



SUP #2020-00102

711 Princess Street

City Council
March 13, 2021

Site Context

- Surrounded by commercial and residential properties
- Zoned CD: 711-719 Princess Street and Sunrise of Old Town
- Zoned RM: 409 and 411 N. Columbus Street



Pre-application Timeline

April, May 2020 Applicant emails P&Z staff in April and May 2020 asking about the commercial businesses they could operate in CD zone. Applicant does not receive staff reply.

October City Council approves text amendments to expand the opportunity for outdoor dining and live entertainment to all businesses, not just restaurants, with SUP approval.

November P&Z staff receive a notarized noise complaint from a resident in November, noting outdoor concerts and dining at 711 Princess Street since the summer.

P&Z inspector issues a warning notice to the applicant.

T&ES creates a temporary noise variance permit option for applicant to hold three concerts prior to next available SUP hearing in March.

Applicant submits SUP application for docketing at the March hearings.

SUP Requests

Indoor restaurant and outdoor dining use for special events

Daily

Four days a month, primarily
between March through
August

10 a.m. to 10 p.m.; two to
eight hours per event

Up to 50 guests



SUP Requests

Indoor and outdoor live entertainment

Between one to four concerts a day often on Saturdays and Sundays; Federal holidays and weekdays

Four days a month, primarily between March through August

10 a.m. to 10 p.m.

Up to 56 accommodated with socially-distanced seat spacing during COVID-19

Unamplified music

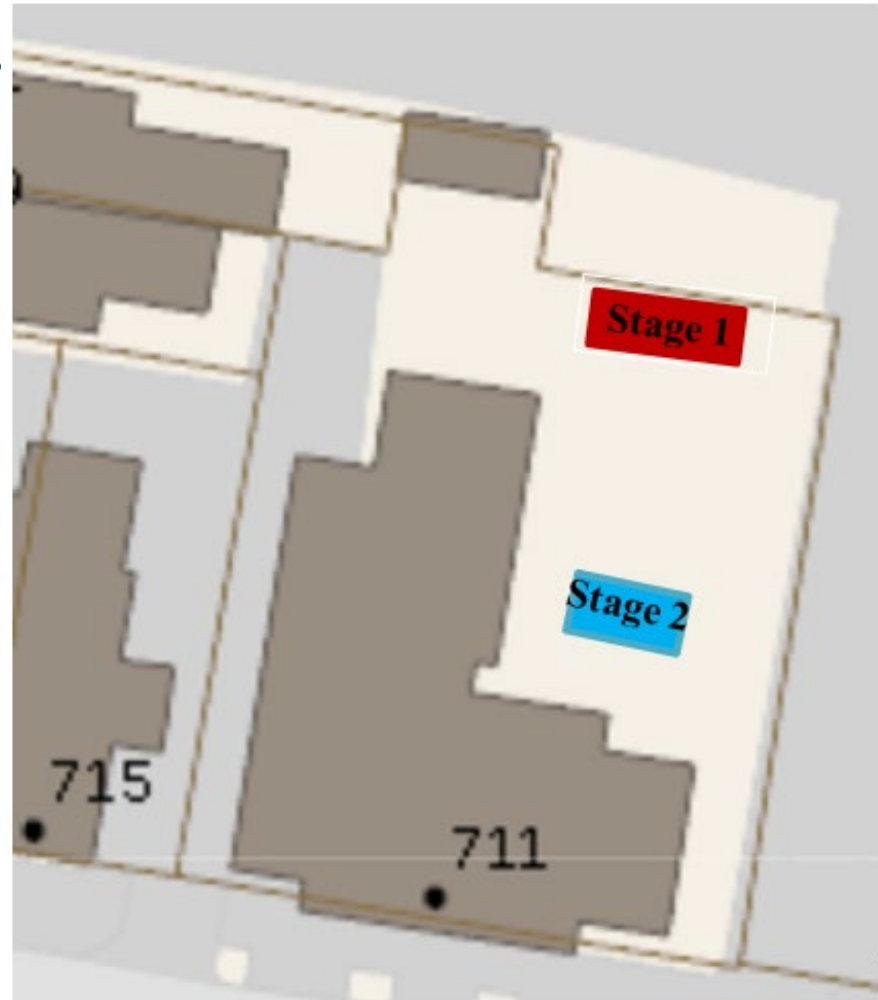


Estimated decibel range for outdoor live entertainment

Noise ordinance limits levels
to 60 dB(A) at the property
lines

Stage locations measure
approximately 10-60 feet
to property lines

Decibel range calculated as:
74-89 dB(A) at 20 feet
68-83 dB(A) at 40 feet
62-77 dB(A) at 80 feet



