



**CITY OF  
TUCSON**  
ZONING  
EXAMINER'S  
OFFICE

## ZONING EXAMINER'S DECISION

April 28, 2016

Jean Fedigan  
Sr. Jose Women's Shelter  
PO Box 1028  
Tucson, AZ 85710

**SUBJECT: SE-16-21 Sister Jose Women's Center – 7<sup>th</sup> Avenue, HC- 1  
Public Hearing:-March 31- April 21, 2016**

Dear Ms. Fedigan,

### **SPECIAL EXCEPTION LAND USE REQUEST**

Pursuant to the City of Tucson Unified Development Code (UDC) and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's findings and decision for the special exception case **SE-16-21 Sister Jose Women's Center 7<sup>th</sup> Avenue.**

### **PUBLIC HEARING**

*March 31, 2016 Public Hearing* - On March 31, 2016 a public hearing was held on this special exception land use request at City Hall, 225 West Alameda, Tucson, Arizona pursuant to Unified Development Code Section 3.4.3 (Zoning Examiner's Special Exception Procedure). Planning and Development Services Department (PDSD) staff reported that at that time there were numerous written letters and signatures in favor and against the granting of the special exception. The hearing lasted over two hours and there were about an equal number of speakers both supporting and opposing the special exception. At the end of the hearing, the Zoning Examiner asked that the applicant, with the assistance of the president of the West University Neighborhood Association, set up a meeting with the Area 6 residents of the West University neighborhood (property owners located nearest the proposal) and have PSDS recommend an unbiased facilitator to run the meeting regarding compliance with special conditions and the Center's code of conduct and how the conditions and code of conduct of the Center might mitigate any potential negative impacts.

Additionally, at the March 31 hearing, the Zoning Examiner asked for more information about crime and real estate information related to the current facility. The Zoning Examiner also asked PSDS staff for clarification on public notice, several zoning interpretations and application matters, and compliance with the neighborhood plan.

*April 14, 2016 Facilitated Neighborhood Meeting* - The facilitated neighborhood meeting was held on April 14 and the facilitator provided a ten-page report on the

meeting. There were 26 neighbors and five representatives of Sister Jose's in attendance. The meeting focused on questions and answers posed to the applicant on various issues including the facility operations, security, routing of clients to and from the facility, parking, overnight use, consideration of other potential sites, location of the homeless corridor, working in cooperation with neighbors, and the operation management plan. At the end of the meeting, the facilitator asked if anyone had learned something - three persons said yes. The facilitator then asked how many remained opposed - 19 persons were still opposed to the proposal.

*April 21, 2016 Continued Public Hearing* - The April 21 continued hearing lasted for approximately two and a half hours and both proponents and opponents were given equal time to present testimony on the granting of the special exception. The information requested from staff and the applicant was provided and is part of the public record.

Speakers included legal advisors both for the applicant and for a group of property owners in Area 6 of the West University Neighborhood representing residents closest to the proposed shelter care. Both were given time to present their cases in opening and closing statements. During the public hearing, there were speakers supporting the special exception that included volunteers from Sister Jose's current location, West University neighbors in the general vicinity, as close as across the street, and about a block away from the proposal. Opponents included a representative from a nearby charter school, residents and business owners mainly in the immediate vicinity of Sister Jose's and several other residents in the larger West University neighborhood.

At the end of the April 21 public hearing, the Zoning Examiner asked the legal advisors if they or their clients saw any value in a continuance to further discuss potential consensus positions. Both sides declined and requested the public hearing be closed and the Zoning Examiner render a decision.

*Support and Protest* – There have been numerous letters and petitions submitted on this application. The PDSD staff stated as of the April 21 hearing they received over 598 approvals and 98 protests (in the form of names on petitions or separate letters).

Examples of Support Supporters included written and/or spoken support from a congressman, a state legislator, several religious leaders from different faiths, university students, West University residents, and Sister Jose's volunteers and clients. Below are examples of representative oral comments made by supporters of the special exception: The women guests tend to be victims of abuse and violence. The center allows for a respite from the fears of being on the street. The Center allows for counseling, and support in getting education and time off the streets. The clients are polite to local residents. The shelter brings together volunteer women in the community with the less fortunate women-only clients.

Women clients spoke about their beneficial relationship with the shelter by being able to take a shower, do laundry and find community with the volunteers and other clients. A Jewish rabbi spoke of how both Christian and Jewish faiths are to serve the unfortunate. Nearby residents of the current shelter do not see a negative impact on their property value. A nearby resident to the proposed site, an urban planning student, talked about learning strategic planning and how one should not only look at threats but also opportunities. There were also statements and statistics regarding women most likely being victims of crime and not perpetrators.

