

**STAFF REPORT FOR THE HISTORIC RESOURCES COMMISSION MEETING OF  
FEBRUARY 09, 2012**

**AGENDA ITEM: F-2**

**FILE NO: HRC-10-102**

**STAFF AUTHOR:** Jennifer Pruitt, Principal Planner

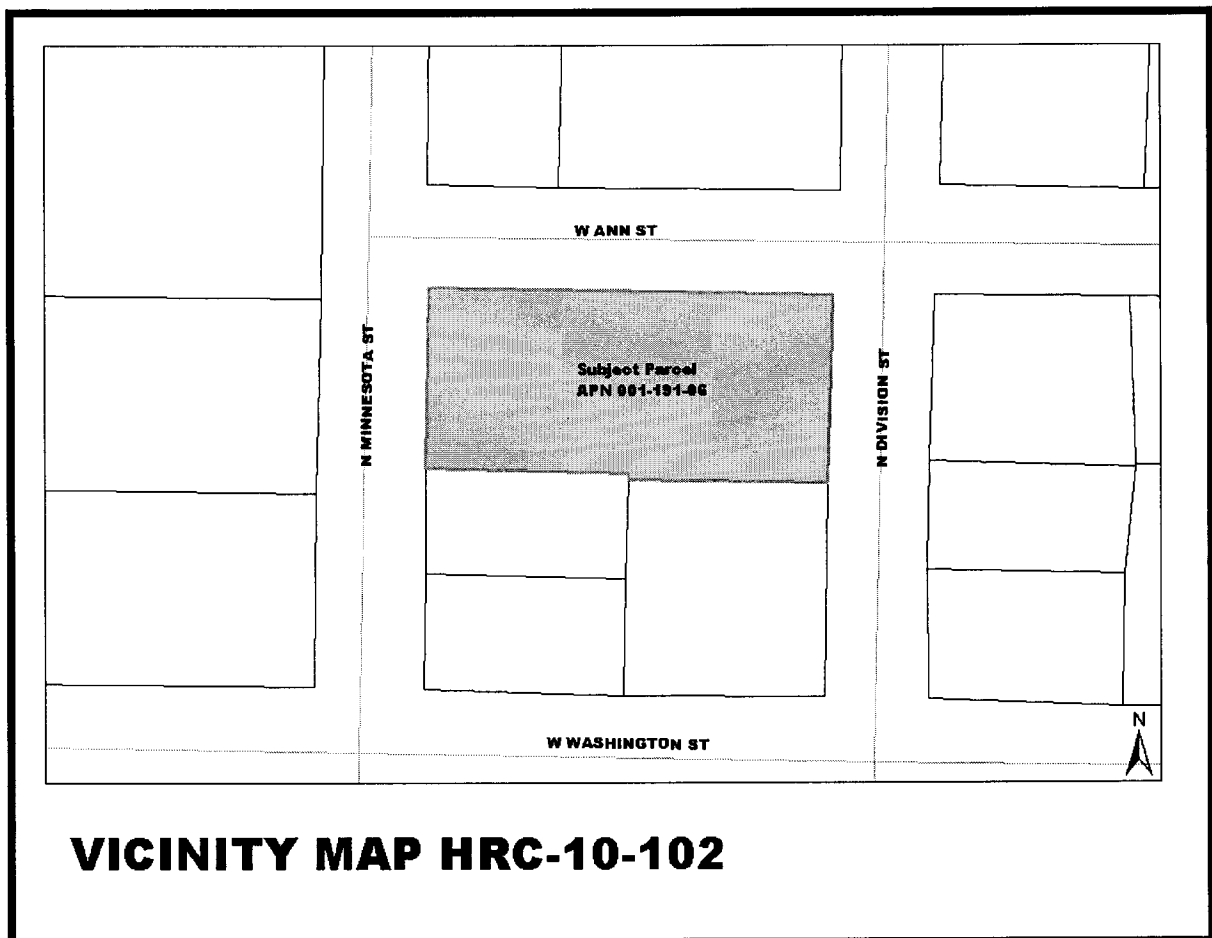
**REQUEST:** To allow the demolition of the existing single family residence, carriage house and sheds as previously approved by the HRC and approval of the revised development plan for a two-phased project(2-Two Family Dwelling units) totaling four units on property zoned Residential Office (RO).

