



The Honorable Jack Evans
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The Honorable Vincent Gray
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Dear all -

I have lived in Washington, DC since 1999 – I bought my house in Ward 2 and have been so pleased to have my zip code be 20036. I've watched Ward 2 go through unbelievable and positive changes. When I first moved into the neighborhood it was still a bit shaky, but I saw the potentials in this area. One of the reasons why the neighborhood changed was due to small businesses taking a chance and opening in areas that were not considered to be safe. I remember when walking on 14th street at night as a woman was NOT an option. Now there are new restaurants, retail and other amazing businesses that have all taken a gamble and opened in DC.

I have owned and operated a small food and beverage consulting firm here in DC for 10 years now. I've employed several DC residents and have helped to open many of the restaurants in this area. In the past few years I've seen the economy take a turn for the bad and see hard times for many people and businesses. I was one of the ones that was hit hard. I had to lay off all of my employees and figure out how I was going to still make a living.

I've owned my own restaurants in California and wanted to get my hands dirty again – so I decided to open a food truck here in DC. Owning a food truck was something that I really felt would be a positive move for me since the city seemed primed for this type of business. I wanted to have a restaurant, but with the economy doing a nose dive – no banks wanted to lend me \$500, 000-1 million to build out a space. So, I took my last bit of savings and put a 2nd mortgage onto my house – then took a giant leap of faith and in 2011 I opened Hula Girl Truck here in DC.

I operate as a professional business. I am a DC based business that employs four people who support their family AND the government through payroll taxes. All of my employees reside inside DC. My truck is a registered DC vehicle. We rent kitchen space (in DC) as a requirement of our health department regulations where through our rent we contribute to property taxes.

In addition to that we have started to collect and pay sales taxes (10%) on Oct. 1st, 2012. As a business that wants to give back – we have been involved in many charities. We contributed to organizations such as DC's Central Kitchen, Ovarian Cancer, Women Chef's & Restaurateurs and to a few scholarships for local culinary schools.

Hula Girl Truck's operations are heavily regulated. Food trucks must meet the same health and safety requirements as brick-and-mortar restaurants. For example, food truck operators must be certified food protection managers in order to become a licensed vendor, and our mobile kitchens are inspected by the Department of Health twice a year (which is twice as often as brick-and-mortar restaurants). We are also inspected by the Department of Health during peak times of operation – usually with a long line of customers. When we are inspected by MPD or DOH we have to stop our operation completely to allow them onto the truck. We are inspected by DCRA and MPD for licensing and permitting several times per year and always at random. These inspections hurt our ability to operate as a normal business – but, I understand that this is part of having a food truck in DC.

I am very appreciative that I have a business and the opportunity that DCRA and the city has given me to open my food truck business in Washington, DC. However, the proposed regulations provide the food truck businesses with no security to operate on an ongoing basis. To have to be forced to move your business – even when you need time to shut down a real kitchen to keep the public safe – then told you can be arrested or ticketed for not moving fast enough? I've also been verbally chastised by MPD and DPW officers while they give me a ticket. Those are the regulations and scenarios that food truck owners live with each day. After a meeting with DDOT, I was perplexed by the lack of understanding that these officials had for the particular business that they are going to be regulating if the proposed regulations are passed.

I think that the proposed regulations have many areas that are concerning – but, the most concerning is the language surrounding the creation of MRV's - specifically – “**530**

VENDING LOCATIONS: MOBILE ROADWAY VENDING LOCATIONS: AUTHORIZED LOCATIONS”

530.1 The DDOT Director shall designate MRV locations where Mobile Roadway Vendors, with valid MRV parking permits, may park in order to legally vend from public space.

- **Does not say how sites will be chosen.**

- When we asked DDOT officials about the selection process – they could not give criteria as to how this would work. They themselves had a ‘trust us’ approach to the selection process and assured us that there would be a proportionate amount of MRV’s to the amount of licensed food trucks.

530.3 There shall be no more than one MRV location per block on any one side of a street.

- Restricting MRV locations block by block is anti-competitive.

