



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240



April 22, 2022

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Property: **Federal-American National Bank, 615-621 14th Street NW, Washington, DC**
Project Number: **43689, Part 2**
Appeal Number: **1650**
Action: **Final Administrative Decision**

Dear [REDACTED]

I have concluded my review of your appeal of the October 19, 2021 Decision of Technical Preservation Services (TPS), National Park Service, denying certification of the Part 2 – Description of Rehabilitation application for the property cited above (the Decision). The appeal was initiated and conducted in accordance with Department of the Interior regulations [36 C.F.R. part 67] governing certifications for federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you and [REDACTED] [REDACTED] for meeting with me via videoconference on January 26, 2022.

After careful review of the complete record for this project, including the materials presented as part of your appeal and subsequently submitted at my request, I have determined that the impact of the nearly complete adjacent new construction on the rehabilitation of the Federal-American National Bank significantly compromises the historic character of the property, and hereby affirm the denial of certification issued by TPS in the Decision.

The Federal-American National Bank was completed in 1926 at the southeast corner of 14th and G Streets, NW. Designed by English architect Alfred C. Bossom, who had a national reputation as a leading designer of banks and skyscrapers, and Washington architect Jules Henri de Sibour, a leading proponent of Beaux-Arts architecture, their collaboration resulted in a building that is both steel-framed and boldly Beaux-Arts in style. Although the common form for urban banks at the time was commercial offices above the bank floors, this bank was solely a bank, albeit with retail storefronts below the raised banking floor. It stands out among the neighboring buildings in the Financial Historic District—both older and more recent—by being half their height and by the colossal scale of its Beaux-Arts features.

The 14th Street façade is composed as a triumphal arch with colossal order engaged columns and pilasters defining the height of the three-story tall banking room that is the heart of the building. Oversized doors under a projecting canopy lead into a grand staircase up to the banking floor. Modest retail storefronts flank the main entrance. The G Street façade has colossal order pilasters defining the height of the banking room with two-story arch-top windows lighting the main volume of the banking room with rectangular windows above lighting the mezzanine around the perimeter of the banking room. Again, modest retail storefronts are below. Both street facades are unified by a cornice and parapet—together over a story in height—which completely hides the bank offices on the top floor.

The sharp-edged rectangular mass and bold architectural detailing described above are the primary character-defining features of the building and set it apart from the larger neighboring buildings in the historic district.

The proposed rehabilitation will convert the former banking hall into commercial space, maintain retail storefronts at street level, and will connect the historic building to a new eleven-story addition to be constructed on an empty lot east of the historic building along G Street. Most of the work described on the Part 2 – Description of Rehabilitation application for the bank building consists of repairs to the historic features and finishes, replacement of the commercial storefronts and entrances on the ground floor, and interior alterations to connect with the new addition. TPS determined that the now mostly complete work in the bank building appears to meet the Standards but noted that tenant improvements would still require review and approval. However, TPS also determined that the large bay projecting from the new building, which cantilevers over the roof of the Federal-American National Bank, significantly compromises the historic character of the bank, stating that:

“By virtue of this projecting bay, the new addition alters the historic character and appearance of the historic building by interrupting the continuous line of the roof and parapet and encroaching within the air space above it. By overlapping and extending past the east wall of the former bank building, the new construction

is not perceived as a separate and unrelated structure, visually independent of the historic building.”

Accordingly, TPS found that the cantilevered extension contravenes Standards 2 and 9. Standard 2 states, *“The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.”* Standard 5 states, *“New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.”*

Consequently, TPS denied certification of the Part 2 application, noting that it was unfortunate that the project was not submitted for review and approval before construction started, citing from the regulations that, *“Owners are strongly encouraged to submit part 2 of the application prior to undertaking any rehabilitation work. Owners who undertake rehabilitation projects without prior approval from the Secretary do so strictly at their own risk.”* [36 C.F.R. § 67.6(a)(1)].

At the appeal meeting, [REDACTED] explained the history and significance of the building, [REDACTED] described the rehabilitation of the bank building and explained how the design of the addition was influenced by practical and economic factors, [REDACTED] explained the reviews by the DC Historic Preservation Office, and Laura Hughes presented arguments in favor of certification.

