



MEMORANDUM

DATE: January 28, 2025
For February 13, 2025 Hearing

A handwritten signature in black ink, appearing to read "Koren Manning".

TO: Frank Cassidy
Zoning Examiner

FROM: Koren Manning, Interim Director
Planning & Development Services

**SUBJECT: SPECIAL EXCEPTION LAND USE – PLANNING & AND
DEVELOPMENT SERVICES REPORT
TP-ENT-1024-00023– TEP Perpendicular Crossing – Broadway and Euclid
Intersection, C-3 (Ward 3)**

Issue – This is a Special Exception request by Tucson Electric Power, to allow an above ground perpendicular crossing of electric transmission lines, as permitted in the *Unified Development Code* (UDC). The project site is zoned C-3 (Commercial), R-3 (Residential) and I-1 (Industrial) and is located at the Broadway Boulevard and Euclid Avenue intersection (see Location Map). The applicant proposes new above ground transmission lines that will perpendicularly cross the Broadway Boulevard Gateway Corridor Zone and power poles located outside the subject Gateway Corridor Zone.

Per UDC section 5.5, Transmission lines may be relieved of their requirement to be underground within a Gateway Corridor Zone (GCZ) through the Zoning Examiner Special Exception Procedure. The proposed perpendicular transmission crossings of a Gateway Corridor Zone are pursuant to the criteria listed in UDC 3.4.5 and 4.9.11.A.13 for transmission lines crossing a Gateway Corridor Zone. This special exception request is specific to the perpendicular crossing and does not include the other components of the Midtown Reliability Project specifically the alignment, route or site selection of transmission lines.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

Public Outreach – The project team held an in-person meeting on October 16, 2024 at 6:00 pm. There were attendees from neighbors at the meeting. Following the presentation, the project team fielded questions, most of which related to use and potential impacts. As a courtesy review, the applicant presented materials virtually at the Tucson Pima County Historical Commission-Plans Review Subcommittee (PRS) on October 10th and shared neighborhood meetings dates and times.

Applicant's Request – The applicant's special exception request is to allow for an above ground perpendicular crossing (south to north) of a gateway corridor zone at the Broadway and Euclid intersection for a new TEP electric transmission power line route along the east side of Euclid.

Project Background- On July 10, 2000, the City of Tucson entered into an Electric Distribution and Transmission franchise agreement with Tucson Electric Power (Ordinance 9429). In July 2024, the Arizona Corporation Commission voted to approve a Certificate of Environmental Compatibility (CEC) authorizing Tucson Electric Power's (TEP) Midtown Reliability Project. The CEC was issued by the Arizona Power Plant and Transmission Line Siting Committee. In August 2024, TEP applied for a pre-submittal meeting with PDSD and appropriate staff as required by the Unified Development Code to discuss the special exception process for the perpendicular crossings.

Project Description

The Midtown Reliability Project will upgrade Midtown Tucson's old and overloaded 46 kV sub-transmission system to a much more flexible and robust 138 kV system. This upgrade is needed to replace older, lower-voltage equipment that cannot keep pace with the increasing energy usage in central Tucson because of the aged and outdated Midtown system which is at or near capacity. The proposed 8.5 mile 138 kV line will interconnect with 473 miles of existing 138 kV overhead lines with the Midtown Reliability Project 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.

The proposed route will travel north on Euclid Avenue and cross at the Euclid – Broadway intersection, a gateway corridor intersection. The Unified Development Code (UDC) states that transmission lines perpendicularly crossing a gateway corridor zone (GCZ) may be built overhead after following the Zoning Examiner Special Exception land use procedure (UDC 3.4.3).

The proposed perpendicular crossing will set the transmission structures a minimum of 150-feet away from the GCZ curblane to satisfy the special exception criteria. There will be two new poles set on opposite side of Euclid-Broadway intersection with pole distance at 151 feet from curb, and pole height of 83.5-feet. An effort will be made to accommodate pole color preferences of specific neighborhoods should they desire a structure be a color different than TEPs' standard rust-colored weathering steel poles to better match the character of the neighborhood.

