



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of September 16, 2017

DATE: September 8, 2017

SUBJECT: U-3304-11-1 USE PERMIT REVIEW for educational and community building uses (ECDC); located at 901 & 903 S. Highland St. and 3045 Columbia Pike (RPC #25-014-006; -003).

Applicant:

Ethiopian Community Development Council (ECDC)
901 S. Highland Street, Fourth Floor
Arlington, Virginia 22204

C.M. RECOMMENDATION:

Renew the subject use permit subject to all previously approved conditions and two (2) amended conditions with an administrative review in one (1) year (September, 2018) and a County Board review in three (3) years (September, 2020).

ISSUES: This is a one (1) year review of a use permit for educational uses and community events at ECDC on S. Highland Street. Neighbors continue to express concern regarding noise from ECDC event-goers and parking on the west side of South Highland Street. There was one (1) noise violation recorded by the Police Department on August 26, 2017.

SUMMARY: This is a one (1) year review of a use permit for educational and community events at 901 & 903 S. Highland St. & 3045 Columbia Pike. Since the last review, soundproofing material has been installed in the main ECDC event hall, as required by Condition #3. Due to a history of parking issues on the west side of South Highland Street which neighbors attribute to ECDC event-goers, "No Parking" signs were installed delineating driveway zones within which no parking is allowed. These signs were installed on December 30, 2016, and since that time police calls for service related to parking have decreased. However, neighbors living on the west side of South Highland Street continue to express concern about parking violations and impacts, in particular double-parking, and have requested increased parking

County Manager:

mgs/smb

County Attorney:

[Signature]

CR Sanders

Staff: Matthew W. Pfeiffer, DCPHD, Planning Division

PLA-7614

enforcement. Parking impacts are difficult to assess given that the subject stretch of South Highland Street curbside is unrestricted after 5 p.m. and is used by the general public, not just ECDC event-goers. Furthermore, it is unclear whether the calls to the police for parking issues are attributable to ECDC events. However, the Police Department has committed to examining additional parking enforcement after hours on this portion of South Highland Street. Also, the applicant has agreed to an amended Condition #5 which requires the applicant to provide the Police Department with a schedule of upcoming events on a quarterly basis. This will allow the Police Department to more closely monitor S. Highland Street during events.

In addition to parking, neighbors expressed concern about noise issues resulting from crowds gathering outside ECDC events. The Police Department reports four loud noise calls over the past year (which corresponded to ECDC events twice). The Police did witness a noise violation on August 26, 2017 that occurred during a community event. The applicant has agreed to an amended Condition #4 that would require them to participate in public safety training with the Police Department focusing on crowd control.

Staff is recommending an administrative review in one (1) year to monitor parking and activity on South Highland Street and noise related to crowd management. Therefore, staff recommends renewal of this use permit subject to all previously approved conditions and two (2) amended conditions, with an administrative review in one (1) year (September, 2018) and a County Board review in three (3) years (September, 2020).

BACKGROUND: The subject use permit was approved by the County Board on September 20, 2011, to allow educational uses and community events in two (2) office buildings located off Columbia Pike. The subject use permit allows ECDC to provide a variety of classroom uses including English as a Second Language (ESL) classes, computer and entrepreneurship classes in conjunction with Northern Virginia Community College (NOVA), and business and financial literacy classes for immigrants and refugees. Section 7.1 of the Zoning Ordinance permits educational uses as “trade or commercial school,” and also permits “community centers,” which includes space for community events such as those described below.

Community events are permitted to be provided in two (2) separate rooms within the complex (a small conference space in the 901 S. Highland St. building, and a larger event hall at the 902 S. Highland St. address), until 10 p.m. weeknights, and between 11 a.m. and midnight weekends, and between 11 a.m. and 10 p.m. on Sundays. Events include wedding receptions, birthday parties, cultural ceremonies, and uses of a similar nature.

