



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 7/9/2019
Agenda Item: 6**

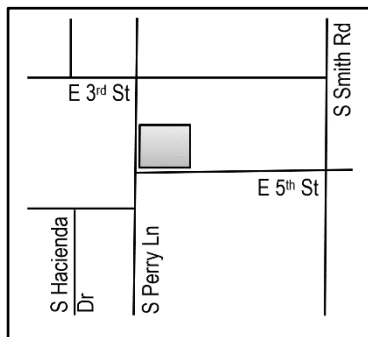
ACTION: Request a Use Permit to allow temporary outdoor vending (food trucks) for CLOUDKITCHENS, located at 1900 East 5th Street. The applicant is City Storage Systems, LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: CLOUDKITCHENS (PL190123) is proposed on the northeast corner of South Perry Lane and East 5th Street in the GID, General Industrial District. The applicant, John Liu of City Storage Systems, LLC, wishes to utilize an existing industrial parking lot facility to provide up to twelve (12) third party “Mobile Food Facilities”, commonly known as “food trucks”, to the site to operate primarily as virtual restaurants. These virtual restaurants will offer meal delivery services through third party delivery services such as Uber Eats, Postmates, Grubhub, and Doordash. Walk-up customers will be allowed for take-out orders; seating and tables will not be provided. The request includes the following:

ZUP190039 Use Permit to allow temporary outdoor vending (food trucks).



Property Owner	1900 E 5 TH STREET PHO LLC
Applicant	John Liu, City Storage Systems, LLC
Zoning District	GID
Net Site Area	103,926 s.f. (2.39 ac)
Building Area	32,285 s.f.
Lot Coverage	31% (no standard max. required)
Vehicle Parking	75 spaces (60 min. required total; 42 min. for industrial use and 17 min. for food trucks)
Bicycle Parking	0 spaces (11 min. required)
Hours of Operation	5 p.m. to 9 p.m., M-F; 11 a.m. to 3 p.m., Sa & Su

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Lee Jimenez, Senior Planner
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The intent of the use permit is to allow food trucks to complement their existing schedule of events and catering orders. Food truck parking will be provided on the western portion of the parking lot and may be left on-site overnight. Electrical hook-up and greywater removal tanks will be available for food trucks. Temporary job site lights will be utilized to meet minimum lighting standards required by the Zoning and Development Code and the conditions of approval of the Use Permit. Ultimately, tenant improvements are proposed for the interior of the on-site building to provide commercial kitchens for the same type of concept; only without food trucks. Therefore, the food truck concept is temporary and intended to cease when temporary certificate of occupancy is issued for the tenant improvements.

PUBLIC INPUT

As of the publishing of the staff summary report, one (1) letter in support of the request was received by staff.

USE PERMIT

The proposed use requires a Use Permit to allow temporary outdoor vending (food trucks) within the GID, General Industrial District.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; both vehicular and pedestrian traffic will increase, but not at a significant enough level that would cause a detriment to the surrounding area.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; the proposed use will emit odors and smoke as a result from cooking food, but not at a level exceeding ambient conditions. These emissions are not considered noxious and are consistent with ambient conditions of the surrounding area. Furthermore, idling food trucks and electric generators will be minimized as electrical hook-up will be provided on-site.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan*; the proposed use is expected to benefit the local community by providing new jobs and dining options. Additionally, the proposed use aligns with Priorities and Next Steps to "Activate a food truck hub to attract people" identified in a recently completed Urban Land Institute study on the Smith Innovation Hub.
4. *Compatibility with existing surrounding structures and uses*; other than all required site improvements to conform with Code and to comply with recommended conditions of approval, no other structural changes are anticipated to the site. The use is compatible with the surrounding area.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; large crowds are not anticipated that would otherwise lead to disruptive behavior.

REASONS FOR APPROVAL:

Based on the information provided by the applicant and the above analysis, staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold font):

1. The Use Permit is valid only after all applicable building permits and clearances have been obtained, the required inspections have been completed, and a Final Inspection has been passed.

2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.
3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.
4. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
5. Any intensification or expansion of use shall require a new Use Permit.
6. **The use shall conform to the temporary outdoor vending general regulations of the Zoning & Development Code.**
7. **No outdoor live entertainment shall be allowed without a separate Use Permit.**
8. **All food trucks shall only be parked within conforming parking stalls. At no time shall food trucks block drive aisles, driveways, refuse enclosures, and fire lanes.**
9. **The maximum number of food trucks provided on-site for restaurant take out only (no tables and chairs) and food truck storage shall be limited to twenty-three (23). This maximum number may be increased subject to conformance with parking standards of the Zoning & Development Code.**
10. **The use shall conform to lighting standards of the of the Zoning & Development Code. Specifically, all food truck order and pick-up windows and doors shall be illuminated to a minimum-security lighting level from dusk to dawn with five (5) foot-candles of light at finish grade, during hours of operation.**
11. **Any use of temporary lighting (lights and generators on wheels) shall comply with the City of Tempe Code and Zoning & Development Code. Permanent lighting shall require an electrical permit through the Community Development Department Building Safety Division.**
12. **All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.**
13. **If the food truck area cannot conform to lighting standards of the Zoning & Development Code, the hours of operation shall be limited from dawn to dusk, daily.**
14. **Provide a minimum of eleven (11) bicycle parking spaces per City of Tempe bicycle rack detail T-578 standard or equivalent design prior to the Use Permit becoming effective.**
15. **The use is approved for take out only (no tables and chairs) unless the Community Development Department Building Safety Division authorized restroom facilities are provided.**
16. **If there are any tents, awnings, or canopies, all building permits and clearances required by the Community Development Department Building Safety Division shall be obtained prior to beginning the use.**

