

ZONING MEMBERS PRESENT:

Linus Kafka, Zoning Examiner
Michael Wyneken, Planning & Development Services
Carolina Almeraz, City Recording Clerk

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1 ZONING EXAMINER: Ladies and gentlemen, let's get
2 started. Good evening. My name is Linus Kafka, and I'm the
3 Zoning Examiner for the City of Tucson. I conduct special
4 exception hearings and rezoning hearings on behalf of the Mayor
5 and Council and I make findings of fact.

6 In the case of rezonings and Mayor and Council special
7 exceptions, I prepare a report, along with a recommendation
8 which I then send on to the Mayor and Council. In the case of
9 full notice special exceptions, I render a decision.

10 For full notice special exceptions, after I close the
11 hearing, I'll prepare a decision within five working days. If I
12 do not close the public hearing this evening, I will continue it
13 to a date not more than 30 days from now. In my decision, I'll
14 recommend approval, approval with conditions, or denial of the
15 application.

16 I will mail the notice of the decision on an
17 application within three days after I render my decision. This

1 will be mailed to the Applicant and all persons who request the
2 notice.

3 My decision may be appealed by a party of record to
4 the Mayor and Council in accordance with Unified Development
5 Code, Section 3.4.3j, by submitting a Notice of Intent to Appeal
6 to the City Clerk within 14 days from the date of the decision
7 with a copy delivered at the Planning & Development Services
8 Department. Complete appeal materials must be filed within 30
9 days of the decision.

10 An Applicant may request a change in a condition of
11 approval of a special exception land use, and that request shall
12 be reviewed by Staff for recommendation to me. The request
13 shall then be considered at a public hearing such as this one in
14 accordance with UDC 3.9.2.

15 In the case of rezonings and Mayor and Council special
16 exceptions, I'll prepare a preliminary report and a final
17 report. After I close the hearing, I'll prepare a preliminary
18 report within five working days. I'll prepare a final report
19 two weeks after the close of this public hearing.

20 For those of you who wish to receive a copy of the

1 preliminary report, and you're not already a principal listed on
2 the case, you'll find an orange card right by the podium. It's
3 a little bit hidden from view, but when you come up to the
4 podium, you'll see it. And you can fill out one of those orange
5 cards, and we'll send you a copy of the preliminary report.

6 A copy of the final report will be available from the
7 Planning & Development Services Department, and I'll send that
8 report along to the Mayor and Council. They may consider my
9 recommendation, along with other factors and they'll make their
10 decision on that.

11 A little bit about procedure. At the start of a
12 hearing, I'd like to have Staff give me a presentation on the
13 case. After that, I'll have the Applicant come up to present
14 the case. After the Applicant presents, those wishing to speak
15 in favor of a case may be called up, followed by those in
16 opposition.

17 And then I'll call anyone who may not have a position
18 for or against, but does want to speak to some relevant issue
19 raised by the case. And I may call individuals back to the
20 podium to address particular issues.

1 Since I cannot have any communications with parties
2 involved in the case, now is the time to speak. If you wish to
3 speak tonight, I'm gonna have you come forward. I'll call
4 people up to speak, and when you do come forward, you'll sign in
5 your name and address on the sign-in sheet. I want to make sure
6 I can properly associate a name with the record. So please be
7 careful to make sure that it's legible.

8 I'll also ask you to announce your name and address
9 for the record, and for the Recording Clerk, and for my notes.
10 The Recording Clerk is making a recording of tonight's
11 testimony, and she's behind that wall. You can't see her, but I
12 assure you, she's there.

13 At this time, I'd like to swear in those of you
14 wishing to speak this evening. Even if you're not thinking
15 about speaking right now, you may be inspired to speak. So it
16 may behoove you to stand up and I'll swear everybody in who may
17 speak this evening.

18 All right. So if you're planning on it, please raise
19 - stand. Raise your right hand. Do you swear/affirm to tell
20 the truth, the whole truth, and nothing but the truth?

1 (Affirmative.)

2 ZONING EXAMINER: All right. Very good. So I gather
3 there's gonna be a lot of people who would like to speak this
4 evening. I'd like to remind us that, to follow protocols of
5 respect and civility. I may impose a time limit because we do
6 have a lot of people who may want to speak. I'll impose a
7 reasonable time limit, probably the same one Mayor and Council
8 do - three minutes. We'll get to that when we get to the case,
9 the case that I assume everybody's here on.

10 All right. First case this evening on the agenda is
11 Case No. C9-12-10, Valencia (Galindo) 36th Street. Is anybody
12 here appearing in that case? All right. Seeing no one, that
13 case is continued to May 16th, I believe is the date, at 6:30.

14 Next case on the agenda this evening, Case No. SE-12-
15 94, AT&T Presidio Road. Before I ask for a Staff report on
16 that, let me ask how many of you are here tonight on that case?
17 All right. How many of you are wishing to speak this evening in
18 opposition to that case? How many in support? So that's 11.

19 Let's say a, a five-minute time limit for speakers
20 this evening on that. There's, there's, I think, 11 or 12

1 people who wish to speak in addition to the Applicant's agent.
2 So, I assume there's a lot of other people wishing to speak on
3 another case, but that's the case that precedes anything else.
4 So let's, let's do that. Let's start with the Staff report and
5 then I'll ask the Applicant to come forward.

6 MR. WYNEKEN: This is a request by Timothy Burmer of
7 FM Grouping for AT&T on behalf of the property owner, St.
8 Francis Cabrini Parish for a special exception land use to
9 install a 65-foot tall wireless communication facility enclosed
10 within an artificial palm tree called a monopalm, and installing
11 also associated ground equipment on the approximately 5.91-acre
12 church property in the C-1 zone.

13 Special exception lane use site is located
14 approximately 350 feet north of Presidio Road near the north
15 central boundary line of the church site, and approximately 565
16 feet east of Country Club Road.

17 Communications use of this type in the C-1 zone is
18 subject to Section 4.9.13.o. and 4.9.4.i.2.3.7 of the Unified
19 Development Code, and requires approval through a Mayor and
20 Council special exception procedure under Section 3.4.4 because

1 the tower height exceeds 50 feet. And the tower's proposed to
2 be located less than 130 feet from an R-2 zone.

3 Documentation provided by the Applicant indicates no
4 practical alternatives exist, and measures are being taken to
5 conceal or disguise the tower and antenna from view.

6 The Mayor and Council special exception procedure
7 requires a public hearing before the Zoning Examiner. The
8 Zoning Examiner will then forward a recommendation to the Mayor
9 and Council for a decision to grant the request with or without
10 conditions or, or to deny the request. Mayor and Council may
11 also forward the request to the Design Review Board for design
12 review and recommendation.

13 Land use policy direction for this area is provided by
14 the Grant/Alvernon Area Plan, and the General Plan. The
15 Grant/Alvernon Area Plan discourages wireless communication
16 antenna arrays unless concealed, disguised or co-located on
17 existing buildings or structures.

18 General Plan requires if possible telecommunications
19 facilities be located, installed, and maintained to minimize
20 visual impacts and preserve views. Visual impacts are a key

1 consideration during the review process.

2 The Pima Association of Governments Transportation
3 Planning Division estimates that the proposed development will
4 generate approximately one vehicle trip per month for routine
5 maintenance. The application states that AT&T is experiencing a
6 significant coverage gap in the central part of the city.
7 Multiple co-location alternatives were reviewed before choosing
8 the subject site. Existing tower sites within one mile were
9 investigated and determined to be not sufficient to address the
10 coverage gap.

11 As stated before, the subject church site is
12 approximately 5.91 acres in size, and is developed with the
13 church. The church property is zoned R-2 except for the
14 approximate 50 north feet which are zoned C-1. The lease area
15 and the monopalm are to be located within the C-1 portion of the
16 site, approximately 185 feet west of the east property line.

17 The nearest residence to the east is approximately 300
18 feet from the proposed monopalm, and the nearest residence to
19 the south is about 400 feet away.

20 There is significant vegetation on the site, pretty

1 low in stature, ranging from 10 to 30 feet in height, thereby
2 blocking potential view sheds. However, at 65 feet in height,
3 the monopalm will be visible from surrounding properties.

4 No other trees or vertical elements in the area to
5 give context to the palm, therefore, the Applicant in his design
6 compatibility report recommends two or three live palm trees be
7 installed near the monopalm to provide that context. Staff
8 concurs with this suggestion, is recommending three palms be
9 planted. One should be at least 40 feet tall, and the other two
10 a minimum of 30 feet tall. The palms must be maintained in a
11 healthy condition.

