

**COUNCIL ACTION FORM**

**SUBJECT: CAMPUSTOWN URBAN REVITALIZATION AREA WINDOW CRITERIA  
EQUIVALENCY REQUEST FOR PROPERTY AT 2300 LINCOLN WAY**

**BACKGROUND:**

OPUS Development Company, LLC, Minnetonka, Minnesota, purchased the property at 2300 Lincoln Way and is in the process of constructing a residential/commercial mixed-use building, "The Foundry," at this address (see Attachment D). The structure will have six stories plus one level of below ground parking. The ground level will include commercial retail and service uses along the street frontage of Lincoln Way and Lynn Avenue, with parking behind the commercial businesses. The top five stories will consist of 53 apartment units.

This property is located in the Campustown Urban Revitalization Area, and the developer is seeking tax abatement through the urban revitalization program. Specific criteria must be met for a development to qualify for tax abatement in this urban revitalization area (see Attachment C). One of the 15 criteria specifies that street facing facades may use only fixed windows.

**At this time, the developer is seeking approval by the City Council of an equivalent proposal to meet the window criteria of the Campustown Urban Revitalization Area (see Attachment B). The equivalent proposal is to install awning windows on the street facing sides of the building (Lincoln Way and Lynn Avenue) that swing out along the bottom edge of the window a maximum of 4 inches.**

The height of the proposed windows is 7 feet 6 inches, with a fixed window on the top 5 feet 6 inches, and an awning window on the lower two feet. There will be a variety of window widths, including four feet, six feet and eight feet. Regardless of the window width, only one operable awning window is proposed to span the entire width of the window opening. **The window openings are to be equipped with heavy gauge custom-made aluminum screens to prevent objects from passing through the window opening and falling onto the sidewalk below** (see Attachments E & F). Dimensions of the proposed aluminum screen materials is 1/8-inch thick and 3/16-inch wide, in a grid pattern of 1/2-inch openings. The heavy gauge aluminum screen has a 3/4-inch metal trim on all four sides of the screen, and is affixed with tamper resistant screws to a continuous U-shaped channel along both sides of the window frame. Tamper resistant screws secure the U-shaped channel to the window jamb. A cutout along the right edge of each screen is necessary to allow for the window opening mechanism. An insect screen will be located outside the heavy gauge aluminum screen of each awning window.

Staff from the Police and Planning and Housing Departments met with the developers on multiple occasions to discuss alternatives and view mock-ups of windows and screens for the street facing sides of the building. **The basis for the urban revitalization criteria, which requires facades facing any street use only fixed windows, is for the safety of pedestrians walking, or standing near the building from projectiles that could be thrown through an open window.** In addition, with the large number of windows on each façade of a six-story building, unless there is a witness to confirm the exact window opening out of which an object was thrown, it would be difficult to determine the specific apartment window that was used.

In order to support the developer's proposal for windows that open on the street facing sides of the building, the Police Department must be convinced that window screen materials, design, and method of securing is substantial enough that it would take extraordinary measures by a vandal to create an opening through which a projectile could pass. **Given the proposed materials, design, and methods proposed to keep the screens securely in place, the Police Department is supportive of the developer's request to allow windows on the street facing facades, provided the screens and windows are constructed, as shown in the attached graphics and described by notes on those graphics.**

Following installation of the windows and screens, staff will inspect the final installation to confirm the windows and screens were constructed and installed in accordance with the narrative and graphics provided by the developer to qualify as an "equivalent to the adopted window criteria," as approved by the City Council. The final determination for the granting of tax abatement, based upon compliance with the Campustown Urban Revitalization District Criteria, will be a decision of the City Council following construction of the building.