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- The Use Permit is valid for CLOUDKITCHENS and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- Temporary Outdoor Vending General Regulations:
 - Permitted subject to a Use Permit;
 - Must be located on the specified lot identified by the Use Permit and not in the public right-of-way, unless authorized with an encroachment permit, subject to approval by Engineering and Transportation Department Director or designee;
 - Shall not occupy the minimum required parking areas, landscape areas, or vehicular driveways (including fire lanes);
 - Must allow for a minimum four (4) foot wide pedestrian path across any building frontage and to and from all building entrances and exits. On public sidewalks a minimum six (6) foot wide pathway clearance shall be provided;
 - Sound amplification may not be used for sales demonstrations;
 - The allowable signage, size and location of the business, and storage of equipment/materials, shall be established through the Use Permit; and
 - Shall not include the sale of the following commodities or provide the following services on the premises; vehicle sales which have more than three (3) vehicles on display, vehicle washing or detailing, or motor vehicle repair.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- Music, sound, or live entertainment (with a Use Permit) shall not violate the City of Tempe Noise Ordinance.

HISTORY & FACTS:

None pertinent to the Use Permit request.

ZONING AND DEVELOPMENT CODE REFERENCE:

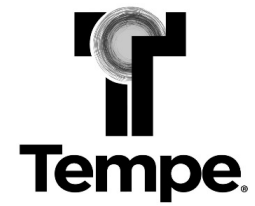
Section 3-302 Permitted Uses in Office/Industrial Districts

Section 3-417 Outdoor Retailing

Section 4-603 Parking Ratios

Section 4-803 Lighting Standards

Section 6-308 Use Permit



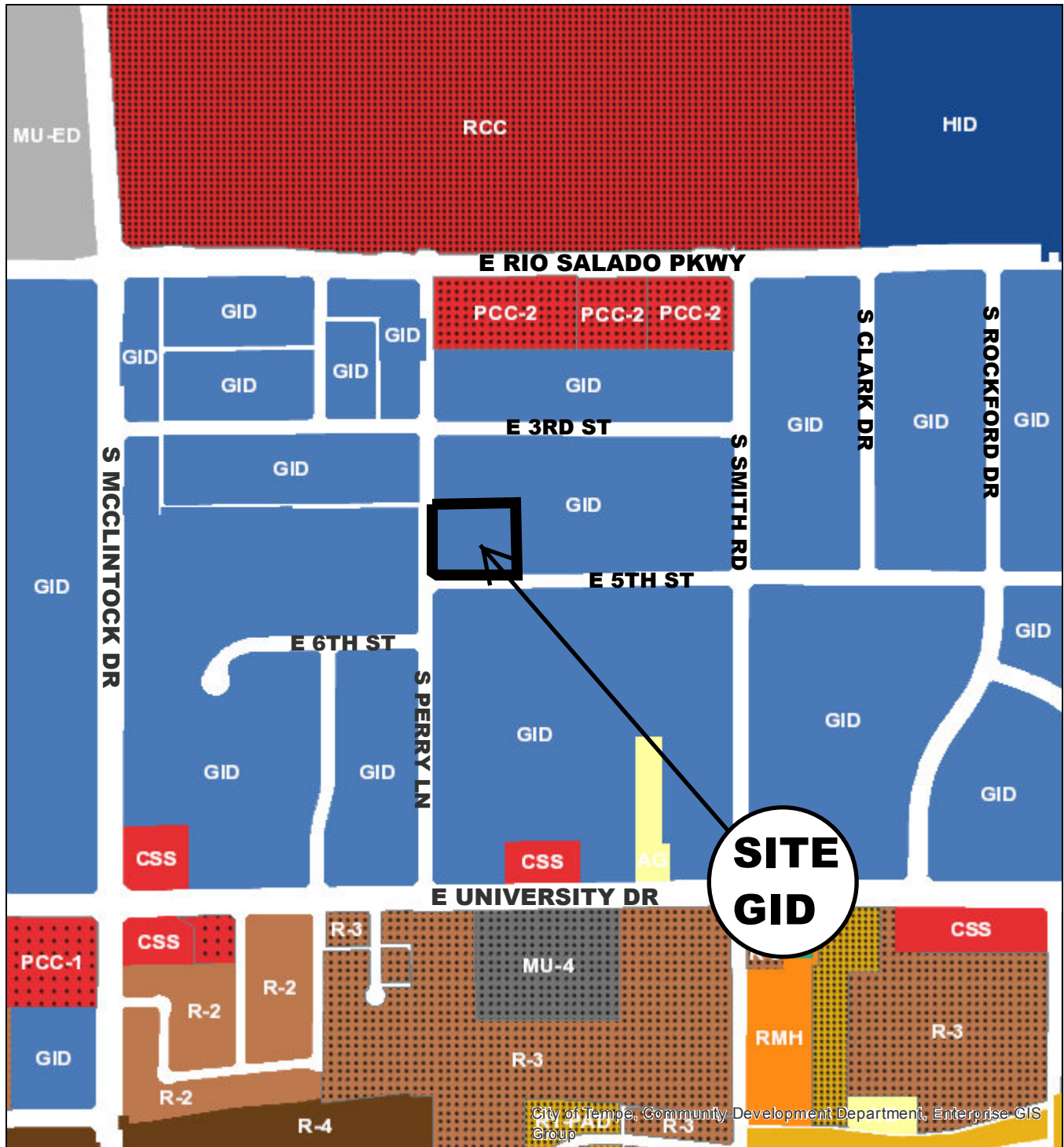
DEVELOPMENT PROJECT FILE
for
CLOUDKITCHENS
(PL190123)

