

## 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, July 19, 2023.*

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

**DATE, TIME AND PLACE OF MEETING:** Friday, July 28, 2023, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

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

**OTHERS IN ATTENDANCE:** David Cary, Paul Barnes, Collin Christopher, Arvind Gopalakrishnan and Teresa McKinstry of the Planning Department; William DeRoin and Tim Wurtele with HDR; Drew Sova and Eric Wolfe with White Lotus Group; Greg Newport; 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 a motion approving the minutes of the regular meeting held June 23, 2023. Motion for approval made by Post, seconded by Gebhart and carried 4-0: Gebhart, K. Johnson, Post and Quade voting 'yes'; Cuca abstaining; D. Johnson and Nalow absent.

### **PHASE 1 MODIFICATIONS AT 220 CENTENNIAL MALL SOUTH**

#### **PUBLIC HEARING:**

**July 28, 2023**

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

Collin Christopher stated this application has appeared before this committee a few times. It was here most recently in February 2022 for a certificate of appropriateness for the first phase of the project. Since then, the applicant has worked to secure financing and further develop designs. As they have gone through the design process and worked with City staff on a variety of issues, a few changes were noticed from the initial approval that required them to return for an updated certificate. The changes were identified in the staff report and fall into two categories. The first is façade-related changes that the applicant will cover. The question for the Commission is whether these changes significantly impact the quality of the façade that was approved. The second change is related to setbacks for the building. This isn't something that

was really discussed at the February 2022 meeting, but there was a presumption that the building was being built to the property lines. The modified proposal shows a 3 ½' setback from S. 16<sup>th</sup> Street and a 4.5' setback on the 'M' Street and 'N' Street sides. From a design standard perspective, this is a unique case because there are overlapping standards in play that say slightly different things. The Capitol Environs standards aren't very specific with regard to setback distances and focus more on matching the setback of surrounding buildings. In this case, the setbacks of surrounding buildings are inconsistent at best. The Downtown Design Standards are a little more clear. For the majority of downtown, they say that buildings need to be built to the property line. He doesn't know that the two standards are necessarily competing, but they are different. The applicant can address their justification for why they think the setbacks are appropriate. The request is essentially a waiver to a design standard. This group has the ability to approve or deny the waiver as part of the update to the Certificate of Appropriateness. If the Committee makes a decision of denial, that would give City staff the direction to deny the waiver. The same would go for approval. City staff will abide by this Committee's decision.

K. Johnson inquired how many deviations from that design standard there have been within the last five years. Christopher doesn't have a history of how often it has happened. He would say it has happened previously, but not very often. Most of the time in downtown, there is a desire to maximize the available real estate. This is a very unique situation. There are private and public components all trying to fit on this block and complement one another. He believes this doesn't happen on a regular basis, but does occasionally when a developer is trying to keep their footings outside of the right-of-way.

William DeRoin believes that most people are familiar with the orientation of the building on the block. Fronting 16<sup>th</sup> Street, the ground level is around 17,000 to 18,000 square feet of mostly retail. Above that will be four stories of affordable housing. The building meets height requirements. That hasn't changed. Underneath will be a parking garage with a ramp off 'M' Street. The northwest parcel is owned by White Lotus Group for future development. The first update he wanted to give was a discussion on property line setbacks. Part of the reason is driven by a means of constructability. They are pushing to have all foundations on their property line. Standards say to build to the property line. This would allow the door swing to be on their property. A couple of reasons for the offset is based on project type and the model for affordable housing. They are trying to maximize the number of units they can offer in this building. There is an aspect of trying to add project types in downtown. They are trying to make this work for White Lotus Group. It is a fairly big burden to add square footage that wouldn't add value to the project. There are certain requirements needed for ventilation. They prefer that those be located within the property and not the right-of-way. It is not preferred to be located on the west side of the property. They are still working through some grade issues. They are trying to balance the first floor line. There is some slope across the site. The high point is to the north, then it drops two to three feet. They may have some need for ramping. Having the 4'6" offset would let them add that accessibility and not impact the public right-of-way.

DeRoin showed the updated design materials. He believes they are largely consistent with what was presented about one and a half years ago. The east is substantially the same. They did a palette swap. They are showing lighter brick materials on the upper floors now, with a darker brick covering the podium. He believes this is consistent with the Nebraska Capitol Environs standards. It would be a full modular face brick. They will still have dense fiber cement accent panels. They are proposing a darker trim on the

windows. He believes it to be within the context of the standards. They are still following the 57-foot height limit. There will be about four or more condensing units with screening. No change to the face brick and accent panels are being requested. He showed some renderings with street concepts. Neutral warm colors will be used throughout the project. The west façade facing Centennial Mall has some ongoing changes. They are trying to keep the same intent of the terrace area. They will need two dedicated restrooms in this area. They also need around 600 square feet of community room, along with a tenant space. Their team looked through several iterations. They didn't want to lose windows. They are keeping the smaller terrace. He thinks a larger community space and fitness space will benefit the tenants more than an oversized terrace. It will still read as open, but will be enclosed with glass. He presented some additional views of the buildings. As the library project gets developed, the view will be potentially changed. He showed a comparison of what was shown in February 2022 to the design being proposed now.

