

# Novogradac Journal of Tax Credits

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## What's on Top? Rooftops on Historic Tax Credit Projects

By John Tess, Heritage Consulting Group

An often overlooked element in historic rehabilitation projects is what's on top of the building. As the demand for additional square footage, mechanical considerations and new technology encroach on the use of rooftop space, it is important that developers of historic properties pay particular and early attention to what's on top of a building, as it might affect their ability to get their project approved for historic tax incentive purposes.

Typically, commercial buildings have flat roofs hidden by a parapet. This design is both practical and economical. Rooftops along with basements initially provided needed utilitarian space that became more and more important as cities began to institute zoning regulations limiting height and floor-to-area ratios (FAR). Designers and building management have used roofs for varied purposes that have evolved over time. In the early years, rooftops might house a water tower, ventilation hoods, skylights, stair towers and, in many cases, signage.

As elevator technology advanced, this allowed buildings to grow taller, resulting in rooftop elevator penthouses of varying sizes, depending on the number of elevators in the building. Often, these penthouses were expanded to provide workspace for the building management and in some rare instances living quarters. In some instances, decks were placed on roofs, offering tenants and visitors spectacular views and escape from the stifling heat of the interior. Rooftops also featured larger skylights for added value to the top floor. In the years following World War II, air conditioning became a common retrofit for commercial buildings; rooftops became the logical if only place for the behemoth

mechanical units. Finally, as an amenity for hotels, rooftop pools became somewhat common.



Photo: Courtesy of Heritage Investment Corporation  
The Globe Hotel in Portland, Ore.'s Skidmore Old Town National Historic Landmark District.

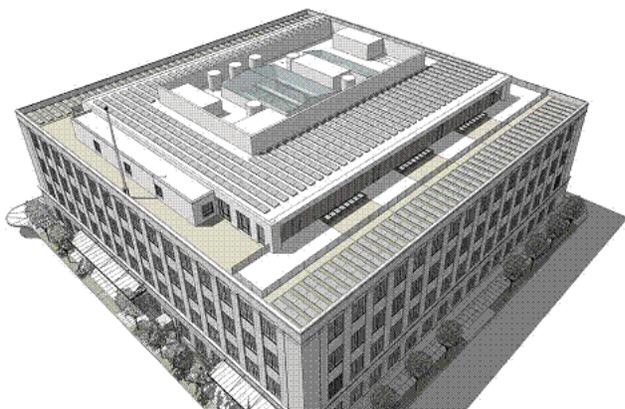
Today, most of these traditional uses have continued while others have appeared. Mechanical units remain as do elevator and stair penthouses, and rooftop decks. When older

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buildings are rehabilitated, new uses also appear. Gone are the days when roofs were merely the domain of tar, equipment and pigeons. Instead, rooftops are critical to providing added value to a rehabilitation project.

The most prominent new rooftop element involves the increase of square footage by a rooftop addition. Vibrant downtowns have placed a premium on leasable space and putting an addition on the roof to expand the building's leasable square footage typically helps the pro forma. Rooftop additions are not necessarily new; in the past, it was not uncommon for a building to be designed with the expectation of additional floors being added later.



*Image: Courtesy of Heritage Investment Corporation  
Meier & Frank Delivery Depot, Portland Ore.*

A second modern rooftop element is the cell tower. While many buildings initially may have had a radio antenna as part of their design, cell towers have had a great effect on what's on top of a building, with multiple towers in multiple locations determined by access to wavelengths.

The most recent elements are those related to sustainable design, such as solar, turbine and eco-roof technology. Sustainable and LEED designs are important both in addressing environmental challenges and in improving a building's energy efficiency. Solar panels generally sit two to three feet off the roof and typically are arrayed for maximum benefit. Newer are wind turbines that have been developed for building specific applications. Finally, eco-roofs are intended to minimize storm water run-off and counter-balance solar heat. Not infrequently, the roof below solar panels is an eco-roof.

Because the rooftop historically has been an afterthought, it is an easy mistake to forget that the National Park Service (NPS) has review jurisdiction in historic tax credit projects. Woe is the horror story of the mechanical unit that had to be removed or the oversized rooftop addition that lost the tax credits. Remember, NPS has authority over all work in historic tax credit (HTC) projects, including new construction and, as we are discussing here,

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all work completed on rooftops. Designs must meet the Secretary of the Interior's Standards. In the case of roof elements, the applicable standards are Standards 2 and 9:

*Standard 2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

*Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and environment.*

As with all project elements, each proposed roof element is reviewed independent of other projects and precedent generally is not accepted as justification for approval. Specifically, NPS is looking at aspects of size, visibility and compatibility. Building context is paramount. Buildings located within dense urban environments are more easily adaptable to roof alterations as they tend to be surrounded by structures of comparable or greater height that limit sightlines.

Location and size of the alteration also will have a significant effect on the likelihood of approval. Solar arrays laid flush on a flat roof, or angled but yet below the level of the building's parapet generally are approvable. Highly visible solar panels, such as those on a mansard roof, likely would not be. Siting is salient because visibility must be reduced as much as possible, not only by setback, but also with consideration for the actual lines of sight.

On high-rise buildings, locating the alteration at the center of the building often produces the desired effect and limits visibility. Where buildings have party walls, additions and equipment may be placed at the side or the rear to minimize sightlines.

In general, NPS requires applicants to submit site line studies that illustrate the visibility of the rooftop alteration from the adjacent streets. These site line studies generally are drawings prepared by the project architect, though a reviewer may also require a mock-up of the alteration to be constructed as well as photographs taken from various vantage points to illustrate the visibility.

Specific to rooftop additions, the NPS typically requires a setback of one structural bay from any primary façade. It also tends to deny rooftop additions on buildings less than four stories tall. Other considerations include the height of the rooftop addition as well as other related rooftop elements. As mentioned, NPS design review for rooftops tends to focus on issues of visibility and

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compatibility. One thing is certain – any rooftop element will certainly be closely scrutinized in design review and may have an impact on the timing and ability to get a project approved for federal tax incentives.

Heritage Consulting was involved recently with a project that faced nearly all of these issues. The Meier & Frank Delivery Depot is a four-story full block 1927 reinforced concrete warehouse in northwest Portland. The building sat vacant for well over a decade and for many years looked to be on the path to demolition. The current development project calls for adapting the warehouse, which had existing elevator penthouse and mechanicals, for office use. Securing approvals for the project was long and tedious. The approved design incorporated a rooftop addition, skylight, solar panels, eco-roof and new rooftop mechanicals.

A second Heritage project in Portland demonstrated how one review varies from another due to the project specifics. That project was the Globe Hotel, a four-story quarter-block workingman's hotel. The project required a rooftop addition, new elevator penthouse and new mechanicals. Efforts to secure approval of the rooftop ad-

dition required multiple sightline studies and redesign efforts. One interesting situation was a conflict between city reviewers and the NPS. The city wanted the rooftop mechanicals to be screened, while the NPS would not approve mechanical screens. Specifically, NPS believed that the screening had the potential, particularly with this project, to create greater rooftop mass in a tiered wedding cake look. While Heritage successfully resolved the issue, the disagreement between reviewing agencies is indicative of the challenges of rooftops.

The design review process for rooftops is often longer than anticipated, requires clarity on the specific project needs and flexibility in the design approach. Regardless, what's on top on historic rehabilitation projects is a long way from tar and pigeons. ❖

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