

## Draft Report

# Clearvale Existing Conditions Survey

*The Economics of Land Use*



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and the City of Wheat Ridge

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# 1. Introduction

In August 2023, Economic & Planning Systems (EPS), working with the City of Wheat Ridge, conducted the following existing conditions survey (Survey) of the proposed Wheat Ridge Urban Renewal Plan Area known as the Clearvale Urban Renewal Area (Study Area). This proposed plan area is located at the intersection of Carr Street and I-70 and consists of approximately 109 acres. The Study Area is bound by West I-70 Frontage Road North to the north, West 44<sup>th</sup> Avenue to the south, Garison Street to the west, and Wadsworth Boulevard and Clear Creek to the east, as shown in **Figure 1** on page 7.

## Purpose

The primary purpose of this Survey is to determine whether the Study Area qualifies as a “blighted area” within the meaning of Colorado Urban Renewal Law. Secondly, this Survey will influence whether the Study Area should be recommended to be established as an urban renewal plan area for such urban renewal activities, as the City Council and the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge (URA) deem appropriate.

## Colorado Urban Renewal Law

The requirements for the establishment of an urban renewal plan are outlined in the Colorado Urban Renewal Law, Colorado Revised Statutes (C.R.S.) § 31-25-101 et seq. In order to establish an area for urban renewal, there are an array of conditions that must be documented to establish a condition of blight. The determination that constitutes a blighted area depends upon the presence of several physical, environmental, and social factors. Blight is attributable to a multiplicity of conditions which, in combination, tend to accelerate the phenomenon of deterioration of an area and prevent new development from occurring.

## **Urban Renewal Law**

### ***Blight Factors (C.R.S. § 31-25-103)***

*"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 nonmarketable;*
- (h) The 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) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements; or*
- (l) If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (l), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation."*

### ***Use of Eminent Domain***

In order for an Urban Renewal Authority to use the powers of eminent domain to acquire properties, 5 of the 11 blight factors must be present (C.R.S. § 31-25-105.5(a)).

*"Blighted area' shall have the same meaning as set forth in section 31-25-103 (2); except that, for the purposes of this section only, "blighted area" means an area that, in its present condition and use and, by reason of the presence of at least five of the factors specified in section 31-25-103 (2)(a) to (2)(l), 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."*

### **Urban Renewal Case Law**

In addition to the State statute, several principles have been developed by Colorado courts to guide the determination of whether an area constitutes a blighted area under the Urban Renewal Law. The following parameters have been established through case law for determining blight and the role of judiciary review.

#### ***Tracy v. City of Boulder (Colo. Ct. App. 1981)***

- Upheld the definition of blight presented in the Urban Renewal Law as a broad condition encompassing not only those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisioning the prevention of deterioration. Therefore, the existence of widespread nuisance violations and building condemnation is not required to designate an area blighted.
- Additionally, the determination of blight is the responsibility of the legislative body and a court's role in review is to verify if the conclusion is based upon factual evidence determined by the City Council at the time of a public hearing to be consistent with the statutory definition.

#### ***Interstate Trust Building Co. v. Denver Urban Renewal Authority (Colo. 1970)***

- Determined that blight assessment is not on a building-to-building basis but is based on conditions observed throughout the plan area as a whole. The presence of one well maintained building does not defeat a determination that an area constitutes a blighted area.

## Methodology

This Survey was completed by EPS to inventory and establish the existing conditions within the Study Area through data gathering and field observations of physical conditions. The Study Area was defined by the URA to encompass 28 parcels located in Wheat Ridge, between West I-70 Frontage Road North, West 44<sup>th</sup> Avenue, Garison Street, Wadsworth Boulevard, and Clear Creek. An inventory of parcels within the Study Area was compiled using parcel data from the Jefferson County Assessor, documenting parcel ownership, size, use, vacancy, and assessed value.

The field survey was conducted by EPS in August 2023. The 11 factors of blight in the state statute were broken down into "conditions" - existing situations or circumstances identified in the Study Area that may qualify as blight under each of the 11 factors. To meet the test stipulated by the state statutes, the City must find a minimum of four conditions within the proposed plan area. The conditions documented in this report are submitted as evidence to support a "finding of blight" according to Urban Renewal Law. Under the Urban Renewal Law, the final determination of blight within the Study Area is within the sole discretion of the Wheat Ridge City Council.

