

FINAL TERMS OF THE AGREEMENT TO PROVIDE INFORMATION AND EXTEND CERTAIN SERVICES TO SUTRO TOWER AREA RESIDENTS

This agreement is made as of November 7, 2008, between Sutro Tower, Inc. ("STI") and Midtown Terrace Owners Association, Twin Peaks Improvement Association and Forest Knolls Neighborhood Association ("Associations").

This agreement is entered into pursuant to a recommendation by the Department of City Planning ("DCP") and the action taken by the San Francisco Planning Commission on October 23, 2008 as follows:

The Planning Commission has reviewed the application, facts of the case on file and as presented at the public hearing, and taken into consideration of the preliminary agreement between Sutro Tower, Inc. and local neighborhood groups entitled "Agreement between Sutro Tower, Inc., Midtown Terrace Owners Association, Twin Peaks Improvement Association, and Forest Knolls Neighborhood Association" and voted to take Discretionary Review and approve the project subject to the standard Sutro Tower conditions, with the addition of the following condition:

"Prior to the expiration of the EIR appeal period, Sutro Tower, Inc. shall submit to the Planning Department the final terms of the "Agreement between Sutro Tower, Inc., Midtown Terrace Owners Association, Twin Peaks Improvement Association, and Forrest Knolls Neighborhood Association." The Planning Department's release of the building permit to the Department of Building Inspection shall not be delayed during this period."

1. STI shall maintain a list of neighbors who wish to receive email notification of auxiliary antenna activation. Email notice of auxiliary antenna activation shall be provided as early as possible prior to activation.
2. STI shall provide an automated telephone notice of auxiliary antenna activation plans to phone numbers provided by those wishing to receive these calls. Notice shall be provided as early as possible prior to activation.

3. STI agrees to produce an informational web site to include:
 - a. Textual and graphic status of television antenna activation
 - b. Instructions for requesting email notice of auxiliary antenna activation.
 - c. Instructions for requesting automated telephone notice of auxiliary antenna activation.
 - d. Results of the most recent publicly accessible property R-F exposure measurements to be posted within two weeks after receipt of the consultants report.
 - e. The summary of results of all of the most recent structural inspections conducted in accordance with the STI Standard Conditions to be posted within two weeks after receipt of the consultants report.
4. STI will mail notification of web site availability including method by which residents can be included in auxiliary antenna activation list. Boundaries of each association to be provided by the respective liaisons. This notice will be sent to properties within a radius which encompasses the boundaries provided.
5. Associations will petition the District Supervisor and or Planning Department Director, as appropriate, to initiate revisions to applicable Statutes to provide a requirement to notify resident within 1000 feet of the Tower of any Environmental Impact Report notice replacing the current 300 foot notification requirement. STI agrees not to object to this revision.
6. STI will continue the practice of posting hearing notices in seven neighborhood locations as stipulated by the DCP Zoning Administrator's posting list revised as of February 1, 2005 even if this DCP requirement is eliminated in the future.
7. STI will continue its practice of notifying Association liaisons when building permit applications are filed. This notice will also be posted on the STI web site.
8. STI will submit full reports to Association liaisons of all variations of structural inspections stipulated in the STI Standard Conditions within two weeks after receipt of the consultants report.

9. STI will invite the Federal Communications Commission to witness and or make simultaneous measurements of R-F exposure at 200 points within a 1000 foot radius of the Tower (or fewer at the FCC's option) within 2 weeks of initial activation of the new DTV auxiliary and main antennas.
10. Parties agree to adhere to the following revision to the current Standard Conditions and agree to propose these revisions in any future project approval proceeding before the Planning Commission.

CONDITION B.2.a STI shall measure R-F public exposure levels at 200 publicly accessible sites within 1000 feet of the Tower. Measurements shall be made each three years or within 2 weeks of the activation of any DTV broadcasting antenna or within 2 weeks of any increase in power from any DTV antenna's initial power level whichever is earliest.

CONDITION B.2.b STI shall notify the Department of Public Health and Association liaisons at least three days before taking any R-F exposure measurements at publicly accessible sites. A representative of the Department of Public Health and no more than two community observers identified by the Associations may observe the measurement session and recommend sites for measurement.

CONDITION B.2.c. Upon approval from any affected public or private property owner, STI shall immediately remedy any ambient or localized field found by these measurements to exceed the FCC standard for R-F exposure and then take new measurements in accordance with the procedure in subsection b. above to demonstrate compliance with the standard.

CONDITION B.2.d. A report of any R-F exposure measurement required herein shall be submitted to the Planning Department, the Department of Public Health and to the designated liaisons of the Associations within two weeks after receipt of the consultants report, and those reports shall be made available to members of the public and posted on the web site as described in subsection 1.C. above.

CONDITION B.3.a Upon request to STI from an individual property owner within 1000 feet of the Tower, STI shall measure R-F exposure levels indoors and/or outdoors of the home as requested by the owner. If the measured R-F levels fall within the applicable FCC standard for R-F exposure, then no additional measurement requests shall be accepted unless

any television broadcast antenna is replaced or relocated or power of any television broadcast antenna is increased or three years have elapsed whichever is sooner. Measurement requests can be made verbally or in written form as described on the STI web site. An appropriate approval document will be required prior to measurements being taken.

CONDITION B.3.b. With the cooperation and approval of the property owner, STI shall immediately remedy an ambient or localized field found by these measurements to exceed the FCC standard and then take new measurements to confirm compliance with the standard.

11. STI will hold an Association liaison meeting after a building permit is filed. After publication of a Draft Environmental Impact Report and after publication of a Final Environmental Impact Report or Comments and Responses Report a neighborhood community meeting will be held with notice to residents within 1000 feet of the tower at least two weeks prior to any Planning Commission public hearing.
12. Associations will contact the District Supervisor and the Department of Public Health to encourage the Department to update its review of the Northern California Cancer Registry to identify any temporal and geographical clustering of cancer in San Francisco.
13. STI agrees to contribute:
 - a. \$ 3,000.00 per year to the Midtown Terrace Home Owners Association. The initial contribution payable prior to December 31, 2008. Subsequent contributions to be made on or before July 1 of each year
 - b. \$ 4,500.00 one time contribution to the Twin Peaks Improvement Association for an open space improvement project.
 - c. \$ 6,000.00 one time contribution to the Forrest Knolls Neighborhood Organization to replace the Forrest Knolls entrance sign.
 - d. \$ 10,000.00 one time contribution for the benefit of the surrounding area to purchase two drinking fountains one each at the walking paths around two area reservoirs. The contribution will be payable only when the fountains are approved by the appropriate agencies and actually purchased.

All such contributions shall be payable only after the expiration of the EIR appeal period and any other appeal period for any San Francisco permits or approvals associated with the Building Permit Application No. 2007.1220973, with no appeal or opposition filing pending with any agency or court.

Accepted and Agreed:

Eugene S. Zastrow
General Manager, Sutro Tower, Inc.
Association

Siu Ling Chen
Midtown Terrace Home Owners

Dona Crowder
Twin Peaks Improvement Association

Walter Caplan
Forrest Knolls Neighborhood
Organization