

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD, COLORADO
VIRTUAL MEETING
JULY 12, 2021
7:00 P.M.

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/>

Phone Number for Public Comment:

Join from a PC, Mac, iPad, iPhone, or Android device:

<https://lakewood.zoom.us/j/98241812713>

Phone Number for Public Input: **1-669-900-9128**

Webinar ID: **982 4181 2713, #, #**

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

Press *6 to Unmute

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ITEM 1 - CALL TO ORDER

ITEM 2 - ROLL CALL

ITEM 3 - PLEDGE OF ALLEGIANCE

ITEM 4 - 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.

ITEM 5 - EXECUTIVE REPORT

CITY MANAGER

ITEM 6 - MOTION TO EXTEND EMERGENCY DECLARATION - TO JULY 26, 2021

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

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

ITEM 7 – RESOLUTION 2021-29 - AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM ROGER GUZMAN, FOR OPEN SPACE AND PARK PURPOSES, INCLUDING ACCEPTANCE OF A DEED THEREFOR

ITEM 8 – RESOLUTION 2021-34 – REVISING THE FEE SCHEDULE FOR CONTRACTOR REGISTRATIONS

ITEM 9 – ORDINANCE O-2021-20 - AMENDING TITLE 2, CHAPTER 2.56, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE PERMANENT ESTABLISHMENT OF A FOURTH SUBCOMMITTEE TO THE LAKEWOOD ADVISORY COMMISSION CONCERNING DIVERSITY AND OTHER GENERAL AMENDMENTS

ITEM 10 – APPROVING MINUTES OF CITY COUNCIL MEETINGS
Regular Meeting June 14, 2021

ITEM 11 – ACCEPTING MINUTES OF THE BOARDS AND COMMISSIONS
LAC Full Commission Meeting May 19, 2021

END OF CONSENT AGENDA

RESOLUTIONS

ITEM 12 – RESOLUTION 2021-35 – A RESOLUTION: APPROVING A CHAPTER 14.27 BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTIES LOCATED AT 955-999 SHERIDAN BOULEVARD IN LAKEWOOD, COLORADO

ITEM 13 – RESOLUTION 2021-33 – APPROVING AN ECONOMIC INCENTIVE AGREEMENT WITH HANZON STUDIOS, INC. (“ARTIST/FOUNDER”) FOR AN IMMERSIVE HOLIDAY ATTRACTION (“CAMP CHRISTMAS”) AT HERITAGE LAKEWOOD BELMAR PARK AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

ORDINANCES ON SECOND READING AND PUBLIC HEARINGS

ITEM 14 – ORDINANCE O-2021-18 – AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$700,000.00 FROM THE ECONOMIC DEVELOPMENT FUND

TO THE 2021 FISCAL YEAR TO SUPPORT THE CAMP CHRISTMAS PROJECT AT
HERITAGE LAKEWOOD AT BELMAR PARK

ITEM 15 – GENERAL BUSINESS

A. CITY COUNCIL AGENDA ITEM REQUEST FOR CONSIDERATION

- 1) Council member Gutwein
- 2) Council members Johnson and Able

ITEM 16 – MAYOR AND CITY COUNCIL REPORTS

A. COUNCIL MEMBERS BY WARD

B. MAYOR

ITEM 17 – ADJOURNMENT



**PROCLAMATION OF THE CITY MANAGER OF THE CITY OF LAKEWOOD,
COLORADO DECLARING A STATE OF DISASTER AS A RESULT OF THE NOVEL
CORONAVIRUS (COVID-19)**

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary declared a public emergency for the novel coronavirus (COVID-19) beginning on January 27, 2020; and

WHEREAS, on March 10, 2020, Colorado Governor Jared Polis declared a State of Disaster Emergency as the number of identified COVID-19 cases in Colorado increased, and announced numerous emergency measures to protect public health and safety; and

WHEREAS, the Jefferson County Department of Public Health has informed the City of Lakewood that the number of confirmed cases of COVID-19 in Jefferson County continues to increase; and

WHEREAS, the cost and magnitude of responding to and recovery from the impact of the COVID-19 Pandemic may be far in excess of the City's available resources; and

WHEREAS, declaration of a local disaster emergency will assist and permit access to local emergency funds and Federal and State assistance, and will allow adjustments to policies, procedures, and ordinances to ensure the public's health and welfare; and

WHEREAS, it is appropriate and in the interests of the public health and safety of the City and its residents to rapidly address community spread of COVID-19 and subsequent cascading impacts, such as economic distress, and to further protect the health and safety of the public by declaring a state of disaster in the City of Lakewood; and

WHEREAS, the situation is sufficiently serious that it has become necessary for the City Manager to declare a state of disaster within the City of Lakewood pursuant to Chapter 1.27 of the Lakewood Municipal Code, and to exercise the City Manager's emergency powers set forth therein; and

WHEREAS, I have reviewed the situation, consulted with City of Lakewood Department Directors and the Jefferson County Director of Public Health, and verified the existence of the state of disaster cited below, and the necessity for me to take immediate, extraordinary action as outlined in this Proclamation.

**NOW, THEREFORE, I, KATHLEEN E. HODGSON, AS CITY MANAGER OF THE
CITY OF LAKEWOOD, COLORADO, DO PROCLAIM AND ORDER AS FOLLOWS:**

SECTION 1. DECLARATION OF STATE OF DISASTER

A. Based on my review of the present circumstances and my consultations with City of Lakewood Department Directors, the Jefferson County Director of Public Health and the Director of the Colorado Department of Public Health and Environment, I have determined that a state of disaster exists requiring and authorizing me to exercise any or all of the emergency powers vested in me as City Manager by Lakewood Municipal Code Chapter 1.27 as described in this Proclamation. The issuance and execution of this Proclamation declaring a state of disaster shall automatically empower me as the City Manager to exercise any and all of the disaster and emergency powers and shall activate all relevant portions of the Emergency Plan and Management System. Nothing in this Proclamation shall be construed to limit or reduce the authority or powers available to the City Manager pursuant to Chapter 1.27, and all provisions of Chapter 1.27 shall remain in full force and effect regardless of whether those provisions are referenced herein.

B. I will be exercising the authority provided in Chapter 1.27 through the mechanisms identified therein, including through the promulgation of such regulations as I deem necessary to protect life and property and preserve critical resources, through the issuance of emergency orders, proclamations and other enactments and through the use and direction of City personnel, services and equipment and such additional acts necessary for the management of the state of disaster.

C. Pursuant to Lakewood Municipal Code section 1.27.071, it is unlawful for any person to violate or to knowingly fail to obey any order or regulation made or issued pursuant to that Chapter. Penalties for violations of any order or regulation promulgated by the City Manager or for violations of any provision of Chapter 1.27 shall be as set forth in Section 1.27.120 of the Lakewood Municipal Code.

SECTION 2. DISTRIBUTION OF DECLARATION OF STATE OF DISASTER

Once issued, this Proclamation shall be properly published and disseminated to the public and filed with the City Clerk and the City Council. A copy of this Proclamation shall be forwarded to the Colorado Division of Emergency Management and the Department of Local Affairs.

SECTION 3. DURATION OF DECLARATION OF STATE OF DISASTER.

Pursuant to LMC Section 1.27.060(D), the state of disaster declared by this Proclamation shall remain in effect until the City Manager declares by Proclamation that the threat of danger has passed or that the disaster conditions no longer exist, suggesting that the City Manager has the authority to declare a state of disaster of indefinite duration. However, Section 1.27.060(D) further provides that a declaration of a state of disaster cannot extend beyond seven days, unless a majority of the City Council approves a longer duration. Inasmuch as the COVID-19 disaster will obviously extend well beyond seven days, the City Manager intends to ask the City Council to vote, at its next meeting, to declare the state of disaster to continue indefinitely. In making the ultimate determination as to whether the danger has passed or the disaster conditions no longer exist, the City Manager may consider such factors as whether the state of Colorado's declaration of disaster has been terminated.

SIGNED THIS 17th DAY OF March

BY: Kathleen E. Hodgson

Kathleen E. Hodgson, City Manager
City of Lakewood, Colorado

ATTEST:

Michele Millard

Michele Millard, City Clerk
City of Lakewood, Colorado



STAFF MEMO

DATE OF COUNCIL MEETING: JULY 12, 2021/ AGENDA ITEM NO. 7

To: Mayor and City Council

From: Kit Newland, Director Department of Community Resources, 303-987-7822

Subject: **A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM ROGER GUZMAN, FOR OPEN SPACE AND PARK PURPOSES, INCLUDING ACCEPTANCE OF A DEED THEREFOR**

SUMMARY STATEMENT: A resolution declaring the intent to purchase .59 acres of land adjacent to the Two Creeks Park from Roger Guzman, for open space and park purposes.

BACKGROUND INFORMATION: The City of Lakewood has been acquiring land along Dry Gulch since 2003 to preserve the flood plain and provide recreational opportunities in the northeast area of Lakewood. Based on the Conservation Fund Gap Analysis completed in the spring of 2019, the Community Resources Department has been focusing particular attention on identifying parkland acquisition opportunities in northern areas of the city. The car wash parcel will provide additional space to accommodate park facilities and encourage visibility into the existing property known as Two Creeks Park. This is an opportune time to acquire this parcel as we will be developing this park site within the next year.

Department staff identified this property was for sale and has come to terms with the current owner.

BUDGETARY IMPACTS: The City Council has appropriated \$8,500,000 for park acquisitions from the first installment of TABOR refund recaptures.

Plans for the use of the property will involve removal of structures and later, development of park improvements. There will be costs associated with the construction of improvements. The development of the site is initially funded in the five-year capital plan for 2022.

Ongoing maintenance will be to the level of other neighborhood parks.

STAFF RECOMMENDATIONS: The Department of Community Resources recommends the adoption of the attached resolution and approval for acquisition of this parcel of land for open space or park property.

ALTERNATIVES: The alternative to this proposal would be to let the property be sold to a private entity. The property is currently zoned M-R-U, mixed use residential urban context.

PUBLIC OUTREACH: No public outreach has been specifically conducted regarding the acquisition of property.

NEXT STEPS: Upon adoption of the resolution, the City will proceed with the acquisition of the property and begin plans for clearing and development of park improvements.

ATTACHMENTS: Resolution 2021-29
Site map

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

A RESOLUTION

AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM ROGER GUZMAN, FOR OPEN SPACE AND PARK PURPOSES, INCLUDING ACCEPTANCE OF A DEED THEREFOR

WHEREAS, the City of Lakewood (the "City") desires to purchase approximately .59 acres of land generally located in the southwest quarter of the northeast quarter of Section 2, Township 4 South, Range 69 West of the 6th P.M., County of Jefferson, State of Colorado, and as more particularly described in Exhibit "A" attached hereto (the "Property"), for the purpose of preserving the Property for open space and park purposes;

WHEREAS, the City will acquire the Property in accordance with the terms of a Purchase and Sale Agreement between the City and Roger Guzman, (the "Purchase Agreement");

WHEREAS, the City has unallocated balances in the TABOR Fund for park and open space acquisition, and the City Council desires to authorize expenditures therefrom to purchase the Property;

WHEREAS, the purchase of the Property for park purposes aligns with one of the City's goals to purchase land for park property adjacent to existing parkland, and this site is directly adjacent to Two Creeks Park;

WHEREAS, the purchase price for the Property is not to exceed One Million One Hundred Thousand dollars (\$1,100,000);

WHEREAS, City staff has performed a "due diligence" inspection of the Property that includes a title commitment, survey, and environmental reports, and the City Attorney's Office will review and approve the final Purchase Agreement as to form; and

WHEREAS, the City Council hereby finds and determines that authorizing the purchase of the Property using funds from the TABOR Fund for park and open space acquisition is and shall be in the best interest of the residents of the City.

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

SECTION 1. The City of Lakewood hereby declares its intent to purchase the Property in fee simple for open space and park purposes.

SECTION 2. The purchase of the Property will serve a public purpose and further the health and welfare of the residents of Lakewood.

SECTION 3. The City Manager or designee is hereby authorized to execute the Purchase Agreement and all other documents necessary to facilitate or complete the

acquisition of the Property, following review and approval of all such documents by the City Attorney's Office.

SECTION 4. The City Council hereby authorizes the expenditure of up to One Million One Hundred Thousand dollars (\$1,100,000) from the TABOR Fund for fiscal year 2021 for the purchase of the Property.

SECTION 5. The City's Chief Financial Officer is hereby authorized and directed to pay amounts not to exceed One Million One Hundred Thousand dollars (\$1,100,000) for the acquisition of the Property upon receipt of appropriate documentation.

SECTION 6. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED, by a vote of __ for and __ against, at a virtual regular meeting of the Lakewood City Council held on July 12, 2021, at 7 o'clock p.m.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A
LEGAL DESCRIPTION

TWO CREEKS PARK ADDITION

A PARCEL OF LAND BEING 3 PARCELS OF LAND LYING IN BLOCK 61, **LAKEWOOD**, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 2, PAGES 14 AND 15, OF THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER, FURTHER LYING IN THE NORTHEAST ONE-QUARTER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

THE WEST 175 FEET OF THE NORTH 57.5 FEET OF THE SOUTH ONE-HALF OF SAID BLOCK 61, **EXCEPT** THAT PORTION DESCRIBED IN BOOK 1316 AT PAGE 154, OF SAID RECORDS;

PARCEL B:

THE SOUTH 22 FEET OF THE NORTH ONE-HALF OF SAID BLOCK 61, **TOGETHER WITH** THE WEST ONE-HALF OF VACATED WEBSTER STREET (PLATTED AS FIFTEENTH STREET) LYING EAST OF AND ADJOINING SAID SOUTH 22 FEET, **EXCEPT** THAT PORTION DESCRIBED IN BOOK 1316 AT PAGE 154, OF SAID RECORDS, AND **EXCEPT** THAT PORTION DESCRIBED AT RECEPTION NO. 2007063404 AND 2007063405, OF SAID RECORDS;

PARCEL C:

THAT PORTION OF SAID BLOCK 61 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 22 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTH ONE-HALF (N½) OF SAID BLOCK 61;

THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID N½, A DISTANCE OF 175 FEET;

THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID BLOCK 61, A DISTANCE OF 90 FEET, MORE OR LESS, TO THE SOUTH LINE OF THAT PARCEL DESCRIBED IN BOOK 1842 AT PAGE 735, OF SAID RECORDS;

THENCE WESTERLY ALONG SAID SOUTH LINE, A DISTANCE OF 175 FEET, MORE OF LESS, TO THE WEST LINE OF SAID BLOCK 61;

THENCE SOUTH ALONG SAID WEST LINE, A DISTANCE OF 90 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**;

EXCEPT THAT PARCEL DESCRIBED IN BOOK 1427 AT PAGE 366, OF SAID RECORDS;

EXCEPT THAT PARCEL DESCRIBED AT RECEPTION NO. 85095943, OF SAID RECORDS;

EXCEPT THOSE PARCELS DESCRIBED AT RECEPTION NO. 2007063404 AND 2007063405, OF SAID RECORDS.

AREA MAP



Two Creeks Park

Exhibit A

STAFF MEMO

DATE OF COUNCIL MEETING: JULY 12, 2021 / AGENDA ITEM NO. 8

To: Mayor and City Council

From: Jay N. Hutchison, Director of Public Works, 303-987-7901

Subject: **RESOLUTION UPDATING CONTRACTOR REGISTRATION FEES**

SUMMARY STATEMENT: This resolution would update the fees for contractor registrations.

BACKGROUND INFORMATION: The Lakewood Municipal Code requires that contractors working within the city, either on private property or within the public right-of-way, be registered with the city before permits are issued.

The Lakewood contractor registration process is not a licensing process and does not include testing to ensure competence. General experience of new registrants is reviewed as part of the registration process. For example, a contractor whose only experience has been reroofing single-family homes would not be eligible for a registration that would allow the contractor to build a new single-family home.

The registration process allows the city to obtain adequate contact information, names of individuals authorized to obtain permits on the contractor's behalf, and information required by the state and federal governments such as Master's licenses issued by Colorado State Electrical Board or Plumbing Board, and proof of good standing with the Colorado Secretary of State.

As part of the current update to the city's permit software system, contractors will be able to apply for and pay for registrations electronically. To streamline the process and to improve efficiency, changes to the registration structure are proposed.

Currently, contractors may choose to be registered for one, two or three years. A reduction in fees, on a per year basis, is offered for the longer registration periods to reflect the reduced City staff time necessary for longer-term registrations compared to repetitive annual registrations. Every new registration is probationary for the first year, although currently the registration may have been issued for more than one year. Staff is proposing that all new registrations be issued for one year, aligning the length of the probationary period with the initial registration period.

Staff is proposing that all renewal registrations be issued for three years, expanding the length of time each renewing contractor may obtain permits without additional city processing costs or fees attributable to registration.

These changes eliminate the option to register for a two-year period and that fee classification is proposed to be removed from the fee schedule. The fees for the one-year and three-year registration periods remain the same as in the current fee schedule. As required by state law, no fee is charged for electrical contractor registrations. The current and proposed fee schedules are as follows:

Current fee schedule:

CONTRACTOR REGISTRATION	FEES		
REGISTRATION TYPE	1 YEAR	2 YEAR	3 YEAR
Building			
Unlimited Commercial			
Limited Commercial (limited to 2-story)	\$150.00	\$275.00	\$400.00
Residential			
Commercial/Residential remodel			
Plumbing	\$150.00	\$275.00	\$400.00
Mechanical	\$150.00	\$275.00	\$400.00
Municipal	\$150.00	\$275.00	\$400.00
Special	\$80.00	\$145.00	\$210.00
Electrical	No fee	Not available	Not available

Proposed fee schedule:

CONTRACTOR REGISTRATION	FEES	
CLASSIFICATION	ALL NEW REGISTRATIONS 1 YEAR	ALL RENEWAL REGISTRATIONS 3 YEARS
Building		
A-1 Unlimited Commercial		
A-2 Limited Commercial (limited to 2-story)	\$150.00	\$400.00
A-3 Residential		
A-4 Commercial/Residential remodel		
Plumbing	\$150.00	\$400.00
Mechanical	\$150.00	\$400.00
Municipal	\$150.00	\$400.00
Special	\$80.00	\$210.00
Electrical	No fee	No fee

BUDGETARY IMPACTS: Revenue from contractor registrations is primarily driven by the number of registrations received in any particular year. The modifications in the proposed resolution are not anticipated to have significant effects on revenue. The changes will improve clarity and improve efficiency for city staff and contractors without reducing the value of contractor registrations.

STAFF RECOMMENDATION: Approval of the resolution.

ALTERNATIVES: City Council could choose to not approve this resolution and the existing fees for contractor registrations would remain in place. This would require reconfiguration of the update to the permit system and would likely delay the implementation of the new system.

PUBLIC OUTREACH: Notification has been made through the City Council agenda process.

NEXT STEPS: If the City Council approves the resolution, the fees will be updated and will become effective with implementation of the new permit system, which is expected to be late summer.

ATTACHMENTS: Resolution 2021-34
Resolution with redlines showing proposed fee changes

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

A RESOLUTION

REVISING THE FEE SCHEDULE FOR CONTRACTOR REGISTRATIONS

WHEREAS, Lakewood Municipal Code (“LMC”) Section 14.11.060 authorizes the City Council to adopt contractor registration fees by resolution;

WHEREAS, City staff have proposed changes to the contractor registration fee schedule to align the length of the probationary period for new contractors with the initial registration period and to eliminate the two-year registration period to help improve efficiency; and

WHEREAS, the City Council hereby finds and determines that adopting the revised contractor registration schedule of fees below is and shall be in the best interest of the residents of the City.

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

SECTION 1. The following fee schedule is hereby adopted for contractor registrations, effective upon implementation within the eTRAKiT permit system:

CONTRACTOR REGISTRATION CLASSIFICATION	FEES	
	ALL NEW REGISTRATIONS 1 YEAR	ALL RENEWAL REGISTRATIONS 3 YEARS
Building		
A-1 Unlimited Commercial		
A-2 Limited Commercial (limited to 2-story)	\$150.00	\$400.00
A-3 Residential		
A-4 Commercial/Residential remodel		
Plumbing	\$150.00	\$400.00
Mechanical	\$150.00	\$400.00
Municipal	\$150.00	\$400.00
Special	\$80.00	\$210.00
Electrical	No fee	No fee

SECTION 2. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED, by a vote of __ for and __ against, at a virtual regular meeting of the Lakewood City Council held on July 12, 2021, at 7 o'clock p.m.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

A RESOLUTION

REVISING THE FEE SCHEDULE FOR CONTRACTOR REGISTRATIONS

WHEREAS, Lakewood Municipal Code (“LMC”) Section 14.11.060 authorizes the City Council to adopt contractor registration fees by resolution;

WHEREAS, City staff have proposed changes to the contractor registration fee schedule to align the length of the probationary period for new contractors with the initial registration period and to eliminate the two-year registration period to help improve efficiency; and

WHEREAS, the City Council hereby finds and determines that adopting the revised contractor registration schedule of fees below is and shall be in the best interest of the residents of the City.

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

SECTION 1. The following fee schedule is hereby adopted for contractor registrations, effective upon implementation into the eTRAKiT permit system:

CONTRACTOR REGISTRATION	FEES		
	<u>ALL NEW REGISTRATIONS</u> 1 YEAR	<u>2-YEAR</u>	<u>ALL RENEWAL REGISTRATIONS</u> 3 YEARS
Building <u>A-1</u> Unlimited Commercial	\$150.00	\$275.00	\$400.00
<u>A-2</u> Limited Commercial (limited to 2-story)			
<u>A-3</u> Residential			
<u>A-4</u> Commercial/Residential remodel			
Plumbing	\$150.00	\$275.00	\$400.00
Mechanical	\$150.00	\$275.00	\$400.00
Municipal	\$150.00	\$275.00	\$400.00
Special	\$80.00	\$145.00	\$210.00
Electrical	No fee	Not available	Not available <u>No fee</u>

SECTION 2. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED, by a vote of ___ for and ___ against, at a virtual regular meeting of the Lakewood City Council held on July 12, 2021, at 7 o'clock p.m.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF REPORT

DATE OF CITY COUNCIL MEETING: JUNE 28, 2021 / AGENDA ITEM NO. 12
JULY 12, 2021 / AGENDA ITEM NO. 14

To: Mayor and City Council

From: Robert Smith, Economic Development Director, 303-987-7732
Kit Newland, Director Community Resources, 303-987-7822

Subject: **AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$700,000.00 FROM THE ECONOMIC DEVELOPMENT FUND TO THE 2021 FISCAL YEAR TO SUPPORT THE CAMP CHRISTMAS PROJECT AT HERITAGE LAKEWOOD AT BELMAR PARK**

This ordinance was approved on 1st Reading by a vote of 10 ayes 1 nays.

SUMMARY STATEMENT: Lakewood has a unique opportunity to attract, facilitate and benefit from bringing the immersive holiday lighting experience known as Camp Christmas to Heritage Lakewood Belmar Park (HLBP) for the 2021 season. Hanzon Studios, with support from the Denver Center for the Performing Arts (DCPA), will bring this 42-day celebration, which in 2019, generated more than 69,285 visitors and provided remarkable economic impact (\$3.44M) for the host community. Hanzon Studios has produced unique and successful holiday attractions for more than 40 years, including for the Houston Zoo, Museum of Outdoor Art/Hudson Gardens, Neiman Marcus, and a reboot of the Denver Parade of Lights. In 2019, Camp Christmas was held at the Stanley Marketplace in Aurora, CO, selling tickets of the equivalent of 7.3 sold out concerts at Red Rocks.

In addition to the direct production expenses and revenues from ticket sales, it is estimated that Lakewood will benefit from a \$6M+ positive economic impact through the attraction and patronage of visitors to Lakewood's nearby retail shops and restaurants. It is also estimated, based on past data, that 84,000-113,000 visitors will come into Lakewood, many new to Lakewood and HLBP. HLBP will receive rental compensation for use of the site. Residents will benefit from access to a reasonably priced and high quality immersive holiday experience, close to home. Lakewood's reputation as community minded and local business supportive will be strengthened.

In order to bring this event to Lakewood, Council approved Resolution 2021-33 which authorized the City Manager to enter into City of Lakewood Economic Development Incentive Agreement No. 2021-01

BACKGROUND INFORMATION:

- This supplemental appropriation Ordinance authorizes the appropriation and expenditure of up to \$700,000 from Lakewood's Economic Development fund, in 2021, in support of the Camp Christmas Attraction Project.
- This supplemental appropriation will not diminish the City's General Fund.
- The Camp Christmas project will positively impact Lakewood's General Fund through the direct contracting of Community Resources services and expected additional sales tax collections associated with additional seasonal purchases made at local shops and restaurants.

