

## ATTACHMENT D

PLEASE RESPOND ELECTRONICALLY TO CHASE HALE 2ND FLOOR, 602-262-4544



### City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

**To:** Departments Concerned  
**From:** Joshua Bednarek  
Planning & Development Department Director  
**Date:** May 24, 2023  
**Subject:** **P.H.O. APPLICATION NO. PHO-1-23--Z-SP-2-19-7** – Notice of Pending Actions  
by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **June 21, 2023**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to [pdd.pho@phoenix.gov](mailto:pdd.pho@phoenix.gov) or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **May 31, 2023**.

#### **DISTRIBUTION**

Mayor's Office (Tony Montola), 11th Floor  
City Council (Stephanie Bracken), 11th Floor  
Aviation (Jordan D. Feld )  
CED (Michelle Pierson), 20th Floor  
Fire Prevention (Aaron Conway), 2nd Floor  
Light Rail (Joel Carrasco/Special TOD Only)  
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor  
Parks & Recreation (Natasha Hughes), 16th Floor  
Public Transit (Michael Pierce)  
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor  
Street Transportation - Ped. Safety Coordinator (Mailen Pankiewicz), 5th Floor  
Street Transportation - Floodplain Management (Kristina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor  
Water Services (Don Reynolds, Victor Romo), 8th Floor  
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor  
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor  
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor  
Planning Hearing Officer (Byron Easton, Chase Hales), 2nd Floor  
Village Planner (Anthony Grande, Central City Village)  
Village Planning Committee Chair (Nicholas Gonzales, Central City Village)



# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

## APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-23--Z-SP-2-19

Council District: 7

Request For: Stipulation Modification

**Reason for Request:** Modification of Stipulation 2 regarding a three-year review of the total beds in Area A. Modification of Stipulation 3 regarding temporary beds within Areas A and B for three years from approval. Modification of Stipulation 3.a regarding temporary beds within Area A after three years from approval. Review of the Special Permit by the Planning Hearing Officer per the requirements of Stipulation 17.

Owner	Applicant	Representative
Human Services Campus Inc., et al. 204 South 12th Avenue Phoenix AZ 85007 (602) 281-8628 amys@hsc-az.org	Andy Jochums, Beus Gilbert McGroder PLLC 701 North 44th Street Phoenix AZ 85008 (480) 429-3063 ajochums@beusgilbert.com	Paul Gilbert, Beus Gilbert McGroder PLLC 701 North 44th Street Phoenix AZ 85008 P: (480) 429-3002 F: (480) 429-3100 pgilbert@beusgilbert.com

**Property Location:** Southeast corner of 13th Avenue and Madison Street

Zoning Map: <u>F-8</u>	Quarter Section: <u>10-26</u>	APN: <u>112-06-091</u>	Acreage: <u>14.53</u>
Village: <u>Central City</u>			
Last Hearing: <u>CC HEARING</u>			
Previous Opposition: <u>Yes</u>			
Date of Original City Council Action: <u>02/03/2021 230 PM</u>			
Previous PHO Actions: _____			
Zoning Vested: <u>A-1 SP CMOD</u>			
Supplemental Map No.: _____			
Planning Staff: <u>081866</u>			

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$1,080.00	\$0.00	04/03/2023	23-0023858	Original Filing Fee
\$645.00	\$0.00	05/23/2023		Updated application increased number of requests from 1 to 4

Signature of Applicant:  ANDY JOCHUMS DATE: 5/23/23

### Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>06/21/2023 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	Appealed?: _____
Action: _____	Action: _____	Action: _____

May 19, 2023

## Planning Hearing Office Request

This PHO application is a request to modify Stipulation 17 of Special Permit Application Z-SP-2-19-7 as approved on February 3, 2021 and recorded with Ordinance G-6799 on March 1, 2021.

This stipulation requires that the Special Permit be reviewed after two years from the original approval. We are asking the City of Phoenix perform this review, and after such, delete the stipulation.

17. *The Special Permit shall be reviewed two years after City Council approval of the Special Permit. The review is for the entire 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 two-year review, additional reviews or stipulations may be added by the Planning Hearing Officer or City Council.*

Since the approval of Z-SP-2-19-7 on February 3, 2021 to permit the increase number of allowed shelter beds from 425 to 700, the Human Services Campus and its partner providers have continued to serve the needs of the growing number of unsheltered population in this area of downtown Phoenix. The Human Services Campus has demonstrated compliance with the required conditions of approval, and as we all know, there is a continued need for the services provided within the Human Services Campus, including providing shelter beds for those experiencing homelessness. As such, through this Planning Hearing Officer process, Stipulation 17 for the required two year review should occur and then be deleted without any additional stipulations imposed, allowing the Human Services Campus to carry on assisting our vulnerable population.

As a part of this required review after two years, there is an opportunity to address unintended inconsistencies in the conditions of approval as a result of the verbal motions made at the Planning Commission and City Council Hearings. We therefore request the following modifications to stipulations as part of this two year review:

## Stipulation 2

### Permanent Shelter Beds

Area A is permitted to have a total of 700 beds ~~with a three year review.~~

***Rationale:** The “three year review” would require another review a year from now, which is unnecessary. As originally recommended in the Staff Report, there was to be a review through the PHO process after one year, but no other specific time limits related to shelter beds. During the Planning Commission hearing, a three year time limit was added to this stipulation allowing the 700 beds for a maximum of 3 years. During the City Council hearing, the time limit was changed to provide a review after three years instead of a bed reduction, which conflicted with the change to (what became Stipulation 17), requiring a PHO review after two years. There is clearly a need for shelter beds and another review is not needed in a years’ time; therefore, with this two year review pursuant to Stipulations 17, this second review can be removed.*

## Stipulation 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.~~

***Rationale:** As was the case with “Permanent Shelter Beds” in Stipulation #2, for “Temporary Shelter Beds” there also was no time limit in the Staff Report recommendation for approval. The time limit was added at the Planning Commission Hearing in their recommendation. There is clearly a need for temporary shelter beds. We would ask this stipulation to be amended to remove the time limit and the automatic reduction of temporary shelter beds after three years. As proposed, the temporary beds are not guaranteed and allowed at the discretion of the Planning and Development Department Director. If there is no longer a need for the maximum 200 temporary shelter beds on the Human Services Campus property because there are other beds provided elsewhere, the number can be reduced.*

ORDINANCE G-6799

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-SP-2-19-7) FROM A-1 SP CMOD (LIGHT INDUSTRIAL DISTRICT, SPECIAL PERMIT, CAPITOL MALL OVERLAY DISTRICT), A-1 CMOD (LIGHT INDUSTRIAL DISTRICT, CAPITOL MALL OVERLAY DISTRICT), A-1 HP-L CMOD (LIGHT INDUSTRIAL DISTRICT, HISTORIC PRESERVATION LANDMARK, CAPITOL MALL OVERLAY DISTRICT) AND C-3 HP-L CMOD (GENERAL COMMERCIAL DISTRICT, HISTORIC PRESERVATION LANDMARK, CAPITOL MALL OVERLAY DISTRICT) TO A-1 SP CMOD (LIGHT INDUSTRIAL DISTRICT, SPECIAL PERMIT, CAPITOL MALL OVERLAY DISTRICT).

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as

follows:

SECTION 1. The zoning of a 14.53 acre site located at the southeast corner of 13th Avenue and Madison Street in a portion of Section 7, Township 1 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from 12.55 acres of "A-1 SP CMOD" (Light Industrial District, Special Permit, Capitol Mall Overlay District), 1.25 acres of "A-1 CMOD" (Light Industrial District, Capitol Mall Overlay District), 0.55-acres of "A-1 HP-L CMOD" (Light Industrial District, Historic Preservation Landmark, Capitol Mall Overlay District), and 0.18-acres of "C-3 HP-L

CMOD” (General Commercial, Historic Preservation Landmark, Capitol Mall Overlay District) to 14.53 acres of “A-1 SP CMOD” (Light Industrial District, Special Permit, Capitol Mall Overlay District) to allow a Special Permit for a homeless shelter, charitable dining hall and food service uses.

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit “B.”

SECTION 3. Due to the site’s specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

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 Andre 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.

**MOD**

**2.**

Permanent Shelter Beds

Area A is permitted to have a total of 700 beds with a three-year review.

- a. No low barrier shelter services (defined as servicing those individuals with prior sex offense convictions, 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 Central Arizona Shelter Services (“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 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.

- (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.

**MOD 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.

**MOD**

- 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.

4. 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. 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. 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 from 7th Avenue to 15th Avenue, between Madison Street to Harrison Street, and the areas from 11th Avenue to 12th Avenue, between Jefferson Street to Madison Street. This area will be cleaned a minimum of 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. At a minimum, all temporary shelter facilities with vacancies, shall be open and accepting temporary shelter clients until 11:00 p.m.
8. 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.
9. 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. 8.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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. If permitted, number of beds contracted to entities other than the City of Phoenix.
  - d. Meeting summaries as detailed above.
  - 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.

**REVIEW**

17. The Special Permit shall be reviewed two years after City Council approval of the Special Permit. The review is for the entire 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 two-year review, additional reviews or stipulations may be added by the Planning Hearing Officer or City Council.

18. 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.
19. 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.

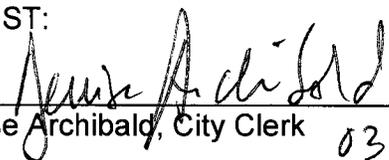
29. The Human Services Campus, within 60 days of approval of this Special Permit, will produce a written plan identifying how they will support efforts of the city's adopted strategies to address homelessness plan to regionalize efforts to combat homelessness and will provide a copy to the Planning and Development Department for review.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 3rd day of February, 2021.

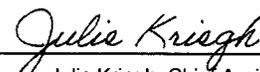
  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
Denise Archibald, City Clerk 03.01.2021



APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:   
\_\_\_\_\_  
Julie Kriegh, Chief Assistant City Attorney DRL

REVIEWED BY:

  
\_\_\_\_\_  
Ed Zuercher, City Manager

Exhibits:

- A – Legal Description (1 Page)
- B – Ordinance Location Map (1 Page)

PL:tml:LF20-2867:2-3-21:2240887V1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-SP-2-19-7

A PORTION OF SECTION 7, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 1

LOT 1, HUMAN SERVICES CAMPUS, ACCORDING TO THE PLAT THEREOF RECORDED ON APRIL 19, 2005, IN BOOK 742, PAGE 25 RECORDS OF MARICOPA COUNTY, ARIZONA

PARCEL 2

GRAY STREET AS SHOWN ON PLAT RECORDED IN BOOK 2 OF MAPS, PAGE 61, LYING SOUTH OF AND IMMEDIATELY ADJACENT TO LOT 31 OF SAID NEAHR'S ADDITION; EXCEPT THE SOUTH 25 FEET THEREOF; EXCEPT ANY PORTION LYING IN PLAT RECORDED IN BOOK 810 OF MAPS, PAGE 49 AND RECORDED IN BOOK 742 OF MAPS PAGE 25; EXCEPT ANY PORTION LYING IN 9<sup>TH</sup> AVENUE AS IT CURRENTLY EXISTS

PARCEL 3

LOT 1, ANDRE HOUSE OF ARIZONA, ACCORDING TO THE PLAT RECORDED IN BOOK 446, PAGE 45 RECORDS OF MARICOPA COUNTY, ARIZONA

PARCEL 4

LOTS TWENTY-NINE (29) AND THIRTY (30) AND THE EAST 8.68 FEET OF LOT TWENTY-EIGHT (28) IN THE SUBDIVISION OF LOTS ONE (1), TWO (2), THREE (3), FOUR (4), SIX (6), SEVEN (7) AND EIGHT (8), BLOCK THIRTY (30), NEAHR'S ADDITION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 2 OF MAPS, PAGE 28.

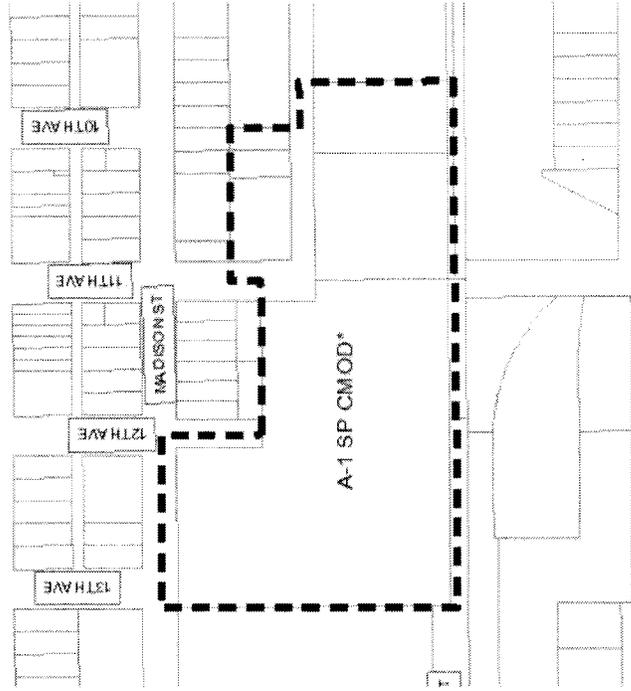
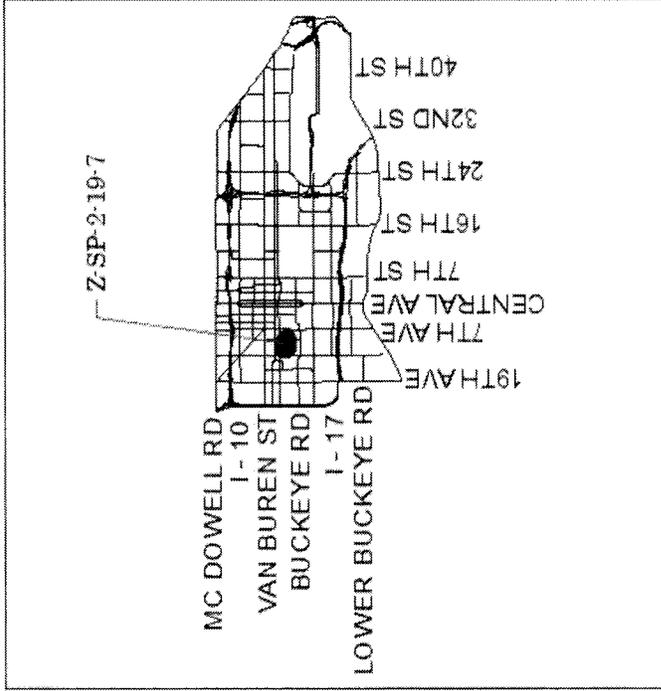
TOGETHER WITH THAT PORTION OF JACKSON STREET AS QUITCLAIMED BY CITY OF PHOENIX, BY INSTRUMENT RECORDED IN DOCKET 2787, PAGE 432, LYING BETWEEN THE EAST LINE OF LOT 30 PROLONGATED TO THE SOUTH AND WEST LINE OF EAST 8.68 FEET OF LOT 28 PROLONGATED TO THE SOUTH IN THE SUBDIVISION OF LOTS 1, 2, 3, 4, 6, 7 AND 8, BLOCK 30, NEAHR'S ADDITION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 2 OF MAPS, PAGE 28.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-SP-2-19-7  
Zoning Overlay: Capital Mall Overlay District  
Planning Village: Central City

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: - - - - -



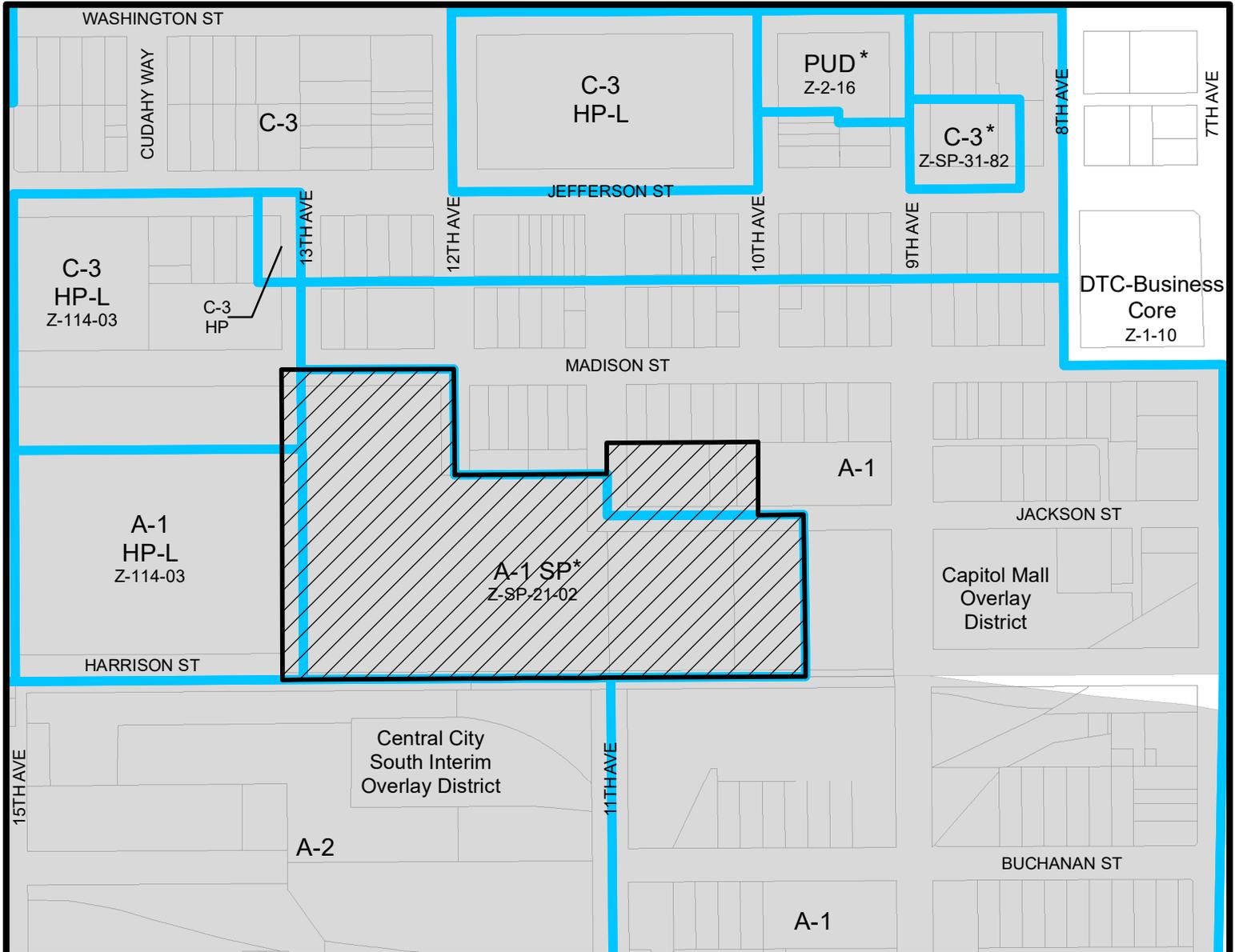
NOT TO SCALE



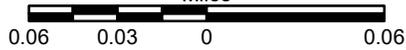
Drawn Date: 10/30/2020

\\onep\dd\Shared\Department Share Information Systems\PL GIS\IS\_Team\Core\_Functions\Zoning\_Support\Map\_Ord\Map\_Ord\Map\_Ord\12-200-Z-SP-2-19-7.mxd

Ordinance G-6799



Miles

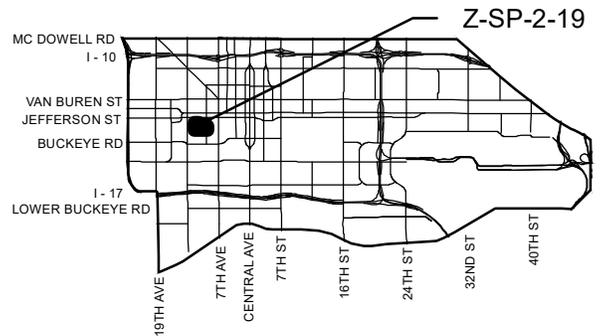


**CENTRAL CITY VILLAGE**

CITY COUNCIL DISTRICT: 7

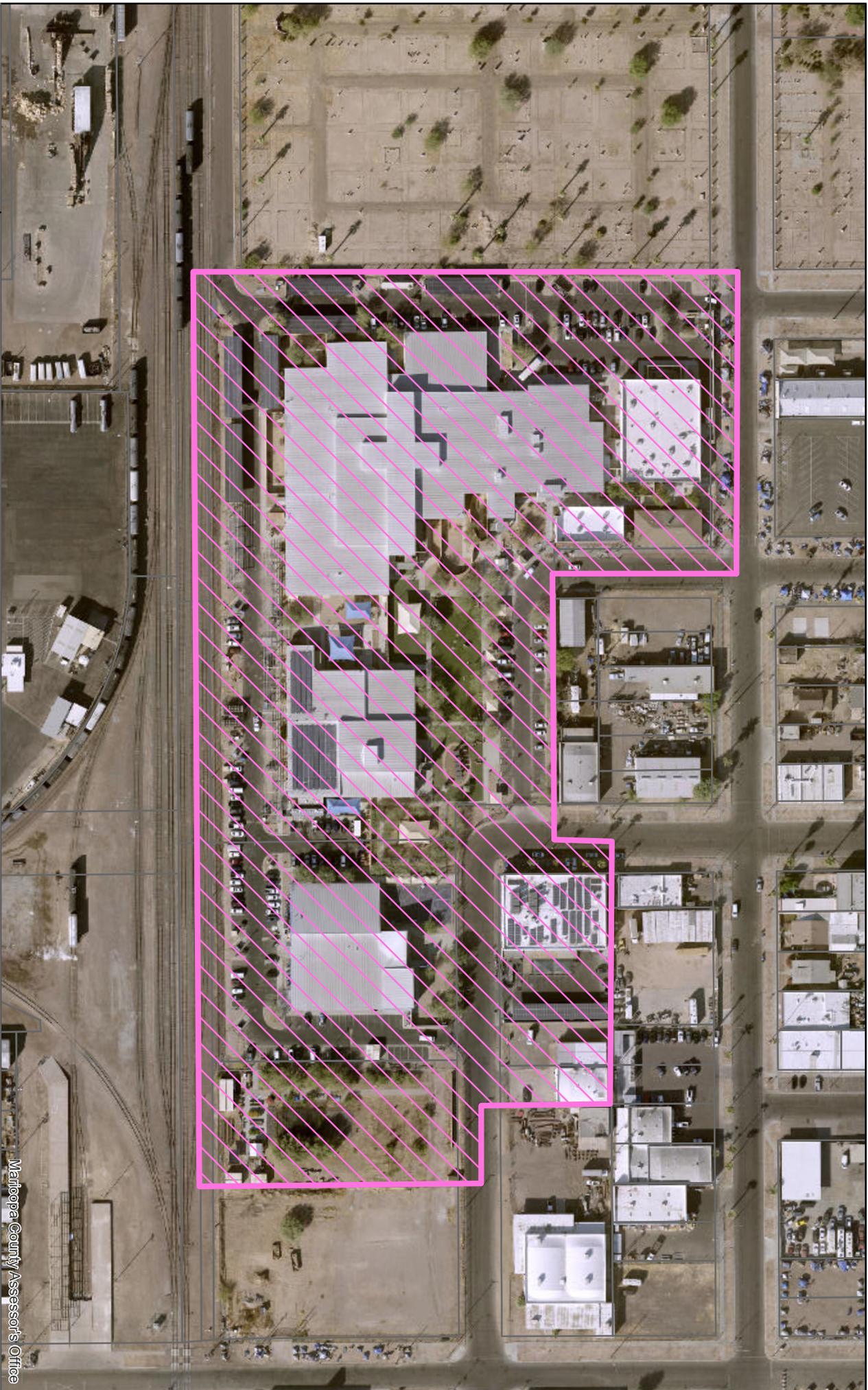


**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT



<b>APPLICANT'S NAME:</b> Andy Jochums, Beus Gilbert PLLC		<b>REQUESTED CHANGE:</b>					
<b>APPLICATION NO.</b> Z-SP-2-19	<b>DATE:</b> 3/20/2019 <small>REVISION DATES:</small>	<b>FROM:</b> C-3 HP-L CMOD ( 0.18 a.c.) A-1 HP-L CMOD ( 0.55 a.c.) A-1 SP CMOD ( 12.55 a.c.) A-1 CMOD ( 1.25 a.c.)					
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>14.53 Acres</b>	<table border="1"> <tr> <td>1/29/2020</td> <td>3/12/2020</td> <td>6/10/2020</td> </tr> <tr> <td colspan="2"> <small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small>  <b>QS 10-26</b> </td> <td> <small>ZONING MAP</small>  <b>F-8</b> </td> </tr> </table>			1/29/2020	3/12/2020	6/10/2020	<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> <b>QS 10-26</b>
1/29/2020	3/12/2020	6/10/2020					
<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> <b>QS 10-26</b>		<small>ZONING MAP</small> <b>F-8</b>					
<b>MULTIPLES PERMITTED</b> C-3 HP-L CMOD, A-1 HP-L CMOD, A-1 SP CMOD, A-1 CMOD A-1 SP CMOD		<b>* UNITS P.R.D. OPTION</b> 3, N/A, N/A, N/A N/A					

\* Maximum Units Allowed with P.R.D. Bonus



Maricopa County Assessor's Office

PHO-1-23--Z-SP-2-19-7

**Property Location: Southeast corner of 13th Avenue and Madison Street**

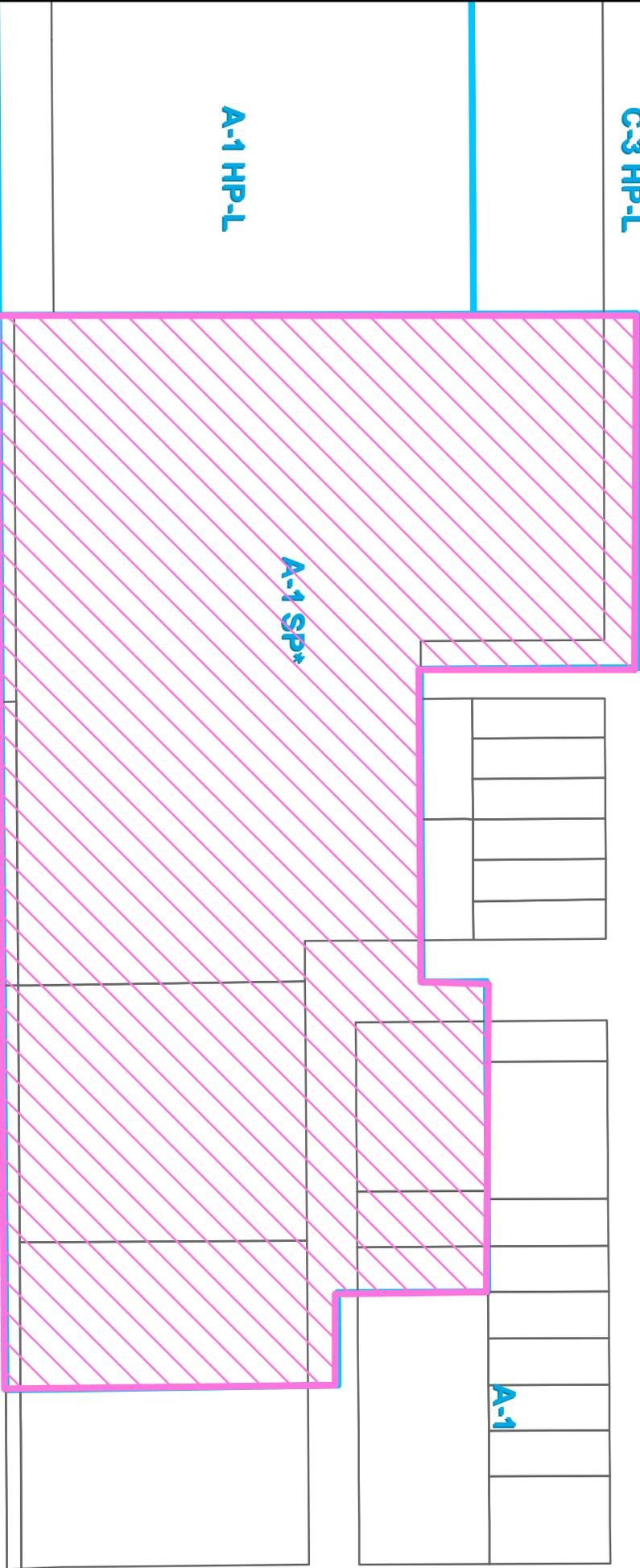


**Planning & Development Department**





C-3 HP-L

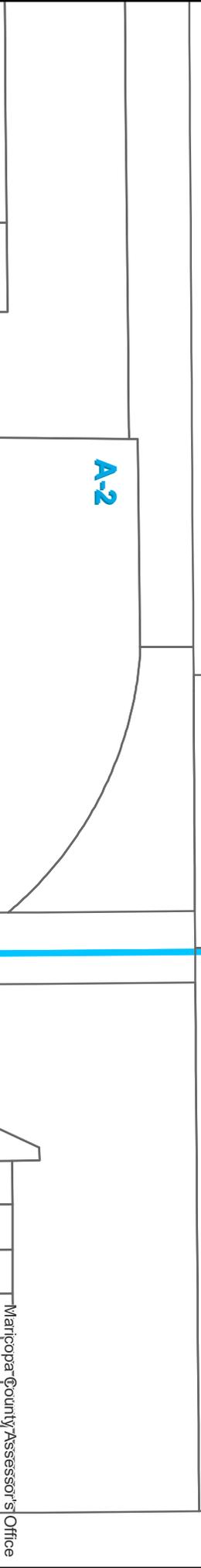


A-1 HP-L

A-1 Sp\*

A-1

A-2



Maricopa County Assessor's Office

PHO-1-23--Z-SP-2-19-7

Property Location: Southeast corner of 13th Avenue and Madison Street



City of Phoenix  
PLANNING AND DEVELOPMENT DEPARTMENT



# City Council Council Formal Meeting Results - February 3, 2021

ITEM 61	District 7	Public Hearing- Historic Preservation Conservation Easement Release for Arizona OIC - 62 15-39 E. Jackson St. ***ADDITIONAL INFORMATION (SEE ATTACHED MEMO)***	Item was approved per the Historic Preservation Commission recommendation and the Feb. 2, 2021 memo from the Planning and Development Director, with adoption of the related ordinance.
ITEM 62	District 7	Public Hearing - Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-2-19-7 - Southeast Corner of 13th Avenue and Madison Street (Ordinance G-6799)	Item was approved per the Jan. 7, 2021 Planning Commission and the Feb. 3, 2021 memo from the Planning and Development Director with modifications to stipulations and additional direction, with adoption of the related ordinance.
ITEM 63	District 7	Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 200534 - Various Segments generally located south of Jefferson Street and north of Harrison Street (railroad tracks) between 7th and 13th Avenues*** ADDITIONAL INFORMATION (SEE ATTACHED MEMO)*** (CONTINUED FROM DEC. 16, 2020)	Withdrawn

19. Application #: **Z-SP-2-19-7**  
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  
Location: Southeast corner of 13th Avenue and Madison  
Street  
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

*Conflict: Vice-Chairman Nico Howard recused himself from Item No. 19 due to a conflict of interest.*

Ms. Racelle Escolar stated that Item No. 19 is Z-SP-2-19-7, a request to rezone 14.53 acres located at the southeast corner of 13th Avenue and Madison Street from C-3 (General Commercial District) HP-L (Historic Preservation Landmark) CMOD (Capitol Mall Overlay District), A-1 (Light Industrial District) HP-L CMOD, A-1 with a SP CMOD, and A-1 CMOD. The requested zoning is to A-1 SP CMOD to modify the Special Permit area of the Human Services Campus to include the 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.

