

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, December 8, 2021.

NAME OF GROUP:	NEBRASKA CAPITOL ENVIRONS COMMISSION
DATE, TIME AND PLACE OF MEETING:	Friday, December 17, 2021, 8:30 a.m., City Council Chambers, County-City Building, 555 S. 10 th Street, Lincoln, Nebraska.
MEMBERS IN ATTENDANCE:	Mary Campbell, Kile Johnson, Karen Nalow, Ann Post and David Quade; Heidi Cuca and Delonte Johnson absent.
OTHERS IN ATTENDANCE:	Collin Christopher, Paul Barnes and Teresa McKinstry of the Planning Department; Bob Ripley and Matt Hansen with Nebraska Capitol Commission; Michelle Potts and David Collett from Nebraska State Building Division; William Deroin with HDR; Lynn Johnson from Parks & Recreation; and other interested citizens.
STATED PURPOSE OF MEETING:	Nebraska Capitol Environs Commission Meeting

Chair Kile 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 November 18, 2021. Motion for approval made by Campbell, seconded by Nalow and carried 4-0: Campbell, K. Johnson, Nalow and Quade voting 'yes'; Post abstaining; Cuca absent.

EXTERIOR WORK AT 501 S. 14TH STREET **PUBLIC HEARING AND ACTION:**

December 17, 2021

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

Michelle Potts with the State Building Division (SBD) stated they are asking to place an antenna on top of the 501 Building which houses the data center for the State of Nebraska. At the last meeting of the Capitol Environs Commission, there was some concern about placing it on the top of this particular building. The SBD has since had time to further investigate other buildings, including the Nebraska State Office Building. That building does not have a backup generator that could provide power. There is also no data center. Her budget is set for the biennium. For this fiscal year, her budget is set and she doesn't have the funds

to acquire a backup generator or build a data center. They also looked at 1526 'K' Street, but that building does not have a backup generator or data center either. They have looked in the Capitol area for any other options and have found the only immediate solution is the 501 Building. It has a backup system and houses the required data center, which is a controlled climate. It has the infrastructure to support this system. She understands the current equipment doesn't have a wind screen on top currently. The placement of the antenna on this building is very vital. She understands concerns that the antenna would impede the view of the Capitol. She believes the bigger concern is for safety in the Capitol area. This solution will provide the necessary frequency for State Patrol and the Governor's Patrol. To not place the antenna on top of this building would jeopardize the safety of visitors to the Capitol, the Governor, State Patrol and many others. She would ask the Commission to strongly consider approval of this proposal.

K. Johnson asked if this proposal includes screening. Potts replied it does not. That would have to come out of the budget one and a half years down the road. K. Johnson asked if the applicant has an estimate for the cost of screening. Potts replied no. K. Johnson asked if the applicant has an estimate to put this in the State Office Building. Potts replied they do not have an estimate. She would guess it would cost around \$500,000.00.

K. Johnson would like more information as to the removal of the equipment from this building. Scott Gatewood with the DLR Group had previously referenced that the equipment would be removed. Potts pointed out that Gatewood is a representative of the DLR Group and doesn't work for the State of Nebraska. The State is working to remove that equipment in the future. The 501 Building is very secure and a sensitive building. To replace all the air handlers at one time would be a huge burden. They are currently in the second phase of construction.

K. Johnson is not familiar with the State budget process. Potts stated that they will start budget talks next summer that would go into effect in July 2023. The Nebraska State Legislature would approve it winter or spring of 2023. K. Johnson asked when the equipment would be removed if that took place. Potts stated if the funding was approved spring 2023, they would have to wait until the bill was signed in summer 2023. Design work would take place in late 2023 and on into 2024, and then construction would follow in 2024 or 2025. It would be at this time that the equipment would come down. K. Johnson asked if Potts expects that to happen. Potts replied yes. She noted that until she is given funds, she cannot make any promises.

