

City and County of Denver  
Public Works Engineering Regulatory & Analytics Dept.  
201 W Colfax Ave, Dept. 507  
Denver, CO 80202-5329  
Sent electronically to: [denver.pwera@denvergov.org](mailto:denver.pwera@denvergov.org)

July 31, 2019

Re: Request to vacate a portion of the ROW adjacent to the West side of South Clarkson Street (between Jewell Avenue and Asbury Avenue)

Dear Public Works Engineering Staff:

I am formally requesting the vacation of 9,713 square feet of existing Right-of-Way (ROW) along the west side of South Clarkson Street, between Jewell Avenue and Asbury Avenue.

**Land Area Use:**

It is my understanding (from what our surveyor discovered) that this land area had previously been designated as a possible site to be used for the construction of a highway. Such a use consideration is evidently no longer the case, however, as a roughly equivalent ROW portion, along the opposing, east side of South Clarkson Street, was already vacated in the year 1917 (see attachment C). The land we are requesting to be vacated currently comprises a portion of the front yards of the lots adjacent to it (see attachment A). Approval of the vacation request would therefore not impact or alter in any way the current shape, function, or flow of movement in the land area in question.

The only utilities I am aware of in the land area in question are water lines and meters (for an example, see attachment B). These would not need to be moved and so would remain in place. For this reason, we are requesting a vacation with reservations, that is, in order to reserve a hard surface easement ensuring that no one will be able to build on top of this area, so that utility companies will continue to have access to maintain their facilities.

**Reason for the Request:**

The precipitating reason for this request is that the property owner of 1931 South Clarkson Street plans to build a detached garage with an Additional Dwelling Unit (ADU) on top of it, next to the alley in the back yard. While the property's zoning (U-SU-C1) allows for a garage and ADU, we discovered only after the designs were completed that the size of the garage/ADU footprint we and our architect produced would conform to the city's zoning regulations only if the lot in question were greater than 7,000 square feet (see attachment D, p. 5.3-31 on "Detached Accessory Dwelling Unit, Design Elements"). Currently, the lot is 6,500 square feet. With the relevant portion of the vacated land area added to it (just under 800 square feet),

however, the lot would then be over 7,000, thus enabling the garage/ADU footprint in the design plans to meet the city's zoning requirements.

We initially intended to submit this vacation request for the land area adjacent to the 1931 South Clarkson St parcel only. Employees in Denver's Public Works office informed us that the city would prefer to vacate the whole relevant side of the block instead, however, which is why we are submitting the request for that land area.

**Contact Information:**

The request for the ROW vacation is from the current landowner of 1931 S Clarkson St., Carmen Stavrositu.

On behalf of the owner, the primary point of contact for this vacation request is Chris Gamble, the owner's partner.

Please contact me, Chris Gamble, at (970) 443-1289 or [chrisgamble.co@gmail.com](mailto:chrisgamble.co@gmail.com) should you have any questions.

Sincerely,

*Chris Gamble*

Chris Gamble

## S Clarkson St and Asbury Ave - 1931 S Clarkson St

05/04/2021

<b>Master ID:</b>	2019-PROJMSTR-0000436	<b>Project Type:</b>	ROW Vacation
<b>Review ID:</b>	2019-VACA-0000009	<b>Review Phase:</b>	
<b>Location:</b>	S Clarkson St between Jewell Ave and Asbury Ave	<b>Review End Date:</b>	09/10/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: Asset Management Review	Review Status: Approved
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Reviewers Name: Katherine Rinehart  
 Reviewers Email: [Katherine.Rinehart@denvergov.org](mailto:Katherine.Rinehart@denvergov.org)

Status Date: 08/23/2019  
 Status: Approved  
 Comments:

Reviewing Agency: Building Department Review	Review Status: Approved
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Reviewers Name: Eric Browning  
 Reviewers Email: [Eric.Browning@denvergov.org](mailto:Eric.Browning@denvergov.org)

Status Date: 09/10/2019  
 Status: Approved  
 Comments:

Reviewing Agency: CenturyLink Referral	Review Status: Approved - No Response
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Status Date: 09/11/2019  
 Status: Approved - No Response  
 Comments:

Reviewing Agency: CDOT Referral	Review Status: Approved - No Response
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Status Date: 09/11/2019  
 Status: Approved - No Response  
 Comments:

Reviewing Agency: City Councilperson and Aides Referral	Review Status: Approved - No Response
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Status Date: 09/11/2019  
 Status: Approved - No Response  
 Comments:

Reviewing Agency: City Forester Review	Review Status: Approved
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Reviewers Name: Nick Evers  
 Reviewers Email: [Nick.Evers@denvergov.org](mailto:Nick.Evers@denvergov.org)