### **ALTERNATIVES:**

1. The City Council can determine that the developer's proposal to install windows that open on the street facing sides of the building under construction at 2300 Lincoln Way is an equivalent alternative to the Campustown Urban Revitalization Criteria for fixed windows on the street facing sides of the building, provided the following conditions are met:
  - A. Windows installed on the street facing sides of the building shall have fixed windows for the upper five foot-six inches of the height of each seven foot-six inch window opening;
  - B. No more than the lower two feet of each window opening shall be an awning style of window that hinges at the top and swings out at the bottom;
  - C. Awning windows on the street facing sides of the building shall open no more than 4 inches;
  - D. Screens for the awning windows shall be made of heavy gauge aluminum, 1/8-inch thick, in a grid pattern with ½-inch openings;
  - E. Awning window screens shall be secured to U-shaped channels with tamper resistant screens, and the U-shaped channels are secured to the jamb of the window with tamper resistant screws; and

- F. City staff will inspect the installed windows and screens to confirm that the conditions for approval of the equivalent alternative have been met, prior to consideration of a request for tax abatement for this property.
2. The City Council can deny the developer's request to install windows that open on the street facing sides of the building under construction at 2300 Lincoln Way as an equivalent alternative to the Campustown Urban Revitalization Criteria for fixed windows on the street facing sides of the building.
  3. The City Council can refer this request back to City staff and/or the applicant for additional information prior to making this determination.

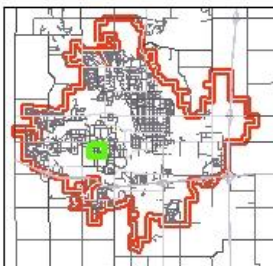
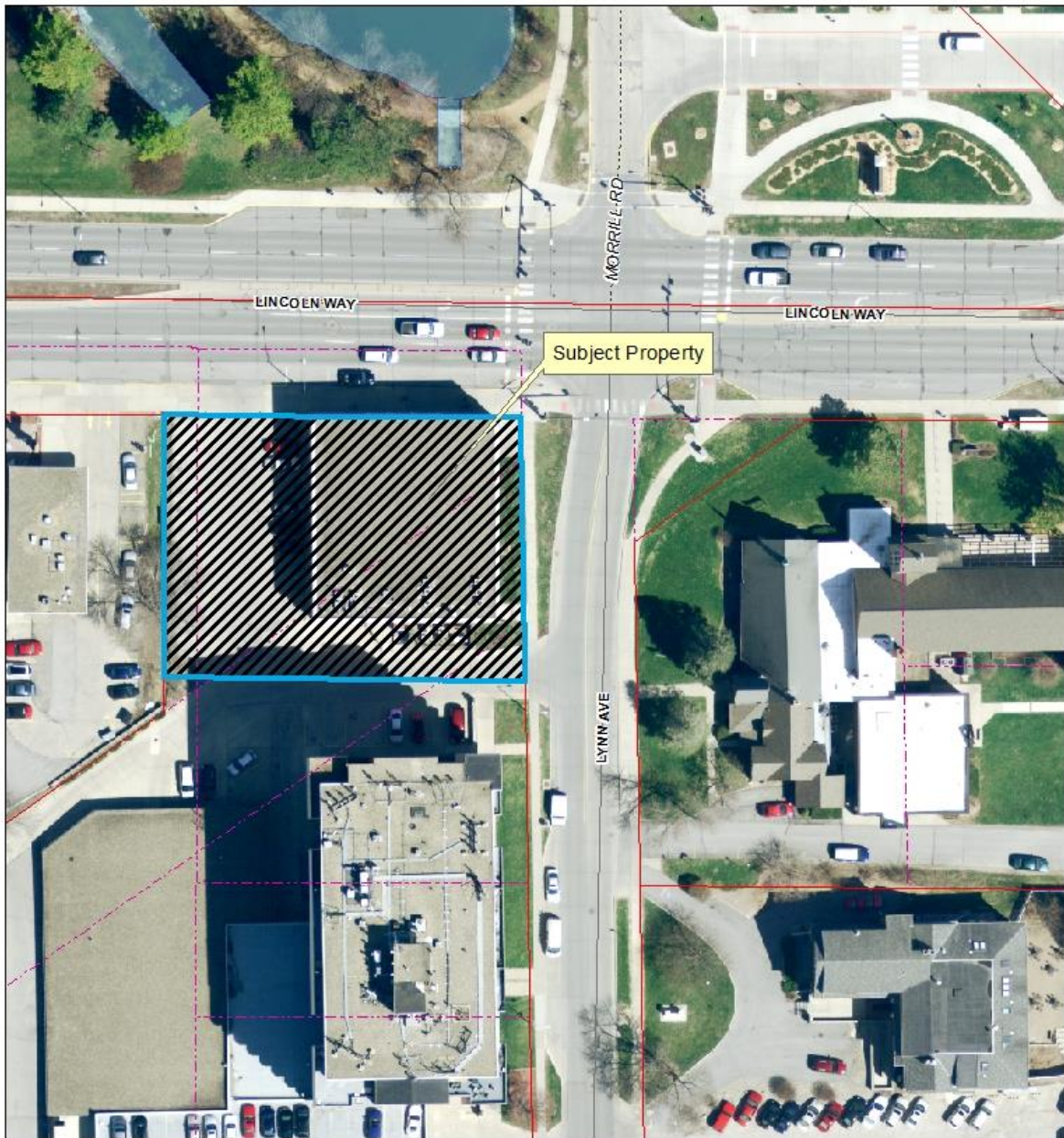
**MANAGER'S RECOMMENDED ACTION:**