- This supplemental appropriation Ordinance recognizes most, if not all of the expenditure is expected to be reimbursed by the Camp Christmas Project through attraction ticket sales and a minimum reimbursement of \$420,000.000.
- Additional background information regarding the Camp Christmas Attraction Project is included in Resolution 2021-33 and City of Lakewood Economic Development Incentive Agreement No. 2021-01

BUDGETARY IMPACTS:

If approved, on second reading, Lakewood will make available, from the Economic Development Fund up to \$700,000.00 for direct production expenses. Repayment of this advance will be made from a share back of revenues from ticket sales. By separate agreement with Hanzon Studios, approved by Council by Resolution 2021-33, a minimum of \$420,000.00 up to a maximum of \$700,000.00 will be repaid to the Economic Development Fund.

STAFF RECOMMENDATIONS: Staff recommends approval of Ordinance 2021-18.

ALTERNATIVES: City Council could vote to approve Ordinance 2021-18 with amendments
City Council could vote not to approve Ordinance 2021-18

PUBLIC OUTREACH: Typical publication and public notification was provided for this Council Action.

NEXT STEPS: If Ordinance 2021-18 is approved on second reading, the City Manager will execute the elements City of Lakewood Economic Development Incentive Agreement No. 2021-01 as approved by City Council Resolution 2021-33.

ATTACHMENTS: Ordinance O-2021-18

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

O-2021-20

AN ORDINANCE

AMENDING TITLE 2, CHAPTER 2.56, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE PERMANENT ESTABLISHMENT OF A FOURTH SUBCOMMITTEE TO THE LAKEWOOD ADVISORY COMMISSION CONCERNING DIVERSITY AND OTHER GENERAL AMENDMENTS

WHEREAS, The Lakewood Advisory Commission for an Inclusive Community was established as a regular City Council advisory commission by City Council Resolution 2007-48, pursuant to Section 4.5 of the Charter, and codified in Chapter 2.56 of the Lakewood Municipal Code;

WHEREAS, the mission of the Lakewood Advisory Commission is to support Lakewood as a vibrant and inclusive community, and to serve as an advocate and informed voice for the community by providing research and recommendations on local issues to the City Council; and

WHEREAS, the City Council recognizes the need for a standing sub-committee to advise and inform on issues of diversity impacting the community.

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

SECTION 1. Amendment of Title 2, Chapter 2.56. Title 2, Chapter 2.56 of the Lakewood Municipal Code shall be amended as follows:

2.56.010 Lakewood Advisory Commission Established.

The Lakewood Advisory Commission, referred to hereinafter as the "LAC", is hereby established as a regular City Council advisory commission pursuant to Section 4.5 of the Charter.

2.56.020 Mission Statement.

In order to support Lakewood as a vibrant and inclusive community, the LAC shall be an advocate and informed voice for the community by providing research and recommendations on local issues to the City Council.

2.56.030 Membership and Terms.

- A. The LAC shall consist of 30 members, each of which shall serve a three-year term beginning January 1 and ending December 31. The members' terms shall be staggered.
- B. Those individuals who are members of ACIC as of the effective date of this Ordinance shall continue as members of the Lakewood Advisory Commission and shall fulfill the remainder of their existing terms.

- C. Upon expiration of a term, the appointment or reappointment of a member shall be by City Council resolution upon recommendation of the City Council Screening Committee as set forth in the Council Policies and Procedures Manual.

2.56.040 Officers.

The membership of the LAC shall annually elect, from among all Lakewood Advisory Commission members, a Chair, Vice Chair and Secretary who shall serve as the Officers of the LAC.

2.56.050 Subcommittees; Chairs.

- A. The LAC shall be divided into four subcommittees: Sustainability, Neighborhoods, Civic Awareness, and Diversity.
- B. Each LAC member shall be assigned to one or more subcommittee.
- C. Each subcommittee shall have approximately the same number of members.
- D. Each subcommittee shall annually elect its own chair from the membership of the subcommittee.

2.56.060 Executive Committee.

The LAC shall have an Executive Committee, which shall consist of the Chair, Vice Chair, Secretary and the four subcommittee chairs. The Executive Committee will work closely with the Commission Advisor for assignments and guidance on City Council requests for research and recommendations. The Executive Committee shall relay City Council assignments to the appropriate subcommittee(s) and shall ensure proper action/follow-up by such subcommittee(s). The Officers shall prepare and present an annual report to City Council.

2.56.070 Meetings.

- A. The LAC shall meet monthly unless a meeting is cancelled for cause by a vote of the Executive Committee.
- B. The subcommittees shall meet as necessary to work on and complete City Council requests for research and recommendations.
- C. The Executive Committee shall meet monthly unless a meeting is cancelled for cause by a vote of the Executive Committee.

2.56.080 Commission Staffing.

The City shall staff the LAC with a Commission Advisor and a Commission Coordinator, which positions may be filled by a single individual, as determined by the City Manager.

2.56.090 Quorum

- A. A quorum of the LAC shall consist of more than fifty (50) percent of its then-current membership.
- B. A quorum of the Executive Committee shall consist of four of the seven members.

2.56.100 Removal

Any member may be removed from the LAC in accordance with Resolution 2008-40, as amended or superseded.

2.56.110 Policies and Procedures

The Executive Committee is authorized to promulgate such reasonable policies and procedures as may be necessary to carry out the duties of the LAC.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a virtual regular meeting of the Lakewood City Council on the 12th day of July, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 15th day of July, 2021; set for public hearing to be held on the 26th day of July, 2021, read, finally passed and adopted by the City Council on the 26th day of July, 2021 and, signed by the Mayor on the _____ day of July, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

O-2021-20

AN ORDINANCE

AMENDING TITLE 2, CHAPTER 2.56, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE PERMANENT ESTABLISHMENT OF A FOURTH SUBCOMMITTEE TO THE LAKEWOOD ADVISORY COMMISSION CONCERNING DIVERSITY AND OTHER GENERAL AMENDMENTS

WHEREAS, The Lakewood Advisory Commission for an Inclusive Community was established as a regular City Council advisory commission by City Council Resolution 2007-48, pursuant to Section 4.5 of the Charter, and codified in Chapter 2.56 of the Lakewood Municipal Code;

WHEREAS, the mission of the Lakewood Advisory Commission is to support Lakewood as a vibrant and inclusive community, and to serve as an advocate and informed voice for the community by providing research and recommendations on local issues to the City Council; and

WHEREAS, the City Council recognizes the need for a standing sub-committee to advise and inform on issues of diversity impacting the community.

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

SECTION 1. Amendment of Title 2, Chapter 2.56. Title 2, Chapter 2.56 of the Lakewood Municipal Code shall be amended as follows:

2.56.010 Lakewood Advisory Commission Established.

The Lakewood Advisory Commission, referred to hereinafter as the "LAC", ~~for an Inclusive Community created by City Council Resolution 2007-48, as amended,~~ is hereby established as a regular City Council advisory commission pursuant to Section 4.5 of the Charter. ~~and shall henceforth be known as the "Lakewood Advisory Commission."~~

2.56.020 Mission Statement.

In order to support Lakewood as a vibrant and inclusive community, the ~~Lakewood Advisory Commission~~ LAC shall be an advocate and informed voice for the community by providing research and recommendations on local issues to the City Council.

2.56.030 Membership and Terms.

- A. The ~~Lakewood Advisory Commission~~ LAC shall consist of 30 members, each of which shall serve a three-year term beginning January 1 and ending December 31. The members' terms shall be staggered.
- B. Those individuals who are members of ACIC as of the effective date of this Ordinance shall continue as members of the Lakewood Advisory Commission and shall fulfill the remainder of their existing terms.

- C. Upon expiration of a term, the appointment or reappointment of a member shall be by City Council resolution upon recommendation of the City Council Screening Committee as set forth in the Council Policies and Procedures Manual.

2.56.040 Officers.

The membership of the ~~Lakewood Advisory Commission~~ LAC shall annually elect, from among all Lakewood Advisory Commission members, a Chair, Vice Chair and Secretary who shall serve as the Officers of the ~~Lakewood Advisory Commission~~ LAC. ~~The Officers shall prepare and present an annual report to City Council.~~

2.56.050 Subcommittees; Chairs.

- A. The ~~Lakewood Advisory Commission~~ LAC shall be divided into ~~the three~~ four subcommittees: Sustainability, Neighborhoods, ~~and~~ Civic Awareness, ~~and~~ Diversity.
- B. Each LAC member shall be assigned to one or more subcommittee.
- C. Each subcommittee shall have approximately the same number of members.
- D. Each subcommittee shall annually elect its own chair from the membership of the subcommittee.

2.56.060 Executive Committee.

The ~~Lakewood Advisory Commission~~ LAC shall have an Executive Committee, which shall consist of the Chair, Vice Chair, Secretary and the four ~~three~~ subcommittee chairs. The Executive Committee will work closely with the Commission Advisor for assignments and guidance on City Council requests for research and recommendations. The Executive Committee shall relay City Council assignments to the appropriate subcommittee(s) and shall ensure proper action/follow-up by such subcommittee(s). ~~The Officers shall prepare and present an annual report to City Council.~~

2.56.070 Meetings.

- A. The ~~Lakewood Advisory Commission~~ LAC shall meet monthly unless a meeting is cancelled for cause by a vote of the Executive Committee.
- B. The subcommittees shall meet as necessary to work on and complete City Council requests for research and recommendations.
- C. The Executive Committee shall meet monthly unless a meeting is cancelled for cause by a vote of the Executive Committee.

2.56.080 Commission Staffing.

The City shall staff the ~~Lakewood Advisory Commission~~ LAC with a Commission Advisor and a Commission Coordinator, which positions may be filled by a single individual, as determined by the City Manager.

2.56.090 Quorum

- A. A quorum of the LAC shall consist of more than fifty (50) percent of its then-current membership.
- B. A quorum of the Executive Committee shall consist of four of the seven members.

2.56.100 Removal

Any member may be removed from the LAC in accordance with Resolution 2008-40, as amended or superseded.

2.56.110 Policies and Procedures

The Executive Committee is authorized to promulgate such reasonable policies and procedures as may be necessary to carry out the duties of the LAC.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a virtual regular meeting of the Lakewood City Council on the 12th day of July, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 15th day of July, 2021; set for public hearing to be held on the 26th day of July, 2021, read, finally passed and adopted by the City Council on the 26th day of July, 2021 and, signed by the Mayor on the _____ day of July, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



Lakewood
Full of Possibilities

LAC Diversity Committee

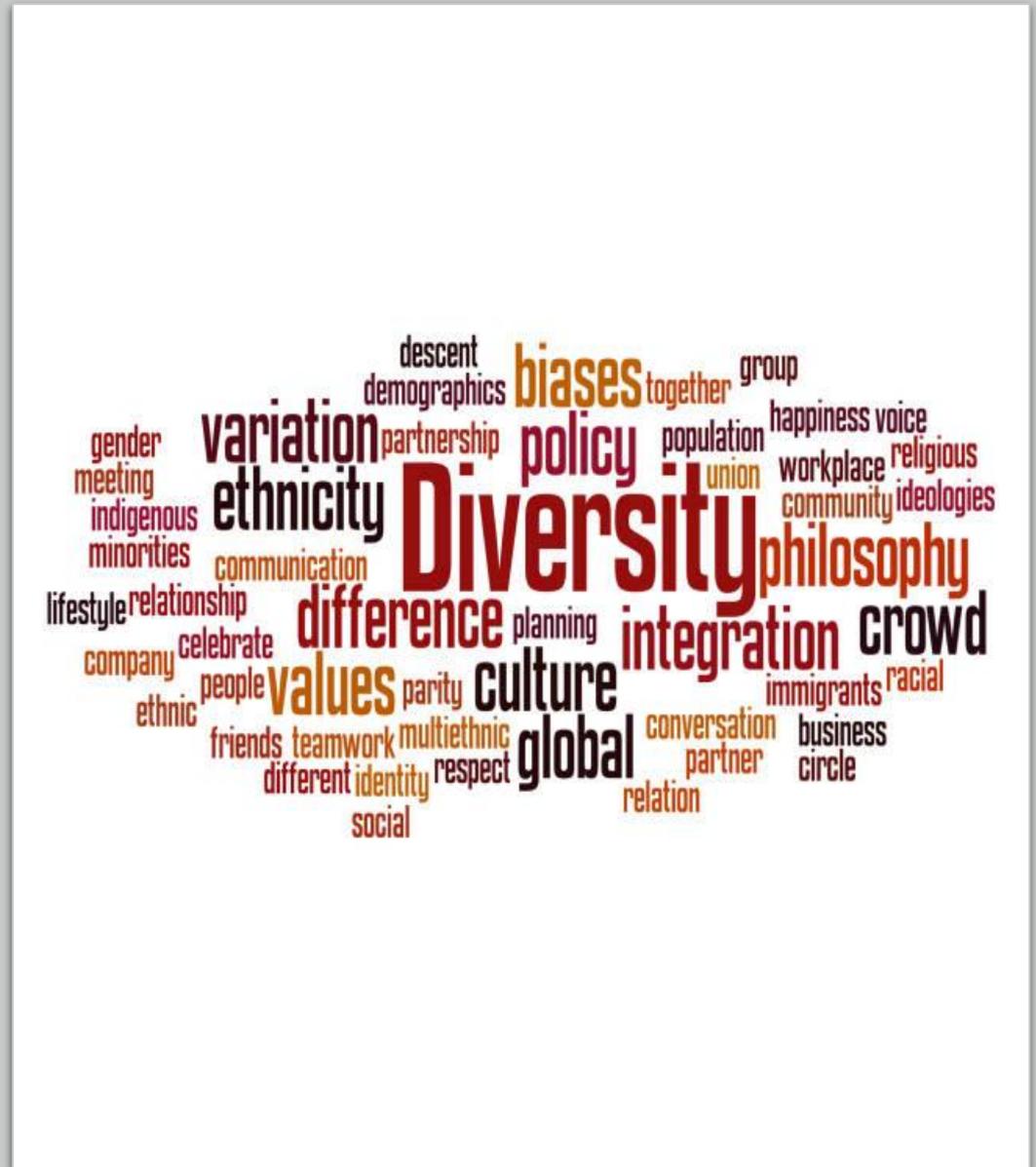
Update: Internal Survey Results and Findings

Objective: to identify underrepresented groups within the LAC and provide recommendations.



Our Working Definition of Diversity

A successful community in which individuals of different race, ethnicity, religious beliefs, political beliefs, socioeconomic status, language, geographical origin, gender and/or sexual orientation, and persons with disabilities bring their different knowledge, wisdom, background, experience, and interest for the benefit of the whole community.

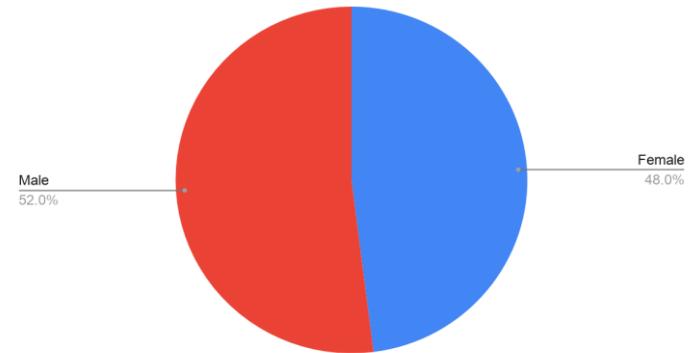




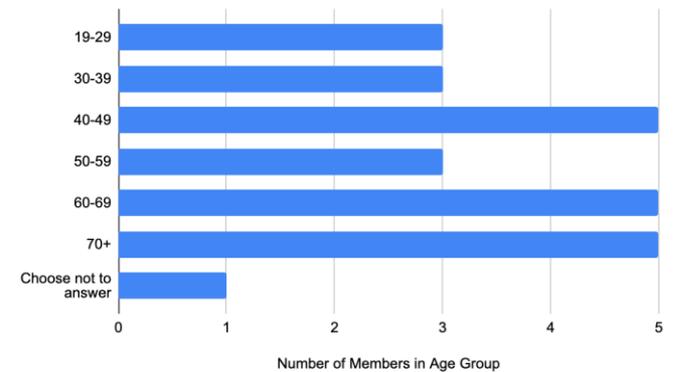
Areas of Progress & Strength

- Relatively equal gender representation
- Adequate cross-section of age representation, though none under the age of 18.

Gender Identity



Age





Significant Finding 1: Ward Representation

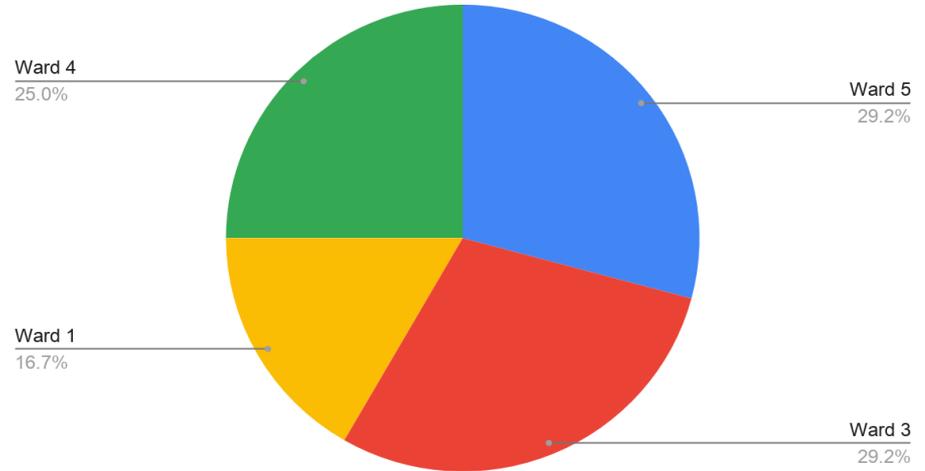
- **Finding:**

There are no current Ward 2 Residents in the LAC.

- **Recommendation:**

Target recruitment in Ward 2.

Which Ward do you live in?





Significant Finding 2: Housing

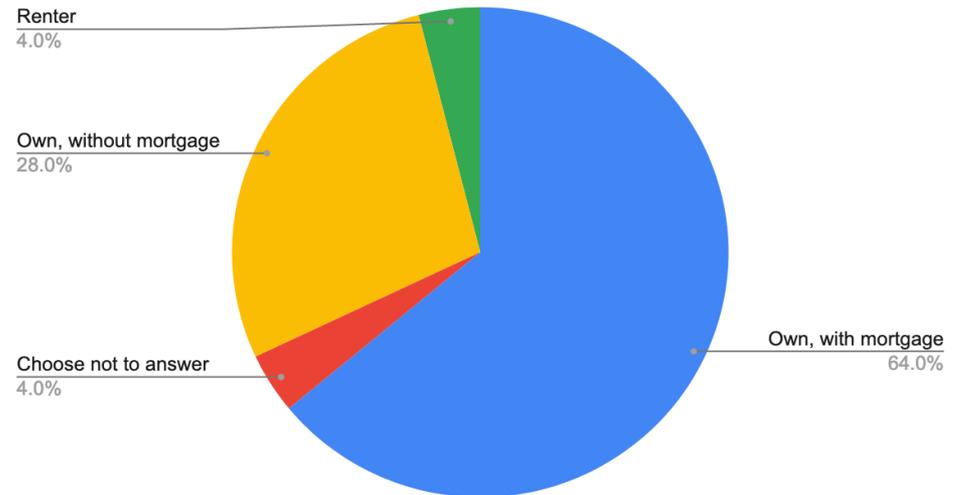
- **Finding:**

Most of the Commission owns their home, lacks representation from renters and non-homeowners.

- **Recommendation:**

Target those that rent or otherwise do not own their housing.

Housing



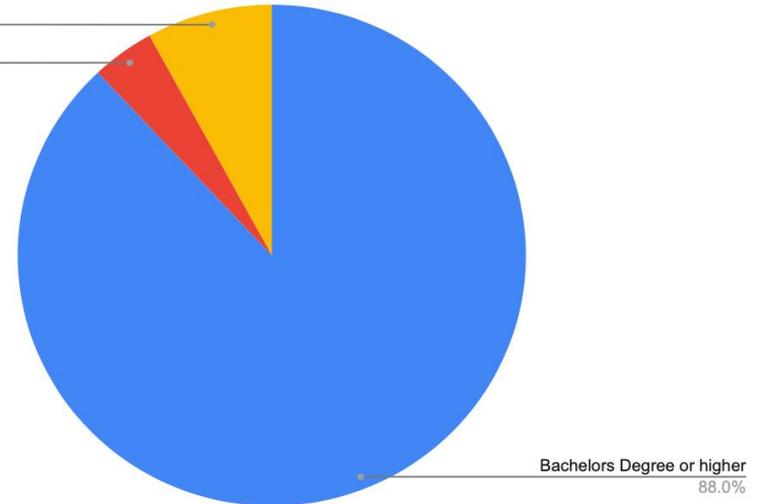


Significant Finding 3: Education

- **Finding:**
We have limited representation from high- and trade-school graduates.
- **Recommendation:**
Reach out to in-city non-traditional schools (ex: Rocky Mountain Community College) and high schools.

Education

High School graduate
8.0%
Choose not to answer
4.0%





Significant Finding 4: Children in the Home

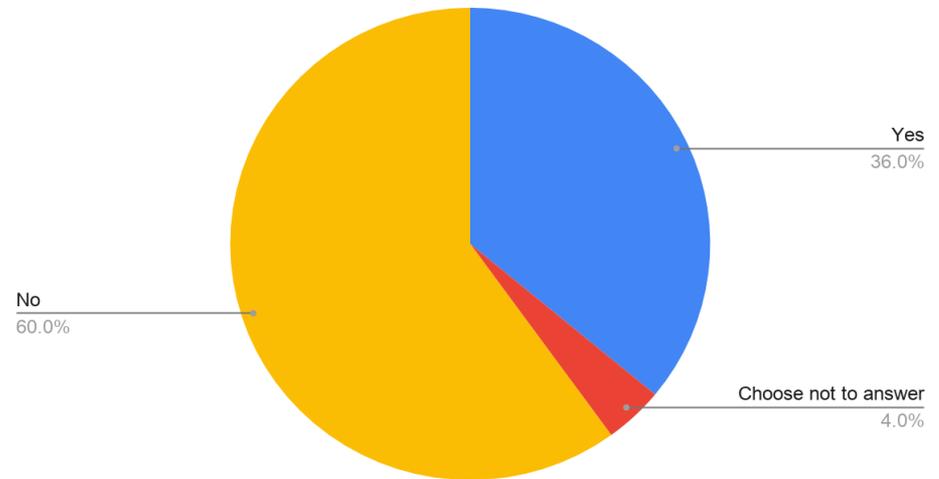
- **Finding:**

- Relatively consistent with demographic makeup of the City but could be a sign that participation is relatively inaccessible to parents.
- There is an in-migration of new parents and younger families.

- **Recommendation:**

Identify reasons LAC participation may be inaccessible to parents.

Do you have Children living at home

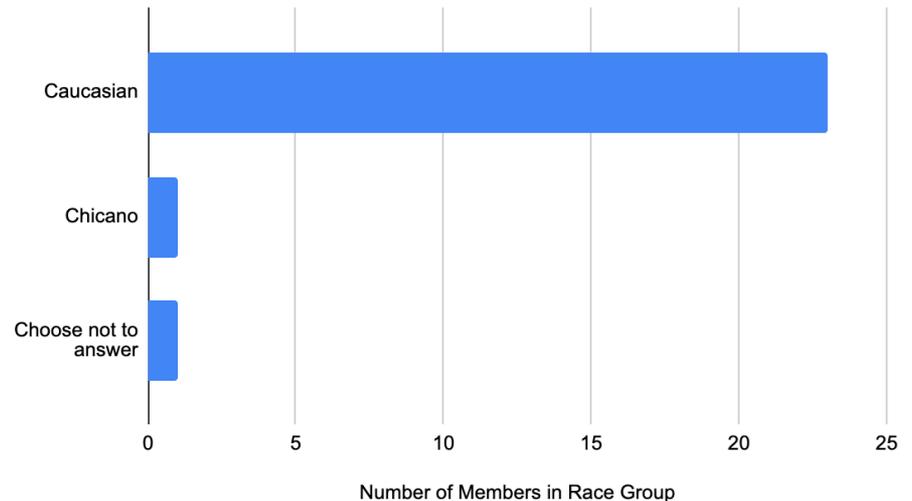




Significant Finding 5: Caucasian Majority

- **Finding:**
 - Relatively consistent with Lakewood at its founding, but not with its new demographic makeup.
- **Recommendation:**
 - Reach out to diversity-focused organizations and groups in Lakewood area

Race and Hispanic Origin





Summary

Potential Recommendations:

- Target recruitment and communication in Ward 2
- Target those that rent or otherwise do not own their housing
- Reach out to in-city non-traditional schools (ex: Rocky Mountain Community College)**
- Identify reasons LAC participation may be inaccessible to parents**
- Implementation of an equity lens to be utilized when making LAC decisions.

