



# ZONING EXAMINER

## REPORT TO MAYOR AND COUNCIL

**Special Exception Land Use  
SE-18-33 Verizon – 9<sup>th</sup> Street, C-1 Zone  
July 6, 2018**

### **BACKGROUND**

This is a request by Declan Murphy of Coal Creek Consulting on behalf of APC Towers and Verizon Wireless, for approval of a wireless communication facility (WCF). The special exception site is located approximately 120 feet south of 9th Street and 100 feet east of Park Avenue (see Case Location Map). The preliminary development plan (PDP) proposes a wireless communication tower disguised as a palm tree (monopalm), 60 feet in height, with twelve antennas. The WCF will be placed within an 800 square foot (40 feet by 20 feet) lease area on a 1.61-acre parcel owned by Tucson Unified School District (TUSD). The facility will be placed adjacent to a parking lot used by TUSD, and approximately 40 feet to the east of a commercial building which is located on an adjacent parcel and is currently a nightclub (alcoholic beverage service and entertainment use).

Land use policy direction for this area is provided by the *University Area Plan (UAP)* and *Plan Tucson (PT)*.

### **PUBLIC HEARING SUMMARY (Minutes Attached)**

On June 21, 2018, a public hearing was held on this special exception land use request at City Hall, 225 West Alameda, Tucson, Arizona pursuant to UDC Section 3.4.3 (Zoning Examiner's Special Exception Procedure). At the hearing, the Planning and Development Services Department staff reported that there were no (0) written approvals and three (3) written protests at that time. Two of the protests were from outside the 150-foot protest area.

No one besides the applicant showed up to discuss the case.

In the testimony provided on June 21, the applicant described the overall need for this site to provide adequate service coverage and defined the issue as a capacity gap, stating that the existing sites cannot handle the traffic. An alternate site was considered that may have been a better location from a zoning standpoint, but the facility would be more visible at that location. Live palms will be planted near the facility to help it blend in. The applicant explained the radio frequency maps included in the submittal.

The applicant agreed with the recommended special conditions and submitted the 207 Waiver.

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**FINDINGS OF FACT**

*Existing Land Use:*

Parking area for TUSD.

*Surrounding Zones and Land Uses:*

North: Zoned R-3 and C-1; Residential (apartments and single-family homes) across 9<sup>th</sup> Street

South: Zoned C-2; TUSD parking lot, TUSD offices beyond across 10<sup>th</sup> Street

East: Zoned R-2; TUSD parking lot, single-family homes beyond across Fremont Avenue

West: Zoned C-1; Commercial nightclub (alcoholic beverage service/entertainment use)

C-1: This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and other related uses are permitted.

*Land Use Plans*

Policies in the *UAP* support development on the perimeter of residential areas that will protect and enhance the quality of life for area residents. The policies support site design that demonstrates sensitivity to the surrounding uses.

*PT* identifies this area in the Future Growth Scenario Map as an existing neighborhood and supports new services and amenities that contribute further to neighborhood stability. Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability. *PT* requires that telecommunications facilities be located, installed, and maintained to minimize visual impact and preserve views. Cabling and fiber optics should be installed underground where possible, and the visual impact of cellular towers should be a prime consideration in the city's acceptance and approval. *PT* also provides policy direction to improve the appearance of above-ground utilities and structures and extend access to high-tech wireless communications facilities throughout the city.

The proposal in general compliance with *UAP* and *PT* and does not require a plan amendment. Plan policies generally support new cell tower proposals when designed to minimize visual impacts on surrounding neighborhoods and when buffering is provided.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate additional measurable vehicle trips

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per day. Field inspection by staff indicates there are currently no billboards on the special exception site.

Site Plan Considerations

Land Use Compatibility – The proposed monopalm will include three antennas per sector with three sectors for a total of twelve antennas. The applicant has submitted a photo-simulation of the monopalm showing the antennas disguised and concealed by the artificial branches. The applicant has also provided radio frequency maps showing the gap in wireless communication coverage in the area and how this gap will be resolved by the proposed facility.

