



# City of San Antonio

## Agenda Memorandum

**File Number:** 17-2426

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**Agenda Item Number:** 3.

**Agenda Date:** 4/17/2017

**In Control:** Board of Adjustment

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Case Number: A-17-070  
Applicant: Myfe Moore  
Owner: Ethel Moore  
Council District: 1  
Location: 603 River Road  
Legal Description: Lot 14, Block 3, NCB 6202  
Zoning: "R-4 H RIO-1 AHOD" Residential Single-Family River Road Historic River Improvement Overlay Airport Hazard Overlay District  
Case Manager: Margaret Pahl, AICP, Senior Planner and Lauren Sage, Historic Preservation Specialist

### **Request**

An appeal of the Historic Preservation Officer's denial regarding an application for a Certificate of Appropriateness to allow the installation of 30 solar panels on the left slope of a hipped roof.

### **Applicable Code References**

(a) UDC 35-608. Certificate of Appropriateness- Generally. In reviewing an application for a certificate of appropriateness, the Historic and Design Review Commission (HDRC) shall consider the current needs of the property owner. The HDRC shall also consider whether the plans will be reasonable for the property owner to carry out. Where the City Council has adopted specific design guidelines for the district, no application shall be recommended for approval unless the proposed application is consistent with the design guidelines.

### ***Process Summary***

- Application was reviewed, pursuant to the UDC.
- OHP Staff recommendation was based on the findings related to this site, district, scope of work and specific design guidelines, pursuant to the UDC.
- HDRC Hearing was held according to procedures, state and local requirements.
- HDRC motion was made and passed according to the commission rules and procedures.

(b) UDC 35-481. Appeals to the Board of Adjustment. The Board of Adjustment is empowered to consider an

appeal of a decision by an administrative official, in this case, the Historic Preservation Officer (HPO). The appeal must be submitted by a person aggrieved the decision. The appeal must include details regarding the incorrect interpretation made by the administrative official, along with any supporting evidence. The Board must consider the appeal at a quasi-judicial public hearing, pursuant to UDC Section 35-404. Their authority allows the Board to affirm, modify or reverse the HPO's determination from which the appeal is taken and make the correct order, requirement, decision or determination, with the concurring vote of 75% of its members.

### ***Historic Designation Summary***

Historic designation is a zoning overlay approved by City Council and adopted by ordinance. The objective for historic designation is to preserve and protect the character historic structures, archaeological sites, and historic districts that reflect San Antonio through the design review process as outlined in UDC Article VI. The Historic Design Guidelines are written with the goal of preserving historic materials, character of districts and individual landmarks, and are pursuant to state law per zoning regulations.

### ***The Guidelines address the installation of solar panels in Chapter 3, Guidelines for Additions.***

#### ***Historic Design Guidelines, Chapter 3, Guidelines for Additions***

##### **Introduction**

The historic designation, as approved by City Council, requires that property owners request a Certificate of Appropriateness for all changes or new construction. When the HDRC or OHP Staff consider an application for a CoA, they are directed by UDC 35-610 to be guided by the Secretary of Interior's Standards and the Design Guidelines as adopted by ordinance. These guidelines allow for predictability of the design review process and provide guidance to property owners, design professionals, homeowners, and decision-makers when making modifications to existing historic buildings or for new construction within historic districts.

##### **General Principles**

The following General Principles from Chapter 3 are considered during the review in conjunction with the specific guidelines contained in this section:

- Principle #1: Ensure that Historic Buildings Remain the Central Focus of the District
  - Additions (solar panels) should not damage or obscure architecturally important details and materials of the primary structure or other resources on the site. Additions should be distinguishable from the original structure without distracting from it.
- Principle #2: False Historicism/Conjectural History is Discouraged
  - Design additions to reflect their time while respecting the historic context and architectural style of the original structure. Avoid using architectural details for additions that are more ornate than those found on the original structure or that are not characteristic of the original structure's architectural character.
- Principle #3: Contemporary Interpretations of Traditional Designs and Details May be Considered
  - When applied to a compatible building form, contemporary materials, window moldings, doors, and other architectural details can provide visual interest while helping to convey the fact that the addition is new.
- Principle #4: More Flexibility in Interpretations of Traditional Designs and Details May be Considered in Locations Not Visible from the Public Right-of Way
  - All facades of a building are important; however, the highest level of scrutiny related to compatibility should generally be placed on additions that are visible from public right-of-way. The OHP will review proposed alterations on a case-by-case basis to determine whether they are appropriate.

## **6. Designing for Energy Efficiency**

## C. SOLAR COLLECTORS

i. *Location*-Locate solar collectors on side or rear roof pitch of the primary historic structure to the maximum extent feasible to minimize visibility from the public right-of-way while maximizing solar access. Alternatively, locate solar collectors on a garage or outbuilding or consider a ground-mount system where solar access to the primary structure is limited.

ii. *Mounting (sloped roof surfaces)*-Mount solar collectors flush with the surface of a sloped roof. Select collectors that are similar in color to the roof surface to reduce visibility.

iii. *Mounting (flat roof surfaces)*-Mount solar collectors flush with the surface of a flat roof to the maximum extent feasible. Where solar access limitations preclude a flush mount, locate panels towards the rear of the roof where visibility from the public right-of-way will be minimized.

### **Background and Interpretation for requests of solar panel installations**

For the request to install solar panels at 603 River Road, the OHP recommendation and the HDRC action was consistent with other requests. Solar panels are not prohibited and The *Historic Design Guidelines* provide guidance for the installation of solar panels in historic districts.