12 The design compatibility report states that the lease
13 area is 20 by 40 feet, and ground equipment will be housed
14 inside a pre-fabricated equipment shelter, and exterior
15 utilities will be screened. An eight-foot-tall chainlink fence
16 rather than a CMU wall will surround the lease area to reduce
17 the opportunities for graffiti.

18 Staff is recommending a minimum five-foot wide
19 landscape border be established on the east and south perimeters
20 of that compound to help screen the equipment inside the

1 compound since it's a chainlink fence. And the landscape border
2 should be planted with drought tolerant vegetation to reach a
3 five-foot tall screen height within two years.

4 The report also refers to noise generated by the
5 facility air conditioning units mounted on the equipment
6 shelter. Staff recommends the Applicant or service provider
7 present evidence the site will comply with the City of Tucson
8 Noise Ordinance. Should a backup generator be installed on the
9 site, compliance with the Noise Ordinance is also required.

10 There are use specific standards associated with this
11 site in the C-1 zone. As stated before, they are Unified Code
12 Development Code Sections 4.9.13.o, and 4.9.4.i.2.3 and .7.
13 Staff has analyzed the Applicant's responses to these use
14 specific standards and finds the proposal to be in compliance
15 with those standards.

16 With the location of the facility toward the center of
17 a larger non-residential use in the C-1 zone and the use of the
18 monopalm design, the addition of live palm trees and the
19 landscape border around the compound, the proposal is in
20 conformance with the policies of the Grant/Alvernon Area Plan

1 and the General Plan. Subject to compliance with the
2 preliminary conditions, approval of the special exception land
3 use is appropriate.

4 To date, we have six approvals and seven protests on,
5 on file. That concludes the Staff's presentation.

6 ZONING EXAMINER: Thank you, Mr. Wyneken. Before I
7 call Mr. Burmer up to present for the Applicant, I just want to
8 comment that as people come up to speak, I want to be able to
9 pay very close attention to whatever's being said at the podium.
10 And it helps to have a very quiet room.

11 So please keep any conversation to a minimum or
12 eliminated, and make sure your cell phones are off. And that
13 way, I can give every person who wants to talk my undivided
14 attention. And, and refrain from making comments while the
15 people are talking. You can comment when I call you up to, to
16 talk. Mr. Burmer, you here somewhere? There you are. Okay.

17 MR. BURMER: Can you hear me?

18 ZONING EXAMINER: I can, but I'm not sure it's
19 registering in the recording. Let's see if it's amplified.

20 MR. BURMER: Testing. One, two, three, testing.

1 ZONING EXAMINER: No. Sometimes that microphone -
2 well, that may reach. Let's try that one.

3 MR. BURMER: This better?

4 (Inaudible conversation.)

5 ZONING EXAMINER: No. Oh, is, is - can everybody hear
6 me if I'm leaning into the microphone? Okay. We're gonna get
7 the clerk who are the masters of this equipment to take a look
8 at this and see if we can't get the microphone working. Is the
9 light on when you push that button?

10 MR. BURMER: Yeah, the light's on.

11 ZONING EXAMINER: Okay.

12 MR. BURMER: (Inaudible)

13 ZONING EXAMINER: Let's, let's fix our technical
14 glitch.

15 MR. BURMER: (Inaudible)

16 ZONING EXAMINER: That's not it either. Let's make
17 sure everybody can be heard before we proceed. Appears we have
18 alternate technology.

19 MR. BURMER: Okay. Is this better?

20 ZONING EXAMINER: Yes, that, that sounds better.

1 Thank you for indulging us for that.

2 MR. BURMER: Well, I actually like to walk around when
3 I talk anyway, so - well, my name's Timothy Burmer with FM
4 Group, Incorporated, representing AT&T Mobility Corporation as
5 well as the, the church for this case. My address is 15974
6 North 77th Street, Scottsdale, Arizona, Suite 100, 85260.

7 I'm gonna make a brief presentation and, and reiterate
8 some of the Staff's comments. The, the purpose of the site is
9 to address a significant coverage gap in the area along Fort
10 Lowell. And AT&T's network is actually experiencing about a
11 six-mile long coverage gap along Fort Lowell from - all the way
12 from Campbell to Swan. And we are currently working on three
13 other associated sites, one of which has been submitted formally
14 for zoning.

15 As pointed out in the Staff report, the site as
16 proposed is consistent with the Grant/Alvernon Area General
17 Plan. The site as proposed is also on commercially zoned
18 property with all surrounding property either zoned commercial
19 or a non-residential use, i.e. the church which is zoned R-2.
20 The site as proposed conforms to all federal, state, county and

1 city requirements, laws and ordinances.

2 Over the course of the past several months, we have
3 had two neighborhood meetings. Each of the neighborhood
4 meetings has been very well attended by the surrounding
5 community. The first meeting was on September 18th. The second
6 meeting was on November 20th.

7 As we all are aware, there is significant opposition
8 from the community to the site that has, that has attended these
9 neighborhood meetings. And the neighborhood meetings, I would
10 classify as being generally good meetings, good conveyance of
11 information, and good conveyance of the concerns of the
12 community.

13 The concerns addressed were health effects, impacts on
14 real estate values, how the site was selected, as well as
15 concerns regarding noise for the site. And I just want to talk
16 about a couple of those real quickly.

17 In terms of the real estate values, one of the things
18 that folks are starting to really grapple with is the fact that
19 over a third of Americans don't have land lines anymore, and
20 they're completely dependent on the wireless technology.

1 The National Association of Realtors has actually
2 indicated that affordable high speed broadband is becoming as
3 important as electric and water service in terms of evaluating
4 property. Absence of broadband makes a community less
5 attractive location for new investment and development. And
6 there's at least one study that shows that communities with
7 access to broadband have a six percent higher property value
8 than those that do not.

9 The church was selected because we do believe it is
10 the best candidate to fulfill the coverage gap in the area. If
11 you study the adjacent properties in that area along Fort Lowell
12 and along Country Club, there's a very narrow strip of
13 commercial properties on either side of those streets forming a
14 buffer between the adjacent residential communities.

15 And in selecting a site, we have to stay within a very
16 narrow area that's defined by the network engineers that's
17 called the, the search ring. And within the search ring, after
18 a thorough analysis of all of the properties within the search
19 ring, this location actually affords us the greatest opportunity
20 to maximize the distance of the site from adjacent residential

1 properties, as well as uses.

2 The last concern that I'm going address here is the
3 concern regarding noise emanating from the site. The site does
4 have an equipment shelter that does have two five-ton air
5 conditioning units. We, we did perform a third-party noise
6 evaluation of the proposed site, the results of which have been
7 submitted formally as a part of this case.

8 But just to summarize, that study found that the noise
9 generated by the site will be about 19 dba at the nearest
10 residence, which is well under the City of Tucson noise limits
11 of 70 dba daytime, 62 dba nighttime. And interestingly enough,
12 the ambient noise measured within this area at the time the
13 study was done was actually 70 dba, which is the - at the top
14 end of the City or Tucson ordinance. There is no generator
15 currently proposed for the site, so noise from the generator is
16 not a concern.

17 ZONING EXAMINER: Mr. Burmer, can I just -

18 MR. BURMER: Yes.

19 ZONING EXAMINER: - ask? What time of day was that
20 study done?

1 MR. BURMER: I don't know.

2 ZONING EXAMINER: Okay.

3 MR. BURMER: I would have to consult - it's probably
4 in the report. I'd have -

5 ZONING EXAMINER: All right.

6 MR. BURMER: - to consult it.

7 ZONING EXAMINER: Okay. Thank you.

8 MR. BURMER: Like I said, no generator is currently
9 proposed for the site. There was a third-party RF exposure
10 analysis that was performed that found that the emissions from
11 the site will not exceed the maximum permissible exposure levels
12 for the FCC public or FCC occupational standards.

13 And finally, just before I take questions from you,
14 AT&T does accept the conditions of approval that were presented
15 as a part of the Staff report.

16 ZONING EXAMINER: All right. Thank you. I don't have
17 any questions at this time. Before I call on people to speak in
18 favor or in opposition of the case, I do have to - I want to
19 make one comment, and that's as to federal law on this issue.

