Landmarks Heritage Preservation Commission

MINUTES

Wednesday, February 12, 2020

Public Meeting:
1:30 PM, Room 1210

Omaha/Douglas Civic Center
1819 Farnam Street

Landmarks Heritage Preservation Commission Members: Scott Dobbe – Chair, Joan Fogarty – Vice-Chair, Andrew Conzett, Brian Magee, Regan Pence, Kathryn Aultz, Emma Sundberg, Jaime Suarez and Curt Witzenburg.

Certification of Publication: Omaha Preservation Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Thursday, January 30, 2020 notice re: Landmarks Heritage Preservation Commission meeting on Wednesday, February 12, 2020.

Members Present: Scott Dobbe – Chair
Joan Fogarty – Vice Chair
Kathryn Aultz
Andrew Conzett
Regan Pence
Jaime Suarez
Emma Sundberg

Members Not Present: Brian Magee
Curt Witzenburg

Others Present: Dave Fanslau – Planning Director
Jed Moulton, Urban Design Planning Manager
Ivy Freitag, LHPC Administrator
Jennifer Taylor, Attorney - City Law Department
PJ Butler – Planner
Clinette Ingram, Recording Secretary

Mr. Dobbe called the meeting to order at 1:31 pm. He introduced the Commission members, City staff and explained the procedures for hearing the cases. There were seven members present.

Administrative Items:

Approval of September 11, 2019 Meeting Minutes.

Mr. Conzett moved to APPROVE the meeting minutes. Mr. Pence seconded the motion.

AYES: Aultz, Conzett, Fogarty, Pence, Suarez, Sundberg, Dobbe

MOTION CARRIED: 7-0.
NEW HISTORIC GUIDELINES for SMALL WIRELESS FACILITIES (SWF)

CASE NUMBER: 20-002-H11
APPLICANT: Omaha Planning Department
PROPERTY: Local Landmarks & Historic Districts
REQUEST: Adoption of Standards for Small Wireless Facilities (SWF) in locally designated historic areas.

At the Landmarks Heritage Preservation Commission meeting held on February 12, 2020, Jeff Armour (Verizon Wireless) appeared before the commission. Also in attendance were Emily Milewski (Verizon Wireless) and John Palmtag (Verizon Wireless). Jed Moulton, Ivy Freitag and P.J. Butler appeared on behalf of the Planning Department.

Mr. Moulton presented to the commission a set of guidelines for small cell wireless facilities. In October 2019, the City adopted a series of regulations concerning the new facilities *(Chapter 56 – Telecommunications)* as part of the municipal code. Those regulations included a provision to adopt a supplemental and specialized set of regulations for historic districts. The Planning Department along with the assistance of the Law Department, had recently published the guidelines in an effort to address aesthetic concerns. He believed that reasonable accommodations could be made for the technology and he requested that the commission consider adopting the regulations for locally designated areas in the city. He indicated that a considerable amount of research had been done with regards to the guidelines that were used by other municipalities that are comparable to Omaha.

Ms. Freitag stated that Nebraska Legislative Bill 184 (LB184) permits certain design and concealment measures for qualifying historic sites. She explained that the guidelines that were published on January 22, 2020, made it easier for applicants to understand the objectives and expectations of the City with regards to design and concealment measures. The objective of the guidelines is to choose wireless designs that complement and respect the character defining features of Local Landmark districts, National Register sites, settings and neighborhoods. In addition, the guidelines would remedy unsightly, out-of-character deployments. The Secretary of the Interior’s (SOI) Standards dictate that new onsite features should be as unobtrusive as possible, retain the historic relationship between building(s) and the landscape and be compatible with the historic character of the property.

Ms. Freitag highlighted other cities that had recently adopted guidelines for small cell wireless facilities. The Planning Department used those guidelines, the existing guidelines in the Omaha Municipal Code along with those of the SOI Standards in order to draft the guidelines for the City of Omaha. She displayed various examples of the facilities that had been installed on new and existing poles. She also presented an example of the latest design and concealment options for 5G technology with regards to decorative light poles, basic utility poles, street lights, traffic lights, and poles used specifically for wireless technology. Also shown were examples of seamless designs that did not diminish or compete with their surroundings. She highlighted a small cell wireless facility that had been installed in the Dundee neighborhood. She mentioned that the guidelines included an exemption in cases where there was a conflict with what the technology requires. In those cases the applicant would provide evidence as to why the guidelines could not be met and it could be determined whether additional measures needed to be taken.

Mr. Moulton also requested that the commission grant staff the authority to administratively review and approve the applications that conform to the guidelines and, in turn, staff would present to the commission any cases where the applicant contested the guidelines.
Sara Nelson, President - Dundee-Memorial Park Neighborhood, appeared before the commission in support of the request. She stated that the small cell wireless facility in the Dundee area sat at the intersection of 50th & Underwood. She stated that people were concerned about the appearance of the facility and its effect on their properties and the resale values of their homes. The neighbors supported making the facility more aesthetically pleasing.

