

**EXHIBIT 9**

**TO COMPLAINT FOR SPECIAL ACTION**

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



**Special Exception Land Use Permit Application**

**Midtown Reliability Project  
1740 E 36<sup>th</sup> Street  
Tucson, AZ 85713**

Transmission structures within road right-of-way at  
South Kino Parkway & East 36<sup>th</sup> Street

Submitted to:  
**City of Tucson**  
**Planning and Development Services Department**  
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Tucson, Arizona 85701

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October 29, 2024

## TABLE OF CONTENTS

|                                                                                             |  |
|---------------------------------------------------------------------------------------------|--|
| Definitions.....                                                                            |  |
| Acronyms.....                                                                               |  |
| Executive Summary .....                                                                     |  |
| Site Selection.....                                                                         |  |
| 1. INTRODUCTION AND POLICY.....                                                             |  |
| A. Subregional, Area, and/or Neighborhood Plans.....                                        |  |
| B. Adopted Plan Policies.....                                                               |  |
| 1. Plan Tucson .....                                                                        |  |
| 2. Greater South Park Area Plan.....                                                        |  |
| 3. Kino Area Plan.....                                                                      |  |
| 4. Zoning Code .....                                                                        |  |
| C. Conflicts with Adopted COT Ordinance or Policy .....                                     |  |
| 2. SITE ANALYSIS.....                                                                       |  |
| A. General.....                                                                             |  |
| 1. Table of Contents .....                                                                  |  |
| 2. Project Location Map .....                                                               |  |
| 3. Generalized Land Use Map .....                                                           |  |
| 4. Property Boundary Dimensions .....                                                       |  |
| 5. Existing Zoning .....                                                                    |  |
| 6. Location, Size, and Height of Adjacent Existing Buildings .....                          |  |
| 8. Billboards .....                                                                         |  |
| B. Circulation and Trips .....                                                              |  |
| 1. Major and Local Streets.....                                                             |  |
| 2. Existing and Proposed Curb Cuts and Access Drives.....                                   |  |
| 3. Deceleration and Turn Lanes .....                                                        |  |
| 4. Existing and Proposed Curbs, Driveways, Sidewalks, and Bike Paths .....                  |  |
| 5. Traffic Signals within One Mile .....                                                    |  |
| 6. Nearest Existing and Proposed Public Transit Stops and Park-and-Rides.....               |  |
| 7. Projected Date of Any Improvements in the COT Capital Improvement Program (C.I.P.) ..... |  |
| 8. Existing Traffic Counts on Major Streets within One Mile.....                            |  |
| 9. Trip Generation Calculations .....                                                       |  |
| C. Cultural Resources .....                                                                 |  |
| D. Hydrology & Drainage.....                                                                |  |
| 1. On-site and Off-site Drainageways .....                                                  |  |

|                                                                                                 |  |
|-------------------------------------------------------------------------------------------------|--|
| 2. 100-Year Floodplains.....                                                                    |  |
| 3. Environmental Resource Zone and Watercourse, Amenities, Safety, and Habitat Drainageways.... |  |
| 4. Erosion Hazard Setback Areas .....                                                           |  |
| 5. Peak 100-Year Event Flow .....                                                               |  |
| 6. Existing Condition and Locations of Proposed Retention/Detention Areas.....                  |  |
| 7. Applicable Floodplain and Wash Ordinances and Codes .....                                    |  |
| E. Schools, Recreational, and Cultural Facilities.....                                          |  |
| 1. Locations of Schools, Parks, Libraries, and Public Land.....                                 |  |
| 2. Pedestrian and Bike Routes .....                                                             |  |
| 3. Trail and Trail Access Points.....                                                           |  |
| F. Soils .....                                                                                  |  |
| 1. Heavily Disturbed Area.....                                                                  |  |
| 2. Hazardous Materials On-site .....                                                            |  |
| 3. Landfill Sites or Hazardous Materials within 1 Mile.....                                     |  |
| 4. Other Existing Facilities/Operations within 1 Mile .....                                     |  |
| G. Topography .....                                                                             |  |
| 1. Topographic Contours or Spot Elevations .....                                                |  |
| 2. Hillside Development Zone.....                                                               |  |
| H. Utilities .....                                                                              |  |
| I. Vegetation .....                                                                             |  |
| 1. Existing On-site Vegetation.....                                                             |  |
| 2. Existing Landscaping and Screening .....                                                     |  |
| J. Views.....                                                                                   |  |
| 1. Description of Views out of the Site to Surrounding Area .....                               |  |
| 2. Description of Views Depicted in the Photo Simulations .....                                 |  |
| 3. PLAN PROPOSAL.....                                                                           |  |
| A. Building Layout .....                                                                        |  |
| B. Design Compatibility .....                                                                   |  |
| 1. Privacy for Adjacent Residences .....                                                        |  |
| 2. Compatibility with Climate and Surrounding Area .....                                        |  |
| 3. Energy Conservation .....                                                                    |  |
| 4. Building Setbacks .....                                                                      |  |
| 5. Transition of Building Height and Number of Stories .....                                    |  |
| 6. Transition of Density .....                                                                  |  |
| 7. Landscaping and Screening Mitigation for Noise and Visibility .....                          |  |

|                                                                                     |  |
|-------------------------------------------------------------------------------------|--|
| 8. Street Improvements .....                                                        |  |
| 9. Defensible Space Techniques .....                                                |  |
| 10. View Corridors.....                                                             |  |
| 11. Changes in Elevation .....                                                      |  |
| C. Hydrology & Drainage.....                                                        |  |
| 1. Proposed Drainage Solution .....                                                 |  |
| 2. Post-development Water Discharge On-site and Off-site.....                       |  |
| D. Landscaping and Screening .....                                                  |  |
| E. Lighting.....                                                                    |  |
| F. Pedestrian Access .....                                                          |  |
| G. Signs .....                                                                      |  |
| H. Topography .....                                                                 |  |
| I. Traffic & Trip Generation .....                                                  |  |
| J. Undisturbed Areas.....                                                           |  |
| K. Utilities .....                                                                  |  |
| 1. Proposed Changes to Utilities and Easements and New Utilities and Easements..... |  |
| 2. Additional Utility Information.....                                              |  |
| L. Vehicular Use Area.....                                                          |  |
| 4. REFERENCES .....                                                                 |  |

## LIST OF PHOTOS

|                                             |  |
|---------------------------------------------|--|
| Photo 1. Example of a Steel Riser Pole..... |  |
|---------------------------------------------|--|

## LIST OF EXHIBITS

|                                                                                  |  |
|----------------------------------------------------------------------------------|--|
| Exhibit i. Approved CEC Route Corridors.....                                     |  |
| Exhibit 1. Subject Crossing Location Map.....                                    |  |
| Exhibit 2. Generalized Land Use.....                                             |  |
| Exhibit 3. Zoning.....                                                           |  |
| Exhibit 4. Circulation.....                                                      |  |
| Exhibit 5. Hydrology and Drainage .....                                          |  |
| Exhibit 6. Schools, Parks, and Libraries.....                                    |  |
| Exhibit 7. Topography and Soils .....                                            |  |
| Exhibit 8. Photo Simulation No. 1, Looking north on Kino Parkway.....            |  |
| Exhibit 9. Photo Simulation No. 2, Looking east on 36 <sup>th</sup> Street ..... |  |
| Exhibit 10. Photo Simulation No. 3, Looking south on Kino Parkway .....          |  |
| Exhibit 11. Photo Simulation No. 4, Looking west on 36 <sup>th</sup> Street..... |  |

## APPENDICES

Appendix A. Midtown Road ROW Research  
 Appendix B. Cultural Resources Survey Report  
 Appendix C. Historic District Analysis  
 Appendix D. FEMA FIRM 04019C2279L Panel 2279  
 Appendix E. Photo Simulation Package  
 Appendix F. Neighborhood Meeting Summary  
 Appendix G. General MRP Comments

## Definitions

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project                                | The construction, operation, and maintenance of the Midtown Reliability Project (MRP) 138 kV transmission line structures crossing the Gateway Corridor Zone of Kino Parkway.                                                                                                                                                                                                                                                                  |
| Subject Crossing                       | The Kino/36 <sup>th</sup> Street intersection where the MRP 138 kV transmission line will run east to west on 36 <sup>th</sup> Street and cross over the Gateway Corridor Zone of Kino Parkway.                                                                                                                                                                                                                                                |
| Midtown Reliability Project Study Area | The approximately 16.5 square mile area surrounding the TEP Area Study Load Center that was considered for the interconnecting Vine substation and the subject of the line siting analysis, cultural resources, and biological studies. The study area is roughly bounded by Fort Lowell Road on the north, Country Club Road on the east, 36 <sup>th</sup> Street on the south, and 4 <sup>th</sup> Avenue/Aviation Parkway/I-10 on the west. |

## Acronyms

|             |                                                               |
|-------------|---------------------------------------------------------------|
| A/NRHP      | Arizona/National Register of Historic Places                  |
| C-1         | Commercial Zone 1                                             |
| CEC         | Certificate of Environmental Compatibility                    |
| C.I.P.      | COT Capital Improvement Program                               |
| COT or City | City of Tucson                                                |
| ERZ         | Environmental Resource Zone                                   |
| FEMA        | Federal Emergency Management Agency                           |
| FIRM        | Federal Insurance Rate Map                                    |
| GCZ         | Gateway Corridor Zone                                         |
| kV          | kilovolt                                                      |
| LT          | Plan Tucson's Land Use, Transportation, & Urban Design Policy |
| MRP         | Midtown Reliability Project                                   |
| PAD         | Planned Area Development                                      |
| PT          | Plan Tucson                                                   |
| R-2         | Residential Zone 2                                            |
| SELU        | Special Exception Land Use Permit                             |
| TEP         | Tucson Electric Power Company                                 |
| UDC         | Unified Development Code                                      |
| WASH        | Watercourse, Amenities, Safety, and Habitat                   |

## Executive Summary

In determining where to locate new energy infrastructure, Tucson Electric Power Company ("TEP") considers the projected energy needs of nearby residential and commercial customers, anticipated economic development, proximity to existing equipment, project costs, geography, the environment, public input and other factors.