K. Johnson inquired if ultimately the change in setbacks isn't approved, how the design would be modified. Deroin answered that they would have to go back and study their options. Retail at the base is the revenue generator. They would have to look at property lines and door swings.

Drew Sova noted there were a couple of items under consideration. If all walls were moved to the lot line, that would add potentially in excess of \$1 million in construction cost. They have to take materials into consideration. The underground parking garage will be dedicated to affordable housing residents. Those aren't things that you usually see. They are trying to keep things within the budget. There is a requirement that you stay above 50 percent in utilization of tax exempt bonds when it comes to overall development cost. Modifications can be made, but they are looking at the overall setting and timing of wanting to get financing by year end. All of this within lot lines eliminates other steps.

Quade wondered if the true building footprint could shift to the northeast and nothing change. He is hearing from the applicant that it is a cost perspective challenge to add square feet. He understands that building to the property line would affect the footings, but asked if it is possible to get to the property line without adding square footage. Sova replied yes. It would create other issues such as larger footings. Quade thinks development on this block could potentially hit the property lines at all corners except the southeast corner if the building is shifted. Deroin considered that approach as well. Intake and exhaust needed to be separated. In his opinion, being able to do ramping on both ends would be more flexible and a more balanced approach. Quade understands the intake area makes sense. Real estate being taken up is the setback for doors. He wondered what the applicant would be doing with the balance of the four foot zone. More pavement or landscape? Sova expects it would be used for streetscape elements such as planters and landscaping that transition back to the public street.

Gebhart wondered if the applicant has an idea of what the intake and outtake will look like. Deroin stated the top cap could be nicely detailed. It wouldn't necessarily have to extend above the grade line.

Post was curious about the additional cost of 100-year materials. She asked if the applicant had any idea of the cost differential of typical affordable housing versus this project. Eric Wolfe stated it is hard to quantify. In general, having a below grade parking garage essentially creates a double podium. In order to do four stories above grade with street level retail, they have to create fire separation. By doing parking below, they are creating a double podium. Typically a podium is the most expensive part of construction.

The podium in the parking garage adds considerable cost. They have been negotiating with the City on the parking ramp. The intent is for it to be a common ramp to serve both the affordable housing and future City library building. There is cost associated with that as well. Typically on a multi-story building, the materials for exterior would be a permanent type of material. Typically on affordable housing, there would be a tendency to have brick as an accent material versus the main material. He believes the cost of materials is double of an alternate material. Deroin added that typically, they would use a James Hardie siding. The studs need to be a little stronger to support a heavier material. He believes it is \$7.00 to \$8.00 dollars per square foot for Hardie, and something like \$14.00 to \$20.00 per square foot for brick with the heavier support. Sova noted it is likely a six figure number. Wolfe added it is somewhere in the range of a ten to fifteen percent increase. Wolfe stated there is a considerable grade change to the site. The more room they have allows them to create an elevated landing as needed, with room for a ramp, railings and steps contained within the property boundaries. It also allows more ability to warp the cross slope of the sidewalks to accommodate the door openings. They hope to utilize that strategy on the 16<sup>th</sup> Street side. On the north and south is where the grade differential is the greatest. There is not enough setback from back of curb to the building to accommodate the grade. They will have to resort to some kind of an elevated landing or ramp. This also gives opportunities to keep door swings within the property, along with planters and landscaping. It also gives them some options to do things with the streetscape.

Cuca asked what precipitated the decision to change the exterior colors. Wolfe responded it was precipitated by looking at the surrounding context. Aesthetically, the preference was for lighter upper stories and darker colors on the lower portion. Deroin added that they looked at different options. As they got further into the design process, they settled on a lighter color.

Quade believes it looks better with this design.

Gebhart wondered if Parcel 2 has been laid out preliminarily. She asked if that parcel will need a building that is up to the property line. Sova believes that scenario will be a little different. With a margin rate of office space, he believes there is more flexibility for the details. He would guess that they would be doing commercial and retail, and would want to maximize the space. This is unique due to the affordable component. Parcel 2 would be more market rate.

