

## 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, June 15, 2023.*

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

**DATE, TIME AND PLACE OF MEETING:** Friday, June 23, 2023, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

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

**OTHERS IN ATTENDANCE:** Collin Christopher and Teresa McKinstry of the Planning Department; John Hathaway with Architectural Design Associates; Matt Hansen with the Nebraska Capitol Commission; 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 a motion approving the minutes of the regular meeting held April 28, 2023. Motion for approval made by Nalow, seconded by Gebhart and carried 5-0: Gebhart, D. Johnson, K. Johnson, Nalow and Post voting 'yes'; Cuca and Quade absent.

### **NEW CONSTRUCTION AT 440 S. 13<sup>TH</sup> STREET**

#### **PUBLIC HEARING:**

**June 23, 2023**

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

Collin Christopher stated that this project was reviewed in April. The applicant was directed to come back with a final landscape plan and to explore options for screening the rooftop equipment. He summarized that on a site like this in downtown, there are two requirements – screening around the parking lot and providing street trees where room allows. In theory, for a downtown parking lot, that means that all sides need to be screened with landscaping. He stated that there was some concern from the applicant about screening along the north and east sides. The north side is abutting an alley without a curb. There was general concern about being able to maintain anything that is planted there. The east side runs up against a building, and perhaps it doesn't make a lot of sense to place landscaping there either. As is often done, staff worked with the applicant to come up with a solution that meets the intent of the design standards.

There was a compromise discussed to not have landscaping on the north and east sides of the parking lot, but to have some additional landscaping elsewhere that would not normally be required. The foundation plantings shown around the building are extra landscaping the applicant is choosing to provide. Additionally, in the right-of-way, the landscape beds along 13<sup>th</sup> Street will be restored and the area that used to be an access drive along that side will be filled in with additional landscaping. The beds at the southeast corner of the site will be restored as well. He believes this is a reasonable compromise. There are two smaller trees on the west side. In a perfect world we would like them to be larger, but there are power lines there today. If the existing trees were to be removed, it would be unlikely that LES would allow them to be replaced. Finally, a tree could be located at the southwest corner, but LTU would likely not support a tree so close to the existing traffic signal. He pointed out a location on 'K' Street where two new trees would be planted just outside of the right-of-way. Staff is supportive of the landscape plan that was submitted.

John Hathaway stated that regarding the rooftop screening, they looked at two possible options. One was to provide a full screening wall around all assemblies. The price was \$150,000.00. They also looked at individual clip on screens that were around \$15,000.00 per unit and there are seven units. The budget on this project is limited. The owner was resistant to implementing either of those. Construction costs have gone up. They did a site line study from the ground level. It is his understanding that the concern was visibility from the walkway. A pedestrian or driver would need to be 430' away from the building before the rooftop units become visible. He is hoping this gives the Commission enough confidence to allow the project to move forward.

Gebhart questioned the landscaping. She inquired if Lincoln Transportation and Utilities (LTU) is on board with restoring the beds and connecting them. Christopher responded they are the ones that are dictating the drive be removed. LTU doesn't get very involved with landscaping unless it is taller than 30" or 36" in height.

Post requested an explanation about the planting compromises that were made. How is it determined that certain requirements can be waived by offsetting them with additional landscaping in other areas? Christopher noted that staff was trying to provide an option that benefitted the district. One of the restrictions on this site is the applicant has chosen to build in the old footprint. They haven't changed any of the layouts. In a different design scenario, they might have had more flexibility to strictly meet the standards. The applicant has very little room on the north side to plant anything. There also some maintenance concerns on the east side. From his perspective, staff tries to look for ways in which the intent of the standards can be met. He thinks on this one, as with a lot of downtown properties, he believes the goal is to find areas where landscaping can make the most impact. Not doing landscaping on an alley, but in the right-of-way seems like a fair tradeoff. This isn't a rule. Staff was just looking for the most benefit. Post appreciates that there are practical realities.

K. Johnson wondered if there are design standards for rooftop screening we should be concerned with. Christopher stated the only rooftop screening standards address those properties directly facing Capitol Square. Otherwise, there aren't any specific standards that dictate rooftop equipment needs to be screened. K. Johnson looked at the property. The parking on the east side goes right up to the building. He

can see the impracticality of screening in the alley. He finds it unfortunate they do not want to screen the rooftop equipment.

D. Johnson indicated his appreciation for all the background information that staff provides.

Nalow appreciates the alternatives provided. We all benefit from increasing the green. Knowing there is new construction and existing trees that are being saved, she would recommend making sure there is adequate language in the construction documents to protect the trees. She would urge the applicant to take a little more time and think about the species that is selected. White basswood in an urban condition is sometimes a little more sensitive. It doesn't always thrive well in urban conditions. She would also urge the applicant to think about the balance of the perennials and shrubs in the right-of-way and around the building. She has observed how some perennial species thrive and some have a hard time in the urban environment with salt and snow. She knows there are limitations with LTU and height restrictions less than 30 inches. Hathaway will share that information with the landscape architect.

