



Zoning Examiner

ZONING EXAMINER DECISION

May 13, 2021

Keri Silvyn
Lazarus & Silvyn, P.C.
5983 E. Grant Road, Suite 290
Tucson, AZ 85712

**SUBJECT: SPECIAL EXCEPTION LAND USE - SE-20-16 TEP Vine Substation –
Vine Avenue, R-2 (Ward 6)**

Public Hearing: May 6, 2021

Dear Ms. Silvyn:

SPECIAL EXCEPTION LAND USE REQUEST

Pursuant to the City of Tucson's Unified Development Code (UDC) and the Zoning Examiner's Rules of Procedure (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's findings and decision for the special exception land use case **SE-20-16 TEP – Vine Substation, R-2 (Ward 6)**.

May 6, 2021 Zoning Examiner Hearing

On May 6, 2021, a public hearing was held on this special exception land use request, pursuant to UDC Section 3.4.3, Zoning Examiner's Special Exception Procedure.

The Applicant's representatives spoke in support of the proposed special exception request.



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Four persons spoke in opposition to the special exception request. Concerns raised included: the proposed use belongs in an industrial zone, not a residential zone; the height of the

permanent crane that will be constructed as part of the substation is excessive and will adversely impact views; safety concerns relating to the gas insulated cooling system proposed to be used at the substation; the concern that if the proposed special execution is granted, the Applicant will use the fact of approval in pending proceedings before the Arizona Corporation Commission online-siting for the TEP Kino to DeMoss - Petrie project.

The Applicant's representative responded to these concerns and stated: the new station would retire an existing substation south of the special exception site and would improve the site by reducing the amount of impervious land surface, and by providing a screen wall surrounding the site and a landscaped buffer along Vine Avenue; the crane and canopy will be within the height permitted in the R-2 zone; gas insulated substations are commonly used by utilities and are safe; and the line-siting issue is one to be decided by the ACC and is separate from the special exception request.

As of the date of the Zoning Examiner hearing, there were two (2) written approvals and twenty-nine (29) written protests. The Zoning Examiner has reviewed each of the written approvals and each of the written protests.

FINDINGS

This is a request by Tucson Electric Power Company (TEP) for approval of an electric gas insulated substation (GIS) as a special exception land use in the R-2 zone. The project site is approximately 1.6 acres in size and located on North Vine Avenue near its intersection with East Lee Street and adjacent to the North Ring Road, a private roadway serving the Banner Campus, just northwest of Speedway Boulevard and Campbell Avenue (see Case Location Map). The revised preliminary development plan (PDP) indicates that 1.6 acres are to be occupied by the 138 kilovolt (138kV) GIS substation equipment and enclosed with a decorative masonry (brick) wall, 13.5 feet in height. The proposed Vine Substation is one component of the larger Kino to DeMoss-Petrie (Kino-DMP) Transmission Line Project.

A Distribution System use of this type in the R-2 zone is subject to Section 4.9.11.A.1, .2, .5, .8, .9, and .11 of the *Unified Development Code (UDC)* and requires approval through a Zoning Examiner Special Exception Procedure, in accordance with *UDC* Section 3.4.3. A public hearing before the Zoning Examiner is required. The Zoning Examiner may render a decision to grant the



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use with or without conditions, or to deny the use. The Design Review Board (DRB) also reviews the project for design review and recommendation.

Background Information

Existing Land Use: Multiple metal and manufacturing buildings that support UA operations, including grounds maintenance, parts storage, engine repair, materials storage and office space.

Zoning Description:

R-2: This zone provides for medium density, single-family and multi-family, residential development, together with schools, parks, and other public services necessary for an urban residential environment. Select other uses, such as, day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned NR-1; Neighborhood Preservation Zone, Single-Family Residential
Existing Uses: UA Facilities Management & Maintenance Operations

South: Zoned R-2; Single-Family Residential & Multi-Family Residential
Existing Uses: TEP 46kv open-air electric substation & UA 46kv gas-insulated substation

East: Zoned R-2 and PAD-28; Single-Family Residential & Multi-Family Residential, Banner Planned Area Development
Existing Uses: Banner Medical Center, staff parking garage (5-stories)

West: Zoned R-2; Single-Family Residential & Multi-Family Residential
Existing Uses: Single- & Multi -Family residences (1- and 2-stories)

Planning Considerations

Land use policy direction for this area is provided by *Plan Tucson (PT)* and the *University Area Plan (UAP)*.

Plan Tucson

Plan Tucson identifies this area in the Future Growth Scenario Map as a "Campus Areas" which include and surround large master-planned educational, medical, or business facilities. A fully realized campus area serves the local workforce and student population and includes a range of



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housing, a variety of retail opportunities, and convenient transit options. Existing examples include the University of Arizona and Banner University Medical Center.

Plan Tucson calls to invest in highest priority needs to manage and maintain public infrastructure and facilities that are fundamental to economic development and to sustaining and enhancing living conditions in the community (*PT*, *PI1*). It provides policy direction to coordinate with utility companies and other public service providers for planning of infrastructure, facilities, and services, making sure infrastructure and facility construction is sensitive in design and location to environmental and historic resources (*PT*, *PI7*). It calls to expand the use of state-of-the-art, cost-effective technologies and services for public infrastructure and facilities (*PT*, *PI3*). *PT* also calls to improve the appearance of above-ground utilities and structures (*PT*, *LT28.1.1*). It also supports methods to protect and improve air quality by reducing sources of air pollution (*PT*, *LT28.1.19*). *PT* provides policy direction to protect established residential neighborhoods by supporting compatible development, which may include other appropriate non-residential uses (*PT*, *LT28.5.9*). It supports environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community (*LT28.5.7*).

University Area Plan

The goal of the *University Area Plan* is to support new development which serves to enhance the character and quality of University Area neighborhoods. The *UAP* calls, wherever possible, to place utility and service equipment underground or in other visually screened locations (*UAP* Section 6, Policy 6). The *UAP* calls to complement surrounding development – utilize compatible building materials, setbacks, and step-backs, including buffering with appropriate screening techniques to mitigate the impact on adjacent uses (*UAP*, Design Guidelines Policy 1 and 3).

Project Description

Currently, TEP serves customers in this area (central Tucson) with a 46kV sub-transmission system. Due to increased energy demands, the system is becoming increasingly loaded, and there is now limited capacity in the event of an outage. The Applicant states that construction of the Vine Substation will resolve overloading and capacity concerns and improve overall service reliability in the area, replacing TEP’s aging, lower capacity 46kV open-air substation. The project is one component of TEP’s planned Kino-DMP 138kV Transmission Line Project, which will interconnect the Vine Substation with the Kino and DMP Substations. The Applicant states that this improves electric reliability by adding redundancy, allowing TEP to deliver energy from more than one direction. The Applicant states that this project also supports Tucson and the UA’s renewable energy goals. TEP plans to design and construct this project as a gas-insulated substation to insulate electrical equipment in sealed steel vessels, which prevents emissions.



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Design Considerations

Land Use Compatibility – The proposed substation is located on the east side of N. Vine Avenue and west of the Banner staff parking garage on the Ring Road. The east boundary is adjacent to the Ring Road, which is a private driveway serving Banner, and the south boundary is adjacent to the existing TEP 46kV open-air electric substation which is to be replaced. The property to the north is a UA-owned salvaging and recycling operation. Residential uses lie to the west across N. Vine Avenue. The substation will be replacing the current UA Facilities Management & Maintenance Operations Center uses on this site.

The proposed project as an unmanned electric substation will generate quite fewer trips than the existing UA Facilities Center. The change in use for this site will relieve traffic and parking congestions along Vine Avenue. No designated vehicular use areas are required. TEP will access the site from the Ring Road, and by two gated entries from Vine Avenue, and will park within the substation enclosure area as needed for periodic servicing of the substation.

The substation will have a 13.5-foot decorative masonry wall (red brick) to match the height, materials and style of the wall surrounding the existing 46kV GIS substation south of the project site. The wall will be set on the north, east, and south property line, completely surrounding the use. Along the western boundary of the substation the wall will be setback 20 feet from the property boundary adjacent to N. Vine Avenue, and a landscape border will be installed within this setback. The N. Vine Avenue view corridor will be enhanced with the decorative wall and landscape border given that the existing UA Facilities Management & Maintenance Operations is screened by an open wrought-iron fencing around the entire site.

TEP is requesting relief from the 20-foot setback adjacent to residential zones to allow the substation's perimeter wall to be constructed on the property line, on the north, south, and east. It is also requesting relief from the required landscaping border along the north and east/northeast because the perimeter wall will be on the property line. These requests are reasonable given the adjacent land uses: north – UA salvaging & recycling center; south – 46kV open-air power utility substation; east – Ring Road which is a private driveway for Banner; and northeast – parking area.

