

21
6-24-14

Jackie Henderson

From: Joanna Anderson
Sent: Tuesday, June 24, 2014 3:11 PM
To: Allison Silberberg; William Euille; Del Pepper; Jane McDonald; John Chapman; Justin Wilson; LaShawn Timmons; Lillian Thompson; Mark McHugh; Nancy Lacey; Nancy Lavalley; Paul Smedberg; Timothy Lovain; Wendy Donohue
Cc: Jerome Fletcher; Rashad Young; James Banks; Mark Jinks; Jackie Henderson; Jack Browand; Karen Snow
Subject: Addiitonal Information Regarding Food Truck Docket Item
Attachments: Food Truck AR Public Comment Summary with copies.pdf.pdf; 20140623_Food Truck Locations.pdf; Food Truck Pilot Program FAQ.pdf

Mr. Mayor, Madam Vice Mayor and Members of the City Council:

Attached please find additional information regarding the Off Street Food Truck Pilot Program that is item #21 on tonight's docket. The information includes 1) a summary of the comments received on the draft administrative regulations; and 2) a map showing the locations of public parking lots (parks, recreation centers, libraries and other city buildings) where the regulations will allow food trucks to locate (Note these locations are the pre-approved locations however the regulations also allow food trucks on private property, at Farmer's Markets, at Schools and for special events as we will discuss further this evening) and 3) a DRAFT FAQ that will be posted on the City's website to help answer questions raised by the public.

Thank you.

Joanna

*Joanna C. Anderson
Assistant City Attorney
301 King Street, Suite 1300
Alexandria, VA 22314
703.746.3750*

FOOD TRUCK PUBLIC COMMENT SUMMARY

June 24, 2014

CMO staff received eight comments which are summarized below and attached in full. The comments were generally four in support, three in opposition, and one neutral.

The questions and comments related to the food truck regulations were concerned with:

- Proper data collection during the trial period to focus on the positive of food trucks and not immediately focus on the negative aspects
- Size of the parking lots that food trucks would occupy
- Operating hours and enforcement
- Caterers required to obtain a permit
- Noise
- Litter pick up
- Recycling and non recycling trash containers
- No additional revenue for the city since there is no “meal” tax
- Parking lot locations
- Health and safety requirements for food are not being met
- Proposed Regulations are too restrictive
- Whether or not there is a demand for food trucks in the City

6/23/2014 District Maryland Virginia Food Truck Association (Comments/Supports Food Trucks)

Supports food trucks; provides regulatory food truck regime; evaluation should include a public survey; data collection should focus on positive impacts; expand operating hours; remove need for caterer to obtain a city permit.

6/22/2014 Yvonne Callahan (Asked Six Questions)

Questions were regarding the size of the parking lots that allowed 3 trucks to park, enforcement of the hours of the vending; improper regulation cited; noise control measurement taken from the “edge of the parking lot”; litter pick up; and requiring both recycling and non recycling containers in truck.

6/19/2014 Jeanne Gardner (Three Comments/Opposed to Food Trucks)

Does not support food trucks; no positive revenue to the city since there is no meal tax, only the \$1,033 in application fees; the drafted regulations do not include provisions for health and safety of quality food that is not prepared on the trucks and is brought on board; the location of food trucks in our parks would be a convenience to city staff.

6/15/2014 Linda Greenberg (Questions/Opposed to Food Trucks)

Ms. Greenberg wrote, "I am opposed to allowing food trucks on the streets in Alexandria. The streets are crowded, there are an ample number of restaurants serving all kinds of food, there has not been a demand for "more food." The plan for food trucks seems a favorite of the city government. Where is the need or justification? I hope you will not make the streets any tackier looking with an assortment of food stalls on wheel so we really want to pay more taxes to support more staff?"

6/13/2014 Nate Macek (Comments/Supports Food Trucks)

Provides suggestions regarding monitoring the pilot program and tracking data including looking at complaints, number of permits issued, sales tax revenue and frequency of trucks serving Alexandria, and surveys of public and food trucks.

6/12/2014 Arnold Miller (Questions/Opposed Food Trucks)

Does not support food trucks; questions regarding which parking lots qualify under the provisions in the draft administrative regulations; requests a list of public parking lots; another concern is how many parking places a food truck will remove from use for other parking; who will enforce the regulations; Other questions by Mr. Miller: "What are the questions you want to answer? What processes and outcomes are you measuring? How will these measurements, when they are defined, be obtained and documented? What conclusion are you expecting? Do food trucks increase traffic congestion? Do food trucks result in more garbage in the area around the truck and elsewhere? Where do people who use a food truck eat the purchased food? What do the nearby residents think of the trucks?"

6/11/2014 John Heck (Questions/Supports Food Trucks)

Mr. Heck wrote, "As this article deftly points out, "Not only is street vending an important step for aspiring entrepreneurs, but food trucks have enlivened the gastronomic scene and generated new business—and local taxes—wherever they have been allowed to roam." Interesting that this policy made it to the most respected international magazine in the world. Don't you think they have a point? This regulation is far too restrictive and more food trucks should be allowed in the Alexandria VA area."

6/11/2014 Syd (Comment/Support Food Trucks)

Syd wrote, "We just love the idea of food trucks in Old Town!!

Just our 2 cents ..."



DATE June 23, 2014

TO Honorable Mayor Mayor Euille
Honorable Vice Mayor Allison Silberberg
Honorable Councilman John Chapman
Honorable Councilman Timothy Lovain
Honorable Councilwoman Del Pepper
Honorable Councilman Paul Smedberg
Honorable Councilman Justin Wilson

FROM Che Ruddell-Tabisola, Executive Director, DMV Food Truck Association

RE **Comments on Administering the Food Truck Off-Street Pilot Program**

The DMV Food Truck Association thanks the Alexandria City Council for the opportunity to provide comment on administering the food truck off-street pilot program.

