

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 01/10/2023
Agenda Item: 6**

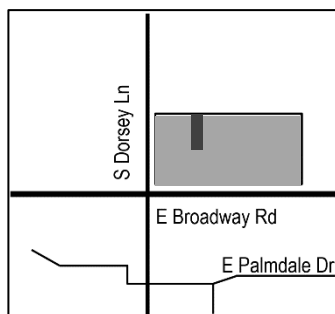
ACTION: Request a Use Permit for a Tobacco Retail Use and a Use Permit for Live Entertainment for THE CHILL ROOM, located at 1320 East Broadway Road, Suite 108. The applicant is Sal Cartagine.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: THE CHILL ROOM (PL220313) is proposed to locate in suite 108 of an existing commercial center located on the north east corner of Dorsey Lane and Broadway Road. The primary use a restaurant serving coffee, tea and kava beverages, with pre-made food, with retail vape supplies sold on site and live entertainment provided. An updated parking analysis is required prior to tenant improvements for these uses. The request includes the following:

- ZUP220069 Use Permit to allow tobacco/vape retailing in the CSS zoning district.
- ZUP220077 Use Permit to allow live entertainment in the CSS zoning district.



Property Owner	Gabriel Saia, Saia Family LP
Applicant	Sal Cartagine, The Chill Room
Zoning District	CSS, Commercial Shopping & Service
Site Area	207,560 s.f.
Building Area	51,810 s.f.
Suite Area	2,258 s.f.
Vehicle Parking	253 spaces (285 min. required, parking analysis required)
Hours of Operation	9am to 12am Sun-Thurs, 9am to 2am Fri-Sat.
Building Code Occupancy	B-2

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Diana Kaminski, Senior Planner (480) 858-2391

Department Director: Jeff Tamulevich, Community Development Director
Legal review by: N/A
Prepared by: Diana Kaminski, Senior Planner
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS:

This site is located on the north east corner of Broadway Road and Dorsey Lane, between Rural Road and McClintock Drive to the east and west. The property has never been subdivided. The site has multi-family residences to the north, east and south, a restaurant due south, a credit union to the south west and office uses to the west. On site uses include a small market, several restaurants, a medical clinic, several retail uses and an office use. There is one other suite with a live entertainment use permit adjacent to the west of this suite. The site has previously had a hookah lounge which is also classified as a tobacco retailer. The site meets the school separation requirements. This request includes the following:

ZUP220069 Use Permit to allow tobacco/vape retailing the CSS zoning district.

ZUP220077 Use Permit to allow live entertainment in the CSS zoning district.

The applicant is requesting the Development Review Commission act upon the items listed above. Subsequent to this request, the applicant will need approval building permits for tenant improvements.

PUBLIC INPUT

- Neighborhood meeting not required.
- Upon completion of this report staff has received no calls of inquiry or concern regarding this request.

POLICE INPUT

A security plan is required for the proposed entertainment use.

PROJECT ANALYSIS

GENERAL PLAN

The site is designated as a commercial land use and the proposed uses comply with the General Plan.

ZONING

The site is zoned CSS Commercial Shopping and Service which requires a use permit for tobacco retailer and a use permit for live entertainment. The sale of vaping products is classified in the same category as regular tobacco products. Tobacco Retailers shall not be located on a lot within one thousand three hundred twenty (1,320) feet, measured by a straight line in any direction, from the lot line of a charter school, private school, or public school, which provides elementary or secondary education. Instructional or vocational schools are excluded from the separation requirement. The closest school identified is 1,371 feet to the south west of the property line of this site. The site currently has a shared parking model last approved in 2013 with a prior mix of tenants. After evaluation of the base code parking standards for the site, the applicant provided a shared time of day study based on Appendix F of the zoning code. The resulting calculations indicated a shortage of 20-46 parking spaces from 1pm to 3m weekdays due to the number of restaurants and the medical office use on site. The proposed use takes the place of a prior café and hookah lounge, which is a similar use to what was previously approved within the parking analysis. Due to the timing of the requested use permits and holidays, the applicant and owner's representative were unable to hire a traffic engineer to evaluate the site for the unique conditions related to the combination of uses for a more detailed parking analysis. To address the parking requirements of the center, staff has added a condition of approval that the use permits are not valid until the parking analysis is provided and approved. The applicant has a deadline to open the business by March or forfeit the lease agreement on site, allowing time to complete the parking analysis prior to receiving building and sign permits. With an updated parking analysis, the proposed uses at this location will meet the zoning standards.

USE PERMIT

The proposed use requires a use permit for a tobacco retailer to sell vape products. The applicant has provided a letter of explanation regarding the proposed operations and compliance with the criteria. Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic.* The property has 253 parking spaces, the proposed use requires 21 parking spaces for the restaurant and retail uses. The restaurant portion is primarily to serve coffee, tea and kava beverages, with ancillary food sold that is premade, not a full restaurant. The peak hour of customers will be evening hours, reducing traffic impacts on the daytime uses within the center.