The safety of pedestrians on the public sidewalks in Campustown is of paramount importance. The Campustown Urban Revitalization Criteria, which states that facades facing any street use only fixed windows, is evidence that the City Council places a very high priority on protection of pedestrians on public sidewalks and streets affected by development in Campustown.

Given the high priority City Council places on the safety of persons on public property, City staff does not take the developer's request lightly. It is only with the assurances provided by the developer and support from the City's Police Department that this request for an equivalent alternative to fixed windows is being brought to the City Council for consideration.

Therefore, based upon input received from Police staff, it is the recommendation of the City Manager that the City Council accept Alternative #1 as outlined above.

Attachment A  
**LOCATION MAP**



**Location Map**  
**2300 Lincoln Way**

0 20 40 80 120 Feet



Attachment B  
**Letter Requesting Approval of Proposed Windows (Page 1)**



August 1, 2014

Honorable Ann Campbell, Mayor  
Ames City Council  
City Of Ames  
City Hall  
515 Clark Avenue  
Ames, Iowa 50010

Mayor Campbell,

Opus Development Company appreciates the assistance the City of Ames staff has provided during the planning of the project located at 2300 Lincoln Way, called The Foundry. Opus is pleased to have started the project and looks forward to delivering the completed space in the Fall of 2015.

Based on to-be-built plans, Opus has met all the requirements and has been deemed eligible to receive the benefits of the Campustown Urban Revitalization program. See attached letter from City of Ames dated March 21, 2014 confirming the project has met the program's requirements.

Item 11 of Campustown Urban Revitalization Criteria Matrix (attached) states, "On facades facing any street use only fixed windows." It was agreed that if Opus could demonstrate to planning staff and police department the ability to prevent items from leaving the apartment, the solution would be deemed an equivalent and therefore Opus would be allowed to install operable windows along Lynn Avenue and Lincoln Way. It was further agreed, Opus would retain the benefits of the Campustown Urban Revitalization program with a mutually agreed upon solution.

Opus appreciates Ames City Council considering a request to install operable windows along Lynn Avenue and Lincoln Way, which are proposed to be screened by non-removable, heavy gauge aluminum screen. The screen will be permanently affixed to the jamb of the window with tamper proof screws. Please see enclosed pictures and drawings for additional details.

On two separate occasions, Opus met with Kelly Diekmann, Ray Anderson, Police Chief Cychosz, Police Commander Huff and Patrol Commander Tuttle to discuss their concerns related to operable windows. After each meeting, Opus refined its solution to address questions and concerns. Opus, Ray Anderson and Commander Huff met a third time on July 31 to review and approve the final proposed solution.

Attachment B  
Letter Requesting Approval of Proposed Windows (Page 2)



Opus has developed many student apartment projects in Minneapolis, Madison, Ann Arbor and Milwaukee. There has not been a single market that has restricted the use of operable windows. There are many benefits to operable windows identified below;

Natural ventilation is receiving renewed respect for its power to help reduce energy consumption and global warming, as well as enhance personal comfort. Fresh air enhances personal comfort and offers psychological health benefits. Natural ventilation helps meet green building goals. Additionally, when building occupants are given accessible switches to control windows, skylights, and HVAC (Heating, Ventilation and Air Conditioning), occupants enjoy the feeling of personal control and feel more content.

