

Attachment E

REPORT OF PLANNING COMMISSION ACTION January 7, 2021

ITEM NO: 19	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-SP-2-19-7
Location:	Southeast corner of 13th Avenue and Madison Street
From:	C-3 HP-L CMOD, A-1 HP-L CMOD, A-1 SP CMOD, and A-1 CMOD
To:	A-1 SP CMOD
Acreage:	14.53
Proposal:	Modify the Special Permit area of the Human Services Campus to include Andre House and to allow for an increase in the maximum number of beds. The Special Permit is to allow homeless shelter, charitable dining hall and food service uses.
Applicant:	Andy Jochums, Beus Gilbert, PLLC
Owner:	Human Services Campus Inc, et al
Representative:	Paul Gilbert, Beus Gilbert, PLLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Central City 7/13/2020 Information Only.

Central City 10/12/2020 Approval, per the staff recommendation. Vote: 6-3.

Planning Commission Recommendation: Approval, per the Central City Village Planning Committee recommendation, with modified, deleted and additional stipulations as read into the record by Commissioner Johnson and integrated with staff stipulations.

Motion Discussion:

Commissioner Johnson stated that he would support the case with a significant number of neighborhood stipulations (Madison Pioneers Coalition proposal). He is not supporting all 28 of the proposed stipulations, but he has 15 stipulations which is more than what the applicant/representative has agreed to.

Commissioner Johnson acknowledged that he will need staff's assistance on some of the stipulations as he has drafted them himself based on what the neighbors put together.

Commissioner Johnson made a MOTION to approve Z-SP-2-19-7, per the Central City Village Planning Committee recommendation with the following additional stipulations:

1. No low barrier shelter services (defined as servicing those individuals with prior sex offenses conviction, those actively utilizing drugs and/or those with weapons in their possession) shall be provided at the Human Services Campus ("HSC"). In addition, no services shall be provided that are not part of the standard CASS operates at

today as listed in Exhibit X with the exception of people with pets and service animals under discretion of the HSC.

2. Service provider shall continue to operate Andre House as a facility that provides food services only and shall only provide sleeping conditions for the 200 additional temporary beds for use during extreme weather conditions (defined as periods of forecasted excessive heat warnings, freeze warnings, and chance of precipitation over 50% overnight).
3. For use separation purposes, by operating under this Special Permit HSC agrees to not own, operate or participate in the operation of a low barrier shelter within 1.5 MILES OF THE SUBJECT SITE.
4. The BUILDING area of HSC campus shall not be expanded beyond the approved boundaries as shown on the site plan dated X-X-2020
5. The HSC campus has 425 total beds at the time of this application. The HSC campus is authorized to have a total of 700 beds for a maximum of three (3) years beginning 30 days from the approval of this Special Permit. During this three (3) year period, the HSC may apply to the PDD DIRECTOR, may authorize up to 200 additional temporary beds to be located within permanent or temporary structures within the HSC campus boundaries for use during extreme weather conditions (defined as periods of forecasted excessive heat warning, freeze warning and chance of precipitation over 50% overnight). At the end of this three (3) year period, the HSC shall return to a maximum of 425 beds and with 75 additional temporary beds to be located within permanent or temporary structures within the HSC campus boundaries for use during extreme weather conditions (defined as periods of forecasted excessive heat warning, freeze warning and chance of precipitation over 50% overnight).
6. Due to the impacts caused by this specific use on properties located outside the Special Permit area, by utilizing this Special Permit, HSC shall establish a "clean-up zone" defined as the public rights of way located within an area from 9th Avenue to 15th Avenue, Madison Street to Harrison Street and the area from 11th Avenue to 12th Avenue between Jefferson and Madison Streets. These areas shall be cleaned twice a day, seven days a week, in the morning prior to 10AM and in the evening prior to sunset by HSC. Cleaned shall be defined as removal of any trash, waste, debris or other objects, liquids or hazards.
7. HSC and the Andre House shall provide designated areas on their respective properties for those waiting for services that shall accommodate each facilities maximum capacity/occupancy in such a way that those waiting for services not congregating on the public right away or within the public streets.
8. HSC shall provide single point of contact for the neighbors to call for non-emergency/emergency needs related to homeless crime and/or sanitation and/or immediate safety needs (e.g., fire, gun shots, persons acting violently on drugs, street cleanup needs).

