



# NEBRASKA CAPITOL ENVIRONS COMMISSION

The Nebraska Capitol Environs Commission will hold a meeting on **Friday, July 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.

**Masks are strongly encouraged for our public meetings in this building.**

## AGENDA

July 22, 2022

1. Approval of meeting record of [April 22, 2022](#)
2. Introduction of Maggie Stuckey-Ross, Parks Director
  - \* [Staff Memo](#) from Collin Christopher

### Public Hearing & Action

3. Site improvements at [1821/1843 K Street](#) (*Community Action; UDR22073*)
4. Site work at 1010 Lincoln Mall (*NEBCO; UDR22074*)

### 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 participating 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 Lincoln Commission on Human Rights at 402-441-7624, or the City Ombudsman at 402-441-7511, 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, April 13, 2022.*

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

**DATE, TIME AND PLACE OF MEETING:** Friday, April 22, 2022, 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, Ann Post and David Quade; (Heidi Cuca absent).

**OTHERS IN ATTENDANCE:** Paul Barnes and Teresa McKinstry of the Planning Department; Lynn Johnson with Park and Recreation; Bob Ripley with the Nebraska Capitol Commission; Jason Jackson and Michelle Potts from Nebraska State Building Division; Dave Meagher; 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 March 25, 2022. Motion for approval made by Nalow, seconded by Quade and carried 5-0: Gebhart, D. Johnson, Nalow, Post and Quade voting 'yes'; K. Johnson abstaining; Cuca absent.

### **DEMOLITION AND NEW CONSTRUCTION AT 1432 N STREET**

#### **PUBLIC HEARING AND ACTION:**

**April 22, 2022**

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

Paul Barnes stated that this is a continued hearing item from last month. Some revised plans were submitted. He believes the focus today will be mostly on the upper patio spaces that were located in the right-of-way on Centennial Mall. The new design shows the patios recessed and not located in the right-of-way.

Dave Meagher showed the updated recessed patio spaces based on feedback they received from the Commission last month. He showed a new plan for the new design.

K. Johnson asked if the number of units was reduced from four to three to accommodate the new design. Meagher replied yes.

D. Johnson noted the units appear wider. Meagher responded they have grown a little to accommodate the new design.

Post inquired why recessing the patios forced them to eliminate one unit. Meagher replied that they don't have a view that shows the changes. He noted that by pushing the square footage with the recessed patio, you would eat into a lot of living space for circulation as well as the bedroom. He doesn't know how large the patio spaces are. It makes it difficult to get four spaces in. It did make them a little longer.

Nalow thanked the applicant for looking into this concern and finding another solution.

Bob Ripley asked if any of the patios are still proposed to be located in the right-of-way. Quade stated they are all recessed with the new proposal.

**ACTION:**

Post moved approval of a Certificate of Appropriateness for demolition and new construction with conditions agreed to by the applicant and noting that the construction of the porches no longer extends into the Centennial Mall right-of-way, seconded by Gebhart.

Nalow asked for an amendment to have the applicant bring back the plan for landscaping adjacent to the building along Centennial Mall. Lynn Johnson would like to speak with the applicant to discuss the plantings as well. Parks and Recreation would be happy to work with the developer on updating the landscape plan, particularly between the sidewalk and the east face of the building. Meagher will work with L. Johnson on the redevelopment process. L. Johnson stated he is happy to coordinate those conversations

Barnes noted that the design standards say that work in the public right-of-way would come back before this commission. It would be on a future agenda.

Motion for approval carried 6-0: : Gebhart, D. Johnson, K. Johnson, Nalow, Post and Quade voting 'yes'; Cuca absent.

**PLACEMENT OF NEW SIGNAGE AND A SCULPTURE ON THE EAST SIDE OF 521 S. 14<sup>TH</sup> STREET**

**PUBLIC HEARING AND ACTION:**

**April 22, 2022**

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

Barnes noted this was also on the agenda last month. There is more information to present today. Staff is here from the State of Nebraska.