20 U.S. Code, 47 U.S.C. 332 C-7, states that no state or

1 local government or instrumentality thereof may regulate the
2 placement, construction, modification of personal wireless
3 service facilities on the basis of the environmental effects of
4 radio frequency emissions, to the extent that such facilities
5 comply with the Commission's regulations concerning such
6 emissions.

7 And whether you consider the federal code provision a
8 legitimate exercise of federal authority or a burdensome
9 intrusion, I think the fact is that I'm - I feel precluded from
10 recommending a denial in this case based on RF emissions, on any
11 evidence introduced on RF emissions.

12 You may not like this, I may not like this, but that's
13 what the U.S. Code states. But I'm gonna allow testimony on
14 those issues for the purposes of making a public record of
15 opposition to the federal law perhaps. But I need to remind
16 people that I cannot and will not rely on or consider testimony
17 on RF emissions or the environmental effects of radio
18 frequencies.

19 And I will not base my recommendation on that
20 testimony. I'm not gonna accept any written documentation.

1 I'll only accept your testimony, spoken testimony today.

2 So that's the limitation I feel that's been imposed upon me by
3 the federal law.

4 So with that caveat, I'll ask now supporters of the
5 application to come forward. If you raise your hand, I can, I
6 can call on people who want to speak in support. Anybody wish
7 to speak in support of the application? All right. Oh, you -
8 okay. Ma'am, if you'd like to come forward and speak in
9 support of the application. And please, please limit your
10 comments to under five minutes.

11 MS. GARCIA: That's not gonna be a problem.

12 ZONING EXAMINER: Somebody has to be first, so -

13 MS. GARCIA: Yeah. This is not thrilling me at all.
14 I'm gonna be very brief, and let me just give my name and stuff
15 here. My name is Fran Garcia. I'm a long-term resident and
16 property owner in the Cabrini Neighborhood where the cell
17 tower's gonna be.

18 I was the Acting Secretary for the neighborhood
19 association and basically I received - I kind of want to speak
20 for a lot of people that aren't here that contacted us thinking

1 that we were in, as a neighborhood association, in group
2 opposition of the cell tower going up. And that wasn't the
3 case. It was one person in particular who, of our association
4 that was in opposition.

5 A lot of people were very unhappy with us. And they
6 were very angry, and felt that this is moving forward, and we
7 had no business taking such a stand and being so opposed. And I
8 kind of took a lot of abuse on this.

9 I'm also - I walk my neighborhood, I walk with my
10 dogs. Other people approached me. It was just kind of more of
11 a general consensus of, let's say, apathy about it almost,
12 really. Like, "It's going up, it's not a problem, I don't
13 care," you know. "I'm happy to have a cell tower there. It
14 doesn't worry me."

15 We - there is certainly no like formed proponents, you
16 know, out there trying to - "We want a cell tower." That's not
17 the case at all. But they're okay with it. They're happy to
18 see the church have it, and the church reap the benefits and the
19 financial rewards from this. The church is very good to our
20 neighborhood, and has been for a long time.

1 And I feel the same way, as speaking now just a, a, a
2 private resident there, I'm, I'm very happy to see it go up.
3 I'm perfectly content to see a cell tower there, as is my
4 husband, and as are some other people.

5 And I'm very happy that we actually have a small
6 contingent of people here that are okay with that. I think
7 that's kind of unusual. I think more - you would see more
8 opponents, you know, coming to something like this, and we're
9 against this and there is the group of them here.

10 But to actually get people to come here that work all
11 day and say, "We're okay. We're - with the cell tower going
12 up." I never dreamed I'd be saying those words, you know? And
13 we are. And that's really basically what I had to say about it.
14 Okay?

15 ZONING EXAMINER: Thank you. Does anybody else wish
16 to speak in support? Sir.

17 I noticed a few people did come in after I gave my
18 initial comments about swearing in. So if you do wish to speak,
19 and I call on you, but I haven't sworn you in, be sure to let me
20 know. I haven't kept tabs on everybody who got sworn in.

1 So a couple of people, I think, did come in. If
2 you're one of those latecomers and you didn't get sworn in and
3 you want to come up, make sure that I swear you in so that your
4 testimony is recorded correctly. Sorry.

5 MR. BROGNA: No problem. Thank you. Name is Ed
6 Brogna, 3402 East Presidio Road, Tucson. A resident of that
7 neighborhood, property owner of that neighborhood over 40 years.

8 I'm not an AT&T customer. I have been a Sprint
9 customer forever, but I have no problem with them putting up a
10 tel- -- this palm tree and the other palm trees, and vegetation
11 they plan around it on the church's property. There's more
12 planning going into this than there is on most of the properties
13 in our neighborhood.

14 Our neighborhood is 70% rental which means 30% is
15 privately owned here, you know, people actually live there who
16 are owners. And I'm an owner, and I'd like to see if whoever
17 else talks who actually is a property owner in this, in this
18 area.

19 I have no problem with it. I think it's gonna look
20 good. I have a friend who owns a building. It has the palm

1 trees by his place. Looks fine. Unless he would say, "Look at
2 my palm tree," you know, you wouldn't even notice.

3 It's, it's 400 feet south - the nearest property is
4 400 feet south of where this tower is, okay? And I think the
5 specifications are up to 300 feet, you know, then we have a
6 problem where you have to be notified. So it's well within
7 outside of that range.

8 It's in compliance with everything the VSCC says, and
9 you know, they, they run everything from microwaves to, you
10 know, telephone towers to everything else that has a wire. And
11 it's within their specifications. I see no reason why if there
12 wasn't - if those specifications weren't right, that they
13 wouldn't be changed nationally.

14 So basically, our neighborhood boundary is Glenn to
15 Fort Lowell, Country Club to Palo Verde. So we - I'm a property
16 owner within there, and a member of the church for many year.
17 And I've seen - we've used the church for meetings for our
18 neighborhood. I've been past president of the neighborhood a
19 couple of times. And, you know, we - we're a proud
20 neighborhood. We've got Cylovia coming through this week, and

1 stuff like that.

2 We're working on making it better, and I think there's
3 nothing wrong with this, it's not taking anything away from our
4 neighborhood at all. And I'm all for it.

5 ZONING EXAMINER: Thank you, sir. Anybody else
6 wishing to speak in favor of the proposed application? All
7 right. May I ask now if there's anybody wishing to speaking in
8 opposition to the proposed application? All right, sir, if you
9 want to come forward.

10 MR. HOBBERMAN: My name is Mark Hobberman (ph.). I
11 live at 3150 East Presidio Road. I am a homeowner. And I have
12 a statement I'd like to read and then I'm wondering with your
13 permission, I have a individual who's out of town that could not
14 be here. Just a short one paragraph. Is that possible to -

15 ZONING EXAMINER: Yes.

16 MR. HOBBERMAN: - read that for her.

17 ZONING EXAMINER: You can read that into the record.

18 MR. HOBBERMAN: Okay.

19 ZONING EXAMINER: And is it a letter from - is it a
20 resident of the neighborhood?

1 MR. HOBBERMAN: Yes, it is.

2 ZONING EXAMINER: Okay. We can -

3 MR. HOBBERMAN: Do you want me to start with that?

4 ZONING EXAMINER: Can we accept that into protest and
5 approval? Okay, yeah. If we can have a paper copy, we'll
6 attach it to the approval and protest.

7 MR. HOBBERMAN: Okay. And I'll go ahead and start
8 with that, then. This is from Dr. Wanda Frank, 3202 East
9 Presidio Road. She says, "I object to the addition of an
10 artificial 65-foot tower that will also have a major-sized air
11 conditioner around it with a constant hum that would add to
12 noise pollution in the neighborhood."

13 "More importantly, one of our consultant scientists
14 reminds us that the palms in front of the church office have
15 been struck by lightning and were smaller than the 75 -" I'm
16 sorry "- the 65-foot Disney tower, also having the potential
17 for major lightning strikes, thus endangering, endangering
18 nearby structures."

19 "This area is densely populated with owners and
20 renters and depend upon the correct zoning that insures our

1 safety and the character of the neighborhood originally zoned
2 for residential and office development.”

3 “It would be disgraceful to rezone this area for the
4 benefit of a major corporation that chooses to ignore the above
5 safety factors.” And it’s signed by Dr. Wanda Frank.

6 I have lived in the Cabrini Neighborhood for 25 years.
7 And I’m seriously concerned about the intrusion of the proposed
8 cell tower because I have a great view of the Catalina Mountains
9 from my living room and front door. If this 65-foot tower is
10 allowed to be built, my view will be destroyed by hanging fake
11 fronds in a fake palm tree. It would definitely obstruct the
12 view.