530.8 An MRV location shall not be established:

(c) Where the adjacent unobstructed sidewalk is less than ten feet (10 ft.) wide in the Central Business District or seven feet (7 ft.) wide outside the Central Business District;

- There is no public safety purpose for this rule. Furthermore, “unobstructed” is not defined properly. As written, this may include parking meters, customers, trees, even trash on the sidewalk. This rule could be used to conceivably create a protected zone of all of the Central Business District, while making Georgetown and other areas outside the CBD completely off limits.
- When I measured many of the CBD areas – they fell short of the 10ft rules. DDOT could not give me a specific reason behind this particular addition to the proposed rules except – ‘we went with the same stipulations that sidewalk vendors use currently’ – so basically, they cut & pasted these regulations.

(g) Within forty feet (40 ft.) of any crosswalk;

- There is no public safety purpose for this rule. There is a need to ensure vehicles and customers do not inhibit safe travel on sidewalks and crosswalks, however there is no evidence or explanation of why 40 ft. is chosen.
- This would also limit many of the parking meters that are at the beginning or end of a block

These issues appear again in 531.2 (c) and (g)

532.1 An applicant may submit an application to DDOT to create a new Mobile Roadway Vending location, provided that the applicant specifies a location that is not in conflict with the above standards. All applications are subject to DDOT review and approval.

- There is no listed process for how MRVs are reviewed beyond naming the agencies involved. Who may submit an application, who may dissent an application, whether the application is made public and a list of other issues are never clearly discussed or stated.

- **There is also no assurance that the MRV's will take into the account the number of licensed food trucks within DC.**

533.1 The DDOT Director has the discretion to add, modify or remove a Mobile Roadway Vending location at any time.

- **This gives unsupervised and unregulated power to one individual to add or remove MRVs without any public or industry oversight of such action. This is completely unacceptable. There is no written way to appeal, disagree with, or counter the decisions of the DDOT director. Without oversight, this could be used by an individual to severely limit competition and favor one business type over another.**

Another large concern is the 'rumor' of DPW's change to the 2-hour parking rules. Currently, if you are over the 2-hour time – you would receive a \$25 ticket – we've been told that they will go up to \$100 a ticket. It was also communicated that this would apply to only food trucks – no other commercial vehicles or vehicles in general would receive the same treatment – which leads me to conclude that the city does not have our best interest at heart. For some vendors, to receive these types of tickets on a daily basis will put them out of business in the long run.

In order to serve consumers, we want to foster a healthy competitive market for all types of food retail including mobile vending and traditional fixed locations. The quality of the product must determine which business models succeed, not government regulations that could limit consumer choice. Many food trucks have opened restaurants and other spaces within DC – and many brick-and-mortar restaurants are entering the food truck world. I am on track to be able to realize my second dream and open a space in DC if all goes well – none of this would be possible if I had not had this food truck.

The proposed regulations, as written are a business killer for me. Creating these ill-conceived MRV zones and limiting the parking as prescribed, would absolutely eviscerate my business as it stands. I feel that we, as an industry, are adding to the vibrancy that DC has to offer. I truly enjoy what I do – and honestly, I would not have seen this city in the ways that I've seen it without the truck. Parts of this city seemed to be unsavory and unsafe – now, I can see the changes that we've brought to many areas of DC. We will even be featured on Bizarre America with Andrew Zimmern on the Travel Channel as part of a show about DC – America's eyes are on DC – and they feel that food trucks are a big part of this city's dining out scene. This is not the only show that we are featured on that will air on the Travel Channel in February 2013 – it would be a disappointment if we had to send out press releases saying that the city shut us down.

With your help we can continue to add vibrancy, culture, and activate unused public space in our city. Please make a stand to only regulate our industry based on needs for the public's health and safety. I and other food truck owners are excited to pass regulations that will work and to be involved in making them work. We are asking that these proposed regulations be amended in order to finally put forth a code of conduct for DC food trucks that is effective, nondiscriminatory, and nonthreatening to me, my fellow food truck entrepreneurs, our many employees and everyone else that has and will continue to have a role in the food truck industry.

Mahalo,

mikala brennan

chef, owner, truck driver, dishwasher...

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