

Draft Report

O'Neil Existing Conditions Survey

The Economics of Land Use



Prepared for:

City of Colorado Springs Urban Renewal Authority

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1. Introduction

In August of 2022, Economic & Planning Systems (EPS), working with the City of Colorado Springs Urban Renewal Authority (CSURA), conducted the following existing conditions survey (Survey) of the proposed O'Neil Urban Renewal Plan Area (Study Area). This proposed plan area is located in Downtown Colorado Springs at the northeast corner of Costilla Street and Sahwatch Street, as shown in **Figure 1** on page 6.

The CSURA anticipates creating a new plan area to support redevelopment plans of the site. The proposed Urban Renewal Area captures the redevelopment plans and, if approved, will aide in supporting the proposed redevelopment and enabling needed public improvements to be constructed in the area.

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 a URA Plan Area for such urban renewal activities, as the URA and City Council deem appropriate.

Colorado Urban Renewal Law

The requirements for the establishment of a URA 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 the proposed redevelopment of four properties located in Downtown Colorado Springs at the northeast corner of Costilla Street and Sahwatch Street. An inventory of parcels within the Study Area was compiled using parcel data from the El Paso County Assessor, documenting parcel ownership, size, use, vacancy, and assessed value.

The field survey was conducted by EPS in August 2022. 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. 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 Colorado Springs City Council.

2. Study Area Analysis

Study Area

The proposed O'Neil Urban Renewal Plan Area is comprised of four parcels on approximately 1.1 acres or 47,916 square feet of land and adjacent right of way (ROW), as shown in **Table 1** and **Figure 1**. The Study Area is bound by Costilla Street to the south, Sahwatch Street to the west, a vacant commercial lot to the north, and a storage warehouse to the east. All parcels in the Study Area are owned by 14 Costilla LLC. All parcels in the Study Area have existing buildings including a distribution warehouse built in 1919, a storage warehouse built in 1925, a single family home built in 1904 with two sheds built in 1989, and a single family home built in 1900. These buildings are all currently vacant.

Table 1. Parcels Contained in the URA Study Area

#	Parcel	Location	Owner	Land Use	Bldg. Sq. Ft.	Land		Assessed Value
						Acres	Sq. Ft.	
1	6418312004	30 W Costilla St	14 COSTILLA LLC	Warehouse/Storage	10,599	0.33	14,375	\$183,840
2	6418312005	22 W Costilla St	14 COSTILLA LLC	Warehouse/Storage	14,288	0.33	14,375	\$178,990
3	6418312006	20 W Costilla St	14 COSTILLA LLC	Single Family Res.	974	0.22	9,583	\$19,550
4	6418312007	14 W Costilla St	14 COSTILLA LLC	Single Family Res.	3,988	0.22	9,583	\$24,020
Total					29,849	1.10	47,916	\$406,400

Source: El Paso County Assessor; Economic & Planning Systems

Figure 1. O'Neil Proposed URA Boundary and Parcels



Field Survey Approach

The following assessment is based on a field survey conducted by EPS in August 2022. The survey team toured the entire 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 6 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 blight factors cannot be visually inspected and are dependent on other data sources. Given the prevalence of physically observable conditions of blight, these remaining blight factors were not investigated.

Buildings

The following conditions establish evidence of Urban Renewal Law blight factor “(a) *slum, deteriorated, or deteriorating structures,*” by an evaluation of the overall condition and level of deterioration of structures within the plan area.

Typical examples of conditions that illustrate blighted buildings include:

- Deteriorated External Walls / Visible Foundation
- Deteriorated Roof
- Deteriorated Fascia/Soffits
- Deteriorated Gutters/Downspouts
- Deteriorated Exterior Finishes
- Deteriorated Windows and Doors
- Deteriorated Ancillary Structures

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

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

Vacancy

The following conditions are evidence of Urban Renewal Law blight factor "(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.*" 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 five blight factors specified in the Urban Renewal Law were either not observed or not investigated further due to sufficient evidence from the visual field survey supporting a condition of blight in 6 of the 11 blight factors.

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

(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.