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 is indoors, with primary use being the sale of beverages, retail sales of vape supplies is a secondary use and is indoors with no exterior impacts. The applicant is aware of air handling requirements for indoor vaping and will meet building code requirements.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not 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 a franchise with other locations in other states, the activation of the suite with a compatible use to existing businesses on site will maintain the viability of the commercial center and is not considered a detriment to the surrounding area and is not in conflict with goals of the General Plan.
4. *Compatibility with existing surrounding structures and uses.* The center has previously had a hookah lounge, and has several restaurants and retail uses on site. The vape retail use meets separation requirements from schools and is compatible with the existing uses located within the surrounding structures. No changes to the exterior of the building are proposed other than signage, which is handled by separate permit.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.* The applicant has provided an outline of the proposed business practices for on site security and use of the suite. The activation of the suite for retail use will help provide additional surveillance of the area.

The proposed use requires a use permit for live entertainment. The applicant has provided a letter of explanation regarding the proposed operations and compliance with the criteria. Section 6-308 E Approval criteria for Use Permit (in italics):

1. *Any significant increase in vehicular or pedestrian traffic.* The live entertainment is ancillary to the food and beverage service offered on site and is not intended as a destination. The applicant has indicated a peak customer period from 8-11pm with up to 45 customers during this time. As an ancillary activity it is not anticipated to significantly increase traffic.
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 is indoors, no outdoor entertainment or speakers will be allowed. The applicant indicated that the suite has existing wall insulation from prior tenant improvements which will mitigate sound transmission between suites. The peak time of entertainment would be after the adjacent medical office closes, further reducing potential nuisance of noise.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values.* The proposed use is not 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 live entertainment is within an existing commercial center and as described in the letter of explanation is not in conflict with goals of the General Plan.
4. *Compatibility with existing surrounding structures and uses.* The restaurant on the west side of the suite has a use permit for live entertainment; there is precedence for similar uses within this center.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.* The applicant has provided an outline of the proposed business practices for onsite security and use of the suite. The activation of the suite for retail use will help provide additional surveillance of the area. Customers are not allowed to loiter outside in the parking lot, and staff will help with monitoring the site.

The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The proposed project meets the approval criteria for a Use Permit.

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

USE PERMIT CONDITIONS OF APPROVAL: Bold conditions are unique to this request.

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. **An updated parking analysis provided by a professional registered engineer is required to be submitted and approved by Community Development prior to issuance of building permits or sign permits for THE CHILL ROOM or the Use Permit for Tobacco Retail and Use Permit for Live Entertainment shall be void and invalid.**
2. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed.
3. 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.
4. The live entertainment use shall take place inside only. No live entertainment will be allowed outside
5. Live entertainment to cease at 12 am midnight Sunday-Thursday and 1:55 am Friday-Saturday.
6. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact 480-858-6409 before February 28, 2023.
7. Hours of operation are 9am to 12 am Sundays -Thursdays and from 9am to 2am Fridays and Saturdays.
8. Outside paid-for entertainment services (i.e., bands or dancers) shall be prohibited.

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.

USE PERMIT:

- The Use Permit is valid for THE CHILL ROOM and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Any intensification or expansion of use shall require a new Use Permit.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.
- This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
- The owner/management shall adhere to the City Adopted International Mechanical Code.

POLICE DEPARTMENT SECURITY REQUIREMENTS:

- Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage ambush.

- Maintain distances of 20'-0" or greater between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety.
- The Owner is required to prepare a security plan for the project with the Police Department. The architect should be involved to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.
- Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide, high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.

ZONING AND DEVELOPMENT CODE:

- 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 www.tempe.gov/zoning or purchase from Community Development.

LIGHTING:

- Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
- Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to www.tempe.gov/signs.

HISTORY & FACTS:

- | | |
|--------------------|---|
| July 22, 1987 | Board of Adjustment approved the following for THE BEVERLY GRILL (A-87-7.10), located at 1320 East Broadway Road in the C-2, General Commercial District: <ol style="list-style-type: none"> a. Use Permit to allow a 1,200 s.f. outdoor dining area, as an accessory to a restaurant; b. Variance to reduce the total required number of parking spaces for the center from 249 spaces to 243 spaces to accommodate the outdoor dining; c. Variance to waive the required landscaping islands at every 15th parking stall and at ends of parking isles. |
| May 25, 1988 | Board of Adjustment approved the following for THE BEVERLY GRILL (A-88-5.16), located at 1320 East Broadway Road in the C-2, General Commercial District: <ol style="list-style-type: none"> a. Use Permit to provide live entertainment in conjunction with the existing restaurant/bar; b. Variance to reduce the required off-street parking from 289 to 260 spaces. |
| October 11, 1988 | Board of Adjustment approved a Variance to reduce the required number of off-street parking spaces from 324 to 260 spaces for SPORT TRAINING AND REHABILITATION (A-88-9.28), located at 1334 East Broadway in the C-2, General Commercial District. |
| July 26, 1989 | Board of Adjustment approved the following for BEVERLY BAR & GRILL (BA890197), located at 1320 East Broadway Road in the C-2, General Commercial District: <ol style="list-style-type: none"> a. Use Permit to expand an existing restaurant/bar to add a poolhall; b. Variance to reduce the required off-street parking from 311 to 260 spaces. |
| September 17, 2002 | Hearing Officer approved the following items for HORSE AND HOUND OFF BROADWAY (BA020223), located at 1320 East Broadway Road in the C-2, General Commercial District: <ol style="list-style-type: none"> a. Use Permit to allow a change of ownership of an existing restaurant/bar; b. Use Permit to allow live entertainment (off-track betting, karaoke, DJ, and live music); c. Use Permit to allow more than three (3) pool tables. |