Note: These recommendations are not within the scope and power of the assignment, but act as foci for a permanent committee or could be turned into separate assignments for this committee.

** Results such as education and children at home are in line with most recent Census data and are therefore relatively representative of Lakewood.



Where Our Research and Values are Leading Us

Other Recommendations:

- **Make the LAC Diversity Committee Permanent:** The LAC Diversity Committee will remove barriers and expand direct outreach by creating best practices that can apply to other boards and commissions and could meet regularly to constantly evaluate our processes and representation.

Our Proposed Mission:

The LAC Diversity Committee's mission is to develop and recommend best practices in Diversity for internal purposes that can also be used to ensure diversity within all Boards and Commissions within the City of Lakewood.



Lakewood
Full of Possibilities

Ad-hoc Diversity committee members:

Casey Hensley

Rigby Johnson

Roberto Gurza

David Rein

Karen Gordey



**MINUTES
REGULAR MEETING OF CITY COUNCIL
CITY OF LAKEWOOD**

7:00 PM

JUNE 14, 2021

Minutes are action minutes only with links on each item for easy reference to the meeting video.

ITEM 1 – CALL TO ORDER

[View video recording here](#)

Mayor Paul called the virtual meeting to order at 7:00 pm.

ITEM 2 – ROLL CALL

Those present were:

- Mayor Adam Paul, Presiding
- David Skilling
- Charley Able
- Ramey Johnson
- Jacob LaBure
- Sharon Vincent
- Mike Bieda
- Anita Springsteen
- Barb Franks
- Dana Gutwein

Absent: Karen Harrison

Also in Attendance:

- Kathy Hodgson, City Manager
- Ben Goldstein, Deputy City Manager
- Alison McKenney Brown, City Attorney
- Travis Parker, Director of Planning
- Bruce Roome, City Clerk

Full and timely notice of this city council meeting had been given, and a quorum was present.

ITEM 3 – PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited, and there was a moment for silent reflection.

ITEM 4 – PUBLIC COMMENT

[View video recording here](#)

Commenting

Comments received via Telephone:

1. Lenore Herskovitz, Ward 1 -spoke of continuing problems with local college over housing issues.
2. Koral Castelan -Summer Intern at Jefferson County Community that Cares Jeffco CTC) asking the City of Lakewood to partner with Jeffco CTC which provides support for teens to include mental health care as well as job assistance.
3. Janet Draper, 2600 S. Holman Street, Former White Fence Farm Property, the actual property is not safe and in general disrepair. The parking lot is still open to cars which invites potential criminal activity.
4. Amir Allen, Ward 2 -Wants to know if anything is being done to keep everyone be safe in the City.
5. Jennifer O'Patricks, Ward 4 -Wants police reform

Comments received via Lakewood Speaks:

[View all Comments](#)

ITEM 5 – EXECUTIVE REPORT

[View video recording here](#)

Kathy Hodgson, City Manager discussed a presentation that took place at the Jefferson County Commissioners breakfast. There are four elements from the Jefferson County Homeless Action Plan that were highlighted at the meeting.

1. Identification of the need.
2. Current opportunity because the American Rescue Plan Act (ARPA) allocates Federal funds to reduce homelessness caused by COVID-19.
3. Proposed model of two navigation centers - one in the north area, one in the central area of the County.
4. Have City Managers work with their teams and with homeless services resources to further develop this proposal. Establish Jefferson County as the Lead Entity and establish a Site Selection Committee with Municipal and Service Provider Stakeholders.

ITEM 6 – MOTION TO EXTEND EMERGENCY DECLARATION to 6/28/2021

[View video recording here](#)

Voting

Mayor Pro Tem David Skilling moved to extend the declaration of disaster in the City of Lakewood, Colorado resulting from the Coronavirus/COVID-19 pandemic, pursuant to section 1.27 of the Lakewood Municipal Code, originally declared by proclamation of the Lakewood City Manager on March 17, 2020, extended by a majority vote of the City Council on multiple occasions, and by this motion extended again until June 28, 2021, unless earlier extended or terminated by the City Council. The motion was seconded.

AYE: Paul, Skilling, Bieda, Able, Franks, Vincent, LaBure, Gutwein,

NAY: Johnson, Springsteen

ABSENT: Harrison

Result

Approved 8 - 2, the motion passed.

Consent Agenda and Ordinances on First Reading

[View video recording here](#)

City Clerk Bruce Roome read the Consent Agenda into the record. The Consent Agenda consists of Items 7 through 13, inclusive.

ITEM 7 – ORDINANCE O-2021-13 RETAIL MARIJUANA SPECIAL TAX

First Reading Ordinance, No Public Comment Accepted.

Public Hearing set for June 28, 2021.

ITEM 8 - ORDINANCE O-2021-14 MEDICAL MARIJUANA SPECIAL TAX

First Reading Ordinance, No Public Comment Accepted.

Public Hearing set for June 28, 2021.

ITEM 9 – ORDINANCE O-2021-15 SPECIAL TAX ON CIGARETTES

First Reading Ordinance, No Public Comment Accepted.

Public Hearing set for June 28, 2021.

ITEM 10- ORDINANCE O-2021-16 BEAR CREEK TRAIL AND GREENBELT JCOS GRANT

First Reading Ordinance, No Public Comment Accepted.

Public Hearing set for June 28, 2021.

ITEM 11 – ORDINANCE O-2021-17 BEAR CREEK TRAIL AND GREENBELT AND LWCF GRANT

First Reading Ordinance, No Public Comment Accepted.

Public Hearing set for June 28, 2021.

ITEM 12 – APPROVING MINUTES OF CITY COUNCIL MEETINGS

ITEM 13 – ACCEPTING MINUTES OF BOARDS AND COMMISSIONS

END OF CONSENT AGENDA

Voting

Mayor Pro Tem David Skilling moved for approval of the minutes of City Council and acceptance of the minutes of the Boards and Commissions; and order all Ordinances introduced on first reading to be published in the Denver Post with public hearing set for the date included in the Ordinance, all of which are included in the consent agenda items introduced into the record by the City Clerk. The motion was seconded.

AYE: Paul, Skilling, Bieda, Able, Johnson, Franks, Vincent, LaBure, Gutwein

NAY: Springsteen

ABSENT: Harrison

Result

Approved 9 - 1, the motion passed.

ITEM 14 – RESOLUTION 2021-21, 1350/1370 LAMAR ST BLIGHT

[View video recording here](#)

City Clerk Bruce Roome read Item 14 into the record.

Director of Economic Development Robert Smith gave an overview of the project and introduced the project property owner, Reid Davis, CEO, Roverpoint Partners; Consultant, Patrick Chelin, Vice President, Matrix; and Tierney Walsh, Environmental Scientist, Matrix.

Commenting

Comments received via telephone:

1. Tess Dougherty, spoke in favor of the blight designation.
2. Janet Draper, Ward 4, spoke against the blight designation.

Comments received via Lakewood Speaks:

None

Voting

Mayor Pro Tem David Skilling moved to approve Resolution 2021-21. The motion was seconded.

Amendment #1 added.

Motion to amend 2021-21, in the recitals add whereas, Chapter 14.27 provides for no exemption to the 1% per year growth limitations provided therein, and whereas a designation of blighted for purposes of Chapter 14.27 does not exempt the property from the 1% growth limits of said Chapter 14.27. In the main portion of Resolution 2021-

21, add Section 5 -the number of units ultimately permitted for this property shall be deducted from the total number of units permitted for that calendar year in which the project makes building permit applications as set forth in Chapter 14.27.050 provided, however, the project shall not be required to apply for allocations pursuant to Chapter 14.27.090.

Councilor Mike Bieda moved to approve Amendment #1. The motion was seconded.

AYE: Springsteen, Bieda, Johnson, Able

NAY: Paul, Skilling, Gutwein, Franks, Vincent, LaBure,

ABSENT: Harrison

Result

Denied 4 - 6, the motion failed.

Voting on the original motion

AYE: Paul, Skilling, Bieda, Franks, Vincent, LaBure, Gutwein

NAY: Springsteen, Able, Johnson

ABSENT: Harrison

Result

Approved 7 - 3, the motion passed.

ITEM 15 – RESOLUTION 2021-28, 1120 DEPEW CT BLIGHT

[View video recording here](#)

City Clerk Bruce Roome read Item into the record.

Director of Economic Development Robert Smith gave an overview of the project and introduced the project speakers, property owner, Ian Brown; and Consultant, Patrick Chelin, Vice President, Matrix.

Commenting

There were no comments for this Item

Voting

Mayor Pro Tem David Skilling moved to approve Resolution 2021-28. The motion was seconded.

AYE: Paul, Skilling, Bieda, Able, Johnson, Franks, Vincent LaBure, Gutwein,

NAY: Springsteen

ABSENT: Harrison

Result

Approved 9 - 1, the motion passed.

ITEM 6 – ORDINANCE O-2021-10, CDBG AMENDMENT 2019 ACTION PLAN

[View video recording here](#)

City Clerk Bruce Roome read Item 16 into the record.

Commenting

There were no comments for this Item

Voting

Mayor Pro Tem David Skilling moved to approve Ordinance O-2021-10. The motion was seconded.

AYE: Paul, Skilling, Bieda, Springsteen, Able, Johnson, Franks, Vincent, LaBure, Gutwein

NAY: None

ABSENT: Harrison

Result

Approved 10 - 0, the motion passed.

ITEM 17- ORDINANCE O-2021-12 JUDGES SALARIES

[View video recording here](#)

City Clerk Bruce Roome read Item 17 into the record.

Commenting

There were no comments for this Item

Voting

Mayor Pro Tem David Skilling moved to approve Ordinance O-2021-12. The motion was seconded.

AYE: Paul, Skilling, Bieda, Springsteen, Able, Johnson, Franks, Vincent, LaBure, Gutwein

NAY: None

ABSENT: Harrison

Result

Approved 10 - 0, the motion passed.

ITEM 18 – GENERAL BUSINESS

[View video recording here](#)

Shopping carts - Councilor Johnson proposes making additions to the City's last shopping cart ordinance to use today's technology to improve the return of shopping carts that are left all over the city. A consensus was not reached to move this to a Study Session.

Mayor Paul - Ethics policy is being created by City Attorney McKenney Brown and her legal team. Looking at Lakewood any council member can submit an article at any time, but space is not guaranteed.

ITEM 19 – MAYOR AND CITY COUNCIL REPORTS

[View video recording here](#)

Mayor Paul and City Council Members reported on news from their Wards and any other City business with which they were involved.

ITEM 20 - ADJOURNMENT

[View video recording here](#)

There being no further business to come before City Council, Mayor Paul adjourned the meeting at 10:00 pm.

Respectfully submitted,

Bruce Roome, City Clerk



Lakewood
Advisory Commission

FULL COMMISSION MEETING
MAY 19, 2021, 7:00 p.m.
Virtual Meeting

MINUTES

1. CALL TO ORDER

Chair Peggy Ralph called the virtual meeting to order at 7:00 p.m.

2. ROLL CALL

Commissioners Present: Bernie Barthel, Heide Barthel, Jamie Cornell, Emily Gambone, Andrea Gelfuso Goetz, Karen Gordey, Roberto Gurza, Casey Hensley, Rigby Johnson, Nicole Malandri, KateMcBride, Joshua Oliver, Peggy Ralph, Diane Rhodes, Chris Rivard and Josh Stamps,

Commissioners Absent: Jim Bunch, Roger Freeman, Laurence Lieber, Karen Morgan, Marsha Osborn, Dave Rein, Carina Weadock and Glenn Weadock

A total of 16 members were present and 8 members were absent. A quorum was present.

Staff Present: Bruce Roome, City Clerk and Rosa Tate, BOC Coordinator

Guests: John Claus and Kip Kolkmeier

3. PUBLIC COMMENT

Comments received via telephone:
None

Comments received via Lakewood Speaks:
None

4. CORRESPONDENCE

None received by Secretary Cornell or City Clerk Roome

5. APPROVAL OF MINUTES

A motion was made by Commissioner Gurza to approve the March 17, 2021 Full Commission Minutes. The motion was seconded.

Vote: All Ayes, No Nays. The motion passed.

6. NEW BUSINESS

A. Welcome New Members - Chair Ralph introduced Kip Kolkmeier and John Claus who will be appointed by Council May 24, 2021.

B. Presentation Overview Google Drive - Vice Chair Hensley gave an overview of Google Drive and how to find and add documents.

C. Diversity Committee Update - City Clerk Roome stated Committee will be official August 12, 2021, 45 days after the ordinance passes. Chair Ralph asked Diversity Chair Gordey to have her committee start looking at ways to engage renters, attend meetings in Ward 2 for recruiting purposes. Chair Ralph announced Diversity Chair to be part of the Executive Meeting starting in June.

D. ACIC 2014-02 Attendance Policy - Chair Ralph reminded everyone of the attendance requirements. Please inform your Committee Chair if you will be absent.

E. Getting the word out about the LAC - Chair Ralph plans to spread the word using the following: Articles published through Lakewood's communications team, speak at local groups to educate them about the LAC and visits made to South Lakewood Business Assoc, Lakewood Estates, Emerald Estates and Wildflower Patio HOA's to start.

F. Presentation Updates - City Clerk Roome updated the commission on their current projects/presentations.

7. REPORTS

COMMITTEES

- **Sustainability** - Chair Gelfuso Goetz updated on xeriscaping, Lakewood gardens and if any commissioners were interested in switching sub-committees.
- **Neighborhoods** - Chair McBride discussed Lakewood staff attending their meeting to continue work on Neighborhood Links.
- **Civic Awareness** - Chair Malandri informed everyone that the Fireworks proposal is ready to go in front of the Executive Committee in June. Chair Ralph and Commissioner Barthel spoke of staff feedback regarding their presentation on Unsafe Driving.

OFFICERS

- Chair Ralph - No report
- Vice Chair Hensley - No report
- Secretary Cornell - No report

AMBASSADOR REPORT

- Commissioner Barthel updated everyone on the Jefferson County Open Space (JCOS) committee's meeting earlier this month.

8. ADJOURN

There being no further business to come before the Full Commission, Chair Peggy Ralph adjourned the meeting at 7:49 p.m.

Respectfully submitted,



Peggy Ralph, Chair

STAFF REPORT

DATE OF CITY COUNCIL MEETING: JUNE 28, 2021 / AGENDA ITEM NO. 12
JULY 12, 2021 / AGENDA ITEM NO. 14

To: Mayor and City Council

From: Robert Smith, Economic Development Director, 303-987-7732
Kit Newland, Director Community Resources, 303-987-7822

Subject: **AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$700,000.00 FROM THE ECONOMIC DEVELOPMENT FUND TO THE 2021 FISCAL YEAR TO SUPPORT THE CAMP CHRISTMAS PROJECT AT HERITAGE LAKEWOOD AT BELMAR PARK**

This ordinance was approved on 1st Reading by a vote of 10 ayes 1 nays.

SUMMARY STATEMENT: Lakewood has a unique opportunity to attract, facilitate and benefit from bringing the immersive holiday lighting experience known as Camp Christmas to Heritage Lakewood Belmar Park (HLBP) for the 2021 season. Hanzon Studios, with support from the Denver Center for the Performing Arts (DCPA), will bring this 42-day celebration, which in 2019, generated more than 69,285 visitors and provided remarkable economic impact (\$3.44M) for the host community. Hanzon Studios has produced unique and successful holiday attractions for more than 40 years, including for the Houston Zoo, Museum of Outdoor Art/Hudson Gardens, Neiman Marcus, and a reboot of the Denver Parade of Lights. In 2019, Camp Christmas was held at the Stanley Marketplace in Aurora, CO, selling tickets of the equivalent of 7.3 sold out concerts at Red Rocks.

In addition to the direct production expenses and revenues from ticket sales, it is estimated that Lakewood will benefit from a \$6M+ positive economic impact through the attraction and patronage of visitors to Lakewood's nearby retail shops and restaurants. It is also estimated, based on past data, that 84,000-113,000 visitors will come into Lakewood, many new to Lakewood and HLBP. HLBP will receive rental compensation for use of the site. Residents will benefit from access to a reasonably priced and high quality immersive holiday experience, close to home. Lakewood's reputation as community minded and local business supportive will be strengthened.

In order to bring this event to Lakewood, Council approved Resolution 2021-33 which authorized the City Manager to enter into City of Lakewood Economic Development Incentive Agreement No. 2021-01

BACKGROUND INFORMATION:

- This supplemental appropriation Ordinance authorizes the appropriation and expenditure of up to \$700,000 from Lakewood's Economic Development fund, in 2021, in support of the Camp Christmas Attraction Project.
- This supplemental appropriation will not diminish the City's General Fund.
- The Camp Christmas project will positively impact Lakewood's General Fund through the direct contracting of Community Resources services and expected additional sales tax collections associated with additional seasonal purchases made at local shops and restaurants.

- This supplemental appropriation Ordinance recognizes most, if not all of the expenditure is expected to be reimbursed by the Camp Christmas Project through attraction ticket sales and a minimum reimbursement of \$420,000.000.
- Additional background information regarding the Camp Christmas Attraction Project is included in Resolution 2021-33 and City of Lakewood Economic Development Incentive Agreement No. 2021-01

BUDGETARY IMPACTS:

If approved, on second reading, Lakewood will make available, from the Economic Development Fund up to \$700,000.00 for direct production expenses. Repayment of this advance will be made from a share back of revenues from ticket sales. By separate agreement with Hanzon Studios, approved by Council by Resolution 2021-33, a minimum of \$420,000.00 up to a maximum of \$700,000.00 will be repaid to the Economic Development Fund.

STAFF RECOMMENDATIONS: Staff recommends approval of Ordinance 2021-18.

ALTERNATIVES: City Council could vote to approve Ordinance 2021-18 with amendments
City Council could vote not to approve Ordinance 2021-18

PUBLIC OUTREACH: Typical publication and public notification was provided for this Council Action.

NEXT STEPS: If Ordinance 2021-18 is approved on second reading, the City Manager will execute the elements City of Lakewood Economic Development Incentive Agreement No. 2021-01 as approved by City Council Resolution 2021-33.

ATTACHMENTS: Ordinance O-2021-18

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

A RESOLUTION

APPROVING A BLIGHT DESIGNATION PURSUANT TO CHAPTER 14.27 OF THE LAKEWOOD MUNICIPAL CODE FOR THE PROPERTY LOCATED AT 955-999 SHERIDAN BOULEVARD IN LAKEWOOD, COLORADO.

WHEREAS, pursuant to section 14.27.020(A) of the Lakewood Municipal Code (“LMC”), “[s]tructures located, or to be located, upon land that is designated ‘blighted’” are not subject to the provisions of LMC Chapter 14.27;

WHEREAS, the City Council has adopted two resolutions defining “blighted,” as used in Chapter 14.27, and establishing rules, procedures and criteria for requests to designate property as blighted for the purposes of Chapter 14.27 (“Blight Designation Procedures”);

WHEREAS, the owner of certain real property located at 955-999 Sheridan Boulevard in Lakewood, generally depicted in Exhibit A hereto (the “Property”), has requested the City Council designate the Property as blighted for purposes of Chapter 14.27;

WHEREAS, an independent consultant has conducted a conditions survey, also known as a “blight study,” on the Property in strict alignment with the criteria and methods required for a determination of a “blighted area” under Colorado’s Urban Renewal Law, C.R.S. §§ 31-25-101, *et seq.*, and has concluded that the Property contains various conditions of blight;

WHEREAS, the owner of the Property has complied with all applicable Blight Designation Procedures; 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 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: (a) the Property’s completed redevelopment; or (b) 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, and:

- (a) will not alter or limit any taxing jurisdiction’s legal authority to assess or collect taxes of any kind on the Property;

- (b) will not limit the City's eminent domain authority with respect to the Property;
- (c) shall not be construed as a blight designation for urban renewal purposes;
and
- (d) will not place the Property under the Lakewood Reinvestment Authority's jurisdiction.

SECTION 4. This Resolution shall become effective immediately upon adoption.

INTRODUCED, READ AND ADOPTED by a vote of ___ for and ___ against at a virtual regular meeting of the Lakewood City Council held on July 12, 2021, at 7 o'clock p.m.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



Holiday Shopping Center Conditions Survey

Lakewood, Colorado

May 17, 2021

Prepared for:

Mr. Vince Coviello
Infineum Properties LLC
4252 Perry Street
Denver, CO 80212

Prepared by:

Ricker | Cunningham
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Holiday Shopping Center Block Conditions Survey

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Holiday Shopping Center Conditions Survey

City of Lakewood, Colorado

Abstract Lakewood Strategic Growth Initiative (Question 200)

Holiday Shopping Center Conditions Survey

City of Lakewood, Colorado

1.0 Introduction

The following report, the Holiday Shopping Center Conditions Survey (herein referred to as the "Survey"), was conducted in April and May 2021, and submitted to the City of Lakewood (herein referred to as the "City") in May 2021. As illustrated in the Alta I NSPS Land Title Survey of the property presented in **Appendix A**, the subject of this work included property located in the southwest quadrant of West 10th Avenue and North Sheridan Boulevard and maintains improvements including two (2) parcels of land each hosting multi-tenant commercial retail structures with supporting facilities for parking (collectively referred to as the "Survey Area" or "Area").

The purpose of this work was predicated on community development directives resulting from passage of the Lakewood Strategic Growth Initiative (Question 200) in July of 2019. As explained in Chapter 14.27 of the Lakewood Municipal Code (see **Appendix B**), the City must cap its growth at 1% annually, with an exception for new housing units either located in established urban renewal areas or within properties that maintain adverse conditions at a threshold that would otherwise make them eligible for an urban renewal designation. The parcels that are the subject of this report currently support dilapidated commercial uses, however, the owner intends to replace the existing buildings with more than 40 residential units. Since the property is not located in an existing urban renewal area, prior to any request for approval of the proposed development concept, the City requires the owner solicit the opinion of an independent analyst as to the presence of factors contributing to blight as defined in the Colorado Urban Renewal Statute (the "Statute" or "Act").

The content of this Holiday Shopping Center Conditions Survey report includes a description of conditions in the Area and the extent to which they may or may not pose a threat to individuals who occupy or use the property or hamper development within its boundaries, along with findings regarding their relevance to statutory thresholds provided for in the Act.

2.0 Survey Area Description

Table 1 below provides a list of all taxing entities impacting the property that was the subject of this investigation.

Table 1
Taxing Entities with a Presence in the Survey Area
 May 2021

Taxing Entity	Mill Levy
Jefferson County	24.5780
City of Lakewood	4.7110
Regional Transportation District (RTD)	0.0000
School District	47.0380
Urban Drainage & Flood Control South Platte	0.1000
Urban Drainage & Flood Control District	0.9000
West Metro Fire Protection - G	12.4990
West Metro Fire Protection Sub	0.7280
Total	90.5540

Source: Jefferson County Assessor's Office and Ricker | Cunningham.

Table 2 provides a summary of detailed information regarding certain attributes of the property. Notable among them are the age of its improvements - 55 years for units 965 – 999 and 48 years for units 955 – 957. The current owner, New Holiday LLC, acquired the property more than 23 years ago, and has maintained it as a retail operation ever since. While once a viable commercial entity, degradation in the vicinity of the Survey Area has given rise to criminal activity (see discussion in Section 5), and flat or diminishing property values. For example, the subject property was acquired in 1998 for \$885,000 and valued at \$1,470,400 in 2021, resulting in an approximate escalation of approximately 2.0% per year that is not only below market for the subarea, but likely the result of a general reassessment of properties in the area, rather than property-specific increase.

Table 2
Holiday Shopping Center Survey Area Characteristics
 May 2021

Property Address(s)	Owner	Land Area (Acres)	Land Area (SF)	Improvement Size (SF)	Year Built
Parcel A: 965 - 999 Sheridan Boulevard	New Holiday LLC	2.11	91,913	18,290	1966
Parcel B: 955 - 957 Sheridan Boulevard	New Holiday LLC	0.38	16,586	7,275	1973
Total	--	2.49	108,499	25,565	--

Source: Jefferson County Assessor's Office and Ricker | Cunningham.

2.1 Future Land Uses

Lakewood's future land use map is referred to as the Land Use Vision Map (LUVM) in the general plan for the city, Lakewood 2025: Moving Forward Together (herein referred to as the "Comprehensive Plan"). Therein, the type and location of desired land uses, and development patterns are illustrated for areas within the municipal limits and designated urban growth area. The LUVM indicates the intended distribution and intensity of land uses over the next 10 to 20 years to achieve the following objectives:

- Provide greater land use predictability and transparency;
- Incorporate recommended land uses from previously adopted neighborhood, corridor, and special area plans;
- Accommodate the anticipated population and employment growth within the city; and
- Create a logical framework for future re-zonings and appropriate development.