## 2. Study Area Analysis

### Study Area

The proposed Clearvale Urban Renewal Plan Area is comprised of 28 parcels and adjacent right-of-way (ROW) on approximately 109 acres of land, as shown in **Table 1** and **Figure 1**. The Study Area is bound by West I-70 Frontage Road North to the north, West 44<sup>th</sup> Avenue to the south, Garison Street to the west, and Wadsworth Boulevard and Clear Creek to the east. Parcels in the Study Area are owned by 15 individual owners including multiple parcels owned by the City of Wheat Ridge, Arvex Properties Inc., Wheat Ridge Industrial Park LLC, Triad Real Estate, and Exchange 8150 West 48<sup>th</sup> Ave LLC.

The parcels within the Study Area are a combination of older commercial development, open space, vacant land, water, and ROW as shown below. There is a total of 147,805 square feet of constructed floor area, on 109 acres of land. While most of the parcels are developed, nine of the 28 are vacant. The developed parcels include 111,170 square feet of industrial space within the Wheat Ridge Industrial Park, United States Truck Driving School, DTI Trucks, and TruGreen Lawn Care. There are also about 20,000 square feet of retail and 10,000 square feet of office at the northeast corner of West 44<sup>th</sup> Avenue and Garison Street. The Study Area also includes adjacent ROW along I-70 frontage roads, Garison Street, West 44<sup>th</sup> Avenue, and Wadsworth Boulevard as well as publicly held open space along the Clear Creek corridor.

