



CITY OF  
TUCSON

Planning Development Services Department (PDSB)  
Zoning Administration Division  
201 North Stone Avenue, Tucson, Arizona 85701

**\*\*\* NOTICE OF DIRECTOR'S DECISION \*\*\***  
**EFFECTIVE NOVEMBER 30, 2012**

CASE NO.: MDR-12-04, Che's Lounge Patio Addition, C-3 zoning  
ADDRESS: 350 N. 4<sup>th</sup> Avenue  
APPLICANT: Matthew Hamilton, The Built Environment

**The Project**

Che's Lounge is an existing bar located within a small business complex at the northeast corner of N. 4<sup>th</sup> Avenue and E. 7<sup>th</sup> Street. Buildings in the complex are located around an interior courtyard space, which is where a new drinking and smoking patio is proposed. The site has C-3 zoning, and is located within an overlay zone, the Infill Incentive District - Greater Infill Incentive Subdistrict (IID-GIIS, see attached maps).

Site plans for the patio addition need to comply with Land Use Code (LUC) criteria applicable to new construction. The IID allows certain development regulations to be modified, in exchange for providing infill development that supports the creation of urban neighborhoods that are pedestrian- and transit-oriented, and benefits the IID and major activity centers in the area.

**Applicant's Request**

The applicant is requesting the following modification:

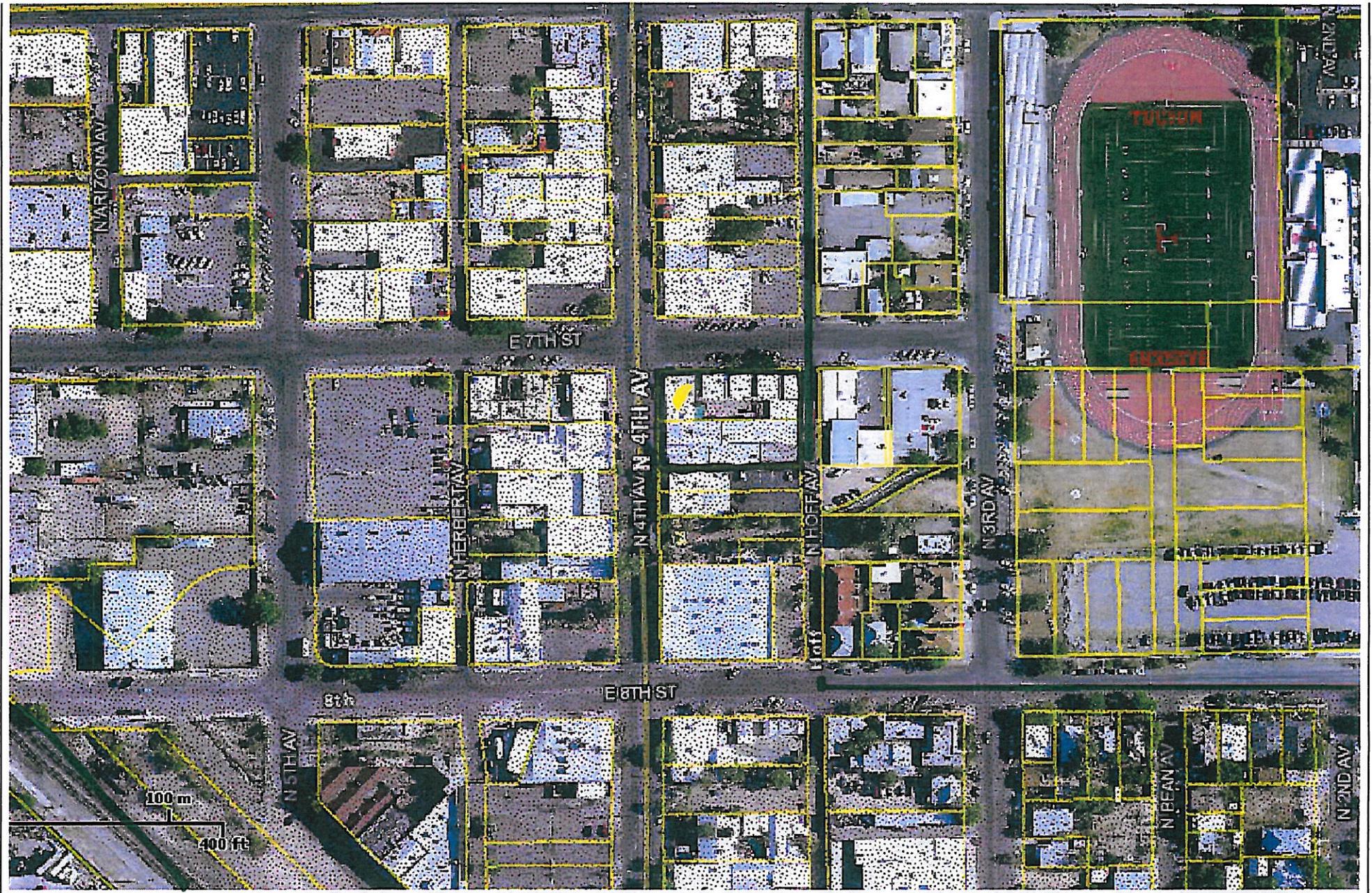
- 1) Provide all parking off-site through an agreement with the City of Tucson's ParkWise division to utilize a parking validation system to provide parking spaces in the nearby parking garage.

