

From: Donna Church [mailto:donna@studiobluearchitecture.com]
Sent: Tuesday, September 14, 2021 3:32 PM
To: Scott Gustin <SGustin@burlingtonvt.gov>
Subject: 716 Pine St - Zero Gravity - Zoning Ordinance review

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hi Scott,

I just wanted to follow up with you personally regarding the Narrative I submitted to the DRB for Zero Gravity, which was written from my Client's perspective. But when it comes down to it, I wanted to share my logic with you, for how I see the project.

The property is located within the Enterprise – Light Manufacturing (ELM) zone. We are meeting the Zoning Ordinance Approved Use Category as 'Food & Beverage Processing'. Which is defined as: [Food and Beverage Processing: The preparation and packaging of food and/or beverage \(including alcoholic and non-alcoholic\) products for distribution and/or wholesale or retail sales, on or off premise, excluding restaurants and cafes except as an accessory use.](#) Food and Beverage Processing is only fully allowed in the Enterprise Zone and the only other district it is allowed is a Conditional Use approval in the Neighborhood Mixed Use. Our project is located where it should be located in the city.

The definition of Food & Beverage Processing in the Ordinance gives the ability to have restaurants and cafes as an accessory use to Food & Beverage Processing. We are not applying to have the building space have the use of a stand alone Restaurant or Café as suggested by your interpretation. I believe we have met the allowed condition of restaurants and cafes as an accessory use to Food & Beverage Processing. As the definition reads, restaurants and cafes are an exception only for Food & Beverage Processing use, which is only fully allowed in the ELM district. If the Zero Gravity Brewery was not to occupy the building any longer, the Tasting Room would be removed as well. The proposed Tasting room is 20% of the Brewery use and meets the definition of the ordinance as an Accessory Use which allows a maximum of 25%.

I would also like to make the point that the Tasting Room is not defined by the Ordinance and that it doesn't fall into the definition of a restaurant/café either. A Restaurant per the ordinance is defined: [Any food service establishment subject to Vermont Health Regulations where food and beverages are prepared and served for consumption primarily on premises; and where the service of alcoholic beverages is incidental to the consumption of food \(less than fifty percent \(50%\) of the gross sales receipts from the business\). \(Also see Café, Caterers and Restaurant, Take-Out\) or Cafe \(Café: Any food service establishment subject to Vermont Health Regulations containing less than or equal to 2,000 gross square feet where food and beverages are prepared, and served for consumption either on or off premises. \(See Restaurant\).](#)

We are not proposing a Restaurant as that is where the Alcoholic Beverages are incidental to the consumption of food. We are proposing a Tasting Room, its own

category, where the eating of food is incidental to the consumption of alcohol and required by the Division of Liquor Control. This is an Accessory Use to a Brewery and should be allowed to be 25% of the Brewery and not constrained under the designation of Restaurant or Cafe.

I know you were worried about this being a back door to Restaurants in the Enterprise zone, but the way I am reading the ordinance, a Restaurant is an allowed exception for Food & Beverage Processing locations only. You won't ever have stand alone Restaurants in the ELM zone. The ordinance doesn't have a definition for a Tasting Room and I can see how you are trying to work with the definitions you were given in the Ordinance. So I can see why you wanted to classify the space as a Cafe or Restaurant, based on sizes and the factor of food, but I think you might have missed the fact that a Restaurant as an accessory use is allowed in our case. I agree it is not allowed in the district on it's own.

I just wanted to share with you my thoughts and my approach to this project. Please let me know if this doesn't make sense to you. I value your opinion.

Take care,
Donna

studioblue Architecture
p.o. box 4191
burlington, VT 05406
802.540.0484
www.studiobluearchitecture.com