

2013-0600-A

9TH AND COLORADO
URBAN REDEVELOPMENT PLAN
An Urban Renewal Plan
for the
9th and Colorado Urban Redevelopment Area
DENVER URBAN RENEWAL AUTHORITY
Dated as of July 26, 2013

Table of Contents

	Page No.
I. PREFACE AND DEFINITIONS	1
A. Preface.....	1
B. Background of the Urban Redevelopment Area.....	1
C. Definitions.....	3
II. LEGISLATIVE FINDINGS	7
A. Blight.....	7
B. Urban Redevelopment Projects.....	7
C. Planning Approval	8
D. Conformance with Comprehensive Plan: Objectives Relating to Appropriate Land Uses.....	8
E. Conformance with General Development Plan and 9 th and Colorado Urban Design Standards and Guidelines	14
F. Public Hearing	16
G. Other Findings	16
III. DESCRIPTION OF THE 9 TH AND COLORADO URBAN REDEVELOPMENT AREA GOALS AND OBJECTIVES	17
A. Boundaries of the University of Colorado Health Sciences Center Urban Redevelopment Area.....	17
B. Urban Redevelopment Plan Objectives	17
IV. PROJECT ACTIVITIES.....	19
A. Public Participation.....	19
B. Redevelopment Agreement.....	20
C. Public and Other Improvements and Facilities.....	20
D. Redevelopment and Rehabilitation Actions.....	21
E. Demolition, Clearance and Site Preparation.....	22
V. PROJECT FINANCING.....	22
A. Financing Methods.....	22
B. Cooperation Agreements between the City and the Authority	22
C. Tax Increment Financing	22
VI. LAND USE PLAN	25
A. Land Use Designation.....	25
B. Land Use Objectives.....	26
VII. MODIFICATIONS TO THE APPROVED URBAN REDEVELOPMENT PLAN.....	26
VIII. PROJECT ART.....	26
IX. DESIGN REVIEW	26

X.	SEVERABILITY.....	26
XI.	MINOR VARIATIONS.....	27
XII.	FIRST SOURCE HIRING PROGRAM.....	27
XIII.	SMALL BUSINESS ENTERPRISE UTILIZATION PROGRAM.....	27
XIV.	ENHANCED TRAINING OPPORTUNITIES.....	27
XV.	AUTHORITY PREVAILING WAGE POLICY.....	28

I. PREFACE AND DEFINITIONS

A. Preface

This urban renewal plan, referenced herein as the Urban Redevelopment Plan, has been prepared by the Denver Urban Renewal Authority (the “Authority”) pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, 1973, as amended (the “Act”). This Urban Redevelopment Plan describes the framework for certain public undertakings constituting urban renewal projects and other authorized undertakings under the Act in the 9th and Colorado Urban Redevelopment Area described in Exhibit A hereto and depicted on the map attached as Exhibit B hereto (the “Urban Redevelopment Area”).

Except as otherwise provided herein or as may be provided in any Cooperation Agreement (defined below), the administration of the Projects (defined below) and the implementation and enforcement of this Urban Redevelopment Plan, including, without limitation, the preparation and execution of any implementing documents, shall be performed by the Authority in accordance with the Act and this Urban Redevelopment Plan.

B. Background of the Urban Redevelopment Area

The Urban Redevelopment Area is located on the former campus of the University of Colorado Health Sciences Center in the vicinity of East 9th Avenue and Colorado Boulevard approximately 3 miles southeast of Downtown Denver’s Central Business District. The Urban Redevelopment Area measures approximately 41 acres immediately east of Colorado Boulevard and bounded by East 11th Avenue on the north and East 8th Avenue on the south. The Urban Redevelopment Area was occupied by the University of Colorado’s medical campus, formerly named the University of Colorado Health Sciences Center, for approximately 85 years prior to its closure.

The first campus buildings were constructed on the site during 1924. This included the original hospital building which housed the School of Medicine. Facility additions and remodeling occurred sporadically by adding wings and filling courtyards so that the campus was dominated by what may be described as a mega-structure with a few adjacent free standing buildings. The campus encompassed 18 buildings that totaled approximately 2.23 million square feet of gross building area. Some of the largest buildings included the School of Medicine, the School of Dentistry, the School of Pharmacy, the School of Nursing, the Biomedical Research Building, the University of Colorado Hospital, and the Colorado Psychiatric Hospital. At one point there were more than 10,000 students, faculty, staff, physicians, and researchers on the campus and 3,000 daily patients and visitors to the campus. Parking on-campus in 12 surface and two structured lots totaled approximately 2,700 spaces.

The largest adjacent users to the campus are the Veteran Affairs Eastern Colorado Health System campus and the Rose Medical Center campus, both to the immediate east. The remainder of the nearby surrounding community to the north, south, and west is primarily comprised of single family residences but also includes a mix of smaller private medical facilities, condominium buildings, apartments, and smaller commercial retail businesses.

In the early 1990s the university determined a need for additional research space for the various functions of the campus. Eventually, the University identified the Fitzsimmons Army Garrison site in Aurora as a site for the potential relocation of the campus. In 1997, the federal government approved the closure and phased conveyance of the Fitzsimmons Army Garrison site to the University. Over the next several years as new buildings were constructed, faculty, staff, and students were moved to the new campus. By the end of 2009, the campus at 9th Avenue was completely vacated.

C. Definitions

In addition to terms previously defined in the text, the following terms are used in this Urban Redevelopment Plan:

1. The term “City” means the City and County of Denver.
2. The term “Conditions Study” means the blight study dated May, 2013 conducted by Matrix Design Group, Inc. filed in City Clerk File No. 2013-0600-B
3. The term “Cooperation Agreement” means any agreement between the Authority and the City or any public body (the term “public body” being used in this Urban Redevelopment Plan as defined in the Act) respecting action to be taken pursuant to any of the powers set forth in the Act or in any other provision of Colorado law, for the purpose of facilitating undertakings deemed necessary or appropriate by the Authority under this Urban Redevelopment Plan. Any such Cooperation Agreement may include, without limitation, agreements respecting the planning or undertaking of this Urban Redevelopment Plan and one or more Projects, as well as programs, works, operations or activities which the Authority, the City or such other public body is otherwise empowered to undertake and including, without limitation, agreements respecting the financing, installation, construction, and reconstruction of public and private improvements within the Urban Redevelopment Area.
4. “Fiscal Year” means the fiscal year of the City, which commences on January 1 of each calendar year and ends on December 31 of the same calendar year, or any applicable portion of a fiscal year.
5. The term “Project” or “Projects” means any public and/or private undertaking for the purposes of redevelopment and rehabilitation in keeping with the objectives of this Urban Redevelopment Plan and pursuant to a Redevelopment Agreement. Each Project

shall be approved by City Council and if approved, such Project will be attached hereto as a part of Appendix A and incorporated herein.

6. The term “Property Tax” means the real and personal property taxes produced by the levy at the rate fixed each year by the governing bodies of the various taxing jurisdictions within or overlapping the applicable Property Tax Increment Area.

7. The term “Property Tax Base Amount” means the total valuation for assessment last certified by the County Assessor for the City of all taxable property within a Property Tax Increment Area prior to the effective date of a Property Tax Increment Area, as the same may be adjusted from time to time in accordance with the Act.

8. The term “Property Tax Increment” means for each Fiscal Year subsequent to the creation of the applicable Property Tax Increment Area, all Property Tax Revenues in excess of the Property Tax Revenues produced by the levy of Property Tax on the Property Tax Base Amount and paid to the Authority by the City; provided that such amount shall be reduced by any lawful collection fee charged by the City.

9. The term “Property Tax Increment Area” means the area more particularly described in Appendix B, attached hereto and incorporated herein. The term Property Tax Increment Area shall also include the additional portion or portions of the Urban Redevelopment Area from which Property Tax Increment will be derived for a Project or Projects as shall be created by approval of City Council and, if approved, such Property Tax Increment Area will be attached hereto as part of Appendix B and incorporated herein.

10. The term “Property Tax Revenues” means the amount derived by the City and all taxing jurisdictions from the levy of Property Tax within a Property Tax Increment Area less any amount derived from a specially earmarked voter-approved levy by which the City has

heretofore committed by contract to pay to a private contractor in order to provide services to residents of the City, including any residents in the Urban Redevelopment Area.

11. The term “Redevelopment Agreement” means any agreement, including an intergovernmental agreement, between the Authority and property owners, private developers or any public body, as applicable, regarding a Project in furtherance of this Urban Redevelopment Plan.

12. The term “Sales Tax” means the sales tax levied by the City from time to time on the retail sales of taxable goods and services, excluding (a) that portion of the Sales Tax levied by Section 53-27 of the City Code, as amended by Ordinance No. 557, Series of 1987, on food and beverages not exempted from taxation under Section 53-26(8) of the City Code, at the rate of one-half percent (0.5%) of the purchase price, (b) that portion of the Sales Tax levied by Section 53-27 of the City Code, as amended by Ordinance No. 557, Series of 1987, and by Ordinance No. 973, Series of 1999, on the short-term rental of automotive vehicles, at the rate of three and three-quarters percent (3.75%) of the rentals paid or purchase price, (c) that portion of the Sales Tax levied by Section 53-27 of the City Code, as amended by Ordinance No. 556, Series of 2006 for the Denver pre-school program at the rate of twelve one-hundredths percent (0.12%), and (d) that portion of any increase to the percentage rate of the Sales Tax, if any, levied by the City following the date of approval of a Sales Tax Increment Area to pay for specifically designated purposes other than the general operations of the City.

13. The term “Sales Tax Base Amount” means, with respect to a Sales Tax Increment Area, the actual collection of Sales Tax Revenues during the twelve (12) month period ending on the last day of the month prior to the effective date of the Sales Tax Increment Area.

14. The term “Sales Tax Increment” means for each Fiscal Year subsequent to the creation of the Sales Tax Increment Area, all Sales Tax Revenues in excess of the Sales Tax Base Amount subsequent to the creation of the applicable Sales Tax Increment Area and paid to the Authority by the City; provided that such amount shall be reduced by the costs and expenses of the City for such Fiscal Year of enforcing the Sales Tax in a Sales Tax Increment Area and collecting the Sales Tax Revenues as allowed by state statute, including the pro-rata share of uncollectible Sales Tax Revenues to be absorbed by the Authority for such Fiscal Year as set forth in a cooperation agreement.

15. The term “Sales Tax Increment Area” means the portion or portions of the Urban Redevelopment Area from which Sales Tax Increment will be derived for a Project or Projects. Each Sales Tax Increment Area shall be created by approval of City Council and, if approved, such Sales Tax Increment Area will be attached hereto as part of Appendix B and incorporated herein.

16. The term “Sales Tax Revenues” means the amount to be derived by the City in each Fiscal Year from the levy of the Sales Tax within the applicable Sales Tax Increment Area.

17. The term “Tax Increment” means the amount by which Sales Tax Revenues exceed the Sales Tax Base Amount and Property Tax Revenues exceed the Property Tax Base Amount, respectively.

18. The term “Tax Increment Area” means that portion or portions of the Urban Redevelopment Area from which Tax Increment will be derived for the financing described in Section V. The Authority and the City may designate, subject to the approval of City Council, one or more separate Property Tax Increment Areas and/or Sales Tax Increment

Areas. Upon approval by the City of an applicable Tax Increment Area, the legal descriptions of such Tax Increment Area will be attached hereto as a part of Appendix B and incorporated herein by reference.

II. LEGISLATIVE FINDINGS

The City Council has found by approving this Plan that:

A. Blight

Based on the Conditions Study of which the Authority provided notice, in accordance with Section 31-25-107(1)(b), C.R.S., to owners of private property within the proposed Urban Redevelopment Area, and evidence presented at a public hearing before City Council, City Council determined that there exists a “blighted area” (as defined in the Act) in the Urban Redevelopment Area by reason of (i) slum, deteriorated, or deteriorating structures, (ii) predominance of defective or inadequate street layout, (iii) deterioration of site or other improvements, (iv) unusual topography or inadequate public improvements or utilities, (v) environmental contamination of buildings or property, and (vi) the existence of factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings or other improvements. Such blight substantially impairs or arrests the sound growth of the municipality. As there is a predominance of blight factors across a majority of the area within the blight study boundary, the Urban Redevelopment Area constitutes a “blighted area” because the property in its present condition and use substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

B. Urban Redevelopment Projects

The Urban Redevelopment Area is appropriate for one or more Projects and other authorized undertakings of the Authority pursuant to the Act and as provided for in any

Cooperation Agreements between the City and Authority.

