



**Landmarks & Urban
Conservation Commission**



**Agenda Number: 4
Case No.: 15-LUCC-50025
Project # 1010172
August 19, 2015**

Supplemental Staff Report

Agent	Affordable Solar	<p><i>Staff Recommendation</i> <i>DENIAL of Case # 15-LUCC-50025, Project #1010172, a request for a Certificate of Appropriateness for alteration based on the Findings beginning on page 7.</i></p> <p>Maryellen Hennessey, Senior Planner Staff Planner</p>
Applicant	Thomas Jameson and Felice Garcia	
Request	Certificate of Appropriateness for alteration	
Legal Description	Lot 17, Coronado Place Addition	
Address/Location	1024 Forrester NW	
Size	0.15	
Zoning	SU-2/DNA-SF	
Historic Location	Eighth and Forrester Historic Overlay Zone	

Summary of Analysis

This report is supplemental to the staff report issued for the August 19, 2015 LUCC public hearing and is to be read in conjunction with that report. This request for a Certificate of Appropriateness was considered at the August 17, 2015 hearing and continued to the September hearing at the applicant's request.

The subject building is a hipped roof house with a prominent intersecting front gable built in the 1920's. Wood brackets detail the front gable and the house is sided with wood shingles and roofed with asphalt shingles in a grey color. The applicant is seeking approval for the installation of low profile photovoltaic solar panels on the south facing hipped roof. The panels were installed earlier this year without a Certificate of Appropriateness.

The applicant has provided a detailed narrative in support of the request as well as numerous letters of support for the project from neighboring property owners.

Staff's recommendation of denial for the application is based solely upon the relevant guidelines for the Eighth and Forrester Historic Overlay Zone. Staff agrees with the applicant in that the guidelines should be revised consistent with guidelines for other historic overlay zones. Staff also agree with the applicant's assertion that the LUCC has the discretion to apply the guidelines in accordance with their judgment.

PRIMARY REFERENCES: Landmarks and Urban Conservation Ordinance; Design Guidelines for the Eighth and Forrester Historic Overlay Zone. .

Development Review Division Report:

I New Information

The applicant has submitted a written narrative in support of this request. In summary, the applicant argues:

- Staff's recommendation of denial was based solely upon the interpretation of the development guidelines adopted in 1998 for the Eighth and Forrester Historic Overlay Zone. Those guidelines provide one-sentence of direction with regard to solar equipment and were written at a time when solar photovoltaic technology was not as evolved as it is today.

The applicant points to the intent of the LUC Ordinance, §14-12-3 as providing important (legal) guidance to the function and decision-making powers of the LUCC. It is noted that one of the purposes of the ordinance as articulated in §14-12-3 is to *"Enhance, perpetuate and promote the use of the structures"* and *"to conserve existing urban developments as viable economic and social entities."* Further, the LUCC was designed to make decision regarding alterations to historic homes and neighborhoods as an independent entity, working in partnership with the Planning Department.

Guidelines were prepared in 2010 for the Albuquerque's *New Town Neighborhoods*, those being the suburban residential neighborhoods developed in the decades following the arrival of the railroad in 1880. Those guidelines were adopted for the Huning Highland and Silver Hill Historic Overlay Zones in 2010 but were never adopted for Eighth and Forrester Historic Overlay. The 2010 guidelines offer expanded guidelines on solar power installations and are more "solar friendly."

The applicant perceives that the installation is only minimally visible when travelling south to north, and does not affect the primary façade of the historic house and that the historic integrity of the structure is intact.

- Staff provided no recommendation to the LUCC for an application for a solar installation at 601 Luna NW, in the Fourth Ward Historic Overlay Zone. The project was approved by the LUCC. The guidelines for that zone with regard to solar equipment are identical to those of Eighth and Forrester. Staff's analysis was more neutral and staff provided in her analysis some discussion of how technology has changed since the guidelines were enacted. The applicant finds the two installations to be very similar and provides photographs of the installation at 601 Luna.

The applicant also notes that the LUCC approval of the project at 601 Luna NW demonstrates the ability of the LUCC to make decisions on a case by case basis.

