



### City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

#### **ADDENDUM A**

#### **Staff Report: Z-TA-6-17**

(Group Homes/Community Residences)

February 28, 2018

**Application No Z-TA-6-17:** Amend the following Sections of the Phoenix Zoning Ordinance regarding group homes, community residences, and associated uses and regulations:

Section 202 (Definitions), Section 311 (Disability Accommodation Committee), Section 603.A. (Suburban S-1 District—Ranch or Farm Residence), Section 605.A. (Residential Estate RE-43 District—One-Family Residence), Section 606.A. (Residential Estate RE-24 District—One-Family Residence), Section 608. (Residence Districts), Section 615.C. (R-3 Multifamily Residence District), Section 616.C. (R-3A Multifamily Residence District), Section 617.C. (R-4 Multifamily Residence District), Section 618.D. (R-5 Multifamily Residence District), Section 619.A. (Residential R-4A District—Multifamily Residence—General), Section 620.B. (Residential Office R-O District—Restricted Commercial), Section 622.D. (Commercial C-1 District—Neighborhood Retail), Section 623.D. (Commercial C-2 District—Intermediate Commercial), 642. (Urban Residential (UR) District), Section 646. (Capitol Mall Overlay District), Section 647.A.1. (Special Permit Uses), Section 649. (Mixed Use Agricultural (MUA) District), Section 658. (Deer Valley Airport Overlay (DVAO) District), Section 660. (Four Corners Overlay District), Section 701.E. (Separation Requirements—Registration), Section 702. (Off-Street Parking and Loading), Section 1204. (Land Use Matrix, Downtown Code), Section 1306. (Land Use Matrix, Walkable Urban Code), and Section 1307. (Parking standards, Walkable Urban Code).

**Staff recommendation:** Staff recommends approval of Z-TA-6-17 as shown in the recommended text in Exhibit A.

This text amendment is part of the Group Home Comprehensive Improvement package that also includes a city proposed licensing program for structured sober living homes, and updates to policies and procedures related to group homes and community residences. The Arizona State Legislature has also recently proposed potential regulation across the state for sober living homes. The language in Exhibit A, along with the proposed licensing program represent the most comprehensive, legally defensible regulations that the city can adopt to protect residents of community residences, and thereby create safer neighborhoods. Individuals with disabilities have a right to live anywhere they choose without discrimination.

The city hired a nationally renowned expert, Daniel Lauber, Esq., to help craft these regulations and ensure that we are protecting residents of community residences and

neighborhoods, while at the same time not being overzealous allowing regulations to run afoul of federal law and subject the city to costly lawsuits such as in Newport Beach, California. In addition, if regulations are found to be discriminatory, the city jeopardizes federal grant funding that is dependent upon the city not adopting discriminatory practices.

### **Summary of Activity:**

#### Village Planning Committees (VPCs)

As of the date of this Addendum, the text amendment has been heard by 13 of the 15 Village Planning Committees throughout February. The Paradise Valley and North Gateway VPCs recommended approval of the text amendment with additional changes, and the Alhambra and Maryvale VPCs did not provide recommendations due to a lack of quorum of members present. The remaining VPCs continued the request to be heard at the March meetings. Members from Take Action Phoenix (TAP) consistently attended all of the meetings and provided two position letters outlining their support and concerns. These position letters are provided in Exhibit B. Responses to the additional recommendations provided by the VPCs and the TAP concerns are included in the Summary of Community Input & Responses Section of this Addendum (Page 2).

#### Planning Commission

The proposed text amendment was presented as an information and discussion item at the Planning Commission meeting on February 1, 2018. One of the Planning Commission members recommended that staff evaluate whether the Disability Awareness Committee could be utilized to determine the disability accommodation requests, rather than creating a new committee.

#### Group Home Working Committee

On February 16, 2018, a Group Home Working Committee was held to discuss the proposed text amendment and licensing program for structured sober living homes. Staff provided responses to the questions and concerns, including those raised from the first TAP position letter. Many of the concerns were addressed at this meeting which prompted TAP to provide a revised position paper, dated February 19, 2018 (attached in Exhibit B).

### **Summary of Community Input & Responses:**

The following is a summary of and responses to the recommendations received at the VPC and Planning Commission meetings, from the TAP position letter, and through additional input received via emails.

#### Take Action Phoenix

1. Comments were made related to wording and grammatical errors in the original Staff Report. The original Staff Report will not be revised to reflect these recommendations.

2. The proposed Disability Accommodation Committee is biased and does not fairly represent the neighborhoods.

→ There was much consideration taken when determining the composition of the Committee. As mentioned previously, the city hired one of the foremost experts on community residence regulations, Daniel Lauber, Esq., to help develop our overall regulations. Staff and the city's consultant believe that the proposed composition will provide a fair and balanced review and determination when evaluating requests for disability accommodations.

3. The Staff Report does not address zoning restrictions for community residence homes with one to five residents.

→ All community residence homes and homes throughout the city that house five or less unrelated people are treated as a family based on the Zoning Ordinance definition of a family. It would be illegal for the city to treat individuals with disabilities differently when they live in homes that meet the definition of a family.

*Family: A family is:*

1. *An individual or two or more persons related by blood, marriage, or adoption, and usual servants, living together as a single housekeeping unit in a dwelling units, or*
2. *A group of not more than five persons, who need not be related, living together as a single housekeeping unit in a dwelling unit.*

4. The Staff Report does not address addiction being considered a disability.

→ As legally defined by the Americans with Disabilities Act *Disability* means, *with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.*

The definition goes on to also includes the following:

*The phrase physical or mental impairment includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.*

5. Clarification is needed on the definition of block face.

→ The definition of *block face* is as follows: *One side of the properties along a street that are uninterrupted by a street, fully dedicated alley, or open space/common area tract 50 feet or greater in width.* Section 701 also includes a proposed provision that pertains to this definition (see Response #17 on Page 7 of this Addendum and Page 31 of Exhibit A). The following illustrates the definition of block face:



6. In the definition for Community Residence Center, what is a sponsoring entity?

→ The sponsoring entity is the owner or operator of the center.

7. The disability accommodation request should not apply to centers.

→ The city legally must allow disability accommodation requests for all forms of housing for individuals with disabilities.

8. There are concerns about licensing and inspections for Oxford Houses.

→ Oxford Houses are self-regulating and would conduct their own inspections, unless the inspection is related to a building permit.

9. What is “relevant public input?”

➔ The input must be related to the specific disability accommodation request and must relate to the four relevant review criteria as proposed in Sections 311.A. and 701.E.3.b. of the Zoning Ordinance (See Exhibit A). Criteria #3 may not apply to all requests because it is specific to requests to allow more than 10 residents in a community residence home. Discriminatory comments about individuals with disabilities living in a neighborhood will not count as relevant public input.

10. A maximum number of requests for disability accommodations should be established.

➔ The city is required to review all requests for disability accommodations. We cannot legally set a maximum for the number of requests. The intent of the spacing requirement is to prevent clustering and promote integration of homes for individuals with disabilities. All requests must be evaluated on a case by case basis to determine if the addition of a new home or center would contribute to clustering and creating an institutional environment rather than residential.

11. Will public maps be made available?

➔ Staff will provide maps online that show generalized locations of community residences, group homes, and boarding houses; but not specific addresses. The specific address or type of home or center would only be provided through a public records request, and only in accordance with state law.

12. Will existing conforming or nonconforming community residences be allowed to exist should the proposed text amendment be approved?

➔ Chapter 9 of the Zoning Ordinance deals with nonconformities. Nonconforming community residences, group homes, or boarding houses will be treated as any other nonconforming use. If the use was legally established prior to any new zoning regulation, then it will be allowed to remain as a legal nonconforming use. If the home was not established legally prior to any new zoning regulation, then it will need to meet all new zoning regulation. Sober living homes have always been treated as either group homes or individuals with disabilities and required to meet the Zoning Ordinance requirements, which currently requires either a special permit, use permit, or 1,320-foot separation in residential zoning districts. There is no grandfathering on a license process. If licensing is enacted by the City Council or at the state level, all community residences will need to comply.

Arizona Recovery Housing Association (AzRHA)

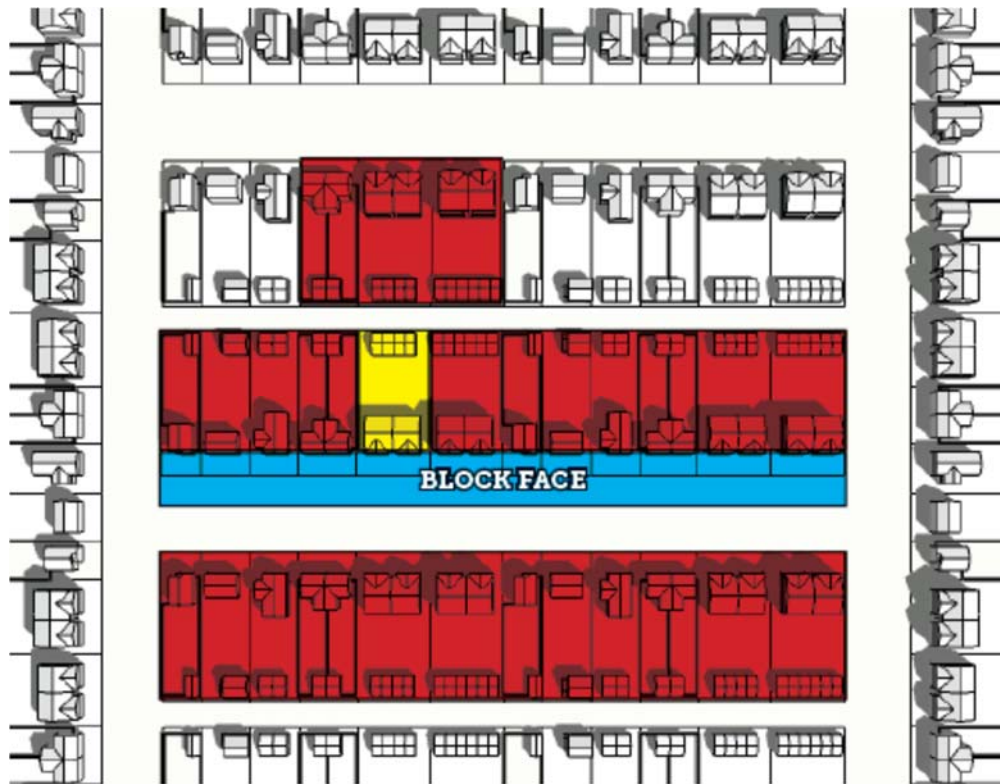
13. There is concern regarding the registration process and disclosing locations of community residences/structured sober living homes.
  - ➔ Currently there is no restriction on disclosing locations of homes for individuals with disabilities, unless the home is also considered a shelter for victims of domestic violence per Section 36-3009 of the Arizona Revised Statutes. See Response #11 for additional information.
14. There is concern that the Disability Accommodation Committee is an effort to rid neighborhoods of sober living homes. The Arizona Recovery Housing Association opposes a TAP member on the Committee.
  - ➔ Again, there was much consideration taken when determining the composition of the Committee. Staff and the city's consultant believe that the proposed composition will provide a fair and balanced review and determination when evaluating requests for disability accommodations. All requests will be evaluated based on the proposed criteria in Sections 311.A. and 701.E.3.b. of the Zoning Ordinance (see Exhibit A), on a case by case basis to determine if the addition of a new home or center would contribute to clustering and creating an institutional environment rather than residential.
  - ➔ The proposed structure of the Disability Accommodation Committee requires that the Mayor appoint a representative from a City of Phoenix registered neighborhood organization. There are over one thousand neighborhood organization registered with the city.
15. Other issues raised in the AzRHA letter relate to the proposed licensing program.



Arizona Assisted Living Homes Association

16. The required distance separation may need to be revisited in the future since a shortage of available homes may exist to accommodate an increased need.
  - ➔ Yes, this may need to be evaluated in the future.

17. Clarification regarding the block face provision:

- ➔ The block face provision is considered when a proposed community residence does not meet the 1,320-foot separation requirement and requests a disability accommodation at the administrative staff review level. Staff will evaluate a number of different factors including locations of registered homes in the immediate vicinity. The block face provision will not allow approval of the proposed home if there is already a registered home on the same block face, across the street from the block face, or abutting to the rear or catty-corner. The image below depicts an existing registered home in yellow and the red area is where a proposed home would not be able to locate.



-  EXISTING COMMUNITY RESIDENCE HOME/CENTER
-  COMMUNITY RESIDENCE HOME/CENTER - NOT PERMITTED

18. Clarification is needed regarding the Disability Accommodation Committee review process. The proposed process requires that the Committee render a decision in 60 days and if no decision is rendered then the Planning and Development Department Director will make a decision. The original Staff Report was not consistent as it states that the Director “will” or “may” make a decision.
  - ➔ The intent is that the Director “will” make a decision if a decision is not rendered in 60 days. The proposed Zoning Ordinance language in Exhibit A has been revised to reflect that the Director “shall” issue a final decision if a decision is not issued in 60 days.
19. The definition of community residence home is more relevant to sober living rather than assisted living homes.
  - ➔ The definition has been crafted to apply to all homes for individuals with disabilities, and to carry out the intent of the Fair Housing Act as it relates to housing for individuals with disabilities.
20. There is confusion regarding the administrative staff review process and whether the 1,320-foot separation requirement still exists. Are disability accommodation requests available to only sober living homes or are they available to assisted living homes.
  - ➔ The 1,320-foot separation is proposed as the legally required spacing requirement for community residences with six to 10 residents and centers with 11 or more residents. The separation requirement must be met, unless an applicant files for and successfully obtains a disability accommodation through the administrative staff review process or the Disability Accommodation Committee. The city is required to evaluate requests for reductions in the spacing requirement, as a reasonable accommodation request per federal law.
  - ➔ Disability accommodation requests are applicable to all homes with individuals with disabilities.

