



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

Conditional Use

To: Salt Lake City Planning Commission
From: Meagan Booth, Principal Planner
801-535-7213, meagan.booth@slcgov.com
Date: January 12, 2022
Re: Conditional Use: Durango Bar PLNPCM2021-00919

PROPERTY ADDRESS: 919-923 S STATE ST
PARCEL ID: 16-07-154-003-0000
MASTER PLAN: Central Community
ZONING DISTRICT: CC (Corridor Commercial)

REQUEST:

Salt Lake City has received an application from Pablo Hinojosa, the owner of Durango Bar at 919-923 S. State Street, for a Conditional Use for a Bar Establishment. The establishment is an existing business and was previously licensed as a tavern. The property is in the CC (Corridor Commercial) zoning district, which requires a conditional use process for a bar establishment. The conditional use process looks at compatibility, location, configuration, and potential impacts of the request. The Planning Commission has the final decision-making authority for this type of conditional use request.

RECOMMENDATION:

The Planning Staff finds the project generally meets the applicable standards of approval and therefore recommends the Planning Commission approve the conditional use for the bar establishment with the following conditions:

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.

ATTACHMENTS

- A. Vicinity Map
- B. Plans Submitted by Applicant
- C. Property and Vicinity Photos
- D. Analysis of Standards – Zoning
- E. Analysis of Standards – Conditional Use
- F. Public Process and Comments
- G. Department Review Comments

PROJECT DESCRIPTION:

The applicant, Pablo Hinojosa, is proposing to operate a bar in an existing building located at 919–923 S. State Street. Currently, this business is licensed as a tavern. The space includes approximately 7000 square feet of floor area. A 160-square-foot area will be used as the bar's space for patrons. The business hours of operation are Friday-Sunday, 9:00 PM to 2:00 AM. The business anticipates having 10+ employees during peak hours. The bar has a total of approximately 220 seats. The business has historically relied on street parking, and the patio space is located at the rear of the building.

Axis Architects and Auto Zone are to the south, The Palace Bar and The Strong Service Shop are to the north, Ken Garff Honda is to the west, and Mister B Auto Sales is to the east. The building's exterior, parking, and other aspects of the existing operation are not being modified through this request.



KEY CONSIDERATIONS:

The key considerations and concerns below have been identified through the analysis of the project, and neighbor and community input.

Consideration 1: Master Plan Policies & Neighborhood Compatibility and Impact

A purpose statement of Plan Salt Lake is to preserve locations with active, diversified, and accessible artistic and cultural resources that show the community's long-standing commitment to a strong creative culture. The Central Community Master Plan indicates the Liberty Neighborhood contains "a mix of land uses, from strip commercial development along State Street to small neighborhood businesses, including the locally owned ethnic commercial business district." The Durango Bar provides a location for people to enjoy live Latin music, which adds a cultural element to State Street as well as provides an area for social interaction. The business is in the South State Street Corridor National Historic District and is housed in a 1925 structure. The use also supports the growth of small businesses, entrepreneurship, and neighborhood business nodes. Additionally, a buffer of businesses and parking lots separates the building from the surrounding residential neighborhood (as shown above). Because the Durango Bar is already licensed as a tavern, the staff believes it will have little to no impact on the surrounding neighborhood and businesses as there are a couple similar uses in the area including MILK and The Palace.

Consideration 2: Standards of Approval

The proposed use complies with the zoning standards specific to alcohol-related uses found in [Attachment D](#) and the Standards of Review for a Conditional Use found in [Attachment E](#).

The applicant also submitted a Security and Operations Plan which is a plan of action for any complaints received. The Security Plan also addresses the occurrence of live music. This document must be recorded with the Salt Lake City Recorder's office as required for alcohol-related uses and was reviewed by Salt Lake City Police as part of the Conditional Use Process.