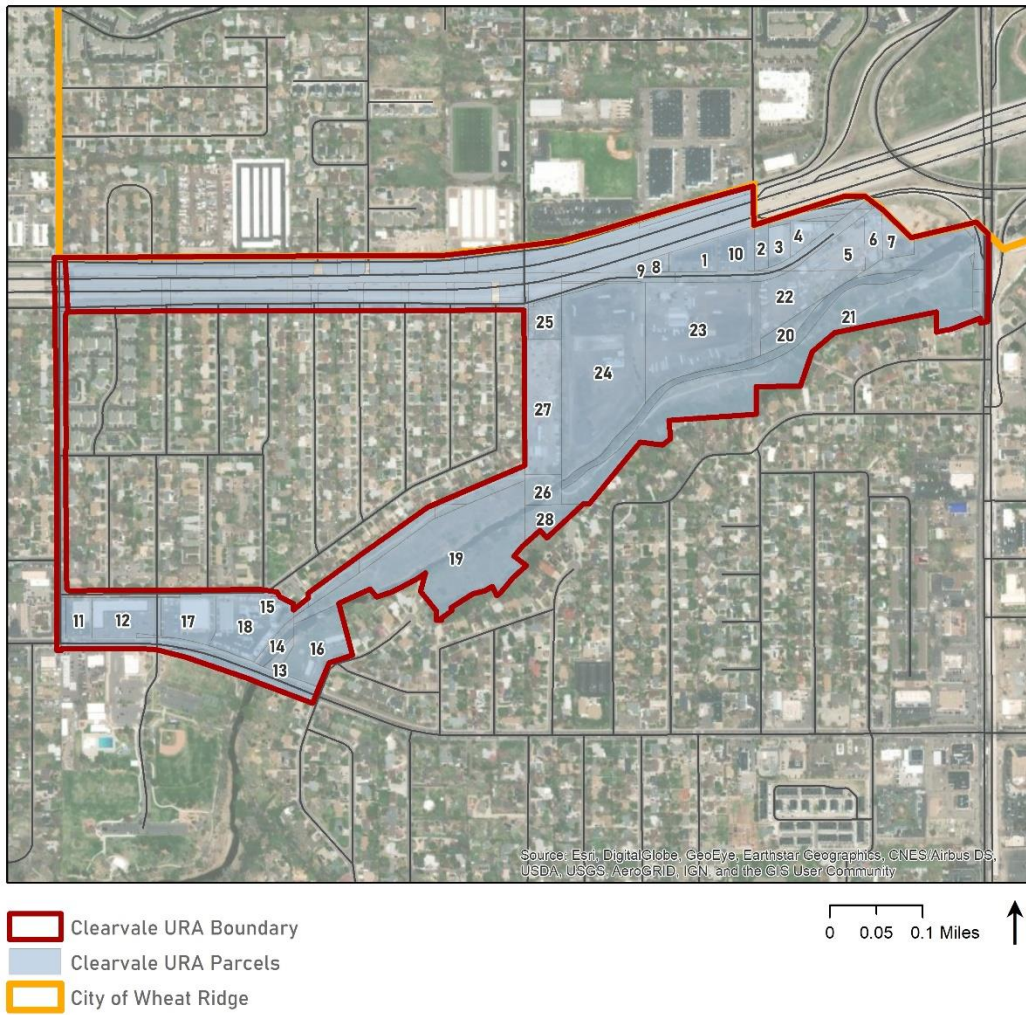


**Table 1. Parcels Contained in the Study Area**

#	Parcel	Land Use	Land Acres	Bldg. Sq. Ft.	Assessed Valuation		
					Land	Improv.	Total
1	39-143-00-098	Industrial	0.99	13,020	\$75,492	\$282,861	\$358,353
2	39-143-00-099	Industrial	0.48	9,600	\$52,372	\$192,823	\$245,195
3	39-143-00-100	Industrial	0.62	13,152	\$31,837	\$387,576	\$419,413
4	39-143-00-101	Industrial	0.66	4,000	\$30,602	\$149,256	\$179,858
5	39-143-00-102	Industrial	1.52	0	\$61,466	\$0	\$61,466
6	39-143-00-103	Industrial	0.73	1,440	\$30,088	\$45,936	\$76,024
7	39-143-00-104	Industrial	0.78	0	\$29,394	\$0	\$29,394
8	39-143-07-001	Industrial	0.30	2,994	\$20,767	\$88,766	\$109,533
9	39-143-07-002	Open Space	0.02	0	\$203	\$0	\$203
10	39-143-08-001	Industrial	1.07	19,706	\$76,000	\$409,257	\$485,257
11	39-221-00-006	Office	0.79	9,982	\$158,535	\$10,738	\$169,273
12	39-221-00-007	Retail	1.82	20,234	\$247,604	\$381,377	\$628,981
13	39-221-00-010	Exempt Vacant	0.27	0	\$932	\$0	\$932
14	39-221-00-017	Exempt Vacant	0.49	0	\$2,781	\$0	\$2,781
15	39-221-00-019	Vacant	0.02	0	\$203	\$0	\$203
16	39-221-17-001	Apartments	2.56	6,419	\$80,196	\$75,762	\$155,958
17	39-221-21-001	Industrial	1.74	21,600	\$131,882	\$651,872	\$783,754
18	39-221-21-002	Industrial	2.86	10,570	\$120,819	\$279,845	\$400,664
19	39-221-99-005	Vacant	9.59	0	\$190,313	\$0	\$190,313
20	39-232-00-001	Vacant	0.72	0	\$177,510	\$0	\$177,510
21	39-232-00-001	Vacant	13.44	0	\$177,510	\$0	\$177,510
22	39-232-00-002	Industrial	2.52	0	\$115,965	\$0	\$115,965
23	39-232-00-003	Industrial	7.29	8,000	\$48,993	\$386,193	\$435,186
24	39-232-00-004	Industrial	10.06	3,920	\$53,589	\$125,048	\$178,637
25	39-232-00-005	Vacant	0.94	0	\$47,782	\$0	\$47,782
26	39-232-00-007	Vacant	0.83	0	\$10,451	\$0	\$10,451
27	39-232-00-024	Industrial	3.75	3,168	\$119,054	\$101,259	\$220,313
28	39-232-02-045	Vacant	0.97	0	\$9,499	\$0	\$9,499
	ROW		38.49	0	\$0	\$0	\$0
	WATER		2.53	0	\$0	\$0	\$0
<b>Total</b>			<b>108.86</b>	<b>147,805</b>	<b>\$2,101,839</b>	<b>\$3,568,569</b>	<b>\$5,670,408</b>

Source: Jefferson County Assessor; Economic & Planning Systems

**Figure 1. Clearvale Proposed Urban Renewal Boundary and Parcels**



## Field Survey Approach

The following assessment is based on a field survey conducted by EPS. The survey team toured the Study Area, taking notes and photographs to document existing conditions corresponding to the blight factor evaluation criteria detailed in the following section.