Compared to zoning classifications that regulate specific uses permitted on properties, future land use designations are deemed advisory and representative of a forward-looking view of the city. Parcels in the Survey Area are located in the southeastern portion of the West Rail I West Colfax Corridor Growth Area (a land use designation), one (1) of seven (7) growth areas in the city, and due south of the city's Sheridan Station on the West Rail Line at North Sheridan Boulevard and approximately West 9th Avenue.

Growth areas are defined as "places" that have been planned and zoned for higher density employment, retail and residential growth; and located along major transportation corridors with frequent rail and bus service in addition to automobile access." They are intended to accommodate most new residential units and employment space in the City through 2035 with mixed-use, multi-story buildings that are pedestrian-friendly, and residential densities of 30 or more units per acre in core areas. Given their importance, the city intends to "strive to involve and coordinate any future planning efforts within growth areas with established metropolitan districts and property owners."

2.2 Zoning

As explained in the Comprehensive Plan, zoning and LUVM designations are generally compatible for land located within the city; however, in locations where future needs were considered better served by a different use the two differed. The future land use designation for parcels in the Survey Area is Mixed Use – Core – Transit (M-C-T). The Lakewood Zoning Ordinance (Title 17 of the Lakewood Municipal Code) amended on December 12, 2016 and effective as of January 30, 2017, governs land use and development throughout the city. Article 14 of the Zoning Ordinance. Section 17.4.3, revised July 2019. (Section 17.5.3.4) defines the M-C-T zoning classification as follows.

Mixed Use - Core - Transit (M-C-T)

The M-C-T district is intended to provide opportunities for higher density mixed-use development in areas adjacent to light rail stations. The transit context reflects the most pedestrian-oriented environment and requires that buildings be located within a short distance of adjacent public streets. Auto-oriented design elements are restricted and have specific design requirements.

Permitted uses include: Attached Dwelling Unit Multifamily Group Home (1-8 client residents); Group Residential Facility; Bar, Club, Lodge, or Service Organization; Day Care Facility; Adult or Child Entertainment Facility; Indoor Fitness or Athletic Facility; Private Gallery or Studio; Hotel; Motor Vehicle Sales; Indoor Office; Parking; Stand-Alone, Structured Personal Service Restaurant; Retail; Community Building; Park; Religious Institution; School; Public or Private Transportation Facility; Public University or College; Utility Facility; Minor Home Business; Major Horticulture; Wireless Communications Facility. A detailed description of this zoning classification is provided in **Appendix C**.

2.3 Urban Renewal Areas

The City currently maintains three urban renewal areas, all of which are administered by the Lakewood Reinvestment Authority. Urban renewal is a tool used to attract new businesses and residents to revitalizing areas. The three areas include the West Alameda Corridor Reinvestment Area, Colfax-Wadsworth Reinvestment Area, and West Colfax Avenue Corridor Reinvestment Area. The

latter spans from Sheridan Boulevard to Simms Street, generally including commercial properties that front Colfax Avenue, along with properties surrounding or near several West Rail Line stations. As mentioned above, the subject property is located due south of and in the vicinity of one of these station areas.

As explained in the Comprehensive Plan, urban renewal areas will “continue to provide a reinvestment and economic development tool where increased business, employment, and residential densities are planned and expected to occur, and in the future, it may be appropriate for the City to consider other areas for an urban renewal designation.”

2.4 Advocacy and Organizational Support

Properties in the Survey Area are the subject of efforts by the West Colfax Community Association (WCCA), one (1) of five (5) in the city that promotes investment and development along the Colfax Avenue corridor between Denver and Simms Street and along the West Rail Line. These organizations will continue to help increase the economic potential of the city and work towards business attraction and retention, as well as investing in public infrastructure and art.

3.0 Definition of Blight

A determination of blight is a cumulative conclusion based on the presence of several conditions or factors (physical, market, and other), defined by state law, that collectively contribute to the deterioration of an area. Taken together, and when left unattended for extended periods of time, they can adversely impact the economic health of properties not only in their general vicinity, but those of the community at-large. With more than 60 years of history to reflect on, blighting conditions are known to diminish the positive attributes of investment and reinvestment in land and improvements, stagnate property values, and necessitate disproportionate levels of spending. For this Survey, and as set forth in the Act, the definition of a blighted area is as follows:

31-25-103. Definitions. (2) "Blighted area" means an area that, in its present condition and use and, by reason of the presence of at least four 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) Existence of conditions that endanger life or property by fire or other causes;
- (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;
- (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;

If there is no objection of such 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 (1), 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. Source: Colorado Revised Statute 31-25-103(2).

The determination of whether an area is or is not a “blighted area” is the sole responsibility of municipal legislative bodies (i.e., city council). In a typical situation, the survey report is used by the city council to organize an urban renewal authority and later, to approve an urban renewal plan for redevelopment of properties within its boundaries. In this instance, it will be used by the Lakewood City Council to determine whether “a blight designation is appropriate” as an exception to the City’s annual growth cap of 1% as defined in Chapter 14.27 of the Lakewood Municipal Code.

As stated in the Act, a finding of eligibility neither requires that all eleven (11) factors be present in the Survey Area, nor that every parcel in the area be adversely impacted by a qualifying factor. In this instance, the Lakewood City Council will determine the Survey Area's eligibility based on the presence of four (4) or more factors (or five (5) in cases where the use of eminent domain is anticipated). As explained in (l) above, these thresholds may be reduced to the presence of one (1) blighting factor in cases where owners of property and tenants of the owners do not object to inclusion in the area. Although nine (9) of the eleven (11) factors were either observed or identified, as per the Statute, the Area may be considered eligible based on the presence of one (1) blighting factor since there is no objection by the property owner.

4.0 Study Methodology

Ricker | Cunningham (RC), Urban Renewal Specialists, was authorized in March 2021 to investigate conditions in the Survey Area, and prepare a report describing their findings. To this end, RC personnel reviewed information including Geographic Information Systems (GIS) records, past reports and studies, and other data and documents provided by City Staff and representatives of other public agencies; and conducted field investigations during the months of April and May 2021.

4.1 Description of Statutory Factors

What follows is a description of each of the statutory factors listed above. Actual conditions either observed or identified within the Survey Area are described in *Section 5 Summary of Findings*, along with an opinion regarding whether collectively, they constitute a finding of “blight”. In making a final determination, the Lakewood City Council will have to conclude that that finding satisfies § 31-25-103(2) of the Statute.

(a) Slum, deteriorated, or deteriorating structures

This factor is said to be present when an area contains structures that are deteriorating or deteriorated according to municipal codes or the physical condition of structures in an area pose specific life-safety concerns due to the deterioration or absence of its: roof; walls, fascia board or soffit; foundation; gutters or downspouts; exterior finish; windows or doors; stairways or fire escapes; mechanical equipment; loading areas; fences, walls or gates; or non-primary structures.

(b) Predominance of defective or inadequate street layout

This factor is said to be present when the layout of existing streets or absence of streets adversely impact: the health, safety and welfare of individuals using vehicular and non-vehicular modes of transportation; or sound development of the area. Specific circumstances include inadequate vehicular access, internal circulation, street widths or parking lot layout; presence of dead ends; deteriorating condition of existing streets; inadequate accommodations for safe pedestrian and bicycle movement; lack of driveway definition or curb cuts; and / or elevated history of traffic accidents.

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness

This factor is said to be present when a parcels size or configuration (long and narrow or irregularly sized) inhibits or is likely to inhibit the development of improvements consistent with prevailing regulations (i.e., zoning); or vehicular access is either inadequate or unsafe. In this context, shared access, even among properties with the same owner, is considered a deficiency since it could limit the redevelopment potential of one or more properties were the owner to decide to sell them individually.

(d) Unsanitary or unsafe conditions

This factor is said to be present when there are poorly lit or unlit areas, sidewalks are cracked or uneven, drainage infrastructure is deficient, trash or mechanical equipment is unscreened, there is evidence of vandalism or vagrancy; incidents of crime are increasing or disproportionately high; there is a lack of fire protection; or hazardous contaminants, floodways and

floodplains, and steep slopes threaten the health, safety and welfare of persons in an area.

(e) [Deterioration of site or other improvements](#)

This factor is said to be present when property, structures or public improvements have been damaged or neglected as reflected in deteriorating signs, parking surfaces, curbs, gutters, sidewalks, streets or landscaping; or trash, debris and weeds are visible and pervasive.

(f) [Unusual topography or inadequate public improvements or utilities](#)

This factor is said to be present when the topography of an area, including the presence of severe slopes and gullies, either: makes improvement of properties difficult, impractical, or infeasibly costly; limits a sites usefulness; adversely affects the size or configuration of built structures; or requires expensive infrastructure to support development as required by prevailing regulations. The presence of overhead utilities is another condition considered in the context of this factor.

(g) [Defective or unusual conditions of title rendering the title non-marketable](#)

This factor is said to be present when development is hampered, or properties are deemed unmarketable due to conditions of title (including unclear ownership) such as covenants or other provisions governing its use that are discriminatory, obsolete or unduly restrictive. Also considered in the context of this factor is the presence of utility, ditch and access easements which can have a similar impact on a property's potential and capacity for development.

(h) [Existence of conditions that endanger life or property by fire or other causes](#)

This factor is said to be present when property or structures are subject to threats from fire, hazardous contaminants, flooding, or criminal activity.

- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities

This factor is said to be present when conditions within properties or structures pose a threat to habitation or daily use resulting from contamination or a lack of safety infrastructure (i.e., fire sprinkler systems). Conditions that are present under (a), (d), (i) and (k.5) may also be included under this factor.

- (j) Environmental contamination of buildings or property

This factor is said to be present when past or ongoing chemical or biological contamination of a site either poses a health hazard to users or limits the type or magnitude of development that is either legally permitted or financeable. Conditions listed under factors (d), (i), and (k.5) also qualify under this factor.

- (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

This factor is said to be present when properties or structures are vacant or underutilized (as anticipated by zoning); or a disproportionate level of public services are required to address a disproportionately high frequency of crimes, fires, accidents or building code violations. Conditions listed under factors (a), (d), (i), and (j) also qualify under this factor.

5.0 Summary of Findings

It is the conclusion of this Holiday Shopping Center Conditions Survey that, within the Area boundaries, nine (9) of the possible eleven (11) blight factors are present, including those listed here: (a) deteriorated or deteriorating structures; (b) defective or inadequate street layout; (c) faulty lot layout; (d) unsanitary or unsafe conditions; (e) deterioration of site or other improvements; (f) unusual topography or inadequate public improvements or utilities; (h) conditions that endanger life or property by fire or other causes; (i) buildings that are unsafe or unhealthy for persons to live or work; and (k.5) substantial physical underutilization or vacancy of sites, buildings, or other improvements. What follows are descriptions and supporting data regarding conditions either observed or identified and

associated with each. Representative photographs of select conditions are presented in **Appendix D**.

(a) **Slum, deteriorated, or deteriorating structures**

The investigation of building conditions within the property was conducted from the outside in locations both visible from, and accessible to, the general public. Elements of improvements that were observed or deemed to be deteriorating included unscreened mechanical and operating equipment, broken and boarded windows, crumbling masonry around loading docks and receiving areas, deteriorating fascia boards, building facades where materials were either absent or paint was peeling, and tarps were being used on portions of the roof, likely to protect the building interior from water damage associated with inclement weather.

A secondary structure made of particle board has been constructed along the western wall of the commercial retail building located on Parcel A. It appears to be temporary and used as storage space for one of the tenants.

(b) **Predominance of defective or inadequate street layout**

Defective or inadequate street layouts are often a byproduct of one or more of the following street conditions: absence of accommodations for safe vehicular and non-vehicular mobility; limited capacity to support existing or potential traffic activity; and deteriorating infrastructure. Two of these conditions were either observed or identified in the Survey Area – absence of facilities to support non-vehicular movement within the property and deteriorating infrastructure.

Accommodations for Mobility

Sidewalks present along the northern and eastern edges of the property vary in width and condition, but neither are compliant with the Americans with Disabilities Act (ADA). The sidewalk serving the northern edge of the property is degraded, heaving is visible in portions, as are cracks, and lighting is insufficient to support safe mobility. There were no dedicated bike lanes in either roadway supporting the property and the points of access were not clearly defined, as required by municipal codes and prevailing zoning.

Traffic-Related and Criminal Incidents

In addition to the absence of infrastructure and observable degradation, another measure of a street's inadequacy is the frequency with which traffic-related incidents and accidents occur, or conflicts between vehicles, or vehicles and either pedestrians or bicycles. According to LexisNexis® Community Crime Maps and the Lakewood Police Department, and summarized in **Table 3**, traffic accidents in the vicinity of the Survey Area between 2017 and April 2021, have remained at high levels, reaching their peak in 2019 when they represented 75% of all criminal and traffic-related incidents.

Table 3
Traffic-Related and Criminal Incidents

Study Area: Lakewood Police Department Beat S6¹
2017 to April 2021
May 2021

Incident Type	2017		2018		2019		2020		2021 (YTD April)	
	Number	% Lakewood Police Dept	Number	% Lakewood Police Dept	Number	% Lakewood Police Dept	Number	% Lakewood Police Dept	Number	% Lakewood Police Dept
Motor Vehicle Theft	79	100%	78	100%	53	100%	103	100%	25	100%
Auto-Theft	30	0%	39	0%	26	0%	32	0%	28	0%
Traffic Accidents	455	0%	460	0%	950	51%	856	55%	205	97%
Arson	3	67%	4	100%	5	80%	9	100%	2	50%
Robbery	21	62%	18	44%	27	30%	28	61%	4	25%
Aggravated Assault	31	52%	36	31%	41	54%	41	51%	10	60%
Larceny	28	0%	22	0%	30	0%	46	0%	9	0%
Murder	2	0%	0	0%	1	0%	2	0%	0	0%
Attempted Murder	2	100%	2	100%	0	0%	0	0%	0	0%
Burglary	83	77%	103	77%	65	58%	111	57%	20	70%
Possession of Burglary Tools	2	100%	3	100%	0	0%	0	0%	0	0%
Crimes Against At-Risk Adult Juvenile	2	100%	1	100%	0	0%	0	0%	0	0%
Menacing (Felony)	18	100%	19	100%	2	100%	0	0%	0	0%
Petty Theft	15	100%	9	100%	0	0%	0	0%	0	0%
Other Theft	106	100%	117	100%	65	100%	71	100%	16	100%
Sexual Assault	6	100%	8	100%	6	100%	6	100%	1	100%
Total	883		919		1,271		1,305		320	

* Through April 2021.

Note: Traffic accident data for the years 2017 and 2018 was only available for incidents served by the Denver Police Department.

Source: LexisNexis® Community Crime Maps, City of Lakewood Police Department and Ricker | Cunningham.

(c) Faulty lot layout

Factor (c) is strongly related to the presence of Factor (b) above, principally because access is a function of the overall platting and design of both streets and lots. Faulty lots are those that lack adequate and clearly defined points of ingress

¹ Boundaries of area are coterminous with Lakewood's Police Department Beat S6 which is bounded by North Garrison Street on the west, U.S. Highway 6 on the north, North Sheridan Boulevard on the east, and West Alameda Avenue on the south.

and egress, as well as, due to their size or shape, have limited utility. Similarly, because faulty streets often create faulty lots, properties in the Survey Area that suffer from conditions associated with Factor (b) also suffer from conditions associated with Factor (c) as explained in the narrative that follows.

Ingress and Egress

Access to properties is defined by curbs and gutters and made visible by clearly marked breaks in driveways and appropriate lighting. In locations where clear points of ingress would have been anticipated due to levels of vehicular activity, these deficiencies, particularly in commercial and industrial areas, threaten the safe movement of goods, services, and pedestrians, and pose a significant competitive disadvantage often resulting in below market property values.

Information was not available regarding the property's compliance with state and local roadway standards associated with points of ingress and egress in commercial parcels however, access from West 10th Avenue is suboptimal whereas it provides access to the rear of one of the two commercial buildings, rather than the front or even customer parking lot.

Parcel Size and Shape

In addition to adequate access, a lot's configuration and size can also impact its function and utility, or capacity to host development. In other words, lots that are either too small or irregular in shape to accommodate market-supported improvements, particularly due to municipal regulations associated with parking requirements, setbacks, and impervious surface coverage, are often considered faulty and described as "remnants." While Parcel A is adequate in both size and shape to support a range of uses and development concepts, Parcel B, at 0.38 acres is not, were it to be held in ownership by an entity other than that of Parcel A. Further, review of the Alta I NSPS for the property illustrates that the number of total parking spaces supporting the commercial building on Parcel A is 16, and 10 for the building on Parcel B, and all are in the front of both buildings. Parking requirements of the M-C-T zoning classification state, "Convenience surface parking spaces shall be limited to short-term parking lots with fewer than 10 spaces per building. Convenience surface parking spaces may be located behind or to the side of a building and shall be clearly marked for short-term use only. All other parking shall be accommodated for in parking structures." Therefore, neither parcel is compliant in this regard.

(d) Unsanitary or unsafe conditions

Conditions which diminish protections for individuals living, working and passing through an area can range from a lack of infrastructure to protect from fires to heightened levels of criminal activity; and include the presence of threats from environmental contaminants and floods. While many conditions that are unsafe may also be considered unsanitary, in this context, the latter are more typically associated with circumstances that are visible such as the presence of graffiti, vandalism, and unkempt landscaping, all of which are more indicative of neglect, rather than threats to persons or property.

Fire Suppression Equipment

Substandard infrastructure previously discussed has largely been associated with the condition and capacity of roadways and presence of accommodations for non-vehicular mobility. Not yet discussed, but also applicable, is the presence (or absence) of protections for buildings and their occupants from fire-related incidents. Fire prevention resources including water and other suppression systems, along with their capacity to provide adequate pressure and flow, are monitored by the Lakewood Fire Department. As of the date of this report, no information had been provided concerning buildings within or adjacent to the subject property regarding their compliance with established regulations associated with protection from fires. Similarly, no data was provided regarding the number of structural fires in the vicinity of the property. Further, whereas the interior of the two commercial buildings located within the property were not inspected (as per RC's established practice), the presence of this condition could neither be confirmed nor denied.

Criminal Activity

In the same manner that the frequency of traffic events can be an indicator of unsafe roadway conditions, heightened levels of criminal activity can be an indication of an unsafe environment for people to live or work. As previously presented in **Table 3**, the number and nature of criminal incidents in the Survey Area between 2017 and 2020 (the last full year for which information was available) has ranged from 48% in 2017 to 25% in 2020 of all significant crimes² with the highest

² Motor Vehicle Theft, Auto Theft, Arson, Robbery, Aggravated Assault, Larceny, Murder, Attempted Murder, Burglary, Possession of Burglary Tools, Crimes Against At-Risk Adult I Juvenile, Menacing (Felony), Petty Theft, Other Theft, Sexual Assault.

number occurring in the categories of Burglary and Theft, followed by Motor Vehicle Theft and Aggravated Assault.

Environmental Impacts

Multiple sources were used to identify potential threats from incidents of environmental contamination within and in the vicinity of the Survey Area, principal among them the State of Colorado's Department of Public Health and Environment. Information maintained by this organization includes data on Brownfield properties, those closed for conditional purposes, environmental cleanup reports, hazardous materials at federal facilities, properties contaminated by mercury, methamphetamine, radioactive materials, uranium mill tailings, the Neuhauser Landfill, Superfund sites, and those participating in the Voluntary Cleanup and Redevelopment Program (VCUP). This review revealed the presence of a Brownfield site at 1080 Sheridan Boulevard, located within the Upper South Platte watershed. The last reported information was dated February 2017, which stated while both a Phase I and Phase II Environmental Assessment had been completed during the first half of 2015, along with a Supplemental Assessment in November of that year, no cleanup activities had occurred. In addition to this Brownfield site, the Survey Area is surrounded by six (6) additional Environmental Protection Agency (EPA) "facilities of interest." This discussion is continued in the context of Factor (j) below.

Presence of Floodways

The source of information used to determine if parcels in the Survey Area are at risk from flooding included the following National Flood Insurance Program Map published by the Federal Emergency Management Agency (FEMA).

Panel 0306F

Jefferson County, CO

Panel 306 of 675

Map No. 08059C0306F

Map Revised February 5, 2014

Township 3 South, Range 69 West, Township 4 South, Range 69 West

City of Lakewood 085075

Area of Minimal Flood Hazard: Zone X

As reflected therein, the property is located between waterways, Dry Gulch on the north and Lakewood Gulch on the south, and maintains a Zone X classification, or area of minimal threat from a flood hazard. Specifically, FEMA defines parcels in these areas as being subject to a "0.2% annual chance of flood with average depths of one (1) foot or with drainage areas less than one (1) square mile," as well as areas "protected by levees from 1% annual flood."

Unsanitary Conditions

In addition to unsafe conditions, this factor also considers conditions which contribute to an unsanitary environment. While not necessarily presenting a direct threat to people or property, taken together they can contribute to a perception of "blight" or neglect. Examples of these conditions include evidence of graffiti, vandalism, vagrancy, unkempt landscaping, and unscreened trash and mechanical equipment; as well as outdoor storage and service areas, that according to the Municipal Code should, but do not protect adjacent properties and facilities. In terms of vagrancy, this was both observed during the field investigation and reported to City Officials. In addition, both parcels were unkempt, mechanical equipment was unscreened, landscaping improvements that were present were overgrown, and graffiti was visible on both commercial buildings and its signage.

(e) Deterioration of site or other improvements

Evidence of deterioration within properties and public rights-of-way, in and adjacent to the Survey Area, and observable include buildings and other structures with visible deferred maintenance; unscreened trash, debris and equipment; crumbling and broken asphalt surfaces; damaged signage; and overgrown landscaping. While any of these conditions considered independent of the others may not suggest a significant threat to people or property, taken together with the presence of other "blighting" factors, suggests a pattern of deterioration and neglect.

Examples of deteriorating structures are described in the context of Factor (a) above. Site deterioration in the Area, while often accompanying lots with structural deterioration, also included general property neglect. Examples observed and identified included: parking surface deterioration; the presence of trash, weeds, and other debris; and signage problems.

(f) Unusual topography or inadequate public improvements or utilities

While the property's topography is flat, it is adversely impacted by deficiencies in the area's infrastructure. The subject property is served by the Consolidated Mutual Water Company, Lakewood Storm Water Utility, East Lakewood Sanitation District and Xcel Energy. No information was provided regarding the condition or capacity of its utility infrastructure, however, City Staff mentioned previous concerns regarding energy levels that either may or may not have been resolved with new development in the area. Inadequacies in the area's roadway infrastructure have already been documented, along with its condition, and deemed deficient in meeting established standards for the safety and security of vehicles, pedestrians and bicyclists.

To determine if the city had intentions, either funded or unfunded, to address any capital deficiencies, inquiries were made regarding near- and long-term improvement projects. The only one identified in the vicinity of the Survey Area was an active reclamite program, or roadway repaving program using reclamite asphalt. To date, several streets located in major blocks surrounding the property have been repaved, as have portions of other north-south and east-west thoroughfares between West Harlan Street and Sheridan Boulevard, and West 10th and West 8th Avenues.

Not mentioned previously, but also considered in the context of this Factor (f), is the presence of overhead utility lines. While permissible according to prevailing regulations, overhead power lines are thought to be a visual "blight" that can contribute to a larger perception of neglect and decay. Overhead power lines were visible on all sides and within the subject property.

(g) Defective or unusual conditions of title rendering the title non-marketable

As explained above, this factor is associated with conditions which limit the development potential of a property due to title restrictions or the presence of easements. As of the date of this report, no information was provided to suggest the presence of title concerns. However, a review of the Alta I NSPS for the property revealed the presence of a 14.0' permanent easement (Rec. No. 2017092461) located along its eastern edge between the right-of-way and private property line and associated with a concrete walkway (sidewalk). While ongoing business

interests continue to operate despite its presence, as well as likelihood that other properties located along the Sheridan Boulevard corridor are subject to a similar easement, its presence is not deemed to have an adverse impact.

(h) Existence of conditions that endanger life or property by fire or other causes

Conditions posing a threat to people and property identified in the Survey Area primarily include those associated with infrastructure deficiencies previously described and associated with vehicular and non-vehicular mobility, as well as conditions that foster vehicular and criminal activity, along with the presence of environmental contaminants that may or may not pose a threat.

(i) Buildings | sites that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities

Previous discussions associated with Factors (a), (d) and (f) above, and Factor (j) below have addressed conditions contributing to an unsafe or unhealthy environment for people to live or work.

