

ATTACHMENT C

REPORT OF PLANNING COMMISSION ACTION September 7, 2023

ITEM NO: 16	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-SP-5-23-7 (Continued from August 3, 2023)
Location:	Southwest corner of 15th Avenue and Jackson Street
From:	A-1 CMOD
To:	A-1 SP CMOD
Acreage:	5.50
Proposal:	Special Permit to allow a homeless shelter (structured campground).
Applicant:	City of Phoenix, Office of Homeless Solutions
Owner:	State of Arizona
Representative:	City of Phoenix, Office of Homeless Solutions

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation: N/A

Planning Commission Recommendation: Approval, per the staff recommendation with a modification and additional stipulations.

Motion Discussion: Commissioner Busching made a MOTION to approve Z-SP-5-23-7, per the staff recommendation with modifications from the Morlan memo:

3. Modification to Stipulation No. 1 to:
The site shall contain a maximum of ~~400~~ **200** safe outdoor spaces.
4. All safe outdoor spaces (camping spaces) shall be fully shaded by structural shade, except during the fall of 2023 winter of 2023/2024 when there will be construction improvements happening under the existing structural shade canopies.
5. No outdoor fires shall be permitted by anyone residing on the property.
6. The operator shall hold quarterly community outreach meetings to discuss the following:
 - Compliance with the rezoning stipulations;
 - Number of people served and the outcomes of the services provided;
 - Any issues/concerns from the community, and how those concerns could be addressed by the operator;
 - Where and how the City is expanding shelter capacity outside of the immediate area; and
 - Alternative/future safe outdoor space locations, additional capacity requirements, and additional time needed.

7. The operator shall maintain all on site walkways free from any hazards or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight.
8. Storage space shall be provided for each person/designated safe space area for personal belongings. Bicycle racks shall also be provided on-site for any resident that needs to secure bicycle parking.
9. Storage space along the site's perimeter shall be located only along the south and west block walls and minimized where visible from the streets.

Bike racks shall be maintained in a neat and orderly manner and located in a secure area in close proximity to the on-site security.
10. Prior to operation of a safe outdoor space use, turf shall be installed within the safe outdoor space area (under the shade canopy), and box trees/shrubs shall be placed along the perimeter of the safe outdoor space area.
13. The operator shall provide the Operational Plan to all registered neighborhood associations within one mile of the site.

Motion details: Commissioner Busching made a MOTION to approve Z-SP-5-23-7, per the staff recommendation with modifications from the Morlan memo; modifying Stipulation 1 to limit the site to 200 safe outdoor spaces, and adding nos. 4, 5, the second option in 6, 7, 8, 9, 10, and 13.

Maker: Busching
Second: Gorraiz
Vote: 4-1-1 (Boyd) (Howard)
Absent: Mangum, Perez, Simon
Opposition Present: Yes

Findings:

1. The request is compatible with the surrounding area, the Capitol Mall Overlay District, and supports the need for additional accommodations for people experiencing homelessness in Phoenix.
2. As stipulated, the request will improve the safety and cleanliness of the surrounding area.
3. As stipulated, the proposal will enhance the usability of the public streets in the surrounding area.

Stipulations:

1. The site shall contain a maximum of ~~400~~ **200** safe outdoor spaces.
2. The Special Permit shall be removed per Section 504.1.C.2 of the Phoenix Zoning Ordinance three years after the effective date of the ordinance.

3. An Operational Plan shall be developed to govern operational features of the safe outdoor space. The plan shall address at minimum, the following:
 - a. Priority shall be given to unsheltered individuals camping around the Human Services Campus.
 - b. Basic hygiene services shall be provided such as restrooms and showers.
 - c. Supportive services shall be available on site, such as case management.
 - d. On-site security shall be provided 24 hours a day, 7 days a week.
 - e. An email address shall be maintained for surrounding businesses to notify the operator of any potential issues.
 - f. Drugs and/or alcohol are to be prohibited.
 - g. Signage discouraging loitering shall be posted and visible from public rights-of-way. Camping shall be prohibited along the perimeter of the property.
 - h. A code of conduct will be posted on site.
 - i. Trash/recycling receptacles shall be provided within the property boundaries.
4. The operator shall enroll in a virtual block watch program with the City of Phoenix Police Department.
5. The perimeter of the site shall be fenced to secure the site, as approved by the Planning and Development Department.
6. Site lighting shall be provided at building entrances/exits and refuse areas, as approved by the Planning and Development Department.
7. 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.
8. 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.
9. 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.

