



DENVER
THE MILE HIGH CITY

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UNLISTED TEMPORARY USE DETERMINATION: TEMPORARY MANAGED CAMPSITES DURING COVID-19 PANDEMIC

LEGAL AUTHORITY:

- *Denver Zoning Code, DZC Section 12.4.6, Code Interpretations and Determination of Unlisted Uses*
- *Ordinance No. 2020-0961, Authority to Allow COVID-19 Related Temporary Uses on Former Chapter 59 Zoned Lands, Effective October 15, 2020 as Extended by Ordinance No. 2021-0592 (Effective July 15, 2021)*

Original Effective Date of Use Determination/Past Updates: November 10, 2020 (Updated May 7, 2021)

Effective Date with this Update and Extension: September 3, 2021

Zoning Administrator Signature: Tina Axelrad

SUMMARY

The Executive Director of the Community Planning and Development Department requests the Zoning Administrator determine whether a temporary use providing safe occupancy spaces for homeless persons, either in temporary structures or parked motor vehicles, is allowed under the Denver Zoning Code (“DZC”) and Former Chapter 59 (“FC59”). This proposed use would be allowed only as a temporary use, tied originally to the duration of the COVID-19 emergency public health orders issued by the State and City, and thereafter to a reasonable recovery period from the adverse housing impacts attributable to the COVID-19 pandemic

This unlisted temporary use, as generally described, will hereafter be referenced for formal zoning purposes as: Temporary Managed Campsites During COVID-19 Pandemic (“Temporary Managed Campsite”). This type of temporary land use is not specifically listed as an allowed temporary use in any DZC or FC59 zone district; therefore, the Zoning Administrator must determine if the use is allowed, and under what conditions or limitations.

Generally, the basic structure and operation of a proposed Temporary Managed Campsite is as follows:

- The campsite is a secured area comprised of multiple temporary structures, or multiple spaces for parked motor vehicles, providing temporary sleeping accommodations for adults 18 years and older.
- There is a formal process for selecting residents or guests at the site.
- Residents often have convenient access to bathroom facilities, food/meals, and in some cases, personal storage opportunities.
- The campsite operator provides on-site staff to supervise and direct the campsite during its operating hours, although this is not as common with managed campsites for safe vehicle parking only.
- Social distancing and other public health safety measures are implemented and consistently monitored to ensure resident and campsite compliance with any mandatory public health orders and with best practices.

The Zoning Administrator, as explained in more detail below, finds that a Temporary Managed Campsite is allowed under both the Denver Zoning Code and Former Chapter 59.



DEFINITION OF UNLISTED TEMPORARY USE

The temporary use allowed per this determination shall be referenced and defined as follows:

1. **Name of Unlisted Use:** Temporary Managed Campsite During COVID-19 Pandemic (“Temporary Managed Campsite”).
2. **Definition of Unlisted Use:** A Temporary Managed Campsite is either multiple temporary structures or multiple spaces for parked motor vehicles, located on a single zone lot, providing sleeping accommodations for adults 18 years and older for a limited duration, where such occupancy is justified by one or more State of Colorado or City of Denver public health orders issued because of the COVID-19 pandemic and by public need for extended temporary safe housing resulting from the pandemic’s adverse impacts on housing stability.
 - a. Housekeeping accommodations, including but not limited to facilities for food distribution or preparation, guest check-in, washrooms, toilets, communal gathering, and showers, may be provided on the same zone lot or in mobile units parked on the right-of-way. If the housekeeping accommodations are contained in structures, such structures may be temporary structures.
 - b. Temporary structures may include, but are not limited to, tents or umbrella structures, as “tents” and “umbrella structures” are defined in the Denver Building Code. No tent or other temporary structure intended or used for sleeping accommodations contains a completely independent dwelling unit.

PERMITTED ZONE DISTRICTS

The Temporary Managed Campsite may be established in the following zone districts under the city’s two zoning codes:

1. **Denver Zoning Code:** All Zone Districts, including PUDs.
2. **Former Chapter 59:** All Zone Districts, including PUDs.

A property’s zone district can be looked up, by address, at the Denver Maps webpage:

www.denvergov.org/maps/map/zoning.

