



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Casey Stewart; 801-535-6260
Date: September 22, 2016
Re: PLNPCM2016-00483 RYE Social Club Conditional Use

CONDITIONAL USE

PROPERTY ADDRESS: 239 South 500 East
PARCEL ID: 16-06-277-014
MASTER PLAN: Central Community
ZONING DISTRICT: R-MU (Residential-Mixed Use)

REQUEST: The petitioner, Chris Wright, requests conditional use approval for a proposed conversion from a restaurant and bar to a social club of less than 2,500 square feet. The “social club” status would allow patrons to be served alcohol without having to dine. The existing restaurant and bar serve alcohol to dine-in patrons only. No modifications to the building are necessary for this change. No exterior remodeling is proposed. The Planning Commission has final decision-making authority for a conditional use request.

RECOMMENDATION: Based on the information in this staff report, planning staff recommends that the Planning Commission approve the proposed conditional use as proposed by the applicant, subject to the following condition:

1. The applicant shall record a copy of the approved “Security and Operations Plan” with the Salt Lake City Recorder’s office as required for alcohol related establishments.

ATTACHMENTS:

- A. Vicinity Map
- B. Photographs
- C. Site Plan & Building Elevations
- D. Additional Applicant Information
- E. Existing Conditions
- F. Analysis of Standards
- G. Public Process and Comments
- H. Dept. Comments
- I. Alternate Motion

PROJECT DESCRIPTION:

The subject building and site are currently utilized for a restaurant and associated parking. “Restaurant” is a permitted use in the R-MU zoning district, whereas “social club” is a conditional use. The applicant seeks to now operate as a social club. The primary difference being that alcohol could be serviced to patrons who are not necessarily dining, patrons could enter the premises to simply consume alcohol. No exterior or interior remodeling is proposed and no change in parking stall count or configuration is proposed.

Hours of operation: Brunch: Monday-Friday 8:00 AM to 2:00 PM; weekends 9:00 AM to 3:00 PM
Dinner: Monday-Thursday 5:00 PM to midnight; Friday-Saturday 5:00 PM to 1:00 AM.

Employees: Three full-time; 15 part-time
Seating: 76 seats
Entertainment: live music

KEY ISSUES:

There are no key issues or adverse impacts created by this conversion from existing restaurant and bar to a social club.

DISCUSSION:

The proposed conversion from a restaurant and bar to a social club, with no modifications to the building or site, creates no adverse impacts, will have no noticeable effect to surrounding properties, and meets the standards for approval.

The parcel is abutted on all sides by other properties zoned R-MU. All of the surrounding parcels, with the exception of those that are vacant, contain some type of commercial business. The City cannot regulate the hours of operation since the social club would be subject to the provisions of the Utah Department of Alcoholic Beverage Control, which allows businesses to stay open until 2:00 AM.

The applicant's proposed "security and operations plan" that is required for alcohol related uses has been approved by the city's building official and the police department. Their approvals are required as part of the conditional use process.

The property is located within the central city historic overlay district but the proposal does not involve any exterior changes to the site or building and therefore does not require a certificate of appropriateness. The historic landmark commission does not have a role in this conversion/conditional use.

NEXT STEPS:

If approved, the applicant may proceed, subject to any conditions of approval, with the conversion and will be required to obtain all necessary state liquor licenses and city permits. If denied, the applicant would not be allowed to operate a social club on this site, but could continue to operate the restaurant and bar.

