



## NEBRASKA CAPITOL ENVIRONS COMMISSION

The Nebraska Capitol Environs Commission will hold a meeting on **Friday, April 22nd, 2022**. The meeting will convene at **8:30 a.m.** in the **City Council Chambers**, Hearing Room 112 on the 1<sup>st</sup> Floor of the County/City Building, 555 S. 10<sup>th</sup> Street (10<sup>th</sup> & "K" Streets), Lincoln, Nebraska.

For more information, please contact the Lincoln/Lancaster County Planning Department at 402-441-7491.

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### AGENDA

April 22, 2022

1. Approval of meeting record of [March 25, 2022](#)

\* [Staff Memo](#) from Collin Christopher

#### Public Hearing & Action

2. Demolition and new construction work at [1432 N Street](#) (*WRK; UDR22031*)
3. Placement of new signage and a sculpture on the east side of [521 South 14<sup>th</sup> Street](#) (*State Building Division; UDR22044*)
4. [Proposed text amendment](#) to Section 27.56.140 of the Lincoln Municipal Code, which addresses the appeal process for decisions made by the Nebraska Capitol Environs Commission

#### Discussion

5. Staff updates & miscellaneous

#### Accommodation Notice

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participation in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402-441-7624 as soon as possible before the scheduled meeting date in order to make your request.

## 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. 10<sup>th</sup> 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 14<sup>TH</sup> 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. 14<sup>th</sup> 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.

To: **Nebraska Capitol Environs Commission**  
From: Collin Christopher  
Re: Agenda for April 22, 2022  
Date: March 15, 2022

**Item 2: Demolition and new construction work at 1432 N Street**

*Update: The public hearing for this item was continued from March to April. As such, the original staff memo is provided below. At that March meeting, the Commission asked the applicant to explore alternatives that would remove or recess the four porches/patios along Centennial Mall so that they did not encroach into the right-of-way. The applicant's revised proposal shows a reduction from four walk-up units on Centennial Mall to three, with each unit including a porch space that is now recessed so that it does not extend into the public right-of-way. Planning staff is of the opinion that this revised plan fully complies with the Design Standards, and recommends approval of a Certificate of Appropriateness for Demolition and New Construction without conditions.*

**Staff Memo for 1432 N Street from March 25, 2022**

The owners of the old YWCA building are requesting a certificate for both demolition and new construction at 1432 N Street. Their plan, as previously presented to the Commission, is to preserve and build around a portion of the existing building fronting N Street. The demolished portions will be replaced by a four-story building (not to exceed 57' in height) that extends out to and fronts Centennial Mall. The project will consist of 30+ condos, a retail space at the corner of Centennial Mall and N Street, and approximately 50 lower-level parking stalls.

The primary façade material is expected to be a brick or stone material with a neutral color that blends with the environs of Centennial Mall. Large windows and recessed balconies provide added transparency and visual interest to the façade.

Along the Centennial Mall side, four walk-up units are being proposed that would extend into the right-of-way. While the walk-ups and their associated patios would not impact the pedestrian pathway in this location, they would cut into the existing landscaping and blur the line between public and private use of Centennial Mall.

In February of 2022, the Historic Preservation Commission (HPC) was asked to provide an advisory review of the project to the Capitol Environs Commission. HPC voted 5-0 to approve the project. The minutes from that meeting are included in Commissioners' agenda packets for reference.

The relevant design standards and municipal code requirements for this project are provided below, followed by staff's analysis of how this project complies with the standards.

**Design Standard 9: Facades**

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New buildings in the District should be designed to enhance the setting of the Capitol and their immediate surroundings. When those surroundings have a high degree of cohesiveness, new designs should be compatible with their setting, strengthening the visual relationships found among existing buildings and landscape features. In areas that lack cohesion, designs should be proposed that offer themes and patterns that can be further expanded in future development.

Brick, stone, or other richly textured, highly durable masonry is desirable for building exteriors on Capitol Square, Centennial Mall, and Lincoln Mall. Permanence should be an overriding characteristic in the choice of exterior materials. Colors should be drawn from a muted palette of warm, earth tones or shades of white, with the context of surrounding buildings as a guide.



In the rehabilitation of existing buildings, retention of high quality materials and use of new, durable, and high quality materials is also desirable.

#### **Guideline 9.1:**

Proposals for new buildings should strengthen interrelationships among buildings within a specific setting, while encouraging variations. Features that contribute to compatibility among buildings include similarities in:

- alignment and setback;
- spaces between buildings;
- silhouette, including height and roof pitch;
- building base--relationship of building to ground or site;
- materials and material scale;
- mass and scale;
- building shade and shadow pattern from massing;
- permanence and durability, with 100 year "life cycle" expected facing Capitol Square and 75 year "life cycle" expected on Centennial and Lincoln Malls;
- entrance position, scale, and features;
- color, finish, and texture;
- size, type, and proportion of openings;
- ornamentation and detail, particularly at street level and in the residential areas;
- landscape design and features;
- cornice heights.

#### **Guideline 9.4**

The Commission encourages the use of walls, gates, building bases, or landscape features to integrate architectural mass and the street environment.

#### **Guideline 9.5**

Metal is not a suitable primary material for building exteriors in the District.

#### **Guideline 9.6:**

Non-concrete stucco-like materials are discouraged from use on Capitol Square or Centennial and Lincoln Malls, especially on ground floors.

#### **Guideline 9.7:**

Wood is not a suitable primary material for building exteriors on Capitol Square or Centennial and Lincoln Malls.

#### **Guideline 9.9:**

Roof drainage for buildings on Capitol Square shall not be positioned beyond the facade line facing the Capitol.

### **Guideline 9.10:**

On Centennial and Lincoln Malls, balconies, terraces, and other indoor/outdoor elements should be set back from the main plane/built-to line of the mall facade.

### **Design Standard 10: Walls and Fences**

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Those properties facing Capitol Square or one of the Malls that are not currently developed with buildings, or where existing buildings are set back further than the "build-to" line, interrupt the "edge" of the space they help define. It is desirable to improve these properties by installing permanent, high-quality decorative fences, walls, or hedges at the defined "built-to" line, with due consideration for security and screening (especially of parking lots).

### **Guideline 10.1:**

Fences along the edges of the Malls should be six (6) feet in height.

### **Guideline 10.2:**

Fences need not be solid to define the Mall edge, but should be continuous. Wrought iron fences with brick piers are very suitable "edge definers" on Capitol Square and along the Malls.

### **Design Standard 12: Reinforcing the Edges of the Malls**

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The Malls should provide dignified pedestrian and vehicular environments, with well-defined edges and a variety of Capitol views. To reinforce the edges of the District's spaces, it is essential that new buildings be oriented to their respective Mall, or to Capitol Square, and that new buildings have a consistent setback.

### **Guideline 12.1:**

For new buildings constructed on property in the Capitol Environs District **not** facing Capitol Square but fronting one of the Malls, new buildings must be constructed with a well-defined eave or cornice line at least 30 feet in height on Centennial or Lincoln Mall and at least 20 feet in height on Goodhue Boulevard, J Street/West, and J Street/East.

### **Guideline 12.2:**

The principal elevation of new buildings constructed on property that fronts on a Mall but does not front on Capitol Square must be oriented towards that Mall, including primary entrance and fenestration.

### **Guideline 12.3:**

The principal facade of new buildings constructed on property facing Centennial or Lincoln Mall must be located on the property line towards the Mall. This guideline does not preclude use of courtyards or recessed entries as features when the full height of the main portion of the building clearly reinforces the desired edge. When the edge is strongly reinforced by a wall or landscape feature, a front yard may be considered.

### **Design Standard 13: Buildings on and North of Centennial Mall**

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Centennial Mall should be maintained and improved as an area of private and governmental offices and services, providing important links between the Capitol, the downtown core, and the UNL City Campus. The

Campus portion of the District, bounded by R and S Streets and North 14<sup>th</sup> and 16<sup>th</sup> Streets, should be developed and maintained with high-quality buildings within the District’s height limits.