The nearest residential developments are an apartment complex, zoned R-3 and a single-family home, zoned C-1, both located approximately 190 feet to the north across 9<sup>th</sup> Street, and single-family homes, zoned C-2, located approximately 200 feet to the southwest across Park Avenue. The WCF will be set back from Park Avenue by approximately 100 feet and from 9<sup>th</sup> Street by approximately 120 feet. The monopalm will be visible from the surrounding residential neighborhoods, commercial developments, and from nearby streets.

The ground lease area is 800 square feet (20 feet by 40 feet) with ground level equipment that will be screened from view by an 8-foot high masonry wall. The proposal does not include a backup generator. Staff recommends that any graffiti be removed within 72 hours of observation.

The facility will be placed adjacent to a large parking lot for TUSD offices, which are located to the south of the special exception site and across 10<sup>th</sup> Street.

In terms of wireless communication facilities, a stealth application is one that disguises the appearance of the pole and antennas to look like an element of the built or natural landscape, which could typically occur at the chosen location. A stealth application should be as close as possible in scale and appearance to the object it is disguised as, with no obvious unnatural elements. The success of a stealth application is dependent on the ability of the design and construction of the cellular site to fit into its surroundings to such a degree that it is not noticeable. Scale and proportion, site design, color, and materials, are particularly important in stealth applications insofar as they contribute, or do not contribute, to the ability of the facility to be as unobtrusive as possible. To ensure a successful stealth monopalm at this location, the following standards should be incorporated into the conditions:

- The monopalm shall not exceed 60 feet in height at top of fronds;
- The pole shall be covered with cladding (bark) where visible, and painted to resemble a live palm tree;
- Replacement of lost/damaged palm fronds to be completed within ten working days of observation;

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- All cables shall be run inside the pole, with no foot pegs or other visible appurtenances;
- All wires, wire ports and equipment shall be concealed behind the artificial palm fronds;
- Antenna panels shall be colored or provided with a sock in a light/shade pattern to better camouflage them;
- Ground equipment to be screened by a masonry wall.
- Any future collocated antennas shall be camouflaged and concealed by artificial fronds.

Road Improvements/Vehicular Access/Circulation – No road improvements are proposed with the project. Primary vehicular access to the WCF will be through the existing curb cut and on-site parking area access lanes and is identified by a 12-foot wide access easement from 9<sup>th</sup> Street. According to the *Major Streets and Routes Plan*, all surrounding adjacent streets (9<sup>th</sup> Street, Park Avenue, 10<sup>th</sup> Street, and Fremont Avenue) are local streets.

Federal Regulations – Because this Special Exception application involves a wireless communication request, the Zoning Examiner’s consideration of the application is impacted by the application of federal laws specific to wireless communications. While federal law does not entirely preempt local decision-making authority based on legitimate zoning requirements, such as community aesthetics and compliance with stealthing requirements, it does impose the following limitations:

- 1) The decision on the application must occur within the “shot clock” period as provided under federal law, which for this type of application is 150 days. In this case, the application was accepted on May 9, 2018 and the “shot clock” period will expire on October 6, 2018. If a decision is not rendered within the “shot clock” period, the review and consideration process is presumed to be unreasonable and affords the applicant the opportunity to file a lawsuit. If sued, the City would need to prove that it acted “reasonably” when it failed to act within the established “shot clock” period.
- 2) The evaluation of the request cannot include consideration of potential environmental or health effects of radio-frequency (RF) emissions where, as here, the facility will comply with FCC regulations and standard on such emissions.
- 3) The decision on the application cannot unreasonably discriminate among providers of functionally equivalent services. A denial may be deemed to be “unreasonable discrimination” if the applicant is similarly situated to other prior applicants and the proposed facility is no more intrusive than other prior applications that have been approved.
- 4) The decision may not have the effect of prohibiting the provision of wireless services, or of causing a significant gap in the applying provider’s coverage. In this context, the relevant issues are: (1) whether the applicant has shown a significant gap in service coverage; and (2) whether the proposal to fill this gap is the least intrusive means of doing so, or whether there are alternative sites that would fill the gap.

