

STAFF RECOMMENDATION

NCPC File No. 6479



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

Submitted by the Smithsonian Institution

September 1, 2005

Abstract

The Smithsonian Institution (SI) has submitted final site and building plans for the canopy enclosure for the courtyard of the Patent Office Building and concept design plans for the courtyard landscape. The submission includes the proposed canopy and a landscape plan for the courtyard. The Smithsonian also submitted an early landscape plan for the Reservation that is not sufficiently developed to comment on at this time. The Smithsonian intends to submit preliminary site and building plans for the south façade (F Street) stairs and a more fully developed Reservation landscape and streetscape plan at a future date.

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))

Executive Director's Recommendation

The Commission:

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.

* * *

PROJECT DESCRIPTION

Site

The Patent Office is located on a central reservation of the L’Enfant Plan centered on 8th Street between F and G Streets, NW. The Patent Office Building is bounded by 7th and 9th Streets and F and G Streets, NW. It fills Reservation #8, one of the most prominent reservations in the L’Enfant Plan, situated on the high ridge parallel to F and G Streets, NW and originally envisioned as the site of a national nondenominational church. The building was begun with the south façade in 1836 from a design by Town and Elliott selected by President Andrew Jackson, who also selected architect Robert Mills to oversee construction. The building was constructed in four phases over three decades, and the facades are remarkably consistent given the long construction period. The Patent Office Building--its central location, Greek Revival style, and original purpose--is well known to the Commission and public as an exemplar of the achievements and ideals of the Jacksonian era. It was designated a National Historic Landmark in 1965.

Background

The Smithsonian Institution previously appeared before the Commission in July 2004 and November 2004 for conditional concept and preliminary site and building plan approval. In December 2004 the Smithsonian made an information presentation to the Commission on alternatives to the proposed location and design of the cooling tower. On January 2005, the Commission approved a concept design for the reconstruction of the south stairs.

On March 5, 2005, the Smithsonian Institution terminated consultation under section 106. On June 1, 2005, the Commission received a letter from Smithsonian Institution Secretary Lawrence Small assuring the Commission of SI’s commitment to reconstruct the south stair and restore and reinstall the courtyard fountains using Trust funds.

On June 2, 2005, the Commission disapproved the final site and building plans for the courtyard enclosure. The Commission adopted the following motion:

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 them from revising and resubmitting their design to the Commission.



1968 PHOTO OF COURTYARD LANDSCAPE



F STREET STAIRS PRIOR TO 1930s

On August 4, 2005 the Commission approved the Smithsonian's preliminary and final site and building plans for the construction of a pair of access ramps on the north façade of the Patent Office Building. The ramps will provide an accessible entrance to the building's museums that complies with the Americans with Disabilities Act (ADA).

On August 4, 2005, the Smithsonian Institution made an informal presentation to the Commission. Kathryn Gustafson of Gustafson Guthrie Nichol Ltd. presented three schematic design options for the courtyard landscape. Two of the schemes placed the existing courtyard fountains within the courtyard. The third option placed the fountains outside in the east side of the building yard, flanking the 7th Street portico and stairs. Michael Cook, an architect from Foster and Partners, and John Drew, a structural engineer from Buro Happold Engineers, reviewed the status of the canopy enclosure and presented six alternatives for the use of the Smithsonian's preferred diagrid canopy. The first option retained the canopy as it had been presented to the Commission on June 2, 2005. The other options lowered the canopy to eliminate its visibility within the 8th Street viewshed. Advantages and disadvantages were discussed and unique conditions were explained for each of the options.

Description of the Proposal in the Current Submission

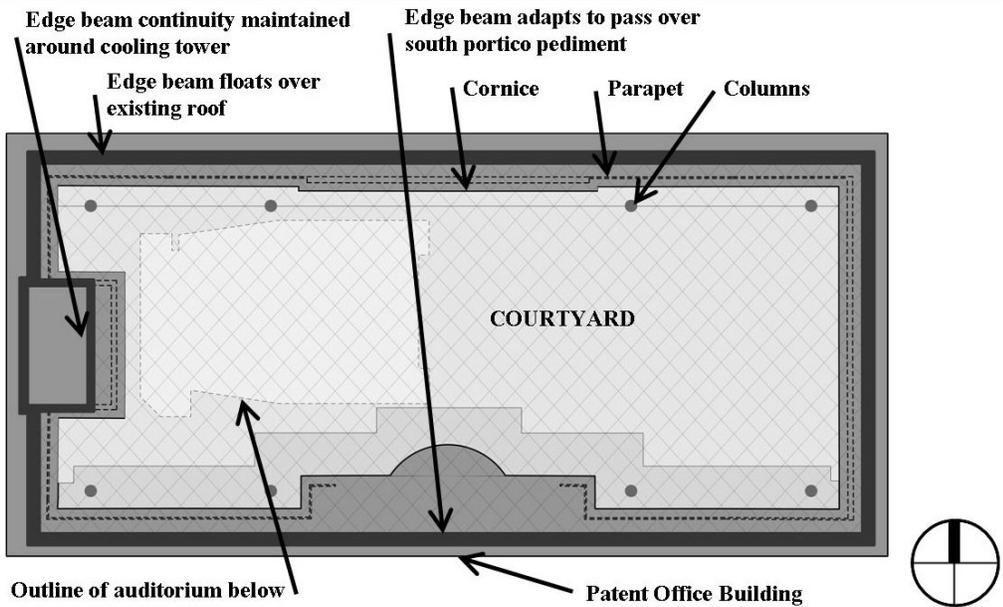
Canopy

The canopy is not significantly different from the submission reviewed by the Commission at the June 2005 submission. To mitigate the appearance of the canopy in the 8th Street viewshed, the Smithsonian proposes the following:

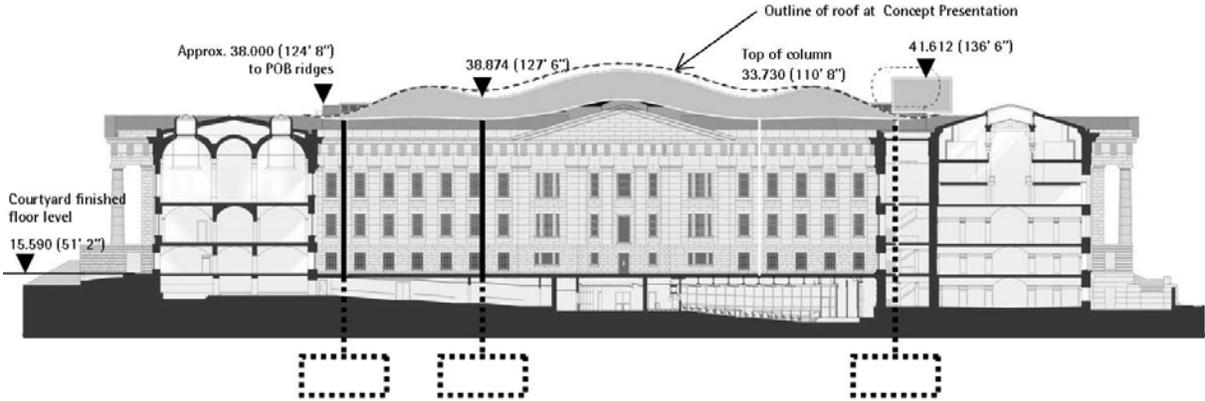
- use of low-iron glazing to increase clarity and reduce the greenish tint that would otherwise be apparent when viewed at an angle
- adoption of interior lighting strategies that would reduce light emanating from the canopy at night
- Implementation of an exterior lighting plan for the historic facades of the Patent Office Building



COURTYARD VIEW OF PROPOSED CANOPY



PROPOSED CANOPY PLAN



COURTYARD SECTION WITH PROPOSED CANOPY

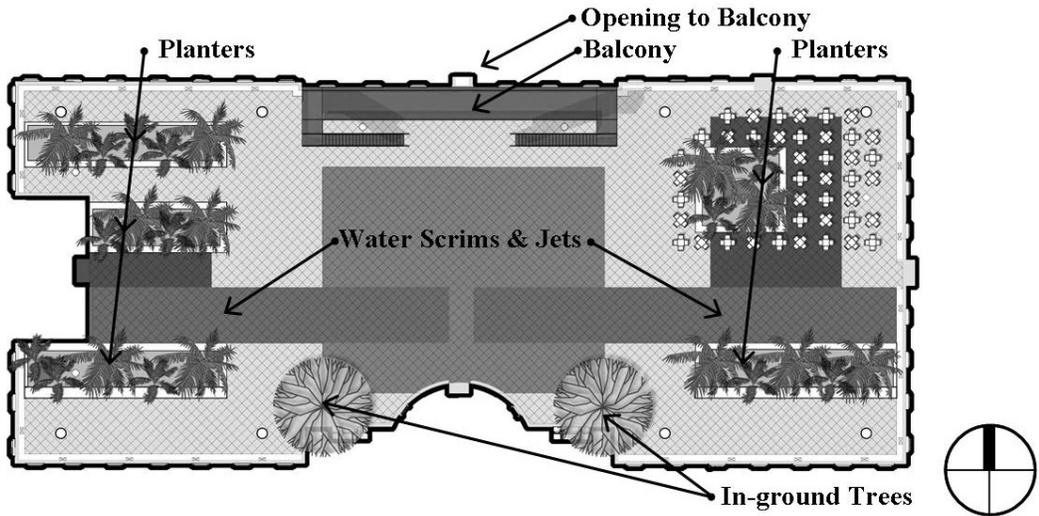
Courtyard Landscape

The proposed concept landscape design uses water and greenery to reinterpret in a modern idiom the historic courtyard elements. North-south and east-west axial relationships would be reinforced. Water would be reintroduced on the floor plane through water scrims and jets, trees and plants from a temperate forest palette would be placed in elevated planters, and museum circulation would continue to pass through the courtyard. The ground plane would be composed of rectangles, defined by variegated stone pavers, elevated stone-clad planters and water scrims and jets. The elevated planters would define smaller sub-areas within the courtyard and provide seat walls. Visitors would be able to walk through, interact with, or bypass the water scrims and jets. During special events, the scrims and jets would not be operated.

Two in-ground trees framing the south courtyard façade are proposed. A continuous one-story trellis with plant materials in front of the ground floor of the south courtyard façade is proposed. Blue translucent panels for attachment to the east, north, and west stone facades of the courtyard between the pilasters and windows are proposed.

An elevated glass and metal balcony with a pair of stairs rising from the courtyard in front of the north courtyard façade is proposed. The designer intends the balcony to be used as a stage during events and as a viewing platform. In order to gain access to the balcony from the building, a window on the second level of the north courtyard façade would be removed, along with the sill and façade wall below it, in order to provide a door opening between museum galleries and the balcony.

The previous submission to the Commission consisted of an unplanted courtyard floor designed to be open to serve as an events space and containing as its principal feature a catering kitchen at the western end. The current proposal, while still conceptual, envisions the courtyard as a central gathering and circulation space in the building for all visitors.



PROPOSED COURTYARD LANDSCAPE PLAN

PROJECT ANALYSIS

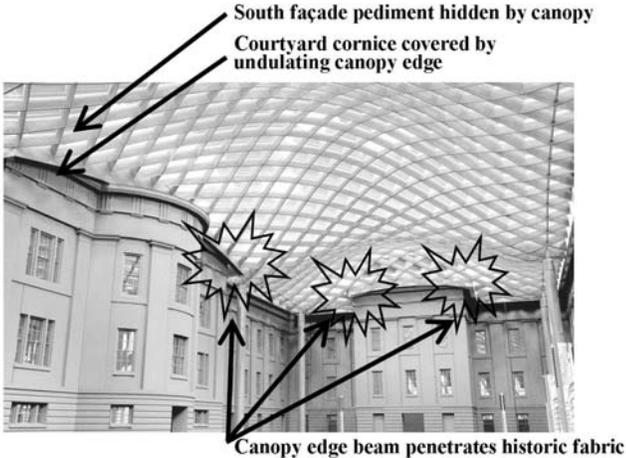
Canopy

Although the proposed canopy compromises the iconic view of the Patent Office Building and the 8th Street viewshed and L'Enfant Plan, it is the only alternative presented by the Smithsonian Institution that minimizes visual or structural intrusions inside the courtyard. Furthermore, the Smithsonian Institution is committing to a number of specific mitigation measures and a schedule for their completion. Therefore, **staff recommends final site and building design approval of the proposed courtyard canopy, conditioned upon the following required mitigation measures:**