In my review, I considered the overall impact of the rehabilitation in the context of the scope of review described in the preamble to the Standards, which states in part that reviews will, *“encompass the exterior and the interior of historic buildings . . . and the building’s site and environment, as well as attached, adjacent, or related new construction.”* [36 C.F.R. § 67.7(a)].

Sarah Vonesh quoted from a 1911 article by architect Alfred Bossom about the design of banks that, *“The building externally should be distinctive, should look like a BANK and should call attention to itself by its substantial and conservative appearance. Its prominence is always largely enhanced by a contrast with its environments: that is, an individual building, if located among tall buildings or having a high office building above it makes it stand forth conspicuously.”* As described in the paragraphs above, the design of the 1926 Federal-American National Bank exemplifies the attributes Bossom noted, what are today called character defining features.

For most of its life, the bank was an imposing presence on its corner because the contiguous neighbors to the south and east were smaller buildings. It was not until 1990, with the

construction of the greatly enlarged Westory Building, that a taller building shared the south party wall with the bank, and now the new taller building shares the east party wall. Nevertheless, the bank remains an imposing presence on the corner because the contrast in scale between the bank and the immediately adjacent taller buildings still *"makes it stand forth conspicuously,"* as Bossom wrote.

Mark Gilliland described the evolution of the overall project. The rehabilitation of the bank building included moving MEP equipment to the new building, provided ADA-compliant access through the new building, and removed the large elevator overrun above the monumental entrance on 14th Street. TPS noted in its Decision that the rehabilitation work *"appears, in concept, to meet the Standards,"* but after reviewing photographs of the now mostly completed work on the historic fabric of the bank, I would characterize it as closer to a restoration than a rehabilitation. To offset the cost of the rehabilitation of the bank itself and maximize use the bank's available FAR, the initial designs proposed to extend the new building over the roof of the bank, supported on its historic steel frame (which had originally been designed to support the load of an additional four floors), and would leave intact the bank interiors below. Over time, in consultation with the DC SHPO and Historic Preservation Review Board, the size and means of support for the extension was reduced to the cantilevered bay that has been constructed.

However, TPS found that the completed extension compromised the historic character of the bank and caused the project to fail to meet the Standards. Note that, although the District of Columbia Historic Preservation Office recommended that the project meets the Standards, the National Park Service is not bound by SHPO recommendations. The regulations state that, *"Recommendations of States with approved State programs are generally followed, but by law, all certification decisions are made by the Secretary, based upon professional review of the application and related information. The decision of the Secretary may differ from the recommendation of the SHPO."* [36 C.F.R. § 67.1].

Although I concur with the TPS conclusion that the historic character of the bank has been compromised, my review differs in how the projecting bay compromises that character. Conceptually, I agree with the DC SHPO and HPRB that a cantilevered extension of the new building over the roof of the bank could be a reasonable treatment to capture some of the unused FAR from the bank. My review determined that the primary issue that causes the extension to compromise the historic character of the bank is more its design than its size. As constructed, its appearance is different from the street façade of the building it projects from. Thus, given its size, different fenestration, and location on top of the bank, it visually appears to be a vertical extension of the bank building constructed against the party wall of the new building rather than a horizontal extension from the new building.

The G Street façade of the new building has three projecting bays over the sidewalk that extend the full height of the building; the projecting bay over the bank is similar in width, albeit much deeper, but its mass is configured as a single wide bay with a differently configured top. Although the individual windows appear similar on both facades, the ones over the bank have vertical sunscreens that make them appear different. One feature that does tie the two facades together is the horizontal band that delineates floor levels. However, the projecting bay over the bank has an inset where the curtain wall meets the party wall that causes the horizontal bands to appear to not line up when viewed from the intersection of 14th and G Street, a critical viewpoint in assessing the impact of the projection on the historic character of the bank below it. Consequently, these differences in design details causes the cantilevered projection to not be a visually recognizable part of the new building.

