

ATTACHMENT B



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-SP-5-23-7
July 28, 2023

Planning Commission Hearing Date: August 3, 2023

Request From: [A-1 CMOD](#) (Light Industrial District, Capitol Mall Overlay District) (5.50 acres)

Request To: [A-1 SP CMOD](#) (Light Industrial District, Special Permit, Capitol Mall Overlay District) (5.50 acres)

Proposal: Safe outdoor space / structured campground (homeless shelter)

Location: Southwest corner of 15th Avenue and Jackson Street

Owner: State of Arizona

Applicant/Representative: City of Phoenix, Office of Homeless Solutions

Staff Recommendation: Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>		Industrial	
<u>Street Map Classification</u>	15th Avenue	Minor Collector	15-foot west half street
	Jackson Street	Local	30-foot south half street
<p><i>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Create or maintain spacing requirements for small-scale incompatible land uses such as adult businesses, homeless shelters, residential treatment facilities and other group facilities, to avoid concentrations that change the character of an area.</i></p> <p>The proposal is for a safe outdoor space for unsheltered individuals / structured campground and supportive services on a site with an existing building and shade area. No new construction is proposed, maintaining the existing character of the area.</p>			

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; LAND USE PRINCIPLE: New development and expansion or redevelopment of existing development in or near residential areas should be compatible with existing uses and consistent with adopted plans.

The proposal is compatible with the surrounding area and is an allowable use within the Capitol Mall Overlay District with a Special Permit.

CELEBRATE OUR DIVERSE COMMUNITY CORE VALUE; CLEAN NEIGHBORHOODS; LAND USE PRINCIPLE: Support new compatible land uses that remove extremely deteriorated structures, excessive trash and debris, and other blight in neighborhoods.

As stipulated, the proposal includes increased trash and recycling receptacles and prohibits camping along the perimeter of the property.

Applicable Plans, Overlays, and Initiatives

[Capitol Mall Overlay District](#): See Background Item No. 3.

[Governmental Mall Master Plan](#): See Background Item No. 4.

[Housing Phoenix Plan](#): See Background Item No. 8.

[Strategies to Address Homelessness](#): See Background Item No. 9.

[Complete Streets Guiding Principles](#): See Background Item No. 10.

[Reimagine Phoenix](#): See Background Item No. 11.

Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Vacant warehouse, shade canopy, and parking lot	A-1 CMOD
North	Offices and fleet vehicle parking	A-1 CMOD
South	Railroad tracks	A-2 CCSIOD
East	Cemetery	A-1 CMOD HP-L
West	Offices	A-1 CMOD

Background/Issues/Analysis

PROPOSAL

1. This request is to rezone 5.50 acres at the southwest corner of 15th Avenue and Jackson Street from A-1 CMOD (Light Industrial District, Capitol Mall Overlay District) to A-1 SP CMOD (Light Industrial District, Special Permit, Capitol Mall Overlay District) to allow a temporary safe outdoor space / structured campground (homeless shelter). The proposal is to create a temporary safe outdoor space on the subject site to be used for unsheltered individuals in the surrounding area. The goal is to create a healthier, safer environment for neighbors and unsheltered individuals.

The creation of the safe outdoor space is in response to the City's efforts to help engage individuals camping in the area outside the Human Services Campus. The City of Phoenix will work to offer indoor shelter options to the individuals camping in the area, however the safe outdoor space will be a voluntary alternative location for people who are not able or ready to move to indoor locations. There are roughly 500 to 700 people in the area the City is working to engage and move to safer places, it is estimated that around 20 percent of people will choose the safe outdoor space.

HOMELESSNESS IN PHOENIX

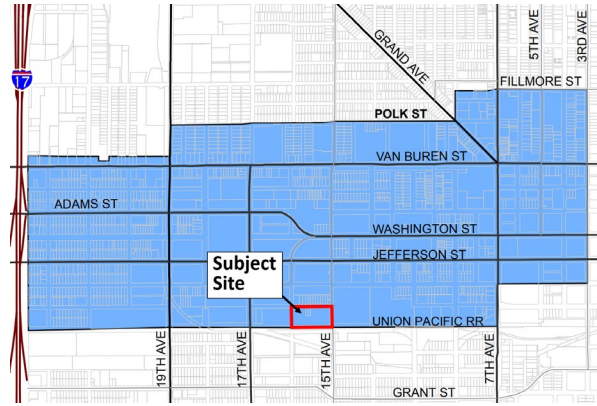
2. The City of Phoenix, along with the State of Arizona, Maricopa County and neighboring cities in the metropolitan region, is committed to focusing on solutions for persons experiencing homelessness.