ATTACHMENTS:

1. Location Map
2. Aerial
- 3-5. Letter of Explanation
6. Site Plan
- 7-8. Site Context Photos
9. Public Input

CLOUDKITCHENS

PL 190123



City of Tempe, Community Development Department, Enterprise GIS Group

- | | | |
|--|---|--|
| General Industrial District (GID) | Planned Commercial Center General (PCC-2) | Multi-Family Residential (R-2) |
| Heavy Industrial District (HID) | Regional Commercial Center (RCC) | Multi-Family Residential Limited (R-3) |
| Mixed Use High (MU-4) | Residential/Office (RO) | Multi-Family Residential General (R-4) |
| Mixed Use Educational (MU-ED) | Agricultural (AG) | Mobile Home Residence (RMH) |
| Commercial Shopping and Services (CSS) | Single-Family Residential (R1-6) | |
| Planned Commercial Center Neighborhood (PCC-1) | Single-Family Residential Planned Area Dev (R1-PAD) | |

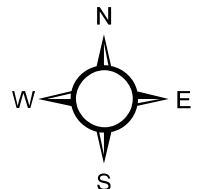


CLOUDKITCHENS

PL 190123



Aerial Map



CITY STORAGE SYSTEMS LLC

June 19, 2019

Lee Jimenez
Senior Planner
City of Tempe, Planning Division
31 East Fifth Street
Tempe, Arizona 85281

Re: Use Permit

Dear Mr. Jimenez,

I am writing on behalf of City Storage Systems LLC, dba CloudKitchens, to formally request a Use Permit confirming that our intended use as described below is permitted subject to a Use Permit as a Section 3-417(D) Temporary Outdoor Vending location under the General Industrial District ("GID") zone.

Our property, located at 1900 East Fifth Street, Tempe, AZ, 85281 ("Property"), contains both a physical structure and a parking lot. This request pertains only to the attached parking lot ("Parking Lot"), and not to the existing physical structure.

Overview of Operation

The Parking Lot is approximately 32,298 square feet in size. Our intention is to utilize this space to invite up to 10-12 different 3rd party Mobile Food Facilities ("MFF"), more commonly known as "Food Trucks," to our site to operate primarily as virtual restaurants. A "virtual" restaurant is a restaurant which has the majority of its sales via 3rd party delivery services, such as Uber Eats, Postmates, Grubhub and Doordash. Customers place orders via these services, and the restaurant then prepares and packages the food - on board the MFF in this case - which is then delivered to the customers by the delivery service. We also intend to allow customers to walk up to the truck and place orders, in a more traditional Food Truck experience, but we expect very few orders of this nature. We do not intend to allow customers to eat on site, and therefore, we do not plan on having seating or tables.

Our typical hours of operation will be dinners throughout the week (roughly, 5pm - 9pm), and lunches on the weekends (roughly, 11am - 3pm).

Scope of Use of Site

The intent is for trucks to use this program as a way to complement their existing schedule of events and catering orders. These trucks will operate on the west side of our lot, near the eastern wall of the current building; this is illustrated in our attached site plan. MFF owners may leave their MFFs at the site overnight if they wish.

We intend to provide some infrastructure for the MFFs. We intend to build electrical outlets (permit BP190777) to allow MFF's to plug into. We will have greywater removal tanks on site that food trucks can utilize - they empty their trucks into these tanks, and a 3rd party service named Baker Commodities will come on-site to pump those tanks empty. The site has exterior lighting (noted on the site map) and we also have 2 temporary

job site lights at 15K lumens each to provide lighting at night. There will be portable restrooms for food truck staff to utilize; customers that walk up will be able to use these as well, although we do not expect much, if any, usage from customers, since we do not intend for customers to eat on site.