No buildings are proposed as part of the project. A protective mechanical canopy, including a gantry crane, will be installed over the GIS equipment. This canopy will be 25 feet high in compliance with R-2 standards.

Lighting will be installed as part of the project strictly for emergency and maintenance situations that may occur at night. Post-development drainage conditions will resemble existing drainage conditions. The total runoff exiting the site is expected to be less than or equal to existing conditions.



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Use-Specific Standards

The following Unified Development Code (UDC) Use-Specific Standards 4.9.11.A.1, 2, 5, 8, 9, and 11. apply to the Distribution system use under the R-2 zone.

- UDC 4.9.11.A.1 – The setback of the facility, including walls or equipment, shall be 20 feet from any adjacent residential zone.

The property is surrounded on all sides by residential zones, but there are no residential uses on three sides (north, south, and east). No building is proposed with this project and the perimeter wall is over 10 feet in height; the project’s screen wall will serve as the building wall for purposes of setbacks. TEP intends to construct a 13.5-foot perimeter wall on the property line for safety purposes and has requested relief from the 20-foot setback on the three boundaries that do not have residential uses on them (north, south and east), so that the perimeter wall can be constructed on the lot lines on those three sides. Given the existing, non-residential uses on those adjoining properties, permitting the Applicant to build to the lot line is reasonable.

- UDC 4.9.11.A.2 – Where a facility is not enclosed within a building, the surrounding screen shall be used as the building wall for purposes of setbacks.

A 13.5-foot masonry wall will surround the entire facility, and it will constitute the building wall for purposes of setbacks. The proposed wall height is in accordance with federal critical infrastructure protection to ensure TEP’s protection of its electric infrastructure. The wall height of 13.5 feet matches the existing UA 46kV GIS substation perimeter wall to the south.

- UDC 4.9.11.A.5 – The use shall not have any service or storage yards.

No service or storage yards are proposed with this project.

- UDC 4.9.11.A.8 – Any building housing such facility shall be in keeping with the character of the zone in which it is located. The Design Review Board (DRB) shall review all applications and make recommendations to the Zoning Examiner. The DRB shall review architectural style, building elevations, materials on exterior facades, color schemes, new mechanical equipment locations, lighting of outdoor areas, window locations and types, screening, landscaping, vehicular use areas, and other contributing design features.

The project was reviewed by the City’s DRB on April 9, 2021. The DRB found the project in compliance with the UDC use-specific standards, with the addition of a condition that the plant palette include hardy understory plant materials, that shade be provided along the



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sidewalk, and that existing vegetation be preserved to the extent possible (see PDSD Preliminary Condition 7).

- UDC 4.9.11.A.9 – The use shall be located wholly within an enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six feet, nor more than ten feet, in height.

The project will be completely surrounded by a 13.5-foot masonry wall to ensure protection of its electric infrastructure in accordance with federal CIP standards.

- UDC 4.9.11.A.11 – The use shall be limited to water pumping and storage facilities, telephone exchanges, and power substations with an input voltage of no greater than 138 kilovolts.

The project is a 138kV power substation and will replace TEP's existing 46kV open-air substation to the south.

Conclusion

Pursuant to UDC 3.4.5(A), to grant a special exception the Zoning Examiner must find that the requested special exception:

2. *Does not adversely affect adjacent land uses or the surrounding neighborhood or that such adverse effects can be substantially mitigated through the use of additional conditions as provided in Section 3.4.6; [and] ...*
5. *Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan.*

The proposed special exception land use is a substation that will be part of the larger Kino to DeMoss-Petrie (Kino-DMP) Transmission Line Project. The Applicant has not finalized the design and location of the Kino-DMP and is considering several alternative routes. The decision on line-siting will be made in proceedings before the Arizona Corporation Commission (ACC) to be held in the future.



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Based on the information presented at the Zoning Examiner hearing, the proposed special exception is in compliance with the performance criteria of UDC 4.9.11.A.

At the present time, and on this record, the Zoning Examiner cannot determine whether the proposed special exception land use complies with *Plan Tucson* and the *University Area Plan*, or whether the proposed special exception would adversely affect the surrounding neighborhoods. The Applicant is considering several different transmission line routes for Kino-DMP and states that the final decision on line-siting will be made by the ACC. Based on the record, some of the routes being considered for the Kino-DMP Transmission Project would connect the proposed Vine substation with a transmission line running along Campbell Avenue. Other alternative routes would connect the proposed Vine substation to the Campbell Avenue transmission lines, but, in addition, new transmission lines would run from the proposed Vine substation to the west and north, or to the north, through the adjoining neighborhoods before connecting with a transmission line along Grant Road. The impacts on the affected neighborhoods of these alternative routes would be different, and the impact of the proposed special exception land use cannot be determined without knowing what transmission lines will connect with the proposed Vine substation.

As a result, compliance with *PT* and *UAP* cannot be determined at this time. *PT* provides policy direction to protect established residential neighborhoods by supporting compatible development and environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. The *UAP* specifically directs that utility lines be placed underground where possible to mitigate impacts on adjacent uses.

Based on the testimony at the Zoning Examiner hearing and the record, the Applicant does not intend to place the transmission lines underground. While this proceeding is separate from the line-siting process, as a practical matter the two are interrelated. Given the uncertainty regarding the route(s) to be selected for the Kino DMP Transmission Line Project, and the uncertainty of the location of the power lines which will connect with the proposed Vine substation, compliance with *PT* and *UAP* cannot be determined on the current record.

The Zoning Examiner denies the special exception request, without prejudice to the Applicant to resubmit its request when the additional information discussed above is available.

APPEAL

The Zoning Examiner's decision may be appealed to the Mayor and Council pursuant to UDC Section 3.4.3.I. A notice of intent to appeal the Zoning Examiner's decision must be filed with the City Clerk, 255 West Alameda, Tucson, Arizona 85701 by a party of record in accordance with



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UDC Section 3.9.2 within fourteen days of the effective date of the Zoning Examiner's decision, with a copy delivered to PDSD.

The complete application materials must be filed with the City Clerk within 30 days of the effective date of this decision letter.

A copy of this decision letter can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

DECISION

The Zoning Examiner's decision is denial of the special exception request, without prejudice to the Applicant to resubmit its request when the additional information discussed in the Zoning Examiner Decision is available.

