

## Case Research

**Curtis, Tim**

---

**From:** Hardy, Wendy  
**Sent:** Wednesday, November 08, 2017 10:19 AM  
**To:** Curtis, Tim  
**Subject:** FW: 766-PA-2017 (Graceful Hearts)

Tim,

Here is what I thought the Planning Specialists could forward for all Care Home cases instead of scheduling a meeting.

The Planner assigned can ask for a meeting to be scheduled at a later date after they receive the necessary paperwork or they can direct the applicant (through e-mail) to the One Stop Shop to pay for the C of O permit.

*Thank you,  
Wendy*

---

**From:** Hardy, Wendy  
**Sent:** Wednesday, October 25, 2017 8:59 AM  
**To:** Acevedo, Alex  
**Subject:** RE: 766-PA-2017 (Graceful Hearts)

Alex,

Sorry, I'm not trying to come off as being critical of you. We do need property owner authorization. It is critical for these.

For the e-mail boilerplate can we say?

This email is to confirm that we have received your pre-application re: 766-PA-2017 (Graceful Hearts)

\*Please return the attached forms along with all submittal requirements noted on the Care Home application to the coordinator via email. This includes written authorization from the owner of the property giving their authorization for the use of the home as a care home. Once your coordinator has received all of this required information, he/she will reach out to you with instructions on moving forward in the process. This includes mapping the location to prevent conflict with another Care Home and details on paying for the necessary Certificate of Occupancy permit to allow an inspection by a City of Scottsdale building and fire inspector. Following approval of the inspection, an updated C of O will be issued to the property owner. (Adult Care)

Wendy Hardy will be your planning coordinator. No meeting is necessary at this time. If Wendy has any questions, she will contact you soon after she reviews the information that you have e-mailed.

*Thank you,  
Wendy*

---

**From:** Acevedo, Alex  
**Sent:** Wednesday, October 25, 2017 7:22 AM  
**To:** Hardy, Wendy  
**Subject:** RE: 766-PA-2017 (Graceful Hearts)

Good morning,

What would you like the language to say exactly? I can move the language that states "No meeting is necessary at this time" to the top of the email if that is more clear or you can create some language for me that would better communicate to the applicant.

I would appreciate your help,

Alex

---

**From:** Hardy, Wendy  
**Sent:** Tuesday, October 24, 2017 10:08 AM  
**To:** Acevedo, Alex  
**Subject:** RE: 766-PA-2017 (Graceful Hearts)

Alex,

Can we update our boilerplate language so the applicant does not think there is a meeting.

*Thank you,  
Wendy*

---

**From:** Acevedo, Alex  
**Sent:** Monday, October 23, 2017 11:27 AM  
**To:** 'MARGGIKIN@YAHOO.COM'  
**Cc:** Hardy, Wendy; Randolph, William  
**Subject:** 766-PA-2017 (Graceful Hearts)

Good morning,

This email is to confirm that we have received your pre-application re: 766-PA-2017 (Graceful Hearts)

\*To help expedite the process, please return the attached item to the coordinator via email prior to your meeting. (Adult Care)

Wendy Hardy will be your planning coordinator. No meeting is necessary at this time. If Wendy has any questions, she will contact you soon after she reviews your application.

Thank you,

*Alex Acevedo*  
Planning Specialist  
City of Scottsdale  
Planning & Development Services  
Phone: 480-312-2542  
7447 E Indian School Rd. #105  
Scottsdale, AZ 85251

*Get informed!  
Subscribe to Scottsdale P & Z Link newsletter*

# Adult Care Home Application

Zoning/spacing approval will expire after 180 days if a license has not yet been obtained from the AZ Department of Health Services



<b>Project Name:</b> CL HOLDINGS 68TH PLACE CARE HOME		
<b>Property's Address:</b> 12012 N 68TH PLACE SCOTTSDALE 85254		<b>A.P.N.:</b> 175-20-009
<b>Zoning designation:</b> RI-35		
<b>Owner:</b> CL HOLDINGS 68TH PLACE LLC		
<b>Applicant:</b> MICHELLE SIWEK		
<b>Company:</b> CL HOLDINGS 68TH PLACE LLC		
<b>Address:</b> 8321 N. CANTA REDONDO	<b>State:</b> AZ	<b>Zip:</b> 85253
<b>Phone:</b> 480.414.2596	<b>E-mail:</b> MICHELLE@THESIWEKS.COM	
<b>Michelle Siwek</b> <small>Digitally signed by Michelle Siwek DN: cn=Michelle Siwek, o=, ou, email=richelle@thesiweks.com, c=US Date: 2017.11.16 12:03:26 -0700</small>		
Owner /Applicant Signature		

### City of Scottsdale's submittal requirements:

1. This application form with the information above completed and signed.
2. A site plan or current aerial map which shows all existing and proposed roofed structures on the property and includes the net lot area and gross floor area for all roofed structures in square feet. NOTE: The total Floor Area Ratio may not exceed 35%.
3. Signed Affidavit of Authority to Act as the Property Owner form
4. Please answer all of the following. You may use a separate sheet of paper if necessary
  - What is the maximum number of residents? 10
  - Are the residents all over the age of 18? (Circle one) Y/N yes
  - What is the minimum length of stay for a resident? 30 days
  - How many caretakers will live on site? 1
  - How many caretakers will visit the site on a regular basis? minimum 5 per week in 12 hour shifts
  - What type of care will be provided on site? behavioral health
  - Provide the state license type: BEHAVIORAL HEALTH RESIDENTIAL FACILITY
  - Provide the NAICS (North American Industry Classification System) number: 623220