The Midtown Reliability Project (MRP) will upgrade Midtown Tucson's antiquated and overloaded 46 kilovolt (kV) sub-transmission system to a much more flexible and robust 138 kV system. This upgrade is urgently needed to replace older, lower-voltage equipment that cannot keep pace with the increasing energy use in central Tucson. Peak power demand in the area is reaching the maximum capacity of the current system, reducing reliability of the electric grid. Management of the heavily-loaded system requires significant patchwork expenditures to compensate for the system's age. Without the MRP, TEP will face ever increasing challenges to reliably serve customers in the area and risks the future growth potential of Midtown.

The MRP team completed a comprehensive siting study that included public outreach to develop ten route alternatives to present to the Arizona Power Plant and Transmission Line Siting Committee (the Line Siting Committee). The Line Siting Committee approved four route alternative segments and created a fifth route alternative segment that was also approved. Routes B and 4 were combined to form TEP's preferred alternative route, see Exhibit i, to construct an 8.5-mile 138 kV line that will connect the DeMoss-Petrie Substation to the planned Vine substation to the Kino Substation.

Along with the new transmission line, TEP has committed to retiring 19 miles of the old 46 kV sub-transmission lines as well as undergrounding distribution lines that are in the same corridor as the Preferred Route.

TEP's CEC authorizing the Preferred Route includes a finding that requires TEP to file for a special exception of the GCZ at each crossing as described in the Unified Development Code. This Application is submitted in compliance with those CEC requirements.

The Unified Development Code (UDC) section 5.5 states that transmission lines perpendicularly crossing a GCZ may be built overhead after following the zoning examiner special exception land use procedure (UDC 3.4.3). Special exception criteria A & C allow for an overhead transmission line when the line is contextually sensitive to adjacent and surrounding zoning and land uses and when the line will have a minimal impact on residential areas. This application is for one of the three perpendicular crossings of a GCZ on the Preferred Route. This Subject Crossing is located at Kino Parkway and 36<sup>th</sup> Street. Here the planned transmission line runs east to west on 36<sup>th</sup> Street and crosses over the GCZ of Kino Parkway.

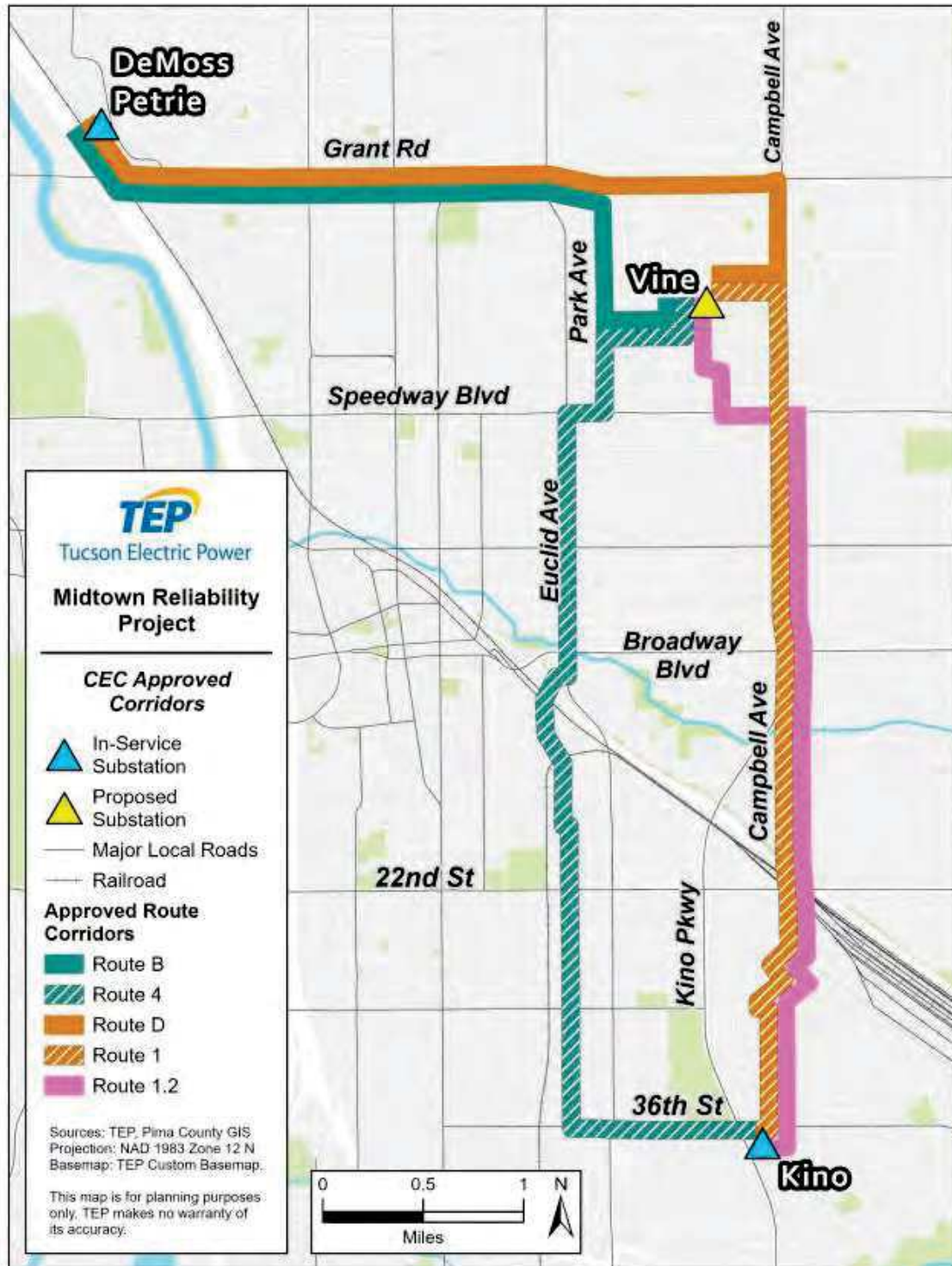
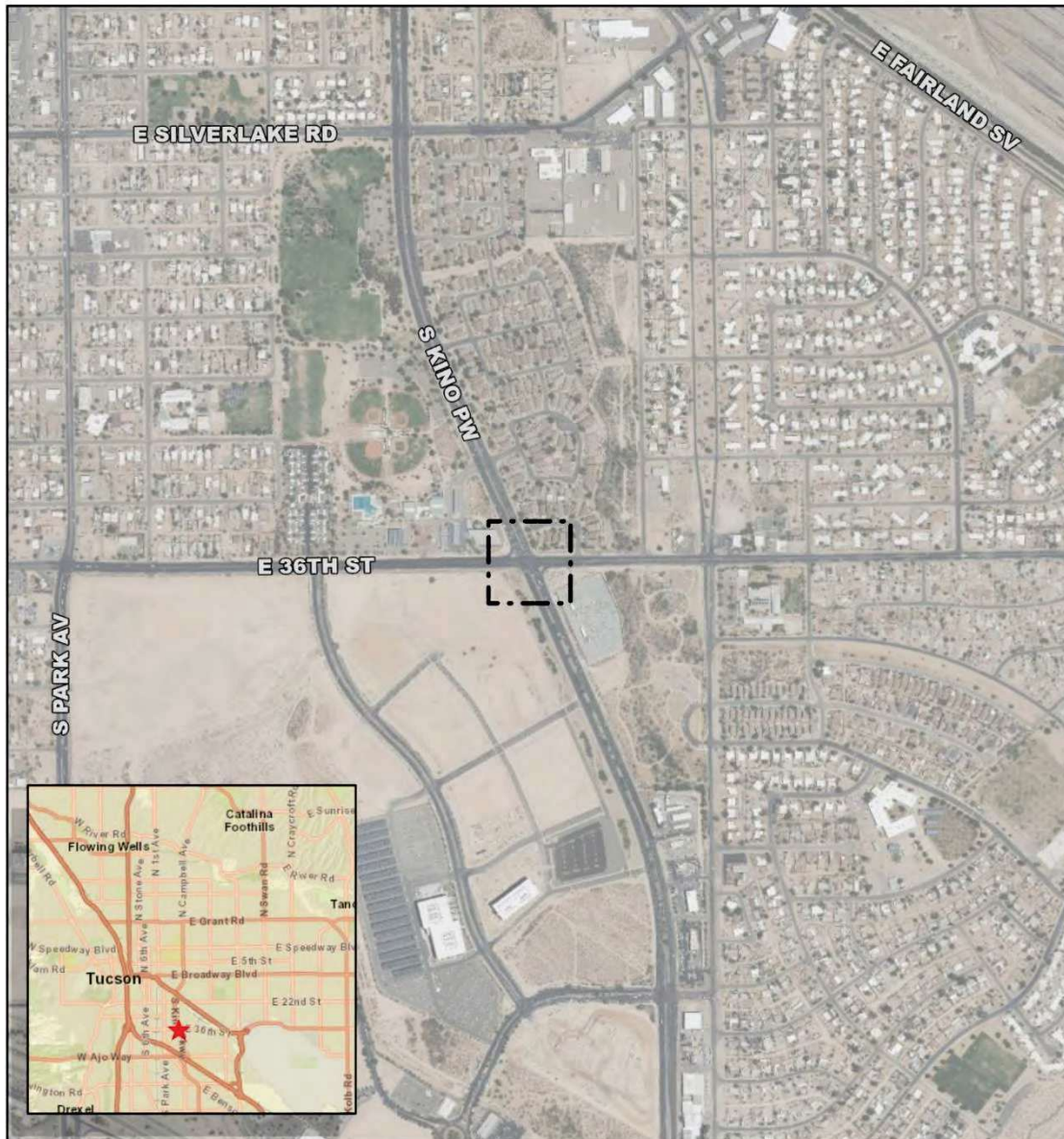


