

Lee Plemel

LATE INFO F-4

**To:** Planning Commission  
**Subject:** Capitol Mall SUP comments - SUP-15-038

Staff recommends that the Planning Commission amend condition of approval #36 to read as recommended below by the Fire Department.

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**From:** Dave Ruben  
**Sent:** Tuesday, May 26, 2015 7:12 AM  
**To:** Lee Plemel  
**Cc:** Robert Schreihans; Tom Tarulli  
**Subject:** Capitol Mall SUP comments

Lee, please accept the following late modification of SUP 15-038 comment #8 from the FD comments.

Please change to:

If any of the B through E buildings are classified as "high rise" under NAC or the IFC, the applicant must either: 1) provide an aerial fire apparatus which would be delivered and in service by the time of the first building C of O with the manufacturer, type, style, and all other specifications on the apparatus to be determined by CCFD or 2) provide a Fire Protection Plan approved by CCFD from a NV licensed fire protection engineer showing that the building has been designed above the prescriptive requirements in the Building and Fire Codes to allow for fire suppression services without the response of an aerial fire apparatus.

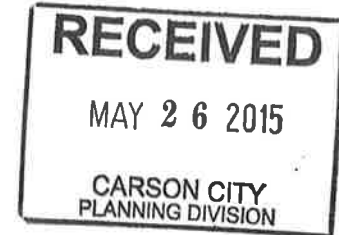
We had some last minute conversations with the applicant that necessitated the late modification.

Thank you.

**Dave Ruben**  
Fire Marshal  
Carson City Fire Department  
777 S. Stewart Street  
Carson City, NV 89701

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Late Info F-4



May 26, 2015

TO: Lee Plemel, Community Development Director

FR: Bruce Kittess, Carson City resident

RE: Planning Commission Meeting May 27, 2015, Capitol Mall F-4, SUP 15-038

Thank you for this opportunity to comment. Please confirm this memo will be part of the administrative record. Will you include as late material to the Commission or do I need to address the Commission?

**Summary comments:**

I strongly object to any parking garage on Main Street.

This special use permit appears to grant entitlement to build a major multi-phased project of 682,000 square feet in the City's prime commercial location. Many City actions/approvals have been postponed and/or are forthcoming. No development agreement has been presented. Our elected officials should vote on the project.

**Comments on Capitol Mall, F 4, part 1**

Building A: A four (4) story parking structure in my opinion has no place on the Capitol's Main Street. Millions of dollars have been spent over thirty years improving Main Street and more millions soon to be spent. The proposed garage belongs on the property behind the Nugget Casino and not on the same street frontage with our State Mint/Museum, Laxalt Building, State Capitol and other historic structures.

Page 8: states "*this structure is intended to provide parking for the Nugget Casino as well as the retail in the structure with 237 spaces in the parking garage*". The chart on pages 6 and 13 lists required retail parking only at 13 spaces. Given the statement on page 8 shouldn't the required parking include spaces for the Casino?

The Cactus Jack sign is an icon. Move or best delete the bridge over Carson Street blocking the southbound view of Cactus Jack.

Staff states less retail space in Building A than required is OK because it will be balanced in future phase Building D. What if building D is never built? It does not seem the retail locations are equal. Best if each phase is evaluated on its own merit and compliance with DTMU.

Page 16: In my opinion an “alternative compliance” is still a variance. Given the DTMU standards were adopted in 2007, one can’t claim they are outdated. The garage requires a height variance. I disagree that a taller garage structure is “*equal to or superior to that which would be provided by the standards in this chapter*”. I disagree with “*Building A has been designed to provide adequate parking while preserving the precious western views of the Sierra Nevada.*”

Four of the five proposed buildings exceed the 2007 DTMU height standards. Is there no limit to the number of significant alternative compliances/variances being recommended for approval? The proposed project makes a mockery of the 2007 DTMU city ordinance. How is “taller better” in our historic State Capitol?

Page 11: “*The prior policy said that no building should be taller than the Capitol dome within 300 feet of the Capitol Building*”. See Guy Rocha Myth #87 online. The rule requiring **500 feet** was codified in Carson City’s Municipal Code Title 18.06 in June 1995. The statement “*The proposed Building E would be in compliance with this former policy*” is in error. We understand the prior rule has been removed, but the statement is still in error.

The application includes 20 parking spaces on two City owned parcels. The parking parcels were acquired by the City with the Fireside Building purchase. The City is paying for the purchase on a long term note. Are the two parcels encumbered by the note? If yes, will there be an accelerated payoff? Has the Board of Supervisors authorized inclusion, selling or leasing the public property in this private project?

