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Legal Action Report – Meeting Minutes Design Review Board (DRB)

Members of the Design Review Board (DRB) held a meeting, which was open to the public on:

Date and Time: Friday, September 16, 2022, 7:30 a.m.

Location: Meeting was held virtually using Microsoft Teams

1. Call to Order / Roll Call	7:32 AM
Paige Anthony	Present
Rosemary Bright	Present
Caryl Clement	Absent
Susannah Dickinson	Present – Joined meeting at 7:35 am
Nathan Kappler	Present
Grace Schau	Present
Chris Stebe	Present – Joined meeting at 7:33 am, left meeting at 10:03 am

A quorum was established.

- 2. Review and Approval of the 7/8/2022 LAR and Meeting Minutes** **Action Taken**
Motion was made by DRB Member Schau to approve the LAR and draft minutes of July 8, 2022. Motion was duly seconded by Chair Kappler. All in favor. Motion passed 5-0.
- 3. Call to the Audience**
Three members of the audience presented arguments against Case # DRB-22-11/SE-22-35 – New TEP Cottonwood Substation. Staff also pointed out that letters from two neighbors and a representative of the Tucson Mountains Association were forwarded to the DRB members and posted on the DRB’s webpage.
- 4. Case # RNA-DRB-22-07 ([T22SA00261](#))**
Associated Activity #s [T22SA00261](#)
Conversion of single-family residence to office
1834 N Craycroft Rd, R-1 zoning, proposed O-1 zoning
Office Compatibility Standards Review **Action Taken**

Staff introduced the project, indicated this case was reviewed and continued by the DRB in June 2022, requesting the applicant to return to the DRB with revisions. The applicant presented, providing the following clarifications in response to questions posed by the DRB:

- Number of parking spaces on site have been reduced from 18 to 6;
- Proposed material for parking area access lanes is asphalt;
- No variance request has been filed to reduce the minimum width required for the existing parking area

- access lanes; all options have been explored to relieve the condition of having two driveways on site;
- d) Open to reducing paving area and providing other paving materials, including pervious materials, on the western paved area to improve the curb appeal of the neighborhood;
- e) Will evaluate/correct design of turning radii and sight visibility triangles on site and at the Craycroft Rd. access points, to provide a cleaner driveway apron from the Craycroft Rd. curb up to where it turns into the two one-way driveways; and
- f) Mechanical equipment is now located on the east façade of structure, below the ridge.

Staff provided the following clarifications to the DRB:

- a) Parking area design standards are reviewed at the Development Package review process; and
- b) Applications can only be reviewed by the DRB twice, unless requested by the applicant.

Motion was made by DRB Member Bright to recommend to the PDSO director approval, with the following conditions: 1) Applicant to provide alternative paving materials other than asphalt that compliments the residential nature of the neighborhood; possible materials include decompressed granite or concrete, but highly encouraged are pervious surface materials throughout the site, but specially on the western portion of the property, where visible from the street; 2) Applicant to increase the amount of landscaping on the West side of the property, between the existing building and the street; and 3) Applicant to minimize drive aisles with correct turning radii in the driving/parking areas throughout the site. The motion was duly seconded by DRB Member Dickinson. Motion passed by a voice vote of 6-0. Motion passed unanimously.

**5. Case # DRB-22-11 / SE-22-35 ([T22SE00035](#)) – New TEP Cottonwood Substation
[3210 S Cottonwood Ln](#), Parcel # [11918030A](#)
R-1 and R-2 Zoning Special Exception Request**

Action Taken

Staff introduced the project, and the applicant presented, providing the following clarifications in response to questions posed by the DRB:

- a) There will be two different kinds of poles on site: Static masts, 55-feet high above ground for lightning protection, spread out throughout the site; also, for the overhead lines, there is an existing 138 kV line, with the lattice towers (90-100 feet high), so two new poles will intercept to have the lines drop into the structures in the substation; these two new poles will be along the same alignment as the existing lattice towers, with similar height;
- b) Transformers will be about 14 feet above ground; the unmanned control center will have a height of about 10 to 12 feet above ground;
- c) The location and heights of existing and proposed poles and power lines on and off-site are not depicted on the plans;
- d) Per federal regulations, TEP is required to post signage warning of the danger of the site, which will be placed on the gate and every 50 feet on the proposed wall, per Federal regulations; renderings of proposed wall will include the location of warning signage;
- e) The colors of the proposed masonry wall are up for discussion and the renderings of the wall will be corrected; the color palette will be based on TEP's past wall designs with gray band; could incorporate a tan split with the dark brown band to be more compatible with the neighborhood;
- f) The height of the wall will be 12 feet, in conformance with federal critical infrastructure protection standards; the UDC lists maximum wall height of 10 feet, but asking for a special exception for the wall to be 12 feet;
- g) Can label the height of the wall and its total length, which is about 535 feet; can explore ways to break up the monotony of the wall at certain points to add interest and articulate the wall;
- h) Can provide the pad elevation of the enclosure with respect to the surrounding neighborhood; it is

similar in height to the surrounding neighborhood, at the same grade;

- i) Can provide section views of the masonry wall;
- j) There will be no outdoor lighting along the wall; there will be outdoor lighting only in the interior of the site, which will be on only during emergencies and maintenance; regular maintenance may take place about once a month; there will be no regular maintenance activities from dusk to dawn;
- k) The size of the substation is the result of requirements to have safe clearance around the electrical equipment, and that is incorporated into its design; the site can accommodate a future mobile substation, similar to what exists currently to the South of the property in North of Ohio Way;
- l) Substantial engineering goes into the grounding work; the substation will remain above the 500-year floodplain level; the lot is relatively flat where the substation would be put in, but with steep drop to the East toward the wash; drainage issues are taken into consideration;
- m) The Unified Development Code (UDC) requires substations to emit less than 65 decibels at night, and the substation will meet this requirement in a residential zone;
- n) Proposed landscaping between the substation and the existing Santa Cruz River multi-use path is not very dense or able to be incorporated under this plan because of overhead wire routing;
- o) The planned mesquite trees along the wall will be approximately 24-inch box, 8-foot tall, approximately 25-30 feet tall when full grown; also planning to install 5-gallon shrubs;
- p) The existing mobile homes currently face a 6-foot-high chain link fence with barbed wire on top; there are no particular views from the mobile home park to the West;
- q) Cottonwood Lane connects into the existing multi-use path that is further to the South; at that location the elevation of Cottonwood Lane and the multi-use path on the wash are relatively the same; there is a drainageway adjacent to the driveway of the site or further to the South; the portion that is running East-West, connecting to the existing path, is relatively flat and is not elevated; and
- r) Can provide exhibits of similar substations, like the ones at Harrison Road and Kino Parkway & 36th Street, located in R-1 zones.

Staff provided the following clarifications to the DRB:

- a) The DRB's purview indicates that any building housed in the distribution system, utilities use group, will show being keeping with the character of zone in which it is located; the DRB is free to express to the Zoning Examiner opinions outside of their purview; and
- b) R-1 zoning provides for urban, low density, single-family, residential development; R-2 zoning provides for urban, medium density, single-family and multifamily, residential development; both zones allow for schools, parks, and other public services and allow for two-story construction, up to 25 feet in height, with lot coverage and setbacks having to be met.

Motion was made by Vice Chair Stebe to continue this case, requesting applicant to return to the DRB with the following:

- 1) Rendered information of the screening wall and gates, depicting a) Signage; b) Elements that will be visible above the wall height; c) Colors and materials;
- 2) Screening wall to provide additional articulation and/or scaling of elements to bring it more into conformance with a residential scale or human scale;
- 3) Information on all existing components and proposed improvements in and around the site, including a) Poles; b) Transmission lines; c) Driveways; d) Grading;
- 4) Cross sections in the East and West direction and in the North and South direction, articulating heights of walls and surrounding grades in relation to the neighborhood and the Santa Cruz River; and
- 5) Information showing how the size of substation cannot be reduced, with safety offsets for proposed equipment and potential expansion areas.

