



CITY OF DALLAS

## Memorandum

Date: September 3, 2009

To: City Council Economic Development Committee:  
Ron Natinsky (Chair), Tennell Atkins (Vice Chair), Jerry R. Allen, Dwaine Caraway,  
Sheffie Kadane, Linda Koop, Ann Margolin, Steve Salazar

Subject: Streetscape Briefing II

On Tuesday, September 8, you will be briefed on recommendations regarding licenses issued for use of public rights-of-way. This a follow-up briefing as requested at your April 20, 2009 meeting. A copy of the briefing is attached for your review.

If you need further information, please call Theresa O'Donnell at 214-670-4127.

A handwritten signature in black ink, appearing to read 'A.C. Gonzalez', with a large, stylized flourish.

A.C. Gonzalez  
Assistant City Manager

- c: The Honorable Mayor and Members of the City Council  
Mary K. Suhm, City Manager  
Thomas Perkins, City Attorney  
Deborah Watkins, City Secretary  
Craig Kinton, City Auditor  
Judge C. Victor Lander, Judiciary  
Ryan S. Evans, First Assistant City Manager  
Forest Turner, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Dave Cook, Chief Financial Officer  
Theresa O'Donnell, Director of Development Services  
Jeanne Chipperfield, Director, Office of Budget Services  
Helena Stevens-Thompson, Assistant to the City Manager  
Karl Zavitkovsky, Director, Office of Economic Development

# STREETSCAPE BRIEFING II

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Economic Development Committee  
September 8, 2009



# Purpose

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- Discuss regulations and fees for using public right-of-way for streetscape and/or other improvements
- Review impacts
- Consider next steps

# BACKGROUND

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- Briefed Committee April 20, 2009
  - Vibrant, active streets are desirable
  - Currently implemented in a variety of ways (Licenses, PD, MOWmentum Program)
  - Method, Fees are inconsistent
- Committee requested follow-up to provide:
  - Specifics on hardship requests for fees
  - Recommendations on standard approach

# Place-making focuses on the grey area between public, private realms



Pedestrian-scaled lighting

On-street parking

Planting area

UrbanAdvantage

Mixed use building pulled up to the street

Wall sign

Active storefronts

Wide sidewalk

Outdoor dining

Street trees

# Issues

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- With economic slowdown, recently received requests for relief from license fees
  - Belmont Henderson Improvements
  - Swiss Avenue Gateway

# Hardship Requests

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- Belmont Henderson Improvements
  - Council granted license in November 2008 for use of right-of-way for off-street parking and landscaping
  - Improvements were made
  - Economic environment changed
  - Owner originally requested relief from payment of 2009 license fee (January 2009)
  - Fee of \$16,915 has been paid

# Belmont Henderson

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# Hardship Requests

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- Swiss Avenue Gateway
  - First issued license in June 1984
  - Desire one-time fee rather than annual license fee

# Swiss Avenue



# Recommendations

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- ❑ Separate residentially based projects from commercial or for-profit business projects
- ❑ Standardize process and fees to minimize fees and paperwork for HOAs and other neighborhood-based groups
- ❑ Ensure city public safety, utility and liability concerns are addressed

# Recommendations

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## □ Residential Communities

- Continue pilot program that reduces fees for:
  - Subdivision signs – one-time \$1,000 fee per sign
  - Landscaping and appurtenant irrigation systems – one-time \$1,000 fee
  - Landscaping should include plantings and architectural elements that help define the space
- Require permanent license, indemnification and insurance on structures and architectural elements

# Recommendations

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- Commercial/Business Communities
  - Amend Code to provide a one-time cost-recovery fee of \$5,400 for processing and review of enhancement items in ROW:
    - Street trees, shrubbery, planter boxes, pots
    - Awnings with no advertising
    - Streetscape and architectural elements
    - Off-street parking

# Recommendations

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- Commercial/Business, cont.
  - Continue standard fee assessment for items in the ROW that generate revenue:
    - Sidewalk cafes
    - Advertising on signs or awnings
    - Telecommunication cables
    - Skybridges
  - Formula based on square footage x market value x percent

# Recommendations

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- Commercial/Business, cont.
  - Require permanent license, indemnification and insurance on structures and architectural elements
  - Assess a minimal fee for using public right-of-way allowed under future PD-Zoning Ordinance for landscaping, awnings and signs, and/or sidewalk cafes

# Recommendations

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- Commercial/Business cont.
  - If economic hardship prevents payment of license fees once improvements installed:
    - Request Council to grant moratorium on license fees for up to two years if business files for reorganization or bankruptcy;
    - Require applicant to dedicate improvements to City and post a performance bond to pay for upkeep; or
    - Require removal and reinstatement of ROW to previous condition

# Next Step

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- Prepare ordinance revisions for Council approval prior to December 2009