We support the new food truck ordinance because it provides an ongoing regulatory regime for food trucks to operate in Alexandria. It creates a first-ever city-issued food truck permit, the ability for food trucks to obtain business licenses from the city and a framework for enforcement of violations. These are significant policy advancements that help to bring Alexandria vending law in line with surrounding jurisdictions.

The DMV Food Truck Association plans to do its part to support the successful implementation of the food truck ordinance by educating vendors to the specifics of the rules and how to apply for a food truck permit as well as serving as a point of contact for city staff and vendors.

Purpose of the Pilot Program

The question of how the pilot program will be evaluated has been raised by many. **The outcome of the ordinance should be to increase Alexandria residents and workers' access to affordable, freshly prepared meals;** thus, any evaluation of the program should include a public survey. Similarly a survey of food truck vendors' experiences should also be included in an evaluation.

Additionally, while we support the pilot's program purpose to provide the city with data to use to evaluate the appropriate regulations of trucks, we are concerned with the portion of the framework which incorporates the need to "minimize negative impacts to the community." We understand and agree the introduction of food trucks into a city represents a change that has positive and, if not handled correctly, potentially negative effects. We believe the ordinance more than adequately addresses the potential negative effects including how licensing, permitting, trash and noise levels

are handled and we do not object to collecting data during the pilot program regarding how effectively the ordinance operates in these and other public health and safety areas.

However, the phrase "minimize negative impacts to the community" we fear carries with it the idea that it will be permissible to capture data on the impact of food trucks, for example, competing with brick-and-mortar restaurants. As we have argued all along, the city does not have a legitimate interest in favoring one form of business over another. Given the course of the dialogue regarding food trucks in Alexandria over the past year, we fear that any data collection effort focused on the need to "minimize negative impacts to the community," in addition to collecting legitimate health and safety data, would undoubtedly and impermissibly attempt to include data on the impact of food trucks on competition with restaurants. Although we believe food trucks add significantly to the economic fabric of an area and do not adversely impact restaurants, inquiry by the city into the area of competition among businesses must remain off-limits.

Moreover, by singling out data collection efforts focused on "negative impacts" and not "positive impacts," we are concerned that the data will be skewed toward the negative and won't adequately reflect the myriad benefits that food trucks bring to an area including the industry's contributions to making public spaces vibrant, serving as small business incubators and job creators as well as contributing to city revenues.

For these reasons, we believe more appropriate wording for the framework would be:

Provide the City with data to use in evaluating the appropriate regulation of food trucks to ensure that proper standards of health and safety are being met and that City residents and workers are afforded increased access to meal options.

Provide the City with data to use in evaluating whether the ordinance promotes the opening and growth of food truck small businesses and related job creation.

Although we support the overall administrative regulation and ordinance, there are specific sections that raise concerns, which we note here.

The Ordinance Arbitrarily Limits Operating Hours.

The ordinance restricts food trucks' operating hours in Alexandria from 7 am to 8 pm, including at parks and recreation centers. We are concerned that this restriction unnecessarily limits the options for vending in general, including at parks and recreation centers. For example, if there was an event at a park that was going to last until 10pm, there does not appear to be any public health or safety or other reason why vending should not be allowed to take place until the event is over. In fact, allowing vendors to operate throughout the hours of the event would benefit the patrons of the park and also the city in the form of potentially higher sales tax revenues. We believe that it would serve the public's interest if there was an ability during the pilot program to test what happens when food trucks are afforded the flexibility to vend during the full range of business hours available to other businesses. For these reasons, we support allowing food trucks to operate at parks and recreation centers during the hours that the parks and recreation centers are open to the public.

We recognize that the hours of operation are part of the ordinance and the administrative regulations, therefore, cannot modify them. The only solution would be to amend the ordinance.

Given the unlikelihood of that happening, we request that the city consider deferring enforcement of the restriction. We also ask the city to remain open to and, in fact, facilitate to the extent possible applications for special event permits during the pilot program that allow longer vending hours on private property. We believe that allowing longer hours on a trial basis will provide valuable data and will hopefully inform a revision to the hours of operation once a final ordinance is adopted following the pilot program.

Food Trucks Acting as a Caterer Appear to Need to Obtain a City Permit.

Section 9-15-13 F of the ordinance seems to require food trucks acting as caterers for a private event to obtain a city permit. Food trucks are commonly hired to cater private parties where ordering from the food truck is part of the event experience. However, if the ordinance requires a food truck to obtain a city permit, despite not vending to the public, it would create an excessive requirement not required of either caterers or food truck operators in neighboring jurisdictions. A more appropriate approach and one that is used in other municipalities would be to recognize the permitting and licensing of the caterer's home jurisdiction. Again, we recognize that this provision is part of the ordinance and it cannot be modified by the administrative regulations. Under these circumstances, we request that the city defer enforcement of this requirement. In conclusion, we again express our appreciation and gratitude to City staff and to the City Council for your work to lift our community's near-total ban on food trucks. We look forward to supporting the city's efforts for the successful implementation of the new food truck ordinance and remain a resource to answer questions or to provide information.

