

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

COUNCIL BILL NO. CB21-0855
COMMITTEE OF REFERENCE:
Land Use, Transportation & Infrastructure

A BILL

For an ordinance changing the zoning classification for 3645, 3655, 3665, 3675, 3685, 3701, 3739, 3745, 3801, 3811, 3815 West 46th Avenue in Berkeley.

WHEREAS, the City Council has determined, based on evidence and testimony presented at the public hearing, that the map amendment set forth below conforms with applicable City laws, is consistent with the City’s adopted plans, furthers the public health, safety and general welfare of the City, will result in regulations and restrictions that are uniform within the U-SU-B1 district, is justified by one of the circumstances set forth in Section 12.4.10.8 of the Denver Zoning Code, and is consistent with the neighborhood context and the stated purpose and intent of the proposed zone district;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

- a. The land area hereinafter described is presently classified as U-SU-C.
- b. It is proposed that the land area hereinafter described be changed to U-SU-B1.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:

3645 W. 46th Ave.

THAT PART OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 68 WEST DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT ON THE NORTH LINE OF WEST 46TH AVENUE, 404.56 FEET EAST OF INTERSECTION OF THE NORTH LINE OF WEST 46TH AVENUE WITH THE WEST LINE OF NEWTON STREET IN THE FIRST ADDITION TO BERKELEY EXTENDED NORTH;
THENCE FROM SAID POINT OF BEGINNING EAST ALONG THE NORTH LINE OF WEST 46TH AVENUE A DISTANCE OF 40.63 FEET;
THENCE NORTH AND PARALLEL WITH THE WEST LINE OF NEWTON STREET IN THE FIRST ADDITION TO BERKELEY EXTENDED NORTH A DISTANCE OF 125 FEET;
THENCE WEST AND PARALLEL WITH THE NORTH LINE OF WEST 46TH AVENUE, A DISTANCE OF 40.63 FEET;
THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF NEWTON STREET IN THE FIRST ADDITION TO BERKELEY EXTENDED NORTH A DISTANCE OF 125 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

1 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
2 thereof, which are immediately adjacent to the aforesaid specifically described area.

3 **Section 3.** That the zoning classification of the land area in the City and County of Denver
4 described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:

5 **3655 W. 46th Ave.**

6
7 THAT PART OF NE 1/4 OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 68 WEST,
8 DESCRIBED AS FOLLOWS:
9 COMMENCING AT A POINT ON THE NORTH LINE OF WEST 46TH AVENUE, 363.93
10 FEET, EAST OF THE POINT OF INTERSECTION OF THE NORTH LINE OF WEST 46TH
11 AVENUE WITH THE WEST LINE OF NEWTON STREET IN FIRST ADDITION TO
12 BERKELEY EXTENDED NORTH, THENCE FROM SAID POINT OF BEGINNING EAST
13 ALONG THE NORTH LINE OF WEST 46TH AVENUE A DISTANCE OF 40.63 FEET,
14 THENCE NORTH AND PARALLEL WITH THE WEST LINE OF NEWTON STREET IN
15 FIRST ADDITION TO BERKELEY EXTENDED NORTH A DISTANCE OF 125 FEET,
16 THENCE WEST AND PARALLEL WITH THE NORTH LINE OF WEST 46TH AVENUE A
17 DISTANCE OF 40.63 FEET, THENCE SOUTH AND PARALLEL WITH THE WEST LINE
18 OF NEWTON STREET IN FIRST ADDITION TO BERKELEY EXTENDED NORTH A
19 DISTANCE OF 125 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF
20 DENVER, STATE OF COLORADO.

21
22 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
23 thereof, which are immediately adjacent to the aforesaid specifically described area.

24 **Section 4.** That the zoning classification of the land area in the City and County of Denver
25 described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:

26 **3665 W. 46th Ave.**

27
28 THAT PART OF THE NE 1/4 NE 1/4 OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 68
29 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:
30 BEGINNING AT A POINT ON THE NORTH LINE OF WEST 46TH AVENUE 323.30 FEET
31 EAST OF THE POINT OF INTERSECTION OF THE NORTH LINE OF WEST 46TH
32 AVENUE WITH THE WEST LINE OF NEWTON STREET, IN FIRST ADDITION TO
33 BERKELEY EXTENDED NORTH; THENCE FROM SAID POINT OF BEGINNING EAST
34 ALONG THE NORTH LINE OF WEST 46TH AVENUE 40.63 FEET; THENCE NORTH AND
35 PARALLEL WITH THE WEST LINE OF NEWTON STREET IN FIRST ADDITION TO
36 BERKELEY EXTENDED NORTH 125 FEET; THENCE WEST AND PARALLEL WITH THE
37 NORTH LNE OF WEST 46TH AVENUE 40.63 FEET; THENCE SOUTH AND PARALLEL
38 WITH THE WEST LINE OF NEWTON STREET IN FIRST ADDITION TO BERKELEY
39 EXTENDED NORTH 125 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF
40 DENVER, STATE OF COLORADO.

