



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: David J. Gellner, AICP, Principal Planner – 385-226-3860 - david.gellner@slcgov.com

Date: November 18, 2020

Re: PLNPCM2020-00558 – Conditional Use for a Bar Establishment

Conditional Use

PROPERTY ADDRESS: 850 E 900 S
PARCEL ID: 16-08-181-001
MASTER PLAN: Central Community Master Plan
ZONING DISTRICT: CB – Community Business

REQUEST: Caroline & Josh Stewart, the property owners, are requesting Conditional Use approval for a Bar establishment to be located at 850 E 900 S. The space is currently occupied by the East Liberty Tap House and the bar establishment will retain the same name and ownership. The applicants are proposing to change the existing Tavern/Restaurant license and approval at this location to a Bar establishment, which requires a new Conditional Use approval.

RECOMMENDATION: Based on the information in the staff report, Planning Staff recommends that the Planning Commission approve the proposed Conditional Use application for a Bar Establishment with the following Conditions of Approval:

- 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 uses.*
- 2. The Security and Operations Plan will need to be updated if changes to the nature of the business are made and the amended plan will need to be reviewed by the Police Department and Building Official and recorded with the City Recorder's Office.*
- 3. The size of the outdoor patio must be limited to 450 square feet or less in order to comply with the size limits of the CB zoning district.*
- 4. The applicant must ensure that the rear light that will illuminate the back doors and that the ADA ramp is shielded as much as possible from the abutting residentially owned property to prevent the lighting from being a nuisance.*

ATTACHMENTS:

- [Vicinity and Zoning Map](#)
- [Site Photographs](#)
- [Application Materials](#)
- [Master Plan Policies](#)
- [Zoning Standards](#)
- [Analysis of Standards – Conditional Use](#)
- [Public Process and Comments](#)
- [City Department Review Comments](#)

PROJECT DESCRIPTION:

Caroline & Josh Stewart, the property owners, are requesting Conditional Use approval for a bar establishment at 850 E 900 S. The space is currently occupied by the East Liberty Tap House and the bar establishment will retain the same name and ownership. A Bar is allowed as a Conditional Use in the CB – Community Business zoning district subject to certain size limitations. The applicant is proposing to change the existing establishment from a Tavern/Restaurant to a Bar. A 371 square foot area that previously functioned as a private dining room will be incorporated into the bar's space for patrons. The total indoor area occupied by the bar use would be 1718 square feet with an additional 442 square feet of space provided on the outdoor patio in the front of the building.

The primary difference between the proposed Bar use and the Tavern use is that with a bar license, alcohol could be served 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 the required parking count or configuration. The building's exterior, parking and other aspects of the existing operation are not being modified through this request.

The proposed hours of operation are as follows:

- Sunday to Thursday – 12PM to 10PM
- Friday and Saturday – 12PM to 12AM

The business anticipates having eight (8) employees working onsite during the times of highest demand and four (4) employees during times of less demand. The bar will have a total seating capacity for up to 60 people. This has been reduced by 60% at the present time to adhere to health and social distancing guidelines. Additional information regarding the business operations of the proposed use, including the proposed Security and Operations Plan are included in [Attachment C](#) of this report.

KEY CONSIDERATIONS:

Consideration 1: Background History of Use at this Location

The East Liberty Tap House (ELTH) was approved as a Tavern within the restaurant at this location through the Conditional Use process in August 2014. It has operated at this location since that time. Sometime during 2016 the ELTH renewed its City Business License and was issued a license as a Dining Club. Subsequently the facility was issued a license as a Social Club. During the time that ELTH has been in operation, changes in State Liquor Laws in terms of allowed facility types occurred and corresponding changes were made to City Code that reflected these changes and the types of facilities allowed. After July 1, 2017 the State Liquor Commission could no longer issue a renewal for a dining club license. Existing facilities could choose to either pursue a Bar or Restaurant License moving forward. At the same time the classification of Social Club was changed to a Bar License. The City erroneously signed an agreement of Local Consent for a bar use in 2018 which had the effect of changing the approved Conditional Use as a "Tavern" into a "Bar" without going through the Conditional Use process as required. When the error(s) came to the attention of City Staff, it was communicated to the applicant that a new Conditional Use application for a "bar" use would be required if the applicant desired to operate the establishment as a bar, which was how the establishment had essentially been operating but without the proper land use approvals in place. These licensing discrepancies were the result of oversights on the part of the City and were not the fault of the business owners. The applicant filed Planning Application PLNPCM2020-00558 on July 31, 2020 and staff has been working with the applicant since that time to meet the Conditional Use requirements for a Bar use.

Consideration 2: Security and Operations Plan

The proposed use requires that a Security and Operations Plan be reviewed and approved by the Salt Lake City Police Department and the City's Building Official for this type of use. A copy of the approved plan must be filed with the City Recorder's Office. The Security and Operations Plan and a site layout plan has been sent to the Police Department, but approval of those documents is still pending as of the date of this report. Staff is including the finalization and recordation of that plan and approval of the site plan as a Condition of Approval for the use before a business license can be issued.

Since the building in which the tavern sits abuts a residential lot to the south, the proposed bar will need to meet the required buffering requirements of Chapter 21A.36.300.D.1.c. This section outlines the required buffering between the use and the adjacent residential uses and lists landscaping or walls as acceptable types of buffers. The bar is located within the interior building space and the area is not immediately adjacent to the rear exterior walls. The building itself sits on the north of the site toward 900 S so the parking area is located between the use and adjacent residential uses. There is a solid fence in place between the parking area and the residential property. The space between the use and exterior walls as well as the parking location acts as a natural buffer to the residential property for the tavern. By being completely enclosed within the building and separated from the rear wall of the building by additional space within the building, the intent of this ordinance is adhered to. The proposed site and floor plan were given to the Salt Lake City Police Department for their review, but no comments have been provided to staff as of the date of this report.

Existing lighting in the rear of the building will be used to illuminate the rear doors and the ADA ramp. The subject building abuts a residential property to the south and the lights should produce a minimum foot candle that provides safe lighting for those accessing the rear doors, but that also does not intrude on the residential use. The property owner should minimize any lighting that may shine onto the abutting residential property to avoid disturbance. Staff recommends this as a condition of approval to prevent the lighting from becoming a nuisance.

A smoking area has been designated more than 25 feet from the rear door in the parking lot, next to the garbage receptacle, and approximately 50 feet from the rear property line. The other possible location of the designated smoking area could be moved to the front of the property, but it would impact either adjoining businesses or pedestrians passing by. The current area appears to be the location with the least amount of impact. This location was previously approved with the Tavern use.

Consideration 3: Size Limitations of Indoor and Patio Space

In the CB Zoning District, alcohol related businesses are limited in the total floor area they can occupy. The combined square footage, including any patio space, cannot exceed 2,200 square feet in total. Total square footage is further defined to include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.

The existing building has 1718 square feet of total indoor space. The existing patio in front of the building is approximately 711 square feet in size. Part of the patio (96 square feet) will be designated as a customer waiting area while the walkway through the patio encompasses approximately 148 square feet of space. An additional 18 square feet of space will be occupied by two (2) outdoor fireplaces. These areas are not included in the total square footage of patron areas and don't count toward the total patio space. This leaves a total area of 442 square feet on the patio for use by patrons which is less than the 450 square feet allowed for the patio. The total indoor space (1718 SF) and patio space (442 SF) is less than the 2200 square feet of total combined space allowed. Thus, the proposed use complies with the size limitations imposed for a bar use in the CB zoning district for both indoor

space and the proposed patio. Staff is including a condition of approval that the patio space must remain below 450 square feet in order to comply with the size limits of the CB zoning district.

Consideration 4: Neighborhood Compatibility and Potential Impacts

Prior to being operated as a Tavern in 2014, the existing building had been used as retail space in the past and is located within the 9th and 9th Business District. The building and the proposed use are compatible with the surrounding neighborhood and the business district as the area already contains many locally owned restaurants and shops. The 9th and 9th Business District serves many of the surrounding residential zoning districts. Many of the businesses in the area operate six to seven days a week. Although noise from the tavern could be an anticipated detrimental effect, the City cannot regulate the hours of operation since the bar would be subject to the provisions of the Utah Department of Alcoholic Beverage Control. While noise is confined to the interior of the building in terms of music, the outdoor patio located in the front of the building has the potential to introduce additional impacts to the neighborhood.