ATTACHMENT A: Vicinity Map



RO

SLADE

N

500 E

500 East

R-MU

R-MU

RL

RO

Subject

300 South

300-6

ATTACHMENT B: Photographs

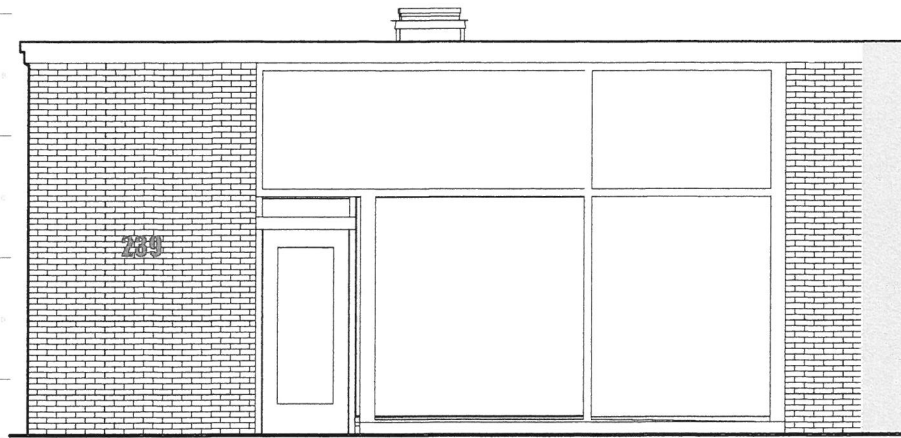
SITE



SITE

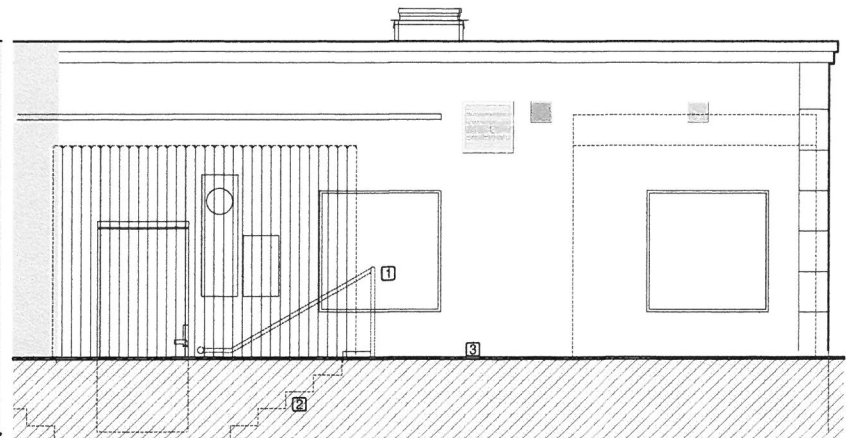


ATTACHMENT C: Site Plan and Building Drawings



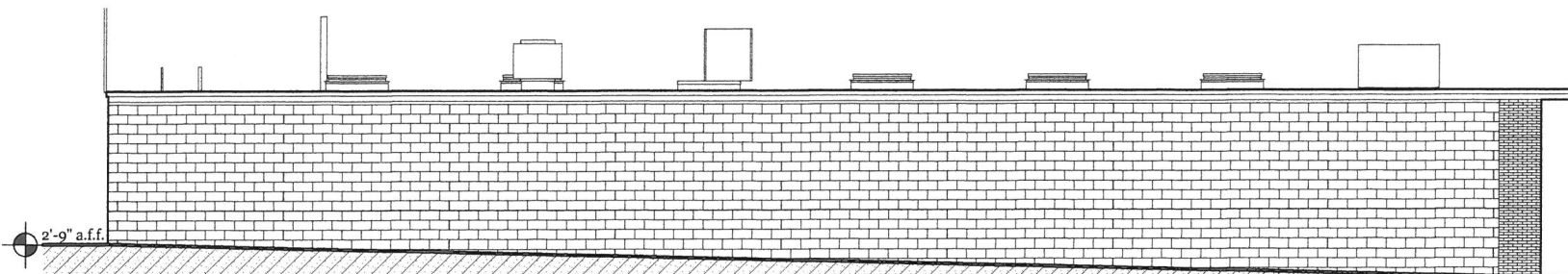
1 FRONT ELEVATION

SCALE :: 1/4" = 1'-0" (1:48)



2 REAR ELEVATION

SCALE :: 1/4" = 1'-0" (1:48)

