

## 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, April 17, 2024.*

**NAME OF GROUP:** NEBRASKA CAPITOL ENVIRONS COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Friday, April 26, 2024, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**MEMBERS IN ATTENDANCE:** Eileen Bergt, Andrea Gebhart, Delone Johnson and Kile Johnson; (Heidi Cuca, Ann Post and David Quade absent).

**OTHERS IN ATTENDANCE:** Collin Christopher, Paul Barnes and Teresa McKinstry of the Planning Department; Matt Hansen with the Nebraska Capitol Commission; Brett Daugherty, Acting Capitol Administrator; Bill DeRoin from HDR; Drew Sova with White Lotus Group; Bob Ripley; and other interested citizens.

**STATED PURPOSE OF MEETING:** Nebraska Capitol Environs Commission Meeting

Chair K. Johnson called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

K. Johnson then called for the approval of the minutes of the regular meeting held March 22, 2024. Motion for approval made by D. Johnson, seconded by Gebhart and carried 4-0: Bergt, Gebhart, D. Johnson and K. Johnson voting 'yes'; Cuca, Post and Quade absent.

### **PHASE 1 MODIFICATIONS FOR PERSHING BLOCK REDEVELOPMENT**

#### **PUBLIC HEARING:**

**April 26, 2024**

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

Collin Christopher stated that this is a project that has come before this board a number of times. The current request is to remove the previously approved rooftop screening. He thoroughly reviewed the design standards and codes. There is a

reference in the municipal code to allowing rooftop equipment above the 57' height limit if the equipment is properly set back from the facade, but no reference to requiring it to be screened. The Nebraska Capitol Environs design standards call for screening of rooftop equipment for buildings facing Capitol Square, but other areas of the district do not have similar requirements. There is also a reference in the Downtown Design Standards that speaks to rooftop screening. He doesn't believe that it really applies to this circumstance though. While the screening originally proposed is something we would love to see as an enhancement to the project, per the codes and design standards, it isn't something we can necessarily require. The applicant will give more details.

Bill DeRoin stated that the last time they were before this commission, they presented the construction documents and were ready to go to bid. They got some costs back from the contractor, and the price has gone up. Now they are trying to find the best strategies to continue moving the project forward. They have gone through a lot of things and tried to prioritize the streetscape investment. He believes that will be very attractive. One area where they saw potential opportunity was with the rooftop screening. They prepared several views from the streetscape. They wanted to prioritize the impact along Centennial Mall. Previously they had included a five foot screen around the rooftop. There is no line of sight from across the corner, as well as the view from the bike traffic lane. This is the same as from the south. They are proposing to keep the large screening that covers the electrical panels. They foresee that this will have very minimal impact to the views. This is fairly far away from Capitol Square. The units are about 24 to 25 feet back from the edge of the building line.

Bergt wasn't here when this was approved. In looking at the design for the whole site, right now, the applicant is only putting a building on the east end. She inquired what the design is for the whole site. Drew Sova stated that the Redevelopment Plan was approved in December 2022. It shows the last iteration. This has since been replatted into three lots. This is the east lot. The southern two thirds is reserved for the City of Lincoln for a redevelopment plan. On the whole, the idea is that part is reserved for a future library. The northern third is White Lotus Group property. Acquisition will occur in the next 45 days or so. They don't have any firm plans yet. They are still waiting to see how the market recovers from a commercial side. Bergt hopes it develops into a U shaped building. Sova stated it would be a standalone building. It would not attach to this one. It would also have underground parking like they are doing on their affordable housing project. They have been in talks with the City to see about expanding that for use by any future development.

Bergt wondered about parking. DeRoin showed the underground parking entrance. His team made sure that future library infill will be compatible. There will be the ability to expand this. Bergt did think the site was very tight. Sova and DeRoin both stated this is step one to get the density desired.