**APPLICANT:** Al Salzano, Architect

**OWNER:** Herman Bauer

**LOCATION/APN:** 812 North Division Street / 001-191-06

**RECOMMENDED MOTION:** It is recommended that the Historic Resources Commission "Move to approve HRC-10-102, a request from Al Salzano, to allow the approval of the revised development plan of a two-phased project (2 -Two Family Dwelling Units) totaling four units on property zoned Residential Office (RO), located at 812 North Division Street, APN 001-191-06, subject to the conditions of approval contained in the staff report."



**RECOMMENDED CONDITIONS OF APPROVAL:**

1. All development shall be substantially in accordance with the attached site development plan.
2. All on and off-site improvements shall conform to City standards and requirements.
3. The applicant must sign and return the Notice of Decision within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item will be rescheduled for the next Historic Resources Commission meeting for further considerations.
4. The applicant shall submit a copy of the signed Notice of Decision and conditions of approval with the building permit application.
5. Demolition of a historic place or cultural resource may begin only after approval by the HRC and issuance of other necessary approvals for a replacement building or site improvement.
6. The applicant will be required to provide detailed Historic Resources Inventory Form including but not limited to, photographic documentation of the existing structures to the Planning Division for proper documentation of the structures proposed for demolition.
7. Commercial submittals shall show compliance with the following codes, and adopted amendments:
  - 2006 International Building Code
  - 2006 International Energy Conservation Code
  - 2006 International Fire Code
  - 2006 Uniform Mechanical Code
  - 2006 Uniform Plumbing Code
  - 2005 National Electrical Code
  - 2003 ICC/ANSI A117.1 (For accessible design)
8. Project requires an application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
9. The two structures will require their own utilities that are located on the lot which they are constructed on.
10. A recorded Parcel Map (lot split) is required prior to the development of phase II (duplex #2) of the proposed development.

**LEGAL REQUIREMENTS:** CCMC 18.05.015 (Procedure for Proposed Project) and 18.05.075 (Demolition of a Historic Place or Cultural Resource in the Historic District).

**MASTER PLAN DESIGNATION:** Mixed Use Residential

**ZONING:** Residential Office

## PREVIOUS REVIEWS:

- September 15, 2011, the appeal MISC-11-053 was reviewed and sent back to the Planning Commission and the Historic Resources Commission by the Board of Supervisors for further reconsideration. Significant public opposition was represented at the Board of Supervisors meeting.
- August 08, 2011, the Special Use Permit SUP-11-042 was appealed by an adjacent property owner.
- July 27, 2011, the Planning Commission approved the previously proposed eight unit apartment project, SUP-11-042, subject to specific conditions by a vote of 3-2 (2 absent). Significant public opposition was represented at the Planning Commission meeting.
- June 09, 2011, an adjacent property owner submitted information to the Planning Division regarding the possibility of an Open Meeting Law issue, related to an improper notice of HRC-10-102 for the May 12, 2011 HRC meeting. After staff research and confirmation from the DA's office, it was determined the item must be properly noticed and brought back before the HRC for action.
- May 12, 2011, the HRC reviewed the revised plan and conditionally approved the proposed project, subject to the conditions of approval.
- April 05, 2011, the required Major Project Review, MPR-11-020, was conducted in the Planning Division. At the meeting, City staff provided the applicant with comments related to the proposed project. The HRC Chairman, Mike Drews, was in attendance at the MPR meeting.
- December 09, 2010, the HRC reviewed and approved the demolition of the existing single family dwelling unit and accessory structures and approved the conceptual plan with the stipulation that the applicant provide more detail on possible covered parking alternatives and materials for the proposed apartment complex.
- August 19, 2010, the Board of Supervisors approved AB-10-038.
- July 28, 2010, the Planning Commission reviewed and recommended approval to the Board of Supervisors AB-10-038. The request allowed the abandonment of an eight foot wide portion of N. Minnesota Street, W. Ann Street and N. Division Street, totaling a 3,814-square-foot area, more or less, adjacent to, properties located at 803 N. Minnesota Street, 444 W. Washington Street and 812 N. Division, APNs 001-191-02, 001-191-05 and 001-191-06.

## DISCUSSION:

The project as previously presented was to demolish the existing single family residence and construct (two) two-story four-plex apartment buildings, totaling eight units and detached carports. The existing carriage house and sheds were also proposed for demolition.

After multiple meetings with City staff since October 2011, the applicant has revised the plan to include a two phased project which would include the demolition of the existing single family residence, existing carriage house and sheds. If approved, the proposed new development would include the construction of 2-Two Family Dwelling units, totaling four units. The proposed

two story-Two Dwelling Unit structures are two stories in height.

