

THE PRESENTATION WILL START MOMENTARILY



# REIMAGINING OUTDOOR SPACE

September 17, 2020



# PRESENTERS



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# AGENDA

- ABRA Overview
  - Licensed Outdoor Space Overview
  - Temporary Outdoor Space Opportunities
  - Phase Two Guidelines
  - Additional Considerations
  - Enforcement
- 
- DDOT Overview
  - New and Expanded Outdoor Space Registration and Permitting
  - Outdoor Public Space Options
- 
- Q&A

# ABRA OVERVIEW



- The **Alcoholic Beverage Regulation Administration (ABRA)** is an independent agency within DC Government charged with supporting the public's health, safety and welfare through the control and regulation of the sale and distribution of alcoholic beverages.
- ABRA may issue endorsements that allow for licensees to utilize outdoor public and private space for the sale, service, and on-premises consumption of alcoholic beverages.
- ABRA does not regulate restaurants, or any other type of establishment, that do not have an alcohol license.

# LICENSED OUTDOOR SPACE

ELIGIBILITY | TYPES | APPLICATION PROCESS



# ELIGIBILITY



Only establishments that have or are seeking an alcohol license or permit that allows alcohol to be sold, served, and consumed on-premises indoors may request to have an “Endorsement” added to their license to extend service and consumption privileges outdoors into predetermined public and private space.

Eligible establishments include restaurants, taverns, nightclubs, hotels, and multipurpose facilities.

Ineligible establishments include wholesalers, liquor stores, beer and wine stores, and grocery stores.

# ADDITIONAL LICENSE TYPES

- Other alcohol licenses classes that allow for the selling, serving, and on-premises consumption of alcohol in outdoor areas that are for an abbreviated length of time.
- **Temporary and Festival Licenses** are valid for up to four (4) and 15 days respectively.
- **Farmers Market Licenses** only allow for alcohol to be sold for off-premises consumption.



# LICENSED OUTDOOR SPACE OPTIONS

- **Sidewalk Café** | Allows alcohol to be sold, served, and consumed outdoors on public space, such as on the sidewalk directly outside an establishment's licensed location. Department of Transportation (DDOT) approval is required for both a permanent change to the license and for temporary permissions.
- **Summer Garden** | Allows alcohol to be sold, served, and consumed outdoors on private property, such as a courtyard, patio, or roof deck. Locations must be included in the Certificate of Occupancy (CofO) issued by the Department of Consumer and Regulatory Affairs (DCRA).

# APPLICATION PROCESS

- **New Alcohol License** | Requests for a sidewalk café or summer garden can be included in an establishment's initial **Alcoholic Beverage License Application**. Applications must be submitted with a:
  - Certificate of Occupancy (summer gardens only); Public Space Permit (sidewalk café only)
  - Signed letter from landlord granting permission for the service of alcohol outdoors (summer garden only)
  - A diagram/photograph showing the designated area for the outdoor space.
- **Substantial Change to an Existing License** | Licensees can request to add an endorsement to their license at any time by completing and submitting a **Summer Garden/Sidewalk Café Endorsement Application**.
- Applications are subject to a public comment period and ABC Board approval. If approved, each Endorsement is \$75 annually in addition to the license fee.

# TEMPORARY OUTDOOR OPPORTUNITIES

NEW & EXPANDED OUTDOOR SEATING | POP-UPS



# NEW & EXPANDED OUTDOOR SPACE



- Select on-premises retailer licensees may sell and serve alcohol for on-premises consumption in public and private outdoor space that is not included on their alcohol license through October 25, 2020.
- Available outdoor public expansion options include alleys, sidewalks, “streateries” (extended curb lane use), plazas, and full travel lanes.
- Potential private space options include patios, courtyards, and surface parking lots.
- All new and expanded outdoor seating must be on ground or street level.
- All new and expanded outdoor seating must be clearly delineated from licensed outdoors space.

# NEW & EXPANDED OUTDOOR SPACE



- Registration with the District is required to add new or expanded seating in public and private outdoor space. [abra.dc.gov/node/1479681](https://abra.dc.gov/node/1479681)
  - Public space requests are subject to DDOT approval.
  - Private space requests must include written consent from the landlord.
  - Neither are subject to ABC Board approval or a public comment period.
- Licensees DO NOT need to register with the District to re-open licensed sidewalk cafes or summer gardens, including roof decks, if no changes are being made to the perimeter of the licensed space.
- New and expanded outdoor seating is not subject to an establishment's existing Settlement Agreement. Establishments can petition the ABC Board to waive specific provisions related to an existing sidewalk cafe/summer garden for up to 180 days.