Exhibit i. Approved CEC Route Corridors



 Subject Crossing

Sources: Esri, UNS, TEP,  
and Pima County GIS.  
Projection: NAD 1983 UTM Zone 12 N  
Basemap: PAG Imagery 2021

0 500 1,000  
Feet  
1 Inch = 1,000 Feet



Exhibit 1. Subject Crossing Location Map

## 1. INTRODUCTION AND POLICY

This report is intended to demonstrate compliance with the general procedures and application submittal requirements necessary to process a Special Exception Land Use (SELU) permit pursuant to the City of Tucson Unified Development Code (UDC) Article 3 and Administrative Manual Section 2. This report is generally organized to follow the provisions outlined in Section 2-03.4 for Preliminary Development Package (PDP) Content Requirements.

The Project complies with the COT's General Plan and zoning regulations and will comply with all relevant land use standards and regulations. The following sections are intended to demonstrate that the Project meets the intent of plan policies.

### A. Subregional, Area, and/or Neighborhood Plans

Plan Tucson, the Greater South Park Area Plan, the Kino Area Plan, and the COT Unified Development Code provided land use and development guidance for the Project. Kino Substation is also adjacent to the Western Hills/Pueblo-Sunland Gardens Neighborhood Plan, but the Subject Crossing is not within this neighborhood plan. Project compliance with each of these plans is described in the following paragraphs.

### B. Adopted Plan Policies

#### 1. Plan Tucson

The Subject Crossing (36<sup>th</sup>/Kino) is located within the Mixed-Use Centers Building Block on the Future Growth Scenario Map in Plan Tucson ("PT"). The Mixed-Use Centers Building Block primarily consists of residential, retail, and public gathering spaces. This Building Block's goal is to promote neighborhood-scale activity centers particularly with various modes of transportation available to reach said activity centers.

PT also 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. The Subject Crossing is within a Planned Area Development (PAD-15 The Bridges). A transmission line is compatible to the commercial zoning. Visual clutter in the view corridor of 36<sup>th</sup> Street would be reduced, since the existing distribution lines and the joint-use attachers (communication wires) would be undergrounded after the transmission line is built. This supports PT's goals of neighborhood design that enhances the visual quality of the street.

The Project complies with the following PT policies and supports the goals of the Downtown Building Block.

#### Land Use, Transportation & Urban Design

- LT27: Using existing neighborhood, area, and other specific plans as the starting point, undertake an inclusive public process to explore the concept of developing and implementing planning and

service areas to coordinate and enhance land use planning, infrastructure improvements, and public service delivery.

- LT28: Apply Guidelines for Development Review (Exhibit LT-11) to the appropriate Building Blocks in the Future Growth Scenario Map to evaluate and provide direction for annexations, plan amendments, rezoning requests and special exception applications, Board of Adjustment appeals and variance requests, and other development review applications that require plan compliance.

#### Applicable Guidelines for Development Review

- LT28.5.7 Support 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.
- LT28.5.8 Support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines.
- LT28.5.9 Protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

#### Public Infrastructure, Facilities, & Cost of Development Policies (PI)

- PI1: 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.
- PI2: Prioritize major public infrastructure investments in developed areas and for improvements of the existing infrastructure.
- PI3: Expand the use of state-of-the-art, cost-effective technologies and services for public infrastructure and facilities.
- PI7: Coordinate with utility companies and other public service providers for the planning of infrastructure, facilities, and services, making sure infrastructure and facility construction is sensitive in design and location to environmental and historic resources.

#### *2. Greater South Park Area Plan*

The northern half of the Subject Crossing is within the plan area of the Greater South Park Area Plan. The main goal of the Area Plan is to protect and improve existing neighborhoods while supporting new development of industrial and commercial expansion. The Subject Crossing and future MRP 138 kV transmission line complies with the Greater South Park Area Plan since the transmission line will fall outside of the residential neighborhoods and within a commercial corridor. This supports the Area Plan's goal of expanding commercial activities through increased electrical capacity for new development and aligns with the Area Plans policies for utilities which include:

- 1) Provide adequate utility service capacity in the plan area by:
  - a. implementing existing utility service upgrading programs; and
  - b. planning for additional utility service as the plan area develops.

### *3. Kino Area Plan*

The southern half of the Subject Crossing is within the plan area of the Kino Area Plan specifically falling within Kino, Commercial Site 1. The main goal of the Kino Area Plan is to set guidelines for the future development of the Kino area and ensure a balanced mix of uses and a diverse array of activities, including employment, shopping, housing, and recreation. The Subject Crossing and future MRP 138 kV transmission line complies with the Kino Area Plan since the transmission line is outside of residential areas and along a major street.

### *4. Zoning Code*

The COT UDC, Administrative Manual, and the Technical Standards Manual was adopted on January 2, 2013, replacing the Land Use Code, Development Standards, and the development review procedures in Chapter 23A of the Tucson Code.

The underlying zoning at the intersection of 36<sup>th</sup> Street & Kino Parkway is PAD-15. This zone allows for a mix of land uses covered by the planned area development, including retail and business uses. PAD-15 The Bridges outlines the two parcels the structures of the Subject Crossing fall within (132-130-78B & 132-130-34D) as Sub-Area C-II: Open Space and Sub-Area D: Civic/Institutional (Research Park). Sub-Area C-II is a parcel owned by TEP and houses the Kino Substation. Outside of the substation walls is dedicated open space with landscaping. Existing transmission infrastructure is present on both parcels today, and the MRP would add an additional set of wires to the existing structures. Utility lands uses are permitted in the PAD and the Subject Crossing would remain compliant with the zoning and land uses.

The Subject Crossing is also within a Gateway Corridor Overlay Zone. The purpose of the GCZ is to establish design standards to meet economic goals of underlying plans in the area (i.e. the Major Streets & Routes Plan and the General Plan.) UDC Section 4.9.11.A outlines the use-specific standards applicable to utilities in the GCZ.

### **C. Conflicts with Adopted COT Ordinance or Policy**

TEP's Preferred Route for an overhead 138 kV transmission line is in conflict with the GCZ. The objective of this application for a special exception land use permit is to demonstrate that an overhead transmission line is less intrusive than an underground line with risers, see *Photo 1*. An overhead transmission line better aligns with the stated goals of the GCZ achieving a more favorable visual impression (see *Appendix E* for photo simulations of the overhead transmission line.)

**Photo 1.** Example of a Steel Riser Pole (necessary if the 138 kV transmission line is undergrounded at the intersection.)



## 2. SITE ANALYSIS

### A. General

#### 1. Table of Contents

A table of contents is included at the beginning of this document.

#### 2. Project Location Map

Please see *Exhibit 1: Project Location Map* showing the location of the Subject Crossing.

#### 3. Generalized Land Use Map

Please see *Exhibit 2: Generalized Land Uses* map for a map showing the land uses surrounding the Subject Crossing.

#### 4. Property Boundary Dimensions

The Subject Crossing will be built in road ROW. 36<sup>th</sup> Street road ROW is 80' wide (please see *Appendix A: Midtown Road Research* for details) and existing TEP structures are present. The MRP 138 kV line will be added to the existing structures in a double-circuit configuration.

#### 5. Existing Zoning

Existing zoning of the Subject Crossing and adjacent land is depicted on *Exhibit 3: Zoning*. The Subject Crossing is zoned residential and PAD. Adjacent zoning designations are as follows:

- North: R-2
- East: PAD-15, R-2, and C-1
- South: PAD-15
- West: PAD-15, R-2

#### 6. Location, Size, and Height of Adjacent Existing Buildings

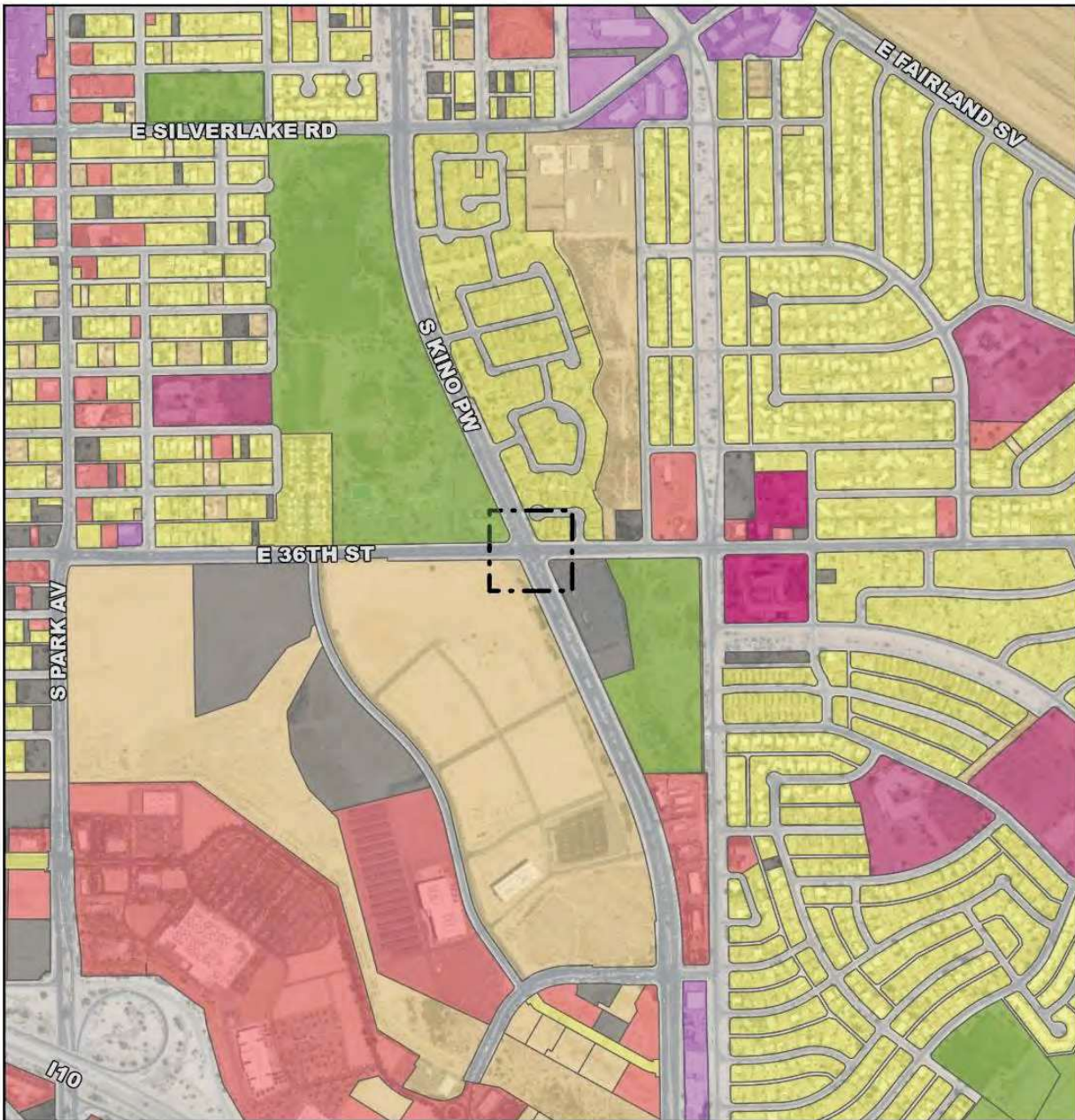
The Subject Crossing runs through a developed arterial street. South of the Subject Crossing is the Kino Substation and PAD-15: The Bridges. The PAD is current under construction with the University of Arizona multi-story tech park being constructed at the time of writing this application. North of the Subject Crossing is the Quincie Douglas Library and single-story residential homes.

#### 7. Location, Size, and Height of Existing and Proposed Buildings On-site

There are no existing buildings on the Subject Crossing in road ROW. No new buildings are proposed as part of this project.

#### 8. Billboards

There are no billboards within a mile of the proposed project intersection. No billboards are proposed as part of this project.



 Subject Crossing

Land Use

 Residential

 Commercial

 Industrial

 Vacant Land

 Miscellaneous

 Parks

 Educational Facilities

Sources: Esri, UNS, TEP,  
and Pima County GIS.  
Projection: NAD 1983 UTM Zone 12 N  
Basemap: PAG Imagery 2021

0 1,000

Feet

1 Inch = 1,000 Feet



Exhibit 2: Generalized Land Use

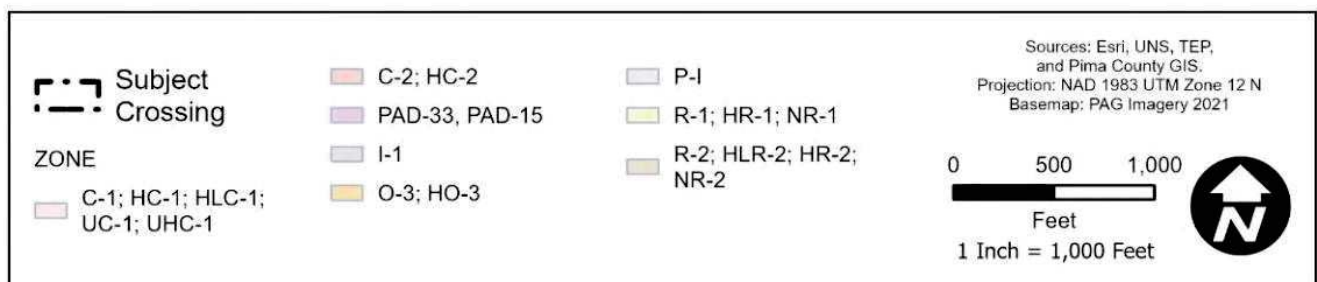
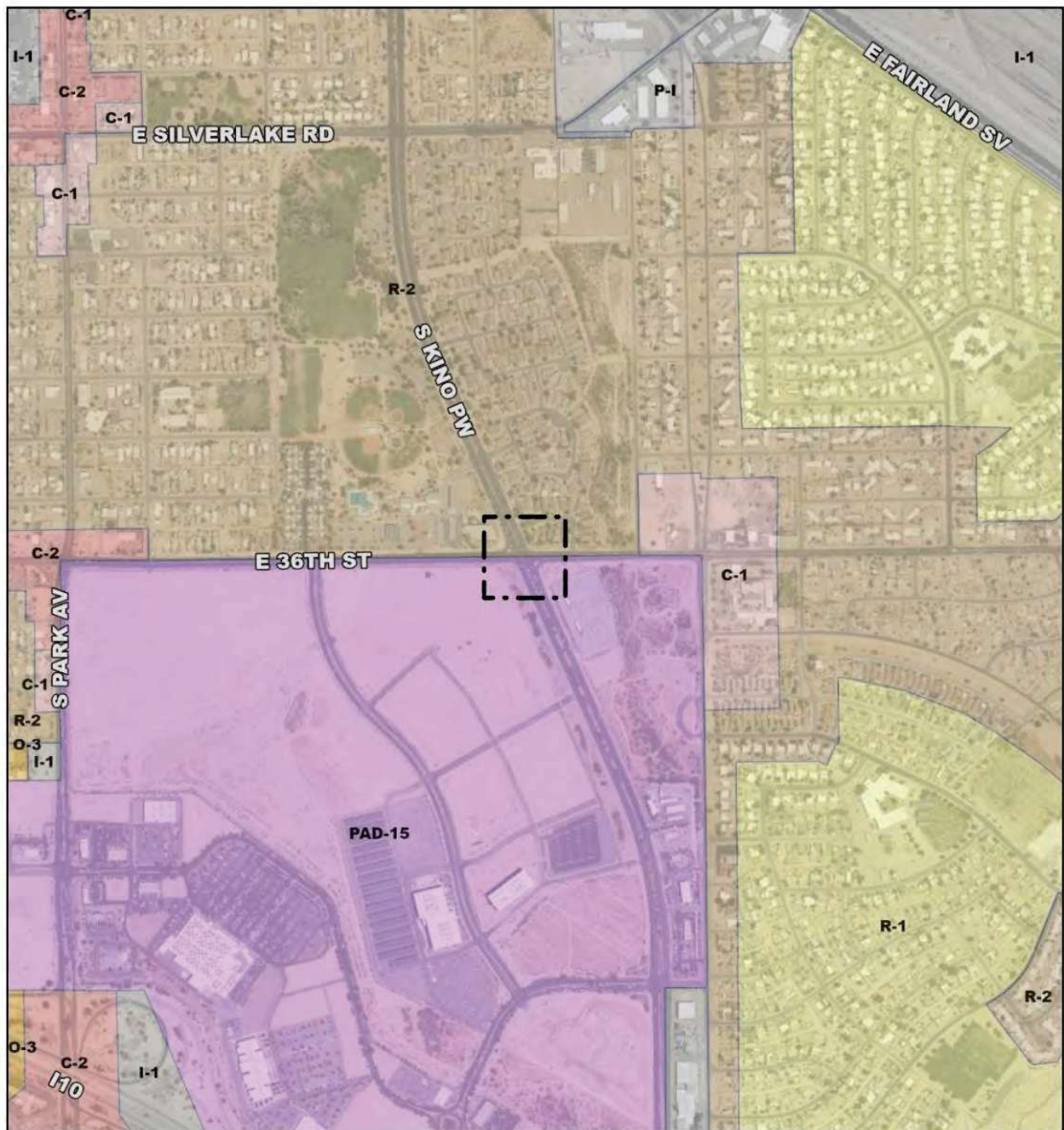


Exhibit 3. Zoning

## **B. Circulation and Trips**

### *1. Major and Local Streets*

East 36<sup>th</sup> Street is a City of Tucson owned arterial street consisting of an asphalt finished road measuring approximately 100 feet wide from curb-to-curb. Current road ROW for East 36<sup>th</sup> Street is 80 feet wide. South Kino Parkway is a gateway arterial street. Kino Parkway is owned in joint by the City of Tucson and Pima County through an intergovernmental agreement. From curb-to-curb South Kino Parkway measures approximately 150 feet wide. Road ROW for South Kino Parkway is 100 feet.

Major and local streets abutting the Subject Crossing are depicted on *Exhibit 4. Circulation*.

