

42  
12-14-21

## Gloria Sitton

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**From:** MJC <MJClifford@comcast.net>  
**Sent:** Saturday, December 11, 2021 4:12 PM  
**To:** Gloria Sitton  
**Cc:** Justin Wilson  
**Subject:** [EXTERNAL]December 14 City Council Legislative Meeting, Item 42, Noise Control Ordinance

You don't often get email from mjclifford@comcast.net. [Learn why this is important](#)

Gloria,

In the email below I am resending the comments I prepared for the 'Item 30 Noise Ordinance Revision, Phase II Work Session' at the November 9, 2021 City Council meeting. These comments are also shown with the "after items: letters" posted on the City web site for that meeting.

The reason I am resending these comments is because in reviewing 'Attachment 3 - Summary of All Public Comments Received' materials for 'Item 42 - Noise Control Ordinance' in the Final Docket for the upcoming December 14, 2021 City Council Legislative Meeting, I find that my comments are not included in the current posting for the meeting.

This is disappointing. I presume this is due to a clerical error of some kind, although I can't understand how one set of comments could have been deleted from the November summary file. This omission is especially frustrating, since it's likely that many, if not most, interested parties will be reviewing the materials over the weekend.

While I can't personally forward my previous comments to the public or to City Council (although I'm'cc-ing' Mayor Wilson on this email since I have his email address), can you include these comments in the docket materials at your earliest opportunity. And, further, could you possibly highlight the omitted comments (e.g., if there were to be a posting such as for any "notices of additional material or timely information" prior to the meeting), since many reviewers will have already read through the docket items.

I appreciate the opportunity for public participation in City activities, but I have to say this has been a frustrating experience.

Thank you,

Michael Clifford  
24 W. Caton Avenue

Begin forwarded message:

**From:** MJC <MJClifford@comcast.net>  
**Date:** November 9, 2021 at 2:58:44 PM EST  
**To:** Gloria Sitton <Gloria.Sitton@alexandriava.gov>  
**Subject:** November 9 City Council Legislative Meeting, Item 30, Noise Ordinance

Dear Mayor and City Council:

In general, I do not support the staff Noise Ordinance recommendations supporting relaxing noise

standards, which would obviously lead to more noise of all kinds in the City.

Specifically, the "predominant use" standard appears to be a means to inflict higher noise levels upon more restricted, adjacent properties, so I do not support it.

Also, I do not equate higher noise standards with "vibrancy"; I equate higher noise levels with, um, more noise, and I do not see how that might be an asset to a community or to the City at large. I believe the City has progressed, even thrived without hindrance under the current rules and I do not support the recommendation changing the decibel standard from 60 to 65 dB. This just doesn't seem like an environmentally friendly action.

Lastly, removing the 75 dB standard because "it is not enforceable" seems like a weak rationale. I presume the original standard was set based upon some health criterion, i.e., hearing damage, so, I would think the City might want to pursue other avenues to meet the original standard, rather than just abandoning it.

As an aside, there appears to be a great deal of weight associated with the "community survey" results. I think it is well known that such 'wide open' public surveys are generally not statistically valid in representing the population at large (let alone at the first decimal point), so I would take the findings with some caution.

Thank you for your consideration of my comments.

Michael Clifford  
24 W. Caton Avenue

P.S.

Other than the docket item material for tonight's meeting, I could not find a document on the City's web site which includes the original, specific proposals being considered. Perhaps my search wasn't thorough enough, but I would hope that any proposed revisions to City ordinances would be readily available / accessible to the public in written form, with justification included for any recommendations.

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42  
12-14-21

**Gloria Sitton**

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**From:** Sunny Yoder <sunnyyoder@icloud.com>  
**Sent:** Saturday, December 11, 2021 12:51 PM  
**To:** Gloria Sitton  
**Cc:** Justin Wilson  
**Subject:** [EXTERNAL]For City Council meeting December 14, 2021 - Docket item 42 Noise Ordinance

For City Council meeting December 14, 2021 - Docket item 42 Noise Ordinance

Dear Mayor and Council:

The quality of life as an Alexandria homeowner/taxpayer isn't made better by more noise. As you consider changes to the city's noise ordinance, please:

--Keep predominant use as the criterion for maximum noise levels from commercial/industrial properties in residential neighborhoods, e.g. the Envoy of Alexandria nursing home in my neighborhood; any enterprise completely surrounded by residential properties should abide by the residential standard

--Do not increase the noise maximum for commercial properties, with the possible exception of the central business district

--Prohibit truck loading and unloading except in daylight hours

--Define 'daylight' as 7am to 7pm during the week and 9am to 7pm Saturday and Sunday, to give residents some peace in the evening before bedtime---free from the noise made by delivery trucks, leaf blowers, lawn mowers, chain saws, circular saws, hammers, etc etc etc.