NEXT STEPS:

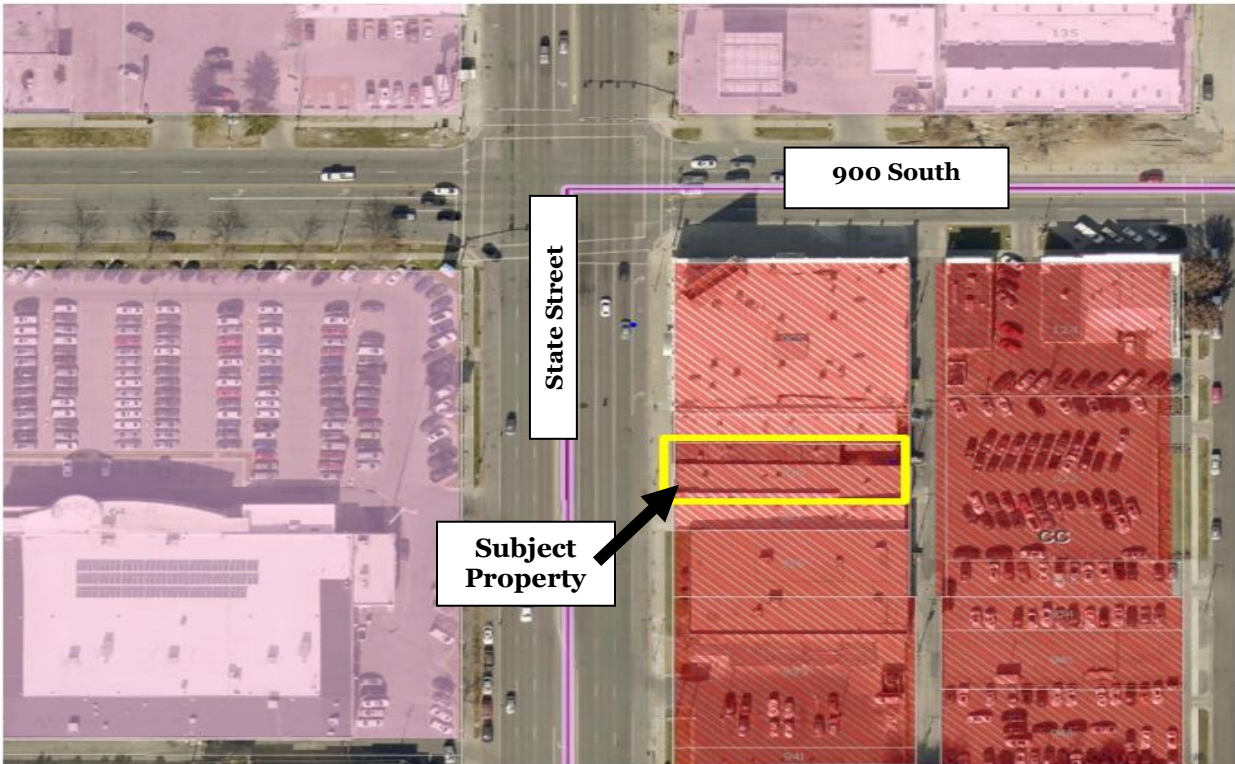
Approval of Conditional Use

If the conditional use is approved, the applicant must then meet all other department/division requirements to receive a business license. If the applicant intends to do more than cosmetic inside alterations, a building permit will be required.

