



## Zone Map Amendment (Rezoning) - Application

<b>PROPERTY OWNER INFORMATION*</b>		<b>PROPERTY OWNER(S) REPRESENTATIVE**</b>	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
<b>SUBJECT PROPERTY INFORMATION</b>			
Location (address):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
<b>PROPOSAL</b>			
Proposed Zone District:			
<b>PRE-APPLICATION INFORMATION</b>			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input type="checkbox"/> <b>Yes - State the contact name &amp; meeting date _____</b> <input type="checkbox"/> <b>No - Describe why not (in outreach attachment, see bottom of p. 3)</b>		
Did you contact the City Council District Office regarding this application ?	<input type="checkbox"/> <b>Yes - if yes, state date and method _____</b> <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment, see bottom of p. 3)</b>		

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input type="checkbox"/> <b>Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <hr/>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input type="checkbox"/> <b>Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</b></p> <p><input type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input type="checkbox"/> <b>The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

**REQUIRED ATTACHMENTS**

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- Review Criteria Narratives. See page 2 for details.

**ADDITIONAL ATTACHMENTS (IF APPLICABLE)**

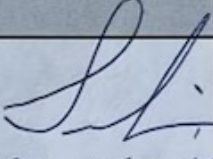
Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged )
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- Affordable Housing Review Team Acceptance Letter**
- Other Attachments.** Please describe below.

# REZONING GUIDE

## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
Hassan Nekouie	950-970 Federal Blvd. Denver, CO 80204 303-909-3806 samnekouie@yahoo.com	100%	 SAM NEKOWIE	06/28/24	A	YES
						YES NO
						YES
						YES

1624 South Leyden St.  
Denver, CO 80224  
303-396-5474

June 28, 2024

**950 & 970 Federal Blvd. Denver, CO 80204**  
**Rezoning Application Narrative**

This document addresses the rezoning review criteria in more detail and is broken down by category.

**Consistency with Adopted Plans:**

The proposed official map amendment is consistent with the City's adopted plans as described in the following section.

**1. Denver Comprehensive Plan 2040**

Increasing the allowable density on these properties will allow redevelopment to work towards several city-wide goals as noted in the Comprehensive Plan 2040.

Four out of nine of the Equity Goals within the Comprehensive Plan 2040 relate to housing. These properties have the ability to provide housing and the increased height limit to 8 stories (or 12 stories with Expanding Housing Affordability incentives) will significantly enlarge that capacity.

At the most basic level, developing along transit corridors allows residents to more easily use public transportation to move between work, home and other destinations. Because of this, future development on the site should reduce greenhouse gas emissions, goal 5.1 of the Comprehensive Plan 2040. The property is ½ mile from the Decatur-Federal light rail station and several bus lines pass along Federal.

Redevelopment of these properties will comply with current zoning standards such as ground floor transparency, increased landscaping and no surface parking between buildings and streets. These requirements create a safer, healthier and more enjoyable right of way relative to goals 3.3 and 3.6 of the Comprehensive Plan 2040.

## **2. Blueprint Denver**

Page 66 of Blueprint Denver says “when a new zone district is proposed for a site, the neighborhood contexts map and description should be used to guide which zone districts are appropriate”. This map identifies the properties as “Urban Center”, which is labeled with the prefix “C-” in the Denver Zoning Code, and the neighborhood context we are proposing for this site.

Blueprint Denver also notes relative to building height that “Blueprint Denver is a citywide plan, and therefore cannot provide specific detailed guidance on all aspects of a place. Small area plans will provide more certain height guidance through maps of proposed building height.” The West Area plan referenced in the next section of our narrative would be the relevant small area plan for this site.

Chapter 2 Growth Map identifies the properties as “Community Centers and Corridors” which aspires to high housing and job growth.

Chapter 4 Future Places Map identifies the properties as “Community Center” and summarizes as “Community centers and corridors are found along major thoroughfares and are fairly evenly distributed across the city. Community centers and corridors vary in size, shape and orientation, though they are often more compact when located closer to the city’s core.” It also notes on p.256 that “Heights can be generally up to 12 stories in the taller areas and should transition gradually within the center’s footprint to the surrounding residential areas.”