9. Section 504.1 C.6 of the Special Zoning Permit MUST Be Enforced, or Special Permit will be revoked. *Revert to language provided by Alan Stephenson (Planning and Development Department Director):*

The special permit may be revoked by the City Council per Section 504.1 C.6. of the Zoning Ordinance upon finding that there has been material noncompliance with any condition prescribed in conjunction with the issuance of the special permit or approval of the site plan or that the use covered by the permit or the manner of conducting the same is a safety hazard or is in any way detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

10. The HSC Shall maintain a blight free, odor free, and clean visual aesthetic from the street.
11. The shelter operator shall not enter into contract to sell or reserve bed space unless:
1. The planning and development department director determines, in his or her sole discretion, that the agreement will significantly reduce homeless population within a 10-mile radius of the site; or
 2. The Police Chief determines, in his or her sole discretion, that the agreement will not reduce the accessibility of homeless shelter space within a 10-mile radius of the site.
 3. This excludes a maximum of 14 beds utilized for hospital drop off from hospitals located within a 10-mile radius which are needed in situations where a former hospital patient is in need of short-term bed rest and would otherwise be dropped off on the street without a place to stay.
12. The shelter on the Human Services Campus that is operated by CASS (identified elsewhere as the “traditional shelter”) shall exercise its best efforts to always maintain up to 5% excess bed capacity until 4 PM so as to accommodate emergencies, police needs or special situations in which available bed capacity needs to be held in reserve for the good of the public or the individual. In addition to these best efforts, the HSC shall maintain a minimum of 20 beds until 11pm each night for emergency use by the Police Department.
1. This excludes a maximum of 20 beds utilized for hospital drop off from hospitals located within a 10-mile radius which are needed in situations where a former hospital patient is in need of short-term bed rest and would otherwise be dropped off on the street without a place to stay.
 2. This excludes other special medical or mental health beds which are needed in situations where critical health or crisis needs must be accommodated for the benefit of the individual or the community at large.

13. HSC and Andre House will serve all meals on their properties. No meal services are permitted off-campus within public rights-of-way.
14. HSC will discourage homeless persons from occupying abutting public rights-of-way by communicating to those persons that services and goods provided by the campus are only available within the campus. Said communications may be via posted notice, individual dialog by staff or other means.
15. HSC, within 60 days of approval of this Special Permit approval, will produce a written plan identifying how they will support efforts of the City of Phoenix Homeless Plan to regionalize efforts to combat homelessness and will provide a copy to PDD for review.

Commissioner Johnson noted that everywhere HSC is specified will probably need to be updated to “service provider” in case HSC ever changes.

Commissioner Busching asked if these stipulations are in place of or in addition to the recommended staff stipulations.

Commissioner Johnson clarified that this would be in addition to the staff stipulations.

Mr. Stephenson stated that where there are conflicts with the staff recommended stipulations the new language would supersede.

Commissioner Busching asked if Mr. Gilbert, the representative has reviewed these and if he has an opinion on the proposed stipulations.

Commissioner Johnson stated that he shared the stipulations with Mr. Gilbert recently. He indicated that they were not excited about it but are interested in moving forward with the case. He clarified that they would prefer that some of the stipulations not be included. He stated that it is important to add the stipulations, especially considering that the temporary beds would not be accommodated until the summer and Andre House can only accommodate 100 beds. This gives them the ability to use it as a flexible resource.

Commissioner Busching asked if the Madison Pioneers Coalition have seen the stipulations and if they had any reaction.

Commissioner Johnson stated that most of the stipulations are the Madison Pioneers Coalition stipulations. He has made some slight modifications throughout. Notably he added the 200 temporary beds.

Commissioner Gaynor asked for clarification on Stipulation No. 2 regarding the total number of beds.

Commissioner Johnson clarified that there would be 700 permanent beds and 200 additional temporary beds, with the ability to use 100 temporary beds at Andre House.

Commissioner Mangum asked if St. Vincent DePaul is offering temporary beds in addition to Andre House.

Commissioner Johnson answered yes that would be the only other location on the campus because Andre House can only house 100 beds.

Mr. Stephenson clarified that the original 1,000 beds were crafted in a way that 700 beds were for the Human Services Campus, 100 beds for Andre House and the rest were always going to be temporary beds used for heat relief and extreme weather events. Those were going to be used at St. Vincent DePaul or in a temporary tent that could be put up on the Human Services Campus.

Commissioner Mangum asked about the temporary tent and if it could be done more immediately to provide shelter.

Mr. Stephenson responded that it was a quicker option and it would be up to the Human Services Campus and their ability to get something like that up. He also discussed the staff stipulation related to the low barrier shelter.

Commissioner Gorraiz asked about the three-year sunset and about the beds going back down to 475.

Commissioner Johnson responded to address Commissioner Magnum's concern. He stated that the proposed stipulation allows the temporary beds to be in either permanent or temporary structures, so they may be able to provide the beds more quickly. He

Commissioner Johnson responded to address Commissioner Gorraiz's question. He clarified that the campus currently has 425 beds, and that he was recommending 700 beds for three years. The stipulation does give the ability to have 75 temporary beds after the three-year sunset. They can always come back for an extension or renew their Special Permit for longer. It also gives the city and the commission the ability to review the application again in the future.

