

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Coronavirus Support Temporary Amendment Act of 2020, and the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020 to modify the expiration date of the District’s Streatery Program, to make the permitted hours of alcohol sales under the Streatery and Pop Up Locations Programs consistent with the Fiscal Year 2021 Budget Support Act of 2020, and to provide clarity to licensees and the public with regard to the requirements for operating under the Streatery and Pop Up Locations Programs.

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

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

(1) Subparagraph (3)(D) is amended 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 locations other than the licensed premises.

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

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

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

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

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

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

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

56 “(iii) An on-premises retailer’s license, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N,
57 C/X, or D/X, including a multipurpose facility or private club, may sell, serve, and allow the

58 consumption of beer, wine, or spirits indoors on the premises of the additional location pursuant
59 to sub-subparagraph (i) of this paragraph; provided that the licensee shall:

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

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

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

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

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

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

73 “(VII) Prohibit self-service buffets;

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

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

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

80 “(XI) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the
81 consumption of alcoholic beverages indoors for on-premises consumption to the hours between
82 6:00 a.m. and midnight, Sunday through Saturday, effective October 1, 2020;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

125 “(viii) The Board may fine, suspend, cancel, or revoke an on-premises retailer’s license,

126 and shall revoke its registration to offer beer, wine, or spirits for carryout or delivery or on-
127 premises alcohol sales and consumption of the indoor location at the additional location if the
128 licensee fails to comply with sub-subparagraphs (i) through (vi) of this subparagraph.”.

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

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

137 “(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,
138 C/X, or D/X, including a multipurpose facility or private club, or a manufacturer’s licensee, class
139 A or B, with an on-site sales and consumption permit, or a Convention Center food and alcohol
140 business may register with the Board at no cost to sell, serve, and permit the consumption of beer,
141 wine, or spirits on new or expanded temporary ground floor or street level outdoor public or private
142 space not listed on its existing license. Upon registration, Board approval shall not be required;
143 provided, that the licensee:

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

147 “(ii) Registers with DDOT prior to operating on any proposed outdoor public space or
148 receives written approval from the property owner prior to utilizing any proposed outdoor private

149 space; and

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

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

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

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

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

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

165 “(v) Prohibit self-service buffets;

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

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

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

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

174 “(x) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the
175 consumption of alcoholic beverages outdoors for on-premises consumption to the hours between
176 6:00 a.m. and midnight, Sunday through Saturday, effective October 1, 2020;

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

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

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

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

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

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

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

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

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

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

194 “(xxi) Have its own clearly delineated outdoor space and not share tables and chairs with

195 another business.

196 “(C) Registration under subparagraph (A) of this paragraph shall be valid until April 30,
197 2021.

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

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

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

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

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

217 “(v) With regard to existing outdoor public or private space, parties to a settlement

218 agreement shall be permitted to waive provisions of settlement agreements that address currently
219 licensed outdoor space for a period not to exceed 180 days.

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

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

231 Sec. 3. The amendatory language of § 25-113(a) in section 204(a)(2) of the Coronavirus
232 Support Second Congressional Review Emergency Amendment Act of 2020, effective August
233 19, 2020 (D.C. Act 23-405; 67 DCR 10235), is amended as follows:

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

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

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

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

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

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

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

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

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

262 “(iii) An on-premises retailer’s license, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N,
263 C/X, or D/X, including a multipurpose facility or private club, may sell, serve, and allow the

264 consumption of beer, wine, or spirits indoors on the premises of the additional location pursuant
265 to sub-subparagraph (i) of this paragraph; provided that the licensee shall:

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

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

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

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

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

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

279 “(VII) Prohibit self-service buffets;

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

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

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

286 “(XI) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the
287 consumption of alcoholic beverages indoors for on-premises consumption to the hours between
288 6:00 a.m. and midnight, Sunday through Saturday, effective October 1, 2020;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

331 “(viii) The Board may fine, suspend, cancel, or revoke an on-premises retailer’s license,

332 and shall revoke its registration to offer beer, wine, or spirits for carryout or delivery or on-
333 premises alcohol sales and consumption of the indoor location at the additional location if the
334 licensee fails to comply with sub-subparagraphs (i) through (vi) of this subparagraph.”.

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

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

343 “(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,
344 C/X, or D/X, including a multipurpose facility or private club, or a manufacturer’s licensee, class
345 A or B, with an on-site sales and consumption permit, or a Convention Center food and alcohol
346 business may register with the Board at no cost to sell, serve, and permit the consumption of beer,
347 wine, or spirits on new or expanded temporary ground floor or street level outdoor public or private
348 space not listed on its existing license. Upon registration, Board approval shall not be required;
349 provided, that the licensee:

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

353 “(ii) Registers with DDOT prior to operating on any proposed outdoor public space or
354 receives written approval from the property owner prior to utilizing any proposed outdoor private

355 space; and

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

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

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

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

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

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

371 “(v) Prohibit self-service buffets;

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

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

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

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

380 “(x) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the
381 consumption of alcoholic beverages outdoors for on-premises consumption to the hours between
382 6:00 a.m. and midnight, Sunday through Saturday, effective October 1, 2020;

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

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

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

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

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

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

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

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

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

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

400 “(xxi) Have its own clearly delineated outdoor space and not share tables and chairs with

401 another business.

402 “(C) Registration under subparagraph (A) of this paragraph shall be valid until April 30,
403 2021.

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

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

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

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

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

423 “(v) With regard to existing outdoor public or private space, parties to a settlement

424 agreement shall be permitted to waive provisions of settlement agreements that address currently
425 licensed outdoor space for a period not to exceed 180 days.

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

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

437 Sec. 4. Fiscal impact statement.

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

441 Sec. 5. Effective date.

442 This act shall take effect following approval by the Mayor (or in the event of veto by the
443 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
444 90 days, as provided for emergency acts of the Council of the District of Columbia in section
445 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
446 D.C. Official Code § 1-204.12(a)).