Chapter 4 Street Types Map identifies Federal Blvd. as a “Mixed-Use Arterial”, one of the busiest and higher speed street types in the city. It is common practice to locate higher density development along primary streets such as this.

Chapter 4 Transit Priority Map identifies Federal Blvd. as a high-capacity transit corridor. It is ideal for higher density development to be along transit corridors to efficiently connect the most people to their homes and jobs.

Relative to equity, Blueprint Denver notes on p.67 that “Because the data available to measure the equity concepts is not available at the parcel-level scale, and they are intended to show patterns across large areas, they cannot be effectively applied to small-scale rezonings. Given the above, they are not intended to be part of the evaluation for smaller rezonings. However, they should be used to evaluate large area rezonings.” It seems that the properties within this application would be considered smaller rezonings at less than one acre.

## **3. West Area Plan**

The West Area Plan was adopted March 28, 2023 and is the most specific and focused plan related to these properties.

The West Area Modal Priorities map confirms Federal as a Mixed-Use Arterial prioritizing pedestrian & transit. The plan also identifies Federal as a High-Capacity Transit Corridor. Allowing for higher density along transit corridors provides convenient access to public

transportation for more potential users.

The Neighborhood Contexts map identifies the properties as “Urban Center” (p.163) and Future Places as “Community Center”(p.167).

On p.174, it says, “Unless otherwise noted, this plan’s Base Maximum Building Heights map should be considered the primary plan guidance for building height recommendations in the West Area, superseding other sources including the Blueprint Denver place category descriptions.”

The Future Base Height Guidance Map lists these properties as up to 8 stories and up to 12 stories when Expanding Housing Affordability (EHA) height incentives are applied. Our request for C-MX-8 zoning is in line with this recommendation.

### **Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City in the following ways:

- Higher density development along a transit corridor should reduce car trips, thus reducing traffic congestion as well as greenhouse gas emissions.
- Redevelopment of this site at a higher density will bring more residents, employees and other users to the site, or “eyes on the street” the term coined by Jane Jacobs explaining how safety improves with more active users of streets and neighborhoods.
- Likely development would include housing above mixed-use commercial on the ground floor thus addressing the following:
  - Housing is still much needed in the growing city of Denver.
  - Mixed-use commercial can provide sales and services useful to neighbors, allowing them to limit travel to source these elsewhere.

### **Justifying Circumstances**

Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. In this case, the city adopted the West Area Plan (justifying circumstance “b”) on March 28, 2023.

**The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.** The proposed rezoning aligns with the following Denver Zoning Code sections (italics).

#### **a) the proposed district neighborhood context description**

*Denver Zoning Code Section 7.1.1 GENERAL CHARACTER*

*The Urban Center Neighborhood Context consists of multi-unit residential and mixed-use commercial strips and commercial centers. Multi-unit residential uses are typically in multi-story mixed use building forms. Commercial buildings are typically Shopfront and General forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial,*

*and local streets. Commercial uses are primarily located along main and mixed-use arterial streets.*

*Denver Zoning Code Section 7.1.4 BUILDING HEIGHT*

*The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.*

The above descriptions support both multi-unit residential and commercial uses at moderate to high building heights along the mixed-use arterial of Federal Blvd.

**b) the general purpose statement**

*Denver Zoning Code Section 7.2.2.1 General Purpose*

*A. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge.*

*B. The Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.*

*C. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.*

*D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.*

*E. In the Urban Center Neighborhood Context, the Mixed Use zone districts require the same level of pedestrian enhancements as the Main Street zone districts. In the Urban Center Neighborhood Context, the primary difference between the Mixed Use zone districts and the Main Street zone districts is Main Street districts mandate shopfront buildings at the street edge.*

*F. Mixed use buildings have a shallow front setback range. The build-to requirements are high.*

The redevelopment of these properties at higher density will support the above descriptions by activating the public street as well as encouraging transit, walking, shopping and gathering. It is also very likely that the property will be developed with an element of affordable housing.