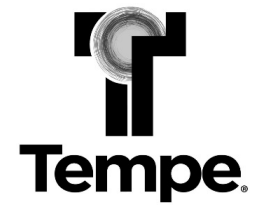
- January 4, 2005 Hearing Officer approved a Use Permit to allow an expansion of a business with live entertainment for THE HORSE AND HOUND SPORTS GRILL (BA040254), located at 1320 East Broadway Road in the C-2, General Commercial District.
- August 6, 2013 Hearing Officer approved a Use Permit to allow a tobacco retailer (hookah lounge) for VERTIGO HOOKAH LOUNGE AND CAFÉ (PL130216), located at 1320 East Broadway Road in the CSS, Commercial Shopping and Services District.
- February 22, 2022 Development Review Commission approved a Use Permit to allow entertainment (karaoke and dancing) for TANG GARDEN RESTAURANT, located at 1320 East Broadway Road, Suite 104 in the CSS, Commercial Shopping and Services District.
- January 10, 2023 Development Review Commission is scheduled to hear a request for a Use Permit for a Tobacco Retail Use and a Use Permit for Live Entertainment for THE CHILL ROOM, located at 1320 East Broadway Road, Suite 108.

ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts](#)

[Section 6-308, Use Permit](#)

[Section 6-313, Security Plan](#)



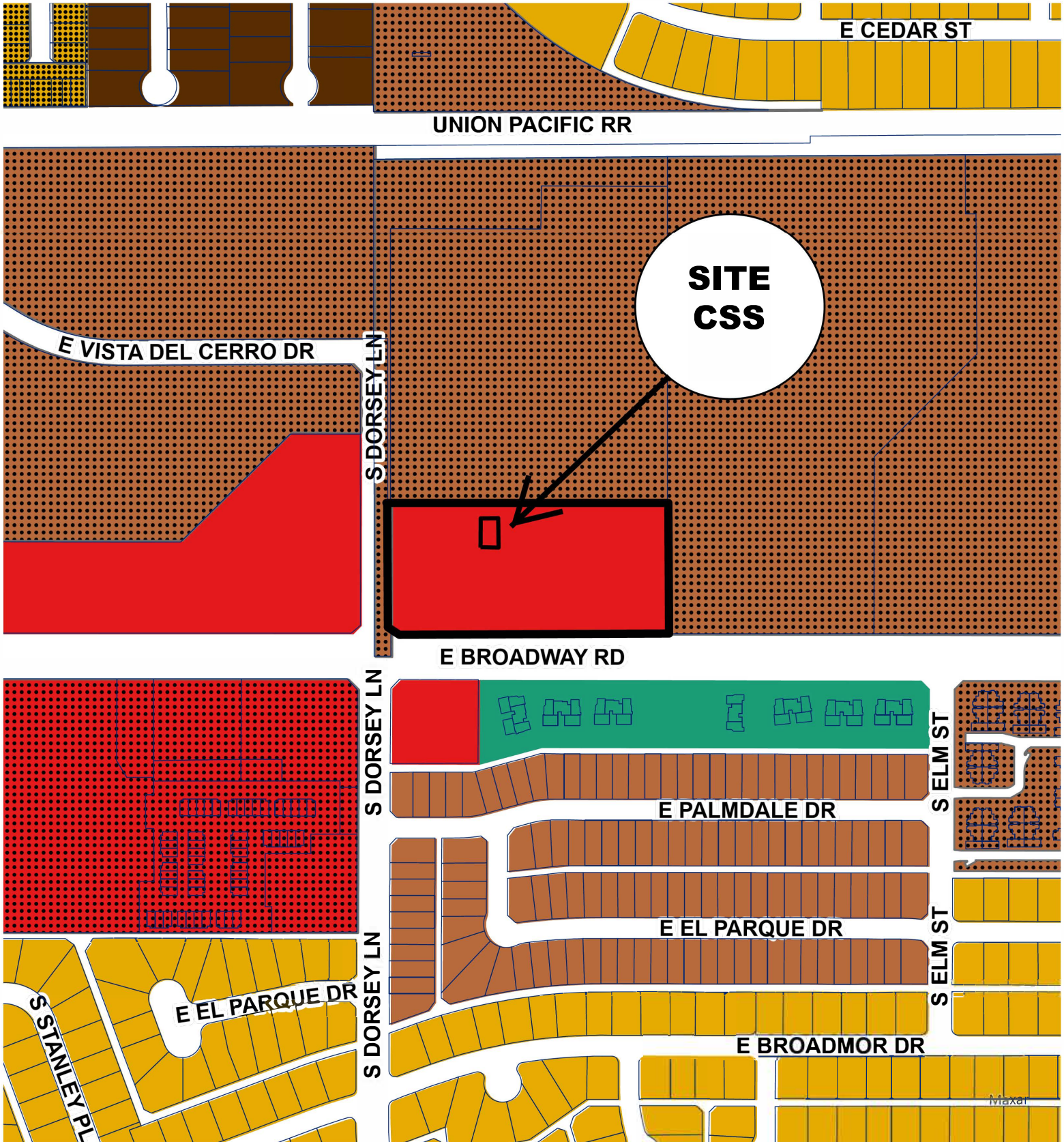
DEVELOPMENT PROJECT FILE
for
THE CHILL ROOM
(PL220313)