- Thirty-two letters of support for the application from other property owners in the Eighth and Forrester Historic Overlay Zone were provided and are included for the LUCC's review. The overwhelming support should be extremely important in the LUC's decision

making process. They reflect the views of people who have chosen to live in a historic district and are important stakeholder in this decision.

- There is no known opposition to this request. The Downtown Neighborhoods Association has not provided any comment to date.

II. ADDITIONAL ANALYSIS

Staff agrees that the arguments presented by the applicant are valid. Staff agrees that the recommendation is based solely on the 1998 guidelines for the Eighth and Forrester Historic Overlay Zone. Staff also agrees that the LUCC does have the discretion to approve the project as presented.

In response to the comparison between the project at 601 Luna and this project, staff would offer that the panels at 601 Luna are located towards the rear half of the house and there is a dormer on that side of the roof. A letter of support for the project was received from the Downtown Neighborhoods Association. With regard to the installation at 1515 Silver SE staff would note that the few panels located at the front are on a lower projection of the main roof and shielded by evergreen vegetation.

Approximately one dozen Certificates of Appropriateness for low profile photovoltaic panel installations have been approved in the various historic overlay zones in recent years. The majority of those installations are either not visible or slightly visible from the public street. It is those cases where the only option available results in a very noticeable visual impact that present a dilemma. How much is too much? If panels on the secondary (side) roof planes that are easily visible are appropriate, would panels on the street facing facades also be deemed appropriate in subsequent applications?

The comments made in the letters of support submitted by property owners in the historic district are thoughtful and address the larger areas of concern and debate. The property owners in this district are most certainly important stakeholders in the issue of how this technology will be integrated within the district. All of the supporters assert that in their view, the installation does not affect the historic integrity of the house at 1024 Forrester NW and that the alteration is fully reversible. An important point that is made repeatedly is that residents of historic zones should not be left out of movements toward sustainable energy.

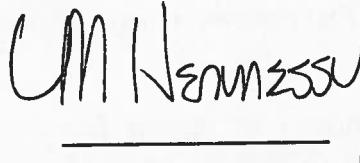
It is also noted numerous time in the letters of support that the guidelines for the Eight and Forrester Historic Overlay Zone should be revised and that the guidelines adopted for other historic Zones in 2010 should be adopted. Those guidelines provide more direction and offer more flexibility. Those guidelines are modeled on the guidelines developed by the National Trust for Historic Preservation for solar energy. Attached to this report is guidance for Preservation Commissions on solar installations developed by the National Alliance for Preservation Commissions as well as information from the National Trust for Historic Preservation.

Additional Considerations

The applicant notified the Downtown Neighborhoods Association of this request. No comment has been received as of the preparation of this report. There is no known objection to this request.

Conclusions

As discussed above, staff agrees that the LUCC has the discretion to approve the project as presented, but that a larger discussion by the LUCC of the installation as highlighted by the letters of support is warranted. Alternate findings for approval can be developed.



**Maryellen Hennessy, Senior Planner
Urban Design and Development Division**

Attachments

- 1) 2010 guidelines for Huning Highland and Silver Hill Historic Overlay Zones.
- 2) Sample guidelines and information from National Alliance for Preservation Commissions and National Trust.

