

ZONING MEMBERS PRESENT

Steven Shell, Zoning Examiner
Peter McLaughlin, Planning & Development Services
Diane Perez, City Recording Clerk

=====

1 ZONING EXAMINER: Are we ready to get started?

2 MS. LAMOUREUX: Sure.

3 ZONING EXAMINER: I actually expected more people, so -

4 MS. LAMOUREUX: So did I.

5 ZONING EXAMINER: - we shall see. Well, welcome to
6 tonight's public hearing. My name's Steven Shell and I'm one of the
7 two Zoning Examiners for the City of Tucson. I conduct special
8 exception hearings as well as rezoning hearings on behalf of the Mayor
9 and Council, and I make findings of fact to which I put into a report,
10 along with my recommendations, which I will then send to the Mayor and
11 Council for their consideration and final decision.

12 My report will be based on the information submitted to me
13 which includes the Applicant's application, Staff's report, all
14 written approvals and protests, all correspondence and all testimony
15 given here tonight. I will also include all records submitted to me
16 tonight during this hearing.

17 A recording of tonight's testimony is being made by the
18 City Clerk. So, if requested, a transcript, a transcript may be
19 prepared. With that in mind, I will ask you to please speak clearly
20 into either of those two microphones which are both hot.

21 I will complete my preliminary, preliminary report within
22 five working days of the close of this public hearing. I will then

1 prepare my final report which will then be issued two weeks after the
2 close of this public hearing.

3 For those of you who wish to receive a copy of the
4 preliminary report and you are not already on the primary listed on
5 the space, please fill out one of the colored cards on the podium and
6 you will be sent a copy of them. A copy of the final report will be
7 available from the Planning & Development Services Department known as
8 PDSD, and I will send my final report to Mayor and Council.

9 At the scheduled public hearing for this case, the Mayor
10 and Council will then vote on this matter based on my recommendation,
11 along with other factors.

12 Tonight's public hearing will proceed in the following
13 manner. First, I'll open up the public hearing and I'll ask Mr.
14 McLaughlin, here to my right from PDSD, to give a presentation of each
15 case. In this case, it'll just be the one.

16 After his presentation, I will then ask the Applicant, or
17 the Applicant's representative, to come on down and make his or her
18 presentation. I'll then ask to hear from members of the audience who
19 wish to speak on this matter. And since I cannot have any
20 communication with anyone involved in the case, I would invite you to
21 speak at this time, 'cause it's the only chance I'll have to hear from
22 you, unless of course we continue the case.

23 I'll first ask to hear from anybody who wishes to speak in
24 favor of the case. I will then ask to hear from anybody who's wishing
25 to speak in opposition of the case. And after that, I'll ask to hear

1 from anybody who is basically neutral on the position, but still would
2 like to share their thoughts.

3 After tonight, after everybody has had an audience and had
4 a chance to speak, I will then ask the Applicant, or the Applicant's
5 representative, to then come forward and have a chance to address any
6 concerns or issues which were brought up by either audience or myself.

7 If you wish to speak tonight, please wait for me to call
8 you up to the podium by raising your hand. While at the podium,
9 please print your name with the address on the sign-in sheet right
10 there on that clipboard. I'll then ask you to state your name and
11 address for the record. Please remember to speak clearly because we
12 need it for the transcript.

13 When speaking tonight, please be brief and to the point.
14 Only speak on matters on those which are relevant to the case, and
15 please try not to repeat too much of the testimony that's already been
16 given. In this case, I'm not too concerned 'cause there's so few of
17 us. But I was worried that there might be all 30 or 30-some,
18 however -

19 I'll also ask that you direct all your testimony solely to
20 me. Please do not address any testimony to either Staff or members of
21 the audience. And at this time, I'd like to swear in those wishing to
22 speak this evening.

23 So, if you're gonna speak tonight, or even if you think you
24 might speak tonight, go ahead and I'm gonna ask you to stand up at

1 this time, and please raise your right hand. Do you swear or affirm
2 to tell the truth, the whole truth and nothing but the truth?

3 (Affirmative.)

4 ZONING EXAMINER: Thank you very much. At this time, I'm
5 gonna go ahead and open the public hearing. Our first case is SE-17-
6 86. We're looking at a Verizon on University Boulevard. And Mr.
7 McLaughlin, would you like to go ahead and give a presentation?

8 MR. McLAUGHLIN: Yes. This is a request by Michelle
9 Lamoureux of Pinnacle Consulting for Verizon on behalf of the property
10 owner, Royal Tucson Entrada Real LP, for a special exception to
11 install a stealth design 46-foot tall wireless communication facility
12 concealed within a cylindrical canister and located on a Tucson
13 Electric Power pole, with associated ground equipment on a .85-acre
14 property in the C-3 zone. C-3's a commercial zone.

15 The site is located near the northwest corner of University
16 Boulevard and Stone Avenue approximately 65 feet north of University
17 Boulevard, and 180 feet west of Stone Avenue, within a multi-family,
18 high-density residential complex.

19 The Preliminary Development Plan shows six antennas, three
20 sectors of two antennas each concealed within a cylindrical canister
21 with a diameter of eight feet, and a length or height of ten feet.

22 The ground equipment will be housed inside a leased area of
23 15 feet by 18 feet, with cabinets placed on concrete slabs and
24 screened by an eight-foot high masonry wall. No permanent backup
25 generator is proposed at the site.

1 The proposed tower is in compliance with the performance
2 criteria for wireless communication facility. The special exception
3 request is consistent with policies in Antenna Plan Tucson, and the
4 application is considered to be of stealth design. In the case,
5 concealed within the canister, and a wireless communication facility
6 co-located on Tucson Electric Power pole.

7 Planning & Development Services' Staff recommends approval
8 of the proposal, subject to Preliminary Conditions. There have been a
9 total of 32 written protests and zero written approvals received to
10 date.

11 ZONING EXAMINER: Thank you very much. Is the Applicant or
12 the Applicant's representative here?

13 MS. LAMOUREUX: Yes.

14 ZONING EXAMINER: Come on down and introduce yourself. And
15 have you had a chance to sign in yet?

16 MS. LAMOUREUX: No. Thank you. Good evening. My name is
17 Michelle Lamoureux, and I'm with Pinnacle Consulting, and I am
18 representing Verizon Wireless tonight.

19 Just very briefly, I don't want to rehash what Peter said,
20 but we are requesting a special use permit for a 46-foot structure.
21 Our antennas will be co-locating on an existing TEP pole. The TEP
22 pole will still be functioning as a utility pole. We'll just be
23 locating the antennas on it.

24 We have moved the site out of - I know that Dunbar Springs
25 Neighborhood has been extremely concerned with the way that it looks.

1 So, we have moved it, and I feel that this is the best possible
2 location for the area, not only for what RF objective is for the area,
3 but it will meet the gap in coverage by the least intrusive means
4 possible.

5 When you are turning onto - into the neighborhood, you
6 can't see it. When you're immediately turning in, you can only - you
7 can see it once you start going past the driveway neighborhood. From
8 this first circle in the neighborhood, you - it's also screened from
9 view by the trees.

10 So, I believe that the photo sims that we have submitted do
11 show those. We might not have done one from the street, 'cause you
12 really can't see anything but the apartment. So, you know, we have
13 worked with the neighborhood to try to come up with something to fill
14 this gap in coverage. We have gone through several different
15 design options, and this is basically what we've come up with to
16 satisfy what needs to happen in the area. Thank you.

17 ZONING EXAMINER: Thank you very much. I have a few
18 questions for you.

19 MS. LAMOUREUX: Sure.

20 ZONING EXAMINER: Obviously, you've seen the protest
21 letters and the forms that we've gotten back through the e-mail, and
22 some of them are very eloquent. I mean they're not the kind of
23 objections that I would normally, you know, just pooh, pooh. So, I
24 actually did take the time to read every single one of them so that
25 you all know.

1 And a couple of ones actually stood out as part of, I'm
2 just curious how they got addressed, because obviously, you know, part
3 of this process is you go to public meetings, you hear the concerns,
4 you read the letters. And I haven't really been privy to a lot of
5 these conversations.

6 MS. LAMOUREUX: Sure.

7 ZONING EXAMINER: So, first, I'm just curious. How many
8 meetings have you actually attended?

9 MS. LAMOUREUX: We have had four meetings.

10 ZONING EXAMINER: Okay. And they've all been relative to
11 the site, or, or just different locations within the site?

12 MS. LAMOUREUX: Different locations. So, there's been two
13 locations that I've personally been involved with in this, in this
14 search ring for Verizon.

15 ZONING EXAMINER: Okay. And were both of them on this
16 property and they were just relocated within the property, or were
17 they off-site?

18 MS. LAMOUREUX: One of them was just across the street at
19 Merle's Auto Zone.

20 ZONING EXAMINER: Okay.

21 MS. LAMOUREUX: So, -

22 ZONING EXAMINER: Okay.

23 MS. LAMOUREUX: And then this is just north of Merle's.

1 ZONING EXAMINER: Right. And then when you say it's not
2 visible from when you drive into the neighborhood, I'm assuming you're
3 referring to when you come off of Stone?

4 MS. LAMOUREUX: Yes.

5 ZONING EXAMINER: And you come in and the building itself
6 is actually blocking it -

7 MS. LAMOUREUX: Correct.

8 ZONING EXAMINER: - until you get past the building. I'm
9 sure if you look over your shoulder, that's when, like some of your
10 photos were taken, -

11 MS. LAMOUREUX: Correct.

12 ZONING EXAMINER: - you know, so you see them.

13 MS. LAMOUREUX: From the alley, like (inaudible)

14 ZONING EXAMINER: Yeah. From that, and you can immediately
15 see it if you -

16 MS. LAMOUREUX: Yeah.

17 ZONING EXAMINER: - turn around. And then I'm assuming you
18 also talk about then when you get to that intersection, that circle,
19 that's where you said the trees are blocking your view?

20 MS. LAMOUREUX: Correct.

21 ZONING EXAMINER: Okay. I'm just curious how you responded
22 to some of these -

23 MS. LAMOUREUX: Sure.

1 ZONING EXAMINER: - comments. So, one of them was they
2 requested - this was based on a letter that written by the
3 Neighborhood Association by Karen Greene. Is she here by chance?

4 MS. LAMOUREUX: Uh-huh.

5 ZONING EXAMINER: Okay. And one of the things that, that
6 she listed in her items, one - the first one was to place the cell
7 tower on the roof of the Entrada Real Apartments closer to Stone.

8 MS. LAMOUREUX: Right.

9 ZONING EXAMINER: Has that been looked at?

10 MS. LAMOUREUX: So, the, the rooftop is, the - or the roof
11 is 30 feet. So, they really - originally, the original request for
12 this area, and what the centerline that the RF engineer was looking
13 for was 60 feet. So, they have - I mean Verizon has really worked to,
14 to work with the neighborhood to drop how high this is.

15 ZONING EXAMINER: Uh-huh.

16 MS. LAMOUREUX: And the rooftop is - would only, at that
17 point, we'd only have a 33 centerline to 35. And so that would not
18 meet the objective.

19 ZONING EXAMINER: Would it be possible to mount a pole,
20 though, to get it to the objective and still be mounted either at the
21 corner of a roofline or, or on the parapet itself on a separate stand?

22 MS. LAMOUREUX: On the roof?

23 ZONING EXAMINER: Yeah.

1 MS. LAMOUREUX: We have looked at that option pretty
2 extensively. But the - I believe that the code states you can only
3 increase it - and, Peter, if I'm wrong here, please let me know.

4 MR. McLAUGHLIN: Ten feet usually.

5 MS. LAMOUREUX: Oh. I'm sorry. Can I not talk to him
6 directly?

7 ZONING EXAMINER: No. That's okay in this case, 'cause
8 you're the Applicant.

9 MS. LAMOUREUX: Oh, okay. I, I believe that you have to be
10 a certain - you can't raise it a certain height - is that -

11 ZONING EXAMINER: Mr. McLaughlin?

12 MR. McLAUGHLIN: Yes. If you don't meet the maximum height
13 above the existing building line, roofline, then it would trigger more
14 intense procedures, the same procedure we're going through -

15 MS. LAMOUREUX: Sure.

16 MR. McLAUGHLIN: - with the Mayor and Council -

17 MS. LAMOUREUX: Right.

18 MR. McLAUGHLIN: - special exception.

19 ZONING EXAMINER: And then I'll chime in also. If you did
20 have to do that in light of the fact that you're doing this to appease
21 a neighborhood, that would be something the Board of Adjustment would
22 probably be looking into, and you're actually talking to the Chairman
23 of the Board of Adjustment.

24 MS. LAMOUREUX: Sure.

1 ZONING EXAMINER: So, I think that would be something that
2 we would look at favorably if this were an option. I'm not saying it
3 is. I'm just asking, obviously, because I have some wonderful ideas,
4 and I'm just trying to figure out how interactive everything has -

5 MS. LAMOUREUX: Sure.

6 ZONING EXAMINER: - been up 'til now or maybe doesn't need
7 to have a little more encouragement from me maybe.

8 MS. LAMOUREUX: So, I be- -- I mean I believe that it has
9 been interactive.

10 ZONING EXAMINER: Okay.

11 MS. LAMOUREUX: This site has been in the process for
12 several years.

13 ZONING EXAMINER: Yeah.

14 MS. LAMOUREUX: So, - and, and at one point, due to a
15 meeting that - the very first neighborhood meeting that I did with the
16 neighborhood, you know, I - there was a Verizon representative and an
17 RF engineer at that particular meeting.

18 And Dunbar Springs did come out, their neighborhood. There
19 was quite a few, maybe 20, 30 people at that meeting. And, you know,
20 we - I took back their concerns to Verizon and said, you know, "This
21 is a real concern in this neighborhood."

22 ZONING EXAMINER: Right.

23 MS. LAMOUREUX: And, and for a while, you know, I said, "Is
24 there anything else?" You know, "Do you - how, how badly do you need
25 this site," essentially, because -

1 ZONING EXAMINER: That's what it comes down to.

2 MS. LAMOUREUX: Right.

3 ZONING EXAMINER: You're absolutely right.

4 MS. LAMOUREUX: I mean, honestly, I said, "You know, this
5 neighborhood is adamantly opposed to this."

6 ZONING EXAMINER: Uh-huh.

7 MS. LAMOUREUX: And, you know, Verizon really looked at it.
8 I mean they took several months to say, you know, there is a real need
9 in this neighborhood. And I know that it's part of the package, and
10 if you need it again, I certainly have them here. But there are the
11 propagation maps that show that there is a gap in coverage.