#### Village Planning Committees

21. Require that community residences, group homes, and boarding houses have a minimum separation from schools.
  - ➔ Requiring a spacing distance between community residences and schools would be illegal based on fair housing regulations because individuals with a disability can live where they choose to live. The separation of community residences is only permissible under federal law to prevent clusters of community residences with six to 10 residents that negatively impact the neighborhood by essentially creating an institutional environment.



22. The notification requirement for disability accommodation requests should be a half mile for property owners and registered neighborhood organizations for all group homes.
  - ➔ The proposed notification area of 150 feet for property owners and 600 feet for registered neighborhood organizations is consistent with other existing zoning procedures. This provision is only permissible under federal law because the city does not have a comprehensive database of all locations of community residences. Once this database is built, the city will have to sunset the notice provision. A notice provision that asks for public comment about whether individuals with disabilities should live in a neighborhood is not permissible under federal law.
23. Group Homes with one to five residents should be regulated the same as group homes with six to 10 residents.
  - ➔ The city cannot regulate homes with up to five unrelated residents any different than a family per the Zoning Ordinance definition of a family and the Fair Housing Act. It would be illegal for the city to treat individuals with disabilities differently when they live in homes that meet the definition of a family.
24. Nonconforming facilities may not be grandfathered, in terms of licensing.
  - ➔ There are no grandfathering rights for any new licensing regulations. There will be a grace period permitted once the licensing program is adopted to allow operators time to come into compliance with the new licensing requirements.
25. Parking regulations should correspond to the number of residents in the home and not allow overflow parking in the street.
  - ➔ The proposed additional parking required for structured sober living homes is because the population in a structured sober living home is typically ambulatory and has a high probability of having more cars than a traditional single-family home.
  - ➔ Requiring parking based on the number of residents in the home would be difficult to enforce as the number of residents can change over time.
  - ➔ The city cannot legally prohibit an individual with a disability or their visitors from parking on a public street, unless there is a parking prohibition that applies to all residences within that block or neighborhood.

### Planning Commission

26. Can the Disability Awareness Committee be utilized to determine the disability accommodation requests rather than creating a new committee?
- Staff has evaluated this recommendation and has determined that a committee that is specifically focused on disability accommodation requests is more suitable. There was much consideration taken when determining the composition of the Committee. Staff and the city's consultant believe that the proposed composition will provide a fair and balanced review and determination when evaluating requests for disability accommodations.

### Other Input/Recommendations

27. There is concern that there is not enough parking required for all community residences, including assisted living homes.
- The city rarely receives complaints regarding parking for homes with individuals with disabilities. The existing and proposed parking requirements are sufficient.
28. The use of a block face is a poor proxy for distance because of the variety of block lengths found throughout the city.
- The block face provision is evaluated at the administrative staff review level. The applicant would still have the opportunity to request a disability accommodation from the Disability Accommodation Committee. The Committee can consider special circumstances such as extraordinarily long block lengths when evaluating the request.
29. Spacing does not reflect density. Different separation requirements should be considered based on the density of an area and proximity to transit and services.
- The purpose of the disability accommodation process is to allow flexibility in the separation requirements based on the location of specific features. The Disability Accommodation Committee can consider special circumstances such as density and proximity to transit and services when evaluating the request.
30. The additional parking required for structured sober living homes is blatantly discriminatory and should be removed.
- The proposed additional parking required for structured sober living homes is because the population in a structured sober living home is typically ambulatory and has a high probability of having more cars than a traditional single-family home or other types of community residences. A disability

accommodation may be requested if an applicant is not able to meet this proposed requirement.

**Proposed Revisions to the Text Amendment Language:**

Staff is recommending minimal revisions to the proposed text amendment. The proposed changes are for consistency, applicability, and to clean-up errors found in the originally proposed Exhibit A language. The proposed text amendment revisions are outlined below:

1. Replacing or adding in community residence center in areas that now reference assisted living and/or residential care centers. This change is included in the following Sections of the Zoning Ordinance: Section 202 (Definitions), Section 622.D. (Commercial C-1 District—Neighborhood Retail), Section 623.D. (Commercial C-2 District—Intermediate Commercial), and Section 660. (Four Corners Overlay District).
2. The definition of Community Residence Center has been revised to better apply to multifamily developments which function as institutional or quasi-institutional housing.
3. As noted previously, the proposed language has been revised to reflect that the Director “shall” issue a final decision regarding disability accommodation requests if a decision is not issued in 60 days (Section 311.D.). The notification provision will need to be sunset once a good locational database is created to help the Disability Accommodation Committee evaluate disability accommodation requests.
4. Adding consistent conditions for boarding houses, group homes, and community residence centers throughout the multifamily districts (Sections 615 through 619). The proposal is to require use permit approval, the 1,320-foot separation requirement, and the disability accommodation provision, if applicable, to all of these uses in the multifamily zoning districts.
5. Adding a use permit condition to group homes and boarding houses in the C-1 zoning district (Section 622.D) to be consistent with how we currently regulate assisted living centers.
6. Replacing “Administrative Approval” with “Administrative Staff Review” in the disability accommodation section (Section 701.E.3.b.).
7. Clarifying the Planning and Development Department Director’s role in the disability accommodation process (Section 701.E.3.b.).

**Next Steps:**

(subject to change if continuances are granted)

Village Planning Committees: March 2018

Planning Commission: March 1, 2018 and April 5, 2018

City Council April 18, 2018

**Conclusion:** Staff has considered all community input and recommendations, is proposing minimal revisions, and recommends approval of Z-TA-6-17 as shown in the recommended text in Exhibit A.

**Exhibits**

Exhibit A: Proposed Language (39 pages)

Exhibit B: Community Input (27 pages)

**EXHIBIT A**  
**Text Amendment Z-TA-6-17: Group Homes/Community Residences and associated uses and regulations**

**Proposed Language:**

**Amend Chapter 2, Section 202 (Definitions) to read as follows and alphabetize accordingly:**

\*\*\*

*Adult Day Care Home:* A residential home providing care for one to ten adult persons INDIVIDUALS for less than 24 hours per day and for compensation. An Adult Day Care Home shall be licensed by the State of Arizona, IF REQUIRED BY THE APPROPRIATE STATE AGENCY.

~~*Assisted Living Center:* A residential care institution that provides resident rooms, or residential units, to 11 or more persons with a disability or elderly persons. The facility provides, or contracts to provide, supervisory care services, personal care services, or directed care services on a continuous basis. An assisted living center shall be licensed by the State of Arizona.~~

~~*Assisted Living Home:* A dwelling unit shared as their primary residence by one to ten persons with a disability or elderly persons living together as a single housekeeping unit, where staff persons provide on-site care, training, or support for the residents. The facility provides, or contracts to provide, supervisory care services, personal care services, or directed care services on a continuous basis. An assisted living home shall be licensed by the State of Arizona.~~

*BLOCK FACE:* ONE SIDE OF THE PROPERTIES ALONG A STREET THAT ARE UNINTERRUPTED BY A STREET, FULLY DEDICATED ALLEY, OR OPEN SPACE/COMMON AREA TRACT 50 FEET OR GREATER IN WIDTH.

*Boarding House:* See "Group Home".  
A RESIDENTIAL HOME OR BUILDING(S) FOR 6 OR MORE UNRELATED INDIVIDUALS USED TO PROVIDE LODGING FOR COMPENSATION. A BOARDING HOUSE IS OCCUPIED BY INDIVIDUALS WHERE RENT OR A LODGING FEE IS CHARGED SEPARATELY FOR THE INDIVIDUAL ROOMS OR PARTITIONED AREAS OCCUPIED BY THE RENTER OR OCCUPANT. INDIVIDUAL LIVING UNITS MAY OR MAY NOT BE EQUIPPED WITH KITCHEN FACILITIES; CONGREGATE DINING FACILITIES MAY BE PROVIDED FOR THE GUESTS. A BOARDING HOUSE IS NOT A COMMUNITY RESIDENCE HOME OR CENTER, HOTEL, MOTEL, RESIDENTIAL INN, OR BED AND BREAKFAST.

*COMMUNITY RESIDENCE CENTER*: A RESIDENTIAL CARE INSTITUTION ON A ~~PROPERTY OR~~ MULTIFAMILY PROPERTY OR DEVELOPMENT THAT PROVIDES RESIDENT ROOMS OR RESIDENTIAL UNITS TO 11 OR MORE INDIVIDUALS WITH DISABILITIES (ADULTS OR MINORS). THE FACILITY PROVIDES ON-SITE CARE, TRAINING OR SUPPORT, OR HABILITATIVE OR REHABILITATIVE SERVICES, RELATED TO THE RESIDENTS' DISABILITIES. THIS USE INCLUDES STRUCTURED SOBER LIVING HOMES THAT PROVIDE RESIDENT ROOMS OR RESIDENTIAL UNITS TO 11 OR MORE INDIVIDUALS. A COMMUNITY RESIDENCE CENTER SHALL BE LICENSED BY THE STATE OF ARIZONA OR THE CITY OF PHOENIX.

~~A COMMUNITY RESIDENCE CENTER ALSO INCLUDES MULTIFAMILY PROPERTY OR DEVELOPMENT IS A COMMUNITY RESIDENCE CENTER IF 1) RESIDENTS IN MORE THAN TWO UNITS OR 20% OF THE TOTAL NUMBER OF UNITS (WHICHEVER IS GREATER) ON THE MULTIFAMILY PROPERTY OR DEVELOPMENT RECEIVE ON-SITE CARE, TRAINING OR SUPPORT, OR HABILITATIVE OR REHABILITATIVE SERVICES FROM A SERVICE PROVIDER, AND A PORTION OF THE COST FOR THE SERVICE IS PAID FOR BY A WHERE THE PROPERTY OWNER OR OPERATOR OF THE MULTIFAMILY PROPERTY OR DEVELOPMENT RECEIVES PAYMENT FROM ENTITIES AUTHORIZED TO PROVIDE HEALTH CARE INSURANCE PROVIDER AUTHORIZED TO PROVIDE HEALTH INSURANCE IN THE STATE OF ARIZONA; OR 2) MORE THAN TWO UNITS OR 20% OF THE TOTAL NUMBER OF UNITS (WHICHEVER IS GREATER) ARE OPERATED OR PROVIDED BY AN ENTITY THAT IS LICENSED BY THE STATE OF ARIZONA OR THE CITY OF PHOENIX TO PROVIDE HEALTH CARE SERVICES RELATING TO THE TREATMENT OF THE DISABILITIES FOR RESIDENTS LIVING IN MORE THAN TWO UNITS ON THE PROPERTY AND MORE THAN 20% OF THE TOTAL NUMBER OF UNITS ON THE MULTIFAMILY PROPERTY OR DEVELOPMENT.~~

**COMMUNITY RESIDENCE HOME:** EXCEPT AS REQUIRED BY STATE LAW, A COMMUNITY RESIDENCE HOME IS A RESIDENTIAL LIVING ARRANGEMENT FOR UP TO TEN UNRELATED INDIVIDUALS WITH DISABILITIES LIVING AS A SINGLE FUNCTIONAL FAMILY IN A SINGLE DWELLING UNIT WHO ARE IN NEED OF THE MUTUAL SUPPORT FURNISHED BY OTHER RESIDENTS OF THE COMMUNITY RESIDENCE HOME AS WELL AS THE SERVICES, IF ANY, PROVIDED BY THE STAFF OF THE COMMUNITY RESIDENCE HOME. RESIDENTS MAY BE SELF-GOVERNING OR SUPERVISED BY A SPONSORING ENTITY OR ITS STAFF, WHICH PROVIDES ON-SITE CARE, TRAINING OR SUPPORT, OR HABILITATIVE OR REHABILITATIVE SERVICES, RELATED TO THE RESIDENTS' DISABILITIES. A COMMUNITY RESIDENCE HOME SEEKS TO EMULATE A BIOLOGICAL FAMILY TO NORMALIZE ITS RESIDENTS AND INTEGRATE THEM INTO THE SURROUNDING COMMUNITY. ITS PRIMARY PURPOSE IS TO PROVIDE SHELTER IN A FAMILY-LIKE ENVIRONMENT; TREATMENT IS INCIDENTAL AS IN ANY HOME. SUPPORTIVE INTER-RELATIONSHIPS BETWEEN RESIDENTS ARE AN ESSENTIAL COMPONENT. A COMMUNITY RESIDENCE HOME SHALL BE CONSIDERED A RESIDENTIAL USE OF PROPERTY FOR PURPOSES OF THIS ZONING ORDINANCE. THE TERM DOES NOT INCLUDE ANY OTHER GROUP LIVING ARRANGEMENT FOR UNRELATED INDIVIDUALS WHO ARE NOT DISABLED NOR CORRECTIONAL TRANSITIONAL FACILITIES, OR RESIDENTIAL FACILITIES FOR SEX OFFENDERS. A COMMUNITY RESIDENCE HOME SHALL BE LICENSED BY THE STATE OF ARIZONA OR THE CITY OF PHOENIX.