In response to Ms. Fogarty, Mr. Butler stated that there were two facilities in the Dundee area and approximately 10 that were proposed but were denied because of the new ordinance that required that applicants meet the guidelines in order to obtain a Certificate of Approval. He explained that most did not provide concealment or camouflage options for the proposed facilities. He added that the new standards would help to provide some direction for applicants. In response to Mr. Dobbe, Mr. Butler stated that out of 300 requests 39 application had been denied as a result of the new ordinance. Most of the facilities that were being installed were being added to new poles that could handle the equipment. Mr. Butler explained that although there were regulations that applied to facilities outside of historic districts, they were minimal.

Jennifer Taylor, Attorney – City Law Department, stated that the guidelines were drafted and published by City staff and could be changed if necessary. She explained that the commission was being advised of what those guidelines were. The commission also had the opportunity to provide input and formally delegate to staff the ability to administratively approve submitted applications for locally landmarked properties and districts that met the guidelines.

Mr. Armour stated that Verizon Wireless had been working closely with the Planning Department in an attempt to preserve the City’s historic areas while meeting the needs of the business. He explained that the facilities were needed to provide cellular connectivity at homes without building several, large macro towers. He stated that the 5G technology was getting smaller and was completely integrated with a radio, shut-off switch and directional antennae. The integrated poles needed to be bigger to shroud the 5G antennae and although it carried more data it would not go through objects very well. That results in more poles being installed to provide acceptable 5G service. He discussed the challenges to find a solution that would be technically feasible for Verizon while respecting historic areas. He explained that the facilities needed to be approximately 300’ – 1000’ apart, depending on how far the signal could travel with obstructions like trees, hills, etc. and the type of radio that could be used. He added that the company was trying not to use historic or decorative poles to install their equipment. He believed that Verizon and the City could continue to collaborate to reach a solution that would work for all parties involved.

Ms. Fogarty expressed concerned that the historic districts had not been notified about the arrival of the new technology in their areas.

Mr. Butler stated that the City could put in place non-discriminatory regulations that did not prohibit the wireless facilities. He further advised that LB 184 stated that those facilities could be up to 3 cubic feet and that carriers could have as many facilities as they determined were needed. Ms. Taylor added that the FCC order and the state bill essentially set the maximum guidelines which restricted what the City could do while allowing the City to create additional guidelines for design standards within historic districts.

Dave Fanslau, Planning Director, mentioned that the telecommunication ordinance had been approved and passed by City Council.
It was mentioned that the ordinance did not retroactively apply to existing facilities, but would go into effect if those facilities were replaced. Ms. Taylor encouraged Verizon to reach out to the various neighborhoods to discuss how the wireless facilities would be installed in those areas. She stated that the guidelines that were being presented would actually help to protect those neighborhoods.

Mr. Conzett moved to APPROVE the adoption of Standards for Small Wireless Facilities in locally designated historic areas and to allow review and administrative approval from Planning Department staff. Ms. Aultz seconded the motion.

AYES: Aultz, Conzett, Fogarty, Pence, Suarez, Sundberg, Dobbe
MOTION CARRIED: 7-0.

CLG GRANT: HISTORIC PRESERVATION GUIDELINES for OMAHA LANDMARKS
CASE NUMBER: 20-003-CLG
APPLICANT: Omaha Planning Department
REQUEST: Endorsement of Proposed FY 2020-2021 CLG (Certified Local Government) Grant Application Project Proposal.

At the Landmarks Heritage Preservation Commission meeting held on February 12, 2020, Jed Moulton and Ivy Freitag appeared before the commission.

Mr. Moulton presented the primary content of what would be included in the grant. He stated that Planning staff was working on illustrated guidelines that would describe the Department of Interior Standards for homeowners and residents that are applicable to their property. There would also be additional information about the review process, how to apply for a Certificate of Approval and other useful information about owning a historic property. He hoped that a consultant could be hired to help with this project. In addition, the grant would include some travel for commission members and staff for education purposes and also funds for miscellaneous supplies.

Ms. Freitag provided examples of Landmark site and district guidelines from other cities (Sydney, Nebraska; Denver, Colorado; Wilmington, North Carolina) that used the Secretary of the Interior’s Standards. She explained that the National Park Service website provides a large amount of information that the average homeowner would have trouble navigating. Planning Staff preferred that illustrations be incorporated into the document to help individuals understand what the standards are. This type of information would help with the development of the Planning Department’s recommendation since staff would be able to direct applicants to specific sections within the guidelines. This would aid in supporting and justifying the Planning Department’s decision on a case. The commission supported the use of a visual guide.

Mr. Pence moved to APPROVE the proposed FY 2020-2021 CLG Grant Applicant. Mr. Suarez seconded the motion.

AYES: Aultz, Conzett, Fogarty, Pence, Suarez, Sundberg, Dobbe
MOTION CARRIED: 7-0.
ELECTION OF OFFICERS:

Mr. Suarez moved to ELECT Mr. Dobbe as Chair of the commission. Mr. Pence seconded the motion.

AYES: Aultz, Conzett, Fogarty, Pence, Suarez, Sundberg, Dobbe

MOTION CARRIED: 7-0.

Mr. Dobbe moved to ELECT Ms. Fogarty as Vice-Chair of the commission. Mr. Pence seconded the motion.

AYES: Aultz, Conzett, Fogarty, Pence, Suarez, Sundberg, Dobbe

MOTION CARRIED: 7-0.

ADJOURNMENT:

It was the consensus of the Board to ADJOURN the meeting at 2:15 p.m.