### *2. Existing and Proposed Curb Cuts and Access Drives*

There are existing curb cuts at each corner of the Subject Crossing for pedestrian crosswalks. No new curb cuts or access drives are proposed as part of this project

### *3. Deceleration and Turn Lanes*

Kino Parkway is a six-lane street with three traffic lanes that travel north and south bound. There is a designated left turn lane to turn onto west or east bound lanes. There is also a designated right turn lane that will yield into the west or east bound lanes on 36<sup>th</sup> Street. East 36<sup>th</sup> Street it is a four-lane street with two traffic lanes that travel west and east bound.

No new deceleration or turn lanes are being proposed as part of this project.

### *4. Existing and Proposed Curbs, Driveways, Sidewalks, and Bike Paths*

There are existing sidewalks that travel down both Kino Parkway and 36<sup>th</sup> Street.

There are designated bike lanes on both South Kino Parkway and East on 36<sup>th</sup> Street and a multi-use path on the southwest corner of the Subject Crossing. There are no existing bike boulevards at the Subject Crossing.

### *5. Traffic Signals within 1 mile of project site.*

Traffic signals within one mile of the Subject Crossing are located at:

- E 36th St & S Kino Pw
- E 36th St & S Park Av
- E 36th St & S 4th Av
- E 39th St & S Park Av
- E 33rd St & S Park Av
- E Duvall Vista & S Kino Pw
- E Kino Ajo Connection Ramp & S Kino Pw
- E Silverlake Rd & S Kino Pw
- E 22nd St & S Kino Pw
- 1598 E 22nd St & S Cherry bell Sv
- E Silverlake Rd & S Park Av

- E 33rd St & S Park Av
- E 36th St & S Forgeus Av

A selection of traffic signals is depicted on *Exhibit 4: Circulation*.

#### 6. Nearest Existing and Proposed Public Transit Stops and Park-and-Rides

There is one public transit stop at the Subject Crossing. North of East 36<sup>th</sup> Street is a Sun Tran stop serving Route 15: Tohono Center. There are additional bus stops to the east and west of the Subject Crossing approximately 800 and 500 feet away from the crossing respectively.

A detailed list of public transit stops within a mile of the Subject Crossing are below:

**North of intersection** on the east side of the road TDOT Kino Pw/36th St (bus stop id 11062), on the west side of the road TDOT bus stop Kino Pw/Silverlake Rd (stop id 14975), east side of the road TDOT bus stop Kino Pw/Silverlake Rd (stop id 14913), east side of the road TDOT bus stop Kino Pw/22nd St (stop id 14910)

**East of Intersection** on the west side of the road TDOT bus stop 36th St/Campbell (NW) (stop id 14053), on the east side of the road TDOT bus stop Campbell Av/36th St (**Stop ID:** 16343), on the west side of the road TDOT bus stop 36th St/ Kramer (stop ID 10875), on the west side of the road TDOT bus stop 36<sup>th</sup> St/Plumer (stop id 15943), on the west side of the road TDOT bus stop 36th St/Forgeus Av (stop id 16340), on the east TDOT bus stop 36th St/Forgeus Av (16341).

**South of Intersection** on the east side of the road TDOT bus stop Kino Pw/Tucson Marketplace (stop id 14967), on the east side of the road TDOT bus stop Campbell Av/Duvall Vista (stop id 10910), on the east side of the road TDOT bus stop Campbell Av/Cochise Vista (10911).

**West of Intersection** on the west side of the road TDOT bus stop 36th St/Kino Pw (stop id 14956), on the east side of the road TDOT bus stop MLKing/36th St (stop id 14948).

There are no park-and-rides within the Subject Crossing.

No public transit stops, or park-and-rides are being proposed as part of this project.

#### 7. Projected Date of Any Improvements in the COT Capital Improvement Program (C.I.P.)

There are two C.I.P.s along East 36<sup>th</sup> street that the MRP route runs along, but neither C.I.P. is anticipated to have an impact on the MRP and vice versa since the existing structures along East 36<sup>th</sup> Street will be used for the future 138 kV line.

One of the C.I.P.s is a Prop 407 project: the 36th St Pedestrian Safety & Walkability. This project is currently in the design process and the estimated construction start date is the Summer of 2026.

The other C.I.P. is a Prop 407 Project: the El Paso & Southwestern Greenway which is creation of a bike and pedestrian pathway along East 36<sup>th</sup> Street. This project has no estimated start date and is currently in the design stage.

### 8. Existing Traffic Counts on Major Streets within One Mile

Most recent available traffic counts from Pima Association of Governments for the Subject Crossing streets are as follows:

| Subject Crossing Street             | Average Daily Trips Northbound | Average Daily Trips Southbound |
|-------------------------------------|--------------------------------|--------------------------------|
| South Kino Parkway (2023)           | 17,006                         | 15,717                         |
|                                     | Average Daily Trips Eastbound  | Average Daily Trips Westbound  |
| East 36 <sup>th</sup> Street (2023) | 3,679                          | 3,827                          |

| Major Street within One Mile        | Average Daily Trips Northbound | Average Daily Trips Southbound |
|-------------------------------------|--------------------------------|--------------------------------|
| South Park Avenue (2023)            | 10,331                         | 9,930                          |
|                                     | Average Daily Trips Eastbound  | Average Daily Trips Westbound  |
| East 22 <sup>nd</sup> Street (2023) | 14,736                         | 14,641                         |
| East Silverlake Road (2023)         | 3,771                          | 3,279                          |
| East Ajo Way (2023)                 | 9,809                          | 10,608                         |

### 9. Trip Generation Calculations

Once construction of the line is complete, vehicle trips to the Subject Crossing structures will be annual for routine transmission line maintenance and inspections. Emergency trips may be made to resolve outages. No negative impacts to the neighborhood's traffic and circulation patterns are anticipated.

### C. Cultural Resources

Class I cultural resources survey (a cultural resources records search), was conducted by Tierra Right of Way Services (Tierra) for all the Midtown Reliability Project's transmission line route alternatives, see *Appendix B*, in April and May 2024. The Subject Crossing is part of Route B4 and lies in the Route 4 portion. Route 4 (5 miles in total length) passes through the boundaries of five previously recorded archaeological sites (see Table 8 in *Appendix B*). One archaeological site is present at the Subject Crossing. This is site AZ BB:13:125 (ASM) which included a historic well and artifacts. Tierra determined that this site is ineligible for inclusion in the National Register of Historic Places (NRHP) and does not warrant monitoring of ground-disturbing activities. For the other sites present on Route B but outside of the Subject Crossing, Tierra did recommend a cultural monitor be present at one of the sites for any ground-disturbing activities. TEP will ensure any necessary monitors are present for ground-disturbing activities to protect the cultural resources within the Midtown Reliability Project's transmission line route.

A Historic District Analysis was conducted by The Architecture Company for all the Midtown Reliability Project's transmission line route alternatives, see *Appendix C*, in April and May 2024. The Subject Crossing is part of Route B4 and lies in the Route 4 portion. The Architecture Company determined that of the route alternatives between Vine Substation and Kino Substation, Route 4 would have the second least amount of impact on historic architecture (contributing structures and districts). This was determined through a historical architecture analysis. This analysis identified eight criteria that each

route alternative was ranked by. Criteria included: whether the route was bisecting or bordering a historic district, the street designation, and historic properties and infrastructure within an 800' buffer of the route. Further details on the methodology and all eight criteria can be found in Appendix C. The Subject Crossing does not have any historic districts surrounding the intersection, is located on an Arterial Street, and has existing power poles located on the street. The transmission line at the Subject Crossing will have no negative impact to historic property designations and neighborhood character.

