Memorandum

Date: August 14, 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 Monday, August 17, 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.

C. Gonzalcz
Assistant City Manager

c: The Honorable Mayor and Members of the City Council
   Mary K. Suohm, 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
Purpose

☐ Discuss regulations and fees for using public right-of-way for streetscape and/or other improvements

☐ Review impacts

☐ Consider next steps
BACKGROUND

- 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.
Issues

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

- 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
Hardship Requests

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

☐ 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

- 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

- 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

☐ 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

- 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

☑ 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

☐ Prepare ordinance revisions for Council approval prior to December 2009