13 The cell tower would do nothing to improve the appeal
14 anesthetic sensibilities of the neighborhood. It actually would
15 be an ugly structure that does not belong in a residential area.
16 The tower height will significantly impact the aesthetic appeal
17 of the neighborhood.

18 My next concern is that it an established fact that it
19 can decrease property values. Real estate agents are required
20 to disclose the perspective purchasers in the proximity of

1 nearby cell towers located near to properties they market for
2 sale. Appraisers know that real property is devalued
3 due to the proximity of a cell tower. The lower value can be
4 anywhere from 10 to 25% depending on how nearby the tower
5 affects the view. When property values drop, city property tax
6 revenue can also drop.

7 Also, the added noise from a two to five-ton -- two
8 five-ton air conditioners and a potential generator, even though
9 it's not in the plans right now, and maintenance crews driving
10 their trucks and using equipment will increase the traffic and
11 physical activities in and around the church property. This may
12 have an adverse affect due to visual disturbances that could
13 disrupt and (sic) quiet enjoyment of those who live in the
14 residential areas nearby.

15 A 65-foot cellular telephone tower proposed for
16 erection on the grounds of the St. Francis Cabrini church in
17 Tucson would be four times more likely to be struck by lightning
18 than a 30-foot flagpole in the same location. And this is by an
19 expert on lightning.

20 We have over 200 signatures from the neighborhood of

1 people who oppose the cell tower. And just as of today, we have
2 14 parents from the Waldorf School on Presidio that are very
3 concerned about the exposure and the presence, I should say, in
4 the neighborhood.

5 So we ask that you recommend denial of a permit to
6 application SE-12-94, AT&T. Thank you.

7 ZONING EXAMINER: Thank you, sir. I know there was
8 somebody else in that row that - ma'am, if you'd like to come up
9 and speak. And Mr. Hobberman, if you could leave the letter
10 from Dr. Frank, I think it was.

11 MS. SAGER: My name is Karen Sager (ph.), and I and my
12 husband, Robert White, live at 3141 North Needham Place which is
13 a small private street just to the east of the church property.

14 We bought our house 24 years ago. We've lived there
15 with - brought up our children, we kept our grandchildren with
16 us. And I - you said that it's okay to say that - talk about
17 health reasons, although you can't use them in your report.

18 ZONING EXAMINER: I'll not use them in the report.

19 MS. SAGER: Pardon?

20 ZONING EXAMINER: I won't use them in the report.

1 MS. SAGER: Yes.

2 ZONING EXAMINER: But if you want to make a record of
3 your objection to them -

4 MS. SAGER: Yes.

5 ZONING EXAMINER: - okay.

6 MS. SAGER: For this reason, I very much object to the
7 cell tower. I have read reports from India, from Scandinavia
8 and in Europe that they're very concerned about this radiation
9 and have enacted laws against it from cell towers. I won't say
10 anything more about that.

11 When we bought our house, we decided that we would try
12 very hard to pay it off before retirement. We are now both in
13 our 70's and we consider our house our main asset for our old
14 age.

15 I went to the Long Board of Realtors and talked to
16 some of their top people, and they assure us that it definitely
17 does affect property values. Not everyone needs AT&T. We've
18 got very good reception where we are without the AT&T tower.
19 I'm very concerned that should our property values go down,
20 we'll have a difficult time supporting ourselves when it's time

1 to move on to a, a smaller place. I don't, I don't believe that
2 people look forward to having a cell tower right next to them
3 when they're looking for a house, especially those with young
4 children.

5 And it will be an eyesore, palm trees around it or
6 not. They will (inaudible) the, the tower with the palm trees
7 will definitely spoil the view and the noise is a big concern.
8 Our bedroom window faces right in the line of this tower. And
9 we're very concerned about, about that. I also understand that
10 it generates a lot of electricity and I think somebody else can
11 comment on that because I don't know the science of it. Thank
12 you.

13 ZONING EXAMINER: Thank you. Other people wishing to
14 speak in opposition? Oh, it's the portable one there.

15 MR. WHITE: Well, I just want to add my voice to the,
16 the objections.

17 ZONING EXAMINER: Can, can I ask your name, sir?

18 MR. WHITE: Oh, I'm, I'm sorry. Robert White, and I
19 live at 3141 North Needham Place. And I live with my wife,
20 Karen, who just, who just spoke. And we've been there for 24

1 years.

2 And basically everything that she said I agree with.
3 I think that the cell tower will be an eyesore. I've seen the
4 cell tower on 22nd Street and the one over on, on Country Club
5 and Speedway. They don't - they certainly don't add anything to
6 the, to the scenery.

7 So basically my objections are to, again, the effect
8 it will have on the - our property values, and also on the
9 scenery and possibly sound pollution, if that may be. I don't
10 know. (Inaudible)

11 ZONING EXAMINER: Is that, is that all?

12 MR. WHITE: Yes.

13 ZONING EXAMINER: All right. Thank you, sir. Ma'am.

14 And then I'm not forgetting you, ma'am, so -

15 MS. BORNEAU: Good evening. My name is Eileen Borneau
16 (ph.), and I have lived in the neighborhood for about nine
17 years. I chose to live in this neighborhood, the Cabrini
18 Neighborhood because of its beauty and quiet, and also the
19 people themselves. My home is my biggest asset, and I have
20 purposely retired here as well.

1 And I'm opposed to the cell tower. Sixty-five feet is
2 going to definitely detract from the beauty. Also it's - the
3 tower is located - proposed tower will be located 300 feet from
4 my home, so I will be exposed to the noise from, from the, the
5 air conditioning units.

6 A 65-foot tower will definitely destroy the beauty and
7 the ambience of the neighborhood. And I am very concerned about
8 the property, my property values going down as well. Thank you.

9 ZONING EXAMINER: Thank you. Ma'am.

10 MS. POLIS: Good evening. Thank you for giving me the
11 opportunity to speak. I'm not really speaking either in favor,
12 or opposition. I, I'm -

13 ZONING EXAMINER: I'm going to interrupt you and just
14 get your name, so that I can -

15 MS. POLIS: Oh, Lonnie Polis (ph.). I live at 1208
16 East Smoot Drive. I live in the Campus Farm Neighborhood, and I
17 am someone who has had experience listening to cell phone tower
18 applications for special exceptions as a member of the Pima
19 County Planning & Zoning Commission. And I think this
20 particular case raises some issues that I wanted to bring forth

1 to your attention, and also as part of the public record.

2 Many of us recognize the necessity for the increasing
3 number of towers, and their height, due to the increased use of
4 cellular devices and changes in technology. And I think that
5 because of this new type of infrastructure that we're
6 experiencing in the community, it really behooves us to
7 carefully consider where we place such facilities, where they're
8 needed and where they're appropriate.

9 Urban and visual blight that's created by our
10 infrastructure is really not a trivial matter. And we really
11 should work with the providers, the regulators and the citizens
12 to come up with good policy that benefits the community first
13 and foremost.

14 The fact that we're in an urban environment means that
15 the cell phone towers, one, are gonna increase in number within
16 the city limits. And also that they're gonna have an impact on
17 residential areas because we are more dense and compact than the
18 rural areas of the county.

19 But when we talk about locating cell phone towers at
20 schools and churches, we raise another issue. Schools and

1 churches are allowed in any zone within the commu- -- within our
2 city. Not just commercial zone property, but also in
3 residential property.

4 Schools and churches often foster a relationship with
5 the neighborhood that they exist in. And by allowing cell phone
6 towers to be located on these properties, we are actually
7 creating a conflict. We're creating a conflict among people who
8 live in an area and have no choice about whether or not they
9 wish to be close to a cell phone tower, and accept the things
10 that they bring, whether it is an issue that they're concerned
11 about their health, or the visual impacts or the noise issues,
12 or their property values.

13 It creates a conflict that doesn't often exist when we
14 locate those towers at facilities such as fire stations or
15 police stations or on a currently-existing electric power poles,
16 or even on city lamp posts. And I think that we need to really
17 investigate this as Staff and as citizens as to whether or not
18 it is appropriate to locate cell phone towers on these
19 properties.

20 The other thing I'd like to bring up is the issue of

1 disguising cell phone towers. Sixty-five feet is really tall
2 for the city of Tucson. We're a low profile community. And
3 anything that's 65 feet in height, unless it's placed on a
4 multi-story building, is gonna be obvious to people who live
5 there.

