

EXHIBIT 20

TO COMPLAINT FOR SPECIAL ACTION

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

**CITY OF TUCSON ZONING EXAMINER
PUBLIC HEARING**

FEBRUARY 12, 2026

**TEP Substation
Vine Avenue (Ward 6)
(Case No. TP-ENT-1025-00021)**

(Continued from January 29, 2026)

ZONING EXAMINER:

- Jim Mazzocco

STAFF PRESENT:

- John Beall, Section Manager
City of Tucson
Planning and Development Services Department

APPLICANT/AGENT PRESENT:

- Steven Eddy
Director of Public Affairs
Tucson Electric Power
88 East Broadway
Tucson, Arizona 85701

1 ZONING EXAMINER: I think it's about 6:00 p.m.
2 now. So, good evening, everyone. It's 6:00 p.m. The date's
3 February 12th, 2026. Welcome to tonight's continued Public
4 Hearing. My name is Jim Mazzocco. I'm the Zoning Examiner for
5 the City of Tucson. And, of course, we have one case scheduled
6 for this Public Hearing, and this is a continued case and the
7 number is TP-ENT-1025-00021 - TEP Substation, Vine Avenue, Ward
8 6.

9 First, I want to thank everyone who so far has given

1 spoken and written testimony. I have listened closely to the
2 spoken testimony and reviewed the materials that I have received
3 since the January 29th hearing. I don't think I need to rehear a
4 lot of that testimony, but I would like to hear Mr. Eddy, if he
5 would like to summarize his position and materials he submitted
6 for the Public Hearing. And, after that, I would probably like
7 to hear Mr. Dempsey and Mr. Schwarz to summarize their position
8 from -- for the record. And if anyone else wants to speak,
9 they're welcome to come forward and speak. Again, I've heard a
10 lot of testimony. I know a lot of the issues from studying the
11 written materials and from last week's -- or two weeks ago Public
12 Hearing.

13 So, with that, let me just check my notes here a
14 second. I'll ask you, Mr. Eddy, to come up and kind of give your
15 summation or whatever -- however you want to describe it.

16 MR. EDDY: Sure. Thank you, Mr. Mazzocco. And,
17 for the record, Steven Eddy, Director of Public Affairs for
18 Tucson Electric Power, 88 East Broadway.

19 So, again, thank you, Mr. Mazzocco, for taking the
20 opportunity to maybe take a breather, a two-week hiatus to review
21 the material that was presented two weeks ago; and, of course,
22 the material that we presented a few days ago.

23 And so I'll outline our responses to the three
24 questions that you had proposed two weeks ago. But, again, as we
25 outlined within our written submission, the request before you,

1 and for this case, concerns only the Vine Substation. This
2 facility is critic- -- is a critical component of improving
3 electrical reliability within central Tucson, and it has been
4 designed and conditioned to meet every applicable City standard.

5 We also want to formally thank Staff. I know they have
6 put in a diligent amount of work, not just in this case, but in
7 prior cases. This has been a long process, and we hope that this
8 substation is the last conclusion of this public process.

9 So, the three areas -- and I won't list the questions
10 that you provided, but the first item was with respect to the
11 impacts on historical neighborhoods. So, as part of the line-
12 siting process, in addition to this process, TEP retained
13 professionals to assess the potential impacts to historical
14 districts and contributing properties along the Midtown
15 Reliability Project. Their analysis concluded that no historic
16 contributing property, no historic district, and no listed
17 structure will be removed, delisted, or have its integrity
18 diminished as a result of the transmission line.

19 Importantly, the Vine Substation itself is located
20 outside the historic district of Jefferson Park Historic
21 District, and that is by design; in fact, it is within the U of A
22 planning area, and I believe you all had received a letter from
23 the University of Arizona confirming that it is, in fact, within
24 the planning boundary and conforms to their uses within the
25 University.

