

MEETING RECORD

Advanced public notice of the Nebraska Capitol Environs Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Wednesday, March 16, 2022.

NAME OF GROUP: NEBRASKA CAPITOL ENVIRONS COMMISSION

DATE, TIME AND PLACE OF MEETING: Friday, March 25, 2022, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Heidi Cuca, Andrea Gebhart, Karen Nalow, Ann Post and David Quade; (Delonte Johnson and Kile Johnson absent).

OTHERS IN ATTENDANCE: Collin Christopher, Paul Barnes and Teresa McKinstry of the Planning Department; Bob Ripley with the Nebraska Capitol Commission; Michelle Potts from Nebraska State Building Division; Lynn Johnson from Parks & Recreation; Dave Meagher with WRK, LLC; Dennis Coudriet with BVH Architecture; and other interested citizens.

STATED PURPOSE OF MEETING: Nebraska Capitol Environs Commission Meeting

Vice-Chair Karen Nalow called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Nalow then called for a motion approving the minutes of the regular meeting held February 25, 2022. Motion for approval made by Cuca, seconded by Post and carried 5-0: Cuca, Gebhart, Nalow, Post and Quade voting 'yes'; D. Johnson and K. Johnson absent.

DEMOLITION AND NEW CONSTRUCTION WORK AT 1432 N STREET

PUBLIC HEARING AND ACTION:

March 25, 2022

Members present: Cuca, Gebhart, Nalow, Post and Quade; D. Johnson and K. Johnson absent.

Collin Christopher stated that he had communicated recently with a few Commissioners regarding this proposal, and wanted to share some of that communication with the group. First, there was a question about future reviews and if a second review for this project will be required or necessary. The answer depends on the scope and scale of the project. The other factor is how far they are in the design process. He believes the applicant will say they are still early in the process. He believes that in this case we would require a second review as the project evolves and specific façade materials are identified. This second review could even be introduced as a condition of approval. The second question he received asked about

the authority of the Commission as it relates to the patios themselves, materials, signage, etc. He would say even if this application got approval today, because they are proposing construction in the right-of-way, they would need to enter into a use of right-of-way agreement, which would be very specific in identifying what would and would not be allowed. He expects that the agreement would come back to this Commission for review at a future date. Finally, there is a component of this proposal that falls into the gray area of design standards intent, and he has heard from a few Commissioners about not wanting to set a bad precedent. In the long term, he believes the best way to address that would be to make a change or revision to the design standards to clarify the desires of the Commission as it relates to use of the right-of-way along Centennial Mall or all of the malls. Perhaps, some more specific standards or guidelines need to be developed.

Dave Meagher stated they are proposing to redevelop the old YWCA building. The building faces Centennial Mall. He showed the proposed design where they would be removing two thirds of the building and keeping the south façade and building a new residential building around it. He showed the floor plan with parking entrances off the alley. The first floor residential units on the east side would include patios. They are proposing 1,000 square feet of retail on the first floor at the southeast corner, in addition to a little over 30 residential units and 50 parking stalls. He showed the footprint of the development. The patios would extend into the right-of-way. There was previous concern with views to the Capitol building. He noted the sidewalk in the rendering is quite a bit wider than the current sidewalk. The patios and floorplans only extend into the right-of-way about eight feet. He believes there is sixteen feet between the existing sidewalk and the property line. There is quite a bit of room off the patios to do some additional landscaping, and the sidewalk as it exists today would remain. He showed the existing condition in the right-of-way. They wouldn't extend any further past the current tree line. There are some awnings to the north that extend into the right-of-way already. He believes the views would not be affected by the proposed design. There was a previous comment about the existing trees. There are some trees that are close to the property line that he doesn't believe could be saved due to proximity to the sidewalk and the project. They feel this is a benefit and enhancement to Centennial Mall. This is something that has not been done on the Mall to date. He believes if they don't have the unit entrances off the mall, the units will be substantially less desirable. It will cause issues with laying out the units and result in poor views.

Dennis Coudriet stated this is a walk-up. They have to have the steps. If they were to place those inside the building, that would take up a considerable amount of square footage from the interior of the units themselves. There would also be safety concerns. They understand they are in the right-of-way, but they feel the safety this provides and the engagement of the Mall is a great asset. It would liven the Mall in a reserved and controlled way. It benefits this area of downtown. This is a common situation in downtowns around the world to have these walk-up conditions. They are very favorable in a downtown condition due to the access.

Meagher believes this would solidify the condition on the Mall. There are other guidelines they are adhering to. Coudriet added that they are early in the design process, but what has been shown is their intent with regard to masonry and other materials.