*Group Home:* A residential HOME OR BUILDING(S) ~~facility~~ for 6 or more unrelated ~~persons~~ INDIVIDUALS providing living facilities, AND sleeping rooms, ~~and meals~~; and which ALSO PROVIDES LIMITED SERVICES, SUCH AS, BUT NOT LIMITED TO MEALS, SERVICES TO PROMOTE EMOTIONAL SUPPORT, LIFE SKILLS DEVELOPMENT AND/OR EMPLOYMENT TRAINING ~~have a permit issued by the appropriate government agency as a boarding house.~~

*Hospice:* A health care service agency or institution other than a hospital, assisted living home or center, COMMUNITY RESIDENCE HOME OR CENTER, or nursing home that provides inpatient beds or resident beds to persons who need continuous hospice services. A hospice does not include in-home hospice care. A hospice shall be licensed by the State of Arizona.

*Nursing Home:* A health care institution other than a hospital, ~~or an~~ assisted living home or center, OR A COMMUNITY RESIDENCE HOME OR CENTER that provides inpatient beds or resident beds to persons who need continuous nursing services. A nursing home shall be licensed by the State of Arizona.

**OXFORD HOUSE:** A SELF-GOVERNED COMMUNITY RESIDENCE HOME FOR PEOPLE IN RECOVERY THAT IS PART OF OXFORD HOUSE, INC. AN OXFORD HOUSE PLACES NO TIME LIMIT ON RESIDENCY, OPERATES AS A DEMOCRATIC SYSTEM AND UTILIZES SELF-SUPPORT TO PAY ALL THE HOUSEHOLD EXPENSES. SANCTIONED BY CONGRESS, EACH OXFORD HOUSE IS OPERATED IN ACCORD WITH THE OXFORD HOUSE MANUAL© AND IS SUBJECT TO ANNUAL INSPECTIONS WHICH SERVE AS THE FUNCTIONAL EQUIVALENT OF THE LICENSING OF COMMUNITY RESIDENCE HOMES REQUIRED BY THIS ORDINANCE.

~~*Residential Care Center:* A residential care institution that provides resident rooms or residential units to 11 or more persons (adults or minors). The facility provides on-site care, training or support for the residents, as well as health and rehabilitative services to persons with behavioral health or developmental disabilities. A Residential Care Center shall be licensed by the State of Arizona.~~

~~*Residential Care Home:* A dwelling unit shared as a primary residence by one to ten persons (adults or minors) living together as a single housekeeping unit, in which staff persons provide on-site care, training or support for the residents. A residential care home shall be licensed by the State of Arizona.~~

~~*Rest Home:* See "Assisted Living COMMUNITY RESIDENCE Center" or "Nursing Home."~~

~~*Sober Living Home:* Any premises, place or building that provides alcohol-free or drug-free housing, for individuals who are recovering from addiction. This does not include a private residence in which a related family member is required to receive outpatient behavioral health services for substance abuse or addiction treatment as a condition of continuing to reside in the family dwelling. A sober living home includes Structured Sober Living Home as defined in A.R.S. 9-500.40.C.~~

**STRUCTURED SOBER LIVING HOME:** ANY PREMISES, PLACE OR BUILDING THAT PROVIDES ALCOHOL-FREE OR DRUG-FREE HOUSING, PROMOTES INDEPENDENT LIVING AND LIFE SKILL DEVELOPMENT AND PROVIDES STRUCTURED ACTIVITIES THAT ARE DIRECTED PRIMARILY TOWARD RECOVERY FROM SUBSTANCE USE DISORDERS IN A SUPERVISED SETTING TO A GROUP OF UNRELATED INDIVIDUALS WHO ARE RECOVERING FROM DRUG OR ALCOHOL ADDICTION AND WHO ARE RECEIVING OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR ADDICTION TREATMENT WHILE LIVING IN THE HOME. THIS DOES NOT INCLUDE A PRIVATE RESIDENCE IN WHICH A RELATED FAMILY MEMBER IS REQUIRED TO RECEIVE OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR ADDICTION TREATMENT AS A CONDITION OF CONTINUING TO RESIDE IN THE FAMILY DWELLING.

\*\*\*



**Amend Chapter 3 to add new Section 311 Disability Accommodation Committee to read as follows:**

**311 DISABILITY ACCOMMODATION COMMITTEE.**

A. **RESPONSIBILITIES.** THE DISABILITY ACCOMMODATION COMMITTEE SHALL REVIEW DISABILITY ACCOMMODATION APPLICATIONS PURSUANT TO SECTION 701.E.3.B. AND RELEVANT PUBLIC INPUT RELATING TO THE DISABILITY ACCOMMODATION APPLICATION. THE COMMITTEE SHALL ISSUE A WRITTEN DECISION WITHIN 60 DAYS AFTER THE APPLICATION HAS BEEN DEEMED ADMINISTRATIVELY COMPLETE. AN APPLICATION IS NOT CONSIDERED ADMINISTRATIVELY COMPLETE UNTIL THE PUBLIC NOTICE REQUIREMENTS HAVE BEEN COMPLETED PURSUANT TO THE PLANNING AND DEVELOPMENT DEPARTMENT POLICY AND PROCEDURES ESTABLISHED FOR DISABILITY ACCOMMODATION REQUESTS. THE DECISION SHALL BE INCLUDED IN A REPORT WITH FINDINGS THAT ADDRESS THE FOLLOWING:

1. THE REQUESTING PARTY OR OCCUPANTS OF THE HOUSING FOR WHICH THE REQUEST IS MADE ARE PROTECTED UNDER THE FAIR HOUSING ACT AND/OR THE AMERICANS WITH DISABILITIES ACT BY DEMONSTRATING THAT THEY OR THE RESIDENTS OF THE PROPOSED HOUSING ARE INDIVIDUALS WITH DISABILITIES, AS DEFINED IN THIS ZONING ORDINANCE.
2. THE PROPOSED DISABILITY ACCOMMODATIONS BEING SOUGHT ARE REASONABLE AND NECESSARY TO AFFORD THE SUBJECT INDIVIDUAL(S) WITH DISABILITIES AN EQUAL OPPORTUNITY TO USE AND ENJOY THE HOUSING THAT IS THE SUBJECT OF THE REQUEST.
3. A REQUEST FOR A DISABILITY ACCOMMODATION TO PERMIT MORE THAN TEN UNRELATED INDIVIDUALS TO OCCUPY A COMMUNITY RESIDENCE HOME MEETS THE STANDARDS FOR COMMUNITY RESIDENCE HOME AS DEFINED IN THIS ZONING ORDINANCE.
  - THE PRIMARY FUNCTION OF THE PROPOSED COMMUNITY RESIDENCE HOME IS RESIDENTIAL WHERE ANY TREATMENT IS MERELY INCIDENTAL TO THE RESIDENTIAL USE OF THE PROPERTY.
  - THE PROPOSED COMMUNITY RESIDENCE HOME EMULATES A BIOLOGICAL FAMILY AND OPERATES AS A FUNCTIONAL FAMILY RATHER THAN AS AN INSTITUTION, BOARDING HOUSE, NURSING HOME, SHORT TERM VACATION RENTAL, CONTINUING CARE FACILITY, MOTEL, HOTEL, TREATMENT CENTER, REHABILITATION CENTER, OR A NONRESIDENTIAL USE.

4. THE REQUESTED NUMBER OF RESIDENTS IN THE PROPOSED COMMUNITY RESIDENCE HOME WILL NOT INTERFERE WITH THE NORMALIZATION AND COMMUNITY INTEGRATION OF THE OCCUPANTS OF ANY EXISTING COMMUNITY RESIDENCE HOME, AND THAT THE HOME WILL MAINTAIN A RESIDENTIAL CHARACTER.

**B. MEMBERSHIP.** MEMBERS OF THE DISABILITY ACCOMMODATION COMMITTEE SHALL CONSIST OF FIVE MEMBERS COMPOSED AS FOLLOWS:

1. PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR, OR HIS OR HER DESIGNEE.
2. NEIGHBORHOOD SERVICES DEPARTMENT DIRECTOR, OR HIS OR HER DESIGNEE.
3. EQUAL OPPORTUNITY DEPARTMENT DIRECTOR, OR HIS OR HER DESIGNEE.

THE FOLLOWING MEMBERS SHALL BE APPOINTED BY THE MAYOR AND REMOVED BY THE MAJORITY VOTE OF THE CITY COUNCIL:

4. A REPRESENTATIVE FROM A CITY OF PHOENIX REGISTERED NEIGHBORHOOD ORGANIZATION.
5. A REPRESENTATIVE FROM THE COMMUNITY RESIDENCE HOME OR CENTER INDUSTRY.

**C.** THE PLANNING AND DEVELOPMENT DIRECTOR SHALL APPOINT A COMMITTEE SECRETARY, ADOPT COMMITTEE PROCEDURES CONSISTENT WITH APPLICABLE ZONING ORDINANCE PROVISIONS, AND PROVIDE OTHER ADMINISTRATIVE SUPPORT FOR THE COMMITTEE.

**D.** IF THE COMMITTEE DOES NOT ISSUE A DECISION WITHIN 60 DAYS AFTER THE APPLICATION HAS BEEN DEEMED ADMINISTRATIVELY COMPLETE, THE PLANNING AND DEVELOPMENT DIRECTOR ~~MAY~~ SHALL ISSUE A FINAL DECISION ON THE ACCOMMODATION REQUEST FILED PURSUANT TO THIS SECTION.

**Amend Chapter 6, Section 603.A. (Suburban S-1 District—Ranch or Farm Residence) to read as follows and renumber section accordingly:**

\*\*\*

- ~~3.~~ Assisted living home; provided that:
  - ~~a.~~ The home has no more than five residents, not including staff; or

- b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
    - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
    - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
    - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
43. Residential care COMMUNITY RESIDENCE home, provided that:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
  - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
    - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
    - 2) No assisted living, residential care, or sober living COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living COMMUNITY RESIDENCE home that has been registered with six to ten residents.
    - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.
5. ~~Sober Living Home, provided that:~~
- a. ~~The home has no more than 5 residents, not including staff; or~~
  - b. ~~For a home with 6 to 10 residents, not including staff, the following conditions shall apply:~~
    - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
    - 2) ~~No Assisted Living, Residential Care, or Sober Living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another Assisted Living, Residential Care, or Sober Living home that has been registered with 6 to 10 residents.~~

- 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

\*\*\*

**Amend Chapter 6, Section 605.A. (Residential Estate RE-43 District—One-Family Residence) to read as follows and renumber section accordingly:**

\*\*\*

3. ~~Assisted living home; provided that:~~
  - a. ~~The home has no more than five residents, not including staff; or~~
  - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
    - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
    - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
    - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
43. ~~Residential care~~ COMMUNITY RESIDENCE home, provided that:
  - a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
  - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
    - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
    - 2) ~~No assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
    - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.
5. ~~Sober living home; provided that:~~

- a. ~~The home has no more than five residents, not including staff; or~~
- b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
  - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
  - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
  - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

\*\*\*

**Amend Chapter 6, Section 606.A. (Residential Estate RE-24 District—One-Family Residence) to read as follows and renumber section accordingly:**

\*\*\*

- 3. ~~Assisted living home; provided that:~~
  - a. ~~The home has no more than five residents, not including staff; or~~
  - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
    - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
    - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
    - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
  
- 43. ~~Residential care COMMUNITY RESIDENCE home, provided that:~~
  - a. ~~The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or~~
  - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~

- 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
- 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
- 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

5. ~~Sober living home, provided that:~~

- a. ~~The home has no more than five residents, not including staff; or~~
- b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
  - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
  - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
  - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

\*\*\*

**Amend Chapter 6, Section 608. (Residence Districts) to read as follows and renumber/alphabetize section accordingly:**

\*\*\*

**C. Permitted Uses.**

<b>Use</b>	<b>Permitted</b>	<b>Permitted With Conditions <sup>(1)</sup></b>	<b>Use Permit And Conditions <sup>(2)</sup></b>
Single-Family DU	X		
Governmental Uses	X		
Assisted Living Home		X	

Residential Care COMMUNITY RESIDENCE Home		X	
Sober Living Home		X	
BOARDING HOUSE		X	X
GROUP HOME		X	X
* * *			
1—6 Dependent Care Facility		X	
1—4 Adult Day Care Home		X	
Display for Sale of Vehicle		X	
Guestrooms		X	
Public Utility Buildings and Facilities		X	
Schools, Private		X	X
* * *			
5—10 Adult Day Care Home		X	X
Churches/Place of Worship		X	X
Construction Facilities and Storage		X	X
Home Occupations		X	X
Model Homes and/or Subdivision Sales Office		X	X
Nondaily Newspaper Delivery Service		X	X
Public Assembly—Residential		X	X
* * *			
7—12 Dependent Care Facility			X
Environmental Remediation Facility			X
***			

\*\*\*

D. Permitted Uses with Conditions.

\*\*\*

- 2. ~~Assisted living home; provided that:~~
  - a. ~~The home has no more than five residents, not including staff; or~~





- 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
- 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

\*\*\*

F. Permitted with a Use Permit Approval Pursuant to Section 307.

\*\*\*

1. BOARDING HOUSE PERMITTED IN THE R-3, R-3A, R-4, R-4A, AND R-5 ZONING DISTRICTS, SUBJECT TO A USE PERMIT AND CONDITIONS AS OUTLINED IN EACH RESPECTIVE ZONING DISTRICT.
2. GROUP HOME PERMITTED IN THE R-3, R-3A, R-4, R-4A, AND R-5 ZONING DISTRICTS, SUBJECT TO A USE PERMIT AND CONDITIONS AS OUTLINED IN EACH RESPECTIVE ZONING DISTRICT.