12 ZONING EXAMINER: Uh-huh.

13 MS. LAMOUREUX: And unfortunately, what tends to happen
14 when you have neighborhoods that are strongly opposed to having
15 wireless communications in their neighborhood is that, you know, they
16 oppose it. They oppose it. And that is absolutely within their right
17 and, and, you know, what they want.

18 And then what ends up happening down the road is you get
19 four, five, six years down the road, and there becomes no coverage in
20 the area. Unfortunately, I'm working something very similar right now
21 in another neighborhood. And they've gotten to the point where they
22 can't - their police don't get any signal in the area. Their fire
23 can't respond.

24 When they do respond to a call, their machines operate off
25 of Verizon. So, like the EKG machines, they can't send that

1 information to the hospital ahead of time. So, what ends up happening
2 is it becomes a huge detriment to the neighborhood, which I understand
3 that Dunbar Springs does not feel that that is what is happening in
4 their case.

5 You know, I understand that they do not want this site.
6 So, you know, I sympathize with them, but again, unfortunately, I'm
7 sitting on the other side, and I see what happens when you get down
8 the road several years.

9 ZONING EXAMINER: Exactly. And, and luckily, I'm up here.
10 My opinion actually matters, and I'm, I'm a huge believer of both
11 sides -

12 MS. LAMOUREUX: Sure.

13 ZONING EXAMINER: - need to give and take. There's,
14 there's gonna be give and take on both sides because you're right.
15 There's, there's severe repercussions for not putting this in.

16 MS. LAMOUREUX: Right.

17 ZONING EXAMINER: And that's part of the payoff. Yes, they
18 win the argument, but they did they lose the war?

19 MS. LAMOUREUX: Right.

20 ZONING EXAMINER: And so what I'm hoping to do is hopefully
21 bring out these issues tonight -

22 MS. LAMOUREUX: Uh-huh.

23 ZONING EXAMINER: - so that people realize that, you know,
24 the ramifications are real.

25 MS. LAMOUREUX: Right.

1 ZONING EXAMINER: But maybe they just need to be pushed a
2 little harder to try and work together from both sides.

3 MS. LAMOUREUX: Sure.

4 ZONING EXAMINER: Because I've learned in 26 years of
5 running the Board of Adjustment, there is no right and wrong -

6 MS. LAMOUREUX: No.

7 ZONING EXAMINER: - if everybody has his or her opinion,
8 and it's a matter of who has the most facts and you just come to - but
9 there's four, four other points that I'm just curious about.

10 MS. LAMOUREUX: Okay.

11 ZONING EXAMINER: You've addressed - one is to have a new
12 pole built on the landscape island inside of the courtyard at the
13 southwest corner of the building. And that, to me, doesn't really
14 sound like a great option 'cause that still puts the tower in that
15 basic parking area. And moving it 20, 30, 50 feet just doesn't make
16 that big of a difference to me.

17 MS. LAMOUREUX: So, we, we did have a meeting with the ward
18 and a couple of folks from Dunbar Springs. And I don't know if that
19 particular area was addressed. We did talk about, you know, could the
20 pole be moved closer to the building, you know, if we snugged it up
21 against the building, would it be less obtrusive?

22 ZONING EXAMINER: That's (inaudible)

23 MS. LAMOUREUX: If we moved - yeah. If we moved the
24 equipment area, you know. And so the area that we looked at, that
25 they suggested that we looked at, there's several underground

1 utilities. So, when the surveyor went out there, we wouldn't be able
2 to put any sort of concrete foundation there.

3 ZONING EXAMINER: Got it.

4 MS. LAMOUREUX: So, we couldn't move it from the area. And
5 then we would be building, obviously, a new structure rather than co-
6 locating on a TEP pole.

7 ZONING EXAMINER: Can - and forgive my ignorance. Can the
8 antenna actually be far and remote from the equipment on the ground?
9 Can there be a distance that's livable? I don't, I don't know.

10 MS. LAMOUREUX: There is a distance. Yes, you can -

11 ZONING EXAMINER: Okay.

12 MS. LAMOUREUX: - have like the equipment in one area, and
13 the pole in another. They like to keep it within a certain range,
14 obviously.

15 ZONING EXAMINER: Right.

16 MS. LAMOUREUX: But, yes, it doesn't have to sit in the
17 same area, which is what we were looking at if we put it on the TEP
18 pole -

19 ZONING EXAMINER: Exactly.

20 MS. LAMOUREUX: - and put the equipment someplace else.

21 ZONING EXAMINER: And, and of all the protests I read, only
22 one of them is asking for landscape screening around the wall itself.
23 That doesn't seem to be one of the bigger issues in the neighborhood.

24 MS. LAMOUREUX: And we're - I mean, and we did talk about
25 that at, at several meetings, and -

1 ZONING EXAMINER: Okay.

2 MS. LAMOUREUX: - one of the things that we're willing to
3 do is, you know, instead of a masonry wall, if that's not something
4 that they would like to see, you know, we certainly, in other cities,
5 we do like a decorative wrought -

6 ZONING EXAMINER: Wrought iron -

7 MS. LAMOUREUX: Yes.

8 ZONING EXAMINER: - and some other materials.

9 MS. LAMOUREUX: Wall, and then -

10 ZONING EXAMINER: Right.

11 MS. LAMOUREUX: - and we could do landscaping around that
12 (inaudible)

13 ZONING EXAMINER: And as I said, I didn't see a ton of
14 protests -

15 MS. LAMOUREUX: Sure.

16 ZONING EXAMINER: - regarding the wall, and the PAD, and
17 the ground-mounted equipment. It, it still has to do with the tower
18 and the canister up high and things like that.

19 Another one was to attach the cell tower to an already-
20 existing larger TEP pole further south on Ash Alley between University
21 and 4th. This is the option we requested multiple times, but have
22 never received a definitive answer.

23 The neighborhood contacted TEP to ask them. And, of
24 course, they were told that would have to come directly from Verizon.

1 Have you looked at other poles in the area that do get it further into
2 the - away from the -

3 MS. LAMOUREUX: Well, so, again, we, we - the RF and the,
4 the RF engineer has an objective that -

5 ZONING EXAMINER: Right.

6 MS. LAMOUREUX: - they are looking at. And so the further
7 you get outside of their ring, then they can -

8 ZONING EXAMINER: Uh-huh.

9 MS. LAMOUREUX: - no longer meet that objective.

10 ZONING EXAMINER: The ring's a little offset.

11 MS. LAMOUREUX: Right.

12 ZONING EXAMINER: Okay.

13 MS. LAMOUREUX: So, unfortunately, this is the area that
14 needs coverage.

15 ZONING EXAMINER: Okay. And then - and you brought up this
16 one having the new pole flush against the Entrada Real Apartment
17 building, painted the same color on the southwest inside corner of the
18 building. So, it actually becomes part of the building, -

19 MS. LAMOUREUX: Right.

20 ZONING EXAMINER: - which to me is usually the best option.
21 If you're trying to make something disappear, tie it into a building.

22 MS. LAMOUREUX: Right.

23 ZONING EXAMINER: I mean I've even seen people make mock
24 chimneys now, -

25 MS. LAMOUREUX: Right.

1 ZONING EXAMINER: - just because it's on the corner of a
2 building, and they'd rather look at a, a fake masonry chimney -

3 MS. LAMOUREUX: Right.

4 ZONING EXAMINER: - than they would an array.

5 MS. LAMOUREUX: Right.

6 ZONING EXAMINER: So, to me that has a few benefits. Has
7 that been looked at?

8 MS. LAMOUREUX: We did look at that. And again, it's not
9 just that - an area that you can utilize, it's also what the landlord
10 will allow us to do.

11 ZONING EXAMINER: Agreed.

12 MS. LAMOUREUX: You know, they're willing to work with us
13 to a certain extent, but you know, if we can go on the TEP pole, that
14 is what they would like to do. They would, you know, much prefer
15 that.

16 ZONING EXAMINER: Obviously, that would be the simpler
17 solution.

18 MS. LAMOUREUX: Right.

19 ZONING EXAMINER: However, I think we all can agree this
20 isn't going to rely on the simpler solution.

21 MS. LAMOUREUX: No, I agree. I, I agree. I just - I, I -

22 ZONING EXAMINER: I, I have a feeling this is gonna go a
23 little beyond the simple one.

24 MS. LAMOUREUX: Sure.

25 ZONING EXAMINER: Yeah.

1 MS. LAMOUREUX: And, you know, again, I have to also - I
2 also have a landlord that I, -

3 ZONING EXAMINER: Absolutely.

4 MS. LAMOUREUX: - that I'm working (inaudible)

5 ZONING EXAMINER: No. I understand all the players, and I
6 know where this is gonna go. And it's just a matter of hopefully
7 getting the parties to all mutually agree that this is gonna be
8 escalated a little bit.

9 MS. LAMOUREUX: Uh-huh.

10 ZONING EXAMINER: And, and I'm gonna be the one to probably
11 escalate it a little bit.

12 MS. LAMOUREUX: Sure.

13 ZONING EXAMINER: But that's what I'm here for.

14 MS. LAMOUREUX: Sure.

15 ZONING EXAMINER: You know, 'cause I hate denying anything.

16 MS. LAMOUREUX: Right.

17 ZONING EXAMINER: I'd much rather see you all work it out,
18 and get it to where everybody's happy, or at least not everybody's
19 pissed. Sometimes that's just as good.

20 MS. LAMOUREUX: Right.

21 ZONING EXAMINER: And then the other option was to attach a
22 new pole flush to the interior of the existing masonry site wall on
23 Ash, on Ash Alley south of the University - south of University. I, I
24 didn't envision that one.

25 MS. LAMOUREUX: I -

1 ZONING EXAMINER: And I'll probably ask her to maybe
2 clarify on that.

3 MS. LAMOUREUX: I, I don't, I don't know where that is at.

4 ZONING EXAMINER: Me neither.

5 MS. LAMOUREUX: And if it's a masonry wall, that's probably
6 too short.

7 ZONING EXAMINER: Well, it's more just to tie it next to
8 something. Obviously, we wouldn't use it for structural support. But
9 at this point, I just saw some wonderful options, and I was just
10 curious, A, if you'd seen these, and if you'd actually maybe looked
11 into them and -

12 MS. LAMOUREUX: So, there have been other options that have
13 been presented to us, you know, there's a power station. But a lot of
14 that is somewhere in the, you know, that it's -

15 ZONING EXAMINER: Yeah.

16 MS. LAMOUREUX: - I think south of the neighborhood.
17 You know, we, we have looked at a lot of options in the area. And,
18 unfortunately, again, I have restrictions from an RF engineer that I
19 have to work with as well.

20 ZONING EXAMINER: I understand not moving the pole too far.

21 MS. LAMOUREUX: And, and we have looked at several
22 different options in the area. We looked at the funeral home across
23 the street. We've looked, you know, we have looked at several other
24 options in the area that just didn't, for one reason or another, did
25 not work out.

1 ZONING EXAMINER: Right.

2 MS. LAMOUREUX: So, -

3 ZONING EXAMINER: No. And I'm not asking you to, you know,
4 start from scratch and reinvent the wheel. I mean, I do understand
5 you're here for a reason, and you want what you want, and at the same
6 time -

7 MS. LAMOUREUX: Sure.

8 ZONING EXAMINER: - they want what they want. Hopefully,
9 we can come to some sort of resolution here.

10 MS. LAMOUREUX: And can I just address one of the other -

11 ZONING EXAMINER: Oh, absolutely.

12 MS. LAMOUREUX: - concerns that I saw in the, in the
13 protest letters, was they were very concerned about lightning striking
14 it. So, the, the pole is grounded. So, even if lightning did strike
15 it, it is grounded. So, it would not, you know affect anything in
16 the, in the surrounding area.

17 And so I did ask our electrical engineer if he could, you
18 know, write a letter. So, we certainly can have a letter sent out,
19 you know, showing that -

20 ZONING EXAMINER: Maybe they can explain how lightning hit
21 my palm tree and killed all three of them. I haven't figured that one
22 out yet. Joys of lightning.

23 MS. LAMOUREUX: Right.

1 ZONING EXAMINER: And then there were some other mentions
2 of some other options here. But then the other letter I have is from
3 Feldman's. And I was wondering, by chance, is Diana Lett here? Okay.

4 She basically just kind of came back and said, "You know,
5 there needs to be some landscaping around the base." And those are
6 certainly options that we can look at.

7 MS. LAMOUREUX: Absolutely.

8 ZONING EXAMINER: There was a mention here of some money
9 being exchanged, which I don't really care to get in the middle of.
10 But it does talk about the antenna concealment must have an artistic
11 design approved by the neighborhood. And this is where - I mean I
12 don't want to design from up here, even though I am an architect and
13 it's what I love doing.

14 MS. LAMOUREUX: Right.

15 ZONING EXAMINER: Forgive me, 'cause it's what I do
16 naturally. But at the same time, I don't want to be the one imposing
17 any design or anything like that. But has that been looked at as far
18 as concealing this as a water tower? I won't say paint a mural on it,
19 'cause I think that's a hideous idea, but I do like the idea of
20 turning it into something else other than a palm tree, you know.

21 MS. LAMOUREUX: So, - right. So, they, they did request to
22 have a mural painted on this. The problem with it is over at TEP, you
23 then have to have, you know, a special - you have to be certified to
24 be able to work on that over the power lines. So, to find an artist
25 that would able to do that, you know, even if we painted the mural on

1 it before we put it up, at some - somebody has to be responsible to
2 maintain it. And I, I personally think that it would draw more
3 attention to it if there's something, you know, painted on it.

4 The way it's being proposed now, it's the same color as the
5 TEP pole. You know, it's slightly taller. I mean I realize that - I
6 think that the average person doesn't really notice these things, you
7 know, if, if they're not cognizant of it, and their eye isn't, isn't
8 drawn to it. You know, I - like I notice them everywhere. You know,
9 probably even ones that nobody else sees I see because this is what I
10 do.

11 ZONING EXAMINER: Uh-huh.

12 MS. LAMOUREUX: But we have looked at that and, you know,
13 we did, I did take it back to Verizon and, you know, at this point,
14 Verizon feels that painting it the same color as the TEP pole is
15 concealing it.

16 ZONING EXAMINER: No. I, I agree with you on that level.

17 MS. LAMOUREUX: Yeah.

18 ZONING EXAMINER: I mean, painting it would draw attention
19 to it. So, I'm not a big fan of painting murals on things like that
20 if you're trying to make it disappear.

21 MS. LAMOUREUX: Right.

22 ZONING EXAMINER: But I, I would be a fan of mounting it
23 next to the building and concealing it as part of the building.