Nalow questioned if this was keeping with what was presented last month, as far as materials and colors. Meagher replied yes, nothing has changed. Nalow asked about demolition. Meagher replied yes. There have been no design changes since this was last presented.

Nalow still has some questions when it comes to the patio space and the right-of-way in general with access. She understands and agrees with the idea of activating the Mall. Having that direct connection would certainly do that and have some advantages. Her concern isn't just about the views. The idea is that Centennial Mall is there to enhance the environment around the Mall, but also that this is a very public space. Her concern is that this is space for the public and this would be creating easements that are no longer public but private. She understands the need. She is still looking at the plan and trying to understand the options that have been looked at. She understands the access point and having stairs. She thinks having stair access is a different approach than having exterior living space along the Mall with the elevation change. She understands the proportions will be important. She wants to understand the buffer, spacing and how it feels for pedestrians that are walking along. Her overall concern is taking this public space and making it private and what does it mean for the mall. This is an area for the greater public including everything from celebrations to protests.

Coudriet showed an image of the proposed plan. He pointed out where landscaping would be located. He reiterated that there is sixteen feet of space between the sidewalk and the property line. Their proposal would take up half of that. Regarding public versus private, part of the green space would be given to the owner of the unit. He believes it is currently underutilized. He doesn't believe it would be missed by the public. He believes it would still be visually appealing. Meagher added that they looked at other options without patios. They felt the lack of views and limited footprint were large enough factors that they felt the marketability of the units without those would be an issue. With weather, they felt they needed the stairwells not facing to the north. They felt one of the largest amenities that someone would want to purchase one of these condos is the view to the Mall. Coudriet added that these spaces would be more like a front porch. They aren't large enough for a lot of patio furniture. He believes the size should help to alleviate concerns.

Post stated that in looking at this today, the patio is encroaching eight feet into the right-of-way. She questioned if the City would need to give a permanent easement. Coudriet responded yes.

Quade stated that when he looks at the number of steps and size of porch, door and entrance, his guess is that if it would be recessed, it would take up around 100 square feet of area. He would tend to agree that recessed areas would have a higher degree of vagrancy. He believes that having the public/private mix is more concerning in an area where there isn't a high degree of vehicular traffic. He would be more concerned if this was closer north to the History Museum.

Bob Ripley stated that as a non-voting member, there are some things in terms of the history of this project as well as the history of the Environs that he would like to speak to. He spoke in favor of this project the last time it appeared before this Commission, and he is still in favor of it today. He appreciates preserving the façade. Many things about this project are very good. However, he has serious problems about the taking of right-of-way from the Mall. There is presently a 120-foot right-of-way. All the other exterior spaces are recessed into the building. He agrees with the idea of trying to engage the public. He

believes if you engage the space, you will activate the area. He didn't realize the ground floor spaces are only accessible from the Mall. He asked if this will be the primary entrance. Meagher responded that these units will have another access point. Ripley encouraged the Commission to seriously caution any approval of intrusion into the right-of-way. This very much affects the view of the Mall. He believes this would set a poor precedent. This would be set for any future applicant. He believes it would give others an advantage to take a little more of the right-of-way. He believes this is walking down a very slippery slope. There is a very specific reason that the right-of-way was planned at 120 feet. The more you have encroachment into the Mall, the edge could have issues. He believes in keeping the recess. Lighting can take care of security. He doesn't know that having an exterior space that projects out is any more safe or worse than a recess. He cautions about the precedent that would be set, but he is still very much in favor of the larger project.

Gebhart very much likes the project but still has issues with the encroachment into the right-of-way as well. Her concern is the design standards that happen within the space. She is concerned about what happens if someone places a flag or other decoration in the right-of-way. We can't control what happens in the private area.

Nalow is concerned about activities that would impact people's comfort in using the right-of-way. She questioned how that would be policed or addressed. She wonders how use of the space would be controlled to make a safe and comfortable environment. She pointed out the need to remember that Centennial Mall is very different than other downtown streets. Meagher responded that it would most likely be addressed through Homeowner Association restrictions. Discussions with the City could address restrictions.

Post believes Nalow has some legitimate concerns. This is a historic façade that needs preserved. She appreciates those efforts. She also appreciates the safety concerns and the balance of wanting to bring activity to the street level of the Mall. She is in support of this project. She believes this makes some sense, in this case. She would also agree that there needs to be some conditions with the easement. She would like to see the specifics. Railings, activity, what can and can't be done needs to be addressed.

Meagher stated it is their intent to have a very dignified project. It is also their intent to work with the Commission. Coudriet added that it is also their intent to not lose any programmable space, assuming that what would be right next to this building would be landscaping.

