

EXHIBIT 13

TO COMPLAINT FOR SPECIAL ACTION

FRANTI III HOLDINGS, LLC, ET AL V. CITY OF TUCSON



Zoning Examiner

ZONING EXAMINER DECISION

February 17, 2026

To: Steven Eddy, Director of Public Affairs
TUCSON ELECTRIC POWER
3950 East Irvington Road
Tucson AZ 85714

SUBJECT: SPECIAL EXCEPTION LAND USE TP-ENT-1025-00021- Substation -Vine Avenue (Ward 6).

PUBLIC HEARINGS: January 29, 2026, and February 12, 2026

Dear Mr. Eddy,
Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules and Procedures (Resolution No. 9428), this letter contains the Zoning Examiner's decision for the SPECIAL EXCEPTION LAND USE TP-ENT-1025-00021- Substation -Vine Avenue (Ward 6).

Applicant's Request for Special Exception Land Use

Tucson Electric Power Company (TEP) requests approval of a Zoning Examiner Special Exception to allow construction of the Vine 138-kilovolt (kV) Substation as a Distribution System use within the R-2 zoning district. The proposed project is located on approximately 1.6 acres at 1602 North Vine Avenue, near the intersection of East Lee Street and adjacent to the North Ring Road serving the Banner campus, northwest of Speedway Boulevard and Campbell Avenue. The site is currently developed with vacant former University of Arizona Facilities Management buildings, which would be demolished to accommodate an unmanned, above-ground 138 kV electrical substation consisting of transformers, switchgear, and related equipment.

The applicant states that the substation is necessary to replace aging, lower-voltage infrastructure and to support increasing energy demand in central Tucson as part of TEP's broader Midtown Reliability Project, which upgrades the existing 46 kV system to a more robust 138 kV system. The Vine Substation would interconnect with the Kino and DeMoss-Petrie substations via transmission routes approved by the Arizona Corporation Commission in September 2024; those off-site transmission facilities are not part of this Special Exception request. TEP asserts that the

proposal complies with the applicable use-specific standards of UDC Section 4.9.11.A and seeks approval to proceed subject to conditions required by the Zoning Examiner.

Previous Special Exceptions

The proposed Vine Substation has been the subject of prior entitlement actions. In 2021, TEP filed Special Exception SE-20-16 for a substation at this location, which was found by staff and the Zoning Examiner to meet the performance criteria of UDC Section 4.9.11.A; however, the request was denied on May 13, 2021, due to unresolved uncertainty regarding the siting and routing of the related Kino–DMP Transmission Project, which at that time was pending before the Arizona Corporation Commission (ACC).

Since that decision, the ACC approved the transmission line route in September 2024, eliminating the prior basis for denial. The Vine Substation is also a component of TEP’s broader Midtown Reliability Project, which has included multiple special exception requests for to allow overhead transmission line crossings.

The Midtown Reliability Project was clarified by the Mayor and Council on August 6, 2025. In a series of 5-2 votes, the Council used its authority on Gateway Corridor Undergrounding Exemptions (UDC 4.9.11.A.13). The Council granted Special Exceptions to allow overhead lines at the Kino/Campbell and Grant Road Gateways, recognizing specific technical constraints. However, the Council denied the request for overhead lines near the Banner-UMC/North Campbell Gateway. For the Broadway Boulevard & Euclid Avenue perpendicular crossing, the Council did *not approve* the special exception — instead TEP withdrew that appeal from the administrative record during the meeting, effectively ending the local administrative process for that location.

Zoning and Land Use 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)

Previous Cases on the Property:

SE-20-16 Tucson Electric Power Company – N Vine Street, R-2 Zone. This was a request for approval as a special exception land use for the construction of an electric substation in the R-2 zone at the same project location. On May 13, 2021, the Zoning Examiner denied the Special Exception since the Applicant was considering several different transmission line routes for Kino-DMP and a pending final decision regarding on-line-siting by the Arizona Corporation Commission (ACC).

