



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 14, 2019

DATE: December 6, 2019

SUBJECT: U-3438-16-1 USE PERMIT REVIEW for live entertainment at Purple Ethiopian Restaurant and Lounge; located at 3111 Columbia Pike (RPC# 25-012-043, -044, -055).

Applicant:

Firehiwot Kidane
2205 N. Van Dorn Street
Alexandria, Virginia 22304

C.M. RECOMMENDATION:

Discontinue the use permit for live entertainment at Purple Ethiopian Restaurant and Lounge located at 3111 Columbia Pike.

ISSUES: This is an out-of-cycle review of the use permit for live entertainment at Purple Ethiopian Restaurant and Lounge located at 3111 Columbia Pike. Violations of use permit conditions, as well as an excessive number of police calls for service and arrests, have prompted staff to request that the County Board conduct a review of the use permit. Further, both the Arlington Heights Civic Association and Douglas Park Civic Association have expressed their opposition to the continuance of the use permit.

SUMMARY: The subject use permit for live entertainment for Purple Ethiopian Restaurant and Lounge was approved by the County Board in July 2016, although previous establishments located at this site have also held live entertainment use permits. The subject use permit was reviewed in January 2017 and January 2018 with few issues identified by County staff. The next review of the use permit was scheduled for January 2021. However, calls for Police service have increased drastically since the last review of the use permit in January 2018, and the Arlington County Police Department has cited multiple issues with the establishment, including violent crimes, fights and disorderly conduct, after-hours sale of alcohol, sale of alcohol to underage patrons, and noise complaints. In addition, during the past year the establishment has been found in violation of various state and local laws and ordinances as determined by the County's Inspection Services Division, Fire Marshal's Office, Public Health Division, and Virginia ABC

County Manager:

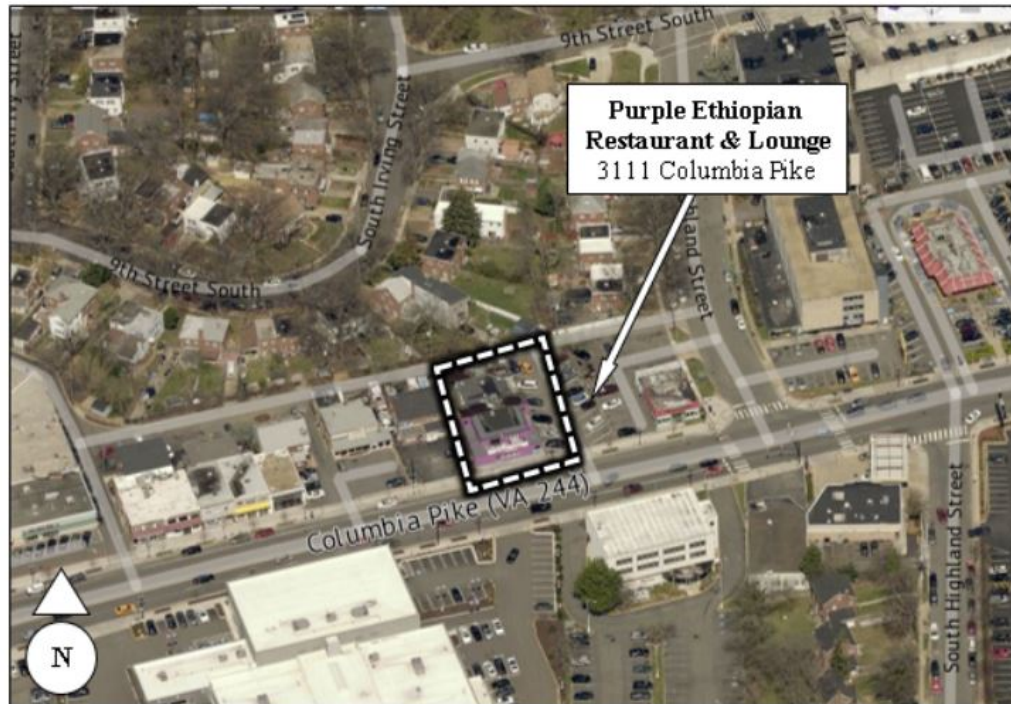
County Attorney:

Staff: Kristen (Krissy) Walentisch, DCPHD, Planning Division

41.

Bureau. Given the excessive level of police involvement, the noted violation of use permit condition(s) and state and local laws, codes, and ordinances, and the community's opposition to the use, staff recommends that the County Board discontinue the use permit for live entertainment at Purple Ethiopian Restaurant and Lounge.

Figure 1: Aerial View



Source: Pictometry

BACKGROUND: Live entertainment was first approved at 3111 Columbia Pike in 1990 for Coco's Casa Mia. The current property owner purchased the site in 1999 while Coco's was still in operation, but in 2001 the County Board discontinued the use permit due to excessive police involvement. Between 2002 and 2011, a string of restaurant businesses operated at the site with live entertainment use permits (with some also having dance hall permits), but none remained open for more than a few months/years, and police were frequently called to the establishments in response to neighbor complaints and disorderly conduct of patrons. In 2013, the County Board approved a use permit for live entertainment for Pines of Italy restaurant, which was deferred multiple times due to concerns from the Arlington Heights Civic Association over excessive noise, patron conduct, and parking issues with the former tenants of the site. Constant police involvement and use permit violations, as well as non-use permit-related issues, continued under this restaurant tenant, and the County Board ultimately revoked the live entertainment use permit for Pines of Italy in January 2014.

