



East Area Plan

East Colfax Recommendations Reference Document

May 18, 2020

This document is intended as a reference guide for use by East Colfax stakeholders in reviewing the first public review draft of the plan, dated March 20, 2020. Below is an overview of key updates since the October 2019 draft recommendations. Additionally, beginning on page 3, we have provided updated responses to the East Colfax Community Collective (ECCC) recommendations (dated January 25, 2020). For each ECCC recommendation, you will find a reference to where you can find the update in the draft plan document.

The following overall updates were made in the draft plan to address East Colfax priorities identified through community feedback during the planning process.

- Executive Summary and Priority Recommendations (p. 9-10). Priorities include:
 - Helping current residents and small businesses stay in the community long-term by connecting them to resources and making more housing options available and affordable to families and individuals.
 - Ensuring the East area is an inclusive place in the future by increasing the amount of affordable housing using all available methods.
- Planning for an Equitable East Denver (p. 11-18)
 - This section emphasizes East Colfax as an area to focus on and prioritize, including through implementation of the plan.
 - Priority recommendations for reducing vulnerability to displacement, expanding housing and jobs diversity, and improving access to opportunity are included on p. 14-18.
- Area Wide Recommendations: Economy and Housing (p. 45-86)
 - The recommendations were strengthened based on community feedback, particularly from the specific guidance provided by ECCC as described later in this document.
- Policy L6 - Integration of new housing in neighborhoods (p. 39)
 - This recommendation was updated to recommend that integrating new housing should be considered in all areas of East.
 - It was also updated to recommend that affordability and assistance for existing residents be addressed in implementation.

- East Colfax Neighborhood Section (p. 163-180)
 - P. 163, Key Opportunities includes the key recommendations for the neighborhood, and specifically states “In the short-term, implementation of community stabilization strategies aimed at preventing displacement should be prioritized.”
 - The section includes recommendations that reflect the priorities we heard through community feedback, including:
 - Reducing involuntary displacement (Policy EC-E1, p. 170)
 - Expanding job opportunities and long-term financial empowerment (Policy EC-E2, p. 172)
 - Providing additional support to community-serving retail businesses (Policy EC-E3, p. 172)
 - Creating an International District (Policy EC-E5, p. 173)
 - Expanding supportive services and community partnerships to address barriers specific to immigrants and refugees (Policy EC-E7, p. 174)
 - Supporting neighborhood leadership organizing and community-building initiatives to promote continuous active participation in planning and policy making processes, decision-making, and implementation (Policy EC-E8, p. 174)

The following are responses to comments received from the East Colfax Community Collective on January 25, 2020. Included are both the responses provided by City staff on February 28, 2020 and references to relevant recommendations in the March 20, 2020 public review draft of the East Area Plan.

RESIDENTS AT RISK OF INVOLUNTARY DISPLACEMENT

ECCC Recommendation: Property Tax Relief for Nonprofit affordable housing providers

- **Stabilize rents at East Colfax nonprofit housing providers by exempting them from paying property taxes in exchange for a commitment to keep rent as low as possible for low income residents. Create partnerships between Denver Housing Authority and East Colfax nonprofit housing providers similar to the model in Boulder County to allow them to receive property tax exemption under State Statute: CRS 29-4-226 and CRS 29-4-227.**

2/28/20 Response: *We will add a draft recommendation to the plan to explore tactics to stabilize rent at East Colfax nonprofit housing providers.*

We welcome the opportunity to discuss the challenges facing East Colfax nonprofit housing providers. Under Colorado Revised Statute 29-4-226 and 227, properties occupied by low income residents may receive property tax exemption when a Housing Authority is a member of the ownership entity. Denver Housing Authority (DHA) typically enters into these agreements during the development phase of a project, but they may enter into an agreement while a property has been operating for several years. HOST will provide DHA contact information to any affordable housing property owner upon request.

Even with a property tax exemption, income restricted properties must abide by maximum rents that are published annually by the Colorado Housing and Finance Authority, US Department of Housing and Urban Development, or other financing entity. Rents (less utilities, if paid by the resident) must be at or below the published rent for the unit size. HOST can provide more information regarding current maximum allowable rents and utility allowances for affordable properties.

5/18/20 Draft Plan Reference:

- *Policy E2, Strategy B.3 was updated to include working with nonprofit housing providers to address challenges, such as rising property taxes. See p. 52.*

ECCC Recommendation: Establish a No Net Loss Policy

- Implement a **“No Net Loss”** policy in East Colfax to require all affordable units lost through renovation, conversion, or demolition to be replaced within East Colfax.