Per the information provided in the survey completed in 1998 by Anita Ernst Watson, the one-story vernacular structure was erected on the north half of the block under the ownership of Mr. Shubael T. and Cecelia Swift sometime after 1869. Mr. and Mrs. Swift purchased the entire block. The house erected was a small wooden square structure with a gable roof. Over the years there have been alterations to the existing single family dwelling unit, more noticeable on the northwestern portion of the structure. After several ownership changes the property was purchased in 1935 by Arnold Lee Gillie, who was a mechanic and the property remained in the Gillie Family until it was sold in late 2009 to the current owner Herman Bauer.

## **5.27 Guidelines for New Construction**

New construction which is appropriately designed is encouraged by the Carson City Historic Resources Commission (HRC). The Historic District should be an active and vital part of the city. New construction should look new and reflect the technology, building materials and design ideas of the present era. The design of new construction needs to be compatible and respectful of the historic building stock that surrounds it so that visual conflict and confusion are avoided. There is no formula that will guarantee "good design". There are specific elements of building design which can be identified, and therefore, addressed in a review process so that consistency can be achieved. The following elements shall be individually assessed for their degree of appropriateness for each project.

### **5.27.1 Scale and Massing**

The overall size and height of the new building should be consistent with the surrounding buildings.

*The proposed structures are consistent with the existing structures in this block. The surrounding buildings are a mix of rental units, commercial buildings and single family dwelling units, which will create a similar situation as today, if the proposed new units are approved.*

### **5.27.2 Shape**

The overall shape of the building, particularly its roof type, height, and design emphasis (horizontal or vertical) should be consistent and harmonious with others in the environs.

*The overall shape of the proposed structures will be significantly different than the existing single family dwelling unit on site. There are other structures in this city block that are two or more stories in size relative to shape. It should be noted while the foot prints of the structures are the same, the architectural treatment of the structures are different and are noted on the elevations provided by the Architect.*

### **5.27.3 Setback**

The front and side yard setbacks for the building should be approximately the same as others in the surrounding area and conform with CCMC Development Standards, Division 1, Land Use and Site Design.

*The setbacks of the proposed structures will conform to the setbacks noted in the Development Standards.*

#### **5.27.4 Site Elements**

When at all possible avoid substantial site alteration by importing or exporting fill materials. Generally speaking vacant lots in the district were once occupied by a building. Attempt to place the new building as near as possible to the same grade as the original. Carefully consider the placement and relationship of the public sidewalk, side and front yard fences, driveway, gardens and accessory buildings when determining the location of the new building on the lot.

*The applicant has paid close attention to the placement and relationship of the proposed structures public sidewalk, side, rear and front yard areas, driveways, parking areas, patios and existing trees when determining the location of the new buildings on site.*

#### **5.27.5 Materials**

Exterior siding should reflect the prevailing style of the neighborhood. A vertical or diagonal style siding should not be used when the dominant style is a horizontal drop or shiplap type. The exterior siding should blend in, not stand out.

*The proposed materials are intended to blend into the surroundings and not stand out. The applicant has provided a detailed set of plans for HRC review that include the specific detail of all materials proposed for the two duplex structures. The applicant will have the architect available at the HRC meeting to address the materials proposed. The applicant has noted that the proposed materials for the structures are different as noted on the elevations provided.*

#### **5.27.6 Windows and Doors**

The rhythm and arrangement of the windows and doors should reflect the style of the building design and the predominant patterns found in existing buildings of the area. The ratio of the total surface area of openings to total wall surface area of new buildings should reflect that of historic buildings in the environs.

*The ratio of the total surface area of openings to total wall surface is not excessive and very similar to the area of openings of others structures in close proximity.*

#### **5.27.7 Details and Other Elements**

Trim details are often the single most relevant design feature which can be utilized to give harmony and compatibility to a new building. If existing buildings have boxed eaves, do not leave rafter tails exposed. If windows and doors typically have fanciful trim, incorporate trim with architecturally equal weight. If trim work is typically simple, do not use "ginger bread". Seek to design the new building so that the trim and architectural details compliment the existing buildings in the area.