The current use permit for live entertainment for Purple Ethiopian Restaurant and Lounge was approved by the County Board in July 2016 with several conditions added to address community concerns. The use permit was reviewed by the County Board twice, with few issues noted by County staff. However, beginning in 2018, the Arlington County Police Department (ACPD) began to notice an increase in calls for police service, and in November 2018, several County

departments, including the Fire Marshal's Office, Public Health, Inspection Services, and Zoning cited multiple violations during a joint inspection of the site. Given the excessive number of calls for police service and violations noted by involved departments and agencies, the ACPD requested an out-of-cycle review of the use permit so that the County Board and staff could reassess the live entertainment use and the applicant's ability to comply with conditions of the use permit. In order to properly notify the applicant of the out-of-cycle use permit review and provide them with a chance to address the County Board prior to the public hearing on the use permit, a Request to Advertise (RTA) a public hearing on the use permit was heard at the County Board's November 19, 2019 meeting. At the November meeting, the County Board voted unanimously to adopt the resolution for the RTA a public hearing on the use permit in order to review the use permit at their December 14, 2019 meeting.

<u>Address / RPC:</u>	3111 Columbia Pike (RPC# 25-012-043, -044, -055)
<u>Neighborhood:</u>	Located in Arlington Heights Civic Association and adjacent to Douglas Park Civic Association
<u>Zoning:</u>	C-2 Service Commercial-Community Business District
<u>GLUP:</u>	Service Commercial; GLUP Note #8 – "Special Revitalization District"; Columbia Pike Revitalization Plan
<u>Existing Land Use:</u>	The 6,490 sq. ft. lot is developed with a 2-story commercial building and associated surface parking lot

Figure 2: Street View



Source: CPHD Staff

DISCUSSION: The following details the existing use and staff assessment:

REVIEWED USE:

Live Entertainment: Consists of DJ's, karaoke, solo performers, and small bands and ensembles. A stage is located in the front corner of the restaurant along Columbia Pike.

Hours of Operation: Thursday – Sunday, 10:00pm – 2:00am.

ASSESSMENT:

Inspection Services, (ISD): ISD identified several active/open violations of the Virginia Maintenance Code upon its last inspection of the establishment. ISD is currently resolving the violations with the applicant in court, therefore details of the violations cannot be discussed at this time nor can an additional inspection be conducted while the court investigation is underway. ISD staff does not support renewal of the use permit for live entertainment at this establishment given the ongoing building code violations, which may be a result of, or impacted by, the live entertainment use.

Zoning Enforcement: Zoning conducted a site visit on November 13, 2019 and confirmed that the applicant is operating in compliance with the use permit conditions, with the exception of compliance with other codes and ordinances (instances of those violations are detailed elsewhere in this report). The inspection was not conducted during the hours of live entertainment.

Fire Marshal's Office: The Fire Marshal's Office conducted an inspection on November 17, 2018 and found 10 active violations of the International Fire Code. The violations were all corrected by September 8, 2019. The Fire Marshal's Office received two calls for service from ACPD for potential overcrowding on January 19, 2019 and February 17, 2019, the second of which resulted in a summons from the Deputy Fire Marshal and was settled out of court in August 2019. There are currently no active fire violations.

Virginia Alcohol Beverage Control Bureau (ABC): On February 25, 2019, at 2:06am and 3:20am, an ACPD confidential informant purchased and consumed alcohol at the establishment, which is past the state's legal time that a business can serve alcohol (2:00am). Resulting from this, an ABC Special Agent filed an administrative violation for the after-hours service. A hearing was held on August 2, 2019, the owners were found guilty, and a \$4,000 fine was imposed as well as a suspension of Purple Lounge's ABC license for six (6) days. The owners are currently in the process of appealing this decision, and another hearing is scheduled for early 2020.

ABC conducted another inspection during daytime hours on November 18, 2019 and found one violation in that there was no ABC Manager on site. The ABC Agent waited until the owner arrived and cited him with a written warning.

DHS, Public Health: Public Health conducted a risk factor inspection on November 13, 2019 and two priority violations were observed but corrected during the inspection.

Police Department: ACPD conducted a restaurant site visit twice in November 2018 and provided the business owners with recommendations on how to reduce public intoxication and disorderly subjects. Police also conducted ARI (Arlington Restaurant Initiative) training for Purple Lounge staff on December 6, 2018. However, regular monthly monitoring of the site by ACPD did not reveal improved conduct by patrons nor in the handling of disputes by the restaurant's security staff.

A detailed activity report for Purple Lounge is attached to this Board report. The report lists an excessive number of calls for police service to the establishment in 2018 and 2019, as well as detailing events such as the use of pepper spray on patrons, the sale and consumption of alcohol after 2am, and patrons brandishing firearms. ACPD's Restaurant Liaison Unit asserts that Purple Lounge is contributing to alcohol-related harm that is affecting public safety.

The table below details the total number of calls for service from January 1, 2018- November 18, 2019. The calls for service during hours of live entertainment (10 p.m.- 2 a.m.) are highlighted. Out of 69 total calls in 22.5 months, eight have been within the hours of live entertainment, and all but 11 have occurred on the days live entertainment is permitted. However, with the exception of one call, every other call for service (60 total) has occurred after 2 a.m., with the latest call for a Drunk in Public/Dispute just before 8 a.m. This information, along with the testimony from the confidential informant who was served after hours, demonstrates that the establishment is serving alcohol after the legal service time, which is resulting in the disorderly conduct by patrons both on site and in the surrounding community. The table also records five noise complaints, all after the hours of live entertainment. Some of the more egregious crimes include a shooting, security using pepper spray on patrons (two accounts), and a multitude of assaults, fights, and disputes.

