



State of Nevada
Department of Conservation and Natural Resources
Joe Lombardo, *Governor*
James A. Settelmeyer, *Director*
Rebecca Palmer, *Administrator*
Joseph Curtis, *Chair*

MINUTES OF THE COMSTOCK HISTORIC DISTRICT COMMISSION

DATE: Tuesday, July 10, 2024

PLACE: Comstock Historic District Commission Office, 20 N. E Street, Virginia City, Nevada

WORKSHOP MEETING: None

REGULAR MEETING TIME: Immediately following the adjournment of the July 10, 2024 5:00 PM NAC Adoption Hearing

CALL TO ORDER: 5:54 PM

PLEDGE OF ALLEGIANCE: The pledge was recited during the 5:00 PM NAC Adoption Hearing

COMMISSIONER ROLL CALL: Quorum achieved

Calvin Dillon – present
Tammy Hendrix – present
Julie Workman – present
Clay Mitchell – present
John Cassinelli – present
Joe Curtis – present
Nancy Cleaves – present
Mercedes de la Garza – present
(Deputy Attorney General Nicole N. Ting also present)

DRAFT

AGENDA ITEM 3, APPROVAL OF JULY 10, 2024 AGENDA (FOR POSSIBLE ACTION):

Clay Mitchell moved to approve the July 10, 2024 agenda as written, and Calvin Dillon seconded the motion. A vote was taken and the July 10, 2024 agenda was unanimously approved.

PUBLIC COMMENT, AGENDA ITEM 4 (Comment limited to 3 minutes per speaker, no action will be taken until it is properly agendaized): Member of the public Mike Workman asked if we would introduce the new Commission member. Chair Joe Curtis answered that he would introduce him during his Chair's Report.

ADMINISTRATIVE ITEMS, AGENDA ITEM 5:

a. Chair's Report – Chair Joe Curtis introduced the new CHDC Commissioner, David Bates, who was appointed to the Commission's contractor seat. David Bates spoke briefly to say that he has been in the area for over 35 years and that he has been working in construction since he was 17. He loves it up here and he feels like he can help do some good.

b. Staff Report – Comstock Preservation and History Officer Kristen Brown referred the Commissioners to her staff report that was sent to them along with the meeting materials. No other items to report.

c. Commissioner Comments – Calvin Dillon welcomed new Commissioner David Bates.

d. Correspondence (FOR POSSIBLE ACTION) – None

AGENDA ITEM 6, APPROVAL OF MINUTES FROM THE JUNE 4, 2024 MEETING (FOR POSSIBLE ACTION):

Nancy Cleaves moved to approve the June 4, 2024 minutes as written. Calvin Dillon seconded the motion. A vote was taken and the motion passed unanimously.

AGENDA ITEM 7, NEW CONSTRUCTION, GARAGE, 961 S. E STREET, GOLD HILL/DIVIDE (FOR POSSIBLE ACTION):

The owners propose to build a new metal garage/shop building behind their house. Kristen Brown presented the proposed design and displayed the application materials. Joe Curtis asked type of doors the building would have, and owner Curtis McKinney replied that they would be standard roll-up garage doors. Kristen Brown noted that the doors may be painted to match the building. Mercedes de la Garza asked what color the roof on their house is, and the owners replied that it is bright white. Mercedes de la Garza recommended that the new garage doors be painted to match the rest of the garage, and that the overall color be darker than the proposed tan color, to be more muted.

Owner Curtis McKinney asked why there were other metal garages in the district with white doors, and Kristen Brown explained that the white doors look very modern, but if you tone down the color of the whole building by painting it darker, with doors to match, it helps it recede. Also, there were other buildings allowed in years past with white doors, but that the Commission is currently trying to encourage owners to consider painting them. Mercedes de la Garza stated that former CHDC approved new garages administratively and did place them on agendas for the CHDC to view and discuss. Clay Mitchell asked the owners to confirm the proposed orientation, and the owners confirmed that the garage doors would face south, the main doors will face the rear of the house, and the windows will face the street to the east. Mercedes asked how high the roof peak would be. David Bates said that it appears to be about three feet higher than the 14-foot walls.

