

EXHIBIT A

Re: Zoning - Building Permit # B2308807

DC Department of Buildings <dob@dc.gov>

Fri, Mar 7, 2025 at 6:11 PM

Reply-To: dob@dc.gov

To: michael.mcduffie@gmail.com

Good evening Mr. McDuffie:

Yes, this is OZA's final determination, and yes, a homeowner like yourself in this zone could erect a 89-foot high light pole in your back yard without meeting the setback requirement of D-203.5.

Best regards,
Kathleen

Kathleen A. Beeton, AICP | Zoning Administrator

The Department of Buildings

kathleen.beeton@dc.gov | 1100 4th St SW, DC 20024
main: 202.671.3500 | desk: 202-442-4559 | cell: 202-705-3304
dob.dc.gov



On Fri, Mar 7, 2025 at 5:37 PM <michael.mcduffie@gmail.com> wrote:

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Zoning Administrator Beeton:

Thank you for your response. While I cannot agree that the definition of structure should be read in such a limited fashion given that the language "including, among other things" explicitly extends the ambit of the definition beyond the items listed, I do want to make sure I understand OZA's position with a couple of clarifying question: if a mid-block row homeowner--like myself--in the same zone as 1700 38th Street NW (R-3/GT) wanted to erect 89-foot lighting poles in their backyard, is it OZA's position that 11 DCMR D-203.5 does not apply because the lighting poles do not fit within the definition of structure and thus the homeowner may do so by right even if they could not meet the setback requirement of 203.5? But if the same homeowner wanted to erect an 89-foot flag pole, they could not do so by right because flag pole is among the items explicitly listed in the definition of structure and would thus run afoul of the setback requirement in 203.5? Do I have OZA's position correct?

Thank you.

Michael McDuffie

On Fri, Mar 7, 2025 at 4:34 PM <dob@dc.gov> wrote:

Good morning Mr. McDuffie:

Thank you for contacting the Department of Buildings regarding your concern that the light poles to be installed at Duke Ellington Park violate 11 DCMR D-203.5 of the zoning regulations which requires:

203.5

A [building](#) or [other structure](#) may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of [stories](#); provided that the [building](#) or [structure](#) shall be removed from all [lot lines](#) of its [lot](#) a distance equal to the height of the [building](#) or [structure](#) above the adjacent natural or [finished grade](#), whichever is the lower in elevation.

Pursuant to 11 DCMR B-100 the definition of structure is:

Structure: Anything constructed, including a [building](#), the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and [retaining walls](#). The term structure shall not include mechanical equipment, but shall include the supports for mechanical equipment. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

Because the definition of "structure" does not include light poles among the items specifically listed, the Office of Zoning Administration does not consider the proposed light poles to be structures and therefore are not subject to the setback requirements of D-203.5. The OZA confirmed this has been the long-standing interpretation of the office with regard to light poles throughout the District.

You mentioned a BZA case #19293 for Gonzaga High School where the applicant sought relief for the proposed light poles at the field. In the summary Order approving the light poles and the expansion of the number of faculty staff and staff for the private school, the Order clearly states "The zoning relief requested in this case was self-certified [meaning that the applicant did not seek a determination by the Zoning Administrator regarding whether the relief was required], pursuant to 11 DCMR Section 3113.2 (Exhibit 3). In granting the certified relief, **the Board of Zoning Adjustment ("Board" or "BZA") made no finding that relief is either necessary or sufficient.** [emphasis added]" If the applicant or BZA had requested a determination by the ZA, they would have been advised that OZA did not consider the light poles to be "structures" subject to zoning regulation. Additionally, if that were not the case, there would have been many more applications to the BZA seeking relief for light poles in athletic fields and recreation centers across the District.

Based on the foregoing, OZA has determined that the issuance of B2308807 for the improvements to the Duke Ellington Park is consistent with the applicable zoning regulations.

If you believe otherwise, you may appeal the decision to issue the building permit to the BZA pursuant to 11 DCMR Y-302.2, which must be filed with the BZA not later than 60 days after the person who is appealing the administrative decision had notice or knowledge of the decision, as set forth below:

302.2

A zoning appeal shall be filed within sixty (60) days from the date the person appealing the administrative decision had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier.

If you have any questions, please let me know.

Best regards,
Kathleen

[Quoted text hidden]

EXHIBIT B

B

Department of Buildings

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 671 - 3500



THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE
ADDRESS OF WORK UNTIL WORK IS COMPLETED AND APPROVED

PERMIT NO.: B2308807



Issue Date: 2/14/2025

Expiration Date: 02/14/2026

Address of Project: 1700 38TH ST NW	Zone: R-20	Ward: 2	Square: 1307	Suffix: 	Lot: 0859
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Permit Restrictions: HERITAGE/SPECIAL TREES, HPRB

Permission Is Herby Granted To: District Of Columbia	Owner Address: 2000 14TH ST NW 8TH FLOOR WASHINGTON, DC 20009	PERMIT FEE: \$27,328.95
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Permit Type: Alteration and Repair	Existing Use: Other (Specify)	Proposed Use: Other (Specify)	Building Construction Type: TYPE II - Non-Combustible Construction	Floor(s): 1
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Agent Name / Address: Clifford Dixon 2120 South Pollard Street Arlington, VA 22204	Contractor Name / Address : KADCON CORPORATION 1053 31ST ST NW WASHINGTON, DC 20007	Existing Dwell Units: 0	Proposed Dwell Units: 0	No. of Stories: 1
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Description Of Work: DGS DUKE ELLINGTON PARK RENOVATIONS TO INCLUDE FIELD REPLACEMENT AND INTERIOR FIELD HOUES RENOVATIONS.

Conditions/ Restrictions:

DOEE Pre-Construction Inspection: Before starting any land-disturbance activities, you must complete a pre-construction inspection with DOEE. To schedule the inspection, visit <https://doee.dc.gov/SGS>, select "Request a Pre-Construction Inspection," and attach a copy of the issued Department of Buildings (DOB) permit.

This permit expires if no approved inspections have occurred within one year after the issuance date on this permit or 180 days for structures built under the Residential Code. A permit extension must be requested before the expiration of this permit.

As a condition to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District government, and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property to inspect all work authorized by this permit, and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this permit must start within one (1) year of the date appearing on this permit or

If this permit was issued to a building built before 1978,
it is subject to full compliance with the Lead-Hazard Prevention and Elimination Act, its associated regulations, and the EPA Lead Renovation, Repair and Painting Rule. To determine how to comply, visit the Department of Energy and Environment's Lead-Safe and Healthy Housing Division website at <https://doee.dc.gov/service/environmental-applications-licenses-and-permits> or contact them at (202) 535-2600 prior to beginning work under the permit. For more information on how to comply with EPA visit <https://www.epa.gov/lead>.

Brian J. Hanlon, AIA LEED AP® *Brian J. Hanlon*
Director

Permit Clerk **TCARRINGTON**

DC INSPECTOR GENERAL HOTLINE: If you are aware of corruption, fraud, waste, abuse, or mismanagement involving any DC Government agency, official or program, contact the Office of the Inspector General 202-727-0267 or 1-800 521-1639 (toll free). All reports are confidential and you may remain anonymous by law. Government employees are protected from reprisals or retaliation by their employers for reporting to t information you provide may result in an investigation leading to administrative action, civil penalties, or criminal prosecution in appropriate cases.

To schedule a CONSTRUCTION INSPECTION or for INQUIRIES CALL (202) 442-9557

Call Miss Utility at 811 or 1-800-257-7777 at least 48 Hours prior to excavation to obtain a ticket. www.missutility.net/wshingtondc/dcstatelaw.asp

EXHIBIT C

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19293-A of Gonzaga College High School, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for variances from the height requirements under § 400.1, and the height requirements under § 770.1, and a special exception from the private school requirements under § 206.1, to permit the installation of four approximately 90-foot-tall monopole light arrays to serve existing athletic fields on the campus of a private school and to increase the existing limit on faculty and staff at the private school from 120 to 125 in the R-4/C-2-A District at premises 19 I Street N.W. (Square 622, Lots 93, 844-845).

HEARING DATE: July 19, 2016
DECISION DATE: July 19, 2016

CORRECTED¹ SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 3.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. ANC 6E

¹ The original order in Case No. 19293 was corrected to clarify the relief approved by the Board which included variances from the height requirements under § 400.1 and the height requirements under § 770.1, and a special exception from the private school requirements under § 206.1, to permit the installation of four approximately 90-foot-tall monopole light arrays to serve existing athletic fields on the campus of a private school and to increase the existing limit on faculty and staff at the private school from 120 to 125. The caption has been changed accordingly. Other than editorial changes to be consistent with the revised caption, no other changes to the Order have been made.

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

BZA APPLICATION NO. 19293-A**PAGE NO. 2**

submitted a report in support of the application, which indicated that at a duly noticed and regularly scheduled meeting of the ANC on May 3, 2016, at which a quorum was present, the ANC voted 6:0:0 to approve the application with the condition that the lights be turned off each evening by 10:00 p.m. (Exhibit 30.)

The Office of Planning (“OP”) submitted a timely report and testified in support of the application with one condition. (Exhibit 26.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 27.)

A resident of the neighboring apartment building, James Wright, testified in opposition to the application. A statement in opposition was submitted by Alana Toabe, a tenant at an abutting property. (Exhibit 34.)

