

## MEMORANDUM

**TO:** Planning Board  
**FROM:** Elaine McLaughlin, Case Manager  
**DATE:** May 11, 2015  
**SUBJECT:** Call Up Item: USE REVIEW to establish a restaurant within the Boulder Jaycee's Depot Building at 2366 Junction Pl. consisting of 3,115 sq ft on the main level, 3,306 sq ft on the lower level and 1,188 sq ft on the patio. The full service restaurant will serve three meals a day / seven days a week; it will be closed from 2:00 2:00 am to 7:00 am seven days per week, the patio area will close at 11:00 pm. The restaurant will have 188 interior seats and 85 exterior seats. Reviewed under case no. LUR2015-00032.

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### **Background.**

The property is located within the MU-4 zoning district and within Boulder Junction. As anticipated in both MU-4 and Boulder Junction, a vertical mix of uses is planned. The MU-4 zoning district is defined in section 9-5-2, B.R.C. 1981 as follows:

*“Mixed Use - 4: Mixed use residential areas generally intended for residential uses with neighborhood-serving retail and office uses; and where complementary uses may be allowed. It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street.”*

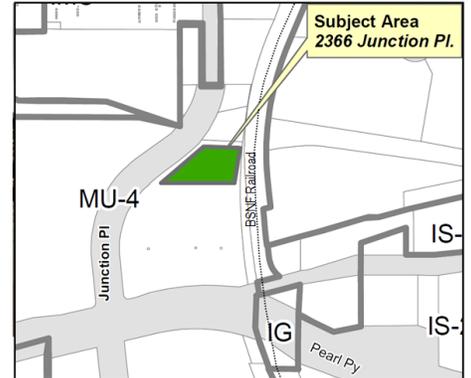
The proposed restaurant will occupy the Boulder Jaycees Depot Building that was relocated to the present site in 2008 to become a part of the urban plaza space within the overall Depot Square redevelopment, approved in Site Review in 2011.

The Depot Square development is located along the newly built Junction Place and adjacent to the newly constructed Goose Creek Bridge. It also includes the 150 room Hyatt Place Hotel, the RTD Bus Rapid Transit Facility, the Boulder Junction Access District (BJAD) parking structure and 71 permanently affordable apartments.

The depot building received a Landmarks Alteration Certificate (LAC) for rehabilitation of the structure in 2013 along with two subsequent LACs: one for a small exterior addition for the restaurant use in January 2015, and another for exterior landscape and plaza improvements in April 2015.

The Use Standards of the Land Use Code section 9-6-1, B.R.C. 1981 require a Use Review for “restaurants, brewpubs and taverns that are over 1,500 square feet in floor area” to operate in the MU-4 zoning district.

**Proposed Project.** The applicant is requesting approval of a Use Review to allow for a new restaurant within the depot. A previous Use Review was approved in 2011, but did not include the basement area of the restaurant that



**Address: 2366 Junction Place**

has since been upgraded. The restaurant includes a total of 188 interior seats and 85 exterior seats. Parking for the restaurant is part of the Boulder Junction Access District (BJAD) which provides parking both within the 300 space parking structure along with on-street parking on Junction Place and Pearl Parkway. Refer to **Attachment C** for *Applicant's Proposed Plan and Management Plan*.

**Analysis.** The application was found to be in conformance with the Use Review criteria of the Land Use Code section 9-2-15, B.R.C. 1981. **Attachment B** is provided of the consistency analysis with the Use Review Criteria checklist.

**Public Comment.** Consistent with section 9-4-3, Public Notice Requirements, B.R.C. 1981, staff provided notification to all property owners within 600 feet of the subject location of the application, and a sign has been posted on the building by the applicant indicating the review requested. There was one comment from a member of the public regarding this application. The email indicated concern that the patio not operate until 2:00 a.m. and that there not be outdoor music. The application was since modified to ensure closing at 11:00 p.m. for the patio with no outdoor music after that time as well.

