

A BILL

IN THE DISTRICT OF COLUMBIA

To amend Title 25 of the District of Columbia Official Code to allow on-premises retailer’s licenses, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including multipurpose facilities and private clubs that register with the Board to offer alcoholic beverages for indoor on-premises consumption as part of indoor dining and carryout and delivery on a temporary basis from up to two additional locations, and to allow on-premises retailer’s licenses, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including multipurpose facilities and private clubs, manufacturer licenses, class A or B, and Convention Center food and alcohol businesses that register with the Board to sell, serve, or allow the consumption of alcoholic beverages at new or expanded temporary ground floor or street level outdoor public or private space.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Streatery Program and Pop Up Locations Emergency Amendment Act of 2020”.

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

(a) Chapter 1 is amended as follows:

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

(A) A new paragraph (3)(D) is added to read as follows:

“(3)(D)(i) 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, that is registered with the Board under subparagraph (C) of this paragraph may also register with the Board to sell, on a temporary basis, beer, wine, or spirits for on-premises consumption indoors and to sell beer, wine, or spirits in closed containers accompanied by one or more prepared food items for off-premises consumption from up to 2 additional

1 locations other than the licensed premises.

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

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

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

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

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

17 “(V) The licensee agrees to follow all applicable Mayor’s Orders, DCRA, DOH  
18 and ABRA laws and regulations and administrative issuances, which may contain  
19 requirements that supersede the provisions contained herein; and

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

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

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

9           “(II) Place indoor tables so that patrons are at least 6 ft. apart from one another;

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

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

15           “(V) Prohibit events and activities that would require patrons to be standing or in  
16 cluster or be in close contact with one another, including dancing, playing darts, video  
17 games including games of skill, bowling, ping pong, pool, throwing axes, or indoor  
18 playgrounds;

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

20           “(VII) Prohibit self-service buffets;

21           “(XIII) Have a menu in use containing a minimum of 3 prepared food items  
22 available for purchase by patrons;

23           “(XIV) Require the purchase of one or more prepared food items per table;

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

4           “(XI) Restrict its operations, excluding carry-out and delivery, and the sale,  
5 service, or the consumption of alcoholic beverages indoors for on-premises consumption  
6 to the hours between 8:00 a.m. and midnight, Sunday through Saturday;

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

8           “(XIII) Require patrons to wait outside at least 6 ft. apart until they are ready to be  
9 seated or make an on-site reservation;

10           “(XIV) Not provide live music or entertainment on the registered indoor space  
11 without a waiver from the DC Homeland Security and Emergency Management Agency.  
12 Background or recorded music played at a conversational level that is not heard in the  
13 homes of District residents shall be permitted;

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

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

17           “(XVII) Require a minimum of 6 ft. between parties seated at indoor bars, rail  
18 seats or communal tables;

19           “(XIII) Provide and require that wait staff wear masks;

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

1           “(XX) Implement a reservation system by phone, on-line, or on-site and consider  
2 keeping customer logs to facilitate contact tracing by DOH;

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

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

7           “(iv) The on-premises retailer licensee shall not offer beer, wine, or spirits for  
8 carryout and delivery on public space; except, that an additional location under this  
9 subparagraph may include a sidewalk café that has been issued a public space permit by  
10 DDOT.

11           “(v) The on-premises retailer licensee who has been registered to offer beer, wine,  
12 or spirits for carryout or delivery in accordance with this subparagraph shall do so only at  
13 the additional location.

14           “(vi) An on-premises retailer licensee who has been registered to offer beer, wine,  
15 or spirits for carryout or delivery or on-premises alcohol consumption for indoor dining  
16 in accordance with this subparagraph may do so for no longer than 60 calendar days. The  
17 Board may approve a written request from an on-premises licensee to extend carryout or  
18 delivery alcohol sales or on-premises alcohol sales and consumption for indoor dining  
19 from an additional location pursuant to this subparagraph for one additional 30 calendar-  
20 day period. A licensee shall not offer beer, wine, or spirits for carryout or delivery for  
21 off-premises consumption or on-premises alcohol sales and consumption for indoor  
22 dining from the additional location for more than 90 calendar days unless a completed  
23 application to do so has been filed with the Board with notice provided to the public in

1 accordance with § 25-421.