Solar Panels and Equipment

23. The use of ground based solar arrays is encouraged. Consider solutions that respect the building's historic setting yet provide solar access in the present and over time. Arrays should be located in an inconspicuous location such as a rear or side yard, be low to the ground, and screened to limit visibility. Care should be taken to respect historic landscape, including materials and grading.
24. Place solar panels in areas that minimize their visibility from the public right-of-way such as below a parapet, behind a dormer or on a rear facing roof. The primary facade of a historic building is generally the most distinctive and thus most important elevation. To the greatest extent possible, avoid placing panels on street-facing facades and roofs, including front and side street elevations.
25. Installations should not result in the permanent loss of significant character-defining features on historic buildings. Solar panels should not be located in areas that require alteration to character-defining features, such as changing an existing roof line or dormer. Also avoid solutions that obstruct views of significant features, such as windows and decorative detailing, or views of neighboring historic properties in a historic district.
27. Installations should not require or result in the permanent alteration of historic fabric. Solar panel installations should be reversible. Use of solar roof tiles, laminates, glazing and other technologies that require the removal of historic fabric or condition of the material upon which installation is proposed as well as the method of installation and removal later on. It may also be possible, through the use of brackets, to minimize the points of attachment to a structure.
28. Low profile panels are encouraged. Solar panels should be flush or mounted no higher than a few inches above the roofing surface and should not be visible above the roof line of a primary facade.
29. On flat roofs, set panels back from the edge. Flat roofs provide an ideal surface for solar arrays. To minimize visibility, ensure that the panels are set back from the edge and adjust the angle and height of the panels as necessary.
30. Disjointed and multi-roof solutions are not appropriate. Panels should be set at angles consistent with the slope of the supporting roof. For example, avoid solutions that would set panels at 70-degree angles when the roof slopes at a 45-degree angle.
31. Panels should be located on a single roof and arranged in a pattern that matches the configuration of the roof upon which they are mounted.
32. Ensure that panels, support structures and conduits blend into the resource. The visibility of solar panels and support structures can be substantially reduced if the color matches the historic building and reflectivity is minimized.

J-A



Sample Guidelines for Solar Systems in Historic Districts

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The rapidly growing trend toward retrofitting homes to be more energy efficient has brought an increase in the number of applications for installing solar energy systems on buildings within locally designated historic districts. The increase in solar systems applications in recent years has prompted numerous local preservation commissions to hastily develop guidelines for them with varying degrees of success.

The following Sample Guidelines for Solar Systems for Locally Designated Historic Properties were developed in 2009 by Kimberly Kooles, NAPC support staff and revised by Caty Rushing in 2011. They are intended to serve as a starting point for local preservation commissions developing their own guidelines for solar systems.



Types of Systems:

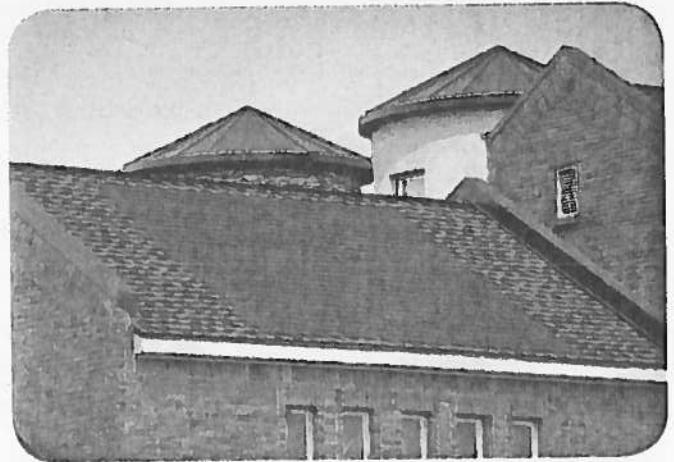
- **Photovoltaic**

A photovoltaic system (or PV system) is a system which uses one or more solar panels to convert sunlight into electricity. It consists of multiple components, including the photovoltaic modules, mechanical and electrical connections and mountings and means of regulating and/or modifying the electrical output.