Planning Commission recommends APPROVAL with:

Deletion of Condition 9

Amendments to Conditions 2, 3, 10, 24, 25

Planning Commission recommended condition amendments (slide 1 of 3)

2. **CONDITION AMENDED BY PLANNING COMMISSION:**

Indoor live entertainment, restaurant and outdoor dining are permitted ~~on Saturdays and Sundays~~daily, between 10 a.m. and 10 p.m. All patrons must leave the premises at 10 p.m. ~~(P&Z)~~ (PC)

3. **CONDITION AMENDED BY PLANNING COMMISSION:** The maximum number of indoor seats for the indoor live entertainment and the restaurant uses shall comply with the Virginia Uniform ~~s~~Statewide building code. (P&Z) (PC)

Planning Commission recommended condition amendments (slide 2 of 3)

9. **CONDITION DELETED BY PLANNING COMMISSION:**

~~Unamplified, outdoor, limited live entertainment, serving only as background music for outdoor dining special events and consisting of one musician, may be offered and must comply with the City's noise ordinance. No admission or cover fee may be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (PC)~~

10. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~The indoor live entertainment, restaurant and outdoor dining uses must comply with the city's noise ordinance. No indoor amplified sound shall be audible at the property line after 10:00 PM. (T&ES) (PC)~~

Planning Commission recommended condition amendments (slide 3 of 3)

24. **CONDITION AMENDED BY PLANNING COMMISSION:**

The maximum number of outdoor seats for live entertainment shall comply with the Virginia Uniform Statewide building code.
~~be 50. City Council approval is required for an SUP amendment to increase outdoor seating over 50 for live entertainment. (P&Z)~~
(PC)

25. **CONDITION AMENDED BY PLANNING COMMISSION:**

Outdoor live entertainment is permitted on Friday and Saturdays between 10 a.m. and 9 p.m. and Sundays through Thursday between 10 a.m. and 8 p.m.
~~(P&Z)~~ (PC)

Code of Ordinances Section 11-5-2 (26)

Noise definition:

A steady-state or impulsive sound or sounds occurring on either a continuous or intermittent basis or any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Instrument measured (at a distance of 3 m/10 ft unless otherwise indicated)	dB (A-weighted)	dB SPL (peak)
Normal piano practice	60–90	105
Loud piano	70–105	110
Keyboards (electric)	60–110	118
Vocalist	70–85	94
Chamber music (classical)	70–92	99
Violin/viola (at left ear of player)	85–105	116
Violin/viola	80–90	104
Cello	80–104	112
Acoustic bass	70–94	98
Clarinet	68–82	112
Oboe	74–102	116
Saxophone	75–110	113
Flute	92–105	109
Flute (near right ear)	98–114	118
Piccolo	96–112	120
Piccolo (near right ear)	102–118	126
French horn	92–104	107
Trombone	90–106	109
Trumpet	88–108	113
Timpani and bass drum	74–94	106
Percussion (hi-hat near left ear)	68–94	125
Amplified guitar (on stage using ear monitors)	100–106	118
Amplified guitar (on stage with wedge monitors)	105–112	124
Full symphonic orchestra	86–102	120–137
Amplified rock music	102–108	140+
Portable music (e.g., iPod) in ear canal (50% volume)	94	110–130*
iPod in ear canal (full volume)	105	110–142*

* Depends on earphone used. Measured with a probe tube microphone situated near the eardrum.

Comparison of loud to quiet sounds	dB (SPL) peak
Damage caused to hearing tissue	180
Jet engine	155
Trumpet played as loudly as possible from 5 ft	150
Full symphonic orchestra	120–137
Piccolo (near right ear)	126
Threshold of pain	125
Cymbal clash	125
Planes on airport runway	120
Timpani and bass drum	106
Singer singing <i>fortissimo</i>	70
Conversational speech at 1 ft away	60
Average office noise	50
Quiet conversation	40
Quiet office	30
Quiet living room	20
Threshold of hearing	0