Projects are intended to stimulate private sector investment in and around the Urban Redevelopment Area. The combination of public and private investment will assist the redevelopment and conversion of the Urban Redevelopment Area into a compatible and viable neighborhood containing residential, commercial or mixed uses.

C. Planning Approval

A general plan for the City, known as the Denver Comprehensive Plan 2000 and all other relevant plans adopted as supplements to the Comprehensive Plan (“Plan 2000”) has been prepared and adopted by City Council. This Urban Redevelopment Plan was submitted to the Planning Board of the City for review and recommendations as to its conformity with Plan 2000 and the Planning Board submitted its written recommendations with respect to this Urban Redevelopment Plan to the City Council.

D. Conformance with Comprehensive Plan: Objectives Relating to Appropriate Land Uses

The Plan 2000 contains numerous objectives and policies relevant to the redevelopment of the Urban Redevelopment Area. The City’s Planning Board and the City Council has reviewed this Urban Redevelopment Plan and determined that it is in compliance with the Plan 2000 and that it furthers several city-wide objectives, policies and actions in the Plan 2000, including (with reference to Plan 2000 sections):

1. Conserve land by promoting infill development within Denver at sites where service and infrastructure are already in place, by designing mixed-use communities and reducing sprawl, and by creating more density at transit nodes (Environmental Sustainability Strategy 2-F, Page 39)

2. Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work. (Environmental Sustainability Strategy 4-A, Page 41)
3. Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents in the Citywide Land Use and Transportation Plan. (Land Use Strategy 1-H, Page 58)
4. Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (Land Use Strategy 3-B, Page 60)
5. Identify and enhance existing focal points in neighborhoods, and encourage the development of such focal points where none exist. (Land Use Strategy 3-D, Page 60)
6. Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. (Land Use Strategy 4-A, Page 60)
7. Ensure that land-use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking, and bicycling, as well as convenient access for people with disabilities. (Land Use Strategy 4-B, Page 60)
8. Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area. (Mobility Strategy 3-B, Page 77).

9. Continue to promote mixed-use development, which enables people to live near work, retail, and services. (Mobility Strategy 4-E, Page 78)
10. Determine the potential for transit-oriented development at public transit stations, and encourage such opportunities whenever possible. (Mobility Strategy 5-D, Page 79)
11. Identify community design and development issues, and target specific concerns with appropriate controls and incentives. (Legacies Strategy 2-C, Page 98)
12. Invest in public infrastructure and amenities strategically to promote community identity and attract development. (Design Excellence Strategy 1-E, Page 98)
13. Identify areas in which increased density and new uses are desirable and can be accommodated. (Legacies Strategy 3-A, Page 99)
14. Create regulations and incentives that encourage high-quality, mixed-use development at densities that will support Denver's diverse housing needs and public transportation alternatives. (Legacies Strategy 3-B, Page 99)
15. Preserve, enhance and extend the pattern and character of the primary street system, including the prevailing grid, interconnected parkways, detached sidewalks and tree lawns. (Compact Urban Development Strategy 4-A, Page 99)
16. Focus incentives and design controls on private development fronting major new, existing, and historic roadway corridors, including parkways, boulevards, and avenues citywide. Specifically recognize and address significant intersections and gateways to the city. (Legacies Strategy 4-B, Page 99)
17. Integrate sufficient open space and recreational amenities, including small urban parks, into large-scale development plans. (Park and Recreation Strategy 9-B, Page 102)

18. Support mixed-use development consistent with the goals of the Comprehensive Plan's land-use and mobility strategies. (Housing Strategy 6-A, Page 117)
19. Continue to support mixed-income housing development that includes affordable rental and for-purchase housing for lower-income, entry-level, and service employees, especially in Downtown and along transit lines. (Housing Strategy 6-B, Page 117)
20. Identify and capitalize on opportunities to develop housing along transit lines. (Housing Strategy 6-E, Page 118)
21. Continue to strengthen and, where necessary, revitalize Denver's commercial corridors, such as East and West Colfax, Broadway, Colorado Boulevard, East Evans, and South Federal. (Develop Denver's Business Centers Strategy 4-B, Page 135)
22. Use public-private partnerships to facilitate development and redevelopment projects that advance the City's goals and objectives. When appropriate, take advantage of the Denver Urban Renewal Authority's powers and experience. (Economic Activity Strategy 4-C, Page 136)
23. Ensure high-quality urban design in neighborhoods by strengthening their connections to urban centers and reinforce Denver's unifying design features such as street trees in the tree lawns. (Neighborhood Strategy 1-D, Page 150).
24. Ensure that development provides for mixed uses, allowing people of all income levels the opportunity to find housing near their jobs or find jobs near their homes. (Metropolitan Cooperation Strategy 2-D, Page 216)
25. Incorporate relevant recommendations from neighborhood, corridor and area plans that are supplements to Plan 2000 (Land Use Strategy 1-C, Page 57):

(a) Blueprint Denver, Denver’s integrated land use and transportation plan adopted by the City Council in 2002, identifies the Urban Redevelopment Area as an “Area of Stability,” with a future land use recommendation of “campus.” While the Blueprint Denver designations of Area of Stability and campus land use remain applicable to the Urban Redevelopment Area, Blueprint Denver explicitly states that an Area of Stability may accommodate new development and redevelopment and, further, that Areas of Change and Areas of Stability are not mutually exclusive. Blueprint Denver recognizes that even in stable residential neighborhoods, there often are areas that will benefit from reinvestment and change. In fact, Blueprint Denver anticipates “reinvestment areas” within Areas of Stability that would benefit from substantial reinvestment through infill and redevelopment. Given the departure of the CU medical and hospital campus, leaving behind 18 vacant buildings on an approximately 30-acre campus with substantial challenges to reuse and redevelopment, the Urban Redevelopment Area is arguably one of those Blueprint-envisioned areas for significant change and reinvestment within an otherwise stable area.

Blueprint Denver provides guidance for what redevelopment of the Urban Redevelopment Area should accomplish: the citywide plan endorses the creation of high-density, transit supportive, pedestrian oriented, mixed-use “Town Centers” or “Urban Centers” to accommodate projected employment and resident growth in Denver anticipated over the next 20 years. Blueprint Denver also provides guiding principles for redevelopment of the Urban Redevelopment Area, which is surrounded on the north and south by plan-designated stable, residential neighborhoods. The overarching guiding principles for Areas of Stability in Blueprint Denver (p. 14) help guide new projects adjacent to stable neighborhoods:

- Respect valued development patterns

- Respect valued attributes of the area
- Respect adjoining property
- Expand transportation choice
- Minimize traffic impacts on neighborhood streets
- Respect environmental quality

The Urban Redevelopment Plan conforms to the guiding principles of Blueprint Denver by envisioning redevelopment of the area into an urban, mixed use activity center that will serve the needs of all the surrounding neighborhoods and provide a much-desired community focal point, while respecting the character of surrounding lower-scale commercial and residential areas. Additionally, the URA is adjacent to multiple RTD bus routes along Colorado Boulevard, East 9th Avenue, and East 8th Avenue and therefore redevelopment within the URA supports Blueprint Denver’s guiding principal of expanding transportation choice by locating new development near existing transit lines.

(b) Colorado Boulevard Healthcare District Plan (March 1998) (“CBHD Plan”) adopted by the City Council in March 1998, includes the entire area covered by the Urban Redevelopment Plan. The CBHD plan did not foresee the departure of the University of Colorado medical school and hospital. Nevertheless, the CBHD plan provides several design and development goals and objectives still relevant today, including:

- Maintain and improve the livability of the surrounding area as an urban, mixed use neighborhood with a vital residential base and strong neighborhood-serving business.

- Mitigate the off-site parking and/or automobile traffic related to the mobility of employees, patients, and visitors in the district.
- Improve the physical appearance of the district.
- Within the district, larger buildings should be concentrated in the center of large sites gradually decreasing in mass and height toward the site boundaries.
- The scale and buffering of new development should respect the character of buildings across the street.

The Urban Redevelopment Plan implements the vision and meets the objectives adopted in the CBHD Plan. The Urban Redevelopment Plan will facilitate redevelopment of the site into an urban, mixed-use activity center that will serve the needs of all the surrounding neighborhoods and provide a much-desired community focal point. The Urban Redevelopment Plan and future redevelopment's compliance with city rules and regulations will also achieve the objective to retain the character of surrounding residential areas by stepping down building height and mass at the area's boundaries.

E. Conformance with General Development Plan and 9th and Colorado Urban Design Standards and Guidelines

A general development plan is an overview plan designed to establish the framework for development of an area that combines infrastructure and anticipated land use within the context of the surrounding development. In 2009, a general development plan was approved to regulate the redevelopment of the Urban Redevelopment Area. A major amendment to the general development plan was approved in January 2012, followed by the approval of the 9th and Colorado Urban Design Standards and Guidelines. (The general development plan and the 9th

and Colorado Urban Design Standards and Guidelines, as both may be amended from time to time, are collectively referred to hereinafter as the “GDP”). Redevelopment of the Urban Redevelopment Area will be in accordance with the GDP. The goal of the GDP is the creation of a comprehensive urban center through an integration of housing, commercial uses, and open space. The development objectives of the GDP are as follows:

- i. Create a neighborhood that integrates multiple uses, including commercial, office, retail, hotel, live-work possibilities, residential, public services, and appropriate public spaces.
- ii. Establish a hierarchy and network of corridors that provides safe and comfortable routes for pedestrians, bicycle, and automobile traffic.
- iii. Coordinate the overall plan, building massing, and connectivity together with design elements to create a desirable, unique environment which encourages a variety of activities including: strolling, sitting, conversing, relaxing, and interacting.
- iv. Introduce Denver’s street grid into the site and provide streets with unique image and character, creating a walk-able district planned as a cohesive development hosting a variety of activities.
- v. Develop open spaces to serve multiple needs.
- vi. Enhance the Nurses’ Dormitory Lawn as open space.
- vii. Provide a broad mix of housing types, densities and price ranges (including affordable housing).
- viii. Create a unique, distinctive, and identifiable development that establishes and promotes connectivity and access across neighborhoods.

ix. Development should encourage the guiding principles from Blueprint Denver such as land use that provides a variety of transportation alternatives, access to mass transit, a variety of employment opportunities, multimodal streets, an Urban Center area, parks and open space that preserve existing vegetation and trees, and general Area of Change strategies.

F. Public Hearing

The City Council has held a public hearing on this Urban Redevelopment Plan after public notice thereof in compliance with law by publication in a newspaper having a general circulation in the City, describing the time, date, place and purpose of the hearing, generally identifying the Urban Redevelopment Area covered by this Urban Redevelopment Plan, and outlining the general scope of the urban renewal projects to be considered for implementation by the Authority pursuant to this Urban Redevelopment Plan.

Additionally, reasonable efforts have been undertaken by the Authority to provide written notice of the public hearing to all property owners, residents and owners of business concerns in the Urban Redevelopment Area at their last known address of record at least thirty days prior to such hearing. The written notice contained the same information as the published notice.

G. Other Findings

1. The Urban Redevelopment Area may be conserved or rehabilitated through appropriate public action, as authorized or contemplated by the Act, and through the cooperation and voluntary action of the owners located in the Urban Redevelopment Area.

2. In order to eliminate or reduce the blighted conditions currently existing within the Urban Redevelopment Area, as well as those blighted conditions which may be reasonably anticipated to develop within the Urban Redevelopment Area in the absence of public

action, it is the intent of the City Council in adopting this Urban Redevelopment Plan that the Authority exercise all powers authorized to be exercised by the Authority under the Act and which are necessary, convenient or appropriate to accomplish the objectives of the Urban Redevelopment Plan. It is the intent of this Urban Redevelopment Plan that, except as otherwise provided herein, the Authority shall exercise all such powers (except condemnation) as may now be possessed or hereafter granted to the Authority for the elimination of blight within the Urban Redevelopment Area.