2/28/20 Response: *A no net loss policy is a tool that establishes strategies, through preservation and/or replacement, to maintain at least its current level of income-restricted affordable housing, either citywide or within specifically defined areas. For example, Portland, Oregon enacted a no net loss policy for the entire Central City.*

The draft plan recommendations includes several initiatives to preserve existing affordability and housing quality and create new affordable housing with access to transit and amenities. The recommendations outlined in the draft plan describe specific programs and policies to preserve affordability of existing income-restricted units and naturally occurring affordable housing, as well as ways to create new income-restricted affordable housing units.

A recommendation to explore a not net loss policy will be added to the draft plan.

5/18/20 Draft Plan Reference:

- Policy E2, Strategy B.4 was updated to include exploring a no net loss strategy. See p. 52.

ECCC Recommendation: Stop real estate speculation and “flipping”

- Immediately implement the zoning changes in section “L5: Work with neighborhoods to modify zoning standards for new construction to be more consistent with neighborhood character in low residential areas” within 3 months of adoption of the East Area Plan to preserve affordability in the neighborhood.

2/28/20 Response: *Community Planning and Development (CPD) intends to initiate a citywide regulatory (zoning text amendment) process this year to address residential design quality. This project will address recommendations in draft policy L5 as well as recommendations for integrating more housing options. In the draft East Area Plan, updated language will emphasize the priority to implement these recommendations in the East Colfax section. With regard to timing, a rezoning to allow ADUs in East Colfax could be done fairly expeditiously but writing new regulations to “right-size” the zoning and add new housing options will require a longer community process.*

5/18/20 Draft Plan Reference:

- Policy EC-L1 was added in the East Colfax section. The policy recommends prioritizing

land use policies that aim to maintain character and improve affordability in East Colfax residential areas. See p. 169.

ECCC Recommendation: Support expansion of the East Colfax Neighborhood Association (ECNA) Emergency Relief Fund

- **Work with ECNA to build capacity for ECNA’s Emergency Relief Fund. Research other model such as [Aurora’s Homelessness program](#) to identify emergency relief supports that are not covered by Denver’s Temporary Rental and Utility Assistance program that could be piloted and supported through a neighborhood driven emergency relief fund.**

2/28/20 Response: *Draft policy H1.A includes specific recommendations to connect residents with programs to help them stay in their homes, including temporary rental and utility assistance (TRUA) and eviction legal defense. Partnering with organizations offering emergency relief funds will be added to the list of recommendations in the draft plan. We will also add to the draft plan a recommendation to explore neighborhood-based access (e.g., a local service center) and/or other tools to address barriers for East Colfax. In addition, HOST and NEST are happy to review the existing resources with ECCC to identify gaps in existing programs, including how information about programs are distributed and how applications are accessed, and work to devise solutions to fill these gaps. NEST and HOST are also willing to work with ECNA to explore funding models from other cities experiencing displacement to see if any of these might be replicable in Denver.*

5/18/20 Draft Plan Reference:

- *Policy E1, Strategy A was updated to include emergency relief funds as a program to help residents stay in their homes. See p. 52.*
- *Policy EC-E1, Strategy A was added in the East Colfax section. The policy recommends providing neighborhood-based access to programs in a convenient location. See p. 170.*

ECCC Recommendation: Establish Pro-Bono Legal Clinic to support Renters

- **In conjunction with local nonprofits and bar associations, work to create a pilot pro-bono Legal clinic for East Colfax renters to help them navigate issues with landlords such as fees, warranty of habitability, housing discrimination, etc. This could be something that is done in conjunction with the idea for the legal clinic to support businesses.**

2/28/20 Response: *Draft policy H1.A includes a recommendation to connect residents with programs to help them stay in their homes, including temporary rental and utility assistance*

and eviction legal defense. Tenant rights counseling will be added to this list, acknowledging the need to connect residents with programs that provide assistance to renters and help them navigate issues with landlords such as fees, warranty of habitability, housing discrimination, and other concerns. Partners currently providing these services include Colorado Legal Services, Colorado Affordable Legal Services, and Denver Metro Fair Housing Center.

Connecting residents with existing programs is a plan recommendation that can and should be implemented immediately. As residents are connected to existing emergency relief and legal assistance programs, specific gaps or concerns with existing programs may be identified. We would like to work with ECCC to improve existing programs where gaps exist and support new programs to best serve resident needs.

Language will be added to the draft plan to use targeted engagement strategies to assess the need for expanding existing programs or creating new programs that stabilize residents such as a neighborhood-based emergency relief program or pro-bono legal clinic to support renters.