\*\*\*

**Amend Chapter 6, Section 615.C. (R-3 Multifamily Residence District) to read as follows and renumber section accordingly:**

\*\*\*

2. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
  - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
  - D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
  - E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.

23. ~~Assisted living or residential care~~ COMMUNITY RESIDENCE center, subject to a use permit and the following conditions:
- A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
  - aD. A maximum lot coverage of 25 percent.
  - bE. A minimum of 100 square feet of usable outdoor open space per bed shall be provided.
  - eF. The lot shall only have vehicular access from an arterial or collector street.
34. Group home, subject to a use permit AND THE FOLLOWING CONDITIONS:-
- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
  - D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
  - E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.

\*\*\*

**Amend Chapter 6, Section 616.C. (R-3A Multifamily Residence District) to read as follows and renumber section accordingly:**

\*\*\*

2. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
  - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
  - D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
  - E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.
  
23. ~~Assisted living or residential care~~ COMMUNITY RESIDENCE center, subject to a use permit and the following conditions:
  - A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
  - aD. A maximum lot coverage of 25 percent.
  - bE. A minimum of 100 square feet of usable outdoor open space per bed shall be provided.
  - eF. The lot shall only have vehicular access from an arterial or collector street.
  
34. Group home, subject to a use permit AND THE FOLLOWING CONDITIONS:-

- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
- C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
- D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
- E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.

\*\*\*

**Amend Chapter 6, Section 617.C. (R-4 Multifamily Residence District) to read as follows and renumber section accordingly:**

\*\*\*

- 2. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
  - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
  - D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
  - E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.
  
- 23. ~~Assisted living or residential care~~ COMMUNITY RESIDENCE center, subject to a use permit and the following conditions:

- A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
  - aD. A maximum lot coverage of 25 percent.
  - bE. A minimum of 100 square feet of usable outdoor open space per bed shall be provided.
  - eF. The lot shall only have vehicular access from an arterial or collector street.
34. Group home, subject to a use permit AND THE FOLLOWING CONDITIONS:-
- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
  - D. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
  - E. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.

\*\*\*

**Amend Chapter 6, Section 618.D. (R-5 Multifamily Residence District) to read as follows and renumber section accordingly:**

\*\*\*

- 2. ~~Assisted living center, subject to a use permit and the following conditions:~~

- a. ~~A maximum lot coverage of 25 percent.~~
- b. ~~A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

\*\*\*

- 6. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
  - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
  - D. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

\*\*\*

- 8. COMMUNITY RESIDENCE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
  - A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
  - D. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
  - E. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

\*\*\*

4012. Group Home, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:

- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
- C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
- D. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

\*\*\*

~~18. Residential care center, subject to a use permit and the following conditions:~~

- ~~a. A maximum lot coverage of 25 percent.~~
- ~~b. A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

\*\*\*

**Amend Chapter 6, Section 619.A. (Residential R-4A District—Multifamily Residence—General) to read as follows and renumber section accordingly:**

\*\*\*

~~4. Assisted living center, subject to a use permit and the following conditions:~~

- ~~a. A maximum lot coverage of 25 percent.~~
- ~~b. A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

\*\*\*

5. BOARDING HOUSE, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
  - A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
  - D. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
  
6. COMMUNITY RESIDENCE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
  - A. SUCH CENTER SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - B. NO COMMUNITY RESIDENCE CENTER SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
  - C. DISABILITY ACCOMMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
  - D. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
  - E. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

\*\*\*

68. Group Home, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:



- A. SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- B. NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.
- C. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
- D. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

\*\*\*

- ~~10. Residential care center, subject to a use permit and the following conditions:~~
  - ~~a. A maximum lot coverage of 25 percent.~~
  - ~~b. A minimum of 50 square feet of usable outdoor open space per bed shall be provided.~~

\*\*\*

**Amend Chapter 6, Section 620.B. (Residential Office R-O District—Restricted Commercial), to read as follows and renumber section accordingly:**

\*\*\*

- ~~2. Assisted living home; provided, that:~~
  - ~~a. The home has no more than five residents, not including staff; or~~
  - ~~b. For a home with six to ten residents, not including staff, the following conditions shall apply:~~
    - ~~1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
    - ~~2) No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~

- 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
32. ~~Residential care~~ COMMUNITY RESIDENCE home, provided that:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
  - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
    - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
    - 2) ~~No assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
    - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.
4. ~~Sober living home, provided that:~~
- a. ~~The home has no more than five residents, not including staff; or~~
  - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
    - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
    - 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
    - 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

\*\*\*

**Amend Chapter 6, Section 622.D. (Commercial C-1 District – Neighborhood Retail) to read as follows and renumber section accordingly:**

\*\*\*

- 7. ~~Assisted Living Center, subject to a use permit.~~

\*\*\*

20. BOARDING HOUSE, SUBJECT TO A USE PERMIT.

\*\*\*

38. COMMUNITY RESIDENCE CENTER, SUBJECT TO A USE PERMIT.

\*\*\*

76. GROUP HOME, SUBJECT TO A USE PERMIT.

\*\*\*

~~148. Residential Care Center, subject to a use permit.~~

\*\*\*

**Amend Chapter 6, Section 623.D. (Commercial C-2 District – Intermediate Commercial) to read as follows and renumber section accordingly:**

\*\*\*

~~10. Assisted Living Center~~

\*\*\*

51. COMMUNITY RESIDENCE CENTER.

\*\*\*

**Amend Chapter 6, Section 642. (Urban Residential (UR) District) to read as follows and renumber section accordingly:**

C. Permitted uses.

1. **Primary uses.**

- a. ~~Assisted living home; provided that:~~
  - ~~(1) The home has no more than five residents, not including staff; or~~
  - ~~(2) For a home with six to ten residents, not including staff, the following conditions shall apply:~~

- (a) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
  - (b) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
  - (c) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~
- bA. Residential care COMMUNITY RESIDENCE home, provided that:
- (1) The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
  - (2) For a home with six to ten residents, not including staff, the following conditions shall apply:
    - (a) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
    - (b) ~~No assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
    - (c) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.
- c. ~~Sober living home, provided that:~~
- (1) ~~The home has no more than five residents, not including staff; or~~
  - (2) ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~

- (a) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
- (b) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
- (c) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

\*\*\*

**Amend Chapter 6, Section 646. (Capitol Mall Overlay District) to read as follows:**

\*\*\*

**F. Special Permit Uses.**

- 1. Land in the CMO district may be used for the following purposes, subject to the procedures and standards of Section 504.1 regarding special permits.

\*\*\*

- b. A group home, BOARDING HOUSE or rooming house shall be a minimum of 1,500 feet from another such home.

\*\*\*

**Amend Chapter 6, Section 647.A.1. (Special Permit Uses) to read as follows and renumber section accordingly:**

- A. BOARDING HOUSE, PROVIDED THAT NOT MORE THAN TEN INDIVIDUALS SHALL OCCUPY A SINGLE DWELLING; FURTHER, NO MORE THAN TWO INDIVIDUALS SHALL OCCUPY EACH BEDROOM; AND SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- (2) NO BOARDING HOUSE SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER BOARDING HOUSE, GROUP HOME, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

\*\*\*

- fG. Group home provided that not more than ten persons INDIVIDUALS shall occupy a single dwelling; further, no more than two persons INDIVIDUALS shall occupy each bedroom; AND SUBJECT TO THE FOLLOWING CONDITIONS:
  - (1) SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
  - (2) NO GROUP HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER GROUP HOME, BOARDING HOUSE, OR COMMUNITY RESIDENCE HOME OR CENTER WITHIN A RESIDENTIAL ZONING DISTRICT.

\*\*\*

**Amend Chapter 6, Section 649. (Mixed Use Agricultural (MUA) District) to read as follows and renumber section accordingly:**

\*\*\*

- C. **Permitted Primary Uses.** The following uses are permitted in accordance with the regulations and special standards established below.

\*\*\*

- 6. ~~Assisted living home; provided that:~~
  - a. ~~The home has no more than five residents, not including staff; or~~
  - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~

- 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~
- 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
- 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

\*\*\*

4443. Residential care COMMUNITY RESIDENCE home, provided that:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
  - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
    - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
    - 2) ~~No assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
    - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

\*\*\*

49. ~~Sober living home, provided that:~~
- a. ~~The home has no more than five residents, not including staff; or~~
  - b. ~~For a home with six to ten residents, not including staff, the following conditions shall apply:~~
    - 1) ~~Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.~~

- 2) ~~No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents.~~
- 3) ~~Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.~~

\*\*\*

**Amend Chapter 6, Section 658. (Deer Valley Airport Overlay (DVAO) District) to read as follows and renumber/alphabetize section accordingly:**

\*\*\*

C. Regulation Areas: The DVAO District is divided into three separate regulation areas. When a parcel falls partially into one or more of the regulation areas, the most restrictive regulation area shall apply to the entire parcel.

\*\*\*

2. Prohibited uses, Areas 2 & 3: Same as Area 1 and the following:

\*\*\*

c. ~~Assisted Living Home or Center~~ BOARDING HOUSE.

\*\*\*

E. COMMUNITY RESIDENCE HOME OR CENTER.

\*\*\*

H. GROUP HOME.

\*\*\*

m. ~~Residential care home or center.~~

\*\*\*

p. ~~Sober living home.~~

\*\*\*

**Amend Chapter 6, Section 660. (Four Corners Overlay District) to read as follows and alphabetize section accordingly:**



\*\*\*

- C. **Permitted SPECIAL PERMIT Uses.** The Four Corners Overlay District is established to encourage the development of neighborhood serving retail uses and limited community serving uses. Uses listed in the underlying commercial district are permitted except that certain uses and the sale of certain products will be permitted only subject to a special permit approval in accordance with Section 504.1 of the Zoning Ordinance. These include:

\*\*\*

- \* ~~Assisted living center;~~

\*\*\*

- \* BOARDING HOUSE;

\*\*\*

- \* COMMUNITY RESIDENCE CENTER;

\*\*\*

- \* GROUP HOME;

\*\*\*

**Amend Chapter 7, Section 701.E. (Separation Requirements—Registration) to read as follows:**

- E. **Separation Requirements—Registration AND DISABILITY ACCOMMODATIONS**

\*\*\*

2. **Establishment of registered use.**

Establishment of a registered use shall be evidenced by and shall occur on the date a certificate of occupancy is issued for such use. Application for and issuance of a certificate of occupancy shall be according to the procedures established in the Construction Code. If, at the expiration of the time period specified in subsection 1 of this section, the registered use has been established, no other use which under the provisions of this ordinance is required to maintain a minimum separation from the registered use may subsequently be established closer to the registered use than the minimum distance prescribed by this ordinance.

- a. The applicant may provide evidence to the Planning and Development Department staff that a registered facility within the spacing requirements is no longer operating. The Planning and Development Department staff will verify the status of the facility within 30 business days and update the registered use documents.

3. **Request for a disability accommodation.**

- a. **ADMINISTRATIVE STAFF REVIEW.** An applicant may request a disability accommodation from a separation requirement if the requirement prohibits an ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home (~~“registered care home”~~) OR CENTER for a person with disabilities ~~on a lot~~. FOR THE PURPOSES OF DETERMINING CONFORMANCE FOR COMMUNITY RESIDENCE HOMES, ONLY OTHER COMMUNITY RESIDENCE HOME LOCATIONS SHALL BE CONSIDERED. ALL COMMUNITY RESIDENCE HOMES OR CENTERS THAT ARE CONSIDERED FOR DETERMINING CONFORMANCE WITH THIS SECTION SHALL BE WITHIN RESIDENTIAL ZONING DISTRICTS.

