

Comments on the Proposed Vending Regulations Section by Section

Vending Locations Sidewalk Vending Section 521.1(c)(1)

This provision states that

- (c) “No sidewalk Vending Location shall be designated:

- (1) In front of a predominately residential building outside the Central Vending Zone;”

By excluding residential buildings in the Central Vending Zone, the city is saying that these residents, many of them new to the city, are of a different class than residents elsewhere in the city. Over the past two decades thousands of new and renovated buildings have sprung up within the area designated as the Central Vending Zone; are the residents in these buildings deserving of different treatment than the residents in Adams Morgan, Woodley Park, Columbia Heights, or other neighborhoods outside the area designated as the Central Vending Zone? Regulations should not discriminate against a resident who has no idea when moving into a home or apartment that someone would be permitted to vend at his/her front door because the residence happens to be within a designated vending zone that most have not even heard existed. **We request that you delete the phrase “outside the Central Vending Zone.”**

Vending Locations Central Vending Zone Section 522.3

Since there seems to be no organization to the listing of excepted streets where sidewalk vending is not permitted, please add the following locations to the streets listed, if these streets are not already on the list:

- Modify the exclusion of the north side of Pennsylvania Avenue, NW between 9th Street, NW and 10th Street, NW by inserting in place of “between 9th Street, NW and 10th Street, NW” the words “between 3rd Street, NW and 15th Street, NW.” and changing the beginning to read “north and south sides” as the entire length of the Avenue is excluded so it makes no sense to list one block front. Further, there is not general knowledge that the sidewalks are part of the Pennsylvania Avenue National Historic Site, which is under the jurisdiction of the National Park Service; therefore, it is our recommendation to list the entire length of Pennsylvania Avenue, NW between 3rd Street, NW and 15th Street, NW among the streets where vendors may not set up and vend, even though Section 521.1(c)(6) also specifically excludes vending from “Within any area under the exclusive jurisdiction of the United States Park Police . . . or any other agency of the United States government;” which would include the National Park Service. If you do not agree, we recommend deleting Pennsylvania Avenue, NW between 9th Street, NW and 10th Street, NW from the list in this section because it is totally misleading to list only this block of Pennsylvania Avenue, NW.
- The north side of F Street, NW between 7th Street, NW and 9th Street, NW (National Portrait Gallery and Smithsonian American Art Museum; at a minimum, the 8th Street, NW vista must be kept free of vertical encroachments on a daily basis – an occasional market or festival is okay, but it should be a free vista for the most part – see next entry)
- The east and west sides of 8th Street, NW between E Street, NW and F Street, NW (requires approval of NCPC under the Pennsylvania Avenue Plan, which is still in effect, and the design guidelines may not produce the ambience contemplated in The Plan for this street, separately listed as a historic landmark)

- The south side of D Street, NW between 7th Street, NW and 9th Street, NW (because of the two residential entrances, the entrance to two garages serving the residences, and the need to keep open the historically important 8th Street vista)
- Both sides of F Street, NW between 9th Street, NW and 10th Street, NW (residential entrance, historic booth alley, outdoor cafes, welcomed pedestrian congestion due to its recent tenanting with a series of retail shops and casual restaurants – there is just no more room here for people, dogs, and vendors and the first two are ensconced for which the city should be grateful)
- Look at xx and xxx – you have listed E Street, NW between 9th Street and 10th Street twice by singling it out (xxx); this FBI block was already covered at xx, which covers E Street, NW between 5th and 14th streets.
- South side of Indiana Avenue, NW between 6th Street, NW and 7th Street, NW (Residential building and the Argentine Naval Commission and Indiana Plaza)

Section 530 Vending Locations: Mobile Roadway Vending Locations: Authorized Locations

Please add the following to Section 530.8, “An MRV location shall not be established,” and to Section 531.2, “A Mobile Roadway vehicle operating outside of a designated Mobile Roadway location shall not park and vend:”

- In front of a predominately residential building

In our comments on the previous draft regulations, we commented that

Section 536 Farmers’ Markets

Section 536.5 Appears to not allow a farmers market to operate without first obtaining a DOH health inspection certificate. (“No Class C Vending Business License holder shall operate a farmer’s market on public or private space without first obtaining a DPH health inspection certificated and food safety compliance inspection in accordance with subtitle A of Title 25 of the DCMR.”) I believe this needs to be spelled out more clearly assuming you mean that after being set up (each day or for a season or for the year – totally unclear), the health inspectors will make their rounds and determine what alterations need to be made, if any, to be in compliance with the regulations, and if either no changes are needed or the changes are made or the offending vendor leaves, the market will be issued the proper certificate to operate. If this is not what was anticipated, I think it is not possible to inspect the market before it is set up and ready to vend their products,

Further, does this apply to farmers markets on federal property or not; I think this is not addressed?

Section 538 Design Standards: General

I would change the title to Vending Stand Specifications since these are hardly design standards, being no different than what currently exists, which hardly produces a consistently attractive vending stand.

Section 539.4 There is a typo: the word “the” is unintentionally omitted; it should read “from the back of the vending cart.” in lieu of “from back of the vending cart.”

Section 564 Vending Development Zones

Section 564.9 The last phrase (here in italics) in this section needs to be rewritten so one reading it can understand its meaning; it is not at all clear. It reads: “the DCRA Director shall *manage the site delegation and distribution of Vendor Locations* to vendor site applicants.” What is the meaning of “manage the site delegation?” Does “distribution of Vendor Locations to vendor site applicants” mean the director will tell the vendors who applied for a space where they will be located?

In this section we recommend adding a provision that would allow the VDZ applicant to submit one or more amendments to his/her VDZ plan for review and approval as he/she learns more and either wishes to explore additional options or sees opportunities for improvement or better ways of achieving the objectives.