

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKWOOD, COLORADO
HYBRID MEETING
LAKEWOOD CIVIC CENTER
480 SOUTH ALLISON PARKWAY
MAY 9, 2022
7:00 P.M.
COUNCIL CHAMBERS & ZOOM

To watch the Council meeting live, please use either one of the following links:

City of Lakewood Website: <https://www.Lakewood.org/CouncilVideos>

or

Lakewood Speaks: <https://lakewoodspeaks.org/>

To join the City Council Meeting for Public Comment:

By Computer: <https://lakewood.zoom.us/j/84957320840>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **849 5732 0840**

By Telephone: **720-707-2699**

Webinar ID: **849 5732 0840, #**

Participant ID: **#**

Press *9 to Request to Speak, you will be prompted when to speak.

Press *6 to Unmute

The City of Lakewood does not discriminate on the basis of race, age, national origin, color, creed, religion, sex, sexual orientation or disability in the provision of services. People with disabilities needing reasonable accommodation to attend or participate in a City service program, can call 303-987-7080 or TDD 303-987-7057. Please give notice as far in advance as possible so we can accommodate your request.

ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – PLEDGE OF ALLEGIANCE

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

ITEM 5 – PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

(Ordinances are on first reading for notice and publication only; public hearings are held on second reading)

ITEM 6 – RESOLUTION 2022-35 – APPOINTMENT OF MEMBERS TO THE LAKEWOOD ADVISORY COMMISSION

ITEM 7 – RESOLUTION 2022-36 – ESTABLISHING PROJECTS AND PROJECT FUNDING LEVELS FOR THE 2022 CAPITAL IMPROVEMENT AND PRESERVATION PROGRAM (CIPP) NEIGHBORHOOD PARTICIPATION PROGRAM

ITEM 8 – APPROVING MINUTES OF CITY COUNCIL MEETINGS

Special Meeting	April 4, 2022
Special Meeting	April 26, 2022

END OF CONSENT AGENDA

RESOLUTIONS

ITEM 9 – RESOLUTION 2022-37 – APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 1325 JAY ST. IN LAKEWOOD, COLORADO

ITEM 10 – RESOLUTION 2022-38 – APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT 1315 AND 1341 LAMAR STREET IN LAKEWOOD, COLORADO

ORDINANCES ON SECOND READING AND PUBLIC HEARINGS

THERE ARE NO SECOND READING ORDINANCES.

ITEM 11 – GENERAL BUSINESS

ITEM 12 – EXECUTIVE REPORT

CITY MANAGER

ITEM 13 – MAYOR AND CITY COUNCIL REPORTS

- A. COUNCIL MEMBERS BY WARD
- B. MAYOR

ITEM 14 – ADJOURNMENT



Lakewood
Colorado

STAFF MEMO

DATE OF COUNCIL MEETING: MAY 9, 2022 / AGENDA ITEM NO. 6

To: Mayor and City Council

From: Michele Millard, Interim City Clerk, 303-987- 7081

Subject: **APPOINTMENT OF MEMBERS TO THE LAKEWOOD ADVISORY COMMISSION**

SUMMARY STATEMENT: A resolution appointing three members to the Lakewood Advisory Commission for unexpired three-year terms.

BACKGROUND INFORMATION: The Screening Committee held interviews on March 30, 2022 and wish to recommend the appointment of the below individuals to the Lakewood Advisory Commission.

Adoption of this resolution will officially appoint Glenda Sinks, Karen Sweeney Tucker and Marie Venner to the Lakewood Advisory Commission, to serve unexpired three-year terms which began on January 1, 2022, and will end on December 31, 2024.

FINANCIAL IMPACTS: None

STAFF RECOMMENDATIONS: Approval

ALTERNATIVES: None

PUBLIC OUTREACH: None

NEXT STEPS: Upon approval of the Resolution by City Council – members of this commission will get oriented and begin serving with the commission.

ATTACHMENTS: Resolution 2022-35

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

2022-35

A RESOLUTION

APPOINTMENT OF MEMBERS TO THE LAKEWOOD ADVISORY COMMISSION

BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The following people are hereby appointed to the Lakewood Advisory Commission to fill a three-year term commencing upon approval of this Resolution and ending on December 31, 2024:

Glenda Sinks, a Lakewood resident

Karen Sweeney Tucker, a Lakewood resident

Marie Venner, a Lakewood resident

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a regular hybrid meeting of the City Council on May 9, 2022, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

Adam Paul, Mayor

ATTEST:

Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



Lakewood
Colorado

STAFF MEMO

DATE OF COUNCIL MEETING: MAY 9, 2022 / AGENDA ITEM NO. 7

To: Mayor and City Council

From: Travis Parker, Director of Planning, 303-987-7908

Subject: **A RESOLUTION APPROVING THE 2022 NEIGHBORHOOD PARTICIPATION PROGRAM PROJECTS**

SUMMARY STATEMENT:

Staff is requesting that City Council approve the recommended projects identified in Table 2 for funding in the 2022 Neighborhood Participation Program year.

BACKGROUND INFORMATION:

The Neighborhood Participation Program (NPP) was adopted by City Council in 1992 as part of the Five-Year Capital Improvement and Preservation Program (CIPP). Applications are accepted once a year and applications compete directly for funding with others received for that year. Applications for the 2022 program were accepted from December 1, 2021 until March 1, 2022.

The intent of the Neighborhood Participation Program is to encourage neighborhood organizations to identify unmet needs in their immediate neighborhood and propose projects that qualify for funding under this program. These projects are usually small and might not otherwise be addressed as a priority item in the CIPP. One hundred and fifty-nine (159) projects have been selected for the program since its inception. Many different types of neighborhood projects have been completed through this program including playground improvements, community gardens and sidewalks.

City Council Resolution 2015-34 (Attachment A) describes how the program is to be administered and identifies criteria for project selection. Briefly summarized, the evaluation process begins with a staff team representing Planning, Public Works and Community Resources thoroughly reviewing each application for completeness and clarity, followed by field visits to every project site. Preliminary cost estimates are prepared for each project submitted. Projects that meet program requirements are then evaluated based on the criteria set forth in the resolution. These criteria are weighted by relative importance in order to arrive at an overall ranking for each project. This evaluation approach represents a reasoned method of ranking projects of a very disparate nature.

2021 Program

The status of project implementation for the 2021 program year is summarized below in Table 1.

Table 1: Status of 2021 Projects		
Project No.	Description	Status
2021-01	40 West Arts District Sculptures and Illustrated Map	Underway – Summer 2022 completion anticipated
2021-06	Belmar Community Connection Landscaping	Completed
2021-12	Southern Gables School-Community Outdoor Property Update	Underway – Fall 2022 completion anticipated
2021-13	Stober Elementary School Garden and Outdoor Classroom	Underway – Fall 2022 completion anticipated
2021-15	Two Creeks Benches	Completed

2022 Program

The 2022 program is funded with \$160,000 for project construction with an additional \$20,000 available for project contingencies and/or consultant design work. Eight (8) applications were received with an estimated \$380,898 in total construction costs.

To facilitate City Council's project approval, the applications that ranked the highest and fit within the overall program budget are recommended.

- Table 2 lists the recommended projects for funding in 2022.
- Table 3 lists the projects not recommended for funding in 2022.
- Table 4 identifies the 2022 applications that were not ranked as they did not meet the intent or requirements of the program.

Table 2: 2022 Projects Recommended for Funding		
Project No.	Project Name	Estimated Cost
2022-02	Weir Gulch Wadsworth Underpass Improvement Project	\$60,000
2022-06	Slater Garden Outdoor Garden Seating	\$8,063
2022-03	Molholm Basketball Court	\$60,000
TOTAL		\$128,063

Table 3: 2022 Projects Not Recommended for Funding

Project No.	Project Name	Estimated Cost
2022-05	Westland Park Play Area	\$60,000
2022-07	Union Xeric Beautification Pilot	\$60,000
TOTAL		\$120,000

Table 4: 2022 Projects Not Ranked – Do Not Meet Program Criteria

Project No.	Project Name	Estimated Cost
2022-01	BelArts Immersive Mural Project	\$59,895
2022-04	Discover Together Belmar	\$20,000
2022-08	O’Kane Dog Park	\$52,940
TOTAL		\$132,835

BUDGETARY IMPACTS:

The 2022 Neighborhood Participation Program is currently funded through the 2022 Capital Improvement and Preservation Program from the Capital Improvement Fund and the Open Space Fund.

STAFF RECOMMENDATIONS:

Staff recommends City Council confirms the projects recommended by staff to be constructed in the 2022 Neighborhood Participation Program and approves the resolution to adopt these projects and funding levels.

ALTERNATIVES:

City Council may modify staff’s project recommendations.

PUBLIC OUTREACH:

The Neighborhood Participation Program was advertised from December 2021 until the March 2022 application deadline. This included program advertisement in the Friday Report, Looking @ Lakewood, the City’s website, and emails to all registered organizations. Staff will reach out to all applicants to notify them of the final project selection.

NEXT STEPS:

Staff will work with the applicant of each awarded project to begin project design and implementation.

ATTACHMENTS: Resolution 2022-36

Attachment A: Resolution 2015-34

REVIEWED BY: Kathleen E. Hodgson, City Manager

Benjamin B. Goldstein, Deputy City Manager

Alison McKenney Brown, City Attorney

2022-36

A RESOLUTION

ESTABLISHING PROJECTS AND PROJECT FUNDING LEVELS FOR THE 2022
CAPITAL IMPROVEMENT AND PRESERVATION PROGRAM (CIPP)
NEIGHBORHOOD PARTICIPATION PROGRAM

WHEREAS, the City of Lakewood has established the Neighborhood Participation Program; and

WHEREAS, the intent of the program is to encourage neighborhood organizations to identify their needs in their respective areas and propose projects that qualify for City resources; and

WHEREAS, the City Council adopted Resolution 2015-34 on April 27, 2015, which revised the approach for administration of the program; and

WHEREAS, three projects have been selected for participation in this program at an estimated cost of \$128,063, to be paid from the \$160,000 allocated to this program for projects and \$20,000 for contingencies and design in 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood that:

The City Council of the City of Lakewood hereby approves the projects listed in the following table and directs these projects be funded for the 2022 Neighborhood Participation Program at the amounts stated.

2022 Recommended Projects		
Project No.	Description	Estimated Cost
2022-02	Weir Gulch Wadsworth Underpass Improvement Project	\$60,000
2022-06	Slater Garden Outdoor Garden Seating	\$8,063
2022-03	Molholm Basketball Court	\$60,000
	Total Cost of Recommended Projects	\$128,063

[continued on next page]

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a regular hybrid meeting of the City Council on May 9, 2022, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

Adam Paul, Mayor

ATTEST:

Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

2015-34

A RESOLUTION

ADOPTING REVISED FUNDING LEVELS, PROJECT REQUIREMENTS, SCHEDULE AND CRITERIA AND SCHEDULE FOR ADMINISTERING THE NEIGHBORHOOD PARTICIPATION PROGRAM IN THE CAPITAL IMPROVEMENT AND PRESERVATION PROGRAM (CIPP)

WHEREAS, the City of Lakewood has established the Neighborhood Participation Program; and

WHEREAS, the intent of the program is to encourage neighborhood organizations to identify needs in their respective neighborhoods and propose projects that qualify for City resources. The program will allow the funding of any improvement that the City is normally capable of constructing; and

WHEREAS, the program is funded at an amount set by City Council for the design and construction of projects; and

WHEREAS, the City Council desires to revise the existing funding levels, project policies, criteria and schedule for the program established by Resolution 94-74.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood that:

SECTION 1: PROGRAM APPROACH

The following policies are hereby established to be used in administering this program.

- 1.1 Projects must be located on publicly owned property.
- 1.2 Organized groups that represent neighborhoods will be the vehicle to request these funds. These groups can encompass the entire range from a neighborhood organization registered with the City to neighbors who organize themselves to apply for a specific project. Groups must demonstrate that they are representative of the interests of the neighborhood area, and not just representing the special interests of a few individuals.
- 1.3 Projects will be funded primarily by the City, with cost and/or in-kind participation by neighborhoods encouraged.

ATTACHMENT A

- 1.4 Project management will be primarily administered by the City with neighborhood participation to the extent agreed upon by the City and the specific neighborhood group.
- 1.5 The program is intended to fund construction projects and not maintenance activities.
- 1.6 When an application is submitted for a project on public school property:
 - a. A letter must be provided by the school principal where the project is proposed stating the school supports both the project and the joint use of the site by the City and the District; and
 - b. A letter must be provided by the school district stating it will be responsible for the upkeep and maintenance of the project once it is constructed.

The program is not intended to fund projects on public school property that bring school facilities up to the school district's minimum standards.

Projects on public school property shall be for projects that exceed the minimum standards of the school district only

Improvements shall be available to the general public during non-school hours.

- 1.7 The program is not intended to fund incremental project implementation unless the project is clearly part of a multifaceted project. Supporting documentation that demonstrates the project is part of a comprehensive plan must be submitted with the application.
- 1.8 The Neighborhood Participation Program may be used as a matching grant only if it is demonstrated that the additional matching grant(s) have been committed at the time the application is submitted to the City.

SECTION 2: ELIGIBLE PROJECTS

- 2.1 The program is intended for projects such as the following:
 - a. Connecting sidewalk installation
 - b. Recreational facilities
 - c. Improvements to existing public facilities that serve neighborhoods
 - d. Bike path and trail connections
 - e. Tree planting and removal

- f. Installation of play and picnic amenities in a park
 - g. Entrance improvements to reinforce neighborhood identification
 - h. Renovations that improve access by disabled persons
- 2.2 The program is not intended for projects such as the following:
- a. Sidewalk repair
 - b. Traffic signals
 - c. Street lights
 - d. Street paving
 - e. Speed humps
 - f. Electric speed display signs
 - g. Small drainage improvement projects

SECTION 3: PROJECT SELECTION COMMITTEE

A project selection committee has been established that consists of staff members from affected departments in the City with representation to assure efficient coordination with the 5-Year Capital Improvement and Preservation Program.

SECTION 4: PROJECT AND APPLICATION REQUIREMENTS

The types of projects proposed and the information supplied as part of the project application shall meet the following requirements:

Project Requirements:

- 4.1 The project must have a general benefit to an entire neighborhood rather than a benefit to only a limited number of properties.
- 4.2 The project must not significantly increase City maintenance requirements.
- 4.3 The funding level is not intended to exceed \$60,000 per project.
- 4.4 The project is not already in the 5-Year Capital Improvement and Preservation Program.

Application Requirements:

- 4.5 A neighborhood resident must be designated as a representative for each project application. This person will be the primary point of communication with the City.
- 4.6 The quality of the application, including completeness and clarity, will be considered in the selection process. The application must include:

- a. A detailed project description;
- b. A project cost estimate based on consultation with City staff;
- c. A discussion of the relationship to the Project Selection Criteria as appropriate;
- d. A minimum of five (5) signatures from neighborhood representatives in support of the project application. Additional demonstrated support may be submitted with the application through letters, petitions, or other means.

In addition to the required five (5) signatures identified above, signatures of approval from all affected property owners must be included in the application. Affected property owners will be determined by staff in consultation with the project representative.

SECTION 5: PROJECT SELECTION CRITERIA

The application criteria set forth in this section shall be used in evaluating projects and allocating funding. Applications for projects will compete directly with all others received for that year. Non-funded applications may re-apply the following year.

- 5.1 Benefit vs. cost. Project costs will be evaluated compared to the number of people benefitting from the project and will be ranked accordingly.
- 5.2 Health and safety. Projects related to health and safety will be given additional consideration.
- 5.3 Adopted citywide plans. Projects will be evaluated as to whether they specifically address needs identified in adopted plans, including the Comprehensive Plan, the Community Resources Master Plan, and specific site master plan(s).
- 5.4 Demonstrated neighborhood support. A minimum of five (5) signatures from neighborhood representatives in support of the project application must be submitted with the application.
- 5.5 Neighborhood funds and/or in-kind contributions. Neighborhood groups that make commitments for partial funding or in-kind contributions may be given additional consideration.
- 5.6 Maintenance requirements. Projects that will not substantially add to the City's maintenance responsibilities will be given additional consideration.

SECTION 6: SELECTION PROCESS

The selection process is to occur on an annual cycle in the following sequence:

- 6.1 Program publicity. The program shall be publicized extensively. Staff is available to meet with neighborhoods or neighborhood representatives individually to explain the program and assist with the application criteria.
- 6.2 All applications received meeting application requirements will be reviewed and ranked by the staff selection committee. Staff recommendations will be forwarded to the City Manager's office for review and approval prior to presenting the recommendations at a City Council study session.
- 6.3 Staff recommendations will be presented to City Council at a study session at which time the City Council may concur with the recommended projects and request that a resolution approving the recommended projects be brought before City Council at a public meeting, or request modifications to staff recommendations before City Council approval by resolution.
- 6.4 City Council approves the recommended projects by resolution.