The Central City Village Planning Committee recommended approval, per the staff recommendation by a 6-3 vote.

Staff recommends approval, per the Central City Village Planning Committee recommendation.

Ms. Escolar referred to the map on the screen which displayed the requested special permit area. It includes the existing special permit area of the Human Services Campus, and the Andre House property. The applicant held several community meetings. There were two specific community meetings that the City participated in, both in November 2020. The exhibit showed the results of those meetings.

Ms. Escolar asked if there were any questions for staff.

Vice-Chairman Howard stated that he had a conflict on this item and would not be participating and would drop off the call. He left the meeting at 8:56 p.m.

Chairwoman Shank stated that there were several people wishing to speak on this item. She called on Councilman Nowakowski. She thanked him for presenting.

Councilman Nowakowski thanked the Commission for letting him speak and thanked the Commissioners for their service to the City. He stated that many people do not realize that the Planning Commission members are volunteers, and nights like this can be long and emotional. He appreciated their service and stated that this was a special case. It was a bigger issue than just a planning and zoning case. There are social impacts that this case cannot resolve through zoning. He stated that he believes that they need to keep up with the City of Phoenix's Homeless Strategic Plan that Mayor Kate Gallego developed. In that plan, they work together to encourage smaller specialized shelters throughout the region. With that said, he applauded the neighborhood for offering reasonable solutions that would give immediate relief to the people experiencing homelessness, but also the plan will require the City of Phoenix and his colleagues to work hard now in finding a permanent solution that will better serve needy and homeless people throughout the City of Phoenix, and at the same time not destroy communities. The sad reality is that the entire nation is working toward ending homelessness, and Phoenix is no different.

Councilman Nowakowski stated that research has shown that smaller specialized shelters are better equipped to provide tools that help someone escape homelessness. The type of shelter provided by the Health Services Campus (HSC) is valuable, but it is not the permanent solution; and any expansion is unacceptable and not going to resolve the problems as written in this application. It does not allow one single person off the street for nine months. This will not work. The City needs to do better. We need to look into the future and find a better tool and resources to help those in poverty. We need to protect our neighborhoods in the process. He stated that this neighborhood was promised 425 beds 30 years ago. The same neighborhood falls within the Capital Mall Overlay which calls for a reduction in homeless shelters. This neighborhood has been asking for help for many years. He believes that every neighborhood deserves to thrive and enjoy a healthy and safe environment, yet that is not what is happening today. They have suffered for a long time. Approving this application would more than double the burden for this neighborhood. These residents and businesses deserve to operate in safety and feel free to let their children run around in the park. He stated that they need to act in a way that provides real results for all stakeholders. He believes that the compromise offered by the surrounding neighborhood is a great start. He encouraged them all to think clearly about the long-term solution rather than just having a band-aided approach in this problem. He thanked the Planning Commission for giving them the extra time to work with the 10 neighborhoods and with the Campus and Paul Gilbert to try to find a solution. He felt very proud about the neighborhood saying that we need a solution for the homeless in that area, and they are offering more beds.

Chairwoman Shank called on Mr. Paul Gilbert, the applicant

Commissioner Gaynor asked if he could speak to the Councilman.

Chairwoman Shank stated, yes.

Commissioner Gaynor asked Councilman Nowakowski a question. He stated that they have gone over this case and met with so many people on both sides of the case. It really has opened his eyes to what a solution can be and what the real problem is. He wanted to know what Councilman Nowakowski meant when he stated that no one is going to be helped under the current plan, for nine months. He stated that the letters he has received from leaders in this community are asking and saying, 'We need this now and we need to get these people off the street today'. And then he makes the comment that not a single person will be helped within the next nine months. He asked for an explanation.

Councilman Nowakowski stated that earlier in the week they met with Mr. Paul Gilbert, and one of the things they found out was that the Andre House operates a wonderful soup kitchen where they actually help people out and give out meals, but they are not equipped to have bedding once this is approved. It is going to take a while, at least nine months or so for them to go through the process of getting the plans reviewed by the City to build. So, the community said that Central Arizona Shelter Services (CASS) has the capability of having 700 beds. That is where they are leaning towards, but it is going to take a while for them to put up to 700 beds in CASS. He stated that they were dumbfounded by that. They are not talking about once this is approved, bodies can be moved in. That was surprising to him. They took tours of different facilities, like Rescue Mission, UMOM, Salvation Army, and all these facilities had a great plan. They were talking to CASS on Monday saying what a great opportunity for them to look at all those best practices and try to do something like that where all these facilities blend into the neighborhood and they actually accept the homeless. They have a 90 to 120-day program where they go through rehab; workforce development; they find them a job; they have counseling; and then they find them an apartment to live, which is a true path out of homelessness. That was what they were hoping for here. They did not want to just feed and house people, instead surround them with services and resources.

Commissioner Gaynor asked Councilman Nowakowski if he agreed with getting people off the street now.

Councilman Nowakowski stated absolutely, and he thinks that the community has agreed to 700 beds. Forty years ago, they only agreed to a maximum of 75 beds. They see that there is a need, but they want to make sure that the program is actually going to take people off the streets permanently and help them in a permanent way, not just a band-aid approach where they give them something to eat and a bed to sleep, and then back out on the street.

Commissioner Gaynor stated that every time they spoke to someone this past week, something new would come up. They were told that if this case was approved, people would be off the street. Now he was hearing that they do not get off the street, so he wanted to know what the alternative is.

Commissioner Montalvo asked for more clarification on the smaller shelters.

Councilman Nowakowski explained that the Mayor, Kate Gallego, gathered her staff and individuals that deal with homelessness, and they came up with a regional approach, creating smaller and specialized shelters for individual groups such as for veterans or families with children. He gave a few examples. He stated that the idea was for services and resources to surround these individuals creating a way out of homelessness. That is what the Phoenix Plan is all about.

Chairwoman Shank stated that there were many people wishing to speak and many who donated their time to people in support and opposition. She allotted 44 minutes to the support and the opposition. She gave Mr. Gilbert eight minutes, Ms. Schwabenlender eight minutes, two minutes to Jonathan Koppell, and one minute each to the other 24 people in support. Opposition would receive two minutes per person, and there would be four minutes for rebuttal. She called on Mr. Paul Gilbert.

Mr. Gilbert he had a procedural question. He stated that they had over 60 people who wanted to speak. They also had a whole cadre of 100s of supporters on this hearing, but there were certain speakers that they needed to have speak. He wanted to make sure they were included. Some of them were going to receive time donations from others. He wanted to know how that was going to be handled.

Chairwoman Shank responded confirming who was on the speaker list.

Mr. Gilbert stated the order in which he wanted people to speak: Mr. Gilbert, Amy Schwabenlender, Jonathan Koppel, Jeremy Helfgot, Michael Langley, Grace D'Antuono, Alexandra Lesnik, Greg Heiland, Margaret Ventura, Yvonne Harrison, Ken Swenson, and Sergio Simon.

Commissioner Gaynor asked Chairwoman Shank if these people were registered speakers.

Chairwoman Shank clarified that they were already registered to speak. Mr. Gilbert was just requesting the order of the speakers. She stated that each side would get 44 minutes. She would give the opposition side two minutes per person.

Mr. Gilbert stated that he had a presentation. He stated that there is a real need for these additional beds. He could spend his whole presentation just addressing that. There are 3,767 people experiencing homelessness at an increase of 18 percent over last year. Currently, CASS is turning away people. They only have 525 beds

and over 500 people every night. Once turned away, these individuals must return to the street. They have no place else to go. Nothing demonstrates the need for beds more persuasively and dramatically as Maricopa County turning the pair of asphalt parking lots into the area's newest homeless shelter. They gave each person a 12-foot by 12-foot space on a concrete slab. The need is now, and the need is torrent.

Mr. Gilbert displayed a photograph of the campus. They were given a special permit in 2003, and it had two stipulations. They had to agree to the site plan, and deal with archeology. Since that time there are 16 independent, non-profit government organizations. He stated that they were there with a strong recommendation of approval from the staff. Unfortunately, due to the time constraints, the staff did not take them through the report. They have recommended approval and an entire series of stipulations that provide the very protection for the neighborhood that Councilman Nowakowski articulated to. He asked where those stipulations came from. He stated that they were over one year in the making, and the Historic Preservation Office, the Street Transportation Department, Public Works Department, Human Services Department, Neighborhood Services Department, and the Police Department, all have reviewed and contributed to these stipulations. Although they are onerous and difficult, the Human Services Campus (HSC) has agreed to abide by every one of those stipulations. Importantly, one of the major contributors to those stipulations was the Neighborhood Services Department. Nobody knows the problems of the neighborhood more directly or effectively than them.

Mr. Gilbert stated that the Staff Report made four important findings. 1) they say that we are consistent with the Capital Mall Overlay District, contrary to what Councilman Nowakowski stated, they are there with a letter of support saying they are in conformance with what the Capital Mall wants for this area. To report otherwise is erroneous and inaccurate. Also, as the staff found in Finding No. 3, the request will include the safety and cleanliness of the area. He stated that he did not have time to go through the stipulations; however, he pointed to Stipulation No. 6. Stipulation No. 6 requires that the HSC will be responsible for cleaning the public property. He asked the Commission members to look at what that involved. The HSC is approximately 13 acres and the staff has recommended that they have a daily cleaning plan to clean not only their area every day, but approximately 10 acres for a total of 22 acres, with nearly 10 acres of public space. He stated that you do not have anything like that under the stipulations now. If this case is not approved, that cleaning will not take place.

Mr. Gilbert asked them to skip to Stipulation No. 14. He stated that it is a long stipulation. Basically, it requires that the Campus create a community organization made up of campus partners. He stated that they are giving the neighbors a voice and the opportunity to participate in their program, and they are required to do that by stipulation.

Mr. Gilbert stated that Stipulation No. 16 was very important, and they requested that the City impose this stipulation on them. It says that after one year of development, they come back for an oversight before the City Council and report to the City Council on whether they are honoring the stipulations. Those stipulations are magnificently congruent and provide the protections for the neighborhood.

Mr. Gilbert wanted to clarify that they are not asking for a 1,000-bed shelter. They are basically asking for 700 beds for CASS, 100 beds for Andre House, and then, up to 200 beds on an emergency basis that would be located in the Saint Vincent DePaul building. Interestingly, 30 percent of the homeless deaths are caused by heat. They want the ability when it is too hot outside or too cold to house people. But that will only be on a seasonal basis. Otherwise, they would only be having 800 beds. The common perception is that additional beds will attract new homelessness to the area. This is false. This is not the movie filled with dreams where 'if you build it, they will come'. They are already there. He has already given them the statistics of homelessness in the area. Obviously, 425 beds cannot take care of them. Those that they turn away, where do they go? They do not leave the area, and that is what the neighbors are complaining about. They want to put more people into the shelter so that they can take them off the streets.

Chairwoman Shank asked Mr. Gilbert to start wrapping up his presentation. She suggested that Ms. Schwabenlender might be able to donate a couple minutes of her time to him.

Mr. Gilbert asked Ms. Schwabenlender for two minutes and she agreed. He displayed the support signatures map on the next exhibit. He stated that there is also a common misperception that there is no support from the surrounding properties. They have taken the petition signatures in support, by zip code, and there are 1,325 people who live in the area and are in support. That was also indicated by the plethora of letters the Planning Commission received from the neighborhood in support of this case. He stated that was the situation. They have a need for more beds. They are turning thousands of people away now. People are dying now, and the irony is they have the ability to house them, maybe not all, but the majority of them. The CASS building has a Certificate of Occupancy for 700 beds, so they have the space to house these people who are crying out for shelter.

Chairwoman Shank asked if there were any questions for Mr. Gilbert.

Commissioner Gaynor stated yes. He asked Mr. Gilbert to explain one of his exhibits.

Mr. Gilbert stated that his point was that the beds are needed now. From 2005 until October 2018, the County allowed overflow sheltering and camping of around 500 individuals in buildings and parking lots adjacent to the Campus. Then, in 2018, the City forced the County to discontinue that. So, these people were there. They were

already participating. So, to say they were attracting people was not accurate, they were there.

Commissioner Gaynor stated that the Andre House was asking for a minimum of 100 beds, and the exhibit stated 100 beds. He asked for clarification as to whether it was a minimum or maximum 100 beds.

Mr. Gilbert stated 100 beds was for Andre House. They were asking for 700 beds for CASS. In addition, they were asking for 200 beds only on a seasonal basis when the temperatures are excessive.

Commissioner Gorraiz stated that he understood what Commissioner Gaynor was saying. The Commissioners were confused as to whether Mr. Gilbert was talking about a proposal for a minimum or maximum of 100 beds at Andre House. He wanted clarification, because there was a big difference.

Mr. Gilbert clarified that they were only proposing 100 beds at Andre House. The stipulation worded by the staff says 'a minimum' of 100. The 100 beds were the maximum. That is all that will be there at the Andre House.

Commissioner Gorraiz stated that there was some discussion about how long it would take the Andre House to actually do the construction necessary to house those beds. He wanted to know how long that would take.

Mr. Gilbert stated that it would take them less than one year to do the construction for those beds. Incidentally, because he ran out of time, the Andre House does not run shelters. So, they have hired Community Bridges, which is a well-respected and well-known company that specializes in this, and they have been retained to run the shelter for Andre House.

Commissioner Gorraiz responded that that was not his understanding. He asked how recently that happened that they will actually be the provider. He agreed with Mr. Gilbert that they do not do shelters, so they need someone with the background.

Mr. Gilbert stated that Andre House has a contract with Community Bridges. They have been interviewing several shelter operators for the past few months.

Commissioner Mangum asked if Mr. Gilbert could elaborate more on the population that the Andre House will house. She asked if it would be different than the population at CASS.

Mr. Gilbert responded that they envisioned Andre House to be a low barrier shelter; however, a low barrier shelter has a plethora of misunderstandings and mischaracterizations. The Stipulation No. 2a. requires them to have the low barrier house. That does not mean that they are bringing in sex offenders or drug users.

As the name implies, low barrier shelter is one that lowers barriers. The goal is to reduce as many of the barriers that causes someone who is homeless to not seek a shelter bed. It has nothing to do with the rules, qualifications, or the responsibilities that follow once they are in the shelter. He gave a couple of examples. Certified service animals are often not allowed in regular shelters. They are permitted in a low barrier shelter. If someone has an excessive number of belongings, there is not room for them in a conventional shelter. The low barrier allows them to bring their belongings in. If someone has a mental health problem and cannot handle the structure of a traditional shelter, then they are allowed to occupy this shelter. These types of people are known as service resistant. Those are the ones that the Andre House, admirably wants to help. It is the service resistant people who were camping in places the neighborhood does not want. This is what the Andre House would be doing, and that is what is meant by a low barrier shelter.

Commissioner Mangum asked Mr. Gilbert to elaborate more on what happens during the day with the low barrier people who are being housed here, and how that is going to impact the neighborhood around it. There are elementary kids walking to school, neighbors are trying to sit out in their yard. She wanted to know what happens to the lower barrier people during the day.

Mr. Gilbert stated that in the proposed low barrier shelter, these people will remain on campus and be receiving help and treatment.

Commissioner Mangum asked if it was possible to assure the community that they are going to have a safe area for their families, if the low barrier population is going to be housed at the Andre House during the day.

Mr. Gilbert stated yes. He was very comfortable making that assurance. These people will be screened and carefully worked with, and they will remain on-campus during the entire day while they work with whatever challenges they face.

Commissioner Gorraiz asked if people with weapons could be housed at the low barrier shelter, or if sex-offenders would qualify under the low barrier to stay there.

Mr. Gilbert stated that no one with a weapon is allowed in the low barrier shelter or any other of their shelters. Currently, under the requirements imposed upon them by the City, sex-offenders are not permitted in the facilities.

Commissioner Gorraiz asked if in the future the low barrier shelters would allow sex-offenders.

Mr. Gilbert responded by saying no, they would not be permitted to attend the low barrier shelter.

Commissioner Gorraiz asked if Mr. Gilbert was suggesting that Andre House will become a campus.

Mr. Gilbert asked Ms. Amy Schwabenlender to answer that question.

Ms. Schwabenlender stated that the Andre House shelter would house people 24/7. Anyone who has a bed at that shelter could stay all day long. They would be allowed to access the other services available on the campus, and if they wanted to, they could just spend the entire day in the Andre House shelter.

Commissioner Johnson encouraged the commissioners to move forward.

Chairwoman Shank agreed.

Chairwoman Shank called on Ms. Amy Schwabenlender to speak next.

Ms. Amy Schwabenlender, the Executive Director of the Human Services Campus (HSC), stated that they filed their application on January 30, 2019, and they would have loved to have been sheltering people over the last two years. They were delighted to be before the Commission to speak. She stated that the Human Services Campus opened in 2005 and was owned by Maricopa County and governed by an LLC until October of 2017. For 10 years during that time period, there was an overflow shelter for 260 men, and uses of the parking lot for 250 people per night to be conveniently forgotten. The 500 people were left to sleep there for that many years. When the government said that this had to close in 2015, overflow spaces were phased out over the time period to October 2018 and that was when the number of unsheltered people in their neighborhood increased. There were never another 500 unsheltered people when those 500 folks were in a building or in the parking lot. They know that shelter works.

Ms. Schwabenlender stated that the HSC is client-centric, data driven, and collaborative in building collective impact. Over the last fiscal year, the HSC saw over 5,800 unduplicated individuals at the Campus. They worked collectively with 16 different partner organizations with more than 20 different programs, and they connected 2,480 people with permanent housing in the last fiscal year. This was all done with the Housing First philosophy, a Harvard Action Service Model that is pervasive across Maricopa County. She stated we connect with people, we problem-solve, we support nearly 10 percent of people who come to the Campus, returning to family and friends, a diversion from homeless services. She stated that 83 percent of those people remain reconnected to their families and do not return to homelessness.

Ms. Schwabenlender stated that there is another significant percentage of people that resolve their own homelessness, leaving their services quickly and never returning. The HSC has housing matched weekly case conferencing and manage an average of 3,000 people, people waiting for housing. Unfortunately, it takes an

average of 120 days for someone on the list to move into housing, because they have low vacancy rate and a lack of affordable units, as well as insufficient funding for supportive housing and services in our community. Some have raised an ethnicity perspective, African American and Black people are disproportionate, 31 percent of the people HSC serves on the campus compared to six percent in the general population in Maricopa County. This demographic is reflected in the unsheltered population in a COVID safe outdoor space in the parking lot at 9th Avenue and Jefferson Street. This is where over 200 people are living; 62 percent of those people report having a disability. They are all focused on regional solutions at the same time. They have 20 additional access points of single adults across Maricopa County. Last year they served 4,000 people at the first access point, who never came to the Human Services Campus in their time experiencing homelessness. All of their campus providers provide services at other locations.

Ms. Schwabenlender stated that for the last one and a half years, they have been doing a street clean-up two days per week with Andre House, a volunteer cleaning program which is not included in the proposed stipulation from the City. Client volunteers received a lot of incentive for their service. At the beginning of October 2020, the HSC hired a cleaning company to do daily street cleaning, seven days per week within 25 feet of the entire property line.

Ms. Schwabenlender stated that homelessness is complex. There are multiple systems that are intertwined. The systems also work on changes and improvements separately; for example, corrections are separate from providing housing, and separate from providing healthcare. While housing sense is important to deciding, often judgement is based on behavior. Yet, we label people as homeless and want to believe that there is one solution to ending homelessness. At the Campus, they are wholistic and the 'we' is 16 organizations working together every day. Approximately 240 people work on the campus, being flexible and adaptable to find everyone a permanent home. Each organization has its own budget. Most are non-profits; a few are governmental partners. The non-profits do fund-raising across a variety of resources. Due to time constraints, she would not go over budget, but would answer any questions later.

Ms. Schwabenlender stated that they are the response when 911 is not the answer and when police, fire, or hospitals are not appropriate or not available. They do not give up on individuals or systems. The campus is more than a shelter. The people they serve are much more than individuals experiencing homelessness. One of her staff who was formerly homeless, reminded her to see people for their humanness, not their homelessness. The HSC is a launching pad to get people on track for housing.

Ms. Schwabenlender asked the Planning Commission for their recommendation of their request to increase CASS to 700-beds, and to add 100 beds at Andre House, allowing them to shelter 800 people per night. She stated that these additions will not happen overnight, as was just discussed. It will take time, and a City stipulation

asks that Andre House open first. They are happy to work on CASS and open CASS beds for Andre House, and to revisit that stipulation from the City. What else needs to happen at CASS is to add restrooms and showers for the additional low number of shelter clients, and to do renovations that would include adding those places for people to actually sleep in. The community needs to be adaptive. No community has homelessness under control, and there is no evidence-based best practice for shelter size programming. There is no research that proves size of shelter determines the best housing outcome. She would present their housing outcomes to any partners locally or nationally and beg to differ that they are not successful.

Ms. Schwabenlender stated that the longer we wait to shelter more people, the more people we lose. Tonight, when the temperature drops, there will be some 3,700 people sleeping unsheltered in Maricopa County. They propose to shelter a few hundred more of them. They are a small part of the solution, not the whole solution. To those approximately 300 people though, they are the possibility for safety and survival.

Chairwoman Shank called on Jonathan Koppell to speak.

Mr. Jonathan Koppell stated that he is President of the Human Services Campus, Board of Directors. They are a group of non-profit organizations petitioning the Planning Commission, representing the City of Phoenix, for permission to address a human crisis, people experiencing homelessness around the country which is manifesting itself in downtown Phoenix like every other town in the United States of America. It affects the people who are homeless, and it affects the individuals who live in neighborhoods where people are allowed, as a matter of de facto public policy, to live unsheltered. He stated that they would hear from people who are concerned about this proposal, stating that they are experiencing negative effects on their neighborhood. They agree and are proposing a remediation to that problem by providing shelter to the people whose outdoor living imposes a hardship on those neighbors. Three years ago, 500 of those people were sheltered with them; now, they are not. They were asking for their license to go back to the status quo extensions, which was more humane and less of an impact on their neighbor. They are eager to help them have a better situation. He stated that they have proposed a group of stipulations. In addition to the stipulations, they are prepared to agree with the vast majority of those stipulations. He had one important point to make. The Planning Commission was not voting on a comprehensive homelessness plan where only their proposal is the sole component. It is one piece of a solution. They would be the first to say that that they would still hear reasonable plans, they would still need additional shelters, and that what they were doing tonight would help them address a problem in our downtown, but would not address the larger problem, and they would need the regional solution that Councilman Nowakowski spoke of, and Maricopa County would need to do more to address this issue. He asked the Planning Commission to please allow them to do something to address the human suffering of those

impacted. They are not a public nuisance, creating something that is a problem. They are the only party in any of these conversations actually proposing to increase shelter. Without shelter, the individuals who are experiencing homelessness will not find themselves on a pathway to permanent housing. That, research does support. He would appreciate their vote.

Chairwoman Shank called on Jeremy Helfgot, to speak in support.

Mr. Jeremy Helfgot stated that Barbara Schwartz had donated her time to him. He stated that he is in his ninth year of service on the City of Phoenix, Human Relations Commission, which was what brought him to the meeting to speak. He reminded the Planning Commission that in November the Human Relations Commission heard a presentation on this issue, under the concern that at the advisory board for the Mayor and Council, regarding issues of diversity and concern for equity and equality, they know that the homeless population of the City is disproportionately made up of individuals identified in Chapter 18 of City Code, as protected classes, based on race, sexual orientation, disability status and so forth. They know that this is a life-or-death issue. In the nearly two years that this matter has languished in city process, more than 800 people have died. He stated that we have a responsibility as city leadership to address this immediately. He wanted to say to those who would say that this is a band-aid solution, he was an Emergency Medical Technician (EMT) many years ago. When there is someone bleeding in the field, you do not do surgery. You put a bandage on the bleed and stabilize them until they can get the critical care they need. The City of Phoenix is bleeding out on this issue, and a bandage is exactly what we need right now, as the City tries to address it on a larger scale. Mr. Helfgot urged each Commission member to unanimously support this request and recommend it to the City Council for approval.

Chairwoman Shank called on Ms. Alexandra Lesnik to speak in support.

Ms. Alexandra Lesnik stated that she has grown to know and love many people who have died on the street. Her friend Mark died in a tent on 9th Avenue, where she found his lifeless body and called for help, but it was too late. Her friend Gilbert died just around the corner from there, only two months after one of his friends died in his tent. Her friend Jose died in front of the HSC where he lived in a tent on the sidewalk. He was filled with joy and humor and was 23 years old. Her friend John slowly became sicker and sicker, and she watched him decline in front of her eyes when no one would provide him with medical care, no matter how many times he reached out, because his symptoms were misconstrued as simply the normal state of someone living on the street. By the time that someone paid attention, it was too late, and he died in the hospital. She stated that we cannot bring these men back; we can honor their lives by doing our best to ensure that others are not dying on the same streets as they did. She asked, 'How many lives must be lost before action is taken?' Ms. Lesnik stated that she looked forward to a regional solution for homelessness one day. That is far more than nine months down the

road. She asked the Planning Commission to support this request for Mark, Gilbert, Jose, John and the countless other people who have died on the streets, and the countless other people who can be saved.

Chairwoman Shank called on Mr. Michael Langley to speak in support.

Mr. Michael Langley stated that we are in the middle of a pandemic, and a lot of experts from the University of Arizona, School of Law, as well as the National Low-Income Housing Coalition have said that as many as 6.7 million people are set to be evicted because of this pandemic. A lot of that happens because our State also has a bad habit of criminalizing poverty, as well. He has sat on the Central City Village Planning Committee and was actually the one that made the motion that they approve the recommendation, based on the City's professional staff, as well as 300 plus comments in support of this item, and the 16 stipulations on top of it. He urged the members of the Commission to approve this matter. He stated that we do not want to abdicate our responsibility as fellow citizens.

Chairwoman Shank called on Ms. Grace D'Antuono to speak in support.

