



# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Advisory Neighborhood Commission 2D

### Regular Meeting Minutes

June 19, 2017, 7:00 pm  
Our Lady Queen of the Americas Church  
2200 California Street NW

### Call to Order

Chairperson David Bender called the meeting to order at 7:03 pm.

### Establishment of Quorum

Commissioners David Bender (2D01) and Ellen Goldstein (2D02) were present, establishing a quorum. There were 20 residents and visitors in attendance.

### Approval of Agenda

Commissioner Goldstein moved to approve the meeting agenda. Chair Bender seconded the motion, which was voted on and passed (VOTES: 2-0-0).

### Approval of May 15, 2017 Meeting Minutes

Commissioner Goldstein moved to approve the May 15, 2017 minutes. Chair Bender seconded the motion, which was voted on and passed (VOTES: 2-0-0).

### Administrative and Financial Matters

#### Commissioner's Comments

Chair Bender said that the Historic Preservation Review Board's review of the project at 2206 Decatur Place NW has been deferred to July at the request of the applicant.

Chair Bender said that DC's Board of Ethics and Government Accountability (BEGA) is again issuing a ruling regarding ANC commissioner ethic responsibilities. He said that he is proposing that Commissioner Goldstein and himself consider a resolution regarding the ruling that would be sent to BEGA and the Office of Advisory Neighborhood Commissions (OANC).

Chair Bender moved to adopt the proposed resolution. Commissioner Goldstein seconded the motion, which was voted on and passed (VOTES: 2-0-0). The resolution reads as follows:

ANC 2D urges that the ANC commissioners not be included in the Code of Conduct as currently being proposed by the Board of Ethics and Government Accountability.

Commissioner Goldstein said that the two vacant Embassy of Pakistan properties in the neighborhood will be offered up for sale in a DC Government tax sale in July.

### Treasurer's Report

Commissioner Goldstein said that the current balance of the ANC's checking account is \$10,935.31.

Chair Bender moved to approve a reimbursement check to Commissioner Goldstein for \$59.92 for the purchase of office supplies and commissioner transportation. Commissioner Goldstein seconded the motion, which was voted on and passed (VOTES: 1-0-1).

### **DC Government Reports**

#### Metropolitan Police Department (Police Service Area 208)

Lt. Jerome Merrill, the Lieutenant for the Metropolitan Police Department's (MPD) Police Service Area (PSA) 208, gave an overview of the recent crime statistics for the neighborhood.

A local resident mentioned the instances of property intrusions that were recorded on the security cameras of the houses along Wyoming Avenue NW. Lt. Merrill said that MPD was reviewing the matter. He said that the intrusions appear to be isolated to the specific part of the neighborhood near Wyoming Avenue NW.

Lt. Merrill encouraged local residents to not leave any valuables in their cars in order to deter thefts from vehicles.

Commissioner Goldstein asked if MPD was still carrying out alley safety checks. Lt. Merrill said that officers on bikes continue to carry out alley safety checks.

#### Mayor's Office

*There were no updates regarding this matter.*

#### Councilmember's Office

Tom Lipinsky, a representative for Councilmember Jack Evans' Office, said that the DC Council recently approved the city's FY 2018 budget. He said that the budget is a \$13.8 billion budget, the largest budget in DC's history. He added that the budget will maintain the tax cuts that the DC Council previously committed to. He said that the budget also includes increased funding for DC's Commission on the Arts and Humanities.

Mr. Lipinsky said that the Washington Metropolitan Area Transit Authority's (WMATA) SafeTrack program ends this coming weekend. He said that new Metrorail and Metrobus service hours and fare increases will begin at the completion of SafeTrack.

Mr. Lipinsky said that the Embassy of Argentina property on R Street NW is no longer listed as a diplomatic property and, as a result, the property is being assessed for DC property taxes at the city's residential property tax rate. He said that the Embassy of Argentina has started paying the property taxes.

Chris Chapin, the President of the Sheridan-Kalorama Neighborhood Council, suggested that the DC Government find out if the Embassy of Argentina property on R Street NW was previously used as a Chancery, thereby allowing the property to be taxed at the higher commercial property tax rate.

