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Jerry Sanguinetti, Bureau Manager

March 10, 2011

Kendall Goh, President  
Michael Garcia, Vice President  
Frank Fung, Commissioner  
Chris Hwang, Commissioner  
Tanya Peterson, Commissioner  
Board of Appeals  
City and County of San Francisco  
1660 Mission Street, Room 3036  
San Francisco, California 94103

Re: Appeal No. 11-004  
Permit No: 10WR-0021  
Permittee: NextG Networks  
Appellants: Jeff and Nicole Cooper

Dear President Goh, Vice President Garcia, and Commissioners Fung, Hwang, and Peterson:

The Department of Public Works ("Department") submits this response to the appeal filed by Jeff and Nicole Cooper concerning Permit No. 10WR-0021 to NextG Networks ("NextG") (the "Permit"). The Permit authorized NextG to install a Personal Wireless Service Facility ("Facility") in the public rights-of-way on a utility pole located at the frontage of 156 27th Street. In their appeal, the Coopers claim that the Department failed to refer NextG's application to the Planning Department as required by San Francisco Administrative Code § 11.9(b)(2)(A) and Department Order 177,163 § III.D.4.d.

The facts related to the Department's issuance of the Permit are as follows. San Francisco Administrative Code § 11.9(b) established a requirement that any person seeking to install a Personal Wireless Service Facility in the public rights-of-way obtain a Permit from the



Department.<sup>1</sup> In Department Order No. 177,163, the Department implemented processing of applications for permits under § 11.9(b).

In order to facilitate issuing permits under § 11.9(b), the Department prepared a map showing all of the locations that required Planning Department approval before the Department could issue a permit. The map was supposed to include all streets identified by the San Francisco General Plan as “good” view streets.

On July 20, 2010 NextG submitted the application to the Department. The Department reviewed that application, and determined that Planning Department review was not required.

In this regard, the Department erred.

In preparing the map, the Department appears to have omitted the designation of 27th Avenue between Lake Street and El Camino del Mar as a “good” view street, which is the location identified in the application for NextG’s proposed Facility. (*See* Appeal, Exhibits 13 and 14.)

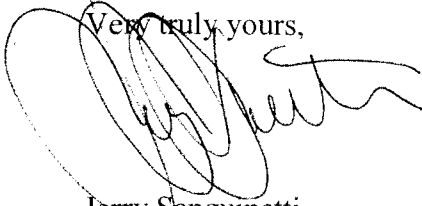
For this reason, the Department failed to refer the application to the Planning Department as required.<sup>2</sup>

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<sup>1</sup> On January 4, 2011 the Board of Supervisors finally approved Ordinance No. 12-11, which adds Article 25 to the Public Works Code establishing new requirements for permitting the installation of Personal Wireless Service Facilities in the public rights-of-way. Ordinance No. 12-11 also repealed § 11.9(b). Ordinance No. 12-11 became effective on February 14, 2011.

<sup>2</sup> If NextG were to submit the identical application today, the Department would treat it as an application for Tier III-B Facility permit under Article 25 of the Public Works Code. The Department would review the application to Planning Department review because of its location on a “good” view street and because it is in a Residential zoning district. Public notice would be required before the Department could issue a permit, and a protest would lead to a hearing. Under Article 25 of the Public Works Code, the application would be for a Tier III-B Facility, which would require Planning Department review both.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerry Sanguinetti", written over a large, faint circular stamp or watermark.

Jerry Sanguinetti  
Bureau Chief  
Street-Use & Mapping

cc: Jeff and Nicole Cooper  
Natasha Ernst (NextG Networks)  
Jonas Ionin (Planning Department)