



CITY OF  
TUCSON

PLANNING AND  
DEVELOPMENT  
SERVICES  
DEPARTMENT

June 29, 2016

Gallagher Witmer, Architect  
603 N. Hartley St.  
York, PA 17404

Subject: Clarification and Minor Amendment to the Menlo Park Mercado District  
Planned Area Development (PAD): Allow Compact Parking Spaces

Dear Ms. Witmer:

I have reviewed your request (see attached) to allow for compact parking in the Town Center zone within the entire Menlo Park Mercado District PAD. The minimum standard parking space size is 8.5 feet x 18 feet. The compact parking spaces as proposed would maintain the standard length per current zoning but be permitted to reduce to a minimum width of 8 feet and be permitted for up to 1/3 of the parking required for an individual project.

The PAD recognizes and allows for minor adjustments to development standards that are in the interest of the community and do not affect health or safety issues. Although compact parking is not specifically addressed in the Menlo Park Mercado District PAD in the Development Standards for the Town Center or Neighborhood General districts; however, the proposed compact parking is considered a minor change as referenced in the Menlo Park Mercado District PAD because:

- The proposal meets the intent and vision of the Menlo Park Mercado District PAD for new urbanism design;
- The compact parking spaces are compatible with the surrounding area and environment in terms of scale and massing;
- The proposal better utilizes the available building square footage, acknowledges the variety of vehicle sizes and promotes the use of smaller more energy efficient vehicles.

Therefore, it is determined that this request is consistent with the intent of the Menlo Park Mercado District PAD, and is a non-substantial change and is approved, subject to the following condition:

- a) Site plans shall demonstrate that the percentage of compact parking within the overall development is in compliance with this minor amendment.

Please note that a copy of this letter must be attached to any development package submittal for projects utilizing this minor amendment.

Sincerely,



John Beall, Section Manager - Entitlements  
Planning and Development Services Department

Attachments: Applicant's Request

Gallagher Witmer, Architect

603 N. Hartley St.  
York, PA 17404  
Phone: (717) 606-3386  
Email: Gzwitmer@gmail.com

June 23, 2016

City of Tucson Planning and Development Services  
Attn: John Beall  
201 N. Stone Ave.  
Tucson, AZ 85701

**RE: Minor PAD Amendment – PAD 10**

Dear John,

I am writing to propose a minor PAD amendment to PAD-10 Menlo Park Mercado District. I propose compact parking be permitted for a portion of the required parking for each individual project on lots with TOWN CENTER zoning within the entire Planned Area Development (PAD.) Compact parking spaces would maintain standard length per current zoning but be permitted to reduce to a minimum of 8'-0" width. Compact parking would be permitted for up to 1/3 of the parking required for an individual project. Project drawings to be reviewed for parking (development plans, site plans, etc.) which utilize this minor amendment are to document on the drawings the percentage of compact parking within the overall parking to show compliance.

The proposed amendment is within the description of a "Minor Change" as identified on page 43 and 44 of PAD-10. I specifically point to item 4 on page 44:

*Adjustments to development standards that are in the interest of the Community and do not affect health or safety issues.*

Providing a portion of the parking for compact sized spaces better utilizes the available building square footage, acknowledges the variety of vehicle sizes and promotes the use of smaller more energy efficient vehicles.

Take care,



Gal Witmer RA, LEED AP



CITY OF  
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DEVELOPMENT  
SERVICES  
DEPARTMENT

October 16, 2006

Gal Witmer, AIA  
Gallagher Witmer, Architects LLC  
320 E. Speedway Blvd.  
Tucson, AZ 85705

Dear Gal Witmer::

SUBJECT: Minor Change to Commercial Lot/Block "C" of The Mercado District of Menlo Park PAD

The Development Services Director has reviewed your letter requesting a change to develop the second floor of units 228-231 in Commercial Lot/Block "C" as commercial executive office space. Per your letter this change is consistent with the intent of the PAD as it still provides the PAD with a mix of highly urban uses with design that is pedestrian oriented, humanistic scale, and reflective of a desert environment. The PAD recognizes and allows for minor adjustments as long as the changes are non-substantial.

