

Memorandum



CITY OF DALLAS

DATE December 9, 2016

TO Members of the Transportation and Trinity River Project Committee:
Lee M. Kleinman (Chair), Deputy Mayor Pro Tem Erik Wilson (Vice-Chair), Mayor Pro Tem Monica R. Alonzo, Sandy Greyson, and Adam Medrano, Casey Thomas, II

SUBJECT **Sidewalk Requirements and Sidewalk Waivers**

On December 12, 2016 you will be briefed on current code provisions regarding minimum sidewalk requirements and the process for obtaining a sidewalk waiver. The purpose of this briefing is to receive direction from the committee on whether any changes are needed to these provisions. A copy of the briefing material is attached for your review.

A handwritten signature in black ink, appearing to read 'Mark M. McDaniel'.

Mark M. McDaniel
Assistant City Manager

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Larry Casto, City Attorney
Rosa Rios, City Secretary
Craig D. Kinton, City Auditor
Daniel Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Theresa O'Donnell, Chief Resilience Officer
David Cossum, Director Sustainable Development and Construction
Rick Galceran, P.E., Director, Mobility and Street Services
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor and Council

Sidewalk Requirements and Sidewalk Waivers



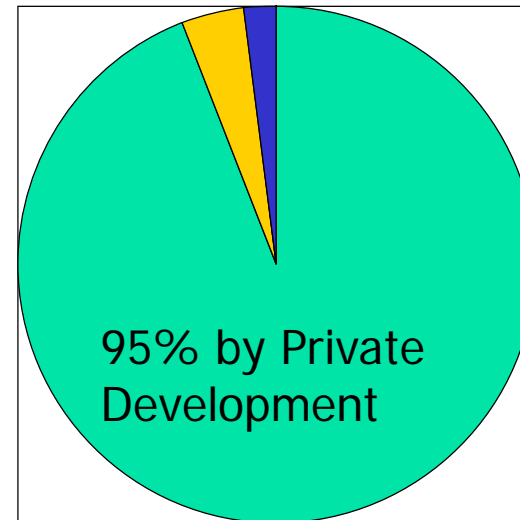
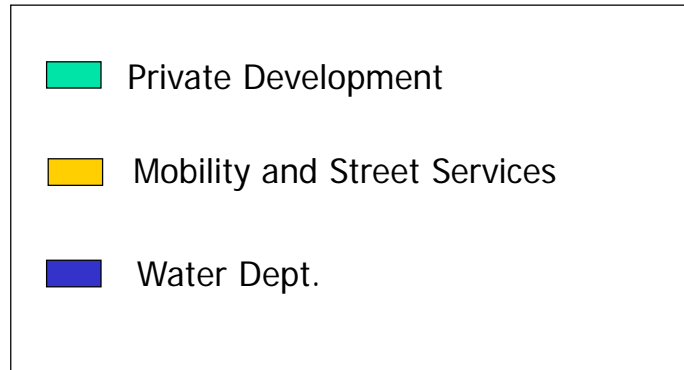
City Council
Transportation & Trinity River Project Committee
December 12, 2016



Purpose of Briefing

- Provide overview of current sidewalk requirements and process for sidewalk waivers
- Get direction from the committee on whether changes to the process are needed

Who Builds Sidewalks?



- Private development or property owners build the vast majority of sidewalks within the city
- Mobility and Street Services and Dallas Water Utilities may build or replace as part of projects
- Trails are independent of this calculation

Sidewalk Requirements

- For most of the city sidewalk requirements are found in the subdivision regulations of Chapter 51A, the City of Dallas Development Code
- Some areas and zoning classifications have differing sidewalk requirements
 - Oak Lawn Planned Development District has sidewalk requirements in the landscaping section of the ordinance
 - Many other Planned Development Districts have specific requirements for sidewalks
 - Central Area Zoning districts have specific sidewalk requirements
 - Form Districts have specific sidewalk requirements

General Sidewalk Requirements

- Section 51A-8.606 of the Development Code has the general sidewalk requirements
 - Sidewalk construction is required along all public and private streets unless waived by the Director of Sustainable Development and Construction and the Chief Planning Officer.
 - All sidewalks must be designed and constructed to be barrier-free to the handicapped, and in accordance with the Paving Design Manual.
 - When poles, standards, and fire hydrants must be placed in the proposed sidewalk alignment, the sidewalk must be widened as delineated in the Standard Construction Details to provide a three-foot-wide clear distance between the edge of the obstruction or overhang projection and the edge of the sidewalk.
 - The Paving Design Manual provides that sidewalks must be a minimum of 4 feet in width unless back of curb. Sidewalks at back of curb must be a minimum of 5 feet in width.