Perhaps the greatest benefit that operable windows provide is ventilation, which can have a positive impact on the HVAC budget. In Ames, natural ventilation offers a seasonal opportunity for air conditioning energy savings if included as part of the HVAC design, balancing, and operating plan.

This benefit is recognized as being both energy efficient and good for a building's indoor air quality. Recognizing their sustainable design benefits, the USGBC LEED Rating System awards points for operable windows in the Ventilation Effectiveness and Controllability of Systems credit categories. Operable windows can be a part of an effective natural ventilation strategy, when applied using the recommendations in the Carbon Trust Good Practices Guide 237 and ASHRAE 62.1-2004. In IEQ Credit 6.2 Controllability of Systems – Thermal Comfort, occupant-controlled operable windows may be used in lieu of comfort controls for areas nearby, as outlined in ASHRAE 62.1-2004.

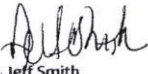
Opus understands the concern for safety expressed by the City of Ames staff and Police Department, which is why such a robust screen solution has been proposed.

It is our hope the Ames City Council will approve Opus Development Company's request. We look forward to answering any questions you may have.

Sincerely,

  
Jason Conway  
Real Estate Director  
Opus Development Company, L.L.C.

  
Matt Rauenhorst  
Real Estate Senior Director  
Opus Development Company, L.L.C.

  
Jeff Smith  
Regional Director  
Opus Design-Build, L.L.C.



Attachment C  
Campustown Urban Revitalization  
Criteria

Effective Date: March 25, 2013

## CAMPUSTOWN URBAN REVITALIZATION CRITERIA MATRIX

PROJECT MUST MEET CRITERIA OF ONE OF THESE COLUMNS			AND	PROJECT MUST MEET CRITERIA OF ONE OF THESE COLUMNS	
<b>Slum and Blighted</b> Properties where a majority of the assessed valuation of the properties has been determined to be substantially unsafe or to have an unsafe use by the City Council.	<b>Parking</b> A minimum of 70% of the total required parking is provided in a structure. If utilizing a parking deck, the restrictions in Chapter 29.406.12 of the Municipal Code must be adhered to.  <b>AND</b> <b>Mixed Use</b> The first floor must be used for permitted commercial and retail uses as shown in Table 29.803(2) of the Municipal Code. The second floor must be used for either commercial or retail uses as shown in the Table 29.803(2) or for household living. All floors above the second floor must be used for household living.	<b>Adaptive Reuse</b> The building on the site was originally built before 1941.  <b>AND</b> 70% of the area of existing exterior walls of the structure will remain  <b>AND</b> Historic materials and designs are preserved and/or restored.		<b>Underrepresented</b> Properties that are to include a business use where that actual sales of the business use is below the expected sales for the business use as determined by the City Council to be of benefit to the City (should be supported by a retail leakage study).	<b>Design Standards</b> Retail and office uses on the first floor adjacent to a public sidewalk must have direct access to the public sidewalk.  <b>AND</b> <b>Signage</b> The signage design, scale, materials, and colors shall be in proportion to and consistent with the architecture of the building and support the business identity.  <b>AND</b> <div style="border: 1px solid black; padding: 5px; display: inline-block;">OR</div> <b>Brick Material</b> 100% of the front and 80% of the three remaining sides of the structure shall be faced with clay brick for the first four stories. On stories five through seven any other building materials except vinyl will be allowed.  <b>Alternative Siding Material</b> If historically significant - use and repair of historically appropriate siding material is permitted and must be maintained for the term of the selected tax abatement schedule.
<b>ALL RESIDENTIAL USES SHALL ALSO MEET THE FOLLOWING CRITERIA OR EQUIVALENT AS APPROVED BY THE CITY COUNCIL</b>					
<ol style="list-style-type: none"> <li>1. Limit commercial space in the same building to the ground floor</li> <li>2. Provide separate entrances for commercial and residential uses</li> <li>3. Locate all residential entrances to be visible from the street and provide secure access control at each</li> <li>4. Prevent access from the exterior to the interior through doors that serve only as fire exits</li> <li>5. Prohibit public access to structured parking, using overhead door and secure access control</li> <li>6. Provide transparent glass windows into all stairwells</li> <li>7. Provide camera monitoring of all pedestrian and vehicle entrances and areas</li> </ol>				<ol style="list-style-type: none"> <li>8. Minimum widths of all exit routes: 48" for halls, 42" for doors, 60" between rails for stairs</li> <li>9. No balconies are permitted</li> <li>10. Provide for natural daylight requirements of applicable codes with exterior windows</li> <li>11. On facades facing any street use only fixed windows</li> <li>12. Design of all other windows to prevent passing of sphere larger than 4" diameter</li> <li>13. Prevent by physical means access to all roofs</li> <li>14. Where access is not required, provide security fencing controlling access to all areas between new or existing buildings</li> <li>15. Provide a minimum of four 100 w. metal halide light fixtures on each building facade: two at elevation between first and second floors and two at elevation between third and fourth floor</li> </ol>	