The Mercado District of Menlo Park PAD  
***TOWN CENTER***

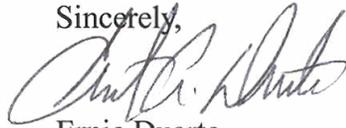
The Town Center is intended to generate a central place within the plan that allows for the long-term commercial development of the site in a pattern that is desirable for both visitors and residents. The architectural types preferred in this zone are denser and taller and permit a combination of uses including housing that generates a permanent town fabric. The streetscape is urban, regular in form and planted strictly in the interest of providing merchants, customers and residents with a unique commercial environment.

The proposed change in the mix of uses to the Menlo Park Mercado Park District PAD for the commercial area in Lot/Block "C" is a non-substantial change, as the PAD calls for long-term commercial development that is economically viable through a combination of land uses. It is determined that this change is a non-substantial change and is approved by the Development Services Director.

September 29, 2006

Please note that a copy of this letter must be attached to the Commercial Lot/Block "C" development plat.

Sincerely,



Ernie Duarte,  
Director  
Development Services Department

cc.           Albert Elias  
               Roger Howlett, DUPD  
               John Beall, DUPD  
               Joe Linville, DSD  
               David Rivera, DSD  
               Patricia Gehlen, DSD

Attachments: Applicant's Request  
                  DUPD Recommendation



CITY OF  
TUCSON

DEVELOPMENT SERVICES  
DEPARTMENT

June 12, 2007

Gal Witmer, AIA  
Gallagher Witmer, Architects LLC  
320 E. Speedway Blvd.  
Tucson, AZ 85705

Dear Gal Witmer:

**SUBJECT: The Mercado District of Menlo Park (PAD-10) "Town Center"  
Area Minor Amendments**

The Development Services Director has reviewed your letter (attached) requesting a determination for the proposed alternative to your previously approved request dated 11/22/06 to develop an interim ground level market place within Block "B" of the Menlo Park Mercado District PAD.

The PAD recognizes and allows for minor adjustments as long as the changes are non-substantial. The long-term land use of Menlo Park Mercado District PAD Town Center development area is to include a mix of commercial and office uses at ground level, with residential uses above. The proposed interim ground level market area land use for Block "B" meets the criteria for non-substantial change as referenced in the Menlo Park Mercado District PAD because;

1. the proposed use meets the intent and vision of the Menlo Park Mercado District PAD of providing a unique commercial environment for both visitors and residential uses in the area,
2. the interim nature of the proposed development does not exclude the opportunity for a more intense mixed use development, and,
3. all of the proposed uses are allowed in the Town Center.

No additional parking will be required for the proposed interim use per PAD parking requirements. Should significant overflow parking occur as a result of this interim use, additional parking may be required at that time.

In addition, your letter requests regulatory clarification for the entire "Town Center", and the following are consistent with the intent of the PAD in which architectural design in this PAD zone area is denser, taller, and permit a



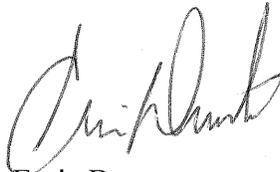
combination of uses, including an urban streetscape. The following will apply only to the Menlo Park Mercado District PAD "Town Center" area.

1. The 7/14/05 letter (see attached) between Gale Marsland of Rio Development Company and Ernie Duarte, the Development Services Director, regarding a scrivener's error on page 11, under "Loading Space" item #3. The error identifies a loading space to be located off-street or onsite." The correct form should read "... located on-street or onsite."
2. Also on page 11 of the PAD under "Loading Space" an item #6 needs to be added that the streets, alleys, or other vehicular circulation areas may be utilized for maneuvering into and out of loading. Loading space maneuvering maybe considered in streets designated on the Major Streets and Routes Plan, subject to Development Services approval.
3. Regarding bicycle parking in the "Town Center," page 11, 50% of the required bicycle parking may be standard bicycle racks per the current development standard located in the public ROW's surrounding a lot. The remaining 50% must be provided on site, 50% of which may be vertical space saver storage racks with the remainder being the standard bicycle racks
4. Regarding one-way drives in parking areas, one-way drives may be twenty (20) foot wide provided that all parking spaces are a minimum ten (10) foot wide. Two-way drives must be a minimum of twenty-four (24) foot wide. Handicapped parking spaces and access aisles cannot be reduced in size. Concrete wheel barriers are not required within parking garages except to confine vehicles within the building. Doors and stairways cannot access into a parking space or handicap aisle and areas in front of doors and stairways must be striped and signed no parking.
5. Lots in the "Town Center" area located along a street designated on the Major Streets and Routes Plan are not required to adhere to any land use Code sections regarding Major Streets and Routes criteria.
6. As the PAD allows encroachment into the City right-of-way for various elements per page 10, this encroachment may either be an encroachment easement which becomes a permanent part of the building or a TRE (Temporary Revocable Easement). Both require additional paperwork to be filed with the City's Real Estate Department. An encroachment easement requires a legal description to be filed. A TRE requires an application, a legal description, and proof of a \$1 million liability insurance policy. An easement process will not require any additional design review than is typically required by the Mercado District DRC.