Sincerely,

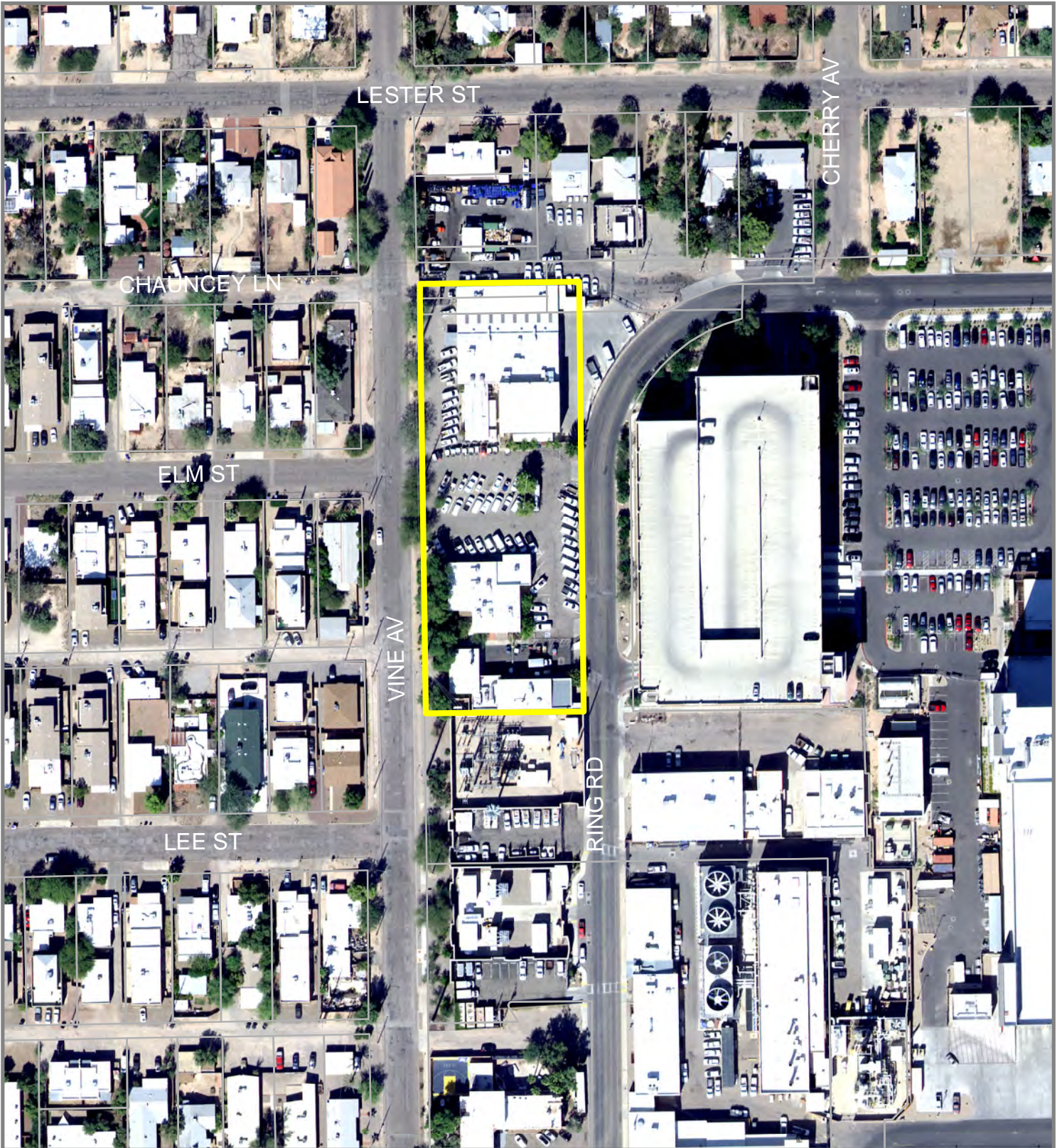
John Iurino
Zoning Examiner

ATTACHMENTS:

Case Location Map
Rezoning Case Map

cc: Mayor and Council

SE-20-16 TEP Vine Substation - Vine Avenue
Zoning Examiner Special Exception



Address: 1602, 1610, 1640, 1730 N Vine Ave
Base Maps: Sec.06 T.14 R.14
Ward: 6



2019 Aerial

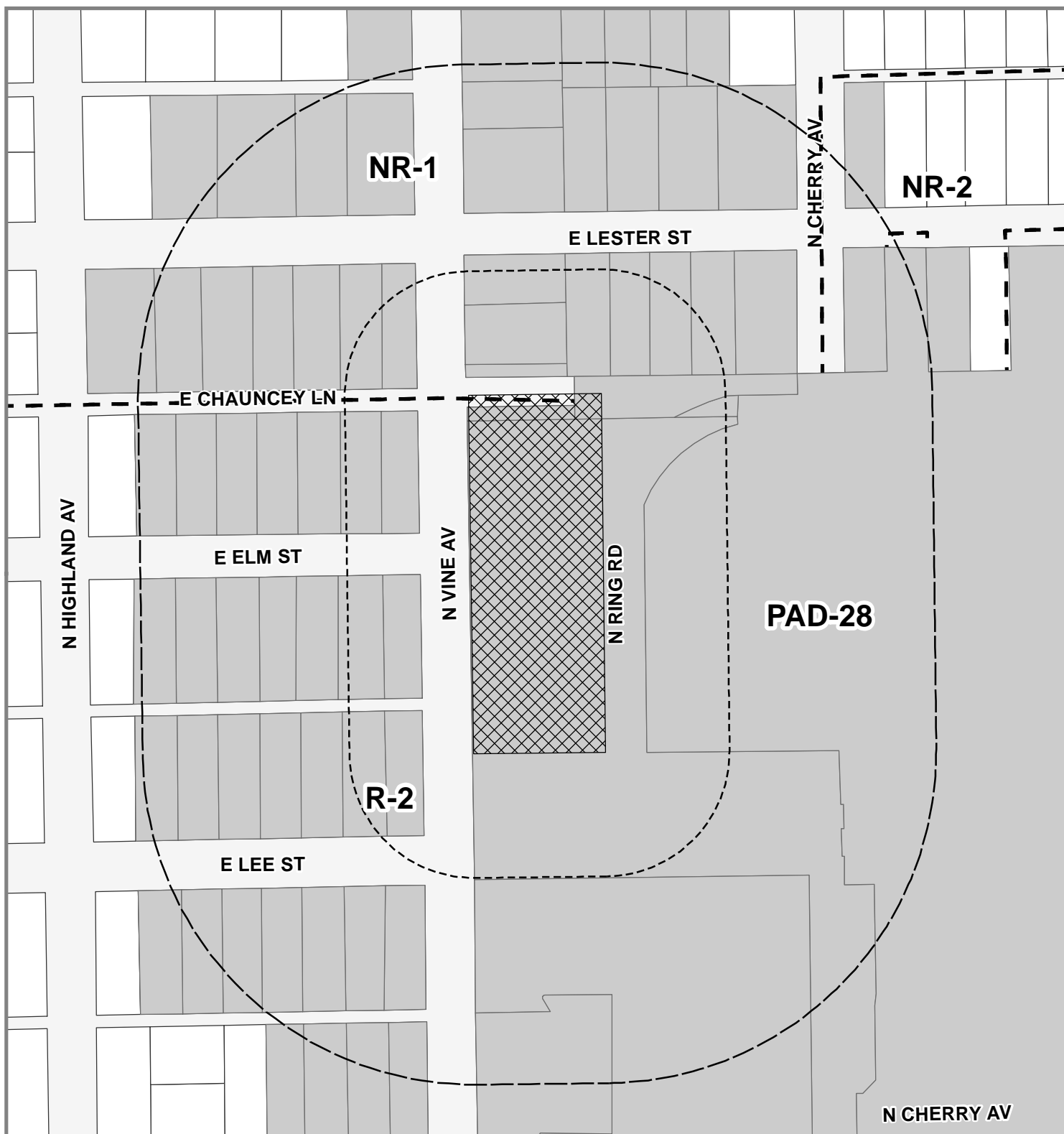
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0 60 120
Feet

1 inch = 137.9035 feet

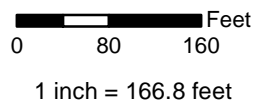


SE-20-16 TEP Vine Substation - Vine Avenue Zoning Examiner Special Exception



- Area of Special Exception Request
- Protest Area (150-foot Radius)
- Notification Area (400 ft. Radius)
- Properties Notified
- Zone Boundaries

Address: 1602, 1610, 1640, 1730 N Vine Ave
 Base Maps: Sec.06 T.14 R.14
 Ward: 6



ZONING MEMBERS PRESENT:

John Iurino, Zoning Examiner
John Beall, Planning & Development Services
Recording Electronically Created by GoToMeeting

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1 ZONING EXAMINER: - the City of Tucson. I conduct rezoning
2 hearings on behalf of the Mayor and Council, and make findings-of-fact
3 which I put into a written report, along with my recommendation, which
4 I then send along to Mayor and Council for their consideration and for
5 their final decision.

6 My report will be based on the information submitted to me
7 which includes the rezoning application, the Staff report, all written
8 approvals and protests, all correspondence and the testimony given at
9 tonight's public hearing. I will also include in the record all
10 documents submitted to me up to the close of the public hearing.

11 A recording of tonight's testimony is being made. If
12 requested, a transcript will be prepared. With that in mind, when I
13 call on you to testify, I would ask you to please speak clearly, and
14 begin your testimony by stating your name and your address. And if
15 you would please spell your last name as well, that would help the
16 transcriptionist very much.

17 The process goes like this. First, I complete a
18 preliminary report within five working days after the close of the
19 public hearing, then I prepare a final report. The final report will
20 be issued two weeks after the close of the public hearing.

21 For those of you who wish to receive a copy of the
22 preliminary report, and are not a listed party on the case, please

1 send an e-mail to tucsonrezoning@tucsonaz.gov. Again,
2 tucsonrezoning@tucsonaz.gov, or call the Planning & Development
3 Services Department. A copy of my final report will be available from
4 the Planning & Development Services Department, and I send the final
5 report along to the Mayor and Council.

6 Tonight's public hearing will proceed in the following
7 manner. I will open the public hearing and ask Mr. John Beall, of
8 the Planning & Development Services Department, to give a brief
9 presentation of the case.

10 After Mr. Beall's presentation, I will ask the Applicant,
11 or the Applicant's representative, to make his or her presentation.
12 I will then ask to hear from anyone in the audience who wishes to
13 speak.

14 I will start by calling on anyone who has sent in an e-mail
15 request stating they wish to testify tonight. And then I will open it
16 up and call on other people in the audience who wish to speak.

17 I would ask that you please wait for me to call on you
18 before you unmute your device and testify so we'll have a clear record
19 of who is speaking.

20 Since I cannot have any contact or communication with
21 anyone involved in this case outside of this public hearing, I would
22 invite you to speak tonight if you would like to do so. After
23 everyone in attendance has had an opportunity to speak, I will offer
24 the Applicant, or the Applicant's representative, a chance to respond
25 to any of the concerns or issues that were brought up tonight.