Furthermore, our intended use adheres to the General Regulations for Temporary Outdoor Vending as provided in Section 3-417(D)(2). The operation is on private property, and thus not in the public right-of-way. The operation does not occupy the minimum number of parking areas - there are 75 parking spots current (3 are ADA approved), of which 42 are required, and we do not plan to have more than 10-12 food trucks. The operation shall not occupy landscape areas either - MFFs need flat, stable ground to park on, and thus will stay clear of any landscape areas. The operation will not occupy any driveways either, as they will be needed for thoroughfare of the delivery drivers.

Additionally, the regulation regarding a four foot wide pedestrian path to building entrances and exits does not apply here - the building will not be in use during the duration of this project. We will not have any sound amplification for sales demonstrations, as our primary business model is to sell via delivery services, which necessarily means that the end customers are *not* on site. Finally, we do not plan to have any signage at this time, as this is just a temporary project.

Impact of Use of Site

There are a few different areas of impact given our operation and use of the site, all of them minimal to the surrounding areas.

First, there will be delivery drivers that will come on site to pick up. Delivery drivers will be in the Parking Lot for 1-2 minutes, and we anticipate an efficient ingress and egress, which will minimize the impact of traffic and congestion. Delivery drivers are incentivized not to linger, as they are not paid for idle time (pickup time), only drive / delivery time. As the number of pick-up orders on delivery platforms is nearly zero (not even all services offer this), we do not anticipate many on-foot end customers.

Second, the trucks themselves will create minimal nuisance. There will be minimal noise from the food trucks' generators, as they are utilizing our electrical outlets instead. Trucks will be idle, not be driving in and out of the lot frequently, so there will be minimal smoke emitted.

The site itself is in an industrial area; foot traffic is not high, and thus we do not expect crowds of people that may otherwise lead to disruptive behavior. We do not plan to market this site as an event space, as our core business is aiding partners in building their delivery business.

Finally, this project is distinct from a different, larger project in which we will build out kitchens within the physical structure. *We intend to run this MFF operation during the several months it will take to build and permit those kitchens, and not after the building has obtained a Temporary Certificate of Occupancy.*

Other considerations

We are not preparing, storing, or selling food ourselves, and thus, Cesar Sanchez, Environmental Specialist Supervisor for Mobile Food / Special Events at Maricopa County Environmental Services has confirmed that we do not need any health permits.

This project will benefit the local community by providing a new revenue stream and promotion to local restaurants, create new jobs, and bring access to a variety of new food to people nearby.

We would be grateful to receive confirmation of our use as Temporary Outdoor Vending under the GID zone in the City of Tempe. Thank you in advance for your consideration.

Sincerely,

John Liu
City Storage Systems LLC
(650) 773.2825

TITLE COMMITMENT INFORMATION
 THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT ORDER NO. 2106474-340-MH-304 WITH AN EFFECTIVE DATE OF AUGUST 20, 2018 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICIAN'S OR INSURER'S OF THE SITE OR OTHERWISE KNOWN TO US HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

LEGAL DESCRIPTION
 THE LAND REFERRED TO HEREIN BELOW IS SITUATED TEMPE, IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:
 LOT 1, TEMPE REAL ESTATE HOLDINGS, A SUBDIVISION, ACCORDING TO THE PLAN OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1200 OF MAPS, PAGE 28 AND THEREAFTER AFFIDAVIT OF CORRECTION RECORDED IN RECORDING NO. 2017-083430.
 APRN 132-38-018