Examples of Protest - Protesters include numerous neighbors with property adjacent to or nearby the proposed use, West University neighbors in the general vicinity of the use, a representative of a nearby charter school, nearby business owners, and a local developer. It should be clear that many of these speakers often qualified that they have supported homeless programs in the past and mostly were not criticizing the program but the location of the use. Examples of comments by protesters included the following: Businesses today find human feces in their parking areas in the morning. There are examples of homeless arrests, use of drugs in local parks and camping out in niches in the West University neighborhood. Their presence may affect both the school children and their parents during drop off and pick up times at the nearby charter school. The Center's presence will introduce a constant fear of being molested and increased crime. There is a fear of male partners loitering and potentially committing crimes. There is a concern about property values plummeting once there is knowledge of a shelter in the area. This model of charity is flawed and a transitional housing program using professional counselors would be more effective. There was quoting of studies showing that homeless shelters lower property values by over 12%. There was a presentation showing crime statistic information and pictures at various times of apparent loitering in the area of the current Sister Jose's location.

## **FINDINGS**

*Background on the Application* - This is a request of Jean Fedigan for a shelter care for women in the HC-1 zone. The HC-1 zone requires a Zoning Examiner Special Exception Procedure [ZE-SEP (UDC Sec. 3.4.3)] for the UDC land use type, unlimited number of residents shelter care where a certain setback is reduced.

According to the UDC's land use category system, a shelter care for unlimited residents is a land use type under the land use class residential care services that is part of the Residential Use Group.

The subject property requires a ZE-SEP because it is twenty feet from a property zoned R-3 or a more restrictive residential zone (Sec. 4.9.7.J.6). If the facility was

500 feet or a greater distance from the above named residential zones, it could proceed as a permitted use subject to the UDC's remaining use specific standards. Additionally, it is required to be at least 1,200 feet from another residential care facility (Sec. 4.9.7.J.1). Materials submitted by PDS staff have confirmed this spacing requirement.

A ZE-SEP requires a noticed public hearing and requires the Zoning Examiner to base an approval recommendation on five findings located in the UDC's Sec. 3.4.5. In general the findings cover meeting appropriate zoning and other standards, not adversely affecting surrounding properties or substantially mitigating any adverse effects through special conditions, providing adequate circulation and parking, not overloading public infrastructure, and complying with applicable land use plans.

The preliminary development plan (PDP) indicates a proposed women's shelter care facility on an approximate 12,197 square-foot lot. There are two 2-story buildings with a combined 5,200 square-foot floor area. The principal building is a contributing structure to the local historic district signified by the 'H' in the HC-1 zone designation. The second building is not a historic building.

The PDP does not indicate changes to the structures. The PDS staff report indicates that the property has been used as a residential treatment facility in the past. Currently, the property is being reviewed by Code Enforcement staff for a potential zoning problem with a bed and breakfast-type use.

*Surrounding Land Uses*- To the north and west are a single family residences, to the south are single family residences that appear to be rental units with one having an office use, and to the east is a multi-family residential use. Within a one block area there are about ten or more examples of non-single family residential uses. They include a charter school, funeral home, restaurant, church, apartment use, as well as, offices, and adult care facilities.

*Land Use Plans* - The land use plan direction for this case comes from *Plan Tucson*, the *University Area Plan* and the *West University Neighborhood Plan*.

*UDC Sec. 3.4.5 Findings* - Below are the findings required for the review of Zoning Examiner Special Exception.

**1. Meets the standards applied by all adopted codes and regulations for that type of land use**

The subject property and buildings are in a Historic Preservation Zone that overlays an underlying C-1 zone. C-1 is the most restrictive commercial zone in the City. Further, the principal dwelling unit on the property is a contributing

structure to the historic zone. The PDP preserves the historic contributing structure in compliance with the historic overlay standards.

The Zoning Administrator, a member of PDSD staff and the official interpreter of the UDC, has reported the granting of a variance in 1990 for a lot coverage increase for a residential treatment facility. The variance allows the approval of a certificate of occupancy for the site in its present configuration of buildings, accessory structures, and parking. The proposed PDP continues to comply with these dimensions granted by the variance.

The shelter care use requires a Zoning Examiner Special Exception Procedure because of its nearness to a residential zone as noted above. The proposed use will not change the historic status of the property and the existing building footprint does not require a variance or other waiver or relief for a zoning dimension for the property.

There was a challenge at the March 31 public hearing that the proposal was a soup kitchen and thus prohibited. The Zoning Administrator in an April 12, 2016 memo to the Zoning Examiner reiterated that the proposal is classified as the land use type, unlimited number of residents shelter care, which provides lodging, meals and counseling. The counseling was clarified by the applicant to occur on-site by outside professional social workers for the shelter's clients. The Zoning Examiner confirms that the application is applying for the correct land use type and is proceeding through the correct development review process. There was also a challenge as to whether the proposed use was spaced 1,200 feet from another shelter. The Zoning Administrator confirmed that the proposal complies with the spacing standard.