Use-Specific Standards for Distribution Land Use (Substation)

The evaluation of the subject property is for the land use class "Distribution System" which includes the substation land use in the R-2 zone. The applicant has requested modifications to certain standards under the authority of **UDC Section 3.4.3.J.**

UDC 4.9.11.A.1 & .2 (Setbacks): The code requires a 20-foot setback. The applicant proposes a 0-foot setback on the north, south, and east boundaries. This modification is found to be appropriate as these boundaries abut institutional and utility uses (University of Arizona parking and infrastructure). The required 20-foot setback is maintained on the west (Vine Avenue) to install a landscaped buffer yard with sidewalk.

UDC 4.9.11.A.8 (Character): On November 21, 2025, the Design Review Board (DRB) reviewed the project and recommended approval (4-0). To ensure the facility integrates with the Jefferson Park and Desert Mallow neighborhoods, the DRB recommended Cor-ten (Weathered Steel) finishes to provide a visual texture that complements the University's red brick. The DRB also recommended a rainwater harvesting system sloped west to sustain the 20-foot landscape buffer along Vine Avenue, and articulation (stepping-in) of the west and east perimeter wall to break up the "monolithic" appearance of the long masonry span.

UDC 4.9.11.A.9 (Wall Height): The applicant proposes a 13.5-foot wall, exceeding the 10-foot maximum. This modification is granted to provide architectural continuity with the adjacent UA substation wall and to satisfy Federal Critical Infrastructure Protection (CIP) requirements to reduce off-site observation of critical components.

UDC 4.9.11.A.11 (Voltage): The facility is a 138kV substation, which is the maximum input voltage permitted in this zone.

Land Use Planning Considerations

Plan Tucson 2025 and the University Area Plan (UAP) establish a policy framework regarding utilities. The policies affecting utilities are listed below. In addition, the subject property is within the University of Arizona Planning Area, a zone characterized by the high-intensity infrastructure needs of a major medical and educational campus. The substation, which is a permitted use in industrial zones, is within the R-2 residential zone and requires a greater standard for design sensitivity.

The plan policies most focused on the Special Exception substation aim at neighborhood and historic sensitive design and visual mitigation.

Plan Tucson reinforces this direction. Chapter 4, Policies A.25 and A.27 mandate that above-ground utilities be installed and maintained to minimize visual impacts and preserve viewsheds. The Plan Tucson states the visual impact of above-ground infrastructure must be a "prime consideration" in the City's approval process. Further, Chapter 3 (Land Use 17) requires that the design and location of such facilities remain sensitive to the environment and the historic resources that define the central Tucson area. The University Area Plan Policies 3 and 6 also address minimizing disruption of neighborhoods and undergrounding of utilities.

The subject property is at a sensitive border between the **University of Arizona's** institutional footprint and the historic residential areas of the **Jefferson Park** and **Desert Mallow** neighborhoods. While the Zoning Examiner approves the height increase of the perimeter wall to 13.5-feet, which is an increase over the ten-foot standard for utility security and screening. However, this increase creates a more massive structure adjoining the neighborhoods to the west. To prevent an adverse impact on the residential streetscape to the west, the industrial character of the perimeter barrier needs to be softened through intentional architectural and artistic transition.

The project, as conditioned, will comply with Plan Tucson's Heritage Conservation (Policy HP1) and Urban Design (Policy UD1), which require the preservation and honoring of neighborhood identity. These policies are noted below. By requiring public art that focuses on the University's agricultural history and the unique narratives of the adjoining neighborhoods, the project can meet city-wide goals of integrating cultural heritage into modern infrastructure. This artistic narrative ensures the substation provides a neighborhood benefit that offsets the intensification of the industrial utility use.

The University Area Plan emphasizes "compatible transitions" and the use of materials that echo the University's architectural style. Consistent with UAP Institutional/Office Policy 4, the Design Review Board (DRB) has recommended a palette of UA-standard brick and Cor-Ten steel. Condition 14, requiring history-based public art, serves as the final layer of this contextual bridge. It ensures the facility is not merely screened but is aesthetically and historically integrated into the surrounding neighborhood area.

Plan Tucson 2025 on Utilities:

Chapter 3 Land Use 17

Coordinate with utility companies and other public service providers for the planning of infrastructure, facilities, and services, making sure the design and location of infrastructure and facility construction are sensitive to community health, environment, and historic resources.

