

MEETING NOTES

NAME OF GROUP: NEBRASKA CAPITOL ENVIRONS COMMISSION

DATE, TIME AND PLACE OF MEETING: Thursday, September 28, 2017, 8:00 a.m., Conference Room 214, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Mary Campbell, Gene Crump, Christie Dionisopoulos, Karen Nalow, Jeff Searcy and John Sinclair; (Ann Post absent).

OTHERS IN ATTENDANCE: Ed Zimmer, Stacey Hageman and Teresa McKinstry of the Planning Department; Robert Ripley and Matt Hansen from the Office of the Capitol Commission; and Lynn Johnson from Parks and Recreation.

STATED PURPOSE OF MEETING: Nebraska Capitol Environs Commission Meeting

Chair Jeff Searcy called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Searcy then called for a motion approving the minutes of the meeting held July 27, 2017. Motion for approval made by Crump, seconded by Dionisopoulos and carried 6-0: Campbell, Crump, Dionisopoulos, Nalow, Searcy and Sinclair voting 'yes'; Post absent.

CERTIFICATES OF APPROPRIATENESS FOR INSTALLATION OF "SMALL CELL" WIRELESS COMMUNICATION ANTENNAE ON REPLACEMENT STREETLIGHT POLES IN THE CAPITOL ENVIRONS DISTRICT, MORE SPECIFICALLY DESCRIBED AS: A) ADMINISTRATIVE SPECIAL PERMIT 17007 (ASP17007) IN THE VICINITY OF 701 S. 17TH STREET (SW CORNER OF 17TH & H STREETS); B) ADMINISTRATIVE SPECIAL PERMIT 17009 (ASP17009) IN THE VICINITY OF 2001 K STREETS (SE CORNER OF 20TH & K STREETS); C) ADMINISTRATIVE SPECIAL PERMIT 17010 (ASP17010) IN THE VICINITY OF 2140 K STREET (NORTH SIDE OF K STREET, NORTH OF LINCOLN HIGH SCHOOL PARKING LOT); AND D) ADMINISTRATIVE SPECIAL PERMIT 17006 (ASP17006) FOR AN INSTALLATION IN THE VICINITY OF 1568 K STREET (NORTHWEST CORNER OF 16TH & K STREETS ADJACENT CAPITOL SQUARE)

PUBLIC HEARING: September 28, 2017

Members present: Campbell, Crump, Dionisopoulos, Nalow, Searcy and Sinclair; Post absent.

Ed Zimmer stated that this is a project that the City has been engaged in for several months. The next wave in wireless personal communication is small cell technology. As capacity gets

higher, the “cells” and their antennae get more numerous and the preferred placements are much lower--in the thirty to forty foot range. The big push is to place them on the right-of-way associated with streetlight poles. Lincoln has tried to come up with a master lease to replace existing streetlight poles with new poles incorporating the antennae and associated equipment. This will eventually get us many new poles, especially in the downtown. The poles that the City has negotiated principally with Verizon and some other carriers is will be custom made. They vary from thirty to forty feet tall. The design is essentially a “coffee can” or “top hat” antennae on top of the pole. There are radio units that must be in proximity. They are attached at approximately the midpoint of the pole. Fiber and power come in underground. Mayor Beutler and David Young from Public Works & Utilities have been working on these.

The Planning Dept. has been assigned to work through the Administrative Special Permit process with the applicants. Our approach is to review and approve administratively for “ordinary” locations, but if a tower is proposed in a historic district, the Capitol Environs District, on P Street or in any other special design area, the application is taken to a review body. Part of the discussion has been that the City can opt to require the carrier to shield the radio portion with a screen on either side. We are not sure we want 100 of these rather large “banner”/screens all around downtown. The Downtown Lincoln Association (DLA) would be in charge of graphic content of the banner. Ed noted that he wouldn’t recommend placing banners in the Haymarket area. Four applications are listed on today’s agenda. Staff is recommending approval of three and denial of one of the applications.