24 MS. LAMOUREUX: Right.

1 ZONING EXAMINER: I mean that to me would be a perfect - I
2 mean just turning it into a chimney, whatever mock building piece you
3 want to turn it into.

4 And then the other question that actually was - I've got a
5 very valid question. Because I am on the Board of Adjustment, parking
6 issues are always issues.

7 MS. LAMOUREUX: Uh-huh.

8 ZONING EXAMINER: And in the U of A area, anytime I hear
9 anyone's getting rid of parking spaces, you know, it does trigger
10 bells, even though - has this been already reviewed by PDS, and I'll
11 ask Mr. McLaughlin as well. Did they have the excess parking to give
12 up the, the two spaces?

13 MR. McLAUGHLIN: As I understand it from Steve Shields in
14 Zoning Review, the Planning & Development Services Department, there
15 was adequate parking, a slight surplus of parking that would allow the
16 reduction -

17 ZONING EXAMINER: Okay.

18 MR. McLAUGHLIN: - proposed.

19 ZONING EXAMINER: And do you know if there was actually
20 enough, because it's been proposed by some that one extra space be
21 given away to center the masonry wall so that you could put a
22 landscape buffer around this thing.

23 MS. LAMOUREUX: So, there's six extra spaces -

24 ZONING EXAMINER: Okay.

1 MS. LAMOUREUX: - on the parcel. We are currently
2 proposing taking up two of those six if you request us to do an
3 additional (inaudible) I mean, I know that parking is a concern.
4 If we didn't do a masonry wall, and we did some sort of wrought iron
5 wall, the footing obviously is less than in a masonry wall. So, we
6 could possibly get away with not taking a third parking spot, keeping
7 the two and still being able to do a landscape buffer.

8 ZONING EXAMINER: Okay.

9 MS. LAMOUREUX: That would be, you know, something that we
10 certainly could try to do, because we did look at moving the equipment
11 area away from the TEP pole. The area suggested (inaudible)

12 We can certainly go back and look and see if there's other
13 landscape areas or other areas that don't have as many utilities in
14 it. The closest one to the TEP pole that made the most sense as far
15 as having the equipment and where the pole, that one just -

16 ZONING EXAMINER: Uh-huh.

17 MS. LAMOUREUX: - didn't work. But - and just off the top
18 of my head, I can't think of another area around there that, you know,
19 would. But, you know, if that is something that is requested, we
20 certainly can try to figure out something to not (inaudible)

21 ZONING EXAMINER: it would be something that's on my list.

22 MS. LAMOUREUX: Sure.

23 ZONING EXAMINER: You know, it's, it's just one of those
24 options that sometimes people don't really look at unless they realize
25 it's a do or die option.

1 MS. LAMOUREUX: Uh-huh.

2 ZONING EXAMINER: And then suddenly they start putting a
3 little more interest in maybe getting a little more creative on how
4 they find it, and maybe there's a couple of utilities that could be
5 reasonably relocated, you know, versus maybe the worst spot because
6 that was next to where the pole was gonna go, -

7 MS. LAMOUREUX: Right.

8 ZONING EXAMINER: - you know. So, that's certainly an
9 option that I would like to see, -

10 MS. LAMOUREUX: Sure.

11 ZONING EXAMINER: - you know, 'cause, 'cause I think what's
12 gonna happen is, I doubt we're gonna probably come to a meeting of the
13 minds tonight. But at the same time, you're hearing at least my
14 concerns.

15 MS. LAMOUREUX: Sure.

16 ZONING EXAMINER: And you're seeing how I'm interpreting
17 their concerns.

18 MS. LAMOUREUX: Uh-huh.

19 ZONING EXAMINER: And hopefully after we hear from them,
20 we'll start also hearing maybe personally what some of these options
21 are, and maybe there's some give and take on both parts.

22 MS. LAMOUREUX: Uh-huh.

23 ZONING EXAMINER: And we can walk away with this with maybe
24 a little better direction of what might be, you know, a more doable

1 solution so that when you come back, it's kind of already been
2 designed.

3 MS. LAMOUREUX: Okay.

4 ZONING EXAMINER: That would be ideal -

5 MS. LAMOUREUX: Uh-huh.

6 ZONING EXAMINER: - in a perfect world. Well, you've
7 answered all my questions. I thank you for putting up with me.

8 MS. LAMOUREUX: Oh, no, not at all. Thank you.

9 ZONING EXAMINER: Thank you. Is there anybody else here
10 tonight wishing to speak in favor of this special exception? Seeing
11 and hearing none, I'd like to go ahead and ask if there's anybody here
12 wishing to speak in opposition? Ladies first. And I'm gonna ask you
13 to sign in and then if you would, state your name and address for the
14 record.

15 MS. GREENE: Hi. My name is Karen Greene. My address is
16 1023 North Perry Avenue. Good evening. My name is Karen Greene and I
17 am the President of the Dunbar Spring Neighborhood Association. I am
18 the third president to work on the Verizon cell phone tower issue
19 since November 2015.

20 The Dunbar Spring Neighborhood is historic. We will be
21 celebrating the 100th birthday for at least ten houses this year. And
22 we are listed with a State Historic designation. We take pride in the
23 amount of time, effort and sweat equity we have put into beautifying
24 the neighborhood, calming down cut-through car traffic, as well as
25 planting native trees and harvesting rain water.

1 We've used Weed and Seed money, City of Tucson Back to
2 Basics grants, a Pro Neighborhood grant and a Pima County Neighborhood
3 Reinvestment grant to add public art in the way of murals,
4 navigational and historic information sign and traffic circles,
5 artistic benches, sculptures, and even murals painted on the streets
6 themselves.

7 We've had a native tree planting event every fall for close
8 to 20 years. We care about our neighborhood and what it looks like.
9 This cell tower does not fit the scope of what we would like to see in
10 our neighborhood.

11 About seven years ago, TEP wanted to install a series of
12 high voltage power poles along 11th Avenue in Dunbar Spring - and it's
13 Spring, there's not an "S", just FYI. We worked with other
14 neighborhoods to change the route for those poles so they didn't run
15 by over a hundred houses and a school.

16 The Downtown Links Project is slated to knock off the
17 southern end of our neighborhood on 9th Avenue. Again, we worked with
18 other neighborhoods and a Citizens Advisory Committee to create a deck
19 park so we don't just have a big canyon separating us from downtown.

20 I bring all this up to show that the neighborhood cares
21 about what happens here, and we're willing to work really hard to get
22 what we want. And we're a little bit stubborn, too.

23 As you will soon see, as I go through our chronology of
24 interactions with Verizon and Pinnacle, we have stayed on point as to

1 both not wanting the tower, but if we have to have the tower, making
2 it look artistic, or less visible at a busy thoroughfare.

3 Our first interaction with this, with this project was a
4 forwarded e-mail from the El Presidio Neighborhood, which is to our
5 south. They were approached by Verizon about the cell tower, and
6 since it was happening in our neighborhood, they wanted to know our
7 reaction to it. But that was the first that we had heard about it.
8 That was November 9th, 2015.

9 A public meeting was held November 16th, with Adam Brixius
10 of Pinnacle Consulting. He also attended our neighborhood meeting
11 that evening, and heard an earful. There were a lot of e-mails sent
12 back and forth in December 2015 and January 2016 when Verizon
13 submitted their original proposal. That was the one on the Merle's
14 property.

15 Dunbar Spring sent an official letter with request to
16 Verizon at the end of January. An e-mail dated February 19th, 2016,
17 indicated that Verizon had agreed to our request for the cell tower to
18 have a water tower type design, as well as bio-swales for vegetation
19 around the base.

20 On March 10th, we heard from Michelle Lamoureux from
21 Pinnacle Consulting, who said she was taking over the project from
22 Adam. She set a public meeting time without getting input from the
23 neighborhood, and it was impossible for many to attend as it was held
24 at 5 o'clock, and many of us work until 5:00 or even 6:00. The
25 meeting was held on March 28th, 2016.

1 In April, we checked for any response to our requests. In
2 June, we also checked. We heard nothing. Finally, our next response
3 from Michelle was on November 11th, 2016, saying Verizon was moving
4 the cell tower to the north side of Ash. We asked for drawings, and
5 didn't get them.

6 Michelle and a representative from Verizon attended the
7 December neighborhood meeting and again we asked for drawings of
8 similar installations and accurate renderings for this project.

9 On January 17th, 2017, our president at the time, who also
10 happens to be an architect, asked for renderings because what he put
11 together, based on the specs we were given at the meeting, did not
12 match what we were shown.

13 In February, we contacted TEP to find out the possibility
14 of co-locating further south on Ash on one of their poles, and that's
15 when we were told the request needed to come from Verizon.

16 We sent a second letter from the neighborhood to Verizon
17 and didn't hear back until May. The receipt of the letter was
18 acknowledged, but that was it. There was no response to any of our
19 requests.

20 In June, a public meeting was set, again without
21 neighborhood input, and many people, including myself, the current
22 president, were out of town and could not attend. I never received
23 meeting minutes or drawings, even though I was told I would.

24 At a meeting in August with the Ward 1 Office and City
25 Staff and neighborhood reps, Michelle indicated that she had shown a

1 neighborhood rep an artistic rendering of the pole using the artist we
2 had requested, and the rep rejected that design.

3 I talked with that artist, who happens to be Troy Nieman
4 (ph.), and a friend of mine, and I talked to him a week or so ago, and
5 he told me he never did any drawings for Verizon.

6 This history of not replying to our requests, not
7 presenting accurate drawings, and not getting input for good meeting
8 times brings us here. We're asking for a continuation so that Verizon
9 will be required to look at some additional options that won't impact
10 the neighborhood view shed.

11 We're talking about the view from an intersection that was
12 photographed by the New York Times. It is the hub of our community
13 and the main point of both entry and exit, many of which are not in
14 cars, they're on bikes and they're walking. It's on University
15 between 9th Avenue and Stone.

16 We're interested in the following options and those are the
17 five that were listed in the letter. Placing the cell tower on the
18 roof of the Entrada Real Apartments closer to Stone, having the pole
19 built on the landscape island inside the courtyard. And the reason
20 for that is that the building would really block the view if it's
21 inside the courtyard.

22 Co-locating the cell tower to one of the already-existing
23 larger TEP poles further south on Ash Alley between University
24 Boulevard and 4th Street. Have a new pole flush against the Entrada
25 Real Apartment building painted the same color as the building.

1 Attaching a new pole flush to the interior of the existing,
2 existing masonry site wall south on Ash. This is a wall that is in
3 between Merle's and the parking lot of the Entrada Real Apartments.
4 Thank you for your time and consideration.

5 ZONING EXAMINER: And don't walk off 'cause we might have
6 questions.

7 MS. GREENE: Okay.

8 ZONING EXAMINER: I'm still taking notes (inaudible)

9 MS. GREENE: Okay.

10 ZONING EXAMINER: I'm a slow note taker. (Inaudible)

11 MS. GREENE: That's okay.

12 ZONING EXAMINER: I can type all day long.

13 MS. GREENE: And I'm wondering - I can - I mean I was gonna
14 - I don't know who I - if I give this to you. I was gonna ha- -- I
15 have a copy of what I just said for the record.

16 ZONING EXAMINER: I wouldn't mind having a copy of it.

17 MS. GREENE: Okay.

18 ZONING EXAMINER: Yeah, that'd be wonderful. Thank you.

19 MS. GREENE: Sure.

20 ZONING EXAMINER: Thank you, Peter.

21 MR. McLAUGHLIN: Uh-huh.

22 ZONING EXAMINER: Let me ask you this. When I went through
23 the letters of protest, it became apparent that there was a master
24 letter that was written, and obviously given out to be used as a
25 template, which is a wonderful idea. I mean, this is how you get

1 people to basically think alike. I'm fine with that. I'm just
2 curious. Did you write that letter?

3 MS. GREENE: No. The, the talking points - I mean we, -

4 ZONING EXAMINER: Yeah.

5 MS. GREENE: - anything that we sent out to Verizon or to -

6 ZONING EXAMINER: No. This would have been to all the
7 neighbors, because all the neighborhood protests, out of the ones that
8 were written, I would say over half of them were copied from a master
9 letter.

10 MS. GREENE: There wasn't a master letter. It was talking
11 points that people might be interested in.

12 ZONING EXAMINER: Okay.

13 MS. GREENE: So, there was - the Board -

14 ZONING EXAMINER: I was just curious where that came from.

15 MS. GREENE: The Board worked on some talking points.

16 These are some things they - "If this is of -,"

17 ZONING EXAMINER: Okay.

18 MS. GREENE: "- a concern to you -,"

19 ZONING EXAMINER: So, it's Board driven -

20 MS. GREENE: "- these are the things -"

21 ZONING EXAMINER: - from the Neighborhood Board?

22 MS. GREENE: Uh-huh.

23 ZONING EXAMINER: Perfect. In your opinion, you, you kind
24 of have your pulse on this, I can tell. Is there anything that you
25 can see, because you heard what I said about -

1 MS. GREENE: Uh-huh.

2 ZONING EXAMINER: - unfortunately, what I don't want to see
3 is the cell tower not built, and then all of you lose cell service,
4 because that's the last thing we all want to see. So, we're all
5 asking for something, but at the same time, it's just a little too
6 expensive.

7 So, we're trying to negotiate here to where you can still
8 get what you want, but at the same time, not pay quite so heavy a
9 price. The price here being design, -

10 MS. GREENE: Uh-huh.

11 ZONING EXAMINER: - which I'm still in favor of, you know?
12 I'm still an architect and I appreciate what you're trying to do.
13 Is there something that you can see that would be acceptable to the
14 neighborhood, while at the same time understanding the Applicant's
15 needs to basically stay on this piece of property somehow?

16 MS. GREENE: Sure. So, the, the five points, those were
17 ones that we had voted on that we were most interested in.

18 ZONING EXAMINER: And are they in the order -

19 MS. GREENE: In the order that we are most interested in.

20 ZONING EXAMINER: Okay. So, if I look at those, I can kind
21 of just go down the list and that's the prioritized -

22 MS. GREENE: Correct.

23 ZONING EXAMINER: You, you referenced them in your
24 preference.

1 MS. GREENE: Correct. Now, we had also - previously, we'd
2 asked about the water tower idea. And in the meantime, just today,
3 someone passed along a link to me of an article of Verizon building a
4 stealth cell tower in Hawaii that looks like a clock tower. I'm not
5 saying - you know, I just saw that article today, but -

6 ZONING EXAMINER: Right.

7 MA. GREENE: - it is possible. So, if we have to have it,
8 we want it to look artistic. So, even though if we had this water
9 tower, it would be larger, but it would be cool to look at. And so
10 that, you know, that's okay if it - it just - it looks really ugly.
11 I mean (inaudible)

12 ZONING EXAMINER: But now, let me, let me ask you this. If
13 you had your choice between a free-standing element and something
14 attached to the building -

15 MS. GREENE: That we hardly saw. I'd rather have the thing
16 we hardly saw. I'd rather have something we didn't see. But if we
17 have to see it, -

18 ZONING EXAMINER: Uh-huh.

19 MS. GREENE: - I want it to look artistic. And that's me,
20 Karen. Yes, I'm President. You might hear from other folks in the
21 neighborhood that might feel differently.

