

Exhibit B  
**[Omitted]**

## EXHIBIT C

Antenna Mount Configuration Approved by the Planning Department

### **Kathrein Scala Single Panel**



EXHIBIT D

Email Offering the "Good" and "Excellent" View Configuration to Appellants

**Natasha Ernst**

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**From:** Natasha Ernst  
**Sent:** Thursday, February 17, 2011 1:34 PM  
**To:** Jeffrey Cooper  
**Cc:** John.Kwong@sfdpw.org; Victor.Pacheco@sfgov.org; jeff.e.cooper@gmail.com  
**Subject:** RE: Fwd: APPEALS FILED, 11-004 @ 156 - 27TH AVENUE AND 11-005 @ 36 ASHBURY STREET

Jeff,

Respectfully, you do not have the expertise to determine when the location became operational. As I testified on January 12, 2011 at the Board of Appeals, the site was functioning and transmitting commercial and e911 traffic at that time. Any adjustments made to the antenna after that point was to improve, not commence, communication.

For the record, I reiterate that NextG has offered to modify the site to conform with the configuration approved the Dept of Planning for all good and excellent street views. This will lower the antenna and flush mount it to the side of the pole extension. Please let me know if you would like NextG to modify the site in exchange for dropping the Board of Appeals appeal.

Best regards,

Natasha Ernst  
*Director of Government Relations*  
**NextG Networks, Inc.**  
890 Tasman Drive  
Milpitas, CA 95035  
Phone: 408.409.6606  
Email: [nernst@nextgnetworks.net](mailto:nernst@nextgnetworks.net)

**From:** Jeffrey Cooper [mailto:[jeffrey.cooper@db.com](mailto:jeffrey.cooper@db.com)]  
**Sent:** Thursday, February 17, 2011 12:52 PM  
**To:** Natasha Ernst  
**Cc:** John.Kwong@sfdpw.org; Victor.Pacheco@sfgov.org; jeff.e.cooper@gmail.com  
**Subject:** Re: Fwd: APPEALS FILED, 11-004 @ 156 - 27TH AVENUE AND 11-005 @ 36 ASHBURY STREET

Natasha,

We have reason to believe that the wireless antenna at 156 27th Ave was not operational at the time the appeal was filed (which was January 18th). On January 19th, your crews did significant work, primarily changing the orientation of the antenna. Your crews came out a second time shortly after January 19th, after which the fan was operational and witnesses in the area noticed a very significant increase in their AT&T coverage. And as you are aware, your crews were also on sight yesterday, but a neighbor spoke with their supervisor and they left.

Since it is clear to residents in the area that the facility was not fully operational when the appeal was filed on January 18, 2011 (see below) and the permit was effectively suspended as of that date, we ask that NextG Networks shut the wireless facility on 27th Ave down ASAP until the permit issue is resolved.

Thank you,

EXHIBIT D

Jeff

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Jeff Cooper  
Vice President  
Deutsche Bank Securities Inc.  
Technology Investment Banking  
e: [jeffrey.cooper@db.com](mailto:jeffrey.cooper@db.com)  
w: (415) 617-3399  
c: (415) 216-9391  
f: (415) 617-3395

