



CITY OF  
TUCSON

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

## REVISED

\*\*\* NOTICE OF DIRECTOR'S DECISION \*\*\*  
EFFECTIVE JANUARY 25, 2013

CASE NO.: MDR-12-05, Sky Bar Patio Addition (T12SA00384), C-3 zoning  
ADDRESS: 536 N. 4<sup>th</sup> Avenue  
APPLICANT: Matthew Hamilton, The Built Environment

### The Project

Sky Bar is an existing bar located at the southeast corner of N. 4<sup>th</sup> Avenue and E. 5<sup>th</sup> Street. It is directly north of, and is under the same ownership as the Brooklyn Pizza Company. The businesses operate jointly, and share an onsite parking lot northeast of the buildings. Sky Bar has an adjoining 550 square-foot drinking/dining/telescope viewing patio in the parking lot. The owners are proposing to expand the patio 330 square-feet to the north (see attached map). 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 map).

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 sustainable 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 modifications:

- 1) Allow the number of onsite parking spaces to be reduced from 42 to 32; and
- 2) North of the proposed patio, allow the width of the parking area access lane (PAAL) to be reduced from 24 to 14 feet.

**PDSD DIRECTOR'S DECISION:** Modification numbers 1 and 2 above are granted.

Handwritten signature of Ernie Duarte.

Ernie Duarte, Director  
Planning and Development Services

Notice of **REVISED** Director's Decision, page 2  
MDR-12-05, Sky Bar Patio Addition  
Effective January 25, 2013

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The PDSD Director's decision may be appealed to the Mayor and Council by: 1) filing a notice of intent to appeal with the City Clerk's office within fourteen (14) days after the date of the decision, or no later than **February 8, 2013**, and 2) filing the complete appeal materials with the Clerk's office within thirty (30) days of the date of the decision, or no later than **February 25, 2013**.

City Clerk's Office  
Roger Randolph, City Clerk  
P.O. Box 27210  
Tucson, Arizona 85726-7210

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For further information, please call PDSD staff member Joanne Hershenthorn at (520) 837-6976.



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

**\*\*\* NOTICE OF DIRECTOR'S DECISION \*\*\*  
EFFECTIVE DECEMBER 28, 2012**

CASE NO.: MDR-12-05, Sky Bar Patio Addition (T12SA00384), C-3 zoning  
ADDRESS: 536 N. 4<sup>th</sup> Avenue  
APPLICANT: Matthew Hamilton, The Built Environment

**The Project**

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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 sustainable 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 modifications:

- 1) Allow the number of onsite parking spaces to be reduced from 42 to 32; and
- 2) North of the proposed patio, allow the width of the parking area access (and PAAL) to be reduced from 24 to 14 feet.

**PDSD DIRECTOR'S DECISION: Modification numbers 1 and 2 above are granted, subject to the following:**

1. **Signage and potentially other features shall be provided in the parking lot clearly indicating that the three spaces are for use by compact delivery vehicles only.**
2. **No outdoor live music of any kind is permitted in the parking lot and patio areas;**

Notice of Director's Decision, page 2  
MDR-12-05, Sky Bar Patio Addition  
Effective December 28, 2012

3. **Music that can be heard in the patio area is restricted to low-volume, background music that people can easily talk over.**
4. **Background music for the patio area shall be provided in a manner that limits noise trespass outside the defined patio area, to the greatest degree reasonably practicable.**



