

Berkeley Regis United Neighbors, Inc  
4949 Lowell Blvd, Denver CO 80221  
BerkeleyRegisNeighbors.org



July 12, 2021

To: Libby Kaiser  
Senior City Planner  
City and County of Denver  
201 W Colfax Ave, Denver, CO 80202

Re: Case No. #2020I-00153 - 3655, 3665, 3675, 3685, 3695, 3701, 3739, 3745, 3801, 3811, 3815 W.  
46th Ave.

To: Members of the Denver Planning Board

The referenced properties on W. 46 Ave. are located within the boundaries of Berkeley Regis United Neighbors (BRUN). BRUN is a Registered Neighborhood Organization (RNO) that is located in Council Dist. 1, City of Denver. BRUN's borders are Federal Blvd to the east, Sheridan Blvd to the west, West 38<sup>th</sup> Ave to the south, and West 52<sup>nd</sup> Ave. to the north.

The BRUN Zoning and Planning (ZAP) Committee organized an outreach effort to contact neighbors in the vicinity of the applicants' properties. The intent was to notify constituents of the application to rezone and to solicit feedback from those that may be affected by the change.

Members of BRUN ZAP delivered packages to the forty-eight (48) property owners located within a 200 ft radius of the properties referenced above. Packages dated May 7, 2021 included a notification statement for the proposed rezone from U-SU-C to U-SU-B1. In addition, a response form was included which asked the question, "Do you support or oppose the application to rezone these properties at these locations for the purpose of constructing an Accessory Dwelling Unit?" An optional "Comments" section was also included. Return of comments to BRUN was requested by May 21, 2021.

Findings of outreach for the proposed Map Amendment (Rezoning) for the W. 46<sup>th</sup> Ave. properties are as follows:

Eleven (11) of the 48 responses were received by mail and electronically. Additionally, one letter of opposition was received. Five (5) responses support the amendment; seven (7) responses oppose the amendment.

A summary of concerns received opposing the amendment include:

- Additional parking with limited parking opportunities on 46<sup>th</sup> Ave., further constrained by city plans for bike lanes and elimination of parking on the south side of 46<sup>th</sup> Ave.
- Lack of an alley for these properties for access and parking
- Potential changes to the homogeneous historic character of these properties on a designated historic parkway

- Concern that “one size fits all” approach does not take into consideration the complete context of the surroundings
- General change to neighborhood character, parking, and traffic due to ADU construction
- Changes to privacy and solar access
- Potential for significantly higher structures.

A summary of comments supporting the amendment include:

- Support physical enhancement which increases the appreciation and beauty of the neighborhood
- Would like to see a process to assure that the integrity, charm, and character of the neighborhood is preserved and complimented
- Support if it does not negatively affect property values and taxes.

Thank you for your consideration of our neighbors’ opinions and comments.

Sincerely,

Jeffrey Stine  
Berkeley Regis United Neighbors  
Chair, Zoning and Planning Committee

CC: Berkeley Regis United Neighbors Board of Directors

**From:** [Matt O'Boyle](#)  
**To:** [Kaiser, Libby - CPD CE0429 City Planner Senior](#)  
**Subject:** [EXTERNAL] 2020I-00153 Multiple properties; including 3701 W. 46th Ave  
**Date:** Monday, July 19, 2021 3:54:47 PM

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Dear Libby,

I am writing to formally submit my concerns. I live at 4578 Meade St, Denver, CO 80211 adjacent to this Rezoning request. I agree with many of the comments BRUN has brought up. The main comment is how the parking will be handled. There is currently a plan to eliminate the parking on the South side of 46th Street. These lots do not have alley access and will further add to the parking on 46th Street. Currently there are residents that are already using Meade Street as an overflow. I imagine this will only increase when they have renters and will not be able to offer usable on property parking.

The other concern is maintaining the architectural integrity of the street and the historic designation the street currently has.