The Planning and Development Department Director’s designee may administratively approve such requests if there are no more than five ~~registered care~~ COMMUNITY RESIDENCE homes with six to ten residents OR CENTERS, within a one-half-mile area (2,640-foot radius), MEASURED IN A STRAIGHT LINE IN ANY DIRECTION, OF THE LOT LINES OF A PROPOSED COMMUNITY RESIDENCE HOME WITH SIX TO TEN RESIDENTS OR CENTER, EXCEPT THAT:-

~~A registered care home is not deemed within the one-half mile area if separated from the proposed lot by a natural or manmade barrier including, but not limited to, any of the following:~~

- (1) A COMMUNITY RESIDENCE HOME OR CENTER IS NOT DEEMED WITHIN THE ONE-HALF MILE AREA IF SEPARATED FROM THE PROPOSED COMMUNITY RESIDENCE HOME OR CENTER BY A NATURAL OR MANMADE BARRIER INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:

- (1) (A) Arizona Canal,  
Central Arizona Project Canal,  
Elliot Canal,  
Grand Canal,  
Highline Canal,  
Roosevelt Irrigation District Canal, and  
Western Canal;
  - (2) (B) Municipal open space that is at least ten acres in size  
(such as a park or golf course);
  - (3) (C) Railroad; or
  - (4) (D) Freeway.
- (2) NO MORE THAN ONE COMMUNITY RESIDENCE HOME OR CENTER MAY LOCATE ON THE SAME BLOCK FACE; ABUTTING TO THE REAR OR ABUTTING CATTYCORNER (INCLUDING LOTS SEPARATED BY AN ALLEY); OR ACROSS A STREET FROM A BLOCK FACE WITH A PROPOSED OR EXISTING COMMUNITY RESIDENCE HOME OR CENTER.

- b. **DISABILITY ACCOMMODATION COMMITTEE REVIEW.** If the above disability accommodation ADMINISTRATIVE STAFF REVIEW APPROVAL CONDITIONS ARE request is denied NOT MET, the applicant may appeal the denial to the REQUEST FUTHER REVIEW BY THE DISABILITY ACCOMMODATION COMMITTEE Planning and Development Department Director (~~“the Department Director”~~). ADDITIONALLY, AN APPLICANT MAY REQUEST A DISABILITY ACCOMMODATION FROM ANY ZONING REQUIREMENT IF THE REQUIREMENT PROHIBITS A COMMUNITY RESIDENCE HOME, CENTER, OR ANY OTHER FORM OF HOUSING FOR INDIVIDUALS WITH DISABILITIES.

The applicant shall submit to the PLANNING AND DEVELOPMENT DEPARTMENT a written request for accommodation and the reason why the accommodation is required. The written request shall contain sufficient facts to allow the DISABILITY ACCOMMODATION COMMITTEE TO PROVIDE A DECISION TO THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR (~~“THE DEPARTMENT DIRECTOR”~~); ~~Department Director~~ to make an individualized determination of the proposed ~~registered care home’s~~ COMMUNITY RESIDENCE’S needs, to address the city’s safety and welfare concerns, and to assure compliance with this section.

THE APPLICANT SHALL COMPLY WITH THE PUBLIC NOTICE REQUIREMENTS PURSUANT TO THE PLANNING AND DEVELOPMENT DEPARTMENT POLICY AND PROCEDURES ESTABLISHED FOR DISABILITY ACCOMMODATION REQUESTS. PUBLIC NOTICE IS REQUIRED IN ORDER TO ALLOW THE OPPORTUNITY FOR NEIGHBORING PROPERTIES AND NEIGHBORHOOD ORGANIZATIONS TO PROVIDE RELEVANT PUBLIC INPUT RELATING TO THE DISABILITY ACCOMMODATION APPLICATION.

THE DISABILITY ACCOMMODATION COMMITTEE SHALL REVIEW THE WRITTEN REQUEST AND RELEVANT PUBLIC INPUT RELATING TO THE DISABILITY ACCOMMODATION APPLICATION. THE COMMITTEE SHALL PROVIDE A DECISION PER THE PROCEDURES OUTLINED IN SECTION 311. ~~The Department Director shall review the written request DISABILITY ACCOMMODATION COMMITTEE DECISION~~ and determine if:

- (1) ~~Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and~~  
 THE REQUESTING PARTY OR OCCUPANTS OF THE HOUSING FOR WHICH THE REQUEST IS MADE ARE PROTECTED UNDER THE FAIR HOUSING ACT AND/OR THE AMERICANS WITH DISABILITIES ACT BY DEMONSTRATING THAT THEY OR THE RESIDENTS OF THE PROPOSED HOUSING ARE INDIVIDUALS WITH DISABILITIES, AS DEFINED IN THIS ZONING ORDINANCE.
- (2) ~~If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.~~  
 THE PROPOSED DISABILITY ACCOMMODATIONS BEING SOUGHT ARE REASONABLE AND NECESSARY TO AFFORD THE SUBJECT INDIVIDUAL(S) WITH DISABILITIES AN EQUAL OPPORTUNITY TO USE AND ENJOY THE HOUSING THAT IS THE SUBJECT OF THE REQUEST.
- (3) A REQUEST FOR A DISABILITY ACCOMMODATION TO PERMIT MORE THAN TEN UNRELATED INDIVIDUALS TO OCCUPY A COMMUNITY RESIDENCE HOME MEETS THE STANDARDS FOR COMMUNITY RESIDENCE HOME AS DEFINED IN THIS ZONING ORDINANCE.
- THE PRIMARY FUNCTION OF THE PROPOSED COMMUNITY RESIDENCE HOME IS RESIDENTIAL WHERE ANY TREATMENT IS MERELY INCIDENTAL TO THE RESIDENTIAL USE OF THE PROPERTY.
  - THE PROPOSED COMMUNITY RESIDENCE HOME EMULATES A BIOLOGICAL FAMILY AND OPERATES AS A FUNCTIONAL FAMILY RATHER THAN AS AN INSTITUTION, BOARDING HOUSE, NURSING HOME, SHORT TERM VACATION RENTAL, CONTINUING CARE FACILITY, MOTEL, HOTEL, TREATMENT CENTER, REHABILITATION CENTER, OR A NONRESIDENTIAL USE.

- (4) THE REQUESTED NUMBER OF RESIDENTS IN THE PROPOSED COMMUNITY RESIDENCE HOME WILL NOT INTERFERE WITH THE NORMALIZATION AND COMMUNITY INTEGRATION OF THE OCCUPANTS OF ANY EXISTING COMMUNITY RESIDENCE HOME, AND THAT THE HOME WILL MAINTAIN A RESIDENTIAL CHARACTER.

The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act. The ~~Planning and Development~~ DISABILITY ACCOMMODATION COMMITTEE OR PLANNING AND DEVELOPMENT Department Director's determination constitutes a final administrative action.

\*\*\*

**Amend Chapter 7, Section 702. (Off-Street Parking and Loading) to read as follows and alphabetize accordingly:**

\*\*\*

**C. Parking Requirements.**

\*\*\*

Group Home OR BOARDING HOUSE	1 space per 2 resident beds
------------------------------	-----------------------------

\*\*\*

<del>Assisted Living and Residential Care</del> COMMUNITY RESIDENCE Center, Nursing Home, Specialized Treatment Facility, STRUCTURED SOBER LIVING HOME (WITH MORE THAN TEN RESIDENTS), and Hospice	1 space per 2 resident/patient beds.
--	--------------------------------------

\*\*\*

STRUCTURED SOBER LIVING HOME (WITH SIX TO TEN RESIDENTS)	4 SPACES PER 1 DWELLING UNIT, 2 OF WHICH MAY BE LOCATED WITHIN THE REQUIRED FRONT YARD SETBACK.
--	---

\*\*\*

**Amend Chapter 12, Section 1204. (Land Use Matrix) to read as follows and alphabetize accordingly:**

\*\*\*

C. The following shall apply to uses that are permitted with conditions (pc) as indicated with a number that corresponds with the Land Use Matrix in Section 1204.D:

\*\*\*

**DISPERSAL & ESTABLISHMENT OF A REGISTERED USE:**

34. ~~Assisted living, residential care, and sober living~~ COMMUNITY RESIDENCE homes, subject to the following:
- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), (Arizona Revised Statutes); or
  - b. For a home with six to ten residents, not including staff, the following conditions shall apply:
    - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
    - 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
    - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

D. Land Use Matrix

---

LAND USE CATEGORIES	CHARACTER AREAS															
	ACTIVE USE	BioMed	BC	Central Park	Community Corridor	Downtown Gateway	East Evergreen	Evans Churchill East	Evans Churchill West	McDowell Corridor	Roosevelt East	Roosevelt North	Roosevelt South	Townsend Park	Van Buren	Warehouse
<b>Residential Uses</b>																
***																
Assisted Living Home		pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34
BOARDING HOUSE		PC4	PC4	SP, PC4, 4,20	PC4, 4,20	PC4	PC4	PC4	PC4, 20	PC4, 20	SP, PC4, 20	UP, PC4, 20	PC4, 20	PC4	PC4	PC4
COMMUNITY RESIDENCE HOME		PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34
***																
Group Home		pc4	pc4	SP, pc4, 4,20	pc4, 4,20	pc4	pc4	pc4	pc4, 20	pc4, 20	SP, pc4, 20	UP, pc4, 20	pc4, 20	pc4	pc4	pc4
***																



Residential Care Home		pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34	pc34
Sober Living Home		pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34	pe 34
***																	
<b>Health and Support Services</b>																	
Residential Care COMMUNITY RESIDENCE Center	x	p	p	sp	p	p	p	p	p	p	p	p	sp	up	p	p	p

\*\*\*

**Amend Chapter 13, Section 1306. (Land Use Matrix) to read as follows, and alphabetize accordingly:**

\*\*\*

**TABLE 1306.1 LAND USE MATRIX**

CATEGORY: RESIDENTIAL USES	T3	T4	T5:2	T5:3	T5:5	T5:6	T5:7	T6:7 T6:15	T6:22 T6:H WR
***									
<b>Assisted Living Home</b> 1-10 residents	PC	PC	PC	PC	PC	PC	P	P	P
<b>Assisted Living Center</b> 11+ residents	NP	UP	UP	P	P	P	P	P	P
<b>BOARDING HOUSE</b>	NP	UP	UP	UP	P	P	P	P	P
<b>COMMUNITY RESIDENCE HOME</b> 1-10 RESIDENTS	PC	PC	PC	PC	PC	PC	P	P	P

<b>COMMUNITY RESIDENCE CENTER</b>	NP	UP	UP	P	P	P	P	P	P
11+ RESIDENTS									
***									
<b>Group Home</b>	UNP	UP	UP	UP	P	P	NP	NP	NP
***									
<b>Residential Care Home</b>	PG	PG	PG	PG	PG	PG	P	P	P
1-10 residents									
<b>Residential Care Center</b>	NP	UP	UP	P	P	P	P	P	P
11+ residents									
<b>Sober Living Home</b>	PG	PG	PG	PG	PG	PG	P	P	P
1-10 residents									

**C. Residential Uses, Land Use Conditions.**

\*\*\*

**2. ~~Assisted Living, Residential Care, and Sober Living~~ COMMUNITY RESIDENCE Home.**

- a. The home has no more than five residents, not including staff (unless permitted by Section 36-582(A), Arizona Revised Statutes); or
- b. For a home with six to ten residents, not including staff, the following conditions shall apply:
  - 1) Such home shall be registered with, and administratively verified by the Planning and Development Department Director's designee, as to compliance with the standards of this section as provided in Section 701.
  - 2) No ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction of the lot line of another ~~assisted living, residential care, or sober living~~ COMMUNITY RESIDENCE home that has been registered with six to ten residents.
  - 3) Disability Accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3.

\*\*\*

**Amend Chapter 13, Section 1307. (Parking standards) to read as follows:**

\*\*\*

**TABLE 1307.1. MINIMUM REQUIRED VEHICULAR PARKING**

USE	Measure	T3	T4	T5 1-5 stories	T5 6-10 stories	T6
***						
Assisted Living and Residential Care BOARDING HOUSE, COMMUNITY RESIDENCE Center; Group Home; STRUCTURED SOBER LIVING HOME (WITH MORE THAN TEN RESIDENTS); and Hospice	per bedroom	1	0.75	0.75		0.5



Take Action Phoenix (TAP) is a group of neighborhood leaders committed to the preservation of our neighborhoods. We work on issues that create impacts to our neighborhoods, advocating for change or improvements in order to maintain neighborhood integrity.

**Context:** For the last year, Take Action Phoenix has worked closely with the City of Phoenix, group home operators, and others to address issues that have arisen with group homes that operate within residential neighborhoods. As a result of the work of the Group Homes Committee, the city is making significant changes to its zoning ordinances and other processes that make group homes safe for residents of the home, and safe for the neighborhoods where the homes are located.

In the staff report from the city, Take Action Phoenix is in support of:

- All group homes and sober living homes with 6-10 residents will now be called Community Residence Homes.
- The new definition of a Community Residence Center is a location that will house 11 residents or more.
- The new distinction between a Community Residence Home and Community Residence Center is based on the number of residents.
- Group homes and boarding homes with more than 5 residents will only be allowed to operate in multi-family zoning districts.
- New parking standards to require a minimum of four parking spaces for sober living homes.
- 1320-foot separation and interpretation for both community residence homes and community residence centers.
- Discouraging clustering and the interpretation of Block Face.
- Portions of Reasonable Accommodation **Process** to include (see P.4 of Exhibit A).
  - The party or occupants of the home for which the request is made are required to demonstrate they are or the residents of the proposed home are individuals with disabilities as defined by zoning ordinance.
  - Public notice.
  - Written public input (see below for concerns).

