

**COUNCIL ACTION FORM**

**SUBJECT:            AMENDMENTS TO CAMPUSTOWN  
                          URBAN REVITALIZATION PLAN CRITERIA**

**BACKGROUND:**

At the December 8, 2015 City Council meeting, staff presented amendments to the Campustown Urban Revitalization Plan based upon Council's prior direction as described in more detail below. **However, Council chose to request additional information before making a decision on enacting an amendment to the Plan. At that meeting, Council directed staff to seek input from the Campustown Action Association (CAA) regarding the standards for Non-Formula Retail occupancy requirements and for staff to discuss with the City Assessor if tax abatement can be split for different assessment classifications on a single property.**

**The CAA provided a letter that explains their support for the Non-Formula Retail percentage requirements and occupancy standards as recommended by staff on December 8<sup>th</sup>, and included as Attachment A to this report. The CAA's Letter is reflected in Attachment B.**

Staff visited with the City Assessor and described Council's question regarding whether the classification of improvements on a property could be separated between residential and commercial. A recent change to the property tax assessment law occurred in 2015 that now requires that multiple uses on a property be split out for assessment purposes; whereas, previously a property was classified by its majority of use and was only classified as one use. **Due to this change in the law, the Assessor believes he is able to apply a property tax exemption to each individual classification on a property if Council was to approve an exemption for property and pass such a determination on to the Assessor as required under statute.** It is important to emphasize that even with dual use classification on a property, it would still be important that a whole building(s) is completed before City Council determines if an individual use is qualifying real estate for tax abatement.

**URA Plan Amendment Criteria**

**The original December 8<sup>th</sup> Council Action Form is included as Attachment C.** This report detailed the staff's recommendations for the changes to the URA Plan. The recommendations have not been changed since December 8<sup>th</sup>.

Amending the URA Plan by adopting a resolution makes any approved changes effectively immediately. **This means that regardless of when construction was initiated on a property, any requests for tax abatement must be found to qualified real estate with improvements and uses that are consistent with the tax abatement criteria at the time of final approval by the City Council.** However, any previous final

tax abatement approvals would continue to be valid for the life of their exemption regardless of changes to the URA Plan.

If Council has concerns about applying the new criteria to projects that are currently under construction, the proposed amendments could have an implementation date that defers the applicability of the changes. For example, the changes could be stated to be effective for projects with improvements that are completed in 2017. This would mean that tax abatement requests starting in 2018 would have to comply with the requirements.

**Currently, there is only one project that started construction in 2015 that will be completed in 2016 and seek tax abatement by January 31, 2017.** This project is The Edge at 2311 Chamberlain. The developer, Gilbane, spoke on December 8<sup>th</sup> and described their concerns with the non-formula retail occupancy standard in general and how it could affect their project when they plan to request abatement at the end of 2016 and the potential to delay or negate a year of tax abatement if they are unable to satisfy the non-formula retail occupancy requirement.

### **ALTERNATIVES**

1. City Council may adopt a resolution to amend the Campustown Urban Revitalization Plan with the criteria included in the attached Council Action Form dated December 8, 2015. (Attachment A)
2. City Council may direct staff to make different changes to the proposed Urban Revitalization Plan criteria.
3. City Council may decline to adopt the proposed changes the Campustown Urban Revitalization Plan criteria.

### **MANAGER'S RECOMMENDED ACTION:**

Council previously gave staff direction on drafting amendments to the criteria and asked staff to bring these amendments back for Council approval once the 2320 Lincoln Way project had resolved its status for tax abatement eligibility. The 2320 Lincoln Way project was granted final approval for tax abatement on December 8, 2015.

Staff believes that the amendments shown in Attachment A encompass all of Council's previous direction regarding non-formula retail, adaptive reuse, architectural standards, driveway limitations, signage, windows, and lighting. Staff has also included an appendix to the criteria matrix (Attachment A) to help define the City's standards and expectations for compliance with the criteria.