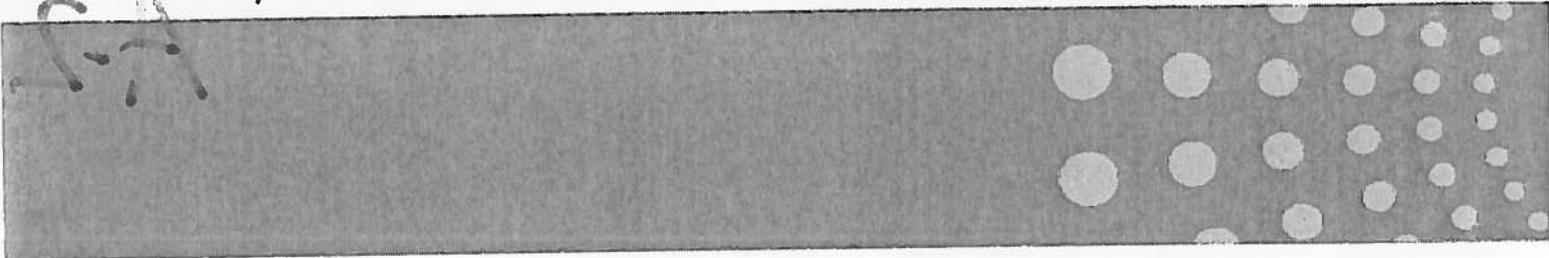
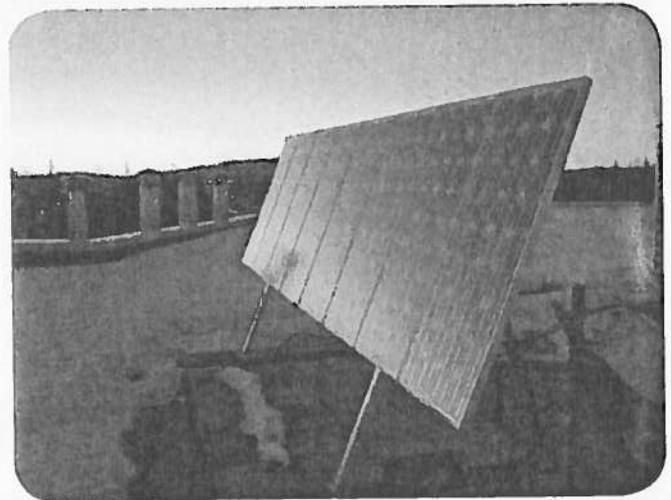
- **Solar Shingles**

Solar shingles, also called photovoltaic shingles, are solar cells designed to look like conventional asphalt shingles. There are several varieties of solar shingles, including shingle-sized solid panels that take the place of a number of conventional shingles in a strip, semi-rigid designs containing several silicon solar cells that are sized more like conventional shingles, and newer systems using various thin film solar cell technologies that match conventional shingles both in size and flexibility



- **Freestanding**

Freestanding PV panels or freestanding arrays allow the benefits of renewable solar power without disrupting the roofline or altering the house. They are placed away from the residence and connected through an underground wiring. When a roof may be blocked by trees or not receiving direct sunlight, the mobility of a freestanding panel allows the ability to move into optimal sunlight areas that may change seasonally.



Sample Guidelines for Solar Systems for Locally Designated Historic Projects

When planning the installation of solar panels the overall objective is to preserve character-defining features and historic fabric while accommodating the need for solar access to the greatest extent possible. All solar panel installations must be considered on a case by case basis recognizing that the best option will depend on the characteristics of the property under consideration. Some guidelines apply to virtually all installation options and are repeated in each section.

All solar panel installations should conform to the Secretary of the Interior's Standards for Rehabilitation.

Applicable Standards are:

Standard Two: 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 Nine: 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.

1 Primary Elevations

For most properties, locating solar panels on the primary facade is the least desirable option because it will have the greatest adverse effect on the property's character defining features. All other options should be thoroughly explored.

- Utilization of low-profile solar panels is recommended. Solar shingles laminates, glazing, or similar materials should not replace original or historic materials. Use of solar systems in windows or on walls, siding, and shutters should be avoided.
- Panels should be installed flat and not alter the slope of the roof. Installation of panels must be reversible and not damage to the historic integrity of the resource and district.
- Solar panels should be positioned behind existing architectural features such as parapets, dormers, and chimneys to limit their visibility.
- Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the photovoltaic system should be treated to be as unobtrusive as possible.



These solar panels low profile and location make them unobtrusive even though they are visible from the public right of way. Photo by Paul Trudeau

2 Secondary Elevations

- Solar panels should be installed on rear slopes or other locations not easily visible from the public right-of-way. Panels should be installed flat and not alter the slope of the roof. Installation of panels must be reversible and not damage the historic integrity of the resource and district.
- Flat roof structures should have solar panels set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from public right-of-way.
- Solar panels should be positioned behind existing architectural features such as parapets, dormers, and chimneys to limit their visibility.

2 Secondary Elevations (Continued)

- Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the solar panel system should be painted or treated to be as unobtrusive as possible
- Use of solar systems in non-historic windows or on walls, siding, or shutters should be installed as to limit visibility from the public right of way.

