

1
2
3 Councilmember Brooke Pinto

Councilmember Kenyan R. McDuffie

4
5
6
7 A BILL

8
9
10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

12
13
14
15
16 To amend, on an emergency basis, due to congressional review, the Coronavirus Support
17 Temporary Amendment Act of 2020, and the Coronavirus Support Second Congressional
18 Review Emergency Amendment Act of 2020 to modify the expiration date of the District’s
19 Streatery Program; to make the permitted hours of alcohol sales under the Streatery and
20 Pop Up Locations Programs consistent with the Fiscal Year 2021 Budget Support Act of
21 2020; and to provide clarity to licensees and the public with regard to the requirements for
22 operating under the Streatery and Pop Up Locations Programs.

23
24 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
25 act may be cited as the “Revised Streatery and Pop Up Locations Programs Clarification
26 Congressional Review Emergency Amendment Act of 2021”.

27
28 Sec. 2. The amendatory language of § 25-113(a) in section 204(a)(2) of the Coronavirus
29 Support Temporary Amendment Act of 2020, enacted on July 7, 2020 (D.C. Act 23-334; 67
30 DCR 8622), is amended as follows:

31 (1) Subparagraph (3)(D) is amended to read as follows:

32 “(3)(D)(i) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,
33 D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is registered
34 with the Board under subparagraph (C) of this paragraph may also register with the Board to sell,
35 on a temporary basis, beer, wine, or spirits for on-premises consumption indoors and to sell beer,

36 wine, or spirits in closed containers accompanied by one or more prepared food items for off-
37 premises consumption from up to 2 additional locations other than the licensed premises.

38 “(ii) Board approval shall not be required for the additional
39 registration under this subparagraph; provided, that:

40 “(I) The licensee separately registers with the Board and
41 receives written authorization from ABRA prior to offering beer, wine, or spirits for carryout or
42 delivery or on-premises consumption indoors at the additional location;

43 “(II) For carry-out and delivery, the licensee, the additional
44 location’s owner, or a prior tenant at the additional location possesses a valid certificate of
45 occupancy for the building used as the additional location, unless the additional location is
46 located on outdoor private space;

47 “(III) For on-premises consumption indoors, the additional
48 location’s owner or a prior tenant at the additional location possesses a valid certificate of
49 occupancy for a restaurant or other eating or drinking establishment;

50 “(IV) The licensee has been legally authorized by the
51 owner of the building or the property utilized as the additional location to utilize the space for
52 carryout and delivery, or indoor dining;

53 “(V) The licensee agrees to follow all applicable District
54 laws, regulations, guidance documents, administrative orders, including Mayor’s Orders, and
55 permit requirements or conditions, which may contain requirements that supersede provisions
56 contained in this section; and

57 “(VI) The additional location from which the licensee

58 intends to offer alcoholic beverages for carryout or delivery or on-premises consumption for
59 indoor dining is located in a commercial or mixed-use zone as defined in the zoning regulations
60 for the District.

61 “(iii) An on-premises retailer’s license, class C/R, D/R, C/T, D/T,
62 C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, may sell,
63 serve, and allow the consumption of beer, wine, or spirits indoors on the premises of the
64 additional location pursuant to sub-subparagraph (i) of this paragraph; provided, that the licensee
65 shall:

66 “(I) Limit its indoor capacity to no more than 50% of the
67 lowest indoor occupancy load or seating capacity on its certificate of occupancy, excluding
68 employees and any separately registered outdoor seating;

69 “(II) Place indoor tables serving separate parties at least 6
70 feet apart from one another;

71 “(III) Ensure for non-movable communal tables that parties
72 are seated at least 6 feet apart from one another and that the communal table is marked with 6
73 foot divisions, such as with tape or signage;

74 “(IV) Ensure that all indoor dining customers are seated and place orders and are served
75 food or alcoholic beverages at tables;

76 “(V) Prohibit events and activities that would require
77 patrons to be standing, cluster, or be in close contact with one another, including dancing,
78 playing darts, bowling, ping pong, pool, throwing axes, or indoor playgrounds;

79 “(VI) Prohibit patrons from bringing their own alcoholic
80 beverages;

81 “(VII) Prohibit self-service buffets;

82 “(VIII) Have a menu in use containing a minimum of 3
83 prepared food items available for purchase by patrons;