K. Johnson fears if the antenna goes up, the unsightly stuff will not come down. You can see it unscreened, so it is a concern. He has concerns about setting a precedent.

Post asked if the State has explored what the screening might look like. Potts has not. That would have to come out of the budget. They were evaluating if the other buildings could support this.

K. Johnson noted that the design standards require screening. Potts is aware of the requirement. She noted this was more of a security aspect they were taking on. From the direction she was given, it was very important to evaluate if any other buildings could accommodate this. She apologizes there is no current wind screen. She wasn't here when those decisions were made.

Nalow stated that as this commission is looking to the future, she understands there aren't funds in the budget. However, the Commission is looking for some assurance that allowing this addition to the rooftop would not negate the plans to remove the equipment long-term. Whether or not it is in the budget, we need to have some assurances. She understands the need for security, but the Commission needs some assurance this will not become permanent.

K. Johnson inquired what steps have been taken for working with the current radio system with the City. David Collett stated that the City has decided that they want to go their own direction and not go with the State Patrol. K. Johnson asked if the City has agreed to extend the agreement while this is worked out. Collett responded no. The City wants to be off the radio system by the end of March 2022. K. Johnson inquired if they have had any discussion with the City since the last meeting of this Commission. Collett responded no. They tried to get a meeting but have not discussed anything with them.

K. Johnson pointed out that this Commission is in a position to deny this and let the State come back with a new proposal with reference to screening the antenna and the material on top of the roof. We seem to be able to find things in our budget statewide when it comes to other items. He believes we have an obligation to make a decision within 45 days of the application. The current proposal has nothing with reference to screening. He believes it would be appropriate if they could come back with commitments to screening.

Post understands everyone's comments. Her opinion is that she is disappointed that there aren't any ideas for screening. She understands the budget isn't there, but that does not exempt them from the standards. She also understands the City's actions have put the State in a difficult position. She would support issuing a Certificate on the grounds of hardship, acknowledging that the actions of the City have necessitated this. She would encourage an expiration date for perhaps 2026 to provide a long-term solution for this rooftop. If that doesn't happen, the State needs to come back and justify why that didn't happen. This doesn't meet the standards, but she understands this is for safety.

ACTION:

Post made a motion for approval of a Certificate of Exception on Grounds of Hardship to expire at a future date, seconded by Campbell.

Post believes that gives the State enough time to go through the budget process. She understands the State can't commit to anything with regard to future funding, which is the reason for including an expiration date. At that time, they would need to come back for another Certificate or show how they intend to meet the standards.

K. Johnson asked if we have authority to force the State to remove the equipment. Collin Christopher believes that is the issue. Once it has been done, it is very difficult to take it back. Where do we have the ability to enforce it? If they weren't willing to comply, it would have to go to court. There is a route, but it is not an easy one.

K. Johnson inquired if this application was denied and the Commission asked the State to come back with a revised plan with screening and conditions, does our position of enforcement improve? Christopher would think so. There would be a plan that they were required to comply with. K. Johnson wondered if the plan included screening. Christopher stated that is one of the issues to wrestle with is, does it need to be screened or removed. The expectation would be that the goal is to ultimately remove it. He believes that is what needs to be focused on.

Nalow would agree that spending money on screening only to then remove it later isn't cost effective.

Quade sees that this appears to be about 24 feet in height. Potts replied yes. Quade stated that if we were talking screening, it would be twelve to fifteen feet that would be visible. This structure is taller than that. He agrees that he would like to keep mechanical equipment off the roof. In the future, are we saying the antenna is the only thing up there? The antenna won't be screened.

K. Johnson believes the antenna would be on the southeast corner of the structure so it is recessed off the 13th St. side of the building. Collett noted it would be mostly toward the back of the building. It would be closer to the 13th Street side, directly in front of where the air handler is now.

Matt Hansen had a question on functionality. He inquired if it needs to be vertical to function, or if a horizontal orientation would have the same effectiveness. Collett stated that the antenna is vertically polarized. It must be in an upright position to obtain the pattern they need for coverage.

