

October 5, 2010

Ernie Duarte
Director of Planning & Development Services Department
City of Tucson
201 N. Stone
PO Box 27210
Tempe, Arizona 85726

Via: Email

RE: QIP Tucson Office I – Tucson, Arizona – 275 N. Commerce Park Loop – QIP Request for Relief and Flexibility from the Rio Nuevo PAD requirements for Development Area 5

Dear Ernie,

QIP is requesting relief and flexibility from the respective Rio Nuevo PAD requirements for Development Area 5. We met with the Menlo Park neighborhood October 4, 2010 to present our revised perimeter wall/fence design and meeting and PAD Deviation Request resolution with Menlo Park adjacent neighbors. The letter below was presented to the neighbors at the meeting. At the end of the meeting, this revised Neighborhood Agreement letter was signed by the neighbors.

We are attaching the required exhibits: new wall design, Tree Transplant Concept Plan - Onsite; and Tree Transplant Plan – Offsite, which were presented to the Menlo Park neighbors.

Also included is a copy of the signed revised Neighborhood Agreement letter from the October 4th, 2010 meeting.

QIP looks forward to continuing success of this project.

Respectfully,



Mark Charlton, Director of Development
Quality Group of Companies
12851 Foster Street
Overland Park KS 66213
Dir: 913.312.5511

cc: Chad Williams, Chairman / CEO – cwilliams@qualitygc.com
John Beall, COT Development Services Department John.Beall@tucsonaz.gov
Craig Gross, COT Deputy Dir. of Zoning Admin. - craig.gross@tucsonaz.gov
Paul Iezzi, Rick Engineering – piezzi@rickengineering.com
Mark Fellingner, Rick Engineering – mfellinger@rickengineering.com
Tri Miller, Rick Engineering - tmiller@rickengineering.com
David Allan, Sundt – Project Manager - dhallan@sundt.com
Barry Huhn, Ellerbe Becket/AECOM - Barry.Huhn@aecom.com

October 4, 2010

Menlo Park Neighbors
 City of Tucson, Ward 1 Office
 940 W. Alameda St.
 Tucson, AZ 85726

MENLO PARK ADJACENT NEIGHBORS											
Current as of October 1, 2010											
Present	First Name	Last Name	Agency/Company	Parcel No.	Street	City	State	Postal Code	Home Phone	Mobile Phone	Email
	Melinda A.	Avitia	Menlo Park Neighbor	11619180A	826 W. Alameda St.	Tucson	AZ	85745	520-884-1838		
	Alfred O.	Mendoza	Menlo Park Neighbor	11619120	834 W. Alameda St.	Tucson	AZ	85745			
	Rudy L & Patricia F.	Corral	Menlo Park Neighbor	11619110	836 W. Alameda St.	Tucson	AZ	85745	520-622-0723		
	Matthew	Lowen	Menlo Park Neighbor	11619000	838 W. Alameda St.	Tucson	AZ	85745			mateolowen@gmail.com
	Manuel & Debra	Rodriguez	Menlo Park Adjacent Neighbor	116191890	842 W. Alameda St.	Tucson	AZ	85745	Wk 520-621-9954	520-204-2904	dbzad@yahoo.com
X	Salvador & Anna Marie	Andrade	Menlo Park Neighbor	116191880	844 W. Alameda St.	Tucson	AZ	85745	520-622-5067		
X	Gilbert & Priscilla	Haro	Menlo Park Neighbor	11619187A	846 W. Alameda St.	Tucson	AZ	85745	520-300-4427		gilpico@msn.com
	Lisa	Schrempf	Menlo Park Neighbor	11619187E	854 W. Alameda St.	Tucson	AZ	85745	520-344-7693		lisschrempf@aol.com
X	Jeffery & Dale, Deborah	Grubic	Menlo Park Neighbor	11619186C	834 W. Franklin St.	Tucson	AZ	85745	520-884-7162	913-548-3440	jeffgrubic@gmail.com ddate@arizonalist.org
X	William & Brenda	Mohr	Menlo Park Neighbor	116191830	835 W. Franklin St.	Tucson	AZ	85745	520-623-0128		wdmohr@cox.net
X	Dolores R.	Mohr	Menlo Park Neighbor	116191840	835 W. Franklin St.	Tucson	AZ	85745	520-623-0128		wdmohr@cox.net
	Nancy V.	Ramirez	Menlo Park Neighbor	11619185F	254 N. Melwood Av.	Tucson	AZ	85745			
	Nancy V.	Ramirez	Menlo Park Neighbor	11619185E	256 N. Melwood Av.	Tucson	AZ	85745			
X	Mac	Hudson	Ward 1 - Council Aide		940 W. Alameda St.	Tucson	AZ	85745	520-837-4262		mac.hudson@tucsonaz.gov

RE: Quality Investment Properties (QIP) – Tucson, Arizona --- 275 N. Commerce Park Loop – Perimeter fence design meeting and PAD Deviation Request resolution with Menlo Park adjacent neighbors.

