

ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,
ADOPTED ORDINANCE**

ORDINANCE G-

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.
2. 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. 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 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.
- 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.
 - 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.
 - 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.

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: Harrison Street on the south, Jefferson Street on the north, 15th Avenue on the west, and 9th Avenue on the east. 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.
8. At a minimum, all temporary shelter facilities with vacancies, shall be open and accepting temporary shelter clients until 11:00 p.m.
9. 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.
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.
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.
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.
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.
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.
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.
- 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. 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.
- 18. The special permit shall be reviewed one year 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 one year review, additional reviews or stipulations may be added by the Planning Hearing Officer or City Council.
- 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.

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.
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.
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.
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.
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 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:

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

____ City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

DRAFT

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 9TH 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.

ORDINANCE LOCATION MAP

EXHIBIT B

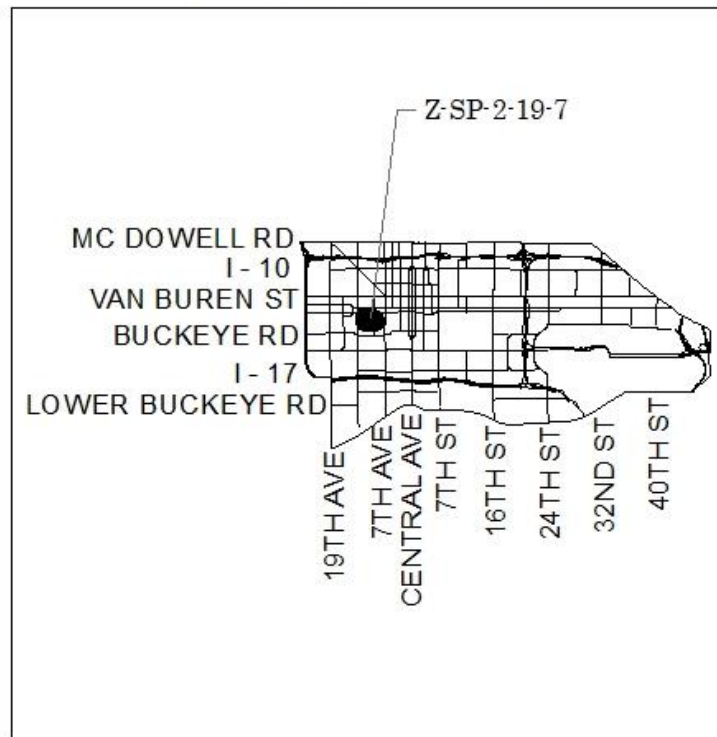
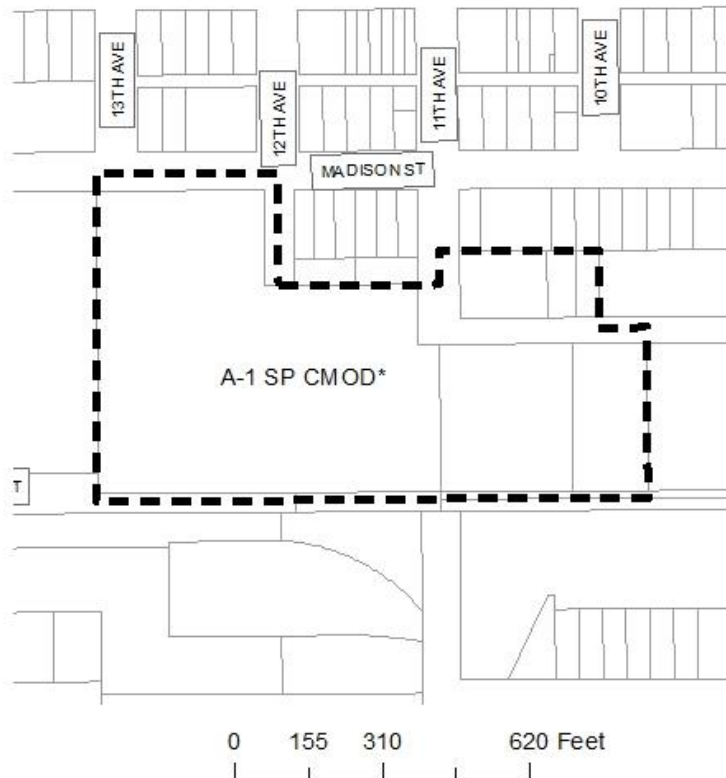
ZONING SUBJECT TO STIPULATIONS: *

SUBJECT AREA: ■ ■ ■ ■ ■

Zoning Case Number: Z-SP-2-19-7

Zoning Overlay: Capital Mall Overlay District

Planning Village: Central City



NOT TO SCALE



Drawn Date: 10/30/2020