Bergt stated it appeared the funding was tied to Tax Increment Financing (TIF) for the screening on top. Sova stated that the screening was TIF usable. The way Lincoln Transportation and Utilities (LTU) and the project team came about the final design of the streetscape, it increased the cost. Some site improvement work has been shifted. Bergt asked if the applicant will be using TIF for the streetscape, as opposed to the roof. She would rather see the screening stay on the roof due to the Capitol building. You can still see the equipment when you are up high in the Capitol. She requested the applicant also address equipment heights. She knows every project she has been on, the heights and sizes of equipment like this tend to change during the design process. Sova does not believe the equipment will be seen from the street. As to sight lines from the Capitol, the only thing he can speak to is the visibility is in the eye of the beholder. He doesn't know if you could differentiate the screen from the units. DeRoin agreed. There are differing views. Bergt asked about the color of the units and the roof. DeRoin stated they are typically white units painted gray. Bergt encouraged the applicant to be cognizant of the color difference.

Gebhart inquired if the applicant explored the option of doing screening on the south and west sides for Capitol protection. Sova stated that on the whole, his concern would be some of the overall impact on the project itself. Interest rates are rising again. We are getting to the point where we have committed with Nebraska Investment Financing Authority (NIFA) for a delivery time. They need to make some firm commitments. They are in conversations with LTU about the streetscape. They originally had talked about keeping the sidewalk a little wider. LTU didn't think that was enough. They also talked about lane shifts. That took some funding away.

D. Johnson stated that he thinks the units are far enough back that he doesn't believe this will affect the pedestrian view. From the Capitol, you will be able to see them, but he doesn't think screening would help much. He asked if the applicant was able to provide cost savings for not screening. Sova responded that it will save around \$130,000 for not screening the units. Streetscape prices have risen. There is an unknown with the condition of the road. He doesn't believe this screening will visibly impact the view.

K. Johnson understood this to be a low income housing project. Sova stated they have committed all units to be 60 percent of Area Median Income (AMI). K. Johnson thinks that is important in this project. That being said, he doesn't want this to set a precedent. The view from the Capitol down is important.

Bob Ripley wanted to comment with regard to design standards. His recollection was that when the design standards were created, screening of rooftop equipment was a district-wide requirement and not just for the Capitol Square area. He doesn't remember that having changed. Another thing to consider is that it may not be visible from across the street, but two or three blocks away it might. From the 14<sup>th</sup> floor, it will be visible. These are not necessarily tall enough to screen something, but bear in mind, assuming this building lasts 40 to 50 years, there will be more than one mechanical

system go in. Replacement systems may not be of comparable size in the future. Everyone who drives past this building will be exposed to it. The people who live on the interior are a small percentage. Every Lincolnite will have a chance of seeing it. The ones who drive by will see it. He believes it is our responsibility as a community to make sure those elements are not impactful. He is sensitive in that he wants to see this project done and be successful. There are perhaps some alternatives available. He doesn't know if the TIF amount is fixed and can't be altered. He believes this commission has an obligation to citizens to preserve the view of the area.

Bergt believes that since the thinking is this is a new requirement or something new from what it used to be, she wondered if there are buildings that have full screening. She questioned if this would be setting a precedent. Ripley stated that the Woodman building, which is now a Nebraska State building, used to have screening. They had previously talked about trying to get some appurtenances removed from the rooftop.

K. Johnson is understanding that there are no design standards that require this in this location. Ripley read through the agenda and finds it interesting that there are no design standards for buildings outside the Capitol Square area. Perhaps the TIF could be amended? Remember this is something we are doing for the long term. This building won't have the same mechanical system in place 50 years from now. He just wanted to give a cautionary note. He believes screening would be an asset to the project, short and long term.

K. Johnson inquired other than this project, do you see any other ways this group could be more effective to encourage screening outside Capitol Square. Ripley would take another look at requiring rooftop screening for buildings outside Capitol Square. He doesn't want to see the bar lowered.

Gebhart asked if we know how many floors the new library would be. Christopher stated that the latest plan he viewed consisted of two oversized floors with a partial third floor. It will go up to the 57' height limit.

Sova stated when we are talking about the library, the whole point was to get as much density as possible. There is a natural barrier between how much depth you will see into the rooftop area of the building.

Christopher clarified if this board wanted to talk standards, there is a way to modify the Capitol Environs Design Standards. The commission could also talk about TIF projects in downtown and requiring screening for those specific projects. That doesn't change what is in front of the commission today.

Sova added in terms of notation of visibility from not just Centennial Mall but places to the east, the line of sight and impacts to visibility as you move further away are minimal. There is a law of diminishing returns. The overall aesthetics of seeing it are a negligible impact in his opinion.