**2. Does not adversely affect land use or surrounding neighborhoods or that such adverse effects can be substantially mitigated through the use of additional conditions**

Homeless Corridor – The testimony and evidence submitted stated that the proposal is in an area that has been identified as the homeless corridor with boundaries of I-10 to the west, Speedway Boulevard to the north, Campbell Avenue to the east and 29<sup>th</sup> Street to the south. One can dispute the boundaries of this area but it seems reasonable to anyone who lives and works in this area that it is a reasonable facsimile of an area widely used by the homeless population. Within this area are two regional activity centers, namely, the University of Arizona and the Downtown core of the City as well as several large parks including Santa Rita Park, Santa Rosa Park, Veinte de Agosto Park, and De Anza Park along with the public plaza in front of the Joel Valdez public library in the Downtown. There are several homeless facilities and services in this area. In addition, there are about seventeen neighborhood associations including the

current location of Sister Jose's Women's Center in the Barrio Viejo Neighborhood and the proposed location in the West University Neighborhood.

During the public hearing, there were several key adverse effects expressed regarding having a shelter care use at the proposed site. Below is a list of the concerns and an evaluation.

Crime Rate - Both the applicant and the adjacent opposing neighbors provided presentations on crime statistics. The applicant showed crime statistics from November 2012 to the present covering an approximate three-year period. The type of crimes reported of the six on-site incidents indicate the clients being victims of the crime in three incidents. One involved a damaged park car that, at best, is a neutral incident. There were two in-house arguments where the police were called. Two incidents over three years does not create a public nuisance. This type of occurrence can be handled by the facility's code of conduct. The facility's draft Operations Management Plan describes their clients in this way, "*Most of our guests fit the research patterns of victimization from sexual abuse, domestic violence or other traumas.*"

The opposing neighbors presented a chart showing that in the vicinity of the current Sister Jose's facility in the last month there were three incidents of vandalism and a death and in the last six months there were thirteen incidents including death, mentally unstable person being transported, theft, assault, and disorderly conduct. At the same time, in the area of the West University proposed shelter in 30 days there was one theft and in a six-month period there were five incidents including theft and burglary.

The opposing neighbors also included crime rates near the Salvation Army and Gospel Rescue Mission facilities for homeless clients. In the April 21 presentation, the neighborhood's legal advisor noted they are not saying that the Sister Jose's clients are criminals but that some meaningful crime is inevitable with this type of facility.

The problem the Zoning Examiner sees with the opposing neighbors' crime analysis is how can one correlate the crime in the Five Points general area being caused by the existence of Sister Jose's?

The client profile provided on the average is a woman in her 40's or 50's with some clients in their 80's. Further, the crime reported over a three-year period at Sister Jose's seems to verify that homeless women are more likely to be victims of crime than criminals. A reasonable conclusion from the statistics is that Sister Jose's is currently located in a higher crime area than the proposed facility. There is not clear evidence presented that the current facility increases crime in its current location.

Property Values - The applicant provided property value information from late 2013 to the present. One piece of information indicates that within a ½ mile of Sister Jose's the average price of property increased by 17%. They also noted that within ¼ of a mile the property prices increased by 34%. The opposing neighbors stated that the applicant needed to present properties closer to the current shelter. The applicant stated that level of specific property information was not available. A neighbor of Sister Jose's testified that she invested \$340, 000 into a new home and that a nearby home closer to Sister Jose's is valued at \$700,000.

The opposing neighbors presented several letters from realtors giving their professional opinions. They also submitted a general academic study and an online article presenting information on homeless shelters and the impact on property values.

The three letters from local realtors opined that the introduction of a homeless shelter would "*decrease the market value (of your property),*" "*would be a substantial decrease in the market value of your property,*" and "*there is no doubt in my mind, there will be a decided decrease in the market value of your property maybe 25-30%.*" In addition two nearby property owners using a statistic from an online article named "*The Neighborhood Features That Drag Down Your Home Value*" stated that granting the special exception to a homeless shelter will overnight decrease their property values by 12.7%. Also cited as supporting data was an academic article entitled "*Emergency Homeless Shelters in North America: An Inventory and Guide for Future Practice.*"

One must respect the real estate professionals' assessments of the impact of a homeless shelter. There is no doubt that certain buyers upon hearing there is a homeless shelter in the vicinity would automatically lose interest. This reaction can be said for funeral homes, airports, neighborhoods with large student populations, and other land uses and situations that bother certain buyers. However, other buyers will understand that West University is an urban neighborhood within walkable distances to libraries, museums, a major educational institution, various cultural and sporting events, nearby employment centers, and growing entertainment districts.

A key reason why homeless shelters are viewed as problematic is that looking at the national big picture some very large shelters with over 100 beds, are overcrowded, unsafe, unsanitary, and dangerous for the homeless clients. During the public hearings and submission of materials on Sister Jose's, there has been no substantive evidence or testimony that the current shelter is overcrowded, unsanitary, or dangerous for the clients. Instead most of the testimony at the public hearings involved clients and volunteers standing up and praising Sister

Jose's program. But there has been testimony grouping Sister Jose's with the worst case examples of homeless shelters as far as their impact on property values.

