

# Memo to City of Tucson Mayor & Council

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**To:**

The Honorable Regina Romero, Mayor of Tucson  
Vice Mayor Nikki Lee (Ward 4)  
Council Member Lane Santa Cruz (Ward 1)  
Council Member Paul Cunningham (Ward 2)  
Council Member Kevin Dahl (Ward 3)  
Council Member Richard Fimbres (Ward 5)  
Council Member Steve Kozachik (Ward 6)

**From:** Bryan Sanders, homeowner, 344 W. 35th Street, Tucson, AZ 85713 · (520) 891-0610 · bransan@gmail.com

**Re:** Request for City of Tucson coordination on South Tucson BOA 25-01 — 70-ft wireless variance with floodplain-jurisdiction, notice, and procedural-findings issues affecting residents on both sides of the South Tucson border

**Date:** May 5, 2026

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## Executive summary

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On February 25, 2026, in Case BOA 25-01, the City of South Tucson Board of Adjustment voted 4–0 to approve a setback variance authorizing a 70-foot Verizon wireless facility at 2425 S. 10th Avenue, immediately across the alley from my home. After listening to the entire 33:46 hearing audio and reviewing the official record, five procedural defects appear on the public record. Today, May 5, 2026, the Pima County Regional Flood Control District (PCRFCDD) issued a same-day written determination — signed by Rachel Forney of the Chief Engineer’s office — establishing that a portion of the parcel is in regulatory Local Floodplain (Special Study #107, § 16.20.050) and a portion is in regulatory Erosion Hazard Area, with the active wash directly to the parcel’s north requiring a 25-foot setback under § 16.28.030. A neighbor and practicing Arizona-licensed attorney, Karen Karl, has documented through independent door-to-door investigation that approximately 60 percent of the listed property owners she reached on the City of South Tucson’s own 300-foot mailing list reported they received no notice of the hearing.

I have today delivered comprehensive memo packages with primary documentary evidence to the South Tucson Mayor and Council and to Pima County Supervisor Matt Heinz (District 2). I am writing to the City of Tucson Mayor and Council because the matter is not contained within South Tucson’s 1.2 square miles. The regulatory wash extends into Tucson; the affected residents live on both sides of the South Tucson border; the City of Tucson handles wireless siting more rigorously through the Unified Development Code; and the regional civic standing of the south side calls for Tucson’s voice when an adjacent Hispanic-majority municipality’s procedures appear to have produced a result that would not survive Tucson’s own UDC review.

## I. Why the City of Tucson has a stake

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**1. Floodplain continuity and Tucson Stormwater Management.** The PCRFCDD determination places a regulatory wash along the parcel’s north property line. Flood corridors do not respect municipal boundaries; that is precisely why Title 16’s Local Floodplain and Erosion Hazard Area designations are administered regionally by the Chief Engineer of PCRFCDD. Tucson Stormwater Management routinely coordinates with PCRFCDD on adjacent parcels. The proposed tower base — situated within an Erosion Hazard Area without the engineering justification § 16.28.030 requires, against the regulatory floodplain corridor — has implications upstream and downstream of the immediate parcel.

**2. Tucson neighborhoods immediately adjacent.** The City of South Tucson is a small enclave entirely surrounded by the City of Tucson. The visual, fall-zone, and floodway-disturbance impacts of a 70-foot structure radiate beyond South Tucson’s city limits. Tucson residents on every side of the South Tucson border are within reasonable impact distance.

**3. Comparative wireless-facility review practice.** The City of Tucson handles wireless communication facilities through the UDC, with Zoning Examiner review and Mayor & Council Special Exception authority for substantial structures. Two recent local examples illustrate the practice:

- The Citizens Transfer & Storage 80-foot WCF at 1501 E. Metric Place, Tucson Zoning Examiner packet, November 13, 2025
- The T-Mobile 50-foot monopole at 190 N. Shannon Road, Mayor & Council Special Exception, November 2023

Both of those proceedings produced the level of written analysis, on-the-record findings, and public participation that 47 U.S.C. § 332(c)(7)(B)(iii) contemplates and that Arizona variance law requires. None of that occurred in BOA 25-01. This is not a criticism of South Tucson’s intentions; it is a recognition that a small municipality with limited regulatory staff would benefit from Tucson’s institutional experience on the procedural side.