Commissioner Gorraiz agreed to the proposal.

Chairwoman Shank asked staff to address the recommended stipulations.

Ms. Escolar went over each stipulation. Stipulation Nos. 1 and 2 are sufficient but may need to be re-worded. Stipulation No. 3 is not enforceable because it is not stipulating to something on the Special Permit site, it is stipulating to something that is offsite.

Mr. Stephenson clarified that the commission could add the stipulation, but if it came down to enforcement because it is offsite and it is not regulating something that is onsite the city would not be able to revoke their Special Permit because they were doing something offsite.

Commissioner Gaynor asked if the stipulations are going to provide immediate relief.

Chairwoman Shank responded that these stipulations allow them to provide tents for immediate relief without the need to set up the beds at Andre House first or put in beds where they have space.

Ms. Escolar responded that the deletion of Stipulation No. 2.b. that requires a low barrier shelter be built and in combination with other stipulations could expedite shelter beds, but it would not be immediate.

Mr. Stephenson responded that it would be a question for the representative on whether they have the resources to provide immediate relief.

Commissioner Johnson clarified that there would be a total of 900 beds: 700 beds, with an additional 200 temporary beds with the ability for Andre House or St. Vincent DePaul to tap into those temporary beds, if needed.

Chairwoman Shank clarified that there was a motion made by Commissioner Johnson.

Chairwoman Shank asked for a second

Commissioner Gorraiz seconded

Ms. Escolar continued addressing the stipulations. Stipulation No. 4 is already addressed in the existing stipulations, through the stipulated site plan (Stipulation No. 1).

Commissioner Johnson responded by deleting Stipulation No. 4. He also asked that his proposed Stipulation No. 5 be cleaned up to ensure there would be 700 beds total with 200 temporary beds. They cannot go above 900 beds. Andre House can only use temporary beds, if needed. He clarified that the 75 temporary beds are allowed after the three-year sunset.

Ms. Escolar also clarified that Stipulation No. 6 is also already addressed with an existing stipulation but would have to be modified slightly. In order to be aligned with the Madison Pioneers Coalition proposal, Stipulation No. 6 would need to be changed from railroad tracks on the south to Buchanan Street, 13th Avenue to 15th Avenue and 9th Avenue to 7th Avenue. The original stipulation required clean-up a minimum of once per day. She noticed that Commissioner Johnson's stipulation shows twice per day, 7 days per week.

Commissioner Johnson clarified that his proposal maintains the boundary at 9th Avenue rather than 7th Avenue and that the service provider would be responsible for cleaning up the area.

Ms. Escolar continued that the stipulation regarding the waiting areas (proposed Stipulation No. 7) can be addressed but would need to be re-worded.

Mr. Stephenson added that it would be a new stipulation added to the end.

Ms. Escolar continued that Stipulation No. 8 is already addressed. She went over the staff Stipulation No. 14.a. and stated that it could be modified to add the additional detail about the specific issues.

Commissioner Johnson agreed with the existing staff stipulation as is.

Ms. Escolar continued that the language Alan provided could be used to address Stipulation 9.

She stated that Stipulation No. 10 is already a requirement in the City Code and existing stipulations that address the issue.

Commissioner Johnson agreed, and asked if Commissioner Gorraiz agreed as well.

Mr. Stephenson also clarified that Stipulation No. 16 would need to be modified to begin the one-year review beginning from the City Council approval of the Special Permit, which is 30 days after the approval date.

Commissioner Johnson and Gorraiz agreed.

Ms. Escolar continued that Stipulation No. 11 was already addressed in the current stipulations (No. 2.c.).

Mr. Stephenson confirmed that the language in Stipulation No. 2.c. would remain the same.

Commissioner Johnson stated that that he meant to change the 10 percent to five percent in his Stipulation No.12.

Ms. Escolar confirmed that Stipulation No. 12 would replace staff Stipulation No. 8.

Ms. Escolar stated that proposed Stipulation No. 13 would be okay.

Ms. Escolar and Mr. Stephenson explained that Stipulation No. 14 would be difficult because it insinuates that it is a closed campus. It could be added but would be difficult to enforce.

Ms. Escolar stated that proposed Stipulation No. 15 is okay.

Ms. Escolar asked about the deletion of Stipulation 2.b. regarding the requirement to have low barrier shelters first.

Mr. Stephenson confirmed that the intent was to get rid of the low barrier shelter requirement.

