

# Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL  
DISTRICT BUILDING  
WASHINGTON, D. C. 20004



IN REPLY REFER TO:  
L&O:LNG:pmcK  
LCD-2105 (86-425)

January 6, 1987

J. George Frain  
Secretary  
18th and Columbia Road Business  
Association  
1789 Lanier Place, Northwest  
Washington, D.C. 20009

In Re: Complaint regarding ANC 1-C and  
Zoning Commission Case No. 86-12.

Dear Mr. Frain:

This is in response to your December 23, 1986 letter to Acting Corporation Counsel James R. Murphy in which you complain that ANC 1-C violated District of Columbia law by failing to give proper notice of an ANC 1-C public meeting at which recommendations were adopted concerning the proposed rezoning of property in the Adams-Morgan area in Zoning Commission Case No. 86-12.

Under D.C. Code §§ 1-261(a) and (d) (1981), an Advisory Neighborhood Commission (ANC) may advise a District agency through the timely submission of "written recommendations." The agency is required to give "great weight" to, i.e., to discuss, in the written rationale for its decision, the relevant issues and concerns raised in the ANC's written recommendations. Kopff v. D.C. Alcoholic Beverage Control Board, 381 A.2d 1372, 1383-1385 (D.C. 1977); Friendship Neighborhood Coalition v. D.C. Board of Zoning Adjustment, 403 A.2d 291, 294-295 (D.C. 1979). Under D.C. Code § 1-261(d) (1981), written recommendations may properly be adopted only at an ANC public meeting at which a majority of the commission members are present and voting, and concerning which notice has been given in accordance with D.C. Code § 1-262(c) (1986 Supp.). That section provides:

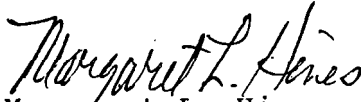
(c) Each commission shall give notice of all meetings or convocations to each commission member and residents of the commission area no less than 7 days prior to the date of such meeting. Shorter notice may be given in the case of an emergency or for other good cause. Notice of regular and emergency meetings may be given by:

- (1) Posting written notices in at least 2 conspicuous places in each single-member district within the commission area;
- (2) Publication in a city or community newspaper;
- (3) Mailing notice to a mailing list;  
and
- (4) In any other manner directed by the commission.

Thus, if ANC I-C's notice of the public meeting at which Zoning Commission Case No. 86-12 was discussed and voted upon did not meet the above-quoted notice requirement, the written recommendations that resulted from that meeting in regard to Zoning Commission Case No. 86-12 need not be given "great weight" by the Zoning Commission, i.e., need not be specifically discussed by the Zoning Commission in its written decision.

In the last paragraph of your letter you request referral of this matter to the United States Attorney for the District of Columbia, Mr. Joseph diGenova, if the Acting Corporation Counsel finds that ANC I-C has violated ANC statutory requirements. Any such finding should be made by the Zoning Commission or in an appropriate forum where the facts can be fully developed. It does not appear that referral to the United States Attorney's Office would be appropriate, since that Office does not deal with matters such as whether an ANC did or did not satisfy the notice requirement of D.C. Code § 1-262(c) (1986 Supp.) with respect to its public meeting on Zoning Commission-Case No. 86-12.

Sincerely,



Margaret L. Hines  
Deputy Corporation Counsel, D.C.  
Legal Counsel Division

cc: Edward G. Jackson, Sr.  
Chairman ANC 1-C