A public comment was received from William Porreca, a neighboring property owner expressing concern about the potential for noise from the establishment and hours of operation. The email from Mr. Porreca is included in [Attachment G](#) of this report. The comment included a concern about the additional potential for noise that could result from live music performances that take place at ELTH. The commenter suggested that in order to address this potential noise impact that the hours be limited to 10PM on weekends, that the building be better sound-proofed or that use of the patio be limited after a certain hour. In the chance that the hours of operation or noise become a problem, the applicant's Security and Operations Plan addresses complaint and response with any neighbors or community council to resolve any neighborhood complaints. The Security Plan also addresses the occurrence of live music and states that it will largely be acoustic in nature when it does occur. It also states that amplified music will comply with regulations for noise found in Chapter 9.28 of City Code and that additional sound-proofing will be added to the building to keep sounds inside when music is amplified. Staff is not recommending an additional condition of approval to address these concerns as they are adequately covered in the Security and Operations Plan found in [Attachment C](#) of this report.

The 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 some movement during evening and night hours, but it will be consistent with similar uses and restaurants in the area. The 2005 Central Community designates the area as "Community Commercial" and the proposed bar would align with this designation. The Zoning Ordinance designates this property as CB or Community Business. With the change in the alcohol related establishments in 2012 by the City Council, alcohol related establishments were added as a conditional use in this zoning district. Given that the anticipated detrimental effects could be mitigated with reasonable conditions, the conditional use shall be approved.

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

Consideration 5: Master Plan Policies and Standards of Review

Both the Central Community Master Plan and Plan Salt Lake both support the diversity of land uses in the area as discussed in Attachment D. The proposed use will add to the existing mix of uses and contribute to the walkable nature of the neighborhood with services available. The proposed use complies with the zoning standards specific to alcohol-related uses found in [Attachment E](#) and the Standards of Review for a Conditional Use found in [Attachment F](#).

DISCUSSION:

The proposed new use as a bar establishment complies with requirements and does not include external modifications to the building or site. The new use creates no adverse impacts to surrounding properties since it fits in with the variety of uses found in the 9th and 9th Business District.

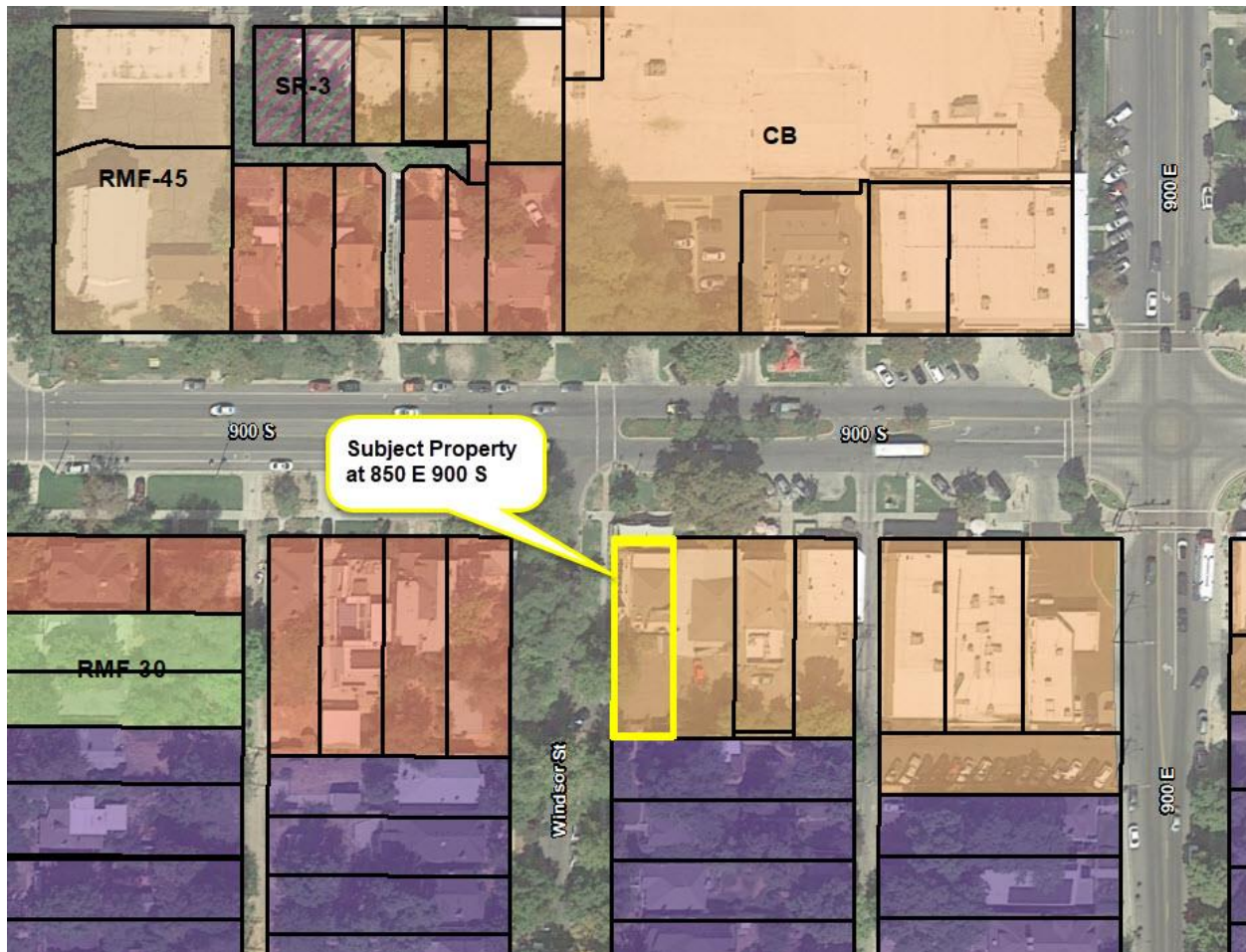
The bar establishment would be subject to the provisions of the Utah Department of Alcoholic Beverage Control and the applicant's proposed "Security and Operations Plan" must be approved by the City's Building Official and the Salt Lake City Police Department.

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.

ATTACHMENT A: Vicinity and Zoning Map



Adjacent Land Uses

The subject parcel is adjacent to R-1, 5,000 single family to the south, R-2 single and two family residential to the west, and CB, Community Business to the north and east. Adjacent land uses include a mix of closely integrated residential and commercial uses as is typical in the 9th and 9th Business District.

ATTACHMENT B: Site Photographs



Existing outdoor patio space facing 900 S



Existing outdoor patio space as seen from the corner of 900 S and Windsor Street



Outdoor patio space – the patio space must be limited to 450 square feet per the requirements of the CB zoning district.



Former private dining room area – 371 square feet in size – being added to the ELTH Bar operation.



Existing parking area in the rear of the building.



Signs on the rear fence of the parking lot area behind the building.

ATTACHMENT C: Application Materials

EAST LIBERTY TAP HOUSE
CONDITIONAL USE FOR A BAR
2020

1. Project Description

A neighborhood bar that serves a full food menu and alcohol beverages

2. Conditional Use Information

- A. Operating hours: Sunday to Thursday 12pm-10pm, Friday and Saturday 12pm-12am
- B. Adjacent to the property is the Birdhouse restaurant to the East and McClelland Ave to the West. Across the street to the north is a parking lot. A residential house is to the South of us.
- C. 8 employees work onsite during the highest shift, 4 during the lowest shift.
- D. 60 seats will be provided (during Covid, our capacity has been reduced by 60% to meet social distancing guidelines).
- E. The response to a local neighborhood bar with a full food menu has been very positive.

Security and Operations Plan
East Liberty Tap House (ELTH)
850 E. 900 S. SLC, UTAH 84105

Contact: Caroline Stewart, Co-owner, 801-580-4432, Caroline@eastlibertytaphouse.com

Hours of Operations: Sunday-Thursday 12pm-11pm; Friday and Saturday 12pm-12am

Complaint and Response: Upon request, an owner will meet with the neighbors and community council to resolve any neighborhood complaints regarding the operations on the premises

Sound Levels: Due to the small size of ELTH, live music will be relegated to a small area of the restaurant (when it does occur) and will be largely acoustic. In the instance where amplified music will be used, it will occur exclusively inside the restaurant and at a volume not to be disruptive of the residences west and south of ELTH and within approved guidelines set forth in chapter 9.28 of Salt Lake zoning code for this district. No amplified music will be allowed inside the ELTH unless we add additional sound proofing in order to prevent noise/music from traveling outside the building.

