Board of Zoning Adjustment
District of Columbia
CASE NO.16969
EXHIBIT NO.23A2

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EHT TRACERIES INC

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EMILY HOTALING EIG

Architectural Historian and President of EHT Traceries, Inc.

Ms. Eig is the founder and president of EHT Traceries, a women-owned company incorporated in the State of Maryland. As the head of EHT Traceries, she combines management of an 11-person firm with her work as an architectural historian and preservation consultant. Her technical knowledge is focused on late 19th and 20th century buildings, as well as a thorough understanding of current historic preservation issues. She is well-known for her work with federal an d local architecture, especially in Washington, DC, and nearby Maryland and Virginia. As a preservation consultant, she advises on the interpretation of preservation laws and regulations, as well as regularly assisting owners, developers, architects, and preservation technicians with the interpretation and analysis of historic buildings through an understanding of historic and contemporary documents, construction techniques, and building materials. She is a considered an expert in resource evaluation, federal and state Historic Preservation Certification processes, Section 106 mitigation, and the Secretary of Interior's Standards for the Treatment of Historic Properties.

Ms. Eig meets professional qualifications prescribed by the Secretary of the Interior (36 CFR 61 - Appendix A). She has been accepted as an expert witness before the District of Columbia Historic Preservation Review Board, the Montgomery County Historic Preservation Commission; D.C. Mayor's Agent for Historic Preservation; D.C. Zoning Commission; D.C. Board of Zoning Adjustment; Superior Court of the District of Columbia; the National Capital Planning Commission; and the U.S. Commission of Fine Arts. In 2002 Ms. Eig served on two Urban Land Institute panels for sites in Washington, D.C.–the Old Naval Hospital and the Old Post Office Pavilion.

RESEARCH AND PRESERVATION PLANNING

Ms. Eig has served as Project Architectural Historian and Preservation Consultant for numerous major historic projects in Washington, D.C. In these roles, she directed research; prepared Historic Structures Reports and Historic American Buildings Survey documentation; advised on local and federal preservation reviews including Determination of Eligibility, Section 106 Memorandum of Agreements; guided efforts to rehabilitate historic building using the Secretary of Interior's Standards, and advised on the design compatibility of major new additions to historic buildings.

Selected preservation projects include:

- Georgetown Incinerator (EastBanc/Millenium) Shalom Baranes Associates, 1997-
- Woodward & Lothrop Building (Douglas Development Co.) GTM Architects, 1999-
- United Mine Workers Building (Summit Properties) Martinez & Johnson, 1999-
- Alban Towers Apartments, (Charles E. Smith Companies) Torti.Gallas CHK Architects, 1999-

- 800 F Street, N.W., (Douglas Development Co.) Shalom Baranes Associates, 1998-
- Old Masonic Temple (Karchem Properties, Inc.) Martinez and Johnson Architects, 1997-
- 700 block of Seventh Street, N.W. (Douglas Development, Inc.) GTM Architects, 1997-
- Interstate Commerce Commission and Department of Labor Buildings (GSA) RTKL, 1995-96
- Department of the Interior Modernization (GSA) Shalom Baranes Associates, 1993-5
- Washington City Post Office (U.S. Postal Service/Postal Square Associates [Gerald D.
- Hines Interests, Managing Partner]; Shalom Baranes Associates, Architects), 1985-92
- Warner Theatre and Office Building (The Kaempfer Company; Pei Cobb Freed & Partners with Shalom Baranes Associates, Architects), 1986-92

SURVEY AND DOCUMENTATION

Ms. Eig holds particular expertise in late 19th and 20th century residential, commercial, religious, institutional, and public buildings, as well as in the history of city planning. Work in the Metropolitan Washington area has provided the opportunity to study a variety of building types from that period (notably commercial and office buildings, single family residences, apartment buildings, public and institutional buildings, banks, movie theaters, post offices, warehouses, garages, carriage houses and stables, and churches), as well as to develop expertise in the history of urban neighborhoods.

She has authored numerous documents, including Historic Structures Reports, Historic American Building Survey documentation, Maryland Historical Trust Historic Property Inventory Forms, General Services Administration Building Preservation Plans, and National Register of Historic Places nominations. This work includes innovative use of computer databases to provide recordation, comparative analysis, evaluation, and management of building elements.

In 1998, she completed a major study of the history of the Public Buildings Service. Tentatively titled, *Cause to Be Built: The Origins and History of the Public Buildings Service,* publication under the auspices of the General Services Administration is anticipated in 2002.

PRESERVATION PLANNING

In the last few years, EHT Traceries has participated in a number of important master plan documents for such institutions as Downtown Washington DC, The George Washington University, and the University of Maryland in Baltimore.

SURVEY DATA MANAGEMENT

Ms. Eig has extensive expertise in the design, implementation, and administration of historic architectural surveys, particularly in the design and use of computer-aided survey methodology. Since 1983, EHT Traceries has conducted more than fifty surveys in the District of Columbia, Maryland and Virginia. These surveys include contextual studies (such as the continuing survey of Annapolis, Maryland and Arlington County, Virginia), building type studies (such as the D.C. Apartment Buildings Survey), and transportation corridor studies for the Maryland Department of Transportation.

