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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 12/19/2023  
Agenda Item: 3**

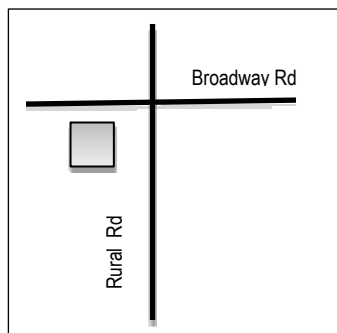
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**ACTION:** Request approval to abate public nuisance items at the Blue Sky Action LLC Property located at 535 E. Broadway Rd. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$2,310.00 for abatement request: Remove junk/debris from the property

**RECOMMENDATION:** Staff – Approval of 180-day open abatement

**BACKGROUND INFORMATION:** City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the BLUE SKY ACTION LLC. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CM231424: Removal of junk/ debris from the property



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

Blue Sky Action LLC  
City of Tempe – Code Compliance  
RO – Residential /Office District  
Michelle Van Etten

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Code Administrator (480-858-2190)

Department Director: Jeffrey Tamulevich, Department Director  
Legal review by: N/A  
Prepared by: Shawn Daffara, CPTED Coordinator  
Reviewed by: Drew Yocom, Code Administrator

**COMMENTS:**

Code Compliance is requesting approval to abate the Blue Sky Action LLC Property located at 535 E. Broadway Rd, in the RO, Residential Office District. This case was initiated 06/29/2023, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement, the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180-day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

**HISTORY & FACTS:**

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ABATEMENT

# Planning Application Submittal Form

Part 1 of 2

City of Tempe  
Community Development Department  
31 East 5<sup>th</sup> Street, Garden Level, Tempe, Arizona 85281  
(480) 350-4311 Fax (480) 350-8677  
Planning Fax (480) 350-8872  
<http://www.tempe.gov/planning>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

| PROJECT INFORMATION - REQUIRED |  |                 |                                      |
|--------------------------------|--|-----------------|--------------------------------------|
| PROJECT NAME                   | Blue Sky Action LLC, Property Abatement    | EXISTING ZONING | RO <input type="checkbox"/>          |
| PROJECT ADDRESS                | 535 E Broadway Rd, Tempe AZ 85282          | SUITE(S)        | <input type="checkbox"/>             |
| PROJECT DESCRIPTION            | Abatement of CM231424<br>December 19, 2023 | PARCEL No(s)    | 133-25-072A <input type="checkbox"/> |

| PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K) |                     |         |                              |
|---|---------------------|---------|------------------------------|
| BUSINESS NAME   | Blue Sky Action LLC | ADDRESS | 3370 N Hayden Rd Ste 123-215 |
| CONTACT NAME  |                     | CITY    | Scottsdale                   |
|   |                     | STATE   | AZ                           |
|   |                     | ZIP     | 85251                        |
| EMAIL   |                     | PHONE 1 |                              |
|   |                     | PHONE 2 |                              |

I hereby authorize the applicant below to process this application with the City of Tempe.

|  |   |      |  |
|--|---|------|--|
| PROPERTY OWNER SIGNATURE   | X | DATE |  |
| or attach written statement authorizing the applicant to file the application(s) |   |      |  |

| APPLICANT INFORMATION - REQUIRED |                                    |         |                      |
|----------------------------------|------------------------------------|---------|----------------------|
| COMPANY / FIRM NAME              | City of Tempe Code Enforcement     | ADDRESS | 21 E 6th St. Ste 208 |
| CONTACT NAME                     | Michelle Van Etten, Code Inspector | CITY    | Tempe                |
|                                  |                                    | STATE   | AZ                   |
|                                  |                                    | ZIP     | 85281                |
| EMAIL                            | michelle_vanetten@tempe.gov        | PHONE 1 | 480-350-2895         |
|                                  |                                    | PHONE 2 |                      |

I hereby attest that this application is accurate and the submitted documents are complete. I acknowledge that if the application is deemed to be incomplete it will be returned to me without review, to be resubmitted with any missing information.