Background Information

Existing Land Use:

The existing area is comprised of roadways, turn in lanes and access drives, sidewalks, bus shelters, right of way and several above and underground utility installations.

Roadway Classifications:

Broadway Boulevard is classified as a gateway arterial road and Euclid is classified as an arterial road per the City of Tucson Major Streets and Routes map.

Current Zoning:

C-3: This zone provides for mid-rise development of general commercial uses that serve the community and region, located downtown or in other major activity center areas. Residential and other select agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zoning and Land Use:

Northwest: C-3 (*Commercial Zone*), R-3 (Residential); State Property, multi-use trail
Northeast: C-3 (*Commercial Zone*), R-3 (Residential); Multi-family Residential
Southwest: C-3 (*Commercial Zone*), I-1(Industrial); Commercial Store front/Building
Southeast: C-3 (*Commercial Zone*), I-1(Industrial); PAD 39, Restaurant

Previous Cases on Property: Park Subarea Urban Overlay District (C9-20-11)

Related Cases: None

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson*, and the *Arroyo Chico and University Area Plan*.

Plan Tucson (PT): Plan Tucson Future Growth Scenario Map illustrates different building blocks within the city that have specific policies to promote future growth opportunities. The proposed utility crossing lies within the Downtown and Existing Neighborhoods of the Future Growth Scenario Map. Downtown Tucson acts not only as a regional employment and administrative center, but also as a major hub for public transit services and connections (light and commuter rail, regional buses, streetcar). It is a vital pedestrian-oriented urban area that provides higher-density housing, retail, art and culture, and entertainment for its residents and those of greater Tucson. Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability.

Relevant Policies:

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.

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.

LT28.1.1 Utilize solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

LT28.1.2 Require telecommunications facilities be located, installed, and maintained to minimize visual impact and preserve views. Cabling and fiber optics should be installed underground where possible, and the visual impact of cellular towers should be a prime consideration in the City's acceptance and approval.

LT28.1.3 Improve the appearance of above-ground utilities and structures and extend access to high-tech wireless communications facilities throughout the city.

LT28.2.12 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.

LT28.2.14 Protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

Applicable Area Plans: The *University Area Plan (UAP)* and *Arroyo Chico Area Plan (ACAP)* establish future land use and development direction for areas that include both the University area and the Arroyo Chico areas. Both area plans convene along and are separated by Broadway Boulevard and provide the following plan policies:

University Area Plan

Office Commercial

Section 6: Public Services Goal: Ensure an adequate supply of high-quality public services to meet the current and projected needs of University Area residents and businesses.

3. Encourage government agencies and utility providers to coordinate the planning and development of projects in order to maximize efficiency while minimizing neighborhood disruption.
4. Encourage government agencies and utility providers to consult with representatives from registered neighborhood associations and Historic District Review Boards in the early stages of project planning to ensure that projects are designed to enhance the character and quality of each neighborhood.
6. Wherever possible, place utility and service equipment underground or in other visually screened locations.

Arroyo Chico Area Plan

2. Encourage a compatible mix of residential, industrial, and business uses in the plan area, while protecting the integrity of existing neighborhoods.

3. Protect neighborhoods from truck traffic and roadway improvements, while allowing industrial and business access to key transportation routes.

Industrial Areas- Policy 2

B. Require compliance with the Gateway Route guidelines specified in the Major Streets and Routes Plan or Gateway Route ordinance, when adopted (specifically along the southern frontage of Broadway Boulevard).

The subject site is identified as Industrial Area and the proposed crossing location, with the proposed conditions as to undergrounding existing distribution lines, aligns with the goals and policies within this area plan.