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- 5) In the event of a denial, that decision and its reasons must be delivered to the applicant in writing, and must be supported by substantial evidence.

Given these constraints, the Zoning Examiner's recommendation on this application should focus on whether the applicant has demonstrated a significant coverage gap; whether that gap could be addressed through an installation at an alternative site; and whether the proposed concealment/stealth measures are sufficient to meet the City's requirements. The Zoning Examiner should also consider how this application compares to other prior applications for similar facilities. In the event of a recommendation for denial, the reasons must be stated so they can be incorporated into a written decision and captured in the meeting minutes.

**Use-Specific Standards** – The applicant's proposal requires approval as a Mayor and Council Special Exception and must meet the Use-Specific Standards of *UDC* Sections 4.9.13.O and 4.9.4.I.2, .3, and .7. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation. Below is an analysis of the performance criteria.

4.9.4.I.7

The following requires approval as a special exception in accordance with Section 3.4.4, *Mayor and Council Special Exception Procedure*. The Mayor and Council may forward to the Design Review Board (DRB) for design review and recommendation.

- a. Wireless communication antennas, provided:

- (1) The tower or antennas are not permitted by other provisions of this section.

*The 60-foot monopole in the C-1 zone does not conform to other sections of the code because it exceeds 50 feet in height and does not meet 2:1 setback from adjacent R-2 residentially zoned property.*

- (2) New towers require a minimum separation of one mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists.

*The nearest existing wireless communications facilities (WCF's) are approximately 2,600 feet to the north of the proposed site on University of Arizona Property, and 2,800 feet to the west on TUSD (Tucson High School) property. These facilities are not suitable to fit within the existing sites on Verizon's network. The search ring to resolve the coverage gap has a radius of approximately 0.25 miles.*

- (3) All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.

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*The tower will be disguised as a palm tree.*

- (4) All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the collocation of new antennae on existing towers or with the facilities of other providers which are located or planned for development within the proposed service area.

*The nearest existing WCF is approximately 2,600 feet to the north. The search ring to resolve the coverage gap has a radius of approximately 0.25 miles.*

- (5) Notice shall be provided to all agents designated at least 15 days prior to the date of the public hearing before the Zoning Examiner.

*All policies of the Mayor and Council Special Exception Process shall be followed accordingly.*

**CONCLUSION**

The proposal is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with policy direction in the *University Area Plan* and *Plan Tucson*. The proposed WCF has been designed to blend in with the surroundings and does not conflict with plan policies.

**SPECIAL CONDITIONS:**

**PROCEDURAL**

1. A site plan in substantial compliance with the preliminary development plan dated April 10, 2018, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Special Exception Land Use”.
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.

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6. A copy of the Special Exception decision letter shall be included with the site plan at the time of permit application submittal.

LAND USE COMPATABILITY / CONCEALMENT MEASURES

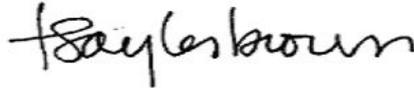
7. The wireless communication monopalm, including attachments such as antenna panels and artificial palm fronds, shall not exceed sixty (60) feet in height from grade elevation.
8. The antennas shall be covered in camouflaged socks to blend with the colors of the artificial palm fronds of the monopalm.
9. The pole shall be covered with cladding (faux bark) wherever the pole is visible, and be painted to resemble a live palm tree.
10. Replacement of lost/damaged artificial palm fronds is to be completed within ten (10) working days of observation and artificial fronds shall be colored to match live fronds as closely as possible.
11. Verizon shall routinely monitor the facility and repair/replace any artificial branches that may become worn or damaged through time.
12. All wire ports shall be concealed behind the antennas and all equipment shall be mounted behind the antenna panels.
13. Ground equipment to be located within lease area as depicted on the preliminary development plan dated April 10, 2018.
14. Six-(6) inch wide fence block or greater shall be used for perimeter walls. Graffiti shall be removed from walls within seventy-two (72) hours of discovery or notification.
15. There shall be no exterior wiring, visible foot pegs, portals, cabling or cable shrouds, or other unnatural appearing features on the monopalm.
16. A minimum of three (3) live palm trees 24-inch box (to grow to 40 feet or more in height), in close proximity to the wireless communication facility. These trees shall be maintained as part of the overall site landscape. If trees become damaged, diseased or die, then trees are to be replaced within 30 days of observation, and replacement will be the responsibility of the wireless communication company.
17. Plans for future carriers must be approved through the special exception process.

