

COUNCIL ACTION FORM

SUBJECT: URBAN REVITALIZATION TAX ABATEMENT PREAPPROVAL REQUEST FOR FIXED WINDOW EQUIVALENCY AT 2320 LINCOLN WAY (Gilbane Development Company)

BACKGROUND:

In accordance with Chapter 404 of the Code of Iowa, the City Council has established Urban Revitalization Areas (URAs) with plans specifying standards for types and elements of physical improvements that provide public benefits. When property within one of these URAs is developed, redeveloped, rehabilitated, or remodeled, the property owner is eligible for abatement of property taxes on the incremental increase in property value after the improvements are completed. This abatement can extend for three, five or ten years, based on the individual Urban Revitalization Plan approved by Council.

Property owners within an approved URA may apply for tax exemption for a complete project or preapproval for project that is planned to be built. **The Gilbane Development Company is seeking pre-approval of their mixed-use project (See Attachment A, Location Map) with alternative methods of meeting the fixed window requirement along Lincoln Way. Gilbane is interested in preapproval at this time to ensure that their approach to sealing the windows along Lincoln Way is deemed to be an approach that provides equivalent performance to the fixed window standards of the tax abatement criteria.**

Council previously reviewed the request on September 8, 2015 and declined to accept the windows along Lincoln Way with tamper resistant screws as an equivalent method for securing windows compared to fixed windows.

The full Campustown URA criteria are found in Attachment B. The applicant originally sought compliance with the Mixed Use, Design Criteria, and with the mandatory public safety elements with their request dated July 9, 2016. Staff from the Police Department and Planning and Housing Department completed a site inspection of the building on August 12, 2015. **Staff determined through the site inspection that the project complies with all of the tax abatement criteria with one exception to the fixed windows standard. The installed windows only include four tamper resistant screws per window to keep them fixed shut. Staff did not find this to be a satisfactory design to ensure windows would not be opened as the system of screws could easily be defeated with minimal effort and tools.**

Subsequent to the September 8, 2015 meeting, Gilbane demonstrated to the Police Chief and Planning Director a window that included epoxy sealant in the tracks of the windows to seal the window. (Attachment C Window Example) The applicant has provided additional information in Attachment D about their approach. **The Police Chief and Planning Director believe that the modified window with the epoxy sealant meets the expectation of a window that would not be operable and could not be**

opened without damaging the entire window system. The windows will also be modified to remove latches that give the appearance of it being an operable window. The applicant desires Council's concurrence on this approach and will immediately implement the measure to finalize the project for tax abatement eligibility.

ALTERNATIVES:

1. The City Council can adopt a resolution to approving the sealed epoxy windows as an equivalent measures to fixed windows along Lincoln Way for the project at 2320 Lincoln Way.

With this alternative, once all windows are sealed with epoxy and hardware removed from the windows along Lincoln Way, the property owner may apply for final approval of tax abatement.

2. The City Council can deny the request for approval of the window equivalency measure at 2320 Lincoln Way.

With this alternative, the applicant would not receive tax abatement unless fixed windows are installed along Lincoln Way.