ATTACHMENTS:

- 1-8. Site Context (Location Map, Aerial, Tenant Map and Site Photos)
- 9-11. Applicant's Letter of Explanation
- 12. Site Plan
- 13-14. Floor Plan & Furniture Plan



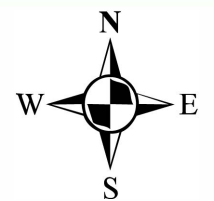
THE CHILL ROOM



- Commercial Shopping and Services (CSS)
- Planned Commercial Center General (PCC-2)
- Residential/Office (RO)
- Single-Family Residential (R1-6)
- Single-Family Residential Planned Area Dev (R1-PAD)
- Multi-Family Residential (R-2)
- Multi-Family Residential Limited (R-3)

- Multi-Family Residential General (R-4)
- Lines**
- Override 1
 - Override 2

- Twelve Point**
- CenterlineSubType**
- ADOT
 - Canal
 - Monument
 - Private





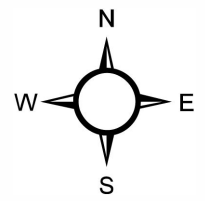
Tempe

PL220313

THE CHILL ROOM



Aerial Map





ATTACHMENT 3



ATTACHMENT 4

思家 TANG GARDEN 烤鱼



WARNING
Slippery When
Entered In Fall

105

RESERVED
PARKING
Handicap Accessible

RESERVED
PARKING
Handicap Accessible

BRH1940

- Restaurants
- Hotels
- Things to do
- Transit
- Parking
- Pharmacies
- ATMs



THE Chill Room

TRASH

1320 E Broadway Rd,
Tempe, AZ 85282

Junji All You
Can Eat Sushi
Sushi • GS

PeopleReady

CSL Plasma

Dynamic Living
Counseling

Busan Mart

American Pankration
Fighting MMA

Brewers Connection
Restaurant supply store

First Command Financial
Advisor - Juan Garcia



Layers

E Broadway Rd

Google

SITE PLAN



TEAM
E G G M A N
EGGERT / ACHTMAN

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ORION INVESTMENT REAL ESTATE

BROADWAY CENTER

1310-1350 EAST BROADWAY ROAD | TEMPE, AZ



SUITE	SIZE	RATE
1320 - 108	2,528 SF	Negotiable

AVAILABLE SPACE	<i>NEXT TO</i>	2,528 SF
LEASE RATE	<i>PLASMA</i>	Negotiable
BUILDING SIZE	<i>PLAZA</i>	51,811 SF
YEAR BUILT		1985
ZONING		C-2, Tempe
CROSS STREETS	Broadway Road & Dorsey Lane	
TRAFFIC COUNT	±42,423 VPD (Broadway Road)	

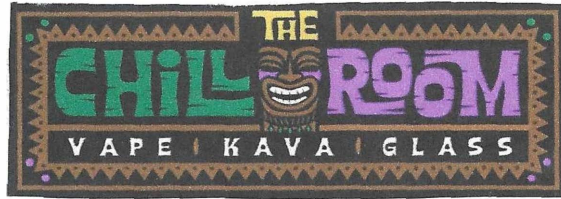
- Below Market Rental Rates for Tempe Area
- Located 1.5 Miles from Arizona State University's Main Campus with over 60,000 Students
- Abundant Parking Field
- High Traffic Area: Over 42,000 Vehicles Per Day on Broadway
- End Cap with Great Visibility Along Broadway Road Available



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ATTACHMENT 8



December 1st, 2022

To: City of Tempe
Community Development Dept.
Planning Division

Re: Letter of Explanation
Use permit Application for :
The Chill Room
1320 E Broadway Rd. suite 108
Tempe, AZ 85282

The Chill Room is part of a franchise based company in Lake Worth, Florida that is expanding nationwide to create a social destination where we seek to capitalize on the growing trend of healthy alternatives to alcohol offering Kava, Kratom, Natural Teas, Hawaiian Kona Coffees and other healthy beverages. In addition we offer light snacks to our patrons utilizing an electric convection oven to heat up refrigerated pre-packaged foods.