84 “(IX) Require the purchase of one or more prepared food
85 items per table;

86 “(X) Ensure that prepared food items offered for sale or
87 served to patrons are prepared on the licensed premises or off-premises at another licensed entity
88 that has been approved to sell and serve food by the District of Columbia Department of Health
89 (“DC Health”);

90 “(XI) Restrict its operations, excluding carry-out and
91 delivery, and the sale, service, or the consumption of alcoholic beverages indoors for on-
92 premises consumption to the hours between 6:00 a.m. and midnight, Sunday through Saturday,
93 effective October 1, 2020;

94 “(XII) Not have more than 6 individuals seated at a table or
95 a joined table;

96 “(XIII) Require patrons to wait outside at least 6 feet apart
97 until they are ready to be seated or make an on-site reservation;

98 “(XIV) Not provide live music or entertainment on the
99 registered indoor space without a waiver from the District of Columbia Homeland Security and

100 Emergency Management Agency; except, that background or recorded music played at a
101 conversational level that is not heard in the homes of District residents shall be permitted;

102 “(XV) Not serve alcoholic beverages or food to standing
103 patrons;

104 “(XVI) Prohibit standing at indoor bars and only permit
105 seating at indoor bars that are not being staffed or utilized by a bartender;

106 “(XVII) Require a minimum of 6 feet between parties
107 seated at indoor bars, rail seats, or communal tables;

108 “(XVIII) Provide and require that wait staff wear masks;

109 “(XIX) Require that patrons wear masks or face coverings
110 when waiting in line outside of the establishment or while traveling to use the restroom or until
111 they are seated and eating or drinking;

112 “(XX) Implement a reservation system by phone, on-line,
113 or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;

114 “(XXI) Implement sanitization and disinfection protocols
115 including the provision of single use condiment packages; and

116 “(XXII) Have its own clearly delineated indoor space and
117 not share tables and chairs with another business.

118 “(iv) An on-premises retailer licensee shall not offer beer, wine, or
119 spirits for carryout and delivery on public space; except, that an additional location under this
120 subparagraph may include a sidewalk café that has been issued a public space permit by the
121 District Department of Transportation (“DDOT”).

122 “(v) An on-premises retailer’s licensee who has been registered to
123 offer beer, wine, or spirits for carryout or delivery in accordance with this subparagraph shall do
124 so only at the additional location.

125 “(vi) An on-premises retailer licensee who has been registered to
126 offer beer, wine, or spirits for carryout or delivery or on-premises alcohol consumption for
127 indoor dining in accordance with this subparagraph may do so for no longer than 60 calendar
128 days. The Board may approve a written request from an on-premises retailer’s licensee to extend
129 carryout or delivery alcohol sales or on-premises alcohol sales and consumption for indoor
130 dining from an additional location pursuant to this subparagraph for one additional 30 calendar-
131 day period. A licensee shall not offer beer, wine, or spirits for carryout or delivery for off-
132 premises consumption or on-premises alcohol sales and consumption for indoor dining from the
133 additional location for more than 90 calendar days unless a completed application to do so has
134 been filed with the Board with notice provided to the public in accordance with § 25-421.

135 “(vii) The on-premises retailer licensee may sell and deliver
136 alcoholic beverages for carryout and delivery from an additional location in accordance with this
137 subparagraph only between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week, effective
138 October 1, 2020.

139 “(viii) The Board may fine, suspend, cancel, or revoke an on-
140 premises retailer’s license, and shall revoke its registration to offer beer, wine, or spirits for
141 carryout or delivery or on-premises alcohol sales and consumption of the indoor location at the
142 additional location if the licensee fails to comply with sub-subparagraphs (i) through (vi) of this
143 subparagraph.”.

144 “(ix) Notwithstanding sub-subparagraph (iii) of this subparagraph,
145 if an on-premises retailer’s license, class C or D, has a settlement agreement governing its
146 operations, the Board shall interpret the settlement agreement language that restricts the indoor
147 sale, service, and consumption of beer, wine, or spirits to on-premises as applying only to indoor
148 sales, service, or consumption of beer, wine, or spirits at the licensed premises and not the
149 additional location on a temporary basis because prior to the Coronavirus pandemic this new
150 registration process was not available to eligible licensees.”.