22 ZONING EXAMINER: Right.

23 MS. GREENE: But I'd rather have it hidden as much as
24 possible. You can't see it.

25 ZONING EXAMINER: Yeah.

1 MS. GREENE: But if we have to, then make it look
2 interesting.

3 ZONING EXAMINER: Okay. I just wanted to hear from you
4 what you thought was acceptable. Thank you very much.

5 MS. GREENE: You're welcome. Thank you.

6 ZONING EXAMINER: Who else is here to speak in opposition?
7 Yes. Come on down.

8 MR. COOK: Good evening. My name is Jim Cook. I live at
9 747 North 9th Avenue at the corner of University and 9th. I've owned
10 my home there since 1999, and I've registered all my major points in
11 the letter in the form that was submitted, I think a week or two ago.

12 ZONING EXAMINER: Uh-huh.

13 MR. COOK: I'd just like to underscore a couple things.
14 First, as it relates to me personally, and then more broadly. So,
15 first, I love my home. It's one of the unique homes of Dunbar Spring.
16 It's a all-adobe home from 1895. A lot of emotional attachment to
17 raise my two kids there. I love Dunbar Spring. It's, it's got a lot
18 of great qualities.

19 But specifically, I guess my concern as it relates to me is
20 property value. So, as much as I love the home, there, there's an
21 investment there, and I do understand that in a transaction, sales
22 transaction, disclosures need to be made relative to cell towers in a,
23 in, in a sale.

24 So, it's a concern. My home is one of the closest homes to
25 this proposed tower. So, just fundamentally, I object, and I just

1 wanted to register that, and underscore that point, okay? The second
2 point -

3 ZONING EXAMINER: Point taken.

4 MR. COOK: Yes. Second point is more broadly as it relates
5 to the historic character of Dunbar Spring. Tucson, it's not a
6 secret, we've, we've trashed a lot of our historic assets in this
7 community over the years. We've finally woken up to that as a
8 community.

9 Dunbar Spring was pretty marginalized for many, many years
10 until, until really more recently. And thanks to my neighbors, there
11 are a lot of concerted efforts to preserve that, that historic
12 quality. And a tower like this certainly diminishes that quality.

13 Picking up on some of Karen's comments, I, I think if
14 there, if there has to be a compromise, the, the treatment, best in my
15 opinion, would be to hide it as much as possible.

16 If there - if it has to be more visible, I'm not so sure it
17 has to be an artistic expression, but I think a tasteful expression
18 consistent with the historic character and design. So, those are my
19 points.

20 ZONING EXAMINER: Your points are well taken. Let me ask
21 you a question - and your first name was what? I'm sorry.

22 MR. COOK: Jim. James.

23 ZONING EXAMINER: Jim? Thank you. I got the "Cook", but I
24 forgot "Jim". You heard my question to Karen as far as what she

1 thought would - what I thought - I was curious what she would think is
2 acceptable.

3 When we talk about property values and, and I know that
4 there's always that debate on cell towers. And I know the science is
5 probably not definitive, and I don't think a lot of people even want
6 it to be at this point because we all need our phones, and we need
7 cellular.

8 Is this still something, though, that you feel it's still
9 better than not having cell service in your own house? I mean this is
10 an underlying question, but it's, it's gotta be asked.

11 MR. COOK: Well, I, I guess without knowing more about the
12 engineering aspect of this, and the phenomenon of cell service, -

13 ZONING EXAMINER: Uh-huh.

14 MR. COOK: - I don't know if I accept your, your question
15 as you've asked it. I mean, that's, -

16 ZONING EXAMINER: Uh-huh.

17 MR. COOK: - that's assuming that that is actually a fact
18 that we risk entirely losing our cell service, or hugely compromise.
19 If you're saying that's true, I, I guess I believe you.

20 ZONING EXAMINER: And, and you're absolutely right. I only
21 have to go by what the Applicant told me.

22 MR. COOK: And so -

23 ZONING EXAMINER: And, and that would be something I would
24 probably want to see a little more definitive.

1 MR. COOK: I would agree. I would, I would really
2 encourage you -

3 ZONING EXAMINER: Yeah.

4 MR. COOK: - to push back on that.

5 ZONING EXAMINER: Well, that's why I'm here.

6 MR. COOK: Yeah.

7 ZONING EXAMINER: I'm here just to push.

8 MR. COOK: Yeah. Sure. Sure. So, I think that's a very
9 fair question. And I think my answer reflects -

10 ZONING EXAMINER: Yeah. You, you said exactly what I was
11 kind of hoping you'd say.

12 MR. COOK: Okay.

13 ZONING EXAMINER: And then I'll go back to my other
14 question. You've already answered that you'd rather see it hidden
15 versus artistic. I think artistic is actually the wrong way to go
16 because I think that just draws more attention to it. And if you're
17 trying to remain a historic neighborhood, anything you do, to me,
18 would not be in that light.

19 But, as an architect, I've done many remodels on existing
20 buildings, and I'm amazed what you can do to a building and still make
21 it look like it was part of the original building. And nobody but us
22 in this room would probably ever know what was in it.

23 So, to me, I mean that's kind of a simple solution. It's
24 probably not simple for Verizon nor the landlord, 'cause that's
25 obviously putting a, a new burden on them that they don't have now.

1 But as I said in the beginning of this hearing, we know
2 this is not gonna be the simple solution. It'll be a compromise of
3 some part, and you'll have to give in on some part of what you want,
4 and they'll have to give in on some part of how much they'll have to
5 spend.

6 I mean, it's gonna be somewhere in the middle, but I just
7 feel that's where it's gonna go if it's gonna go. And Mayor and
8 Council's gonna probably look at this the same way.

9 MR. COOK: Thank you. I, I agree. You know, it's not a
10 simple problem, and so we shouldn't be looking for simple solutions
11 necessarily.

12 ZONING EXAMINER: I - okay. So, we're all in agreement
13 then so far? Very nice.

14 MR. COOK: Yes.

15 ZONING EXAMINER: Thank you. Is there anybody else here
16 wishing to speak in opposition? Yeah. Come on down. Don't be shy.

17 MS. WINNIK: My name's Natasha Winnik. I'm the Vice-
18 President of the Neighborhood Association.

19 ZONING EXAMINER: Can you speak into the mike? Yeah, you
20 can bring it down. There you go.

21 MS. WINNIK: My name's Natasha Winnik. I'm the Vice-
22 President of the Neighborhood Association.

23 ZONING EXAMINER: Which neighborhood?

24 MS. WINNIK: Dunbar.

25 ZONING EXAMINER: Oh. Dunbar Spring. Thank you.

1 MS. WINNIK: So, I think that a lot of what you're probably
2 hearing is what some people might call "visual pollution". And that's
3 what a lot of us view this cell phone tower as. This is a historic
4 neighborhood of one-story buildings primarily. And we're looking at a
5 cell phone tower that's 50 feet in the air.

6 So, even if it's (inaudible) as what's being proposed, it's
7 still visible. And it's a different perception of what some people
8 view as beautiful, and other people view as ugly.

9 And some of it - and this is not new to Tucson. This is
10 happening all across the United States. When I do research on this,
11 and I look up the issues that are happening, these meetings like we're
12 having tonight are happening in cities all across the United States.

13 I mean, probably the closest one to us is in Mesa. And
14 they fought an AT&T tower going in because the federal government
15 forced AT&T to put it in, saying that there was a void spot in the
16 community. And they proposed a 70-foot tall palm tree.

17 First of all, there's not that many palm trees that are 70
18 feet tall. It didn't fit their community. The neighbors were upset
19 because it was - what was being proposed did not fit the historic
20 integrity or aesthetics of their community.

21 And I think that's a lot of what a lot of people in this
22 neighborhood feel. When - and I think Karen's comment about something
23 looking artistic is - we've stated from the very beginning, and one of
24 the reasons we proposed a water tower is our neighborhood is one of
25 the biggest proponents of rain water harvesting.

1 We spent a half million dollars almost on rain water
2 harvesting in our neighborhood through a grant from Pima County.
3 And so we asked for a rain water harvesting tower. So, that's a water
4 tower.

5 So, that's what it would look like so that if you came in
6 our neighborhood, it became a landmark. It didn't become, "Look at
7 that ugly cell phone tower." It became, "Hey, look at that really
8 cool water tower." And nobody even probably would know it looks like,
9 it is a cell tower. They would just see it as a water tower.

10 And the point that Karen brought up about the clock, that's
11 exactly how it was proposed. I mean if I take a quote from that
12 article, it will probably end up looking like a landmark when it's
13 completed.

14 And that's what they were shooting for is that to mitigate
15 the visual impact of a telecommunication tower and its associated
16 equipment, they were working at what was best for the core of the
17 neighborhood, which happens to be more of a business district in that
18 point. And that was a Verizon tower.

19 And they put up a masonry tower that looked like a clock
20 tower, and functioned as a clock tower. And hardly anybody even
21 viewed it as a cell phone tower. And we proposed images to them of
22 masonry towers with tiles wrapped around it, besides just the cell -
23 the water tower, which was shot down because it took up too much
24 actual space on the ground. There wasn't room for it is what we were
25 told. And that Merle's didn't like the aesthetics. And since it was

1 on their property, they got the first veto, and so what the
2 neighborhood wanted was shot down.

3 So, I mean I've also seen they proposed a cell tower that
4 looked like a windmill. And that was again a Verizon cell phone
5 tower, and they did that because it was in a rural area and they
6 wanted it to maintain the integrity of a (inaudible) farm-scape
7 windmill appearance. So, this was a cell tower that was a massive
8 windmill. You wouldn't, again, know it was a cell tower.

9 I mean another Verizon representative was quoted as saying,
10 "It tends to be when there's some sensitive landscape or if you're
11 building in an area where there's a beautiful view, you want something
12 to blend in." That's what we've been asking for. We've been asking
13 for that for two years.

14 And I feel like all they've done is move - they've given us
15 really two locations. They've given us Merle's and they've given us
16 the La Entrada Real Apartments. And they think they're giving us a
17 huge concession by giving us something stealth. You don't actually
18 see the antennas as they radiate around it. It's wrapped with a piece
19 of fabric or whatever they use as a bus (sic) wrap. I'm not exactly
20 sure what it's made out of.

21 But that's their concession. They feel like they've given
22 everything they can give to the neighborhood by doing that. And I
23 feel like that's like the minimum they can do, especially when they go
24 across the country and I look at what they've done in other
25 communities.

1 And when they talk about that they like a balanced approach
2 to engineering is the best possible network, while taking into
3 consideration the local communities' needs. They did that, and they
4 built 155-foot tall palm - I mean palm tree (sic), a pine tree in a
5 forest. So, it was within a forest, and they built it to be the same
6 height as the other trees in the forest. And that's what they've done
7 in other communities, so that it's so disguised that you don't know
8 what it is.

9 I think that that's what we've been asking for. And I feel
10 like we haven't been heard, and I feel like they're upset because
11 we're at almost two years. They approached us (inaudible) November
12 2015.

13 They see that their clock has been ticking for two years,
14 and they've spent probably a lot of money on engineering. And a lot
15 of money paying Pinnacle, 'cause Pinnacle isn't cheap. And they're
16 upset and they want it to move forward. And that's all they see at
17 this point.

18 They don't see that they're not being a good neighbor to
19 us. They're not listening to what we would like as a neighborhood.
20 We're a historic neighborhood. Obviously, we don't mean (inaudible)
21 neighborhood, but I believe that they still have to meet - talk with
22 the State Historic Preservation Officer, which I'm not sure they've
23 done. And that's through Section 106 of the NHPA federal guidelines.

24 There are certain forms, depending on if it's a new tower,
25 or if it's a co-location that needs to be sent to directly to SHIPO.

1 I'm not sure they've done any of that. And (inaudible) talked about
2 that that has to be done if you're working in a historic neighborhood,
3 and it's influencing historic buildings.

4 I mean there's - I mean you asked if people are concerned
5 about health issues. I think this neighborhood is hugely concerned
6 about health issues. We've been told we can't talk about it. We've
7 been told that that's something that's off the table, that you're not
8 allowed to think about it in any of your considerations. And that
9 Mayor and Council isn't allowed to think about it.

10 So, that's like a taboo issue because there's no scientific
11 proof. There is scientific proof, but there's also proof that
12 (inaudible) rules that out. But if you look at every single thing in
13 the country, and you look at cancer, and you look at drugs, there's
14 always gonna be one study that supports something, and then there's
15 gonna be another study that refutes it. And I don't see this as any
16 different.

17 It's not that we're not concerned. It's we've been
18 tempering that out of what we're saying because we're told we're not
19 allowed to talk about it. And so I would say that people are super
20 concerned, and one of the lead people in the U.S. who deals with EMS
21 told me last night in an e-mail that - and this totally scared me.

22 She said the, the property owners are primarily liable and
23 are required to carry liability insurance to cover them should the
24 placement of a cell phone tower cause due harm to - with (sic) the
25 tower was to fall down or a piece of it fall off.

1 And that she said we need to look at the fall zone around
2 the proposed site. Parts can fall off and be carried by the wind and
3 it can cause extensive damage. And there's articles that I've seen
4 where like those fake palm trees, the blade falls off and it goes
5 through a car. I mean they're that sharp.

6 And unfortunately, one of the neighbors we hoped to be here
7 tonight talked about like as they get old, there's no maintenance on
8 them. And she works for a apartment complex where a piece of one of
9 those palm trees has fallen off and caused damage.

10 And I mean I think that as we look at this and we get
11 farther down the road, we need to have a memorandum of understanding
12 that talks about maintenance, that talks about like what hours they
13 can come and do the maintenance.

14 That talks about that no other cell phone tower user such
15 as AT&T, or T-Mobile or Sprint can also be located on this pole. That
16 this is only a Verizon pole, because once it's up and we, we pretty
17 much know it's gonna up, even though there have been some that have
18 been shot down across the United States.