Unlike similar Kava Establishments which only serve beverages of which many are opening throughout Arizona, one being Kavasutra in West Tempe recently opened, we see ours as a unique "next level" establishment offering other amenities and services to our customers. We encourage our patrons to enjoy our beverages and snacks in an atmosphere where we will provide comfortable sitting areas to socialize with friends, relax, read, study, browse the internet or enjoy board games or play pool and we believe Tempe is an ideal place to for us to expand, this location in particular.

In addition to dispensing healthy beverages our business structure also includes a small retail section where we sell Vape, CBD and Tobacco products. We also use live entertainment promotions to attract and maintain customers.

Our general hours of operation are initially scheduled to be from 9am-12am Sunday-Thursday and 9am-2am Fridays and Saturdays. These hours of operation represent our maximum hours. We will be making an evaluation to determine whether we might need to shorten the hours as we assess our staff and customers needs.

We plan to have at least one Manager/Partner on site at all times and 1-2 staff members on hand in three shifts and will add more support staff should the need presents itself. Managers receive extensive training in every aspect of running a Chill Room and must attend comprehensive training in person at the Florida flagship location before they can operate their own Franchise. We also require training by all management and staff to be able to among other tasks, to accurately confirm ID's and address security concerns that might arise inside or outside the premises. We proactively work to address the safety needs of our customers and staff.

Although The Chill Room is a Franchise, this will be a family run business with each of the four managing partner/managers working together to support its success with a direct hands on approach. The members are:

Sal Cartagine - President CEO
Lisa Cartagine - Vice President CFO
Vincent Cartagine - Managing Partner
Anthony Cartagine - Managing Partner

**It has been determined we are required to apply for two Use Permits in order to operate our business.
The first is a Vape and Tobacco Use permit. (summary of use):**

We seek a use permit for the retail sales of CBD, Vape and Tobacco products much like a traditional Vape Shop but on a much smaller scale. Since we focus on healthy solutions, we have found our customers have embraced safer use of tobacco and tobacco alternatives. To service those needs our franchise plan includes a small enclosed 300 square foot retail vape section where our customers may purchase those products separate from the main service area and lounge. However we will not allow the use of tobacco on the premises, only vaping will be permitted. We welcome customers 18 years of age and older to enter the premises but they must be at least 21 years of age to enter our retail section and purchase Vape or Tobacco related products and CBD in our retail section.

The Chill Room is seeking to acquire a use permit for a Vape and Tobacco and proposes:

a. not to cause any significant vehicular or pedestrian traffic in adjacent areas:

A comprehensive parking analysis has been submitted by our landlord to the City using City requested forms. We do not anticipate the approval of a permit to significantly increase pedestrian or vehicular traffic and have any negative effect to the surrounding area.

b. not cause any nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at the level exceeding that of ambient conditions.

We will be mitigating any such nuisance with regard to vape smoke according the international mechanical code standards.

c. not to contribute to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals, objectives or policies of the city adopted plans for General plan:

A small retail section would not have a negative effect on the surrounding area. There are other Vape retail establishments within a very short distance as well as a convenience store in the Center that sells vape products. We welcome customers 18 years of age and older to enter the premises but they must be at least 21 years of age to enter our retail section which is separate from the main area to purchase allowable Vape or Tobacco related products and CBD related products in our retail section. Our staff is specially trained to review IDs to enforce the legal age requirement.

d. to seek compatibility with existing surrounding structures and uses .

Our business would complement our neighbors in the center as they operate restaurants, convenience stores and various services. We do not need to make any outside modifications, only interior modifications.

e. adequately control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or General Public

WE DO NOT SERVE ALCOHOL. In fact, the beverages we serve are known to cause a calming effect and initiate a state of well being conducive to friendly social interaction. Our community of Kava drinkers are different in temperament and attitude than the clientele that might be attracted to an establishment that serves alcohol. That is the very point of establishing this kind of business where our patrons are seeking an alternative to alcohol establishments that unfortunately, might be conducive to certain types of negative and unwanted behavior. They seek an alternative environment. We do not foresee nor have experienced disruptive behavior at our other locations.

That being said, we take nothing for granted and require our management and staff satisfactory mandatory completion of educational training to effectively enforce ID requirements and if needed, ask our patrons to adhere to rules of the establishment in a professional, non confrontational manner such as they not congregate outside if the situation were to arise, a condition we will monitor. Additionally, we will be installing inside and outside cameras for extra security and safety.

The second Use Permit we are seeking is for Live Entertainment. (summary of use) :

For our customers' enjoyment and help to develop what is known as the "Kava Community or Kava Culture we will be hosting special events. These events may include "Movie Theme Nights" to view movies on our large video screens, Game Nights, Poetry Reading, Trivia Nights, Holiday Themed Events and Open Mic Nights.