The most difficult element of the proposed amendments has been the language regarding occupancy of the non-formula retail spaces prior to receiving tax abatement. The final language does allow for Council to approve an alternative schedule for tenancy, but there is still risk in the eyes of developers on approval of an alternative schedule. Staff believes that the current language allows for adequate time for a property owner to find an appropriate tenant, in the range of 17 months, or for Council to

allow for some latitude in getting a tenant into a space if necessary. Keeping the occupancy requirement is likely the only way to ensure that commercial space gets occupied in a reasonable amount of time after completion of the building due to the leveraging of the high value of the residential component against the lower value commercial component.

**Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 thereby adopting the amendment to the Campustown Urban Revitalization Plan with the criteria included in Attachment A.**

# CAMPUSTOWN URBAN REVITALIZATION PLAN - Criteria for Renovation or New Construction

(A)

*Project must meet one criterion of three options from Column (A).*

### (1) Slum and Blighted

Properties where a majority of the assessed valuation has been determined to be substantially unsafe or to have an unsafe use by the City Council.

-OR-

### (2) Parking & Mixed Use

- 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.

and

- The first floor must be used for permitted commercial and retail uses as shown in Table 29.809 (2) of the Municipal Code or for a small production facility. The second floor must be used for either commercial or retail uses as shown in Table 29.809 (2) or for household living. All floors above the second floor must be used for household living.

-OR-

### (3) Adaptive Reuse

- The building on the site is at least 50 years or older.

and

- 70% of the area of existing walls of the structure will remain.

and

- Historic materials and designs are preserved and/or restored.

(B)

*Project must meet one criterion of two options from Column (B).*

### (1) Underrepresented

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.

-OR-

### (2) Design Standards

- Retail and office uses on the first floor adjacent to a public sidewalk must have direct access to the public sidewalk.

and

- Buildings greater than 3-stories shall include architectural features that create visual interest and variation in building design by differentiating building façade elements and include visual relief for long facades.

and

- Approval of master sign program by the Planning and Housing Director with signage designs that are complimentary to the building design and supports business identity

and

- Limit driveways along Lincoln Way and Welch Avenue if alternative means of access are available. No drive-troughs are allowed along the Lincoln Way and Welch Avenue.

and

- 100% of the front facades and 80% of the 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. -OR- An adaptive reuse project(A3) may use siding materials that are historically significant for all stories of a building.

(C)

*All commercial development must provide space for Non-Formula Retail (NFR) as described below.*

The square foot area required for NFR corresponds to the total commercial development square footage:

Total commercial square footage	Minimum NFR
0 - 2,499	none
2,500 - 4,999	1,000
5,000 - 9,999	2,200
10,000 - 14,999	3,700
15,000 - 24,999	6,000
25,000 +	7,500

All minimum NFR square footage must be occupied by a NFR tenant at the time of application for the first year of tax abatement approval, unless an alternative schedule for tenant occupancy has been approved by City Council.

Non-Formula Retail means ten or less independent or formula businesses that are in operation prior to receiving final approval of tax abatement. Real estate offices are not considered to be a non-formula retail business. (see appendix for full definition of Non-Formula Retail)

(D)

*All residential uses shall also meet the following criteria or equivalent as approved by City Council.*

- Limit commercial space in the same building to the ground floor.
- Provide separate entrances for commercial and residential uses.
- Residential entrances are visible from the street and provide secure access.
- Prevent access from the exterior to the interior through doors that serve only as fire exits.
- Prohibit public access to structured parking, using overhead door and secure access control.
- Provide transparent glass windows into all stairwells.
- Provide camera monitoring of all pedestrian and vehicle entrances and areas.
- Minimum widths of all exit routes: 48" for halls, 42" for doors, 60" between rails for stairs.
- No balconies are permitted.
- Provide for natural daylight requirements of applicable codes with exterior windows.
- On facades facing any street use only fixed windows, note modified tamper resistant windows do not comply.
- Design of all other windows to prevent passing of sphere larger than 4" diameter.
- Prevent by physical means access to all roofs.
- Where access is not required, provide security fencing controlling access to all areas between new or existing buildings.
- Provide a minimum of four 100w metal halide or LED 6,500 lumens light fixtures on each building façade: two at elevation between first and second floors and two at elevation between third and fourth floor.