Perpendicular Crossing Design Considerations

The perpendicular crossing occurs at the Broadway Boulevard and Euclid Avenue Intersection. The proposed transmission lines and poles are located east of Euclid Avenue and run parallel to the Euclid frontage. To the north of Broadway Boulevard along 10th street and Euclid Avenue, there are several existing poles within the GCZ 150-foot setback ranging from 45 to 70 feet in height. The proposed 83 ½ -foot height poles will be located outside the GCZ 150-foot setback. The finish surfaces treatment of the 83 ½'- foot height electrical transmission poles is mojave sage, weathered and galvanized.

Residential Impacts

By locating outside the GCZ, the proposed transmission lines will abut residential structures east of Broadway Boulevard and is within residential zoning (R-3) to the north. Additionally, the proposed location on the transmission poles may impact the existing transit stop, pedestrian connectivity and access and existing landscaping.

Commercial Impacts

The proposed transmission lines south of Broadway will abut a commercial drive access point. The positioning of the transmission pole may need to consider site visibility specifically for vehicles turning right on Euclid from the commercial parking area to the east. Additional consideration for the visibility of existing commercial signs may also be explored during Right of Way Permitting.

UDC Use- Specific Standards

As generally discussed at the pre-submittal meeting, *Section 3.4.5.A.1-5* of the UDC requires that Zoning Examiner grant a special exception only after finding that the requested special exception meets the required findings:

The proposal generally complies with applicable codes and regulations and generally does not adversely affect the adjacent land use or surrounding neighborhoods subject to the preliminary conditions. The proposal also generally does not have an impact on vehicle parking and pedestrian circulation. The proposal generally can be adequately and efficiently accessed by public facilities and services and is within the right-of-way.

Use Specific Standards

In addition to the required findings of UDC section 3.4.5, the special exception request must meet more than one criterion listed in Section 4.9.11.A.13 in subsections (a) through (h) below (*italic* is the applicant's response):

4.9.11.A.13.a - The proposed overhead transmission lines are contextually sensitive to adjacent and surrounding zoning and land uses. Examples of this may include a proposed location that is industrially zoned or a proposal that results in a less adverse aesthetic impact or less adverse impact on viewsheds for surrounding properties.

This special exception criterion applies to the Subject Crossing. As part of the project, the existing distribution infrastructure on the west side of the Subject Crossing would be under-grounded or removed once the transmission line is in-service. As a result, the viewshed from the surrounding residences will be cleaner than it currently is, and the reduced visual clutter creates an intersection that is more contextually sensitive to the surrounding zoning.

Additionally, the alternative to the overhead transmission line at the Subject Crossing is undergrounding the line at the intersection. Installing the line underground at the intersection requires an underground riser structure to be installed on the north and south side of the intersection. These riser structures are larger and more visually invasive than an overhead transmission pole. Therefore, the overhead transmission structures are more contextually sensitive to the intersection than an underground solution.

4.9.11.A.13.b: Requiring underground construction would cause a significant increase in ground disturbance when compared to overhead construction in sensitive areas such as Environmental Resource Zone (ERZ) or Watercourse Amenities, Safety and Habitat (WASH) wash crossings or environmentally and archeologically sensitive areas.

This special exception criterion is not applicable because the Subject Crossing is not within an ERZ, WASH crossing, environmentally sensitive area, or an archaeological sensitivity zone.

4.9.11.A.13.c: The proposed overhead transmission line will have minimal impact on residential areas:

This special exception criterion is not applicable to the Subject Crossing because the transmission line runs adjacent to the Pie Allen and Ironhorse neighborhoods along Euclid Avenue. The northern Subject Crossing transmission structure would be in residential zoning and residences would experience some visual impact. This will be offset, in part, by undergrounding or removing existing lower voltage distribution lines and pole located on both the east and west sides of Euclid Ave.

4.9.11.A.13.d: The proposed overhead transmission lines are located on non-Gateway or non-Scenic corridor routes, and the relief is requested for a segment that perpendicularly crosses a Gateway Corridor Zone or Scenic Corridor Zone, and the placement of poles is set back at least 150 feet from the curbline of the designated Gateway or Scenic Corridor.