SECTION 7: ANNUAL SCHEDULE

The following schedule is established, but may be revised as needed in future program years provided adequate time for publicizing the program has been allowed.

Date	Activity
Spring	Program advertisement
Early Fall	Deadline for receiving applications
Late Fall	Project recommendations developed by staff selection committee and forwarded to City Manager's Office
Winter	Projects submitted to City Council for endorsement

SECTION 8: RESOLUTION REVISIONS

The City Manager is hereby authorized to revise the procedures, requirements, schedule and criteria in this resolution when, in his or her sole discretion, such revisions are necessary.

INTRODUCED, READ AND ADOPTED by a vote of 10 for and 0 against at a regular meeting of the City Council on April 27, 2015, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.




Bob Murphy, Mayor

ATTEST:



Margy Greer, City Clerk

APPROVED AS TO FORM:



Tim Cox, City Attorney



**MINUTES
SPECIAL MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

7:00 P.M.

April 4, 2022

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

Mayor Paul called the meeting to order at 7:00 pm. in the City Manager's Conference Room, Lakewood Civic Center South, 480 South Allison Parkway, Lakewood, Colorado.

ITEM 2 – ROLL CALL

Those present were: Mayor Adam Paul, Presiding

Charley Able
Barb Franks
Mary Janssen
Sophia Mayott-Guerrero
Richard Olver
Jeslin Shahrezaei
Anita Springsteen
Rebekah Stewart
Wendi Strom
Sharon Vincent

Absent: None.

Others in attendance: Kathy Hodgson, City Manager, Alison McKenny Brown, City Attorney, Alex Dorotik, Deputy City Attorney.

Full and timely notice of this City Council meeting had been given and a quorum was present.

ITEM 3 - STATEMENT OF CONFLICT OF INTEREST

Was read by Mayor Adam Paul.

ITEM 4 – EXECUTIVE SESSION

Mayor Pro Tem Vincent made a motion to hold an executive session for the purpose of:

- 1) receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b), focusing upon matters of current litigation, including anticipated costs associated with those specific matters and legal analysis of the City's position limited to the matters of Lakewood v. Morrison and CCU v. Lakewood; and
- 2) to discuss matters subject to negotiation under C.R.S. Section 24-6-402(4)(e), focusing upon determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators limited to the matter of Lakewood v. Morrison.

It was seconded.

Vote on Motion:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Springsteen, Shahrezaei, Stewart, Strom, Vincent

NAY: None.

Result:

Approved 11 -0, the motion passed

ITEM 4 – ADJOURNMENT

City Council went into the Executive Session at 7:05 p.m.

Submitted by:

Bernadette Y. Salazar, Deputy City Clerk



**MINUTES
SPECIAL MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

5:30 P.M.

April 26, 2022

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

Mayor Paul called the meeting to order at 5:30 pm. in the City Manager's Conference Room, Lakewood Civic Center South, 480 South Allison Parkway, Lakewood, Colorado.

ITEM 2 – ROLL CALL

Those present were: Mayor Adam Paul, Presiding

Charley Able
Barb Franks
Mary Janssen
Sophia Mayott-Guerrero
Richard Olver
Jeslin Shahrezaei
Rebekah Stewart
Wendi Strom

Absent: Anita Springsteen, Sharon Vincent.

Others in attendance: Alison McKenny Brown, City Attorney, Cory Peterson, Director of Human Resources.

Full and timely notice of this City Council meeting had been given and a quorum was present.

ITEM 3 - STATEMENT OF CONFLICT OF INTEREST

Was read by Mayor Adam Paul.

ITEM 4 – EXECUTIVE SESSION

Council member Franks made a motion to hold an executive session for the purpose of with the city attorney for the purposes of discussing personnel matters under C.R.S Section 24-6-402(4)(F)(I), focusing upon those matters set forth within City Council Policy 03.3 regarding the City Attorney review.

It was seconded.

Vote on Motion:

AYE: Paul, Able, Franks, Janssen, Mayott-Guerrero, Olver, Shahrezaei, Stewart, Strom,

NAY: None.

ABSENT: Springsteen, Vincent.

Result:

Approved 9 -0, the motion passed

ITEM 4 – ADJOURNMENT

City Council went into the Executive Session at 5:36 p.m.

Submitted by:

Michele Millard, Interim City Clerk



Lakewood
Colorado

STAFF MEMO

DATE OF COUNCIL MEETING: MAY 9, 2022 / AGENDA ITEM NO. 9

To: Mayor and City Council
From: Robert Smith, Director of Economic Development, 303-987-7732
Subject: **RESOLUTION: APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 1325 JAY ST. IN LAKEWOOD, COLORADO**

SUMMARY STATEMENT:

In the implementation of Chapter 14.27 Residential Growth Limitations Ordinance, properties located within previously established Urban Renewal Areas (URAs) were exempted from the provisions of the 14.27 Ordinance. Council also provided a process for individual property owners outside of the established URAs to conduct an independent Blight Study of their property, at their expense, to present to Council for the consideration of a 14.27 Blight Designation for the property. Matrix Design Group prepared the report for Riverpoint Partners, LLC and these entities will present their findings for the property located at 1325 Jay St. (PIN # 49-012-11-014) so Council may consider granting a 14.27 Blight Designation for the property.

BACKGROUND INFORMATION:

- City Council previously made determinations of blight, in accordance with C.R.S. §31-25-101 et seq. for areas of Lakewood:
 - 1998 – West Alameda Corridor Reinvestment Area Phase 1 (Belmar)
 - 2000 – West Alameda Corridor Reinvestment Area Phase 2
 - 1999 – Colfax-Wadsworth Reinvestment Area (Creekside)
 - 2005 – West Colfax Avenue Corridor Reinvestment Area
- In July, 2019 Voters approved the Strategic Growth Initiative (SGI; Question 200)
- In July, 2019 the approved SGI was entered into City Code as Chapter 14.27 Residential Growth Limitations Chapter 14.27 refers to blighted and distressed areas twice:
 - Under 14.27.010 Purpose/Intent, item B: “Encourage redevelopment of blighted and distressed areas;”
 - Under 14.27.020 Implementation/Exceptions, item A: “Structures located, or to be located, upon land that is designated ‘blighted.’”
- In January, 2020 City Council passed **RESOUTION 2020-7** defining “blighted” as used in Chapter 14.27 and established rules and procedures for requests to designate property as blighted.
- In August, 2020 City Council passed **RESOUTION 2020-24**, further clarifying “blight” particularly in relationship to property owner responsibilities in maintaining their property.

- The following table outlines Riverpoint Partners, LLC's compliance with **RESOLUTION 2020-7**, **RESOLUTION 2020-24**, and the process for seeking a 14.27 Blight Designation.

Was a conditions survey (Blight Study) conducted by an independent consultant for the subject property/properties, with such survey being commissioned at the property owner(s) expense?	YES
Was the conditions survey conducted in strict alignment with the criteria and methodology required for a state statute determination of a "Blighted Area"?	YES
Were the Property Owners informed the conditions survey report will need to be scheduled for and presented to City Council at a public hearing by the property owner(s) and the independent consultant?	YES
Were the Property Owners informed upon presentation of the conditions survey report, City Council could determine whether sufficient conditions of blight, consistent with state urban renewal law, exist to designate the property as blighted?	YES
Were the Property Owners informed such designation of blight would occur by City Council resolution and would only apply to implementing Chapter 14.27 for the subject properties and shall not be construed as a blight designation for urban renewal purposes?	YES
Were the Property Owners informed Council's 14.27 blight determination would sunset in a defined number of years?	YES
Were the Property Owners informed Council's 14.27 blight determination would not change tax collection nor change the ability to use the power of eminent domain?	YES
Were the Property Owners informed Property(ies) with a 14.27 determination would not be under the Lakewood Reinvestment Authority's (LRA) oversight?	YES
Did the Property Owners submit a completed and signed "Property Blight Designation for the Purposes of Chapter 14.27 LMC Public Hearing Review Application Form"?	YES
Were the Property Owners informed Council will review the evidence presented at the public hearing to determine if a blight designation is appropriate for the property in alignment with the following factors: the length of time a property has been vacant or deteriorated; the reasons for the vacant or deteriorated conditions of the property; the condition of the neighborhoods surrounding the property; & the marketability of the property.	YES
Were the Property Owners informed the Council will determine whether the Property Owners have purposefully blighted the property by failing to: reasonably care for the property; keep their property safe, secure, sanitary and in good repair; or have otherwise failed to comply with the zoning requirements of the Lakewood Municipal Code (LMC).	YES

- The consultant's report indicates seven (7) State defined blighting elements exist on the property. Sufficient for a 14.27 Blight Designation to be conferred. (In alignment with C.R.S. §31-25-101 et seq., a minimum of four (4) blighting factors must be present for blight determination.)
- According to the consultant's report the following State Statute Defined conditions of blight are present on the property:

Deteriorated or deteriorating structures	YES
Defective or inadequate street layout	YES
Faulty lot layout in relation to size, adequacy, accessibility, or usefulness	YES
Unsanitary or unsafe conditions	YES
Deterioration of site or other improvements	YES

Unusual topography or inadequate public improvements or utilities	YES
Defective or unusual conditions of title rendering the title non-marketable	
Conditions that endanger life or property by fire or other causes	
Buildings that are unsafe or unhealthy for people to live or work	
Environmental contamination of buildings or property	YES
Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial underutilization or vacancy of buildings, sites, or improvements	

- The Study Area encompasses one (1) property: 1325 Jay St., Lakewood, Colorado.
- The property currently has multiple industrial and flex buildings, a business, outdoor storage, machinery, vehicle storage, office space, asphalt, and additional industrial type uses on site.
- Investment in redevelopment will work to eliminate blight and bring new capital investment throughout the process. Through redevelopment, the neighborhood will see new infrastructure, elimination of blight and new vibrancy. This project will create jobs throughout the construction process and add to the character of the neighborhood and Lakewood. Owners of the project will work to elevate and add to existing infrastructure while being a good neighbor to RTD, parks and surrounding parcels.
- This project is exploring potential redevelopment opportunities that would follow current zoning regulations and city code. This project could bring in additional development, added infrastructure, potential neighborhood-serving amenities and jobs. This site is located near various modes of transportation, encouraging multi-modal transport from their tenants to include RTD routes, bike routes, trail access and other active transit options.
- The Study Area is adjacent to the established West Colfax Avenue Corridor Reinvestment Area (URA).
- The Lamar Station stop along the W-Line Light rail is adjacent to the Study Area property. Light rail provides public transportation access to the metropolitan region. West Colfax Avenue also provides access to bus service throughout Lakewood and the metro area.
- The property is on the 40West ArtLine, a 4-mile walking and biking cultural asset in the City of Lakewood. This amenity has strong community support and the City continues to invest and grow arts related assets in the area. Lakewood actively encourages property owners along the ArtLine route to invest in their properties and engage with this community amenity. In addition, the property is near or along Mountair park and numerous bike trails.
- The Study area is located within the Colorado Enterprise Zone, a program aimed at promoting a business-friendly environment in economically distressed areas. Enterprise Zones are areas that see higher than average unemployment, higher poverty and lower incomes. Through this program, businesses are encouraged to invest, grow jobs and engage with their communities.
- This property is located within a federal Opportunity Zone. The census block in which the subject property sits was given Opportunity Zone status because it has seen disproportionately slow economic recovery and growth.
- These properties are located in additional federal zones to include a CDBG area and a LIHTC census tract.
- Data collection for the Conditions Survey was conducted through site visits, pictures, research and statistical databases.
- The Study Area property is found to have 7 of 11 blight factors. The presence of at least 4 blight factors are required by State law for urban renewal areas.
- An active search was not conducted for blight factor G. G is “defective or unusual conditions of title rendering the title non-marketable”. Matrix did not research this factor and no evidence was presented that would indicate that this condition exists within the Study Area. This does not necessarily mean defective or unusual title conditions do not exist.
- A description of each blight factor is included in the blight study report. And a summary of each blight finding is also included in the blight report.

BUDGETARY IMPACTS:

None anticipated

STAFF RECOMMENDATIONS:

- Staff recommends Council approves RESOLUTION 2022-37 Approving a Chapter 14.27 Blight Designation for the one (1) property at: 1325 Jay St. in Lakewood, Colorado.

ALTERNATIVES:

- City Council may vote to not approve RESOLUTION 2022-37
- City Council may amend RESOLUTION 2022-37 and vote to approve with amendments.

PUBLIC OUTREACH:

Proper notice of this Council Study Session Presentation and Discussion was given.

ATTACHMENTS: Resolution 2022-37

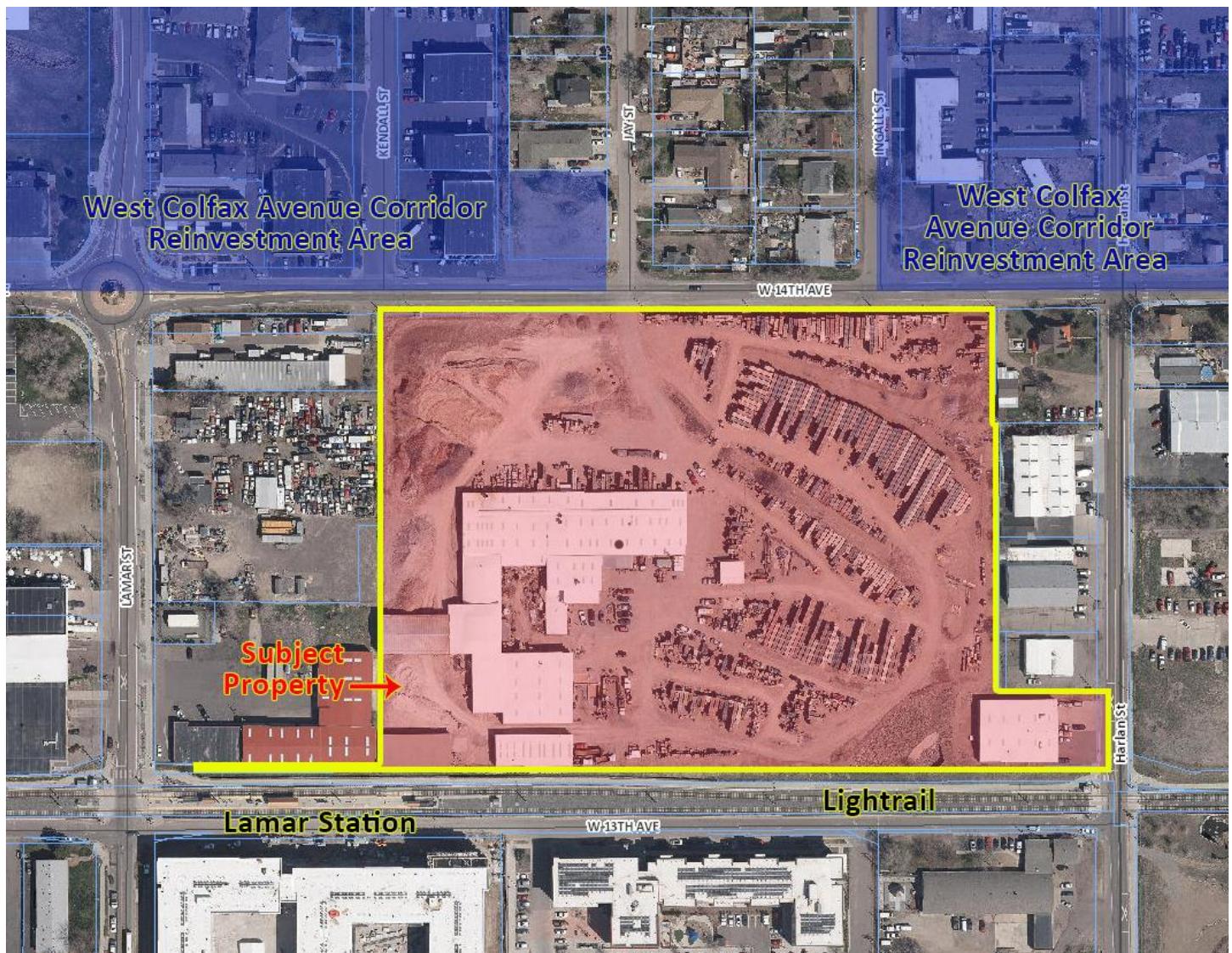
Map of 1325 Jay St., Lakewood, Colorado.