The academic article states that the reason areas with shelters have low property values is because political decisions and regulations often isolate them in declining neighborhoods with property values lower than the rest of the jurisdiction. In addition, struggling neighborhoods are where shelters can afford low-cost rents and properties. The academic article goes on to state, "*...it is vital that shelter for (the homeless be) located throughout a city. To get the individuals transitioned to independent living, they must have shelter located near public transportation, jobs, social services, and schools. This is best accomplished by locating shelters in residential and commercial areas and not solely in industrial and deteriorating neighborhoods.*" Regarding the 12.7% reduced property value noted in the online article, it states that shelters are often limited "*to less prime areas in the city where home values are about 13% less.*"

The online article goes on to note that loitering and emergency calls may increase. These concerns have been discussed during the public hearing and a loitering control plan is part of the special conditions. Regarding emergency calls, it is likely they will occur but the experience of the current location is that they will be rare events and not be a disrupting regular occurrence.

The academic article discusses how communities have used "Good Neighbor Plans" to mitigate the impacts of a shelter on the character of a neighborhood. Typical components may include loitering control, cleanliness of the exterior, prohibition of drugs and alcohol, screening of the interior by perimeter fencing, and having outdoor security cameras. These are example components of mitigation conditions following a best practice approach.

The Barrio Viejo Neighborhood with Sister Jose's shelter operating for the past three years has seen nearby property values increase as already noted. The realtors may be correct about certain buyers' lack of interest and about poorly run shelters in struggling neighborhoods being a problem. Barrio Viejo in the vicinity of Sister Jose's should have seen a decrease in property values if all shelters are the same. Sister Jose's should have caused, at least as noted by the two opposing property owners, a value decrease of approximately 12.7% to nearby properties.

Proximity to Charter School – A representative of the Mexicaytol School, a charter school on 7<sup>th</sup> Avenue, expressed concerns about the shelter's clients walking by the school and that their presence may disturb the children and their parents during arrival and departure times. Worse the children may be exposed to danger. The current facility is already near Pio Decimo School and a preschool. There is no evidence that Sister Jose's has caused problems for these nearby

schools. There does not appear to be a connection between the school's population's safety or welfare and the presence of the shelter's clients. The shelter has agreed to stagger its opening and closing times and route its clients away from the school so as not to create a joint rush hour with the school. It appears there is a mitigation condition that can address the concerns about an overlapping rush hour of the two facilities.

**Operations Management Plan** – As part of the application review, PDS staff recommended the preparation of an Operations Management Plan. Conditions 7 through 15 describe specifications of the plan. The plan is intended to take steps so the shelter does not adversely impact adjoining properties and protects the character and quality of life of the neighborhood. In reviewing the draft Operation Management Plan (the plan) submitted by the applicant, it addresses the best practices called out in the academic article.

**Goals** – The plan states that Sister Jose Women Center is a gender-specific program for the homeless women in the community. The main objective is to engage the women into the community in a safe and caring environment where they can begin the process of determining their path to a sustainable existence.

**Staffing** - The plan sets up qualifications, behavior, and various reporting standards for the staff and volunteers.

**Behavior** - It also sets up a code of conduct for clients including the do's and don'ts' of using the facility as well as suspension and expulsion rules that must be read and signed by clients.

**Communication** – The plan requires the facility to regularly meet with the West University Neighborhood Association, have a liaison to keep in contact with Tucson Police Department (TPD), local businesses, schools, and nearby residents regarding any problems. The plan also calls for having a liaison with the Tucson-Pima Collaboration to End Homelessness and keeping in contact with other agencies serving the homeless population to ensure the appropriate services are being rendered.

**Loitering/ Routing** - In the plan's security plan it states no person may line up outside the gate either on the street or sidewalk. It states that a security leader will monitor entering and exiting routes to and from the facility. The preferred route will be on the north side of 4<sup>th</sup> Street either towards or from Stone Avenue or 6<sup>th</sup> Avenue. Clients entering the property will be immediately directed to an internal courtyard where they can queue for the entrance sign-in procedure.

**Screening of Activities** – The plan does not address screening of adjacent properties but Condition #8 requires the activities be within a screened yard area

from streets and adjacent properties including outdoor waiting areas and the storage of carts and bicycles.

**Security Cameras, Reporting** – The security plan has a protocol for reporting any facility related incident. Further, security cameras with motion detector lights will be mounted outside of the building to illuminate areas of potential concern including the area above the parking spaces on Ferro Street. At the same time, Condition #11 requires shielding of lights to prevent light trespass on adjoining properties.