**Guideline 13.1:**

The Scottish Rite Temple (NR, 332 Centennial Mall South), the YWCA (NR, 1432 N St.) and the Nebraska State Historical Society Headquarters (NR, 1500 R St.) are the premier historic structures on Centennial Mall and are listed on the National Register (NR) of Historic Places; they should be preserved and maintained.

**Chapter 27.56 CAPITOL ENVIRONS DISTRICT**

**27.56.030 Height of Buildings in Capitol Environs Area.**

Notwithstanding the zoning on the property or the other rules and regulations of this title, there shall be established the following maximum heights for buildings and structures located in the shaded area on the Capitol Environs District Height Regulations Map.

- a. No building located within this district shall exceed the building height limit as shown on the Capitol Environs District Height Regulations Map, or the maximum building height permitted in the underlying zoning district, whichever is less.
- b. Any of the appurtenances listed in Section 27.72.110(b) of this title may not exceed twenty feet in height above the maximum permitted in subsection (a) hereof. In addition, all of said appurtenances must be set back a minimum of fifteen feet from all faces of a building when said faces are adjacent to a street. (Ord. 20416 §2; December 19, 2016: prior Ord. 12935 §3; June 9, 1980: Ord. 12571 §279; May 8, 1979).

**27.72.110 Exceptions to the Height Requirements**

- b. **Necessary Mechanical Appurtenances.** All necessary mechanical appurtenances located on top of a building, and Solar Energy Conversion Systems and Wind Energy Conversion Systems located on top of a building, are exempt from the height regulations contained in this title as follows:
  - 1. No such appurtenances, nor any Solar Energy Conversion System or Wind Energy Conversion System located on top of a building, may exceed twenty feet in height above the maximum permitted in the district in which they are located;
  - 2. All of said appurtenances, and any Solar Energy Conversion System or Wind Energy Conversion System located on top of a building, must be set back a minimum of fifteen feet from all faces of a building when said faces are adjacent to a street.

Overall, the proposed project falls in line with the Capitol Environs Design Standards – as wells as the Municipal Code requirements for rooftops – and will add great value to Centennial Mall and the larger Capitol Environs District. The one concern, which has been previously raised by the Commission, is the proposal to include four walk-up units along the Centennial Mall side whose patios extend into the public right-of-way of the Mall. While use of public right-of-way for a private use would require a separate agreement with the City, it could potentially be accommodated. The more important questions to be considered by the Commission are the following:

- 1) **Do the proposed walk-up units conflict with the intent of the Capitol Environs Design Standards?**
- 2) **Do the proposed walk-up units negatively impact the design intent of Centennial Mall?**

In regards to the first question, the proposed walk-ups would appear to be in some conflict with Guideline 9.10, which has been copied again below:

### Guideline 9.10:

On Centennial and Lincoln Malls, balconies, terraces, and other indoor/outdoor elements should be set back from the main plane/built-to line of the mall facade.

While this guideline is not definitive, it does encourage indoor/outdoor elements to be set back from the built-to line of the Mall. Though the upper floor balconies do comply with this guideline, the first floor porches do not. On the other hand, the first floor would be the one level where a deviation from the guideline might be appropriate if it was determined that the indoor/outdoor elements do not interfere or conflict with the Centennial Mall experience or views to the Capitol.

Though it does not appear that views to the Capitol are compromised by these patio features, their impact on Centennial Mall (Question #2) is a little more subjective. Physically, the primary pedestrian walk will remain intact and the landscaping between the walk and the property line will only be moderately reduced. Maybe more importantly though, the relationship between the building and Centennial Mall will be defined – at least in part – by the existence of the patios.

To some extent, the patios are not substantially different than a sidewalk café that might be allowed in this area, such as the Pickleman’s sidewalk café at the northwest corner of Centennial Mall and O Street. Both are using a public space for a private use. The difference of course, is that a sidewalk café associated with a restaurant or coffee shop is exceedingly more accessible to the general public than a patio for a private residence. On the other hand, the space that these patios would occupy is currently just landscaped and not especially accessible as it is. So, a case could be made that a design that effectively incorporates thoughtful landscaping into the spaces between the walk-ups and the primary pedestrian pathway could be considered an acceptable solution. Part of that landscape solution should be to preserve any of the overstory trees in the right-of-way that can realistically be preserved, and to potentially plant or relocate additional trees to offset those that must be removed.

One other item to consider is the color and material finish of the patios. They are shown in the provided imagery as being a beige color that deviates from the façade color. It may be more appropriate to try to adjust the color and material finish of the vertical walls of the porches to better match or complement the façade treatments.

In the end, staff is of the opinion that this project will greatly benefit Centennial Mall and preserve an important piece of downtown Lincoln’s architectural history. And though the walk-up units do not fall in line with the strictest interpretation of the design standards, it is well within this Commission’s authority to either approve the proposal as is or attach conditions to the approval that both the Commission and Developer can agree to.

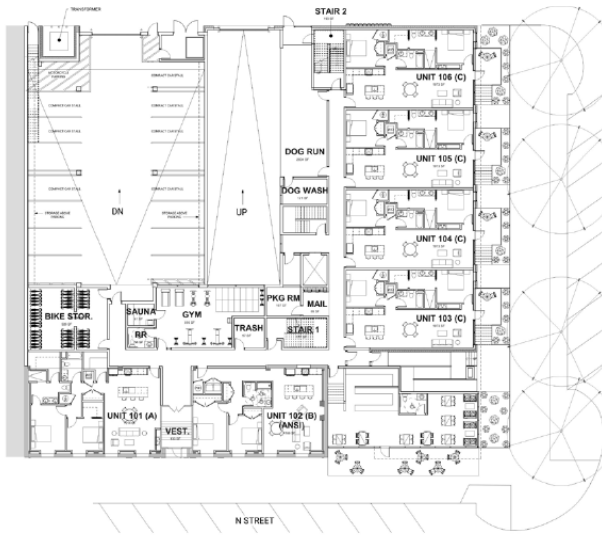
Under Section 3 (Review Practices) of the Capital Environs Design Standards, it is expressly stated that, ***“The Commission may approve projects which are not in strict conformance with this document, based on findings that the applicant has developed a design solution which meets the spirit and intent of the Capitol Environs Ordinance. Those areas within the District which do not face Capitol Square or one of the Malls have less impact on the Capitol. In evaluating specific projects in light of this document, the spirit of the Design Standards carries more weight than the letter of the Guidelines.”***

*Recommended Finding:* The proposed plans for demolition and new construction at 1432 N Street generally comply with the Capitol Environs Design Standards, except for the extension of the proposed porches into the Centennial Mall right-of-way. While said porches do not meet the standards in the strictest sense, specific conditions that preserve and enhance the landscaping around the porches should serve to appropriately mitigate any negative impacts the porches might present.

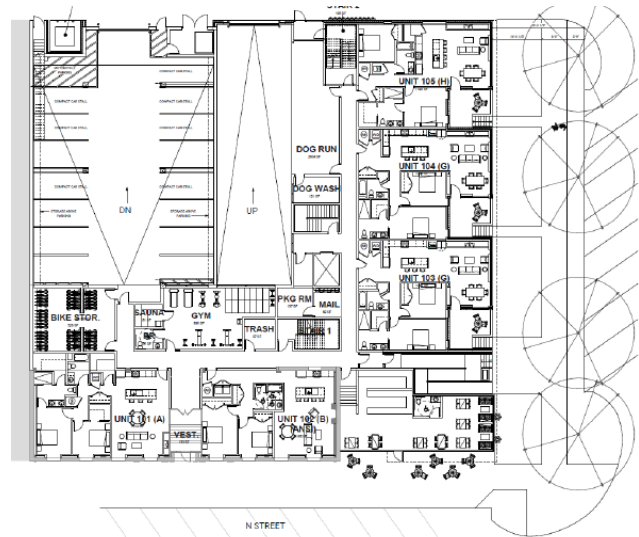
*Recommended Action:* Approval of a Certificate of Appropriateness for demolition and new construction at 1432 N Street, with conditions agreed to by the applicant and the Capitol Environs Commission related to the construction of porches extending into the Centennial Mall right-of-way.