Jason Jackson, Director of Administrative Services for the State of Nebraska appeared. He is happy to be here today for some aesthetic enhancements. This application is asking for approval of new signage and a sculpture of Chief Standing Bear, with a plaque to be located in front of the building. Legislative Resolution 271 named two new buildings. The first was already approved by this Commission. The same resolution renamed the former Executive Building as the Chief Standing Bear Building. The State is excited.

They have some enhancements they want to add. They want to enhance the aesthetic character of all our buildings. We think this gives the public a wayfinding perspective as well. He showed an image of the proposal. There would be a sculpture and accompanying plaques. Benjamin Victor is doing this statue as well. He did the sculpture in Statuary Hall in Washington, D.C. He noted the proposed language for the plaques. It was borrowed heavily from the language that was approved for Statuary Hall. He pointed out an image that shows how the new title of the building will be displayed on the facade. This building houses the administrative branch of the judiciary. He also showed a mural that is proposed for the interior of the building as you enter from the front in the foyer. It tells the story of Chief Standing Bear's life and journey. Everyone is excited for this opportunity to celebrate Chief Standing Bear's contribution to the state.

K. Johnson thinks this is a neat project. He asked how this bust compares to the size of the bust on Centennial Mall. He also wondered if the sculptor imitated the head statue on Centennial Mall. Michelle Potts replied no. She believes this to be a completely separate piece. K. Johnson inquired who created the mural. Potts will find out and let the commission know.

**ACTION:**

Post moved approval of a Certificate of Appropriateness for the placement of new signage and a Chief Standing Bear sculptural bust, seconded by Quade and carried 6-0: Gebhart, D. Johnson, K. Johnson, Nalow, Post and Quade voting 'yes'; Cuca absent.

**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**

**PUBLIC HEARING AND ACTION:**

**April 22, 2022**

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

Barnes explained that this came up somewhat recently with an application by the State Dept of Administrative Services. The application was for an antenna on the 501 building, along with improvements to the building with screening requirements. It came up in the conversation that the appeal process would go to the State Administrative Services if the application was denied. There has been a lot of change at the Capitol including the Nebraska Capitol Commission. By Definition, an appeal should go to a separate body, not the same body that was making the application. City staff is proposing that an appeal at this level would go to the Nebraska Capitol Commission. That change to the Design Standards is being proposed. There is one change to note. They struck the Dept. of Administrative Services and added the Nebraska Capitol Commission. Collin Christopher was in conversation with Bob Ripley. This would go on to Planning Commission and City Council for formal adoption. Departments could choose to go to the Nebraska Capitol Commission on an appeal.

Post believes that the perception is that the Nebraska Capitol Commission generally has purview over the Capitol building itself. This gives more jurisdiction over the Capitol grounds. Ripley believes there is a statutory link between the Capitol Commission and the Capitol Environs Commission. That is why there is an annual meeting of the two bodies. There is a requirement that this Commission reports to the Nebraska Capitol Commission on activities that take place in the Capitol Environs.

Gebhardt questioned if in the history of this Commission, if the Nebraska Capitol Commission has ever brought anything to this body for review. Ripley was present when these documents were drafted and

knows that the structure of government could change. At time the Design Standards and appeal process was drafted in 1987, the structure that oversaw the Capitol building was different. In 2004, the Capitol Commission was created. That would have been the time to go through and update regulations for the new commission. In his history, there has never been an appeal. Christopher and Ripley helped to create the updated text.

K. Johnson asked if this language covers all appeals. Ripley believes this covers government agencies. He doesn't expect it to become any more involved than it has in the past. K. Johnson noted the language speaks to government units. Ripley doesn't know if this was reviewed at the City Attorney level. The wording could cover City, State or local. The decision was made in the 1980's for government entities to appeal at the State level. It is unusual for a Commission decision to be placed in the hands of an individual. The recent appeal was one for the Dept. of Administrative Services appealing to the Dept. of Administrative Services. Christopher believed this should be addressed. The new structure dictated new regulations in the case of a rare occasion of an appeal.

