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 To: "Hobbs, Barbara" <barbara.hobbs@dpd.dallascityhall.com>,
 ...snip... "Officer Keith Allen" <keith.allen@dallascityhall.com>
 Subject: RE: St. Patrick's Day Meeting

Dear Neighbors and Leaders,

Thank you, Lieutenant Hobbs, and everyone, for creating this forum. It's clear that we all believe this is important and critical discussion. I would like to take this opportunity to add to the pre-meeting correspondence. There are some extremely vital points in the attached City Code you all need to read and digest. I urge you to print this email, and the attached PDF, and bring them to the meeting.

Strategically, we have everything (literally) to gain in this discussion, if we do one simple thing: Insist that no laws, and no controlling regulations are overlooked...that the controlling language in the application is 100% followed. Talking about the emotional details will result in no change. Insisting upon accountability to the Codes takes the emotion out, and frankly, stops this event dead in its tracks before it ever starts. Please read on...

When the discussion turns to the "symptoms" of this event's breakdown, we lose--simply for the same reason that treating symptoms of a bodily disease is equally ineffective. The symptoms are important. That's how we know we are sick. But that's the end of their function.

OK. We know we (this neighborhood) are sick (of hosting an event that doesn't meet the criteria, and is onerous). This is how we stop it.

THE CONTROLLING LANGUAGE (from the event application form...emphasis is mine):

SECTION 14: DENIAL OR REVOCATION

The Office of Special Events **shall deny or revoke a special event permit if the applicant makes a false statement of material fact on the application or fails to comply with or the special event is in violation of any provision of the special event permit, Chapter 42A, "Special Events" of the Dallas City Code, or any other applicable law.**

The special event permit **shall also be denied or revoked if the special events manager, chief of police department, or the chief of the fire department determines the special event poses a serious threat to public health, safety or welfare.**

If a special event permit is denied or revoked, the Office of Special Events **shall send to the applicant by certified mail, return receipt requested, notice of the denial or revocation and of the right to an appeal and instructions on how to file an appeal with the Permit and License Appeal Board.**

Let's start with the first paragraph. This is an unequivocal legal instrument, to which the applicant and named city staff must agree before a permit can be awarded. It is a very good condensation of the full Chapter 42a section on Denial. I have attached 42a as a PDF, and I made the Denial section in that PDF **RED** for easy location.

The second paragraph is listed in 42a as well, but is listed directly on the application as well. That's how important it is. Please note, as in the first paragraph, that the controlling language is "shall deny," not "may deny." **City Staff has no alternative to award a permit when the event in question poses a serious threat to public health, safety, and welfare. They must deny.**

Finally, look at paragraph three, because *THIS* is where we have failed to act effectively at times in the past. Deputy Chief Golbeck can tell you how many dance hall permits he has flagged for revocation, only to have them awarded on appeal to PLAB.

Therefore, our strategy must include PLAB from the outset, if we are to prevail in an eventual appeals situation. If I am not mistaken, PLAB is quasi-judicial, like the Board of Adjustment. Therefore, its members cannot be lobbied. However, the silver lining is that quasi-judicial boards must adhere to a legal standard for appeals, **and we have**

ample evidence--some presented by officers at the last meeting--that previous events have failed to meet the criteria.

This evidence would very effectively tie the hands of the PLAB in the event of a permit denial appeal. They could be overturned in court, and we could easily afford to collectively bring a suit against the PLAB. However, if we brought this to PLAB, we would certainly meet with the City Attorney's office ahead of time, in order to insist upon firm clarification at the hearing. The City Attorney would likely tell the PLAB that they cannot rule to overturn a denial in the face of the existing evidence.

SUMMARY

We can, absolutely, insist that this event be denied. We have every right to insist upon denial, and we have more evidence than required, all of it in the public record. So, do not feel any need to compromise or accept halfway solutions. This will get us another year of the status quo. This event is a serious threat to the public health, safety, and welfare. It should be denied, period.

The bottom line: The event promoters must fund the total bill for the *****literally hundreds***** of enforcement personnel that will be needed to

- 1) ensure DWI/DUI enforcement for thousands of drunk people, most driving cars,
- 2) uphold of all city codes *to the letter* regarding non-vehicular intoxication/consumption violations,
- 3) uphold the Section 30 Noise Ordinance, *again, to the letter, which is unequivocal...*

and in addition

4) provide ALL of the money and labor for parking sign construction, deployment, and replacement (as they're moved/destroyed before and during event), cleanup, and all other event-related consequences (the "ripple")...**TO THE DEGREE THAT THERE IS ABSOLUTELY NO POSSIBLE THREAT TO THE PUBLIC HEALTH, SAFETY, AND WELFARE, and that there is 100% compliance and enforcement of CHAPTER 42a, DALLAS CITY CODE, and ALL APPLICABLE LAWS**

Or...

The Chief of Police, Department of Health, and the other numerous departments listed in Chapter 42a **SHALL** (not may, but shall) direct the Special Events Department to deny this event. And, if The Special Events Director fails to deny the event, or any City Official fails to recommend denial of this event--against the reasonable examination of evidence presented by this neighborhood, the police department, and the history of previous egregious threats to, and violations of, the public health, safety, and welfare--then we have every right (and duty) to insist upon review of that decision, and revocation of the permit before the event date--should it be approved.

That, my friends and neighbors, is the name of that tune. There is no designated entertainment district zoning in this area. It is a narrow, non-contiguous slice of Community Retail-zoned properties in an overwhelmingly single-family residential district. The health, safety, and welfare of the residential district is the standard which applies, not the commercial interests of a few business owners--all of whom have existing ample space within which to operate without this special event permit.

Once the event is properly denied, we will need to gather and present the appropriate evidence to the PLAB, again stressing that their legal standard **prohibits** them from approving this event if the evidence exists (which it does, in spades) to satisfy their legal standard for denial.

Finally, I urge you all to categorically reject the argument that "this event will happen anyway, regardless of a permit." No, actually it won't, and can't. Each of these businesses has a Certificate of Occupancy, which limits the number of people who can occupy the space. Once that limit is reached, no more people can "party." They must go somewhere else, preferably their own neighborhoods, in their own local watering holes, where the spirit of friendship and community that Saint Patrick's day can prevail...not this mockery.

Knowledge is power, my friends. The law here is unequivocal. Let's forget bickering about symptoms and solve the problem once and forever.

Respectfully,

Bruce Richardson, Secretary
Lowest Greenville West NA



[Chapter 42a Special Events.pdf](#)