This special exception criterion is applicable to the Subject Crossing because the transmission line runs on Euclid Avenue—a non-gateway corridor—and perpendicularly crosses the Gateway Corridor, Broadway Boulevard. As depicted in the engineering on the provided PDP, the transmission structures will be set back a minimum of 150' away from Broadway Boulevard's curbline. The planned transmission line satisfies both the perpendicular requirement and setback requirement of this criterion.

4.9.11.A.13.e: The proposed overhead transmission lines are for a repair or upgrade of existing facilities and the proposed facilities are similar in size and scale to the existing facilities being repaired or replaced. Replacement facilities may not be any larger than 10% the height or width of existing facilities being replaced.

This special exception criterion is not applicable to the Subject Crossing because a new transmission line is planned to be installed at this intersection. A new transmission line does not qualify as a repair or upgrade of existing facilities. Additionally, the new transmission line is larger in size and scale than the existing sub-transmission and distribution infrastructure at the Subject Crossing, so the new line also does not qualify for this special exception criterion as the new structures are greater than a 10% increase in height or width than the existing facilities.

4.9.11.A.13.f: The transmission lines are proposed in an area where there is an existing presence of railroad, highway and/or bridge crossings, or in an area where underground installation would interfere with other existing undergrounded utilities, and curing that interference is technologically impossible or financially cost prohibitive.

This special exception criterion is not applicable to the Subject Crossing as there are no railroads, highways, and/or bridge crossings at the intersection.

4.9.11.A.13.g: The proposed transmission lines will provide electrical service to critical customers where overhead lines are strongly recommended for specialized operations; examples include but are not limited to: provision of electricity to Davis Monthan AFB or other installations necessary to the national defense.

This special exception criterion is applicable because the planned transmission line will provide electrical service to critical customers, including but not limited to, the University of Arizona and Banner – University Medical Center. Banner requires reliable power to run the equipment used in its level 1 trauma center. The looped 138 kV overhead transmission line will improve reliability over the existing overhead 46kV radial lines currently serving the hospital.

In the same fashion, the university will also receive more reliable power. It's important to keep the university powered for the safety of both the students attending and for the staff. In addition, the university is one of the largest employers in the City of Tucson. Keeping the university powered ensures a key economic driver for the City remains active and productive. This supports the Jobs and Workforce Development Policy 6 and the Business Climate Policies 1 & 7 of Plan Tucson's Chapter 3: The Economic Environment (2013). Although the updated Plan Tucson hasn't been ratified yet, supporting the University also contributes to the economic developments goals outlined in draft Chapter 3: Values, Goals, and Policies Goal 6: Education policy 6 and Goal 12: Economy policy 7 & 12 (2025).

4.9.11.A.13.h: The proposed project is in an area where costs to install underground would have a disparate impact on low-income residents.

This special exception criterion applies to the Subject Crossing. The census tract that the Subject Crossing overlaps with has a median income that is higher than the two intersecting Wards' median income—however, the median income is lower than Pima County's median income (see Appendix H). The cost of installing electric infrastructure is passed onto all TEP customers. An increase in customers' electric bills has an impact on all households, and lower-income households will be disproportionately impacted by a higher monthly electric bill.

If an underground solution, versus an overhead solution, were to be implemented at this intersection, there would be a disparate impact on low-income residents from both the increased financial burden of a higher monthly electric bill and physical impacts from undergrounding a transmission line. These impacts are:

- increased installation costs
- increased noise
- increased air pollution
- major ground disturbance with greater potential for underground utility conflicts, and
- traffic detours/delays

An overhead line is less costly to build than an underground transmission line. An overhead transmission line would result in minimal ground disturbance and fewer total days of construction. This lessens impacts from:

- noise
- air pollution
- potential underground utility conflicts, and
- traffic detours/delays

For those reasons, an underground transmission line at the Subject Crossing would have a disparate impact on low-income residents, and an overhead line is the best solution for the surrounding businesses and neighborhoods.