Ms. Escolar acknowledged that the existing low barrier shelter stipulations were in conflict with the proposed changes. The proposed motion would require the deletion (or modification) of stipulations related to the low barrier shelter, which are staff Stipulation Nos. 2.a., 2.b., 8, 15.c. and 16.

Commissioner Johnson agreed.

Chairwoman Shank confirmed that there was a motion made by Commissioner Johnson and seconded by Commissioner Gorraiz, the asked for a vote.

Motion details: Commissioner Johnson made a MOTION to approve Z-SP-2-19-7, per the Central City Village Planning Committee recommendation, with modified, deleted and additional stipulations.

Maker: Johnson
 Second: Gorraiz
 Vote: 8-0 (Conflict: Howard)
 Absent: None
 Opposition Present: Yes

Findings:

1. The request is compatible with the existing use on site, the Capitol Mall Overlay District, and supports the need for additional accommodations for those experiencing homelessness in Phoenix.
2. As stipulated, the request will improve the safety and cleanliness of the surrounding area.
3. As stipulated, the proposal will facilitate community outreach efforts to address impacts to the surrounding community and seek to address regional strategies to end homelessness.

Staff has incorporated the Planning Commission recommended modifications and additions to the stipulations further below in bold font. The immediate table below shows how those stipulations were integrated with the staff stipulations. Deletions, modifications, and additions have been made for clarity, and to address any conflicts and potential legal issues.

<i>Commissioner Johnson's original proposal</i>	<i>Explanation of updates</i>
1	Incorporated into Stimulation No. 2.a. below. The current CASS operations have been added to the stipulation, rather than referencing a separate Exhibit that lists current CASS operations. Additionally, staff Stipulation Nos. 2.b. and 45 17.c. were deleted, and 8 9 and 46 18 were modified to remove the reference to the low barrier shelter.
2	Added as new Stipulation No. 3 below.
3	Added as new Stipulation No. 25 below.
4	Addressed with existing staff Stipulation No. 1 below.
5	Incorporated into Stipulation No. 2 and new Stipulation No. 3 below.
6	Updated Stipulation No. 6 7 below.
7	Added as new Stipulation No. 26 below. Note: Andre House has been in operation as a charity dining hall since 1984, prior to the adoption of the Capitol Mall Overlay

	District in 1996. Therefore, the City cannot add stipulations related to the charity dining hall service.
8	Addressed with existing staff Stipulation No. 44-16. a. below.
9	Added as new Stipulation No. 27 below.
10	Addressed through the City Code and Stipulation Nos. 4 5, 5 6, 6 7, and 27 below.
11	Addressed with existing staff Stipulation No. 2.e.b. below.
12	Addressed with the modification of Stipulation No. 8 9, and addition of new Stipulation No. 10.
13	Added as new Stipulation No. 28 below.
14	Added as new Stipulation No. 29 below.
15	Added as new Stipulation No. 30 below.

Stipulations:

SPECIAL PERMIT AREAS:

AREA A = THE AREA KNOWN AS THE HUMAN SERVICES CAMPUS

AREA B = THE AREA NORTH OF JACKSON STREET AND EAST OF 11TH AVENUE, DEPICTED AS ANDRE HOUSE HOSPITALITY AND ANDREW HOUSE SHELTER ON THE SITE PLAN DATE STAMPED NOVEMBER 4, 2019.

1. The development shall be in general conformance to the site plan date stamped November 4, 2019, as modified by the following stipulations and approved by the Planning and Development Department.
2. ~~There shall be a maximum of 1,000 beds within the Special Permit area.~~
PERMANENT SHELTER BEDS
AREA A IS PERMITTED TO HAVE A TOTAL OF 700 BEDS FOR A MAXIMUM OF THREE YEARS BEGINNING 30 DAYS FROM THE APPROVAL OF THIS SPECIAL PERMIT. AT THE END OF THIS THREE-YEAR PERIOD AREA A SHALL RETURN TO A MAXIMUM OF 425 BEDS.
 - a. ~~A minimum of 100 beds shall be provided in a low barrier shelter. The low barrier shelter shall provide shelter to individuals without imposition of identification, time limits, or other program requirements, such as abstention from alcohol or drugs, except within the facility; and shall adopt a policy to provide accommodations for pets and personal belongings.~~

NO LOW BARRIER SHELTER SERVICES (DEFINED AS SERVICING THOSE INDIVIDUALS WITH PRIOR SEX OFFENSES CONVICTION,

THOSE ACTIVELY UTILIZING DRUGS AND/OR THOSE WITH WEAPONS IN THEIR POSSESSION) SHALL BE PROVIDED IN AREA A AND AREA B. IN ADDITION, NO SERVICES SHALL BE PROVIDED IN AREA A THAT ARE NOT PART OF THE STANDARD CASS OPERATES AT TODAY AS OUTLINED BELOW, WITH THE EXCEPTION OF PEOPLE WITH PETS AND SERVICE ANIMALS UNDER THE DISCRETION OF THE HUMAN SERVICES CAMPUS OR SERVICE PROVIDER/S LOCATED IN AREA A.