**Ernie Duarte, Director  
Planning and Development Services**

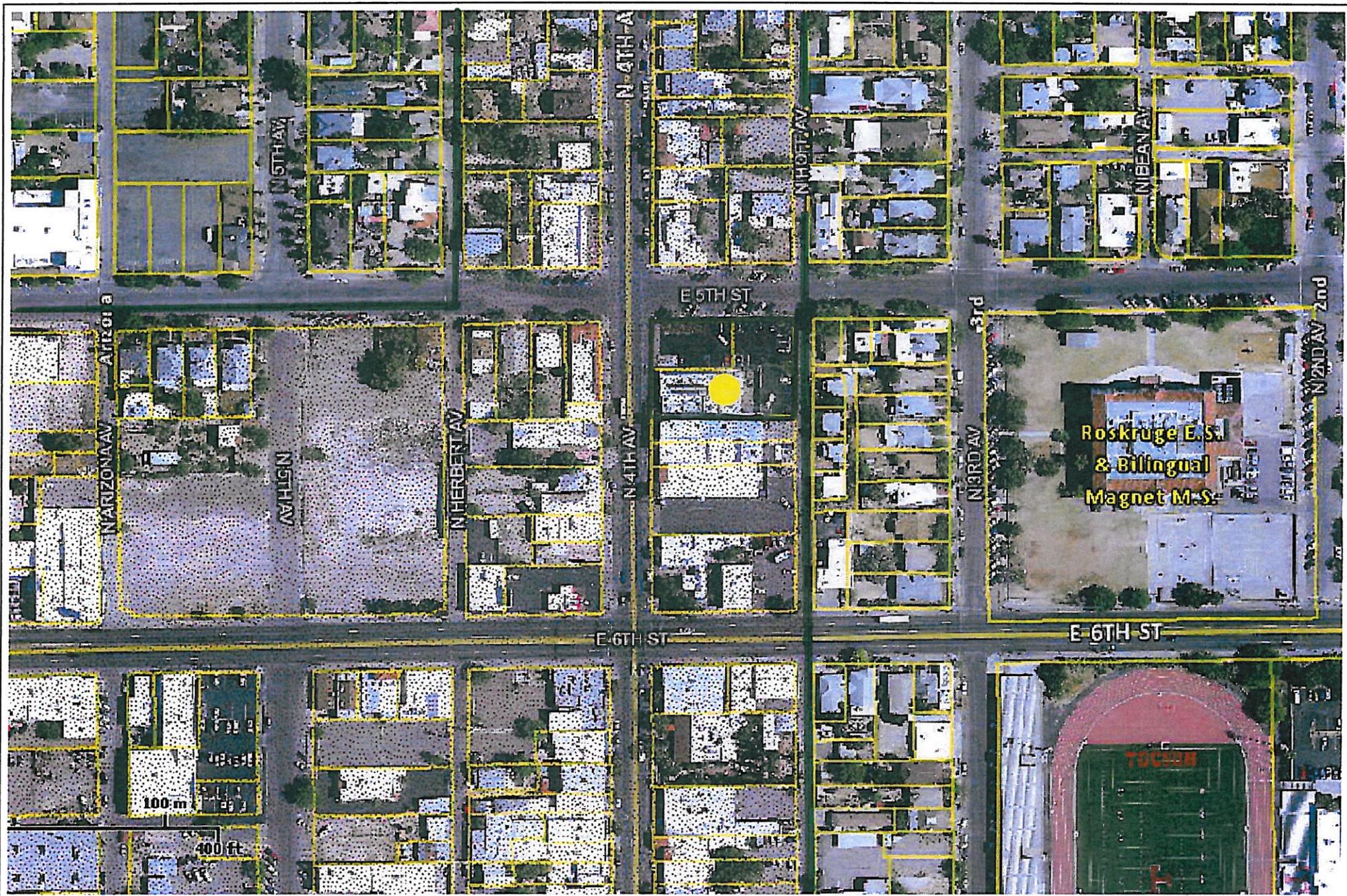
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The PDSD Director's decision may be appealed to the Mayor and Council by: 1) filing a notice of intent to appeal with the City Clerk's office within fourteen (14) days after the date of the decision, or no later than **January 11, 2013**, and 2) filing the complete appeal materials with the Clerk's office within thirty (30) days of the date of the decision, or no later than **January 29, 2013**.

City Clerk's Office  
Roger Randolph, City Clerk  
P.O. Box 27210  
Tucson, Arizona 85726-7210

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For further information, please call PDSD staff member Joanne Hershenthorn at (520) 837-6976.