Relative to this project’s approval are any actions required of the Board of Supervisors and/or as the Redevelopment Authority? If yes, when?

We have heard for many years downtown business has suffered for lack of parking. In my opinion the project’s proposed density has been enabled by irrationally applying the 2 parking spaces per 1,000 square feet. It appears there is sufficient parking to satisfy the existing Nugget facility and the proposed hotel. Construction of buildings C, D and E may guarantee parking in the downtown area will be exacerbated.

Conditions of approval:

6. Implies right of way abandonments will be approved. Can this Planning Commission bind future Planning Commissions/Board of Supervisors approval?

9.and 33. Can this Planning Commission bind future Planning Commissions/Board of Supervisors approval of plaza improvements? Are the plaza improvements the same as the 20 parking spaces in the parking chart?

The special use permit grants an entitlement to the developer and imposes conditions of approval. However, the City has reserved the right to decide three future actions:

12. an ice rink "if determined to be viable location for city operated ice rink".

41. landscape maintenance "unless there is an agreement between the City and the developer"

42. events "unless there is an agreement between the City and the developer"

The public cost, if any, for the above actions are unknown at the time of this hearing.

40. "all garage parking spaces shall me (be) made available to serve the uses within the project area and City and State office uses." Does this mean all existing City offices or has the City committed to renting office space within the project? Does "available parking" imply the City may be paying for parking spaces?

#### **Capitol Mall, F 4, part 2**

Page 13: "The existing sanitary sewer system will adequately serve the proposed site and no improvements are necessary". Are the proposed sewer and water mains shown on Manhard sheet C3 of 4 at City expense? If yes, is the cost included in the current City project? If yes what is the allocated cost?

Pages 35 thru 66: are copies of secure tax detail for the included parcels. What is the total current assessed value of the properties and current revenue to Redevelopment District 1? What is the estimated tax revenue if built out in 2016?

Will the project owners and users pay all current City fees and taxes?

Will approval of the subject special use permit lock-in the current utility connection fees having escaped the postponed increases proposed by the Utility Financial Oversight Committee?

Are there any exemptions to ordinary fees and taxes or any City subsidies?

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*Public comment letter with City staff responses to questions italicized.*

May 26, 2015

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*City staff response: The legal requirement is that the Planning Commission takes action on Special Use Permits. The Board will take action on the appropriate applications, including the street abandonments and agreement/lease regarding the use of City property for the plaza. (Additional comments regarding this below.)*

**Comments on Capitol Mall, F 4, part 1**

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*City staff response: Required parking for the casino is factored into the parking requirement tables on pages 6 and 13.*

The Cactus Jack sign is an icon. Move or best delete the bridge over Carson Street blocking the southbound view of Cactus Jack.

Staff states less retail space in Building A than required is OK because it will be balanced in future phase Building D. What if building D is never built? It does not seem the retail locations are equal. Best if each phase is evaluated on its own merit and compliance with DTMU.

*City staff response: Valid point. The retail is along the entire Carson Street frontage plus a portion around each side street for 39% of the frontage rather than 50%. The question for the Planning Commission to decide is whether or not an additional 11% of retail frontage around the building will have a positive impact for the downtown. In reality based on the design, it would only increase the depth of the retail space into the building (to the west) and reduce the number of parking spaces available in the structure. I think it's valid to consider the project as a whole when reviewing this, but you are correct that each phase must be able to stand alone as the project proceeds.*

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Page 16: In my opinion an “alternative compliance” is still a variance. Given the DTMU standards were adopted in 2007, one can't claim they are outdated. The garage requires a height variance. I disagree that a taller garage structure is “*equal to or superior to that which would be provided by the standards in this chapter*”. I disagree with “*Building A has been designed to provide adequate parking while preserving the precious western views of the Sierra Nevada.*”

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*City staff response: So corrected. 500 feet and not 300 feet, and it was in Title 18.06. Still, the project would have complied with the prior ordinance because no structure within 500 feet is taller than the Capitol Building at over 112 feet.*

The application includes 20 parking spaces on two City owned parcels. The parking parcels were acquired by the City with the Fireside Building purchase. The City is paying for the purchase on a long term note. Are the two parcels encumbered by the

note? If yes, will there be an accelerated payoff? Has the Board of Supervisors authorized inclusion, selling or leasing the public property in this private project?

Relative to this project's approval are any actions required of the Board of Supervisors and/or as the Redevelopment Authority? If yes, when?