Jerome Fletcher

From: Jerome Fletcher
Sent: Tuesday, June 24, 2014 9:15 AM
To: Jerome Fletcher
Subject: FW: Off Street Regulations

Joanna C. Anderson
Assistant City Attorney
301 King Street, Suite 1300
Alexandria, VA 22314
703.746.3750

From: Yvonne Callahan [mailto:yvonneweightcallahan@gmail.com]
Sent: Sunday, June 22, 2014 12:54 PM
To: Joanna Anderson
Subject: Off Street Regulations

Hi, I meant of course to get this to you sooner, and now it seems close to the time you go to CC. But, for what it is worth, here are my thoughts and comments on the proposed regulations, some of which I mentioned when I went to the Parks and Recs Commission meeting:

1. I am concerned about the provision that food trucks may park in off street parking lots with ten or more designated spaces. If 3 trucks are permitted in a 10-space parking lot, they have thus taken--at no cost--1/3 or so of the spaces designated for public park users. I'm not at all sure which lots have only 10 spaces, much less which ones are at about that number, but it does seem to take away space from park users.
2. I and others raised the question of enforcement on the hours of vending, and calling the non-emergency line for the police and/or call Parks and Recs was the only answer. I have been wondering for quite awhile how the APD feels about this additional burdon put on them, though it sounds as a practical matter that nothing will happen unless a citizen counts the hours and then complains?
3. The Code Section reference on Page 2 (E) of the regulations is NOT the correct cite. Section 9-15-12 of the new ordinance references Section 11-5-1 of the Code. Either that section is referenced in the regulations or, as I tried to explain to Karen--the correct reference in the new Section 9-15 must be made. It seems easier to make people just go to the earlier noise ordinance. However, then the mischief begins. Unless the on line Code is not up to date, which I know can happen, I honestly don't see where food trucks fit into the code. It would appear that you are trying to place food trucks into the section that pertains to real property, though the noise ordinance references residential, commercial and industrial properties, with difference noise levels permitted. So, if food trucks are property, which category are they to be in?
Second, the noise ordinance in fact references motor vehicles, but there are no references to small trucks or anything similar. What I fear is that there really are no limits to be put in place that are either understandable or enforceable.
4. Furthermore, looking at E. of the regulations, referencing the noise control of the Code, there is a reference to the measurement for compliance being taken from "the edge of the parking lot within which the food truck is parked. Then the question becomes: which edge? The edge of the parking lot 250 feet away, or the edge of the parking lot 5 feet away from the food truck parked along another edge?

5. Another question I raised concerned litter pick up. They are to clean up within 50 feet of the food truck. When? Only upon leaving the area after the 4 hour limit? Twice, perhaps, as in every other hour? I think restaurants have daily, or perhaps twice daily, requirements, not sure.

6. Minor point, but I believe that somewhere in the food truck meetings there was discussion about requiring the trucks to have both recycling and non recycling containers, and the food truck folks were ok with that. Perhaps that is something that can be added?

I hope these comments are helpful. I know also that you are busy, so please don't feel the need to reply if you are otherwise under the gun on time. On the other hand, please let me know if there is anything else I could do to help. I wish more could be done on the issue of whisper generators, or with baffling the generators. Doug Povich himself suggested requiring baffles, but there was no follow up.

Best Yvonne

Jerome Fletcher

From: jeanne_gardner@comcast.net
Sent: Thursday, June 19, 2014 1:35 PM
To: Jerome Fletcher
Cc: jeanne_gardner@comcast.net
Subject: Pilot Food Trucks in Alexandria PRC hearing June 19, 2014

I reviewed the Draft 06.10.14 of proposed regulation for food trucks vendors in Alexandria.

I am against the pilot program of permitting food trucks in the City of Alexandria, Virginia.

1.
I computed the total fees to the city that a food truck vendor would pay to the City of Alexandria total \$1,033.00, to participate in this pilot program.
This would be the only revenue realized by the city of Alexandria, Virginia by this program.
There appears to be no "meal" or sales tax on the food purchased.
There is no positive revenue flow for the city with this project.

2.
The drafted regulations do not include provisions for health and safety of quality food that is not prepared on the trucks and is brought on board.

Food, in fact, could be prepared at another site, transferred to the truck and not be subject to any food, health safety standards or regulations and sold to patrons.
Example: Pre-made sandwiches and salads could be prepared at the vendor's house, without inspection of good health practices and good refrigeration.

The site of the food preparation would not be subjected to health and safety inspections. Only the trucks would be subject to inspection once a year.
This is not enough. Other restaurant businesses in Alexandria have a higher health and safety standards including regular hand washing.
This presents a danger to health and could cause sickness (food poisoning) to the public who patronize the food trucks.

3. The location of food trucks in our parks would be a convenience to city staff. The city staff enjoy fast food.

The parks are for recreation, game playing and exercise to keep fit in good physical condition for good health.

The presence of food trucks would change the character of our parks.

Food trucks would bring clutter and interference with the current activities in our parks.

Thank you for your attention to this matter.

Jeanne Gardner
105 Gretna Green Court
Alexandria, VA 22304
703-823-4009

Jerome Fletcher

From: linda greenberg <lindaroseveargreenberg@comcast.net>
Sent: Sunday, June 15, 2014 8:14 PM
To: Jerome Fletcher
Subject: Food Trucks

Dear Sir:

I am opposed to allowing food trucks on the streets in Alexandria. The streets are crowded, there are an ample number of restaurants serving all kinds of food, there has not been a demand for "more food." The plan for food trucks seems a favorite of the city government. Where is the need or justification? I hope you will not make the streets any tackier looking with an assortment of food stalls on wheels.

Sincerely,

Linda Greenberg
Alexandria VA
5233 Bessley Place

Jerome Fletcher

From: linda greenberg <lindaroseveargreenberg@comcast.net>
Sent: Sunday, June 15, 2014 8:16 PM
To: Jerome Fletcher
Subject: Plus

Mr. Fletcher:

I am sure the food truck program will involve more city staff. Do we really want to pay more taxes to support more staff? Not me. Particularly when there is no shortage of diverse foods throughout the city.

Linda Greenberg
Alexandria Va

Jerome Fletcher

From: Joanna Anderson
Sent: Tuesday, June 24, 2014 10:12 AM
To: Joanna Anderson
Subject: FW: Food Truck Articles

From: Nate Macek [<mailto:natemacek@hotmail.com>]
Sent: Friday, June 13, 2014 5:32 PM
To: Joanna Anderson
Subject: Re: Food Truck Articles

Joanna:

Thanks for your note. I reviewed the proposed regulations and generally think they're fine.