Conclusion – TEP’s Preferred Route for an overhead 138 kV transmission line is in conflict with the UDC Gateway Corridor Zone. The submitted special exception application provides information that an overhead transmission line perpendicular crossing is less intrusive than an underground line with risers and provides a more favorable visual impression. The proposed special exception is consistent with *Plan Tucson*, *University Area Plan* and *Arroyo Chico Area Plan* and in compliance with applicable criteria of UDC Sections 3.4.5, and 4.9.11.A.13. a-h subject to compliance with the attached preliminary conditions, approval of the special exception land use in the C-3 zone is appropriate.

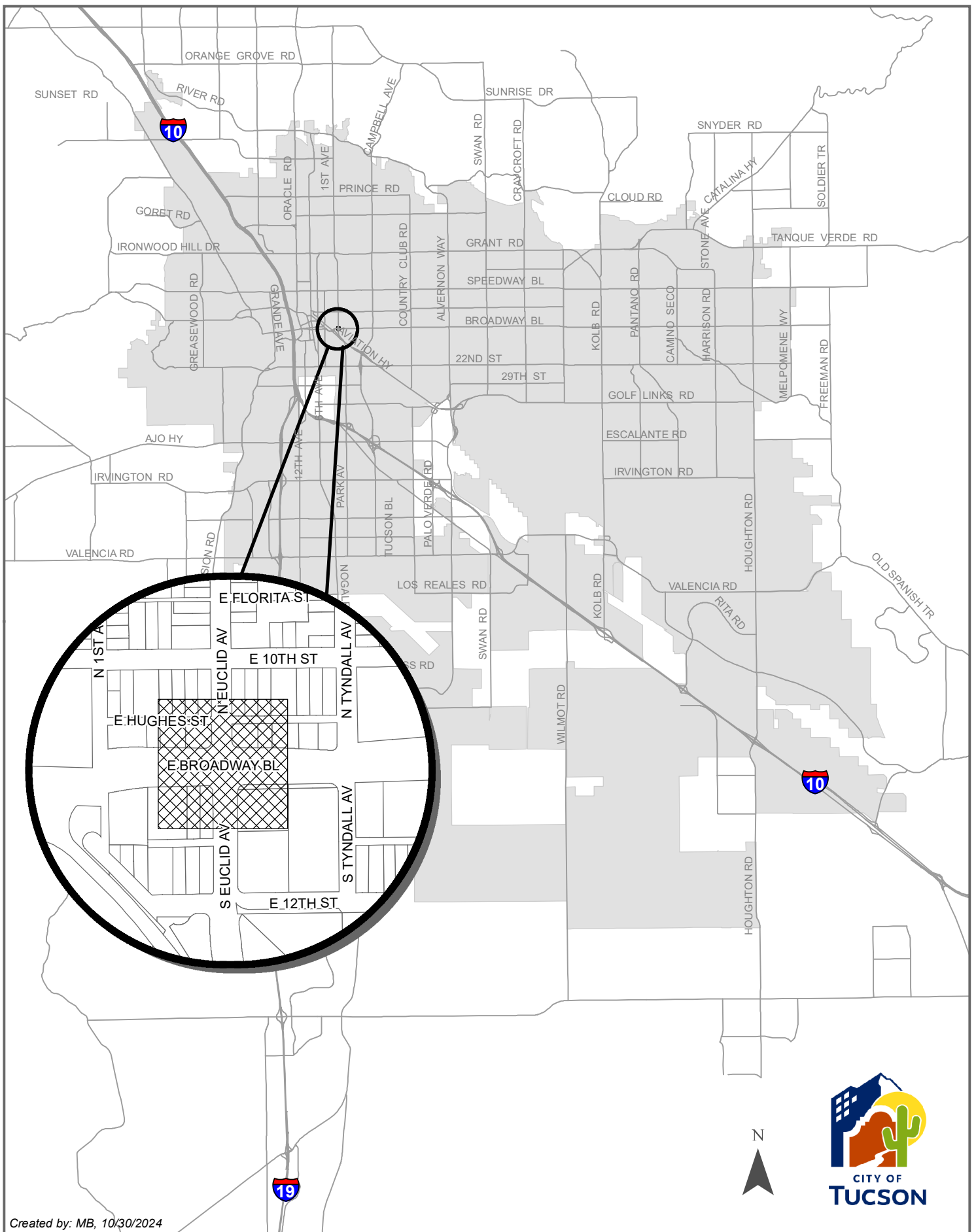
TP-ENT-1024-00023 – Perpendicular Crossing - Broadway and Euclid Intersection, C-3 Special Exception (Ward 6)
Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the revised preliminary development plan, and required reports, dated January 24, 2025, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”. The fully executed Waiver must be received by the Planning & Development Services Department (PDSD) before the item is scheduled for Mayor and Council action.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains, and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception.