6 And I see the benefit to disguising some of these
7 towers, but a 65-foot tall palm is quite large. And one of the
8 things about disguising cell phone towers is that you then
9 preclude the ability of other providers to co-locate onto that
10 tower.

11 So although we have a city policy that fosters the
12 idea of co-locating several different providers on a tower,
13 simply the act of disguising it as a palm now prevents another
14 provider besides AT&T from being able to locate onto this tower.

15 And I think that's something that we should consider
16 and weigh carefully before we decide that disguising this as a
17 palm tree or a sahuaro or whatever else we want to do is really
18 in the best interest of the community.

19 I'm also concerned about the maintenance and who is
20 responsible or the maintenance of the vegetation around the

1 eight-foot tall, chainlink fence, and the palm trees. Is this
2 the responsibility of the lessee? Is it responsibility of the
3 church? Is it a responsibility of the neighborhood? Who is
4 going to take responsibility?

5 Palm trees are high maintenance trees. And Staff is
6 recommending that more of them be placed there. I think that we
7 should carefully look at the decisions ma- -- or the
8 recommendations made by Staff before you go forward with an
9 approval. Thank you very much.

10 ZONING EXAMINER: Thank you. Anybody else wishing to
11 speak in opposition?

12 MR. GARCIA: My name is -

13 ZONING EXAMINER: If you could take the - thank you.

14 MR. GARCIA: My name is Armando - my name is -

15 ZONING EXAMINER: The handheld microphone right to
16 your left.

17 MR. GARCIA: I'm sorry, what -

18 ZONING EXAMINER: To your left, there's a handheld
19 microphone.

20 MR. GARCIA: Oh, the microphone. My name is Armando

1 Garcia. I am a property owner there on Presidio, 3324 East
2 Presidio. I am concerned because of the height of the tower,
3 the eyesoreness of the, the view from my fence. Also the noise
4 and all the predicaments that might come along afterwards.

5 I really hope that you can consider the opposing that
6 we're doing in taking care of this throughout the neighborhood.
7 I'm sure all the other members in my group feel the same way.
8 Thank you very much. Have a good day.

9 ZONING EXAMINER: Thank you. Anybody else wishing to
10 speak in opposition? Sir.

11 MR. CUMMINGS: I'm Shane Cummings. I live -

12 ZONING EXAMINER: I'll give you a second to sign in
13 there.

14 MR. CUMMINGS: All right. So I suppose that we don't
15 get to talk in our letters about the health effects of the
16 electric magnetic frequencies because it hasn't been studied.

17 That's usually the case with the FCC's. We don't
18 know, and so we go ahead with it until we find out, and then we
19 know that it causes a lot of stress, and stress brings on cancer
20 and other diseases. So, yeah, it's a big concern.

1 I think the EMF's can radiate to 1600 feet, a quarter
2 mile, it's pretty far. And a 65-foot tower definitely would be
3 a blight to our lovely neighborhood.

4 The lightning strikes are a big concern. The church
5 ought to be concerned about the lightning strikes at the least.
6 There's a lot of other people around it. Another resident said
7 there's nobody around here, close to the tower, to 400 foot.

8 And then the next person came up a little while after
9 said that their southside window is 300 feet from where the
10 tower's gonna be. Two five-ton air conditioners, that's way
11 bigger than the average house. There's two of them. There's
12 not gonna be a generator there until they put a generator there,
13 'cause they'll need one. And, yeah, it's gonna be some noise
14 pollution.

15 There's an enormous amount of dog walking going on in
16 our neighborhood. Watch the residents change their pattern
17 around that. Yeah, property values, values are gonna go down.
18 Has already heard about some people who have their life savings
19 invested into a home to be eaten up by AT&T. No thank you. We
20 don't really need to be bullied into a corner. They need to

1 compromise around the neighborhood. Thank you.

2 ZONING EXAMINER: Thank you, sir. Ma'am.

3 MS. KELLY: Good evening, Mr. Kafka. Zoning Examiner
4 Kafka. My name is Elizabeth Kelly. I don't live in the
5 neighborhood. I live at 3031 North Guaya (ph.) Place in Tucson,
6 west Tucson. And I have a written statement, but I understand I
7 should put it in the mail afterward, is that right?

8 ZONING EXAMINER: You can give it to us.

9 MS. KELLY: I can give it to you?

10 ZONING EXAMINER: It's your written statement?

11 MS. KELLY: Yes, sir.

12 ZONING EXAMINER: Okay. Yeah, you can give it to us
13 and I'll -

14 MS. KELLY: Then I'll do it as soon as finish my -

15 ZONING EXAMINER: - make sure it gets into the
16 materials.

17 MS. KELLY: Thank you. Well, what I'd like to cover
18 is to reinforce the, the concern people in the neighborhood have
19 about the height of the tower. This is a very tall tower, 65
20 feet. Local zoning for R-2 zone which is what the Cabrini

1 Neighborhood, the residential neighborhood is zoned as to the
2 east and south of the church property is R-2. And the height
3 there is 25 feet.

4 So this tower will be at least 40 feet taller than
5 pretty much everything else around, and it will be visible for
6 several miles against the skyline on our beautiful clear days in
7 Tucson. And it's disguised as a palm tree with nine towers, or
8 panels rather, that are eight feet long that are supposed to
9 just blend into the natural scenery. But it won't.

10 I know where all these fake palm trees are in the city
11 and they don't look natural. In fact, they're not native
12 anyway. Palm trees are not native to this area. And so
13 planning to plant a few trees around the, the base doesn't
14 result in any camouflaging because none of them will be as tall
15 as that.

16 And another thing is, as people have been mentioning
17 the effect on property values. It's well established. Real
18 estate agents are required to disclose the presence of cell
19 towers and other power lines and other things that present a
20 health concern, health and safety concern to people when they're

1 marketing property.

2 And I overheard the gentleman from AT&T earlier in
3 discussing the high demand for wireless broadband which is part
4 of what this co-location tower intends to provide. Wireless
5 broadband is being built into new home construction and of
6 course people love technology.

7 The problem is, the health issue is huge. There's a
8 federal law that denies you from taking our health concerns into
9 account when denying a permit. I understand that, and I have
10 never heard until this evening what you said earlier about that
11 I, I should feel free to go ahead and speak about this if I want
12 to, but it won't be part of the record. But it's on our mind,
13 and -

14 ZONING EXAMINER: It will be part of the record, but I
15 will not consider it in making my decision or determination -

16 MS. KELLY: Right.

17 ZONING EXAMINER: - or recommendation.

18 MS. KELLY: Part of - it'll be part of the record,
19 right. But specially the hazard within the first five meters or
20 1600 feet or so is something to be taken into account. And that

1 depends on the power level from the antennas.

2 And this would be a co-location antenna, which means
3 that in the future, under a law that passed last year, federal
4 law, changes technologically can be made to that tower, as long
5 as it maintains the same physical profile.

6 So the city is losing control over this tower in terms
7 of regulating it in the future. And the neighbors will not be
8 notified of any technological changes or have a chance to
9 comment like they are today. So this is really our only chance
10 to bring up our concerns about all the, all the issues related
11 to the tower.

12 As stated earlier, cell towers attract more lightning
13 strikes to the area. A lightning expert named Leon Brierly
14 (ph.) has - gave a report to me which is attached to my letter
15 that says that four times more likely to be struck by lightning
16 than a 30-foot tall flagpole at the same location.

17 The electrical conduction/induction and
18 electromagnetic effects of a lightning attachment to the
19 proposed tower may cause electrical over-stress of a electrical
20 equipment used by the church as well as equipment used by the

1 nearest neighbors of the church.

2 People standing in the, or congregating in the near
3 vicinity of the tower are most at risk from injuries from stream
4 occurrence ground potential differences and/or surface areas as
5 sparks, surface arcs associated with a lightning discharge to
6 the tower. Some electromagnetic effects, such as strong
7 radiation from the antennas will only be enhanced by the
8 presence of a tall, metal structure.

9 Finally, the cell tower industry and many local
10 government wireless ordinances require setbacks for towers from
11 property lines and from neighboring buildings a minimum of two
12 times the height of a tower is fairly typical. Considering
13 there are - is a greater risk of lightning strikes for the tower
14 and materials may fall from the tower that could damage
15 buildings in the area, a better location should be found.

16 The tower is right along the northern border of the,
17 of the church property which wasn't mentioned earlier, and quite
18 close to another church on, on - in that little mall right
19 behind that church. And then to the northeast, the Blake
20 Foundation, which is a licensed child welfare program for the --

1 non-profit for children who are abused and neglected.