I'd suggest several areas for monitoring over the duration of the pilot program:

- Track complaints, including the location, number, and nature, to understand where people have found objectionable issues related to the trucks. I would also track citations or violations, which may be different than complaints. Should the regulatory framework be modified in response to these issues?
- Track the number of food trucks that register to operate in Alexandria, to understand how many are interested in serving the city.
- Track sales tax revenues or other numbers, to determine how frequently the trucks are serving Alexandria. Does it work out to be 1 per day on average citywide, or 10? That helps to determine the magnitude of any impacts created by trucks.
- Conduct a survey of food trucks to determine what issues they encountered with operating in the City. I would also ask what areas they served, and how frequently they served the City—again, this is another way of getting at the magnitude, as well as the specific location, of impacts.
- Conduct a survey of the public—either targeted to areas where food trucks have located, or a general web-based survey that's widely publicized—to determine people's experience. What did they like or not like about the trucks?

The ultimate objective is to determine whether any refinements are required prior to extending or making permanent the pilot program in 2015. Were there impacts that were not perceived (within the scope of the City's regulatory authority) that can be mitigated? Are there lessons learned from off-street parking that can help shape the City's on-street parking policy?

Process has also been an issue here, so I would suggested reviewing these findings with the Food Truck Working Group and asking for its views, holding a general public meeting, and route through the appropriate commissions (Park and Rec, Planning, others?) for advisory opinions before returning to City Council.

I'm happy to discuss this further. Let me know if you'd like to chat next week. Early or late on Thursday or Friday work best for me.

Thanks,

Nate

Nathan M. Macek
724 Franklin Street
Alexandria, VA 22314 USA
Phone: +1 (202) 365-2927
Email: natemacek@hotmail.com

Jerome Fletcher

From: Arnold Miller <arnold_miller@hotmail.com>
Sent: Thursday, June 12, 2014 6:10 PM
To: Jerome Fletcher
Cc: Paul Smedberg; Allison Silberberg; yvonneweightcallahan@gmail.com
Subject: Comments Food Truck Pilot Plan

Thank you for the opportunity of commenting on the Food Truck plan.

First:

- *Food Trucks shall be permitted in any paved off street parking lot in a location that does not block any drive aisles, ingress or egress from the property and is not in a fire lane. Food trucks are not permitted to park or vend on grass, gravel, dirt, or other non-paved surfaces.*
- *The line for the patrons of the food truck shall not extend into a drive aisle or block zoning required parking spaces.*

We are unsure which parking lots qualify under these provisions. The Parks and Recreation attachment does a good job enumerating the parks where food trucks will be allowed to operate. Why isn't there a comparable list of public parking lots included with this document? As we live in the SE quadrant, and work in the SW quadrant, of Old Town, we are particularly concerned about which parking lots in the 22314 zip code will allow food truck vending. For example, will the parking lot behind Misha's coffee house allow food truck vending? Another concern to us is the status of the parking spaces along Waterfront Park parallel to S. Union St. Is this considered a public parking lot and if so will food trucks be allowed to park and operate there?

A listing of the public parking lots permitted, or potentially permitted, to allow food truck vending would help us understand this proposal better.

As for these lots, I will ask the general question about the food truck line extending onto a public sidewalk: may it do so? Again, for example, the parking lot behind Misha's is a small one and a food truck operating in the lot might produce a waiting line extending out of the lot onto the sidewalk of either Patrick St. or King St.

Another concern is how many parking places a food truck will remove from use for other parking? Even if a food truck fits into one parking space, the line for the food truck may extend into another parking place. A food truck parked head-in has to displace more than one parking space in order to conduct business, so making a lot such as the one behind Misha's available for food truck vending is a concern (or any other similar lot).

Who will enforce the regulations for Food Trucks? When there is a violation who should a citizen call for remediation? Will anyone from the City of Alexandria be verifying the proper operation of each food truck and checking for Food Trucks operation illegally or without authorization?

Next:

- *Provide the City with data to use in evaluating whether to adopt a more comprehensive food truck program, to adopt a permanent program for food trucks to operate only off street, or not to adopt a permanent program;*
- *Provide the City with data to use in evaluating the appropriate regulations of food trucks to minimize negative impacts to the community and ensuring the safety of pedestrians and vehicles*

These are worthy aims, but lacking in substance. What are the questions you want to answer? What processes and outcomes are you measuring? How will these measurements, when they are defined, be obtained and documented? What conclusion are you expecting (without which you cannot decide if the conclusion is expected or unexpected). I would hope the evaluation process answers at least these questions (I leave it to you to supply the methodology):

Do food trucks increase traffic congestion?

Do food trucks result in more garbage in the area around the truck and elsewhere?

Where do people who use a food truck eat the purchased food?

What do the nearby residents think of the trucks? This is something that should be evaluated throughout the pilot program to determine if attitudes about the trucks change over time.

What do nearby restaurants and business think of the trucks? Again, monitor this over time.

We have heard often about the success of Food Trucks in D.C. But there was a torturous and contentious process to get to this success. How much of this does the Alexandria staff know about and understands well enough to incorporate in this process? It would be a shame to put Alexandrians through the agony that people in D.C. endured.

Jerome Fletcher

From: Jerome Fletcher
Sent: Tuesday, June 24, 2014 9:27 AM
To: Jerome Fletcher
Subject: FW: Food Truck Pilot Program

From: John Heck [<mailto:john@heck.net>]
Sent: Wednesday, June 11, 2014 7:25 PM
To: Jack Browand
Subject: Food Truck Pilot Program

Mr. Browand, although you may have seen this it bears repeating: <http://www.economist.com/news/united-states/21602733-how-regulators-keep-cheap-food-out-hungry-mouths-moveable-feasts>

As this article deftly points out, "Not only is street vending an important step for aspiring entrepreneurs, but food trucks have enlivened the gastronomic scene and generated new business—and local taxes—wherever they have been allowed to roam."