Additionally, NEST and HOST are willing to explore the potential for providing neighborhood-based access to City programs that provide assistance for residents.

5/18/20 Draft Plan Reference:

- *Policy E1, Strategy A was updated to include tenants' rights counseling as a program to help residents stay in their homes. See p. 52.*
- *Policy EC-E1, Strategy A was added in the East Colfax section. The policy recommends assessing the need for expanding existing programs or creating new programs that address barriers faced by immigrants, refugees and low-to-moderate-income residents in East Colfax. It also recommends providing neighborhood-based access to programs in a convenient location. See p. 170.*

ECCC Recommendation: Expand diversity of housing types and affordability to support households of different sizes, ages, and incomes in all neighborhoods.

Height Incentives

- **Prioritize rezoning all of Colfax to allow 5 stories in all areas along Colfax for a building in which all the housing is income-restricted (e.g., tax credit or otherwise subsidized housing project). Priority should be given to building 5 story affordable housing where all housing is income restricted rather than giving height incentives where affordable housing cannot be guaranteed**

2/28/20 Response: *We agree that affordable housing is a priority, and, therefore, are recommending that as many tools as possible be implemented to preserve existing, and create new, affordable housing. While we acknowledge that height incentives have come up short in some cases, there is evidence from other cities that the approach can work if designed correctly. This year, the city is initiating a citywide project to implement zoning incentives for affordable housing citywide. This project will include both extensive research of zoning models and community engagement before putting zoning changes in place. We would encourage ECCC to participate in these discussions.*

We are updating the draft plan recommendations to address comments received through the November workshop, office hours, online surveys, and other input opportunities. We will be sharing an updated height map for additional public review. Note, that we currently believe that some 3-story zoning should remain to support the East Area Plan vision to preserve some of the historic character of the corridor, existing affordable small business space, and lots that are too small to develop higher than 3 stories.

5/18/20 Draft Plan Reference:

- *Policy L3 was updated to state that affordable (income-restricted) housing should be the primary community benefit achieved through additional height (with the exception of Mayfair Town Center where a public park should be the primary benefit). See p. 31.*
- *Policy E3, Strategy D was added to provide additional guidance on new affordable housing. It states that new affordable housing should help to address the shortage of units affordable to very low-income households in the area. See p. 53.*
- *Policy EC-L2 was added in the East Colfax section. It reiterates that the primary community benefit in East Colfax should be affordable housing, particularly for families and low-income households. See p. 169.*

ECCC Recommendation: Use Urban Renewal Area tax incentive financing to fill the need for 50% AMI or below affordable housing:

- **TIF in East Colfax should only be used to fund projects that are meeting the demand for 50% AMI or below affordable housing or to incentivize Community Land Trusts.**
- **Recruit an Urban Renewal Area Steering Committee comprised of neighborhood renters, immigrants, refugees, property owners, business owners, civic and cultural organizations, the East Colfax RNO, nearby residents, and other partners. The Steering Community Committee will help to design and approve Urban Renewal Area projects and the use of TIF in East Colfax.**

2/28/20 Response: *We agree that Tax Increment Financing (TIF) should be used to help*

implement the goals of the East Area Plan, including prioritizing the development of affordable housing for households earning low and very low incomes. This is consistent with the objectives of the East Colfax Corridor Urban Redevelopment Plan (URP) that was adopted by City Council in August 2019. The URP adopted in August 2019 authorized a TIF area, but it did not authorize any projects to be financed with TIF. Any project that requests to use TIF will require approval by City Council to amend the URP to add the project and authorize use of TIF. Per state statute, ultimate decision-making lies with City Council. We agree that it is essential that the community be at the table to review and provide input on proposed projects prior to City Council's decision and will recommend in the plan that an East Colfax advisory committee be established to review and make recommendations on TIF projects.

*Language will be added to the draft plan to state TIF should be used to help support affordable housing development, and that an inclusive community process should be used to review and provide input on projects that come forward to request City Council authorization of TIF. Our current thinking is that, while the plan should prioritize using TIF to provide new affordable housing, we are not suggesting that this be the **only** use of TIF. There may be projects that come forward over the next 20 years that meet other goals of the East Area Plan (e.g., affordable small business space, health clinics, non-profit space, workforce housing, etc.) that may be appropriate for use of TIF. We would like to discuss your thoughts on this with you further.*

As a point of clarification, the adopted URP boundary only includes those properties with mixed use zoning that are generally on/immediately adjacent to Colfax Avenue between Monaco Parkway and Yosemite Street. The URP does not include residentially zoned areas of the East Colfax neighborhood, and properties in those areas would not be eligible to request use of TIF unless another urban redevelopment area was created in the East Area (through a City Council adoption process). In addition, given that TIF is financed through future tax generated on a property, development that will not generate a future tax increment would not be able to use TIF financing.