## Blight Factor Evaluation Criteria

This section details the conditions used to evaluate blight during the field survey. The following conditions correspond with 7 of the 11 blight factors in the Urban Renewal Law. Additional information on a number of these factors for which data was available was also collected. The remaining four blight factors cannot be visually inspected and are dependent on other data sources. Given the prevalence of physically observable conditions of blight in the initial set of seven, these remaining blight factors were not investigated.

### Street Layout

The following conditions evaluate the Urban Renewal Law blight factor “(b) *predominance of defective or inadequate street layout,*” through assessment of the safety, quality, and efficiency of street layouts, site access, and internal circulation.

Typical examples of conditions that portray this criterion include:

- Inadequate street or alley width / cross-section / geometry
- Poor provision of streets or unsafe conditions for vehicular traffic
- Poor provision of sidewalks/walkways or unsafe conditions for pedestrians
- Insufficient roadway capacity
- Inadequate emergency vehicle access
- Poor vehicular or pedestrian access to buildings or sites
- Excessive curb cuts / driveways along commercial blocks
- Poor internal vehicular or pedestrian circulation

### Lot Layout

The following conditions evaluate the Urban Renewal Law blight factor “(c) *Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.*”

Typical examples of conditions that portray this criterion include:

- Faulty or inadequate lot shape or layout
- Poor vehicular access
- Lot size is deemed unusable

### Unsafe/Unsanitary

The following conditions establish evidence of Urban Renewal Law blight factor “(d) *unsanitary or unsafe conditions,*” by evaluating visual conditions that indicate the occurrence of activities that inhibit the safety and health of the area including, but not limited to, excessive litter, unenclosed dumpsters, and vandalism.

Typical examples include:

- Floodplains or flood prone areas
- Inadequate storm drainage systems/evidence of standing water
- Poor fire protection facilities
- Above average incidences of public safety responses
- Inadequate sanitation or water systems
- Existence of contaminants or hazardous conditions or materials
- High or unusual crime statistics
- Open/unenclosed trash dumpsters
- Cracked or uneven surfaces for pedestrians
- Illegal dumping/excessive litter
- Vagrants/vandalism/graffiti/gang activity
- Open ditches, holes, or trenches in pedestrian areas
- Poorly lit or unlit areas
- Insufficient grading/steep slopes
- Unsafe or exposed electrical wire

### **Site Improvements**

The following conditions evaluate the Urban Renewal Law blight factor “(e) *deterioration of site or other improvements,*” by evidence of overall maintenance deficiencies within the plan area including, deterioration, poorly maintained landscaping, and overall neglect.

Examples of blighted site improvements include:

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

### **Infrastructure**

The observation of the following infrastructure insufficiencies is evidence of Urban Renewal Law blight factor “(f) *unusual topography or inadequate public improvements or utilities.*”

Prototypical features of blight under this topic include:

- Deteriorated pavement, curb, sidewalks, lighting, or drainage
- Lack of pavement, curb, sidewalks, lighting, or drainage
- Presence of overhead utilities or billboards
- Inadequate fire protection facilities/hydrants
- Inadequate sanitation or water systems
- Unusual topography

## Endangerment

The following conditions evaluate the Urban Renewal Law blight factor "(h) *The existence of conditions that endanger life or property by fire or other causes.*"

Typical examples of conditions that portray this criterion include:

- Fire safety problems
- Hazardous contaminants
- High frequency of crime
- Floodplain or flood hazards

## Vacancy

The following conditions are evidence of Urban Renewal Law blight factor "(k) *the existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.*" Various examples of features that fulfill this criterion include:

- An undeveloped parcel in a generally urbanized area
- Disproportionately underdeveloped parcel
- Vacant structures
- Vacant units in multi-unit structures

## Other Considerations

The remaining four blight factors specified in the Urban Renewal Law were not investigated further due to sufficient evidence from the visual field survey supporting a condition of blight in 7 of the 11 blight factors.

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

*(g) Defective or unusual conditions of title rendering the title nonmarketable.*

*(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,*

## Results of Field Survey

This section summarizes the findings of the visual field survey of the Study Area. **Table 2** documents the specific blight conditions observed. These conditions are further explained following the table, for each specific category, and include image documentation or supportive data.