CONDITIONS ON ALLOWED TEMPORARY MANAGED CAMPSITES

A Temporary Managed Campsite shall comply with the following conditions:

APPLICABLE ZONING USE REVIEW PROCEDURE: A zoning permit (“ZP”) review will be required for all requests to establish a Temporary Managed Campsite, according to the procedure and review criteria stated in DZC, Section 12.4.1, or FC59, Section 59-26, as applicable. Prior to submittal of the zoning permit application, a pre-application meeting / concept plan review is mandatory under DZC, Section 12.3.2, or FC59, Section 50-26, as applicable.

USE & PERMIT LIMITATIONS: Applications for a zoning permit for Temporary Managed Campsites shall comply with all the following conditions and limitations:

1. **Qualified Applicant:** An applicant for a zoning permit to establish a Temporary Managed Campsite must be a non-profit institution or organization, or a governmental entity. If the applicant is not the owner of the subject property, the zoning permit application shall include evidence of owner consent to the proposed temporary use.

2. Operational Plan Required – Condition of Approval: In addition to standard application submittal requirements for zoning use permits, applications to establish a Temporary Managed Campsite shall include an operational plan; compliance with the submitted operational plan shall be a condition of the zoning permit’s approval. The operational plan shall address, at a minimum, details about:
 - a. Security for campsite guests and adjacent properties;
 - b. Property maintenance plan;
 - c. Provision of housekeeping facilities and services for campsite guests, as applicable, such as medical screening and/or services related to the COVID-19 pandemic;
 - d. A single point of contact in case of emergency;
 - e. A description of measures to mitigate potential impacts to surrounding properties, such as impacts from potential noise, outdoor lights, littering, and pets; and
 - f. Commitments in place to occupy the subject property and to remove the use after the zoning permit’s expiration.
2. Structures Allowed with Use:
 - a. A zoning permit issued to establish a Temporary Managed Campsite includes authorization for the construction, placement, and/or occupancy of multiple temporary structures for sleeping, and other temporary structures for shared housekeeping functions, and all such temporary structures are exempt from compliance with the subject zone district development, design, or building form standards applicable to permanent (primary or detached accessory) structures.
 - b. As an alternative to tents or other temporary structures, a Temporary Managed Campsite may use parked motor vehicles as sleeping accommodation for campsite residents. A Temporary Managed Campsite may provide sleeping accommodations in either temporary structures or in parked motor vehicles, but not in both on the same zone lot as part of the same campsite.
 - c. All tent or umbrella structures are subject to compliance with the Denver Building Code, as applicable.
3. Location on Zone Lot: The Temporary Managed Campsite may be sited in any location on the subject zone lot and may occupy off-street parking spaces otherwise required by the applicable zone district for a primary use(s) on the zone lot.
4. Fences and Walls: Fences or walls may be erected or constructed along the perimeter of the Temporary Managed Campsites use or the perimeter of the zone lot to provide privacy and/or security. All such fences or walls must be no taller than 6 feet in height, and shall procure all required building permits, if applicable.
5. No Parking Required: No minimum parking (vehicle or bicycle) is required with the establishment of a Temporary Managed Campsites use.
6. Residential Accessory Uses Allowed: All uses specifically listed as permitted as accessory to a primary Residential use in the U-SU-C zone district are allowed, subject to compliance with the Use and Parking Table in DZC, Division 5.4, and with any use limitations applicable to such accessory uses as referenced in the Use and Parking Table.
7. Permit Personal to Applicant: Zoning permits issued to establish a Temporary Managed Campsites use shall be personal to the applicant and the subsequent permittee (shall not run with the land), and such permit shall not be assigned or transferred.

PERMIT DURATION – NO EXTENSIONS ALLOWED: The zoning permit to allow a Temporary Managed Campsite shall automatically expire and become null and void on the earlier of the following two dates, as applicable to a subject zoned property:

- (1) The permit expiration date stated on the face of an approved zoning use permit for a specific Temporary Managed Campsite; or

(2) December 31, 2023.

No extensions of the zoning permit's approval period are allowed.

