



## **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 TO OPPOSE / PROTEST CLUB CINEMA'S PETITION TO AMEND OR TERMINATE SETTLEMENT AGREEMENT AND DELEGATE AUTHORITY TO COMMISSIONER BENDER, ABRA-060040**

#### **WHEREAS:**

1. Petitioner, Club Cinema at 5300 Wisconsin Ave., NW entered into a settlement agreement approved by the Board on December 8, 1999. Petitioner now seeks to amend or terminate that agreement.
2. There is no need, as required by DC Code Section 25-446, occasioned by circumstances beyond applicant's control or a change in the neighborhood, to amend or terminate the settlement agreement.
3. The changes to its license applicant calls for, without modifications suggested by the parties, could have an adverse impact on the neighborhood.
4. The possible adverse impacts the Commissioners agreed to at the meeting were impacts on peace, order, and quiet, and on residential parking needs and vehicular and pedestrian safety.
5. Commissioner Bender attended a mediation with the Petitioner's counsel on February 6, 2020. A possible settlement agreement was discussed. After several days, Petitioner's counsel contacted Commissioner Bender to say that Petitioner rejected the settlement terms.
6. The case is set for hearing on the merits on March 11, 2020. Because this is before the next scheduled ANC meeting, in the at-least theoretical possibility that a settlement could be reached before the hearing, the ANC would need to delegate settlement authority to one or more Commissioners to consummate the agreement.

#### **NOW THEREFORE BE IT RESOLVED:**

1. ANC 3E continues to oppose / protest the above-referenced petition.
2. ANC 3E delegates settlement authority to Commissioner Bender. Commissioner Bender may sign a settlement agreement and take such actions as he deems appropriate in light of discussions with other Commissioners and constituents.

The resolution passed by a vote of 4-0-0 at a properly noticed meeting held on February 13, 2020, at which a quorum was present, with Commissioners Bender, Hall, McHugh, and Quinn in attendance.

ANC 3E

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by Jonathan Bender  
Chairperson