



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**

c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015

[www.anc3e.org](http://www.anc3e.org)

### **RESOLUTION REGARDING BURGER TAP & SHAKE**

#### **PUBLIC SPACE APPLICATION**

**WHEREAS**, BTS TWO LLC (operating as Burger Tap & Shake and referred to herein as the “Applicant”), has applied to the Public Space Management Branch of the District Department of Transportation (“DDOT”) for approval of certain improvements and modifications to the outdoor café of a restaurant to be located at 4445 Wisconsin Avenue NW (“Public Space Application”); and

**WHEREAS**, the Applicant also filed an application with the District of Columbia Alcohol Beverage Administration for a new Retailer’s Class C license in connection with the opening of said restaurant (the “ABRA Application”); and

**WHEREAS**, Applicant and ANC 3E entered into a Settlement Agreement dated March 12, 2015 (the “Settlement Agreement”) which resolved the concerns of ANC 3E relating to the Applicant’s ABRA Application; and

**WHEREAS**, pursuant to the Settlement Agreement, Applicant agreed to amend its Public Space Application to eliminate the bar in the sidewalk café; however, ANC 3E retains the right to raise other concerns relating to the Public Space Application before the Public Space Committee,

**NOW, THEREFORE**, ANC 3E adopts this resolution to memorialize the execution of the Settlement Agreement and its objection to the installation of TVs in the outdoor café as requested by the Applicant.

**RESOLVED**, ANC 3E supports the Applicant’s Public Space Application provided the Applicant does not seek permission to install a bar in or capable of service in public space; and

**RESOLVED**, that ANC 3E asks the Public Space Committee to disallow Applicant’s request to install TV’s in public space on the following grounds: a) installation of TVs is inconsistent with the tenor of the neighborhood inasmuch as, to the best of our knowledge, no other establishment in ANC 3E has installed TVs in an outdoor space; b) playing TVs at the intersections of Albemarle Street and Wisconsin Avenue is likely to encourage congestion on already busy thoroughfares; and c) outdoor TVs create light pollution and a beachfront atmosphere inconsistent with peace and order.

The Commission approved this resolution at its meeting on March 12, 2015, which was properly noticed and at which a quorum was present. The resolution was approved by a vote of 4-1-0 with Commissioners Bender, Hall, McHugh and Wallace voting for the resolution and Commissioner Quinn voting against.

ANC 3E

**Jonathan  
Bender**

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By Jonathan Bender, Chairperson