

Sometimes You Don't Want To Be On The Sunny Side of the Street

I bit the bullet and decided to get solar installed. DC is the most aggressive jurisdiction in the country in promoting residential solar. The payback is only a few years. The new climate action bill from Congress provides additional incentives. So there are great reasons to get off your duff and get your house onto solar now.

One additional reason: should our neighborhood be designated as historic, your solar options may be either more costly or less efficient.

Our case: We had the site inspection by the installer this week. Our house is a duplex with a flat roof (sloped slight front to back) and our house is north facing. The inspector said it all looked good - but then asked, "is your house historic"? I laughed and said, "Not yet." He said that because our shared wall is slightly higher than the outside wall we might have to elevate the panels a bit. Which might make them visible from the street. And it was his understanding that in historic districts nothing on the roof could be visible from the street, indeed from a distance of 60 feet.

He was wrong but not entirely wrong.

As I have posted before, historic preservation review is a one-note band, a one-trick pony, abuse whatever metaphors you want - all it cares about, all it can care about, is visual "compatibility" with the "character" of the neighborhood. For years HPRB took the position that it could not consider any other value of importance to a homeowner, including energy efficiency. Not what your solar panels cost or whether your installation optimized your energy gains.

All it cared about was whether the solar panels were visible from the street. If they were, end of story. HPRB advised those unfortunates who couldn't get solar panels to sign up with neighborhood collectives who jointly bought green energy.

So if you had a pitched roof and your house faced south, or was on a corner where side-mounted panels could be seen from the street, you were in trouble. The Board repeatedly rejected applications to install visible panels. The blowback was, needless to say, fierce. Under great pressure from environmentalists and the Mayor, three years ago the Board grudgingly adopted new "sustainability" guidelines. These guidelines say basically that

solar panels are in general a good thing but impose a number of requirements that non-historic homeowners don't face - visible panels have to be flush with the roof, the color of the panels can't be "discordant" with the color of the roof, and, yes, street-visible installations are now permitted but only "where necessary for solar efficiency". How to define and who has to prove "necessity" has not yet been adjudicated but I think you can see the potential for mischief.

Here is a good article on the Board's solar panel journey - <https://gqwash.org/view/74676/acknowledging-the-climate-crisis-dc-will-allow-solar-panels-in-historic-districts>

And here is the HPRB's 70-page sustainability guide for older buildings which includes the solar panel guidelines. <https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/Sustainability%20Guide%20Nov%202020.pdf>. The same kinds of issues play out with respect to green roofs, windows, doors, etc. As an added bonus for those who persevere, on pages 55-57 you will find a non-comprehensive list of about 50 categories of major and minor house projects which require HPRB approval.

There was a Takoma Park provocateur who instigated this battle spending three years fighting to get front-facing solar panels on his house. He ultimately succeeded only because he proposed to put something called a "solar skin" on his panels which made the panels roughly the same color as his roof. Needless to say those skins are both costly and reduce the efficiency of the panels. The good news is that skins and similar technologies such as solar shingles and solar film are getting more efficient and cheaper and some day we may not need solar panels at all.

FYI at least one of the HPRB members beseeched HPRB to do the right thing from the git-go, reasoning that because solar panels are removable they should not require historic review at all.

It would have been smart for HPRB to adopt that position because otherwise I am not at all sure that the HPRB was incorrect in its initial determination. Indeed I think its current guidelines, which at least implicitly compromise visual compatibility in the interest of sustainability, are otherwise arguably in violation of the Board's statutory mandate (and therefore subject to a court challenge and possibly years of litigation?). Which of course argues for amending the District's preservation statute to enable the HPRB to balance

multiple interests such as climate change, economic vitality, affordable housing - one of several amendments which would make it a better law. See Historic Designation Without Representation, <https://www.reformhd.org/>.

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