

Special Use Permit #2026-00009
699 Prince Street
Hotel Heron

Application	General Data	
Public hearing and consideration of a new use request to operate rooftop outdoor live entertainment at 699 Prince Street.	Planning Commission Hearing:	June 2, 2026
	City Council Hearing:	June 13, 2026
Address: 699 Prince Street Alexandria, VA 22314	Zone:	CD/ Commercial Downtown
Applicant: J River 699 Prince Street LLC	Small Area Plan:	Old Town Small Area Plan
Staff Recommendation: <i>APPROVAL</i> subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.		
Staff Reviewers: Lanning Blaser, lanning.blaser@alexandriava.gov Rachel Drescher, rachel.drescher@alexandriava.gov		

PLANNING COMMISSION ACTION JUNE 2, 2026: On a motion by Vice Chair Koenig, seconded by Commissioner Harris, the Planning Commission voted to recommend approval of SUP #2026-00009 with an amendment to condition #9 requiring an additional three (3) month review of the Special Use Permit, and addition of Condition #10 to read:

10. Condition Added by Planning Commission: Prior to the commencement of outdoor live entertainment, the applicant shall retain a qualified acoustical engineer to prepare a sound and vibration management plan and certify that the rooftop sound system is designed and capable of operating in compliance with the City's Noise Ordinance. The plan shall include testing of the sound system and identify speaker types, locations, orientation, maximum allowable sound levels, operational controls, and any other measures necessary to ensure compliance with the City's Noise Ordinance and the conditions of this approval. The sound and vibration management plan shall be submitted to and approved by the directors of Planning and Zoning and Transportation and Environmental Services prior to the commencement of outdoor live entertainment. The applicant shall implement and maintain all recommended measures for the duration of the use. The directors of Planning and Zoning and Transportation and Environmental Services may require additional acoustics testing or modifications to the approved plan if verified violations of the City's Noise Ordinance occur.

The motion carried on a vote of 7-0.

Discussion:

Commissioner Manor asked staff to explain Condition #6 of the Special Use Permit which requires a “neighborhood liaison.” Staff outlined the criteria for Condition #6 and the applicant’s responsibility to have a plan in place to handle noise complaints.

Commissioner Harris asked staff to confirm the area of live entertainment on the rooftop. Staff explained where the entertainment would take place. Staff acknowledged that speakers are located across the entire rooftop that all play the same volume. Commissioner Harris asked staff to speak about the pattern of complaints and the past enforcement of city operators. Staff explained the history of complaints and the process of bringing the outdoor live entertainment use into compliance.

Chair McMahon asked staff to speak to the process if the business is unable to comply with the Noise Ordinance after SUP approval. Staff shared the process would involve docketing the SUP for review with Planning Commission and City Council. Council could include additional conditions or revoke the SUP. Chair McMahon asked staff to clarify where inspectors measure sound. Staff replied at the property line of the subject property. Chair McMahon confirmed with staff that this is the standard we hold businesses to when measuring noise. Chair McMahon asked about vibrations from noise, staff shared that the speakers can be adjusted and can assist with vibrations, but ultimately a sound engineer would confirm vibrational effects. Staff shared information about a noise governor, and its purpose to control volume. Chair McMahon acknowledged that conditions of the SUP, aside from a condition requiring the speakers to face downward are consistent conditions used for other outdoor live entertainment uses. Chair McMahon asked staff to clarify how retaining a sound engineer would be beneficial prior to

approval. Staff shared that the sound engineer would develop a plan to ensure that noise, speakers, and speaker locations are able to operate within the city's permitted noise ordinance. Chair McMahon acknowledged that due to the past complaints, it's not uncommon to add additional mitigatory conditions and supports both additional conditions.

Commissioner Dube inquired about a condition for noise to be measured along the east property line. Staff informed Commissioner Dube that noise is measured along various locations at the site's property line. Staff confirmed that with an additional noise inspector and wider hours of coverage, testing could be performed more frequently. Staff confirmed the noise ordinance standard for a reduction in decibel levels is 11 pm. Commissioner Dube asked staff about the capacity of the rooftop. SUP2018-00064 permits up to 150 seats at the rooftop restaurant.

Commissioner Lennihan asked staff if it would be possible to add a 3-month review to the SUP considering the neighbors' comments. Staff confirmed that this can be added as a condition of the SUP.

Commissioner Harris asked staff if hiring a sound engineer could be included as a condition prior to approval. Staff informed Commissioner Harris that while this is not a standard condition for live entertainment uses, Commissioners can add the condition to the SUP. Commissioner Harris asked staff to confirm no complaints had been received since June 2025. Staff responded that the site was put on notice during a June 2025 joint meeting and the hotel has not had complaints since then.

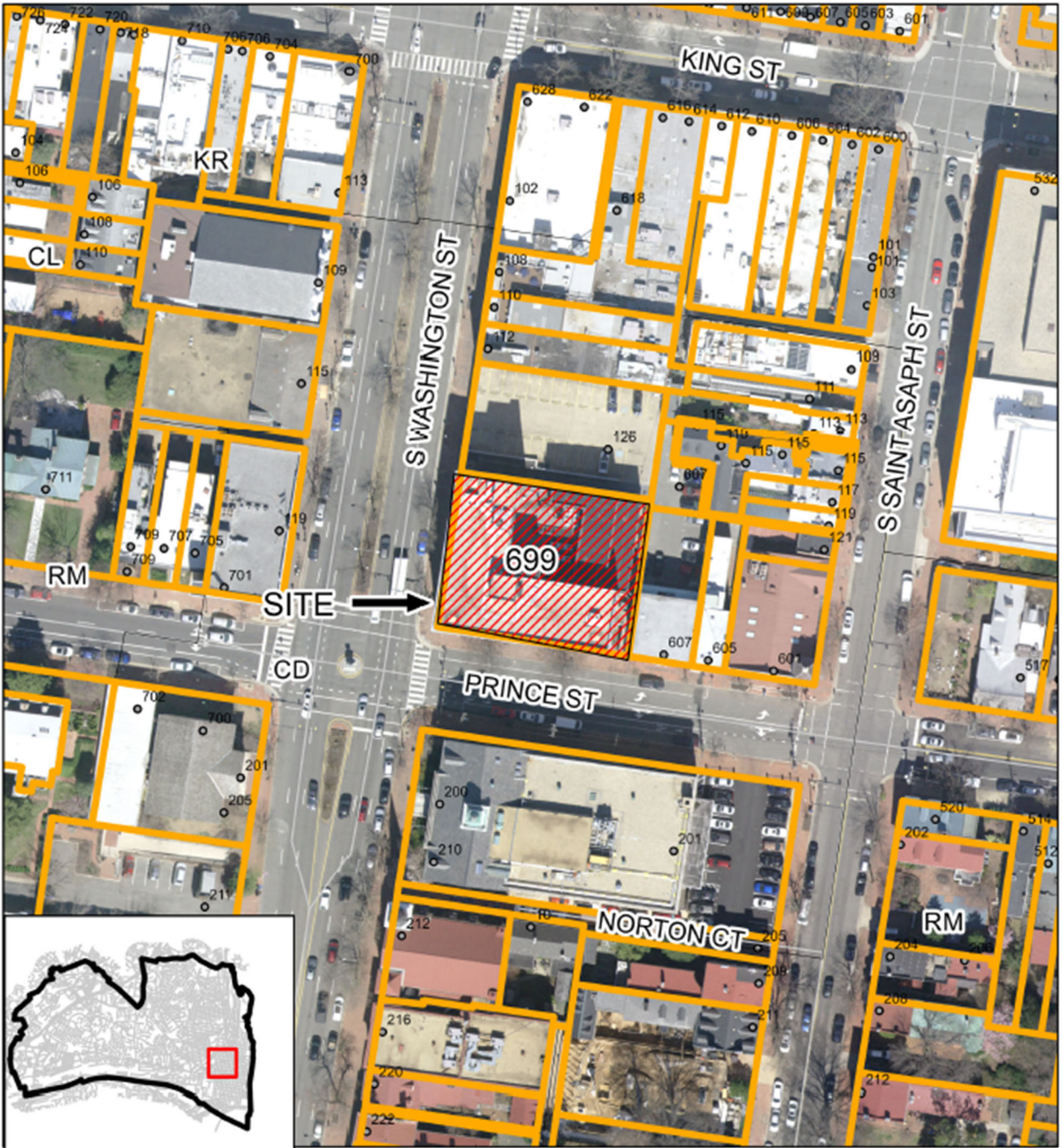
Commissioner Manor asked staff to outline the history of complaints. Staff gave a brief synopsis of complaints received in late 2024 and early 2025. Staff met with the hotel in June 2025 and since then, no complaints have been received. Staff shared with the Planning Commission that the rooftop restaurant is permitted to have outdoor background music provided it complies with the City's noise ordinance.