HOST would also be willing to discuss our recent experiences with Community Land Trust partners in other areas of the City and what next steps could be taken in East Colfax to pursue this strategy.

5/18/20 Draft Plan Reference:

- *Policy C-E2 was added to the Colfax Corridor section. It recommends close coordination with DURA and the community on evaluation of potential projects that seek to use Tax Increment Financing to ensure they address community priorities. Strategy A states the TIF should be used to help meet the goals of the East Area Plan, including affordable housing for households earning low and very low incomes. Strategy B states that review of projects requesting TIF should include an inclusive community process, including an advisory committee. See p. 231.*

ECCC Recommendation: East Colfax Specific Homeownership Catalyst Pilot Program

- Establish an East Colfax Homeownership Catalyst Pilot Program to provide training, down payment, construction, and technical assistance for organized groups to purchase homes in East Colfax and convert them into multi-unit Limited Equity Cooperatives that distribute equity to their residents through the distribution of member shares that will allow East Colfax renters to lower purchase costs and build wealth to get them on the path of homeownership.
- Partner with or establish a Non-Profit Housing Cooperative to administer and provide technical assistance to transition renters into co-owners of Limited Equity Housing Cooperatives.
- Provide tax incentives for limited equity and nonprofit housing cooperatives by offering property tax exempt status to cooperative housing projects providing limited equity affordable housing options to income-restricted residents, as Boulder has done with Boulder Housing Coalition cooperatives.
- Work with grassroots organizations and the East Colfax Neighborhood Association to identify abandoned homes for purchase to establish a pilot program and prove the model.
- Work to establish this program within 1st year after adoption of East Area Plan.

2/28/20 Response: *Draft policy H4.G includes strategies to increase access to homeownership for low- and moderate-income renters. We will add a homeownership catalyst pilot program to the list of strategies.*

With regard to tax incentives, note that property taxes are mandated and guided by state law. Tax exemptions are not done at the local level. The city has the right to exempt political subdivisions (DPS, metro districts) and state/federal/city-owned properties, but the city cannot exempt nonprofits since this process is under state control. Organizations would need to apply to the state for property tax exemptions and follow guidelines at state level.

With regard to facilitating cooperatives, the ongoing, citywide Group Living project is proposing to update zoning rules to reflect current housing needs and make it easier to reduce housing costs by allowing for more group living options. You can learn more about this project and participate in the discussions at denvergov.org/groupliving. Additionally, HOST is exploring affordable cooperative living models.

5/18/20 Draft Plan Reference:

- Policy E-4, Strategy G was updated to include exploring the creation of a homeownership catalyst program. See p. 55.

ECCC Recommendation: Establish East Colfax Neighborhood Lift Down Payment Assistance

Program

- **Establish an East Colfax Down Payment Pilot Program similar to the Neighborhood Lift program administered by the Community Resources and Housing Development Corporation (CRHDC) that will provide down payment assistance to purchase homes in East Colfax. Program should be available to neighborhood residents regardless of immigration status with requirements to purchase a home in East Colfax. Work to establish this program within 6 months after adoption of East Area Plan.**

2/28/20 Response: *Draft policy H4.G recommends down payment assistance as a strategy to increase access to homeownership. We will add to this recommendation that an East Colfax program should address barriers faced by immigrants, refugees, and low to moderate income households.*

For background, the Neighborhood Lift program was not administered or funded by the City of Denver. The program was originated by Wells Fargo, partially as a result of the fines, etc. that were levied due to Wells Fargo's activities that contributed to the mortgage crisis in 2007 and 2008. Wells Fargo sponsored Neighborhood Lift in several cities, including Denver. The down payment assistance program offered \$15,000 to buyers earning less than 80% AMI who purchased in Denver and included residency requirements. Community Resources and Housing Development Corporation (CRHDC) managed the Denver program, and the program is unfunded at this time. HOST is not aware of any down payment assistance programs that are available to residents with ITIN numbers and is exploring the requirements for a program.

Some additional ideas to explore include eviction and foreclosures funding assistance paired with financial coaching; a savings program for rental tenants with matching dollars from a philanthropic organization; and/or a down payment assistance program similar to the Metro DPA program.

