

AGENDA ITEM 4c

Joe Lombardo
Governor

Chairman
YALE YEANDEL

STATE OF NEVADA



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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES COMMISSION FOR CULTURAL CENTERS AND HISTORIC PRESERVATION

MEETING MINUTES

Friday, October 4, 2024 at 11:00 am

The Commission for Cultural Centers and Historic Preservation (CCCHP) meeting is open to the public and may be attended in person or via Zoom. Only the first floor of the Bryan Building is open to the public without an escort. If any member of the public plans to attend in person, they must arrive at least 10 minutes prior to the start of the meeting and wait in the lobby of the Bryan Building. A staff member will escort attendees to the meeting.

Location:

The Richard Bryan Building
Bristlecone Conference Room
901 S. Stewart Street, Suite 5004
Carson City, NV 89701

Meeting ID: 280 722 486 40
Passcode: cc1P5G

Dial in by phone

+1 775-321-6111 United States, Reno
Phone conference ID: 185 672 315#

Additionally, public comment or testimony can be submitted via email to ccloud@shpo.nv.gov or leaving a voice message at: (775) 684-3448. Voice messages received during the meeting will be transcribed and read to the Commissioners during the meeting. The Commission will make reasonable efforts to include all comments received by email and voicemail into the record. Please try to provide email or voicemail comments by 9:00am September 19, 2022. Comments are limited to 3 minutes per person.

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Items on this agenda may be taken in a different order than listed. Before any action or vote is taken, the Chairman will ask for public comment. Public comment will be allowed after Commission discussion of each action item on the agenda.

1. Call to order.

Chair Yale Yeandel called the October 4, 2024 meeting to order.

2. Roll call of Commissioners and determination of quorum.

Commissioners:

Yale Yeandel, Chairman **Present**

Anthony Timmons, Vice Chair **Present**

Patricia Olmstead **Present**

Rochanne L. Downs **Present**

Maggie Farrell **Present**

Michelle Schmitter **Present**

Chair determined a quorum was present.

3. Public
Comment

Public comment will be taken at the beginning and end of the meeting and may be taken at the discretion of the Chair on agenda items listed for possible action. Public comments may be limited to 3 minutes per person at the discretion of the Chair. Comment will not be restricted based on viewpoint. No action will be taken on any matters raised during the public comment period that are not already on the agenda. Persons making comment will be asked to begin by stating their name for the record.

There was no public comment.

4. Review and discussion of the request from the City of Reno to undertake visual and/or structural modifications to the property per Stipulation 2 of the recorded covenants. **(FOR POSSIBLE ACTION)**

Carla Cloud explained that today's meeting is different than the standard Commission meeting in that this entity is not a current grantee but have received funding through the CCCHP in the past and as such, must go through SHPO for review. Ms. Cloud further noted that during the review, if the parties do not agree with the Commission's decision, they have the right to appeal and request a meeting with the Commission.

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Naomi Duerr, Vice Chair of the Reno City Council, informed the Commission of her love of historic building and history in general and as such, has served on a number of commissions that relate to both arts and history. Ms. Duerr next provided a historical overview of the Lear Theater, the building in question, noting that the Art Town Board ultimately decided to transfer the asset over to the City of Reno after an unsuccessful search for nonprofits. Ms. Duerr further noted that this transfer occurred during the COVID-19 pandemic, and that once ARPA funds became available, the assessment process and renovation of the outside of the building could begin. Ms. Duerr explained that during that time, Art Time decided to put up a fence, which is still in place, and a very unattractive construction fence. Ms. Duerr indicated that during the time the fence has been in place, there have been a number of break-ins and fires. As such, the City of Reno is coming to the Committee today with a request for a better and more attractive fence that would make the outside grounds of the Lear Theater available to the public while the city works on obtaining grants and funding to renovate the exterior. Ms. Duerr explained that the fence is designed to be completely removable and that the city considers it temporary with no plans of leaving it in place once the building is fully opened. Ms. Duerr added that the fence is required by city ordinance when a building is unoccupied, as the Lear Theater is.

Ashley Turney, Assistant City Manager, thanked the Committee for making time for today's special meeting. Ms. Turney indicated the urgency in approval of this fence lies in the need to execute contracts purchased with ARPA funds by the end of the calendar year so as not to have to return the funds to the federal government, noting that the drop-dead date for bids prepared by the Reno staff is October 17.

Naomi Duerr added that in order to have ARPA funds under contract by December 31, Reno will need to go to its council, get approval to go out for bid, which takes several months, and then be under contract with someone to do all the things asked.

Megan Berner, Arts and Culture Manager, shared a brief overview of the Lear. Megan Berner noted that the request for the temporary fence is actually a part of a larger request to rehabilitate the landscaping based on historical photographs and to make repairs. Ms. Berner discussed the degradation to the concrete walkways and the terrace at the building, and noted the need to put in electrical for the landscaping. Ms. Berner explained that the building was designed by Paul Revere Williams, who has actually done a lot of projects in Nevada, in the neoclassical architectural style, and served as the Reno's first Church of Christ Scientists space from 1939 to 1998. Ms. Berner noted that the process to rehabilitate the building into a performing arts theater began in 1999 and was named the Lear Theater due to the \$1 million dollars donated by Moya Lear to start this process. Ms. Berner next discussed the current temporary fence in place, noting that it is a construction fence that gives the building the look of potentially being demolished. Ms. Berner added that alterations to rehabilitate the church happened from 1999 until about 2007, but none of the projects were completed and as such, the space has never been fully turned into a theater space. Ms. Berner indicated that the fence was erected in 2016 after an external campfire was discovered outside of the building and noted that since that time,

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additional vandalism and break-ins have happened, including broken windows and fires, among myriad other things caused by vandalism. Ms. Berner discussed the importance of the setting of the building along the Truckee River, noting the mention in the National Register form of the fact that passersby have an unobstructed view of all but the building's west elevation. Ms. Berner noted the city's belief that the fence selected will minimize any negative impact on the historic character of the setting, and despite the fact that it does perhaps obstruct the view a bit more than the construction fence, noted its necessity for the security of the building. Ms. Berner discussed the Secretary of the Interior standards for the treatment of historic properties and reemphasized the fact that this fence is temporary and will blend in and match with the rest of the neighborhood. Ms. Berner noted that in the approximately 18 months that the city had had the building, over \$21,000 in staff time and maintenance has been spent just to secure the building. Ms. Berner indicated that the fence gets cut often and is currently climbable, and that the new fence will be an improvement to the aesthetic quality and landscaping. Ms. Berner noted that the proposed fence has gates that rise up, which could be altered to be flat and in line with the rest of the fence, attaches to the ground with concrete footings against the edge of the property lines, and indicated that the fence panels can be lifted up to open up the space at any point. Ms. Berner reiterated that the fence is temporary and will come down once the building is open for public use.

Chair Yeandel asked about the estimated cost for the fence and questioned where the fence would go after removal.

Ashley Turney explained that the proposed cost of the fence is \$140,000 and following removal, the fence would likely be sold with the proceeds coming back to the city to reinvest into the Lear Theater. Ms. Turney added that the cost to rent the temporary fence is currently approximately \$12,000 per year. Ms. Turney further noted that the current property would likely be identified in its current state as an unattractive nuisance by code enforcement due to the condition of the property and the fence. Ms. Turney further noted that the city would be pulling a temporary fence permit, noting that it is currently against Reno Municipal Code to have a permanent six-foot fence in the public right of way. As such, Ms. Turney reiterated that the city would not be able to have this fence in perpetuity due to city code. Ms. Turney indicated that after six months, building officials will do a review and the city would either explain why the fence needs to stay up or remove the fence without a plausible explanation. Ms. Turney reiterated the fact that the city intends to use the exterior grounds of the building while the interior is under construction.

Naomi Duerr added that the fence does not have an opening like the current construction fence does and so without a fence such as the proposed one, the exterior would be locked off from the public for years.

Carla Cloud opened the floor to the Commissioners for questions.

Robin Reed, SHPO, explained that covenant review requests must meet the Secretary of the Interior Standards for Rehabilitation. Ms. Reed indicated that when SHPO

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conducted its review, all items in the current request have been successfully addressed with the exceptions of the proposed fence and the concrete replacement for the Grand Steps. Ms. Reed asked for confirmation that the two sweeping sets of stairs will be reconstructed matching all dimensions of the existing stairs, including the depth of the tread and the height of the risers, noting the discrepancy between Sheet 11 and Sheet 13 of the city's plan for the building. Regarding the fence, Ms. Reed noted that in a letter dated June 24, 2024, SHPO determined that the proposed wrought iron fence is not consistent with the Secretary of the Interior standards and as such, SHPO did not approve the proposed fence, predominately because it will appear permanent to the community as the intent is to leave it in place for more than ten years.

Naomi Duerr confirmed that reconstruction of the building could take up to ten years, but that the city does expect it to take less. Ms. Duerr noted the idea of putting a disclaimer on the fence potentially in the form of a historic plaque and other information regarding the renovation of the building. Ms. Duerr further noted the city's willingness to come back to the Committee upon request to report progress.

Chair Yeandel noted the beauty of the fence and discussed the possibility of a mural on construction walls.

Naomi Duerr indicated that Reno is very committed to murals, but the problem with doing one in this particular location would tend to block the building.

Robin Reed shared a presentation with the Committee showing the building and explained SHPO's concerns with the proposed fence, beginning with the idea that the fence looks permanent and will not look to the public as if it's under construction. Ms. Reed showed the Committee pictures of the property next door to the building, noting that although one side has a six-foot fence, the other side has a much lower one, approximately 3.5 feet, which creates a different feeling and scale and setting and nature of the building. Ms. Reed indicated that SHPO has concerns that the setting of this building will be affected adversely, even if only temporarily. Ms. Reed noted the proposed 12-foot wide, six-foot high double gates on the front south entrance, indicating that they do not meet the Secretary of the Interior standards guidelines, which do not recommend installing protective fencing when necessary for security without taking into consideration location and visibility that will negatively impact the historic character of the site. Ms. Reed further noted that the standards also do not recommend introducing a new feature that is visually incompatible with the site or that alters or destroys the historic site patterns of use. As such, Ms. Reed noted that because the proposal is not consistent with Standards 1, 2, 9, and the existing covenants, SHPO is unable to approve the request. Ms. Reed noted that SHPO did talk with the city about coming up with alternatives for other temporary fencing where the footings were not placed into the ground and indicated that there are a lot of different types of construction fencing available that could be possible options.

Rochanne Downs noted her concern about the security and protection of this building

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and asked for more information on how to make the fence more aesthetically pleasing and secure.