**c) the specific intent statement found in the Denver Zoning Code.**

*Denver Zoning Code Section 7.2.2.2 Specific Intent*

*C. Mixed Use – 8 (C-MX-8) C-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired.*

As mentioned above, Federal Blvd. is a Mixed-Use Arterial and higher density makes sense considering the accessibility to transit.



## **Outreach documentation**

Over 3 months, we had multiple outreach meetings as described below.

### **Council District 3 Council President Torres**

On April 10, 2024, we had a Microsoft Teams meeting with Council President Jamie Torres. In attendance were Council President Torres, her aides Ayn Slavis and Angelina Gurule, property owner Sam Nekouie, architect Maggie Janco and commercial real estate broker Paul Cattin.

- We explained that Sam is not planning to develop the property himself, but rather to retire and sell to a developer with expertise.
- Council President Torres acknowledged that development plans are not required for rezonings and the decision is not based on proposed plans, but the lack of a specific concept means she does not have a lot to respond to.
- She encouraged dialogue with the community and we confirmed being scheduled with Sun Valley RNO. She recommended reaching out to Villa Park RNO as well.
- Council President Torres also mentioned walkability and safety along Federal, affordable housing as important goals for the neighborhood.

### **Sun Valley RNO**

On May 7, 2024, we attended the monthly meeting of the Sun Valley RNO at 1260 Decatur St. In attendance from our team were owner Sam Nekouie, architect Maggie Janco and commercial real estate broker Paul Cattin.

- Maggie presented a summary of the existing site conditions and zoning, plan for Sam to retire and sell his property, proposed rezoning to C-MX-8, rezoning criteria, West Area Plan information for the property, basic rules of C-MX-8 and some local examples of projects similar to what could be developed at the higher density.
- One concern from the neighborhood was that the city process does not require developers to interact with the community if the property has already been rezoned. They would like developers to be invested in improving the neighborhood.
- The neighborhood recommended we review Denver Housing Authority's Sun Valley Design Guidelines and consider including them as a resource for a future development.
- The neighbors were curious about the rough # of housing units that could fit at 8 stories or 12 stories (if housing affordability incentives used) - Annie Hancock of Denver Housing Authority was in attendance and thought she could reference DHA projects of similar size for an estimate. We did not hear back directly from DHA but found that the "Thrive" project at 2660 W. Holden Pl. is 135 units, 7-story on 1.15 acre and passed this information along to Sun Valley RNO.
- Denver Police Department Safe Spaces was also recommended to be reviewed during the design process.
- The neighborhood supported removing zoning overlay districts of UO-1 (adult use) and UO-2 (billboard) during the rezoning process as these are not desirable uses for them.
- In general it seemed that the neighborhood supported higher density along Federal but wanted to be included in the design process when the time comes.

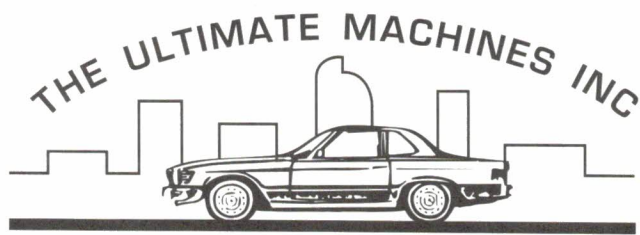
### **Villa Park RNO**

On June 26, 2024, we attended the zoom meeting of the Villa Park RNO after giving a brief

introduction in person at their April 24, 2024 meeting.

- Maggie presented an abbreviated version of the above due to their full agenda.
- Similar to Sun Valley, the Villa Park RNO seemed to understand that higher density made sense along Federal Blvd.
- They also asked the approximate number of units that would fit at 8 stories and while we didn't have #s at the time, we followed up via email with the above information on "Thrive" as a reference.
- A question was asked about whether the site was subject to any Denver view planes and we confirmed it was not.

Based on the above meetings, the property owner and real estate team will provide Denver Housing Authority's Sun Valley Design Guidelines and the City of Denver's Equity Brief to any prospective developer.



June 28, 2024

I Hassan Sam Nekouie authorize Maggie Janco to act on the behalf of myself in any rezoning matters of the Ultimate Machines 950 Federal Blvd Denver CO 80204.