3. The powers conferred by the Act are for public uses and purposes for which public money may be expended and the police power exercised, and this Urban Redevelopment Plan is in the public interest and necessity, such finding being a matter of legislative determination by the City Council.

4. The Authority may, in its discretion, issue bonds or other obligations, including revenue bonds, to the extent permitted by law, this Urban Redevelopment Plan, and any Cooperation Agreement.

III. DESCRIPTION OF THE 9TH AND COLORADO URBAN REDEVELOPMENT AREA GOALS AND OBJECTIVES

A. Boundaries of the University of Colorado Health Sciences Center Urban Redevelopment Area

The boundaries of the Urban Redevelopment Area shall be as set forth in the legal description on Exhibit A and as depicted on Exhibit B hereto and are drawn as narrowly as feasible to accomplish the planning and development objectives of the Urban Redevelopment Plan. The Urban Redevelopment Area does not contain any agricultural land as defined in Section 31-25-103(1), C.R.S.

B. Urban Redevelopment Plan Objectives

The general objectives of this Urban Redevelopment Plan are to reduce or eliminate blighted conditions and to stimulate the growth and development of the Urban Redevelopment Area and its surroundings. In particular, this Urban Redevelopment Plan is intended to promote the following (or any combination of the following) local objectives respecting appropriate land uses provided that the delineation of such objectives shall not be construed to require that any particular Project shall necessarily promote all such objectives:

1. To eliminate the present and growing factors which contribute to the blight in the Urban Redevelopment Area. Such blighting factors are detrimental to the community and represent an economic liability to the City.
2. To renew and improve the character and environment of the Urban Redevelopment Area and its surroundings by preventing or ameliorating economic, physical, and environmental deterioration.
3. To encourage residential, retail, and commercial development and redevelopment that is socially and economically inclusive and from which the Urban Redevelopment Area and its environs can draw economic strength.
4. To build upon present economic strengths in the Urban Redevelopment Area by encouraging the growth of existing uses that are suitable to the Urban Redevelopment Area.
5. To more effectively use underdeveloped land within the Urban Redevelopment Area.
6. To encourage land use patterns within the Urban Redevelopment Area and its environs that result in a more environmentally sustainable city.

7. To encourage land use patterns within the Urban Redevelopment Area and its environs where pedestrians are safe and welcome.
8. To encourage the participation of existing property owners within the Urban Redevelopment Area in the redevelopment of their property.
9. Encourage high and moderate density development where appropriate, including structured parking.
10. To encourage reuse of existing buildings where appropriate, including historic preservation and adaptive reuse.
11. To promote a diverse mix of dense housing options.
12. To promote a diverse, sustainable neighborhood economy, including mixed use and commercial development opportunities within the Urban Redevelopment Area.
13. To improve access to healthy transportation options, healthy foods, and existing and new parks.

IV. PROJECT ACTIVITIES

In undertaking the Projects pursuant to this Urban Redevelopment Plan, the Authority shall comply, and shall require any developer of Projects under any Redevelopment Agreement to comply with the Charter and all applicable building and zoning regulations and other applicable ordinances of the City. All Redevelopment Agreements entered into in connection with this Urban Redevelopment Plan shall be subject to all applicable building and zoning regulations, the GDP, and other applicable ordinances of the City.

A. Public Participation

The Authority has met with the appropriate registered neighborhood organizations and invited public comments relating to this Urban Redevelopment Plan. The Authority is committed to continue the process of public participation in pursuit of the objectives of this

Urban Redevelopment Plan through discussion with the appropriate registered neighborhood organizations and will invite public comment on the Projects. Pursuant to policies adopted by the Authority and to the extent provided in Colorado Open Records Act, Colo. Rev. Stat. Title 24, Article 72, Part 2, as the same may be amended from time to time, the Projects' plans and proposals will be made available to the public.

B. Redevelopment Agreement.

Subject to the provisions of Section V.B. herein, the Authority is authorized to enter into one or more Redevelopment Agreements with developers, land owners and such other entities as are determined by the Authority to be necessary or desirable to carry out the purposes of this Urban Redevelopment Plan. Such Redevelopment Agreements may contain such terms and provisions as shall be deemed necessary or appropriate by the Authority for the purpose of undertaking the activities contemplated by this Urban Redevelopment Plan or the Act, and may further provide for such undertakings by the Authority, including financial assistance (subject to the limitations contained herein), as may be necessary for the achievement of the objectives of this Urban Redevelopment Plan or as may otherwise be authorized by the Act.

C. Public and Other Improvements and Facilities

The Authority may undertake certain actions that would eliminate blight and make the Urban Redevelopment Area and its environs more attractive for private investment. The Authority may or may cause to be installed, constructed and reconstructed public improvements in furtherance of the Urban Redevelopment Plan, which may include, without limitation, streets, sidewalks, alleys, utilities, utility service facilities, parks, streetscapes, pedestrian corridors, bicycle facilities, and parking facilities. The Authority also may or may cause to be installed, constructed and reconstructed any other authorized improvements in furtherance of the Urban

Redevelopment Plan, which may include, without limitation, façade improvements, public access ways, public gathering areas, and other undertakings or improvements, all for the purpose of promoting the objectives of this Urban Redevelopment Plan and the Act. Any such construction of improvements shall be performed in accordance with Plan 2000, City specifications, including the GDP, and upon obtaining required City permits and comply with all applicable laws.

D. Redevelopment and Rehabilitation Actions

Redevelopment and rehabilitation actions in furtherance of the Urban Redevelopment Plan may include such undertakings and activities as are in accordance with this Urban Redevelopment Plan and the Act, including without limitation: (i) the demolition and removal of buildings and improvements; (ii) the installation, construction, relocation and reconstruction of public and private improvements; (iii) the carrying out of plans for a program through voluntary action for the repair, alteration, and rehabilitation of buildings or other improvements in accordance with this Urban Redevelopment Plan; and (iv) the taking of such other actions as determined by the Authority as necessary or desirable to eliminate unhealthy, unsanitary or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare, or otherwise remove or prevent the spread of blight or deterioration.

It is anticipated that the redevelopment and rehabilitation of property will be for the purpose of promoting a mix of uses within the Urban Redevelopment Area and its environs and other undertakings authorized or allowed by this Urban Redevelopment Plan or the Act, and shall, if required in the judgment of the Authority, be undertaken pursuant to the terms of a Redevelopment Agreement, provided that in the absence of any such Redevelopment Agreement, development, redevelopment, and rehabilitation in furtherance of the Urban

Redevelopment Plan may be undertaken in accordance with the GDP, the applicable building and zoning regulations and other applicable ordinances of the City.

E. Demolition, Clearance and Site Preparation

The Authority may or may cause others to demolish and clear those buildings, structures and other improvements from property it owns or as part of an approved Project pursuant to this Urban Redevelopment Plan if such buildings, structures and other improvements are not to be rehabilitated in accordance with this Urban Redevelopment Plan.

V. PROJECT FINANCING

A. Financing Methods

The Authority is authorized to finance the Projects and other activities by several methods, including, but not limited to, the following: appropriations from the City; Sales Tax Increment and/or Property Tax Increment paid pursuant to a Cooperation Agreement; interest income; federal loans or grants; or any other available source of revenue allowable under the provisions of the Act or other applicable laws. In addition, the Authority is authorized to issue bonds or other obligations, incur indebtedness, loans, or advances as contemplated by the Act in an amount sufficient to carry out all or any part of the Projects and other activities. The principal of, interest on, and any premiums due in connection with such bonds, indebtedness, loans or advances may be paid from sales tax and property tax increment or any other funds, revenues, assets or properties legally available to the Authority.

B. Cooperation Agreements between the City and the Authority

Before the Authority enters into a Redevelopment Agreement, the City and the Authority shall enter into a Cooperation Agreement.

C. Tax Increment Financing

This Urban Redevelopment Plan contemplates that the primary method of financing the

Projects and other activities shall be the use of Sales Tax Increment financing and/or Property Tax Increment financing, or any combination thereof, under the tax increment financing provisions of Colo. Rev. Stat. § 31-25-107(9), as amended from time to time, which is by this reference incorporated herein as if set forth in its entirety, subject to City Council approval as set forth herein. For each Project for which Property Tax Increment and/or Sales Tax Increment is to be used, a separate Property Tax Increment Area and/or Sales Tax Increment Area may be designated by the Authority and the City, and shall be approved by the City Council. In accordance with the Act, School District No. 1 in the City and County of Denver shall be permitted to participate in an advisory capacity with respect to the inclusion of tax increment financing in this Urban Renewal Plan and with respect to any use of Property Tax Increment. If there is any conflict between the Act, any Cooperation Agreements between the City and the Authority and this Urban Redevelopment Plan, the provisions of the Act shall control.

For each Property Tax Increment Area and/or Sales Tax Increment Area, all Property Taxes levied after the effective date of the approval of the Property Tax Increment Area upon the taxable property in each Property Tax Increment Area each year and all Sales Tax Revenues, or a portion thereof, collected within each Sales Tax Increment Area by or for the benefit of the City, shall be divided as follows:

1. (a) In the case of a Property Tax Increment Area, that portion of the Property Tax Revenues that are produced by the levy at the rate fixed each year by or for each public body upon the valuation for assessment of taxable property in the Property Tax Increment Area last certified prior to the effective date of approval of such Property Tax Increment Area in respect of this Urban Redevelopment Plan or, as to an area later added to the Property Tax Increment Area, the effective date of the modification of this Urban Redevelopment Plan

specifying such Property Tax Increment Area shall be paid into the funds of each such public body as are all other taxes collected by or for such public body.

(b) In the case of a Sales Tax Increment Area, that portion of Sales Tax Revenues equal to the amount collected within the boundaries of the Sales Tax Increment Area in the twelve-month period ending on the last day of the month prior to effective date of approval of such Sales Tax Increment Area in respect to this Urban Redevelopment Plan or as to an area later added to the Urban Redevelopment Area, the effective date of modification of this Urban Redevelopment Plan shall be paid into the funds of each such public body as are all other taxes collected by or for such public body.

2. Except as the Authority may legally provide otherwise under the Act, that portion of the Property Tax Revenues in excess of the amounts described in paragraph C(1)(a) above, and/or all or any portion of Sales Tax Revenues in excess of those described in paragraph C(1)(b) above, shall be allocated to, and when collected, paid into a special fund of the Authority, and may be irrevocably pledged by the Authority for the payment of the principal of, premium, if any, and interest on any bonds of, loans or advances to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Authority to finance or refinance, in whole or in part, the Projects. Unless and until the Property Tax Revenue in any Property Tax Increment Area exceeds the amount as provided in paragraph C(1)(a), above, all of the Property Tax Revenues for the Property Tax Increment Area shall be paid into the funds of the respective public bodies. Unless and until the total Sales Tax Revenues in any Sales Tax Increment Area exceed the Sales Tax Base Amount in such Sales Tax increment Area, as provided in paragraph C(1)(b), above, all such Sales Tax Revenue shall be paid into the funds of the City.

3. When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, with respect to a Tax Increment Area but in no event later than twenty-five (25) years following the effective date such Tax increment Area is included in and amends this Urban Redevelopment Plan by an amendment approved by City Council, the total Sales Tax Revenues and Property Tax Revenues in such Tax Increment Area shall be paid into the funds of the City and the applicable public bodies, respectively.

4. In the event there is a general reassessment of taxable property valuations in the City including all or part of any Property Tax increment Area, or a change in the sales tax percentage levied in the City including all or part of any Sales Tax Increment Area, the portions of valuations for assessment or sales tax revenues attributable thereto under this Part V shall be proportionately adjusted in accordance with such reassessment or change.

5. The Authority and the City may, by Cooperation Agreement or other agreement, provide for the method by which Property Tax Increment and Sales Tax Increment shall be allocated and paid to the Authority pursuant to the provisions of this Urban Redevelopment Plan and the Act. Such agreements, and similar agreements between the Authority and other public bodies, may provide for additional assistance by the City and cooperation between the Authority and the City in support of the Projects as may be more fully set forth in the provisions of such Cooperation Agreement or other agreement.

