



Tucson Neighborhood Undergrounding Coalition, Appeal Materials: Case # TP-ENT-1025-00021 TEP Vine Substation

From COLLEEN NICHOLS <cnichols17@cox.net>

Date Fri 3/20/2026 7:36 AM

To cityclerk <cityclerk@tucsonaz.gov>

Cc John Beall <John.Beall@tucsonaz.gov>; Koren Manning <Koren.Manning@tucsonaz.gov>; John Schwarz <jes@email.arizona.edu>; Bill Craig <wjcmay@gmail.com>

 1 attachment (450 KB)

2026-3-20 TNUC M&C TEP Appeal wphotos -final.pdf;

Dear Ms. Stoller:

On March 3, 2026, the Tucson Neighborhood Undergrounding Coalition filed the Notice of Intent to Appeal the Zoning Examiner's Decision of Case # TP-ENT-1025-00021 TEP Vine Substation.

Following up on our notice, attached, please find the accompanying appeal materials related to our case, submitted as of Friday, March 20, 2026.

Thank you for your attention to this matter. If you have any questions, please contact us.

Sincerely,

John E Schwarz, Colleen Nichols and Bill Craig
Steering Committee
Tucson Neighborhood Undergrounding Coalition

cc: John Beall and Koren Manning, Planning and Development Services Department (PDSD)

**Appeal to Mayor and Council for a Condition of Undergrounding
to be Placed on TEP's Application for a
Special Zoning Exception for its Midtown Reliability Project
Vine Substation, Case # TP-ENT-1025-00021**

Submitted by the Steering Committee of the Tucson
Neighborhood Undergrounding Coalition,
John E. Schwarz, Colleen Nichols, and Bill Craig

The statement that Underground Arizona has already submitted to Mayor and Council makes a compelling case that Mayor and Council has both the right and the power under UDC 3.4.5.A.2 and UDC 3.4.5.A.5 to require that TEP comply with the University Area Plan's undergrounding requirements as a condition for agreeing to TEP's request for a zoning exception for the Vine substation. We would add that UDC 3.4.6.A grants that right and power to Mayor and Council, as well, and indeed goes even beyond the findings covered under UDC 3.4.5 (as UDC 3.4.5.A itself indicates at 3.4.5A.2 where it directly refers to 3.4.6). Interestingly, nowhere does the Zoning Examiner cite this provision in arguing his decision.

UDC 3.4.6.A authorizes the planning director, the Zoning Examiner, or the Mayor and Council to impose additional conditions on zoning exceptions. It states: "In approving an application, the PDS Director, the Zoning Examiner, or the Mayor and Council may impose such reasonable and appropriate conditions and safeguards as are necessary to ensure compliance with the criteria for approval. *Conditions and safeguards may also be imposed to reduce or minimize any potentially injurious effects on adjacent properties; the character of the neighborhood; or the health, safety, or general welfare of the community.*"

Among the considerations regarding these injurious effects on property and the character of the neighborhood are those related to the transmission lines that are themselves an inexorable and inseparable part of the Vine substation and request for a zoning exception. Except for the lines, there would be no compelling need for any zoning exception. Since the lines are the sole compelling reason for the Vine substation, the impacts the lines will have are clearly dependent impacts of the new substation and the zoning exception request.

The injurious effects of the transmission lines do not relate to the lines per se. Rather, they relate to placing the transmission lines, and the structures they require, overhead. The overhead structures and lines injure not solely the neighborhoods they pass by and through and the property they immediately affect but, beyond them, also the general welfare of the entire community of Tucson.

The neighborhoods contain residents of every different income level. For the neighborhoods themselves, the long string of industrial-sized 100-foot structures and transmission lines will tower practically 40-feet higher than nearly everything else. They are completely out of character when set within each of the neighborhoods, even more so within the many historic neighborhoods where they will be placed. TEP's removal of some lower poles will not and cannot come near to offsetting the permanent visual damage. The scarring visual effect of these

huge structures will be intensified by the narrowness of the streets—Euclid Avenue, Park Avenue, and each of the interior side streets and their rights of way where they are projected to be placed. The narrowness of the rights of way along all of these streets will also create many problems for pedestrians and cyclists in a part of Tucson with large numbers of both pedestrians and cyclists. For some sense of their visual feeling from a distance close-up of about 20-to-30 feet across the streets from them, see Figures 1- 5 at the end.

Added to all this are the injurious effects of mammoth overhead transmission structures and lines in depressing the property values of nearby residents and businesses. Based on studies that even TEP itself has cited, the depressive effect to property owners could well run into the tens of millions of dollars over the two miles in question.* All of these injuries to neighborhoods and property are sufficient on their own, under UDC 3.4.6, to rightfully condition any zoning exception of the Vine substation on undergrounding the transmission lines to which it connects in compliance with the city's area plans.

Indeed, Mayor and Council already labelled the adverse effects as unacceptable. On September 1, 2021, they voted unanimously in opposition to the project being routed along Euclid Avenue.

The injurious effects go further, too, and extend to the welfare of the entire community. Here are just three of them. First, there is no doubt that the basic character and appearance of the University area, which the huge structures and lines will deface, is important to the economic development of the entire city of Tucson, whether in terms of drawing businesses and investment to Tucson, talented individuals to Tucson, tourists to Tucson, the creation of new businesses and jobs in Tucson, and much more indispensable to Tucson's economic future. Overheading the structures and lines through the heart of the University area will inhibit all of these, plus it will make it harder to develop the University area itself.

Second, in the University area, TEP's project intends to overhead the transmission structures and lines not just along collector streets, but also along small side streets in the interior of the neighborhoods, doing so even against the guidelines of the area plan in which the neighborhoods reside. If allowed, it will set a strong precedent permitting TEP to erect mammoth transmission structures and lines on small side streets within the interior of any other neighborhood where there are city undergrounding requirements and, in fact, for TEP to do the same on any side street within the interior of any neighborhood anywhere in Tucson, no matter where; no neighborhood in Tucson would be safe from this kind of invasion any longer.

Third, there is a general community-wide principle at stake here as well. Agreeing to the zoning exception without the undergrounding condition, in effect, is to agree with the principle that it is permissible to impose harm on some Tucsonans (in this case, potentially costing those Tucsonans tens of millions of dollars in lost property value* plus permanent unsightly alteration in the character of their immediate environs) in order to benefit larger numbers of Tucsonans, including when the imposition of that harm could be avoided at low and clearly reasonable expense. Even taking at face value TEP's exaggerated \$40 million projected extra financial outlay to underground the required area, the cost to a typical ratepayer would actually come to well less than one \$2 bar of candy *over an entire year*, around \$1.60 *per year*, and likely even less.** Phoenix, Mesa, Chandler and more all have many miles of undergrounded transmission

lines. To impose significant harms on some Tucsonans when they could be avoided at a low and reasonable cost conflicts with the most basic and cherished of American principles of freedom which holds that individuals should not try to gain benefit for themselves—in this case upgraded and more reliable electricity delivery—if it requires harming others, certainly not if the harm imposed on others can be avoided at a low and reasonable expense.