Jeff Cooper <[jeff.e.cooper@gmail.com](mailto:jeff.e.cooper@gmail.com)>

02/14/2011 08:06 AM

To Jeffrey Cooper/db/dbcom@DBAmericas  
cc

Subject Fwd: APPEALS FILED, 11-004 @ 156 - 27TH AVENUE AND 11-005 @ 36 ASHBURY STREET

----- Forwarded message -----

From: <[Victor.Pacheco@sfgov.org](mailto:Victor.Pacheco@sfgov.org)>  
Date: Jan 18, 2011 3:30 PM  
Subject: APPEALS FILED, 11-004 @ 156 - 27TH AVENUE AND 11-005 @ 36 ASHBURY STREET  
To: <[nernst@nextgnetworks.net](mailto:nernst@nextgnetworks.net)>, <[jeff.e.cooper@gmail.com](mailto:jeff.e.cooper@gmail.com)>, <[DavidTornheim@hotmail.com](mailto:DavidTornheim@hotmail.com)>  
Cc: <[John.Kwong@sfdpw.org](mailto:John.Kwong@sfdpw.org)>, <[Nick.Elsner@sfdpw.org](mailto:Nick.Elsner@sfdpw.org)>, <[Jerry.Sanguinetti@sfdpw.org](mailto:Jerry.Sanguinetti@sfdpw.org)>, <[Judy.Boyajian@sfgov.org](mailto:Judy.Boyajian@sfgov.org)>, <[Joyvelle.Henderson@sfgov.org](mailto:Joyvelle.Henderson@sfgov.org)>, <[Xiomara.Velez@sfgov.org](mailto:Xiomara.Velez@sfgov.org)>, <[Cynthia.Goldstein@sfgov.org](mailto:Cynthia.Goldstein@sfgov.org)>, <[Francesca.Gessner@sfgov.org](mailto:Francesca.Gessner@sfgov.org)>, <[Agnes.Lau@sfgov.org](mailto:Agnes.Lau@sfgov.org)>, <[Scott.Sanchez@sfgov.org](mailto:Scott.Sanchez@sfgov.org)>

(See attached file: 11-004.pdf)

(See attached file: 11-005.pdf)

(See attached file: SPECIAL NOTICE TO PARTIES.pdf)

Victor F. Pacheco, Legal Assistant  
Board of Appeals, C & C of SF, Dept. 37  
Phone: 575-6880

Fax: 575-6885 [attachment "11-004.pdf" deleted by Jeffrey Cooper/db/dbcom] [attachment "11-005.pdf" deleted by Jeffrey Cooper/db/dbcom] [attachment "SPECIAL NOTICE TO PARTIES.pdf" deleted by Jeffrey Cooper/db/dbcom]

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This communication may contain confidential and/or privileged information. If you are not the intended recipient (or have received this communication in error) please notify the sender immediately and destroy this communication. Any unauthorized copying, disclosure or distribution of the material in this communication is strictly forbidden.

## EXHIBIT D

Deutsche Bank does not render legal or tax advice, and the information contained in this communication should not be regarded as such.



## SAN FRANCISCO PLANNING DEPARTMENT

*Date:* September 30, 2010  
*Project Address:* **3655 Noriega St**  
*Project Sponsor:* NextG Networks  
2216 O'Toole Avenue  
San Jose, CA 95131  
*Staff Contact:* Jonas P. Ionin – (415) 558-6309  
jonas.ionin@sfgov.org  
*Recommendation:* **Approval with Conditions**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Administrative Code Section 11.9(b)(2)(A) dictates that the Planning Department shall not recommend approval of a Personal Wireless Service Facilities Site Permit unless the Planning Department determines that a Personal Wireless Service Facility in the proposed location is consistent with the public health, safety convenience and general welfare and will not unreasonably affect, intrude upon or diminish any identified City resource.

Based upon review of the site permit application and plans, the Planning Department recommends that the following:

Site Location	Company Site	Recommendation
3655 Noriega St	NextG Networks SF20	Approve w/conditions

### Conditions:

1. The panel antenna (Katherin) shall be flush-mounted to the extension bracket.
2. All exposed pole attachments, including: extension arms, attachment brackets, equipment cabinets, antennas, antennae enclosures, and/or conduits be painted to match existing pole color;
3. Should the installation vary from said conditions, the application shall be resubmitted to the Planning Department for further review and comment.

Sincerely,

Jonas P. Ionin,  
Senior Planner

**General Plan Objectives and Policies guiding review of the applications**

**URBAN DESIGN ELEMENT**

**POLICY 1.1**

**Recognize and protect major views in the city, with particular attention to those of open space and water.**

Views contribute immeasurably to the quality of the city and to the lives of its residents. Protection should be given to major views whenever it is feasible, with special attention to the characteristic views of open space and water that reflect the natural setting of the city and give a colorful and refreshing contrast to man's development.

Overlooks and other viewpoints for appreciation of the city and its environs should be protected and supplemented, by limitation of buildings and other obstructions where necessary and by establishment of new viewpoints at key locations.

Visibility of open spaces, especially those on hilltops, should be maintained and improved, in order to enhance the overall form of the city, contribute to the distinctiveness of districts and permit easy identification of recreational resources. The landscaping at such locations also provides a pleasant focus for views along streets.

**Fundamental Principles for Conservation**

These fundamental principles and their illustrations reflect the needs and characteristics with which this Plan is concerned, and describe measurable and critical urban design relationships for conservation.