Therefore, it is determined that these changes are a non-substantial change and is approved.

Please note that a copy of this letter must be attached to the Commercial Lot/Block "B" development plat.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernie Duarte". The signature is fluid and cursive, with the first name being more prominent.

Ernie Duarte,  
Director  
Development Services Department

cc: Albert Elias, DUPD  
Roger Howlett, DUPD  
John Beall, DUPD  
Joe Linville, DSD  
Randy Schuler, DSD  
David Rivera, DSD  
Patricia Gehlen, DSD  
Glenn Moyer, DSD

Attachments: Applicant's Request

## GALLAGHER WITMER, ARCHITECT LLC

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320 E. SPEEDWAY BLVD.  
TUCSON, ARIZONA 85705  
PHONE: (520) 882-4115  
FAX: (520) 882-4022  
CELL: (520) 603-9427  
EMAIL: GWITMER@PEOPLEPC.COM

May 16, 2007

Randy Schuler, Special Projects Manager  
Development Services Department  
201 N. Stone Ave.  
Tucson, AZ 85726-7210

**RE: The Mercado District of Menlo Park (PAD-10) "Town Center" Area Minor Amendments**

Dear Randy,

Per our recent meeting regarding the parking for Commercial Lot/Blk. "B" at the Mercado District of Menlo Park, we would like to propose an alternative to our previous letter of 11/28/06. Upon further review, neighboring Lot/Blk. "A" will not need to be utilized for any parking for this project. Per PAD-10 in "Town Center" no parking is required for commercial uses since parking is located on the surrounding streets of the development. The "Parking Rationale" in the PAD fully documents this.

Regarding the landscaping at Commercial Lot/Blk. "B," please let it be clarified that although a sketch with landscape was attached to the 11/28/06 letter, this sketch was conceptual and did not represent the actual landscape plan which may or may not contain water features or a splash pad. At this point we are developing a shell building and there is no intent to submit a landscape plan with this development plan submittal. Any future landscaping requiring review will be submitted to DSD at that time.

Also discussed in this meeting were a few items requiring clarifications with minor amendments. The minor amendments listed below will apply to the entire "Town Center" area:

1. The 7/14/05 letter between Gale Marsland of Rio Development Company and Ernie Duarte, the Development Services Director, regarding a scrivener's error on page 11, under "Loading Space" item #3. The error identifies a loading space to be "located off-street or on-site." The correct form should read "... located on-street or on-site."
2. Also on page 11 of the PAD under "Loading Space" an Item #6 needs to be added that the streets, alleys, or other adjacent spaces may be utilized for maneuvering into and out of the loading space irregardless of their width, designation on the Major Streets and Routes Plan, designation as a residential

street, or abutment to a residential zone within any distance.

3. Regarding bicycle parking in the "Town Center," page 11, let it be clarified that 50% of the required bicycle parking may be standard bicycle racks per the current development standard located in the public ROW's surrounding a lot. The remaining 50% will occur on site of which 50% may be vertical space saver storage racks with the remainder being the standard bicycle racks.
4. Regarding one-way drives in parking areas, one-way drives may be twenty (20) foot wide provided that all parking spaces are a minimum ten (10) foot wide. Two-way drives must be a minimum of twenty-four (24) foot clear. Handicapped parking spaces and access aisles cannot be reduced in size. Concrete wheel barriers are not required within parking garages except to confine vehicles within the building. Doors and stairways cannot access into a parking space or handicap aisle and areas in front of doors and stairways must be striped and signed for no parking.
5. Lots in the "Town Center" area located along a street designated on the Major Streets and Routes Plan are not required to adhere to any Land Use Code sections regarding Major Streets and Routes criteria.
6. As the PAD allows encroachment into the City right-of way for various elements per page 10, let it be clarified that this encroachment may either be an encroachment easement which becomes a permanent part of the building or a TRE (Temporary Revocable Easement.) Both require additional paperwork to be filed with the City's Real Estate Department. An encroachment easement requires a legal description to be filed. A TRE requires an application, a legal description, and proof of a \$1 million insurance policy. Neither easement requires any additional design review than as typically require by the Mercado District DRC.