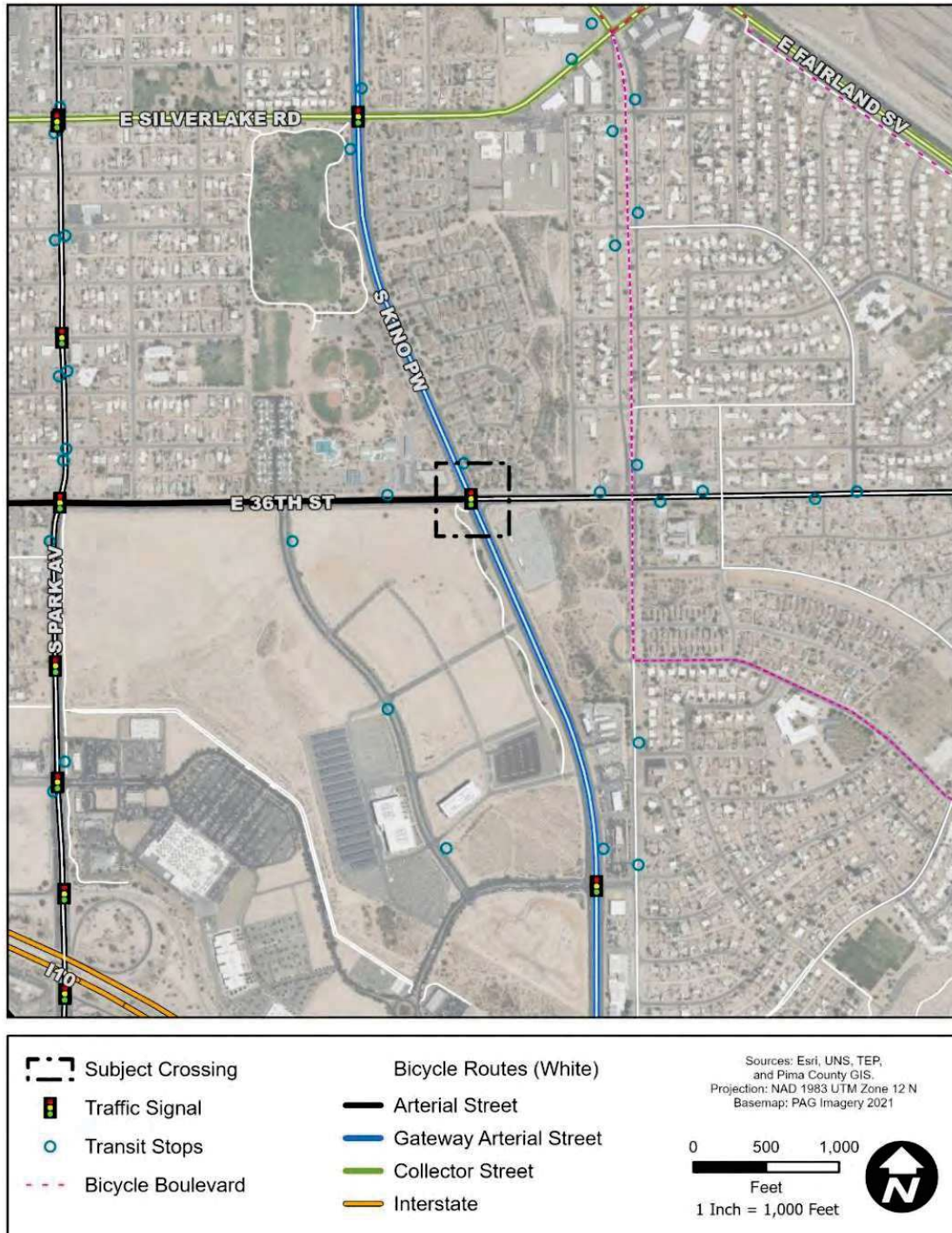


Exhibit 4: Circulation Trips

## **D. Hydrology & Drainage**

### *1. On-site and Off-site Drainageways*

At the Subject Crossing, there are drainages for stormwater runoff in the curbs at the southeast and southwest corner of the Subject Crossing. No retention/detention basins are present.

The 18<sup>th</sup> Street Wash is roughly 500' to the east of the Subject Crossing. The wash flows northerly, and the Subject Crossing is outside of the 18<sup>th</sup> Street Wash's flood hazard zone.

### *2. 100-Year Floodplains*

The 18<sup>th</sup> Street Wash runs northerly approximately 500' to the east of the Subject Crossing. The wash does not impact the Subject Crossing, and the Subject Crossing is determined to be FEMA Zone X (see *Exhibit 5: Hydrology & Drainage*). This was confirmed by a review of the Effective Flood Insurance Rate Map (FIRM) (Panel 2279 on Map Number 04019C2279L) issued by the Federal Emergency Management Agency (FEMA) on and effective June 16, 2011. A review of the FRIM determined that the site is not currently within a FEMA Floodplain. The Subject Crossing is located within FEMA Zone X (minimal flood hazard). Zone X is an "area determined to be outside the 500-year flood and protected by levee from 100-year flood" (FEMA). The Subject Crossing is located outside of the FEMA regulated floodplain, and, therefore, the development will not need to account for the requirements presented in Tucson Code Chapter 26.

### *3. Environmental Resource Zone (ERZ) and Watercourse, Amenities, Safety, and Habitat (WASH) Drainageways*

The Subject Crossing is not within an ERZ nor are there designated WASH ordinance watercourses or proposed ERZ or proposed WASH watercourses in the Project Site. This means that the Subject Crossing complies with Tucson Code 29, Article VIII (WASH regulations).

### *4. Erosion Hazard Setback Areas*

The Subject Crossing is not subject to an Erosion Hazard Setback (EHS). Therefore, the project will not need to account for the requirements presented in Tucson Code Chapter 26, as these are not applicable.

### *5. Peak 100-Year Event Flow*

The Project Site is not subject to 100-year event flows.

### *6. Existing Condition and Locations of Proposed Retention/Detention Areas*

At the Subject Crossing, there are drainages for stormwater runoff in the curbs at the southeast and southwest corner of the Subject Crossing. No retention/detention basins are present.

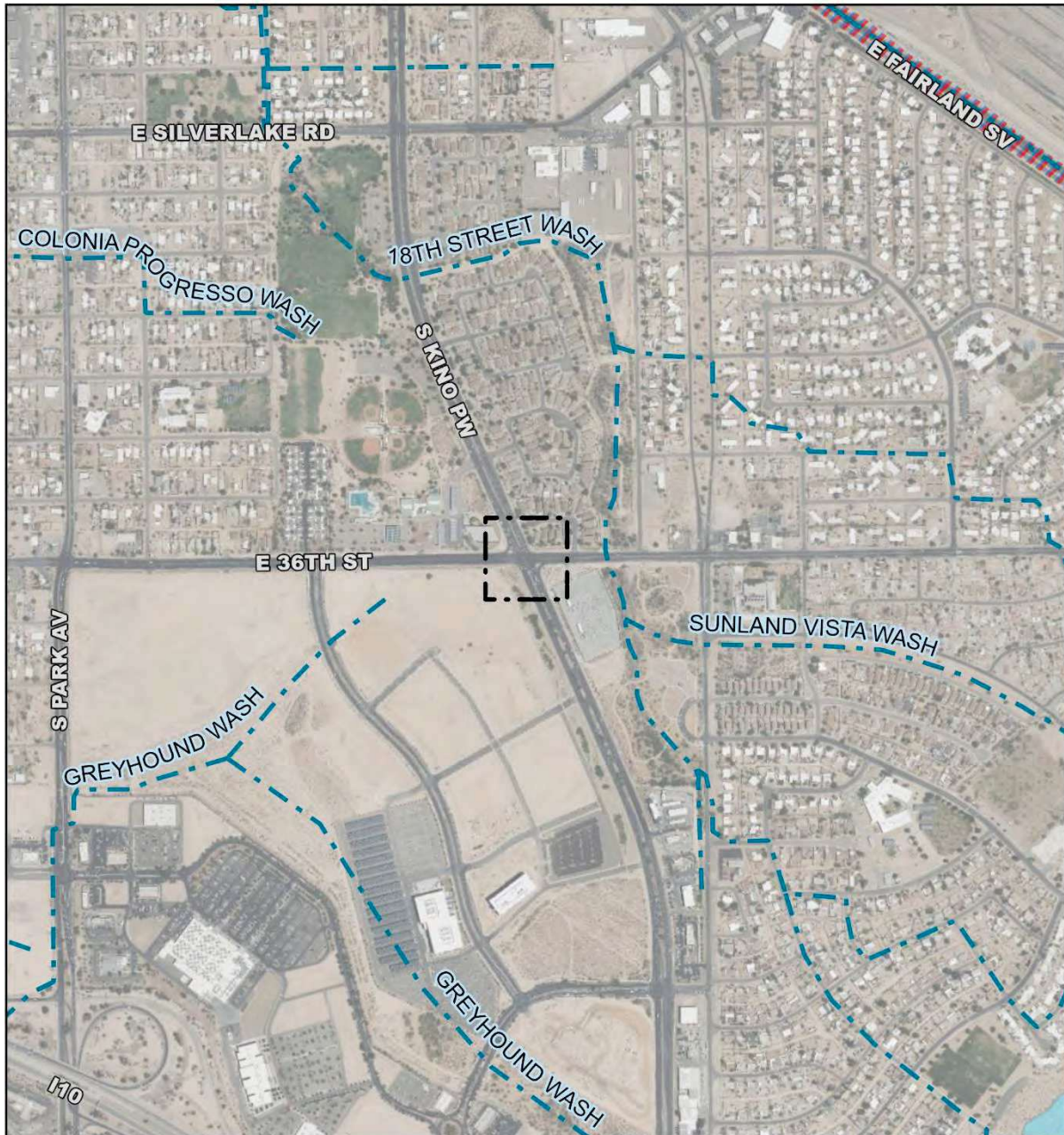
No new drainages or retention/detention areas are being proposed as part of this project.

### *7. Applicable Floodplain and Wash Ordinances and Codes*

The proposed project was designed to be in compliance with the following Sections of the Tucson Code

- Tucson Code, Chapter 26, Floodplain and Erosion Hazard Management
- Tucson Code, Chapter 23, Land Use Code (LUC), Article II Division 8, Section 2.8.6

- Tucson Code, Chapter 29 Article VIII, Wash Amenities, Safety, and Habitat (WASH) Regulations



 Subject Crossing

 Washes

FEMA Flood Hazard Zones

 Zone A

 Zone AE

Sources: Esri, UNS, TEP,  
and Pima County GIS.  
Projection: NAD 1983 UTM Zone 12 N  
Basemap: PAG Imagery 2021

0 500 1,000

  
Feet

1 Inch = 1,000 Feet



## E. Schools, Recreational, and Cultural Facilities

The following schools, parks, and libraries are within 1 mile of the Subject Crossing:

### Schools

- Holladay Fine Arts Magnet Elementary School (Public)
- Pueblo Gardens Pre K-8 School (Public)
- Youthworks Charter High School (Charter)
- Southside Community School (Charter)
- Cavett Elementary School (Public)
- Utterback Middle School (Public)
- Innovation Tech High School (Public)

### Parks

- Silverlake Park
- Desert Haven Natural Resource Park
- Mirasol Park
- Pueblo Gardens Park
- Street Scene Park
- Willie Blake Jr. Community Park
- Ed Pastor Kino Environmental Restoration Project
- James Thomas Park

### Libraries

- Quincie Douglas

## 2. Pedestrian and Bike Routes

There are designated bike lanes on both South Kino Parkway and on East 36<sup>th</sup> Street. A multi-use path is also on the southwest corner of the Subject Crossing. There are no existing bike boulevards at the Subject Crossing.

No new pedestrian and bike routes will be part of the project.

