested a number of design options, which incorporate wider doors with the existing fan windows, such as widening the doors one foot on each side. Anwar Iqbal, of Zivic and Hurdle Architects, testified about the reasons for the proposed design. Most fundamentally, FEMS has insisted that it needs a twelve foot height for safe operations. Moreover, widening the doors one foot on each side would leave too little room between the vehicles for safe operations by fire fighters with vehicle doors open. Id., p. 11-14. Mr. Ralph Cyrus, the project manager for DGS, pointed out that fire fighters would prepare to operate the vehicles with their doors open in emergency circumstances. Id., p. 15-16. HPRB members considered whether various design approaches might be compatible with the landmark and, in the end, adopted the Staff Report, while encouraging FEMS to consider the design options outlined in the Staff Report and to recommend alternatives to the Mayor's Agent. The U.S. Commission of Fine Arts approved the project through its consent calendar on February 17, 2012.

FEMS pursued it application to the Mayor's Agent as a project of special merit. A hearing was held on March 23, 2012. Battalion Fire Chief David Foust represented FEMS and argued that the needs in the area served by Engine Co. No. 29 have changed substantially over the years, requiring more varied equipment, and that new Federal exhaust emissions requirements require wider vehicles. Representatives from DGS and Mr. Iqbar, the architect, presented several new designs that they had discussed since the HPRB meeting with HPO. These adhered to the proposed increased width and height but suggested different relationships between the doors and arches to keep the arch apex below the gable pediment. FEMS continued to argue that its original design proposal was best because it most fully met their operational needs. Mr. Dennee for HPO essentially conceded that wider doors were justified by operational needs. MA Transcript, p. 40-41. But he expressed doubt about the need for greater height, pointing out that the tallest new ladder trucks proposed to be used by FEMS at Engine Co. No. 29 were ten feet four inches high at their highest point, the top of the rear tiller cab. Id., p. 43. He argued for retaining the current eleven foot height and widening the doors one foot on either side.

Chief Foust then addressed the question of the necessary height. He argued that FEMS possessed other ladder trucks that were ten feet eleven inches, and that higher doors at Engine Co. No. 29 would permit switching equipment during times when the vehicles primarily assigned to Engine Co. No. 29 were taken out of service for maintenance or repair. More generally, he argued that eight inches of clearance did not provide enough of a margin for future developments in equipment. Id., 51-53. DGS representatives added that the large public investment in the renovation justified providing a height margin for future needs. Witnesses for FEMS also

² The record was left open for further submissions on the height of equipment. FEMS submitted information confirming that the ladder trucks ordered for Engine Co. No. 29 were ten feet four inches, but that it had ordered for general use emergency vehicles that were over eleven feet. Chief Foust reiterated that FEMS needed flexibility to accommodate future equipment and to move vehicles among stations. "We really do need the 12 foot height." Email from David Foust to Tim Dennee, March 28, 2012.

disputed Mr. Dennee's suggestion that the doors could be widened inward, arguing that it would not leave sufficient space for safe operations by fire fighters with the doors open. The FEMS designs widened the doors outward.

The Mayor's Agent asked Mr. Dennee what design he would recommend if it were stipulated that the height of the doors would be twelve feet and the distance between the doors would remain unchanged. Id., p. 67. He stated that within those constraints, there was no very good design option and you could only "go down the rank order of bad solutions." Id. He went on to argue for "a preservation solution that says first do no harm or do as little harm as possible, and you take sort of a surgical approach. You keep the elements as much as possible the way they are now and change only what needs to be changed." Id., p.68. Thus, he suggested that the existing arch could be kept and the doors extended up into the arch and widened asymmetrically outward. Chief Foust remarked that such a building would look "very peculiar." Mr. Iqbar commented that while Mr.Dennee's suggestion would preserve some of the original arch, it would more radically change the look of the façade for the ordinary viewer by creating an unusual asymmetric relationship between the doors and the arch. ³