Dear Neighbors,

Quality Investment Properties (QIP) respectfully requests to be recognized in our continued pursuit of this development in working with the City of Tucson and Menlo Park Neighborhood. From the onset of the re-zoning process QIP has been committed to following the agreed upon conditions in the Neighborhood Agreement signed September 5, 2010. We've continued to be upfront and meet with the City and the neighbors communicating updates in the spirit of working together to make this project a success. The PAD conditions requiring attention are to be addressed at the October 4, 2010 meeting with the Menlo Park neighbors. QIP will work with the Menlo Park neighbors and come up with an alternative approach to resolutions that satisfy the intent of the PAD. QIP recognizes its obligations within the PAD and what was agreed to in the formal neighborhood agreement. We are requesting flexibility so that the development this project may proceed. In the spirit of our agreement and interest of following the approval process with the City of Tucson, QIP request the flexibility of specific items be considered. The following items reflect flexibility with the intent of the PAD that we wish to work through with the Menlo Park neighbors along with the Planning & Development Services Department to come to an amenable resolution.

For reference the PAD - Exhibit "A" to Original No. 10461 - C9-07-14 Rio Nuevo North – Commerce Park Loop, PAD 4, Development Area: 5; Primary Uses – Offices: Permitted; Alternate Uses Business Park: Permitted, General Development Standards: items f) & k) have be inserted below for reference.

- f) Special screening of buffering: A 6' high wall and a 5' wide planting strip buffer on the west and south property lines, where a 5' high wall does not exist; allow for a perimeter wall greater than 6', not to exceed 8', where the wall is located on residential property line; individual residential property owners to be consulted regarding design of wall; all dumpsters and loading zones to be located at least 50' away from residential property lines.

QIP's response to the one particular comment in PSDS's review of the Development Plan Approval comment that the fence along the South and West must follow the property line, QIP agrees to comply with the PAD requirement that the wall/fence must follow the property line. The revised design of the perimeter fence shows the perimeter wall/fence following the property lines in the southwest notch area. The tree mitigation

requirement of the said property requires inclusion of this portion, or the notch as it is typically referred as, of to fulfill the required tree mitigation. In summary no deviation to the PAD is requested.

- k) Six (6) inch wide fence block of greater shall be used for perimeter walls. The screen wall adjacent to the residential property lines at the south and west will be attractively finished on both sides. The wall will be constructed prior to the start of construction. Existing mature landscaping along the wall will be preserved in place. The wall will be jogged as required to accommodate this landscaping. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archeologist. Pursuant to A.R.S. 41—865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
- a. Regarding the PAD condition which states that the perimeter wall/fence shall be constructed prior to the start of construction. QIP requests flexibility as it relates to the timing and logistical issues in constructing the perimeter wall/fence. In many of our discussions with the City and Menlo Park Neighbors it was reiterated that remedial grading operations would not be considered the start of construction. Further, it was noted that activities related to the remediation and the construction of the underground portions of the parking garage must coincide with the below grade portion of the garage and establishing the final grades. Once this is complete and the final grades are established, this will allow construction of the permanent perimeter wall/fence to begin.

QIP had met previously with property owners adjacent to the site on August 18, 2010 and explained the rationale for the timing of the fence. It was also noted that the anticipated completion of the fence would occur within the first seven months of the project, in lieu of postponing to the end of the project as customary with developments. QIP is in agreement with construction of the fence occurring as early as physically possible. This was conveyed both to the Menlo Park neighbors on August 18th, 2010 and additionally in the meeting with Planning & Development Services Department staff on September 1, 2010. QIP formally request flexibility to meet the intent of the PAD regarding the timing of completing the construction of the fence prior to start of construction. To satisfy the intent of the PAD, QIP proposes the anticipated completion of the perimeter wall/fence along the west, south and east property is too completed within the first seven months of construction.