**PDSB DIRECTOR'S DECISION: MODIFICATION 1 GRANTED SUBJECT TO THE FOLLOWING CONDITION:**

1. The site plans for the new patio shall not be approved until proof has been provided that an agreement has been executed with the City's parking authority (ParkWise) to purchase parking validations at the Centro Garage for the parking spaces required for the patio addition.

**Ernie Duarte, Director**  
**Planning & Development Services Department**

(cont'd. on next page)



Scale: 1:2,400

-  Che's Lounge
-  GIS



Printed: Jun 05, 2013

PROJECT INFORMATION:

Project: New Patio for Che's Lounge  
Address: 350 N. 4<sup>th</sup> Avenue  
Activity No: DP12-0079  
Subject: Narrative for Modification of Development Regulations (MDR) for projects within the Downtown Area Infill Incentive District

NARRATIVE ADDRESSING DESIGN ELEMENTS:

The owners of Che's Lounge work hard to keep their business successful. They are constantly improving Che's Lounge. One tremendous improvement will be to add an outdoor patio. Having a patio would improve their bar and business, as well as 4<sup>th</sup> Avenue. Che's Lounge is one of many businesses on 4<sup>th</sup> Avenue. Improvement to one business can positively affect the business nearby. With the patio being a huge improvement to Che's Lounge, nearby businesses can reap benefits from increase of foot traffic headed to Che's Lounge. It can positively affect 4<sup>th</sup> Avenue, especially now that the construction of the Streetcar has negatively affected many businesses along its route.

Che's Lounge is proposing a new 1200 square foot outdoor smoking and drinking patio. One of the many steps in getting this bar a patio is going through the MDR process. With this MDR, Che's Lounge is requesting to modify 24 required motor vehicle parking spaces (LUC Sec. 3.3.4) for the proposed patio. Like many of the other businesses located on 4<sup>th</sup> Avenue, the owners of Che's Lounge are unable to provide on-site motor vehicle parking, but this is what they are capable of. As the plan indicates, the streets along Che's Lounge, 4<sup>th</sup> Avenue and 7<sup>th</sup> Street, do provide a number of on-street motor vehicle parking. Many of the patrons of Che's Lounge use the on-street parking, bicycle parking and many others walk from their homes. The owners of Che's Lounge are currently working on an agreement with ParkWise. See attached letter from Donovan Durband, ParkWise Program Administrator, describing the tentative agreement with Che's Lounge. The previous approved site plan for Che's Lounge went through Board of Adjustment which waived all required motor vehicle parking. This time, through the MDR and agreement with ParkWise, Che's Lounge is able to provide vehicle parking, 90 validations per month, at Centro Garage. This shows that the owners of Che's Lounge are making strides to improve their business and to help 4<sup>th</sup> Avenue as much as possible. Another positive advantage to being located on 4<sup>th</sup> Avenue is when the Modern Streetcar is complete, it will provide many people access to 4<sup>th</sup> Avenue from Downtown to the University of Arizona. "The 3.9 mile streetcar route connects major centers of social and economic activity, with more than 100,000 people living and working with-in a half-mile of the streetcar route. The route consists of four major segments: West of Downtown/I-10, Downtown, 4<sup>th</sup> Avenue/Main Gate, and The University of Arizona." This will link the Centro Garage, the established pedestrian district at Main Gate and the University of Arizona to 4<sup>th</sup> Avenue.