- THE CASS SHELTER THAT OPERATES WITHIN THE SUBJECT SITE SERVES ADULTS AGES 18 AND OLDER, OPERATES 24/7, 365 DAYS A YEAR, AND DELIVERS SERVICES IN A TRAUMA INFORMED CARE MODEL.
- ALL OF THE FOLLOWING ARE PART OF THE CURRENT MODEL OF SERVICES:
 - 24/7 TEMPORARY EMERGENCY SHELTER.
 - 24/7 SECURITY.
 - CASE MANAGEMENT SERVICES FOR BOTH THOSE STAYING AT THE SHELTER AND THOSE REFERRED TO CASS FOR HOUSING ASSISTANCE FROM CASS' HOUSING PROGRAMS.
 - CLIENTS WITH MENTAL HEALTH AND BEHAVIORAL HEALTH ISSUES ARE OFFERED INTENSIVE CASE MANAGEMENT, AND THE CASE MANAGERS ALSO COORDINATE WITH OTHER PROVIDERS TO HELP MEET THE CLIENT'S MENTAL HEALTH NEEDS.
 - INDOOR PROGRAMMING FOR UP TO 250 PEOPLE WHO ARE NOT REQUIRED TO LEAVE THE SHELTER DURING THE DAYTIME. NOTE: ALL CLIENTS CAN UTILIZE THE CASE MANAGEMENT SERVICES DURING THE DAYTIME, EVEN IF THEY ARE NOT ALLOWED TO STAY INDOORS ALL DAY.
 - HOUSING SUPPORT AND RESOURCES, INCLUDING RAPID REHOUSING AND SHORT-TERM FINANCIAL ASSISTANCE.
 - FOLLOWS THE HOUSING FIRST MODEL.
 - SUPPORTS CLIENTS TO HAVE ALL THEIR NEEDS MET, WITH AN INTEGRATED MODEL OF COLLABORATION AND CARE WITH PARTNERS BOTH ON AND OFF THE HUMAN SERVICES CAMPUS.
 - PARTICIPATES IN COORDINATED ENTRY AND ALL CLIENT INFORMATION IS ENTERED INTO THE HMIS SYSTEM.
- CASS HAS MINIMUM BARRIERS TO ENTER THE ADULT SHELTER:
 - CLIENTS DO NOT NEED TO BE CLEAN OR SOBER, BUT THEY MAY NOT BRING DRUGS OR ALCOHOL INTO THE SHELTER.
 - CLIENTS DO NOT HAVE TO HAVE AN INCOME.
 - CLIENTS DO NOT HAVE TO ACCEPT SERVICES; HOWEVER, SERVICE ENGAGEMENT IS CORE TO THE MODEL AND CLIENTS ARE ENCOURAGED TO ENROLL IN CASE MANAGEMENT.

- CLIENTS DO NOT HAVE TO HAVE IDENTIFICATION, OTHER THAN A CAMPUS IDENTIFICATION.
- NO WEAPONS ARE ALLOWED IN THE SHELTER AND CLIENTS GO THROUGH A METAL DETECTOR.
- CURRENTLY SEX OFFENDERS ARE NOT ALLOWED.

b. ~~The low barrier shelter described in 2.a, with a minimum of 100 beds, shall obtain a certificate of occupancy prior to the expansion of traditional shelter beds and within one year of City Council approval.~~

c.B. The shelter operator shall not enter into contract to sell or reserve bed space unless:

- (1) The Planning and Development Department Director determines, in his or her sole discretion, that the agreement will significantly reduce the homeless population within a 10-mile radius of the site; or
- (2) The Police Chief determines, in his or her sole discretion, that the agreement will not reduce the accessibility of homeless shelter space within a 10-mile radius of the site.
- (3) This excludes a maximum of 14 beds utilized for hospital drop off from hospitals located within a 10-mile radius which are needed in situations where a former hospital patient is in need of short-term bed rest and would otherwise be dropped off on the street without a place to stay.

3. TEMPORARY SHELTER BEDS

FOR A MAXIMUM OF THREE YEARS BEGINNING 30 DAYS FROM THE APPROVAL OF THIS SPECIAL PERMIT, AND IN ADDITION TO THE MAXIMUM BED SPACE PERMITTED IN STIPULATION NO. 2, THE PDD DIRECTOR MAY APPROVE UP TO 200 ADDITIONAL TEMPORARY BEDS TO BE LOCATED WITHIN PERMANENT OR TEMPORARY STRUCTURES WITHIN AREAS A OR B FOR USE DURING EXTREME WEATHER CONDITIONS.