**Daily Operations and Facilities** – The plan states that the facility is an associate organization of the Diocese of Tucson. It also establishes maintenance of funding and other resources for the facility. The hours of operation and number of clients is established including the winter night program. Conditions #7 states that any changes to the operation management plan will require the new plan to be approved by PDS and TPD.

**Cleanliness** – An added condition (#15) of the special exception creates a standard on keeping the outer appearance of the building free from litter and debris and for the outer appearance of the building to remain as a historic residence. Keeping carts and bikes within the screened enclosure is already in the overall plan. The goal should be that the building continues to look like a well-kept historic residence to protect the character and appearance of the historic neighborhood.

**Hours of Operation and Overall Client Numbers** – Condition #10 requires the facility to adhere to opening and closing times of 9:00 am to 5:00pm with a minor variation during winter where it closes earlier. This timeframe can be modified to accommodate the nearby charter school's start and finish times as appropriate. Condition #9 states the shelter is allowed to provide for a total up to 65 clients a day and up to 25 for overnight stay during winter. The applicant has stated they will comply with all building code occupancy provisions. Thus the 65 clients would not enter all at the same time but rather be the total number of clients served for the entire time of daily operations.

While Condition #7 covers the key features of the plan, it is supplemented with the other special conditions (1-6, 8-15) to list additional mitigation standards and on-going zoning compliance of the shelter care.

**3. Provided for adequate and efficient vehicular and pedestrian access and circulation and vehicular parking**

The proposed use does not generate vehicle traffic. There are four parking spaces near the east property line and are allowed as non-conforming parking. The

spaces will be used by the facility's staff. The proposal has adequate pedestrian circulation, near two major roads Stone and 6<sup>th</sup> Ave. The sidewalks will be improved and must be American Disability Act compliant. As noted there is a special condition that does not allow clients to loiter or queue on the sidewalks or street. Instead there is a large internal courtyard where queuing will take place. Grocery carts can be stored on-site where lockers for the guests will be provided for personal belongings.

**4. Can be adequately and efficiently served by public facilities and services**

The PDP was evaluated by PDS, Environmental Services Department, Department of Transportation and Water Department staffs and none expressed concerns about facilities or services. There was no evidence or testimony presented orally or in writing that suggested public facilities are negatively affected by the proposal. There is no dispute from proponents or opponents that the public facilities of waste disposal, sewers, water, utilities, and roads are changed in any measurable way by the addition of a shelter care on the subject property.

**5. Complies with the General Plan and any applicable neighborhood plans**

The land use plan direction for this case comes from *Plan Tucson*, the *University Area Plan* and the *West University Neighborhood Plan*.

Special exception land uses are not allowed as a right but are permitted through a defined process. The process is intended to help address special circumstances through mitigation standards that would make the proposed land use compatible with its surroundings. The land use plans are reviewed to provide guidance in developing special conditions that mitigate any negative impacts that might occur. In this case, the land use is classified and confirmed through an interpretation of the Zoning Administrator as a residential land use.

The special exception is within the Existing Neighborhood Building Block of *Plan Tucson*. This designation is characterized as largely built out neighborhoods and commercial districts with some expected development and redevelopment. *Plan Tucson* supports integrating land uses that support sensitivity to historic resources and neighborhood character and a more effective use of resources. It also encourages relying on neighborhood and area plans in evaluating land use decisions.

The *University Area Plan* provides a neighborhood conservation goal to preserve and enhance the historic character and residential quality of life in the area plan surroundings. The area plan encourages the use of ordinances and plans as guidelines to protect neighborhood perimeters from the intrusion of incompatible uses.

The *West University Neighborhood Plan* also contains goals to preserve and enhance the historic neighborhood. Policies reviewed for this application include those considering protecting the residential character of the established neighborhood and the constructing of a new compatible residential development, encouraging owners to maintain and improve their property, improving the appearance and quality of landscaping with the overall neighborhood, and promoting off-street parking.

The mitigation standards applied to this proposal require the historic building to remain as is and the exterior to remain in appearance as a historic residential building and free of debris, litter or loitering. The activities associated with the land use are screened from adjoining residences, monitored by security staff and connect adjoining residents and businesses, the neighborhood association, and police with the facility to reduce potential incidents as soon as possible. The proposed land use in its current location has not been a problem and has been praised as a good neighbor. That good reputation should be fully expected of the new facility. The conditions developed with the guidance of the land use plans emphasis on preserving the historic character and quality of life of the neighborhood make this land use compatible with the applicable land use plans.

### **APPEAL**

The Zoning Examiner's decision may be appealed to Mayor and Council pursuant to UDC Section 3.4.3.I. A notice of intent to appeal the Zoning Examiner's decision must be filed with the City Clerk, 255 West Alameda, Tucson, Arizona, 85701 by a party of record in accordance with UDC Section 3.9.2 within fourteen days of the effective date of the Zoning Examiner's decision with a copy delivered to PDSD.