## Campustown URA Criteria Appendix

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1. All Projects must comply with an option from both column A and column B and all of the requirements of column C. Additionally, projects with residential uses must also comply with all requirements of column D.
2. Projects requesting final tax abatement approval must be compliant with an approved Site Development Plan and have received a certificate of building occupancy from the City of Ames Inspection Division.
3. All features incorporated into a project to meet URA criteria must be maintained for the life of the tax abatement.
4. Applications for final tax abatement approval must include supporting documentation for each of the relevant criteria.
5. Non-Formula Retail space must be occupied at the time of initial final tax abatement approval by a tenant(s) that meets the definitions below. Once tax abatement has been granted, the initial NFR tenant(s) will be deemed to conform to the NFR definition for the full term of occupancy of the NFR required square footage, regardless of if the business grows and exceeds the NRF limitation on the number of establishments. If the NRF square footage or portion of the square footage becomes vacant during the life of the tax abatement schedule, it only may be reoccupied by a NFR tenant. A project will continue to conform to the URA Criteria during the marketing and leasing of vacant NFR space after the initial occupancy of the NFR space.

**Non-Formula Retail (NFR)** is defined as an Office, Trade, or small production facility use that does not meet the definition of Formula Retail. A NFR business must have 9 or less operating locations and the proposed Campustown location can be number 10 at the time of tax abatement approval.

**Formula Retail** is defined as a use that is an Office or Trade Use described in Article V of Chapter 29 Zoning Ordinance of the City of Ames Municipal Code that provides a standardized array of services or goods or contractually branded good or services that makes it substantially similar to 11 or more (including the proposed new location) other businesses located in the United States of America, regardless of ownership or operation, with at least one of the following additional traits of standard employee uniforms, architectural décor, façade appearance, trademarks, signage, menu, or similar standardized features so as make it nearly identical to another business. Real estate or leasing offices of any type are included as Formula Retail regardless of the number of locations. Examples of formula business can include company owned business locations, individual franchise locations, branch locations, etc.

A request for final tax abatement approval must include a list of tenants within the project and evidence supporting a determination finding a tenant to meet the NFR definition.

### 6. Architectural Design Guidelines:

The intent of this criterion is to promote building variation appearance within Campustown. The relative scale of new buildings can lead to similar building appearances due to construction techniques, uniform roof lines, and long building lengths; whereas, Campustown historically had diversity in building appearance and scale.

**Visual interest** of a building means incorporating architectural features that define buildings elements, such as the base, middle, and top of a building. Appropriate architectural features can include window details, brick and material color variations that highlight building elements and support building identity, parapets, or expressive storefront glazing systems.

**Variation and Relief** means building offsets that affect the apparent massing of the building at the ground level or for upper stories. For example, a uniform storefront at the base of building may have upper floor relief with a courtyard or changes in façade planes, alternatively, the lower levels of the building may have the appearance of multiple facades with a building offset that differentiates the façades and has a minimum depth of 6 inches. Recessed storefronts creating outdoor usable space at the ground floor can also provide variation and relief. The degree of needed facade relief will correspond to the scale of the building and length of the facade to achieve the desired effect of the URA criteria. Long facades are generally in excess of 60 feet, substantially longer façades may necessitate additional elements of relief.

## 7. **Master Sign Program**

Sign program details in the plan shall include the style of signs (blade, channel letters, etc.) location of signs, size and scale, lighting details, method of attachment to buildings.

Signage shall be orientated to the pedestrian level, internal illuminated cabinet signs with white or light color backgrounds are prohibited, channel letters should be affixed directly to the building without a visible raceway or have a backing panel that covers a creating the appearance of an overall sign face. Preferred signage would be decorative in appearance through its use of sign face materials, design, lighting, and style of signage.

