

**DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

Appeal by Burleith Citizens Association

BZA Appeal No. 21314

**D.C. DEPARTMENT OF BUILDINGS' PRE-HEARING STATEMENT**

District of Columbia Department of Buildings (“DOB”) submits this pre-hearing statement in response to the appeal of the Burleith Citizens Association (“BCA” or “Appellant”) and states as follows:

**I. INTRODUCTION**

This appeal challenges the Zoning Administrator’s zoning approval of Building Permit B2308807 (“Building Permit”) and her subsequent clarification of the sensible and longstanding practice of excluding light poles from zoning review. The Building Permit was issued for the purpose of improving the District of Columbia-owned and -operated recreational facilities at 1700 38<sup>th</sup> Street NW (SSL: 1307 - - 0859) (“Duke Ellington Field”) in the R-3/GT Zone. The improvements include the renovation of two existing field houses, an upgraded running track and field surface, soil stabilization, and the subject of this appeal – the installation of new field lights.

Appellant asserts that these new field lights run afoul of 11-D DCMR § 203.5, which requires that buildings or structures may be erected to a height not exceeding 90 feet provided that they are set back an equal distance from all lot lines. However, as discussed further below, because light poles are not considered “structures” as defined in the Zoning Regulations, they are not subject to the cited regulation.

The Zoning Regulations must be applied consistently and logically to “promot[e] the public health, safety, morals, convenience, order, prosperity, and general welfare” in the District of

Columbia. 11-A DCMR § 101.1. Not every object affixed to the ground should be, can be, or is regulated by the Zoning Regulations.

## **II. QUESTION PRESENTED**

1. Should light poles, with their negligible mass and occupancy footprint, and lack of symbolic purpose, be considered “structures” as defined by 11-B DCMR § 100.2 – Structures?

## **III. PROPERTY AND PROJECT HISTORY**

Duke Ellington Field has existed as long as the neighborhood itself. The land was conveyed by Shannon & Luchs Construction Company to the District of Columbia by Deed recorded among the Land Records on January 12, 1928. **DOB Exhibit A.** The Commissioners of the District of Columbia closed certain alleys and a portion of R Street NW to create the space “to be used as a part of the Western High School Athletic Field” by plat recorded with the Office of the Surveyor on August 7, 1930. **DOB Exhibit B.** For the last 95 years, Duke Ellington Field has been dedicated to use as an athletic field and a recreational facility by and for citizens of the District of Columbia.

In recent years, the field and its facilities fell into disrepair. In response to community requests, the District of Columbia began planning significant renovations to Duke Ellington Field. The Department of General Services (“DGS” or “Intervenor”) and the Department of Parks and Recreation (“DPR”) conducted extensive community outreach in anticipation of this project. This outreach included multiple community meetings. All aspects of the project were discussed at these meetings, including the operation of the field lights. DGS and DPR provided plans, design concepts, traffic statements, and parking studies to address community concerns.<sup>1</sup> Additionally,

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<sup>1</sup> DGS maintains a website containing all such presentations and documentation, as well as multiple meeting recordings here: <https://dgs.dc.gov/page/field-houses-and-track-duke-ellington-field-phase-ii>

photometric studies were provided to demonstrate the impact of the lights when operational.<sup>2</sup> After this extensive outreach, DGS applied for the Building Permit, which was subsequently issued on February 14, 2025. **DOB Exhibit C.**

DGS provided a thorough factual and procedural history in its September 18, 2025, Pre-hearing Statement. **Exhibit # 17.**

#### **IV. ARGUMENT**

The Zoning Administrator’s statement of the longstanding District-wide interpretation that light poles are excluded from the definition of “structure” reflects careful and practical consideration about the substance and impacts of the Zoning Regulations, and not the formulaic and mechanical approach advocated by Appellant.

DGS’s Prehearing Statement accurately describes DOB’s position. **Exhibit # 17.** To avoid unnecessary duplication, DOB adopts and incorporates the Argument as if fully set forth herein.

In addition, Intervenor provides several examples of light poles installed at multiple projects throughout the District. The four examples are accurate, but one need not only look to higher density areas to find examples of light poles similar to those at Duke Ellington Field. This interpretation is District-wide and not just confined to RF and RA zones. Light poles not considered structures have also been erected at the following R-zoned locations:

- **Jelleff Community Center** – 3265 S Street NW (R-1B/GT)
- **Guy Mason Community Center** – 3600 Calvert Street NW (R-1B/NO)
- **Taft Dwight Moseley Field** – 1800 Perry Street NE (R1-B)
- **Jackson Reed High School** – 3950 Chesapeake Street NW (R1-B)
- **Takoma Community Center** – 300 Van Buren St NW (R-3)

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<sup>2</sup> Available here: <https://app.box.com/s/bd5mkbjtkqihwvofqxmwl1ayi8h30cz5>

These examples, those provided by DGS in their statement, and countless others throughout the city are critical to providing District residents with access to recreational programs and services as well as supporting youth athletics in a dense urban environment.

**V. CONCLUSION**

For the foregoing reasons, as well as those articulated by DGS in their September 17, 2025, Prehearing Statement, DOB requests that the Board reject the appeal of the BCA. The Zoning Administrator’s interpretation of the word “structure” to exclude light poles fits the context and objectives of the Zoning Regulations as a whole, *i.e.*, “the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare . . .” in the District of Columbia.

Respectfully submitted,

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Date: 10/22/2025

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 2025, a copy of the foregoing was served via electronic mail to:

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BZA Appeal No. 21314 – DOB’s Pre-Hearing Statement

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