**4. Civil-rights resonance and regional civic responsibility.** South Tucson is approximately 83 percent Hispanic per the 2020 Census. The City of Tucson’s own demographic profile, civil-rights commitments, and Office of Equal Opportunity Programs framework create the basis on which Tucson’s leadership voice is appropriate when an adjacent Hispanic-majority municipality’s procedures appear to have produced a result that would not survive Tucson’s own UDC review.

## II. The five procedural defects, in compressed form

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**Defect A — The seven mandatory variance findings of § 24-21(c) were not made.** Across the entire 33:46 hearing audio, no Board member, staff member, or applicant representative addressed any of the seven findings the South Tucson Code requires before a variance may be granted. This is independently a violation of 47 U.S.C. § 332(c)(7)(B)(iii), which requires that any decision regarding a personal wireless service facility “be in writing and supported by substantial evidence contained in a written record.”

**Defect B — Notice was substantially incomplete.** The City Planner represented to the Board that mailed notice had gone to every property owner within the 300-foot radius. Karen Karl’s independent door-to-door investigation, working from the City’s own list, reached approximately ten listed property owners; approximately six reported they had received no notice. That is roughly 60 percent non-receipt among sampled owners, against a representation of universal mailing.

**Defect C — The use authorization rests on a contested 1970s-era enumeration.** The City interpreted § 24-387(b)(12)’s phrase “radio broadcasting stations, towers and studios” — drafted before consumer cellular service existed — to encompass a 2026 cellular facility. Federal law treats broadcasting (47 U.S.C. § 301 et seq.) and personal wireless services (47 U.S.C. § 332) as distinct categories. Section 24-2(c) prohibits any unenumerated use; § 24-21(a) bars the Board of Adjustment from granting use variances. If § 24-387(b)(12) does not reach a cellular tower, the proper remedy is a zoning text amendment by the City Council under § 24-43 — not a setback variance.

**Defect D — No floodplain use permit was obtained, and the BoA had no jurisdiction over Title 16.** South Tucson Chapter 22 incorporates Pima County Title 16, administered by the PCRFC Chief Engineer. The applicant’s representative characterized the parcel north of the project at hearing 30:08–30:31 as “open space greenbelt.” Today’s PCRFC determination establishes regulatory Local Floodplain on a portion of the parcel itself and regulatory Erosion Hazard Area with a 25-foot setback from the wash bank. The “open space greenbelt” representation is now contradicted in writing by the County’s own Chief Engineer’s office. Floodway-related variances under § 16.24.050 are reserved to the Pima County Flood Control District Board of Directors, not the city BoA. Approval under Chapter 24 zoning does not substitute for approval under Chapter 22 / Title 16.

**Defect E — The Chapter 24 wireless framework appears to have been quietly amended.** A side-by-side comparison of the August 2025 Munipodes archive of South Tucson Chapter 24 against the version published on the City website in April 2026 shows that seven wireless-related defined terms — Antenna, Collocation, Communication-commercial-wireless, Communications, Communications-facility-wireless, Conceal, and Disguise — have been removed from § 24-1. Section 24-43 requires Planning Commission review and Council adoption with public hearing for any Chapter 24 amendment; the ordinance number, adoption date, and Planning Commission record are currently the subject of follow-up records inquiry.

### **III. The variance-abuse framing**

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A.R.S. § 9-462.06(G)(2) and § 24-21(c) both require that any hardship supporting a variance arise from physical conditions of the property and not be self-imposed. The 1.7-acre Magnum Paving parcel is rectangular and not unusually shaped, small, or topographically constrained. The reason setback relief was sought is not that the property cannot accommodate development — it is that a 70-foot tower as designed does not fit within the buffers that ordinarily protect neighboring properties. That is the textbook definition of self-imposed dimensional shortfall: an applicant choosing dimensions that physically cannot fit on the parcel under normal rules. The proper remedy is a smaller facility, a different parcel, or co-location on existing FCC-registered infrastructure (a Sun State Towers monopole at 2675 S. Santa Cruz Lane, FCC ASR 1325714, 80 ft, sits 0.6 mile WSW of the subject site).