We urge Mayor and Council, if agreeing to any zoning exception for the Vine substation, to condition your exception—as UDC 3.4.6 clearly allows you to do to avoid injuries to neighborhoods, property, and the general welfare of the community—with the requirement that the lines to and from the substation must be placed underground, at least where existing area plans call for undergrounding.

Finally, there is one last point. The Zoning Examiner argues that zoning under the UDC does not apply to rights of way. Here we end by simply agreeing with the statement by Underground Arizona that zoning decisions must apply to what occurs in rights of way. If they did not, there could be no connection made between zoning decisions and considerations about the effect that those zoning decisions may have upon traffic or safety in the rights of way, or how those zoning decisions and the effects they have regarding what occurs in the rights of way in turn affect nearby neighbors. Prior Zoning Examiner decisions themselves have made clear that any zoning exception for the Vine substation necessarily depends upon matters involving Plan Tucson and the University Area Plan that have to do with the routes to which the substation connects.***

To conclude, UDC 3.4.5.A.5 and UDC 3.4.6 require that zoning exceptions *must* abide by area plans. This provision is a legal requirement, it neither an option nor simply advisory. The University Area Plan is such a plan. In accordance with the University Area Plan, and Mayor and Council’s decision in 2021, we ask that Mayor and Council condition any zoning exception for the Vine substation with the requirement that the transmission lines to and from the substation within the University Area Plan be placed underground.

* In <https://docs.tep.com/wp-content/uploads/Kino-DMP-CWG-Meeting-4.pdf> , TEP acknowledges that the potential of negative effects of the overhead transmission lines on nearby property values, with links to a source. The source links to a study in its Appendix D (page 3) estimating the diminution of property values at approximately 10 percent up to 500-to-1000 feet from transmission structures and lines. Using Zillow in 2022, we calculated the property values within 1000 feet of the route in the University Area Plan. All taken together, the properties had a total value of \$360 million. A depreciation of even 5 percent would amount to losses in property value totaling \$18 million. At 10 percent, the decline in property values would come close to equaling the (likely highly exaggerated) costs that TEP estimates it would require for them to underground the lines.

** TEP estimates that the total added cost to underground the lines will amount to \$40 million (about \$20 million per mile) for the approximate two miles the city requires. A total cost of \$40 million, when divided by the actuarial life for the project of 56 years, comes to \$714,000 per year. That sum divided by 450,000 ratepayers translates to about \$1.60 per year per ratepayer. When large institutional customers are taken into account, the cost for the typical TEP ratepayer would be even less, somewhere between 80 cents and \$1.30 per year per typical ratepayer. For the \$20 million per mile estimate, see TEP’s figures for the total extra cost to underground in <https://www.tep.com/putting-power-lines-underground/>

*** Decision SE-20-16 by Zoning Examiner Iurino on May 13, 2021, p. 8. See: <https://docs.tep.com/wp-content/uploads/TEP-Vine-Substation-Zoning-Examiner-decision-and-transcript-May-2021.pdf>

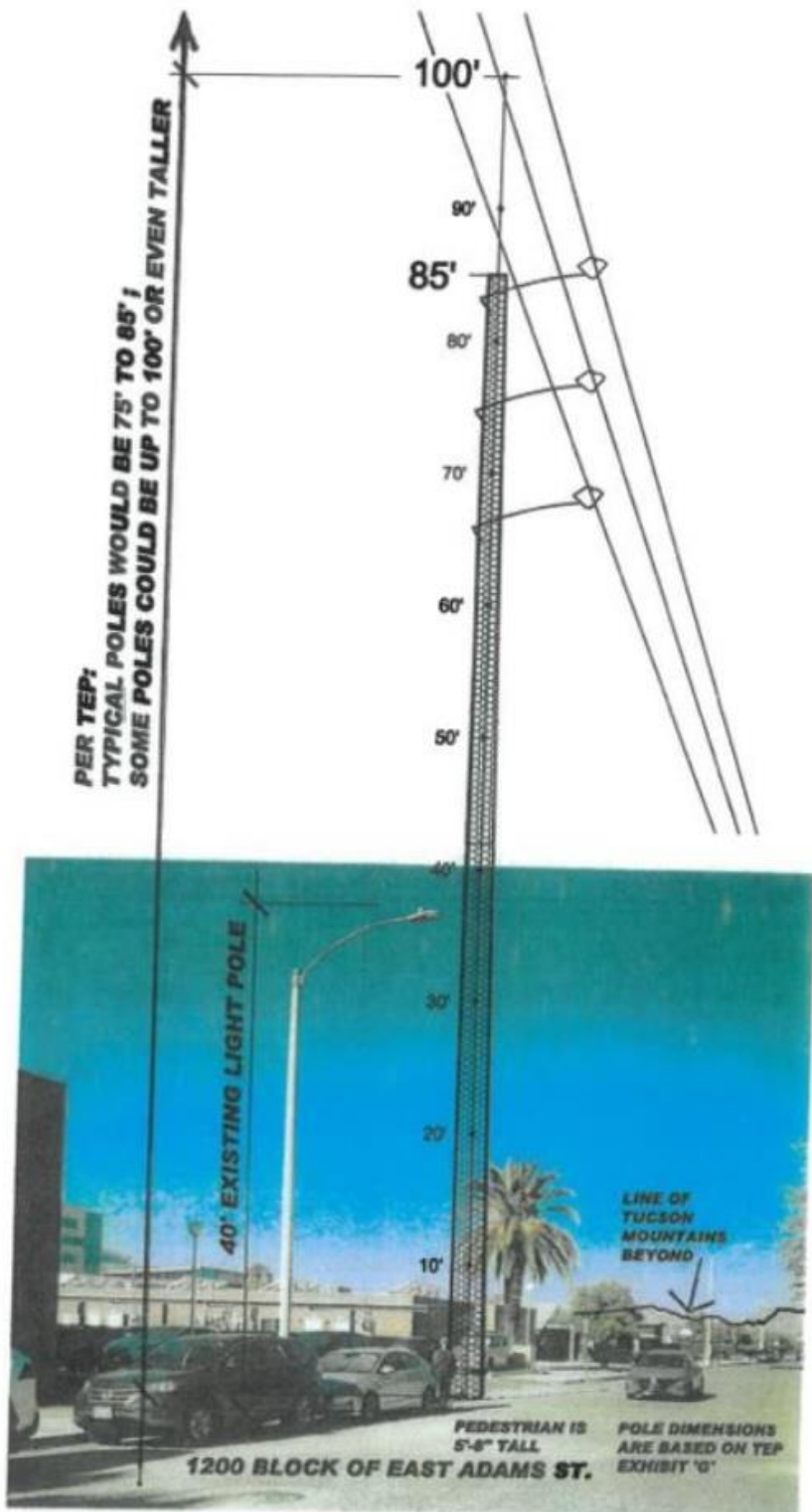


Fig. 1: 1200 blk of East Adams St. – currently no electrical lines (looking west)