Status Date: 10/22/2019  
 Status: Approved  
 Comments: PWPRS Project Number: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St  
 Reviewing Agency/Company: Denver Parks and Rec - Forestry

# Comment Report

## S Clarkson St and Asbury Ave - 1931 S Clarkson St

05/04/2021

**Master ID:** 2019-PROJMSTR-0000436 **Project Type:** ROW Vacation  
**Review ID:** 2019-VACA-0000009 **Review Phase:**  
**Location:** S Clarkson St between Jewell Ave and Asbury Ave **Review End Date:** 09/10/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewers Name: Nick Evers  
Reviewers Phone: 7209131524  
Reviewers Email: nick.evers@denvergov.org  
Approval Status: Approved

Comments:  
Vacation outside of tree lawn. No PRW tree conflict.

Status Date: 09/10/2019  
Status: Denied  
Comments: Please refer to redlines for comments:  
1) Ensure PRW trees are not apart of the vacation - show on vacation plan

Reviewing Agency: Comcast Referral Review Status: Approved - No Response

Status Date: 09/11/2019  
Status: Approved - No Response  
Comments:

Reviewing Agency: DS Project Coordinator Review Review Status: Approved - No Response

Reviewers Name: Olga Mikhailova  
Reviewers Email: Olga.Mikhailova@denvergov.org

Status Date: 09/11/2019  
Status: Approved - No Response  
Comments:

Reviewing Agency: DES Transportation Review Review Status: Approved

Reviewers Name: Viktoriya Luckner  
Reviewers Email: viktoriya.luckner@denvergov.org

Status Date: 11/07/2019  
Status: Approved  
Comments: PWPRS Project Number: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St  
Reviewing Agency/Company: DS-Transportation  
Reviewers Name: Viktoriya Luckner  
Reviewers Phone: 720-913-1782  
Reviewers Email: viktoriya.luckner@denvergov.org  
Approval Status: Approved

Comments:

Status Date: 09/05/2019  
Status: Approved w/Conditions  
Comments: Conditional approval.  
DS Transportation is OK with proposed vacation. However, we need to make sure resulting Clarkson St ROW is 60' min. Looks like proposed vacation should be lessen by 1 foot

# Comment Report

## S Clarkson St and Asbury Ave - 1931 S Clarkson St

05/04/2021

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**Review ID:** 2019-VACA-0000009      **Review Phase:**  
**Location:** S Clarkson St between Jewell Ave and Asbury Ave      **Review End Date:** 09/10/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: DES Wastewater Review      Review Status: Approved

Reviewers Name: Zhixu Yuan  
Reviewers Email: Zhixu.Yuan@denvergov.org

Status Date: 08/30/2019  
Status: Approved  
Comments:

Reviewing Agency: Office of Disability Rights Review      Review Status: Approved

Reviewers Name: Juan Pasillas  
Reviewers Email: Juan.Pasillas@denvergov.org

Status Date: 09/10/2019  
Status: Approved  
Comments:

Reviewing Agency: Denver Water Referral      Review Status: Approved

Status Date: 09/11/2019  
Status: Approved  
Comments: PWPRS Project Number: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St  
Reviewing Agency/Company: Denver Water  
Reviewers Name: Gina Begly  
Reviewers Phone: 303-628-6219  
Reviewers Email: gina.begly@denverwater.org  
Approval Status: Approved

Comments:

Reviewing Agency: Denver Fire Department Review      Review Status: Approved

Reviewers Name: Richard Tenorio  
Reviewers Email: Richard.Tenorio@denvergov.org

Status Date: 09/09/2019  
Status: Approved  
Comments: The Vacation is approved - It will not have any impact to Fire Dept. or Fire Services. RT

Reviewing Agency: Landmark Review      Review Status: Approved - No Response

Status Date: 09/11/2019  
Status: Approved - No Response  
Comments:

# Comment Report

## S Clarkson St and Asbury Ave - 1931 S Clarkson St

05/04/2021

**Master ID:** 2019-PROJMSTR-0000436      **Project Type:** ROW Vacation  
**Review ID:** 2019-VACA-0000009      **Review Phase:**  
**Location:** S Clarkson St between Jewell Ave and Asbury Ave      **Review End Date:** 09/10/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

Reviewing Agency: Metro Wastewater Referral      Review Status: Approved - No Response

Status Date: 09/11/2019  
Status: Approved - No Response  
Comments:

Reviewing Agency: Office of Emergency Management Referral      Review Status: Approved - No Response

Status Date: 09/11/2019  
Status: Approved - No Response  
Comments:

Reviewing Agency: Office of Emergency Management Referral      Review Status: Approved - No Response

Status Date: 09/11/2019  
Status: Approved - No Response  
Comments:

Reviewing Agency: Dev and Planning Services Review      Review Status: Approved - No Response

Status Date: 09/11/2019  
Status: Approved - No Response  
Comments:

Reviewing Agency: Parks and Recreation Review      Review Status: Approved

Reviewers Name: Emily McKee  
Reviewers Email: Emily.McKee@denvergov.org

Status Date: 08/30/2019  
Status: Approved  
Comments: PWPRS Project Number: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St  
Reviewing Agency/Company: Parks Planning Design and Construction  
Reviewers Name: Emily McKee  
Reviewers Phone: 7209135862  
Reviewers Email: emily.mckee@denvergov.org  
Approval Status: Approved

Comments:

Reviewing Agency: ERA Transportation Review      Review Status: Approved - No Response

Status Date: 09/11/2019  
Status: Approved - No Response

# Comment Report

## S Clarkson St and Asbury Ave - 1931 S Clarkson St

05/04/2021

**Master ID:** 2019-PROJMSTR-0000436 **Project Type:** ROW Vacation  
**Review ID:** 2019-VACA-0000009 **Review Phase:**  
**Location:** S Clarkson St between Jewell Ave and Asbury Ave **Review End Date:** 09/10/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

Comments:

Reviewing Agency: ERA Wastewater Review Review Status: Approved

Reviewers Name: Steven Forvilly  
Reviewers Email: Steven.Forvilly@denvergov.org

Status Date: 10/22/2019  
Status: Approved  
Comments: PWPRS Project Number: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St  
Reviewing Agency/Company: PWERA-WW  
Reviewers Name: Steven Forvilly  
Reviewers Phone: 720-913-4533  
Reviewers Email: steven.forvilly@denvergov.org  
Approval Status: Approved

Comments:  
Approved per the uploaded legal description.

Attachment: 2019-VACA-0000009 SIGNED.pdf - attachment saved in project folder

Status Date: 09/10/2019  
Status: Denied  
Comments: Per transportation standard drawing 2.0 a minimum 60 ROW is required. Please also demonstrate that at least an 8 tree lawn, 5 sidewalk, and 0.5 sidewalk construction area will remain within the ROW for the full length of the proposed vacation.

Reviewing Agency: Construction Engineering Review Review Status: Approved

Reviewers Name: Michael Holm  
Reviewers Email: Michael.Holm@denvergov.org

Status Date: 09/09/2019  
Status: Approved  
Comments:

Reviewing Agency: Policy and Planning Review Review Status: Approved - No Response

Reviewers Name: Emily Gloeckner  
Reviewers Email: Emily.Gloeckner@denvergov.org

Status Date: 09/11/2019  
Status: Approved - No Response  
Comments:

Reviewing Agency: Street Maintenance Review Review Status: Approved - No Response

Reviewers Name: Brian Roecker  
Reviewers Email: Brian.Roecker@denvergov.org

Status Date: 09/11/2019

2019-VACA-0000009

# Comment Report

## S Clarkson St and Asbury Ave - 1931 S Clarkson St

05/04/2021

**Master ID:** 2019-PROJMSTR-0000436      **Project Type:** ROW Vacation  
**Review ID:** 2019-VACA-0000009      **Review Phase:**  
**Location:** S Clarkson St between Jewell Ave and Asbury Ave      **Review End Date:** 09/10/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

**Status:** Approved - No Response  
**Comments:**

**Reviewing Agency:** Survey Review      **Review Status:** Approved

**Reviewers Name:** Alan Lemke  
**Reviewers Email:** Alan.Lemke@denvergov.org

**Status Date:** 11/07/2019  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St  
Reviewing Agency/Company: PW/Survey  
Reviewers Name: Alan Lemke  
Reviewers Phone: 720-865-3127  
Reviewers Email: alan.lemke@denvergov.org  
Approval Status: Approved

**Comments:**  
Approved legal description and word doc are in project folder under Survey/Legal/Approved

**Status Date:** 09/11/2019  
**Status:** Denied  
**Comments:** PWPRS Project Number: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St  
Reviewing Agency/Company: Public Works-Survey  
Reviewers Name: Alan Lemke  
Reviewers Phone: 720-865-3127  
Reviewers Email: Alan.Lemke@denvergov.org  
Approval Status: Denied

**Comments:**  
**Date:** 2019.09.10  
**Project Name:** S Clarkson St Vacation-Jewell Ave to Asbury Ave  
**Project Location:** 1931 S Clarkson  
**Record:** 2019-VACA-0000009  
**Reviewed by:** Alan Lemke, PW-Survey Alan.Lemke@denvergov.org