151 (2) Paragraph (6) is amended to read as follows:

152 “(6)(A) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H, D/H,
153 C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a manufacturer’s
154 licensee, class A or B, with an on-site sales and consumption permit, or a Convention Center
155 food and alcohol business may register with the Board at no cost to sell, serve, and permit the
156 consumption of beer, wine, or spirits on new or expanded temporary ground floor or street level
157 outdoor public or private space not listed on its existing license. Upon registration, Board
158 approval shall not be required; provided, that the licensee:

159 “(i) Registers with the Board and receives written authorization
160 from ABRA prior to selling, serving, or permitting the consumption of beer, wine, or spirits on
161 the proposed outdoor public or private space;

162 “(ii) Registers with DDOT prior to operating on any proposed
163 outdoor public space or receives written approval from the property owner prior to utilizing any
164 proposed outdoor private space; and

165 “(iii) Agrees to follow all applicable District laws, regulations,

166 guidance documents, administrative orders, including Mayor’s Orders and permit requirements
167 or conditions, which may contain requirements that supersede provisions contained in this
168 section.

169 “(B) An on-premises retailer’s license, class C or D, or a manufacturer’s
170 license, class A or B, with an on-site sales and consumption permit, or a Convention Center food
171 and alcohol business that has registered with the Board to sell, serve, and permit the consumption
172 of beer, wine, and spirits to seated patrons on outdoor public or private space not listed on its
173 existing license in accordance with subparagraph (A) of this paragraph shall:

174 “(i) Place tables on the outdoor public or private space so that
175 patrons in separate parties are at least 6 feet apart from one another;

176 “(ii) Ensure that all outdoor dining customers are seated and place
177 orders and are served food or alcoholic beverages at tables;

178 “(iii) Prohibit events and activities that would require patrons to
179 cluster or be in close contact with one another, including dancing, playing darts, video games, or
180 other outdoor games;

181 “(iv) Prohibit patrons from bringing their own alcoholic beverages;

182 “(v) Prohibit self-service buffets;

183 “(vi) Have a menu in use containing a minimum of 3 prepared food
184 items available for purchase by patrons;

185 “(vii) Require the purchase of one or more prepared food items per
186 table;

187 “(viii) Ensure that prepared food items offered for sale or served to

188 patrons are prepared on the licensed premises or off-premises at another licensed entity that has
189 been approved to sell and serve food by DC Health;

190 “(ix) Ensure that the proposed outdoor public or private space is
191 located in a commercial or mixed-use zone as defined in the District’s zoning regulations;

192 “(x) Restrict its operations, excluding carry-out and delivery, and
193 the sale, service, or the consumption of alcoholic beverages outdoors for on-premises
194 consumption to the hours between 6:00 a.m. and midnight, Sunday through Saturday, effective
195 October 1, 2020;

196 “(xi) Not have more than 6 individuals seated at a table;

197 “(xii) Require patrons to wait outside at least 6 feet apart until they
198 are ready to be seated or make an on-site reservation;

199 “(xiii) Not provide live music or entertainment, except for
200 background or recorded music played at a conversational level that is not heard in the homes of
201 District residents;

202 “(xiv) Not serve alcoholic beverages or food to standing patrons;

203 “(xv) Prohibit standing at outdoor bars and only permit seating at
204 outdoor bars that are not being staffed or utilized by a bartender;

205 “(xvi) Abide by the terms of their public space permit with regard
206 to the allowable placement of alcohol advertising, if any, in outdoor public space;

207 “(xvii) Provide and require that wait staff wear masks;

208 “(xviii) Require that patrons wear masks or face coverings while
209 waiting in line outside of the restaurant or while traveling to use the restroom or until they are

210 seated and eating or drinking;

211 “(xix) Implement a reservation system by phone, on-line, or on-site
212 and consider keeping customer logs to facilitate contact tracing by DC Health;

213 “(xx) Implement sanitization and disinfection protocols including
214 the provision of single-use condiment packages; and

215 “(xxi) Have its own clearly delineated outdoor space and not share
216 tables and chairs with another business.

217 “(C) Registration under subparagraph (A) of this paragraph shall be valid
218 until December 31, 2021.