bar. Being able to provide their patrons a place to smoke, drink, and enjoy exterior setting of the patio, will improve business with returning customers and even bringing in old and new customers. For all the patrons of Che's Lounge, they will no longer have to go out the sidewalk, congesting the corner, smoking whether it be them or their friends, they will now be able to enjoy the wonderful Tucson weather, smoking, drinking, or simply enjoying the ambiance that Che's Lounge provides.

Thank you for taking the time to read and acknowledge our requests.

**PARKING FACILITY AGREEMENT**

**Centro Garage**

This Parking Facility Agreement ("Agreement") is entered into this 28<sup>th</sup> day of December, 2012 (the "Effective Date"), by and between the City of Tucson, a municipal corporation, through ParkWise, a division of the Transportation Department of the City of Tucson, and referred to in the Land Use Code as the "City's Parking Authority ("ParkWise"), and Victor V LLC dba Che's Lounge, Inc., ("Licensee") located at 350 N. 4<sup>th</sup> Avenue in Tucson, Arizona; collectively, the "Parties".

**1. Purpose of Agreement**

The purpose of this Agreement is to make available to Licensee validations within the Centro Garage, a parking facility located at 345 E. Congress St., Tucson, Arizona (the "Facility"), for off-site parking within one-quarter (1/4)-mile of the location of the Licensee, for the purpose of providing the Licensee with a means of complying with the requirements of the City of Tucson's Land Use Code, Article II. Zones. Division 8. Overlay Zones: Downtown Area Infill Incentive District Zone (IID), 2.8.12.3.c.iv, which states, "c. Parking may be provided either solely by one of the following options or a combination of the following options:", . . . " (iv) An in-lieu fee per an agreement with the City's Parking Authority." The execution of this Agreement is a condition of the approval of the application associated with Case No.: "MDR-12-04, Che's Lounge Patio Addition" by the City of Tucson Director of Planning and Development Services. The Parties acknowledge that this Agreement is in the nature of a license and is not intended to create an interest in real property.

**2. Term of Agreement**

The term of this Agreement shall be for a period of five (5) years, beginning on the Effective Date, unless terminated earlier. Termination of this Agreement shall not be construed as a termination of the Licensee's obligations to fulfill its parking requirements as referenced in Section 1, above.

**3. Renewal**

The term of this Agreement may be extended so long as there exists no default hereunder or any condition, act, or event which could constitute a default.

**4. Parking Allocation and Calculation of Fees**

The MDR requirements are fulfilled through the purchase of three (3) parking validations at the Facility per day, or 90 parking validations per month. ParkWise hereby agrees to provide 90 parking validations per month to the Licensee, for the use of the Licensee's customers, at the Facility.

Fees per space are based on the current market-established parking rate or rates in ParkWise's Downtown parking program on the Effective Date ("Base Rate"). The validations will be valued at the Base Rate that applies to parking at the Facility for a period of three hours, which may be in the form of an hourly rate or a flat rate for an extended period of time. Licensee agrees to pay ParkWise the Base Rate or Adjusted Base Rate (per Section 7) for the 90 validations, less any discounts that may be offered to purchasers of validated parking, per Section 8.

As of the Effective Date, the parking rates at Centro Garage are \$3 during the daytime, seven days per week, and evenings after 5:00pm from Sunday through Wednesday (Weekday Rate), and \$5 after 5:00pm on Thursdays, Fridays, and Saturdays (Weekend Rate); however, for the purpose of this Agreement, the Base Rate and any applicable Adjusted Base Rate shall be either the Weekday Rate or the hourly rate that applies for a three-hour visit, whichever is less.