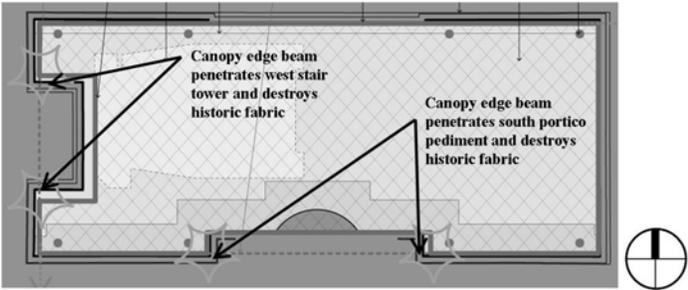
- Reconstruction of the F Street staircase to reinforce the presence and architectural integrity of the portico on the building's south facade in the L'Enfant Plan's street viewsheds, and its incorporation in the landscape and streetscape plan for the Patent Office Building reservation.
- Installation 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 with 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.

After the June 2, 2005 Commission meeting, the SI design team reviewed its proposal, investigated alternatives, and considered design changes to the proposed canopy. At an information presentation on August 4, 2005, the Smithsonian gave the Commission the first opportunity to review design alternatives, as requested and recommended by the Commission in July and November 2004, in which the diagrid canopy was lowered so that it would not be visible from Mount Vernon Square and the National Archives and so that the appearance of the Patent Office in the 8th Street viewshed could be preserved.

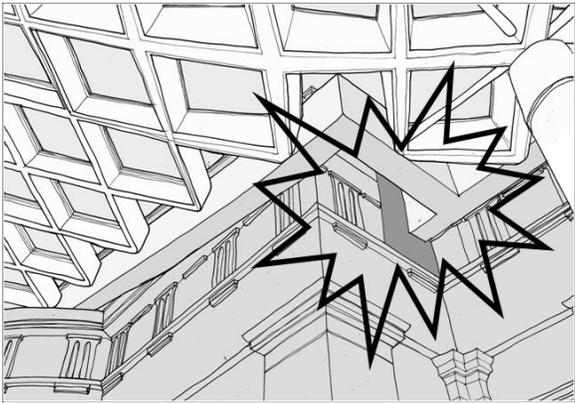
The presentation included six options. SI's Option 1 retains the June 2, 2005 canopy scheme (the proposed canopy). The remaining five alternative options (Options 2-6) modify and redesign the diagrid canopy. The staff has analyzed and evaluated each of the alternatives.



OPTION 2: COURTYARD VIEW OF CANOPY

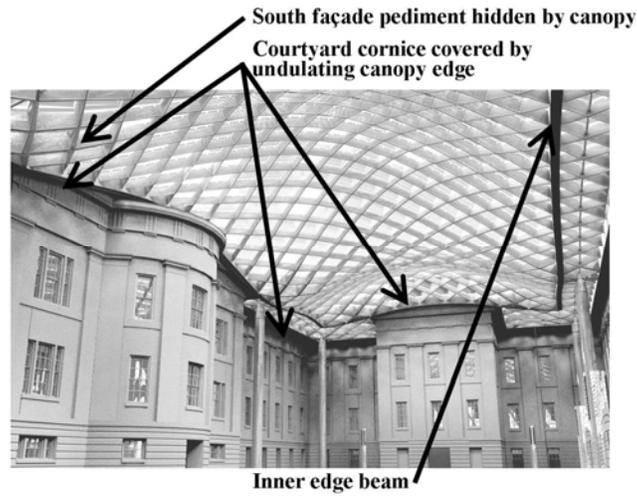


OPTION 2: CANOPY PLAN

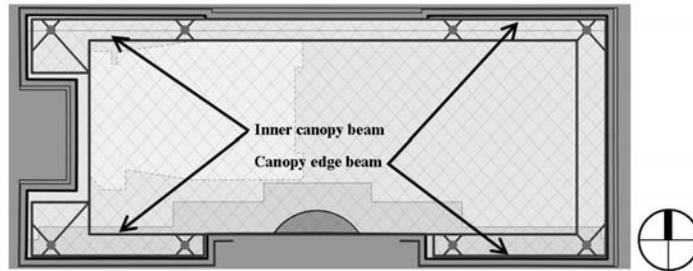


**OPTION 2: BEAM PENETRATION
IN HISTORIC FABRIC**

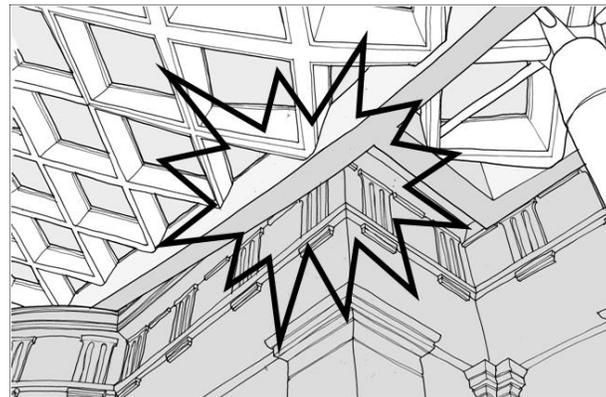
Option 2 is not recommended because the canopy edge beam would penetrate the west stair tower and south façade pediment and destroy historic fabric. The undulating canopy edge would visually interrupt and intrude upon the courtyard facades by covering portions of the architectural frieze and cornice and creating awkward junctures. Furthermore, the canopy would obscure the south façade pediment as viewed from the courtyard.