ZONING ADMINISTRATOR AUTHORITY, ANALYSIS, AND FINDINGS

LEGAL AUTHORITY FOR UNLISTED TEMPORARY USE DETERMINATION

DENVER ZONING CODE - GENERAL AUTHORIZATION TO DETERMINE UNLISTED USES

Unlisted temporary uses, when permitted in a specific zone district, are governed by the Denver Zoning Code ("DZC"), Section 11.11.1, *Unlisted Temporary Uses*, which authorizes the Zoning Administrator to allow and impose limitations on an unlisted temporary use after review according to the procedures and review criteria in DZC, Section 12.4.6, *Code Interpretations and Determination of Unlisted Uses*.

According to DZC, Section 12.4.6.1, the Zoning Administrator may determine whether a specific unlisted use, including unlisted temporary uses, "may be permitted in one or more zone districts, and type of use review is required."

The Zoning Administrator is directed to:

"Review and evaluate the application in light of this Code, the Comprehensive Plan, established administrative practices and past interpretations, the potential for establishing a precedent with the interpretation, and any other relevant policy and regulatory documents;

Review and evaluate the application with consideration of the general rules of interpretation specified in this Section 12.4.6.3.F, as applicable; and

Consult with the Manager, City Attorney, other agencies and staff, as necessary."

DZC, Section 12.4.6.3.D.

In making a use determination, the Zoning Administrator may impose reasonable conditions on such use after consideration of, "at a minimum, the compatibility of the use within the zone districts in which the use may be permitted, the intensity of the use, the amount and configuration of physical space occupied by the use, and the potential for adverse impacts on adjacent properties." DZC, Section 12.4.6.3.E.2. As part of the use determination, the Zoning Administrator must also determine which zoning permit use review procedure will apply, such as Informational Notice ("ZPIN"), Special Exception Review ("ZPSE"), or administrative review without notice or hearing ("ZP"). Determining the use review procedure "shall be based on consideration of the zoning procedure(s) applicable to similar land uses or subject matter, and/or the degree to which the zoning procedure may inform mitigation of possible adverse impacts" from the subject use. DZC, Section 12.4.6.3.E.3.

FORMER CHAPTER 59 – SPECIFIC AUTHORIZATION TO DETERMINE UNLISTED TEMPORARY USES

In response to the COVID-19 public health emergency, Denver City Ordinance No. 2020-0961, Section 1, authorizes the Zoning Administrator to permit any temporary use on FC59-zoned land that she is authorized to allow under the Denver Zoning Code. Prior to approving such temporary use, the Zoning Administrator must specifically find that the temporary use:

1. “preserves and promotes the public health, safety and welfare of the inhabitants of the city, and of the public generally, and encourages and facilitates the orderly growth and expansion of the city”; and
2. “is consistent with the subject Former Chapter 59 zone district(s) at issue”; and
3. “meets the requirements of Denver Zoning Code, Section 12.4.6.4.B.”

Ord. 2020-0961, Section 2.

REVIEW CRITERIA & ANALYSIS

REVIEW CRITERIA

Denver Zoning Code, Section 12.4.6.4, specifies the criteria against which the Zoning Administrator must review all requests for determining whether an unlisted temporary should be allowed. The Zoning Administrator must find that the request satisfies all the relevant review criteria before permitting the unlisted use. If the Zoning Administrator cannot find the proposed use satisfies the review criteria, then the only regulatory path for permitting such use is to amend the text of the zoning code to specifically list and allow the use.

In sum, an unlisted use may only be permitted through the process established in DZC Section 12.4.6 if the determination is: “1. Consistent with the intent of this Code; and 2. Consistent with the intent of the subject Neighborhood Context and zone district(s), and with the intent of any specific Code provision(s) at issue.” DZC, Section 12.4.6.4.A.

In addition, the Zoning Administrator must find that the “proposed use has a character and impact that are similar in nature, function, and duration to the other uses permitted in the zone district(s)” by assessing all relevant characteristics of the proposed use, including without limitation:

“The type, size, and typical massing of buildings and structures associated with the unlisted use;

“Transportation requirements, including the modal split for people and freight, by volume type and characteristics of traffic generation to and from the site;

“Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity;

“The amount and nature of any external effects generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;

“The type and extent of impacts on adjacent properties created by the proposed use in comparison to impacts from other uses permitted in the zone district.”