Vice Chair Koenig spoke in support of the additional conditions based on the history of complaints.

Speakers:

Hannah Williams, 607 Prince Street, spoke in opposition and cited past complaints were already occurring. Expressed concerns with how past complaints were handled and the businesses' ability to work with their surrounding neighbors. Expressed concerns about how the SUP conditions would handle the noise complaints and suggested more refined clearer conditions to aid in mitigating noise.

Laura Vetter, 204 S Saint Asaph, spoke in opposition. Shared past violations of the noise ordinance and the impacts that neighbors have experienced living close to the site. Spoke to the past communication with city staff and the hotel management. The hotel has not been trustworthy based on past complaints and has not shown a willingness to work with the surrounding neighbors.



SUP2026-00009
699 Prince Street



I. DISCUSSION

The applicant, J River 699 Prince Street LLC, requests Special Use Permit approval to operate outdoor live entertainment on an existing rooftop restaurant.

SITE DESCRIPTION

The subject site is a 12,342 square foot lot of record situated on the northeast corner of Prince Street and S. Washington Street. The site has 123 square feet of frontage along Prince Street and 100 square feet of frontage along S. Washington Street.

The restaurant consists of both a ground-floor and rooftop component. The ground-floor restaurant space is accessed from the storefront entrance on S. Washington Street, and the rooftop restaurant is accessed separately from the lobby in the 699 Prince Street building. The rooftop space is approximately 3,000 square feet.



Figure 1: Front Façade, 699 Prince Street

The site is zoned CD/Commercial Downtown. The site is located within the boundaries of the Old Town Small Area Plan, King Street Retail Strategy, and the Old & Historic Alexandria District (OHAD). The site is bordered by commercial, institutional and mixed-use buildings on S. Washington Street, and office buildings to the east of the site fronting Prince and S. St. Asaph Streets.

BACKGROUND

According to real estate records, the subject property was developed in 1900 with a five-story hotel known as the George Mason Hotel. The building is six stories and “L”-shaped. Building alterations were added to the rear of the building in the 1940s and 1990s. City Council approved Development Special Use Permit, DSUP #2018-0008, to convert the existing office building to a hotel with 99 units and Special Use Permit, SUP#2018-0064, to operate the restaurant and outdoor rooftop dining. The hotel and restaurant opened in June of 2024.

The restaurant has a history of noise complaints, predominantly in 2024. On October 11, 2024, a zoning inspector issued a warning citation after confirming audible noise beyond the property line after 9 p.m., a violation of Condition #12 of SUP #2018-00064 and the noise ordinance. Past complaint records notate that staff has informed the business of the SUP's noise condition and the noise ordinance. One complaint was received in May 2026. In response, City staff contacted the owner, then conducted a follow-up inspection, confirming the music had been turned off.

Staff visited the site on the evening of April 30th, 2026 to evaluate the sound levels for the proposed live entertainment. The business had an instrumentalist playing the guitar and singing at what would be standard operating levels. Staff measured the sound from the ground floor across the

street at two different times. For the first measurement, staff noted audible noise levels. For the second measurement, the business lowered the volume and the sound was not audible. This testing was done around 5:30 p.m. during hours that generally produce more noise than later hours due to traffic and the site's proximity to Washington Street.



Figure 2: Aerial view

PROPOSAL

The applicant requests outdoor live entertainment at the rooftop restaurant. The applicant proposes to host local DJ's and instrumentalists for live entertainment that would occur during specific operating hours Thursday to Sunday. No other changes are proposed.

<u>Day</u>	<u>Hours of Outdoor Live Entertainment</u>
Thursday	5 p.m. to 9 p.m.
Friday	5 p.m. to 10 p.m.
Saturday	5 p.m. to 10 p.m.
Sunday	1 p.m. to 7 p.m.

The proposed hours of outdoor live entertainment are within the outdoor dining hours approved for the rooftop restaurant, which operates from 6 a.m. to 2 a.m. daily. Condition #2 of the outdoor dining Special Use Permit, SUP #2018-00064, is outlined below.

The hours of operation for the indoor and rooftop restaurant shall be limited to between 6:00 a.m. and 2:00 a.m. daily. For indoor seating, meals ordered before 2:00 a.m. may be served, but no new patrons shall be admitted, and no alcoholic beverages shall be served, and all patrons must leave by 3:00 a.m. The rooftop restaurant shall be closed and cleared of all customers by the end of the hours of operation. (P&Z)

