



2019-VACA-0000009 – S Clarkson St and Asbury Ave - 1931 S Clarkson St
Public Notification December 11, 2019 – December 31, 2019
Protests Received: 5

City and County of Denver Department of Transportation & Infrastructure
Right-of-Way Services
201 W Colfax Ave, Dept 507 | Denver, CO 80202
www.denvergov.org/dotj
Phone: 720-913-1311

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2019-VACA-0000009 - S Clarkson St and Asbury Ave - 1931 S Clarkson St.
Executive Summary of Protests received during the Vacation process

Attached in this document are (5) five protests that were received during the public notification process of a Vacation proposed by the property owner of 1931 S. Clarkson St. The proposed vacation is across all zone lots on the west side of the 1900 block of South Clarkson St., converting ROW to private property along all lots. We understand the applicant began this process to adjust the wide ROW along Clarkson St. to match adjacent segments of Clarkson, as well as pursue an additional dwelling unit expansion on his own property. Although the applicant originally proposed a vacation across his own lot, Zoning required the entire block to be vacated to create zone lot conformance. Through an extensive process, the applicant has satisfied the initial Zoning requirements, and no objections remain from the Department of Planning and Zoning for the Vacation to proceed to City Council for approval. All Vacation process regulatory review comments have been satisfied and DOTI has determined the existing legacy widened ROW along this segment is not necessary for effective or future operation of Clarkson St.

The ROWS Engineering and Regulatory Coordination Team has reviewed each protest against the Department of Transportation and Infrastructure definition of technical merit. It is our determination that the concerns listed in all 5 protests do not demonstrate a violation of the official Rules and Regulations of the Vacation process and as such, technical merit has not been demonstrated by any protest.

Of note, all protests that mentioned 'zoning' have since been addressed to the satisfaction of the Department of Planning and Zoning. To achieve this, the applicant coordinated with each affected homeowner and has started the process with Zoning to have all affected zone lots amended should Council approve the Vacation.

Below is a bulleted list of the 5 received protests with simplified summary of each, as well as the ROWS Engineering and Regulatory summary determination of each regarding technical merit. In this document (beginning page 3) we have provided the full original protest from each protestor.

Section Manager Jon Reynolds concurs with our findings, and that this matter may proceed to you for Director concurrence. Should you concur with our determination that each received protest does not demonstrate technical merit, please sign each protest letter in the appropriate Adobe Sign location (5 total signatures). Once signed by you, our office will proceed with sending this application to City Council.

- Padilla, Lisa & Menard, Andrew; Page 4
 - No Technical Merit
 - Increased car and foot traffic; ADUs exceeding current lot sizes
- Coffee, Scott; Page 5
 - No Technical Merit
 - More and larger ADUs; increased traffic and transitory persons in the neighborhood; property taxes and property values
- Lucchino, Michael (sent from Hope, Mary email but signed Lucchino, Michael); Page 7
 - No Technical Merit
 - Additional parking challenges; No way to dictate what the ADUs are used for (AirBnB, VRBO, etc.)
- Roath, Norma; Page 8
 - No Technical Merit
 - Larger garages and ADUs that exceed current lot sizes; Additional parking challenges; No way to dictate what the ADUs are used for (AirBnB, VRBO, etc.)
- Black, Bruce & Bass, Patricia; Page 9
 - No Technical Merit
 - More ADUs and no way to dictate what they are used for (AirBnB, VRBO, etc.); Density of the neighborhood

From: [Lisa Padilla](#)
To: [PW Engineering Regulatory & Analytics](#)
Cc: [Barwick, James M. - PW Engineer and Architect Mgr](#); [Clark, Jolon M. - CC President Denver City Council](#)
Subject: Vacation of Right of Way - West side of South Clarkson Street between Jewell Avenue and Asbury Avenue Lisa Padilla
Date: Thursday, December 26, 2019 10:56:48 AM

Good morning:

We are writing in with our opposition to the vacation of Right of Way on the West side of South Clarkson street.

We do not support the vacation of the Right of Way for the request of the property owner of 1931 South Clarkson Street as the plans they have completed have a detached garage with an ADU on top of it that exceeds the City's zoning regulations. We believe the property owner can adjust their plans to fit within their current lot of 6500 sf.

Providing a vacation to all of the property owners on the west side of Clarkson would allow any of those owners to build garages and ADUs that currently exceed their lot footprint. Furthermore, the neighbors on Clarkson Street do not have the ability to limit the use of those ADUs. While the property owner at 1931 South Clarkson Street has indicated they want to use the ADU as an office and a flat for visiting family, we have no measures to limit usage from an AirBNB etc. or even long term rentals - both of which uses add car and foot traffic on our street and add to the current parking congestion. We have already reported increased crime on our street – many car and garage break-ins.