Ms. Grace D'Antuono stated that she has volunteered at the Andre House in the past and would be reading letters of guests. She read the following letters:

- "I Nathan Porter believe that it is in the best interest of the homeless community to open a new shelter. It will help alleviate the dreadful, unfortunate drain on resources that are creating budget problems. This is important to me, because I witnessed too many people fall prey to bodily and mindful harm and decline on the street."
- "My name is Myron, and I have been staying outside for many years. I hope you approve this shelter. I have not had one good night's sleep in too long. Shelters have a safe place where we won't be bothered."
- "My name is Nayel and I sleep on the street. I have been homeless since May 1st, and my experience has not been the best, simply because of a lack of shelter beds. There are so many people who are struggling with mental illness and substance abuse, and people treat us like we are invisible."
- "My name is Reynold Aruja. I have been homeless for eight years. I sleep on the street. I believe more shelter space will be good to have available. The streets are not safe most nights. I drink or get high to make it through the night. If I had a safe place to get some good rest, it would be a blessing for me. I really pray you will approve this for us."

Chairwoman Shank called on Mr. Greg Heiland to speak in support.

Mr. Greg Heiland stated that he has direct experience with the homeless. They have supported the Andre House for many years. His son has served in the Andre House. Homelessness is our challenge. These are our people in our community. He stated, "I just about came unbuckled when I heard the Councilman refer to these people as bodies. They are not bodies." He stated that there are 800 reasons why we need to act on this. He has direct experience, his wife has sponsored adopt-a-family, which is a lot of homeless people in Sunnyslope. Based on his experience over the last 20 years, he stated that a lot of these people do not tend to move around. They tend to stay in their area. He repeated that there are 800 reasons why we should approve this request, which breaks down to 15 reasons per week, or 2 reasons per day. That is one reason every 12 hours. He stated that nobody wants a shelter in their backyard, but he is the guy that is saying, let's put a shelter in my backyard. It certainly could not be any worse. Most of these people do not want to be there, and we just need to be compassionate. He was hoping that the city leaders would do the right thing. It has gone on too long. This is not going to be the total solution, but it certainly is going to move us in the right direction. He thinks Phoenix can do better on this. He stated, "let's not talk about what might happen, let's talk about what we can do today".

Chairwoman Shank called on Ms. Margaret McChesney to speak in support.

Ms. Margaret McChesney stated that she is a Phoenix downtown resident and an active community member. She is a 3rd generation Arizonan and was born and raised in Phoenix 70 years ago. She has been actively involved with Phoenix's homeless population since the early 1980s, working with St. Vincent de Paul, Andre House, Medical Mission of Mercy, and First Church UCC. She stated that she strongly encouraged the Phoenix Planning Commission to approve the addition of desperately needed shelter beds to the Human Services Campus. There is no doubt by anyone familiar with this social issue that a comprehensive, regional metropolitan plan needs to be formalized and implemented. Equally important, it must also be acknowledged that we have been discussing such a plan for decades. The need today has reached critical mass. The proposal presented is not intended as an end all to solving the homeless problem. But it should really be considered a launching point for further evolution of the existing plan. She was asking the Planning Commission to please approve the immediate and urgent request, especially given the oncoming, winter cold months and the ever-escalating COVID pandemic.

Chairwoman Shank called on Ms. Yvonne Harrison to speak in support.

Ms. Yvonne Harrison stated that for the past four years she has served as a lay leader at First Church United of Christ, which is downtown on 2nd Street and Willetta Street. She was speaking in favor of the special permit. She stated that we are encountering an ever-increasing number of people experiencing homelessness. One only needs to look at the intersections and freeway accesses to see that more and more people are living on the margins. People over the age of

55 are becoming homeless for the first time, because they cannot keep up with rising housing costs in the metro area. In fact, 40 percent, of the people that died in the first nine months of 2020 were 55 years or older. Fifteen people were 75 to 85 years old, an 88-year-old man, and a 95-year-old woman were among those who were deceased. She stated that this is not how a just society treats its citizens. We know the need is great. We can no longer wait. The perfect is the enemy of the good. The stipulation about providing additional access to restrooms is key. These restrooms will be available to people who are not in shelter, which will be so important. Very few public restrooms were available in our metro area prior to the pandemic, and the closing has affected that more. She asked how long one could wait to use the restroom.

Chairwoman Shank called on Mr. Ken Swenson to speak in support.

Mr. Swenson stated that he supported adding shelter beds to the HSC. He has worked and operated in this area for the past 20 years. He has seen the very difficult conditions that people experiencing homelessness have to deal with, such as sleeping on the pavement, or a piece of cardboard, packing any earthly belongings in a garbage bag, and carrying it with them. Many of those experiencing homelessness do not have the mental or physical abilities to change their life. These are our brothers and sisters, and they deserve our help, as we would help our own family members. He stated that it was our time to act, enough delays, no more back and forth rhetoric. He has witnessed this himself for the last several months. The Central City Village Planning Committee approved this request back in October 2020, with a 6 to 3 vote in favor of adding these shelter beds. This case has received unanimous support from the Phoenix Commission on Human Relations. There have been numerous meetings with all interested parties, addressing concerns and issues and many stipulations were agreed to that will improve the neighborhood. They stated that it was time to approve this request. He asked them to do the right and just thing.

Chairwoman Shank called on Mr. Sergio Simon to speak in support.

Mr. Sergio Simon stated that he is a Fire Fighter. He has had first-hand experiences running emergency calls on people experiencing homelessness, almost every day. He wishes there were more resources available, and more services provided to end homelessness. Many times, their options as first responders are limited on where they can take people or how they can help them in a nonemergency role. However, our inadequate infrastructure puts a greater burden on our first responders and the call volume, and the communities, as a whole. This is a healthcare issue; this is a human rights issue. It should not be made into a scarcity issue. Often times, it becomes a life and death situation. He stated that he supports adding beds to the HSC. He specifically chose to live in the Oakland District, because he thought this was a community that does not shy away from the homelessness crisis. He supports addressing the City's homelessness head on. The only way that can be done is by working directly with the community

that serves them, specifically the HSC and Andre House. The people that serve there have dedicated their time and energy in providing thoughtful, livable spaces for people to exist and receive basic human rights.

Chairwoman Shank thanked Mr. Simon for his service to the community. She called on Ms. Penny Alle, to speak in support.

Ms. Penny Alle stated that she is the Chief Public Policy Officer for Valley of the Sun United Way. She stated that Valley of the Sun United Way has served the Maricopa County area for 95 years. They currently fund a number of housing and homelessness providers and services and invest about three million dollars to organizations across Maricopa County, including the HSC. These partnerships and investments help to move the approximate 7,400 individuals experiencing homelessness into safe housing and shelters with supportive services. They recognize that homelessness is a regional problem that includes the County, City, State, MAG, and providers, all working together. An initial meeting was scheduled by Governor Ducey to address homelessness earlier this year, then COVID hit and the convenings were put on hold. Months later, in November of 2020, the group began coming together to address the regional undertaking. Meanwhile, through COVID, the hottest summer on record, the current cold winter, thousands of individuals, including children are experiencing homelessness. Neighborhoods around the Campus are being overwhelmed due to there being no place for the overflow of these individuals to go. Since the permit was requested, over 800 unsheltered individuals have died. If this happened in another community, state or country, we would be appalled. It is time to take a vote; it is time to recommend a change to the zoning to allow for more beds, not just for the benefit of the homeless, but for the benefit of the neighborhood and their safety, their sense of community, the local businesses. Maintaining the current situation helps no one. Making this change will improve the situation for all and gives the stakeholders across the Valley a chance to work on an affordable solution together. She thanked the Commission for the opportunity to share their point of view on this very important and lifesaving topic.

Chairwoman Shank called on Ms. April McCue to speak in support. She was not available to speak. She called on Mr. Kharli Mandeville, however, she was not available either. She called on Ms. Rebecca Denis.

Ms. Rebecca Denis stated that for many years she lived in the Woodland Historic District and worked in the Oakland District, as well. She stated that she is very familiar with what it looks like to live and work in an area where the unsheltered folks are prevalent. She was not speaking as an expert. She was speaking as a concerned citizen. They have already waited two years for this. She believes that if they have to wait nine more months for beds that are guaranteed, then that is better than the two years they have waited just to have this Commission be able to vote on the proposal. She would not let her dog sleep outside in this cooler weather the Valley is experiencing, nor would she leave him to the elements in our

extreme heat, yet we are exposing our unsheltered neighbors to those conditions. This is about human dignity and respecting and valuing all the people that live within our cities. She understood that this is a comprehensive undertaking that has a lot of layers to it, and she would love for our County, City, and State to do the things that Councilman Nowakowski mentioned in terms of long-term solutions that will ultimately get people out of homelessness, but the reality is that we are in the middle of a pandemic. We are in the middle of one of our hottest summers ever. People are dying and in need of resources. She was just at a drive to give to the homeless people. She had multiple people stop in that moment asking what they were doing that past weekend, and that they knew people that were experiencing homelessness. Evictions are still happening. Unless there is something in the future from the State that is going to stop people from being pushed out of their homes, then this is going to continue to rise. She hoped that the Planning Commission would make the right decision, and that they realize that empathy and human rights are more important than logistic inconveniences. The reality is that our homeless population need these beds and they deserve them.

Chairwoman Shank called on Ms. Leah Terry to speak in support.

Ms. Leah Terry stated that Councilman Nowakowski likes to talk about regional problems. If we build a shelter in another regional area, in addition to the shelter these people need a shower, they need a place to get free clothing and a meal. Where they have that right now is the Andre House. They have all the services on the campus, and all the people are already getting the services there. She has worked heavily downtown in that area. They are already receiving services and are already there. If they were worried about more people roaming around someone else's neighborhood, they were already there. This is only going to fix the issue. If they wanted to talk about housing people, getting their case covered by services on the campus, having these additional permitted beds will help them have a place to sleep at night and then continue to work on their case. It will only improve. She urged them to make the right decision. This is about empathy, about people. These people will die, and their decision is inextricably connected to that.

Chairwoman Shank called on Ms. Julia Blois to speak in support.

Ms. Julia Blois stated that she was expressing her support for the addition of shelter beds in her neighborhood. When she looks at the zone and at their neighbors who sleep in tents and on sidewalks, it stirs something up in her. She has to believe that we are capable of being a better community than this. This zoning case gives us the opportunity to make a choice about what kind of community we want to be. No one is suggesting that this is the final solution for homelessness in Phoenix. But this is a great first step in the right direction for people who are already here, and most importantly a step away from burying hundreds of Phoenix residents in mass graves in the Phoenix desert. She was not saying anything new or exaggerated. That is what happens when we do not shelter

people. Shelter works, and the experts are ready to serve our community. That gives her hope.

Chairwoman Shank called on Ms. Jessica Berg to speak in support.

Ms. Jessica Berg thanked the Commission members for listening with such care and consideration for this very challenging case. She has been with St. Vincent DePaul for five years, and she was with Maricopa County when the HSC opened in 2005. She is well-acquainted with the zone. She remembers when the streets were clean, and she wanted to get back to that. She agreed with their neighbors that the situation is untenable. She supports adding more shelter beds, as that can help solve this problem. They talked about the old overflow shelter, and she remembers the time when police would find people defecating in alleys and would say to them that they could not be there but could go down the street to the overflow shelter. Since the shelter closed in 2018, the neighborhood has gotten worse, and worse and worse. The streets are a disgrace, and the neighbors are rightfully frustrated. The issue is not that the HSC is not doing its job. They provide services for up to 1,000 people every day, yet they do not have permission to give them all a shelter bed. They are on the street and this is a public health crisis for them and everyone in the neighborhood. She asked the Planning Commission to please let them bring people inside the buildings to sleep and use real toilets in the middle of the night. They can decrease the impact on the neighborhood, save lives and end homelessness for even more individuals.

Chairwoman Shank called on Ms. Rebecca Taylor to speak in support. She was not available. She called on Fr. Dan Ponisciak.

Fr. Dan Ponisciak. stated that he is a Catholic Priest and Executive Director of Andre House. He lives in the Oakland neighborhood. He stated that he is in support of adding shelter beds and simply wanted to provide a brief rationale for why they chose to partner with Community Bridges as their shelter operator. Andre House is not in the business of sheltering people. They are in the business of serving food and providing emergency services. Community Bridges (CBI) is very good at sheltering people and providing services to the most vulnerable in our community. CBI shares their belief that human dignity is paramount and starting with the human person is critical in helping end their homelessness. CBI sees people how they do, through love and compassion. They see people for who they are. They love them and try to help them end their homelessness.

Chairwoman Shank called on Mr. Steve Zabilski to speak in support.

Mr. Steve Zabilski stated that he is CEO of St. Vincent DePaul and a Phoenix resident. He stated that driving around downtown, past the tents, we would all agree that it is devastating. I wanted to reiterate, that regional solutions are needed. They are essential. St. Vincent de Paul and their partners are working throughout the Valley and the State to provide localized assistance for those who

need it, bring services to where they are most needed. That is why they support this request to add shelter beds. If there were more beds, our streets would be cleaner, our community would be safer. If there were more beds, we could do a better job of helping people to end their homelessness, to actually end it. He concluded by asking, could we please allow the men and the women who are living in squaller on our streets to come inside out of the cold/heat while we all work together on regional solutions to best resolve this humanitarian crisis.

Chairwoman Shank called on Mr. Jason Odhner to speak in support.

Mr. Jason Odhner stated that he lives a few blocks from the HSC and owns three other homes in this neighborhood. He lives there with his wife and 10-month-old son who he takes for walks, often at night. He feels safe in this neighborhood. He was calling to support, in the strongest possible terms, an expansion of the shelter beds available. It is frustrating to him to hear the outgoing City Council member continuously and disingenuously claim that he is speaking on behalf of the residents of this district, when he knows that many of the residents of this district strongly support the expansion of shelter beds. They have told him that again and again. Almost all his neighbors support this, because they remember when the overflow shelter existed. To be clear, he stated that the overflow shelter was abysmal and what is being planned will be much better than that was, but it was something. When the overflow shelter closed, the situation got worse and more complicated. They saw more of their neighbors sleeping in alleys, they had more issues with people having nowhere to defecate other than in the alleys. The solution to that is bathrooms and beds. He really wished that the outgoing City Council member would stop pretending that he was speaking for him and his neighbors, when they told him again, again and again, that they support this request.

Chairwoman Shank called on Ms. Brandi Ryan-Cabot to speak in support.

Ms. Brandi Ryan-Cabot stated that she supports adding shelter beds at the Human Services Campus. Last year she participated in the point-in-time, homeless count and spoke with people who were desperate for a bed but could not access beds due to filled capacity at shelters. Stipulation No. 2 offered by the HSC, includes one hundred beds, designated as low barrier. They have talked about this Andre House change. So, some of the people that she saw with pets, might actually be able to obtain shelter, which would get them off the street.

Ms. Cabot stressed that any additional beds opened up on the campus, mean less people in neighborhoods. Denying beds at the HSC just means that people will not have a place to sleep inside. People will not leave neighborhoods just because the HSC does not have an open bed. Stipulation No. 4 provides more trash bins and better access to people to dispose of trash in the right way. This means less trash in the streets and on private property. Stipulation No. 5 requires two toilet facilities that are ADA compliant. There is no getting around having available bathrooms to

get the correct outlet to desperate people who use public areas. She stated that she had more to say but was running out of time. She thanked the Planning Commission for listening.

Chairwoman Shank called on Mr. Don Ioli to speak in support.

Mr. Don Ioli stated that he is in support of adding more shelter beds to the Human Services Campus. He appreciated all the comments he had heard. He did not have anything new to add other than saying that he worked at the overflow shelter for years; it is no longer in existence. He cannot help but think that more beds would also reduce the problem for the neighborhood. One thing that has bothered him while paying attention to these meetings is that a lot of people have vilified homeless people. While there is an element, there are many, many good people who find themselves in very extreme conditions that are without shelter. They deserve a bed, and we need to do something about it. He really hoped that the Commission would vote in favor. He thanked them for their time.

Chairwoman Shank called on Mr. Douglas Newton to speak in support. Mr. Newton was not present. She stated that she would call on the opposition speakers. She called on Ms. Angela Ojile and gave her four minutes to speak.

Ms. Angela Ojile stated that she is the Chair of Madison Pioneers Coalition. She was told they would have equal time, so they did not have a presenter. She asked where they were on time.

Chairwoman Shank stated that the opposition would receive 44 minutes to speak. Four minutes would be given to Ms. Angela Ojile, Mr. Michael Rodgers, Ms. Katherine Roxlo, and Mr. Ian Francis. Three minutes would be given to Ms. Twanna Brunson, Ms. Caroline Lobo, and Mr. Bill Marlan, and two minutes for all other speakers.

She asked Ms. Ojile to start her presentation. Ms. Ojile stated that she is the Chair of Madison Pioneers Coalition and Common Sense Coalition, which is a group of neighborhood leaders throughout the Valley. She stated that the neighborhood and the surrounding neighborhoods which are minority, lower income have not been able to speak up for themselves. In previous times, when there were 200 or so people, they wanted to fight it, but they really did not get to, and then it was pushed to 450. If the Commission members could see what was going on in their neighborhood they would see how daunting this is for these people living and trying to work down here. She stated that the City of Phoenix and the Planning Commission are responsible to provide safety and health to their neighborhood. She asked them to be concerned about the adverse effects of the Human Services Campus on the surrounding community, which is farther reaching than anyone wants to admit. It is the cause of great and costly blight, crime, drug activity, trash, and health issues. The HSC has a long-standing history of being a bad neighbor.

Because of these issues, if this were being considered seriously, this would be a good reason just to reject the application in a case that would come before them.

Ms. Ojile stated that Andre House is not equipped to run a shelter. They have got no real plan. They heard that they talked to Phoenix Rescue Mission, who declined. This was the first that they heard they have a deal with Andre House. They have not seen any contracts to show what that would even look like. The more they have spoken to the HSC, the more it appears that they do not even have a real plan. Ms. Ojile stated that they have pointed them to Phoenix Rescue Mission, who when things do not work they redo the work. Their neighborhoods end up loving them. They look at things that are not working and they make it work. This is not happening for them in their neighborhood. She stated that the neighborhoods do not count. The flowery vocabulary and verbiage does not change anything. She stated that the HSC is trying to lull Commission members into believing that they can be good neighbors, yet they have not been, and they are not going to be. The HSC has no response to things that they do not want to address. When the neighborhood goes to Phoenix Rescue Mission, everything is answered, it is clear and transparent. That is not happening for them with the HSC. For two years, the neighborhood was not even involved in this process. The HSC just does not want to take responsibility for anything. She believes there is a better way help the neighborhood. They are already paying taxes to clean up the mess, well over 100,000 dollars per year for the Streets Department and that does not even include ambulances, police, fire, lost revenue, and vacancies down there. They have made stipulations and they are willing to give in. In fact, they have given in a lot. They are willing to go to 700 beds. She asked, if the HSC cannot be real about what has to be done to also safeguard the neighborhood, how are they ever going to get anywhere.

Ms. Ojile stated that they have met several times and the neighbors are really willing to work with them, but it is not coming back that way. She stated that there is a way that this can be done right, they have seen it at Phoenix Rescue Mission, UMOM, and Native American Services. The HSC states that they are not a prison, however, people that she has talked to on the streets say that it seems like that there. She thinks that they are referring to a closed campus for Phoenix Rescue Mission, but she has heard nothing but good things about them. Even people that she has talked to still have really good things to say about Phoenix Rescue Mission. Ms. Ojile stated that she wants the HSC to be a good neighbor. The neighborhood residents feel like they are the poster child for the way Zoning, City of Phoenix, and Maricopa County are going to treat neighborhoods, and all the neighborhoods are watching. They have 20 neighborhoods with Common Sense Coalition, and they are all waiting to see how they are going to be treated, because that will be them, next.

Commissioner Gaynor asked how long Ms. Ojile has lived in the neighborhood.

Ms. Ojile stated she has had a small residence down there for eight years, which she has not been able to turn into anything. Occasionally, she has had a few people living there.

Chairwoman Shank called on Mr. Michael Rodgers.

Mr. Michael Rodgers stated that he is Chairman of the Papago Vista Neighborhood Association and a member of the Common Sense Coalition. He has been involved with the issues of homelessness and helping people get off the street for many, many years. He lives in East Phoenix and supports the City Council's Homeless Initiative's Mandate to create smaller shelters throughout the City and in other cities of the Valley, specialized shelters that offer services, and do not negatively impact the neighborhood. He stated that had been brought up many times, however, he thought it was an important point. He and his fellow neighborhood leaders in East Phoenix are watching this very closely, because they know it is coming their way at some point. They do support shelters in other neighborhoods, so they do know it is coming their way, but they want to know exactly how the City plans to deal with them in due time. In the month plus that the City has given them a chance to work with Mr. Paul Gilbert and the HSC administrators, he has seen some things that he could hardly believe. There is an absolute and complete disconnect between the HSC and the reality of what is happening in the neighborhood, and it is clearly a direct result of the broken service model they are using to address those experiencing homelessness. It is deeply troubling to him. They say things like, 'We didn't cause homelessness, we can't solve homelessness'. They were not suggesting either of those things are true. He stated that it was an exercise in total futility to try and address the reality that the neighborhood experiences every day, with a group who have collectively checked out and continued to deny any and all responsibility for the devastation of the neighborhood where they operate. This became clear to him over the last month. The negative impact that the HSC is having is not automatic. He stated that he lives just north of UMOM and the Salvation Army campus. They do not negatively impact their neighborhood, they provide awesome services, and are excellent neighbors. Any stipulation that they propose that would have a dramatically positive effect on the issues at hand was flatly rejected by the HSC. Then they heard them posturing as if the minor stipulations that they agreed to somehow show a willingness to cooperate. He stated that it is absolutely appalling and insulting to him and the neighborhood. Expanding this campus capacity goes directly against the City's Homeless Initiative, it is diametrically opposed to and undermines the mandate for smaller specialized shelters spread throughout the Valley that do not negatively impact the neighborhoods.

Mr. Rodgers stated that they have to understand and accept that the HSC clearly violates the standard and has for many, many years. Excessive gathering of those experiencing homelessness on the streets surrounding the campus are not there because there is no room at the inn, that is a falsehood. A great deal of the people gathered there are there for drug sales, drug use, and sex trafficking, not to

mention the ability to camp without being trespassed. There is little to no accountability. Expanding the bed capacity to being the largest homeless shelter in the country will only increase this presence, not decrease it. In closing, he stated that in the aftermath of the half-hearted and bad faith attempt to reach an agreement with the HSC, he was adamantly opposed to the approval of this special permit.

Commissioner Gaynor asked Mr. Rodgers if people were camping around any of the other shelters, such as Salvation Army and UMOM.

Mr. Rodgers stated no, not that he saw. He is down there because his health clinic is down there, and he receives medical treatment on Van Buren Street at a clinic. He is there regularly. They do have a homeless presence in their neighborhood and that is where he has been involved in the last few years, with his community action officer, business owners, and residents in the area, to assist with that effort. But, no he does not see anything down there. In fact, he stated that they organize their neighborhood association as organized clothing drives and have assisted them with Christmas programs and other things at UMOM. They consider them to be good neighbors.

Commissioner Gaynor stated that he heard Mr. Rodgers, quite outspoken about the campus. He asked him to name an important difference he could share with the Commission that differentiated the HSC from the organizations that he works with.

Mr. Rodgers stated that the organizations in his area have a plan. He quoted Jonathan, the president of the HSC who he met with earlier in the week. He said, "We do not have a business plan. We do not have a plan. We are a non-profit, we do not have to have a plan." Mr. Rodgers stated that he tried to press him on his words but got absolutely nowhere. He thinks that these other agencies have a plan. From the moment the client hits the front door, they have a plan for them. They are a closed campus, the client enters the program, they may come and go if they have a job or an interview. This is a program where they deal with people on a daily basis. They do not just give them a place to sleep and some food for eight hours, and then the other 16 hours of the day turn them loose in the neighborhood. That simply does not happen down here, he stated.

Commissioner Johnson stated to Mr. Rodgers that by doing nothing and denying this case, people would still be camping outside, messes would still be made. He asked him if he understood that this was their opportunity to hopefully find some common ground with the applicant, to be able to put teeth into cleaning and regulations that will hopefully benefit the neighborhood, but also give them the ability to house people. He asked if Mr. Rodgers was at least in agreement with them on that point.

Mr. Rodgers stated yes. He understood that. That is why they entered into good faith talks with the HSC and the administrators over the last month. He stated that

he shared the Planning Commissioner's hopes. He was hoping that the stipulations that would dramatically improve what is happening in the neighborhood would be considered and adopted by the HSC administrators, but all they hit was a brick wall. He stated that Mr. Gilbert went down the list and stated, 'No, we are not going to do this, no, we are not going to do this, oh, yes, we will let the City do this, but no, that one no, no we are not going to do that'. It was just an exercise in frustration. He guaranteed that if the Commissioners listening to his voice right now were a fly on the wall in the Zoom meeting they had on Monday with HSC and Mr. Gilbert, that they would kick this thing out the door so fast it would make their heads spin. He was absolutely appalled. He was shaking inside sitting there, having lived through this last month dealing with this, and then coming to this meeting trying to be civil and showing a bit of wisdom on how to solve this problem. He stated that they had the same hopes.

Chairwoman Shank called on Katherine Roxlo to speak.

Ms. Katherine Roxlo stated that she does not live near the HSC, but she felt it was her responsibility to speak up against this permit. She asked the Planning Commission to please deny this special permit. Denial would be in the best interest of the City, persons experiencing homelessness, and the many neighbors and neighborhoods that are negatively affected by the current HSC facility. To begin with, she stated that the permit would not protect the neighborhood's health and safety from the effects of the HSC being located there, at basic health ordinance levels, something every neighborhood has a right to. The HSC has been in full control of the campus since 2017 and neighborhood conditions have gotten worse. They do not require clients to stay on campus. So, if expanded, twice the number of people will linger in the streets. Contrary to Mr. Gilbert, the permit opposes the Capital Mall Overlay goal, the City's promise for 35 years to this community to reduce shelter spaces in this area. The Overlay District goal is to reduce shelter spaces in the area. This permit increases it. The permit application is in direct opposition to all City values. It does not celebrate the diversity of the neighborhood. It unfairly concentrates people experiencing homelessness and substance abuse problems. It does not create vibrant streets. It creates unsafe streets. It is not sustainable. It hurts the local economy. The permit application is in direct opposition to the new City homelessness plan, that calls for smaller, regionally located, specialized support facilities. The HSC stated that they need more beds now, but the permit stipulates the first new beds to be put in Andre House, and Andre House stated that it will take nine months for them to design, construct, and start sheltering the first additional person. The Madison Pioneers Coalition (MPC) proposed stipulations that would allow beds immediately at CASS. It is unrealistic to think that by more than doubling the number of beds in the area, that the neighborhood conditions will improve. The HSC has poorly managed the current size. They cannot be expected to manage a larger campus, better. Madison Pioneers Coalition asked them to make it a closed campus to keep people on campus the way Phoenix Rescue Mission does. They say they do not want to do that. Many other groups manage campuses in Phoenix that are humane, clean,

and safe. This campus is not and should not be condoned or expanded. The current draft stipulations are a recipe for disaster. Stipulation No. 2 that states that there would be an increase from 425 to 1,000 beds within the permit area is more than doubling of the burden on the local community. Many of the HSC clients spend their days outside near the facility, socializing in public streets. Doubling this will not make the neighborhood cleaner or safer. Experience shows this. Madison Pioneers Coalition generously offered to agree to an expansion of 700 beds, but the HSC turned this down. Stipulation No. 2 a. and b. states, 'Addition of low barrier shelter beds is an additional burden on the neighborhood. It is inconsistent with the City homelessness plan again, to regionally disperse different needs. It clearly will not help those seeking employment, and abstinence from drugs if they meet low barrier residents in the streets around the HSC who according to the permit will be allowed to sell and use drugs on the street, but not inside the facility. This is dangerous. Many consider CASS a low barrier shelter, but they want to go lower. As an example, the permit says that Andre House will allow shelter without showing identification. This means that they will allow sex-offenders and other criminals to shelter there. This restriction was placed at the campus after neighborhood women and children were raped and killed by people seeking shelter there. Contrary to what Mr. Gilbert says, these people will not be required to stay on campus. They can participate in programs, but they will not be required to. That is the low barrier portion. They will be allowed to stay on campus or go off campus. They will not be screened carefully, as Mr. Gilbert says. That is the point, Andre House will be a low barrier campus, without screening. Andre House will allow shelter without program requirements, like abstinence from alcohol or drugs, except within the facility. Simply that means they can do it outside. To conclude, she stated that Section 504.1 of the City of Phoenix Special Permits Ordinance states that a special permit may be revoked by the City Council upon finding that the manner of conducting the business is a safety hazard or is in any way detrimental to persons residing or working in the vicinity or the neighborhood, or to the public welfare. Factors listed here include, but are not limited to odor, noise, smoke, traffic congestion, breeches of public peace, and order causing or contributing to the decline in property value. She stated that all these safety factors exist. She urged the City Planning Commission to recommend revocation of the current HSC Special Use Permit.

Chairwoman Shank thanked the speaker and asked if members had any questions. There were none. She called on Mr. Ian Francis.

Mr. Ian Francis stated that he lives downtown. He used to live there full-time, but now just part-time. He works and runs several businesses. He is part of the Madison Pioneers Coalition and has been working with multiple neighborhood groups over the past year and one half, along with the HSC on this topic. During the last several months, their conversations have gotten really specific. They have also had a lot more neighborhood organizations get involved once the transparency started to appear on what is really happening in this area, and what the HCS and Andre House are really trying to do.