The perspective above, looking northwest from the intersection of Centennial Mall S and N Street, illustrates the developer’s proposal to preserve the south façade and incorporate a portion of the existing YWCA building into a new four-story building that will include condos and a corner retail space.



Former Patio Design



New Patio Design

*The graphic above shows the original patio design on the left and the new proposal on the right. While the original design encroached about eight feet into the right-of-way, the new design is recessed and does not include any encroachment.*

### Item 3: 521 South 14<sup>th</sup> Street

The State Building Division is requesting a certificate to add new signage and a sculpture and plaque along the east side of what is currently known as The Executive Building at 521 S 14<sup>th</sup> Street. The new signage would serve to rename the building the Chief Standing Bear Justice Administration Building. The sculpture, which will sit just north of the east entrance, will be a bust of Chief Standing Bear. It will sit on a pad of concrete and decorative paving and be surrounded by two plaques that will read as follows:

*From his birth on the banks of the Niobrara River in Nebraska until his death in 1908, Chief Standing Bear spent his life in a constant struggle to gain equality and justice for our nation's Native Americans. Chief Standing Bear and the Ponca Tribe were forced in 1877 by federal treaty to leave their homeland in Nebraska for Indian Territory in what is now Oklahoma. The hardship of travel, illness, and the conditions of Indian Territory caused many members of the tribe to perish, including Chief Standing Bear's son. Determined to bury his son in his homeland, Chief Standing Bear led thirty members of his tribe back to their home in Nebraska, where he was arrested by federal authorities. At his trial, Standing Bear advocated for the dignity and personhood of all Native Americans, and won his release. In July of 2022 the State of Nebraska unveiled the Standing Bear sculpture, created by artist Benjamin Victor, to commemorate the dedication of the Chief Standing Bear Justice Administration Building. It was the hope of all present that the sculpture and building will serve as an enduring reminder to future generations of Chief Standing Bear's legacy to the cause of justice.*

Reviewing the Capitol Environs Design Standards, limited guidance is provided relative to new signage:

### **Design Standard 6: Signs**

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Signs addressing Capitol Square or one of the Malls shall be reviewed by the Commission for overall compatibility, durability, and high quality.

In regard to the Chief Standing Bear bust, it could be considered either a monument or a piece of public art per the Design Standards. Below is the guidance provided for both:

### **Design Standard 3: Memorials and Monuments**

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Installation of monuments and memorials shall be based on the symbolic program established at the Capitol. Capitol Square is considered a complete and finished design, and therefore no memorials shall be added to the Capitol grounds. The Capitol itself is a memorial and has integral memorial spaces (the Nebraska Hall of Fame and Memorial Hall). Memorials may be considered for addition to the Malls, within their overall design guidelines, assigning memorials of statewide or national significance to Centennial Mall, and individual memorials to the other malls.

#### **Guideline 3.1:**

Addition of memorials and monuments facing Capitol Square (not on the Capitol grounds) and on the Malls will be evaluated within the same guidelines as other improvements such as buildings and landscape features, stressing compatibility with setting, high-quality design, and appropriate materials.

### **Design Standard 4: Public Art**

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Public art can enliven an urban environment, enrich pedestrian experience, and stimulate interaction between artist and viewer. In the District, public art, like all other improvements, is subordinate to the overall purpose of enhancing the Capitol. The Commission encourages the addition of public art to the District, while applying the same standards of fitness to place and quality of materials required of other improvements.

#### **Guideline 4.1:**

Proposals for placement of public art in the District should consider and describe the relationship of proposed works to their immediate surroundings and to the Capitol.

#### **Guideline 4.2:**

*Two types of public art which may be appropriate in the District are:*

- *monumental works, of national or international significance;*
- *pedestrian-scale works.*

#### **Guideline 4.3:**

Mall master plans may identify specific locations for public art, and works may be commissioned or purchased to strengthen the context of these locations.

**Guideline 4.4:**

Poorly maintained public art is detrimental to the District. Works should not be installed (whether acquired by gift or purchase) unless accompanied by an endowment for long-term maintenance.

**Guideline 4.5:**

Temporary installations of public art which are not part of a Mall’s master plan may be appropriate within the Capitol Environs District if located so as not to face a Mall or Capitol Square.

In considering both the new signage and the Chief Standing Bear bust, the primary considerations appear to be the selection of high-quality, durable materials and designs that fit their surroundings. Long-term maintenance is also a factor, especially for the bust and plaques. Though City staff does not have any major concerns about this proposal beyond long-term maintenance considerations, its location along the perimeter of Capitol Square means that the interaction/relationship with the Capitol is an important one to weigh. The opinion of the Capitol Administrator should be appropriately considered prior to any action.

*Recommended Finding: The proposed placement of new signage and a Chief Standing Bear sculptural bust generally comply with the Capitol Environs Design Standards.*

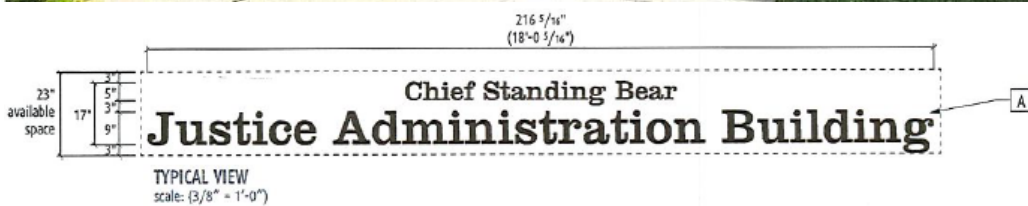
*Recommended Action: Approval of a Certificate of Appropriateness for placement of new signage and a sculptural bust on the east side of 521 S 14th Street.*



Copyright Benjamin Victor Studios. All rights reserved.

*The above rendering shows the proposed Chief Standing Bear bust to be located just north of the east entrance at 521 S 14<sup>th</sup> Street.*





*New signage on the east façade at 521 S 14<sup>th</sup> Street will serve to rename The Executive Building to the Chief Standing Bear Justice Administration Building.*

**Item 4: Text amendment to Section 27.56.140 of the Lincoln Municipal Code**

Per the suggestion of Bob Ripley and Matt Hansen from the Office of the Nebraska Capitol Commission, City staff is recommending a text amendment to the Lincoln Municipal Code meant to address the appeal process for government entities wishing to appeal a decision of the Capitol Environs Commission. As this section is currently written, appeals by government units are heard by the Nebraska Department of Administrative Services. The draft amendment proposes that the State’s Capitol Commission become the appeals body for Capitol Environs decisions. As Mr. Ripley stated in bringing this amendment forward, “The Nebraska Capitol Commission is chaired by the Governor and Commission membership represents all three branches of State government...since 2004, this body has acted as the State’s official owner/policymaker for the Capitol, which was not the case when the original language was written into the Lincoln Municipal Code in the mid-late 1980s.”

As a reminder, the Nebraska Capitol Commission consists of the following membership:

- Governor
- Speaker of the Legislature
- Chief Justice of the Supreme Court
- Historical Society Director
- Dean of UNL College of Architecture
- Three (3) citizens, representing each of the Congressional Districts

Text amendments to the Lincoln Municipal Code and Design Standards must be reviewed by the Planning Commission and then approved by the City Council. Before those steps can take place, the Capitol Environs Commission must first hold a public hearing and recommend approval of any amendments impacting the procedures or reviews of the Commission.

The revised language is copied below:

## **LINCOLN MUNICIPAL CODE**

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### **TITLE 27 ZONING**

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#### **Chapter 27.56 CAPITOL ENVIRONS DISTRICT**

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##### **27.56.140 Appeal.**

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Any council member, the Mayor, or any person aggrieved by any order, approval, disapproval, or other decision issued by the Nebraska Capitol Environs Commission or the Planning Director may appeal such order, approval, disapproval, or other decision to the City Council by filing a written appeal with the City Clerk within fourteen days of the date of such decision, except that governmental units may opt to appeal actions of the Nebraska Capitol Environs Commission or the Planning Director to the ~~Nebraska Department of Administrative Services~~ **Capitol Commission** by so indicating at the time of filing the appeal with the City Clerk and by giving notice of such intent to the ~~Building Division of the Nebraska Department of Administrative Services~~ **Office of the Nebraska Capitol Commission**. Such appeal shall fully state the order, approval, disapproval, or other decision appealed from, the date thereof, and the facts of the matter. (Ord. [20108](#) §4; November 17, 2014: prior Ord. [16698](#) §5; November 14, 1994).

