

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

July 29, 2016

VIA EMAIL (www.anc3e.org) AND US MAIL

Mr. Jonathan Bender
Chairperson, ANC 3E
c/o Lisner-Louise-Dickson-Hurt Home
5425 Western Avenue, NW
Washington, DC 20015

Re: Valor Development

Dear Mr. Bender:

Thank you for your letter of July 29, 2016, requesting a legal opinion. I appreciate your concern about development. The first question you pose, concerning the potential matter of right development for the site, is something that only the Zoning Administrator can answer. The second question, as to whether the Zoning Commission's new design review process can be used to approve a transfer of density between lots, is something that the Zoning Commission would decide if the issue was raised by a party (including ANC3E), the Office of Planning or this office. I understand that no such design review application has been filed. Should such an application be filed, this office will review the full application and all submitted plans. Any advice given to the Zoning Commission would be attorney client privileged as we represent that entity.

I am sorry this office could not be of assistance in this matter. Should you have any questions concerning the scope of rights and duties of ANCs, please feel free to contact us again.

Sincerely,

Karl A. Racine / by NOC

Karl A. Racine
Attorney General for the District of Columbia