

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To modify, on an emergency basis, the expiration date of the District’s Streatery Program; and to provide clarity to licensees and the public with regard to the requirements for operating under the Streatery Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Streatery Program Extension Emergency Amendment Act of 2021”.

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-113(a) is amended as follows:

(1) Paragraph (6) is amended to read as follows:

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

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

33 public or private space;

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

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

40 “(B) An on-premises retailer’s license, class C/R, D/R, C/T, D/T, C/H, D/H, C/N,
41 D/N, C/X, or D/X, or a manufacturer’s license, class A or B, with an on-site sales and consumption
42 permit, or a Convention Center food and alcohol business that has registered with the Board to
43 sell, serve, and permit the consumption of beer, wine, and spirits to seated patrons on outdoor
44 public or private space not listed on its existing license in accordance with subparagraph (A) of
45 this paragraph shall:

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

48 “(ii) Restrict the sale, service, or the consumption of alcoholic beverages outdoors for on-
49 premises consumption to the hours between 6:00 a.m. and midnight, Sunday through Saturday;

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

52 “(iv) Abide by the terms of their public space permit with regard to the allowable placement
53 of alcohol advertising, if any, in outdoor public space; and

54 “(v) Have its own clearly delineated outdoor space and not share tables and chairs with
55 another business.

56 “(C) Registration under subparagraph (A) of this paragraph shall be valid until April 30,
57 2022.

58 “(D) The Board may fine, suspend, or revoke an on-premises retailer’s licensee, class C/R,
59 D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, or a manufacturer’s licensee, class A or B, with
60 an on-site sales and consumption permit, and shall revoke the registration to sell, serve, or permit
61 the consumption of beer, wine, or spirits on outdoor public or private space not listed on the license,
62 if the licensee fails to comply with subparagraph (A) or (B) of this paragraph.

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

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

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

73 “(iv) The Board shall require all on-premises retailer licenses, class C/R, D/R, C/T, D/T,
74 C/H, D/H, C/N, D/N, C/X, or D/X, or manufacturer licenses, class A or B, with an on-site sales
75 and consumption permit, to delineate or mark currently licensed outdoor space from new or
76 extended outdoor space authorized by the DDOT or the property owner.

77 “(v) With regard to existing outdoor public or private space, parties to a settlement
78 agreement shall be permitted to waive provisions of settlement agreements that address currently

79 licensed outdoor space for a period not to exceed 180 days.

80 “(F) For purposes of this paragraph, ground floor or street level sidewalk cafés or summer
81 gardens enclosed by awnings or tents having no more than two sides shall be considered outdoor
82 space. Areas enclosed by retractable glass walls and other forms of operable walls shall not be
83 considered outdoor dining. Temporary unlicensed rooftops and summer gardens not located on
84 the ground floor or street level are not eligible for registration under subparagraph (A) of this
85 paragraph.”.

86 Sec. 3. Fiscal impact statement.

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

90 Sec. 4. Effective date.

91 This act shall take effect following approval by the Mayor (or in the event of veto by the
92 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
93 90 days, as provided for emergency acts of the Council of the District of Columbia in section
94 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
95 D.C. Official Code § 1-204.12(a)).