### City of Scottsdale's Registration and Permit process for Adult Care facilities in an existing building:

- A. Applicant shall submit a Pre Application Request. This will trigger a Pre Application meeting with a Planner on staff. The applicant shall bring this completed form to the Pre Application meeting. Once the Planner can verify that the proposed Adult Care Home complies with the applicable sections of the Zoning Ordinance, Section 5.012.A.2 or 5.102.A.2. an Adult Care (AC) case will be created and the property will be mapped. NOTE: Please be advised that this spacing approval will expire after 180 days if the applicant has not yet obtained license from the Arizona Department of Health Services.
- B. Submit this signed, approved application to the One Stop Shop in the One Stop Shop at 7447 East Indian School Road, Suite 100 and pay for a C of O for Existing Building Permit. All proposed Adult Care homes are required to undergo an inspection within 24 hours of obtaining a 'C of O for existing building' permit. NOTE: Please be advised, this permit is valid for 180 days from the date that the permit is issued.

## Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, AZ 85251 Phone: 480-312-7000 Fax: 480-312-7088

# Adult Care Home Application

Zoning/spacing approval will expire after 180 days if a license has not yet been obtained from the AZ Department of Health Services



City Use Only:

\_\_\_\_\_-PA-\_\_\_\_\_-

\_\_\_\_\_-AC-\_\_\_\_\_-

Approved for 'C of O for Existing Building' permit issuance \_\_\_\_\_

Staff signature and date

- C. The applicant shall schedule an inspection meeting with the City of Scottsdale Building and Fire Inspector(s).
- D. The City of Scottsdale Building and Fire Inspector signifies approval of the 'C of O for Existing Building' permit and will issue a new Certificate of Occupancy.

## Required Notice

1. Pursuant to A.R.S. §9-836, an applicant/agent may request a clarification from the City regarding an interpretation or application of a statute, ordinance, code or authorized substantive policy, or policy statement. Requests to clarify an interpretation or application of a statute, ordinance, code, policy statement administered by the Planning and Development Services Department, including a request for an interpretation of the Zoning Ordinance, shall be submitted in writing to the One Stop Shop to the attention of the Planning and Development Services Department Administrator. All such requests must be submitted in accordance with the A.R.S. §9-839 and the City's applicable administrative policies available at the Planning and Development Services One Stop Shop, or from the city's website:

<http://www.scottsdaleaz.gov/building-resources/forms>.

Planning and Development Services  
One Stop Shop  
7447 E. Indian School Rd, Suite 105  
Scottsdale, AZ 85251  
Phone: (480) 312-7000

## Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, AZ 85251 Phone: 480-312-7000 Fax: 480-312-7088

# Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 12012 N 68TH PLACE
- b. County Tax Assessor's Parcel Number: 175-20-009
- c. General Location: 68TH AND CACTUS
- d. Parcel Size: 94,843 SQ FT
- e. Legal Description: LOT 13 DESERT ESTATES 1 LOTS 5-20 MCR 005421

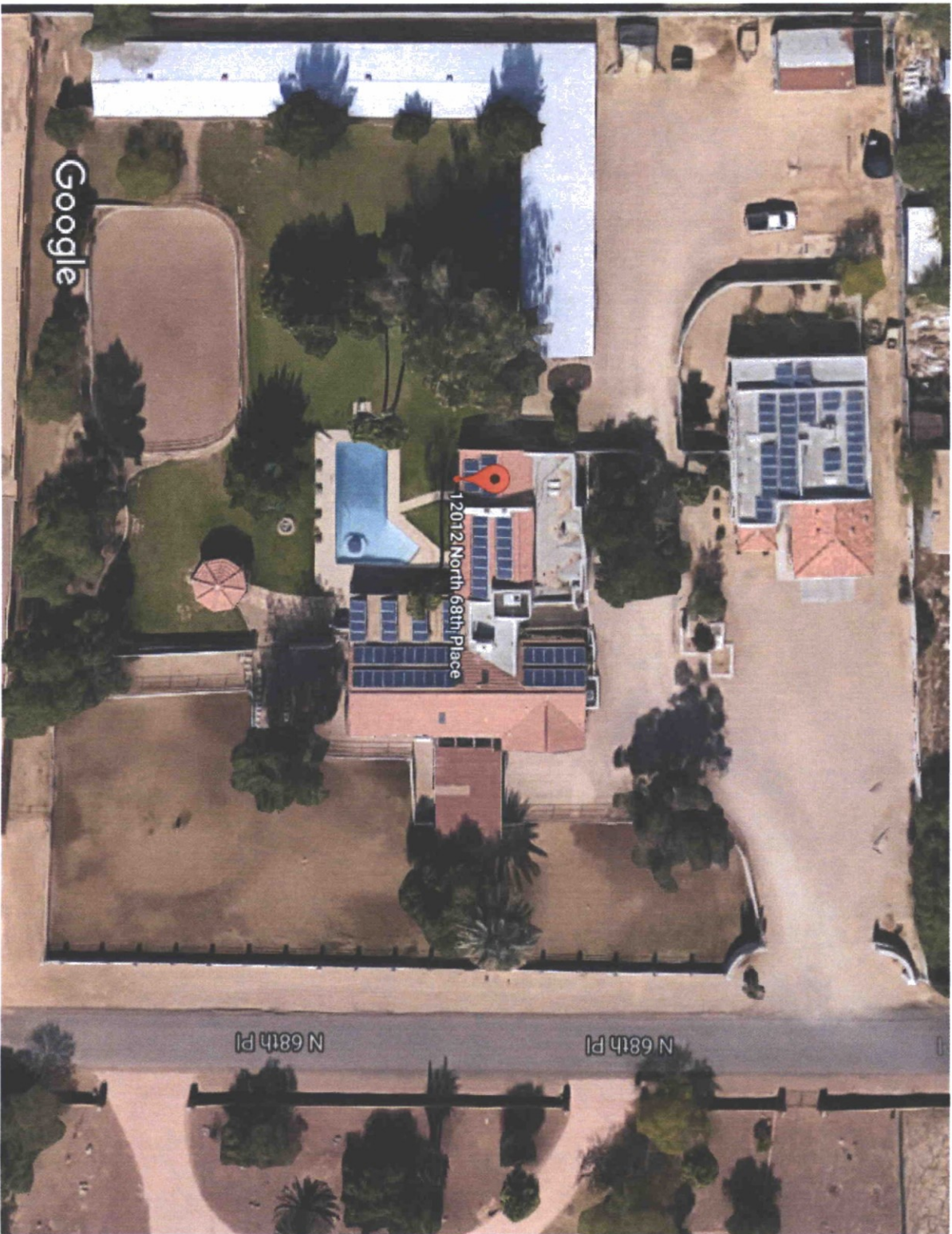
(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)	Date	Signature
<u>MICHELLE SIWEK</u>	<u>11/17</u> , <u>2017</u>	<u>Michelle Siwek</u> <small>Digitally signed by Michelle Siwek, DN: cn=Michelle Siwek, o=City of Scottsdale Planning &amp; Development Services, ou=City of Scottsdale, email=msiwek@scottsdale.gov, c=US Date: 2017.11.17 11:58:21 -0700</small>
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____

## Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088





# Pre-Application Request

**Purpose:**

The purpose of the Pre-Application submittal, and meeting, is for the applicant and city staff to discuss a proposed Development Application, and the information and process that is necessary for city staff to process the proposal.

In accordance with the Zoning Ordinance, no development application shall be accepted before a Pre-Application has been submitted, and a Pre-Application meeting has been conducted with city staff, unless the Pre-Application meeting has been waived by the Zoning Administrator.

**Submittal:**

The completed Pre-Application Request form and all required materials and fees should be submitted in person to the One-Stop-Shop located at 7447 East Indian School Road; or, may they be submitted digitally at following website:

<https://eservices.scottsdaleaz.gov/eServices/PreApps/Default.aspx>

All checks shall be payable to "City of Scottsdale."

**Scheduling**

After the Pre-Application submittal has been accepted at the One-Stop-Shop, a staff member will contact the Applicant within five (5) Staff Working Days to schedule a Pre-Application meeting with the assigned staff member(s). Generally, a Pre-Application meeting is scheduled within five (5) to fifteen (15) Staff Working Days from the date of the submittal.

<b>Project Name:</b> CL Holdings 68th Place Care Home	
<b>Property's Address:</b> 12012 N 68th Place Scottsdale Arizona 85254	<b>APN:</b> 175-20-009
<b>Property's Zoning District Designation:</b> R1-35	
<b>Property Details:</b>	
<input checked="" type="checkbox"/> Single-Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Other	
<b>Has a 'Notice of Compliance' been issued?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No              If yes, provide a copy with this submittal	
<b>Owner:</b> Michelle Siwek	<b>Applicant:</b> Michelle Siwek
<b>Company:</b> CL Holdings 68th PI, LLC	<b>Company:</b> CL Holdings 68th PI, LLC
<b>Address:</b> 8321 N. Canta Redondo, Paradise Valley Az 85253	<b>Address:</b> 8321 N. Canta Redondo, Paradise Valley Az 85253
<b>Phone:</b> 480-414-2596 <b>Fax:</b>	<b>Phone:</b> 480-414-2596 <b>Fax:</b>
<b>E-mail:</b> michelle@thesiweks.com	<b>E-mail:</b> michelle@thesiweks.com
	
Owner Signature	Applicant Signature
<b>Official Use Only</b> Submittal Date: _____	Application No.: 811 -PA- 2017
Project Coordinator: _____	

**Planning and Development Services**

7447 E Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088



# Pre-Application Request

## Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	<b>Other</b>
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> General Plan Amendment (GP)
<b>Exemptions to the Zoning Ordinance</b>	<b>Land Divisions</b>	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivision (PP)	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Subdivision (Minor) (MD)	<input checked="" type="checkbox"/> Adult Care (AC)
<input type="checkbox"/> Variance (BA)		<input type="checkbox"/> Single-Family Residential
<input type="checkbox"/> Minor Amendment (MN)		<input checked="" type="checkbox"/> Other: disability accomodation

### Submittal Requirements: (fees subject to change every July)

Pre-Application Fee: \$87  
(No fees are changed for Historic Preservation (HP) properties.)

Records Packet Fee: \$ \_\_\_\_\_  
Processed by staff. The applicant need not visit the Records desk to obtain the packet.  
**(Only required when requested by Staff)**

Application Narrative:  
The narrative shall describe the purpose of the request, and all pertinent information related to the request, such as, but not limited to, site circulation, parking and design, drainage, architecture, proposed land use, and lot design.

Property Owner Authorization Letter  
**(Required for the SA and MS Pre-Applications)**

- Site / Context Photographs
- Provide color photographs showing the site and the surrounding properties. Use the guidelines below for photos.
  - Photos shall be taken looking in towards the project site and adjacent to the site.
  - Photos should show adjacent improvements and existing on-site conditions.
  - Each photograph shall include a number and direction.
  - Sites greater than 500 ft. in length, also take the photo locations shown in the dashed lines.
  - Photos shall be provided 8 ½ x 11 paper, max. two per page.