As always, please do not hesitate to contact me with any questions or comments.

Thank you,



Gal Witmer, AIA

cc: Kira Dixon-Weinstein, Adam Weinstein, Jerry Dixon - The Gadsen Company, LLC



# MEMORANDUM

DATE: May 25, 2007  
*Albert Elias*  
FROM: Albert Elias  
Director  
Urban Planning and Design

TO: Ernie Duarte  
Director  
Development Services Department

SUBJECT: **The Mercado District of Menlo Park (PAD-10) "Town Center" Area Minor Amendments**

The applicant's request (see attached) is twofold: 1) to propose an alternative to their previous approved request dated 11/28/06, and 2) to provide regulatory clarification for the entire Town Center and as such these items are to be considered minor amendments.

First, the applicant still proposes to develop an interim ground level market area within Block "B", however previously associated parking within Block "A" will not need to be utilized within this proposed project. Per PAD-10, in the Town Center, no parking is required for commercial uses as parking is to be located on the surrounding streets of the development. The PAD provides parking requirements for residential uses only as the Town Center is an urban mixed-used area in which on-street parking has been provided throughout the entire PAD site.

The interim Land Uses proposed by the applicant for Block "B" are in substantial compliance with the PAD, subject to Town Center PAD regulations. The proposed interim Land Uses within Block "B" are supported as viable intermediate components of the downtown revitalization vision.

The PAD identifies the long-term use of Commercial Lot/Block "B," as referenced by the following:

***TOWN CENTER***

*The Town Center is intended to generate a central place within the plan that allows for the long-term commercial development of the site in a pattern that is desirable for both visitors and residents. The architectural types preferred in this zone are denser and taller and permit a combination of uses including housing that generates a permanent town fabric. The streetscape is urban, regular in form and planted strictly in the interest of providing merchants, customers and residents with a unique commercial environment.*

The Town Center long-term land use is to include a mix of commercial and office uses at ground level, with residential uses above. The proposed interim ground level market area land use meets the criteria for non-substantial change as referenced in the Menlo Park Mercado District PAD because;

TO: Ernie Duarte

RE: **The Mercado District of Menlo Park (PAD-10) "Town Center" Area Minor Amendments**

Page 2

1. the proposed use meets the intent and vision of the Menlo Park Mercado District PAD of providing a unique commercial environment for both visitors and residential uses in the area,
2. the interim nature of the proposed development does not exclude the opportunity for a more intense mixed use development, and,
3. all of the proposed uses are allowed in the Town Center.

Second, there are regulatory items and issues that need clarification as one minor amendment. The following will apply only to the entire "Town Center" area.

1. The 7/14/05 letter (see attached) between Gale Marsland of Rio Development Company and Ernie Duarte, the Development Services Director, regarding a scrivener's error on page 11, under "Loading Space" item #3. The error identifies a loading space to be located off-street or onsite." The correct form should read " ... located on-street or onsite."
2. Also on page 11 of the PAD under "Loading Space" an item #6 needs to be added that the streets, alleys, or other adjacent spaces may be utilized for maneuvering into and out of loading spaces subject to Development Services approval. And loading space maneuvering may be considered in streets designated on the major Streets and Routes Plan, subject to Development Services approval.
3. Regarding bicycle parking in the "Town Center," page 11, let it be clarified that 50% of the required bicycle parking may be standard bicycle racks per the current development standard located in the public ROW's surrounding a lot. The remaining 50% will occur on site of which 50% may be vertical space saver storage racks with the remainder being the standard bicycle racks
4. Regarding one-way drives in parking areas, one-way drives may be twenty (20) foot wide provided that all parking spaces are a minimum ten (10) foot wide. Two-way drives must be a minimum of twenty-four (24) foot clear. Handicapped parking spaces and access aisles cannot be reduced in size. Concrete wheel barriers are not required within parking garages except to confine vehicles within the building. Doors and stairways cannot access into a parking space or handicap aisle and areas in front of doors and stairways must be striped and signed no parking.