Scale: 1:2,400

 Sky Bar  
 6115



Printed: Jun 05, 2013

### **PROJECT INFORMATION:**

Project: Sky Bar  
Address: 536 N. 4<sup>th</sup> Avenue  
Activity No: DP12-0056

### **NARRATIVE ADDRESSING DESIGN ELEMENTS:**

The owner of Sky Bar is also the owner of Brooklyn Pizza Company, so he works hard to keep his businesses successful. He has taken Sky Bar to a new level. He phrases it as "Sky Bar is Solar Powered Café by Day, Astronomy Bar by Night". Patrons can order pizza at Brooklyn Pizza Company and dine at the tables in Sky Bar. Sky Bar has nightly astronomy shows along with deep space images displayed from their own telescopes. Images are of the night sky, stars, constellations, the moon, etc. These images can also be viewed at [www.skybartucson.com](http://www.skybartucson.com). The patio expansion will serve as an observatory deck for a large portable telescope. The expansion will allow better viewing angles of the night sky and full use of their existing patio. See attached image of portable telescope and see the amount of space it requires to maneuver.

With this MDR, the owner is requesting to waive 10 motor vehicle parking spaces and to reduce a PAAL width to 14'. The existing building will remain unchanged. The only visible change, for this project, will be extending the fence around the patio expansion. The new fence will match the fence of the existing patio. See site plan or image of portable telescope to see existing patio fence. This site provides 32 motor vehicle parking spaces, far more than many other businesses along 4<sup>th</sup> Avenue. Add that to the additional on-street parking provided along 4<sup>th</sup> Avenue and 5<sup>th</sup> Street; and to the existing Bus/Transit system, motor vehicle parking can be accommodated. 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 within 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. Add this to the existing Bus/Transit System, pedestrian/patrons no longer need to drive themselves to 4<sup>th</sup> Avenue. This access to 4<sup>th</sup> Avenue not only helps our project but all the businesses along its route once its complete. This will greatly change the need for parking along 4<sup>th</sup> Avenue and the pedestrian oriented streetscape, especially for our project. For these reasons, our MDR request for motor vehicle parking should be granted.

The PAAL width reduction request is for delivery vehicle parking. An approval of this request would allow the use the area indicated on the plan as "Delivery Vehicle Parking

Only." In detail 3 of the plan, it indicates the maneuverability of the current delivery vehicles being able to use the proposed 14' reduced PAAL width. This shows that it can work if approved. Approval does not have any negative affects.

The patio expansion will not adversely affect nor will it increase any elements that the existing patio already produces. Noise levels, illumination, glare, odors, vibration, fumes, and vapors will not dramatically increase. These levels will remain the same as they have always been since the opening of Sky Bar and the existing patio. The patio extension will not adversely impact the adjacent neighbors. One neighbor suggested a wall along the east side of the patio reduce noise levels. They agreed to take it to the West University Neighborhood Meeting to decide on it. At the WUNA Meeting, discussion about the Sky Bar patio extension was made, but in the end, no decision was agreed upon, next topic was quickly brought up. The manager of Sky Bar attended the MDR Neighborhood meeting and told those in attendance that Sky Bar does have speakers and he does not "blast" music, but uses music at lower levels to create a nice, calm atmosphere at Sky Bar. He uses the speakers primarily during the daytime café hours. Many of the neighbors only remember the bar previous to Sky Bar. The clientele, atmosphere, and appearance was different to that of Sky Bar. Sky Bar provides an open and inviting ambience that works great with the café by day.

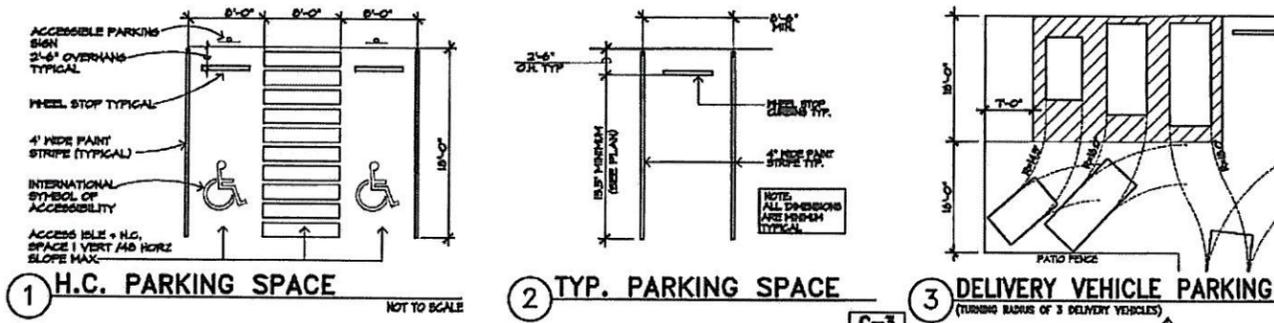
The only negative impact to adjacent neighbors would be the mitigation of service areas. The owner has stated that providing screening for the dumpsters would create a habitat for transients and could possibly become a nuisance to neighbors along Hoff Avenue. The owner mentioned that many years back, there was landscape screening for the dumpsters. It created an area that transients could seclude themselves in. The transients then became nuisances to the bar, Brooklyn Pizza and the adjacent neighbors across Hoff Ave. Sky Bar would like not to screen the existing services areas for this reason.