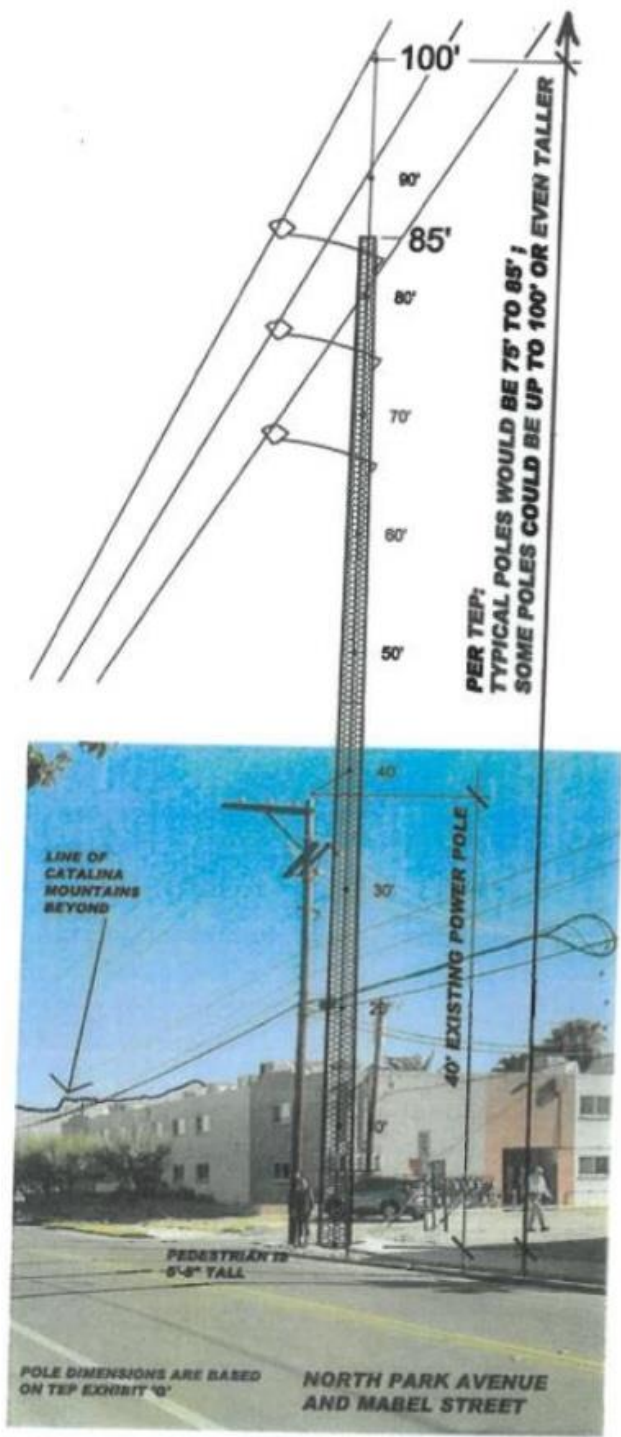


Fig. 2: Park Ave. and Mabel St. (looking northeast)

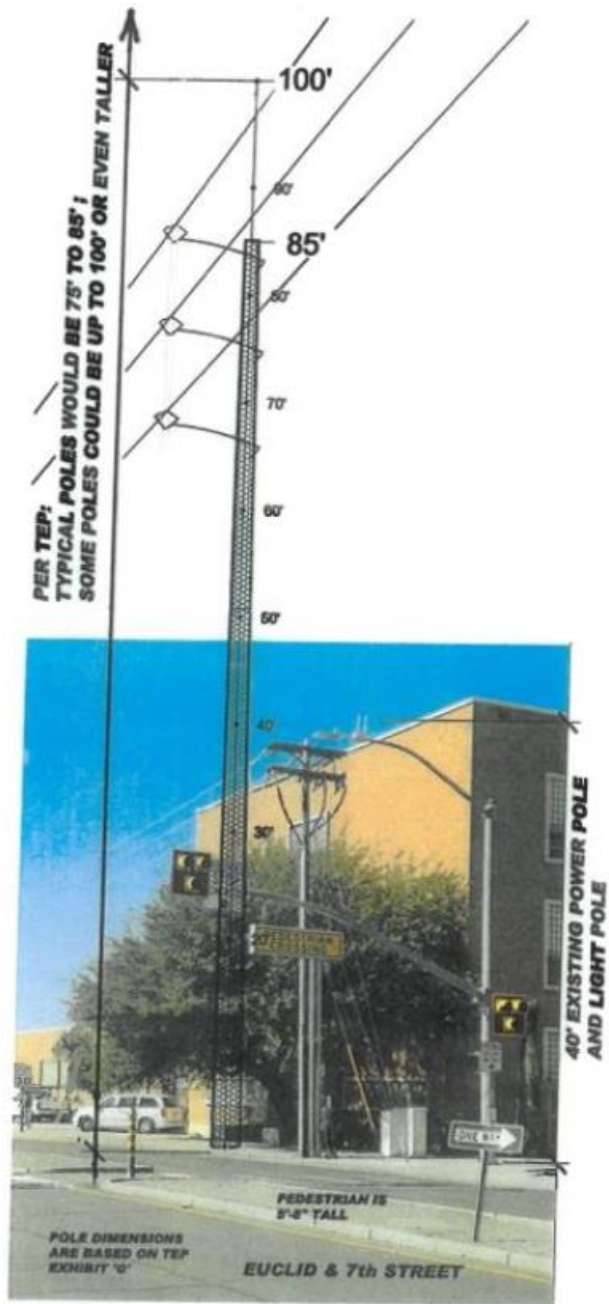


Fig.3: Euclid Ave. and 7th Street (looking south)

