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October 5, 2011

VIA EMAIL AND OVERNIGHT MAIL:

Gregory W. Stepanicich
RICHARDS WATSON GERSHON
44 Montgomery Street, Suite 3800
San Francisco, CA 94104
GStepanicich@rwglaw.com

Re: City Retained Expert on 423 San Pablo Avenue Application

Dear Greg:

I have your letter of September 22, 2011 requesting supplemental information from Crown Castle.

This will confirm our agreement to continue the hearing to November 7, 2011 with the understanding that Mr. Kramer's analysis will be provided to Crown Castle prior to the hearing, preferably one week in advance. We have also agreed you will provide Crown Castle with a brief continuance of the November 7th hearing should we deem it reasonably necessary to further evaluate and respond to Mr. Kramer's report.

We do not agree with your assertion that the City's attempt to obtain a "complete alternative analysis" has been "futile." From the inception, we have disagreed about the nature and extent of the analysis necessary for review of this simple change of antennas. Crown Castle, for its part, believes that the project request does not require the type of substantial "new construction" analysis requested in your letter of September 22nd. In fact, prior to the last hearing, Jeff Bond provided us with another wireless carrier's alternative analysis report for a new site development as a sample of what would be acceptable to the City (attached). I note that all of the information we have provided to the City since the inception of this project, and most recently to City Council on September 19th, is substantially more detailed than what is contained in that report.

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I also note that the issue of alternative site analysis was raised by the City and responded to by our consultant, Jason Osborne, during the City's review of our first application nearly two years ago. This was when Verizon was proposing to replace the existing four antennas with six antennas. Upon review, the City did not require that alternative site analysis be conducted; nor did Mr. Kramer. In fact, after conducting his review of the "technology and design details" of the project, Mr. Kramer advised Jeff Bond that the addition of "two more [antennas] on the same plane will not materially or substantially alter the existing aesthetics of this site." (*Planning Memorandum, pp. 1-2*). Mr. Bond then reported to the Planning and Zoning Commission that Mr. Kramer had "conducted a third-party review of the application" and that the "analysis concludes with a recommendation that the City approve the application". (*April 27, 2010 Staff Report, p. 3*). Both reports are attached for your review.

Our current project does not include adding the additional antennas contemplated by our first application. It merely consists of an antenna swap. It is not a material expansion of the facility, nor is it a new site development project, as noted by your own Planning & Zoning Chairman who stated at the July 26, 2011 hearing that "[s]trictly speaking from a planning position, expansion of a nonconforming use usually means mass, bulk, height." (*Planning and Zoning Hearing, July 26, 2011*). This is obviously not the case with our current project, and therefore, we believe the City's most recent request for substantially more information is inconsistent with the history of our prior applications submitted. The City's request also appears inconsistent with its treatment of other wireless carriers, taking into account its acceptance of the attached alternative analysis report for an entirely new construction project, which the City now contends is insufficient for our antenna swap. Nevertheless, in the spirit of cooperation, Verizon will provide the relevant methodology used by Verizon's RF engineer in reviewing the issues, as requested by City Council.

I will forward the revised tolling agreement for your review and approval under separate cover. Thank you for your cooperation in this regard.

Very truly yours,



Joseph M. Parker

Encl.