

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR**

April 6, 2011



Joshua Temple First Born Church  
c/o Bishop Thson Rowe  
1013 Seventh Street, N.E.  
Washington, D.C. 20002

Re: 4318 Sheriff Road, N.E. - Lot 0051, Square 5097

Dear Bishop Rowe:

In connection with the Preliminary Design Review Meeting held on December 15, 2010, you have requested that I provide Joshua Temple First Born Church (the "Church") with my views as to the application of grandfathered parking as utilized in the Zoning Regulations to the circumstances of the above-referenced property and the use you have proposed.

You have advised me that the existing structure on the subject property was substantially destroyed by snow damage in the winter of 2010 and the Church intends to construct a new sanctuary building on the subject property. The subject property is located in a C-1 Zoning District and has a lot area of 4250 ft<sup>2</sup> with a 50-foot frontage on Sheriff Road, N.E. and no alley access at the rear of the property. The existing structure was over 100 years of age and there was no parking provided on the subject property. The most recent Certificate of Occupancy (No. B84276, issued on July 18, 1979 to Mount Calvary Baptist Church, Inc.) authorized the use of the subject property as a church with seating for sixty-five (65) persons. There is no indication in the official record whether the authorized capacity was based on fixed seats or floor area usable for seating. You have advised me that during the period of the Church's use of the subject property, there was no fixed seating.

Your architects have developed plans for a new sanctuary on the subject property which, like the demolished structure, will not provide any parking spaces. From my review of the Site Plan you have provided (A100 – Design Development 02/08/2011), the proposed structure will have one-story, will occupy 77% of the subject property, will have no side yards, will provide a 20-foot rear yard and have no fixed seating in the sanctuary. The proposed sanctuary building appears to comply with all requirements of the Zoning Regulations other than the parking requirements.

For a church, the parking is calculated on the basis of the number of fixed seats in the main sanctuary, or if there are no fixed seats, then on the basis of allowing one seat per 7 ft<sup>2</sup> of the floor area available for seating. Pursuant to § 2101.1 of the Zoning Regulations, one parking space is required for every ten (10) seats in the sanctuary. Based upon the above-referenced Certificate of Occupancy, the existing structure on the property would have required seven (7) parking spaces to satisfy the requirements of Chapter 21 of the Zoning Regulations. As it appears that the structure pre-dated the 1958 adoption of the Zoning Regulations which

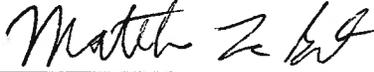
introduced parking requirements, the structure was grandfathered for those seven (7) parking spaces. In replacing the demolished church building, the church will be credited with those seven (7) grandfathered parking spaces and will therefore have to provide parking for any additional seating beyond sixty-five (65).

You have provided me with two Occupant Load Calculations based upon the requirements of §§ 1014.4.3 and 1025.9.1–9.4 of the *International Building Code (2006)*, which prescribes permissible safety standards for places of assembly, such as a church. The first layout shows the first floor of the building partitioned into a sanctuary and a fellowship hall with forty-five (45) seats in the sanctuary area (317 ft<sup>2</sup>). You have indicated that this configuration would be the most likely way in which the church would be used for Sunday worship. The second layout shows how the room partitions could be opened to permit a larger sanctuary by combining the area of the fellowship hall with the sanctuary. This second configuration would allow for one hundred and four (104) seats in the combined area (730 ft<sup>2</sup>).

The first layout with forty-five (45) seats in the sanctuary requires less parking than the number of grandfathered parking spaces credited to the Church (as discussed above), therefore there will be no further parking spaces required in order to build and utilize the Church in the manner proposed. The second layout with the sanctuary and the fellowship hall combined into a single place of assembly would according to the attached exhibit seat one hundred and four (104) persons, which would require a total of eleven (11) parking spaces. Since the Church can take credit for the seven (7) grandfathered spaces, in order to utilize the second layout the Church would have to seek a waiver of any parking requirement or provide four (4) off-site parking spaces, a circumstance which would require special exception or variance relief from the D.C. Board of Zoning Adjustment.

The Zoning Regulations do not provide any specific guidance in determining the parking requirement in a facility which is capable of two seating configurations, in this instance ranging from 45 to 104 seats. Although I accept your estimation that the smaller seating capacity would be the more likely to occur on any given Sunday, my judgment is to take the conservative approach and impose a parking requirement consistent with the maximum utilization of the proposed structure. In order to utilize the proposed building in the manner depicted in the attached exhibits, the Church will require zoning relief to either waive the parking requirement entirely or to obtain special exception or variance permission to locate the required parking spaces off-site.

If you have any questions, please do not hesitate to contact me.

Sincerely,   
Matthew LeGrant  
Zoning Administrator

cc: George R. Keys, Jr., Esq., Jordan & Keys PLLC  
1400 16<sup>th</sup> Street, N.W. – Suite 710, Washington, D.C. 20036

Filename: Determination ltr re 4318 Sheriff Rd NE to Rowe 4-6-11