*The existing structure is basic in its design. The architect has incorporated these basic design elements into the proposed structures which are consistent with the Bungalow/Craftsman style. Craftsman bungalows were made to complement their surroundings. They were often painted and stained in earthy tones. Exteriors and interiors are designed to play off each other, with neither overwhelming the other. The Bungalow/Craftsman design typically includes the following.*

- 1 - 2 stories
- Roof lines may be complex.
- Broad eaves
- Open floor plan
- Dormers: shed, gabled, hipped, sometimes in combination
- Fireplace, brick or native stone
- Covered porches
- Windows, double-hung, multiple lights over single pane below.
- Shingle, lapped, and stucco siding is common.

As noted above the proposed project is a two phased project. Pursuant to the Carson City Municipal Code a Two-Family Dwelling (duplex is 2 units) is allowed outright in the Residential Office (RO) zoning district. The applicant is aware that Phase II of the development (Two Family Dwelling unit #2) is dependent upon a recorded Parcel Map, resulting in the creation of two parcels. If the Parcel Map is not recorded; a Special Use Permit approval per CCMC 18.04.110(3) and additional HRC approval may be required to result in three or more dwelling units on site.

#### **PUBLIC COMMENTS:**

Public notices were mailed to the adjacent property owners to the subject parcel in accordance with the provisions of NRS and CCMC 18.02.045. Any comments that are received after this report is completed will be submitted prior to or at the Historic Resources Commission meeting, depending on their submittal date to the Planning Division. Staff has included the meeting minutes of the public meetings related to this project from December 2010 through September 2011.

#### **Engineering Division comments:**

- Development Engineering has no preference or objection to the request.

The Engineering Division has reviewed the request within our areas of purview relative to adopted standards and practices. Demolition and construction must meet all requirements of the State of Nevada and Carson City, both on and off site.

The duplexes can be done one at a time, but if the parcels are not split first, all frontage improvements must be done with the first permit. The sidewalk cannot engulf the power pole positions. We recommend enough room on the Division St. driveway to turn around so cars do not have to back out into traffic.

**Building Division comments:**

1. Commercial submittals shall show compliance with the following codes, and adopted amendments:
  - 2006 International Residential Code
  - 2006 International Energy Conservation Code
  - 2006 International Fire Code
  - 2006 Uniform Mechanical Code
  - 2006 Uniform Plumbing Code
  - 2005 National Electrical Code
2. Project requires application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
3. The two structures will require their own utilities that are located on the lot which they are constructed on.

With the recommended conditions of approval and based upon the project complying with the Carson City Historic District Guidelines, the Historic Resources Commission Policies, and that the plans as submitted are in general conformance, it is recommended that the Historic Resources Commission approve the revised plan for HRC-10-102 subject to the recommended conditions of approval within this staff report. Staff will encourage the HRC to assist the applicant with the selection of appropriate materials for the project if needed.

Respectfully Submitted,  
PUBLIC WORKS DEPARTMENT, PLANNING DIVISION

*Jennifer Pruitt*

Jennifer Pruitt, AICP, LEED AP  
Principal Planner

Attachments:

Building Division comments  
Engineering Division comments  
Meeting minutes

**Carson City Engineering Division  
Historic Resources Commission Report  
812 N. Division St.  
File Number HRC 10-102**

**TO:** Historic Resources Commission  
**FROM:** Rory Hogen, Asst. Engineer  
**DATE:** February 1, 2012

**SUBJECT TITLE:**

Review of a Historic Resources Commission application for demolition of existing structures and the building of two duplex dwelling units at 812 N. Division St., apn 01-191-06.

**RECOMMENDATION:**

Development Engineering has no preference or objection to the request.

**DISCUSSION:**

The Engineering Division has reviewed the request within our areas of purview relative to adopted standards and practices. Demolition and construction must meet all requirements of the State of Nevada and Carson City, both on and off site.

The duplexes can be done one at a time, but if the parcels are not split first, all frontage improvements must be done with the first permit. The sidewalk cannot engulf the power pole positions. We recommend enough room on the Division St. driveway to turn around so cars do not have to back out into traffic.



|                                 |                         |
|---------------------------------|-------------------------|
| <b>File # (Ex: MPR #07-111)</b> | <i>HRC-10-102</i>       |
| <b>Brief Description</b>        | <i>Bauer Duplexes</i>   |
| <b>Project Address or APN</b>   | <i>APN #01-191-06</i>   |
| <b>Bldg Div Plans Examiner</b>  | <i>Kevin Gattis</i>     |
| <b>Review Date</b>              | <i>February 9, 2012</i> |
| <b>Total Spent on Review</b>    |                         |