Chapter 4 Policy A.25 *Improve the appearance of above-ground utilities and structures by requiring facilities to be located, installed, and maintained to minimize visual impact and preserve access to views. Utilities should be installed underground where possible, and the visual impact of above-ground utility infrastructure should be a prime consideration in the City's acceptance and approval.*

Policy A.26 *Support the deployment of the latest generation of networking infrastructure and services to all residents, businesses and community anchor institutions.*

Policy A.27 *Coordinate infrastructure deployment to minimize Right-of-Way impacts, increase efficiency, and enhance local resilience through connections to City facilities and the greater infrastructure system.*

The University Area Plan on Utilities:

Public Service Section –

Policy 3. *Encourage government agencies and utility providers to coordinate the planning and development of projects in order to maximize efficiency while minimizing neighborhood disruption.*

Policy 6 - *Wherever possible, place utility and service equipment underground or in other visually screened location.*

Plan Tucson on Heritage and Architectural Design

Policy HP1 Heritage Preservation: *Identify and preserve Tucson's historic, cultural, and archaeological resources, and leverage these assets to enrich the community's sense of place and heritage.*

Policy UD1 Urban Design: *Promote urban design that is compatible with the surrounding scale and character of existing development, emphasizing the integration of public art and high-quality materials to enhance the pedestrian experience and neighborhood identity.*

University Area Plan on Heritage and Architectural Design

On "Compatible Transitions" Residential Stability Policy 1: *Encourage development and infill that is compatible with the scale, height, and character of the adjacent residential*

neighborhoods. Use transitional design elements such as step-backs, landscape buffers, and architectural detailing to mitigate the impact of non-residential uses.

On "Architectural Vernacular" Institutional/Office Policy 4: *New non-residential structures should utilize a material palette and design language that echoes the University's architectural vernacular, specifically the use of red brick and masonry, while incorporating contemporary elements that reflect the evolving identity of the area.*

Zoning Examiner's Authority and Transmission Lines

The Zoning Examiner has reviewed and considered the spoken and written testimony regarding the impact of 138kV transmission lines on neighborhoods within the University Area Plan. At the public hearing and from written protests there was an overwhelming public preference to mandate the placing of transmission lines underground as a condition of approval, but this Special Exception review is limited to the substation at 1602 Vine Avenue.

The Unified Development Code (UDC) limits zoning authority in Section 1.4.2.G, stating that zoning is applicable to all property "except street rights of way." Thus, The Zoning Examiner's authority is confined to the substation's land use, the applicable use-specific standards, and the Special Exception findings required by Section 3.4.5.

Infrastructure within the public right-of-way is not part of this zoning review. The use of the right-of-way by Tucson Electric Power is governed by the 2000 Franchise Agreement, a voter-approved ordinance separate from the UDC. The UDC provides the Zoning Examiner some authority to address relief of underground placement of transmission lines within Gateway and Scenic Corridors (Sec. 5.5 and 5.3). This relief of underground placement involves a particular use-specific standard (Sec. 4.9.11.A.13). A.13 is about exemptions to allow placing a line above ground. This use-specific standard A.13 does not apply to Distribution uses like the substation. The applicable use-specific standards for a substation are Sec. 4.9.11.A.1, .2, .5, .8, .9, .11, .12 (See UDC TABLE 4.8-2: PERMITTED USES - URBAN RESIDENTIAL ZONES -Distribution Systems). Further, a use-specific standard like A.13 carries the force of law. Policies cannot be inferred or interpreted regarding visual impacts in Plan Tucson or the University Area Plan to carry the force of law but instead are intended for decision guidance. If the substation review does not have a use-specific standard allowing control over transmission line placement then there is no authority to make a decision.

Neither the UDC nor the 2000 Franchise Agreement grant the Zoning Examiner the power to determine the above or below-ground placement of transmission lines during a substation review. Outside of Gateway and Scenic Corridors exemptions, transmission line decisions remain subject to the terms of the Franchise Agreement and the legislative authority of the Mayor and Council. Therefore, the scope of this decision is limited to compliance and compatibility of the 1602 Vine Avenue substation.