*Recommended Finding:*        *The proposed text amendment to the Lincoln Municipal Code improves the appeal process for government entities wishing to appeal a decision by the Capital Environs Commission by redirecting appeals to the Capitol Commission.*

*Recommended Action:*       *Recommendation of approval for the proposed text amendment to the Lincoln Municipal Code.*

<https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/NCEC/REPORTS/2022/04-April/2022aprilmemo.docx>

# YWCA Project Discussion

4/22/2022



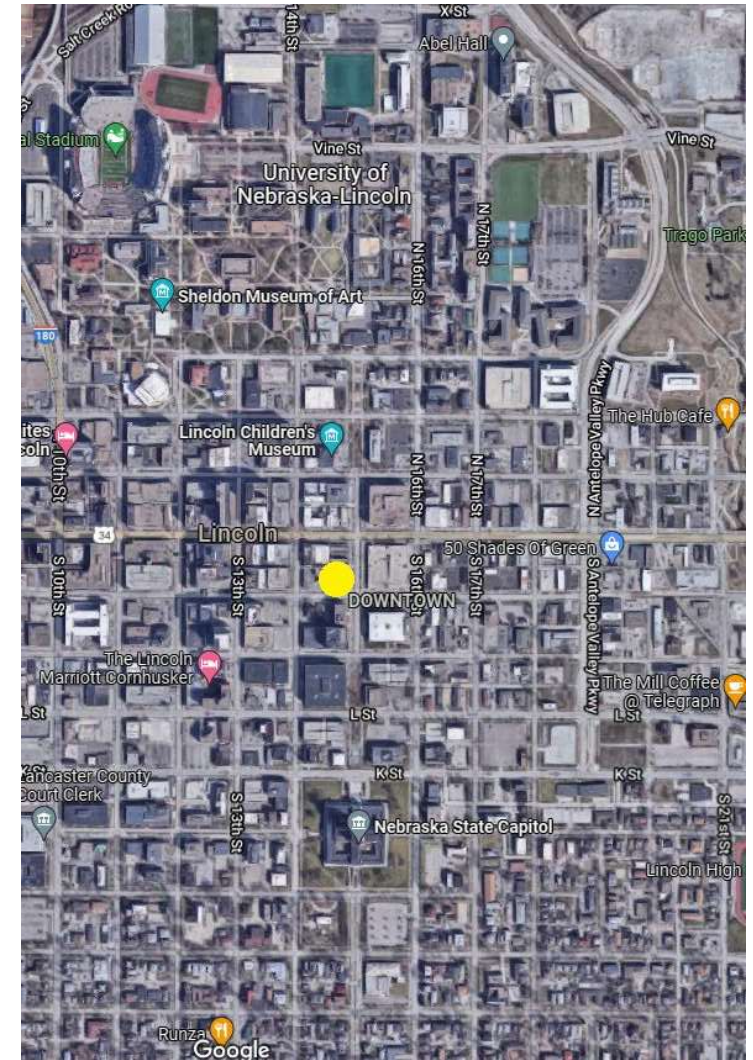
**BVH**ARCHITECTURE

# Site Overview / Current

- Site
  - Address: 1432 'N' Street
  - Midpoint of Centennial Mall between Capitol & UNL's Campus
  - 21,300 SF (.49 acres)
- Building
  - Constructed in 1932
  - Three-Story + Lower Level: Approx. 11,000 SF floorplates (37,000 SF total)
  - H-Shaped Brick Construction with Limestone Trim
  - Symmetrical main (south) façade with 9 bays & Georgian Revival Detailing



4/22/2022



# Project Overview / Design



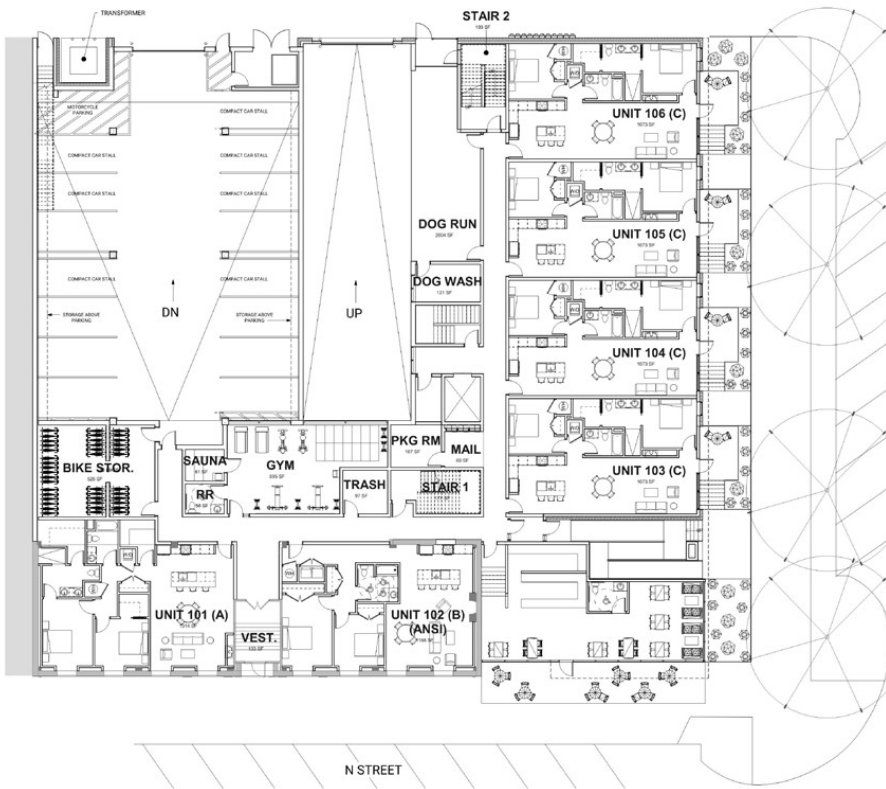
Former Draft Rendering – Old Patio Design