Variance Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for area variances from the height requirements under § 400.1, and the height requirements under § 770.1, to permit the installation of four approximately 90-foot-tall monopole light arrays to serve existing athletic fields on the campus of a private school. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a variance from 11 DCMR §§ 400.1 and 770.1, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception from the private school requirements under § 206.1 to permit the installation of four approximately 90-foot-tall monopole light arrays to serve existing athletic fields on the campus of a private school and to increase the existing limit on faculty and staff at the private school from 120 to 125. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§

BZA APPLICATION NO. 19293-A

PAGE NO. 3

3104.1 and 206.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBITS 25A1-25A2 AND THE FOLLOWING CONDITION:**

1. The athletic field lights shall be turned off no later than 10:00 PM.

VOTE: **4-0-1** (Anita Butani D'Souza, Frederick L. Hill, Jeffrey L. Hinkle, and Marcie I. Cohen, to APPROVE; Marnique Y. Heath, not present or participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: August 1, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

BZA APPLICATION NO. 19293-A
PAGE NO. 4

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

EXHIBIT D

Zoning Issue - Building Permit # B2308807

DC Department of Buildings <dob@dc.gov>
Reply-To: dob@dc.gov
To: michael.mcduffie@gmail.com

Mon, Jun 10, 2024 at 9:18 AM

Dear Michael McDuffie,

Thank you for contacting the Office of the Zoning Administrator (OZA) within the Department of Buildings (DOB). Please accept my apologies for the late reply. I will encourage you in the future to send your inquiries through dob@dc.gov, our customer service platform instead of regular emails.

I have reviewed the proposed lighting pole and am in agreement with you for potentially violating the provisions of D-203.5. I have asked for Zoning to be added back to the pending permit and will ask for the permit applicant to demonstrate compliance with the section above. Let me know if you have additional questions or concerns.

Regards,

Mamadou Ndaw | Supervisory Zoning Technician,
Office of Zoning Administration
The Department of Buildings
[1100 4th St SW, Washington , DC 20024](https://www.dob.dc.gov/1100-4th-st-sw-washington-dc-20024)
Desk Phone: 202 442-4627 **|**Mobile 202-805-8372
dob.dc.gov



On Wed, Jun 5, 2024 at 5:13 PM <dob@dc.gov> wrote:
Automatic Notification of New Conversation

On Wed, Jun 5, 2024 at 5:12 PM <michael.mcduffie@gmail.com> wrote:

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I write to inquire as to the circumstances of the zoning review of the new proposed lighting for Ellington Track and Field (1700 38th Street NW) for Building Permit App #B2308807. As set forth below, my understanding is that this proposed-to-be-added lighting requires relief from the BZA because the lighting is a non-institutional structure that is not sufficiently set off from the lot lines for the proposed height of 80 feet per Subtitle D, Section 203.5.

Zoning Review Status

These issues were first raised a few months ago in March 2024 with the zoning reviewer initially assigned to review the relevant building permit, Joanne Padmore. Based upon the results of a recent FOIA request, it appears that that first zoning reviewer, Joanne Padmore, in turn raised these same concerns with the Supervisory Zoning Technician, Mamadou Ndaw. See attached email, Padmore Email to Ndaw - 20240331.pdf. It appears that not only did Mamadou Ndaw not respond to Joanne Padmore's concerns in writing but that a subsequent zoning review was apparently conducted or recorded by a different member of DOB staff, Chyna Barber, who has apparently marked the zoning review as approved as of April 26, 2024 despite there being clear issues with the proposed lighting made known to the Office of Zoning and escalated internally to Mamadou Ndaw prior to that approval.

Ellington Track and Field Background

Ellington Track and Field, located at 1700 38th Street NW, is an athletic field and track with two cottages bounded by residences

to its north, east, and west, and a major hospital to its south. The property is a residentially zoned property (now R-3/GT, formerly R-20) that was acquired by eminent domain in the 1920s to be, as described by the court granting the District's petition, "for use accessory to and a part of the Western High School" and "as part of an educational institution and for educational purposes." *Com'r of Dist. of Columbia v. Shannon & Luchs Const. Co.*, 17 F.2d 219, 220 (D.C. Cir. 1927). The existing field does not currently have lighting, has not had lighting at any time since I moved to the area in 2017, and, while I have not researched the issue extensively, I'm not presently aware of the facility ever having any form of lighting.

The Newly Proposed Lighting Constitutes a Structure for the Purposes of Subtitle D, Section 203.5

As noted, Building Permit B2308807 seeks to add new lighting to the field with four poles apparently extending 80 feet high despite being in close proximity to the lot lines. See, e.g., Padmore Email to Ndaw - 20240331.pdf (with a screen shot showing the position of the proposed lighting poles). Each of these lighting poles is clearly a structure within the definition of "structure" and for the purposes of the applicable limitations set forth Subtitle D, Section 203.5.

A "structure" is defined in pertinent part as follows (Subtitle B, Section 100.2):

"Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls."

This definition is clearly intended to be read broadly and certainly includes lighting poles, which undoubtedly (a) are constructed, and (b) require a permanent location on the ground. There is no exception applicable to lighting poles that would remove it from the definition and excluding lighting poles from the definition of structures (and thereby from the height limitations) would result in an absurd interpretation that could lead to infinitely tall lighting poles on residential properties.

As noted, Ellington Track and Field is zoned R-3, which per Subtitle D, Section 203.5 has a general "maximum permitted height of buildings or structures" of 40 feet, subject to certain limited exceptions set forth in Sections 203.3-203.6. The only potentially applicable limited exception that would permit the currently proposed height of 80 feet is Subtitle D, Section 203.5, which is as follows:

"A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories; provided that the building or structure shall be removed from all lot lines of its lot a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation."

In other words, 80 foot lighting poles would need to be removed from all lot lines by 80 feet. Having walked the property and reviewed the proposed locations, there is simply no way that either the poles on the east or the west side are 80 feet away from the lot line provided in SurDocs.

The Lighting Poles Proposed for Ellington Track and Field are not institutional structures

The proposed lighting poles for Ellington Track and Field do not qualify as institutional structures or "permitted obstructions." While the zoning regulations appear not to have a direct definition of "institutional," the closest analog appears to be the concept of institutional use provided for in Subtitle B, Section 200.2. It is apparent in reviewing the definitions for institutional use that an athletic field owned and run by the District does not qualify: indeed, the definition of "Institutional, General" explicitly is defined as "non-governmental" and excludes both "education" and "parks and recreation use categories." See Subtitle B, Section 200.2(q). In no way can the lighting poles be thought of as institutional structures in light of the above definition.

A roughly analogous BZA has treated athletic field lighting as a structure subject to height limitations

The issue of height limitations on lighting for athletic fields previously came up in the BZA Case 19293 <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=104822> involving Gonzaga College High School. In the case filed by Gonzaga College High School in April 2016, the local high school sought the addition of light poles to an existing athletic field, as is the case for the present building permit. While the BZA ultimately granted the variance relief sought under the applicable zoning regulations at the time, it is clear from the decision that lighting poles were not somehow exempt from the definition of "structure" and were only permitted because the variance relief criteria were met in light of then-existing structure height limitations. I am not aware of any reason to think that there was some drastic change in the intervening years to the definition of structure given the now-existing definition's breadth that would somehow permit lighting poles to be exempt from the height limitations described above.

EXHIBITE E

From: Padmore, Joanna (DOB-Contractor)
To: Ndaw, Mamadou (DOB)
Subject: FW: 1700 38th ST NW - Building Permit App #B2308807
Date: Sunday, March 31, 2024 9:30:40 AM
Attachments: image002.png

Mamadou,

Could we review the proposed park renovation. The Applicant is concerned that the proposed 80' lighting poles requires a BZA approval per Subtitle D, Section 203.5, 203.6 and Subtitle B, Section 200.2 due to the location at the east property line per snip below.

- Creational Park exempted from definition of institutional therefore 203.5 is applicable?
- Is the lighting considered a permitted obstruction and exempted from the 203.5
- The pole is less than the max. 90' height permitted in a Residential district.
- Current distance from the property line to be confirmed.

Let me your availably to discuss- Thanks.

203.5

A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories; provided that the building or structure shall be removed from all lot lines of its lot a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation.

203.6

An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories; provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.

Subtitle B definition

Structure: Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls. The term structure shall not include mechanical equipment, but shall include the supports for mechanical equipment. Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.

