



March 17, 2023

City of Tempe
P.O. Box 5002
31 East Fifth Street
Tempe, AZ 85280
480-350-8221

****Sent via Email and U.S. Postal Service Certified Mail****

Andrew B. Ching
City Manager

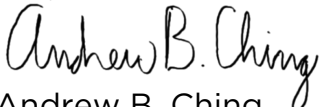
Mr. Jeffrey J. Barton
Phoenix City Manager
200 W. Washington Street, 12th Floor
Phoenix, AZ 85003

RE: Future Multi-Family Development within the 65 DNL

Jeff:

With respect to Tempe's willingness to disapprove proposals for development of residential uses within the "current" 65 DNL contours and essentially agree with the terms of the proposed amendment to the IGA, it will first be necessary for Tempe to ascertain the specific location of the "current" contours which Phoenix defines as those approved by FAA in the 2019 CAMP. Because FAA's purported approval was only partial, and did not extend as far as approval of the proposal's adequacy for the funding of the planned improvements, Tempe has retained a consultant to evaluate the size and scope of the 2019 contours. This process could be expedited if Phoenix would agree to provide Tempe with the data underlying the 2019 65 DNL contours, as well as the size of the current 2023 contours, and any differences between the two. In addition, because of the tenuous legal ground for prohibiting development within as yet incompletely ascertained contours, Tempe is also evaluating its potential legal liability for foreclosing the development of property within the contours provided by Phoenix. In summary, Tempe is currently unable to respond without completing its contour map and obtaining all necessary public input.

Sincerely,


Andrew B. Ching
Tempe City Manager