Date:	Day:	Time:	Call:	Report:
1-3-18	Wed	Unk	LOUD	Nothing found, No report
1-14-18	Sun	0328	A&B	Rep# 2018-01140058
1-21-18	Sun	0323	SUSV	No report
3-23-18	Fri	0137	FIGHT	Nothing found, No report
4-8-18	Sun	0426	DOM A&B	Arrest Rep# 2018-04080060
5-21-18	Mon	0403	DIP	Arrest Rep# 2018-05210040
5-24-18	Thurs	2315	TRAFFIC	No report, Citation issued
5-26-18	Sat	0143	PDO	No report
6-25-18	Mon	0005	TRAFFIC	No report
6-29-18	Fri	0236	ASLTJO	Minor incident, No report
7-8-18	Sun	1022	BURGLARY	Arrest Rep# 2018-07080101
7-25-18	Wed	0245	FRAUD	Rep# 2018-07294037
8-15-18	Sat	0253	DISP	No report
9-1-18	Sat	0359	ABC	No report
9-19-18	Wed	0327	UNCL	No report
9-29-18	Sat	0441	FIGHT	No report
10-23-18	Tues	0541	911	No report

11-3-18	Sat	0318	UNCL	No report
11-3-18	Sat	0402	DISO	No report
11-3-18	Sat	0445	SUSC	No report
11-4-18	Sun	0414	DPROP	Report to follow
11-5-18	Mon	0350	LOUD	No report
11-19-18	Mon	0237	DIP/Dispute	No report
11-25-18	Sun	0258	DIP/Dispute	No report
11-26-18	Mon	0247	A&B Security pushed patron	No report
12-2-18	Sun	0745	DIP/Dispute	No report
12-9-18	Sun	0646	DIP/Dispute	No report
12-10-18	Mon	0539	Fight/A&B-Injury Security pepper sprayed patron	Rep #2018-12100029
12-10-18	Mon	1910	DOP	Rep #2018-12100205
12-26-18	Wed	0243	Fight/DIP	Rep #2018-12260007
12-27-18	Thurs	0502	DIP	Arrest Rep #2018-12270029
12-29-18	Sat	0245	Suspicious Subject	No report
12-29-18	Sat	0357	Subject wanted to drink but they would not let him inside	No report
1-1-19	Tues	0605	Fight	No report
1-4-19	Fri	0425	Fight/Loud complaint	No report
1-19-19	Sat	0303	Loud complaint	No report
1-31-19	Thurs	2329	ADMIN	No report
2-25-19	Mon	0320	ABC Violation	Rep# 2019-02250152
3-10-19	Sun	0518	DISO	No report
4-10-19	Wed	0300	TRAFFIC	No report
4-26-19	Fri	0621	DISP	No report
4-26-19	Fri	0629	WANTED	No report
5-5-19	Sun	0124	TRES	No report
5-11-19	Sat	0558	DISP	No report
5-18-19	Sat	0419	Malicious Wounding Caustic substance/A&B	Rep# 2019-05180066
5-19-19	Sun	0143	UNCL	No report
5-20-19	Mon	0407	HRJO – Fight in progress	No report
5-26-19	Sun	0442	Loud music violation - Owner	Arrest Rep# 2019-05260056
6-17-19	Mon	0639	DIP	Arrest Rep# 2019-06170052
6-23-19	Sun	0306	Suspicious Subject	No report
6-23-19	Sun	0324	Suspicious Subject	No report
7-7-19	Sun	0316	911 Call	No report
7-20-19	Sat	0516	Security threatened patron	No report
8-1-19	Thurs	0311	Underage drinking complaint	No report
8-2-19	Fri	0250	Underage drinking complaint	No report
8-3-19	Sat	0419	DIP	No report
8-18-19	Sun	0314	Dispute	No report
8-18-19	Sun	0430	Loud music complaint	No report
8-19-19	Mon	0302	Disorderly conduct	No report
8-19-19	Mon	0403	Disorderly conduct	No report
9-1-19	Sun	0539	Selling alcohol after hours complaint	No report
9-7-19	Sat	0529	Domestic assault/DIP	Arrest Rep# 2019-09070058

9-12-19	Thurs	0529	Shooting	Rep# 2019120012
9-13-19	Fri	0510	Domestic	No report
9-15-19	Sun	0324	Dispute	No report
9-20-19	Fri	0256	Dispute	No report
10-20-19	Sun	0305	Alcohol Violation	Rep# 2019-10200046
11-2-19	Sat	0452	Poss. of Marijuana in parking lot	Rep# 2019-11020074
11-10-19	Sun	0322	Fight	No report

CPHD, Planning: This out-of-cycle review is being conducted based on reports from ACPD that the applicant is in violation of their use permit conditions and is operating in a manner, especially with regard to alcohol service, that is disruptive to surrounding residential properties and poses a public safety risk to the community generally in Arlington. Based on information collected, staff finds that the applicant is in violation of condition #2 of the subject live entertainment use permit, in that they are not complying with “all applicable requirements of County Ordinances and State Codes, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).” There are open violations with Inspection Services and Virginia ABC, and a history of violations that have since been corrected with the Fire Marshal’s Office and Public Health. The applicant has also been found to be noncompliant with the Police Department since they have not heeded the recommendations and warnings from ACPD and the excessive calls for service continue. These circumstances are further compounded by the patronage generated by the live entertainment use permit.

Furthermore, according to §15.4.3 of the Zoning Ordinance on the requirements of granting a use permit, the County Board must find that the use will not:

- A. Affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- B. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- C. Be in conflict with the purposes of the master plans of the county.

The Purple Ethiopian Restaurant and Lounge, including the live entertainment use, adversely affects the health and safety of patrons and residents and is detrimental to the public welfare generally with frequent (and sometimes violent) fights and assaults occurring in the parking lot, noise complaints, and the unlawful serving and overserving of alcohol. All of these issues negatively affect the surrounding neighbors and community generally, and pose a risk to anyone in the nearby vicinity.

PUBLIC ENGAGEMENT:

Level of Engagement: Communicate

This level of engagement is appropriate because of the nature of the proposed use.

Outreach Methods:

- Public notice was given in accordance with the Code of Virginia §15.2-2204. Notices of the County Board hearing on the use permit were placed in the November 19, 2019, and November 26, 2019, issues of the Washington Times for the December 14, 2019, County Board Meeting.
- Placards were placed in various locations surrounding the subject property within seven (7) days of the public hearing.