Robert Ripley inquired if there is an alternate antenna that could be horizontally oriented. Collett replied no. Hansen asked about the range for horizontal distance. Collett stated it would go to West 'A' Street and Coddington Avenue, almost to the State Penitentiary. That is part of the consideration that we need coverage. Hansen asked if the antenna could be on another property and reach this area. Collett stated it is possible, but the concern is covering the basement of the Capitol. There is very spotty coverage in the basement of the Capitol. Hansen asked if there is any possibility of a partnership with the City. Collett replied that is not something they have explored. Potts believes it would get messy. They would need a backup generator and a server room.

Campbell asked about the dimensions of the antenna. Collett had an image that he showed. Potts believes the antenna is about three inches in diameter. Collett stated that if the air handler were removed, it could be moved down a little so it wouldn't have to be quite so high.

Nalow noted there is a drawing in the agenda that gives an idea. As we are talking about this, she thinks we are looking at approving a Certificate of Hardship. The question is what the antenna looks like by itself. She believes the look is somewhat minimal and the height could be reduced. She would have liked to have seen an image of what it looks like as you approach the Capitol.

Quade stated that if this application were just the new antenna, he would probably not be that concerned. He is looking for a confirmation from the applicant that they understand the importance of removing the equipment from the roof.

Campbell believes the discussion is relying on this antenna being fairly minimal in its impact. In light of recent 93 mph winds, she asked if the applicant had any thoughts on shoring it up. Collett stated that the criteria requires them to design it for sustained 100 mph wind for 30 minutes with a half inch of ice on it. Mechanically, it is designed to withstand a 100 mph wind.

K. Johnson thinks it would be appropriate to deny this application and let the State come back with proposed conditions for equipment removal. Removal of rooftop equipment in a timely manner should be the ultimate goal.

Post inquired when the State will not be able to use the City system. Collett replied in March 2022.

Nalow asked how long it will take to install this new equipment. Collett stated the equipment is coming in February 2022. Nalow wondered about the timeline to accomplish this. Does the applicant need to have an approval by January 2022? Collett answered that if the Motorola equipment comes in January 2022, the antenna needs to be installed before that. Potts added they are hoping to have it all in place in February 2022. Collett added that it has all has been tested already.

K. Johnson asked if the parts have been ordered already. Collett responded yes. K. Johnson asked if there is a contract to install in place. Collett responded yes. K. Johnson asked if this is deferred until January 2022, would that work for the applicant. Potts would ask for a decision today.

Post believes there should be a finding of fact of hardship caused by the pending inability to use the City system and the need to get the system in place to ensure communications for the State Patrol and downtown. She believes a finding of hardship is warranted. The timeline hasn't allowed the State to go through the typical City process. The timeline has caused a hardship for the State. She would propose a Certificate of Exception on the Grounds of Hardship with an expiration date of July 1, 2026, with the understanding that at that time, the grounds no longer exist, and the Nebraska Capitol Environs Design Standards need to be addressed.

Post moved an amendment to her original motion stating that the certificate would have an expiration date of July 1, 2026, seconded by Campbell.

Nalow clarified to the applicant that it is the expectation of this Commission that the existing equipment would be removed in the future. It is also the expectation that the new equipment would meet the requirements and guidelines for screening.

Campbell believes we need to get past the next biennium. Post believes this should be allocated by 2023. To design it and get it done would be longer. She believes an expiration date of 2026 would give adequate time for the State's budget process and the design process with a little cushion. She believes this gives more than enough time.

Potts pointed out that in the next few years, you don't know what can happen with the supply chain or other issues.

K. Johnson believes the position would be improved by denying it and having the State come back. He believes the Commission needs a commitment that the equipment on the top of the roof will be removed.

Nalow is concerned that with the position the applicant is in, that there isn't a luxury to wait. She is concerned that delaying until January 2022 may not be feasible and won't provide adequate time for the State to install new equipment and test the system.