1 With respect to the University Area Plan. Opponents
2 have pointed out that -- the UAP as a basis for requiring
3 underground facilities. This matter was fully litigated during
4 the ACC hearing, and the conclusion reached, and affirmed by both
5 the line-siting committee and the ACC, is that the UAP does not
6 mandate undergrounding of high-voltage transmission lines and
7 does not impose such requirements on the Vine Substation.
8 Nonetheless, the project aligns with the UAP's intent through
9 capable design, landscape, and placement outside historic
10 neighborhoods.

11 The third was around feasibility and costs of
12 undergrounding. So, I think -- as part of this process, I think
13 it's important to note as -- as part of our approvals with
14 notably Mayor and Council, there was three exceptions that we
15 applied for as part of the process established by Mayor and
16 Council; two of those were granted, one was not, and that is at
17 the Broadway and Euclid intersection.

18 So, just for a little bit of context with respect to
19 the cost differential between that intersection of undergrounding
20 versus overhead. The cost estimate that we've received for our
21 engineering to put that intersection, which is roughly 800 feet,
22 underground is approximately \$6.5 million. Comparatively, it
23 would be \$250,000 to construct it overhead.

24 With that said, though -- and I think, Mr. Mazzocco,
25 you had pointed out some of the outside-the-box thinking that we

1 might consider as part of this project and -- and, I think,
2 relating to the transmission line itself -- we noted this in the
3 previous hearing is -- that as part of the project, we are
4 undergrounding a considerable amount of distribution lines, low-
5 lying distribution lines, as well as retiring an entire 46kV
6 system as a result of the construction of the 138 transmission
7 line, as well as the Vine Substation. So, roughly 6.3 circuit
8 miles of distribution lines will be undergrounded, and 19 miles
9 of aging 46 overhead infrastructure will be retired, in addition
10 to eight -- I believe I've got that number right -- eight
11 substations for one. That's an eight-to-one reduction in
12 substation and infrastructure equipment.

13 What's that?

14 ZONING EXAMINER: Could you go over that one more
15 time? Those -- the -- you said --

16 MR. EDDY: Okay.

17 ZONING EXAMINER: -- 6.5 miles of undergrounding
18 of distribution lines?

19 MR. EDDY: So, in -- yes. And, again, this is a
20 condition of our permit with the ACC and for this transmission
21 line. TEP committed to undergrounding approximately 6.3 circuit
22 miles of distribution -- distribution lines that are along the
23 route for the Midtown Reliability Project. Additionally, TEP
24 will retire eight existing 46kV substations, and remove
25 approximately 19 miles of 46kV infrastructure. And, again, I

1 provided this testimony two weeks ago, but the reason why we are
2 building this substation and this line is to upgrade our
3 facilities from an aging antiquated system, the 46kV system, to a
4 more robust 138kV system.

5 In closing, the Vine Substation meets all applicable
6 City standards, is consistent with Plan Tucson and the University
7 Area Plan, and satisfies the U- -- the UDC, the Unified
8 Development Code.

9 We appreciate Staff's recommended approval and the
10 Preliminary Conditions that have been outlined. And I did
11 receive a note earlier with respect to the Design Review Board
12 approval for the substation wall, and want to clarify that the
13 design for that substation wall applies to both the east and west
14 sides of the proposed Vine Substation.

15 ZONING EXAMINER: The wall again -- so, when they
16 talk about step-in, it's a --

17 MR. EDDY: Yeah.

18 ZONING EXAMINER: -- vertical step-in that, you
19 know, puts some -- it's -- it's not -- it's not just one
20 monotonous mess, there's -- there's --

21 MR. EDDY: Yes.

22 ZONING EXAMINER: -- some definition in the wall?

23 MR. EDDY: That's correct.

24 ZONING EXAMINER: And, also, there -- if I could

25 --

1 MR. EDDY: Yeah.

2 ZONING EXAMINER: -- there's talk about using COR-
3 TEN, weathered steel plates; is that correct? And that would be
4 worked into the design I assume. Would -- would the final
5 product go back to the Design Review Board or is that completely
6 up to you how that is designed? Just a question.