The County Board renewed the use permit most recently for one (1) year on September 24, 2016. At that meeting it was noted that the applicant was working through the County permitting process for installation of soundproofing material in the main events hall, which was required by use permit conditions. The soundproofing material was installed in the fall of 2016. S. Highland Street residents were also working with the County to install “No Parking” signs near their driveways to clearly delineate where parking zones ended. These signs were installed on December 30, 2016.

The following graphic provides additional context about the site location:



Bing Maps 2017

DISCUSSION: Since the last County Board review (September 24, 2016):

Use Permit Conditions: Police Department personnel witnessed a noise violation when responding to a loud noise call on August 26, 2017. This occurred during a community event at ECDC. This is a violation of Condition #3 which requires community events to be compliant with the Arlington County Noise Control Ordinance.

Community Code Enforcement: The Code Enforcement Office reports no issue with renewal of the subject use permit.

Police Department: The Police Department has recorded 17 calls for service for issues that could be related to activity at ECDC. (During the previous six (6) month review period – March, 2016 to September, 2016 – there were 12 calls recorded). Of these calls, four (4) were for noise complaints, with two (2) calls each occurring on two (2) separate nights (February 17, 2017 and August 26, 2017). The calls for noise complaints on August 26, 2017 resulted in the Police witnessing a noise violation, as mentioned above. The majority of the remaining complaints are related to calls about parking on South Highland Street. Eight (8) of those complaints occurred prior to the installation of “No Parking” signs on South Highland Street. The chart on the following page depicts the calls received related to ECDC:

CALLS FOR SERVICE RELATED TO ECDC 9/2016 – 9/2017

| Call Type | Date | Time | Day of Week | Community Event? | Signs Installed? | Violation? |
|--------------------|------------|----------|-------------|------------------|------------------|------------|
| Parking | 9/29/2016 | 8:21 am | Thursday | No | No | No |
| Parking | 9/30/2016 | 8:33 am | Friday | No | No | No |
| Parking | 10/25/2016 | 7:58 pm | Tuesday | Yes | No | No |
| Parking | 11/5/2016 | 7:32 pm | Saturday | Yes | No | No |
| Parking | 11/20/2016 | 2:02 pm | Sunday | No* | No | No |
| Parking | 11/21/2016 | 12:51 pm | Monday | No* | No | No |
| Parking | 12/21/2016 | 2:43 pm | Wednesday | No* | No | No |
| Parking | 12/28/2016 | 3:56 pm | Wednesday | No | No | No |
| Suspicious Vehicle | 2/10/2017 | 12:30 pm | Friday | No | Yes | No |
| Loud | 2/17/2017 | 10:43 pm | Friday | Yes | n/a | No |
| Loud | 2/17/2017 | 11:00 pm | Friday | Yes | n/a | No |
| Disorderly | 2/19/2017 | 12:09 am | Sunday | Yes | n/a | No |
| Parking | 4/1/2017 | 11:30 pm | Saturday | No* | Yes | No |
| Parking | 5/24/2017 | 5:40 pm | Wednesday | No | Yes | No |
| Disorderly | 8/3/2017 | 10:36 am | Thursday | No | n/a | No |
| Loud | 8/26/2017 | 10:48 pm | Saturday | Yes | n/a | No |
| Loud | 8/26/2017 | 11:46 pm | Saturday | Yes | n/a | Yes |

*= events happened that day, but calls occurred outside of the scheduled event time.

Shaded areas correspond to calls that occurred during community events.

The Police Department has commented that the volume of noise calls is down from the last review period, and the volume of parking calls has tapered off since installation of the signs on South Highland Street. However, due to the persistence of citizen concern about parking and congestion on S. Highland Street during events, the Police Department is committed to continue working closely with the citizens living on S. Highland Street to address issues.

Fire Marshal's Office: The Fire Marshal's office reports no issue with renewal of the subject use permit.

Virginia Department of Alcoholic Beverage Control (ABC) Board: The Virginia ABC representative reports no issue with renewal of the subject use permit.