1 So, with those ground rules in mind. Let's get started.

2 Our first case on the docket is Case: SE-20-16 TEP Vine Substation.

3 Mr. Beall, would you like to present the case?

4 MR. BEALL: Yes, Mr. Iurino. This is a request by Tucson
5 Electric Power Company, TEP, for approval of an electric gas insulated
6 substation as a special exception land use in the R-2 zone.

7 The project site is approximately 1.6 acres in size and
8 located on North Vine Avenue near its intersection with East Lee
9 Street and adjacent to the North Ring Road which is a private roadway
10 serving Banner Campus just northwest of Speedway Boulevard and
11 Campbell Avenue.

12 The Revised Preliminary Development Plan, PDP, indicates
13 that 1.6 acres are to be occupied by the 138-kilovolt GIS substation
14 equipment and enclosed with a decorative masonry brick wall at 13.5
15 feet in height. The proposed Vine substation is one component of the
16 larger Kino Dimas Petrie transmission line project.

17 A distribution system use of this type in the R-2 zone is
18 subject to the UDC requirements and requires approval through a Zoning
19 Examiner's Special Exception procedure. A public hearing before the
20 Zoning Examiner is required.

21 The Zoning Examiner renders a decision to grant the use
22 with or without conditions, or to deny the use. The Design Review
23 Board also reviews the project for design review and recommendation,
24 which they have done.

1 The proposed special exception is consistent with Plan
2 Tucson and the University Area Plan, and in compliance with
3 performance criteria of UDC 4.9.11.a. Subject to compliance with the
4 attached Revised Preliminary Conditions, approval of this special
5 exception land use in the R-2 zone is appropriate.

6 As of today's date, there have been two approvals and 29
7 protests. Protests by location outside of 150 feet is four; within
8 150 feet is one. Does not trigger any super-majority that's only five
9 percent for lot coverage, and 0.6% for area.

10 We have letters from Jefferson Park Neighborhood
11 Association, which is a protest. And of these forms, or unsigned
12 letters and e-mails received by PDSO, are represented in the total
13 approvals and protests, 24 e-mails and letters of protests were
14 submitted to PDSO. Thank you.

15 ZONING EXAMINER: Thank you, Mr. Beall. Would the
16 Applicant, or the Applicant's representative like to be heard?

17 MS. SILVYN: Yes. Thank you, Mr. Iurino. Can you hear me
18 okay?

19 ZONING EXAMINER: Yes, Ms. Silvyn. Thank you very much.
20 Please proceed.

21 MS. SILVYN: And I do have a presentation. I think I can
22 share my screen; famous last words. Okay. Are you seeing a power
23 point?

24 ZONING EXAMINER: I will be when you turn the page, yes.

25 MR. BEALL: Yes.

1 MS. SILVYN: Okay. Right. It should say Vine Substation
2 on the front. Are you seeing that?

3 ZONING EXAMINER: Yes, I am. Thank you.

4 MS. SILVYN: Perfect. Thank you. Keri Silvyn,
5 S-I-L-V-Y-N, 5983 East Grant Road. I am representing TEP in this
6 substation request.

7 I'd like to introduce some of the other team members who
8 are here in case either you, or you want us to address any of the
9 public comments that are more complicated relative to technology and
10 TEP than I can handle.

11 Renee Darling is here, who's the Transmission and
12 Distribution Supervisor for TEP. Brian Pugh, the Senior Environmental
13 and Land Use Planner with TEP. Alberto Quinonez, the Substation
14 Engineering Supervisor. Donovan, Donovan Sandoval, Distribution and
15 Planning Engineer.

16 Adriana Martinez, the Senior Local Affairs Representative.
17 Kevin Letendre (ph.), who is from Somas Engineering, and Robin Large,
18 who's a Senior Land Planner with my office. I can send all of those
19 names to Mr. Beall as well for the transcription, if that would be
20 helpful.

21 ZONING EXAMINER: That would be great. Thank you.

22 MS. SILVYN: You got it. The agenda for tonight for my
23 presentation, I want to give you a little bit of a brief background of
24 the larger project that is a lot of the public comments that you're

1 hearing that are not necessarily related directly to this request, but
2 are, I think, important for context.

3 And then focus in on this substation request and the SELU,
4 special exception land use. And then touch on neighborhood outreach.
5 And then, obviously, we're happy to answer any of your questions or if
6 there are questions after the public hearing.

7 As I go through the presentation, I will try to separate
8 the issues being voiced in the community that are really related to
9 the line-sighting (sic) process, which is under the, the Arizona
10 Corporation Commission, and is separate from the SELU, and focus in
11 on the special exception land use request.

12 Staff indicated where the site is located. This may or may
13 not be helpful is an aerial. It's west of Banner and the Ring Road
14 between the Ring Road and Vine. It is in the North University
15 Neighborhood which is not a historic neighborhood. It is south of
16 Jefferson Park Neighborhood.

17 There's a U of A salvage and recycling property directly to
18 our north, as well as some of the homes that are being used for U of A
19 offices that are buffers between our northern boundary and Lester,
20 which is where the, the neighborhood, single-family, residential
21 really starts.

22 The other surrounding uses to the south are additional
23 substations. TEP has its 46-KV substation and then U of A has its
24 own substation as well. So, similar uses right on the block. The

1 Ring Road and Banner, as I said, is to the east, and Vine and North
2 University are to the west.

3 The property is currently used by U of A as a facilities
4 maintenance and repair office and shops. As you can see, it's a busy
5 use with limited screening on the perimeter, which I will show you in
6 a minute. It is 100% impervious surface, it is all asphalt and
7 buildings which is important when we talk about our proposed use.

8 So, our proposed use is an unmanned substation without the
9 traffic and less intents is to surrounding uses with better screening.
10 One of the things I want to point out is when we redevelop for the
11 substation, only 20% of the ground will be impervious surface.

12 So, 80% is going to be pervious, and that's a, a good mod-
13 -- great modification for the drainage in the area. Want to touch on
14 the larger project for just a minute.

15 I, I'm getting - are others getting feedback? I can
16 continue over it, but -

17 ZONING EXAMINER: Would everyone please mute their device
18 until I call on you to speak? Mr. Wilkins, I think you need to mute
19 your device. Thank you very much. Please proceed, Ms. Silvyn.

20 MS. SILVYN: Thank you. TEP is developing plans for a new
21 138-kilovolt transmission line to strengthen reliability for
22 residential and commercial customers in central Tucson, and help
23 satisfy the growing energy needs in our community.

24 Transmission lines link to substations that change the
25 voltage of electricity facilities from the transmission levels to the

1 distribution levels to safely deliver electric service to area
2 customers.

3 TEP currently serves the central area with a 46-kilovolt
4 sub-transmission system that includes equipment that's nearing its -
5 the end of its useful life, and it really needs to be upgraded to
6 respond to demand.

7 By constructing this 138-kilovolt system in the area, TEP
8 can avoid overload conditions that damage equipment and cause outages
9 or low voltages for customers.

10 There is a separate process that I alluded to before for
11 environmental studies and public outrage to identify alternative
12 routes for the line sighting of the actual 138-kilovolt lines and
13 poles.

14 The final keynote to Dimas Petrie transmission line route
15 will be determined in the next couple of years by the Arizona
16 Corporation Commission after extensive outreach. The ACC has the
17 jurisdiction related to those actual line sightings where the
18 transmission lines will be located. It's not really in the purview
19 and it's not part of our request for the SELU.

20 I mention this because a lot of the comments that you've
21 heard in the - in e-mails and other public comments that are part of
22 the record are related to those lines and that's not part of this
23 process. The new substation we are here to talk about today will
24 interconnect TEP's planned Kino to Dimas Petrie transmission line
25 project, and that's the, that's the relationship.

1 Focusing on the Vine substation, I've already talked to you
2 about the purpose of a substation. It will provide several benefits
3 to the area, resolving overloading and capacity concerns which can
4 cause power outages, as I mentioned.

5 Expands capacity for renewable energy, services the growing
6 energy needs, including increased peak energy demands, improving
7 electric reliability by adding redundancy, allowing TEP to deliver
8 energy from more than one direction.

9 As I said, replacing the aging infrastructure, including
10 the substation equipment on the 46 KV which is scheduled for
11 replacement within the next five years. There's also land use
12 benefits focusing in on this 1.6 acres.

13 It's a much less intense land use than is currently there.
14 It's an unmanned substation. We're proposing a thirteen-and-a-half-
15 foot decorative masonry wall as opposed to the open fencing that's
16 there now. And again, that 80% reduction in impervious surface.

17 TEP is not responsible and doesn't control where U of A
18 relocates its current use. Our focus is on this 1.6-acre substation
19 use.