Completed Blight Study by Matrix Design Group Inc (Matrix)

REVIEWED BY: Kathleen E. Hodgson, City Manager

Benjamin B. Goldstein, Deputy City Manager

Alison McKenney Brown, City Attorney



2022-37

A RESOLUTION

APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 1325 JAY ST. IN LAKEWOOD, COLORADO

WHEREAS, in July 2019, a voter-approved initiative limiting residential growth was added to the Lakewood Municipal Code as Chapter 14.27;

WHEREAS, Chapter 14.27 refers to blighted and distressed areas in section 14.27.010(B) (Encourage redevelopment of blighted and distressed areas), and in section 14.27.020(A) (Structures located, or to be located, upon land that is designated "blighted");

WHEREAS, in January 2020, the City Council approved Resolution 2020-7 defining "blighted," as used in Chapter 14.27, and establishing rules and procedures for requests to designate property as blighted for the purposes of Chapter 14.27;

WHEREAS, in July 2020, the City Council approved Resolution 2020-24 further defining "blighted," as used in Chapter 14.27, and establishing additional criteria within the rules and procedures for requests to designate property as blighted for the purposes of Chapter 14.27;

WHEREAS, the owner of the property located at 1325 Jay St. in Lakewood (the "Property") has complied with all rules and procedures applicable to requests to designate that property as blighted under Chapter 14.27;

WHEREAS, an independent consultant's conditions survey, also known as a "blight study," has concluded that the Property contains sufficient blight conditions to comply with the standards set forth in Resolutions 2020-7 and 2020-24;

WHEREAS, the conditions survey was conducted in conformance with Resolutions 2020-7 and 2020-24 which adopted those criteria and methods required for a determination of a "blighted area" provided within Colorado's Urban Renewal Law, C.R.S. §§ 31-25-101, et seq.; and

WHEREAS, the City Council substantially agrees with the conclusions presented in the Conditions Survey and desires to designate the Property as "blighted" for the purposes of Chapter 14.27.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The property at 1325 Jay St., Lakewood, Colorado, is hereby designated as "blighted" for the purposes of Chapter 14.27 of the Lakewood Municipal Code (the "Blight Designation").

SECTION 2. The Blight Designation shall expire upon either the Property's completed redevelopment or five (5) years from the date of this Resolution, whichever occurs first.

SECTION 3. The Blight Designation will apply only for the purposes of Chapter 14.27, will not alter or limit any taxing jurisdiction's legal authority to assess or collect taxes of any kind on the Property, and will not limit the City's eminent domain authority with respect to the Property.

SECTION 4. The Blight Designation shall not be construed as a blight designation for urban renewal purposes and will not place the Property under the Lakewood Reinvestment Authority's jurisdiction.

SECTION 5. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a regular hybrid meeting of the City Council on May 9, 2022, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

Adam Paul, Mayor

ATTEST:

Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



Property Conditions Assessment (Blight Study) for 1325 Jay Street

Lakewood, Colorado

February 2022



Prepared for:

Riverpoint Partners, LLC
299 Milwaukee Street, Suite 313
Denver, Colorado 80206

Prepared by:



Matrix

1325 Jay Street Property Conditions Assessment

No document content on this page

1325 Jay Street Property Conditions Assessment

Table of Contents

Section 1: Project Overview	1
Section 2: Colorado Urban Renewal Statutes	3
Section 3: Conditions Indicative of the Presence of Blight	7
Section 4: Study Area Location and Description	11
Section 5: Assessment Findings	15
Section 6: Property Conditions Assessment Summary and Conclusion.....	37
Section 7: Lakewood Strategic Growth Initiative	39

1325 Jay Street Property Conditions Assessment

No document content on this page

Section 1: Project Overview

EXECUTIVE SUMMARY

On behalf of Riverpoint Partners, LLC, Matrix Design Group, Inc. (Matrix) has completed a Property Conditions Assessment (also known as a “Blight Study”) for the developable property at 1325 Jay Street in Lakewood, Colorado (Study Area). This Assessment is an examination and analysis of physical conditions identified within a defined geographic area (in this instance the property boundary) to determine if the area qualifies as “blighted” within the meaning of Colorado Urban Renewal Law under the 2016 Colorado Revised Statute (CRS) Title 31, Article 25, Part 1. (*CRS § 31-25-101 et seq.*)

For the current Study Area to qualify as a blighted area, the presence of at least **four** factors of blight (out of a possible eleven) must be identified. Blight factors are indicators of substantially impaired or arrested growth of the municipality, retardation of the provision of housing accommodations, economic or social liability, and can be considered a menace to the public health, safety, morals, or welfare of the area. *CRS § 31-25-103 (2)*

In July 2019, City of Lakewood voters approved a Strategic Growth Initiative that established a building permit management system limiting residential growth in the City to no greater than one percent annually. Properties with a designation of blight are exempt from the one percent rule, thereby encouraging redevelopment of blighted and distressed areas.

This assessment identified conditions of **seven** blight factors within the Study Area including:

- Slum, deteriorated, or deteriorating structures
- Predominance of defective or inadequate street layout
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- Unsanitary or unsafe conditions
- Deterioration of site or other improvements
- Unusual topography or inadequate public improvements or utilities
- Environmental contamination of buildings or property

Based on this Conditions Assessment prepared in accordance with the Colorado Urban Renewal statute, the property located at 1325 Jay Street qualifies as a blighted area.

METHODOLOGY

The defined geographical area for this Assessment (Study Area) lies entirely within

1325 Jay Street Property Conditions Assessment

the 11.54-acre property located at 1325 Jay Street in Lakewood, Colorado, and identified by the Jefferson County Assessor as Schedule Number 300213410, Parcel ID No. 49-012-11-014. Figure 1.1 shows the location of the Study Area and the boundary of the parcel as identified by the County Assessor.

Figure 1.1 Study Area Boundary



Data collection for conditions of blight (see Sections 2 and 3 for what constitutes conditions of blight) was accomplished through several means. For those blight conditions that could be identified by visual observations and through the use of maps and referenced aerial photography, Matrix conducted a field survey (site reconnaissance) of the Study Area on January 17, 2022.

Matrix did not conduct an active search for one blight factor identified in the Colorado Urban Renewal statute, ("g. Defective or unusual conditions of title rendering the title non-marketable"), due to the extensive time and cost that would be involved with researching the property title. That does not mean, however, that defective or unusual title conditions do not exist.

Section 2: Colorado Urban Renewal Statutes

In CRS 31-25 (*§ 31-25-101 et seq.*), the legislature has declared that an area of blight “constitutes a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state in general and municipalities thereof; that the existence of such areas contributes substantially to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of public policy and statewide concern....” *CRS § 31-25-102*.

Under the Urban Renewal Law, the term “blighted area” describes an area with an array of issues, including health and social deficiencies, and physical deterioration. *Colo. Rev. Stat. § 31-25-103(2)*. Before remedial action can be taken, however, the Urban Renewal Law requires a finding by the appropriate governing body that an area such as the Study Area constitutes a blighted area. *CRS § 31-25-107(1)*.

One of the goals of the City of Lakewood Strategic Growth Initiative is to encourage development of blighted and distressed areas. Although residential growth is capped at one percent annually, the Strategic Growth Initiative exempts structures located, or to be located, upon land that is designated as blighted.

For purposes of the Survey, the definition of a blighted area for this property, in which the owner does not object to a designation of blight, is articulated in the Colorado Urban Renewal statute as follows:

“*Blighted area*” means an area that, in its present condition and use and, by reason of the presence of at least **one** of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

- a. Slum, deteriorated, or deteriorating structures;
- b. Predominance of defective or inadequate street layout;
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- d. Unsanitary or unsafe conditions;
- e. Deterioration of site or other improvements;
- f. Unusual topography or inadequate public improvements or utilities;
- g. Defective or unusual conditions of title rendering the title non-marketable;
- h. The existence of conditions that endanger life or property by fire or other causes;

1325 Jay Street Property Conditions Assessment

- i. Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- j. Environmental contamination of buildings or property; or
- k. (actually k.5. in the statute) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements; or
- l. if there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, ‘blighted area’ also means an area that, in its present condition and use and, by reason of the presence of any **one** of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (l), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

The statute also states a separate requirement for the number of blight factors that must be present if private property is to be acquired by **eminent domain**. CRS § 31-25-105.5(5), paragraph (a.) states, “‘Blighted area’ shall have the same meaning as set forth in section 31-25-103 (2); except that, for purposes of this section only, ‘blighted area’ means an area that, in its present condition and use and, by reason of the presence of at least **five** of the factors specified in section 31-25-103 (2)(a) to (2)(l)...”

In any case where the acquisition of property by eminent domain by an authority displaces individuals, families, or business concerns, the authority shall make reasonable efforts to relocate such individuals, families, or business concerns within the urban renewal area, where such relocation is consistent with the uses provided in the urban renewal plan, or in areas within reasonable proximity of, or comparable to, the original location of such individuals, families, or business concerns.

Thus, the state statutes require, depending on the circumstances, that a minimum of **one** (if no objections by owner or tenant), **four** (standard number of blight factors required), or **five** (acquisition by eminent domain) blight factors be present for an area to be considered a “blighted area.”

Several principles have been developed by Colorado courts to guide the

1325 Jay Street Property Conditions Assessment

determination of whether an area constitutes a blighted area under the Urban Renewal Law. First, the absence of widespread violation of building and health codes does not, by itself, preclude a finding of blight. According to the courts, “the definition of ‘blighted area’ contained in [the Urban Renewal Law] is broad and encompasses not only those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisions the prevention of deterioration.” *CRS § 31-25-103.*

Second, the presence of one well-maintained building does not defeat a determination that an area constitutes a blighted area. Normally, a determination of blight is based upon an area “taken as a whole,” and not on a building-by-building, parcel-by-parcel, or block-by-block basis. *CRS § 31-25-103.*

This report makes a recommendation as to whether the Study Area qualifies as a blighted area based on the number of blight factors identified during the Assessment. As discussed in the following sections, **seven** of the eleven factors of blight have been identified within the Study Area indicating that the Study Area qualifies as a blighted area in all scenarios. The final determination of blight must be approved by the Lakewood City Council.

1325 Jay Street Property Conditions Assessment

No document content on this page

Section 3: Conditions Indicative of the Presence of Blight

As discussed in Section 2, the Colorado urban renewal statute provides a list of 11 factors that, through their presence, may allow an area to be declared as blighted. This section elaborates on those 11 factors by describing some of the conditions that might be found within a Study Area that would indicate the presence of those factors.

a. Slum, Deteriorated, or Deteriorating Structures:

During the field reconnaissance of the Study Area, the general condition and level of deterioration of buildings within the Study Area are evaluated. This examination is limited to a visual inspection of the building's exterior condition and is not a detailed engineering or architectural analysis, nor does it include the building's interior. The intent is to document obvious indications of disrepair and deterioration to the exterior of a structure found within the Study Area. Some of the exterior elements observed for signs of deterioration include:

- Primary elements (exterior walls, visible foundation, roof)
- Secondary elements (fascia/soffits, gutters/downspouts, windows/doors, façade finishes, loading docks, etc.)
- Ancillary structures (detached garages, storage buildings, etc.)

b. Predominance of Defective or Inadequate Street Layout:

The presence of this factor is determined through a combination of both field observation as well as an analysis of the existing transportation network and vehicular and pedestrian circulation patterns in the Study Area by persons with expertise in transportation planning and/or traffic engineering. These conditions include:

- Inadequate street or alley widths, cross-sections, or geometries
- Poor provisions or unsafe conditions for the flow of vehicular traffic
- Poor provisions or unsafe conditions for the flow of pedestrians
- Insufficient roadway capacity leading to unusual congestion of traffic
- Inadequate emergency vehicle access
- Poor vehicular/pedestrian access to buildings or sites
- Poor internal vehicular/pedestrian circulation
- Excessive curb cuts/driveways in commercial area

These conditions can affect the adequacy or performance of the transportation system within the Study Area, creating a street layout that is defective or inadequate.

c. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness:

This factor requires an analysis of the parcels within the Study Area as to their potential and usefulness as developable sites. Conditions indicative of the presence of this factor include:

- Lots that are long, narrow, or irregularly shaped
- Lots with limited or no access
- Lots that are inadequate in size
- Lots with configurations that result in stagnant, misused, or unused land
- Lots with billboards that have active leases, making redevelopment more difficult

This analysis considers the shape, orientation, and size of undeveloped parcels within the Study Area and if these attributes would negatively impact the potential for development of the parcel. This evaluation is performed both through observation in the field and through an analysis of parcel boundary maps of the Study Area.

d. Unsanitary or Unsafe Conditions:

Conditions observed within the Study Area that qualify under this blight factor include:

- Floodplains or flood prone areas
- Inadequate storm drainage systems/evidence of standing water
- Poor fire protection facilities
- Fire-prone areas or structures
- Above average incidences of public safety responses
- Inadequate sanitation or water systems
- Existence of contaminants or hazardous conditions or materials
- High or unusual crime statistics
- Open trash dumpsters
- Severely cracked, sloped, or uneven surfaces for pedestrians
- Illegal dumping
- Vagrants/vandalism/graffiti/gang activity
- Open ditches, holes, or trenches in pedestrian areas

These represent situations in which the safety of individuals, especially pedestrians and children, may be compromised due to environmental and physical conditions considered to be unsanitary or unsafe.

e. Deterioration of Site or Other Improvements:

The conditions that apply to this blight factor reflect the deterioration of various improvements made on a site other than building structures. These conditions may represent a lack of general maintenance at a site, the physical degradation of

1325 Jay Street Property Conditions Assessment

specific improvements, or an improvement that was poorly planned or constructed. Overall, the presence of these conditions can reduce a site's usefulness and desirability and negatively affect nearby properties.

- Neglected properties or evidence of general site maintenance problems
- Deteriorated signage or lighting
- Deteriorated fences, walls, or gates
- Deterioration of on-site parking surfaces, curb & gutter, or sidewalks
- Poorly maintained landscaping or overgrown vegetation
- Poor parking lot/driveway layout
- Unpaved parking lot on commercial properties

f. Unusual Topography or Inadequate Public Improvements or Utilities:

The focus of this factor is on the presence of unusual topographical conditions that could make development prohibitive, such as steep slopes or poor load-bearing soils, as well as deficiencies in the public infrastructure system within the Study Area that could include:

- Steep slopes / rock outcroppings / poor load-bearing soils
- Deteriorated public infrastructure (street/alley pavement, curb, gutter, sidewalks, street lighting, storm drainage systems)
- Lack of public infrastructure (same as above)
- Presence of overhead utilities or billboards
- Inadequate fire protection facilities/hydrants
- Inadequate sanitation or water systems

g. Defective or Unusual Conditions of Title Rendering the Title Non-Marketable:

Certain properties can be considered non-marketable making redevelopment overly difficult if they have overly restrictive or prohibitive clauses in their deeds or titles, or if they involve an unusually complex or highly divided ownership arrangement. Examples of conditions considered non-marketable include:

- Properties with covenants or other limiting clauses that significantly impair their ability to redevelop
- Properties with disputed or defective title
- Multiplicity of ownership making assemblages of land difficult or impossible

h. Existence of Conditions that Endanger Life or Property by Fire or Other Causes:

A finding of blight within this factor can result from the presence of the following conditions, which include both the deterioration of physical improvements that can lead to dangerous situations as well as the inability for emergency personnel or

1325 Jay Street Property Conditions Assessment

equipment to provide services to a site:

- Sites inaccessible to fire and emergency vehicles
- Fire-prone areas or structures
- Blocked/poorly maintained fire and emergency access routes/frontages
- Insufficient fire and emergency vehicle turning radii
- Properties not in compliance with fire codes or environmental regulations

i. Buildings that are Unsafe or Unhealthy for Persons to Live or Work In because of Building Code Violations, Dilapidation, Deterioration, Defective Design, Physical Construction, or Faulty or Inadequate Facilities:

Some of the conditions that can contribute to this blight factor include:

- Buildings or properties not in compliance with fire codes, building codes, or environmental regulations
- Buildings with deteriorated elements that create unsafe conditions
- Buildings with inadequate or improperly installed utility components

j. Environmental Contamination of Buildings or Property:

This factor represents the presence of contamination in the soils, water sources, or other locations within the Study Area and may include:

- Presence of hazardous substances, liquids, or gases
- Presence of Environmental Land Use Controls
- Regulatory Oversight or Corrective Actions
- Presence of Recognized Environmental Conditions

k.5 Existence of Health, Safety, or Welfare Factors Requiring High Levels of Municipal Services or Substantial Physical Underutilization or Vacancy of Sites, Buildings, or Other Improvements:

The physical conditions that may contribute to this blight factor include:

- Sites with a high incidence of fire, police, or emergency responses
- Sites adjacent to streets/alleys with a high incidence of traffic accidents
- Sites with a high incidence of code enforcement responses
- An undeveloped parcel in a generally urbanized area
- Vacant, empty, or unused buildings
- A parcel with a disproportionately small percentage of its total land area developed

Section 4: Study Area Location and Description

This Property Conditions Assessment is for the real property located at 1325 Jay Street in Lakewood, Colorado. The property is identified by the Jefferson County Assessor as Parcel No. 49-012-11-014, PIN/Schedule No. 300213410. Bordering Properties include:

- West: Private property including: Adams Custom Cabinetry (1390 Lamar Street), a vacant property/former auto salvage yard (1350 Lamar Street), and Columbine Paper and Maintenance Supply - now a vacant property (1300 Lamar Street)
- East: Private property including: Hite Equipment (restaurant supply store), a vacant building (1317 Harlan Street), Pro Cabinet Solutions (1367 Harlan Street), and private residences. An auto body shop located in the southeastern portion of the Jeffco Assessor-defined parcel has an address of 1301 Harlan Street.
- South: Denver Regional Transportation District (RTD) Light Rail West Line and the RTD Lamar Street Light Rail Station
- North: West 14th Avenue, residential development

The Lakewood Brick Company was founded in 1919 before being sold to Summit Pressed Brick & Tile Company (Summit Brick) in 1930 during the Great Depression. Currently, Summit Brick continues to manufacture brick and tile using stockpiled clay and a 300-foot continuous tunnel kiln. The site contains 10 buildings constructed between 1941 and 1982. Most of the buildings are in poor to fair condition, with significant exterior deterioration on most of the facilities. At least one storage building is in very poor condition with significant structural damage. It does not appear that this building is occupied by employees for any length of time.