VI. LAND USE PLAN

A. Land Use Designation

Land use within the Urban Redevelopment Area shall conform to those uses permitted by the GDP and applicable City ordinances and regulations, including the City's zoning ordinances and regulations.

B. Land Use Objectives

Land use objectives of this Urban Redevelopment Plan are to encourage the development of uses, building densities, open space, pedestrian and vehicular accommodations, and other related facilities in order to create a high-quality mixed-use environment commensurate with high-quality urban design.

VII. MODIFICATIONS TO THE APPROVED URBAN REDEVELOPMENT PLAN

This Urban Redevelopment Plan may be modified pursuant to the provisions of the Act governing such modification, including Section 31-25-107 thereof, as the same may be amended from time to time.

VIII. PROJECT ART

The Authority requires that project art be installed in accordance with the Authority's Project Art Program. This program provides for at least 1% of the gross bond proceeds issued by the Authority in connection with the Projects or 1% of the Projects' maximum reimbursable expenses as of the effective date of any Redevelopment Agreement to be utilized for project art in a location accessible to the general public.

IX. DESIGN REVIEW

In connection with its undertaking of Projects, the Authority may require participation in a design review process in collaboration with applicable City staff, in addition to any design review required by the City.

X. SEVERABILITY

If any provision of this Urban Redevelopment Plan is held by a court to be illegal, invalid, or unenforceable, the other provisions herein that are severable shall be unaffected. Furthermore, such illegal, invalid or unenforceable provision shall be automatically replaced with a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be

possible and still be legal, valid, and enforceable, and this Urban Redevelopment Plan shall be deemed reformed accordingly.

XI. MINOR VARIATIONS

In specific cases, where a literal enforcement of the provisions contained in this Urban Redevelopment Plan constitutes an unreasonable limitation beyond the intent and purpose of these provisions, the Authority may allow minor variances from these provisions. In such cases, the Authority shall notify the City prior to allowing any such minor variance.

XII. FIRST SOURCE HIRING PROGRAM

With respect to any Redevelopment Agreement and for any other agreement Authority implements in connection with the Projects, the Authority and the Owners, Developers or Redevelopers, as applicable, shall carry out the First Source Hiring Program designed to provide employment opportunities to Denver residents, and which includes, among other things, recruitment, training, and similar activities, for permanent employees of the owners and tenants at the Projects.

XIII. SMALL BUSINESS ENTERPRISE UTILIZATION PROGRAM

The Authority has adopted and will require owners, developers or redevelopers to adopt a small business enterprise utilization plan regarding small business enterprise participation for each Redevelopment Agreement and for any other agreement the Authority implements in connection with the Projects. The Authority agrees to implement and enforce, or cause owners, developers and redevelopers to implement and enforce, such small business enterprise utilization plans and to review and, if necessary, update such plans from time to time.

XIV. ENHANCED TRAINING OPPORTUNITIES

The Authority has adopted and will require owners, developers and redevelopers to adopt an enhanced training opportunities plan for each Redevelopment Agreement and for any other

agreement Authority implements in connection with the Projects. Authority agrees to implement and enforce, or cause owners, developers or redevelopers to implement and enforce, such plans and to review and, if necessary, update such plans from time to time.

XV. AUTHORITY PREVAILING WAGE POLICY

The Authority has adopted a Prevailing Wage Policy which is applicable in certain circumstances. In the event any improvements funded in whole or in part with tax increment financing provided by the Authority are deemed to be “City Projects” pursuant to the Authority’s Prevailing Wage Policy, the Authority will require any owner, developer or redeveloper constructing the “City Projects” to comply with the City’s prevailing wage requirements for the construction of such “City Projects.”

EXHIBIT A

Legal Description for the 9th and Colorado

Urban Redevelopment Area

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH P.M. AND A PORTION OF THE NORTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M. ASSUMED TO BEAR NORTH 00°00'00" EAST.

BEGIN AT THE SOUTHEAST CORNER OF BLOCK 249, CAPITOL AVENUE SUBDIVISION, RECORDED IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE ON FEBRUARY 28, 1887 UNDER BOOK 4, PAGE 12, SAID POINT ALSO BEING THE WESTERLY RIGHT-OF-WAY FOR NORTH COLORADO BOULEVARD;

THENCE NORTH 00°00'00" EAST, ALONG THE EASTERLY LINE OF SAID BLOCK 249 AND WESTERLY RIGHT-OF-WAY LINE OF NORTH COLORADO BOULEVARD, A DISTANCE OF 29.91 FEET TO A POINT INTERSECTING AT THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 11TH AVENUE AND THE EASTERLY LINE OF SAID BLOCK 249;

THENCE EASTERLY, ALONG SAID EXTENSION OF NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF BLOCK 16, BELLEVIEW PARK SUBDIVISION, RECORDED IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE ON FEBRUARY 21, 1889 UNDER BOOK 7, PAGE 10 AND THE NORTHERLY RIGHT-OF-WAY OF EAST 11TH AVENUE;

THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTHERLY LINE OF SAID BELLEVIEW PARK SUBDIVISION, A DISTANCE OF 870.00 FEET TO THE SOUTHEAST CORNER OF BLOCK 14 OF SAID BELLEVIEW PARK SUBDIVISION AND THE WESTERLY RIGHT-OF-WAY LINE OF BELLAIRE STREET;

THENCE SOUTHERLY ALONG THE PROLONGATION OF SAID WESTERLY RIGHT-OF-WAY LINE OF BELLAIRE STREET, A DISTANCE OF 660.35 FEET TO A POINT OF INTERSECTION ALONG SAID PROLONGATION AND ON AN EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF EAST 9TH AVENUE;

THENCE EASTERLY ALONG THE EXTENSION OF SAID NORTHERLY RIGHT-OF-WAY LINE OF EAST 9TH AVENUE, A DISTANCE OF 664.82 FEET TO THE SOUTHWEST CORNER OF BLOCK 3, HARTER'S COLFAX PLACE SECOND FILING, RECORDED IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE ON FEBRUARY 2, 1892 UNDER BOOK 12, PAGE 7 AND THE EASTERLY RIGHT-OF-WAY LINE OF CLERMONT STREET;

THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 60.00 FEET TO THE NORTHWEST CORNER OF BLOCK 2, HARTER'S COLFAX PLACE, RECORDED IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE ON NOVEMBER 6, 1889 UNDER BOOK 8, PAGE 29 AND THE EASTERLY RIGHT-OF-WAY LINE OF CLERMONT STREET;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 600.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 2 AND THE NORTHERLY RIGHT-OF-WAY LINE OF EAST 8TH AVENUE AND THE EASTERLY RIGHT-OF-WAY LINE OF CLERMONT STREET;

THENCE SOUTHERLY ALONG THE PROLONGATION OF THE EASTERLY RIGHT OF WAY OF CLERMONT STREET, A DISTANCE OF 61.76 FEET TO THE NORTHEAST CORNER OF BLOCK 1, SUNRISE CLUB ADDITION RECORDED IN THE

CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE ON DECEMBER 6, 1923 UNDER ORDINANCE NUMBER 220 OF THE SERIES OF 1923 AND THE SOUTHERLY RIGHT-OF-WAY OF EAST 8TH AVENUE;

THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID BLOCK 1 AND SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 250.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 1 AND THE SOUTHERLY RIGHT-OF-WAY OF EAST 8TH AVENUE AND EASTERLY RIGHT-OF-WAY OF BIRCH STREET;

THENCE WESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 8TH AVENUE, A DISTANCE OF 48.55 FEET TO THE NORTHEAST CORNER OF BLOCK 4, SKINNER BROS SUBDIVISION RECORDED IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE ON DECEMBER 10, 1888 UNDER BOOK 6, PAGE 31 AND THE WESTERLY RIGHT-OF-WAY LINE OF BIRCH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 8TH AVENUE;

THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID SKINNER BROS SUBDIVISION, A DISTANCE OF 1240.00 FEET TO THE NORTHWEST CORNER OF BLOCK 1 OF SAID SKINNER BROS SUBDIVISION AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 8TH AVENUE AND THE EASTERLY RIGHT-OF-WAY LINE OF COLORADO BOULEVARD;

THENCE WESTERLY, A DISTANCE OF 100.00 FEET TO A POINT OF INTERSECTION ON THE EXTENSIONS OF THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST 8TH AVENUE AND THE WESTERLY RIGHT-OF-WAY LINE OF COLORADO BOULEVARD;

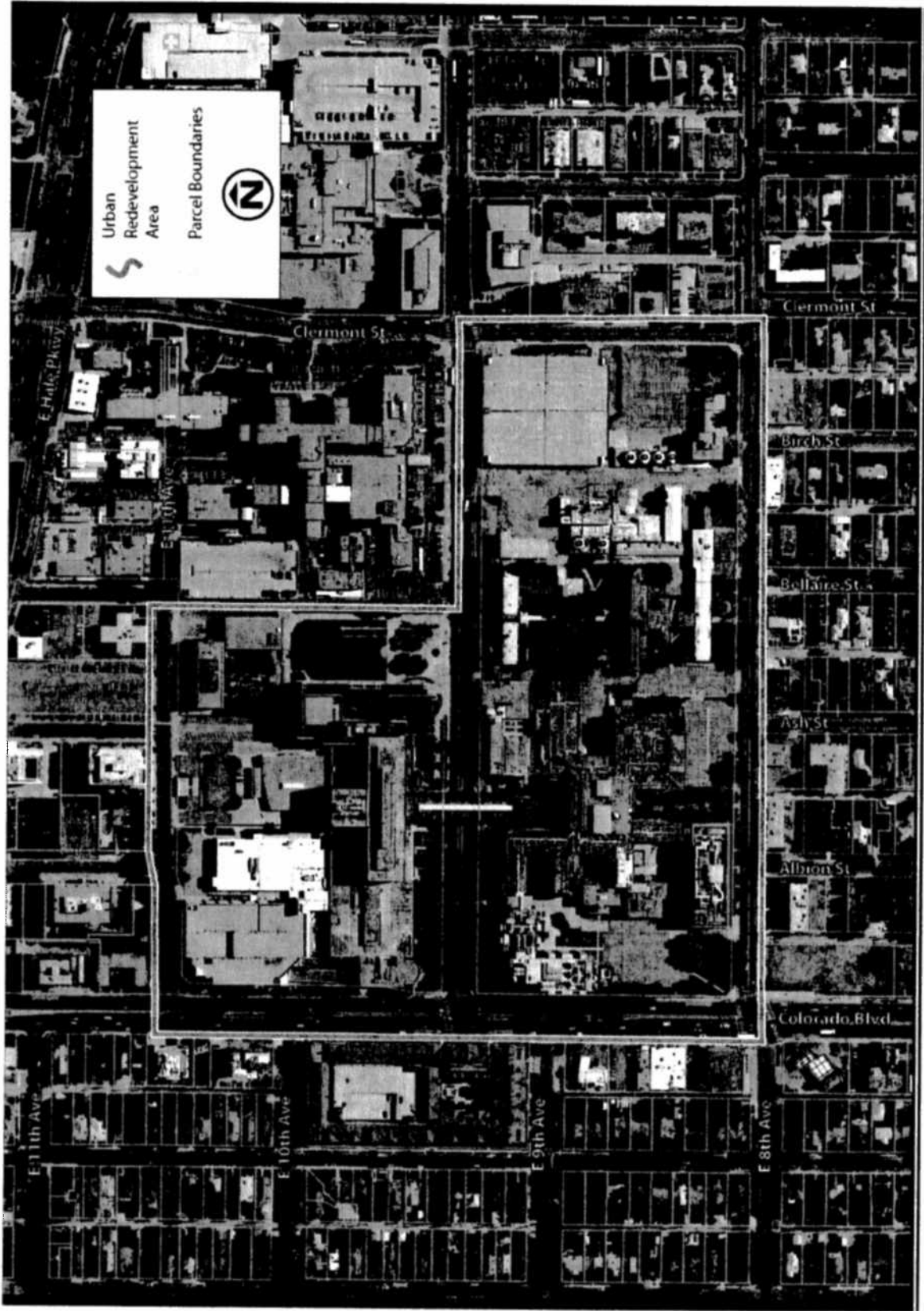
THENCE NORTHERLY ALONG THE WEST RIGHT-OF-WAY OF SAID COLORADO BOULEVARD, A DISTANCE OF 21.33 FEET TO THE SOUTHEAST CORNER OF BLOCK 329, CAPITOL AVENUE SUBDIVISION 3RD FILING ON OCTOBER 19, 1888 UNDER BOOK 6, PAGE 15;

THENCE NORTHERLY ALONG THE EAST LINE OF SAID CAPITOL AVENUE SUBDIVISION 3RD FILING, A DISTANCE OF 1331.47 FEET TO THE NORTHEAST CORNER OF BLOCK 309 OF SAID CAPITOL AVENUE SUBDIVISION 3RD FILING AND **THE POINT OF BEGINNING.**

THE ABOVE DESCRIBED PARCEL CONTAINS A CALCULATED AREA OF 1,822,420 SQUARE FEET OR 41.83701 ACRES, MORE OR LESS.

