

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2021

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

5 **A BILL**

6 **For an ordinance changing the zoning classification for 3645, 3655, 3665, 3675,**  
7 **3685, 3701, 3739, 3745, 3801, 3811, 3815 West 46th Avenue in Berkeley.**

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

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

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

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

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

23 **3645 W. 46th Ave.**

24  
25 THAT PART OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE  
26 68 WEST DESCRIBED AS FOLLOWS:  
27 COMMENCING AT A POINT ON THE NORTH LINE OF WEST 46TH AVENUE, 404.56  
28 FEET EAST OF INTERSECTION OF THE NORTH LINE OF WEST 46TH AVENUE WITH  
29 THE WEST LINE OF NEWTON STREET IN THE FIRST ADDITION TO BERKELEY  
30 EXTENDED NORTH;  
31 THENCE FROM SAID POINT OF BEGINNING EAST ALONG THE NORTH LINE OF  
32 WEST 46TH AVENUE A DISTANCE OF 40.63 FEET;  
33 THENCE NORTH AND PARALLEL WITH THE WEST LINE OF NEWTON STREET IN THE  
34 FIRST ADDITION TO BERKELEY EXTENDED NORTH A DISTANCE OF 125 FEET;  
35 THENCE WEST AND PARALLEL WITH THE NORTH LINE OF WEST 46TH AVENUE, A  
36 DISTANCE OF 40.63 FEET;  
37 THENCE SOUTH AND PARALLEL WITH THE WEST LINE OF NEWTON STREET IN THE  
38 FIRST ADDITION TO BERKELEY EXTENDED NORTH A DISTANCE OF 125 FEET TO  
39 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: \_\_\_\_\_  
4 \_\_\_\_\_ - PRESIDENT  
5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_  
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