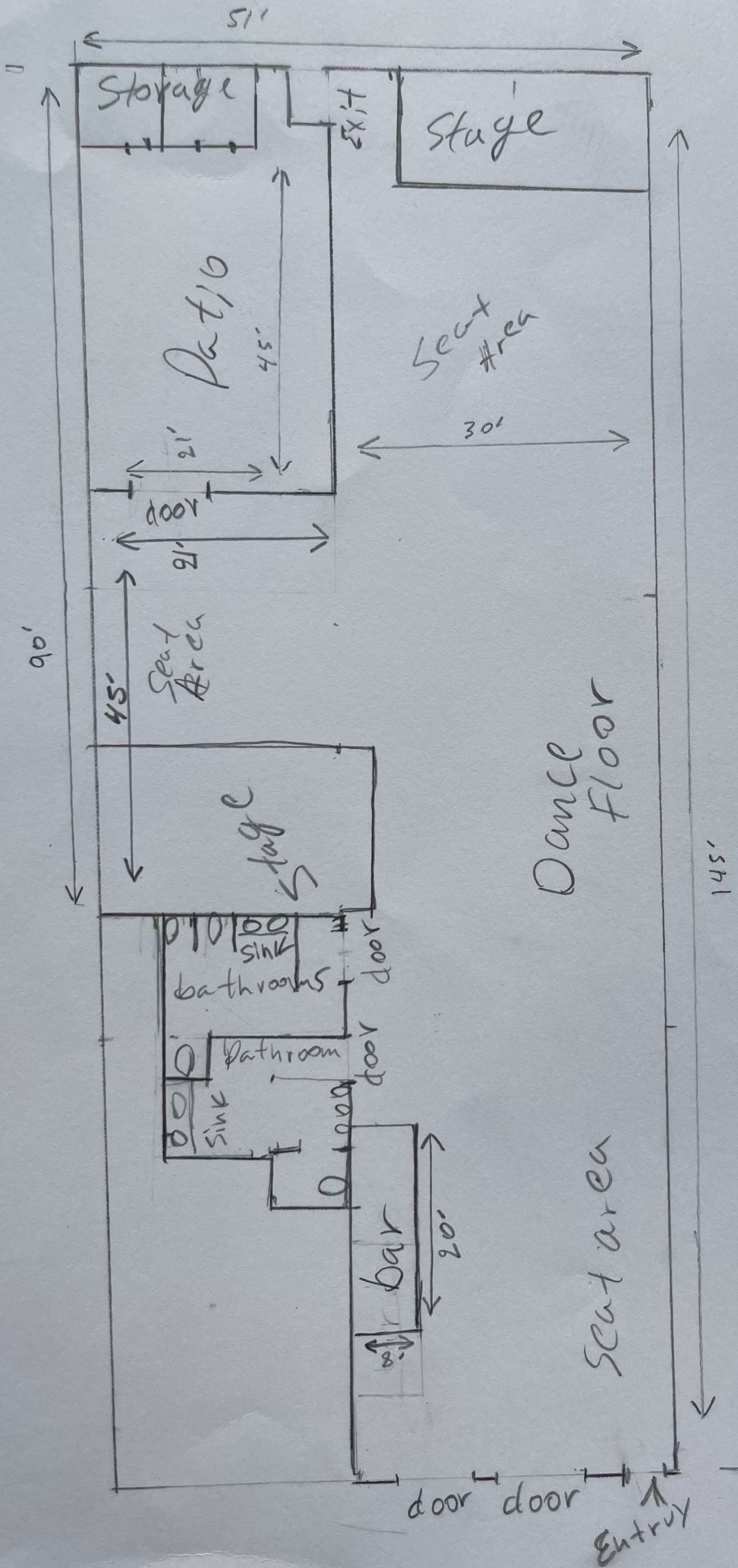
Denial of Conditional Use

State and city codes require that a conditional use be approved if reasonable conditions can be imposed on the use to mitigate any reasonably anticipated detrimental effects of the use. A conditional use can only be denied if the Planning Commission finds that reasonably anticipated detrimental effects cannot be mitigated with the imposition of reasonable conditions. If the conditional use request is denied, the applicant would not be able to use the building for a bar establishment and would have to continue to be licensed as a tavern.

ATTACHMENT A: Vicinity/Zoning Map



ATTACHMENT B: Plans



Durango Bar LLC

923 S State St, Salt Lake City, UT

Contact info: Pablo Hinojosa (Owner) 801-865-9381 Email: boxerconstruction246.yahoo.com or
Kassandra Campos (Manager) 801-834-2593 Email: kassy116@gmail.com

Hours of operation: Fri- Sun 9 pm- 1:30 am

Code of conduct: Staff is trained to look for a bouncer when they spot an intoxicated individual so they can get them a safe ride home. We always have a bouncer at the door to control any kind of noise level or conflict as front door is only entrance and exit.

Complaint and response: Upon request, owner or manager will meet with the neighbors and community council to resolve any neighborhood complaints regarding the operations on the premises.

Sound Levels: All live music along with DJ's will be inside the building. When amplified noise level is to a minimum 15 ft from building, walls are double made of sand or block and brick we don't have any neighbors in front of the building or behind. Roof has 3 inch foam plus double plywood.