In consideration of approval of the Sign Program, the Planning Director will review the Campustown Idea Book signage guidelines, scale of signage and location in relation to the building features, and lighting type. Once a sign program is approved, individual sign permits must be consistent with the sign program.



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association

Campustown Action Association  
200 Stanton Avenue, Suite 102  
Ames, IA 50014

December 17, 2015

The Honorable Ann Campbell and City Council  
Ames City Hall  
515 Clark Avenue  
Ames, IA 50010

RE: Amendment to Campustown Urban Revitalization Plan

Dear Mayor Campbell and City Council:

Campustown Action Association (CAA) appreciates the opportunity to offer further input in finalizing the Amendment to the Campustown Urban Revitalization Plan. Per your request from City Council general meeting of December 8, 2015, the following items were approved unanimously by the Board of Directors at our monthly meeting Wednesday, December 9, 2015.

- We support the current percentage sliding scale as defined by the matrix provided by City staff.
- We support the occupancy requirement of a non-formula business before tax abatement approval. After much discussion among our Board of Directors, we maintain this position due to the fact that this element was the basis from which we built the entire tax abatement program: to encourage small business growth in our district.
- In response to Councilperson Orazem's request for feedback on any possible mechanism we could use to prevent putting the entire project at risk by the tax abatement requirements: We propose that a non-formula retail tenant must be secured at the time of application in order for a property owner to qualify for tax abatement. If occupancy cannot be executed in good faith at the time of application, we support an appeal



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process approval by City Council on a case-by-case basis whereas a developer could receive tax abatement with formal proof a non-formula business intends to occupy the space in the very near future.

Thank you again for considering our opinions regarding this program.

Sincerely,

Rebecca J. Olson,  
Executive Director  
Campustown Action Association

Trevin Ward,  
President  
Campustown Action Association



**COUNCIL ACTION FORM**

**SUBJECT: AMENDMENTS TO CAMPUSTOWN URBAN REVITALIZATION PLAN  
CRITERIA**

**BACKGROUND:**

City Council reviewed potential changes to the Campustown Urban Revitalization Plan Criteria on both June 9, 2015 and September 8, 2015. City Council directed staff to include amendments to the URA Criteria that addressed the following issues:

1. Require Non-Formula Retail uses on a sliding scale of the total commercial square footage of a project.
2. Define Non-Formula Retail as a business with 10 or less operating businesses at the time of the request for tax abatement and that it does not have the characteristics of formula retail with common elements of appearance and services.
3. Require that Non-Formula Retail tenants occupy commercial space prior to granting tax abatement approval, or with an alternative schedule approved by the City Council.
4. Change the option for Adaptive Reuse from buildings built prior to 1941 to any building that is at least 50 years in age.
5. Add criterion for design standards to limit driveways and drive-throughs.
6. Add criterion for architectural variation and interest.
7. Modify the sign program criterion to provide more clarity on its objective.
8. Clarify fixed windows does not allow for tamper proof windows.
9. Modify lighting standards to allow for LED lighting equivalent to metal halide.

Staff has also added minor changes to clarify that a small production facility (brewery) is an allowed use on the ground floor of a mixed-use building as is permitted with the CSC zoning and that front façade means all front facades of a corner building.

The proposed criteria matrix for the Campustown Urban Revitalization Plan is Attachment A. **In further detailing out the requirements for Non-Formula Retail it is important to review the appendix of Attachment A. Notably, staff has clarified how to administer the occupancy requirement. Under the staff's recommendation, Occupancy of Non-Formula Retail space will be required at the time of initial approval of tax abatement, but to be clear, that space will not be required to be**

**continuously occupied during the life of tax abatement. This covers two scenarios that could arise over a 10-year tax abatement. One being the business grows after it is initially located in Campustown and exceeds the 10 location limit. Secondly, it addresses a circumstance that a business may fail and that the space could be vacant while searching for a new tenant. However, only a new Non-Formula Retail tenant could then occupy the required space reserved for Non-Formula Retail. (See Attachment A, paragraph 5)**

The appendix also clarifies that to be eligible for tax abatement, that a project must be in compliance with a site development plan, have building occupancy, and maintain required features for the life of the tax abatement. An application for final tax abatement approval must include documentation from the property owner in support of a finding of compliance with the criteria.

