Memorandum

Date: February 27, 2009

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

Subject: Streetscape Licenses

On Monday, March 2, you will be briefed on licenses issued for use of public rights-of-
way. 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.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 Jay Robinson, Judiciary
Ryan S. Evans, First Assistant City Manager
Forest Turner, Interim Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Ramon F. Miguez, 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
Hammond Perot, Assistant Director, Office of Economic development
Streetscape Licenses

Economic Development Committee
March 2, 2009
Purpose

- Discuss using public right-of-way for streetscape improvements
- Consider next steps
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- Strong emphasis on walkable mixed use areas where people can live, work and play in a pedestrian friendly environment.
Walkable Mixed Use Areas
Street Character Defines A Place
Active Streets
Active Streets
Active Streets
Active Streets
Active Streets
Active Streets

PPS
PROJECT FOR
PUBLIC SPACES
www.pps.org

CARIBOU
CAFE
Place making focuses on the grey area between public and private realms.
Background

- Current approaches in utilizing right-of-way for landscaping and/or streetscape improvements
  - License
  - Planned Development - Zoning Ordinance
  - Mowmentum program
License

- Section 43-112 of the Dallas City code allows a person or entity to apply for a license to use public right-of-way for surface, subsurface and aerial uses

- Most common license uses:
  - Landscaping
  - Sidewalk cafes
  - Awnings/canopies
  - Signs and monuments
License

- Annual fees to use the public right-of-way are required by Section 43-115 of the Dallas City Code
  - Fees are based on the per square foot value as determined by DCAD of the fee simple interest of the abutting property
License

- The exception to the annual fee requirement is outlined in Section 43-115.1. It allows for special fees to be charged for particular uses. From April 1, 2004 to December 31, 2009, the following special fees are applied:
  - Sidewalk café – lesser of $2,500 or an amount equal to the area X market value X 85% X 12%, but not less than $1,000
  - Landscaping and appurtenant irrigation systems - $1,000 - One time fee
  - Awnings and canopies - $1,000 per awning or canopy
  - Subdivision sign - $1,000 per sign
PD – Zoning Ordinance

- Some PD’s contain a blanket license to use public right-of-way for landscaping, street cafés, etc.
  - Usually no fee required
Mowmentum Program

- Maintained by the Streets Department
  
  Allows homeowner associations, businesses and individuals the opportunity to adopt portions of public rights-of-way for the purposes of maintaining and improving the property (i.e. landscaping).

- Rights-of-way include medians, triangles, circles and curb extensions.
Mowmentum Program

- The City of Dallas may provide a one-time reimbursement for a portion of the eligible costs for landscaping.
  - **Eligible Costs for reimbursement**
    - Trees (except under the Reforestation Program)
    - Plantings
    - Contracted labor for Landscaping Irrigation Systems
    - Water Meters

- The City’s financial participation in any single eligible Mowmentum Agreement is limited to one-half of the eligible costs or $10,000, whichever is less.

- If the adopted site is within a low to moderate income area, currently eligible for Community Block Grant funds, the City may provide financial reimbursement for up to two-thirds of the eligible costs or $10,000, whichever is less.
Issues

- With economic slowdown, some indication that not all license fees can be honored
- Landscape, streetscape and sidewalk cafés enrich the city environment – should fees be reduced or incentives increased?
Recommendations

- Code amendment to extend special fee time period indefinitely
- Code amendment to include a special fee for attached signs and banners - $1,000 per sign or banner
- Code amendment to include special fees for streetscape improvements if not covered under a PD or a Mowmentum agreement
Recommendations

- Consider expanding the Mowmentum program to include other rights-of-way in addition to medians, triangles, circles and curb extensions

- Consider assessing a fee for using public right-of-way allowed under future PD-Zoning Ordinance