The 11.54-acre property consists of a large complex of mostly attached buildings in the southwest, clay piles in the west, palleted stacks of bricks on the eastern side, a loose brick lined ditch with a northwest-southeast orientation on the east, and junked equipment in the northeast. A drainage culvert is in the southeast portion of the property. Evidence of a homeless encampment in the drainage culvert was observed by Matrix on January 17, 2022. It is likely that the loose brick-lined ditch and the drainage culvert were constructed to mitigate potential flood impacts, as most of the site is located within the Federal Emergency Management Agency (FEMA) 100-year floodplain.

A singular access point to the facility is located on the north side of the property along West 14th Avenue at Jay Street. Several unpaved access roads can be

1325 Jay Street Property Conditions Assessment

observed throughout the property accessing the clay piles, the buildings and the palleted brick stacks. Some pavement was observed next to the building complex in the southern portion of the property. The access roads and paved areas are in poor to fair condition. Figure 4.1 shows the layout of the property.

Figure 4.1 Study Area Layout



As indicated on Figure 4.2, surrounding areas are generally mixed-use with institutional, residential, industrial, and commercial developments. The Regional Transportation District (RTD)'s Light Rail West Line and Lamar Street Station are located adjacent to (south of) the Study Area along 13th Avenue. In 2005, the Lakewood Reinvestment Authority (LRA) established the 813-acre West Colfax Avenue Corridor Reinvestment Area that encompasses an area along Colfax Avenue from Sheridan Boulevard to Simms Street. This Reinvestment Area, located adjacent to (north of) the Study Area, was established after the area was demonstrated to be blighted according to Colorado State Statute. Redevelopment

1325 Jay Street Property Conditions Assessment

of the West Colfax Avenue Corridor included the Station Betterment project which allowed funding improvements for light rail stations at Wadsworth Boulevard and Oak Street.

Figure 4.2 Study Area and Surrounding Development Areas



1325 Jay Street Property Conditions Assessment

No document content on this page

Section 5: Assessment Findings

The overall findings of the 1325 Jay Street property are presented below in a format that mirrors the list of factors and conditions of blight discussed in Section 3.

a. Slum, Deteriorated, or Deteriorating Structures

Slum, deteriorated, or deteriorating structures refers to current buildings and ancillary structures that exist within the Study Area boundary. A visual inspection of the exterior building conditions was completed for primary elements (exterior walls, foundations, and roofs), secondary elements (façade finishes, fascia/soffits, gutters/downspouts, windows/doors, patios, loading docks, etc.), and ancillary structures (storage facilities, etc.).

Based on visual observation, most of the structures within the Study Area are exhibiting signs of deterioration with conditions ranging from fair to poor. The following pictures show examples of the deteriorating structures onsite.



1325 Jay Street Property Conditions Assessment



1325 Jay Street Property Conditions Assessment





b. Predominance of Defective or Inadequate Street Layout

The Study Area is located along West 14th Avenue, which is identified by the County Assessor as a major collector street, in an area that has seen resurgent growth over the past few years. Curb and gutter and sidewalks do not exist along 14th Avenue on either side of the road. West 14th Avenue runs parallel to Colfax Avenue and typically sees moderately high traffic volumes. With future development in the area, traffic volumes along 14th Avenue are expected to increase.

According to the City of Lakewood Transportation Engineering Design Standards (Green Book), a major collector street, by definition, typically has traffic volumes greater than 7,000 vehicles per day and is designed to handle traffic volumes loading from and onto local, other collector, and arterial roadways. Traffic control on major collectors is generally provided by roundabouts or stop signs and no back-out drives are permitted. The Jefferson County Transportation & Design Manual states that the Right of Way (ROW) for a Major Collector should, at a minimum, be no less than 78 feet. The ROW for 14th Avenue at the Study Area is less than 50 feet which is not adequate for the 14th Avenue traffic designation.

Lamar Street, located west of the Study Area; and Harlan Street, located east of the Study Area, are County-designated minor collector streets that cross over the RTD Light Rail at 13th Avenue making them some of the more heavily trafficked minor collector streets in the area. Both Lamar and Harlan Streets' designs are also inadequate according to local Design Standards. The width of Lamar Street and Harlan Street flowline to flowline is less than 30 feet, while the Design Standards show a minimum required width of 36 feet.

The 11.54-acre Study Area currently has a single street cut along 14th Avenue at Jay Street and is the only ingress/egress point at the property. There is no access to any of the other local streets including Lamar Street, Harlan Street, and 13th Avenue

1325 Jay Street Property Conditions Assessment

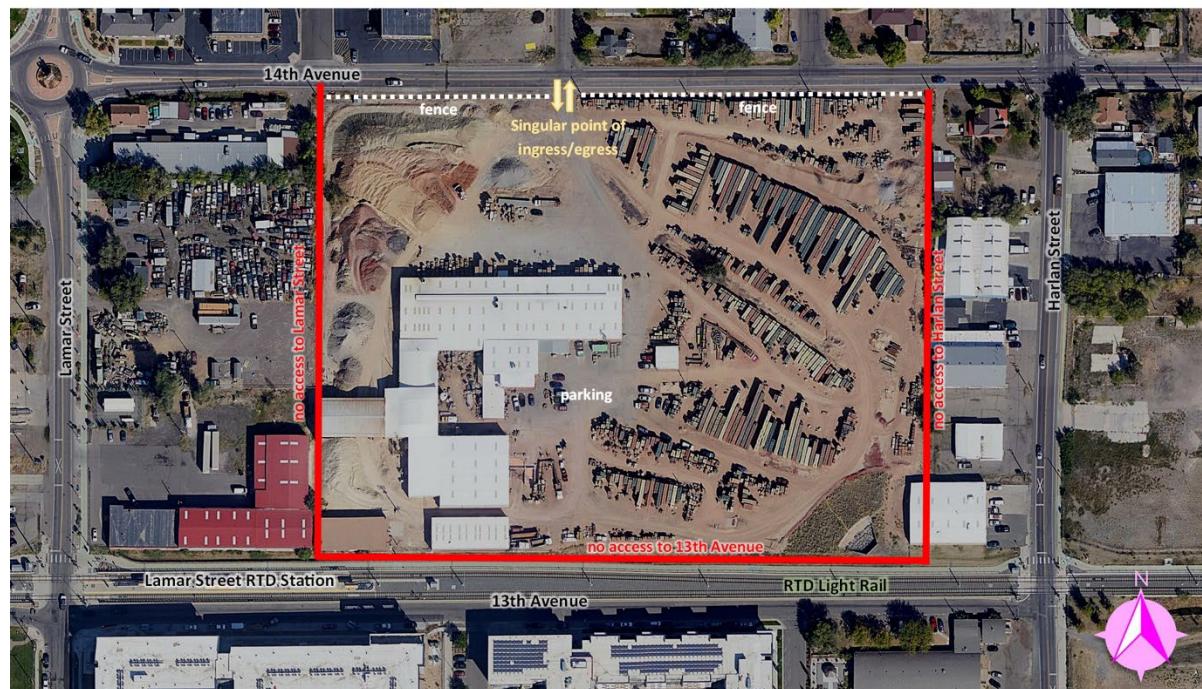
(south of the property).

Interior circulation at the Study Area is via unpaved, rutted access roads mainly traveled by trucks and heavy equipment. The access roads are generally in fair to poor condition, with ruts, holes, and standing water. Paved parking areas south and east of the building complex are in poor condition and are not designed for organized parking or pedestrian traffic flows.

Figure 5.1 shows inadequate widths for 14th Avenue, Harlan Street, and Lamar Street as well as identifying the singular point of ingress/egress for the 11.54-acre Study Area.

Figure 5.1 Street Layout and Point of Ingress/Egress

	Actual Width	Design Criteria
14th Avenue (major collector) ROW width	<50 feet	78 feet
Lamar Street (minor collector) Street width	<30 feet	36 feet
Lamar Street (minor collector) Street Width	<30 feet	36 feet



1325 Jay Street Property Conditions Assessment

Based on the large size of the property, ingress/egress will likely be inadequate for future development. Additional ingress/egress points, especially to the Harlan Street on the east or Lamar Street on the west would significantly increase internal/external traffic flow.

Based on the inadequate roadway designs along 14th Avenue, Harlan Street, and Lamar Street; the potential for future additional traffic volumes along 14th Avenue; the lack of curb/gutter and sidewalks on 14th Avenue; and the lack of ingress/egress to a property of this size indicate that **Blight Factor: Predominance of Defective or Inadequate Street Layout is present.**

c. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness

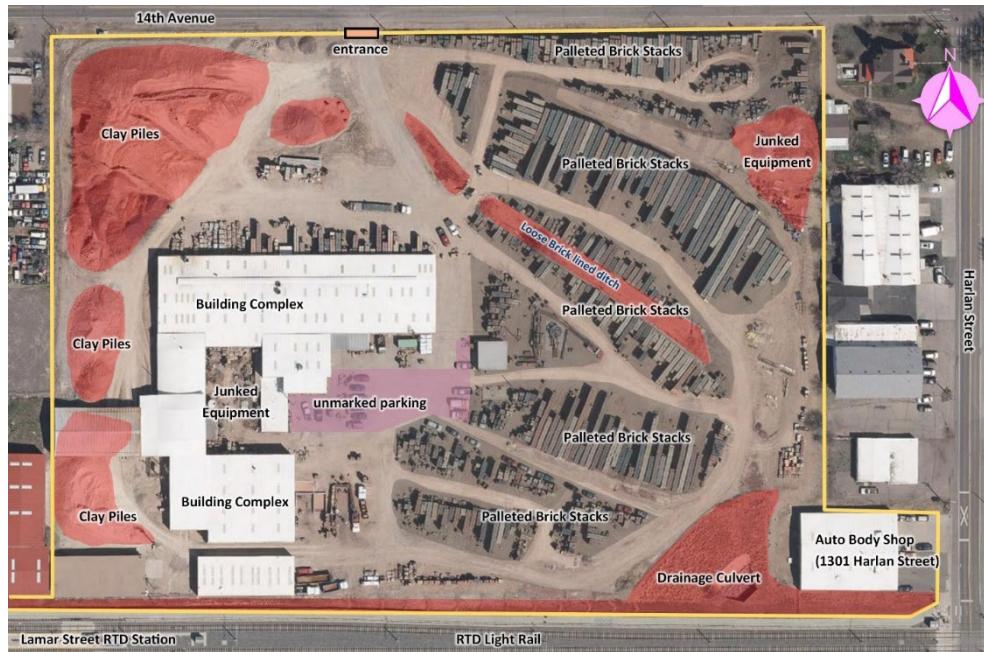
Faulty street layout often produces faulty lots, particularly when vehicular access is impacted. Other causes of faulty lot layout can include the presence of natural features such as creeks, or manmade features such as the presence of highways, rail roads, etc. In addition to access constraints, the size and shape of a property can impact a parcel's utilization. Irregularly shaped parcels, inadequately shaped parcels, or parcels with natural or man-made obstacles can lead to undeveloped or inaccessible areas within the parcel itself, while small parcels may have little development value.

The Study Area, as discussed, lacks adequate accessibility due to its large size and being surrounded on two sides by private property and on the south by the RTD Light Rail. This lack of access may present significant development constraints. With more than 11.5 acres of developable property and only a single point of ingress/egress along 14th Avenue, access to the property is inadequate for the property size.

In addition, the presence of large piles of brick making materials; a man-made brick-line ditch; and a large drainage basin/drainage culvert makes more than two acres of the property inaccessible. Dirt access roads are used for internal traffic circulation and are in poor to fair condition, with many ruts and standing water. There is also a lack of pedestrian traffic controls onsite such as sidewalks, designated walkways, or marked walking paths creating dangerous conditions for foot traffic. Figure 5.2 demonstrates some of the site access constraints.

1325 Jay Street Property Conditions Assessment

Figure 5.2 Site Access Constraints and Internal Traffic Circulation



Based on the presence of many factors impacting site access and a lack of adequate internal vehicle/pedestrian traffic circulation controls, **Blight Factor: Faulty Lot Layout is present.**

d. Unsanitary or Unsafe Conditions

Many unsafe conditions were identified during this Study. The industrial site, as indicated previously, has no controls for pedestrian traffic, and the presence of heavy equipment including forklifts, dump trucks, haulers, etc. make for an inherently dangerous site. In addition, palletted bricks are stacked up to 15 feet high with no supporting structures such as racks or cages. Junked equipment was also found in portions of the site.

The following photographs show some of the unsafe conditions identified at the site.

1325 Jay Street Property Conditions Assessment



1325 Jay Street Property Conditions Assessment

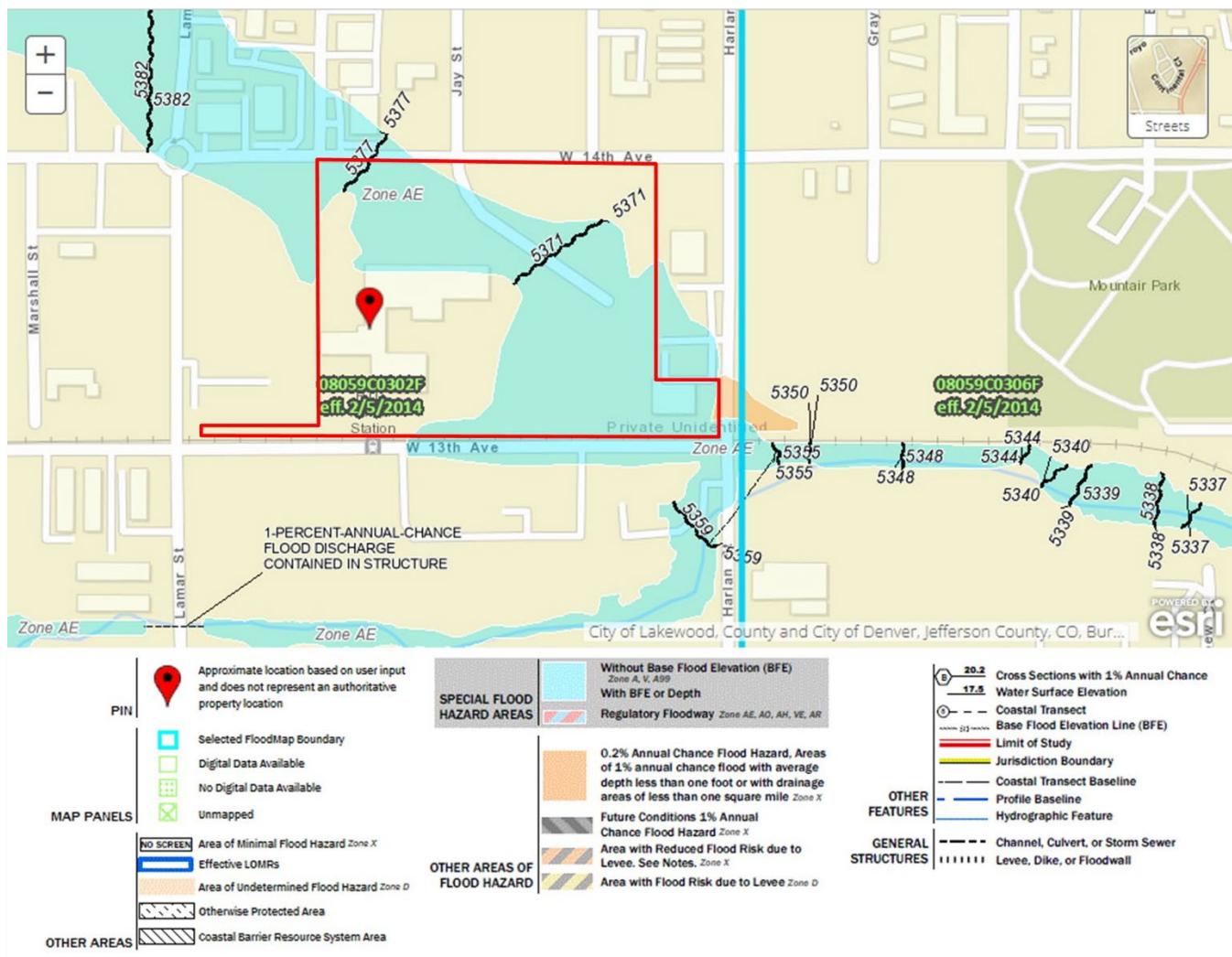


Matrix also reviewed the Federal Emergency Management Agency (FEMA) floodplain database, crime statistics for the City of Lakewood, and completed a review of environmental databases to identify additional unsanitary or unsafe conditions.