Post understands that if the City of Lincoln had an application in front of the Nebraska Capitol Environs Commission, an appeal would be taken to the City Council. If the State had an application in front of the Nebraska Capitol Environs Commission, an appeal would be taken to the State. Ripley believes so, but he doesn't know. He knows the body hearing the appeal was meant to be a government agency that was above the level of the City.

Barnes believes that for example, an application by Lincoln Transportation and Utilities to rehabilitate the mall would go to City Council on appeal if denied at this commission, but not the State. Other government units would appeal at the State level. The point of this amendment is to clarify the separation of the appeal process to a separate body. They didn't get into all the details for the appeal process. Staff believed this was a proper correction.

K. Johnson believes this proposed change makes sense. He is concerned a City decision can be appealed to the Capitol Commission and then the Governor is controlling a City issue. He isn't comfortable with having everything go to the Capitol Commission.

Ripley asked if the County were appealing if it would go to City Council. K. Johnson believes that could be taken care of and they could have an option to appear before either. He was seeing this as someone above the level of the City going to a higher governing body. He also noted that the language speaks to a government unit, not agency. He would be more comfortable with government agency. He thinks the language needs to be strengthened a little. He asked for any comments.

Jackson had a couple of observations which would weigh against action today. He believes this mirrors State law which governs appeals from the Nebraska Capitol Commission and specifies that any action can be appealed to City Council, except that governmental options may opt to appeal to Nebraska Administrative Services. He would offer that the Capitol Commission was enacted in 1993 and if the Legislature saw fit, it could have modified the language. It apparently didn't elect to do so. He believes the process has merits. This is a rare occurrence. He believes there are benefits for accountability. The second benefit is the speed at which we can adjudicate. He is not familiar with how often the Capitol Commission meets whereas his office could hear an appeal more timely. He can assure this Commission it would be his opinion to evaluate the circumstances. This is an appellate process to his knowledge that has never been utilized. He would encourage the Commission to not take any action and a more appropriate vehicle would be to go to the State Legislature and modify State law.

K. Johnson believes it is appropriate to refer this to the City attorney to look at the State statues and review this language.

Barnes agreed that we don't want to be in conflict with the State.

**ACTION:**

Post moved to defer this application until more information can be obtained from the City Attorney regarding State and City language, seconded by Nalow and carried 6-0: Gebhart, D. Johnson, K. Johnson, Nalow, Post and Quade voting 'yes'; Cuca absent.

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

<https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/NCEC/Minutes/2022/042222.docx>

To: **Nebraska Capitol Environs Commission**  
From: Collin Christopher  
Re: Agenda for July 22, 2022  
Date: July 14, 2022

**Item 3: Site improvements at 1821/1843 K Street**

Community Action is requesting a Certificate of Appropriateness to allow them to add vehicle barriers north of their building at 1821/1843 K Street. Per their application letter, the barriers are intended to prevent vehicles failing to make the turn eastward off of Antelope Valley Parkway from hitting the building. According to the applicant, such accidents have happened twice in the last year. The plans provided show ten (10) spherical traffic barriers made of solid concrete. They are to have a diameter of 48” with a spacing of 48”. The spherical barriers will be “painted to simulate large marbles.”

While the property is in the Capitol Environs District, the barriers front the K Street side and do not have a direct visual impact on the J Street landscape that is of most concern in the Capitol Environs District. As such, the Design Standards offer limited guidance for this proposal beyond an expectation that the barriers consist of high-quality, durable materials.