Subtitle B, Section 200.2 (q) Institutional, Religious Based:

(1) A non-governmental use involving the public assembly of people or provision of services for religious purposes and which may include related services or uses fundamental to the religious mission;

(2) Examples include, but are not limited to: churches, synagogues, temples, mosques, other places of worship, or related religious schools; and

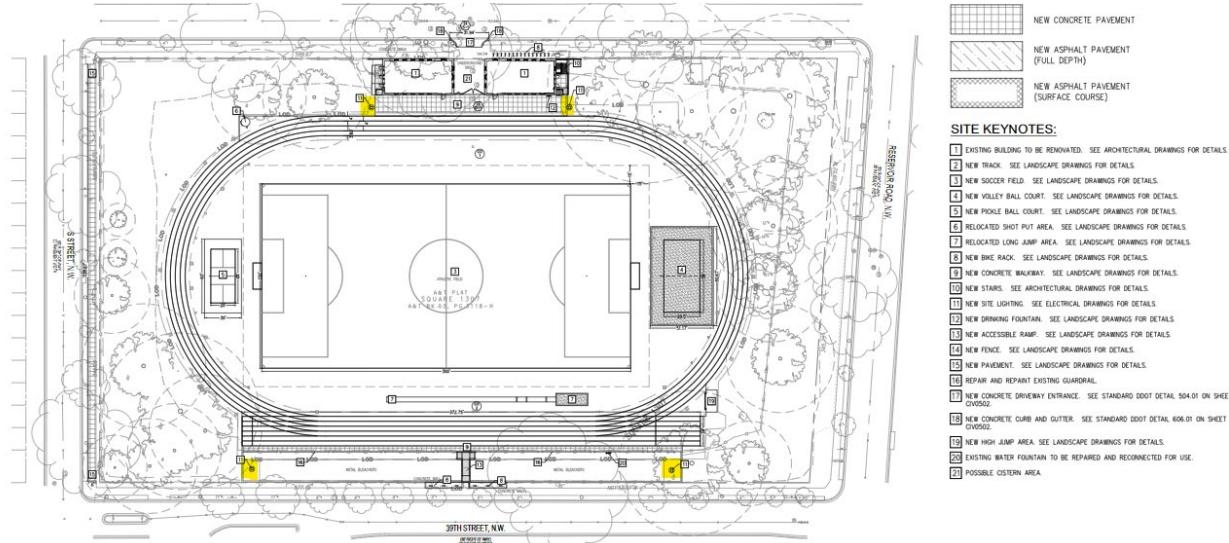
(3) Exceptions: This use category does not include uses which more typically would fall within the general institutional; chancery; education; entertainment, assembly, and performing arts; local government; service; office; or parks and recreation use categories.

A-C

R-3/GT

Overlay Area GT: Georgetown

DGS DUKE ELLINGTON PARK RENOVATIONS TO INCLUDE FIELD REPLACEMENT AND INTERIOR FIELD HOUSES RENOVATIONS.



From: Michael McDuffie <mmichael.mcduffie@gmail.com>

Sent: Monday, March 25, 2024 11:57 AM

To: Padmore, Joanna (DOB-Contractor) <jjoanna.padmore@dc.gov>

Cc: Robinson-Johnson, Yolanda (DOB) <yolanda.robinson-johnson@dc.gov>

Subject: Re: 1700 38th ST NW - Building Permit App #B2308807

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Thank you for the response. There is no existing lighting and no light poles on the field as it currently sits; all of the lighting and poles are proposed to be added. The key problem in my view is not so much the height of the poles as that appears to be less than the maximum height of 90 feet that applies to structures in residential zoned areas, but that the proposed lights poles are too close to the lot lines for their height; in other words, that the lighting poles would not be set off from the lot lines sufficiently given how tall they are proposed to be. Subtitle D, Section 203.5 states that "[a] building or other structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories; provided that the building or structure shall be removed from all lot lines of its lot a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation."* Light poles seem to qualify as a structure per the definition of structure set forth in Subtitle B as they require a permanent location on the ground and are similar to the non-exhaustive listing of examples of structures (e.g., flag poles). So, if Section 203.5 applies, then the light poles would need to be set off from the lot lines of the property by their height (i.e., 80 feet), which they do not appear to be based upon the permit documents I've been able to gather (albeit that last set I have access to were filed in July, so the plans may have changed).* Assuming the foregoing is correct, wouldn't the proposed plans require relief from the BZA?

Thank you for your time and consideration,

Michael McDuffie

*Note that there is an additional section (Subtitle D, Section 203.6) that refers to different requirements for an "institutional building or structure," which sets forth that "[a]n institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories; provided that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located." Given that the use definition of "institutional" explicitly requires that the use be "non-governmental" (Subtitle B, Section 200.2), I do not think that a DC Government facility (whether DPR or DCPS) would qualify. Even if this more lenient standard were to apply somehow, I still don't think that the currently plans as I understand them work without relief from the BZA because the height specified in the R-3/GT is 35 feet, so the poles would still have to be set off from the lot lines by 45 feet.

On Sun, Mar 24, 2024 at 3:46 PM Padmore, Joanna (DOB-Contractor) <joanna.padmore@dc.gov> wrote:

Michael,

Could you confirm is the lighting is existing to be replaced in kind? Lighting shown on the plat seems to be existing. Also confirm with National Historic Landmark division if they object to the lighting height. Per my review of the applicable zoning Subtitle D or Georgetown District(chapter 11) does not restrict the height of the lighting for a public park.

Yolanda could assist with answering the question regarding when the documents will be available on e-records.

Best,

From: Michael McDuffie <michael.mcduffle@gmail.com>

Sent: Wednesday, March 20, 2024 8:00 AM

To: Padmore, Joanna (DOB-Contractor) <joanna.padmore@dc.gov>; Robinson-Johnson, Yolanda (DOB) <yolanda.robinson-johnson@dc.gov>

Subject: 1700 38th ST NW - Building Permit App #B2308807

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Some people who received this message don't often get email from michael.mcduffle@gmail.com. [Learn why this is important](#)

Hello:

I write with respect to the zoning review being conducted regarding Ellington Track and Field--listed as 1700 38th ST NW (Building Permit App #B2308807). I received the results of a FOIA request last month that purportedly contained the zoning comments for correction, but the sole comment appears to have been related to updating the address on the cover sheet (see attached document produced by DOB). Is this the extent of the zoning comments on this building permit? Separately, do you know when the permit documents will be made available on DOB's e-records system?

To be transparent, I am concerned about the proposed addition of 80 foot high poles with lights on them that would be too close to the the lot lines of the property.

Many thanks.

Michael McDuffie

On October 1, 2022, the Department of Consumer and Regulatory Affairs (DCRA) transitioned into the District's newest agencies. The Department of Buildings (DOB) and the Department of Licensing and Consumer Protection (DLCP) are now available to serve you. Learn more about the transition at DCRATransition.dc.gov or each agency by visiting dob.dc.gov or dlcp.dc.gov.

March is Developmental Disabilities Awareness Month. Let's create a world where people of all abilities, skills, and talents have the chance to thrive. #AWorldofOpportunities

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EXHIBIT F

Re: Zoning - Building Permit # B2308807

DC Department of Buildings <dob@dc.gov>

Thu, Feb 27, 2025 at 3:44 PM

Reply-To: dob@dc.gov

To: michael.mcduffie@gmail.com

Good afternoon, Michael McDuffie,

Thank you for following up on your concern regarding [1700 38th Street NW](#), Duke Ellington Field. A Zoning Enforcement case has been opened and may include soliciting information/documents for our review, investigations, and site visits, which can be lengthy. We will follow up to provide an update once a Zoning determination has been made. As we work to complete the investigation and make a compliance determination, please let us know if you have any questions in the interim.

Regards,

JaTia M. Walker | Program Analyst, Office of Zoning Administration
Department of Buildings
jatia.walker@dc.gov | 1100 4th St SW, DC 20024
main: 202.671.3500 | cell: 202.698.3972



On Thu, Feb 27, 2025 at 4:23 PM <dob@dc.gov> wrote:

Automatic Notification of New Conversation

On Thu, Feb 27, 2025 at 4:22 PM <michael.mcduffie@gmail.com> wrote:

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Mr. Ndaw et al.:

I write once again to follow up about the zoning concerns regarding the proposed-to-be-added 80-foot lighting poles for building permit #B2308807 for Ellington Track and Field, located at 1700 38th Street NW. The last update I received from the Office of Zoning Administration was on 2/19/25, in which Mr. Ndaw stated--after being provided some requested information--that the Office would "get back to [me] as soon as possible" regarding the below-described zoning concerns. In the meantime, the applicant informed the community last night that it intends to begin construction on March 5, so it is imperative that OZA clarify its position as soon as possible to allow the community to evaluate next steps.

As a reminder, two members of OZA have previously raised zoning concerns about the proposed 80-foot lighting poles. Joanne Padmore internally raised concerns with Mr. Ndaw that the lighting did not comply with Section D-203.5 in March of 2024 (email attached). Mr. Ndaw likewise raised the same concern in June 2024 in correspondence with me and added a specific note to the workflow history for the permit review that "[p]roposed pole seems to violate the provisions of D-203.5." Despite those concerns, a permit was apparently issued on February 14, 2025 based upon a zoning review apparently conducted by yet another reviewer who was seemingly new to the application. However, that is entirely understandable given that the applicant failed to identify the height of the lighting poles in several locations in the building permit application materials, including in the zoning exhibit itself, even though the height was listed inconspicuously in the E800 Pole Detail exhibit. As an aside, the applicant and its representatives were made aware of the zoning concerns specific to the lighting poles prior to their most recently revised application, so it is especially confusing as to why the height of the lighting poles was omitted in certain sections of the application, including, most importantly, the zoning exhibit.

Please advise the community as soon as possible of OZA's position on this matter.

Regards,
Michael McDuffie

P.S. I've excerpted my previous communication outlining the zoning concerns for your reference

I write to inquire as to the circumstances of the zoning review of the new proposed lighting for Ellington Track and Field (1700 38th Street NW) for Building Permit App #B2308807. As set forth below, my understanding is that this proposed-to-be-added

lighting requires relief from the BZA because the lighting is a non-institutional structure that is not sufficiently set off from the lot lines for the proposed height of 80 feet per Subtitle D, Section 203.5.

