

April 7, 2023

VIA EMAIL: citycouncil@ScottsdaleAZ.gov

Mayor and City Council
Planning Commission
CITY OF SCOTTSDALE
3939 N. Drinkwater Boulevard
Scottsdale, Arizona 85251

VIA EMAIL: GBLO@ScottsdaleAZ.gov

Mr. Greg Bloemberg, Principal Planner
CITY OF SCOTTSDALE
Planning and Development Services
7447 E. Indian School Road
Scottsdale, Arizona 85251

RE: Opposition to Care Homes Text Amendment – Case No. 1-TA-2022

Dear Mayor and Council, Planning Commission Members, and Mr. Bloemberg:

I am submitting this letter in opposition to the City of Scottsdale's proposed text amendment to the zoning ordinance which modifies: (i) the definition of "care home" and (ii) the Disability Accommodation criteria and process (Case No. 1-TA-2022).

The current zoning ordinance imposes discriminatory requirements and restrictions on disabled residents living in group arrangements. The proposed text amendment does nothing to alleviate such discrimination. Specifically, the text amendment:

- 1) Fails to make group housing available for disabled residents in communities of their choice, particularly multi-family residential zoning districts;
- 2) Fails to reduce the 1,200-foot separation requirement between care homes, which was adopted by the City Council in 2017 without justification or objective evidence of clustering;
- 3) Fails to delete the 35% maximum floor area ratio imposed on care homes without justification; and
- 4) Fails to modify the City's disability accommodation process to be compliant with the federal and state Fair Housing Acts. For example, the City's disability accommodation process unlawfully:
 - a. imposes extensive public hearing and neighborhood notification requirements which are cost prohibitive and invite discriminatory treatment by neighbors,

- b. limits accommodation requests to a “development standard or separation requirement” when an accommodation request to allow a use in a particular zoning district may be required,
- c. requires an applicant to prove that the zoning ordinance unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Scottsdale (notice that this remains a requirement under Section 1.920.A), and
- d. requires that the requested disability accommodation “comply with all applicable building and fire codes” when those code provisions may require modifications as well (i.e. an accommodation request under the fire code to waive an automatic fire sprinkler system requirement for an ambulatory class of disabled residents living as a family).

This is not intended to be an exhaustive list of the discriminatory provisions in the current zoning ordinance. Instead, this list is intended to show how the proposed text amendment fails to address key instances of discrimination and should not be adopted as drafted by City staff. Additional revisions must be made to the zoning ordinance in order to bring it into compliance with the Fair Housing Act.

If anything, the proposed text amendment intensifies the discrimination against disabled residents of Scottsdale by:

- 1) Expanding the definition of “care home” to include group homes for disabled residents that are not receiving care services, such as sober living homes (This amendment will prevent sober, disabled adults from finding housing in the community of their choice due to the unjustifiable 1,200-foot spacing requirement between care homes and the fact that care homes are not allowed in the City’s multi-family residential zoning districts), and
- 2) Creating a minor disability accommodation process that requires notification of property owners within 300 feet of the property, despite this being an administrative process with no hearing requirement.

For these reasons, I request that the Scottsdale Planning Commission and City Council vote to deny the care home text amendment as drafted and direct City staff to make appropriate modifications that will bring the zoning ordinance into compliance with the Fair Housing Act.

Sincerely,

Brenda Capozzi

Printed Name: Brenda Capozzi

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