2 “(vii) The on-premises retailer licensee may sell and deliver alcoholic beverages  
3 for carryout and delivery from an additional location in accordance with this  
4 subparagraph only between the hours of 7:00 a.m. and midnight, 7 days a week.

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

10 “(ix) Notwithstanding sub-subparagraph (iii) of this paragraph, if an on-premises  
11 retailer’s license, class C or D, has a settlement agreement governing its operations, the  
12 Board:

13 “(I) Shall interpret the settlement agreement language that restricts the indoor  
14 sale, service, and consumption of beer, wine, or spirits on-premises, as applying only to  
15 indoor sales, service, or consumption of beer, wine, or spirits at the licensed premises and  
16 not the additional location; on a temporary basis because prior to the Coronavirus  
17 pandemic this new registration process was not available to eligible licensees.

18 (B) A new paragraph (6) is added to read as follows:

19 “(6)(A) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H, D/H,  
20 C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a  
21 manufacturer’s licensee, class A or B, with an on-site sales and consumption permit, or a  
22 Convention Center food and alcohol business may register with the Board at no cost to  
23 sell, serve, and permit the consumption of beer, wine, or spirits on new or expanded

1 temporary ground floor or street level outdoor public or private space not listed on its  
2 existing license. Board approval shall not be required to register; provided that the  
3 licensee:

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

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

10 “(iii) Agrees to follow all applicable Mayor’s Orders and DCRA, DOH, DDOT,  
11 and ABRA regulations and administrative issuances, which may contain requirements  
12 that supersede the provisions contained herein.

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

19 “(i) Place tables on outdoor public or private space so that patrons are at least 6 ft.  
20 apart from one another;

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

23 “(iii) Prohibit events and activities that would require patrons to cluster or be in

1 close contact with one another, including dancing, playing darts, video games, or other  
2 outdoor games;

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

4 “(v) Prohibit self-service buffets;

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

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

8 “(viii) Ensure that prepared food items offered for sale or served to patrons are  
9 prepared on the licensed premises or off-premises at another licensed entity that has been  
10 approved to sell and serve food by the DOH;

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

13 “(x) Restrict its operations, excluding carry-out and delivery, and the sale, service,  
14 or the consumption of alcoholic beverages outdoors for on-premises consumption to the  
15 hours between 8:00 a.m. and midnight, Sunday through Saturday;

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

17 “(xii) Require patrons to wait outside at least 6 ft. apart until they are ready to be  
18 seated or make an on-site reservation;

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

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

23 “(xv) Prohibit standing at outdoor bars and only permit seating at outdoor bars

1 that are not being staffed or utilized by a bartender;

2 “(xvi) Prohibit the placement of alcohol advertising, excluding non-contact  
3 menus, furniture or table umbrellas, on outdoor public space;

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

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

8 “(xix) Implement a reservation system by phone, on-line, or on-site and consider  
9 keeping customer logs to facilitate contact tracing by the Department of Health;

10 “(xx) Implement sanitization and disinfection protocols including the provision of  
11 single use condiment packages; and

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

14 “(C) Registration under subparagraph (A) of this paragraph shall be valid until  
15 October 25, 2020.

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

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

1 sidewalk cafés or summer gardens.

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

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

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

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

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

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

1 subparagraph (B)(vi) of this paragraph; provided, that patrons are seated when ordering  
2 and ordered food is delivered by the licensee or the food vendor to the seated patron.”.

3  
4 (2)Section 25-113a is amended by adding a new subsection (c-1) to read as  
5 follows:

6 “(c-1) Notwithstanding subsection (c) of this section, an on-premises retailer’s  
7 licensee, class C or D, or manufacturer’s licensee, class A or B, with an on-site sales and  
8 consumption permit may conduct business on ground floor or street level outdoor public  
9 or private space, including the sale, service, and consumption alcoholic beverages;  
10 provided, that the licensee complies with § 25-113(a)(6).”.

11 (b) This act may be superseded by Mayor’s Order or DCRA, DOH, DDOT and  
12 ABRA regulations and administrative issuances.

13 Sec. 3. Fiscal impact statement.

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

17 Sec. 4. Effective date.

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

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