The FEMA floodplain map (identified in Figure 5.3) shows a significant portion of the property is in the AE Special Flood Hazard Area which presents a 1% annual chance of flooding and a 26% chance of flooding in 30 years.

1325 Jay Street Property Conditions Assessment

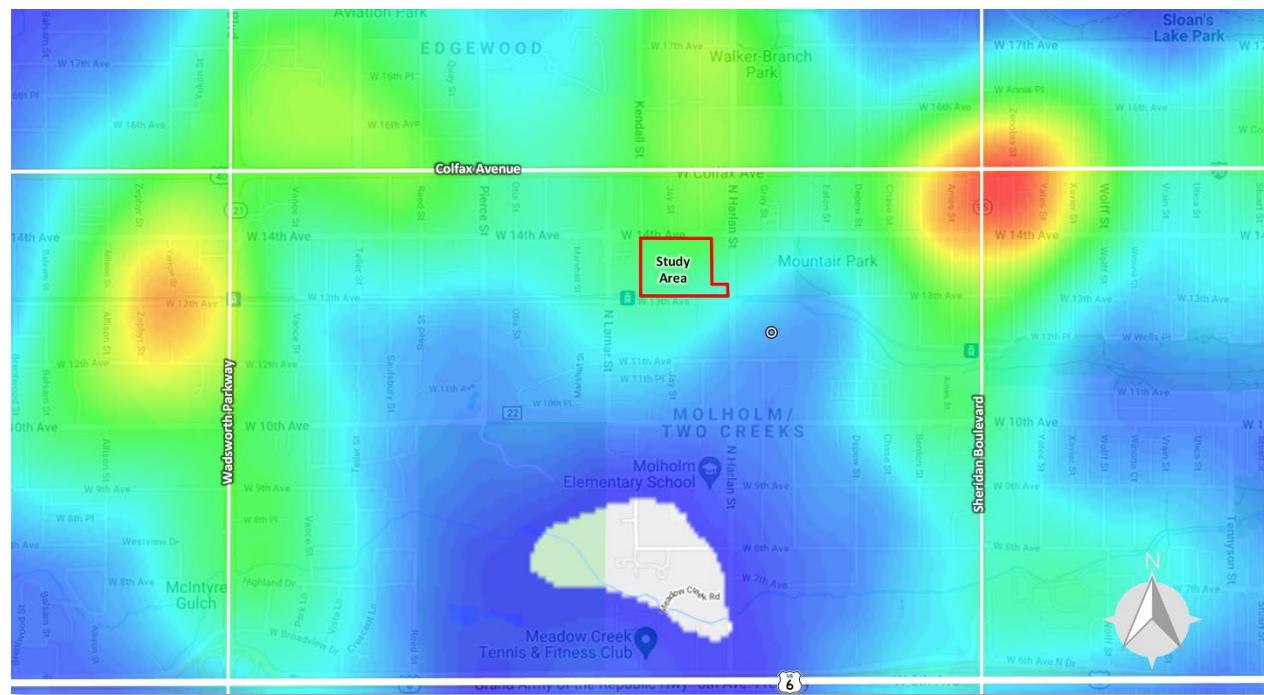
Figure 5.3 100-year Floodplain Map



Matrix also reviewed an interactive Community Crime Map for 2021 to further analyze crime data for the Study Area and surrounding areas. As indicated on the crime concentration map (Figure 5.4), the Study Area is in an area of increased crime risk.

1325 Jay Street Property Conditions Assessment

Figure 5.4 2021 Crime Density Map



Matrix also observed numerous instances of graffiti on buildings that may be indicative of gang activity in the area. Windows with what appear to be bullet holes were observed along the southern portion of the Study Area.

Evidence of homelessness was also observed during the Study including a large homeless encampment located in the concrete culvert structure in the southeast corner of the property. Additional evidence of homelessness was identified between buildings and in the northwest corner of the property.



1325 Jay Street Property Conditions Assessment



Blight Factor: Unsanitary or Unsafe Conditions is present.

e. Deterioration of Site or Other Improvements

The deterioration of the site or other improvements refers to improvements made on a site other than building structures (e.g. pavement, sheds, infrastructure, landscaping). This condition of blight was identified throughout the Study Area boundary where damaged paving, deteriorating shelters and outbuildings, and

1325 Jay Street Property Conditions Assessment

little to no maintained landscaping was observed. The following pictures provide evidence of deteriorating/deteriorated site and other improvements.



1325 Jay Street Property Conditions Assessment



Based on the deterioration of storage shelters and outbuildings, pavement, fencing, a lack of maintained landscaping, and other site improvements, **Blight Factor: Deterioration of Site or Other Improvements is present.**

1325 Jay Street Property Conditions Assessment

f. Unusual Topography or Inadequate Public Improvements or Utilities

Deficiencies in infrastructure, public improvements, and utilities were identified within the Study Area boundary. The main issues observed during the site reconnaissance included a general lack of public improvements, no sidewalks along 14th Avenue, a lack of engineered drainage, the presence of a floodplain with minimal stormwater protection, a loose brick-filled ditch, 20+ foot tall piles of brick making materials, and the presence of outdated overhead utilities.

Several of these prohibitive factors are identified in the following photos.



1325 Jay Street Property Conditions Assessment



The presence of these conditions could make development prohibitive, therefore,
Blight Factor: Unusual Topography or Inadequate Public Improvements or Utilities is present.

g. Defective or Unusual Conditions of Title Rendering the Title Non-Marketable

This factor was not researched, and no evidence was presented to Matrix that would indicate that this condition exists within the Study Area.

This blight factor was not determined

h. Existence of Conditions that Endanger Life or Property by Fire or Other Causes

No conditions were observed during the field investigation that indicate conditions that endanger life or property.

This blight factor is not considered to be present in the Study Area.

i. Buildings that are Unsafe or Unhealthy for Persons to Live or Work in Because of Building Code Violations, Dilapidation, Deterioration, Defective Design, Physical Construction, or Faulty or Inadequate Facilities

Although deterioration was identified as a part of the Blight Study, no buildings appeared to be unsafe or unhealthy because of building code violations, dilapidation, defective design, physical construction, or inadequate facilities.

This blight factor is not considered to present in the Study Area.

j. Environmental Contamination of Buildings or Property

To assess potential environmental impacts to the property, Matrix completed a file review consistent with the Environmental Protection Agency's (EPA) Practices for All Appropriate Inquiries (AAI) (40 CFR Part 312) and the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (Standard E 1527-13).

In addition to the file review, Matrix completed a visual investigation of the property and properties surrounding the Study Area boundary to assess potential environmental impacts associated with current or past site uses. The Lakewood Brick Company was listed in the Colorado Department of Labor and Employment (CDLE) Division of Oil and Public Safety (OPS) database as having underground storage tanks (UST)s onsite and aboveground storage tanks (AST)s onsite. A leaking UST (LUST) was reported at the Study Area in August of 1991. Remediation of the site was completed in February 2008 when a Tier II closure was approved. A Tier II closure allows for contamination to remain onsite at concentrations exceeding Tier I Risk-based Screening Levels (RBSL) if the following conditions are met:

1. Contaminant concentrations are lower than site-specific target levels,

1325 Jay Street Property Conditions Assessment

2. groundwater concentrations at the point of compliance monitoring well located upgradient to the nearest point of exposure (POE) are below Tier I Risk-based Screening Levels (RBSL), and
3. Fate and Transport modeling shows that POEs will not be impacted in the future at concentrations exceeding RBSLs.

Asbestos was also found onsite, and it is likely, based on the age of the building and the type of equipment onsite, that more asbestos is present within the buildings.



Numerous additional properties were also identified in regulatory databases within a half mile of the Study Area, including Resource Conservation and Recovery Act (RCRA) Corrective Action sites, drycleaners, designated brownfield voluntary cleanup sites, leaking underground storage tanks (LUST)s, etc. Some of the more significant potentially impacted sites located in the Colfax Avenue corridor include:

- Your One Hour Cleaners located at 1515 Pierce Street is approximately 1,600 feet northwest of (potentially upgradient to) the Study Area. This site is a RCRA Corrective Action Site with known groundwater contamination and is under a Colorado Department of Public Health and Environment (CDPHE) Compliance Order.
- The Goodyear property located at 6400 West Colfax Avenue approximately 800 feet northwest of (upgradient to) the Study Area was the site of LUST and a voluntary brownfield cleanup. This site received a No Action Determination (NAD) from the CDPHE in 2008.
- Minute Cleaners and Sharon Dry Cleaners located at 6465 and 6469 West Colfax Avenue, respectively, are identified in the drycleaner database. Chemical releases from drycleaner sites have the potential to impact groundwater in the area.

1325 Jay Street Property Conditions Assessment

- Lamar Station Crossing located at 6150 West 13th Avenue, south of the Study Area, was listed as a Brownfield Site (asbestos and PAHs) and was developed under the CDPHE Voluntary Cleanup Program.
- The Wolfe Miller Shopping Center located at 6469 West Colfax Avenue is approximately 870 feet northwest of (upgradient to) the Study Area. The shopping center was the site of a RCRA Corrective Action in 2002 due to soil contamination. Remedial activities were completed in May 2002.

The following locations were also identified in the governmental file review and are located within one quarter mile of the Study Area:

- In August 1990 at 14th Avenue and Lamar Street, public service workers ruptured a natural gas line causing a flash fire. More than 100 people were evacuated from the area.
- In July 2019 at 13th Avenue and Lamar Street, contractors ruptured a potable water line. The resulting release was bermed and escaped water made its way into storm drains in the area.
- The Adams Fine Furniture and Cabinetry site located approximately east of (adjacent to) the Study Area at 1390 Lamar Street was listed as a Resource Conservation and Recovery Act (RCRA) conditionally exempt small quantity generator in 2012.
- Lakewood Fire Station #1 located approximately 450 feet west-northwest of the Study Area at 6401 W 14th Avenue historically contained underground kerosene and diesel storage tanks; however, according to the Colorado Department of Labor and Environment Division of Oil and Public Safety (OPS), these tanks have been closed and are no longer active. In September 1990, a release was confirmed from one of the underground petroleum storage tanks. The cleanup was initiated in September 1990 and a site investigation was completed. In 1995, the OPS issued a No Further Action (NFA) status for the site, indicating that cleanup had been achieved and no further cleanups or investigations were required.
- The Columbine Paper Supply company located west of (adjacent to) the Study Area at 1300 Lamar Street historically contained underground gasoline storage tanks which have been closed according to the OPS.

Improperly stored unknown chemicals were also identified onsite in containers that did not have secondary containment including leaking 5-gallon buckets and 55-gallon drums with unknown contents.

1325 Jay Street Property Conditions Assessment



The Study Area is also in an area where industrial development is common, and numerous sites were identified upgradient to (north and northwest of) the Study Area. The Study Area has been used as an industrial brick and tile processing site for almost 100 years and, because of past usage, is at an increased risk for additional environmental impacts.

In addition, contaminated soil and groundwater have historically been identified onsite and based on the OPS Tier II closure, contaminated media at concentrations exceeding Tier I RBSLs may still exist at the site. **Blight Factor: Environmental Contamination of Buildings or Property is present.**

k.5 The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

The Study Area is in a highly developed part of Lakewood, just south of the Colfax Avenue commercial corridor. Development in the area has been sparked by creation of the West Colfax Avenue Corridor Reinvestment Area and the construction of the RTD West Light Rail Line. Many of the surrounding properties have undergone redevelopment and the City has completed numerous

1325 Jay Street Property Conditions Assessment

improvements along city right of ways including Lamar Street in front of the Study Area. Redevelopment of the Study Area would complement many of the improvements made by the City along the Lamar Street corridor.

This blight factor is not considered to present in the Study Area.

1325 Jay Street Property Conditions Assessment

No document content on this page

Section 6: Property Conditions Assessment Summary and Conclusion

Within the entire Study Area, **seven** of the eleven blight factors were identified as being present. The blight factors identified within the Study Area include:

- a. Slum, deteriorated, or deteriorating structures
- b. Predominance of defective or inadequate street layout
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- d. Unsanitary or unsafe conditions
- e. Deterioration of site or other improvements
- f. Unusual topography or inadequate public improvements or utilities.
- j. Environmental contamination of buildings or property

As discussed in Section 2, in order for an area to meet the definition of blight, a certain number of the eleven blight factors identified in the Colorado Urban Renewal Law must be found within the Study Area. Four of the eleven factors is the required minimum, unless none of the property owners or tenants object to being included within an urban renewal area; then, the required minimum is only one of the eleven factors.

For this Conditions Assessment, **seven** blight factors were identified within the Study Area, therefore a sufficient number of blight factors exist under Colorado Urban Renewal Law.

It is the conclusion of this Conditions Assessment Report that the Study Area, in its present condition, exhibits a sufficient level of blight to be considered a “blighted area.”

1325 Jay Street Property Conditions Assessment

No document content on this page

Section 7: Lakewood Strategic Growth Initiative

In July 2019, City of Lakewood voters approved a Strategic Growth Initiative that established a building permit management system limiting residential growth in the City to no greater than one percent annually. Properties with a designation of blight are exempt from the one percent rule, thereby encouraging redevelopment of blighted and distressed areas. As indicated in this assessment, this property qualifies as blighted, and any proposed residential development would therefore be considered exempt from the growth cap.

Development of this property will likely result in increased property values, additional tax revenue, and an overall improvement of the areas surrounding the property.



STAFF MEMO

DATE OF COUNCIL MEETING: MAY 9, 2022 / AGENDA ITEM NO. 10

To: Mayor and City Council
From: Robert Smith, Director of Economic Development, 303-987-7732
Subject: **RESOLUTION: APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT 1315 AND 1341 LAMAR STREET IN LAKEWOOD, COLORADO**

SUMMARY STATEMENT:

In the implementation of Chapter 14.27 Residential Growth Limitations Ordinance, properties located within previously established Urban Renewal Areas (URAs) were exempted from the provisions of the 14.27 Ordinance. Council also provided a process for individual property owners outside of the established URAs to conduct an independent Blight Study of their property, at their expense, to present to Council for the consideration of a 14.27 Blight Designation for the property. Matrix Design Group prepared the report for Riverpoint Partners LLC, and these entities will present their findings for the property located at 1315 Lamar Street and 1341 Lamar Street (PIN # 300212714 & 300051939) so Council may consider granting a 14.27 Blight Designation for the property.

BACKGROUND INFORMATION:

- City Council previously made determinations of blight, in accordance with C.R.S. §31-25-101 et seq. for areas of Lakewood:
 - 1998 – West Alameda Corridor Reinvestment Area Phase 1 (Belmar)
 - 2000 – West Alameda Corridor Reinvestment Area Phase 2
 - 1999 – Colfax-Wadsworth Reinvestment Area (Creekside)
 - 2005 – West Colfax Avenue Corridor Reinvestment Area
- In July, 2019 Voters approved the Strategic Growth Initiative (SGI; Question 200)
- In July, 2019 the approved SGI was entered into City Code as Chapter 14.27 Residential Growth Limitations. Chapter 14.27 refers to blighted and distressed areas twice:
 - Under 14.27.010 Purpose/Intent, item B: “Encourage redevelopment of blighted and distressed areas;”
 - Under 14.27.020 Implementation/Exceptions, item A: “Structures located, or to be located, upon land that is designated ‘blighted.’”
- In January, 2020 City Council passed **RESOUTION 2020-7** defining “blighted” as used in Chapter 14.27 and established rules and procedures for requests to designate property as blighted.
- In August, 2020 City Council passed **RESOUTION 2020-24**, further clarifying “blight” particularly in relationship to property owner responsibilities in maintaining their property.

- The following table outlines Riverpoint Partners LLC's compliance with **RESOLUTION 2020-7, RESOLUTION 2020-24**, and the process for seeking a 14.27 Blight Designation.