Robin Reed indicated that today's meeting is specifically for the Commission to determine whether or not this project meets the standards and reiterated that SHPO has determined that it does not. Ms. Reed noted that it is within the Commission's purview to action on something with which SHPO disagrees and as such, can approve the request. Ms. Reed added that SHPO has added the city to provide alternatives of other different types of construction fencing that may be more secure than what is currently in place.

Anthony Timmons questioned whether or not this issue would be more in the purview of the Board of Museums and History.

Robin Reed indicated that this particular issue is only under the purview of this Commission as it involves the covenants that legally protect the building.

Michelle Schmitter asked Robin Reed if she had any thoughts about how to make this fence more simple, and noted that she loved Chair Yeandel's suggestion from what was done in Las Vegas.

Robin Reed reiterated that SHPO asked the city to provide alternatives for designs that did not include putting something into the ground, but has not yet received them.

Megan Berner explained that the city has done research on alternatives, noting the search for a similar yet simplified fence, but indicated that thus far, only welded wire options have been found. Ms. Berner explained that the welded wire is still very thin, could easily be cut, and looks similar to chain link. Ms. Berner requested that Ms. Reed provide the city with other examples of construction fencing, should she have any, as the city's public works team found very few options in their search.

Robin Reed noted the importance of still having the points on top of the fence for additional security, and indicated that SHPO's request was to lower the fence but still have the points.

Megan Berner reminded the Committee that the building is currently unoccupied and as such, the interest is really in protecting the property. Ms. Berner discussed the screening she and Melissa Hafey, Management Assistant in Historic Preservation, did around fencing, noting the city's belief that this fence fit into what is allowed within the Secretary of the Interior Standards for the treatment of historic properties.

Robin Reed noted that there is not a very large lawn in the front, and as such, it feels like the fence is right up against the building. Ms. Reed further noted that although she has not done construction fencing research in quite some time, she has seen fence installations in various settings that are much more secure than the alternative shown by the city.

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Chair Yeandel asked if it still holds true that if some of the governor's standards are not held that the department cannot then service those grants.

Robin Reed indicated that due to the requirements of the Federal Historic Preservation Fund, SHPO has to determine whether or not work in its office meets the Secretary of Interior Standards and as such, has to be on record as to whether a project is consistent or not. Ms. Reed explained that the CCCHP grant program is state-funded with a Board comprised of appointees from the Governor, and noted that most of this project will meet the standards.

Chair Yeandel indicated his belief that during the last grant cycle, there was a disclaiming as to whether something was historic preservation or maintenance, and noted his belief that today's project, because it is an issue of security, falls under maintenance.

Carla Cloud reminded the Commission that if the Commission chooses to continually fund projects that do not meet the Secretary of Interior standards, then SHPO would no longer be able to be staffed to the Commission due to the fact that SHPO must uphold the Secretary of Interior Standards so as to qualify for the federal funding received from the National Park Service. Ms. Cloud indicated that this is a covenant review, however, that is not covered by the funding of the CCCHP, it is separate funding, and therefore is under the purview for the Commission to review.

Patricia Olmstead indicated her concern that if the Commission were not to approve this project, security would be compromised for the Lear Theater. As such, Commissioner Olmstead noted her belief that this is an emergency and as such, the Commission should go against staff and allow the city to erect the fence.

Rochanne Downs concurred with Commissioner Olmstead, but suggested the idea of a timeline commitment from the city so as not to have the temporary fencing in place for perpetuity.

Naomi Duerr explained that the city is doing the historic structures report now, and nothing can be done without the guidance of that document. Ms. Duerr explained that the city is eagerly awaiting this guidance so as to move forward with grant applications to begin reconstruction of the building.

Rochanne Downs expressed concern not only for the safety of the building, but also for the progress of reparations to the building, and reiterated the idea of having a timeline in place for the proposed fencing.

Naomi Duerr assured the Commission that reconstruction of the building is not something that will be back burnered as it is the city's top priority, and indicated that the city will be applying for grants for all phases of the project. Ms. Duerr noted her willingness to revisit with the Board in whatever timeframe the Commission desires

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so as to report on progress.

Michelle Schmitter noted her belief that five to 10 years is not temporary in terms of fencing, and indicated her preference for something that looks more like construction fencing so as to keep up awareness of the ongoing restoration/rehabilitation efforts at the Lear. Ms. Schmitter indicated her belief that the fencing proposed is very ornate and makes a false interpretation of history and as such, noted her alliance with SHPO on this issue because the fence does not meet the standards.

Robin Reed explained that between 1996 and 2009, the Lear Theater has received 12 different CCA grants for a total amount of \$1,416,000. As such, Ms. Reed suggested recording a new covenant for the amount of zero, and placing restrictions within that covenant that include required annual reporting so as to hold the city accountable for showing the public that the fence is not consistent with the standards, but that the city is making a good faith effort to do right by the building. Ms. Reed further noted her belief that the covenant needs to memorialize the fact that the fence is not consistent with the standards.

Michelle Schmitter concurred with Ms. Reed's suggestion.

The Deputy Attorney General noted that if the government agency who's holding the title to the real property are going to agree to a covenant, that is a perfectly legal option.

Naomi Duerr added committed the city to agree to the stipulations, noting that this is a very reasonable compromise.

Anthony Timmons noted that he is uncomfortable supporting this recommendation because he feels that the 10-year time period is too long.

Robin Reed indicated her willingness to support five years, should the city feel that can be met.

Naomi Duerr indicated her belief that five years is not sufficient, given the longevity of the grant cycles, but noted that the city believes that an eight-year period would be reasonable.

Motion to set up a covenant at \$0 with the City of Reno to allow them to put up a temporary fence around the Lear Theater with a timeline of eight years, which includes annual check-ins with progress on the rehabilitation of the Lear Theater, and if not removed within eight years, the Committee would revisit the covenant and make a new decision: Commissioner Olmstead; second by Commissioner Farrell. Commissioner Timmons opposed.

Motion Passed.

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5. Public Comment:

Public comment will be taken at the beginning and end of the meeting and may be taken at the discretion of the Chair on agenda items listed for possible action. Public comments may be limited to 3 minutes per person at the discretion of the Chair. Comment will not be restricted based on viewpoint. No action will be taken on any matters raised during the public comment period that are not already on the agenda. Persons making comment will be asked to begin by stating their name for the record.

Naomi Duerr, City of Reno, thanked the Commission to help make the Lear Theater project a reality, noting the concern of the city following both the first and second fire. Ms. Duerr noted that because this building is within blocks of the very center of downtown, this is an area that has been very challenging with people that are unhoused and as such, the decision today will help the city significantly in moving this project forward and is a huge win for the community.

Chair Yeandel discussed similar situation regarding the Rainbow Theater Company, which had been moved into a building owned by the city and was under restoration, as well as Reed Whipple. The Chair discussed the homeless population that would congregate in those locations, starting fires to try and warm up and in the process, rendering the buildings unusable.

Michelle Schmitter requested that the fence be pulled back from the perimeter of the building and discussed the importance of planting trees.

Naomi Duerr indicated that she has begun a program to double the number of deciduous trees set back from buildings themselves, approximately 20 to 30 feet. Ms. Duerr added that the city has an urban forester who ensures that the right kinds of trees are installed for these types of streetscapes.

Anthony Timmons clarified that he is not opposed to protecting the building or having the fence, but rather the time period for which the fence would be in place.

The Deputy Attorney General warned that the Commission is moving back toward discussion regarding a closed agenda item.

6. Adjournment **(FOR POSSIBLE ACTION)**.

The Chair adjourned the October 04, 2024 meeting.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the State Historic Preservation Office in writing at 901 South Stewart Street, suite 5004 Carson City, Nevada 89701, or by calling (775) 684-3448 no later than **9:00 am September 19, 2022**.

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Supporting documents for agenda items will be available on **September 14, 2022**. Please call Carla Cloud if you wish to obtain copies prior to the meeting at (775) 684-3441 or email her at ccloud@shpo.nv.gov.

This notice will be posted on or before 9:00 am on the third working day before the meeting at:

- <https://notice.nv.gov>; and
- <http://shpo.nv.gov/services/commission-for-cultural-centers-and-historic-preservation-ccchp>; and in the following locations:
 - Department of Conservation and Natural Resources, 901 South Stewart Street, Richard H. Bryan Building, First Floor, Carson City; and
 - State Historic Preservation Office, 901 South Stewart Street, Richard H. Bryan Building, 5th Floor, Carson City; and
 - Carson City Culture & Tourism Authority, DBA Visit Carson City, 716 N. Carson St. Carson City; and
 - Southern Nevada SHPO Office, 4747 W. Vegas Drive, Las Vegas, NV.

1 STATE OF NEVADA
2 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
3 COMMISSION FOR CULTURAL CENTERS AND HISTORIC PRESERVATION
4 PUBLIC MEETING
5 FRIDAY, OCTOBER 4, 2024
6

7 UNIDENTIFIED: Recording.

8 CLOUD: Carla Cloud for the record. Recording has
9 started.

10 YEANDEL: As I was saying, good morning, everyone.
11 I want to thank you for your time on coming to this very
12 important meeting of the Commission for Cultural Centers and
13 Historic Preservation. It's now 11:00 AM and I would like to
14 -- Carla, let's take a roll call to see if we have a quorum
15 with the commissioners.

16 CLOUD: Carla Cloud for the record, I will take
17 roll call. Commissioner Schmitter. Commissioner Farrell.

18 FARRELL: Here.

19 CLOUD: Commissioner Downs.

20 DOWNS: Present.

21 CLOUD: Commissioner Olmsted.

22 OLMSTEAD: Present.

23 CLOUD: Commissioner Timmons.

24 TIMMONS: Present.

25 CLOUD: And Chair Yeandel.

1 YEANDEL: Present.

2 CLOUD: Thank you, sir. We do have a quorum.

3 YEANDEL: Okay. Thank you, Carla. This is Chair
4 Yeandel for the record. I'd like to call this meeting to
5 order, and Item Number 3, we have public comment. If there's
6 any public comment, that will be taken at the beginning and
7 end of the meeting, it may be taken at discretion of the Chair
8 on the agenda items listed for possible action. Public
9 comment may be limited to three minutes per person to the
10 discretion of the Chair. Comment will be restricted (SIC)
11 based on viewpoint. No action will be taken on any matters
12 raised during the public comment period that are not already
13 on the agenda. Persons making comment will be asked to begin
14 by stating their name for the record. Carla, is there any
15 public comment?

16 CLOUD: Carla Cloud for the record. No, sir, I
17 have no public comment, no emails, no one in the room joining
18 me, and no phone calls.

19 YEANDEL: Okay. Thank you. Moving on. Review and
20 discussion of the request of the City of Reno to undertake
21 visual and/or structural modifications to the property per
22 Stipulation 2 of the recorded covenants. Carla, you have the
23 floor.