2 These facilities and the pastor's home on the church
3 property then are really most at risk from the tower safety
4 issues related to proximity that I've been raising. For all
5 these reasons, I strongly recommend that this permit application
6 be denied. Thank you very much.

7 ZONING EXAMINER: Thank you.

8 MR. WILLIAMS: My name is Dennis Williams. I own some
9 property at 3428 through 3434 East Presidio Road. Me and the
10 bank own the property. The bank lets me collect the rent for
11 it.

12 I'm concerned about my property taxes. I pay up to
13 \$12,000 a year in property taxes. And after these cell towers
14 go in, property values will lower and typically, Pima County
15 will raise the rate of the property tax so as to compensate for
16 the lowered property values and the vacancy, the up- -- the
17 upkick (sic) in the vacancy factor.

18 My health insurance and the health insurance for my
19 tenants will go up. That's a statistical fact as well as the
20 lowered property values are a statistical fact. AM Best

1 Insurance rating company has made a statement to all insurance
2 companies that they have to raise the rate that they charge for
3 health insurance and liability insurance and etc. because the
4 cell towers are an added risk. And this is the national rating
5 - insurance rating company, so they must know what they're
6 doing.

7 I'm concerned about 21 people that I have on my
8 property. I'm concerned that they don't have any choice in the
9 matter of whether these cell towers go up, just for the purpose
10 of not inconveniencing people who want better coverage.

11 I believe that sound is gonna be a problem. My day
12 job is air conditioning tech, and I know what five-ton air
13 conditioner units sound like. I don't want that sound in, in my
14 neighborhood.

15 I object to the height of the towers, especially
16 because the church has a narrow little strip of property that
17 they managed to get into C-1 zoning. And that C-1 zoning is
18 imposed on a neighborhood that is all R-2 zoning. This is an
19 imposition not only of radiation, appearance, sound, it's also
20 an imposition in the matter that the people in the neighborhood

1 don't have a choice in the matter.

2 Once the cell towers are up, and once this is insured
3 as - once this existence of this is insured as a co-location
4 site, then the City will have no control over how many more
5 companies are co-located at this site with broadband, with other
6 kinds of electromagnetic radiation.

7 There has been no surveys that I know of in which
8 someone took at a 4-G cell phone from Cricket, from AT&T, from
9 other services, went around the neighborhood to see just how
10 lacking is the service, the existing service in the
11 neighborhood. I'm not aware of any survey having been done.
12 And if it was, I think it should have been published.

13 There'll be noise from trucks coming in and out to
14 maintain the towers, to maintain the AC units. They'll be
15 coming in day and night. There'll be danger of things falling
16 off the towers. This has happened before. There'll be danger
17 of the towers falling. The tower will increase the potential,
18 the electric potential of the ground all around the tower for -
19 to attract more lightning strikes.

20 We have a Waldorf School in the neighborhood. I don't

1 think that we've properly balanced the, the needs of those
2 people who don't want to be inconvenienced with the needs of the
3 neighborhood - the people in the neighborhood to have a choice
4 in the matter. Not enough information has gone out so that all
5 of the neighbors are aware of what's about to be imposed on
6 them.

7 To say that these towers and the electromagnetic
8 radiation coming off of them is perfectly safe flies in the face
9 of AM Best rating for increased risk. And to say that these -
10 that electromagnet radiation is perfectly safe, you have to know
11 everything to be able to say that. And people who know
12 everything, or people who think they know everything, are very
13 irritating to those of us who do. Thank you.

14 ZONING EXAMINER: Mr. Williams. Mr. Williams, did you
15 get a chance to sign in on the sheet?

16 MR. WILLIAMS: No, I did not.

17 ZONING EXAMINER: All right. Thank you. Thank you,
18 sir. Ma'am.

19 MS. ROTHMAN: My name is Lena Rothman (ph.). I'm a
20 resident at 3233 East Blackledge Road. I'm a resident of

1 Cabrini. I moved in about a year ago and I purposely moved to
2 that neighborhood because I found it to be quiet. I found it to
3 be beautiful and peaceful.

4 And now I'm finding out about the cell tower being put
5 up has given me stress as far as the sound, the maintenance of
6 the site, the beauty of the neighborhood. I feel that a 65-foot
7 tower is gonna look really ridiculous.

8 It's disheartening to me to walk out my door and see
9 that every day. I know talking about the health effects, and my
10 concerns about that really is of no concern to you because
11 you're not gonna use that.

12 (Inaudible) I don't understand why that's - we can't
13 talk about it when Pima County had ruled that we could talk
14 about the health effects. And around the country, it's - the
15 FCC ruling has become into question.

16 ZONING EXAMINER: I'm allowing you to say it on the
17 record. I'm just not gonna take the health effect issue into
18 consideration when I render my recommendation. And that's how I
19 feel I'm precluded by, by the FCC regulations. I think that you
20 can still make a record of your objection to it, but I'm not

1 gonna consider it.

2 MS. ROTHMAN: Okay. Well, I'd like to go on record
3 that I have health concerns about the radiation. And I would be
4 considering buying a home in the area, but if the cell tower
5 goes up, I don't think I would consider the area anymore.

6 ZONING EXAMINER: Thank you.

7 MR. JOHNSON: I'm Michael Johnson. I live across the
8 street from the proposed site. And I don't know anything about
9 cell towers, but I do what we do best in this stage of
10 information. I Googled it. So in the thousands of articles
11 that I've seen, here's a few that I found that I was enlightened
12 by.

13 In August, the International Association of
14 Firefighters voted for a moratorium on placing cell towers at
15 fire stations until the study of health impacts can be done.
16 Yakima City Council declares cell phone towers moratorium.
17 Neighborhood association requested the action after learning
18 about cell tower planned to be built on a church property.

19 Cell phone companies, all of them they claim here, the
20 ones that have been built and installed are way above the RF

1 signals that the FCC requires. So it tells me that we can't
2 even trust that they're gonna comply with what they say they're
3 gonna comply with.

4 There's a city in India that has - had 199 mobile
5 towers to be shut down and removed. The high court banned the
6 installation of mobile home towers near schools, hospitals and
7 jails.

8 And my concern also is, you know, it's hard to ignore
9 the, the six decades of research that, you know, has the impact
10 on health. I wasn't gonna bring that up, but I just can't
11 ignore it. They're, they're just out there. They're hard to
12 ignore. I've seen thousands of articles that I didn't print out
13 and bring because we're not supposed to talk about it.

14 But I live across the street, and it's right in my
15 view. The tower will be at least 40 feet above any existing
16 structure around. And it is 300 feet from the house. I
17 measured it myself, the proposed site.

18 I didn't give reasons for all these. They're in the
19 articles, but at the same time, it gives me great reason for
20 concern. If all these people are rejecting these towers, here's

1 another one. The city of Burbank rejects church cell tower.

2 The neighborhood group fighting a proposed cell tower
3 atop a church in Burbank won a victory Tuesday night when the
4 Burbank City Council voted unanimously to overturn a Planning
5 Department permit for the tower. The location is in a
6 residential district and close to an elementary school and a
7 middle, middle school was the reasons for that.

8 In the Washington Post, Fairfax County, schools are no
9 place for cell towers. They're rejecting them there. So I'm
10 finding all this research in just a few minutes that I looked on
11 line. So, of course, I'm concerned. Thank you.

12 ZONING EXAMINER: Thank you, sir. Anyone else wishing
13 to speak in opposition? Ma'am. Were you here when I swore
14 everybody in?

15 MS. DONREY: No.

16 ZONING EXAMINER: Okay. I'm gonna swear you in
17 separately. Do you swear/affirm to tell the truth, the whole
18 truth, and nothing but the truth?

19 MS. DONREY: Absolutely.

20 ZONING EXAMINER: All right. And if you could sign in

1 there and then state your name.

2 MS. DONREY: Okay. Okay. My name Sarah Ann Donrey
3 (ph.), and I live at 3428 East Presidio Road with my husband and
4 our two dogs. And I've lived there for almost, almost a year.
5 I really enjoy the neighborhood and I think that all of the
6 people here, since I've walked in late, have expressed similar
7 concerns that, that I have.

8 But I think if I was going to reiterate one thing, it
9 would be this. That I am clinical engineer for the Artificial
10 Heart Department. I'm pursuing a Ph.D. in computer science
11 engineering, and I love my cell phone. So I don't think that
12 anybody is saying that they don't appreciate having great
13 service, or using their computers or anything like that.