Smoking: ELTH has provided a smoking area in the parking area near our trash receptacle. It is more than 25 feet from any entrance or exits.

Graffiti Removal: All exterior walls, railings and other structures will be free of graffiti within 72 hours of the incident (weather permitting).

Bouncer: Due to the limited size of the bar, no bouncer is expected at this point. We will have a host/hostess at the entrance and several staff members and an MOD on hand to address any issues that may arise. If a bouncer is needed, we will immediately bring that position on. The primary business of ELTH is to sit customers at a table and serve them food and a drink.

Trash Management: In order to maintain cleanliness, trash inside (portable trash receptables) ELTH is emptied 2 times daily and the exterior trash bin (automated trash receptacle) is emptied 3 times per week. The exterior trash bin will be emptied no earlier than 7am. In order to reduce noise complaints, trash will not be emptied between 10pm and 7am. Trash will be picked up by staff members each shift (10am & 10pm) and more specifically, trash will be removed each day prior to 8am of the following day/shift. The exterior trash enclosure is approved and required by Salt Lake City Corp and will be built to required specifications. The grounds surrounding ELTH will be maintained daily by staff. This includes cleaning entryways, park strips, the parking lot and all areas of cigarette butts and all other debris.

Parking Management Plan: Parking at ELTH includes 9 regular spots and one ADA stall in our own lot, directly south of the building. There is an additional 6 spots on Windsor Street /850 East. Street parking directly in front of ELTH includes 8 stalls. Across the street from ELTH is an additional parking lot that can accommodate another 16 cars.

Distribution Plan: A copy of this plan is to be distributed to the Fire Dept, Police Dept, city recorders office, city building official and the community council.