# POP-UPS



- On-premises licensees may sell alcohol for carry-out and delivery and on-premises consumption from up to two (2) additional locations not included on their alcohol license for up to 60 days.
- Registration with the District is required for each location.  
[abra.dc.gov/node/1477341](https://abra.dc.gov/node/1477341)
- Previously, licensees were restricted to one (1) additional location and could only sell alcohol for carry-out and delivery.
- Licensees who previously registered to sell alcohol for carry-out and delivery from one (1) additional location may automatically start to allow on-premises consumption at that location without re-registering. Any additional location or change in location must be registered.

# PHASE TWO GUIDELINES



# PHASE TWO GUIDELINES

- **Hours** | Service hours are limited to 8:00 a.m. to midnight, daily.
  - Patrons may not remain onsite for on-premises consumption after midnight.
  - Unless otherwise prohibited by Board Order or a Settlement Agreement, a licensee may engage in food carry-out sales and curbside delivery of food during the hours of operation listed on their license.
- **Total Capacity** | There is no max percentage for outdoor seating but physical distancing guidelines must be adhered to.
- **Seating Capacity** | No more than six (6) persons may be seated at a table indoors or outdoors. Communal tables may be used if parties are seated at least six (6) feet apart from one another and divisions are clearly marked.



# PHASE TWO GUIDELINES

- **Bar Service** | Guests may be seated at bars not being staffed or utilized by bartenders. Parties seated at bars must be at least six (6) feet apart from one another. Standing at bars is prohibited.
- **Physical Distancing** | Tables must be configured to allow for at least six (6) feet between parties. Guests queuing to order, pick-up, pay, or use the restroom must be at least six (6) feet apart from one another.
- **Reservations** | Licensees must implement a reservation system—online, by phone or text, or in-person—or a combination. Contact information for at least one (1) person per party must be collected and maintained for at least 30 days.

# PHASE TWO GUIDELINES

- **Face Masks/Coverings** | All employees, including kitchen staff, must wear face coverings/masks at all times. Guests are required to wear face coverings/masks when not actively consuming food or beverages, including when traveling to be seated or to use the restroom.
- **Food** | A food menu containing at least three (3) prepared food items must be offered at all times and at least one (1) item per table must be purchased.
  - Establishments may partner with food operators, including food trucks, to meet the prepared food requirement
  - Pre-packaged snack items such as chips, cookies, and candy DO NOT meet the prepared food requirement.
  - “BYOB” is not permitted.

# PHASE TWO GUIDELINES

- **Ordering** | All on-premises dining must be seated. Guests may not be served food or beverages for onsite consumption while standing.
- **Live Music/Entertainment** | No live music or entertainment, including DJs, trivia, or drag shows, is permitted. Only background and recorded music, played at a conversational level, is permitted.
  - TVs may be played on outdoor private space but the sound is not to exceed a conversational level.
  - Activities that require guests to be in close contact are prohibited.

# ADDITIONAL CONSIDERATIONS

SHADE STRUCTURES | HEATING/COOLING DEVICES | INCLEMENT  
WEATHER



# INCLEMENT WEATHER

- Licensees should develop an inclement weather plan and train staff on how to implement it. Licensees are encouraged to consult weather forecasts daily prior to seating guests outdoors.
- In the event of inclement weather, including rain, thunder, or strong wind, licensees may not allow patrons to stand under umbrellas, awnings, tents, or other shade structures.
- If guests request to be re-located indoors, licensees must adhere to all Phase Two guidelines including:
  - Limiting capacity to 50 percent of the lowest number included on the CofO.
  - All patrons must be seated at all times. Patrons may not remain indoors while waiting to be seated.
  - No patrons may be seated at a bar being utilized by a bartender.

# Fire Code Requirements

## Propane Fueled Outdoor Heaters

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- **105.6.28 Operational Permit Required-** From FEMS Fire Marshal Office to use or store LPG/propane. This can be applied for online at [fems.dc.gov](https://fems.dc.gov) (Click on the Permit tab).
- **603.4.2.1.1 Prohibited Locations-** Portable outdoor fuel fired heaters shall not be located inside of a structure or membrane tent.
- **603.4.2.1.2 Clearance from Buildings-** Portable outdoor fuel fired heaters shall not be located within 5 feet of a building
- **603.4.2.1.3 Clearance from Combustibles-** Portable outdoor fuel fired heaters shall not be located beneath combustible decorations, overhangs, awnings, or within 5 feet of combustible surfaces
- **603.4.2.1.4 Proximity to Exits-** Portable outdoor fuel fired heaters shall not be located within 5 feet of the entrances and exits of a building.

