



**CITY OF SCOTTSDALE
NEIGHBORHOOD ADVISORY COMMISSION
REGULAR MEETING
MINUTES**

WEDNESDAY, FEBRUARY 23, 2022

MEETING HELD ELECTRONICALLY

PRESENT: William James, Chair
Rachel Putman, Commissioner
Larry Hewitt, Commissioner
Louise Lamb, Commissioner
Carol Miraldi, Commissioner
Bridget Schwartz-Manock, Commissioner

ABSENT: Jonathan Budwig, Vice Chair

STAFF: Adam Yaron, Commission Liaison
Brandon McMahon, Associate Planner
Alyssa Yanez, Code Enforcement Manager
Rick Valenzuela, Code Enforcement Supervisor
Greg Bloomberg, Project Coordination Liaison

Call to Order/Roll Call

The meeting of the Neighborhood Advisory Commission was called to order at 5:03 p.m. A formal roll call was conducted, confirming members present as stated above.

Public Comment

No comments were submitted.

1. Approve Draft Summary Meeting Minutes January 26, 2022

Chair James called for comments/corrections. There were no corrections.

COMMISSIONER LAMB MOVED TO APPROVE THE MINUTES OF THE JANUARY 26, 2022, MEETING AS PRESENTED. COMMISSIONER HEWITT SECONDED THE MOTION, WHICH CARRIED SEVEN (6) TO ZERO (0) WITH CHAIR JAMES AND COMMISSIONERS PUTMAN, HEWITT, LAMB, MIRALDI, AND SCHWARTZ-MANOCK VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES.

2. Code Enforcement program

Alyssa Yanez, Code Enforcement Manager, provided an overview of the Code Enforcement Program and organization chart. The purpose is to keep neighborhoods and commercial properties free of unsightly hazards and blight and to prevent deterioration within the community. Examples of code enforcement conditions and topics were reviewed, including: Property maintenance; deterioration; public nuisance; enforcement of the Uniform Housing Code; construction activity regulation. Common code violations include: Uncultivated growth in desert landscaping; prohibited sign placement; right-of-way obstructions; tall grass, weeds and overgrown vegetation; graffiti, maintenance of adjacent right-of-way, short term vacation rental. Staffing details for the Code Enforcement Department and officer locations were discussed.

Chair James asked about a typical timeline for the enforcement process. Ms. Yanez stated that every case is unique and there is flexibility regarding timing and extensions. Typically a resident makes a complaint or an inspector identifies an issue. Complaints are logged, opened cases are given a case number and cases are associated by property address. Cases are assigned to a code inspector, with inspections typically performed same-day. Violations result in a notice of violation with a typical compliance time frame of seven to ten days. Abatement notices are provided in cases where violations are corrected with the use of a contractor. There are subsequent re-inspections. If violations remain, the City may proceed with progressive enforcement. Citations and fine structures were reviewed. There are avenues for providing assistance to residents experiencing financial hardship or physical limitations.

Ms. Yanez provided an overview of case statistics, including over 12,000 cases and approximately 20,000 inspections and over 6,000 notices. Less than one percent result in civil citations. Other performance metrics were discussed.

In response to a question from Chair James, Ms. Yanez confirmed that the Code Enforcement Department is the repository of contact information provided by homeowners for code enforcement issues. Methods for contacting the department and staff roles were discussed.

Commissioner Lamb noted the change from residents moving trash to the front of their homes and away from the allies and asked whether the transition has gone smoothly. Ms. Yanez stated responsibility for maintenance of the allies is shared between the two adjacent property owners. Maintenance continues to be required in the allies. Mr. Yaron added that day-to-day trash pick-ups are in the front of the homes and bulk pick-up is in the allies.

Commissioner Lamb inquired about habitual offenders. Ms. Yanez stated that the goal is voluntary compliance. Conversations with owners including stressing the responsibilities of the homeowners. Repeat violations are subject to civil citations.

In response to a question from Commissioner Putman, Ms. Yanez clarified that inoperable vehicles are handled by the police department.

