

# ANC 2F | Community Development Committee Meeting

## MINUTES

WEDNESDAY  
JANUARY 24, 2018

7:00 P.M.

NT'L CITY CHRISTIAN CHURCH  
5 THOMAS CIRCLE, NW

## Attendance

### PRESENT

Commissioner Deeley (2F08)  
Scott Frost (2F03)  
Sarah Marcus (2F04)  
Greg Melcher (2F06)  
Commissioner Sylvester (2F07)  
Joel Heisey (At-Large)  
Helen Kramer (At-Large)  
John Long (At-Large)  
Jim Loucks (At-Large)

### ABSENT

Lou Cipro (2F02)  
Dave Feinstein (At-Large)  
Commissioner Rubin (2F05)

### GUESTS AND PRESENTERS

Thorn Pozen, GMP, LLP  
Warner Session, Session Law Firm  
Jesse Tarr, City Permit  
Jonathan Kuhn, Kuhn Architects

*\*denotes Committee member(s) not present for all votes*

Committee meeting **called to order** by CDC Chair Commissioner Kevin Deeley at **7:03 p.m.**

### Approval of Meeting Agenda

Helen Kramer moved to adopt the draft agenda without modification; the motion was seconded and adopted unanimously the Committee.

**Vote: 8-0-1**

### Approval of December 20, 2017 Meeting Minutes

Commissioner Deeley moved to adopt the draft December 20, 2017 meeting minutes without modification; the motion was seconded and adopted unanimously the Committee.

**Vote: 8-0-1**

## Old Business

[none]

## New Business

### New Bethany Baptist Church at 1300 10th St, NW

Thorn Pozen & Warner Session

#### *Request to support real property tax exemption*

Thorn Pozen and Warner Session, attorneys for the applicant, requested the Committee's support in adopting a resolution to request reinstatement of the church's real property tax exemption status for properties owned by the church between 10th and 11th Streets, NW and between O and N Streets, NW. Pozen and Session explained that the DC Office of Tax and Revenue (OTR) had invalidated the church's real property tax exemption status in 2016 and levied nearly one million dollars in back taxes due. The attorneys explained that OTR imposed this sanction because it concluded that the

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church had accommodated paid parking without the necessary use permission or business license on Church properties that had enjoyed tax-exempt status. The attorneys explained that the DC Council had adopted a bill that reversed OTR's imposition of back taxes but that this bill had not provided appropriations to fund the concomitant tax loss to the City. With the desire to explore future development opportunities on the sites, the church continues to seek forgiveness of the back taxes assessed by OTR via passage of a DC Council bill that included appropriations and reinstatement of the church's tax exempt status for the properties.

The Committee inquired about affordable housing requirements for development on the sites and the possibility of the applicant seeking a zoning modification; requested a copy of the original D.C. Council's bill related to this issue; and cited numerous examples of the church's failure to engage the community in conversations about how the church's use of the properties had negatively impacted neighbors. The Committee also raised the question of the appropriateness of using tax dollars to potentially fund a forgiveness of the back taxes due. The Committee inquired if the Church would sell any of its properties in order to pay the back taxes due.

Helen Kramer moved that the CDC recommend that the full ANC not support the church's request based on insufficient information about the development proposal, the church's past record of illegal commercial parking operations on the properties, and the church's failure to make related tax payments. Commissioner Melcher proposed that the Church withdraw its proposal before the Committee in favor of conducting consultations among the neighborhood in advance of further ANC consideration of the proposal. In response to Melcher's suggestion, the applicant agreed to withdraw the proposal, after which Kramer also withdrew her motion.

**No action taken**

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**1738 14th St, NW / Chicken & Whiskey (2F01)**

Jesse Tarr

*DDOT public space application for new unenclosed sidewalk cafe*

Jesse Tarr of City Permit, representative for the applicant, requested the Committee's support for an unenclosed sidewalk café similar to that of Pearl Dive and other nearby establishments. Tarr provided details on the sidewalk café, including occupancy, movability of fencing, relocation of the nearby USPS mailbox, and setback dimensions. Committee members expressed a preference for a bolted-down fence; inquired about the potential impacts of Dacha Beer Garden's line management plans; and clarified implications for amending Chicken & Whiskey's existing Settlement Agreement.

Joel Heisey moved that the CDC recommend that the full ANC support the application as presented for an unenclosed sidewalk café; the motion was seconded and adopted unanimously the Committee.

**Vote: 9-0 (unanimous)**

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**1217 12th St, NW (2F07)**

Jonathan Kuhn

*Historic concept/rear three-story addition to two-story row house*

Jonathan Kuhn, architect for the project, requested the Committee's support for removal of a non-contributing parking structure and the construction of a dogleg addition to the existing structure, resulting in an increase of two residential units for a new total of four residential units. The Committee inquired about access to the building; plans for the front yard; the incorrect line of sight on the plans; construction materials; and trash management plans. The adjacent neighbors (who own the properties on both sides) detailed their concerns with the project, principally related to the proposed scale of the project.

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Joel Heisey moved that the CDC recommend that the full ANC support the concept and massing of the project as proposed (provided that the site plans be corrected to show a six foot high line of sight), with a request that the applicant return to the CDC to present final design plans including construction material selection and that the applicant continue dialogue with the affected neighbors; the motion was seconded and adopted unanimously the Committee.

**Vote: 9-0 (unanimous)**

Meeting adjourned at **8:42 p.m.**