

  
Councilmember Jack Evans

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3 A BILL  
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7 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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12 To amend the Department of Transportation Establishment Act of 2002 to require the Public  
13 Space Committee within the District Department of Transportation to review an  
14 application by a Legitimate Theater for a sidewalk café, and, upon an affirmative  
15 recommendation from the Public Space Committee, to require the Department of  
16 Consumer of Regulatory Affairs to issue a Sidewalk Café Permit and Certificate of Use  
17 to the applicant; and to amend Chapter 3 of Title 24 of the District of Columbia  
18 Municipal Regulations allow a Legitimate Theater to operate a Sidewalk Café.  
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20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
21 act may be cited as the “Legitimate Theater Sidewalk Café Authorization Amendment Act of  
22 2019”.

23 Sec. 2. Section 5 of the Department of Transportation Establishment Act of 2002,  
24 effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04), is amended as  
25 follows:

26 (1) A new subsection (a-1) is added to read as follows:

27 “(a-1)(1) The Public Space Committee within the District Department of Transportation  
28 shall review an application of a Legitimate Theater for a sidewalk café, in accordance with  
29 Chapter 3 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR 300 *et seq.*),  
30 and expeditiously notify the Department of Consume and Regulatory Affairs (“DCRA”) of its  
31 recommendation.

32           “(2) Following a recommendation by the Public Space Committee to grant a permit, the  
33 Director of DCRA, in accordance with 24 DCMR 302.1, shall issue a Sidewalk Café Permit and  
34 a Certificate of Use, as those terms are defined in 24 DCMR 399.1.

35           “(3) An applicant who has obtained a permit pursuant to this subsection shall obtain any  
36 necessary licenses or license endorsements to serve alcoholic beverages in a sidewalk café or  
37 summer garden, as required by the Alcoholic Beverage Regulation Administration, established  
38 by D.C. Official Code § 25-202.”.

39           (2) Subsection (b) is amended by adding new paragraphs (3) and (4) to read as follows:

40           “(3) “Legitimate Theater” means a building, or a part of a building, that is designed and  
41 used for the presentation of live plays and other forms of dramatic performance. The facility  
42 typically has a stage or other performing area plus tiers of seats for the audience, or other  
43 arrangements for the audience to sit or stand to view the performance.

44           “(4) “Sidewalk café” shall have the same meaning as in section 399.1 of Title 24 of the  
45 District of Columbia Municipal Regulations (24 DCMR 399.1).”.

46           Sec. 3. Chapter 3 of Title 24 of the District of Columbia Municipal Regulations (24  
47 DCMR 300), is amended as follows:

48                   (1) Section 301.3 is amended as follows:

49                           (A) Strike the phrase “zoned for restaurant or grocery” and insert the  
50 phrase “zoned for Legitimate Theater, restaurant, or grocery” in its place.

51                           (B) Strike the phrase “a restaurant” and insert the phrase “a Legitimate  
52 Theater, restaurant,” in its place.

53                   (2) Section 399.1 is amended by adding a new definition to read as follows:

54                           “Legitimate Theater - a building, or a part of a building, that is designed and used

55 for the presentation of live plays and other forms of dramatic performance. The facility typically  
56 has a stage or other performing area plus tiers of seats for the audience, or other arrangements for  
57 the audience to sit or stand to view the performance.”.

58           Sec. 4. Fiscal impact statement.

59           The Council adopts the fiscal impact statement in the committee report as the fiscal  
60 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
61 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

62           Sec. 5. Effective date.

63           This act shall take effect following approval by the Mayor (or in the event of veto by  
64 the Mayor, action by the Council to override the veto), a 30-day period of Congressional review  
65 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
66 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
67 Columbia Register.