Results of Field Survey

This section summarizes the findings of the visual field survey of the Study Area conducted in August 2022. **Table 2** documents the specific blight conditions observed. These conditions are further detailed following the table, for each specific category, and include image documentation or supportive data.

O'Neil Existing Conditions Survey

Table 2. Blight Conditions Observed in Study Area

Conditions Observed			
Buildings	1.01	Deteriorated External Walls / Visible Foundation	
	1.02	Deteriorated Roof	
	1.03	Deteriorated Fascia/Soffits	
	1.04	Deteriorated Gutters/Downspouts	
	1.05	Deteriorated Exterior Finishes	X
	1.06	Deteriorated Windows and Doors	
	1.07	Deteriorated Stairways/Fire Escapes/Loading Docks	X
	1.08	Deteriorated Ancillary Structures	
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	X
	2.08	Poor Internal Vehicular or Pedestrian Circulation	
Unsafe / Unsanitary	4.01	Floodplains or Flood Prone Areas	
	4.02	Inadequate Storm Drainage Systems/Evidence of Standing Water	X
	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	X
	4.08	Open / Unenclosed Trash Dumpsters	
	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	
	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)	
	5.06	Poor Parking Lot / Driveway Layout	
	5.07	Poorly Maintained Landscaping / Overgrown Vegetation	X
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	
	6.04	Inadequate Fire Protection Facilities / Hydrants	
	6.05	Inadequate Sanitation or Water Systems	
	6.06	Unusual Topography	
Vacancy	11.04	An Undeveloped Parcel in a Generally Urbanized Area	
	11.05	Disproportionately Underdeveloped Parcel	X
	11.06	Vacant Structures	X
	11.07	Vacant Units in Multi-Unit Structures	

1. Buildings: slum, deteriorated, or deteriorating structures

Multiple buildings in the Study Area have deteriorated exterior finishes with chipped paint, exposed brick, and rusted and worn-out metal siding, shown in **Figure 2**. The single family home on Parcel 3 has a deteriorated wooden stairway to the front porch as well as chipped paint.

Figure 2. Deteriorated Exterior Finishes and Stairways



2. Street Layout; predominance of defective or inadequate street layout

Poor provisions of street improvements for pedestrians were observed in the form of lack of sidewalks along Sahwatch Street on parcel 1 and along Costilla Street on parcels 1 and 2, as shown in **Figure 3**. Along Sahwatch Street there is a defined curb but no sidewalk and along Costilla Street there is dirt and a large driveway for commercial vehicles. It is important to note at the corner of Sahwatch and Costilla Street pedestrian improvements were made with curb cuts and a small portion of sidewalk. These are extensions of the sidewalk improvements on the opposite sides of the streets and illustrates the disconnect the Study Area has within the existing pedestrian network.

Figure 3. Poor Provision of Street Improvements for Pedestrians



Additionally, poor provisions of street improvements for vehicles were observed in the form of potholes and cracked pavement in the alley on the northside of the Study Area, shown below in **Figure 4**.

Figure 4. Poor Provision of Street Improvements for Vehicles



There is an excessive driveway along Costilla Street for the existing warehouse/storage facilities on parcels 1 and 2, shown in **Figure 5**. The drive covers approximately a third of the block and does not include curb cuts or a sidewalk.

Figure 5. Excessive Curb Cuts Along Commercial Blocks



3. Unsafe/Unsanitary: unsanitary or unsafe conditions

Throughout the Study Area unsafe and unsanitary conditions were documented, including vandalism/graffiti, excessive litter, and evidence of vagrants. Vandalism/graffiti was observed in alley on the backside of the building on parcel 2, shown in **Figure 6**.

Figure 6. Vandalism/Graffiti



Excessive litter was observed and documented throughout the Study Area, shown in **Figure 7**.

Figure 7. Excessive Litter





Evidence of vagrant(s) was observed on parcel 4 in the gated area for the dumpster. The dumpster was removed and there was evidence that a person had been sleeping and hanging out there, shown in **Figure 8**.

Figure 8. Evidence of Vagrants



Additionally, standing water was observed on parcel 1 along Costilla Street, shown below in **Figure 9**, which may indicate inadequate stormwater drainage.