In addition to the above legal requirements:

- Individual letters outlining the project description and public hearing details were mailed to surrounding property owners of the subject property.
- Civic and community associations were informed of the application via email. The subject property is located within the Arlington Heights Civic Association and is adjacent to the Douglas Park Civic Association. The Columbia Pike Revitalization Organization was also notified of the review.

Community Feedback:

Arlington Heights Civic Association: The AHCA has stated that the association finds Purple Ethiopian Restaurant and Lounge, its owners, and successors-in-tenants to be a public nuisance and they oppose renewal of the use permit for live entertainment.

Douglas Park Civic Association: The DPCA has stated that they fully support the revocation of the use permit for live entertainment and any other measures the County can offer to bring the ongoing incidents to an end.

Columbia Pike Revitalization Organization: Staff has not received a response from CPRO as of the date of this report.

CONCLUSION: Staff recommends that the County Board discontinue the subject use permit for live entertainment at Purple Ethiopian Restaurant and Lounge at 3111 Columbia Pike. The applicant has been found to be in violation of the conditions of the use permit, the use no longer satisfies the Zoning Ordinance criteria for the County Board to approve the use, and the use is opposed by the surrounding civic associations, neighbors, and County departments who review and inspect the use. The discontinuance of the use permit for live entertainment means that the owners will no longer be allowed to have live music, bands, DJ's, or karaoke within the establishment at any time, however, piped-in music played on speakers is still allowed as long as the volume level does not violate the Arlington County Noise Ordinance. Further, revocation of the use permit will not jeopardize the applicant's ability to operate a restaurant at this location. Staff anticipates that the discontinuation of live entertainment at this establishment will decrease both the level of police involvement and community concerns so that the business can continue to operate without having a negative impact on the community and the County.

Previously Approved Conditions:

1. The applicant agrees that live entertainment is permitted only from 10 p.m. to 2 a.m., Thursdays, Fridays, Saturdays, and Sundays.
2. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County Ordinances and State Codes, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
3. The applicant agrees that on-site dedicated security shall be provided from 9:00 p.m. until closing on nights on which live entertainment occurs. The applicant further agrees that, during the hours of live entertainment there will be at least three (3) security persons working on-site at all times, as follows: at least one (1) security person shall be dedicated to overseeing operation of the parking lot; at least one (1) person will be stationed at the door to the restaurant; and at least one (1) security person will be working inside the restaurant.
4. The applicant agrees to comply with the Arlington County Noise Ordinance and further agrees that the restaurant's windows and doors shall remain closed during the times of live entertainment except for the purposes of entry and egress. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment. The applicant agrees that live entertainment shall be restricted to the ground floor room at the front of the building, as shown on the plan embedded in and attached to this report ("Plan"). The applicant expressly agrees that only the area shown on the attached Plan may be used for live entertainment. To the extent that live entertainment is amplified using an internal speaker system, the applicant agrees that live entertainment shall not be piped to spaces within the building other than the ground floor room at the front of the building.
5. The applicant agrees that all employees shall have TIPS (Training for Intervention Procedures) certification before commencing work. The applicant agrees to keep a record of TIPS training certification for all restaurant staff, including all new staff, and submit this information upon the County Manager's request.
6. The applicant agrees that dancing is not permitted unless and until a use permit amendment for dancing is obtained from the County Board and a subsequent dance hall permit is issued by the Zoning Office.
7. The applicant agrees to post signs inside all entrances that ask patrons to respect the peace of residential neighborhoods and to avoid parking in the residential neighborhood. The signs shall be readily visible to entering patrons.
8. The applicant agrees to ensure that any patrons queuing outside shall keep noise to a minimum.

9. The applicant agrees to clean the sidewalk in front of the establishment as well as the property, following close of business each night, including removing all litter and sweeping cigarette butts and litter that may have accumulated from any outdoor seating area, if applicable.
10. The applicant agrees to designate and make available a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name, telephone number, and electronic mail address shall be submitted to the Zoning Administrator and a copy sent to the Arlington Heights Civic Association, the Douglas Park Civic Association, and the Columbia Pike Revitalization Organization (CPRO) prior to commencing the live entertainment.
11. The applicant agrees that if the Zoning Administrator determines that more than two (2) violations of any use permit condition(s) occur or if there are more than two (2) violations of County ordinance(s), then the applicant shall, within seven (7) days of receiving notice from the County Manager, stop all live entertainment on the premises until the live entertainment use permit is reviewed by the County Board. Upon review, the County Board may decide to: renew, permit continuation of, require additional conditions for, or discontinue the use permit.
12. The applicant agrees that the approval for live entertainment at 3111 Columbia Pike is valid only for Purple Ethiopian Restaurant and Lounge. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

PREVIOUS COUNTY BOARD ACTIONS:

April 6, 1974	Approved (U-1963-74-1) operation of a dance hall and live entertainment in connection with a restaurant.
July 7, 1990	Authorized on the "County Board's Own Motion" to advertise the review of use permit (U-1963-74-1).
August 11, 1990	Deferred to the September 8, 1990 County Board hearing of use permit (U-1963-74-1) regarding the operation of a dance hall in connection with a restaurant.
September 8, 1990	Continued use permit (U-1963-74-1) subject to conditions with a review in three (3) months.
December 8, 1990	Continued use permit (U-1963-74-1) for live entertainment and dancing with a review in one (1) year.
March 2, 1991	Approved use permit amendment (U-1963-74-1) to permit live entertainment and dancing until 2:00 a.m., seven days a week with a review in one (1) year.
March 7, 1992	Continued use permit (U-1963-74-1) for live entertainment and customer dancing from 9:00 a.m. - 2:00 a.m., seven days a week with a review in three (3) years.
March 4, 1995	Continued use permit (U-1963-74-1) for live entertainment and customer dancing from 9:00 a.m. - 2:00 a.m., seven days a week with a review in five (5) years.
April 21, 2001	Discontinued use permit (U-1963-74-1) for live entertainment and customer dancing from 9:00 a.m. - 2:00 a.m. in an existing restaurant.
July 20, 2002	Approved a use permit (U-3032-02-1) for live entertainment and dancing from 10:00 a.m. – 1:00 a.m. in an existing restaurant with a review in six months (January 2003).
January 11, 2003	Continued use permit (U-3032-02-1) for live