- b. The PAD condition states that existing onsite vegetation along the western property boundary is to remain in place. QIP requests flexibility as it relates to the signed neighborhood agreement. The project we were pursuing and ultimately were awarded would not have functionally been able to meet the required 100 ft setback planned for this site. It has always been the intent of QIP that removal of these trees along the southern and western property lines would fall under the standard Native Plant Preservation Ordinance procedures in terms of inventory and mitigation. Rick Engineering documented the existing inventory of the vegetation along the southern and western property boundaries in correspondence with the Native Plant Preservation Ordinance for inventory and mitigation. QIP formally request flexibility relating to the intent of the PAD by following the standard Native Plant Preservation Ordinance procedures in terms of inventory and mitigation on the development.

A recent discussion September 30, 2010 with City of Tucson PDS staff request QIP to consider enhancing the size of some of the new trees proposed along southern and western property lines. QIP is amenable to this and agrees to increase a specific number of trees to 24" box trees. QIP proposes (6) trees along the western and (3) trees on the southern property line will be increased to 24" box trees for total of (9) trees. Additionally there are (4) trees within Lot 17 that are slated for transplanting on site. Of those trees (3) are planned to be transplanted along the southern property line in the vicinity of the southwestern notch of the site as shown on onsite October 1, 2010, "On-Site Tree Transplant and Landscape Plan".

In further cooperation efforts, QIP previously proposed to plant additional existing mature trees, which had been selected for removal on many Menlo Park neighbors' property. This proposed enhanced effort on QIP's part was responsive to many neighbors. Some neighbors QIP contacted did not want to be bothered.



Corporate Office
 JWilliams Technology Centre
 12851 Foster Street
 Overland Park, KS 66213
 913.814.9988 p
 913.814.7766 f

To date QIP has transplanted 11 mature trees on neighbor's properties. There were (3) neighbors that did not have the clearances necessary from the property lines. Although responsive to this offer, those neighbors regrettably declined. QIP shifted those trees slated for the other properties to the one neighbor that had ample room. The property received (5) existing mature transplanted trees. In further cooperation QIP proposes to plant additional trees onto one additional adjacent property owner property that had yet to receive any trees. QIP further proposes to plant (5) more new 24" box trees as noted in the offsite Tree Transplant Concept Plan. Based on QIP's willingness to work with the adjacent property owners and further enhanced willingness to transplant existing and new trees on neighbor's properties, QIP respectfully request the flexibility for meeting the intent of the PAD requirement that the trees must remain preserved in place.

In consulting with the neighbors on design of the wall/fence QIP met with the Menlo Park neighbors on August 18, 2010. The proposed fence design was discussed and there were no real comments on the design. QIP has since learned that the neighbors are concerned with the design of the fence. In response QIP has revised the design of perimeter wall/fence. The revised wall/fence design is being presented to the Menlo Park neighborhood association October 4, 2010 at 5:00pm at the Ward 1 office. The new design accommodates jogs in the wall at specific locations corresponding to property lines of adjacent neighbors. Furthermore, addition pilasters of CMU block break up the long span of wall/fence every sixty-four feet or so feet. Based on the latest design and perspective images to be presented, QIP formally requests acceptance of the proposed new wall/fence design as it relates to the fence jogging in meeting the intent of the PAD. Please see the update fence designs, which includes the overall site plan, (3) perspective rendered views of the fence from the neighbors perspective along with a detailed drawing of a typical wall/fence section.

This agreement is intended to formalize the mutual understandings between Quality Investment Properties (QIP) ("Developer") and the Menlo Park Neighborhood Association ("Association") and superseded related requirements in the PAD and September 5, 2007 approved Neighborhood Agreement.

This Agreement was formulated utilizing the components of community agreements that other Associations have approved. Based on the design of the project, the willingness of the developer to work with the community during the rezoning, development plan approval, construction, development and continued management of the property and with the additional conditions included herein, Menlo Park Neighborhood Association supports this rezoning.

Please accept this as QIP request for deviations to meet the intent of the PAD requirements. In the spirit of our working with the neighbors pertaining to the approval of the Neighborhood Agreement signed September 5, 2007 and meeting numerous times with neighbors and the City of Tucson, we formally request approval.

Menlo Park Neighborhood Association

Menlo Park Neighborhood Association

By: _____

By: _____

As: _____

As: _____

Quality Group of Companies

By: _____

As: _____

QIP looks forward to continuing success of this project.

Respectfully,



Mark Charlton, Director of Development
Quality Group of Companies
12851 Foster Street
Overland Park KS 66213
Dir: 913.312.5511

cc: Chad Williams, Chairman / CEO – cwilliams@qualitygc.com
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