

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: September 04, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB18-0290, DRB18-0291 and DRB18-0292 **Citywide Distributed Antenna System (DAS) Nodes**

The applicant, Crown Castle, is requesting Design Review Approval for the installation of a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the following approximate locations outside of historic districts: **1220 6th Street, 1401 14th Street and 177 Meridian Avenue.**

RECOMMENDATION:

Approval with conditions

SITE DATA:

DRB18-0290 – 1220 6th Street

Legal Description: Latitude – North 25° 46' 32.2", Longitude – West 80° 08' 28.9";
X = 938764.344 Y = 525061.183

DRB18-0291 – 1401 14th Street

Legal Description: Latitude – North 25° 47' 06.7", Longitude – West 80° 08' 36.1"
X = 938047.214 Y = 528534.152

DRB18-0292 – 1777 Meridian Avenue

Legal Description: Latitude – North 25° 47' 37.0", Longitude – West 80° 08' 11.5"
X = 940272.321 Y = 531607.459

THE PROJECT:

The applicant has submitted plans entitled "City of Miami Beach Planning Department, Crown Castle Small Wireless Facilities SFL10239, 1220 6th Street, Miami Beach, FL 33139", "City of Miami Beach Planning Department, Crown Castle Small Wireless Facilities SFL10271, 1401 14th Street, Miami Beach, FL 33139" and "City of Miami Beach Planning Department, Crown Castle Small Wireless Facilities SFL10274, 1777 Meridian Avenue, Miami Beach, FL 33139", as prepared by Crown Castle, dated July 06, 2018.

The applicant is proposing to install a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the following approximate locations: 1220 6th Street, 1401 14th Street and 1777 Meridian Avenue.

COMPLIANCE WITH DESIGN REVIEW CRITERIA:

Design Review encompasses the examination of architectural drawings for consistency with the criteria stated below with regard to the aesthetics, appearances, safety, and function of the structure or proposed structures in relation to the site, adjacent structures and surrounding community. Staff recommends that the following criteria are found to be satisfied, not satisfied or not applicable, as hereto indicated:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
Satisfied
2. 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.
Satisfied
3. 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
4. The color, design, selection of landscape materials and architectural elements of Exterior Building surfaces and primary public interior areas for Developments requiring a Building Permit in areas of the City identified in section 118-252.
Satisfied
5. The proposed site plan, and the location, appearance and design of new and existing Buildings and Structures are in conformity with the standards of this Ordinance and other applicable ordinances, architectural and design guidelines as adopted and amended periodically by the Design Review Board and Historic Preservation Boards, and all pertinent master plans.
Satisfied
6. The proposed Structure, and/or additions or modifications to an existing structure, indicates a sensitivity to and is compatible with the environment and adjacent Structures, and enhances the appearance of the surrounding properties.
Satisfied
7. The design and layout of the proposed site plan, as well as all new and existing buildings 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 contiguous and adjacent Buildings and lands, pedestrian sight lines and view corridors.
Not Applicable
8. 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 all parking spaces are usable and are safely and conveniently arranged; pedestrian furniture and bike racks shall be considered. Access

to the Site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the Site.

Satisfied

9. 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. Lighting shall be reviewed to assure that it enhances the appearance of structures at night.

Not Applicable

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.

Not Applicable

11. 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

12. The proposed structure has 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

13. The building has, where feasible, space in that part of the ground floor fronting a 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 street, or streets shall have residential or commercial spaces, shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of the parking structure from the surrounding area and is integrated with the overall appearance of the project.

Not Applicable

14. The building shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Not Applicable

15. An 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).

Satisfied

16. All portions of a project fronting a street or sidewalk shall incorporate an architecturally appropriate amount of transparency at the first level in order to achieve pedestrian compatibility and adequate visual interest.

Satisfied

17. 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
18. In addition to the foregoing criteria, subsection [118-]104(6)(t) of the City Code shall apply to the design review board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.
Satisfied
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
Not Applicable
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
Not Applicable
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Not Applicable
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
Not Applicable
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
Not Applicable
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
Not Applicable
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
Not Applicable

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

Not Applicable

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Not Applicable

- (10) Where feasible and appropriate, water retention systems shall be provided.