# Fire Code Requirements

## Propane Fueled Outdoor Heaters

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- **603.4.2.2.3 Tip Over Switch-** Fuel fired heating appliances shall be equipped with a tilt or tip-over shut-off that automatically shuts off the flow of gas if the appliance is tilted more than 15 degrees from the vertical position.
- **603.4.2.3.3 Fuel Container Capacity-** The propane tanks capacity Fuel Fired portable heater shall not exceed 20lbs.
- **603.4.2.3.1 Container Replacement-** Fuel Container replacement fuel fire portable heaters shall not take place while the public is present.
- **603.4.2.3.4 Indoor Storage Prohibited-** Propane gas containers shall not be stored inside of buildings.

# SHADE STRUCTURES

- Shade structures may be used in accordance to all applicable DC laws and regulations.
  - Tents in public space must be 10'x10' or smaller. Tents in private space may be larger but require a DCRA-issued permit. [dcra.dc.gov/service/tent-permit](https://dcra.dc.gov/service/tent-permit)
  - Canopies, tents, and other shade structures may be used provided they have only one (1) side flap
  - All tents and enclosed cafes must operate at all times during Phase Two as unenclosed cafes pursuant to DCMR Title 24, Chapter 3, Section 316.10.
  - Umbrellas are permitted.
  - All shade structures should be strongly secured and strategically positioned to avoid being a tripping hazard to patrons, staff, or pedestrians.



# ENFORCEMENT

VIOLATION SCHEDULE | COMMON VIOLATIONS



# STANDARD VIOLATIONS

- Primary Tier violations:
  - First | \$1,000-\$2,000
  - Second within Two Years | \$2,000-\$4,000
  - Third within Three Years | \$4,000-\$6,000
  - Fourth within Four Years | License revocation or suspension for up to 30 consecutive days and a fine of \$30,000 or more
  - Fifth within Five Years | Mandatory license revocation
- Secondary Tier violations:
  - First | Written warning or \$250-\$500
  - Second within Two Years | \$500-\$750
  - Third within Three Years | \$750-\$1,000
  - Fourth within Four Years | \$1,000-\$2,000
  - Fifth within Five Years | \$2,000 minimum

# PHASE TWO VIOLATIONS

- ABRA investigators may issue written citations for some Phase Two violations of the Mayor's Order and ABC Board's emergency rulemakings.
- All other observed violations will be reported to and adjudicated by the ABC Board in accordance with DC law.
- A report detailing Phase Two citations issued to date is published on ABRA's website every Tuesday. [abra.dc.gov/page/phase-two-citations](https://abra.dc.gov/page/phase-two-citations)

# PHASE TWO VIOLATIONS

- Most common Phase Two violations:
  - Operating afterhours | **Primary**
  - Music above a conversational level| **Secondary**
  - Employees not wearing face masks/coverings | **Primary**
  - Patrons seated at a bar being staffed by a bartender | **Primary**
  - Patrons standing while consuming food or alcohol| **Primary**
  - Tables not situated more than six (6) feet apart| **Primary**
  - Offering live entertainment| **Primary**
  - Failure to implement a reservation system| **Primary**
- Licensees are reminded that a licensed ABC Manager or the owner of the license must be on-site at all times when open.

# STAY CONNECTED



# STAY CONNECTED



- **Staff** | ABRA's physical office remains closed to the public but staff is available to answer questions Monday-Friday, 8:30 a.m. - 4:00 p.m.
  - **Licensing** | [abc@dc.gov](mailto:abc@dc.gov) or (202) 442-4423
  - **ANC or community group concerns** | [sarah.fashbaugh@dc.gov](mailto:sarah.fashbaugh@dc.gov) or (202) 397-3971
- **Social** |
  - **Facebook** | [facebook.com/ABRADC](https://facebook.com/ABRADC)
  - **Twitter** | @DCGov\_ABRA
- **Last Call e-Newsletter and Email Alerts** | Subscribe to receive.

[abra.dc.gov/service/sign-abra-email-updates](https://abra.dc.gov/service/sign-abra-email-updates)



# Reimagining Outdoor Space

Restaurants and Retail Guidelines for Expanded and New Outdoor Seating

# DDOT Overview

- The District Department of Transportation's (DDOT) mission is to enhance the quality of life for District residents and visitors by ensuring that people, goods, and information move efficiently and safely, with minimal adverse impact on residents and the environment.
- The District Department of Transportation (DDOT) is committed to achieving an exceptional quality of life in the nation's capital through more sustainable travel practices, safer streets and outstanding access to goods and services. Central to this vision is improving energy efficiency and modern mobility by providing next generation alternatives to single occupancy driving in the city.