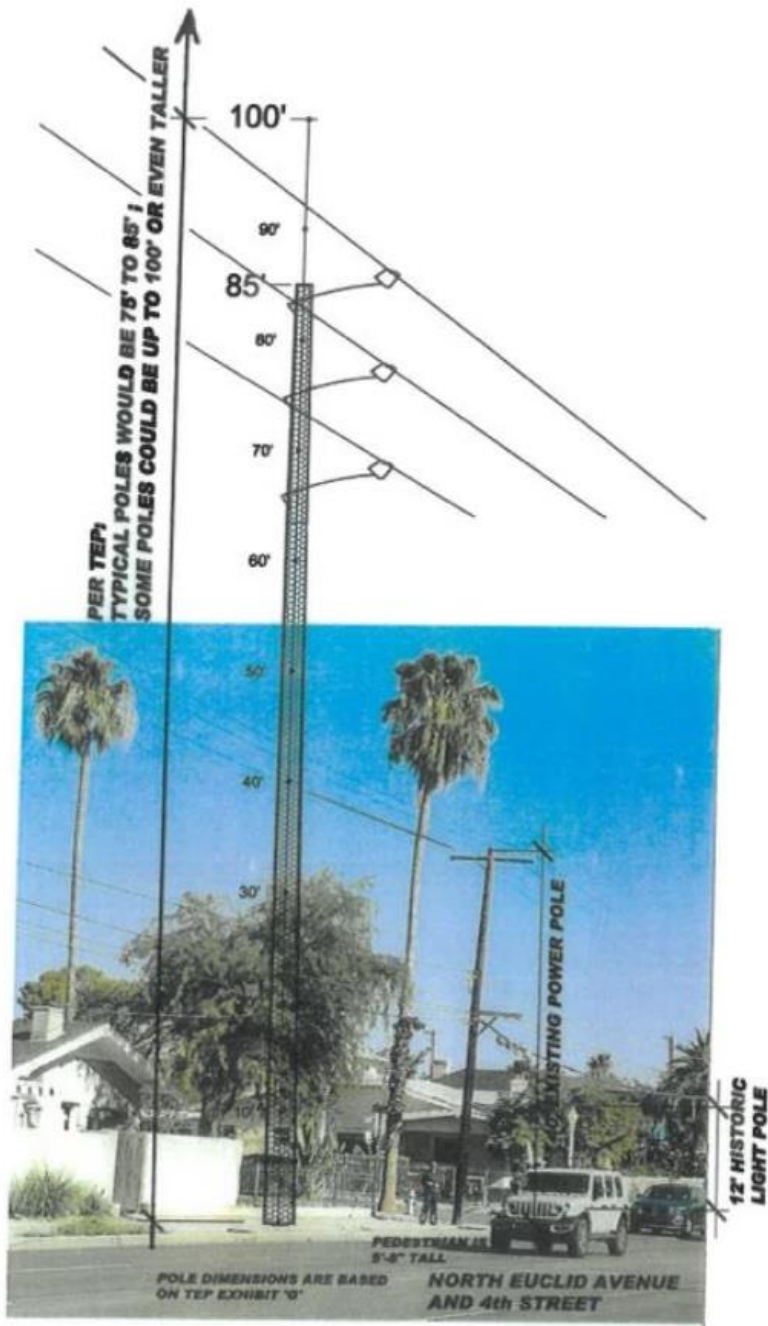


Fig. 4: Euclid Ave and 4th St (looking northwest)



Fig. 5: TEP Pylon with Graffiti



Figure 2. The proposed public art graffiti.

Re: TP-ENT-1025-00021 - Underground Arizona Appeal of Vine Substation Decision 2026 MAR 20 PM 1:22

OFFICE OF THE
CITY CLERK

From Daniel Dempsey <daniel@undergroundarizona.org>

Date Thu 3/19/2026 5:44 PM

To cityclerk <cityclerk@tucsonaz.gov>; John Beall <John.Beall@tucsonaz.gov>; TucsonRezoning <TucsonRezoning@tucsonaz.gov>; Koren Manning <Koren.Manning@tucsonaz.gov>

1 attachment (5 MB)

20260320 Underground Arizona Appeal of ZE Decision SIGNED.pdf;

I sent the wrong document. Please use this one. I changed the date on the correct one to be March 20th to avoid any mix up.

Thanks,
Dan

On Thu, Mar 19, 2026 at 2:33 PM Daniel Dempsey <daniel@undergroundarizona.org> wrote:

Good Afternoon, All,

Attached is Underground Arizona's appeal pursuant to UDC 3.4.3.I. It is 10 pages long with a 5 page Appendix.

Please advise on where and how to pay the filing fee and if I missed anything.

Thanks,
Dan

--
Daniel Dempsey
Underground Arizona

Rcvd in City Attorney's Office
By: E. Taylor
Date: 3/20/2026

LOG NO. 236224

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Underground Arizona
Daniel Dempsey, Executive Director
PO Box 41745
Tucson, AZ 85717
daniel@undergroundarizona.org

March 20, 2026

Marisa Stoller, City Clerk
City Hall
255 W. Alameda
Tucson, AZ 85701

RE: Appeal of Zoning Examiner's Decision in TP-ENT-1025-00021

Dear Mayor and Council,

Pursuant to Unified Development Code (UDC) 3.4.3.I, Underground Arizona hereby appeals the Zoning Examiner's decision approving Special Exception Land Use Permit (SELUP) TP-ENT-1025-00021 for the Vine Substation, part of Tucson Electric Power Company's (TEP) Midtown Reliability Project (Project).

The SELUP as approved will negatively impact adjacent development in the highest density part of the city, interfere with communication signals, harm property values, increase fire risk and insurance costs, and harm the aesthetics and character of residential and historic neighborhoods, the University of Arizona, Tucson, and the region—among other things—for decades to come.

According to prior TEP and City practice, including the prior Zoning Examiner decision denying the Vine Substation, a new substation is inseparable from the new transmission lines required for it to function. Furthermore, as a practical matter, this SELUP proceeding may be the City's only meaningful opportunity to apply its plans and ordinances to the larger Project, and that opportunity should not be nullified by arbitrary inconsistency.

We respectfully request that you reverse the approval as an abuse of discretion or erroneous because: (1) the substation and dependent on-site and off-site transmission lines negatively impact adjacent land uses and the surrounding neighborhoods and are not substantially mitigated by the current conditions, contrary to UDC 3.4.5.A.2; and (2) the substation and dependent on-site and off-site transmission lines do not comply with at least the General Plan or University Area Plan, contrary to UDC 3.4.5.A.5.

As relief, we request that you condition the approval to require that TEP underground any currently planned or future on-site or off-site transmission lines and related infrastructure. Doing so will substantially mitigate negative impacts and comply with the General Plan and University Area Plan. Alternatively, we request that you deny the application.

Figure 1. Speedway & Park looking toward Euclid. Wrapping around new infill development.

Key Observation Point (KOP) #41



Current Condition



Simulated Condition

I. To approve a SELUP, UDC requires no adverse effects on adjacent land uses or the surrounding neighborhood and compliance with City plans.

“UDC 3.4.5.A. To grant a special exception the PDSD Director and the Zoning Examiner must find that the requested special exception:

2. Does not adversely affect adjacent land uses or the surrounding neighborhood or that such adverse effects can be substantially mitigated through the use of additional conditions as provided in Section 3.4.6;

5. Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan.” [Emphasis added]

II. The SELUP violates UDC 3.4.5.A.2 because the substation and dependent transmission lines DO adversely affect adjacent land use and the surrounding neighborhood, and such adverse effects are not substantially mitigated through the Zoning Examiner’s conditions.

a. On-site and off-site transmission lines adversely affect adjacent land use and neighborhoods and must be considered as part of the SELUP framework under UDC.