5/18/20 Draft Plan Reference:

- *Policy EC-E1, Strategy A was added in the East Colfax section. The policy recommends assessing the need for expanding existing programs or creating new programs that address barriers faced by immigrants, refugees and low-to-moderate-income residents in East Colfax. It also recommends providing neighborhood-based access to programs in a convenient location. See p. 170.*

ECCC Recommendation: East Colfax Specific Tiny Home Village program

- **Identify and fund the creation of Temporary Tiny Home Villages under Denver Zoning Code Article 11.11.17 at appropriate sites throughout the area including church and school properties in East Colfax. Work with local grassroots nonprofits in East Colfax and the Colorado Village Collaborative to implement this model in order to provide a**

bridge between homelessness and permanent supportive housing for populations at risk of homelessness in these neighborhoods. Identify a rotating series of sites that can be used in 4 year increments according to the zoning requirements.

2/28/20 Response: *Draft policies H5 and H6 support the use of innovative solutions to address homelessness. We will add a strategy to explore partnerships to expand innovative service delivery models to address homelessness, such as tiny home villages, bridge housing, rapid resolution, residential shelter locations. Because of the 20-year planning horizon of the East Area Plan, we do not believe it is appropriate to call out any one specific intervention model or service partner and commit funding through the plan. As stated in the introduction to this document, the plan will inform future budget decisions and action planning.*

5/18/20 Draft Plan Reference:

- *Policy E6, Strategy F was updated to add exploring partnerships to expand innovative delivery models to address homelessness, such as tiny home villages, bridge housing, rapid resolution, and residential shelter locations. See p. 57.*

ECCC Recommendation: Establish an East Colfax Accessory Dwelling Unit (ADU) Pilot program

- **Provide technical assistance and other financial incentives to help existing homeowners build ADUs. An East ADU pilot program should offer forgivable loans or grants in exchange for a long-term affordability commitment, pre-approved prototype designs (with universal design features), and streamlined access to lenders and builders. Non-profit partnerships should be leveraged in creation and administration accessory dwelling the program.**

2/28/20 Response: *Draft policy H4.C recommends the development of ADUs, including technical assistance, financial tools, and a pilot program. A current pilot project in West Denver is underway with the West Denver Renaissance Collaborative, and HOST will explore a subsequent phase as experience is gained from the pilot.*

5/18/20 Draft Plan Reference:

- *Policy E4, Strategy C was updated to add a recommendation to partner with local organizations to create and administer programs to advance the ADU and missing middle policy. See p. 54.*

ECCC Recommendation: Require all new construction projects to incorporate Universal Design

- **Rather than incur costs after the fact, all new construction projects should be built with Universal Design.**

2/28/20 Response: *We agree that stronger accessibility standards for all new development*

would further the East Area Plan goals of providing housing that meets the needs of a variety of households. Accessibility requirements are governed by the Denver Building Code and federal standards. We will add a recommendation to evaluate our codes in comparison to best practice accessibility standards, including Universal Design research, to improve accessibility in new construction. HOST is currently working on updates to its competitive process that would provide incentives for accessible units in income-restricted properties that receive city funding. Proposals that go above standard accessibility requirements would be awarded more points in the competitive process.

5/18/20 Draft Plan Reference:

- Policy E4, Strategy F was added to recommend evaluation of city regulations and standards in comparison to best practice accessibility standards, including Universal Design research, to encourage more housing that meets the needs of residents with disabilities. See p. 55.
- Policy E3, Strategy D was added to provide additional guidance on new affordable housing. It states that new affordable housing should be designed to accommodate a range of households, including residents with disabilities. See p. 53.

BUSINESS RECOMMENDATIONS

ECCC Recommendation: Expand a system of services and community partnerships with local and citywide organizations and businesses to help address barriers specific to the immigrant and refugee community in East Colfax, including workforce development, vocational training and skills recertification, English language education services, citizenship and naturalization services.

- **Develop Small business Incubators for non-traditional businesses**
- **Partner with local nonprofits and leadership from the immigrant and refugee community to develop small business incubators that will build upon the assets of our communities by providing support to business leaders who do not have or maybe don't want a storefront. Incubators that cater to and support cottage industry, food trucks, food production, artesiania, etc.**

2/28/20 Response: Draft policy E4 includes support for the development of small business incubators and/or accelerators to test markets for new neighborhood serving retail and service. Draft policies H8 and E4 will be expanded to incorporate language about partnering with the immigrant and refugee community, supporting those who do not have/want a storefront, and supporting cottage industry, food trucks, food production, artesiania, etc.

NEST will reach out to Mi Casa, one of our partner Business Support Organizations. They have a program that provides support for incubating food trucks and food production. They have proposed expansion to the East Colfax neighborhood. They have also applied for an

Advancing Cities grant to enhance business stabilization in East Colfax. The results of this application will be known in the next few months.

