

## MINUTES

### Board of Directors Regular Monthly Meeting

Thursday, **May 4, 2017**, 5:30 p.m.

Prince of Peace Church Room 14

3641 N, 56<sup>th</sup> Street (at Indian School Road)

**Call to Order & Roll Call:** Meeting was called to order at approximately 5:30 p.m.

**Board Member Attendance:** Karen Beckvar, Marvin Borsand, Patricia Dietz, Dan Drake, Jerry Eisen, Brian Flader, Sally Geyer, Jody Moman, Claudia Richardson, Marilyn Miller Schmidlin, Tristahn Schaub, Craig Steblay, Courtney Sucato, Tom Thomas, Joan Warne

**Excused Absences:** Paul Roshka, Jerry McKenna, Karen Magnino, John Stofko

**Absent:** Tracy Wadas, David Gordon

**Neighbors & Guests in Attendance:** Patrick Holloran, Lisa Binsfeld, Linda Bair, Jim D'Ambrosio, Bill Holman, Steve Pollock, Jeff Kism, Jay Swart, Cat Bendure, Joe Longo, Karen Longo, Anna Mae Fritz, Margaret Jackson, Cathy Comellaro, Christine Scown, William P Schrader, Ann Brown, Wally Graham (Arcadia Osborne Neighborhood Association), Sandra Hoffman (City of Phoenix Planning Department), Sam Stone (Councilman DiCiccio's Office)

### **Group Homes – General Discussion**

Ms. Sandra Hoffman, Deputy Director of the City Planning Department began the discussion by noting the interest of Housing and Urban Development and the Department of Justice in enforcing the Fair Housing Act and preventing and remedying discrimination in housing. Under federal law cities must make reasonable accommodations for diverse housing, and may not impose requirements on one group or class that are more stringent than those on the public. DOJ and the Arizona Attorney General's Office have sued communities with ordinances designed to preclude group homes (homes of six or more unrelated persons) in certain areas. DOJ threatened to sue the City over its ordinance that precluded group homes from locating within 1,320 feet of one another. As a result, and under the guidance of the City Attorney, in 2015 the planning department ceased enforcement of the entire ordinance regulating group homes.

A neighbor asked why the City Planning Department dropped enforcement of the entire ordinance, and now was presenting a complex text amendment to the ordinance, rather than inserting an appeal process that could seek to reach a reasonable accommodation when necessary. Instead of a simple fix, the East Village Planning Commission was presented with a 57-page text amendment just before a recent meeting with a request to approve it at the meeting. Understandably, the Commission tabled the proposal because it did not have time to give it adequate consideration.

Another neighbor pointed out that out of state developers presented nearly identical applications for group homes at 5528 and 5529 Calle Tuberia at the same time and had them approved by the same official in the planning department despite the fact the two homes are across the street from one another. The homes are also located on a small cul-de-sac with a total of six homes, thus converting a third of the homes on the cul-de-sac to group homes. By its action, or inaction, the City was foisting the burden of enforcing zoning or CC&Rs onto the citizens, according to the neighbor.

Another neighbor asked why, in such a circumstance, the city could not decline the applications and face the potential likelihood of creating an accommodation or a suit, putting the burden of the developers instead of the private citizens.

Another neighbor pointed out that the developers were on notice of the 1,320-foot limitation in the ordinance, which was still on the books. The developers could not claim lack of notice and would be hard pressed to assert they were acting in good faith submitting the applications.

Another neighbor suggest that homeowner's might have a cause of action against the City as its failure to enforce existing ordinances resulted in a diminution of property values.

Another neighbor asked how the City Attorney could direct a City department to refrain from enforcing city ordinances without some action by the City Council.

Another neighbor suggested filing a petition with the City Council with draft language of a resolution directing enforcement of the 1,320-foot limitation, thereby preventing a situation like that on Calle Tuberia. Indeed, there are currently six homes for sale within a half mile radius in Arcadia, according to the neighbor. This situation could happen again.

A motion was made and seconded to submit a petition to the City Council meeting on May 10, 2017, with a draft resolution calling for enforcement of the 1,320-foot limitation, supported by an excellent position paper drafted by Ms. Dietz. The motion was approved unanimously.