In the staff report from the city, Take Action Phoenix is not in support of (or has concern with):

- The proposed Reasonable Accommodation Committee is biased and does not fairly represent the neighborhoods (see P. 5 of Exhibit A). TAP suggests a *representative* from the Planning and Development department, Neighborhood Services department, and the Equal Opportunity department serve only as non-voting, consulting members. Further, an additional neighborhood representative should be added and all three voting members will be selected by the City Council. Currently it is proposed that Council members can remove the voting members. The vote of the three members will be the final decision. If any party objects to the final decision, they will be afforded the opportunity to protest to the City Council for a council vote.
- Some of the language used is unclear or does NOT belong:
  - P. 1 of the Staff Report does not state clearly that this ordinance *does not* include zoning restrictions for families of 1-5 residents. TAP feels a statement to this effect would help clarify that the ordinance does not impact families of 1-5.
  - P.2 of the Staff Report may want to add a line that addiction is considered a disability.
  - P.3 of the Staff Report needs to clarify the definition of a Block Face to more appropriately match the diagram outlined on P.8 of the Staff Report e.g., add additional language (see below).
  - P.4 of the Staff Report under 'Structured Living Home' – TAP would like the words "typically ambulatory" to be changed to "ambulatory".
  - P.5 of the Staff Report (last sentence) add greater 'than' five....
  - P.9 of the Staff Report (3<sup>rd</sup> sentence) change 'space' to 'spacing'.
  - P.1 of Exhibit A – under Block Face – add in (abutted and both sides).
  - P.2 of Exhibit A – middle of 3<sup>rd</sup> paragraph - what is a 'sponsoring entity'?
  - P.2 of Exhibit A – last paragraph and last sentence – has a double negative (not....not....) needs to be re-written.
  - P.5, Under "311 Disability Accommodation Committee", Part A, #3 and #4 refer to Community Residence Centers (11 or more residents) and thus do NOT belong in the Reasonable Accommodation request, and should be removed.
- Oxford Homes that are sanctioned by Congress and currently do not operate in Arizona, however, this may change. TAP would like clarification on who does the annual inspection of these homes and who verifies they are in compliance. If no such entity is doing this, TAP recommends these types of homes also be licensed by the City of Phoenix (see P. 3 of Exhibit A).

- How is the word “relevant public input” being defined in the reasonable accommodation process? Who determines what is relevant? (see P.4 of Exhibit A).
- No maximum requests for a space reasonable accommodation within the ½ mile is provided. TAP suggest no more than ONE special request in a ½ mile radius be allowed to submit a reasonable accommodation request.
- No mention of how the public maps will be made available to the public (see P.9 of Staff Report).
- No discussion of the procedure that will be followed for existing and operating group homes (a.k.a.community residential homes) that may be residing in an area that requires a reasonable accommodation request. Will they be grandfathered in?

**Your actions:** Take Action Phoenix asks that the Village Committee consider this, and when voting, vote in favor of this, only with the stipulation that the changes we are requesting are considered at both the Planning Commission and with the City Council. Only then does Take Action Phoenix feel that these new changes will guard and protect the integrity and character of our Phoenix Neighborhoods.

Thank you.

[www.takeactionphoenix.com](http://www.takeactionphoenix.com)

<https://www.facebook.com/Take-Action-Phoenix-1875248946095564/>

## Racelle Escolar

---

**From:** Cindy Gross <cingross@cox.net>  
**Sent:** Tuesday, February 06, 2018 10:13 AM  
**To:** Racelle Escolar  
**Subject:** Group Homes Community Residences Text Amendment

HI there.

I am not able to attend the meetings on Feb 16, but would like to know if this amendment will be **retroactive** for existing homes, and homes in process of being built.. We have such a home in our neighborhood in progress right now.

If there is no provision for this I would like to suggest that this be added to the amendment.

If you are not the right person to send this too, Id greatly appreciate you forwarding this on to the appropriate person.

Thank you  
Cindy Gross  
4119 East Mountain View Road  
Phoenix, Az. 85028



Virus-free. [www.avast.com](http://www.avast.com)

## Racelle Escolar

---

**From:** Maja Brkovic  
**Sent:** Tuesday, February 06, 2018 11:25 AM  
**To:** krkemail@yahoo.com; David Urbinato; Council District 3 PCC; Debra W Stark; Rose Ferguson; Kaelee Wilson; Laurie Smith; Stephanie N Lieb  
**Cc:** Racelle Escolar  
**Subject:** RE: Assisted living homes 6 to 10 resident

Hello Mr. Kendall,

Thank you for providing feedback for the Group Facilities text amendment regarding your concerns of parking standards. Please know that a copy of your e-mail will be saved in the text amendment file for record and forwarded to all of the hearing bodies so that they are aware of your concerns. I have also copied Ms. Racelle Escolar who is one of the lead planners working on the Group Homes text amendment in case you have any further questions or comments regarding this matter. Lastly, this item will be heard at the Planning Commission on March 1, 2018 and go before the City Council on March 21, 2018 if you would like to attend to voice your concerns. Please let me know if I can be of any additional help, thank you.

Respectfully,

Maja Brkovic  
Planner II – Village  
North Mountain & Paradise Valley  
City of Phoenix Planning & Development Department  
200 West Washington Street, 3<sup>rd</sup> Floor  
Phoenix, AZ 85003-1611  
[maja.brkovic@phoenix.gov](mailto:maja.brkovic@phoenix.gov)  
Office: 602-261-8701

**From:** Kevin Kendall [mailto:krkemail@yahoo.com]  
**Sent:** Tuesday, February 06, 2018 9:59 AM  
**To:** David Urbinato <david.urbinato@phoenix.gov>; Council District 3 PCC <council.district.3@phoenix.gov>; Maja Brkovic <maja.brkovic@phoenix.gov>; Debra W Stark <debra.stark@phoenix.gov>; Rose Ferguson <rose.ferguson@phoenix.gov>; Kaelee Wilson <kaelee.wilson@phoenix.gov>; Laurie Smith <laurie.smith@phoenix.gov>; Stephanie N Lieb <stephanie.lieb@phoenix.gov>  
**Subject:** Assisted living homes 6 to 10 resident

The staff reports assesment of parking is incorrect and propagates an unnecessary **NEGATIVE IMPACT** to single family residences from assisted living parking. The statement "an assisted living home should be treated the same as family per the fair housing act" is incorrect based on my attorney's review and comments. The community residences do have high volume of traffic so the second bullit item is also wrong. See attached photo. Avoiding baseless law suits is no excuse for allowing **NEGATIVE IMPACTS** to residential neighborhoods. Goodyear and other local municipalities require off-street parking for Assisted living homes.





## Racelle Escolar

---

**From:** Maja Brkovic  
**Sent:** Wednesday, February 07, 2018 10:44 AM  
**To:** Racelle Escolar  
**Subject:** FW: Structured Sober Living Home - Update on proposed licensing program and draft ordinance

FYI

Respectfully,

Maja Brkovic  
Planner II – Village  
North Mountain & Paradise Valley  
City of Phoenix Planning & Development Department  
200 West Washington Street, 3<sup>rd</sup> Floor  
Phoenix, AZ 85003-1611  
[maja.brkovic@phoenix.gov](mailto:maja.brkovic@phoenix.gov)  
Office: 602-261-8701

**From:** Kevin Kendall [mailto:krkemail@yahoo.com]  
**Sent:** Wednesday, February 07, 2018 10:35 AM  
**To:** David Urbinato <david.urbinato@phoenix.gov>; Maja Brkovic <maja.brkovic@phoenix.gov>  
**Subject:** Fw: Structured Sober Living Home - Update on proposed licensing program and draft ordinance

Please forward to appropriate staff.

Thank you.

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

**To:** "krkemail@yahoo.<krkemail@yahoo.com>

**Cc:**

**Sent:** Wed, Feb 7, 2018 at 10:29 AM

**Subject:** RE: Structured Sober Living Home - Update on proposed licensing program and draft ordinance

Good morning

The city of Phoenix is allowing significant negative impact to existing residents by allowing an R-O permitted use, Assisted Living Homes, in an R-10 district. There was no change in zoning allowing the Assisted Living Home, Blue Sage Assisted Living, at 13435 N Coral Gables Drive and significant impacts to the pre-existing residents are a direct result of the city Of Phoenix not applying appropriate R-O regulations.

The negative impact is not the residents of the Assisted Living Home but the impact of the business. Assisted Living Homes are a business, licensed and permitted by the AZ Dept. of Health like any other medical business. The negative impacts are a result of Phoenix allowing a R-O business in a R10 zoned residential neighborhood and not requiring rezoning or off street parking as is required of all other medical businesses. There are a minimum of three employees 24/7 and visiting medical staff on a routine basis as a result of the business. The business conducts regular parties for the residents hiring professional musicians and the visitors to these entertainment events have resulted in more than 30 cars parking on the street at one time. The owner of the business has been allowed to turn the garage into bedrooms and has not provided sufficient off-street parking for even the employees let alone the customer related visitors. Off-street parking for employees and visitors (customers) is required of every other business and should be required for the Assisted Living Home business.

None of the residents of the Assisted Living Home drive, do not routinely leave the property, and therefore do not require parking. All of the parking that's impacting the residential neighborhood is resulting from the business, not residents parking, and like any other R-O business, should be regulated, even more within an R-10 residential neighborhood. Requiring parking for the business does not infringe on any rights of the residents.

R1 is traditionally SINGLE FAMILY and there are no family related residents, but 10 individuals, living in the Assisted Living Home.

Defining 10 unrelated persons as a single family unit is wrong.

Requiring business related parking is not an infringement on a special needs group and like all other parking requirements should be based on the actual experience. The request is not to regulate the parking of the special needs clients residing in the residence operated by the business but to regulate the parking as a result of the business.

If all special needs uses are to be lumped under the Group Home designation; parking regulations for Group Home is 1 space per 2 residents beds and the Section 702 regulations would apply.

The Zoning application form for Assisted Living stipulates "provide sufficient off-street parking".

A. **Purpose.** A basic purpose of these regulations is to foster the creation of living areas which can assist the establishment of stable, functional neighborhoods. An established pattern of living in this metropolitan area reflects a tradition of **single-family occupied dwellings** which also emphasize outdoor living. Many of these dwellings are thereby located on relatively large urban or suburban lots.

**B. 620 Residential Office R-O District—Restricted Commercial.** 

C. A. **Purpose and Intent.** \*2

D. This district is intended to control developments on the edges of residential areas which, because of their location on arterial streets or other environmental conditions, are susceptible to pressures for nonresidential uses. The R-O district permits new development at the residential scale, or conversion of residential structures for use as professional offices or other limited service uses. It also permits continuation of residential uses or reconversion to residential uses. \*4

E. This district is intended to provide office uses that are developed in a manner that forms a transition between commercial districts and adjacent residential areas. The specific intent of the district is to:

F. 1. Accommodate office development of a scale and intensity that reflects adjacent residential uses.

G. 2. Accommodate the office use of residential structures in areas previously developed as residential but changing to office or service uses.

H. 3. Accommodate the development of new office or service uses under strict performance standards to mitigate negative impacts of such development.

I. B. **Permitted Uses.**

J. 1. Adult day care home or center; provided, that: +9

K. a. Outdoor recreation areas shall be screened from adjacent properties by a six-foot-high landscape hedge, solid fence, or solid wall. +9

L. 2. **Assisted living home**; provided, that: +9

M. a. The home has no more than five residents, not including staff; or +9

N. b. For a home with six to ten residents, not including staff, the following conditions shall apply: +9

O. (1) Such home shall be registered with, and administratively verified by, the Planning and Development Department Director's designee as to compliance with the standards of this section as provided in Section 701. +9

P. (2) No assisted living, residential care, or sober living home shall be located on a lot with a property line within 1,320 feet, measured in a straight line in any direction, of the lot line of another assisted living, residential care, or sober living home that has been registered with six to ten residents. +9

Q. (3) Disability accommodation from the spacing requirement may be requested by an applicant per Section 701.E.3. +9

Planning and zoning staff are by regulation charged to preclude negative impacts, protect the existing residents, and apply the regulations; including off-street parking regulations of Chapter 7 and R-O zoning regulations or rezoning.

Please forward this to all staff.

Regards

Kevin Kendall

13445 N Coral Gables Drive

Phoenix, AZ

---

**From:** Kevin Kendall

**Sent:** Tuesday, February 06, 2018 10:13 AM

**To:** 'Denise Archibald' <[denise.archibald@phoenix.gov](mailto:denise.archibald@phoenix.gov)>

**Subject:** RE: Structured Sober Living Home - Update on proposed licensing program and draft ordinance

Thank you.

The staff appears to have been given bad opinions by City of Phoenix attorneys relative to the Fair Housing Act.

I am correct in calling the Phoenix attorney opinions **incorrect**; given the zoning regulations for Assisted Living off-street parking in other local municipalities and my attorneys opinion. I have read the Fair Housing Act and it doesn't say "A community residence home should be treated the same as family".

Phoenix Zoning Staff is wrong and we Phoenix residents are being unfairly impacted.

Regards

Kevin Kendall

---

**From:** Denise Archibald [<mailto:denise.archibald@phoenix.gov>]

**Sent:** Tuesday, February 06, 2018 9:47 AM

**To:** Kevin Kendall <[kkendall@avondale.org](mailto:kkendall@avondale.org)>

**Subject:** RE: Structured Sober Living Home - Update on proposed licensing program and draft ordinance

Hello Kevin,

Thank you for the email and information. I have also shared your email with zoning staff.