Licensee will be charged an amount equal to the face value of the validation card, less any discounts that may apply. As of the Effective Date, Licensee will be charged \$3 for each validation card that is worth \$3 in parking value, less 20%. Licensee's customers may be required to pay the balance of the charge for parking that is payable, should they park during a time when the flat rate is greater than \$3 or if an hourly charge applies, the amount payable exceeds \$3. Neither ParkWise nor Licensee assumes liability for payment of the difference between the fee and the value of the validation card.

#### **5. Payment Commencement Date and Payment Schedule**

The first such payment for the purchase of validations is due and payable on the first day of the month following the issuance of a Certificate of Occupancy for the subject patio facility. Payment shall continue to be made to ParkWise in advance, due and payable on the first of each succeeding month.

#### **6. Validation Cards**

The validation cards will be stamped with an expiration date, which will be the last day of the month for which payment is due. For example, the Licensee would receive validation cards expiring on the last day of the month in exchange for payment due and payable on the first of the same month. This is to encourage actual usage of the cards and to distribute their utilization relatively evenly.

Licensee may choose to purchase validations at different denominations, provided that it purchases at least 90 validations per month, and that the total monthly purchase is no less than the Base Rate or Adjusted Base Rate times 90, prior to the application of a discount.

The purchase of these validations will constitute ongoing fulfillment of the Licensee's obligations to pay an In Lieu Fee for off-site parking to support parking demand at 350 N. 4<sup>th</sup> Avenue, associated with its additional patio space.

#### **7. Adjustment of Base Rate**

The Base Rate may be adjusted as determined to be necessary or desirable at ParkWise's sole discretion. In the event ParkWise determines to increase or decrease the Base Rate or a subsequent Adjusted Base Rate, such rate may be adjusted and charged to Licensee with the provision of a sixty (60)-day written notice of such rate

**GENERAL INFORMATION**

**PROJECT ADDRESS:** 350 N. 4TH AVENUE  
**LEGAL DESCRIPTION:** TUCSON LOT 2 BLK 75  
**PARCEL NO.:** 171080660  
**OWNER:** JIM VANCZA (PHONE 623-2086)  
**ZONING:** C-3  
**FLOORPLAN:** ZONE AE  
**CONSTRUCTION TYPE:** VN

**EXISTING MAX. HT.:** 25' TOP OF EXISTING PARAPET  
**LOT AREA:** 12,471 SQ.FT. (0.28 ACRES)

**PREVIOUS C.O.T. VARIANCE CASES:**  
 CASE NO. C10-98-53  
 CASE NO. C10-99-74  
 CASE NO. C10-05-28

**AREA CALCULATIONS FOR EXISTING BAR:**  
 1ST FLOOR 875 SQ.FT.  
 BASEMENT 826 SQ.FT.  
 TOTAL EXISTING 1701 SQ.FT.  
**PROPOSED NEW DRINKING PATIO:** 1200 SQ.FT.  
 TOTAL AREA 2901 SQ.FT.

**EXISTING AND PROPOSED USES:**  
**ALCOHOLIC BEVERAGE SERVICE '33'**  
 SUBJECT TO LUC SEC 88A.41C  
**FOOD SERVICE '33'**  
 SUBJECT TO LUC SEC 88A.41C  
**GENERAL MERCHANDISE SALES '34'**  
 SUBJECT TO LUC SEC 88A.42A  
**ADMINISTRATIVE & PROFESSIONAL OFFICE '34'**

**EXPANSION CALCULATION: CHE'S LOUNGE ONLY**  
 TOTAL BUILDING AREA 1711 S.F.  
 NEW PATIOS 1200 S.F.  
 PERCENTAGE INCREASE 70.2%  
 (1200/1711 = 0.622)

**OFF-STREET VEHICLE PARKING FOR BAR (350 N. 4TH AVENUE)**  
 EXISTING PARKING CALCULATION: 1711 SF/80 = 21.4 SPACES REQUIRED  
 BOARD OF ADJUSTMENT CASE C10-99-74 GRANTED A PARKING VARIANCE TO ELIMINATE 50 REQUIRED SPACES FOR A BAR USE AT 350 N. 4TH AVENUE.