The Office of Financial Empowerment would be willing to work with an East Colfax nonprofit organization to identify a banking partner to provide access to capital for businesses with lower credit scores. This would involve identifying seed funding and providing access to financial and business coaching.

5/18/20 Draft Plan Reference:

- *Policy EC-E6, Strategy D was added in the East Colfax section. It recommends partnering with the immigrant and refugee community in East Colfax to support small businesses without storefronts, such as cottage industries, food trucks, food production, and artisan manufacturing, among others. See p. 172.*

ECCC Recommendation: Ensure the permitting process is customer-friendly and provides support for existing and new small businesses in the area.

Permitting Response Time

- **Evaluate the response time to permitting requests in the East Area. Delays in responding to businesses' permit applications and emails are dragging the permitting process out for months, if not years, causing economic loss to neighborhood businesses.**
- **Assign dedicated staff to East Area businesses to improve response time to permit requests. To make the process more customer friendly, the city must dedicate resources to improve responsiveness to neighborhood businesses and hold themselves accountable to this customer service.**

***2/28/20 Response:** Draft policies E1 and E2 recommend improvements to the permitting process and the provision of other assistance to help support the success of small businesses. We will add to the draft recommendation to explore strategies to expedite permitting.*

CPD can also connect ECCC with permitting staff to discuss the challenges and facilitate solutions.

5/18/20 Draft Plan Reference:

- *Policy E8, Strategy E was updated to recommend exploring strategies to provide expedited permitting. See p. 61.*

ECCC Recommendation: Work in tandem with the Colfax-Mayfair BID, the Fax Partnership, and other skilled organizations to provide technical assistance to existing small independent businesses to help them succeed and prevent involuntary displacement.

Eliminate mention of Specific Organizations throughout Business Section

- **It is a conflict of interest to have two East Area Plan Steering Committee members' organizations listed throughout the East Area Plan. We recommend striking these references throughout.**
- **Establish an RFP process to contract with different nonprofits to provide the support needed in these programs and find the best suited service delivery providers for the neighborhood.**

2/28/20 Response: *The organizations referenced in the draft recommendations were included to acknowledge existing organizations, but they were not intended to be a finite list of partners or community stakeholders. We agree with keeping the policy recommendations general and will remove the specific references. We do think there is room for both existing and new organizations to work together to help implement plan recommendations.*

Existing or future city-funded programs will use a competitive process to award funding. Denver Economic Development & Opportunity (DEDO) did issue an RFP for a community partner to administer the BIO Fund program (explained below). The RFP was sent to over 20 Denver nonprofits, including ECCC. Negotiations to select a contractor are in progress. Once a contractor is selected, DEDO will initiate the Business Impact Opportunity (BIO) Fund in the statistical neighborhood of East Colfax and Denver's Enterprise Zones. This program would provide small cash grants and technical assistance to stabilize small businesses that are challenged by construction impacts, changing neighborhood conditions, large development pressures, and increased operating costs (e.g., property tax). DEDO and NEST can also help connect East Colfax organizations with other city departments that can review business plans and identify potential loan funds for business development and job creation.

5/18/20 Draft Plan Reference:

- *Specific organization references were changed to general references throughout the draft plan.*

ECCC Recommendation: Establish Pro-Bono Legal Clinic for EAP businesses

- **In conjunction with local nonprofits and bar associations, work to create a pilot pro-bono legal clinic for East Colfax businesses to reduce the cost of legal fees and the impact of legal fees on displacement.**

2/28/20 Response: *We will add legal assistance to the draft plan strategies to support small businesses.*

DEDO/NEST partners with several nonprofits that provide various public services. We can provide ECCC with information on service providers in the Denver area and in particular

East Colfax. Mi Casa is a partner who offers a bi-monthly FREE Business Legal Night. Business owners can meet 1-on-1 with a lawyer to discuss contracts, general business, and litigation; business disputes; employment law; patents, trademarks, and copyright; and agreements and licenses. In addition, the University of Denver's School of Law provides free legal consultations. One of their areas of focus is entrepreneurial assistance.

5/18/20 Draft Plan Reference:

- *Policy E9, Strategy E was updated to recommend legal assistance. See p. 60.*

ECCC Recommendation: Broaden the range of financial incentives for small independent businesses and landlords to strengthen the area's tenant mix and help prevent displacement.

