

Staff Report

PLANNING DIVISION

To: Salt Lake City Planning Commission

From: Olivia Cvetko | Associate Planner | <u>Olivia.Cvetko@slcgov.com</u> | 801-535-7285

Date: December 13, 2023

Re: PLNPCM2023-00729 | The Tasting Room

Conditional Use Permit

PROPERTY ADDRESS: 357 w 200 s PARCEL ID: 15-01-181-002-0000 MASTER PLAN: Downtown Plan ZONING DISTRICT: D-3 Downtown Warehouse/Residential District

REQUEST:

Kaleb Craft of Culinary Crafts (Owner), represented by Terry Lyman (Applicant), is requesting a Conditional Use Permit for an indoor bar establishment in the D-3 Downtown Warehouse/Residential District. The space is currently occupied by the Tasting Room, an event venue owned by Culinary Crafts. The proposed bar establishment will retain the same name and ownership.

RECOMMENDATION:

Based on the information in this staff report, Planning Staff recommends 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.

ATTACHMENTS:

- A. <u>ATTACHMENT A:</u> <u>Vicinity Map</u>
- **B.** <u>ATTACHMENT B:</u> <u>Plan Set</u>
- C. ATTACHMENT C: Property and Vicinity Photos
- D. ATTACHMENT D: Zoning Standards
- E. ATTACHMENT E: Conditional Use Standards
- F. ATTACHMENT F: Public Process & Comments
- G. ATTACHMENT G: Department Review Comments

PROJECT DESCRIPTION



Quick Facts

Anticipated Hours: WED-THURS 4PM-11PM. FRI-SAT 4PM-1AM. SUN 4PM-10PM.

Peak Hours: 6PM-10PM.

Abutting Uses: Multi-family, retail, storage warehouse.

Parking: No minimum required, none proposed.

Review Process & Standards: D-3 Zoning Standards, Conditional Use Standards, Alcohol Related Establishment Standards, General Zoning Standards.

The Tasting Room has served as a private events venue owned by Culinary Crafts at 357 W 200 S since 2017. The owners would like to transform the 4,956 sq. ft. space into a wine tasting bar with a small kitchen prep area at the rear of the building and seating in the front. Because Culinary Crafts will continue to run their business as an off-site catering company, food preparation will happen elsewhere and be delivered prior to business hours. It is anticipated that the food menu will consist of charcuterie-style snacks.

The proposed use change will result in a minor interior renovation. The building's exterior, parking and other aspects of the existing site are not being modified through this request.

APPROVAL PROCESS AND COMMISSION AUTHORITY

Per section <u>21A.54.010.A</u> of the zoning ordinance, Conditional Uses are allowed unless appropriate conditions cannot be applied, which, in the judgment of the Planning Commission, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site. The Planning Commission has the authority to approve, approve with conditions, or deny the Conditional Use request.

Because the proposed change in use abuts existing residential to the east, Planning Commission approval is required for this Conditional Use Permit.

KEY CONSIDERATIONS

The key considerations listed below were identified through the analysis of the project:

- 1. Neighborhood compatibility and impact.
- 2. Security and operations plan.
- 3. Compliance with city goals and plans.
- 4. Compliance with zoning requirements and conditional use standards.

Consideration 1: Neighborhood compatibility and impact

The Tasting Room is located along 200 S near several other locally-owned restaurants, bars, and retail locations. Nearby examples include The Rose Establishment, Wise Guys Comedy Club, and

Chile Tepin. Directly east of the site is the Artspace Rubber Company residential and commercial condos. In the building there are 53 1–3-bedroom affordable housing units for households between 34%-55% of the area median income. Directly across the street there are two other residential condo buildings (Dakota Lofts and Westgate Lofts Condos) and another residential condo building under construction.

The mix of uses found in this area creates an active neighborhood with movement of people at different hours of the day. The proposed bar establishment will reinforce the growing mix of land uses in the area, support the growth of a small business, and will increase pedestrian traffic during evening and night hours. The applicant anticipates this bar serving nearby residents and some customers from nearby commercial and restaurant uses.