Christopher stated that the Lincoln Municipal Code appeals section allows any person aggrieved by the Nebraska Capitol Environs Commission to appeal a decision to the City Council, except a government unit may opt to appeal decisions to the Nebraska Department of Administrative Services. He believes that means that if the applicant appeals, the appeal would go to the Department of Administrative Services, which would be Potts's boss.

Post agreed it would work to everyone's benefit to set clear expectations, but it is important to get something in place now to avoid an interruption in communications.

Quade agreed it is important to get this in place. It is unfortunate that today's review is just an antenna. Sometimes it feels like the Commission doesn't have any teeth for enforcement. He appreciates all the Commissioner's concerns. If he would suggest anything, he would encourage the applicant to not move towards screening, but complete removal of the old equipment.

Motion for approval of amendment for an expiration date of July 1, 2026, carried 5-0: Campbell, K. Johnson, Nalow, Post and Quade voting 'yes'; Cuca and D. Johnson absent.

Motion for approval of a Certificate of Hardship as amended to include the expiration date of July 1, 2026, carried 5-0: Campbell, K. Johnson, Nalow, Post and Quade voting 'yes'; Cuca and D. Johnson absent.

PERSHING AUDITORIUM:

Christopher stated that a representative is here from HDR to talk about the Pershing block redevelopment. He stated that the focus for today's discussion is the private redevelopment component of the project. More specifically, they are primarily looking to discuss exterior façade material use. The applicant is not going to get into the streetscape and open space design today. He provided information to the Commissioners that included a summary of relevant design standards. This is not a public hearing but a precursor to a public hearing. This discussion will provide important feedback for the design team and help them finalize their plans before they come back for official approval of the project.

William Deroin with HDR has appeared before this Commission previously and talked about this. He will be focused on the housing portion today. The library portion is being carried on by another design team. He showed an overview of the block. The housing portion is on the north along 'N' Street. The library portion is on Centennial Mall. He provided some preliminary elevations of the project. This is still in the design phase. This is the basis for the project design moving forward. The overall concept is a podium base with mixed use on the first floor. It is primarily intended to be more retail type use on the ground floor and housing on the second, third, fourth and fifth floors. He showed the elevations for the project. He showed how they intend to handle the height restrictions of the district. He indicated that due to the fact

that there is no room on the site for the condensing units, they intend to place them on the roof. The guidelines state that these be set back fifteen feet from the roof and screened. He showed the streetscape. They haven't fully gotten into that portion of the design yet. They would like to do an outdoor community deck feature for the housing. The building materials being proposed by the design team is a concrete structure for the base and a brick material along the façade. They want something that will be long lasting and durable. They are proposing a warm lighter tone. The primary material they are proposing along the housing portion for levels two, three, four and five is a cement plaster stucco system. This is a full stucco plaster system. He sees it as being very durable. They are proposing a medium neutral gray. He believes a lighter color would pick up stains. At certain areas, there will be balconies and other recesses. They are also planning a fiber reinforced cementitious panel. They are looking at a warm wood tone color. This is more of a design accent feature. They are looking at a few key areas where they can explore using the cement stucco system in a more artistic way. For the west elevation looking towards the Capitol, there may be some opportunities to articulate with different shades or subtle patterning. They are looking at typical glazing systems and aluminum clad windows for the housing. The housing units will have individual HVAC. There would be louvres integrated into the façade. There is some alternate material concept materials included in the information, but those are not the preferred. This is the current design intent of the project. He is looking to verify that the plan of materials and approach is acceptable to the Commission.