Protect Legacy Businesses

- **In cases where new development does occur, protect legacy neighborhood businesses by allowing them to retain ground floor space in the new development. Use every tool at the City's disposal such as density bonuses, low-interest financing, and direct subsidies to leverage the City's power to ensure these businesses remain in our neighborhood.**
- **In conjunction with local nonprofits, the city to fund and conduct a bi-yearly needs assessment. Based on feedback from local businesses, the city to provide a variety of grant opportunities for local businesses to apply for that help drive business growth. Grants could include, but are not limited to marketing strategy and implementation, product assortment strategy, façade improvements and building expansion**

2/28/20 Response: *We had several discussions throughout the East Area Plan process about a legacy business program, and there were many challenges with defining what businesses would/should fall under this category. Instead, we moved toward recommendations that support all small businesses (both existing and new) as outlined in draft policies E1-E6. We do agree that it may be appropriate to consider a "contributing business designation" for the International District concept and can add that to the recommendations.*

Draft policy L3 proposes community serving retail space as a community benefit associated with additional height. Draft policy E2 recommends strategies to help existing businesses and reduce involuntary displacement, including relocation assistance for displaced businesses. We can expand the recommendation to add that strategies should be developed to help existing businesses stay when new development occurs (e.g., other incentives to provide space for an existing business in a new development).

DEDO has several programs that can be leveraged today to support small businesses in East Colfax.

- *DEDO is preparing to launch a commercial building rehabilitation program that would provide performance-based loans to commercial property owners to make physical improvements to their properties in exchange for maintaining affordable rents for their small business tenants.*
- *DEDO also has a small business lending program, typically with below market lending rates, that supports commercial property acquisition.*
- *DEDO also administers a micro-loan program that could assist with modest business improvement/expansion plans.*
- *Additionally, DEDO's BIO Fund program offers small cash grants and technical assistance. The cash grants could supplement the business owner's other sources of capital to grow and expand their business.*

5/18/20 Draft Plan Reference:

- *Policy C-E3 in the Colfax Corridor section was updated to recommend considering a "contributing business" designation as part of the recommended International District. See p. 232.*
- *Policy E10, Strategy D was updated to recommend incentivizing new projects to provide space for an existing business to remain on-site. See p. 61.*

ECCC Recommendation: Property Tax Relief

- **Expand Property Tax Relief Program to Businesses**
Expand the Denver Property Tax Relief Program to provide refund of property taxes paid, or the equivalent in rent, to East Area Businesses at risk of displacement. Work with businesses to define the scope and need of this program.
- **Evaluate the property value assessment process on an annual basis. Develop a communications toolkit that explains in detail, how the assessment was conducted.**

2/28/20 Response:

The Colorado State Constitution and Colorado Revised Statutes outline and direct the assessment and property taxation process. Assessors are audited annually through the State Board of Equalization to ensure property values are statistically accurate and uniform and to ensure statutory procedures are followed.

Homeowners are required to pay taxes, and those at a certain age, family makeup, and income levels are eligible to apply for rebates. The homeowner's tax rebate is funded by the City of Denver's General Fund. The majority of property taxes collected in Denver are used to fund schools. Homeowner property tax rebates are negotiated with Denver Public Schools. There is no equivalent program for businesses. At this time, the cost and design of a program

for business property tax relief are not known, and any new program would need to be evaluated at a citywide level. The City understands that this is a dire need in the community. We have arranged a meeting to discuss what, if any, options might be available to mitigate the impact.

DEDO's Business Development office administers Denver's Enterprise Zones, which offers a state income tax credit to businesses making investments in jobs and equipment. Business Development also administers a business personal property (BPP) tax credit program called the Business Investment Program which can reduce BPP tax liability by as much as 13%. DEDO staff would be happy to make a presentation to ECCC businesses regarding these two programs.

5/18/20 Draft Plan Reference:

- *Policy C-E5 in the Colfax Corridor section was updated to recommend exploring the feasibility of commercial property tax relief and extending the use of the BIO Fund before and after BRT construction. See p. 234.*
- *Policy E9, Strategy E was updated to include property taxes as one of the challenges facing small businesses. See p. 60.*
- *Policy E10, Strategy E was updated to recommend "Expand and adapt the Business Impact Opportunity (BIO) Fund to the Colfax corridor to help businesses before, during, and after BRT construction." See p. 61.*

ECCC Recommendation: Public Safety Concerns:

- **Nuisance Abatement Ordinance: Conduct an evaluation of the use of Nuisance Abatement Ordinance in the East Area over the past 5 years and its impact on Small Business Owners to determine how the Abatement law has been implemented and ensure it is being used in an equitable, unbiased manner.**
- **Fund CPTED Improvements: Provide grants to businesses who participate in CPTED training with the Denver Police Department for public safety improvements to their businesses to incentivize participation and safety in the corridor.**
 - **Improve responsiveness of Police to Business requests for support.**

2/28/20 Response: *The Denver Police Department and City Attorney's Office have recently revised their approach to the Nuisance Abatement Ordinance. If desired, NEST can find a mutually agreeable time for a training on these changes. This would also provide an opportunity to enhance the business community's relationship with the police department.*

Draft policy Q1 recommends identifying funding and incentives for CPTED improvements. We will add CPTED training to the policy.