**Table 2. Blight Conditions in Study Area**

Conditions Observed			
Street Layout	2.01	Inadequate Street or Alley Width / Cross-section / Geometry	
	2.02	Poor Provisions or Unsafe Conditions for Vehicular Traffic	X
	2.03	Poor Provisions or Unsafe Conditions for Pedestrians	X
	2.04	Insufficient Roadway Capacity Leading to Unusual Congestion	
	2.05	Inadequate Emergency Vehicle Access	
	2.06	Poor Vehicular or Pedestrian Access to Buildings or Sites	
	2.07	Excessive Curb Cuts / Driveways along Commercial Blocks	
	2.08	Poor Internal Vehicular or Pedestrian Circulation	X
Lot Layout	3.01	Faulty or inadequate lot shape or layout	
	3.02	Poor vehicular access	X
	3.03	Lot size is deemed not useful	
Unsafe / Unsanitary	4.01	Floodplains or Flood Prone Areas	X
	4.02	Inadequate Storm Drainage Systems/Evidence of Standing Water	
	4.03	Poor Fire Protection Facilities	
	4.04	Above Average Incidences of Public Safety Responses	
	4.05	Inadequate Sanitation or Water Systems	
	4.06	Existence of Contaminants or Hazardous Conditions or Materials	
	4.07	High or Unusual Crime Statistics	
	4.08	Open / Unenclosed Trash Dumpsters	X
	4.09	Cracked or Uneven Surfaces for Pedestrians	
	4.10	Illegal Dumping / Excessive Litter	X
	4.11	Vagrants/Vandalism/Graffiti/Gang Activity	X
	4.12	Open Ditches, Holes, or Trenches in Pedestrian Areas	
Site Improvements	5.01	Neglected Properties or Evidence of Maintenance Deficiencies	X
	5.02	Deteriorated Signage or Lighting	X
	5.03	Deteriorated Fences, Walls, or Gates	X
	5.04	Deteriorated On-Site Parking Surfaces, Curb & Gutter, or Sidewalks	X
	5.05	Unpaved Parking Lot (Commercial Properties)	X
	5.06	Poor Parking Lot / Driveway Layout	
	5.07	Poorly Maintained Landscaping / Overgrown Vegetation	
Infrastructure	6.01	Deteriorated pavement, curb, sidewalks, lighting, or drainage	X
	6.02	Lack of pavement, curb, sidewalks, lighting, or drainage	X
	6.03	Presence of Overhead Utilities or Billboards	X
	6.04	Inadequate Fire Protection Facilities / Hydrants	
	6.05	Inadequate Sanitation or Water Systems	
	6.06	Unusual Topography	
Endangerment	8.01	Fire safety problems	
	8.02	Hazardous contaminants	
	8.03	High frequency of crime	
	8.04	Floodplain or flood hazards	X
Vacancy	11.04	An Undeveloped Parcel in a Generally Urbanized Area	X
	11.05	Disproportionately Underdeveloped Parcel	X
	11.06	Vacant Structures	
	11.07	Vacant Units in Multi-Unit Structures	



**1. Street layout: poor provisions or unsafe conditions for vehicles and pedestrians, poor internal vehicular or pedestrian circulation**

Poor provisions or unsafe conditions for vehicles were observed along West 48<sup>th</sup> Avenue at the intersection of Carr Street and eastward with cracked pavement and potholes, as shown in **Figure 2**. Poor provisions and unsafe conditions for pedestrians were observed in the form of lack of sidewalks along West 44<sup>th</sup> Avenue, as shown in **Figure 3**. At the intersection of West 48<sup>th</sup> Avenue and Carr Street there is a shallow sidewalk and curb cut that does not extend across the street. Additionally, along Garrison Street the sidewalk abruptly ends after the West 44<sup>th</sup> Avenue intersection and is fragmented along the rest of Garrison with large stretches missing sidewalks on both sides of the street.