## Outdoor Dining Service Opportunities

### TYPE

### ELIGIBLE APPLICANT

Sidewalk Café

Parklet

Streatery

Alley Extension

Plaza

Individual  
Businesses

Community  
Organizations  
(ANCs, BIDs,  
MSOs)





# Registration & Permitting



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MURIEL BOWSER, MAYOR

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## Reimagining Outdoor Space: Restaurants and Retail

Sidewalk space, alleys, parking lanes and travel lanes can be converted into parklets, outdoor dining seating, streateries, dining plazas and curbside pickup and delivery.

### Application Steps

- Step 1: [Read Guidelines on Reimagining Outdoor Space: Restaurants and Retail](#)
- Step 2: Complete [Expanded Outdoor Dining/Streatery Registration Form](#)
- Step 3, if Applicable: Go to [tops.ddot.dc.gov](https://tops.ddot.dc.gov) to submit a public space permit application

***Go to:***

**<https://coronavirus.dc.gov/phasetwo>**

***Permits set to expire October 9th***

# Public Space Permit

**Cost:** Free (\$0)

**Review Time:** 5 Business Days

Public Space Use	Registration Required	Permit Required	Permit Type	When Operations Can Begin
Existing sidewalk café no change to perimeter	Yes	No	N/A	Upon completing registration
Existing sidewalk café + expanded space	Yes	Yes	Temporary sidewalk table service*	Upon completing registration
New sidewalk table service	Yes	Yes	Temporary sidewalk table service*	Upon completing registration
Parklet	Yes	Yes	Parklet**	Upon permit approval
Streatery	Yes	Yes	Other Special Event*	Upon permit approval
Plazas and Alleys	Yes	Yes	Other Special Event*	Upon permit approval

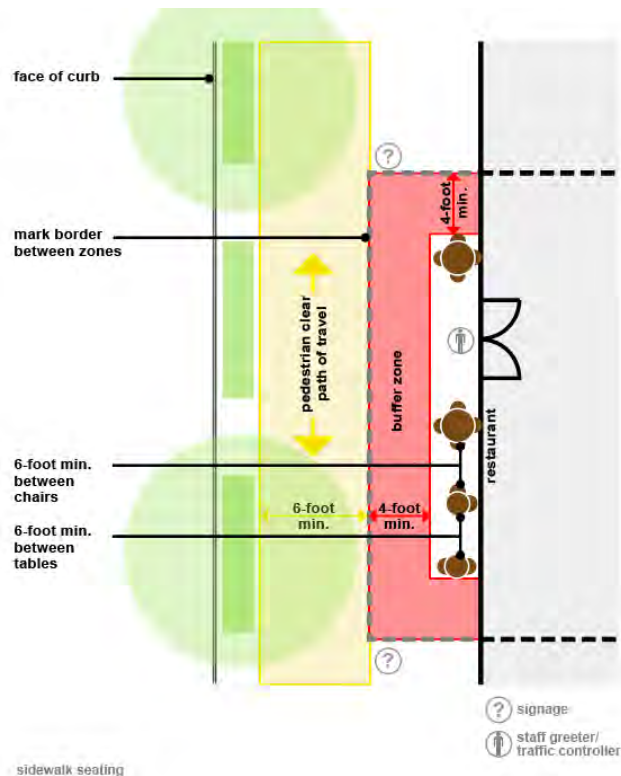
\*Found in the Occupancy section of TOPS