Mr. Francis stated that they have been working with Councilman Nowakowski, many neighborhood groups, and the City staff to draft their own stipulations on what they believe and thought, based on a year and a half of experience, things that needed to be added into these stipulations to keep this area safe and help everybody involved, not just the business owners and residents, but also the people that are dealing with homelessness. The HSC has made no changes to their original stipulations thus far. They do not feel like they can constantly be doing this. Instead of spending the last year and a half on this permit, he would rather have spent the last year and a half on finding solutions, and they actually have. He stated that he would read part of their main stipulations. The neighborhoods came together and agreed that they are willing to work with the HSC and allow the following:

- Allow CASS to have the capacity of 700 beds inside their current facility for a nonrenewable three-year period. Three years is so that there can be more programs that fall in line with the City of Phoenix Homeless Plan.
- Not create any low barrier shelters in the Capital Mall area. The reason for this is that the low barrier shelters have since day one been their main concern. They are most concerned about the people that are creating the crimes, the drugs and sexual offenses.
- Institute a closed campus model, similar to what works and what has proven to work at the Phoenix Rescue Mission and other shelters.
- Remove the Andre House from the zoning application.

Mr. Francis stated that the HSC did not agree to any of these. In fact, when they had a meeting on Monday January 4, 2021, they got extremely frustrated with the HSC. He told them that their model is broken. It is not working. They cannot handle the people they have currently. Mr. Jonathan Koppell stated that they have no working model to handle the people they currently have. They self-admitted not having a working model at the HSC or the Andre House. The Andre House is a self-proclaimed soup kitchen and does not have the medical expertise or operational expertise to manage people with substance abuse and severe mental disabilities. And as of Monday, they had no operator. In three days, they pulled an operator out of their hat. That was news to him.

Mr. Francis stated that they have done a lot of studying and research over the past year and a half, and they have discovered that it is extremely dangerous to have a low barrier shelter facility directly adjacent to a facility where people go and expect to feel safe from harm and drugs, and violence, and change their lives. This is not only irresponsible of the HSC and the Andre House to ask for this, but also reckless to human lives in general. He stated that they were trying to work with HSC, and they did not agree to some of their most important stipulations. Based on

the lack of any current working model, and the gross neglect and failure to manage the residents that they currently have, they request the Planning Commission deny the HSC and Andre House Special application in its entirety.

Commissioner Gaynor stated that if they came up with some kind of a solution tonight, he asked if Mr. Francis would be supportive of a solution that allows for some of these people to immediately get off the street and have some shelter.

Mr. Francis responded saying absolutely, he would be in support of it. In fact, one of their stipulations that they presented to the HSC, Stipulation No. 28, which says they would give the HSC 30 days to house as many people as they could to get up to that 700 occupancy, off the street. The plan that they gave them was to have 700 people off of the street within 30 days, and they could move directly into the CASS shelter, which currently has the space to do so.

Commissioner Gaynor stated thank you for clarifying. He stated that he sees the Councilman was trying to work with an entire community that were not brought into the discussion and are adjacent or within this area. He asked Mr. Francis if the work that has been done recently regarding outreach to his community there and surrounding the campus has been sufficient.

Mr. Francis responded that originally when he approached the HSC over a year ago, he asked Ms. Amy Schwabenlender directly for those stipulations, and they refused to give him those stipulations. It was months later that he had to go through back channels with the City of Phoenix and to actually make those stipulations public, which basically started all this conversation. He thinks that the HSC was trying to make this fly under the radar. He thinks they wanted to get it done without neighborhood input. And he thought that the fact that recently Councilman Nowakowski has brought together all of the neighborhood associations that have begun to work together on this, it has been a massive change in the last couple of months for the better, as far as communication. He stated that honestly, he thought that the HSC is going to do what they want. They do not want any accountability from anybody. They feel that they can run things the way they want to without any input, and that is the way they have felt so far and how they have handled it.

Commissioner Gaynor stated that his question was really related to getting him and his community involved. He appreciated his response.

Chairwoman Shank called on Twanna Brunson next.

Ms. Twanna Brunson, Village Planning Committee member, stated that Commissioner Mangum asked earlier if the HSC could guarantee the safety of the people in the neighborhood and the response was yes. Ms. Brunson stated that was not true. They can come and go as they please. At the meeting, the HSC refused to answer a question that Mr. Francis asked them. Madison Pioneers

Coalition continuously presented resolutions to them and ultimately the HSC's response was that their goal was to serve the homeless not the surrounding community. She stated that there is no good faith here. She understands that they are concerned about the homeless, but they also need to care about the people in the surrounding area who are experiencing people defecating on their property and feel unsafe to walk the neighborhood, afraid to take their children to the park. She heard a testimony of a woman who said that a gentleman was killed trying to protect her from a homeless man in that area. The HSC has made it absolutely clear that they do not care about the impact that they have on that neighborhood. All they are asking is for the Planning Commission to have them consider a different location. The neighborhood has been bearing this burden for quite some time and it needs to be spread out. She respectfully appealed to the Planning Commission to please oppose this request. They care about the homeless too. The HSC cannot solve this problem. The impact on the community has been devastating, as well.

Chairwoman Shank thanked Ms. Brunson for her service on the Village and called on Caroline Lobo.

Ms. Caroline Lobo stated that she is a practicing architect, a resident, and business owner in Sunnyslope, and the Chair of the Hatcher Urban Businesses, member of several non-profit organizations in Phoenix, including the Common Sense Coalition. She stated that she was speaking on behalf of her neighborhood members as well as a member of the Business Alliance. She is watching this particular expansion item very closely, because what they decide here will set the tone and the standards for neighborhoods such as theirs in Sunnyslope and the rest of Phoenix. The Zoning Ordinances sets the tone for health and vitality of any area. Zoning provides standards and regulations of how our land and structures are developed. They in Sunnyslope have had their fair share of issues from drugs to transients, loitering, to persons experiencing homelessness. Several of their neighborhoods are working really hard to provide opportunities to those who would like to have a better life but somehow have never seen the light of day. While they are not talking about Sunnyslope under this particular agenda item, she finds so many commonalities between homelessness issues in downtown Phoenix and Sunnyslope. The dining hall on 10th Avenue and Hatcher Road, while a great resource for those in need, which she does support, has become a major issue for surrounding residents and businesses. Sunnyslope predominantly is known as a low-income area. They have had their fair share of services in their neighborhood and have faced the unintentional consequences of locating several charities, service organizations, all congregated in one area, the unintentional consequences of loitering, theft, defecation, all of which have been mentioned before, have affected the fabric of their community. For the last 18 years, she has seen these conditions only get worse, every day. This is where people like her and other neighborhood leaders have turned into activists and have said enough. This is not equitable. They embrace their fellow human beings in need, but they also embrace their fellow community members who are working hard, sometimes 16 hours per

day to make life better for themselves and their children. Kids in their neighborhood notice when they have not been treated fairly. They notice when they live in deplorable conditions. This is a vicious cycle, and it has to stop somewhere. Businesses notice when they have spent extra dollars putting up fences around their property. They will spend more for just basic clean-up. She is a small business owner and understands wages well when she has to spend extra dollars that are not planned for and hurt her bottom line. Several homeowner associations in town have CC & Rs to protect their own communities. She stated that many in the audience have such communities and take pride in it. This pride should be a right for all, and not just a few. She stated that we need to put equity at the top of the list. She urged the Planning Commission to look at a wholistic solution and not a one-sided one.

Chairwoman Shank asked if there were any questions. There were none. She called on Mr. Bill Morlan.

Mr. Bill Morlan stated that he has a family-owned business which has been in the Capital Mall area since 1952. They have been at their current location since the early 1970s and he has been coming down to this area since 1985 for work, so he has some experience related to the neighborhood. He has many people who work with him and have been employed in this area longer than he has. They all have told him that they have never felt as nervous, scared and uncomfortable in this neighborhood as they do recently. Things are different than they have been, and things were not good before. He asked them to please vote against this application. He wanted to make it clear to the Planning Commission that every single person who is speaking against this application is in favor of additional housing for homeless people, in the City, County and the State. They all want people off the street. That was the reason that they came up with their compromise that would have raised the number of people at CASS from 450 to 700, because they felt that could shut it quickly. This neighborhood has borne the brunt of the concentration of homeless services for a long time. He stated that Mayor Gallego said that herself a year ago. They felt that the situation was so dire and in such need of drastic action that they were offered and accepted the idea of bringing more beds downtown for a short period of time in order to get people off of the street tomorrow. He stated that a recent article in the Catholic Sun about Andre House specifically stated that if the application was approved tomorrow, Andre House would not be available to take any people in for one year. Andre House has to have their people in place before anyone else is allowed to set up a traditional shelter bed. That means that not one more person can move into CASS until Andre House puts in 100 beds.

Mr. Morlan stated that Andre House has no plan. They have never run a shelter, and they have no experience running a shelter. He stated that it was clear from the comments they got tonight that even their representative does not know how they are going to do it. CASS will take service animals. Andre House will not have ID checks, so how will they know if they are letting in offenders. He agreed with Mr.

Gilbert on one thing. Mr. Gilbert stated that he feels like things keep constantly changing during this application process. Mr. Morlan stated that he agreed with him completely, because every time they ask the applicant a question or ask for clarification something changes. They clearly have no plan. They do not know what they are going to do. Mr. Morlan stated that he completely agreed with the gentleman's comment earlier that said sometimes a band-aid is what is needed. Sometimes a band-aid is the thing that will save a person's life. Right now, they were asking to have Andre House learn how to build a band-aid factory, make the band-aid, and then start putting band-aids on people before CASS, who has been spending the last few years looking for options, set up small stand-alone shelters that do not hurt the neighborhoods around them

Commissioner Busching stated that she has been listening to all of the people in favor and opposed, and she asked him if he was preferring the status quo, and the Commission to vote not to go forward with all these stipulations that should help the situation.

Mr. Morlan stated that was a really complex question and he has thought about it a lot . He worried about that, because things are not sustainable the way they are right now. He stated that the City has made a huge commitment in terms of what they are willing to do, and what they feel needs to be done. The City is implementing a plan that will address this long-term. As terrible as this last year has been, one of the few good things has come from COVID. Some of the other service providers have learned how to set up temporary shelters quickly in things like hotels, that do not hurt the neighborhood around them. It allows people to get off the street and live some place with decency instead of getting a tent set up in a parking lot which is what the County and the HSC have been doing across the street from his business for the last year. People have learned a lot of valuable lessons in the last year, including how to set up a shelter quickly. If it is an emergency, it can be done. He answered her saying that he did not prefer the status quo, but he did not think that his options were a terrible idea.

Mr. Morlan stated that Caroline Lobo, who spoke before, and he are both on the side of strategies to address homelessness, as is Ash who spoke in favor of this application. He stated, there are other options we can do. We know however, that if this application goes through as it is, it will not be a good solution for the people experiencing homelessness, and it will not be a good solution for the neighborhood either. They felt like it was important to offer something, not just be opposed to something.

Commissioner Gaynor asked staff for a clarification. If this application was approved and Andre House has to have the first 100 beds, he wanted to know if that meant that it would take a year before getting anyone off the streets.

Ms. Escolar responded yes, that is the way it was stipulated. Andre House would have to start operating first with the 100 low barrier shelter beds. They would either

have to have a new building addition or modify their existing building to accommodate that.

Commissioner Gaynor stated that he is asking again because he wanted to make sure that he is really clear. When they hear any of the sides saying they want an immediate solution, as it is being presented, it is not an immediate solution that will take people off the streets. He thanked her for clarifying it.

Chairwoman Shank asked if it was part of the stipulation.

Commissioner Gaynor responded that it was part of the packet, the proposal.

Chairwoman Shank asked if that was a City stipulation or the neighborhood's proposal.

Ms. Escolar responded that it was part of the staff recommendation in the staff report.

Mr. Alan Stephenson stated that the stipulation is there as part of the Human Services Campus outreach to the community. There was significant discussion about the way to reach hard to serve homeless persons, and that was through a low barrier shelter. Staff did not want there to be a discussion about how they were going to serve the hard-to-reach folks and then not have a low barrier shelter constructed with beds available for them, but instead only have beds in the existing HSC campus. He stated that the stipulation certainly was open to modifications by the Planning Commission, if they were so inclined.

Chairwoman Shank called on Joel Coplin to speak next. Following him, the rest of the speakers would receive two minutes each to speak.

Mr. Joel Coplin stated that he is the founding member of the Madison Pioneers Coalition and a member of the Common Sense Coalition. He lives a block from the HSC. He implored them to vote no on the special permit allowing the extension of up to 1,000 more beds. He stated that the HSC is so large now it cannot do justice for the people it supposedly there to serve. Sometimes it takes years to get the service. Adding more beds will make it doubly hard to obtain services. He stated that this was straight from the horse's mouth. Because he lives in the zone, he personally knows many of the residents of CASS and those relegated to the streets. Many of them have been kicked out of CASS and cannot go back in, because of minor infractions and breaking of the rules. A man named William was kicked out for having too much stuff. They are both living on the street by the Visitors Center along with hundreds of others in an absolutely crazy and depraved setting. There are nightly fights, people so far out on drugs, they dance crazily half naked, twirling and striking at the air, cursing imaginary foes. He stated that he is used to it, but he would bet that none of the members would dare walk down Madison Avenue after dark, as it resembles a post-apocalyptic nightmare. It is all

caused by the HSC inability and unwillingness to deal with such madness. He stated that hurts him personally. What hurts him more is the mentally ill that do not even know that they are homeless. There is a lost soul across the street from them who barely moves out of the way of his blanket to defecate. There are vagrant women who will not speak and are obviously in distress, and where is the HSC? He has called the EMTs, and they come and do nothing. They come a half dozen times per day and they do little, and that costs the taxpayers. That hurts more than the gun shots and screaming that comes down the block. This is outside the walls of the HSC. Inside, he hears of maggots and flies, mildew, and rust. People would tell him they were at HSC years ago and it was very different from what it is now. So many people have left to be on the streets, rather than deal with the guards and the filth. The HSC wants bigger and more. No one Mr. Coplin has talked to will stay in their shelter. He stated that our streets are flooded with people. Their neighborhood is under siege, and the HSC wants more. They cannot handle what they have. He asked the Planning Commission to please vote no.

Chairwoman Shank asked if there were any questions from Mr. Coplin. There were none. She called on Eva Olivas.

Ms. Eva Olivas stated that her family lives in the Oakland neighborhood. She works primarily with the community of Central City South. They are three blocks south of the HSC. She stated that the neighbors that have not been considered or talked about or remembered are the Grant Park, Central Park RG Homes, Hansen Village, Sherman Park neighborhood, Marcos, West Bravarios, and New Homes. They support many of the goals of the Common Senses Coalition, but they have their own quality of life plans. Fifteen years ago, they started having conversations about the HSC. Many of the people in these neighborhoods were in the initial conversations, when they were promised that the Campus would not expand more than 428 beds. While the Campus is saying that they filed this zoning variance in January of 2019, she could tell the Commission that for 15 years she has been filing complaints with every single department, with the City, with the Mayor, with the Council, with Councilman Garcia, and Councilman Nowakowski, and nobody is listening. She has been pleading for her community of 12,000 residents that she serves south of the campus, who have an income level of 19,000 per year and have very few computers and very little computer literacy. That is why they cannot come to these meetings. It is very difficult to participate in the process without computers. This process is eliminating their community from the conversation. For 15 years, they have been completely ignored. She stated that they are very compassionate people. They know that COVID is affecting people and beds are needed to help families that are getting evicted. She said that she would consider supporting 700 beds for CASS to be extended immediately so they could use them right away for a temporary period of three years. She did not agree with there being any low barrier beds. Nobody reached out to their community, and she has been coming to these meetings constantly. The stipulations were drafted in hiding by the HSC and by the City. She stated that she and her community were never

involved in those initial conversations. So, it is a shame that this is where they are. She thanked them for their time and service.

Chairwoman Shank called on Jessica Bueno.

Ms. Jessica Bueno stated that she is President of the Oakland Neighborhood Association. Their boundaries are from Van Buren Street north to Roosevelt Street, and Grand Avenue to 19th Avenue. What they feel every day is the impact of irresponsibility of all municipalities, City, County and State, most importantly, the lack of transparency and relationship that the campus has had to the neighborhood has been very detrimental, and that is what they were seeing play out in this meeting. What they have experienced in the last 15 years has been the rotating door of leadership, so there is no commitment to the actual HSC to serve the population that they say they do, and the community surrounding their services. While this case has been pending for several years, since 2016 they have been seeing the need, and they have been asking if there have been plans to expand, and they were always met with the response, "No, we do not need to, we are not going in that direction." In 2018 they received a letter of a community meeting to talk about expansion.

Ms. Bueno stated that they understand there is a need. They know there is a need, but at the same time it is irresponsible to continue to let an organization that should have been planning for expansion for several years, which was the original agreement. This neighborhood, this community, Central City South, District 7 and District 8, they agreed to accept the 425 beds, because nobody else in the City would do it. So, now their rationale of the Human Service Campus is, 'they are already here, let them be here.' That is not reasonable or responsible. Their efforts are lazy and convenient. Everybody in the City needs to step up and allow a fair share policy, and each of their council districts, and provide shelter for people.

Chairwoman Shank asked if there were any questions for Ms. Bueno. There were none. She called on Mr. John Westerdale.

Mr. John Westerdale stated that he is from the Capital Mall District. He asked the Commissioners to oppose the application as submitted but consider it with the stipulations proposed by neighborhood groups. These stipulations protect the health and safety of residents and those seeking shelter at the HSC. Many of these are directly from Phoenix Rescue Mission's zoning application. Neighbors believe that the HSC should be temporarily expanded to 700 beds immediately, at the occupancy of the existing CASS facility. Two hundred and seventy-five people currently on the street could have shelter before this summer. He knew this had come up, but it is Stipulation 2.b. that says the Andre House must construct a new shelter building and receive a Certificate of Occupancy before any beds at CASS are built. Currently, they just have a shell building with no facilities. He stated that made no sense. Homeless, mentally ill, and those suffering from addiction are brought from cities throughout the county to this neighborhood. It has the highest

violent crime rate in Phoenix. There is open prostitution and drug use day and night. There is human waste on sidewalks, buildings, and in yards. It is unsafe and unhealthy for residents and the homeless. Concentrating at-risk populations in one location is dangerous, and all this is dumped on a low-income minority neighborhood. There are three elementary schools located nearby. Families are raising their children in this neighborhood. Our State Senator and Representatives oppose this expansion. Last month the County stated that they would consider any shelter location that cities bring to the table. City Council approved a homeless plan that calls for small regional shelters. These shelter locations must be identified. People need to feel comfortable with a shelter opening in their community. However, he does not think anyone would want to live near the shelter proposed here.

Chairwoman Shank called on Mr. John Saccoman and Mr. Robert Langmade who did not respond. She called on Laural Diane Langmade.

Mr. Laural Diane Langmade stated that she wanted to start by providing a date point on those representing the HSC. Mr. Gilbert stated earlier tonight that the low barrier occupants would remain on site during the day, which is not true. She had a meeting with Mr. Gilbert on December 23rd and asked if they would keep the low barrier occupants on campus. Fr. Dan of the Andre House said that they would not keep the low barrier individuals from leaving the shelter and campus during the day, they are not criminals. They are free to roam the streets during the day. The model that the HSC is proposing is to provide a shelter at night, but during the day, the occupants of the sheltered beds are released to the surrounding neighborhood, which creates the danger zone.

Ms. Langmade stated that the Planning Commission had an ethical responsibility to vote no on this application. She asked them to not allow a low-income neighborhood to bear the brunt of sheltering homeless in their neighborhood. If the permit gets approved, as property owners, they will need to rely on either the police of the City Code compliance staff to take action to maintain their safety and welfare. The HSC is of no help. The stipulations do not protect the neighborhood in regard to health, security, and safety. For the neighborhood outside the HSC, all the stipulations do is pick up trash that they create. The people are not off the street. They would not allow another entity, a change in zoning to enable so much disruption to a neighborhood that the HSC and the Andre House do to their neighborhood. The Planning Commission cannot deny the Madison Pioneers Coalition's concern, their experience regarding the crime, trash, and welfare in the neighborhood.

Ms. Langmade stated that when she moved into the area very close to the campus, they were fully aware of the homeless shelter. They understood that when the shelter was created a promise was made to the community that there would never be more than 425 beds. She stated that the Planning Commission had an ethical responsibility to vote against the application to maintain the welfare in this

neighborhood. If the HSC cannot control the influx of people on the streets surrounding the campus now, how are they going to do this going forward.

Chairwoman Shank asked if there were questions. There were none. She called on Ms. Chelsea Friday and Ms. Marilyn Szabo and Mr. Robert Langmade again. They were not present to speak. She called on Councilman Garcia, who asked to speak.

Councilman Garcia thanked everyone who called in for their service. He stated that there is obviously a need. The pandemic unfortunately has led to more people losing their homes. When the eviction moratorium ends, they could expect more people to be in this situation. He stated that the issue is complicated, and we need to implement a broader strategy. A lot of people have spoken about the strategy passed by City Council and they are moving forward on that. He wanted to apologize to Planning Commission members that this complex issue was being pushed upon them in a zoning case, when the City has failed to make conditions better. The State and County have also turned their back and failed in funding and supporting the issue. The main thing he wanted to say was that he wanted to caution them when looking at the stipulations, to make sure they are not further criminalizing people without a shelter. The plan that has been passed by City Council unanimously says that they will not criminalize people. Hearing of the deaths and suffering that happens around the area, and even hearing of a baby who was born in one of the tents a couple of weeks ago, has shaken a lot of people. He stated that it is an emotional issue for people on both sides of what is happening. Without an immediate alternative, it would be hard to continue to live with ourselves knowing that there is room both on the campus and at Andre House, and not allow them in shelter when it is available. Whatever their decision turned out to be, he was looking forward to working with everyone, continuing to try to find humanity and support for those folks living without shelter. He thanked them for their time and would answer any questions.

Chairwoman Shank thanked the Councilman and stated his service was appreciated.

Commissioner Gaynor stated that he understood the City Council was working on the overall plan to strategically serve certain homeless groups. He asked if it would be better, since Council is working on the legislative level, to continue or remand the case to the City Council, so they can pass legislation quickly to correct this problem. He asked him if he would give some suggestions. He wanted to be clear, since the Councilman stated that he was cautioning them. They have looked at and reviewed this case. They have been working on it for months, and it is not something that any of the Planning Commission members took lightly. He asked if Councilman Garcia had anything to add that would help them make a decision or understand better what the Council's position is. He knew that the Mayor and Council were moving towards helping people in a more strategic way. He wanted to know the status.

Councilman Garcia responded that he could not speak for the entire Council. They passed a plan a couple of months ago. He stated no, there was not time to wait. They do not have funding for the plan and some of the things that were talked about earlier, like the smaller more specific shelters are way in the future. Some of the shelters mentioned today, whether De Colores or UMOM are specific shelters that deal with certain populations. UMOM works with mothers and children and they work really well. De Colores works with domestic violence survivors. He thinks that everyone recognizes more services are needed and those specific kinds of shelters will help, however, he could not tell them today that they had a solution coming. They have already made the folks at the campus wait two years. This conversation started even before he joined the City Council, one and half years ago. He thought it was important to move forward with this decision today. He wanted to make sure that both people for and those opposing this who want to work on a long-term solution, and continue to work on the issue, know that they will be there, but he did not think that this particular case should wait any longer.

Commissioner Gaynor reminded Councilman Garcia that this case was brought to Planning Commission just a couple of months ago. This is not something that they have been working on for a year and a half, like others. They have had only two months to review an ultimately important issue that is a legislative and structural issue of the City of Phoenix, and they are trying to do the best they can to address that as a zoning commission. He was hoping that they would come up with a solution tonight, but he was concerned that it does not matter what they end up with tonight that the issue will come back to City Council.

Commissioner Busching stated to Councilman Garcia that she knew he was generally in favor of the Planning Commission recommending approval on this application. She asked him if he had a chance to look at any of the stipulations that are involved in it. She also wanted to know if he was in support of the proposed stipulations and or any additional stipulations.

Councilman Garcia responded saying that there are some stipulations that are going to be helpful. When the County transferred over to the people that have it now, there were no stipulations. He sees this as an opportunity to have guidelines. He stated that they will be reviewing them, and it is not going to be permanent. If stipulations cannot be completed, he thought that they would look at it and make sure that it is happening and will actually have something to enforce, when currently they do not have anything.

Chairwoman Shank called on Mr. Gilbert for his rebuttal.

Commissioner Johnson thanked Councilman Garcia for his service and helping them through this issue, as it has been a tough one.

Ms. Escolar stated that Ms. Chelsea Friday was present and could speak, however, no one responded.

Chairwoman Shank called on Mr. Gilbert to give his rebuttal.

Mr. Gilbert stated that he would go through some points quickly. He stated that Ms. Councilman Garcia, Commissioner Johnson, and others emphasized that if we do nothing, then everything will continue as the status quo. There is only one stipulation that is 425 beds. There are no controls they are imposing on these controls. They are making the situation better. The staff found specifically that the place will be safer and more efficient if these stipulations are adopted, and he agrees. He was tired of hearing that they violate the Capital Mall Plan. He stated that they have a letter from the Capital Mall agreeing and supporting this case. He was tired of hearing that they do not conform to the City Plan. The City Plan calls for low barrier shelters. The City Plan specifically recognizes the Human Services Campus as a partner. The City Plan also says yes, we need regional shelters. They agree with that. He added that as their decision was so eloquently stated by Councilman Garcia, right now we have a crisis, and we have to do something. He acknowledged that there is no funding for the City Plan, there is nothing in the works, and nothing going on. So, if they wait on the City Plan and do not adopt what we are trying to get done today, the situation will get worse. Furthermore, he was tired of hearing 'How can they handle more beds when they cannot handle what they have now?' He stated, what a fallacy of logic. The fact is that they can only house less than half the people that are there. So, they have all those people there that are congregating. They did not attract them there. They were there right from the start. They are not handling the 500 that they cannot house, so he stated do not blame us for that. He asked them to give the applicant the opportunity to shelter, and they would show them what they can do.

Mr. Gilbert stated that he is also very interested in the fact that the real motivation is that it is time to relocate this campus. That is what is at the heart of many of these peoples' objections. He was also tired of hearing that they have not reached out. He likes Ms. Jessica Buono, and he appreciated the very nice letter she wrote, but she said there was no outreach, and then in her speech she stated that they were invited to a meeting. He stated that there have been probably 10 meetings total. They have reached out in this case. He was also not comfortable with people saying that the HSC has not dealt in good faith. The neighbors offered them 28 stipulations in their first draft and the HSC agreed to 17 of them. He wanted to know how that was not negotiating in good faith. Regarding the stipulation that allows beds for up to three years, he wanted to know what happens at the end of three years. He could not sit back and not respond to Commissioner Gaynor, who seemed to be making a very important point, but obvious. It was correct that they cannot immediately furnish these beds. They will need to redo the facility, so they can make them. He wanted to know if that meant since they could not do it immediately, that they do not do it. He answered that one needs to start somewhere, and that is the opportunity they were pleading for at this meeting.

Mr. Gilbert asked, what is so evil about Andre House. He stated that it is a wonderful organization, led by the Catholic Church, that is doing so much good in the community. Why not allow them to be part of the Human Services Campus? Mr. Gilbert stated that it is true that they do not have experience in low barrier shelters. They admitted that from the start. They just got someone to run their low barrier shelter. He stated that they do not even have a shelter approved, and they are being criticized for not having someone lined up to run the shelter. But they do now. He loved Councilman Garcia's question, "Would you feel good about yourself knowing that there are more than 1,000 unsheltered people sitting outside without a bed when they have the buildings and facilities to shelter them right now?"

Councilwoman Shank asked if there were any questions for Mr. Gilbert by Commission members.

Commissioner Montalvo asked Mr. Gilbert if he accepted Stipulation 17.

Mr. Gilbert stated yes, they have agreed to that.

Commissioner Montalvo stated that he would call Mr. Gilbert the following day to discuss.

Mr. Gilbert stated that would be fine.

Commissioner Montalvo stated that he was leaving the meeting (12:00 a.m.).

Commissioner McCabe asked Mr. Gilbert if he had any idea what the timeline was for additional people to be served anywhere on the campus without having to wait on the low barrier shelter to obtain its Certificate of Occupancy, prior to the expansion of the traditional shelter beds.

Mr. Gilbert responded that the timeline would be six months maximum.

Commissioner Gaynor asked Mr. Gilbert which of the stipulations that he agreed to were not part of the City's stipulations. He thought that might be part of Commissioner Montalvo's question.

Ms. Escolar asked Chairwoman Shank if she wanted her to display the proposal from the Madison Pioneers Coalition.

Chairwoman Shank stated yes. She reiterated Commissioner Gaynor's question asking Mr. Gilbert which of the neighborhood stipulations he agreed to.