|                     |   |      |          |
|---------------------|---|------|----------|
| APPLICANT SIGNATURE | X | DATE | 11/14/23 |
|---------------------|---|------|----------|

| BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs |  |         |  |
|---|--|---------|--|
| BUSINESS NAME   |  | ADDRESS |  |
| CONTACT NAME  |  | CITY    |  |
|   |  | STATE   |  |
|   |  | ZIP     |  |
| TYPE OF BUSINESS  |  | PHONE   |  |
|   |  | EMAIL   |  |

| APPLICATION<br>(Check all that apply)                          | QTY | SPECIFIC REQUEST<br>(See Planning & Zoning Fee Schedule for types) | FOR CITY USE ONLY<br>(Planning record tracking numbers) |     |
|--|-----|--|---|-----|
| <input type="checkbox"/> A. PRELIMINARY SITE PLAN REVIEW       |     |  | SPR   |     |
| <input type="checkbox"/> B. ADMINISTRATIVE APPLICATIONS        |     |  | ADM   |     |
| <input type="checkbox"/> C. VARIANCES                          |     |  | VAR   |     |
| <input type="checkbox"/> D. USE PERMITS / USE PERMIT STANDARDS |     |  | ZUP   |     |
| <input type="checkbox"/> E. ZONING CODE AMENDMENTS             |     |  | ZOA   | ZON |
| <input type="checkbox"/> F. PLANNED AREA DEVELOPMENT OVERLAYS  |     |  | PAD   | REC |
| <input type="checkbox"/> G. SUBDIVISION / CONDOMINIUM PLATS    |     |  | SBD   | REC |
| <input type="checkbox"/> H. DEVELOPMENT PLAN REVIEW            |     |  | DPR   |     |
| <input type="checkbox"/> I. APPEALS                            |     |  |   |     |
| <input type="checkbox"/> J. GENERAL PLAN AMENDMENTS            |     |  | GPA   |     |
| <input type="checkbox"/> K. ZONING VERIFICATION LETTERS        |     |  | ZVL   |     |
| <input checked="" type="checkbox"/> L. ABATEMENTS              |     |  | CE  | CM  |
| <input type="checkbox"/> M. SIGN TYPE K                        |     |  | GO  | SE  |
| TOTAL NUMBER OF APPLICATIONS                                   | 0   |  |   |     |

| FOR CITY USE ONLY   |  |  |                                     |
|---|--|--|-------------------------------------|
| DS TRACKING #   |  | FILE APPLICATION WITH<br>CE / CM / IP TRACKING # | DATE RECEIVED (STAMP)               |
| PL TRACKING #   |  |  | VALIDATION OF PAYMENT (STAMP)       |
| SPR TRACKING #<br>(if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal,<br>please use Planning<br>Resubmittal Form) |  |  | TOTAL APPLICATION FEES              |
|   |  |  | RECEIVED BY INTAKE STAFF (INITIALS) |

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



**DATE:** November 13, 2023  
**TO:** Julie Scofield, Senior Code Inspector  
**FROM:** Michelle Van Etten, Code Inspector  
**SUBJECT:** CM231424, 535 W Broadway Rd, Tempe - Abatement

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**LOCATION:** 535 W Broadway Rd, Tempe, AZ. 85281  
**PARCEL:** 133-25-072A  
**OWNER:** Blue Sky Action LLC – C/O National Registered Agents Inc.  
3370 N Hayden Rd Ste 123-215  
Scottsdale, AZ 85251

**FINDINGS:**

On 06/29/2023 I inspected the property located at 535 W Broadway Rd, Tempe and saw plastic barrels / drums and roadway cones extending above the rear wall. The rear yard was full of these “trash and debris” items, and a notice was sent to the owner.

The initial notice was returned, and on 07/27/2023 that notice (as well as all future notices from that point) was sent to multiple addresses in an attempt to obtain compliance.

I reinspected the property on 08/14/2023 and found the items were not removed from the rear yard. I sent a “final notice.”

I reinspected the property on 09/05/2023 and found that there were additional items in the rear yard. I sent another “final notice” with additional city code(s). That notice was posted to the property as well as mailed.