The complete appeal materials must be filed with the City Clerk within 30 days of the effective date of this decision letter.

A copy of this decision letter can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

### **CONCLUSION**

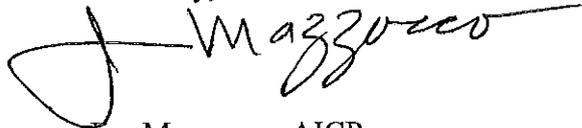
The special exception for the land use type of an unlimited number of residents shelter care to be used for the Sister Jose Women Center was an emotional experience for both the supporters and opponents. The supporters praised the program and the running of the current facility in the Barrio Viejo Neighborhood as being an excellent model that created community and had not had a serious negative impact on it surroundings. Protesters pointed to existing problems with the homeless population in the West University Neighborhood. They claimed this proposal would lower their quality of life, change the character of their

neighborhood with increased crime, and drastically lowered property values. The Zoning Examiner has reviewed the testimonies and evidence through two public hearings and a special neighborhood meeting with a third-party facilitator. The Zoning Examiner asked the applicant and protesting neighbors legal advisor if there could be any room for compromise and learned that neither side saw value at this time in meeting again. After reviewing the ordinances, land use plans, documentation, and public testimony, the Zoning Examiner finds that the proposed special exception meets the findings of UDC Sec. 3.4.5 and is approved with attached special conditions that are based on the best practices for this land use type.

**DECISION**

The Zoning Examiner's decision is for approval of the Special Exception request subject to the attached special conditions.

Sincerely,

A handwritten signature in black ink that reads "Jim Mazzocco". The signature is written in a cursive style with a large, looping initial "J".

Jim Mazzocco, AICP  
Zoning Examiner

**ATTACHMENTS:**

Case Location Map  
Special Exception Case Map  
Special Conditions

cc: City of Tucson Mayor and Council

**ZONING EXAMINER SPECIAL CONDITIONS – SE-16-21 SISTER JOSE WOMEN CENTER –**  
**7<sup>TH</sup> AVENUE**  
**APRIL 28, 2016**

**PROCEDURAL**

1. A site plan in substantial compliance with the preliminary development plan dated January 28, 2016, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Three (3) years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.
6. Prior to issuance of certificate of occupancy, a site inspection is required to demonstrate that all conditions of the special exception and operational management plan have been met.

**LAND USE COMPATABILITY MEASURES**

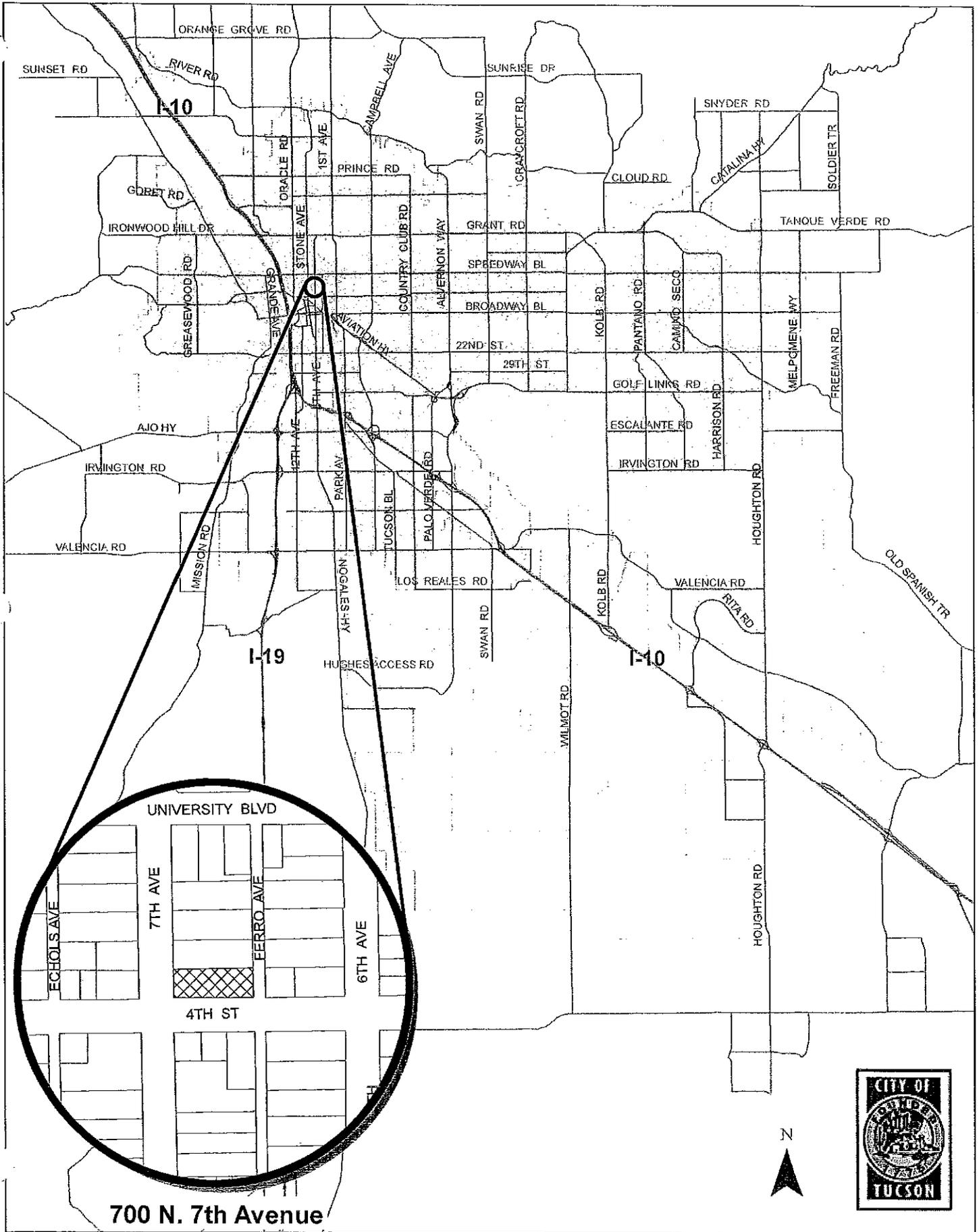
7. An Operational Management Plan (OMP) is required prior to a site plan approval and issuance of certificate of occupancy. Planning and Development Services Department (PDSD) Director shall, in consultation with the City of Tucson Police Department (TPD), review and approve an OMP. Management of the Sister Jose Women's Center (shelter care), shall operate the shelter care for its clients in a manner to ensure that it does not adversely impact adjacent parcels or the surrounding neighborhood. In addition, the plan is to ensure the shelter care is operated in manner which protects the health, safety, and general welfare of the nearby residences and businesses, while providing a clean and safe facility for its clients. The OMP shall remain active throughout the life of the shelter care. Any changes to the plan are subject to review and approval by the PDSD Director, in consultation with TPD. The OMP shall be based on best practices for operating a shelter care and shall include, but is not limited to, a security plan including outdoor security cameras, procedures, list of services, staff training, "good neighbor" communication plan, client eligibility and intake and check out process, detailed hours