Annual counts are performed in Maricopa County in an effort to learn more about individuals and families experiencing homelessness throughout the county. The unsheltered count has steadily increased over the years, with the largest percentage being adults over the age of 25. Nationally, the number of elderly homeless Americans is projected to triple over the next decade. In Arizona, roughly one in three households includes a resident that is 65 years in age or older.

In 2020, the Phoenix City Council requested a strategic plan to focus on strategies for persons experiencing homelessness. An interdepartmental City team was formed to develop a comprehensive plan with both long-term and short-term strategies to address the wide variety of challenges faced by those in the city. The [Strategies to Address Homelessness](#) plan contains sections that address outreach and resources, mental health, workforce development, housing, clean-up, communication, policy and neighborhoods. This plan is further discussed in Item 8 below.

CAPITOL MALL OVERLAY DISTRICT

3. The subject site is within the Capitol Mall Overlay District. The Capitol Mall Overlay District acknowledges the varied uses of the area including governmental offices, industrial and commercial businesses and historic residences. Many activities in this area are near each other, and the compatibility of these activities is critical to their property and orderly function. The purpose of this district is to prevent a concentration of certain uses which can restrict businesses and residences from functioning normally and contributes to the deterioration of the business and living environment, the downgrading of property values, and the diminishment of health, safety and general welfare conditions in the area. The Capitol Mall Overlay District permits temporary shelters subject to a Special Permit. The proposed use is analogous to the temporary shelter use and therefore requires a Special Permit, pursuant to the overlay district.



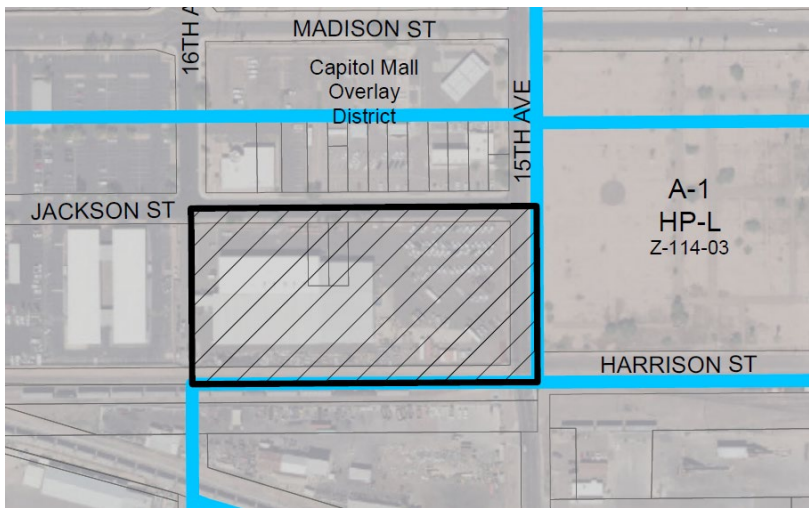
Capitol Mall Overlay District Map, Source: City of Phoenix Planning and Development Department

GOVERNMENTAL MALL MASTER PLAN

4. The subject site falls within the boundaries of the Government Mall Master Plan area, as defined by state law. Arizona Revised Statutes (ARS) 41-1362 provides the Arizona Department of Administration (ADOA) with authority over the planning, growth, and development of the Governmental Mall area. Prior to approval of any rezoning or Special Permit by the City of Phoenix, the ADOA Director must first issue a letter approving the request. Accordingly, the ADOA Director approved this Special Permit request on July 25, 2023.