10. 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.
11. Prior to preliminary site plan approval, 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. This stipulation shall not be applicable if the property is owned by the City of Phoenix.
12. **ALL SAFE OUTDOOR SPACES (CAMPING SPACES) SHALL BE FULLY SHADED BY STRUCTURAL SHADE, EXCEPT DURING THE FALL OF 2023 WINTER OF 2023/2024 WHEN THERE WILL BE CONSTRUCTION IMPROVEMENTS HAPPENING UNDER THE EXISTING STRUCTURAL SHADE CANOPIES.**
13. **NO OUTDOOR FIRES SHALL BE PERMITTED BY ANYONE RESIDING ON THE PROPERTY.**
14. **THE OPERATOR SHALL HOLD QUARTERLY COMMUNITY OUTREACH MEETINGS TO DISCUSS THE FOLLOWING:**
 - A. **COMPLIANCE WITH THE REZONING STIPULATIONS;**
 - B. **NUMBER OF PEOPLE SERVED, AND THE OUTCOMES OF THE SERVICES PROVIDED;**
 - C. **ANY ISSUES/CONCERNS FROM THE COMMUNITY, AND HOW THOSE CONCERNS COULD BE ADDRESSED BY THE OPERATOR;**
 - D. **WHERE AND HOW THE CITY IS EXPANDING SHELTER CAPACITY OUTSIDE OF THE IMMEDIATE AREA; AND**
 - E. **ALTERNATIVE/FUTURE SAFE OUTDOOR SPACE LOCATIONS, ADDITIONAL CAPACITY REQUIREMENTS, AND ADDITIONAL TIME NEEDED.**

NOTIFICATION FOR EACH MEETING SHALL BE SENT TO ALL PROPERTY OWNERS WITHIN A HALF MILE AND ALL REGISTERED NEIGHBORHOOD ASSOCIATIONS WITHIN ONE MILE OF THE SITE.

15. **THE OPERATOR SHALL MAINTAIN ALL ON SITE WALKWAYS FREE FROM ANY HAZARDS OR ACCUMULATION OF GARBAGE, DEBRIS, RUBBLE, HAZARDOUS WASTE, LITTER, RUBBISH, REFUSE, WASTE MATERIAL, OR BLIGHT.**
16. **STORAGE SPACE SHALL BE PROVIDED FOR EACH PERSON/DESIGNATED SAFE SPACE AREA FOR PERSONAL BELONGINGS. BICYCLE RACKS SHALL ALSO BE PROVIDED ON-SITE FOR ANY RESIDENT THAT NEEDS TO SECURE BICYCLE PARKING.**

17. **STORAGE SPACE ALONG THE SITE'S PERIMETER SHALL BE LOCATED ONLY ALONG THE SOUTH AND WEST BLOCK WALLS AND MINIMIZED WHERE VISIBLE FROM THE STREETS.**
18. **BIKE RACKS SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AND LOCATED IN A SECURE AREA IN CLOSE PROXIMITY TO THE ON-SITE SECURITY.**
19. **PRIOR TO OPERATION OF A SAFE OUTDOOR SPACE USE, TURF SHALL BE INSTALLED WITHIN THE SAFE OUTDOOR SPACE AREA (UNDER THE SHADE CANOPY), AND BOX TREES/SHRUBS SHALL BE PLACED ALONG THE PERIMETER OF THE SAFE OUTDOOR SPACE AREA.**
20. **THE OPERATOR SHALL PROVIDE THE OPERATIONAL PLAN TO ALL REGISTERED NEIGHBORHOOD ASSOCIATIONS WITHIN ONE MILE OF THE SITE.**

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