Neighborhood Meeting August 20, 2025

On August 20, 2025, Tucson Electric Power held a neighborhood meeting at the Ward 3 City Offices to discuss the proposed Vine Substation. The project involves building a 138 kV substation on a 1.6-acre property that currently serves as a maintenance yard for the University of Arizona. The site is in an R-2 zone near Vine Avenue and Ring Road, and the applicant explained how the new facility would impact the existing property and neighborhood.

One of the main topics discussed was how the substation would affect the neighborhood. The applicant explained that the site would transition from a busy maintenance shop with regular truck traffic and noise to an unmanned facility. Because the substation operates without a daily staff, the applicant expects a significant reduction in noise and traffic. The applicant's team provided information showing that the sound levels from such a facility are typically lower than the normal background noise found in a city setting.

To address the look of the project, the applicant proposed building a 13.5-foot decorative masonry wall designed to match the nearby University's existing walls. This wall would be set back behind a 20-foot landscape buffer along Vine Avenue to help screen the equipment from public view. Additionally, the team noted that the only lighting on the property would be used during rare maintenance visits, meaning the site would remain dark most of the time.

Safety and technology were also important points of conversation. Neighbors asked about electromagnetic fields and the specific gas used to insulate the electrical equipment. The team described the use of sulfur hexafluoride gas, explaining that it is a stable, nonflammable, and nontoxic substance kept inside sealed containers. They noted that this technology is already in use at other substations in Tucson and is designed to prevent any gas from escaping into the air.

Finally, some residents expressed concerns about environmental issues like local habitats and cultural resources. The project team explained that because the property is already fully developed with offices and shops, the typical concerns associated with building on raw land do not apply here. They further clarified that the specific path of the power lines leading to the substation is being handled through a separate state-level process with the Arizona Corporation Commission. The meeting allowed residents to review display boards and ask questions directly to the planners and engineers involved in the project before it moves forward in the City's permitting process.

Summary of Zoning Examiner Public Hearing January 29, 2026

The January 29, 2026, public hearing concerned Tucson Electric Power Company's request for approval of a Special Exception land use to construct the Vine 138-kilovolt substation at 1602 North Vine Avenue, within the R-2 zone. The proposal includes demolition of the former University of Arizona Facilities Management and Maintenance Operations Center and construction of an unmanned gas-insulated substation (GIS), surrounded by a 13.5-foot masonry security wall. The applicant also seeks relief from the required 20-foot setback along the north, south, and east property lines.

This request follows a prior Special Exception application heard in 2021 for the same site and facility. At that time, the Zoning Examiner found the substation met the applicable performance criteria but denied the request without prejudice due to the lack of approval for the supporting transmission line. Since then, the Midtown Reliability transmission project has been approved by the Arizona Corporation Commission and processed through City review, removing the procedural basis for the prior denial.

City staff presented the regulatory framework, project history, and applicable standards under the Unified Development Code. Staff noted the Design Review Board reviewed the project in November 2025 and found it compliant with use-specific standards, subject to conditions.

Staff further concluded the proposal is consistent with Plan Tucson and the University Area Plan, citing policies supporting investment in public infrastructure, coordination with utilities, modernization of aging systems, and design sensitivity.

Staff also reported a public opposition, including protest letters from multiple neighborhood associations, Underground Arizona, and the Tucson-Pima County Historical Commission. Of those received, only one protest met the 150-foot statutory threshold, though the number of objections reflected broad concern beyond the immediate radius.

Public opposition centered on several recurring themes. Representatives of neighborhood associations and Underground Arizona, including testimony from Mr. Schwartz, argued that while the application is formally limited to the substation, the project cannot be meaningfully separated from the associated transmission infrastructure. Protesters emphasized that the visible presence of transmission pylons and overhead facilities—approved through a separate process—creates an incompatible industrial character within a residential and institutional area governed by the University Area Plan.

Protesters asserted that the University Area Plan places strong emphasis on minimizing visual intrusion, placing utilities underground where feasible, and protecting neighborhood character in an area defined by proximity to the University of Arizona and established residential neighborhoods. They argued that above-ground infrastructure, including tall pylons and substation walls placed at the property line, undermines these policies and sets a precedent for further erosion of neighborhood protections.

