

Source Map — Response to the Investigation

Item-by-item provenance for every numbered entry in *Response to the Investigation* — BOA 25-01. Vetted July 27, 2026. Prepared by Bryan Sanders.

Why this exists. The Response asks the City to source every substantive claim its investigation makes. This index holds the Response to the same standard: **every one of its 52 numbered items is traced here to the specific document it came from.** Each was re-verified against the primary source on July 27, 2026.

Nearly every item is a verbatim quotation from the City’s own report, the City’s published Code, the City’s own meeting recordings, or the applicant’s own filings. Where an item is reasoning rather than quotation it is marked **INF**; where it is unresolved it is marked **OPEN**.

Source key

Tag	Document
REPORT	City of South Tucson <i>Findings Report</i> (Ronald Hergert), June 23, 2026, and its exhibits
CODE-A	Chapter 24, August 5, 2025 Municode edition — extracted verbatim (6,073 lines)
CODE-B	Chapter 24, April 27, 2026 City-published edition — extracted verbatim (5,902 lines)
APP	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)
FLOOD	Pima County Regional Flood Control District Flood Hazard Information Form, Tax Code 118242280, completed by Rachel Forney, 5/5/2026
HEAR	February 25, 2026 Board of Adjustment hearing recording and transcript
CM-5/19	May 19, 2026 Council recording (REGULARMTG051926)
CM-7/7	July 7, 2026 Council recording and transcript (REGULARMTG070726, 61 min)
NOTICE	Published notice (Tucson Daily Territorial, 2/11/2026) and mailed notice, both reproduced at REPORT Ex. 3
PRR	The three records requests, the July 15 demand, the July 23 notice, the July 24 timestamped receipt
STAT	A.R.S. §§ 9-462.01, 9-462.06; Pima County Code 16.20.050, 16.28.030

§ I — The review answered a question the Council did not ask

#	What the item asserts	Source	V
1	The review’s stated scope was public notice	REPORT — Issue Under Review, verbatim	✓
2	Its conclusion is limited to notice	REPORT — Conclusion, verbatim	✓
3	The Council’s motion was not limited to notice	CM-5/19 — motion text, adopted 4–1–1	✓

§ II — What the review confirmed against the City

#	What the item asserts	Source	V
4	Zoning Administrator Hitt: towers “cannot exceed 50 feet in height”	REPORT — verbatim	✓
5	Investigator adopted it (Observation 4)	REPORT, Obs. 4 — verbatim	✓
6	Planning Director “had not previously been aware of this Ordinance”	REPORT — verbatim	✓
7	“Accepted by Josue Licea” on the application form	APP — on the form’s face	✓

§ III — A finding contradicted by the published Code

#	What the item asserts	Source	V
8	Review found the 2006 provisions “were never ‘codified’”	REPORT — verbatim	✓
9	50-ft cap appears verbatim in the Aug 5, 2025 published Code	CODE-A § 24-387(b)(12)(f) — confirmed at 3 locations in the extracted file	✓
10	Absent from the Apr 27, 2026 edition (full text quoted)	CODE-B § 24-387(b)(12) — verbatim	✓
11	2x-height residential setback also removed	CODE-A § 24-387(b)(12)(e) vs CODE-B	✓
12	§ 24-529 deleted entirely, incl. the tower-removal provision	CODE-A vs CODE-B — section absent	✓
—	<i>“The review appears to have examined only a post-removal edition”</i>	Reasoning from items 8–10 — labeled INFERENCE in the document	INF
—	<i>Who removed it, when, on what authority</i>	Not established — labeled OPEN in the document	OPEN

§ IV — The review’s sources were its subjects

#	What the item asserts	Source	V
13	“Planning Director Licea has provided me with emails from residents...”	REPORT — verbatim	✓
14	Mailing confirmed from Licea’s interview + two lists he produced; no certificate, affidavit, or returned-mail review	REPORT + Ex. 3, pp. 48–49	✓
15	No affected resident interviewed	REPORT — interviews reflected are Licea, Paladini, Hitt	✓
16	Karl’s complaint that the 300-ft representation “is not true”	Karl complaint of record; REPORT treatment	✓
17	BOA Rules define parties in interest as 200 ft; Licea mailed to 300 ft	BOA Rules; REPORT — Licea account	✓

§ V — The notice describes a different action than the one defended

#	What the item asserts	Source	V
18	Published notice: “REGARDING A VARIANCE TO ERECT...”	NOTICE — Daily Territorial 2/11/2026, at REPORT Ex. 3	✓
19	Mailed notice: “consider proposal for a variance”	NOTICE — at REPORT Ex. 3	✓
20	Witnesses: “only approved the conditional use... and did not approve a variance”	REPORT — Hitt and Licea, verbatim	✓
21	Agenda read as “variance” [≈03:48] vs. “issuing this use permit” [≈26:53]	HEAR — recording, timestamps	✓
22	Application heading “Variance:” and the standalone-use concession	APP — attached statement, verbatim	✓