Land Use and Compatibility

6. Transmission pole height is not to exceed 85’.
7. Subsurface installation will require a submittal to RWRD utility coordination.
8. TEP to notify PDSD of any route or pole placement changes prior to submitting for right-of-way permit with DTM.
9. The finish treatment of the electrical transmission poles to be Mojave sage, weather and galvanized, with any changes to pole treatment to be reviewed by both PDSD and DTM.



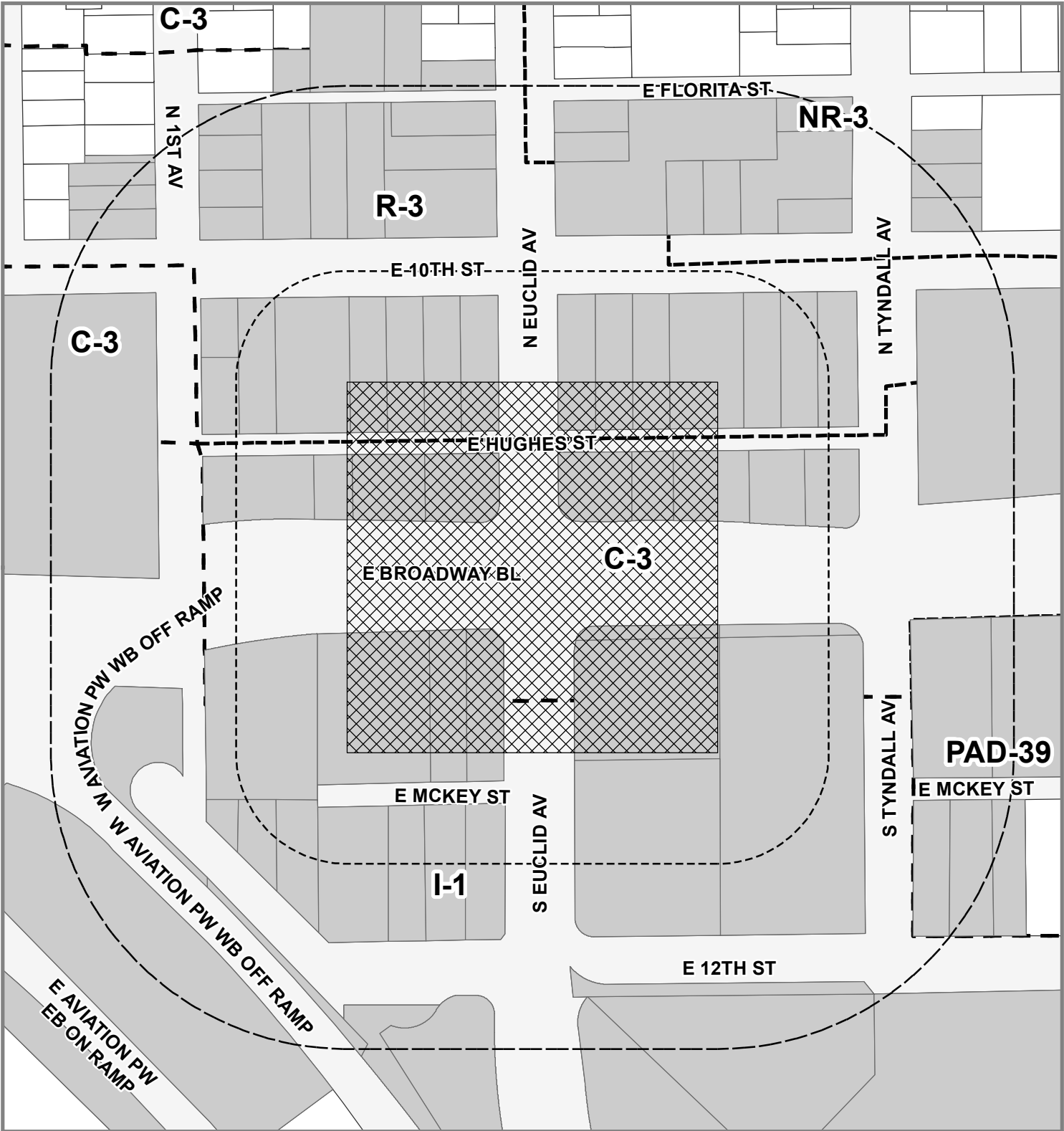


Address:
Base Maps: Twp. 14S Range 14E Sec. 07
Ward: 6

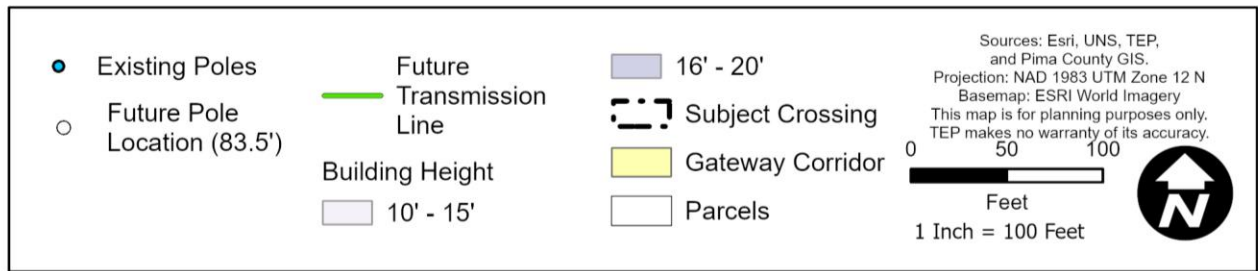
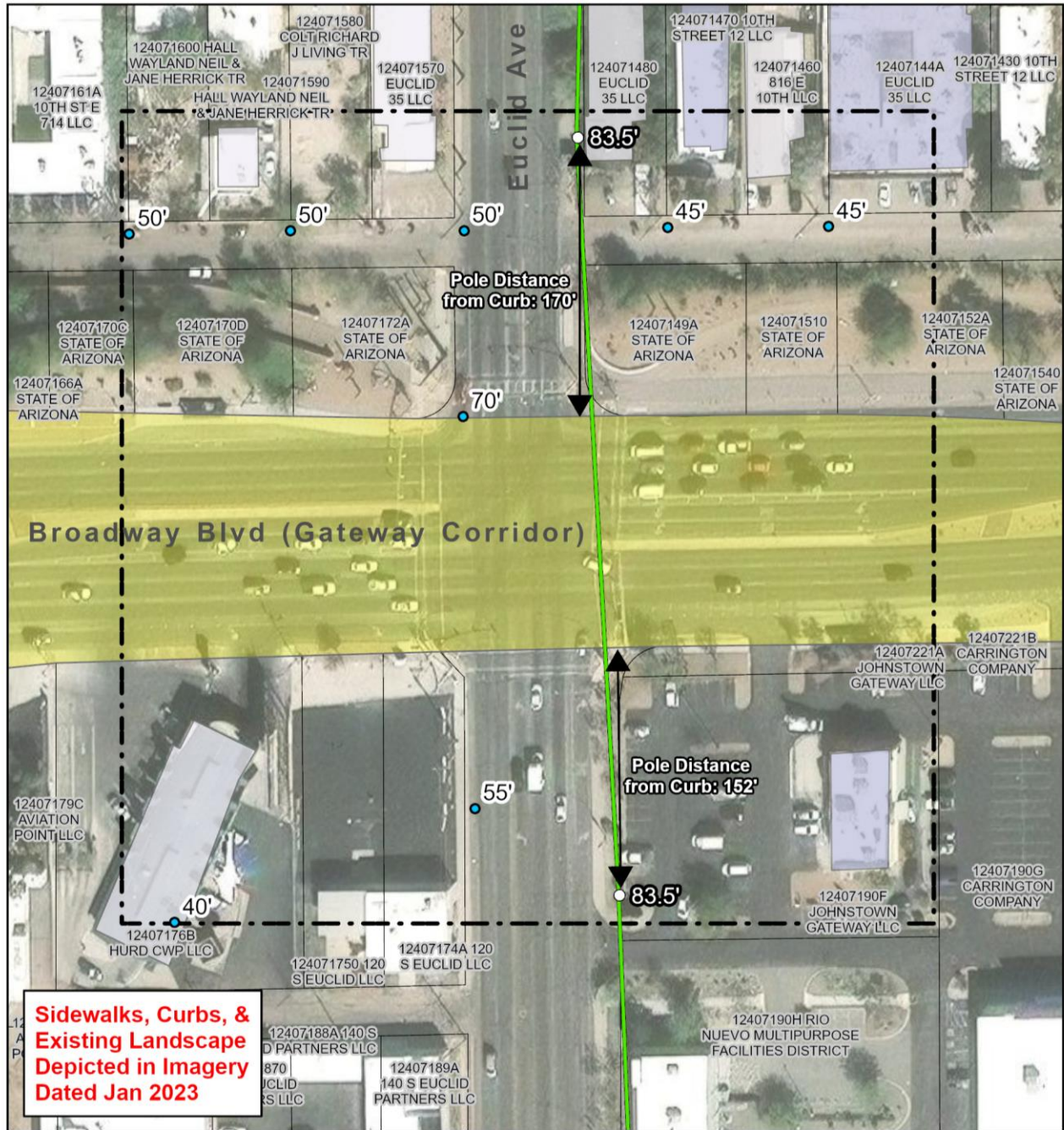


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1 inch = 261.340563 feet





SPECIAL EXCEPTION
Preliminary Development Plan
TP-ENT- 1024-00023 Date 1-24-2025
Planning & Development Services





Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Print your comments below, sign your name, and mail to the City of Tucson Planning and Development Services Department, Entitlements Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, Arizona 85726-7210. The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing. This form is not the City of Tucson Public Hearing Notice.

Protests from 20% of the property owners within 150' of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150', require an affirmative vote of $\frac{3}{4}$ of the Mayor and Council (5 of 7 council members) to approve the rezoning or special Exception ordinance. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations. Calculations will be provided to the Mayor and Council.

Case: TP-ENT-1024-00023 Perpendicular Crossing – East Broadway and North Euclid Intersection, C-3, Zoning Examiner Special Exception Procedure, (Ward 6)

Property Owner(s) (PLEASE PRINT)

- ☐ APPROVE the proposed rezoning/special exception
☐ PROTEST the proposed rezoning/special exception

Reason(s):

PLEASE PRINT YOUR NAME	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT MAILING ADDRESS

Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Entitlements Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

TP-ENT-1024-00023 JB

Expose this flap - Affix stamp and return



City of Tucson
Planning and Development Services
Department - Entitlements Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

IMPORTANT LAND USE CHANGE NOTICE ENCLOSED