### Vacation 1st Submittal Review Comments

- 1) The name of the subdivision is Second Santa Fe Addition, not Santa Fe Addition. Please make sure this is correct in both the Exhibit A description and illustration.
- 2) Please make the east line of the vacation parallel with the east line of Block 6, Second Santa Fe Addition. In order to maintain a minimum 60 public ROW in S Clarkson St, the maximum amount of ROW that can be vacated is 14 feet.
- 3) Consider describing the ROW to be vacated as the west 14 of S Clarkson Street, or as a 14 wide strip, bounded by the north line of Block 6 extended, the south line of Block 6 extended, and the east line of Block 6.



# Comment Report

## S Clarkson St and Asbury Ave - 1931 S Clarkson St

05/04/2021

**Master ID:** 2019-PROJMSTR-0000436      **Project Type:** ROW Vacation  
**Review ID:** 2019-VACA-0000009      **Review Phase:**  
**Location:** S Clarkson St between Jewell Ave and Asbury Ave      **Review End Date:** 09/10/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

Related links:

Guidelines for Land Descriptions:

<https://www.denvergov.org/content/denvergov/en/right-of-way-services/survey/guidelines-for-land-descriptions.html>

Status Date: 09/11/2019

Status: Denied

Comments: Date: 2019.09.10

Project Name: S Clarkson St Vacation-Jewell Ave to Asbury Ave

Project Location: 1931 S Clarkson

Record: 2019-VACA-0000009

Reviewed by: Alan Lemke, PW-Survey [Alan.Lemke@denvergov.org](mailto:Alan.Lemke@denvergov.org)

Vacation 1st Submittal Review Comments

- 1) The name of the subdivision is Second Santa Fe Addition, not Santa Fe Addition. Please make sure this is correct in both the Exhibit A description and illustration.
- 2) Please make the east line of the vacation parallel with the east line of Block 6, Second Santa Fe Addition. In order to maintain a minimum 60 public ROW in S Clarkson St, the maximum amount of ROW that can be vacated is 14 feet.
- 3) Consider describing the ROW to be vacated as the west 14 of S Clarkson Street, or as a 14 wide strip, bounded by the north line of Block 6 extended, the south line of Block 6 extended, and the east line of Block 6.

Related links:

Guidelines for Land Descriptions:

<https://www.denvergov.org/content/denvergov/en/right-of-way-services/survey/guidelines-for-land-descriptions.html>

Reviewing Agency: TES Sign and Stripe Review

Review Status: Approved - No Response

Reviewers Name: Brittany Price

Reviewers Email: [Brittany.Price@denvergov.org](mailto:Brittany.Price@denvergov.org)

Status Date: 09/11/2019

Status: Approved - No Response

Comments:

Reviewing Agency: CPM Wastewater Review

Review Status: Approved - No Response

Status Date: 09/11/2019

Status: Approved - No Response

Comments:

Reviewing Agency: RTD Referral

Review Status: Approved - No Response

# Comment Report

## S Clarkson St and Asbury Ave - 1931 S Clarkson St

05/04/2021

**Master ID:** 2019-PROJMSTR-0000436      **Project Type:** ROW Vacation  
**Review ID:** 2019-VACA-0000009      **Review Phase:**  
**Location:** S Clarkson St between Jewell Ave and Asbury Ave      **Review End Date:** 09/10/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

**Status Date:** 09/11/2019  
**Status:** Approved - No Response  
**Comments:**

**Reviewing Agency:** Xcel Referral      **Review Status:** Approved w/Conditions

**Status Date:** 09/11/2019  
**Status:** Approved w/Conditions  
**Comments:** PWPRS Project Number: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St  
Reviewing Agency/Company: Public Service Company of Colorado dba Xcel Energy  
Reviewers Name: Donna George  
Reviewers Phone: 303-571-3306  
Reviewers Email: donna.l.george@xcelenergy.com  
Approval Status: Approved with conditions

**Comments:**

Please be aware Public Service Company of Colorado owns and operates existing natural gas distribution facilities located within the South Clarkson Street right-of-way proposed to be vacated; therefore, we are able to give conditional approval, PROVIDED, HOWEVER, said vacation shall be subject to the following reservations:  
A perpetual, non-exclusive easement is hereby reserved by the City and County of Denver, its successors and assigns, over, under, across, along, and through the vacated area for the purposes of constructing, operating, maintaining, repairing, upgrading and replacing public or private utilities including storm drainage and sanitary sewer facilities and all appurtenances to said utilities. A hard surface shall be maintained by the property owner over the entire easement area. The City reserves the right to authorize the use of the reserved easement by all utility providers with existing facilities in the easement area. No trees, fences, retaining walls, landscaping or structures shall be allowed over, upon or under the easement area. Any such obstruction may be removed by the City or the utility provider at the property owner's expense. The property owner shall not re-grade or alter the ground cover in the easement area without permission from the City and County of Denver. The property owner shall be liable for all damages to such utilities, including their repair and replacement, at the property owner's sole expense. The City and County of Denver, its successors, assigns, licensees, permittees and other authorized users shall not be liable for any damage to property owner's property due to use of this reserved easement.