## **Old Business**

### **Residential Permit Parking**

Chair Bender said that the ANC knows of a few instances where residential parking has been slower to be ingrained into the culture of individual residential blocks. He added that, in a few cases, the street signage has also needed to be adjusted.

Commissioner Goldstein said that the only new issue she has heard of is the slow process of removing the designated parking signs for non-chancery buildings that are owned by foreign missions.

Mr. Chapin said that it appears that parking availability in the neighborhood has increased as a result of the parking changes.

Chair Bender said that if local residents find any blocks that still do not have the correct parking signage, they should let the ANC know, as the ANC will alert the District Department of Transportation (DDOT).

Commissioner Goldstein said that DDOT's parking management team was very thorough and very helpful to work with.

## **New Business**

### **Home Improvement Permitting**

Andrew Wiley and Crystal Robinson, representatives for the Department of Consumer and Regulatory Affairs (DCRA), were present. Mr. Wiley said that he helps run DCRA's Homeowner's Center. He gave examples of the types of permitting projects that are able to be reviewed by the Homeowner's Center, including new driveways, drywall repair or replacement that is less than 500 square feet, new fences, retaining walls that are less than four feet in height, and other small projects.

Mr. Wiley also gave an overview of the types of walk-in permit applications that DCRA accepts. He said that DCRA's goal is to review walk-in permit applications the same day. He added that

DCRA's goal is to review intermediate projects within 21 business days and complex projects within 30 business days.

Mr. Wiley gave an overview of the partner agencies that applicants may also have to seek approvals from, including the Historic Preservation Review Board, DC Water, and DDOT's Public Space Committee.

Commissioner Goldstein asked about the review process for embassy and chancery construction projects. Mr. Wiley said that embassy and chancery construction projects still have to be submitted electronically through DCRA's ProjectDox application.

Chair Bender said that the Islamic Center of Washington has illegally constructed sheds on their parking lot but that no enforcement actions have been taken. Mr. Wiley said that he would look into the matter.

#### Cable TV, Film, Music & Entertainment

Andre Lee, the Program Support Specialist for the Office of Cable Television, Film, Music & Entertainment, said that he is the office's first community relations representative. He gave an overview of the mission of the office, which includes the regulation of cable services in the District of Columbia, as well as the creation of public cable programs for educational purposes.

Mr. Lee gave out his contact information to meeting attendees. He said that the office televises DC Council hearings. He said that the office also regulates DC's three cable providers: Comcast, Verizon, and RCN. He added that the office has emphasized attending more community events in order report on what is happening in the community.

Commissioner Goldstein asked when the Sheridan-Kalorama neighborhood would be hooked up for Verizon's FiOS service. Mr. Lee said that Verizon has agreed to complete the FiOS build-out of all of DC by 2019.

#### DC Oral History Collaborative

*This matter was tabled until a future ANC meeting.*

#### LED Street Lights

Chair Bender moved to adopt a proposed resolution regarding this matter. Commissioner Goldstein seconded the motion, which was voted on and passed (VOTES: 2-0-0). The resolution reads as follows:

WHEREAS, the District Department of Transportation (DDOT) has begun replacing conventional streetlights with energy-efficient LED lights,

WHEREAS, to date, DDOT has installed a mix of both 4,000 Kelvin and 5,000 Kelvin LED lights in select streetlights including in residential alleys throughout the District,

WHEREAS, a white LED with a temperature of 4000 Kelvin or 5000 Kelvin contains a high level of short-wavelength blue light,

WHEREAS, a year ago, in June of 2016, the American Medical Association (AMA) adopted guidelines regarding the harmfulness of high-intensity, blue-rich LED streetlights, saying that these high temperature lights create worse nighttime glare, inhibit human sleep cycles, and impact wildlife species, including insects, birds, and fish, and

WHEREAS, the AMA recommended, as part of their adopted guidance, that cities install LED streetlights with the lowest possible temperatures such as warm-white LED lights that are 3,000 Kelvin or less.

THEREFORE, BE IT RESOLVED that ANC 2D supports the work of the DC Street Light Task Force in advocating for the installation of lower-intensity LED streetlights across the city.