DZC, Section 12.4.6.4.B.1.

With the passage of Ordinance 2020-0961, the Zoning Administrator may allow the same unlisted temporary use that meets all the above DZC criteria on lands retaining their zoning designation under FC59. Ord. No. 2020-0961, Secs. 1-3.

Consistency with Code Purpose and Neighborhood Context/Zone District Intent

Consistency with Zoning Code Intent: The purpose and intent of the Denver Zoning Code is stated explicitly in Division 1.1. The Denver Zoning Code was “enacted to implement Denver’s Comprehensive Plan and guide orderly development of the City that preserves and promotes the public health, safety, prosperity, and welfare of its inhabitants.” DZC, Section 1.1.1. More specifically, the Code is “intended to guide Denver’s prosperous and sustainable future by...Promoting diverse and affordable housing options.” DZC, Section 1.1.2.M.

The proposed use was initially intended to help the City control the spread of COVID-19 among the City’s homeless residents by providing managed, temporary housing that is safe and sanitary, and is managed to ensure guests are monitored for COVID-19 symptoms and provided quick access to health care as needed. Given the seriousness of the pandemic, this type of temporary housing would be relatively quick to organize and set up in multiple locations across the City, and just as easy to disassemble and remove when the need no longer exists.

Since the initial publication of this determination in November 2020, the need for temporary, managed, and safe housing has only increased in Denver in direct response to the pandemic’s substantial economic and social impacts on the community. According to Denver’s Department of Housing Stability (“HOST”), as reported in its March 2021 *COVID-19 Response Report* and accompanying *COVID-19 Response One Year Summary*:

“The effect of COVID-19 on the City and County of Denver has been overwhelming, especially for people with the fewest resources. The economic impact of public health-related business closures has left thousands with reduced income, leading to an increase in the number of people experiencing homelessness and housing instability. Persons experiencing homelessness who contract the virus may be at higher risk for complications due to age and underlying health conditions, and face additional challenges isolating while residing in congregate shelter settings.” *Summary* (p. 1).

The pressure on the city’s emergency shelter system from the pandemic outfall was evident. From March 2020 to March 2021, the number of persons housed in Denver’s shelter and emergency housing system (with congregate shelters operating at 50% reduced capacity due to COVID-19) increased by 60% or by nearly 1,000 shelter guests on average per night. Throughout the pandemic response, according to HOST, the need for 24/7 sheltering services has only grown more apparent and urgent. While the city and its partners worked to convert existing shelters to 24/7 services, HOST and the City recognize the need for more. *HOST COVID-19 Response Report* (p. 5).

Temporary Managed Campsites are one of several successful 24/7 housing responses the City has encouraged and is actively supporting in reaction to the pandemic’s major impacts on housing stability. The first two Temporary Managed Campsites, established under this use determination in the Capital Hill neighborhood and still operating to date, have provided 24/7 housing, food and other supportive services to more than 100 previously homeless households. The campsites and their sponsors and staff have assisted several of those households and residents in procuring employment, medical attention, and more permanent or longer-term supportive housing.

Accordingly, I find that the intended Temporary Managed Campsite use is consistent with the Denver Zoning Code’s primary purpose to guide and facilitate orderly development that promotes the public health, safety and welfare of its residents, including its homeless residents. The campsites provide a new, different, and low-barrier-to-entry housing option for the City’s most vulnerable populations during a time of public crisis, which is consistent with the Code’s intent to ensure a prosperous future by promoting diverse and affordable housing.

For the same reasons, the Temporary Managed Campsite use is also consistent with FC59's stated general intent "to preserve and promote the public health, safety and welfare of the inhabitants of the city...and to encourage and facilitate the orderly growth and expansion of the city." FC59, Sec. 59-1.