*Recommended Finding: The proposed barriers will provide added safety for users of the Community Action building, and assuming the material finishes being proposed are deemed durable and appropriate for the Capitol Environs District, it would appear that they comply with the Capitol Environs Design Standards.*

*Recommended Action: Approval of a Certificate of Appropriateness for the addition of vehicle barriers north of the Community Action building at 1821/1843 K Street.*



*The perspective above shows the proposed traffic barriers to be placed north of the Community Action building at 1821/1843 K Street. The barrier colors shown on this illustration are just placeholders and do not represent the final color selection. Per the applicant, the intent is for the barriers to be “painted to simulate large marbles.”*



#### **Item 4: Site work at 1010 Lincoln Mall**

NEBCO is proposing the removal of two benches adjacent to the SW corner of the building and another two benches adjacent to the SE corner. These benches sit partially on private property and partially in the public right-of-way. As the Commission is aware, the Capitol Environs Design Standards apply to both public and private property. So for the purposes of analyzing this proposal, the benches should be considered part of the Lincoln Mall streetscape.

It is expected that the applicant will provide more background information explaining their reasoning for removing the benches at the public hearing. The relevant design standards that impact this proposal are as follows:

#### **Design Standard 18: General Landscape of All Malls**

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The landscape of the Capitol Malls should enhance the Capitol setting and vistas:

- by providing canopy and definition at the mall edge, but leaving the centers of the malls more open, allowing on-axis views of the Capitol,
- by creating a sense of organization and unity through form, color, texture, and spacing that may be lacking in the adjacent architecture,
- by establishing a rhythm of visual and physical movement leading ultimately to the Capitol,
- by providing seasonal change and interest.

There is a delicate balance between a landscape that enhances and one that overwhelms—color and form changes should be in large sweeps and masses to avoid creating small, distracting focal points. The landscape should be bolder and more colorful closest to the Capitol.

Facing Capitol Square and the Malls, front yards shall not contain mechanical equipment, above-ground utilities, docks, or unscreened ramps. Architectural or planted screenings may be offered, with maintenance requirements.

Active use of the Malls should be encouraged by the selection and placement of landscape elements such as seating.

#### **Guideline 18.2:**

Provide seating in as many locations as appropriate. Benches should:

- be of high quality, refined materials,
- have backs,
- be readily available commercially or easily repaired in-house,
- be of neutral colors,
- be placed along edges to take advantage of shade and allow pedestrians to be close to circulation but not in it.

To provide seating opportunities for conversation, combine benches, trash cans, ash urns and small tables of similar construction and installation.

#### **Guideline 23.4 (Lincoln Mall Landscape):**



Change seating areas to relate in parallel to the Mall. Work with adjacent property owners to locate seating areas on the outside edges of the sidewalk. Enhance seating areas with ornamental and evergreen shrubs, planted less formally than the trees.

The Design Standards support seating along Lincoln Mall, and the removal of existing seating would appear to be a step in the opposite direction. However, staff would like the applicant to explain their position and allow the Commission to have an open discussion on the best solution. Again, more information will be provided by the applicant at the time of the public hearing.



*The top image above shows the two benches being targeted for removal at the SE corner of 1010 Lincoln Mall, while the bottom image shows the two benches at the SW corner.*