SELECTED PUBLICATIONS

Eig, Emily Hotaling, *Cause to Be Built: The History and Origins of the Public Buildings Service*, General Services Administration scheduled for publication in 2002.

Eig, Emily Hotaling, National Association of Historic Preservation Commissions, "Preservation in DC," February 1998.

Eig, Emily Hotaling, "Kalorama" in *Washington at Home* (Kathryn Schneider Smith, Ed.). Northridge, CA: Windsor Publications, Inc., 1988.

Eig, Emily Hotaling, "Waddy Wood, Architect" in *Department of the Interior Building; Its Architecture and Its Art* (David W. Look and Carole L. Perrault). Washington, D.C.: U.S. Department of the Interior, National Park Service, Preservation Assistance Division, 1986.

PROFESSIONAL AFFILIATIONS

Society of Architectural Historians
Committee of 100 on the Federal City
D.C. Preservation League
Association for Preservation Technology
Historical Society of Washington, D.C.

EDUCATION

The George Washington University, Washington, D.C.
Master of Arts in Teaching in Museum Education, 1975
Field of study: Architectural History

Brandeis University, Waltham, Massachusetts
Bachelor of Arts, Fine Arts (Art History), *cum laude* with departmental honors, 1974.

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DESCRIPTION OF THE FIRM

EHT Traceries, Inc. is a research and consulting firm specializing in architectural history and historic preservation. The firm provides a wide range of services related to historic resources, including research, survey, evaluation, and preservation. EHT Traceries manages project types involving Historic Preservation Certification Applications, Section 106 review consultation and documentation, Historic American Building Survey documentation, National Register/ Historic Landmark/ Historic District nominations, and preservation compliance consultation. A women-owned corporation, EHT Traceries works throughout the United States, focusing on the District of Columbia, Maryland, and Virginia.

PRESERVATION STRATEGY CONSULTATION

The senior members of EHT Traceries provide consultation to owners and their project teams to assist with a wide variety of preservation issues. These include concerns related to the physical fabric of the historic buildings as well as the political and legal issues that may be associated with a project and its site. Strategic consultation includes guidance on approach, timing, presentations and presentation materials, as well as how to work successfully with government and citizen concerns.

RESEARCH AND PRESERVATION PLANNING

The firm is thoroughly familiar with the resources of both federal and local archival centers, and major private collections of material. Located in Washington, D.C., our extensive in-house files, large library, extensive image collection, computerized database containing information on thousands of buildings, as well as internet access to repositories throughout the world, all add to the firm's research capabilities.

Compliance with preservation legislation is an important area of expertise. EHT Traceries keeps abreast of local and federal regulations governing historic preservation. The firm provides assistance in clarifying issues of historic landmark/district eligibility and protections. EHT Traceries maintains information on certification of historic structures within established districts, and can advise on the effects of tax regulations, transfer of development rights, easements and other programs designed to promote preservation, as well as on the impact of zoning and building codes on historic structures.

Working closely with owners, architects, and other professionals, EHT Traceries analyzes historic documentation to assist in cultural resource management planning. EHT Traceries' projects include individual buildings, neighborhoods, institutional complexes, counties, and cities. The staff is highly skilled at interpreting architectural drawings and specifications to determine the impact of proposed work whether dealing with an historic building, district, or county.

SURVEY AND DOCUMENTATION

EHT Traceries is a recognized authority in the evaluation of the significance of historic buildings with particular expertise on residential, commercial, religious, institutional, rural and public buildings at the local, state and federal levels. EHT Traceries has prepared numerous applications for historic landmark and district status (local and state levels), nominations for the National Register of Historic Places and National Historic Landmarks. The firm has extensive experience preparing monographs, context studies, historic structures reports, as well as Historic American Buildings Survey (HABS) and Historic American Engineering Record (HAER) documentation.

FEDERAL AND STATE TAX CREDIT CONSULTATION

Having worked closely with State and Federal agencies, EHT Traceries is adept at interpreting the *Secretary of the Interior's Standards for Rehabilitation* in relation to the adaptive use of historic structures. The firm has successfully guided numerous rehabilitation projects through the Historic Preservation Certification Process. EHT Traceries works with the owner, architect, and reviewing agencies to gain tax credits that are both beneficial to the owner and the preservation community.

SECTION 106 CONSULTATION

EHT Traceries offers extensive expertise in the documentation and evaluation of cultural resources and has comprehensive and successful experience in meeting the Section 106 standards. The firm is skilled in conducting reviews of eligibility and contributing status, making assessments of potential effects, and preparing effects reports based on the Criteria of Adverse Effect (Section 800.9 (b)) and the Exceptions to Criteria of Adverse Effect (Section 800.9(c)) as defined in the regulations of the Advisory Council on Historic Preservation, "Protection of Historic Properties (36 CFR Part 800). If an adverse effect is determined, EHT Traceries is qualified to prepare recommendations for further action and provide consultation regarding Memorandum of Agreement and mitigation negotiations.