7 MR. EDDY: So, we -- we did go in front of the
8 Design Review Board and presented the material that was approved
9 4/0, and in there is the design standards for both the wall and
10 landscape treatment, if I'm correct; and we are all agreeable to
11 the conditions that were placed on that Design Review Board
12 approval. I think -- again, just going back to the clarification
13 I was trying to make, it applies to both the east and west sides
14 of the wall. I don't think that was clear in the approval. And,
15 Mr. Beall, I'm hoping we're -- we're addressing that correctly.

16 ZONING EXAMINER: I think the condition just said
17 east side; and that caught my eye and I thought why would you do
18 that on the east, that's the wrong side. So -- and so it's east
19 and west?

20 MR. EDDY: East and west.

21 ZONING EXAMINER: Okay.

22 MR. EDDY: Yeah. That concludes my comments,
23 unless you have any questions.

24 ZONING EXAMINER: I don't have any questions now,
25 but I'll call you back after everybody speaks and then I may have

1 a few questions --

2 MR. EDDY: Great.

3 ZONING EXAMINER: -- okay?

4 MR. EDDY: Thank you, Mr. Mazzocco.

5 ZONING EXAMINER: Thank you. Mr. Dempsey, do you
6 want to speak now?

7 MR. DEMPSEY: Sure. Good evening. I -- this
8 might be --

9 ZONING EXAMINER: Would you mind if you put your
10 name and address for --

11 MR. DEMPSEY: Yeah, yeah. So, my name is Daniel
12 Dempsey with Underground Arizona. We have submitted three
13 written comments and five exhibits for the record, and this is
14 our second verbal comment.

15 Once again, I want to state out front that we support
16 this project so long as it is conditioned on undergrounding in
17 the University Area Plan. City plans and ordinance exist for a
18 reason. As Banner said before the ACC, property owners invested
19 in the area under the expectation that they will be enforced.

20 The University of Arizona does not belong to the
21 neighborhoods that border it; it belongs to the whole city, the
22 whole region, and indeed the whole state. Making it look
23 terrible because TEP screwed up in its planning and due diligence
24 makes absolutely zero sense. These poles will stand for 100
25 years. There is no reason to encircle the University in 90-foot

1 poles when there is zero such infrastructure in the area and our
2 plans and ordinances are unequivocal that new infrastructure
3 should or must be underground. We have to build the
4 infrastructure of tomorrow today. We cannot build new overhead
5 lines in the densest part of town only to tear them down and
6 underground them in 20 years; that is substantially more wasteful
7 than doing it the right way from the beginning. APS did it in
8 central Phoenix 60 years ago; and did it adjacent to ASU 20
9 years. There's nothing but TEP's own hubris stopping it from
10 doing the same thing in central Tucson today.

11 TEP was supposed to provide you information on cost;
12 instead, it said it need not provide such information and merely
13 provided conclusory findings from a different process subject to
14 different legal standards. Moreover, those conclusory findings
15 aren't even very helpful to its case. Just because
16 undergrounding costs more up front, does not mean the plans and
17 ordinances are unenforceable. Could you imagine if a subdivision
18 developer said undergrounding utilities makes my houses costs
19 more; therefore, I can ignore your laws? That doesn't make any
20 sense, right? Cost does not determine the enforceability of City
21 code; neither does who pays for it. We suspect that TEP avoids
22 discussing costs because it knows that costs cannot create a
23 feasibility issue under its franchise agreement; therefore, it
24 has to pretend this process is preempted when it is not. And, as
25 we demonstrated in our responsive comments, even if costs could

1 create a feasibility issue, the cost here is insignif- --
2 insignificant by any reasonable definition.

3 TEP's response on cost focuses on its erroneous opinion
4 that AC- -- that the ACC process preempts City process. This is
5 just not supported by the record or the law. The ACC and City
6 processes are separate, with different legal standards. The
7 outcome of one does not determine the outcome of the other. The
8 ACC determines routes. City law determines how a line is built
9 within those routes. It is not possible for City law to be a
10 collateral attack on the ACC. There are multiple court decisions
11 on this issue that are not difficult for TEP to read.