	entertainment and customer dancing from 10:00 a.m. - 1:00 a.m. in an existing restaurant with a review in three years (January 2006).
January 21, 2006	Continued use permit (U-3032-02-1) for live entertainment and customer dancing from 10:00 a.m. - 1:00 a.m. in an existing restaurant with a County Board review in three years (January 2009).
January 24, 2009	Renewed use permit (U-3032-02-1) for live entertainment and customer dancing from 10:00 – 1:00 in an existing restaurant with one (1) revised condition and a review in five (5) years (January 2014).
May 22, 2010	Approved use permit (U-3251-10-2) for live entertainment at the Cottage Ethiopian restaurant.
July 9, 2011	Approved use permit (U-3300-11-4) for live entertainment at the Padrino’s restaurant.
April 21, 2012	Deferred use permit (U-3326-12-1) for live entertainment and dancing at Pines of Italy, to the September 15, 2012 County Board meeting.
September 15, 2012	Deferred use permit (U-3326-12-1) for live entertainment and dancing at Pines of Italy, to the December 8, 2012 County Board meeting.
December 8, 2012	Deferred use permit (U-3326-12-1) for live entertainment and dancing at Pines of Italy, to the January 26, 2013 County Board meeting.
January 26, 2013	Deferred use permit (U-3326-12-1) for live entertainment and dancing at Pines of Italy, to the March 16, 2013 County Board meeting.
March 16, 2013	Approved use permit (U-3326-12-1) for live entertainment and dancing at Pines of Italy, subject to a review by the County Board in one (1) year (March, 2014).
January 25, 2014	Revoked the use permit (U-3326-12-1) for live entertainment and dancing at Pines of Italy (due to numerous violations of use permit conditions; in addition to various Police, Virginia ABC, Public

	Health, Code Enforcement, and non-use permit related zoning issues and community concerns).
March 14, 2015	Deferred a use permit (U-3400-15-1) for live entertainment and dancing at La Clicenita Restaurant and Bar to the May 16, 2015 County Board meeting.
May 16, 2015	The County Board accepted withdrawal of a use permit (U-3400-15-1) for live entertainment and dancing at La Clicenita Restaurant and Bar.
July 16, 2016	Approved the use permit for live entertainment at the Purple Ethiopian Restaurant and Lounge, subject to the proposed conditions of the staff report (Conditions #1-12), and with a County Board review in six (6) months (January 2017).
January 28, 2017	Renewed the use permit for live entertainment at the Purple Ethiopian Restaurant and Lounge, subject to the previously approved conditions and with a County Board review in one (1) year (January 2018).
January 27, 2018	Renewed the use permit for live entertainment at the Purple Ethiopian Restaurant and Lounge, subject to the previously approved conditions and with a County Board review in three (3) years (January 2021).
November 19, 2019	Adopted a resolution for a Request to Advertise for an out-of-cycle review of a use permit for live entertainment at the December 14, 2019 County Board hearing for Purple Ethiopian Restaurant and Lounge (U-3438-16-1).

Memorandum

To: Principal Planner Kristen Walentisch, CPHD

Date: November 19, 2019

From: Sgt. C. Riccio and MPO D. Mastoras, Restaurant Liaison Unit

Subject: Purple Lounge, 3111 Columbia Pike - Summary Report 2018 - 2019

The Arlington County Restaurant Liaison Unit requests a review of the live entertainment permit issued by the Arlington County Board. A 2018-2019 summary of activity report is being prepared for CPHD by the Fire Marshal's Office, DHS Public Health, and Code Enforcement. The Arlington County Police Department Restaurant Liaison Unit has requested additional assistance and guidance from VA ABC Agent Michael Jacobs and the Northern Virginia VA ABC Office to address issues identified in this memo. This is a follow-up to the memo sent to CPHD Associate Planner Molly O'Connell on February 27, 2019.

The Arlington County Police Department Restaurant Liaison Unit continually monitors nightlife activity, which allows for early intervention with restaurant managers and owners whose staff may be contributing to alcohol-related harm. One way the Restaurant Liaison Unit conducts intervention is to provide restaurant owners with data collected and provide recommendations and training to assist the owners.

On November 7, 2018, a meeting took place at The Purple Lounge located at 3111 Columbia Pike with owners, Firehiwot Kidane and Frezer Woldosilassie, and MPO D. Mastoras to discuss ways to reduce the increase of drunk in public arrests and calls for service. During this visit, the ACFD Fire Marshal's Office, DHS Public Health, and CPHD Code Enforcement also found violations. The following recommendations were given to owners Firehiwot Kidane and Frezer Woldosilassie to reduce public intoxication and disorderly subjects at Purple Lounge:

- Do not allow visibly intoxicated patrons into the restaurant
- Do not serve visibly intoxicated patrons or allow them to remain on premise
- Do not serve alcohol past 2am
- Establish a "Safety Officer" to monitor patron intoxication levels and overcrowding
- Have security staff assist bartenders to determine alcohol intoxication levels of patrons before they are served

- Intervene with patrons getting disorderly or appearing visibly intoxicated by alerting officers to assist
- Monitor and maintain occupancy for each floor

The issues identified were documented in Restaurant Site reports November 7, 2018 and November 15, 2018 (see attached).