**Conclusion.** Per section 9-4-2, B.R.C. 1981, applications for Use Review are subject to call up by the Planning Board. This proposal was approved by Planning and Development Services staff on **May 15, 2015** (see **Attachment A**) and the decision may be called up before Planning Board on or before **May 30, 2015**. There is one Planning Board meeting within the 14-day call up period, on **May 21, 2015**. Questions about the project or decision should be directed to Elaine McLaughlin at (303) 441-4130 or [mclaughline@bouldercolorado.gov](mailto:mclaughline@bouldercolorado.gov).

**Attachments:**

- A. Signed Disposition
- B. Analysis of Use Review Criteria
- C. Applicant's Proposed Plan and Management Plan



**CITY OF BOULDER  
Community Planning & Sustainability**

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

**CITY OF BOULDER PLANNING DEPARTMENT  
NOTICE OF DISPOSITION**

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **APPROVED WITH CONDITIONS**  
PROJECT NAME: **DEPOT RESTAURANT**  
DESCRIPTION: **USE REVIEW for a restaurant within the Boulder Jaycee's Depot Building consisting of 3,115 sq ft on the main level, 3,306 sq ft on the lower level and 1,188 sf on the patio. The full service restaurant will serve three meals a day / seven days a week starting; the restaurant will be closed from 2:00 am until 7:00 am seven days per week; the patio area will be closed at 11:00 pm. The restaurant will have 188 interior seats and 85 exterior seats.**

LOCATION: **2366 JUNCTION PLACE**  
COOR: **N04W03**  
LEGAL DESCRIPTION: **Unit D, Depot Square, according to the Community Declaration thereof recorded on July 29, 2013 under Reception No. 03330983, and the Community Map thereof recorded on July 29, 2013, under 03330984, in the records of the Clerk and Recorder of the County of Boulder, State of Colorado**

APPLICANT: **Jim Bray**  
OWNER: **City of Boulder, A Colorado Home Rule City**  
APPLICATION: **Use Review, LUR2015-00032**  
ZONING: **MU-4**  
CASE MANAGER: **Elaine McLaughlin**  
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved on: 5-15-15  
Date

By:   
David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning

Address: 2366 Junction Place

Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

**Appeal to Planning Board expires:** May 30, 2015

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS. IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years shall cause this development approval to expire.

#### **CONDITIONS OF APPROVAL**

1. The Applicant shall ensure that the **development shall be in compliance with all plans** prepared by the Applicant on March 13, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
  - a. Size of the approved interior use shall be limited to 6,425 square feet with 188 interior seats.
  - b. Size of the exterior patio use shall be limited to 1,190 square feet with 85 exterior patio seats.
  - c. The approved interior use shall be closed from 2:00 a.m. to 7:00 a.m., seven days per week and the approved exterior use shall be closed from 11:00 p.m. until 7:00 a.m. seven days per week. No outdoor music or entertainment shall be provided after 11:00 p.m.
  - d. Trash and bottles shall not be removed to outside trash containers between the hours of 10:00 p.m. and 8:00 a.m.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
3. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Development Agreement recorded at Reception No. 03330968 on July 29, 2013 in the records of the Boulder County Clerk and Recorder.

USE REVIEW CRITERIA

(e) **Criteria for Review:** No use review application will be approved unless the approving agency finds all of the following:

  √ (1) **Consistency With Zoning and Nonconformity:** The use is consistent with the purpose of the zoning district as set forth in [section 9-5-2](#), "Zoning Districts," B.R.C. 1981, except in the case of a nonconforming use;

The depot building is located in the MU-4 zoning district that is defined under section 9-5-2, B.R.C. 1981 as,

*"Mixed Use residential areas generally intended for residential uses with limited neighborhood serving retail and office uses. It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street; retail and office uses permitted on the first floor; and where complementary uses may be allowed."*