- The review of the request for solar panels is focused on the visual and physical impact to the historic resource and the district.
- The Guidelines allow for the installation when the location, product or installation method does not take away, alter, or damage historic material or details as noted in Principal #1.
- 2016 - There were 34 solar panel installation requests
  - 25 were approved or approved with stipulations;
  - 3 were denied (3 applications for the same address at 201 Delaware Drive);
  - 3 requests were withdrawn by the applicant.

In each instance, OHP staff cites the *Historic Design Guidelines, Chapter 3, Guidelines for Additions 6.c.*, which states that solar collectors should be located to minimize visual impact on the public right-of-way; also, the HDRC approved or denied the requests to install solar panels based on the specifics of the case, and whether or not the solar panels were appropriately placed considering the specific conditions. These conditions include:

- Visual impact
- Location within the district, corner or mid-block
- Age of the structure,
- Surrounding resources
- Pitch of roof slope
- Color of roof

In cases where the solar panels would be visible from the right-of-way, the commission gave partial approvals and stipulations to mitigate the visual impact and meet the intent of the guidelines.

There are some solar installations currently existing that may be seen from the public right-of-way. These requests are considered on a case by case basis in keeping with the Guidelines. Specific details regarding the request such as panels located toward the rear, on a flat roof, a roof slope with a minimal pitch, on a colored roof material that is similar, or when the surroundings are not other historic structures, a recommendation for approval could meet the intent of the Guidelines. At the hearings, the HDRC considers the applicant's statements, these details, the language of the *Guidelines* and the UDC, and makes a recommendation accordingly.

### **Background for the request at 603 River Road**

## Case History

- OHP received an application for roof-mounted solar panels on the new construction at 603 River Road on January 3, 2017.
- The request included 38 solar panels on three different roof slopes at 603 River Road: 8 panels on the flat roof to left of the front gable, 16 panels on the left front gable, and 14 panels on the front slope of the accessory structure.
- Staff recommended approval of the 8 panels on the flat roof. Staff did not recommend approval of the remaining panels, 16 panels on the left front gable, and 14 panels on the front slope of the accessory structure. Staff also recommended the applicant explore alternate locations for the solar panels.
- A HDRC hearing was held on January 18, 2017, in accordance with the adopted Rules and Procedures, and all notification requirements were met.
- No citizens signed in to be heard. Two letters were submitted and presented to the commission. One from the River Road Neighborhood Association in support of the request, and another from a neighbor in support of the request.
- The motion was consistent with OHP Staff's recommendation. The HDRC reviewed OHP staff's recommendation and found that the high number of panels (30 of the 38) panels were placed visible from the right-of-way and were inconsistent with the Historic Design Guidelines. As proposed, the installation would have a negative visual impact on the property and on the district.
- A motion was made to approve the panels installed on the flat portion only and to deny the request for the panels facing the public right-of-way based on the findings of fact. The motion passed with a unanimous vote.
- The Certificate of Appropriateness was issued on January 31, 2017, by the Historic Preservation Officer (HPO).

## Details of the review

The Office of Historic Preservation recommendation cites the *Historic Design Guidelines, Chapter 3, Guidelines for Additions* and the Unified Development Code Section 35-608.

- OHP staff found the applicant's request to install 30 of the 38 panels on the front slope of the main roof and the front slope of the accessory structure, each facing River Road, inconsistent with the *Historic Design Guidelines, Chapter 3, Guidelines for Additions* 6.c. As stated in UDC 35-608, no application shall be recommended for approval unless the proposal is consistent with the design guidelines.
- OHP staff recommended partial approval for the request.
  - Approval of the panels that were not visible from the right-of-way and consistent with the Guideline
  - Denial of those that were not consistent.
- OHP staff considered the specifics of the case, including;
  - specific roof form and roof slope,
  - color of the roofing material,
  - location within the Historic District and on the block,
  - and visual impacts to neighboring historic structures.
- OHP staff visited the site on January 11, 2017, and found that the house is on a corner lot, facing River Road, and the San Antonio River.
  - The panels proposed on the flat portion of the roof to the left of the front gable would not be seen from the street.
  - The remainder of the proposed panels would be mounted on a tall slope portion of a gable roof and on the front slope of the side-gabled accessory structure face River Road. Because of these conditions, even though the panels are mounted flush to the roof, OHP staff found that the panels

would be easily visible from the public right-of-way on the front and side of the structure and negatively impact the public right-of-way. The proposal was not consistent with the *Guidelines*, and OHP staff could not recommend approval of these panels.

- During the January 18 HDRC hearing, the commission suggested exploring putting solar panels elsewhere on the structure or exploring two other CPS programs including investing in panels and installing them in a solar farm or leasing space on other structures not in historic districts. The applicant was not in favor of the alternatives. The commission also found that additional options for the placement of the panels had not been fully explored. A motion was made to approve the panels installed on the flat portion only and to deny the request for the panels facing the public right-of-way based on the findings of fact. The motion passed with a unanimous vote.

### **Staff Recommendation**

Staff recommends that the Board of Adjustment uphold the Certificate of Appropriateness issued on January 31, 2017, by the Historic Preservation Officer to deny the installation of solar panels on the left front roof slope and the front slope of the accessory structure, both facing the street, at 603 River Road, in accordance with the City's Unified Development Code and Historic Design Guidelines.