

COMMISSION ACTION

NCPC File No. 6479



PATENT OFFICE BUILDING
COURTYARD ENCLOSURE
G, F, 7th and 9th Streets, NW
Washington, DC

Submission by the Smithsonian Institution

June 2, 2005

Commission Action Requested by Applicant

Approval of final site and building plans pursuant to 40 U.S.C. § 8722(d) and Section 5 of the National Capital Planning Act (40 U.S.C. § 8722(b)(1)).

Commission Action

The Commission finds that:

- The Smithsonian Institution is required under the Planning Act and Public Law 108-72 to submit exterior alterations at the Patent Office to the Commission for review and approval and be subject to the provisions of Section 106 of the National Historic Preservation Act.
- The Smithsonian Institution's prior decisions, construction, and demolition have led to the irrevocable loss of character-defining elements of the Patent Office Building, and precluded or limited the ability of the Commission and others to review the proposal fully, investigate alternatives, and recommend design changes to the proposed canopy.
- Two federal agencies with great expertise in the significance and preservation of National Historic Landmarks—the Department of the Interior and the Advisory Council on Historic Preservation—have stated in writing the significance of the historic courtyard to the character of the Patent Office Building, and the project's adverse effects to the Patent Office Building and to the L'Enfant Plan.
- The Secretary of the Interior on January 28, 2005 reported on the national significance of the Patent Office Building and found that the loss of the courtyard during construction of the auditorium and the Smithsonian's subsequent proposal to enclose the courtyard

caused adverse effect to the National Historic Landmark building and to the L'Enfant Plan

- The Smithsonian Institution, on March 4, 2005, terminated Section 106 consultation.
- The Advisory Council on Historic Preservation's final findings to the Smithsonian Institution and to the Commission (letters of April 18 and April 21, 2005) are that "the ACHP and the Secretary [of the Interior] agree that actions taken by the Smithsonian to date are wholly inadequate to avoid serious adverse effects to both the Old Patent Office and the L'Enfant Plan;" and for the Smithsonian Institution "to abandon its plans to enclose the courtyard, and that it take steps to return, to the extent practical, the courtyard to its appearance prior to demolition" or, in the alternative, "that the current roof enclosure design be modified to lower its height" and, further, that the Smithsonian Institution "ensure that the south stairs are reconstructed as part of the overall rehabilitation project."
- The Smithsonian Institution and the Commission both have responsibilities toward the Patent Office Building under the Planning Act and the National Historic Preservation Act.
- The Commission is the sole remaining federal agency with responsibilities under the National Historic Preservation Act and is required in Section 106 to:
 - "undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark" and "give special consideration to protecting National Historic Landmarks."
 - give due consideration to the final comments of the Advisory Council on Historic Preservation.

The Commission:

Endorses the findings and recommendations of the Secretary of the Interior and the Advisory Council on Historic Preservation.

Finds that the Smithsonian Institution has caused irrevocable harm to the Patent Office and its setting through the demolition of the original courtyard landscape, and that the proposed canopy will further degrade the character of the Patent Office, a seminal Greek Revival-style building in Washington and the nation and a building of transcendent historical significance.

Disapproves, effective by letter of the Chairman to the Advisory Council on Historic Preservation, the final site and building plans for the enclosure of the courtyard of the Patent Office Building.

Requires the Smithsonian Institution to reconstruct the south façade stairs as an element of the architectural rehabilitation of the landmark's appearance and centrality in the L'Enfant Plan and its historic environs, and as a means of providing integrally designed handicap accessibility to the building's south entrance.

Advises the Smithsonian Institution that the courtyard is subject to Commission review and approval of "open space in and around federal public buildings" under 40 U.S.C. § 8722(d).

Recommends that the Smithsonian Institution return to the Commission with plans to:

- Reconstruct the courtyard in a manner that will rehabilitate its prior design character and setting in relation to the building, including restoration to working order and reinstallation of the two cast iron fountains removed when the courtyard was demolished.
- Plan, design, and implement improvements in the Patent Office reservation that will restore its extent and character, provide handicap accessibility to the building by ramps on the north façade, and incorporate the south stair reconstruction into the realignment of the lawn and fence on F Street and the improvement of the sidewalks and street furnishings around the reservation.

Advises the Smithsonian Institution that this action does not preclude the Smithsonian from submitting a revised design for enclosing the center courtyard.

Deborah B. Young
Secretary to the National Capital Planning Commission