The depot will be rehabilitated as part of the proposed project. With the desire for the depot to become an active use, one of the opportunities for the depot is to become a small restaurant or tavern. The use of the depot could serve the surrounding proposed (and future residential) as well as the broader Boulder Junction area and city. The depot building is located within the Boulder Junction Access District (BJAD) for parking that is proposed to provide 100 district parking spaces within the planned parking structure that can serve the depot building's use as a restaurant or tavern. There are also on-street parking spaces along with the adjacent RTD bus facility. Because there are anticipated alternating hours of use for the parking structure between commuters and hotel or restaurant guests, the parking for the depot restaurant will be accommodated

  √ (2) **Rationale:** The use either:

  n/a (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

  √ (B) Provides a compatible transition between higher intensity and lower intensity uses;

The proposed restaurant is planned to be located within an existing building, with some outdoor dining available. This use is an appropriate convenience for transit users, hotel visitors, and nearby planned residential and provides a compatible transition between the active transit facility and hotel, and the future residential and park.

  n/a (C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations;   or

  n/a (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (f) of this section;

√ (3) **Compatibility:** The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

Given the operating characteristics and the conditions of approval that are as follows, the use of the site as a restaurant will be compatible in the mixed use context of Depot Square.

Conditions: The Applicant shall ensure that the approved use is operated in compliance with the following restrictions:

- a. Size of the approved interior use shall be limited to 6,425 square feet on the interior with 188 interior seats; and 1,190 square feet on the patio with 85 exterior patio seats.
- b. The approved interior use shall be closed from 2:00 a.m. to 7:00 a.m., seven days per week and the approved exterior use shall be closed from 11:00 p.m. until 7:00 a.m. seven days per week. No outdoor music or entertainment shall be provided after 11:00 p.m.
- c. Trash and bottles shall not be removed to outside trash containers between the hours of 10:00 p.m. and 8:00 a.m.

With these conditions of approval required the impacts to the surroundings will be minimal.

√ (4) **Infrastructure:** As compared to development permitted under [section 9-6-1](#), "Schedule of Permitted Land Uses," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a nonconforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

The infrastructure for the 3.28 acre site as planned, including water, wastewater, storm drainage and streets, is intended to accommodate the use of the depot among the other uses planned on the site including the hotel, residential and transit facility.

√ (5) **Character of Area:** The use will not change the predominant character of the surrounding area;

The anticipated character of the area will enhance the existing setting. The opportunity to provide an active use in the depot building will contribute to the needed vitality of the new area.

n/a (6) **Conversion of Dwelling Units to Nonresidential Uses:** There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts to nonresidential uses that are allowed pursuant to a use review, or through the change of one nonconforming use to another nonconforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a daycare center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not applicable to this case (no conversion of residential to non-residential – the space to be used for a restaurant is an existing retail space.

**Proposed use of buildings and land:**

The proposed restaurant use within the  
depot will provide access for the community  
to once again use the building as a gathering  
spot and fulfill a need for such service in the  
surrounding area that now has new  
apartments, a hotel and other new uses.

**Hours of operation:**

7am-2am seven days a week  
patio to be closed at 11pm

**Number of employees:**  
*(Please indicate full and part time)*

4-breakfast, 8-lunch, 12 - dinner



**1** SITE PLAN  
A1.1 1" = 10'-0"



**DEPOT**  
BOULDER, CO

PROJECT NO.	201418
ISSUE DATE	2-20-15
REVISION	3-13-15
SHEET TITLE	
SITE PLAN	
SHEET NUMBER	

**A1.1**

**ACCESSIBLE ACCESS CALCULATIONS**

ALL TABLES TO CONFORM TO ANSI A117.1-2003 SECTION 902.2 & 902.3

REQUIRED ACCESSIBLE SEATING PER IBC 2009 SECTION 119.1.1.1

LOWER LEVEL DINING / LOUNGE / BAR = 48 SEATS x 0.05 = 3 SEATS

**SEATING LEGEND**

TABLE	DESCRIPTION	QUANTITY
T-1	24" x 30" FREESTANDING TABLE	3
T-2	30" x 48" FREESTANDING TABLE	5
T-3	24" x 30" F.S. BANQUET TABLE	10

NOTES:  
1. REFER TO A7.1 FOR TABLE SPECIFICATIONS  
2. VERIFY QUANTITY LISTED WITH TABLES SHOWN IN PLAN BEFORE ORDERING.  
3. \*GAR PRODUCTS TELESCOPING COLUMN OR EQUAL.