Cost feasibility was also raised as a central concern. Protesters questioned whether economic considerations were being given disproportionate weight relative to long-term neighborhood impacts. Underground Arizona and neighborhood speakers contended that alternatives involving underground transmission or different siting strategies were dismissed primarily on cost grounds, without sufficient consideration of cumulative impacts, long-term public benefit, or consistency with adopted planning policies. Several speakers expressed concern that infrastructure decisions were being driven by utility efficiency rather than land-use compatibility.

Additional concerns raised by the public included the appropriateness of placing a major electrical facility in an R-2 zone rather than an industrial area, potential safety risks associated with SF6 gas used in GIS technology, noise from transformers, lighting impacts, and the

incremental industrialization of the Vine Avenue corridor. Protesters emphasized that even if individual components meet technical standards, the combined effect of the substation, transmission infrastructure, and reduced setbacks represents a level of intensity inconsistent with surrounding residential uses.

The applicant responded that zoning regulations expressly allow substations in residential zones through the Special Exception process and that similar facilities already operate in residential or mixed-use contexts throughout Tucson. Tucson Electric Power stated that the Vine Street site was selected after evaluating multiple locations and that spatial constraints in Midtown Tucson make conventional substation siting impractical. The applicant emphasized that GIS technology allows a substantially smaller footprint and that the proposed wall height, materials, and landscaping were specifically designed to match adjacent facilities and reduce visual impacts.

With respect to undergrounding and cost feasibility, the applicant noted that undergrounding of the transmission line was extensively evaluated during the Arizona Corporation Commission line-siting process and subsequent City proceedings, resulting in a mix of underground and overhead segments approved by Mayor and Council. The applicant emphasized that those decisions are final and outside the scope of the present Special Exception request, which is limited to the substation as a distribution facility.

Regarding safety, noise, and lighting, the applicant provided testimony that GIS equipment is continuously monitored, incorporates multiple containment systems, and has not resulted in incidents within TEP's system. Noise levels were stated to be significantly below City limits, and lighting would be limited to security and maintenance needs rather than continuous nighttime illumination.

Throughout the hearing, the key issue was not limited to technical compliance with the Unified Development Code, but whether the proposed substation—when viewed in context with the surrounding neighborhood and the previously approved transmission infrastructure—appropriately balances essential public utility needs with the intent and policies of the University Area Plan. The record reflects a clear divergence between the applicant's position that the project represents necessary, well-mitigated infrastructure modernization and the protesters' position that the facility contributes to an incompatible concentration of above-ground utility infrastructure in a sensitive residential and university-adjacent area.

The Zoning Examiner continued the case to February 12, 2026, asking the applicant to provide mapping information on transmission line siting occurring near historic neighborhoods and the University Area Plan and further provide more information about underground feasibility and costs. Further, the Zoning Examiner wanted to become more familiar with the legal issues involved in the special exception case.

Summary of Zoning Examiner Public Hearing February 12, 2026

The continued public hearing for the Vine Substation project took place on February 12, 2026, to address the Special Exception request under case number TP-ENT-1025-00021. At this point there were about 61 protests letters and about 2 letters of support. During the proceedings, representatives for the applicant detailed the necessity of the 138kV substation for maintaining

electrical reliability in central Tucson, noting that the project involves retiring extensive sections of aging 46kV infrastructure and undergrounding several miles of distribution lines. They maintained that the facility design conforms to the standards established by the Design Review Board and is positioned to reduce direct impacts on historic neighborhoods.

Testimony from neighborhood representatives and residents emphasized a significant demand for the enforcement of the University Area Plan and Plan Tucson 2025, regarding the undergrounding of high-voltage transmission lines. These speakers argued that the City's land-use authority remains distinct from State utility regulations and that current franchise agreements do not permit cost to be used as a justification for disregarding area plan guidelines. Concerns were also raised regarding the accuracy of cost estimates provided by the utility and the long-term visual impact of the infrastructure on the city's historic surroundings.