The proposed bar will not be located within the proximity limits to a community location as imposed by state regulations for alcoholic beverage licenses (<u>32B-1-202</u>). 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.

Consideration 2: Security and operations plan.

Section 21A.36.3000: Alcohol Related Establishments 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.

Consideration 3: Compliance with city goals and plans.

By expanding an existing local business, providing opportunity for a local business to be open and activate the street on a regular basis, and promoting a mix of uses along 200 S, this change in use furthers the goals and plans for downtown and the city as a whole.

Plan Salt Lake (2015)

Plan Salt Lake, the city-wide master plan, calls for the need to "support the growth of small businesses, entrepreneurship, and neighborhood business nodes." (Chapter 12, Initiative 3). The Tasting Room has been a successful event venue at this location since 2017 and is pursuing a conditional use permit to transform and grow their business primarily into a wine tasting bar.

The Downtown Plan (2016)

Goal 2 under *We Value a Downtown that is Vibrant and Active* is "Create unique places for different age groups, interests, and needs within each downtown district that are active 7 days a week.". This proposal would transform a local business that is currently open only for private events into one that is accessible to the public 5 days a week.

Also in this chapter, there is an initiative under goal 3 to "Encourage individual building entrances by use or tenant, a high amount of transparency for ground floor uses, and a mix of uses (including ground level live/ work units) to activate sidewalks and provide rhythm to the pedestrian experience". This proposal would promote a mix of active uses along 200 S and encourage more vibrancy.

Compliance with zoning requirements and conditional use standards.

The following is a high-level analysis of this proposal's ability to meet zoning and conditional use standards. For a full evaluation, see Attachments D and E.

Zoning Requirements

Because this proposal does not include any exterior changes or modifications to the lot, many of the standards in the D-3 district are not applicable for review. An indoor bar establishment is allowed in the D-3 district as a Conditional Use and is subject to the regulations outlined in <u>21A.36.300</u>, "Alcohol Related Establishments".

Alcohol Related Establishments

This section outlines the need for a valid license which may only be obtained with an approved Conditional Use Permit. This section also requires the applicant to provide a safety and operations plan to be reviewed by the building and police departments, which is evaluated above in Consideration 2.

Conditional Use Standards

Upon reviewing this proposal against the Conditional Use standards, staff has found this proposal to be compliant, with no detrimental effects left unmitigated. Standards for review include the proposal's compatibility with the surrounding neighborhood and nearby uses, the impact it may have on traffic circulation or utilities, and the proposals compatibility with city ordinances, plans, and goals.

STAFF RECOMMENDATION

A bar is allowed in the D-3 Zoning District as a Conditional Use. The use should be approved if reasonable conditions are proposed, or can imposed, to mitigate the reasonably detrimental effects of the proposed use.

The proposed use meets the Conditional Use standards and Detrimental Effects Determination as analyzed and discussed in Attachment E of this report. No significant and unmitigable detrimental impacts are anticipated. Planning Staff recommends the Planning Commission Approve the Proposed Conditional Use Application for a Bar Establishment with the following conditions.

NEXT STEPS

Approval of the Request

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.

Denial of the Request

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

ATTACHMENT A: Vicinity Map

Vicinity Map



Salt Lake City Planning Division 11/28/2023

ATTACHMENT B: Plan Set





ATTACHMENT C: Property and Vicinity Photos





Public Entrance Looking West



Development Across the Street



Public Entrance Looking East



Development Across the Street

ATTACHMENT D: Zoning Standards

21A.30.040 D-3 (Downtown Warehouse/Residential District)

Standard		Analysis	Finding
1.	Use	A Bar Establishment (indoor) is permitted in the D-3 Zone as a Conditional Use and subject to section 21A.36.300 "Alcohol Related Establishments".	Complies.
2.	Lot Standards	No new lots are proposed with this conditional use request.	Complies.
3.	Building and Site Standards (Height, Setbacks, Open Space, Landscaping, etc.)	No new buildings are proposed with this conditional use request, the existing building was built in 1925.	Complies.