Gebhart asked if the patio spaces are the same size as the balconies. Coudriet replied that they are not.

Nalow appreciates the idea of engaging the Mall. She is very supportive of the project as a whole. She has concerns with giving up part of the right-of-way for private space. She wants to understand if these units can be accessed from the inside and if there is a direct need to have the exterior access. Could there be another solution? Meagher stated that their main concern is ultimately the marketability of the units. They anticipate the units to be rather high priced. They would see this as a reduction in marketability. It would be a loss. Nalow doesn't quite understand. The views will be there if there is a balcony or not. Meagher believes it is more the idea of a private space. With the upper units, you still have the ability to have better views to the north and south from an outdoor patio. If the patios were taken away, you have more of a view to the east, but not much to the north and south. Nalow noted that the upper floors also

have more of a view to the parking to the east. Coudriet believes the upper floors would have more of a view to the Capitol. He believes the other benefit is the reason the porches were added. It is regarding having access to some exterior space. They thought this would be a benefit to the Mall. He understands the concerns, but that was their thought. He knows there are some other things happening on the Mall that are fenced in.

Gebhart wanted to know the timeline of the project, and whether it would be possible to approve demolition now and delay approval of new construction as design details get worked through. Meagher doesn't believe the economics would make sense to move forward with demolition and not simultaneously have new construction. They will be moving forward with the south piece. He believes it would need to be handled in tandem.

Ripley pointed out there was a previous request by Farmers Mutual. The Commission wanted to see a building permit first before demolition was granted. He believes getting one before the other can add to complications. Things change. He believes the applicant premise about getting a demolition permit and new building plans in tandem is the way to go.

Quade was looking at the Centennial Mall entry as the only entry into these units. He understands now that there is another access point. He thinks some of these balconies aren't very large. He doesn't know that having four units without a projecting porch/patio would make the project non-viable. He believes they would have to be pretty high in rent to offset that.

Post is supportive of this proposal, given that the front porches would have to come back for an additional approval of what is and isn't allowed relative to the aesthetics and materials to be used. She understands there may be other Commissioners that would rather see this come back with a different design prior to any vote.

Gebhart would like to see more detail and perhaps some material modifications for the porches/patios. They don't quite compliment the building as well as they could. Meagher stated that they are proposing limestone for the face patios. They view limestone as a higher-quality product that fits well along Centennial Mall.

Nalow believes the Commission would like to see the applicant return and address comments regarding the interior access, exterior access and patios.

Quade would like to see a second floor plan and how the access will work. Perhaps recessed balconies could be shown as an option.

Gebhart stated that if this is meant to be a front porch, it feels like a back porch. She wondered if it would make sense to turn the stairs and have them lead directly to the front door. Coudriet stated they were that way initially but wanted a buffer. Meagher believes the Commission is trying to create a softer protrusion into the Mall.

Christopher stated that the goal is to find solutions that work for everyone. If the applicant is willing to take another look and come back next month, he thinks that would be the preferable option. If the applicant wants a decision today, that is something the Commission would typically oblige.

Meagher believes it makes sense to take another look. They will be back next month.

521 SOUTH 14TH STREET DISCUSSION:

Michelle Potts appeared and handed out Nebraska Legislative Resolution 271. She explained that the State can rededicate buildings, but not name them without legislative approval. The building in question is 521 S. 14th Street which is currently called the Executive Building. It houses core administrative staff and is a secure building. LB 271 has made it out of committee and to the floor. She doesn't anticipate any opposition. They have paired with Impact Nebraska and some other donors, working to rename the Executive Building to the Chief Standing Bear Justice Administration Building. They have also been looking at proposing some possible outdoor improvements associated with the new name, including a bust and a plaque honoring Chief Standing Bear. She showed an image of the bust. They decided to have it on the outside. This is a court system building and is locked down, so having the bust indoors would limit the public's access to it. She will bring this back for a Certificate of Appropriateness once the design has been finalized. They are looking at a mural and some signage on the inside of the building. She wanted to make the Commission aware this is going through the legislative process.

Post asked when it comes to naming a building if we are talking about placing a name on the outside of the building. Potts responded that for any official signage, the Legislature would need to approve it. This would allow them to change the signage. The first Nebraska administrative building was known as the 1526 'K' Building or Assurity Building. When the Legislature approves the name, they can place more signage. Dedication by the State is more of an informal renaming but doesn't allow them to place permanent signage. They will hopefully be back next month with official renderings.

Christopher stated there were no other items for discussion.

There being no further business, the meeting was adjourned at 9:25 a.m.