OPTION 3: COURTYARD VIEW OF CANOPY

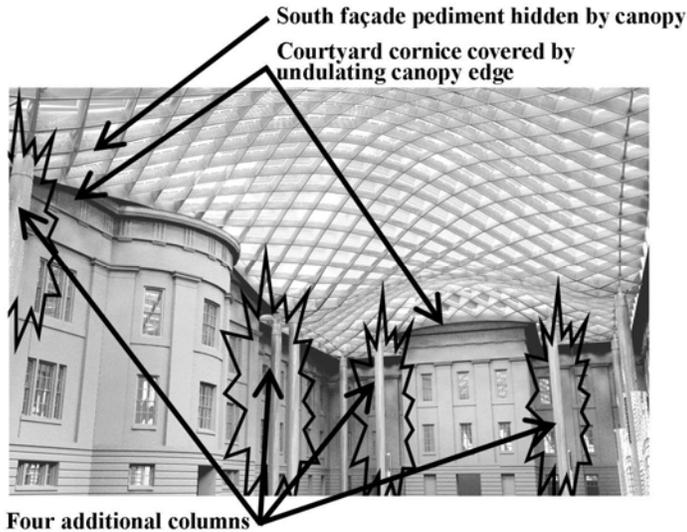


OPTION 3: CANOPY PLAN

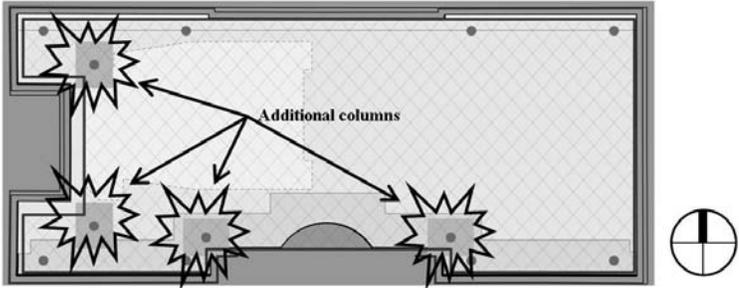


OPTION 3: CANOPY EDGE CONDITION

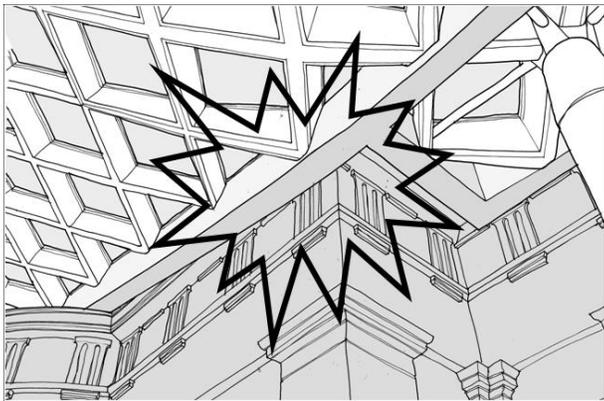
Option 3 was the only possible alternative to Option 1, in staff's judgment, but is not recommended. Option 3 would incorporate an inboard structural beam running through the canopy grid in order to avoid penetrating the historic building fabric. Additional canopy and perimeter beams would also be required. However, Option 3 is not recommended because the canopy edge would visually interrupt and intrude upon the frieze and cornice of the courtyard facades and obscure the south façade pediment, as in Option 2.



OPTION 4: COURTYARD VIEW OF CANOPY

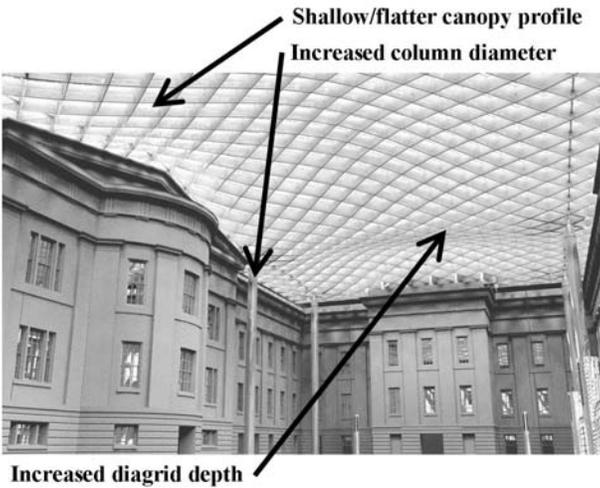


OPTION 4: CANOPY PLAN



OPTION 4: CANOPY EDGE DETAIL

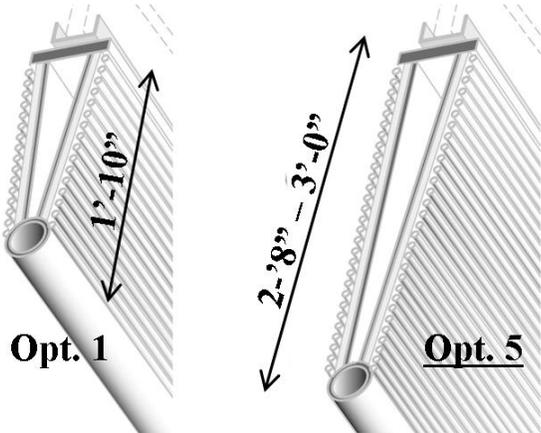
Option 4 is not recommended because the canopy edge would visually interrupt and intrude upon the frieze and cornice of the courtyard facades and obscure the south façade pediment, as in Options 2 and 3. It would also require four additional columns, two flanking the west stair tower and two flanking the south façade projection, which would intrude upon the courtyard space.