Post commented that this is truly unique circumstance to have a downtown developer willingly sacrifice some of their buildable footprint.

**ACTION:**

K. Johnson supports this with the understanding that it is unique. Affordable housing cries out for some relief. Underground parking needs some help as well. He doesn't believe this is applicable to the commercial side. He moved approval of a Certificate of Appropriateness for the amended façade modifications and building setback modifications as presented, seconded by Quade.

K. Johnson stated that he believes this to be a unique situation and that this will not set a precedent for future applications. Quade agreed.

Gebhart inquired if there are any details available on the library project with regard to setbacks. Christopher knows it will be at that corner of Centennial Mall and 'M' Street. He expects they will be building to the property lines. He has seen some very conceptual renderings, but there has not been a lot of other progress to date. What is unique about the illustrations they have developed is that the second floor would cantilever a little into the right-of-way on the 'M' Street side. It will be built to the property line on the first floor. That is all very preliminary and subject to change.

Post understands that affordable housing is a priority to the City. We don't see a lot of new affordable housing in downtown. This case is a unique setting in that it is a full block, with not much variation in the setback. She will support this.

Gebhart loves the affordability aspect. The only thing that feels undefined is she is hoping to restore the property line visually with the landscaping. Sovia noted that the plan in the next few months is to come back with the streetscape. They are working with Lincoln Transportation and Utilities and Urban Development on the parking plans. They are trying to create the densification of the parking. Wolfe added that they are working with the City and civil engineers doing a traffic study. Time dictates working through all these issues. They are hoping to come up with an attractive streetscape scheme that complements the block.

Motion for approval carried 5-0: Cuca, Gebhart, K. Johnson, Post and Quade voting 'yes'; D. Johnson and Nalow absent.

#### **LANDSCAPE IMPROVEMENTS AT 1821/1843 K STREET**

##### **PUBLIC HEARING:**

**July 28, 2023**

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

Christopher stated that this project has previously received a certificate in July 2022. Then in December 2022, the applicant came back with a revised design that replaced the spherical bollards with more of a cable restraint system enhanced with landscaping. The updated Certificate was given with the condition that the landscaping plan return for review. They are looking for guidance on plant materials. It appears they are showing two rows of plantings. Streetside plantings would be evergreen shrubs (boxwoods), and the backside would consist of a row of apricot roses. He would have some concern about the boxwood if not irrigated, but they are showing drip irrigation.

Greg Newport stated they were initially looking for something that would vine across the cable system. Boxwoods should look to hide the cable system from the street. They are also creating some color on the backside for viewing from the building. Both of these plants are hardy. They will be irrigating everything. The landscaping should stay healthy and thrive.

The Commissioners all agreed that the proposal looks good.

**ACTION:**

Post moved approval of an updated Certificate of Appropriateness for the proposed work and landscape improvements as presented, seconded by Cuca and carried 5-0: Cuca, Gebhart, K. Johnson, Post and Quade voting 'yes'; D. Johnson and Nalow absent.

**BIKE RACKS IN FRONT OF 1023 LINCOLN MALL**

**PUBLIC HEARING:**

**July 28, 2023**

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

Paul Barnes stated that the Complete Streets Committee is a staff committee comprised of different departments. They have been meeting and going through the process of implementing a bike rack request program. This is part of the implementation of the bike master plan. Staff has worked with Lincoln Literacy on their request. They have several clients who arrive daily by bicycle. They moved to Lincoln Mall and are interested in having bike racks. Staff analysis speaks to how this proposal was arrived at. The parking lot is off an alley and behind the building. Staff looked at providing bike racks in the rear. There wasn't enough space. This is a multi-tenant office building. This wasn't an ideal solution. They also looked at 11<sup>th</sup> Street to the east. The parking stalls seem to be always full, independent of the time of year. They looked back to 2016. He pointed out the bike rack would be in front of the building and not in public right-of-way. They would be visible to bicyclists traveling in the bike lane in Lincoln Mall. There are existing bike racks on Lincoln Mall. They are an older design. There was a redevelopment plan for use of TIF (Tax Increment Financing) approved around 2012. They are not using TIF for this project. This is a general fund item coming from the Complete Streets Committee. There are bicyclists coming to the facility. They are parking near the front door today.

Post requested an explanation about the inverted U shape bike rack and wondered if they are safer. Barnes stated that this design gives multiple points of contact. Quade added that there is more likelihood that the bike won't be laid down on the ground.

Post looked at the Nebraska Capitol Environs design standards. She noted one guideline that says accessories are not allowed on Capitol Square. Barnes stated that bike racks are parking and we like that to be behind the building. There are garbage receptacles and other enhancements in the front. He believes this is more of an enhancement. There are bike lanes on the mall and adjacent sidewalks. He doesn't consider this the same as a utility box.