Was a conditions survey (Blight Study) conducted by an independent consultant for the subject property/properties, with such survey being commissioned at the property owner(s) expense?	YES
Was the conditions survey conducted in strict alignment with the criteria and methodology required for a state statute determination of a “Blighted Area”?	YES
Were the Property Owners informed the conditions survey report will need to be scheduled for and presented to City Council at a public hearing by the property owner(s) and the independent consultant?	YES
Were the Property Owners informed upon presentation of the conditions survey report, City Council could determine whether sufficient conditions of blight, consistent with state urban renewal law, exist to designate the property as blighted?	YES
Were the Property Owners informed such designation of blight would occur by City Council resolution and would only apply to implementing Chapter 14.27 for the subject properties and shall not be construed as a blight designation for urban renewal purposes?	YES
Were the Property Owners informed Council’s 14.27 blight determination would sunset in a defined number of years?	YES
Were the Property Owners informed Council’s 14.27 blight determination would not change tax collection nor change the ability to use the power of eminent domain?	YES
Were the Property Owners informed Property(ies) with a 14.27 determination would not be under the Lakewood Reinvestment Authority’s (LRA) oversight?	YES
Did the Property Owners submit a completed and signed “Property Blight Designation for the Purposes of Chapter 14.27 LMC Public Hearing Review Application Form”?	YES
Were the Property Owners informed Council will review the evidence presented at the public hearing to determine if a blight designation is appropriate for the property in alignment with the following factors: the length of time a property has been vacant or deteriorated; the reasons for the vacant or deteriorated conditions of the property; the condition of the neighborhoods surrounding the property; & the marketability of the property.	YES
Were the Property Owners informed the Council will determine whether the Property Owners have purposefully blighted the property by failing to: reasonably care for the property; keep their property safe, secure, sanitary and in good repair; or have otherwise failed to comply with the zoning requirements of the Lakewood Municipal Code (LMC).	YES

- The consultant’s report indicates seven (7) State defined blighting elements exist on the property. Sufficient for a 14.27 Blight Designation to be conferred. (In alignment with C.R.S. §31-25-101 et seq., a minimum of four (4) blighting factors must be present for blight determination.)
- According to the consultant’s report the following State Statute Defined conditions of blight are present on the property:

Deteriorated or deteriorating structures	YES
Defective or inadequate street layout	YES
Faulty lot layout in relation to size, adequacy, accessibility, or usefulness	YES
Unsanitary or unsafe conditions	YES
Deterioration of site or other improvements	YES

Unusual topography or inadequate public improvements or utilities	YES
Defective or unusual conditions of title rendering the title non-marketable	
Conditions that endanger life or property by fire or other causes	YES
Buildings that are unsafe or unhealthy for people to live or work	
Environmental contamination of buildings or property	
Existence of health, safety, or welfare factors requiring high levels of municipal services or substantial underutilization or vacancy of buildings, sites, or improvements	

- The Study Area encompasses two (2) properties: 1315 & 1341 Lamar Street in Lakewood, Colorado.
- The property currently has three connected manufacturing buildings spanning both parcels of land. Two of the facilities are currently vacant. The northern-most building is currently occupied by a poly-tank manufacturing facility. Historically the buildings have been used for many industrial purposes including a plastics fabricator, a graphics company, and a medical supply distributor. Parking and deliveries for all three facilities are on the east side of the property with access from Lamar Street.
- Investment and redevelopment of these properties will help eliminate blighting conditions in the area. Through redevelopment, the neighborhood will see new infrastructure, elimination of blight and new vibrancy. This project will create jobs throughout the construction process and add to the character of the neighborhood and Lakewood. Owners of the project will work to elevate and add to existing infrastructure while being a good neighbor to surrounding parcels.
- This project is exploring potential redevelopment opportunities that would follow current zoning regulations and city code. This project could bring in additional development, added infrastructure, potential neighborhood-serving amenities and jobs. This site is located near various modes of transportation, encouraging multi-modal transport from their tenants to include RTD routes, bike routes, trail access and other active transit options.
- The Study Area is located under 350 feet from the established West Colfax Avenue Corridor Reinvestment Area (URA).
- The Lamar Station stop along the W-Line Lightrail is just under 235 feet from the Study Area property. Lightrail provides public transportation access to the metropolitan region. West Colfax Avenue also provides access to bus service throughout Lakewood and the metro area.
- The property is adjacent to the 40West ArtLine, a 4-mile walking and biking cultural asset in the City of Lakewood. This amenity has strong community support and the City continues to invest and grow arts related assets in the area. Lakewood actively encourages property owners along the ArtLine route to invest in their properties and engage with this community amenity. In addition, the property is near Mountair park and numerous bike trails.
- The Study area is located within the Colorado Enterprise Zone, a program aimed at promoting a business-friendly environment in economically distressed areas. Enterprise Zones are areas that see higher than average unemployment, higher poverty and lower incomes. Through this program, businesses are encouraged to invest, grow jobs and engage with their communities.
- These properties are located within a federal Opportunity Zone. The census block in which the subject properties sit was given Opportunity Zone status because these Zones have seen disproportionately slow economic recovery and growth.
- These properties are located in additional federal zones to include a CDBG area and a LIHTC census tract.
- Data collection for the Conditions Survey was conducted through site visits, pictures, research and statistical databases.
- The Study Area property is found to have 7 of 11 blight factors. The presence of at least 4 blight factors are required by State law for urban renewal areas.
- An active search was not conducted for blight factor G. G is “defective or unusual conditions of title rendering the title non-marketable”. Matrix did not research this factor and no evidence was presented that would indicate that

this condition exists within the Study Area. This does not necessarily mean defective or unusual title conditions do not exist.

- A description of each blight factor is included in the blight study report. And a summary of each blight finding is also included in the blight report.

BUDGETARY IMPACTS:

None anticipated

STAFF RECOMMENDATIONS:

- Staff recommends Council approves RESOLUTION 2022-38 Approving a Chapter 14.27 Blight Designation for the two (2) properties at: 1315 & 1341 Lamar Street in Lakewood, Colorado.

ALTERNATIVES:

- City Council may vote to not approve RESOLUTION 2022-38
- City Council may amend RESOLUTION 2022-38 and vote to approve with amendments

PUBLIC OUTREACH:

Proper notice of this Council Meeting was given

ATTACHMENTS: Resolution 2022-38

Map of 1120 Depew Court in Lakewood, Colorado.

Completed Blight Study by Matrix Design Group Inc (Matrix)

REVIEWED BY: Kathleen E. Hodgson, City Manager

Benjamin B. Goldstein, Deputy City Manager

Alison McKenney Brown, City Attorney

1315 and 1341 Lamar Street



2022- 38

A RESOLUTION

APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT 1315 AND 1341 LAMAR STREET IN LAKEWOOD, COLORADO

WHEREAS, in July 2019, a voter-approved initiative limiting residential growth was added to the Lakewood Municipal Code as Chapter 14.27;

WHEREAS, such Chapter 14.27 refers to blighted and distressed areas in section 14.27.010(B) (Encourage redevelopment of blighted and distressed areas), and in section 14.27.020(A) (Structures located, or to be located, upon land that is designated "blighted");

WHEREAS, in January 2020, the City Council approved Resolution 2020-7 defining "blighted," as used in Chapter 14.27, and establishing rules and procedures for requests to designate property as blighted for the purposes of Chapter 14.27;

WHEREAS, in July 2020, the City Council approved Resolution 2020-24 further defining "blighted," as used in Chapter 14.27, and establishing additional criteria within the rules and procedures for requests to designate property as blighted for the purposes of Chapter 14.27;

WHEREAS, the owners of the properties located at 1315 and 1341 Lamar Street in Lakewood (the "Property") have complied with all rules and procedures applicable to requests to designate property as blighted under Chapter 14.27;

WHEREAS, an independent consultant's conditions survey, also known as a "blight study," has concluded that the Property contains sufficient blight conditions to comply with the standards set forth in Resolutions 2020-7 and 2020-24;

WHEREAS, the conditions survey was conducted in conformance with Resolutions 2020-7 and 2020-24 which adopted those criteria and methods required for a determination of a "blighted area" provided within Colorado's Urban Renewal Law, C.R.S. §§ 31-25-101, et seq.; and

WHEREAS, the City Council substantially agrees with the conclusions presented in the Conditions Survey and desires to designate the Property as "blighted" for the purposes of Chapter 14.27.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The properties at 1315 and 1341 Lamar Street, Lakewood, Colorado, are hereby designated as "blighted" for the purposes of Chapter 14.27 of the Lakewood Municipal Code (the "Blight Designation").

SECTION 2. The Blight Designation shall expire upon either the Property's completed redevelopment or five (5) years from the date of this Resolution, whichever occurs first.

SECTION 3. The Blight Designation will apply only for the purposes of Chapter 14.27, will not alter or limit any taxing jurisdiction's legal authority to assess or collect taxes of any kind on the Property, and will not limit the City's eminent domain authority with respect to the Property.

SECTION 4. The Blight Designation shall not be construed as a blight designation for urban renewal purposes and will not place the Property under the Lakewood Reinvestment Authority's jurisdiction.

SECTION 5. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of ____ for and ____ against at a regular hybrid meeting of the City Council on May 9, 2022, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

Adam Paul, Mayor

ATTEST:

Michele Millard, Interim City Clerk

APPROVED AS TO FORM:

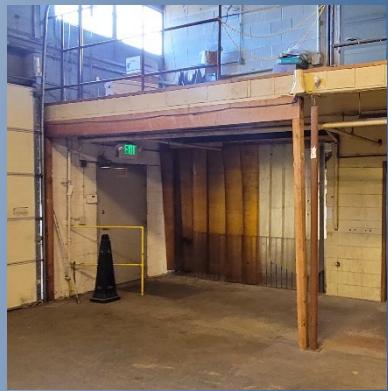
Alison McKenney Brown, City Attorney



Property Conditions Assessment (Blight Study) for 1315 and 1341 Lamar Street

Lakewood, Colorado

February 2022



Prepared for:

Riverpoint Partners, LLC
299 Milwaukee Street, Suite 313
Denver, Colorado 80206



Prepared by:

 **Matrix**

1315 and 1341 Lamar Street Property Conditions Assessment

No document content on this page

Table of Contents

Section 1: Project Overview	1
Section 2: Colorado Urban Renewal Statutes	5
Section 3: Conditions Indicative of the Presence of Blight	9
Section 4: Study Area Location and Description	13
Section 5: Assessment Findings	17
Section 6: Property Conditions Assessment Summary and Conclusion.....	33
Section 7: Lakewood Strategic Growth Initiative	35

1315 and 1341 Lamar Street Property Conditions Assessment

No document content on this page

Section 1: Project Overview

EXECUTIVE SUMMARY

On behalf of Riverpoint Partners, LLC, Matrix Design Group, Inc. (Matrix) has completed a Property Conditions Assessment (also known as a “Blight Study”) for the developable property at 1315 and 1341 Lamar Street in Lakewood, Colorado (Study Area). This Assessment is an examination and analysis of physical conditions identified within a defined geographic area (in this instance the property boundary) to determine if the area qualifies as “blighted” within the meaning of Colorado Urban Renewal Law under the 2016 Colorado Revised Statute (CRS) Title 31, Article 25, Part 1. (*CRS § 31-25-101 et seq.*)

For the current Study Area to qualify as a blighted area, the presence of at least **four** factors of blight (out of a possible eleven) must be identified. Blight factors are indicators of substantially impaired or arrested growth of the municipality, retardation of the provision of housing accommodations, economic or social liability, and can be considered a menace to the public health, safety, morals, or welfare of the area. *CRS § 31-25-103 (2)*

In July 2019, City of Lakewood voters approved a Strategic Growth Initiative that established a building permit management system limiting residential growth in the City to no greater than one percent annually. Properties with a designation of blight are exempt from the one percent rule, thereby encouraging redevelopment of blighted and distressed areas.

This assessment identified conditions of **seven** blight factors within the Study Area including:

- Slum, deteriorated, or deteriorating structures
- Predominance of defective or inadequate street layout
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- Unsanitary or unsafe conditions
- Deterioration of site or other improvements
- Unusual topography or inadequate public improvements or utilities
- Substantial physical underutilization or vacancy of sites, buildings, or other improvements

Based on this Conditions Assessment prepared in accordance with the Colorado Urban Renewal statute, the property located at 1315 and 1341 Lamar Street qualifies as a blighted area.

1315 and 1341 Lamar Street Property Conditions Assessment

METHODOLOGY

The defined geographical area for this Assessment (Study Area) lies entirely within the 0.891-acre property located at 1315 and 1341 Lamar Street in Lakewood, Colorado, includes two parcels identified by the Jefferson County Assessor as Schedule No. 300212714 (1315 Lamar Street) and Schedule No. 300517528 (1341 Lamar Street). Figure 1.1 shows the location of the Study Area in relation to surrounding areas.

Figure 1.1 Study Area Boundary



Data collection for conditions of blight (see Sections 2 and 3 for what constitutes conditions of blight) was accomplished through several means. For those blight conditions that could be identified by visual observations and through the use of maps and referenced aerial photography, Matrix conducted a field survey (site reconnaissance) of the Study Area on January 17, 2022.

For those blight conditions that are not observable in the field (such as traffic data, crime statistics, etc.), blight condition data were obtained from researching available resources including statistical databases.

1315 and 1341 Lamar Street Property Conditions Assessment

Matrix did not conduct an active search for one blight factor identified in the Colorado Urban Renewal statute, ("g. Defective or unusual conditions of title rendering the title non-marketable"), due to the extensive time and cost that would be involved with researching the property title. That does not mean, however, that defective or unusual title conditions do not exist.

1315 and 1341 Lamar Street Property Conditions Assessment

No Document Content on this page

Section 2: Colorado Urban Renewal Statutes

In CRS 31-25 (*§ 31-25-101 et seq.*), the legislature has declared that an area of blight “constitutes a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state in general and municipalities thereof; that the existence of such areas contributes substantially to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of public policy and statewide concern....” *CRS § 31-25-102*.

Under the Urban Renewal Law, the term “blighted area” describes an area with an array of issues, including health and social deficiencies, and physical deterioration. *Colo. Rev. Stat. § 31-25-103(2)*. Before remedial action can be taken, however, the Urban Renewal Law requires a finding by the appropriate governing body that an area such as the Study Area constitutes a blighted area. *CRS § 31-25-107(1)*.

One of the goals of the City of Lakewood Strategic Growth Initiative is to encourage development of blighted and distressed areas. Although residential growth is capped at one percent annually, the Strategic Growth Initiative exempts structures located, or to be located, upon land that is designated as blighted.

For purposes of the Survey, the definition of a blighted area for this property, in which the owner does not object to a designation of blight, is articulated in the Colorado Urban Renewal statute as follows:

“*Blighted area*” means an area that, in its present condition and use and, by reason of the presence of at least **one** of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

- a. Slum, deteriorated, or deteriorating structures;
- b. Predominance of defective or inadequate street layout;
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- d. Unsanitary or unsafe conditions;
- e. Deterioration of site or other improvements;
- f. Unusual topography or inadequate public improvements or utilities;
- g. Defective or unusual conditions of title rendering the title non-marketable;
- h. The existence of conditions that endanger life or property by fire or other causes;

1315 and 1341 Lamar Street Property Conditions Assessment

- i. Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- j. Environmental contamination of buildings or property; or
- k. (actually k.5. in the statute) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements; or
- l. if there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, ‘blighted area’ also means an area that, in its present condition and use and, by reason of the presence of any **one** of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (l), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

The statute also states a separate requirement for the number of blight factors that must be present if private property is to be acquired by **eminent domain**. CRS § 31-25-105.5(5), paragraph (a.) states, “‘Blighted area’ shall have the same meaning as set forth in section 31-25-103 (2); except that, for purposes of this section only, ‘blighted area’ means an area that, in its present condition and use and, by reason of the presence of at least **five** of the factors specified in section 31-25-103 (2)(a) to (2)(l)...”

In any case where the acquisition of property by eminent domain by an authority displaces individuals, families, or business concerns, the authority shall make reasonable efforts to relocate such individuals, families, or business concerns within the urban renewal area, where such relocation is consistent with the uses provided in the urban renewal plan, or in areas within reasonable proximity of, or comparable to, the original location of such individuals, families, or business concerns.

Thus, the state statutes require, depending on the circumstances, that a minimum of **one** (if no objections by owner or tenant), **four** (standard number of blight factors required), or **five** (acquisition by eminent domain) blight factors be present for an area to be considered a “blighted area.”

Several principles have been developed by Colorado courts to guide the

1315 and 1341 Lamar Street Property Conditions Assessment

determination of whether an area constitutes a blighted area under the Urban Renewal Law. First, the absence of widespread violation of building and health codes does not, by itself, preclude a finding of blight. According to the courts, “the definition of ‘blighted area’ contained in [the Urban Renewal Law] is broad and encompasses not only those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisions the prevention of deterioration.” *CRS § 31-25-103.*

Second, the presence of one well-maintained building does not defeat a determination that an area constitutes a blighted area. Normally, a determination of blight is based upon an area “taken as a whole,” and not on a building-by-building, parcel-by-parcel, or block-by-block basis. *CRS § 31-25-103.*

This report makes a recommendation as to whether the Study Area qualifies as a blighted area based on the number of blight factors identified during the Assessment. As discussed in the following sections, **seven** of the eleven factors of blight have been identified within the Study Area indicating that the Study Area qualifies as a blighted area in all scenarios. The final determination of blight must be approved by the Lakewood City Council.