Ellington Track and Field Background

Ellington Track and Field, located at 1700 38th Street NW, is an athletic field and track with two cottages bounded by residences to its north, east, and west, and a major hospital to its south. The property is a residentially zoned property (now R-3/GT, formerly R-20) that was acquired by eminent domain in the 1920s to be, as described by the court granting the District's petition, "for use accessory to and a part of the Western High School" and "as part of an educational institution and for educational purposes." *Com'r of Dist. of Columbia v. Shannon & Luchs Const. Co.*, 17 F.2d 219, 220 (D.C. Cir. 1927). The existing field does not currently have lighting, has not had lighting at any time since I moved to the area in 2017, and, while I have not researched the issue extensively, I'm not presently aware of the facility ever having any form of lighting.

The Newly Proposed Lighting Constitutes a Structure for the Purposes of Subtitle D, Section 203.5

As noted, Building Permit B2308807 seeks to add new lighting to the field with four poles apparently extending 80 feet high despite being in close proximity to the lot lines. See, e.g., Padmore Email to Ndaw - 20240331.pdf (with a screen shot showing the position of the proposed lighting poles). Each of these lighting poles is clearly a structure within the definition of "structure" and for the purposes of the applicable limitations set forth Subtitle D, Section 203.5.

A "structure" is defined in pertinent part as follows (Subtitle B, Section 100.2):

"Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls."

This definition is clearly intended to be read broadly and certainly includes lighting poles, which undoubtedly (a) are constructed, and (b) require a permanent location on the ground. There is no exception applicable to lighting poles that would remove it from the definition and excluding lighting poles from the definition of structures (and thereby from the height limitations) would result in an absurd interpretation that could lead to infinitely tall lighting poles on residential properties.

As noted, Ellington Track and Field is zoned R-3, which per Subtitle D, Section 203.5 has a general "maximum permitted height of buildings or structures" of 40 feet, subject to certain limited exceptions set forth in Sections 203.3-203.6. The only potentially applicable limited exception that would permit the currently proposed height of 80 feet is Subtitle D, Section 203.5, which is as follows:

"A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories; provided that the building or structure shall be removed from all lot lines of its lot a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation."

In other words, 80 foot lighting poles would need to be removed from all lot lines by 80 feet. Having walked the property and reviewed the proposed locations, there is simply no way that either the poles on the east or the west side are 80 feet away from the lot line provided in SurDocs.

The Lighting Poles Proposed for Ellington Track and Field are not institutional structures

The proposed lighting poles for Ellington Track and Field do not qualify as institutional structures or "permitted obstructions." While the zoning regulations appear not to have a direct definition of "institutional," the closest analog appears to be the concept of institutional use provided for in Subtitle B, Section 200.2. It is apparent in reviewing the definitions for institutional use that an athletic field owned and run by the District does not qualify: indeed, the definition of "Institutional, General" explicitly is defined as "non-governmental" and excludes both "education" and "parks and recreation use categories." See Subtitle B, Section 200.2(q). In no way can the lighting poles be thought of as institutional structures in light of the above definition.

A roughly analogous BZA has treated athletic field lighting as a structure subject to height limitations

The issue of height limitations on lighting for athletic fields previously came up in the BZA Case 19293 <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=104822> involving Gonzaga College High School. In the case filed by Gonzaga College

High School in April 2016, the local high school sought the addition of light poles to an existing athletic field, as is the case for the present building permit. While the BZA ultimately granted the variance relief sought under the applicable zoning regulations at the time, it is clear from the decision that lighting poles were not somehow exempt from the definition of "structure" and were only permitted because the variance relief criteria were met in light of then-existing structure height limitations. I am not aware of any reason to think that there was some drastic change in the intervening years to the definition of structure given the now-existing definition's breadth that would somehow permit lighting poles to be exempt from the height limitations described above.

On Wed, Feb 26, 2025 at 1:44 PM <michael.mcduffle@gmail.com> wrote:

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I write to follow up on the below exchange from a week ago relating to D-203.5 concerns regarding the proposed-to-be-added 80 foot lighting poles for 1700 38th Street NW associated with building permit B2308807. Please provide an update when able.

Regards,
Michael McDuffle

On Wed, Feb 19, 2025 at 8:01 PM <dob@dc.gov> wrote:

Dear Michael McDuffle,

Thank you for the additional information. we will review and get back to you as soon as possible.

Regards,

On Wed, Feb 19, 2025 at 4:06 PM <michael.mcduffle@gmail.com> wrote:

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Thank you for the response. The permit number is B2308807. The attached documents from DOB's e-records database show that the poles (S1-S4) are 80 feet tall (E800_Pole Detail.pdf) and the positions are shown in the PDF document E500_Sitee Lighting.pdf and the Plat as being too close to the property lot lines reflected in the plat and surdocs on the East and West sides of the property for the proposed height of the lighting poles.

On Wed, Feb 19, 2025 at 2:30 PM <dob@dc.gov> wrote:

Dear Michael McDuffle,

Thank you for contacting the Office of the Zoning Administrator (OZA) within the Department of Buildings (DOB). I am in receipt of your inquiry which has been submitted to me for review and follow-up. Can you provide the permit number and if possible the approved plans number depicting the 80-foot light poles.

Regards,

On Tue, Feb 18, 2025 at 8:01 PM <dob@dc.gov> wrote:

Good afternoon, Michael McDuffle,

Thank you for contacting the Department of Buildings (DOB) and submitting your inquiry regarding 1700 38th Street NW, Duke Ellington Field. It has been routed to the Office of Zoning Administration (OZA). OZA will review the information and follow up to provide further guidance. In the interim, please let us know if you have any additional questions or concerns.

Sincerely,

On Tue, Feb 18, 2025 at 3:28 PM <dob@dc.gov> wrote:

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On Tue, Feb 18, 2025 at 3:27 PM <michael.mcduffle@gmail.com> wrote:

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Messrs. LeGrant and Ndaw:

I write to follow up about zoning concerns relating to proposed-to-be-added 80-foot lighting poles for the R-3/GT zoned Ellington Track and Field, located at 1700 38th Street NW. Per my exchange with Mr. Ndaw in June of 2024, I am concerned that the lighting poles violate D-203.5 because the 80-foot poles are insufficiently set off from the property lot lines. In a June 10, 2024 9:19 AM, Mr. Ndaw stated that he had "reviewed the proposed lighting poles and am in agreement with you for potentially violating the provisions of D-203.5," echoing

concerns that have been raised internally by Joanne Padmore in March of 2024. Nevertheless, in reviewing DOB's e-records system, the plans seemed to have been approved last week containing the 80-foot light poles even though those poles are in too close proximity to the lot lines for their height. It would be helpful to understand how these lighting poles were approved given the zoning concerns. For your reference, I have included my original June 5, 2024 email that lays out why the 80-foot lighting poles seem to violate D-203.5. Please advise.

Regards,
Michael McDuffie

I write to inquire as to the circumstances of the zoning review of the new proposed lighting for Ellington Track and Field (1700 38th Street NW) for Building Permit App #B2308807. As set forth below, my understanding is that this proposed-to-be-added lighting requires relief from the BZA because the lighting is a non-institutional structure that is not sufficiently set off from the lot lines for the proposed height of 80 feet per Subtitle D, Section 203.5.

Zoning Review Status

These issues were first raised a few months ago in March 2024 with the zoning reviewer initially assigned to review the relevant building permit, Joanne Padmore. Based upon the results of a recent FOIA request, it appears that that first zoning reviewer, Joanne Padmore, in turn raised these same concerns with the Supervisory Zoning Technician, Mamadou Ndaw. See attached email, Padmore Email to Ndaw - 20240331.pdf. It appears that not only did Mamadou Ndaw not respond to Joanne Padmore's concerns in writing but that a subsequent zoning review was apparently conducted or recorded by a different member of DOB staff, Chyna Barber, who has apparently marked the zoning review as approved as of April 26, 2024 despite there being clear issues with the proposed lighting made known to the Office of Zoning and escalated internally to Mamadou Ndaw prior to that approval.

Ellington Track and Field Background

Ellington Track and Field, located at 1700 38th Street NW, is an athletic field and track with two cottages bounded by residences to its north, east, and west, and a major hospital to its south. The property is a residentially zoned property (now R-3/GT, formerly R-20) that was acquired by eminent domain in the 1920s to be, as described by the court granting the District's petition, "for use accessory to and a part of the Western High School" and "as part of an educational institution and for educational purposes." *Com'r's of Dist. of Columbia v. Shannon & Luchs Const. Co.*, 17 F.2d 219, 220 (D.C. Cir. 1927). The existing field does not currently have lighting, has not had lighting at any time since I moved to the area in 2017, and, while I have not researched the issue extensively, I'm not presently aware of the facility ever having any form of lighting.

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As noted, Building Permit B2308807 seeks to add new lighting to the field with four poles apparently extending 80 feet high despite being in close proximity to the lot lines. See, e.g., Padmore Email to Ndaw - 20240331.pdf (with a screen shot showing the position of the proposed lighting poles). Each of these lighting poles is clearly a structure within the definition of "structure" and for the purposes of the applicable limitations set forth Subtitle D, Section 203.5.

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In other words, 80 foot lighting poles would need to be removed from all lot lines by 80 feet. Having walked the property and reviewed the proposed locations, there is simply no way that either the poles on the east or the west side are 80 feet away from the lot line provided in SurDocs.