16.	Views from streets can provide a means for orientation and help the observer to perceive the city and its districts more clearly.	
17.	Blocking, construction or other impairment of pleasing street views of the Bay or Ocean, distant hills, or other parts of the city can destroy an important characteristic of the unique setting and quality of the city.	

**Policy 2.9**

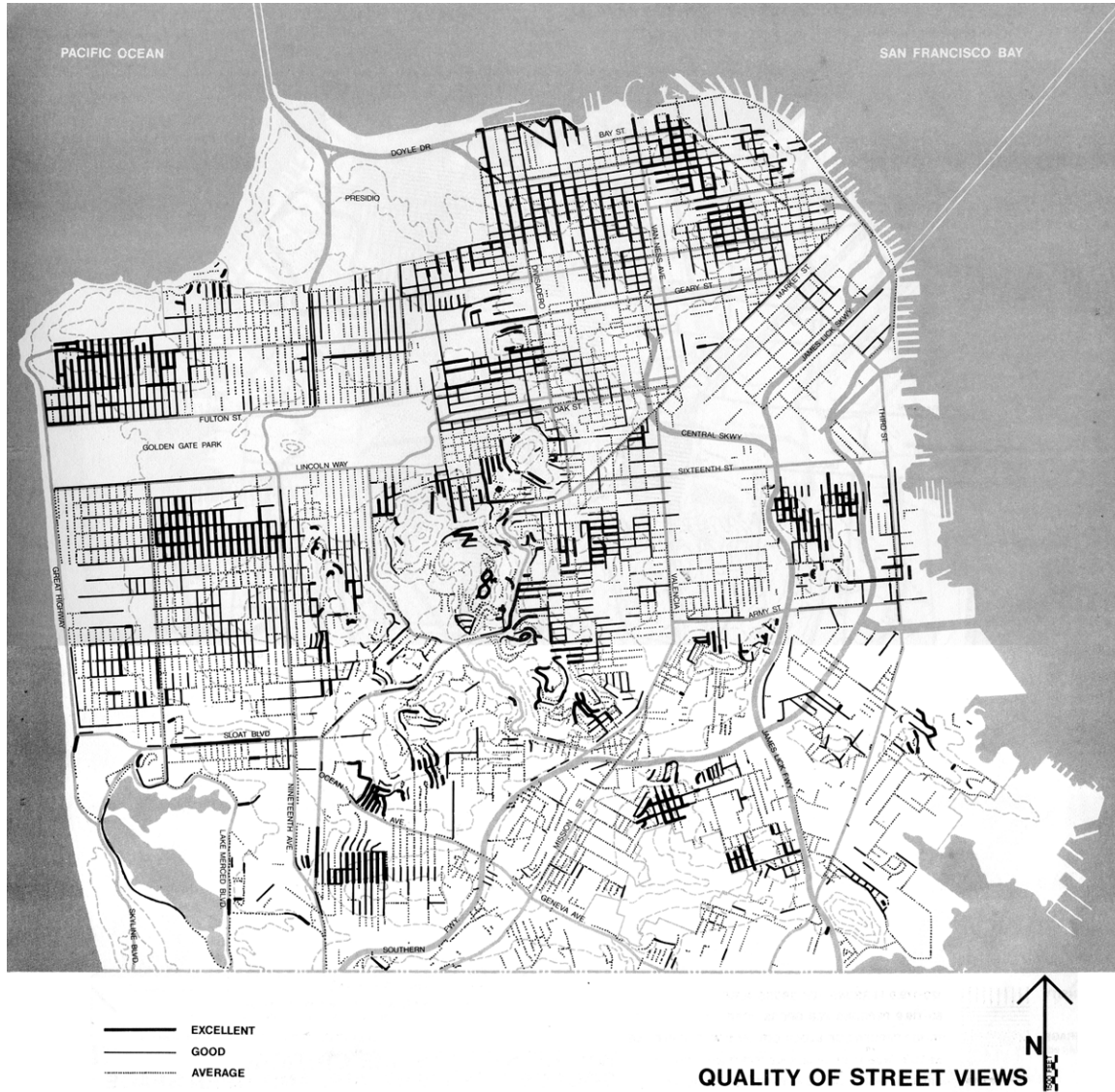
**Review proposals for the giving up of street areas in terms of all the public values that streets afford**

Every proposal for the giving up of public rights in street areas, through vacation, sale or lease of air rights, revocable permit or other means, shall be judged with the following criteria as the minimum basis for review:

## EXHIBIT E

a. No release of a street area shall be recommended which would result in:

Obstruction or diminishing of a significant view, or elimination of a viewpoint; industrial operations;

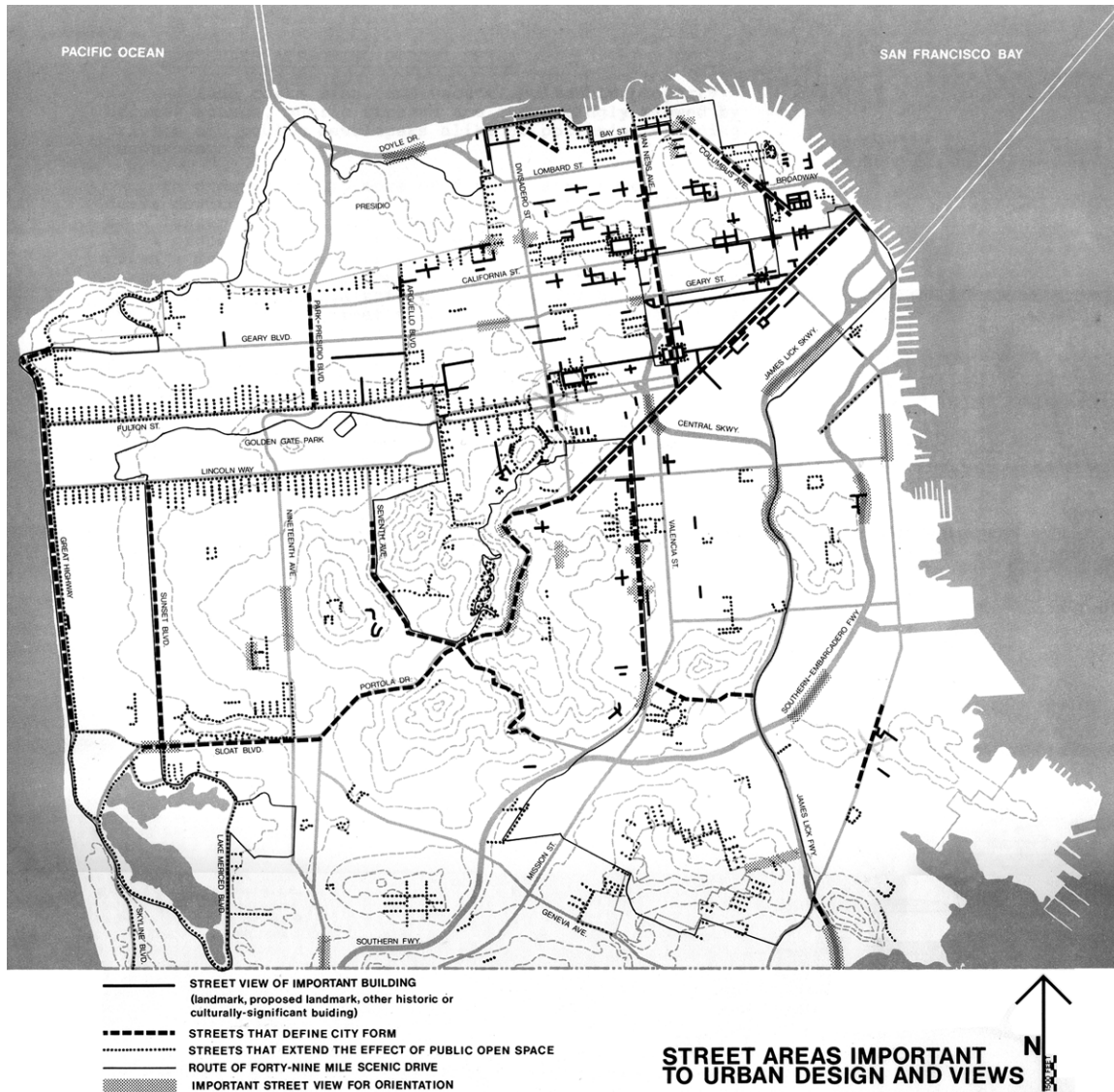




# EXHIBIT E

DPW DAS Referral Recommendation  
NextG Networks

S.F Planning Department  
3655 Noriega St



## POLICY 4.14

### Remove and obscure distracting and cluttering elements.

... Other clutter is produced by elements placed in the street areas. The undergrounding of overhead wires should continue at the most rapid pace possible, with the goal the complete elimination of such wires within a foreseeable period of time. Every other element in street areas, including public signs, should be examined with a view toward improvement of design and elimination of unnecessary elements.