There are no existing 138 kV industrial transmission lines on-site or in the University area.¹ In order to function, the Vine Substation will require these new lines to be built and they will range in height from 75-to-130 feet.² In the areas where there are existing 4-to-14 kV distribution lines, the lines are typically 30 feet tall, and, at worst, 40 feet tall. As such, these new lines will be 10-to-40 times higher voltage, and 2-to-4 times taller, than typical utility infrastructure in the University area. Thus, they carry substantial adverse impacts to adjacent land uses and the surrounding neighborhood.

Prior decisions by TEP and Zoning Examiners recognized this fact. First, in 2020, TEP eliminated the Euclid Route because of conflicts with adjacent land uses.³ Second, in 2021, the Zoning Examiner—an attorney—denied the Vine Substation because of his inability to rule out the adverse impacts of new transmission lines.^{4,5} And, third, unlike TEP’s other recent substation applications, the current application completely omits any discussion of the required

¹ See images and testimony from Section IV(a)(iii)

² From page 40 of TEP’s May 24, 2024 application to the Arizona Corporation Commission for a CEC: “Supporting structures typically will range from 75 feet to 130 feet above grade for the transmission lines.” <https://docket.images.azcc.gov/0000211112.pdf>

³ Appendix 1

⁴ Appendix 3

⁵ The Arizona Corporation Commission has jurisdiction only to determine transmission line routes. It has no jurisdiction over substations or over how facilities are built within an approved route, such as whether a line is placed overhead or underground. City plans and ordinances govern how facilities are built within a route. The City’s process is independent of the ACC process.

transmission lines.⁶ As a result, the Zoning Examiner did not examine these primary adverse impacts, arbitrarily limiting his consideration to walls, noise, and lighting.

An applicant cannot be allowed to subvert public due process and enforcement of the UDC through material omission. The adverse impacts of new, dependent transmission lines must be considered as part of a substation SELUP proceeding.

Figure 2. Speedway & Euclid looking South. West of new infill development, over private property, in West University HPZ.



Figure 3. Adams St & Vine Ave looking West. Residential interior street. No existing lines.



⁶ Appendix 4 and 5

- b. The Zoning Examiner has not set forth any condition or safeguard, pursuant to UDC 3.4.6, that can substantially mitigate such adverse effects.

Contrary to the Zoning Examiner’s analysis of his own authority (see decision, p. 6), the SELUP framework routinely considers impacts beyond the parcel boundary and allows conditions to mitigate those impacts. Indeed, conditions placed upon the intersection SELUP decisions of this very same Project required actions on off-site infrastructure—including infrastructure in the right-of-way—such as undergrounding distribution lines and removing 46 kV substations.⁷ In his decision, the Zoning Examiner erred in failing to substantially mitigate adverse impacts from the substation and its dependent transmission lines through conditions, as required by UDC 3.4.5.A.2.

Pursuant to UDC 3.4.6, Mayor and Council can correct this error by conditioning approval on TEP undergrounding any currently planned or future on-site or off-site transmission lines and infrastructure. Such a condition would mitigate adverse impacts to adjacent land uses and the surrounding neighborhoods.

III. The Special Exception violates UDC 3.4.5.A.5 because the substation and dependent transmission lines DO NOT comply with the General Plan or University Area Plan.

- a. If constructed overhead, the Project is incompatible with Plan Tucson 2025 (the General Plan) and the University Area Plan.

Plan Tucson 2025 was duly adopted in 2025 and applies to all of Tucson.⁸ Plan Tucson 2025, Guideline A.25, states: *“Improve the appearance of above-ground utilities and structures by requiring facilities to be located, installed, and maintained to minimize visual impact and preserve access to views. Utilities should be installed underground where possible, and the visual impact of above-ground utility infrastructure should be a prime consideration in the City’s acceptance and approval.”* [Emphasis added]

The University Area Plan was duly adopted in 1989 and applies between Broadway Blvd and Grant Rd, and between Stone Ave and Country Club Rd.⁹ The University Area Plan, Section 6, Policy 6, states: *“Wherever possible, place utility and service equipment underground or in other visually screened locations.”* [Emphasis added]

As two prior Zoning Examiners—again, both attorneys—have found, new overhead transmission lines are plainly incompatible with City plans that encourage or require undergrounding, contrary to UDC 3.4.5.A.5.¹⁰ This Zoning Examiner erred in finding that the

⁷ Appendix 6

⁸ <https://www.tucsonaz.gov/files/sharedassets/public/v/1/pdsd/documents/plan-tucson-2025/general-plan-update-final-document/plan-tucson-2025-final-document.pdf>

⁹ https://beta.tucsonaz.gov/files/sharedassets/public/city-services/planning-development-services/documents/university_area_plan.pdf

¹⁰ Appendix 3

substation complies with City plans requiring undergrounding by omitting consideration of transmission lines. Mayor and Council can correct this error in the same manner as is outlined in Section II.

b. Mayor and Council previously found comparable route incompatible with City plans.

As additional support, we note that on September 1, 2021, Mayor and Council directed the City Manager, City Attorney, and staff that a comparable route (substantially the same north of Broadway) “must be rejected as either a preferred route or an alternate route” and expressly cited, among other reasons, the route’s “incompatibility with existing plans of the City” and its “rejection through TEP’s own procedures.”¹¹ The University Area Plan was featured prominently in that discussion.

IV. TEP has acknowledged under oath that it is possible to underground transmission lines, which is demonstrated by the successful undergrounding of lines in other Arizona municipalities; the transmission lines interfere with communications signals; and the lines interfere with high-density development.

a. From July 8-19, 2024, TEP provided over 2,000 pages of testimony on this project before the ACC in a line siting hearing.¹²

i. TEP testified that it is possible to underground its transmission lines (p. 26):

“Meghan Grabel (TEP): We do not contest that the line can be constructed below ground. It is physically possible to do so.”

ii. And again here (pg. 1813):

“Roi Lusk (City of Tucson): So, and I don’t think anybody has testified that you can’t [underground] physically or technologically. Is that correct?”

Clark Bryner (TEP): Correct.”

iii. TEP testified that there are no existing transmission lines near the University of Arizona (p. 747):

“Daniel Dempsey (Underground Arizona): But generally speaking around the University of Arizona there are no transmission lines?”

Clark Bryner (TEP): No transmission lines; correct.”

iv. TEP testified that transmission lines interfere with communications signals (p. 584):

¹¹ Appendix 2.

¹² It is available on ACC Docket L-00000C-24-0118-00232.

“Clark Bryner (TEP): Some communications are point-to-point, and especially microwave communications have a very specific, small path where that communication signal travels through, and anything that breaks that path can make that obsolete.