EXHIBIT B

Map of 9th and Colorado Urban Redevelopment Area



APPENDIX A

Projects Approved

1. Broadstone at 9th Project

APPENDIX B

Property Tax Increment Areas and Sales Tax Increment Areas

1. Property Tax Increment Area

A PARCEL OF LAND BEING A PART OF BLOCK 1, HARTER'S COLFAX PLACE, AND A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6, WHENCE THE SOUTHWEST CORNER OF SAID SECTION 6 BEARS SOUTH 00°15'29" EAST, A DISTANCE OF 2648.99 FEET;

THENCE SOUTH 00°15'29" EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 703.25 FEET TO THE WESTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY

LINE OF 9TH AVE., AS DESCRIBED IN DEED TO THE CITY AND COUNTY OF DENVER RECORDED NOVEMBER 19, 1963 IN BOOK 9138 AT PAGE 553 IN THE RECORDS OF THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE;

THENCE NORTH 89°33'50" EAST, ALONG SAID SOUTHERLY LINE A DISTANCE OF 1049.64 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°33'50" EAST, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 476.09 FEET TO THE EASTERLY LINE OF SAID BLOCK 1, HARTER'S COLFAX PLACE, ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF CLERMONT STREET;

THENCE SOUTH 00°27'54" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 569.11 FEET TO THE NORTHWESTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN DEED TO THE CITY AND COUNTY OF DENVER RECORDED FEBRUARY 17, 1998 UNDER RECEPTION NO. 9800022580 IN SAID RECORDS;

THENCE SOUTH 44°31'59" WEST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 28.27 FEET TO THE SOUTHERLY LINE OF SAID BLOCK 1, ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF 8TH AVENUE;

THENCE SOUTH 89°33'34" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 291.65 FEET TO THE EASTERLY LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 00°20'34" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 0.88 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF 8TH AVE., AS DESCRIBED IN DEED TO THE CITY AND COUNTY OF DENVER RECORDED AUGUST 4, 1923 IN BOOK 2550 AT PAGE 113 IN SAID RECORDS;

THENCE SOUTH 89°33'23" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 221.00 FEET;

THENCE NORTH 00°26'33" WEST, A DISTANCE OF 71.11 FEET, TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 75.56 FEET, SAID CURVE HAVING A RADIUS OF 333.00 FEET, A CENTRAL ANGLE OF 13°00'00", AND A CHORD WHICH BEARS NORTH 06°03'27" EAST A CHORD LENGTH OF 75.39 FEET;

THENCE NORTH 12°33'27" EAST, A DISTANCE OF 174.54 FEET TO THE POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 75.56 FEET, SAID CURVE HAVING A RADIUS OF 333.00 FEET, A CENTRAL ANGLE OF 13°00'00", AND A CHORD WHICH BEARS NORTH 06°03'27" EAST A CHORD LENGTH OF 75.39 FEET;

THENCE NORTH 00°26'33" WEST, A DISTANCE OF 199.04 FEET TO A POINT TO THE POINT OF BEGINNING.

9th & Colorado Conditions Study
May 2013

2013-0600-B

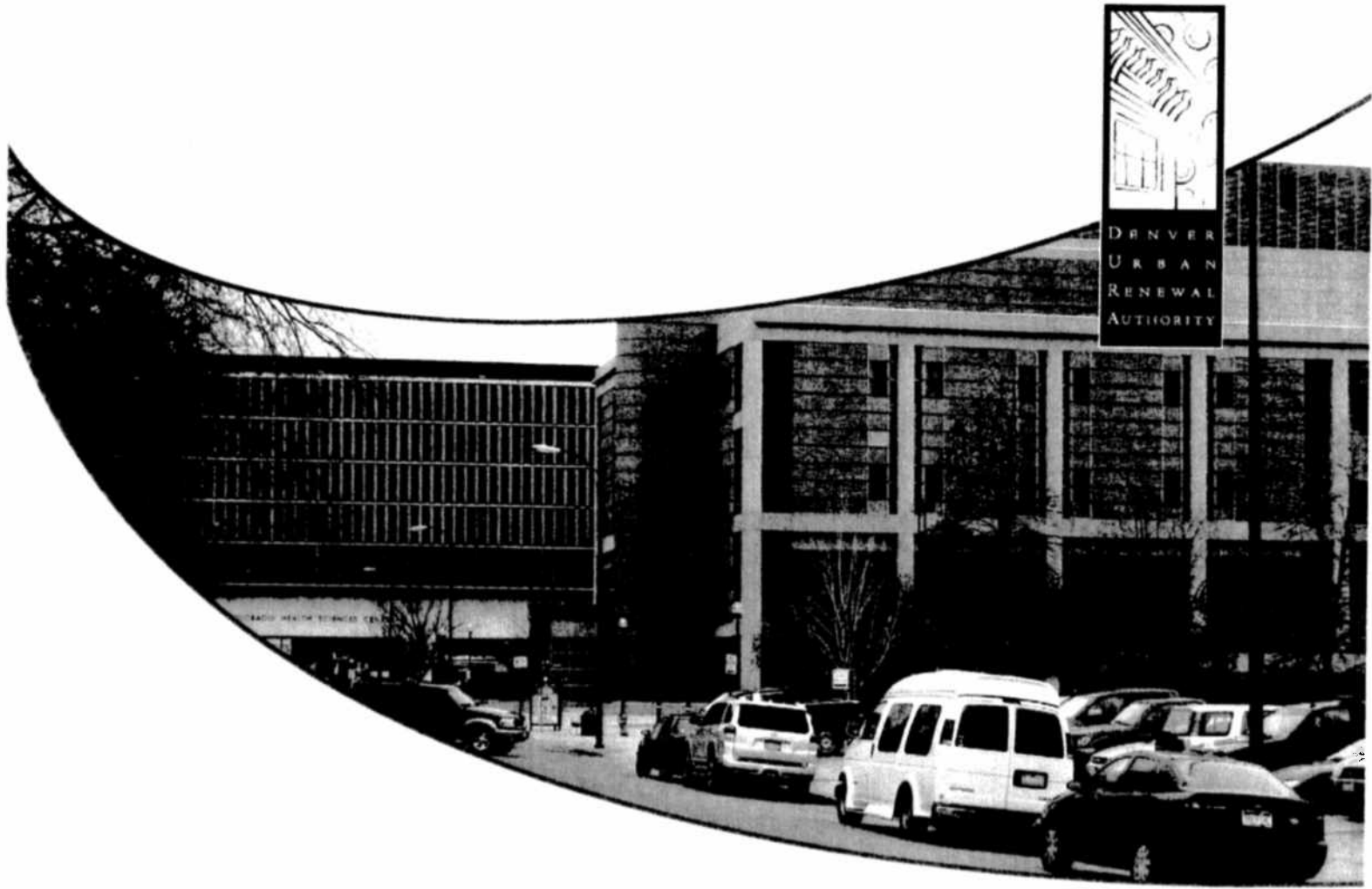


Table of Contents

Section 1: Study Overview.....	1
Section 2: Colorado Urban Renewal Statutes and Blighted Areas	3
Section 3: Conditions Indicative of the Presence of Blight	7
Section 4: Study Area Location, Definition, and Description.....	13
Section 5: Study Findings.....	17
Section 6: Study Summary and Recommendation	37
Exhibit 1: Study Area Regional Context	14
Exhibit 2: Study Area Map	15

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Section 1: Study Overview

Purpose

The *9th & Colorado Conditions Study* ("Study") is an examination and analysis of various conditions found within a defined geographic area to determine if the area qualifies as "blighted" within the meaning of the Colorado Urban Renewal Law.

The Study is a necessary step if urban renewal, as defined and authorized by Colorado statutes, (**see Section 2** and **Section 3**), is to be used as a tool by the Denver Urban Renewal Authority to remedy and prevent conditions of blight. The findings and conclusions presented in this report are intended to assist the Denver City Council in making a final determination as to whether the Study Area qualifies as blighted and, consequently, the feasibility and appropriateness of using urban renewal as a reinvestment tool.

To conduct the Study and prepare the report, the Denver Urban Renewal Authority retained the services of Denver-based consulting firm Matrix Design Group. Matrix has experience in conducting conditions studies for municipalities and agencies across Colorado, and has the ability to efficiently handle multiple aspects of the process, including the Study itself, environmental assessments, and legal descriptions.

Methodology

The defined geographic area ("Study Area") examined in this Study was determined by the Denver Urban Renewal Authority, and lies entirely within the Denver municipal boundaries. A map depicting the boundaries of the Study Area is presented in **Section 4** of this report as **Exhibit 2: Study Area Map**.

Data collection for conditions of blight (see **Sections 2** and **3** for what constitutes conditions of blight) was accomplished through several means. For those blight conditions that could be identified by visual observation and by the use of maps and aerial photography, the consultant team conducted

a field survey of the Study Area in April 2013. For those blight conditions that are not observable in the field (such as traffic data, crime statistics, etc.), blight condition data was obtained from the City and County of Denver and the Denver Regional Council of Governments during the same time period.

Matrix did not conduct an active search for one blight factor identified in the Colorado Urban Renewal statute, (“G. Defective or unusual conditions of title rendering the title non-marketable”), as it was not requested. That does not mean, however, that defective or unusual title conditions do not exist in the Study Area.

Section 2: Colorado Urban Renewal Statutes and Blighted Areas

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

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

The blight finding is a legislative determination by the municipality’s governing body that, as a result of the presence of factors enumerated in the definition of “blighted area,” the area is a detriment to the health and vitality of the community requiring the use of the municipality’s urban renewal powers to correct those conditions or prevent their spread. In some cases, the factors enumerated in the definition are symptoms of decay, and in some instances, these factors are the cause of the problems. The definition requires the governing body to examine the factors and determine whether these factors indicate a deterioration that threatens the community as a whole.

For purposes of the Study, the definition of a blighted area is articulated in the Colorado Urban Renewal statute as follows:

*“Blighted area” means an area that, in its present condition and use and, by reason of the presence of at least **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. 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; or*
- 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”*

In addition, paragraph (l.) states, *“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. . . .”*

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

Thus, the state statutes require, depending on the circumstances, that a minimum of either **one, four, or five** blight factors be present for an area to be considered a “blighted area.”

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

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

Based upon the conditions identified in the Study Area, this report makes a recommendation as to whether the Study Area qualifies as a blighted area. The actual determination itself remains the responsibility of the Denver City Council.

