MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation | Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: September 8, 2015

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: HPB File No. 7566. **Citywide Distributed Antenna System (DAS) Nodes**

The applicant, Crown Castle NG East, Inc., is requesting a Certificate of Appropriateness for the installation of a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the following approximate location: **201 17th Street**.

STAFF RECOMMENDATION
Approval with conditions

SITE DATA
Local Historic District: Museum

Legal Description: Latitude – North 25° 47'07.702", Longitude – West 80° 07'55.641"
X = 941743.754 Y = 528661.545

BACKGROUND:
At the January 14, 2014 meeting of the Historic Preservation Board, the applicant, Crown Castle NG East, Inc., requested a Preliminary Evaluation for the installation of approximately thirty-three (33) Stealth Distributed Antenna System (DAS) nodes within the public right-of-way. The Board discussed the application and gave guidance to the applicant to further explore colocation of the antennas on existing City infrastructure and buildings.

The recommendations provided by the Board at the preliminary review did not result in any binding decisions or entitlement actions.

THE PROJECT
The applicant has submitted plans entitled "Crown Castle Distributed Antenna System MBCC08", as prepared by Crown Castle, dated May 8, 2015.

The applicant is proposing to install a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the following approximate location: 201 17th Street.

COMPLIANCE WITH ZONING CODE
A preliminary review of the project indicates that the application, as proposed, appears to be consistent with all pertinent requirements of the City Code.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Satisfied

b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied

II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. Exterior architectural features.
Satisfied

b. General design, scale, massing and arrangement.
Satisfied

c. Texture and material and color.
Satisfied

d. The relationship of a, b, c, above, to other structures and features of the district.
Not Applicable

e. The purpose for which the district was created.
Satisfied

f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied

g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Not Applicable

h. The original architectural design or any subsequent modifications that have acquired significance.
Not Applicable

III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Not Applicable

b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Satisfied

c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Not Applicable

d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied

e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied

f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads

shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Satisfied
The proposed location of the DAS Utility Pole at towards the northern edge of the 9'-0" wide sidewalk will allow for an approximately 6'-6" clear pedestrian path.

g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.
Not Applicable

h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Not Applicable

i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.
Not Applicable

j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).
Satisfied

k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable

l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable

m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).
Not Applicable

n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

Not Applicable

o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Not Applicable

ANALYSIS

The applicant is proposing to remove an existing street light and install a stand-alone DAS utility pole with an integrated street light to be located within the right-of-way at the northwest corner of the intersection of 17th Street and Collins Avenue.

As opposed to cellular companies locating antennas on large monopoles or lattice tower structures in and around the city, a DAS network creates a grid of smaller scale antennas distributed more evenly throughout the city, usually installed to satisfy a deficiency of coverage and/or capacity in a dense urban setting. The DAS system is intended to supplement existing wireless communications networks in the City by strengthening the signal between existing antenna towers providing cellular and digital communications signals to the modern digital network of smartphones, tablets and computers.

On January 14, 2014, the Historic Preservation Board reviewed a Preliminary Evaluation for the installation of approximately thirty-three (33) Stealth Distributed Antenna System (DAS) nodes within the public right-of-way. The Board discussed the application and gave guidance to the applicant to further explore colocation of the antennas on existing City infrastructure and buildings.

Staff has met with the applicant and has performed site inspections for each of the site locations proposed. Staff would note that due to conditions that vary in our City, such as historic properties, sidewalk width and existing street furniture, each site requires careful review and analysis so as not to negatively impact the quality of the architectural character or pedestrian experience. A joint effort between applicant and staff is required to ensure that the best location, in terms of aesthetic appropriateness and visibility, is achieved while still meeting the radiofrequency objectives by covering the areas that need to be covered.

At this particular location, the removal of the existing City light pole and installation of a stand-alone DAS utility stealth designed pole with an integrated street light will not result in a net increase of street furniture. Staff believes that the proposed 12" diameter stand-alone pole with integrated street light located at the northwest corner of the intersection of 17th Street and Washington Avenue is the most appropriate solution for this particular site. Further, the proposed location of the DAS Utility Pole towards the northern edge of the 9'-0" wide sidewalk will allow for an approximately 6'-6" clear pedestrian and should not impact pedestrian movement along the sidewalk.

Pursuant to Federal Law, the City does not have the ability to render a decision against a telecommunication facility based on perceived health impacts, provided the proposed equipment is in conformance with RF emissions limits established by the FCC. The primary area for City review is that of aesthetics of the DAS network. Staff has relatively few concerns about the aesthetic impact of the proposed node at this location, and finds no concerns over the

aesthetics or visual cluttering of this node due to interference with sightlines from specific historic structures as this location is immediate west of a City surface parking lot.

It is important to add that on February 11, 2015 the City Commission adopted modifications to the City's Land Use Development Regulations pertaining to telecommunications regulations. This Ordinance, among other things, regulates the acceptable locations for siting telecommunications equipment, including distance separations from existing and future antenna systems, distances from residential uses, encouragement of co-locating equipment onto single facilities whenever possible, and minimizing (or "stealthing") equipment as much as possible. Staff has determined that the subject application complies with the regulations contained within the subject telecommunications ordinance.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: September 8, 2015

FILE NO: 7566

PROPERTY: Citywide Distributed Antenna System (DAS) Nodes: 201 17th Street

APPLICANT: Crown Castle NG East, Inc.

LEGAL: That portion of the north side of the right-of-way known as 17th Street located at Latitude – North 25° 47'07.702", Longitude – West 80° 07'55.641" X = 941743.754 Y = 528661.545

IN RE: The Application for a Certificate of Appropriateness for the installation of a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the following approximate location: 201 17th Street.

ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

A. The subject site is located within the Museum Local Historic District.

B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:

1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.

2. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(2) of the Miami Beach Code.

3. Is consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.

DRAFT

C. The project would remain consistent with the criteria and requirements of section 118-564 if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:

   a. The exterior of the steel pole shall be powder coated finished and the final exterior color selection shall be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

2. The applicant shall submit a restrictive covenant agreeing to design, construct and maintain in perpetuity, the Das utility pole and integrated street light as proposed, including bearing all costs associated with its design, construction and maintenance, in a manner to be reviewed and approved by the Public Works Director and City Attorney. The covenant shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

In accordance with Section 118-537, the applicant, the owner(s) of the subject property, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special master appointed by the City Commission.

II. Variance(s)

1. No variances have been requested as part of this application.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. *Certificate of Appropriateness'* and 'II. *Variances'* noted above.

A. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.

B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.

C. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.

D. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be

DRAFT

returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

E. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.

F. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans approved by the Historic Preservation Board, as determined by staff, entitled "Crown Castle Distributed Antenna System MBCC08", as prepared by Crown Castle, dated May 8, 2015.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original Certificate of Appropriateness was granted, the Certificate of Appropriateness will expire and become null and void. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the Certificate of Appropriateness will expire and become null and void.

In accordance with Section 118-561 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.

DRAFT

Dated this _____ day of _____, 20___.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY:_____
DEBORAH TACKETT
PRESERVATION AND DESIGN MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20___ by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

_____
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires:_____

Approved As To Form:
City Attorney's Office: _____ ( )

Filed with the Clerk of the Historic Preservation Board on _____ ( )

F:\PLAN\$HPB\15HPB\09-08-2015\Draft Orders\HPB 7566_DAS Node 201 17th St.Sep15.FO.DRAFT.docx

DRAFT