\*\* Found in the Public Space/Annual Rental Permit section of TOPS



# Sidewalk Café Expansion

# Sidewalk Cafes



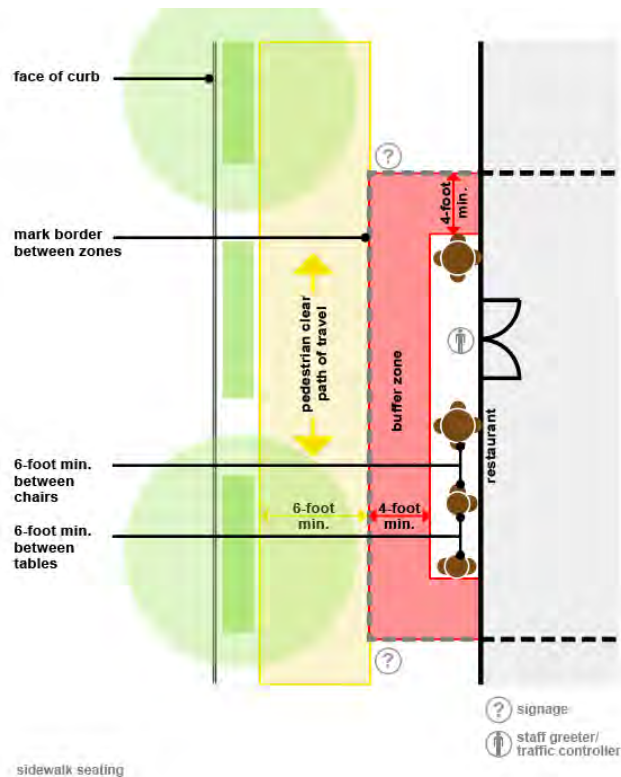
- Measure the width of the sidewalk between the curb and face of building to determine an accurate width of the sidewalk adjacent to their business
- 6-ft min pedestrian clear path on sidewalk
  - Some locations may have a larger minimum to maintain the existing sidewalk clearance
- 4-ft buffer between the outdoor seating area and the pedestrian clear path
  - The buffer can include lightweight easily movable furnishings
  - If a buffer is not able to be provided, then plexiglass to separate the sidewalk from restaurant seating is recommended
- 6-ft spacing from back of chair to adjacent tables
- 4-ft buffer between outdoor seating and an adjacent business frontage unless the applicant receives written consent to expand in front of the neighboring business
- 3-ft clearance from fire hydrants



# Parklet

metered parking in front of a business

# Parklets



## Minimum Social Distancing Standards

- Clear Adjacent Sidewalk Width: 6 ft
- Outdoor Seating Area: 6 ft or more
- Distance Between Tables: 6 ft

## Required Delineations with Tape

- Clear Sidewalk Width
- Extent of Outdoor Seating

**To use RPP spots, a letter of support from the ANC commissioner must be submitted with the application**

**To use parking in front of an adjacent business or property, a letter of support from the owner must be submitted**



# Parklets

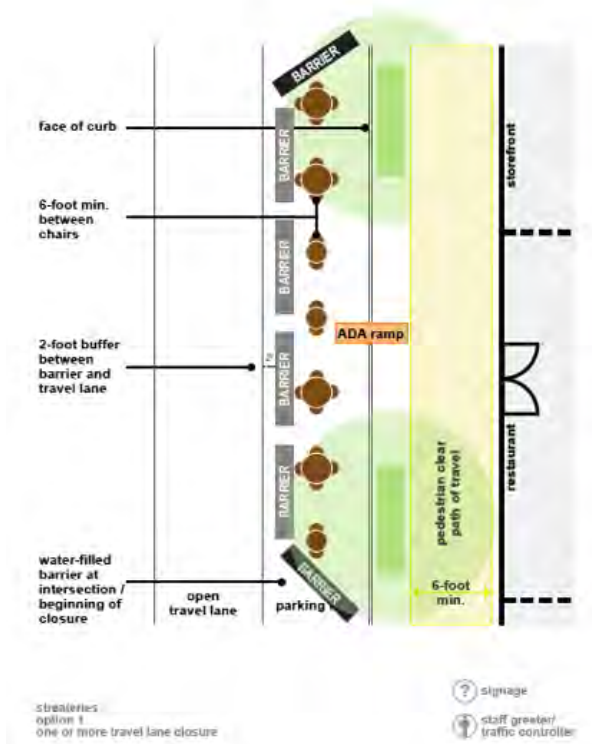




# Streatery

entire block of a parking or travel lane

# Streatery



## Locations

- Approximately 75%+ of the ground-floor street frontage consists of commercial uses
- Vehicle speeds of 25 mph or less

Lane closures are *not* permitted on:

- Interstates, Other Freeways or Expressways
- Two-way streets with only two lanes of travel whose closure results in a one-way vehicle circulation

## Duration

24 hours, 7 days a week for the duration of the public health emergency

## Conditions

- No adverse impact on fire lanes, fire hydrant access, or other emergency vehicle response
- No interference with access to private property (e.g., driveways, delivery/loading zones, parking garages)