Cc: Barbara Moy, DPW/BSM  
William Sanders, City Attorney  
John Malamut, City Attorney

JPI: G::Documents/Antennas/DAS/NextG Networks – 2301 Ulloa St.doc

**Photo Simulation of Planning Department Approved Configuration from Bedroom**



Exhibit G  
**Permit 10WR-0021 Coverage Map**

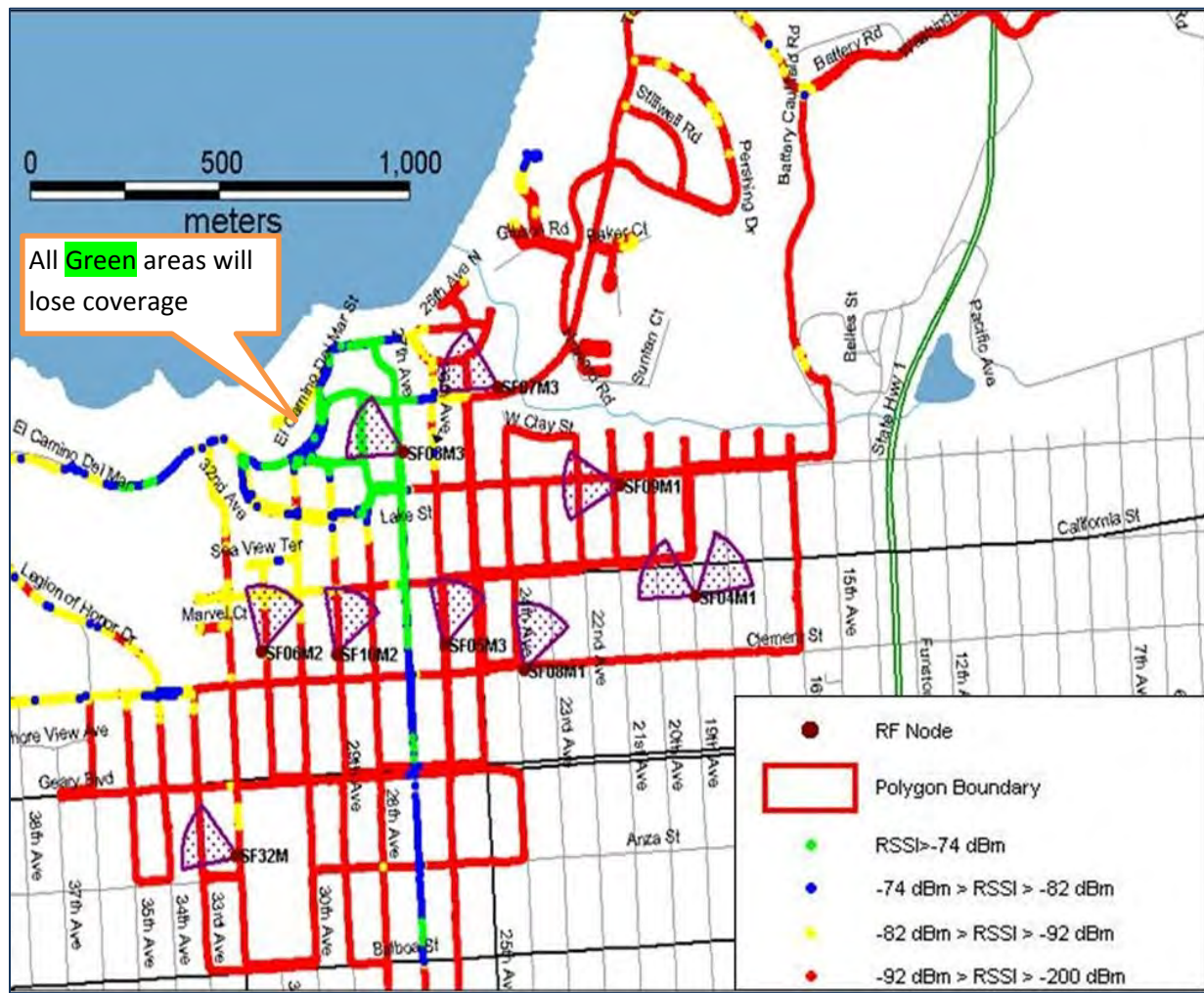




