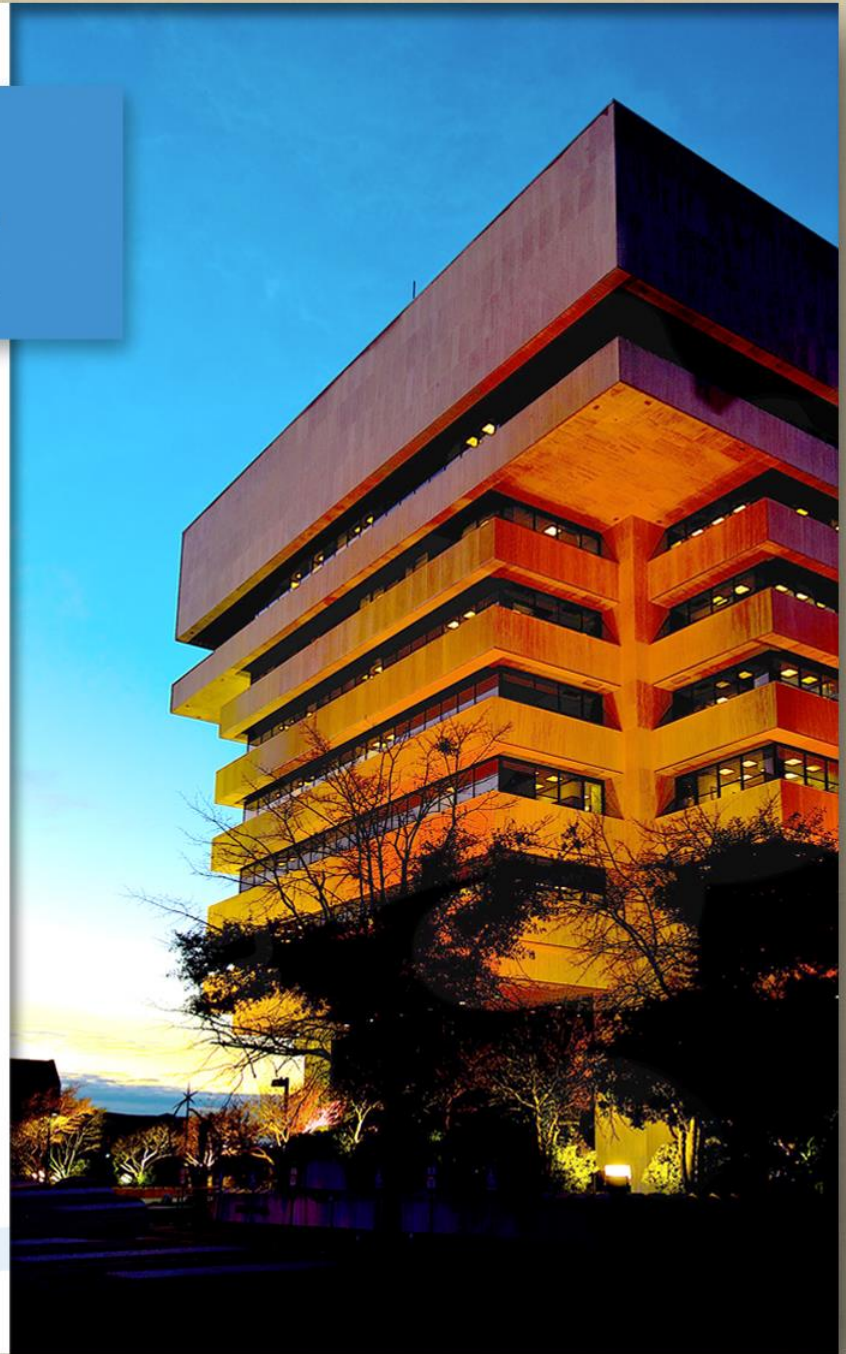


HAMPTON VA

Downtown Public Safety Action Plan

**City Council
Work Session**


May 14, 2025



Agenda

- Concern
- Immediate Responsive Actions
- Possible Additional Actions
 - Nuisance Tools
 - Zoning Actions

Concern

- On Monday, May 5, 2025, HPD responded to a fatal shooting at Chances Restaurant and Lounge.
 - Third fatal shooting at a restaurant in broader downtown area since December.
 - Concerning escalation of violence in one of our commercial districts.
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Immediate Responsive Actions

- Following any incident at a restaurant:
 - HPD coordinates with ABC on investigation, if applicable.
 - CAO, HPD, and Codes coordinate on review of use permit conditions, if applicable; NOV(s) sent for any violations.
 - Examples: numbers and location of security officers, cooperation with HPD, capacity violations.
 - Incident/business is discussed at next monthly Night Club Task Force Meeting so that other present departments like COR, Health, and Fire Marshal can weigh in.

Immediate Responsive Actions

- Following the most recent incident at Chances:
 - Two HPD Officers reassigned, effective immediately, to provide targeted enforcement coverage in Downtown Business Improvement District from 6 p.m. to 2 a.m., seven days a week.
 - ABC permitted establishments
 - Parking garages and dock areas
 - Early engagement on disruptive or criminal behaviors

Immediate Responsive Actions

- Night Club Task Force Inspections
 - HPD is coordinating with other departments and agencies who participate on the night club task force to inspect all restaurants in Downtown Hampton.
 - Eventually spread to other areas of the City.
 - Have used this approach successfully in the past.

Immediate Responsive Actions

- Re-Education and Consultation
 - HPD will coordinate with ABC to conduct voluntary specialized training sessions for downtown businesses holding ABC permits.
 - Preventing overserving of alcohol.
 - Identifying early warning signs of violence.
 - Managing crowd dynamics.
 - Strengthening internal surveillance and de-escalation protocols.