On 10/03/2023 I found that the trash and debris had not been removed from the yard, and I issued a citation.

I reinspected the property on 11/14/2023 and found that the yard had still not been cleared. I issued a notice of intent to abate which was posted to the property and sent through the mail.

The only contact I’ve had with the owner or responsible party was an email that was

sent on behalf of "Raymond Embry" of "Embry Health" on 10/08/2023 which identified himself / the business as the tenant on the property and stated that he "disputed the validity of my request" to remove the items from the rear yard. The citation was not contested through the court system, nor was it satisfied with the court. It was ultimately sent to collections.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 535 W Broadway Rd, Tempe due to property owner's failure to bring property into compliance with Tempe City Code 21-3.b.1 "Trash and Debris." The owner was given ample time to come into compliance and maintain the property, there is no indication that the property will be brought into compliance in the near future. The property represents an eyesore and hazard to the community.

Without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Michelle Van Etten  
Code Inspector

ACTION TAKEN: submitted  
NAME: Tula Scofield  
DATE: 11/14/23



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/14/2023  
CASE # CM231424

**BLUE SKY ACTION LLC – C/O NATIONAL REGISTERED AGENTS INC.  
3370 N HAYDEN RD STE 123-215  
SCOTTSDALE, AZ 85251**

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

**LOCATION:** 535 W BROADWAY RD, TEMPE AZ 85282  
**PARCEL:** 133-25-072A

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This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 12/19/2023. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Sec 21-3.B. Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building

If the violations have not been corrected within thirty days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

**1. REMOVE ALL CONES, BARRELS, CRATES, DRUMS, SIGNS, ETC. FROM THE REAR YARD**

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$2,310.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property, whether or not the public nuisance is abated by the City.

**If you have questions regarding this matter, please contact our office at (480) 350-4311.**

**Code Inspector: Michelle Van Etten**

**Phone Number: 480-350-2895**

**E-mail: michelle\_vanetten@tempe.gov**



September 21, 2023

City of Tempe  
Attn: Michelle Van Etten  
Solid Waste Inspector

RE: Clean-Up at 535 E. Broadway Rd.

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed at 535 E. Broadway Rd, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

- Remove barrels and cones from the rear yard of the property
- Police presence for the duration of the visit

