

March 20, 2019

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-00203**



REQUEST:

A request by City Storage Systems, LLC for an administrative interpretation to confirm that their intended use, described below is permitted by right as a “Commercial Food Preparation” land use.

DECISION:

The Zoning Administrator finds that the operation described below, provided by City Storage Systems, is considered a “Commercial Food Preparation” land use.

BACKGROUND INFORMATION:

The proposed use, to be called Cloud Kitchens, would operate as a facility with multi-tenant kitchen users that would produce food for the food delivery market. Cloud Kitchens would lease turnkey space to restaurants and commissary brands fulfilling online food orders while Cloud Kitchens would operate and maintain the facility with onsite staff.

Each facility would contain an average of 25 individual kitchen units. Each kitchen would be equipped to operate autonomously, with shared common storage areas. The prototype kitchen would be approximately 200 square feet.

Each facility would operate 24 hours per day and 7 days a week. Cloud Kitchens would be optimized for food delivery. Cloud Kitchens would provide staff for logistical restaurant operations, for receiving of products and the delivery of the finished orders to drivers.

FINDINGS:

The following findings related to this use interpretation were made according to Section 21A.12.050, Standards for Use Interpretations:

- A. *Any use defined in chapter 21A.62 of this title, shall be interpreted as defined;*

Finding: Section 21A.62.040, Definitions of Terms, of the Salt Lake City Zoning Ordinance, defines “Commercial Food Preparation” as:

COMMERCIAL FOOD PREPARATION: *A facility in which food is processed or otherwise prepared, primarily for off-site consumption and/or sales. Facilities may be shared among various food processors, producers, or preparers. Uses may include, but are not limited to: commissary kitchen and catering.*

- B. *Any use specifically listed without a "P" or "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district;*

Finding: Section 21A.33, Land Use Tables, of the Salt Lake City Zoning Ordinance, shows “Commercial Food Preparation” as a permitted land use in the following zoning districts:

- Residential Districts: RB, R-MU-35, R-MU-45, R-MU and RO
- Commercial Districts: CN, CB, CS, CC, CSHBD and CG
- Transit Station Area Districts: TSA-UC (Core), TSA-UN (Core), TSA-MUEC (Core and Transition) and TSA-SP (Core and Transition)
- Manufacturing Districts: M-1 and M-2
- Downtown Districts: D-1, D-2, D-3 and D-4
- Gateway District
- Special Purpose Districts: BP and MU
- Form Based Districts: FB-UN2, FB-SC and FB-SE

C. *No use interpretation shall allow a proposed use in a district unless evidence is presented demonstrating that the proposed use will comply with the development standards established for that particular district;*

Finding: The purpose for this Administrative Interpretation is confirm that the proposed use, Cloud Kitchens, is considered a “Commercial Food Preparation”. The applicant has provided evidence that the proposed land use is consistent with the definition of “Commercial Food Preparation”. A building permit may be necessary when a location is found for the land use, in which case building plans must be reviewed for compliance with the zoning standards and approved by the Building Services Division.

D. *No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;*

Finding: The use as described is most similar to “Commercial Food Preparation”, which is a permitted use in the zoning districts listed above.

E. *If the proposed use is most similar to a conditional use authorized in the district in which it is proposed to be located, any use interpretation allowing such use shall require that it may be approved only as a conditional use pursuant to chapter 21A.54 of this title;*

Finding: As noted above, the use as described is most similar to “Commercial Food Preparation”, which is a permitted use in the zoning districts listed above.

F. *No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of that zoning district.*

Finding: The “Commercial Food Preparation” land use was analyzed against the purpose statement of the zoning districts listed above and found consistent with the purpose of each zoning district.

If you have any questions regarding this interpretation please contact Katia Pace at (801) 535-6354 or by email at katia.pace@slcgov.com.

APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <https://www.slc.gov/planning/applications/> along with information about the applicable fee. Appeals may be filed in person or by mail at:

In Person:

Salt Lake City Corp
Planning Counter
451 S State Street, Room 215
Salt Lake City, UT

US Mail:

Salt Lake City Corp
Planning Counter
PO Box 145471
Salt Lake City, UT 84114-5417

NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.



Katia Pace
Principal Planner

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
Posted to Web
Applicable Recognized Organizations

EXHIBITS:

A. Information Provided by Applicant

Exhibit A – Information Provided by Applicant

CITY STORAGE SYSTEMS LLC

February 28, 2019

Nick Norris
Planning Counter
451 S State Street, Room 215
Salt Lake City, UT 84111

Re: Use Interpretation

Dear Mr. Norris,

I am writing on behalf of City Storage Systems LLC to formally request a Use Interpretation Letter confirming that our intended use as described below is permitted by right as Commercial Food Preparation.

A Cloud Kitchens (hereinafter "CK") facility is a multi-tenanted kitchen facility that produces food to service the food delivery market. CK leases near turnkey kitchen space to restaurants and commissary brands who operate in leased kitchen spaces, fulfilling online food orders while CK operates and maintains the facility with onsite staff.

CK designs and operates facilities that are optimized to serve the food delivery market. This optimization reduces the inefficiencies of brands servicing this market from their retail restaurants which are designed to service a dine-in experience. By purpose building facilities to service this market, we will reduce the cost of goods to consumers and increase food quality.

Each facility contains an average of 25 individual kitchen units. Each kitchen is equipped to operate autonomously, with shared common storage areas to flex in and out of, depending on product output. The prototype kitchen is +/-200 sf rectangle that contains the basic infrastructure required to individually permit that kitchen unit.

Each facility will operate 24 hours per day, 7 days a week, with CK staff present throughout all operating hours. The facility team is composed of a facility manager, assistant facility manager, community leads, and janitors, responsible for the management and maintenance of the facility and all logistical restaurant operations--from the receiving of products through the hand-off of finished orders to drivers.

Our locations significantly benefit the communities they serve in several ways including the creation of jobs, promotion of local businesses, and revitalization of local neighborhoods.

We would be grateful to get confirmation of our use as Commercial Food Preparation, and that it is permitted in the following zones in the City of Salt Lake City:

Per Section 21A.33.020:

Zones: RB, R-MU-35, R-MU-45, R-MU, and RO

Per Section 21A.33.030:

Zones: CN, CB, CS, CC, CSHBD, and CG

Per Section 21A.33.035

Zones: TSA-UC (Core), TSA-UN (Core), TSA-MUEC (Core), TSA-MUEC (Transition), TSA-SP (Core), and TSA-SP (Transition)

Per Section 21A.33.040

Zones: M-1 and M-2

Per Section 21A.33.050

Zones: D-1, D-2, D-3, and D-4

Per Section 21A.33.060

Zones: G-MU

Per Section 21A.33.070

Zones: BP and MU

Per Section 21A.33.080

Zones: FB-UN2, FB-SC, and FB-SE

We are also looking for confirmation of our parking requirements for our intended use as Commercial Food Preparation at 2 spaces per 1,000 square feet of usable floor area.

An Administrative Interpretation Application and check payable to the 'Salt Lake City Corporation' in the amount of \$63.00 for a Written Use Interpretation Letter is enclosed. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aly Smith', with a long horizontal flourish extending to the right.

Aly Smith
Real Estate Acquisitions
(561) 262-0442