A second motion was made and seconded to submit a petition to the City Council meeting on May 10, 2017, with a draft resolution calling for retroactive enforcement of the 1,320-foot limitation on group homes, and unanimously approved.

**Minutes of April 6, 2017, Board Meeting:** (Karen Magnoni was out of town; Craig Steblay called the question based on the minutes distributed with the May agenda)

A motion was made and seconded to approve the minutes of the April 6, 2017, Board Meeting, and unanimously approved.

**Finance Committee:** (John Stofko was out of town; Craig Steblay called the question based on John's written report distributed via email in advance of the meeting)

A motion was made and seconded to approve the treasurer's report, and unanimously accepted.

Prior to the meeting, Mr. Stofko submitted an update on the outputs from an April 26, 2017, subcommittee meeting suggesting some approaches ACMNA could pursue to raise funds to cover legal costs in the event legal advice or services were needed to confront commercial developments or City action or inaction in the Association area.

**Events Committee Report:** Brian Flader

Mr. Flader reported on the upcoming Fourth of July Arcadia Neighborhood Parade. It should go off as scheduled.

Mr. Flader also announced that the fall G.A.I.N. (Get Arizona Involved in Neighborhoods) event is scheduled October 28, 2017. He also briefly discussed the proposed budget for that event, likely to be co-hosted with the Arcadia Osborne Neighborhood Association.

**Preservation Committee Report:** Tristahn Schaub

Mr. Schaub reported on the property at 44<sup>th</sup> Street and Monterosa [NEC] that had proposed converting to business use was now considering residential use. Mssrs. Schaub and Steblay

walked the ground and later challenged the developer's calculations justifying onsite parking for six as part of commercial use.

Mr. Schaub also reported that recently he had been called by a resident and asked about what the resident could do and remain within Code. Mr. Schaub stressed that there were several simple changes and compromises available to those wishing to build or remodel and stay within Code. He welcomed being engaged early in the process as opposed to later after expensive plans were drawn or construction started.

Mr. Schaub announced that the next planned Camelback Road Clean-up is set for November 4, 2017. He proposed a new routing of residents to facilitate the clean-up and enhance the safety of volunteers, including signage advising motorists of the clean-up and urging caution. His plan met with unanimous approval.

He then turned to the 56<sup>th</sup> Street Committee. The committee has applied for a Proposition 202 grant and plans to apply for a Maricopa Association of Governments grant to help plan and make safety and aesthetic improvements on 56<sup>th</sup> Street. The City apparently has offered to re-stripe the street to better control traffic.

Ms. Moman reported on a recent meeting of 14 people regarding relocation of Cholla Trail. Present were five residents, Councilman DiCiccio, and representatives of three City Departments; Streets, Neighborhood Services, and Police. A homeowner in a gated-subdivision adjacent to the proposed re-routing is strongly opposed to the re-routing, and that has matters at a stand-still.

Ms. Sucato spoke briefly about the Hopi School re-development project and concerns about the plans, including the proposal to use Rubicon as a major access point to the campus. Ms. Warne noted that Rubicon is a narrow street and not well suited to handle the press of parents trying to get their children to school.

#### **New Business:**

A neighbor suggested that because the City Council was not enforcing laws designed to protect residents that we should make a special request to the community for financial support. Our neighborhoods are under attack by developers of commercial interests, such as the group homes and the David and Gladys Wright House, and adverse impacts from the increasing development of the Phoenician Hotel and Resort, including cut-through traffic on 56<sup>th</sup> Street.

A motion was made and seconded that the ACMNA send out an additional newsletter or mailing alerting neighbors to the current attacks and encroachment on our area and requesting financial support to help defend and preserve our neighborhood.

**Next Meeting:** The next meeting will be held Thursday, June 1, 2017.

**Adjournment:** Meeting adjourned at approximately 7:15 PM. The Board adjourned to Ocean Poke Restaurant, where the owners hosted 10 members of the board at the newly opened restaurant.

Respectfully submitted,

Dan Drake, ad hoc Recording Secretary