20 The other issue that I want to touch on is the GIS, the
21 gas-insulated substation. Again, this technology is regulated by
22 other agencies, but it's been a large part of some of the public
23 comments and concerns.

24 These systems are appropriate in urban settings where land
25 is less available. Tucson does have two substations that are GIS.

1 One of them is downtown. It's been there for ten years. It's TEP-
2 operated and it's had no issues, no leaks, no concerns.

3 The other is actually that University of Arizona GIS
4 substation that's two properties to our south. That is also same
5 technology. It's been there for about six years, and no issues.

6 Safety is an enormous priority for these kinds of
7 substations because they are in urban settings. The key is to enclose
8 the energized equipment, and that's, that's the safety concerns that
9 are brought forward.

10 So, how it works - it does use sulfur hexafluoride gas.
11 It's a heavy, inert, non-toxic and incombustible gas. It is harmless
12 to humans and animals when used in the manner that TEP and other,
13 other utility use it. It's only a greenhouse gas if released into the
14 air, we do not use it that way.

15 There are significant safety and security measures in
16 place. The byproduct of the arcing is hazardous when it encounters
17 moisture only because it's in a hermetically-sealed chamber. That's
18 the, the major safety, safety precaution.

19 TEP does take safety very seriously. There are test
20 inspections and monitoring of it 24/7. We have provided studies and a
21 lot of additional collateral material on the SS-6. It was - it's
22 available on TEP's websites.

23 I believe the, the websites were in the materials we copied
24 you on - I'm sorry. We put in the application the materials that we
25 provided to the neighbors.

1 And again, this use - the use of this technology is not a
2 part of this request, but we've been very clear in wanting to make
3 sure we're answering all questions, even if it's tangential to the
4 SELU. We already talked about the location -

5 ZONING EXAMINER: If -

6 MS. SILVYN: Go ahead.

7 ZONING EXAMINER: If I may interrupt with two questions on
8 that piece, Ms. Silvyn. So, who does regulate the environmental
9 aspects of the gas-insulated technology?

10 MS. SILVYN: I might ask Brian or Renee to give you the
11 exact agencies.

12 ZONING EXAMINER: Okay.

13 MR. PUGH: Okay.

14 ZONING EXAMINER: And while, while we're waiting on that,
15 will any of those agencies be required to approve this substation
16 before it becomes operational? So, those are my two questions on that
17 piece.

18 MS. SILVYN: Okay.

19 MR. PUGH: This is Brian Pugh from TEP. Can you hear me?

20 ZONING EXAMINER: Yes. Thank you.

21 MR. PUGH: Okay. These - the SF-6 gas is, basically, is
22 not really regulated, but is reported to the EPA. If there were ever
23 to be a leak or a loss, that you would have to report that to the EPA.
24 Now I, we can get with our substation, but I don't believe that they

1 actually have any authority in approving the use of SF-6 in a, in a
2 substation.

3 ZONING EXAMINER: Okay. Thank you, Mr. Pugh. Please
4 continue, Ms. Silvyn.

5 MS. SILVYN: Thanks. Thank you, Brian. So, we've already
6 talked about the surrounding - what we're, what we're near. The
7 zoning is R-2; the existing zoning really reflects the fact, fact that
8 the University has owned and is exempt from zoning in a lot of this
9 area.

10 The existing uses on the property, I said, include a
11 warehouse, engine repair, outdoor storage, office, parking. The
12 exterior fencing is an open fencing on Vine. And, again, 100% is
13 impervious surface.

14 We already talked about to the - directly to the north is
15 the U of A salvage and recycling. And I only point that out because
16 that use comes right up to that northern property line. And there
17 really is - and then there's fencing and it's, it's opaque around the,
18 the outside of that.

19 So, from the north, you can't really see the northern
20 property line as the, as the proposed project, or the existing use, as
21 the case may be. The east is the Ring Road and the driveway south are
22 the same uses, similar uses to what we have.

23 And last is really the site that has the public right-of-
24 way, and the, the north University Neighborhood directly to the west,
25 and then Jefferson Park further to the, to the north.

1 MR. PUGH: You got (inaudible) The call got dropped.

2 Come back in.

3 MR. SILVYN: The project that we're proposing is on this
4 1.6 acres. It's the 138-GIS substation. It's - all the equipment
5 will be located inside of the thirty-and-a-half-foot decorative
6 masonry wall.

7 There, there is a portion of the system; it's noted in the
8 darker grey, that has a canopy with a, with a gantry crane. The crane
9 is, is inside of the, of the roof canopy. So, a lot of people
10 misunderstood that there was a roof canopy and then a larger crane.
11 And that's not the case. The crane is, is inside the roof canopy.

12 That will be no taller than 25 feet, which is the height
13 that's permitted in R-2. So, we're not making any requests; there's
14 nothing before you tonight relative to any additional height on that,
15 on that canopy. There is as to the wall, which I'll talk about in a
16 minute.

17 Right now, 100% of the water hitting the site cannot
18 penetrate. After this development, 80% will be able to, to - it will
19 be pervious and can, can seep into the, the site. The next phase of
20 this project is really when we'll be designing with the City the rest
21 of the drainage. And I'll talk about that in just a minute.

22 The electric utility distribution is permitted in R-2 with
23 approval of this special exception land use. Our application goes
24 through the criteria in significant detail. I want to touch on the
25 wall, setbacks, landscaping and height of the wall.

1 So, the wall, we are proposing on all sides of the project
2 at thirteen and a half feet. That is to match the U of A's existing
3 wall and to provide the required security. And again, there's a
4 pretty thorough explanation in our, in our application.

5 The code indicates a ten-foot wall is, is permitted. We're
6 presenting to you tonight a higher wall, again, that matches the U of
7 A wall as well. It's decorative masonry. It's better for safety and
8 screening. It's also consistent with that wall further to the south.

9 The DRC (sic) did re- -- DRB, pardon me, did review the,
10 the wall, and discussed and recommended approval at the thirteen and a
11 half feet tall, again, to provide some consistency along Vine.

12 For the setbacks on Vine, the wall will be 20 feet from the
13 property line with landscaping and a sidewalk which does not currently
14 exist. So, if you can see the grey stripe on the plan, that is the,
15 the proposed future sidewalk.

16 Because of the uses on the north, south and east, and for
17 safety reasons, we're proposing the wall on the actual property line.
18 On the north, a setback would only benefit a salvage and recycling
19 yard. Nobody can see into that area except for a split second on
20 Vine, and on the Ring Road. So, there's no reason to, to put it
21 there.

22 On the east, it's a private driveway and the back of house
23 for Banner and the parking garage. On the south, it's the same use,
24 and part of what we want to make sure of is we're not creating a
25 "no man's land" between two walls with 20 feet, for safety purposes.

1 We really need to make sure this is not an accessible area and don't
2 create that "no man's -,," or "no woman's land".

3 So, TEP needs the full 1.6 acres for the substation, and
4 it's safer to have the wall on the perimeter. Again, we're pulling it
5 back on Vine for obvious reasons. The landscaping -

6 ZONING EXAMINER: (Inaudible) Ms. Silvyn, what is the
7 safe- -- what are the safety considerations that make it better for
8 TEP to build on the lot line on the north, east and south, and not the
9 setback?

10 MS. SILVYN: On the, on the north and the south, it really
11 creates an area where people can - there are gonna be small areas,
12 sort of what I call "no man's land" where people can come in and, and
13 move around in between - in one case, it would be in between two
14 walls -

15 ZONING EXAMINER: Okay.

16 MS. SILVYN: - where people can hide. And in the salvage
17 yard, it's a similar, similar situation. Over on the east, we - the,
18 that is really kind of the, the back of house for the Ring Road.
19 There are no other landscape buffers up and down the Ring Road.

20 And having the wall directly on the property line, which is
21 right next to the Ring Road is better for controlling - I don't
22 believe there's - that we're encouraging pedestrian access into the
23 things in those areas, and allows us to monitor it a little bit
24 better.

25 ZONING EXAMINER: Thank you.

1 MS. SILVYN: The - for the landscaping, as I said, we're
2 proposing that 20-foot landscaping on, on Vine. The DRB reviewed
3 that, and asked that the landscaping have a hearty and more lasting
4 understory plant material.

5 New trees be located to maximize shading on the sidewalk
6 and existing viable plants be preserved, if possible. We are 100%
7 good with that condition. I think it's Condition No. 7 in the list of
8 conditions.

9 The height. The only height we're requesting is the
10 additional height of the wall. We'll show you a cross section of that
11 in a minute. Somebody had mentioned a concern about the canopy and
12 the gantry crane. And, again, those are within the R-2 zoning
13 requirement, so, nothing's being requested here to increase that
14 height.

15 Pursuant to the code, no storage or service yard is
16 permitted, either associated with this use. And we're not doing that,
17 so, we need that final section.

