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HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: October 8, 2019

FILE NO: HPB19-0320

PROPERTY: DAS Node: 1630 Collins Avenue

APPLICANT: Crown Castle NG East, Inc.

LEGAL: Latitude – North 25° 47'24.7", Longitude – West 80° 07'48.51";
X = 942383.79 Y = 530389.24

IN RE: The Application for a Certificate of Appropriateness for the installation of a Stealth Distributed Antenna System (DAS) node facility within the public right-of-way at the following approximate location: 1630 Collins Avenue.

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 Flamingo Park 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 Sea Level Rise and Resiliency Review Criteria in Section 133-50(a) of the Miami Beach Code.

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

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

4. Is not consistent with Certificate of Appropriateness Criteria 'f' in Section 118-564(a)(3) of the Miami Beach Code.

C. The project would be 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. A nearby street light shall be removed and replaced with a new DAS utility pole with an integrated street light, in a manner to be approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

b. Final details of the proposed stand-alone DAS utility pole shall be provided, in a manner to be 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 utility pole, 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.

3. In the event the City adopts a new lighting standard as part of a Neighborhood Streetscape Plan, the applicant shall replace the cobra head lighting fixture with the new City approved light fixture.

4. If applicable, Applicant shall obtain any and all required approvals from the Florida Department of Transportation ("FDOT") prior to obtaining a City Right-of-Way or Building Permit.

5. Any signage currently located on an existing light pole that is proposed to be replaced by a new DAS pole, shall be reintroduced on the new DAS pole in a manner that does not obstruct the equipment panels or vents, subject to the review and approval by the applicable City Department. In the event the signage cannot be reinstalled on the DAS pole due to height or other technical restrictions, a new location for the signage shall be identified through coordination with the applicable City Department.

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. The Applicant acknowledges and agrees that this approval shall be subject to the execution, by the City and the Applicant, of the Mitigation and Permitting Settlement

Agreement, in a form acceptable to the City Attorney, in connection with the break in the 54" sanitary sewer force main located in the area of Michigan Avenue and 5th Street.

B. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.

C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.

D. All improvements proposed to be located east of the Costal Construction Control Line (CCCL) shall comply with all State of Florida Department of Environmental Protection regulations, subject to the review of approval by the Environment and Sustainability Department.

E. 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.

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

G. 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.

H. 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 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.

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

J. 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.

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 Right-of-Way Permit for the project is not issued within nine (9) 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 or Right-of-Way 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.

Dated this 16 day of October, 2019.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
CHIEF OF HISTORIC PRESERVATION
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this 16 day of october 2019 by Deborah Tackett, Chief of Historic Preservation, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She is personally known to me.

GABRIELA C. FREITAS
MY COMMISSION #GG131281
EXPIRES: AUG 03, 2021
Bonded through 1st State Insurance

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 8-3-21

Approved As To Form:
City Attorney's Office: Nick Kallegos (10/14/2019)

Filed with the Clerk of the Historic Preservation Board on Jessica Gomez (10/10/19)