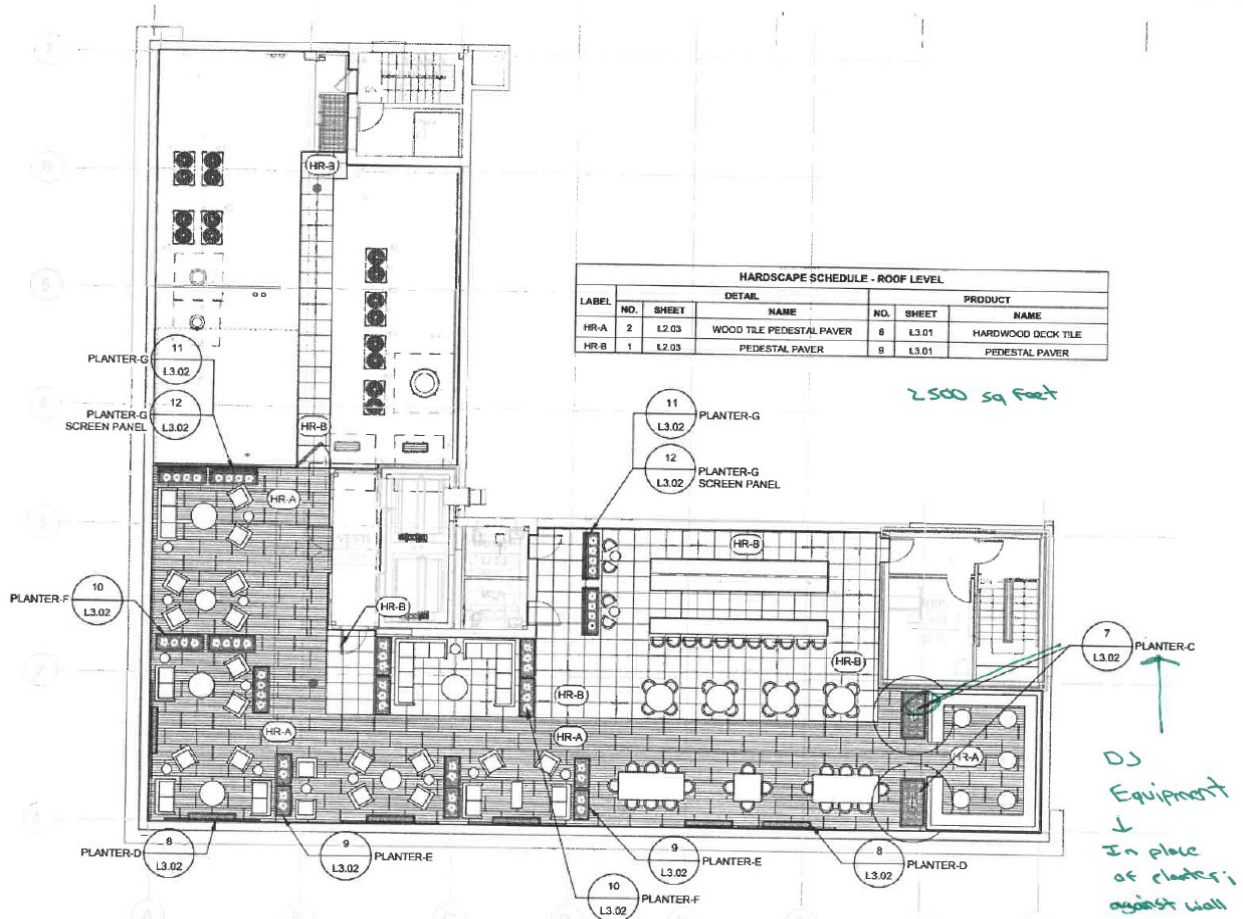


Figure 3: Rooftop floor plan

PARKING

Pursuant to Zoning Ordinance Section 8-300(b), the restaurant has no required parking due to its location in the Central Business District. The addition of outdoor live entertainment does not increase the square footage of the site or change the parking requirement. However, through Special Use Permit SUP #2018-00041 valet parking services are provided at the Prince Street entrance.



Figure 4: rooftop view

ZONING/MASTER PLAN DESIGNATION

The subject site is located within the CD/ Commercial Downtown Zone and in the Old and Historic Alexandria District (OHAD). Outdoor live entertainment is permitted in the CD zone with Special Use Permit approval, pursuant to Section 1-1703(A) of the Zoning Ordinance. Recent zoning text updates permit indoor live entertainment uses by-right.

The use is consistent with the Old Town Small Area Plan and the King Street Retail Strategy, which designates the area as commercial. The plans encourage entertainment venues within the downtown core of Alexandria. The Old Town Small Area Plan concentrates commercial uses along King and Washington Street. The plan notes the unique nature of Old Town because of the close proximity of commercial and residential uses that need to be maintained with care when permitting commercial uses. Further, the King Street Retail Strategy designates this area as a “regional crossroads sub-area” highlighting the location as an intersection of two major streets with a diversity of buildings and uses. The King Street Retail Strategy notes in its market analysis that “King Street also lacks a significant base of entertainment venues, which often for, an integral part of a main street retail environment, creates return visitors to the street and provides nighttime activity.” Entertainment can help fill a gap that has been long identified in the local market and can help strengthen King Street’s overall destination appeal for tourists and other visitors. The King Street Retail Strategy also notes that “Entertainment, recreation and visitor attractions.....help diversify the existing mix and add quality of life to the corridor as a 24-hour destination district.” The King Street Retail Strategy states restaurants and music venues encourage activity throughout the day.

II. STAFF ANALYSIS

Staff generally support the applicants’ request for rooftop outdoor live entertainment. Staff finds the live entertainment use is well-suited for the commercial area and a reasonable addition to the hotel and its restaurant. The Old Town Small Area Plan and the King Street Retail Strategy support a mix of commercial uses, specifically encouraging live entertainment to attract visitors and locals and enhance the mixed-use environment of the CD zone.

Generally, outdoor live entertainment has the potential to generate noise impacts on surrounding areas. Although the property is located within a commercial area, residences are located within the vicinity along Prince Street and S. Saint Asaph Street. Nevertheless, staff finds the impacts to nearby properties can be managed with the following conditions.

Condition #3: This condition restricts the live entertainment hours of operation. The rooftop restaurant must comply with regular outdoor dining hours as permitted in the SUP.

Condition #4: This condition requires the business operator to use an in-house sound system to monitor noise levels. This condition creates a standard operating noise level that the business operators can manage independently from hired DJ’s or music entertainers.

Condition# 5: This condition requires all rooftop speakers must be facing downward to reduce the amount of noise that carries outward and over the rooftop. During the site visit, staff found many of the speakers were facing outward.

Condition #6: This condition has been added to require the applicant to provide contact community liaison information so that hotel staff may mitigate noise concerns in real time. This information will be made available to the public on the businesses webpage and the hotel must ensure that complaints are responded to immediately.

Conditions #7 and #8: These are standard conditions that state noise levels must comply with the City's noise ordinance and amplified music, such as radios and Bluetooth speakers, are not permitted during closing hours for staff.

Given the possible noise impacts, staff has added the condition to review the SUP in six months and again after one year to review compliance with these conditions and the use's compatibility at this site.

Subject to the conditions stated in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommend *approval* subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. Any change in the ownership of the use that is the subject of the administrative permit may be transferred administratively with the approval of the director pursuant to the requirements of Section 11-511 of the Zoning Ordinance. The term 'SUP Holder' shall mean the applicant and any successor approved by the City (P&Z)
2. The SUP holder shall conduct employee training sessions on an ongoing basis to advise employees of the conditions of the SUP. (P&Z)
3. The outdoor hours of live entertainment shall be limited to 5:00 p.m. to 9:00 p.m. on Thursdays, 5 p.m. to 10 p.m. on Friday and Saturday, and from 1 p.m. to 7 p.m. on Sunday. (P&Z)
4. The SUP holder shall ensure all DJs and musicians performing in the rooftop area shall use only the permanent in-house sound system, which shall be equipped with and operated through a noise governor. (T&ES) (P&Z)
5. All rooftop speakers shall be oriented downward toward the rooftop activity area and shall not be directed outward toward adjacent properties or public rights-of-way. (T&ES) (P&Z)

6. The SUP holder shall designate a community liaison responsible for responding promptly to noise complaints from nearby residents and property owners. The community liaison's telephone number and e-mail address shall be posted on the business's website.(T&ES)
(P&Z)
7. The SUP holder shall comply with the city's noise ordinance. No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)
8. The SUP holder shall not allow employees to use amplified sound, including radios and Bluetooth speakers, while cleaning and washing the rooftop dining area. (T&ES)
9. The Director of Planning and Zoning shall review the special use permit six months after it has been operational and then again after 1 year, and then again every three years for compliance with all conditions and may docket the matter for consideration by the Planning Commission and City Council if there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; or the Director has determined that new or revised conditions are needed to offset land use impacts not addressed in the City Code. (P&Z)

STAFF: Tony LaColla, AICP, Division Chief, Land Use + Preservation
Rachel Drescher, Principal Planner
Lanning Blaser, Urban Planner

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

If live entertainment is approved and to ensure compliance with the noise code, OEQ recommends:

R-1 Music and Live Entertainment on Rooftop Venue:

- a. Applicant must develop a noise mitigation plan for all activities to the satisfaction of the Director of T&ES and the Director of P&Z. The noise mitigation plan shall be submitted for review and implemented, within given durations, which would be determined as appropriate.
 - b. Outdoor amplified music in the form of background music shall end no later than Sunday – Thursday at 8-9pm and Friday – Saturday at 10-11pm. Final limitations on time are to be determined.
 - c. All live entertainment during approved hours before 9pm shall maintain a 65dB maximum level and after 9pm shall maintain a 60dB maximum level.
 - d. Applicant shall use in-house system, equipped with a governor, for all live entertainment in the rooftop area.
 - e. Applicant shall designate an employee as a community liaison to respond to nearby property owners' noise concerns. The contact phone number and e-mail for the community liaison shall be available on the businesses webpage.
 - f. Staff shall not use amplified sound, including radios and Bluetooth speakers, while cleaning and washing the rooftop dining area.
 - g. The projection of live entertainment from within the restaurant to the outdoor rooftop area via loudspeakers through open doors and windows shall be prohibited at all times. (T&ES)
- R-2 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-3 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-4 The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)

Code Enforcement:

No comment. Existing CO (CC2024-00103) approved for roof terrace use. No change.