Interesting that this policy made it to the most respected international magazine in the world. Don't you think they have a point? This regulation is far too restrictive and more food trucks should be allowed in the Alexandria VA area.

— John Heck
Alexandria, VA

Jerome Fletcher

From: Jack Browand
Sent: Wednesday, June 11, 2014 5:34 PM
To: Jerome Fletcher; Joanna Anderson; Karen Snow
Subject: Fwd: Food Trucks

FYI

Jack Browand, Division Chief
Recreation, Parks & Cultural Activities
Marketing, Special Events & Waterfront Operations
1108 Jefferson St.
Alexandria VA 22314
703.746.5504 (O)
202.497.7452 (C)
www.alexandriava.gov/Recreation
www.alexandriava.gov/SocialMedia

Begin forwarded message:

From: Syd <strout15@yahoo.com>
Date: June 11, 2014 at 5:24:05 PM EDT
To: "Jack.Browand@alexandriava.gov" <Jack.Browand@alexandriava.gov>
Subject: Food Trucks

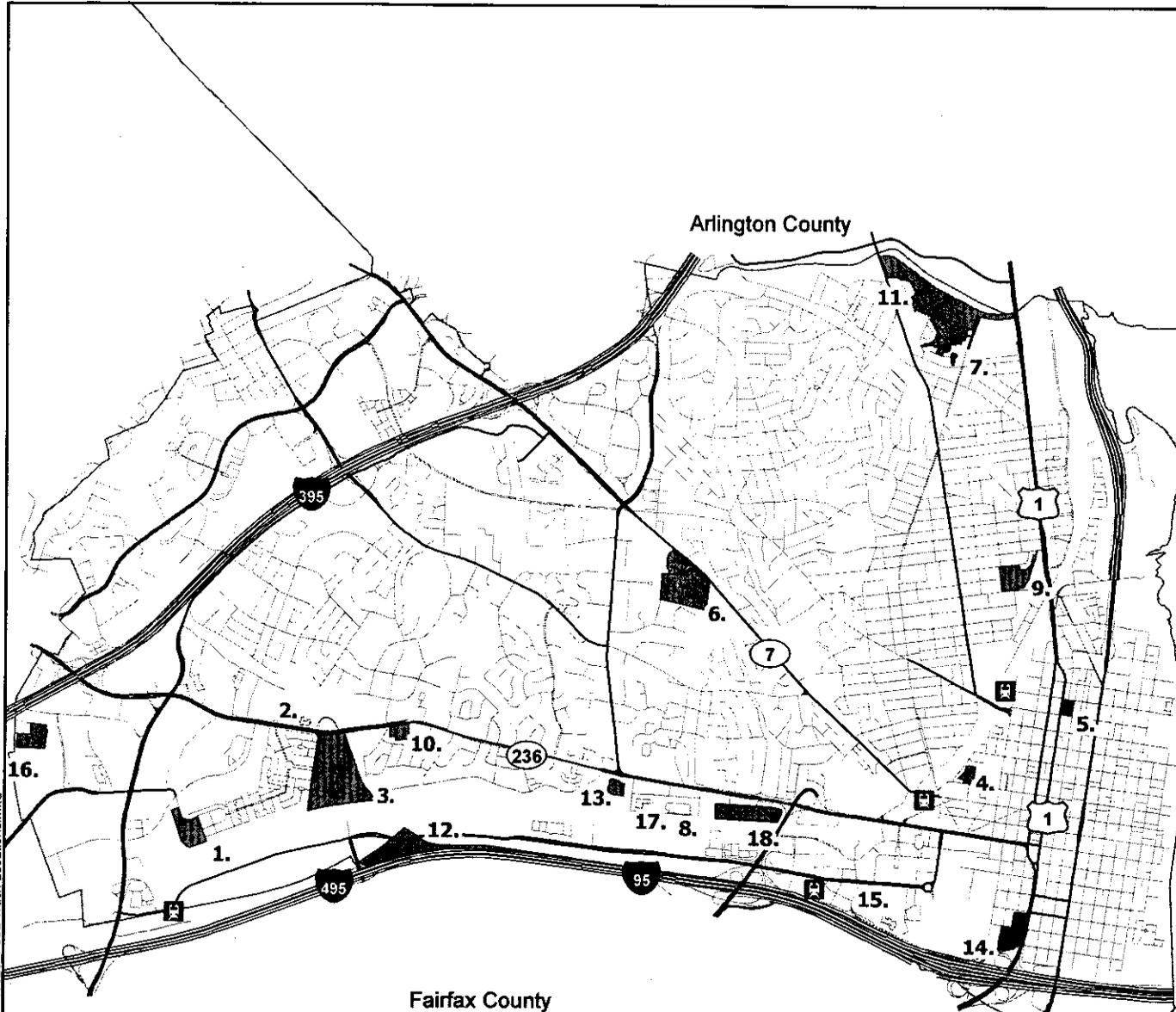
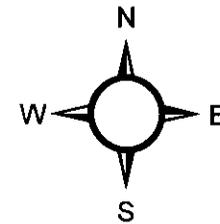
We just love the idea of food trucks in Old Town!!

Just our 2 cents ...