**Figure 2. Poor Provisions or Unsafe Conditions for Vehicles**





**Figure 3. Poor Provisions or Unsafe Conditions for Pedestrians**



Poor internal vehicular access was observed with West 48<sup>th</sup> Avenue having no outlet to the east of Carr Street, shown below in **Figure 4** and **Figure 5**. West 48<sup>th</sup> Avenue abruptly ends and is tightly constrained by I-70 to the north, Cleark Creek to the south, and the I-70 off-ramp and Wadsworth Boulevard to the east leaving no additional opportunities for access points. The limited access for these parcels along West 48<sup>th</sup> Avenue restricts the type and amount of development that can occur.

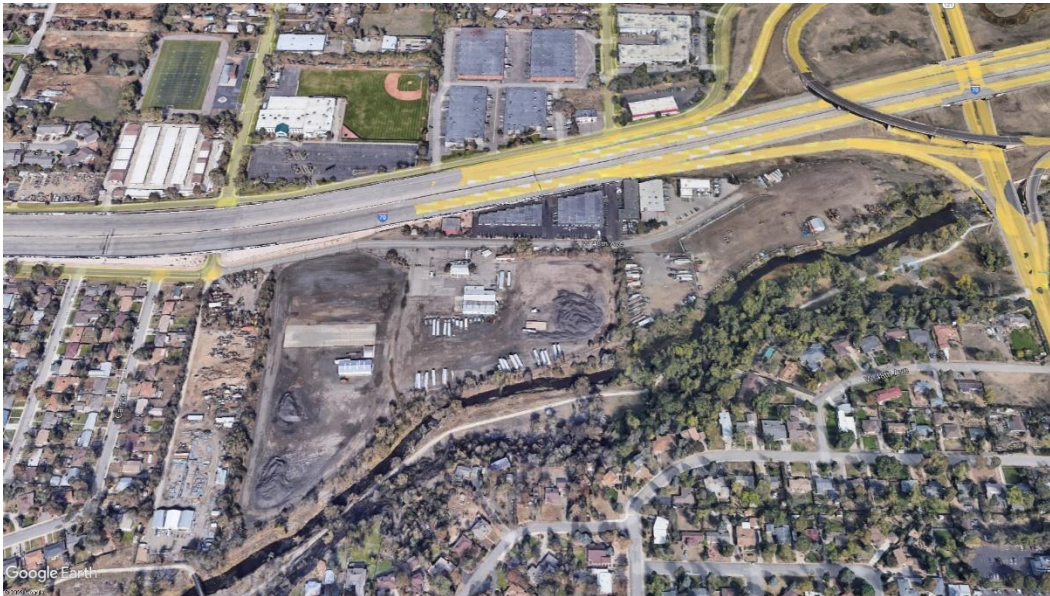


**Figure 4. Poor Internal Vehicular or Pedestrian Circulation**



**2. Lot layout: poor vehicular access**

As previously mentioned, the northeast section of the Study Area is constrained by the Interstate and Clear Creek and has only a single access point along West 48<sup>th</sup> Avenue, which has no outlet, as shown in **Figure 5**. This limited accessibility for the commercial properties in this section of the Study Area restricts the amount and type of development that is feasible.