Fire:

No comments or concerns.

Health:

No comments.

Recreation, Parks, and Cultural Activities:

No comments.

Police Department:

No comments received.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 699 Prince Street, Alexandria VA, 22314

TAX MAP REFERENCE: 074.02-09-30 **ZONE:** CD - Commercial Downtown

APPLICANT:

Name: J River 699 Prince St LLC

Address: _____
[Redacted]

PROPOSED USE: Existing hotel with multiple food and beverage amenities. We seek to have ability to host DJ's at existing rooftop venue.

- THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Matthew Karow
 Print Name of Applicant or Agent

 [Redacted]
 Mailing/Street Address

 [Redacted] [Redacted]
 City and State Zip Code

[Signature] 1.20.2026
 Signature Date

 [Redacted] [Redacted]
 Telephone # Fax #

 [Redacted]
 Email address

PROPERTY OWNER'S AUTHORIZATION

As the property owner of J River 699 Prince Street LLC, I hereby
(Property Address)
grant the applicant authorization to apply for the Special Use Permit use as
(use)
described in this application.

Name: Kevin Riegler Phone _____
Please Print
Address: [REDACTED] Email: [REDACTED]
Signature: [Handwritten Signature] Date: 1.20.2026

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):
 Owner
 Contract Purchaser
 Lessee or
 Other: Authorized Agent/Signatory of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. MR Aparium Prince Street Parent Investor LLC	[REDACTED]	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 699 Prince Street, Alexandria VA, 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. MR Aparium Prince Street Parent Investor LLC	[REDACTED]	100%
2.		
3.	[REDACTED]	

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. None		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

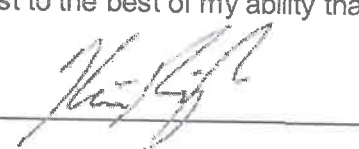
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

1.20.2026

Kevin Riegler

Date

Printed Name



USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):
- a new use requiring a special use permit,
 - an expansion or change to an existing use without a special use permit,
 - an expansion or change to an existing use with a special use permit,
 - other. Please describe: _____
5. Please describe the capacity of the proposed use:
- A. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).
Average 80-90 customers on Thursday-Saturday evenings, which is when we seek to add the additional entertainment offering.

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
Existing staff - no changes to current staffing (4-6 per shift).

6. Please describe the proposed hours and days of operation of the proposed use:
- | | |
|------------------|-----------------|
| Day:
Thursday | Hours:
5p-9p |
| Friday | 5p-10p |
| Saturday | 5p-10p |
| Sunday | 1P-7P |
7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
Currently operating at or below 65 decibels (reader is installed) and no changes to these levels.

- B. How will the noise be controlled?
Using currently existing measures including the decibel reader. A noise governor, and community liaison have also been appointed, internally.

8. Describe any potential odors emanating from the proposed use and plans to control them:

N/A

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)
No additional trash or garbage from existing levels and use.

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

No additional trash or garbage from existing levels and use.

C. How often will trash be collected?

Current schedule remains in tact via our Trash and Recycling Broker, Road Runner.

D. How will you prevent littering on the property, streets and nearby properties?

No changes to current - currently staffed with restaurant staff, Housekeeping, Engineering and Manager on Duty to ensure dilligence.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes.

No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?
We currently operate the space which includes a Manager on Duty. No changes are required as no changes to existing business levels.

ALCOHOL SALES

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Alcohol is already approved and sold in the space - no changes to current structure or offerings.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

- 0 Standard spaces
- 0 Compact spaces
- 0 Handicapped accessible spaces.
- Valet Service Other.

Planning and Zoning Staff Only Required number of spaces for use per Zoning Ordinance Section 8-200A _____ Does the application meet the requirement? [] Yes [] No

B. Where is required parking located? (check one)
 on-site
 off-site

If the required parking will be located off-site, where will it be located?

Valet per our existing Parking Management Plan at 277 S Washington

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? N/A

Planning and Zoning Staff Only Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____ Does the application meet the requirement? [] Yes [] No
--

- B. Where are off-street loading facilities located? Existing Hotel Loading Dock
-
- C. During what hours of the day do you expect loading/unloading operations to occur?
Existing loading operations - no changes.
-
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Existing loading operations - no changes.
-

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

N/A - no changes to existing hotel operation.

SITE CHARACTERISTICS

- 17.** Will the proposed uses be located in an existing building? Yes No
- Do you propose to construct an addition to the building? Yes No
- How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

2500 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2500 sq. ft. (total)

19. The proposed use is located in: *(check one)*

a stand alone building

a house located in a residential zone

a warehouse

a shopping center. Please provide name of the center: _____

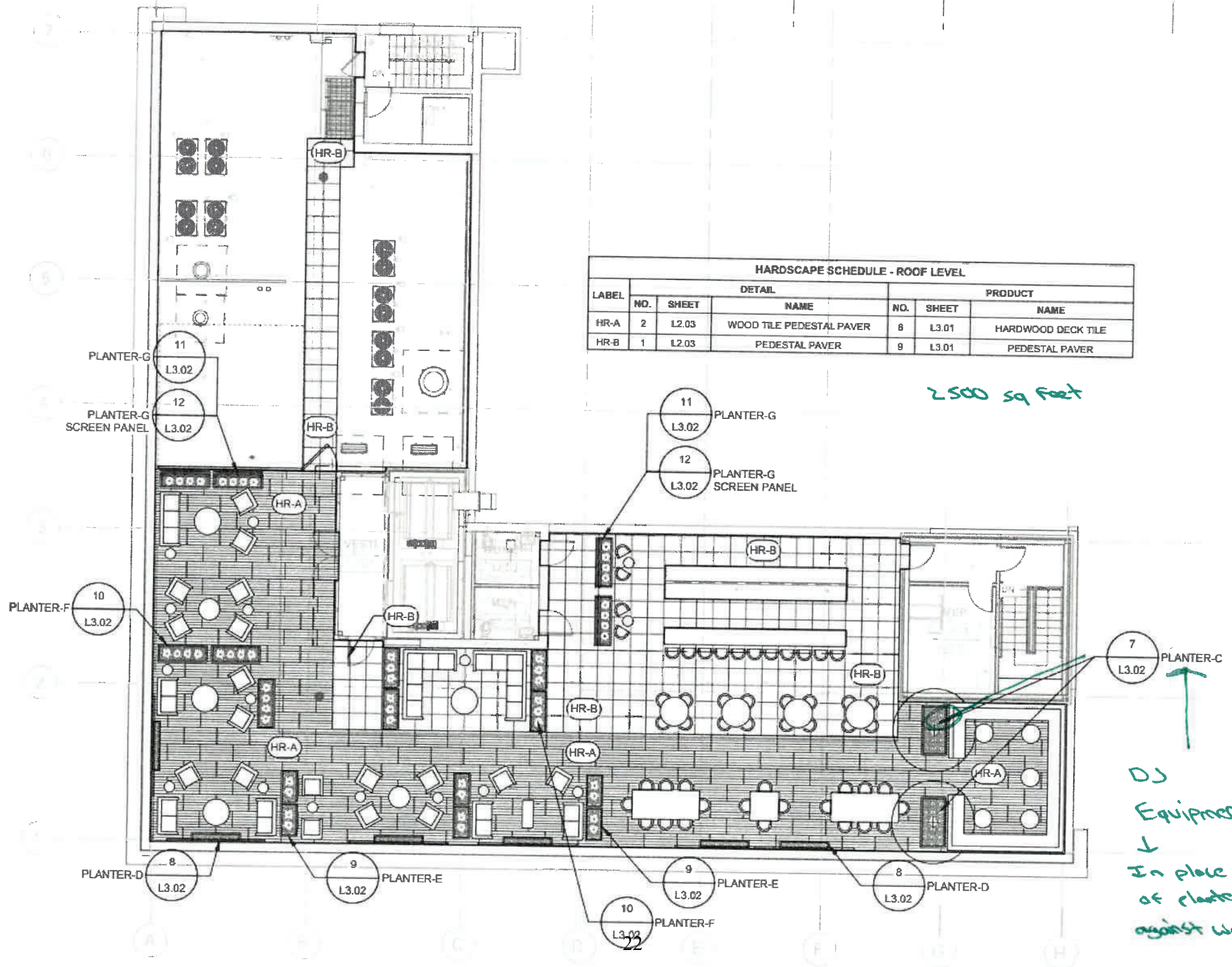
an office building. Please provide name of the building: _____