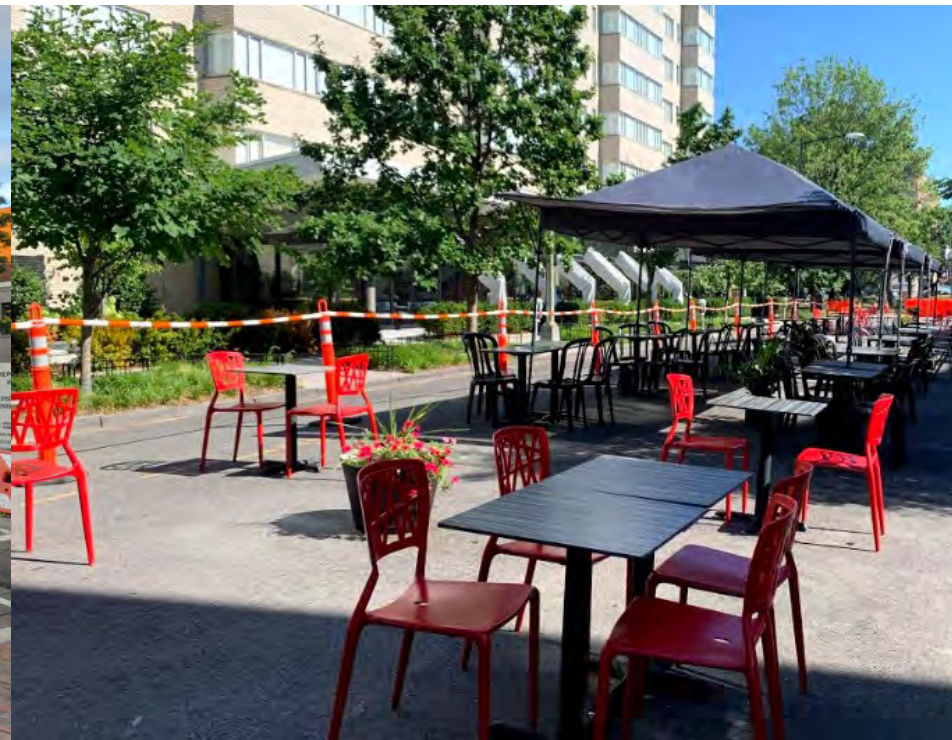


# Streateries: Parking Lane





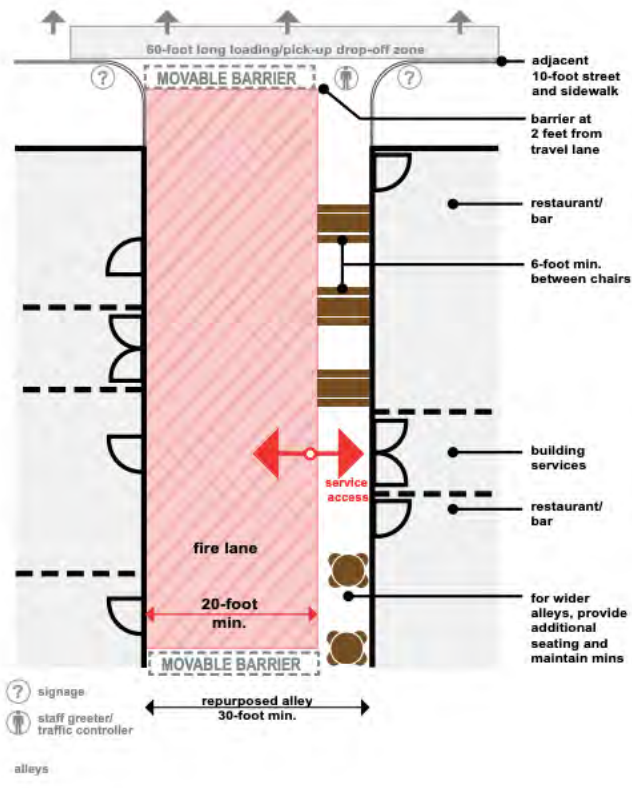
# Streateries: Parking & Travel Lanes





## Alley Extensions & Plazas

# Alley Extension



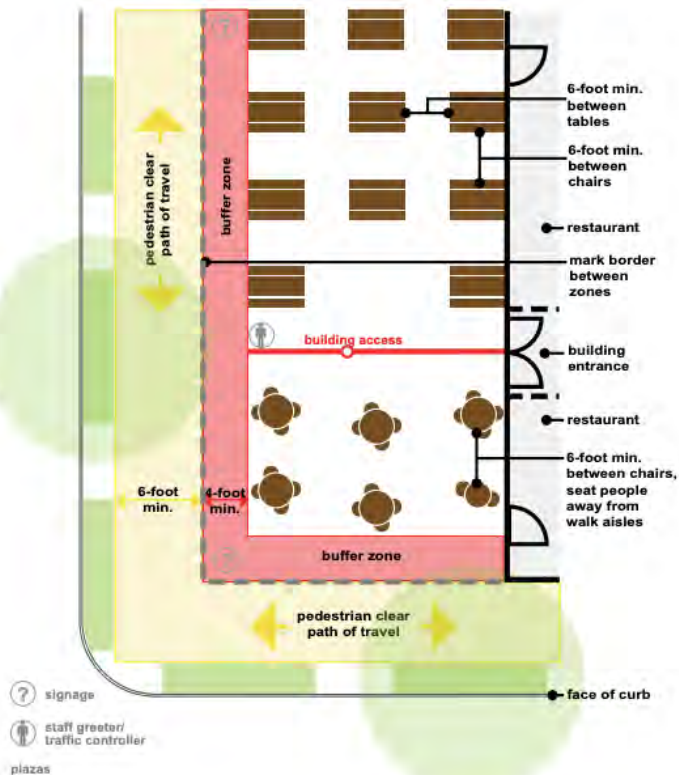
## Minimum Social Distancing Standards

- Distance between tables: 6 feet
- Clear pedestrian path: 6 feet
- Clear path to service entrances: 6 feet
- Buffer between pedestrian path and tables: 4 feet

## Required Delineations with Tape

- Clear sidewalk width
- Seating area
- Vehicle barriers

# Plazas



## Minimum Social Distancing Standards

- Distance between tables: 6 ft
- Clear pedestrian path: 6 ft
- Clear path to building entrances: 6 ft
- Buffer between pedestrian path and tables: 4 ft