18 Want to touch on drainage for a minute 'cause that was
19 brought up in a number of the letters. I already mentioned a few
20 million times that it's currently 100% impervious. And all water
21 actually immediately leaves the site.

22 There is no retention-detention. So, after construction,
23 only 20% will be impervious. So, 80% will be pervious, at which is
24 com- -- compacted aggregate. That in, in and of itself is going to

1 improve the conditions. You won't have the water hitting and
2 immediately going.

3 The next phase of this development when we do the
4 development package, our engineers will get into some more detail and
5 work with the City engineers to determine how and if there's
6 additional water that needs to be controlled when it comes off the
7 site.

8 There were a couple of people who suggested a condition
9 that (inaudible) holes be required in the wall. (Inaudible) holes are
10 one way to manage the release of on-site flows, but there are others.
11 And we would like the opportunity for our engineers to be able to work
12 with the City during DP process to deal with this issue with all of
13 the tools available to them.

14 So, there might be (inaudible) holes, but there could be
15 other ways to manage. Again, for - and then for flows that leave the
16 west side of the property, those will have some additional retention
17 and water harvesting in the landscape buffer yard.

18 I want to walk you through a couple of quick photo
19 simulations. We presented these as well to the Design Review Board.
20 These are looking both north and south down Vine, and it's meant to
21 show the streetscape modifications.

22 As I mentioned, the line sighting through the Arizona
23 Corporation Commission has a few options in front of it. And so, what
24 we did was we provided two sets of these to acknowledge the two
25 different options, depending on what ACC decides.

1 So, what you'll see is a modification in these (inaudible)
2 structures between the two options. Again, that's not something
3 that's part of this request. It's - it will be determined by the ACC
4 when they do the line sighting. So, (inaudible)

5 ZONING EXAMINER: (Inaudible) I just want to make sure I
6 understand that last part, Ms. Silvyn.

7 MS. SILVYN: Yes.

8 ZONING EXAMINER: So, which visual, which photo simulation
9 does it - the photo simulation photograph would show those taller
10 (inaudible) structures?

11 MS. SILVYN: Yes. I'll walk you through them when we get -
12 when we go through each of them. So, -

13 ZONING EXAMINER: (Inaudible)

14 MS. SILVYN: if this is - if - sorry. Did I -

15 ZONING EXAMINER: (Inaudible) Please go ahead.

16 MS. SILVYN: Okay. If the ACC chooses the Route A or B
17 that's in front of them right now, then these two (inaudible)
18 structures would be located on, on Vine outside of the, of the
19 substation wall. So, and I'll - we'll show you the other one in just
20 a minute.

21 So, this is the existing condition right now of the
22 property. You can see the open fencing with some vegetation. There's
23 some more mature vegetation down to the south. This would be the, the
24 new wall, the 13-foot, and it would have the - it's gonna be designed
25 similarly to the U of A's wall.

1 The gate, there will be two gates on Vine. And this, you
2 can see the canopy. And again, the crane is underneath that canopy,
3 which, from this vantage point, as you can see what, what is truly
4 visible is the Banner garage, which is what's, what's back behind
5 there.

6 This is the same option. So, you can see those two
7 (inaudible) structures, and this is looking north. This is actually
8 the existing TEP-U of A - sorry. The TEP-GIS 46-KV. So, the new site
9 is actually a little bit further to the north.

10 And you can see where there are, there's opportunities, and
11 they're more significant when you go further to the north where the
12 open fencing allows you to see in. That will - that wall will now
13 match the wall.

14 It actually, as the Jefferson Park Neighborhood Association
15 pointed out, it, it matches the wall over near the U of A substation,
16 which a little bit further to the south.

17 So, if the ACC chooses Route D, there will only be one new
18 (inaudible) structure which is located right here. So, that's the
19 main difference in these visuals. Again, it's the same condition
20 here. You'll also see the sidewalk that's being added, the
21 landscaping. There will be some water harvesting in the landscaping
22 as well.

23 And this is - sorry. I need to not use - this is, if it's
24 Route D, again, there's the new (inaudible) structure right here. And
25 that's looking to the, to the north.

1 These are two other visuals that we showed to the DRB that
2 weren't in our application. This is the actual wall from the U of A
3 that we will be designing to. And this is an elevation of that.

4 We also were asked to show the gates. These gates have
5 been specifically designed for security purposes by TEP. So, as you
6 can see when you're standing right in front of the gates, they can be
7 seen through. That's in large part for security purposes.

8 But the second you move to one side or the other, and the
9 higher degree of that angle, those views are skewed. And, again, it's
10 meant to balance the, the view and allow drive-by monitoring of the
11 sight as well.

12 Again, it's an unmanned station, so, we're not expecting
13 the gates to be used any more than one to two times per month for
14 maintenance, and then extreme circumstances. Obviously, we'll have to
15 do what we have to do.

16 Want to touch on the public outreach, and then I'm done.
17 The special exception land use, we had our November neighborhood
18 meeting. And we did some pretty significant followup after that
19 meeting. It's summarized in our meeting summary, including
20 correspondence after the neighborhood meeting to clarify and answer a
21 number of questions.

22 There were some questions about the electric and the
23 magnetic fields. And we made a commitment to do three different time
24 periods doing measurements at three different time periods. One of
25 those was this last December, and so, by the time we turned in the

1 application, we have our Appendix D to the application, is the start
2 of the EMF measurements. And the December measurements are in there.

3 We have committed to two more times that we will take those
4 measurements. We will comply with the City noise ordinance. That was
5 something that was asked after the meeting in April and we responded
6 to that constituent the next day.

7 There were also a lot of questions about the S- -- the SF-6
8 technology. And although it's not part of this review, we made a lot
9 of that information available, and all the links to the articles.

10 The actual line-sighting through the ACC has had five
11 working-group meetings since October of 2019, and that included a lot
12 of the surrounding neighborhoods, the neighborhood associations, as
13 well as three open houses. And then the neighborhood associations in
14 this area, we were asked - TEP had four additional meetings.

15 Those meetings discussed not just the line-sighting, but
16 did discuss the substation as well. There's a lot of updated
17 information, and TEP is keeping that information updated on the
18 website and is being responsive to questions that are asked.

19 I do want to point out, Mr. Beall mentioned the, the
20 protests and the, the number. You've seen the number of comments that
21 have come in.

22 Many of those comments are outside of the immediate area,
23 which reflects the, which reflects those comments because most of them
24 are about the line-sighting, and not necessarily to the, relevant to

1 the substation. We've also, TEP has been keeping elected officials
2 and others informed as this project has moved, has moved forward.

3 In conclusion, this SELU request is for a distribution use
4 in the R-2. The use fits in this area. It's surrounded by similar,
5 and even some more intense uses.

6 It's less intense than the existing use on the property
7 with better screening, enhanced landscaping on Vine, and what will be
8 better drainage. We're meeting code as to the height and the other
9 requirements.

10 The DRB recommended approval with the additional condition.
11 We're comfortable with all of the conditions in the Staff report, and
12 we respectfully request your approval. And we are happy to answer any
13 questions.

14 ZONING EXAMINER: Thank you very much. I do have a couple
15 of other questions before I take other speakers. So, I think you said
16 that the ACC line-sighting division will be made in the next couple of
17 years. Is that what I heard?

18 MS. SILVYN: Yes.

19 ZONING EXAMINER: All right. And then, and I understand
20 what's in front of me and what's not in front of me, I think. So, are
21 there other routes besides Route A and B and D? Because you told -
22 you showed me a photo simulation on what would - it looked like at the
23 proposed substation if A or B were chosen. And you showed me what it
24 would look like if D were chosen. Are there other (inaudible)

25 FEMALE SPEAKER: Tucson Electric Power (inaudible) meeting.

1 MS. SILVYN: Yeah. I, I think, Renee is available to
2 answer that. She's, she's doing the line-sighting process.

3 ZONING EXAMINER: Okay.

4 MS. DARLING: Yes. Good evening.

5 ZONING EXAMINER: Good evening.

6 MS. DARLING: The other alt- -- so, A, B and D are the
7 only alternatives remaining. The others have been removed from
8 consideration.

9 ZONING EXAMINER: Okay. And the (inaudible)

10 MS. DARLING: And I also wanted to correct Keri that we
11 intend to file our application to ACC in August with a hearing in
12 September. So, likely a decision would be made by the ACC early in
13 '22.

14 ZONING EXAMINER: Oh. Thank you. And for the record, that
15 was Renee Darling, D-A-R-L-I-N-G, with TEP.

16 MS. DARLING: Yes.

17 ZONING EXAMINER: One other question before I call on others
18 to testify. So, whichever route is selected by the ACC, this
19 substation would be required, no matter where, where the line-sighting
20 piece comes out, is that correct, or not correct, or is it not a "yes"
21 or "no"?

