



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

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To: Salt Lake City Planning Commission

From: Mayara Lima, Principal Planner  
(801) 535-7118 or [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com)

Date: July 8, 2020

Re: PLNPCM2020-00321 – Conditional Use for a Bar Establishment

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## Conditional Use

**PROPERTY ADDRESS:** 239 S 500 E  
**PARCEL ID:** 16-06-277-014  
**MASTER PLAN:** Central Community Master Plan  
**ZONING DISTRICT:** R-MU Residential/Mixed Use

**REQUEST:** Lance Saunders, representing the property owner, is requesting a Conditional Use to allow a bar establishment at approximately 239 S 500 E. The applicant is proposing to change the license of the existing restaurant at this location to bar establishment in order to expand its bar program.

**RECOMMENDATION:** Based on the information in the staff report, Planning Staff recommends that the Planning Commission approve the proposal with the following condition:

- 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 uses.

### ATTACHMENTS:

- A. [Vicinity and Zoning Map](#)
- B. [Site Photographs](#)
- C. [Application Materials](#)
- D. [Master Plan Policies](#)
- E. [Zoning Standards](#)
- F. [Analysis of Standards – Conditional Use](#)
- G. [Public Process and Comments](#)

**PROJECT DESCRIPTION:** This proposal is a request to allow a bar establishment on the property located at approximately 239 S 500 E. The property is currently utilized for a restaurant and associated parking and the applicant now seeks to operate a bar establishment within the existing building. A restaurant is a permitted use in the R-MU zoning district, whereas a bar establishment is a conditional use.

The primary difference between the proposed and existing use is that with a bar license, alcohol could be serviced to patrons who are not necessarily dining. This means that customers could enter the

premises solely for the consumption of alcohol. The proposed use change will not result in remodeling of the building nor change in parking count or configuration.

Hours of operation will be expanded to include bar service. The existing restaurant currently operates daily at different hour for brunch, lunch and dinner. The bar is proposed to operate from Monday thru Sunday from 4:00 PM till 1:00 AM. Additional information regarding the business operations of the proposed use, including security operations, are outlined in [Attachment C](#).

## **KEY CONSIDERATIONS:**

### **Consideration 1: Size Limitation**

In the R-MU zoning district, alcohol related businesses are limited in the floor area it can occupy. A bar establishment cannot exceed 2,500 square feet when approved as a conditional use, whereas a bar establishment larger than that is a prohibited use in the district. This restriction applies to alcohol-related uses, but not to restaurants in the R-MU district. The proposed bar is 2,400 square feet. Thus, the proposed use complies with the size limitation imposed for the use.

### **Consideration 2: Neighborhood Compatibility and Potential Impacts**

The subject property is located on the edge of downtown in an urban environment surrounded by a diversity of uses. The abutting properties are zoned R-MU Residential/Mixed Use. Other properties within proximity are zoned RO Residential/Office and PL Public Lands. The land uses found in the area include indoor recreation, concert venue, retail, office, daycare, bar, restaurant, multi-family, and a fire station.

This mix of uses found in the area creates an active neighborhood where there is movement of people at different hours of the day. The proposed bar establishment may increase movement during evening and night hours, but it will be consistent with similar uses, such as the adjacent concert venue, bars and restaurants. Likewise, because the use is proposed to operate later in the day, the increase in traffic will occur during hours when many of the adjacent uses are closed or closing.

Parking for the proposed use is calculated the same as the restaurant. Since the two uses will share the same space, no additional stall is required. The property is also accessible by alternative means of transportation and given its location close to downtown and transit stations, the new use may see a significant number of customers choosing to walk or bike.

The proposed bar will not be located within the proximity limits to a community location as imposed by state regulations for alcoholic beverage licenses. Community locations include churches, public or private schools, public parks, public playgrounds or libraries. It does not include trade or technical schools, infant daycare centers and nursery schools. The property complies with that regulation.

Given this context, the proposed use is found to be consistent with the neighborhood mix and should not create negative impacts to existing uses.

### **Consideration 3: Master Plan Policies and Standards of Review**

As discussed in [Attachment D](#), the Central Community Master Plan and Plan Salt Lake both support the diversity of land uses in the area. In addition, the proposed new use will add to the existing mix and help to grow the local economy. The proposed use complies with the zoning standards specific to alcohol-related uses ([Attachment E](#)) and the standards of review for a conditional use ([Attachment F](#)).