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Section 3: Conditions Indicative of the Presence of Blight

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

Slum, Deteriorated, or Deteriorating Structures:

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

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

Predominance of Defective or Inadequate Street Layout:

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

- Inadequate street or alley widths, cross-sections, or geometries
- Poor provisions or unsafe conditions for the flow of vehicular traffic
- Poor provisions or unsafe conditions for the flow of pedestrians
- Insufficient roadway capacity leading to unusual congestion of traffic
- Inadequate emergency vehicle access
- Poor vehicular/pedestrian access to buildings or sites

- Poor internal vehicular/pedestrian circulation
- Excessive curb cuts/driveways in commercial areas

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

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

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

- Lots that are long, narrow, or irregularly shaped
- Lots that are inadequate in size
- Lots with configurations that result in stagnant, misused, or unused land
- Lots with billboards that have active leases, making redevelopment more difficult

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

Unsanitary or Unsafe Conditions:

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

- Floodplains or flood prone areas
- Inadequate storm drainage systems/evidence of standing water
- Poor fire protection facilities
- Above average incidences of public safety responses
- Inadequate sanitation or water systems

- Existence of contaminants or hazardous conditions or materials
- High or unusual crime statistics
- Open trash dumpsters
- Severely cracked, sloped, or uneven surfaces for pedestrians
- Illegal dumping
- Vagrants/vandalism/graffiti/gang activity
- Open ditches, holes, or trenches in pedestrian areas

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

Deterioration of Site or Other Improvements:

The conditions that apply to this blight factor reflect the deterioration of various improvements made on a site other than building structures. These conditions may represent a lack of general maintenance at a site, the physical degradation of specific improvements, or an improvement that was poorly planned or constructed. Overall, the presence of these conditions can reduce a site's usefulness and desirability and negatively affect nearby properties.

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

Unusual Topography or Inadequate Public Improvements or Utilities:

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

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

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

Certain properties can be difficult to market or redevelop if they have overly restrictive or prohibitive clauses in their deeds or titles, or if they involve an unusually complex or highly divided ownership arrangement. Examples include:

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

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

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

- Buildings or sites inaccessible to fire and emergency vehicles
- Blocked/poorly maintained fire and emergency access routes/frontages
- Insufficient fire and emergency vehicle turning radii
- Buildings or properties not in compliance with fire codes, building codes, or environmental regulations

Buildings that are Unsafe or Unhealthy for Persons to Live or Work In:

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

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

Environmental Contamination of Buildings or Property:

This factor represents the presence of contamination in the soils, structures, water sources, or other locations within the Study Area.

- Presence of hazardous substances, liquids, or gasses

Existence of Factors Requiring High Levels of Municipal Services or Substantial Physical Underutilization or Vacancy of Sites, Buildings, or Other Improvements:

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

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

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Section 4: Study Area Location, Definition, and Description

The 9th & Colorado Study Area covers property that was formerly occupied by the University of Colorado Health Sciences Center Campus, which has since moved to the Anschutz Medical Campus in Aurora, Colorado.

The Study Area is approximately 41 acres, and is located about three miles southeast of downtown Denver. The western boundary is Colorado Boulevard, one of Denver's principal arterial streets. The southern boundary follows East 8th Avenue, the northern boundary follows East 11th Avenue, and the eastern boundary is aligned with Bellaire Street in the northern half of the Study Area and Clermont Street in the southern half.

Within the Study Area boundary are two real property parcels, one covering the northern half, and the other covering the southern half, bisected by East 9th Avenue. These two parcels represent the historic home of the University of Colorado Health Sciences Center, while the remainder of the Study Area outside these parcels is comprised of public rights-of-way, owned by the City and County of Denver.

Exhibit 1: Study Area Regional Context shows the location of the Study Area within the context of central Denver. **Exhibit 2: Study Area Map** visually depicts the layout, configuration, and boundaries of the Study Area, as well as the real property parcels in the vicinity.

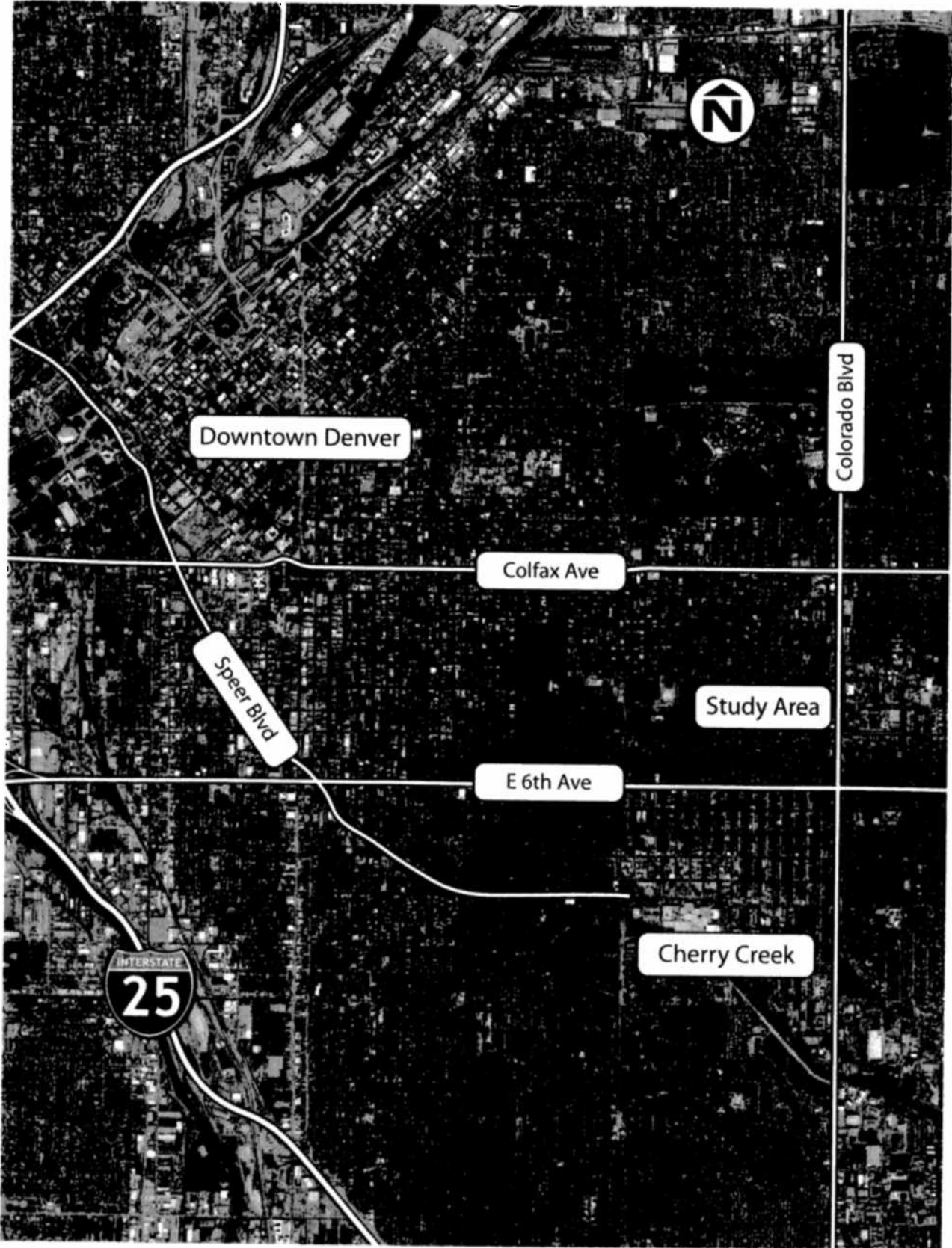


Exhibit 1: Study Area Regional Context

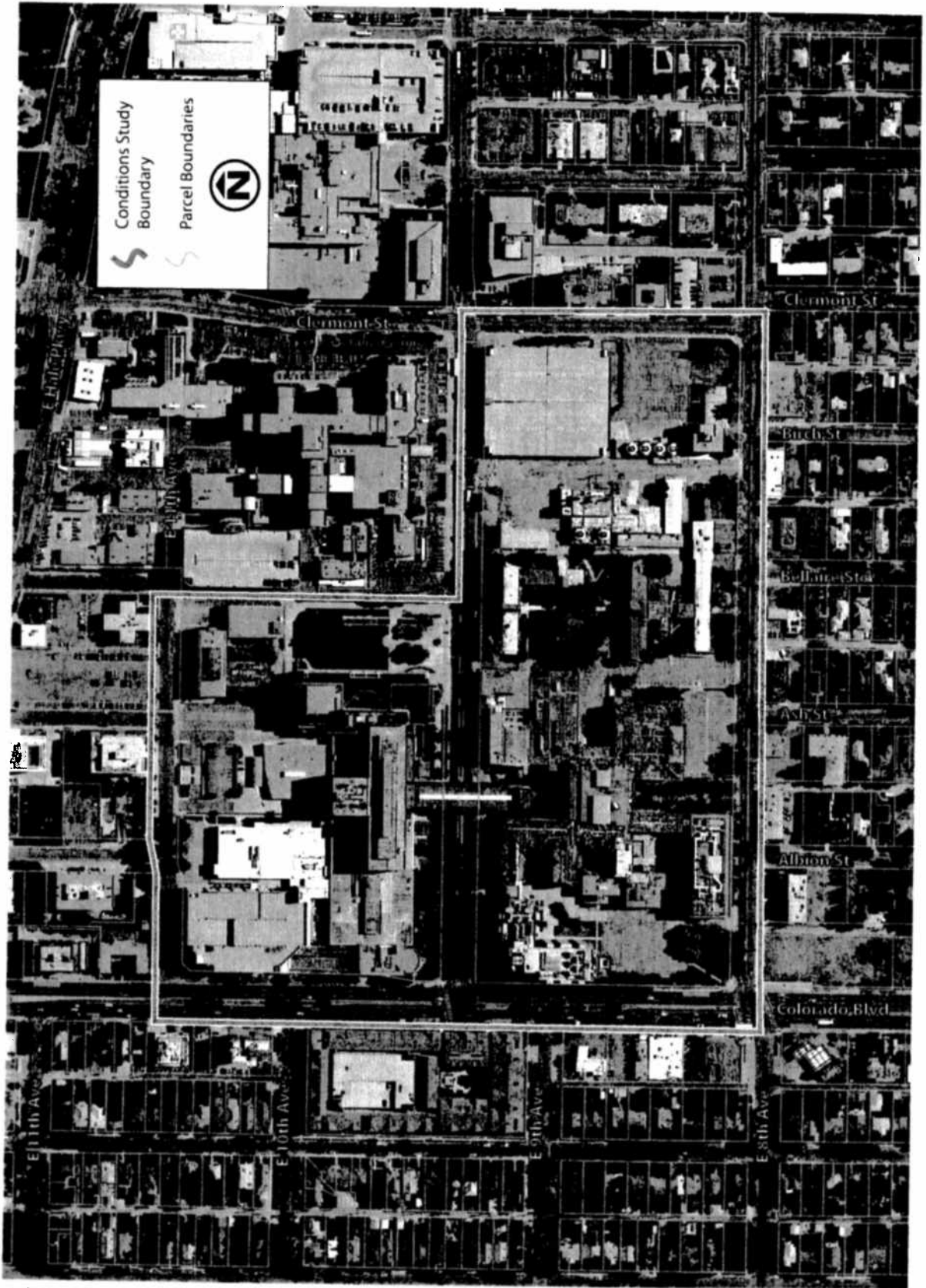


Exhibit 2: Study Area Map

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Section 5: Study Findings

The findings of the East 9th Avenue & Colorado Boulevard Conditions Study are presented below in a format that mirrors the list of factors and conditions of blight discussed in **Section 3**.

Slum, Deteriorated, or Deteriorating Structures

Structures observed in the Study Area were largely vacant at the time of the field survey. Small portions of the medical complex were still being used for limited purposes, but the area had become generally underutilized. General maintenance beyond the minimum necessary for public safety no longer seemed to be occurring, and as a result, numerous issues had already begun to develop.

Common forms of blight found in this category included graffiti, broken windows, boarded windows and doors, deteriorated exterior finishes and fascia/soffits.