Attachment D  
**Perspective View of Proposed Building**



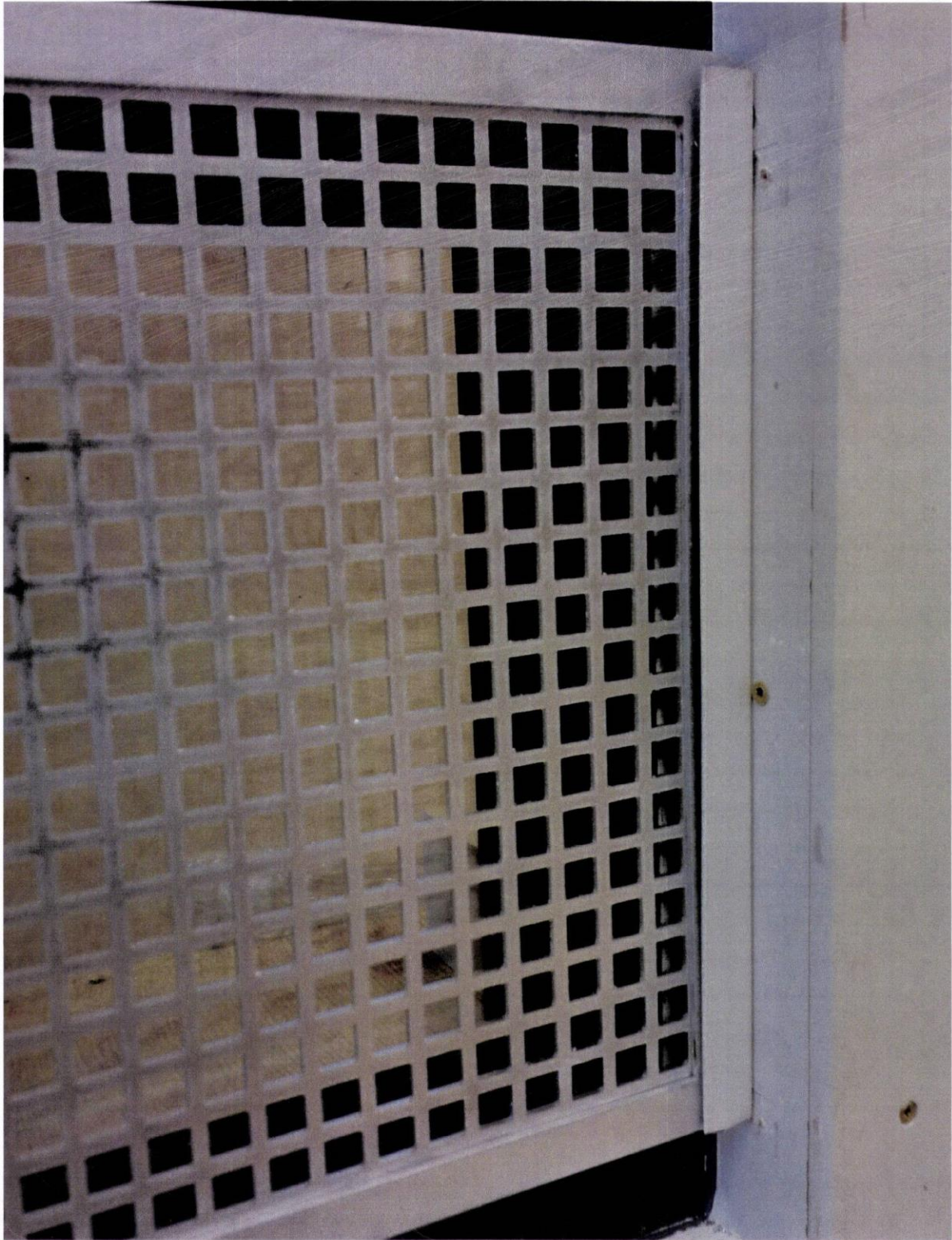
STREET PERSPECTIVE



PERSPECTIVE LOOKING SOUTHWEST