24 CLOUD: Carla Cloud for the record. Thank you,
25 sir. This meeting today is a little different than the

1 commissioners have yet to join us. This is not a current
2 grantee. They do not have a current grant with us. What this
3 is, is they have received funding through the CCCHP in the
4 past and so there's covenants placed on the building, and so
5 when any work that is going to be performed, visual or
6 structural modifications to the property, they must go through
7 SHPO for review. And during that review, if the parties do
8 not agree with our decision, they have the right to appeal
9 that and request a meeting with the Commission, and that is
10 why we are here today. Thank you.

11 YEANDEL: Thank you, Carla.

12 DUERR: Mr. Chair?

13 YEANDEL: I appreciate that.

14 DUERR: Mr. Chair, perhaps I could help kick us
15 off.

16 YEANDEL: Sure. Go ahead. Please feel free, yeah,
17 to kick us off.

18 DUERR: Okay. Thank you. Thank you so much. And
19 I just want to introduce myself but first I want to thank you
20 for making time for this special meeting. I know you had a
21 lot of people's calendars and agendas to work around, and
22 we're incredibly grateful that you were able to schedule this
23 so quickly. My name is Naomi Duerr, and I'm a Reno Council
24 member. I'm also Vice Chair of the Reno City Council, and I'm
25 also a person who's passionate about history. Just by way of

1 background, I live in a house. It actually started life as a
2 barn back in 1900. It was turned into a house by a local
3 architect in the 50s, so sort of in a mid-century modern
4 style. It caught the attention of our Reno Historic
5 Commission and our Association, and they asked to have my
6 house on the home tour, which I did. You know, I had, like,
7 600, 800 people come through in one day but it was an amazing
8 experience. My home is actually part of a 250-acre orchard.
9 That was way back, and again, back in the 1900 time period,
10 but I'm only located 10 minutes from downtown Reno. So it's
11 in a unique in holding, very unique property. But I just say
12 that by way of the fact that I'm very passionate about
13 history, I love historic buildings and history in general, and
14 to that end, I've served on a number of commissions that
15 relate to both arts and history. So when I first got on
16 council, which was 10 years ago, I joined Art Town. And for
17 those of you who are not as familiar, Art Town is a month-long
18 Arts festival in Reno, throughout Reno. I think it's at up to
19 its 25th year, and one of the things that had happened was
20 that the Lear, which was the Church of Christ Scientist built
21 back in the 30s by a famous architect, and you'll hear more
22 about this in a few minutes from our staff, at that time the
23 Lear had been under the management and protection of two
24 nonprofits, two different but related nonprofits, but it was
25 really struggling in getting funding and the time and

1 attention it needed. So our former mayor facilitated the
2 transfer of the asset, the building over to Art Town. And so
3 when I came on the Art Town Board, I knew of the building of
4 course, and loved it but when I came on the Board, we actually
5 formed a Lear Theater Committee, a subcommittee of Art Town,
6 to focus and work on the project. And at that time, Art Town
7 has over a hundred different things going on in the month of
8 July, they really didn't have the bandwidth and ability, even
9 though they're one of our largest nonprofits, to manage the
10 restoration of this building, it was just over their abilities
11 and over their fundraising capability. What they did was they
12 entered into a process of interviewing nonprofits, other
13 nonprofits, for possible transfer of the building and when
14 this building was transferred to Art Town, it actually came
15 with three parcels. One parcel was an older smaller structure
16 that became the home of Art Town. The second parcel was about
17 a 20-slot parking garage, excuse me, parking lot. And then
18 the third was the Lear Theater Parcel and it was called the
19 Lear Theater by that time, because Moya Lear (phonetic) had
20 donated about a million dollars and asked for it to be matched
21 way back when the first nonprofit started. So we interviewed
22 a bunch of nonprofits that just didn't seem like a good fit
23 and at the end of the day, we decided as a Board at Art Town
24 to transfer the asset over to the City of Reno and I felt
25 strongly about this, that Reno has engineers, historic folks,

1 people that are used to permitting and building things, and
2 would be much better suited to actually move this project
3 forward. And so that happened a couple years ago. But it was
4 right after COVID, or during COVID and after COVID, and you
5 all know, it was a very difficult time for everyone, even to
6 do their regular job. So finally, ARPA funds became available
7 and we were able to secure an award, some ARPA funds, to begin
8 the assessment process and the renovation of the outside of
9 the building using these funds. So I'm part of that council.
10 We made a million dollars available for this project to be
11 focused on a historic structures report, updating the outside,
12 the landscaping, putting irrigation back in. Everything was
13 turned off, power water. We wanted to turn everything back on
14 to get this building back into shape -- none of these things
15 have been done yet, but this is the plan to put in security
16 cameras, to turn on the power, to replant the vegetation,
17 virtually all of it was gone cause the irrigation had been
18 shut down, including several trees that were on site, and what
19 we found out when it was still with Art Town was we had found
20 out that unhoused people had set up camp next to the structure
21 and had started a fire. And at that point, Art Town, while it
22 was still with Art Town, they decided we have to put up a
23 fence, some kind of fence to keep folks out, and so they did.
24 It's a very unattractive, you'll see in a minute, construction
25 fence. It's been up for about, I'm going to round it, seven

1 years maybe and bear in mind, most of that time's been with
2 Art Town. And again, we just got the asset and began this
3 process. So turns out there was a number of break-ins in the
4 building prior to that as well, there was even another fire
5 set in the building, is my understanding, I don't know the
6 details of that, but we are very, very concerned about
7 protecting the asset, making sure the building does not go up
8 in flames, and that's why, you know, not just defense we're
9 proposing, but cameras and power to run all of that lighting,
10 et cetera. So that's where we are today. And we've come to
11 you with a special request, and I wanted to introduce both
12 Ashley Turney, who's on your screen. Ashley is our assistant
13 city manager in charge of Arts and Culture and many other
14 things at the city. And then we also have Megan Berner, and
15 she is actually our Arts and Culture manager, and that
16 includes managing our Historic Resources Commission, which I
17 am their liaison from the city council, which is again, why I
18 am here. I transitioned from Art Town to the Arts and Culture
19 Commission for eight years, and then over to Historic
20 Resources. I've been on their Board -- well, the liaison
21 about two years. I had to fight. Other council members
22 wanted to be on there too but I finally got on. So our
23 special request, and I think Melissa Hafey has also joined us,
24 she's our on-the-ground historic specialist, and she's the
25 support to the Commission. She does a lot of research, helps

1 us with everything from plaques to events. She's been I'll
2 call it a Godsend for us to actually, you know, move our whole
3 historic resources program forward. So we've come to you with
4 a special request and then normally you would have a temporary
5 chain link fence that we've had up there, and I say we
6 generically, has been up there for the seven years and you'll
7 see picture, it's very unattractive. What we're trying to do
8 is we'd like to make the outside grounds of the Lear Theater
9 available to the public while we're working on obtaining
10 grants and funding to renovate the interior. So the exterior
11 could become the home of an Art Town event, could be a
12 wedding, it could be any kind of family celebration. We just
13 want to make sure that it's available to the public while
14 we're continuing with the inside. And to that end, we have
15 put forward a proposal that has a good looking fence, so it
16 doesn't look like a construction fence, but very importantly,
17 temporary fence that is movable so that if your event is
18 larger, you can close the street that's around the Lear, you
19 can access it and again, our staff will go over that and, you
20 know, as part of that, reinstalling the grass, the bushes that
21 had historically been there, again, to make this accessible,
22 we think it would greatly improve the aesthetics. Right next
23 door, there is another historic home with a virtually
24 identical fence that we thought if we could just match what's
25 in the neighborhood. And again, while it looks great, and

1 you'll see pictures, please bear in mind, it is designed to be
2 completely removable and it is considered temporary by us, and
3 we would have no plans in continuing its existence once we
4 fully open the building. Just like we have McKinley Arts
5 Center has no fence, we have south side school has no fence,
6 our city hall has no fence. You know, our police station has
7 a fence, you know, and other things that are security, but
8 most of our buildings that are open to the public have no
9 fence and we would not expect to have a fence in the future,
10 just during this construction period. And the last thing I'll
11 add is it is required by our ordinances, even if we didn't
12 think it was a good idea, which we do, but it's required by
13 our ordinances that if a building is unoccupied, which this
14 one cannot be until it gets a certificate of occupancy and all
15 the other permits and approvals it needs, it must be fenced.
16 It's a basic city requirement and so we're just trying to make
17 it fit in the neighborhood a little bit better, look less like
18 a construction zone so that people actually will want to
19 activate the outdoor part of the space. With that, I'll
20 conclude my comments and I will hand it over. I don't know,
21 Ashley, if you had any introductory comments or we wanted to
22 go right to Megan.

23 TURNEY: Thank you Madam Vice Mayor, I appreciate
24 that. For the record, Ashley Turney, Assistant City Manager
25 to the Board today reiterating Vice Mayor's comments. Thank

1 you so much for taking the time. We do know that this
2 required a special meeting, and we're very grateful for your
3 time. One other thing, just to annotate the council member's
4 comments, the sense of urgency that you're likely detecting
5 from us and the need for this today is the Reno City Council
6 granted a million dollars in ARPA funds to the Lear in order
7 to bring it up to the basic repairs that we're talking about
8 today. We're grateful for Robin and her team of the reviews,
9 and we do have preliminary approval for many of those. I
10 believe she's waiting for this Commission's decision today
11 before we get our final decision letter from her. So we do
12 have a sense of urgency. If you're familiar with the ARPA
13 funds, those need to be executed in contracts by the end of
14 this calendar year, or we risk having to return those funds to
15 the federal government. So this is truly Reno's one shot at
16 this funding opportunity. We do not have any funds budgeted
17 for this property at this time, so we are grateful for your
18 time. And what I will do at this point is I'm going to turn
19 it over to Megan Berner, our Arts and Culture Manager, and
20 we've prepared a short presentation for you just to go over
21 some basic history of the Lear, to go over what it looks like
22 now, to go over some of the concerns that we've mentioned due
23 to the vandalism that is ongoing even through the construction
24 fence because it is easy for people to cut through, and then
25 show you the proposed fence, and then return it to the

1 Commission for any questions that we can answer today.

2 DUERR: And I did want to mention on Ashley's
3 follow up is that the ARPA funds, I think you all know, they
4 must be under contract by December 31 and in order to do that,
5 we're going to have to go to our council, get approval to go
6 out for bid, which takes several months, and then be under
7 contract with someone to do all the things that we've asked to
8 do to lock in those funds so that -- you know, December 31 is
9 the last day, but by the council process and the bid process,
10 we have to be here in October doing these things. So okay.