Thank you for taking my comments (including my earlier comments, below) into account.

Sunny Yoder  
2422 Farm Road

Begin forwarded message:

**From:** Sunny Yoder <sunnyyoder@icloud.com>  
**Subject:** For City Council meeting November 9, 2021 - Docket item 30, Noise Ordinance Work Session  
**Date:** November 8, 2021 at 11:19:28 PM EST  
**To:** Gloria Sitton <Gloria.Sitton@alexandriava.gov>  
**Cc:** Sunny Yoder <sunnyyoder@icloud.com>

Dear Mayor and Council:

As one of the Alexandria residents whose houses surround the Envoy Nursing Home at 900 Virginia Avenue, I am very concerned about Options 1 and 5.

The nursing home benefits the entire community, yet those of us whose houses surround this commercial facility bear the brunt of noise from:

-emergency vehicles, lights flashing, at all hours,

- trucks making deliveries in the wee hours—beep beep beep!
- very large Sysco trucks delivering food
- extra large trash trucks
- massive mowers and leaf blowers
- and the slamming car doors and voices of staff during shift changes at 7am and 11pm.

All this is occurring while the nursing home is held by the current ordinance to residential noise limits.

Now up for discussion is Option 1, which would eliminate consideration of the surrounding residential neighborhood and allow the Envoy facility to use the commercial standard, and Option 5, which would raise the Commercial noise limit. I vehemently oppose these changes, which could only add to the noise emanating from across the street. It is only fair that properties completely surrounded by residential uses abide by residential standards.

In contrast, I very much support Option 7, which would ban deliveries between 11pm and 7am. It would be better still if they were banned between 7pm and 7am. Evenings would be much more pleasant and early-to-bed residents such as small children wouldn't be awakened.

Less noise is better.

Thank you for your consideration.

Sincerely yours,

Sunny Yoder  
2422 Farm Road

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42  
12-14-21

**Gloria Sitton**

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**From:** Kyle King <kbking23@yahoo.com>  
**Sent:** Saturday, December 11, 2021 11:44 AM  
**To:** Gloria Sitton; Sunny Yoder  
**Cc:** carla Schneier  
**Subject:** [EXTERNAL]Feedback on new Noise Regs

You don't often get email from kbking23@yahoo.com. [Learn why this is important](#)

Hi Gloria, I would be grateful if you would pass my opinion (see below) along to the appropriate members ahead of the vote on the new noise regs. Many thanks, Kyle

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To the Alexandria Mayor and City Council.

New regulations currently being pushed through the council have some laudable elements, but one proposal can only make the lives of Alexandria residents worse.

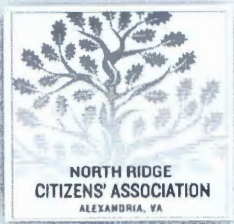
That specific proposal would raise the acceptable decibel level for businesses located in residential areas. Who could possibly benefit from this proposal? Certainly not residents. Why would anyone propose this, unless they wanted to appease business interests, or campaign donors. Are businesses so hampered by the status quo that they can't manage without making more noise? I think not.

Everyone in a residential neighborhood, businesses and residents, should play by the same rules. Homeowners are not asking for more noise, and this specific proposal should be scrapped.

Kyle King  
2500 Central Ave  
Alexandria VA

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42  
12-14-21

NRCA, P.O. Box 3242, Alexandria, VA 22302

December 13, 2021

Alexandria City Counsel  
301 King Street  
Alexandria, VA 22314

**Re: 12/14/21 Docket Item 42— Introduction and First Reading of An Ordinance  
to Amend Title 11 Chapter 5: Noise Control Ordinance**

Dear Mayor and City Council Members:

North Ridge Citizens' Association (NRCA) appreciates the opportunity to comment on the proposed revisions to the noise ordinance.

First, in its 3-page November 6, 2021 letter, NRCA timely submitted comments to the Department of Transportation and Environmental Services (with copies to both the Mayor and Council) on proposed options for revisions to the noise ordinance. However, only two pages of that letter are included in the Public Comment Summary before you. NRCA therefore encloses a complete copy of that letter, and incorporates those comments herein.