## **DISCUSSION:**

The proposed new use as a bar establishment complies with requirements and does not include modifications to the building or site. The new use creates no adverse impacts to surrounding properties because it fits in with the variety of uses found in the neighborhood, including similar commercial uses.

The bar establishment would be subject to the provisions of the Utah Department of Alcoholic Beverage Control and the applicant's proposed "security and operations plan" has been reviewed and approved by the city's building official and the police department.

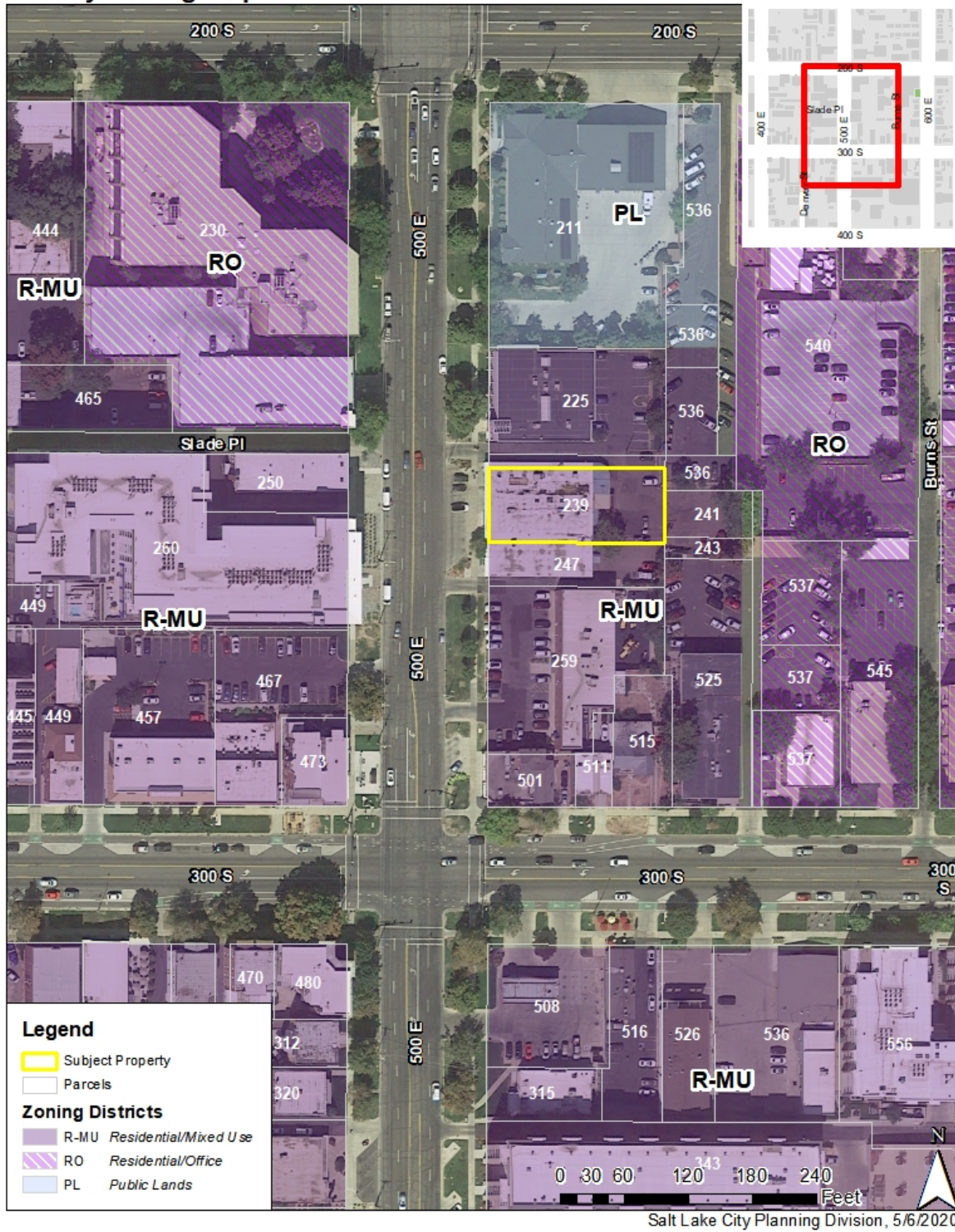
**NEXT STEPS:**

If the request is approved, the applicant will be required to comply with the conditions of approval and all necessary state liquor licenses and city permits for the new use.