NOTES CORRESPONDING TO SCHEDULE B

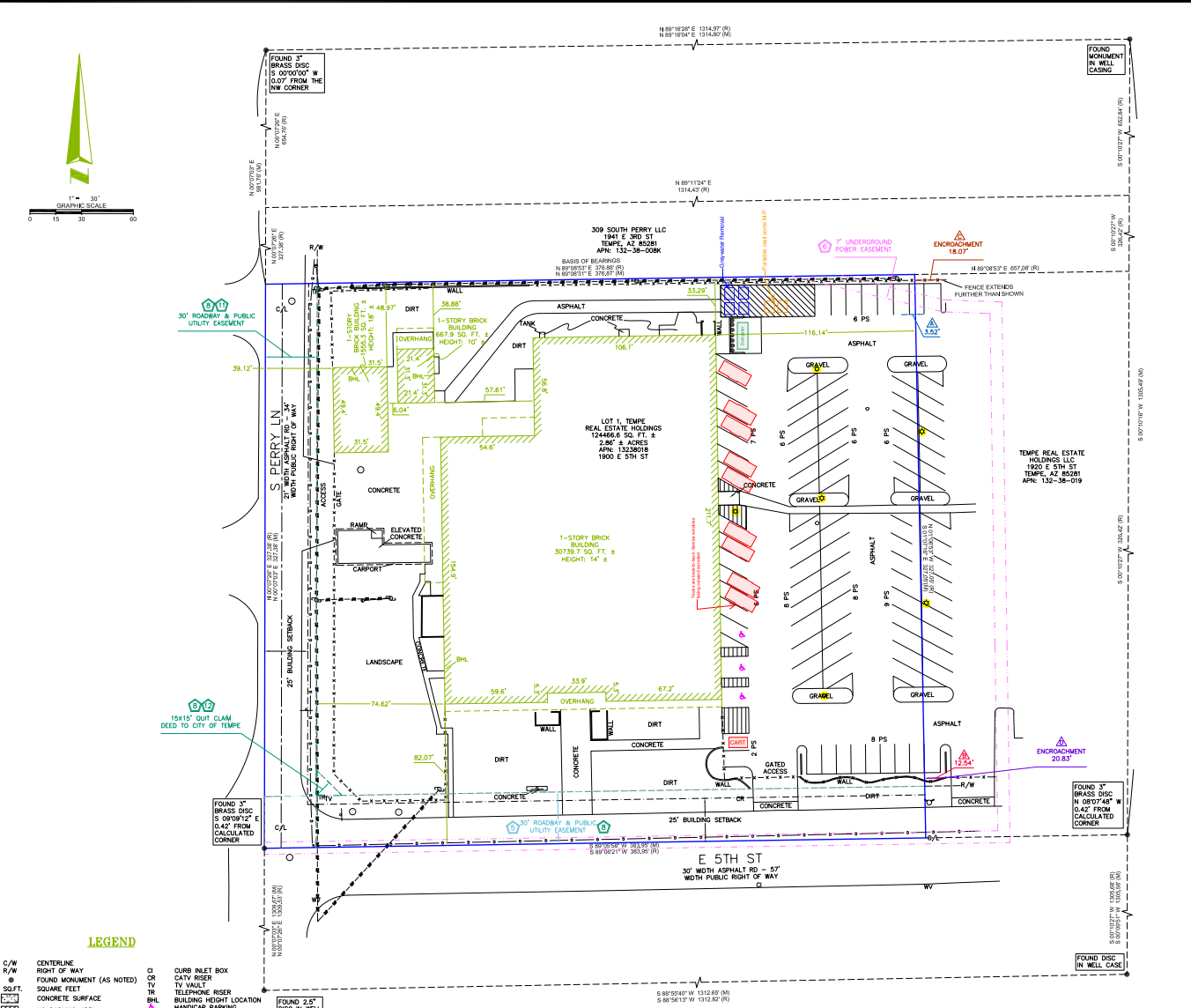
- 1 - RESERVATIONS CONTAINED IN THE PATENT FROM THE UNITED STATES OF AMERICA RECORDING DATE: SEPTEMBER 26, 1892 RECORDING NO. BOOK 31 OF DEEDS, PAGE 271 WHICH AMONG OTHER THINGS RECITES AS FOLLOWS:
 SUBJECT TO ANY VESTED AND ACQUIRED WATER RIGHTS FOR MINING, AGRICULTURAL, MANUFACTURING OR OTHER PURPOSES AND RIGHTS TO DITCHES AND RESERVOIRS USED IN CONNECTION WITH SUCH WATER RIGHTS, AS MAY BE RECOGNIZED AND ACKNOWLEDGED BY LOCAL CUSTOMS, LAWS AND DECISIONS OF THE COURTS, AND ALSO SUBJECT TO THE RIGHT OF THE PROPRIETOR TO A WON OR LOSE TO EXTRACT AND REMOVE HIS ONE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERFERE THE PREMISES HEREBY GRANTED, AS PROVIDED BY LAW. (AFFECTS, CONTAINS NO PLOTTABLE ITEMS)
- 2 - WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS. (DOCUMENT NOT MENTIONED)
- 3 - EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THEREAS SET FORTH IN A DOCUMENT:
 PURPOSE: RIGHT OF WAY
 RECORDING DATE: OCTOBER 18, 1960
 RECORDING NO. DOCKET 3491, PAGE 53 (AFFECTS, PLOTTED AND SHOWN)
- 4 - EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THEREAS SET FORTH IN A DOCUMENT:
 PURPOSE: UNDERGROUND POWER
 RECORDING DATE: OCTOBER 23, 1987
 RECORDING NO. 87-450124 (AFFECTS, PLOTTED AND SHOWN)
- 5 - MATTERS CONTAINED IN THAT CERTAIN DOCUMENT
 ENTITLED: DECLARATION OF ENVIRONMENTAL USE RESTRICTION FOR PROPERTY WITH INSTITUTIONAL CONTROL
 RECORDING DATE: AUGUST 07, 2007
 RECORDING NO. 2007-081058
 REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. (AFFECTS, CONTAINS NO PLOTTABLE ITEMS)
- 6 - EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS AS SET FORTH ON THE PLAT RECORDED IN BOOK 1200 OF MAPS, PAGE 28 AND THEREAFTER AFFIDAVIT OF CORRECTION RECORDED IN RECORDING NO. 2017-083430. (AFFECTS, PLOTTED AND SHOWN)
- 7 - EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THEREAS SET FORTH IN A DOCUMENT:
 PURPOSE: ROADWAY, PUBLIC UTILITIES AND RELATED SERVICES
 RECORDING DATE: MAY 22, 1973
 RECORDING NO. DOCKET 10148, PAGE 900 (AFFECTS, PLOTTED AND SHOWN)
- 8 - RIGHTS OF THE CITY AND THE PUBLIC CONTAINED IN THAT CERTAIN DOCUMENT
 ENTITLED: QUIT CLAIM DEED
 RECORDING DATE: JULY 15, 1986
 RECORDING NO. 86-302173
 REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. (AFFECTS, PLOTTED AND SHOWN)