12 This project would be done by now if TEP simply
13 followed City plans and ordinances from the start. All of the
14 delays and headaches we have had to deal with are a result of
15 TEP's misplaced intransigence. There is nothing legally or
16 practically stopping TEP from undergrounding these lines. Other
17 -- as City Attorney Roi Lusk stated at the ACC hearing, TEP's
18 preference does not trump City law. Other Arizona utilities do
19 it even when it's not proscribed by plans or ordinances.

20 TEP does not seem to understand the purpose of public
21 process -- or it does not seem to understand that the purpose of
22 public process is to surface potential issues early and more
23 quickly so they can be avoided. This process did that. TEP
24 simply ignored what surfaced because it didn't like it. That's
25 just poor leadership at TEP. This project would be done by now

1 if we had better leadership at TEP.

2 In closing, I am shocked that TEP opened its response
3 by telling you that what you decide does not matter. I was
4 further shocked that TEP refused to substantively respond to your
5 request for information on costs. This process is not preempted
6 by ACC process. TEP cannot legally build new transmission lines
7 in the area without the Vine Substation. As such, perhaps
8 instead of denying the application, you should approve it,
9 conditioned on TEP undergrounding in the University Area Plan;
10 that covers the West University HPZ and other undergrounding in
11 other historic areas. It also maximizes compliance with Plan
12 Tucson 2025, which says undergrounding shall be a priority. TEP
13 has presented no reason why this cannot be done.

14 The ACC has no jurisdiction over how lines are built.
15 If the ACC wants to sue TEP for following the City laws, let it.
16 And if TEP wants to sue the City, let it. Neither have any
17 chance of succeeding in court and will merely be delaying the
18 inevitable conclusion that laws matter. TEP is not above the law
19 and should not be allowed to treat Tucson as a second-class city,
20 or the University of Arizona as a second-class university. Thank
21 you.

22 ZONING EXAMINER: Okay. We can -- okay, Mr.
23 Schwarz?

24 MR. SCHWARZ: Thank you.

25 ZONING EXAMINER: Name and address for the record.

1 MR. SCHWARZ: My name is John Schwarz, 3720 North
2 Camino Leamaria, Tucson. And I'm a member of the Steering
3 Committee of the Tucson Neighborhood Undergrounding Coalition.

4 Here's the truth: TEP is so opposed to following City
5 rules to underground unless it's paid for by the City that, to
6 avoid it, they will do anything. They will make any statement no
7 matter how misleading, no matter how contradictory with their
8 other statements. They will proposed anything no matter how
9 harmful to their own customers. I'm going to give you six quick
10 examples. I could mention dozens more, literally, but there's
11 only time for these, and even these six might go just a few
12 seconds over my five minutes.

13 First, TEP testified as recently as the last hearing
14 that, if they are required to underground to get the zoning
15 exception, they will do the project overhead without connecting
16 to the substation; that is, TEP will deprive all their good
17 customers, who would otherwise get upgraded power from the Vine
18 Substation, any benefit at all from the project. That's a
19 substantial number of customers who would get no benefit. TEP is
20 willing to leave all those customers with a risky delivery system
21 that TEP said -- here tonight itself said it's antiquated, and
22 they've said elsewhere that it's outdated, decrepit, and very
23 unreliable. Now, we believe that if they're asked to underground
24 here and decide to do what they've said they're going to do, we
25 can still stop it in a number of ways.

1 Second, moreover, when TEP says that if they don't get
2 the rezoning, they'll just go overhead without connecting to the
3 substation, they are acknowledging that connecting the lines is a
4 crucial reason for them needing to upgrade the substation; thus,
5 a crucial reason for their request for an exception. That's
6 contrary to what TEP is now saying. That the Zoning Examiner
7 cannot consider the lines in determining an exception; yet, TEP,
8 as I just mentioned, is saying that -- basically, that that's the
9 reason they need the exception is because of connecting the
10 lines.