**BUILDING DIVISION COMMENTS:**

1. Commercial submittals shall show compliance with the following codes, and adopted amendments:

- 2006 International Residential Code
- 2006 International Energy Conservation Code
- 2006 International Fire Code
- 2006 Uniform Mechanical Code
- 2006 Uniform Plumbing Code
- 2005 National Electrical Code

2. Project requires application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.

3. The two structures will require their own utilities that are located on the lot which they are constructed on.

**812 N. Division Street – Bauer Residential Duplex**

**PROJECT DESCRIPTION**

The proposed project has been revised from the previously submitted 8-unit apartment complex to a pair of residential duplex units. Each building is designed as a full living unit on the ground floor, stacked with a full upper floor living unit. The buildings are designed to take advantage of the corner lots, with the ground floor unit and the upper floor unit each having a separate garage and entry porch facing opposite streets. One building (A) fronts onto Minnesota Street and Ann Street, and the other building (B) fronts onto Division Street and Ann Street.

The project is proposed to be constructed in two (2) phases. Phase 1 would consist of demolition of the existing structures, and construction of the new duplex building (B) fronting onto Division and Ann Streets. The remainder of the lot would remain vacant as-is until such time as demand for the project justifies construction of Phase 2. Phase 2 would then consist of a lot split, and construction of the new duplex building (A) fronting onto Minnesota and Ann Streets.

Each building is designed to be compatible with the neighborhood and the historic district. One building (B) is proposed to be designed in a Gothic Revival farmhouse-style Architecture with wood lap siding, and the other building (A) is proposed to be designed in a Craftsman/Bungalow style Architecture with stucco siding.

**RECEIVED**

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close in the area that we found that had no residents so we thought it would be a good choice.” In response to a further question, she discussed the importance of “try[ing] to make this work.”

Mayor Crowell entertained public comment; however, none was forthcoming. Supervisor Abowd commended the Pardinis as “a long-established family in an established neighborhood,” and expressed understanding for the logic behind the request. “The fact that it doesn’t affect anyone’s address makes it ... all the more plausible.” Supervisor Aldean provided background information on her support to defer action on this item from the June 16<sup>th</sup> Board of Supervisors meeting. She expressed appreciation for Mr. Sharp’s research, and the opinion that “one of the things that gives a community character are references to the people who ... make that city significant historically and economically. We have a lot of references to pioneering families that adorn our various street signs.” She expressed support for the request in consideration of the fact that La Rue Lane doesn’t appear to have any particular historic significance.

Mayor Crowell entertained a motion to rename La Rue Lane to Pardini Drive. **Supervisor Aldean moved to approve the renaming of La Rue Lane to Pardini Drive, subject to the applicant’s willingness to pay for the associated costs. Supervisor Abowd seconded the motion. Motion carried 4-1.**

\* 19. PUBLIC WORKS DEPARTMENT, PLANNING AND ZONING DIVISION

19(A) POSSIBLE ACTION TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION’S DECISION TO ALLOW A MULTI-FAMILY APARTMENT, ON PROPERTY ZONED RESIDENTIAL OFFICE (“RO”), LOCATED AT 812 NORTH DIVISION STREET, APN 001-191-06 (SUP-11-042) (10:22:45) - Mayor Crowell introduced this item, and explained the hearing process. Planning Division Director Lee Plemel provided an overview of this item, and Principal Planner Jennifer Pruitt reviewed the agenda materials in conjunction with displayed slides. In response to a question, Ms. Pruitt reviewed the open space requirements for multi-family projects, pursuant to the provisions of the Carson City Municipal Code, and pointed out the architect’s compliance with the same, as depicted in drawings displayed in the meeting room. In response to a question, Mr. Plemel explained requirements relative to common areas for multi-family projects. He responded to additional questions of clarification relative to calculated open space. “... there’s really, on a per unit basis, it’s really not that much area that’s required for multi-family development. ... for an eight-unit, it doesn’t add up to that much area ... when that hatched area, plus the patios and the decks that are allowed to be counted, per the Code, represent the minimum requirement. But, as you get to bigger projects that might have more kids in there, then that open space, that area becomes bigger and more usable. This is a pretty typical multi-family project, at least at this size.”