Public comment – Member of the public Dee White lives next door. She stated that she was initially under the impression that this would be a business, but she has since learned that it will just be a residential garage with shop space for the owner's use. She asked where the building will be located in relation to her property and if it would block her view. Storey County Planning Manager Kathy Canfield spoke and said that since this is at the rear of a lot, it must be at least 10 feet from the edge of a lot, but in this case, there is a 15-foot sewer line corridor located along the edge of the McKinney lot. Because of that, this particular garage will be set further into the interior of the lot than other garages would be. Kathy Canfield also confirmed that the proposed garage is within the maximum size allowed.

Motion – Julie Workman moved to approve the proposed new garage at 961 S. E Street as proposed, with colors to be determined with staff. Nancy Cleaves seconded the motion.

Vote – A vote was taken and the motion passed unanimously.

AGENDA ITEM 8, SOLAR ROOF, 434 S. E STREET, VIRGINIA CITY (FOR POSSIBLE ACTION):

Owners Starr and John DuFresne proposed to install a Tesla solar roof on the entirety of their non-historic house. Kristen Brown presented the application materials and summarized the proposed project. Owner Starr DuFresne displayed a sample Tesla solar roofing tile to the Commission. Joe Curtis asked if this will be installed on the entire roof, and the owners confirmed yes.

Joe Curtis stated that the CHDC has reviewed traditional solar panels in the past, but that this is our first solar roof installation, and he expects to see more of these in the future. He asked what it will look like to the surrounding neighborhood. Mercedes de la Garza stated that these solar tiles are very different than shingles – they are larger, flatter, very dark black, and more reflective. The historic district she lives in in Reno does not allow these tiles, and she does not feel that they meet the Secretary of the Interior's Standards. She noted that although this house is not historic, it will be visible within the district. Joe Curtis stated that this particular roof is not readily visible. Mercedes de la Garza stated that regardless of that, this case will set a precedent in the district, and that the district's aspects of integrity will be affected. She asked if there was another option that could help the owners, such as a ground-mounted solar array. Owner John DuFresne pointed out that this Commission reviews things on a case-by-case basis, but Mercedes de la Garza said that the decisions set a precedent regardless.

Nancy Cleaves asked if notification letters were sent to the neighbors, and if comments were received. Kristen Brown replied yes, letters were sent to all neighbors who will have a view of the roof, and no comments or questions were received. Julie Workman asked Mercedes de la Garza how she would feel about traditional solar panels on a shingle roof, and Mercedes de la Garza replied that we would have to review those pursuant to the Secretary of the Interior's Standards, but that she does not feel that roof-mounted solar panels are appropriate in a historic district. Kristen Brown stated that it was important for the CHDC to always keep the Standards in mind, that we are required to follow them. Her staff notes included citations to a few Standards that this project doesn't quite meet.

First motion – Mercedes de la Garza moved to reject the application for a solar roof since it does not meet the Secretary of the Interior's Standards.

Public comment – Building owner John DuFresne spoke and said that his family has over 120 years serving this community. He said that Virginia City has been on the tip of innovation for its whole history, and that this type of project could help the community be more sustainable and reduce its carbon footprint. He would like to set that precedent. He said he doesn't want to, but he could "go over your head," and "could squash you guys."

Additional discussion – Joe Curtis stated that he has concerns about the Standards that we must follow that are set by the federal government. Kristen Brown explained that the rules in this historic district are not in place due to federal requirements or our status as an NRHP & NHL district. Our rules are in place due to Nevada law, NRS 384. We have formally adopted design guidelines, and those guidelines point to the Secretary of the Interior's Standards, and that we must follow those as well as our more detailed design guidelines. Joe Curtis said that we may need to revise our design guidelines to be more modern and allow different types of technology. Kristen Brown said that yes, we are allowed to revise our design guidelines.