Mr. Gilbert stated that they agreed to Stipulation Nos. 5, 9, 11, 12, 13, 14, 15, 17, 18, 20, 22, 23, 24, 25, 26, 27, and 28. He stated that it could hardly be said that they did not respond in good faith.

Commissioner Johnson stated that he has been working very hard after receiving the neighborhood stipulations and the responses from Mr. Gilbert. He has pushed on both sides with added stipulations and has put that list together. It has been a difficult position for him to be in. He served on the CASS Board, and he certainly knows the hardships that they face. He knows that their heart is in the right place, and they are working hard to try to continue serving the needs of people without homes, out on the streets. At the same time, they are constantly up against budget cuts at the Federal and State level. It is a difficult lane for them to navigate. He feels like unlike some of the other shelters mentioned, UMOM and others, they are filling a different need. It is not really a very fair comparison to show the differences between the two; however, he also thinks that the HSC can do better than they have been doing. This is the Planning Commission's chance to push them in that direction and to encourage them to be better partners to the neighbors, which he thinks is important. They are talking about lives, both on the streets and in the neighborhoods. Everybody is being impacted by this. He does not think that should fall by the wayside, just because they want to find a solution to help an ongoing problem that obviously is not just going to be solved by adding more beds. As he mentioned before, this is a situation 2,000 beds can be added there, and they are going to be filled, and they are going to have a need for more beds. They are going to have people still out on the streets and some dying that are not able to make it through summer days and winter nights. This is not the answer to the situation; however, it does help.

Commissioner Johnson stated that he was going to support the case, but with a significant number of neighborhood stipulations that were put together, not 28, the total number that the neighborhood requested, but 15, which is also more than Mr. Gilbert and company had agreed to. He was happy to read those stipulations. He was sure that his fellow commissioners had questions and comments and would want to discuss them a bit. Once that occurred, he was hoping to proceed to his motion at that point.

Chairwoman Shank agreed and asked if anyone had anything they wanted to discuss before he made a motion. Alternately, he could make the motion before discussing the stipulations.

Commissioner Busching preferred to make the motion first and then discuss the stipulations.

Chairwoman Shank agreed that they could then discuss any questions or disagreements regarding the stipulations.

Commissioner Johnson asked for patience and assistance from staff since he hand-drafted some of the stipulations outside of what was put together by the neighbors.

**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 percent 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 percent 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 percent 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 facility's 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 clean-up 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 percent 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 stated that everywhere the Human Resources Campus is mentioned, it will need to be updated to “service provider” in case the HSC ever changes.

Chairwoman Shank asked if there were questions.

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

Commissioner Johnson clarified that these stipulations are in addition to staff proposed stipulations.

Mr. Stephenson stated that where there are conflicts with staff-recommended stipulations, the new language would supersede. If the Commission approved it that way, where it talks about 700 beds, that would change the existing one to 1,000.

Commissioner Busching asked if Mr. Gilbert had reviewed these stipulations and if he had 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 them, but they are at least interested in moving forward with the case. He clarified that they would prefer some of the stipulations not be included, especially the Andre House issue. They would prefer Andre House be a service provider for beds, and not be held to temporary beds as this would stipulate it to, but he thought it was important for the neighborhood that they do stipulate that, as such, especially, since these temporary beds will not be available until the summertime heat wave, and Andre House can only accommodate 100 beds, and this gives them still the ability to use it as a flexible resource.

Commissioner Busching asked if the Madison Pioneers Coalition has seen the stipulations, and if they had any reaction to them.

Commissioner Johnson stated that most of the stipulations are the Madison Pioneers Coalition stipulations. He has made some slight modifications throughout. For the most part, this was drafted from their actual stipulations, adding the 200 temporary beds for extreme conditions, because he thinks that flexibility is important, to compromise between 1,000 permanent beds and 700 permanent beds.

Commissioner Busching thanked Commissioner Johnson for his hard work.

Commissioner Gaynor asked Commissioner Johnson to review Stipulation No. 2 and give him a summary of the total number of beds being proposed (emergency and over the next three years).

Commissioner Johnson stated that after renovations at Andre House, they will only be able to accommodate 100 people there. Of the 1,000 beds total, 100 beds would be available at Andre House, 200 additional temporary beds at another location, and 700 beds at CASS. His modification to the stipulation is to keep the total at 700, with the ability to do 200 temporary beds, and if they are going to use those temporary beds, they will have the ability to use them in Andre House, so they can be sure to have enough room. His concern is, a) with COVID, making sure they are spacing appropriately; b) CASS is maxed out at 700 beds anyway due to fire code. So, the only other two locations left are Andre House and the other location. He just wanted to make sure they were offering the flexibility there. Total, it would 700 permanent beds with 200 additional temporary beds.

Commissioner Gaynor asked why they would put all 200 beds at Andre House.

Commissioner Johnson responded that it is not all 200 at Andre House. It means that Andre House has the option to utilize 200 temporary beds space; however, they will not be able. They will have to put at least 100 beds at another location, because they

can only take 100 people at Andre House, but at least it gives them the ability to use Andre House for temporary solutions.

Commissioner Gaynor stated that he would like that clarified on the stipulations.

Commissioner Mangum asked if St. Vincent DePaul is offering temporary shelter for weather conditions, in addition to Andre House.

Commissioner Johnson answered yes. Andre House can only offer 100 beds. St. Vincent De Paul would be the only other place able to fit a temporary bed.

Commissioner Gaynor asked if St. Vincent De Paul should be included in the proposed stipulation text.

Commissioner Johnson stated yes.

Mr. Stephenson clarified that the original 1,000 beds were crafted in a way that 700 beds were for the Human Services Campus, for the building that houses CASS. One hundred beds are going into the low barrier shelter that Andre House is proposing, and the rest were always going to be temporary beds, only used for heat relief or extreme weather events. Those would either be in the St. Vincent DePaul building or a temporary tent that could be installed on the Human Services Campus. The other 100 beds referenced in Stipulation No. 2 would be part of the Human Services Campus, either in St. Vincent DePaul or a tent on the campus for those extreme weather events, because as Commissioner Johnson noted, Andre House only has room for 100 beds, once they construct their new building.

Commissioner Mangum asked if the temporary tent was something that could be erected 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. It would be a quicker option but would depend on their ability to make that happen.

Commissioner Mangum stated that otherwise, they were talking stipulations that were going to be eight to nine months out, which would go past the hot summer. She thought that a temporary tent could perhaps be done more immediately to prepare for the hot summer. This is a process that could be expedited to have shelter for people currently in need.

Mr. Stephenson responded that Commissioner Mangum was correct regarding the tent. The other time-limiting factor was the stipulation about having to construct the additional beds for Andre House, for the low barrier shelter, first, because that is going to take a long time. In Commissioner Johnson's proposal, there is no low barrier shelter, and so, there is no requirement that those 100 beds be constructed first. So, it would be up to the Human Services Campus to see how quickly they provide

additional beds inside CASS. However, due to COVID and spacing requirements, that may be impacted. That would be a question to ask the HSC regarding how quickly they could either erect tents or put more beds inside St. Vincent DePaul or other buildings on their campus.

Chairwoman Shank asked if there were any other questions.

Commissioner Gorraiz asked for more information on the three-year sunset and the beds going back down to 475.

Commissioner Johnson responded to Commissioner Mangum first. He stated that he included the following verbiage in Section 5, 'They 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.' His verbiage did not just allow for permanent structures. He allowed for temporary structures, so possibly the HSC could put up something more quickly before the summer months and maybe even sooner with the winter months ahead. He tried to address that issue.

Commissioner Mangum thanked Commissioner Johnson for the clarification.

Commissioner Johnson responded to Commissioner Gorraiz that the HSC currently has 425 total beds. In his stipulations, he was recommending going from 425 to 700 beds for a three-year period. The City is creating a new regional plan, trying to make smaller shelters across the Valley to help mitigate some of these issues. The three-year sunset still gives them the ability to have 75 temporary beds after the three-years to address extreme weather conditions. They can always come back and ask for a renewal of their Special Permit or go through this process again in three years from now.

Commissioner Gorraiz thanked him for the clarification. He stated that it gives them more impetus to come together with a more comprehensive regional resolution. He likes what Commissioner Johnson has done.

Commissioner Johnson responded that it gives the City and the Planning Commission the ability to make sure they are still being good partners with the neighborhood and that the HSC is acting in good faith. If they are not, it gives the Planning Commission a reason not to support them in the future. He would be happy to support this in three years, if he sees that they keep the area clean, house more people, and do their part to be better neighbors.

Commissioner Gorraiz stated that the onus is on them. If they do not do what they have agreed to do, then Section 504.1C.6 would be enforced, and the special permit revoked. He complimented Commissioner Johnson on the work he did.

Chairwoman Shank asked staff to address the recommended stipulations.

Ms. Escolar stated that she would address 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, a mile and a half from the site.

Mr. Stephenson clarified that the Commission could add that stipulation, but if it came down to enforcement, the City cannot revoke the Special Permit for something taking place off-site, not regulated by the Special Permit. They can only legally address the items on the site for which they are proposing pursuant to the Special Permit. However, it would not look good for them regarding a good faith effort.

Commissioner Gaynor asked if the stipulations would 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.

Ms. Escolar stated that they would have to delete Stipulation 2.b. that requires a low barrier shelter be built before any of the other shelters. In combination with some of these stipulations, it could expedite more shelter beds, but she did not think that it would be immediate.

Mr. Stephenson responded that it would be a question for the representative, Mr. Gilbert regarding whether they have the capacity and resources to provide immediate relief.

Commissioner Gaynor asked Commissioner Johnson how he felt about that.

Commissioner Johnson stated that he was okay with it. He clarified that the Andre House has the ability to tap into the 200 additional temporary beds. There would be a total of 900 beds: 700 beds with an additional 200 temporary beds. The Andre House or St. Vincent DePaul can utilize those 200 temporary beds, if needed,

Commissioner Gaynor stated that he would be supportive if they could demonstrate that they could respond quickly to the need on the street.

Chairwoman Shank asked if anyone else wished to speak. She stated that there was a motion made by Commissioner Johnson.

Chairwoman Shank asked for a second.

**Commissioner Gorraiz SECONDED.**

Ms. Escolar stated that there were still other stipulations that staff wanted to address. Stipulation No. 4 was already addressed in the existing stipulations through the stipulated site plan, which means that they would not be able to expand any buildings

beyond what is already shown on the site, according to the site plan. She asked if he still wanted to include that.

Commissioner Johnson stated no he did not. He asked Ms. Escolar if she could clean up the language in Stipulation No. 5 to make sure there would be 700 beds total with 200 temporary beds. They cannot go above 900 beds. Andre House can only utilize temporary beds, if needed. He clarified that the 75 temporary beds are allowed after the three-year sunset.

Ms. Escolar stated that Stipulation No. 6 was also already addressed with an existing stipulation. It would have to be modified slightly. In order to be in line with the Madison Pioneers Coalition proposal, Stipulation No. 6 would have to strike out railroad tracks on the south, and change the verbiage to Buchanan Street, the street south of the railroad tracks. They would change 13th Avenue to 15th Avenue, and 9th Avenue to 7th Avenue. The original stipulation required a minimum clean-up once per day. She noticed that Commissioner Johnson's stipulation stated twice per day, seven days per week.

Commissioner Johnson clarified that his proposal maintains the boundary at 9th Avenue rather than 7th Avenue. He agreed with clean-up twice per day, once before 10:00 a.m. and once before sunset. The service provider would be responsible for cleaning up the area.

Ms. Escolar stated that Stipulation No. 7 regarding the waiting areas can be addressed but would need to be reworded.

Mr. Stephenson added that it would be a new stipulation at the end to say that the queuing waiting areas will be required for individual seeking services on their property.

Ms. Escolar stated that Stipulation No. 8 has already been addressed. She went over staff Stipulation 14.a. and stated that they would have to modify it slightly to add some additional detail about the specific issues. It requires that 'the registered neighborhood associations, registered with the City within one mile of the site shall be provided a designated contact person for the special permit area to communicate any issues or concerns.' She stated that they could include those specific issues and concerns they had listed, such as non-emergency needs related to homeless crimes, sanitation, etc.

Commissioner Johnson agreed with the existing staff stipulation as is. He asked if she would use the language that Mr. Stephenson had, for Stipulation No. 9.

Ms. Escolar stated that the language came straight from the Zoning Ordinance. Stipulation No. 10 is already a requirement in the City Code. Stipulation No. 6 sort of addresses that, with the clean-up of the area. In Stipulation No. 23, they would need to add this stipulation. It would state that if they are not in compliance with all codes

and ordinances, the City could revoke their special permit. Ms. Escolar asked if Commissioner Johnson was okay with what she had suggested.

Commissioners Johnson and Gorraiz agreed.

Mr. Stephenson pointed to an additional modification to Stipulation No. 16. The one-year reviews would need to begin from the City Council approval of the Special Permit when it would take effect, which is 30 days after the Council may approve it. The current language in Stipulation No. 16 states that, 'the one year will be from the Certificate of Occupancy for the low barrier shelter, which is pursuant to the existing motion on the floor. It would be a year from when that zoning would be effective, 30 days after Council approval.

Chairwoman Shank asked if Commissioner Johnson and Commissioner Gorraiz agreed. They stated yes.

Ms. Escolar stated that Stipulation No. 11 was already addressed in the current stipulations (No. 2.c.). 'The shelter operator shall not enter into a contract to sell or reserve bed space..'. It continues with the exact wording that Commissioner Johnson wrote for this stipulation. She asked if there was something else added that was not addressed.

Mr. Stephenson confirmed that the language in 2.c would remain the same as it exists today in the staff report.

Commissioner Johnson stated that on Stipulation No. 12 he meant to change 10 percent to five percent for 'always maintain up to 10 percent excess bed capacity until 4:00 p.m.' He stated that everything else gets addressed down below. He thought that CASS could live up to that percentage.

Mr. Stephenson and Ms. Escolar confirmed that Stipulation No. 12 would replace staff Stipulation No. 8 and that proposed Stipulation No. 13 would be okay.

Ms. Escolar stated that staff worked with the Police Department on Stipulation No. 8, and that is what they requested.

Commissioner Johnson stated that five percent of 700 beds is still 35 beds. They do have the 20-bed threshold and five percent. It will be whichever is the greater.

Ms. Escolar stated that proposed Stipulation No. 13 would be okay. Stipulation No. 14 would be a little difficult to enforce, because it insinuates that the HSC is a closed campus. She stated that they proposed a stipulation after seeing the Madison Pioneers Coalition stipulations to address this.

Mr. Stephenson stated that the language comes from an element that the Madison Pioneers Coalition wanted about a closed campus and having Human Services

Campus go out and notify people that are camping out in the streets that they cannot get services unless they are part of the campus and the closed service. He stated that staff cannot stipulate to a closed campus, so what the language does is have them talk to homeless people and discourage them from occupying the abutting public rights-of-way. Since they cannot stipulate to a closed campus, they would still be able to get services on the campus. The language is there to encourage people to come into the campus and try to get services instead of camping out on the street, but it cannot be enforced to discourage people from being on the streets.

Commissioner Gaynor stated that he would like to keep the stipulation if possible.

Chairwoman Shank stated that they should keep it, because they will be reviewing the Special Permit in three years, even though they know it cannot be enforced.

Mr. Stephenson stated that would be fine.

Ms. Escolar stated that Stipulation No. 15 was okay.

Commissioner Gorraiz asked if Stipulation No. 15 stated that the HSC would not sell or reserve any beds for any other municipalities.

Commissioner Johnson stated no. He was referring to Item No. 11. It said that they would not sell to other municipalities except at the discretion of the Chief of Police, the Planning Director, and hospital beds.

Ms. Escolar asked about the deletion of 2. b. requiring that low barrier shelters be built first, before having any other type of shelter beds.

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, because his first stipulation stipulated that there would be no low barrier shelters.

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

**Commissioner Johnson MOTIONED to approve Z-SP-2-19-7, per the Central City Village Planning Committee recommendation, with modified, deleted and additional stipulations.**

**Commissioner Gorraiz SECONDED**, and the motion passed with a vote of 8-0  
 (Conflict: Howard).

*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 <del>15</del> 17.c. were deleted, and <del>8</del> 9 and <del>16</del> 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. <del>6</del> 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. <del>14-16</del> a. below.
9	Added as new Stipulation No. 27 below.
10	Addressed through the City Code and Stipulation Nos. 4 5, <del>5</del> 6, <del>6</del> 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, ~~13th~~ **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.

- 10-12.** 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.
- 11-13.** 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.
- 12-14.** 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.**

\*\*\*

Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

14.     **Application #:**     **Z-SP-2-19-7**  
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  
Location:                Southeast corner of 13th Avenue and Madison Street  
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

*Commissioner Howard recused himself from Item No. 14 due to conflict of interest.*

Chairman Johnson stated that since the applicant and Councilman Nowakowski were working together in good will to find some compromise in resolving this issue, he asked the Commission members if they would be willing to entertain a motion to continue, first. If they decided to continue, then they would move on to Item No. 13. If the motion to continue were denied, then they would move forward with the case.

Ms. Racelle Escolar stated that Item No. 14 is Z-SP-2-19-7, a request to rezone 14.53 acres located at the southeast corner of 13th Avenue and Madison Street from C-3 (General Commercial District) HP-L (Historic Preservation Landmark) CMOD (Capital Mall Overlay District), A-1 (Light Industrial District) HP-L CMOD, A-1 with a SP CMOD, and A-1 CMOD. The requested zoning is to A-1 SP CMOD to modify the Special Permit area of the Human Services Campus to include the Andre House and 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.

The Central City Village Planning Committee recommended approval, per the staff recommendation, by a 6-3 vote. There were also several community meetings held in November.

Staff recommends approval, per the Central City Village Planning Committee recommendation.

Chairman Johnson called on Councilman Garcia to speak first, before calling on the applicant's representative, Mr. Paul Gilbert.

Ms. Escolar stated that he was not listed on the attendee list.

Chairman Johnson called on Mr. Paul Gilbert to speak.

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

Mr. Paul Gilbert stated that he represents the Human Services Campus. He stated that they are not pleased with the recommendation for another 30-day continuance. He thought it was important for the Commission to know that they had had five meetings since the last continuance. He thought the person that could best express opposition on this was the President of the Human Services Campus, Mr. Jonathan Koppell.

Mr. Jonathan Koppell thanked the members of the Planning Commission. He stated that he appreciated the opportunity to respond. He is a Phoenix resident as well as President of the Human Services Campus. He was speaking on behalf of more than 15 non-profit organizations that exist to address a humanitarian crisis. They are a group of non-profits that have assigned themselves the task of dealing with the challenge of providing housing and paths to shelter for the more than 7,000 people who are homeless in Maricopa County right now. He stated that it was worth pointing out that those homeless individuals are disproportionately people of color, people with disabilities, people who are otherwise disenfranchised. He was speaking for them as well. He was also speaking for the more than 1,300 neighbors of the Human Services Campus, who articulated their support and belief that the Commissions' actions to address the crisis in the community are urgently needed.

Mr. Koppell stated that they are happy to collaborate with their neighbors and have done so. This has been a long process for them. They have had multiple community meetings. It has been a highly visible process and well documented in the newspapers, and long before they showed up tonight for this meeting, he knows everyone there had heard about this from their different constituencies. The idea that this has been anything other than well-digested is simply not consistent with the facts. The City Planning and Development Department staff has developed a group of stipulations derived from the feedback they heard from neighbors, including those who have spoken out to this group and to the Central City Village Planning Committee. There was opportunity after opportunity for those parties to offer their own ideas on stipulations at each stage of the process. They waited until today to offer a list, which they still have not seen. Mr. Koppell stated that they are happy to work with the neighbors and will continue to work with those who are property owners of commercial venues next to the Campus. They are committed to making this a positive development for the neighborhood to address the human crisis of people living on the streets in our community.

Mr. Koppell stated that a continuance was simply that. It is a delay in making a decision. He understands that there are people opposed to their application and they would still be opposed in 30 days. The Planning Commission would have to make a decision at some point. He was familiar with the delay tactic. He was familiar enough with the process to know that delays are a frequent part of zoning cases, but they are not seeking to open a 7/11 convenience store, or building height outside of the normal code. They are seeking to address a humanitarian crisis. He stated that 400 people were going to be sleeping in temperatures below 40 degrees, on dirt, in tents, in squalor. They agree with those who have spoken so passionately about the shame that this brings to our City. He stated that the Planning Commission has one proposal

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

to do something about it, one proposal to take action that comes from the applicant tonight, the Human Services Campus, the Andre House, and St. Vincent de Paul. This would take a definitive step to move toward a solution, but it will take up time. They do not have a switch to activate the accommodation of hundreds of people. Under the best-case scenarios, it will take months to implement the plan that they have proposes and to be in accordance with the stipulations. Kicking the can down the road 30 days or more means that people will be unsheltered in the cold. They will be unsheltered in June, when it gets to be 110 to 115 degrees. What he was about to say might sound mellow dramatic and like tugging at the heart strings, but it was a fact. If we continue to kick the can down the road with no better alternative being proposed, people will die. Last summer over 300 people died from exposure to the heat, because they did not have shelter. He stated that they are offering a solution. The Councilman stated that a homelessness plan has been approved by the City. It talks about smaller shelters and distributed services. The Councilman is exactly right. There is no plan to open up another shelter. There is no alternative being proposed.

Mr. Koppell stated, we are offering something to consider. He urged the Planning Commission not to continue this case and urged them to vote tonight. He stated that Phoenix is a great city and a big city with big city problems. Let's find a solution to those problems tonight.

Chairman Johnson asked if there were any questions for the speaker. He asked speakers to try their best to focus on the subject of the continuance. He stated that the Planning Commission appreciates what Mr. Koppell does. As someone who served on the Central Arizona Shelter Services (CASS) Board, he understands the difficulty that takes place, especially during a crisis like this, when funding is constantly cut from the federal level and other areas. With that said, it is also a very big decision to make, and he did not think it should be taken in haste just to try to push something through. He understands that people will die, but he did not think there was any guarantee by them passing this case tonight, that people will not die. He wanted to make sure that the Planning Commission was being thoughtful about this. He appreciates that the applicant has met with the community five times. He thought that was important, but it was also important to know that they are trying to work with the community. From what has been said, he did not see that yet. There did not appear to be any change to try and mitigate some of the concerns that the community has brought forward. That is what Commission members are trying to stress. It was not necessarily a question of whether or not people were focusing on the homeless issue, which he thought everyone on the Planning Commission cared about. This is why a lot of the Commission members have toured the CASS shelter and the Human Services Campus. He just wanted to put that on the record.

Commissioner Montalvo stated that he was raised in the Los Angeles area. He did not know if anyone had ever heard of Skid Row. He stated that it is pretty famous for the homeless. If they could prove to him that whatever they are going to do is going to make the area better, he would go for it. If not, he would like to make a motion to continue for 60 to 90 days or whatever it takes to clear that up.

Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

Chairman Johnson called the next speaker, Ms. Amy Schwabenlender.

Ms. Amy Schwabenlender's audio connection was poor. Her voice was inaudible.

Chairman Johnson called on Ms. Ash Uss. He stated each individual would receive 60 seconds to speak.

Ms. Ash Uss stated that she opposed the idea of a continuance and apologized for getting emotional. She stated that she has been working on this case as part of the team since January of 2019. She has personally met with Councilman Nowakowski and his office more than five times. She also has attended the community meetings, talking to people, listened to people and tried to find common ground. The reason that she works in homelessness is because she was homeless in her high school years and did not have a place to stay. She remembers being a child sleeping in her car outside of a Starbucks so that she could apply for college. Every night that people are on the street it is horrible, there is trauma. She is 25 years old now, and it is still hard for her to sleep in a bed, because she is used to sleeping in her car where she could not sleep, because she had to make sure that she was going to be safe. It is personal for her and impactful spending even one night on the street. She asked the Planning Commission to please not continue the case. She asked them to hear people out. She stated that she is a data driven person. She sits on the Central City Village Planning Committee, and she understands the challenges with this case. She asked them to hear the human aspect and hear this case tonight.

Commissioner Busching asked Ms. Uss if during any of the five meetings the neighborhood expressed any concrete proposals on how to deal with or modify the proposed stipulations.

Ms. Uss stated that when they initially met the neighborhood, they expressed that trash and blight was the number one priority. That was why they waited instead of pushing the application through, and they piloted the Clean Zone Program out of Andre House. It was one of the first things they could do to respond to the neighborhood and make that a long-term cleanup program. Now they have AmeriCorps VISTA which will help keep that program going long-term. She stated that there have not been solutions proposed. People have commented to shut Andre House down. The neighborhood has not always offered the best solutions. They met with the neighborhood five times, and they made a lot of progress in understanding where people are coming from, however, there is no additional solution to things which they cannot accommodate, not reflected in this case. The things that people are most concerned about are trash and access to restrooms, which are addressed in the stipulations.

Chairman Johnson asked if there were any further questions. There were none. He called on Ms. Lisa Glow.

Ms. Glow stated that she was not speaking.

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

Chairman Johnson called on Ms. Elizabeth Venable. She was not present. He called on Mr. Jason Odhner to speak.

Mr. Jason Odhner stated that he owns several homes a few blocks from the shelter. He was opposed to the continuance. He stated that it was interesting to hear Councilman Nowakowski saying that the neighborhood had opposition to this project. He knows of some people opposed to this project, but he is a resident, and he feels that Andre House and the other shelter have done a great job communicating with them. He and many of his neighbors are very much in support of extension of services for their neighbors experiencing homelessness. It is really painful to look out of his window and see an older person, sometimes in their 80s sleeping in the cold. It does his soul harm. He knows that there are people who care more about housing values than they do about humans, and that makes him sad. He stated that he is a public health professional, an ICU nurse. He works in a COVID ICU unit, and he sees what happens to people when they do not have the basics to stay safe. It is not hyperbole to say that people are already dying and suffering from exposure. As someone who is a member of the neighborhood, he supports this and stated that he was opposed to a continuance. He also wanted to say that he opposes the idea that Councilman Nowakowski has been providing any kind of leadership. The Councilman has been dragging this out and does not want to have meaningful dialogue. He just wants to block, and block, and block. He speaks as if all the people he is hearing from are opposed to this project, and that is not true. Mr. Odhner stated that many of his neighbors have told him again and again that they support the extension of services. The Councilman is just being dishonest. It is not right for him to pretend that there is some disagreement that will be solved if given more time to talk.

Chairman Johnson cut the speaker off and asked him to stick to the continuance. He asked if there were any questions for the speaker. He called on Ms. Danielle Jake. She was not present. He called on Ms. Paris Moore.

Ms. Paris Moore stated that she wanted to oppose the continuance. She stated that the longer they stall, the more people will be left unsupported. The City Council has been talking about this for a long, long time, and within that time 847 people have passed away, due to the City's negligence. She thought that continuing the case would just continue that negligence.

Chairman Johnson called on Ms. Grace D'Antuono. She was not present. He called on Mr. Jeremy Helfgot.

Mr. Jeremy Helfgot stated that he is a fellow Commissioner, serving on the City's Human Relations Commission for the past eight years. He had grave concern about the continuance. A copy of a resolution that the Human Relations Commission passed at their November 16th meeting, called on the Mayor and Council to address this issue as soon as possible, and to approve it, pending the Planning Commission's recommendation for approval at this meeting. He stated that we have to get to this now. This has been languishing in the City process for over two years. There are hard data available that show the fatality count of the unsheltered at over 800 in a 23-

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

month period since this application was first put in, which is how the matter came to the Human Relations Commission. They have a lot of data that show that the majority of the homeless population in the City is made up disproportionately of marginalized and minority populations.

Chairman Johnson interrupted to remind speakers only to focus on the continuance.

Mr. Helfgot stated absolutely, and that was why he was speaking on the importance of not moving the case further down the road. There are literally lives on the line, and they are lives of people who are already in trouble. The weather forecast was supposed to dip below 40 degrees and there were likely to be additional fatalities. He stated that as a leader of the City, to do nothing, would feel like he had blood on his hands. He was asking them to please support the applicant in trying to address this issue as soon as possible. He wanted to add that to address the Councilman, who asked for the continuance, he was not sure how providing a few beds and taking more people off the street would not help any of the concerns that the Councilman was stating.

Commissioner Johnson called on Mr. Doug Newton to speak.

Mr. Newton stated that he is the immediate past President of the Phoenix Downtown Neighborhood Alliance. They represent about 5,000 residents in the Downtown Core. He stated that the Human Services Campus has taken substantial input over the last year and a half. They have been to several of Neighborhood Alliance meetings, they have talked about the stipulations in detail, they have changed a lot, meaning they have strengthened them, and listened to the community. He stated that they wrote a letter of support for this project, and he believes that this really is as Mr. Koppell stated, kicking the can down the road. There are plenty of data and they have had plenty of input. The stipulations have changed and strengthened over time. He thought it was time to make a decision and move forward with this rather than allowing this project to die on the line, because we are kicking the can down the road, under the ruse of getting more input. He thought that they had a great proposal in front of them which deserves to be heard and supported at this point.

Chairman Johnson called on Alexandria Lesnik.

