



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 4, 2020

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER

DOCKET TITLE:

Review and Confirmation of the Suspension of Enforcement of Certain City Codes and Ordinances Taken by the City Manager Pursuant to the City's Continuity of Government Ordinance to ease certain restrictions on package delivery businesses that are working to comply with the Governor's Forward Virginia Plan.

ISSUE: That City Council review and confirm the suspension of enforcement of certain City Codes and Ordinances that have been taken by the City Manager to assist package delivery businesses as they work to address the emergency and comply with the Governor's *Forward Virginia* Plan.

RECOMMENDATION: That City Council confirm the suspension of enforcement of the codes and ordinances to allow flexibility for package delivery businesses as described in the attached document labeled Attachment 1 and allow the suspension to continue until March 31, 2021 or sooner if the City Manager determines that the suspensions should be lifted for any reason.

DISCUSSION: The COVID-19 pandemic has contributed to an increase in package shipping and deliveries as more people order online to limit in-person purchases. As the Winter holiday season approaches, a surge in package shipping and delivery is expected with more individuals visiting delivery businesses to drop off and pick-up packages. Staff recommends allowing delivery businesses the opportunity to establish temporary trailer facilities on private property in commercial zones beginning immediately and until March 31, 2021. The use of a temporary trailers for delivery transactions would expand the number of business locations to accommodate an increase in customers and provide outdoor sites where City residents could access these services in safer settings (Figure 1).

Given that temporary trailers require City Council approval of a Special Use Permit (SUP), typically a three-month process, the temporary suspension of the SUP requirement would permit package delivery businesses to begin operations promptly on private property in commercial zones in time for the holiday season.



BACKGROUND: On March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic. Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread and ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate. On March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19 and on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic. Accordingly, on March 14, 2020, effective at 5:00 p.m. and extending through June 10, 2020, at 5:00 p.m., or as may be amended by the City Council, the City Manager, in his capacity as Director of Emergency Management, issued a Declaration of Local Emergency applicable throughout the entire City of Alexandria, Virginia (the “City”), pursuant to authority granted pursuant to City Code Section 4-3-5, Virginia Code Sections 44-146.21 and 15.2-1413, which City Declaration was unanimously consented to the by the City Council on March 14, 2020, pursuant to City Resolution No.2928, The City Council finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat. Therefore, it is necessary for flexibility with certain codes and ordinances to assist the community in addressing this emergency.

The COVID-19 pandemic emergency has caused an enormous impact to our community and has required a change in everyday life for every one of our community members. The Governor’s Orders requiring changes to businesses’ and individuals’ normal practices requires the City to be adaptable and the laws that are necessary during normal times may not be as applicable during the emergency or they may not be compatible with the requirements of the Governor’s Orders. As a result, the City Council adopted a provision in the Continuity of Government Ordinance that allows the City Manager to suspend enforcement of any City Code or Ordinance and waive fees in order to properly allocate City resources, ensure the safety of the public, and address impacts to the business community by the emergency. Such actions are then required to come to City Council for

ratification and confirmation that the suspension shall continue.

FISCAL IMPACT: Regular fees for Special Use Permits for temporary trailer approvals associated with this specific request would not be collected for trailers installed until March 31, 2021. Nevertheless, the fees may be later redeemed if package delivery businesses decide to continue operations from a trailer beyond the March expiration date through submission of an SUP application.

ATTACHMENTS:

1. Description of Suspension

STAFF:

Joanna Anderson, City Attorney

Karl Moritz, Director of Planning & Zoning