other. Please describe: Hotel Heron - existing hotel and restaurant.

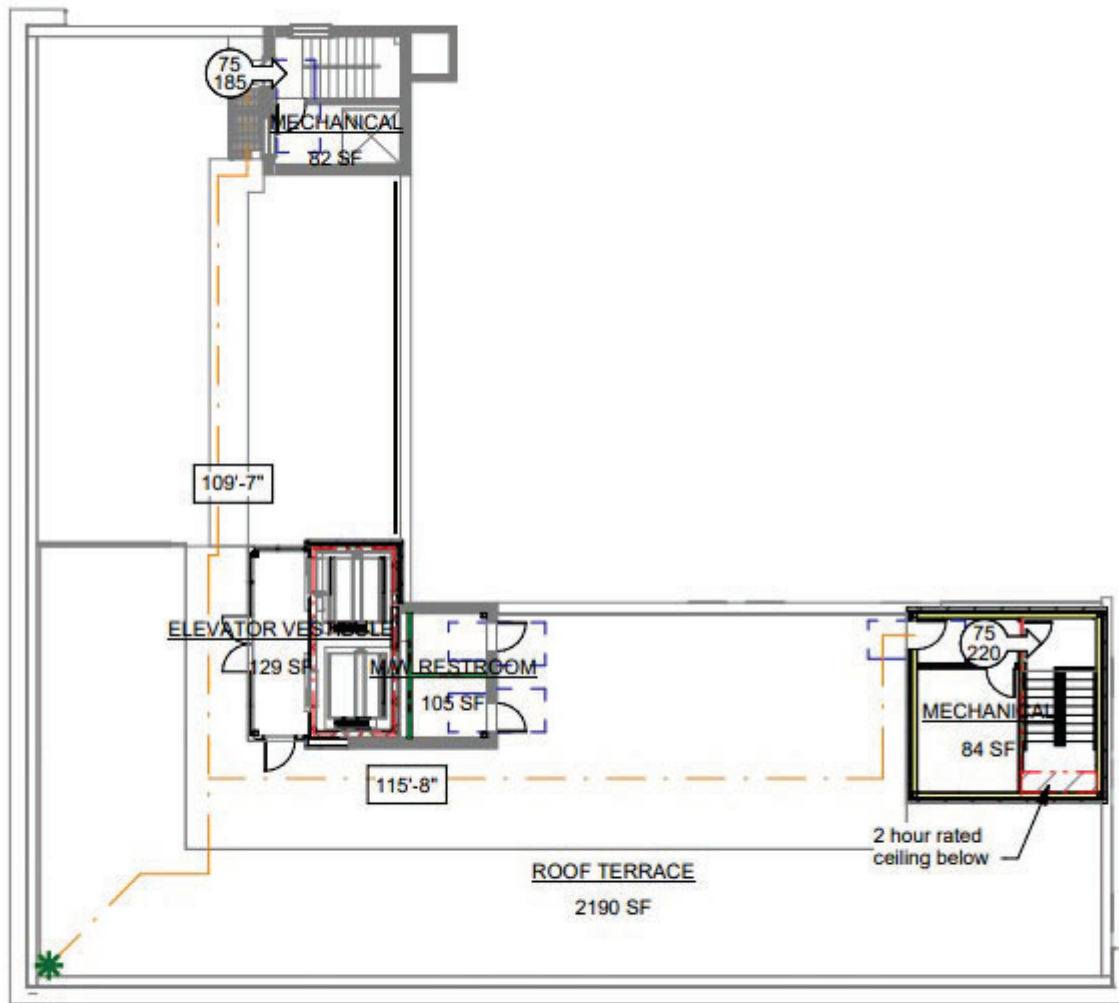
End of Application

HARDSCAPE SCHEDULE - ROOF LEVEL					
LABEL	DETAIL			PRODUCT	
	NO.	SHEET	NAME	NO.	SHEET
HR-A	2	L2.03	WOOD TILE PEDESTAL PAVER	8	L3.01
HR-B	1	L2.03	PEDESTAL PAVER	9	L3.01
					PRODUCT NAME
					HARDWOOD DECK TILE
					PEDESTAL PAVER

2500 sq feet



DJ
Equipment
↓
In place
of planter;
against wall



<u>OCCUPANT LOAD - PENTHOUSE</u>			
LOCATION	AREA	OCC LOAD FACTOR	OCCUPANT LOAD
ELEVATOR VESTIBULE	129 SF	300 SF	1
M/W RESTROOM	105 SF	300 SF	1
MECHANICAL	167 SF	300 SF	2
ROOF TERRACE	2190 SF	15 SF	146
	2590 SF		150

4 PENTHOUSE
 002/G007 1/16" = 1'-0"

May 30, 2026

City of Alexandria Planning Commission
301 King Street
Alexandria, VA 22314

**RE: OPPOSITION TO Special Use Permit #2026-00009 - Hotel Heron, 699 Prince Street
Planning Commission Public Hearing, June 2, 2026**

Dear Members of the Planning Commission:

We are residents of Prince and S. Saint Asaph Streets, writing jointly to oppose Special Use Permit #2026-00009, which would authorize outdoor live entertainment - including DJs and amplified music - on the rooftop of Hotel Heron at 699 Prince Street. We urge the Commission to deny this permit, or at minimum to impose substantially stronger conditions than those city staff has proposed. What follows is a detailed account of what this neighborhood has experienced since Hotel Heron joined us, and why the proposed conditions are insufficient to protect peaceful enjoyment of our properties going forward.

I. The Hotel Operated Rooftop Entertainment Without Authorization - and the City's Own Review Mechanism Was Never Invoked

The application before the Commission is essentially a request to authorize what Hotel Heron was already doing - without permission - for over a year., which has caused considerable disruption to neighborhood residents.