3 Historic Accessory Structures

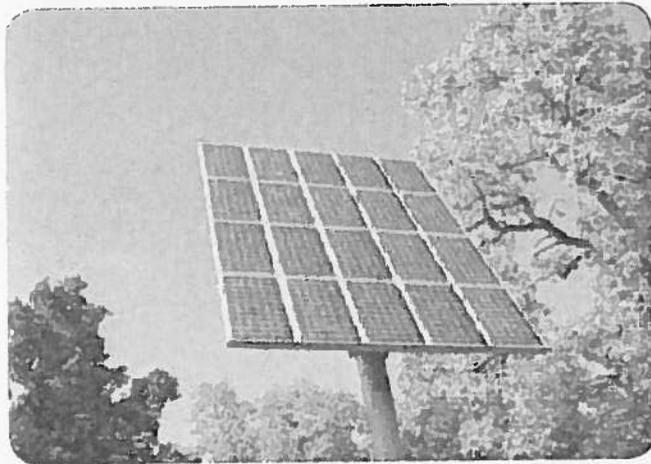


Solar panels placed on an accessory structure not visible from the public right of way should still follow the slope of the roof and have a low profile. Photo courtesy of Dan Corson

- Solar panels should be installed on rear slopes or other locations not highly visible from the public right-of-way. Panels should be installed flat and not alter the slope of the roof. Installation of panels must be reversible and not damage the historic integrity of the resource and district.
- Flat roof structures should have solar panel installations set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from public right-of-way.
- Solar panel installations should be positioned behind existing architectural features such as parapets, dormers, and chimneys to limit their visibility.
- Use solar panels and mounting systems that are compatible in color to the property's roof materials. Mechanical equipment associated with the photovoltaic system should be as unobtrusive as possible.
- Use of solar systems in non-historic windows or on walls, siding and shutters should be installed as to limit visibility from the public right of way.

4 Freestanding or Detached

- Freestanding or detached on-site solar panels should be installed in locations that minimize visibility from the public right of way. These systems should be screened from the public right of way with materials elsewhere in the district such as fencing or vegetation of suitable scale for the district and setting.
- Placement and design should not detract from the historic character of the site or destroy historic landscape materials.



Freestanding solar panels should be installed in locations that minimize visibility from the public right of way.

Consideration to the visibility of solar panels from neighboring properties should be taken, without infringing upon the required solar access.

5 New Construction On-Site

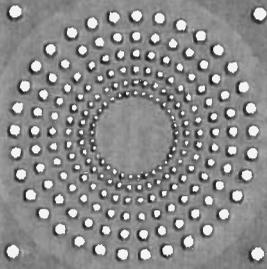
- Solar panels should be integrated into the initial design of new construction or infill projects, when possible, to assure cohesion of design within a historic context.
- Solar panels should be installed on rear slopes or other locations not highly visible from the public right of way whenever possible. Panels should be installed flat and not alter the slope of the roof.
- Flat roof structures should have solar panels set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from the public right-of-way.
- Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the solar panel system should be treated to be as unobtrusive as possible.
- Use of solar systems in windows or on walls, siding, or shutters should be installed with limited visibility from the public right-of-way.

Not Recommended for Any Reason

- Removal of historic roofing materials during the installation of solar systems.
- Removing or otherwise altering historic roof configuration – dormers, chimneys, or other features – to add solar systems.
- Any other installation procedure that will cause irreversible changes to historic features or materials.

When considering retrofitting measures, historic building owners should keep in mind that there are no permanent solutions. One can only meet the standards being applied today with today's materials and techniques. In the future, it is likely that the standards and the technologies will change and a whole new retrofitting plan may be necessary. Thus, owners of historic buildings should limit retrofitting measures to those that achieve reasonable energy savings, at reasonable costs, with the least intrusion or impact on the character of the building.

(National Park Service. Preservation Brief 3: Conserving Energy in Historic Buildings. Available from <http://www.nps.gov/history/hps/TPS/briefs/brief03.htm#Preservation%20Retrofitting>. Accessed on August 10, 2009.)