FRONT VIEW



WEST VIEW



ENTRANCE VIEW



STAIRS TO SECOND LEVEL



BAR VIEW



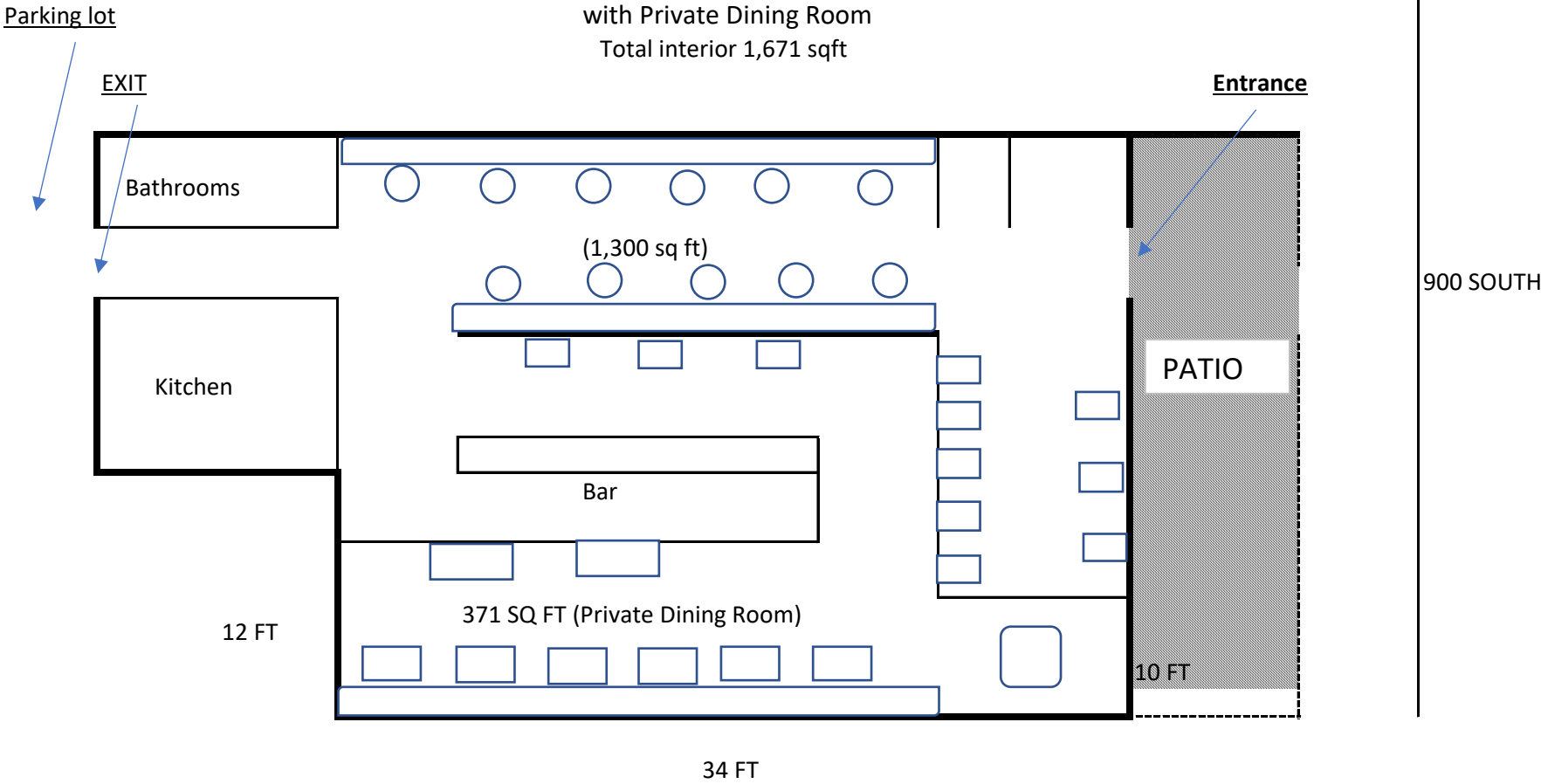
PRIVATE DINING ROOM



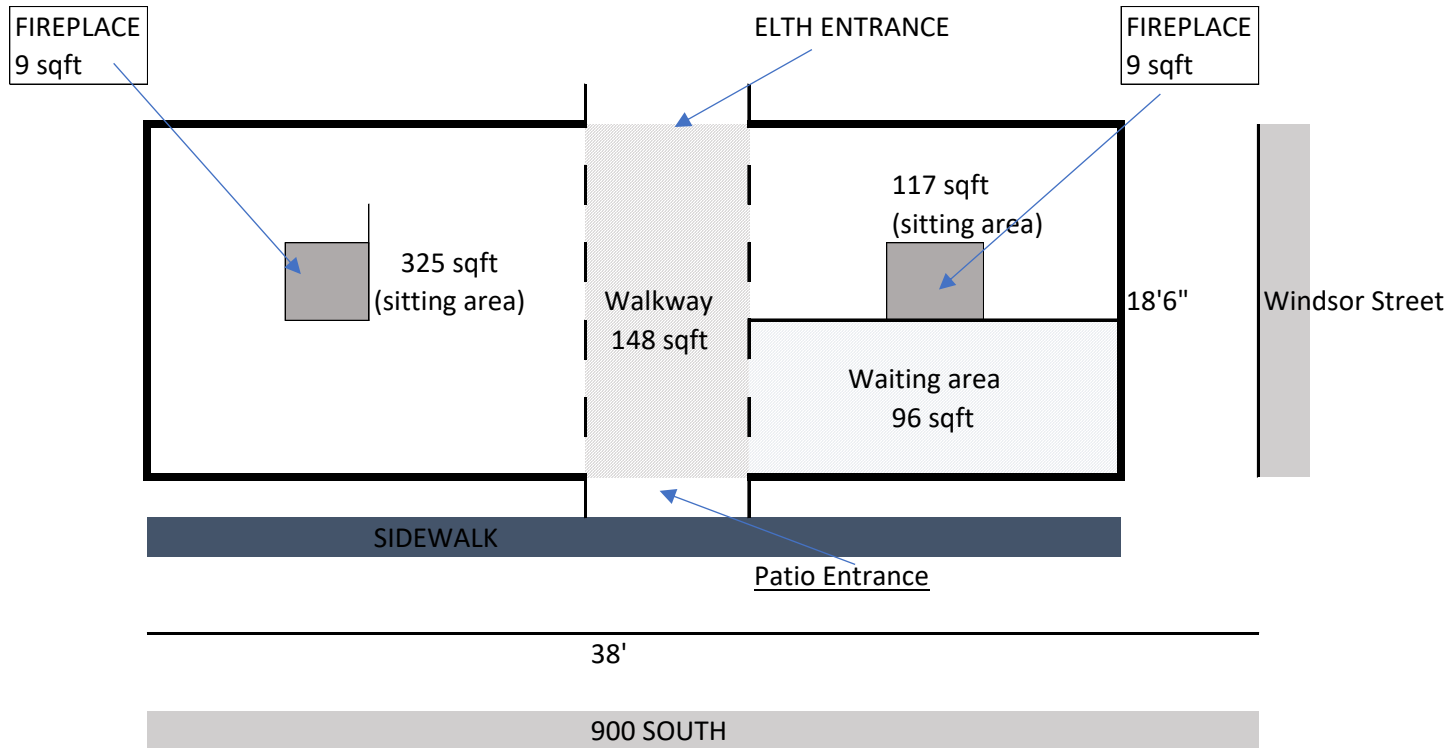
BACK PARKING LOT- SOUTH VIEW

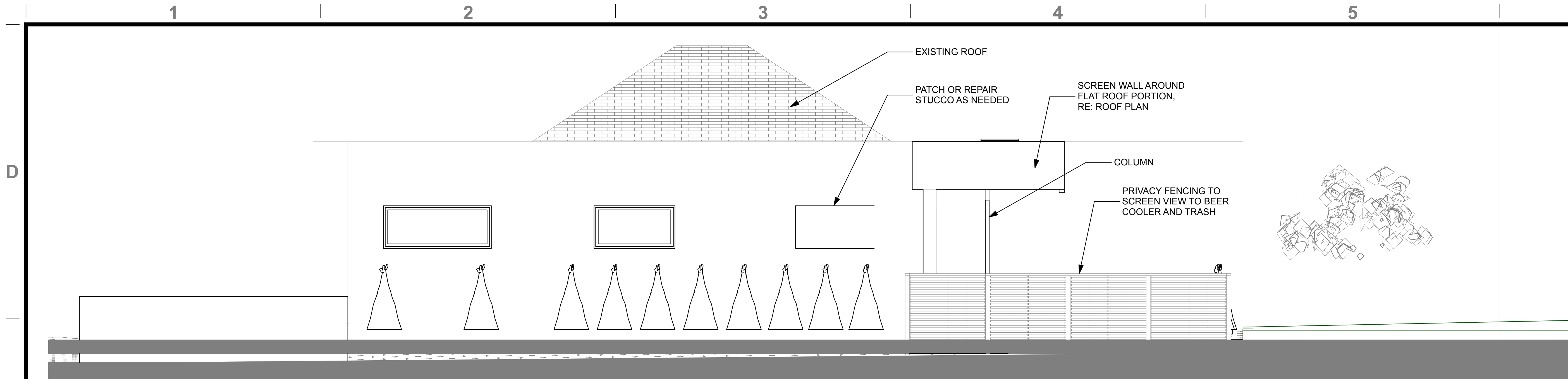