5/18/20 Draft Plan Reference:

- *Policy Q19 was updated to add training to the recommended tools. See p. 156.*

ECCC Recommendation: Support and develop new initiatives and community-minded ownership models that have a goal of maintaining the East Area’s variety of local and culturally-significant businesses.

International District Recommendations

- **The city should provide resources for and conduct an RFP process to determine the best organization(s) to create, manage and implement the international district. RFP criteria to be developed in conjunction with the community**

2/28/20 Response: *NEST is working to develop the next steps in supporting the International District recommendation and is committed to help facilitate implementation. There is no precedent in our state or local statute for International Districts, but we are researching best practice examples (such as the Little Saigon District on South Federal and community development corporations like Bucu West in Westwood). A Cultural District designation could be pursued but would not provide the depth of impact that ECCC is interested in.*

NEST and DEDO Business Development would be willing to discuss the possibility of establishing an East Colfax Merchant’s Association as a 501c3 and a potential path forward from this to ensure the international culture of East Colfax is preserved. DEDO has a grant program for business groups seeking formation of a merchant association or a Business/General Improvement District (BID/GID). A BID or GID are likely not the best short-term options for East Colfax due to the additional tax burden. An international district would not have the statutory authority of a BID or GID, but East Colfax businesses could form such an international “district” that could operate similar to a merchant association. DEDO would be happy to coordinate a presentation to East Colfax business groups regarding the various options.

As stated above, we will remove references to specific organizations in the International District recommendation.

5/18/20 Draft Plan Reference:

- *Policies E11 and C-E3 were updated to only include general organization references. See p. 62 and 232.*

ECCC Recommendation: Right of First Refusal

- **To preserve East Colfax as an international district, if an international business decides to sell their business, provide a right of first refusal to other international business district members to purchase the location.**

2/28/20 Response: *We agree that the International District concept should include strategies to support contributing businesses. NEST has a law student researching a “Right of First Refusal” program to learn how it might be implemented in Denver. We will present our findings to the ECCC when available this spring.*

5/18/20 Draft Plan Reference:

- *Policy C-E3 in the Colfax Corridor section was updated to recommend considering a “contributing business” designation as part of the recommended International District. See p. 232.*

ECCC Recommendation: International District Steering Committee

- **The International District Steering Committee, as a part of their charge to design and implement the International District concept, will be informed of any business-related projects proposed through the Urban Renewal Area (URA) and together with the Community URA Steering Committee will have decision making power over whether or not these projects are approved.**

2/28/20 Response: *We agree that it is essential that the community be at the table to review and provide input on proposed projects prior to City Council’s decision, and we will add to the draft plan recommendations that the International District Steering Committee should play an important role in the community engagement process for any TIF projects that come forward.*

5/18/20 Draft Plan Reference:

- *Policy C-E2 was added to the Colfax Corridor section. It recommends close coordination with DURA and the community on evaluation of potential projects that seek to use Tax Increment Financing to ensure they address community priorities. Strategy B states that review of projects requesting TIF should include an inclusive community process, including an advisory committee and partners such as the recommended International District. See p. 231.*

ECCC Recommendation: Reduce predatory lending practices

- **The City should fund an audit of all property owners in East Area to develop a toolkit that informs property owners of their options if they choose to sell, to help reduce predatory lending practices. The first priority should be connecting those who want to sell with existing international district business owners who want to buy.**

2/28/20 Response: *In the draft plan recommendations, we will add reduce predatory lending practices to the types of assistance that should be provided to small businesses/property owners in East Colfax. As part of the technical assistance and resource referrals offered under its BIO Fund program, DEDO will address strategies and practices to*

prepare businesses for capacity-building and growth, including how to avoid predatory lending.

5/18/20 Draft Plan Reference:

- *Policy E9, Strategy E was updated to include predatory lending as one of challenges facing the small business owners. See p. 60.*
- *Policy E10, Strategy E was updated to recommend “Expand and adapt the Business Impact Opportunity (BIO) Fund to the Colfax corridor to help businesses before, during, and after BRT construction.” See p. 61.*