



SAN FRANCISCO PLANNING DEPARTMENT

Letter of Determination

April 28, 2010

Joyce Chu
MODUS Consulting, LLC
833 Market Street, Suite 805
San Francisco CA 94103

RE: 2775 Van Ness Avenue
Block: 0503 Lot: 030
Case No: 99.355C/Motion 14858

Dear Ms. Chu:

This letter is in regard to the Planning Commission's decision regarding Case No. 99.355C, Motion 14858, permitting Nextel Wireless to locate up to 12 WTS antennas and associated equipment at the address referenced above. Your request is to verify that a building permit application may be submitted more than 10 years after the original project authorization on July 22, 1999 to complete the project. This parcel is located in an RC-3 (Residential-Commercial Combined, Medium Density) District with a 65-A height and bulk limitation.

Motion 14858 approved up to 12 wireless telecommunications antennas and related equipment for Nextel on a building occupied by the Comfort Inn By the Bay hotel. Sprint has indicated that fewer than 12 antennas were actually constructed on the subject property.

While Building Permit Application 9920851 was approved by the Planning Department for antennas currently installed on the site, the Department of Building Inspection's Permit Tracking System indicates that the permit expired and was not finalized. In such situations, work conducted is not considered to be legal. A printout of the permit status has been included for your reference. Please work with the Department of Building Inspection to submit a building permit to complete the construction associated with the existing antennas. The building permit should be routed to the Planning Department for review.

On March 1, 2010, the Planning Department issued an updated memorandum regarding modifications to existing WTS sites, which indicates that conditional use could be required when additional antennas are proposed for existing sites. As the original project was approved by the Planning Commission as a conditional use in 1999, I believe it is appropriate for the Planning Commission to review current Section 303 criteria, RF and coverage information that relate to proposed antennas and site design. In keeping with the Department's goal of ensuring adequate notice, I believe that a public notice consistent with current standards should be conducted. Therefore, it is my determination that a new conditional use authorization is required for the antennas proposed via Building Permit Application 2009.10.15.9058 because the Planning Commission should review updated project information and design related to additional antennas at the subject property, and that adequate public notice should be conducted.

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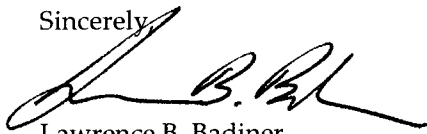
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If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Lawrence B. Badiner
Zoning Administrator

Encl.

cc: Sara Vellve, Planner

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