And so it's a real thing that we need to watch out for if we break that specific path. And then, as we all know, if you drive under a high voltage line, if you've got the radio going, a lot of times you'll get nothing but static for a minute, so there are other communication factors as well.”

- v. UMC Banner testified that transmission lines interfere with new investment (p. 1254):

“Michele De Blasi (UMC Banner): And so if you're in the building, as opposed to a homeowner who this line would be above their home and not in eyesight, would this line be directly at eye level for someone standing in the building?

Mark Barkenbush (UMC Banner): It would be eye level for the majority of our floors in our patient tower.

Michele De Blasi (UMC Banner): And would this interfere with the whole purpose of the amount of investment in your patient areas and your towers?

Mark Barkenbush (UMC Banner): Yes. It would.”

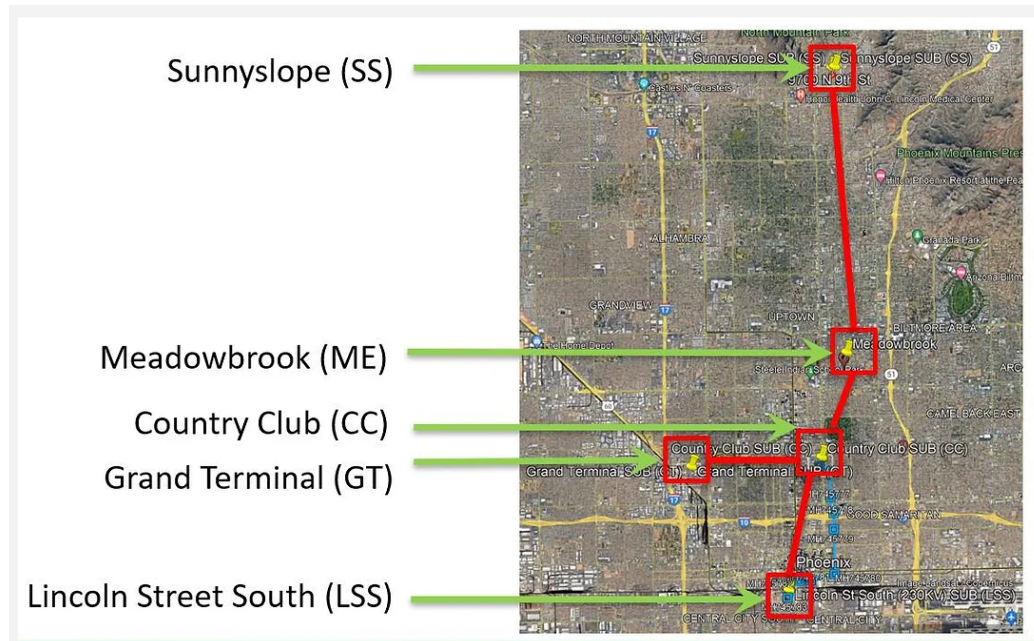
- vi. UMC Banner testified that it expects the City to enforce ordinances and plans that protect views. (p. 1321):

“Daniel Dempsey (Underground Arizona): Generally speaking, do you expect the City to enforce its ordinances and plans that protect views?

Mark Barkenbush (UMC Banner): Yes, I would.”

b. Underground transmission lines are common throughout Arizona.

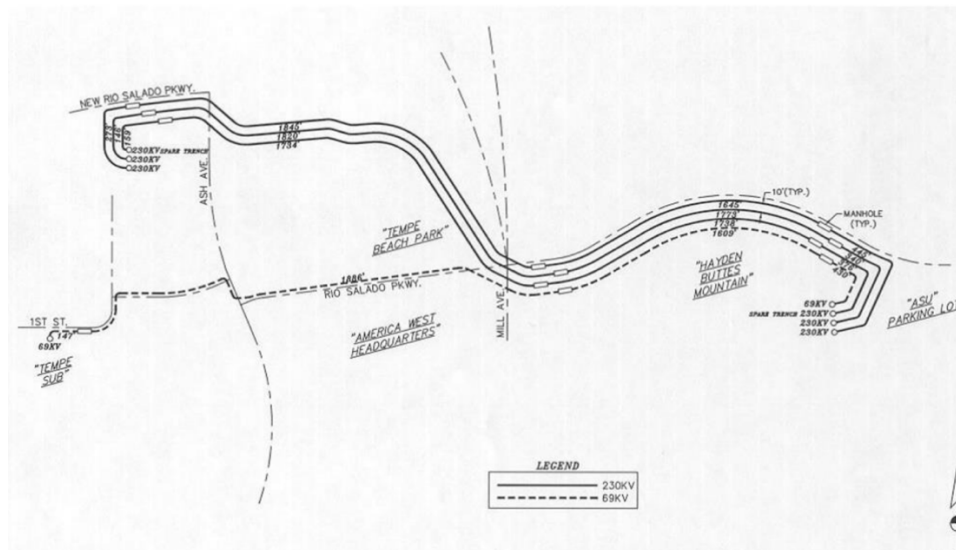
i. Figure 4. Central Phoenix has at least 14 miles of underground transmission lines.



Source: APS Underground Phoenix Line Upgrade Website

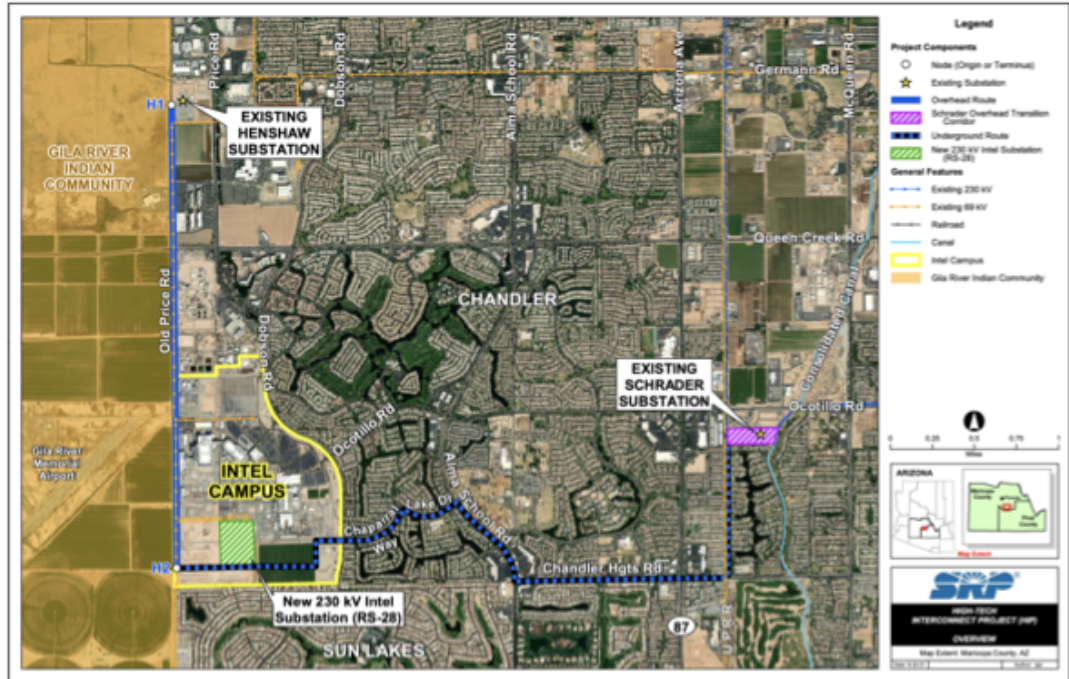
ii. Figure 5. Tempe has at least 8 miles of underground transmission lines adjacent to Arizona State University (ASU).