Ms. Alexandria Lesnik stated that she strongly opposed the continuance. She wanted to highlight the fact that since this case has begun, there are hundreds of people who are packed around the street, dozens of her friends have died on the streets. She named them. She could not even begin to name all of the people she knew and loved that have died on the street. The thought of adding more names to that list, every single day that is passing is hard. Today, there were two people on the street having medical emergencies at the same time right outside of the Campus. This will continue to happen every day, probably every hour, with every day that we let this continue. She stated that she hoped the Commissioners would put the value of human life over the value of property. People will die if this case gets continued. If we can save even one life by getting this process through as soon as possible, then she hopes that it

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

was worth it to everyone on the Planning Commission. It was absolutely worth it for her and all her friends who also have had all their friends pass away on the street. She strongly opposed the continuance.

Chairman Johnson called on Ms. Leah Terry.

Ms. Leah Terry stated that she supported adding additional beds to the Human Services Campus and was opposed to the continuance. There have been ample meetings to discuss this plan. The proposed stipulations would address all residents' concerns. The two big components of resident complaints are trash and attracting more unsheltered folks. She stated that the trash issue will drastically improve with frequent cleaning of the streets, and people who occupy these beds are already using services on the Campus. People have a lot of different reasons for experiencing homelessness. If we have the buildings for accommodating people, it makes sense to bring them inside. They need to vote on this now. She pleaded with them to be opposed to the continuance.

Chairman Johnson called on Mr. Ken Swenson.

Mr. Ken Swenson stated he is a property owner and operates a business near 16th Street and Buckeye Road. He is in favor of adding the additional shelter beds for the Human Services Campus, however, he was opposed to the continuance. He has been involved in these meetings for several months, including the community relations meetings in November. They talked about this time and time again. It is time to act on this very important service that these organizations are to provide, including shelter beds for mentally ill people. He urged the Commission members not to continue the case an additional 30 days. They were just wasting their time.

Chairman Johnson called on Mr. Jay Minich.

Mr. Jay Minich stated that he was from the Andre House. He wanted to echo what others had said. They began this process in February 2019. They could have had a low barrier shelter up and running, about six months ago. He stated that he has been to about 20 neighborhood meetings and he loves the input. He respected what the Councilman stated, but he feels that Councilman Nowakowski is responding to a small contingent. The thousands of signatures recognize the human need. He thinks this really needs to move forward as people are in dire straits. There have been many deaths and we can do more to prevent that. They are going to do their part.

Chairman Johnson called on Mr. Steve Zabilski.

Mr. Steve Zabilski stated that he is the CEO of St. Vincent de Paul. He was in opposition to the continuance and hoped that they could make a decision this evening. If there were more shelter beds, our streets would be cleaner, and our community would be safer. We could do a much better job of helping people to end their homelessness. He concluded by saying couldn't we simply allow the men and

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

women who are living on our streets tonight, to instead, come inside while we all work together on regional solutions to best resolve this humanitarian crisis?

Chairman Johnson called on Ms. Alexis Wadas.

Ms. Alexis Wadas stated that she was in opposition to a continuance. She has been hearing references to smaller specialized shelters. As a person who has worked with those experiencing homelessness, and a veteran herself, she finds this idea attractive but unrealistic. It is seldom that one finds an individual using the Human Services Campus that just checks one box as being a veteran, severely mentally ill or dealing with physical disabilities, working on their legal status, or struggling with an addiction, or whatever their perceived category may be. She strongly believes that a large proportion of those using the Human Services Campus need robust services from a variety of disciplines and specialties. This is something that the campus already provides. She was not sure why they would not capitalize on the infrastructure that is already there. She stated that she felt like the stipulations directly addressed the community concerns and respected the nearby neighbor. The stipulations were for extended restrooms, longer check-in hours at CASS, and the incorporation of a low barrier shelter to accommodate those mentioned earlier that do not qualify for the Human Services Campus.

Chairman Johnson called on Ms. Brandi Ryan-Cabot.

Ms. Brandi Ryan-Cabot stated that she had worked with the Miracle Alliance for shelter and housing back in 2015. With the closures and overflow, it only gets worse year after year. The longer that we wait on providing more beds available, the more the problem just continues. She thanked them for listening.

Chairman Johnson called on Mr. Michael Langley.

Mr. Michael Langley stated that he was opposed to the continuance. He stated that Councilman Nowakowski mentioned earlier that he has been on Council for 12 years, and this is the first time he has attended a Planning Commission hearing. So, he waited until he was a lame duck in order to act on this particular item. He wanted to encourage the Planning Commission not to continue the case, because it would be a folly. That does not show leadership. These individuals have an opportunity to have a home. The Council just passed 10.5 million dollars to U.S. Veterans so that they could find their own campus for housing people. The Human Services Campus is not asking for money. They are simply just asking for an extension of beds. Mr. Langley stated that he is also part of the Central City Village Planning Commission and was the one that made the motion to approve with stipulations. They did not approve it so that it could just be kicked down the road. He hoped that the Commission members would find the fortitude to move forward.

Chairman Johnson stated that he has been on the Planning Commission for about seven years and this was only the second time that any Council member had spoken. They usually try not to, because they do not want to push for anything or make it look

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

like they are influencing the Commission members directly unless it is something that they are very passionate about. They try to make sure that the Planning Commission's recommendation is completely separate from theirs. He called on Don Ioli to speak.

Mr. Don Ioli stated that he was opposed to the continuance. He works and attends church less than three miles away from the Campus. He stated that this process has gone on way too long, in his opinion. He saw the Human Services Campus working on stipulations. They have been putting in a great effort working with the community. While he likes the strategic plan, it is just a plan. Adding shelter plans makes a difference now.

Chairman Johnson call on Ms. Raquel Denis.

Ms. Raquel Denis stated she lived in the neighborhood and worked for CASS for seven years, and she loved it. She had relationships with people being sheltered and volunteered. She opposed the continuance, primarily because she has a sibling that has been living unsheltered at different times during his life. He is a young man who has mental illness and a co-occurring addiction. It is very true that a bed makes all the difference, especially for those family members of people who have overlapping issues that have led them to homelessness. As a person of color who knows that blacks are disproportionately affected by homelessness in this city, it would mean so much to know that her black relative would have this vote pushed forward, and that this opportunity for a bed would be allowed.

Chairman Johnson called on Ms. Jasmine Rodriguez. She was not present. He asked if there were any questions or comments by Commissioners. He called on Ms. Grace D'Antuono to speak.

Grace D'Antuono stated that she strongly opposed the continuance. She stated that the comment made earlier, "I understand people will die, but..." was unacceptable. This is not a matter to be pushed aside. This is life and death. She and others do not believe this is hyperbole. This is really happening. She stated that if their job is not the well-being of community and the preservation of life, then what is it.

Chairman Johnson stated that he served on the CASS Board, so he is intimately familiar with this process and the fight that we have every day on our hands. He thanked the speaker. He asked if there was anyone else who wished to speak that was in support of the case and opposed the continuance. There was no one. He called on Mr. Blue Mitchell. He was not present. He then called on the opposition speaker, Ms. Katherine Roxlo.

Ms. Katherine Roxlo stated she was requesting the continuance because of the unresolved and unaddressed issues that are relevant to the health and safety of the neighborhood. The neighborhood has expressed concerns continuously, since the first time the application was heard. They do not feel that their concerns, as vociferous as they have been, have been heard or addressed. They met with Human Services

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

Campus in November. They tried to work with them and the City to explain their concerns. They told the HSC their concerns in November. There have been no changes. Not one word has changed in the stipulations or the permit to address the concerns of the neighborhood, which are valid for the neighborhood's safety and environmental health. They do not have experience in this, nevertheless, they are trying to provide draft stipulations that they believe would address their concerns. These concerns and draft stipulations have been given to the City. The City has them and is talking to their legal department to see if there is anything that they can do. She stated that their basic concerns are environment health and safety. Stipulations that any neighborhood deserves. They feel there is actual progress that can be made if the City and HSC listens to them. She stated that they are asking them to get Maricopa County involved, so that Maricopa County Environmental Health codes can be addressed. Those are the kinds of things that are difficult and do not happen quickly, and she cannot do them on her own. They are asking the Planning Commission to listen to them and do this in a thoughtful deliberate way, so that they can make progress.

Chairman Johnson asked if there were questions for the speaker. There were none. He asked Ms. Roxlo to send the same list of stipulations she is sending to the applicant, to Ms. Racelle Escolar, so that she can forward them to Planning Commission members. He asked to receive them sooner than later, if they decide to go forward with the continuance. He called on Ms. Angela Ojile.

Ms. Angela Ojile stated that she is the Chair for the Madison Pioneers Coalition. They have not been involved with the stipulations. She did take issue with Mr. Koppell's version. They met with him. They met with Mr. Gilbert once in November. They have had three meetings, one right after the other since then. They have not gotten any feedback on their concerns regarding the stipulations. They have started to develop their own. Like Ms. Roxlo stated, they did not hire an attorney. They are doing this on their own, and it has been tough to be able to find enforcement on the current stipulations. She stated that zoning cases should be used to create social policy. They need to consider the adverse conditions in their neighborhood, what the HSC and the City have allowed to happen, and what is perpetrated on this community. She hears a lot of people talking about the stipulations and saying they live in the neighborhood, but there are approximately 15 to 20 thousand neighborhoods on up to Sunnyslope that have their back on this and are not okay with it. There is so much conversation and work that still needs to be done. That is why they support the continuance. They need more time. They are being rushed, and it has been at the expense of this neighborhood for 30 years. They need to catch their breath and make something right happen this time.

Chairman Johnson called on Mr. Bill Morlan.

Mr. Bill Morlan stated that he is a member of the Madison Pioneers Coalition. He is strongly in favor of the continuance. They have had five meetings that involved the HSC, in the last two weeks. Those were the first times that HSC has ever agreed to meet with them, the neighborhood that is directly around the Campus. For 30 to 40

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

years, they have been promised no more than 450 beds in the neighborhood, and now they are trying to go back on that promise. He stated that they are very, very concerned about how this stuff is written and what kind of enforcement there will be, before anything can be approved going forward. They have been expressing their concerns for months. They have been hoping that the HSC would give them some idea about how they were willing to work with the neighborhood. They did not. So, the neighborhood did finally write their own stipulations. They do not know how to write stipulations, so they have done the best they can. The City has been very helpful to try and get them into a framework that actually makes sense. That is a process that was started and is going on right now. They are set to meet with the Campus and Maricopa County next week. They had conversations today with Mr. Gilbert, where they came to an agreement. They are having the opportunity to provide input, which they were not given any responses to earlier. They hope to get something better than this plan if they have a little more time.

Chairman Johnson called on Mr. John Westerdale.

Mr. Westerdale stated that he is a member of the Madison Pioneers Coalition, and he supports their request for a continuance. Neighbors spent the last year meeting with the City, the State, neighborhood groups and homeless service providers trying to find solutions to the homelessness crisis in the Capital Mall. Since the previous Planning Commission meeting, they have had meetings with the HSC and the Planning and Development Department to address their concerns. This is what neighbors have talked about, meeting with Mr. Gilbert and the agency. After those meetings, it was clear that the success or failure of the zoning application is tied to Maricopa County. Enforcing basic health standards for the neighborhood is the County's responsibility and not the City. So, until they can get commitments from the County to uphold their responsibilities to the community, many of the stipulations written in the zoning application, are not enforceable. Next week, HSC, the City of Phoenix and neighbors are meeting with Maricopa County. The meeting will be facilitated by Mr. Alan Stephenson. They are not trying to delay this endlessly. Being in the neighborhood, ones sees this crisis upfront all the time. They are trying to find a long-term solution. The truth is that if the County does not step up here, and they continue to do nothing, the homelessness crisis in the Capital Mall will get worse. That is regardless of whether the shelter is expanding or not. They need to have those meetings. He stated that hopefully the City will back us up.

Chairman Johnson called on Laurel Langmade.

Ms. Laurel Langmade stated that there are four properties that go right from the campus to 15th Avenue and McKinley Street, and they are all affected by the number of homeless that are on the street. She is strongly for a continuance. One of the things that she would like to do in the continuance is have Mr. Koppell at the HSC address why having a mega campus is a solution when the City of Phoenix plan asks for a smaller shelter. Bigger is not better; think about economy of scale. She stated that she sent some solutions to these stipulations and made some suggestions to Mr. Gilbert on August 4th. She did not receive a response. Listening to Mr. Gilbert and Mr.

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

Koppell saying that they are getting this solved, is not true. She does not understand the logic of the people that are saying that getting these beds is going to help the people on the street, when Councilman Nowakowski recognized that 40 to 60 percent of these people cannot go into the shelter, because they do not meet the shelter requirements. So, where are these people going to go? She asked, if the meeting notices are so visible, why were people opposed to this not being asked to come until November.

Chairman Johnson called on Ms. Eva Olivos.

Ms. Eva Olivos thanked Chairman Johnson for his service to the Commission. She stated that she represents communities living south of the Campus who are impoverished and predominantly minority, Hispanic populations. They were originally promised 420 beds with the initial promise that there would be satellite places. She stated that with the 420 beds the Campus attracts 1,500 people. If they put 1,000 beds in there, they will attract 2,000. If you build it, they will come. The City's plan says that smaller is better, and providers support smaller shelters.

Ms. Olivos pointed out that the role of the Phoenix Planning Commission is to promote health, comfort, and safety. But it does not mean only for the homeless. The nearby neighborhoods get equal access, too. They are trying to get that for their neighborhood. No one that she knows is opposed to the Campus. Everyone she knows advocates and supports them, including her.

Ms. Olivos stated that she highly supports the continuance. Another point she wanted to make was that it goes against the Capital Mall Overlay, and if they were not going to invest in the Capital Mall Overlay, she wondered why they asked residents to give input. She stated that they have been working on this for 10 years, and the other people talking have been doing it for one or two years. She has been to City Council, to the City Supervisors, to the Mayor, everywhere to try and get relief for their neighborhood, and no one will listen. The current stipulations are not enforceable. They do not meet the needs of the neighborhood. They only satisfy the needs of the Campus. She reiterated that she supported the continuance.

Chairman Johnson called on Mr. Michael Rodgers to speak next.

Mr. Michael Rodgers stated that he is Chair of the Papago Neighborhood Association and a member of the Madison Pioneers Coalition. He stated that he appreciated the patience of the citizen appointees that sit on this Commission. Like them, he assumed that most of them worked all day, as he did. He was speaking tonight on his volunteer time to speak in favor of the continuance for this issue. He thinks clearly and concisely, what they know is that the problems continue. They still have hazardous and human waste, trespassing, property crime, random violence, and more occurring, with only 450 beds. It is not right to speak to enlarging that capacity without fully involving the neighborhood volunteers who are willing to come to the table. They are a small but vocal group. He stated that they are citywide in backing this continuance. As volunteers, they want to come to the table and make this work. They are not blind to

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

the compassion that is necessary. They empathize with what is going on. They know that there is a problem, they know that there are stipulations on the table, and they know that there are volunteers in the neighborhoods that are willing to come to the table to speak to this and resolve it. They are asking for a continuance.

Chairman Johnson called the next speaker Ms. Anne Ender.

Ms. Anne Ender stated that she would support the continuance, however, she remained skeptical that further discussion was going to result in any solutions. She has participated in the meetings with other neighborhood leaders and has diligently researched the Capital Mall Overlay. She found that this case clearly violates the purpose of that overlay. She could not see that further discussion would result in any kind of solution. She stated that maybe Mr. Stephenson could speak to the overlay. It is completely in violation of it. She thanked the Commission for their time.

Chairman Johnson called on John Soccoman to speak.

Mr. Soccoman stated that he has lived in the neighborhood since 1997, before there was a Human Services Campus. He remembers 20 years ago when the HSC came in, promises were made that this was going to improve the situation that was there before. He stated that he was in favor of the continuance, because he does not want something to happen quickly, that is going to impact him for the next 23 years. Once it is done, he does not think it can be undone. He completely supports the continuance. He only heard about this recently before the Village Planning Committee hearing. He had never been invited to any of the five meetings, even though he would like to participate. He stated that he welcomed the chance to do so.

Chairman Johnson called on Twanna Brunson.

Ms. Twanna Brunson stated that she is a member of the South Mountain Village Planning Committee and President of Broadway Estates Block Watch Association and a board member of Broadway Heritage Neighborhood Association. She wanted to echo the words of Councilman Nowakowski and the comments made by Chairman Johnson. She opposes the proposal, but she supports the continuance. She attended both meetings held last month and listened to the residents, neighbors and business owners, and they are against this. They have spoken of hardships that no one should have to deal with. She stated that people have spoken about placing human life above property. That is not the case. These people feel unsafe. There is drug activity and all sorts of hardship that they have been dealing with and that should not be the case. These people have made 15 to 30-year lifelong investments into this neighborhood and they should not be subjected to any of that. She thanked the Commission for allowing her to speak.

Chairman Johnson thanked her as well as the other Village Committee members for serving. There were others in opposition to the continuance that he also wanted to thank. He called on Jessica Bueno. She was not present. He called on Alex Stratton again.

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

Mr. Alex Stratton stated that he has talked to his neighborhood and they have ideas regarding the stipulations. They opened a conversation with the City and leadership.

Chairman Johnson called on Joel Coplin to speak.

Mr. Joel Coplin stated that he and his wife are members of the Madison Pioneers Coalition. He thought that the City would be making a horrible mistake if they voted on this item without the continuance. This item needs more time. He was never invited to any of the previous meetings, yet he lives a half block from the Campus. He stated that everyone on the street comes to him. They know who he is, and he knows who they are. He knew the people who died and feels just as bad as others about their loss.

Mr. Coplin stated that he has lots of good ideas that were never heard, until tonight. He was never invited to any meetings, so, he does not know what they all are talking about, but he feels like he should be included since he lives very close to the Campus. He stated that he supported the continuance. He thought they would really be taking a chance by voting during this meeting. He asked what happens after they add another 500 beds, and next year they are all loaded up on the streets again. Would they add 500 more and how big is this going to get? He stated that they need to come up with solutions. They need to continue to get more input. He wanted to have some input and was not sure why he had not had the chance already. He stated that people had street fights during the day with chains and shovels, and there were overdoses; it was quite a day.

Chairman Johnson stated that they had finished hearing registered speakers, however, he had one unregistered speaker, Mr. Ian Francis.

Mr. Ian Francis thanked the Chairman for the opportunity to speak. He has been working on this issue for over one year, since they found out about the Health Services Campus application. They have had very few discussions with the Campus. The last two weeks have been the most productive two weeks they have ever had with Mr. Gilbert, the HSC, and the City of Phoenix. He stated that just today, Mr. Stephenson sent back the list of stipulations that his neighborhood drafted, of which there are 19 stipulations. They gave them to him yesterday and they presented them to the HSC and Mr. Gilbert today. The applicant does not like any of the neighborhood stipulations and they are trying to slide this through without hearing from them. He wanted to make their stipulations publicly known, so that opposition at this meeting and everyone else can at least see them. He stated that 50 percent are to protect the people that are in this neighborhood. They are not to benefit these businesses; they are there to protect lives.

Mr. Francis stated that he wanted to comment on something that completely frustrated him. He was extremely frustrated that people talked about homeless people getting killed. He stated that he watches it happen. People are dying directly on the streets. When they die directly in front of the Campus, no one from the Campus

Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

comes outside. When they die in front of the Andre House, no one comes outside to see what is going on. The ambulances pick them up. He reiterated that they have had the best dialogue in the last two weeks, and they need a continuance. They can make a difference and do this in another couple of weeks to a month. He thinks they can resolve this for the Planning Commission to decide on, without seeing these 19 stipulations. They can even be narrowed down to a few less stipulations. He stated, I think we can make this work, but I need the public to see these stipulations, so that they can understand where we are coming from.

Chairman Johnson asked Commission members if they had internal discussion, questions or comments for staff.

Commissioner Busching asked staff if they had received the proposed stipulations that various speakers referenced, and if there were proposals with which City staff could work.

Ms. Escolar responded that staff had received their proposed stipulations, and they are in the process of working with them to put them in standard stipulation format and to ensure that they are legal and enforceable.

Commissioner Busching asked if staff had discussed those at all with the applicant.

Ms. Escolar responded that they did have a meeting earlier in the day where the Madison Pioneers Coalition proposed some of those stipulations. However, she did not know if they had had the chance to look at them in detail.

Chairman Johnson asked if there were further questions or comments before he entertained a motion.

Commissioner Montalvo stated he had a motion and a question.

Chairman Johnson asked if he could ask the question and wait on the motion so that Commissioner Gorraiz could ask his question or make a comment.

Commissioner Montalvo stated yes.

Commissioner Gorraiz stated that Ms. Ender had mentioned the Capital Mall Overlay. He remembered that had gone back into the mid or late 1990s, and then there were changes in early 2003. Some of the changes had to do with restrictions. He asked if staff could explain to him how the Capital Mall Overlay impacts this issue.

Ms. Escolar responded that the reason why the applicant is requesting a special permit is because the Capital Mall Overlay District requires it. Otherwise, if the Overlay did not exist in this particular area, they would be allowed to have the shelter and charitable dining hall by right. The Capital Mall Overlay requires a special permit if one is doing a shelter or charitable dining hall.

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

Commissioner Gorraiz asked if that was the case even though they were doing that before the Overlay came into force.

Ms. Escobar responded that they have an existing special permit, but it only allows them to have 425 shelter beds. So, they are requesting an increase to that.

Commissioner Gorraiz stated that he would like to thank everyone that has participated in this issue. He stated that there has been a lot of emotion, a lot of people that have spent a tremendous amount of time doing this. He stated that he was going to support the 30-day extension. He emphasized that this was very important to him. He worked down there. He spent a lot of time going down there on emergency calls, going all the way back to when CASPAR Emergency Services Center (ESC) started. Later, the Human Services Campus was built, which is a tremendous place, and what they do is fantastic. He certainly empathized with those who had spoken about the deaths and the cold. He stated that he would support the extension, however, he would not be willing to do that again, unless there were a temporary authorization for additional beds, while they resolve the number of issues that seem to be so prevalent on both sides. He was not sure that they needed to wait until the County takes care of this, or the State jumps in, or until they have some agreements like they almost had with Mesa. They did on the west side, as well. He stated that it was true, they do need some regional assistance, but he thinks it makes sense to give people one more opportunity to talk and come to some agreement about how this is going to work. There is no doubt, we are in desperate need of additional beds. He is in total support of providing those additional beds. With that in mind, he was supporting the continuance.

Chairman Johnson stated that Commissioner Gorraiz omitted the fact that he was down there helping people out as a Fire Fighter. He was sure that there were constant calls made helping the public out. He thanked Commissioner Gorraiz for his service.

Commissioner Gorraiz stated that he was glad that was brought up, because it was actually the fire fighters that were heavily involved when CASPAR started, along with the Schoolhouse Foundation. It was actually a fire fighter's district, the first teacher before it became the Schoolhouse Foundation at Trinity. He stated that they go way back. They were the ones that went and picked people up off the streets back in the 1980s when they had the tent cities down there. This has been going on for a very long time. Now it just keeps getting bigger, and he does not see it diminishing at all. He stated that we desperately need to address this homelessness.

Vice-Chairwoman Shank stated that she wanted to echo the comments by Commissioner Gorraiz. She agreed 100 percent that there is a huge need for beds, and she is in support of the beds. She would be in support of a 30-day continuance, but no more than that. She hoped people could come together and work this out. She thought Commissioner Gorraiz was exactly spot on.

Chairman Johnson stated that Mr. Gilbert has at least been great working with neighbors on other projects where they tried to find solutions. He genuinely believes

## Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

that if anybody can get this done it is going to be him to try to find something that is a middle ground between the two sides. He understood that it would not be easy. It would be extremely difficult. At the same time, he understood the need to rush to push this through, and the concern for lives. But just the same, the Planning Commission is taking it from the perspective that if this were an apartment case in somebody's backyard, they still have to be cognizant of the neighbors that live in the area, because they also make sacrifices. As he mentioned earlier, he served on the CASS Board. He donated time, he volunteered, he donated money and helped raise money for CASS. It is a great organization within the Human Services Campus. He could say that while additional beds are always needed, whether they put these beds in now, they will still need more beds. Beds do not really solve the problem. At least from what they have seen in the studies that have been shown. That does not mean that it is not a need and not something that needs to be addressed, but the real answer in trying to solve this issue is case workers. The more case workers they hire, the better chance they have and the less likelihood of recidivism, people going back on the street. There is five times less likelihood that a person will return to homelessness if they have a chance to see a case worker. So, to really solve the problem, that is one of the areas that need to receive more focus. He stated that if we did 10,000 beds today, we would fill them. If we did 20,000 beds today, we would fill them. Beds are a temporary solution to a much bigger problem. He stated that he has been into the weeds on this stuff and understands it, probably not as well as their former leader Ms. Lisa Glow, who has done an outstanding job since coming onboard with CASS, but there is still work left to be done. He does understand that it ultimately will help address a certain portion of the problem, but it is not the long-term answer. Finally, he wanted to say that at this time he was only willing to personally support a 30-day (35-day) continuance, because he would really like to see some progress. There is the possibility and the potential to be able to move the needle. He stated that he supports the continuance until January 7th, and at that time he will see what happens. He called on Commissioner Montalvo.

Commissioner Montalvo stated that he had three questions and wanted to know to whom should he address them. He asked who else would be involved besides Mr. Paul Gilbert and the owner.

Chairman Johnson asked Mr. Gilbert to speak to Commissioner Montalvo's question.

Commissioner Montalvo asked his question, but it was inaudible. He repeated the questions and asked if the case were continued, how quickly would they be able to fix the problems they are having. He asked if 450 beds would be enough. He asked how many people are out on the streets currently. He visited the area twice in the last week and he saw more than 500 people on the streets. He asked if they are going to be able to clean the street completely and if they waited a little longer, would the new way improve the situation.

Chairman Johnson repeated Commissioner Montalvo's question due to audio difficulties. He stated, if we approved the application today, will the problem be

Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

solved? Does he think that it is going to have a big impact on what is going on right now, in relation to what he saw out at the site?

Mr. Gilbert stated, approving it today does not solve the problem. He and the Human Service Campus are aware of that, but it is progress. He thinks that if it were approved, it would be extra beds. Combined with the stipulations that protect the neighborhood, he thought that they would make substantial progress, but they will not solve the problem.

Commissioner Montalvo asked how long it would take to solve the problem. He hears that they have been doing this for years and years and poor Councilman Nowakowski got accused of being a lame duck now. He asked how this would help them if they cannot solve the problem right away.

Mr. Gilbert responded that they can solve the immediate problem. He stated that there used to be 300 people in the overflow shelter, but now it is gone. This gives them the chance to at least get back what they once had. They can solve a lot of the problems with this change to the Special Permit. He stated that they cannot solve the problem completely, but they can go a long way towards solving it. This gets them back to where they used to be before they shut the outdoor shelter down. He agreed with Commissioner Montalvo 100 percent. He stated that he has said this in every meeting. They are in 100 percent agreement that they need a regional plan. This does not solve the problem. It helps make progress, but we do need a regional plan. One of the stipulations that staff suggested is that we help lead the charge for a regional plan, and we want to do that.

Commissioner Montalvo stated that there are more than 500 people that need beds. They are only going to solve some of the problem, not all the problems. He thinks it is going to take a little longer to solve all the problems than in the next 30 to 35 days.

Mr. Gilbert stated that he agreed with Commissioner Montalvo.

Chairman Johnson asked Commissioner Montalvo if he had any further questions.

Commissioner Montalvo stated that he was not sure who was going to answer them. He asked what ideas they have to solve the problems totally.

Commissioner Gorraiz stated that just as a point of rules of order, he thought they were still talking about whether they were going to hear this case tonight or continue the case for 30 days. He stated that he would welcome the motion that Commissioner Montalvo was talking about making earlier.

Chairman Johnson asked Commissioner Montalvo if he was ready to make the motion.

Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

Commissioner Montalvo stated that he had one more question. He asked if the applicant's representative promised to work closer with the Councilman and the community.

Chairman Johnson stated that Mr. Gilbert was no longer on the mic, but he genuinely believed that he would. He asked Commissioner Montalvo if he was going to make a motion.

MOTION I: Commissioner Montalvo made a MOTION to continue the case 90 days to work with the community.

Chairman Johnson verified Commissioner Montalvo's motion for a 90-day continuance.

Commissioner Montalvo stated yes and asked to be invited to some of those meetings. They need a little longer and maybe he could help. He is a builder by trade, and he likes to deliver his buildings on time, and he would like to help deliver this thing on time, too.

Chairman Johnson asked if there was a SECOND to the motion or a substitute motion.

There was no SECOND. The motion failed.

MOTION II: Vice-Chairwoman Shank made a substitute MOTION to continue for 30 days to the January 7, 2021 Planning Commission Hearing.

Commissioner Shank stated that they had been working on the issue since February of 2019, and 30 days should be enough time. If they were all invested in making this work, they needed to find the time.

Commissioner Gorraiz SECONDED her motion.

Commissioner Gorraiz stated that there is a lot that goes into this issue. He did not see anyone coming together in the next 30 days to solve the homeless issue, hunger, health, and many other issues. They were looking at an application to increase the number of beds and whatever that means, with regards to facilitating other things that can help at that location.