Sent from my iPhone



DRAFT APPROVED FOOD TRUCK VENDOR SITES ON PUBLIC PARKING LOTS



- 1. Amistead L. Boothe Park
- 2. Beatley Library
- 3. Ben Brenman Park
- 4. Buchanan Park
- 5. Charles Houston Recreation Center
- 6. Chinquapin Park & Recreation Center
- 7. Cora Kelly Recreation Center
- 8. DASH Facility
- 9. Eugene Simpson Stadium Park
- 10. Ewald Park
- 11. Four Mile Run Park
- 12. Joseph Hensley Park
- 13. Lockett Field & Skate Park
- 14. Nannie J. Lee Recreation Center & Lee Center
- 15. Public Safety Center
- 16. Stevenson Park
- 17. Traffic & Carpenter Shop
- 18. Witter Recreational Fields

Date: 06-23-2014

G:\Shared\Park_Rec_Inventory\Food Trucks\2014\0623_Food Truck Locations.mxd

**City of Alexandria Food Truck Pilot Program
Frequently Asked Questions**

1. *Where can Food Trucks vend?*

The pilot program adopted by City Council on May 17, 2014 allows food trucks to vend:

- in parking lots of public properties including parks and recreation centers, schools and other public properties where permission has been granted by the City. Certain public locations have been pre-approved for food truck vending. Those locations, and any changes to the locations, are posted on the food truck page of the City's website.
- in parking lots of private properties such as office buildings, hotels, multifamily buildings, industrial facilities, churches or other commercial locations that have parking lots, with the permission of the property owner.
- at Farmer's Markets located on a paved parking lot with the permission of the market master, and
- at Special Events approved by the City with a Special Events Permit.

Please note that a property that becomes exclusively used for Food Trucks (i.e. does not have another active use) requires a special use permit for an "outdoor food and craft market" as regulated by the Zoning Ordinance.

2. *Do City parks and recreation centers have additional criteria for vending?*

Yes, additional information for Food Truck vending at City parks and recreation centers may be found on the food truck page of the City's website.

3. *Is the program temporary?*

The program is scheduled to run from July 1, 2014 to October 31, 2015.

4. *How do I apply for a Food Truck Vendor Permit?*

A Food Truck vendor may obtain an application for a Food Truck Vendor Permit on the City's website, at the City's Permit Center, or at the Health Department. The application process starts with a Health Department inspection and ends with the final permit being issued at the Alexandria Permit Center. An appointment must be made ahead of time with the Health Department so we encourage you to call the Health Department at 703.746-4866 for more information.

Additionally, on Thursday, July 3, 2014 the City will hold a one day permit day when Food Truck vendors may come to City Hall to obtain all necessary permits. The information about the permit process can be found on the food truck page of the City's website.

5. *How much are the fees for a Food Truck Vendor Permit?*

Food Truck Vendor Fee: \$250 annually (\$125 for July 1 through December 31, 2014)

Food Truck application fee: \$100 annually

Health Department City and State Fees: \$90 annually

Health Department Plan Review Fee: \$200 (one-time fee)

Propane Tank Fire Safety permit fee: \$143 for 6 months

Business License Tax: \$250 annually

6. *How does a Food Truck Vendor pay taxes?*

Food Truck Vendors (including corporations, partnerships and individuals) doing business in the City of Alexandria are required to apply for a business license and pay the business license tax, within 30 days of starting business. The license tax for Food Truck Vendors, which are considered Retail Peddlers-Consumable Items Only, are not based on gross receipts but required to pay a flat license tax annually of \$250.00. Additional business license information can be found in the Tax Guide for New Businesses.

All Food Truck Vendors that sell food and/or beverages to be consumed by the purchaser at once must collect, report, and pay the City tax on meals to the City on a monthly basis. The tax is four percent (4%) of the total amount charged for the meal. This tax is in addition to the state sales tax. Additional information on taxable and nontaxable items is provided in the Meal Sales Tax Guidelines.

7. *Will Food Trucks be inspected for food safety by the Health Department?*

In addition to the inspection required to obtain the initial permit, Food trucks will routinely be inspected one to four times per year based on their menu and food preparation methods. Examples include:

no foods requiring temperature control for safety – 1x annually
food requires temperature control (but no cooking) for safety – 2x annually
foods requiring thorough cooking for safety – 3x annually
products that are cooked and then cooled (and possibly reheated) (food makes multiple trips through “Danger Zone”) – 4x annually

Food Truck vendors may receive follow-up inspections (in addition to routine inspections) if there are important food safety issues identified as a result of a routine inspection.

8. *Can a property owner apply for a permit to have a Food Truck on their property?*

The Food Truck Pilot Program is a program to permit the Food Trucks, not the property. The program requires that the property where the Food Trucks will vend to already be able to accommodate parking of vehicles and that the Food Truck vending is accessory to the main use on the property. If a property owner wants to change the use of their commercial property to accommodate Food Trucks on a more regular basis, they may apply for a special use permit for an outdoor food and craft market. For information regarding special use permits please call the Department of Planning and Zoning, 703.746.4666.

9. *Where can I file a complaint about a Food Truck?*

Complaints regarding food trucks can be made either through the City’s Call, Click, Connect system, through the food truck page on the City’s website, by calling a Zoning Inspector with the Department of Planning and Zoning at 703.746.4666, or by calling the Police Department Non-Emergency Line at 703.746-4444

10. *Where can I provide feedback about the Food Truck Pilot Program?*

Feedback about the Off Street Food Truck Pilot Program can be submitted on the food truck page on the City’s website or through the City’s Call, Click, Connect system.

Jackie Henderson

From: Joanna Anderson
Sent: Tuesday, June 24, 2014 3:11 PM
To: Allison Silberberg; William Euille; Del Pepper; Jane McDonald; John Chapman; Justin Wilson; LaShawn Timmons; Lillian Thompson; Mark McHugh; Nancy Lacey; Nancy Lavalle; Paul Smedberg; Timothy Lovain; Wendy Donohue
Cc: Jerome Fletcher; Rashad Young; James Banks; Mark Jinks; Jackie Henderson; Jack Browand; Karen Snow
Subject: Addiitonal Information Regarding Food Truck Docket Item
Attachments: Food Truck AR Public Comment Summary with copies.pdf.pdf; 20140623_Food Truck Locations.pdf; Food Truck Pilot Program FAQ.pdf

Mr. Mayor, Madam Vice Mayor and Members of the City Council:

Attached please find additional information regarding the Off Street Food Truck Pilot Program that is item #21 on tonight's docket. The information includes 1) a summary of the comments received on the draft administrative regulations; and 2) a map showing the locations of public parking lots (parks, recreation centers, libraries and other city buildings) where the regulations will allow food trucks to locate (Note these locations are the pre-approved locations however the regulations also allow food trucks on private property, at Farmer's Markets, at Schools and for special events as we will discuss further this evening) and 3) a DRAFT FAQ that will be posted on the City's website to help answer questions raised by the public.