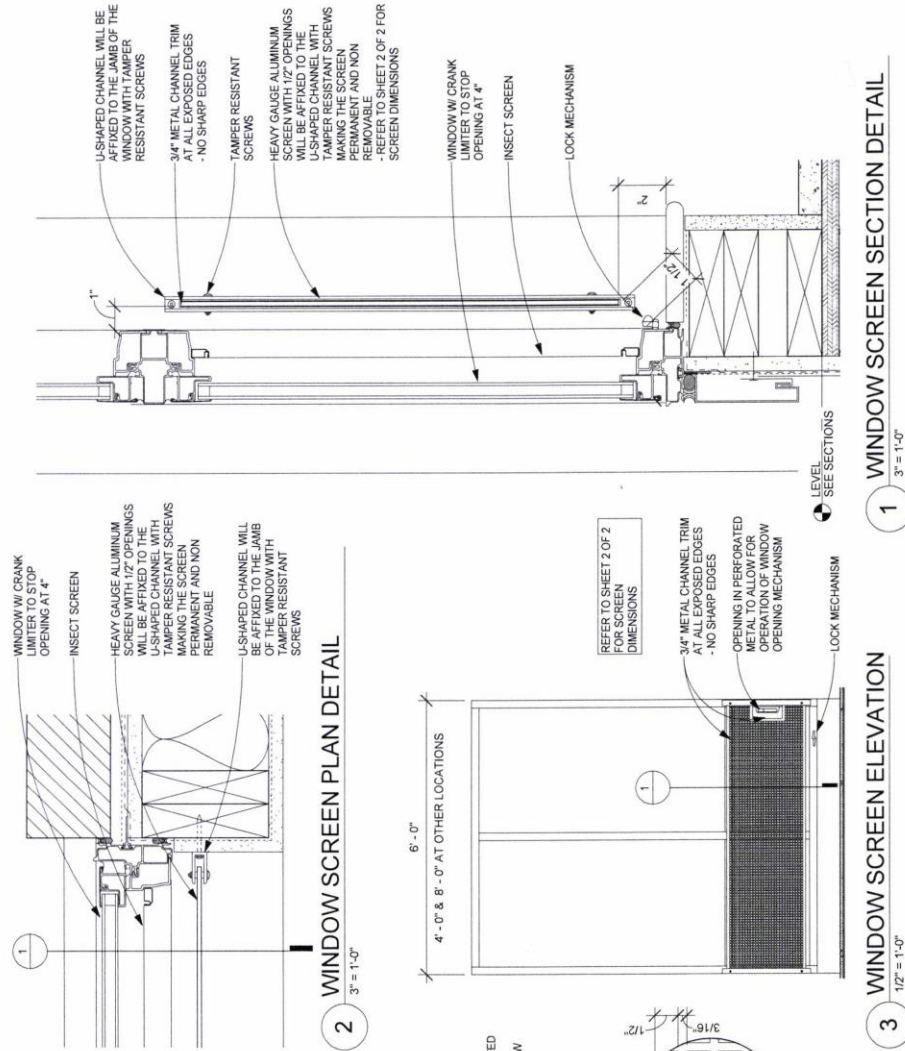
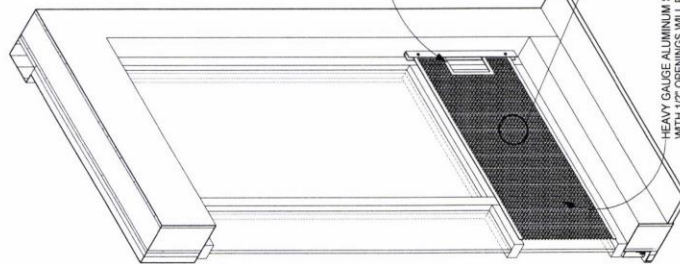
Attachment E  
**Photo of Proposed Screen**