If the request is denied, the applicant would not be allowed to operate a bar establishment on this site but could continue to operate the restaurant.

# ATTACHMENT A: Vicinity and Zoning Map

Vicinity Zoning Map





## Surrounding Land Uses





## **ATTACHMENT B: Site Photographs**



*Figure 1 – Front façade of the building*



*Figure 2 – Adjacent uses include indoor recreation and concert venue*



*Figure 3 – Parking for the restaurant/bar is located on the rear of the lot*



*Figure 4 – View of the rear of the building*



*Figure 5 – Parking area in the rear of the lot*



*Figure 6 – Residential buildings across 500 E*

## **ATTACHMENT C: Application Materials**

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 on weekends: Saturday & Sunday 9am - 3pm, while expanding our hours to include bar service on weekdays 4pm-2am daily. Food deliveries are currently set up on Monday, Wednesday, & Friday around 8am. 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 across the street. Rye currently has approximately 17 part time employees and 3 full time employees. Rye currently has 76 seats and employ about 8-13 servers/cooks/dishwashers/etc during high shifts. 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](http://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.

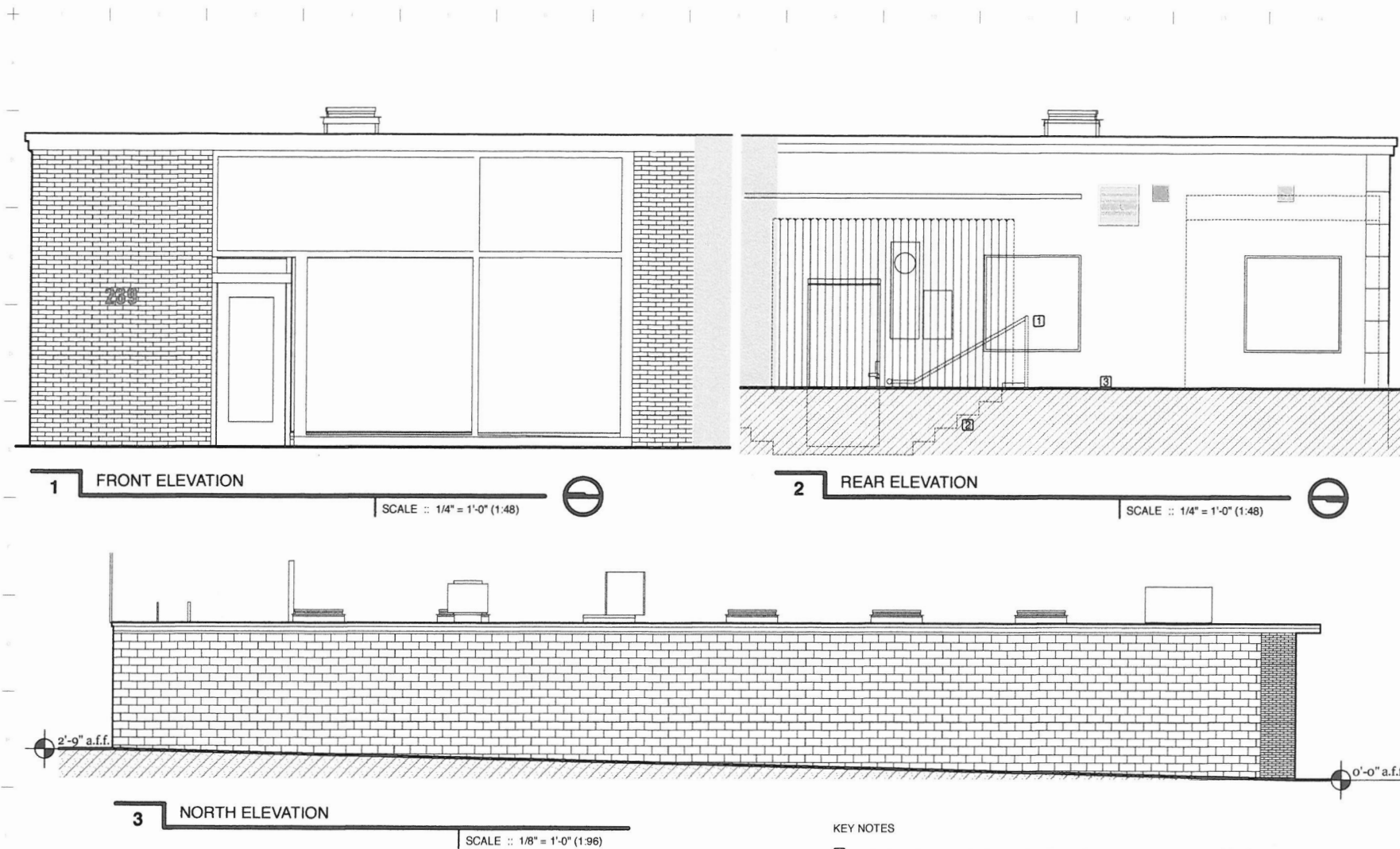
7. As part of our nightly closing procedures the server/bartender/or manager on duty will perform a sweep of the exterior and collect and dispose of any trash strewn on the premises. All trash & recycling cans will be emptied nightly into our larger trash dumpsters.