The size of the projection and how it is detailed could have been discussed and potentially resolved, but that opportunity has been lost. While this appeal is technically for a Part 2 application for proposed work, the reality of this appeal is that it addresses work already completed. ██████████ challenged the fairness of this characterization, noting that in early discussions with TPS on the bank building, TPS did not raise concerns with the neighboring new building. However, my review of the correspondence from this time-period shows no discussion of the adjacent new construction that has since caused the project to fail to meet the Standards. Such a lack of discussion does not constitute evidence of TPS's implicit approval. Thus, I am not persuaded that TPS committed any prejudicial procedural error by not opining on issues that were not actually presented to it.

██████████ also cited the United Mine Workers Building, a corner building also in Washington, DC, that was a "certified rehabilitation" over two decades ago. In that case, a large new building was constructed next to the historic building on two sides with a rooftop addition extending over part of the roof of the older building. That project was first denied certification but reversed on appeal. The regulations state, "*Because the circumstances of each rehabilitation project are unique to the particular certified historic structure involved, certifications that may have been granted to other rehabilitations are not specifically applicable and may not be relied on by owners as applicable to other projects.*" [36 C.F.R. 67.6(a)(1)]. Nevertheless, I reviewed the United Mine Workers rehabilitation from the information in the appeal presentation and online research I conducted. In that case, the rooftop addition was constructed on top of what may have been the overrun for an elevator shaft and utility core at the back corner of the historic building, significantly set back from both street elevations. The massing and fenestration of the rooftop addition matches similar massing and fenestration of the new building, establishing a strong visual relationship between the two. This distinguishes that project from the Federal-American National Bank, as noted above. This also highlights how each project is unique and why basic knowledge of prior projects should not be relied upon as precedent.

Both [REDACTED] asserted that that the new construction does not detract from the significance of the bank. [REDACTED] stated,

- *From an exterior design perspective, the design aesthetic of the new bay was differentiated from the Neo-classical style bank, yet made compatible with the massing, scale and architectural features of the historic structure.*
- *Furthermore, the cantilevered bay is effectively reversible. If the adjacent office building is demolished in the future, the bank's form and integrity remains intact.*

[REDACTED] stated,

- *The new construction and cantilever do not detract from the significance of the bank.*
- *The design of the new construction captures that spirit of juxtaposition: through its design, it associates itself with the new building, becoming a background element within the visual experience of the intersection at 14th and G Streets.*
- *With its distinct design, its setback is sufficient to visually separate it from the historic building and convincingly appear as part of the new.*

Respectfully, I disagree with these claims. I agree with [REDACTED] that the new bay is differentiated from the historic bank, but there is no relationship in massing, scale or architectural features of the new bay to the massing, scale and architectural features of the bank that could be considered compatible to it. Regarding the claim that the cantilevered bay is reversible, that refers to the requirements of Standard 10, which states, "*New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*" Although that claim is technically accurate, from a practical perspective, the owner is unlikely to remove such space from the new building.

[REDACTED] made several claims supporting her assertion that the new construction and cantilever do not detract from the historic significance of the bank. Standard 9 (cited above) requires that new work be differentiated from the old but also compatible with it. Regarding the claim that the cantilever associates itself with the new building, becoming a background element, the cantilever design is distinct from the massing, scale and architectural features of the new building and thus is visually differentiated from it rather than compatible with it (as was the case at the United Mine Workers building). Simply stated, the cantilevered extension does not look like the G Street façade of the new building. Consequently, it is not a background element and its mass projecting over nearly one-fifth of the roof area of the bank makes it appear to be a rooftop addition to the bank. Further, although, the setback from 14th Street is significant, it is only eight feet from the G Street façade of the bank (also a significant difference from the UMW building).

Consequently, I have determined that the overall impact of the proposed but substantially complete adjacent, attached and related new construction—specifically the cantilevered extension over the roof of the bank—on the rehabilitation of the Federal-American National Bank has significantly compromised the historic character of the property, its site and environment (the National Register listed Financial Historic District), and thus fails to meet the Standards. I hereby affirm TPS’s October 19, 2021 Decision.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to TPS’s October 19, 2021 Decision regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA, FAPT
Chief Appeals Officer
Cultural Resources

cc: DC SHPO
IRS

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]