On December 6, 2018, Arlington Restaurant Initiative (ARI) training was given to the Purple Lounge staff covering criminal/civil liability, responsible alcohol service, VA ABC code review, fake identification detection, occupancy, and public safety expectations. Eleven (11) employees were given the two-hour training including owners Firehiwot Kidane and Frezer Woldosilassie. Regular monthly monitoring continued with officers from both midnight and daywork shifts reporting that patrons were stumbling, fighting, and are visibly intoxicated. Mr. Frezer Woldosilassie was also advised of the continued activity and he stated that security staff was working to intervene and remove intoxicated patrons. He also advised that there was no alcohol service after 2am.

Calls for Service 2018

Calls for Service	Reports	Arrests	CFS after 2am
33	8	3	26

Calls for Service 2019

Calls for Service	Reports	Arrests	CFS after 2am
34	6	3	31

Many of the calls for service occurred between 2am to 6am when alcohol is not allowed to be served:

- Fights - 12
- Drunk in public – 21
- Malicious wounding – 1
- Disorderly conduct - 10
- Selling alcohol after hours complaint – 4
- Domestic dispute - 2

On February 25, 2019 at 206am and 320am, an ACPD OCS confidential informant purchased and consumed alcohol at The Purple Lounge located at 3111 Columbia Pike. The VA ABC violation is captured in report # 2019-02250152. The calls for service reflect an apparent disregard for the conditions of their County live entertainment permit, their responsibility to comply with the law as a VA ABC alcohol licensee, and they are contributing to alcohol-related harm effecting public safety. Regular alcohol service past 2am has resulted in fights, disorderly conduct, intoxicated patrons, and destruction of property well into the early morning hours.

On May 22, 2019, ABC Agent Jacobs advised VA ABC filed an administrative violation and hearing for the after-hours service violation on February 25, 2019. On September 27, 2019, VA ABC Agent Jacobs advised a verdict from the VA ABC hearing held on August 2, 2019 imposed a \$4,000 fine and a suspension of Purple Lounge's VA ABC license for six (6) days. This finding will be effective after a thirty-day appeal period.

Despite the above, according to Purple Lounge's Yelp reviews, guests that stay after 2am are invited to an "After Hours Party". After hours alcohol service was mentioned by guests on April 5, 2019, July 10, 2019 and September 18, 2019. On October 20, 2019, a complainant called police at 305am to report after hours serving. The complainant stated he was forced to leave the restaurant because he would not pay the \$20 "insurance fee" to stay and drink alcohol past 2am.

Additionally, there have been two (2) incidents of security using pepper spray on patrons. The first occurred on December 10, 2018 at 5:39am, when a patron who was being escorted out attempted to re-gain entry. After being sprayed, the patron retrieved a gun and smashed the front window of the business. On May 18, 2019 at 4:19am, a security guard sprayed a patron that had just been assaulted by another member of security causing injury. After being injured, the patron returned to the front entrance and was sprayed with pepper spray.

This memorandum was reviewed and approved by Captain M. Rowling, of the Operations Support Unit.

Calls for Service January 2018 – September 2019

Date:	Time:	Address:	Call:	Report:
1-3-18	Unk	3111 Columbia Pike	LOUD	Nothing found, No report
1-14-18	0328	3111 Columbia Pike	A&B	Rep# 2018-01140058
1-21-18	0323	3111 Columbia Pike	SUSV	No report
3-23-18	0137	3111 Columbia Pike	FIGHT	Nothing found, No report
4-8-8	0426	3111 Columbia Pike	DOM A&B	Arrest Rep# 2018-04080060
5-21-18	0403	3111 Columbia Pike	DIP	Arrest Rep# 2018-05210040
5-24-18	2315	3111 Columbia Pike	TRAFFIC	No report, Citation issued
5-26-18	0143	3111 Columbia Pike	PDO	No report
6-25-18	0005	3111 Columbia Pike	TRAFFIC	No report
6-29-18	0236	3111 Columbia Pike	ASLTJO	Minor incident, No report
7-8-18	1022	3111 Columbia Pike	BURGLARY	Arrest Rep# 2018-07080101
7-25-18	0245	3111 Columbia Pike	FRAUD	Rep# 2018-07294037
8-15-18	0253	3111 Columbia Pike	DISP	No report
9-1-18	0359	3111 Columbia Pike	ABC	No report
9-19-18	0327	3111 Columbia Pike	UNCL	No report

9-29-18	0441	3111 Columbia Pike	FIGHT	No report
10-23-18	0541	3111 Columbia Pike	911	No report
11-3-18	0318	3111 Columbia Pike	UNCL	No report
11-3-18	0402	3111 Columbia Pike	DISO	No report
11-3-18	0445	3111 Columbia Pike	SUSC	No report
11-4-18	0414	3111 Columbia Pike	DPROP	Report to follow
11-5-18	0350	3111 Columbia Pike	LOUD	No report
11-19-18	0237	3111 Columbia Pike	DIP/Dispute	No report
11-25-18	0258	3111 Columbia Pike	DIP/Dispute	No report
11-26-18	0247	3111 Columbia Pike	A&B Security pushed patron	No report
12-2-18	0745	3111 Columbia Pike	DIP/Dispute	No report
12-9-18	0646	3111 Columbia Pike	DIP/Dispute	No report
12-10-18	0539	3111 Columbia Pike	Fight/A&B-Injury Security pepper sprayed patron	Rep #2018-12100029
12-10-18	1910	3111 Columbia Pike	DOP	Rep #2018-12100205
12-26-18	0243	3111 Columbia Pike	Fight/DIP	Rep #2018-12260007
12-27-18	0502	3111 Columbia Pike	DIP	Arrest Rep #2018-12270029
12-29-18	0245	3111 Columbia Pike	Suspicious Subject	No report
12-29-18	0357	3111 Columbia Pike	Subject wanted to drink but they would not let him inside	No report
1-1-19	0605	3111 Columbia Pike	Fight	No report
1-4-19	0425	3111 Columbia Pike	Fight/Loud complaint	No report
1-19-19	0303	3111 Columbia Pike	Loud complaint	No report
1-31-19	2329	3111 Columbia Pike	ADMIN	No report
2-25-19	0320	3111 Columbia Pike	ABC Violation	Rep# 2019-02250152
3-10-19	0518	3111 Columbia Pike	DISO	No report
4-10-19	0300	3111 Columbia Pike	TRAFFIC	No report
4-26-19	0621	3111 Columbia Pike	DISP	No report
4-26-19	0629	3111 Columbia Pike	WANTED	No report
5-5-19	0124	3111 Columbia Pike	TRES	No report
5-11-19	0558	3111 Columbia Pike	DISP	No report
5-18-19	0419	3111 Columbia Pike	Malicious Wounding Caustic substance/A&B	Rep# 2019-05180066
5-19-19	0143	3111 Columbia Pike	UNCL	No report
5-20-19	0407	3111 Columbia Pike	HRJO – Fight in progress	No report
5-26-19	0442	3111 Columbia Pike	Loud music violation - Owner	Arrest Rep# 2019-05260056
6-17-19	0639	3111 Columbia Pike	DIP	Arrest Rep# 2019-06170052
6-23-19	0306	3111 Columbia Pike	Suspicious Subject	No report