## Required Delineations with Tape

- Clear sidewalk width
- Seating area
- Clear path to building entrances



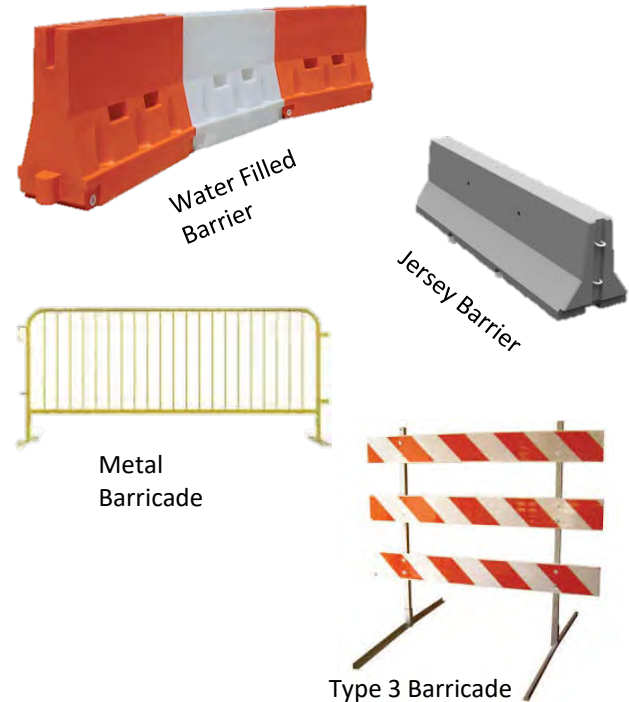


## Barriers

required for all expansions in the roadway

# Barriers

- Parklet applicants should refer to DDOT's *Parklet Guidelines* for details
- Streeteries require each end of the block to be protected by NCHRP 350-TL-1 Longitudinal Barriers (i.e. jersey or water-filled barriers).
- DDOT will determine the barrier needs and requirements based on the street classification, volume, and speed.
- Applicants may provide additional buffering in the form of planters, potted plants, milk crates, straw bales, or similar design elements for aesthetics purposes only, and they are not considered to be barriers.

