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May 19, 2005

BY HAND DELIVERY

Steve Callcott
District Historic Preservation Office
801 North Capitol Street, NW
Third Floor
Washington, D.C. 20002

RE: Supplemental Filing Regarding Application for Window Permit for the Embassy of Moldova – Proposed Options for Window Replacement

Dear Mr. Callcott:

Per our conversation, enclosed please find fourteen copies of the permit application package submitted on April 11, 2005 on behalf of the Republic of Moldova. In addition, as we discussed, we would like to respectfully propose additional possible options for replacement of the windows in the Embassy building in order to find a workable solution that is both compatible with the historic preservation regulations and is economically feasible for the Embassy of Moldova. Included in this package are fourteen copies of this proposal, as described below.

Since the commencement of this proceeding, the Embassy of Moldova has worked diligently to attempt to find a resolution that is in accordance with the municipal regulations and that is financially possible given the Embassy's limited resources. As explained in the Embassy's letter of April 11, 2005, the replacement windows are not only necessary for adequate insulation, but are a reasonable and appropriate replacement for the prior windows. As shown in the photos provided at Tab D of the April 11 submission, the replacement windows are compatible with the appearance of the building and the streetscape and they do not detract from the character of the building or the Sheridan-Kalorama district. For this reason, the Embassy respectfully continues its request for full approval of its application to

BZA
Case No. 17384
Exhibit No. 10

Board of Zoning Adjustment
District of Columbia
CASE NO. 17384
EXHIBIT NO. 10

complete the replacement of windows under its current contract. Should the Board determine that it cannot approve the application in full, the Embassy proposes the following alternatives:

- *Completion of the window renovation on the third through fifth floors.* As explained in more detail in the Embassy's April 11 application, at the time the stop work order was issued, the window replacement for the third through fifth floors was nearly completed. The windows and frames were already replaced,[1] but the original deteriorated wood molding remains and still needs to be replaced. The wood molding that remains on the upper floors is completely deteriorated. Due to the condition of the wood molding, the Embassy's contractor planned to cap the wood with vinyl covering. As a possible solution, the Embassy would like to propose instead that it replace the deteriorated moldings on the upper floors with wood moldings, rather than vinyl capping. The Embassy recognizes that, without capping of the molding, it will incur higher maintenance costs over time as a result of the need to strip and paint more frequently, but believes this would provide a workable, economically feasible solution for complying with the historic preservation regulations. The Embassy would also be pleased to further paint or apply any other financially viable cosmetic applications that would better assist in maintaining the historic character of the building, should the Board have such suggestions.

- *Replacement of the windows and the "French doors" on the first and second floors.* As indicated in the April 11 application, most of the windows on the first and second floors are in reasonably good condition (as was compared with the upper floors that were more seriously deteriorated). Therefore, while replacement of those windows would certainly improve energy efficiency and would substantially lower costs over time, the Embassy would like to propose that it suspend replacement of most of those windows until such time as it is able to afford the replacement costs for non-vinyl frames, on a window-by-window basis. In other words, the Embassy would replace the lower floor windows one at a time when possible in the future within its budget constraints. Please note that the Embassy has already purchased the glass and other window components, but will need to accumulate funds for non-vinyl materials. If this option is selected, the Embassy would, in the interim, attempt to use storm windows to improve heating and cooling on the lower floors, and would

[1] Note that the window frames in the renovated windows are *wood* components. Only the sashes are made of vinyl, the rest of the components currently in place are wood components.

strip and paint the existing window frames as necessary to protect from further deterioration.[2] In this regard, the Embassy requests approval of a permit to complete the lower floor window renovations over time using non-vinyl window components, or at the Board's determination, would seek individual permits for each proposed window replacement in the future. As noted above, the Embassy is also open to suggestions from the Board as to other workable, financially feasible options.

The Embassy would like to reiterate that, at the time that it engaged the contractors to complete the window renovations it was not aware of the permitting requirements. The Embassy engaged three local, licensed contractors and requested advice as to the best solution to its severe heating and cooling problems. The Embassy takes pride in its location and takes the historic preservation objectives seriously. This is apparent in the high standards of care that it maintains with regard to its building structure. Indeed, as shown in the photographs provided in the April 11 application, the replacement windows are in character with the historic neighborhood and are higher quality than found in most of the adjoining buildings. Unfortunately, the Embassy did not know of the specific materials requirements when the contractor renovated the windows on the upper floors, and it does not now have the financial means to completely replace the windows on those floors. It therefore must find a workable solution that is both consistent with the historic preservation guidelines and is not prohibitively expensive.

As the Act and regulations make clear, the Historic Preservation rules are meant to take into account "practical considerations" and "are not intended as rigid and unyielding rules for all situations, but rather as a general means of promoting equity of treatment among applicants and consistency to the directions given by the Board and staff."[3] Here, it is important to note that the window frames

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[2] In any event, it is the Embassy's understanding that, because these windows are more than fifty years old, they will need to be completely replaced in the next several years. It is also notable that, currently, there is a drastic difference in the heating and cooling functionality in the upper floors, where the newer windows are in place, as compared with the lower floors, where the heating and cooling system is relatively ineffective. At this time, the work environment on the lower floors is severely compromised. For these reasons, the Embassy respectfully requests that the Board approve the current permit application for full replacement using the custom-made materials already purchased, as this is a better and more reasonable option than these proposed alternatives.

[3] DCMR § 2001.1.

in the renovated windows are *wood* components. Only the interior sashes are made of vinyl – the rest of the components currently in place are wood components. The replacement windows fit the historic character of the district and they are replacements for badly deteriorated components. Therefore, the proposals offered by the Embassy of Moldova, including the original April 11 permit application, are precisely within the intent of the Board's standards and would result in an outcome that is aesthetically compatible with the historic character of the building and the neighborhood. By approving the Embassy's permit application, the Board would be furthering the objectives of the historic preservation guidelines while at the same providing an option that does not impose an undue burden on the Embassy. We therefore respectfully request the Board's approval of this permit application, or in the alternative, request that the Office of Planning work with the Embassy to develop a workable solution that is financially feasible for the Embassy.

Thank you kindly for your consideration. Please do not hesitate to contact us should you need further information.

Respectfully submitted,

Melanie A Frank

Melanie A. Frank

Enclosure

cc: Steve Callcott
Keith Lambert