**Reviewing Agency:** Case Manager Review/Finalize      **Review Status:** Comments Compiled

**Reviewers Name:** Katie Ragland  
**Reviewers Email:** Katie.Ragland@denvergov.org

**Status Date:** 09/11/2019  
**Status:** Comments Compiled  
**Comments:**

**Status Date:** 09/09/2019  
**Status:** Confirmation of Payment  
**Comments:**

**Reviewing Agency:** ROW - Supplemental Review      **Review Status:** Approved

# Comment Report

## S Clarkson St and Asbury Ave - 1931 S Clarkson St

05/04/2021

**Master ID:** 2019-PROJMSTR-0000436      **Project Type:** ROW Vacation  
**Review ID:** 2019-VACA-0000009      **Review Phase:**  
**Location:** S Clarkson St between Jewell Ave and Asbury Ave      **Review End Date:** 09/10/2019

Any denials listed below must be rectified in writing to this office before project approval is granted.

**Reviewers Name:** Zack Santen  
**Reviewers Email:** zachary.santen@denvergov.org

**Status Date:** 05/04/2021  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St  
Reviewing Agency/Company: Community Planning and Development  
Reviewers Name: Zack Santen  
Reviewers Phone: 7208652609  
Reviewers Email: zachary.santen@denvergov.org  
Approval Status: Approved

**Comments:**  
On behalf of Tina Axelrad and Mikaela Firnhaber I would like to remove CPD's objection to the proposed Right-of-Way vacation. The customer has begun the Zone Lot Amendment process to address the zoning issues that will be created by the vacation. The customer must finalize the zone lot amendment once the vacation has been completed.

**Status Date:** 05/04/2021  
**Status:** Approved  
**Comments:** PWPRS Project Number: 2019-VACA-0000009 S Clarkson St and Asbury Ave - 1931 S Clarkson St  
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**Status Date:** 02/13/2020  
**Status:** Denied  
**Comments:** This is a tricky area where ROW vacations and zoning-defined development sites (zone lots) intersect. If you would like to have CPD-Zoning meet with your staff to explain this case and why we are objecting, we'd be happy to. The bottom line is that this one property owner's request to vacate Clarkson Street results in disproportionate and negative impact on the entire block face of property owners. Unless the applicant and other property owners on the block can work together to resolve the zoning impacts concurrent with the vacation ordinance (and not after when it will be extremely impractical for CPD to control for those impacts), CPD-Zoning Administration strongly objects to this vacation moving forward to City Council.

**Status Date:** 02/13/2020  
**Status:** Denied  
**Comments:** We discussed this vacation request at our technical advisory meeting this morning. Our position remains the same and we are still opposed to this request. We have one amendment to our previous position, which is that the current conforming zone lots on this block face would become nonconforming zone lots if the right-of-way vacation moves forward. Essentially, we can not support a vacation request that would create an entire block face of non-conforming zone lots, which ultimately impacts the development rights of every property owner on this block face.

**Status Date:** 02/13/2020

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05/04/2021

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**Status:** Denied  
**Comments:** After much discussion within our department, we have outlined our position regarding this street ROW vacation request. I have also included a response to neighbor objections. While our zoning administration team initially did not see a problem with the request, we needed to discuss whether this vacation would require each property owner to apply for a zone lot amendment. We concluded that this ROW vacation would not result in an automatic zone lot amendment. If the ROW vacation goes through, each property owner on the block would need to pursue a zone lot amendment prior to development. Because of this, we will not support the current vacation request.

Attached REDLINE Document uploaded.

**Reviewing Agency:** ROW - Supplemental Review      **Review Status:** Approved

**Reviewers Name:** Zack Santen  
**Reviewers Email:** zachary.santen@denvergov.org

**Status Date:** 05/04/2021  
**Status:** Approved  
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Reviewers Phone: 7208652609  
Reviewers Email: zachary.santen@denvergov.org  
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Status Date: 02/13/2020

Status: Denied

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