**WALL FINISH LEGEND**

- WALLS WITH FULL HEIGHT FRP PANELING USE FRP-2 UNLESS NOTED OTHERWISE
- WALLS WITH WOOD PANELING-1: HEIGHT AS INDICATED ON INT. ELEV.
- WALLS WITH INTR. THIN-STONE VENEER: HEIGHT AS INDICATED ON INT. ELEV.
- WALLS WITH FULL HEIGHT STAINLESS STEEL PANELING
- WALLS WITH CERAMIC TILE: HEIGHT AS INDICATED ON INT. ELEV.
- WALLS WITH WOOD PANELING-2: HEIGHT AS INDICATED ON INT. ELEV.
- ┌ FULL HEIGHT STAINLESS STEEL "L" CORNER GUARD.
- └ FULL HEIGHT STAINLESS STEEL "U" CORNER GUARD.

**FINISH KEY**

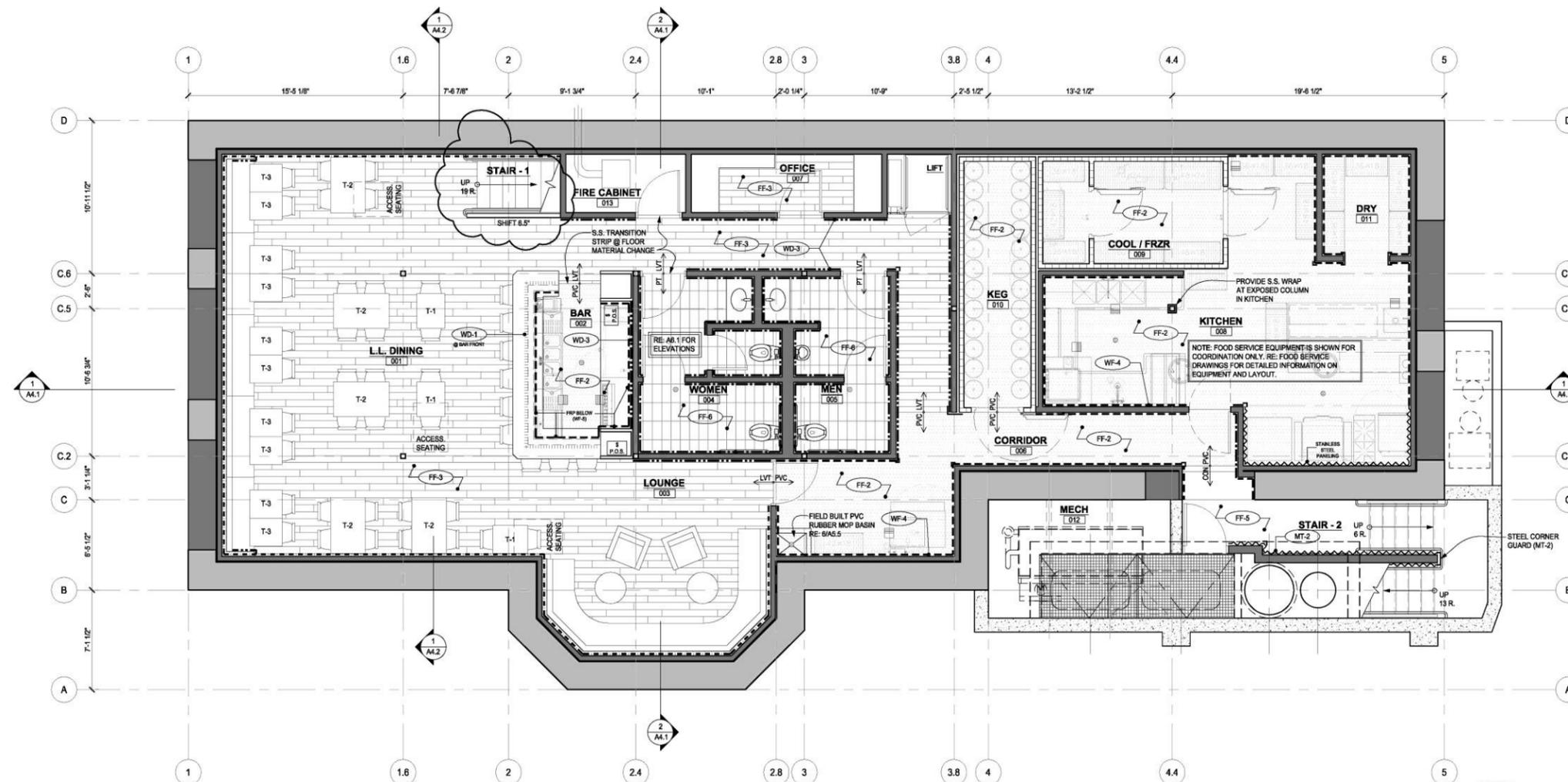
WD	STRUCTURAL WOOD FLOOR	(FF-1)
PVC	RUBBERIZED PVC FLOORING	(FF-2)
VT	LUXURY VINYL TILE	(FF-3)
SC	SEALED CONCRETE	(FF-4)
CON	CONCRETE	(FF-5)
PT	PORCELAIN TILE	(FF-6)