§ VI — Sections the review never cites

#	What the item asserts	Source	V
23	§ 24-21(a) never cited — text quoted	REPORT (absence) + CODE-A/B verbatim, identical	✓
24	§ 24-134 never cited — complete list quoted	REPORT (absence) + CODE-A/B verbatim, identical	✓
25	A.R.S. § 9-462.06 never cited — text quoted	REPORT (absence) + STAT verbatim	✓
26	§ 24-21(c) seven findings not examined; recording contains no statement of any	REPORT (absence) + HEAR. <i>Absence in the recording is an analyst conclusion from listening; phrased in the document as what the recording contains.</i>	✓
27	§ 24-107 design review never mentioned — text quoted	REPORT (absence) + CODE-A/B verbatim, identical	✓

28	County floodplain determination never mentioned	REPORT (absence) + FLOOD dated 5/5/2026	✓
----	---	---	---

§ VII–VIII — The limitations argument; precision defects

#	What the item asserts	Source	V
29	§ 24-131 15-day argument; “This time-limit has passed”	REPORT, Obs. 4 — verbatim	✓
30	The rescission is not addressed in that analysis	REPORT (absence) + CM-5/19	✓
—	<i>“The argument assumes the answer to the question the review did not ask”</i>	Reasoning — labeled INFERENCE in the document	INF
31	Report cites “A.R.S. § 38-341.02”; correct statute is § 38-431.02	REPORT (repeated) vs. STAT; City’s own mailed notice cites it correctly	✓
32	Stated standard (15 days) vs. stated window (to 2/11); publication 2/11	REPORT — both statements verbatim; arithmetic	OPEN*

* The document expressly flags that the exact count — including whether the rule counts inclusively — should be confirmed. What is asserted is only that the report’s own standard and its own window do not agree.

§ IX — Matters outside the review entirely

#	What the item asserts	Source	V
33	Applicant requested reduced north & east setbacks	LOI — verbatim (typos in original)	✓
34	North setback is 12'-3"	LOI — verbatim	✓
35	EHA “Yes, portion of parcel”; wash north of parcel; 25-ft setback	FLOOD Item 5 — checkbox + handwritten fields, confirmed visually	✓
36	Structures not allowed in EHA “without engineering justification”	FLOOD — verbatim (16.28.030)	✓
37	Local Floodplain “Yes, portion of parcel”; Special Study #107	FLOOD Item 4 — confirmed visually	✓
38	Nearest residence 130'; 2× standard would require 140'	LOI + CODE-A § 24-387(b)(12)(e) + arithmetic	✓
—	<i>Whether the structure falls inside the EHA</i>	Not established — bank position undocumented. Labeled OPEN and stated as a question, never a finding.	OPEN

§ X — How the report was described to the public, July 7, 2026

#	What the item asserts	Source	V
39	Council received the report June 24; not yet public July 7	CM-7/7 — [00:25:04–00:25:28], verbatim	✓
40	“the council had promised to share the final investigation once it was received”	CM-7/7 — [00:25:28], verbatim	✓
41	“no need to have any kind of decision on waiving privilege”	CM-7/7 — [00:26:20–50], verbatim	✓
42	City Manager: “We can post on the website tomorrow”	CM-7/7 — [00:26:02–10], verbatim	✓
43	Vice Mayor: “the city staff followed proper procedures in connection with the Board of Adjustment hearing”	CM-7/7 — [00:25:10], verbatim	✓
44	City Attorney: “there were no irregularities and that all the proper procedures w[ere] follow[ed]”	CM-7/7 — [00:27:26], verbatim	✓
45	Neither characterization contains the word “notice” or any limiting statement	CM-7/7 — absence in the quoted passages	✓

46	“who is running this investigation? Is [it] independent” asked; scope not answered	CM-7/7 — [00:24:13–18] + ensuing discussion	✓
47	Mayor: “I rather it be agendized, but please do a quick overview”	CM-7/7 — [00:27:08], verbatim	✓

§ XI — The records have not been produced

#	What the item asserts	Source	V
48	Three PRRs, 78 items, filed May 1 / 14 / 15, 2026 — contents described	PRR — the requests; date-stamped May 1 copy retained	✓
49	July 15 demand: five business days, production or schedule + privilege log	PRR — the demand letter	✓
50	Clerk acknowledged same day; produced nothing	PRR — the acknowledgment email	✓
51	Window closed July 22, 2026	PRR — arithmetic from the demand date	✓
52	Notice served July 23; hand-delivered July 24 with timestamped receipt	PRR — send record + retained stamped copy	✓

Corrections made during vetting — disclosed rather than quietly fixed.

1. The July 7 characterization (items 43–47). Originally described from a secondhand account with no document behind it, and flagged as unverified. The meeting recording and transcript were then obtained and the items are now quoted verbatim with timestamps. **The sourced version is stronger than the original phrasing.**

2. The seven findings (item 26). Rephrased from an implication that the City conceded no findings were made, to what the recording actually shows.

3. The floodplain (items 33–38). An earlier public statement of these questions described the site as “a floodplain where structures are not allowed.” That overstates the County form, which checks “Yes, *portion of parcel*” and states structures are not allowed “*without engineering justification*.” The current wording supersedes it, and whether the structure falls inside the hazard area is stated as an open question.

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