

Source Map

Claim-by-claim provenance for The Investigation We Are Calling For — BOA 25-01 (v2). Vetted July 27, 2026. Prepared by Bryan Sanders.

Why this exists. The accompanying document asks the City to source every substantive claim its investigation makes. This document holds that work to the same standard first. Every claim below was re-verified against the primary document on July 27, 2026 — not carried forward on trust.

Three items did not fully verify on first pass. All three were corrected before distribution — and are shown here rather than quietly fixed. One has since been fully resolved by obtaining the underlying record.

Primary sources

Tag	Source
Report	City of South Tucson <i>Findings Report</i> (Hergert), June 23, 2026, and its exhibits
Code-Aug	Chapter 24, August 5, 2025 Municode edition — extracted verbatim (6,073 lines)
Code-Apr	Chapter 24, April 27, 2026 City-published edition — extracted verbatim (5,902 lines)
Application	Application to Board of Adjustment, filed 12/11/25, Case BOA 25-01
LOI	Applicant’s Letter of Intent (Pinnacle Consulting / Sun State Towers; co-applicant Verizon Wireless; owner Hawesome Properties LLC)
Flood	Pima County Regional Flood Control District <i>Flood Hazard Information Form</i> , Tax Code 118242280, completed by Rachel Forney, 5/5/2026
Hearing	February 25, 2026 Board of Adjustment hearing recording and transcript
Council	May 5, May 19, and July 7, 2026 Council recordings and transcripts (July 7 = REGULARMTG070726, 61 min)
PRR	The three records requests, the July 15 demand, the July 23 notice, the July 24 timestamped receipt
Statute / Case	A.R.S. §§ 9-462.01, 9-462.06; <i>Pawn 1st, LLC v. City of Phoenix</i> , 242 Ariz. 547 (2017); Pima County Code 16.20.050, 16.28.030

Hard locks section

Claim	Source	Verified
The review’s stated scope was “whether City of South Tucson staff complied with applicable policy and law in providing public notice”	Report — verbatim	✓
Its conclusion is limited to notice	Report — verbatim	✓
The Report states the 50-ft standard “was never codified”	Report, Observation 4 — verbatim	✓
That claim is contradicted by the Aug 5, 2025 published text	Code-Aug § 24-387(b)(12)(f) — confirmed at three locations	✓
Published Ch. 24 lost the 50-ft cap, the 2× setback, § 24-529, and ten wireless definitions	Code-Aug vs Code-Apr	✓
Planning Director is Josué Licea , jlicea@southtucsonaz.gov	His email signature block; Application “Accepted by Josue Licea”	✓

The July 7 characterization of the report — City Attorney: “there were no irregularities and that all the proper procedures w[ere] follow[ed]”; Vice Mayor: “the city staff followed proper procedures in connection with the Board of Adjustment hearing”	July 7, 2026 Council transcript (REGULARMTG070726) — verbatim, [00:27:26] and [00:25:10]	✓
Council received the report June 24; not public as of July 7; Council had “promised to share the final investigation once it was received”; no privilege asserted	Same transcript — [00:25:21], [00:25:28], [00:26:20–50]	✓
“Who is running this investigation, is it independent” was asked and the scope question was not answered	Same transcript — [00:24:13]; ensuing discussion addressed publication only	✓

Resolved — Lock 1 now fully sourced. On first pass the “July 7” assertion rested on a secondhand account with no document behind it, and was flagged for correction. **The July 7, 2026 meeting recording and transcript have since been obtained** (REGULARMTG070726, 61 min). The characterization is confirmed — and is stronger than the original phrasing: the actual words were “no irregularities” and “all the proper procedures,” stated **without any qualification limiting the finding to notice**. Lock 1 now quotes the transcript directly with timestamps.

Note on our own earlier phrasing. The ten questions read into the record on July 7 included the statement that the County determined the site is “a floodplain where structures are not allowed” [00:24:02]. That phrasing overstates the County form, which checks “Yes, *portion of parcel*” and states structures are not allowed “*without engineering justification*.” **The corrected framing in the current document supersedes it.** Recorded here because the same standard applies to us.

“The overlap that explains the delay”

Claim	Source	Verified
Three PRRs, 78 items, filed May 1 / May 14 / May 15, 2026	PRR — the requests; Bryan’s date-stamped May 1 copy	✓
Constructively denied July 22, 2026 after a five-business-day demand	PRR — July 15 demand; July 23 notice; zero production	✓
Notice emailed July 23 (4:14 PM) and hand-delivered July 24 with timestamped receipt	PRR — send record + retained stamped copy	✓
The requests seek the notice record, Ch. 24 legislative record, publishing/vendor record, City–applicant correspondence	PRR — the requests themselves	✓

Part 1 — Questions carried forward

Claim	Source	Verified
Council rescinded 4–1–1 on May 19, 2026 “pending results of investigation”	Council — motion text + roll call	✓
Four characterizations — variance, setback variance, use variance, use permit	Notice (“VARIANCE”); Application heading “Variance:”; Hearing (agenda “variance” [≈03:48] vs Paladini “issuing this use permit” [≈26:53]); Report witnesses “only approved the conditional use”	✓
§ 24-21(c) requires seven findings	Code — verbatim, identical both editions	✓
The hearing record contains no statement of the seven findings	Hearing recording. The absence is an analyst conclusion from listening, not a quoted admission.	FIXED
Staff measured against the general 75-ft SB-2 height, calling it “under the allowable zoning height”	Hearing — Licea [≈04:32, ≈05:34]	✓
The Report confirms the 50-ft requirement is binding	Report, Obs. 4 — verbatim	✓