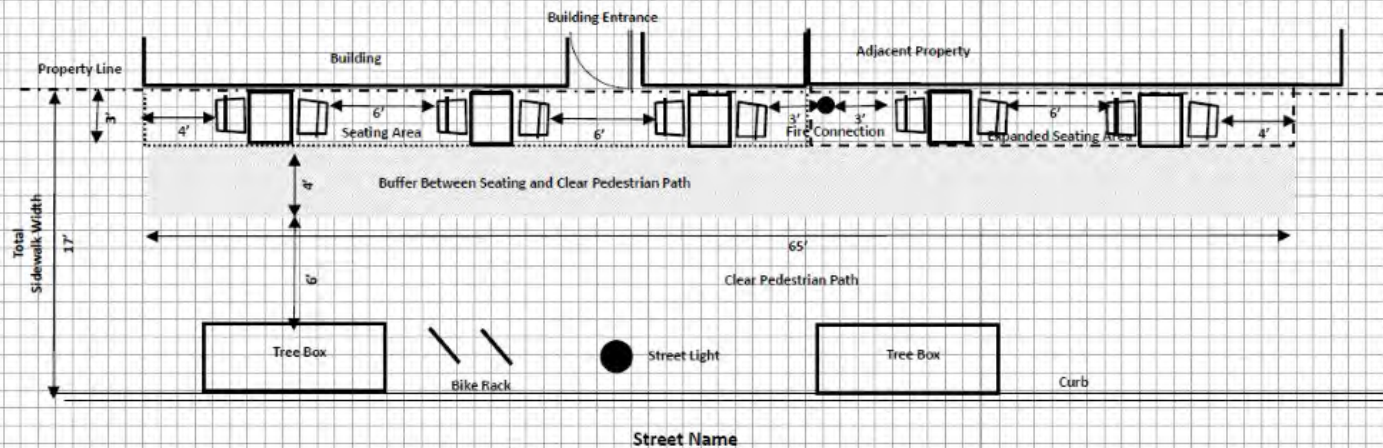




## Site Plan

example site plan for submitting permit application to TOPS

## Sidewalk Seating Area Plan - Example





## Additional Considerations

things to consider when looking to expand your outdoor dining

# Letters of Support

- **Adjacent businesses or properties** – with written permission, you can expand into the parking lane in front of their building.
- **Residential buildings** – if you plan to use the parking lane in front of a residential entrance, you need written permission from the property owner or condo board.
- **Residential Parking Permit Spaces** – these can be used with a letter of approval from your ANC commissioner.

# Local Coordination

- **Commercial Corridor** - consider working with a Community Organization to coordinate multiple businesses on the block
- **Valet or PUDO zones** – if you are looking to put a parklet in a space that is currently for valet service or pick-up / drop off, you can still apply for a parklet
- **Alternative Uses** – streateries can be used for activities outside of restaurant hours with the submission of a site plan with intended use and social distancing measures.
- **BID/MSO** – if your business is within the boundaries of a Business Improvement District or a Main Street Organization, consider reaching out to them for support in coordination with other businesses.

# Cold Weather...additional permits

- **Tents** – All planned tents must be shown in the site plan approved by DDOT. Any tent larger than 10x10 requires a DCRA permit. <https://dcra.dc.gov/service/tent-permit>
- **Heaters** – All heaters must be shown in the site plan approved by DDOT. They also require a FEMS permit. <https://fems.dc.gov/publication/lp-gas-propane-permits-requirements>
- **Already have an approved DDOT permit and want to add heaters or tents?** You do not need to submit a new TOPS permit, email your DDOT reviewer or myself ([Emma.Blondin@dc.gov](mailto:Emma.Blondin@dc.gov)) and we will review & add the new site plan to your existing permit.





## Contact Information

Emma Blondin

[Emma.Blondin@dc.gov](mailto:Emma.Blondin@dc.gov)

Capitol Hill

Barrack's Row

H Street NE

Downtown

Logan Circle

Shaw / U Street

Kelsey Bridges

[Kelsey.Bridges@dc.gov](mailto:Kelsey.Bridges@dc.gov)

Georgetown

Mt Pleasant

Columbia Heights

Petworth

Brightwood

Brookland

Kim Vacca

[Kimberly.Vacca@dc.gov](mailto:Kimberly.Vacca@dc.gov)

Foggy Bottom

Dupont Circle

Anacostia

Adams Morgan

Woodley Park

Cleveland Park



*\*\*If your neighborhood isn't on this list, contact any of us and we will connect you with the right reviewer!*



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District Department of Transportation

# OTHER REIMAGINE TRAININGS

- **September 21 – 2:00 p.m.** | Presented by the Department of Small and Local Business Development (DSLBD) to provide information about potential revenue and funding for on-premises food establishments. The training will provide technical assistance to help businesses utilize outdoor space.
  - Register | [eventbrite.com/e/reimagining-outdoor-space-potential-revenue-funding-for-dc-restaurants-tickets-119100369411](https://eventbrite.com/e/reimagining-outdoor-space-potential-revenue-funding-for-dc-restaurants-tickets-119100369411)
- **September 22 – 2:00 p.m.** | Presented by the Department of Energy and the Environment (DOEE) to provide information about current foodware requirements and energy rebate programs.
  - Register | [eventbrite.com/e/reimagining-outdoor-space-foodware-requirements-and-energy-rebates-tickets-114937888318](https://eventbrite.com/e/reimagining-outdoor-space-foodware-requirements-and-energy-rebates-tickets-114937888318)

# QUESTIONS?

