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Helder Gill
Legislative Affairs Specialist
Department of Consumer and Regulatory Affairs
Room 5164
1100 Fourth Street, SW
Washington, DC 20024

Re: Comments to new DCMA Chapter 5 Title 24 Rulemaking

Dear Ms. Gill:

These comments and related documents are in response to the *Notice of Proposed Rulemaking*, DCR, Vol. 57 – No. 26, June 25, 2010 pp. 005469, etc.

We have the following general comments:

1. Mobile Roadway Vending as set forth in the draft regulations is inconsistent with the permanent vending statute. We therefore request that any and all proposals related to this type of vending be removed from this rulemaking until the public has had the opportunity to address it in the appropriate forum the legislative branch, the DC Council. Until there is a legislative direction on this type of vending it should not be part of this rulemaking. No document related to vending going back to 2005 has even discussed this type of vending. The current law requires ALL vending permits be tied to a vending site permit. The concept of allowing commercial activity at a parking meter is inconstant with the public policy that parking meters are for customers, not commercial activity or employees. Parking meters are not appropriate locations. To allow a commercial activity there will directly compete with the business needs of the traditional inline businesses.
2. The section regarding demonstration zones needs further discussion with the public, BIDs, ANCs, and other community organizations. As set forth it will become a significant financial and personal drain on an entity that desires to establish one.
3. Demonstration zones should not exempt a vendor from obtaining a vending site permit. To allow such exemption does not address one of the underpinnings of the statute. To allow such exemption will harm the use

of public space and cause conflict. It is apparent that the initial permission to not require site permits has allowed the operating mobile roadway vendors to compete for customers outside of the Downtown demonstration zone. The illegal activity has already had a significant financial impact on our inline lunch businesses.

4. The section that gives the Downtown BID the authority of PSPMC should be removed until the Council and public have had an opportunity to have an appropriate discussion. The proposal to allow it to reshape its boundary needs to be limited to the Downtown BID area.
5. The regulations need to acknowledge the role of the ANC in reviewing each proposed vending site permit as the Home Rule law requires similar to other uses of public space such as sidewalk cafes. A vending site permit theoretically will have a longer term impact on public space than a sidewalk café.

We respectfully request that the documents set out below also be included with our comments as part of the official documents for this rule making:

October 28, 2005: Committee on Consumer and Regulatory Affairs Committee Report
June 1, 2006: DCRA Report to Council – Lifting the Moratorium
July 11, 2006: PSPMC Vending Demonstration Program Report
November, 06, 2006: Vending FAQs
December 04, 2006
December 05, 2006: Letter to Council
January 16, 2007: Vending Location Initiative Phase II
October 23, 2008: Comments to DCRA re: proposed vending regulations
October 23, 2008: Testimony on The Vending Licensing Moratorium Act of 2005
November 7, 2008: Letter to DCRA Director Argo
June 09, 2009: Testimony on B18-257
June 23, 2009: Committee on Public Services and Consumer Affairs Report, 18-257
February 22, 2010: Vending Task Force Report to Council
July 23, 2010: Comments to DCRA re: proposed vending regulations

Thank you for this opportunity to submit our concerns and documents.

Respectfully,

Edward S. Grandis
Executive Director
DC MAP

DC MAP 7/23/2010

COMMENTS on Notice of Proposed Rulemaking regarding Vending Regulations

- **Section 502.1(b) - Mobile Roadway Vendors are being EXEMPTED from having to acquire from DCRA a specific Vending Site Permit.**
  Mobile Roadway vending should not be exempted from specific sites and should not be allowed within the same city block of any business holding a restaurant license.
- **Section 560. Vending Development Zones with its own rules and regulations can be established by the DDOT Director.**
  The formation of Vending Development Zones should be done with transparent, public input and decision making input from the community and business stakeholders.
- **520.1 Vending Locations – Vending Locations on sidewalks, street and other public spaces will be designated by the DDOT Director and will not require ANY public review or input.**
  The Vending Sites application and approval process should be the same transparent process that restaurants have to follow to get sidewalk café permit. That is a Public and transparent process run by city's Public Space Committee which involves input from city agencies AND the community (ANC's). Mobile roadway vending locations should be approved by neighborhood stakeholders.
- **521 Sidewalk Vending Locations. The standards for sidewalk vending locations do not apply to mobile roadway vendors.**
  That means that in a location that is not suitable for sidewalk vending, a roadway truck can pull up and vend.
- **522-524 Vending Zones. Entire sections have either been included or excluded from being Vending Zones.**
  Maps need to be provided to complement the list of addresses that delineates the vending zone references in the rulemaking. Vending zones restrictions referred to in this area do not apply to roadway mobile vending.
- **530.10 The Director may contract out the function of performing the lottery for Roadway Vending Locations.**
  The process should be transparent and public.
- **552.1 Vending Vehicles don't have to be registered in DC.**
  Vendors use DC's public space should be required to be registered in DC. That would bring tax and jobs to DC and encourage DC based businesses and.
- **564 – Vending Depots are not required to be located in DC. That would allow vendors to have all their related jobs and taxes outside of DC. DC would not receive any revenue from this activity. Vendors are also not required to charge sales tax.**
- **556 Mobile Roadway Vending Section. This Section introduces and allows Mobile Roadway Vending to operate basically anywhere in the city.** The only attempt in this rulemaking to restrict their activity is to not allow roadway vending within 60 feet from a food business with a physical address (556.8).