Second, we reiterate several of those concerns, as follows:

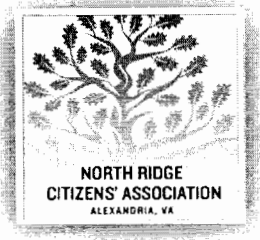
1. NRCA opposes any change that would increase noise levels, especially in residential areas. The quality of life in Alexandria is damaged by noise. We suggest that "daytime" end at 7 pm, not 11 pm, for the benefit of students who are trying to study and do homework, as well as youngsters, older residents, and anyone else who would like to enjoy a quiet evening outdoors.
2. We urge maintaining the "predominant use" standard and increasing it to 75% of surrounding properties; when a commercial, institutional, or industrial facility is entirely surrounded by residential properties, the residential noise limits should prevail.
3. We oppose increasing the commercial noise maximum unless the increase is limited to only the central business district.
4. We support the prohibition of outdoor truck loading and unloading and box opening outside daytime hours and recommend 7 pm to 7 am as the appropriate time period.
5. We support prohibiting "clearly audible" noise between dwellings at night and recommend 7 pm to 7 am.
6. We recommend prohibiting the *commercial* use of gasoline-powered lawn and garden equipment outside the hours of 9 am to 7 pm on Saturday and Sunday and beginning a process than would ban the *commercial* use of gasoline-powered leaf blowers.
7. We recommend beginning the conversion of trash trucks to electric; they are a major noise source.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Fehrenbach".

John Fehrenbach, President

Enclosure



NRCA, P.O. Box 3242, Alexandria, VA 22302

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November 6, 2021

Yon Lambert, Director  
Department of Transportation and Environmental Services  
Alexandria, VA 22314  
[yon.lambert@alexandriava.gov](mailto:yon.lambert@alexandriava.gov)

**Re: Phase II Revision of Noise Ordinance**

Dear Mr. Lambert:

North Ridge Citizens' Association appreciates the opportunity to comment on the Transportation and Environmental Services (T&ES) Department's proposed options for revising the noise ordinance. For ease of discussion, we have summarized the options as follows:

1. Replace the "predominant use" criterion with "property use of noise source."
2. Regulate DIY construction to the same hours as other construction.
3. Give responsibility for enforcing neighbor-to-neighbor noise inside buildings to the City, rather than leaving it to building management/condo boards.
4. Establish "plainly audible" as the standard for neighbor-to-neighbor noise from 11 pm to 7 am.
5. Increase the commercial property limit from 60 to 65 dB (day).
6. Allow less restrictive noise standards via a SUP.
7. Prohibit loading, unloading, and delivery between 11 pm and 7 am if within 500 ft of a residential area.
8. Expand "noise in public places" rules from the central business district to the entire City.
9. Remove the 75 dB limit on lawn and garden power equipment, or only control by hours/days of the week.
10. Increase civil penalties for violations.

First and foremost, the quality of life in Alexandria is not enhanced by noise. The City should take steps to reduce noise as much as reasonably possible. And, at a minimum, any proposal to weaken noise protections should be strictly scrutinized and considered only where absolutely necessary to enhance our citizens' quality of life. For these reasons, we oppose Options 1, 5, 6, and 9 and support Options 2, 4, 7, 8, and 10. We take no position on Option 3.



## OPPOSE:

**Option 1**—We strenuously oppose Option 1 because it would remove consideration of the predominant use of the immediate surrounding neighborhood in setting noise limits. While we recognize that there may be a rare instance where the predominant use might be difficult to determine, in the vast majority of cases (such as single-family-zoned residential areas) there is no ambiguity and no reason to weaken the requirement.

When a commercial, institutional, or industrial facility is entirely surrounded by residential properties, the residential noise limits should absolutely prevail, as they currently do. An even stronger case can be made when a commercial or institutional property is inserted into a residential neighborhood through the SUP process.

Further, “predominant use” is a common-sense term employed in other contexts in the City zoning ordinance, as well as in other contexts such as tax law. All these reasons counsel against deleting it as a criterion.

**Options 5 and 6**—We strongly oppose Option 5, which would increase the noise limit for commercial properties, and Option 6, which would make it possible to increase noise limits beyond the levels provided in the ordinance through the SUP process. The attractiveness of Alexandria as a place to live is not improved by more noise. Also, allowing increased noise would exacerbate and increase the frequency of disputes between neighbors, which are already on the rise due to increased density and reduced setbacks allowed by the City.

**Option 9**—Option 9 would delete the 75 dB limit on lawn and garden power equipment—apparently because the noise made by this kind of equipment routinely exceeds 75 dB—and instead only limit its use to certain hours of the day. We oppose this weakening of the current requirements. Moreover, the City should begin a process that ultimately could lead to banning the commercial use of such equipment. Not only are the two-stroke gasoline engines that power them extremely loud, they pollute the air—hardly consistent with the idea of a “green” city.

