

A RESOLUTION

23-103

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 28, 2019

To declare the existence of an emergency with respect to the need to amend 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 to allow a legitimate theater to operate a sidewalk café and reconcile the general requirements for a sidewalk café permit and the application procedures for a sidewalk café permit.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Legitimate Theater Sidewalk Café Authorization Emergency Declaration Resolution of 2019”.

Sec. 2. (a) Bars, restaurants, grocery stores, breweries, wineries, and distilleries are authorized to apply to the District Department of Transportation for a permit to operate a sidewalk café in public space adjacent to their premises, while legitimate theaters, which are venues for live plays and other forms of live dramatic performance, currently are not. This inadvertent oversight leaves legitimate theaters at a disadvantage in competing with establishments that have outdoor cafés.

(b) Legitimate theaters have advocated that they be authorized to operate sidewalk cafes and the Director of the District Department of Transportation has testified that he has no objections to licensing sidewalk cafés for legitimate theaters.

(c) The high season for a legitimate theater to be able to compete for this additional revenue stream and for the District to accrue increased sales tax revenue is now. Emergency legislation is necessary so that a legitimate theater may expeditiously be authorized to apply for a permit to operate a sidewalk café this summer season.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Legitimate Theater Sidewalk Café Authorization Emergency Amendment Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.