---

Thanks,

Denise Archibald

Management Assistant II, License Services Supervisor

City Clerk Department - City of Phoenix

Ph: 602.262.7003

Fax: 602.495.0783

License Services Office Phone: 602.262.4638

License Services Web Site: [www.phoenix.gov/licenseservices](http://www.phoenix.gov/licenseservices)

This message may contain confidential information and is intended only for the individual or entity to whom it is addressed. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS EMAIL: You should not disseminate, distribute or copy this e-mail, and it is requested that you please notify the sender immediately by e-mail reply and delete the email from your system. IF YOU ARE THE INTENDED RECIPIENT OF THIS EMAIL: The information provided may contain confidential information that is not to be made available to third parties or used for purposes other than those related to your regular work functions.

---

**From:** Kevin Kendall [<mailto:kkendall@avondale.org>]

**Sent:** Monday, February 05, 2018 1:38 PM

**To:** Denise Archibald <[denise.archibald@phoenix.gov](mailto:denise.archibald@phoenix.gov)>

**Subject:** FW: Structured Sober Living Home - Update on proposed licensing program and draft ordinance

Phoenix is failing its residents by allowing impacts and degradation of our residential neighborhoods.

Per the City of Goodyear Zoning Regulations (attached): All single family zoned shall have 2 covered parking spaces, and Assisted Living Homes employees and residents are required to park on site, in a garage or approved driveway.

Kevin Kendall

13445 N Coral Gables Drive

**From:** Kevin Kendall [<mailto:krkemail@yahoo.com>]

**Sent:** Monday, February 05, 2018 10:02 AM

**To:** Kevin Kendall <[kkendall@avondale.org](mailto:kkendall@avondale.org)>

**Subject:** Re: Structured Sober Living Home - Update on proposed licensing program and draft ordinance

The assesment that assisted living homes do not have a high volume of traffic is incorrect, which is why Goodyear requires sufficient off street parking. This is the parking in front of the assisted living home next door to me at 13435 N Coral Gables Drive. There are allways, 24/7 , vehicles parked in front of the assisted living home because the driveway only accommodates 2 vehicles and the garage has been turned into 4 bedrooms..





[Sent from Yahoo Mail on Android](#)

On Mon, Feb 5, 2018 at 7:59 AM, Kevin Kendall

[<krkemail@yahoo.com>](mailto:krkemail@yahoo.com) wrote:

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

**From:** "Denise Archibald" [<denise.archibald@phoenix.gov>](mailto:denise.archibald@phoenix.gov)

**To:**

**Cc:**

**Sent:** Fri, Feb 2, 2018 at 9:32 AM

**Subject:** Structured Sober Living Home - Update on proposed licensing program and draft ordinance

Good Morning Working Group Committee Members!

I wanted to take a moment to send an update on the status of the proposed licensing program and draft ordinance for structured sober living homes.

Since our last meeting and based on the City Council's direction at the December 13<sup>th</sup> Council Meeting, staff has been working on developing a proposed licensing program and related draft ordinance for structured sober living homes, including proposed minimum operation and supervision standards. A summary of the proposed licensing program and copy of the initial draft ordinance will be released to the working group committee and a broader list of stakeholders early next week. Once these are made available to all next week, License Services will open an input period where licensing staff will collect input from stakeholders related to the proposed licensing program and initial draft ordinance. Input will be received through email, phone, and stakeholder meetings, including the upcoming scheduled Feb. 16<sup>th</sup> working group committee meeting and at least one other broader stakeholder group meeting in February. After receiving public input in February, staff will make adjustments to the proposed program and draft ordinance, as needed and a final proposed licensing program and draft ordinance will be released to the stakeholders, prior to the item going to City Council in March.

I hope this information is helpful. Please do not hesitate to contact me if you have any questions or concerns at this time.

---

Thanks,

Denise Archibald

Management Assistant II, License Services Supervisor

City Clerk Department - City of Phoenix

Ph: 602.262.7003

Fax: 602.495.0783

License Services Office Phone: 602.262.4638

License Services Web Site: [www.phoenix.gov/licenseservices](http://www.phoenix.gov/licenseservices)

This message may contain confidential information and is intended only for the individual or entity to whom it is addressed. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS EMAIL: You should not disseminate, distribute or copy this e-mail, and it is requested that you please notify the sender immediately by e-mail reply and delete the email from your system. IF YOU ARE THE INTENDED RECIPIENT OF THIS EMAIL: The information provided may contain confidential information that is not to be made available to third parties or used for purposes other than those related to your regular work functions.

## Racelle Escolar

---

**From:** David Urbinato  
**Sent:** Friday, February 16, 2018 9:18 AM  
**To:** Racelle Escolar; Tricia Gomes; Joshua Bednarek; Alan Stephenson; Paul M. Li  
**Cc:** Dawn Gingerich  
**Subject:** TA Response from Arizona Assisted Living Homes Association.

Please see below the response to the TA draft from Gaile Dixon, President of the Arizona Assisted Living Homes Association.

David Urbinato  
Management Assistant II  
Phoenix Planning and Development Department  
602-534-3630

**From:** Gaile Dixon [mailto:president@aalha.org]  
**Sent:** Friday, February 16, 2018 8:53 AM  
**To:** David Urbinato <david.urbinato@phoenix.gov>  
**Subject:** Phoenix Text Amendment

February 16, 2018

David Urbinato  
Management Assistant II  
Phoenix Planning and Development Department

Dear David:

Thank you for the opportunity to comment on the latest draft of the Phoenix Text Amendment Working Committee. We have had an opportunity to review the latest draft of the Text Amendment, and it does not appear that Assisted Living Homes in Phoenix will be negatively impacted, except for the 1320-foot separation in which Sober Living Homes will now compete with Assisted Living Homes for the same space. I do have a couple of questions for clarification, and a couple of grammar corrections.

Page 4: 1320-foot separation. We understand that this separation is necessary to be consistent between Assisted Living Homes and Sober Living Homes. It is important to note that under this Text Amendment, Assisted Living Homes will be competing with Sober Living Homes for that 1320-foot separation. In the future, as the need for single family Assisted Living Homes increase, a shortage of available Assisted Living Homes may exist to accommodate the increased need. This separation may need to be revisited in the future.

Page 8: Clustering: We do not understand the graphic. If the "Existing Community" is colored yellow, and the not-permitted community residence is colored red, do the properties above the existing community, not colored red, represent the 1320-foot separation?

Page 9: Under Disability Accommodation Requests, and Disability Accommodation Committee: The first sentence in each of these paragraphs should read either *There have been concerns*, or *there has been concern*. The subject needs to match the verb.

Page 9: Line 3, Should it read ...by *spacing* the uses apart?

Page 9 v. Page 16, On page 9, it states that if no decision is made within 60 days, the Director will make the decision. On page 16, the Director may make the decision. Not consistent.

Page 10: Conclusions line 12. I believe the proper word is *affected*, not effected.

Page 12: Definition of Community Residence Home: States that “...*staff which provides on-site care*... If Community Residence Home includes both Assisted Living and Sober Living, does that phrase mean sober living homes provide on-site care? Also, our assisted living homes do not attempt to integrate our residents into the surrounding community. Our primary purpose is to provide 24-hour care rather than shelter. We do, of course, provide shelter, but it is the care that is our primary function. This definition, in many respects, appears to define sober living homes and is not appropriate to assisted living homes. For example, while the definition of Community Residence Home states that the Home is for those who are “in need of the mutual support furnished by other residents of the community”, our Assisted Living Homes provide social interaction, and will not ever be self-governing. The primary purpose of a Sober Living Home and that of an Assisted Living Home are completely different.

Page 37: 3a. Very confusing.

Disability Accommodation: This is confusing. It appears to say that the Director’s designee may administratively approve a disability accommodation spacing request provided there are not more than 5 Homes or Centers within a ½ mile area. What happened to the 1320-foot restriction?

Page 39: Is Disability Accommodation only available to Sober Living Homes? Or is it also available to Assisted Living Homes?

Again, thank you for the opportunity to comment.

Respectfully,

--

Gaile Perry Dixon  
President  
Arizona Assisted Living Homes Association

## Racelle Escolar

---

**From:** leslieg@cox.net  
**Sent:** Friday, February 16, 2018 3:39 PM  
**To:** David Urbinato  
**Cc:** Council District 6 PCC; Council District 1 PCC; Council District 2 PCC; Council District 3 PCC; Council District 4; Council District 5 PCC; Council District 7 PCC; Alan Stephenson; Racelle Escolar  
**Subject:** RE: Group Home Zoning Ordinance Text Amendment Update

Hi David -

I will not be attending the Working Group Meeting today since the report is completed and will be/has been submitted to the Council as is. However, I do have the following concerns which I will voice at Council. For those council offices receiving this email, I have direct experience with sober living homes and would be happy to discuss these concerns with you at your convenience. My comments reflect my concerns, as well as those of several Sober Home operators. I am not a sober home operator.

Please include these comments in the record.

1. Spacing. **The use of a block front is a poor proxy for distance.** There are many streets in my neighborhood along which are longer and 1320 feet and are one block front. We should have ONLY one measurement.
2. Spacing. **Spacing does not reflect density.** The ¼ mile requirement in a 4 du/ac works out to about 1 group/structured sober home per 1,000 homes ...or about 5 people per 265,000 (using Phx HH sizes). This is substantially below the 26.5 people per 1,000 that suffer from addiction (12% of the U.S. population according to the American Society of Addiction Medicine estimates). So assuming less than half of those addicted were to be in sober homes; we are intentionally creating a situation where we will never be able to meet need and we are keeping people on the street. In a denser neighborhood either the spacing should be reduced or a proxy for neighborhoods with densities of more than 6 du/ac that is based on should be provided. density (For example 6 group homes per 1,000 dwelling units that could include limits on the number of sober homes that could be located in one structure/development) This way those who are in recovery and need access to transit and walkable communities for jobs and services would have options.
3. Parking. **This is blatantly discriminatory and should be removed.** Where is the study that shows structured sober homes have more cars than households? I would recommend that the city conduct such a study prior to including this. It would conduct a similar study if it were to regulate single family homes similarly. What about the household with two children over 16? Or the car collector? What about people with cars and RVs?
4. The clerk's licensing still has a fingerprinting requirement for managers. **Fingerprinting for managers should be removed.** I have had extensive discussions with the clerk's office. It simply does not understand why this is important. There is no evidence that arson, sex trafficking or any of the other crimes they are checking for are associated with sober living managers or sober homes at a higher rate than the rest of the population (I would hazard a guess that these occur at lower rates than single family homes and other types of developments). Comparing sober homes to topless establishments where fingerprinting is required because sex trafficking and other types of crimes are found at a higher rate **IS NOT** be justified because we don't have any statistics to support it...In fact, at a recent presentation on sober home legislation the PV Town Attorney found crime and neighborhood disturbances occur at a LOWER rate in sober homes than other homes in the community. Fingerprinting will discourage managers and make it even harder to legally operate a structured sober home. The result will be sober homes that operate illegally. It will cost the city more in code enforcement than it's worth.

Thank you.

Leslie Dornfeld

**From:** David Urbinato [mailto:david.urbinato@phoenix.gov]  
**Sent:** Thursday, February 1, 2018 10:08 AM  
**Subject:** Group Home Zoning Ordinance Text Amendment Update

Group Home Working Committee members, greetings and Happy New Year.

I'm writing to share a completed staff report on the proposed Text Amendment to the Phoenix Zoning Ordinance related to group homes. To give you an opportunity to ask questions and provide input on the attached report and draft ordinance language, we have scheduled a full Group Home Working Committee meeting on Friday, Feb. 16 from 3:30 to 5:30 in the Assembly Rooms of Phoenix City Hall, 200 W. Washington St. We moved the meeting start time up 30 minutes to allow you to wrap a bit earlier on a Friday.

City Clerk staff also will be present at this meeting to provide an overview and answer questions about a draft Licensing program.

I will send a confirmation e-mail the week of the meeting; please update your calendars accordingly in the meantime. As always, do not hesitate to contact me if you have questions.

David Urbinato  
Management Assistant II  
Phoenix Planning and Development Department  
602-534-3630

## NEIGHBORHOOD COALITION OF GREATER PHOENIX (NCGP)

February 16, 2018

Alan Stephenson  
Planning & Development Director  
City of Phoenix  
200 W. Washington Street, 3<sup>rd</sup> Floor  
Phoenix, AZ 85003-1611

SUBJECT: Final Reminder – 2/16/18 Group Home Working Committee Meeting

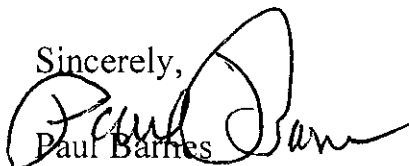
Dear Alan:

It is our understanding that the subject meeting will be focusing on the draft ordinance to regulate the licensing of Structured Sober Living Homes. The NCGP's initial review of this ordinance is favorable. We need further input from major stakeholders before reaching final conclusions.

The main purpose of this letter is to respectfully request that you or whoever is conducting the subject meeting on your behalf, distribute this letter and Wally Graham's 2/15/18 email included herewith to all attendees at the subject meeting, including City Staff members.