## SUPPORT:

**Options 2, 4, 7, 8, and 10**—NRCA supports these options, which would further restrict noise in the City. We agree that noise-producing do-it-yourself (DIY) projects should be limited to the same hours as projects done by contractors (Option 2), and that “plainly audible” is an appropriate standard for neighbor-to-neighbor noise in residential neighborhoods between 11 pm and 7 pm. The 11 pm “cutoff” time actually is quite late for residents such as those with young children who have early bedtimes and those who would like to enjoy a quiet evening outdoors.

In the middle of the night, the noise of truck engines and slamming doors, and their backup beep, beep, beep, is enough to make anyone sit straight-up in bed. Thus, we strongly support Option 7, which would prohibit loading, unloading, and deliveries between the hours of 11 pm and 7 am. Further, we encourage the City to consider starting the no-delivery period earlier, *e.g.* 7 pm. This would still allow a 12-hour window for loading, unloading, and deliveries, while affording residents an opportunity to enjoy quiet evenings before bedtime.

We support Option 8 that would apply existing limits on noise from City-owned facilities in the central business district to the rest of the City.

We concur with Option 10 which would increase the civil monetary penalties for violations of the sound ordinance. We also ask that the City explicitly address the issue of enforcement as it considers these changes. Will the City commit the necessary staff and other enforcement resources? If residents cannot count on the City to enforce its rules, there is no purpose in enacting them.

\* \* \*

In addition, we ask that the City consider converting (or requiring the conversion of) trash and recycling collection trucks to electric-only. Like leaf blowers, the noise from these trucks is horrendous. These trucks also are big polluters.

NRCA looks forward to engaging with you and your staff and with the City Council as these discussions move toward final action.

Sincerely,

A handwritten signature in black ink, appearing to read "John Fehrenbach", written in a cursive style.

John Fehrenbach  
President

cc: City Council  
Mayor

42  
12-14-21

Gloria Sitton

**From:** Rebecca <magicbeca@aol.com>  
**Sent:** Monday, December 13, 2021 11:17 PM  
**To:** Gloria Sitton  
**Subject:** [EXTERNAL]Tuesday 12.14 Council legislative session, Item #42, Noise Code update - increase fine penalties to help fill enforcement gap

You don't often get email from magicbeca@aol.com. [Learn why this is important](#)

Dear Mr. Jinks, Mr. Mayor, and members of Council,

The information below is reflective of ongoing permitted work hour and noise code violation experiences related to The Blake Apartments under construction at 2000 N. Beauregard. Please read, carefully consider, and respond. Key points are bolded for your "speed reading" convenience.

**City Noise Code update.** Item **#42** in tomorrow's **12.14 legislative session.**

The Gnat and the Buffalo. **Enforcement gap in City Noise Code. Weak penalties.**

**2000 N. Beauregard, The Blake Apartments,** the developer is **Monday Properties.** **Davis Construction** is the construction company.

**Recommendation:** increase the penalties/fines to a level that will procure the attention and compliance of repeat offenders. The \$500 maximum fine for repeat offenders is negligible and results in non-compliance. Is that the City's intention ?

**Current case study:**

For the duration of The Blake Apartments construction by Davis Construction, adjacent our Seminary Heights' townhomes, my neighbors and I have contacted Davis Construction's Senior Project Manager, filed Police reports, worked with former OEQ employee Lisa Goldberg who repeatedly sent City Inspectors to the site, sent in 311 complaints, and most recently shared permit and noise code violations with Jared Alves and Maya Contreras of Planning and Zoning. Yet, the **work hours permit and noise code violations continue.** Clearly, **Davis Construction's actions reveal a belief structure that they can do whatever they want and whenever they want, regardless of City laws.**

City employee, Mr. Khoa Dinh Tran called me last week, and I was able to share details of the longstanding ongoing offenses by Davis Construction **over**

**a period of about 2 years.** When I shared my opinion about the negligible fines, he shared that I had pinpointed the gap in the enforcement of the noise code. I shared with him that **it doesn't matter how many code enforcement officers may be added to the City's payroll, as long as the penalties remain as insignificant as they are in the City's Noise Code, developers will continue to do what they please and when they please,** while the residential neighbors suffer. Mr. Tran empathized with our plight, and was sorry he was unable to do anything other than recommend that we continue to contact the APD when a violation is occurring that will be a long enough duration for the APD to respond in time to witness the violation. When APD has been charged with responding to noise/permit complaints, the response time has been anywhere from 30 minutes to 1 hour plus, as I recall. All offenses can't be witnessed with that lag of response time. If not witnessed, it doesn't exist. Davis Construction has taken advantage of this weakness in this case.