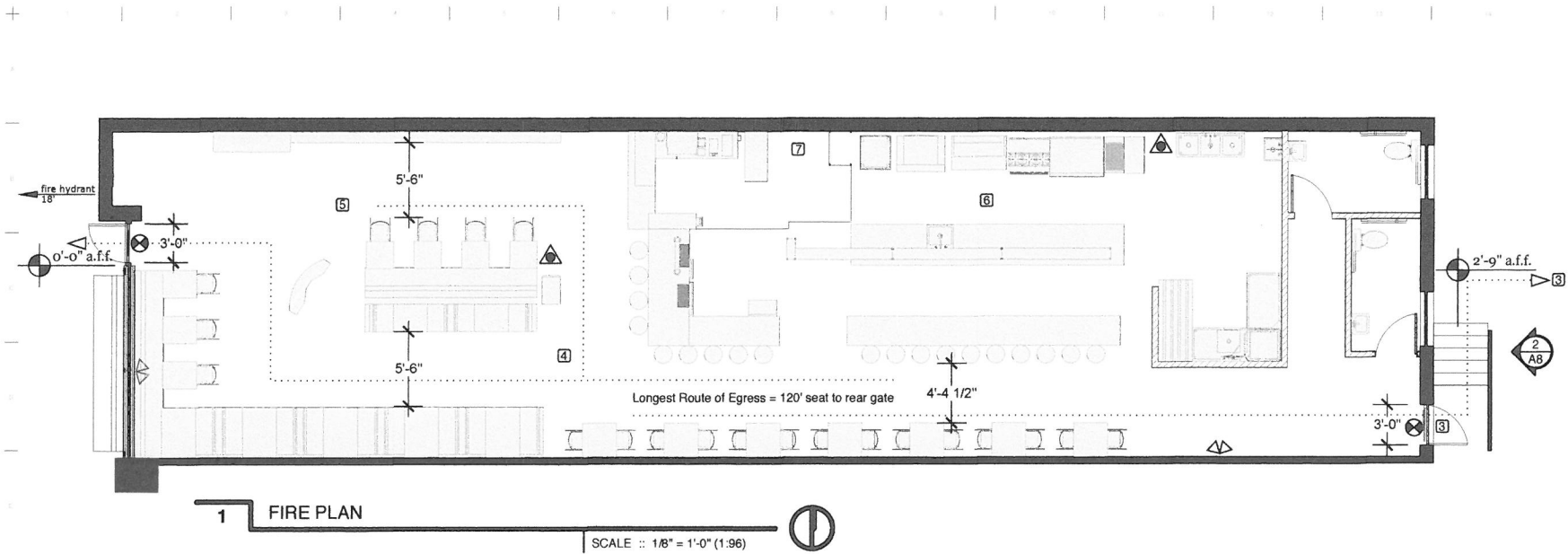


3 NORTH ELEVATION

SCALE :: 1/8" = 1'-0" (1:96)

KEY NOTES

- ① Railing 3' from floor, begins 1' before first stair tread and extends 1' beyond landing
- ② Stair rise 6 1/2", tread 11"
- ③ Direct, unobstructed route from stairway to fence door at surface level



FIRE KEY	
	FIRE EXTINGUISHER
	EXIT SIGNS
	SECURITY W/BATTERY

KEY NOTES

- 1 Interior wall and ceiling finish materials are existing class A of 2012 IBC Section 803.1.1. Any added materials shall have a flame spread index of class A or class B.
- 2 No elevation change at main entrance from exterior to interior.
- 3 Rear exit door and fence door equipped with panic bars.
- 4 DINING (BASED ON NET AREA) 63 seats: 46 fixed @ 2 linear feet per diner. 17 unsecured @ 16 square feet per diner
- 5 WAITING (BASED ON NET AREA) 8 seats: 4 fixed @ 3 linear feet per customer. 4 unsecured @ 16 square feet per diner
- 6 KITCHEN (BASED ON GROSS AREA) 3 persons @ 125 square feet per
- 7 OFFICE (BASED ON NET AREA) 1 person @ 26 square feet

ATTACHMENT D: Additional Applicant Information

1. We would use conditional use to change RYE from a full restaurant license to a club license. Rye is currently one of Salt lake's premier restaurants serving locally sourced, often organic, and always house-made fresh food 7 days a week. We plan on continuing to serve the same great foods while expanding our bar program to attract additional clientele.

2. We will continue to serve Brunch 7 days a week: Monday - Friday 8am - 2pm, Weekends 9am - 3pm while expanding our hours to include dinner service featuring small plates & drinks between the hours 5pm-midnight Monday - Thursday & 5pm - 1am on Friday & Saturday evenings. Our Anticipated deliver hours will be between 6am-12pm. Food deliveries are currently set up on Monday, Wednesday, & Friday around 6am. Alcohol deliveries are set up for Thursdays at 11:00 am. Rye is abutting businesses on both sides with a mix of businesses and an apartment complex on the other side of the street. Rye currently has aprox 15 part time employees and 3 full time employees. Rye currently has 76 seats. We have 30 available parking stalls located behind RYE as well as 8 public parking spaces located in front of the RYE. As a backup there are a number of two-hour spaces located on both sides of 500 East and more on 3rd & 2nd south. We are on good terms with all of are neighbors and have discussed our plan with as many of them that have time to listen.