4/22/2022

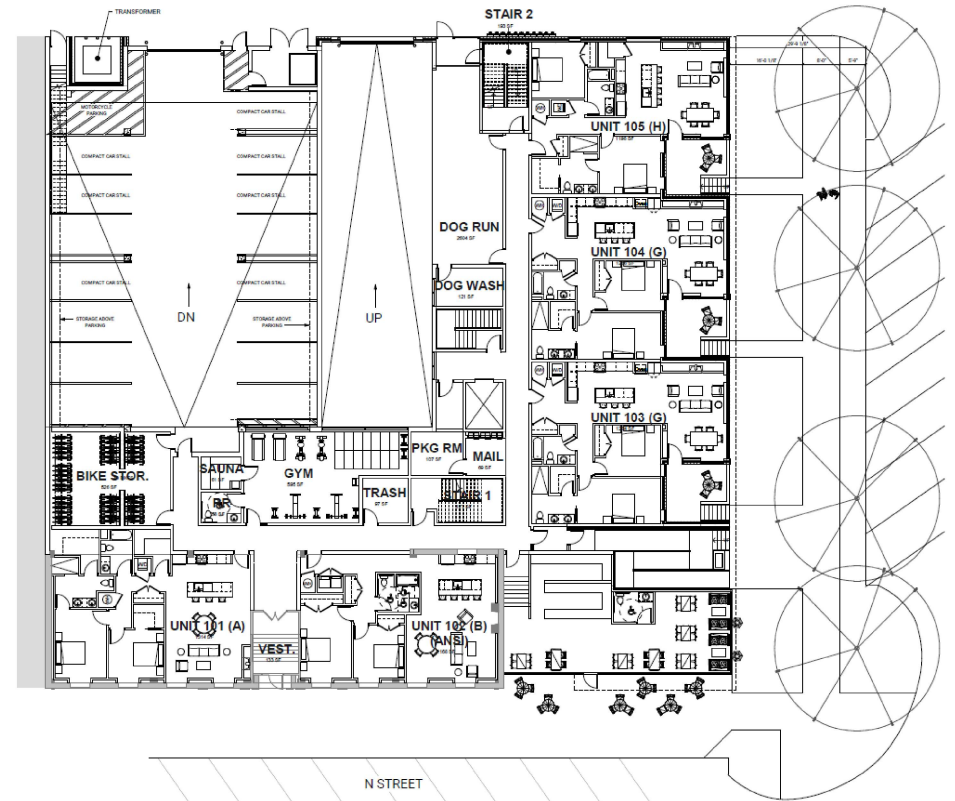
3

# Project Overview / Patio Alterations

First Level



Former Patio Design

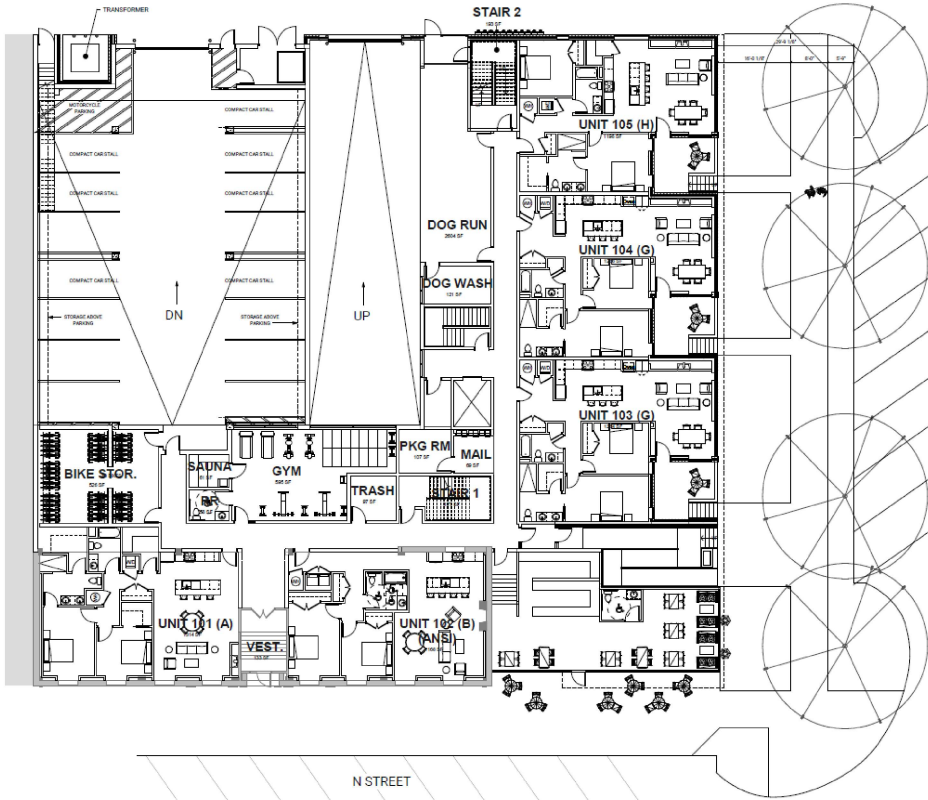


New Patio Design

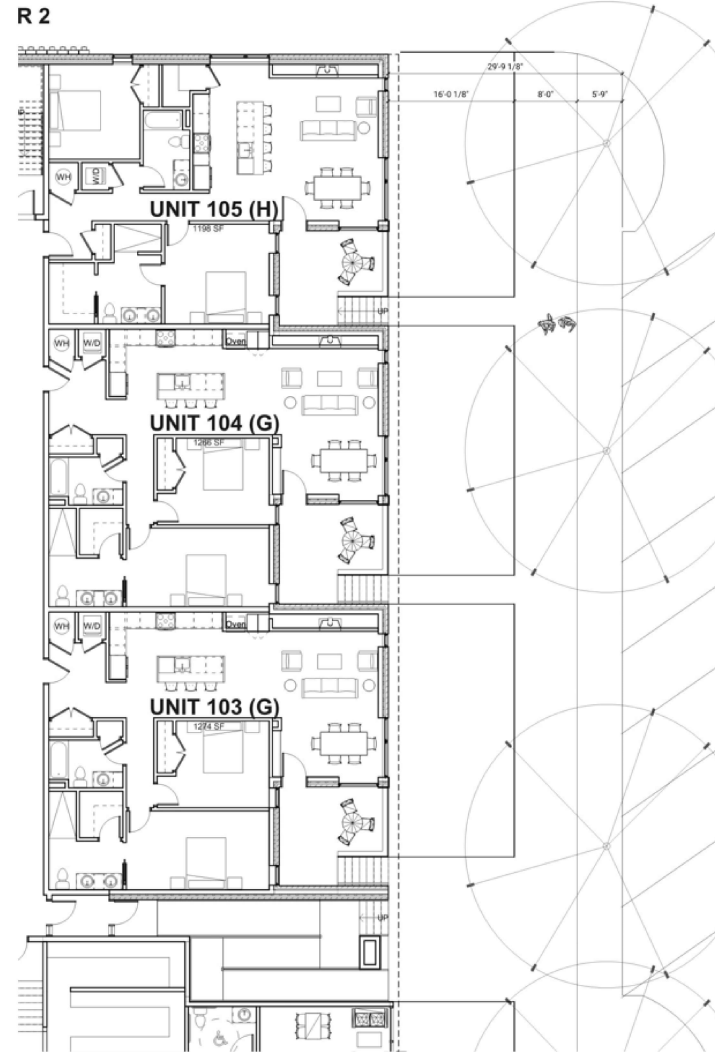
4/22/2022

4

# Project Overview / New Patio Design



*First Floor Plan*



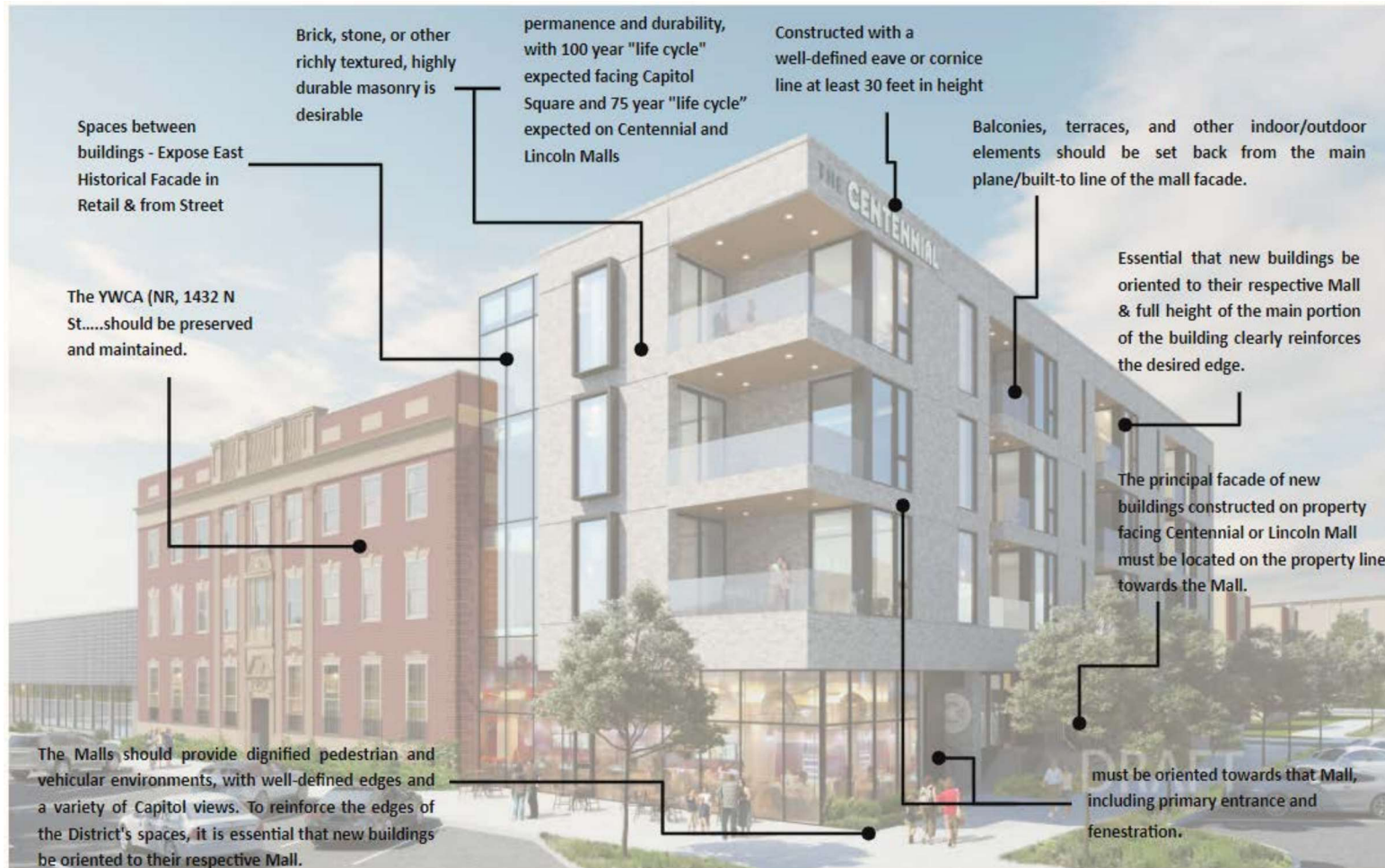