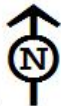
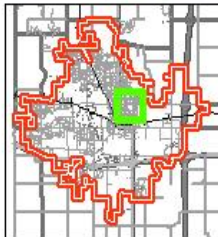
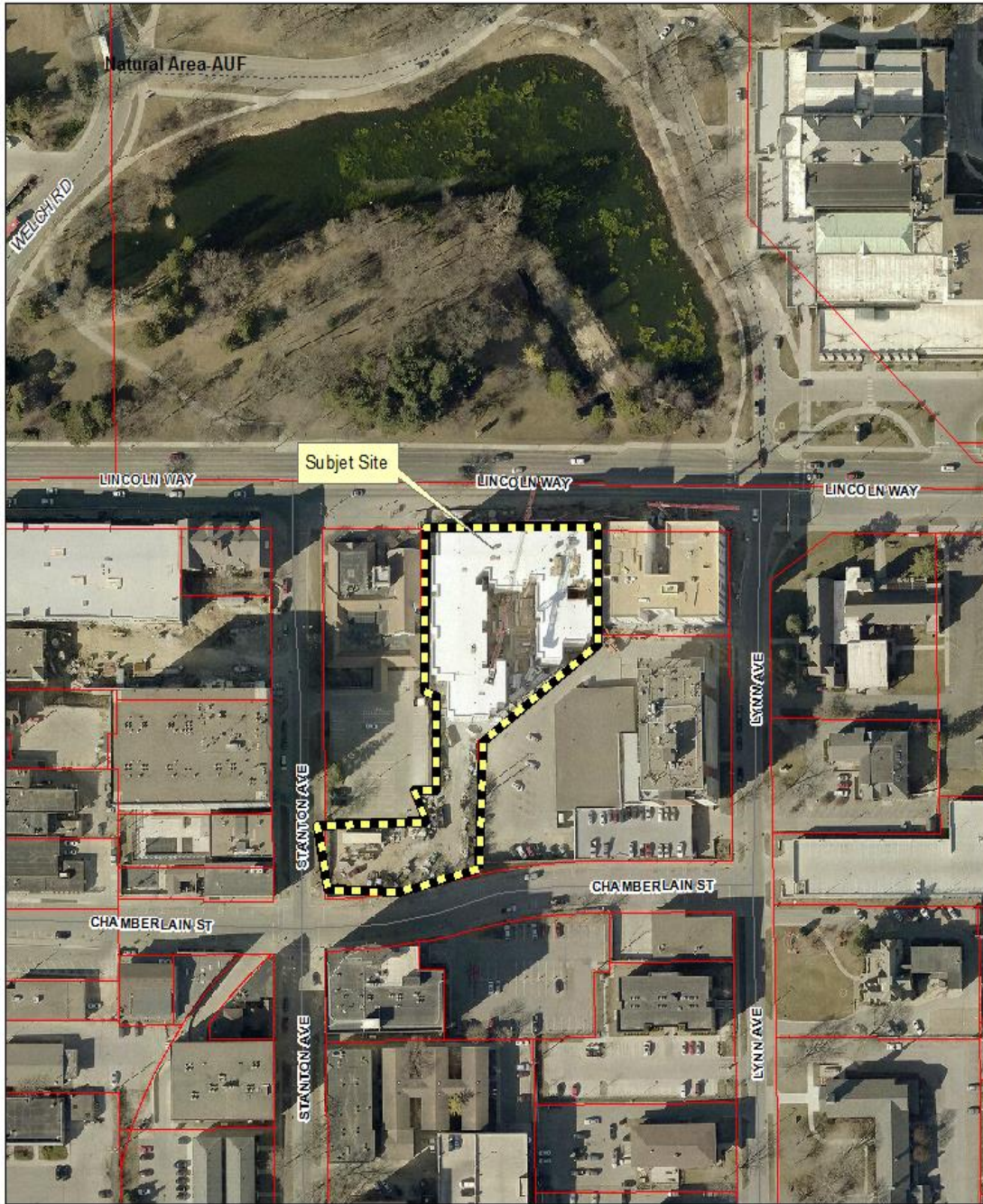
3. The City Council may direct staff or the applicant to provide additional information and make no decision on the equivalency of the epoxy window to a fixed window.

MANAGER'S RECOMMENDED ACTION:

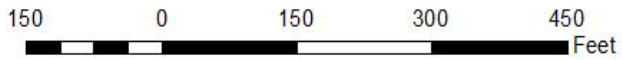
The applicant believes that the adding the epoxy sealant provides the performance expected under the URA Criteria and can be found to be equivalent to that of fixed window. **After an on-site inspection, staff is satisfied that the windows are reasonably secured with the industrial strength epoxy and cannot be opened without causing severe damage to the window system.** The additional modifications of eliminating the latches also help dissuade people from thinking that the window should be able to open as it will have the appearance a fixed window. The property owner can complete these modifications in the next few weeks.

Because of this recent modification to the windows, it is the recommendation of the City Manager that the City Council can adopt a resolution to approving the sealed epoxy windows as an equivalent measures to fixed windows along Lincoln Way for the project at 2320 Lincoln Way.