11 TURNEY: We do. All the bids are prepared by City
12 of Reno staff, and our drop-dead date is October 17th. So we
13 are very grateful for the time today from this Commission to
14 meet for their special meeting. From a point of
15 administrative and logistics, Carla, are we able to share our
16 screen on our end?

17 CLOUD: Carla Cloud for the record. Yes, you can
18 share your screen.

19 TURNEY: Okay, great. Thank you so much. Megan,
20 would you like to share on your end?

21 BERNER: Yes, absolutely.

22 TURNEY: Okay. I'll turn it over to you. Thank
23 you.

24 BERNER: Yeah, good morning, Megan Berner for the
25 record. I'm the Arts and Culture Manager for the city, as

1 Vice Mayor Duerr introduced earlier, and I'm going to share my
2 screen here. All right. Can everybody see that? Okay,
3 great. So our presentation is up. Thank you again for your
4 time this morning. We really appreciate it. I'm going to
5 talk a little bit, just a brief overview of the Lear and what
6 we're asking for. I know some of this is already talked about
7 a little bit, but our request really that we're coming to you
8 all for is the temporary fence that we are proposing around
9 the Lear Theater to protect it and the new landscaping while
10 improving the appearance of the building and, you know, we're
11 doing this historic structures report simultaneously, that
12 will sort of give us an idea of what the building needs, the
13 building itself, right, the structure itself, internally to be
14 brought up to code and actually open to the public, but that
15 is a much longer process for funding and permitting and all of
16 those things. And so in the meantime, the request is for this
17 fence that is also part of this larger request to rehabilitate
18 the landscaping based on historical photographs and to make
19 repairs to concrete and things like that. There's a lot of
20 degradation to the concrete walkways and the terrace at the
21 building, and then to put in electrical for the landscaping.
22 So none of this is touching the building itself at this point
23 and to, you know, put some lighting on the building and to
24 highlight the structure itself. So a little historical
25 background. The building was designed by Paul Revere

1 Williams, famous African American architect, who's done
2 actually a lot of projects in Nevada. It's a neoclassical
3 architectural style, and it served as the Reno's first Church
4 of Christ Scientists space from 1939 to 1998. At that point,
5 they were outgrowing the space and decided to move and sold
6 the building to a performing arts theater group or a group
7 that wanted to rehabilitate it into a performing arts theater.
8 That process started in 1999. It's named the Lear Theater
9 because Moya Lear gave a significant amount of funding, a
10 million dollars, to start this process, and this is a
11 architect's rendering here in this image from a newspaper
12 clipping from 1938. So this is prior to the building being
13 constructed. Some current condition photographs, we mentioned
14 that there is a fence on the property currently that was
15 erected by Art Town approximately eight years ago. I think
16 it's been at least eight years that this fence has been up.
17 It's a construction fence. It makes the building look a
18 little bit like it is going to be demolished potentially, or
19 that it is, you know, in this limbo space. Alterations to
20 rehabilitate the church happened from 1999 until about 2007.
21 None of those projects were completed, so it's never fully
22 been turned over into a theater space or created as a theater
23 space. There's sort of half-finished stage project and a lot
24 of temporary construction that is covering additions that were
25 made to the building and things like that. So the six-foot

1 high construction fence was erected in 2016 after this
2 external campfire was discovered outside of the building.
3 Additional vandalism and break-ins have happened, and I'm
4 going to show you some of that damage here. Lots of the
5 windows have been broken. Since that fence was erected, there
6 have still been people breaking into the building. This
7 picture over here on the upper right shows where there was a
8 fire inside the building. Some folks got in and started a
9 fire to keep warm and it got out of control and did damage to
10 the interior of the building. This is the lobby area where
11 there was flooring that was damaged. It is now just covered
12 by a rug. There's some repair that had happened to the lobby
13 walls and, like, wainscoting is missing, the original
14 wainscoting, and things like that. But you can see even these
15 bars that are down here have been torn off in that picture in
16 the upper left, windows are completely missing and broken in
17 several spaces. There's vandalism. You know, there's paint
18 splotches that are all over in the lobby area. Oh, here's
19 that picture where you can see this lower paneling is missing
20 because of some of the damage that was done during that fire
21 that was in the lobby. All of the fire extinguishers were
22 sort of -- people have you know, set 'em off and sprayed them
23 all over the place in there. So when we were looking at the
24 National Register nomination, there are cursory mentions of
25 the setting, and we recognize that the setting of the building

1 is important. It is along the Truckee River and, you know,
2 mentioned that Paul Revere's architecture is designed to be
3 sort of this calming environment and welcoming space. The one
4 thing that's mentioned in the National Register form
5 specifically, and I quote, is passersby have an unobstructed
6 view of all but the building's west elevation. We believe
7 that we have designed this fence or selected a fence to
8 minimize any negative impact on the historic character of the
9 setting and while it perhaps does obstruct the view a little
10 bit more than the construction fence, we believe that it's
11 necessary for the security of the building because security
12 really is an issue. We don't want to see the building burnt
13 down or any more of the historic fabric of it, you know,
14 destroyed. And looking at some of the Secretary of the
15 Interior standards for the treatment of historic properties,
16 there is allowance for things like that, installing protective
17 fencing when necessary for security, and then I really, really
18 want to emphasize the temporary nature of this, and I will
19 show you how that works. So it's not actually anchored into
20 the ground or anything like that. Vice Mayor Duerr mentioned
21 that neighboring property that already has a fence similar to
22 the style that we are proposing. We can put a different style
23 of fence. It doesn't have to be this style, but this is what
24 we were proposing so that it would blend in and match with the
25 rest of the neighborhood. And so this is the six-foot section

1 of that fence at the adjacent property. As you get closer,
2 the fence somewhat disappears and you can still see through it
3 from a distance. If you look, these are sort of the
4 construction fence, the way it looks now, and you can see, I'm
5 going to go back to this -- whoops, now I'm going the wrong
6 direction, if you go back to this, sorry, photograph here, you
7 can see that the building is elevated and so it's visible
8 above the fence and here's sort of some of that. There was a
9 question about, in our proposal, we're not fencing the west
10 side of the building, but as you can see, the fence doesn't
11 even come to the top of the property line here or where the
12 building, you know, height is here and the property line comes
13 right up against the alley. So that was sort of the decision
14 for that. Another mention just on the vandalism and why we
15 feel like the security is so important is that the city has
16 recently taken ownership of this. So just in the
17 approximately 18 months that we've had the building, we spent
18 over \$21,000 in staff time and maintenance just to secure the
19 building. This fence gets cut often, it's climbable and not
20 that the other fence is completely, you know, not climbable,
21 but I think it's a little bit more secure and it's much harder
22 to cut the fence and get into the space, and I think it's
23 important to note that the aesthetic quality of it, you know,
24 will be an improvement to the landscaping instead of making it
25 look like it is a vacant building and it likely will remain so

1 far at least the couple, you know, years in the future, but
2 that it doesn't look like it is, you know, sort of a forgotten
3 or ready to be demolished type of space, and that we're
4 rehabilitating it for public use. So this is the proposed
5 fence that we have. It does have gates that rise up and those
6 could be altered to just be flat and in line with the rest of
7 the fence. The reason that we liked this is that it sort of
8 calls out the gates. Right now that construction fence has no
9 gates or openings on it, which I think makes it look more like
10 a closed-off space instead of a more welcoming space, whereas
11 these gates are differentiated so you can see that there are
12 openings. The way that it attaches to the ground is this, so
13 there will be concrete footings, but this is just in the
14 landscape. They're right against the edge of the property
15 lines, so they're nowhere near the building, and there's
16 basically a sleeve in there that the fence post will sit in
17 and so these can just be lifted. The fence panels can just be
18 lifted up off of there to open up the space at any point. And
19 then once the building is open for public use, we expect that
20 this fence will come down. We do have regulations for
21 securing property that is vacant per Reno municipal code and
22 on top of that, you know, if you permit a temporary fence,
23 which we will have to pull a permit for, I believe that
24 there's a six month review and (inaudible) attorney has a
25 little more information on this if you have questions on it,

1 but there's a review process for that so we would have to --
2 they would -- you know, our buildings department would get in
3 touch with us, say why is this fence still up, do we need to
4 extend it, et cetera, so it really wouldn't be able to live
5 there forever. So that's kind of the information that I have
6 and if you have any questions or if I can give you more
7 information, please let me know. Thank you.

8 YEANDEL: This is Yale Yeandel for the record,
9 Chair. I just have a couple of questions. So this temporary
10 fence first of all, what's the cost of it, estimated cost, and
11 what happens after it's removed? Where does the fence go?
12 Because this looks like an expensive fence.

13 TURNEY: I can answer that and jump in. Ashley
14 Turney, Assistant City Manager for the city of Reno for the
15 record. The proposed cost of this fence is \$140,000 and the
16 idea would be after the temporary nature as we mentioned, the
17 leaning in -- I'll answer your question, then I'll go back to
18 more comments. After the time in which this building is
19 activated, the fence would be likely sold and then those
20 proceeds would come back into the city for us to be able to
21 reinvest into the Lear. A thing to note is that the city is
22 paying currently approximately \$12,000 a year to rent that
23 temporary construction fence that looks in the state that it
24 does, so we have an ongoing cost regardless and if we just
25 look at the return on that investment, at this point, we could

1 have almost purchased that fence. We'd be over halfway there.
2 And Mr. Chair, if I could add in just a couple of more
3 components regarding the temporary nature for the Board.

4 YEANDEL: Sure, go ahead.

5 TURNEY: Thank you so much. We would deem this one
6 of the other departments, as Vice Mayor mentioned, I have a
7 few of them at the City of Reno, one of the other departments
8 I have is code enforcement and we would identify this
9 currently in its state as unattractive nuisance based off of
10 the condition of the property and the fence. So we are
11 looking to change that status. Additionally, we would be
12 pulling a temporary fence permit. As Megan mentioned, it's
13 currently against Reno Municipal Code to have a permanent six-
14 foot fence in the public right of way so we are not allowed to
15 have this fence live in perpetuity by way of our current code.
16 We're not allowed to violate the law any more than anyone else
17 is, so that further extends to the temporary nature. After
18 six months, as Megan mentioned, our building official will do
19 a review and we have to either explain why it's not time to
20 come down and ask for an extension or they would issue us a
21 cease and desist and we would have to remove the fence if we
22 did not have a plausible explanation. So I wanted to note
23 that. The intention behind this fence, also with these
24 removable panels, while we are trying to figure out the
25 funding opportunities to bring the building up to code, the

1 idea would be with these improvements to the landscaping, we
2 would be able to rent out the exterior of the building for
3 community events, weddings, and these panels will be able to
4 be picked up and removed and stored while those events are
5 happening. So thank you for letting me go on more than just
6 your question. I appreciate it.