OPTION 5: COURTYARD VIEW OF CANOPY

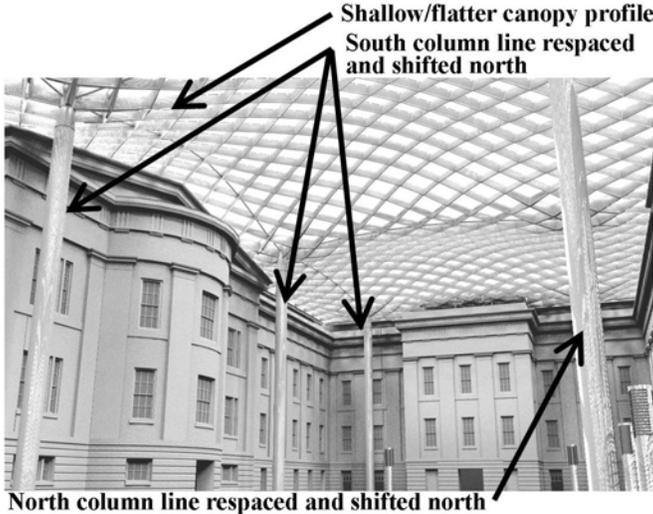


OPTION 5: CANOPY DETAIL

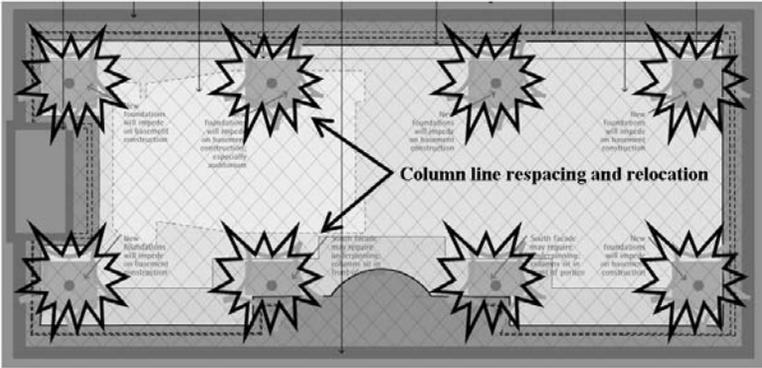


OPTION 5: DIAGRID DEPTH

Option 5 would flatten the canopy profile and elevate it so that it would not obscure the south façade pediment and courtyard façade cornices. However, Option 5 is not recommended because the canopy grid structural depth would be increased from 22 inches (in the proposed canopy, Option 1) to 34-36 inches, thereby reducing incoming daylight in the courtyard and views of the sky through the canopy. The reduced daylight would also reduce options for courtyard plant materials. The column diameter would be increased from 38 inches to 42 inches.



OPTION 6: COURTYARD VIEW OF CANOPY



OPTION 6: CANOPY PLAN

Option 6 would flatten the canopy profile and elevate it so that it would not obscure the south façade pediment and courtyard façade cornices. All of the columns would be relocated and spaced equidistantly in order to help reduce the structural long spans. However, Option 6 is not recommended because of the awkward placement and intrusion of the columns in the courtyard space.

Proposed (Option 1) Canopy

The proposed Option 1 canopy's effects to the building and to the L'Enfant Plan remain adverse; the central vault of the canopy will become a permanent feature of the iconic view of the monumental Greek Revival-style National Historic Landmark. In daylight, the proposed low-iron glazing may help to mitigate the canopy glazing color and increase glass transparency of the central vault, whose apex is approximately 15 feet above the south portico. The revised courtyard down lighting and proposed implementation of exterior façade lighting will help shift focus away from the canopy in evening conditions.

The F Street (south) stair reconstruction and the design and implementation of a landscape and streetscape plan for the reservation based on the historic plan (and incorporating the new F Street stair) remain the most significant mitigation measures for the adverse effect of the canopy on the Patent Office and the L'Enfant Plan. Staff recommends that future museum security be considered in the development of the reservation plan.

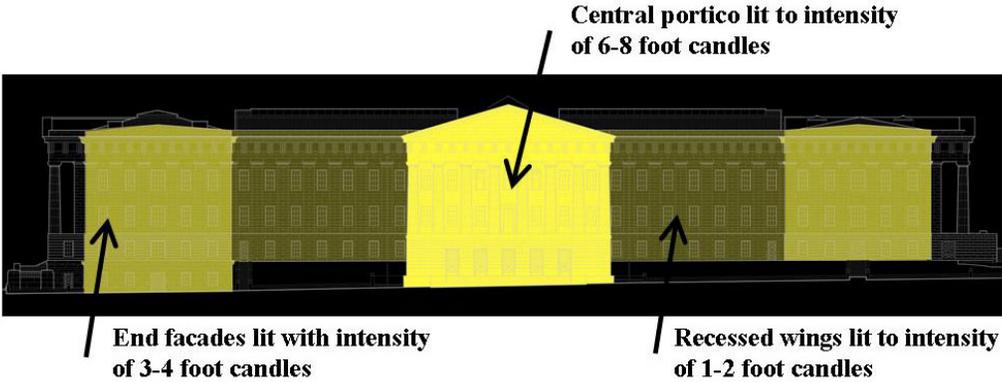
The design and installation of a courtyard landscape that is developed further so that it is fully compatible with the Patent Office Building and commensurate with its character and design qualities will partially address the loss of the historic courtyard landscape. Further, staff recommends that interior courtyard lighting be limited to use during museum hours of public visitation and/or special events and that SI create guidelines to restrict vendors from using temporary event lighting that would increase internal canopy illumination. Staff recommends that the exterior façades be illuminated at least concurrently with non-daylight hour courtyard events.

The Smithsonian was obligated under the Planning Act to provide the Commission an opportunity to review alternatives that did not enclose the courtyard and that restored the historic courtyard landscape. Of the alternatives presented to the Commission, the proposed canopy would cause the least visual impact from within the building and courtyard.

Mitigation Measures in Summary

In addition to the Commission's direction to the Smithsonian Institution on June 2, 2005 concerning the implementation of exterior improvements to the Patent Office Building and its Reservation, the Executive Director's Finding of No Significant Impact (FONSI) requires mitigation as a basis for that finding. In light of the impacts and in the absence of a Memorandum of Agreement as a result of the Smithsonian's termination of Section 106 consultation, **staff recommends that all the mitigation measures be required, that the construction of these measures be expedited to coincide with the construction of the canopy and the installation of the courtyard landscape, and that the Smithsonian commit to a schedule for completion within thirty days and provide regular reports to the Commission on its progress in completing the mitigation measures.**