SURROUNDING LAND USES AND ZONING

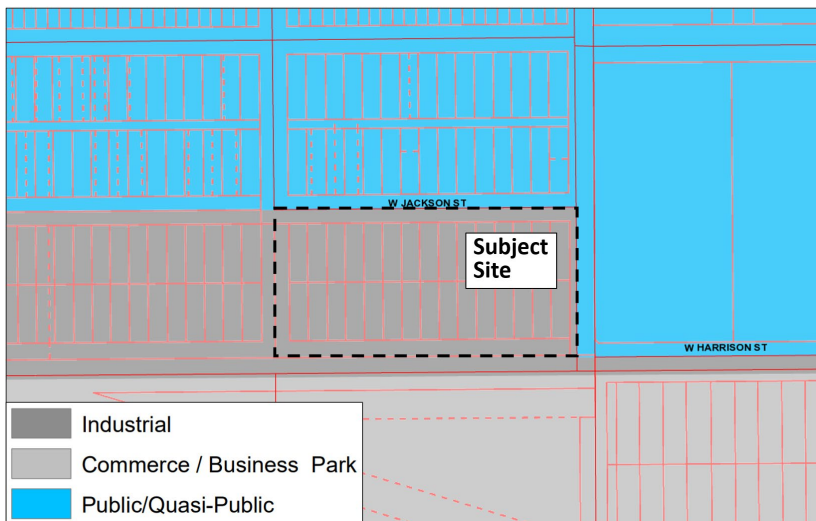
5. The subject site contains a warehouse with a large shade structure and surface parking lot, and is zoned A-1 CMOD. North and west of the subject site is property zoned A-1 CMOD with office uses and fleet vehicle parking. To the south are railroad tracks, and beyond the tracks are industrial uses zoned A-2 CCSIOD (Industrial District, Central City South Interim Overlay District). To the east is a cemetery zoned A-1 CMOD HP-L (Light Industrial District, Capitol Mall Overlay District, Historic Preservation Landmark District).



Zoning Aerial Map, Source: City of Phoenix Planning and Development Department

GENERAL PLAN LAND USE MAP DESIGNATION

6. The General Plan Land Use Map designation for the site is Industrial. The Industrial land use category allows warehousing, manufacturing and processing businesses. The proposal is consistent with the General Plan Land Use Map, as homeless shelters are an allowed use in the A-1 district. The General Plan Land Use Map designation to the west is also Industrial. To the north and east is Public/Quasi-Public and to the south is Commerce / Business Park land use designations.



General Plan Land Use Map, Source: City of Phoenix Planning and Development Department

SITE PLAN AND OPERATIONS

7. The proposal is to maintain the existing structures on the subject site and provide safe outdoor spaces for individuals experiencing homelessness in the surrounding area. This is proposed as a temporary use while more permanent solutions are explored; therefore, Stipulation No. 2 requires that the Special Permit be removed three years after the effective date of the ordinance, per Section 504.1.C.2 of the Phoenix Zoning Ordinance.

The proposal is for a maximum of 400 designated safe outdoor spaces, per Stipulation No. 1. In order to protect the surrounding area, the facility will operate under an operational plan, and per Stipulation No. 3, the operational plan shall include the following:

- Priority shall be given to unsheltered individuals around the Human Services Campus.
- Basic hygiene services shall be provided on-site.
- Supportive services will be provided on site.
- On-site security shall be provided 24 hours a day, 7 days a week.
- An email address shall be maintained for surrounding businesses to notify the operator of any potential issues.
- Drugs and/or alcohol are to be prohibited.
- Signage discouraging loitering shall be posted and visible from public rights-of-way. Camping shall be prohibited along the perimeter of the property.
- A code of conduct will be posted on site.
- Trash/recycling receptacles shall be provided within the property boundaries of the Special Permit area.

To further enhance safety and promote compatibility with the surrounding area, the operator of the site will be required to enroll in a virtual block watch program, the perimeter of the site shall be fenced, and site lighting shall be provided. These are addressed in Stipulation Nos. 4 through 6.

STUDIES AND POLICIES

8. [Housing Phoenix Plan](#)
In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing.

While shelter beds are not considered “units” of housing, the proposal seeks to provide accommodations for persons experiencing homelessness and is consistent the Housing Phoenix Plan Policy.