Total = \$2,310.00

Respectfully,

Jose Hernandez

Nov 13, 2023 at 9:07:09 AM





Nov 13, 2023 at 9:07:14 AM



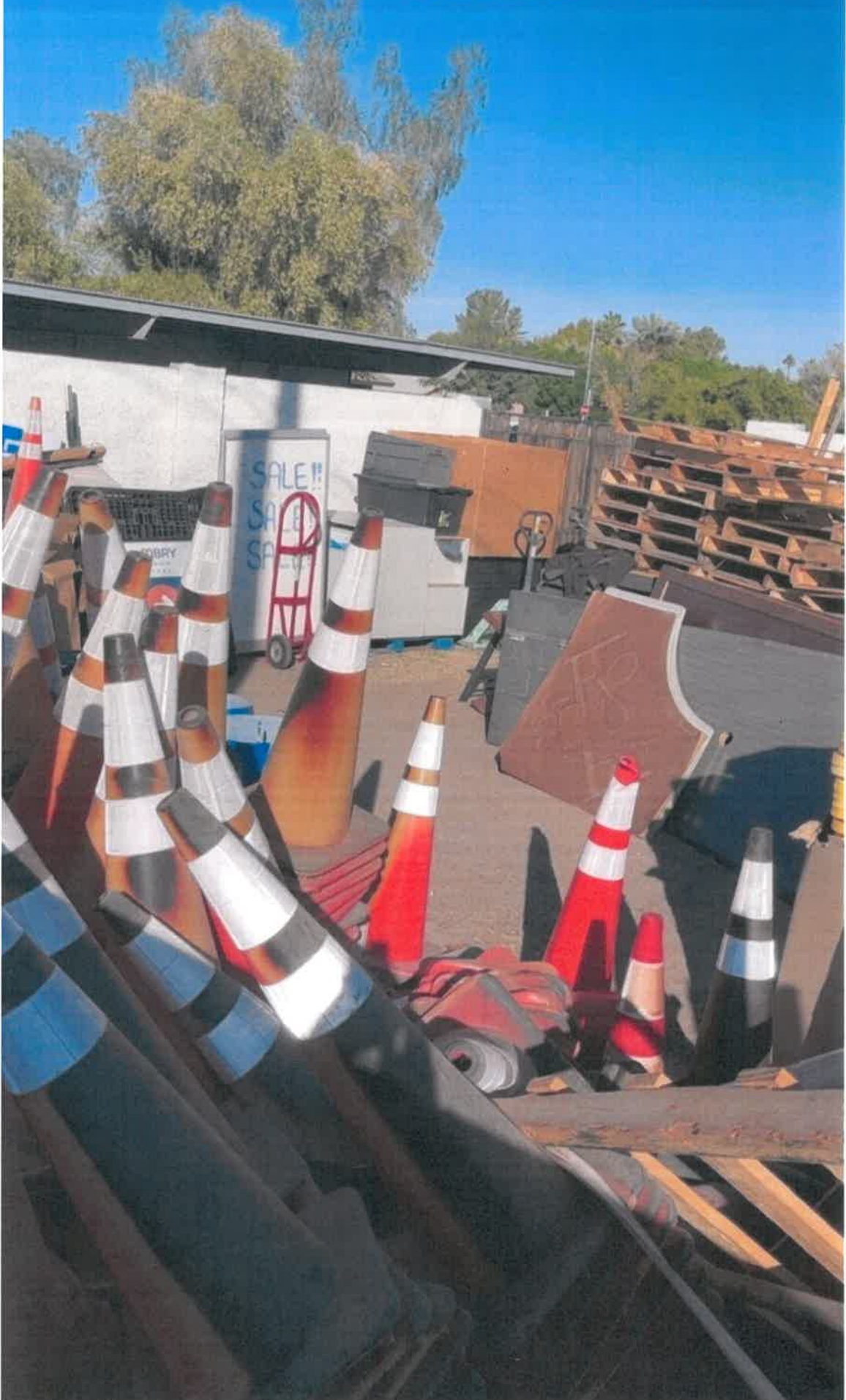
Nov 13, 2023 at 9:07:28 AM



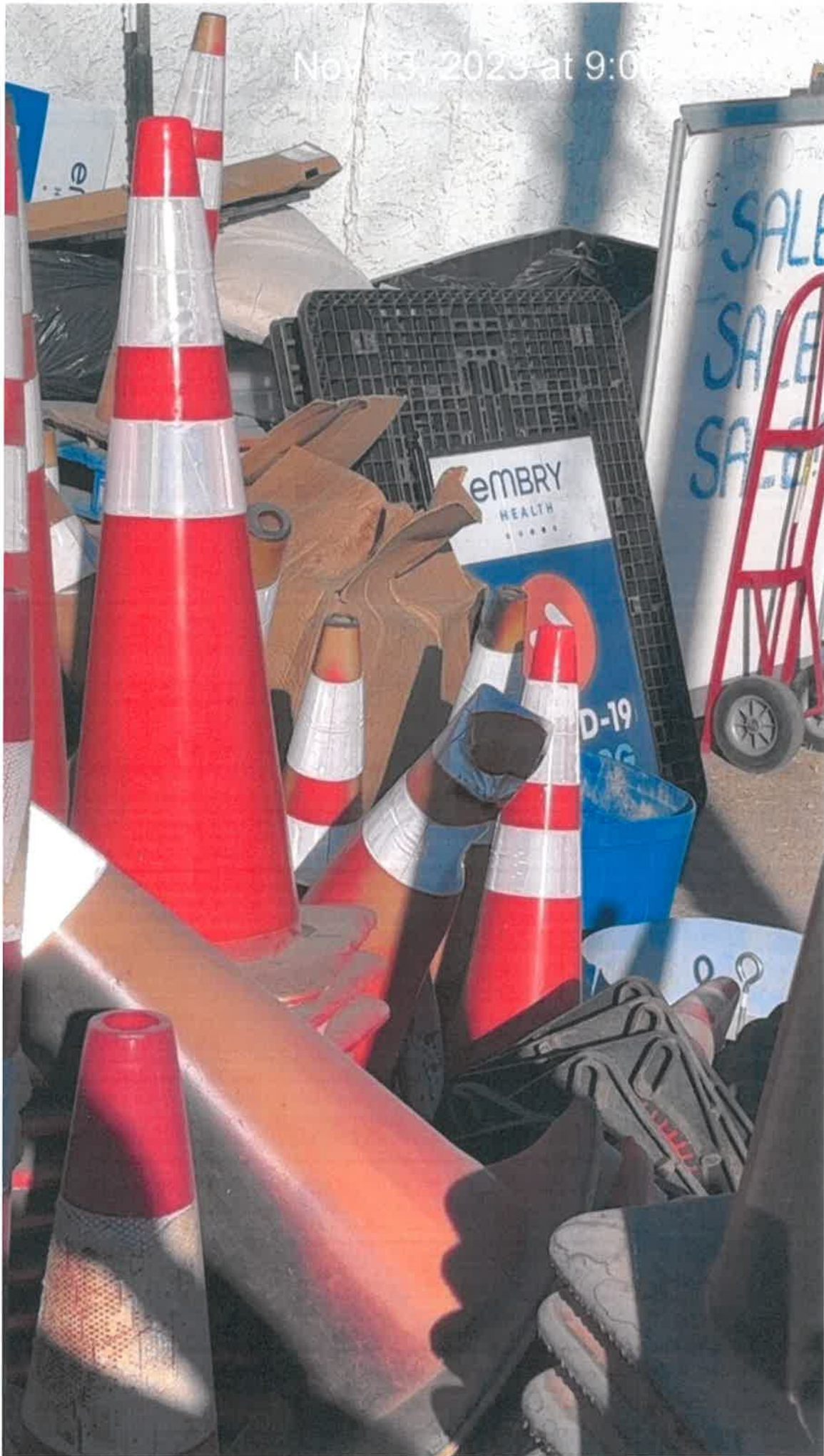
Nov 13, 2023 at 9:07:31 AM



Nov 13, 2023 at 9:08:14 AM



Nov 15, 2023 at 9:0





COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

06/29/2023

BLUE SKY ACTION LLC - C/O RAYMOND EMBRY  
3370 N HAYDEN RD STE 123-215  
SCOTTSDALE, AZ 85251

Case #: CM231424  
Site Address: 535 E BROADWAY RD, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 06/29/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

| Section  | Violation   |  |
|--|---|--|
| ZDC 3-202A.  | Permitted land uses in commercial and mixed-use districts   |  |
| <b>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</b> |   | <b>SITE REINSP<br/>ON OR<br/>AFTER</b> |
| ZDC 3-202A.  | DO NOT STORE TRAILERS, RV'S, RECREATIONAL VEHICLES, ETC. ON THE PROPERTY. THIS PARCEL / PROPERTY IS NOT ZONED FOR SUCH OUTDOOR STORAGE. | 7/13/2023                              |

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Michelle Van Etten**  
Code Inspector

**Direct: 480-350-2895**  
**Code Compliance: 480-350-4311**  
**Email:michelle\_vanetten@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

06/29/2023

BLUE SKY ACTION LLC - EMBRY REAL ESTATE HOLDINGS LLC C/O RAYMOND EMBRY  
535 E BROADWAY RD  
TEMPE, AZ 85282

Case #: CM231424  
Site Address: 535 E BROADWAY RD, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 06/29/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

| Section     | Violation   |
|-------------|---|
| ZDC 3-202A. | Permitted land uses in commercial and mixed-use districts |

**SITE REINSP  
ON OR  
AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

|             |   |           |
|-------------|---|-----------|
| ZDC 3-202A. | DO NOT STORE TRAILERS, RV'S, RECREATIONAL VEHICLES, ETC. ON THE PROPERTY. THIS PARCEL / PROPERTY IS NOT ZONED FOR SUCH OUTDOOR STORAGE. | 7/13/2023 |
|-------------|---|-----------|