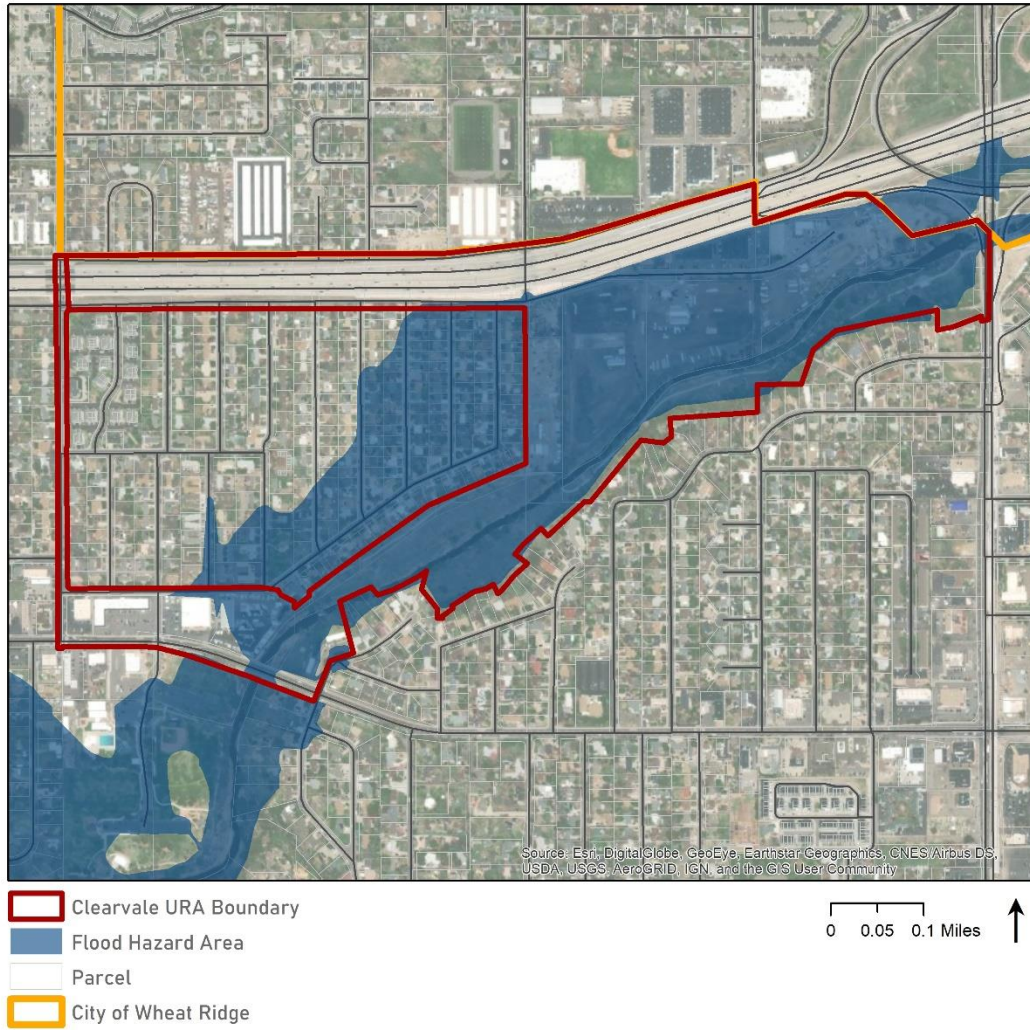
**Figure 5. Poor Vehicular Access**

**3. Unsafe/unsanitary: floodplain or flood prone areas, open/unenclosed dumpsters, excessive litter, and vandalism/graffiti/vagrants**

Due to the proximity to Clear Creek, the majority of the Study Area is in a Special Flood Hazard Area (SFHA), as shown in **Figure 6**. SFHA is defined by the Federal Emergency Management Agency (FEMA) as the area that will be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. This is more commonly referred to as the base flood or 100-year flood.

Throughout the Study Area, several unsafe or unsanitary conditions were observed including vandalism/graffiti, excessive litter, evidence of vagrants, and open/unenclosed trash dumpster. Along West 48<sup>th</sup> Avenue east of Carr Street two walls/barriers were observed with graffiti. Multiple instances of graffiti were also observed on a bridge along the Clear Creek trail in the Study Area, as shown in **Figure 7**. A concentration of excessive litter was found along West 48<sup>th</sup> Avenue with old tires and piles of leaves and branches as well as trash, cardboard, and plastic bags scattered around, shown below in **Figure 8**. Additionally, there was evidence of vagrants with two mattresses, a bedframe, and bedsheet alongside the street. A trash dumpster was left open and unenclosed in Wheat Ridge Industrial Park off West 48<sup>th</sup> Avenue, shown below in **Figure 9**.

**Figure 6. Floodplain or Flood Prone Areas**





**Figure 7. Vandalism/Graffiti**





**Figure 8. Excessive Litter and Evidence of Vagrants**





**Figure 9. Open/Unenclosed Trash Dumpster**

**4. Site improvements: maintenance deficiencies, deteriorated signage, fences, on-site parking surfaces, and curb and gutter; and unpaved parking lot**

Portions of the Study Area show signs of neglect with deteriorated site improvements. Evidence of maintenance deficiencies were observed along West 48<sup>th</sup> Avenue with a damaged utility box that is unable to close, shown in **Figure 10**. Near the truck driving school along West 48<sup>th</sup> Avenue a deteriorated sign (**Figure 11**) and deteriorated fence (**Figure 13**) were observed. The fence has a pole detached and is angled downward. Commercial parking surfaces along West 48<sup>th</sup> Avenue and West 44<sup>th</sup> Avenue show signs of deterioration with potholes and severely cracked pavement (**Figure 13**). There is also no curb and gutter along West 48<sup>th</sup> Avenue east of Carr Street, with the exception of in front of the Wheat Ridge Industrial Park. Additionally, the parking lot on the right side of the United States Truck Driving School is unpaved, shown below in **Figure 14**.