FOR THE PURPOSES OF THIS SPECIAL PERMIT, EXTREME WEATHER CONDITIONS IS DEFINED AS PERIODS OF FORECASTED EXCESSIVE HEAT WARNINGS, FREEZE WARNINGS, AND CHANCE OF PRECIPITATION OVER 50% OVERNIGHT.

A. AT THE END OF THE THREE-YEAR PERIOD, AREA A IS PERMITTED TO HAVE 75 TEMPORARY BEDS TO BE LOCATED WITHIN PERMANENT OR TEMPORARY STRUCTURES FOR USE DURING EXTREME WEATHER CONDITIONS.

3.4. An abandonment of public rights-of-way shall be pursued within the Special Permit area to develop a cohesive and secure campus. A fence/wall plan demonstrating a cohesive and secure campus shall be administratively approved by the Planning Hearing Officer, prior to preliminary site plan approval for any future construction. The fence plan shall specify locations of any proposed, pending or approved right-of-way abandonments.

- 4.5.** Trash/recycling receptacles shall be provided within the property boundaries of the Special Permit area and accessible to the public 7:00 a.m. to 11:00 p.m. A waste receptacle plan demonstrating sufficient quantities and locations of receptacles located within Special Permit area shall be submitted to the Planning and Development Department within 90 days of City Council approval of the Special Permit and shall be administratively approved by the Planning Hearing Officer. The Planning Hearing Officer will work directly with the Public Works Department Director's Office to determine if the plans are sufficient.
- 5.6.** A minimum of two permanently constructed toilet facilities connected to the city's water and sewer systems, accessible to the public from 7:00 a.m. to 11:00 p.m., shall be provided within the Special Permit Area. The toilet facilities shall be fully accessible (ADA compliant). Directional signs shall be provided to identify the location(s). The toilet facilities shall comply with the Phoenix Building Construction Code and shall be approved and permitted by the Planning and Development Department.
- 6.7.** Property owners and operators within the Special Permit area shall maintain all public rights-of-way including sidewalks, alleys, easements and streets from any hazards or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight within the following boundaries around the Special Permit area: ~~the Railroad tracks~~ **HARRISON STREET** on the south, Jefferson Street on the north, ~~43th~~ **15TH** Avenue on the west, and 9th Avenue on the east. This area will be cleaned a minimum of ~~once~~ **TWICE** a day, **SEVEN DAYS A WEEK (IN THE MORNING AFTER BREAKFAST IS SERVED, PRIOR TO 10:00 A.M.; AND IN THE EVENING AFTER DINNER IS SERVED, PRIOR TO 8:00 P.M.). CLEANED SHALL BE DEFINED AS REMOVAL OF ANY TRASH, WASTE, DEBRIS OR OTHER OBJECTS, LIQUIDS OR HAZARDS.**
- a. In addition, the Human Services Campus shall operate a Clean Zone program that shall clean a minimum of two days per week and will collaborate with the Neighborhood Services Department, Parks and Recreation Department, and nearby neighborhood associations to identify particular locations needing cleaning.
- 7.8.** At a minimum, all temporary shelter facilities with vacancies, shall be open and accepting temporary shelter clients until 11:00 p.m.
- 8.9.** ~~A minimum of 10 traditional shelter beds and 10 low barrier shelter beds shall be reserved each day from 7:00 a.m. to 11:00 p.m. for the Phoenix Police Department to bring in someone they deem vulnerable and in need of shelter.~~

THE PROVIDER OF BEDS IN THE SHELTER THAT IS CURRENTLY OPERATED BY CENTRAL ARIZONA SHELTER SERVICES ("CASS") SHALL EXERCISE ITS BEST EFFORTS TO ALWAYS MAINTAIN UP TO FIVE PERCENT EXCESS BED CAPACITY UNTIL 4:00 P.M. SO AS TO ACCOMMODATE EMERGENCIES, POLICE NEEDS OR SPECIAL SITUATIONS IN WHICH AVAILABLE BED CAPACITY NEEDS TO BE HELD IN RESERVE FOR THE GOOD OF THE PUBLIC OR THE INDIVIDUAL.