D. Security & Operations

1. Should the RYE ever field a complaint we will take action on it as soon as possible. Our company phone number is listed in the yellow pages, on our website (www.ryeslc.com), Facebook, Yelp, etc and there is always a manager on duty who is available to assist in solving any issue that should arise. If the manager on duty is unable to rectify the situation he/she will bring the issue to ownership and the matter will be addressed and resolved immediately.

2. The owners or representatives of RYE will attend any Central City Neighborhood Council meeting upon request to resolve any issues or complaints regarding our business.

3. The proposed Social Club area will not exceed the permissible sound levels according to the requirements of our zoning district. The space has solid interior walls and windows.

4. Any live entertainment will be located inside of our building and will be subject to conform to the sound limits of our zoning district.

5. There will not be any electronically amplified sound on the exterior of the premises for social club operations.

6. Our designated smoking area is located outside the club, to the West of the main door. This area conforms to Utah state law, and is more than 25 feet from any building entrance or exit.

7. As part of our nightly closing procedures the server/bartender/or manager on duty will perform a sweep of the exterior and collect and dispose of any trash strewn on the premises. All trash & recycling cans will be emptied nightly into our larger trash dumpsters.

8. As mentioned in #7 All trash & recycling cans will be emptied nightly into our larger trash dumpsters. The Recycling bins and trash dumpsters are removed weekly by Allied Waste Management.

9. We have 30 available parking stalls located behind RYE as well as 8 public parking spaces located in front of the RYE. As a backup there are a number of two-hour spaces located on both sides of 500 East and more on 3rd & 2nd south. We have also made arrangements with our neighbors immediately north of us (Squashworks) adding an additional 16 spaces when they are closed.

(e) We will also monitor the exterior and remove any graffiti from the building within 48 hours should it ever happen.

ATTACHMENT E: Existing Conditions

Existing Conditions:

Existing small, one-story commercial building with surface parking in the rear yard area.

ADJACENT LAND USES

The land use and zoning surrounding the site is:

- **East:** surface parking lots
- **West:** multi-family residence
- **South:** “The Urban Lounge” concert venue
- **North:** “Squashworks” indoor sports facility (squash, racquetball)

MASTER PLAN CONSIDERATIONS

The Central Community Master Plan Future Land Use Map designates this parcel as “high mixed use (50 or more dwelling units per acre)”. The proposed social club is consistent with the master plan and simply converts from an existing restaurant and bar use.

ATTACHMENT F: ANALYSIS OF STANDARDS

21A.54.080 Standards for Conditional Use

Approval Standards: A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title;

Analysis: The property is located in the R-MU (Residential-Mixed Use) zoning district, which allows social clubs up to 2, 500 square feet in size as a conditional use. The proposed use is less than 2,500 square feet. In addition, this proposal is subject to the provisions of *Section 21A.36.300 Alcohol Related Establishments*, listed below for reference.

Finding: The proposed use complies with the applicable provisions of the Salt Lake City Zoning Ordinance subject as noted in the analyses that follow for alcohol related establishments. All requirements for alcohol related establishments are adequately satisfied.

21A.36.300 Alcohol Related Establishments Requirements

The purpose of this section is to permit the establishment of taverns, social clubs, dining clubs, brewpubs, and microbreweries as defined in chapter 21A.62 of this title, subject to licensing procedures, and where appropriate, conditional use standards. There are several items within this code section that are discussed below:

Section 21A.36.300.B – License Required: No tavern, social club, dining club, brewpub, or microbrewery shall be established, operated, or maintained within the City without a valid license issued by the Utah state division of licensing, and without a valid business license issued by the City.

Analysis: The applicant needs to go through the process with the Utah Department of Alcoholic Beverage Control for the appropriate license. Should the conditional use be approved, the applicant will also need to obtain a business license from the City. If the application is approved, the proposed use will need to meet this portion of the standard. It cannot be met unless the conditional use approval is granted.