19 When I read about those, too, there are instances where
20 they get denied and they don't get put up, we figuring we're gonna get
21 something. But we also want to protect our neighborhood. And we want
22 to know we're safe. And this is a dense urban neighborhood, and
23 there's, the closest house is less a hundred feet from this pole.

24 And I think we need to look at setbacks. And that's
25 probably, every one of the other options that we've proposed to you,

1 of those five, are farther away from the residences in our
2 neighborhood. And that was consciously thought about - the view shed,
3 what it's gonna look like, and the safety to the neighbors in our
4 neighborhood.

5 ZONING EXAMINER: No, I'm, I'm getting the picture. And I,
6 I didn't get your last name. I'm sorry.

7 MS. WINNIK: W-I-N-N-I-K.

8 ZONING EXAMINER: Wonderful.

9 MS. WINNIK: And you're asking about that one pole that
10 we're talking about on Ash that's south of University, and we're
11 asking if it can be co-located, it's basically parallel to where they
12 proposed the original cell phone tower at Merle's. It's barely south.

13 So, if it's the original cell phone tower at Merle's, it's
14 RF Engineering, then that pole should fit RF Engineering. And I feel
15 like they haven't looked at what we've asked for because they're being
16 stubborn also, just like we're being stubborn.

17 ZONING EXAMINER: Well, we'll hopefully work around that.
18 Who else is here to speak in opposition?

19 MR. ROATI: Good evening, Mr. Shell and Mr. McLaughlin.
20 How are you guys doing this evening?

21 ZONING EXAMINER: Wonderful. Thank you.

22 MR. ROATI: All right. So, my name's Ezra Roati.

23 ZONING EXAMINER: Could, can you repeat that a second?

24 MR. ROATI: Ezra Roati. First name's Ezra, E-Z-R-A.

25 ZONING EXAMINER: Uh-huh.

1 MR. ROATI: Last name is Roati, R-O-A-T-I.

2 ZONING EXAMINER: Thank you.

3 MR. ROATI: So, I'm a Dunbar Spring resident, the past
4 president that Karen referred to earlier. I'm also an architect and -

5 ZONING EXAMINER: I'm sorry.

6 MR. ROATI: - address that point. So, to address that
7 point, the preliminary drawings showed a nine-foot diameter by ten-
8 foot-high canister on top of the 45-foot pole. So, I did my own
9 sketch up model. I don't have that with me tonight, but I believe
10 those renderings that they showed are grossly inaccurate.

11 They were from pretty far away, but the actual diameter and
12 the height of the pole visually looks much larger in reality than it
13 would on those renderings that they did in January. So, I just wanted
14 to address that point directly.

15 ZONING EXAMINER: Can I ask you to pause on that
16 (inaudible)

17 MR. ROATI: Sure.

18 ZONING EXAMINER: I have the photos right here. I'm just -
19 it's interesting you say that because I - the photos I'm looking at,
20 the diameter of it, I mean it looks like it's well - I mean, it's
21 almost like a sixth of the tower height, -

22 MR. ROATI: Right.

23 ZONING EXAMINER: - based on just how thin it is. If you
24 just scale it, you can almost get six to seven, you know, diameters
25 basically as the height.

1 And if the pole's only 46 feet, and this thing's really ten
2 feet around, you'd only get, you know, four and a half to five of
3 those. So, I was actually asking that question as well.

4 MR. ROATI: Right.

5 ZONING EXAMINER: I was curious about just the accuracy.

6 MR. ROATI: Sure. And we asked them to address that
7 directly. They replied back that they would look into it, and sent us
8 the same exact renderings again. So, -

9 ZONING EXAMINER: Okay.

10 MR. ROATI: - they, they were revised. They were not
11 looked at. All we heard was that they spent a lot of money having
12 those generated, and that they were not going to address that issue.

13 So, to start off, I wanted to say that the communication
14 from Pinnacle and Verizon has been poor. As Karen outlined in a
15 timeline, it's been downright terrible, to be honest. We've asked for
16 a quest, we've asked for minutes, we've asked for very specific items
17 that we've been promised, and they have not come back and given us any
18 of those items, especially within the last six months since the June
19 meeting.

20 I am a Verizon customer. So, to address your issue that
21 service may be affected by not having a pole here, I have never had a
22 dropped call. I'm a happy Verizon customer, and I do not think that
23 this pole is really necessary.

24 Obviously, I'm not an engineer, so, I don't have the data.
25 We have asked them to provide us that, and they said that that's

1 proprietary information. So, we would just like to see maybe a range
2 of what the future castings is for residents living in those
3 apartments, or something that would justify.

4 I, I use Verizon data. I make phone calls in my back yard
5 all the time, within my house even. I've never had a problem. I have
6 had problems with other carriers locally.

7 I do like the idea that you brought up, Steve, about the
8 concealing in a chimney or some other architectural element that's
9 attached to the building. I think that we need to look into options,
10 and that's where we minimize or eliminate the visual, visual impact
11 that it has on the neighborhood.

12 It is on University Boulevard, which is a bicycle
13 boulevard. There's lots of pedestrians and cyclists that go by here
14 every day. In fact, on the weekends, you can see probably hundreds
15 of, of cyclists in their (inaudible) gear riding down the street.

16 So, there's also a future bike sharing station there where
17 there'd be lots of tourists in the city. I just wanted to address
18 that point that we don't want to display a cell phone tower is what
19 Tucson's all about. We want to show it as something completely
20 different. And that, that sums up my, my talking points. Thank you.

21 ZONING EXAMINER: Wonderful. Before you walk off, to
22 address your issue of the, the cell tower being even needed. I guess
23 that's part of in the same light that, you know, Mr. Cook brought up.
24 You know, there's certain questions, obviously, that none of us are

1 qualified to answer at this point. But the one good question is, is I
2 can ask it.

3 MR. ROATI: Sure.

4 ZONING EXAMINER: And hopefully, you know, I'll get an
5 answer. And one of the questions I would have is, that was a pretty
6 strong statement to make at a hearing. And I would want to see that
7 backed up in some form of time schedule.

8 I mean I understand, if you look at cell service from the
9 '80's, back when I had a car phone, I mean I hate to say this, and I
10 don't want to date myself, but, you know, back when I had a car phone,
11 it was really unique. And, and there were no such things as cell
12 sites. It was really a new territory.

13 And I realize that what may work for today, in their eyes,
14 they're probably looking five to ten out. So, you know, just with the
15 amount of data that we're all using what function perfectly well today
16 is so obsolete five years from now.

17 MR. ROATI: Sure.

18 ZONING EXAMINER: So, I'm, I'm curious. One of my
19 questions is gonna be to see at what point does this cell site become
20 mandatory? I mean, right now, it may be a luxury, you know, to have
21 slightly better coverage. But knowing what I know about the
22 technology and knowing just how quickly things become obsolete, and
23 how we just need more infrastructure.

24 I mean, look at our computers. I mean one mega ram back in
25 the old days, you're hot. Auto cad (sic) wouldn't work on that,

1 though. So, I look at, you know, that's a question I have for the
2 Applicant as well.

3 MR. ROATI: Yeah.

4 ZONING EXAMINER: So, that's on my mind, too.

5 MR. ROATI: Okay. Thank you, gentlemen.

6 ZONING EXAMINER: Thank you. Who else is here wishing to
7 speak in opposition? Come on down.

8 MS. TOOMY: Excuse me. My name is Gail Toomy, and I hope
9 my voice gets better. I am the owner and reside in a triplex on Perry
10 Avenue. I am about a block behind the parking lot of the pole cell
11 site at West University.

12 I, I have two questions, and then I would like to, excuse
13 me, to read something that I only finished at quarter of 4:00 this
14 afternoon, and e-mailed. And so I would like to get it in the record.
15 But the questions are for Verizon.

16 The radiation from the, the pole, does it just go in one
17 direction? Is it just directed, say, towards the Entrada Real
18 Apartment building, or does it have circumference? Or does it have
19 some circumference and some - one pointed radiation? And what is the
20 projected footage from the top of the tower that this radiation, or
21 circumference, or whatever, goes out?

22 ZONING EXAMINER: And that's something I will relay to her.
23 You don't have to ask her that. I'll ask for you.

24 MS. TOOMY: Oh. Okay.

25 ZONING EXAMINER: But I took notes.

1 MS. TOOMY: And another question, then. You're reading,
2 looking on line at past cases. Verizon questions, or could be any- --
3 anyone. The tower must be set back at least two times its height from
4 residentially-zoned property around it.

5 This - the - I also would like to check the, the total
6 height of this antenna holder is going to be 46 feet, or is it 46 feet
7 plus the ten-foot canister?

8 ZONING EXAMINER: That's a good question.

9 MS. TOOMY: So, say it's, it's 46 feet. Two times 46 is
10 92. Is there a 92-foot setback from the property line to where the
11 tower is?

12 ZONING EXAMINER: Well, that one we can ask the gentleman
13 right here, because he might actually know that. Mr. McLaughlin?

14 MR. McLAUGHLIN: No. It goes not quite meet the two-to-one
15 setback, and that's why this special exception procedure has to be
16 considered by Mayor and Council. If it did meet the two-to-one
17 setback, and it could be up to 80 feet before it would trigger, in
18 height, before it would trigger Mayor Council.

19 But because it doesn't meet that setback, it's part of the
20 code that elevates it to the most intense procedure, the most intense
21 review, the Mayor and Council special exception procedure.

22 MS. TOOMY: And I could close with this, but sort of as a
23 further prefix. I took myself over to Entrada Real day before
24 yesterday just to see if they were aware of this hearing. And, and so
25 talked to the, the present manager. And I am not sure that they've

1 really fully understood the visual impact that this pole and canister
2 will have.

3 And the Ash Alley mid- -- the, the second Ash - the first
4 Ash Alley suggestion was something that sounded very good to, to her.
5 This doesn't mean anything.

6 Also, I inquired, and they do have trouble with their wi-
7 fi. They, they do not rent with wi-fi included. They have hot spots
8 in different locales in the apartment buildings where they do supply
9 the wi-fi.

10 Outside their office, posted in the sign by the door,
11 information sign, they mention the name of the, the service, wi-fi
12 service provider, someone I've never heard of. Not one of the primary
13 Verizon, AT&T, Century Link (inaudible)

14 So, it's - it would seem, and from my experience, I, full
15 disclosure also, am a Verizon customer. I've been a customer for
16 about three to four years now. Never once any kind of a problem with
17 anything, or with the AT&T, which provides - backs up my, my I-PAD.

18 I did look at a cell tower, the cell tower map for Tucson,
19 and there is a hole. There are providers all over the place, and
20 Verizon is certainly among them. But there is a hole where Verizon is
21 - Verizon, Verizon is not. And, and that would seem to be what they
22 are looking to fill. However, the cheapest way to do, you know, this
23 job is probably what everybody's after.

24 Maybe Entrada Real should just bump up their service, you
25 know, get something better than what they have. And Verizon should

1 look at the other commercial zone - we're surrounded by commercial
2 zones in Dunbar Spring Neighborhood. But look down along Main, the
3 railroad tracks where there are already very tall poles. It's
4 commercial. And, and go from there.

5 ZONING EXAMINER: Well, unfortunately, that's not really a
6 realistic option for today's hearing. Today's hearing, they've pretty
7 much made it very clear they need to be in this area. And that's what
8 we're gonna look at. And, obviously, if it doesn't happen, then they
9 will have to look elsewhere.

10 MS. TOOMY: But they haven't really looked at the, the TEP
11 pole on Ash.

12 ZONING EXAMINER: And, and that's certainly an option that
13 - this is the one you're referring to behind the Merle's that I -

14 MS. TOOMY: Yes.

15 ZONING EXAMINER: - keep hearing reference to?

16 MS. TOOMY: Yeah. Yeah.

17 ZONING EXAMINER: Okay. Then that'll be one of my
18 questions as well.

19 MS. TOOMY: Yeah. I mean - and I'll, I'll end with this,
20 this part on this, -

21 ZONING EXAMINER: Yes. We need to get moving.

22 MS. TOOMY: - on this note. But they could have a stronger
23 tower at the foot of, you know, Main. They would - could have a
24 broader impact. They could have, you know, canisters that relay like
25 they do in San Francisco and other cities, that wouldn't make people

1 happy, by their houses maybe. But be very inconspicuous and relay
2 what is needed down to Entrada Real without affecting the whole
3 neighborhood.

4 ZONING EXAMINER: Well, I'm sure they're not updating their
5 entire thing just for one apartment complex.

6 MS. TOOMY: That's what they say.

7 ZONING EXAMINER: I've dealt with cell towers in the past,
8 and usually they're looking for a larger service area than just one
9 building. 'Cause usually the coverage (inaudible) under the building
10 they're in is sometimes not all that great. But thank you very much.
11 I do appreciate - and I will ask your question to them.

12 MS. TOOMY: I, I, I would - I will come back. I would like
13 to, to read this just -

14 ZONING EXAMINER: Is it brief? 'Cause we try to limit
15 everybody to five minutes.

16 MS. TOOMY: No. Let's, let's have everybody else speak
17 first, and - but then I would like to come back.

18 ZONING EXAMINER: We'll see what time it is. Maybe you
19 could give it to me in writing if not.

20 MS. TOOMY: Thank you.

21 ZONING EXAMINER: You're more than welcome. Who else here
22 is wishing to speak in opposition? Come on down.

23 MR. LANCASTER: Hello. My name's Rodd Lancaster. I'm at
24 813 North 9th Avenue. I'll be able to see the cell phone tower or

1 antenna from my front porch. So, I, I'm against it for a number of
2 reasons.

3 But - and, and one, I think even if the tower never, or
4 antenna never gets built, I'm pretty sure that won't affect my land
5 line. Little, little joke. Come on, come on, guys.

6 ZONING EXAMINER: Right there with you.

7 MR. LANCASTER: Okay. All right. All right. But through
8 work, I, I do have Verizon. But anyway, I'm like Jim voiced, very
9 concerned about property, my property value with the cell tower so
10 close and visible. That's one thing, and also very proud and happy to
11 be in Dunbar Spring.

12 I've been a part of many of the things that were mentioned
13 - tree plantings and water harvesting basins and, and cycling and, and
14 many, many more things. Community garden. Anyway, I, I would hate -
15 and first off, when they first proposed the tower, it was right on
16 University Boulevard and - yeah, right at the entrance where most
17 people come through on bike, on foot.

18 And, yeah, we are very against the visibility of it, and
19 that's when, yeah, the ideas of the tower came in and, and other
20 things. But I, I do like the idea of disguising it more and making it
21 less visible, and taking it away from that University Boulevard
22 gateway into our neighborhood. So, I, I appreciate you bringing that
23 up.