Staff Analysis: Complies. A Bar Establishment (indoor) is permitted in the D-3 Zone as a Conditional Use and subject to section 21A.36.300 "Alcohol Related Establishments". Because the change in use is in an existing building, there will be no changes to the existing setbacks or exterior structure.

21A.44.040 Required Off-Street Parking

Standard: The D-3 District is classified as Transit Context in the City's Off-Street Parking Ordinance and does not require a minimum amount of parking. The maximum allowed off-street parking in this context is 2 spaces per 1,000 sq. ft.

Staff Analysis: Complies. There is no private parking on site. The nearest transit stop is the Planetarium Station, located roughly half a block to the north, along 400 W.

21A.36.300 Alcohol Related Establishments

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: Complies. 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.

Bar Establishment Conditional Use Standards: 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;

Staff Analysis: Recommended Condition of Approval. 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 in this ordinance. 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: Recommended Condition of Approval. 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: Complies. The subject property is directly abutted by the Artspace Affordable Housing residential condos to the east. Both properties are built to the front and side property lines with the uses being separated by a wall along the shared property line. The entrance to the residential condos is further separated from the subject property by additional

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

ground floor commercial entrances.

Staff Analysis: Complies. Landscaping in front of the subject property consists of several street trees, none of which are large enough to use as a hiding place.

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: Complies. 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.

ATTACHMENT E: Conditional Use Standards

21A.54.080 Standards for Conditional Use

Standards for Conditional Uses:

Standard		Analysis	Finding
1.	The use complies with applicable provisions of this title;	A The subject property is in the D-3 Downtown Warehouse/Residential District which allows a bar establishment as a Conditional Use. The proposed change in use will be in an existing building already located on the site. The applicant is not proposing any exterior alterations to the existing building or streetscape as part of the conditional use request. Attachment D shows that the proposed use generally complies with zoning standards.	Complies.
2.	The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;	The change in use will remain consistent with surrounding uses. Other developments in this area consist of mixed- use with retail, dining, and entertainment uses occupying the ground floor of most buildings.	Complies.
3.	The use is consistent with applicable adopted city planning policies, documents, and master plans; and	a small business, both of which are	Complies.
4.	The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions.	Staff does not anticipate any detrimental effects caused by this proposed change in use.	Complies.

Detrimental Effects Determination:

Standard		Analysis	Finding
1.	This title specifically authorizes the use where it is located;	A Bar Establishment (indoor) is permitted in the D-3 Zone as a Conditional Use and subject to section 21A.36.300 "Alcohol Related Establishments".	Complies.
2.	The use is consistent with applicable policies set forth in	The change in use complies with the applicable provisions of the Salt Lake City Zoning Ordinance as discussed in	Complies.

	adopted citywide, community, and small area master plans and future land use maps;	Attachment D. As previously discussed in this Staff Report, 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 Downtown 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;	The change in use is well suited to the character of the area. This stretch of 200 S consists of mixed-use buildings with commercial and retail on the ground floor with many nearby entertainment and dining opportunities of a similar scale and intensity.	Complies.
4.	The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;	There are no proposed changes to the exterior of the existing building. The existing building is a two-story brick building with large windows, similar in appearance to neighboring buildings which consist of 2-4 story buildings with brick facades.	Complies.
5.	Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;	Because the D-3 zone is classified as Transit Context there is no required minimum parking. There are no vehicular access points or driveways on the site.	Complies.
6.	The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;	Because of its proximity to similar uses and transit options, staff does not anticipate that this change in use will create a significant traffic impact on adjacent properties.	Complies.
7.	The site is designed to enable access and circulation for pedestrian and bicycles;	The existing building is located along 200 S, a road with bike lanes on either side and multiple bike racks. As the primary entrance is slightly above grade, this site is accessed by a small set of stairs or an ADA accessible ramp.	Complies.
8.	Access to the site does not unreasonably impact the service level of any abutting or adjacent street;	The existing building is along 200 S, a 5-lane road with on-street parking and bike lanes on either side. Because of its proximity to similar uses and transit options, staff does not anticipate that this change in use will result in a change to the service level of 200 S or nearby streets.	Complies.