ZONING DATA

ZONING ITEM	REQUIRED	PARKING REQUIREMENTS
ZONING DESIGNATION	GID	ONE (1) PARKING SPACE IS MINIMUM LOT AREA (507.7)
MINIMUM LOT AREA (507.7)	NONE	REQUIRED PER 1,000 SQ. FT. FOR MANUFACTURING USES
MAX BUILDING COVERAGE	NONE	PLUS ONE SPACE PER 300 SQ. FT. FOR OFFICE USES
MAX BUILDING HEIGHT	35'	
BUILDING SETBACKS		
FRONT	25'	ACCORDING TO THE SITE PLAN, THE PROPERTY IS APPROXIMATELY 4,350 SQ. FT. OFFICE, AND 27,985 SQ. FT. OF MANUFACTURING, AS SUCH 42 SPACES ARE REQUIRED
SIDE (STREET / CORNER)	25'	
SIDE (INTERIOR)	0'	
REAR	0'	
- GID-GENERAL INDUSTRIAL DISTRICT ZONING DISTRICT		
- SITE USE: COMMERCIAL, KITCHEN, MANUFACTURING, SERVICE AND FOOD		
- MIN. LANDSCAPING REQUIRED IS 10% CONFORMANCE STATUS/LEGALLY NON-CONFORMING DUE TO THE SUBJECT PROPERTY NOT MEETING SETBACK REQUIREMENTS.		

STATEMENT OF ENCROACHMENTS

- 1 - APPEARS THAT THE FENCE ENCLOSES OVER THE SUBJECT PROPERTY LINE BY AS MUCH AS 3.52'
- 2 - APPEARS THAT THE WALL ENCLOSES OVER THE SUBJECT PROPERTY LINE BY AS MUCH AS 12.64'
- 3 - APPEARS THAT THE FENCE ENCLOSES BEYOND THE SUBJECT PROPERTY LINE BY AS MUCH AS 14.07'
- 4 - APPEARS THAT THE FENCE ENCLOSES BEYOND THE SUBJECT PROPERTY LINE BY AS MUCH AS 20.87'



LEGEND

C/W	CENTERLINE	CR	CURB INLET BOX
R/W	RIGHT OF WAY	CV	CATV RISER
●	FOUND MONUMENT (AS NOTED)	TR	TELEPHONE RISER
□	SQ. FT.	TR	BUILDING HEIGHT LOCATION
▨	CONCRETE SURFACE	DR	NO PARKING AREA
▩	NO PARKING AREA	DR	DRAINAGE INLET
▧	HANDICAP PARKING SPACE	WV	WATER VALVE
PS	PARKING SPACE(S)	WV	ELLING BOLT
TF	TRANSFORMER	WV	MONITORING WELL
AC	AIR CONDITIONER	SM	STORM MANHOLE
WM	WATER METER	SM	SANITARY MANHOLE
EM	ELECTRIC METER	UTV	UTILITY POLE
TR	TELEPHONE RISER	DOY	DOY PILE
CO	CLEAN OUT	FR	FIRE HYDRANT
LA	ARC LENGTH	SI	SIGN
CB	CHORD BEARING	BL	BOLLARD
CL	CHORD LENGTH	OU	OVERHEAD UTILITY LINE
OB	OVERHEAD UTILITY LINE	PO	OVERHEAD POWERLINE
OB	OVERHEAD POWERLINE	---	NOT TO SCALE
---	NOT TO SCALE	○	TELEPHONE MANHOLE

VICINITY MAP
 NOT TO SCALE

SHEET 1 OF 1

LAND AREA
 124466.64 SQUARE FEET
 2.864 ACRES

PARKING
 REGULAR= 72
 HANDICAP= 3
 TOTAL= 75

FLOOD INFORMATION
 FLOOD NOTE: BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AVAILABLE ONLINE AT WWW.FEMA.GOV, AND BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" ON FLOOD INSURANCE RATE MAP NUMBER 040130224A, WHICH HAS AN EFFECTIVE DATE OF 10/16/2013 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. BY REVIEWING FLOOD MAPS PRODUCED BY THE NATIONAL FLOOD INSURANCE PROGRAM WE HAVE LEARNED THIS COMMUNITY DOES PARTICIPATE IN THE PROGRAM.

BEARING BASIS
 THE BASIS OF BEARING FOR THIS SURVEY IS ARIZONA STATE PLANE COORDINATE SYSTEM CENTRAL ZONE NAD83, USING GPS OBSERVATIONS, BEING THE LINE OF THE SUBJECT PROPERTY BEING S 89°10'00" W.