PUBLIC ENGAGEMENT: The site is located within the Arlington Heights Civic Association (AHCA). On August 2, 2017, staff contacted the civic association president as well as individual neighbors that have been involved previously in the review of this use permit. Several neighbors responded that while the noise issues have improved since the last review cycle, parking violations on South Highland Street remain a concern, which they attribute to ECDC event-goers. Specifically, these neighbors mentioned ongoing issues with double-parked cars and cars blocking their driveways, and congestion on S. Highland Street during ECDC events. They requested enhanced parking enforcement to control these types of issues. The president of AHCA responded to staff in an August 12, 2017, email that the civic association concurs with

the comments from the immediate neighbors, and seconds the request for enhanced parking enforcement. The Police Department is examining whether patrols of South Highland Street by parking enforcement after hours can be accommodated.

The Police Department held a meeting with immediate neighbors and the civic association president on the evening of September 6, 2017. At the meeting, neighbor concerns about parking and disruption on S. Highland Street, and noise from crowds at events were discussed. The Police Department outlined the protocol for dealing with alleged violations, how they typically respond to these types of calls, and how to approach them moving forward. The Police Department also suggested two new conditions, which staff is recommending. The first would require ECDC security personnel to participate in Police Department public safety training intended to train them to more effectively manage crowds. The second would require ECDC to make scheduling information available to the Police Department so that the Police can better anticipate when monitoring of S. Highland Street will be necessary.

Parking impacts on South Highland Street are difficult to assess. The parking on the west side of the street is unrestricted after 5 p.m. As shown in the Police calls for service statistics above, there is not a clear correlation between calls for service for parking and ECDC events. ECDC is required by use permit condition to monitor parking on South Highland Street during their events, and staff has not identified any violations of that condition.

CONCLUSION: Therefore, staff recommends renewal of the subject use permit subject to all previously approved conditions and two (2) amended conditions, with an administrative review in one (1) year (September, 2018) and a County Board review in three (3) years (September, 2020).

Amended Conditions:

4. The applicant agrees that a minimum of two ECDC staff members, or security personnel shall be present during all community events for the purpose of monitoring the conduct of event-goers. The applicant agrees that a minimum of one personnel be stationed outside the venue during events to monitor the parking situation on S. Highland Street and to monitor the behavior of event-goers entering and exiting the venue space. The applicant further agrees to post signs during events only, directing event-goers from the venue space through the rear of the property to the parking garage. The applicant agrees that all ECDC staff working security during events shall participate in public safety training with the Police Department.
5. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to educational uses or community events and an on-site liaison that shall be available during the hours in which classes are provided and community events are held, to receive and respond to community concerns regarding these uses. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Arlington Heights Civic Association. The applicant further agrees to provide to the Police Department, on a quarterly basis a schedule of upcoming events in addition to making this information available to the Police Department upon request. The schedule of events provided to

the Police Department shall include the dates, times, and types of events booked. The schedule of events may be emailed to the Police liaison quarterly.

PREVIOUS COUNTY BOARD ACTIONS:

| | |
|--------------------|---|
| September 20, 2011 | Approved use permit to allow educational uses and community events in the spaces at 901 & 903 S. Highland Street and 3045 Columbia Pike, with a County Board review in six (6) months. |
| March 10, 2012 | Renewed use permit to allow educational uses and community events in the spaces at 901 & 903 S. Highland Street and 3045 Columbia Pike, with a County Board review in one (1) year. |
| March 16, 2013 | Renewed use permit to allow educational uses and community events in the spaces at 901 & 903 S. Highland Street and 3045 Columbia Pike, with a County Board review in three (3) years. |
| March 12, 2016 | Renewed use permit to allow educational uses and community events in the spaces at 901 & 903 S. Highland Street and 3045 Columbia Pike, with a County Board review in six (6) months. |
| September 24, 2016 | Renewed use permit to allow educational uses and community events in the spaces at 901 & 903 S. Highland Street and 3045 Columbia Pike subject to two (2) amended conditions, with a County Board review in one (1) year. |

Approved Conditions:

1. The applicant agrees that educational uses for ECDC/EDG shall be permitted on the third and first floors and lower lobby level of the building located at 901 S. Highland Street, in the spaces identified on the attached plans dated June 2011 and prepared by Highland Holdings, LLC. Educational uses shall be permitted on the fourth floor of the building at 901 S. Highland Street and on the third and fourth floors of the building at 3045 Columbia Pike, provided the applicant obtains approval by the Zoning Administrator of administrative change to this use permit identifying the location and amount of office gross floor area to be used for such purposes.
2. The applicant agrees that community events shall be permitted in the 3,764-square foot space located on the ground floor of the building located at 3045 Columbia Pike and in the 1,982-square foot space located on the lower level of the building located at 901 S. Highland Street, in the spaces identified on the attached plans dated June, 2011 and prepared by Highland Holdings, LLC. The applicant further agrees that community events at 901 S. Highland Street and 3045 Columbia Pike shall be permitted until 10 pm on Mondays through Thursdays, and between 11 am and 12:00 am Fridays, Saturdays, and Sundays falling on the eve of all legal Federal Holidays. On Sundays, events shall be permitted between 11 am and 10 pm, provided, however, that religious ceremonies may begin at 7 am. Events may be permitted to run until 2 am twice a year only on Ethiopian Christmas (Jan. 6) and Easter. The applicant agrees to take all necessary steps to ensure that all event-goers shall leave the premises by the times specified in this Condition #2; provided that those cleaning the event space are permitted to remain on the premises an additional one-half hour provided that the event has ended, music is turned off, and event goers are actively leaving the premises. Community events shall be generally non-commercial in nature and shall be defined as:

Wedding receptions;

Birthday parties, graduation parties, engagement parties, and other private parties;

Christenings and other religious celebrations;

Poetry readings;

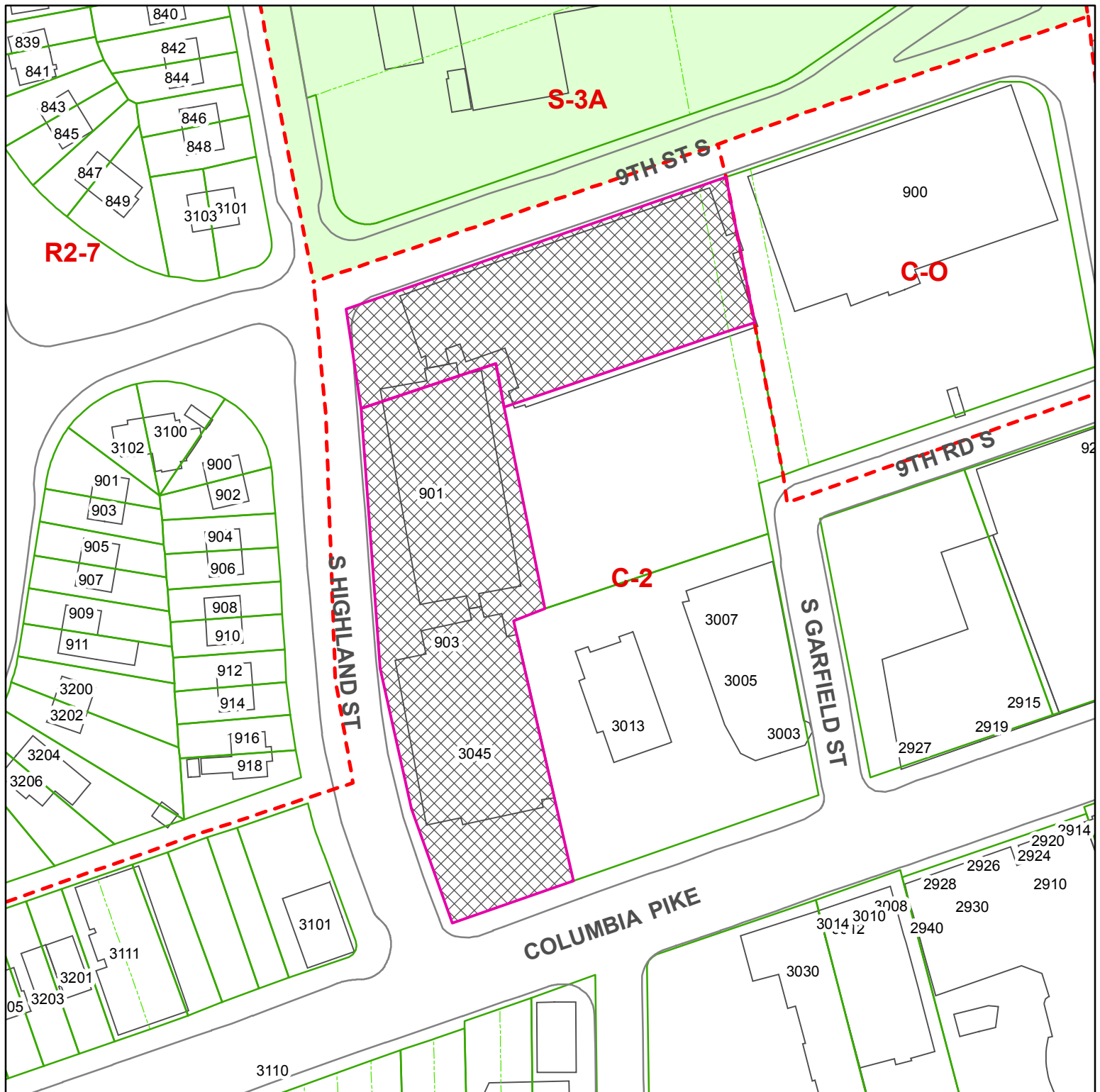
Memorial and mourning services; Fundraising for charitable causes; Cultural ceremonies;

