



# STAFF REPORT

## SAUSALITO CITY COUNCIL

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### AGENDA TITLE:

AT&T Cell Tower Lease @ 300 Spencer

### RECOMMENDED MOTION:

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

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### DISCUSSION

In September 2009, AT&T initiated conversations with the City's Community Development Department regarding a reinstatement and ratification of the first amendment to their cell site lease located at 300 Spencer.

The initial lease was executed in 1992 with Bay Area Cellular Telephone Company for the 300 Spencer site. The lease was renewed in 2002 for a five-year term that ended in 2007. Under contract law, the lease converted to a monthly lease and AT&T continued to make lease payments, including escalating the lease payment consistent with the "greater than 5% or CPI" clause.

### TERMS AND CONDITIONS

Finance Department initiated negotiations with AT&T and exacted the following terms and conditions similar to the negotiations for the lease with AT&T @ Rodeo Drive and Hwy 101:

- The City requested and AT&T agreed to an additional \$500 per month in lease revenue, for a total of \$2,536 per month. This amount is consistent with the City's comparable leases at this site for size of equipment, ground space leased and number of antennas. The lease contains an annual escalator clause of 4%
- One five year term with three five year extensions
  - AT&T initially requested five five-year extensions.
- Lease is conditioned upon AT&T obtaining all applicable discretionary land use permits (e.g., design review permit, conditional use permit) 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

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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.

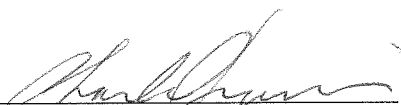
### **FISCAL IMPACT**

The city's General Fund would realize \$6,000 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

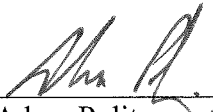
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