Timing of Sidewalk Construction

- Section 51A-8.606(c) requires that:
 - Sidewalks along thoroughfares must be constructed concurrently with the thoroughfare or, if the thoroughfare already exists, before a final inspection of buildings or improvements constructed on the property.
 - Sidewalks along minor streets must be completed before a certificate of occupancy is issued or before a final inspection of buildings or improvements constructed on the property.

Sidewalk Waivers

- Section 51A-8.606(d) provides for waivers of the sidewalk requirements and provides that:
 - The Director of Sustainable Development and Construction and the Chief Planning Officer have to review and approve the waiver request.
 - They shall take into account any specific pedestrian traffic need such as a project recommended by the school district, transit stops, parks and playgrounds, and other population intensive areas.
 - The waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation.

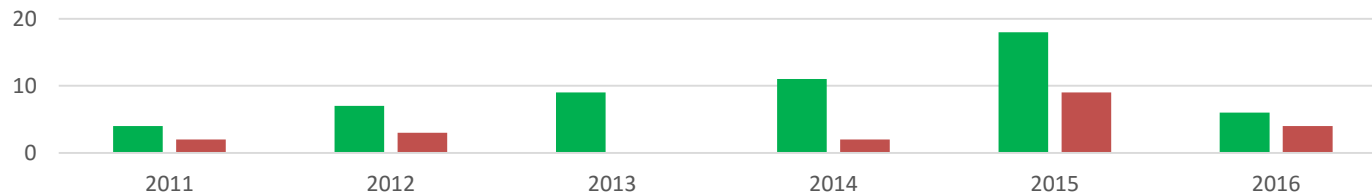
Sidewalk Waivers

- Section 51A-8.606(d) states that a waiver of the sidewalk requirement may be appropriate in the following instances:
 - 1) The potential pedestrian traffic in the area is so minimal that sidewalks are not warranted.
 - 2) In a single family or duplex zoning district, at least 50 percent of the lots located on the same side of the block as the proposed plat have been developed with completed, approved structures without sidewalks.
 - 3) A permanent line and grade cannot be set within the public street right-of-way.
 - 4) It is desirable to preserve natural topography or vegetation preexisting the proposed plat, and pedestrian traffic can be accommodated internally on the property.

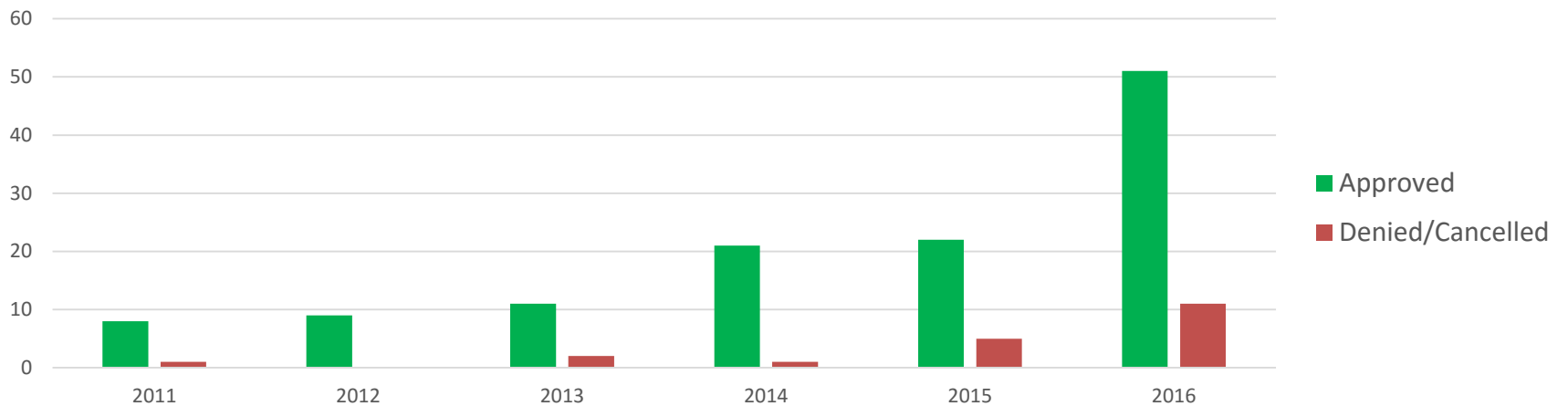
Sidewalk Waivers

5 Year Waiver History

Commercial Applications



Single Family Applications



Sidewalk Waivers in Unique Zoning Districts

- In PD 193 the Oak Lawn Special Purpose District, sidewalk waivers are a special exception to the landscape regulations and go to the Board of Adjustment.
- Form Districts grant the Director of Mobility and Street Services the authority to be modify streetscape requirements including sidewalk width requirements, but only as a last resort after reducing door yards, planting areas, and tree planting zones.