Hitt: towers “cannot exceed 50 feet in height”	Report — verbatim	✓
Planning Director “had not previously been aware of this Ordinance”	Report — verbatim	✓
Arizona requires zoning amendment by ordinance	A.R.S. § 9-462.01; Code §§ 24-36(b), 24-41	✓
“Multiple owners within the radius state they received nothing”	Report Ex. 7 (resident emails incl. Michelle Flores 3/25/2026 “consider this an appeal”); neighbor statements	QUALIFIED
Chapter 24 showed only “currently being updated” on Municode as of June 16, 2026	Master Timeline Phase 10; archived screenshots	✓

Correction applied — the seven findings. Now phrased as “the recording of the roughly 33-minute February 25 hearing contains no statement of any of them” — what can be proven — rather than implying a City admission.

Qualification — non-receipt of notice. Supported, but **no percentage or count is stated**. An earlier “~60% non-receipt” figure was retracted in this project’s own records and is not used.

Part 2A — Floodplain and erosion hazard

Claim	Source	Verified
Local Floodplain — “Yes, portion of parcel”; Special Study #107 City of South Tucson	Flood — Item 4, checkbox confirmed visually	✓
Erosion Hazard Area — “Yes, portion of parcel”; wash north of parcel ; 25 ft setback from bank	Flood — Item 5, checkbox + handwritten fields confirmed visually	✓
“Structures and septic systems are not allowed within the erosion hazard area without engineering justification (16.28.030)”	Flood — verbatim	✓
FEMA Floodway / SFHA / Shaded X / plat / extreme / riparian all “No”	Flood — Items 1, 2, 3, 6, 7, 8	✓
The tower is sited 12'-3" from the north property line	LOI — verbatim	✓
The applicant expressly requested a reduced north setback	LOI — verbatim	✓
North and east property lines abut El Paso & Southwestern Greenway Park	LOI — verbatim	✓
Nearest residence 130' to the south; 2x-height setback would be 140'	LOI + Code-Aug § 24-387(b)(12)(e) + arithmetic	✓
Whether the tower falls inside the erosion hazard area	Not established. The setback runs from the bank of the wash, whose position relative to the property line is undocumented.	QUESTION

Framing rule — floodplain. State as a question, never a finding: *“The applicant places the structure 12'-3" from the north property line; the County requires a 25-foot setback from the bank of the wash north of the parcel. Whether the structure falls within the erosion hazard area is answerable from the site plan and County map, and nothing in the record shows the question was asked.”*

Part 2B — Authority

Claim	Source	Verified
A.R.S. § 9-462.06 — board “may not make any changes in the uses permitted...”	Statute — verbatim	✓
<i>Pawn 1st</i> — area variances only; special circumstances = physical attributes; self-imposed circumstances cannot support a variance	242 Ariz. 547 (2017)	✓*
§ 24-21(a) — identical both editions	Code-Aug + Code-Apr — verbatim	✓
§ 24-2(c) enumeration = prohibition; § 24-134 lists only “swap meets or open-air market places”	Code — verbatim, identical both editions	✓
The application concedes the use question under a heading marked “Variance”	Application — verbatim	✓
The applicant asserted the height limit was “under 80”	Application — verbatim; conflicts with the 50-ft cap	✓

* Counsel to confirm *Pawn 1st* squarely forecloses a board-of-adjustment **use** variance, or substitute on-point authority. Primary reliance is on A.R.S. § 9-462.06.

Part 3 — New questions

Claim	Source	Verified
§ 24-107 requires design review for all new commercial structures; no permit “shall be issued unless / until” the board has reviewed, signed, approved	Code-Aug + Code-Apr — verbatim, identical both editions	✓
Design review board = city manager, building inspector, city planner, community development director, city engineer	Code § 24-106 — verbatim	✓
§ 24-115 — design approval lapses and is void six months absent permit and commenced construction	Code — verbatim, identical both editions	✓
§ 24-132 — conditional use expires one year from “the date the director’s decision becomes final”	Code — verbatim, identical both editions	✓
No expiration provision for variances anywhere in Chapter 24	Full-text search of both editions; only hits are §§ 24-115, 24-132, nonconforming-use discontinuance, temporary use, SPR rezoning	✓
A 70-ft commercial tower is a “new commercial structure” above the \$10,000 threshold	§ 24-107(a) + Application	✓*
Tower is 65' top of steel / 70' top of fronds	Application + LOI — verbatim	✓
Application filed 12/11/25, accepted by Josue Licea, SB-2, 1.7386 acres	Application — verbatim	✓

* Cost is not documented; phrase as self-evidently above the threshold rather than citing a figure.

Verdict. The great majority of claims verify verbatim against primary documents — most of them **the City’s own report, the published Code, or the applicant’s own filings**. Three items required correction and all three were corrected before distribution:

1. **Lock 1 (“July 7”) — RESOLVED.** The meeting transcript was obtained and the characterization is now quoted verbatim with timestamps. It proved stronger than the original phrasing.
2. **The seven findings** — rephrased to what the recording proves.

3. **The floodplain overlay** — upgraded with the applicant's own 12'-3" figure, and expressly stated as a question rather than a finding.

This map describes the documentary record. It does not contain legal advice.