At the end of public testimony, the Zoning Examiner outlined the subsequent steps in the decision-making process. The decision will incorporate a series of specific conditions to mitigate neighborhood impacts, including a 45 dB exterior noise limit at property lines adjacent to residential areas and strict compliance with the City's Outdoor Lighting Code to prevent light trespass. Additionally, the applicant should establish and report on SF6 gas safety protocols to ensure environmental transparency and to incorporate public art that reflects a historical connection to the surrounding neighborhoods.

All previously accepted staff-recommended conditions will be integrated into the final decision, which is scheduled for issuance next week. This decision will include the formal findings of fact and a notification of the appeal process. The Zoning Examiner closed the public hearing for this case.

Special Exception Findings

Below is an evaluation of the five findings listed in UDC Sec. 3.4.5 used for evaluating the Special Exception request for a 138kV substation at 1602 Vine Avenue. The substation meets the use specific standards and complies with applicable land use plans' policies. The findings below reflect on the above compliance review.

Finding 1: The proposed use meets all the adopted codes and standards.

The substation's site plan will comply with policies focused on sensitive design towards neighborhoods and historic resources and, visual mitigation especially under the attached Zoning Examiner's conditions. Further, it meets all use-specific standards of UDC Sec. 4.9.11.A, with the modifications to setbacks and wall height authorized under UDC Sec. 3.4.3.J. These modifications are supported by the recommendations of the Design Review Board for wall design and landscaping to adjust to the nearby residential land uses.

Finding 2: The proposed use will not adversely affect adjacent land uses or the adverse effects have been substantially mitigated.

Potential adverse effects including noise, safety, and lighting are mitigated by the 13.5-foot wall, which surrounds equipment. Special conditions will require a 45dB noise limit and 24/7 SF6 gas monitoring. Light trespass is regulated by the Outdoor Lighting Code, The 0-foot setbacks on the North, South, and East are adjacent to the non-residential areas of the adjacent parcels away from residential uses.

Finding 3: The proposed use will not adversely affect the public health, safety, and welfare.

The transition to GIS-type gas technology and modern monitoring systems enhances safety. The facility is unmanned and generates negligible traffic. There are automated safety protocols for gas detection. Light trespass is controlled by adherence to the City's Outdoor Lighting Code and the reduced time employees are present at the site. There is also strict adherence to Federal Critical Infrastructure Protection requirements that ensure focus on the safety of the facility and the welfare of the surrounding community.

Finding 4: The proposed use will not create a demand for public facilities and services that cannot be met.

The substation is a public service provider that improves electrical reliability for the University/Banner Medical campus and central Tucson. It places no burden on existing sewer or water services; required rainwater harvesting on-site further reduces the demand on municipal stormwater systems.

Finding 5: The proposed use complies with General Plan and other land use plans.

The proposed substation complies with the policy framework established by Plan Tucson 2025 and the University Area Plan (UAP). These plans mandate that for essential infrastructure in sensitive locations, visual mitigation and historic sensitivity must be a "prime consideration" in the City's approval process (Plan Tucson Policies LU 17 and A.25).

Architectural Integration: The substation achieves compliance through a site design that uses high-quality UA-standard masonry and Cor-Ten steel accents, as recommended by the Design Review Board (Condition 10). The wall segments are articulated and "stepped-in" to provide visual relief, breaking the horizontal massing of the 13.5-foot perimeter and reducing an industrial appearance.

Historical Sensitivity: In direct response to UAP Policy 6 and Plan Tucson's mandate for historic resource sensitivity, the project will add narrative public art into the perimeter wall (Condition 14). This feature ensures the facility is not merely screened but is rooted in the history of the Desert Mallow and Jefferson Park neighborhoods and the University's agricultural legacy.

Neighborhood Mitigation: By containing all electrical equipment behind a barrier with sensitive architectural and historical design, the project minimizes neighborhood disruption in accordance with UAP Policy 3. The inclusion of a formal public art input process for neighborhood associations—subject to review by the City’s Historic Preservation Officer and Design Professional—guarantees that the final design provides a "neighborhood benefit" that helps achieve compliance and compatibility for the substation.

