



Tuesday, June 9, 2020

Sales and Consumption of Alcohol on Expanded Outdoor Space

Today, as part of its continued efforts to provide relief during the COVID-19 pandemic, the District Council passed legislation that would allow restaurants to serve alcohol on expanded outdoor seating. An on-premises retail licensee, with an on-site sales and consumption permit, or a Convention Center food and alcohol business may register with the ABC 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. **Registration shall be valid until October 25, 2020.** Board approval shall not be required to register; provided that the licensee:

- Registers with the Board and receives written authorization from ABRA prior to selling, serving, or permitting the consumption of alcoholic beverages on the proposed outdoor public or private space;
- Registers with DDOT prior to operating on any proposed outdoor public space or receives written approval from the property owner prior to utilizing any proposed outdoor private space; and
- Agrees to follow all applicable DCRA, DOH, and DDOT laws and regulations and Mayor's Orders.

While serving alcohol on expanded outdoor space, all licensees shall:

- Place tables on the outdoor public or private space serving separate parties at least 6 feet apart from one another;

- Ensure that all outdoor dining customers are seated and place orders and are served food or alcoholic beverages at tables;
- Prohibit events and activities that would require patrons to cluster or be in close contact with one another, including dancing, playing darts, video games, or other outdoor games;
- Prohibit patrons from bringing their own alcoholic beverages;
- Prohibit self-service buffets;
- Have a menu in use containing a minimum of three (3) prepared food items available for purchase by patrons;
- Require the purchase of one or more prepared food items per table;
- Ensure that prepared food items offered for sale or served to patrons are prepared on the licensed premises or off-premises at another licensed entity that has been approved to sell and serve food by DC Health;
- Ensure that the proposed outdoor public or private space is located in a commercial or mixed-use zone as defined in the District's zoning regulations;
- Restrict its operations, excluding carry-out and delivery, and the sale, service, or the consumption of alcoholic beverages outdoors for on-premises consumption to the hours between 8:00 a.m. and midnight, Sunday through Saturday;
- Not have more than six (6) individuals seated at a table or a joined table during Phase I of Washington DC's reopening;
- Require patrons to wait outside at least 6 feet apart until they are ready to be seated;
- Not provide live music or entertainment, except for background or recorded music played at a conversational level that is not heard in the homes of District residents;
- Not serve alcoholic beverages or food to standing patrons;
- Prohibit standing or seating at an outdoor bar provided tables or counter seats that do not line up to a bar may be used for patron seating as long as there is a minimum of six feet between parties;
- Prohibit the placement of alcohol advertising, excluding non-contact menus, on outdoor public space;
- Provide and require that wait staff wear masks;

- Request that patrons wear masks while waiting in line outside of the restaurant or while traveling to use the restroom or until they are seated and eating or drinking;
- Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;
- Implement sanitization and disinfection protocols including the provision of single use condiment packages; and
- Have its own clearly delineated outdoor space and shall not share tables and chairs with another business.

Regards,
Lisa

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