7 DUERR: And if I could jump in too, right now with
8 the construction fence, there is no opening, there's not,
9 like, a opening that the public can come through and so
10 without something like this, the exterior is going to be
11 locked off from the public as well for years while we're doing
12 the inside and we'd much rather get people -- you know,
13 activate the space, get people there, earn some income to
14 reinvest into the project, and basically let people see the
15 building up close and personal and potentially fall in love
16 with it. With this construction fence, A, it's a very off-
17 putting, it doesn't make anything about the space inviting,
18 there is no easy way to go in, and you cannot remove any of
19 the fence while it's on those piers. It's not structurally
20 sound enough to move back and forth. And so we really thought
21 that this would give us the opportunity to bring people in
22 close and personal to the Lear sooner rather than later. Why
23 wait seven years if within one, you know, half year, by next
24 summer, this could become part of our community fabric?

25 CLOUD: Carla Cloud for the record. I'd like to

1 know if the Commission has any questions for our staff,
2 specifically regarding our comments in our June 24th letter
3 that was supplied to you. If so, I'll let Robin Reed take
4 over.

5 YEANDEL: The Chair recognizes Robin Reed.

6 REED: Excellent. Can everyone hear me?

7 YEANDEL: Yes.

8 REED: Okay, wonderful. This is Robin Reed,
9 Acting administrator and Deputy State Historic Preservation
10 Officer for the Nevada State Historic Preservation Office. As
11 you know, covenant review requests must meet the Secretary of
12 the Interior Standards for Rehabilitation. When we conducted
13 our review, all items in the current request have been
14 successfully addressed by the city of Reno with the exception
15 of two items: one, the proposed fence that we are speaking
16 about today; and I also had one remaining question about the
17 concrete replacement for the Grand Steps. I wanted to point
18 out that the city states that those two sweeping sets of
19 stairs will be reconstructed in kind matching all dimensions
20 of the existing stairs. That includes, I am assuming, and I
21 would like confirmation please for the record, that that
22 includes the depth of the tread as well as the height of the
23 risers. You had pointed out in your recent email
24 correspondence, Sheet 11, however, I was not pointing out
25 Sheet 11, I was talking about the elevation/section detail on

1 Sheet 13. The plan for this building shows seven risers for
2 those stairs but sheet 13, which shows the raw iron railing
3 that is going to be constructed, only shows six risers. So I
4 just wanted the city to confirm and take a closer look at that
5 detail and make sure that these two sets of stairs are
6 definitely going to be reconstructed in kind. Regarding the
7 fence, in our letter of June 24, 2024, our office determined
8 that the proposed wrought iron fence is not consistent with
9 the Secretary of the Interior standards and therefore, at that
10 time, we did not approve this proposed fence. And for those
11 of you who may not have read our letter, because it was really
12 detailed, and I know there was a lot of information that we
13 posted, I just want to explain from the SHPO's perspective why
14 we have an issue with this. This fence as we see it will
15 appear permanent to the community. It is a really nice
16 looking fence, and the city has indicated to us that it could
17 be in place for more than 10 years. They don't know exactly
18 what their funding sources are at this time and how
19 rehabilitation is going to happen for this building over time,
20 but it could be there for a very long time. Thus our
21 comments, and then, Carla, if you could share your screen
22 please and bring up the Google Street View images that I had
23 compiled from Google Street View so everyone can see those
24 while I'm talking?

25 CLOUD: Sure. Carla Cloud for the record. Give

1 me one moment please.

2 REED: Okay. I just want to show the two street
3 view photographs because I think it's important to understand
4 the perspective of the building, and the city has shared
5 excellent images but I also wanted to show these which are
6 current from Google Street View.

7 CLOUD: Sorry, Robin, I'm having trouble getting
8 it to come up, so bear with me one moment.

9 REED: Okay.

10 DUERR: Perhaps while we're waiting for the
11 images, I could just address one or two of the items. You are
12 right, Robin, it could take up to 10 years. We expect it to
13 take less. That's because we've made it as a priority in the
14 city to do this reconstruction. We want it open as soon as
15 possible, and that's just where we live. Number 2, one idea
16 is to put a disclaimer on the fence. We plan to install a
17 historic plaque and some other information about the
18 renovation of the building so the public will understand it,
19 what's going on there, but it certainly could have a
20 disclaimer. And then lastly, and you didn't bring this up,
21 but I just wanted to throw this out there. Ashley mentioned
22 that we plan to go back with our permitting folks and
23 construction folks at the city, but one idea that we wanted to
24 offer was that we would have no problem coming back to this
25 Board. Should you decide to proceed, allow us to proceed, we

1 could come back to evaluate how it's going and to report on
2 our progress. But these are just things to consider, a
3 potential disclaimer with the other information that this is
4 not permanent and a revisit with this Commission if that's,
5 you know, would help you. But anyway, just while we're
6 waiting, I thought I'd throw that in.

7 CLOUD: I'm getting there. Hold on one moment.

8 YEANDEL: This is Yale Yeandel, Chair. I do have a
9 comment. It is a very beautiful fence, and I love the fact
10 that you can remove the fence for events. I actually was a
11 part of a project here in Las Vegas where they were restoring
12 the face of the MGM hotel. Now, this was a private venture
13 and they had a lot of money as a private company, but they did
14 have to follow the city rules and regulations of construction
15 fence. And what they did was they actually put up in front of
16 the building a 10,000 square foot cause it was the corner of
17 the MGM property. It was basically a giant mural. I mean, I
18 think you're also have the opportunity to do public art, but
19 the only thing is, those construction walls that are basically
20 plywood framed, those are not removable, there's no fence or
21 gates, it's all a solid wall. So I just thought I'd throw the
22 idea out there. I don't know if you had considered public art
23 as a part of the idea, but I just wanted to throw my two cents
24 in while we were waiting.

25 DUERR: Well, I love that. I'll just jump in.

1 Being on Art Town, I have kind of a longer term view than
2 maybe some of what's been going on, but they did bring in some
3 sculptures that were from Burning Man so they were more
4 modern, as some art pieces Art Town did. I will tell you,
5 they were quite at variance with the building and I did not
6 love how it looked. We're very committed to murals in Reno.
7 and Megan could speak to it, I mean, we're doing 'em
8 everywhere. The problem with, I think the mural, just from my
9 perspective, is it would tend to block the -- you know,
10 plywood would tend to block the building and I think the see-
11 through fence would enable people to see through. And one of
12 the ideas was to have it at just five feet and most people are
13 a little bit taller than five feet, so they could actually
14 look over it, not necessarily through it, through the fence.
15 And our original proposal was a six foot, but I asked our
16 staff to look into, you know, is there a way to make it
17 smaller and still, you know, not able to cut and climb over
18 and they came up with the five-foot option, which I think
19 could be helpful too, but it looks like you've got your stuff
20 up now. But I appreciate these ideas. I will just say that
21 it was very jarring seeing these particular sculptures on the
22 grounds of the Lear. It bothered me personally and I love art
23 but.

24 REED: Okay, can everyone see that?

25 DUERR: I was able to see it, it's lost now. It's

1 not up now.

2 REED: It was there.

3 DUERR: Here it comes. We got it now.

4 REED: Can everyone see that? Okay. Wonderful.

5 Yes. Hopefully I can do this. Okay. So I just wanted to

6 show everyone -- oops, sure that I've got this down. Okay.

7 Can you see the two pictures?

8 DUERR: Yes. Well, we can see the bottom one and
9 half of the top one.

10 REED: Okay, great. Well, I think for the most
11 part, that will work. I'm just going to pull this down a
12 little bit. There we go. Okay. So given the view shed of
13 the landscape, as the city mentioned, right, Paul Revere
14 Williams had a vision for this building and its setting, and I
15 think that's what we really need to draw our attention to.
16 This grand, as you can see coming out, those front doors,
17 coming down those beautiful circular stairs going down across
18 the street, right, which I'm not sure what the street looked
19 like when this building was constructed, but you have an
20 unobstructed view between the building and its relationship to
21 nature and the river. So in our Covenant review letter, when
22 we talked about this building, we were very concerned about
23 how this type of temporary fencing, right, you're not going to
24 be able to see through it. You can to a certain extent, but
25 it's not going to be like this temporary construction fence,

1 which you can see right now in that bottom picture. That's
2 clearly see-through, the public is going to know, they're
3 going to perceive that this building is under construction.
4 They're going to know that that's temporary. The top picture,
5 which you can see a little bit of, is that property next door
6 and you can see in the front of that building as opposed to
7 the alley side, which the city shared earlier, is a six-foot
8 high fence. On the River Street side, it's much lower.
9 That's probably three-and-a-half feet high, right, so it's a
10 totally different feeling and scale and setting and nature of
11 this building. So the SHPO has concerns about how the setting
12 of this building will be affected, and we believe it will be
13 adversely affected even though this is only temporary. It
14 will be there and it may be there for a very long period of
15 time. So, in our Covenant review letter, and I don't know if
16 this is going to -- if you can see the text now. For those of
17 you who haven't read the text our office did not give
18 permission for the following reasons, and I talked in here
19 about the National Register nomination and how it refers to
20 the building's prominent setting. I talked about how, because
21 this is going to encompass the entire property, you're going
22 to have two sets of, you know, 12-foot wide, six-foot high
23 double gates on the front south entrance. So when I was on
24 the other image earlier, I'm going to scroll up. I don't know
25 if everyone can see that. I took some screenshots from the

1 drawings so this is going to be pretty imposing along that
2 south elevation, along the river edge and you're going to have
3 not just one set of gates, but two where the sidewalks come
4 out to the street. So in our letter, again, we referenced the
5 Secretary of the Interior standards guidelines, which do not
6 recommend installing protective fencing when necessary for
7 security without taking into consideration their location and
8 visibility so they negatively impact the historic character of
9 the site. The standards also do not recommend introducing a
10 new feature that is visually incompatible with the site or
11 that alters or destroys the historic site patterns of use. So
12 therefore, at this time, staff recommendations are that
13 unfortunately this beautiful, elegant proposed fence does not
14 meet the standards. It's not consistent with Standards 1, 2,
15 and 9 and the existing covenants, and therefore we were not
16 able on the staff level to approve this. Now, we did talk to
17 the city about coming up with alternatives for other temporary
18 fences where the footings were not placed into the ground,
19 where they sat on pads similar to what they have now, and
20 there are a lot of different types of construction fencing
21 available that could be possible options. So I'm going to
22 stop sharing my screen, if I can figure that out, and let me
23 know if the Commission has additional questions and I will
24 leave it to the Commission for discussion.