11 Third, TEP claims that the costs of undergrounding
12 makes undergrounding infeasible, when the franchise contract they
13 themselves signed with the City of Tucson specifically states
14 that, in determining infeasibility, costs cannot be a
15 consideration.

16 Fourth, also in support of its position, TEP repeatedly
17 refers to decisions of the ACC, which, in addition to being dead
18 wrong factually, have logically -- have been legally overturned
19 elsewhere and so are now actually null and void. This includes
20 ACC and TEP's arguments that ratepayers cannot be charged for
21 undergrounding and that the costs of undergrounding is
22 unfeasible. The costs of undergrounding this project, by the
23 way, in the two miles it's supposed to be undergrounded,
24 amortized over the life of the project and spread over all
25 ratepayers would be less than one two-dollar candy bar per

1 ratepayer per year.

2 Fifth, TEP says they don't believe it's at all fair to
3 pass the costs of undergrounding onto anyone but nearby
4 residents; yet, somehow TEP's sense of justice never extends to
5 consider the fairness to nearby residents and businesses of a
6 potential loss in their property value, or the permanent damage
7 to the character of their surroundings, or the possible effects
8 on future development where giant lines are going; none of this
9 side is ever part of TEP's fairness equation.

10 And, sixth, at the same time that TEP insists it's
11 unfair to burden anyone but nearby neighbors with the cost, TEP
12 willingly proposed, and then promoted, a citywide proposition
13 that would tax all city residents to pay the costs of
14 undergrounding the project.

15 There are dozens more examples, as I said. It's sad to
16 say. But, when it comes to undergrounding, you cannot trust a
17 single claim or argument that TEP makes. Time and again, their
18 statements are misleading, contradictory, deceptive, outright
19 false, or even against the interests of their own customers.

20 Let me conclude then by stating what this means. The
21 UDC of the City clearly specifies that, in connection with a
22 request for a zoning exception, the Zoning Examiner cannot grant
23 any zoning exception that conflicts with a duly-enacted area
24 plan, such as the University Area Plan. The University Area Plan
25 plainly specifies, quote, "Wherever possible, place utility and

1 service equipment underground or in a visually-screened
2 location," unquote.

3 Undergrounding the project is clearly feasible and
4 there is no way, no way at all to visually screen industrial-
5 sized, 100-foot poles and transmission lines that tower over
6 everything else. Approval of the zoning exception must be
7 conditioned on TEP placing all lines that are within the
8 University area underground. No matter how many ways TEP tries
9 to deceive, there is no sound case for TEP not to follow City
10 rules. That we believe is the bottom line. Thank you.

11 ZONING EXAMINER: Okay. At this point, if there's
12 anybody -- do we have people? Okay. Let's see. So, we have
13 Kathy McLaughlin. And when you come up, give your name and
14 address for the record.

15 MS. McLAUGHLIN: Good evening, Mr. Mazzocco. I'm
16 Kathy McLaughlin, 2739 East Carthay Circle. I'm a native
17 Tucsonan and an architect. I care about the built environment.
18 And I've been an advocate for ridding the city of billboard light
19 since 1985.

20 I've actually had a connection with Tucson Electric
21 Power my entire life. I grew up next door to Jake Snider, who
22 was at the time Tucson Gas, Electric Light & Power Company
23 President as a recall.

24 I'm here representing the thousands of people who have
25 been involved in this issue for six and a half years. I was at

1 the meeting at Pima College in October of 2019, when I told Mr.
2 Ed Beck that I didn't think he could put his power lines up Kino
3 and Campbell; and he assured me, oh, no, he could do that. And
4 then John Schwarz found out that he really could not.

5 So, I'm asking you -- I have worked as -- my entire
6 professional career under rules, regulations and codes, and I'm
7 asking you to please enforce the City rules, regulations and
8 codes.