Nalow sees looking at the proposed elevation that brick would be just the first level. The design guidelines clearly state that masonry in general is desirable for exterior finishes, specifically on Centennial Mall. Derooin noted that they looked at some options early on in the process. Some concern was the weight of the material with the brick. There were some concerns with the affordable housing budget. They felt a stone like material with stucco would be appropriate. It has an almost panelized stone appearance. Nalow pointed out her concern that the lifespan of material is one thing, but the aesthetic attributes with the rest of the Mall is something to consider. She doesn't know that necessarily meets that design intent. She suggested that when thinking about lifecycle considerations, the concerns are whether the material will last and what it will look like aesthetically ten years from now. That would be her concern with a project like this on Centennial Mall. That needs to be a factor. The façade along the mall needs to be of a higher quality.

Quade agreed. When he looks at the façade, the dominance of the project is a plaster wall which should not be the primary material. The masonry on the first floor is being used as a token. With the vistas and dominance of the Capitol, he sees the proposal still has the depth at the podium level looking out rather than encouraging the mass. This is relying in some regard on the library project on providing that mass along the mall. He has a couple other concerns. He is not familiar with all the materials. He doesn't feel comfortable that all these products are 100-year materials. A lot of these products have concealed fasteners, but there is still some concern.

Nalow noted it is not just the physical lifespan to be considered, but also how the materials age aesthetically.

Quade understands the cost of full depth masonry and all other structural aspects that add to the cost of the project. He knows he needs to do more research on thin brick, but there are other lightweight means to provide masonry. Deroin believes this is a different product.

Bob Ripley appreciates the approach. He believes the Commissioners have articulated the intent of quality in the product. He sees what is being proposed as more of a 50-year product. If the goal is to have a 100-year project – and he would like to think it is – then we should be looking at 100-year materials. He thinks we are a little too optimistic about thinking that plaster panels would have that longevity. This is a little bit of a repeat about what he said about materials on Pershing. It had limestone and granite. Metal panels make him nervous. Cementitious materials push the limit as well. As a design thing, the multicolor panel give him great caution. He has lived through a few generations of fashionable materials. He applauds the premise of doing 100-year materials, but he thinks we have to be consistent when we choose those materials. He believes we need to look at stone, brick, precast, etc. While he understands new construction budget constraints, the desire to have a 100-year building requires an additional investment in more noble materials that will clearly pay off in the long-term. The City should be looking at the longest term material. Maintenance that has been required to the exterior of Pershing has been minimal. He believes investing in the right materials upfront will benefit the long-term costs.

Campbell wanted to underscore that as she looks at some student housing projects, she believes they will look so dated with all the multi-color finishes and materials. She doesn't think they will survive the test of time.

Post supports a lot of what she has heard.

K. Johnson appreciates the expertise of the architects on the Commission. Deroin understands the majority of materials are to be stone masonry or true concrete. Quade thinks that from his personal opinion, it looks like the proportions are flipped. If stone or masonry were taken to the fourth or fifth level, proportionally it would feel like it has a more elegant presence. He understands the challenge of a budget, but believes it is a site worthy of high expectations.

Nalow agrees the site dictates more elegance with material, but the presence it has on the mall needs to be noted and the view corridors back to the Capitol need to be kept in mind as well.

Deroin noted that in regard to the view corridors and the area along Centennial Mall, the building has been stepped back. They are proposing a community amenity space that could have a view back to the Capitol. Having the setback on Centennial Mall was seen as a way to give an equal opportunity view to experience the Capitol.

Nalow believes the ideal is to have the façade along Centennial Mall frame the view back to the Capitol. We don't know what the library will look like at this point. She thinks that goes back to those views are important not to just those that live in or use this development, but everyone including city residents and visitors to this area. She believes we need to think about it in the broader sense in how this plays to the mall. How does this complete the mall? She would encourage the applicant when looking at building

massing, to think about this more. She would continue to recommend looking at some of the views and how this fits into the overall puzzle.

Derooin noted that internally, they have discussed the possibility of holding the corner tight to the property line, but still allow for a bit of a recessed amenity area. Nalow thinks that would be a good thing to study. Quade believes it is a question of how far south it runs.

Derooin wanted this group to get a sense on the proposed colors. He asked if there were any primary concerns on keeping a neutral palette.