25 DOWNS: Now I have a question, Rochanne Downs for

1 the record. Robin, I understand, you know, the fact that this
2 may appear to be a permanent fencing, so I guess I'm concerned
3 about the security of this building and the protection of this
4 building because that's the whole purpose of why we're trying
5 to really take action on this. You know, I understand that
6 the fencing could deem to be permanent, you know, and as
7 funding proceeds, but if the building burns down, it defeats
8 the whole purpose of why we're trying to protect it. And so I
9 guess the temporary fencing obviously is not working and so
10 with it being on a pad and not secure, it's defeating the
11 purpose. So I guess I would like to see -- I guess I want to
12 know a little bit more on how to make it aesthetically
13 pleasing and secure because for me, you know, the holes in the
14 ground can be filled in, we can take action to bring the
15 landscape back to a longer term status but for me, I'm more
16 concerned about the protection of the building, you know,
17 looking at people breaking through temporary fence, cutting
18 through temporary fencing and, you know destroying the
19 building, which to me outweighs the risks I guess. I guess it
20 increases the risk if the fencing is on a pad versus in the
21 ground, so I guess I just need a little bit more clarification
22 on that.

23 REED: Right. Well, we are here today for the
24 Commission to determine whether or not this project meets the
25 standards. From our office's perspective, unfortunately, the

1 fence does not meet the standards. However, it is within the
2 Commission's purview to take action on something that we may
3 disagree with. So if the Commission feels that even though
4 this project does not meet the standards, that they are
5 willing to, as a Commission, approve this request, that is why
6 we are here today. So we had asked the city to provide
7 alternatives of other different types of construction fencing
8 that may be more secure. The type that's there now is
9 probably -- I don't want to say it's the least expensive
10 because it is expensive, but the type and quality of that wire
11 that's there is very easy for people to get through and there
12 have been other construction projects where the steel is more
13 capable of securing a property. So I will offer that for the
14 record. But again, I'm going to let all of you discuss this
15 and make a decision.

16 CLOUD: Carla Cloud for the record. I have Megan
17 Berner and Commissioner Timmons with their hands raised.

18 YEANDEL: The Chair recognizes Commissioner Timmons,
19 please.

20 TIMMONS: Thank you, Mr. Chairman, this is Anthony
21 Timmons for the record. I wonder if this would be more in the
22 purview of the Board of Museums and History, since we're the
23 ones that normally approve the National Register nominations
24 as opposed to or in addition to this Commission, because we
25 take a look at those items as well. So, I just want to throw

1 that out and see if this is just one step in the process, or
2 maybe even maybe not the right jurisdiction for this.

3 REED: Robin Reed for the record. Unfortunately
4 this particular issue is only under this Commission's purview.
5 It involves the covenants that legally protect this building,
6 and it falls under this Commission's purview only.

7 TIMMONS: Thank you. Anthony Timmons for the
8 record.

9 YEANDEL: The Chair recognizes Michelle Schmitter,
10 please.

11 SCHMITTER: Thank you, Michelle Schmitter for the
12 record. I know this is kind of a difficult situation. I was
13 also concerned with the footings for this fence and how ornate
14 it was. I'm just wondering if, Robin, what thoughts do you
15 have if it was more simple? Oh, and I love Yale's idea. I
16 thought that that was great from what they did in Las Vegas,
17 but I think we all want this to work, we just want to make
18 sure we are in keeping with the standards.

19 REED: Robin Reed for the record. Thank you,
20 Michelle, for your comments. We had asked the city to provide
21 alternatives for designs and alternatives that did not include
22 putting something into the ground and we have not received
23 those yet. So I don't know if the city has looked at
24 alternatives. If they could speak on that, that would be
25 helpful for the Commission.

1 DUERR: Mr. Chair, if you could recognize our
2 staff, we did look at them. That was the very next day after
3 we talked to you, Robin, and I think both Ms. Turney and Ms.
4 Berner have information on that.

5 YEANDEL: Yeah, the Chair recognizes Megan Berner,
6 please.

7 BERNER: Thank you. Megan Burner for the record.
8 We did do research on alternatives. I have some of those in
9 our slideshow that I can share. So I'm going to share my
10 screen again. So one thought was to have a simplified version
11 of this, not exactly like this, these were just some examples
12 I pulled off the internet to show a simplified version. I'm
13 not sure we would anchor it the way that it's showing here,
14 but a five or six-foot simplified fence and gate could be a
15 possibility, and this is sort of what they might look like,
16 just to give you some views. A similar style fence in five
17 foot, or a simplified fence, not necessarily with these little
18 toppers over here, but something a little bit plainer. We did
19 a lot of looking around for different styles of construction
20 fences, and this is what we found really was this welded wire,
21 which is still very thin and could be cut and it looks very
22 similar to the chain link. If, Robin, you have any examples
23 of other construction fencing that you're referring to, we
24 would love to see those, but we've been unable to find
25 anything. Our public works team did a whole search, and so

1 that is sort of -- that's what we found. Whoops. Didn't mean
2 to click off.

3 REED: So, Megan, the difference here is it
4 doesn't have the points on top, which were considered an
5 additional security. What I asked the team to do was to try
6 to lower the fence, still have the point so that it would
7 discourage climbing over, which the lower it gets, the easier
8 it is to climb over. And the second thing is that we want it
9 to be as visible, and these I think are all pretty, see-
10 through even from a low perspective but and again, the
11 building next door is not three-foot fence, it is a four-foot
12 fence along the front and a six-foot fence along the side, and
13 we said, let's do a compromise at potentially five feet, which
14 would discourage most people from climbing over and make it
15 very difficult to cut through.

16 BERNER: Yeah, I think the main problem is that
17 this building is unoccupied. If it were occupied, I don't
18 think it would be an issue, but because it's unoccupied
19 currently, our interest is really in protecting the property.

20 REED: And all of us have said we do not want the
21 building to burn down on our watch. We have a panicked
22 feeling about that, frankly.

23 BERNER: And I would absolutely -- we actually
24 talked about doing screening, Melissa Hafey, our Management
25 Assistant in Historic Preservation and I, around fencing but

1 we also felt that it would obstruct the view, which seems to
2 be very important, although the Register nomination is not
3 super specific about that. It calls out the setting, but then
4 there's not really a whole lot more about that, and we felt
5 that within the Secretary of the Interior Standards for the
6 treatment of historic properties, that this fence fit into
7 what is allowed for these kind of security reasons or adaptive
8 reuse reasons with doing the least harm to that setting and to
9 the view of the building.

10 REED: Robin Reed for the record. I just wanted
11 to talk to that point quickly. So based on the photo that I
12 had showed earlier, we don't have a very big lawn in front. I
13 think that's part of the heartache for us is that you come
14 down this grand stair and, you know, originally the design
15 intent was to experience the river, right, so they could walk
16 right down and enjoy nature. And because we don't have a big
17 lawn in front, then it feels like that fence is right up
18 against the building, and I think that that is where we're
19 really struggling with this, and especially when it appears to
20 be so permanent. On your question about construction fencing,
21 I have not done research in a long time. I have seen fence
22 installations in various settings that are much more secure
23 than the one that you showed so I don't know who did the
24 research, and if there's other research available, maybe
25 Michelle can weigh in on that as well. I don't know. But

1 that's how I feel about this at this time. So I don't know if
2 there are other questions. I'm going to allow the Commission
3 to discuss.

4 YEANDEL: The Chair would like other commissioners
5 to voice their opinions, please. Let us know how you feel. I
6 do have a question. This is Chair Yeandel. For Carla, so
7 when we were doing our grantee review for this past grant
8 cycle, it was mentioned by Rebecca Palmer that if some of the
9 standards are not held, the Governor's standards, then your
10 Department cannot service those grants. Does that still hold
11 true for this request, Carla?

12 CLOUD: Carla Cloud for the record. The program
13 has to follow the Secretary of (inaudible) Interior standards,
14 but I actually would like to transfer this question over to
15 Robin.

16 REED: Okay. So Carla, I didn't -- Robin Reed
17 for the record. I did not participate in the Commission
18 meeting where there was a question about standards, if it was
19 a year or two back, and we had a similar issue where there
20 were project components that did not meet the standards and if
21 you could perhaps share with the Chair how that was handled at
22 that time, I think it would be really helpful. In terms of
23 our office's comments, due to the requirements of our Federal
24 Historic Preservation Fund grant that comes from the Secretary
25 of the Interior, Department of the Interior, we have to

1 determine whether or not work in our office meets the
2 Secretary of the Interior standards. So we have to be on
3 record whether or not a project is consistent or not. Now,
4 this CCCHP grant program is a state-funded program with a
5 Board comprised of appointees from the Governor. So I would
6 like Carla to explain a little bit about how that process
7 happened for another property. Most of this project will meet
8 the standards. We really only have this one element left to
9 discuss. So, Carla, if you want to share with them how that
10 was handled previously, I think it would help the Chair. That
11 is part of public record.

12 CLOUD: Yes, I'm trying to go back to that. I do
13 recall that there was a project where, again, we did not agree
14 with the project of what they were wanting to do, and it did
15 go before the Commission and the Commission chose to approve
16 it. That is allowable. I apologize, I'm kind of caught off
17 guard here. I did not research a previous one. I recall that
18 there was the Commission did decide on something that we did
19 not agree with and it went forward. So I'm sorry, I'm not
20 sure what to explain on that. My apologies.

21 YEANDEL: Oh, that's fine, Carla. This is Yale,
22 Chair for the record. Yeah, I mean, the last cycle, this is
23 not years ago, but I remember Rebecca Palmer did bring up
24 things from the past, but the last cycle we did have a
25 disclaiming. It was basically whether -- and I don't want to

1 get into too much detail about it, but it was whether it was
2 historic preservation or maintenance. I mean, in a lot of
3 ways this sort of -- the security of the building falls under
4 the maintenance that we're trying to sort of make look semi-
5 historical and I think Robin's objection is it's not really
6 historical, and it is preventing the full appreciation of the
7 historical aspects of the property. And if it's up for 10
8 years -- you know, if it's only up for a year, that makes a
9 difference, but if it's 10 years, that's a long time. So but
10 I remember this prior case on the last grant cycle, we talked
11 about a maintenance issue versus a preservation issue and
12 this, to me, security falls under maintenance issues. I don't
13 know. Let's hear from the other Commissioners.