BE IT FURTHER RESOLVED that ANC 2D urges each department of the District Government to not issue permits allowing businesses, houses of worship, medical facilities, and other commercial establishments from installing LED-lighted signs, which have a negative impact on residential streets.

BE IT FURTHER RESOLVED that ANC 2D requests that the District Department of Transportation install 2700 Kelvin LED bulbs as part of the streetlight replacement process and that the Department of Consumer and Regulatory Affairs (DCRA) not issue permits for the placement of LED lighted signs with an intensity greater than 2,700 Kelvin in residential neighborhoods.

#### Mitchell Park Day

Chair Bender moved to support the park permit application for Mitchell Park Day. Commissioner Goldstein seconded the motion, which was voted on and passed (VOTES: 2-0-0). The resolution reads as follows:

ANC 2D supports the Friends of Mitchell Park's park permit request to hold the Mitchell Park Annual Fun Day event in Mitchell Park on Sunday, October 29th, 2017 from 2:30 pm to 5:00 pm.

#### District's Death with Dignity Act

Chair Bender moved to adopt a proposed resolution regarding the matter. Commissioner Goldstein seconded the motion, which was voted on and passed (VOTES: 2-0-0). The resolution reads as follows:

WHEREAS, in recommended language for the Congressional appropriation act for the District of Columbia's Fiscal Year 2018 Budget, President Trump proposes that "None of

the funds made available by this Act may be used to carry out the Death with Dignity Act of 2016 (D.C. Law 21–577) or to implement any rule or regulation promulgated to carry out such Act" (Appendix Sect. 818, available at <https://www.govinfo.gov/content/pkg/BUDGET-2018-APP/pdf/BUDGET-2018-APP.pdf>, at p. 1149),

WHEREAS, if enacted, this provision would bar use of local funds during Fiscal Year 2018, beginning October 1, 2017, to implement the District of Columbia's Death with Dignity Act,

WHEREAS, the Death with Dignity Act reflects the District's vigorous debate of this controversial legislation, including local hearings, intensive scrutiny, and amendments before its final approval by the Council of the District of Columbia and the Mayor,

WHEREAS, the proposed Budget appropriations act would dictate how the District's local funds can be spent, disregarding District legislation that asserts its budget autonomy,

WHEREAS, President Trump's proposed appropriation act language raises constitutional issues as to federal government power, federal government overreach, and violation of rights reserved to the people of the United States,

WHEREAS, proponents of this language presumably rely on the "District Clause" in the Constitution, Article I, Section 8, Clause 17, which provides that Congress shall have power "[t]o exercise exclusive Legislation in all Cases whatsoever, over such District . . . as may . . . become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings,"

WHEREAS, this provision has historically been -- and should now be -- construed as intended only to authorize Congress to protect the security interests of the federal government, not to second guess the local government of the District of Columbia on local issues,

WHEREAS, President William Henry Harrison affirmed this limitation in his March 4, 1841 inaugural address, which continues to be valid today:

The people of the District of Columbia are not the subjects of the people of the States, but free American citizens. Being in the latter condition when the Constitution was formed, no words used in that instrument could have been intended to deprive them of that character. If there is anything in the great principle of unalienable rights so emphatically insisted upon in our Declaration of Independence, they could neither make nor the United States accept a surrender of their liberties and become the "subjects" -- in other words, the slaves -- of their former fellow-citizens. If this be true -- and it will scarcely be denied by anyone

who has a correct idea of his own rights as an American citizen -- the grant to Congress of exclusive jurisdiction in the District of Columbia can be interpreted . . . as meaning nothing more than to allow to Congress the controlling power necessary to afford a free and safe exercise of the functions assigned to the General Government by the Constitution. In all other respects the legislation of Congress should be adapted to their peculiar position and wants and be conformable with their deliberate opinions of their own interests.