**ACTION:**

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

**BIKE RACKS AT 1023 LINCOLN MALL:**

Christopher stated this came in late in the process. Staff was unable to advertise this item for the agenda. It could perhaps come back for a public hearing next month. The Planning Dept., in coordination with LTU and other departments through the Complete Streets Committee, is implementing a bike rack request program. Businesses can request a bike rack in front of their business to be paid for and installed through the Complete Streets fund. They received a request from Lincoln Literacy that they would like two bike racks. The committee's exploration of that request looked at placing those behind the building. LTU had concerns about how that would impact ADA access to the building. The committee's second preferred location would be to have the racks directly off the mall. He pointed out the location in front of the door at 1023 Lincoln Mall. There would be two racks that each hold two bikes. They would likely have a silver powder coat finish and be surface mounted into the concrete. They are looking for advice and direction if this is an appropriate solution, or if staff should continue to look at alternate locations.

K. Johnson noted that this issue came up for a Certificate of No Material Effect. There are parking stalls behind the building. He personally has concerns with it being on the mall. He believes it is inappropriate to have the bike parking structure in front of the building.

Nalow noted that was her initial concern as well, along with thinking of the precedent that could be set. She would be concerned that any future renovation would allow more of these.

Gebhart questioned what door is the main entrance. Christopher believes people driving cars are obviously entering from the back. The request was made because there are at least 3-4 people who regularly ride their bikes to Lincoln Literacy on a regular basis.

Bob Ripley believed there were some general standards developed by the improvement project that was done by the Nebco building. He asked about their location of bike racks. Nalow stated they are in the back of the building. Ripley recalls that was a TIF (Tax Increment Financing) project larger than the site. He believes that once the TIF project was approved, there was a whole system of benches and bus stops, which included all of Lincoln Mall. He would think once that was approved, that would be the standard of Lincoln Mall in terms of location of bike racks. He believes that parking is parking. His assumption is that parking ought to be in the back of the building. He believes the comment about these racks occurring in front of the buildings is relevant. If there is an alternative, he would think putting the racks where the remainder of the parking is would be appropriate.

Nalow wasn't involved in the Lincoln Mall design, but at that time she believes that bike racks weren't involved in the plan. Bike racks were in the back of the building. She believes the same developer has provided bike parking in either the back or within the garage space that is part of those buildings. Ripley agreed. They were not a feature in the public right-of-way.

K. Johnson doesn't believe there are currently any bike racks along Lincoln Mall. Some people attach their bikes around the bus stops. That is less than desirable. Ripley stated there are some bike racks in parking lots, but it is not a feature that you typically see from the primary face of the mall.

K. Johnson inquired if there are any standards that cover bike racks along the mall. He noticed standards say mechanical equipment shall not be located in the front yard. Christopher would classify this as a site furnishing. He believes there are some references to furnishings, but not bike racks specifically. The reality is that this isn't designed as part of a larger streetscape. He knows they have tried to look at other locations. He doesn't know if doing it in a parking stall would be something they would consider, or if it would be allowed. Staff could ask them to explore that as an alternative.

Nalow has seen that approach work in the right-of-way. By Cultiva, there were bike racks put in place of a parking stall. She believes there are two ways to look at this. It is a site furnishing, but also parking.

Post can see both sides of the issue. It would be an amenity to a lot of people and she understands wanting to have them in a high visibility area. She also understands not wanting to see bikes parked outside of a building. To her knowledge, the redevelopment plan that was put in place for this area wouldn't have any purview for this Commission. She would like that clarified if this is something that should be looked at. She would think that this is something Urban Design Committee reviewed. Christopher believes Post is correct. He doesn't believe that any previous action on redevelopment projects binds us to future actions. Post believes that Nebraska Capitol Environs Commission needs to look at codes, but Urban Design Committee has broader powers to give recommendations. Christopher noted this is a City led project. He doesn't believe they would go against this body's recommendation.

Gebhart is torn. The downtown area has a lot of bike traffic and if we want to accommodate that traffic, the bike rack is one option. If the racks are tucked behind the building, they become more of a business-specific benefit. It feels like a broader mall benefit to have them located along the mall where they can be used by others, but she is concerned about the long-term maintenance of the racks. Are these racks going to be properly maintained over the years? This is a concern given how much of a visual asset Lincoln Mall is for the community, but she is torn because she wants to make Lincoln Mall more of a community space.

Nalow stated if we are looking at this being specifically provided for this property owner or as a district thing, perhaps it could be along another right-of-way and not on the mall. Perhaps it could be located on 11<sup>th</sup> Street or 12<sup>th</sup> Street. If this is not an amenity for the larger area, but this specific property, she believes there is concern for the precedent that it sets. If it is more for a private entity, it makes more sense to have it in an area they control. Gebhart agreed with Nalow. Is it a community asset or a private asset? Post would agree as well. It would be in the best interest of the property owner to move it to a less visible location.

Christopher will take the comments to the committee.

**MISCELLANEOUS:**

- K. Johnson inquired if anyone had any information regarding 1515 'F' Street. The windows appear to be 95 percent done, but nothing else has happened. Christopher knows it has changed ownership a few times, which is why work appears to have started and stopped a few times. He remembers seeing some additional permitting come forward recently. He will review and report back.

There being no further business, the meeting was adjourned at 9:10 a.m.