## **ALTERNATIVES**

1. City Council may adopt a resolution to amend the Campustown Urban Revitalization Plan with the criteria included in Attachment A.
2. City Council may direct staff to make different changes to the proposed Urban Revitalization Plan criteria or to the date of implementation.

This alternative could be supported if the City Council does not want to apply the Campustown Urban Revitalization Plan amendments to projects that are currently under construction. Currently, only the Edge project at 2311 Chamberlain is under construction in this Urban Revitalization Area.

## **MANAGER'S RECOMMENDED ACTION:**

Council previously gave staff direction on drafting amendments to the criteria and asked staff to bring these amendments back for Council approval once the 2320 Lincoln Way project had resolved its status for tax abatement eligibility. The 2320 Lincoln Way project is a separate item on this same agenda and the property owner now seeks the project's final approval for tax abatement. If Council grants final approval of the 2320 Lincoln Way project, it would be exempt from the proposed amendments. All projects seeking final tax abatement approval after December 8<sup>th</sup> would be subject to any amendments approved by Council.

Staff believes that the amendments shown in Attachment A encompass all of Council's previous direction regarding non-formula retail, adaptive reuse, architectural standards, driveway limitations, signage, windows, and lighting. Staff has also included an appendix to the criteria matrix to help define the City's standards and expectations for compliance with the criteria.

Council gave permission to staff to write additional design language into the criteria to ensure that there is architectural variation and interest that exceed the minimum brick material requirements within the criteria. However, because of the inherent level of discretion implied through guidelines and the need for certainty by developers, staff believes that the new standards for architecture and driveways may necessitate that

applicants more frequently seek pre-approval of their projects by Council and not just rely upon staff approval of site plans to meet the criteria. The alternative to having the standards in the Plan's criteria would be to include them as part of the zoning standards for site development plan review by staff. If the guidelines and driveway limits were in the zoning standards, then Council would not review the design as part of a project's Urban Revitalization Plan consistency determination.

The most difficult element of the proposed amendments has been the language regarding occupancy of the non-formula retail spaces prior to receiving tax abatement. Staff has received verbal comments from two Campustown developers that expressed some concern about finding qualifying tenants on the schedule required to receive tax abatement. The final language does allow for Council to approve an alternative schedule for tenancy, but there is still risk in the eyes of developers on approval of an alternative schedule.

**Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 thereby adopting the amendment to the Campustown Urban Revitalization Plan with the criteria included in Attachment A.**

# CAMPUSTOWN URBAN REVITALIZATION PLAN - Criteria for Renovation or New Construction

(A)

*Project must meet one criterion of three options from Column (A).*

### (1) Slum and Blighted

Properties where a majority of the assessed valuation has been determined to be substantially unsafe or to have an unsafe use by the City Council.

-OR-

### (2) Parking & Mixed Use

- 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.

and

- The first floor must be used for permitted commercial and retail uses as shown in Table 29.809 (2) of the Municipal Code or for a small production facility. The second floor must be used for either commercial or retail uses as shown in Table 29.809 (2) or for household living. All floors above the second floor must be used for household living.

-OR-

### (3) Adaptive Reuse

- The building on the site is at least 50 years or older.

and

- 70% of the area of existing walls of the structure will remain.

and

- Historic materials and designs are preserved and/or restored.

(B)

*Project must meet one criterion of two options from Column (B).*

### (1) Underrepresented

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.

-OR-

### (2) Design Standards

- Retail and office uses on the first floor adjacent to a public sidewalk must have direct access to the public sidewalk.

and

- Buildings greater than 3-stories shall include architectural features that create visual interest and variation in building design by differentiating building façade elements and include visual relief for long facades.