## IV. What I am asking from the City of Tucson

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**1. A statement from the Mayor and Council expressing concern.** A public expression — at whatever level of formality the Mayor and Council judge appropriate — that procedural fairness in adjacent Hispanic-majority municipalities is a regional Tucson interest. This carries weight far beyond what an individual homeowner’s letter can achieve.

**2. Tucson Stormwater Management coordination with PCRFCFCD.** A staff-level inquiry from Tucson Stormwater Management to the PCRFCFCD Chief Engineer’s office, asking how the regulatory wash continuation is treated on the Tucson-jurisdiction side of the corridor, and whether any disturbance proposed within the South Tucson EHA has implications for downstream Tucson conveyance.

**3. Tucson Planning & Development Services to share comparative WCF practice.** A staff-level offer from Tucson Planning & Development Services to share with Josue Licea, the South Tucson Planning Director, the procedural framework Tucson uses for wireless facilities — Zoning Examiner review, Mayor & Council Special Exception, the written-findings standard. Not to override South Tucson’s authority, but to make available the institutional memory a small municipality may not have.

**4. Tucson Office of Equal Opportunity Programs flag of potential Title VI considerations.** To the extent that the City of Tucson administers federally funded programs that flow through or alongside South Tucson’s planning practices, the Office of Equal Opportunity Programs may wish to be aware of the demographic-and-procedure pattern documented in this matter.

**5. Outreach from Tucson counterparts to South Tucson Mayor and Council.** Mayor Romero, Vice Mayor Lee, and the Tucson Council Members each have natural counterparts on the South Tucson Council. A direct conversation between counterparts — at whatever level is appropriate — may move this matter forward more reliably than any volume of written correspondence.

**6. Amicus consideration if the matter goes to Pima County Superior Court.** A.R.S. § 9-462.06(K) provides that any aggrieved person may appeal a Board of Adjustment decision to Pima County Superior Court within 30 days for de novo review. If this matter ultimately requires that path, an amicus filing from the City of Tucson — speaking to the regional implications — would carry substantial weight.

## V. Documentary record I can provide on request

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- The full 33:46 audio of the February 25, 2026 BOA hearing and a timestamped transcript
- The official BOA 25-01 agenda, public hearing notice, and roll call sheet
- The PCRFCFCD Flood Hazard Information Form determination signed today (May 5, 2026), submission ID [be7b343e-bbd4-412b-b87c-ed596489a9b7](#) , with the 090 Flood Hazards Map
- The Karen Karl statement on the door-to-door notice investigation
- The Munipodes August 2025 archive of Chapter 24 and the April 2026 city version, side-by-side, for the Defect E diff

- EXIF/GPS-locked photographic evidence at the same parcel boundary across three flood events: August 21, 2024 (12 photos), October 12, 2025 (photo + video), and May 5, 2026 7:02 AM (3 photos, this morning, after a routine spring rain)
- The full memo packages (~9 pages each, with photo exhibits) delivered today to South Tucson Mayor and Council and to Pima County Supervisor Heinz

## VI. Parallel tracks

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- **South Tucson Mayor and Council** received the procedural-review request package today. The regular meeting at 1601 S. 6th Avenue at 6:00 PM tonight (May 5) is the first agenda opportunity.
  - **Pima County Supervisor Heinz (District 2)** received his package today, with the PCRFCDD findings as the centerpiece.
  - **Pima County Regional Flood Control District** issued the parcel determination today and a second submission (for the floodway corridor parcel itself, APN 118-24-1200) is in process.
  - **The Arizona federal delegation** (Senators Kelly and Gallego; Representative Adelita Grijalva, AZ-07, in whose district this falls) has been briefed on the same documentary record.
  - **The 30-day Pima County Superior Court appeal clock** under A.R.S. § 9-462.06(K) runs from the date the BoA's written decision was filed in the office of the Board, a date currently the subject of records inquiry.
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Thank you for the seriousness of your time. I am one homeowner; the documentary record is comprehensive; the pattern is what matters most. I am available at (520) 891-0610 or bransan@gmail.com for any staff member who wants the full package or a site walkthrough.

Respectfully,

**Bryan Sanders**

344 W. 35th Street

Tucson, AZ 85713

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cc. Karen Karl, Esq. (neighbor and door-to-door investigator) · File · Drive folder reference: *Magnum Paving / memos*