

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.

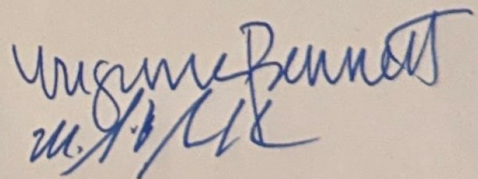
Respectfully submitted,

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

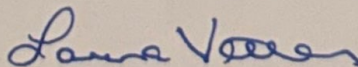
Address: 514 Prince St

Phone: 703-626-8634

Name: Laura and Kaj Vetter

Address: 204-206 S Saint Asaph St

Phone: 703-629-2675



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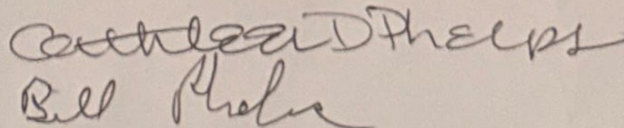
Address: 208 S. Saint Asaph Street, Alexandria VA 22314

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

K.C.

J.M.C.

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 Hill

Name: Erin C. Cleary and Paul G Murtagh
Address: 211 S Saint Asaph St
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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
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Name: David Cleary
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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

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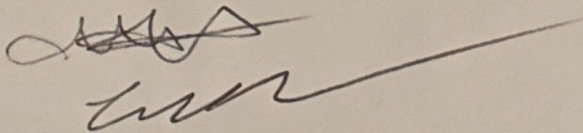
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Name: David Cleary

Address: 511 Prince Street

Phone: _____

Name: _____

Address: _____

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Address: 211 S Saint Asaph St
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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.