Section 21A.36.300.D. – Taverns, Social Clubs, Dining Clubs, Brewpubs, and Microbreweries; Authorized As Conditional Uses: Taverns, social clubs, dining clubs, brewpubs, and microbreweries may be allowed as conditional uses pursuant to the provisions of Chapter 21A.54 of this title, and pursuant to Subsection B of this section in zoning districts noted in the tables of permitted and conditional uses provided the following standards are achieved:

21A.36.300.D.1.a. – Require that a security and operations plan be prepared by the applicant and approved by the Salt Lake City Police Department and the Building Official, and filed with the City Recorder's office, which shall include:

- (1) A complaint-response community relations program;
- (2) A provision for a representative of the tavern, social club, dining club, brewpub, or microbrewery to meet with neighbors upon request in order to attempt to resolve any neighborhood complaints regarding the operations on the business premises;
- (3) Design and construction requirements to ensure that any sound level originating within the premises, measured within fifteen feet (15') from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth for the applicable zoning district in Chapter 9.28 of this code;
- (4) A provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit;
- (5) Prohibiting electronically amplified sound in any exterior portion of the premises;
- (6) Designation of a location for smoking tobacco outdoors in conformance with state law;
- (7) A provision stating that any trash strewn on the premises be collected and deposited in a trash receptacle by six o'clock (6:00) A.M. the following day, including any smoking and parking lot areas;
- (8) A provision stating that portable trash receptacles on the premises be emptied daily and automated receptacles be emptied at least weekly. Automated receptacles shall be located only within a city approved trash storage area; and

(9) A parking management plan, which shall include consideration of the impact of parking on surrounding neighborhoods.

Analysis: The applicant has submitted a security and operations plan to the police department and the building services division that addresses all of the requirements of items 1-9 listed above and has been approved. The plan must be recorded with the city recorder's office and this requirement has been included as a condition of approval.

21A.36.300.D.1.b. – Require a review and approval of the site and floor plan proposed for the premises by the Salt Lake City Police Department. Such review may require design features for the purpose of reducing alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness;

Analysis: The applicant has provided a site and floor plan that has been approved by the police department.

21A.36.300.D.1.c. – Require buffering where a tavern, social club, dining club, brewpub, or microbrewery abuts a residentially zoned parcel. Said buffering shall include vegetative landscaping or walls along any property line or within any required yard area on the lot where the premises are located;

Analysis: The subject property abuts residentially zoned parcels on either side; however the existing building is built to the front and side lot lines essentially buffering adjacent uses because the social club is fully contained within the building. The adjacent uses on either side are both commercial uses and have similar hours of operation, thereby reducing any negative impacts. The parcel to the rear is a surface parking lot which is often vacant in the evening hours. The proposed social club is already adequately buffered from adjacent properties.

21A.36.300.D.1.d. – Require that landscaping be located, and be of a type, that cannot be used as a hiding place;

Analysis: Landscaping is not feasible for this application given that the existing building is already built to the front and side lot lines, leaving no are for landscaping. Also, as previously mentioned, the rear yard abuts a surface parking lot which is often vacant at night when the social club aspect is typically the most intense. Given the configuration of the building and property, landscaping won't enhance the use, and not having it will reduce hiding places.

21A.36.300.D.1.e. – Require that the exterior of the premises be maintained free of graffiti, including the main building, any accessory buildings or structures, and all signs. Graffiti shall be removed from the exterior of the premises within forty-eight hours, weather permitting.

Analysis: There is no readily apparent graffiti currently on site. The applicant has stated that any future graffiti will be removed within the required 48 hours, weather permitting.

21A.36.300.D.2.a - Limit the size and kind of signage located on the outside of any building in conformance with Chapter 21A.46 of this title;

Analysis: The applicant has not proposed any signage at this time but is aware that any new signage must conform to Chapter 21A.46.

21A.36.300.D.2.b. – Require parking area lighting to produce a minimum foot-candle that provides safe lighting for pedestrians, but does not intrude on residents' enjoyment of their homes;

Analysis: There are no adjacent residential light uses and the small parking area in the rear is adequately lit. The front of the building contains large windows and three under-soffit flood lights which adequately light the public sidewalk and primary entrance.

21A.36.300.D.2.c. – Consider the proposed location of an outdoor smoking area in the security and operations plan and the potential effect on neighboring residences, businesses, and buildings and designating a new area if the potential effects of the area in the security and operations plan appear to adversely affect neighboring residences, businesses, and buildings.

Analysis: The designated smoking area to be located outside the social club in the front yard area, beyond 25 feet from the entrance.

Finding: The proposed satisfies all requirements for alcohol related establishments as noted in the previous analyses.

- The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

Analysis: The proposed social club is anticipated in the R-MU zoning district and considered compatible with adjacent and surrounding commercial and residential uses. The site will remain as is, which has been used for a restaurant and bar since at least the 1970's. The proposed social club would continue to serve brunch morning and early afternoon and then for dinner, would have similar services and business hours as the concert venue next door.