And other similar events.

3. The applicant agrees that community events may only take place within the building, and that windows and doors to the outside shall remain shut during all events. The applicant further agrees to comply with the Arlington County Noise Ordinance. The applicant agrees to install soundproofing for the event space at 3045 Columbia Pike, in accordance with a soundproofing plan approved by the County Manager or his designee. The applicant agrees to submit a soundproofing plan, and obtain approval for such plan, from the County Manager or his designee prior to May 12, 2016. The soundproofing plan shall include a plan for the installation of sound dampening panels inside the event space. The County Manager or his designee will not approve the plan unless it is found that the type of sound dampening material and location of the installations will reasonably reduce the level of noise from music, including bass, from

the 3,764-square foot space at 3045 Columbia Pike during events. All sound dampening material shall be installed no later than June 12, 2016. The applicant further agrees to maintain the soundproofing in good condition for the life of this use permit.

4. The applicant agrees that a minimum of two ECDC staff members, or security personnel shall be present during all community events for the purpose of monitoring the conduct of event-goers. The applicant agrees that a minimum of one personnel be stationed outside the venue during events to monitor the parking situation on S. Highland Street and to monitor the behavior of event-goers entering and exiting the venue space. The applicant further agrees to post signs during events only, directing event-goers from the venue space through the rear of the property to the parking garage.
5. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to educational uses or community events and an on-site liaison that shall be available during the hours in which classes are provided and community events are held, to receive and respond to community concerns regarding these uses. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Arlington Heights Civic Association.
6. The applicant agrees to provide information to community event invitees that encourages parking in the structured parking garage and describes the location of the garage entrance and hours of operation. The applicant further agrees that such information shall encourage invitees to respect the peace of residential neighborhoods and to avoid parking in the residential neighborhood where possible. The applicant further agrees that ECDC or security personnel shall hand out to all event-goers upon entering the venue the flyer prepared by the Police Department entitled "Common Arlington County Parking Violations" (attached to this report). The applicant further agrees to post this flyer inside the event space at 3045 Columbia Pike.



U-3304-11-1

3045 Columbia Pike and 901 & 903 S. Highland St.

RPC # 25-014-003, 25-014-006



 Case Location(s)
Scale: 1:1,200

Note: These maps are for property location assistance only. They may not represent the latest survey and other information.

Department of Community Planning, Housing and Development

County Use Only
Date Placard Posted _____
By _____
Removed _____