Other

- **The following list of Additional Submittal Information is not required for a Pre-Application meeting, unless indicated below by staff prior to the submittal of this request.**
- **Applicants are advised to provide any additional information listed below. This will assist staff to provide the applicant with direction regarding an application.**

### Additional Submittal Information

- Site Plan
- Subdivision plan
- Floor Plans
- Elevations
- Landscape plans
- H.O.A. Approval letter
- Sign Criteria Regulations & Language
- Material Samples – color chips, awning fabric, etc.
- Cross Sections – for all cuts and fills
- Conceptual Grading & Drainage Plan
- Exterior Lighting – provide cut sheets, details and photometrics for any proposed exterior lighting.
- Boundary Survey (required for minor land divisions)
- Areal of property that includes property lines and highlighted area abandonment request.
- One copy of the recorded document for the area that is requested to be abandoned. Such as: subdivision plat, map of dedication, GLO (General Land Office) federal patent roadway easement, or separate dedication document. A copy of most recorded documents to be abandoned may be purchased at the City of Scottsdale Records Dept. (480-312-2356), or the Maricopa County Recorder's Office (602-506-3535). A copy of the General Land Office (GLO) federal patent roadway easement may be purchased from the Bureau of Land Management (602-417-9200).

## Planning and Development Services

7447 E Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

# REQUEST FOR DISABILITY ACCOMMODATION

*CL Holdings 68<sup>th</sup> Place, LLC Care Home*

---

The following narrative accompanies this "Pre- Application Request" for a disability accommodation for the separation requirement of 500'. The following explains sufficient evidence as required in Section 1.806 – Disability Accommodation:

**A. A disability accommodation from a development standard or separation requirement shall not be authorized unless the Board shall find upon sufficient evidence all of the following:**

**1. The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.);**

We are writing to request a disability accommodation to the separation requirement of 500' of another adult care home pursuant to the Federal Fair Housing Act (FFHA), 42 U.S.C. §3604(f)(3)(B) on behalf of the residents and owner of Centered Living of Scottsdale, LLC and Cl Holdings 68<sup>th</sup> Pl, LLC ("CL 68th") located at 12012 N. 68th Place, Scottsdale, Arizona 85254.

The residents of Cl 68th are considered "handicapped" under the 1988 amendments to the FFHA, unlike other groups of unrelated, non-disabled persons. See 42 U.S.C. 3600 et seq. Recovering addicts and alcoholics are specifically included within the definition of "handicapped individual." See, 42 U.S.C. 3602(h) and 24 C.F.R. 100.201(a)(2). "Handicap" means, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). The request for disability accommodation are for those disabled individuals who are indeed recovering from a substance abuse disorders.

Pursuant to A.R.S. § 41-1491 et seq.), the residents of Cl 68th are considered "disabled". A "Disability" means a mental or physical impairment that substantially limits at least one major life activity, a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of or addiction to any drug or illegal or federally controlled substance. Disability shall be defined and construed as the term is defined and construed by the Americans with disabilities act of 1990 (P.L. 101-336 ) and the ADA amendments act of 2008 ( P.L. 110-325 ; 122 Stat. 3553).

**2. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling;**

CI 68th can demonstrate that the proposed disability accommodation is reasonable, for the FFHA requires a showing that the accommodation "may be necessary to afford [handicapped] person[s] equal opportunity to use and enjoy a dwelling." 42 U.S.C. 3604(f)(3)(B).

In addition, for purposes of this request, 42 U.S.C. 3604(f)(3)(B) defines discrimination to include a "refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such (handicapped) person equal opportunity to use and enjoy a dwelling." CI 68th asserts that the request is necessary for disabled individuals recovering from substance abuse and to use 12012 N. 68<sup>th</sup> Place for this equal opportunity.

**3. The standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Scottsdale;**

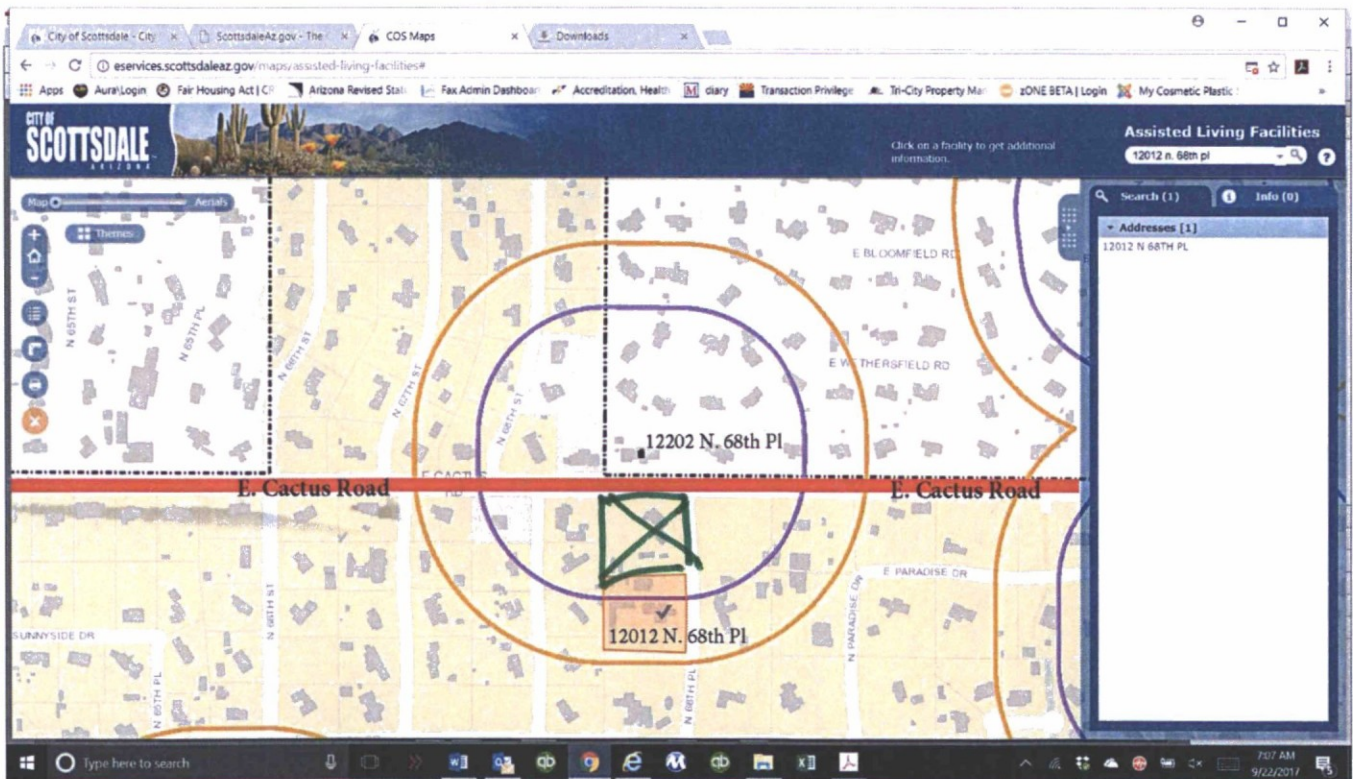
The 500' setback unduly restricts this disabled class from finding adequate housing. On June 5, 2017, Governor Ducey declared a statewide health emergency in the opioid epidemic. As part of this public health emergency, the Arizona Department of Health Services has been commissioned to identify ways to expand access to treatment. Denying this reasonable accommodation will restrict a disabled class from finding adequate housing in a therapeutic environment necessary for recovery from substance abuse disorders. The national state of emergency was declared in August of 2017 again demanding more access to treatment for this disabled class. There are not currently enough available resources for those seeking treatment for substance abuse as denoted in the declaration signed by Governor Ducey. See attached Declaration.