14 CLOUD: Well, Carla Cloud for the record real
15 quick. I think a couple of differences here too is if one of
16 the things that I believe you recall Rebecca talking about is
17 that if the Commission chooses to continually fund projects
18 that do not meet the Secretary of Interior standards, then our
19 office would no longer be able to be staffed to this
20 Commission because we have to uphold the Secretary of Interior
21 standards based on our federal funding that we receive from
22 the National Park Service. We have to abide by those rules.
23 So if the Commission were to fund projects that do not meet
24 the standards, that's what I think we were going -- where she
25 was going. This is a covenant review that is not covered by

1 the funding of the CCCHP. This is separate funding, and it is
2 under the purview for the Commission to review the project to
3 decide if they'd like to go forth or have them come up with
4 other options. So that's where you're looking at the
5 difference of this is whether or not I believe that it would
6 be funded by the CCCHP or if it is just a review by the
7 Commission for the work to be done. So there you have it.
8 And we do have three Commissioners with their hands raised.

9 YEANDEL: Yes, the Chair recognizes Patricia
10 Olmsted, please.

11 OLMSTEAD: Thank you. Commissioner Olmsted for the
12 record. I do know the Lear Theater, and I do know that safety
13 is such a huge concern for it, and I completely agree with
14 Commissioner Downs that if this fence doesn't go up, the whole
15 theater could easily burn down. And I never go against our
16 staff for the Commission, but I feel like we aren't funding
17 this, it is special funds that the city secured, and in order
18 to keep this building secure, there has to be a good security
19 fence, and I feel like the style that the city came up with
20 fits with the rest of the community and I don't want to go
21 against our covenants, but I do believe that security is the
22 biggest issue for the Lear Theater and I think it needs to be
23 done quickly. As we said, that funding goes away at the end
24 of the year, so this for me is an emergency and I think we
25 have to go against staff on this one and allow the city to put

1 up the fence.

2 YEANDEL: Thank you, Commissioner Olmsted. The
3 Chair recognizes Michelle Schmitter, please.

4 SCHMITTER: Rochanne, did you have your hand up before
5 me?

6 DOWNS: I did, but that's okay.

7 SCHMITTER: Go ahead.

8 DOWNS: That's okay.

9 SCHMITTER: No, go ahead.

10 DOWNS: Oh, well, and, you know, agreeing with
11 Commissioner Olmsted and all of that, but my other thought is,
12 is that I know that this funding, short term, we need to use
13 that, but maybe there is a timeline commitment that the city
14 can make in proceeding with this so that, you know, we're not
15 approving it for the fence and then, you know, 10 years down
16 the line that it is forgotten and, you know, we passed it and
17 we're moving on. Because if there is a commitment of the city
18 to really restore or, you know, handle this building or, you
19 know, take care of this building to proceed it that, you know,
20 instead of just putting up a fence and then forgetting about
21 it and then 10 years down the road we're still in the same
22 position, maybe there's some type of a timeline that we can
23 continue to revisit to make sure that progress is proceeding.
24 Just, just a thought.

25 DUERR: Would you like me to address that, Mr.

1 Chair, or?

2 YEANDEL: Yes, please address the comment.

3 DUERR: Okay.

4 YEANDEL: Thank you.

5 DUERR: All right. Again, Naomi Duerr, Reno City
6 Council, for the record. You have made a very important
7 point. I have felt the urgency, as you know, since the time
8 that I joined with Art Town and tried to get this building
9 over to the city. It's only been with the city for 18 months.
10 We got the funding. We're doing the historic structures
11 report right now. We can't make a move without the guidance
12 of that document, and we hired a very well-known firm to
13 complete that report. This project, the building itself, as
14 you see is near the river, which is both a blessing and a
15 curse. I was formerly head of the Truckee River Flood
16 Project, and this property has flooding issues. So one of the
17 most probably expensive things that we have to deal with is
18 flood proofing the building. That may even be some challenges
19 with, you know, once we get into it, coming back to this
20 Commission and saying what works and what doesn't work with
21 the standards. But apparently most of the flooding is
22 upwelling from the bottom so it's leaching, it's not over
23 topping from the river, just that the water table is high. So
24 I'm just sharing that we will have some foundational issues to
25 deal with but I will tell you, I am very committed, the mayor

1 is very committed. This is been our top priority but again,
2 we could not move forward until this historic structures
3 report was done and so we're all pins and needles waiting for
4 its guidance and direction so we can apply for grants to take
5 the next steps.

6 DOWNS: The reason that I had asked that, and I
7 think that's fine. I mean, I think you have to be, you know,
8 cognizant of the steps that you're taking and working it. But
9 I guess for me the timeline is more so on the sense that,
10 okay, we fixed this fence up, you secured it, and then nothing
11 else happens along the way. You know, we didn't do anything,
12 and then 10 years down the road, you know, we still have this
13 fence and the building and the same -- where no steps have
14 been taken at all and I think that, you know, in, you know,
15 looking, listening to, you know, Ms. Reed, I understand, you
16 know, coming through and looking at you know, putting it, it
17 becomes a permanent fence and, you know, we solved the problem
18 for the moment, which I think security is very important and I
19 am concerned about the safety of this building but also
20 progress along the way that okay, we met, we got it on there,
21 we built the fence, and then nothing is happening. And I
22 understand these processes take a long time, and funding is
23 always an option, but I guess just showing that we're actually
24 addressing the situation instead of putting up a fence and
25 then -- you know, and I understand priorities and budgets are

1 tough and I don't know if there's a direct answer, but showing
2 progress that we actually didn't put the fence up and then,
3 you know, went back to the back burner is all --

4 DUERR: Yeah, no, I appreciate that. And what I
5 can tell you is there are other people besides me that care
6 about history on the Reno City Council and again, I had to
7 fight to get on the historic preservation as their liaison,
8 because two other council members are as passionate as I am.
9 So I do not believe this is going to be back burnered
10 whatsoever. It really is the city's top priority. You have
11 to understand how much our community wants this building open
12 for the arts and for performances and for other cultural
13 events. They have provided the impetus and demand more than
14 any other historic building that we have. It's been a
15 constant drumbeat. That's why I even set up a Facebook page
16 for it. That's why I went around and gave public workshops.
17 There was so much demand and concern and criticism that, you
18 know, it was where it was, but it was not in the city's hands.
19 It was in our town's hands, a nonprofit that really couldn't
20 move forward, so that's why I wanted to get it in the city's
21 hands. I think the city shares a passion for this project,
22 I'm telling you, a number of council members, it's not just
23 me. And so I can't make a pledge myself, right, I just can't,
24 even in the interest of getting our fence to say it won't be
25 10 years, but I will tell you, I'm not going to give up the

1 minute this structures report is done. We will be applying
2 for grants for the first and second and third phases of the
3 project. So, and I think we already have done. I mean, I
4 don't know that many other communities are using their ARPA
5 funds for historic structures right now, they're probably
6 using it for affordable housing and every other thing, which
7 we have also done, but we also said this was such a priority,
8 we've got to carve out money to do it and I think you're going
9 to see an ongoing line item for it. And again, I'm offering
10 to revisit with the Board. So if you feel, let's say, if we
11 come back in whatever timeframe you wish, whether that's two
12 years, one year, if you don't think we've demonstrated
13 progress that we've applied for these grants, I mean, you
14 could certainly say, you know, we hold the hammer and we're
15 going to make you remove the fence cause we haven't seen any
16 progress. I mean, you know, and that would be on our staff
17 that they've made an investment that they would have to back
18 off of. I don't see them taking that position.

19 YEANDEL: Thank you. The Chair recognizes Michelle
20 Schmitter.

21 SCHMITTER: Thank you, Michelle Schmitter for the
22 record. Five to 10 years isn't temporary in terms of the
23 fence and I think for myself, I'd rather see something that
24 looked more like construction fencing, because then we were
25 all aware that restoration efforts, rehabilitation efforts

1 were going on at the Lear. I think the fence proposed is very
2 ornate, and it sort of makes it a false interpretation of
3 history. We know that it wasn't there to begin with. So,
4 again, I understand all the points, but I would have to side
5 with SHPO on this because I don't feel like it meets the
6 standards.

7 YEANDEL: Thank you. Robin Reed, could you please
8 respond?

9 REED: Okay. Robin Reed for the record, so while
10 I am sitting here, I am trying to figure out how could we do
11 this so that we would protect the state's investment, right?
12 A considerable amount of state bond money went to the Lear
13 Theater over a period of years. Carla, you probably know how
14 many covenants are placed on this building. Unfortunately, I
15 don't think I -- oh, I do have it. There was an amount that
16 Carla gave me. Between 1996 and 2009, the Lear Theater has
17 received 12 different CCA grants, which those were the CCCHP
18 grants back then. So that building was awarded \$1,416,000,
19 which are recorded, I believe, with the deed. But, Carla, you
20 would have to check to make sure about that. So what if we
21 did something like we recorded a new covenant for the amount
22 of zero, and within that covenant, we place restrictions on
23 the fence, right, with annual reporting required so that the
24 city is making a good faith effort in showing the public that
25 we know that the fence is not consistent with the standards,

1 but that they are making a good faith effort to do right by
2 this building and eventually that temporary fence will come
3 down. I don't know how else to do this. We need to
4 memorialize this in some way, and perhaps that is an idea. We
5 had discussed this for -- just so the Commission understands,
6 we had to discussed policing a covenant for a zero amount on
7 another building because of damage that was done to that
8 building and we have monitoring that needs to occur and
9 unfortunately that was not completed before Rebecca left, but
10 it's on my list of things to do. So that is why I bringing
11 this up as a possible option. And I think that that covenant
12 needs to memorialize the fact that the fence is not consistent
13 with the standards, but this is why, this is what the city's
14 going to do, there's going to be annual reporting, et cetera,
15 et cetera. So I open that for the Commission's consideration
16 because I don't know how else to do this so that everybody
17 gets -- you know, we come to some sort of compromise here.

18 YEANDEL: Thank you, Robin. Any other comments from
19 any other commissioners?

20 CLOUD: Michelle Schmitter has her hand raised.

21 YEANDEL: The Chair recognizes Michelle Schmitter.

22 SCHMITTER: Michelle Schmitter for the record.

23 Thanks. Thanks, Robin. That sounds like a win-win. I guess
24 my question is would we also have -- we're not looking to put
25 a fence up permanently, are we? Okay. So then we would make

1 sure that that was in there somewhere. Okay. All right.

2 Thank you.

3 REED: Robin Reed for the record. Is our DAG on
4 today? Perhaps she could weigh in and let us know if this
5 appears to be something that might fulfill the requirements of
6 the state, or if this is something --

7 UNIDENTIFIED: (Inaudible) for the record. Yes, we do
8 have Nicole on. Nicole, you can unmute yourself.

9 DAG: Hi. So when you say requirements for the
10 state, what specifically do you mean?

11 REED: I want to make sure that based on state
12 statute, that the requirements of the Commission are being
13 met. And if we could use a covenant filed with a deed as a
14 way to perhaps move this forward and memorialize this idea of
15 something not being consistent with the standards, but being
16 temporary and the city showing a good faith effort to
17 eventually take that down. I'm just wondering if that would
18 be a legal way of protecting the state's investment for all of
19 the funding that CCCA/CCCHP has given over time, or if you
20 would need time to research that to see, to make sure that we
21 are consistent with state law.