NCGP supports the comments contained in the three page TAP Position Paper. We are particularly supportive of the changes to the Reasonable Accommodation Committee ("The Committee") TAP is advancing at the top of page 2. The committee currently being proposed by staff is stacked against single family neighborhoods. The concern on the part of single family neighborhoods about the staff proposed makeup of The Committee is not driven by discrimination. It is driven by the desire of these neighborhoods to push back against the proliferation of units that are inhabited by paying, non-blood related inhabitants plus paid staff that by any objective analysis would reasonably be considered commercial in character,

Sincerely,



Paul Barnes

Neighborhood Coalition of Greater Phoenix

cc: Wally Graham - TAP  
Neal Haddad – NCGP



## Position Paper

Take Action Phoenix (TAP) is a group of neighborhood leaders committed to the preservation of our neighborhoods. We work on issues that create impacts to our neighborhoods, advocating for change or improvements in order to maintain neighborhood integrity.

**Context:** For the last year, Take Action Phoenix has worked closely with the City of Phoenix, group home operators, and others to address issues that have arisen with group homes that operate within residential neighborhoods. As a result of the work of the Group Homes Committee, the city is making significant changes to its zoning ordinances and other processes that make group homes safe for residents of the home, and safe for the neighborhoods where the homes are located.


In the staff report from the city, Take Action Phoenix is in support of:

- All group homes and sober living homes with 6-10 residents will now be called Community Residence Homes.
- The new definition of a Community Residence Center is a location that will house 11 residents or more.
- The new distinction between a Community Residence Home and Community Residence Center is based on the number of residents.
- Group homes and boarding homes with more than 5 residents will only be allowed to operate in multi-family zoning districts.
- New parking standards to require a minimum of four parking spaces for sober living homes.
- 1320-foot separation and interpretation for both community residence homes and community residence centers.
- Discouraging clustering and the interpretation of Block Face.
- Portions of Reasonable Accommodation **Process** to include (see P.4 of Exhibit A).
  - The party or occupants of the home for which the request is made are required to demonstrate they are or the residents of the proposed home are individuals with disabilities as defined by zoning ordinance.
  - Public notice.
  - Written public input (see below for concerns).



In the staff report from the city, Take Action Phoenix is not in support of (or has concern with):

- The proposed Reasonable Accommodation Committee is biased and does not fairly represent the neighborhoods (see P. 5 of Exhibit A). TAP suggests a *representative* from the Planning and Development department, Neighborhood Services department, and the Equal Opportunity department serve only as non-voting, consulting members. Further, an additional neighborhood representative should be added and all three voting members will be selected by the City Council. Currently it is proposed that Council members can remove the voting members. The vote of the three members will be the final decision. If any party objects to the final decision, they will be afforded the opportunity to protest to the City Council for a council vote.
- Some of the language used is unclear or does NOT belong:
  - P. 1 of the Staff Report does not state clearly that this ordinance *does not* include zoning restrictions for families of 1-5 residents. TAP feels a statement to this effect would help clarify that the ordinance does not impact families of 1-5.
  - P.2 of the Staff Report may want to add a line that addiction is considered a disability.
  - P.3 of the Staff Report needs to clarify the definition of a Block Face to more appropriately match the diagram outlined on P.8 of the Staff Report e.g., add additional language (see below).
  - P.4 of the Staff Report under 'Structured Living Home' – TAP would like the words "typically ambulatory" to be changed to "ambulatory".
  - P.5 of the Staff Report (last sentence) add greater 'than' five....
  - P.9 of the Staff Report (3<sup>rd</sup> sentence) change 'space' to 'spacing'.
  - P.1 of Exhibit A – under Block Face – add in (abutted and both sides).
  - P.2 of Exhibit A – middle of 3<sup>rd</sup> paragraph - what is a 'sponsoring entity'?
  - P.2 of Exhibit A – last paragraph and last sentence – has a double negative (not...not....) needs to be re-written.
  - P.5, Under "311 Disability Accommodation Committee", Part A, #3 and #4 refer to Community Residence Centers (11 or more residents) and thus do NOT belong in the Reasonable Accommodation request, and should be removed.
- Oxford Homes that are sanctioned by Congress and currently do not operate in Arizona, however, this may change. TAP would like clarification on who does the annual inspection of these homes and who verifies they are in compliance. If no such entity is doing this, TAP recommends these types of homes also be licensed by the City of Phoenix (see P. 3 of Exhibit A).

- 
- How is the word "relevant public input" being defined in the reasonable accommodation process? Who determines what is relevant? (see P.4 of Exhibit A).
  - No maximum requests for a space reasonable accommodation within the ½ mile is provided. TAP suggest no more than ONE special request in a ½ mile radius be allowed to submit a reasonable accommodation request.
  - No mention of how the public maps will be made available to the public (see P.9 of Staff Report).
  - No discussion of the procedure that will be followed for existing and operating group homes (a.k.a.community residential homes) that may be residing in an area that requires a reasonable accommodation request. Will they be grandfathered in?

**Your actions:** Take Action Phoenix asks that the Village Committee consider this, and when voting, vote in favor of this, only with the stipulation that the changes we are requesting are considered at both the Planning Commission and with the City Council. Only then does Take Action Phoenix feel that these new changes will guard and protect the integrity and character of our Phoenix Neighborhoods.

Thank you.

[www.takeactionphoenix.com](http://www.takeactionphoenix.com)

<https://www.facebook.com/Take-Action-Phoenix-1875248946095564/>



**\*UPDATE\* As of 02-19-2018**

**Take Action Phoenix has updated its position on this proposed text amendment as a result of clarification by the City staff during a meeting on 2/16/2018. What follows is our new position.**

Take Action Phoenix (TAP) is a group of neighborhood leaders committed to the preservation of our neighborhoods. We work on issues that create impacts to our neighborhoods, advocating for change or improvements in order to maintain neighborhood integrity.

**Context:** For the last year, Take Action Phoenix has worked closely with the City of Phoenix, group home operators, and others to address issues that have arisen with group homes that operate within residential neighborhoods. As a result of the work of the Group Homes Committee, the city is making significant changes to its zoning ordinances and other processes that make group homes safe for residents of the home, and safe for the neighborhoods where the homes are located.

In the staff report from the city, Take Action Phoenix is in support of:

- All group homes and sober living homes with 6-10 residents will now be called Community Residence Homes.
- The new definition of a Community Residence Center is a location that will house 11 residents or more.
- The new distinction between a Community Residence Home and Community Residence Center is based on the number of residents.
- Group homes and boarding homes with more than 5 residents will only be allowed to operate in multi-family zoning districts.
- New parking standards to require a minimum of four parking spaces for sober living homes.
- 1320-foot separation and interpretation for both community residence homes and community residence centers.
- Discouraging clustering and the interpretation of Block Face.
- Portions of Reasonable Accommodation **Process** and Disability Accommodation Committee to include (see P.4 of Exhibit A).
  - The party or occupants of the home for which the request is made are required to demonstrate they are or the residents of the proposed home are individuals with disabilities as defined by zoning ordinance.
  - Public notice.
  - Written public input (see below for concerns).

Take Action Phoenix supports the Disability Accommodation Committee as recommended in the staff report:

- The proposed Disability Accommodation Committee should consist of 5 voting members, and better represent the neighborhoods by including a representative from the neighborhoods and also the Sober Living Home industry.
- Some of the language used is unclear or does NOT belong:
  - P. 1 of the Staff Report does not state clearly that this ordinance *does not* include zoning restrictions for families of 1-5 residents. TAP feels a statement to this effect would help clarify that the ordinance does not impact families of 1-5.
  - P.2 of the Staff Report may want to add a line that addiction is considered a disability.
  - P.3 of the Staff Report needs to clarify the definition of a Block Face to more appropriately match the diagram outlined on P.8 of the Staff Report e.g., add additional language (see below).
  - P.4 of the Staff Report under 'Structured Living Home' – TAP would like the words “typically ambulatory” to be changed to “ambulatory”.
  - P.5 of the Staff Report (last sentence) add greater 'than' five....
  - P.9 of the Staff Report (3<sup>rd</sup> sentence) change 'space' to 'spacing'.
  - P.1 of Exhibit A – under Block Face – add in (abutted and both sides).
  - P.2 of Exhibit A – middle of 3<sup>rd</sup> paragraph - what is a 'sponsoring entity'?
  - P.2 of Exhibit A – last paragraph and last sentence – has a double negative (not....not....) needs to be re-written.
  - P.5, Under “311 Disability Accommodation Committee”, Part A, #3 and #4 refer to Community Residence Centers (11 or more residents) and thus do NOT belong in the Reasonable Accommodation request, and should be removed.
- How is the word “relevant public input” being defined in the reasonable accommodation process? Who determines what is relevant? (see P.4 of Exhibit A).

**Your actions:** Take Action Phoenix asks that the Village Committee vote in favor of the text amendment as recommended by City staff with consideration of minor edits and comments suggested above.

Thank you.

[www.takeactionphoenix.com](http://www.takeactionphoenix.com)

<https://www.facebook.com/Take-Action-Phoenix-1875248946095564/>



Date: February 22, 2018

To: City of Phoenix

On behalf of the members of AzRHA, this document outlines our position on the proposed requirements by the City of Phoenix.

In summary, these requirements are a violation of Federal Fair Housing and ADA and a deliberate attempt by the City of Phoenix and a neighborhood organization called TAP to impose illegal regulations on sober living operators and their residents. A scheme that will leave thousands of disabled people with no place to go and will render sober living homes economically unfeasible and operationally impractical. The actions proposed by the City of Phoenix will result in a public safety crisis and will nearly eliminate access to housing for those in recovery from substance abuse disorders (SUD) in Phoenix.

It has been stated several times that the good operators of sober living homes have nothing to fear. The City has been disingenuous in making this statement. These policies will cause many homes to shut down and significantly impact the operator's ability to operate. There are several violations, below are just a few examples of the City's and TAP's efforts to disguise discrimination through licensure and eradicate sober living homes from Phoenix.

1. The Fees proposed by the City will put many operators out of business which we believe to be the intent. AzRHA has communicated on several occasions the fee structure which is approximately \$150 per year per operator. Sober living homes are considered affordable housing. The fees would have to be passed onto the residents in which this housing for the disabled would no longer be affordable.
2. Five years with no dangerous felonies on record. Many people who are employed in sober living environments are in the process of rebuilding their lives. Not all felons are bad people but this requirement essentially marks them as "unemployable" regardless of how they are doing in their newly restored life.
3. GED requirement. This requirement has nothing to do with the ability to manage a home of individuals recovering from SUD being able to add or spell has very little to do with helping people in recovery from addiction.
4. Owing delinquent fines, fees or taxes. How does this requirement improve the safety of the home if that is the intent? Most people that have been in trouble or incarcerated at some point in time have owed money and are generally making financial amends. For some people that may take a long time due to amount that is owed and, in many cases, can take years to pay off. This should not be something that will disallow a person's

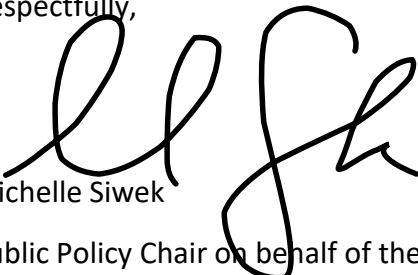
ability to manage a home.

5. Parole or probation. This requirement will significantly impact the operator's ability to hire. This is also a discriminatory practice because, as already mentioned, some individuals in recovery have been in trouble with the law and as a result have convictions. Prosecuting them for doing what the court ordered is discriminatory practice as they should have an equal right for employment in a sober living home. These individuals should not be classed as "unemployable". This requirement would make it impossible for them to get licensed for management.
6. As it relates to the zoning department registration; a public registry is a violation and that is essentially what the City has created with their registration process. Privacy is of the utmost importance and needs to be kept from public access and scrutiny. Targeting has already occurred by neighborhood organizations and the City is aware of this.
7. The Reasonable Accommodation Committee is a deliberate effort to rid neighborhoods of sober living homes. The current reasonable accommodation process is supported by AzRHA but not the proposed committee and AzRHA absolutely opposes a TAP member on the committee.
8. 24/7 awake staff requires approximately 4.2 full time employees to staff one property at all times. 24/7 coverage is a requirement of behavioral health institutions, elderly care homes and not sober living homes. This will create excessive payroll resulting in many operators closing their doors. Most operators have one manager that lives on site. If the home survives, the cost will be passed onto residents and the housing is no longer affordable housing to residents.

These are just a few of the most egregious proposed policies. As cited before, and in several working meetings over the last several months, AzRHA has firmly stated that sober living homes should be treated like any other family in single family neighborhoods and unless the City plans to implement these policies across all families, the City is incorrect in their attempt to implement these policies on a protected class.

Again, the proposed regulations will leave thousands of disabled people with no place to go and will render sober living homes economically unfeasible and operationally impractical. The actions proposed will result in a public safety crisis and will nearly eliminate all access to housing for those in recovery from substance abuse disorders, not to mention being in the middle of a deadly opioid epidemic.

Respectfully,



Michelle Siwek

Public Policy Chair on behalf of the Membership of the AzRHA, Arizona Recovery Housing Association