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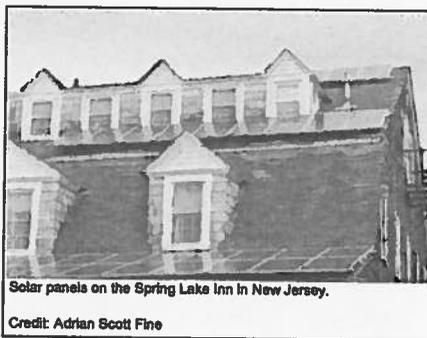
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Design Guidelines for Solar Installations

In many cases, historic buildings, structures, and sites can be preserved while also accommodating solar energy installations. Indeed, as the need for renewable energy systems increases, technology evolves, political pressure to remove regulatory barriers mounts, and logistical problems are resolved, precluding the installation of solar energy systems may become indefensible. Moreover, with incentives in place, applications to install solar and other alternative energy systems within historic districts are likely to increase dramatically. Just as state agencies and local preservation boards developed policies and guidelines to address the needs of persons with disabilities, they should also develop policies that encourage compatible and appropriate installations of solar energy systems.



Solar panels on the Spring Lake Inn in New Jersey.

Credit: Adrian Scott Fine

The following considerations can facilitate preservation boards and commissions in their review of solar panel requests and provide a foundation for the adoption of local guidelines related to solar energy installations. The primary objective of preservation ordinances is to preserve historic properties, so a preservation board should encourage project outcomes that meet solar access requirements while maintaining the integrity of historic resources. Consideration should always be given to solutions that protect historic features, materials, and spatial relationships with the visibility of all solar energy installations – including solar panels – minimized to the greatest extent possible.

Locate solar panels on the site of a historic resource. If possible, use a ground-mounted solar panel array. Consider solutions that respect the building's historic setting by locating arrays in an inconspicuous location, such as a rear or side yard, low to the ground, and sensitively screened to further limit visibility. Care should be taken to respect the historic landscape, including both its natural (i.e. topography) and designed (i.e. materials) features.

Locate solar panels on new construction. In cases where new buildings or new additions to historic buildings are proposed and approvable, encourage the placement of solar panels on the new construction. To achieve overall compatibility with the historic building and its setting, consider solutions that integrate the solar panel system in less visible areas of the new design.

Locate solar panels on non-historic buildings and additions. If the site cannot accommodate solar panels and the project does not include new construction, consider placing solar panels on an existing, non-historic addition or accessory structure. This will minimize the impact of solar installation on the significant features of the historic resource and protect the historic fabric against alteration.

Place solar panels in areas that minimize their visibility from a public thoroughfare. The primary façade of a historic building is often the most architecturally distinctive and publicly visible, and thus the most significant and character defining. To the greatest extent possible, avoid placing solar panels on street-facing walls or roofs, including those facing side streets. Installations below and behind parapet walls and dormers or on rear-facing roofs are often good choices.

Avoid installations that would result in the permanent loss of significant, character-defining features of historic resources. Solar panels should not require alterations to significant or character-defining features of a historic resource, such as altering existing roof lines or dormers. Avoid installations that obstruct views of significant architectural features (such as overlaying windows or decorative detailing) or intrude on views of neighboring historic properties in an historic district.

Avoid solutions that would require or result in the removal or permanent alteration of historic fabric. Solar panel installations should be reversible. The use of solar roof tiles, laminates, glazing, and other technologies that require the removal of intact historic fabric or that permanently alter or damage such fabric must be avoided. Consider the type and condition of the existing building fabric for which solar panels installation is proposed, as well as the method of attachment and future removal. Minimizing the number of points of attachment, including the use of brackets, will avoid damaging historic fabric.

Require low profiles. Solar panels should be flush with – or mounted no higher than a few inches above – the existing roof surface. They should not be visible above the roofline of a primary façade.

On flat roofs, set solar panels back from the edge. Because they are generally hidden from view, flat roofs can provide an ideal surface for solar panel arrays. To ensure that a solar installation is minimally visible, set the solar panels back from the roof's edge and adjust the angle and height of the panels as necessary.