Respectfully,  
Matt

July 19, 2021

Denver Planning Board  
201 West Colfax Avenue, Department 205  
Denver, CO 80202

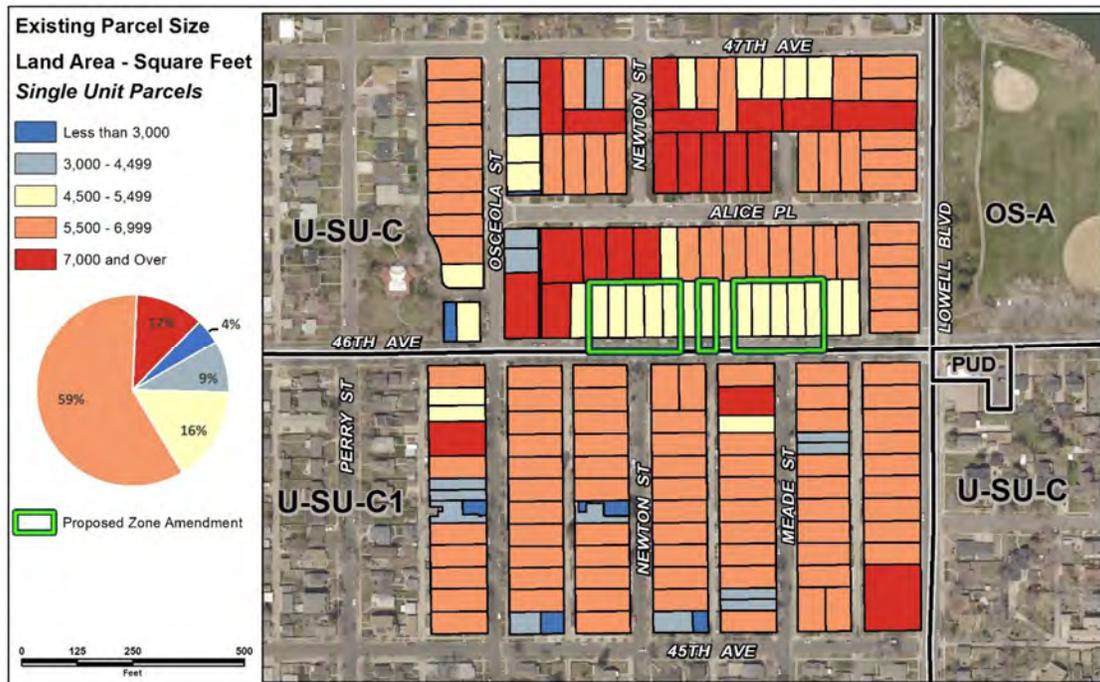
Greetings,

RE: Rezoning Application #2020I-00153, 3645-3685, 3701, 3739-3815 W. 46th Ave.

We are writing to the Planning Board to ask that you deny the above rezoning. We do not believe that one size fits all in terms of ADUs and that the City should take into consideration the complete context of the surroundings when considering ADU rezoning. We have the following comments regarding the impact on this specific blockface.

**Context.** Here is the urban context. Most of the dwellings are small, one-story brick buildings with small front yards facing the historic parkway. They are closely-spaced with narrow driveways accessing small front-drive brick garages at the rear facing the driveways; there is no alley. Most were constructed by the same builder utilizing a variety of styles popular in the mid- to late-1930s and early 1940s, and most display beautiful brickwork, some with stone ornaments.

**Parcels.** This blockface is not subdivided (legal descriptions are metes and bounds), and the average parcel size is 5,080 square feet. At the most recent rezoning of the city this blockface was included in a larger area lying northwest of Lowell Boulevard and West 46<sup>th</sup> Avenue, which was zoned U-SU-C. The other parcels in this area are much larger than the parcels proposed for rezoning (see map below, reproduced from the staff report page 15). Had the blockface received a zoning of its own it should have been U-SU-B. This is the least suitable subarea for ADUs shown on the map.



**Buildable Area.** The houses are evenly aligned and close together, with driveways separating them from each other. The backyards are also on the small side, and there is a 5-foot prescriptive easement to Xcel at the north end of the parcels for an east-west power line. The minimum setbacks noted on page 8 and 9 of the staff report, are 5 feet from adjoining properties and 20 feet from the rear property line (if there is no alley). The potential buildable area would be further reduced by other requirements noted by Xcel for overhead service lines and other city limitations such as the 37.5 percent parcel coverage. One would be left with a remarkably small buildable area—tiny homes, anyone?—that seems unlikely to make sense for a required investment.