*Zoomed In View*

4/22/2022





# Downtown Masterplan & Capitol Environs / Compliance & Enhancement

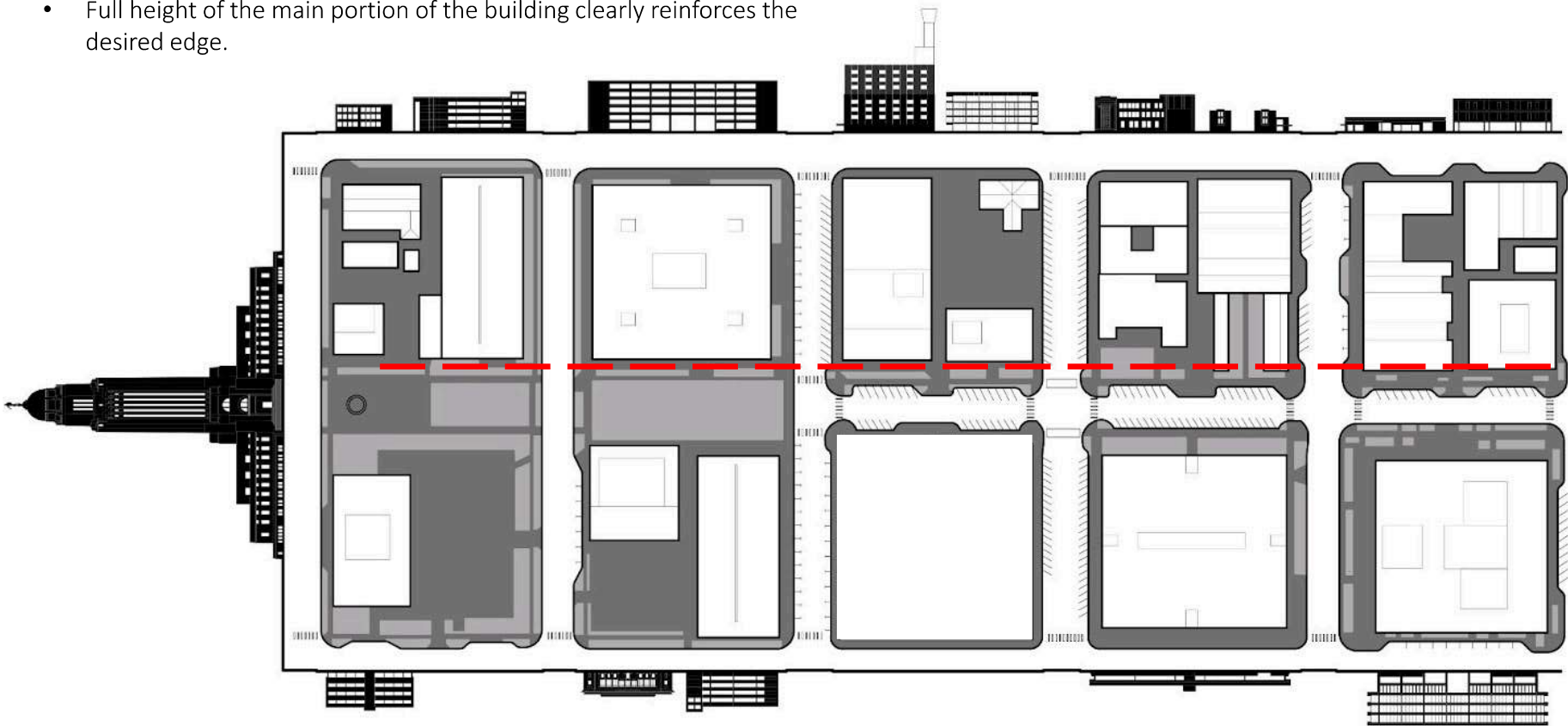


4/22/2022

7

# Downtown Masterplan & Capitol Environs / Compliance & Enhancement

- Full height of the main portion of the building clearly reinforces the desired edge.