Conclusion

The Zoning Examiner finds the requested Special Exception for the Vine Substation to be in compliance with the applicable Plan Tucson’s and the University Area Plan’s policies, the UDC’s use-specific standards and the Sec. 3.4.5 Special Exception findings, provided the applicant adheres to all Zoning Examiner’s conditions.

Decision

The Zoning Examiner approves the Special Exception subject to the Zoning Examiner’s conditions.

Appeal

The Zoning Examiner’s decision may be appealed to the Mayor and Council by any party of record in accordance with Unified Development Code Section 3.9.2 by submitting a notice of intent to appeal to the City Clerk within 14 days from the effective date of the decision with a copy delivered to PDSD and reviewed by PDSD. The complete appeal materials must be filed with the City Clerk within 30 of the effective date of the decision.

Sincerely,



Jim Mazzocco
Zoning Examiner

ATTACHMENTS:

Zoning Examiner’s Conditions
Case Location Map
Aerial Map
Public Hearing Minutes 01-29-2026
Public Hearing Minutes 02-12-2026
cc: City of Tucson Mayor and Council

ZONING EXAMINER'S CONDITIONS

PROCEDURAL

1. The application must be in compliance with the underground utilities policies of Plan Tucson and the University Area Plan.
2. A development package, in substantial compliance with the preliminary development package and required reports dated October 22, 2025, is to be submitted and approved in accordance with the Administrative Manual, Section 2-06.
3. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
4. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. 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 Arizona State Museum.
5. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception.

LAND USE COMPATIBILITY

7. The development shall include, a 13.5-foot decorative masonry (brick) wall surrounding the entire site, designed to match the height, materials and styles of the wall surrounding the UA's 46kV GIS substation south of the project site at the southeast corner of N. Vine Avenue and E. Lee Street. The perimeter wall is to be constructed on the property line (north, south and east boundaries). The wall shall be coordinated with Conditions 10 and 14 below.
8. There is to be a 20-foot landscape buffer along Vine Avenue, with the 13.5-foot perimeter wall setback 20-feet from the property line.
9. Plant palette to include hardy and more lasting understory plant material varieties; new trees to be located to provide as much shade as possible along the sidewalk; and all existing viable plants and canopy trees within the

landscape border area shall be preserved in place to the fullest extent possible.

10. In accordance with the Design Review Board (DRB) recommendation of November 21, 2025, the applicant shall implement the following measures to ensure architectural and neighborhood sensitivity:

Material Harmony: Ensure that the "drop -in" substation structures are finished with Cor-Ten steel (weathering steel) to provide a cohesive visual transition between the modern utility infrastructure and the UA-standard brick perimeter wall.