1315 and 1341 Lamar Street Property Conditions Assessment

No document content on this page

Section 3: Conditions Indicative of the Presence of Blight

As discussed in Section 2, the Colorado urban renewal statute provides a list of 11 factors that, through their presence, may allow an area to be declared as blighted. This section elaborates on those 11 factors by describing some of the conditions that might be found within a Study Area that would indicate the presence of those factors.

a. Slum, Deteriorated, or Deteriorating Structures:

During the field reconnaissance of the Study Area, the general condition and level of deterioration of buildings within the Study Area are evaluated. This examination is limited to a visual inspection of the building's exterior condition and is not a detailed engineering or architectural analysis, nor does it include the building's interior. The intent is to document obvious indications of disrepair and deterioration to the exterior of a structure found within the Study Area. Some of the exterior elements observed for signs of deterioration include:

- Primary elements (exterior walls, visible foundation, roof)
- Secondary elements (fascia/soffits, gutters/downspouts, windows/doors, façade finishes, loading docks, etc.)
- Ancillary structures (detached garages, storage buildings, etc.)

b. Predominance of Defective or Inadequate Street Layout:

The presence of this factor is determined through a combination of both field observation as well as an analysis of the existing transportation network and vehicular and pedestrian circulation patterns in the Study Area by persons with expertise in transportation planning and/or traffic engineering. These conditions include:

- Inadequate street or alley widths, cross-sections, or geometries
- Poor provisions or unsafe conditions for the flow of vehicular traffic
- Poor provisions or unsafe conditions for the flow of pedestrians
- Insufficient roadway capacity leading to unusual congestion of traffic
- Inadequate emergency vehicle access
- Poor vehicular/pedestrian access to buildings or sites
- Poor internal vehicular/pedestrian circulation
- Excessive curb cuts/driveways in commercial area

These conditions can affect the adequacy or performance of the transportation system within the Study Area, creating a street layout that is defective or inadequate.

c. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness:

This factor requires an analysis of the parcels within the Study Area as to their potential and usefulness as developable sites. Conditions indicative of the presence of this factor include:

- Lots that are long, narrow, or irregularly shaped
- Lots with limited or no access
- Lots that are inadequate in size
- Lots with configurations that result in stagnant, misused, or unused land
- Lots with billboards that have active leases, making redevelopment more difficult

This analysis considers the shape, orientation, and size of undeveloped parcels within the Study Area and if these attributes would negatively impact the potential for development of the parcel. This evaluation is performed both through observation in the field and through an analysis of parcel boundary maps of the Study Area.

d. Unsanitary or Unsafe Conditions:

Conditions observed within the Study Area that qualify under this blight factor include:

- Floodplains or flood prone areas
- Inadequate storm drainage systems/evidence of standing water
- Poor fire protection facilities
- Fire-prone areas or structures
- Above average incidences of public safety responses
- Inadequate sanitation or water systems
- Existence of contaminants or hazardous conditions or materials
- High or unusual crime statistics
- Open trash dumpsters
- Severely cracked, sloped, or uneven surfaces for pedestrians
- Illegal dumping
- Vagrants/vandalism/graffiti/gang activity
- Open ditches, holes, or trenches in pedestrian areas

These represent situations in which the safety of individuals, especially pedestrians and children, may be compromised due to environmental and physical conditions considered to be unsanitary or unsafe.

e. Deterioration of Site or Other Improvements:

The conditions that apply to this blight factor reflect the deterioration of various improvements made on a site other than building structures. These conditions may represent a lack of general maintenance at a site, the physical degradation of

1315 and 1341 Lamar Street Property Conditions Assessment

specific improvements, or an improvement that was poorly planned or constructed. Overall, the presence of these conditions can reduce a site's usefulness and desirability and negatively affect nearby properties.

- Neglected properties or evidence of general site maintenance problems
- Deteriorated signage or lighting
- Deteriorated fences, walls, or gates
- Deterioration of on-site parking surfaces, curb & gutter, or sidewalks
- Poorly maintained landscaping or overgrown vegetation
- Poor parking lot/driveway layout
- Unpaved parking lot on commercial properties

f. Unusual Topography or Inadequate Public Improvements or Utilities:

The focus of this factor is on the presence of unusual topographical conditions that could make development prohibitive, such as steep slopes or poor load-bearing soils, as well as deficiencies in the public infrastructure system within the Study Area that could include:

- Steep slopes / rock outcroppings / poor load-bearing soils
- Deteriorated public infrastructure (street/alley pavement, curb, gutter, sidewalks, street lighting, storm drainage systems)
- Lack of public infrastructure (same as above)
- Presence of overhead utilities or billboards
- Inadequate fire protection facilities/hydrants
- Inadequate sanitation or water systems

g. Defective or Unusual Conditions of Title Rendering the Title Non-Marketable:

Certain properties can be considered non-marketable making redevelopment overly difficult if they have overly restrictive or prohibitive clauses in their deeds or titles, or if they involve an unusually complex or highly divided ownership arrangement. Examples of conditions considered non-marketable include:

- Properties with covenants or other limiting clauses that significantly impair their ability to redevelop
- Properties with disputed or defective title
- Multiplicity of ownership making assemblages of land difficult or impossible

h. Existence of Conditions that Endanger Life or Property by Fire or Other Causes:

A finding of blight within this factor can result from the presence of the following conditions, which include both the deterioration of physical improvements that can lead to dangerous situations as well as the inability for emergency personnel or

1315 and 1341 Lamar Street Property Conditions Assessment

equipment to provide services to a site:

- Sites inaccessible to fire and emergency vehicles
- Fire-prone areas or structures
- Blocked/poorly maintained fire and emergency access routes/frontages
- Insufficient fire and emergency vehicle turning radii
- Properties not in compliance with fire codes or environmental regulations

i. Buildings that are Unsafe or Unhealthy for Persons to Live or Work In because of Building Code Violations, Dilapidation, Deterioration, Defective Design, Physical Construction, or Faulty or Inadequate Facilities:

Some of the conditions that can contribute to this blight factor include:

- Buildings or properties not in compliance with fire codes, building codes, or environmental regulations
- Buildings with deteriorated elements that create unsafe conditions
- Buildings with inadequate or improperly installed utility components

j. Environmental Contamination of Buildings or Property:

This factor represents the presence of contamination in the soils, water sources, or other locations within the Study Area and may include:

- Presence of hazardous substances, liquids, or gases
- Presence of Environmental Land Use Controls
- Regulatory Oversight or Corrective Actions
- Presence of Recognized Environmental Conditions

k.5 Existence of Health, Safety, or Welfare Factors Requiring High Levels of Municipal Services or Substantial Physical Underutilization or Vacancy of Sites, Buildings, or Other Improvements:

The physical conditions that may contribute to this blight factor include:

- Sites with a high incidence of fire, police, or emergency responses
- Sites adjacent to streets/alleys with a high incidence of traffic accidents
- Sites with a high incidence of code enforcement responses
- An undeveloped parcel in a generally urbanized area
- Vacant, empty, or unused buildings
- A parcel with a disproportionately small percentage of its total land area developed

Section 4: Study Area Location and Description

This Property Conditions Assessment is for the real property located at 1315 and 1341 Lamar Street in Lakewood, Colorado. The property includes two parcels of land identified by the Jefferson County Assessor as:

- *1315 Lamar Street* - Parcel No. 49-012-10-019, PIN/Schedule No. 300212714
- *1341 Lamar Street* - Parcel No. 49-012-10-031, PIN/Schedule No. 300517528

The property is bordered on the east by Lamar Street, on the north by a vacant lot (1347 Lamar Street), on the south by the RTD Light Rail West Line, and on the west by residential properties and undeveloped land.

Currently, the Study Area is composed of three connected manufacturing buildings that span both parcels of land. Two of the facilities are currently vacant and the northern-most building is currently occupied by a poly-tank manufacturing facility. Historically the buildings have been used for many industrial purposes including a plastics fabricator, a graphics company, and a medical supply distributor. Parking and deliveries for all three facilities are on the east side of the property with access from Lamar Street.

Properties west of the Study Area are mostly industrial use including a large brick manufacturing plant located at 1325 Jay Street. Immediately across Lamar Street is a former salvage yard that was mainly used to store junked vehicles and equipment. South of the facility is the RTD Light Rail and the Lamar Street Light Rail Station.

The buildings located onsite were constructed in 1963 and show signs of deterioration on both the interior and exterior. The buildings consist of the following:

1. The southernmost building is a 14,626 square foot masonry/concrete structure with a brick façade. The building is currently vacant and consists of office space and industrial-use space.
2. The middle building is a 5,580 square foot metal-framed structure with metal siding. The building is currently vacant and consists of a large industrial-use area with office space upstairs.
3. The northern-most building is a 4,080 square foot concrete masonry, industrial-use structure with a large furnace currently used to manufacture poly tanks.

1315 and 1341 Lamar Street Property Conditions Assessment

Public access extends the entire length of the eastern edge of the property as there is no curb and gutter along Lamar Street. There is a small parking area at the southernmost building with direct access to garage/delivery bays in the northern portion of the property. A storage area with several empty poly-tanks is located north of the buildings. A chain-linked fence separates the northern portion of the property from the adjacent property at 1347 Lamar Street. A steel fence separates the RTD Light Rail and the southern portion of the property. Figure 4.1 shows a layout of the property.

Figure 4.1 Study Area Layout



City improvement projects including sculptures, building art, decorative lighting, sidewalks, biking paths, and walking paths have been completed along the Lamar Street and Light Rail corridors, including in front the Study Area. A bicycle path follows the Light Rail course south of the Study Area. These projects have been a key investment for the West Colfax Avenue Corridor Reinvestment Area.

As indicated on Figure 4.2, surrounding areas are generally mixed-use with institutional, residential, industrial, and commercial developments. The Regional Transportation District (RTD)'s Light Rail West Line and Lamar Street Station are located adjacent to the Study Area along 13th Avenue. In 2005, the Lakewood

1315 and 1341 Lamar Street Property Conditions Assessment

Reinvestment Authority (LRA) established the 813-acre West Colfax Avenue Corridor Reinvestment Area that encompasses an area along Colfax Avenue from Sheridan Boulevard to Simms Street. This Reinvestment Area, located less than 350 feet north of the Study Area, was established after the area was demonstrated to be blighted according to Colorado State Statute. Redevelopment of the West Colfax Avenue Corridor included the Station Betterment project which allowed funding improvements for light rail stations at Wadsworth Boulevard and Oak Street.

Figure 4.2 Study Area and Surrounding Development Areas



1315 and 1341 Lamar Street Property Conditions Assessment

No document content on this page

Section 5: Assessment Findings

The overall findings of the 1315 and 1341 Lamar Street property are presented below in a format that mirrors the list of factors and conditions of blight discussed in Section 3.

a. Slum, Deteriorated, or Deteriorating Structures

Slum, deteriorated, or deteriorating structures refers to current buildings and ancillary structures that exist within the Study Area boundary. A visual inspection of the exterior building conditions was completed for primary elements (exterior walls, foundations, and roofs), secondary elements (façade finishes, fascia/soffits, gutters/downspouts, windows/doors, patios, loading docks, etc.), and ancillary structures (trailers, storage facilities, etc.).

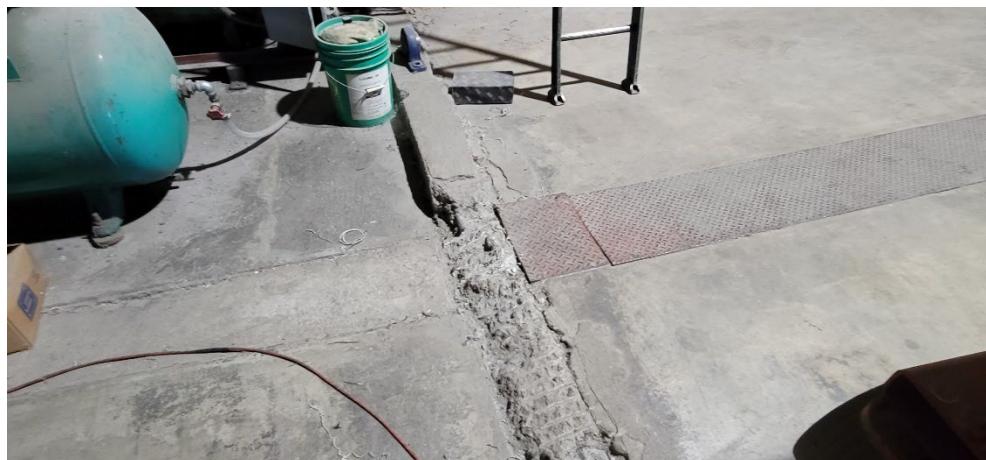
Based on visual observation, the structures within the Study Area are exhibiting signs of deterioration with conditions ranging from poor to fair. The following pictures show examples of the deteriorating structures onsite.



1315 and 1341 Lamar Street Property Conditions Assessment



1315 and 1341 Lamar Street Property Conditions Assessment



1315 and 1341 Lamar Street Property Conditions Assessment

b. Predominance of Defective or Inadequate Street Layout

The Study Area is located along Lamar Street, a local collector street located in an area that has seen resurgent growth over the past few years. Curb and gutter and sidewalks were installed in 2014 along the east side of Lamar, however no curb and gutter nor sidewalks exist along the west side of Lamar Street in front of the Study Area. Lamar Street crosses over the RTD Light Rail at 13th Avenue making it one of the more heavily traveled streets in the area.

According to the City of Lakewood Transportation Engineering Design Standards (Green Book), a minor collector street, by definition, typically has traffic volumes up to 7,000 vehicles per day and is designed to handle traffic volumes loading from and onto local, other collector, and arterial roadways. Traffic control on minor collectors is generally provided by roundabouts or stop signs and no back-out drives are permitted.

The standard design for collector streets shows a minimum width of 36 feet flowline to flowline. The width of Lamar Street in front of the Study Area is less than 30 feet between flowlines which, per the Design Standards, is inadequate. In addition, the Study Area itself, based on the amount of distance between the building and the street, would, by necessity, require back-out or back-in traffic during loading and unloading at the buildings' docks. This is also inadequate per the Design Standards.

Because there is no curb and gutter, there are no street cuts along Lamar Street for the Study Area and access along Lamar Street is open to all traffic with no designated entrance point. This unlimited access has the potential to disrupt local traffic flows along Lamar Street. There are also no sidewalks along the west side of Lamar Street increasing potential issues for pedestrian traffic. With no marked entry points and with no sidewalks, pedestrian traffic along the west side of Lamar Street will see increased risk.