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EXHIBIT G

Re: Zoning - Building Permit # B2308807

DC Department of Buildings <dob@dc.gov>

Tue, Mar 4, 2025 at 8:24 AM

Reply-To: dob@dc.gov

To: michael.mcduffie@gmail.com, matthew.legrant@dc.gov, mamadou.ndaw@dc.gov, jatia.walker@dc.gov, kathleen.beeton@dc.gov

Good morning, Mr. McDuffie,

Thank you for taking the time to speak with me this morning. As I explained during our conversation, the term lengthy is not intended to describe how long it will take for OZA to review your complaint to determine if a Zoning violation has occurred but rather to detail how long it may take to bring the property into compliance with the Zoning Regulations. OZA is collaborating with DPR and DGS to alert them of the zoning violation and provide a compliance patch to ensure the project complies with 11 DCMR Subtitle D § 203.5.

Thanks again for contacting DOB and bringing this matter to our attention. It was my pleasure to assist you, and I hope the information I provided is helpful. Please let me know if you have any additional questions or concerns.

Regards,

JaTia M. Walker | Program Analyst, Office of Zoning Administration

Department of Buildings

jatia.walker@dc.gov | 1100 4th St SW, DC 20024

main: 202.671.3500 | cell: 202.698.3972



On Mon, Mar 3, 2025 at 9:35 PM <michael.mcduffie@gmail.com> wrote:

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Following up again, it is important that the community have some clarity as to OZA's position on this matter as soon as possible. I am very concerned that this permit was improperly approved despite multiple members of OZA staff having zoning concerns.

On Fri, Feb 28, 2025 at 5:08 PM <dob@dc.gov> wrote:

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On Fri, Feb 28, 2025 at 5:08 PM <michael.mcduffie@gmail.com> wrote:

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All:

With respect to the above-referenced property and permit, I write to clarify a message I received from JaTia Walker yesterday afternoon. JaTia Walker stated that a zoning enforcement case had been opened and that the investigation process could be "lengthy." While I am a little confused by what lengthy process would need to take place since the relevant concerns have been raised repeatedly for almost a year and two members of OZA shared the concerns, what implications, if any, does the opening of a zoning enforcement case have for the issued permit and the construction that is scheduled to begin next Wednesday? Should the community wait for OZA to make whatever determination it is going to make in connection with the zoning enforcement case or proceed to file an appeal of the permit to preserve their rights?

Thank you.

Michael McDuffie

On Fri, Feb 28, 2025 at 2:40 PM <[+19176641536](tel:+19176641536)> wrote:

Voice Message

On Thu, Feb 27, 2025 at 8:44 PM <dob@dc.gov> wrote:

Good afternoon, Michael McDuffie,

Thank you for following up on your concern regarding [1700 38th Street NW](#), Duke Ellington Field. A Zoning Enforcement case has been opened and may include soliciting information/documents for our review, investigations, and site visits, which can be lengthy. We will follow up to provide an update once a Zoning determination has been made. As we work to complete the investigation and make a compliance determination, please let us know if you have any questions in the interim.

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Mr. Ndaw et al.:

I write once again to follow up about the zoning concerns regarding the proposed-to-be-added 80-foot lighting poles for building permit #B2308807 for Ellington Track and Field, located at 1700 38th Street NW. The last update I received from the Office of Zoning Administration was on 2/19/25, in which Mr. Ndaw stated--after being provided some requested information--that the Office would "get back to [me] as soon as possible" regarding the below-described zoning concerns. In the meantime, the applicant informed the community last night that it intends to begin construction on March 5, so it is imperative that OZA clarify its position as soon as possible to allow the community to evaluate next steps.

As a reminder, two members of OZA have previously raised zoning concerns about the proposed 80-foot lighting poles. Joanne Padmore internally raised concerns with Mr. Ndaw that the lighting did not comply with Section D-203.5 in March of 2024 (email attached). Mr. Ndaw likewise raised the same concern in June 2024 in correspondence with me and added a specific note to the workflow history for the permit review that "[p]roposed pole seems to violate the provisions of D-203.5." Despite those concerns, a permit was apparently issued on February 14, 2025 based upon a zoning review apparently conducted by yet another reviewer who was seemingly new to the application. However, that is entirely understandable given that the applicant failed to identify the height of the lighting poles in several locations in the building permit application materials, including in the zoning exhibit itself, even though the height was listed inconspicuously in the E800 Pole Detail exhibit. As an aside, the applicant and its representatives were made aware of the zoning concerns specific to the lighting poles prior to their most recently revised application, so it is especially confusing as to why the height of the lighting poles was omitted in certain sections of the application, including, most importantly, the zoning exhibit.

Please advise the community as soon as possible of OZA's position on this matter.

Regards,
Michael McDuffle

P.S. I've excerpted my previous communication outlining the zoning concerns for your reference

I write to inquire as to the circumstances of the zoning review of the new proposed lighting for Ellington Track and Field (1700 38th Street NW) for Building Permit App #B2308807. As set forth below, my understanding is that this proposed-to-be-added lighting requires relief from the BZA because the lighting is a non-institutional structure that is not sufficiently set off from the lot lines for the proposed height of 80 feet per Subtitle D, Section 203.5.

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feet high despite being in close proximity to the lot lines. See, e.g., Padmore Email to Ndaw - 20240331.pdf (with a screen shot showing the position of the proposed lighting poles). Each of these lighting poles is clearly a structure within the definition of "structure" and for the purposes of the applicable limitations set forth Subtitle D, Section 203.5.

A "structure" is defined in pertinent part as follows (Subtitle B, Section 100.2):

"Anything constructed, including a building, the use of which requires permanent location on the ground, or anything attached to something having a permanent location on the ground and including, among other things, radio or television towers, reviewing stands, platforms, flag poles, tanks, bins, gas holders, chimneys, bridges, and retaining walls."

This definition is clearly intended to be read broadly and certainly includes lighting poles, which undoubtedly (a) are constructed, and (b) require a permanent location on the ground. There is no exception applicable to lighting poles that would remove it from the definition and excluding lighting poles from the definition of structures (and thereby from the height limitations) would result in an absurd interpretation that could lead to infinitely tall lighting poles on residential properties.

As noted, Ellington Track and Field is zoned R-3, which per Subtitle D, Section 203.5 has a general "maximum permitted height of buildings or structures" of 40 feet, subject to certain limited exceptions set forth in Sections 203.3-203.6. The only potentially applicable limited exception that would permit the currently proposed height of 80 feet is Subtitle D, Section 203.5, which is as follows:

"A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) with no limit on number of stories; provided that the building or structure shall be removed from all lot lines of its lot a distance equal to the height of the building or structure above the adjacent natural or finished grade, whichever is the lower in elevation."

In other words, 80 foot lighting poles would need to be removed from all lot lines by 80 feet. Having walked the property and reviewed the proposed locations, there is simply no way that either the poles on the east or the west side are 80 feet away from the lot line provided in SurDocs.

The Lighting Poles Proposed for Ellington Track and Field are not institutional structures

The proposed lighting poles for Ellington Track and Field do not qualify as institutional structures or "permitted obstructions." While the zoning regulations appear not to have a direct definition of "institutional," the closest analog appears to be the concept of institutional use provided for in Subtitle B, Section 200.2. It is apparent in reviewing the definitions for institutional use that an athletic field owned and run by the District does not qualify: indeed, the definition of "Institutional, General" explicitly is defined as "non-governmental" and excludes both "education" and "parks and recreation use categories." See Subtitle B, Section 200.2(q). In no way can the lighting poles be thought of as institutional structures in light of the above definition.

A roughly analogous BZA has treated athletic field lighting as a structure subject to height limitations

The issue of height limitations on lighting for athletic fields previously came up in the BZA Case 19293 <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=104822> involving Gonzaga College High School. In the case filed by Gonzaga College High School in April 2016, the local high school sought the addition of light poles to an existing athletic field, as is the case for the present building permit. While the BZA ultimately granted the variance relief sought under the applicable zoning regulations at the time, it is clear from the decision that lighting poles were not somehow exempt from the definition of "structure" and were only permitted because the variance relief criteria were met in light of then-existing structure height limitations. I am not aware of any reason to think that there was some drastic change in the intervening years to the definition of structure given the now-existing definition's breadth that would somehow permit lighting poles to be exempt from the height limitations described above.

On Wed, Feb 26, 2025 at 1:44 PM <michael.mcduffie@gmail.com> wrote:

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

I write to follow up on the below exchange from a week ago relating to D-203.5 concerns regarding the proposed-to-be-added 80 foot lighting poles for 1700 38th Street NW associated with building permit B2308807. Please

provide an update when able.

Regards,
Michael McDuffie

On Wed, Feb 19, 2025 at 8:01 PM <dob@dc.gov> wrote:

Dear Michael McDuffie,

Thank you for the additional information. we will review and get back to you as soon as possible.

Regards,

On Wed, Feb 19, 2025 at 4:06 PM <michael.mcduffle@gmail.com> wrote:

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Thank you for the response. The permit number is B2308807. The attached documents from DOB's e-records database show that the poles (S1-S4) are 80 feet tall (E800_Pole Detail.pdf) and the positions are shown in the PDF document E500_Sitee Lighting.pdf and the Plat as being too close to the property lot lines reflected in the plat and surdocs on the East and West sides of the property for the proposed height of the lighting poles.