**Lack of Alley.** There is no alley in this block. City planners on a conference call with residents last year noted that alleys do "help with the parking concerns," and that while, not required, were "preferred" for detached ADUs. They could provide no examples of detached ADUs built in areas without alleys within the city. We do not oppose a separate proposal to rezone for an ADU next door to us on the east (2021I-00037) because the property has alley access and the new building will be erected on the alley.

The staff report noted the Development Services-Transportation comment on the rezoning: "Since all of these properties don't abut an alley (the usual location for ADUs), each proposed ADU will need to utilize the existing driveway to each property, i.e. no new driveways will be granted." In point of fact the narrow abutting of the houses would make additional driveways impossible. Thus more parcel area will have to be used to provide access to a detached ADU.

**Privacy and Solar Access.** Having lived on this block for more than 30 years, we are aware that privacy and quiet are something that the neighbors work hard to achieve given the closeness and existing density of the houses. The delicate balance of neighborhood friendliness, respectful noise level, and privacy will be difficult to maintain with detached ADUs creating greater population pressure and loss of privacy. We also have concerns about issues such solar access for backyard gardens if buildings of more than one story are allowed.

**Limited Parking.** As mentioned, the properties along this block include driveways from the street. This is necessary because most of the houses have only one parking space in front. At the present time, the City is proposing altering the traffic pattern on the street by removing parking from the south side of West 46<sup>th</sup> Avenue and adding bike lanes on both the north and south sides. This would mean that the north side of the street (the focus of this rezoning) would serve as parking for the cars of the primary houses, as well as for the ADUs and vehicles of those who previously parked on the south side. If some of the ADUs added are used as short-term rentals (which seems likely), the situation will be further aggravated. This would effectively make it impossible for people visiting a house to park in front of the house or probably anywhere near it. With all the parking spaces full, it will be more difficult to back out onto very busy West 46<sup>th</sup> Avenue across a bike lane.

**Impact on Potential Denver Landmark Eligibility.** Together, the houses create a very pleasing streetscape and front onto the West 46<sup>th</sup> Avenue Parkway Historic District (designated by ordinance

132 in 1997). The blockface appears potentially eligible for landmark designation for its architecture and representation of construction that occurred as Denver began to emerge from the Great Depression: small, solidly-built brick residences in a variety of styles. This type of residential development falls under the Discover Denver Theme 5.3, Residential Housing on Periphery, 1930-39. The rezoning would add noncontributing buildings and/or require demolition or alteration of garages that would make such designation unlikely or more difficult.

**Summary.** The staff report seems to acknowledge many of the points we make above, but nonetheless concludes that the rezoning is appropriate for the area. We believe the changes that would result from the proposed rezoning would diminish the qualities of this block that residents have enjoyed for many years. Rear additions or basement apartments are already permitted under existing zoning. This is a singularly inappropriate area for a rezoning allowing detached ADUs. We will be part of an untested model (ADUs in an area without an alley) if the rezoning proceeds, but the construction ensuing will change the character of the blockface permanently.

We request that Planning Board deny this rezoning.

Sincerely,

*Rachel Laurie Simmons*      *Thomas A. Simmons*

Thomas H. Simmons and R. Laurie Simmons  
3635 West 46th Avenue  
Denver, CO 80211  
frraden@msn.com  
tsimmonsfrra@gmail.com

# Planning Board Comments



Submission date: 20 July 2021, 5:04PM  
Receipt number: 29  
Related form version: 2

## Your information

Name	Emily McAnally
Address or neighborhood	3730 W ALICE PL
ZIP code	80211
Email	emcanally11@gmail.com

## Agenda item you are commenting on

Rezoning

## Rezoning

Address of rezoning	3701 W 46th Ave
Case number	2020I-00153

## Draft plan

Plan area or neighborhood

## Proposed text amendment

Project name

## Historic district application

Name of proposed historic district

## Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

## DURA Renewal Plan

Address of renewal project

Name of project

## Other

Name of project you would like to comment on

## Submit your comments

Would you like to express support or opposition to the project?

**Strong opposition**

Your comment:

**There is no alley between the homes on 46th and those on Alice Place. All backyards are fairly small and additional structures will be very intrusive. The homes on 46th are also on a hill at a higher elevation than Alice homes. Any ADUs added to to homes on 46th will be very close to the Alice properties and will looking directly into existing residences on Alice. This does not seem like an appropriate location for this zoning change.**

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.