The City's current approval of all the new apartments on Logan and Buchtel and on Louisiana have already increased our traffic on both Asbury and Jewell and have doubled the population of Platt Park. With the advent of new construction in the Gates infill area, we are bracing for another onslaught of new people in the Platt Park footprint.

My husband and I lived in the Baker neighborhood for 16 years and were finally forced to move once the new development of over 400 apartments were built on Cherokee and Byers. We felt the Platt Park neighborhood was peaceful and not subject to the congestion and infill activities that we left in Baker.

Thank you.

Lisa Padilla
Andrew Menard
1970 South Clarkson
Denver CO 80210
720.201.2217

From: [Coffee, Scott](#)
To: [PW Engineering Regulatory & Analytics](#)
Cc: [Clark, Jolon M. - CC President Denver City Council](#); [Thompson, Maggie M. - CC Senior City Council Aide District 7](#)
Subject: [EXTERNAL] 2019-VACA-0000009 Objection
Date: Monday, December 30, 2019 8:52:52 AM

Public Works,

I am writing to record my formal objection to vacation 2019-VACA-0000009. I object on two levels. On the macro level, I am objecting to the vacation as it further enables the development of more and larger ADUs and the unintended consequence of ADUs in general. While I understand that the ADU issue has already been approved by government entities, I believe that my and my other neighbors lack of objection would be viewed by local government and representatives as a tacit approval of the ADU situation. I believe the City Council has been somewhat misled and is not looking at the unintended consequences of the development of ADUs. These structures are being built for the most part in our neighborhood to become short term rentals like Airbnb. These units are not being developed to provide "affordable housing" or provide housing for aged family members as sold to City Council. These units are being developed to directly compete with businesses within the City and County of Denver (Hotels etc.) that actually provide jobs, more tax revenue and all the ancillary service revenue generated by the operation of these businesses within the city. Additionally, the unintended consequence of these units is an increase in residential street traffic, an increase in transitory people coming and going from our neighborhoods as well as a decrease in the available parking for residents and their guests. On a micro level specific to this vacation and our street, I object to vacation 2019-VACA-0000009 for the following reasons in addition to the above mentioned items. I believe it to be punitive to require all homeowners on the west side of the 1900 block of South Clarkson to pay more in property tax every year for the benefit of one or two properties. The property owner requesting the vacation is already able to build an ADU and the only reason the request is being made is so they can either build a BIGGER ADU (able to charge more per night for their short term rental) or so they do not have to spend any more of their own money to have their plans redone to right size the plans for an ADU that fits their current lot size. (are we supposed to "pay" because of their error in not doing their original plans correctly?) A large number of us cannot further improve our properties and this vacation does not enable any of the rest of us more access or enjoyment of our properties (and in my personal opinion actually damages our property values by having these types of short term rentals all around us) and simply asks us to pay more every single year into perpetuity to save the requestor money or further enrich themselves. I object.

Thank you for your consideration and please feel free to contact me with any additional questions or comments.

Respectfully,
Scott Coffee

1953 S Clarkson St, Denver, CO 80210
303-359-7995

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From: [Mary Hope](#)
To: [Eusebio, Jessica - PW CA2379 Operations Coordinator](#)
Subject: [EXTERNAL] Objection to 2019-VACA-0000009 South Clarkson Street
Date: Tuesday, December 31, 2019 8:09:01 AM

Jessica –

I have attempted numerous times to reach you with regards to this matter.

I am objecting to the notice of proposed vacation of right of way, as a property owner adjacent to the location.

The objection is solely due to the plans of the carriage house. The large plan here is to rent the unit as a VRBO or Air B-n – B location, creating a less than desirable situation for those of us who ‘live’ here.

The city of Denver has a responsibility to home owners to not allow this permission. The problems are many fold. One it changes the density of the neighborhood. Similar to duplexes in Platte Park, these additional densities and housing create massive pressure on parking. We are already seeing this a problem with duplexes and 6 cars. In the past Second, the transient nature of these types of rentals changes the dynamic neighborhood, making them less desirable.

These reckless decisions take away the charm of the neighborhood and it’s ability to remain stable.

Please stop this nonsense before it gets momentum and becomes the loop for developers and jackals who do not call this neighborhood home, caring little about it’s future or its residence.

I am hoping that I am not alone in my thinking.

Happy New Year!

Cheers!