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 and Momentum Recycling..

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.



#### 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



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801.347.3195

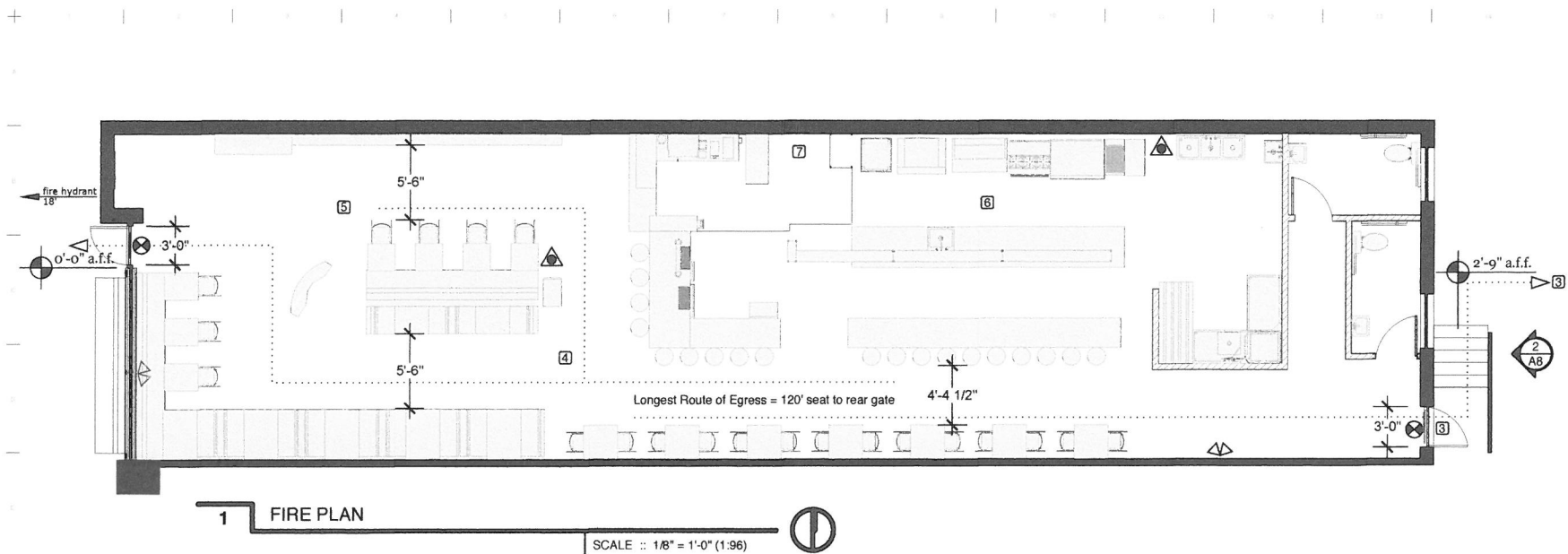
CLIENT  
Urban Partners 2 Inc.  
241 S 500 E  
Salt Lake City, Ut 84102  
801.349.9949