No.	Revision/Issue	Date

**Early Head Start/Head Start**  
1821 / 1843 K Street

**Traffic Barriers**

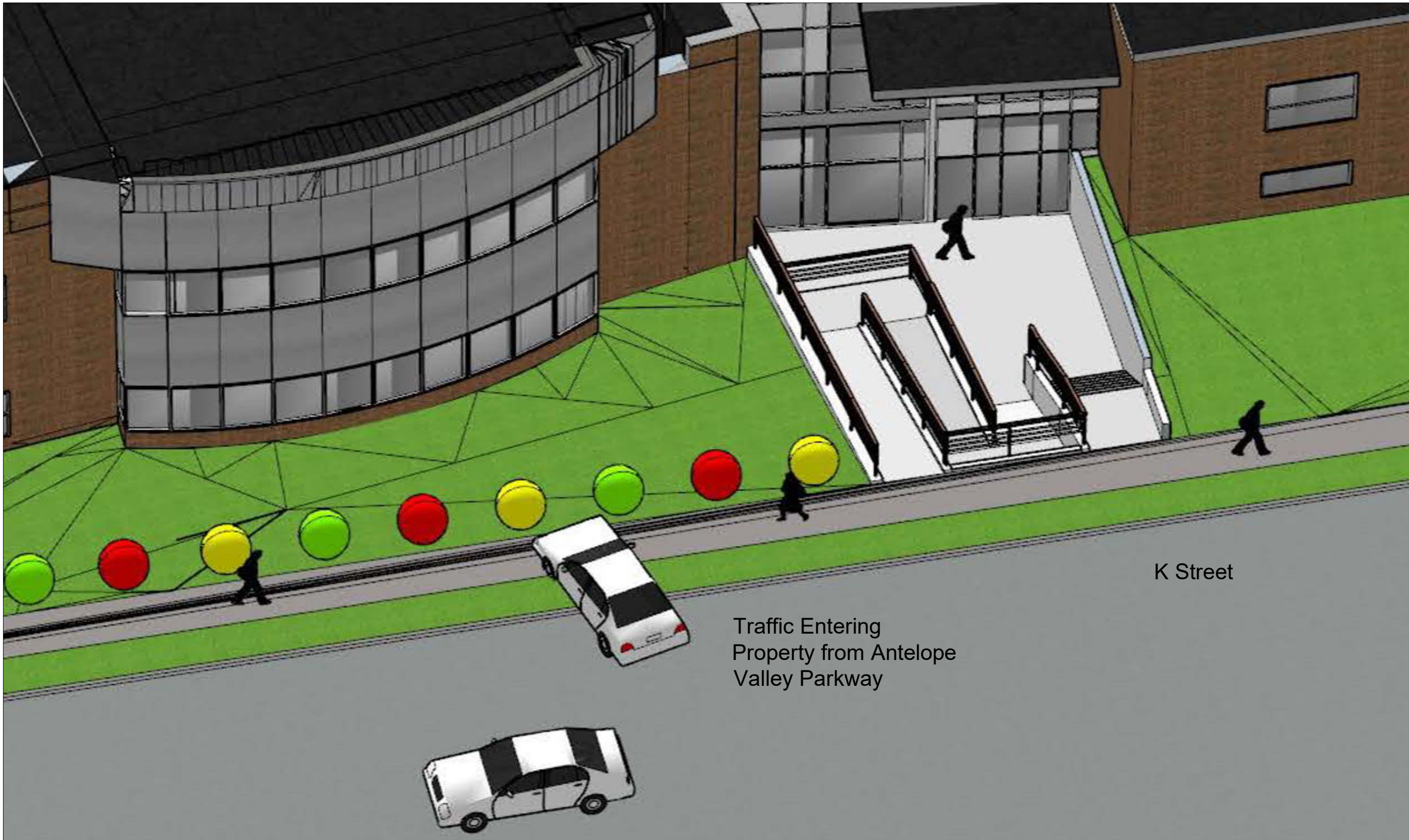
**Site Plan**

Project Traffic Barriers	Sheet
Date July, 2022	
Scale No Scale	



 **Site Location Plan**





○ Model Plan View

No.	Revision/Issue	Date

**Early Head Start/Head Start**  
1821 / 1843 K Street

**Traffic Barriers**

**Model Plan View**

Project Traffic Barriers	Sheet
Date July, 2022	
Scale No Scale	





View From Northeast

No.	Revision/Issue	Date

Early Head Start/Head Start  
1821 / 1843 K Street

Traffic Barriers

View from Northeast

Project Traffic Barriers	Sheet
Date July, 2022	
Scale No Scale	





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No.	Revision/Issue	Date

**Early Head Start/Head Start**  
1821 / 1843 K Street

**Traffic Barriers**

View from Northwest

Project Traffic Barriers	Sheet
Date July, 2022	
Scale No Scale	



View From Northwest