Not Applicable

ANALYSIS

The applicant is proposing to install three (3) telecommunication utility poles within the City's right-of-ways. Having worked closely with staff, the applicant has produced two options for right-of-way infrastructure that conceals DAS nodes; a utility stealth designed pole with an integrated street light and a singular, stand-alone utility stealth designed pole. In this instance, the applicant is proposing to remove the existing street lights to install integrated light poles with light fixtures at the following locations 1220 6th Street, 1401 14th Street and 1777 Meridian Avenue, all of which are located outside of local historic districts..

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.

Staff has met with the design team and has performed site inspections for each of the proposed locations. 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 to not negatively impact the quality of the architectural character or pedestrian experience. A joint effort between the 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.

1220 6TH Street

The applicant is proposing to remove an existing decorative street light pole and install a stand-alone DAS utility stealth pole with an integrated street light. Located on the south side of 6th Street between West Avenue and Alton Road, the proposed DAS utility pole has been designed as a black fluted shaft with a decorative arm to match the style and color of the light poles within the surrounding area. At this particular location, the removal of the existing City light pole and installation of a decorative DAS utility stealth pole with an integrated street light will not result in a net increase of street furniture. Staff believes that the proposed 13" diameter decorative stand-alone pole with integrated street light at this location is the most appropriate solution for this site.

1401 14th Street

The applicant is proposing to remove an existing decorative street light pole and install a stand-alone DAS utility stealth pole with an integrated street light. Located on the northeast corner of 14th Street and Bay Road, the proposed DAS utility pole has been designed as a black fluted shaft with a decorative arm to match the style and color of the light poles within the surrounding area. At this particular location, the removal of the existing City light pole and installation of a decorative DAS utility stealth pole with an integrated street light will not result in a net increase of street furniture. Staff believes that the proposed 13" diameter decorative stand-alone pole with integrated street light at this location is the most appropriate solution for this site.

1777 Meridian Avenue

At this location, the applicant is proposing to remove an existing 'cobra head' street light and install a DAS utility pole with an integrated street light located along the east side of Meridian Avenue, north of eastbound 18th Street, and across from westbound 18th Street. 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 at this location is the most appropriate solution for this site.

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 "stealth") 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 applications be **approved** with conditions, subject to the conditions enumerated in the attached Draft Order, which address the inconsistencies with the aforementioned Design Review criteria and Sea Level Rise criteria.

TRM/JGM/FSC

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DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 04, 2018

FILE NO: DRB18-0292

PROPERTY: Citywide Distributed Antenna System (DAS) Nodes: 1777 Meridian Avenue

APPLICANT: Crown Castle

LEGAL: Latitude – North 25° 47' 37.0", Longitude – West 80°08'11.5"
X =940272.321 Y = 531607.459

IN RE: The Application for Design Review Approval for the installation of a Stealth Distributed Antenna System (DAS) node within the public right-of-1777 Meridian Avenue.

ORDER

The City of Miami Beach Design Review 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. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- 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 is consistent with the Design Review Criteria in Section 118-251 of the Miami Beach Code.
- C. 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 is consistent with Sea Level Rise Criteria in Section 133-50(a) of the Miami Beach Code.
- D. The project would remain consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 - 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. When applicable, the applicant shall continue to explore the best location for the Stealth Distributed Antenna System (DAS) node/pole within the

public-right-of-way to minimize said encroachment in order to limit obstruction within the sidewalk to the greatest extent possible.

- b. 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 Design Review Criteria and/or the directions from the Board.
- c. The applicant shall submit a restrictive covenant agreeing to design, construct and maintain in perpetuity, the DAS utility pole and integrated street light if 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.
- d. 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.
- e. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. No variance(s) were filed as part of this application.

III. General Terms and Conditions applying to both 'I. Design Review Approval and II. Variances' noted above.

- A. The Design Review Board retains jurisdiction so that should any new development or construction adjacent to the approved DAS Node require the removal of this DAS Node, this approval is subject to modification or revocation pursuant to a noticed hearing before the Design Review Board.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. All equipment shall be serviced and maintained by Crown Castle.
- D. 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.

- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 **application** 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, entitled "City of Miami Beach Planning Department, Crown Castle Small Wireless Facilities SFL10274, 1777 Meridian Avenue, Miami Beach, FL 33139", dated July 06,2018, and as approved by the Design Review 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 the approval 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 approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. 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 application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 04, 2018

FILE NO: DRB18-0291

PROPERTY: Citywide Distributed Antenna System (DAS) Nodes: 1401 14th Street

APPLICANT: Crown Castle

LEGAL: Latitude – North 25°47' 06.7", Longitude – West 80°08' 36.1"
X =938047.214 Y = 528534.152

IN RE: The Application for Design Review Approval for the installation of a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the following approximate location outside of historic districts: **1401 14th Street.**

ORDER

The City of Miami Beach Design Review 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. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- 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 is consistent with the Design Review Criteria in Section 118-251 of the Miami Beach Code.
- C. 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 is consistent with Sea Level Rise Criteria in Section 133-50(a) of the Miami Beach Code.
- D. The project would remain consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. When applicable, the applicant shall continue to explore the best location for the Stealth Distributed Antenna System (DAS) node/pole within the public-right-of-way to minimize said encroachment in order to limit obstruction within the sidewalk to the greatest extent possible.
- b. The final design and details of the DAS utility pole with an integrated decorative luminaire arm street lamp shall be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
- c. 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 Design Review Criteria and/or the directions from the Board.
- d. The applicant shall submit a restrictive covenant agreeing to design, construct and maintain in perpetuity, the DAS utility pole and integrated street light if 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.
- 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. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. No variance(s) were filed as part of this application.

III. General Terms and Conditions applying to both 'I. Design Review Approval and II. Variances' noted above.

- A. The Design Review Board retains jurisdiction so that should any new development or construction adjacent to the approved DAS Node require the removal of this DAS Node, this approval is subject to modification or revocation pursuant to a noticed hearing before the Design Review Board.

- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. All equipment shall be serviced and maintained by Crown Castle.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 **application** 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, entitled "City of Miami Beach Planning Department, Crown Castle Small Wireless Facilities SFL10271, 1401 14th Street, Miami Beach, FL 33139", dated July 06,2018, and as approved by the Design Review 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 the approval 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 approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: September 04, 2018

FILE NO: DRB18-0290

PROPERTY: Citywide Distributed Antenna System (DAS) Nodes: 1220 6th Street

APPLICANT: Crown Castle

LEGAL: Latitude – North 25° 46' 32.2", Longitude – West 80° 08' 28.9";
X = 938764.344 Y = 525061.183

IN RE: The Application for Design Review Approval for the installation of a Stealth Distributed Antenna System (DAS) node within the public right-of-way at the following approximate location outside of historic districts: **1220 6th Street.**

ORDER

The City of Miami Beach Design Review 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. Design Review

- A. The Board has jurisdiction pursuant to Section 118-252(a) of the Miami Beach Code. The property is not located within a designated local historic district and is not an individually designated historic site.
- 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 is consistent with the Design Review Criteria in Section 118-251 of the Miami Beach Code.
- C. 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 is consistent with Sea Level Rise Criteria in Section 133-50(a) of the Miami Beach Code.
- D. The project would remain consistent with the criteria and requirements of section 118-251 if the following conditions are met:
 1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:

- a. When applicable, the applicant shall continue to explore the best location for the Stealth Distributed Antenna System (DAS) node/pole within the public-right-of-way to minimize said encroachment in order to limit obstruction within the sidewalk to the greatest extent possible.
- b. The final design and details of the DAS utility pole with an integrated decorative luminaire arm street lamp shall be reviewed and approved by staff consistent with the Design Review Criteria and/or the direction from the Board.
- c. 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 Design Review Criteria and/or the directions from the Board.
- d. The applicant shall submit a restrictive covenant agreeing to design, construct and maintain in perpetuity, the DAS utility pole and integrated street light if 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.
- 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. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.

In accordance with Section 118-262, the applicant, or the city manager on behalf of the City Administration, or an affected person, Miami Design Preservation League or Dade Heritage Trust may seek review of any order of the Design Review Board by the City Commission, except that orders granting or denying a request for rehearing shall not be reviewed by the Commission.

II. Variance(s)

- A. No variance(s) were filed as part of this application.

III. General Terms and Conditions applying to both 'I. Design Review Approval and II. Variances' noted above.

- A. The Design Review Board retains jurisdiction so that should any new development or construction adjacent to the approved DAS Node require the removal of this DAS Node, this approval is subject to modification or revocation pursuant to a noticed hearing before the Design Review Board.

- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. All equipment shall be serviced and maintained by Crown Castle.
- D. 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.
- E. 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.
- F. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- G. 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 **application** 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, entitled "City of Miami Beach Planning Department, Crown Castle Small Wireless Facilities SFL10239, 1220 6th Street, Miami Beach, FL 33139", dated July 06,2018, and as approved by the Design Review 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 the approval 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 approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in