Memorandum

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6-23-19	0324	3111 Columbia Pike	Suspicious Subject	No report
7-7-19	0316	3111 Columbia Pike	911 Call	No report
7-20-19	0516	3111 Columbia Pike	Security threatened patron	No report
8-1-19	0311	3111 Columbia Pike	Underage drinking complaint	No report
8-2-19	0250	3111 Columbia Pike	Underage drinking complaint	No report
8-3-19	0419	3111 Columbia Pike	DIP	No report
8-18-19	0314	3111 Columbia Pike	Dispute	No report
8-18-19	0430	3111 Columbia Pike	Loud music complaint	No report
8-19-19	0302	3111 Columbia Pike	Disorderly conduct	No report
8-19-19	0403	3111 Columbia Pike	Disorderly conduct	No report
9-1-19	0539	3111 Columbia Pike	Selling alcohol after hours complaint	No report
9-7-19	0529	3111 Columbia Pike	Domestic assault/DIP	Arrest Rep# 2019-09070058
9-12-19	0529	3111 Columbia Pike	Shooting	Rep# 2019-09120012
9-13-19	0510	3111 Columbia Pike	Domestic	No report
9-15-19	0324	3111 Columbia Pike	Dispute	No report
9-20-19	0256	3111 Columbia Pike	Dispute	No report
10-20-19	0305	3111 Columbia Pike	Alcohol Violation	Rep# 2019-10200046
11-2-19	0452	3111 Columbia Pike	Poss. of Marijuana in parking lot	Rep# 2019-11020074
11-10-19	0322	3111 Columbia Pike	Fight	No report

Kristen Walentisch

From: david ibinson <[REDACTED]>
Sent: Thursday, November 14, 2019 9:15 PM
To: Kristen Walentisch; CountyBoard
Cc: 1st Mate
Subject: Purple Lounge

Categories: Community Outreach

EXTERNAL EMAIL : This email originated from outside of Arlington County. Please be mindful of phishing attempts. When in doubt, call the TSC or use the Report Message button in your Outlook ribbon bar.

Hello, Our family resides on 9th St. S. in the Arlington Heights neighborhood. Our property abuts the alley behind the businesses on north side of Columbia Pike, making us neighbors with the Purple Lounge.

Living close to the Pike and directly behind commerce, the occasional noise and busy-ness is to be expected and is par for the course. That said, the commotion stirred from the Purple Lounge exceeds that of our other business neighbors.

Purple Lounge has strange late night hours, sometimes closing as late as 5:00 AM on weeknights. More often than not, the noise coming from the Lounge is exceedingly loud. The parking lot (between the Lounge and Ms. Chens Kitchen) is where Purple Lounge patrons loiter throughout the night, sometimes until 6:00 AM. The parking lot has been home to a number of verbal and physical altercations, one of which resulted in a shooting, and is visited regularly by Arlington Police.

Lastly, our street has been having rodent problems, and we have been seeing rats on our properties. I can not put the full blame on the Purple Lounge for this problem as there are other restaurants, businesses, etc. in close proximity, but there is a lot of litter in the parking lot and behind the Lounge. Our other business neighbors put effort into cleaning their properties, where it seems the owners of the Purple Lounge could care less.

For what it's worth, Purple Lounge are not the best neighbors. We oppose their use-permit renewal.
David & Julie Ibinson

Kristen Walentisch

To: Kristi Sawert
Subject: RE: Notice of Use Permit Review: U-3438-16-1 Purple Ethiopian Restaurant and Lounge

From: Kristi Sawert [REDACTED]
[REDACTED]

To: Kristen Walentisch <kwalentisch@arlingtonva.us>

Cc: Adam R Henderson [REDACTED] Nick Carrasco [REDACTED] James Vennett
[REDACTED] David Priddy [REDACTED]

Subject: Re: Notice of Use Permit Review: U-3438-16-1 Purple Ethiopian Restaurant and Lounge

EXTERNAL EMAIL : This email originated from outside of Arlington County. Please be mindful of phishing attempts. When in doubt, call the TSC or use the Report Message button in your Outlook ribbon bar.

Hi Krissy,

Arlington Heights Civic Association (AHCA) had our quarterly meeting last night, and unanimously passed the following resolution regarding the Purple Lounge use permit review:

"Arlington Heights Civic Association considers the Purple Lounge, its owners, and successors-in-tenants, to be a public nuisance and opposes the use-permit renewal."