Thank you.

Joanna

*Joanna C. Anderson
Assistant City Attorney
301 King Street, Suite 1300
Alexandria, VA 22314
703.746.3750*

21
6-24-14

Jackie Henderson

From: Jennifer Atkins <jennifer.atkins@cloudigylaw.com>
Sent: Monday, June 23, 2014 5:03 PM
To: Jackie Henderson
Cc: Judy Coleman-PRC
Subject: Park and Recreation Commission Letter re Food Trucks
Attachments: PRC Letter to Council re Food Trucks.pdf

Jackie:

Attached please find a letter from the Park and Recreation Commission to City Council regarding Food Truck Policy (Docket Item 21) for tomorrow's Legislative Meeting. Thank you.

Jennifer

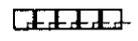
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**DEPARTMENT OF RECREATION, PARKS
AND CULTURAL ACTIVITIES**

1108 Jefferson Street
Alexandria, Virginia 22314

James B. Spengler
Director

Phone (703)746-4343
Fax (703)746-5585

Park and Recreation Commission

June 23, 2014

Mayor William Euille
Vice Mayor Allison Silberberg
Councilman John Taylor Chapman
Councilman Timothy B. Lovain
Councilwoman Redella S. Pepper
Councilman Paul C. Smedberg
Councilman Justin M. Wilson

Re: Administrative Regulation Food Truck Policy for Parks/Recreation Centers

Dear Mayor Euille and City Council Members:

The Park and Recreation Commission urges you to approve the Food Truck Pilot Program regulations presented by the Department of Recreation, Parks and Cultural Activities (RPCA) as amended after the Commission's public hearing.

Council directed RPCA to develop these regulations when it adopted Ordinance No. 4875 creating a food truck pilot program. The Commission held a public hearing addressing the draft regulations on June 19, 2014. At the conclusion of the public hearing, the Commission voted to support the regulations as drafted with three amendments.

First, the Commission asked that the regulations not allow food trucks operating under the ordinance in any park listed on the National Register of Historic Places. This limitation does not affect the number of parks where food trucks will be allowed under the regulations as initially drafted. However, the Commission believes this is an important policy to include in the regulations based on the public comments received regarding concerns about Fort Ward's historical sites in particular.

Second, the Commission asked that in addition to providing trash receptacles, vendors be asked to also provide recycling receptacles. The Commission believes that support for and encouragement of recycling is an important public policy in our City that should extend to parks and recreation centers. This request is consistent with Eco-City Alexandria initiatives and the commitment of the City to recycling and other environmental programs in other contexts.

Third, the Commission asked that the lettering and numbering be made consistent in the regulations for ease of reference.

The Commission notes that the public hearing highlighted some potential practical implementation problems with the regulations. There were questions raised regarding potential problems with the "first come basis" and the limitation to three trucks in any given park, particularly where parks are large enough to have multiple

(continued)

locations for food trucks not within sight of each other. There were also concerns about the location for measuring noise if noise complaints arise. The Commission believes that these potential problems are too speculative in nature to try to address in the regulations prior to implementation. Given that this is a pilot program, RPCA and the city manager should have some discretion to address problems as issues arise by amending the regulations through administrative process. The Commission has also asked RPCA to report back to the Commission after six months regarding the implementation of the Food Truck Pilot Program so that the Commission can advise Council on any need for changes in policy. Accordingly, the Commission intends to put the issue on its January 2015 agenda.

Finally, the Commission notes that this program likely will create an additional maintenance burden on RPCA. While the regulations require food truck vendors to be responsible for trash within fifty feet of their truck, there is no doubt that patrons of the food trucks will likely bring their food, and the attendant trash, elsewhere in the parks or recreation centers. Given that food trucks will be paying permit fees to the City in order to participate in this program, the Commission believes a portion of that revenue should be directed to the maintenance budget for the parks and recreation centers where food trucks will operate. The Commission urges Council to be mindful of this issue in the coming budget cycle.

The Commission believes that the addition of food trucks as an amenity for park and recreation center users will be well received by park users and will benefit residents and food truck owners alike

Sincerely,

Jennifer Atkins and Judy Coleman, Co-Chairs
Park and Recreation Commission

21
6-24-14

Jackie Henderson

From: Jerome Fletcher
Sent: Monday, June 23, 2014 7:41 PM
To: Jackie Henderson
Subject: FW: DMV Food Truck Association comments
Attachments: 06-20-2014_FTA_Comments_Food_Truck_Ordinance.pdf

FYI, this is for the earlier email, per Mark, distribution to Council.
Thanks.

From: Joanna Anderson
Sent: Monday, June 23, 2014 5:32 PM
To: Jerome Fletcher; Mark Jinks
Subject: FW: DMV Food Truck Association comments

Mark/Jerome – Food Truck Association Comments on the food truck regulations. I assume since he addressed his comments to City Council instead of the City Manager that we need to provide the comments directly to the City Council for this food truck docket item tomorrow? All of the other comments were directed to staff since the request for comments actually came from the city manager not the city council.

Mark – our plan is to summarize the comments we received for the city council and verbally report that to them tomorrow night.

*Joanna C. Anderson
Assistant City Attorney
301 King Street, Suite 1300
Alexandria, VA 22314
703.746.3750*

From: Che Ruddell-Tabisola [<mailto:che@dmvfta.org>]
Sent: Monday, June 23, 2014 3:53 PM
To: Joanna Anderson
Cc: Doug Povich
Subject: DMV Food Truck Association comments

Hi Joanna, thanks for your patience. Attached are our comments.