41
42 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
43 thereof, which are immediately adjacent to the aforesaid specifically described area.

1 **Section 5.** That the zoning classification of the land area in the City and County of Denver
2 described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:

3 **3675 W. 46th Ave.**
4

5 THAT PORTION OF THE NE 1/4 OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 68
6 WEST DESCRIBED AS FOLLOWS:
7 COMMENCING AT A POINT ON THE NORTH LINE OF WEST 46TH AVENUE 282.67
8 FEET EAST OF THE POINT OF INTERSECTION OF THE NORTH LINE OF WEST 46TH
9 AVENUE WITH THE WEST LINE OF NEWTON STREET IN FIRST ADDITION TO
10 BERKELEY EXTENDED NORTH; THENCE FROM SAID POINT OF BEGINNING EAST
11 ALONG THE NORTH LINE OF WEST 46TH AVENUE A DISTANCE OF 40.63 FEET;
12 THENCE NORTH AND PARALLEL WITH THE WEST LINE OF NEWTON STREET IN
13 FIRST ADDITION TO BERKELEY EXTENDED NORTH A DISTANCE OF 125 FEET;
14 THENCE WEST AND PARALLEL WITH THE NORTH LINE OF WEST 46TH AVENUE A
15 DISTANCE OF 40.63 FEET; THENCE SOUTH AND PARALLEL WITH WEST LINE OF
16 NEWTON STREET IN FIRST ADDITION TO BERKELEY EXTENDED NORTH A
17 DISTANCE OF 125 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF
18 DENVER, STATE OF COLORADO
19

20 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
21 thereof, which are immediately adjacent to the aforesaid specifically described area.

22 **Section 6.** That the zoning classification of the land area in the City and County of Denver
23 described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:

24 **3685 W. 46th Ave.**
25

26 That part of the Northeast 1/4 of Section 19, Township 3 South, Range 68 West of the 6th
27 P.M., described as follows:
28 Commencing at a point on the North line of West 46th Avenue, 242.04 feet East of the point
29 of intersection of the North line of West 46th Avenue with the West line of Newton Street in
30 First Addition to Berkeley extended North; thence from said point of beginning East along
31 the North line of West 46th Avenue a distance of 40.63 feet; thence North and parallel with
32 the West line of Newton Street in First Addition to Berkeley extended North a distance of
33 125 feet; thence West and parallel with the North line of West 46th Avenue a distance of
34 40.63 feet; thence South and parallel with the West line of Newton Street in First Addition to
35 Berkeley extended North a distance of 125 feet to the point of beginning, City and County of
36 Denver, State of Colorado.
37

38 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
39 thereof, which are immediately adjacent to the aforesaid specifically described area.

40 **Section 7.** That the zoning classification of the land area in the City and County of Denver
41 described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:
42

1 **3701 W. 46th Ave.**

2
3 That part of the Northeast 1/4 of Section 19, Township 3 South, Range 68 West, described
4 as follows:
5 Commencing at a point on the North line of West 46th Avenue 160.78 feet East of the Point
6 of Intersection of North line of West 46th Avenue with the West line of Newton Street in 1st
7 Addition to Berkeley extended North;
8 Thence from said Point of Beginning East along the North line of West 46th Avenue a
9 distance of 40.63 feet;
10 Thence North and parallel with West line of Newton Street in 1st Addition to Berkeley a
11 distance of 125 feet;
12 Thence West and parallel with the North line of West 46th Avenue a distance of 40.63 feet;
13 Thence South and parallel with the West line of Newton Street in 1st Addition to Berkeley a
14 distance of 125 feet to the Point of Beginning,
15 City and County of Denver, State of Colorado.

16
17 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
18 thereof, which are immediately adjacent to the aforesaid specifically described area.

19 **Section 8.** That the zoning classification of the land area in the City and County of Denver
20 described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:

21 **3739 W. 46th Ave.**

22
23 That part of the Northeast 1/4 of Section 19, Township 3 South, Range 68 West of the 6th
24 P.M., described as follows:
25 Commencing at a point on the North line of West 46th Avenue, 79.52 feet East of the point
26 of intersection of the North line of West 46th Avenue with the West line of Newton Street in
27 First Addition to Berkeley extended North; thence from said point of beginning East along
28 the North line of West 46th Avenue a distance of 40.63 feet; thence North and parallel with
29 the West line of Newton Street in First Addition to Berkeley extended North a distance of
30 125 feet; thence West and parallel with the North line of West 46th Avenue a distance of
31 40.63 feet; thence South and parallel with the West line of Newton Street in First Addition to
32 Berkeley extended North a distance of 125 feet to the point of beginning, City and County of
33 Denver, State of Colorado.

34
35 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
36 thereof, which are immediately adjacent to the aforesaid specifically described area.

