



Legislation Details (With Text)

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Title: Consideration of the release of \$83,595 in FY 2020 Contingent Reserve Funding to Hire a Department of Planning & Zoning (P&Z) Night/Weekend Zoning Inspector.
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Date	Ver.	Action By	Action	Result
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City of Alexandria, Virginia

MEMORANDUM

DATE: SEPTEMBER 18, 2019
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:
Consideration of the release of \$83,595 in FY 2020 Contingent Reserve Funding to Hire a Department of Planning & Zoning (P&Z) Night/Weekend Zoning Inspector.

ISSUE: Consideration of the release of \$83,595 in FY 2020 Contingent Reserve funding to hire a Department of Planning & Zoning (P&Z) Night/Weekend Zoning Inspector in support of the monitoring and enforcement of City Special Use Permit (SUP) requirements pertaining to noise, after-hours construction, other potential nuisances, etc. along the commercial corridors of King Street, Mount Vernon Avenue and Duke Street.

RECOMMENDATION: That the City Council release \$83,595 in FY 2020 Contingent Reserve funding for a new P&Z Night/Weekend Zoning Inspector position.

BACKGROUND: The City Manager placed a new Night/Weekend Zoning Inspector position and funding in his Proposed FY 2021 budget in recognition of the increased level of vibrancy occurring in the City’s commercial corridors, with the belief that increased monitoring and inspection will reduce the likelihood of

commercial and residential conflict, and thereby facilitate the continuation of the desired vibrancy. This would avoid the chances of a community backlash which occurred in the City decades ago and resulted in a very restrictive regulatory burden on businesses. During the budget process Council asked for more information on this position and placed the funding in contingent reserve.

Current Conditions and Staffing

With recent changes to standard SUP conditions allowing for more flexibility for some businesses along commercial corridors such as restaurants, staff proposed in the FY 2020 Budget a position to provide enhanced monitoring and enforcement of the Zoning Ordinance and SUP/ Development Special Use Permit (DSUP) conditions outside normal business hours. Additionally, complaints through the City's Call.Click.Connect system (to convert to a 311 system in early 2020), which pertain to a variety of other zoning-related violations such as illegal signs, King Street Outdoor Dining, and construction work, are also common during evening and weekend hours. The hiring of a Night/Weekend Zoning Inspector would serve to help monitor and enforce the Zoning Ordinance and business/restaurant compliance with the Noise Ordinance during hours which are currently not covered by enforcement officers.

P&Z and the Office of Environmental Quality (OEQ) in the Department of Transportation and Environmental Services (TES) respond to noise and other complaints during regular business hours (8:00 a.m. to 6:00 p.m.). P&Z handles complaints that are violations of the Zoning Ordinance or are violations of SUP conditions. OEQ handles complaints of the City's Noise Ordinance. Parking and traffic complaints may be handled by TES or by the Alexandria Police Department (APD), depending on the nature of the complaint. Additionally, APD enforces the Noise Ordinance by issuing civil violations during off-hours and on weekends. APD also conducts the initial response to all neighbor-to-neighbor complaints (loud parties, etc.), at all times, but does not have the capability to conduct sound level measurements. APD is not responsible for zoning enforcement.

Prior to 2018, the City regularly included within SUPs a prohibition on outdoor loud speakers, as well as other conditions intended to preclude the potential for noise impacts on evenings and weekends, in particular. A practical element of prohibiting the speakers themselves, is that the condition can be enforced during normal business hours.

In 2018, the City determined that music and other amplified sounds provide an essential ingredient to the sense of vibrancy and fun that is an important contributor to our quality of life and the economic success of our commercial areas. The new standard condition is that restaurants are now permitted to have outdoor loud speakers, but no amplified sound is to be audible beyond the property line after 9 p.m.

DISCUSSION: P&Z has two full-time day Zoning Inspectors who are fully occupied with the duties of completing regular checks of businesses subject to SUP conditions, checking development project compliance with DSUP conditions, responding to complaints that allege violations of SUP/DSUP conditions or the Zoning Ordinance, and proactively enforcing SUP/DSUP violations and violations of the Zoning Ordinance. The current staff are on duty Monday through Friday during normal business hours. In the average year, the two Zoning Inspectors conduct 420 inspections and respond to 138 zoning complaints, among other duties.

P&Z receives complaints for SUP/DSUP condition violations, and violations of the Zoning Ordinance, that occur outside normal business hours. A high proportion of these are noise complaints, generally involving restaurants, and may involve amplified sound (such as music), noisy patrons in outdoor dining areas, or deliveries occurring outside the hours prescribed in the SUP or in violation of the City's Noise Ordinance (compliance with the City's Noise Ordinance is often a SUP condition).

Hiring a P&Z Zoning Night/Weekend Inspector would enable after-hours Zoning Ordinance and DSUP/SUP

conditions enforcement. A potential schedule to allow for weekend coverage would be Sunday, Wednesday, and Thursday from 3:00 p.m. to 12:00 midnight, and Fridays and Saturdays from 5:00 p.m. to 2:00 a.m. The Night/Weekend Inspector would also provide “on-call” responses to regularly repeating offenses during off duty hours as needed, such as early morning violations of deliveries or power-washing of equipment, which do occur.

The Night/Weekend Zoning Inspector will not respond to all noise violations nor to violations in all parts of the City. The inspector is expected to focus on commercial corridors (King Street, Mount Vernon Avenue, Duke Street) and to focus on Zoning Ordinance/SUP conditions (inspections and following up on complaints). When there are no pending complaints, the inspector would conduct, similar to his or her daytime colleagues, regular inspections to ensure businesses are complying with SUP conditions and any other zoning-related inspections that can occur during those hours.

APD would continue to be the primary responder for all initial noise complaint calls during hours not covered by P&Z Inspectors and/or TES and would issue civil violations when necessary. APD would also continue to respond to all neighbor-to-neighbor complaints such as loud parties, at all times, and would refer cases to P&Z or OEQ for follow up if measurements or other consideration are needed.

A Night/Weekend Inspector will help ensure that businesses remain aware of their obligations to operate within the SUP conditions and within the zoning and noise regulations that remain applicable to those businesses. Simultaneously, this position will also assure nearby residential neighborhoods that the City is monitoring the implementation of these conditions and regulations.

FISCAL IMPACT: Release of the \$83,595 in contingency funds would enable P&Z to hire an experienced Zoning Night/Weekend Inspector at Grade 14/Step 6, including differential pay and benefits. This will have a fiscal impact on the budget. However, expanding flexibility of SUP conditions is supportive of economic development by providing wider options for businesses which depend on evening operating hours and which offer entertainment venues.

ATTACHMENT: P&Z Night/Weekend Zoning Inspector Job Duties

STAFF:

Emily A. Baker, Deputy City Manager
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Tony LaColla, Division Chief, P&Z