14 But I think from what I'm hearing, the most
15 detrimental thing is the, the relationship the City is gonna
16 have with the neighborhood afterwards, and the many other
17 neighborhoods that are being affected by the cell phone towers.

18 Being residents here, we have, you know, we really
19 enjoy having our community gardens, and our schools, and the,
20 the diversity of the neighborhoods are the way they are because

1 we have choices.

2 And I feel that in this situation, our choice is being
3 taken away from us. And so I think that the cell towers gonna
4 be really the root - the other problems spring from if you
5 start, you know, preparing a bad, bad feeling in the
6 neighborhood already as for the fact that they may not have any
7 choices for other things in the future.

8 And I have experience, as I used to live on the east
9 side and moved in town. And my health insurance decreased as I
10 moved away from a cell phone tower. And when I called again,
11 'cause I got married within the past year. I called my new
12 health insurance company, and they said, yes. In fact, my
13 health insurance rates will go up again.

14 And although I don't own - as a student, I don't
15 really have a ton of money, and I need to stay healthy while I'm
16 in school, and I don't have my dream job yet. So I think that
17 the communication, one, needs to be open, especially if we're
18 gonna make further decisions about technology in the future
19 because this isn't the only decision about technology we're
20 gonna have to make.

1 It's, it's very important to use technology as a tool
2 to our advantage. But I think once we start using it as a
3 weapon against other people, people will really start to reject
4 it. And it just causes division and things that will just be
5 unnecessary in the community. So I agree with everything thus -
6 said thus far, plus what I've reiterated now. And thank you
7 very much.

8 ZONING EXAMINER: Thank you. Anyone else wishing to
9 speak? Ma'am.

10 MS. GADALI: Hello. My name is Eileen Gadali (ph.).
11 I live at 3208 East Presidio Road. My husband and I have lived
12 there for 23 years.

13 I'm also a long-time member of the St. Francis Cabrini
14 Parish, and I've been a secretary there for the last 18 years.
15 And I would - what I would like to say is that if the pastor or
16 the governing bodies of the church thought that there would be
17 serious negative effects to health or property values in the
18 neighborhood, they would not have agreed to the proposal from
19 the AT&T people to put a cell phone tower on church property.

20 I, myself, live directly across the street from the

1 rectory, and, you know, if I had serious health concerns or
2 thought it was really gonna affect my property values, I
3 wouldn't want it there either. But, you know, you can go on the
4 internet and you find that this a very disputed issue about
5 health effects of cell phone towers.

6 And I also wanted to say that the pastor himself lives
7 on the property. He's an 82-year-old gentleman and if the
8 parishioners thought his health was going to be affected, they
9 wouldn't want it there either.

10 But the, the authorities that we have consulted,
11 health professionals and engineers with expertise in electronics
12 that are members of our parish, they come down on the side of,
13 of these telephone towers being safe. So I'm not comfortable
14 public speaking, and that's all I have to say.

15 ZONING EXAMINER: Thank you. We also have a letter on
16 file, I believe. All right. Anybody else wishing to speak
17 either for or against? All right. Mr. Burmer, if you could
18 come back up. I think we have a noise report that you testified
19 to earlier that had been submitted.

20 MR. BURMER: Correct. That is correct.

1 ZONING EXAMINER: Do you know when that, when that was
2 submitted? I don't, I don't remember seeing the noise report.
3 Maybe I read it but I don't recall seeing it.

4 MR. BURMER: And I -

5 ZONING EXAMINER: Is it in -

6 MR. BURMER: - I will get you an answer to -

7 ZONING EXAMINER: Okay.

8 MR. BURMER: - your question as to what time of day.

9 ZONING EXAMINER: Okay.

10 MR. BURMER: But based on the ambient readings, I
11 would assume it was in the busiest part of the day.

12 ZONING EXAMINER: Mr. Wyneken, do we have a copy of
13 that in the file?

14 MR. WYNEKEN: I, I don't have a copy of that with me,
15 no.

16 ZONING EXAMINER: Okay. And also I think you
17 submitted today the photographs representing the current
18 conditions of the site views. And then mockups of what it might
19 look like with the tower, the monopalm in place.

20 MR. BURMER: Mr. Zoning Examiner, those were just some

1 enhanced photo (inaudible) with some additional views. In the
2 original submittal, there were two views that were submitted.
3 The view from the south and a view from the, from the west.

4 And there's been some changes. In fact, the original
5 photo (inaudible) that were submitted were for a 70-foot
6 monopalm. And, in fact, the height had been reduced to 65 feet.

7 ZONING EXAMINER: So do these represent the scale to
8 65 feet?

9 MR. BURMER: Correct.

10 ZONING EXAMINER: And there's some additional views -

11 MR. BURMER: Correct.

12 ZONING EXAMINER: - in here. All right. What I've
13 heard today is a lot of information on the noise issue, which
14 I'd like some opportunity to, to evaluate the report that you
15 have about some views, considerations, property values,
16 submissions of maintenance which perhaps you can address right
17 now. And, and then some testimony about health insurance rates
18 which I'd like to get to in a moment.

19 As to the maintenance, I, I would expect you to have
20 knowledge of who's gonna main- -- maintain that and what

1 maintenance plan could be put in place on the cell tower.

2 MR. BURMER: The, the normal maintenance routine is
3 that a technician will visit the site. Typically, it's on
4 average of about once a month. Those visits are usually
5 conducted during non-peak use hours, which would be sometime
6 late at night. That's just routine maintenance of the site.

7 If there's an outage, an equipment failure that
8 necessitates that it be corrected quickly, then that could take
9 place anytime during the day with some urgency. So in the
10 typical operation of the cell site, there is not heavy truck
11 traffic or heavy vehicular traffic of any sort.

12 As we all do know in this industry, there's a constant
13 evolution of technologies, and mod projects are periodically
14 performed which do necessitate changing out equipment on the
15 tower.

16 In those circumstances, typically there may be a
17 zoning process required, depending on what we're doing to the
18 tower. But it would necessitate some larger pieces of equipment
19 and trucks for a very brief period of time, typically between
20 two and three weeks to implement those mods. But it's not a,

1 it's not a intensive vehicular access use to have a cell site on
2 a property.

3 ZONING EXAMINER: And do you have an arrangement with
4 the church to maintain the proposed natural palms as well?

5 MR. BURMER: It, it, it will be the church's
6 responsibility to maintain the enhanced landscaping, that's
7 correct.

8 ZONING EXAMINER: Are you familiar with any empirical
9 studies on property values and, and cell towers?

10 MR. BURMER: The, the property value issue is similar
11 to the issue regarding the health concerns. You can do a lot of
12 Google research on the internet, and you can find a lot of
13 positions that support it both ways. The only thing, like I
14 said in my opening statement, the National Association of
15 Realtors actually finds that home values are depressed by
16 approximately six percent for neighborhoods that don't have good
17 broadband access.

18 Wireless communications is a means of providing
19 broadband access for the community. But it's very difficult to
20 get empirical evidence. We've been in situations where we've

1 been at meetings like this where we've had realtors stand up and
2 support that statement, that there is cases where they're out
3 with customers and they don't have good coverage in a home and
4 they're not interested in buying that home.

5 It is also true that if there is a cell tower plan to
6 go up in your neighborhood, that it is part of disclosure
7 statement that you need to include when you're making - when
8 you're putting your house on the market. But so is barking dogs
9 who tend to be a nuisance, as well as neighbors who you've had
10 run-ins with. It's, it's just fair, fair warning.

11 ZONING EXAMINER: My inclination is to ask for an
12 assessment by a realtor or an appraiser of this particular site
13 because I would imagine that when you're dealing with those
14 larger studies, they're, they're generic.

15 And in this particular site, we could be maybe
16 information about specifically with these distances, and with
17 this height of monopalm and with these site lines, what impact
18 it might have on nearby residences.

19 I think that would be useful to look at the site
20 specific criteria, or the issues that are site-specific, and

1 how they might affect the actual property values.

2 I'd also like an opportunity to hear more on - with,
3 with hard data on the health insurance rates and, and lightning
4 strikes. I want to look at that noise report more closely.

5 So where I'm headed with this conversation is that I
6 want to continue the hearing for a month to be able to, to
7 consider this information on, on property values.