**Figure 10. Maintenance Deficiencies**



**Figure 11. Deteriorated Signage**





**Figure 12. Deteriorated Fences**



**Figure 13. Deteriorated On-site Parking Surfaces, and Curb and Gutter**





**Figure 14. Unpaved Parking Lot**



**5. Infrastructure: deteriorated and lack of pavement, curb, and sidewalks; presence of overhead utilities and billboards**

Various types of infrastructure showed signs of deterioration and in need of maintenance or were entirely lacking including pavement, curbs, and sidewalks. As previously mentioned, pavement along West 48<sup>th</sup> Avenue and in the commercial parking lots along West 44<sup>th</sup> Avenue showed signs of deterioration (**Figure 15**). There is also a significant lack of pavement, curbs, and sidewalks along West 48<sup>th</sup> Avenue and Garison Street (**Figure 16**). The presence of overhead utilities can be seen throughout many of the photos taken during the field survey and are also shown below in **Figure 17**. In addition to the overhead utilities, the Study Area includes a billboard located adjacent to I-70 at the end of West 48<sup>th</sup> Avenue.

**Figure 15. Deteriorated Pavement and Curbs**





**Figure 16. Lack of Pavement, Curbs, and Sidewalks**



**Figure 17. Presence of Overhead Utilities and Billboards**



**6. Endangerment: floodplain or flood hazards**

Endangerment was identified in the Study Area in the form of flood hazards. Majority of the Study Area is within a Special Flood Hazard Area (SFHA) due to Clear Creek that flows within the east side of the Study Area, as shown previously in **Figure 6**.



**7. Vacancy: An undeveloped parcel in a generally urbanized area and disproportionately underdeveloped parcel**

The entirety of the Study Area is not being utilized to its highest and best use. This is especially apparent for the industrial properties south of West 48<sup>th</sup> Avenue and north of West 44<sup>th</sup> Avenue. These include large parcels used for construction, truck driving school, and truck sales, which are not the highest and best uses in an urbanized area such as this. The surrounding area is developed with a significant amount of residential development and some commercial along West 44<sup>th</sup> Avenue and North of I-70 (**Figure 18**). Additionally, parcel 25 (**Figure 1**) at the intersection of Carr Street and West 48<sup>th</sup> Avenue is an undeveloped parcel in an urbanized area. It is currently vacant and being used for storage. There are approximately 27 acres of vacant land within the Study Area, but nearly all of these parcels are either Clear Creek or ROW and cannot accommodate development.

**Figure 18. Underdeveloped in a Generally Urbanized Area**



### 3. Conclusions

Based on the definition of a blighted area in the Colorado Urban Renewal Law, Colorado Revised Statutes (C.R.S.) § 31-25-101 et seq., and based on the field survey results of the Study Area, EPS concludes that the Study Area is a blighted area as defined in the Colorado Urban Renewal Law, Colorado Revised Statutes (C.R.S.) § 31-25-101 et seq.

The visual field survey conducted in August 2023 documented 7 of the 11 factors of blight within the Study Area. Based on the findings of this evaluation, this blighted area, as written in the Urban Renewal Law, “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.”

Evidence of the following Urban Renewal Law blight factors are documented in this report:

- (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.*
- (h) The existence of conditions that endanger life or property by fire or other causes.*
- (k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.*

Evidence of the following Urban Renewal Law blight factors were not visually observable, and based on the presence of other, more significant physical conditions, these factors of blight did not warrant further investigation.

- (a) Slum, deteriorated, or deteriorating structures.*
- (g) Defective or unusual conditions of title rendering the title nonmarketable.*
- (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.*

As established by Urban Renewal case law in Colorado, this assessment is based on the condition of the Study Area as a whole. There is substantial evidence and documentation of 7 of the 11 blight factors in the Study Area.