24 But also something I've been very concerned about is, that
25 was touched on a little bit, was the electromagnetic radiation. I do

1 have a son (makes sounds). He's the one ducking down right there.
2 And not just him, but all of us, all my neighbors, all of my family, I
3 don't think there's been enough research out there, or at least
4 brought out to the public to show us what, what electromagnetic
5 radiation levels are safe, what are not safe distances.

6 And like this tower, like Gail brought up, how is that
7 gonna spread? Is that gonna be spreading straight to my front porch
8 where when we're hanging out playing on the front porch, we're getting
9 more electromagnetic radiation than, than sitting under a power line
10 or something? Anyway, that's another concern.

11 And when the comment about lightning strikes, I don't think
12 the, the comment was that it wouldn't be grounded. I think the
13 comment was that it attracts more lightning. And that's a concern,
14 attracting lightning to our neighbor in the surrounding - or
15 neighborhood and in the area surrounding that pole.

16 I'm close to that pole, so, yeah, that's a concern. My
17 house is pretty low, but we do have a metal roof, and if this helps
18 bring it towards our neighborhood, then, yeah, it, it might come all
19 the way to my house.

20 Anyway, I could go on a lot, but, you know, unfortunately,
21 my mind goes in so many directions, I can't keep up, and I didn't
22 prepare something for tonight. I got off work and came running.

23 And -

24 ZONING EXAMINER: But you're here.

1 MR. LANCASTER: Yeah. I did make it. Unfortunately, a lot
2 of my neighbors weren't able to, and that's one reason I'm up here
3 right now, just to voice my opposition.

4 ZONING EXAMINER: No. And it's duly noted and I appreciate
5 you taking the time. I really do. And I don't have any questions for
6 you other than I do have - okay, I got a question. Two times
7 (inaudible) If it comes to pass that Verizon comes back to us -

8 MR. LANCASTER: Uh-huh.

9 ZONING EXAMINER: - at a continued hearing and basically
10 says, "Yes, you're absolutely right. Currently we're handling all
11 calls. Nobody's gotten any dropped calls. Everybody's getting great
12 cell service, but we do really envision seven to ten years from now,
13 that will not be the case. We're gonna overload what we have. We
14 don't have adequate for your area."

15 MR. LANCASTER: Uh-huh.

16 ZONING EXAMINER: "You will notice -, " now I doubt that
17 you'll probably have no service, but it'll probably be something you
18 wouldn't want to live with. I mean I used to have really, really bad
19 service where I lived 'cause I was with Sprint, and they weren't quite
20 out in my area yet.

21 And it was really bad living in a house that had no cell service
22 yet, unless I walked out in my front yard, and suddenly I could get
23 it. And it's like, "Really? I gotta go stand outside to talk on the
24 phone?"

1 So, if that becomes an issue, how likely would you be to
2 change your opinion a little bit about maybe what you might be willing
3 to put up with? Because obviously, this is give and take.

4 MR. LANCASTER: (Inaudible)

5 ZONING EXAMINER: And I'm still not a firm believer that
6 holding this thing up to my head is any better than living under one.
7 So, I mean I'm, I don't know what the science is, and I probably don't
8 want to know. I'm in denial. I'm okay with that. I live on my cell
9 phone, you know? It's what we do.

10 But if it does come to pass that your service really will
11 go bad in, in six to ten years, or whatever the time frame is that
12 they come back with, will that change your opinion?

13 MR. LANCASTER: Well, I am not against give and take, but
14 at the same time, I don't believe we've been getting all the
15 information we need. And I don't think it has to be within that 100-
16 foot square location that they've put out. You know, they were
17 looking across the street. They were looking elsewhere. So, I kind
18 of doubt -

19 ZONING EXAMINER: Yeah.

20 MR. LANCASTER: - that it has to be right - that it really
21 has to be right there. And, I guess I know that the electronics are
22 getting more and more popular. And more people are demanding service,
23 and that something may have to be done in the future.

24 ZONING EXAMINER: It's, it's where we're going. I mean
25 whether -

1 MR. LANCASTER: Right.

2 ZONING EXAMINER: - we like it or not. But now let me ask
3 you this. And you bring up an interesting point. And this is where,
4 as an architect, it's what I do for a living, and I've just been in a
5 lot of public hearings. And I just know, if there were an easier way
6 to do this for Verizon, I'm sure within the two to three years that
7 we've been messing around with this, they would have already tried.

8 I just have a really sneaking suspicion this is where they
9 have to be. When, when I hear people keep saying "other locations",
10 cell towers, all of this - I mean when you deal with neighborhood
11 opposition, most developers like to be like water. They want to take
12 the path of the least resistance.

13 And you - there are tradeoffs, and when I'm watching
14 Verizon be so adamant that they really want to be here, that, A, tells
15 me this is where they need to be, and that there isn't a lot of give
16 and take on, on giving another location that may be an off-site that
17 all of you would be very happy about.

18 But at the same time, it also tells me that you have maybe
19 a little bit more leverage to negotiate, because if that's where they
20 need to be, I mean this is just like buying and selling a car. You
21 know, it's the buyer needs it, seller wants the money. And you just
22 come to terms - who wants it more?

23 And at this point, I'm seeing a very motivated Applicant
24 which tells me, you know, they're in this because they really want to
25 be here. And now, it's a matter of coming up with what's gonna be

1 something that will make you all agree to this and, and embrace it and
2 offset maybe the cost. So, that's kinds of what I'm kind of heading
3 towards.

4 MR. LANCASTER: Okay. Thanks.

5 ZONING EXAMINER: Oh, my pleasure. Thank you for coming
6 down. Who here else wishes to speak in opposition? Come on down.

7 MS. NAKANO: I'll take this one.

8 ZONING EXAMINER: I, I wasn't gonna say anything.

9 MS. NAKANO: Okay. My name Chieko Nakano. I live in 813
10 North 9th Avenue. Oh, do I need to spell my name?

11 ZONING EXAMINER: I was gonna ask you so I could write it
12 in my little note.

13 MS. NAKANO: Chieko, C-H-I-E-K-O. Last name N-A-K-A-N-O.

14 ZONING EXAMINER: Oh, you wrote that beautiful letter.

15 MS. NAKANO: Oh, thank you.

16 ZONING EXAMINER: Yes, I do remember you.

17 MS. NAKANO: So, I have been really frustrated, frustrated
18 with the whole process. I have been living in the neighborhood since
19 '98. I have seen a big change happened during that time. It was - it
20 has been (inaudible) and beautified, and very livable, especially last
21 few years. We have - we brought a lot of young families in the
22 neighborhood.

23 In '98, I was hearing every weekend, drivers shooting and I
24 didn't dream raising a family there. But now we have so many families
25 living in the neighborhood, and really thriving. Like every year we

1 have Easter egg hunt, and then Halloween, trick-or-treating is
2 happening in the neighborhood.

3 So, we are kind of reclaiming the feel of a neighborhood
4 and everyone - many of the neighbors are really actively participating
5 into feeling a safe neighborhood. And one of the big part was many
6 people work in the neighborhood.

7 Michelle talked about the cell phone tower won't be visible
8 when you turn into the neighbor- -- neighborhood on a car. But that's
9 a different story to people who walk. Our neighborhood is close to
10 University, and 4th Avenue and downtown. All are walkable distance.
11 And many neighbors prefer to walk, or at least commute on a bicycle.

12 So, our perception of our surrounding is quite different
13 from those people who drive everywhere. So, I want to point it out
14 that our aesthetics in that landscaping are quite different.

15 Also, when the first time Verizon brought this deal, or
16 suggested building the cell phone tower, we believed that it was on
17 top of the Sahara, which is north of Entrada. So, we have been
18 hearing that that's the exact location Verizon wants the cell phone
19 tower. But original story was different location.

20 So, now I'm kind of - we were wondering like why we have to
21 stick into that area. So, we having kind of, or at least I have been
22 feeling kind of misled by the approach or the, all the suggestions,
23 the rendering, the pictures we've received. They were saying that the
24 tower won't be visible, but it's clearly visible. It's beyond - we

1 have tall trees in the neighborhood, but it's not 46 feet. And we
2 live just like across the street.

3 Well, we have other families, three properties on 9th
4 Avenue. And every single property, from every single property, we
5 will see, we will look at the tower. So, I'm really opposed to it,
6 but I know it must - if it must happen, we would like to have more
7 negotiate conversation between neighborhood and Verizon which I feel
8 not happening. So, that was my frustration I wanted to express in
9 this (inaudible)

10 ZONING EXAMINER: I appreciate you expressing it. And your
11 letter was very eloquent, so, -

12 MS. NAKANO: Well, thank you very much.

13 ZONING EXAMINER: It was a very nice letter to read, so,
14 thank you very much. And I don't really have any questions for you.
15 So, you (inaudible)

16 Who else would like to speak in opposition? Have we heard
17 from everybody? Does the young man want to say anything? He sat up
18 the minute you got back in your seat I noticed.

19 If your - if, if it's long, I'm gonna really ask you put it
20 into writing because we don't really have time to read -

21 FEMALE SPEAKER: (Inaudible)

22 ZONING EXAMINER: Yeah. If you want to, go ahead and just
23 hand it to me.

24 FEMALE SPEAKER: (Inaudible)

25 (Inaudible conversation.)

1 ZONING EXAMINER: Okay. I, I know that we received a
2 couple more objection letters today. And that might be what it is
3 that I'm seeing the hard copy to. So, we'll just double-check our
4 files, but these are still entered into the record, along with the
5 article and what you're going to present. Yes, okay.

6 Is there anybody else here wishing to speak on the subject
7 just on a neutral point, so that everybody is heard? Yes. You can't
8 speak from there because it has to be on the microphone. And I will
9 ask you to be brief.

10 MS. TOOMY: Yes.

11 ZONING EXAMINER: Okay.

12 MS. TOOMY: Not a neutral point. A question perhaps more
13 for the City of Tucson. Again, looking on line at previous cases,
14 from Case: SE-15-25 Verizon - Lakeside Parkway Pantano East in 2015,
15 quote, "Part of the criteria for deciding that case. Plan Tucson,
16 Policy LT-28.1.2 requires that if possible, wireless communication
17 facilities be located, installed and maintained to minimum - to
18 minimize visual impacts and preserve our views." Is this criteria
19 applicable in this situation?

20 ZONING EXAMINER: Mr. McLaughlin?

21 MR. McLAUGHLIN: Yes. That's a citywide policy. Plan
22 Tucson covers the whole city. It's a general policy references trying
23 to make as, as unobtrusive and stealth as possible and as, you know,
24 it won't be invisible, but they can be less visible.

1 MS. TOOMY: And in our case, our neighborhood historical
2 integrity is also a factor. Many of us rent to tenants. I - my
3 income depends primarily from two of my apartments in my triplex.
4 People are very aware, you know, we've got vegans, no gluten - on and
5 on. People are very, very aware of all these things in contemporary
6 society.

7 And being able to see a cell tower, it will probably be
8 visible from my back yard. And people walking and driving in the
9 neighborhood, and into the neighborhood, it will be at least ten feet
10 higher than the 36 - three-story Entrada Apartment building. It'll be
11 very visible from the intersection of Speedway and Stone. It will be
12 part of the City of Tucson's landscape as well unless it is otherwise
13 placed. So, -

14 ZONING EXAMINER: Okay.

15 MS. TOOMY: - thank you.

16 ZONING EXAMINER: No. Thank you. Is there anybody else
17 here wishing to speak neutral? Then, in that case, I would like to go
18 ahead and ask the Applicant if she would like to come up and address
19 obviously what she's heard, as well as maybe some of the things I've
20 probably said.

21 MS. LAMOUREUX: Yes. I will try to quickly run through.
22 I was taking notes as people were talking. So, we were originally
23 looking at the Merle site. The concern from the neighborhood, the
24 first RF, or the first meeting that we had was that it was very

1 visible. The feedback that we got was that they really didn't want
2 it. They didn't want to see it.

3 So, what we, what we - the reason that we moved it, and
4 into the center of this apartment complex was so that it would be less
5 visible from various points in the neighborhood, and so that it wasn't
6 as soon as you turn into their neighborhood, you see the site.

7 Whether it was a water tower, or disguised as some other
8 facility, we were trying to accommodate them. I understand that, you
9 know, they don't really believe that, but that was what, when I had my
10 first neighborhood meeting with them, that's what I took back to
11 Verizon. This neighborhood does not want to have to see it. Let's
12 try to maybe use existing verticality, which is why we suggested the
13 TEP pole.

14 You have existing verticality. You already have power
15 poles there. So, if we add ten feet so that the whole height of this
16 is 46 feet. The original proposed site, the very first thing that
17 Verizon proposed was a 60-foot monopole. No stealth thing (sic),
18 nothing. It was just 12 antennas on a monopole on the corner of
19 Merle's.

20 So, there have been several renditions of this. Some of
21 the suggestions that the, that the neighborhood brought to us were not
22 actual cell sites. So, I can't put ceramic tiles on a cell site and
23 still make it functional.

24 When I met with Troy Nearman (ph.), he, I - Nearman. When
25 I met with him, I actually met with him before the neighborhood

1 meeting, the, the first neighborhood meeting that we had, and he had
2 sketched up, you know, some drawings. And when I suggested that at
3 the meeting that night, they were the ones that said it would still
4 look like a cell tower.

5 So, that was not something that they wanted to consider
6 'cause we were considering doing some sort of wrought iron cylindrical
7 structure with like wrought iron flowers that were RF friendly. And I
8 actually have the e-mail between Troy and I in regards to that. And
9 then I discussed it that night.

10 In that first meeting when we sent out the notification, it
11 did start 5:00. The neighborhood told me that that didn't work for
12 them. So, I said, "We'll do an open house," and I kept it open from
13 5:00 to 7:00. And there was an RF engineer there to answer questions,
14 as well as a representative from Verizon.

15 There have been some gaps in cov- -- in communication
16 because when, every single time we change the site, I can't
17 immediately send out drawings or photo sims or - I just don't have
18 those readily available. It obviously takes time to get those things
19 re-done. So, and a lot of the responses have to come from Verizon.

20 I can't just arbitrarily say, "Oh, yeah, we can do that,"
21 or, "No, we can't." And a lot of the responses, or the requirements
22 that they're asking for have to go up through the channel of Verizon.
23 And Verizon's a huge company, and nothing happens quickly.