(j) Environmental contamination of buildings or property

Previously discussed in the context of Factor (d) and presented in **Table 4** below, there are six (6) Environmental Protection Agency (EPA) "facilities of interest" in the vicinity of the Survey Area actively being monitored by the EPA, and one property a designated Brownfield site at 1080 Sheridan Boulevard located within the Upper South Platte watershed that has had numerous investigations of environmental contamination dating back to 2004. As explained above, the last reported information was dated February 2017 which stated while both a Phase I and Phase II Environmental Assessment had been completed during the first half of 2015, along with a Supplemental Assessment in November of that year, no cleanup activities had occurred. Not only does the presence of environmental contaminants pose a threat to people and property, it heightens the cost of property development and redevelopment associated with construction of preventative barriers often required by local codes, and has the potential to limit the availability of financing for new construction.

Table 4
EPA Facilities of Interest
 May 2021

Facility Name	Property Address	EPA Registry ID
Amoco No 8605	998 Sheridan Blvd	110038621471
Bradley Petroleum Inc No 465	1015 Sheridan Blvd	110007237506
Tiffany Square Apartments	935 Sheridan Blvd	110030467297
5255 West 9th Avenue Apartments	5255 West 9th Ave	110038429723
Keri - Lyn Apartments	5340 West 10th Ave	110011669051
Lakewood Learning Center	946 Benton St	110011599430
1080 Sheridan Blvd	1080 Sheridan Blvd	110064402123

Source: State of Colorado's Department of Public Health and Environment and Ricker | Cunningham.

- (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

As is the case with other factors of blight, conditions associated with the various aspects of Factor (k.5) may be distinctly different or directly related. Resources provided to properties and businesses by the City of Lakewood and its affiliate organizations generally include sanitation (both sewer and refuse), water, stormwater, streets, libraries, schools, fire, police, ambulance, and other related services. Previous discussions associated with conditions contributing to the presence of Factors (b), (c), (d), (f) and (i), particularly related to suboptimal protections for people and property, have all contributed to disproportionate levels of services and resources being expended to properties in and around the Survey Area.

Vacancy and Underutilization

The second aspect of this Factor (k.5) speaks to threats and challenges resulting from high rates of vacancy in buildings and underutilization of properties. Based on a review of public records, the northernmost parcel within the property allows for construction of at least one outbuilding within the area currently improved for surface parking. Given the age of existing commercial buildings within its boundaries, 55 and 48 years, number of years held by the current owner, 23, and cyclical nature of real estate conditions over the past five decades that included periods of both expansion and retraction, it is reasonable to conclude the property has remained underutilized for an extended period. Underutilized properties not

only generate fewer resources necessary to fund essential services but have the potential to perpetuate adverse conditions that can ultimately lead to an ongoing pattern of degradation and disrepair.

In addition to the presence of low site utilization in the Area, a significant number of units within the 965 – 999 building are vacant, and the entire 955 – 957 building is vacant, resulting in an improvement vacancy rate of approximately 70%. As of the first quarter of 2021, the total retail vacancy rate in the West Submarket (as defined by CBRE Research) where the subject property is located was 6.7%, the second lowest in the Denver Metro Area, following only the Colorado Boulevard Midtown Submarket of 5.6%. Partially and largely vacant properties propagate adverse circumstances whereas they are considered disruptive to the physical community form, diminish the potential of existing businesses, generate below market revenue streams, drive down rental rates, and often support a tenant mix at odds with emerging market opportunities. Additionally, they are frequently more expensive to improve and make the delivery of public services more expensive and highly inefficient.

6.0 Conclusion

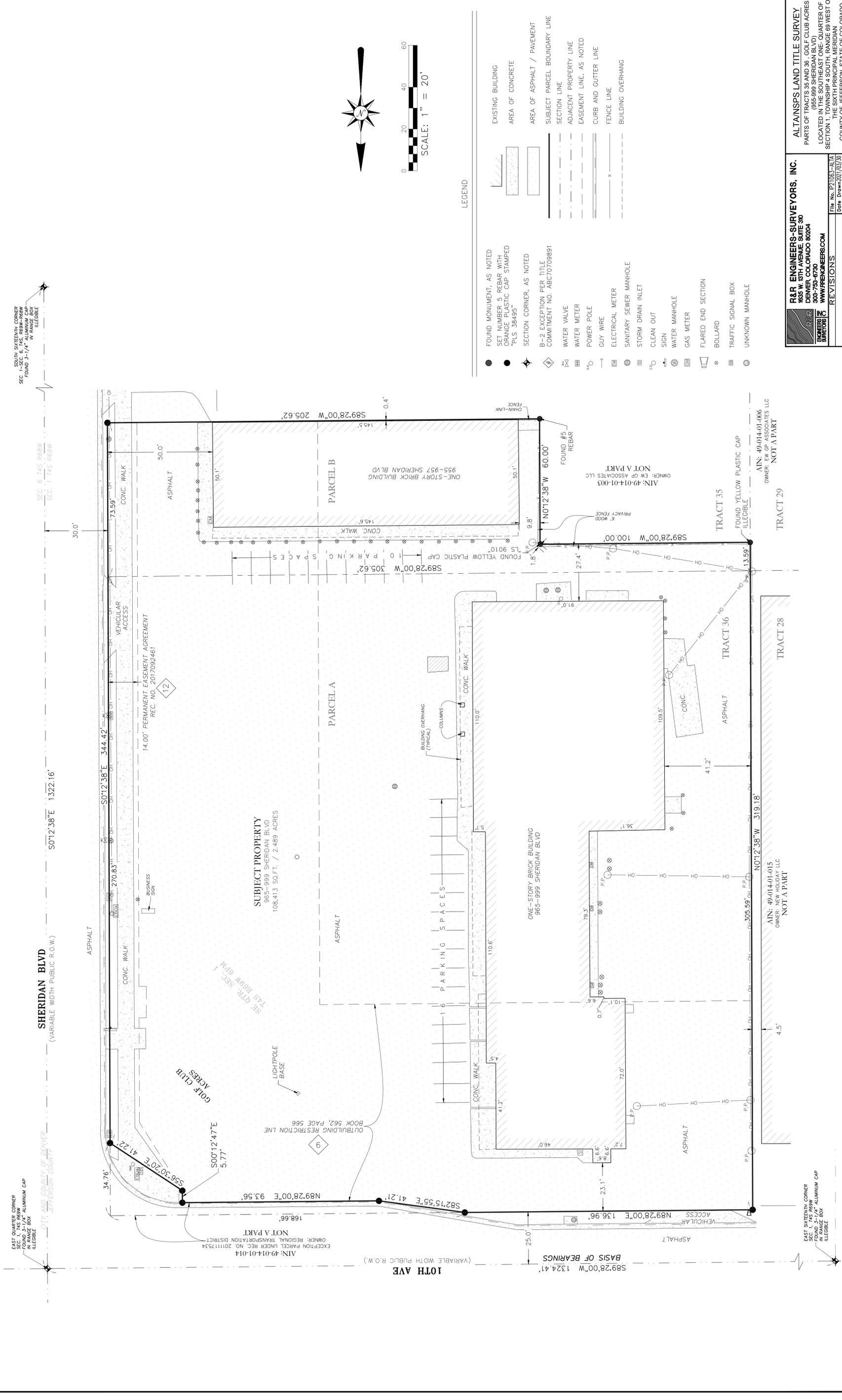
In summary, nine (9) of the eleven (11) total possible factors were either identified or observed at varying degrees of intensity in the Survey Area and all at levels considered adverse and impactful to a degree that any resolution or mitigation would be time-intensive and costly, yet necessary to advance stated community goals, and ensure the *"sound growth of the municipality, provision of housing accommodations, economic and social equity; along with public health, safety, morals, and welfare."*

Appendix A:

Alta I NPS Land Title Survey 955 – 999 Sheridan Boulevard

ALTA/NSPS LAND TITLE SURVEY

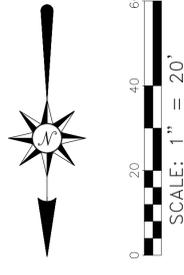
PARTS OF TRACT 35 AND 36, GOLF CLUB ACRES (955-999 SHERIDAN BLVD)
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN
 COUNTY OF JEFFERSON, STATE OF COLORADO



SOUTH SIXTEENTH CORNER
 SEC. 1-SEC. 6, T4S, R69W-R69W
 FOUND 3-1/4" ALUMINUM CAP
 IN RANGE BOX
 ILLEGIBLE

EAST QUARTER CORNER
 SEC. 1, T4S, R69W
 FOUND 3-1/4" ALUMINUM CAP
 IN RANGE BOX
 ILLEGIBLE

EAST SIXTEENTH CORNER
 SEC. 1, T4S, R69W
 FOUND 3-1/4" ALUMINUM CAP
 IN RANGE BOX
 ILLEGIBLE



LEGEND

- FOUND MONUMENT, AS NOTED
- SET NUMBER 5 REBAR WITH ORANGE PLASTIC CAP STAMPED "PLS 38495"
- ◆ SECTION CORNER, AS NOTED
- ◆ B-2 EXCEPTION PER TITLE COMMITMENT NO. ABC70709891
- ⊗ WATER VALVE
- ⊗ WATER METER
- ⊗ POWER POLE
- ⊗ GUY WIRE
- ⊗ ELECTRICAL METER
- ⊗ SANITARY SEWER MANHOLE
- ⊗ STORM DRAIN INLET
- ⊗ CLEAN OUT
- ⊗ SIGN
- ⊗ WATER MANHOLE
- ⊗ GAS METER
- ⊗ FLARED END SECTION
- ⊗ BOLLARD
- ⊗ TRAFFIC SIGNAL BOX
- ⊗ UNKNOWN MANHOLE
- ▨ EXISTING BUILDING
- ▨ AREA OF CONCRETE
- ▨ AREA OF ASPHALT / PAVEMENT
- ▨ SUBJECT PARCEL BOUNDARY LINE
- ▨ SECTION LINE
- ▨ ADJACENT PROPERTY LINE
- ▨ EASEMENT LINE, AS NOTED
- ▨ CURB AND GUTTER LINE
- ▨ FENCE LINE
- ▨ BUILDING OVERHANG

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 Date Drawn: 02/10/20
 Drawn By: CMM
 Checked By: JMG
 Job No. IP21063

REVISIONS

ALTA/NSPS LAND TITLE SURVEY
 PARTS OF TRACTS 35 AND 36, GOLF CLUB ACRES
 (955-999 SHERIDAN BLVD)
 LOCATED IN THE SOUTHEAST QUARTER OF
 SECTION 1, TOWNSHIP 4 SOUTH, RANGE 69 WEST OF
 THE SIXTH PRINCIPAL MERIDIAN
 COUNTY OF JEFFERSON, STATE OF COLORADO

Appendix B:

Chapter 14.27 Lakewood Municipal Code Strategic Growth Initiative

Chapter 14.27

RESIDENTIAL GROWTH LIMITATIONS

Sections:

- 14.27.010 Purpose/Intent.**
- 14.27.020 Implementation/Exceptions.**
- 14.27.030 Administration of this Chapter.**
- 14.27.040 General Provisions.**
- 14.27.050 Available Allocations.**
- 14.27.060 Establishment of Allocation Pools.**
- 14.27.070 Schedule of Allocation Periods.**
- 14.27.080 Applications.**
- 14.27.090 Issuance of Allocations.**
- 14.27.100 Banking of Allocations.**
- 14.27.110 Excess and Unused Allocations.**
- 14.27.120 Failure to Use Allocations; Penalties.**
- 14.27.130 Building Permit Approvals.**
- 14.27.140 Mandatory Review.**
- 14.27.150 Severability Clause.**
- 14.27.160 Authority to Continue.**
- 14.27.170 Definitions.**

14.27.010 Purpose/Intent.

- A. Establish a building permit management system that limits residential growth in the City of Lakewood to no greater than one (1) percent per annum, which will assure the preservation of its unique environment and exceptional quality of life;
- B. Encourage redevelopment of blighted and distressed areas;
- C. Encourage preservation of larger open space parcels;
- D. Assure that such growth proceeds in an orderly and timely manner and does not exceed the availability of public facilities and urban services;
- E. Avoid degradation in air and water quality;
- F. Avoid increases in crime and urban decay associated with unmanaged growth;
- G. To allow mitigation of the effects of past and future growth on infrastructure and schools. (Citizen Initiative-Special Election 07-02-2019).

14.27.020 Implementation/Exceptions.

The provisions of this chapter shall apply to the issuance of building permits for all new dwelling units within the City of Lakewood except:

- A. Structures located, or to be located, upon land that is designated "blighted."
- B. Structures located, or to be located, upon land located on a campus owned by a college or university, including, but not limited to, Colorado Christian University and Rocky Mountain College of Art and Design, and which are used to house only college or university students, staff, or faculty.
- C. A dwelling unit may be replaced with another dwelling unit without obtaining an allocation, provided that the replacement unit is located on the same parcel, tract, or lot.
- D. Mobile homes in operating mobile home parks may be removed and replaced with another mobile home without obtaining an allocation.

E. Industrial or commercial construction, unless such industrial or commercial construction includes structures which, in whole or in part, are to be occupied as a dwelling. (Citizen Initiative-Special Election 07-02-2019).

14.27.030 Administration of this Chapter.

A. Planning Commission may recommend and City Council may adopt rules as necessary to administer this chapter.

B. Calculations performed in the administration of this chapter shall be rounded downward for all partial numbers. (Citizen Initiative-Special Election 07-02-2019).

14.27.040 General Provisions.

A system of managing the issuance of residential building permits in the city is established with the following general provisions:

A. Allocation Required for a Building Permit. Except as otherwise provided in this chapter, an allocation is required as a condition precedent to the issuance of a building permit which will result in the creation of a new dwelling unit. For structures containing more than one dwelling unit, one allocation for each dwelling unit in the structure is required as a condition precedent to issuance of a building permit for such structure.

B. Maximum Allocations. The city shall not grant more than forty (40) allocations to a development in a calendar year except upon a finding after hearings held upon reasonable notice to the public - pursuant to the provisions of Lakewood municipal code 17.2.2.3 applicable to initial zoning and rezoning - that such accumulation of allocations will not prejudice the allocation process; and:

1. That there is an unmet community need for such development; or
2. That insufficient applications have been submitted to exhaust the allocations available and such allocations are available for distribution in the current calendar year.

C. Residential development projects may be specifically exempted from this chapter according to either of the following procedures:

1. Residential developments may be exempted by the adoption by the electors of the City of Lakewood at a regular or special election of an initiated or referred ordinance enacting such an exemption. Such election shall be held according to the applicable provisions of the Lakewood City Charter, with any expenses covered by the applicant requesting the exemption.

2. City Council may upon a finding of compliance with the below-listed criteria grant an exemption from the specific provisions of this chapter for a residential development within the city. City Council's action shall be by ordinance, shall include two public hearings, and shall occur following public hearing and recommendation by Planning Commission. Planning Commission's hearing and recommendation, and City Council's hearing and decision on the requested exemption shall follow the hearing and notice procedures in section 17.2.2.3 of Lakewood municipal code. City Council may grant an exemption from the provisions of this chapter upon a finding that all of the following criteria, as may be applicable, are met:

- a. That the residential project requesting an exemption is a multifamily "senior housing project" which is and will remain housing for individuals over the age of 55; and
- b. That the project requesting an exemption demonstrates compliance with Lakewood Comprehensive Plan and any applicable neighborhood plan(s); and

c. A senior housing project developed based upon an exemption granted shall not be converted to another residential use without first having secured an allocation for each dwelling to be so converted, according to the provisions of this chapter.

D. Period of Validity. Allocations are only valid and can be used only from the date of issue through the last day of the allocation period for which they are issued, at which time they expire, unless a part of an approved banking plan.

E. Use of Allocations. An allocation is used by applying for and being issued a building permit or setting up a mobile home, as applicable. Unused allocations are those for which a building permit has not been issued, or a mobile home not set up, during the period for which the allocation is valid.

F. Surrender of Allocations. Allocations which a recipient does not expect to use during the period for which they are valid may be voluntarily surrendered without penalty at any time up until 30 days prior to the end of that allocation period. Allocations which are surrendered at least 30 days prior to the expiration of the allocation period shall be added to the number of available allocations for the next allocation period in the same calendar year for the same allocation pool, or to the year-end pool, as appropriate. Allocations in the year end pool may not be surrendered.

G. Transferability. Allocations are site specific and not transferable to other developments. Allocations are issued to a specific building lot, and may only be transferred within a development to other lots which are under the same ownership as the holder of the allocation. Allocations may be transferred with the conveyance of a lot. (Citizen Initiative-Special Election 07-02-2019).

14.27.050 Available Allocations.

A. In January of each year City Council shall determine by resolution the number of allocations which will be available for issuance and use during that year. The annual resolution shall assign a sufficient number of allocations directly for satisfaction of a previously exempted project(s) whose banking plan(s) included a Planning Commission recommendation for commitment of future allocations, if City Council approves such commitment. The resolution shall then assign those remaining available allocations to the "open pool," "hardship pool," "affordable/low income pool," and "surplus pool," and determine the number of allocations within each such pool as will be available for the respective allocation periods.

B. The total number of allocations available for issuance and use during each calendar year shall be equal to one percent of the number of dwelling units which are estimated to exist in the city on December 31 of the prior calendar year. The number of allocations available for issuance for 2018 will be based on figures from the City of Lakewood and the US Census statistics (152,590 residents divided by 2.27 = 67,220) and thus 672 allocations for new dwelling units will be available in 2018.

C. The number of dwelling units which exist in the city on December 31 of the prior year shall be estimated as follows:

1. Begin with the number of dwelling units in the city which existed at the beginning of the previous calendar year.
2. Add the number of new dwelling units for which building permits were issued during the previous calendar year which required an allocation for issuance.
3. Add the number of allocations secured by, or assigned to, previously exempted projects or dwellings during the previous calendar year.

4. Add the number of dwelling units added to the city by reason of annexations during the previous calendar year. (Citizen Initiative-Special Election 07-02-2019).

5. Subtract the number of dwelling units which were destroyed (and not replaced within 12 months), abandoned or otherwise ceased to be used as such during the prior calendar year.

6. Subtract the number of dwelling units for which building permits had previously been issued, but which expired in the previous year without issuance of a certificate of occupancy. (Citizen Initiative-Special Election 07-02-2019).

14.27.060 Establishment of Allocation Pools.

For the purpose of administration of this chapter City Council hereby creates the following described allocation pools:

A. Open Pool. The open pool is created for all developments within the city that do not otherwise qualify to request allocations.

B. Hardship Pool. The hardship pool is created for distribution of allocations by City Council upon a finding that a hardship or unusual circumstance exists which merits relief. All developments otherwise eligible to apply for allocation in general may participate in the hardship pool. Allocations are awarded as requests are granted by City Council, and not as of a specified allocation date.

C. Affordable/Low Income Housing Pool. The affordable/low income housing pool is created for distribution of allocations for residential projects creating dwelling units for households earning up to 120 percent of area median income.

D. Surplus Pool. The year-end pool is created for the purpose of distributing unused and excess allocations which are available as of November 1 of each calendar year. All developments otherwise eligible to apply for allocation in general may participate in the surplus pool. (Citizen Initiative-Special Election 07-02-2019).

14.27.070 Schedule of Allocation Periods.

A. For all calendar years, the open pool will have two allocation periods which occur from January 1 through May 31, and from June 1 through October 31.

B. For all calendar years, the hardship pool will have an allocation period from January 1 to October 31.

C. For all calendar years, the affordable/low income housing pool will have one allocation period from January 1 through May 31. Excess allocations in the pool at the conclusion of the allocation period will be transferred to the open pool for the allocation period beginning on June 1.

D. The surplus pool allocation period will occur from November 1 through December 31. (Citizen Initiative-Special Election 07-02-2019).

14.27.080 Applications.

A. Applications for allocations shall be on a form provided by the city. A separate application submitted by the property owner is required for each allocation period. Except as provided otherwise, complete applications must be submitted to the city at least seven calendar days prior to the beginning of the allocation period for which the application is made. Applications may not be submitted more than 210 days before the beginning of the applicable allocation period. Applications for excess allocations may be made at any time that excess allocations are available, but prior to the last 30 calendar days of any allocation period.

B. Eligibility. To apply for allocations, a development must have completed all steps otherwise necessary to apply for and receive a building permit including the requisite zoning

and subdivision approval, but not including the preparation of building construction plans. Site development review, if necessary, need not be complete prior to applying for allocations, although a pre-submittal conference and review of the site plan by staff must be completed, with an indication that approval of the concept may be achieved.

C. Allocation requests within a development under common ownership shall be combined and treated as a single application. Lots in such developments which are held in separate ownership shall be treated as separate applications.

D. No applicant shall request allocations in excess of the lesser of: The available number of allocations in the appropriate pool in that allocation period, or the available number of lots or units in the subject development. (Citizen Initiative-Special Election 07-02-2019).

14.27.090 Issuance of Allocations.

A. Open Pool. For each respective allocation period in the open pool, one allocation will automatically be issued to each applicant if sufficient allocations are available. The remainder of requests is then tallied, and available allocations are distributed on a pro-rata basis to applicants based upon their requested number.

B. Hardship Pool. Hardship pool allocations are distributed by the City Council at their discretion upon request from an applicant, and subject to a finding that all of the following conditions exist:

1. That the issuance of an allocation is necessary to prevent undue hardship on the applicant; and
2. That the issuance of an allocation(s) will not adversely affect the public interest or the purposes of this chapter; and
3. Allocations are available in the hardship pool; and
4. That the requested allocation and the resulting building permit would be proper and in accordance with all of the ordinances and regulations of the City of Lakewood, excepting the provisions of this chapter.

C. Affordable/Low Income Housing Pool. Allocations assigned to the “affordable/low income” housing pool shall only be available for use by qualifying projects in the initial allocation period of each year. Any excess allocations in the affordable/low income housing pool at the end of the initial allocation period of the year will be transferred to the open pool for distribution pursuant to subsection (A) above.

1. In addition to the application requirements, allocations from the affordable/low income housing pool will contain documentation in a form acceptable to the city attorney of the provisions that will be put in place to assure that rental units created by affordable/low income housing pool allocations will remain available to households making up to 120 percent of area median income for a period of at least 15 years after completion of construction, or assurances that the initial sale of the dwelling units created by the affordable/low income housing pool allocations will be by a bona fide, “arms-length sale” to individual households making no more than 120 percent of area median income, and at an initial sales price that is reasonably calculated to allow an otherwise qualified buyer to obtain a loan for the purchase of the dwelling unit with a down payment of no more than 20 percent of the sale price.

2. If the number of affordable/low income housing pool allocations requested does not exceed the number assigned by City Council, the allocations will be distributed in the same manner as the open pool. However, if the number of allocations requested exceeds the number of allocations available in the affordable/low income housing pool, the applications will be presented to Planning Commission for review. The Planning Commission will award the affordable/low income housing pool allocations to those proposed dwelling units serving the households with the lowest area median income. In such circumstances, no building permit

shall be issued based upon any preference pool allocations until 16 days after the Planning Commission has issued a decision. Any aggrieved party may appeal the Planning Commission decision to City Council. Applicants for allocations from the affordable/low income housing pool may amend the application submitted to change from the affordable/low housing pool to the open pool, at any time prior to the beginning of the allocation period.

D. Surplus Pool. All unused open pool and hardship pool allocations which remain on November 1 of each year will be available in the surplus allocation pool. One allocation will automatically be issued to each applicant if sufficient allocations are available. The remainder of requests is then tallied, and available allocations are distributed on a pro rata basis to applicants based upon their requested number. Allocations which are unclaimed during the surplus pool or which are due to expire will be assigned by the City Council. Acquisition of the final remaining allocation by a banking plan for a specific project during the surplus pool shall trigger the expiration of the banking plan at the end of the first allocation period in the following year.

E. Insufficient Allocations. Except as noted above, if there are insufficient allocations available to issue at least one allocation to each applicant for a particular allocation period due to demand, a lottery shall be held to determine the recipients of the allocations. Those applicants who are unable to obtain an allocation during that particular allocation period will be given first preference to receive an allocation in the following allocation period in the same pool if a timely application is filed.

F. Following the issuance of allocations, staff shall present a report to Planning Commission and City Council summarizing the results of the allocation period. (Citizen Initiative-Special Election 07-02-2019).

14.27.100 Banking of Allocations.

Notwithstanding any other provisions of this chapter, the period of validity of an allocation may be extended through, and the allocation may be used in subsequent allocation periods upon approval by the city as provided in this section. The process of extending the period of validity of allocations in this section is as follows:

A. Banking of allocations will be permitted in the following circumstances only:

1. The Director of Planning shall approve an application for banking of allocations for residential projects of forty (40) units or fewer if the number of units to be banked corresponds to that found in an entire building or buildings in the project, and if the allocations are proposed to be used within the same calendar year as the initial award of allocation.