of operation, ongoing outreach plan to the Tucson homeless women's population, and participation in data collection for the Tucson-Pima Collaboration to End Homeless (TPCH). The residential care service - shelter care at 700 N. 7<sup>th</sup> Avenue, Operational Management Plan is to include the following details:

- a. Provide daily operations schedule that is in accordance with the objectives of the Sister Jose Women's Center;
  - b. Hours of operation (summer and winter);
  - c. Maintain a log that documents the days in which the overnight stays occurred due to inclement weather, provides number of occupants, and a weather description of nights registered with overnight stays;
  - d. Provide the total number of beds for the shelter care;
  - e. Executive Director shall establish a liaison to provide information on issues related to the operations of the facility. The liaison shall provide contact information to and coordinate with PDSD, TPD, the local school district, the local charter school officials, local businesses, and the residents within 300 feet of the center;
  - f. Provide a map that details possible pedestrian migration patterns/routes by shelter care clients, and identifies the following land uses located within approximately ½ mile from shelter care site: city parks, bus-stops, other shelter centers, and churches or/an agencies providing free community services to the general public; and
  - g. The OMP shall address safety and security. The OMP shall describe facility rules and procedures for maintaining a safe environment within and outside of the shelter care, including the following:
    - I. The facility shall establish and enforce a strict code of conduct. Facility rules shall prohibit weapons and the use, sale or distribution of alcohol or illegal drugs. Shelter care clients shall not be allowed to congregate, loiter, or queue on the sidewalk or street outside of the facility at any time;
    - II. Procedures shall be established for responding to emergencies and for incidents including expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall be established; and
    - III. During operational hours, at least one staff person shall be on duty and dedicated to shelter care security.
8. Shelter care activities shall be conducted within enclosed buildings. Outdoor ancillary uses shall occur within existing screened yard areas, and limited to activities such as; an outdoor waiting area for clients arriving prior to opening in the morning, clothes lines, gardening, storage of bicycles/carts, and an outdoor smoking area, as may be required by law. All outdoor ancillary uses shall be screened from streets and adjacent properties.
9. The permitted use is for a residential care service – shelter care, to allow up to 65 clients for day services and up to 25 clients for overnight stay during inclement weather, subject to building codes certificate of occupancy requirements.