PROJECT  
Hifi  
239 S 500 E  
Salt Lake City, Ut 84102

DRAWN BY  
RM  
DESCRIPTION  
Elevations

A

8



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: Master Plan Policies

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### Central Community Master Plan

The subject property is located within the Central Community Master Plan (adopted November 2005) and is designated on the future land use map as “High Mixed Use”. High-Density Mixed Use is defined in the master plan as a commercial land use *targeted for higher intensity commercial use and medium to high-density housing, especially adjacent to light rail stations in the downtown area.*

According to the master plan, commercial land uses include, *but are not limited to, the following: offices, retail sales, retail services, entertainment, small businesses and corporate headquarters.* The master plan states that *these uses provide a diverse economic base and offer an attraction to locate in the Central Community and Salt Lake City.*

The following master plan policies are relevant to this project:

- **Provide a range of commercial land uses in the Central Community**
- **Support new and existing commercial businesses and improve commercial development opportunities in the Central Community**
- **Ensure commercial land uses are compatible with neighboring properties**

**Staff Discussion:** The current zoning of the property is R-MU Residential/Mixed Use, which is in agreement with the master plan’s future land use map. The proposed use of the property as a bar establishment is also in line with the vision for commercial areas because this use will support the diversity of businesses in the neighborhood and it is compatible with the adjacent land uses.

### Plan Salt Lake

This citywide master plan adopted in 2015 provides a vision and policies for the future of Salt Lake City. The goals relevant to this project are related to encouraging a mix of land uses and supporting small businesses:

- **Encourage a mix of land uses**
- **Support the growth of small businesses, entrepreneurship and neighborhood business nodes**

**Staff Discussion:** The proposed new use will add to the existing mix of uses found in the neighborhood and will help to expand a local business.

## ATTACHMENT E: Zoning Standards

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### **21A.36.300: Alcohol Related Establishments:**

B. License Required: No tavern, bar establishment, or brewpub 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.

D. Taverns, Bar Establishments, And Brewpubs; Authorized As Conditional Uses: Taverns, bar establishments, and brewpubs 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:

1. In approving a conditional use permit for a tavern, bar establishment, or brewpub, the Planning Commission shall:

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; and

(2) A provision for a representative of the tavern, bar establishment, or brewpub 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 title 9, 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; and

(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 the requirements 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.

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.

c. Require buffering where a tavern, bar establishment, or brewpub 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 is surrounded by R-MU zoned parcels. The existing building is built to the front and side lot lines and the proposed use will be fully contained within the existing building. Because the abutting properties contain commercial uses and surface parking lots, the proposed bar establishment is considered to be adequately buffered from other residential uses.

d. Require that landscaping be located, and be of a type, that cannot be used as a hiding place; and

**Analysis:** Landscaping is not feasible given that the existing building is already built to the front and side lot lines. In addition, the rear yard abuts a surface parking lot that would be likely vacant when the bar use is in operation. Given the configuration of the building and property, landscaping will not enhance the use, and not having it will reduce hiding places.

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 (48) 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.

2. If necessary to meet the standards for approval of a conditional use set forth in section 21A.54.080 of this title, the following conditions may be imposed:

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. Any new signage must conform to Chapter 21A.46.

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; and

**Analysis:** The closest residential buildings are located across the street. The site is adequately lit and no additional lighting is being proposed at this time.

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 is located outside the bar to the west of the main door. The area is more than 25 feet from the entrance and according to the applicant, it conforms with state requirements.

**Staff Discussion:** The proposed bar establishment complies with applicable zoning regulations.

# **ATTACHMENT F: Analysis of Standards - Conditional Use**

## **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 District, where an Alcohol, bar establishment (2,500 square feet or less in floor area) is allowed as a conditional use. [Attachment E](#) shows that the proposed use generally complies with zoning standards.

**Finding:** If approved by the Planning Commission, the proposed use complies with the applicable provisions of the Salt Lake City Zoning Ordinance.

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

**Analysis:** The subject property is surrounded by a diversity of uses. The abutting properties are zoned R-MU Residential/Mixed Use. Other properties within proximity are zoned RO Residential/Office and PL Public Lands. The land uses found in the area include indoor recreation, concert venue, retail, office, daycare, bar, restaurant, multi-family, and a fire station.

**Finding:** The proposed use is located near multiple commercially used properties and within a diversity of uses. Therefore, the proposed use is expected to operate compatibly within the context of its location.