24 So, the minutes from the last neighborhood meeting were
25 sent to the City of Tucson. And I did send out the drawings and the

1 photo sims to Dunbar Spring on 07/26. And I also have a copy of that
2 e-mail that did go out to them to address whether you can co-locate on
3 a TEP pole. You cannot.

4 So, Verizon going on this TEP pole, they're the only ones
5 able to go on that. Nobody else can go on it. It's just not
6 structurally sound. So, you can only have one carrier on that.

7 The photo sims represented, it's photo simulation. We're
8 not saying this is fact. When you look at it, if you, you know, let's
9 say the diameter is nine feet. If the pole at the top is three feet,
10 it's approximately the same size on either side. So, it's
11 approximately nine feet around.

12 I'm not saying the photo sims are perfect, but it's a
13 simulation. You know, if they want to see a photo sim of a larger
14 canister, I don't know if that really serves a purpose, but, you know,
15 if that's something that -

16 ZONING EXAMINER: And actually, your own submittal had a
17 scale drawing of it.

18 MS. LAMOUREUX: Right.

19 ZONING EXAMINER: And it, it really does look square.

20 MS. LAMOUREUX: Okay.

21 ZONING EXAMINER: Because the height to diameter -

22 MS. LAMOUREUX: Sure.

23 ZONING EXAMINER: - is about even. So, it does have a more
24 square profile when you -

25 MS. LAMOUREUX: Right.

1 ZONING EXAMINER: - look at it. And your photo version,
2 it's a very dish kind of a shape.

3 MS. LAMOUREUX: It will be round, so -

4 ZONING EXAMINER: But it is height to width.

5 MS. LAMOUREUX: Sure.

6 ZONING EXAMINER: It's basically square.

7 MS. LAMOUREUX: Sure.

8 ZONING EXAMINER: So, but I can see where other people in
9 the business, we would look at that and go that just didn't sound
10 forthright, -

11 MS. LAMOUREUX: Sure.

12 ZONING EXAMINER: - you know?

13 MS. LAMOUREUX: And I (inaudible)

14 ZONING EXAMINER: We're trying to make something look
15 stealthy. You don't come back with a photo appearance of it to make
16 it look smaller than it is.

17 MS. LAMOUREUX: Right.

18 ZONING EXAMINER: So, I can see why they were concerned
19 with that.

20 MS. LAMOUREUX: Sure.

21 ZONING EXAMINER: But I, I didn't mean to interrupt. I
22 apologize.

23 MS. LAMOUREUX: And we do - we did have an RF engineer at
24 both the, you know, open house neighborhood meetings to address the
25 concerns that were brought up today. And I believe that, that Gail

1 was at both of those. So, I'm not sure if her, her concerns were not
2 addressed. But, you know, we certainly can get those addressed from
3 the RF engineer as well.

4 And typically, when they are looking at exhaustion at a
5 site, or an area, they're actually typically looking one to two years
6 out. So, it's not five to seven years, it's typically - they start
7 looking at an area two to three. And then as they roll down, it
8 obviously shortens. So, -

9 ZONING EXAMINER: I want to make sure I understand that,
10 'cause that kind of went over my head. Sorry.

11 MS. LAMOUREUX: Oh. No, no. That's okay. Sorry.

12 ZONING EXAMINER: Technical blond. Hello.

13 MS. LAMOUREUX: But no. Fine.

14 ZONING EXAMINER: You said that they start looking at sites
15 a year to two years.

16 MS. LAMOUREUX: I apologize I said that. They start
17 looking two to three years out because of the process that we have to
18 go through. To get a site up, typically takes us 12 to 18 months,
19 depending on the certifications that we can get. So, at that point,
20 then you're looking at the exhaustion of the area being one to two
21 years from the time it's built.

22 ZONING EXAMINER: So, we're looking at maybe two to four
23 years realistically before, what, you use the word "exhausted". That
24 would mean to me out of date and, and no longer adequate?

1 MS. LAMOUREUX: At this point, we've already been at this
2 particular site working it for two years. So, I would say 12 months
3 maybe before it's - and I'm, I'm ballparking. I'd have to -

4 ZONING EXAMINER: Uh-huh.

5 MS. LAMOUREUX: - have the RF engineer to give a
6 definitive.

7 ZONING EXAMINER: Is that something you can actually get
8 for us?

9 MS. LAMOUREUX: Sure.

10 ZONING EXAMINER: That it is in writing that they could
11 come back and give us a, a visual of, you know, the timeline between
12 when cell service is adequate versus when it becomes intolerable, and
13 just flat out not?

14 MS. LAMOUREUX: So, the, the propagation maps, you know, we
15 certain- -- I don't have any - I can (inaudible) right now. I haven't
16 been asked for them in the past, but -

17 ZONING EXAMINER: They're in your packet, though. I can
18 see it.

19 MS. LAMOUREUX: And they're in the packet, and the -

20 ZONING EXAMINER: Right.

21 MS. LAMOUREUX: - public records, so - I mean but I
22 certainly am happy to give these to you here as well. And then, you
23 know, obviously, Verizon works within all of - well below the FCC
24 guidelines. And on the agenda from the meetings, there were several

1 websites that they could refer to as well for information on the radio
2 frequency.

3 ZONING EXAMINER: Right.

4 MS. LAMOUREUX: I think I, I ran through that.

5 ZONING EXAMINER: No, no. You (inaudible)

6 MA. LAMOUREUX: I was trying to be brief. I'm sorry.

7 ZONING EXAMINER: No, no, no. You, you actually did a
8 really nice job responding to those. I just had a couple of other
9 questions that -

10 MS. LAMOUREUX: Sure.

11 ZONING EXAMINER: - were kind of coming up in my mind.
12 There was a comment made that you had looked at one your original,
13 original sites that you were looking at, and you were told, or other
14 people had heard was that you were looking at the Sahara Apartments.

15 MS. LAMOUREUX: And then they -

16 ZONING EXAMINER: And they're just down the street.

17 MS. LAMOUREUX: Right. And they actually deemed that to be
18 too far outside the ring.

19 ZONING EXAMINER: Really?

20 MS. LAMOUREUX: So, we did -

21 ZONING EXAMINER: It's too bad 'cause it's such a tall
22 building.

23 MS. LAMOUREUX: Right. And we actually walked it with the
24 RF engineer, and, you know, they have their -

25 ZONING EXAMINER: Stuff.

1 MS. LAMOUREUX: Right. Yeah. I don't - it has a technical
2 name.

3 ZONING EXAMINER: They had stuff.

4 MS. LAMOUREUX: I don't know what it's called, but -

5 ZONING EXAMINER: Right.

6 MS. LAMOUREUX: - it has readings and so that was
7 unfortunately because -

8 ZONING EXAMINER: So, Sahara was really turned down by the
9 RF engineers?

10 MS. LAMOUREUX: Correct. Trust me. I, I wish it wasn't.

11 ZONING EXAMINER: I was correct in my assumption that you
12 are like water, and you do look for the path of least resistance.

13 MS. LAMOUREUX: Absolutely.

14 ZONING EXAMINER: I mean that's just common developer
15 mentality, so -

16 MS. LAMOUREUX: Right.

17 ZONING EXAMINER: I'm just making some notes. I still have
18 another question. One of the people, I think it was Gail, brought up
19 - I, I use the word "radiation" just because she used it. I don't
20 know the technical term of what it is that people are, are concerned
21 about 'cause I hear the, the "electromagnetic", but that, to me, was
22 the old power lines -

23 MS. LAMOUREUX: Right.

24 ZONING EXAMINER: - in New Jersey, so, I don't know
25 exactly. I'm, I'm trying - I'm still in denial, obviously, 'cause I,

1 I live on my cell phone. So, I don't want to know probably. But she
2 was asking questions as far as when these are engineered to be in
3 residential neighborhoods like this, is there concern and is there
4 science to make sure that the direction of these things and the range
5 and the way that the - I'm, I'm assuming there's some sort of waves of
6 frequency that transmit wonderful (inaudible) signals?

7 MS. LAMOUREUX: It's on a spectrum and it's radio
8 frequency.

9 ZONING EXAMINER: It is still radio?

10 MS. LAMOUREUX: Yes.

11 ZONING EXAMINER: Okay.

12 MS. LAMOUREUX: So, again, it is well within the
13 guidelines, you know, of what the FCC requires them to be. They're
14 actually well below what the FCC requires. And I would feel more
15 comfortable with the RF engineer. (Inaudible)

16 ZONING EXAMINER: And that may be what I'm gonna ask you -

17 MS. LAMOUREUX: Sure.

18 ZONING EXAMINER: - to bring to your next meeting.

19 MS. LAMOUREUX: (Inaudible)

20 ZONING EXAMINER: Kind of like a visual thing. I want
21 (inaudible) because it, it is interesting, 'cause I've heard arguments
22 made that towers can be designed in such a way that they can actually
23 shield the signal from going immediately down into the neighborhood
24 where -

1 MS. LAMOUREUX: They don't go down. The, the signal does
2 not go down.

3 ZONING EXAMINER: And that's what I think we'd want to
4 hear.

5 MS. LAMOUREUX: (Inaudible) the antennas, you know, where
6 they are at. They, they go out.

7 ZONING EXAMINER: And that's something that I think we'd
8 want to hear in the public hearing -

9 MS. LAMOUREUX: Sure.

10 ZONING EXAMINER: - arena, so that we can - and have that
11 in writing so that it could be handed out, because that's part of what
12 I think will help quell, you know, I always say this is, this is a
13 horse trading. We're bartering here.

14 MS. LAMOUREUX: Uh-huh.

15 ZONING EXAMINER: And this is just one more chip that you
16 have to offer -

17 MS. LAMOUREUX: Sure.

18 ZONING EXAMINER: - to help people. Because when you do
19 read the comments, you know, lightning, the, the damage of the
20 effects, those are all issues that if you can go the extra mile to
21 give us the science and, and make us feel better about those, it takes
22 them off the table.

23 MS. LAMOUREUX: Right.

24 ZONING EXAMINER: And it just improves your position at the
25 same time, and it makes the neighborhood a little more happy that at

1 least some of these things maybe aren't issues. And they're just
2 myths that we've been living with, you know, from the days of power
3 lines.

4 MS. LAMOUREUX: And the ultimate reason that I didn't have
5 him here tonight is because he did attend both the neighborhood
6 meetings, as well as a Board meeting. So, I thought that those
7 questions had been answered by the -

8 ZONING EXAMINER: Yeah. But you knew I was gonna have -
9 well, you (inaudible)

10 MS. LAMOUREUX: Well, I didn't know, so -

11 ZONING EXAMINER: Okay. But you see where I was heading
12 with that.

13 MS. LAMOUREUX: Sure.

14 ZONING EXAMINER: Okay.

15 MS. LAMOUREUX: And, and (inaudible)

16 ZONING EXAMINER: And then you answered the question of the
17 height.

18 MS. LAMOUREUX: Uh-huh.

19 ZONING EXAMINER: The total height is 46 feet to the
20 absolute top of this thing. At this point, is there anything else
21 you'd like to add to just kind of make us feel better or, or ask for a
22 continuation?

23 MS. LAMOUREUX: You know, I know that Dunbar Springs does
24 not feel like we have worked with them. And I feel that, I mean
25 Verizon really has tried to figure out a solution to make this work.

1 And I don't know if there's anything that we can do to make everybody
2 happy in this situation. You know, again, I understand that this is,
3 you know, a give and take type of situation which is why we have tried
4 to move it, you know.

5 And, and unfortunately, you know, the water tower issue at
6 Merle's, again, I still have a landlord that I have to run these
7 things by and get the okay from.

8 So, it's unfortunate that, you know, there's not maybe like
9 an HOA area that they could, you know, approve and say, "Okay. Go
10 there," and we could build something that's suitable for whatever the
11 neighborhood wants to see.

12 ZONING EXAMINER: Uh-huh.

13 MS. LAMOUREUX: You know, I still have to address the
14 concerns of the landlord because I'm sure that they wouldn't be happy
15 if I came in and said, "Okay. I'm making a deal with you, but I'm
16 gonna tell you that this is what I'm gonna do on your property."

17 ZONING EXAMINER: But you can see that that's, in essence,
18 what you're doing in the neighborhood?

19 MS. LAMOUREUX: Well, no.

20 ZONING EXAMINER: The same way you don't want to be told
21 that, they don't want to be told that.

22 MS. LAMOUREUX: No. But what I'm saying is like they're
23 telling me that I have to tell the landlord what -

24 ZONING EXAMINER: No, no, no.

25 MS. LAMOUREUX: - they want to see, so -

1 ZONING EXAMINER: I'm, I'm thinking what's gonna happen is
2 we're gonna, we're gonna leave here tonight and, and I think you're
3 gonna be pretty clear in your mind -

4 MS. LAMOUREUX: Uh-huh.

5 ZONING EXAMINER: - where my goal is.

6 MS. LAMOUREUX: Okay.

7 ZONING EXAMINER: Because, obviously, my goal is to be able
8 to make a recommendation to Mayor and Council that they will agree and
9 uphold, -

10 MS. LAMOUREUX: Sure.

11 ZONING EXAMINER: - because despite whatever I might come
12 up with and think is a very reasonable solution, they may turn right
13 around and say "no".

14 MS. LAMOUREUX: Uh-huh.

15 ZONING EXAMINER: And Mayor and Council has denied many of
16 these. So, it's not, it's not like an unheard-of thing to deny a cell
17 tower. So, I'm here to try and convince you to go back to your
18 landlord and your company and let them know in no, in no uncertain
19 words, I see this as a problem.

20 I see this as something that Mayor and Council is not gonna
21 warm up to. I see it as something I'm not warming up to yet, 'cause I
22 haven't seen enough effort really, 'cause I, I haven't been aware - I
23 haven't been part of it yet, so - but now I am.

1 But I would like to see an effort made to incorporate this
2 thing into the building, because to me, that's the simplest way to
3 hide this.

4 MS. LAMOUREUX: Uh-huh.

5 ZONING EXAMINER: I mean it needs to be there. It needs to
6 be 46 feet. I understand all that. I also know there's a huge
7 difference between a stand-alone pole in the middle of a parking lot
8 versus something that's part of a building.

9 MS. LAMOUREUX: Uh-huh.

10 ZONING EXAMINER: And as part of a building, I can hide
11 that a lot easier than trying to do anything out in the middle of a
12 parking lot. And this is where I think the give and take is gonna
13 have to be.

14 MS. LAMOUREUX: Uh-huh.

15 ZONING EXAMINER: I just don't see another alternative,
16 because there's just nothing you can do to this thing to change it so
17 radically that they'll agreed to it, unless you turned it into a water
18 tower, which I agree could be very cool for water harvesting, and then
19 you just hang the stuff on the water tower.