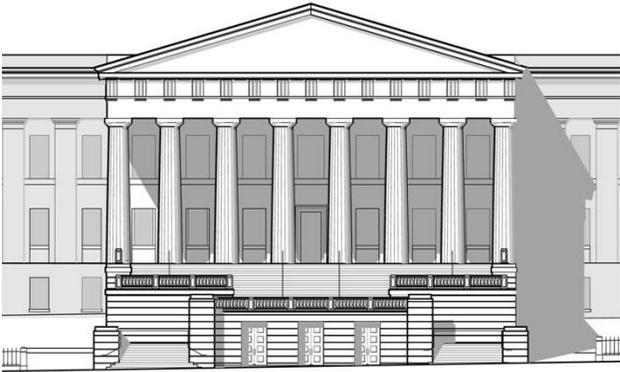
Required Mitigation Measures (continued)



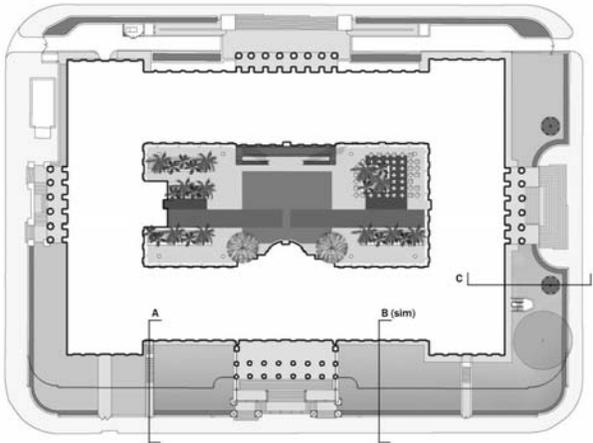
EXTERIOR FAÇADE LIGHTING



INTERNAL COURTYARD ILLUMINATION



SOUTH STAIR RECONSTRUCTION



RESERVATION LANDSCAPE & STREETSCAPE PLAN



COURTYARD LANDSCAPE

Courtyard Landscape

The staff analysis of concept design for the courtyard landscape is based on the Commission's direction to the Smithsonian Institution. On June 2, 2005 the Commission directed the Smithsonian 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.”

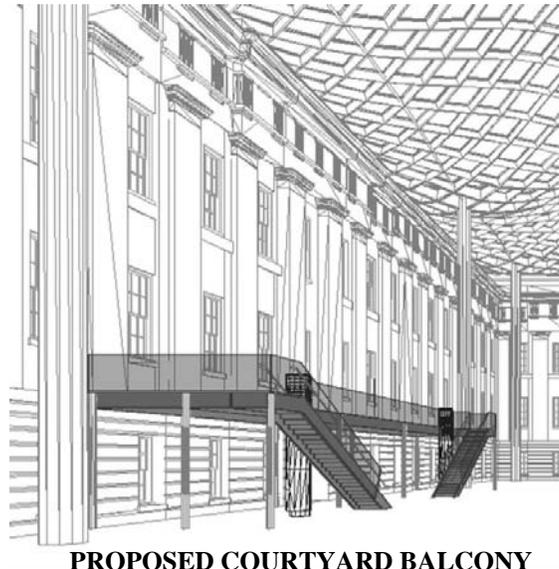
The previous final site and building plan submission from the Smithsonian Institution showed a courtyard consisting of granite flooring and a tall catering structure with extendable walls in front of the western stair tower. Since the June 2, 2005 Commission action, the Smithsonian has retained a designer to begin to develop a landscape plan for the courtyard.

The concept design is incipient and will require significant further development of both the design and program. Elements of the plan are welcome, in staff's judgment, and other elements are ill-advised and should be eliminated from further development.

Staff comments favorably on a contemporary landscape design that uses elements from the former courtyard such as water, trees, and plants; staff supports the full circulation and use of space within the courtyard. The water elements will enliven the courtyard and provide scale. However, staff advises the Commission that this is a very early concept and not yet developed. It is welcome evidence of the Smithsonian's intention to design the courtyard floor and return the courtyard to serving as an integral part of the building.

However, it is not yet clear how the overall design composition responds to the character and setting of the former courtyard and interprets the Greek Revival-style design principles of its courtyard and building setting. The designer's inspiration appears to be late-nineteenth century French in its theatricality and use of a stage and reflective materials. The development of the landscape plan, even in a contemporary idiom, should be compatible and commensurate with the character and qualities of the Patent Office Building. The spatial character and programmatic functions struggle between outdoor urban plaza elements (water scrims and jets, ground plane pattern) and indoor conservatory elements (planters, trees). Staff analyzed and evaluated the concept design and the following are comments pertaining to each of the proposed elements.

Balcony



PROPOSED COURTYARD BALCONY

Staff strongly recommends against the inclusion of a balcony in the design. The structure would become an additional projecting form in the courtyard where the two original projections – the semicircular south stair projection and the western stair tower – should be the dominant forms in front of the four courtyard walls that create a balanced and harmonious neoclassical composition of windows, pilasters, and cornices. The balcony would not only create a foreign appendage and mass in front of the north courtyard façade that would interrupt and obscure the visibility of the façade, but it would require the removal of historic fabric to create a door, an alteration that should be avoided. Altering the second level window to become a balcony door is an extreme measure that should not be undertaken. Further, the relationship and balance of the courtyard facades and the three-dimensional space they contain would be unnecessarily altered in a manner inconsistent with the Secretary’s Standards and with the Commission’s June 2005 direction “to rehabilitate its prior design character and setting.”

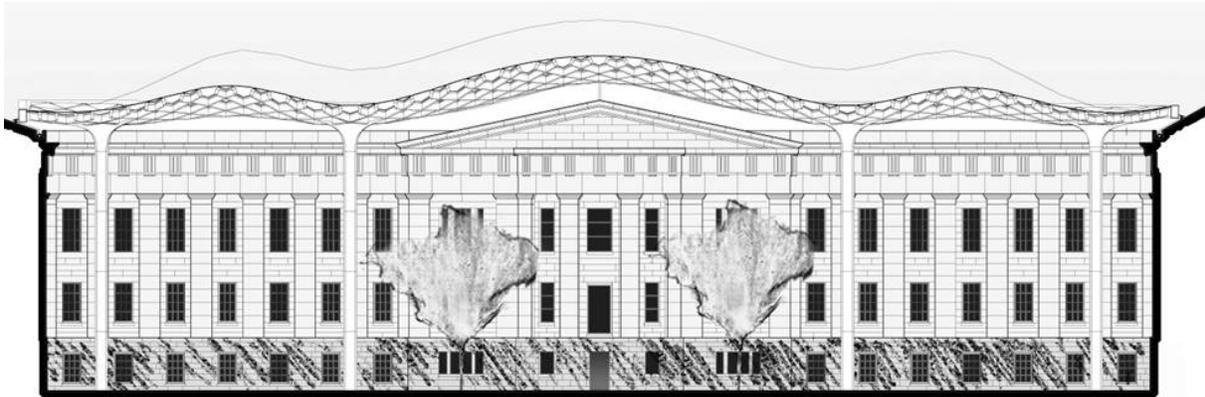
Application of Translucent Panels to Courtyard Facades