The existing SUP2018-0064, Condition 4, specifically limited live entertainment to the ground-floor restaurant only. The rooftop was never granted any entertainment authorization under that permit. When the hotel introduced DJ entertainment on its rooftop beginning in spring 2024, it did so apparently outside the scope of its permit. This was not a marginal or technical violation. The hotel simply began operating an activity that required authorization it had not obtained and which has proven to be an extraordinary nuisance.

The volume and timing of Hotel Heron's rooftop music, live and otherwise, has been persistently problematic and was the subject of a number of formal complaints. Residents filed formal complaints through every available channel - 311 reports, direct correspondence with city staff, and text messages to the city's noise enforcement officer - over a period of more than a year. The complaints were documented, the violations were acknowledged, and yet the disruptive activity continued into July 2025, when a formal multi-department city intervention finally directed the hotel to cease live programming as outside the scope of its existing SUP.

The existing permit also contains a self-correction mechanism that should have been triggered far earlier. Condition 18 of SUP2018-0064 required the Director of Planning and Zoning to docket the permit for Planning Commission review upon documented violations that 'constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community.' The violations here - operating unauthorized entertainment on the rooftop, generating noise in excess of city ordinances and outside permissible hours, over more

than a year despite multiple documented complaints - plainly met that threshold long ago. The Commission should ask why Condition 18 was never invoked, and why the response to a sustained pattern of unauthorized activity is an application to expand the permit, rather than a review of the existing and more limited permit.

We raise this not to relitigate the past, but because it bears directly on the question before the Commission today: whether to trust that any new permit conditions will be observed. **The record gives us no basis for that confidence.**

II. Extensive Documented Complaints

The staff report characterizes Hotel Heron's noise record as a 'history of complaints, predominantly in 2024.' That description substantially understates Hotel Heron's persistent non-compliance with the city's ordinances and its existing SUP. The documented complaint record spans more than a year in 2024 and 2025, required two residents to file sworn notarized affidavits with city authorities, and was only resolved after the multi-department city intervention that resulted in the hotel being directed to remove DJs from its programming entirely as outside the scope of Hotel Heron's existing SUP.

The record of noise complaints filed by residents includes:

Virginia Bennett, 208 S. Saint Asaph Street:

Case #24-00020064 - filed July 8, 2024; closed August 6, 2024

Case #24-00021126 / 21127 - filed July 16, 2024; closed and combined with 20064 on July 16, 2024

Case #25-00013229 - filed April 25, 2025; closed April 29, 2025

Case #25-00017734 - filed May 24, 2025; closed July 11, 2025

Cathleen Phelps, 514 Prince Street:

Case #24-00027299 - filed September 8, 2024; closed September 10, 2024

Case #24-00027286 - filed September 8, 2024; closed December 6, 2024

Case #24-00029646 - filed September 29, 2024; closed October 11, 2024

Case #24-00030272 - filed October 4, 2024; closed October 11, 2024

Case #24-99933352 - filed November 1, 2024; closed November 8, 2024

Case #24-00031959 - filed October 19, 2024; closed January 24, 2025 (put on hold; Ms. Phelps filed a sworn affidavit)

Case #25-00014130 - filed May 4, 2025; closed May 7, 2025

Case #25-00014748 - filed May 8, 2025; closed May 13, 2025

Several aspects of this record warrant particular attention.

First, two residents - Virginia Bennett and Cathleen Phelps - filed sworn, notarized affidavits with city authorities to compel meaningful action. Ms. Bennett's affidavit, filed May 30, 2025 with the Department of Planning and Zoning, documents decibel levels of 60-70 dB at her front steps and approximately 60 dB inside her back bedroom between 9:30 and 10:05 p.m. on Saturday, May 24, 2025. She committed under oath to appear and testify in any resulting

proceedings. That residents must resort to a sworn legal instrument to obtain enforcement of an existing permit condition speaks for itself.

Second, in addition to formal 311 filings, Ms. Phelps engaged in direct text correspondence with city noise enforcement officer Norris Goins on October 4, 2024, November 1-2, 2024, and May 4, 6, and 8, 2025 - pursuing enforcement through every available channel.

Third, as noted above, the complaint record was only resolved after fourteen months of complaints in July 2025, when city staff from multiple departments met with Hotel Heron management and directed the hotel to remove DJs and live music from its programming. At that point, the hotel complied. That it took multiple complaints, two sworn affidavits, a formal citation, and a multi-department intervention to reach that outcome is not satisfactory. The residents who experienced that process and considerable disruption are now being asked to trust that the same venue, operating the same activity under similar conditions, will somehow behave differently with new permit conditions.

III. The City's Own Enforcement Infrastructure Could Not Cover Problematic Hours

The 'On Hold' status notification for Case #25-00017734 reveals a critical structural gap: the city noise enforcement officer's stated availability was 'Tuesdays to Saturdays, 2:30 p.m. to midnight.' Sundays - the most disruptive, with less ambient traffic noise to mask the rooftop music - had no dedicated noise enforcement coverage. The proposed SUP would authorize live entertainment on Sundays from 1 p.m. to 7 p.m., precisely during hours when the city's own enforcement system has historically been unavailable. This is not a theoretical concern; it is a structural gap that residents have experienced firsthand as documented in multiple complaints.

IV. Staff Noise Testing Was Inadequate

According to the permit application currently before the Commission, staff evaluated sound levels at approximately 5:30 p.m. on April 30, 2026. The staff report itself acknowledges this produces 'more noise than later hours due to traffic.' The test used a single acoustic guitarist - not a DJ. It was measured at street level across from the hotel, not at residential properties. It is unclear to residents where 'across' from the hotel was. Weekend evenings after 9 p.m. and Sundays, when noise has consistently been worst (and enforcement coverage thinnest), apparently were not tested at all.

At a minimum, independent noise monitoring should be conducted at residential locations on S. Saint Asaph Street and Prince Street during weekend evening hours and on Sunday using DJ-level amplification before this application proceeds further. The Commission should note specifically in this regard that in prior service complaints the street-level decibel readings at the hotel were significantly less than the documented decibel levels submitted from mid-S. Saint Asaph Street, 300'-400' away, presumably because of sound arc and reverberations.

V. Staff May Be Measuring Compliance Against the Wrong Legal Standard

The city noise ordinance sets a limit of 55 dB at residential property lines. Staff has been measuring compliance at the hotel's commercial property line, where 65 dB is permitted. Hotel

Heron is not, however, in a uniquely commercial neighborhood. Its front entrance is one half a block from a number of residences less than a 1-minute walk away. Ms. Bennett's sworn affidavit documents 60-70 dB at her residential front steps - levels that exceed the residential standard that applies where she lives. Residents logically assert that residential standards should apply to our residential environment.

The Commission should direct staff to clarify the standard governing sound that originates at a commercial rooftop and reaches residential property lines, and to measure future compliance accordingly.

VI. This Hotel Was Built With Public Tax Dollars

Hotel Heron was constructed with substantial public financing, including bond financing supported by city sales tax revenues through the Tourism Development Financing Program, plus a \$50,000 direct grant from the city and AEDP. That public investment created an implicit obligation to be a responsible neighbor to city residents whose tax dollars supported it. A venue that required more than a year of complaints, two sworn affidavits, and a formal multi-department intervention before complying with its existing permit conditions has not met that obligation.

VII. The Hotel Even Violated Its Construction Permit Conditions

Hotel Heron's pattern of disregard for permit conditions well predates the hotel's opening and provides further grounds for deep resident skepticism about representations of future compliance.