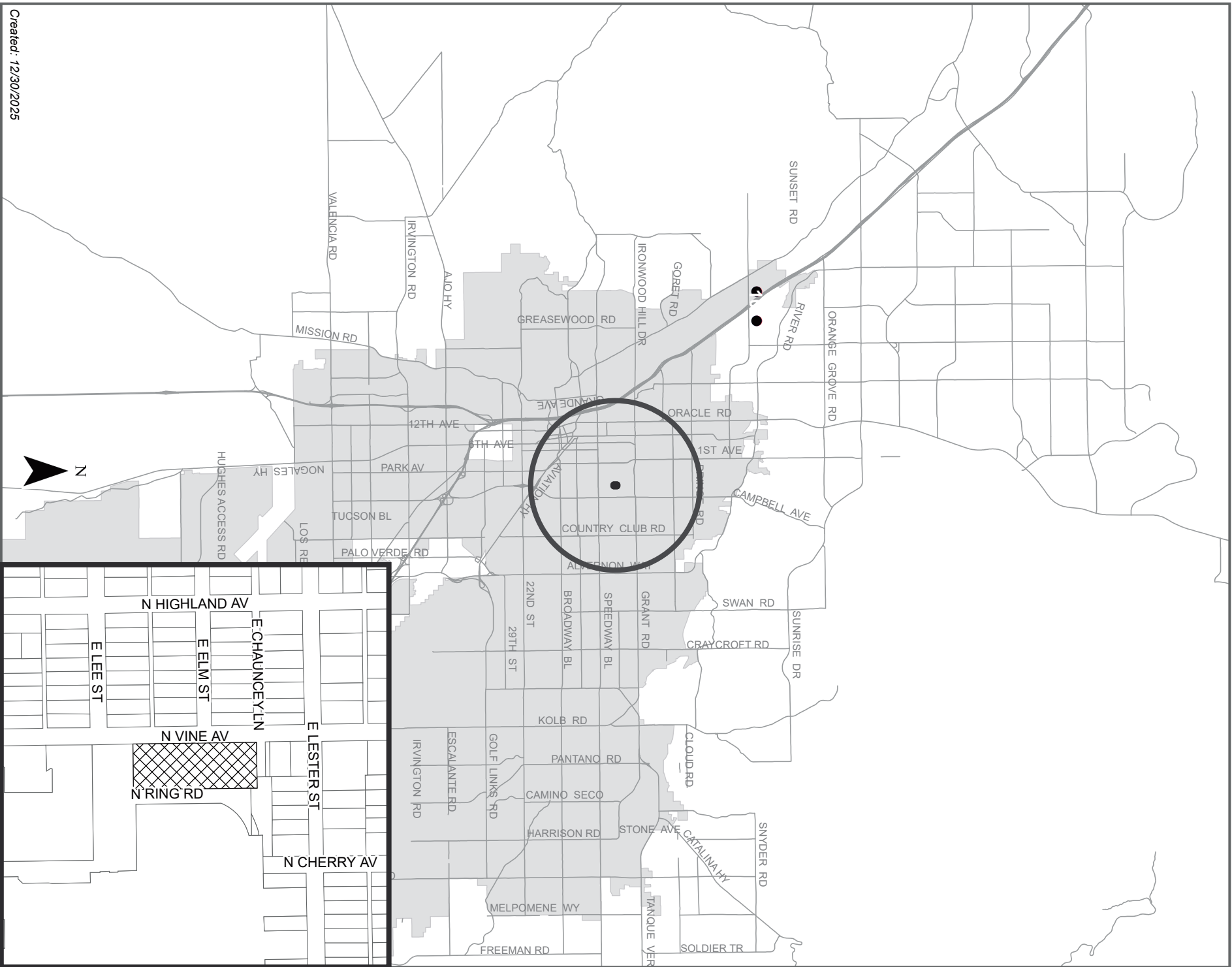
Environmental Integration: The rainwater harvesting system shall be sloped toward the west to sustain the perimeter landscaping, providing a "living" buffer between the substation and the residential streetscape.

Massing Relief: Both the east and west perimeter walls shall incorporate stepped-in vertical features. These features shall serve as the architectural framing for the public art required in Condition 14, breaking the horizontal massing of the 13.5-foot wall on the west side to provide significant visual relief and neighborhood-scale.

OPERATIONAL MITIGATION

11. Noise Limitation: Operational noise shall not exceed 45 dBA at the residential property lines.
12. SF6 Safety Protocol: The applicant shall maintain 24/7 automated monitoring of SF6 gas. An annual safety and environmental compliance report shall be provided to the Planning and Development Services Department (PDSD).
13. Lighting: All site lighting shall be shielded, motion-activated, and compliant with the Tucson Outdoor Lighting Code.
14. The applicant (TEP) shall integrate a public art feature into the west-facing 13.5-foot perimeter wall. To effectively mitigate the massing of the wall, the art shall be of a scale and proportion appropriate to the wall's dimensions and utilize materials compatible with the approved UA brick and Cor-Ten steel. The theme shall reflect the history of the Desert Mallow and Jefferson Park neighborhoods and/or the University of Arizona's agricultural legacy. TEP shall facilitate at a minimum one collaborative session with the adjoining neighborhood associations to solicit design recommendations. The final design shall be subject to a recommendation by the City's Historical

Preservation Officer and Design Professional, with final approval by the PDSD Director. If there is any conflict with compliance with the above conditions, the implementation of Condition 14 shall prevail.





Area of Special Exception Request

2022 Aerial

Created: 12/30/2025



Address: 1730 N VINE AV
Base Maps: Twp. 1403 Range 1402 Sec. 06
Ward(s): 3,6

