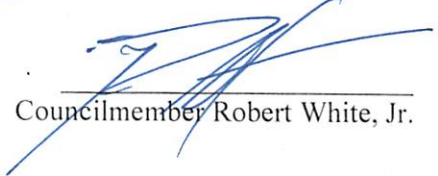

Councilmember Mary M. Cheh


Councilmember Jack Evans


Councilmember Robert White, Jr.

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the District of Columbia Public Space Rental Act to authorize the use of certain public space by a legitimate theater as a sidewalk café; and to amend Chapter 3 of Title 24 of the District of Columbia Municipal Regulations allow a legitimate theater to operate a sidewalk café.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Legitimate Theater Sidewalk Café Authorization Temporary Amendment Act of 2019”.

Sec. 2. The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended by adding a new section 201b to read as follows:

“Sec. 201b. Legitimate theater sidewalk café authorization.

“(a) The Mayor shall allow the use by a legitimate theater of public space abutting the legitimate theater as a sidewalk café; provided, that the applicant:

“(1) Meets the administrative procedures for a sidewalk café as set forth in Chapter 3 of Title 24 of the District of Columbia Municipal Code; and

24 “(2) Obtains the necessary licenses and license endorsements required by the
25 Alcoholic Beverage Control Board to sell, serve, or permit the consumption of alcoholic
26 beverages in a sidewalk café pursuant to D.C. Official Code § 25-113a(c).

27 “(b) For the purposes of this section, the term:

28 “(1) “Legitimate theater” shall have the same meaning as in section 399.1 of Title
29 24 of the District of Columbia Municipal Regulations (24 DCMR 399.1).

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

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

34 (a) Section 301.3 is amended by striking the phrase “restaurant, grocery store, brewery,
35 winery, or distillery” both times it appears and inserting the phrase “legitimate theater,
36 restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food
37 shop” in its place.

38 (b) Section 303.13(h) is amended by striking the phrase “abutting restaurant” and
39 inserting the phrase “abutting legitimate theater, restaurant,” in its place.

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

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

45 Sec. 4. Fiscal impact statement.

46 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
47 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
48 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

49 Sec. 5. Effective date.

50 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
51 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
52 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
53 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
54 Columbia Register.

55 (b) This act shall expire after 225 days of its having taken effect.

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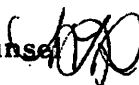


OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Councilmember Jack Evans

FROM: Nicole L. Streeter, General Counsel 

DATE: May 22, 2019

RE: Legal sufficiency determination for the Legitimate Theater Sidewalk Café Authorization Temporary Amendment Act of 2019.

The measure is legally and technically sufficient for Council consideration.

The legislation amends the District of Columbia Public Space Rental Act¹ to authorize the use by a legitimate theater of public space abutting the theater as a sidewalk café and Chapter 3 of Title 24 of the District of Columbia Municipal Regulations² to include a legitimate theater among the establishments that may be issued a sidewalk café permit.

I am available if you have any questions.

¹ Approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*).
² 24 DCMR 300 *et seq.*

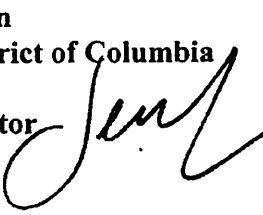
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director 

DATE: May 21, 2019

SHORT TITLE: "Legitimate Theater Sidewalk Café Authorization
Emergency/Temporary Amendment Act of 2019"

TYPE: Emergency/Temporary

REQUESTED BY: Councilmember Jack Evans

Conclusion

This legislation will not have an adverse impact on the budget and financial plan.

Background

The legislation would authorize sidewalk cafes in public space abutting legitimate theaters provided that the applicant meets the administrative procedures for a sidewalk café and obtains the necessary licenses and license endorsements to serve alcoholic beverages in a sidewalk café or summer garden.

Analysis of Impact on Spending

Any costs associated with implementing this legislation can be absorbed.

Analysis of Impact on Revenue

The few sidewalk cafes that would be authorized as a result of this legislation may have a negligible impact on revenue.