**PROPOSED APPLICATION TO THE NORTH,
EAST & WEST COURTYARD FACADES**

Staff also strongly recommends against the installation of reflective, translucent material (blue spandrels) applied between the pilasters and the windows of the north, west, and south courtyard facades. They are incompatible with the monumental building. The installation would detract and alter the character and balance of the historic Greek Revival-style courtyard facades, dismissing the walls while overly emphasizing the pilasters, and would seriously impair the public's understanding of the façades from within the courtyard as well as from the windows of the museum galleries. This proposal is inconsistent with the Commission's direction to rehabilitate the courtyard's design character and setting.

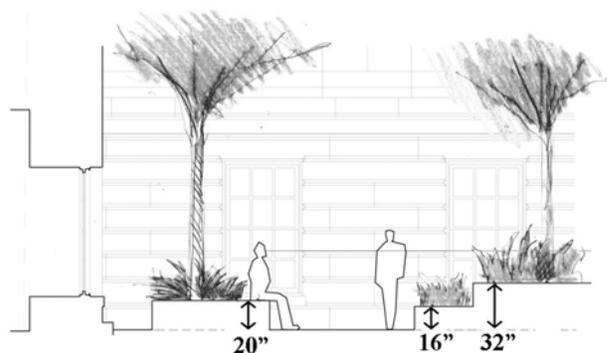
Continuous Trellis with Plantings in front of the South Courtyard Façade



PROPOSED SOUTH FAÇADE LANDSCAPE PLANTINGS

Staff recommends against the trellis of continuous plant materials proposed for installation in front of the first floor of the south courtyard façade. All of the courtyard facades should be seen in their entirety, since they gain their significance from being understood as a whole and from defining the courtyard space. The desired green softening of the courtyard to counteract the new floor should be achieved in the ground plane rather than on the historic walls. The south façade is unique because it is constructed of Aquia sandstone and has a strong pediment, an additional reason for not obscuring the façade in any respect. The staff's objections arise from the same concerns stated for the balcony and the reflective applications. The greenery would obscure an important part of the façade and adversely affect the appearance of the original historic façade and character of the courtyard setting.

Courtyard Planters and Trees



PROPOSED PLANTERS AND SEAT WALLS

The staff supports the proposed in-ground planting of two trees to flank the south courtyard stair apse. However, upon review of below-grade conditions staff is concerned about the possibility or viability of trees in this location. Staff recommends that the Smithsonian investigate these conditions further and hopes that in-ground planting of trees can occur. Staff also supports the addition of plants and trees in raised planters, since they would provide scale and help define smaller zones in the courtyard. Staff advises the Smithsonian to move planters away from the historic facades in order to avoid dead-end conditions and to increase opportunities for circulation.

The overall composition of the east/west planters should be developed to relate more compatibly and harmoniously to the façade patterns, courtyard volume, canopy columns, and mechanical pylons. In the current design concept submission, these elements appear incongruent.

Water Features



WATER FEATURES: EXAMPLES OF WATER SCRIMS AND JETS

Staff supports the use of water features in the courtyard since they would animate the space and provide ambience. The water scrims and jets present some practical concerns for the Smithsonian. The water features would encourage children and adults to interact with them and then proceed into the museums. The narrow passage between the east/west scrims limits the opportunity for “dry” circulation. SI should study its programmatic functions and other alternatives for water features, such as moving them off the ground plane and integrating them with the raised planters.

Given these questions and the need for further study of the scrims and jets, staff believes that a decision to remove the historic fountains from the courtyard is premature. Staff recommends that the historic fountains be studied further in both the courtyard and exterior Reservation locations until further development of both the courtyard landscape plan and the Reservation landscape and streetscape plan.

Event and Catering Functions

Staff requests further information about how special events and catering functions would be configured within the courtyard.

Historic Fountains

The ultimate placement of the two historic fountains can not be determined at this time, because the courtyard landscape plan is insufficiently developed to know the final plan for water elements within the courtyard. Further, the Reservation landscape plan is a separate undertaking subject to Section 106 consultation and review that the Smithsonian has not yet begun. The development of the Reservation landscape will occur following the completion of a Cultural Landscape Report on the history of the Reservation that will provide guidance for decision makers, including the Commission. Its completion was stipulated in the July 2005 Memorandum of Agreement for the Patent Office Building's north access ramps. **Therefore, the staff believes that a decision on the location of the historic fountains is premature at this time and recommends that the historic fountains be considered by the Smithsonian for both interior and exterior locations until further development of both the courtyard landscape plan and the exterior Reservation landscape and streetscape plan.**

CONFORMANCE

Comprehensive Plan for the National Capital

The proposed project is inconsistent with policies for historic preservation and stewardship, since it does not meet the Secretary of the Interior's Standards and has been determined by the Smithsonian Institution, the Executive Director, the DC SHPO, the Advisory Council on Historic Preservation, and the Secretary of the Interior to have an adverse effect on the Patent Office Building and on the L'Enfant Plan. In particular, the Secretary's Standard #9 states:

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

The nature and visibility of the canopy, the demolition of the courtyard, and the proposed altered character of the "urban plaza" to replace the courtyard are inconsistent with the Secretary's Standards and therefore cause an adverse effect to the Patent Office. In addition, the view of the building and its setting in the L'Enfant Plan are an adverse effect on the L'Enfant Plan.

Federal Capital Improvements Plan

Staff therefore recommends that the Smithsonian Institution be required to submit the components for the courtyard enclosure project, including the mitigation measures stated in this report, to the Commission for inclusion in the Federal Capital Improvements Program (FCIP) 2007-2012.