2. The Planning Commission may approve a banking plan for multifamily projects of forty (40) units or fewer for the purpose of banking beyond the end of a calendar year, upon a finding that building configuration, site constraints, or infrastructure phasing reasonably require that a larger increment of the development be built at one time.

3. The Planning Commission may approve a banking plan for residential projects of forty (40) units or fewer upon a finding that building configuration, site constraints, or infrastructure phasing reasonably require that a larger increment of the development be built at one time.

B. Application for banking of allocations for projects over forty (40) units shall be made at the time of the allocation application. The application shall set forth a banking plan which includes the total number of dwelling units in the project, the number of allocations sought to be banked, the time period during which the validity of allocations is proposed for extension, and the reason therefore.

C. For applications submitted under subsection (A)(2) or (A)(3) of this section, the Planning Commission shall determine at a hearing upon reasonable notice to the public has been posted, whether the requested banking is appropriate as provided in this section.

D. A nonrefundable fee shall be assessed in conjunction with each approved multiyear banking plan to cover the city's cost of the administering banking plans. The fee shall be set by City Council by resolution and shall be based upon the number of dwelling units in the approved banking plan. The fee shall be payable on a pro rata (per unit) basis at the time of distribution of allocations to the banking plan. Failure to pay any installment of the fee within 30 days of distribution of allocations to the banking plan shall cause a forfeiture of such allocations.

E. A decision of the Planning Commission or the Director of Planning with respect to an application to bank allocations may be appealed to the City Council.

F. Requests for banking of allocations beyond the end of the calendar year of the application shall be subject to the following conditions:

1. The maximum number of years in which allocations may be acquired pursuant to any banking plan of allocations shall be five. All allocations acquired within the banking period must be used during this time period.

2. The maximum number of allocations that may be in the bank at any one time during the banking program shall not exceed the total number of allocations available in the city in the first year of approval of said banking.

3. Banking plans will be approved only for a number of units which correspond to that found in an entire building or buildings in the project.

4. Subject to City Council's annual distribution of allocations, Planning Commission may recommend a commitment of future allocations to an approved banking plan project. Such commitment shall not bind City Council's action, but shall serve to be an indication of support for a specific project.

G. Surrendered or forfeited allocations distributed to an approved banking plan from calendar years prior to the year during which they are surrendered or forfeited shall be deemed to have expired and shall not be available for distribution. Surrendered or forfeited allocations distributed to an approved banking plan in the same calendar year in which they are surrendered or forfeited shall be made available for redistribution in accordance with the applicable provisions of this chapter.

H. The Planning Commission, may, upon a show of good cause, approve an extension of up to one year to an existing banking plan, to allow use of the banked allocations. The holder of the allocations may not acquire further allocations during the period of such extension.

I. For the purpose of defining the total number of available allocations, the total number of dwelling units in the city shall not include banked allocations which have not received building permits.

J. An applicant banking allocations within the same calendar year, shall notify the Director of Planning in writing within ten days after the allocations are granted of the number of allocations being banked and the reasons therefore.

K. The annual reports to Planning Commission and City Council pertaining to the administration of this chapter shall include information regarding the number of banked allocations approved in the current year, used in the current year, and the total number of banked allocations by individual project.

L. Approval of a "banking plan" shall not constitute a "vested right" to develop the project. (Citizen Initiative-Special Election 07-02-2019)

14.27.110 Excess and Unused Allocations.

A. Excess allocations in the open pools will be used to supplement other approved banking plans.

B. Excess allocations which have not been issued at the end of the allocation period and unused allocations will be added to the available number of allocations for the next allocation period in the same calendar year for the same pool, or to the surplus pool, as appropriate. (Citizen Initiative-Special Election 07-02-2019).

14.27.120 Failure to Use Allocations; Penalties.

A. Failure to use an allocation which is not part of an approved banking plan during the period for which it is issued, without surrendering it at least 30 days prior to the expiration of the allocation period for which it has been issued, shall cause the holder of such allocation to be ineligible to receive allocations for a period of one year from the last day that the unused allocation is valid. This penalty may be waived by the Planning Commission for good cause.

B. Failure to use an allocation which is part of an approved banking plan during the period of the banking plan, without surrendering it at least 60 days prior to the expiration of the period of the banking plan, shall cause the holder of such allocation to be ineligible to receive allocations for a period of two years from the last day that the unused allocation is valid. This penalty may be waived by the Planning Commission for good cause.

C. Use of an dwelling unit constructed by reason of an allocation from the affordable/low income housing pool in a manner inconsistent with the affordability criteria listed in this chapter, or contrary to the assurances provided pursuant to such section, including, without limitation the initial sale of a dwelling unit at a price that exceeds the maximum price contemplated in such section, shall cause the holder of such allocation to be ineligible to receive further allocations for a period of three years from the date of the violation. This penalty may be waived by the Planning Commission for good cause. (Citizen Initiative-Special Election 07-02-2019).

14.27.130 Building Permit Approvals.

All building permit applications will be reviewed within fifteen working days after submission of a complete application. At the end of the building permit review period, either a building permit will be made available for issuance or reasons will be given to the grantee why the permit cannot be issued, in which case the grantee has twenty work days in which to submit all required corrections. If the corrections are not completed in the time and manner required, the building permit application and related allocation are void unless reinstated by the city manager upon a finding that a longer increment of time would be reasonable. (Citizen Initiative-Special Election 07-02-2019).

14.27.140 Mandatory Review.

City Council shall review this chapter once every five years or as needed. City Council may temporarily reduce the 1% limit at will. Should City Council determine an increase in allocations is needed, Council must send such requested increase to the voters of Lakewood. (Citizen Initiative-Special Election 07-02-2019).

14.27.150 Severability Clause.

If any part, section, sentence or clause of this chapter shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this chapter. Any such part, section, sentence

or clause shall not be taken to affect or prejudice in any way the remaining part or parts of this chapter. (Citizen Initiative-Special Election 07-02-2019).

14.27.160 Authority to Continue.

Any building permit that has gone through the processes necessary to secure a building permit, including, but not limited to, rezoning and subdivision, and was legally and formally applied for prior to adoption of this chapter, may be continued without obtaining an allocation. (Citizen Initiative-Special Election 07-02-2019).

14.27.170 Definitions.

The following terms are defined for purposes of this chapter:

A. Allocation. “Allocation” means a right, granted by the city pursuant to this chapter, to make application for a building permit to build one dwelling unit. An allocation is not a guarantee of receiving approval for a building permit. Approval of the building permit itself will occur through the established building permit review process

B. Allocation Pools. “Allocation pools” mean separate categories of developments as described in this chapter which are created for the purpose of distributing available allocations.

C. Area Median Income. “Area median income” (AMI) means the median annual household income for Jefferson County, as adjusted by household size, and published annually by the United States Department of Housing and Urban Development.

D. Building Permit. “Building permit” means a permit issued pursuant to the provisions of the Lakewood Municipal Code.

- Building permits shall be allocated in accordance with the provisions of this chapter such that those issued shall result in no more than a one-percent annual increase in the number of dwelling units.

E. Development. “Development” means the entire plan to construct or place one or more dwelling units on a particular parcel or contiguous parcels of land within the city including, but not limited to, a subdivision approval, a planned unit development, and a mobile home park.

F. Dwelling Unit. One or more habitable rooms constituting a unit for permanent occupancy, with facilities for eating, sleeping, bathing, that occupies a structure or a portion of a structure.

G. Excess Allocations. “Excess allocations” means allocations which are available for issuance from a particular allocation pool and period, but which have not been issued by reason of lack of demand.

H. Good Cause. “Good cause,” when used as a basis for relief from timely compliance with specifically referenced provisions of this chapter, means the existence of unanticipated circumstances which are beyond the control of the property owner and which prevented timely compliance with the referenced provisions of this chapter. “Good cause” shall not include delays which are reasonably expected in the development process, including, but not limited to, preparation of plans or a securing of financing. The existence of “good cause”, and availability of relief by reason thereof, shall be determined after a public hearing conducted by the Planning Commission. A party aggrieved by the decision of the Planning Commission on such issue may, within 15 days of the date of the decision thereon by the Planning Commission, apply to the City Council for a review of said decision by filing a request for review with the city clerk. The City Council shall, within 30 days of receipt of the review request, and based upon the record alone as certified to Council by the Planning Commission, decide to uphold, deny, or modify the decision of the Planning Commission

I. Lottery. "Lottery" shall mean a drawing held by the city to select applicants which will receive an allocation through a process based upon random chance. Each applicant in a lottery shall be treated equally regardless of the number of allocation requests.

J. Pro-rata. "Pro-rata" means the issuing of allocations to applicants in the same proportion that the total number of available allocations bears to the total number of requested allocations, as modified and elaborated in this chapter. For example, if applications for twice the number of allocations were received than the number available, each applicant would be granted approximately one-half the number requested.

K. Set-up. "Set-up", when used in connection with mobile homes, means the process of setting up a mobile home for the purpose of occupancy as a residence including by way of example, connection to utilities and installation tie-downs.

L. Unused Allocation. "Unused allocation" means an allocation which has been issued but for which a building permit has not been issued or a mobile home set-up, as applicable, during the period for which the allocation is valid. (Citizen Initiative-Special Election 07-02-2019).

Appendix C:

M-C-T Mixed-Use – Core - Transit Zone District Summary

ZONE DISTRICT SUMMARY



M-C-T

Mixed Use - Core - Transit

The M-C-T district is intended to provide opportunities for higher density mixed-use development in areas adjacent to light rail stations. The Transit context reflects the most pedestrian-oriented environment, and requires that buildings be located within a short distance of adjacent public streets. Auto-oriented design elements are restricted and have specific design requirements.

The official Zoning Ordinance is available online: www.lakewood.org/zoning

Building Setbacks

Front

(measured from edge of existing or future public improvements.)

Minimum: 0 feet
Maximum: 20 feet

Side¹

Minimum: 0/5 feet

Rear¹

Minimum: 0/5 feet

¹Buildings not located at the 0 foot setback shall be located a minimum of 5 feet from the property line.

Build-to-Zone Requirement²

75%

²The Build-to-Zone requirement is the percentage of lot width that must contain a portion of a building within the front setback range.

Height Requirements³

Minimum: 45 feet (3 floors)
Maximum by Station Area:
Sheridan Blvd. 120 feet
Wadsworth Blvd. 120 feet
Oak St. 90 feet
Union Corridor 180 feet

³Subject to height transition when adjacent to residential zoning, see [17.5.3.4](#).

Open Space

Minimum: 10%

Non-Residential Building Footprint

Maximum: 40,000 square feet

Retail Allowed per Business

Maximum: 40,000 square feet by right
40,001 - 60,000 square feet with Special Use Permit

Additional Design Requirements⁴

Vertically mixed uses and ground floor designed for retail

⁴See [17.5.3.6.A](#)

Residential Density*

*Applies only if residential is provided.

Minimum: 35 DU/acre
Maximum: None

Surface Parking Lot Locations Allowed

Convenience surface parking spaces shall be limited to short-term parking lots with fewer than 10 spaces per building. Convenience surface parking spaces may be located behind or to the side of a building and shall be clearly marked for short-term use only. All other parking shall be accommodated for in parking structures.

<p>Permitted Land Uses</p> <p>Permitted as a use by right.</p>	<p>Attached Dwelling Unit Multifamily Group Home (1-8 client residents) Group Residential Facility</p> <p>Bar Club, Lodge, or Service Organization Day Care Facility, Adult or Child Entertainment Facility, Indoor Fitness or Athletic Facility, Private Gallery or Studio Hotel Motor Vehicle Sales, Indoor Office Parking, Stand-Alone, Structured Personal Service Restaurant</p>	<p>Retail</p> <p>Community Building Park Religious Institution School, Public or Private Transportation Facility, Public University or College Utility Facility, Minor</p> <p>Home Business, Major</p> <p>Horticulture</p> <p>Wireless Communications Facility Stealth New Freestanding Structure ≤ 60 ft. in height</p>
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<p>Limited Land Uses</p> <p>Permitted as a use subject to compliance with any supplemental standards identified in Section 17.4.3.</p>	<p>Accessory Dwelling Unit</p> <p>Contractor Shop Medical Marijuana Business Motor Vehicle Rental</p>	<p>Apiaries Community Garden</p> <p>Temporary Use, Short-term</p>
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<p>Special Land Uses</p> <p>Permitted with a special use permit, subject to compliance with Section 17.4.3.</p>	<p>Animal Care Emergency Medical Facility</p> <p>Convention or Exposition Center School, Vocational or Trade Utility Facility, Major Solar Garden</p>	<p>Temporary Use, Long-term</p> <p>Wind-Powered Electric Generator, Freestanding</p> <p>Wireless Communications Facility, > 60 ft. in Height</p>
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<p>Accessory Land Uses</p> <p>Only permitted as accessory to a permitted use, subject to compliance with Section 17.4.3.</p>	<p>Construction or Sales Trailer Outdoor Display</p> <p>Home Business, Minor</p>	<p>Satellite Dish Antenna Solar Collection System</p> <p>Wireless Communications Facility, Existing Structures Building Facade Mounted Roof Mounted Other Freestanding Support Structure</p>
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Appendix D:

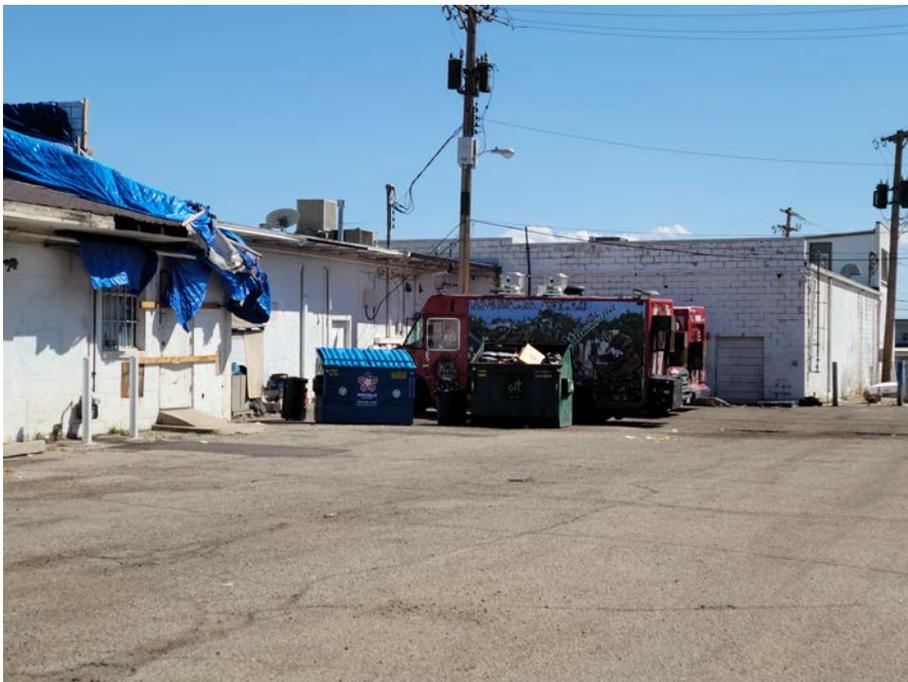
Photo Inventory

Statutory Factors of Blight:

- (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) *Existence of conditions that endanger life or property by fire or other causes;*
- (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;*
- (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;*



Visible Factors: a, b, c, d, e, f, i, k5



Visible Factors: a, b, c, d, e, f, h, i



Visible Factors: a, b, c, d, e, f, h, i



Visible Factors: a, b, c, d, e, f, i



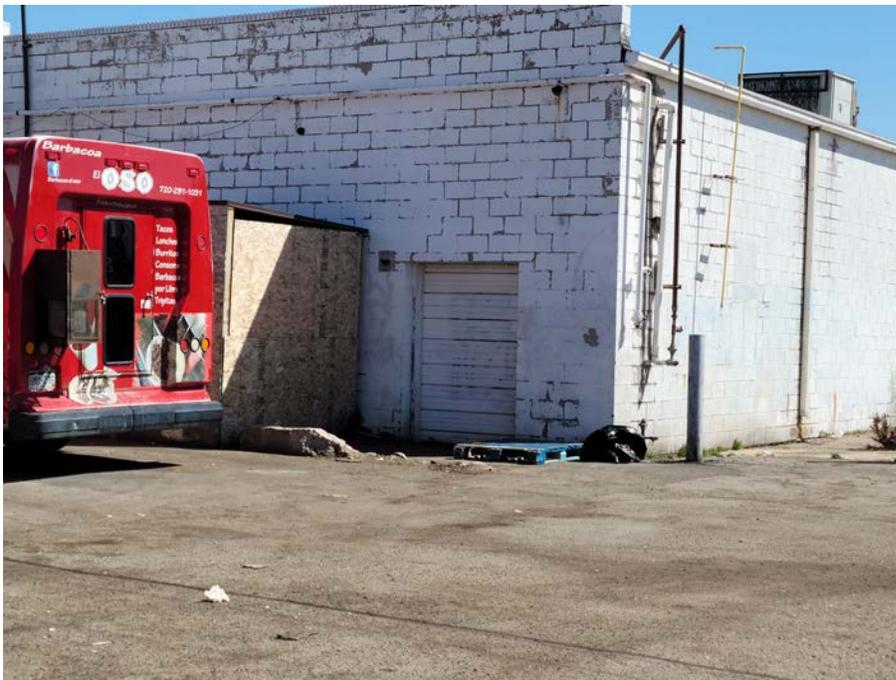
Visible Factors: a, b, c, d, e, f, i



Visible Factors: a, b, c, d, e, f



Visible Factors: a, b, c, d, e, i, k5



Visible Factors: a, b, c, d, e, i



Visible Factors: a, d, e, i



Visible Factors: a, d, e



Visible Factors: a, e



Visible Factors: a, f, k5



Visible Factors: b, c, d, e



Visible Factors: b, c, d, e



Visible Factors: b, c, d, e



Visible Factors: b, c, d, e, f



Visible Factors: b, c, d, e, h, l, k5



Visible Factors: b, c, d, e



Visible Factors: b, c, f



Visible Factors: b, c, d, e



Visible Factors: d, e



Visible Factors: d, i



Visible Factors: e

EXHIBIT A



City of Lakewood
Denver Regional Council of Governments
DRCOG, City of Lakewood
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,
NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,

City of Lakewood

STAFF REPORT

DATE OF CITY COUNCIL MEETING: JUNE 28, 2021 / AGENDA ITEM NO. 12
JULY 12, 2021 / AGENDA ITEM NO. 14

To: Mayor and City Council

From: Robert Smith, Economic Development Director, 303-987-7732
Kit Newland, Director Community Resources, 303-987-7822

Subject: **AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$700,000.00 FROM THE ECONOMIC DEVELOPMENT FUND TO THE 2021 FISCAL YEAR TO SUPPORT THE CAMP CHRISTMAS PROJECT AT HERITAGE LAKEWOOD AT BELMAR PARK**

This ordinance was approved on 1st Reading by a vote of 10 ayes 1 nays.

SUMMARY STATEMENT: Lakewood has a unique opportunity to attract, facilitate and benefit from bringing the immersive holiday lighting experience known as Camp Christmas to Heritage Lakewood Belmar Park (HLBP) for the 2021 season. Hanzon Studios, with support from the Denver Center for the Performing Arts (DCPA), will bring this 42-day celebration, which in 2019, generated more than 69,285 visitors and provided remarkable economic impact (\$3.44M) for the host community. Hanzon Studios has produced unique and successful holiday attractions for more than 40 years, including for the Houston Zoo, Museum of Outdoor Art/Hudson Gardens, Neiman Marcus, and a reboot of the Denver Parade of Lights. In 2019, Camp Christmas was held at the Stanley Marketplace in Aurora, CO, selling tickets of the equivalent of 7.3 sold out concerts at Red Rocks.

In addition to the direct production expenses and revenues from ticket sales, it is estimated that Lakewood will benefit from a \$6M+ positive economic impact through the attraction and patronage of visitors to Lakewood's nearby retail shops and restaurants. It is also estimated, based on past data, that 84,000-113,000 visitors will come into Lakewood, many new to Lakewood and HLBP. HLBP will receive rental compensation for use of the site. Residents will benefit from access to a reasonably priced and high quality immersive holiday experience, close to home. Lakewood's reputation as community minded and local business supportive will be strengthened.

In order to bring this event to Lakewood, Council approved Resolution 2021-33 which authorized the City Manager to enter into City of Lakewood Economic Development Incentive Agreement No. 2021-01

BACKGROUND INFORMATION:

- This supplemental appropriation Ordinance authorizes the appropriation and expenditure of up to \$700,000 from Lakewood's Economic Development fund, in 2021, in support of the Camp Christmas Attraction Project.
- This supplemental appropriation will not diminish the City's General Fund.
- The Camp Christmas project will positively impact Lakewood's General Fund through the direct contracting of Community Resources services and expected additional sales tax collections associated with additional seasonal purchases made at local shops and restaurants.

- This supplemental appropriation Ordinance recognizes most, if not all of the expenditure is expected to be reimbursed by the Camp Christmas Project through attraction ticket sales and a minimum reimbursement of \$420,000.000.
- Additional background information regarding the Camp Christmas Attraction Project is included in Resolution 2021-33 and City of Lakewood Economic Development Incentive Agreement No. 2021-01

BUDGETARY IMPACTS:

If approved, on second reading, Lakewood will make available, from the Economic Development Fund up to \$700,000.00 for direct production expenses. Repayment of this advance will be made from a share back of revenues from ticket sales. By separate agreement with Hanzon Studios, approved by Council by Resolution 2021-33, a minimum of \$420,000.00 up to a maximum of \$700,000.00 will be repaid to the Economic Development Fund.

STAFF RECOMMENDATIONS: Staff recommends approval of Ordinance 2021-18.

ALTERNATIVES: City Council could vote to approve Ordinance 2021-18 with amendments
City Council could vote not to approve Ordinance 2021-18

PUBLIC OUTREACH: Typical publication and public notification was provided for this Council Action.

NEXT STEPS: If Ordinance 2021-18 is approved on second reading, the City Manager will execute the elements City of Lakewood Economic Development Incentive Agreement No. 2021-01 as approved by City Council Resolution 2021-33.

ATTACHMENTS: Ordinance O-2021-18

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

A RESOLUTION

APPROVING AN ECONOMIC INCENTIVE AGREEMENT WITH HANZON STUDIOS, INC. ("ARTIST/FOUNDER") FOR AN IMMERSIVE HOLIDAY ATTRACTION ("CAMP CHRISTMAS") AT HERITAGE LAKEWOOD BELMAR PARK AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, Hanzon Studios, Inc. is one of the top holiday attraction designers in the United States; and

WHEREAS, Hanzon Studios, Inc. has proven success in designing and producing successful community holiday lighting attractions locally and nationally for 40 years; and

WHEREAS, the City of Lakewood desires to encourage, and attract the unique secular holiday lighting attraction known as Camp Christmas ("Camp Christmas") to be held in the City of Lakewood at Heritage Lakewood Belmar Park; and

WHEREAS, the community identified Heritage Lakewood as the focal outdoor festival area for the City of Lakewood in its 2017 Master Plan; and

WHEREAS, Camp Christmas aligns with additional Master Plan goals of creating a strong identify brand and position of visibility and advancing and sustaining the museum through new revenue sources; and

WHEREAS, The Camp Christmas theme is centered on Christmas through the 20th century which compliments Heritage Lakewood's 20th century mission; and

WHEREAS, Heritage Lakewood Belmar Park will be compensated for the rental and expenses associated with use of the facility; and

WHEREAS, the Camp Christmas Holiday lighting attraction has previously provided positive and substantial economic benefits to its host community and is projected to have a \$6+ Million Dollar economic impact to Lakewood's local economy through the production of the attraction and patronage of visitors to Lakewood's nearby retail shops and restaurants; and

WHEREAS, The holiday lighting attraction requires funds referred to as an Advance ("Advance") to prepare, facilitate, hire and stage the production; and

WHEREAS, Revenues from ticket sales are projected to be in excess of production expenses, include substantial repayment of Advance funds over 42 days of presentation; and,

WHEREAS, The Denver Center for the Performing Arts ("DCPA") is a partner with Hanzon Studios, Inc. and a major contributor to the production, including marketing and box office support; and

WHEREAS, Camp Christmas is a dynamic, immersive community experience that is projected to attract 85,000 – 113,000 visitors from across the Rocky Mountain Front Range and the State of Colorado; and

WHEREAS, City Council wishes to provide incentives to attract this unique holiday lighting attraction to Lakewood by investing in Advance production expenses, up to an amount not to exceed Seven Hundred Thousand and 00/100s Dollars (\$700,000.00); and

WHEREAS, Hanzon Studios and the DCPA have previous experience in producing Camp Christmas and similar attractions within other jurisdictions and have carefully and reasonably budgeted the 2021 production so as to return most, if not all incentive funds advanced by the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, the Economic Development Incentive Agreement is approved and the City Manager is authorized to sign the Agreement.