In attempt to improve environmental impact, both entrances are shaded by canopies or awnings and the parking lot has covered parking with solar panels. Sky Bar and Brooklyn Pizza Company are run on solar energy. The owner first installed solar panels on the roof of the building, then installed parking ramadas with solar panels. See attached sheet for benefits of solar power. There are shade trees planted in the right-of-way along 4<sup>th</sup> Avenue, 5<sup>th</sup> Street, and Hoff Avenue that surround this property. Sky Bar provides 66% of shade, fulfilling the requirement and providing wonderful pedestrian oriented streetscape.

Access to the patio will be by entering the main entrance of Sky Bar along 4<sup>th</sup> Avenue and proceeding to the patio. The owner of Sky Bar is investing in the future of their business

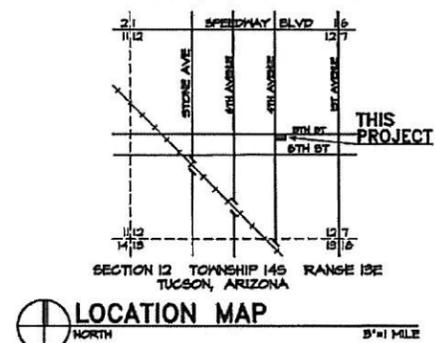
and bar. Being able to provide their patrons a place to smoke, drink, and enjoy the views of the sky from the patio, will improve business with returning customers and even bringing in old and new customers. For all the patrons of Sky Bar, they will be able to enjoy the patio, experience astronomy first hand, and will now be able to enjoy the wonderful Tucson weather, smoking, drinking, or simply enjoying the ambience of Sky Bar.

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



**SCOPE OF WORK:**  
 INCREASE THE SIZE OF THE EXISTING OUTDOOR PATIO AS INDICATED ON PLAN. THIS PATIO EXTENSION WILL SERVE AS THE OBSERVATORY AREA FOR A NEW TELESCOPE AS INDICATED ON PLAN.

**PROJECT INFORMATION CONT'D**  
 LANDSCAPE:  
 EXISTING STREET LANDSCAPE APPROVED.  
 EXISTING ON-SITE LANDSCAPED AREAS PROVIDED  
 NO ADDITIONAL LANDSCAPING REQUIRED.



**PROJECT INFORMATION**

**PROJECT OWNER:** TONY VACCARO  
 ALLUVIAL LLC  
 554 N. 4TH AVENUE  
 TUCSON, AZ 85705

**PROPERTY ADDRESS:** SKY BAR  
 556 N. 4TH AVENUE

**LEGAL DESCRIPTION:** TUCSON WITH 100' LOT 2, BLK 62 AND TUCSON LOT 3 & E 84.8' LOT 3 BLOCK 62

**EXISTING ZONING:** C-3

**LOT AREA:** 24,344 S.F. = 0.56 ACRES

**EXISTING BLDG AREA:** 4472 S.F. + 1020 S.F. = 6292 S.F.

**OCCUPANCY GROUP:** A-2

**EXISTING & PROPOSED USES:**  
 ALCOHOLIC BEVERAGE SERVICE 'B3'  
 SUBJECT TO LUC SEC. 9.5.6.A.4  
 FOOD SERVICE 'B3'  
 SUBJECT TO LUC SEC. 9.5.6.A.4

**FLOOR AREA RATIO CALCULATION:**  
 DEVELOPMENT DESIGNATOR: 'B3'  
 FLOOR AREA RATIO (FAR) = 1.5  
 FLOOR AREA ALLOWED: 24,300 S.F. X 1.5 FAR = 36,450 S.F.