**4. The requested accommodation does not fundamentally alter the nature and purpose of the Zoning Ordinance of the City of Scottsdale;**

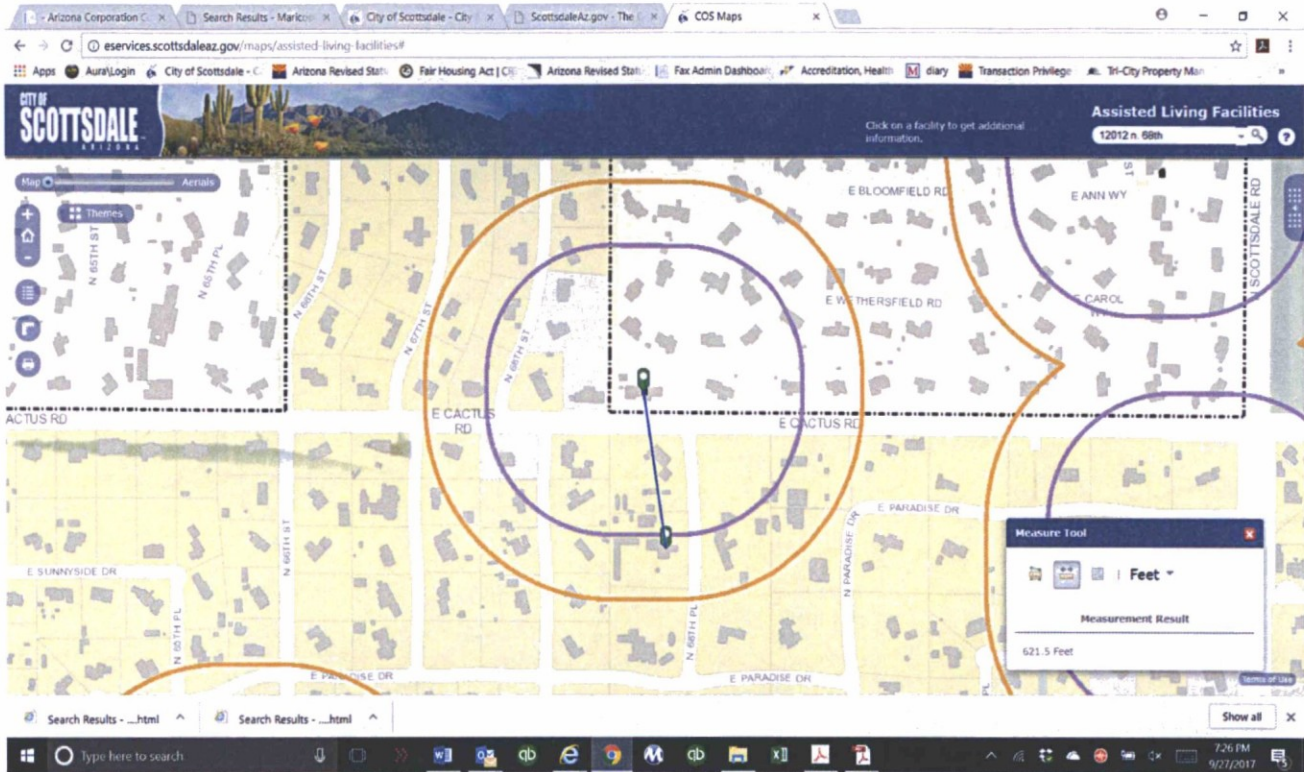
The map below shows the two properties in question. <http://www.scottsdaleaz.gov/maps>

This request does not fundamentally alter the nature and purpose of the zoning ordinance for the following three reasons:

1. The assisted living home located at 12202 N. 68<sup>th</sup> Pl is located on the north side of Cactus, an arterial road or arterial thoroughfare defined as a high-capacity urban road. Cactus Road is a man-made barrier providing the necessary separation to approve a reasonable accommodation of the setback of 500'. This main arterial road clearly provides the necessary separation, furthermore, the character of the neighborhood remains unchanged. The two properties are in two different developments, Sunrise Shadows located in a Phoenix neighborhood vs Desert Estates located in a Scottsdale neighborhood. It is important to note that although both classes of people are disabled, the populations served are different, one being the elderly and the CI 68th population is that of recovering addicts and alcoholics.



