



United States Department of the Interior

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



March 29, 2024

[REDACTED]
[REDACTED]
[REDACTED]

Property: **Kneezell House, 901 West Yandell Drive, El Paso, TX**
Project Number: **46704, Part 2**
Appeal Number: **1681**
Action: **Final Administrative Decision**

Dear [REDACTED]:

I have concluded my review of your appeal of the October 19, 2023 Decision of Technical Preservation Services (TPS), National Park Service, denying 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 for meeting with me via videoconference on December 11, 2023, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the materials presented as part of your appeal, submitted at my request after our appeal meeting, and online research I conducted, I have determined that the rehabilitation of the Kneezell House is consistent with the historic character of the property and that the project meets the Secretary of the Interior's Standards for Rehabilitation (the Standards). I hereby reverse the denial of the Part 2 – Description of Rehabilitation application issued in the TPS Decision of October 19, 2023.

The Kneezell House is located on the corner of Yandell Drive and Fewel Street in Sunset Heights Historic District, listed in the National Register of Historic Places in 1988. The

Kneezell House is an imposing two-story single-family residence designed in an Italian Renaissance style. It is set significantly above Yandell Drive behind two retaining walls, a stucco-clad rectangular mass with punched rectangular openings, an elaborate cornice, and low-slope hipped roof. There is a pedimented central entrance door and fan light flanked by pilasters. The rectangular massing of the house is highlighted by strips of lattice in a ladder-like pattern on the two street facades. There is a two-story addition on the Fewel Street side, set back from Yandell Drive, also stucco-clad and with punched openings but subtly differentiated with a smaller cornice, fan lights above the windows, wide pilasters at the corners, a belt course at the second-floor level, and a flat roof. There is also a small, two-story sunroom at the rear of the main block, and a detached garage at the rear of the property.

In the Decision, TPS identified “*two completed work items of specific concern: installation of solar roofing shingles and alteration of the historic interior floor plan.*” The pre-rehabilitation roofing was two layers of non-historic asphalt shingles over the original but significantly deteriorated wood shingles. Those materials were removed as part of the rehabilitation and replaced with a Tesla Solar Roof. TPS determined that “*the completed roof replacement does not meet Standards 2, 5, and 6 which require that the replacement of deteriorated and missing features preserves the historic character and appearance of the historic building.*” TPS further determined that “*This change to the building by itself causes the project to not meet the Standards.*”

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, “*Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*” Standard 6 states, “*Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*”

Regarding the interior floor plan, the historic partition wall between the dining room and kitchen was removed in order to combine the two spaces into one. TPS determined that removing the partition wall resulted “*in the loss of important historic features and finishes that characterized the dining room and greatly changing the volume and architectural character of the space,*” contravening Standards 2 and 5 “*on a cumulative effect basis.*”

Although this appeal is technically for the denial of the Part 2 application, the reality is that, specifically regarding the two denial issues TPS identified in the Decision, this is completed work. However, my review considered the overall impact of the rehabilitation on the property

and the historic district holistically, not just the denial issues. The changes made to the building were contained within its historic footprint and volume. On the exterior, the historic windows are being retained and restored, the stucco is being repaired where needed, and the cornice was also repaired. The non-historic asphalt roofing was replaced with new materials that match the pitch and profile of the historic roof. On the interior, water-damaged plaster and plaster moldings are being repaired and where missing, restored. Historic window and door trim is being retained and restored. Old mechanical systems were replaced with discretely introduced new systems. Historic wood flooring is being refinished. Historic built-in cabinetry in the kitchen was retained, but the wall between the kitchen and the dining room was removed and replaced with a large opening. The State Historic Preservation Office evaluation of the Part 2 application noted that, “*Much of the work is very nicely done, including window restoration, plaster repair and system upgrades*” but further identified the replacement roof as a singular denial issue and recommended that the Part 2 application be denied.

In the Decision, TPS determined that the replacement roof did not preserve “*the historic character and appearance of the historic building*” (see full quote above). Regarding character and appearance, the building is still an imposing two-story single-family residence designed in an Italian Renaissance style, a stucco-clad rectangular mass with punched openings, an elaborate cornice, and low-slope hipped roof. Although the roof material is different, I disagree with TPS that the change in roof material alone causes the overall project to fail to meet the Standards.

Although it was published in 1978, long before “sustainability” and “solar panels” became part of the preservation lexicon, the guidance in TPS Preservation Brief 4, *Roofing for Historic Buildings*, remains available on the TPS website where it is described as “*a sound preservation approach to roof repair, roof replacement, and the use of alternative roofing materials.*” [<https://www.nps.gov/orgs/1739/upload/preservation-brief-04-roofing.pdf>]. Specifically regarding alternative roofing materials, PB 4 states,

“In a rehabilitation project, there may be valid reasons for replacing the roof with a material other than the original. But the decision to use an alternative material should be weighed carefully against the primary concern to keep the historic character of the building.