In response to a question from Commissioner Lamb. Ms. Yanez stated that staff welcomes the opportunity to attend community meetings.

3. 1-TA-2022: Care Homes Text Amendment

Mr. Yaron noted that no public comments had been received for this item.

Greg Bloomberg, Project Coordination Liaison, stated that this item is a request to initiate a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for the purpose of amending Article I. Section 1.806 (Disability Accommodations), Section 1.920 (Request for Disability Accommodation), Section 3.100 (Definitions), Sections 5.012 and 5.102 (Use Regulations/Use Table) and any other applicable sections, to modify the provisions specifying consideration of a disability accommodation request clarifying the care home definition and updating other related definitions and procedural information. The proposed change includes amendment of the definition of a care home.

The current definition a care home is a single family residence used for the care of individuals with greater than six but less than ten residents. Up to six individuals housed in a home are considered a family unit. Single family housing regulations limit regulation for what occurs in a single family residence. The proposed change to the definition will state that if there are six or fewer people living in the residence, it will be treated as a single family residence and not be subject to any separation criteria or zoning regulations, even if it is licensed for care.

An applicant may request a disability accommodation from a development standard or separation requirement if the standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Scottsdale. The zoning administrator may administratively approve up to a ten percent modification of a development standard or separation requirement upon finding that such a modification will further the policies contained in the Arizona and Federal Fair Housing laws and the Americans with Disabilities Act. All other requests for disability accommodation shall be submitted to the Board of Adjustment as a request for disability accommodation. Accommodations must go to the Board of Adjustments for approval and this requirement is being amended slightly for the disability accommodation.

A criteria is being added, the minor disability accommodation, which will be a ten percent or less change to any of the zoning criteria for care homes. This can be approved administratively through the zoning administrator without the need to go to the Board of Adjustments. This will reduce the number of applicants who go through the 45- to 60-day process for approval. The criteria for this amendment are still being vetted by the City's legal department.

Mr. Bloomberg provided a brief summary of the upcoming steps in the public outreach and approval process.

Commissioner Lamb requested clarification on the notification process, specifically whether notification is provided to those in the vicinity or in the entire City. Mr. Bloomberg clarified that this a City-wide change. Outreach will include open houses, advertising and a number of other methods.

Commissioner Schwartz-Manock asked about the impetus behind the changes. Mr. Bloomberg noted that addiction is treated as a disability by disability legislation as well as the Federal Fair Housing Act. When the care homes text amendment was originally created, Silver Homes were not being licensed. This has since changed. The City seeks to address this change in its ordinance. The City was also legally challenged by a citizen who was concerned about discrimination for care homes with less than six residents.

In response to a question from Commissioner Lamb, Mr. Bloomberg stated that a care home is not the same as a group home. A group home is simply a group living condition for individuals either related or unrelated with no caregiving aspect. These are not permitted in single family zoning (when in a group of ten or more), per Scottsdale ordinance.

In response to a question from Commissioner Schwartz-Manock, Mr. Bloomberg stated that he could provide statistics as to the number of care homes in the City subsequent to the meeting. Historically, there have been concerns expressed by residents, particular regarding the stigma surrounding Silver Homes. However, the fire department indicates that they have had no significant calls for service for any of the care home types.

4. IDENTIFICATION OF FUTURE AGENDA ITEMS

Commissioner Putman requested a discussion regarding having another event with Operation Fix-It. Commissioner Schwartz-Manock added that it would be interesting to receive updates and photographs of past projects. Mr. Yaron stated that grant proposals will be coming before the Commission for consideration at next month's meeting. Staff would be happy to provide before and after information on past projects.

5. Staff Updates

Mr. Yaron stated that the presentation to City Council for the recognition of Spirit of Scottsdale awards will take place on March 1st. The next Commission meeting is March 23, 2022.

6. Adjournment

With no further business to discuss, being duly moved by Commissioner Hewitt and seconded by Commissioner Miraldi, the meeting adjourned at 6:11 p.m.

: Chair James, Commissioners Lamb, Hewitt, Miralda, Putman and Schwartz-Manock.
NAYS: None

eScribers, LLC