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September 23, 2021

**Via Email to:**
Deer Valley Village Planning Committee
DeerValleyVPC@phoenix.gov

Re: Asura Healthcare Rezoning Application
Case Number Z-66-20-1
Property Address: 43rd Avenue and Juniper Avenue

Dear Committee Members:

This Firm represents Northwest Christian School, located at 16401 North 43rd Avenue, Phoenix, Arizona. This Letter is sent in opposition to the Rezoning application submitted by Asura Healthcare to rezone the medical building situated adjacent to Northwest Christian School. Northwest Christian School has approximately 1,500 students from preschool through 12th grade and has been a solid and responsible contributing member of the community for over forty years.

This letter is also sent on behalf of Northwest Community Church, located at 16615 North 43rd Avenue, Phoenix, Arizona. The Church is also located adjacent to the proposed rezoning site and has approximately 800 adults and 230 children including children from nursery through 12th grade who attend services and youth events at the Church.

To give perspective, **Exhibit A** contains an aerial depiction showing how close the Property that is the subject of this application is to the Church and the School.

Both the School and the Church stand in opposition to the rezoning request for several reasons detailed below. While the School and the Church are not generally opposed to drug and alcohol rehabilitation facilities, the location of one of these facilities at this site is inappropriate.

First, there are serious procedural deficiencies with the Rezoning application. As an initial matter, neither the School nor the Church ever received formal notice of the Rezoning application as required by the City of Phoenix Zoning Code. As you know, Section 506(B)(7)(a) states:

> Within ten working days of filing a rezoning application with the Planning and Development Department, mail a notice by first class mail explaining the request and all appropriate review and comment opportunities to real property owners, as shown on the last assessment of the property, within six hundred feet of the site, the nearest resident within the four quadrants to the site, and to neighborhood associations registered with the City which are within a one-mile radius of the site.

This never happened. We obtained, through a public records request, the list of property owners contacted by the applicant. The list does not include Northwest Christian School or Northwest Community Church and neither entity received any notice regarding the Rezoning application. The application should be denied on this basis alone.

The applicant also did not comply with Section 506(B)(7)(c) and its requirement to mail a second notice to property owners within 600 feet which provided the details of the rezoning request and the meeting dates where the public may comment. No such notice was ever sent or received by the School or the Church.

Moreover, the public sign posted on the Property is inaccurate and has never been corrected. The sign is depicted below:



As you can see, the public notice states that the Village Planning Committee meeting was September 9, 2021 and the Planning Commission meeting is October 7, 2021. Neither of these dates is correct. We assume that the City Council meeting date is also incorrect. This is in direct violation of Section 506(B)(7)(d).

Based on these deficiencies, it would be impossible for the applicant to submit the notarized affidavits required by Sections 506(B)(7)(b) and 506(B)(7)(e) certifying that the proper people were notified by mailing and by posting an accurate sign.

It is difficult to view these serious procedural deficiencies in the notice requirements without coming to the conclusion that the School and the Church, *who abut the Property seeking rezoning*, were purposefully excluded from notice regarding the rezoning application.

In addition to these serious procedural flaws in the application, the School and the Church have significant substantive concerns with locating a drug and alcohol rehabilitation center right next door to a church and a school. A recent study of substance abuse rehabilitation centers found that, "Violent crime associated with drug treatment centers is *similar to that associated with liquor stores* and is less frequent than that associated with convenience stores and corner stores."[1] This is significant considering the proposed location of this drug and alcohol rehabilitation center next to a school and a church. Arizona law provides that liquor stores shall not be approved for location within 300 feet of a church or a school precisely because of the higher incidence of violent crime and its associated effects. *See* A.R.S. §4-207(A). If a liquor store could not be approved on this location, then it follows that a drug and alcohol rehabilitation center would also be prohibited at this location since the incidences of violent crime associated with such a facility are similar to that of liquor stores.

Moreover, stories abound nationwide with incidences of vagrancy, crime reports, and general disturbances surrounding drug and alcohol rehabilitation centers. The *Orange County Register* published a report of the experiences of neighbors surrounding drug and alcohol rehabilitation centers and canvassed reports to local law enforcement in these areas. The report stated: "The Sheriff's logs suggest that conflicts between patients and staff are frequent; that patients often bolt from recovery centers with nowhere to go; and that drug use during recovery is not uncommon."[2]

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[1] Furr-Holden, C. D., Milam, A. J., Nesoff, E. D., Johnson, R. M., Fakunle, D. O., Jennings, J. M., & Thorpe, R. J., Jr (2016). Not in My Back Yard: A Comparative Analysis of Crime Around Publicly Funded Drug Treatment Centers, Liquor Stores, Convenience Stores, and Corner Stores in One Mid-Atlantic City. *Journal of studies on alcohol and drugs*, 77(1), 17–24. https://doi.org/10.15288/jsad.2016.77.17 (emphasis added).

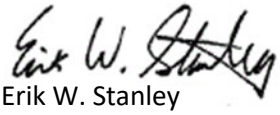
[2] https://www.ocregister.com/2017/05/21/how-some-southern-california-drug-rehab-centers-exploit-addiction/#part3. *See also* https://www.responsibletreatment.org/sheriffs-blotter.html for a compilation of law enforcement calls in areas surrounding drug and alcohol treatment centers.