9. **Strategies to Address Homelessness**

In June 2020, the City of Phoenix released the Strategies to Address Homelessness plan focusing on strategies for persons experiencing homelessness as well as developing best practices to mitigate impacts to surrounding communities and neighborhoods. The plan notes a chronic shortage of shelter beds and identifies the goal of providing adequate shelter space to meet the needs of unsheltered individuals. The proposal advances this objective and works to alleviate the shortage of shelter space in Phoenix.

10. **Complete Streets Guiding Principles**

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. The proposal will allow the movement of unsheltered individuals from the public street to a safer, healthier environment on private property, freeing the public street for transportation uses.

11. **Reimagine Phoenix**

As part of the Reimagine Phoenix Initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. Stipulation No. 3.i addresses trash and recycling facilities.

COMMUNITY INPUT SUMMARY

12. As of the writing of this report, staff has not received any community correspondence regarding this request.

INTERDEPARTMENTAL COMMENTS

13. The Street Transportation Department commented that upon any redevelopment of the site, the developer shall construct the adjacent street to all applicable standards, including ADA accessibility standards. This is addressed in Stipulation No. 7.

OTHER

14. The Arizona Department of Administration approved of this request on July 25, 2023 pursuant to ARS 34-225 and ARS 41-1362.

15. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation Nos. 8 through 10.
16. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 11.
17. This 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 conduction 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.
18. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Zoning adjustments, abandonments or other formal actions may also be required.

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 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.

Writer

Anthony Grande

July 28, 2023

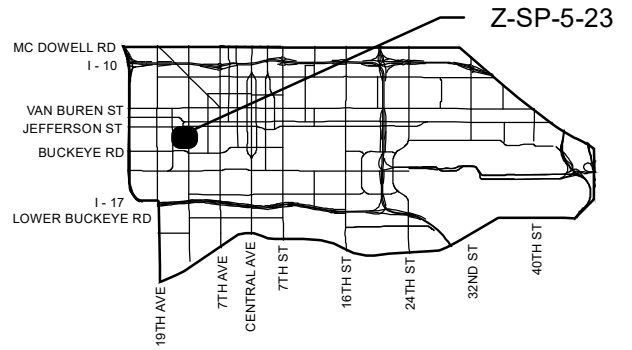
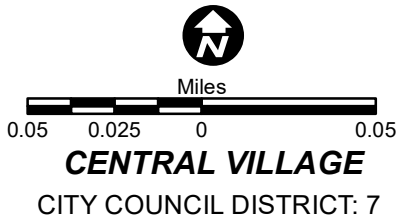
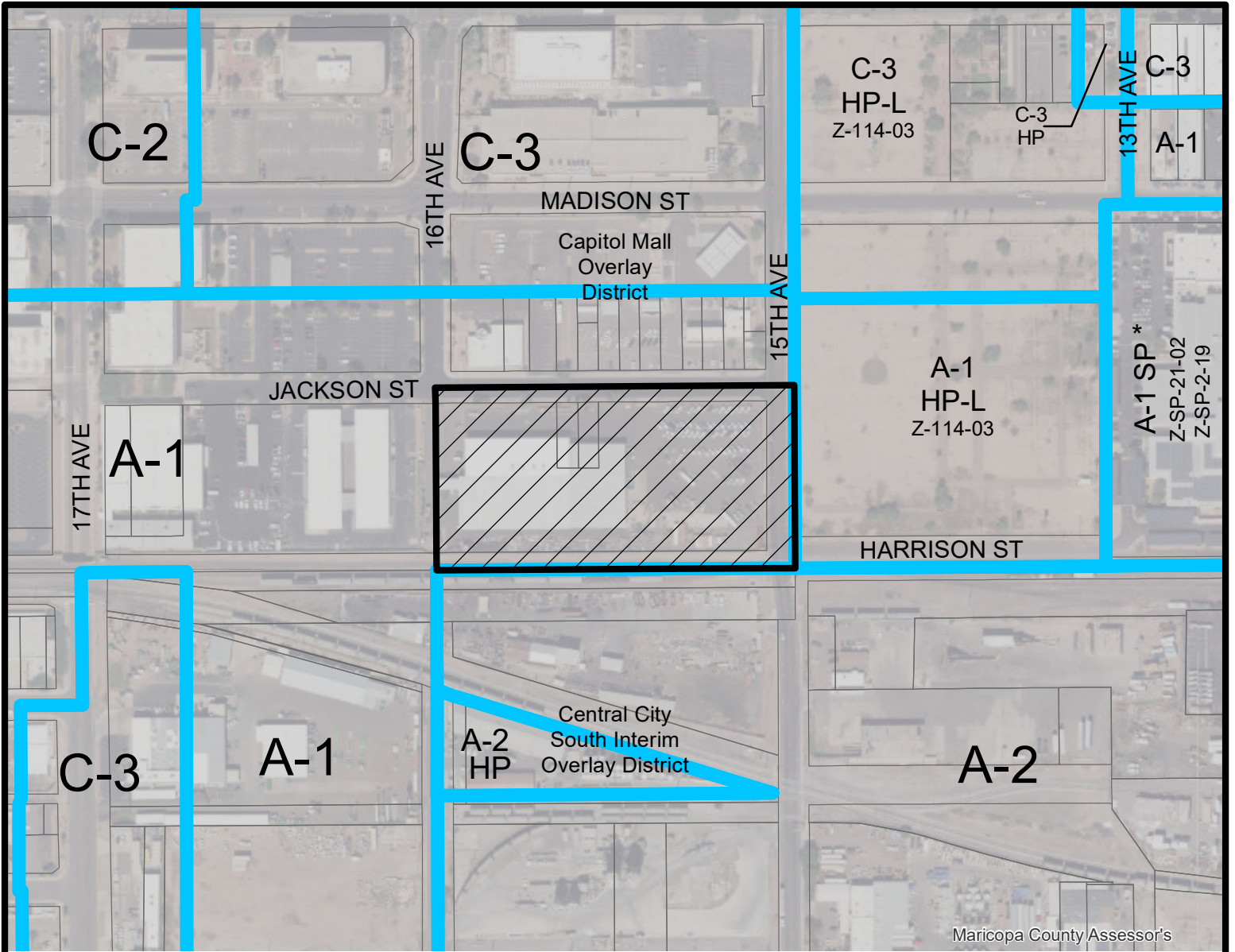
Team Leader