The DC Historic Landmark and Historic District Protection Act directs the Mayor's Agent to permit alterations to landmark buildings even when not "consistent with the purposes of the Act" if they are necessary to construct a project of special merit. D.C. Code §§ 6-1105(f) and 6-1102(a)(10). The Act explicitly declares: "In considering a claim of special merit, substantial rehabilitation or new construction for operational needs of a public safety facility shall constitute a public interest having significantly higher priority than that of historic preservation." Id. § 6-1108.1(g). The definition of public safety facility includes a "fire station." Id. § 6-1102(10A). "D.C. Code § 6-1108.1(g) makes rehabilitation of a firehouse for operational needs a project of special merit *per se*." *See* Engine Co. No. 28, 3522 Connecticut Ave., N.W., HPA No. 12-144, April 3, 2012, p. 3, at http://www.ll.georgetown.edu/histpres/decisions/hpa12-044.pdf.

In this case, there is general agreement that widening of the doors is necessary to accommodate new vehicles essential for continued operations at the fire house. FEMS and HPO have not been in agreement about whether it is necessary also to increase the height of the doors from eleven to twelve feet. The existing eleven foot high doors would accommodate the ladder trucks that FEMS will house there presently but with a rather small clearance and only when all equipment is properly retracted. Moreover, FEMS makes a persuasive claim that this once in a generation renovation should provide a necessary margin for accommodating other taller vehicles that may be housed there in the not distant future. The Mayor's Agent must take seriously the Act's command that the "operational needs of a [fire house have a] significantly higher priority than that of historic preservation." Accordingly, raising the height of the doors to twelve feet must be found necessary for safe and efficient operation of the fire house. Similarly, FEMS must be permitted to widen the doors outward rather than inward in order for fire fighters to perform operations safely between vehicles in emergency situations.

Once it is concluded that the doors must be twelve feet high and widened outward, design

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³ Judy Hubbard, Assistant Director for Constituent Services for Councilmember Mary Cheh, also appeared, to state that Councilmember Cheh, in whose ward Engine Co. No. 29 is located, supported the proposed renovation. Neither the ANC nor any community group offered views on the application.

choices become very challenging. HPO's view that the renovation should remove as little of the original fabric and design as possible provides a sound principle in many cases for constraining alterations "necessary" for projects of special merit. The Secretary of the Interior's Standards for Rehabilitation, which provides widely followed guidance for adapting historic properties, states: "The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided." In this case, however, retaining the existing arches and widening the doors outward into an asymmetric relation to the arches likely would create an incoherent façade failing to honor the important public service within. That this historic fire house will continue to house highly valued, modern fire protection and emergency services promotes preservation purposes by perpetuating an important civic spatial and visual link. FEMS's proposed design preserves that continuity through its continued use of symmetrical arched doorways within the existing façade, while acknowledging the realities of the larger vehicles that serve the public today. FEMS has made a thoughtful effort to accommodate preservation values while pursuing operational needs. HPO, while raising valid concerns, has been unable to suggest a better design solution. While earlier consultation between FEMS and HPO might have yielded a superior design satisfying both operational needs and preservation concerns, the recent changes in vehicle widths made that impracticable in this case. Mayor's Agent thus concludes that FEMS's proposal will do less damage to the historical significance of Engine Co. No. 29 than available alternative designs. This does not purport to reflect primarily an aesthetic judgment but only to determine what is necessary under the Act to construct this project of special merit.

D.C. Code § 6-1105(h) requires a finding that the owner has the ability to complete the project of special merit before a permit can be issued. DGS testified that funds for the renovation of Engine Co. No. 29 have been appropriated and that it is prepared to supervise the project using qualified workers. No concern has been raised about the government's capacity in this matter. Thus, the Mayor's Agent concludes that FWMS has the ability to complete this project.

ACCORDINGLY, it is ordered that the application for a permit to alter Engine Co. 28 as specified in the Pre-Hearing Submission of FEMS and as described in this Decision should be GRANTED for historic preservation purposes.

Date: May 2, 2012

J. Peter Byrne

Mayor's Agent Hearing Officer

Confirmed May 11, 2012

Harriet Tregoning

Director, Office of Planning

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Decision and Order was served this 11th day of May, 2012 by mailing a copy of the same *via* electronic mail or first-class, United States Postal Service mail, postage prepaid, to the following:

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Certifying Officer

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