INTRODUCED, READ AND ADOPTED by a vote of ___ for and ___ against at a virtual regular meeting of the City Council on July 12, 2021, at 7 o'clock p.m.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

**CITY OF LAKEWOOD
ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT NO. 2021-01**

This ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT (the “Agreement”) is made and entered into as of the latest date set forth in the signature blocks below (the “Effective Date”) by and between the **CITY OF LAKEWOOD**, a Colorado home rule municipal corporation whose principal business address is 480 South Allison Parkway, Lakewood, Colorado 80226 (“City”), and **HANZON STUDIOS, INC.**, a Colorado corporation whose principal business address is 1585 Glen Bar Dr., Lakewood, CO 80215 (“Hanzon Studios”).

WHEREAS, Hanzon Studios produces Camp Christmas (“Camp Christmas”) in conjunction with the Denver Center for the Performing Arts (“DCPA”);

WHEREAS, Camp Christmas has provided positive and substantial economic benefits to its host community in previous years and is projected to have a positive and significant economic impact upon Lakewood’s local economy through the patronage of visitors to Lakewood’s nearby retail shops and restaurants throughout the holiday season, as well as positively promote the City at both the regional and national level;

WHEREAS, Hanzon Studios and the DCPA have previous experience in producing Camp Christmas and similar attractions within other jurisdictions and have carefully and reasonably budgeted the 2021 production to return the incentive funds advanced by the City;

WHEREAS, Hanzon Studios seeks support from the City in presenting and coordinating Camp Christmas within the City of Lakewood through the advancement of a certain percentage of costs related to preparing, facilitating and staging Camp Christmas; and

WHEREAS, this Agreement sets forth the obligations of the City and Hanzon Studios regarding the financial incentive to be provided by the City and the terms of repayment by Hanzon Studios.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the sufficiency of which is expressly acknowledged, the parties hereby agree as follows:

I. OBLIGATIONS OF THE PARTIES

A. HANZON STUDIOS OBLIGATIONS.

1. THE SERVICES.

Hanzon Studios shall perform or coordinate all tasks and activities necessary to provide a high-quality presentation including, but not limited to creating, planning, organizing, promoting, advertising and producing Camp Christmas. Camp Christmas is an outdoor and indoor walk-through experience that utilizes lighting, sound, props, scenery, decorations, performances and a variety of technology. (“Services”)

2. FUNDING AND EXPENSES. Hanzon Studios shall use all income earned from 2021 Camp Christmas ticket sales to:

- pay all expenses directly related to creating, planning, organizing, promoting, advertising, producing and realizing Camp Christmas (the “Camp Christmas Expenses”); and

- repay the City for the Advance of the Economic Incentive Funds (defined below) in accordance with the following:
 - Hanzon Studios will provide Lakewood a weekly ticket sales report starting with Tuesday, 11/30/2021 and each successive Tuesday through Tuesday, 1/27/2022
 - On or before 3/31/2022, Hanzon Studios shall provide to the City a complete accounting of:
 - A comprehensive Camp Christmas expense report;
 - A verified accounting of gross revenue from 2021 Camp Christmas ticket sales. (See acknowledgements, below)
 - Hanzon Studios shall reimburse the City, not in excess of the amount of the Advance, the difference (the “difference”) between (i) the Camp Christmas Expenses; and (ii) gross revenue received by Hanzon Studios from ticket sales for Camp Christmas.
 - In the event the difference is less than a full reimbursement of the Advance, but greater than 60% (\$420,000) of the Advance, the parties shall initiate an audit of the Services to be completed by May 1, 2022, with the costs of the audit shared equally between the parties. The total costs of the audit shall not exceed \$5,000.
 - In the event net revenues are less than a full reimbursement of the total amount of the City of Lakewood’s advance, but less than 60% of the advance (\$420,000) the parties shall initiate an audit of the Services to be completed by May 1, 2022, with the costs of the audit shared equally between the parties. The total costs of the audit shall not exceed \$5,000. Both parties agree that Hanzon Studios will remain liable for any amount additional to the difference to bring the reimbursement to the City to a minimum of 60% of the Advance (\$420,000), and any portion of the reimbursement submitted after June 1, 2022 shall be subject to a five percent (5%) rate of interest.
 - While reimbursement payments may range from \$420,000 to \$700,000, all reimbursement payments to the City are due on or before 6/1/2022.
 - Acknowledgements:
 - All documents are subject to City of Lakewood Audit; and
 - The City recognizes that financial documents may contain proprietary information exempt from the Colorado Open Records Act pursuant to C.R.S. 24-72-204(3)(a)(IV).

B. CITY’S OBLIGATIONS.

1. CITY FUNDING. The City shall pay Hanzon Studios an amount not to exceed **Seven Hundred Thousand and 00/100 dollars (\$700,000.00)** (the “Advance”),

in the manner set forth below, which shall be used by Hanzon Studios for expenses directly related to the development, promotion, staging and realization of Camp Christmas (“Camp Christmas Expenses”).

2. NO EXPENSE REIMBURSEMENT. In full consideration of Hanzon Studios production of Camp Christmas (the “services”), the City shall provide the Advance to Hanzon Studios during the term of this agreement in support of the Camp Christmas Expenses. In no event shall the City provide compensation or reimbursement beyond the amount set forth herein.
3. INVOICING AND PAYMENT. The City shall make payments payable to Hanzon Studios’ personal, trade or business name as first stated above. Any such trade or business name must be registered with the Office of the Colorado Secretary of State.
4. APPROPRIATION. The City is not obligated by this Agreement to make any payments in any fiscal year beyond the fiscal year for which funds are appropriated or to make payments from any funds of the City other than funds appropriated for the payment of current expenditures. All payment obligations of the City under this Agreement are from year-to-year only and do not constitute a multiple-fiscal-year direct or indirect debt or other financial obligation of the City.

II. PERFORMANCE

A. REPRESENTATIONS; PROSECUTION OF SERVICES.

1. Hanzon Studios warrants and represents that it has the requisite authority, capacity, experience and expertise to perform the Services in compliance with the provisions of this Agreement and all applicable laws, and agrees to perform the Services in accordance with the terms and conditions set forth herein.
2. Hanzon Studios shall use its best efforts, skill, judgment and abilities to perform the Services in a professional manner.
3. Hanzon Studios shall engage with the DCPA for the promotion, ticketing and support of Camp Christmas in Lakewood.
4. Hanzon Studios shall endeavor to locally source labor and materials wherever possible, striving to keep all production funds circulating in Lakewood’s local economy.
5. DCPA and/or its agents shall contract with Heritage Lakewood Belmar Park for the use of the facility, paying all agreed upon fees and charges associated with the use of the facility. All such facility matters are explicitly not incorporated into this agreement.
5. Hanzon Studios will, or will cause, revenues from ticket sales in excess of production expenses to be a repayment of the Advance up to 100% of the advanced funds.

B. SUBCONTRACTS. Hanzon Studios hereby agrees that it is solely responsible for all subcontractors retained by Hanzon Studios to carry out the production of Camp Christmas.

C. LICENSES, PERMITS, OTHER OBLIGATIONS.

1. Hanzon Studios, and each subcontractor of Hanzon Studios, shall, at no cost to the City, obtain all licenses and permits required for the Services, if any, including, but not limited to, a City of Lakewood sales/use tax license and liquor license.
2. Hanzon Studios shall be current on all legal obligations to the City and any other governmental entity, including but not limited to, payment of taxes and fees, reporting, and all material contractual obligations.

D. RATE OF PROGRESS. Hanzon Studios acknowledges and agrees to proceed with all due diligence to complete the Services in a timely manner, and further agrees that failure to do so shall be deemed a breach hereof.

E. MONITORING AND EVALUATION. The City reserves the right to monitor and evaluate the progress and performance of Hanzon Studios to ensure the terms of this Agreement are being satisfactorily met in accordance with applicable monitoring and evaluating criteria and standards. Hanzon Studios shall cooperate with the City relating to such monitoring and evaluation.

F. SPECIFIC PERFORMANCE. In the event of a breach of this Agreement by Hanzon Studios, the City shall have the right, but not the obligation, to seek any remedy available under applicable law for reimbursement of any funds advanced by the City pursuant to this Agreement.

III. **TERM, TERMINATION AND EXTENSION**

A. TERM. This Agreement shall terminate on June 1, 2022, the anticipated date of completion of all obligations set forth above, unless extended by mutual agreement of the parties hereto. Failure to complete the obligations of this Agreement by June 1, 2022 shall be deemed a breach unless this Agreement is extended.

B. TERMINATION.

1. Termination by the City. The City may terminate performance of the Services in the event of a material breach or default by the Hanzon Studios; provided, however, that the City has first given Hanzon Studios written notice of the nature of the breach or default and Hanzon Studios shall have failed to cure within ten (10) business days after receipt of the notice.
2. Termination by Hanzon Studios – Breach/Default by City. Hanzon Studios may terminate this Agreement in the event of a material breach or default by the City; provided, however, that Hanzon Studios has first given the City written notice of the nature of the breach or default and the City shall have failed to cure within ten (10) business days after receipt of the notice. Pending resolution of any material breach or default by the City, Hanzon Studios may, in addition to any other remedies provided by law, discontinue performance of the Services without being in breach of this Agreement.
3. Payment upon Termination. If this Agreement is terminated as provided herein, Hanzon Studios shall be paid on the basis of Services satisfactorily completed. The portion of the Services completed but not yet accepted by the City shall be

determined by the City in the exercise of its sole, reasonable discretion. In no event shall the City withhold payment in retaliation for Hanzon Studios' claim of breach or default.

4. Force Majeure. In the event Services cannot be performed or are cancelled due to circumstances beyond the reasonable control of either party, including, but not limited to, power or utility outage; earthquake, fire or flood; epidemic or pandemic; emergency declaration or other decree by a government entity; insurrection, riot, war or terrorist attack; disruption in air or rail traffic; or other similar cause (a "Force Majeure"), neither party shall be obligated hereunder for such cancellation or non-performance. In the event a Force Majeure results in nonperformance or cancels an Event, Performance or date, the parties shall endeavor to re-schedule the Event, Performance or date, unless rescheduling is impractical.

IV. INDEPENDENT CONTRACTOR

Notwithstanding any language in this Agreement or any representation or warranty to the contrary, the relationship between Hanzon Studios and the City shall be as independent contractors, and neither the City nor Hanzon Studios shall be deemed or constitute an employee, servant, agent, partner or joint venturer of the other.

- A. CONTROL. Hanzon Studios has the authority to control and direct the performance and details of the Services. Notwithstanding the foregoing, the Services shall be subject to the City's general right of supervision to secure the satisfactory completion thereof.
- B. TAXES AND BENEFITS. **Hanzon Studios is not an employee of the City, is not entitled to workers' compensation benefits, is not entitled to unemployment insurance benefits, and is obligated to pay federal and state income tax on any moneys earned pursuant to this Agreement.** The City will not withhold or cause to be withheld federal or state taxes or social security payments from Hanzon Studios' compensation. Further, Hanzon Studios is not and shall not be entitled to benefits provided by the City to its employees, including, but not limited to, health insurance, disability insurance or pension benefits.

V. LIABILITY AND INDEMNIFICATION

- A. HANZON STUDIOS LIABILITY. Hanzon Studios shall be liable and responsible for any and all damages to persons or property caused by or arising out of the actions, obligations or omissions of Hanzon Studios or its employees, agents, subcontractors or other persons acting under Hanzon Studios' direction or control in performing or failing to perform the Services under this Agreement.
- B. BACKGROUND INVESTIGATIONS; NON-DISCLOSURE AGREEMENT. Hanzon Studios hereby guarantees that it has completed criminal background investigations on all individuals performing the Services on behalf of Hanzon Studios in compliance with the attached City of Lakewood Background Investigation Requirements. Failure to strictly comply with the terms of this subsection shall constitute a material breach of this Agreement.

C. INDEMNIFICATION.

1. Hanzon Studios. Hanzon Studios shall indemnify and hold harmless the City, its elected and appointed officials and its employees, agents and representatives (collectively, the "Indemnified Parties"), from any and all liability, claims, demands, actions, damages, losses, judgments, costs or expenses, including, but not limited to, attorney fees, which might be made or brought or which might result against any of the Indemnified Parties as a result or on account of the actions or omissions of Hanzon Studios or its employees, agents or subcontractors, or other persons acting under Hanzon Studios' direction or control, in performance of the Services.
2. City. Regardless of any written or oral statement to the contrary, in no event, instance or circumstance shall the City indemnify Hanzon Studios.

D. SUBCONTRACTOR CONTRACTS. If Hanzon Studios engages subcontractors to execute any part of the Services other than the furnishing of goods, materials or supplies, Hanzon Studios shall include the provisions of this Section in any such subcontracts.

E. SURVIVAL; NO LIMITATION. The provisions set forth in this Section shall survive the completion of the Services and the satisfaction, expiration or termination of this Agreement. The obligations set forth in this Section shall not be construed to negate, abridge or reduce other rights or obligations of indemnity that would otherwise exist as to a party or person described in this Section.

VI. INSURANCE

A. REQUIRED COVERAGES.

1. Professional Liability Insurance. Hanzon Studios shall procure and keep in force during the duration of this Agreement a policy of errors and omissions professional liability insurance insuring Hanzon Studios against any professional liability with a limit of at least One Million U.S. Dollars (\$1,000,000.00) per claim and annual aggregate. The limits of such insurance shall not, however, limit the liability of Hanzon Studios hereunder.
2. Commercial General Liability Insurance. Hanzon Studios shall procure and keep in force for the duration of this Agreement a policy or policies of commercial general liability insurance insuring Hanzon Studios, and naming the City as an additional insured, against any liability for personal injury, bodily injury, death or property damage arising out of the performance of the Services. Coverage amounts shall be maintained at the levels set forth in such policy/ies, which shall be no less than One Million U.S. Dollars (\$1,000,000) each occurrence. Such policies shall include coverages for contractual liability. The limits of such insurance shall not limit the liability of Hanzon Studios hereunder.
3. Automobile Liability Insurance. If any motor vehicles, whether owned, non-owned or hired, will be used in connection with the performance of the Services on or off site, other than to provide transportation between Hanzon Studios' employees' residences and Hanzon Studios' place of business, Hanzon Studios shall procure and keep in force for the duration of this Agreement one or more policies of comprehensive automobile liability insurance, include statutory personal injury protection and uninsured motorist coverage, insuring Hanzon

Studios and naming the City as an additional insured against any liability for personal injury, bodily injury, death or property damage arising out of the use of any such motor vehicles. Coverages amounts shall be maintained at the levels set forth in such policy/ies, which shall be no less than a combined single limit of One Million U.S. Dollars (\$1,000,000). The limits of such insurance shall not limit the liability of Hanzon Studios hereunder.

4. Workers' Compensation Insurance. Hanzon Studios shall provide proof of Workers' Compensation Insurance. Should Hanzon Studios have no employees, Hanzon Studios shall sign the attached Worker's Compensation Representation form and hereby acknowledges that it will not seek Workers' Compensation benefits from the City for "on-the-job" injuries sustained while performing this Agreement.
4. Other Insurance. Hanzon Studios shall procure and keep in force any other insurance required by applicable law.

B. TERMS OF INSURANCE.

1. General. Insurance required by this Agreement shall be with companies authorized to conduct business in Colorado and acceptable to the City and may provide for deductible amounts as Hanzon Studios deems reasonable for the Services, but in no event greater than Twenty Thousand U.S. Dollars (\$20,000). Jurisdiction and venue for any legal action against, and any other disputes with, insurers providing coverage hereunder shall be in Jefferson County, Colorado, or Denver, Colorado.
2. Changes. Not less than ten (10) days prior to the effective date of any cancellation of, or material change in, any insurance policy required herein, Hanzon Studios shall provide written notice of such cancellation or change to the City. Hanzon Studios shall identify whether the type of coverage is "occurrence" or "claims made." If the type of coverage is "claims made," which at renewal Hanzon Studios changes to "occurrence," Hanzon Studios shall carry a twelve (12) month tail. In the case of any "claims made" policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain continuous coverage as required herein. Hanzon Studios shall not do or permit to be done anything that shall invalidate the policies.
3. City Loss Recovery; Carrier Waiver of Subrogation. The policies described in this Section shall be for the mutual and joint benefit and protection of Hanzon Studios and the City. With the exception of the Professional Liability and Workers' Compensation policies, all insurance policies required herein shall provide that the City, although named as an additional insured, shall nevertheless be entitled to recovery under such policies for any loss occasioned to the City or its officers, employees or agents by reason of the acts or omissions of Hanzon Studios or Hanzon Studios' officers, employees, agents, subcontractors or business invitees. All such policies shall include a clause stating that the insurance carrier shall waive all rights of recovery, under subrogation or otherwise, against the City.
4. Policies Primary/Non-Contributory. With the exception of the Professional Liability policy/ies, all insurance policies required herein shall be written as primary and noncontributory.

- C. EVIDENCE OF COVERAGE. Before commencing the Services, Hanzon Studios shall furnish to the City certificates of insurance policies, and all endorsements requested by the City, evidencing insurance coverage required by this Agreement. Hanzon Studios understands and agrees that the City shall not be obligated under this Agreement until Hanzon Studios furnishes such certificates of insurance and endorsements. In the event the Term of this Agreement extends beyond the period of coverage for any insurance required herein, Hanzon Studios shall, not less than ten (10) days prior to the expiration of any such insurance coverage, provide the City with new certificates of insurance and endorsements evidencing either new or continuing coverage in accordance with the requirements of this Agreement.
- D. SUBCONTRACTS. If consent to engage subcontractors is granted pursuant to section II(B) above, Hanzon Studios shall include the insurance requirements set forth in this Agreement in all subcontracts. The City shall hold Hanzon Studios responsible in the event any subcontractor fails to procure and maintain, for the duration of this Agreement, insurance meeting the requirements set forth herein. The City reserves the right to approve variations in the insurance requirements applicable to subcontractors upon joint written request of subcontractor and Hanzon Studios if, in the City's sole discretion, such variations do not substantially affect the City's interests.

VII. COMPLIANCE WITH LAW

Hanzon Studios covenants and agrees that in performing The Services hereunder, it shall comply with all applicable federal, state and local laws, regulations and policies, including, but not limited to, the following:

- A. DRUGS, ALCOHOL AND WORKPLACE VIOLENCE. Hanzon Studios and its employees, agents and subcontractors, while providing the Services or while on City property for any reason during the term of this Agreement, shall adhere to the City's policies applicable to City employees regarding drugs, alcohol and workplace violence. A copy of such policies will be made available to Hanzon Studios upon request.
- B. EQUAL OPPORTUNITY EMPLOYMENT. Hanzon Studios shall not discriminate against any employee or applicant for employment on the basis of race, color, religion, age, sex, disability, military or veteran status, or national origin. Hanzon Studios shall take affirmative action to ensure applicants are employed, and employees are treated during employment, without regard to race, color, religion, age, sex, disability, military or veteran status, or national origin. Such action shall include but not be limited to: (i) employment, upgrading, demotion or transfer; (ii) recruitment or recruitment advertising; (iii) layoff or termination; (iv) rates of pay or other forms of compensation; and (v) selection for training, including apprenticeship. Hanzon Studios shall post in conspicuous places, available to employees and applicants for employment, notice, provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.
- C. AMERICANS WITH DISABILITIES ACT. Hanzon Studios shall comply with applicable provisions of the Americans with Disabilities Act of 1990, as amended from time to time (the "ADA"), and any other applicable federal regulation. The City may request at any time during the term, or any Extension Term, of this Agreement a signed, written certificate stating compliance with the ADA.
- D. WORKERS WITHOUT AUTHORIZATION. Pursuant to C.R.S. §§ 8-17.5-101, *et seq.*, Hanzon Studios represents and agrees as follows:

1. Unlawful Employees – Contractors and Subcontractors; Certification.
 - a. Hanzon Studios hereby certifies that it is not knowingly employing or contracting, and will not knowingly employ or contract, with a worker without authorization to perform services under this Agreement. Hanzon Studios further certifies that it will participate in the E-verify Program, or the Department Program established in C.R.S. § 8-17.5-102, in order to confirm the employment eligibility of all employees newly hired for employment to perform the Services.
 - b. Further, Hanzon Studios agrees that it will not knowingly contract with a subcontractor that: (a) knowingly employs or contracts with a worker without authorization to perform services under this Agreement; or (b) fails to certify to Hanzon Studios that the subcontractor will not knowingly employ or contract with a worker without authorization to perform services under this Agreement.
2. Verification of Participation.
 - a. If Hanzon Studios chooses to use the Department Program, Hanzon Studios shall complete a “Notice of Participation in the Department Program for Public Contracts for Services” and distribute such notice to the Colorado Division of Labor and the City.
 - b. If Hanzon Studios has chosen to use the Department Program, and if, during the term hereof or any Extension Term, Hanzon Studios newly hires an employee to perform the Services, Hanzon Studios shall, within twenty (20) days of hiring such employee, affirm that Hanzon Studios has examined the legal work status of such employee, retained file copies of the documents required by 8 U.S.C. 1324a, and not altered or falsified the identification documents for such employee. Hanzon Studios shall provide to the City a written, notarized copy of such affirmation.
3. Limitation Regarding E-Verify and Department Programs. Hanzon Studios shall use neither the E-verify Program nor Department Program procedures to undertake pre-employment screening of job applicants during the Term of this Agreement.
4. Duty to Terminate Subcontract; Exceptions. If Hanzon Studios obtains actual knowledge that a subcontractor performing services under this Agreement knowingly employs or contracts with a worker without authorization, and the subcontractor fails to provide information establishing that the subcontractor has not knowingly employed or contracted with a worker without authorization, then Hanzon Studios shall:
 - a. notify the subcontractor and the City within three (3) business days that Hanzon Studios has actual knowledge that the subcontractor is employing or contracting with a worker without authorization; and
 - b. terminate the subcontract with the subcontractor if the subcontractor fails to stop employing or contracting with the worker without authorization within three (3) business days of receiving notice that Hanzon Studios has

actual knowledge that the subcontractor is employing or contracting with a worker without authorization.

5. Duty to Comply with State Investigation. Hanzon Studios shall comply with any reasonable request of the Colorado Department of Labor and Employment made in the course of an investigation pursuant to C.R.S. 8-17.5-102(5).
6. Damages for Breach of Contract. Notwithstanding anything to the contrary herein or in any document attached hereto, if the City terminates this Agreement, in whole or in part, due to Hanzon Studios' breach of any paragraph in this section, Hanzon Studios shall be liable for actual and consequential damages to the City in addition to any other legal or equitable remedies.

VIII. NOTICE

Notices required under this Agreement and all other correspondence between the parties shall be directed to the following and shall be deemed received when hand-delivered or three (3) days after being sent by certified mail, return receipt requested:

If to City:

Economic Development Director
City of Lakewood Economic Dev. Dept.
480 S. Allison Pkwy.
Lakewood, CO 80226
rsmith@lakewood.org

If to Hanzon Studios:

Lonnie Hanzon
HANZON STUDIOS, INC.
1585 Glen Bar Drive
Lakewood, CO 80215
hanzonstudio@gmail.com

VI. GENERAL PROVISIONS

- A. INTEGRATION; AMENDMENT; BINDING EFFECT. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, shall not be modified or amended except by written agreement of the parties. This Agreement shall be binding upon, and shall inure to the benefit of, the parties and their respective heirs, personal representatives, successors and assigns.
- B. CONTROLLING TERMS. In the event of any conflict between the provisions of this Agreement and those contained in any attachments or exhibits hereto, or any document referenced therein, the terms and conditions of this Agreement shall prevail, and as such, shall supersede the conflicting provisions of such attachments, exhibits or referenced documents.
- C. NO WAIVER. The waiver of any breach of a term, provision or requirement of this Agreement shall not be construed or deemed as a waiver of any subsequent breach of such term, provision or requirement or of any other term, provision or requirement.
- D. NO THIRD-PARTY BENEFICIARIES. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the parties. It is the express intention of the parties that any person other than the City and Hanzon Studios shall be deemed to be only an incidental beneficiary under this Agreement.
- E. NO ASSIGNMENT. Hanzon Studios shall not assign this Agreement without the City's prior written consent; provided, however, that no such consent shall be required for an

assignment by Hanzon Studios to a successor entity in the event of a sale of all or substantially all of Hanzon Studios' assets or stock or a reorganization within Hanzon Studios' existing ownership structure.