TO: Ernie Duarte

RE: **The Mercado District of Menlo Park (PAD-10) "Town Center" Area Minor Amendments**

Page 3

5. Lots in the "Town Center" area located along a street designated on the major Streets and Routes Plan are not required to adhere to any land use Code sections regarding major Streets and Routes criteria.
6. As the PAD allows encroachment into the City right-of-way for various elements per page 10, let it be clarified that this encroachment may either be an encroachment easement which becomes a permanent part of the building or a TRE (Temporary Revocable Easement). Both require additional paperwork to be filed with the City's Real Estate Department. An encroachment easement requires a legal description to be filed. A TRE requires an application, a legal description, and proof of a \$1 million liability insurance policy. An easement process will not require any additional design review that is typically required by the Mercado District DRC.

It is recommended the requested interim land use be approved as being consistent with the intent of the Menlo Park Mercado District PAD.

Cc: Roger Howlett, DUPD  
Randy Schuler DSD  
Joe Linville, DSD  
David Rivera, DSD  
Patricia Gehlen, DSD  
E.R.

Attachments: Applicant's Request

s: CASREV/PADS/Minor Changes and Interpretations/Menlo Park Mercado PAD/Town Center Comprehensive Minor Amendment/DUPD recommendation



CITY OF  
TUCSON

PLANNING AND  
DEVELOPMENT  
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DEPARTMENT

August 27, 2012

Ms. Keri Lazarus Silvyn, Esq.  
Lazarus, Silvyn and Bangs PC  
4733 East Camp Lowell Drive  
Tucson, AZ 85712

Dear Ms. Silvyn:

Subject: Lots 25 and 38, adjacent to Block C in the Neighborhood General zone of the Menlo Park Mercado District PAD

I have reviewed your letter (see attached) requesting clarification regarding the following questions:

- 1) Could six residential units be developed on both Lot 25 and Lot 38 for a total of twelve units?
- 2) Could the required twelve residential parking spaces for Lots 25 and 38 be provide in the future garage approved in Development Plan D05-0022 for Block C?

Specifically your intent is to develop Lots 25 and 38 with six residential units each and provide parking for those units in a proposed underground parking garage in Block C. In addition, you propose to modify the approved parking garage Development Plan D05-0022 for Block C by relocating access to the garage through Lots 25 and 38.

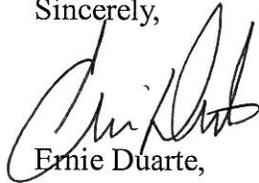
The proposed density of six units per lot proposed for Lots 25 and 38 is allowed in the Menlo Park Mercado District PAD, including the proposed height of 35 feet. Also assuming a garage similar to the garage proposal approved in Development Plan D05-0022 for Block C was constructed; the Menlo Park Mercado District PAD could support a request to locate the required residential parking for Lots 25 and 38 in the adjacent garage, if twelve parking spaces were available. The garage proposed in Development Plan D05-0022 provided 87 parking spaces. Of those provided spaces 53 were allocated to the proposed residential development above the garage, leaving 34 unallocated spaces. Assuming twelve of those remaining spaces remained available at the time of construction of the twelve new residential units, staff could support allocating those spaces to residential construction on Lots 25 and 38.

However, your proposal to provide Block C garage access through Lots 25 and 38 cannot be supported for the following reasons and would constitute a major change to the PAD:

1. The use of lots 25 and 38 for circulation is not identified anywhere in the PAD. Given the extensive explanation of circulation in the PAD, there is no mention of this potential redesign in the existing PAD section.
2. Common area would be crossed or eliminated by this new access to the garage, and would require a re-plat of the site.
3. The proposed redesign of the garage access (ingress / egress) presents a safety issue given that both public and private access to the garage would be through the 16 foot width of the private alley system
4. Access to the garage through lots 25 and 38 could have an adverse impact on existing and future residential units in the adjacent neighborhood.

While the proposed height and density for lots 25 and 38 are allowed by the PAD, and there is potential for allowing the parking for these proposed units to be within the garage, future consideration for this proposal can only be considered if the garage were built to the layout approved in D05-0022. The garage would need to be built prior, with excess parking available for future said twelve units.