9 ZONING EXAMINER: Betsy Larson.

10 MS. LARSON: Hello, Mr. Mazzocco. My name's Betsy
11 Larson, 820 North 6th Avenue. I am President of the West
12 University Neighborhood Association.

13 Kathy, when you were talking just now and you were
14 saying six years ago we were all doing this, I was pregnant with
15 that little boy over there in my belly at the beginning of this
16 process. He has never known a moment where I have not been
17 fighting this. I think that's just a -- adds context.

18 So, on behalf of the West University Neighborhood
19 Association, I greatly appreciate your careful consideration of
20 the facts and history of TEP's proposed Midtown Reliability
21 Project. Thank you for listening to our community and honoring
22 this robust public process.

23 As part of the comments -- as part of my comments on
24 January 29th, I raised concerns about our neighborhoods'
25 protections and required public process as defined under our

1 Historic Preservation Zone. You called out my concerns directly
2 that evening and asked TEP if they could provide further details
3 of pole locations; and TEP's response was nonsensical. They
4 managed to dodge our specific questions and hid behind the
5 findings of the Arizona Corporation Commission. Let's be clear.
6 Our neighborhoods' HPZ is not under ACC jurisdiction.

7 TEP doubled down on hiding behind the ACC in their
8 latest response to you, Mr. Mazzocco, dated February 10th of this
9 year. Under the title Request 1, TEP failed again to acknowledge
10 our HPZ. If TEP took the time to understand our City code, they
11 would know that zoning violations often predict the loss of a
12 historic property. The consequences of zoning violations can
13 take years or even decades to destroy a historic property's
14 contributing status. Preservation is a complex tapestry that
15 requires thoughtful analysis and specific zone planning. TEP
16 continues to oversimplify historic preservation and misrepresents
17 the ACC's control over such matters.

18 Why does TEP continue to ignore the existence of our
19 HPZ? Unlike a historic district, our HPZ contains stringent
20 restraints. Given the lack of information TEP has provided, it
21 is impossible to know how TEP's MTR project will impact our HPZ
22 without details of pole dimensions, placement and line sway over
23 properties. Further, TEP should be required to submit their
24 project before the West University Historic Zoning Advisory
25 Board. Euclid is a narrow and congested roadway. Sidewalk

1 accessibility, large utility placement, and historic properties
2 will all be competing for space. We should expect a public
3 process to ensure TEP is compliant with our neighborhood zoning
4 overlay. I focus on our HPZ not because I believe it's more
5 important than the other undergrounding arguments, but because it
6 demonstrates TEP's lack of genuine engagement.

7 For the last six years, TEP has continually failed to
8 show up and listen to our community with intention and honesty.
9 They might check off public outreach boxes, or make colorful
10 graphics to convince officials, but the proof is not in the
11 pudding. Had they been listening these past six years, they
12 would have addressed our HPZ and the broader U of A plan with
13 respect. Mr. Mazzocco, I urge you to not reward TEP's disrespect
14 of our community. For far too long they have been granted an
15 unchecked rubber stamp. Now is the time to uphold our laws.

16 There's one other thing I want to mention really quick.
17 In their response under the historic section, there is an image.
18 It's a map -- I believe it's called -- Figure 1 is what it's
19 labeled -- and it's a map of our area, and it's supposed to be a
20 map of historic protection. They only have colored in the
21 National Historic District. They have completely omitted our
22 HPZ, which seems kind of bonkers to me. If you're going to make
23 a historic map to support your argument, you should absolutely
24 include the HPZ. They also left out the U of A plan boundaries.
25 They conveniently left in the tighter U of A planning -- Campus

1 Plan, which is clearly defined; but the U of A plan boundary is
2 completely absent. So, I think that Figure 1 in their response
3 should be taken with a grain of sale.

4 Thank you guys very much. I appreciate you having us
5 here today.

6 ZONING EXAMINER: Thank you. So, that's all the
7 speaker forms I have. Is there anyone else that would like to
8 say something?