Cost and ease of maintenance may dictate the substitution of a material wholly different in appearance from the original. The practical problems (wind, weather, and roof pitch) should be weighed against the historical consideration of scale, texture, and color. Sometimes the effect of the alternative material will be minimal. But on roofs with a high degree of visibility and patterning or texture, the substitution may seriously alter the architectural character of the building.”

TPS guidance thus acknowledges that circumstances may allow substitution of a roof material wholly different in appearance from the original and that the effect of the new material may be minimal. But the guidance also cautions that the decision to use an alternative material should assess its impact on the historic character of the building. For example, roofs with a high degree of visibility and patterning or texture may not be suitable for an alternative material.

TPS guidance in the re-issued Preservation Brief 16, *The Use of Substitute Materials on Historic Building Exteriors*, states:

“The Standards for Rehabilitation require that the replacement of a distinctive feature match the old in physical and visual properties. While the use of matching materials is always preferred, the Standards purposely allow for the use of substitute materials when the use of original materials is not reasonably possible, such as in consideration of economic and technical feasibility or in new construction. They also provide additional flexibility in the treatment of secondary, less distinctive features that are less important in defining the historic character of the property. The Standards for Rehabilitation recognize that flexibility is appropriate to facilitate “a compatible use for a property ... while preserving those portions or features which convey its historical, cultural, or architectural values” (definition of “Rehabilitation,” 36 CFR 67.2(b)).”

In this case, the Kneezell house has a low-slope hip roof with planar, un-patterned surfaces and is not visually prominent. In regard to the overall architectural character of the home, which is primarily determined by its rectangular mass and the Italianate detailing of the facades (described above), the roof is a secondary feature. The Tesla Solar Roof system as installed replicates the original low-slope planar surface roof character. I acknowledge that the unit size is significantly larger than wood or asphalt shingles, but from a distance the visual impact of the size differential is minimal, consistent with the PB 16 guidance that with greater distance from the viewer, greater flexibility in the use of substitute materials is allowed. Regarding the claim that the new materials are reflective, although the panels are tempered glass, none of the photographs in the record or in post-rehabilitation Google Street Views show reflections of sunlight, although one photograph in the record shows a slight sheen of light reflected off the white chimney.

Consequently, I have determined that in this specific case, solar panels have been integrated into a replacement roof that is compatible with the historic character of the property and thus complies with the Standards.

Although a secondary consideration under the regulations, I also reviewed the impact of the rehabilitation on the Sunset Heights Historic District. The regulations state, *“In situations involving the rehabilitation of a certified historic structure in a historic district, the Secretary*

will review the rehabilitation project first as it affects the certified historic structure and second as it affects the district and makes a certification decision accordingly.” [36 C.F.R. §67.6(b)(6)]. TPS guidance on sustainability and solar technology recommends that installed solar devices have a minimal impact on the historic building and its site [<https://www.nps.gov/crps/tps/sustainability-guidelines/solar-technology.htm>]. In virtually all the cited examples, solar panels installed on visible roofs are mounted above the roof planes in patterns determined by existing roof penetrations and located without consideration of the overall roof configuration. Such installations generally compromise historic character. Nevertheless, TPS allows the installation of solar technologies in rehabilitation projects but recommends that solar panels be installed only on secondary and not prominently visible areas of the roof. This solar panel installation is entirely different because the solar panels are integrated with steel infill panels into a uniform surface that is in the same plane as the original roof. The completed work thus matches the pitch and profile of the original roof on all sides, the only difference being the new materials. From most vantage points along Yandell Drive, the Kneezell house is seen from below, minimizing the visual prominence of its low-slope roof. In this case, when comparing the installed solar roof system to other low-slope hip roofs found in the district, the primary difference is that most other roofs are a lighter color. I find the color difference has a minimal impact and that the completed rehabilitation is consistent with the historic character of the district.

Regarding the removal of the wall between the dining room and the kitchen, I agree that it is not a recommended treatment. However, by itself, it does not rise to the level of a singular denial issue and, because I have reversed the denial of the replacement roof, I have not considered it in my decision.

After a careful review of the project file, including the materials presented at the appeal meeting, materials subsequently submitted at my request, and online research I conducted, I find that the overall impact of the rehabilitation on the historic character of the Kneezell house complies with the Secretary of the Interior’s Standards for Rehabilitation and reverse the TPS denial of certification of the Part 2 application issued in its October 19, 2023 Decision.

Although I have determined that the proposed rehabilitation meets the Secretary of the Interior’s Standards for Rehabilitation, please note that the project will only be designated a “certified rehabilitation” after all work is approved following its completion. You must submit a Part 3 – Request for Certification of Completed Work through the normal process.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to TPS’s October 19, 2023 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  Digitally signed by JOHN A BURNS
Date: 2024.03.29 15:05:29 -04'00'

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

cc: Texas SHPO
IRS