Smoking: Patio with sand ash trays, 15 ft away from entrance and exit

Graffiti Removal: Graffiti will be removed no more than 24 hours after incident occurs.

Bouncer: Kingsman security, we have 3-6 securities a night depending on volume of the crowd and will increase if need be.

Trash Management: Staff is constantly cleaning and removing trash during operation. At end of night some staff stays to clear all trash and dump into outdoor dumpster every night between 1:30- 2 am. Multiple portable trash recyclables are placed throughout building. Dumpster is emptied weekly as we only operate on weekends, if needed more than once a week we will call in request to ensure no overflow of outdoor dumpster. The grounds surrounding Durango Bar will be maintained after day of operation by staff including cleaning entryways, park strips and all areas of cigarette butts and other debris.

Parking Management plan: Only parking available is street parking, as prementioned we will maintain areas our customers park in.

- If applicable, what is the anticipated operating/delivery hours associated with the proposed use? Hours of Operation will be Friday-Sunday 8 pm-1:30am
- What are the land uses adjacent to the property (abutting and across-the-street properties)? Abutting is a lot that Audi uses that is in the same complex. Across-the-street is a Honda dealership
- How many employees are expected to work on-site during the highest shift? 10+
- If applicable, how many seats will be provided as part of the conditional use? 220
- Have you discussed the project with nearby property owners? yes
- If so, what responses have you received? Durango bar LLC has been a tavern for about 50+ years and has been a Bar for the last 4 years. They are all aware and are not opposed to it.