9 Okay. Mr. Eddy?

10 MR. EDDY: In closing, Mr. Mazzocco, I think I've
11 stated this earlier -- and we recognize this as a company and as
12 the team that has been responsible in siting the transmission
13 line -- that case has been litigated and resolved. We have an
14 approved route for the Midtown Reliability Project. The case
15 that you are considering is related to the Vine Substation, a
16 Special Exception Land Use Permit for a substation.

17 I have been involved in these substation sitings for
18 quite some time. I think we've had a little over five SELUPs for
19 substation uses in the last five or six years. And, as part of
20 those processes, right, that are -- that go in front of the
21 Zoning Examiner, it's looking at its conformance with the UDC and
22 ensuring those standards are met. And I believe that Staff has
23 outlined how this substation is in conformance with the UDC, as
24 well as other applicable plans; and, again, we have stated such
25 in our earlier application, as well as the restated response that

1 we provided.

2 This substation will provide significant benefits to
3 the entire midtown area. You know, I think we often take
4 reliability for granted and ensuring that those lights turn on
5 when we flip the switch. Infrastructure improvements like the
6 Vine Substation ensure that we can meet the demand that our
7 customers put on our grid, but also more importantly, the
8 reliability that they expect. Vine Substation will do just that.
9 And that is the case that we are in front of you for and we
10 respectfully request your consideration and approval for the Vine
11 Substation.

12 ZONING EXAMINER: Okay. Thank you.

13 MR. EDDY: Yeah.

14 ZONING EXAMINER: I have a couple things --

15 MR. EDDY: Sure.

16 ZONING EXAMINER: -- about the recommended
17 conditions from Staff.

18 MR. EDDY: Yes.

19 ZONING EXAMINER: It's my understanding that
20 you're fine with all of those conditions. Okay. In my listening
21 to the testimony, there may be a few other conditions that are
22 going to come along from me that are different than theirs --

23 MR. EDDY: Okay.

24 ZONING EXAMINER: -- but they have to do with
25 making sure things that you said actually are -- are going to

1 happen, and those are issues related to noise. You talked about
2 45 decibels inside. I think I may have a condition, something
3 like that, at the property line where the residential properties
4 start.

5 We talked about lighting. I would expect it to be --
6 the Outdoor Lighting Code, especially those having to do with
7 light trespass, and that -- that there is some condition on that.

8 Let's see if there's -- oh, the SF6 gas. I would
9 probably like to see a condition -- I'm going to come up with a
10 condition on that to make sure that there's some kind of
11 reporting from TEP to the Planning Department that safety
12 protocols are being handled correctly; and that there's some
13 transparency that we're watching that too, even though it appears
14 it has a very safe kind of system, but to give some transparency
15 -- transparency to that.

16 I had a question. You're going to get access from Vine
17 Avenue. Was there any reason why you didn't make it accessed to
18 Ring Road? I realize Ring Road is a private road.

19 MR. EDDY: So, typically, it's defined by how
20 access is provided within the substation layout, within the walls
21 of the substation.

22 ZONING EXAMINER: Okay. And I -- I wouldn't
23 expect that you should be deprived of access from a public road.
24 So, okay, I just wanted to clarify that.

25 MR. EDDY: And, Mr. Mazzocco, if I may. So, I --

1 I think I might've stated this previously, but our substations
2 are unmanned. They require very little vehicular traffic. Only
3 in the instances of maintenances or emergency will the substation
4 need to be accessed, so traffic is minimal.

5 ZONING EXAMINER: When I was going through the
6 materials, you know, I looked at what the Design Review Board
7 did, and I think they were bringing it in -- the wall, which is a
8 pretty substantial wall, 13 and a half feet at zero lot line on
9 three sides; and the things that they're doing, making it similar
10 to the materials being used by the University, doing the step-ins
11 to break up the massing a little bit; having a landscape buffer
12 yard in that area. But, the one thing I didn't notice -- and
13 those do a lot of things for neighborhood sensitivity, but there
14 was this thing about historic resources, and usually when -- when
15 that comes up, it's -- it's -- we're talking about a building,
16 and the building, we ask it to use some of the architectural
17 features that are nearby, you know, just to kind of tip their hat
18 at that historic area. In this case, I'm considering a condition
19 where TEP would put some type of public art that has a historic
20 connection to this historic neighborhood; and I haven't -- I
21 haven't come up with it completely yet, but expect that, that
22 that may be coming at you at some point.