Supervisor Aldean noted the 3-2 vote on the Planning Commission item and, at her request, Mr. Plemel reviewed the concerns, as outlined in the July 27, 2011 meeting minutes, copies of which were distributed to the Board members and staff prior to the start of the meeting. Supervisor Abowd advised of having been informed that some of the Planning Commissioners felt that they had no choice as the applicant had met all the legal requirements. In response to a question, Ms. Pruitt expressed the understanding that the applicant meets all the Carson City Municipal Code requirements. “But, as a Board, that’s why we’re here today for you to make a decision regarding the appeal.” Ms. Pruitt expressed the opinion that staff had provided all the necessary information for the Board to make a decision one way or the other. She noted the purpose of the subject hearing for the appellant to “see if there’s a possibility to provide a decision in their favor.” In response to a question, Mr. Plemel advised that findings for approval of the special use permit had been made. He expressed the opinion “there is some discretion ... that the Planning Commission

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can establish a record and you, on appeal, can establish a record one way or another.” He expressed the opinion that the Planning Commission’s approval considered the Historic Resources Commission’s review and approval. Mr. Munn advised that the special use permit application involves “some degree of discretion. ... That discretion has been exercised at the Planning Commission level as well you are sitting in review of that discretion, but it’s not discretion without limits because of you have standards which the City has adopted for people to develop property.” He counseled the Board that a deviation from the Planning Commission’s decision requires a record as to disagreement with the findings relative to the standards being applied to the project.

Mayor Crowell entertained the appellant’s testimony. (10:44:32) Alexander Kirsch advised of having lived in Carson City for the past thirty years, twenty in the historic district and the last five as an historic district homeowner. Having been born in Germany, he expressed an appreciation for history and the belief that European culture and history were preserved because people saw the value and importance of building and rebuilding in a manner which is true or as true to the original as possible, whenever possible. He advised of having moved to Carson City in 1982, and discussed those attributes which drew him here. He further advised of having worked, for the last 17 years, within walking distance from his home. He walks daily and notices any changes in the neighborhood. He provided historic information on the formation of the Historic Resources Commission and new construction within the historic district. He noted that “most historic buildings [have been] retained and either restored or improved and much of the vegetation and open space preserved. He expressed the opinion that the proposed development of “two four-plex apartment buildings on a half City lot ... seemed too massive and out of place and character for this historic district.” He advised of having brought “these issues to the attention of the Historic Resources Commission and the Carson City Planning Division,” but “only minor design elements were discussed and a special use permit to allow the construction of Herman Bauer’s proposed project was approved.” Mr. Kirsch advised that “a number of [his] neighbors and other residents of the Carson City Historic District support [his] appeal and have signed a petition to that effect.” He offered to submit copies of the petition.

(10:47:30) Steve Brenneman advised that the petition “has 88 signatures of residents in Carson City and mostly residents of the historic district ...” Mr. Munn explained the Carson City Municipal Code provisions qualifying a person as an “aggrieved party.” He acknowledged that the petition can be submitted as public comment, but reiterated “it can’t be a part of the actual matter you deliberate ... as far as the appeal.” Mr. Kirsch explained the purpose of the petition to indicate “the support we have gathered within a small area and, in particular, within the historic district.” Mayor Crowell advised that the written appeal and Planning Division staff’s response were included in the agenda materials. He suggested addressing the issues raised in his letter.

Mr. Kirsch expressed the opinion that the Historic Resources Commission “should not have approved the proposed project ... because ... no other projects of its kind were every allowed or approved since the establishment of the HRC; ... it does not offer the charm, privacy, and amenities in comparison to other available rental properties of the district; ... it does not meet HRC standards of preserving the integrity of the historic west side and we fear ... approval would set bad precedent for future development within the district.” He advised of having appealed the special use permit decision for the following reasons: “scale massing and land use issues were addressed but not really resolved; required Carson City open space requirements do not appear to have been met or have not been properly shown on the submitted drawings; ... ever since the establishment of the Historic Resources Commission, in 1982, no project of this size has ever been approved or built within the district.” Mr. Kirsch distributed copies of a “mid-century report”

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to the Board members, and read into the record portions of the same. He advised that his "dispute should not be primarily with the project calculations approved by the Planning Division, but rather with the Historic Resources Commission for approving this size of development within the historic district." He expressed the belief that the Historic Resources Commission's decision was "rushed and never discussed." He read from a set of Historic Resources Commission minutes.