9. The location and design of off street parking complies with applicable standards of this code;	The D-3 zone is classified as Transit Context in the City's Off-Street Parking Ordinance and does not require a minimum amount of parking. The maximum allowed off-street parking in this context is 2 spaces per 1,000 sq. ft. There is no parking provided on site.	Complies.
10. Utility capacity is sufficient to support the use at normal service levels;	Minimal adjustments will be made to current utility capacity. As noted by Public Utilities, a pre-treatment device for waste discharge will be required as part of the building permit in order to properly discharge waste.	Complies.
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;	Both properties are built to the front and side property lines with the uses being separated by a wall along the shared property line. The entrance to the residential condos is further separated from the subject property by additional ground floor commercial entrances.	Complies.
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;	There are existing designated smoking areas in front of and to the side of the existing establishment. Staff does not anticipate that this change in use will impact the quality of surrounding air or water or produce hazard or environmental damage to adjacent properties.	Complies.
13. The hours of operation and delivery of the use are compatible with surrounding uses;	The anticipated hours of operations are Wednesday - Thursday from 4 PM to 11 PM, Friday - Saturday 4PM to 1 AM, and Sunday from 4pm to 11PM with peak hours from 6 PM to 10 PM. This is compatible with surrounding uses, including its immediate retail neighbor which is open until 12AM Monday-Saturday.	Complies.
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses; and	No lighted signs or changes to existing exterior lighting are proposed with this change in use.	Complies.
15. The proposed use does not undermine preservation of historic resources and structures.	No exterior changes to the building or streetscape are proposed.	Complies.

ATTACHMENT F: Public Process & Comments

Public Notice, Meetings, Comments

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

- <u>September 21, 2023</u> Property owners and residents within 300 feet of the development were provided early notification of the proposal.
- <u>September 21, 2023</u>– The project was posted to the Online Open House webpage.

Notice of the public hearing for the proposal included:

- <u>November 30, 2023</u>
 - Public hearing notice sign posted on the property
- <u>November 30, 2023</u>
 - Public hearing notice mailed
 - Public notice posted on City and State websites and Planning Division list serve

Public Input:

One email in support of this proposal was received at the time of this staff report. It has been included.

ATTACHMENT G: Department Review Comments

This proposal was reviewed by the following departments. Any requirement identified by a City Department is required to be complied with.

Building:

This work and/or change of occupancy will require a building permit. The work will need to comply with the State Construction Code, including, for example, the 2021 IBC and IEBC. Construction plans for the proposed work will need to be submitted with the building permit application. These plans, as well as a complete code analysis, must be prepared by a registered design professional. The code analysis will determine whether or not the proposed use would be a change of occupancy, which is defined in the code:

CHANGE OF OCCUPANCY. Either of the following shall be considered as a change of occupancy where this code requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation or sanitation than is existing in the current building or structure:

1. Any change in the occupancy classification of a building or structure.

2. Any change in the purpose of, or a change in the level of activity within, a building or structure.

Depending on the code analysis and on whether this would be a change occupancy, automatic fire sprinklers may be required per IBC 503.1, 903.2 and/or the IFC. Seismic upgrades may be required per IEBC 506.3.5/1006.3 as amended. Additional restrooms may be required per IBC 2902/IPC 403. Accessibility upgrades may be required by IEBC 306. These comments are not a complete review for Building Code compliance, which could only be done for a complete submittal as part of a building permit application. Comments by Will Warlick, phone (385) 261-4153. If you have any questions email is the preferred method of contact: william.warlick@slcgov.com.