EAST LIBERTY TAP HOUSE Floor Plan

with Private Dining Room
Total interior 1,671 sqft

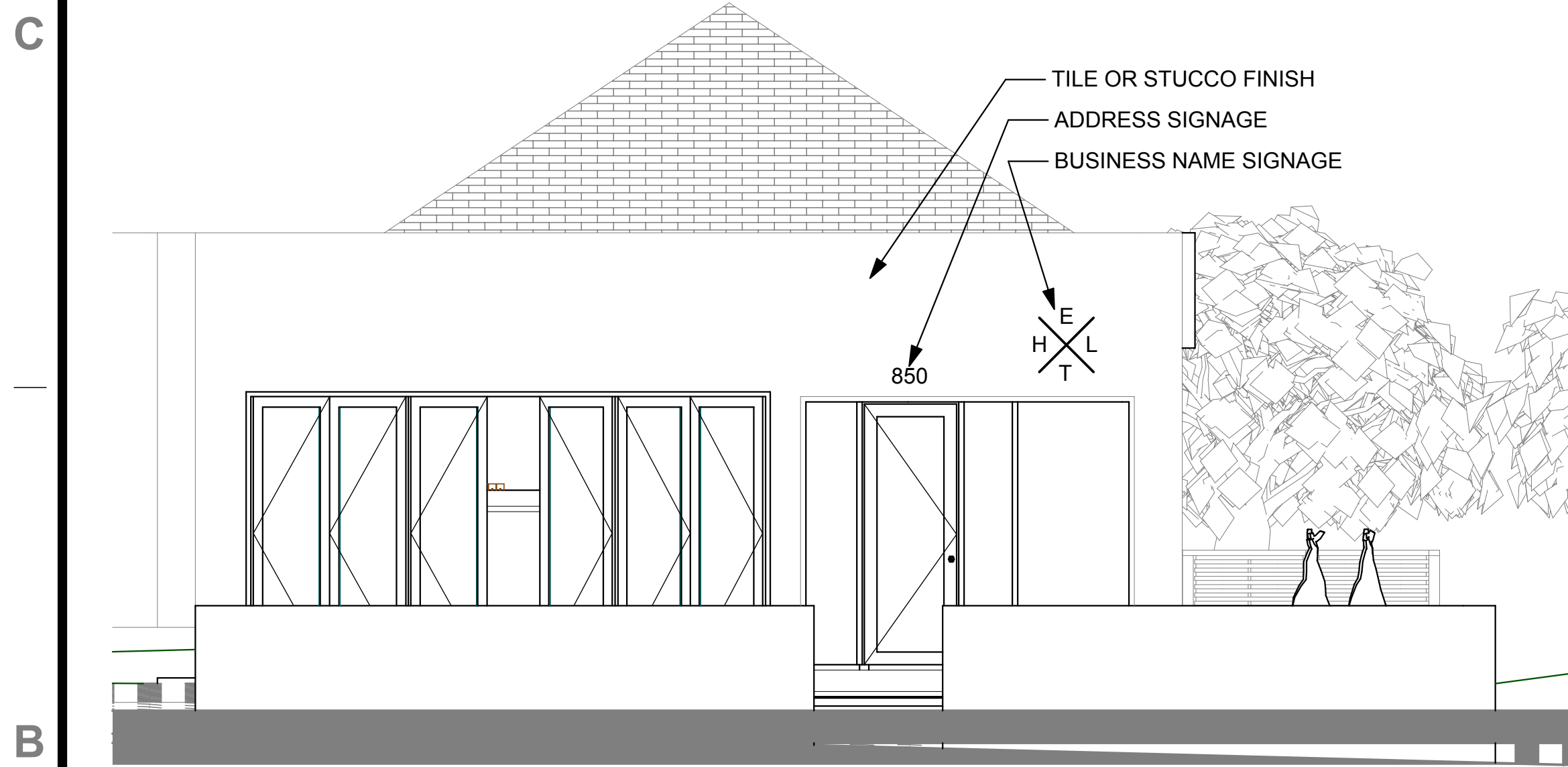


EAST LIBERTY TAP HOUSE PATIO

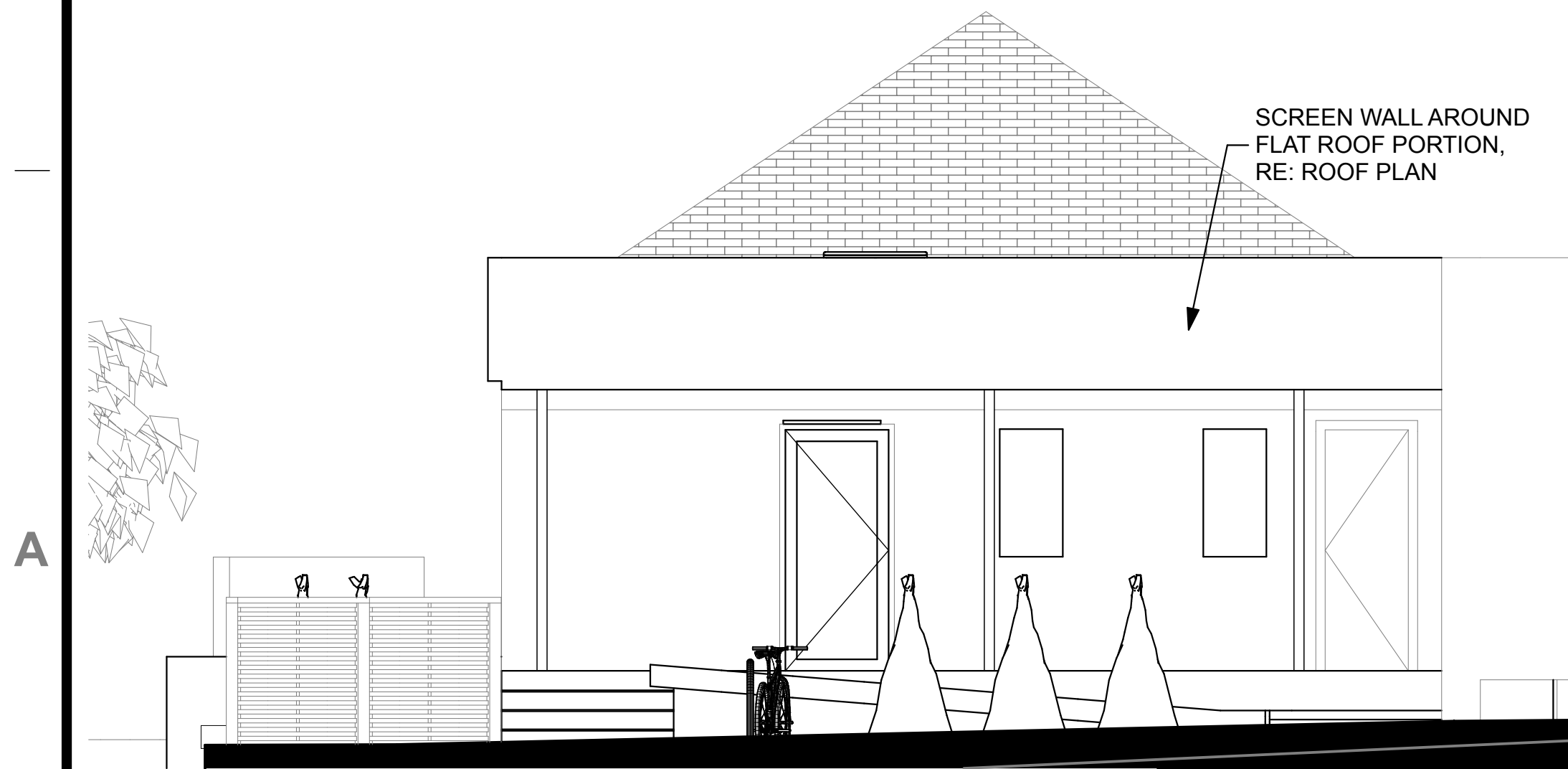




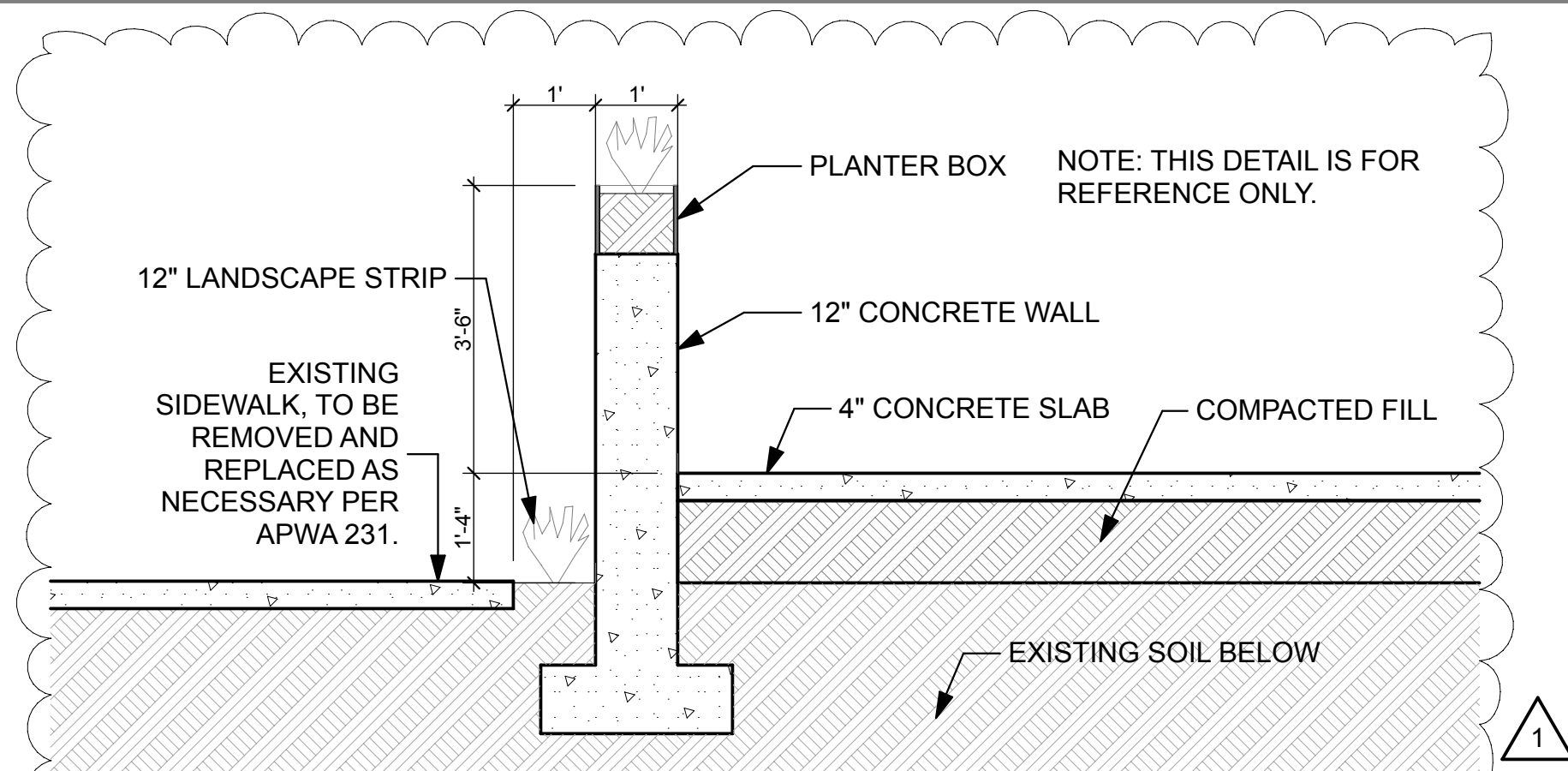
C1 ELEVATION
SCALE: 1/4" = 1'-0"