WHEREAS, if the District Clause were interpreted to empower the federal government to forbid the District to implement its Death with Dignity Act, that same Clause 17 would empower the federal government to forbid implementation of similar laws inside federal Forts, such as Fort Pendleton, California (one of the states with a Death with Dignity law),

WHEREAS, President Trump's proposed budget does not claim, much less demonstrate, that its proposed appropriation act language protects any security interest of the federal government,

WHEREAS, in addition, the Bill of Rights Amendments approved immediately after the original Constitution limit federal powers in order to block tyranny and federal overreach, and the Tenth Amendment specifically provides that "[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,"

WHEREAS, nothing in the Constitution suggests that "the people" excludes Americans who happen to reside in the District of Columbia or that the people protected from governmental tyranny or overreach must reside in one of the States, and even without statehood or a vote in Congress, "the people" living in the District of Columbia retain those powers that are not expressly delegated to the federal government in the Constitution,

WHEREAS, Death with Dignity issues are best resolved locally, rather than by the federal government acting through the President and Congress, as they have in six states,

WEHEREAS, the District's Death with Dignity Act was modeled on Oregon's law and requires important implementing features such as monitoring, data collection, and annual reporting by the Department of Health, which are important to both supporters and opponents of the legislation, and a prohibition on using local funds for this purpose in Fiscal Year 2018 would set a precedent against funding for responsible monitoring in future years (even if startup funding can be expended before Fiscal Year 2017 ends).

THEREFORE, BE IT RESOLVED that ANC 2D requests, on behalf of the District of Columbia residents that it serves:

1. That our elected non-voting Delegate to the U.S. House of Representatives, together with our elected Mayor, Council of the District of Columbia, Attorney

General, and Statehood delegation should object to, oppose, and seek defeat of the proposed appropriation act language that would prohibit expenditures to implement the Death with Dignity Act and that they seek to enlist support of fellow Americans who have voting representation in the U.S. Congress;

2. That Congress should not approve President Trump's proposed appropriation act language that would preclude the District from using local funds to implement the Death with Dignity Act; and

3. That Congress should not extend the federal government's reach to dictate matters unrelated to the security interests of the federal government, which the Constitution reserves to the people of the District.

#### Property Survey Sheridan-Kalorama: Foreign and Domestic

Commissioner Goldstein moved to adopt a proposed resolution regarding the matter. Chair Bender seconded the motion, which was voted on and passed (VOTES: 2-0-0). The resolution reads as follows:

WHEREAS, ANC 2D engages the community and local decision--makers on a wide range of public policy matters,

WHEREAS, ANC 2D would be well-served by having additional information and research at its disposal on such public policy matters, and

WHEREAS, a public policy and research internship position could better assist the commission in its decision--making and actions.

THEREFORE, BE IT RESOLVED that ANC 2D approves the engagement of an intern to assist the commission as set forth in the attached “ANC 2D Public Policy & Research Internship – Job Description” and be compensated by a \$500 stipend.

BE IT FURTHER RESOLVED that the intern may be also reimbursed for reasonable expenses related to the intern’s job description—including, but not limited to, online research fees or printing costs—subject to the approval of the Chair and Treasurer.

BE IT FURTHER RESOLVED that, upon completion of the ANC 2D property survey, all information gathered in the process of completing the survey shall belong to and be the sole property of ANC 2D.

BE IT FURTHER RESOLVED that ANC 2D may wish to develop a follow-up project related to the findings and conclusions of this survey, or other important issues.

BE IT FURTHER RESOLVED that ANC 2D designates Commissioner Goldstein to serve as the “Intern Coordinator” as described in the job description.



### **Announcements**

Holly Sukenik, the Vice President of the Friends of Mitchell Park, said that the organization's newsletter was recently published. She encouraged local residents to reach out to her if they did not receive it. She added that the organization's next Film in the Field event will be the showing of the "Raiders of the Lost Arc" at 8:40 pm on Thursday, July 13th at Mitchell Park, 1801 23rd Street NW.

### **Open Comments**

Commissioner Goldstein said that a recent rankings list ranked DC as being among the nation's best city park systems.

### **Date of Next Meeting**

Chair Bender said the next ANC meeting will on Monday, September 18th at 7:00 pm at Our Lady Queen of the Americas Church, 2200 California Street NW.

### **Motion to Adjourn**

Chair Bender adjourned the meeting at 8:48 pm.