Engineering:

No Comment

Fire:

If any change of occupancy, as defined in Chapter 2 in the IFC, is done, then they will have to meet all the requirements for an A-2 occupancy, including fire alarms and sprinkler systems. It appears that they are not changing the occupancy, but letting you know, just in case. With the storage of wines and other spirits, they will have to meet the requirements in Chapter 40 in the IFC, if they are storing them in casks or barrels. Egress pathways must be kept clear, and meet all the requirements in Chapter 10 in the IFC.

These are the notes for Fire for this phase of the project. These notes, and subsequent reviews, are subject to change based on additional information that may be given.

Reviewed by Seth Hutchinson, phone (801) 535-7164. If you have any questions email is the preferred method of contact: seth.hutchinson@slcgov.com

Police:

Pending

Public Utilities:

The Public Utilities Department has concerns regarding the proposed conditional use permit for this site. Currently, the site lacks a necessary pre-treatment device for waste discharge. As per regulations, the site will not be permitted to discharge waste until such a device is installed.

To proceed with the conditional use permit, detailed existing and proposed plumbing plans outlining the installation of a pretreatment device must be submitted for review and approval by the Public Utilities Department.

Additional comments have been provided to assist the applicant in obtaining a building permit.

• Please show all existing plumbing fixtures, including all floors that are changing. Clearly label each fixture and indicate if it is to remain, be removed, be replaced, or be relocated. These existing plans will be compared to the proposed plans to assess Public Utilities fees. Fees are assessed for all new plumbing, while credit is received for replacing existing fixtures in kind.

Any food and beverage processing, preparation, and service requires grease removal prior to discharge to the public sewer

system. Treatment must be provided such that the discharge limit of 500 mg/L of FOG (fats, oils, and grease) is achieved. Applicant will be required to provide a treatment device and plan for treatment and sampling that meets this discharge limit and all applicable standards set forth in the Utah plumbing code and SLCDPU Standards. Treatment device shall be located as to be readily accessible for cleaning and inspection without being in the public right-of-way. The treatment device must be sized by a licensed design professional. For an exterior, below grade device, a 4-foot diameter sampling manhole, per APWA 411, must be located downstream of the interceptor and upstream of any other connections. For alternative treatment methods, a sampling point must be provided immediately downstream of the device and upstream of any other connections, this must show up on the plans. Plumbing plans must show two separate waste streams - one for grease and one for sewer. • Public Utility permit, connection, survey, and inspection fees will apply.

• All utility design and construction must comply with APWA Standards and SLCPU Standard Practices.

• All utilities must meet horizontal and vertical clearance requirements. Water and sewer lines require 10 ft minimum horizontal separation and 18" minimum vertical separation. Sewer must maintain 5 ft minimum horizontal separation and 12" vertical separation from any non-water utilities. Water must maintain 3 ft minimum horizontal separation and 12" vertical separation from any non-sewer utilities.

• One culinary water meter is permitted per parcel and fire services, as required, will be permitted for this property. If the parcel is larger than 0.5 acres, a separate irrigation meter is also permitted. Each service must have a separate tap to the main.

• Site stormwater must be collected on site and routed to the public storm drain system. Stormwater cannot discharge across property lines or public sidewalks.

• Stormwater treatment is required prior to discharge to the public storm drain. Utilize stormwater Best Management Practices (BMPs) to remove solids & oils. Green infrastructure should be used whenever possible.

From:	Kyle Morton
Sent:	Tuesday, October 24, 2023 9:06 PM
То:	Cvetko, Olivia
Subject:	(EXTERNAL) Tasting Room
Follow Up Flag:	Follow up
	•
Flag Status:	Flagged

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Love your plans! You've got my vote 1000% to open it up to the public to enjoy. Will hopefully help the area and think the weekend hours would be great.

-Pierpont Lofts Resident