HISTORIC INTERIORS INVESTIGATION

EHT Traceries provides research, documentation and evaluation of historic spaces. Focusing on interiors, including architectural elements, finishes and furnishings, the staff can perform a full range of preservation services necessary to undertake an interior restoration or historic rehabilitation from the initial documentation through successful project completion.

MUSEUM AND EDUCATIONAL PROGRAMS

Working with museums, historical societies, schools, and educational organizations, EHT Traceries assists with many aspects of Built Environment Education. Projects have included the interpretation of historic buildings, exhibitions, educational programming, teacher training, preparation of curriculum materials, tour development, and consultation on educational television and film productions. Members of the firm are regular lecturers in the Washington area, as well as at national conferences and meetings held around the country.

CLIENTS

EHT Traceries provides objective, professional analysis and expertise to a variety of clientele. The firm works with the architectural, development, legal, and preservation community, neighborhood groups, and private clients. Clients include, town, city, county and state agencies, as well. The firm also has a long record of participation in projects with national organizations including the National Trust for Historic Preservation, the American Institute of Architects, and the Smithsonian Institution. This work now includes the General Services Administration and the Department of the Interior.

PERSONNEL

The professional staff of EHT Traceries is comprised of architectural historians, a number of who are trained as architects. All are trained in the discipline of research and evaluative methodology with Masters degrees in historic preservation or architectural history. Specializing in the critical investigation and examination of American architecture, the senior staff contributes various individual areas of specialization, significantly broadening the firm's ability to meet a wide range of needs. Committed to the highest levels of academic standards, EHT Traceries is particularly skilled at transferring the results of thorough study into the realm of practical application.

The firm is associated with professionals from other disciplines including a photographer, archaeologist, historian, landscape historian, and historic interiors specialist who regularly work with EHT Traceries on a consultant basis.

EHT Traceries has built its reputation by providing work of the highest quality, maintaining an objective posture and a commitment to comprehensive preparation. All professional personnel meet the National Park Service qualifications (36 CFR 61 Appendix A) as architectural historians. Several senior staff members are recognized as expert witnesses before the D.C. Historic Preservation Review Board, the D.C. Mayor's Agent on Historic Preservation, the D.C. Zoning Commission, the D.C. Board of Zoning Adjustment, D.C. Superior Court, National Capital Planning Commission, the U.S. Commission of Fine Arts, the Montgomery County (Maryland) Historic Preservation Commission, and Prince George's County (Maryland) Historic Preservation Commission, and the Prince George's County Board of Zoning.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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Application No. 16907 of U.S. Property Development Corporation, pursuant to 11 DCMR § 3104.1, for a special exception from the ground floor retail requirements under section 1901, and pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements under section 772, and a variance from the residential recreation space requirements under section 773, to allow a mixed use (residential and retail) development in the Arts/C-3-A District at premises 1522-1526 14th Street, N.W. (Square 209, Lot 98).

HEARING DATE: July 23, 2002
DECISION DATES: July 23, 2002 and August 6, 2002

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2F, and to the owners of property within 200 feet of the site. The application was also referred to the Office of Planning for review and report.

The site of this application is located within the jurisdiction of ANC 2F. ANC 2F, which is automatically a party to the application submitted a letter in support of the application. The Office of Planning submitted a report in conditional support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception from the strict application of the requirements of 11 DCMR §§ 3104.1 and 1901, and for a variance under 11 DCMR §§ 3103.2, 772 and 773. No person or entity appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, including giving great weight to the OP and ANC, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1 for a special exception under section 1901, which will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The applicant has also met the burden of proving under 11 DCMR §§ 3103.2, 772, and 773, 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. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITIONS:**

1. The Applicant shall have the flexibility to reduce the requirement for retail and service floor area on the first floor from 50% to 47.7%.

2. The Applicant shall have the flexibility to further reduce the requirement for retail and service floor area on the first floor between 40% and 47.7%, if the difference between the retail and service floor area percentage is designated for residential recreation space, and/or occupied by another allowable nonresidential use as listed in sections 1907 and 1908 in the Uptown Arts-Mixed Use (Arts) Overlay District.

Pursuant to 11 DCMR 3101.6, the Board has determined to waive the requirement of 11 DCMR 3125.3 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.

On July 23, 2002, the Board approved the variances from the lot occupancy (section 772) and residential recreation space requirements (section 773).

VOTE: 4-0-1 (Carol J. Mitten, Anne M. Renshaw, Geoffrey H. Griffis, and David A. Zaidain to Approve, the third mayoral appointee not present, not voting).

On August 6, 2002, the Board approved the special exception from the ground floor retail requirements (section 1901).

VOTE: 5-0-0 (Geoffrey H. Griffis, David A. Zaidain, Carol J. Mitten, Anne M. Renshaw, and Curtis L. Etherly, Jr., to Approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member has approved the issuance of this order.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

Final Date of Order: OCT 11 2002

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

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 PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, 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 SECTION 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, FAMILIAR STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

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BZA APPLICATION NO. 16907

As Director of the Office of Zoning, I hereby certify and attest that on OCT 11 2002 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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rsn

ATTESTED BY:
JERRILY R. KRESS, FAIA
Director, Office of Zoning