Michael Lucchino
1948 S Clarkson St.
Denver CO 80210

Sent from [Mail](#) for Windows 10

From: [Norma Roath](#)
To: [PW Engineering Regulatory & Analytics](#); [Barwick, James M. - PW Engineer and Architect Mgr](#); [Clark, Jolon M. - CC President Denver City Council](#)
Subject: Project # 2019-VACA-0000009 Norma Roath
Date: Tuesday, December 24, 2019 1:05:50 PM

Good Afternoon,

I am responding to the sign posted across the street from me in reference to the vacation of the west side of Clarkson. Although I am not necessarily opposed to the building of ADUs in Platt Park, I would like to express my objection to ADUs being built larger than the size of the original home on the lot, as evidenced in the case of 1965 S Clarkson, which evidently was already vacated. As you all know parking is at a premium here and in most of the city, so I would hope the zoning of these ADUs requires a garage space beneath the unit for the parking of the renter's car. I am also opposed to ADUs being rented on Airbnb, which contributes to the transiency in the neighborhood and more cars on the street. An ADU was built across the street from me which has a long term renter and it is working well.

I would also like to voice my concerns for the speed of cars driving down Asbury Ave at rush hour, particularly in the morning during the school year. Families walk and ride bicycles on Asbury Ave on their way to Asbury Elementary every morning and the speed at which cars are passing through is endangering their safety. If we could possibly have some deterrents to using Asbury as an option to Evans that would be most beneficial. Perhaps more stop signs, lower speed limits, or speed bumps would diminish the speeds. We would appreciate implementation of any or all of these options.

Thank you for your consideration. I appreciate all of the work you do on our behalf.

Bravo to the plastic bag \$.10 fee!

Happy Holidays,

Norma Roath
889 S Asbury Ave
Denver, CO 80210
808-342-5667

From: [Pat Bass](#)
To: [PW Engineering Regulatory & Analytics](#)
Cc: [Barwick, James M. - PW Engineer and Architect Mgr](#); [Clark, Jolon M. - CC President Denver City Council](#)
Subject: Project # 2019-VACA-0000009 Pat Bass - Protest
Date: Tuesday, December 24, 2019 3:05:41 PM

To the Manager of Public Works:

We are writing in opposition to the above referenced project on S. Clarkson St. between Jewell Ave. and Asbury Ave.
It is our understanding that this vacation is sought in order to allow another neighbor on this block to build an ADU.

Our opposition comes from concerns that more ADUs in a neighborhood such as this are likely to be a detriment, particularly and especially when they are used for the purpose of short term rentals. The number of small homes on this block that could potentially want to build an ADU is significant enough to be alarming for many reasons, and we see no advantage to increasing the density of this neighborhood.

We strongly urge you to vote against this vacation request.

Sincerely,

Bruce Black & Patricia Bass
797 E. Asbury Ave.
Denver 80210
(303)710-1100



June 2, 2021

Lisa Padilla
Andrew Menard
1970 S. Clarkson St.
Denver, CO 80210

RE: Application for Vacation of the Public Right-of-Way (ROW)
Project Number: 2019-VACA-0000009
Project Location: South Clarkson Street
Date of Request: July 31, 2019

Dear Lisa & Andrew:

The City and County of Denver Department of Transportation (DOTI) is in receipt of your objections to the referenced application for a proposed vacation of the public ROW. DOTI Right-of-Way Services (ROWS) Engineering & Regulatory (ER) has reviewed your objections as outlined in your letter dated December 26, 2019. We understand your concerns about the possibilities of increased car and foot traffic due to the ability of all residents to build garages and ADUs that would have otherwise exceeded their current lot sizes. We understand that you have been working with the requestor and the Zoning department to approve and finalize a zone lot amendment for each lot. In combination with the zone lot amendments, DOTI Right-of-Way Services (ROWS) Engineering & Regulatory (ER) has determined that these concerns do not constitute sufficient technical merit to deny the granting of this ROW vacation request.

DOTI appreciates you sharing your concerns, and you may contact us at DOTI.ER@denvergov.org should you have additional questions.

Sincerely,

Matt R. Bryner, PE
Director, Right of Way Services
Department of Transportation & Infrastructure
City & County of Denver

MB: je

cc: Project File: 2019-VACA-0000009

City and County of Denver Department of Transportation & Infrastructure
Right of Way Services
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Phone: 720-865-3003



June 2, 2021

Norma Roath
889 S. Asbury Ave.
Denver, CO 80210

RE: Application for Vacation of the Public Right-of-Way (ROW)
Project Number: 2019-VACA-0000009
Project Location: South Clarkson Street
Date of Request: July 31, 2019

Dear Norma:

The City and County of Denver Department of Transportation (DOTI) is in receipt of your objections to the referenced application for a proposed vacation of the public ROW. DOTI Right-of-Way Services (ROWS) Engineering & Regulatory (ER) has reviewed your objections as outlined in your letter dated December 24, 2019. We understand your concerns about the possibilities of the resident's ability to build larger garages and ADUs that would have otherwise exceeded their current lot sizes. As well as the possibility of creating additional parking challenges and having no say in what the ADUs are used for. We understand that you have been working with the requestor and the Zoning department to approve and finalize a zone lot amendment for each lot. In combination with the zone lot amendments, DOTI Right-of-Way Services (ROWS) Engineering & Regulatory (ER) has determined that these concerns do not constitute sufficient technical merit to deny the granting of this ROW vacation request.