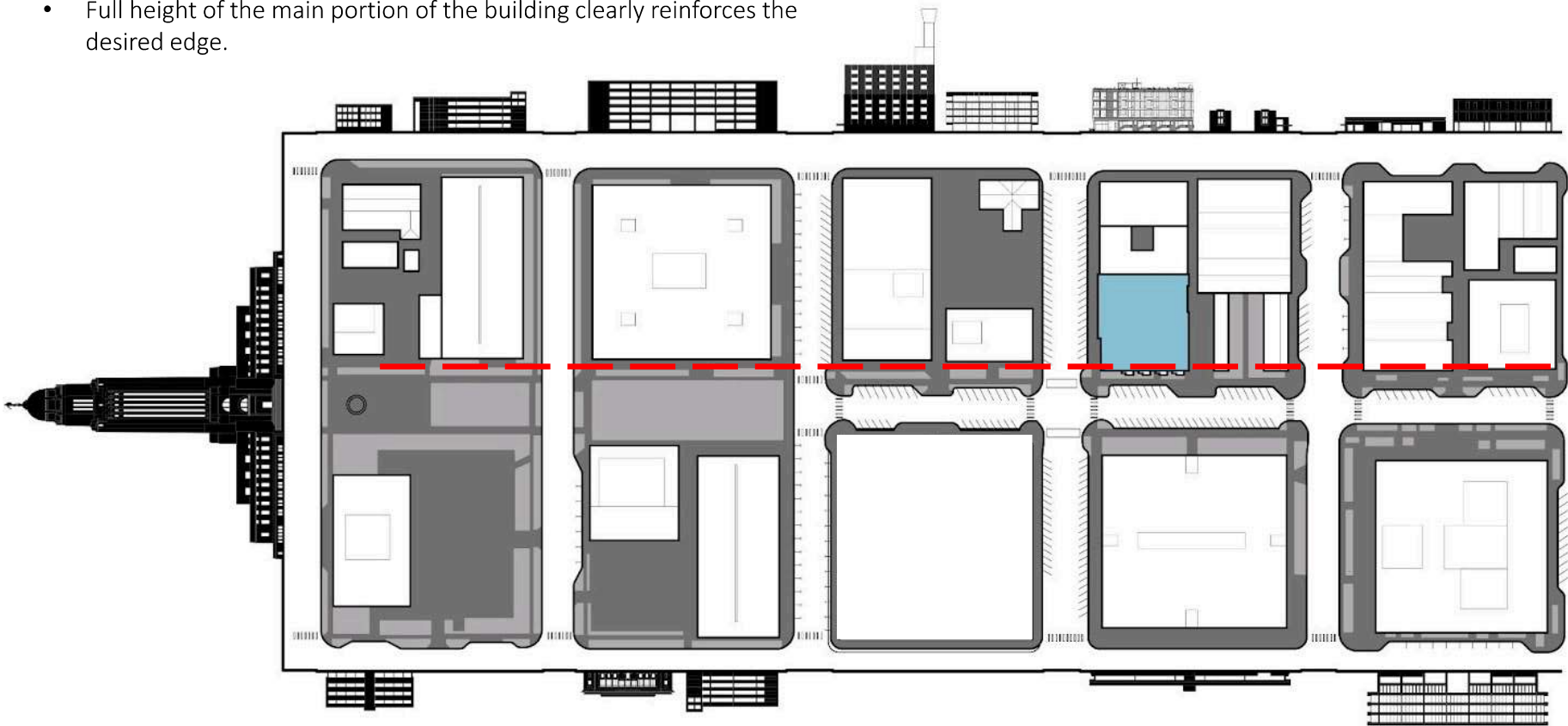


4/22/2022

8

# Downtown Masterplan & Capitol Environs / Compliance & Enhancement

- Full height of the main portion of the building clearly reinforces the desired edge.



4/22/2022

9

# Downtown Masterplan & Capitol Environs / Compliance & Enhancement



*East Elevation – Does not show newly updated Patios*

4/22/2022

10

# Downtown Masterplan & Capitol Environs / Compliance & Enhancement

new designs should be compatible with their setting, strengthening the visual relationships found among existing buildings and landscape features

**Brick, stone,** or other richly textured, highly durable masonry is desirable

Colors should be drawn from a **muted palette** of warm, earth tones or shades of white



# Downtown Masterplan & Capitol Environs / Compliance & Enhancement

## Guideline 9.1:

Proposals for new buildings should strengthen interrelationships among buildings within a specific setting, while encouraging variations. Features that contribute to compatibility among buildings include similarities in:

- alignment and setback;
- spaces between buildings;
- silhouette, including height and roof pitch;
- building base--relationship of building to ground or site;
- materials and material scale;
- mass and scale;
- building shade and shadow pattern from massing;
- permanence and durability, with 100 year "life cycle" expected facing Capitol Square and 75 year "life cycle" expected on Centennial and Lincoln Malls;
- entrance position, scale, and features;
- color, finish, and texture;
- size, type, and proportion of openings;
- ornamentation and detail, particularly at street level and in the residential areas;
- landscape design and features;
- cornice heights.



# Downtown Masterplan & Capitol Environs / Compliance & Enhancement

## Guideline 9.4

The Commission encourages the use of walls, gates, building bases, or landscape features to integrate architectural mass and the street environment.

## Guideline 9.5

**Metal** is not a suitable primary material for building exteriors in the District.

## Guideline 9.6:

**Non-concrete stucco-like materials are discouraged** from use on Capitol Square or Centennial and Lincoln Malls, especially on ground floors.

## Guideline 9.7:

Wood is not a suitable primary material for building exteriors on Capitol Square or Centennial and Lincoln Malls.

## Guideline 9.9:

Roof drainage for buildings on Capitol Square shall not be positioned beyond the facade line facing the Capitol.



# Downtown Masterplan & Capitol Environs / Compliance & Enhancement

## Guideline 9.9:

Roof drainage for buildings on Capitol Square shall not be positioned beyond the facade line facing the Capitol.

## Guideline 9.10:

On Centennial and Lincoln Malls, **balconies, terraces,** and other indoor/outdoor elements should be **set back from the main plane**/built-to line of the mall facade.

## Design Standard 10: Walls and Fences

Those properties facing Capitol Square or one of the Malls that are not currently developed with buildings, or where existing buildings are set back further than the "build-to" line, interrupt the "edge" of the space they help define. It is desirable to improve these properties by installing permanent, high-quality decorative fences, walls, or hedges at the defined "built-to" line, with due consideration for security and screen

## Guideline 10.1:

Fences along the edges of the Malls should be six (6) feet in height.





# Downtown Masterplan & Capitol Environs / Compliance & Enhancement

## Guideline 10.2:

Fences need not be solid to define the Mall edge, but should be continuous

## Design Standard 12: Reinforcing the Edges of the Malls

The Malls should **provide dignified pedestrian and vehicular environments, with well-defined edges** and a variety of Capitol views. To reinforce the edges of the District's spaces, it is **essential that new buildings be oriented to their respective Mall**, or to Capitol Square, and that new buildings have a consistent setback.

## Guideline 12.1:

For new buildings constructed on property in the Capitol Environs District **not** facing Capitol Square but fronting one of the Malls, new buildings must be **constructed with a well-defined eave or cornice line at least 30 feet in height** on Centennial or Lincoln Mall and at least 20 feet in height on Goodhue Boulevard, J Street/West, and J Street/East.



# Downtown Masterplan & Capitol Environs / Compliance & Enhancement

## Guideline 12.2:

The **principal elevation** of new buildings constructed on property that fronts on a Mall but does not front on Capitol Square **must be oriented towards that Mall, including primary entrance and fenestration.**

## Guideline 12.3:

The **principal facade of new buildings** constructed on property facing Centennial or Lincoln Mall **must be located on the property line towards the Mall.** This guideline does not preclude use of courtyards or recessed entries as features when the **full height of the main portion of the building clearly reinforces the desired edge.** When the edge is strongly reinforced by a wall or landscape feature, a front yard may be considered.

## Design Standard 13: Buildings on and North of Centennial Mall

Centennial Mall should be maintained and improved as an area of private and governmental offices and services, providing important links between the Capitol, the downtown core, and the UNL City Campus. The Campus portion of the District, bounded by R and S Streets and North 14<sup>th</sup> and 16<sup>th</sup> Streets, should be developed and maintained with high-quality buildings within the District's height limits.



# Downtown Masterplan & Capitol Environs / Compliance & Enhancement

## Design Standard 13: Buildings on and North of Centennial Mall

Centennial Mall should be maintained and improved as an area of private and governmental offices and services, providing important links between the Capitol, the downtown core, and the UNL City Campus. The Campus portion of the District, bounded by R and S Streets and North 14<sup>th</sup> and 16<sup>th</sup> Streets, should be developed and maintained with high-quality buildings within the District's height limits.

### Guideline 13.1:

The Scottish Rite Temple (NR, 332 Centennial Mall South), **the YWCA** (NR, 1432 N St.. and the Nebraska State Historical Society Headquarters (NR, 1500 R St.) are the premier historic structures on Centennial Mall and are listed on the National Register (NR) of Historic Places; they **should be preserved** and maintained.



Questions?

ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE RESOLUTION 271**

Introduced by Brewer, 43; Pansing Brooks, 28.

WHEREAS, Nebraskans value the history of this state and the men and women who have shaped our history; and

WHEREAS, Nebraskans appreciate and respect the sacrifices of our military servicemen and servicewomen, as well as the families that support them; and

WHEREAS, Nebraska is working to become the most military and veteran-friendly state in the nation; and

WHEREAS, Nebraska has a proud military history predating the Civil War; and

WHEREAS, The First Regiment Nebraska Volunteer Infantry proudly fought on behalf of the Union during the Civil War; and

WHEREAS, The state should do all it can to honor past and present military members; and

WHEREAS, from his birth on the banks of the Niobrara River in Nebraska until his death in 1908, Chief Standing Bear spent his life striving to gain equality and justice for Native American people; and

WHEREAS, following the Treaty of 1868, Chief Standing Bear and the Ponca Tribe were forced by the federal government to leave their homeland in Nebraska for Indian Territory in present-day Oklahoma; and

WHEREAS, the hardships of travel, illness, and the conditions of Indian Territory caused many members of the Ponca Tribe to perish, including Chief Standing Bear's son; and

WHEREAS, determined to bury his son in his homeland, Chief Standing Bear led thirty members of his tribe back to their home in Nebraska; and

WHEREAS, The United States Army detained Chief Standing Bear upon his return to Nebraska and supporters in Omaha then filed a writ of habeas corpus

on behalf of Chief Standing Bear and the Ponca Tribe; and

WHEREAS, Chief Standing Bear became the first Native American to be recognized as a person in a federal court decision issued at trial in Omaha; and

WHEREAS, it is appropriate to honor Chief Standing Bear as one of the most important persons in Nebraska history, as a leader of the original Native American inhabitants of Nebraska, and for his influence in fighting for justice and equality under the law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby names the building owned by this state and located at 1526 K Street, Lincoln, Nebraska, as the First Nebraska Administrative Building.