On Wed, Feb 19, 2025 at 2:30 PM <dob@dc.gov> wrote:

Dear Michael McDuffie,

Thank you for contacting the Office of the Zoning Administrator (OZA) within the Department of Buildings (DOB). I am in receipt of your inquiry which has been submitted to me for review and follow-up. Can you provide the permit number and if possible the approved plans number depicting the 80-foot light poles.

Regards,

On Tue, Feb 18, 2025 at 8:01 PM <dob@dc.gov> wrote:

Good afternoon, Michael McDuffie,

Thank you for contacting the Department of Buildings (DOB) and submitting your inquiry regarding 1700 38th Street NW, Duke Ellington Field. It has been routed to the Office of Zoning Administration (OZA). OZA will review the information and follow up to provide further guidance. In the interim, please let us know if you have any additional questions or concerns.

Sincerely,

On Tue, Feb 18, 2025 at 3:28 PM <dob@dc.gov> wrote:

Automatic Notification of New Conversation

On Tue, Feb 18, 2025 at 3:27 PM <michael.mcduffle@gmail.com> wrote:

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Messrs. LeGrant and Ndaw:

I write to follow up about zoning concerns relating to proposed-to-be-added 80-foot lighting poles for the R-3/GT zoned Ellington Track and Field, located at 1700 38th Street NW. Per my exchange with Mr. Ndaw in June of 2024, I am concerned that the lighting poles violate D-203.5 because the 80-foot poles are insufficiently set off from the property lot lines. In a June 10, 2024 9:19 AM, Mr. Ndaw stated that he had "reviewed the proposed lighting poles and am in agreement with you for potentially violating the provisions of D-203.5," echoing concerns that have been raised internally by Joanne Padmore in March of 2024. Nevertheless, in reviewing DOB's e-records system, the plans seemed to have been approved last week containing the 80-foot light poles even though those poles are in too close proximity to the lot lines for their height. It would be helpful to understand how these lighting poles were approved given the zoning concerns. For your reference, I have included my original June 5, 2024 email that lays out why the 80-foot lighting poles seem to violate D-203.5. Please advise.

Regards,
Michael McDuffie

I write to inquire as to the circumstances of the zoning review of the new proposed lighting for Ellington Track and Field (1700 38th Street NW) for Building Permit App #B2308807. As set forth below, my understanding is that this proposed-to-be-added lighting requires relief from the BZA because the lighting is a non-institutional structure that is not sufficiently set off from the lot lines for the proposed height of 80 feet per Subtitle D, Section 203.5.

Zoning Review Status

These issues were first raised a few months ago in March 2024 with the zoning reviewer initially assigned to review the relevant building permit, Joanne Padmore. Based upon the results of a recent FOIA request, it appears that that first zoning reviewer, Joanne Padmore, in turn raised these same concerns with the Supervisory Zoning Technician, Mamadou Ndaw. See attached email, Padmore Email to Ndaw - 20240331.pdf. It appears that not only did Mamadou Ndaw not respond to Joanne Padmore's concerns in writing but that a subsequent zoning review was apparently conducted or recorded by a different member of DOB staff, Chyna Barber, who has apparently marked the zoning review as approved as of April 26, 2024 despite there being clear issues with the proposed lighting made known to the Office of Zoning and escalated internally to Mamadou Ndaw prior to that approval.

Ellington Track and Field Background

Ellington Track and Field, located at 1700 38th Street NW, is an athletic field and track with two cottages bounded by residences to its north, east, and west, and a major hospital to its south. The property is a residentially zoned property (now R-3/GT, formerly R-20) that was acquired by eminent domain in the 1920s to be, as described by the court granting the District's petition, "for use accessory to and a part of the Western High School" and "as part of an educational institution and for educational purposes." Com'r's of Dist. of Columbia v. Shannon & Luchs Const. Co., 17 F.2d 219, 220 (D.C. Cir. 1927). The existing field does not currently have lighting, has not had lighting at any time since I moved to the area in 2017, and, while I have not researched the issue extensively, I'm not presently aware of the facility ever having any form of lighting.

The Newly Proposed Lighting Constitutes a Structure for the Purposes of Subtitle D, Section 203.5

As noted, Building Permit B2308807 seeks to add new lighting to the field with four poles apparently extending 80 feet high despite being in close proximity to the lot lines. See, e.g., Padmore Email to Ndaw - 20240331.pdf (with a screen shot showing the position of the proposed lighting poles). Each of these lighting poles is clearly a structure within the definition of "structure" and for the purposes of the applicable limitations set forth Subtitle D, Section 203.5.

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EXHIBIT H

57 App. DC 67, 17 F.2d 219 (1927)

**COMMISSIONERS OF DISTRICT OF
COLUMBIA**

v.
SHANNON & LUCHS CONST. CO., Inc.
SAME
v.
SHILLINGTON.

Nos. 4431, 4432.

**Court of Appeals of District of
Columbia.**

Submitted November 4, 1926.

Decided January 3, 1927.

F. H. Stephens, J. C. Wilkes, and E. W. Thomas, all of Washington, D. C., for appellant.

W. C. Sullivan, of Washington, D. C., for appellees.

Before MARTIN, Chief Justice, VAN ORSDEL, Associate Justice, and BARBER, Judge of the United States Court of Customs Appeals.

VAN ORSDEL, Associate Justice.

The commissioners of the District of Columbia filed petitions in the Supreme Court of the District for the condemnation of all of square 1307, and south of square 1311, for an athletic field for the Western High School. The proceedings were brought under section 483 of the District Code, which provides as follows: "Whenever land in the District is needed for the use of the United States, or by the commissioners of the District for sites of schoolhouses, fire or police stations, or for a right of way for sewers, or for any other municipal use authorized by Congress, and the same cannot be acquired by purchase from the owners thereof at a price satisfactory to the officers of the Government

authorized to negotiate for the same, application may be made to the Supreme Court of the District by petition in the name of the United States or of said commissioners, as the case may be, for the condemnation of said land or said right of way and the ascertainment of its value."

It is averred in each of the petitions that the commissioners endeavored to acquire the land by purchase, but were unable to agree on a satisfactory price. The authority under which the proceedings were brought is found in the Act of Congress of June 7, 1924 (43 Stats. 558), making appropriations for the District of Columbia for the fiscal year ending June 30, 1925, as follows: "For athletic field for the Western High School, \$125,000."

The property owners, in their answers, challenge the jurisdiction of the court to entertain the petitions, on the ground that under the provisions of the zoning law and regulations the property could not be used as an athletic field, and consequently cannot be condemned for that purpose. The zoning law and the regulations thereunder control the height, area, and use to which buildings in the District may be constructed and used. The height regulations control the height to which buildings in certain districts may be erected; the area regulations establish the maximum area of a lot upon which buildings of stated dimensions may be constructed; while the use regulations prescribe the use to which buildings may be put. It is with the latter regulations that we are concerned in this case.

Section 2 of the building regulations, under the heading "Use Districts," provides as follows: "In order to regulate the location of commerce, business, trades, and industries, and the location of all buildings designed or occupied for specified uses, the District of Columbia is hereby divided into use districts, of which there shall be four, known as: (a) Residential; (b) first commercial; (c) second

[17 F.2d 220]

commercial; (d) industrial. * * * Except as hereinafter provided, no building shall be erected or altered, nor shall any building or premises be used for any purpose other than what is permitted in the use district in which such building or premises is located."

Section 3 of the regulations, under the heading "Residential District," provides: "In the residential district all buildings and premises, except as otherwise provided in these regulations, shall be erected for and used exclusively as: 1. Dwellings. 2. Apartment houses or tenements. 3. Hotels. 4. Lodging or boarding houses. 5. Churches. * * * 8. Institutions of an educational, philanthropic or eleemosynary character."

It was stipulated that the lands sought to be condemned are zoned within a residential district, and that the foregoing regulations were promulgated by the zoning commission under the authority conferred in the zoning law. The trial justice dismissed the petitions, stating, as a reason therefor, "that the purpose for which the District proposes to condemn this property is within the prohibition of the zoning law, and that the property cannot be condemned for a purpose forbidden by law."

It is contended by counsel for the commissioners that the proposed athletic field is being acquired for use accessory to and a part of the Western High School, and as such may be properly located within a residential district without conflicting in any way with the zoning law or regulations; in other words, that the land sought to be condemned is to be used as part of an educational institution and for educational purposes.

We think this contention is well founded. An educational institution consists, not only of the buildings, but of all the grounds necessary for the accomplishment of the full scope of educational instruction. More properly defined, a modern educational

institution embraces those things which experience has taught us are essential to the mental, moral, and physical development of the pupils. It is not the modern conception of a public school that it be erected on a lot merely large enough in area to contain the school building. In addition to the buildings there should be playground space, basketball stops, chinning bars, room for calesthenics, all in the open air. It is also for the general welfare and safety that the school children be furnished a place in which to play, removed from the dangers of street traffic.