Consistent with the Intent of the Subject Neighborhood Context and Zone District(s): The Denver Zoning Code takes a context-based approach in creating and applying its various use, site, and building standards across a wide variety of zone districts. The intent behind a context-based approach is to ensure zoning standards are created and differentiated, as necessary, to create development compatible with existing and desired characteristics of Denver's multitude of neighborhoods. Former Chapter 59 establishes a single menu of citywide zone districts organized primarily by the predominant use character allowed and intended. Under Former Chapter 59, there are separate categories of citywide residential ("R") zones, business ("B"), industrial ("I"), mixed-use ("MU"), main street ("MS"), and multiple special zone districts ("P", "CCN", "GTWY", "PRV", "H", O-1). Both codes also allow the establishment of custom zone districts call PUDs in exchange for substantial public benefit.

The proposed use is a temporary use tied specifically to a critical public health and safety need created by the COVID-19 pandemic. In this case, because the proposed Temporary Managed Campsite use will be temporary in duration, and no trace of the use will remain after its approval period expires, I find that such use is consistent with all neighborhood contexts and all zone districts in Denver where it might be established under both Denver zoning codes, with the limited exception of the DZC's Open Space context zone districts OS-C. The OS-C zone district is mapped primarily along the City's Cherry Creek and South Platte waterways and floodways, and explicitly prohibits land uses that allow any duration of residential occupancy, with the stated intent to leave these types of natural, open lands primarily undisturbed by development.

In all zone districts other than then the OS-C zone, my finding of consistency with neighborhood context and zone district intent is more specifically supported because: (1) A Temporary Managed Campsite will not create permanent impacts that could undermine or damage existing and desired characteristics of any neighborhood context, and (2) the critical public health need to provide emergency housing for homeless persons during and after the COVID-19 crisis affects all neighborhoods equally, and can be accommodated physically and functionally without any permanent harm to any neighborhood's existing or desired built environment. This finding's rationale is comparable to the rationale and policy supporting the current Denver zoning allowance for permanent and temporary Shelters for the Homeless in all zone districts and neighborhood contexts. Like the way permanent and temporary Homeless Shelters are regulated, potential for adverse impacts from the establishment of a Temporary Managed Campsite in a neighborhood can be substantially mitigated through the imposition and enforcement of reasonable conditions or limitations, made as part of this unlisted use determination, and the application of general City laws for public health, sanitation, and safety.

Comparison to Other Permitted Primary Uses in All Zone Districts

As described above, the Zoning Administrator must find that the proposed temporary use "has a character and impact that are similar in nature, function, and duration to the other uses permitted in the zone district(s)" by assessing all relevant characteristics of the proposed use. DZC, Section 12.4.6.4.B.1, Ord. 2020-0961, Section 2(c).

In all Denver Zoning Code and Former Chapter 59 zone districts (except in the OS-C zone), a variety of permanent, transient, and temporary residential occupancies or tenancies are allowed in a variety of configurations and in a variety of building types or forms. Construction of new buildings offering permanent residential occupancy (more than 30 days) in a variety of household and group living arrangements are allowed in all zone districts except the heaviest industrial zones (I-A, I-B, I-1, I-2), on certain specialty campuses like several of the National Western Center (CMP-NWS) and the hospital campus zones (CMP-H, CMP-H1, H), and the OS-C zone district. Temporary

residential occupancy up to 4 years in duration is allowed in a tiny home village configuration in all DZC zone districts, including all the industrial and campus zones just identified (but not including the OS-C zone). As already noted above, permanent and temporary Shelters for the Homeless are also allowed in every Denver Zoning Code and Former Chapter 59 zone district.

A Shelter for the Homeless is defined as “A facility that has as its primary function the provision for overnight sleeping accommodations for homeless people. Tenancy may be shorter than a monthly basis in a shelter for the homeless.” DZC, Section 11.12.2.2.A.7, FC59, Section 59-2 (260).

The proposed Temporary Managed Campsite use is very similar in function and character to Homeless Shelter uses allowed in all zone districts. A Temporary Managed Campsite will allow several unrelated adults to live in temporary structures, or to sleep in parked motor vehicles, in a “group living” setting, where guests sleep in their own accommodations, but may share common bath, kitchen/dining, and/or basic housekeeping facilities. Like permitted Homeless Shelters, the primary target population served by the proposed Temporary Managed Campsite use will be adults experiencing homelessness and needing stable and safe shelter with supporting services.