*City staff response: To the two paragraphs above: I believe the City is paying on a long-term note for the Fireside parking lot along with the building property. The discussion has been that the City would lease the parking lot property for the plaza but still own it. This would need to come to the Board of Supervisors for approval, just like the applicant will still need to get applicable final approvals from the State for construction on the State's property. Without this SUP approval, there is no reason for them to proceed further with agreements for final approvals.*

*The Board must also approve the right-of-way abandonments. If any of those approvals by the Board of Supervisors doesn't happen, the project—or that phase of the project—does not happen. This is the proper process to take the SUP to the Planning Commission first. The application for the abandonments and lease should come very shortly after the SUP because they will need to do utility work in the rights-of-way before starting Building B, the hotel.*

*No Redevelopment Authority approval is required.*

We have heard for many years downtown business has suffered for lack of parking. In my opinion the project's proposed density has been enabled by irrationally applying the 2 parking spaces per 1,000 square feet. It appears there is sufficient parking to satisfy the existing Nugget facility and the proposed hotel. Construction of buildings C, D and E may guarantee parking in the downtown area will be exacerbated.

*City staff response: The project meets the parking requirement.*

Conditions of approval:

6. Implies right of way abandonments will be approved. Can this Planning Commission bind future Planning Commissions/Board of Supervisors approval?

*City staff response: It does not bind the Board to approving the abandonment. If the abandonment is not approved, the project doesn't go forward. The applicant is processing the SUP first at their own risk.*

9.and 33. Can this Planning Commission bind future Planning Commissions/Board of Supervisors approval of plaza improvements? Are the plaza improvements the same as the 20 parking spaces in the parking chart?

*City staff response: Same as above.*

The special use permit grants an entitlement to the developer and imposes conditions of approval. However, the City has reserved the right to decide three future actions:

12. an ice rink “if determined to be viable location for city operated ice rink”.

41. landscape maintenance “unless there is an agreement between the City and the developer”

42. events “unless there is an agreement between the City and the developer”

The public cost, if any, for the above actions are unknown at the time of this hearing.

*City staff response: There is no commitment to City funding for any of these conditions with this approval. The statement for maintenance in the conditions is that it is the property owner’s responsibility. If the Board decides there is some mutual benefit to taking over maintenance of the property, which would in all likelihood also include payment for those services, that would be up to the Board. I suppose the portions of the conditions you note for 41 and 42 are really unnecessary in that it would be true for any development anywhere. This is just a little different because the applicant is proposing to create a truly public space where there may be benefits to public programs.*

*Regarding the ice rink, the City may or may not want to move its ice rink to this location, mainly based on whether or not there is enough space. It’s not a determining factor in the approval of the project.*

40. “all garage parking spaces shall me (be) made available to serve the uses within the project area and City and State office uses.” Does this mean all existing City offices or has the City committed to renting office space within the project? Does “available parking” imply the City may be paying for parking spaces?

*City staff response: The City would not have to pay for the parking spaces.*

## **Capitol Mall, F 4, part 2**

Page 13: “The existing sanitary sewer system will adequately serve the proposed site and no improvements are necessary”. Are the proposed sewer and water mains shown on Manhard sheet C3 of 4 at City expense? If yes, is the cost included in the current City project? If yes what is the allocated cost?

*City staff response: The comments you reference in this section were submitted by the applicant. The applicant will be making relatively significant improvements to the sewer system throughout the project site, at their expense and not the City’s expense. (The exception would only be if the City required them to “up-size” the utilities to benefit the*



*overall system, in which case the City would pay the additional cost for upsizing. I'm not aware of that occurring in this case, but it's relatively common.)*

Pages 35 thru 66: are copies of secure tax detail for the included parcels. What is the total current assessed value of the properties and current revenue to Redevelopment District 1? What is the estimated tax revenue if built out in 2016?

*City staff response: This is not germane to the Planning Commission's review of the SUP, i.e. proving economic benefit is not a required finding for approval. You could go to the Assessor's website and look up all the parcels to see the current assessed value for all the properties. Obviously, the assessed value will increase with construction of the project. While it's possible to estimate the future assessed value, it would take a relatively significant amount of work by the Assessor and cannot be done by the meeting tomorrow.*

Will the project owners and users pay all current City fees and taxes?

*City staff response: They will pay applicable fees and taxes; they are not asking for any waivers.*

Will approval of the subject special use permit lock-in the current utility connection fees having escaped the postponed increases proposed by the Utility Financial Oversight Committee?

*City staff response: Approval of the SUP will not lock them into current utility connection fees. They will have to pay applicable connection fees at the time of development for each applicable phase.*

Are there any exemptions to ordinary fees and taxes or any City subsidies?

*City staff response: No.*

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