



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**REGULAR MEETING**

**#14-1384**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** November 4, 2014

**TITLE:** Quasi-Judicial review of Appeal of City Engineer's Denial of Crown Castle  
NG East LLC's Right-of-Way Permit Applications in eight (8) locations

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**Recommendation**

It is recommended that the City Commission analyze the record compiled and decide whether to uphold the City Engineer's denial of the right-of-way permit applications submitted by Crown Castle NG East LLC on May 21, 2014 for right-of-way permits to install cabinets and utility poles at the eight (8) locations or set a public meeting to review the record.

**Background**

On May 21, 2014, the Appellant, Crown Castle NG East LLC, submitted applications to install antennas and ground-mounted cabinets at eight (8) locations mostly within the public rights-of-way of the City of Fort Lauderdale (included as **Exhibits 2-9**). The Appellant is in the business of providing additional capacity to wireless voice and data companies through a Distributed Antenna System (DAS) network. A DAS installation typically consists of a pole-mounted antenna approximately 40' high and an above ground cabinet which varies in height from 4'-6', depending on location. This above ground cabinet is connected to a communications hub through an underground fiber optic network.

On August 18, 2014, a designee of the City Engineer issued a letter formally denying the applications (denial letter included as **Exhibit 10**). Code Sections 25-100.1 provide the regulatory framework for the placement of communications service facilities within the City's rights-of-way (copy of Code Section 25-100.1 included as **Exhibit 19**). The denial letter cited multiple deficiencies in meeting Code Section 25-100.1 of the City Code of Ordinances for each location. It is important to note, denial of any right-of-way permit should be sustained if the Application fails to meet merely one single subsection of Code Section 25-100.1.

Pursuant to Section 25-100.2(a) of the City Code of Ordinances, the Appellant is appealing the City Engineer's decision to the City Commission. An outline of the Procedure for Appeal of Denial of Right-Of-Way Permit is attached as **Exhibit 1**. Copies

of the September 17, 2014 appeal request letters for each location are included in **Exhibits 11-18**.

City staff has reviewed the Appellant's appeal letters submitted on September 17, 2014 for each location. A response to each appeal with details for each application's denial, and an explanation of the outcome of the review of each exemption and denial for each application is included in **Exhibits 11-18**.

Pursuant to City Code Sec. 25-100.2(a) (copy included as **Exhibit 19**), *Appeal* the Commission shall review the record compiled by the department or city engineer and decision by the department or city engineer and upon review thereof shall initially determine if:

- a. There was a departure from the essential requirements of the law in the proceedings appealed; or
- b. Competent substantial evidence does not exist to support the decision.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included in the **Neighborhood Enhancement Cylinder of Excellence**, specifically advancing

- **Goal 5:** Be a community of strong, beautiful, and healthy neighborhoods.
- **Objective 2:** Enhance the beauty, aesthetics, and environmental quality of neighborhoods.

*This item advances the Fast Forward Fort Lauderdale Vision Plan 2035: **We are Community***

Attachments: Exhibit 1 – Procedure For Appeal Of Denial Of Right-Of-Way Permit  
Exhibit 2 – Permit Application 1 – 13-01 Node 60-1 – 1001 SE 20<sup>th</sup> Street  
Exhibit 3 – Permit Application 2 – 13-04 Node 61-1 – 1510 NW 7<sup>th</sup> Street  
Exhibit 4 – Permit Application 3 – 13-05 Node 61-2 – 539 NW 17<sup>th</sup> Avenue  
Exhibit 5 – Permit Application 4 – 13-06 Node 61-3 – 934 NW 16<sup>th</sup> Avenue  
Exhibit 6 – Permit Application 5 – 13-07 Node 62-1 – 891 NW 12<sup>th</sup> Street  
Exhibit 7 – Permit Application 6 – 13-09 Node 62-3 – 1027 NW 10<sup>th</sup> Place  
Exhibit 8 – Permit Application 7 – 13-11 Node 63-1 – 50 NE 13<sup>th</sup> Street  
Exhibit 9 – Permit Application 8 – 13-12 Node 63-2 – 421 NW 12<sup>th</sup> Street  
Exhibit 10 – Right-Of-Way Permit Denial Letter  
Exhibit 11 – Appeal & Response to Application 1 – 13-01 Node 60-1  
Exhibit 12 – Appeal & Response to Application 2 – 13-04 Node 61-1  
Exhibit 13 – Appeal & Response to Application 3 – 13-05 Node 61-2  
Exhibit 14 – Appeal & Response to Application 4 – 13-06 Node 61-3

Exhibit 15 – Appeal & Response to Application 5 – 13-07 Node 62-1  
Exhibit 16 – Appeal & Response to Application 6 – 13-09 Node 62-3  
Exhibit 17 – Appeal & Response to Application 7 – 13-11 Node 63-1  
Exhibit 18 – Appeal & Response to Application 8 – 13-12 Node 63-2  
Exhibit 19 – Code of Ordinances Sections 25-100.1 & 25-100.2  
Exhibit 20 – Resolution Upholding City Engineer Denial  
Exhibit 21 – Resolution To Set *De Novo* Hearing

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