22 DAG: So it kind of goes back to what Carla was
23 saying is that we're under certain obligations when we're
24 funding these projects, so they have to follow the Secretary
25 of State standards. So right here we're really talking about

1 the covenant placed upon real property. So if these people,
2 as the government agency who's holding title to the real
3 property are going to agree to a covenant, that's totally
4 fine.

5 REED: Thank you.

6 DUERR: And I could make that commitment that we
7 would agree to that. I think it's a very reasonable
8 compromise, Robin, and I thank you for coming up with it
9 because it does provide a path forward, and I've written it
10 down. It would be an annual reporting, a commitment that the
11 temporary fence would come down, and a statement that it's not
12 consistent with the standards as they're written today.

13 REED: Right. Robin Reed for the record. And
14 then that would give us the legal instrument for the state,
15 not that they would ever have to pursue any sort of action,
16 but I think it would help to satisfy the public's concerns
17 also.

18 OLMSTEAD: This is Commissioner Olmsted. Do we need
19 a motion to create that covenant at a \$0 to move forward and
20 vote on it?

21 UNIDENTIFIED: Yes. From you. I'm just kidding. I'm
22 just joking.

23 OLMSTEAD: I'm more than happy to move for a covenant
24 at \$0 that would require the city to put up a temporary fence
25 and then commit to updating the Commission and staff on

1 progress on an annual basis. And I believe that is all that
2 needs to be on that motion. Robin, is there anything else?

3 REED: Robin Reed for the record. And a
4 commitment by the city that the fence will be taken down
5 within a certain time period. So we would have to figure out
6 the timing if we want to say a period of 10 years, and then if
7 it's not taken down within that time period that the covenant
8 will need to be revisited or something like that.

9 OLMSTEAD: All right, then please add to that motion
10 that the temporary fence would be removed within 10 years, and
11 if not, then we would revisit the covenant and make a decision
12 from there.

13 YEANDEL: All right. I have a motion on the floor.
14 Do I have a second?

15 FARRELL: This is Commissioner Farrell. I second
16 that motion.

17 YEANDEL: All right. Motion is seconded. All those
18 in favor say yea.

19 MEMBERS: Aye. Aye.

20 FARRELL: Excuse me. This is Commissioner Farrell.
21 We do have a hand raised, so we should address that in the
22 comment --

23 YEANDEL: I don't see a hand raised.

24 FARRELL: -- and then we can vote.

25 YEANDEL: Oh, here we go. Okay, Tony. Thank you.

1 Thank you. I did not see your hand raised, Tony T. I don't
2 know who that is. Chair recognizes Tony T. before we take
3 this vote.

4 TIMMONS: Sorry, this is my personal account. This
5 is Anthony Timmons for the record. I just, in my opinion, I
6 can't support this recommendation and the reason is, again, I
7 think Michelle Schmitter brought up the point that a 10-year
8 time period is not a temporary time period, so I really have
9 some reluctance that the time period is too long from my
10 opinion, but that's just my own personal opinion and I want to
11 throw it out there. Thank you. Anthony Timmons for the
12 record.

13 YEANDEL: Okay. We have a motion on the floor and
14 seconded. And, Robin, do you want to respond before we take
15 the vote to Anthony Timmons, time period, maybe we can make
16 the time period shorter?

17 REED: Robin Reed for the record, I would support
18 five years if the city thinks that they can meet that.

19 DUERR: I'll just respond for the city, Naomi
20 Duerr, Reno City Council. I do not think five years is
21 sufficient given the longevity of grant cycles. Possibly we
22 could live with eight. I do believe it'll be done by then,
23 and it would be fine to come back and revisit. If it wasn't
24 eight, it would probably be eight and two months. But I think
25 that's a reasonable reduction if that will help move the

1 process along.

2 YEANDEL: Thank you very much. So we have a motion
3 that's -- do we want to resubmit the motion, Commissioner
4 Olmsted.

5 OLMSTEAD: Commissioner Olmsted, I --

6 DAG: First, let's take the second off and then
7 retract the motion.

8 FARRELL: This is Commissioner Farrell. I withdraw
9 my second.

10 OLMSTEAD: Commissioner Olmsted. I retract the first
11 motion.

12 DAG: Sorry.

13 OLMSTEAD: So Commissioner Olmsted, I will move to
14 set up a covenant at \$0 with the City of Reno to allow them to
15 put up a temporary fence around the Lear Theater with a
16 timeline of eight years, and during that time have annual
17 check-ins with progress on the rehabilitation of the Lear
18 Theater, and then also, if it is not removed within eight
19 years, we would revisit the covenant and make a new decision.

20 YEANDEL: Okay. Thank you, Commissioner Olmsted, I
21 have a motion on the floor. Do I have a second?

22 FARRELL: This is Commissioner Farrell. I'll second
23 that motion. Thank you.

24 YEANDEL: Thank you, Commissioner Farrell, for the
25 second. All those in favor, say aye.

1 OLMSTEAD: Aye.

2 DOWNS: Aye.

3 FARRELL: Aye.

4 SCHMITTER: Aye.

5 YEANDEL: All those not in favor, say nay.

6 TIMMONS: Anthony Timmons for the record. Nay.

7 YEANDEL: Thank you. The motion passes and let's
8 move on here. Public comment. Yeah, go ahead. I'm sorry.

9 DUERR: Mr. Chair, I'll just raise my hand. I
10 haven't filed a public comment card. This is Naomi Duerr with
11 the City of Reno.

12 YEANDEL: Okay.

13 DUERR: I just want to thank the Commission for
14 your understanding and leaning forward to help us make this
15 project a reality. As I said earlier, all of us live in fear
16 that something is going to happen to this building. It really
17 sometimes makes it difficult to sleep. After the first fire
18 and then second, you know, those of us who care about history
19 are very concerned. The building is within blocks of our very
20 center of downtown. This is an area that's been very
21 challenging with people that are unhoused. And so I really
22 think that your decision today will really help us move this
23 project forward, will help get it open, probably by next
24 summer we'll be able to open it for events, and I think that
25 is a huge win for the community. So thank you so much for

1 your support.

2 YEANDEL: Thank you for your comments. If there are
3 any other public comments, public comments will be limited to
4 three minutes per person at the discretion of the Chair.
5 Comment will be restricted to -- based on viewpoint. No
6 action will be taken on matters raised during a public comment
7 period that are not already on the agenda. Persons making
8 comment will be asked to begin by stating their name for the
9 record. Is there any public comment, Carla?

10 CLOUD: Carla Cloud for the record?. No, sir. I
11 have no public comment.

12 YEANDEL: All right. That being said, you know,
13 it's funny because we had a very similar situation here. The
14 Rainbow Theater Company had moved into a building owned by the
15 city, it's a city program, and they were in the process of
16 restoring it. The same thing. We had homeless people come
17 in. They start fires because they're trying to warm
18 themselves in the cold building, and there were several fires
19 at Reed Whipple, which was a former Mormon church. So I
20 understand the problems and now the space is unusable, so I
21 would not want that to happen to this beautiful building.
22 Having sort of been through this a little bit it, it's
23 understandable that all of these historic buildings need to be
24 protected, and we've already done a sizable investment into
25 this space, and as well it should be. I would like to move

1 for adjournment if that's --

2 CLOUD: Carla Cloud for the record.

3 YEANDEL: Yes?

4 CLOUD: Michelle Schmitter has her hand raised.

5 YEANDEL: I'm sorry, Michelle, I didn't see your
6 hand raised. The Chair recognizes Michelle Schmitter.

7 SCHMITTER: Michelle Schmitter for the record. And I
8 do apologize for coming on late, I had a conflicting 11:00
9 meeting. I did have a question about the landscape or kind of
10 a plea. If we could just pull it back from the perimeter of
11 the building, that would be appreciated. You keep talking
12 about fires. I see that there aren't any evergreens planned.
13 I think that's what I read, that you're looking at deciduous
14 trees, so that would make me happy.

15 DUERR: So may I ask, I'm known as the tree person
16 at the city. I've started a program to double our trees.
17 Again, this is Naomi Duerr for the record. So what would you
18 like to see?

19 SCHMITTER: No, I didn't want to see any pine trees
20 because they can catch on fire. So it doesn't appear that you
21 have it dialed in quite yet, but I'm just asking that you pull
22 them back at least five feet from the perimeter --

23 DUERR: Absolutely.

24 SCHMITTER: -- of the building.

25 DUERR: Yeah, we believe in defensible space and -

1 -

2 SCHMITTER: Okay, great.

3 DUERR: -- that would absolutely happen. Even
4 from the original drawings that you can see, they were
5 perspective drawings, not after the fact, but the trees are
6 set back from the building themselves, so probably 20 to 30
7 feet, you know, roughly, and they are deciduous trees. So I
8 expect we'd go back with something like kind. We have a urban
9 forester who makes sure that we install the right kind of
10 trees for this kind of streetscape. So thank you for those
11 comments.

12 SCHMITTER: Okay.

13 YEANDEL: Are there any other comments from
14 Commissioners or anyone that wants to chime in?

15 TIMMONS: Anthony Timmons for the record, Mr.
16 Chairman.

17 YEANDEL: Yes. Chair recognizes Anthony Timmons,
18 Commissioner Timmons.

19 TIMMONS: So Anthony Timmons. Anthony Timmons for
20 the record, I just wanted to clarify that I'm not against not
21 protecting the building, and I'm not against having the fence.
22 My no vote was to the time period, and that's what I was in
23 objection to. So I just want to be on the record and clear.
24 I endorse historic properties across our state and of course
25 protecting them so nothing wrong there, it's just the time

1 period for me was too long. So I just want to be on the
2 record and make it clear. Thank you. Anthony Timmons for the
3 record.

4 YEANDEL: Thank you, Commissioner Timmons, and we
5 did try to narrow it down a few, to eight years. So I mean,
6 your comments are valued and important. Does the DAG have
7 anything to add to this conversation?

8 CLOUD: Sorry, you're muted, Ms. (inaudible).

9 DAG: Oh, I was just saying we're kind of going
10 back to the Commission talking about an agenda item that's
11 been closed, just kind of getting close to that.

12 YEANDEL: I'm sorry, I'm new at this. I'd like to
13 try to adjourn the meeting. I have other pressing issues and
14 I'm a little distracted. So if there's nothing else, I would
15 like to adjourn the meeting.

16 UNIDENTIFIED: So moved.

17 YEANDEL: All right. Thank you very much. I
18 appreciate everyone's time. We did good work. So I will see
19 you next time. Take care.

20 [end of meeting]
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