K. Johnson would suggest changing design standards for the Capitol Environs District, not just around the Capitol. Christopher was suggesting changing this for all the environs or just TIF projects. If City money is going into a project, perhaps a higher level of screening could be required. These are just items to think about for the future.

Gebhart asked about a more cost effective screen. DeRoin stated the system they selected was in the range of a more economical choice. Sova agreed. In terms of value engineering and thinking about conditions interior and exterior, this isn't their first project. One thing they consider from the outset is bringing in their construction teams and considering budget. DeRoin noted they went through a very detailed process to evaluate any changes. This was a big ticket item.

Bergt stated that one thing brought up was the possibility of seeing if there was more TIF funding available. Sova has been working with the City on this for three or four years. The Redevelopment Agreement was put in place in 2022. Since then, they have been plotting the path forward and the goal has been to be within the bounds of the Redevelopment Agreement. In terms of modifications to TIF, it would not align with financing or the construction schedule. Bergt is somewhat leery when someone says they will do something and then step back from that. She doesn't know what else might be renegotiated. Sova stated the reduction in screening was impactful due to streetscape projections and rising costs. Bergt pointed out it was decided that diagonal parking on the street was more impactful than screening the units. Sova stated that unlike many affordable housing structures, they have committed to underground parking. They are building out spaces on the first floor and trying to create benefits to the residents. They talked about difficulties with affordable housing. They felt this was important to have the density in a standalone project. Screening for the rooftop equipment is not a requirement at this time.

Gebhart moved approval of an updated Certificate of Appropriateness for the proposed development with the removal of rooftop equipment screening, seconded by D. Johnson and carried 4-0: Bergt, Gebhart, D. Johnson and K. Johnson voting 'yes'; Cuca, Post and Quade absent.

#### **STAFF REPORT AND MISCELLANEOUS:**

- Christopher noted that looking ahead, the next meeting is May 24, 2024. He is expecting to have a presentation from Liz Elliott, Director of LTU on the multi-modal site that is being proposed, designed and developed. The current proposal is to be located south of this building on the block bound by 9<sup>th</sup> St., 10<sup>th</sup> St., 'G' St. and 'H' St. This is just outside the environs. His expectation is that this will go to all three Planning Department review boards; Urban Design Committee, Historic Preservation Commission and Nebraska Capitol Environs Commission, and all bodies will make recommendations. He doesn't believe a

certificate is required, but feedback is desired. We want to consider how this fits into the larger context.

Bergt inquired if the center would span the entire block. Christopher replied yes and added that the proposal is to close 'H' St. Bergt wondered about parking for County/City building employees. Christopher stated that is currently being looked at. One possibility would be to add a deck to the parking structure to the north. In the short term, they are looking at using parking garages and utilizing a shuttle system.

- Christopher stated that another project he doesn't know a lot about but could perhaps appear before this commission in June is the permanent supportive housing project being proposed at 8<sup>th</sup> and 'J' Streets. Part of that is looking at what would happen to 555 S. 9<sup>th</sup> St. It has been unoccupied for a few years. They talked about possibly demolishing the property or perhaps surplusing it. If they chose the route of surplus, they would want to present this in May and ask for a recommendation. They would ask this group to provide input.
- Christopher wanted to note a couple of projects that are moving forward. One is the switchgear project off of Centennial Mall that is under construction this week. They will do landscaping when that is completed. The other project is from last year regarding the Community Action traffic barrier. The landscaping for that project has recently been installed.
- K. Johnson suggested Christopher educate this group on corridor views. He attended a presentation the other day which he found interesting. Christopher can look into that and schedule a presentation of the design standards and what is in the code.
- Bergt stated that at the meeting last month, a project was discussed where she was asked to recommend some plants. She wanted to let everyone know that she followed up on that and offered some recommendations.

Christopher noted that Bergt had mentioned that Gro-Low Sumac was a planting that had issues. He was curious about what the problem was with that particular planting. Bergt stated that it has some disease or something getting into the root system and affecting that. When the temperature heats up in summer, the plant dies. This is happening along Antelope Valley. The University is currently taking it out. It used to be a great plant. Now it is not doing so well. She also noticed a lot of people are using Kelsey Dogwood. That is from the 1980's and 1990's. The leaves get a lot of spots. It is a plant that doesn't do very well. She gave recommendations for other ones.

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