- GENERAL NOTES**
- NO UNDERGROUND UTILITIES ARE SHOWN ON THIS SURVEY, ONLY ABOVE GROUND VISIBLE EVIDENCE OF UTILITIES ARE SHOWN.
 - ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
 - THIS SURVEY MEETS OR EXCEEDS THE SURVEY STANDARDS/STANDARDS OF CARE AS SET FORTH IN SECTION 3 OF THE 2018 ALTA/NSPS SURVEY REGULATIONS.
 - THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO S PERRY LN & E 5TH ST, DEDICATED PUBLIC STREETS.
 - THERE IS NO VISIBLE EVIDENCE OF CEMETERY ON SUBJECT PROPERTY.
 - THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
 - THE PARCELS CONTAINED IN THE LEGAL DESCRIPTION ARE CONTIGUOUS WITHOUT ANY GAPS, SPACES OR OVERLAPS.
 - BUILDING AREAS SHOWN HEREON ARE FOR THE FOOTPRINT OF THE BUILDING ONLY.
 - NO APPARENT CHANGES IN STREET RIGHT OF WAY LINES EITHER COMPLETED OR PROPOSED, ARE SHOWN FROM THE CONTROLLING JURISDICTION, NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
 - THIS SURVEY DOES NOT VALIDATE THE SURVEY AND THE ORIGINAL SURVEYOR AND MAPPER, ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS IN ANY MANNER, NOR DOES IT VALIDATE THE SURVEYOR'S PROFESSIONAL OPINION OR CONSENT OF THE SIGNING PARTY OR PARTIES.
 - NO ATTEMPT HAS BEEN MADE TO DETERMINE METALS OR OTHER ENVIRONMENTAL ISSUES, UNLESS OTHERWISE NOTED (NO METALS MARKERS OBSERVED).
 - THE NEAREST INTERSECTING STREET IS THE INTERSECTION OF E 5TH ST AND S PERRY LANE, WHICH IS APPROXIMATELY 59' FROM THE SW CORNER OF THE SUBJECT PROPERTY.
 - TOTAL NUMBER OF PARKING SPACES IS 75, WHICH INCLUDES 3 DESIGNATED HANDICAP SPACES.
 - THE ACCOMPANYING SURVEY WAS MADE ON THE GROUND AND CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE ABOVE PREMISES, THERE ARE NO VISIBLE ENCROACHMENTS ON THE SUBJECT PROPERTY OR UPON ADJACENT LAND ABUTTING SAID PROPERTY EXCEPT AS SHOWN HEREON AND WAS MADE IN ACCORDANCE WITH LAWS AND/OR MINIMUM STANDARDS OF THE STATE OF ARIZONA.

ALTA/NSPS LAND TITLE SURVEY
 AEI JOB #391748

1900 EAST 5TH STREET
 TEMPE, MARICOPA, ARIZONA 85281



AEI CONSULTANTS

COORDINATED BY:
 ADI CONSULTANTS
 2500 CANNON DRIVE
 WALNUT CREEK, CA 94597
 TELEPHONE: 925.746.6000
 EMAIL: SURVEYS@AEICONSULTANTS.COM

SURVEYOR'S CERTIFICATE

TO: GOLDMAN SACHS BANK USA, TOGETHER WITH ITS SUCCESSORS AND/OR ASSIGNS, 1900 E. 5TH STREET PHO LLC, TEMPE REAL ESTATE HOLDINGS LLC, CITY STORAGE SYSTEMS, LLC, AND CHICAGO TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11, 12, 13, 14, AND 15 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 08/01/2018. DATE OF PLAT OR MAP: 08/02/2018.

REGISTERED SURVEYOR: BUCKLEY D. BLEW
 PROFESSIONAL LAND SURVEYOR NO.: 95942
 STATE OF ARIZONA

DATE: 09/23/2018

SURVEYED BY:	DATE	REVISION HISTORY	BY	SURVEYOR JOB NUMBER
BLEW & ASSOCIATES, P.A. 3025 N. MILTON DRIVE PHOENIX, AZ 85018 SURVEYS@BLEWNC.COM	8/10	CLIENT COMMENTS	AK	18-2554
	8/13	CLIENT COMMENTS	AK	1" = 30'
	9/10	CLIENT COMMENTS	TS	1:1
	9/12	CLIENT COMMENTS	AK	APPROVED BY: AK