While the City has created temporary indoor emergency shelters to respond to the COVID-19 pandemic emergency, the intent behind the Temporary Managed Campsites is to develop an alternative to indoor shelters or motel/hotel rooms for individuals who do not want to or cannot enter such shelters or motels/hotels. There are a broad variety of reasons for this, including:

- Individuals are concerned about transmission of COVID-19 in a large, shared facility;
- Smaller, individualized spaces, such as tents or their own motor vehicle, provide a sense of enclosure and may feel safer for unhoused individuals, particularly those who have experienced significant trauma;
- Couples wish to stay together, which is not an option in most emergency shelter configurations, such as the temporary pandemic-response shelters opened at the Coliseum and NWC (those shelters are single sex);
- Individuals who have pets;
- Individuals are concerned about losing their possessions; and
- LGBTQ+ individuals who are not well served by the existing shelter system.

The differences from the permitted Homeless Shelter uses primarily concern duration, tenancy, and form. While Homeless Shelters are more often permanent in duration, they are also allowed by zoning to operate for up to 120-130 days in churches and similar places of worship, or in government-owned buildings. A Temporary Managed Campsite will last as long as the COVID-19 pandemic, including its continuing adverse impacts on housing stability justify it, but in no case longer than December 31, 2023. While Homeless Shelters offer tenancies as short as a single-night stay, operators of a Temporary Managed Campsite use will allow longer guest stays, and operators expect at least some of the guests to remain in the campsites for the full duration of their time operating on the land.

In terms of external effects, the potential adverse impacts from a permitted Homeless Shelter use are primarily controlled through application of specific use limitations, found in DZC Sections 11.2.9 and 11.2.11 and in FC59 Section 59-82. These use limitations seek to avoid “over-institutionalizing” any one Denver neighborhood by requiring minimum separation and distances between Shelters and similar, permanent residential care uses. The use limitations assure that neighborhood residents know who to contact in case of any concerns or issues with a permitted Shelter or similar residential care use, and that the owner/operator of the use establishes adequate

measures for safeguarding the public and facility residents, and maintaining the buildings and grounds appropriately. DZC, Section 11.2.9.D and FC59, Section 59-82(d).

With a proposed Temporary Managed Campsite, concerns regarding over-institutionalization of an existing Denver neighborhood are allayed by the use's temporary and limited duration, and the minimal on-site care or supervision provided (guests live independently, although still accountable to the entire campsite community). Other concerns can be addressed by requiring an operational plan for a specific Temporary Managed Campsite use. For example, the first proposed Temporary Managed Campsite operational plan identified a single point of contact for all public questions, described guest commitments to maintaining the campsite communally, and identified contracted services to address ongoing property maintenance needs, including waste removal and litter clean-up.

Based on the analysis above, I find that compared to several of the permitted permanent residential care uses allowed in all zone districts, including permanent and temporary Homeless Shelters, a Temporary Managed Campsite is similar in function and character, is shorter in duration than permanent Homeless Shelters, and can adequately address similar potential for adverse impacts through reasonable zoning permit requirements and conditions.

Comparison to Other Permitted Temporary Uses in all Zone Districts

In determining whether the proposed temporary use “has a character and impact that are similar in nature, function, and duration to the other uses permitted in the zone district(s),” it is helpful to review and analyze the characteristics and potential for adverse impacts other permitted temporary uses allowed in all zone districts have in comparison. DZC, Section 12.4.6.4.B.1, Ord. 2020-0961, Section 2(c).

Both Denver zoning codes allow other temporary uses in all zone districts for similar or longer durations than a Temporary Managed Campsite, and which arguably have greater potential for adverse impacts on surrounding properties than a Temporary Managed Campsite. The following listed temporary uses are allowed in all DZC zone districts, except the OS-C zone:

1. Bazaars, Carnivals, Circus or Special Events
2. Building or Yard for Construction Materials
3. Concrete, Asphalt, and Rock Crushing Facility
4. Fence for Demolition or Construction Work
5. Health Care Center
6. Noncommercial Concrete Batching Plant
7. Parking Lot designated for a Special Event
8. Temporary Construction Office
9. Temporary Tiny Home Village

Under Former Chapter 59, the same list of temporary uses is allowed in virtually all base zone districts still mapped and operative in the city, except for the Temporary Tine Home Village use which is a temporary use unique to the DZC. See FC59, Sec. 59-81 and Sec. 59-86.