**FINISH NOTES**

- INTERIOR WALL & CEILING FINISHES TO HAVE A FLAME SPREAD INDEX NOT GREATER THAN CLASS C AT ROOMS AND ENCLOSURES AND CLASS B AT CORRIDORS PER IBC(2009) TABLE 803.9
- INTERIOR FLOOR FINISHES AND FLOOR COVERING MATERIALS SHALL NOT BE LESS THAN CLASS II PER IBC(2009) SECTION 804.4.1.
- COOLER WALLS TO HAVE A FLAME SPREAD INDEX OF NOT MORE THAN 75 AND A SMOKE-DEVELOPED INDEX OF NOT MORE THAN 450 PER IBC(2009) SECTION 2603.3.
- G.C. TO COORDINATE LOCATION AND QUANTITY OF MENU HOLDERS, JACK STANDS & TRAY HOLDERS WITH OWNER.

**SEATING SUMMARY**

TYPE	TABLES	SEATS
LL DINING		
2-Tops	13	26
4-Tops	5	20
Total	18	46
BAR / LOUNGE		
Stools		9
Soft Seating		12
2-Tops	0	0
4-Tops	0	0
Total	0	21
<b>TOTALS</b>	<b>18</b>	<b>67</b>

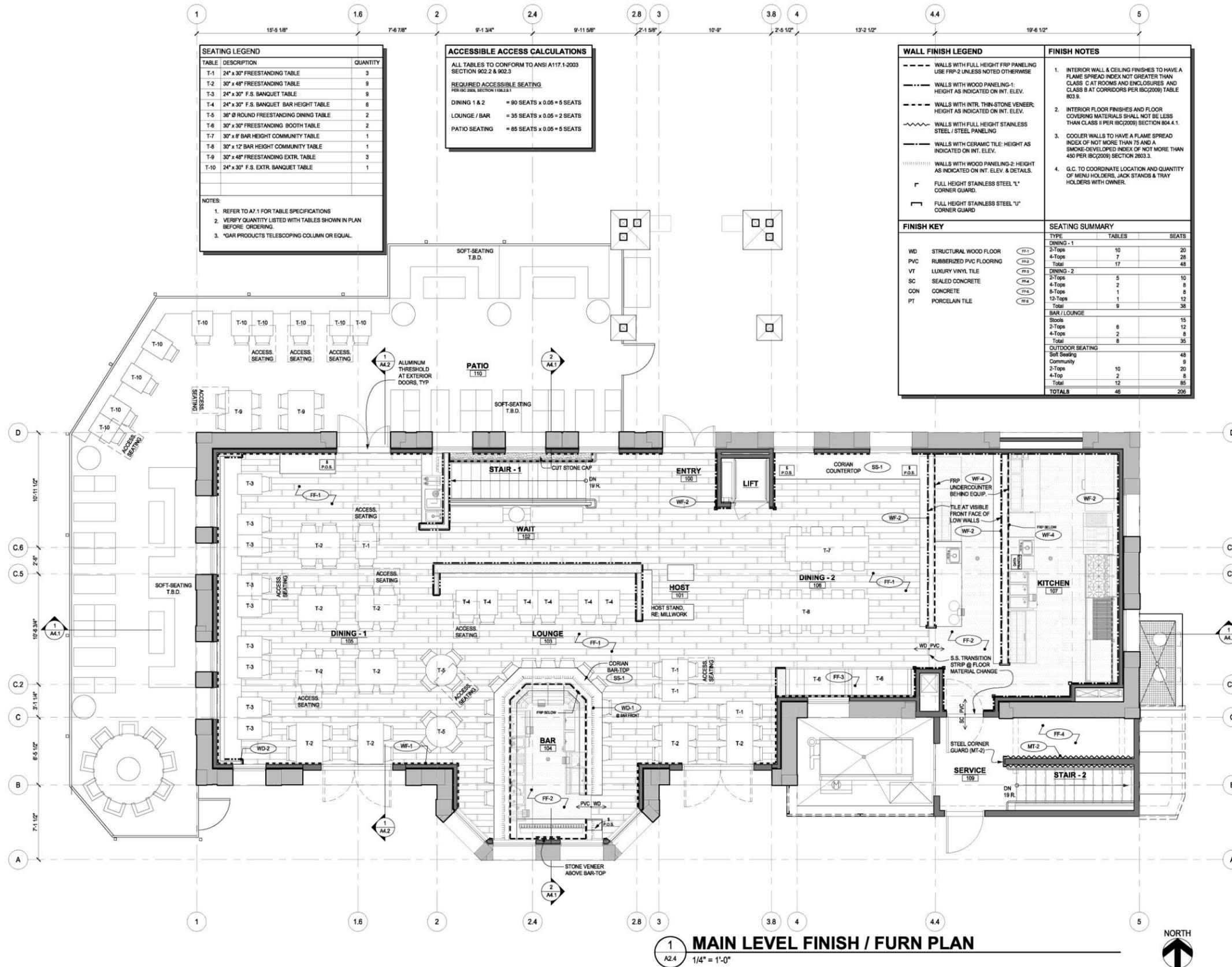