Fig No.1
Rio Salado UG Transmission Line Route Phase I



Source: APS Tempe Town Lake 230kV OH/UG Conversion Project Presentation

iii. Figure 6. Chandler has at least 5 miles of underground transmission lines.



Source: ACC Docket L-02217B-21-0322-00195, Line Siting Case 195

Underground transmission lines are common throughout Arizona. To comply with the law in Tucson, TEP would only have to underground roughly two miles of new transmission lines. It has the requisite resources and legal authority. Its only objection has been cost. But cost cannot create an infeasibility issue pursuant to Section 21 of TEP’s current Franchise Agreement.¹³ Moreover, the cost would be insignificant by any reasonable definition.¹⁴

CONCLUSION

Like TEP and the City, we want to get this project done. However, TEP faces many more obstacles within at least the University area: HPZs, NPZs, easements, acquisitions, condemnations, private property damage lawsuits, etc. Those obstacles and delays can be avoided by correcting the Zoning Examiner’s errors.

And, like UMC Banner testified before the ACC, we all invest in Tucson with the expectation that City plans and ordinances will be enforced. It is in nobody’s interest to allow TEP to ignore the letter and spirit of the law through arbitrary inconsistencies that put Tucson and the University of Arizona at a competitive disadvantage.

¹³ Section 21(c) states: “The Company shall be required to place new aerial transmission or distribution lines underground only when such placement is feasible for technical or system reasons. Such reasons cannot include the monetary cost of the proposed undergrounding project.”

¹⁴ See Underground Arizona’s February 3, 2026 comment to the Zoning Examiner for more details.

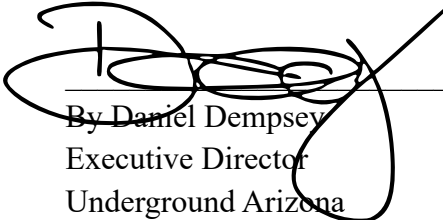
Underground Arizona respectfully requests that Mayor and Council reverse the approval as an abuse of discretion or erroneous because: (1) the substation and dependent transmission lines negatively impact adjacent land uses and the surrounding neighborhoods and are not substantially mitigated by the current conditions, contrary to UDC 3.4.5.A.2; and (2) the substation and dependent transmission lines do not comply with at least the General Plan or University Area Plan, contrary to UDC 3.4.5.A.5.

As relief, we respectfully request that Mayor and Council:

1. **Reverse and modify** the SELUP to condition approval on TEP undergrounding any currently planned or future on-site or off-site transmission lines necessary to serve the substation within at least the University Area Plan; doing so will substantially mitigate negative impacts and comply with the General Plan and University Area Plan; or,
 - a. Optionally, further condition approval on TEP undergrounding along Kino-Campbell instead of Euclid, which seemed to be the express preference of Mayor and Council in 2021; the ACC has already approved either route; or,
2. **Reverse and deny** SELUP TP-ENT-1025-00021 without prejudice to re-application.

Thank you for your time and engagement on this important issue.

RESPECTFULLY SUBMITTED this 20th day of March, 2026.



By Daniel Dempsey
Executive Director
Underground Arizona

CC: John Beall and Koren Manning, Planning and Development Services Department (PDSD)

APPENDIX

- 1. In 2020, TEP removed the Euclid Route (Route 5A) from consideration because of limited right-of-way space, utility conflicts, building conflicts, adjacency to residential and historic properties, proximity to schools and dormitories, and greater route length and cost.**

From TEP's August 2021 Application to the ACC (p.10):¹⁵

“Footnote 3. Alternative Route 5A was removed from consideration for the following reasons:

- Cost: Alternative Route 5A is as much as 60% greater for overhead construction than the other routes being considered.*
- Constructability: Alternative Route 5A is located in a narrower right-of-way than the other routes being considered. The COT requires that the placement of structures allow for a four foot sidewalk, further reducing available public ROW.*
- Potential Conflicts with existing utilities: Placement of structures for Alternative Route 5A is more difficult due to existing utilities.*
- Existing Buildings: Alternative Route 5A has more conflicts with existing buildings which may require the purchase of existing buildings to enable the proposed transmission line to remain on the same side of the street or, risk the need for multiple street crossings to avoid the structures.*
- Adjacent Residential Use: Alternative Route 5A is adjacent to more residential properties by approximately 10% than the other routes being considered.*
- Historical Properties: Alternative Route 5A is directly adjacent to more historical properties and bisects more historic neighborhoods.*
- Sensitive receptors: Alternative Route 5A has more sensitive receptors as compared to the other routes being considered”*

- 2. In 2021, Mayor and Council determined that the Euclid Route (Route 5A) was incompatible with City plans and directed the City Manager, City Attorney, and staff to reject it.**

- i. From the Legal Action Report of the September 1, 2021 Mayor and Council Special Meeting:¹⁶**

¹⁵ <https://docket.images.azcc.gov/0000204371.pdf>

¹⁶ <https://tucsonaz.hylandcloud.com/221agendaonline/Meetings/ViewMeeting?id=1574&doctype=2>

“It was moved by Council Member Fimbres, duly seconded, and CARRIED by a voice vote of 6 to 0 (Vice Mayor Lee absent/excused), to authorize and direct the City Manager, City Attorney and staff to proceed as discussed in Executive Session; and specifically as follows: ...

2. The City’s position is that TEP’s proposed Route 5A must be rejected as either a preferred route or an alternate route under the statutory criteria that the Committee and the ACC are bound to apply to the application. Reasons for the rejection of Route 5A include, and are not limited to, the following:

a. The route’s incompatibility with existing plans of the City, including voter-approved projects under Propositions 101, 407 and 409, and the City’s General Plan;

c. The rejection of Route 5A two years ago following review by the Community Working Groups through TEP’s own procedures.”

[Emphasis Added]

- ii. The University Area Plan was a significant part of Mayor and Council’s discussion of the Project.¹⁷

3. Prior Zoning Examiner decisions looked beyond strict parcel boundaries and found new overhead transmission lines incompatible with UDC 3.4.5.