37 **Section 9.** That the zoning classification of the land area in the City and County of Denver
38 described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:

39

1 **3745 W. 46th Ave.**

2
3 That part of the NE 1/4 NE 1/4 of Section 19, Township 3 South, Range 68 West of the 6th
4 P.M., described as follows:
5 COMMENCING at a point on the North line of West 46th Avenue, 38.89 feet East of the
6 point of intersection of the North line of West 46th Avenue with the West line of Newton
7 Street in the First Addition to Berkeley extending North; thence from said POINT OF
8 BEGINNING, East along the North line of West 46th Avenue, a distance of 40.63 feet;
9 thence North and parallel with the West line of Newton Street a distance of 125 feet; thence
10 West and parallel with the North line of West 46th Avenue a distance of 40.63 feet; thence
11 South and parallel with the West line of Newton Street, a distance of 125 feet to the POINT
12 OF BEGINNING,
13 City and County of Denver, State of Colorado.

14
15 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
16 thereof, which are immediately adjacent to the aforesaid specifically described area.

17 **Section 10.** That the zoning classification of the land area in the City and County of
18 Denver described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:

19 **3801 W. 46th Ave.**

20
21 That part of the NE 1/4 of the NE 1/4 of Section 19, Township 3 South, Range 68 West of
22 the 6th P.M., more particularly described as follows:
23 Commencing at a point on the North line of West 46th Avenue 1.74 feet West of the point of
24 intersection of the North line of West 46th Avenue with the West line of Newton Street In
25 First Addition to Berkeley extended North; thence from said Point of Beginning East along
26 the North line of West 46th Avenue a distance of 40.62 feet; thence North and parallel with
27 the West line of Newton Street in First Addition to Berkeley a distance of 125 feet; thence
28 West and parallel with the North line of West 46th Avenue a distance of 40.63 feet; thence
29 South and parallel with the West line of Newton Street In First Addition to Berkeley a
30 distance of 125 feet to the Point of Beginning, City and County of Denver, State of Colorado

31
32 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
33 thereof, which are immediately adjacent to the aforesaid specifically described area.

34 **Section 11.** That the zoning classification of the land area in the City and County of
35 Denver described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:

36

1 **3811 W. 46th Ave.**

2
3 That part of the NE 1/4 of Section 19, Township 3 South, Range 68 West, of the 6th P.M.,
4 more particularly described as follows:
5 Commencing at a point on the North line of West 46th Avenue, 1.74 feet West of the point
6 of intersection of the North line of West 46th Avenue with the West line of Newton Street in
7 First Addition to Berkeley extended North; Thence from said Point of Beginning West along
8 the North line of West 46th Avenue, a distance 40.63 feet; Thence North and parallel with
9 the West line of Newton Street in First Addition to Berkeley a distance of 125 feet;
10 Thence East and parallel with the North line of West 46th Avenue a distance of 40.63 feet;
11 Thence South and parallel with the West line of Newton Street in First Addition to Berkeley a
12 distance of 125 feet to the Point of Beginning, City and County of Denver, State of
13 Colorado.

14
15 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
16 thereof, which are immediately adjacent to the aforesaid specifically described area.

17 **Section 12.** That the zoning classification of the land area in the City and County of
18 Denver described as follows shall be and hereby is changed from U-SU-C to U-SU-B1:

19 **3815 W. 46th Ave.**

20
21 All of that portion of the Northeast 1/4 of Section 19, Township 3 South, Range 68 West of
22 the 6th P.M., described as follows:
23 Commencing at a point on the North line of West 46th Avenue, a distance of 83 feet West of
24 the point of intersection of the North line of West 46th Avenue with the West line of Newton
25 Street in First Addition to Berkeley extended North; thence from said point of beginning,
26 East along the North line of West 46th Avenue, a distance of 40.63 feet; thence North and
27 parallel with the West line of Newton Street in First Addition to Berkeley, a distance of 125
28 feet; thence West and parallel with the North line of 46th Avenue, a distance of 40.63 feet;
29 thence South and parallel with the West line of Newton Street in First Addition to Berkeley, a
30 distance of 125 feet to the Point of Beginning, City and County of Denver, State of
31 Colorado.

32
33 in addition, thereto those portions of all abutting public rights-of-way, but only to the centerline
34 thereof, which are immediately adjacent to the aforesaid specifically described area.

35 **Section 13.** That this ordinance shall be recorded by the Manager of Community Planning and
36 Development in the real property records of the Denver County Clerk and Recorder.

37

1 COMMITTEE APPROVAL DATE: August 3, 2021
2 MAYOR-COUNCIL DATE: August 10, 2021 by Consent
3 PASSED BY THE COUNCIL: _____ September 20, 2021
4 *Steve Filmore* - PRESIDENT
5 APPROVED: _____ - MAYOR *Mike Johnston* Sep 21, 2021
6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____
10 PREPARED BY: Nathan J. Lucero, Assistant City Attorney DATE: August 19, 2021
11 Pursuant to Section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
14 § 3.2.6 of the Charter.
15 Kristin M. Bronson, Denver City Attorney
16 BY: *Jonathan Griffin* , Assistant City Attorney DATE: Aug. 23, 2021