**1 LOWER LEVEL FINISH / FURN PLAN**  
A2.3 1/4" = 1'-0"

PROJECT No: 201418  
ISSUE DATE: 2-20-15  
REVISION: 3-13-15

SHEET TITLE:  
LOWER LEVEL FINISH / FURN PLAN  
SHEET NUMBER:

**A2.3**



**SEATING LEGEND**

TABLE	DESCRIPTION	QUANTITY
T-1	24" x 30" FREESTANDING TABLE	3
T-2	30" x 48" FREESTANDING TABLE	8
T-3	24" x 30" F.S. BANQUET TABLE	8
T-4	24" x 30" F.S. BANQUET BAR HEIGHT TABLE	6
T-5	36" Ø ROUND FREESTANDING DINING TABLE	2
T-6	30" x 30" FREESTANDING BOOTH TABLE	2
T-7	30" x 8" BAR HEIGHT COMMUNITY TABLE	1
T-8	30" x 12" BAR HEIGHT COMMUNITY TABLE	1
T-9	30" x 48" FREESTANDING EXTR. TABLE	3
T-10	24" x 30" F.S. EXTR. BANQUET TABLE	1

**NOTES:**

- REFER TO A7.1 FOR TABLE SPECIFICATIONS
- VERIFY QUANTITY LISTED WITH TABLES SHOWN IN PLAN BEFORE ORDERING.
- \*GAR PRODUCTS TELESCOPING COLUMN OR EQUAL.