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- Approval of master sign program by the Planning and Housing Director with signage designs that are complimentary to the building design and supports business identity

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- Limit driveways along Lincoln Way and Welch Avenue if alternative means of access are available. No drive-troughs are allowed along the Lincoln Way and Welch Avenue.

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- 100% of the front facades and 80% of the 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. -OR- An adaptive reuse project(A3) may use siding materials that are historically significant for all stories of a building.

(C)

*All commercial development must provide space for Non-Formula Retail (NFR) as described below.*

The square foot area required for NFR corresponds to the total commercial development square footage:

### Total commercial square footage      Minimum NFR

• 0 - 2,499	none
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Non-Formula Retail means ten or less independent or formula businesses that are in operation prior to receiving final approval of tax abatement. Real estate offices are not considered to be a non-formula retail business. (*see appendix for full definition of Non-Formula Retail*)

(D)

*All residential uses shall also meet the following criteria or equivalent as approved by City Council.*

- Limit commercial space in the same building to the ground floor.
- Provide separate entrances for commercial and residential uses.
- Residential entrances are visible from the street and provide secure access.
- Prevent access from the exterior to the interior through doors that serve only as fire exits.
- Prohibit public access to structured parking, using overhead door and secure access control.
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- No balconies are permitted.
- Provide for natural daylight requirements of applicable codes with exterior windows.
- On facades facing any street use only fixed windows, note modified tamper resistant windows do not comply.
- Design of all other windows to prevent passing of sphere larger than 4" diameter.
- Prevent by physical means access to all roofs.
- Where access is not required, provide security fencing controlling access to all areas between new or existing buildings.
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## Campustown URA Criteria Appendix

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4. Applications for final tax abatement approval must include supporting documentation for each of the relevant criteria.
5. Non-Formula Retail space must be occupied at the time of initial final tax abatement approval by a tenant(s) that meets the definitions below. Once tax abatement has been granted, the initial NFR tenant(s) will be deemed to conform to the NFR definition for the full term of occupancy of the NFR required square footage, regardless of if the business grows and exceeds the NRF limitation on the number of establishments. If the NRF square footage or portion of the square footage becomes vacant during the life of the tax abatement schedule, it only may be reoccupied by a NFR tenant. A project will continue to conform to the URA Criteria during the marketing and leasing of vacant NFR space after the initial occupancy of the NFR space.

**Non-Formula Retail (NFR)** is defined as an Office, Trade, or small production facility use that does not meet the definition of Formula Retail. A NFR business must have 9 or less operating locations and the proposed Campustown location can be number 10 at the time of tax abatement approval.

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A request for final tax abatement approval must include a list of tenants within the project and evidence supporting a determination finding a tenant to meet the NFR definition.

### 6. Architectural Design Guidelines:

The intent of this criterion is to promote building variation appearance within Campustown. The relative scale of new buildings can lead to similar building appearances due to construction techniques, uniform roof lines, and long building lengths; whereas, Campustown historically had diversity in building appearance and scale.

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**Variation and Relief** means building offsets that affect the apparent massing of the building at the ground level or for upper stories. For example, a uniform storefront at the base of building may have upper floor relief with a courtyard or changes in façade planes, alternatively, the lower levels of the building may have the appearance of multiple facades with a building offset that differentiates the façades and has a minimum depth of 6 inches. Recessed storefronts creating outdoor usable space at the ground floor can also provide variation and relief. The degree of needed facade relief will correspond to the scale of the building and length of the facade to achieve the desired effect of the URA criteria. Long facades are generally in excess of 60 feet, substantially longer façades may necessitate additional elements of relief.

## 7. **Master Sign Program**

Sign program details in the plan shall include the style of signs (blade, channel letters, etc.) location of signs, size and scale, lighting details, method of attachment to buildings.

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In consideration of approval of the Sign Program, the Planning Director will review the Campustown Idea Book signage guidelines, scale of signage and location in relation to the building features, and lighting type. Once a sign program is approved, individual sign permits must be consistent with the sign program.