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

**Analysis:** The proposed use is allowed as a conditional use in the zoning district and the applicable master plans encourage the diversity of commercial land uses as observed in [Attachment D](#).

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

4. 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	<b>Complies</b>	Alcohol, bar establishment (2,500 square feet or less in floor area) is allowed as a conditional use in the R-MU Residential/Mixed Use 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	<b>Complies</b>	The proposed use complies with the applicable provisions of the Salt Lake City Zoning Ordinance ( <a href="#">Attachment E</a> ). As previously discussed in <a href="#">Attachment D</a> , the proposed bar establishment reinforces the mix of land uses and supports the growth of a small business, which are consistent with goals of the Central Community Master Plan and Plan Salt Lake.
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	<b>Complies</b>	The subject property is surrounded by a diversity of uses as shown in <a href="#">Attachment A</a> . Given the context of its location, scale and nature of business operations, the proposed use is in character with its surroundings.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	<b>Complies</b>	No changes are proposed to the existing building.
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows	<b>Complies</b>	Access to the site will remain as is. There will be no changes to the existing topography. Vehicular traffic will continue to be directed onto 500 E, which is the only street the property fronts. The existing driveway is consistent with other driveways and should not impede any traffic flow.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	<b>Complies</b>	Both on-site and on-street parking will remain the same. Although the new use could bring more traffic during late afternoon and evening hours, its operations will be consistent with other commercial uses in the area and should not create significant additional impacts to adjacent properties.
7. The site is designed to enable access and circulation for pedestrian and bicycles	<b>Complies</b>	The existing site is designed for pedestrian and bicycle access. The property is served by city sidewalks and streets that connect to the neighborhood and allow for easy and safe access.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	<b>Complies</b>	Traffic for the proposed use will occur during late afternoon and evening hours rather than the regular business hours for other offices and retail found in the area. Nonetheless, 500 E, 200 S and 300 S are arterial streets that can accommodate the potential increase in traffic flow. The city's Transportation division also reviewed the proposal and provided no objections to the new use.
9. The location and design of off-street parking complies with applicable standards of this code	<b>Complies</b>	The existing parking configuration is adequate and is not proposed to change.
10. Utility capacity is sufficient to support the use at normal service levels	<b>Complies</b>	The Public Utilities department reviewed the proposal and provided no objections regarding utility capacity.
11. The use is appropriately screened, buffered, or separated from adjoining	<b>Complies</b>	The proposed use will be fully contained within the building. Adjoining uses are similar in nature and do not



dissimilar uses to mitigate potential use conflicts		require screening or buffering.
<b>12.</b> 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	<b>Complies</b>	The proposal supports sustainability plans by adding a use to an existing building without any physical modifications, in a location that offers existing infrastructure and alternatives means of transportation.
<b>13.</b> The hours of operation and delivery of the use are compatible with surrounding uses	<b>Complies</b>	The bar establishment will operate daily from 4:00 PM till 1:00 AM. The proposed hours of operation are compatible with other entertainment, restaurants and bars in the area.
<b>14.</b> Signs and lighting are compatible with, and do not negatively impact surrounding uses	<b>Complies</b>	The proposal does not include any changes to existing lighting and signage, and are considered appropriate.
<b>15.</b> The proposed use does not undermine preservation of historic resources and structures	<b>Complies</b>	Although the property is located within the Central City Local Historic district, no changes to the exterior of the building is proposed.

**Finding:** In analyzing the anticipated detrimental effects of the proposed use, Planning Staff finds that the request complies with the criteria listed above.

## **ATTACHMENT G: Public Process and Comments**

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

### **Public Notices:**

- Notice of the project and request for comments sent to the Chair of the Central City Community Councils on May 18, 2020 in order to solicit comments. The Community Council Chairs did not ask staff to attend a meeting to present the project and did not provide any public comment. The 45-day recognized organization comment period expired on July 2, 2020.
- Early notification was mailed to owners and tenants of properties within 300 feet on May 22, 2020.

### **Public Hearing Notice:**

- Public hearing notice mailed on June 26, 2020.
- Public hearing notice posted on City and State websites on June 26, 2020.
- Sign posted on the property on June 26, 2020.

### **Public Comments:**

- At the time of the publication of this staff report, no public comments were received. Any comments received will be forwarded to the Planning Commission.