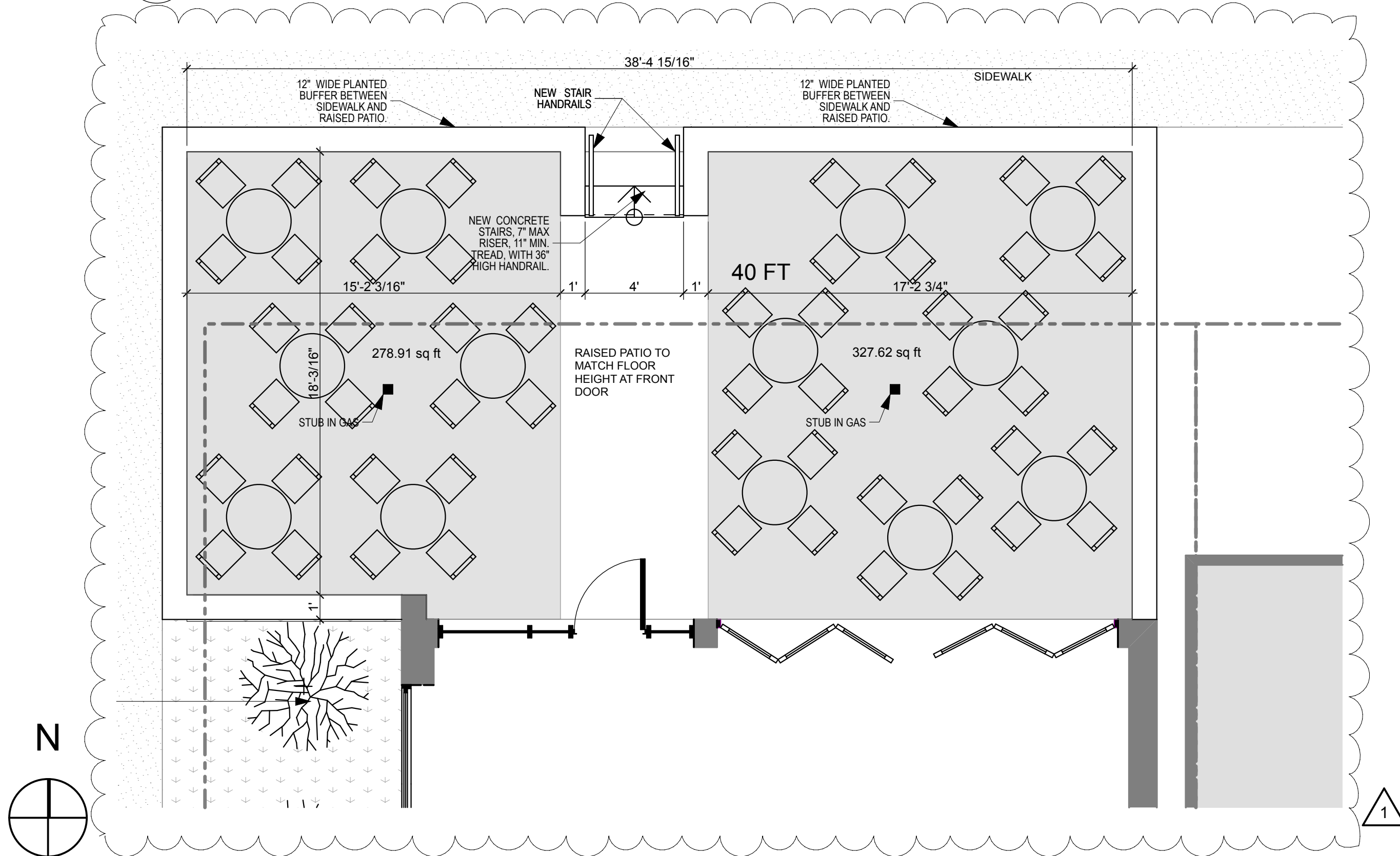
B1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



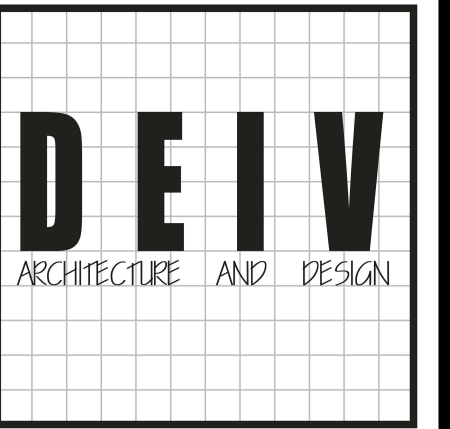
A1 ELEVATION
SCALE: 1/4" = 1'-0"



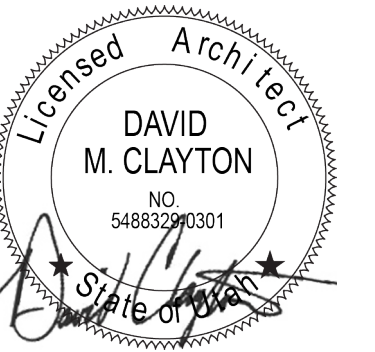
B3 PATIO DETAIL
SCALE: 1/2" = 1'-0"



A3 ENLARGED SITE PLAN
SCALE: 1/4" = 1'-0"



DEIV Architecture and Design
PO Box 642
Bountiful, Utah 84011
P 801.683.9080
http://www.deiv.net



850 Restaurant

850 E 900 S
Salt Lake City, UT 84105

CONSTRUCTION DOCUMENTS

#	REVISIONS:	DESCRIPTION	DATE
1		COMMENT RESPONSE	04-10-2014

PROJECT #: 14004
CHKD BY: DC
DRAWN BY: DC
ISSUE DATE: 03/07/2014

SITE DETAILS

AS103

EAST LIBERTY TAP HOUSE

900 SOUTH PRIVATE DINING ROOM

DEIV
ARCHITECTURE AND DESIGN

DEIV Architecture and Design
PO Box 842
Bountiful, Utah 84011
P (801) 888-9088
M (801) 888-9088



850 Restaurant

850 E 900 S
Salt Lake City, UT 84105

CONSTRUCTION DOCUMENTS

850 EAST

850 E 900 S

BIRDHOUSE

STREET CITY
PLOTS

PARKING CALCULATIONS:

RESTAURANTS: 2 PER 1,000 GROSS SF
ADA STALLS: 1 IF 1-25 PARKING SPACES
REQUIRED

BUILDING GROSS SF: 1,347 SF INTERIOR + 711 SF OUTDOOR DINING
REQUIRED SPACES:
ON-SITE PROVIDED: 5 (4 REQ. + 1 ADA)
STREET PROVIDED: 3 (2 REQ. + 1 ADA)
SHARED PROVIDED: 4 PARALLEL (850 E)
TOTAL: 11 (10 REQ. + 1 ADA)

BICYCLE PARKING REQUIREMENT:

MIN 2 STALLS REQ'D
PROVIDED: 1 U - STYLE RACK WITH A 2
BIKE CAPACITY. SEE DETAIL THIS PAGE

NOTE: THE PARKING LOT IS EXISTING THE
BACK OF THIS PROJECT ONLY INCLUDES
THE STOPPING OF TWO LOT FOR COMPLIANCE
WITH CURRENT SALT LAKE CITY PARKING
DESIGN GUIDELINES. SEE Chapter 11.1.1.1.1.1

NO 10' X 10' CLEAR
SITE FOR
VISUAL
OBSTRUCTIONS
OVER 30'
THEY SHALL BE
REMOVED AS
PART OF THIS
PROJECT

40 FT

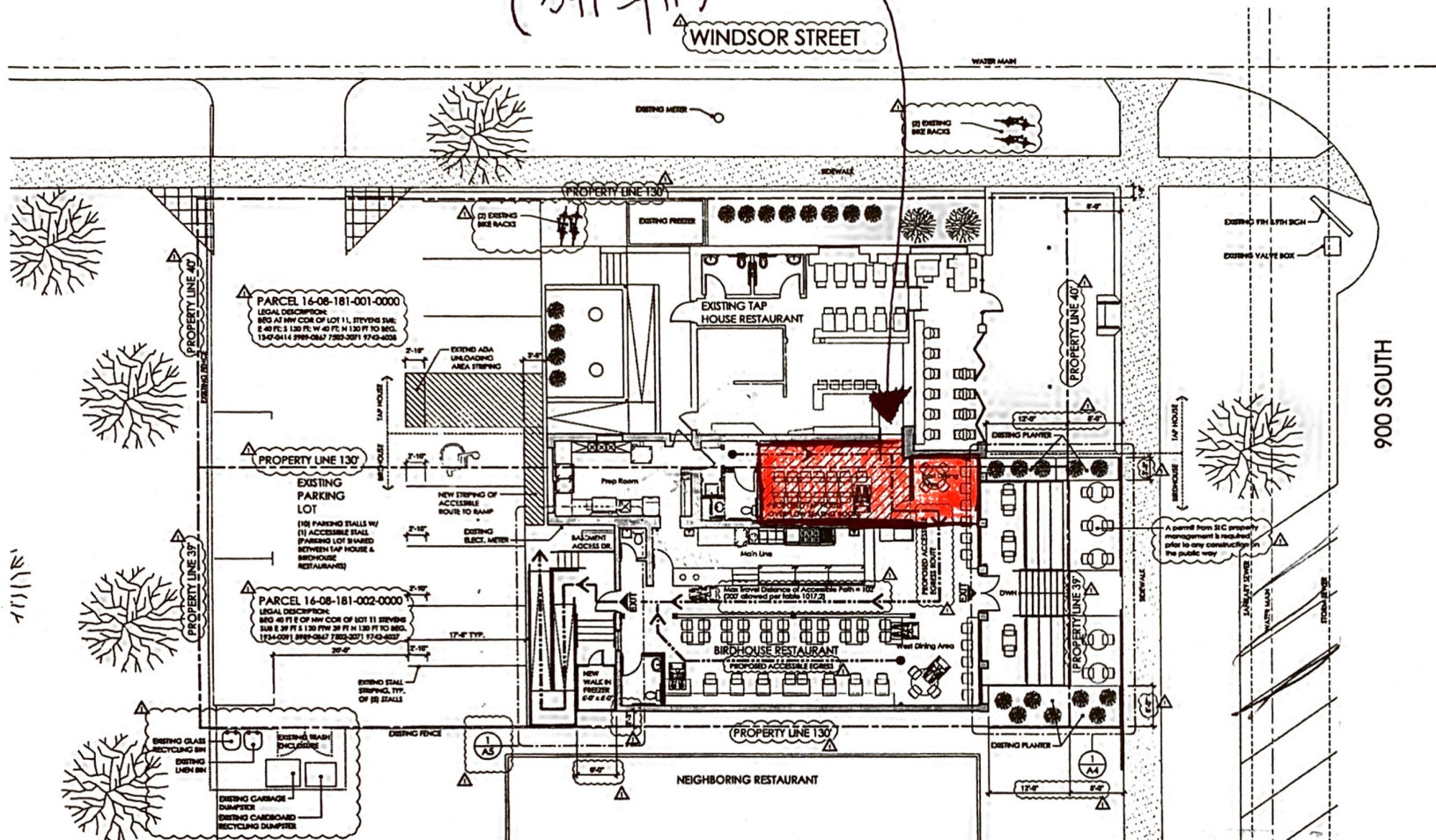
SITE PLAN
SCALE: 1" = 10'