Sinclair inquired if the banner will be installed on both sides of the pole. Zimmer replied correct, there will be an open face banner on both sides. You would see the radio from underneath. Boxing it in doesn’t make sense, it would seem heavier. He believes the shields would be longer duration than typical fabric banners.

Nalow wondered if they would all be of similar material and content. Zimmer said yes, but he believes the locations would be spotty at first. He thinks there would be around fifty applications at first, with many more to come. They are also installing these on City Campus. They will probably use a similar pole. The streetlight poles won’t accommodate co-location by multiple carriers on a single.

Campbell questioned if staff envisions messaging or just color and pattern on the banners. Zimmer replied that staff hasn’t been able to learn that yet. DLA will handle the visual content. He would hope it is a fairly simple graphic if it is to be up for multiple years. A screen might be a more applicable description.

Zimmer stated that staff is looking for advice on where these banners or screens might be too much. All costs to date are being born by the communication companies. These poles are thousands of dollars each of hard and soft costs, as installed.

Ripley asked if this system of smaller cell units are in lieu of one that would cover a larger area or just a different system. Zimmer responded that these are a different system, or perhaps could be described as an evolution of the current system. They can't be replaced with a larger unit. Mobile phone technology "hands-off" an individual user from cell-to-cell as we move around, and the more users and higher capacity of each user, the cells have to get smaller and more numerous. The more data you pump through, the more quickly you surpass the capacity of a given cell.

Crump would like Zimmer to explain the difference between the new and existing poles. Zimmer sees a wide variety of existing poles. Some are concrete, some are steel. The new poles would all be galvanized steel, with LED lights. All are in the thirty five to forty foot range. In time, there would be more uniformity. They don't require re-painting. Many of the existing towers need replacing now. None of these are proposed for Centennial Mall. There is talk of highly sensitive locations. On P Street, they will build big illuminated boxes and conceal the radio completely. There might be the case of too many banners. Some locations might need a different technological solution.

Ripley wondered if we are going to see one of these on every block. Zimmer believes maybe a couple on every block. Ripley stated that the thought of seeing these around the Capitol is unacceptable. Zimmer stated that the recommendation may be to locate around the corner from Capitol Square and from Centennial Mall. There is a large difference between placement on the west (Centennial Mall) and south (N Street) faces of the federal garage, for instance. You will probably see these for some months to come.

Sinclair asked who has final say. Zimmer stated it is the Mayor, as to which leases get signed, but this group has authority to any given location within the Capitol Environs District. He believes the Preservation Commission's authority is not as strong on those that are located outside the Capitol Environs District. He discussed the concepts with Historic Preservation Commission. They prefer no banners in the Haymarket area. It gets trickier in other "special design" or special sensitivity areas which will be reviewed by Urban Design Committee. There could be a couple on Canopy St., for instance, or on the retail portion of P Street. Zimmer characterized the "special design" areas as ones in which we encourage people to look up and look along a vista, such as Canopy Street towards the Arena, Centennial or Lincoln Mall, and so on.

Crump understands these lights replace existing lights. Zimmer replied yes. Crump agrees with Ripley's suggestion that these not be on Centennial Mall. They could be located on side streets. Zimmer agreed, that would be our thought. Ripley noted they could be proposed on J Street east. He felt they should be kept off any of the Capitol's axial streets. Zimmer hasn't seen any proposals on J Street, Goodhue, or Lincoln Mall.

Searcy believes that based on this discussion, the Nebraska Capitol Environs Commission is the first body to review these. There could be precedence for other review groups.

Dionisopoulos believes this is a great opportunity for the City to get updated lights. She is very concerned about having so many banners. We prefer to avoid things that need so much maintenance and upkeep. It seems like a mistake. Lynn Johnson agreed that there is a fine balance.