Of note, the construction-related temporary “concrete, asphalt, and rock crushing facilities” and “temporary construction office” all are permitted to operate for the duration of a construction project, which may be 12 months or longer. A Temporary Managed Campsite use may have less or similar duration, limited primarily by private leasing agreements (to date, 6-7 months is the longest lease term granted to an existing or proposed

Temporary Managed Campsite). Like the temporary construction offices allowed, which are usually conducted inside a temporary structure (such as a modular unit), Temporary Managed Campsite will be conducted inside temporary structures (e.g., tents) that are removed at the end of the permitted time, or in parked motor vehicles which are mobile and will be removed from the site during most of the daylight hours. Arguably, a temporary concrete, asphalt, and rock crushing facility, which is operated entirely outdoors and permitted to be on-site for up to 1 year, has greater potential to create adverse aesthetic, noise, and vibration impacts on surrounding properties than a Temporary Managed Campsite. For example, the first two Temporary Managed Campsites in Capital Hill include self-imposed limits to mitigate the potential for similar impacts, including operating in enclosed structures with no access for motor vehicles on site (all residents and guests will have to walk onto the site and pass through a 24-hour screening and security gate). Temporary Managed Campsites that operate to provide a safe and secure parking area for adults living out of their vehicles will be sited in locations that are permanently devoted to vehicle parking (i.e., parking lots) and will be subject to similar community rules to ensure little to no adverse impacts on its neighbors (e.g., curfew for turning off vehicles and visible lights).

Temporary Tiny Home Villages are another temporary use allowed in all zone districts (except in the OS-C zone) in the DZC. Temporary Tiny Home Villages are defined as: “Residential occupancy of multiple relocatable temporary buildings containing only sleeping units, combined with one or more separate buildings containing eating, bathing, toilet and gathering facilities for common use, all located on the same zone lot. Tenancy is typically 30 days or longer. This temporary use does not include Trailer Camp or Court as defined in the Zoning Code.” DZC, Section 11.12.10.L. The proposed Temporary Managed Campsite use is similar in several ways with the permitted Temporary Tiny Home Village use, including detached sleeping-only units (including motor vehicles used as such), as well as (typically) conveniently accessible toilet and community facilities, such as shade tents. Residential occupancy in existing and new Temporary Managed Campsites will occur either until the expiration of State and City public health orders or until December 31, 2023 (see conditions of approval above). Both these possible campsite durations will likely result in individual resident tenancies longer than 30 days.

However, unlike a Temporary Tiny Home Village or permitted Homeless Shelters, a Temporary Managed Campsite does not require any stand-alone buildings used as congregate gathering or dining facilities. The Temporary Managed Campsite is intended to be rapidly deployed for the duration of the COVID-19 pandemic emergency and recovery and will therefore use temporary structures or motor vehicles for sleeping units. Temporary toilets and/or mobile bathroom facilities are proposed, or access to near-by indoor or enclosed facilities, as well as temporary structures for or access to near-by enclosed community and management facilities. Unlike a Temporary Tiny Home Village, if a resident leaves a Temporary Managed Campsite, they drive their own vehicle away or they take their previously assigned tent, sleeping bag, and cot with them. For campsites using temporary structures like tents, a new tent, cot, and sleeping bag will be set up to replace the departed items, and a new individual or couple will then occupy the tent site. Also because of the highly contagious nature of the COVID-19 virus, multiple shared/community facilities, where provided, will be scattered throughout the Temporary Managed Campsite and widely spaced to ensure proper social distancing. The Temporary Managed Campsite therefore tries to create a series of shared, but distributed safe spaces, and does so in a temporary and rapidly deployable manner.

Daily vehicle and pedestrian traffic from construction workers and trucks and service providers visiting the types of listed, permitted temporary uses in all zone districts is also likely to be substantially greater compared to the daily vehicle and pedestrian traffic and trips generated by a Temporary Managed Campsite sheltering a limited number of homeless adults. In addition, as noted above, no personal motor vehicles will be allowed on the Temporary Managed Campsites deploying tents or similar temporary structures, and the number of vehicles allowed to park in an accommodating Temporary Managed Campsite providing safe parking space will be substantially lower

compared to the vehicle traffic generated by any of the other permitted temporary uses, such as a temporary health center, construction office, circus/special event, or special event parking lot.

