

Email from Brent Hickey brent@centralhomes4sale.com

Subject: Fuji Expansion Neighborhood Meeting

Dear Brian:

brian@associated-architects.com

Thank you very much for your time and for co-hosting the neighborhood meeting on May 26, 2016 with Fuji.

This letter is being prepared to serve as an outline of my observations with respect to your requested re-zoning of 36 acres from GI (General Industrial) to HI (Heavy Industrial). My goal is to better inform myself so that I can be in a position to support what Fuji is proposing to do.

First, I added up the acreage on the Maricopa County Assessor's site and the parcels you have requested to re-zone – 304-34-041, 042A, and 042B add up to 18.99 acres. The gross project acreage on the exhibit that you showed us in the meeting listed the gross project acreage as over 36 acres. Can you confirm that we are only dealing with the parcels listed above and that the project subject to rezoning is only 18.99 acres? If so, the zoning exhibit should be revised to make clear that this is only an 18.99 acre case.

I respectfully request that my thoughts be deliberated with professional diligence and consideration for your neighboring property owners, mainly due to the fact that you are asking for a zoning (HI) that, according to the City of Mesa zoning ordinance "*...may adversely affect surrounding uses because of the after affects of the manufacturing, assembly, and/or production process.*"

Under current conditions, Fuji does not have a zoning that "*may adversely affect surrounding uses,*" at least not in written definition. Because it is known that Fuji is

asking for a zoning that could have dire and everlasting impacts on their neighbors, it is only prudent and must be insisted that a proper understanding of risk and consequences be examined and agreed to.

1. It has been my historical understanding that the City of Mesa wanted intensity of uses to increase as they went to the south. Fuji's request is in opposition to that logic. After today, we know that Fuji currently has room for approximately 14 isotainer units near the center of their facility on the west side (by examining an aerial, these 14 isotainers are also well located next to a water storage tank, a pump house, and a lined retention pond). Of course, this is not the 45 isotainer spaces that Fuji is requesting on the north side and abutting the SR 24 right of way and less intense neighboring land uses, but it could be a starting point for Fuji while the appropriate time is taken to make sure we have a solution that is good for both Fuji and the neighborhood. Also, I checked the City of Mesa zoning map. Fuji has GI zoning and the neighbor to your south does have HI zoning. This is consistent with the uses becoming more intense as they progress southerly. By rezoning your northern parcel to HI seems to be inconsistent with the flow of intensity of use pattern.

2. Fuji has considered adjacent land further to the south of the SR24. I know this as I was the one that presented it to them. This property is located due west of the area where the approximate 14 isotainer units currently sit on Fuji property. This land does not border the SR24. This land would allow Fuji to internalize their storage of isotainer units thereby providing a protection for surrounding land owners and this lands location to the south follows the natural progression of intensity of use that makes sense in this scenario. Fuji has expressed a cost concern regarding the price of this land, however the bottom line is that it is available and cost should not be so much of a concern when we are talking about preserving the integrity of safe land uses for neighbors.

3. Upon review of the Material Safety Data Sheet ("MDSA") that Fuji provided, it was noted that the chemical that is proposed to be stored and tested while waiting for transportation:

- a. A flammable liquid and vapor;
- b. Toxic in contact with skin;
- c. Causes skin irritation;

- d. Causes serious eye irritation;
- e. Is a confirmed animal carcinogen;
- f. The vapors may form explosive mixtures with air;
- g. Vapors may travel to areas away from work site before igniting/flashing back to vapor source;
- h. Warns that in the event of a fire and/or explosion do not breathe fumes;
- i. Warns to keep people away and upwind of a spill/leak;
- j. Warns to not breathe vapors;
- k. Warns against discharge into the environment;
- l. Warns that heavy vapors can overcome a considerable distance up to the source of ignition;
- m. Warns that the containers remain hazardous when empty;
- n. Advises that storage **rooms** must be properly ventilated;
- o. Advises to keep away from direct sunlight;
- p. Advises to protect from physical damage;
- q. Advises that rescue and maintenance workers to use self-contained breathing apparatus;
- r. Has a flash point of 111 degrees fahrenheit;
- s. States Conditions to Avoid are heat, flames, sparks, and direct sunlight;
- t. Is considered a Fire Hazard, Acute Health Hazard, and Chronic Health Hazard under SARA 311/312 Hazard definitions;
- u. Has a Warning that the product contains chemicals known to the State of California to cause cancer; and
- v. Has a Warning that the product contains chemicals known to the State of California to cause birth defects or other reproductive harm.

Please confirm in writing that I am not misrepresenting the Material Safety Data Sheet provided by Fuji in our neighborhood meeting.

4. I understand that each isotainer unit is refrigerated with an impressive insulating standard. I understand that each unit is electronically monitored for failure in the refrigeration unit. These precautions, while necessary, do not protect surrounding landowners from all situations. What considerations and precautions have been made for a potential freeway shooter? An act of terror? The standard isotainer can hold 6,340 gallons of chemicals. Fuji wants 45 of these isotainers. This is a potential of **285,300 gallons** of an explosive, cancer causing, toxic, and airborne travelling chemical discharge just waiting to happen. Does Fuji have a chemical engineer that has quantified the damage that could occur in a worst case scenario? You are proposing this to be adjacent to a future freeway where a perpetrator would have easy access. I believe that the City of Mesa and the surrounding landowners have every right to understand the potential damage that could come their way by having a chemical stockpile so close to an easy access way such as the future SR24.

5. Has Fuji considered enclosing the isotainers in a masonry building, adequately sealed and fireproofed, with an environmentally approved exhaust system? This would give a level of protection from the perpetrator scenario described in number 4 above (ie. Protect from physical damage). Further, the building could be climate controlled as a back up to the concern about an individual refrigeration unit failing, and the building could be sealed in the event of an accident thereby containing the situation (ie. Protect from direct sunlight and heat). Other than cost (after all you can't put a price on the safety of your neighbors that you have a duty to protect), why would this scenario not work for Fuji?

6. Has Fuji considered relocating their southern parking lot to the requested re-zone area? Fuji could then use the southern parking lot as their enclosed isotainer storage area. This area is directly east of the existing 14 isotainer units.

7. In our meeting, you were unable to tell us what the future use of parcel 041 would be, however you are asking that it be rezoned to a use that "*...may adversely affect surrounding uses because of the after affects of the manufacturing, assembly, and/or production process.*" Because the use is unknown and we have every right to know that consequence of any specific use that could impact neighbors, I believe it is prudent to remove this parcel from the zoning case until a use is known that can be studied and its

impact analyzed. You seemed to indicate that even if it is zoned, the neighbors will still have the same rights to participate in the entitlement process at a later date when the use is known. Please explain your rationale as I have always understood that once a property has received a certain zoning, then its use would be greatly solidified. I did speak with the City of Mesa Planner (Wahid Alam) and he did indicate that he suggested zoning this parcel along with the balance. I let him know that I disagreed with this position given the hazardous nature of this case.

In closing and as promised, please forward the most recent ADOT right of way maps that we discussed in the meeting to sutama3@yahoo.com.

Thank you again for your time and I look forward to your written response.

Sincerely,

Brent Hickey

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