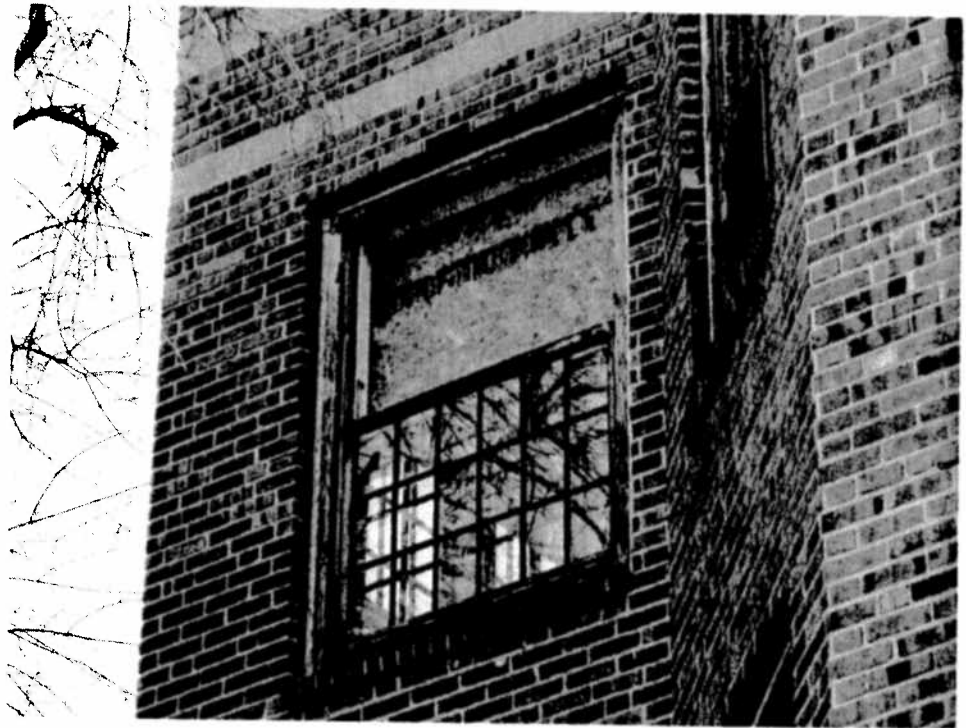
These conditions were prevalent and severe enough to warrant a finding of *Slum, Deteriorated, or Deteriorating Structures*.



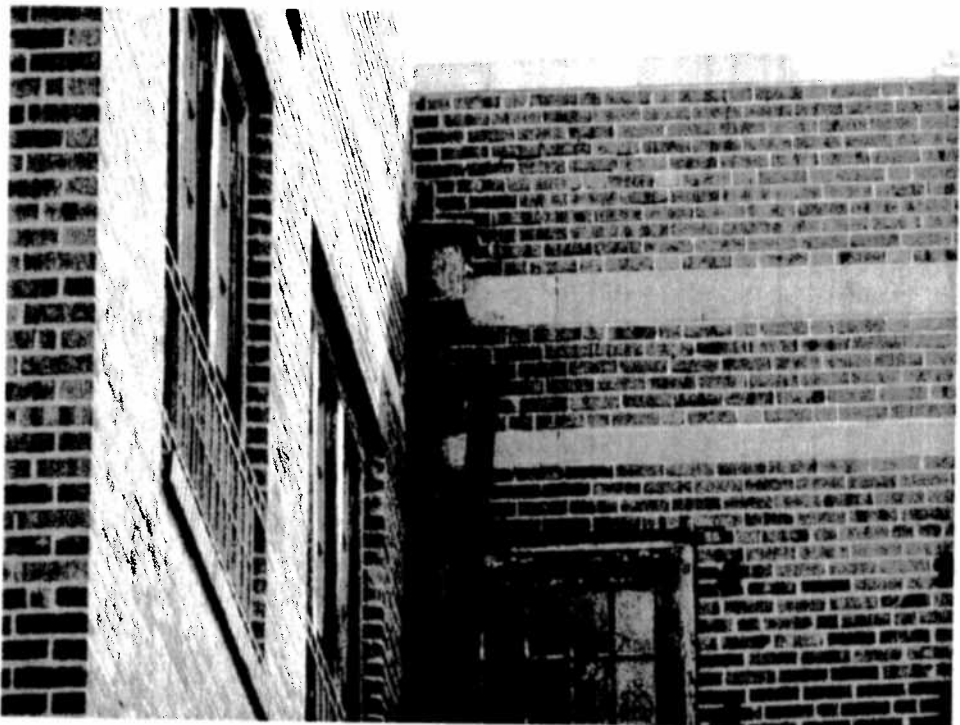
Boarded windows and doors were found throughout the Study Area



A door with broken glass panes and a deteriorated frame



A boarded window



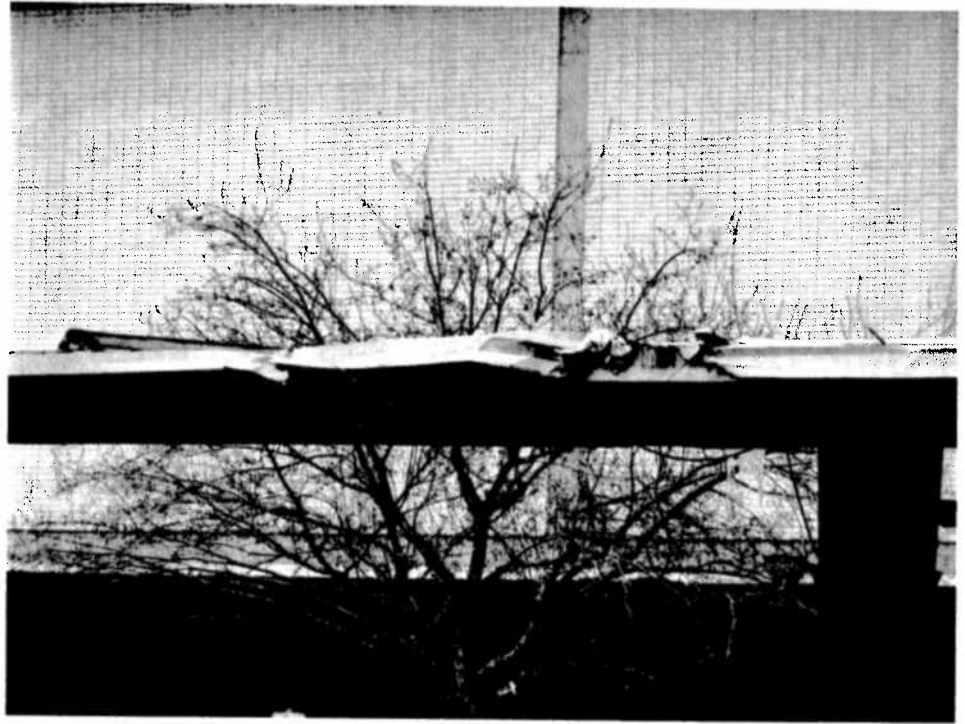
Deteriorated gutters and downspouts leaked water from a recent snowfall



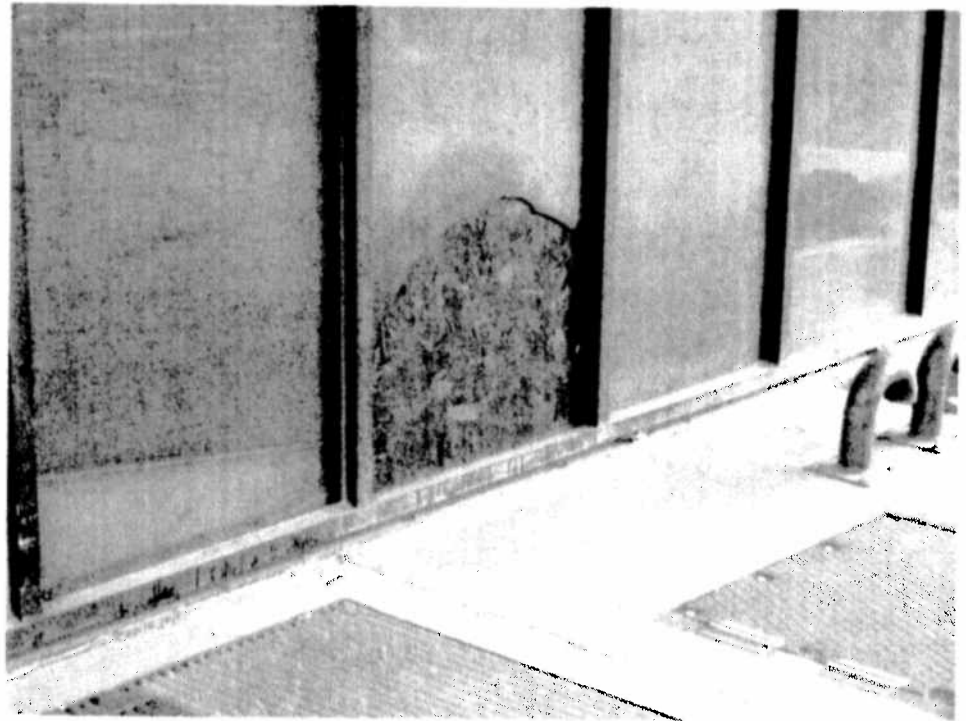
Windows broken by vandals were found in several locations



A closed and boarded entrance on East 9th Avenue



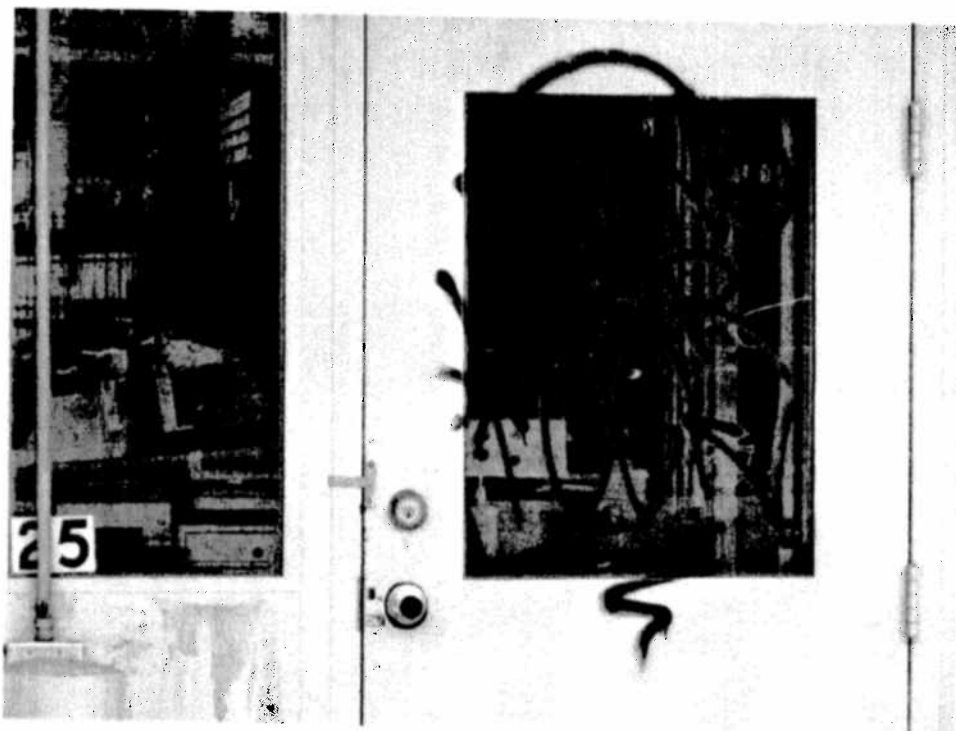
Damaged and deteriorated gutters



Another vandalized window



Graffiti on the medical complex along Colorado Boulevard



More graffiti near the parking garage entrance

Predominance of Defective or Inadequate Street Layout

Limited internal access is an issue in the Study Area, as it is composed of “superblocks” that are much larger than surrounding blocks in the area. This makes the Study Area well suited for a large hospital complex rather than efficient internal circulation. Many smaller local streets surrounding the Study Area do not extend through it, and as a result, traffic is funneled on to surrounding streets such as Colorado Boulevard. Because the street grid in the area is incomplete, vehicles and pedestrians must often make more turning movements and take longer, more indirect routes to move through the area. The large blocks in the Study Area are also unfriendly for pedestrians because there are fewer possible routes along public rights of way and generally longer travel distances along public roads than there would be with smaller blocks.

Another major issue is that many roads are not on the same alignment east and west of Colorado Boulevard, creating multiple “T” intersections. Vehicles and pedestrians moving east or west across Colorado Boulevard in the area must often make more turning movements than they otherwise would, and vehicles moving north or south along Colorado Boulevard encounter more stoplights and intersections.