During hotel construction, contractor vehicles and workers repeatedly parked on S. Saint Asaph Street in violation of the off-site parking commitments made in the hotel's permit application and generating considerable very early morning noise. Despite multiple complaints (24-00006959, 24-00007372, 24-0007849, 24-0008891, 24-000129000) and the city's statement that the developer would address the complaint in accordance with its permit conditions, this practice persisted, setting a pattern of disregard for the neighborhood and its legitimate concerns.

VIII. The Proposed Conditions Are Not New and Have Already Failed

The hotel's own SUP application (Question 7B) states that a noise governor and community liaison were in place at the time of filing: 'A noise governor, and community liaison have also been appointed, internally.' Yet staff's April 2026 site visit found speakers facing outward despite an expectation they face downward. It would appear that the Commission is being asked to approve an expansion on the basis of safeguards the applicant states existed, but that did not prevent the protracted pattern of documented violations we have already experienced.

Conclusion

We respectfully urge the Commission to deny SUP #2026-00009.

The record before this Commission is well-documented. Affected residential neighbors have engaged every available channel — 311, direct correspondence and conversations with city staff, text communication with enforcement officers, and sworn legal affidavits — over more than a year. The problem was ultimately resolved only after considerable resident patience with Hotel Heron's compliance failures, and only by a direct city intervention requiring the hotel to desist, despite the fact that the activities generating noise in excess of city parameters were never permitted by the city in the first place.

If the Commission nonetheless chooses to approve, the conditions of approval must be substantially stronger than those currently proposed in the application. Given Hotel Heron's persistent and sustained disregard for compliance matters previously, and our right to peaceful enjoyment of our residences, we ask for the following minimum protections:

- A decibel limit of no greater than 55 dB measured at nearby residential property lines — not the hotel's commercial property boundary.
- An independent noise study at residential property locations, using DJ-level amplification, at weekend evening hours, before the permit takes effect.
- Exclusion of Sundays from any live entertainment entirely.
- Friday and Saturday entertainment ending no later than 9 p.m.
- Automatic and immediate suspension of the entertainment SUP upon any two reported violations within a 12-month period, without requiring a new Planning Commission hearing.
- On-site posting of the community liaison contact visible from the street.

A number of us will join the June 2 hearing. Copies of the sworn affidavits and supporting 311 documentation are available from us upon request, and the city has those at their disposal, as well.

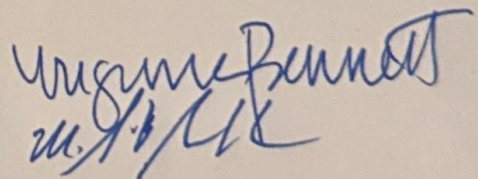
Respectfully submitted,

Signatures:

Name: Virginia Bennett and Scott Sekerke

Address: 208 S. Saint Asaph Street, Alexandria VA 22314

Phone: 703-304-3705



Name: Cathleen and Bill Phelps

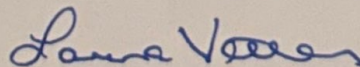
Address: 514 Prince St

Phone: 703-626-8634

Name: Laura and Kaj Vetter

Address: 204-206 S Saint Asaph St

Phone: 703-629-2675



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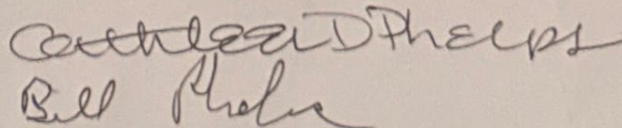
Address: 208 S. Saint Asaph Street, Alexandria VA 22314

Phone: 703-304-3705

Name: Cathleen and Bill Phelps

Address: 514 Prince St

Phone: 703-626-8634

Handwritten signatures of Cathleen and Bill Phelps. The top signature is 'Cathleen Phelps' and the bottom signature is 'Bill Phelps'.

Name: Laura and Kaj Vetter

Address: 204-206 S Saint Asaph St

Phone: 703-629-2675

Name: Erin C. Cleary and Paul G Murtagh

Address: 211 S Saint Asaph St

Phone: 202-297-0906

Name: Leah Williams

Address: 212 S Saint Asaph St

Phone: 704-577-0290

Name: Ashley Wilson

Address: 415 Prince Street

Phone: 202-262-3544

Ashley Wilson

VB per email

Name: Patrick and Geraldine O'Connell

Address: 202 S Saint Asaph St

Phone: 202-714-2072

Name: Meghan Mascelli and Steve Goehler

Address: 515 Prince Street

Phone: 703-945-2161

Name: David Cleary

Address: 511 Prince Street

Phone: 703-582-3924

David Cleary

VB per email

Name: Joseph Craine + Kendra McClavchlan

Address: 505 Prince Street

Phone: 785-317-9318

J.C.

J.M.

Name: Catherine Haymans and Mark Hill

Address: 512 Prince Street

Phone: 703-346-1043

*Catherine Haymans
Mark W Hill*

Name: Carol McCormack

Address: 506 Prince Street

Phone: 202-412-2525

Carol McCormack

Name: Erin C. Cleary and Paul G Murtagh
Address: 211 S Saint Asaph St
Phone: 202-297-0906

E. C. Cleary Paul G Murtagh

Name: Leah Williams
Address: 212 S Saint Asaph St
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Name: Ashley Wilson
Address: 415 Prince Street
Phone: 202-262-3544

Name: Patrick and Geraldine O'Connell
Address: 202 S Saint Asaph St
Phone: 202-714-2072

Name: Meghan Mascelli and Steve Goehler
Address: 515 Prince Street
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Name: David Cleary
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Phone: _____

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Address: 515 Prince Street

Phone: 703-945-2161

Name: David Cleary

Address: 511 Prince Street

Phone: _____

Name: Jordan Williams signing for Leah Williams - *Jordan Williams*

Address: 212 S Saint Asaph St

Phone: 704-577-0290

Name: Erin C. Cleary and Paul G Murtagh
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Name: Patrick M O'Connell
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Phone: 202-714-2072

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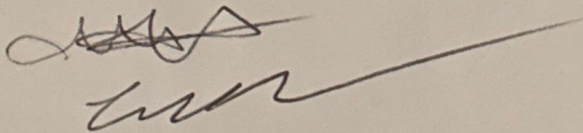
Address: 202 S Saint Asaph St

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Name: Meghan Mascelli and Steve Goehler

Address: 515 Prince Street

Phone: 703-945-2161

Handwritten signatures in black ink, appearing to be two distinct signatures, one above the other.

Name: David Cleary

Address: 511 Prince Street

Phone: _____

Name: _____

Address: _____

Phone: _____

Name: Erin C. Cleary and Paul G Murtagh
Address: 211 S Saint Asaph St
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Name: Meghan Mascelli and Steve Goehler
Address: 515 Prince Street
Phone: 703-945-2161

Name: David Cleary
Address: 511 Prince Street
Phone: _____

Name: Mitchell & MARIANNA BARLOW
Address: 520 PRINCE ST
Phone: 202-437-0020



DEPARTMENT OF
PLANNING & ZONING

DATE: June 1, 2026
TO: Chair McMahon and Members of the Planning Commission
FROM: Paul Stoddard, Planning & Zoning Director
SUBJECT: Docket Item #3 – Special Use Permit #2026-00009 – Live Entertainment

This memo includes staff's response to each point raised in the May 30, 2026 letter to the Planning Commission titled "OPPOSITION TO Special Use Permit #2026-0009."