ATTACHMENT C: Site Visit Photographs







DURANGO
BAR

PALACE

923

DURANGO



DURANGO BAR

923

DURANGO





Ken Garff
Automotive Group

HONDA
Certified
Pre-Owned

ENTRANCE
▲ SERVICE
▲ PARTS
▲ SHOWROOM

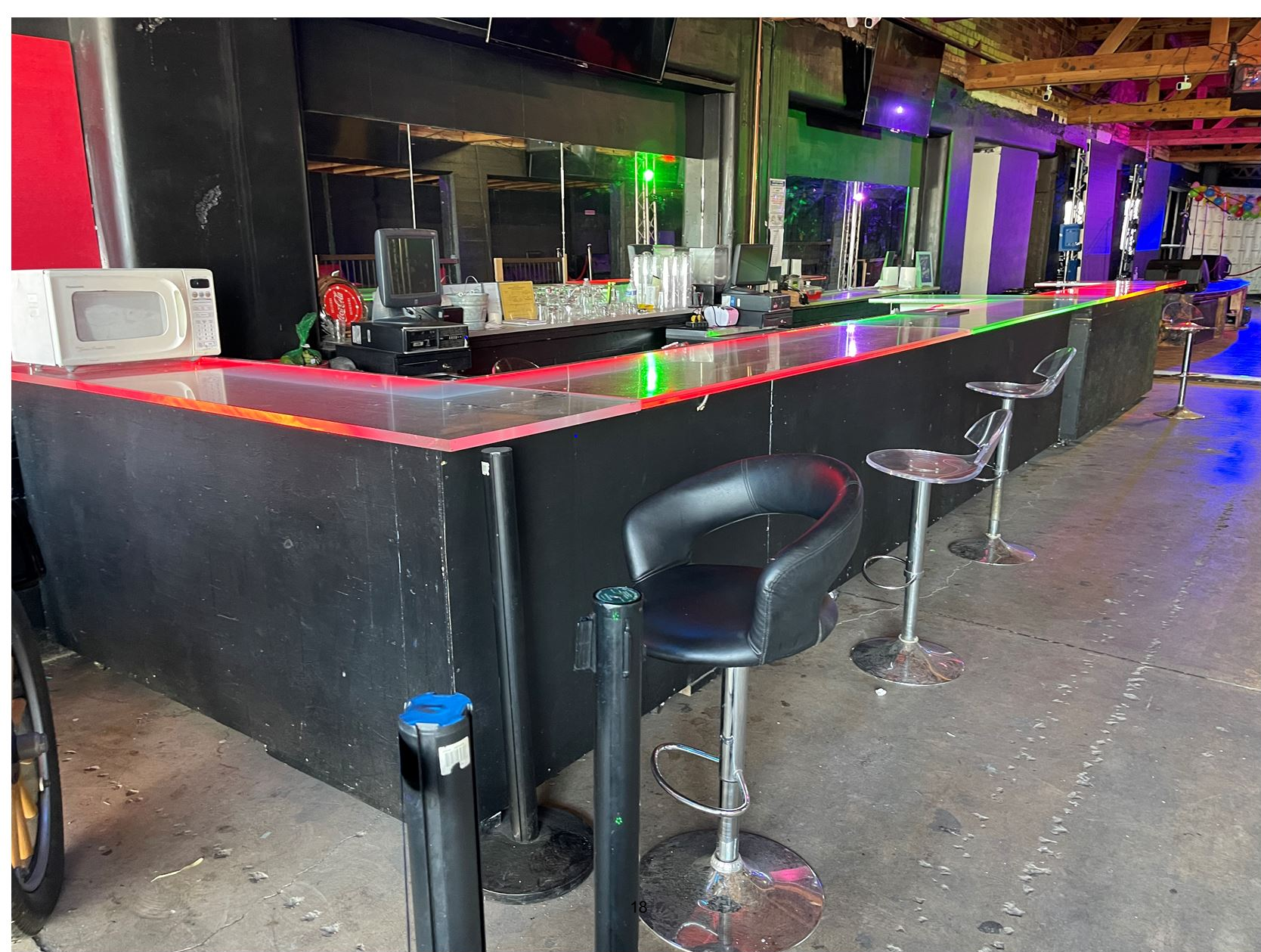
Axis Architects

927

**Auto
Zone**

La Cal
WOODS
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FOR SALE
CALL FOR
TAKE OUT
801.222.2295









ATTACHMENT D: Analysis of Standards – Zoning

Criteria	Finding	Rationale
Does the lot comply with minimum area and width standards?	Complies	The existing building's exterior will not be modified through this request; therefore, the minimum area and width of the building will remain the same.
Does the height comply with the minimum or maximum height requirement?	Complies	The request is in an existing building. No alterations to the height are anticipated.
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 like that of the nearby uses. A tavern has been in this building for over 4 years.
Does the structure comply with the applicable setbacks?	Complies	The outside of the existing building will not be altered because of this request; therefore, the setbacks will remain the same.
Are there any special setback provisions that apply to the property?	Complies	No
Does the property comply with the maximum lot coverage requirements?	Complies	This is an existing building, and the applicant does not plan on making exterior changes. The exterior will remain the same.

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 is going 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. The Salt Lake City Police Department reviewed and approved the submitted security plan. The plan must be recorded with the City Recorder's Office and this requirement has been noted 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. The plan included security operations for the site. The Salt Lake City Police Department reviewed and approved the plans.

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 does not border a residential property or use. Existing businesses and parking areas are located between the building and the residential neighborhood to the east. The proposed use will be contained within the existing building. 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: This is an existing building/developed site and there is minimal to zero landscaping on the property.

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: The Security and Operations Plan indicates that Graffiti will be removed no more than 24 hours after incident occurs.

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 new signage at this time.

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: At this time, no new lighting or signs are being proposed.

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 to the rear of the building. The area is more than 25 feet from the main entrance.

Staff Findings: The proposed bar establishment complies with the applicable zoning regulations for Alcohol Related Establishments as codified in Chapter 21A.36.300.

ATTACHMENT E: 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
Finding: The use complies with all applicable provisions of the zoning ordinance.
2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses.
Finding: The Durango Bar is an existing establishment. The applicant is proposing to change the license of the business from a tavern to a bar to conform to changes with alcohol-related businesses that were previously adopted by the City and State. There is no known evidence that the use creates reasonably anticipated impacts that would result in the use not being compatible with the surrounding uses.
3. The use is consistent with applicable adopted city planning policies, documents, and master plans;
Finding: The use is consistent with the 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 for details). This project complied with all standards.
Finding: There is no evidence of a detrimental effect due to the proposed use as indicated in the below analysis.