**SKY BAR:** FA = 4472 S.F.  
 FA = 550 S.F. (PATIO)  
 FA = 300 S.F. (NEW PATIO)  
 FA = 5322 S.F.

**BROOKLYN PIZZA:** FA = 1800 S.F.  
 FA = 104 S.F. (COV. STOR)  
 FA = 140 S.F. (STOR. YD)  
 FA = 4544 S.F.

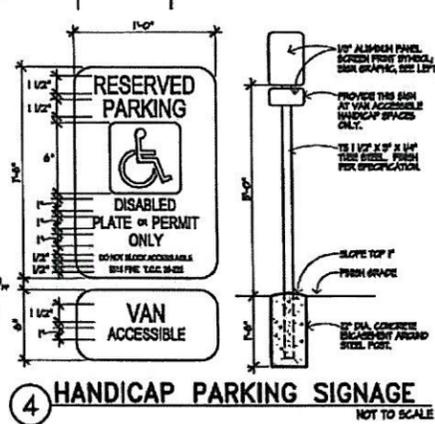
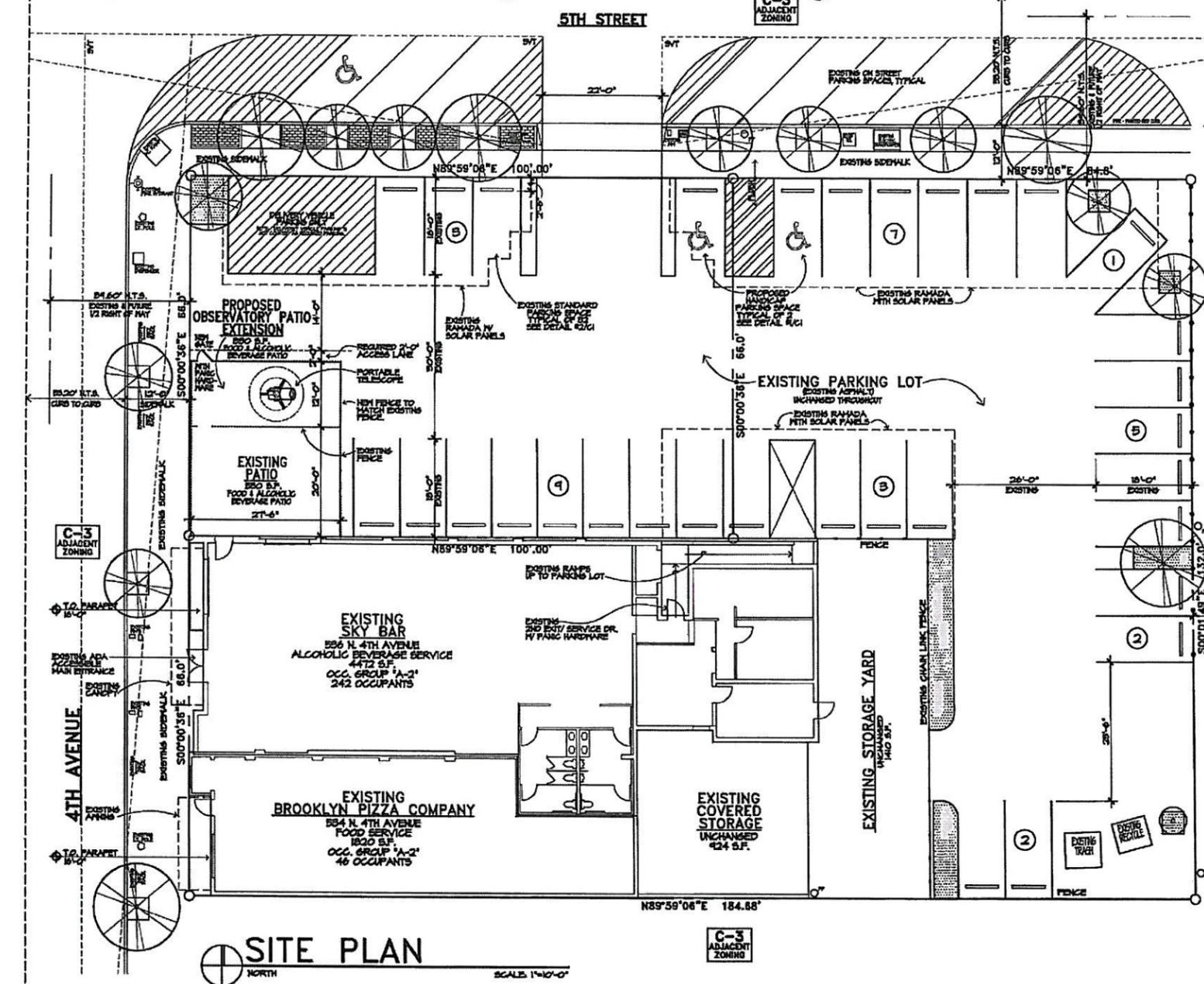
**FLOOR AREA PROPOSED:** = 4506 S.F.  
 F.A. PROPOSED 4506 S.F. < 36450 S.F. F.A. ALLOWED