Any questions or concerns, I can be reached at 303-909-3806.

Hassan Sam Nekouie  
A handwritten signature in blue ink, appearing to read 'Hassan Sam Nekouie', with a large, sweeping flourish extending to the right.

6-28-24

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PARID 0505416048000  
NBHD 0505  
NEKOUIE,HASSAN S

JUR 016  
ROLL REAL  
950 N FEDERAL BLVD

**Parcel**

STATUS	ACTIVE
Alt ID	5053748
TCA Agent Code	
Total Millage	77.486
Address	950 N FEDERAL BLVD
Unit	
Neighborhood	0505
Class	C - COMMERCIAL
Land Use Code	555 - INDUSTRIAL-AUTO DEALER
Living Units	
SQFT	19,723
Zoning	EMX
Zone 10	E-MX-3
Location	6
Tax District	DENV - DENV
Section	-
Model #	

**Legal**

Legal Description SOUTH FAIRVIEW B16 L31 TO 36 & S/2 OF VAC W MULBERRY PL EXC 20FT & N/2 OF VAC ALY ADJ EXC W 20FT EXCCOM S/4 COR SEC5/4/68 N 2166.6FT TPOB TH W 9FT N 8.02FT W 20FT N 124.99

**Owners**

Tax Year	Pct Own	Owner
2024	100	NEKOUIE,HASSAN S

**Owner Details**

DBA  
Care Of  
Mailing Address 2922 W 26TH AVE  
Address  
Address UNIT 1  
Cityname DENVER  
State CO  
Zip 80211-4854

Senior / Vet Exemption -  
Reason -  
SR/VET Amount

EXEMPT VALCLASS - LAND -  
EXEMPT VALCLASS - IMPR -  
EXEMPT TOTAL \$0

**Assessment Ratio Detail**

Type	Class	Class Detail	Ratio	Actual	Assessed
COMMERCIAL LAND	2130	SPECIAL PURPOSE	.279	\$788,900	\$211,730
COMMERCIAL IMPROVED	2230	SPECIAL PURPOSE	.279	\$202,400	\$56,470
Total:				\$991,300	\$268,200

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- [VHIS](#)
- [Sales](#)
- [Split](#)
- [Nearmap](#)

PARID 0505416050000  
 NBHD 0505  
 NEKOUIE,HASSAN S

JUR 016  
 ROLL REAL  
 970 N FEDERAL BLVD

**Parcel**

STATUS	ACTIVE
Alt ID	5247182
TCA Agent Code	
Total Millage	77.486
Address	970 N FEDERAL BLVD
Unit	
Neighborhood	0505
Class	C - COMMERCIAL
Land Use Code	571 - INDUSTRIAL-AUTO SERVICE GARAGE
Living Units	
SQFT	22,696
Zoning	EMX
Zone 10	E-MX-3
Location	6
Tax District	DENV - DENV
Section	-
Model #	

**Legal**

Legal Description	SOUTH FAIRVIEW B16 L31 TO 36 & S/2 OF VAC W MULBERRY PL EXC 20FT & N/2 OF VAC ALY ADJ EXC W 20FT EXCCOM S/4 COR SEC5/4/68 N 2166.6FT TPOB TH W 9FT N 8.02FT W 20FT N 124.99
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**Owners**

Tax Year	Pct Own	Owner
2024	100	NEKOUIE,HASSAN S

**Owner Details**

DBA	
Care Of	
Mailing Address	2922 W 26TH AVE
Address	
Address	UNIT 1
Cityname	DENVER
State	CO
Zip	80211-4854

Senior / Vet Exemption	-
Reason	-
SR/VET Amount	

EXEMPT VALCLASS - LAND	-
EXEMPT VALCLASS - IMPR	-
EXEMPT TOTAL	\$0

**Assessment Ratio Detail**

Type	Class	Class Detail	Ratio	Actual	Assessed
COMMERCIAL LAND	2130	SPECIAL PURPOSE	.279	\$907,800	\$244,910
COMMERCIAL IMPROVED	2230	SPECIAL PURPOSE	.279	\$1,000	\$280
Total:				\$908,800	\$245,190

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