A-2

Avoid disjointed and multi-roof solutions. Solar panels should be set at angles consistent with the slope or pitch of the supporting roof. For example, avoid solutions that would set panels at a 70 degree angle when the roof pitch is 45 degrees. In addition, solar panels should be located on one roof plane (as opposed to scattered among several roofs) and arranged in a pattern that matches the general shape and configuration of the roof upon which they are mounted.

Ensure that solar panels, support structures, and conduits blend into the surrounding features of the historic resource. The overall visibility and reflectivity of solar panels and their support structures can be substantially reduced if elements of the solar installation match the surrounding building fabric in color.

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Solar Panels and Historic Preservation

Sustainable environmental practices are something nearly all Americans can support, increasingly through modifications to enhance the energy efficiency of homes and businesses. Much like the oil crisis of the 1970s, people are turning to solar power as a means to save on energy consumption. Solar technology is improving and solar panels are becoming more affordable. Preservationists and advocates of solar power across the country are now asking questions about when and how solar panels should be installed on historic buildings, all while also preserving historic integrity and causing no harm. There are no easy answers, and often it is a case-by-case issue. However, we are finding more and more examples showing how historic sites and structures can be preserved while accommodating the need for solar access. Below are some resources on Solar Panels and Historic Preservation.



Solar panels on a historic home in Cambridge, Massachusetts.

Credit: Adrian Scott Fine

Resources

- Design Guidelines for Solar Installations
- NAPC Solar Guidelines (PDF)
- DSIRE Database - DSIRE is a comprehensive source of information on state, local, utility and federal incentives and policies that promote renewable energy and energy efficiency. Established in 1995 and funded by the U.S. Department of Energy, DSIRE is an ongoing project of the N.C. Solar Center and the Interstate Renewable Energy Council.
- Interstate Renewable Energy Council - The Interstate Renewable Energy Council (IREC) is a premier resource for current information, education, credentialing and best practices regarding renewable energy. IREC is a non-profit organization creating renewable energy programs and policies targeted at the adoption of uniform guidelines, standards and quality assessment.
- Municipalities
 - Eureka Springs, Arkansas - Design Guidelines for 'Solar and Other Energy Conservation Equipment' (PDF)
 - Boulder, Colorado - Green Building and Green Points Booklet (Link to full Boulder Green Points Program)
 - Breckenridge, Colorado - Solar Panel Policy for Conservation District
 - Alexandria, Virginia - Design Guidelines for Solar Panels
 - Santa Monica, California - Ordinance which streamlined review of solar applications
 - Montgomery County, Maryland - Design Guidelines for Solar Panels
- US Dept. of Energy, Energy Efficiency and Renewable Energy- The Department of Energy is committed to reducing America's dependence on foreign oil and developing energy efficient technologies for buildings, homes, transportation, power systems and industry. The Office of Energy Efficiency and Renewable Energy (EERE) invests in clean energy technologies that strengthen the economy, protect the environment, and reduce dependence on foreign oil.
- EPA - The mission of the EPA is to protect human health and the environment. The EPA's purpose is to that all Americans are protected from significant risks to human health and the environment where they live, learn and work, national efforts to reduce environmental risk are based on the best available scientific information; federal laws protecting human health and the environment are enforced fairly and effectively; environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy; all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks; environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and the United States plays a leadership role in working with other nations to protect the global environment.



A sign advertising the Mount Pleasant (DC) solar house tour

Credit: Adrian Scott Fine

A-2

- American Solar Energy Society - Established in 1954, the nonprofit American Solar Energy Society (ASES) is the nation's leading association of solar professionals & advocates. Their mission is to inspire an era of energy innovation and speed the transition to a sustainable energy economy. They work to advance education, research and policy.

Articles

- NAPC - "Solar Panels in Historic Districts" (PDF)
- NAPC - "A Sustainability Framework for Local Consideration of Alternative or Substitute Materials, Pt. II" (PDF)
- NTHP - "Adapting Historic District Guidelines for Solar & Other Green Technologies" (PDF), Forum Journal, Volume 24, Number 1, Fall 2009
- Sara Bronin - "Solar Rights"

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