**AREA EXPANSION CALCULATION:**  
 EXISTING BUILDING AREA (4472+550+1020+124) = 7166 S.F.  
 PROPOSED PATIO EXPANSION = 330 S.F.  
 PERCENTAGE INCREASE (330/7166=0.0462) = 4.2%

**VEHICLE PARKING CALCULATION:**  
 EXISTING APPROVED PARKING SPACES = 55 SPACES  
 PATIO EXTENSION (550/50=11) = 11 SPACES  
 SPACES REQUIRED = 42 SPACES  
 TOTAL SPACES PROVIDED = 66 SPACES  
 MDR REQUIRED FOR = 10 SPACES

\* REQUESTING MDR FOR (10) VEHICLE PARKING SPACES UNABLE TO PROVIDE. MDR FOR LUC SEC. 9.5.4.

**BICYCLE PARKING CALCULATION:**  
 NO ADDITIONAL BICYCLE PARKING REQUIRED FOR THIS PROJECT. BICYCLE PARKING HAS BEEN PROVIDED BY PREVIOUS APPROVED SITE PLAN SIGNED AND APPROVED BY CRAIG GROSS.



**CITY OF TUCSON DEVELOPMENT PACKAGE PDS# APPROVAL**

<input type="checkbox"/> Site/Design Plan	<input type="checkbox"/> REC
<input type="checkbox"/> Grading	<input type="checkbox"/> HDZ
<input type="checkbox"/> SWPPP	<input type="checkbox"/> WASH
<input type="checkbox"/> FUP	<input type="checkbox"/> Other

DVP#D MDR: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning: \_\_\_\_\_ Date: \_\_\_\_\_

Engineering: \_\_\_\_\_ Date: \_\_\_\_\_

H/O S&E: \_\_\_\_\_ Date: \_\_\_\_\_

Fire: \_\_\_\_\_ Date: \_\_\_\_\_

Landscaping: \_\_\_\_\_ Date: \_\_\_\_\_

PLM: \_\_\_\_\_ Date: \_\_\_\_\_

Revisions: # \_\_\_\_\_ per letter in MDR

556 N 4TH AVENUE  
 TUCSON WITH 100' LOT 2 BLK 62  
 AND TUCSON LOT 3 & E 84.8'  
 LDT 2 BLOCK 62

**CASE NO. DP12-0056**

**THE BUILT ENVIRONMENT ARCHITECTURE - PLANNING - DESIGN**  
 232 W. 4th Street, Tucson, AZ 85705  
 telephone: (520) 624 6129  
 thebuiltenvironment@gmail.com

**1201**  
 05.23.2012  
 10.30.2012

**SKY BAR** PATIO EXPANSION PROJECT FOR SKY BAR  
 SKYBARTUCSON.COM

**SITE PLAN**

**REVISIONS**


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