Finding: The proposal is compatible with the surrounding uses.

- The use is consistent with applicable adopted city planning policies, documents, and master plans; and

Analysis: The proposed social club is listed as a conditional use in the zoning ordinance and is deemed consistent with and supported by the Central Community Master Plan, which calls for a high density of mixed uses in this area. The R-MU zoning district has the purpose of reinforcing the mixed use character of the area and encouraging the development of areas as high density residential urban neighborhoods containing retail, service commercial, and small scale office uses. This district is appropriate in areas of the city where the applicable master plans support high density, mixed use development.

Finding: The use is consistent with applicable adopted city planning policies, documents, and master plans.

- The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions (refer to Detrimental Impacts Chart below for details).

21a.54.080B Detrimental Effects Determination

In analyzing the anticipated detrimental effects of a proposed use, the planning commission shall determine compliance with each of the following:

Criteria	Finding	Rationale
1. This title specifically authorizes the use where it is located	Complies	The social club is allowed as a conditional use in the R-MU zoning district.
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps	Complies	The use is located in an area zoned and designed by the associated master plan for high density mixed uses (see analysis from standard 3 above).
3. The use is well-suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area	Complies	Surrounding the property are similar intensity commercial uses. The proposed use will not alter the existing building or site on the exterior nor will increase parking requirements, further confirming its size, intensity and scale. This social club use is well-suited to the character of the site.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	Complies	The proposed use will utilize the existing building, making no changes to the site or exterior of the building. Thus, the proposal is not in conflict with the mass, scale, style, design or architectural detailing of surrounding structures.
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows	Complies	The existing driveway and access points will remain; thereby eliminating any grading and do not currently impeded traffic flows.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	Complies	The proposal will have no traffic impacts on adjacent properties.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	The existing site is designed for pedestrian and bicycle access. No changes will be made to this aspect of the site.
8. Access to the site does not unreasonably impact	Complies	Access to the site is existing and does/will not impact the

the service level of any abutting or adjacent street		service level of an adjacent street.
9. The location and design of off-street parking complies with applicable standards of this code	Complies	No aspects of the existing parking configuration are changing.
10. Utility capacity is sufficient to support the use at normal service levels	Complies	Utility service has been deemed sufficient, per review by the city's public utilities department.
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts	Complies	The adjoining uses are similar in nature and do not require screening or buffering.
12. The use meets City sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke	Complies	Use does not significantly impact sustainability plans nor does it encroach onto a stream or water way.
13. The hours of operation and delivery of the use are compatible with surrounding uses	Complies	The proposal would utilize hours typical of restaurants and bars. The proposed hours of operation and delivery are similar to adjacent uses, thereby maintaining compatibility.
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies	The proposal will not alter the lighting and any sign changes must conform to the zoning ordinance. No variances are being requested as part of this application.
15. The proposed use does not undermine preservation of historic resources and structures	Complies	The proposal does not involve an historic structure or resource.

Finding: In analyzing the anticipated detrimental effects of the proposed use, Staff finds that the request complies with the criteria listed above in that there are no detrimental impacts anticipated with this proposed social club.

ATTACHMENT G: Public Process and Comments

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

PUBLIC PROCESS AND INPUT

Timeline

- The application was submitted on October 2, 2015.
- Notice of the application, and request for input, was provided to the Central Community Neighborhood Council on July 15, 2016. A comment period of 45 days was provided, ending on August 30, 2016. No comments were received from the neighborhood council within the 45-day comment period.
- Public notice mailings were sent out on September 15, 2016 for the planning commission public hearing.

No public comments were received before this report was finalized.

ATTACHMENT H: Department Comments

CITY DEPARTMENT COMMENTS

Public Utilities (Jason Draper): No public utility issues with the proposed conditional use.

Engineering (Scott Weiler): No comment.

Transportation: No comments.

Zoning: (Greg Mikolash) No zoning related issues with this change of use proposal.

Fire (Ed Itchon): No issues.

Police (Lt. Lamar Ewell): Looked over the plans sent me, stopped by and visited with management and walk through and around the establishment also walked. We have no current issues with the requested change

ATTACHMENT I: Motions

Alternate Motion

Not Consistent with Staff Recommendation:

Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the requested RYE Social Club conditional use PLNPCM2016-00483.

The Planning Commission shall make findings on the conditional use approval standards and specifically state which standard or standards are not being complied with.