In consideration of mass and scaling, Mr. Kirsch advised that "concerns on how a project would fit within the area were raised but not fully discussed, with the exception of the proposed carports, but mainly in regard to use of different design materials. Dimensions for this parking lot and its roof structures are not in conformance with the Carson City building requirements. In consideration of conservation and preservation, Mr. Kirsch advised of a question "whether the former Swift house had any historical significance worth preserving." He reviewed historic data relative to the Swift house. In consideration of "necessity," he advised that "Mr. Bauer stated ... there was more rentable office space available than rentable residential housing. While this statistic may be true for the entire City, we found that's not the case within the historic district ..." He offered to provide a "detailed, current list of all properties for sale or rent within the district." In consideration of "integration," he advised "the handful of apartment structures grandfathered within the historic district are mostly one-bedroom studios while homes converted to rental properties usually are more spacious with two or more bedroom configurations and other amenities, such as yards, garages, and storage facilities. When it comes to similar structures within this district, office complexes are best compared to Mr. Herman Bauer's project. Unlike apartment buildings, office buildings are commonly occupied only during daytime areas, on weekdays, and this does not affect the overall tranquility and peace enjoyed by all residents and neighbors." In reference to the right-of-way abandonment granted Mr. Bauer, "roughly 3200 square feet, ... it would have been considerate ... to use it to conserve, improve, or maintain the integrity of the City, the historic district, and the neighborhood and its residents. It appears that this ... gracious gift ... would instead be used solely by the developer to expand the size of his project."

Mr. Kirsch requested the Board to "revisit ... several of the Carson City Building Code requirements relative to the proposed project. For example, the minimum common open space requirements for these type of buildings in the future to prevent a reoccurrence of this type of proposal." He discussed the importance of preserving "the integrity of this historic district. ... Mr. Herman Bauer's proposed project would jeopardize the future initiatives aimed to conserve places of historic value and it would set damaging precedent for future development within Carson City's historic district." He advised that "a detailed list of objections to the SUP was contained in [his] appeal of August 8." He introduced Steve Brenneman and Tom Strekal.

(11:01:03) Steve Brenneman, co-owner of the Bliss Mansion, advised of having "changed his view on how well [the Historic Resources Commission] protect[s] our historic district given that they've approved this ... zoning change for one parcel of property." With regard to the open space, he advised of having made two visits to the Planning Division "to have them tell me where the open space was located." He stated, "The problem is, you're not allowed to have open space in a setback area and, on the diagram, it says open space and it's in a setback area, on the side yard and in the rear yard and the front yard." Mr. Brenneman advised of having reviewed the Code requirement, and stated, "The parking lot does not meet public works code requirements of 26 feet between stalls. The space in the design is 24 feet. There's a Code requirement, 2.1.16, for snow storage on a large parking lot. There is no space for snow storage. There is a Code requirement that you may not use storage in a setback area, yet the trash storage for this project

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is in a setback area. The carport columns are in a setback area. That's also not allowed. In sum, the architect has tried to really maximize the building size, the number of dwelling units and it's just too big for a 16,700 square foot piece of property."

(11:03:43) Tom Strekal reviewed historic information on his residence located within the historic district. He advised of having learned of the proposed project on July 27<sup>th</sup>, and of having been "appalled." He expressed the opinion that the special use permit "implies a cavalier attitude toward Carson City and its historic district, a district soon to receive recognition on the National Register of Historic Places, no small honor." Mr. Strekal advised that "the project proponents do not live here nor do they plan to live here upon completion of the project. They appear to have no interest or concern for the Carson City Historic District, nor respect for the character of the district. If they had interest, concern, or respect, we feel they certainly would not propose a project of such scale, so out of keeping with the character and proportion of the historic district, so fraught with potential problems of density, parking, traffic, trash, personal storage, snow removal, and open space." He inquired as to sufficient space for children to play. "What happens when everyone decides to barbecue? What happens to the snow following a major storm and where do the cars go that are in the parking lot?" In reference to the special use permit "as a conditional use rather than rezoning somehow implies that this project, if found unacceptable in the future, will be removed. That's ludicrous. Once it's built, it's built. The implication, though ..., is that this project will not look out of place when similar projects are built in the future." He expressed the opinion "that's a very poor precedent for the historic district." He expressed deep concern "about the integrity of our homes, our neighborhood, and our community." He expressed the opinion that "homeowners ... seem to be held to a higher standard to conserve and protect our neighborhood than do developers, but we accept that responsibility in order to maintain our quality of life and to demonstrate pride in our community. While our neighborhood and the historic district are aesthetically pleasing and generally serene, our greatest enjoyment is our neighbors. Most importantly, we enjoy our neighbors, getting to know who lives next door, and socializing. And since learning of this project, we've come to meet and enjoy more of our neighbors who oppose this project." In consideration of "the recent reduction in rental rates because of vacancies in the economy, the proposed project is not likely to become the exclusive address depicted in that drawing with a few well-heeled professionals walking, with no cars in the parking lot, with that fabulous view of endless space leading to C Hill." He expressed the opinion that the architectural drawings are "very misleading ... disingenuous." He reiterated that he and his wife "take pride in our community and ... demonstrate our sense of community by coming together to oppose the proposed project." He expressed the opinion that the 88 petition signatures "are an indication that this has gotten our attention, has galvanized us, has shown you we have an identity and we care about the historic district."