We have incorporated a small platform into our floor plan which when not in use will be utilized for seating. We will have complete control over the sound levels to keep them low enough so our customers can speak to each other when an event is in progress and also so we don't in any way disturb our neighbors.

We do not charge patrons for entry, take reservations in advance or engage in advance ticket sales. We anticipate our peak hours will be from 8-11pm. Our neighbor next door where plasma is donated closes at 7pm and our other adjoining neighbor Tang Garden Restaurant has a buffer space for their Karaoke booths and not directly wall to wall with their restaurant.

The Chill Room is seeking to acquire a use permit for a Live Music permit and proposes:

a. not to cause any significant vehicular or pedestrian traffic in adjacent areas:

A comprehensive parking analysis has been submitted by our landlord to the City using City requested forms along with our seating

plan outlining our projected occupancy. As outlined in our seating plan we project an average of 30-45 persons for such events. We anticipate the peak hours of patronage will be between 8pm-11pm which is past traditional business and dinner hours and will not negatively impact the parking lot.

b. not to cause any nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at the level exceeding that of ambient conditions.

We are not a high decibel Live Music Venue. We do not sell tickets in advance or charge an admission fee at the door.

With regard to live performers, we will have complete control over the sound levels to keep them at comfortable levels with the goal being the customers can speak to each other when an event is in progress and that we don't in any way disturb our neighbors. I learned from my Property Manager that the walls of my space already have additional material for soundproofing. I will investigate this further during the build out phase and if necessary add additional material as a preventive measure.

We anticipate our peak hours will be from 8-11pm. Our neighbor next door where plasma is donated closes at 7pm and our other adjoining neighbor Tang Garden Restaurant has a buffer space for their Karaoke booths so we are not directly wall to wall with the eating section of their restaurant. This is an ideal situation.

c. not to contribute to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals, objectives or policies of the city adopted plans for General plan:

We see our business as being a positive addition to the Center and to the Community as a whole. We have had extensive discussions with our Landlord and I have personally met with most of the other businesses and described our plans and anyone I spoke to agree our business will make a good addition to the Center.

d. to seek compatibility with existing surrounding structures and uses.

Our business would complement our neighbors in the center as they operate restaurants, convenience stores and various service centers. We do not need to make any outside modifications, only interior modifications.

e. adequately control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or General Public.

WE DO NOT SERVE ALCOHOL. In fact, the beverages we serve are known to cause a calming effect and initiate a state of well being conducive to friendly social interaction. Our community of Kava drinkers are different in temperament and attitude than the clientele that might be attracted to an establishment that serves alcohol. That is the very point of establishing this kind of business where our patrons are seeking an alternative to alcohol establishments that unfortunately, might be conducive to certain types of negative and unwanted behavior. They seek an alternative environment. We do not foresee nor have experienced disruptive behavior at our other locations.

That being said, we take nothing for granted and require our management and staff satisfactory mandatory completion of educational training to effectively enforce ID requirements and if needed, ask our patrons to adhere to rules of the establishment in a professional, non confrontational manner such as they not congregate outside if the situation were to arise, a condition we will monitor. Additionally, we will be installing inside and outside cameras for extra security and safety.

We appreciate your consideration of our unique business model and are looking forward to working along with the City of Tempe. We are very excited to be putting forth our best efforts into creating something unique in Tempe.

Respectfully,

Sal Canaglia



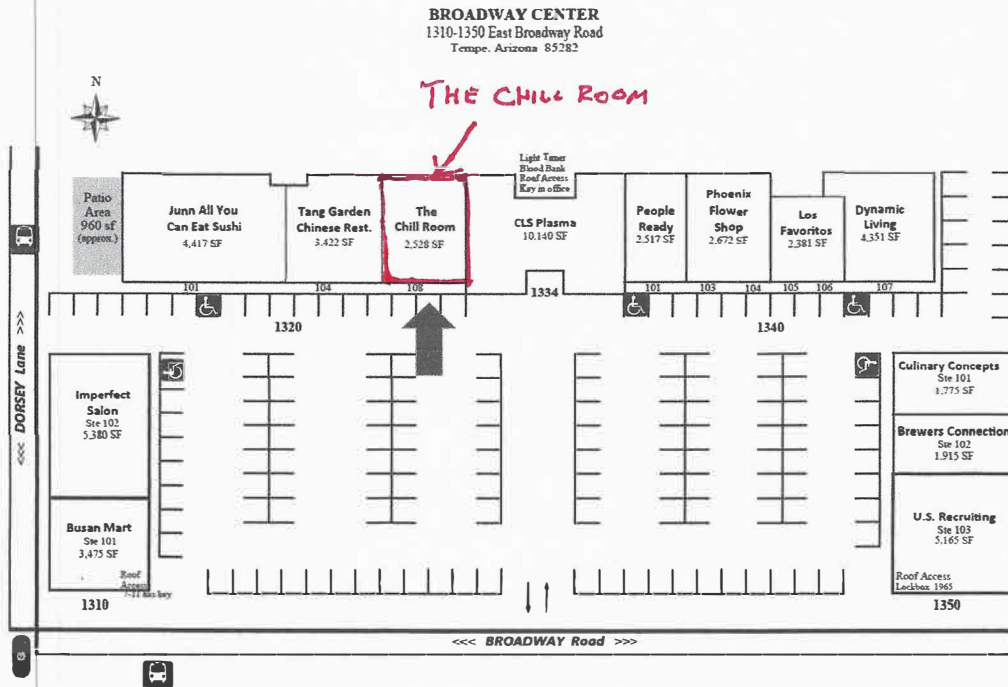
President and CEO
The Chill Room of Arizona