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**RECOMMENDATION**

The Zoning Examiner's recommendation is to **approve** the special exception request subject to the special conditions.

Respectfully Submitted,

A handwritten signature in black ink that reads "Sayler-Brown". The signature is written in a cursive style with a large initial 'S'.

Thomas Sayler-Brown, AIA, NCARB  
Zoning Examiner

**ATTACHMENTS:**

Public Hearing Minutes

ZONING MEMBERS PRESENT

Thomas Sayler-Brown, Zoning Examiner  
Michael Wyneken, Planning & Development Services  
Cindy Leyba, City Recording Clerk

=====

1                   ZONING EXAMINER: Thank you for your patience. SE-18-33  
2 Verizon-9<sup>th</sup> Street. Mr. Wyneken. So, bear with us a little bit.  
3 We're getting - Mr. Wyneken doesn't move as fast as I do.

4                   MR. WYNEKEN: I have original notarized documents. I gotta  
5 make sure that they get put away properly.

6                   ZONING EXAMINER: (Inaudible) Okay. So, you're on.

7                   MR. WYNEKEN: Okay. This is Case: SE-18-33 Verizon-9<sup>th</sup>  
8 Street, C-1 Zone. This is a request by Declan Murphy of Cold Creek  
9 Consulting on behalf of APC Towers and Verizon Wireless for approval  
10 of a wireless communication facility. Special exception site is  
11 located approximately 120 feet south of 9<sup>th</sup> Street and 100 feet east of  
12 Park Avenue.

13                   Preliminary Development Plan proposes a wireless  
14 communication tower design - design - disguised as a palm tree, 60  
15 feet in height with 12 antennas. The facility will be placed within  
16 an 800-square-foot lease area on a 1.61-acre parcel owned by TUSD.

17                   Facility will be placed adjacent to a parking lot used by  
18 TUSD approximately 40 feet to the east of a commercial building, which  
19 is located on an adjacent parcel and is currently a nightclub.

20 Communications use of this type in C-1 zone is subject to Sections  
21 4.9.13-0, 4.9.4.I.2, 3 and 7 of the Unified Development Code, and  
22 requires Mayor and Council's special exception procedure. The tower

1 does not meet the standards of the code and that is why the Mayor and  
2 Council special exception procedure is required.

3 Land use policy direction for this area is provided by the  
4 University Area Plan and Plan, excuse me, Tucson policies and the  
5 University Area Plan support development on the perimeter of  
6 residential areas that will protect and enhance quality of life for  
7 area residents.

8 Policies support design that demonstrates sensitivity to  
9 the surrounding areas. Plan Tucson identifies this area on the Future  
10 Growth Scenario Map as an existing neighborhood and supports new  
11 services and amenities that contribute further to neighborhood  
12 stability.

13 Existing neighborhoods are primarily developed, largely  
14 built-out residential areas and commercial districts where minimal new  
15 development and redevelopment is expected in the next several decades  
16 and the goal is to maintain the character of these neighborhoods while  
17 accommodating some new development and encouraging reinvestment and  
18 new services and amenities that contribute further to the neighborhood  
19 stability.

20 Plan Tucson requires that telecommunications facilities be  
21 located, installed and maintained to minimize visual impact and  
22 preserve views. Cabling and fiber optics should be installed  
23 underground where possible and the visual impact of cellular towers  
24 should be a prime consideration in the City's acceptance and approval.

1 Plan Tucson also provides policy direction to improve the  
2 appearance of above-ground utilities and structures and extend access  
3 to high-tech wireless communication facilities throughout the City.