Searcy questioned if there is anything in the lease that addresses the updating and refreshing of the banners when they start to look bad. He would like to see language to that effect. Campbell wonders about the longevity of these as well. Technology is always changing. Nalow agreed. She wonders what these will look like in five years. She questioned the content of the banner and would there be any oversight on what is shown. What happens to the poles when these are obsolete? Zimmer noted that we have seen nothing but a constant change in technology. There is no reason to believe this is the last step. These are fairly conventional poles. He is not very worried about the pole.

Sinclair inquired who generated the banner idea. Zimmer believes the Mayor, or David Young of Public Works.

Crump has concerns on the need for a banner. If this is meant to hide something, he is in favor.

Ripley observed that these devices are going in where you don't need a banner, why would you put something up? You are calling more attention to something where you are trying to disguise it. Unless the district has something in place, he would advise against it. Zimmer stated there is no district in the City that has a banner program that would look similar to this. Any banner program changes out multiple times a year. That is how you keep them fresh. Ripley noted that the top of the pole is the least visible. His understanding of radio technology is that it can go through objects. Perhaps it could be a simple fiberglass blister that provides a cover. It could attach to the pole and he doesn't believe the radio waves would be interrupted. It could be painted out the same color as the pole.

Nalow wonders if that is even necessary. If you drive around Lincoln and look at poles, there are already items attached. She wondered if you are just drawing attention to these. Ripley would offer his suggestion as an alternative to the Mayor if there is a need to have these concealed. Nalow would be worried about too many banners. Perhaps it would be better to have it just be part of the urban clutter and assess which is appropriate for each one.

Zimmer noted today's applications are for four locations. All would be replacements of existing streetlights with the new multi-purpose poles. ASP17010 is behind McDonald's and the gas station, on the curve of K Street, around 21st Street. He feels this should be a non banner location. It is beyond the edge of the Capitol Environs District, but is in close proximity to the district. It would be located on a one-way street departing from the Capitol. Staff is recommending approval. ASP17009 at 20th and K Street is the next one. It is in the Capitol Environs district. It does seem that this is a downtown location. If the DLA designed banners

celebrate Downtown or at least become a familiar streetscape ornament in the Downtown, this might be a location for banners at the easternmost reach of Downtown. Staff is recommending approval. The next is ASP17007 at 17th and H Street. It has closer proximity to the Capitol, but he doesn't think it impinges on a key view. He would recommend it not have a banner so the view to the Capitol is not screened. You don't need any additional clutter at height. Staff is recommending approval. The fourth location is ASP17006 at 16th and K Street. It would be in view of Capitol Square. This seems a poor location to add mechanical equipment halfway up a streetlight pole. Obstructing the Capitol view with banners would compound the problem. If you get to a technology where you can't see any modification except the antennae at the top of the pole, perhaps it would be possible someday. He is recommending denial of this current application.

Ripley agrees with Zimmer's observations. He is curious though, why the tower proposed for 20th and K Street (ASP17009) wouldn't be better located on the south side of street. Why is it not on north side with the Telegraph District? He would think they would embrace this. Zimmer stated that some of these locations assume they have a radio coverage reason. He assumes they must want this specific location. Ripley would offer that the Commission consider when an applicant suggests one of these devices within the district, that they do like the one at 17th and H Street (ASP17007) and keep it a city block distant from the Capitol. Perhaps they could move the one proposed for 16th and K Street (ASP17006) to 16th and L Street. He would prefer they be kept one block distant from the district.

Searcy understands that none of these have been erected yet, this is the first batch of applications. Zimmer stated that these are from Mobilitie. Verizon has a longer list of poles that they want. Searcy wondered when these would start to show up around town. Zimmer doesn't know when installation would start. There has already been months of discussion on what they would look like.