Some of these issues may be impossible to fully mitigate without completely rebuilding and realigning the street network in the area, but even a partial restoration of the grid would help alleviate many problems. Redevelopment that even partially reconnects the street grid will find it necessary to undertake major road infrastructure expenses.

Because of these issues, there is a finding of *Predominance of Defective or Inadequate Street Layout* in the Study Area.



A map of streets in the vicinity of the Study Area shows how the surrounding grid is broken up by the hospital complex, and many streets serving smaller blocks in the area do not extend through the large blocks of the Study Area.

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

The Study Area is composed of two large parcels. They are much larger than typical parcels in the surrounding area, but could be subdivided if necessary and do not pose any major impediment to redevelopment due to their shape, size, shape, or orientation.

No finding of *Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness* has been made.

Unsanitary or Unsafe Conditions

A few drainage issues were evidenced by standing water in parking lots and curb cuts in the Study Area, which can pose a safety issue for pedestrians during winter freezes. Also, pavement surfaces were frequently broken, crumbling, or uneven, creating potential hazards for pedestrians. However, these poor paved surfaces were generally found in the interior of the Study Area rather than along sidewalks located in public rights-of-way where the bulk of pedestrian traffic occurs.

Crime data from the Denver Police Department shows that during the previous calendar year, the Study Area experienced low levels of crime relative to the surrounding area, and is therefore not considered unsafe from that perspective. The extensive vacancy and lack of activity in the area are likely responsible for the reduced levels, although pedestrians passing through the area have still reported the occasional robbery, and occasional automobile break-in still occurs.

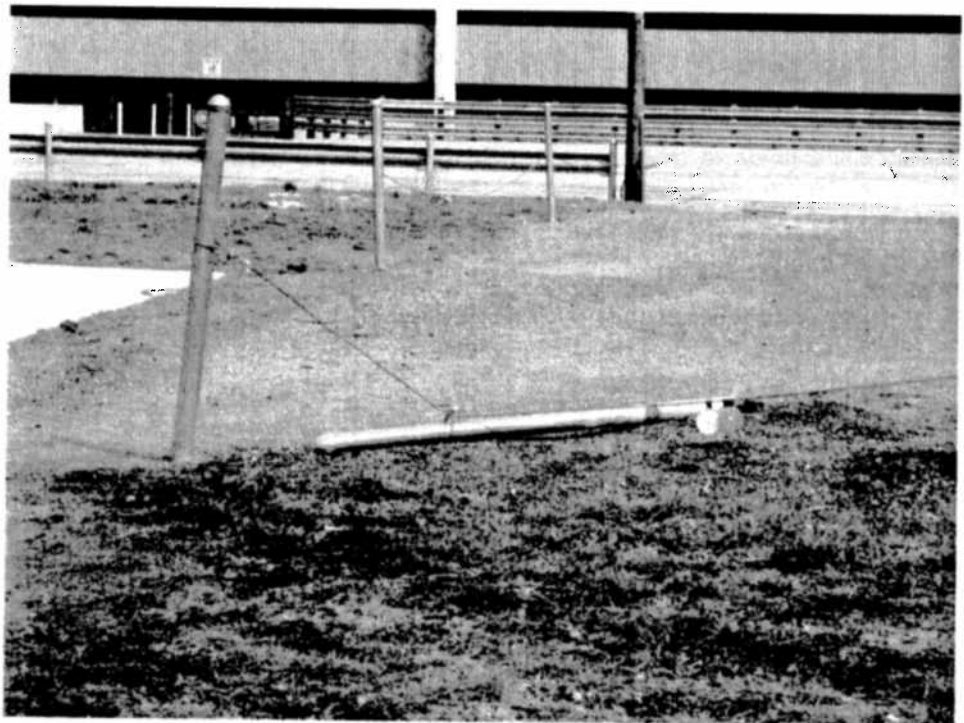
Together, these hazards have the potential to be unsafe, and will need to be remedied by any future redevelopment efforts. However, since most drainage and walking hazards were found in areas where little pedestrian activity exists, and crime levels are low, these hazards are not severe enough to pose any immediate danger.

No finding of *Unsanitary or Unsafe Conditions* has been made.

Deterioration of Site or Other Improvements

Many site improvements in the Study Area were found to be in a deteriorated condition, and little maintenance of the site seemed to be occurring due to the largely vacant condition of the buildings. Parking surfaces were frequently found to be broken and uneven, internal walkways were in disrepair, landscaping was overgrown, graffiti was present, and some smaller elements of the Study Area such as fences and signs were deteriorated.

The physical condition of site improvements throughout the Study Area warrant a finding of *Deterioration of Site or Other Improvements*.



Deteriorated fencing and unmaintained patches of dirt with weeds



This deteriorated paved surface was typical of the condition of many parking areas in the Study Area



More crumbling pavement



A large expanse of deteriorated pavement



Outdoor light fixtures in the Study Area often were missing bulbs or other glass elements

Unusual Topography or Inadequate Public Improvements or Utilities

Infrastructure serving the Study Area is fairly developed, given its central location in an urbanized area, but some deficiencies remain. As discussed on page 23, the urban street grid is incomplete in the Study Area and may need to be expanded to provide better internal site access as well as better through access for vehicles and pedestrians. This is a major investment that the City and any master-planned redevelopment project will have the burden of overcoming.

Denver's 2009 Stormwater Master Plan (Updated 2010) proposes several stormwater projects in the vicinity of the Study Area. Although existing storm pipes within the Study Area adequately serve high density development, they feed into the Colorado Boulevard trunk line, which runs south to north along the western boundary of the Study Area. This line is inadequate and is in need of upgrade, which is another major capital improvements expense that will need to be undertaken before storm drainage in the area meets City standards.

There was no unusual topography found in the Study Area that would substantially impair investment and redevelopment, but issues with public improvements are substantial.

Therefore, there is a finding of *Unusual Topography or Inadequate Public Improvements or Utilities* in the Study Area.

Defective or Unusual Conditions of Title Rendering the Title Non-marketable

No property titles were reviewed for this factor, although it may exist.

For the purposes of this Study, no finding of *Defective or Unusual Conditions of Title Rendering the Title Non-marketable* was made.

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

Based on a review of the physical layout of the Study Area, there is adequate access to fire hydrants, as well as sufficient access for emergency vehicles to operate effectively. Internal fire suppression systems such as sprinklers were not examined for functionality.

There is no finding of *Existence of Conditions that Endanger Life or Property by Fire or Other Causes* in the Study Area.

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

Physical deterioration of the exterior of buildings was observable in the Study Area at the time of the field survey due to limited maintenance in the years since the Colorado University Health Sciences Center has vacated the site. This lack of maintenance suggests that building safety systems such as fire suppression systems may be deactivated or in disrepair, but this cannot be confirmed without a more thorough inspection. Based only on records from code enforcement and visual inspection of the exterior buildings, there is not enough evidence necessary to consider any buildings a danger to occupants.

For the purposes of this Study, there is no finding of *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*.

Environmental Contamination of Buildings or Property

This Conditions Study included a document and database review by an ASTM-defined environmental professional. It did not include sampling of environmental media of any kind.

The Study Area was identified in several governmental databases due to the presence of potentially harmful environmental conditions including gasoline/diesel underground storage tanks, asbestos, inorganic solid waste, hydrocarbon solvents, etc.

Records of environmental contamination were found, including releases from leaking underground storage tanks in October 1990, December 1991, and July 1992; but all confirmed releases have since been remediated.

While cases of confirmed contamination from leaking underground storage tanks have been mitigated, there are asbestos containing materials in the former School of Nursing, the Webb Waring Building, and the Belle-Bonfils Blood Center. The removal of these materials will cost a substantial amount of money, so their presence constitutes a significant barrier to the redevelopment of the Study Area.

A finding of *Environmental Contamination of Buildings or Property* has been made in the Study Area.



Former School of Nursing facilities

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

There is substantial underutilization of the almost completely vacated complex, to the point where only basic maintenance necessary for public safety is being carried out. Parking lots go unused, damaged paved surfaces remain unrepaired, broken windows and doors are boarded rather than fixed, extensive graffiti remains uncleaned, and large portions of the area are closed off from the public to ensure against trespassing.

Crime incidents requiring public safety responses were low in the Study Area over the last calendar year, as were code enforcement responses and fire department responses. Conditions of blight resulting from high levels of municipal services are therefore not present, but underutilization and vacancy is widespread.

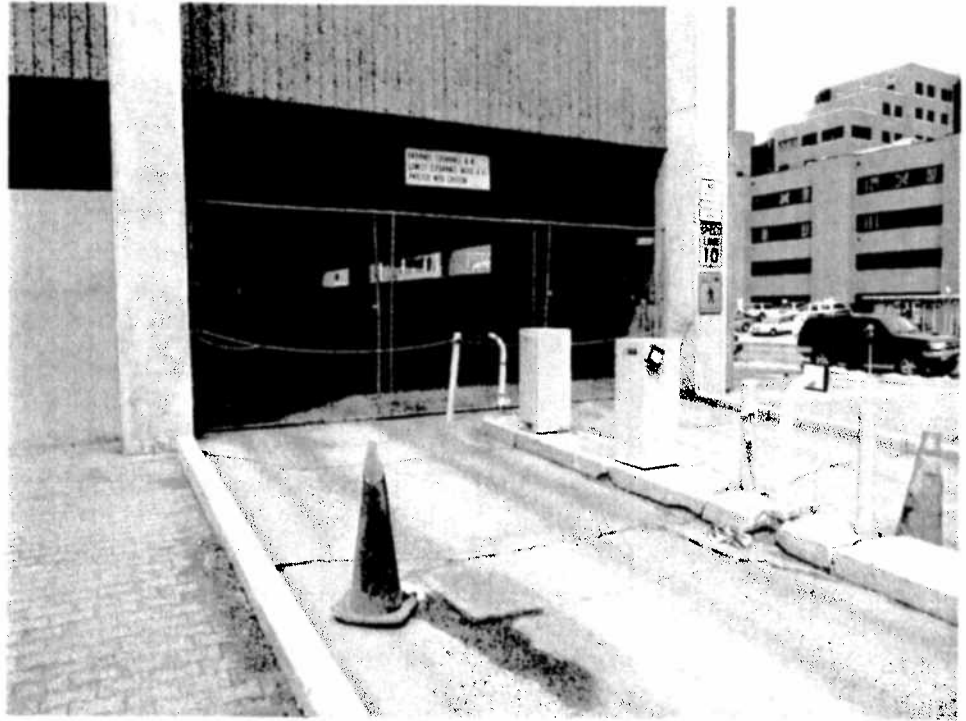
Therefore, there is a finding of *The Existence of Health, Safety, or Welfare Factors Requiring High Levels of Municipal Services or Substantial Physical Underutilization or Vacancy of Sites, Buildings, or Other Improvements* in the Study Area.



Signs at almost every entrance to the buildings in the Study Area inform visitors of the buildings' closure



Fencing cordons off large portions of the Study Area from the public



The large parking garage at the eastern end of the Study Area is closed

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Section 6: Study Summary and Recommendation

Within the entire Study Area, six of the 11 blight factors were identified as being present. The blight factors identified within the Study Area are:

- *Slum, deteriorated, or deteriorating structures*
- *Predominance of Defective or Inadequate Street Layout*
- *Deterioration of Site or Other Improvements*
- *Unusual Topography or Inadequate Public Improvements or Utilities*
- *Environmental Contamination of Buildings or Property*
- *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 improvement*

Conditions Study Recommendation

As discussed in **Section 2**, in order for an area to be declared blighted, a certain number of the 11 blight factors must be found within the Study Area. **Four** of the 11 factors is the required minimum, unless none of the property owners or tenants object to being included within an urban renewal area; then, the required minimum is only **one** of the 11 factors. In the event, however, that eminent domain is to be used to acquire property within the urban renewal area, the required minimum is **five** of the 11 factors. Since **six** blight factors were identified within the Study Area, a sufficient number of blight factors exist under any of the above scenarios.

It is the recommendation of this Conditions Study report to the Denver Urban Renewal Authority and the Denver City Council that the Study Area, in its present condition, contains a sufficient number of blight factors as required by the Colorado urban renewal laws for the Study Area to be considered a "blighted area."