4 The proposal is in general compliance with the University  
5 Area Plan and Plan Tucson, does not require a plan amendment. Plan  
6 policies generally support new cell tower proposals when designed to  
7 minimize visual impacts on surrounding neighborhoods when buffering is  
8 provided.

9 In this case, the nearest residential developments are an  
10 apartment complex zoned R-3 and a single-family home zoned C-1, both  
11 located approximately 190 feet to the north across 9<sup>th</sup> Street, and  
12 single-family homes in the C-2 zone located approximately 200 feet to  
13 the southwest across Park Avenue.

14 The facility will be set back from Park Avenue by  
15 approximately 100 feet, and from 9<sup>th</sup> by about 120 feet. The monopalm  
16 will be visible from surrounding residential neighborhoods, commercial  
17 developments and from nearby streets, but should not create an  
18 excessive visual impact. The ground equipment will be surrounded by  
19 an eight-foot masonry wall.

20 Because the special exception application involves a  
21 wireless communication request, the Zoning Examiner's consideration of  
22 the application is impacted by application of federal laws specific to  
23 wireless communications.

24 While federal law does not entirely preempt local decision-  
25 making authority, based on legitimate zoning requirements such as

1 community aesthetics and compliance with stealthing (sic)  
2 requirements, it does impose limitations such as meeting the shock  
3 clock requirement of a decision within 150 days. Evaluation of the  
4 request cannot include consideration of potential environmental or  
5 health effects of RF emissions.

6 The decision on the application cannot unreasonably  
7 discriminate among providers. The decision may not have the effect of  
8 providing (sic) - prohibiting the provision of wireless services or  
9 causing a significant gap. In the event of a denial, that decision  
10 and its reasons must be delivered to the Applicant in writing and  
11 supported by substantial evidence.

12 The Applicant's proposal requires approval as a Mayor and  
13 Council special exception and must meet use-specific standards in the  
14 UDC. Staff has reviewed the proposal in light of the standards and  
15 finds it is in compliance with the standards.

16 The proposal is in compliance with the performance criteria  
17 for a wireless communication facility. This special exception request  
18 is consistent with policy direction in the University Area Plan and  
19 Plan Tucson, and the proposed facility has been designed to blend in  
20 with surroundings and does not conflict with plan policies regarding  
21 protections of existing neighborhood.

22 Staff acknowledges that the facility will improve  
23 telecommunication services to established neighborhoods and businesses  
24 in the area. Subject to compliance with the Preliminary Conditions,  
25 approval of the requested special exception is appropriate.

1           To date, we have three written protests on file, zero  
2 written approvals. One protest is in - within the 150-foot protest  
3 area constituting a four percent lot protest, and a one percent area  
4 protest. And that concludes the report.

5           MR. MURPHY: Good evening, Mr. Wyneken, Mr. Zoning  
6 Examiner. My name is Declan Murphy. My address is 2166 East  
7 University Drive, Suite 201 in Tempe, Arizona.

8           So, the reason I'm here tonight is that Verizon has a gap  
9 in service which is mainly a, a capacity gap in the vicinity of where  
10 we're proposing the site. We reached out to the folks in Rincon  
11 Heights area in the process and have worked with them and they made a  
12 number of requests which we've agreed to all of those requests.

13           We just wanted to make a mention of this particular  
14 property is TUSD-owned. It's quite a large parking area. There is a  
15 portion of it that is C-2 zoned which had we placed the site on that  
16 portion, it wouldn't be Mayor and Council for the height we're  
17 proposed.

18           But we thought it would be more visible from those homes to  
19 the southwest. So, moving it north to behind the, The Rock, the, that  
20 bar, the building we thought was, you know a better, a better  
21 location.

22           So, I believe there was a request, or there will be a  
23 request in planning which also was a request from the folks at Rincon  
24 Heights that some live palms be planted which we're agreeable to.