22 MS. DARLING: That is correct. The answer is "yes", that
23 is correct.

1 ZONING EXAMINER: All right. Well, thank you very much.
2 We had several people who e-mailed in and asked to speak. So, I'll
3 start with Colleen Nichols. Ms. Nichols, would you like to speak?
4 Ms. Nichols? Colleen Nichols, are you present? Okay. We'll come
5 back to Ms. Nichols later. I had a request to speak from Jean
6 Calhoun. Ms. Calhoun?

7 MS. CALHOUN: Yes. Thank you, John. I really appreciate
8 it. Can you hear me?

9 ZONING EXAMINER: Yes, I can. Thank you very much and
10 start with your name and address, please, for the record.

11 MS. CALHOUN: Yes. My name is Jean Calhoun. My address is
12 1844 North Vine Avenue. And my husband and I own and live in the
13 house that's at the northeast corner of Vine and Lester, just a half
14 block north of the proposed substation.

15 So, we are in the historic district of Jefferson Park, and
16 I would like to speak in opposition to TEP's request for a special
17 exception land use permit. Our, our concerns regarding the substation
18 include, number one, the site location.

19 So, first, this seems like an inappropriate site for a
20 substation that's really an industrial facility three times the size
21 of the existing 46-kilovolt substation that is currently there. It's
22 in the heart of a residential neighborhood that's currently zoned R-2.

23 So, we would request that alternative locations in a more
24 industrial area be considered. And, of course, we understand that the
25 substation is re- -- is required for the increase in transmission of

1 electricity. However, I don't believe that there's any indication of
2 any other sites that have been considered by TEP.

3 Unfortunately, TEP did purchase the site prior to reaching
4 out to the public rather than discussing the options with the public
5 in advance. So, that really does appear disingenuous to have a public
6 hearing after the purchase of, of that site.

7 And I guess I would like to hear from TEP what other sites
8 they have considered and why they have not considered sites, say, on
9 Campbell or Speedway or some other zoned areas that are not in the
10 heart of a residential area. So, that's the first concern is the site
11 location.

12 A second concern is the size of the substation, which goes
13 to the view shed, view shed impacts. Since the, the height of the
14 canopy, the metal canopy and the, the crane will loom 11.5 feet above
15 the proposed 13.5-foot wall encircling the site.

16 Yes, indeed, 25 foot is the height requirement of a
17 residential area, but that's, that's envisioning that what you'll see
18 in that 25 feet will be residential houses, not an industrial
19 facility.

20 So, the view shed impacts from our house - our house is
21 like half a block, we see this, we see this site every day. We can
22 see it from where, where we are right now. We can see the current
23 site. So, that view shed impacts are, are a concern.

24 Then we really do have also some safety concerns with
25 respect to the increase in electrical power. In the event of an

1 accident, (inaudible) being a part of an industrial area, in the heart
2 of the residential area is problematic.

3 And then the use of the sulfur hexafluoride gas, which is
4 a major greenhouse gas. It really is the, the greatest - it's the
5 greenhouse gas that is the most potent in, in existence right now.
6 And so, in the event of a leak, which could happen. It may not have
7 happened yet, but it certainly could happen, that's problematic.

8 In addition, exposure of, of that gas to an arc chemically
9 breaks down SF-6 which can produce F-2/F-10 which is a highly-toxic
10 gas, which is actually considered as a potential chemical warfare
11 agent in World War II.

12 So, in the event of an accident, having - this is why we
13 have industrial zoning, industrial facilities are problematic in the
14 heart of residential areas where people live. And as I understand, if
15 that were to happen; if, if such a - if the disulfur D, D -
16 decafluoride, highly-toxic gas, if that were to be released, it
17 doesn't produce any warning because you can't smell it, etc. So, that
18 is a concern we'd like to have addressed.

19 We also have noise concerns with respect to the
20 transmission, both the lines and the substation itself. And we are
21 curious about the night lighting that is going to be provided.

22 Currently, we have very low night lighting, which is very
23 good for night views of the, of the sky. And we would hope that there
24 would not be an intrusive lighting.

1 Obviously, we're concerned about the decrease in property
2 values that would be a result of - from, from a huge substation. That
3 definitely is gonna decrease property values in this area. And I
4 think that it is absolutely related to the proposed transmission
5 lines.

6 The substation, wherever the substation is, there's going
7 to need to be transmission from that substation. So, in the event
8 this, this substation location is approved, then, indeed, transmission
9 lines above ground is all I saw in the photos that were presented by
10 TEP. They did not present any photos that showed that they were even
11 considering underground lines.

12 So, so, obviously, the substation is related to the
13 transmission line. Obviously, the, the different agencies, the ACC
14 versus the, the City of Tucson; two different agencies to approve
15 those two different things.

16 But they are definitely related and the impact would be
17 major, major impact in the event that the constru- -- the, the
18 substation is constructed in the neighborhood. I think all of the
19 neighbors are pretty insistent in, as is the - several of our City
20 Council Members that these transmission lines be routed underground.

21 And if you saw the one-to-two-foot, which she called
22 (inaudible) structures outside the wall, those transmission poles are
23 exceedingly invasive in a, a neighborhood that's a residential
24 neighborhood.

1 So, I do appreciate all the landscaping elements that TEP
2 has suggested that they would do as well as the increase of the height
3 of the brick wall that they're proposing. I think those are all good
4 things to, to include.

5 And obviously, they've thought through this. But it, it is
6 a little concerning, or very concerning, that at this point, it seems
7 like a done deal. And, and I'm just curious whether the City has
8 before denied a special exception land use permit.

9 So, that would be the end of my comments. Those are my
10 concerns, John. I really appreciate your allowing us to, to speak to
11 this issue, and TEP would really appreciate TEP coming to the
12 community and, and presenting this as well. Thank you very much.

13 ZONING EXAMINER: Thank you, Ms. Calhoun. Colleen Nichols?

14 MS. NICHOLS: Can you hear me now?

15 ZONING EXAMINER: Yes, I can.

16 MS. NICHOLS. Oh.

17 ZONING EXAMINER: Thank you very much.

18 MS. NICHOLS: Thanks.

19 ZONING EXAMINER: Please start with your name and address.

20 Thank you.

21 MS. NICHOLS: It's Colleen Nichols, N-I-C-H-O-L-S. I live
22 at 1236 East Linden Street. I am currently the President of Jefferson
23 Park Neighborhood Association, and a representative on the TEP
24 community working group.

1 I've lived in Jefferson Park for over 40 years. You have
2 received many letters from me, or quite a few letters from me
3 representing the neighborhood.

4 Ms. Silvyn did address some of the issues, but I'm just
5 going to repeat some of them. We, our neighborhood of over 900 homes,
6 a few apartment buildings, three churches, a nursing home and rehab
7 center, and a school which serves infants through eighth-grade
8 students, we are a thriving involved community of homeowners and
9 renters. And we're a national historic district as well as a
10 neighborhood preservation zone.

11 Our neighborhood sits at the very northern edge of the
12 proposed Vine substation, as Ms. Calhoun just remarked. And will bear
13 the brunt of the prop- -- will bear the brunt as the project moves
14 forward. The location of the substation is a poor choice, at best.

15 We were informed of the TEP project in September 2019 by
16 which time the land had already been acquired. There was really no
17 discussion with the neighborhoods, or soliciting input about other
18 possible locations. There seemed to be no thought on the part of TEP
19 about the devastating impact this project would have on so many
20 neighborhoods in our city.

21 Regarding the required public meeting about the substation,
22 Ms. Silvyn did mention that there was one very tightly-controlled
23 virtual hearing held on November 16th, which basically allowed for no
24 public discourse. It was simply questions and then answered by TEP.

1 The current proposed location brings with it a host of
2 concerns. The safety in such densely populated residential area, and
3 adjacent to a large hospital. Again, we're mentioning the use of SF-6
4 gas in a facility that is so large.

5 The drainage and flooding issues into the neighborhood,
6 noise, and, and most importantly the view corridor because if the
7 substation is approved and remains, 75-foot to 125-foot poles are
8 designed to come above ground right through the heart of the city, and
9 then exit in some capacity that's A, B or D directly through our
10 historic neighborhood.

11 So, we are asking you to deny this (inaudible), to require
12 TEP to honestly collaborate with neighborhoods. To look for other
13 more suitable locations, and to assume the cost of underground lines
14 should this location remain.

15 As previously mentioned, lines are currently designed to
16 run through numerous residential areas and historic neighborhoods.
17 And I listed other conditions in a letter dated to, to the Zoning
18 Examiner on 04/29/21. So, thank you for your time.