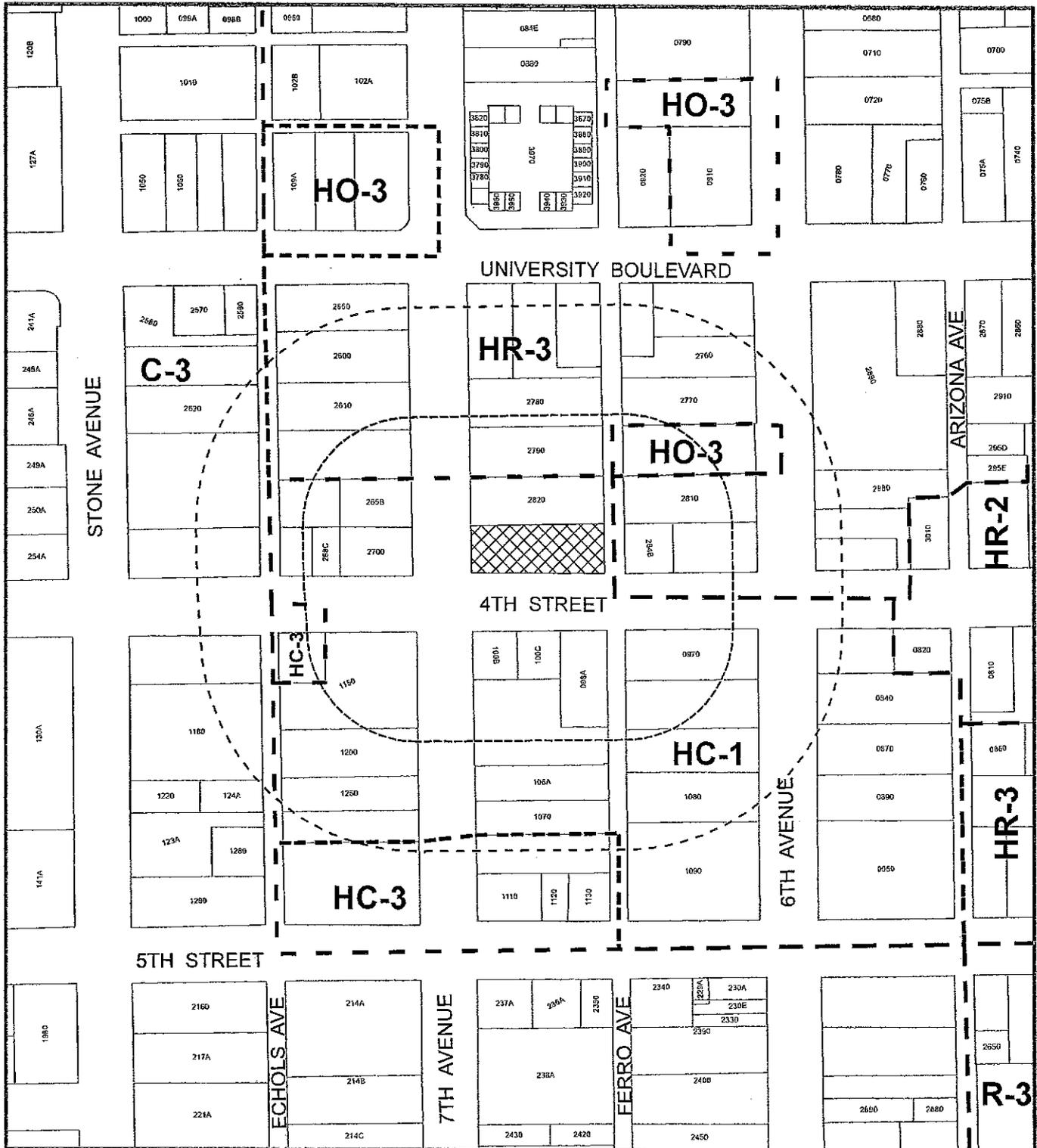
10. Hours of Operation – Monday through Saturday, 9:00 a.m. to 5:00 p.m., except during months in which overnight shelter care stay is allowed per the Operational Management Plan. Adjustments may be made to accommodate the nearby school.
11. All outdoor lighting, including wall mounted lights/security shall be designed to shield adjacent residential development from light spill over.
12. The holding place for roll-out trash dumpster(s) shall be located behind the existing six-foot tall wall, within the southeast corner area of the site.
13. Sr. Jose Women's Center representative shall meet quarterly with the *West University Neighborhood Association* during the first twelve (12) months of operation.
14. The shelter care shall provide on-site all-weather lockers for personal belongings, and a screened outdoor bicycle/cart secured storage area.
15. The outside of the shelter care shall be kept free of litter, bicycles, and carts and continue to present the appearance of a well-kept historic residence.

# SE-16-21 SR. Jose Womens Center - 7th Avenue



700 N. 7th Avenue

# SE-16-21 SR. Jose Womens Center - 7th Avenue Z.E. Special Exception



- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- HC-1** Zoning of Requested Area



Address: 700 N. 7th Avenue  
Base Maps: Sec.12 T.14 R.13  
Ward: 6

