

**FILE**  
**Government of the District of Columbia**

OFFICE OF THE CORPORATION COUNSEL

DISTRICT BUILDING

WASHINGTON, D. C. 20004



IN REPLY REFER TO:  
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(92-061-L) (LCD-6087)

March 10, 1992

Patricia Wamsley  
Chairman  
Advisory Neighborhood Commission 3-C  
2737 Devonshire Place, N.W.  
Washington, D.C. 20008

Re: Request for legal advice concerning the  
application of 11 DCMR § 2514 by the Board  
of Zoning Adjustment in BZA Case No. 15630

Dear Ms. Wamsley:

This is in response to your February 25, 1992 letter in which you request the views of this Office concerning the authority of the District of Columbia Board of Zoning Adjustment (BZA) under 11 DCMR § 2514. You state in your letter that the "Zoning Office" has disagreed with ANC 3-C's interpretation of 11 DCMR § 2514.2(d) which gives the BZA the authority to impose conditions on the granting of special exception relief with regard to a lot that straddles two different zoning districts.

In requesting the legal advice of this Office, you cite section 3(e) of the Advisory Neighborhood Commission Amendment Act of 1990, effective March 6, 1991, D.C. Law 8-203. This section, inter alia, amended § 15(d) of the Advisory Neighborhood Councils Act of 1975 to read in pertinent part:

(3) The Mayor shall provide assistance to the Advisory Neighborhood Commissions in the following areas:

(A) Legal interpretation of statutes concerning or affecting the Commissions, or of issues or concerns affecting the commissions. These interpretations are to be obtained from the corporation Counsel and may be requested directly by any Commission.

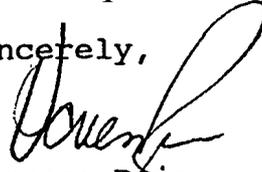
See D.C. Code § 1-263 (d) (3) (A) (1991 Supp.).

This language was added to Bill 8-626, the Advisory Neighborhood Commission Act of 1990, by an amendment offered by Councilmember Lightfoot at the second reading of the bill on December 4, 1990. In support of this amendment Councilmember Lightfoot stated that "the corporation Counsel gives the ANC legal advice," and "this amendment would codify this existing practice." Transcript of 47th Legislative Meeting, Council Period VIII, December 4, 1990, p. 27. Councilmember Rolark then asked Mr. Lightfoot: "Legal opinions on what?" Mr. Lightfoot responded: "The Mayor, at this time through the corporation Counsel, provides legal opinions [to ANCs] about their activities and that would continue." *Id.*, at p. 28; emphasis added.

Title 11 DCMR § 2514 is not a regulation concerned with or affecting the activities of Advisory Neighborhood Commissions. Moreover, the existing practice of this Office is and has been to render legal advice to ANCs only as to matters affecting the rights, duties, and obligations of the Commissions as those rights, duties, and obligations are set forth in statutory provisions, regulations, Commission by-laws, or Robert's Rules of Order.

Accordingly, § 15(d) (3) (A) of the Advisory Neighborhood Councils Act of 1975, D.C. Code § 1-263(d) (3) (A) (1991 Supp.), does not provide for legal advice of the type you have requested. Moreover, it would, generally speaking, be inappropriate for this Office to provide an advisory opinion concerning the proper interpretation of a section of the Zoning Regulations in a case pending before the BZA, absent a request from the BZA itself.

Sincerely,



Vanessa Ruiz  
Deputy Corporation Counsel, D.C.  
Legal Counsel Division

cc: The Honorable James Nathanson  
Council of the District of Columbia

Warren Graves, Director  
Office of constituent Services