8 And what I'd like is to see if we can't get somebody
9 here to talk about those property values, or to at least submit
10 a report on the property values, and if they, if they can't
11 come. Who had the report on the lightning strikes?

12 MS. KELLY: I do. Elizabeth Kelly.

13 ZONING EXAMINER: Elizabeth Kelly. And you have the
14 report with you?

15 MS. KELLY: Yes, sir.

16 ZONING EXAMINER: Okay. So I'd like an opportunity -
17 have you seen that report?

18 MR. BURMER: I have not.

19 ZONING EXAMINER: Okay. What I'd like to do is have
20 an opportunity to look at the report and, and provide it to you

1 to, to be able to respond to.

2 MR. BURMER: That would be appreciated.

3 ZONING EXAMINER: All right. Thank you. So what
4 I'll, I'll do is I'm gonna - I want a chance to read that, and I
5 want a chance to give it to Mr. Burmer so he can respond to the
6 information about the lightning strikes that people have brought
7 up. I'd like to, if you could, provide some further information
8 about property values to this site.

9 I'm asking that of Mr. Burmer, but if, if somebody
10 else wants to submit a statement from a Arizona realtor who
11 looks at the property specifically, and gives enough time for
12 Mr. Burmer to review that before the next hearing, that would be
13 welcome as well.

14 So that way we can, we can review this and have it all
15 in hand before the next hearing. I can make a more informed
16 reading of the situation when I have that in hand. I frankly
17 don't know what to do about health insurance rates. But if, if
18 -

19 MR. BURMER: I was talking to my colleagues when that
20 comment was - none of us are aware or have ever heard of that

1 prior to tonight.

2 ZONING EXAMINER: I'm gonna take it - I think it was
3 Mr. Williams who testified as to the insurance rating. And -

4 MR. WILLIAMS: (Inaudible)

5 ZONING EXAMINER: Okay. But that's the rating agency,
6 the best rating agency - AM Best? I'd like to do it to find out
7 more information about that.

8 All right. So with that, I think that's a little bit
9 of homework. And what I'd like to do is schedule a continued
10 hearing for May 16th. I think we have a crowded calendar for
11 May 16th.

12 MR. WYNEKEN: There's three.

13 ZONING EXAMINER: There's three on it already?

14 MR. WYNEKEN: (Inaudible)

15 ZONING EXAMINER: Okay. So for, for May 16th. I'd
16 like to come back and revisit these issues with a little bit
17 more information and make a more informed assessment.

18 So I'm continuing this hearing until the 16th of May
19 at 6:30. Before I do that, if there's anybody who'd like to
20 make a, a last comment. Mr. Williams.

1 MR. WILLIAMS: (Inaudible)

2 ZONING EXAMINER: Let me wait. Let's get it on the
3 record, so we can have it on the microphone. If you'll come up
4 and use the microphone.

5 MR. WILLIAMS: Just one more thing, and that is in
6 regard to the lowered property values. If there's any doubt in
7 your mind that the cell towers are very unpopular, all you have
8 to do is listen to the statements in this room.

9 Go on line to the Tucson Weekly Range Newsletter, and
10 you'll find out how unpopular these towers are with some people.
11 With that amount of people objecting, you have to have some
12 lowered amount of property value that you have to put into the
13 equation. That's all.

14 ZONING EXAMINER: Thank you, sir. I'm gonna, I'm
15 gonna get the information put into the record in this room. So
16 I'm gonna have it provided to me by all of you. And Mr. Burmer,
17 I believe I have some other people who want to speak. Actually
18 - yeah, if you could come up. And then somebody else had their
19 hand up over here. It's okay? All right.

20 MS. SAGER: I'm Karen Sager. I just want to say that

1 we get wonderful cell phone service in our neighborhood. It's,
2 it's not as if it's a depressed area where we need it. I mean
3 maybe AT&T customers do. But in general, everybody we know
4 around us has cell phones, uses them, and it's not a problem.

5 ZONING EXAMINER: Thank you.

6 MS. KELLY: Hi. Elizabeth Kelly again. In closing,
7 I'd like to bring up and show a large poster that I have here
8 that I pulled off the internet, antenna search.com. It's not a
9 Tucson controlled website. It's an independent commercial
10 website.

11 And I put in the address for St. Francis Cabrini
12 church, 3201 East Presidio Road. And that's right, that's right
13 here and surrounding (inaudible)

14 ZONING EXAMINER: Ms. Kelly, if you could speak to me.

15 MS. KELLY: - within a four-mile radius -

16 ZONING EXAMINER: Yes. If you could speak to me and
17 then -

18 MS. KELLY: Okay.

19 ZONING EXAMINER: - you can show that afterward.

20 MS. KELLY: (Inaudible) Excuse me. You're right. I

1 got carried away. Please excuse me. Surrounding them are over
2 600 towers. Now that's within a four-mile radius.

3 Some of them are not for wireless, commercial wireless
4 communication purposes. They're privately owned, they're other
5 public safety, some kind of radio tower or something, not for
6 wireless broadband or second or third generation wireless.

7 But in the, in the net, there are a lot of antennas
8 and most of them were here less than 20 years ago. And so the,
9 the in-fill with more antennas is of concern. Not only the
10 visual impact, but the effect on nature, you know. That
11 includes people, and our health, and our well-being.

12 And I just wanted to point that out that this is
13 actually pretty low density for Tucson. It's even denser in
14 other parts of Tucson. Thank you.

15 ZONING EXAMINER: All right. Thank you. Sir.

16 MR. BROGNA: Ed Brogna again, 3402 East Presidio. And
17 thank you for being allowed to come back. I didn't want to
18 bring up any of the health thing, but everybody else did. So
19 what I have here - I would like to just put on record - is the
20 FCC Consumer Guide guidelines for cellular sites, actual radiate

1 a tower of five to ten watts.

2 The engineers who I work with in radio for the last 40
3 years tell me your nightlight is seven watts. Your microwave
4 puts out 500 watts. The cell tower puts out five to ten watts.
5 Think that needs to be known, 'cause there's so much fear
6 underlying this whole conversation about, yeah, it's too big.
7 Yeah, it's this. No, there's a big fear about health. And
8 that's what this is all about, honestly.

9 This is the guidelines which is also identical to
10 those recommended by the National Council of Radiation
11 Protection and Measurements, a non-profit corporation chartered
12 by Congress, recommended by the Institute of Electrical -
13 Electronics Engineering, i.e., a non-profit technical
14 professional engineering society, endorsed by the American
15 National Standards Institute, a non-profit privately funded
16 membership organization coordinates development of voluntary
17 national standards in the United States, etc., etc. There is no
18 fear. Sorry. Thank you.

19 ZONING EXAMINER: Thank you, sir. All right. Mr.
20 Hobberman, is it? Yeah. I, I, I can take that because it's the

1 federal regs., I'm gonna accept it into the record. It's, you
2 know, it is a document of the United States government. I - and
3 I'll, I'll (inaudible) the record. Mr. Hobberman, I want to, I
4 want to reiterate that I will not use evidence or testimony of
5 EF effects in my recommendation.

6 MR. HOBBERMAN: I understand.

7 ZONING EXAMINER: But I am allowing statements about
8 it.

9 MR. HOBBERMAN: Okay. That's really not what I want
10 to respond to. But what I do want to respond to are the many
11 concerns around cell towers which are not fear-based, but
12 they're really based on both - a lot of research, a scientific
13 evidence, and common sense.

14 And there's no end to the amount of information out
15 there. And we are really very fortunate to have an expert in
16 the field here, Elizabeth Kelly. And this person has spent many
17 years researching this, and making a huge difference for many
18 people regardless of the concerns and issues around cell towers.
19 So we feel very confident that our concerns are very important
20 and they're not just based on fear.

1 ZONING EXAMINER: All right. Thank you. With that,
2 and considering that I'm, I'm gonna have another hearing on this
3 on the 16th, and we have two more items on the agenda, at that -
4 at this point, I'm gonna stop testimony, and we're gonna
5 continue it for the 16th.

6 I welcome you back that evening. Thank you for, for
7 taking the time to come out and speak your concerns. This is a
8 very appreciated part public process. Thank you.

9 If you have an orange card that you filled out on this
10 case, you can submit it now. That's probably the safest way to
11 do it. We'll keep it on file. But I also have another
12 opportunity to fill out those cards on May 16th.

13 (Case No. SE-12-94 was continued.)
14
15

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the original tape recorded conversation in the case referenced on page 1 above.

Transcription Completed: 05/08/13

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