1 Other than that, I would be happy to answer any questions you might  
2 have.

3 ZONING EXAMINER: Okay. Thank you. I think I did have a  
4 question. I don't remember reading about the live palms. So, we -  
5 so, you'll be okay -

6 MR. MURPHY: (Inaudible)

7 ZONING EXAMINER: You have it?

8 MR. MURPHY: Yeah, number six.

9 ZONING EXAMINER: Oh. Sometimes I read way too fast for my  
10 own good. Went right over that one. Okay. So, you say that there is  
11 a capacity gap, right?

12 MR. MURPHY: Right.

13 ZONING EXAMINER: And I'm looking at your coverage diagrams  
14 you gave me -

15 MR. MURPHY: Correct.

16 ZONING EXAMINER: - which are very pretty and took me a  
17 while to figure them out. And I'm looking at the colors that are  
18 here, and there's a tan color on the Before map right at the proposed  
19 site.

20 MR. MURPHY: Yes. (Inaudible)

21 ZONING EXAMINER: So, tell me, that's kind of a weak  
22 coverage? Or what, what does that actually represent? It says, "Some  
23 coverage from the existing site to the north." But does that mean  
24 it's - where is the gap that I'm looking for here?

1 MR. MURPHY: So, which, as is the case with more carrier -  
2 most carriers nowadays, that most carriers have mature networks. So,  
3 what you're dealing with is capacity issues, which means that you can  
4 see there's a site to the southwest. There's a site to the north and  
5 then there's a site quite a ways to the, to the east. So, at certain  
6 times of the day, those sites are not capable of handling the traffic.

7 ZONING EXAMINER: Okay.

8 MR. MURPHY: And that's the -

9 ZONING EXAMINER: That's what you mean by capacity?

10 MR. MURPHY: Yes. Exactly. So, in other words, you know,  
11 if you said to, you know, a neighbor there that, you know, Verizon  
12 needs a site here and they would say, "Well, my phone works here, I  
13 have Verizon. My phone works in my home," you know, that's usually  
14 the confusion that we have.

15 So, it's good to clarify that up-front because - and like I  
16 mentioned, most sites nowadays, you know, there's very few areas in an  
17 ur- -- particularly in an urban area like Tucson that would have just  
18 no coverage. And you really, you have coverage, but you know, what  
19 we're dealing with for the most part is, is the capacity because the  
20 demand for wireless is just incredible.

21 And it's not just phones, it's, you know, it's medical  
22 device monitoring, it's security monitoring. We're talking about  
23 connecting vehicles. So, you've probably seen a lot of applications  
24 for wireless and it's not going to stop because - just to give you an

1 example what - from what we understand, a connected vehicle will use  
2 about 40 times more data than a Smart phone.

3 And so that's, that's, you know, we're on the cusp of that  
4 and like I mentioned, you know, there's a whole host of other devices.  
5 It's not just Smart phones. There's a whole host of devices that are  
6 relying on wireless networks or will be going forward.

7 So, this is where we're at and, you know, most of it,  
8 unfortunately, is moving closer to residential areas because that's  
9 where the most use is taking place. But, you know, every home has  
10 multiple devices.

11 So, so, I believe we've done a good job here in terms of  
12 least intrusive. You know, we've made a genuine effort to, to work  
13 with the neighborhood and the site is designed also to be co-locatable  
14 if necessary with this drooping frond design, if necessary.

15 ZONING EXAMINER: Uh-huh.

16 MR. MURPHY: So, you know, at least, you know, we're  
17 building a new site, yes, but we're building a co-locatable site. We  
18 will design it to be structurally capable. The infrastructure will be  
19 there, the fiber, etc. And so, you know, with that said, obviously,  
20 TUSD property. So, the revenue from the site goes back into the  
21 community.

22 ZONING EXAMINER: Sure.

23 MR. MURPHY: (Inaudible) TUSD. So, I think we've done a  
24 good job. I mean we've quite - we've had quite a bit of communication

1 with the Rincon Heights folks and as you can see, there's - we really  
2 (inaudible) I think we - there was a meeting of the minds.