The application contains no details about how the center will be operated, how the residents will be supervised, what will happen when a resident is removed from the center either voluntarily or involuntarily, or how security at and around the center will be managed. While these are issues not normally associated with a rezoning application, they are appropriate for consideration here given the high amount of children mere feet away from the front doors of the center.

The School and the Church applaud Asura Healthcare for its willingness to step into this messy area of life and treat the broken and hurting whose lives are on the brink of destruction through substance abuse. Indeed, the School and the Church are also sensitive to "NIMBY" perceptions that might accompany this opposition. However, given the number of children under the care of the both the School and the Church and their duties to the families who have entrusted these children to their care, the School and the Church are opposed to the proposed ***location*** of this drug and alcohol treatment center and thus to this application.

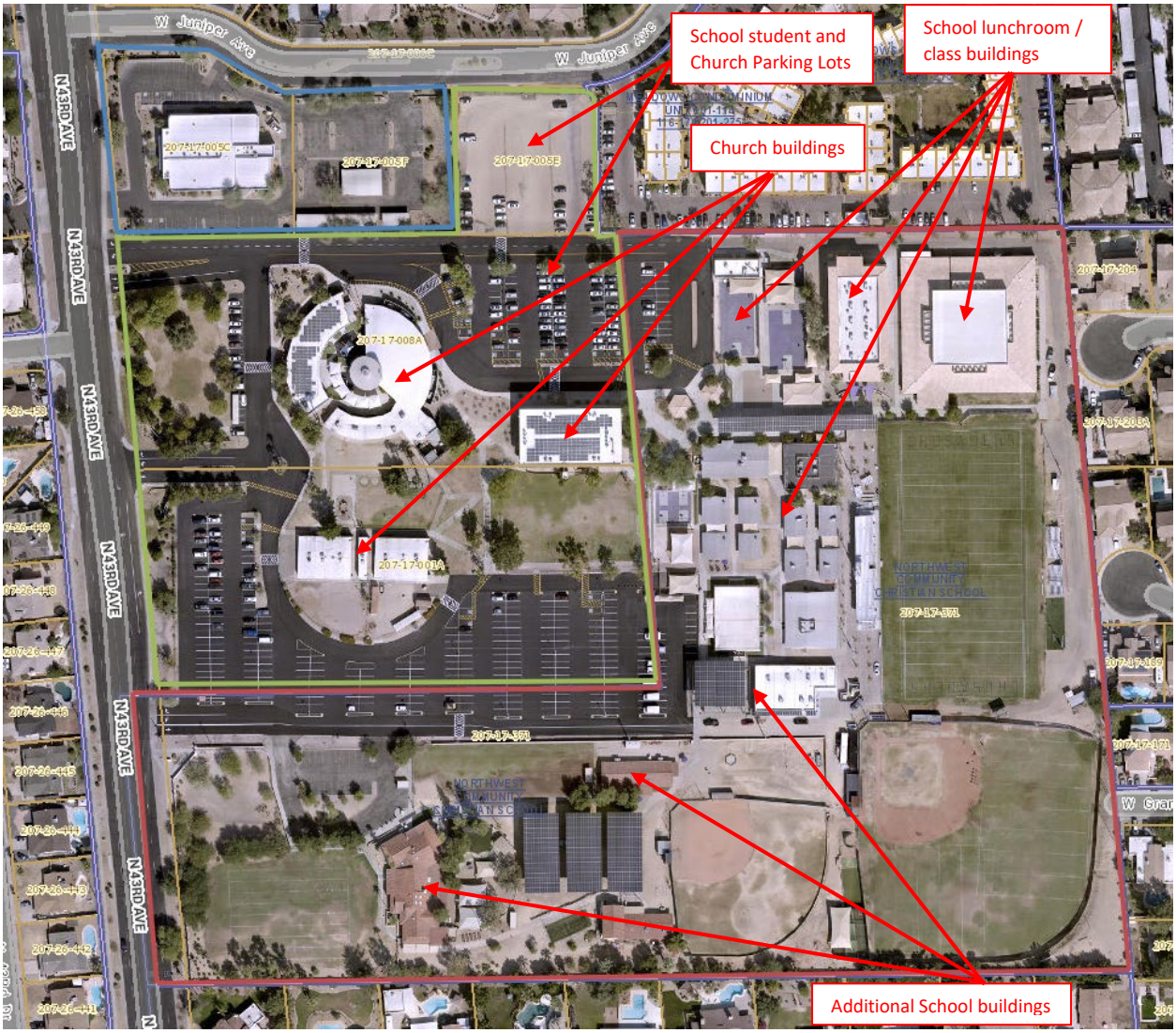
Based on the concerns presented in this letter, the School and the Church jointly request that the Village Planning Committee reject the application for rezoning.

Very truly yours,
PROVIDENT LAW ®



Erik W. Stanley
Attorney

**EXHIBIT A – AERIAL OF PROPERTIES**




**Key:**

Northwest Christian School Property outlined in Red

Northwest Community Church Property outlined in Green

Rezoning Application site outlined in Blue