2. That the Legislature hereby names the building owned by this state and located at 521 South 14th Street, Lincoln, Nebraska, as Chief Standing Bear Justice Administration Building.

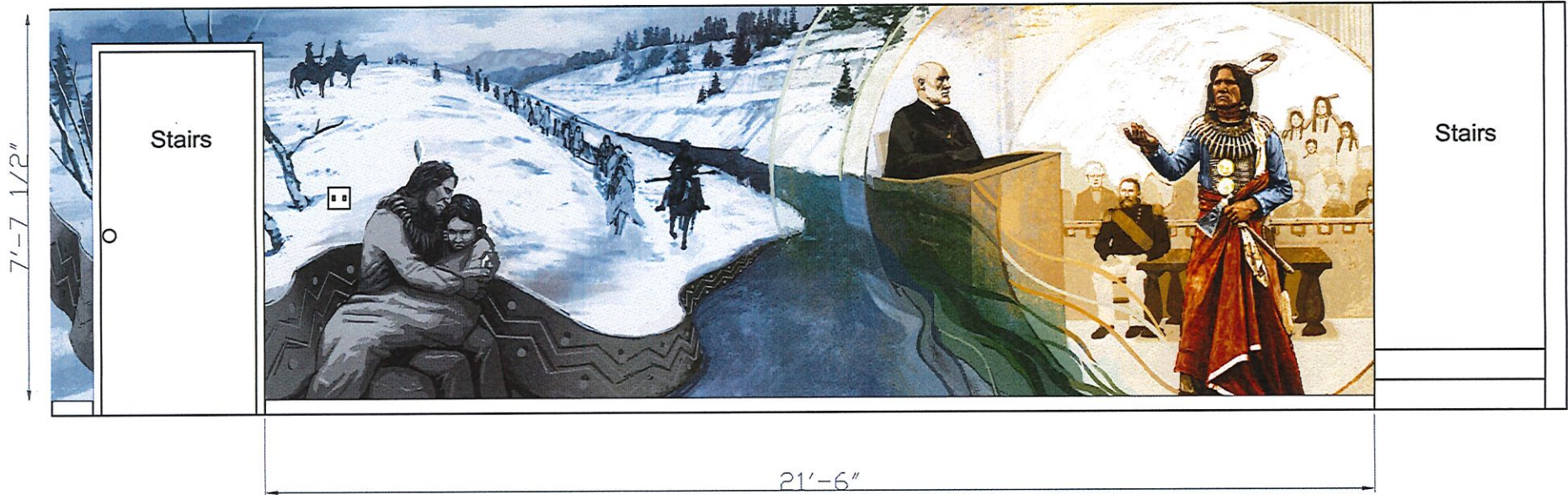


THE EXECUTIVE

521

EMERSONIAN BEAR  
MICHIGANIAN  
1827-1908

EXIT







**PRODUCTION  
DRAWING**

PRODUCT CODE: ASI LPS Series  
OVERALL SIZE: 17" x 216-5/16"

A 1/2" flat cut aluminum letters, Clarendon LT Std Roman, Inc.,  
painted 28-0001 Oxidized Brass, painted edges

**MOUNTING:** Stud Mounted to Exterior soffit

**PRODUCTION NOTES:**

**COLOR SCHEDULE**  
■ 28-0001 Oxidized Brass

Customers: State of Nebraska - State Building Division  
Location: Default Location  
Standard Sign Types  
Designer: tleedom SC/PM: ecc/krd  
Date: 2/1/22 Original Task: 115459  
PD Review by: xxx/xxx 00.00.00  
r1: 04.07.22 cma (118497- chose option)  
r2: 00.00.00  
r3: 00.00.00  
r4: 00.00.00  
ST\_S\_5\_LPS\_BldgLetters

**Client Approval:**

- Approved  Approved as noted
- Revise and resubmit

SIGN: \_\_\_\_\_ DATE: \_\_\_\_\_

**5.5**

DRAWING/SIGN TYPE

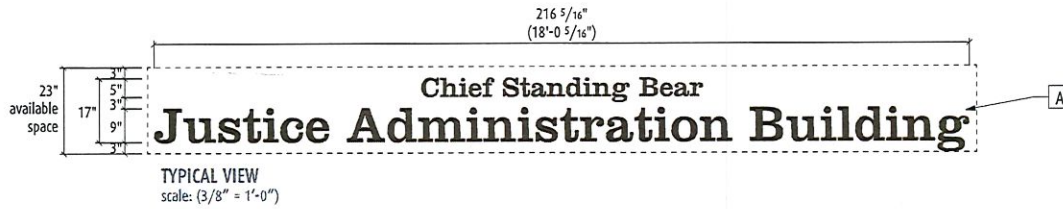


PHOTO RENDERING  
NTS



LPS Detail

Denver, Colorado Chicago, Illinois Grinnell, Iowa Des Moines, Iowa Iowa City, Iowa Omaha, Nebraska

Legal Notice: This drawing is the property of ASI. This design concept is the exclusive property of ASI and is submitted under a confidential relationship for a specific purpose and the recipient, by accepting this document assumes custody and agrees that this document will not be copied or reproduced in whole or in part, nor its contents revealed in any manner or to any person except to meet the purpose for which it was delivered, without express written permission from ASI. COLORS and GRABLE are shown for presentation purposes only.

## Plaque Language:

From his birth on the banks of the Niobrara River in Nebraska until his death in 1908, Chief Standing Bear spent his life in a constant struggle to gain equality and justice for our nation's Native Americans. Chief Standing Bear and the Ponca Tribe were forced in 1877 by federal treaty to leave their homeland in Nebraska for Indian Territory in what is now Oklahoma. The hardship of travel, illness, and the conditions of Indian Territory caused many members of the tribe to perish, including Chief Standing Bear's son. Determined to bury his son in his homeland, Chief Standing Bear led thirty members of his tribe back to their home in Nebraska, where he was arrested by federal authorities. At his trial, Standing Bear advocated for the dignity and personhood of all Native Americans, and won his release. In July of 2022 the State of Nebraska unveiled the Standing Bear sculpture, created by artist Benjamin Victor, to commemorate the dedication of the Chief Standing Bear Justice Administration Building. It was the hope of all present that the sculpture and building will serve as an enduring reminder to future generations of Chief Standing Bear's legacy to the cause of justice.

# LINCOLN MUNICIPAL CODE

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## TITLE 27 ZONING

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### Chapter 27.56 CAPITOL ENVIRONS DISTRICT

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#### **27.56.140 Appeal.**

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Any council member, the Mayor, or any person aggrieved by any order, approval, disapproval, or other decision issued by the Nebraska Capitol Environs Commission or the Planning Director may appeal such order, approval, disapproval, or other decision to the City Council by filing a written appeal with the City Clerk within fourteen days of the date of such decision, except that governmental units may opt to appeal actions of the Nebraska Capitol Environs Commission or the Planning Director to the ~~Nebraska Department of Administrative Services~~ **Capitol Commission** by so indicating at the time of filing the appeal with the City Clerk and by giving notice of such intent to the ~~Building Division of the Nebraska Department of Administrative Services~~ **Office of the Nebraska Capitol Commission**. Such appeal shall fully state the order, approval, disapproval, or other decision appealed from, the date thereof, and the facts of the matter. (Ord. [20108](#) §4; November 17, 2014; prior Ord. [16698](#) §5; November 14, 1994).