219 “(D) The Board may fine, suspend, or revoke an on-premises retailer’s
220 licensee, class C or D, or a manufacturer’s licensee, class A or B, with an on-site sales and
221 consumption permit, and shall revoke the registration to sell, serve, or permit the consumption of
222 beer, wine, or spirits on outdoor public or private space not listed on the license, if the licensee
223 fails to comply with subparagraph (A) or (B) of this paragraph.

224 “(E)(i) Notwithstanding subparagraph (B) of this paragraph, the Board
225 shall interpret settlement agreement language that restricts sidewalk cafés or summer gardens as
226 applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafés
227 or summer gardens.

228 “(ii) The Board shall not interpret settlement agreement language
229 that restricts or prohibits sidewalk cafés or summer gardens to apply to new or extended outdoor
230 space, the use of which is now permitted under this paragraph.

231 “(iii) The Board shall not interpret settlement agreement language

232 that restricts or prohibits the operation of permanent outdoor space to mean prohibiting the
233 temporary operation of sidewalk cafés or summer gardens.

234 “(iv) The Board shall require all on-premises retailer licenses, class
235 C or D, or manufacturer licenses, class A or B, with an on-site sales and consumption permit, to
236 delineate or mark currently licensed outdoor space from new or extended outdoor space
237 authorized by the DDOT or the property owner.

238 “(v) With regard to existing outdoor public or private space, parties
239 to a settlement agreement shall be permitted to waive provisions of settlement agreements that
240 address currently licensed outdoor space for a period not to exceed 180 days.

241 “(E) For purposes of this paragraph, ground floor or street level sidewalk
242 cafés or summer gardens enclosed by awnings or tents having no more than one side shall be
243 considered outdoor space. Areas enclosed by retractable glass walls and other forms of operable
244 walls shall not be considered outdoor dining. Temporary unlicensed rooftops and summer
245 gardens not located on the ground floor or street level are not eligible for registration under
246 subparagraph (A) of this paragraph.

247 “(F) A manufacturer’s licensee, class A or B, with an on-site sales and
248 consumption permit or a retailer’s licensee class C/T, D/T, C/N, D/N, C/X, or D/X, may partner
249 with a food vendor during its operating hours to satisfy the requirement of subparagraph (B)(vi)
250 of this paragraph; provided, that patrons are seated when ordering and ordered food is delivered
251 by the licensee or the food vendor to the seated patron.”.

252 Sec. 3. The amendatory language of § 25-113(a) in section 204(a)(2) of the Coronavirus
253 Support Second Congressional Review Emergency Amendment Act of 2020, effective August

254 19, 2020 (D.C. Act 23-405; 67 DCR 10235), is amended as follows:

255 (1) Subparagraph (3)(D) is amended to read as follows:

256 “(3)(D)(i) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,
257 D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is registered
258 with the Board under subparagraph (C) of this paragraph may also register with the Board to sell,
259 on a temporary basis, beer, wine, or spirits for on-premises consumption indoors and to sell beer,
260 wine, or spirits in closed containers accompanied by one or more prepared food items for off-
261 premises consumption from up to 2 additional locations other than the licensed premises.

262 “(ii) Board approval shall not be required for the additional
263 registration under this subparagraph; provided, that:

264 “(I) The licensee separately registers with the Board
265 and receives written authorization from ABRA prior to offering beer, wine, or spirits for carryout
266 or delivery or on-premises consumption indoors at the additional location;

267 “(II) For carry-out and delivery, the licensee, the
268 additional location’s owner, or a prior tenant at the additional location possesses a valid
269 certificate of occupancy for the building used as the additional location, unless the additional
270 location is located on outdoor private space;

271 “(III) For on-premises consumption indoors, the
272 additional location’s owner or a prior tenant at the additional location possesses a valid
273 certificate of occupancy for a restaurant or other eating or drinking establishment;

274 “(IV) The licensee has been legally authorized by the
275 owner of the building or the property utilized as the additional location to utilize the space for

276 carryout and delivery, or indoor dining;

277 “(V) The licensee agrees to follow all applicable District
278 laws, regulations, guidance documents, administrative orders, including Mayor’s Orders, and
279 permit requirements or conditions, which may contain requirements that supersede provisions
280 contained in this section; and

281 “(VI) The additional location from which the licensee
282 intends to offer alcoholic beverages for carryout or delivery or on-premises consumption for
283 indoor dining is located in a commercial or mixed-use zone as defined in the zoning regulations
284 for the District.