Exhibit H  
**Photo Looking North—Antenna Screened from View**



Exhibit I

**Photo Simulation of Planning Dept Approved Configuration from Street**

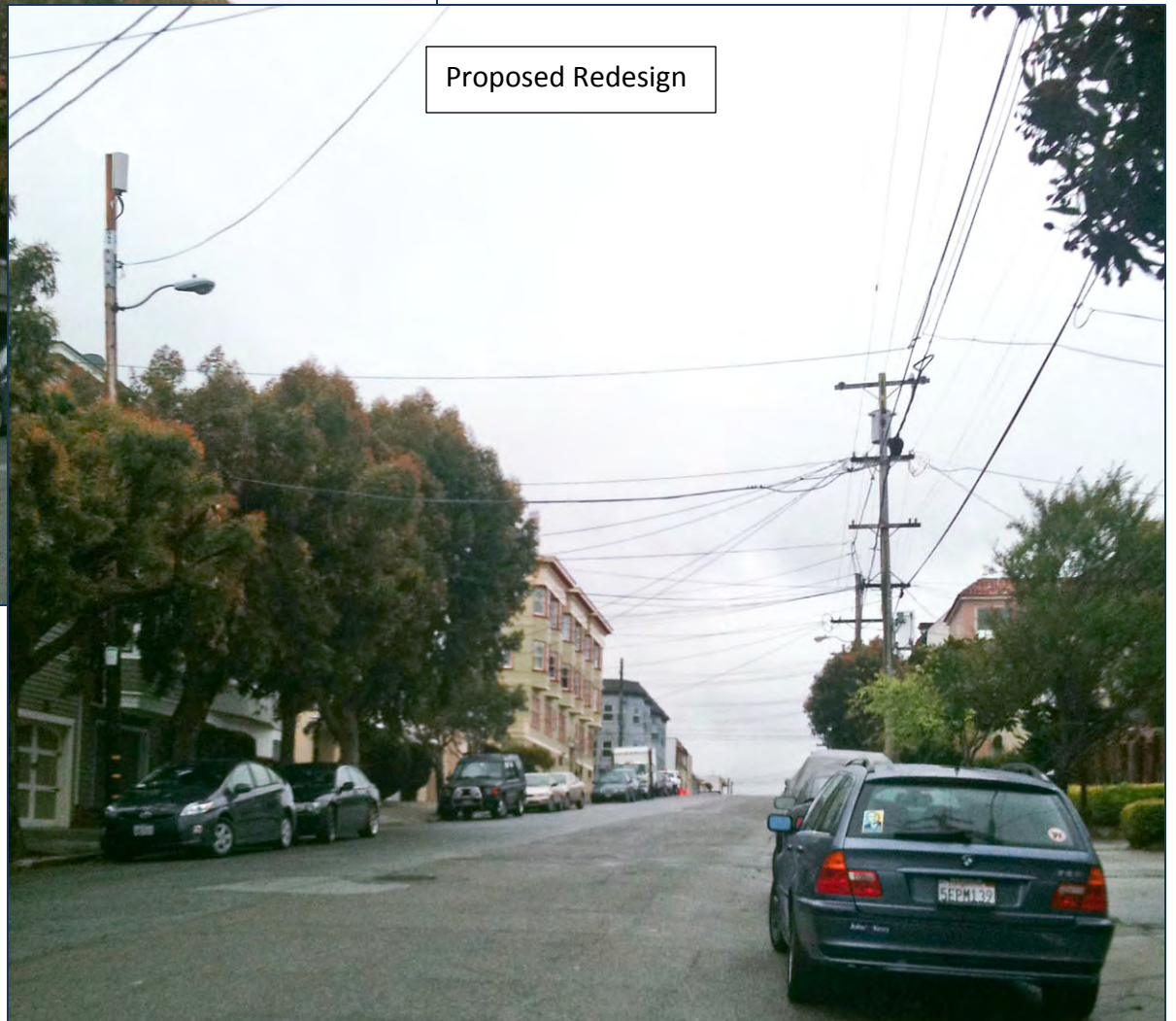


Exhibit J

**Similar Equipment on Southwest corner of 27<sup>th</sup> Avenue**