I. The Hotel Operated Rooftop Entertainment Without Authorization and the City's Review Mechanism Was Never Invoked.

Staff take violations of Special Use Permit (SUP) conditions seriously and seek to achieve compliance through education and enforcement before bringing an application forward for public review. The SUP application currently under consideration is the result of the City's enforcement efforts. When concerns regarding rooftop entertainment activities were brought to the City's attention, staff investigated the complaints and ultimately required the applicant to cease activities until the necessary approvals could be obtained.

The applicant has operated the rooftop restaurant for one year without zoning or noise complaints.

II. Extensive Documented Complaints Demonstrate Persistent Non-Compliance

While past violations are relevant, they do not preclude review and approval of an SUP. The Planning Commission and City Council routinely evaluate whether SUP conditions can adequately mitigate impacts as part of after-the-fact reviews.

Enforcement records indicate complaints were received and investigated.

2024

- **July 8, 2024:** A noise complaint was received by the Department of Transportation & Environmental Services (TES). A TES inspector

investigated but found no live entertainment or violations of the noise ordinance.

- **September 8, 2024:** Two noise complaints were received by TES. A TES inspector investigated and found live entertainment (DJ) taking place on the rooftop. Staff informed the manager of complaints and recommended hotel staff work with an acoustic engineer to adjust the orientation and locations of the speakers to ensure compliance with the city noise codes.
- **October 4, 2024:** A TES inspector responded to a noise complaint and requested the volume be lowered immediately. An Affidavit of Zoning Violation was later received for the same violation. P&Z issued a formal warning notice and advised hotel management of the SUP requirement for outdoor live entertainment. On October 11, hotel manager Harry Francis indicated a desire to submit an SUP application for outdoor live entertainment. No application was received.
- **November 1, 2024:** A TES inspector responded to a noise complaint and requested the volume be lowered immediately. The inspector stayed on site to ensure the volume remained in compliance and then completely turned off by 10pm. A P&Z inspector subsequently visited the hotel and reminded staff that an SUP for outdoor live entertainment would be required for future events. No application was received.

2025

- **May 4, 2025:** TES received a noise complaint; however, no inspector was on duty given it was a Sunday. On May 7, the TES inspector contacted the hotel to inform them of complaints and remind them of SUP requirements and the noise code rules.
- **May 8, 2025:** A TES inspector responded to a noise complaint indicating music was being played after 9:00pm. The inspector requested the music be turned off and then made a site visit to the hotel to ensure compliance.
- **May 24, 2025:** A TES inspector responded to a noise complaint indicating music was being played after 9:00pm. After noise measurements were taken at the property line indicating compliance with the City's Noise Ordinance the inspector requested the music be turned off as per the SUP. On May 30, 2025, P&Z received an Affidavit of Zoning Violation related to the same complaint. A June 3, 2025, meeting was scheduled with hotel management prior to receiving the affidavit.

City staff met with hotel management on June 3, 2025, to discuss past violations, review applicable regulations, and provide information regarding the SUP process. No additional complaints have been received since the meeting one year ago.

In early 2026, in anticipation of increased outdoor activity during the spring and summer months, City staff proactively advised hotel management that a SUP would be required for any outdoor live entertainment activities conducted on the property.

III. The City's Enforcement Infrastructure Could Not Cover Problematic Hours

During the period of complaints between July 2024 and May 2025, TES had one noise inspector on staff whose schedule was generally Tuesday – Saturday, 3:00pm to 11:30pm and is periodically adjusted, as needed. Since that time an additional noise inspector position has been added to increase coverage over a wider range of days and hours, including Sundays. The second inspector generally works Sunday, 8:00am – 4:30pm and Monday – Thursday, 6:00am – 2:30pm, and is periodically adjusted, as needed. Weekend noise inspector hours with periodic adjustments allow for random site visits during hours proposed for live entertainment on the rooftop venue.

IV. Staff Noise Testing Was Inadequate

Staff conducted sound monitoring using accepted municipal enforcement practices and evaluated conditions that existed at the time of testing. Staff agree that no single monitoring event can capture every possible scenario including a worst-case scenario. Noise levels can vary based on weather conditions, occupancy levels, speaker placement, crowd size, car traffic, air traffic, and other variables. Given that, conditions have been developed to reasonably mitigate impacts and provide enforceable standards.

V. Staff May Be Measuring Compliance Against Wrong Legal Standard

Staff applied the City's Noise Ordinance. This includes that the residential property decibel limit is 55 at the residential uses property line between 7am and 11pm and the commercial property decibel limit is 65 at the commercial uses property line between 7am and 11pm. The hotel is a commercial use in a commercial zone (CD zone) and as such, commercial decibel levels of 65 at the property line apply from 7am to 11pm and 60 dB from 11pm to 7am.

Staff acknowledge the concerns expressed by nearby residents regarding noise impacts. The City's land use policies encourage a mix of residential and commercial uses in certain areas, which can result in higher levels of activity than are typically found in purely residential neighborhoods. The Noise Ordinance and SUP process provide a framework for evaluating and mitigating potential impacts, ensuring that commercial activities operate within established standards while remaining compatible with surrounding residential uses.

V. This Hotel Was Built With Public Tax Dollars

Whether the City provided funding to the project or not is not relevant to the consideration of an SUP application under the provisions of the Zoning Ordinance.

VII. The Hotel Even Violated Its Construction Permit Conditions

Construction permit conditions are intended to mitigate impacts associated with the construction of a project, such as construction noise, traffic management, hours of construction, staging, or physical site design. An SUP regulates the ongoing operation of a use after construction is complete. The two approvals serve different purposes and are governed by different standards.

VIII. The Proposed Conditions Are Not New and Have Already Failed

The proposed SUP conditions establish a clearer and more enforceable framework that is intended to address the concerns raised by nearby residents while remaining consistent with applicable City regulations.

Condition #3: The outdoor hours of live entertainment shall be limited to 5:00 p.m. to 9:00 p.m. on Thursdays, 5 p.m. to 10 p.m. on Friday and Saturday, and from 1 p.m. to 7 p.m. on Sunday.

Condition #4: The SUP holder shall ensure all DJs and musicians performing in the rooftop area shall use only the permanent in-house sound system, which shall be equipped with and operated through a noise governor.

Condition #5: All rooftop speakers shall be oriented downward toward the rooftop activity area and shall not be directed outward toward adjacent properties or public rights-of-way.

Condition #6: The SUP holder shall designate a community liaison responsible for responding promptly to noise complaints from nearby residents and property owners. The community liaison's telephone number and e-mail address shall be posted on the business's website.

SUP conditions for other similar operations are located near residential properties such as:

- **3410 Mount Vernon Avenue (Hops N' Shine):** *Outdoor live entertainment may occur for a maximum of six hours and only within the time frames of 5 p.m. to 11 p.m. on Fridays; 11 a.m. to 11 p.m. on Saturdays; and 11 a.m. to 9 p.m. on Sundays and holidays within the applicant's hours of operation.*
- **2000 Mount Vernon Avenue (Evening Star Café & Hi/Fi Tex-Mex BBQ):** *Outdoor limited live entertainment may occur Wednesday through Saturday between the hours of 6 p.m. to 10 p.m..*

While the existing SUP prohibits amplified sound audible at the property line after 9pm, the City's current standard SUP condition as well as use limitations for

outdoor business activities extend that time to 11pm to align with the Noise Ordinance, which imposes more restrictive nighttime noise standards after 11pm.

Furthermore, the proposed conditions require use of an in-house sound system with a noise governor and establishment of a community liaison to immediately address noise concerns. Because of previous noise violations, staff recommend a 6-month and a 1-year review. The noise conditions in the proposed SUP have been effective in mitigating noise concerns at other venues. The applicant has agreed to the proposed SUP conditions.