23 With that, Mr. Eddy, unless you have some comment on
24 any of that, I have this feeling on this case that whether it
25 goes this way or that way, it's going to be appealed. So, for

1 the record, I would just like to read into the record the appeal
2 process for a Zoning Examiner Special Exception, and this is from
3 Section 3.4.3.I:

4 The Zoning Examiner's decision may be appealed to the
5 Mayor and Council by any party of record." So, a party of record
6 refers to anybody who's received notification, anybody who has
7 provided written materials, the Applicant, and anybody who has
8 spoken and given their address. So, that's a party of record.
9 So, there's a lot of people who are a party of record here
10 tonight. So, any party of record in accordance with Section
11 3.9.2 of the code by submitting a notice of intent to appeal to
12 the City Clerk within 14 days from the effective date of the
13 decision, with a copy delivered to Planning and Development
14 Services. The complete appeal materials must be filed with the
15 City Clerk within 30 days of the effective date of the decision.
16 So, for the record, to both sides of this, that is the appeal
17 process, which I assume, no matter what I say on this, somebody's
18 going to appeal it.

19 With that, I think everybody has spoken. I've listened
20 to you. I've read all the materials that I've been provided
21 with. I've considered both sides as seriously as I can. And I
22 think I can -- don't need any further continues -- that there
23 will be a decision next week that both sides can look at and
24 decide if they want to appeal it.

25 Do you have anything else to say?

1 MR. EDDY: No. Thank you, Mr. Mazzocco.

2 ZONING EXAMINER: Okay. Did you want to say
3 something, Mr. Dempsey? You're kind of propped up in your chair
4 there. I'll give you a chance. I let him speak. If you'd like
5 to say a last word, I'm okay.

6 MR. DEMPSEY: (Inaudible; no microphone).

7 ZONING EXAMINER: Okay.

8 MR. DEMPSEY: I'll be --

9 ZONING EXAMINER: Sure.

10 MR. DEMPSEY: -- I'll be fast. So, I think Mr.
11 Eddy, he said -- Mr. Eddy mentioned reliability. And there is
12 nothing more reliable than underground transmission lines,
13 underground infrastructure. The City of Mesa has three times
14 better reliability than TEP, and that's because they have
15 underground lines. So, the idea that somehow we're going to have
16 less reliability if we follow the City Code or follow the plans
17 and ordinances is -- is false. Thanks.

18 ZONING EXAMINER: Mr. Schwarz?

19 MR. SCHWARZ: Thank you very much. And thank you
20 for all you've done. I just wanted to remind you that this isn't
21 the first Zoning Examiner decision on this. There was another
22 Zoning Examiner decision I think five -- four to five years ago,
23 and I just remind you of the last paragraph in that, that I've
24 concluded that the route going to and from the Vine Substation
25 was a critical enough matter that the Zoning Examiner couldn't

1 make a decision until he had knowledge -- or she had knowledge of
2 -- of the route, and so it wasn't just the Vine Substation that
3 was -- the Zoning Examiner felt was relevant. Thank you very
4 much.

5 ZONING EXAMINER: Okay. Well, with that, it is
6 6:43 p.m. This Public Hearing is closed. I will have a decision
7 next week. And thank you all for coming, and thank you for all
8 your comments.

9 (Conclusion of the hearing.)

10 * * * * *

CERTIFICATE

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the digitally-recorded City of Tucson Zoning Examiner Public Hearing held on February 12, 2026.

Transcription completed: February 17, 2026.

/S/ Danielle L. Krassow
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Legal Transcriptionist