National Capital Urban Design and Security Plan

The Smithsonian has not undertaken studies for future perimeter security design for the Patent Office Building at this time. Staff recommends that the Smithsonian incorporate perimeter security in conjunction with the Reservation landscape and streetscape plan.

National Environmental Policy Act (NEPA)

Commission's Environmental and Historic Preservation Policies and Procedures, dated April 1, 2004, specify that "it is the policy of the Commission that in those limited circumstances where applicable, the Commission shall adhere to the provisions of Section 110 (d), (e), and (f) of the National Historic Preservation Act (NHPA) and, consistent with the Commission's mission and mandates, shall carry out programs and projects (including those under which any federal assistance is provided or any federal license, permit, or other approval is required) in accordance with the purposes of the NHPA"

NCPC staff analyzed, in conformance with the requirements of NEPA, the Supplemental Environmental Assessment (EA) prepared by the Smithsonian Institution for planning and construction of improvements that includes the courtyard. Staff prepared a Finding of No Significant Impact (FONSI) on October 8, 2004 based on adoption of the Supplemental EA with mitigation. The 2004 Supplemental EA addressed long-term effects from the implementation of a proposed courtyard roof design as it relates to historic and visual resources.

The NCPC staff's independent review found that the EA conclusions represented an acceptable analysis of the potential environmental impacts of the plans, if mitigated by further actions. Part of that Finding also included the Smithsonian's need, under Section 106 of the NHPA, to avoid, reduce, or mitigate visual and historic effects. The impacts, as they relate to the south 8th Street viewshed of the L'Enfant Plan, were deemed moderate to major, and adverse to the National Register character of both the Patent Office's place in the L'Enfant Plan and to 8th Street, as determined by the DC State Historic Preservation Officer and the unfulfilled Section 106 Review process that involved various interested parties including the Advisory Council on Historic Preservation, the National Historic Trust, and the Department of Interior. The formal Section 106 process was terminated by the Smithsonian Institution in 2005.

NCPC staff concluded, in the context of NEPA compliance, that the loss of the integrity of the Patent Office can only be mitigated, since the Smithsonian devised a program and design which could not avoid or minimize its effects. As a result, the courtyard enclosure must be developed to include direct mitigation to strengthen the historic character and presence of the building.

National Historic Preservation Act (NHPA)

The Commission continues to have Section 106 and Section 110 responsibilities as it carries out its design review of the canopy and courtyard landscape pursuant to the final comments of the Advisory Council on Historic Preservation. The Smithsonian Institution terminated consultation on the courtyard enclosure project. The staff continues to consult with the SHPO and the ACHP, as well as with the National Trust for Historic Preservation and other parties, and invites them to comment on the current and future submissions. **NCPC's Section 106 and Section 110 (for the protection of National Historic Landmarks) responsibilities are still in effect through the conclusion of its decision-making on the Patent Office Building courtyard enclosure project.**

Given the building's status as a National Historic Landmark, the Smithsonian was required "to the maximum extent possible [to] undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking." The Commission is similarly obligated through its own Section 106 and Section 110 responsibilities under the National Historic Preservation Act.

A separate Memorandum of Agreement was signed by the Smithsonian Institution, the Commission, the D.C. State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP) for the north access ramps to the building (approved by the Commission at its August 2005 meeting.) As a stipulation of that Memorandum, the Smithsonian is to produce a Cultural Landscape Report (CLR) as guidance for the development of the design for the restoration of the "extent and character" of the Patent Office Reservation, including landscape and streetscape. This plan will incorporate the reconstruction of the south façade (F Street) stair. The south stair is mitigation for the adverse effect of the canopy on the Patent Office Building and on the L'Enfant Plan.

The design and implementation of the restoration of the extent and character of the L'Enfant reservation on which the Patent Office Building sits is a separate Section 106 undertaking for which the Smithsonian will serve as lead agency for consultation. As a federal reservation and a significant element of the historic L'Enfant Plan, the Patent Office reservation is subject to review by the Commission, the D.C. State Historic Preservation Office, the Commission of Fine Arts, and subject to consultation with other parties.

The Patent Office is well known as one of the most significant Greek Revival-style buildings in the country. It is also nationally significant for the purpose for which it was built. Further, it is located on one of the most significant reservations in the L'Enfant Plan. It is one of the three monumental federal office buildings initiated with Robert Mills as architect in the 1830s, in the second generation of construction in the nation's capital following the earlier construction of the White House and executive branch complex and the U.S. Capitol. The Washington Monument is Mills' fourth significant project in the nation's capital.

President Andrew Jackson selected Mills as architect of the Patent Office on July 4, 1836. Mills was replaced in 1852 by architect Thomas U. Walter, who completed the building soon after the

Civil War. The building's architects took full advantage of the building's setting created by the high topographical ridge running east-west along F and G Streets, by the L'Enfant Plan that exploited that topography, and by the vistas that resulted from the Plan's intention.

The Patent Office was designated a National Historic Landmark in 1965, is sited on a significant reservation of the L'Enfant Plan, and is within the Downtown Historic District and the Pennsylvania Avenue National Historic Site.

CONSULTATION

Coordinating Committee

The Coordinating Committee reviewed the canopy at its meeting at its June 16, 2004 meeting at the time of concept review and forwarded the proposal to the Commission with the statement that the project had been coordinated with all agencies participating except the D.C. Office of Planning (OP), subsequently coordinated. The participating agencies were: NCPC; the District Department of Transportation; the District Department of Housing and Community Development, the General Services Administration, and the Washington Metropolitan Area Transit Authority.

Commission of Fine Arts

The Commission of Fine Arts (CFA) has an advisory role in the review of this project. It gave concept approval at its June 2004 meeting. In response to a submission requesting final approval at its January 2005 meeting, CFA was supportive of the overall design for the courtyard enclosure but recommended further study of the glazing for the roof enclosure, and of the service wall at the west side of the courtyard. At the same meeting, CFA was unanimous in its decision not to approve the proposed design for the reconstruction of the south stairs, and stated that the entrance should be left as is.