1315 and 1341 Lamar Street Property Conditions Assessment

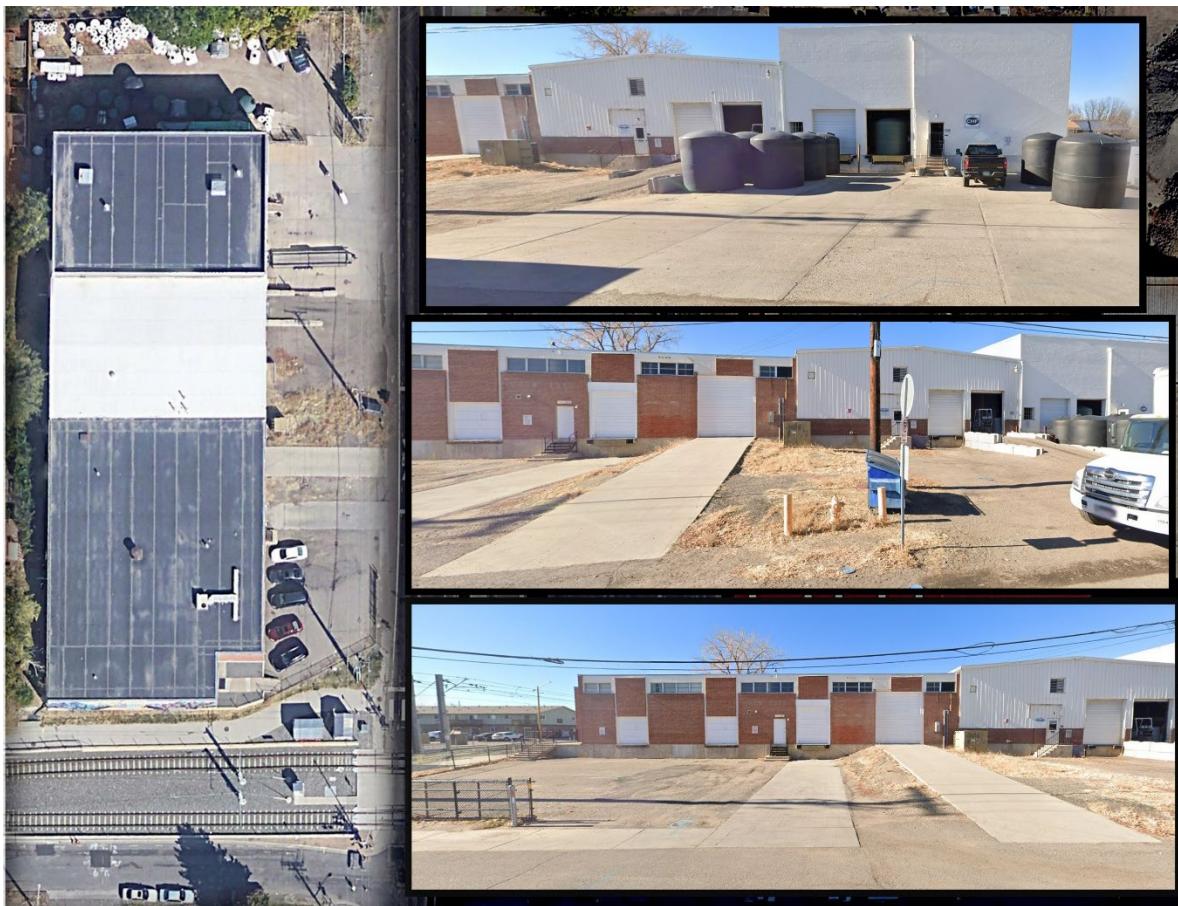


The inadequate width of Lamar Street combined with the lack of curb/gutter, unsafe conditions for pedestrian access, and the necessity for back-out or back-in traffic during loading, **Blight Factor: Predominance of Defective or Inadequate Street Layout is present.**

c. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness

1315 and 1341 Lamar Street Property Conditions Assessment

Figure 5.1 Site Parking and Site Access Constraints



As shown in Figure 5.1, the Study Area lacks adequate parking for the amount of office/industrial building space present. Currently there are no designated parking areas and with the presence of dock doors there is room for fewer than five personal vehicles. Additionally, there are no delineated access points to Lamar Street causing internal traffic circulation issues. In addition, if the industrial facility were fully operational as designed, truck loading at the property would create significant traffic issues on Lamar Street. **Blight Factor: Faulty Lot Layout is present.**

d. Unsanitary or Unsafe Conditions

1315 and 1341 Lamar Street Property Conditions Assessment

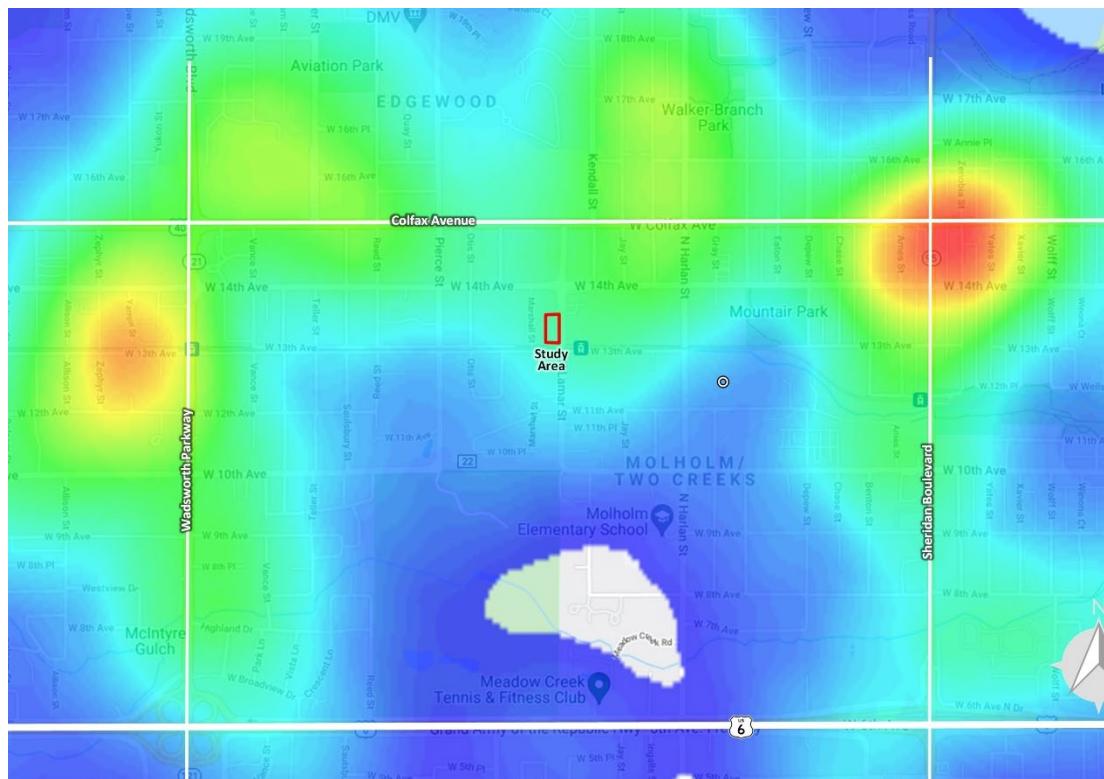
Matrix also reviewed the Federal Emergency Management Agency (FEMA) floodplain database, crime statistics for the City of Lakewood, and completed a review of environmental databases to identify additional unsanitary or unsafe conditions.

The FEMA floodplain map indicates that the property is not within the Dry Gulch or Lakewood Gulch floodplain and is therefore not considered an issue.

As part of the Conditions Survey, Matrix interviewed site personnel who indicated that the property has significant problems with the homeless population including the continued presence of used syringes/needles, encampments north and west of the property, and fecal matter/trash left over by the homeless. Recently the homeless started a fire on the west side of the property behind the building that caused smoke damage to the façade.

In addition, site personnel indicated the property has had encounters with local gangs including numerous instances of graffiti and a bullet entering the facility from a drive-by shooting. Matrix reviewed the interactive Community Crime Map for 2021 to further analyze crime data for the Study Area and surrounding areas. As indicated on the crime concentration map (Figure 5.2), the Study Area is in an area of increased crime risk.

Figure 5.2 2021 Crime Density Map



1315 and 1341 Lamar Street Property Conditions Assessment

An open dumpster was also observed at the property along Lamar Street. Based on the site layout, there is not a desirable place to store a dumpster at this property. The dumpster is not locked or enclosed and has, in the past, caused additional sanitary conditions at the site including illegal public dumping.



Evidence of unsanitary and/or unsafe conditions were identified at and near the Study Area. **Blight Factor: Unsanitary or Unsafe Conditions is present.**

The deterioration of the site or other improvements refers to improvements made on a site other than building structures (e.g. pavement, sheds, infrastructure, landscaping). This condition of blight was identified throughout the Study Area boundary where damaged paving, deteriorating exterior stairs, deteriorating foundation and little to no maintained landscaping was observed. The following pictures provide evidence of deteriorating/deteriorated site and other improvements.



1315 and 1341 Lamar Street Property Conditions Assessment



1315 and 1341 Lamar Street Property Conditions Assessment



Deficiencies in infrastructure, public improvements, and utilities were identified within the Study Area boundary. The main issue observed during the site reconnaissance included a general lack of public improvements, a lack of engineered drainage, and no curb/gutter along Lamar Street. The presence of potentially developmentally prohibitive overhead utilities was also observed.

1315 and 1341 Lamar Street Property Conditions Assessment



This factor was not researched, and no evidence was presented to Matrix that would indicate that this condition exists within the Study Area.

This blight factor was not determined.

h. Existence of Conditions that Endanger Life or Property by Fire or Other Causes

No conditions were observed during the field investigation that indicate conditions that endanger life or property.

This blight factor is not considered to be present in the Study Area.

i. Buildings that are Unsafe or Unhealthy for Persons to Live or Work in Because of Building Code Violations, Dilapidation, Deterioration, Defective Design, Physical Construction, or Faulty or Inadequate Facilities

Although deterioration was identified as a part of the Blight Study, no buildings appeared to be unsafe or unhealthy because of building code violations, dilapidation, defective design, physical construction, or inadequate facilities.

This blight factor is not considered to present in the Study Area.

j. Environmental Contamination of Buildings or Property

To assess potential environmental impacts to the property, Matrix completed a file review consistent with the Environmental Protection Agency's (EPA) Practices for All Appropriate Inquiries (AAI) (40 CFR Part 312) and the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (Standard E 1527-13).

In addition to the file review, Matrix completed a visual investigation of properties surrounding the Study Area boundary to assess potential environmental impacts associated with current or past site uses. Styro-Molders Corporation, a polystyrene foam product manufacturer, historically operated at the Study Area and was identified in the database search as a regulated stationary minor air source in 2009. No other regulatory records were found for the Study Area itself.

Numerous additional properties were, however, identified in governmental databases within a half mile of the Study Area, including Resource Conservation and Recovery Act (RCRA) Corrective Action sites, drycleaners, designated brownfield voluntary cleanup sites, leaking underground storage tanks (LUST)s, etc. Some of the more significant potentially impacted sites located in the Colfax Avenue corridor include:

- Your One Hour Cleaners located at 1515 Pierce Street is approximately 1,540 feet northwest of (potentially upgradient to) the Study Area. This site is a RCRA Corrective Action Site with known groundwater contamination and is under a Colorado Department of Public Health and Environment (CDPHE) Compliance Order.
- The Goodyear property located at 6400 West Colfax Avenue approximately 825 feet north of (upgradient to) the Study Area was the site of LUST and a voluntary brownfield cleanup. This site received a No Action Determination (NAD) from the CDPHE in 2008.
- Minute Cleaners and Sharon Dry Cleaners located at 6465 and 6469 West Colfax Avenue, respectively, are identified in the drycleaner database. Chemical releases from drycleaner sites have the potential to impact

1315 and 1341 Lamar Street Property Conditions Assessment

groundwater in the area.

- Lamar Station Crossing located at 6150 West 13th Avenue, east-southeast of the Study Area, was listed as a Brownfield Site (asbestos and PAHs) and was developed under the CDPHE Voluntary Cleanup Program.
- The Wolfe Miller Shopping Center located at 6469 West Colfax Avenue is approximately 870 feet north of (upgradient to) the Study Area. The shopping center was the site of a RCRA Corrective Action in 2002 due to soil contamination. Remedial activities were completed in May 2002.

The following locations were also identified in the governmental file review and are located within one quarter mile of the Study Area:

- In August 1990 at 14th Avenue and Lamar Street, public service workers ruptured a natural gas line causing a flash fire. More than 100 people were evacuated from the area.
- In July 2019 at 13th Avenue and Lamar Street, contractors ruptured a potable water line. The resulting release was bermed and escaped water made its way into storm drains in the area.
- The Adams Fine Furniture and Cabinetry site located approximately 240 feet northeast of the Study Area at 1390 Lamar Street was listed as a Resource Conservation and Recovery Act (RCRA) conditionally exempt small quantity generator in 2012.
- Lakewood Fire Station #1 located approximately 400 feet north of the Study Area at 6401 W 14th Avenue historically contained underground kerosene and diesel storage tanks; however, according to the Colorado Department of Labor and Environment Division of Oil and Public Safety (OPS), these tanks have been closed and are no longer active. In September 1990, a release was confirmed from one of the underground petroleum storage tanks. The cleanup was initiated in September 1990 and a site investigation was completed. In 1995, the OPS issued a No Further Action (NFA) status for the site, indicating that cleanup had been achieved and no further cleanups or investigations were required.
- The Columbine Paper Supply company located east of the Study Area at 1300 Lamar Street historically contained underground gasoline storage tanks which have been closed according to the OPS.
- Lakewood Brick & Tile Company located approximately 820 feet east of the Study Area at 1325 Jay Street was reported to have a LUST in August of 1991. Remediation of the site was completed in February 2008 when a Tier II closure was approved. A Tier II closure indicates contamination may still exist at the site. This means that contaminated media potentially exists at concentrations exceeding Tier I Risk-based Screening Levels (RBSL) at the site, however, to receive Tier II site closure the following

1315 and 1341 Lamar Street Property Conditions Assessment

conditions must be met:

1. Contaminant concentrations are lower than site-specific target levels,
2. groundwater concentrations at the point of compliance monitoring well located upgradient to the nearest point of exposure (POE) are below Tier I Risk-based Screening Levels (RBSL), and
3. Fate and Transport modeling shows that POEs will not be impacted in the future at concentrations exceeding RBSLs.

The Study Area is in an area where industrial development is common, and numerous sites were identified upgradient to (north and northwest of) the Study Area. These sites include RCRA Corrective Action sites, drycleaners, voluntary cleanup sites, and historical LUSTs.

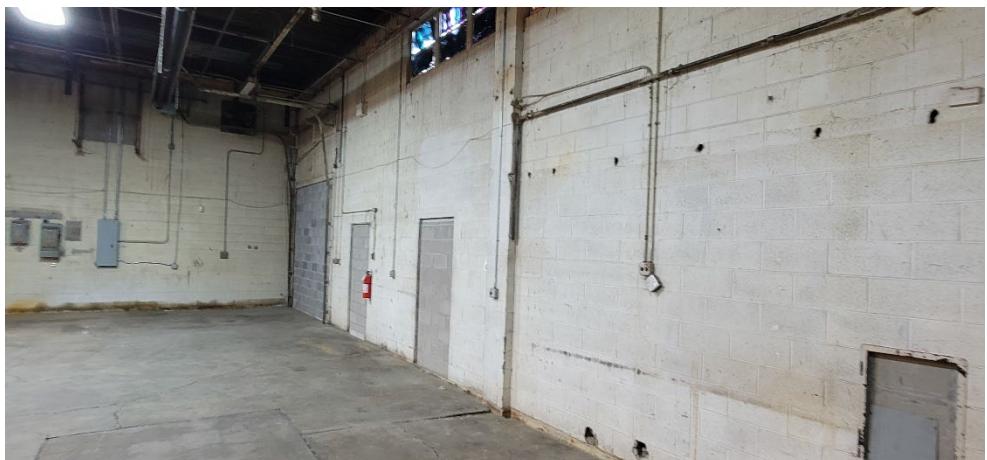
Although the Study Area is a historic industrial facility and is in an area with historic industrial properties and known contamination, no visual evidence of environmental contamination that would require regulatory involvement for the property was observed, although it would be recommended that an assessment for asbestos containing materials be completed prior to any building demolition or redevelopment. Also, based on the historic past land usage for the building, an Environmental Site Assessment would be recommended.

The Study Area does have an increased risk of environmental contamination based on historical past usage and the proximity of numerous regulatory sites, however no evidence of environmental contamination at the site was identified as part of this study. **At this time, this blight factor is not considered to be present for the Study Area. Additional data from future environmental studies or assessments may, however, indicate the presence of environmental contamination.**

k.5 The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

The Study Area consists of three manufacturing/industrial facilities comprising approximately 24,300 square feet. Two of the buildings accounting for 20,200 square feet are currently vacant and unused, a vacancy rate of 83%. In addition, the west side of Lamar Street has very few municipal improvements including a lack of drainage control (no curb and gutter), no sidewalk, and no street lighting. The west side of Lamar also still utilizes overhead utility lines supplying power to the building.

1315 and 1341 Lamar Street Property Conditions Assessment



The property is in a highly developed part of Lakewood, just south of the Colfax Avenue commercial corridor. Development in the area has been sparked by creation of the West Colfax Avenue Corridor Reinvestment Area and the construction of the RTD West Light Rail Line. Many of the surrounding properties have undergone redevelopment and the City has completed numerous

1315 and 1341 Lamar Street Property Conditions Assessment

improvements along city right of ways including the east side of Lamar Street, however no improvements have been completed along the west side of Lamar Street.

Because of the 83% vacancy rate at the property and the lack of public improvements on the west side of Lamar Street, **Blight factor ... substantial physical underutilization or vacancy of sites, buildings, or other improvements is present.**

Section 6: Property Conditions Assessment Summary and Conclusion

Within the entire Study Area, **seven** of the eleven blight factors were identified as being present. The blight factors identified within the Study Area include:

- a. Slum, deteriorated, or deteriorating structures
- b. Predominance of defective or inadequate street layout
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- d. Unsanitary or unsafe conditions
- e. Deterioration of site or other improvements
- f. Unusual topography or inadequate public improvements or utilities.
- k.5. The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.

For this Conditions Assessment, **seven** blight factors were identified within the Study Area, therefore a sufficient number of blight factors exist under Colorado Urban Renewal Law.

It is the conclusion of this Conditions Assessment Report that the Study Area, in its present condition, exhibits a sufficient level of blight to be considered a “blighted area.”

1315 and 1341 Lamar Street Property Conditions Assessment

No document content on this page

Section 7: Lakewood Strategic Growth Initiative

In July 2019, City of Lakewood voters approved a Strategic Growth Initiative that established a building permit management system limiting residential growth in the City to no greater than one percent annually. Properties with a designation of blight are exempt from the one percent rule, thereby encouraging redevelopment of blighted and distressed areas. As indicated in this assessment, this property qualifies as blighted, and any proposed residential development would therefore be considered exempt from the growth cap.

Development of this property will likely result in increased property values, additional tax revenue, and an overall improvement of the areas surrounding the property.