

COMMISSION ACTION

NCPC File No. 6479



**PATENT OFFICE BUILDING
CANOPY AND COURTYARD LANDSCAPE**
G, F, 7th and 9th Streets, NW
Washington, DC

Submission by the Smithsonian Institution

September 8, 2005

Commission Action Requested by Applicant

Approval of final site and building plans for the canopy and review of the concept design for the courtyard landscape 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

Finds that:

- The Smithsonian Institution's prior decisions, construction and demolition have led to the irrevocable loss of significant character-defining features such as the historic courtyard landscape of the Patent Office Building, a National Historic Landmark.
- The installation of a canopy over the courtyard and the canopy design currently proposed would adversely affect the character of the Patent Office Building and of the L'Enfant Plan, including the 8th Street reciprocating vista between the Patent Office Building and the National Archives Building.
- The Smithsonian Institution has committed to mitigation measures for the historic building and for its reservation and setting in the L'Enfant Plan to respond to these adverse effects. The Smithsonian acknowledges that the project components were conceived separately and has now begun to plan for improvements to the building and reservation that encompass the significance of the landmark in its entirety.

Accepts the Smithsonian Institution's commitment to complete mitigation for the adverse effects to the Patent Office Building and its setting and **approves** final site and building plans for the design and installation of the proposed courtyard canopy, **conditioned** on the following **required** measures to mitigate the adverse affects of the canopy on the Patent Office Building and on the L'Enfant Plan, including the loss of the open courtyard and the demolition of its historic landscape:

- Reconstruction of the F Street staircase to reinforce the presence and architectural integrity of the portico on the building's south facade in the L'Enfant Plan's street viewsheds, and its incorporation in the landscape and streetscape plan for the Patent Office Building reservation.
- Installation of a landscape and streetscape plan for the Patent Office Building reservation that will restore its extent and character in the L'Enfant Plan, to be designed in concert with a Cultural Landscape Report and Section 106 consultation and to be submitted in conjunction with the courtyard landscape plan so that the Commission can assess possible locations for the reinstallation of the historic fountains.
- Restoration to working order and installation of the two original courtyard fountains.
- Reconstruction of the courtyard through the design and installation of a new courtyard landscape commensurate and compatible with the historic design character and qualities of the Patent Office Building.
- Design and implementation of exterior lighting of the historic facades.
- Development of interior canopy lighting policies to ensure a low level of light emanating at night.
- Use of low-iron canopy glazing.

Requires the Smithsonian Institution to:

- Construct these mitigation measures in an expedited manner concurrent with the construction of the courtyard enclosure project, in accordance with a schedule to be mutually agreed upon within the next thirty days.
- Submit regular progress reports to the Commission for the duration of the project.
- Accept a mutually agreed-upon dispute resolution process to be followed in the event of disagreements about mitigation commitments.

Accepts Secretary Small's commitment to reconstruct a staircase on the F Street façade and to replace the two original fountains that were removed from the courtyard with trust funds as noted in his June 1, 2005 letter to the Commission Chairman (attached); **understands** that the Smithsonian Institution will use trust funds and donated funds to complete all the mitigation measures for which appropriated funds are unavailable; and **requires** the Smithsonian Institution to submit the components of the courtyard enclosure project, including mitigation measures, to the Commission for inclusion in the Federal Capital Improvements Program (FCIP) 2007-2012.

Advises the Smithsonian Institution that the Commission retains its jurisdiction under the Planning Act for alterations to the courtyard and its facades as a result of the reconstruction and implementation of the courtyard plan, as well as for the stipulated mitigation measures, regardless of the date of the landscape installation in relation to the installation of the canopy.

Notes that:

- The Commission directed the Smithsonian on June 2, 2005 to return 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.”
- The Executive Director’s Finding of No Significant Impact (FONSI) included the finding that the loss of the integrity of the Patent Office could only be mitigated, since the Smithsonian had devised a program and design that could not avoid or minimize adverse effects. As a result, in order for the FONSI to remain valid, the courtyard enclosure approval by the Commission is conditioned to include the design and implementation of specific and direct mitigation, with a schedule for completion, to strengthen the historic character and presence of the building.

Comments favorably on the concept of a contemporary landscape design for the courtyard that seeks to recreate the public amenity that was lost with the demolition of the courtyard so that it will continue to serve as an active place at the heart of the Patent Office for all visitors to the building. The design is incipient and will require significant development in concert with the Commission and others, but the staff supports the use of the courtyard for circulation and passive and active functions during museum hours as well as for special events. The staff also notes the interpretation of elements of the historic courtyard landscape, including water, trees, and plants, consistent with the June Commission order to rehabilitate its “design character and setting.” The Smithsonian should continue to develop design options with the historic fountains installed both inside and outside the courtyard until the Patent Office Reservation landscape plan is submitted and until the courtyard water features are further developed in the next phase of the courtyard landscape plan.

Comments unfavorably on certain proposed elements of the landscape design and recommends that they be removed from the plans: the balcony and the alteration of the historic window opening; the application of reflective, translucent panels to three facades of the courtyard; and the application of continuous plant material in front of the south courtyard façade.

Deborah B. Young
Secretary to the National Capital Planning Commission