Mayor Crowell called for additional appellant representatives and, when none were forthcoming, called for the applicant representatives. (11:09:03) Herman Bauer introduced himself for the record and expressed opposition to the previous misrepresentations of his character. He advised he has been coming to Carson City for over 30 years, that he has investments here and is a taxpayer. He provided historic information on his hometown in Germany and advised he has "great respect for historical aspects." He expressed appreciation for Mr. Kirsch's comments, but disagreed. He advised of a suggestion that the property be turned into an open air wildlife refuge or a community garden. He commended the suggestions and expressed a willingness to sell the property to anyone interested in creating a community garden. He advised of having purchased the property for investment purposes and "to make it pencil out, this is what we need. It's difficult enough already. We have to relocate the power lines, power poles, replace sewer lines. The project will be tough to pencil out." Mr. Bauer advised of having participated in "many, many

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meetings ... we made many changes, we've worked with your staff which incidently was very helpful, and we got the approvals for the eight units for the project you see here."

In response to a question, Mr. Bauer discussed the current vacancy rate and expressed the opinion that "by the time we're ready to build, there will be a need for additional apartments." He expressed the further opinion that "once the downtown plan goes into effect, ... it's going to be a very good location for people who want to live and work downtown." He expressed the opinion that "the area is in transition. Eventually, you will see such developments."

Mayor Crowell invited Architect Al Salzano to provide testimony. (11:13:42) Mr. Salzano reiterated that "the open space does meet all the requirements. It's more than double what's required. We are only counting the areas that we are allowed to count." He disputed previous testimony by stating, "We're not counting any of the area that's in the three street yard setback areas. We are counting the area in the rear yard setback which is allowed by Code. So the open space calculations are correct." Mr. Salzano advised that if the "all the area in the street front setbacks" was included, "we would be over six times the minimum required open space calculation." He pointed out that the project has been approved "not once, but three times by the Historic Commission and also by the Planning ..." He acknowledged the objections, but advised that much has been done to "satisfy everybody." In response to a question, he expressed the understanding that parking and snow storage requirements have been met according to the Carson City Municipal Code. Supervisor Aldean discussed the importance of adequate snow storage in any parking lot. In response to a question, Mr. Salzano reviewed Code requirements relative to trash disposal / storage. In consideration of three street frontages, he advised that no credit was given to the project for on-street parking.

Supervisor Abowd discussed concerns regarding the lack of outdoor personal storage space and sufficient space for children to play. Mr. Salzano advised that a landscape plan was provided, which included "a full 20 feet of yard all the way around the building that's not included in the open space calculations because we're not allowed to count that. ... So, even though the open space calculation only says 2500 square feet, if you count everything, there's six times that." In response to a further question, he assured the Board "there are lawn areas, as part of the landscaping, ... that would be suitable for kids playing." In response to a further question, he advised that outdoor personal storage is available "off of the decks which are part of the private open space, not the public open space."

In response to a question, Mr. Salzano advised the open space will not be fenced. He noted that "because we're under ten units, we're not required to have ... a developed playground." In consideration of the massing issue, Mr. Salzano advised that four or five-plexes were not considered "because ..., as Mr. Bauer was stating, ... there's ... a break even point as far as how many units per acre. Again, he bought this as an investment property." Mr. Salzano pointed out that the proposed development is within the allowable density. Mayor Crowell entertained additional questions and, when none were forthcoming, thanked Mr. Salzano for his attendance and participation.

Mayor Crowell requested staff to address the parking and the snow removal / storage issues. City Engineer Jeff Sharp estimated "they're still a foot short on the overall width of the parking lot." In consideration of snow removal / storage, Mr. Plemel suggested considering this "a smaller project. ... These are basically commercial development standards. Generally, we ... view it as being intended for larger lots." In response to previous testimony, Mr. Plemel reviewed the provisions of Development Standards Section 1.12, Outside