The motion was duly seconded by Member Dickinson. Motion passed by a voice vote of 6-0. Motion passed unanimously.

6. DRB Purview in Rezoning, Special Exception, and Variance Requests **Informational**
The Zoning Administrator from the Planning & Development Services Department (PDSD) was available to clarify DRB's purviews.

In response to DRB members' questions/comments, the Zoning Administrator indicated:

- a) For the first example of rezoning for the conversion of a residence into an office, in regard to the scale of a component of a site as is regulated by zoning, the UDC provides for each type of zoning setback requirements, height limits, and other standards that are part of standard zoning; when a case is being reviewed where the compatibility with the surrounding neighborhood is being determined, the DRB is reviewing beyond just the zoning standards. A zoning reviewer might look at a setback being exactly 25 feet as required by the UDC, or a height not being exceeded, but the DRB's purview is more subjective, where the DRB can make a recommendation on how the project complements and fits the neighborhood, or whether construction complements adjacent properties;
- b) For the second example related to a special exception for a Tucson Water well site, the UDC does not specifically outline the evaluation of sustainability aspects of an application as part of the DRB's purview. Currently there is no other board, committee or commission that is reviewing for sustainability features, but the City of Tucson is going through the implementation of a Climate Action Plan, so there is momentum on figuring out how to integrate some of those recommendations into the City's day-to-day operations, including review and development. Staff does have at hand a timeline for that effort but could certainly follow up with the DRB. For site features that are doing double duty to be sustainable and address other design character characteristics, the DRB's role is to determine whether the facility is keeping in character with the zone. If the DRB can make a recommendation related to keeping in character with the zone and while the project is meeting drought tolerant vegetation or other landscaping requirements per the UDC;
- c) For the TEP substation example, the UDC is calling out specifically keeping in character with the zone as a broad overarching DRB purview, and then the UDC indicates the DRB shall review architectural features and the other items. The goal is, again, in keeping with the character of the neighborhood. If the noise coming from a facility can be mitigated through any of the design features within the DRB purview, it is appropriate for the DRB to make a recommendation. But it is not appropriate for the DRB to just require the project to reduce noise levels. The DRB could discuss with applicants and utility operators about their experience in other properties regarding noise emanation and mitigation, and the DRB could request examples of how different wall heights and landscaping help mitigate sound levels; and
- d) Related to the example of the TEP's overhead power lines along Silverbell Road, the DRB's purview is to make a recommendation to a variance of the scenic corridor zone and use the same findings as the Board of Adjustment (BofA). The BofA does have the purview to grant, deny or modify a variance. If in their discussion the BofA felt that the DRB's recommendations did not meet the findings or were not appropriate for their purview, then they may have not considered them. The BofA is a quasi-judicial board whose decision goes to the Pima County Superior Court if challenged. There is a code amendment being considered to require a special exception process in cases such as this or for utility locations, in lieu of a BofA variance, with specific standards that would be applied in different zones accordingly and then be reviewed by the Zoning Examiner as part of that process. Staff can follow up if requested by the

DRB. Staff can also research the background on the authority of the Corporation Commission on utilities exceeding 120 kV, and if the determination by the Zoning Examiner takes precedence.

7. Staff Announcements

Informational

There are two upcoming news projects that will need DRB review; one is in the Sunshine Mile District (SMD) and the second project is located in the Grant Road Investment District (GRID). Staff will share with DRB members the link to the recent SMD presentation and will put together a refresher presentation regarding the GRID.

8. Adjournment

Meeting adjourned at 10:09 AM.