



# STAFF REPORT

## SAUSALITO CITY COUNCIL

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### AGENDA TITLE:

Clearwire Cell Tower Lease @ 300 Spencer

### RECOMMENDED MOTION:

Motion to authorize the City Manager to execute a cell tower lease with Clearwire with the terms and conditions specified in the staff report and subject to approval to form by the City Attorney

### DISCUSSION

Clearwire is looking to establish a facility at the West Sausalito Fire Station (300 Spencer) in order to provide broadband wireless internet to the residents and businesses of Sausalito.

Clearwire has worked with Community Development Department (CDD) staff and submitted applications for a design review permit (DRP) and conditional use permit (CUP) to install (1) equipment cabinet on the backside of the building (northeast side) and roof mount (3) antenna & (3) MW dishes behind a new RF friendly screen wall. In addition to concealing Clearwire's proposed equipment the existing roof mounted antennas will also be screened.

Clearwire received preliminary comments back from CDD staff which directed Clearwire to obtain approval of the lease before CDD staff would proceed with processing the permit applications.

### TERMS AND CONDITIONS

Finance Department initiated negotiations with Clearwire and exacted the following terms and conditions:

- Lease payments starting @ \$2,500 per month
  - Clearwire initially offered \$1,000 per month
  - Lease amount of \$2,500 is consistent with the optimized lease payments from like cell tower leases, in terms of ground space leased, number of antennas, and square footage of equipment
- Annual lease payment escalator of the greater of 5% or CPI
  - Clear wire initially proposed no escalator, then offered 3%.
- One five year term with three five year extensions
  - Clearwire initially requested five five-year extensions.
- Lease specifies minimum beautification plan that exceeds industry standards.
  - Lease does not restrict the Planning Commission from conditioning even more stringent beautification measures.
- Lease is conditioned upon Clearwire obtaining the necessary discretionary land use permits (e.g., DRP, CUP) and construction permits.

## **STANDARDS AND CRITERIA FOR WIRELESS COMMUNICATIONS FACILITIES**

All cell tower leases must comply with Chapter 10.45 of the City of Sausalito Zoning Ordinance. Chapter 10.45 lists a uniform and standard set of guidelines and criteria for the orderly development and siting of wireless communications facilities in order to avoid or minimize land use conflicts related to land use compatibility, visual resources, public safety, and environmental impacts. After submission of a complete and comprehensive application packet, the Planning Commission may approve a DRP and CUP if the following findings can be made:

- The proposed project is consistent with the General Plan, the Zoning Ordinance, and any applicable specific plans.
- The proposed project complements the surrounding neighborhood and/or district and, when antenna is attached to, or part of, a structure, the antenna and its screening complement the architecture of the structure.
- The proposed project is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.
- The proposed project has been located and designed to minimize obstruction of public views and primary views from private property.
- The proposed project will not result in a prominent profile (silhouette) above a ridgeline.
- The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.
- Mechanical equipment is appropriately designed and located to minimize visual, noise, and air quality impacts to adjacent properties and the general public.
- The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.
- The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City.
- The proposed facility will not materially adversely affect nearby properties or their permitted uses.

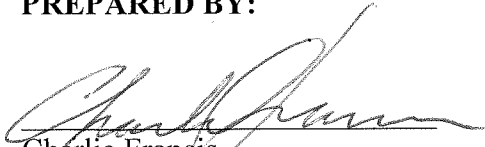
## **FISCAL IMPACT**

The city's General Fund would realize \$30,000 in additional new revenues annually.

## **STAFF and OMIT RECOMMENDATIONS**

Staff submitted the lease terms and conditions to the City Council OMIT committee for review. After discussion, staff and OMIT recommends that the City Council of the City of Sausalito direct the City Manager to proceed with execution of the lease with Clearwire under the above negotiated terms and conditions and subject to approval as to form by the City Attorney

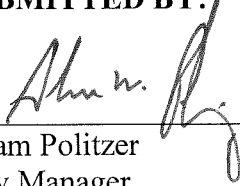
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