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Michelle Van Etten**  
Code Inspector

**Direct: 480-350-2895**  
**Code Compliance: 480-350-4311**  
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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**FINAL CORRECTION NOTICE**

08/14/2023

BLUE SKY ACTION LLC - C/O EMBRY REALESTATE - JOANNE EMBRY  
3370 N HAYDEN RD STE 123-215  
SCOTTSDALE, AZ 85251

Case #: CM231424  
Site Address: 535 E BROADWAY RD, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/14/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

| Section     | Violation   |
|-------------|---|
| ZDC 3-202A. | Permitted land uses in commercial and mixed-use districts |

| PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION |   | SITE REINSP<br>ON OR<br>AFTER |
|---|---|-------------------------------|
| ZDC 3-202A.                                 | THIS PROPERTY IS NOT ZONED FOR OUTDOOR STORAGE. REMOVE ALL STORAGE MATERIALS / ITEMS FROM THE REAR YARD (CONES, BLUE BARRELS, ETC) IMMEDIATELY. | 8/29/2023                     |

**CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED**

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Michelle Van Etten**  
Code Inspector

**Direct: 480-350-2895**  
**Code Compliance: 480-350-4311**  
**Email:michelle\_vanetten@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.





COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**FINAL CORRECTION NOTICE**

08/14/2023

BLUE SKY ACTION LLC - EMBRY REAL ESTATE HOLDINGS LLC  
535 E BROADWAY RD  
TEMPE, AZ 85282

Case #: CM231424  
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|---|---|-------------------------------|
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**CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED**

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**Michelle Van Etten**  
Code Inspector

**Direct: 480-350-2895**  
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**Civil and Criminal Penalties**

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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**FINAL CORRECTION NOTICE**

09/05/2023

BLUE SKY ACTION LLC - C/O EMBRY REALESTATE - JOANNE EMBRY  
3370 N HAYDEN RD STE 123-215  
SCOTTSDALE, AZ 85251

Case #: CM231424  
Site Address: 535 E BROADWAY RD, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/05/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

| Section     | Violation   |
|-------------|---|
| ZDC 3-202A. | Permitted land uses in commercial and mixed-use districts   |
| CC 21-3.b.1 | Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building |

| PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION |   | SITE REINSP<br>ON OR<br>AFTER |
|---|---|-------------------------------|
| ZDC 3-202A.                                 | THIS PROPERTY IS NOT ZONED FOR OUTDOOR STORAGE. REMOVE ALL STORAGE MATERIALS / ITEMS FROM THE REAR YARD (CONES, BLUE BARRELS, ETC) IMMEDIATELY. | 9/19/2023                     |
| CC 21-3.b.1                                 | REMOVE STORAGE ITEMS / TRASH AND DEBRIS ITEMS FROM THE REAR YARD.   | 9/19/2023                     |

**CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED AND / OR THE CITY ABATEMENT PROCESS WILL BEGIN**

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Michelle Van Etten**  
Code Inspector

**Direct: 480-350-2895**  
**Code Compliance: 480-350-4311**  
**Email:michelle\_vanetten@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b).  
**Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section

21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
**FINAL CORRECTION NOTICE**

09/05/2023

BLUE SKY ACTION LLC - EMBRY REAL ESTATE HOLDINGS LLC  
535 E BROADWAY RD  
TEMPE, AZ 85282

Case #: CM231424  
Site Address: 535 E BROADWAY RD, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 09/05/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

| Section     | Violation   |
|-------------|---|
| ZDC 3-202A. | Permitted land uses in commercial and mixed-use districts   |
| CC 21-3.b.1 | Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building |

| PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION |   | SITE REINSP<br>ON OR<br>AFTER |
|---|---|-------------------------------|
| ZDC 3-202A.                                 | THIS PROPERTY IS NOT ZONED FOR OUTDOOR STORAGE. REMOVE ALL STORAGE MATERIALS / ITEMS FROM THE REAR YARD (CONES, BLUE BARRELS, ETC) IMMEDIATELY. | 9/19/2023                     |
| CC 21-3.b.1                                 | REMOVE STORAGE ITEMS / TRASH AND DEBRIS ITEMS FROM THE REAR YARD.   | 9/19/2023                     |

**CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED AND / OR THE CITY ABATEMENT PROCESS WILL BEGIN**

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Michelle Van Etten**  
Code Inspector

**Direct: 480-350-2895**  
**Code Compliance: 480-350-4311**  
**Email:michelle\_vanetten@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section

21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

# Arizona Traffic Ticket and Complaint

City of Tempe  
Maricopa County  
State of Arizona



|   |   |  |   |  |   |   |  |   |   |   |                     |
|---|---|--|---|--|---|---|--|---|---|---|---------------------|
| Complaint Number<br><b>1790035</b>  |   | Case Number  | Social Security Number  | Military   | <input type="checkbox"/> Serious Physical Injury  | <input type="checkbox"/> Accident         | <input type="checkbox"/> Fatality                  | <input type="checkbox"/> Commercial                               |   |   |                     |
| Driver's License No.  |   | DLP <input type="checkbox"/>   | State   | Class  | Endorsements<br>M H N P T X D   |   | Incident Report Number<br><b>CM231424</b>          |   |   |   |                     |
| Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language  |   |  |   |  |   |   |  |   |   |   |                     |
| Defendant   |   | Name (First, Middle, Last)<br><b>BLUE SKY ACTION LLC - c/o NATIONAL REGISTERED AGENTS INC.</b> |   |  |   |   |  | Juvenile  |   |   |                     |
| Residence Address, City, State, Zip Code  |   |  |   |  |   |   | Telephone: (cell phone) <input type="checkbox"/>   |   |   |   |                     |
| Sex   | Height  | Weight   | Eyes  | Hair   | Origin  | Date of Birth                             | Restrictions                                       | Email Address   |   |   |                     |
| Business Address, City, State, Zip Code<br><b>3370 N. HAYDEN RD STE 123-215 SCOTTSDALE AZ 85251</b>   |   |  |   |  |   |   | Business Phone No.                                 |   |   |   |                     |
| Vehicle   |   | Color  | Year  | Make   | Model   | Style                                     | License Plate                                      | State   | Expiration Date   |   |                     |
| Registered owner & address, City, State, Zip Code   |   |  |   |  |   |   | Vehicle Identification Number                      |   |   |   |                     |
| The Undersigned Certifies That:   |   |  |   |  |   |   |  |   |   |   |                     |
| On  | Month<br><b>10</b>  | Day<br><b>03</b>   | Year<br><b>2023</b>   | Time<br><b>0930</b>  | <input checked="" type="checkbox"/> AM<br><input type="checkbox"/> PM   | Speed                                     | Approx.  | Posted  | R & P   | Speed Measurement Device<br><input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace | Direction of Travel |
| At  | Location<br><b>535 E BROADWAY RD</b>  |  |   |  |   | <input checked="" type="checkbox"/> Tempe | <b>85282</b>                                       | State of Arizona  |   | Area  | Dist.               |
| The Defendant Committed the Following:  |   |  |   |  |   |   |  |   |   |   |                     |
| <b>A</b>  | Section:<br><b>ZDC 1-201 A</b>  |  | ARS<br>CC   | Violation:<br><b>ZDC 3-202A LAND USE VIOLATION</b>   |   |   | <input type="checkbox"/> Domestic Violence Case    | <input type="checkbox"/> Criminal                                 | <input type="checkbox"/> Criminal Traffic                                     |   |                     |
|   | Docket Number   |  | Disp. Code:   | Date of Disposition:   | Sanction:   |   | <input checked="" type="checkbox"/> Municipal Code |   | <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense |   |                     |
| MVD   |   |  |   |  |   |   |  |   |   |   |                     |
| <b>B</b>  | Section:<br><b>TCC 21-3 A</b>   |  | ARS<br>CC   | Violation:<br><b>21-3.b.1 TRASH + DEBRIS</b>   |   |   | <input type="checkbox"/> Domestic Violence Case    | <input type="checkbox"/> Criminal                                 | <input type="checkbox"/> Criminal Traffic                                     |   |                     |