## 3. Trail and Trail Access Points

Access to a multi-use path is available at the southwest corner of the Subject Crossing. Parks and greenways are shown on *Exhibit 6: Schools, Parks, and Libraries*.

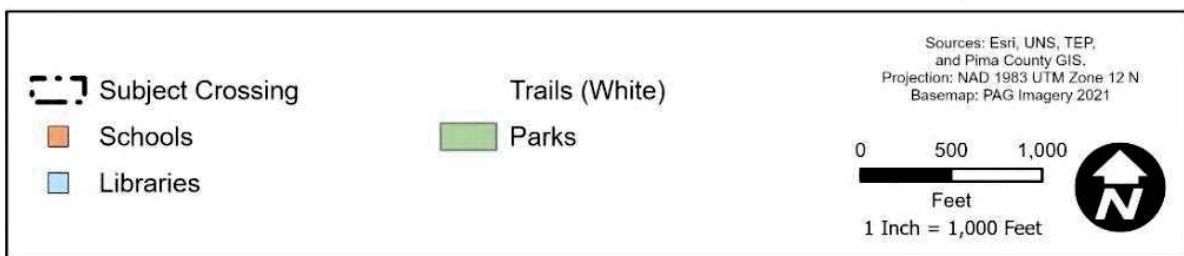


Exhibit 6: Schools, Parks, and Libraries

## **F. Soils**

### *1. Heavily Disturbed Area*

As shown in *Exhibit 7: Topography & Soils*, the entire Subject Crossing has been developed and is entirely covered with buildings and pavement.

### *2. Hazardous Materials On-site*

The Subject Crossing is within road ROW, and there are no hazardous materials on-site at the Subject Crossing.

### *3. Landfill Sites or Hazardous Materials within 1 Mile*

There are no landfills on the Subject Crossing or within a mile of the site. There are also no contaminated lands or ADEQ superfund sites on the Subject Crossing or within a mile of the site.

### *4. Other Existing Facilities/Operations within 1 Mile*

There are no other existing facilities/operations, such as power plants, airports, sewage treatment plants, etc., within one mile that may impact the Subject Crossing.

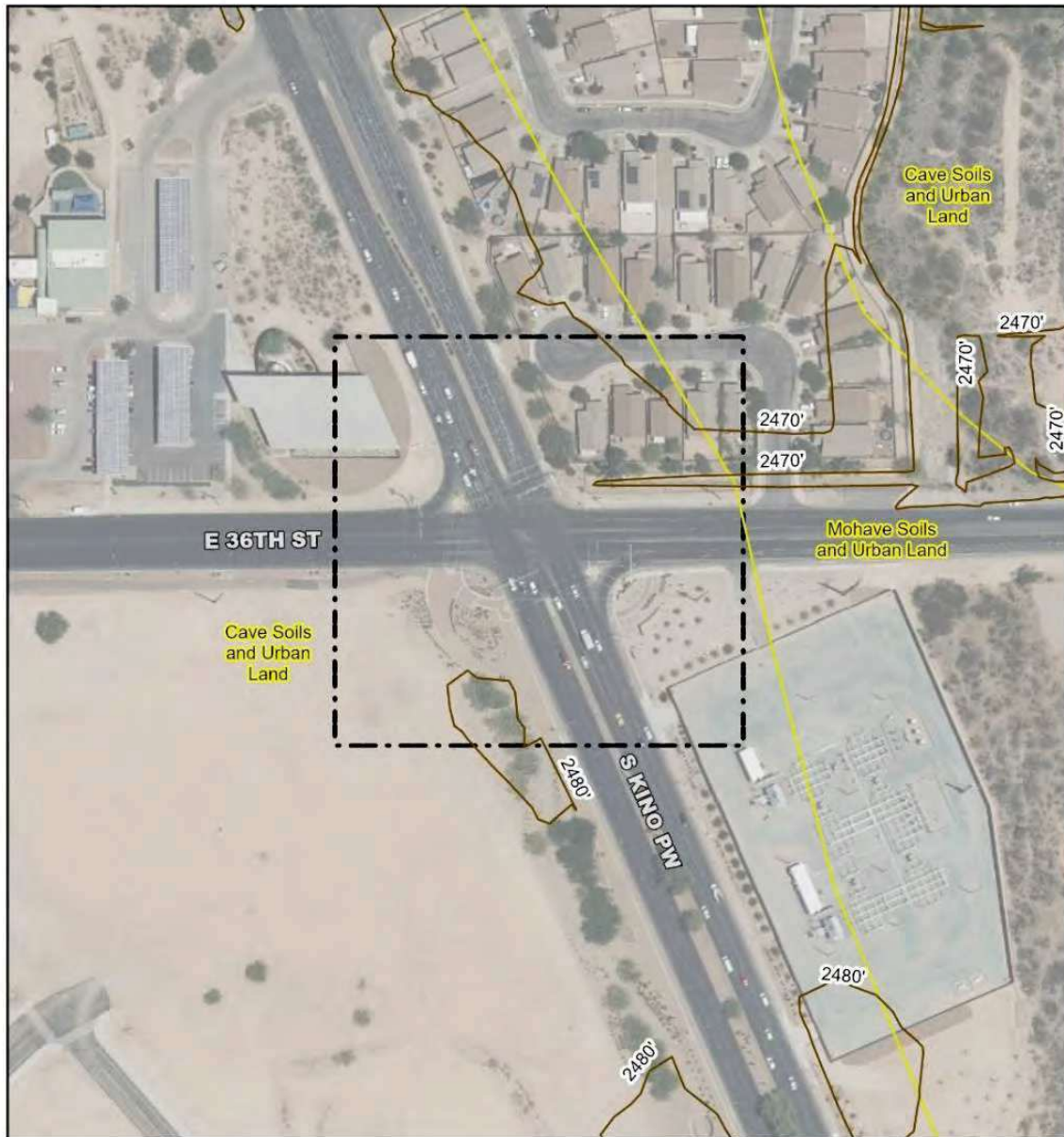


Exhibit 7. Topography and Soils

## **G. Topography**

### *1. Topographic Contours or Spot Elevations*

As shown in *Exhibit 7: Topography & Soils*, the Subject Crossing is completely developed and flat with minimal change in elevation across the Subject Crossing.

### *2. Hillside Development Zone*

The Subject Crossing is not located within the Hillside Development Zone, and there are no slopes 15 percent or greater on the Property.

## **H. Utilities**

There is existing TEP infrastructure on the southeast and southwest corner of the Subject Crossing. On the southeast corner of the Subject Crossing is the 138 kV Kino Substation which the MRP transmission line will be connecting into. Running west out of the Kino Substation are existing 138 kV transmission poles on the south side of East 36th Street. Route B4 will be double circuited on the existing TEP poles along East 36th Street.

The Subject Crossing is within the city of the Tucson water obligated service area. There are sanitary sewer pipes running along East 36<sup>th</sup> Street at the Subject Crossing.

## **I. Vegetation**

### *1. Existing On-site Vegetation*

The Subject Crossing has been completely developed and no longer contains any vegetation in its natural state. There is landscaping around the Kino Substation that includes desert vegetation like palo verde and saguaros.

### *2. Existing Landscaping and Screening*

Northwest of the Subject Crossing is the Quincie Douglas Library and Silverbell Park. Minimal desert landscaping surrounds the two and offers minimal screening value. At the southeast and southwest corners of the Subject Crossing are landscaped signage for the Kino Substation and the University of Arizona Tech Park. Desert vegetation—predominantly saguaros—are present for landscaping, but the vegetation offers minimal screening value.

## J. Views

### 1. Description of Views out of the Site to Surrounding Area

Views to the north of the Subject Crossing are residential with the Catalina Mountains visible in the far distance. Views to the east of the Subject Crossing are residential and commercial. The Rincon Mountains are visible in the far distance. Views to the south of the Subject Crossing are commercial. Views to the west of the Subject Crossing are commercial and residential. The Tucson Mountains are visible in the distance.

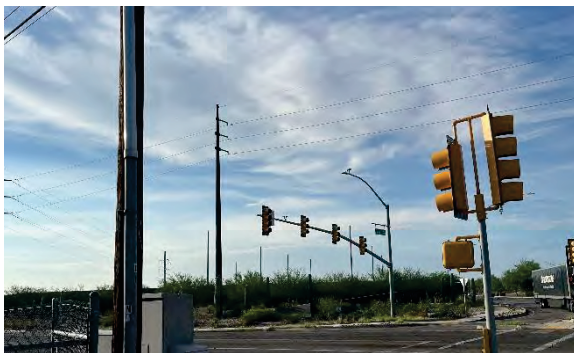
#### Views of the Subject Crossing



*View of Subject Crossing looking west from the Kino Substation.*



*View of Subject Crossing looking west from the Kino Substation.*



*View of Subject Crossing looking south from the northeast corner of 36<sup>th</sup> St & Kino Parkway.*



*View of Subject Crossing looking southwest from the northeast corner of 36<sup>th</sup> St & Kino Parkway.*

## 2. Description of Views Depicted in the Photo Simulations

### Photo Simulation 1, Looking north on Kino Parkway (Exhibit. 8)

**TEP** Tucson Electric Power  
Midtown Reliability Project - E. 36th St./S. Kino Pkwy.

#### Key Observation Point (KOP) #2



Current Condition



Simulated Condition

Route 4 - Weathered Finish



Photo Simulation 2, Looking east on 36<sup>th</sup> Street (Exhibit. 9)



Midtown Reliability Project - E. 36th St./S. Kino Pkwy.