Copyright DEIV Architecture and Design © 2014

AS10'

EAST LIBERTY TAP HOUSE PRIVATE DINING ROOM (371 sq ft)

WINDSOR STREET



900 SOUTH

Parking Requirements:

Provided:

- (13) Parking Stalls Provided (9) on site & (4) parallel on Windsor St.
- (1) Accessible Stall Provided on site

Required:

- (10) Parking Stalls Required @ 2 stalls per 1000 gross sf (Restaurants & Outdoor Dining)
- (1) Accessible Stall Required @ 1 stall per 1 to 25 parking spaces

Square Feet Calculations:

Tap House =	1,347 SF
Bird House =	2,406 SF
Tap House Outdoor Dining =	711 SF
Bird House Outdoor Dining =	345 SF
Total Gross Square Feet =	4,809 SF

Architectural Site Plan & Egress Plan

1
1/8" = 1'-0"

Bicycle Parking Requirements:

- Provided: (2) Existing on site Bike Racks & (2) Existing off site
- Required: (1)
- Calculated at 5% of required automobile parking stalls
- 11 parking stalls x 5% = .55

ATTACHMENT D: Master Plan Policies

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 "Community Commercial". Community Commercial is defined in the master plan as follows: The Community Commercial designation provides for the close integration of moderately-sized commercial areas with adjacent residential neighborhoods.

The master plan policies on commercial uses speak to a diversity of commercial uses, the support of small local businesses and recognizes the 9th and 9th area as a commercial corner that is supported by local residential uses and allows walkable access.

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 CB – Community Business, 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 generally 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

Parking and Site Development

The property contains 7 total parking stalls, one of which is ADA accessible, located on site in the rear of the property. Restaurants, taverns, and bars require 2 parking spaces per 1,000 feet of usable floor area. The property is not increasing the parking requirement or the floor area by more than 50%; therefore, the landscaping requirement as a condition of building permit issuance is not applicable in this case.

The parking requirements are provided in the chart below:

Use/Parking Requirement	Square Footage	Stalls Required
East Liberty Tap House Bar area	1,718	4 stalls
Patio deck (2 stalls per 1,000 square feet)	442	1 stall
Total stalls required		5 stalls
Total stalls shown		7 stalls

The area serves many of the residences nearby and allows patrons to access the property without the need to drive, which may not generate a need for more parking. However, given the chance that demand for parking will increase, the neighborhood also contains parking spots along 900 South and parking option along Windsor Street (directly west of the subject property). The parking provided is sufficient for the proposed use.

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.

Staff 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;

Staff Analysis: The applicant has submitted a Security and Operations plan that has been sent to the Salt Lake City Police Department and the Building Services Division that addresses all the requirements listed above. Approval of the plan is pending. 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;

Staff Analysis: The applicant has provided a site and floor plan that has been sent to the Salt Lake City Police Department. Approval of the plan is pending, and this requirement has been included as a condition of approval.

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;

Staff Analysis: The subject property borders on residential property/use to the immediate south. The existing building is built to the front and side lot lines and a parking area is located between the

building and the residential use. The proposed use will be contained within the existing building with the exception of the front deck. The use meets the buffering intent and requirements.

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

Staff Analysis: The existing landscaping is small in size and will not encourage 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.

Staff 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 as part of their Security and Operations Plan.

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;

Staff 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

Staff Analysis: Existing lighting in the rear will be used to illuminate the rear doors and the ADA ramp. The rear property line abuts a residential property and the lights should minimize their effect on the residential property. The lights should produce a minimum foot candle that provides safe lighting for those accessing the rear doors but does not intrude on the resident. Staff recommends this as a condition of approval to prevent the lighting from becoming a nuisance.

- 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.

Staff 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 the applicable zoning regulations for Alcohol Related Establishments as codified in Chapter 21A.36.300.

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 CB – Community Business Zoning District, where an Alcohol, bar establishment (2,200 square feet or less in floor area with a maximum of 1,750 SF of interior space and 450 SF in an outdoor patio area) is allowed as a conditional use is allowed as a conditional use. The proposed use is part of an existing commercial site with a developed parking lot and building already located on the site. The applicant is not proposing to make any structural exterior additions to the existing building as part of the conditional use requests. Therefore, the minimum standards for lot development have been met since the building already exists. [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 property is located within the 9th and 9th Business District. The parcels from East of Windsor Street to about 1000 East on both the north and south sides of the street are all zoned CB - Community Business. In the immediate area, there are retail shopping establishments, restaurant uses, and a theater. Many of the businesses in the area operate six to seven days a week. The subject property is also located in proximity to several different residential zoning districts.

The intersection has been commercially zoned for some time and has been a vibrant neighborhood area. The proposed use of a tavern is a conditional use in the zoning district and is similar to other commercial businesses that operate in the area. The area contains many small, locally-owned shops and restaurants.

Finding: The proposed bar use is compatible with the surrounding uses and will cater to the surrounding neighborhood.

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

Analysis: The Central Community Master Plan designates this property as Community Commercial. The zoning is compatible with the master plan designation. 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	Complies	Alcohol, bar establishment (2,200 square feet or less in floor area with a maximum of 1,750 SF of interior space and 450 SF in an outdoor patio area) is allowed as a conditional use in the CB – Community Business 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 proposed use complies with the applicable provisions of the Salt Lake City Zoning Ordinance (Attachment E). As previously discussed in Attachment D , 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	Complies	The use is compatible in intensity, size, and scale to existing commercial uses in the area. The proposed use will be located within an existing building and will be similar to a restaurant in size and impact. There are several restaurants in the area.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	Complies	No structural additions will be made to the building. The existing building fits in context with the 1-2 story buildings along 900 South and in the 9 th and 9 th business district
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 access points or driveways have existed for some time. The property is located on a corner with direct access to an arterial street, which are designed to

		accommodate traffic from commercial uses.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	Complies	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. The driveway is located in area that provides drivers with clear views of pedestrians and bicycles. Internal circulation has been designed to accommodate proposed use.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	The site is not proposed to be changed. Pedestrian access is from the front of the building off of 900 South. Access is also provided directly from the parking lot to the building, including ADA access. Bicycle parking is provided near the rear entrance to the building in an area that is illuminated and offers some degree of safety.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	The City's Transportation Division has reviewed the request and did not indicate any issues with street level of service.
9. The location and design of off-street parking complies with applicable standards of this code	Complies	The proposed off-street parking meets all requirements of the Zoning Ordinance.
10. Utility capacity is sufficient to support the use at normal service levels	Complies	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 dissimilar uses to mitigate potential use conflicts	Complies	The use is located within a building but includes outdoor patio space. The space and walls within the building will operate as the buffer.
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	The use meets city sustainability plans by encouraging patrons to walk or ride their bikes to the site. There will be no anticipated negative impacts that significantly affect the surrounding environment. A cigarette smoking area has been provided away from the entrances and will be subject to the standards of the Salt Lake County Health Department. means of transportation.
13. The hours of operation and delivery of the use are compatible with surrounding uses	Complies	Due to the nature of this proposed use being a bar, hours of operation are regulated by the State of Utah. The

		proposed use is similar to a restaurant use and there are several restaurants in the area. It is not anticipated that deliveries will have an adverse impact.
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies	There are no additional signs proposed at this time, but any proposed sign must comply with the sign regulations in Chapter 21A.46 of the Zoning Ordinance. As a condition of approval, the applicant shall ensure that the rear light is shielded from the abutting residential properties.
15. The proposed use does not undermine preservation of historic resources and structures	Complies	The property is not located within a local historic district.