285 “(iii) An on-premises retailer’s license, class C/R, D/R, C/T, D/T,
286 C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, may sell,
287 serve, and allow the consumption of beer, wine, or spirits indoors on the premises of the
288 additional location pursuant to sub-subparagraph (i) of this paragraph; provided, that the licensee
289 shall:

290 “(I) Limit its indoor capacity to no more than 50% of the
291 lowest indoor occupancy load or seating capacity on its certificate of occupancy, excluding
292 employees and any separately registered outdoor seating;

293 “(II) Place indoor tables serving separate parties at least 6
294 feet apart from one another;

295 “(III) Ensure for non-movable communal tables that parties
296 are seated at least 6 feet apart from one another and that the communal table is marked with 6
297 foot divisions, such as with tape or signage;

298 “(IV) Ensure that all indoor dining customers are seated
299 and place orders and are served food or alcoholic beverages at tables;

300 “(V) Prohibit events and activities that would require
301 patrons to be standing, cluster, or be in close contact with one another, including dancing,
302 playing darts, bowling, ping pong, pool, throwing axes, or indoor playgrounds;

303 “(VI) Prohibit patrons from bringing their own alcoholic
304 beverages;

305 “(VII) Prohibit self-service buffets;

306 “(VIII) Have a menu in use containing a minimum of 3
307 prepared food items available for purchase by patrons;

308 “(IX) Require the purchase of one or more prepared food
309 items per table;

310 “(X) Ensure that prepared food items offered for sale or
311 served to patrons are prepared on the licensed premises or off-premises at another licensed entity
312 that has been approved to sell and serve food by the District of Columbia Department of Health
313 (“DC Health”);

314 “(XI) Restrict its operations, excluding carry-out and
315 delivery, and the sale, service, or the consumption of alcoholic beverages indoors for on-
316 premises consumption to the hours between 6:00 a.m. and midnight, Sunday through Saturday,
317 effective October 1, 2020;

318 “(XII) Not have more than 6 individuals seated at a table or
319 a joined table;

320 “(XIII) Require patrons to wait outside at least 6 feet apart
321 until they are ready to be seated or make an on-site reservation;

322 “(XIV) Not provide live music or entertainment on the
323 registered indoor space without a waiver from the District of Columbia Homeland Security and
324 Emergency Management Agency; except, that background or recorded music played at a
325 conversational level that is not heard in the homes of District residents shall be permitted;

326 “(XV) Not serve alcoholic beverages or food to standing
327 patrons;

328 “(XVI) Prohibit standing at indoor bars and only permit
329 seating at indoor bars that are not being staffed or utilized by a bartender;

330 “(XVII) Require a minimum of 6 feet between parties
331 seated at indoor bars, rail seats, or communal tables;

332 “(XVIII) Provide and require that wait staff wear masks;

333 “(XIX) Require that patrons wear masks or face coverings
334 when waiting in line outside of the establishment or while traveling to use the restroom or until
335 they are seated and eating or drinking;

336 “(XX) Implement a reservation system by phone, on-line,
337 or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;

338 “(XXI) Implement sanitization and disinfection protocols
339 including the provision of single use condiment packages; and

340 “(XXII) Have its own clearly delineated indoor space and
341 not share tables and chairs with another business.

342 “(iv) An on-premises retailer licensee shall not offer beer, wine, or
343 spirits for carryout and delivery on public space; except, that an additional location under this
344 subparagraph may include a sidewalk café that has been issued a public space permit by the
345 District Department of Transportation (“DDOT”).

346 “(v) An on-premises retailer’s licensee who has been registered to
347 offer beer, wine, or spirits for carryout or delivery in accordance with this subparagraph shall do
348 so only at the additional location.