Commissioner Gaynor stated that he absolutely supported the substitute motion, however, he did want to make a comment directed at Commissioner Montalvo's original motion. As the Chairman mentioned earlier, if we are not satisfied with their work in the next 30 days, there will be another opportunity to make comments and discuss this. He thought that 30 days was safe and fair, even though he had hoped that they would not have to continue the case and that the solutions were already presented. He did support the continuance.

Planning Commission Minutes for December 3, 2020 (VIRTUAL MEETING)

Commissioner Gaynor stated that he had been serving on these commissions for more than 13 years, and this is the second time that he ever saw a Councilman show up at one of these meetings. He stated that he would be cautious to mention something before understanding what these commissions are designed to do. They are citizen commissions, and they are volunteers. They are supposed to support the City Council so that they do not have to show up to every meeting. That is the Commission's responsibility. He thanked Councilman Nowakowski and Councilman Garcia and the Mayor for the work they do as elected officials. Again, they are here to do their work, and we are here to do this.

Chairman Johnson asked for further comments before voting on the motion.

Commissioner Montalvo stated that he wished everyone a Merry Christmas, but also reminded them in contrast of what the homeless would be experiencing out on the streets. He hoped that everyone could do better.

Chairman Johnson stated that he loved seeing and hearing the passion and concern. He wants to make sure the Commission members get this right. He is hoping that with the time that has already been spent and the additional 30 to 35-day continuance, they will be able to see both sides come to the table and find a compromise that works. He reiterated that he wanted to see both sides coming to the table to find that compromise.

Commissioner Busching stated that while she agreed that the need to get the additional beds and move forward is critical, she was heartened by the fact that the opposition has crafted stipulations and gotten them to staff. This puts them in a position to be actually workable, and opposition to be able to sit down with the applicant to hopefully try and revise the current proposed stipulations. As long as both sides work in good faith over the next 30 days, she thought they should be able to move forward at that time. She supported the motion.

Chairman Johnson asked for further comments. There were none.

There being no further discussion, Chairman Johnson called for a vote and the MOTION PASSED 7-1 (Absent: Montalvo) (Conflict: Howard).

*Commissioner Montalvo left the meeting at 8:25 p.m.*

\*\*\*

Planning Commission Minutes for November 5, 2020 (VIRTUAL MEETING)

**Item #:** 13  
**Application #:** Z-SP-2-19-7  
**Location:** Southeast corner of 13th Avenue and Madison Street  
**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.  
**Existing Zoning:** C-3 HP-L CMOD, A-1 HP-L CMOD, A-1 SP CMOD, and A-1 CMOD  
**Proposed Zoning:** A-1 SP CMOD  
**Owner:** Human Services Campus Inc., et al  
**Applicant:** Andy Jochums, Beus Gilbert, PLLC  
**Representative:** Paul Gilbert, Beus Gilbert, PLLC

*This item was taken out of order.*

*Commissioner Howard recused himself due to an appearance of a conflict of interest for this item. He has no financial interests. He felt it would be inappropriate for him to vote on this case.*

Ms. Racelle Escolar stated that Item No. 13 is Z-SP-2-19-7, a request to rezone 14.53 acres located at the southeast corner of 13th Avenue and Madison Street from C-3 (General Commercial District), HP-L (Historic Preservation Landmark), CMOD (Capitol Mall Overlay District), A-1 (Light Industrial District), HP-L CMOD, A-1 with a Special Permit CMOD, and A-1 CMOD. The requested zoning is to A-1 SP CMOD to modify the Special Permit area of the Human Services Campus to include the 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.

The Central City Village Planning Committee recommended approval, per the staff recommendation by a 6-3 vote.

Ms. Escolar stated that staff recommends approval, per the Central City Village Planning Committee recommendation.

Ms. Escolar stated that they received a request to continue this item, from Councilman Michael Nowakowski and from the applicant.

Chairman Johnson stated that he would call the applicant up to speak but first wanted to address the request for an email to be read into the record with opposition to the case, as well. Since it was referencing the case instead of the continuance, he would wait to read it, hoping that the he/she will come to the next hearing, or he will read it at that point.

## Planning Commission Minutes for November 5, 2020 (VIRTUAL MEETING)

Chairman Johnson stated to the applicant that there are seven people wishing to speak referencing the continuance, and only the continuance. He would bring those people up first to speak. The applicant would be given the opportunity following opposition to give a seven-minute rebuttal to any opposition to the actual continuance. He reiterated that the Commission members would only hear opposition to the continuance at this time.

Mr. Gilbert stated that he agreed.

Chairman Johnson stated that there were 11 people wishing to speak. He would give each person one minute to speak regarding the continuance. Four people wished to donate their time to Ms. Katherine Roxlo.

Chairman Johnson called on the following opposition:

Mr. Daniel Langmade was called, but did not respond.

Mr. Ian Francis stated that he was representing the Madison Pioneers Coalition, which are the immediate neighbors in the vicinity of the applicant's property. He stated that they recommend the continuance.

Ms. Anne Ender was called, but did not respond.

Mr. Joel Coplin stated that he would like to add his name to Councilman Nowakowski's call for a continuance.

Ms. Angela Ojile stated that she is the Chair of the Madison Pioneers Coalition. She owns a couple of properties in the area. Her south wall is the north wall for the Human Services Campus (HSC). She agrees with Councilman Nowakowski's office for the continuance. The reason for the continuance is that is the right thing to do. It does not really observe the capital mall overlay, which was put there to protect the neighborhood. There has been no communication by the applicant to this neighborhood, which is the direct fallout of everything that happens down there. They have talked about that at length. As many as 30 or more people have talked about that at length at some of their past meetings, and still no one has reached out to talk to them about the stipulations or about what if anything can be done to make this workable with the neighborhood. She stated that she just does not see any effort on their part, and the fact that it possibly does not matter to them is not good enough. Something needs to be done. This neighborhood is not protected with the stipulations that were put there.

Chairman Johnson responded that they have had Mr. Gilbert in front of the Planning Commission several times. He is an outstanding human being. He was sure that Mr. Gilbert would be happy to reach out and speak with them about it.

Ms. Ojile asked if she could get a direct phone number, she would love to reach out to him the following day.

Planning Commission Minutes for November 5, 2020 (VIRTUAL MEETING)

Chairman Johnson stated that when they call Mr. Gilbert to speak, he will ask him to provide his phone number.

Ms. Roxlo was called, but did not respond.

Mr. Daniel Langmade was called again, but did not respond.

Ms. Anne Ender was called again, but did not respond.

Chairman Johnson called Mr. Pat Morlan, Mr. Jim Morlan and Mr. Ron LaMee who had donated their time to Ms. Roxlo, to speak.

Mr. Bill Morlan stated that Ms. Roxlo had asked him to apologize on her behalf for not attending this meeting. She would not be speaking. He stated that he strongly supported the continuance. He is a member of the Madison Pioneers Coalition in the neighborhood, which is very close to the campus. He wanted to reiterate what some of the other group members had stated. They have not felt like they have had adequate communication with the Human Services Campus and with Mr. Gilbert about this. He wanted to second Ms. Ojile's request to get contact information for Mr. Gilbert, so that they can reach out to him directly to see if there is a way that neighborhoods and the Campus can reach a resolution that will make everyone happy.

Chairman Johnson asked if there were any questions for the speaker. There were none. He called on the Honorable Michael Nowakowski to speak. He was not in attendance.

Chairman Johnson called on Ms. Lisa Glow. She was not in attendance.

Chairman Johnson called on Mr. Gilbert who had support for the continuance.

Mr. Gilbert stated that they wrote the letter requesting the continuance. Obviously, they did so with great reluctance, but in deference to Councilman Nowakowski's request and subsequent request, they agreed and requested the continuance. He stated that there were two things he needed to clarify. There has been a lament that there has not been sufficient discussion of the stipulations. He wanted to remind the Planning Commission members that although they participated in discussion of same, the stipulations were drafted, authored by, and promulgated by the Planning and Development Department staff. When they have their meetings between now and the hearing date, they are requesting that the Planning staff be there to help host and attend these meetings. The last thing he wanted to make clear was that they have requested this matter be continued until the next hearing on December 3, 2020. He would appreciate that the hearing date be included in the motion.

Chairman Johnson requested Mr. Gilbert's phone number and email address.

Mr. Gilbert stated his phone number (480) 429-3002 and his email is [pgilbert@beusgilbert.com](mailto:pgilbert@beusgilbert.com).

**Vice-Chairwoman Shank made a MOTION to continue Z-SP-2-19-7 to the December 3, 2020 Planning Commission hearing, without fee.**

**Commissioner Gorraiz SECONDED.**

Chairman Johnson asked if there were any questions or comments.

Commissioner Gaynor stated that he supported the continuance, but thought that it was imperative to add beds to an area that he truly feels is saturated, and that local businesses and households are spoken with. He does not see that the effort has been made to a point of his satisfaction. He hoped that over the next 30 days Mr. Gilbert and the applicant would have several meetings with the community and show the Planning Commission that at the next meeting, to make sure that they are addressing their concerns.

Commissioner Gaynor stated that he was surprised the City has let this go for so long. His organization, Chicanos Por La Causa (CPLC), is attempting to fight things like human trafficking, domestic violence, substance abuse, and homelessness, as they talk to communities around the Valley and around the states they serve, on how they can do that. As much as they would like to be the savior to all, they realize that they cannot do this all themselves. They partner, they join, and they help other organizations that are trying to do the same things and reach similar missions. In fact, they put the pressure on other organizations like their own, to do their part, so that the community is served. In this case, the City has worked very hard to address the homeless issue. He feels they have done more than their fair share and it is time that the City absolutely require conditions before accepting any more beds from any other cities. Those conditions can be conditions where the city that is sending a client or someone needing help, makes a commitment that they will be adding a bed or a number of beds to address this issue in a certain period of time, so that there is a commitment that this will happen. Any additional bed that Phoenix provides, the city that is sending somebody to us makes that similar commitment. Commissioner Gaynor believes that it is everyone's job to help fight homelessness, and that includes all of the cities surrounding the City of Phoenix. He hopes this message gets out to the people that need to make some of these changes. He thanked the Chairman for allowing him to speak.

Chairman Johnson echoed a lot of Commissioner Gaynor's concerns in the City and how we adjust this issue moving forward. He reiterated the motion stated earlier.

Commissioner Gorraiz stated that he agreed with everything Commissioner Gaynor stated. He also is interested in the funding for some of this. He was hoping people would bring some of that information to the December 3rd meeting.

There being no further discussion, Chairman Johnson called for a vote and the

MOTION PASSED 8-0 (Conflict: Howard).

\*\*\*

## **OTHER BUSINESS**

14. Presentation, discussion and possible action regarding the 2021 Planning Commission Schedule. There were no comments.

**Vice-Chairwoman Shank made a MOTION to approve the 2021 Planning Commission Schedule as proposed.**

**Commissioner Gorraiz SECONDED.**

There being no further discussion, Chairman Johnson called for a vote and the MOTION PASSED 8-0 (Absent: Montalvo).

\*\*\*

15. Presentation, discussion and possible action regarding the election of the 2021 Planning Commission Chairperson and Vice-Chairperson.

Ms. Escolar asked if there was a nomination for Chair for 2021.

**Commissioner Howard made a MOTION for Commissioner Shank to elevate from Vice-Chair to Chair on the 2021 Planning Commission.**

**Commissioner Gorraiz SECONDED.**

Chairman Johnson stated that she was a good fit as Chair. He was very supportive of this decision. She will be a great Chair. He asked if there was further discussion or comments.

Commissioner Mangum stated that she was very excited about Commissioner Shank becoming Chair. She has been under Chairman Johnson's wonderful tutelage these past years. She is completely supportive of the nomination.

Commissioner Gaynor stated that it was a great choice. He thinks that she will be a great leader to this Commission and was looking forward to congratulating her.

There being no further discussion, Chairman Johnson called for a vote and the MOTION PASSED 8-0 (Absent: Montalvo).

Commissioner Howard thanked Chairman Johnson for his leadership on this Commission over the last couple of year. He thinks he has done an exceptional job. He never would have made that motion without speaking to Chairman Johnson first. Chairman Johnson had stated earlier that he wanted to step down

Amendment to the Alwun House PUD to allow mobile vending, agricultural uses, and retail sales.

*Committee member Dana Johnson recused himself for this item and Shannon Dubasik left the meeting for this item, bringing quorum to 10.*

**Sarah Stockham**, staff, reviewed surrounding land uses and zoning, the existing PUD goals and the request to add two new uses: mobile vending and the raising, harvesting and retail of crops on site. Ms. Stockham displayed an aerial map, the proposed site plan and reviewed proposed stipulations.

**Dana Johnson**, with the Alwun House Foundation, introduced himself, and explained that the Alwun House Foundation is a non-profit arts organization on Roosevelt Row that showcases art in the historic Sedler House which has been a recipient of CBDG grants. Mr. Johnson showed an aerial zoning map, explained the existing PUD standards and allowable uses, and the proposed additions to the use list.

**Public Comment:**

None.

**Motion:**

**Eva Olivas** motioned to recommend approval of Z-27-A-11-8, per the staff recommendation. **Michael Langley** seconded the motion.

**Discussion:**

None.

**Vote:**

10-0, Motion to approve passed with Committee members Starks, Burns, Gaona, Langley, Lockhart, Olivas, Panetta, Rainey, Sonoskey, and Uss in favor.

6. **Z-TA-7-20:** Presentation, discussion and possible recommendation regarding a request to amend Chapter 7, Section 705.2.G.4 to update criteria for digital conversions of nonconforming off-premise signage.

*This item was not heard as the case was withdrawn.*

7. **Z-SP-2-19-7:** Presentation, discussion and possible recommendation regarding a request to rezone 14.53 acres located at the 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 to 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.

*Committee members Ash Uss and Patrick Panetta recused themselves for this item, committee members Dana Johnson and Shannon Dubasik rejoined the meeting and committee member Wayne Rainey left the meeting during this item, bringing quorum to 9.*

*Seventy-nine speaker cards were submitted, wishing to speak.*

- Two speakers donated their time to John Westerdale*
- Three speakers donated their time to Angela Ojile*
- Two speakers donated their time to Ian Francis Green*
- One speaker donated their time to Joel Coplin*
- Five speakers donated their time to Katherine Roxlo*
- Five speakers donated their time to Amy Schwabenlender*
- Four speakers donated their time to Jonathan Koppell*
- Two speakers donated their time to Hannah Knudson*
- Two speakers donated their time to Andrew Cece*
- One speaker donated their time to Alexandra Lesnik*
- Two speakers donated their time to Zoe De Leo*

**Sarah Stockham**, staff, displayed an aerial map and reviewed surrounding land uses and zoning, the existing Special Permit area, the proposed site plan and proposed stipulations.

**Eva Olivas** asked if the committee can continue the item since the Strategies to Address Homelessness Plan has not been approved by City Council. **Ms. Stockham** replied that the committee can vote on any item to recommend approval, denial, or a continuance, and the next step for this case is for it to be heard by Planning Commission.

**Will Gaona** asked how the Phoenix Police Department defined a person vulnerable and in need of shelter and noted in Stipulation 8 and asked if someone from the Police Department is available to answer that question. **Ms. Stockham** replied that the basis of Stipulation 8 is to reserve a minimum number of beds for the Police Department to bring in individuals they come across in need of shelter, and that no one from the Police Department was in attendance.

**Dana Johnson** asked staff to expand on Stipulation 22 and Proposition 207 Form. **Ms. Stockham** replied that a Proposition 207 Form is a waiver of claims form recorded by the property owners of this request regarding claims for diminution of property value.

**Paul Gilbert**, representing the applicant with Beus Gilbert McGroder, displayed a chart showing the increasing number of those experiencing homelessness in

Maricopa County, an aerial map of the proposed special permit area, a map of the location of those who signed the petition to increase the number of beds, a map of crime statistics in the area and a map of coordinated entry access points across the Valley.

**Will Gaona** asked the applicant to expand on why the Police Department requested Stipulation 8 and if there are any standards to define a person vulnerable and in need of shelter. **Mr. Gilbert** responded that the Police Department originally requested many beds to be reserved and the applicant requested they reduce that number, but the Police Department said they needed that amount to be reserved for them. Mr. Gilbert continued that there was a recent court case decision which does not allow those experiencing homelessness to be moved unless there is a spot where they can be taken to, which might have been a motivating factor to reserve a certain number of beds. Mr. Gaona replied that when he read Stipulation 8, it felt like a work around from the decision of *Martin v. Boise* which prevents cities from enforcing criminal standards on unsheltered people, and that the city has many ordinances that are used against those experiencing homelessness that criminalize actions such as sitting on the sidewalk, and puts them in the criminal justice system. Mr. Gaona concluded that he was disappointed that there was no one from the Police Department in attendance to explain why they requested that stipulation.

**Michael Langley** shared that he concurred with Mr. Gaona and that some of the stipulations had a “broken-windows” approach to policing which might criminalize those experiencing homelessness and asked the applicant to explain if a mental health approach is provided on the campus. **Mr. Gilbert** asked **Amy Schwabenlender**, the Executive Director of the Human Services Campus to answer that question. Ms. Schwabenlender replied that Community Bridges Inc, “CBI”, is on the campus 24/7 to provide behavioral health services to those on the campus and they would be open to the opportunity to partner more deeply with the police to combine those services together. Mr. Langley replied that he wanted to decrease the amount of interactions with the police for those on or near the campus and to focus on a more solutions-driven approach.

**Vice Chair Janey Pearl Starks** stated that she shares similar concerns regarding policing.

**Alan Stephenson**, Director of the Planning and Development Department, stated that the intent of Stipulation 8 is to have beds available so that the police don’t have to arrest someone and criminalize those experiencing homelessness as they will now have bed spaces to bring people who need help, treatment and services provided by the campus. **Will Gaona** replied that under the *Martin v. Boise* case decision if there are no shelter beds available the police can’t arrest those persons experiencing homeless for breaking those ordinances, and

Stipulation 8 would be superfluous and that in practice there could be an increase in the number of arrests of persons experiencing homelessness.

**Eva Olivas** shared that the Human Services Campus has been a challenge for the neighborhood south of the site for at least ten years, and the neighborhood has complained to the City, who told them to go to the County, who told them to go to the Human Services Campus, and the campus invited the community to participate in cleanups. Ms. Olivas stated that the community has been shuffled for ten years and that everyone should have clean streets and neighborhoods. Ms. Olivas continued that the campus has a special permit for 425 beds with two stipulations and free reign to be creative in their programs and to be flexible in how they work with the surrounding neighborhood, and she sees the adverse conditions in the neighborhood every day.

**Public Comment:**

**Michael Rodgers**, with the Papago Vista Neighborhood Association, shared that he opposes the request because it contradicts the Capitol Mall Overlay and the HSC has had many decades to operate the facility well and has been unsuccessful. Mr. Rodgers shared that the stipulations are well intentioned but meaningless, and the request is failed policy and asked the committee to table or deny the request.

**John Westerdale** commented that he is opposed to the request as the neighborhood is overwhelmed, there are many letters of opposition detailing the negative effects of the campus in the area, and the neighbors are not anti-homeless. Mr. Westerdale continued that smaller, regional shelters are a better approach and this addition of beds would make HSC one of the largest shelters in the nation. Mr. Westerdale added that the staff report is a joke, the stipulations are vague and ineffective such as Stipulation 6, regarding cleaning rights of way around the campus, since as soon as an area gets clean it gets trashed again. Mr. Westerdale added that the area around HSC is a hotspot for crime and there was a recent homicide in the area. Mr. Westerdale continued that Stipulation 13 is nonsense, Stipulation 14 has no substance and the problems with the area have not been addressed. Mr. Westerdale added that Maricopa County has many funds that have not been used and the request is not a good solution to address homelessness.

**Angela Ojile**, with the Madison Pioneers Coalition, shared that in the 80's and 90's the comments regarding the campus were similar to the comments shared today, and the neighborhood has gotten worse. Ms. Ojile added that the stipulations do absolutely nothing and that the campus had 35 years to improve conditions. Ms. Ojile asked why no one is acknowledging what is happening in the neighborhood, the applicant hasn't been involving the community and she suspects something else is at play. Ms. Ojile continued that the cleanliness in

the neighborhood is reprehensible and that the Phoenix Rescue Mission had support when they asked to expand their operations. Ms. Ojile added that the applicant does not care, the neighborhood needs a soul again, and HSC has a bad reputation and people are afraid to be in there. Ms. Ojile added that smaller shelters are a better answer and that the stipulations are laughable and a joke. Ms. Ojile concluded that the area never looks clean and if the applicant cared they would have talked to the community.

**Felipe Barajas** shared that he is opposed to the request and it is unfair to burden a minority community with this request. Mr. Barajas added that the 1,300 children in schools nearby cannot walk to school or play outside safely, as the area has a high number of violent crimes. Mr. Barajas continued that the stipulations are toothless with no substance, such as Stipulation 14. Mr. Barajas asked the committee to vote no and force the city to come up with better solutions.

**Ian Francis** stated that things have gone downhill since HSC has taken over the campus and they have been letting the neighborhood deteriorate to get approval for this request. Mr. Francis stated that Stipulation 2.A calls for a minimum of 100 beds for the low barrier shelter, which allows people that are service resistant to be placed in temporary shelter. Mr. Francis continued that there is no one to manage those persons in tents near the campus, and those people are not being screened for drugs and alcohol. Mr. Francis continued that the staff report is a joke and atrocious, as are the stipulations and they are deplorable. Mr. Francis added that this request will make things worse and he is tired of dealing with people dying outside, as low barrier shelter beds will increase the number of violent people in the neighborhood. Mr. Francis concluded that this request is against the city's long-term solution to end homelessness plan, which should be completed and adopted before this request is heard as the long-term plan calls for a regional approach to end homelessness.

**Joel Coplin**, with the Madison Pioneers Coalition, shared that he has a birds-eye view of 11th Avenue and Madison Street. Mr. Coplin shared he has witnessed an exponential increase of those experiencing homelessness in the area who come from other states, and that they are young people who come for free tents and do not want to stay in the shelter. Mr. Coplin added that the increase in the number of people will contribute to longer lines and those who need and want services will fall through the cracks. Mr. Coplin continued that smaller shelters are a better solution and that this request will exacerbate the problems outside. Mr. Coplin continued that the streets are continually dirtied and that the request conflicts with the Capitol Mall Plan.

**Katherine Roxlo** shared that large facilities are not humane or safe and asked the committee to deny the request. Ms. Roxlo added that the HSC does not

meet the city's core values and the request will not decrease the amount of people on the streets because they do not want to enter a shelter. Ms. Roxlo continued that the stipulations are vague, inadequate and unenforceable. Ms. Roxlo added that doubling the number of people in the shelters will double the amount of trash in area. Ms. Roxlo continued that she must urinate at least once every night and that 500 people who camp outside will not hold it until the toilets open at 7:00 am. Ms. Roxlo shared that showers, trash cans and drinking water must be provided to Maricopa County standards and adequate to the amount of people who are camping outside. Ms. Roxlo continued that there has been no effort to engage the community to strengthen the stipulation language and she rejects the four findings of the staff report. Ms. Roxlo added that low-barrier shelter users are not interested in following laws and they will continue to use and sell drugs around the facility. Ms. Roxlo added that the stipulations have no teeth and that special permits may be revoked. Ms. Roxlo added that the HSC has no interest in engaging the neighborhood and the city needs to stop taking in those in need from all over the state. Ms. Roxlo concluded that the Village Planning Committee is tasked with reviewing the request and if it is good for the community, consistent with neighborhood and overlay policy plans, and the impacts on adjacent land uses. Ms. Roxlo concluded that the request is not good for the neighborhood, in conflict with policy plans, and negatively impacts the surrounding area.

**Vicki Anderson** shared that she is opposed to the request and that there is no information on how other shelters are operated, and other homeowner associations approve of the request because they don't want shelters in their neighborhoods. Ms. Anderson concluded that the City should push the HSC to research other, more effective models, of servicing those experiencing homelessness.

**Amy Schwabenlender** stated she has been in her role as Executive Director of HSC Inc. for two years, HSC Inc. has existed for three years and the campus was previously owned by the county and governed by a member-manager LLC. Ms. Schwabenlender added that for ten years (2005-2015), there was an overflow shelter that sheltered 500 people per night and when it was forced to close the number of unsheltered people in the neighborhood increased. Ms. Schwabenlender continued that over the past fiscal year there were 5,767 unduplicated individuals at the campus, and they worked with 16 different partner organizations on the campus to connect 2,480 people to permanent housing and use a housing-first approach. Ms. Schwabenlender added that there are housing case managers working to get people into housing, but it takes about 120 days to find housing due to low vacancy rates and lack of affordable housing. Ms. Schwabenlender added that 31 percent of people served on campus are African American or black, which is considerable given that the demographic makes up 6 percent of the total population in Maricopa County. Ms. Schwabenlender added that they have 20 access points across the

county that connected over 4,000 people with services so that they did not have to come to the Human Services Campus. Ms. Schwabenlender continued that for more than a year they have been doing street cleanups two days a week with Andre House and since October they have hired a cleaning company to do daily street cleaning, at their own expense. Ms. Schwabenlender shared that 42 percent of the HSC Inc. budget is from private contributions, 22 percent is from governmental contracts, 19 percent is from event contributions and 17 percent is from partner facility fees, and they do not acquire more money by serving more people. Ms. Schwabenlender asked for the committee's recommendation of approval, and shared that they won't have a 1,000 bed shelter and they won't shelter 1,000 people a night, rather they will have 100 beds at Andre House, 700 beds at CASS (Central Arizona Shelter Services) to shelter 800 people a night and 200 beds reserved when there is a heat or freeze advisory or when there is rain overnight. Ms. Schwabenlender stated that the low-barrier shelter is for those with mental health issues who are not currently sheltered and Andre House would house people in the building and would have an on-site service provider to manage the beds as it is not their core competency. Ms. Schwabenlender concluded that there is no evidence-based best practice model for emergency shelter or shelter size and a shelter bed is the first step towards finding permanent housing.

**Jonathan Koppell** shared that he is the president of the board of the Human Services Campus and stated that the HSC Inc. is a non-governmental organization that exists to serve human beings who do not have a place to stay. Mr. Koppell added that they agree with those in opposition that the current situation is intolerable and unacceptable, the impact on the community is real and must be addressed, and the response to homelessness must be regional and HSC supports the coordinated entry system to connect people with a pathway to permanent housing. Mr. Koppell continued that the city, county and the state must do more to address the needs of those experiencing homelessness and the impacts to the community, and they are allied with those against street feeding and agree that HSC can do better. Mr. Koppell shared that community members brought it to his attention that there was supposed to be a community member on the board of HSC, and they invited Jessica Bueno to serve on the board who ultimately declined the offer until the permit application request was completed. Mr. Koppell then shared that many speakers blame HSC for the conditions in the area, and propose shutting down the campus but if it was shut down, the people experiencing homelessness still exist and the proposal is to increase the number of beds to get those people off the streets. Mr. Koppell continued that the stipulations are not a joke and they are concerned with the rigorousness that they will be judged, and the special permit can be revoked if they don't meet the stipulations. Mr. Koppell concluded that they want to help people have their decency restored, have a fighting chance to meet the needs of those who are experiencing homelessness,

improve the status quo and improve the human suffering currently taking place nearby.

**Hannah Knudson** stated she is a resident of the Woodland neighborhood who supports the request, everyone deserves to have their basic needs met, and that safety and shelter are the foundation to address other needs. Ms. Knudson added that they are speaking of actual individuals and their lives are more important than the cleanliness of our alleys which will be addressed when there are more beds for people to use. Ms. Knudson shared that HSC already provides these services and the beds will be within existing buildings, and more beds far outweigh the cost to provide services such as police calls and emergency services. Ms. Knudson asked that the request not be tabled and asked the committee's approval of the request.

**Patrick Tighe** stated that he lives at Willetta Street and Central Avenue and works at the Arizona Center, and is in support of the request. Mr. Tighe stated that there is a moral obligation to help those who are experiencing homelessness and adding beds will increase public safety. Mr. Tighe shared that he often sees those experiencing homelessness when leaving work and wonders why we are not doing more, and a colleague left her window rolled down and a man was sleeping in her car because he did not have a place to sleep.

**Joshua Utter** shared that he also lives at Willetta Street and Central Avenue and supports this request. Mr. Utter added that there are more people on the streets and during the hot summer it is unfortunate to see so many people seeking shelter outside. Mr. Utter shared that as someone who has lived in a shelter, it is not the most comfortable, but it is a bed and a place to sleep and we need to consider the humanity of those who are seeking shelter.

**Becca Taylor** stated that she supports adding beds, and she is a neighbor and a first responder. Ms. Taylor added that many problems are in direct relation to the lack of available bed space. Ms. Taylor stated that she has seen the changes in the area since the overflow shelter was closed and shelter options were diminished. Ms. Taylor stated that we cannot continue to push people around and the request cannot be postponed.