- F. GOVERNING LAW AND VENUE; RECOVERY OF COSTS. This Agreement shall be governed by the laws of the State of Colorado. Venue for legal disputes shall be in Jefferson County, Colorado, or the United States District Court for the District of Colorado. In the event legal action is brought to resolve any dispute among the parties related to this Agreement, the prevailing party in such action shall be entitled to recover from the non-prevailing party reasonable court costs and attorney fees.
- G. GOVERNMENTAL IMMUNITY. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*
- H. CONFIDENTIALITY; PUBLIC DOCUMENT. Hanzon Studios hereby acknowledges that the City is a public entity subject to the Colorado Open Records Act, C.R.S. §§ 24-72-201, *et seq.* (the "Act"), and as such, this Agreement might be subject to public disclosure thereunder. In the event the provisions of any exhibit or attachment hereto, or of any other document, including any electronic document, prohibit public disclosure of any so-called "confidential" or "proprietary" information or data, including this Agreement or any exhibit or attachment hereto, such provisions shall be null and void to the extent inconsistent or in conflict with the Act, and the City's good faith disclosure of any such information or data pursuant to the Act shall not constitute a breach of this Agreement.
- I. NO BINDING DISPUTE RESOLUTION. Any exhibit or attachment hereto, or any other document, including any electronic document, governing the provision of the Services that requires binding arbitration, or any other binding extra-judicial dispute resolution process in which the final resolution is not determined by the City, shall be void and unenforceable.
- J. PROTECTION OF PERSONAL IDENTIFYING INFORMATION. In the event the Services includes or requires the City to disclose to Hanzon Studios any Personal Identifying Information as defined in C.R.S. § 24-73-101, Hanzon Studios shall comply with the applicable requirements of C.R.S. §§ 24-73-101, *et seq.*, relating to Third Party Services Providers.
- K. HEADINGS. Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.
- L. SEVERABILITY. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.
- M. COUNTERPARTS; ELECTRONIC DISPOSITION. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument. The parties acknowledge and agree that the original of this Agreement, including the signature page, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately represent the original of this Agreement, may be used

for any purpose as if it were the original, including proof of the content of the original writing.

- N. AUTHORITY. The parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this Agreement on behalf of the parties and to bind the parties to its terms.

[Remainder of page intentionally blank – signatures follow.]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates set forth below.

CITY OF LAKEWOOD

Kathy Hodgson, City Manager

ATTEST:

Bruce Roome, City Clerk

Attestation Date

Approved as to form:

Alison McKenney Brown, City Attorney

Recommended and approved as to content:

Robert Smith, Economic Development Director

Approved as to funding (if \$5,000 or greater):

Holly Björklund, Chief Financial Officer

**ATTACHMENT A
CITY OF LAKEWOOD
BACKGROUND INVESTIGATION REQUIREMENTS**

Contractor shall fulfill these requirements if it: (i) works with vulnerable populations, including minors, the elderly and individuals with disabilities; (ii) is involved in cash handling; or (iii) will work in sensitive areas or with sensitive information.

[Individuals and sole proprietors are required to work directly with the City's Human Resources Department to complete criminal background investigations. (Fees will apply.) Investigations and fees will be arranged by the City.]

Contractor shall perform criminal background investigations on all employees, subcontractors and volunteers (collectively referred to hereinafter as "Employee(s)") providing Services under this Agreement. Criminal background investigations must follow the procedure outlined below. Upon completion, Contractor shall provide to the City a written certification that the investigations and CBI check outlined below were completed. Employees for whom the investigation and CBI check is not acceptable to the City shall not be used to provide any of The Services.

Contractor shall use a reputable service to perform the investigations. (The City uses *Background Information Services*, located in Boulder, Colorado.) The investigations shall include the following: (i) a search of all in-state and out-of-state locations where the Employee has resided for the last ten (10) years; (ii) criminal information for all names under which the Employee has been known; (iii) a name search on the *National Sex Offender Public Registry*; and (iv) a social security and name search on a national index.

Contractor shall conduct a Colorado Bureau of Investigation (CBI) check and identify any arrest record that would have a negative effect on a position working with vulnerable populations, sensitive information/areas or finances, or which would preclude the Employee from participating in The Services. The following convictions or arrest records shall preclude an Employee from participating in The Services in any capacity:

1. Drug and Alcohol Convictions
 - Any marijuana-related conviction within past eighteen (18) months.
 - Any alcohol-related conviction within the last two (2) years that involved providing alcohol to a minor.
2. Other Criminal Activity
 - Conviction of a felony. In such event, Contractor shall notify the City's Human Resources Business Manager at 303-987-7715.
 - A registered sex offender.
 - Conviction of a sexual assault or unlawful sexual offense of any kind, against any person, at any time.
 - Misdemeanor conviction within last five (5) years for unlawful use of physical force including child abuse, domestic violence, resisting arrest, interference with police, etc.
 - Outstanding criminal warrant.
3. Harassment-Related Convictions or Arrests

A misdemeanor harassment-related conviction or arrest within the last three (3) years involving physical force, verbal abuse or abusive behavior including, but not limited to:

 - Harassment, menacing, tampering, stalking or intimidation;
 - Explosive, raging or threatening behavior;
 - Comments threatening violence; and
 - Any similar behavior.
4. Driving History

Covering the last four (4) years for those who drive for business:

 - Any Driving Under the Influence conviction within the past three (3) years.
 - Any Driving While Intoxicated or Driving While Ability Impaired convictions within the past three (3) years.
 - Any history or pattern of unsafe driving behavior within last four (4) years.
 - Failure to retain a valid driver's license.

Additional Background: Camp Christmas Economic Impact Information

Dinner and a movie

It is intuitive. Specific experiential events – unique, created experiences like art presentations and sporting events - generate far greater positive economic impact than just the sale of tickets. For example, the phrase, “Dinner and a movie” is so well known because patrons often pair buying dinner with attending a film presentation in the theatre. In addition to movie tickets, many people make purchases of concessions to enjoy during the movie. The movie drives these additional sales and theatres actually generate more revenues from concession sales than from ticket sales.

What often is not contemplated is the staff running the theatre – the ticket takers, the projectionists, the managers, the custodial crew – all receive wages and each put those wages back to work in the community. They buy groceries, supplies and support housing. For live art events, the artists themselves, logistics personnel, and marketing people - all help to create a multiplier effect. **For each dollar spent - for each job created to support the art event effort – there are additional multiplying economic impacts generated for the benefit of the larger community.** If art event jobs generated are in place for weeks or months, the multiplier effect grows even larger. Some events generate hotel stays, merchandise sales, and cooperative marketing efforts between local business and the attraction itself. Add them all up and it becomes clear why this year’s Super Bowl was estimated to bring south Florida 4,597 local jobs and created a total economic impact of \$572 Million dollars.

Camp Christmas may be the “super bowl of local art immersion events” but it’s not the actual Super Bowl. For example, Camp Christmas is not likely to generate many (if any) overnight stays. However, Camp Christmas has been and will continue to be a powerhouse in generating indirect economic impact. Using the right inputs and calculating these impacts can be tricky, but several standard methodologies have come into common practice in the last two decades. Locally, the Colorado Business Committee for the Arts (CBCA) has been a champion of quantifying the economic impacts of arts events.

Standard Methodologies & It’s a Large, Multi-day Attraction

Some of the standard methodologies used by the CBCA, and others, like the Broadway League, involve a tool named the Regional Input-Output Model (RIMS II). RIMS II is a complex and comprehensive spreadsheet calculator and was created by the U.S. Department of Commerce’s Bureau of Economic Analysis. RIMS II carefully calculates the multiplier effects of certain economic activities on related industries, specific to geographic areas in the U.S.

With their models, the CBCA is able to further hone and quantify the economic impacts of Colorado events because the methodology they use for their biennial Economic Activity studies, relies on data reported by nearly 300 Colorado arts, cultural and scientific nonprofits receiving funds through the Scientific and Cultural Facilities District (SCFD). Through the CBCA’s experience, the stories of the positive economic impacts of the arts have become more comprehensive and more precise with each successive study. ([Read CBCA’s Economic Activity Report.](#))

For Camp Christmas, using the standard methodologies, with conservative inputs of total ticket availability, likely percentages of tickets to be sold, square footages of the presentation, similar ticket pricing, length of the production (42 days) and the numbers of jobs created for staging the production: **The Camp Christmas attraction presented at Heritage Lakewood is estimated to have a \$6.1 Million**

Additional Background: Camp Christmas Economic Impact Information

local economic impact. Less conservative and more typical inputs result in even greater positive economic impacts.

We're calling Camp Christmas an **attraction**, not just an event, because it is so much more. Events, like the Super Bowl or a street fair last only for a day, or perhaps a weekend. The Camp Christmas presentation is 42 days of immersive art presentation. This attraction will be within the height of the critical fourth quarter sales period for businesses. And this is after last year's troubled 2020 holiday season. 2021 will be a year of rebounding sales, so long as people have reasons to stop shopping on their computers and to visit local stores.

The day after Thanksgiving is traditionally known as Black Friday, because it is the day many retailers are able to move their books out of the red ink and into the black. The six weeks of holiday sales period is so crucial to many businesses that sales success during this time can determine whether a retailer/restaurant can continue operating into the next year. Lakewood's facilitating Camp Christmas will provide a regional attraction to bolster the holiday sales season for our Lakewood Local businesses.

Camp Christmas will bolster holiday sales for Lakewood Retailers/Restaurants

In 2019, Camp Christmas was held in Aurora's Stanley Marketplace. Production costs were \$1.2 million and ticket sales were \$1.4 million. Above and beyond all that, the Camp Christmas Attraction was estimated to have a \$3.5 Million impact on the local economy. **Many of the 69,285 visitors in 2019 (91%) came from the SCFD 7-County region.** (Denver 37.2%; Arapahoe 19.3%; Jefferson 13.1%; Douglas 8.5%; Adams, Boulder & Broomfield 13.1%) Most of those visitors bought a meal and did holiday shopping with nearby Aurora businesses. People employed by the attraction spent a significant portion of their wages within the local economy. Camp Christmas will strive to locally source needed labor and materials, also directly supporting our local economy.

If Camp Christmas is held at Heritage Lakewood, cultural tourists from throughout the region will visit a site on Wadsworth Boulevard between 6th Avenue and Hampden Avenue. This visitor zone is such that every visitor will be traveling on Wadsworth, through the heart of one of Lakewood's strongest commercial corridors. **There are 920 Lakewood Business within this section of the Wadsworth Corridor - more than 200 Lakewood retailers/restaurants in this visitor zone, including those in Belmar, Lakewood City Commons, Mission Trace, 3333 Wadsworth, Bear Creek Plaza, Westgate, and Fairfield Commons.** It will be easy to pair a Camp Christmas visit with a meal in a Lakewood restaurant. Instead of "dinner and a movie" it becomes "the incredible Camp Christmas and dinner in Lakewood".

Camp Christmas will directly employ more than 50 artists, installers, set builders and support personnel to work at Hanzon Studios in Lakewood and at the Lakewood Heritage location. Much of this work will occur in the weeks ahead of opening the Camp Christmas attraction. Advance dollars will support these jobs. Advance dollars will also support the construction of immersive art sets, and a companion smart phone app for an enhanced attraction experience.

Every dollar directly spent by a cultural patron or by an organization for operations on the project creates an indirect ripple effect in our local Lakewood economy.

Additional Economic and Visitor Information

Additional Background: Camp Christmas Economic Impact Information

- It is projected the vast majority of the 80,000+ Camp Christmas attendees will be first time visitors to Lakewood Heritage at Belmar Park (HLBP)
- The stage at the Lakewood Cultural Center (LCC) Theater is 2,184 sq. ft. - the HLBP space is ten times larger at 20,000 sq. ft.
- On average, it costs \$75,000-85,000 to mount a musical production on stage at the LCC.
- Camp Christmas will cost approximately \$1M to stage. The area of the presentation is ten times larger than the LCC stage. Moreover, the sets are immersive – the audience doesn’t just look at the sets from a distant seat - the audience becomes part of the presentation, moving through the sets. Also, these sets are in use for six weeks – meaning support personnel are needed for a longer time than a typical production staging.
- According to the Denver Center for the Performing Arts (DCPA) staging for their productions run between \$500K - \$1.5M. Variable factors include square footage, complexity of displays, the amount of construction needed, and length of the show’s run.
- DCPA will be bringing their formidable marketing and promotion reach to the Lakewood Camp Christmas attraction. By, at least one estimate, the DCPA is able to directly reach 66% of the households in the 7-County region.
- Camp Christmas encourages taking photos and posting those images to social media. Each day, visitors promote the event to their individual networks. Word of mouth with friends and friends of friends. Tens of thousands of people learn about the attraction from their friends on social media.
- Camp Christmas issues very specifically timed tickets in order to efficiently spread visitors out throughout the attraction’s run. Surging crowds are rare because a limited number of tickets are available at each time throughout the day.
- Another immersive art experience, Meow Wolf in Sante Fe, NM opened in 2016 with the same square footage (20,000 sq. ft.) as Lakewood Heritage Camp Christmas. Meow Wolf has a similar ticket price, (\$16-20). Meow Wolf started with a \$7M budget (not including the building). Four years later, Meow Wolf raised more than \$156M for expansion and a Denver location (Colfax & I-25) which will open in the fall of 2021.
- Camp Christmas will bring additional people to our community and support our businesses. This attraction is not like the previously distributed one-time operational grants, wherein business pay a few expenses and don’t necessarily increase their number of patrons or bolster their revenues.
- We’ll be advancing \$700,000 in production costs to gain the addition of some 80,000+ visitors along Wadsworth, translating to financial support and positive economic impact for local restaurants & businesses.
- Lakewood will be reimbursed a minimum of \$420,000 of our advance through ticket sales/producer subsidy. We’ll likely receive back all \$700,000 reimbursed through ticket sales. The positive economic impact from increased sales to our businesses is above and beyond this reimbursement.
- Lakewood will receive a \$150,000 rental agreement for the Heritage Center. Our advanced dollars will be put toward labor and materials right here in the heart of Lakewood.

Additional Background: Camp Christmas Economic Impact Information

- ❑ Lakewood will be facilitating a community event which supports the Heritage Center Strategic Plan goals and bolsters community pride during the critical fourth quarter of retail sales.
- ❑ This incentive doesn't affect the General Fund and uses dollars from the Economic Development Fund. This fund is filled with Lodgers' taxes paid by patrons staying at our hotels. (In other words – presumably mostly out-of-towners, not our residents - have provided the funds for the advance for this project.)
- ❑ An Example of economic impact using RIMS II: A presenting organization pays its ushers, who then use their paychecks for expenses such as rent, food, and gasoline. The impact of these expenditures on the local economy is reflected in RIMS II household sector multiplier. Embedded in this multiplier is an estimate of what percentage of the employees live in the area in question and on what they typically spend their earnings.
- ❑ An Example of economic impact using RIMS II: The presenting organization hires a maintenance company to repair lighting in its facility. This company uses the revenue to pay its own workers and buy supplies, thus supporting local vendors. The impact of these expenditures is estimated in the RIMS II services to buildings multiplier. Embedded in this multiplier is a measure of what proportion of building maintenance companies are located within the area, and how and where they typically spend their money.
- ❑ An Example of economic impact using RIMS II: An audience member travels from her home in an outlying suburb to the city in order to see a Touring Broadway show. In addition to the money she spends on tickets, she dines out and uses local transportation, infusing additional dollars into a downtown area. These dollars are multiplied in the impact analysis by the RIMS II multipliers in the restaurant and transportation industries to estimate their full impact on the local economy.

STAFF REPORT

DATE OF CITY COUNCIL MEETING: JUNE 28, 2021 / AGENDA ITEM NO. 12
JULY 12, 2021 / AGENDA ITEM NO. 14

To: Mayor and City Council

From: Robert Smith, Economic Development Director, 303-987-7732
Kit Newland, Director Community Resources, 303-987-7822

Subject: **AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$700,000.00 FROM THE ECONOMIC DEVELOPMENT FUND TO THE 2021 FISCAL YEAR TO SUPPORT THE CAMP CHRISTMAS PROJECT AT HERITAGE LAKEWOOD AT BELMAR PARK**

This ordinance was approved on 1st Reading by a vote of 10 ayes 1 nays.

SUMMARY STATEMENT: Lakewood has a unique opportunity to attract, facilitate and benefit from bringing the immersive holiday lighting experience known as Camp Christmas to Heritage Lakewood Belmar Park (HLBP) for the 2021 season. Hanzon Studios, with support from the Denver Center for the Performing Arts (DCPA), will bring this 42-day celebration, which in 2019, generated more than 69,285 visitors and provided remarkable economic impact (\$3.44M) for the host community. Hanzon Studios has produced unique and successful holiday attractions for more than 40 years, including for the Houston Zoo, Museum of Outdoor Art/Hudson Gardens, Neiman Marcus, and a reboot of the Denver Parade of Lights. In 2019, Camp Christmas was held at the Stanley Marketplace in Aurora, CO, selling tickets of the equivalent of 7.3 sold out concerts at Red Rocks.

In addition to the direct production expenses and revenues from ticket sales, it is estimated that Lakewood will benefit from a \$6M+ positive economic impact through the attraction and patronage of visitors to Lakewood's nearby retail shops and restaurants. It is also estimated, based on past data, that 84,000-113,000 visitors will come into Lakewood, many new to Lakewood and HLBP. HLBP will receive rental compensation for use of the site. Residents will benefit from access to a reasonably priced and high quality immersive holiday experience, close to home. Lakewood's reputation as community minded and local business supportive will be strengthened.

In order to bring this event to Lakewood, Council approved Resolution 2021-33 which authorized the City Manager to enter into City of Lakewood Economic Development Incentive Agreement No. 2021-01

BACKGROUND INFORMATION:

- This supplemental appropriation Ordinance authorizes the appropriation and expenditure of up to \$700,000 from Lakewood's Economic Development fund, in 2021, in support of the Camp Christmas Attraction Project.
- This supplemental appropriation will not diminish the City's General Fund.
- The Camp Christmas project will positively impact Lakewood's General Fund through the direct contracting of Community Resources services and expected additional sales tax collections associated with additional seasonal purchases made at local shops and restaurants.

- This supplemental appropriation Ordinance recognizes most, if not all of the expenditure is expected to be reimbursed by the Camp Christmas Project through attraction ticket sales and a minimum reimbursement of \$420,000.000.
- Additional background information regarding the Camp Christmas Attraction Project is included in Resolution 2021-33 and City of Lakewood Economic Development Incentive Agreement No. 2021-01

BUDGETARY IMPACTS:

If approved, on second reading, Lakewood will make available, from the Economic Development Fund up to \$700,000.00 for direct production expenses. Repayment of this advance will be made from a share back of revenues from ticket sales. By separate agreement with Hanzon Studios, approved by Council by Resolution 2021-33, a minimum of \$420,000.00 up to a maximum of \$700,000.00 will be repaid to the Economic Development Fund.

STAFF RECOMMENDATIONS: Staff recommends approval of Ordinance 2021-18.

ALTERNATIVES: City Council could vote to approve Ordinance 2021-18 with amendments
City Council could vote not to approve Ordinance 2021-18

PUBLIC OUTREACH: Typical publication and public notification was provided for this Council Action.

NEXT STEPS: If Ordinance 2021-18 is approved on second reading, the City Manager will execute the elements City of Lakewood Economic Development Incentive Agreement No. 2021-01 as approved by City Council Resolution 2021-33.

ATTACHMENTS: Ordinance O-2021-18

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

AN ORDINANCE

AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF \$700,000.00 FROM THE ECONOMIC DEVELOPMENT FUND TO THE 2021 FISCAL YEAR TO SUPPORT THE CAMP CHRISTMAS PROJECT AT HERITAGE LAKEWOOD AT BELMAR PARK

WHEREAS, Section 12.8 of the City Charter allows City Council to make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City using monies not anticipated in the adopted budget; and

WHEREAS, Section 3.04.080 of the Lakewood Municipal Code requires approval by the City Council for any unbudgeted purchase or any purchase of more than fifty thousand dollars that has a change in funding source; and

WHEREAS, Lakewood's Economic Development and Community Resources Departments, will facilitate a unique opportunity to attract and implement, the immersive holiday lighting experience known as Camp Christmas to Heritage Lakewood Belmar Park (HLBP) for the 2021 season; and

WHEREAS, the Lakewood City Council desires to appropriate \$700,000.00 in 2021 from the Economic Development Fund; and

WHEREAS, this supplemental appropriation will not diminish the City's General Fund; and

WHEREAS, the Camp Christmas project will positively impact Lakewood's General Fund through the direct contracting of Community Resources services and expected additional sales tax collections associated with additional seasonal purchases made at local shops and restaurants; and

WHEREAS, most, if not all, of the expenditure of this supplemental appropriation is expected to be reimbursed by the Camp Christmas project through attraction ticket sales and a minimum reimbursement of Four Hundred, Twenty Thousand and 00/100s Dollars (\$420,000.000); and

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

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

SECTION 1. Appropriation and Expenditure.

The City Council hereby appropriates and authorizes the expenditure of Seven Hundred Thousand and 00/100s dollars (\$700,000.00) for fiscal year 2021 to fund the City's contribution to the Camp Christmas at Lakewood Heritage at Belmar Park Project.

SECTION 2. Effective Date. This Ordinance shall take effect thirty (30) days after final publication.

SECTION 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a virtual regular meeting of the Lakewood City Council on the 28th day of June, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 1st day of July, 2021; set for public hearing to be held on the 12th day of July, 2021, read, finally passed and adopted by the City Council on the 12th day of July, 2021 and, signed by the Mayor on the _____ day of July, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

City Council Proposed Legislative Priorities



Submission date: **10 June 2021, 3:14PM**

Receipt number: **25**

Related form version: **7**

Please select an option below

For consideration this year

Council member sponsor(s)

Dana Gutwein

Enter email address to receive a copy of this submission

dgutwen@gmail.com

Briefly describe the legislative priority

**Request a study session regarding Safe Streets for All---
Bike/Ped/Motorist Safety in Lakewood.
Update, Lessons Learned and Next Steps**

Provide 2-3 sentences that details why this is a priority

**Background: Council reaffirmed Transportation Safety as a
2021 priority. There was recently a devastating loss of life
of a bicyclist on Lakewood street. The Lakewood Advisory
Commission reports that 9 fatalities in 2017 (3 pedestrian),
17 fatalities in 2018 (8 pedestrian), 25 fatalities in 2019, (9
pedestrian). What are our next steps in preventing loss of
life?**

What do you see as the steps involved in achieving this priority, and what is the first step?

Request a Study Session to understand lessons learned from most recent crash(es), to receive an update on ongoing efforts, and to determine next actionable step:
1) Lessons Learned/ Opportunities for Improvement?
Part of Vision Zero is to use data to evaluate the built environment at a crash site to identify high risk areas. Are there lessons from this crash that we can use to make Lakewood safer? And secondly, are there other high risk areas?

2) What is Lakewood Currently doing/ Update on Bike/ Ped / Motorist Safety ?
Where are we on transportation goals ? Bike Masterplan goals?

3) What are our next steps as a community to prevent loss of life on our streets?
Due to the recent loss of life, the priority of safety and the Lakewood Advisory Commission submitted a report that was accepted by council on April 19th, we should have a follow up discussion so that we can get clarity on our big picture goal, what will be in the budget this year, what are our next steps? Is it Vision Zero? If not, what?

If there is a need for expedited handling this year, provide an explanation

This is already a priority for this year, the recent loss of life, and the LAC proposal make this a timely update and discussion.

City Council Request for Legislative Modifications



Submission date: **22 June 2021, 7:54AM**

Receipt number: **25**

Related form version: **5**

Council member sponsor(s)

Ramey Johnson; Charley Able

Enter email address to receive a copy of this submission

rjohnson@lakewood.org

Briefly describe the minor modification being requested

Add decibel level to noise ordinance. Currently, the noise ordinance does not have a way to measure noise

Provide history / background information that supports the request

Construction, house, and school noise can be at unacceptable and ongoing levels. But if you cannot measure the sounds, it is unenforceable. Other cities have known the need to have decibel levels. The phone apps are inexpensive. Recently the city received a complaint from the neighbors on Holland St., east of new Pearson Grove development. The contractor inquired if we had a decibel level. Since the city does not, he knew the complaint is unenforceable.

If it needs expedited handling, please provide an explanation why

This clean up measure does need to be dealt with. Noise levels should be measured from the property line. If this will require another FTE in code enforcement then realistically that should be considered. Lakewood is growing and at this point in time, giving code enforcement the tools to deal with this issue will not go away.

Attach file if needed