In particular, our members expressed great concern about illegal activity at 3111 Columbia Pike that has been ongoing for many years now, even with changing tenants. We also note that, in the past, AHCA members who spoke out against the established were physically threatened.

We hope the County will take the concerns of the surrounding neighborhoods in account and deny the use-permit renewal. Please let me know if you have any questions.

Thank you,
Kristi Rupert Sawert
AHCA, President

Kristen Walentisch

To: Adam R Henderson
Subject: RE: Notice of Use Permit Review: U-3438-16-1 Purple Ethiopian Restaurant and Lounge

From: Adam R Henderson <president@douglasparkca.org>

Sent: Wednesday, November 6, 2019 10:37 PM

To: Kristen Walentisch <kwalentisch@arlingtonva.us>; Kristi Sawert [REDACTED]
[REDACTED] Notice of Use Permit Review: U-3438-16-1 Purple Ethiopian Restaurant and Lounge

EXTERNAL EMAIL : This email originated from outside of Arlington County. Please be mindful of phishing attempts. When in doubt, call the TSC or use the Report Message button in your Outlook ribbon bar.

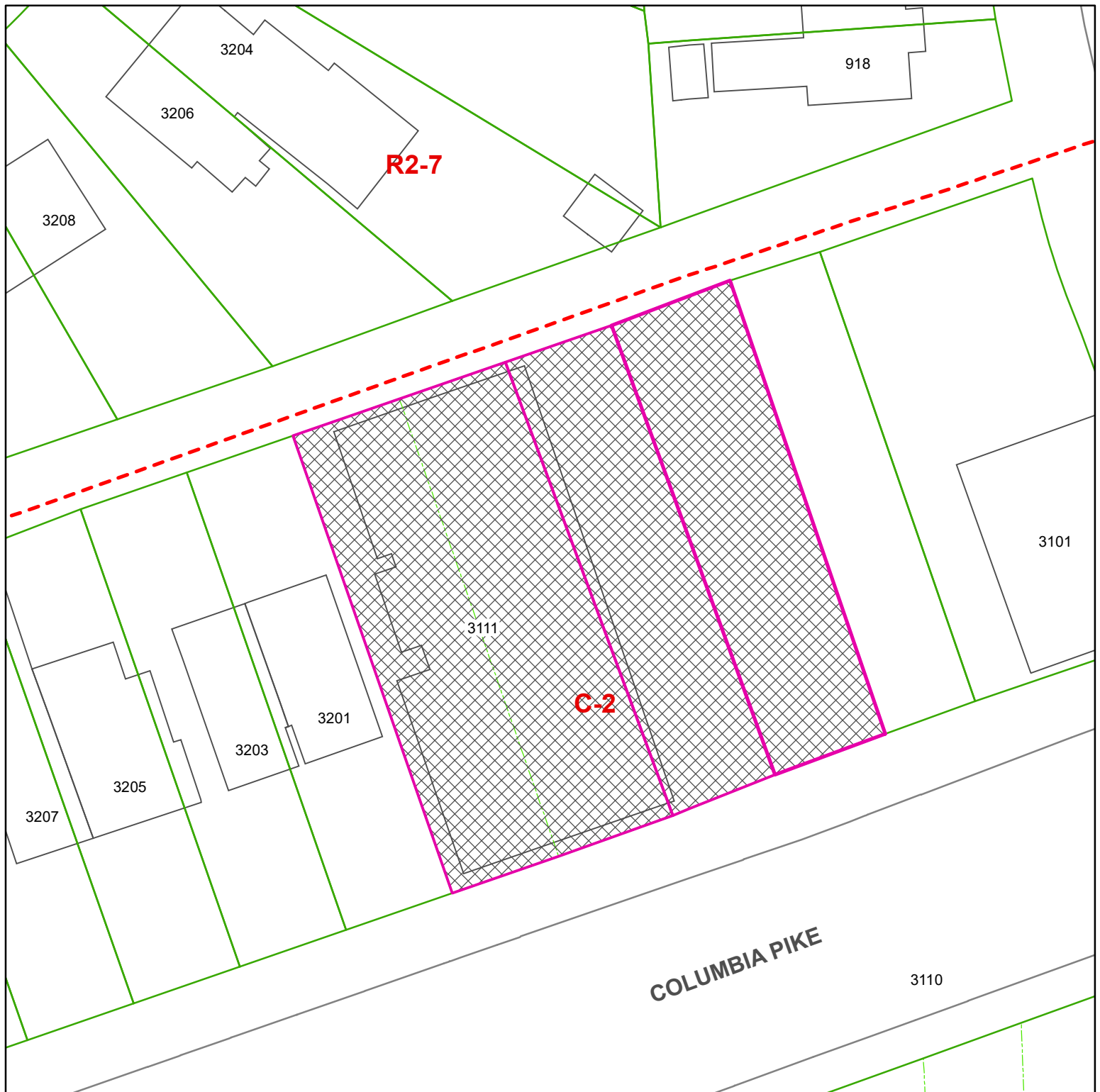
Krissy,

We discussed this establishment at tonight's Civic Association board meeting. Regardless of whether the use permit is 'encouraging' the violations, there seems to be an egregious pattern of willful disregard for both Arlington and Virginia ABC rules. Police incidents have increased SUBSTANTIALLY since the last report in January 2018. It is beyond absurd that a business with this level of police incidents is tolerated; let alone the fact that the business also appears to be acting as an illegal after-hours speakeasy. As such, the Douglas Park Civic Association fully supports the revocation of the use permit and any other measures the County can offer to bring these incidents to an end.

Regards,
ARH

Adam R Henderson
Chair, PPG
President, Douglas Park Civic Association
Arlington, Virginia 22204 (USA)

[REDACTED]
www.douglasparkca.org
president@douglasparkca.org



U-3438-16-1

3111 Columbia Pike

RPC #25-012-043, -044, -055



 Case
Location(s)
Scale: 1:400

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 _____