349 “(vi) An on-premises retailer licensee who has been registered to
350 offer beer, wine, or spirits for carryout or delivery or on-premises alcohol consumption for
351 indoor dining in accordance with this subparagraph may do so for no longer than 60 calendar
352 days. The Board may approve a written request from an on-premises retailer’s licensee to extend
353 carryout or delivery alcohol sales or on-premises alcohol sales and consumption for indoor
354 dining from an additional location pursuant to this subparagraph for one additional 30 calendar-
355 day period. A licensee shall not offer beer, wine, or spirits for carryout or delivery for off-
356 premises consumption or on-premises alcohol sales and consumption for indoor dining from the
357 additional location for more than 90 calendar days unless a completed application to do so has
358 been filed with the Board with notice provided to the public in accordance with § 25-421.

359 “(vii) The on-premises retailer licensee may sell and deliver
360 alcoholic beverages for carryout and delivery from an additional location in accordance with this
361 subparagraph only between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week, effective
362 October 1, 2020.

363 “(viii) The Board may fine, suspend, cancel, or revoke an on-

364 premises retailer’s license, and shall revoke its registration to offer beer, wine, or spirits for
365 carryout or delivery or on-premises alcohol sales and consumption of the indoor location at the
366 additional location if the licensee fails to comply with sub-subparagraphs (i) through (vi) of this
367 subparagraph.”.

368 “(ix) Notwithstanding sub-subparagraph (iii) of this subparagraph,
369 if an on-premises retailer’s license, class C or D, has a settlement agreement governing its
370 operations, the Board shall interpret the settlement agreement language that restricts the indoor
371 sale, service, and consumption of beer, wine, or spirits to on-premises as applying only to indoor
372 sales, service, or consumption of beer, wine, or spirits at the licensed premises and not the
373 additional location on a temporary basis because prior to the Coronavirus pandemic this new
374 registration process was not available to eligible licensees.”.

375 (2) Paragraph (6) is amended to read as follows:

376 “(6)(A) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H, D/H,
377 C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a manufacturer’s
378 licensee, class A or B, with an on-site sales and consumption permit, or a Convention Center
379 food and alcohol business may register with the Board at no cost to sell, serve, and permit the
380 consumption of beer, wine, or spirits on new or expanded temporary ground floor or street level
381 outdoor public or private space not listed on its existing license. Upon registration, Board
382 approval shall not be required; provided, that the licensee:

383 “(i) Registers with the Board and receives written authorization
384 from ABRA prior to selling, serving, or permitting the consumption of beer, wine, or spirits on
385 the proposed outdoor public or private space;

386 “(ii) Registers with DDOT prior to operating on any proposed
387 outdoor public space or receives written approval from the property owner prior to utilizing any
388 proposed outdoor private space; and

389 “(iii) Agrees to follow all applicable District laws, regulations,
390 guidance documents, administrative orders, including Mayor’s Orders and permit requirements
391 or conditions, which may contain requirements that supersede provisions contained in this
392 section.

393 “(B) An on-premises retailer’s license, class C or D, or a manufacturer’s
394 license, class A or B, with an on-site sales and consumption permit, or a Convention Center food
395 and alcohol business that has registered with the Board to sell, serve, and permit the consumption
396 of beer, wine, and spirits to seated patrons on outdoor public or private space not listed on its
397 existing license in accordance with subparagraph (A) of this paragraph shall:

398 “(i) Place tables on the outdoor public or private space so that
399 patrons in separate parties are at least 6 feet apart from one another;

400 “(ii) Ensure that all outdoor dining customers are seated and place
401 orders and are served food or alcoholic beverages at tables;

402 “(iii) Prohibit events and activities that would require patrons to
403 cluster or be in close contact with one another, including dancing, playing darts, video games, or
404 other outdoor games;

405 “(iv) Prohibit patrons from bringing their own alcoholic beverages;

406 “(v) Prohibit self-service buffets;

407 “(vi) Have a menu in use containing a minimum of 3 prepared food

408 items available for purchase by patrons;

409 “(vii) Require the purchase of one or more prepared food items per
410 table;

411 “(viii) Ensure that prepared food items offered for sale or served to
412 patrons are prepared on the licensed premises or off-premises at another licensed entity that has
413 been approved to sell and serve food by DC Health;

414 “(ix) Ensure that the proposed outdoor public or private space is
415 located in a commercial or mixed-use zone as defined in the District’s zoning regulations;

416 “(x) Restrict its operations, excluding carry-out and delivery, and
417 the sale, service, or the consumption of alcoholic beverages outdoors for on-premises
418 consumption to the hours between 6:00 a.m. and midnight, Sunday through Saturday, effective
419 October 1, 2020;