Nancy Cleaves stated that we have discussed revising the guidelines in the past and she believes we need to. She asked Mercedes de la Garza why solar roofs aren't allowed in her own historic district. Mercedes de la Garza replied that it is primarily due to the reflectivity, and it is not appropriate in appearance. Nancy Cleaves asked about Mercedes de la Garza's feelings about the seven aspects of integrity outlined in the staff recommendations. Mercedes discussed the reflectivity of the roof not being consistent with historic material. Nancy Cleaves asked if the panels came in other versions with different reflectivity, and the answer was no. Mercedes de la Garza stated that although there are several reasons this type of roof doesn't meet the Standards, her primary concern is the reflectivity.

Nancy Cleaves noted that the CHDC has deviated from the Standards in the past for certain review, and that the group has reviewed things on a case-by-case basis, including taking into consideration whether the building in question is historic and contributing. She thinks that since this is 2024, we can be thinking of things differently.

Mercedes de la Garza stated that she did not appreciate building owner John DuFresne's threat to the Commission, that his words saying that he would "squash us" was inappropriate. John DuFresne replied that he was merely stating a fact.

Clay Mitchell stated that he is trying to put this in context with things they have done in the past, such as solar panels where we considered things like visibility. This house in question is not very visible from most directions, which he feels is a mitigating factor. He thinks the CHDC should come up with a standard by which to review these case-by-case solar projects. Mercedes de la Garza agreed, and said that our ruling should then be site-specific, as a simple yes or no would not help. Clay Mitchell stated that he thinks about how Virginia City is both a town where people live and also a tourist attraction. Nancy Cleaves asked Mercedes de la Garza if her own historic district allowed solar at all, and Mercedes replied yes, they have allowed both roof- and ground-mounted arrays in certain locations that were reversible. Joe Curtis noted that we have approved solar panels before if they were not very visible.

Mercedes de la Garza asked if there were historic buildings with a view of this proposed roof. Clay Mitchell and Joe Curtis said that no, the buildings in the immediate vicinity are not historic. Nancy Cleaves stated that until the guidelines are updated, and because there is already a precedent for solar in the district, and since we do review things on a case-by-case basis, we should approve this one now. Mercedes de la Garza said that if that is the case, and since we are setting a precedent, we need to sculpt the motion to cite the reasons for approval, including the lack of historic resources within view.

DAG Nicole Ting reminded the Commission that the agendaized action item is only for the review and approval of this particular case, not to rewrite design guidelines or create new rules.

Nancy Cleaves said that there are not guidelines for solar roofs in our design guideline document, and Kristen Brown clarified that in the case of any gaps in our design guidelines, the Secretary of the Interior's Standards would then apply, as they are the general, overarching guidance that we follow.

Clay Mitchell displayed a map and Google Street View images that show that the house is not very visible to its surrounding streets.

There was no second to the original motion and the motion died.

Second motion – Tammy Hendrix moved to approve the solar roof based on the fact that it is not visible from any historic resources. Nancy Cleaves seconded the motion.

Clay Mitchell asked Kristen Brown if she could think of any other conditions that the motion should include. Kristen Brown suggested that it also include the fact that the house itself is not historic.

Tammy Hendrix amended her motion to include language along those lines, with the new motion being to approve the solar roof based on the fact that the house is not historic and is also not visible from any historic houses. Nancy Cleaves stated that her second still stands.

Additional discussion – Nancy Cleaves stated that she would like to have a workshop soon so that the CHDC can develop guidance for solar panels and solar roofs. Kristen Brown said that yes, that can occur, and that there is already some guidance that this group developed a few years ago that she found in the files of the former staff.

Clay Mitchell stated that agrees with Mercedes de la Garza that it was out of line for the owner to threaten the Commission. The CHDC has a job to do, which is mandated by state law. Clay continued that the CHDC tries to be accommodating and tries to do the right thing, and no one on the Commission deserves that treatment. Joe Curtis stated that he did not perceive it as a threat, but felt it was not a smart thing to say.

Vote – A vote was taken and the motion passed unanimously.

AGENDA ITEM 9, PUBLIC COMMENT: (Comment limited to 3 minutes per speaker, no action will be taken until it is properly agendaized): None

AGENDA ITEM 10, ADJOURNMENT (FOR POSSIBLE ACTION):

Clay Mitchell moved to adjourn the meeting. A vote was taken and the motion passed unanimously. Meeting adjourned at 7:08 PM.