21a.54.080B: Detrimental Effects Determination

In analyzing the anticipated detrimental effects of a proposed use, the planning commission, or in the case of administrative conditional uses, the planning director or designee, shall determine compliance with each of the following:

Criteria	Finding	Rationale
1. This title specifically authorizes the use where it is located	Complies	The use is allowed as a conditional use in the applicable land use table.
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 is consistent with the adjacent properties and the Master Plan.
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	Because the business was previously licensed as a tavern and will now be licensed as a bar, the character of the property will not change. The property owner will be able to serve liquor instead of just beer under the conditional use permit.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered.	Complies	The establishment is in a strip commercial development along State Street, which is typical of the Liberty Neighborhood. No alterations to the outside of the building are proposed.
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 property does not provide vehicle egress or ingress, because there is only on-street parking. Pedestrian access remains from State street.

6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic.	Complies	The City's Transportation Division has reviewed the request and did not indicate any issues with street level of service.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	The building's front is facing the street, and it has direct access from the sidewalk. Pedestrians will be able to access the property. Transportation had no additional comments or additional requirements for the site.
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 business has historically relied on street parking. The minimum parking requirement for restaurants, taverns, and bar establishments is 2 spaces per 1,000 square feet of usable floor area. However, per 21A.44.010 C Change in Use: Although the parking is not compliant, the use of parking requirements is the same. For this conditional use application, no new parking is required for this project. In the past, the property owner reported that patrons had access to use the Auto Zone and Ocean Market parking lots as overflow. They do not have a formal agreement.
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 business is located entirely within a building and the impact on the neighboring businesses should remain the same. No new buffering or screening is required.
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	It has no negative influence on sustainability goals, and it does not encroach on a stream or waterway. This Conditional Use was not a matter of concern for Urban Forestry.
13. The hours of operation and delivery of the use are compatible with surrounding uses.	Complies	Because they are only open three nights a week, their hours are less than those of nearby businesses. Friday-Sunday 8:00 pm-1:30 am
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses.	Complies	At this time, no new lighting or signs are being proposed.
15. The proposed use does not undermine preservation of historic resources and structures.	Complies	The property is in the South State Street Corridor National Historic District. No renovations or additions are proposed for the building that would undermine the historic character of the site.

ATTACHMENT F: Public Process and Comments

Public Meetings:

A public hearing is required as part of the Conditional use Procedures by the Planning Commission.

Public Notice:

- Early notice of application was mailed to the recognized organizations on **October 26, 2021**.
- Early notification of the project was provided to property owners and residents within 300 feet of the proposed conditional use on **October 26, 2021**.
- Staff hosted an online open house to solicit public comments on the proposal. The online open house period started on October 26, 2021 and ended on **December 10, 2021**.
- A public hearing notice was mailed on **December 27, 2021**.
- A public hearing sign is posted on the property on **December 29, 2021**.
- The Agenda will be posted on the Planning Division and Utah Public Meeting Notice websites on **December 27, 2021**.

Public Comments:

As of the publication of this Staff Report, Staff has received no public comments. Any public comments received up to the public hearing meeting will be forwarded to the Planning Commission and included in the public record.

ATTACHMENT G: Department Review Comments

Planning: (Meagan Booth at meagan.booth@slcgov.com)

The applicant will need to submit for a Tenant Improvement Permit. See other conditions of approval.

Engineering: (Scott Weiler at scott.weiler@slcgov.com)

No objections.

Building Code: (Heather Gilcrease at heather.gilcrease@slcgov.com)

Separate building permits are required for any construction modifications related to this change.

Transportation: (Michael Barry at michael.barry@slcgov.com)

Transportation did not have any further comments on the application as an established business.

Public Utilities: (Jason Draper at jason.draper@slcgov.com)

No public utility issues with the proposed conditional use

Fire: (Ted Itchon at ted.itchon@slcgov.com)

Fire did not have any further comments on the application as this is an existing business.

Police: (Lamar Ewell at lamar.ewell@slcgov.com)

Police reviewed security and operational plans. No further comments on the site plan or plans.