DOTI appreciates you sharing your concerns, and you may contact us at DOTI.ER@denvergov.org should you have additional questions.

Sincerely,

Matt R. Bryner, PE
Director, Right of Way Services
Department of Transportation & Infrastructure
City & County of Denver

MB: je

cc: Project File: 2019-VACA-0000009

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June 2, 2021

Scott Coffee
1953 S. Clarkson St.
Denver, CO 80210

RE: Application for Vacation of the Public Right-of-Way (ROW)
Project Number: 2019-VACA-0000009
Project Location: South Clarkson Street
Date of Request: July 31, 2019

Dear Scott:

The City and County of Denver Department of Transportation (DOTI) is in receipt of your objections to the referenced application for a proposed vacation of the public ROW. DOTI Right-of-Way Services (ROWS) Engineering & Regulatory (ER) has reviewed your objections as outlined in your letter dated December 30, 2019. We understand your concerns about the possibilities of residents ability to build more and larger ADUs, increased traffic and transitory persons in the neighborhood. As well as your concerns about property taxes and property values. We understand that you have been working with the requestor and the Zoning department to approve and finalize a zone lot amendment for each lot. In combination with the zone lot amendments, DOTI Right-of-Way Services (ROWS) Engineering & Regulatory (ER) has determined that these concerns do not constitute sufficient technical merit to deny the granting of this ROW vacation request.

DOTI appreciates you sharing your concerns, and you may contact us at DOTI.ER@denvergov.org should you have additional questions.

Sincerely,

Matt R. Bryner, PE
Director, Right of Way Services
Department of Transportation & Infrastructure
City & County of Denver

MB: je

cc: Project File: 2019-VACA-0000009

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June 2, 2021

Michael Lucchino
1948 S Clarkson St
Denver, CO 80210

RE: Application for Vacation of the Public Right-of-Way (ROW)
Project Number: 2019-VACA-0000009
Project Location: South Clarkson Street
Date of Request: July 31, 2019

Dear Michael:

The City and County of Denver Department of Transportation (DOTI) is in receipt of your objections to the referenced application for a proposed vacation of the public ROW. DOTI Right-of-Way Services (ROWS) Engineering & Regulatory (ER) has reviewed your objections as outlined in your letter dated December 31, 2019. We understand your concerns about the possibilities of adding density to the neighborhood, creating additional parking challenges and having no say in what the ADUs are used for. We understand that you have been working with the requestor and the Zoning department to approve and finalize a zone lot amendment for each lot. In combination with the zone lot amendments, DOTI Right-of-Way Services (ROWS) Engineering & Regulatory (ER) has determined that these concerns do not constitute sufficient technical merit to deny the granting of this ROW vacation request.

DOTI appreciates you sharing your concerns, and you may contact us at DOTI.ER@denvergov.org should you have additional questions.

Sincerely,

Matt R. Bryner, PE
Director, Right of Way Services
Department of Transportation & Infrastructure
City & County of Denver

MB: je

cc: Project File: 2019-VACA-0000009

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June 2, 2021

Bruce Black & Patricia Bass
797 E. Asbury Ave.
Denver, CO 80210

RE: Application for Vacation of the Public Right-of-Way (ROW)
Project Number: 2019-VACA-0000009
Project Location: South Clarkson Street
Date of Request: July 31, 2019

Dear Bruce & Patricia:

The City and County of Denver Department of Transportation (DOTI) is in receipt of your objections to the referenced application for a proposed vacation of the public ROW. DOTI Right-of-Way Services (ROWS) Engineering & Regulatory (ER) has reviewed your objections as outlined in your letter dated December 24, 2019. We understand your concerns about the possibilities of the ability for more residents to build more ADUs without the ability to control what the ADUs are to be used for. As well as your concerns surrounding the possibility that the neighborhood will become denser. We understand that you have been working with the requestor and the Zoning department to approve and finalize a zone lot amendment for each lot. In combination with the zone lot amendments, DOTI Right-of-Way Services (ROWS) Engineering & Regulatory (ER) has determined that these concerns do not constitute sufficient technical merit to deny the granting of this ROW vacation request.

DOTI appreciates you sharing your concerns, and you may contact us at DOTI.ER@denvergov.org should you have additional questions.

Sincerely,

Matt R. Bryner, PE
Director, Right of Way Services
Department of Transportation & Infrastructure
City & County of Denver

MB: je

cc: Project File: 2019-VACA-0000009

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