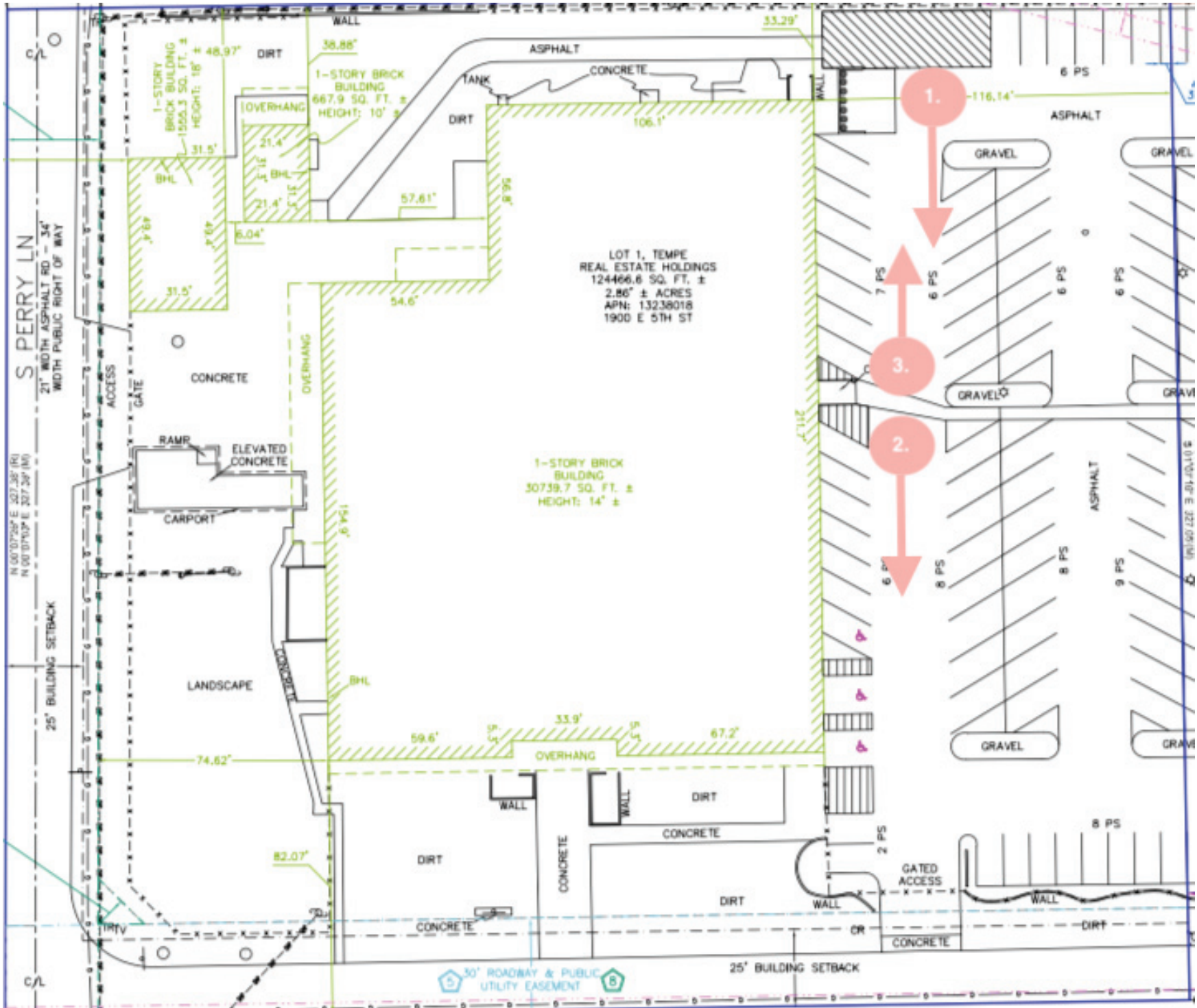


Photo 1: North Looking South



2. Middle Looking South



3. Middle Looking North





Mark A Davis
Cell [REDACTED]

June 26, 2019

Mark Davis
DA-OB, LLC
1415 N. 7th Avenue
Phoenix, AZ 85007

City of Tempe Design Review Commission
Tempe City Hall

Re: PL190123

Dear Commissioners,

Thank you for considering this letter as you deliberate the proposed change to our community! I am a developer, an owner of an adaptive reuse building undergoing renovations and an advocate for the improvements to the Smith Innovation Hub (SIH).

In order to obtain information of this project I obtained a Public Records Request and reviewed the Use Permit Application. In reviewing the application, it appears that the use is rather innovative and creative – some key characteristics that the SIH prides itself on. In reviewing this application, I encourage you to remove your Tempe glasses and put on your SIH glasses – you will see a vision of new businesses trying to thrive. Entrepreneurs, creatives, crafters and people creating something out of nothing and an area that has an authentic flare that needs to blossom and grow. I am writing to offer my support for the Use Permit.

ULI Arizona's Technical Advisory Panel, an organization I am a leader within, recently completed a study commissioned by the City of Tempe on the SIH. The third recommendation on page 25 of the report that is provided under Priorities and Next Steps is to **"Activate a food truck hub to attract people"**. This report is fresh off the press and was actually just presented to the SIH stakeholders today. Should you be interested in the report, please ask staff to provide a copy for your deliberation.

The project plan is raw, loose and likely will need to work through future issues as it gets traction. In my opinion, SIH is where this type of plan needs to take place. I fully support the approval of the applicant's use permits and request that the Community Development Department expedite their approvals to allow for this interesting and exciting use to take place.

Sincerely,

Mark Davis