2. The assisted living home located at 12202 N. 68<sup>th</sup> Pl in Scottsdale is on the same frontage road, however, 621' separate the actual home at 12202 N. 68<sup>th</sup> Place from the subject property, CL 68th is outside of the 500' radius. There are several buildings including a guest house on the 2.17 acre property but the main house that would be licensed is outside of the 500' radius.



3. In addition, permitting CI 68th to exist would not significantly compromise the policies reflected in any of its land use ordinances that the City would apply or enforce nor is there any significant evidence that such an accommodation would significantly compromise the City's legitimate interests in protecting the residential character of the surrounding neighborhood. Research done utilizing the City's maps does not identify other residences serving recovering addicts and alcoholics in the immediate area therefore CI 68th is integrated into the community and does not change the character of the neighborhood.

Furthermore, CI 68th has been operating as a sober living residence since 2011, integrated within the community and the neighborhood. CI 68th has not had any complaints and has operated for the benefit of those recovering from substance abuse. Per the City's zoning code permits "any number of persons living as a single housekeeping unit" are to be considered a family and operate as single housekeeping unit. Currently the CI 68th household functions as the equivalent of a family and allows recovering persons to provide one another with continual mutual support as well as mutual monitoring to prevent relapse. The potential recovery of people who are handicapped or disabled by reason of alcoholism or drug abuse and are in recovery are greatly enhanced by the mutual support and mutual monitoring provided by living with other recovering persons. The quality and nature of the relationship among the residents are akin to that of a family. The need of groups of unrelated recovering alcoholics and substance abusers to live in a structured,

safe and therapeutic environment is necessary to the recovery process. Therefore, this request for disability accommodation is an extension of what CI 68th provides to the disabled and under the licensing of ADHS.

**5. The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.) and interpretive case law;**

Here, accommodating CI 68th would not cause the City any undue financial or administrative burdens nor would it undermine the purpose which the requirement seeks to achieve. CI 68th is not requesting that the City to build housing, rather, it is requested that the City remove an obstacle to housing for the disabled. The FFHA places an affirmative duty on the municipality to accommodate the needs of persons with disabilities. The FFHA stresses that municipalities such as the City to change the way its zoning ordinances are applied to afford the disabled the same opportunity to housing as those who are not disabled.

**B. The profitability or financial hardship of the owner/service provider of a facility shall not be considered in determining whether to grant a disability accommodation.**

The owner of CI 68th acknowledges and understands that the profitability or financial hardship is not considered when determining a disability accommodation. None is cited here.

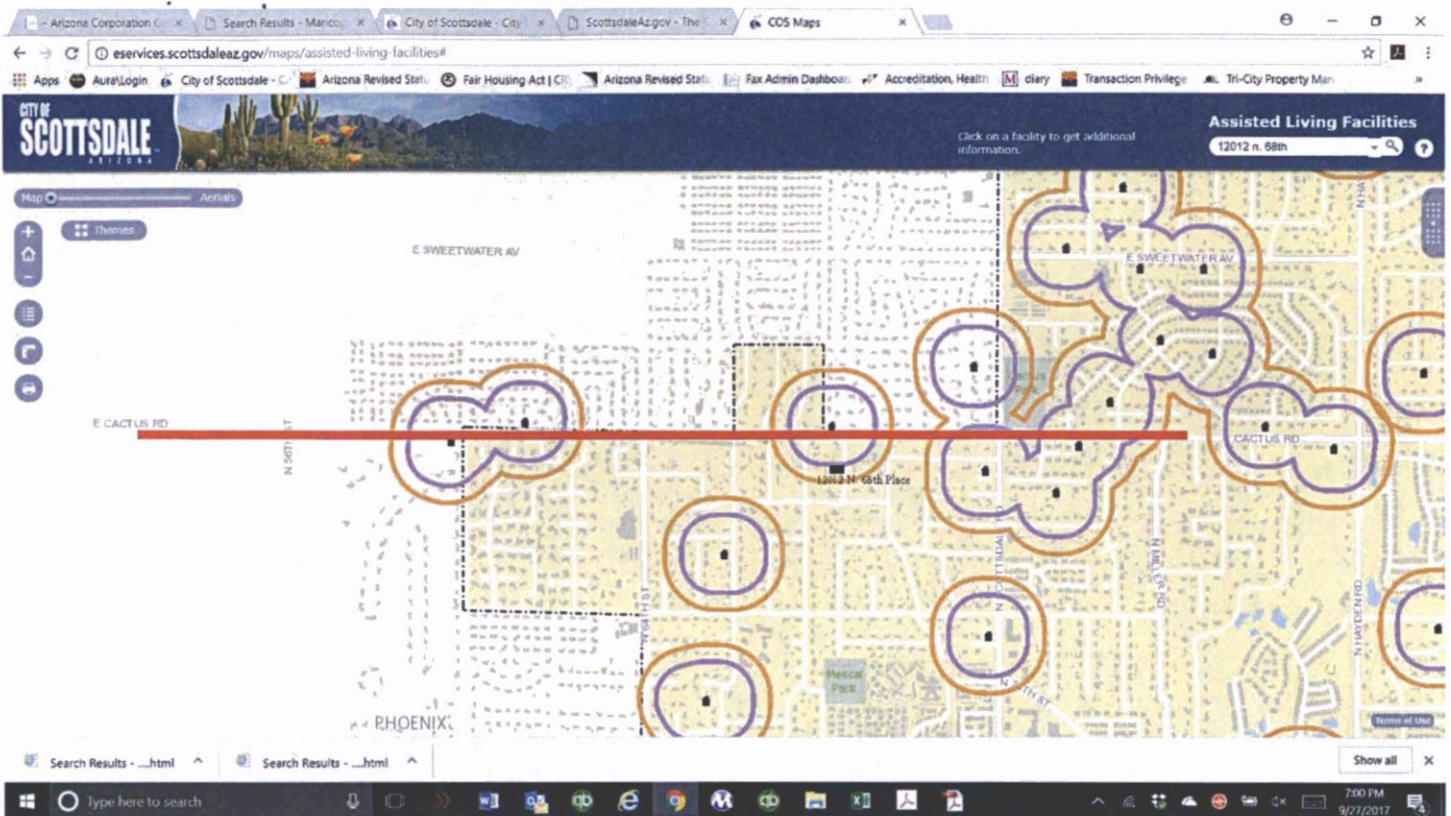
**C. The requested accommodation must comply with all applicable building and fire codes.**