Sincerely,



Ernie Duarte,  
Director

Planning and Development Services Department

Attachments: Applicant's Request

**From:** Keri Silvyn <ksilvyn@lsblandlaw.com>  
**To:** Ernie Duarte <Ernie.Duarte@tucsonaz.gov>  
**CC:** "Adam Weinstein (adam@gadsdencompany.com)" <adam@gadsdencompany.com>, "J..."  
**Date:** 08/15/2012 4:55 PM  
**Subject:** Menlo Park Mercado District

Ernie: Thanks for meeting with me and my clients today. There were 2 questions we raised related to Lots 25 and 38, adjacent to Block C and located in the Neighborhood General zone ("NG") of the Menlo Park Mercado District PAD. Per your request, I am emailing you those questions in order to obtain an official response.

The intent is to develop Lots 25 and 38 with 6 residential units each, staying within the height limits for NG. It is our reading of the PAD that there is no density limit per lot for residential/family dwelling units. It is also our intent to utilize Lots 25 and 38 as an access drive into the parking garage under Block C, and provide the on-site parking for lots 25 and 38 within the parking garage. So the 2 questions/issues we are requesting answers/interpretation are:

1. Is the use (6 residential units) permitted on each of the Lots 25 and 38?
2. Can the parking spaces for lots 25 and 38 be provided in the parking garage as described?

Thank you for your assistance on this!

Keri Lazarus Silvyn, Esq.  
Lazarus, Silvyn and Bangs PC  
4733 East Camp Lowell Drive  
Tucson, Arizona 85712  
ksilvyn@lsblandlaw.com  
520-207-4464

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CITY OF  
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PLANNING &  
DEVELOPMENT  
SERVICES  
DEPARTMENT

September 25, 2013

Gallagher Witmer, RA, LEED, AP  
603 N. Hartley St.  
York, PA 17404

Dear Ms. Witmer:

**SUBJECT: The Mercado District of Menlo Park (PAD-10) "Town Center"  
Area Minor Amendments**

I have reviewed your letter (attached) requesting a determination for the inclusion of "wholesale-food preparation" as an allowed use in the "Town Center" of the Menlo Park Mercado District PAD.

While your request is to consider the Town Center as the inclusionary area to allow wholesale-food preparation, The Mercado San Agustin at 100 South Avenida del Convento is provided as the example. The current facility houses a licensed commercial kitchen which rents time and equipped preparation space to many local vendors of differing sizes.

The PAD recognizes and allows for minor adjustments as long as the changes are non-substantial. The long-term land use of Menlo Park Mercado District PAD Town Center development area is to include a mix of commercial and office uses at ground level, with residential uses above. The proposed "wholesale-food preparation" at ground level market area land use for "Town Center" meets the criteria for non-substantial change as referenced in the Menlo Park Mercado District PAD because;

1. the proposed use meets the intent and vision of the Menlo Park Mercado District PAD of providing a unique commercial environment for both visitors and residential uses in the area,
2. wholesale-food preparation, for off-site sales or catering services as an allowed use in the Town Center is not a substantial change
3. the Town Center, Mercado San Agustin already permits retail-food preparation to promote a commercial business incubator environment for local vendors.

No additional parking will be required for the proposed use per PAD parking requirements. Should significant overflow parking occur as a result of this use, additional parking may be required at that time.

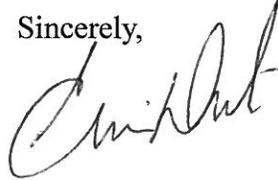
T13SA00278

September 25, 2013

Therefore, it is determined that these changes are a non-substantial change and is approved.

Please note that a copy of this letter should be submitted with any Town Center wholesale-food preparation permit request, including Tenant Improvements (TI's), Certificate of Occupancy (C of O), or a Zoning Compliance Certificate.

Sincerely,



Ernie Duarte,  
Director  
Development Services Department

cc: Sean Rogers, Mercado San Agustin Director of Operations,

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Attachments: Applicant's Request



CITY OF  
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PLANNING AND  
DEVELOPMENT  
SERVICES  
DEPARTMENT

December 2, 2014

Mr. Bob Lanning  
Lanning Architecture  
1202 E. Broadway Blvd. Suite 104  
Tucson, AZ 85719

Dear Mr. Lanning:

Subject: Clarification and Minor Amendment to the Menlo Park Mercado District Planned Area Development: Private Alley Perimeter Yard Minimum Setbacks for 212 S. Avenida del Palo Fiero

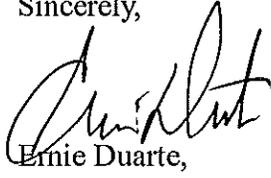
I have reviewed your request (see attached) for a clarification regarding a zero setback for 212 S. Avenida del Palo Fiero along the private alley. The Menlo Park Mercado District PAD requires minimum perimeter yard rear setbacks at private alleys to be: 1-foot to dwelling wall, and 3-foot to garage. The PAD also requires 24-feet of maneuverability space at garage locations for private alleys.