Immediate Responsive Actions

- Re-Education and Consultation
 - HPD will offer no-cost security assessments downtown, with recommendations for improvements such as upgraded surveillance cameras, exterior lighting, and secure egress planning.

Additional Actions for Consideration

Currently Available Zoning Actions

- Use Permit (“UP”) Revocation – Zoning Ordinance sec. 14-11

*“The **city council may revoke a use permit**, after notice and a public hearing as set forth in section 15.2-2204 of the Virginia Code, as amended, for **any violation of a term or condition** thereof or **repeated or continuing violations of the city zoning ordinance or city code**, **failure to comply with approved plans**, and/or when **false, fraudulent, or misleading information is supplied by the applicant**. The consideration of a possible revocation shall follow the procedure set forth in this chapter for approving the use permit, provided that fifteen (15) days' written notice is given to the owner of the subject property prior to the public hearing.”*

Additional Actions for Consideration

Currently Available Zoning Actions

– Use Permit (“UP”) Revocation Process

- In the past, Council has not heard or acted on a revocation until a criminal conviction was achieved through the zoning enforcement process.
 - NOV issued for violation
 - If applicant fails to abate, criminal summons issued and court proceedings begin.
 - If conviction results, Council may direct staff to prepare materials for revocation.
- Council can revoke a UP after notice and a public hearing

Additional Actions for Consideration

Currently Available Zoning Actions

- Use Permit (“UP”) Amendment – Zoning Ordinance sec. 14-13

“Any amendment or change of substance to an approved use permit shall be subject to the same procedures and standards as for a new application.” *Minor modifications to approved terms and conditions of a use permit may be authorized by the director of the department of community development or his designee when such modifications do not: expand or significantly alter the location or boundaries of the use; conflict with specific requirements of this chapter; decrease the width or depth of any yard, setback or buffer area; significantly alter points of access to the property or the internal arrangement of site plan elements; or have an appreciable effect on surrounding properties.*

Additional Actions for Consideration

Currently Available Zoning Actions

- Use Permit Expiration via ABC Condition
 - Applies to businesses with a retail alcoholic beverage control license
 - Special condition added to the UP pursuant to VA Code § 15.2-2286(A)(3)
 - UP automatically expires with any of the following
 - Change in ownership of property
 - Change in operation/management of facility
 - Passage of 3 months without an active ABC license

Additional Actions for Consideration

Currently Available Zoning Actions

– Third-Party Promotor Condition

- Currently added to UPs for restaurants, banquet halls, private clubs; and Zoning Administrator Permits (ZAPs) for banquet halls
- Condition prohibits a third-party from using the facility to stage an event for profit, or an outside promotor to use, operate, rent, or host any event.
 - When violated, grounds for revocation
- Examples:
 - Restaurant rented out to promoter, who then charges a cover to attend an event at the restaurant
 - BUT NOT renting banquet hall for a wedding ceremony

Additional Actions for Consideration

Potential Zoning Changes

- Period of Validity for Use Permit
 - Norfolk = UP valid for 2 years
 - State Code authority found at 15.2-2286(A)(3)
 - Action needed to implement → add a new standard UP condition
- Revisit standard UP conditions to add more enforceable language
 - i.e. Security Plan Condition – add HPD ability to update the security plan if/as needed
 - Action needed to implement → revise standard UP condition

Additional Actions for Consideration

Potential Zoning Changes

- Consider revoking Use Permits prior to criminal conviction on zoning violation
 - i.e. for significant instances related to public health, safety, and welfare
- Amend Zoning Ordinance to create a process for Council initiated amendments to Use Permits
- Amend Zoning Ordinance to establish initiating procedure for revocation and/or standards of evidence for UP revocation hearings, similar to Norfolk.

Additional Actions for Consideration

- Bring nuisance or blight action in Circuit Court.
 - Virginia Code allows localities to ask the Circuit Court to compel abatement of nuisance or criminally blighted properties.
- Nuisance Action
 - Virginia Code Sec. 15.2-900 – the term "nuisance" includes, **but is not limited to**, dangerous or unhealthy substances which have escaped, spilled, been released or which have been allowed to accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures which constitute a menace to the health and safety of the occupants thereof or the public.
 - Locality may bring an action to compel abatement in the Circuit Court

Additional Actions for Consideration

- Criminal Blight
 - Virginia Code Sec. 15.2-907 defines criminal blight as one of the following:
 - Commercial sex acts
 - Regular use of property for drug possession, manufacturing, distribution, etc. or presence of persons under the influence of drugs.
 - Discharge of a firearm that would constitute a criminal act

Additional Actions for Consideration

- Criminal blight process is as follows:
 - Notice must be provided to the owner that directs them as to what steps they need to take to abate the blight.
 - Owners get 30 days to abate. However, if they request additional time within those 30 days, the City shall allow an additional 30 days.

Additional Actions for Consideration

- Criminal blight process continued
 - At end of 30 or 60 days, City must provide additional notice of the date when a civil action may be filed – no sooner than 15 days.
 - City can file petition in Court asking the Court to order the blight abated.
 - If the property owner has taken all of the steps previously requested by the City, no abatement will be ordered.

Additional Actions for Consideration

- What does abatement look like?
 - Specific actions, determined by the City, that the property owner must take to ensure that nuisance or blight conditions are no longer present.

Additional Actions for Consideration

- Virginia Code Sec. 48-1 *et. seq.* allows for the following remedy:
 - Five or more citizens may petition the Circuit Court to impanel a grand jury to examine a nuisance.
 - If grand jury determines a public nuisance exists, the Commonwealth Attorney prosecutes.
 - Court may order abatement.

Conclusion / Questions

