

OFFICIAL ZONING CODE INTERPRETATION (No. 5)
(Zoning Code Sections 20-24.030, Table 2-10, and 20-70.020)

ZONING CODE PROVISION INTERPRETED:

Section 20-24.030, Table 2-10, Allowed Land Uses and Permit Requirements for Industrial Districts, and Section 20-70.020(M), Definitions of Specialized Terms and Phrases

At issue is what Zoning Code land use category distilled spirits production would fall within. The three potential land use categories under consideration are “brewery – production”, “manufacturing/processing – light: food and beverage product manufacturing”, and “winery – production”. Zoning Code Section 20-70.020 defines each as follows:

“Brewery – Production. An establishment which produces ales, beers, meads, hard ciders, and /or similar beverages on-site. Production Breweries are classified as a use which manufactures more than 15,000 barrels of beverage (all beverage types combined) annually. Breweries may also serve beverages on-site, and sell beverages for off-site consumption in keeping with the regulations of the Alcoholic Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). In addition, uses which produce 15,000 barrels of beverage or less, but which do not meet one or more of the additional requirements to be considered a brew pub, are breweries.”

“Manufacturing/Processing - Light. A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following: *(note: only “food and beverage product manufacturing” definition has been included as it is the only relevant category)*

3. Food and Beverage Product Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

- Bottling plants
- Bred factories
- Candy, sugar and confectionery products manufacturing
- Catering services separate from stores or restaurants
- Coffee roasting
- Dairy products manufacturing

- Fats and oil product manufacturing
- Fruit and vegetable canning, preserving, related processing
- Grain mill products and by-products
- Meat, poultry, and seafood canning, curing, byproduct processing
- Soft drink production
- Miscellaneous food item preparation from raw products

Does not include: bakeries (see ‘Restaurant, Café, Coffee Shop’ – 1. ‘Counter Ordering’); beer brewing (see ‘Brewery’); or wine production (see ‘Winery’).”

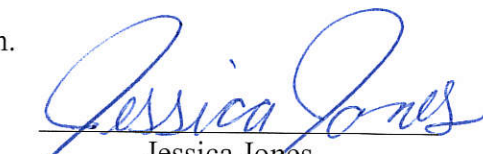
“Winery – Production. Winery producing more than 10,000 cases of wine per year. Use includes fruit processing, fermentation, pressing, barrel and bottle storage, bottling, wine tasting, and direct retail sale of wine. Participation in events involving multiple wineries is permitted to occur one time per 90-day period. All other events require separate approval (Temporary CUP or city Special Event Permit). In addition, uses which produce 10,000 cases of beverage or less, but which do not meet one or more of the additional requirements to be considered a ‘Boutique’ winery, are ‘Production’ wineries.”

In researching distilled spirit production, staff has found that, due to the differences in the processing of such beverages, as well as the separate and distinct license type classifications by the Alcoholic Beverage Control (ABC) from that of beer or wine, it does not fit within the City’s specific definitions for “brewery – production” or “winery – production”.

Therefore, it is determined that distilled spirits production shall be included in the definition of “Manufacturing/Processing – Light: Food and Beverage Product Manufacturing”. Per Zoning Code Section 20-24.030, Table 2-10, Allowed Land Uses and Permit Requirements for Industrial Districts, such a use is permitted in the Business Park (BP), Light Industrial (IL) and General Industrial (IG) zoning districts. However, a Minor Use Permit (MUP) is required if the use, specific suite or its associated operations abuts a residential zoning district or parcel with a residential use.

This determination is consistent with the General Plan.

Date: 12-4-14


 Jessica Jones
 Zoning Administrator