**OFF-STREET VEHICLE PARKING FOR ALL OTHER EXISTING USES THIS SITE:**  
 BOARD OF ADJUSTMENT CASE C10-05-28 CONDITIONALLY GRANTED A PARKING VARIANCE AS FOLLOWS:  
 - 342 THROUGH 346 N. 4TH AVENUE AND 406 THROUGH 420 E. 7TH STREET RESTRICT THESE BUILDINGS TO USES WITH A PARKING RATIO NOT TO EXCEED 1:200.  
 - 341 AND 343 N. HOFF AVENUE IS LIMITED TO USES WITH A PARKING RATIO NOT TO EXCEED 1:200.

**OFF-STREET VEHICLE PARKING FOR NEW PROPOSED PATIO FOR CHE'S LOUNGE:**  
 PROPOSED PATIO = 1200 SF.  
 MOTOR VEHICLE PARKING REQUIRED: 1200/80 = 15 SPACES  
 MOTOR VEHICLE PARKING PROVIDED: 0 SPACES - REQUESTING MOR.  
 \*NOTE: CHE'S LOUNGE SHALL OBTAIN AGREEMENT WITH C.O.T. PARAPET FOR PARKING FOR NEW PATIO.

**BICYCLE PARKING FOR NEW PROPOSED PATIO FOR CHE'S LOUNGE:**  
 SHORT-TERM BICYCLE PARKING REQUIRED: 1 SPACE PER 2000 SF GFA  
 1711 SF/2000 = (2) SHORT-TERM BICYCLE PARKING SPACES REQUIRED  
 LONG-TERM BICYCLE PARKING REQUIRED: 1 SPACE PER 12,000 SF GFA  
 1711 SF/12000 = (2) LONG-TERM BICYCLE PARKING SPACES REQUIRED  
 NO ON-SITE BICYCLE PARKING PROVIDED - SEE NOTE BELOW

**NOTE:** LETTER FROM ANN CHANEKA, BICYCLE & PEDESTRIAN COORDINATOR, STATES: "I HAVE ASSESSED THEIR BICYCLE PARKING NEEDS AND DETERMINED THE EXISTING RACKS ON THE SIDEWALK ADEQUATELY SERVE THE SHORT-TERM BICYCLE PARKING NEEDS FOR THE BUSINESS. THEREFORE, I HAVE DENIED THE SHORT-TERM BICYCLE PARKING REQUEST. CHE'S LOUNGE SELECTED TO PAY THE IN-LIEU FEE RATHER THAN INSTALL THE LONG-TERM BICYCLE PARKING REQUEST. I HAVE RECEIVED PAYMENT, AS SPECIFIED IN THE ZONING REVENUE FEES 1-08.4.D. WITH THIS PAYMENT THEY HAVE FULFILLED THE LONG-TERM BICYCLE PARKING REQUIREMENT."

**LOADING ZONE:**  
 (O) LOADING ZONE REQUIRED PER LUC SECTION 84.5

**STREET LANDSCAPE BORDERS AND 80" HIGH SCREEN WALL:**  
 EXISTING THOSE ON 4TH AVENUE AND 7TH STREET. PLANTERS IN SCALE AND SIZE ALONG THOSE ON 4TH AVENUE AND 7TH STREET. PLANTERS HERE INSTALLED IN LIEU OF REQUIRED LANDSCAPE BORDER AND SCREEN WALL PER BOARD OF ADJUSTMENT CASE # C10-99-74. NO ADDITIONAL LANDSCAPING REQUIRED.

**TRASH COLLECTION:**  
 EXISTING AUTOMATED CURBSIDE TRASH COLLECTION ON HOFF AVENUE WITH PICKUP BY SOLID WASTE MANAGEMENT HAS ACCEPTED IN LIEU OF PROVIDING ORITE - TRASH COLLECTION DUMPSTER.