Based on this analysis, I find that compared to many of the permitted temporary uses in all DZC and FC59 zone districts, including temporary construction-related uses, temporary health centers, and temporary tiny home villages, the proposed Temporary Managed Campsite use is similar in function, character, and duration, and is likely to have substantially less potential for adverse impacts on its neighbors from daily operations compared to these other listed, permitted temporary uses.

MITIGATION OF POTENTIAL ADVERSE IMPACTS

A proposed Temporary Managed Campsite use will either not have any substantial adverse impact on the surrounding neighborhood and land uses, or if likely to occur, such adverse impacts can be substantially mitigated, like how potential impacts from other permitted temporary uses are mitigated.

A temporary residential use is likely to have minimal impacts compared to the more intensive primary, temporary, and accessory uses allowed in all zone districts. Noise, loitering, and waste/litter impacts can be substantially mitigated by an applicant's assurances to abide by a detailed operational plan. For example, one of the Temporary Managed Campsite operators conducts 24-hour oversight and security, and contracted vendor services. Campsite guests will be screened at intake to evidence their commitment to the campsite rules, and violators will be subject to eviction (for acts of violence and serious threats of harm to persons). There will also be a single point of contact for neighbors and others on all matters related to the Temporary Managed Campsite.

Regarding potential for public health- or safety-related adverse impacts, most of these can be mitigated through clear expectations and parameters for services set by the City working collaboratively with the Temporary Managed Campsite applicant during pre-development meetings. For example, potable water and portable toilets can be provided on-site or near-by, like provision of such facilities for other temporary uses permitted in the zone district or for temporary disaster/emergency relief. Dirty water and sewage can be collected and removed from the site by a commercial service. Electricity can be provided so the campsite is lit at night for guest safety. Proposed access through the site and access to shared toilet and shower/sink facilities can be designed to be ADA compliant. Vendors can provide laundry service to residents. Food for residents can be provided through private donations. Any provision for shared food preparation facilities can be inspected and approved by Denver Fire and the City's Department of Public Health and Environment. No less important, providing shelter for homeless adults during and immediately after the serious COVID-19 pandemic, even for a temporary period, creates community and City-wide benefit that outweighs the personal and community risks, impacts, and costs associated with persons living unsheltered on Denver's streets.

Based on the analysis, described above, I find that the potential for adverse impacts from Temporary Managed Campsite is minimal when compared to other permanent and temporary uses permitted in all zone districts. Moreover, the zoning permit review process, including but not limited to pre-application meetings and inter-agency review of a complete development application, can work to ensure general and site-specific conditions on any permits or approvals to substantially mitigate any identified, potential adverse impacts.

FINAL USE DETERMINATION AND DECISION

Based on the above analysis and according to the review criteria for unlisted use determinations in DZC, Section 12.4.6 and Ordinance 2020-0961, I find that the proposed Temporary Managed Campsite use:

1. Is consistent with the intent of the Denver Zoning Code and Former Chapter 59;
2. Is consistent with the intent of all applicable neighborhood contexts and zone districts; and
3. Is substantially similar in character and impact to other permitted primary, temporary, and accessory uses in all applicable zone districts.

I also find that the type and extent of impacts on adjacent properties by a proposed Temporary Managed Campsite use are potentially no different from and most likely less than other permitted permanent, accessory, or temporary uses in all zone districts.

In conclusion, my final decision is to **ALLOW** the proposed Temporary Managed Campsite use as an “unlisted temporary use,” according to the **USE DEFINITION, PERMITTED ZONE DISTRICTS, APPLICABLE ZONING REVIEW PROCEDURE**, and **USE & PERMIT LIMITATIONS** described herein.

APPEAL

This final use determination may be appealed to the Denver Zoning Board of Adjustments within 15 days from the date of this written decision, as extended and updated, according to DZC, Section 12.4.8, *Appeal of Administrative Decision*.