### Key Observation Point (KOP) #3



Current Condition



Simulated Condition

Route 4 - Weathered Finish

Photo Simulation 3, Looking south on Kino Parkway (Exhibit. 10)

### Key Observation Point (KOP) #4



Current Condition



Simulated Condition

Route 4 - Weathered Finish

Photo Simulation 4, Looking west on 36<sup>th</sup> Street (Exhibit. 11)

**TEP** Tucson Electric Power  
Midtown Reliability Project - E. 36th St./S. Kino Pkwy.

### Key Observation Point (KOP) #5



Current Condition



Simulated Condition

Route 4 - Weathered Finish

### 3. PLAN PROPOSAL

The Midtown Reliability Project will upgrade Midtown Tucson's antiquated and overloaded 46 kV sub-transmission system to a much more flexible and robust 138 kV system. This upgrade is urgently needed to replace older, lower-voltage equipment that cannot keep pace with the increasing energy use in central Tucson because the aged and outdated Midtown system is at or near capacity. Peak power demand in the area has nearly reached the capacity of the current system, which reduces reliability of the electric grid and requires significant patchwork expenditures to compensate for the system's age. The existing Midtown 46 kV system has little to no contingency reserve, creating circumstances that challenge TEP's ability to serve customers in the area reliably and adversely impact the future growth potential of Midtown.

The proposed 8.5-mile 138 kV line will interconnect with 473 miles of existing 138 kV overhead lines that provide reliable service to TEP's customers. The existing 138 kV system includes the recently completed Irvington-to-Kino line. The Midtown Reliability Project is simply a continuation of that line north from the Kino Substation to the DeMoss Petrie Substation – tying Midtown into a looped system with access to regional generation and transmission resources.

TEP's CEC authorizing the Preferred Route includes a finding that requires TEP to file for a special exception of the GCZ at each crossing as described in the Unified Development Code. This Application is submitted in compliance with those CEC requirements.

The Unified Development Code (UDC) section 5.5 states that transmission lines in GCZ may be built overhead after following the zoning examiner special exception land use procedure (UDC 3.4.3). Per UDC section 4.9.11.13, an overhead transmission line may be granted via a special exception. Special exception criteria A & C allow for an overhead transmission line when the line is contextually sensitive to adjacent and surrounding zoning and land uses and when the line will have minimal impact on residential areas. At the Subject Crossing, TEP plans to co-locate the new 138 kV transmission line on existing structures that run west out of the Kino Substation. The current structures are on the south side of 36<sup>th</sup> Street which is zoned PAD-15. Using the existing TEP structures for the new 138 kV transmission line satisfies special exception criteria C (to be contextually sensitive) since no new utility poles would be added to the intersection. Additionally, once the 138 kV transmission line is in service, the 46 kV structures on the north side of 36<sup>th</sup> Street (which is residential zoned) would be removed or undergrounded. This satisfies special exception criteria A (to have a minimal impact on residential areas) by keeping the transmission structures on the PAD-15 side of the street and by improving the viewshed and pedestrian experience on the residential side of the street.

#### **A. Building Layout**

No buildings are proposed as part of this project, and no buildings will be added to the Subject Crossing.

#### **B. Design Compatibility**

##### *1. Privacy for Adjacent Residences*

The Subject Crossing is part of the MRP 138 kV transmission line. No landscaping or screening is built under or in front of structures to reduce interference risks with the transmission lines and to allow for maintenance access. Privacy for adjacent residences will be maintained as poles will be sited in road right-of-way.

##### *2. Compatibility with Climate and Surrounding Area*

The structures of the Subject Crossing will be made compatible with the climate and surrounding area by using existing steel structures. Use of existing structures ensures there is minimal visual change to the area and the character of the neighborhood is maintained. The existing structures also match the character of the Kino Substation and The Bridges/University of Arizona Tech Park signage. The steel poles are compatible with the climate because steel poles are more resilient and maintain a longer lifespan in the heat and monsoons than other materials, such as wood.

This section addresses the Design Compatibility requirements outlined in UDC § 2-03.4.3.B(2).

##### *3. Energy Conservation*

The Subject Crossing is part of the MRP 138 kV transmission line. The transmission line will replace aging 46 kV assets and increase electrical reliability in the midtown area. Upgrading from 46 kV to 138 kV will reduce the number of outages and outage time as well as increase system capacity for rising energy demands, particularly in the summer when temperatures are frequently over 100° F. The structures of the transmission line minimally contribute to the urban heat island effect. Additionally, the 138 kV line would also allow over 19 miles of 46 kV lines to be removed, in turn, reducing the amount of infrastructure in neighborhoods that can trap heat and contribute to the urban heat island.

This section addresses the Design Compatibility requirements outlined in UDC § 2-03.4.3.B(3).

##### *4. Building Setbacks*

No buildings are proposed as part of this project.

##### *5. Transition of Building Height and Number of Stories*

No buildings are proposed as part of this project, and no buildings will be added to the Subject Crossing. Subject Crossing structures are already in place within road ROW and will not require compliance with building height transition requirements.

#### *6. Transition of Density*

No buildings are proposed as part of this project, and no buildings will be added to the Subject Crossing. There is no transition of density associated with this project.

#### *7. Landscaping and Screening Mitigation for Noise and Visibility*

No landscaping or screening is proposed as part of this project.

#### *8. Street Improvements*

No street improvements are anticipated for the development of this Project.

This section addresses the Design Compatibility requirements outlined in UDC § 2-03.4.3.B(8).

#### *9. Defensible Space Techniques*

Defensible space techniques will be implemented via fire and vegetation management techniques. These techniques create and maintain open space around the transmission structures. This helps to prevent vegetation from growing and nearing the lines enough to arch and cause a fire. Additionally, open spaces around the pole ensures there are clear lines of site along the street which creates a safer environment due to increased visibility.

This section addresses the Design Compatibility requirements outlined in UDC § 2-03.4.3.B(9).

#### *10. View Corridors*

View corridors are described in Section 2.J.

As demonstrated in the Subject Crossing photo simulations, this project will not change the longer-range view corridors.

As shown in the photos provided in Subsection II.J (Views), the views from the Subject Crossing are predominantly commercial or residential buildings. Views of the Catalina Mountains to the north, Rincon Mountains to the east, and Tucson Mountains to the west will remain unchanged.

This section addresses the Design Compatibility requirements outlined in UDC § 2-03.4.3.B(10).

#### *11. Changes in Elevation*

Changes in elevation are discussed in Section 3.H and depicted in *Exhibit 7: Topography & Soils*.

### **C. Hydrology & Drainage**

#### *1. Proposed Drainage Solution*

No changes to the existing drainage are proposed as part of this project.

#### *2. Post-development Water Discharge On-site and Off-site*

No changes to the on- and off-site water discharge will occur as part of this project.

**D. Landscaping and Screening**

No landscaping or screening is proposed as part of this project.

**E. Lighting**

No lighting will be installed as part of this project.

**F. Pedestrian Access**

No new pedestrian access will be created as part of this project. Pedestrian access at the Subject Crossing will remain the same as existing pedestrian access.

**G. Signs**

No permanent signage will be installed as part of this project.

**H. Topography**

No significant changes in elevation or grading are anticipated for the development of this Project.

This section addresses the Design Compatibility requirements outlined in UDC § 2-03.4.3.B(11).

**I. Traffic & Trip Generation**

This project (Subject Crossing) is for the installation of 3 transmission wires associated with the larger Midtown Reliability Project 138 kV transmission line. Once construction of the line is complete, vehicle trips to the Subject Crossing structures will be annual for routine transmission line maintenance and inspections. Emergency trips may be made to resolve outages. No negative impacts to the neighborhood's traffic and circulation patterns are anticipated.

**J. Undisturbed Areas**

The Subject Crossing is developed and completely covered with impervious surfaces which has left no undisturbed areas on the site.

**K. Utilities**

*1. Proposed Changes to Utilities and Easements and New Utilities and Easements*

There is an existing TEP 13.8 kV distribution line at the Subject Crossing, but no easements are impacted by the new structures at the Subject Crossing. The Project is the construction of a new 138 kV transmission line and as such all proposed improvements are related to utilities.

*2. Additional Utility Information*

*a) Estimated Number of Residents That Will Live On-site.*

Not applicable. No residential use is being proposed.

*b) Water Service Provider*

The Subject Crossing is currently in the Tucson Water service area. No water service is required for this project.

*c) Existing Infrastructure*

The Subject Crossing is within TEP's service area, and an existing 13.8 kV distribution line runs west on 36<sup>th</sup> Street.

d) *Public Sewer Connection*

The Project will not connect to the public sewer or have on-site sewage disposal.

**L. Vehicular Use Area**

No designated vehicular use areas are required. TEP vehicles will access the transmission poles at the Subject Crossing via Kino Parkway and 36<sup>th</sup> Street.

#### 4. REFERENCES

City of Tucson, Planning Department. (1980). "Kino Area Plan." Accessed from:  
<https://www.tucsonaz.gov/files/sharedassets/public/v/1/city-services/planning-development-services/documents/kino.pdf> on August 22, 2024.

City of Tucson, Planning Department. (1984). "Greater South Park Plan." Accessed from:  
<https://www.tucsonaz.gov/files/sharedassets/public/v/1/city-services/planning-development-services/documents/gsp.pdf> on August 22, 2024.

Pima Association of Governments (2024). Traffic Count (TCDS). Accessed from:  
<https://pag.public.ms2soft.com/tcds/tsearch.asp?loc=Pag&mod=TCDS> on September 12, 2024.

The Architecture Company. (2024). "TEP Midtown Reliability Project: Historic District Analysis."

Tierra Right of Way Services. (2024). "Tierra Archaeological Report No. 2024-053."