The PAD recognizes and allows for minor adjustments to development standards that are in the interest of the community and do not affect health or safety issues. The proposed zero setback at the private alley for both dwelling wall and garage for 212 S. Avenida del Palo Fiero (Lot 61) is considered a minor change as referenced in the Menlo Park Mercado District PAD because:

- The proposed design meets the intent and vision of the Menlo Park Mercado District PAD for new urbanism design that creates a clear unique architectural identity through the use and incorporation of private alleys;
- The subject Private Alley has a minimum width of 22-feet that widens to 24-feet;
- The proposed Zero setback meets the intent of the Private Alley Exhibit requiring 24-feet of maneuverability space at garages;
- Lots 62 and 63 with a 3-foot garage setback will have a minimum width of 25-feet for garage maneuverability;
- Distance between garages for Lots 61 and 64 meets 24-foot width of maneuverability required at garages.

Therefore, it is determined that this request is consistent with the intent of the Menlo Park Mercado District PAD, and is a non-substantial change and is approved. Please note that a copy of this letter must be attached to any development plan submitted for 212S. Avenida del Palo Fiero.

Sincerely,



Ernie Duarte,

Director

Planning and Development Services Department

Attachments: Applicant's Request

## John Beall - 212 S. Avenida del Palo Fiero

---

**From:** "Bob Lanning" <bob@lanningarchitecture.com>  
**To:** <john.beall@tucsonaz.gov>  
**Date:** 11/25/2014 3:23 PM  
**Subject:** 212 S. Avenida del Palo Fiero  
**Attachments:** Assessor's Map.jpg

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Hi John,

Thanks for the interpretation last week of the zoning issues with regarding the Saunders Residence at the Mercado District.

Sorry to keep bugging you about this, but I have some new information to share with you. See the attached Assessor's Map. In my request for your re-consideration of the setbacks last week, I suggested to you that the alley in question (immediately south of the property) is 18 feet wide. I had been looking at the tentative plat for the Mercado, and an 18' dimension does appear on the tentative plat, although the arrows for that 18' dimension do not point from property line to property line. The alley scales at 22' wide on the tentative plat. It has been brought to my attention that the alley is actually 22' wide, not 18' wide like I had described. It shows up as 22' wide on the final plat, and also on the Pima County Assessor's map. So it is the widest alley in the Mercado District.

In your response to my request, you stated that the 3' setback at the garage face was not needed, because the alley expands out to a minimum of 24' at that point allowing for sufficient width for vehicular entrance into the garage. You also stated that the 1' setback was needed along the 18' wide alley (not at the garage) because lots 62 and 63 across the alley will have garages at the alley, and they will need maneuvering clearance.

Now, however, I am noting that the actual alley width in question is 22', not 18' as elsewhere in the Mercado District. Will you consider now that, with the extra 4' of width, that a 1' setback along the alley is not needed?

Thanks in advance for your attention to this matter. Take care,

Bob Lanning  
Lanning Architecture  
1202 E. Broadway Blvd. Suite 104  
Tucson, AZ 85719  
[520.792.0265](tel:520.792.0265) (p)  
[bob@lanningarchitecture.com](mailto:bob@lanningarchitecture.com)  
[www.lanningarchitecture.com](http://www.lanningarchitecture.com)

**From:** John Beall [<mailto:John.Beall@tucsonaz.gov>]  
**Sent:** Thursday, November 20, 2014 2:36 PM  
**To:** [bob@lanningarchitecture.com](mailto:bob@lanningarchitecture.com)  
**Cc:** Michael St. Paul  
**Subject:** 212 S. Avenida del Palo Fiero

Bob - The Menlo Park Mercado PAD requires 24-feet of maneuverability space at garage locations for Private Alleys. The PAD minimum perimeter yard rear setbacks at Private Alleys is 1-foot to dwelling wall and 3-foot to garage door.

Between Lot 61 and Lot 64 (property line to property line) there is a 24-foot width. This width meets the PAD requirement of 24-foot maneuverability space at garages, so the 3-foot setback for garage door is not needed. However you will still need to provide the 1-foot to dwelling wall setback as there is only an 18-foot width for the rest of the private alley.