EXHIBIT A.1

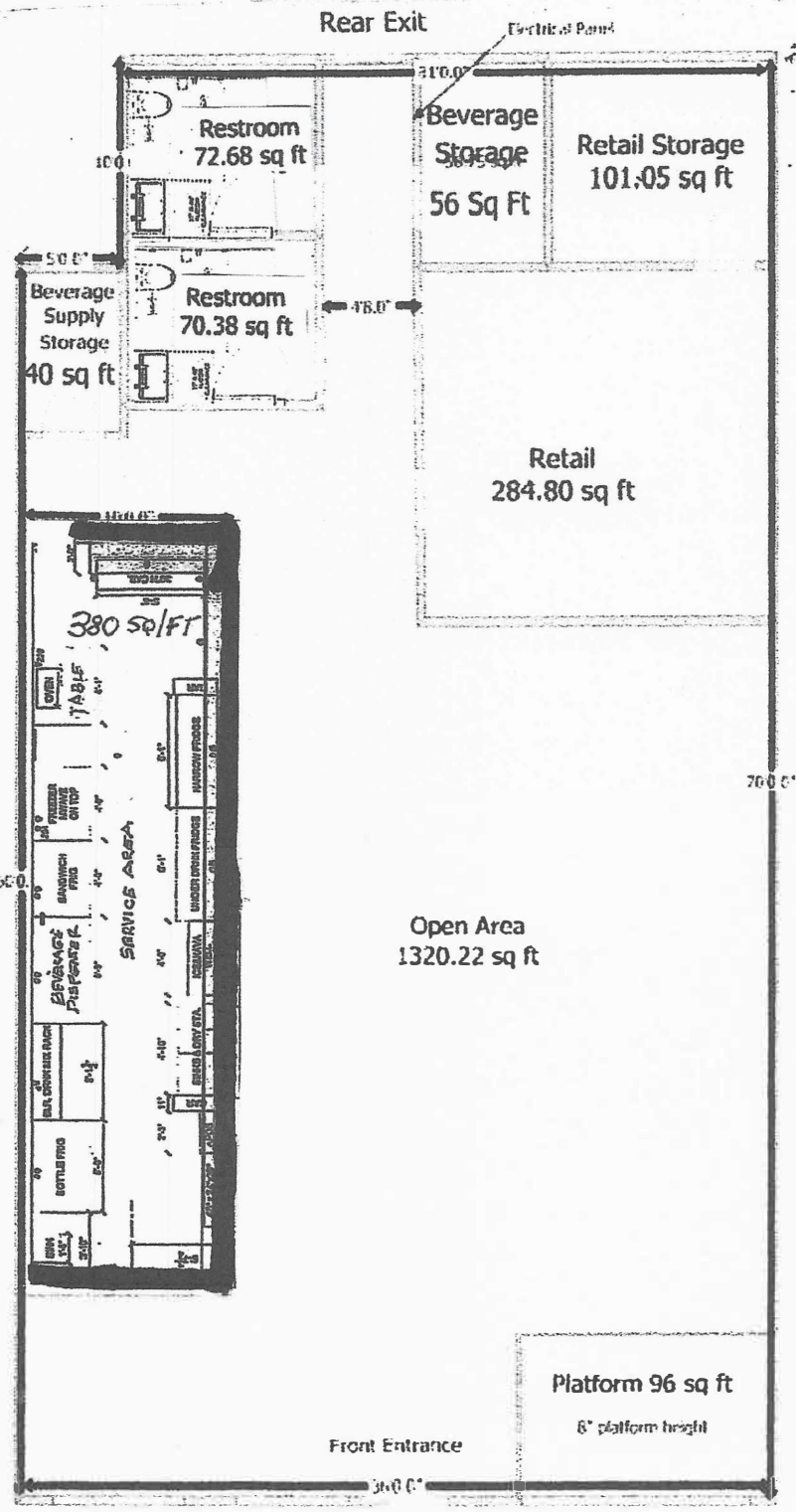
PLAN OF SHOPPING CENTER

Attached is a site plan of the Shopping Center, with the Premises highlighted.

The attached site plan is intended solely to depict the location of the Premises within the Shopping Center.