**BUILDING SETBACKS:**

STREET	REQUIRED	PROVIDED
OFF 7TH ST.	10'	0' EXISTING SETBACK
OFF 4TH AVE.	20' OR (1.5) MAX. HT.	0' EXISTING SETBACK

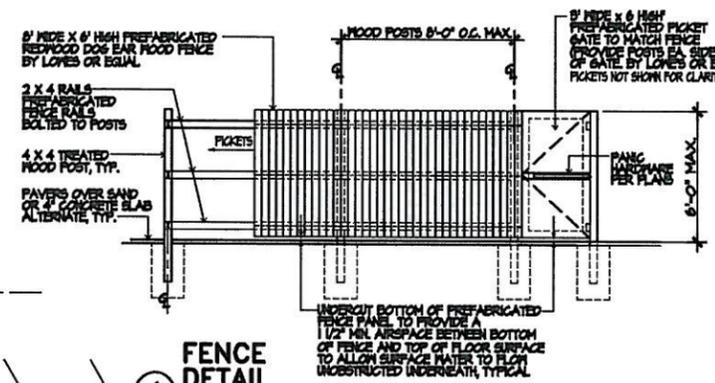
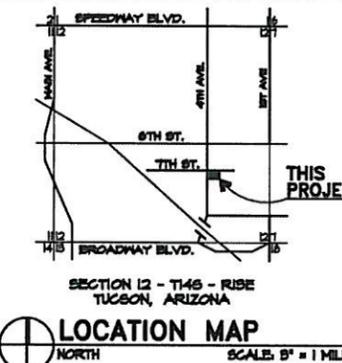
ALL BUILDINGS ALONG 4TH AVE AND 7TH ST. ARE EXISTING

**FLOOR AREA RATIO CALCULATION:**

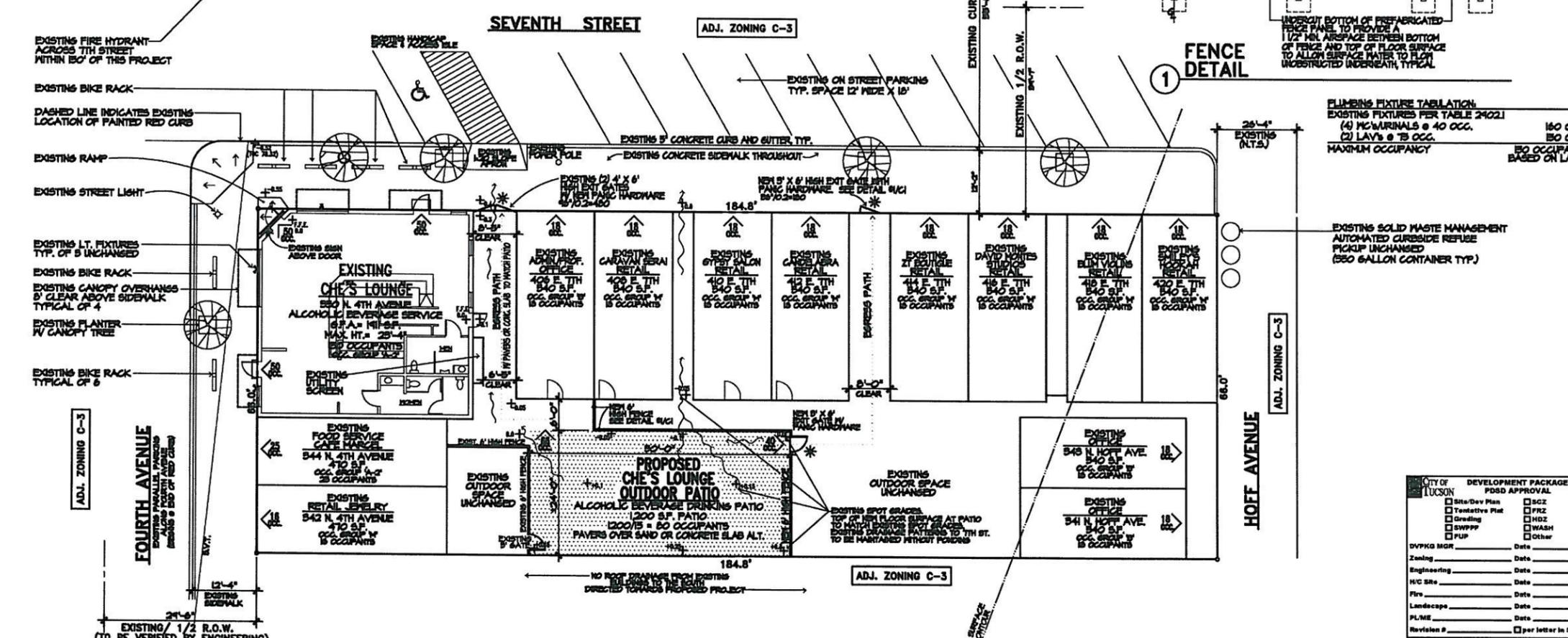
BAR	CAFE MARCEL	JEWELRY SALES	EXISTING (10 UNITS) OFFICE/RETAIL USE
DO 25'	DO 25'	DO 25'	DO 25'
FA= 15	FA= 15	FA= 2.0	FA= 2.0
FA= 1711 SF. (EXISTING)	FA= 470 SF.	FA= 470 SF.	FA= 107540 SF. 5400 SF.
FA= 1200 SF. (PATIO)	SA= FA / FAR	SA= FA / FAR	SA= FA / FAR
FA= 1711 SF.	470 SF./2.0= 235 SF.	470 SF./2.0= 235 SF.	5400 SF./2.0= 2700 SF.
SA= FA / FAR			
1711 SF./15= 2074 SF.			