Che



Che Ruddell-Tabisola / Executive Director
202-294-6915 / che@dmvfta.org

DMV Food Truck Association



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DATE June 23, 2014

TO Honorable Mayor Mayor Euille
Honorable Vice Mayor Allison Silberberg
Honorable Councilman John Chapman
Honorable Councilman Timothy Lovain
Honorable Councilwoman Del Pepper
Honorable Councilman Paul Smedberg
Honorable Councilman Justin Wilson

FROM Che Ruddell-Tabisola, Executive Director, DMV Food Truck Association

RE **Comments on Administering the Food Truck Off-Street Pilot Program**

The DMV Food Truck Association thanks the Alexandria City Council for the opportunity to provide comment on administering the food truck off-street pilot program.

We support the new food truck ordinance because it provides an ongoing regulatory regime for food trucks to operate in Alexandria. It creates a first-ever city-issued food truck permit, the ability for food trucks to obtain business licenses from the city and a framework for enforcement of violations. These are significant policy advancements that help to bring Alexandria vending law in line with surrounding jurisdictions.

The DMV Food Truck Association plans to do its part to support the successful implementation of the food truck ordinance by educating vendors to the specifics of the rules and how to apply for a food truck permit as well as serving as a point of contact for city staff and vendors.

Purpose of the Pilot Program

The question of how the pilot program will be evaluated has been raised by many. **The outcome of the ordinance should be to increase Alexandria residents and workers' access to affordable, freshly prepared meals;** thus, any evaluation of the program should include a public survey. Similarly a survey of food truck vendors' experiences should also be included in an evaluation.

Additionally, while we support the pilot's program purpose to provide the city with data to use to evaluate the appropriate regulations of trucks, we are concerned with the portion of the framework which incorporates the need to "minimize negative impacts to the community." We understand and agree the introduction of food trucks into a city represents a change that has positive and, if not handled correctly, potentially negative effects. We believe the ordinance more than adequately addresses the potential negative effects including how licensing, permitting, trash and noise levels

are handled and we do not object to collecting data during the pilot program regarding how effectively the ordinance operates in these and other public health and safety areas.

However, the phrase “minimize negative impacts to the community” we fear carries with it the idea that it will be permissible to capture data on the impact of food trucks, for example, competing with brick-and-mortar restaurants. As we have argued all along, the city does not have a legitimate interest in favoring one form of business over another. Given the course of the dialogue regarding food trucks in Alexandria over the past year, we fear that any data collection effort focused on the need to “minimize negative impacts to the community,” in addition to collecting legitimate health and safety data, would undoubtedly and impermissibly attempt to include data on the impact of food trucks on competition with restaurants. Although we believe food trucks add significantly to the economic fabric of an area and do not adversely impact restaurants, inquiry by the city into the area of competition among businesses must remain off-limits.

Moreover, by singling out data collection efforts focused on “negative impacts” and not “positive impacts,” we are concerned that the data will be skewed toward the negative and won’t adequately reflect the myriad benefits that food trucks bring to an area including the industry’s contributions to making public spaces vibrant, serving as small business incubators and job creators as well as contributing to city revenues.

For these reasons, we believe more appropriate wording for the framework would be:

Provide the City with data to use in evaluating the appropriate regulation of food trucks to ensure that proper standards of health and safety are being met and that City residents and workers are afforded increased access to meal options.

Provide the City with data to use in evaluating whether the ordinance promotes the opening and growth of food truck small businesses and related job creation.

Although we support the overall administrative regulation and ordinance, there are specific sections that raise concerns, which we note here.

The Ordinance Arbitrarily Limits Operating Hours.

The ordinance restricts food trucks’ operating hours in Alexandria from 7 am to 8 pm, including at parks and recreation centers. We are concerned that this restriction unnecessarily limits the options for vending in general, including at parks and recreation centers. For example, if there was an event at a park that was going to last until 10pm, there does not appear to be any public health or safety or other reason why vending should not be allowed to take place until the event is over. In fact, allowing vendors to operate throughout the hours of the event would benefit the patrons of the park and also the city in the form of potentially higher sales tax revenues. We believe that it would serve the public’s interest if there was an ability during the pilot program to test what happens when food trucks are afforded the flexibility to vend during the full range of business hours available to other businesses. For these reasons, we support allowing food trucks to operate at parks and recreation centers during the hours that the parks and recreation centers are open to the public.

We recognize that the hours of operation are part of the ordinance and the administrative regulations, therefore, cannot modify them. The only solution would be to amend the ordinance.

Given the unlikelihood of that happening, we request that the city consider deferring enforcement of the restriction. We also ask the city to remain open to and, in fact, facilitate to the extent possible applications for special event permits during the pilot program that allow longer vending hours on private property. We believe that allowing longer hours on a trial basis will provide valuable data and will hopefully inform a revision to the hours of operation once a final ordinance is adopted following the pilot program.

Food Trucks Acting as a Caterer Appear to Need to Obtain a City Permit.

Section 9-15-13 F of the ordinance seems to require food trucks acting as caterers for a private event to obtain a city permit. Food trucks are commonly hired to cater private parties where ordering from the food truck is part of the event experience. However, if the ordinance requires a food truck to obtain a city permit, despite not vending to the public, it would create an excessive requirement not required of either caterers or food truck operators in neighboring jurisdictions. A more appropriate approach and one that is used in other municipalities would be to recognize the permitting and licensing of the caterer's home jurisdiction. Again, we recognize that this provision is part of the ordinance and it cannot be modified by the administrative regulations. Under these circumstances, we request that the city defer enforcement of this requirement. In conclusion, we again express our appreciation and gratitude to City staff and to the City Council for your work to lift our community's near-total ban on food trucks. We look forward to supporting the city's efforts for the successful implementation of the new food truck ordinance and remain a resource to answer questions or to provide information.