|   | Docket Number   |  | Disp. Code:   | Date of Disposition:   | Sanction:   |   | <input type="checkbox"/> Municipal Code            |   | <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense |   |                     |
| MVD   |   |  |   |  |   |   |  |   |   |   |                     |
| <b>C</b>  | Section:  |  | ARS<br>CC   | Violation:   |   |   | <input type="checkbox"/> Domestic Violence Case    | <input type="checkbox"/> Criminal                                 | <input type="checkbox"/> Criminal Traffic                                     |   |                     |
|   | Docket Number   |  | Disp. Code:   | Date of Disposition:   | Sanction:   |   | <input type="checkbox"/> Municipal Code            |   | <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense |   |                     |
| MVD   |   |  |   |  |   |   |  |   |   |   |                     |
| <b>D</b>  | Section:  |  | ARS<br>CC   | Violation:   |   |   | <input type="checkbox"/> Domestic Violence Case    | <input type="checkbox"/> Criminal                                 | <input type="checkbox"/> Criminal Traffic                                     |   |                     |
|   | Docket Number   |  | Disp. Code:   | Date of Disposition:   | Sanction:   |   | <input type="checkbox"/> Municipal Code            |   | <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense |   |                     |
| MVD   |   |  |   |  |   |   |  |   |   |   |                     |
| <b>E</b>  | Section:  |  | ARS<br>CC   | Violation:   |   |   | <input type="checkbox"/> Domestic Violence Case    | <input type="checkbox"/> Criminal                                 | <input type="checkbox"/> Criminal Traffic                                     |   |                     |
|   | Docket Number   |  | Disp. Code:   | Date of Disposition:   | Sanction:   |   | <input type="checkbox"/> Municipal Code            |   | <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense |   |                     |
| MVD   |   |  |   |  |   |   |  |   |   |   |                     |
| You must appear on the date and time indicated at:  | Tempe Municipal Court<br>140 E. 5th Street<br>Tempe, AZ 85281<br>Court No. 0753 |  | <input checked="" type="checkbox"/> Traffic Court<br>Suite 150, 1st Floor |  | Date:   | <b>10/17/2023</b>                         |  | Time: Between 9AM & 4PM   |   |   |                     |
|   |   |  | <input type="checkbox"/> Criminal Court<br>Suite 200, 2nd Floor           |  | Date:   |   |  | Time: <input type="checkbox"/> AM <input type="checkbox"/> PM     |   |   |                     |
|   | <input type="checkbox"/> Court:   |  |   | Date:  |   |   | Time:  | <input type="checkbox"/> AM <input type="checkbox"/> PM Court No. |   |   |                     |
| Court Address, City, State, Zip Code  |   |  |   |  |   |   |  |   |   |   |                     |
| Criminal: <input type="checkbox"/>  | Without admitting guilt, I promise to appear as directed hereon.                |  |   |  | Victim? <input type="checkbox"/>  |   | Victim Notified? <input type="checkbox"/>          |   |   |   |                     |
| Civil: <input type="checkbox"/>   | Without admitting responsibility, I acknowledge receipt of this complaint.      |  |   |  | I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant. |   |  |   |   |   |                     |
| <b>X</b>  | <b>MAILED</b>   |  |   |  | Complainant<br><b>M. VAN ETTEN</b>  |   | ID #<br><b>8060</b>                                |   |   |   |                     |
| Comments:<br>Juvenile Notification:<br>Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. |   |  |   |  |   |   |  |   |   |   |                     |
| Initials _____  |   |  |   | Date issued if not violation date  |   |   |  |   |   |   |                     |
|   |   |  |   | VIOLATION A - FIRST CITATION \$170 -<br>VIOLATION B - FIRST CITATION \$200 -<br>TOTAL \$370.00 |   |   |  |   |   |   |                     |

COMPLAINT

If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



1790035