**Yvonne Harrison** stated that she is a member of First Church United Methodist Church and is supportive of the request. Ms. Harrison stated that First Church has been a member of the community for over 100 years and they embrace the social gospel of Matthew 25:40. Ms. Harrison stated that they attempt to serve people experiencing homelessness with food, water, and basic services and that HSC answered the call when they tried to find shelter for someone recently released from the hospital.

**Alexis Wadas** shared that she is in support of the request and is a nurse. Ms. Wadas explained that with housing first model, housing needs to be addressed before other needs can be met. Ms. Wadas added that she has worked with the unsheltered with infected wounds from sleeping on asphalt, seen those with mental issues worsen because they don't have access to their medication, and people have to choose between working and standing in line for a shelter bed. Ms. Wadas concluded by asking the committee not to wait and asked that they approve of the request.

**Andrew Cece** stated that he lives by Grand Avenue Pizza and works with those experiencing homelessness. Mr. Cece read letters from those who are unsheltered as they do not have a voice in these proceedings:

- Joe stated that the Andre House should have more bed as they have done so much and helped so many people, and more beds would help get more people off the streets.
- Manuel Rivera shared that he has been unsheltered for about two weeks and it would be awesome if Andre House could have more beds to support the community more.
- Johnny shared that he has been experiencing homelessness for about five years and there should be a homeless shelter for those who are mentally ill, and a lot of people, like him, need it.
- Dallas stated that he has been living outside since 2009 and that they need more services and more shelters in the area and especially in the time of the coronavirus.
- Dreema shared that the Andre House is good for all types of services that the unsheltered cannot get otherwise, and she has been there for a year and has seen good changes in those around her.
- Myron stated that he has been staying outside for many years and he has not had a good night's sleep in a long time, and it is important to have shelter and a safe place where he won't be bothered.
- Nathan Porter shared that he is in support of the request and that more shelter beds will help with the drain on resources that are creating budget problems. Mr. Porter continued that he has witnessed many people be subject to mental and bodily harm while living on the street.
- Jerome Chapman stated that he has been at the campus for two years due to a hardship in a relationship that went south, and that adding more beds would help with the growth in the area and that they really do need the help.
- Richard Crist stated that it would be great to open another shelter, especially for those with mental illness and it would help those like him, who are on the streets.
- Reynold Arrajo shared that he has been homeless for eight years, he sleeps on the streets, and that more shelter beds will be helpful since the streets are not safe at night. Mr. Arrajo added that if he could get good rest, it would be a blessing for him.

-Dayru shared that he stays at CASS and they can do more to help people get the most help they can, and this affects everyone experiencing homelessness now and those in the future.

-Chris shared that the Andre House is worth the investment, and they are the best hospitality in the area and asked to get rid of the tents in the area by approving the request for more beds.

-Dory Salas shared that she has lived at CASS for the past two and a half months, and they need more shelter beds to help those who need a place to sleep.

**Ken Swenson** stated that works near 16th Street and University and supports adding more beds to buildings that are already in use by Andre House and the Human Services Campus. Mr. Swenson added that he sees the poor conditions those experiencing homelessness endure like sleeping on the pavement and in the brutal summer heat, and the community should lend a helping hand to those in need. Mr. Swenson concluded that the facilities are already there, the stipulations are positive to the neighborhood and asked committee not to table the vote.

**Alexandra Lesnik** shared she lives in the Oakland neighborhood, supports the request and has grown to know many people who have been experiencing homelessness, for example Monica, who sleeps in a tent on 9th Avenue and has severe diabetes and ended up in the hospital in critical condition. Ms. Lesnik continued that Jane stays by a local park and tries hard to get everything that she needs but her belongings get stolen every few months, and she yearns for a safe place to stay. Ms. Lesnik added that she has known many people who have died on the streets such as Mark, who passed away in his tent on 9th Avenue, Gilbert who passed away in a tent nearby, Jose who died in front of the Human Services Campus and was 23 years old, and John who became ill and couldn't get medical care and died in the hospital. Ms. Lesnik stated that those men died in the heat of the summer and had names and lives and she mourns the loss of their lives. Ms. Lesnik stated that no one should have to live in fear that they will be the next to die on the streets due to inadequate shelter, and if Mark, Gilbert, Jose and John would be have sheltered, they would be alive today. Ms. Lesnik concluded that we can honor their lives by ensuring that no one else dies on the same streets that they did and this request cannot wait and it is an emergency as people are dying on the streets. Ms. Lesnik urged the committee to support the request.

**Bethany Heng** shared that she lives in the same neighborhood as HSC and is a clinical coordinator in the area. Ms. Heng added it is widely known that shelters are often full and there are waitlists for clients to receive low-income housing. Ms. Heng stated that she wants to see homeless individuals in her neighborhood have access to a safe place to sleep, bathrooms, and support. Ms. Heng gladly welcomes the addition of the beds to her neighborhood as it is

a simple request of basic shelter. Ms. Heng concluded that this is the absolute minimum the city can do to help those in need, she recently lost her job and without assistance from family and friends, she could have lost her apartment and it is important to remain empathetic and not become hardened.

**Alex Rempel** stated that he lives on 5th Avenue and Fillmore and volunteers with pop-up food distribution and interacts with those experiencing homelessness frequently. Mr. Rempel stated that this request is extremely important as he was a risk of being unsheltered and it is a painful and frightening experience. Mr. Rempel added that access to a bed is a matter of life and death and getting people off the street would help the conditions of those experiencing homelessness and improve conditions of the area.

**Zoe De Leo** shared that she supports the request as she worked with the development and implementation of the Clean Zone program in the area, and the Clean Zone program was created in response to the neighborhood concerns about trash in the area. Ms. De Leo continued that this program allows those who are experiencing homelessness to go out twice per week to collect trash in exchange for vouchers and most of her job was to find ways to improve the program, and she sat in on the neighborhood meetings and heard similar concerns to those that were shared during this meeting. Ms. De Leo shared that people don't want to live in filth and she had volunteers who want to make their community better. Ms. De Leo added that the volunteers were kind and hardworking and she never felt unsafe when she was in the area. Ms. De Leo stated that it is easy to stigmatize those who are experiencing homelessness as criminals, but they are humans who are dying on the streets. Ms. De Leo shared that she saw on two separate occasions individuals who had passed away in their tents and no human should die alone in a tent on the street, especially when there is a shelter that has space for beds. Ms. De Leo concluded that having shelter is a basic necessity and that the applicant is committed to addressing concerns and asked that this decision not be delayed because as time goes on there are more people dying on the streets and slipping through the cracks.

**Shelly Daniels** shared that the request to increase the number of beds since the special permit was originally approved 17 years ago is consistent with the population growth that has occurred since then. Ms. Daniels added that food, water and shelter are basic needs and that so much of the anger that is directed towards Andre House should be directed towards state and city officials. Ms. Daniels shared that sometimes you must make a decision and choose a path with love and empathy and that while Andre House might not be perfect, they are trying to do everything that they can to help others.

**Jessica Bueno** stated that she is president of the Oakland Neighborhood Association and that the group is not in support of the request. Ms. Bueno

shared that they approve of the original special permit request for 425 beds established in 2003 and while they support the work done at the campus, the request to increase the number of beds will adversely impact the Capitol Mall Overlay area. Ms. Bueno shared that residents do not feel safe, alleys are used as restrooms, and an attempted kidnapping at a local school prove that the HSC is not equipped to deal with the original approved capacity for beds. Ms. Bueno added that in contrast the Phoenix Rescue Mission has support from the neighborhood and their program helps those get back on their feet. Ms. Bueno concluded by saying that HSC has no implementation or mitigation plan, and there is no transparency and the last 15 years speak for themselves.

**Grace D'Antuono** shared that she lives in the Oakland neighborhood and supports the request. Ms. D'Antuono stated that she has volunteered at the Andre House and befriended a woman named Ally, who is seriously mentally ill and has limited access to medications and healthcare. Ms. D'Antuono continued that Ally cannot stay in CASS and her health and physical wellbeing have deteriorated due to sleeping outside. Ms. D'Antuono shared that the creation of the low-barrier shelter is critical to those with mental illness and asked the committee not to table this request.

**John Saccoman** shared that he has been in the neighborhood for 22 years and that the community was told that there would be no further additions to the number of beds. Mr. Saccoman added that it is inhumane the way that the homeless are treated but the request will only add to the problem. Mr. Saccoman stated that most of the people who support this request do not live in the neighborhood and that his community must live with this issue everyday and that the stipulations are promises that cannot be kept.

**Silverio Ontiveros** shared that he lives in the Grant Park neighborhood and he opposes the request. Mr. Ontiveros shared that he interacts with those experiencing homelessness daily as they are living in the park, in the alley, on APS property and other places in the neighborhood. Mr. Ontiveros shared that his main concern is the actual and perceived danger of drug abuse and mental health of many homeless citizens, and he encourages the Maricopa Association of Governments to construct satellite sites and affordable housing in other Maricopa County cities. Mr. Ontiveros added that people are better served in their own community rather than being dumped in an unfamiliar place. Mr. Ontiveros concluded that big isn't always better and asked the applicant to adopt the stipulations for a one-year probationary period before the bed capacity can increase.

**Doug Newtown** shared that he lives on 1st Avenue and Monroe Street and strongly supports the request. Mr. Newton continued that that HSC doesn't create the need for their services, that is created for them by society and HSC reacts effectively to try and serve those who need shelter. Mr. Newtown added

that the inhumane reality is that if the beds do not increase, there is a substantial overflow problem with overnight sheltering in the neighborhood, and if there is more capacity in the existing buildings on the campus it will mitigate the problems the neighborhood is feeling.

**Laurel Dianne Langmade** shared that she opposes the request, she sent Mr. Gilbert notes on the proposed stipulations and got no response, and she doesn't trust the applicant to stand by the stipulations. Ms. Langmade shared that during the day those experiencing homelessness are in her neighborhood looking for shade and they don't have any place to go to the bathroom or have any food. Ms. Langmade added that putting many people with mental health issues in one area will not provide them the services they need. Ms. Langmade concluded that the City's homelessness plan isn't finalized yet and asked the committee to deny the request.

**Councilmember Carlos Garcia** thanked the everyone in attendance and shared that it is unfortunate that this discussion is centered around a rezoning case and not the plan being drafted by the city. Councilmember Garcia clarified that the plan was for the city and county to build five of these shelters, and for whatever reason 20-30 years ago they stopped at one. Councilmember Garcia continued that both the city, county and state governments have failed their communities. Councilmember Garcia added that is hard to listen to comments blaming those providing services when city officials should have helped provide more resources and added stipulations in the first place, so things didn't progress to how they are now. Councilmember Garcia asked those who passionately spoke at this meeting to help get the county and state involved with the homelessness plan that is currently being proposed, and the 18 percent increase in homelessness that happened this year could have been a lot worse and when the eviction moratorium ends in December the number of those experiencing homelessness could double and triple. Councilmember Garcia continued that these are sensitive times and during this pandemic if we've learned anything it is to support each other and try to find solutions. Councilmember Garcia asked for help in advocating at City Council for creating more shelters, providing more resources to start solving the mental health and substance abuse issues and to push the city to create those smaller shelters and added that while mega shelters are not the answer, they are out of alternatives. Councilmember Garcia concluded that he understands the pain of those in the neighborhood and he hopes we can all come to a solution so that they don't feel the burden, and he spoke with committee member Olivas, who he doesn't want to be portrayed as someone who doesn't have compassion for those unsheltered individuals, and that the neighbors also have compassion but feel that they have been left behind with this issue. Councilmember Garcia ended that this a complex issue, he congratulated the group on the robust discussion that was held and that he hopes they will continue this discussion

after this rezoning case to work on solutions to the problems discussed during the meeting.

**Paul Gilbert** shared that he agrees with Councilmember Garcia's comments and the issue is whether you can trust the Planning staff, who have worked for almost two years to create thorough and complete stipulations that address the issue as best it can be addressed. Mr. Gilbert added that the stipulations will go a long way towards solving the problem and frankly the stipulations are burdensome to the applicant, but they will try to meet them and ask for the opportunity to meet them. Mr. Gilbert shared that that the comments about cleanups being inadequate floored him, because the stipulations require daily cleanup of a ten-mile area every single day. Mr. Gilbert added that there is a significant misunderstanding about the low-barrier shelter and there is a significant need for that service, which doesn't mean you will bring in more dangerous people, it means they will bring in 100 people that don't meet the standard situation of those experiencing homelessness and they have special needs. Mr. Gilbert added that many people who live in the neighborhood spoke in support of the request. Mr. Gilbert continued that one of the last speakers mentioned that the stipulations are not enforceable and simultaneously requested that they be given a probationary period, which is exactly what these stipulations do. Mr. Gilbert added that after one year, the applicant goes back to City Council for a public hearing and all the neighbors can come and testify whether the applicant has abided by the stipulations, which is effectively a probationary period. Mr. Gilbert concluded by asking for the opportunity to prove they can make the situation much better and that these stipulations can work and bring a major change in the neighborhood.

**Shannon Dubasik** shared that the neighborhood she has worked in for over 25 years has seen the negative impact of the increase of those experiencing homelessness, her building was broken into, windows were broken, and personal items were stolen. Ms. Dubasik continued that is it ridiculous that they have to put up with this, it is not safe, and she does not support the request.

**Dana Johnson** shared that the street cleanups is the elephant in the room and asked how much money the city has spent to clean up the area around the special permit. Mr. Johnson continued that in the past year the city has spent untold hundreds of thousand of dollars cleaning up the mess induced by this campus. Mr. Johnson asked that the committee look at this request from a zoning perspective, and the purview of the committee is to review the request in terms of impacts of the zoning to the surrounding community, and if any other special use permit were to come before the committee with negative impacts to the surrounding area, the committee would deny the request. Mr. Johnson added that the committee shouldn't reward bad behavior and in lieu of tabling this item, they should be looking into revoking the special permit, and that services should be dispersed and this request disincentivizes the City to

investigate shelters in other parts of the city. Mr. Johnson thanked Councilmember Garcia for speaking even though this request is not in his district, and the councilmember for District 7 didn't come out and talk to the committee.

**Michael Langley** thanked everyone for participating in the robust debate and asked if the request is approved, if the applicant does not meet stipulations if there is a fine, sanction or penalty that can be placed on the applicant for not meeting their stipulations. **Ms. Stockham** responded that per the stipulations, this request is reviewed annually through a public hearing process and through that process the Planning Hearing Officer can impose more stipulations and more reviews. **Mr. Stephenson** added that the review process is built in to ensure that the applicant continues to do what they are supposed to do and as this moves forward in time, there is a continued dialogue with the neighbors and as part of that review in the future if there is noncompliance there could be a recommendation to pursue revocation. Mr. Stephenson continued that one of the complicated factors with this case is that the campus was owned and operated by Maricopa County for many years and legally the City of Phoenix is a lower governmental authority than Maricopa County and therefore the City of Phoenix cannot tell Maricopa County how to run things even though the buildings may be located in the City of Phoenix. Mr. Stephenson stated that they recognize the concerns of the community and that is why the stipulations require continual dialogue with the community and annual reviews that go up to the City Council to ensure that the promises that are made are pursued and met.

**Councilmember Nowakowski** thanked the members of the committee for volunteering their time to listen to the community on this issue. Councilmember Nowakowski added that the work CASS does is incredible, should be spread out across Maricopa County and there shouldn't be only one center, there should be 13 centers across the county per the plan that should have been implemented 20 years ago. Councilmember Nowakowski continued that the City of Phoenix was the only city to implement the plan and it is sad there is only one CASS and other cities are sending their homeless individuals to Phoenix. Councilmember Nowakowski shared that his concern is for the City of Phoenix to take care of its residents, and that this Hispanic and African American neighborhood is being taken over by individuals that don't live in the neighborhood, citing an example of residents that are awakened at night by individuals using their water hose to take a shower or get a drink of water, and students at Capitol School that have seen individuals expose themselves. Councilmember Nowakowski continued that the area doesn't have grocery stores or restaurants due to the stereotype of the neighborhood and the applicant has a requirement for 425 beds and they are asking to bring more individuals into the community that will worsen the stereotype. Councilmember Nowakowski continued that the city has spent millions of dollars in upgrading the

affordable housing in the city such as at 7th Avenue and Buckeye Road and in revitalizing the area, and has spent around 26 million dollars on an annual basis on police, streets, public works and neighborhood services to take care of the area around the CASS center. Councilmember Nowakowski continued that some residents in the area step in feces on their way to their cars and the area is a working-class neighborhood where individuals have two jobs to support their families, some of whom are afraid to call the police. Councilmember Nowakowski continued that those residents call his office asking for help and support and asked the committee to drive around CASS, see what is going on and if they would want that in their backyard. Councilmember Nowakowski continued that they should have a regional approach where other cities have shelters, and that other cities should take their share of the responsibility for caring for those experiencing homelessness and that would make a big impact on those experiencing homelessness in the area. Councilmember Nowakowski added that he hears the cry of the community in the area and a city park had to be fenced because a child was molested by an individual from CASS, and it is wrong to not feel safe at a city park. Councilmember Nowakowski asked the committee to do the right thing and ensure that they represent the whole village, and this part of the Central City Village is hurting right now and asked for the support of the community to go out to other cities and asking them to take their share of the issue. Councilmember Nowakowski continued that putting 1,000 beds in central Phoenix will not end homelessness, but when other cities take their fair share of the issue it will make the most impact, and that the nonprofits do great work but can bring negative impacts to the community. Councilmember Nowakowski concluded by asking the committee to recommend denial and to support a regional approach to homelessness where other cities take their fair share of the beds. Councilmember Nowakowski added that the community is looking at a couple of attorneys to do pro bono work to ask the Justice Department to come in because this is an environmental justice issues because of the low-income area and the individuals that live in the area, and this would never happen in any other part of the city except for South Phoenix or Maryvale. Councilmember Nowakowski concluded by asking the committee to do the right thing.

**Motion:**

**Eva Olivas** motioned to recommend denial of Z-SP-2-19-7. **Dana Johnson** seconded the motion.

**Discussion:**

**Will Gaona** asked for clarification that a yes vote is to recommend denial. Ms. Stockham replied affirmatively.

**Eva Olivas** also asked clarification on what a yes vote means. Ms. Stockham replied a yes vote is to recommend denial.

**Nate Sonoskey** shared that he will vote no and not recommend denial, however, there does need to be a regional solution to this issue.

**Vote:**

**3-6**, Motion to deny fails, with committee members Dubasik, Johnson and Olivas in favor and committee members Starks, Burns, Gaona, Langley, Lockhart, and Sonoskey in opposition.

**Motion:**

**Michael Langley** motioned to recommend approval of Z-SP-2-19-7 per the staff recommendation. **Zach Burns** seconded the motion.

**Discussion:**

**Will Gaona** shared that he has serious reservations about this request and that some of the stipulations are counterproductive, but he is committed to continuing to work through this and he will be voting yes.

**Michael Langley** shared that the stipulations regarding the police give him pause but it is necessary at this point to move forward as this proposal has been on the table for quite a while, and he will be voting yes.

**Vote:**

**6-3**, Motion to approve passes, with committee members Starks, Burns, Gaona, Langley, Lockhart, and Sonoskey in favor and committee members Dubasik, Johnson and Olivas in opposition.

8. **INFORMATION ONLY:** Presentation and discussion regarding National Community Planning Month.

*This item was continued to the November 9th meeting.*

9. Discussion and possible recommendation regarding the 2021 meeting schedule for the Central City Village Planning Committee.

**Motion:**

**Michael Langley** motioned to approve the 2021 meeting schedule. **Veronyka Lockhart** seconded the motion.

**Discussion:**

None.

**Vote:**

9-0, motion to approve passed, with Committee Members Starks, Burns, Dubasik, Gaona, Johnson, Langley, Lockhart, Olivas, and Sonoskey in favor.

the site is immediately south of an affordable housing development and there are many affordable housing developments nearby.

**Chair Rachel Frazier Johnson** asked the applicant to take the request to include affordable units in this proposed development back to his client.

**Vice Chair Janey Pearl Starks** agreed with Chair Johnson's request given that the committee has expressed the need for affordable units in the area.

**Cindy Stotler**, City of Phoenix Housing Department Director, commented that the Phoenix City Council approved the Housing Phoenix Plan, which stated a need for over 163,000 new housing units, some of which are market rate. Ms. Stotler continued that are affordable housing developments nearby such as Monroe Gardens, Frank Luke and A.L. Krohn and they do not want to concentrate affordable housing in one area.

**Public Comment:**

None.

**Motion:**

**Patrick Panetta** motioned to recommend approval per the staff recommendation. **Zach Burns** seconded the motion.

**Discussion:**

None.

**Vote:**

**11-3**, Motion to approve passed, with Committee Members R. Johnson, Burns, Colyer, Gaona, Johnson, Langley, Lockhart, Panetta, Sonoskey, Sweat and Uss in favor and Dubasik, Olivas and Starks in opposition.

7. **INFORMATION ONLY – Z-SP-2-19:** Presentation and discussion regarding a proposal to 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.

*Chris Colyer and Ash Uss recused themselves for this item, bringing quorum to 12. Thirty-four speaker cards were submitted wishing to speak. One speaker card was submitted in opposition not wishing to speak.*

- Two speakers donated their time to Angela Ojile.*
- One speaker donated their time to John Westerdale.*
- Two speakers donated their time to Ian Francis.*
- One speaker donated their time to Michael Godbehere.*
- One speaker donated their time to Freddy Brown.*

*-Three speakers donated their time to Katherine Roxlo.*

**Paul Gilbert**, representing the applicant, with Beus, Gilbert, PLLC, presented an overview of the request, displaying an aerial map. Mr. Gilbert stated that the request is located in the Capitol Mall Overlay District, which was created to prohibit certain uses that could be deleterious to the area such as pawn shops, liquor stores, and blood banks and permitted other uses that had the potential to ameliorate the slum conditions, such as charitable dining halls and shelters, with a special permit. Mr. Gilbert continued that in the 1980s and 1990s many organizations began to provide services to the homeless population on the site and in 2003, the special permit was approved, which consolidated the area to be known as the Human Services Campus. Mr. Gilbert added that the original special permit was subject to one stipulation, to limit the number of beds to 425 and that the proposal now is to update the number of beds and to add many more stipulations, which are still in draft form. Mr. Gilbert stated that the proposal is for 1,000 beds to be allocated as follows: 275 beds for CASS for a total of 700 beds to reach the maximum allowed under their certificate of occupancy, 100 beds to the Andre House which is a low-barrier shelter and 200 beds to be used during extreme summer heat and winter. Mr. Gilbert ended his presentation by saying the proposal will use the existing space within the campus, it will not attract more homeless people as they are already there, and that there is room for improvement as they are trying to be good neighbors.

**Michael Langley** asked how the proposal will allow for distancing and hygiene measures in place due to the pandemic. **Mr. Gilbert** responded that the facility will look as it does now, and within the buildings they are social distancing and spacing. **Amy Schwabenlender**, with the Human Services Campus, added that they are following the CDC guidelines, they have spaced things out and stopped communal eating. She continued that the COVID cases have been low at the campus.

**Dana Johnson** stated that the problems exist today when the campus is allowed 400 beds, and the proposal to more than double the amount of beds would make conditions worse. He continued that some people are afraid to come onto the campus. **Mr. Gilbert** responded that they have tried to be good neighbors and he believes with the proposed stipulations (which are not finished), conditions will improve. He added that if people were afraid to come onto the campus, they wouldn't have to turn people away.

**Sean Sweat** asked how the large the CASS shelter is in relation to other shelters area, what is the difference between the Andre House, a low-barrier shelter and how did they get to the allocation for 275 beds for CASS and 100 for Andre House. **Mr. Gilbert** responded that CASS is the largest in the area and they will have more information on that when they return for recommendation, a low-barrier shelter does not have rules on pets or the time of night when they

can check in. Mr. Gilbert added that the 275 beds for CASS is the maximum allowed per the Certificate of Occupancy, and the Andre House can only hold some many beds. Mr. Gilbert repeated the bed allocation:

425 beds currently approved. 1,000 beds proposed  
-275 beds to CASS (total: 700)  
-100 beds to Andre House (total: 800)  
-200 beds for extreme weather conditions (total: 1,000)

**Will Gaona** asked how closely the applicant has been working with neighborhood groups and what will the next steps be if the neighbors are unsatisfied with the final stipulations. **Mr. Gilbert** responded that they have held three neighborhood meetings where concerns were raised, and that when the stipulations are finalized, they will circulate them and host another meeting. Mr. Gilbert added they will continue to work with the neighborhood and Neighborhood Services can help too if the neighbors are still unsatisfied.

**PUBLIC COMMENT:**

**Angela Ojile** shared that she is against the proposal, the applicants have not reached out and the neighborhood has not been included, the cleaning around the area is bad, the neighborhood can't afford any more beds since many businesses have closed down, there were feces and urine in her driveway, and mega shelters do not work.

**John Westerdale** shared that he is opposed to the proposal, there are a lot of schools in the area and there are many sex offenders, the largest shelter in California has 500 beds, and that the City should not congregate uses.

**Ian Frances** shared that he is a business owner and the area is the worst it has ever been, the applicant is not in communication with the community, a low-barrier shelter accepts people who are intoxicated, the Madison Pioneers Coalition has been trying to make the neighborhood better, and that the campus is in violation of the City Code due to the health hazards associated with urination and defecation on the street.

**Jessica Bueno** states that she is concerned with the increase for the number of beds, the community's quality of life is impacted and they don't feel safe, alleys are being used as toilets, and the Capitol Mall Overlay was intended to add economic vitality in the area and have positive impacts on the neighborhood.

**Michael Godbehere** shared that when he worked in the area there was an immediate increase of theft, burglaries and public defecation, he has personally been a victim of robbery and assault, and healthy businesses have closed in the area.

**Freddy Brown** invited everyone to walk the area, shared that at his company they escort the female employees to their cars at the end of the day, the applicant cannot manage the 425 beds they have now and many people have been banned from the shelter, and when people give them goods, they throw the trash on the ground.

**Joanne Lowney** shared that they cannot operate their own business in their building, the streets are used as toilets, and all cities must take part in housing the homeless.

**Katherine Roxlo** shared that in 1984 the shelter was opened with a use permit for 220 beds, in 1990 the facility expanded to 400 beds, the shelter has been a magnet for all other homeless populations in Arizona, nowhere else in the City are so many health and safety violations allowed, there are 138 sex offenders who list their primary residence within a quarter mile of CASS, and asked staff to document the health and safety violations in the area, research the number of fines and the number of people in the area not seeking shelter, and the impacts on zoning and mitigation of negative impacts.

**Joel Coplin** stated that he lives half a block from the campus, there are many people on the street, and that many of them have been kicked out of the campus.

**Lori Thompson** shared that she is opposed to the expansion, everyone should have a seat at the table and the shelter should not be the dominant force in the area.

**Laurel Dianne Langmade** shared that she is against the special permit request, there is an increase in economic hardship for businesses, and a RV company had tires slashed and urination on their property.

**Grace Salinas** shared that governments have failed to address this issue and the community hasn't been invited to provide input.

**Vicki Anderson** shared that she deals with the homeless population daily and an increase in the number of beds will allow for less rehousing.

**Ray Garcia** quoted "if you build it, they will come", shared that there were many people living in the park which recently got cleared out due to a knifing, the community feels the negative effects of the shelter such as human waste on the street.

**Twila Lake** stated that she lived and worked in the Woodland Historic District and participated in street cleanups and late-night street survey, they asked

people why they chose to sleep on the street instead of the campus and shared that respondents replied they were fearful of being beat up on the campus.

**Jay Minich** stated he is one of the directors at Andre House, he can see the change in people when they get a bed, that the proposal will help with their overflow capacity, and that there have been 12 deaths in two weeks due to extreme heat.

**Brent Downs** shared that he works on the campus, experienced homelessness 20 years ago, his journey began when he got a bed and he hasn't experienced homelessness since, and this is an opportunity to give people a chance.

**Jonathan Koppell** stated he is president of the HSC Board, agreed that the situation on the street is bad, we need to call on the City and County to do better and this is a social justice issue.

**Raquel Dennis** stated she lived and worked in the neighborhood and supports the proposal, the homeless population are people too, it is their neighborhood too, not just for those who own property.

**Kyle Foxcroft** stated that the campus has not helped with the street cleanup and asked for clarification on the definition of extreme weather conditions for the proposed 200 beds.

**Alex Stratton** shared that he is not supportive of the request, it does not meet the intent of the Capitol Mall Overlay, there are unintended consequences of conglomerating the homeless population and there are other ways to shelter people.

8. Presentation and discussion and possible recommendation regarding the Central City Village Character Plan.

**Sarah Stockham**, staff, presented an updated Character Plan.

**Eva Olivas** asked if the Character Plan displayed had been updated from the version included in the packet. **Sarah Stockham**, staff, replied that it is the same as the one included in the packet.

**Vice Chair Janey Pearl Starks** asked that the image of Hance Park be cropped to exclude the person on the lawnmower.

**Motion:**

**Vice Chair Janey Pearl Starks** motioned to recommend approval. **Veronyka Lockhart** seconded the motion.