20 And if they have six parking spaces in excess, that does
21 start giving you enough room to actually build a water tower. Now
22 whether or not the landlord's willing to do that, I mean you obviously
23 know the obstacles there.

24 MS. LAMOUREUX: Right.

1 ZONING EXAMINER: So, I'm looking at the path of least,
2 least resistance as well.

3 MS. LAMOUREUX: Uh-huh.

4 ZONING EXAMINER: And my least resistance is hang this
5 thing somehow off the building and incorporate it in to where it just
6 kind of disappears into architecture. And - because half those sites
7 are part of buildings that we just don't see.

8 MS. LAMOUREUX: Uh-huh.

9 ZONING EXAMINER: And those are the sites that seem to be
10 the least objectionable. So, that's kind of where I would like to see
11 this go. But, obviously, what I like is, is moot, you know, I'm just
12 here to try and facilitate a neighbor and, and facilitate a company.
13 And you both have needs and, and these are very real and they have
14 repercussions if it doesn't get resolved.

15 MS. LAMOUREUX: Sure.

16 ZONING EXAMINER: So, I, I would love to see you come back
17 and come up with a solution that everybody agrees to. And I think now
18 the neighborhood understands, yes, I am very into finding a reasonable
19 solution.

20 But at the same time, I do realize there is still a need
21 beyond your neighborhood for other people to benefit from this
22 service. So, it's not that they're putting this in just for your
23 neighborhood, or just this apartment complex.

24 MS. LAMOUREUX: Right.

1 ZONING EXAMINER: It's for a lot of people driving on Stone
2 and coming up and down. This is just the reality of the world we live
3 in.

4 MS. LAMOUREUX: Right.

5 ZONING EXAMINER: And unfortunately, you know, you might
6 benefit from a cell tower that's in my neighborhood sometime, because
7 you're gonna be driving out by Old Spanish Trail. And, you know, I
8 had to put up with it, only mine looked like palm trees. They really
9 blend. Or saguaro cactuses at McGraw's.

10 MS. LAMOUREUX: Uh-huh.

11 ZONING EXAMINER: What would be your pleasure? Would you
12 like to request a continuance, or do you want me just to say that I
13 will continue it? I'm perfectly fine continuing it.

14 MS. LAMOUREUX: Okay. That's fine.

15 ZONING EXAMINER: Mr. McLaughlin, since I, I haven't
16 continued a case before, do I just have to basically ask for a
17 continuance and just say - and set it for the next scheduled hearing?

18 MR. McLAUGHLIN: That's correct. There will not be a
19 notification, a mail-out notification or a newspaper publication about
20 the, about the continuance because it's still open. It's not a new
21 public hearing. It'll be the same public hearing, just continued to a
22 later date.

23 So, I would say to the President of Dunbar Spring to notify
24 all interested parties of the, of the date, and we'll let you know
25 about that. I think it would be - the next one is October - I don't

1 know. You may - it may also depend on how much time the Applicant
2 would need to come back with and have, maybe have a meeting with the
3 neighborhood. So, October date may not give enough time for that.

4 ZONING EXAMINER: And I know from the Zoning Examiner's
5 standpoint, the October and early November is getting a little tight
6 on our schedule. We're heading into the, obviously, the season of
7 Thanksgiving and, and holidays, so, I just know October and November
8 are getting really crowded.

9 But I envision the Applicant's probably gonna need a little
10 bit - can you come forward to the mike a second, just because,
11 obviously, you're a very critical part in how we do this, 'cause I do
12 know that you are the Applicant and this is all your show.

13 So, I want to make sure and include you and, and what we do
14 here. How much time reasonably do you think you need to basically go
15 back to Verizon, deal with your landlord and find out just how much
16 give and flexibility there might be in looking at an alternative to
17 attaching part of this maybe to the building and leaving the equipment
18 where it is, whatever -

19 MS. LAMOUREUX: So, I guess question is - so, attaching the
20 antennas to the building, you, you don't have the same coverage, the
21 same RF coverage as you do in the TEP pole. And so I, so I'm trying
22 to come up with something that you want to see that I can reasonably
23 still meet the same objective from, you know, an RF perspective -

24 ZONING EXAMINER: Uh-huh.

1 MS. LAMOUREUX: - and, you know, what - I guess if, if
2 you're saying that the only thing that you're going to put through is
3 essentially attaching something to the roof or the side of the
4 building, I guess I need more clarification on what, what you want to
5 see.

6 ZONING EXAMINER: And that would - you, you kind of sized
7 it up because the best way I know to hide this, even relocating a pole
8 right up against the inside corner of a building -

9 MS. LAMOUREUX: Uh-huh.

10 ZONING EXAMINER: - makes it less obvious than having it in
11 the middle of the parking lot. So, I mean, obviously we have laws of
12 physics to deal with.

13 MS. LAMOUREUX: Right.

14 ZONING EXAMINER: And, and in that sense, I'm very
15 flexible. I'm not here to dictate how it, how it ultimately looks.
16 The only thing I know is I heard a consensus here tonight.

17 MS. LAMOUREUX: Uh-huh.

18 ZONING EXAMINER: And the consensus was, hide this thing as
19 best you can. Come back and show us that it's not gonna kill people,
20 you know, that we're not gonna be eradiating people and make us feel
21 better. Let us know why it's needed, you know? Give us a timeline of
22 when cell service will actually be noticeably affected and when it
23 does become, you know, obsolete, the way it is now.

24 And at the same time, how this can be located in a portion
25 of the building to where you can still make this work and you still

1 get the coverage you need, but at the same time, having it in an
2 inside corner of a building, even if it's just a pole mounted right to
3 the side of the masonry, and then have it cantilever beyond the
4 roofline to your 46 feet.

5 That makes it disappear a whole lot better than being in
6 the middle of a parking lot, because now it's just part of a building.
7 And a lot of times, that just disappears.

8 MS. LAMOUREUX: Right.

9 ZONING EXAMINER: So, it should - I'm hoping it's not that
10 big of a concession. But, you know, not, not - I, I, I mean my
11 clients ask me to do things all the time that they have no clue what
12 they just asked.

13 MS. LAMOUREUX: Uh-huh.

14 ZONING EXAMINER: So, I'm kind of, I'm kind of being the
15 dumb client here. I hate to say that, but it's gonna be worse in
16 front of Mayor and Council.

17 MS. LAMOUREUX: Uh-huh.

18 ZONING EXAMINER: At least I'm an architect, and I can
19 speak educated-wise on certain things. And I just know when you deal
20 with perception, it makes a big difference when it's leaning up
21 against a building and it can be interpreted as just part of the
22 building -

23 MS. LAMOUREUX: Uh-huh.

1 ZONING EXAMINER: - versus out in the middle on an existing
2 pole because it was convenient and it was there. I know, it's, it's a
3 perception thing.

4 MS. LAMOUREUX: Right.

5 ZONING EXAMINER: I understand that. But I do think that
6 carries a lot of weight.

7 MS. LAMOUREUX: Uh-huh.

8 ZONING EXAMINER: So, that's kind of what I'm asking for.

9 MS. LAMOUREUX: Uh-huh.

10 ZONING EXAMINER: Does that help?

11 MS. LAMOUREUX: Sure.

12 ZONING EXAMINER: Okay. How much time do you think you
13 need?

14 MS. LAMOUREUX: Well, I mean we will push this, that we
15 are, like I said, that they, they really need this site. This isn't -

16 ZONING EXAMINER: Uh-huh.

17 MS. LAMOUREUX: Verizon doesn't arbitrarily pick a spot.
18 I think you're well aware of that, and say, "Oh, we - this is fun.
19 Let's put one there." So, this is a site that they essentially do
20 need to get up and functioning.

21 So, if - I don't know - I would like to make the next
22 meeting. So, whatever that is, we will strive to make.

23 ZONING EXAMINER: I know people do do better with a
24 deadline.

25 MS. LAMOUREUX: Uh-huh.

1 ZONING EXAMINER: So do big companies.

2 MS. LAMOUREUX: So, if it's October -

3 MR. McLAUGHLIN: I believe it's next Thursday, October 5,
4 if my memory's -

5 MS. LAMOUREUX: Okay. I can't do that date.

6 ZONING EXAMINER: Yeah, 'cause I'm doing that one already.
7 That's a PAD, Planned Area Development is coming in. We have a couple
8 of hearings. There's one - 'cause I'm doing these two and then -

9 MR. McLAUGHLIN: October 19th is the next one.

10 MS. LAMOUREUX: Okay.

11 MR. McLAUGHLIN: Two weeks following, I believe.

12 MS. LAMOUREUX: Okay.

13 MR. McLAUGHLIN: I'll have to confirm that with the office,
14 but I believe it's October 19th would be the next.

15 ZONING EXAMINER: I thought it was the 16th. That's the
16 one that Thomas is doing.

17 MS. LAMOUREUX: 16th or 19th. Can you just send me -

18 MR. McLAUGHLIN: It would be a Thursday which would be -

19 ZONING EXAMINER: Okay.

20 FEMALE SPEAKER: 19th. Thursday is the 19th.

21 ZONING EXAMINER: Okay. The 19th.

22 MS. LAMOUREUX: Okay. Okay.

23 MR. McLAUGHLIN: You can do that.

24 ZONING EXAMINER: You can do that one.

1 MS. LAMOUREUX: I'm gonna jump through whatever hoops I
2 need to, to -

3 MR. McLAUGHLIN: We're not faced with the 15-day in advance
4 public notification requirement, or advertising requirement, so -

5 MS. LAMOUREUX: Okay.

6 MR. McLAUGHLIN: - it'd be as soon as October 19th when we
7 could get -

8 MS. LAMOUREUX: Okay.

9 MR. McLAUGHLIN: - that scheduled.

10 MS. LAMOUREUX: Okay.

11 ZONING EXAMINER: Okay. Then in that case, I would like
12 to, A, just thank everybody for coming out. I'm gonna go ahead and
13 close the public hearing. I'm gonna set this to be continued for the
14 Thursday, October 19th hearing, at which time, hopefully the Applicant
15 can put together some of the materials that we've asked for.

16 And at the same time, get that in front of the people so
17 that they have time to digest it. And hopefully, that can get
18 dispersed, you know, and then we can have a meeting in here and, and
19 come to a little more of a meeting of the minds before. Yes?

20 MS. GREENE: Am I allowed to ask a couple quick (inaudible)

21 ZONING EXAMINER: Yeah, if you come up to the microphone
22 and keep it brief, 'cause I already closed the public hearing.

23 MS. GREENE: Sure. So, our next neighborhood meeting is on
24 the 16th. So, it would be great to have the stuff before the 16th, so

1 we could discuss it. 'Cause like to bring it to the 19th meeting,
2 it's gonna be hard for us (inaudible)

3 ZONING EXAMINER: Okay. So, you're - okay, let me ask her
4 to come up. Can you grab the other microphone, and that way I have
5 both of you up here? I'm, I'm not really good on etiquette here, so,
6 I just break rules all the time.

7 Can you have everything to her by the 16th so that she has
8 it for her neighborhood meeting?

9 MS. LAMOUREUX: I can try.

10 ZONING EXAMINER: Yeah. Absolutely.

11 MS. LAMOUREUX: I can't guarantee anything until tomorrow
12 when I can get together with our engineers and architects, -

13 ZONING EXAMINER: Okay.

14 MS. LAMOUREUX: - and figure out -

15 ZONING EXAMINER: But that would be the game plan. If you
16 could get everything to the Neighborhood Association by the 16th, so
17 that they have a time to digest it and meet as a group so that they're
18 not, you know, forced to make a decision in, in ten minutes at a
19 meeting.

20 MS. LAMOUREUX: Uh-huh.

21 ZONING EXAMINER: So, but that wouldn't be a first.

22 MS. LAMOUREUX: Right.

23 ZONING EXAMINER: If, if you can't do that, and we still
24 have a public hearing, I would just ask to take a break and I'll let

1 you all just meet amongst yourselves while we're doing another case,
2 maybe.

3 MS. GREENE: So, here's a question just in terms of our
4 neighborhood by-laws. We are not, because we've had issues in the
5 past, we're not allowed to have sub-groups make any decisions. Any
6 votes have to go before, you know, we have to have a notification a
7 week before we're gonna vote on something.

8 And then - so, if it doesn't make it to the 16th, I'm not
9 gonna be able to, even if my whole Board is here, according to my
10 neighborhood by-laws, make a vote. I would be breaking the by-laws of
11 my neighborhood. And I would - so, it's just a question that I have.
12 I just - I want - I'm not trying to be difficult, but I also -

13 ZONING EXAMINER: No, I understand that. But I also know
14 when we're doing this, I'm asking them to go through (inaudible)

15 MS. GREENE: Sure.

16 ZONING EXAMINER: And at the same time, I'm gonna ask you
17 to go through any hoops necessary to have an answer, because the one
18 thing I won't do is delay this just because of, unfortunately, your
19 by-laws. I understand that.

20 MS. GREENE: Okay.

21 ZONING EXAMINER: I know it's a little bit cruel in that
22 sense, but at the same time, I think we've kind of burned out a lot of
23 time and a lot of time's been wasted now. And part of what I'm here
24 to do is not only get new ideas going, -

25 MS. GREENE: Uh-huh.

1 ZONING EXAMINER: - but speed the timeline.

2 MS. GREENE: Okay.

3 ZONING EXAMINER: And so I think it's gonna be - I don't
4 know how you'll do it. I'm -

5 MS. GREENE: I'm creative.

6 ZONING EXAMINER: You look like it. I just have faith in
7 you, and I look at what you've already done here, and I look at the
8 amount of work you've put into this, so, I have faith that the two of
9 you, as the key players, really will be able to come to a meeting of
10 the minds. And I'm just here to kind of push it along, if you know
11 what I mean.

12 MS. GREENE: Great.

13 ZONING EXAMINER: So, that's kind of where I'm coming from.

14 MS. GREENE: Okay. Thanks.

15 ZONING EXAMINER: Okay? So, at this point, I'd like to go
16 ahead and close the public hearing again, and say that we are
17 scheduled for Thursday, October 19th, and that the Applicant will try
18 her very best to get the information to the Homeowners Association
19 prior to the 16th so that she has time to run it by her neighbors, and
20 do what she needs to do.

21 And in that, I'd like to thank you all for coming out. We
22 are adjourned.

23 (Case: SE-17-86 was continued to October 19th, 2017.)

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 reference on page 1 above.

Transcription Completed: 10/08/17

/s/ Kathleen R. Krassow
KATHLEEN R. KRASSOW - Owner
M&M Typing Service