

USE REVIEW WRITTEN STATEMENT

Submit with your application.

For your convenience, this form is also available as an electronic form on the Planning and Development Services web site at www.boulderplandevlop.net . You may type in your responses in the electronic form, and then print it to attach to your written statement.

KEY INFORMATION

Please provide the following information. Please type or print complete, detailed responses. Please also select use categories from the Boulder Revised Code Land Use Charts (Section 9-6-1(d)).

EXISTING

Use of existing building and land:

Restaurants, brewpubs, and taverns with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district.

Restaurant with 50% food sales or higher.

PROPOSED

Proposed use of buildings and land:

Restaurants, brewpubs, and taverns with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district.

Restaurant with 40% food sales.

Hours of operation:

Unknown

Hours of operation:

11:00 AM - 2:00 AM (no change)

Number of employees:

(Please indicate full and part time)

Unknown

Number of employees:

(Please indicate full and part time)

40 total: 25 full time, 15 part time

Estimated number of trips to site per day:
(Please indicate mode of transportation used to reach the site.)

Unknown

Estimated number of trips to site per day:
(Please indicate mode of transportation used to reach the site.)

Approximately 300 people per day. We expect the majority of our patrons to walk from home/ work or to park in the public parking garages nearby.

Uses on adjacent / surrounding properties:

Chipotle Mexican Grill is immediately West of this location, various soft goods retailers are to the East, offices are located above this location. The South side of Pearl Street has multiple restaurants. Across the alley directly behind us is residential.

Narrative

In the space provided below or in an attached letter, please type or print a narrative describing the proposal in specific detail. Only one written narrative is necessary per development project.

We propose to change the existing "use characteristic" from a "restaurant" to a "tavern" - a restaurant with less than 50% food sales. This establishment will hold a hotel & restaurant class liquor license, which requires the sale and service of full meals. Although the food sales are approximately 40%, the business will operate as a full service restaurant. The full menu will be offered during all hours of operation. (A copy of the proposed menu is attached.)

The Applicant, JTR Boulder LLC dba World of Beer, will not be using the second floor rooftop patio that was used by the prior restaurant tenant. There will be a 690 square foot patio on Pearl Street. There will not be live music/ entertainment offered on the street level patio at any time.

To mitigate the noise associated with trash and recycling removal, we are willing to hold all trash and recycling inside the building until the following morning.

All the employees are TIPS certified for responsible vending. Our staff is trained to check IDs for everyone who appears 35 years old or younger. We have security on site during high volume hours.

CRITERIA

In the space provided below, please indicate how the proposal will meet the Use Review criteria.

1. **Consistency with Zoning and Non-conformity.** The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2, "Zoning Districts Established", B.R.C. 1981, except in the case of a non-conforming use;

This business is located within the DT-2, Downtown business zone and will provide the neighborhood with a social gathering place for its key demographic: the professionals who live and/ or work in close proximity to the location.

2. **Rationale.** The use either:

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

The restaurant provides a direct service and convenience to the neighborhood by providing full meals and numerous craft beer choices to the individuals who live and/ or work in close proximity to the location. The restaurant prides itself on being actively involved in the community by supporting local charities and supporting the numerous Colorado craft breweries.

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

- (C) Is necessary to foster a specific city policy, as expressed in the BVCP, including without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate location, and group living arrangements for special populations; OR

- (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (e) 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 the nearby properties;

We're reducing the total square footage by eliminating the second floor rooftop patio that was used by the previous restaurant tenant. Therefore, the use will have a significantly lower impact on the nearby residential properties and offices.

4. **Infrastructure.** As compared to development permitted under Section 9-6-1, "Permitted Uses of Land", 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 or adversely affect the infrastructure of the surrounding area, including without limitation, water, wastewater, and storm draining utilities and streets.

This space has been an operating restaurant for approximately twenty (20) years. By removing the second floor patio, the seating capacity proposed by World of Beer is less than the previous restaurant. Therefore, the impact on the infrastructure will be reduced.

5. **Character of Area.** The use will not change the predominant character of the surrounding area.

The predominant character of the surrounding area is restaurants and shops, and this business will simply replace a former restaurant.

6. **Conversion of Dwelling Units to Non-Residential Uses.** Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-6-1(d), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming 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 day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

N/A

ADDITIONAL CRITERIA FOR MODIFICATION TO NON-CONFORMING USES:

A non-conforming use is described as any use of a building or use of a lot that is not permitted under Section 9-6-1, "Schedule of Permitted Uses of Land", B.R.C. 1981, but excludes a conforming use in a non-standard building or on a non-standard lot; a legal existing use that has been approved as a conditional use or a use review use, or a use approved pursuant to a valid special review or a use review approval. A non-conforming use also includes an otherwise conforming use, except a single dwelling unit on a lot, that does not meet the parking and residential density requirements, including, without limitation, the requirements for minimum lot area per dwelling unit; useable open space per dwelling unit, or required off-street parking requirements for Section 9-6-1, "Schedule of Bulk Requirements", B.R.C. 1981.

1. **Reasonable Measures Required:** The applicant has undertaken all reasonable measures to reduce or alleviate the effects of the non-conformity upon the surrounding area, including without limitation objectionable conditions, glare, visual pollution, noise pollution, air emissions, vehicular traffic, storage of equipment, materials and refuse, and on-street parking, so that the change will not adversely affect the surrounding area;

2. **Reduction in Non-Conformity / Improvement of Appearance:** The proposed change or expansion will either reduce the degree of non-conformity of the use or improve the physical appearance of the structure or the site without increasing the degree of non-conformity;

3. Compliance with this Title / Exceptions: The proposed change in use complies with all of the requirements of this title:

(A) Except for a change of a non-conforming use to another non-conforming use; and

(B) Unless a variance to the setback requirements has been granted pursuant to Section 9-2-3, "Variances", B.R.C. 1981, or the setback has been varied through the application of the requirements of Section 9-2-14, "Site Review", B.R.C. 1981; and

4. **Cannot Reasonably be Made Conforming:** The existing building or lot cannot be utilized or made to conform to the requirements of Chapters 9-6, 9-7, 9-8, and 9-9, "Use Standards", "Form and Bulk Standards", "Intensity Standards", and "Development Standards", B.R.C. 1981; and

5. **No Increase in Floor Area Over Ten Percent:** The change or expansion will not result in an increase in floor area of more than ten percent of the existing floor area.

6. **Approving Authority May Grant Zoning Variances:** The approving authority may grant the variances permitted by Subsection 9-2-3(d), B.R.C. 1981, upon finding that the criteria set forth in Subsection 9-2-3(h), B.R.C. 1981, have been met.