Attachment A Location Map



2320 Lincoln Way



CAMPUSTOWN URBAN REVITALIZATION CRITERIA MATRIX

PROJECT MUST MEET CRITERIA OF ONE OF THESE COLUMNS		AND	PROJECT MUST MEET CRITERIA OF ONE OF THESE COLUMNS	
<p>Slum and Blighted</p> <p>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.</p>	<p>Parking</p> <p>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.</p> <p>AND</p> <p>Mixed Use</p> <p>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.</p>	<p>Adaptive Reuse</p> <p>The building on the site was originally built before 1941.</p> <p>AND</p> <p>70% of the area of existing exterior walls of the structure will remain.</p> <p>AND</p> <p>Historic materials and designs are preserved and/or restored.</p>	<p>Underrepresented</p> <p>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).</p>	<p>Design Standards</p> <p>Retail and office uses on the first floor adjacent to a public sidewalk must have direct access to the public sidewalk.</p> <p>AND</p> <p>Signage</p> <p>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.</p> <p>AND</p> <div style="border: 1px solid black; padding: 5px; text-align: center; width: fit-content; margin: 0 auto;"> OR </div> <p>Brick Material</p> <p>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.</p> <p>Alternative Siding Material</p> <p>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.</p>
ALL RESIDENTIAL USES SHALL ALSO MEET THE FOLLOWING CRITERIA OR EQUIVALENT AS APPROVED BY THE CITY COUNCIL				
<ol style="list-style-type: none"> 1. Limit commercial space in the same building to the ground floor 2. Provide separate entrances for commercial and residential uses 3. Locate all residential entrances to be visible from the street and provide secure access control at each 4. Prevent access from the exterior to the interior through doors that serve only as fire exits 5. Prohibit public access to structured parking, using overhead door and secure access control 6. Provide transparent glass windows into all stairwells 7. Provide camera monitoring of all pedestrian and vehicle entrances and areas 				
<ol style="list-style-type: none"> 8. Minimum widths of all exit routes: 48" for halls, 42" for doors, 60" between rails for stairs 9. No balconies are permitted 10. Provide for natural daylight requirements of applicable codes with exterior windows 11. On facades facing any street use only fixed windows 12. Design of all other windows to prevent passing of sphere larger than 4" diameter 13. Prevent by physical means access to all roofs 14. Where access is not required, provide security fencing controlling access to all areas between new or existing buildings 15. Provide a minimum of four 100 w. metal halide light fixtures on each building façade: two at elevation between first and second floors and two at elevation between third and fourth floor 				

Attachment C



October 7, 2015

Ames City Council
Ames City Hall
P.O. Box 811
515 Clark Avenue
Ames, IA 50010

Re: Tax Abatement Request for 2320 Lincoln Way

Dear Members of the City Council:

On behalf of GD Lincoln Way, we are submitting additional information regarding the Tax Abatement Request for 2320 Lincoln Way. Specifically, we are submitting additional information outlining the additional measures proposed to enhance the means by which the windows are fixed along Lincoln Way. We respectfully request your consideration of this information, these additional measures and reconsider the approval of the tax abatement for this property.

Respectfully,

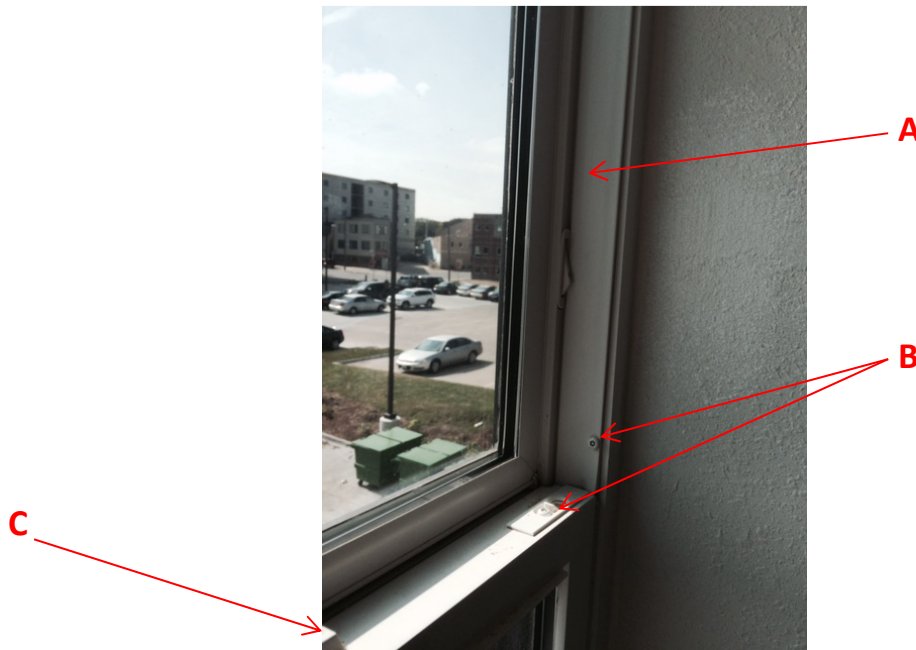


Russell W. Broderick
Vice President

Encl. 2320 Lincoln Way Windows Security, Additional Measures

Attachment D
2320 Lincoln Way
Windows Security, Additional Measures

Current, as installed, Fixed Single Hung Windows with Mechanical sash stops in place



- a. Fixed sash stop installed in window jamb,
- b. Tamper resistant screw installed through sash stop,
- c. Sash locking hardware.