That these accessories are an essential part of a modern educational institution is in line with the recent decisions of many courts. In the case of *State ex rel., School District v. Superior Court, etc.*, 69 Wash. 189, 124 P. 484, a question was involved very similar to the one before us. In that case it was sought to acquire about 2 $\frac{1}{4}$ acres additional to a school site of 2 acres to permit of adequate outdoor exercise for the pupils. The Supreme Court of the state of Washington in sustaining the right of the school district to acquire the land said: "It is urged that the use for which the land is sought to be taken is not a public use. It is contended that the land is sought rather as a playground for the pupils attending the school than for strictly school purposes. The testimony of the superintendent of the school, from which we have hereinbefore cited, undoubtedly lends color to this contention; but nevertheless we think the use for which the land is sought to be taken is a public use. The physical development of a child is as essential to his well-being as is his mental development, and physical development cannot be had without suitable places for recreation and exercise. To acquire such ground is therefore within the province of the public schools." See, also, *Sorenson v. Christiansen et al.*, 72 Wash. 16, 129 P. 577; *Webster City v. Wright County et al.*, 144 Iowa, 502, 123 N. W. 193, 24 L. R. A. (N. S.) 1205.

It has also been held that property appropriated to recreation for school children, for instruction in farming, for musical conservatories, and for libraries, is devoted to educational purposes, and as such is exempt from taxation under statutes exempting educational institutions. In the case of German Gymnastic Association v. Louisville, 117 Ky. 958, 80 S. W. 201, 65 L. R. A. 120, 111 Am. St. Rep. 287, under such an exemption statute, the question arose as to what constituted "institutions of education," and the point to be determined was whether the German Gymnastic Association came within that classification. On this point the court said: "The only question to be answered is: Is it an institution of education? Education is not confined to the improvement and cultivation of the mind. It may consist of the cultivation of one's religious or moral sentiments. It likewise may consist in the development of one's physical faculties. Those in charge of colleges and institutions of learning recognize this to be true. There students are taught, not only the dead and modern languages, mathematics, and the sciences, etc., but the Bible and Christian evidences, and a gymnasium is maintained, and football and other athletic sports are encouraged. The cultivation of the mind, the improvement of our moral and

[17 F.2d 221]

religious natures, and the development of our physical faculties are necessary to a perfect education. * * * This is of as much importance to the state as is the acquisition of a knowledge of Latin, Greek, mathematics, etc."

In the case of Seminary of our Lady of Angels v. Barber et al., 42 Hun (N. Y.) 27, the court held that a tract of land, separated from the buildings by a road and railway tracks and cultivated as a farm, was a part of the institution, on the theory that "suitable recreation and physical exercise are deemed requisite to health and successful mental culture." Indeed the courts, and there are

numerous decisions that might be cited, uniformly hold that physical culture and development is an essential part of our educational system, and that grounds used for this purpose in connection with an educational institution become and are a part of the institution itself. In this view of the case we have no difficulty in reaching the conclusion that the purpose for which this property is sought to be taken is a public use, and that it may be condemned and appropriated to the use designated by Congress, without encountering in any respect the legal limitations of the zoning law and regulations.

We are of opinion that the mere act of appropriating the money by Congress, for the purpose specified in the act, is sufficient to authorize the exercise of the power of eminent domain by the commissioners to carry the purpose into effect. Other objections are made by counsel for petitioners going to the sufficiency of the petitions. It is unnecessary to consider these objections in detail, since we find the petitions affirmatively allege that the land is needed for the purpose for which condemnation is sought, and that an effort has been made to purchase the same, resulting in failure to reach an equitable agreement.

The judgments are reversed, with costs, and the causes are remanded for further proceedings.

EXHIBIT I

PRELIMINARY FOUNDATION AND POLE ASSEMBLY DRAWING

TABLE 1: POLE ASSEMBLY

TABLE 1: POLE ASSEMBLY			
POLE ID	POLE HEIGHT ft (m)	# OF LUMINAIRES	ASSEMBLED POLE WEIGHT ³ lb (kg)
S1	80 (24.4)	6	2263 (1026)
S2	80 (24.4)	6	2263 (1026)
S3	80 (24.4)	7	2342 (1062)
S4	80 (24.4)	7	2337 (1060)

TABLE 2: FOUNDATION DETAILS

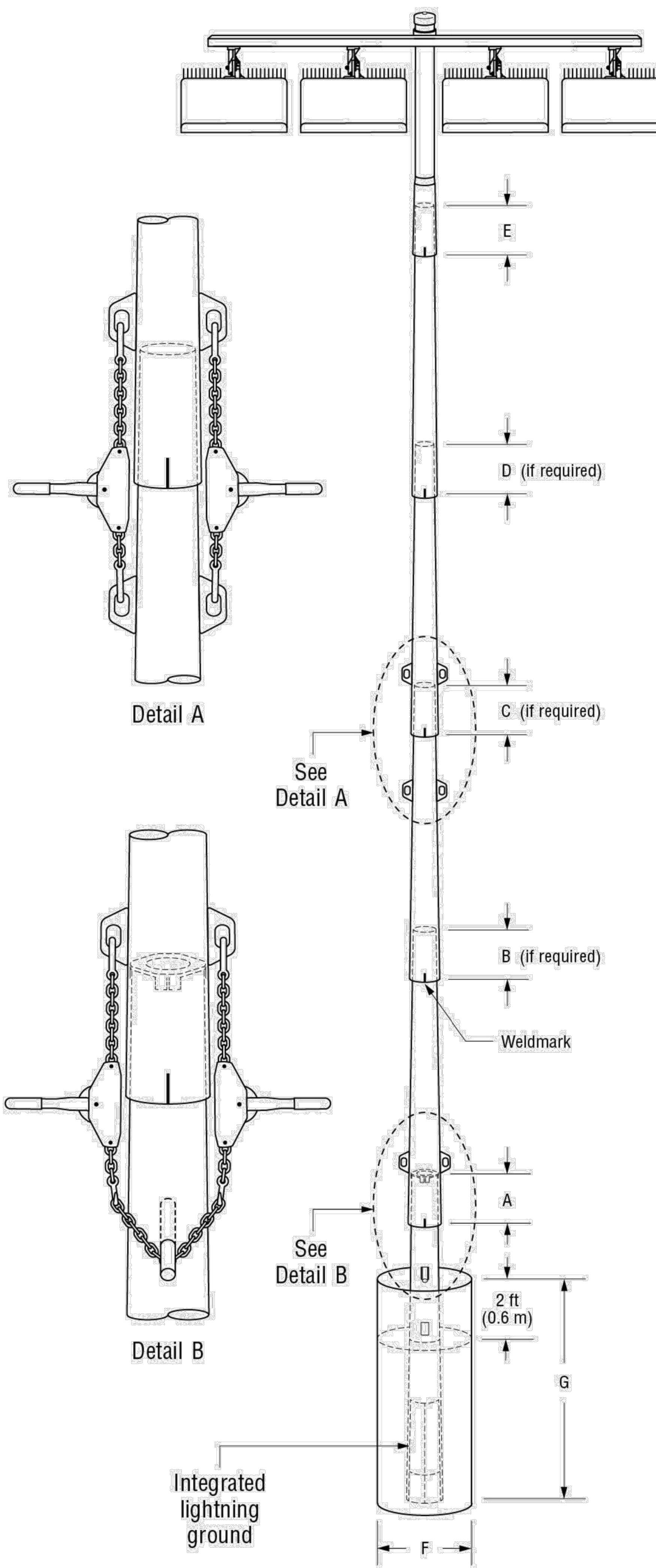
TABLE 2: FOUNDATION DETAILS								
POLE ID	CONCRETE BASE WEIGHT lb(kg)	BURIAL INFORMATION ^{3,4}				CUT BASE	LIGHTNING GROUND ⁵ SUPPLEMENTAL INSTRUCTION	
		F in (mm)	G ft (m)	CONCRETE BACKFILL ^{1,2} yd ³ (m ³)			TYPE	
S1	3810 (1728)	30 (762)	14 (4.3)	1.6 (1.2)		NO	INTEGRATED ⁶	N/A
S2	3810 (1728)	30 (762)	14 (4.3)	1.6 (1.2)		NO	INTEGRATED ⁶	N/A
S3	3810 (1728)	30 (762)	14 (4.3)	1.6 (1.2)		NO	INTEGRATED ⁶	N/A
S4	3810 (1728)	30 (762)	14 (4.3)	1.6 (1.2)		NO	INTEGRATED ⁶	N/A

Pole Assembly Notes

1. Steel pole should overlap concrete base and be seated tight with 1 1/2 ton come-alongs (contractor provided).
2. Align weldmarks on steel sections before assembling.
3. Assembled pole weight includes steel sections, crossarms, luminaires, and electrical components enclosures.
4. Section overlap must be pulled together until tight. Overlap measurement should be +/- 6 in (150 mm).
5. This document is not intended for use as an assembly instruction. See *Installation Instructions: Light-Structure System™ Lighting System* for complete assembly procedure.

Foundation Notes:

- Concrete backfill is calculated to 2 ft (0.6m) below grade (no overage included). Top 2 ft (0.6m) to be class 5 soil compacted to 95% density of surrounding undisturbed soil unless otherwise specified in stamped structural design.
- Concrete backfill required 3000 lb/in² (20 MPa) minimum.
- Foundation design per 2015 IBC, 115 mph, exposure category C, variation STD (Risk Category II).
- Assumes IBC class 5 soils.
- Standard bases include integrated lightning protection. If bases are cut, supplemental lightning protection is required. Contact Musco for materials and instruction.
- Lightning protection is a manufacturer installed concrete encased electrode and connector. Ground connection is made when concrete base is installed and footing is poured. No additional steps required.