3 ZONING EXAMINER: Okay. Well, so, I'm still curious about  
4 (inaudible)

5 MR. MURPHY: Yeah.

6 ZONING EXAMINER: I've got two questions actually.

7 MR. MURPHY: Uh-huh.

8 ZONING EXAMINER: First one came up. So, when I get on my  
9 Verizon call and I get a message that my call can't go through, is  
10 that a coverage issue?

11 MR. MURPHY: It would be, but that's, that's rare enough  
12 nowadays because most calls -

13 ZONING EXAMINER: I mean a capacity issue. That's what I  
14 meant.

15 MR. MURPHY: It's kind of rare nowadays because most calls  
16 are (inaudible) it's data. Your call is going over data. So, how you  
17 would, how you would recognize is that you would have - there, there,  
18 there's probably enough band width or enough capacity to make a call,  
19 'cause that doesn't require as much as, let's say, if you were using a  
20 (inaudible) that was connected to - or via the internet or, or, or  
21 using the internet as a whole, or transmitting data, you know, video  
22 or media. So, generally speaking, because of (inaudible) you can, you  
23 can probably make a call with, with pretty low band width, you know,  
24 available.

25 ZONING EXAMINER: All right.

1 MR. MURPHY: But from what I understand, too, in looking at  
2 the area and have been a few times driving around that I think we have  
3 a huge student presence there. So, I would imagine, you know, being  
4 just in proximity to U of A, I would imagine there's a lot of data  
5 usage there as you know a lot of - I'm sure Verizon is the same and  
6 could work for all four carriers.

7 But a lot of these plans now remember the data, so, you  
8 know, once one carrier starts to offer that, the others came along.  
9 That's really taxing the whole network because with Netflix and, and  
10 all of the, you know, the heavy data usage features and, and apps and  
11 so forth that that's, that's really sapping up, you know, a lot of  
12 data. So, the networks have to obviously react to that.

13 ZONING EXAMINER: Okay. And then on this map after  
14 proposed (inaudible) installation, there's still a fairly large area  
15 between the north and this, this location that's still tan on the  
16 drawing.

17 MR. MURPHY: Yes.

18 ZONING EXAMINER: Is there gonna be some gap there as well?  
19 Are you eventually gonna need another one?

20 MR. MURPHY: You know what? To be frank, it's impossible  
21 for me to say that. But, you know, it is U of A campus, so, I can  
22 imagine if you're gonna pinpoint anywhere in Tucson where there's a  
23 lot of data being used, it's, it's on U of A. But having said that, I  
24 mean once we, once we - if we were to engage U of A, that's typically  
25 handled by U of A, the siting of a new site at U of A, and they're

1 very wireless-friendly, obviously. And so, everything in that area  
2 would be probably - they have enough tall buildings that would be  
3 capable of accommodating a site.

4 ZONING EXAMINER: Oh.

5 MR. MURPHY: 'Cause there's already a lot of sites on the  
6 campus. So, if there was an issue there, it would be something that  
7 Verizon would reach out to U of A and would utilize one of their  
8 buildings 'cause there's plenty of

9 ZONING EXAMINER: Yeah.

10 MR. MURPHY: - options there.

11 ZONING EXAMINER: Great. Yeah, great. Okay. Anything  
12 else you want to add?

13 MR. MURPHY: No. Just thank you for your time.

14 ZONING EXAMINER: Sure.

15 MR. MURPHY: Thank Mr. Wyneken for his time and -

16 ZONING EXAMINER: And I'll be putting out a report in five  
17 days.

18 MR. MURPHY: Okay.

19 ZONING EXAMINER: Five working days. Not in five days,  
20 five working days.

21 MR. MURPHY: Thank you.

22 ZONING EXAMINER: Thank you very much.

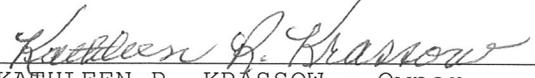
23 MR. MURPHY: Appreciate it.

24 ZONING EXAMINER: I'll be closing the hearings for tonight.

25 (Case: SE-18-33 was closed.)

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: 07/01/18

  
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