Proposed additional measures: In addition to the current mechanical sash stops secured with tamper resistant screws, the windows will be chemically fixed via an epoxy adhesive applied to the sill , hardware and sill joints. These additional measures are permanent in nature and will enhance the mechanically fixed sash. A mock-up of these additional measures was completed on a representative window at the property. On Thursday October 1, 2015 Ames Planning and Housing & Police Departments met with the installing contractor and Gilbane representatives to inspect the installation. The pictures and notes below provide a graphic depiction of the additional measured described above.

Attachment D
2320 Lincoln Way
Windows Security, Additional Measures

1. Tamper resistant screws and fixed sash stops being removed in preparation for epoxy treatment.



A

B

2. Lower window sash is fully removed during this phase of the additional measures.



3. Denatured Alcohol is used to clean mating surfaces prior to adhesive application.



A

B

C

D

Attachment D
2320 Lincoln Way
Windows Security, Additional Measures

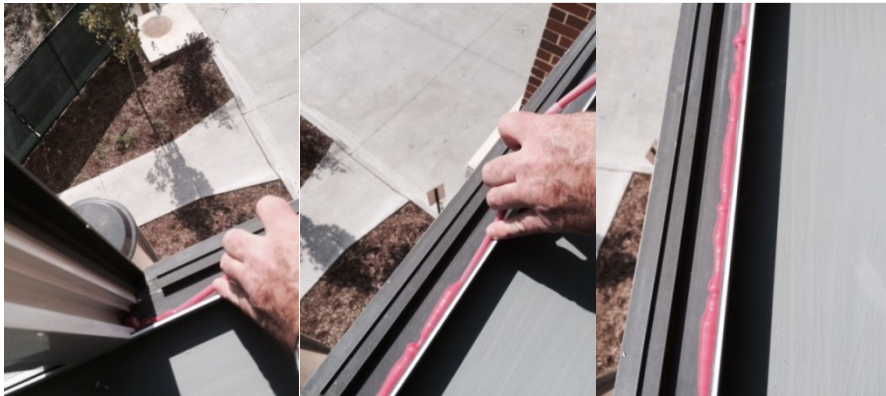
4. Self-mixing epoxy gun used for application of epoxy adhesive with 2 part epoxy product.



A

B

5. Applying epoxy adhesive at window sill.

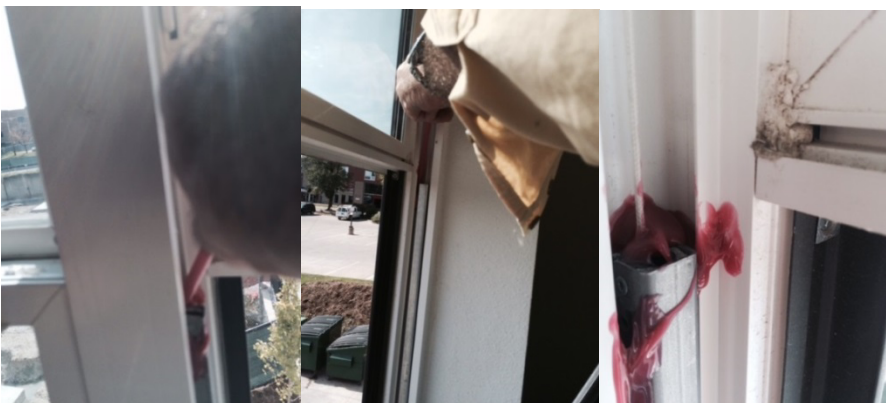


A

B

C

6. Adhesive being applied to sash hardware.



A

B

C

Attachment D
2320 Lincoln Way
Windows Security, Additional Measures

7. Additional adhesive being injected into sash-jamb joint. Adhesive is visible when you look down into the window joint. Note: Lower sash is reinstalled at this phase.



A

B

8. Bottom sash of window is closed into glue bed - causing adhesive to be thoroughly applied to both mating surfaces.



A

B

C

9. Sash stops being reinstalled in window jamb with tamper proof screws.
-

Attachment D
2320 Lincoln Way
Windows Security, Additional Measures



A

B

C



A

B

Note the sash locks are left in place during the glue curing phase only to provide more down pressure on the glue joint to assure a good seal and adhesion. They are removed in the finished application (See Item 10.)

Attachment D
2320 Lincoln Way
Windows Security, Additional Measures

10. Completed epoxy adhesive application – all sash stops and tamper proof screws are reinstalled and the sash locks removed.



A



B