R60-62-00

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Ellington College Track And Field - Washington, DC, USA

Re: 06/14/2023 Scale: N/A
By: Luke Schlesselman Page: 1 of 1
Ticket: 213378 Preliminary

E800

EXHIBIT J

These plans are conditionally approved as submitted or noted during plan review and are subject to field inspection. Approved plans must be kept on site and are needed for all inspections. No changes or modifications to these plans. Changes require a revision permit with the revised plans. Trade Permits are required for trade work. e.g. Electrical or Plumbing

DOEE SE-SW Review - Nykia Barnes - 02-13-2025
Zoning Review - Kwasi Cook - 02-13-2025

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., November 8, 2023

Plat for Building Permit of: SQUARE 1307 Lot 859

Scale: 1 inch = 50 feet

Recorded in Book A & T Page 3118 - H

Receipt No. 24-00627 Drawn by: M.G.

Furnished to: WILES MENSCH

"I hereby certify that the dimensions and configuration of the lot(s) herein depicted are consistent with the records of the Office of the Surveyor unless otherwise noted, but may not reflect actual field measurements. The dimensions and configuration of A&T lots are provided by the Office of Tax and Revenue and may not necessarily agree with the deed description(s)."

Yannick D. Gabriel
For Surveyor, D.C.

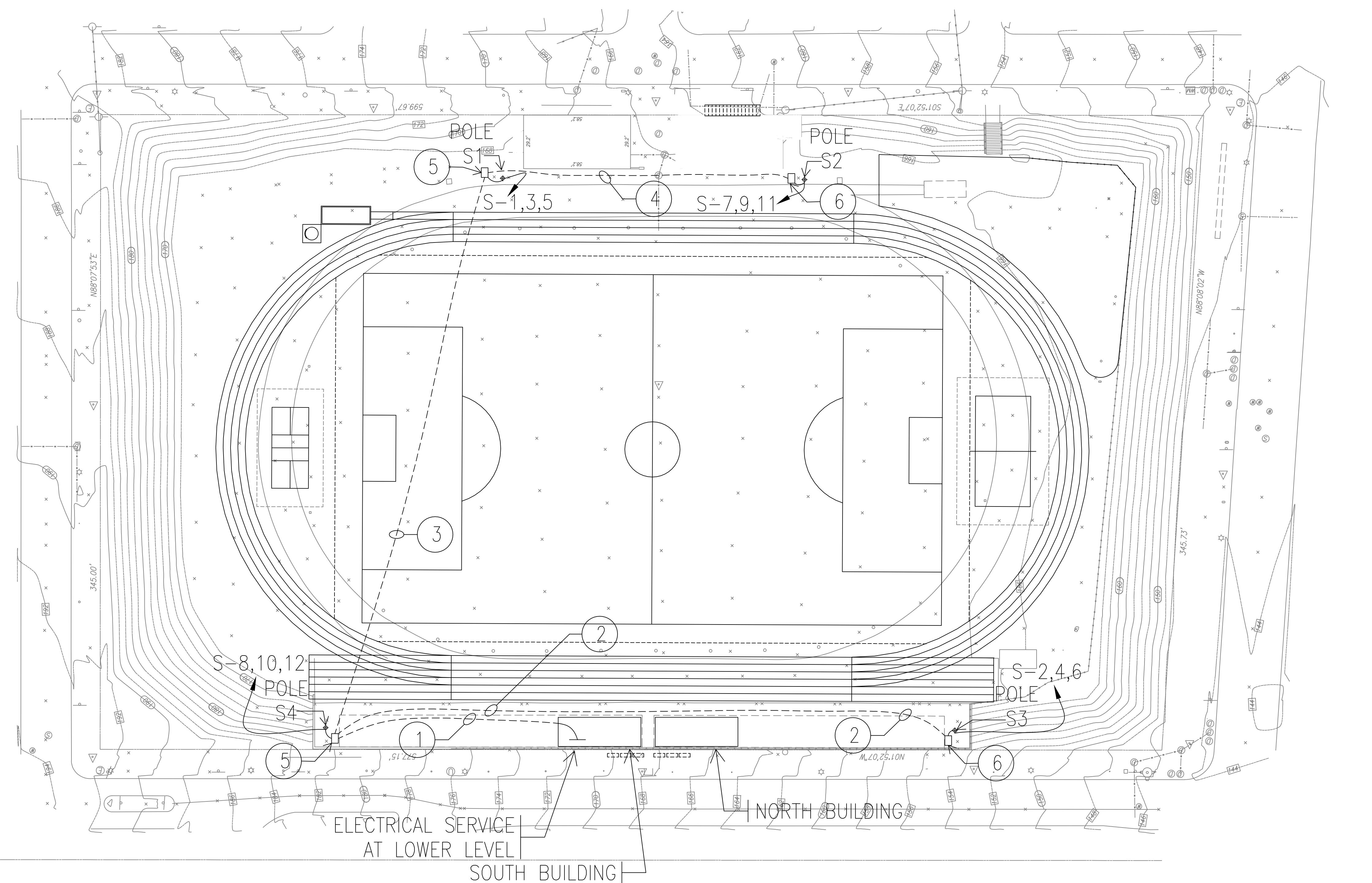
I hereby certify that on this plat on which the Office of the Surveyor has drawn the dimensions of this lot, I have accurately and completely depicted and labeled the following:
 1) all existing buildings and improvements - including parking spaces, covered porches, decks and retaining walls over four feet above grade, and any existing face-on-line or party wall labeled as such, well as projections and improvements in public space - with complete and accurate dimensions;
 2) all proposed demolition or raze of existing buildings duly labeled as such; all proposed buildings and improvements - including parking spaces, covered porches, decks and retaining walls over four feet above grade, any existing face-on-line or party wall labeled as such, well as projections and improvements in public space and the improvements used to satisfy previous surface or green area ratio requirements - with complete and accurate dimensions, in conformity with the plans submitted with building permit application B2308807; and
 3) any existing chimney or vent on an adjacent property that is located within 10 feet of this lot.
 I also hereby certify that:
 1) my depiction on this plat, as detailed above, is accurate and complete as of the date of my signature hereon;
 2) there is no elevation change exceeding ten feet measured between lot lines; or if so, this elevation change is depicted on a site plan submitted with the plans for this permit application;
 3) I have filed a subdivision application with the Office of the Surveyor;
 4) I have filed a subdivision application with the Office of Tax & Revenue; and
 5) if there are changes to the lot and its boundaries as shown on this plat, or to the proposed construction and plans as shown on this plat, that I shall obtain an updated plat from the Office of the Surveyor on which I will depict all existing and proposed construction and which I will then submit to the Office of the Zoning Administrator for review and approval prior to permit issuance.
 The Office of the Zoning Administrator will only accept a Building Plat issued by the Office of the Surveyor within the two years prior to the date DCRA accepts a Building Permit Application as complete.
 I acknowledge that any inaccuracy or errors in my depiction on this plat will subject any permit or certificate of occupancy issued in reliance on this plat to enforcement, including revocation under Sections 105.6(1) and 110.5.2 of the Building Code (Title 12A of the DCMR) as well as prosecution and penalties under Section 404 of D.C. Law 4-161 (D.C. Official Code §22-2405).

Signature: *Juan Andrade* Date: 11/08/2023
 Printed Name: Juan Andrade Relationship to Lot Owner, Designer
 If a registered design professional, provide license number _____ and include stamp below.

S STREET, N.W.
39th STREET, N.W.
38th STREET, N.W.
RESERVOIR ROAD, N.W.

SR-24-00627(2023)

EXHIBIT K



LIGHTING POLES LOAD

POLE	FIXTURES QUANTITY	AMP	KW	DISTANCE	WIRE SIZE CONSIDERING VOLTAGE DROP
S1	4 * 1200W 2 * 900W	10	6.6	550FT.	8
S2	4 * 1200W 2 * 900W	10	6.6	570FT.	8
S3	3 * 1200W 4 * 900W	11	7.2	550FT.	8
S4	2 * 1200W 5 * 900W	10.5	6.9	250FT.	10

KEYED NOTES

- ① FOR POLE S1: 4#8, 1#8 GND; 2" C.
- FOR POLE S2: 4#8, 1#8 GND; 2" C.
- FOR POLE S3: 4#8, 1#8 GND; 2" C.
- FOR POLE S4: 4#10, 1#10 GND; 2" C.
- ② 4#8, 1#8 GND; 2" C.
- ③ FOR S1: 4#8, 1#8 GND; 2" C.
- FOR S2: 4#8, 1#8 GND; 2" C.
- ④ 4#8, 1#8 GND; 2" C.
- ⑤ HAND HOLE QUAZITE UNDERGROUND BOX WITH COVER 2'X2'X2'.
- ⑥ HAND HOLE QUAZITE UNDERGROUND BOX WITH COVER 12"X18"X18".
- ⑦ INSTALL CONDUIT MINIMUM 24" BELOW GRADE.

shirberg.levinas

Shirberg Levinas 5101 Wisconsin Ave #310 T 202.244.5101
Architectural Design in Washington, DC 20016 F 202.244.5363
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15:13:23 04'00'

ISSUES

NO.	ISSUE	DATE
1	SD SUBMISSION	06/16/23
2	DD SUBMISSION	07/26/23
3	PERMIT SUBMISSION	10/05/23

SEAL

NOT FOR CONSTRUCTION



PERMIT SET

DATE: 10/06/2023
SCALE: 1/32" = 1'-0"

SITE LIGHTING

E500