TOTAL SITE AREA REQ'D = (2074 + 235 + 235 + 2700) = 5244 SF.  
 EXISTING SITE AREA (12,471 SF.) > (5244 SF.) SITE AREA REQUIRED

\* PANIC HARDWARE NOTE:  
 PROVIDE ALL EXIT GATES WITH PANIC HARDWARE PER 2006 IBC SECTION 1008.1.4.



**FLUORESCENT FIXTURE TABULATION:**  
 EXISTING FIXTURES PER TABLE 2402.1  
 (4) MCWARRNALS @ 40 OCC. 160 OCC.  
 (2) LAYS @ 75 OCC. 150 OCC.  
 MAXIMUM OCCUPANCY 310 OCCUPANTS BASED ON LAYS



**NOTE:**  
 ALL INFORMATION CONTAINED WITHIN THIS PLAN IS FROM C.O.T. RECORDS AND OWNER PROVIDED INFORMATION.

**CITY OF TUCSON DEVELOPMENT PACKAGE PSD APPROVAL**

<input type="checkbox"/> Site/Dev Plan	<input type="checkbox"/> SOZ
<input type="checkbox"/> Tentative Plat	<input type="checkbox"/> FRZ
<input type="checkbox"/> Grading	<input type="checkbox"/> HDZ
<input type="checkbox"/> SWPPP	<input type="checkbox"/> WASH
<input type="checkbox"/> PUP	<input type="checkbox"/> Other

DVPKG MGR \_\_\_\_\_ Date \_\_\_\_\_  
 Zoning \_\_\_\_\_ Date \_\_\_\_\_  
 Engineering \_\_\_\_\_ Date \_\_\_\_\_  
 H/C SRE \_\_\_\_\_ Date \_\_\_\_\_  
 Fire \_\_\_\_\_ Date \_\_\_\_\_  
 Landscape \_\_\_\_\_ Date \_\_\_\_\_  
 PLME \_\_\_\_\_ Date \_\_\_\_\_  
 Revision # \_\_\_\_\_  per letter in SIRE

350 N 4TH AVENUE  
 TUCSON LOT 2 BLK 75  
 PREVIOUS CASE NO. C10-98-53  
 PREVIOUS CASE NO. C10-99-79  
 PREVIOUS CASE NO. C10-05-28  
**CASE NO. DP12-0079**

**THE BUILT ENVIRONMENT ARCHITECTURE - PLANNING - DESIGN**  
 232 W. 4TH STREET - TUCSON, AZ 85705  
 TELEPHONE: (520) 624-6129  
 EMAIL: THEBUILTENVIRONMENT@GMAIL.COM

**0706**  
 05.23.2012  
 10.30.2012

**CHE'S LOUNGE PATIO**  
**SITE PLAN**

**REVISIONS**

**SHEET #:**  
**C1**  
 OF: 1