- A. THE TOTAL BEDS FOR THE PURPOSE OF CALCULATING THE FIVE PERCENT EXCESS BED CAPACITY, EXCLUDES A MAXIMUM OF 20 BEDS UTILIZED FOR HOSPITAL DROP OFF FROM HOSPITALS LOCATED WITHIN A 10-MILE RADIUS WHICH ARE NEEDED IN SITUATIONS WHERE A FORMER HOSPITAL PATIENT IS IN NEED OF SHORT-TERM BED REST AND WOULD OTHERWISE BE DROPPED OFF ON THE STREET WITHOUT A PLACE TO STAY.**
 - B. THE TOTAL BEDS FOR THE PURPOSE OF CALCULATING THE FIVE PERCENT EXCESS BED CAPACITY, EXCLUDES OTHER SPECIAL MEDICAL OR MENTAL HEALTH BEDS WHICH ARE NEEDED IN SITUATIONS WHERE CRITICAL HEALTH OR CRISIS NEEDS MUST BE ACCOMMODATED FOR THE BENEFIT OF THE INDIVIDUAL OR THE COMMUNITY AT LARGE.**
- 10. A MINIMUM OF 20 BEDS SHALL BE RESERVED WITHIN AREA A UNTIL 11:00 P.M. EACH NIGHT FOR EMERGENCY USE BY THE POLICE DEPARTMENT. THIS IS IN ADDITION TO THE BEST EFFORTS AS REQUIRED IN STIPULATION NO. 9.**
- 9.11.** An “authority to arrest” agreement shall be completed and maintained for all property owners and organizations operating within the Special Permit area. The agreements shall be signed and delivered to the Phoenix Police Department.
- 40.12.** Security, certified by the Department of Public Safety, shall be on the site daily to ensure the security of the site, and coordinate with the Phoenix Police Department for criminal activity or crime related issues.
- 44.13.** Security cameras (or other monitoring devices, as approved by the Police Department) shall be provided, in perpetuity, to continually capture images of activities along the street frontages. Videos/Images shall be preserved for a minimum of 90 days. Property owners within the Special Permit area shall enroll in the City’s Virtual Block Watch Program.
- 42.14.** A Security Master Plan shall be submitted to the Phoenix Police Department on an annual basis for review and recommendations, to ensure a safe environment and coordination with the Police Department. The plan shall include, at minimum, the following elements:
 - a. A central point of contact for security matters.
 - b. Coordination of security personnel with the Police Department.
 - c. Required number of security personnel.
 - d. Provisions for security cameras and lighting.
 - e. Procedures for storing and handling the disposal of controlled substances and weapons.
 - f. Procedures for screening and monitoring of clients.

13.15. The Human Service Campus will make a concerted effort to identify, pursue and implement strategies to address homelessness at a regional level that will reduce service demands on providers and facilities within and near the Special Permit boundaries. The Human Services Campus will include a summary of their efforts in an annual report to the Human Services Department and the Planning and Development Department.

14.16. The Human Services Campus and other shelter providers within the Special Permit area shall work collaboratively with the City of Phoenix as well as adjacent property owners and associations on reducing any negative impacts or concerns stemming from those experiencing homelessness in the area surrounding the Human Services Campus and Special Permit area.

- a. The City of Phoenix and all neighborhood associations listed with the Neighborhood Services Department within one mile of the site shall be provided with a designated contact person for the Special Permit area to communicate any issues/concerns.
- b. With the help of Council Districts 7 and 8, the Mayor, and city staff, the Human Services Campus and other shelter providers within the Special Permit area shall facilitate community outreach meetings to discuss compliance with the zoning stipulations, future development of the campus, any issues/concerns from the community, and how those concerns could be addressed by the shelter providers or the City if possible.
- c. The community outreach meetings shall be held quarterly for the first three years following approval and then semiannually thereafter, unless the Planning and Development Department Director requests that additional meetings are necessary during any particular calendar year.
- d. The notification for the community meeting shall be sent to all property owners within a half mile; all neighborhood associations listed with the Neighborhood Services Department within one mile; any individuals or organizations who attended previous meetings; and staff designated by each respective department director from the Human Services Department, Neighborhood Services Department, Planning and Development Department, Street Transportation Department, Public Works Department and Police Department.
- e. Topics of discussion shall include, but not be limited to how the shelter providers and the surrounding community can:
 - (1) Encourage street maintenance;
 - (2) Organize rubbish clean-ups;
 - (3) Discourage street feeding, or donations of other items, in the area surrounding the Special Permit area;

- (4) Coordination of holiday events to be consolidated in appropriate locations; and
 - (5) Prevention of crime.
- f. A summary of the community meetings and any notes from the public shall be submitted to the Planning and Development Department. The community meeting summaries shall include the following meeting details:
 - (1) Date, time, and location;
 - (2) Number of participants;
 - (3) Questions or concerns that arose; and
 - (4) How the questions or concerns were addressed.