**ACCESSIBLE ACCESS CALCULATIONS**

ALL TABLES TO CONFORM TO ANSI A117.1-2003 SECTION 902.2 & 902.3

**REQUIRED ACCESSIBLE SEATING**  
PER ICC 2006, SECTION 1108.2.1

DINING 1 & 2 = 90 SEATS x 0.05 = 5 SEATS  
LOUNGE / BAR = 35 SEATS x 0.05 = 2 SEATS  
PATIO SEATING = 85 SEATS x 0.05 = 5 SEATS

**WALL FINISH LEGEND**

- WALLS WITH FULL HEIGHT FRP PANELING USE FRP-2 UNLESS NOTED OTHERWISE
- WALLS WITH WOOD PANELING-1: HEIGHT AS INDICATED ON INT. ELEV.
- WALLS WITH INTR. THIN-STONE VENEER: HEIGHT AS INDICATED ON INT. ELEV.
- WALLS WITH FULL HEIGHT STAINLESS STEEL / STEEL PANELING
- WALLS WITH CERAMIC TILE: HEIGHT AS INDICATED ON INT. ELEV.
- WALLS WITH WOOD PANELING-2: HEIGHT AS INDICATED ON INT. ELEV. & DETAILS.
- FULL HEIGHT STAINLESS STEEL "L" CORNER GUARD.
- FULL HEIGHT STAINLESS STEEL "U" CORNER GUARD.

**FINISH NOTES**

- INTERIOR WALL & CEILING FINISHES TO HAVE A FLAME SPREAD INDEX NOT GREATER THAN CLASS C AT ROOMS AND ENCLOSURES AND CLASS B AT CORRIDORS PER IBC(2009) TABLE 803.9.
- INTERIOR FLOOR FINISHES AND FLOOR COVERING MATERIALS SHALL NOT BE LESS THAN CLASS II PER IBC(2009) SECTION 804.4.1.
- COOLER WALLS TO HAVE A FLAME SPREAD INDEX OF NOT MORE THAN 75 AND A SMOKE-DEVELOPED INDEX OF NOT MORE THAN 450 PER IBC(2009) SECTION 2603.3.
- G.C. TO COORDINATE LOCATION AND QUANTITY OF MENU HOLDERS, JACK STANDS & TRAY HOLDERS WITH OWNER.

**FINISH KEY**

FINISH	DESCRIPTION	SYMBOL
WD	STRUCTURAL WOOD FLOOR	FF-1
PVC	RUBBERIZED PVC FLOORING	FF-2
VT	LUXURY VINYL TILE	FF-3
SC	SEALED CONCRETE	FF-4
CON	CONCRETE	FF-5
PT	PORCELAIN TILE	FF-6

**SEATING SUMMARY**

TYPE	TABLES	SEATS
DINING - 1		
2-Tops	10	20
4-Tops	7	28
Total	17	48
DINING - 2		
2-Tops	5	10
4-Tops	2	8
8-Tops	1	8
12-Tops	1	12
Total	9	38
BAR / LOUNGE		
Stools		15
2-Tops	6	12
4-Tops	2	8
Total	8	35
OUTDOOR SEATING		
Soft Seating		46
Community		9
2-Tops	10	20
4-Top	2	8
Total	12	85
<b>TOTALS</b>	<b>46</b>	<b>206</b>

**1 MAIN LEVEL FINISH / FURN PLAN**  
A2.4 1/4" = 1'-0" NORTH

**BRAY** Architecture, Inc.  
1300-C Yellow Pine  
Boulder, CO 80304

**DEPOT**  
BOULDER, CO

PROJECT NO: 201418  
ISSUE DATE: 2-20-15  
REVISION: 3-13-15

SHEET TITLE:  
**MAIN LEVEL FINISH / FURN PLAN**

SHEET NUMBER:  
**A2.4**