I compare the current fines to a tiny adult gnat (less than 1/4" large) on the hind quarters of an 6' tall 2,000 pound adult male buffalo. Multiples of the \$500 fines (the largest in the code to my understanding) aren't even worth the effort of a swish of the tale on the adult male buffalo. Based on my understanding from attending some of the noise code updating meetings and some reading, the code seems to be favoring those who are making the noise. **If the fines for repeated lack of adherence don't increase to a substantial amount where the repeat offender feels the "ouch", things such as this specific case in Alexandria will remain "of the developer, by the developer, and for the developer".** Several people shared this precept with me many years ago when I first engaged in Alexandria City civic matters. I didn't want to believe that my City government would not be supportive of my quality of life. After living next to a construction site for 2 years, I am starting to believe it.

The **most recent violation was 8 am Sunday morning,** I recall November 28th, when a piece of heavy and very noisy construction equipment motored on the road past our homes to be removed from the site. Davis Construction does not have a permit to operate on Sundays, let alone at 8 am. We have been told that the estimated construction completion date will be sometime in the Spring of 2022, potentially 6 more months of having to deal with this as abutting neighbors.

Wondering - is there a central tracking system in place to keep a record of all violation reports for a specific project/place inputted through various venues (APD, 311, City employees) keeping all pertinent City departments informed and on the same page on individual projects over a period of time ? If not,

would this be something of value to consider ? It was my impression that it will be a project for OEQ to research all of our complaints made about Davis Construction at The Blake Apartments.

Thank you.

***Rebecca Hierholzer***

Alexandria VA

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42  
12-14-21

## Gloria Sitton

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**From:** Ally Anderson <allyanderson44@yahoo.com>  
**Sent:** Tuesday, December 14, 2021 10:06 AM  
**To:** Gloria Sitton; Justin Wilson  
**Subject:** [EXTERNAL]For City Council meeting December 14, 2021 - Docket item 42 Noise Ordinance

You don't often get email from allyanderson44@yahoo.com. [Learn why this is important](#)  
For City Council meeting December 14, 2021 - Docket item 42 Noise Ordinance

Dear Mayor and Council:

I write today to convey that the quality of life as an Alexandria homeowner/taxpayer is negatively impacted by additional and unnecessary noise. As you consider changes to the city's noise ordinance, please:

- Keep predominant use as the criterion for maximum noise levels from commercial/industrial properties in residential neighborhoods, e.g. the Envoy of Alexandria nursing home in my neighborhood; any enterprise completely surrounded by residential properties should abide by the residential standard
- Do not increase the noise maximum for commercial properties, with the possible exception of the central business district
- Prohibit truck loading and unloading except in daylight hours
- Define 'daylight' as 7am to 7pm during the week and 9am to 7pm Saturday and Sunday, to give residents some peace and necessary quiet---free from the noise made by delivery trucks, leaf blowers, lawn mowers, chain saws, circular saws, hammers, et.

Thank you for considering my comments and requests (previous emailed request may be found below).

Sincerely and happy holidays,

Allyson Anderson & Jason Burnett  
2420 Farm Road

On Tuesday, November 9, 2021, 09:03:58 AM EST, Ally Anderson <allyanderson44@yahoo.com> wrote:

Dear Mayor and City Council:

As Alexandria residents living right across the street from the Envoy Nursing Home at 900 Virginia Avenue, I am very concerned about Options 1 and 5.

The nursing home benefits the entire community, yet those of us whose houses surround this commercial facility bear the brunt of noise from:

- emergency vehicles and lights flashing, at all hours
- trucks making deliveries in the wee hours
- very large Sysco trucks delivering food
- extra large trash trucks
- massive mowers and leaf blowers
- humongous air conditioning roof unit that can be often heard for several blocks
- slamming car doors and voices of staff during shift changes at 7am and 11pm.

All this is occurring while the nursing home is held by the current ordinance to residential noise limits.

Now up for discussion is Option 1, which would eliminate consideration of the surrounding residential neighborhood and allow the Envoy facility to use the commercial standard, and Option 5, which would raise the Commercial noise limit. We vehemently oppose these changes, which could only add to the noise emanating from across the street. It is only fair that properties completely surrounded by residential uses abide by residential standards.

In contrast, we very much support Option 7, which would ban deliveries between 11pm and 7am. It would be better still if they were banned between 7pm and 7am. Mornings and evenings would be much more pleasant and early-to-bed residents such as small children wouldn't be awakened.

Less noise is better in a residential neighborhood.

Thank you for your consideration.

Sincerely yours,

Ally Anderson & Jason Burnett  
2420 Farm Road

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