15-17. An annual report shall be provided to the Planning and Development Department, to include the following items:

- a. Number of people served by each organization.
- b. Number of positive exits for each organization.
- ~~c.~~ ~~Number of beds allocated to traditional and low barrier shelters.~~
- d.c.** If permitted, number of beds contracted to entities other than the City of Phoenix.
- ~~e.d.~~ Meeting summaries as detailed above.
- f.e.** Summary of efforts to identify, pursue and implement regional solutions to homelessness that will reduce the service demand on providers and facilities within and near the Special Permit boundaries.

16-18. The Special Permit shall be reviewed one year after ~~issuance of the Certificate of Occupancy for the low barrier shelter~~ **CITY COUNCIL APPROVAL OF THE SPECIAL PERMIT**. The review is for the entire ~~Human Services Campus operation~~ **SPECIAL PERMIT AREA** and shall be through the Planning Hearing Officer public hearing process where additional stipulations may be imposed. This is a legislative review. Specific development standards and requirements may be determined by the Planning Hearing Officer and the Planning and Development Department. As part of the one year review, additional reviews or stipulations may be added by the Planning Hearing Officer or City Council.

17-19. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

- ~~18.20.~~** The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor Airport (PHX) to future owners or tenants of the property.
- ~~19.21.~~** If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
- ~~20.22.~~** If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
- ~~21.23.~~** In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
- ~~22.24.~~** Prior to any future permit issuance, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
- 25. FOR USE SEPARATION PURPOSES, BY OPERATING UNDER THIS SPECIAL PERMIT AREA A AGREES TO NOT OWN, OPERATE OR PARTICIPATE IN THE OPERATION OF A LOW BARRIER SHELTER WITHIN 1.5 MILES OF THE SUBJECT SITE.**
- 26. DESIGNATED AREAS SHALL BE PROVIDED WITHIN AREA A FOR THOSE WAITING FOR SERVICES THAT SHALL ACCOMMODATE EACH FACILITY'S MAXIMUM CAPACITY/OCCUPANCY IN SUCH A WAY THAT THOSE WAITING FOR SERVICES DO NOT CONGREGATE ON THE PUBLIC RIGHTS-OF-WAY OR WITHIN THE PUBLIC STREETS. IF QUEUING AREAS SPILL INTO THE PUBLIC RIGHT-OF-WAY THE QUEUING SHALL BE IN AN ORDERLY FASHION TO MINIMIZE THE USE OF THE PUBLIC RIGHT-OF-WAY. THIS STIPULATION DOES NOT APPLY TO AREA B, AS THEY HAVE LEGAL AUTHORITY TO OPERATE A CHARITABLE DINING HALL WITHOUT THIS SPECIAL PERMIT.**
- 27. THE SPECIAL PERMIT MAY BE REVOKED BY THE CITY COUNCIL PER SECTION 504.1 C.6. OF THE ZONING ORDINANCE UPON FINDING THAT THERE HAS BEEN MATERIAL NONCOMPLIANCE WITH ANY CONDITION PRESCRIBED IN CONJUNCTION WITH THE ISSUANCE OF THE SPECIAL PERMIT OR APPROVAL OF THE SITE PLAN OR THAT THE USE COVERED BY THE PERMIT OR THE MANNER OF CONDUCTING THE SAME IS A SAFETY HAZARD OR IS IN ANY WAY DETRIMENTAL TO PERSONS RESIDING OR WORKING IN THE VICINITY, TO ADJACENT PROPERTY, TO THE NEIGHBORHOOD, OR TO THE PUBLIC WELFARE IN GENERAL.**

28. **ALL MEALS SHALL BE SERVED ON THE PROPERTIES WITHIN THE SPECIAL PERMIT AREA. NO MEAL SERVICES ARE PERMITTED OFF-CAMPUS WITHIN PUBLIC RIGHTS-OF-WAY.**
29. **THE SERVICE PROVIDERS WITHIN THE SPECIAL PERMIT AREA WILL DISCOURAGE HOMELESS PERSONS FROM OCCUPYING ABUTTING PUBLIC RIGHTS-OF-WAY BY COMMUNICATING TO THOSE PERSONS THAT SERVICES AND GOODS PROVIDED BY THE CAMPUS ARE AVAILABLE WITHIN THE CAMPUS. COMMUNICATION MAY BE VIA POSTED NOTICE, INDIVIDUAL DIALOG BY STAFF OR OTHER MEANS.**
30. **THE HUMAN SERVICES CAMPUS, WITHIN 60 DAYS OF APPROVAL OF THIS SPECIAL PERMIT, WILL PRODUCE A WRITTEN PLAN IDENTIFYING HOW THEY WILL SUPPORT EFFORTS OF THE CITY'S ADOPTED STRATEGIES TO ADDRESS HOMELESSNESS PLAN TO REGIONALIZE EFFORTS TO COMBAT HOMELESSNESS AND WILL PROVIDE A COPY TO PDD FOR REVIEW.**

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.