Racelle Escolar

Exhibits

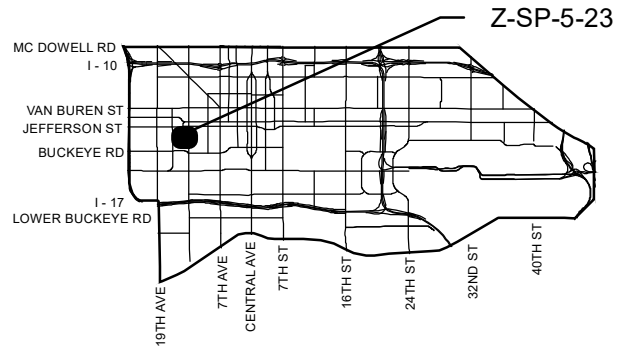
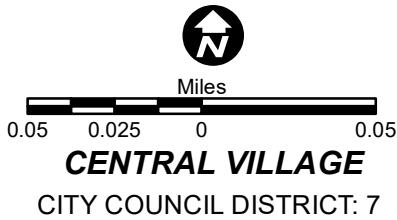
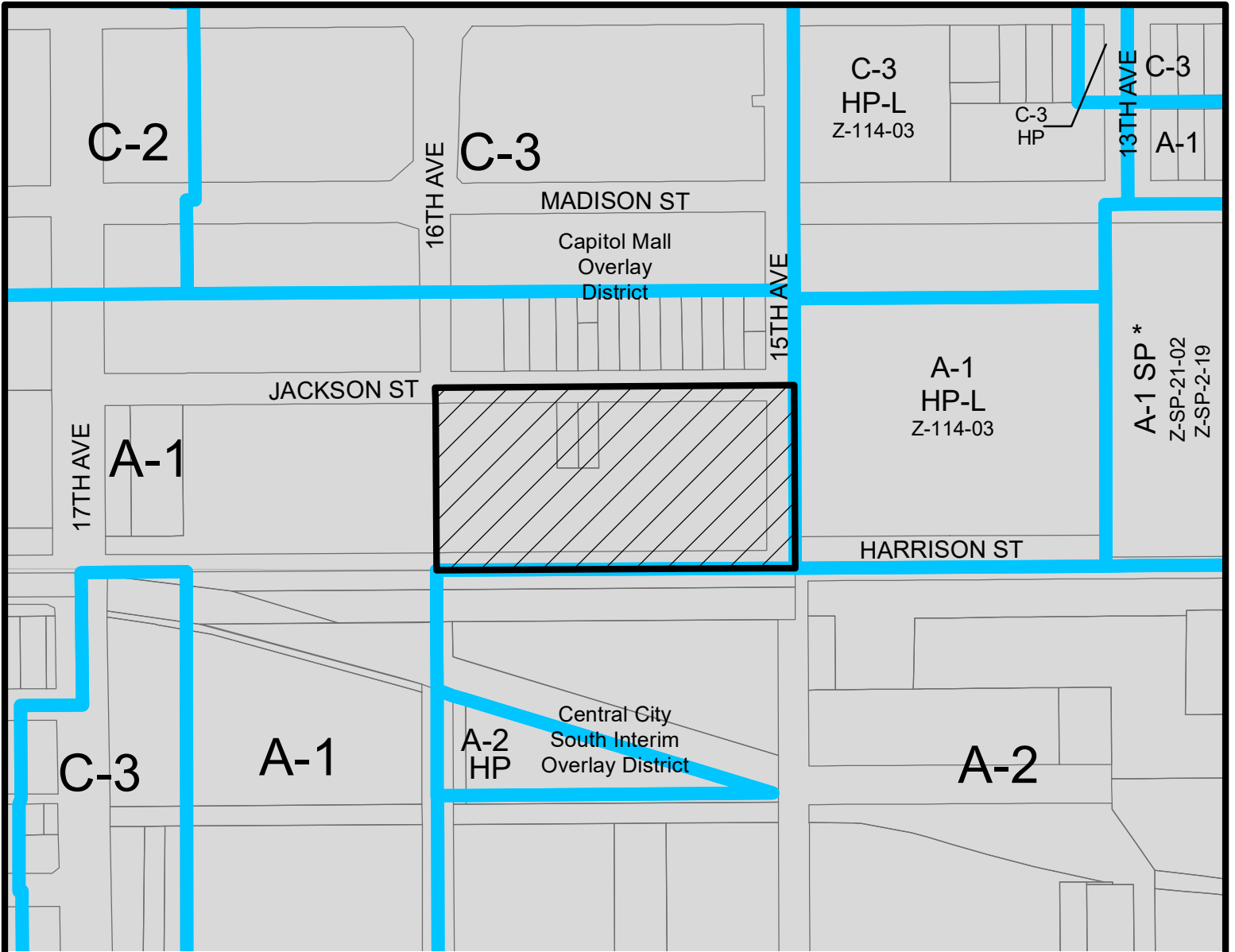
Aerial Sketch Map

Zoning Sketch Map



APPLICANT'S NAME: City of Phoenix		REQUESTED CHANGE:	
APPLICATION NO. Z-SP-5-23		FROM: A-1 CMOD (5.50 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 5.50 Acres		<small>DATE:</small> 7/06/2023 <small>REVISION DATES:</small>	
		<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 10-25	
		<small>ZONING MAP</small> F-7	
MULTIPLES PERMITTED A-1 CMOD A-1 SP CMOD		CONVENTIONAL OPTION N/A N/A	
		* UNITS P.R.D. OPTION N/A N/A	

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



APPLICANT'S NAME: City of Phoenix		REQUESTED CHANGE:	
APPLICATION NO. Z-SP-5-23		FROM: A-1 CMOD (5.50 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 5.50 Acres		<small>DATE:</small> 7/06/2023 <small>REVISION DATES:</small>	
<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 10-25		<small>ZONING MAP</small> F-7	
TO: A-1 SP CMOD (5.50 a.c.)			
MULTIPLES PERMITTED A-1 CMOD A-1 SP CMOD		CONVENTIONAL OPTION N/A N/A	
		* UNITS P.R.D. OPTION N/A N/A	

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