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

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

Public Notices:

- Application received by Planning and assigned to David Gellner on August 4, 2020
- Application deemed complete on August 24, 2020.
- Notice of the project and a formal letter requesting comments was sent to the Chairs of the East Liberty Park Community Organization (ELPCO) and East Central Community Council (ECCC) on August 28, 2020
- Staff sent an early notification announcement of the project to all residents and property owners located within 300 feet of the project site on August 24, 2020 providing notice about the project and information on how to give public input on the project.
- Staff hosted an online Open House to solicit public comments on the proposal. The Online Open House period started on August 31, 2020 and ended on October 13, 2020.
- The 45-day recognized organization comment period expired on October 13, 2020.

Public Hearing Notice:

- Public hearing notice mailed: November 4, 2020
- Public hearing notice signs posted on property: November 4, 2020
- Public notice posted on City & State websites & Planning Division list serve: November 4, 2020

Public Comments:

Public comments were received from the following individuals. A copy of the comments received is included on the following pages.

- 1) William Porreca – via email 09/06/2020 – Concerns about noise level and operating hours particularly if they have live music. The issues raised by Mr. Porreca and how this is being addressed are discussed in the Key Considerations section of this report in **Consideration 4: Neighborhood Compatibility and Potential Impacts**
- 2) Louis Rumanes & Yvette Young – via email 10/03/2020 – Supports the request.
- 3) Stephanie McCarthy – via email 10/13/2020 – Supports the request.
- 4) Kathleen Wilson – via email 10/13/2020 – Supports the request.
- 5) Brian McCarthy – via email 10/15/2020 – Supports the request.
- 6) Kyle Deans – via email 11/09/2020 – Supports the request.

Gellner, David

From: William Porreca [REDACTED]
Sent: Sunday, September 6, 2020 9:06 AM
To: Gellner, David; Caroline [REDACTED]
Subject: (EXTERNAL) East Liberty Tap House Proposal

Follow Up Flag: Follow up
Flag Status: Completed

David & Caroline, I am worried about the noise level. In 2019, the ELTH had a staff halloween party. The music could easily be heard while I was inside my home, in my bedroom. We live at [REDACTED]. I had to call the non-emergency police line and ask them to go over there to quiet them down (the staff quieted down right away). The staff had no idea they were being that loud and I foresee that happening if it becomes a bar open until midnight. Only this time it wont be 1 instance, it will be a regular occurrence.

I have to get up at 4am to work as an RN at the University. I cannot afford to be kept up at night, I also primarily work on the weekends. When we moved into this house there was little to no noise on weekdays and weekends. Currently the restaurant creates little to no noise, we only had that one instance on Halloween.

I am also worried about the patrons causing noise after leaving the bar. Controlling them will be out of ELTH's control and we will have to rely on the already overburdened police department.

Salt Lake prohibits loud noise from 10pm-7am and I feel that no bar can guarantee that if they are open until 12am. I dont feel like the ELTH operating as a bar can control their noise let alone on nights they have live music.

I would be more for this if the bar closed at 10pm every day of the week and was not open until 12am on the weekends. Sound proofed the building better as a proactive step instead of waiting to possibly have amplified music. Did not allow people to be on their patio past a certain hour.

Thank you for allowing public comment, I look forward to hearing back from you.

--

William Porreca
Salt Lake City, UT 84105
[REDACTED]

Gellner, David

From: Louis Rumanes <[REDACTED]>
Sent: Saturday, October 3, 2020 8:01 AM
To: Gellner, David
Subject: (EXTERNAL) East Liberty Tap House

Follow Up Flag: Follow up
Flag Status: Completed

We fully support the Tap House's zoning request.

Louis Rumanes
Yvette Young

[REDACTED], Salt Lake City, UT 84105

Gellner, David

From: Stephanie McCarthy <[REDACTED]>
Sent: Tuesday, October 13, 2020 1:44 PM
To: Gellner, David
Subject: (EXTERNAL) East Liberty Tap House Bar - Conditional Use

As a resident of the 9th and 9th Neighborhood and a frequent patron of the East a Liberty Tap House I support the approval of this Conditional Use request.

Stephanie McCarthy
[REDACTED]
Salt Lake City, Utah 84105

Sent from my iPhone

Gellner, David

From: Kathleen Wilson [REDACTED] >
Sent: Tuesday, October 13, 2020 2:20 PM
To: Gellner, David
Subject: (EXTERNAL) East Liberty Tap House Conditional Use Permit

Hello Mr. Gellner,

I am writing to voice my support for East Liberty Tap House and the approval of the Conditional Use bar permit and proposed licensing changes. My family and I live on Windsor Street within two blocks of the establishment and enjoy having it in the neighborhood. We have owned our home on Windsor Street since 2005 and find the East Liberty Tap House to be a positive part of the neighborhood. My husband and I often meet there with friends and neighbors and appreciate the alcoholic beverage options they offer. I also work in an office on 900 S within two blocks of the establishment and have regularly enjoyed gathering there with business associates. We all approve of the requested Conditional Use permit as a bar establishment, if that is what changes are currently required for an alcohol-related business. I also believe the use of the adjacent private dining room as additional bar space will be important to allow patrons more space for social distancing, particularly during colder weather.

Thank you for your time and attention to public comment.

Sincerely,

Kathleen Wilson
[REDACTED]

Gellner, David

From: Brian McCarthy [REDACTED]
Sent: Thursday, October 15, 2020 8:04 AM
To: Gellner, David
Subject: (EXTERNAL) East Liberty Tap House Bar - Conditional Use

Good Morning Mr. Gellner,

I am uncertain if this note is finding its way prior to the closure of public commentary related to the ELTH Bar – Conditional Use, however I feel I must say simply that I am IN SUPPORT of the proposed conditional use permit. ELTH, its staff, and neighborhood engagement have been a significant element in stabilizing the neighborhood friendly businesses within the 9th and 9th area. As an amenity it has been extremely well received by locals for social and business events, including visitors from afar. (It has been a significant element in support of the Sundance Film Festival over the years.) Thank you for your time, and have a great day.

Cheers,
Brian



KNIT Designing Community
Salt Lake City | Seattle | Las Vegas

Brian D. McCarthy, AIA, NCARB
Associate Principal
[REDACTED]

[Click here to find out some of the precautionary measures Knit is taking to protect against Covid 19](#)

Gellner, David

From: Kyle Deans <[REDACTED]>
Sent: Monday, November 9, 2020 2:51 PM
To: Gellner, David
Subject: (EXTERNAL) Planning Commisison

David,

Case number PLNPCM2020-00558 I support the Conditional Use change for the East Liberty Tap house. I have visited that establishment several times and feel that the change to bar from a restaurant will not change the clientele, their behaviors or the surrounding neighborhood, and will ultimately give the business more flexibility to remain profitable.

Kyle Deans
Salt Lake Clty Resident

Attachment H: City Department Review Comments

The following comments were received from other City divisions/departments with regards to the proposed development:

Zoning

No comments provided.

Engineering

No comments provided.

Public Utilities

No comments provided.

Fire

No comments provided.

Transportation – Michael Barry

This change of use does not require any additional or modification to the parking, therefore Transportation has no objections.

Sustainability – No comments provided

Salt Lake City Police Department

Note: The proposed use requires that a Security and Operations Plan be reviewed and approved by the Salt Lake City Police Department and the City's Building Official for this type of use. A copy of the approved plan must be filed with the City Recorder's Office. Information has been sent to the Police Department, but approval of the plan is still pending as of the date of this report. Staff is including the finalization and recordation of that plan as a Condition of Approval for the use before a business license can be issued.