Nalow believes when looking at material colors, it is important to look at the overall context of the mall so there isn't anything that is standing out. With a higher contrast, that can lead to a distraction. She would caution against going with anything too dark or contrasting

Quade likes the Norman brick size. He is glad to see a standard size being proposed rather than a jumbo brick. With a twelve inch wide unit, it is important to pay attention to details. The coursing needs to be thought out.

Derooin asked if there was any concern about using building materiality as a feature in this area, or if there were concerns with any element or creating subtle patterns. He would like any comments on the variation of brick or texture on the façade. Quade wouldn't have any concerns with that. There are so many variations for options. Nalow agreed. Her concern would be that this needs to be timeless and not dated ten years from now. It needs to last aesthetically for 75 to 100 years. She doesn't want to distract from the Capitol.

Derooin noted that there is some higher-end manufactured stone and they also have brick veneer. He wondered if the Commission has previously looked at that kind of product. It is a fully textured brick product. This would still be something we anticipate having a lifespan within the 75 year requirement. Quade is familiar with the product but hasn't used it. He will explore the product in the interim. It comes down to installation. He doesn't know if that type of a system would have a similar lifespan. It is more of a concrete product that looks like brick.

Derooin will be in touch with Christopher about the next steps to keep the discussion going. He assumes there is no issue with the condensing units on the roof being screened as long as it is in keeping with guidelines. The Commission agreed.

1020 GOODHUE BOULEVARD:

Christopher stated that Ripley reported a construction project underway at 1020 Goodhue Blvd. Ripley was wondering if it was approved by the Commission. It has not been. Building & Safety did not review it either. There are no permits in progress. He has a little history with this property. In September, they applied for a permit for a porch structure. He made the owner aware at the time that he needed to appear before the Nebraska Capitol Environs Commission. Unfortunately, Christopher didn't know at that time

the owner had already started with some significant façade improvements. Shortly after that discussion with the owner, he decided to void his permit request.

An enforcement record for the property has been opened and a letter was sent out. An inspection will be done in the near future. If there is a determination that a building permit is required for the exterior work, the project will be required to come in front of this Commission for review. If a Certificate of Approval were denied, they could appeal to City Council and on to district court. The court would ultimately make a decision as to preserving the work that has been done. They have gone from a lap siding to more of a stucco finish. A change in material doesn't require a building permit, but the change in the windows typically would. This is going from stained glass to a more generic window. He believes we will hear from Building & Safety about their site inspection in the next few days. He thinks unfortunately to some extent, the design standards aren't specific enough. If this goes to appeal, he thinks the design standards wouldn't work in the Commission's favor. The standards state that Goodhue has historic structures that are desirable to maintain. He believes the way the sentence is structured, it is important to maintain but doesn't specifically say it is important to maintain the historic character. In reviewing this with the City Attorney's office, that was their initial reaction.

Nalow believes if we were to review this, it could set a precedent. She asked about the weight of any decision that would be made. Christopher stated that the first task is to make an interpretation of these standards and how they apply to the property in question. From his perspective, there is an intent to these design standards. Perhaps a text amendment is needed to clarify that intent. In terms of what it means for this specific project, there are some limits to the Commission's authority. If a determination were made that this project doesn't fall in line with the design standards, the owner could go along with that decision and restore the building to something that meets the standards. However, if they decide they want to appeal, it is out of this Commission's hands at that point. Someone else would make the determination if what was done falls in line with the design standards or not. An initial appeal would go to the City Council, and then a district court for further appeal. He will keep the Commission informed as he finds out more.

OTHER:

Christopher stated that the next meeting is on January 28, 2022. Today is Campbell's last meeting. K. Johnson thanked Campbell for her service. Campbell thanked everyone. It has been very rewarding as she travels and sees the impact on other Capitols of not having this kind of Commission or regulations.

There being no further business, the meeting was adjourned at 10:05 a.m.