Figure 9. Evidence of Standing Water



4. Site Improvements: deterioration of site or other improvements

Deterioration of site improvements were observed throughout the Study Area and overall the site shows signs of neglect. The small parking lot on parcel 4 showed signs of deterioration with missing sections of pavement and pot holes, shown in **Figure 10**.

Figure 10. Deteriorated On-Site Parking Surfaces



Overgrown vegetation and poorly maintained landscaping was observed throughout the Study Area, shown in **Figure 11**.

Figure 11. Overgrown Vegetation





On parcel 3 a deteriorated portion of fence and exterior wall of the shed was observed, shown below in **Figure 12**.

Figure 12. Deteriorated Fences and Walls



5. Infrastructure: unusual topography or indadequate public improvements or utilites

Inadequate infrastructure was observed throughout the Study Area, predominately in the form of deteriorated pavement and lack of curbs and sidewalks. As previously mentioned, there is no sidewalk along Sahwatch Street and Costilla Street on parcels 1 and 2, shown in **Figure 13**.

Figure 13. Lack of Sidewalks and Curb



In addition, the section along Costilla Street is also missing a curb. Deteriorated pavement was observed on the parking lot on parcel 4 and along the alley behind all the parcels, as shown in **Figure 14**.

Figure 14. Deteriorated Pavement



6. Vacancy: the existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

The Study Area is comprised of parcels that are underdeveloped and underutilized in the urban location. The surrounding context of the Study Area is largely developed with commercial uses, shown in **Figure 15**, with the U.S. Olympic and Paralympic Muesum to the west, Colorado Springs Conservatory and Wells Fargo Bank to the south, Pikes Peak Regional Development Corporation to the east, and government buildings on the block to the north. The Study Area is in Downtown Colorado Springs and currently underutilized with older industrial uses and single family residences, all of which are currently vacant.

Figure 15. Underdeveloped Parcels in an Urbanized Area



Other Considerations

The team collected and analyzed additional nonvisual information on the Study Area that contributed to the documentation of blight factors.

Crime

High or unusual crime is one determining criteria for the Urban Renewal Law blight factor “(d) Unsanitary or unsafe conditions.” The Colorado Springs Police Department tracks the number of crime offenses reported, including unfounded offenses, by Census Tract and citywide. The Study Area is located within Census Tract 23. From 2012 to 2018, Census Tracts 23 had a total of 19,384 offenses reported, which is an average of 2,769 offenses per year, shown in **Table 3**. This represents an average of 6.8 percent of the total crime offenses in the city over this time period. On a per capita basis, Census Tracts 23 had more crime offenses compared to the city as whole. From 2012 to 2018, Census Tracts 23 averaged 1.61 offenses per resident, while the city averaged 0.09 offenses per resident. Based on this data, there is evidence of high or unusual crime in the Study Area.

Table 3. Annual Crime Offenses, 2012-2018

Offenses	2012	2013	2014	2015	2016	2017	2018	2012-2018	
								Total	Avg.
Colorado Springs	35,143	48,602	49,064	47,366	36,091	33,845	36,991	287,102	41,015
Census Tract 23	2,178	3,118	3,354	3,442	2,518	2,424	2,350	19,384	2,769
<i>% of City</i>	6.2%	6.4%	6.8%	7.3%	7.0%	7.2%	6.4%	6.8%	6.8%
Offenses Per Capita									
Colorado Springs	0.08	0.11	0.11	0.11	0.08	0.08	0.08	---	0.09
Census Tract 23	1.24	1.80	1.94	2.10	1.50	1.39	1.32	---	1.61

Source: Colorado Springs Police Department; U.S. Census ACS 5-Yr; Economic & Planning Systems

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 2022 documented six of the 11 factors of blight within the Study Area. Therefore, 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:

- (a) Slum, deteriorated, or deteriorating structures.*
- (b) Predominance of defective or inadequate street layout.*
- (d) Unsanitary or unsafe conditions.*
- (e) Deterioration of site or other improvements.*
- (f) Unusual topography or inadequate public improvements or utilities.*
- (k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.*

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.

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

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 six of the 11 blight factors in the Study Area as a whole.