

June 14th, 2016

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Subject: Fuji Expansion Neighborhood Meeting

Dear Mr. Johns:

I have been informed by my fellow neighbors that your company is currently representing Fuji Films in a rezoning case of 36 acres from GI (General Industrial) to HI (Heavy Industrial). I want to state for the record that as a representative of adjacent owner(s) we are all very opposed to this zoning request.

We would request a continuance of this case for the following reasons:

1. Lack of Information about what is being rezoned.

I added up the acreage on the Maricopa County Assessor's website and the parcels the City and the applicant have requested to re-zone, namely, Parcels 304-34-041, 042A, and 042B add up to 18.99 acres. The gross project acreage on the Applicants submitted exhibits and at the neighborhood hearing's showed a gross project acreage as over 36 acres. Therefore the Applicant submittal is not accurate and a revised site plan showing what the applicant intends to do with the other 18 acres is necessary before this case can be considered. I fear what the applicant is proposing is 18 acres of Heavy Industrial for the use as mentioned below and then an expansion phase of this same use without having to go back through the public hearing process.

After review of the request and conferring with neighboring property owners, the City of Mesa has a "Duty of Care" mainly due to the fact that the Applicant is asking for a zoning (HI) that, according to the City of Mesa zoning ordinance "...may adversely affect surrounding uses because of the after effects 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 that a proper analysis of the risks and the risks to the surrounding homeowners (up to 5 miles) are completely known. To date we have heard nothing.

2. Density in the Wrong Direction

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. 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 south. Rezoning the north parcel to HI seems to be inconsistent with the flow of intensity of the City proposed land use pattern.

3. Other Alternatives

It is well known by those in the neighborhood that Fuji has considered adjacent land further to the south of the SR24. 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, as stated above, that makes sense in this scenario.

4. Move location to the South

Has the Applicant 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 current 14 isotainer units.

5. Non-Disclosure of what is being put on the Site.

Upon review of the Material Safety Data Sheet (“MSDS”) 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.

This list needs to be put in front of every Planning Commissioner and City Council person, so they can make informed decisions.

6. Location of Site

According to the Applicant, 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. 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. What studies have been completed and reviewed by the City to understand what potential damage can be caused should these amazingly toxic chemicals get released to the air? After all they are being stored outside. Will Fuji put an emergency clean up bond up? to pay for the hazard and potential cleanup costs that could occur if an accident happens, to local residents and property owners.

7. Enclosing the Site

Has the Applicant 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?

8. Incomplete Application-

The Applicant has not submitted a complete application, and therefore continuance should be proposed at a minimum. Alternatively, this case should be removed from the agenda. For the following reasons:

a. The City has advertised the case incorrectly. There is only 18 acres being rezoned. The City should not be in the business of speculative zoning the remaining 18 acres, even if, the Applicant is a large employer; Therefore the City noticing is at fault and incorrect and therefore invalid. At a minimum the City should re notice the hearing for a later date;

b. The area affected by this case is far wider than 300 feet. The public meetings are welcomed but I believe that the HOA of Eastmark should be notified. I am sure they would be interested to learn that about a mile south of their property line the Applicant was intending to place a material that

“Is considered a Fire Hazard, Acute Health Hazard, and Chronic Health Hazard under SARA 311/312 Hazard definitions;

Has a Warning that the product contains chemicals known to the State of California to cause cancer; and;

Has a Warning that the product contains chemicals known to the State of California to cause birth defects or other reproductive harm.

This is not a typical zoning case, the Applicant has an environmental responsibility to make sure everyone knows they are there putting a highly toxic chemical dump adjacent to lesser land uses, including residential, and that the Applicant has not thought through the worst case scenarios. Why? Because it only takes one of these containers to leak and hundreds or may be thousands of people will get very ill, or eventually die due to these chemicals.

The City has a duty to protect the “Health Welfare and Safety of its population” by placing these containers up against a freeway and adjacent to lighter land uses, it is not protecting its current and future population of approximately 30,000 citizens a mile to the north. The Applicant could move the containers further south where they would be appropriate with other Heavy Industrial uses.

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

Sincerely,