420 “(xi) Not have more than 6 individuals seated at a table;

421 “(xii) Require patrons to wait outside at least 6 feet apart until they
422 are ready to be seated or make an on-site reservation;

423 “(xiii) Not provide live music or entertainment, except for
424 background or recorded music played at a conversational level that is not heard in the homes of
425 District residents;

426 “(xiv) Not serve alcoholic beverages or food to standing patrons;

427 “(xv) Prohibit standing at outdoor bars and only permit seating at
428 outdoor bars that are not being staffed or utilized by a bartender;

429 “(xvi) Abide by the terms of their public space permit with regard

430 to the allowable placement of alcohol advertising, if any, in outdoor public space;

431 “(xvii) Provide and require that wait staff wear masks;

432 “(xviii) Require that patrons wear masks or face coverings while
433 waiting in line outside of the restaurant or while traveling to use the restroom or until they are
434 seated and eating or drinking;

435 “(xix) Implement a reservation system by phone, on-line, or on-site
436 and consider keeping customer logs to facilitate contact tracing by DC Health;

437 “(xx) Implement sanitization and disinfection protocols including
438 the provision of single-use condiment packages; and

439 “(xxi) Have its own clearly delineated outdoor space and not share
440 tables and chairs with another business.

441 “(C) Registration under subparagraph (A) of this paragraph shall be valid
442 until December 31, 2021.

443 “(D) The Board may fine, suspend, or revoke an on-premises retailer’s
444 licensee, class C or D, or a manufacturer’s licensee, class A or B, with an on-site sales and
445 consumption permit, and shall revoke the registration to sell, serve, or permit the consumption of
446 beer, wine, or spirits on outdoor public or private space not listed on the license, if the licensee
447 fails to comply with subparagraph (A) or (B) of this paragraph.

448 “(E)(i) Notwithstanding subparagraph (B) of this paragraph, the Board
449 shall interpret settlement agreement language that restricts sidewalk cafés or summer gardens as
450 applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafés
451 or summer gardens.

452 “(ii) The Board shall not interpret settlement agreement language
453 that restricts or prohibits sidewalk cafés or summer gardens to apply to new or extended outdoor
454 space, the use of which is now permitted under this paragraph.

455 “(iii) The Board shall not interpret settlement agreement language
456 that restricts or prohibits the operation of permanent outdoor space to mean prohibiting the
457 temporary operation of sidewalk cafés or summer gardens.

458 “(iv) The Board shall require all on-premises retailer licenses, class
459 C or D, or manufacturer licenses, class A or B, with an on-site sales and consumption permit, to
460 delineate or mark currently licensed outdoor space from new or extended outdoor space
461 authorized by the DDOT or the property owner.

462 “(v) With regard to existing outdoor public or private space, parties
463 to a settlement agreement shall be permitted to waive provisions of settlement agreements that
464 address currently licensed outdoor space for a period not to exceed 180 days.

465 “(E) For purposes of this paragraph, ground floor or street level sidewalk
466 cafés or summer gardens enclosed by awnings or tents having no more than one side shall be
467 considered outdoor space. Areas enclosed by retractable glass walls and other forms of operable
468 walls shall not be considered outdoor dining. Temporary unlicensed rooftops and summer
469 gardens not located on the ground floor or street level are not eligible for registration under
470 subparagraph (A) of this paragraph.

471 “(F) A manufacturer’s licensee, class A or B, with an on-site sales and
472 consumption permit or a retailer’s licensee class C/T, D/T, C/N, D/N, C/X, or D/X, may partner
473 with a food vendor during its operating hours to satisfy the requirement of subparagraph (B)(vi)

474 of this paragraph; provided, that patrons are seated when ordering and ordered food is delivered
475 by the licensee or the food vendor to the seated patron.”.

476 Sec. 4. Applicability.

477 This act shall apply as of January 30, 2021.

478 Sec. 5. Fiscal impact statement.

479 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
480 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
481 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

482 Sec. 6. Effective date.

483
484 This act shall take effect following approval by the Mayor (or in the event of veto by the
485 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
486 90 days, as provided for emergency acts of the Council of the District of Columbia in section
487 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
488 D.C. Official Code § 1-204.12(a)).

489