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AUG 4 2014

CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING



Attachment F  
Screen Mock-Up Drawing (Sheet #1)

	THE OPUS GROUP	OPUS & Co., LLC 10100 Deer Road Trail Bloomington, Minnesota 55420		PROJECT NAME	THE FOUNDRY	DESIGN NUMBER	DATE	FIELD BULLETIN	SHEET 1 OF 2 SHEETS
				SCREEN	MOCK-UP	REF SHEET #	08/04/14		

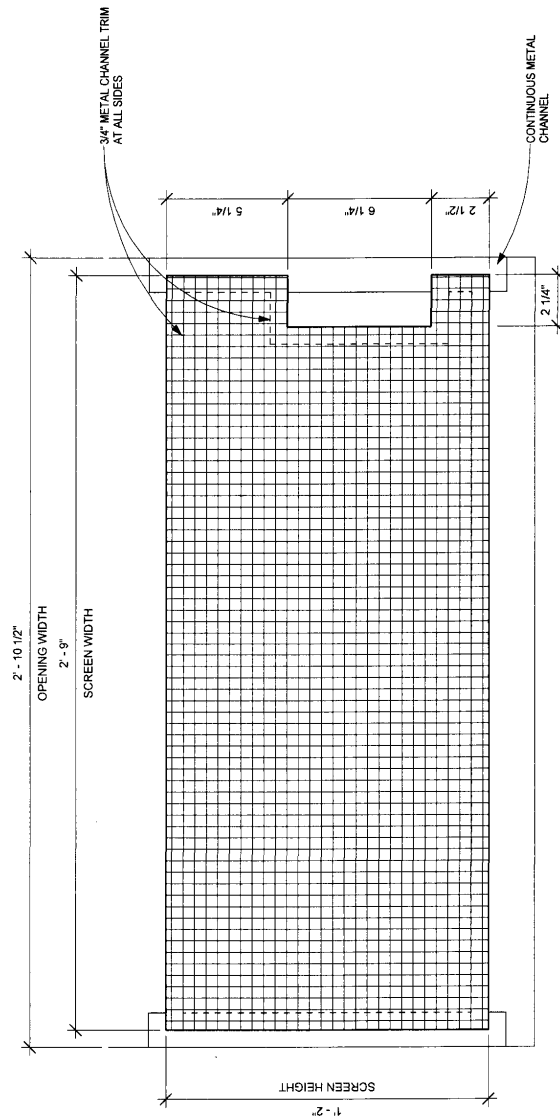
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AUG 4 2014

CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING

Attachment F  
Screen Mock-Up Drawing (Sheet #2)

REFER TO SHEET 1 OF 2 FOR  
CONNECTION DETAILS



1 SCREEN DIMENSIONS  
3" = 1'-0"

<b>OPUS</b> THE OPUS GROUP	OPUS AC CORP. LLC 10300 Sun Road West Indianapolis, Indiana 46243	PROJECT NAME THE FOUNDRY	DESIGN NUMBER 08/04/14	DATE 08/04/14	FIELD BULLETIN SCREEN MOCK-UP	SHEET 2 OF 2 SHEETS REF SHEET #