

Mayor Donley and Members of Alexandria City Council,

I want to address a shortcoming that affects compliance with various conditions in many Special Use Permits (SUP) approved by this Council.

Now, I've always been told that ignorance of the law is no excuse, but with respect to SUP violations, some level of forgiveness seems to happen if the applicant can somehow demonstrate that an employee or manager or owner or new owner just wasn't aware of the requirement.

How does this happen? For the public, a business has to display a certificate indicating that the SUP is on file and available on request. Certain key points in the SUP, such as hours of operation, may be required to be displayed. Otherwise, the SUP conditions are stored in file cabinets of the business and at city hall, and for a while, in people's memory. Some SUP conditions are agreements and requirements concerning daily behavior, but they are stored in a file, out of sight and out of mind.

And so, today, in this room, the applicants will hopefully know the conditions, but tomorrow's manager might not, and next week's employee probably won't. Then next month's patron or a nearby resident will be annoyed. It is unlikely that any of them will even know what an SUP is to ask for it. Eventually a complaint gets to the right place and we end up at another meeting or at Planning Commission or here, at Council, where the applicant says that an employee or manager or owner or new owner just wasn't aware of the requirement.

Sometimes, an SUP is the result of significant time spent in various citizen and staff meetings, and then Planning Commission and Council meetings. Sometimes the compromises achieve a delicate balance that keeps the profit of a business from being at the expense of the neighborhood. These important points should not be out of sight in a file cabinet. Doing so unnecessarily extends the time that matters may be out of balance.

I would like to suggest an SUP condition that addresses the issue in a constructive fashion.

I ask that Council entertain the following motion:

The following condition is to be considered for inclusion by Planning and Zoning staff in every SUP:

To encourage/enhance compliance through employee and management education, a summary of this SUP (to be prepared by Planning and Zoning Staff) shall be located on site, displayed, and maintained to the satisfaction of the Director of Planning and Zoning.

I would also encourage the Council to consider adding this condition to some of the SUP's before you today.

Sincerely,



David M. Fromm
2307 E. Randolph Ave
Alexandria, VA 22301

2(c), 12/15/01



City of Alexandria, Virginia

301 King Street, Suite 2300

Alexandria, Virginia 22314



Kerry J. Donley
Mayor

William C. Cleveland
Vice Mayor

Members of Council
Claire M. Eberwein
William D. Eulle
Redella S. Pepper
David G. Speck
Joyce Woodson

December 18, 2001

Beverly I. Jett, CMC
City Clerk and
Clerk of Council
beverly.jett@ci.alexandria.va.us

(703) 838-4550
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Mr. Eric R. Wagner
Chair, Planning Commission
301 King Street, Suite 2100
Alexandria, Virginia 22314

Re: City Council Request -- Public Discussion Item 2(c),
12/15/01 Public Hearing

Dear Mr. Wagner:

At the Public Hearing Meeting of December 15, 2001, City Council referred to the Planning Commission and Planning staff a standard permit condition proposed by Mr. David M. Fromm to address a shortcoming that he feels affects compliance with various conditions in many special use permits. City Council asked that the Planning Commission discuss whether it wishes to introduce this language or something like it for sups on a regular basis.

Council requested staff to review this and come up with something that requires sup conditions to be made public knowledge to all managers and employees. I have attached a copy of the action docket from that meeting for your reference.

Please let me know if I can be of any assistance.

Sincerely,

Susan K. Seagroves

Susan K. Seagroves
Deputy City Clerk

Attachment

cc: Eileen Fogarty, Director, Planning and Zoning
Barbara Ross, Deputy Director, Planning and Zoning

City Attorney Pessoa reported that after last month's public hearing meeting, his staff and DSS staff talked to the child's grandmother and were told in no uncertain terms that the family was providing for a headstone, wished to do this themselves and did not want the City or any other parties to intrude into the matter. It is his opinion that the City cannot override the family's desires, as the next of kin have the ultimate say as to the burial arrangement. He noted that the City, even if it wanted to, is not in a position to force the family to accept the gravestone. City Attorney Pessoa did offer an alternative suggestion that the City form an education fund for Katelyn's three surviving siblings, over whom the City still has custody, as a fitting memory for Katelyn.

Mayor Donley asked that, one more time, we contact the family, and absent their permission, that we work with Mr. Dover and anybody else to look at a suitable living alternative. If Mr. Dover wants to have a discussion with the City regarding the basis of custodial consent as a matter of law, the Mayor suggested he have that discussion with the City Attorney. If the City can find a way to honor the request, we will do so.

(c) David M. Fromm, 2307 East Randolph Avenue, addressed a shortcoming that affects compliance with various conditions in many special use permits. He suggested that an sup, and its conditions, should be made public and posted for the information of future managers and employees. He asked that Council entertain a sup condition that addresses this in a constructive manner, as follows: "The following condition is to be considered for inclusion by Planning and Zoning staff in every sup to encourage and enhance compliance to employee and management education. A summary of this sup, to be prepared by Planning and Zoning staff, shall be located on site, displayed and maintained to the satisfaction of the Director of Planning and Zoning."

Councilman Speck responded that the comment about education of the public affected by an sup is a good one. He asked that we communicate to the Planning Commission and Planning staff to discuss whether they want to introduce this or something like this on a regular basis for all sups. Mr. Speck reiterated that the City requires that the permit be on public display.

Councilwoman Pepper asked that staff review this and come up with something to require that sup conditions are made public knowledge to all managers and employees.

(d) Julie Crenshaw, 816 Queen Street, thanked the Council for voting in favor of the grant to study the mapping of streams in Alexandria. Ms. Crenshaw requested that when Council puts together the task force to study the charter change for an elected school board to please include a representative of the League of Women Voters.

(e) Mary Catherine Gibbs, 3818 Keller Avenue, on behalf of the Alexandria Commission on Women, announced a fundraiser featuring the *Capital Steps* being sponsored by the Alexandria Business and Professional Woman, Commission for Woman, Office on Women, and Friends of the Alexandria Commission for Women on Saturday, January 19, 2002, at 8 p.m. in T.C. Williams High School Auditorium.