- i. From Zoning Examiner Iurino’s decision SE-20-16 on May 13, 2021:¹⁸

- i. On adverse impacts (p. 8): *“At the present time, and on this record, the Zoning Examiner cannot determine whether the proposed special exception land use complies with Plan Tucson and the University Area Plan, or whether the proposed special exception would adversely affect the surrounding neighborhoods.”*

- ii. On compatibility with plans (p. 8): *“PT provides policy direction to protect established residential neighborhoods by supporting compatible development and environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community. **The UAP specifically directs that utility***

¹⁷ https://youtu.be/KBqMDmlud_M

¹⁸ <https://docs.tep.com/wp-content/uploads/TEP-Vine-Substation-Zoning-Examiner-decision-and-transcript-May-2021.pdf>

lines be placed underground where possible to mitigate impacts on adjacent uses.

Based on the testimony at the Zoning Examiner hearing and the record, the Applicant does not intend to place the transmission lines underground. While this proceeding is separate from the line-siting process, as a practical matter the two are interrelated. Given the uncertainty regarding the route(s) to be selected for the Kino DMP Transmission Line Project, and the uncertainty of the location of the power lines which will connect with the proposed Vine substation, compliance with PT and UAP cannot be determined on the current record. The Zoning Examiner denies the special exception request, without prejudice to the Applicant to resubmit its request when the additional information discussed above is available. [Emphasis Added]

ii. From Zoning Examiner Cassidy’s decision TP-ENT-1024-00023 on February 21, 2025:¹⁹

- i. On UDC 3.4.5.A.2 (p. 12): ***“The Acting Zoning Examiner also finds that other adverse impacts of overhead lines, including their constrictions on surrounding private and public development and their safety hazards, are significantly reduced or even eliminated by being underground. These adverse effects cannot be substantially mitigated through the use of conditions if the lines are permitted to be installed overhead. Consequently, the Zoning Examiner cannot make the finding required by UDC Section 3.4.5.A.2. In the Zoning Examiner’s opinion, the proposed overhead transmission lines are not “contextually sensitive” to adjacent and surrounding zoning and land uses.*** [Emphasis Added]
- ii. On UDC 3.4.5.A.5 (p. 12): ***“Plan Tucson seeks to maintain and improve the appearance of the City of Tucson. Policy LT1 seeks to achieve more esthetically pleasing public spaces. Although specifically addressed to telecommunications facilities and not electric transmission facilities, Guideline LT28.1.2 requires cabling to be installed underground where possible. Guideline LT28.2.12 supports “environmentally sensitive design that ... enhances the overall function and visual quality of the street, adjacent properties, and the community.” The University Area Plan’s “Public Services” policies expressly provide that utility and service***

¹⁹ <https://www.tucsonaz.gov/files/sharedassets/public/v/1/pdsd/documents/boards-committees-commissions/ze/021325/20250221-rpt-ze-decision-tp-ent-1024-00023-tep-site-2-broadway-euclid.pdf>

equipment should be placed underground whenever possible. As a result, the Zoning Examiner cannot make the finding required by UDC Section 3.4.5.A.5 because this request conflicts with specific language in Plan Tucson and the University Area Plan.”

- iii. On impact to adjacent land uses (p. 13): *“The Zoning Examiner disagrees with Applicant, and instead finds that transmission poles that may reach as high as 95 feet will have a significant impact on the immediately adjacent residential areas.”* [Emphasis Added]
- iv. On undergrounding (p. 13): *“...nothing in the TEP Application suggests that the benefits of the new 138 kV system will be lost by having this segment underground.”*

4. Prior TEP applications, PDSO memoranda, and Zoning Examiner decisions considered transmission lines as part of substation SELUPs.

- i. Vail Substation, Design Considerations (p. 4):²⁰ *“In addition, 85-foot-high transmission poles will be installed to support the transmission lines entering and exiting the substation.”*
- ii. Cottonwood Substation, Description (p. 4):²¹ *“Tucson Electric Power is requesting approval for a new 138 kilovolt (kV) distribution substation and transmission and distribution power lines as a Special Exception Land Use in R-1 and R-2 residential zones.”*
- iii. Patriot Substation, Design Considerations (p. 4):²² *“Transmission poles will be installed to support the transmission lines entering and exiting the substation. The height of the transmission structures will be 85 feet.”*

5. Unlike prior substation SELUP applications, the instant Vine Substation SELUP application, PDSO memorandum, and Zoning Examiner decision omit any requisite discussion of on-site or off-site transmission lines.

²⁰ TP-ENT-0323-00018, April 17, 2023:

<https://tucsonaz.onbaseonline.com/1801AppNet2/docpop/docpop.aspx?clienttype=html&docid=5351128>

²¹ SE-22-35, October 5, 2022: https://www.tucsonaz.gov/files/sharedassets/public/v/1/pdsd/documents/boards-committees-commissions/ze/102022/se-22-35_for_web_posting.pdf

²² SE-21-06, May 26, 2021: https://www.tucsonaz.gov/files/sharedassets/public/v/1/pdsd/documents/boards-committees-commissions/ze/062421/se-21-06_for_web_and_posting.pdf

6. Prior Zoning Examiner decisions on this very same Project were conditioned on infrastructure beyond the parcel boundaries.

- i. TP-ENT-1024-00022 – Perpendicular Crossing - Oracle and Grant Intersection, C-2 Special Exception (Ward 3) Preliminary Conditions (p.1):²³

“10. TEP shall remove all 46 kV substations and lines, including wires, poles, and other equipment, that are no longer required as a result of the upgraded 138 kV substation and transmission line.

11. TEP shall remove all existing parallel overhead lower voltage distribution lines underground, currently located within the same road right-of-way as the Projected as constructed.”

- ii. TP-ENT-1024-00024 – Perpendicular Crossing – Kino Parkway and East 36th, PAD, Special Exception (Ward 5) Preliminary Conditions (p. 1):²⁴

“9. TEP shall remove (including along the north side of 36th Street) all 46 kV substations and lines, including wires, poles, and other equipment, that are no longer required as a result of the upgraded 138 kV substation and transmission line.

10. TEP shall remove all existing parallel overhead lower voltage distribution lines underground, currently located within the same road right-of-way as the Projected as constructed.”

²³ <https://tucsonaz.hylandcloud.com/221agendaonline/Meetings/ViewMeeting?id=1866&doctype=2:>

“It was moved by Council Member Lee, duly seconded, and PASSED by a roll call vote of 5 to 2 (Council Members Cunningham and Uhlich voted No) to grant the appeals with respects to 36th and Kino, to Grant and Oracle subject to all the conditions as recommended in the Planning Development and Services Department recommended conditions in the report and the additional condition that no relief is sought by Tucson Electric Power with respect to Broadway and Euclid.”

²⁴ https://www.tucsonaz.gov/files/sharedassets/public/v/1/pdsd/documents/boards-committees-commissions/ze/021325/tp-ent-1024-00024-preliminary-conditions_revised.pdf