19 ZONING EXAMINER: Thank you very much for your
20 participation, Ms. Nichols. The next person is, and I'm going to
21 mispronounce it, I'm sure. It's Ms. Nattlehoffer (ph.). Is it Miley?

22 MS. NATTELEHOFFER: You did very well. It's Miley
23 Nattlehoffer.

24 ZONING EXAMINER: Thank you.

1 MS. NITTLEHOFFER: And I live at 1527 East Lester Street. I
2 live next door to Jean Calhoun who spoke just before Colleen. I, I've
3 lived in Jefferson Park for 25 years.

4 I work at the University of Arizona. I walk to work to
5 work every day down Vine to my job at the Business College. And so, I
6 usually walk home for lunch. So, I walk past this location a minimum
7 of four times a day, five days a week.

8 So, this area is, obviously, really important to me. I
9 enjoy living in Jefferson Park. The beauty of our neighborhood and
10 quality of life here is very important. I spend a lot of time
11 outside. I've been here for the construction of the parking garage,
12 the Ring Road, and the new hospital.

13 I ask that you please deny this (inaudible) I feel that
14 the safety issues with using particular the sulfur hexachloride gas
15 have not been addressed. It was mentioned that a lot of studies have
16 been shown to us saying that it's safe for use in residential areas.

17 That is not what I have seen. I saw two links to two
18 studies, one of which was broken. I haven't seen a list of
19 (inaudible) studies that, where somebody has discussed the quality of
20 those studies that were specific to dense residential areas near
21 safety issues like hospitals, and high-commuting traffic.

22 So, I think that was hyperbole in that presentation. So, I
23 don't feel that the safety issues have been addressed concerning gas
24 at the station. And so, I would like to reiterate what Colleen said.
25 I live within 150 feet of the proposed site.

1 I have safety concerns about my personal safety, for the
2 hospital. And Vine is a heavily-used artery for people on foot and on
3 bicycles commuting to a hospital, to the (inaudible) campus and the
4 main campus. So, it's an important street to all of us who live here
5 and work at these major employment centers.

6 Okay. And I agree with Jean. What she said is that this
7 is a much larger substation than what is already there. And it is an
8 industrial use, and it doesn't belong in this location. And I feel
9 endangered by it and it's very worrisome to me.

10 And then decoupling the sighting of the lines from the
11 sighting of the substation is disingenuous because if the site of the
12 substation doesn't get built here, we aren't gonna be building putting
13 75-foot poles through these different routes through established
14 historic residential neighborhoods.

15 And if those 75-foot poles go up, I'm not only gonna feel
16 in danger from the substation when I'm at home and walking to work,
17 it's gonna devalue my property and really damage my quality of life
18 because this is a beautiful place to live, and I love my neighborhood
19 and I love walking to work.

20 And the potential noise, the potential danger and - is
21 just, I find it entirely unacceptable, the situation. And we were not
22 consulted about other sites. And I do not believe there are not other
23 appropriate sites for this industrial use. We can do a much better
24 job with the location of this substation and with the sighting of
25 these poles. Thanks.

1 ZONING EXAMINER: Thank you very much. Appreciate your
2 comments. The next person is Rosemary Bolza?

3 MS. BOLZA: Can you hear me now?

4 ZONING EXAMINER: Yes, I can. Thank you. Please start
5 with your name and address.

6 MS. BOLZA: Yes. I am Rosemary Bolza. The last name is
7 spelled B, as in bravo -O-L-Z, as in zebra - A. I live at 1432 East
8 Lester Street. I am, again, just half a block from where the
9 substation will start.

10 I have concerns about loss of shade, water runoff, noise
11 and air flow. So, I also walk by this, either along Ring Road or down
12 Vine almost daily. And the present use of it is actually very
13 pleasant. There are mature shade trees.

14 And I, I have not really seen - I envisioned that this
15 would be one massive building. So, I have not seen the, the - the
16 schematics that have been sent out, did not give me a real idea of
17 what this would be like.

18 So, I may be - I don't know, maybe you can keep the trees.
19 I don't know with the impervious surface what the plan is, you know.
20 Are you gonna take out all the asphalt? Will there be basins to
21 collect the water?

22 It just seems like this is going to make that area much
23 hotter in the summer. And that's, that's really a survival issue at
24 this point in Tucson in the summer. So, I hope that you - that this

1 would improve the water flow, but I don't understand just how that
2 will happen.

3 The noise, I'm not sure about because it's hard to tell
4 with such a bigger facility. Will there be humming and electrical
5 noise or not? But the air flow is something that hasn't really been
6 brought up. But I often say that I live in Banner Canyon, because
7 every time there's a new building put up, it really changes the way
8 the air flows.

9 And if you have this fence that won't allow any air to go
10 through it, it's going to change whether there's a breeze or not. So,
11 I feel that this will really impact the survivability in the future if
12 this is built. Thank you.

13 ZONING EXAMINER: Thank you, Ms. Bolza. Would anyone else
14 in the audience like to be heard on this case? Hearing no one, Ms.
15 Silvyn, did you want to make any concluding remarks?

16 MS SILVYN: Yeah. I'd just like to address a couple of
17 things and then, Mr. Iurino, if there's something else that you heard
18 and would like me to address, let me know.

19 I did want to provide some additional answer to your
20 question on the safety. And wonder if somebody can (inaudible)

21 ZONING EXAMINER: (Inaudible) Would everyone who's not
22 speaking please mute their device?

23 MS. SILVYN: Thanks.

24 ZONING EXAMINER: Just a second. Mr. Rodriguez, please
25 mute your device. Thank you. Keep going.

1 MS. SILVYN: Still getting - okay. Sorry about that.
2 It's hard to talk when you hear your own voice in your head echoing.

3 A quick clarification on the safety question that you asked
4 about the wall being on the external. There are additional safety
5 regulations related to the clearance between the walls and the
6 equipment on the inside of the site.

7 And so, providing the landscaping on the Vine side, and the
8 setback over there, has, has created a situation where we need it to
9 be on the, on the external of the property north and south for all the
10 reasons we discussed, plus that spacing as well as over on the, on
11 the, on the east side of the property.

12 So, I apologize. I wasn't as clear on that safety question
13 that you asked earlier.

14 ZONING EXAMINER: So, just to make sure I understand. So,
15 the, the equipment within the wall needs the additional space that
16 would otherwise be required setback?

17 MS. SILVYN: Correct.

18 ZONING EXAMINER: Got it. Please go (inaudible)

19 MS. SILVYN: Yeah. The wall - there's required space
20 between the equipment and the wall. So, it needs to be on the
21 property line, particularly over on that side.

22 A couple of things on the, the selection of this site.
23 That was asked at the neighborhood meeting, and in our application,
24 pages three through five, we list all of the criteria and all of the
25 other sites that were reviewed in the selection criteria.

1 And the reason the site was chosen, I do want to point out
2 that substations are generally located in residential and - in
3 residential areas in order to provide the, the service to existing
4 residences.

5 So, part of the reason our Unified Development Code permits
6 these through this process is to deal with those externalities, but
7 acknowledge that that where substations need to be.

8 I do want to highlight again that the SF-6 gas is the, is
9 what's used for utilities in these urban-type settings, and there is
10 one existing south of the project, the U of A substation.

11 We did agree, and we will continue to be committed to doing
12 noise studies. Our experience is that any noise emitted from these
13 substations is lower than the ambient noise in the areas. And we have
14 already talked to the neighbor across the street, and others, and
15 committed we will be within the City's noise ordinance, and will
16 conduct those studies as needed, as well as the EMF studies.

17 So, there was a lot of stuff brought up, and I can - the
18 lighting is gonna low. This is an unmanned substation. It will be
19 security lighting only at the levels needed for that. We will be in
20 compliance with the Outdoor Lighting Code. So, we expect the lighting
21 to, to at least match what's there now. It may be less.

22 I'm gonna stop there and see if there was something that
23 came up that you, you want me to address that I didn't think of.

1 ZONING EXAMINER: Just one last question for me. I saw
2 somewhere a reference to a preference within one of the plans to
3 undergrounding utilities. Is that applicable here?

4 MS. SILVYN: Not to a distribution system that has been
5 discussed relative to the line-sighting and relative to the, those
6 power lines which is outside of the substation. But substations
7 themselves are not, are not underground.

8 ZONING EXAMINER: Understood. All right. I have no more
9 questions. I want to thank you, and I am closing the public hearing
10 on Case: SE-20-16. Thank everyone. Everyone. Thank you for
11 participating.

12 MS. SILVYN: Thanks.

13 (Case: SE-20-16 was concluded.)

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the original tape-recorded conversation in the case referenced on page 1 above.

Transcription Completed: 05/26/2021

/s/ Kathleen R. Krassow
KATHLEEN R. KRASSOW - Owner
M&M Typing Service