CI 68th will comply with all applicable building and fire codes including fire suppression requirements mandated by ADHS for licensure. CI 68th is aware of such requirements and asserts compliance.

**D. The requested accommodation must not, under the specific facts of the application, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others;**

The requested disability accommodation does not result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others. Failure to approve a reasonable accommodation can result in a threat to health and safety of disabled individuals; recovering addicts and alcoholics seeking treatment for substance abuse and undermines the state emergency directive. The state emergency seeks to expand access to treatment not hinder it. Currently, statistics from the Governor's Office of Youth, Faith and Family denote 99% of AHCCCS centers for substance abuse are 99% occupied with all available beds operating at the max and approximately 400 individuals are on the waitlist for treatment as of 2017.

Access to housing for this disabled class is imperative. The map below shows an aerial view of homes for the disabled but the homes in the immediate area are for the elderly, very few, if any are for those recovering from substance abuse.



Per ADHS, the number of reported 2016 deaths directly attributed to opioids among Arizona residents, or non-residents within Arizona, is 790. This represents a 16.3% increase in opioid deaths since 2015, and a 74% increase since 2012. Sixty-four percent of the growth in opioid deaths over the last four years, and nearly 54% in the last two years have been heroin deaths. Heroin has increased from 11% of opioid deaths in 2007 to 39% in 2016. Data also show increasing deaths due to prescription/synthetic opioids since 2014, reversing a declining trend since 2009. If current trends are sustained, by 2019 the number of annual opioid deaths in Arizona will exceed 1,000, of which nearly 50% will be due to heroin. These trends are not explained by changes in the Arizona population since 2007. Due to well established factors delaying reporting, new opioid death reports continue to be received as of 6/1/2017, and the final count may exceed 800 for 2016.

**Additional Request:**

If a public hearing is part of the zoning process, CL 68<sup>th</sup> kindly requests an accommodation be made to allow this process to occur administratively and/or not open to a public hearing. The current climate in Scottsdale, as evidenced in the town hall meetings, have aggressive neighbors not only targeting those individuals in recovery from substance abuse but the homes in which they live. Therefore, we request for the safety of those individuals and the homes in which they reside that this hearing is not open to the public.

**DECLARATION OF EMERGENCY  
and NOTIFICATION OF ENHANCED SURVEILLANCE ADVISORY  
*\*Opioid Overdose Epidemic\****

**WHEREAS**, the Arizona Department of Health Services has confirmed 790 deaths due to opioids in Arizona in 2016, which equates to an average of more than two Arizonans per day; and

**WHEREAS**, the Arizona Department of Health Services has confirmed that the number of opioid deaths has increased 74% from 2012-2016, with 2016 showing Arizona's highest number of deaths; and

**WHEREAS**, opioids are powerful pain killers that are highly addictive; and

**WHEREAS**, of the 1,497 drug overdose deaths in 2016, 52.7% noted opioids as a primary cause of death; and

**WHEREAS**, these deaths as a result of overdose are preventable; and

**WHEREAS**, the opioid overdose epidemic affects all Arizonans; and

**WHEREAS**, in Arizona, law enforcement and first responders have the authority to carry and administer the life saving drug Naloxone; and

**WHEREAS**, the Arizona Department of Health Services requires more robust and more accurate data to successfully combat the opioid overdose epidemic; and

**WHEREAS**, the Governor and the Director of the Arizona Department of Health Services have reasonable cause to believe that disease, illness, and health conditions, including death, are being caused by the opioid overdose epidemic; and

**WHEREAS**, it is necessary and appropriate to take action to ensure that the residents of Arizona remain safe and healthy; and

**WHEREAS**, the Governor is authorized to declare an emergency pursuant to A.R.S. § 26-303(D).

**NOW, THEREFORE I**, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby determine that the opioid overdose epidemic present in Arizona justifies a declaration of a State of Emergency and issuance of an Enhanced Surveillance Advisory, pursuant to A.R.S. §§ 26-303(D), 36-782, and 36-787, and I do hereby:

- a. Declare that a State of Emergency exists in Arizona due to the Opioid Overdose Epidemic, effective June 5, 2017; and
- b. Direct that the State of Arizona Emergency Response and Recovery Plan be used to direct and control State and other assets, and authorize the Director of the Arizona Department of Emergency and Military Affairs to coordinate State assets; and
- c. Authorize the Director of the Arizona Department of Health Services to coordinate all matters pertaining to the public health emergency response of the State in accordance with A.R.S. § 36-787(A)(2); and

d. Require the Director of the Arizona Department of Health Services to:

- 1) within seven days of this order, provide consultation to the Governor on identifying and recommending the necessary elements for an Enhanced Surveillance Advisory pursuant to A.R.S. § 36-782(B); and
- 2) initiate emergency rule making with the Arizona Attorney General's Office in order to develop rules for opioid prescribing and treatment within health care institutions pursuant to A.R.S. § 36-405; and
- 3) develop guidelines to educate healthcare providers on responsible prescribing practices; and
- 4) develop and provide training to local law enforcement agencies on proper protocols for carrying, handling, and administering Naloxone in overdose situations; and
- 5) provide a report on findings and recommendations, including additional needs and response activities, and preliminary recommendations that require legislative action to the Governor by September 5, 2017.

This Emergency Declaration will be eligible for termination upon my receipt and acceptance of the Arizona Department of Health Services' Opioid Overdose Epidemic Response Report.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

  
GOVERNOR

DONE at the Capitol in Phoenix on this 5<sup>th</sup> day of June in the Year Two Thousand Seventeen and of the Independence of the United States of America the Two Hundred and Forty-first.

ATTEST:



Secretary of State







### **175-20-009 Residential Rental Parcel**

This is a residential parcel located at 12012 N 68TH PL SCOTTSDALE 85254, and the current owner is CL HOLDINGS 68TH PLACE LLC. It is located in the Desert Estates 1 Lots 5-20 subdivision and MCR 5421. It was last sold on 11/01/2011 for \$842,935. Its current year full cash value is \$1,020,000.

### **Property Information**

#### **12012 N 68TH PL SCOTTSDALE 85254**

MCR #	<u>5421</u>
Description:	DESERT ESTATES 1
Lat/Long	<u>33.59537122 -111.93351649</u>
Lot Size	94,843 sq ft.
Zoning	R1-35
Lot #	13
High School District	SCOTTSDALE UNIFIED #48
Elementary School District	SCOTTSDALE UNIFIED SCHOOL DISTRICT
Local Jurisdiction	SCOTTSDALE
S/T/R	22 3N 4E
Market Area/Neighborhood	05/012
Subdivision (26 Parcels)	<u>DESERT ESTATES 1 LOTS 5-20</u>

**Owner Information**

**CL HOLDINGS 68TH PLACE LLC**

Mailing Address 8321 N CANTA REDONDO , PARADISE VALLEY, AZ 85253

Deed Number 110983398

Last Deed Date 11/29/2011

Sale Date 11/01/2011

Sale Price \$842,935

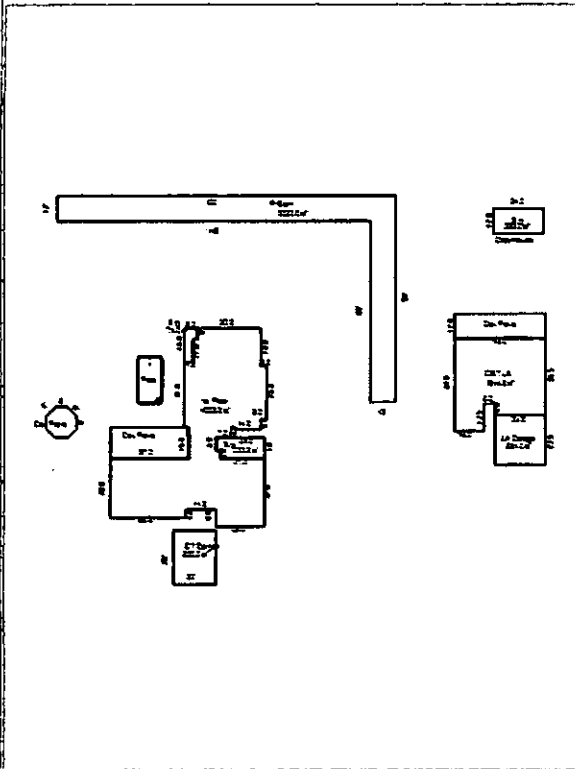
## Additional Property Information

Additional residential property data.

Construction Year	1957
Weighted Age	1957
Improvement Quality	R-4 (Above average)
Pool	Yes
Living Area	4,025 sq ft.
Detached Living Area	1,645 sq ft.
Patio(s)	3 Covered (Covered: 3   Uncovered: 0)
Exterior Wall Type	8" Painted Block
Roof Type	Asphalt Shingle
Bath Fixtures	12
Garage Stalls	2
Carport Stalls	

## Building Sketches

Sketches that illustrate the external dimensions of a property.



**Rental Information**Property owner: **CL HOLDINGS 68TH PL LLC**

Situs Address	12012 N 68TH PL SCOTTSDALE 85254
Property Type	SFR
Legal Class	4
Year Built	1957
Ownership Type	LTD. Liability Comp.
Owner Mailing Address	8321 N CANTA REDONDO PARADISE VALLEY,AZ 85253
Owner Phone	6024322776
Business Contact Name	MICHELLE/WILLIAM SIWEK
Business Contact Address	8321 N CANTA REDONDO PARADISE VALLEY,AZ 85253
Business Contact Phone	4804142596
Agent Name	
Agent Address	
Agent Phone	
Registered	03/06/2015
Last Update	03/11/2015

**Similar Parcels**

Parcels that are similar to this one (known as the reference parcel) are displayed below.

**APN Address Sale Info FCV Size Livable Sq Ft Year Built Pool Foreclosed**