K. Johnson stated that the possible precedent bothers him a little. It seems that parking should be behind the building. It also seems that if there are two people riding bikes, they can occupy one space versus two spaces for two cars. There seems to be adequate parking for this building. He believes a parking stall could be given for bike parking. He wouldn't want to see this on any of the malls. Barnes appreciates the comments. If we were to take up a stall, we would need to work with the building owners. He is not aware that would be supported.

Gebhart wondered about bikes attached to street poles. Barnes doesn't know that the City has done a bike parking survey. We do bike counters. Gebhart pointed out that there is a bus shelter on this mall which is no different than a bike rack, in her opinion. She doesn't want to sacrifice the people focus. She encourages people to use the spaces that we are proud of. Barnes noted that in terms of the view, this is off the main view. It is a lower rack and he doesn't believe it will impose on the view.

Quade and K. Johnson discussed the location of the bus shelters in the area. Barnes stated that there are some bike racks associated with bus stops, but not at the locations in this area. There are existing racks on 14<sup>th</sup> Street. Quade questioned if the bus shelters are there, why we wouldn't consider having the bike racks near the bus shelters. Barnes noted a certain desirability for bicyclists to be within a certain distance of their location. If they were a block or more away, he doesn't believe they would be used by clients of this location. Quade understands the thinking. Regular visitors to this would know if the stalls were located behind the building. Barnes believes it is a matter of convenience.

Gebhart wondered if hypothetically these are installed, what happens next. Barnes stated if there is a higher demand, more would be put in. This is the first time this has been done with the Complete Streets Committee. We would have to look at future funding. Gebhart would like to see a more comprehensive bike approach. This is where precedent gets complicated. It is a property preference, but also a mall issue. Barnes pointed out what kind of bike infrastructure we would we want to see would need to be investigated further. Staff would request more guidance on the issue. He noted the existing bike racks are a darker bronze color. He questioned if a uniform color should be considered.

Post is torn on this. She likes to see the activation of the space and this enables it. A silver color isn't her preference. She understands the reason we want these in front is that people want to see where they park to better utilize the services of the location. People like to park in the front. Again and again, the City and design standards have made decisions to place parking in the back for a more attractive façade.

Barnes countered that vehicles are much larger and more of an impact. Bikes are more exposed to the elements and you need to park where it is more convenient. We want to encourage activating the space for people.

Post would have some concern with bike parking and if we would see more bikes utilizing the sidewalks. Barnes noted there is a bike lane adjacent to the curb. He doesn't think this would be much of a concern in this location.

K. Johnson stated that part of his thinking is visual. If we have the racks, he believes they should blend into the landscape as much as possible. He would rather have a different color as well. The Century House main door is on the south side, not the north. He thinks what is the front and back could make a difference. He inquired if the bike rack on the Capitol Square side was approved. Barnes would have to research the archives. His assumption would be yes.

Cuca wondered if scooters are being parked close to where a bike rack is. Barnes stated that is a whole other issue. He believes if it is within the geographic area, they could come here. A scooter could be parked there temporarily. They aren't locked up. They are activated with a phone app.

k. Johnson asked if the City is looking at scooter parking so they aren't all over the streets. Barnes responded that is not his area of enforcement. He doesn't believe there are scooter racks being discussed.

Post commented that while she is not a huge fan of this, she believes that she will support this. She thinks that in the future, these requests will still be viewed on a case by case basis. Overall, she likes the idea of activating the pedestrian space and the practicalities are an important enough priority. Amenities on the mall have drawbacks. There are benefits, but not without other problems. She is torn, but is going to support this. She doesn't necessarily feel like it sets a precedent.

Barnes noted that if this proposal is approved, it isn't permanent. It can always come out. He is hearing a desire from the Commissioners to do a full blown study of bike racks along the corridor. In the near term, it could help Lincoln Literacy with their needs.

Gebhart likes the idea of a study. From the Commission perspective, she believes it would be good to develop recommendations on street furniture, and extend the standards to accommodate this. This could be a recurring topic. She was curious of the durability of these bike racks.

The Commissioners expressed their belief that this does not set a precedent for Lincoln Mall.

**ACTION:**

Gebhart moved approval of a Certificate of Appropriateness for bike racks as presented, seconded by Cuca and carried 4-0: Cuca, Gebhart, Post and Quade voting 'yes'; K. Johnson voting 'no'; D. Johnson and Nalow absent.

**STAFF REPORT AND MISCELLANEOUS:**

Christopher had nothing new to report.

There being no further business, the meeting was adjourned at 9:45 a.m.