Crump is inclined to say he doesn't want signs on these poles anyway. He wants to keep them as normal looking as possible. Dionisopoulos agreed. Zimmer believes that banners do not seem advantageous at any location. Searcy finds it hard to imagine what the banners would look like. The applicant hasn't given any detail or visuals on any banners. Zimmer noted that no one has seen a banner. He believes they would be three foot by six foot. That is a lot of square footage of visual. The Commissioners all agreed that is quite large. The Commissioners also agreed that they need to see more information regarding the banners with visual concepts to be presented for their review. Searcy would like to see an example. Everyone agreed.

Campbell asked if these poles are from one carrier. Will other carriers want additional poles? Zimmer replied yes. We have at least two, perhaps a third company discussing these as well.

ACTION:

Dionisopoulos moved approval of ASP17007, ASP17009 and ASP17010 with no banners and denial of ASP17006, seconded by Campbell.

Dionisopoulos stated that she believes this commission is not convinced a banner would be an enhancement to the district and the City should consider whether any banners are needed at all. If any banners are still to be proposed, the commission would like to see an example of materials, design and size, at a minimum. The other Commissioners agreed.

Searcy would recommend the next round of small cell pole applications be brought to this commission for review.

Motion carried 6-0: Campbell, Crump, Dionisopoulos, Nalow, Searcy and Sinclair voting 'yes'; Post absent.

CHANGE OF ZONE 17021 AND SPECIAL PERMIT 17033 AT 2051 K STREET

PUBLIC HEARING:

September 28, 2017

Members present: Campbell, Crump, Dionisopoulos, Nalow, Searcy and Sinclair; Post absent.

Zimmer stated this Commission reviewed and approved a Certificate of Appropriateness for expansion of the Glenn's CarStar auto body facility at 21st and K Streets at their meeting in July. The existing zoning didn't fit the proposal. There was quite a bit of staff discussion. The first application was to extend the B-3 zoning. Staff recommended to change it to B-4, which is the zoning across the street. The advantage from a long term planning standpoint is that B-4 brings Downtown Design Standards in addition to the Nebraska Capitol Environs District standards. B-4 zoning does not include auto body repair. This would become a non-conforming use. The special permit would allow them to continue an auto body shop. B-4 zoning adjacent to residential would be pushed back ten feet. Long term, this is more like a downtown property, not a neighborhood-business property.

Searcy believes that any future owner would have to conform to B-4 zoning, not the current use. Zimmer stated that this is looking forward to a future use. This will probably never be a good residential site. It seems reasonable to allow this use, but with future protections. There would be a condition for additional landscaping.

Sinclair noted the use is not tied to the owner of the building. The business could be sold to another auto body company. Zimmer replied he was correct, but this provides the opportunity for a higher category of land use.

Crump questioned that you can sell a non-conforming use. Zimmer stated zoning is not tied to ownership. This could continue to be an auto body shop. But if you stop using it for two years, you lose non-conforming status.

Ripley believes this is a good proposal and raises the bar. It requires setbacks and landscaping.

ACTION:

Sinclair moved to recommend approval of the change of zone and special permit, seconded by Crump and carried 6-0: Campbell, Crump, Dionisopoulos, Nalow, Searcy and Sinclair voting 'yes'; Post absent.

MISCELLANEOUS:

- Zimmer stated that everyone is invited to the unveiling of the Standing Bear statue on October 15, 2017. There will be a drum circle at 12:30, with the sculpture dedication at 1:00 p.m. There will be a reception following at Anderson Hall.

Johnson added that the statue will be installed on Wednesday, October 11 and barricades will be installed around it. Searcy encouraged attendance at the unveiling. This is a Nebraska 150 Legacy project. We should all be very proud of it.

- Searcy stated that the Sesquicentennial celebrations exceeded all expectations. It was a wonderful way to cap a lot of efforts throughout the State. Turnout was great. He extended his thanks to everyone.
- Ripley reminded everyone that the joint meeting with the Nebraska Capitol Commission will be held on November 7, 2017 at 10:00 a.m. at the State Capitol, with the Nebraska Capitol Environs Commission meeting separately afterward at 11:00 a.m.

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

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