

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



February 15, 2011

Kris Hart
2140 F Street, NW
Washington, DC 20037

RE: Food Deliveries from Foggy Bottom Grocery

Dear Mr. Hart:

I am writing concerning your proposal to add a delivery service to your grocery business at 2140 F St., NW, known as Foggy Bottom Grocery ("the Property"). Currently, you have a certificate of occupancy to operate a grocery store, which is a non-conforming use in an R-5-E zone district. As I understand it, you intend to take orders from customers both online and over the telephone and make deliveries on foot and by bicycle. In addition to groceries, you also plan to deliver sandwiches (both hot and cold) and other prepared food items.

Based on my interpretation of the Zoning Regulations, a grocery store may offer delivery service to its customers as an accessory use. I believe it is both customary and incidental to a grocery business to make deliveries to its customers. This includes delivery of traditional grocery items as well as packaged, ready-to-eat cold food (like a salad) and packaged, ready-to-heat food (like a frozen pizza or microwave dinner). However, as I understand it you intend to offer hot food and food made-to-order, which will be delivered on a customer demand basis. In other words, the food will be prepared to the customer's specifications and delivered to the customer within minutes of his/her order. While other grocery stores in the District (like Safeway and Giant) offer delivery service, they receive orders well in advance (sometimes 24 hours) and make the deliveries according to a fixed schedule. I am also unaware of grocery stores in the District delivering hot and made-to-order sandwiches and meals.

In light of this, I find the delivery service you are proposing to be akin to the type of service that a "food delivery service" or a restaurant provides. Therefore, I cannot approve it as an accessory use to your grocery store. Further, neither a food delivery service nor a restaurant are permitted as a matter of right in an R-5-E zone district.

Please let me know if you have any further questions.

Sincerely, Matthew Le Grant
Matthew Le Grant
Zoning Administrator

File: Determination Ltr re Food Deliveries from FoboGro to Hart 2-15-2011