DORSEY LANE

E BROADWAY ROAD

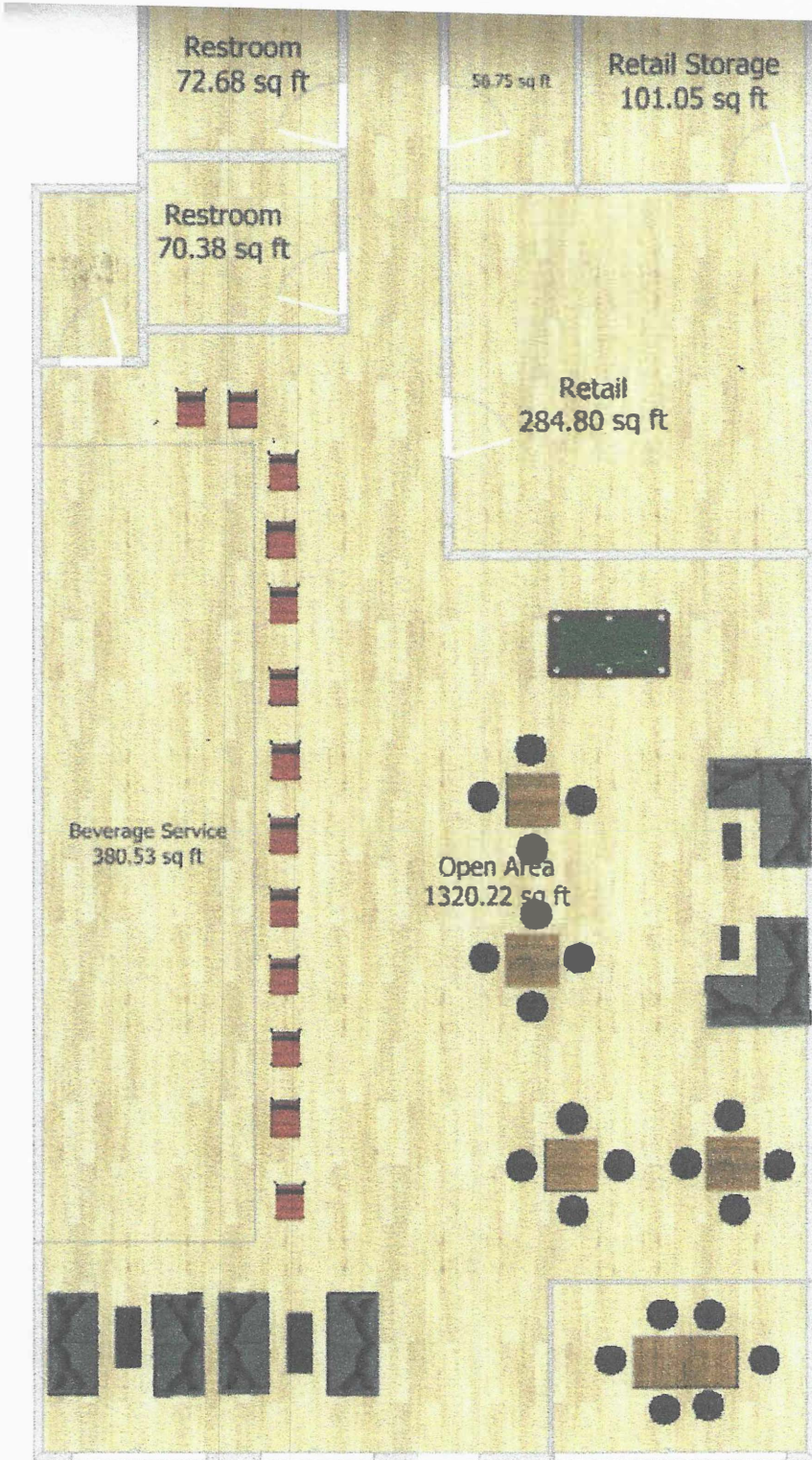
PROJECT NAME: The Chill Room
LOCATION: 1320 E Broadway Rd Suite 108
 Tempe, Arizona 82582

LEGAL DESCRIPTION:
 Section/Lot 23 Township/Block 1N Range/1 tract 4E
 PT SW4 SE4 SEC 23 DAF BEG AT S4 COR SD SEC TH N
 365F TH E 703.06F TH S 365F TH W 703.22F POB EX
 FOR LY BELOW A DEPTH OF 500F MEAS VERTICALLY FR
 CONTOUR OF SURFACE OF PROP P/D 14447-586 &

ASSESSOR # 133-06-004G
TOTAL BUILDING AREA : 51,811 sq ft
TOTAL # OF PARKING SPACES: 253

CONTACT: Sal Cartagine
 16204 E Charlton Ct
 Fountain Hills, AZ 85268
EMAIL: Sal@clvire.com
PHONE: 602 818-3886

TOTAL USEABLE SQ FT: 2478
 2036 sq ft Beverage/Snack
 386 sq ft Retail Use



The Chill Room Seating Plan

13 Service Counter Seats
 22 Hi Top Tables
 14 Couch Seats
TOTAL SEATS: 49