Thank you,

John

# ASSESSOR'S RECORD MAP

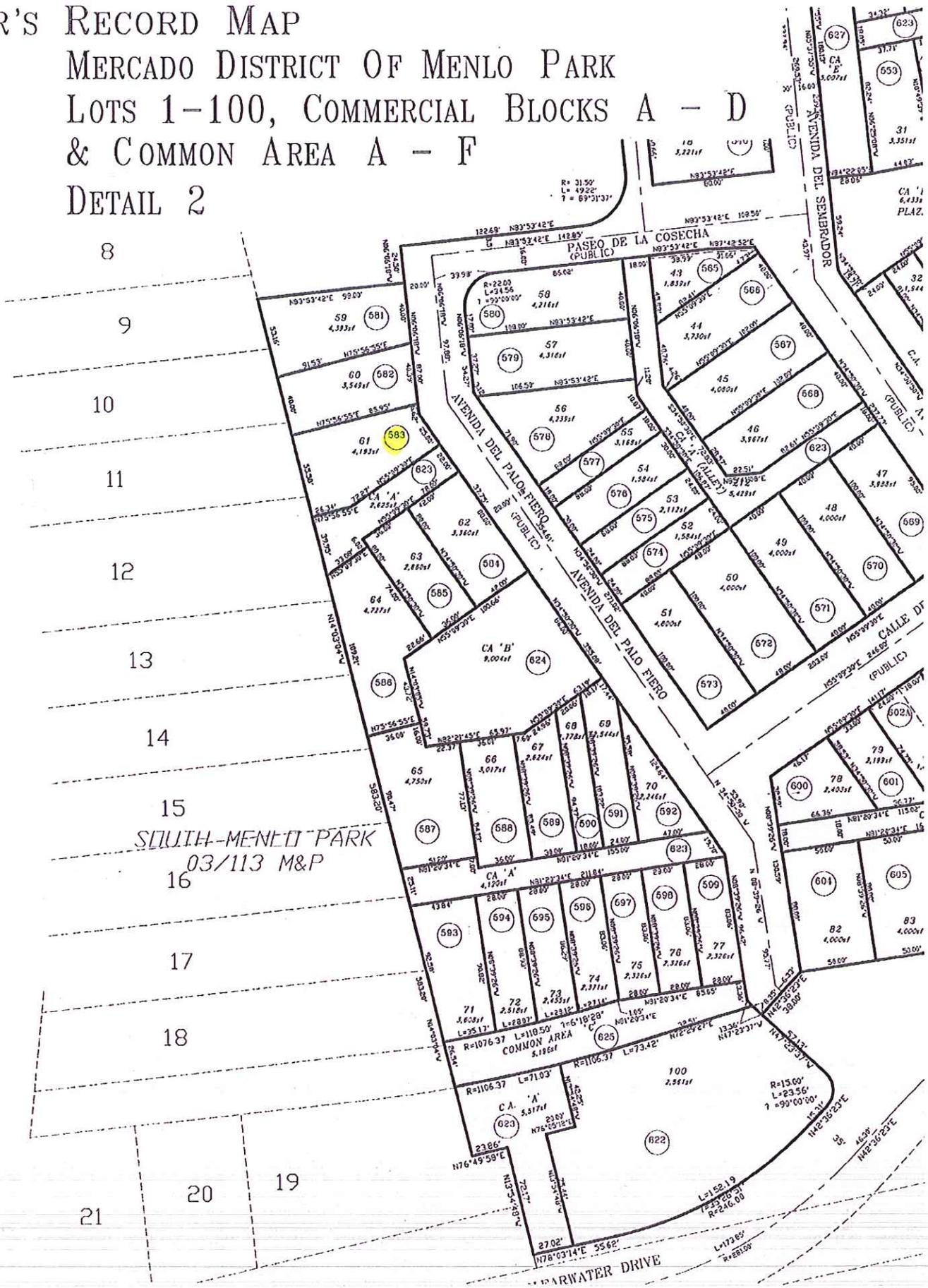
## MERCADO DISTRICT OF MENLO PARK

### LOTS 1-100, COMMERCIAL BLOCKS A - D

### & COMMON AREA A - F

### DETAIL 2

116-20



SOUTH-MENLO PARK  
03/113 M&P

ARWATER DRIVE