Sidewalk Waivers in Unique Zoning Districts

- In the CA Central Area districts sidewalk width waivers may be approved by the Director of Sustainable Development and Construction
 - The director shall take into account the needs of pedestrians and the proximity of the sidewalk to intersections and crosswalks, transit stops, parks and playgrounds, and other pedestrian-intensive areas and may grant a waiver upon finding:
 - 1) the potential pedestrian traffic in the area does not warrant the width of the sidewalk required;
 - 2) the waiver will facilitate an amenity that promotes pedestrian activity such as sidewalk seating areas, enhanced landscaping, or retail kiosks; or
 - 3) there are sufficient alternative pedestrian passageways to accommodate pedestrian traffic in the area.

Complete Streets Resolution

(January 2016)

- Established the goal of an integrated multimodal transportation system to ensure that all users, regardless of age or ability, have safe and convenient access to community destinations.
- Adopted the Complete Streets Design Manual as the comprehensive policy for all public and private projects that impact planning, design, construction, operation and maintenance of streets.
- Directed staff to routinely consider accommodation of all users (including pedestrians) to the fullest extent possible while applying this policy in the context of the surrounding community.

Complete Streets Resolution

(January 2016)

- On the strength of the adopted Complete Street policy:
 - Work has been initiated to update the paving and drainage design manuals to be consistent with the Complete Streets policy.
 - All street reconstruction projects proposed in the 2017 Bond Program will be assumed to include sidewalk standards consistent with the complete street design manual.

City Sidewalk Programs

- New Sidewalks
 - Sidewalk Petitions
 - Sidewalk Safety
 - Council District inclusion in Bond Program
 - Budgeted General Fund resources
- Sidewalk Replacement
 - 50-50 cost share
 - Replacement in CDBG eligible areas
 - Council District inclusion in Bond Program
 - Budgeted General fund resources

Issues

- There are many existing neighborhoods with unimproved streets where sidewalk construction can be more challenging but, in most instances, would still have sufficient right-of-way to accommodate a sidewalk.
- There are many existing neighborhoods with improved streets, but that were not originally developed with sidewalks.
- Many areas, for both practical and aesthetic reasons, do not desire sidewalks if sidewalks have not historically been present on the block.
- Even if historically not present, some areas would benefit from sidewalks due to the proximity of trails, parks, schools, transit, and retail areas.

Unimproved Streets



Improved Streets Originally Developed Without Sidewalks



Inconsistent Development



Direction for Committee Consideration

- Should the code specified process for a sidewalk waiver be modified to:
 - provide an option for a fee in-lieu-of for sidewalk construction?
 - provide that waivers should be requested at time of building permit (helps address site conditions that may impact sidewalk construction)?
 - delegate authority to waive sidewalks to one official?
 - provide for an appeal process to a decision on a waiver?

(Refer to slide 7 for current waiver process)

Direction for Committee Consideration

- Should the code specified considerations for a sidewalk waiver be modified to:
 - reference the adopted Complete Street resolution and design manual?
 - include a reference as to whether the area is undergoing redevelopment (tear downs and infill development)?
 - set higher percentage in considering percentage of block face without sidewalks as justification for waiver (currently 50 %)

(Refer to slide 8 for current waiver considerations)

Next Steps

- Receive direction from the Transportation & Trinity River Project Committee
 - Develop a broader set of standards on when a waiver could be granted or should not be granted
 - Should existing code be modified

Survey of Other Cities

- Houston
Administrative waivers by Public Works Department
- San Antonio
Administrative waivers with appeal to Planning Commission
- Fort Worth
Administrative waivers for renovation projects;
No waivers for residential new construction
- Austin
Option to provide fee in lieu of sidewalks
- Richardson
Option to provide fee in lieu of sidewalks
- Frisco
No waivers
- Carrollton
No waivers
- Plano, TX
No waivers
- University Park
No waivers; Projects with value > \$10,000
must repair broken sidewalks