

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: May 07, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: DRB18-0326
7275 Collins Avenue—North Beach Bandshell

DRB18-0326, 7275 Collins Avenue – North Beach Bandshell. An application has been filed requesting Design Review Approval for the construction of a permanent single-support shade canopy umbrella to the existing open-air outdoor amphitheater.

RECOMMENDATION:

Approval with conditions

LEGAL DESCRIPTION:

A portion of lot 8 being a portion of the original Government Lot 6, bounded on the South by the South line of Government Lot 6, on the North by a line 43 feet South of and parallel to the North right of way line of 73rd Street and its easterly extension, on the East by the Erosion Control line recorded in Plat Book 105, Page 62 and on the West by the East Right-of-Way line of Collins Avenue, recorded in Maintenance Map of State Road No. A-1-A, section 87060, of the Florida Department of Transportation, lying and being in Section 2, Township 53 East, Range 42 South, of the Public Records of Miami-Dade County, Florida.

HISTORY:

The North Beach Bandshell was designed by architect Norman Giller and constructed as an outdoor entertainment space in 1961. In 2014, the Mayor's Blue Ribbon Panel on North Beach Revitalization ("the Panel") identified a number of items, series of events, festivals, fairs and other activities to provide year round programming for the community and to attract visitors to North Beach. To that end, the Panel recommended obtaining a canopy able to cover the audience area of the Bandshell during inclement weather. The intent of the shading canopy is to mitigate the effects of weather and protect attendees at events during storm events and generally encourage use of the facilities for daytime and night time use.

At the November 06, 2018 Design Review Board meeting, the Capital Improvements Projects Division presented the design concept for preliminary review and discussion. The DRB generally favorably endorsed the proposal.

BACKGROUND:

The City is proposing to construct a canopy that will provide shading and shelter from the rain for audiences at the North Beach Bandshell. The Rhythm Foundation, the not-for-profit organization that manages the facility, endorsed a single support canopy (based on their research), as the most viable option to address the varying event needs. In 2015, The Rhythm Foundation began year-round management of the North Beach Bandshell amphitheater for the City of Miami Beach.

SITE DATA:

Zoning: GU (default to RS zoning regulations)
Future Land Use: ROS, Recreation Open Space
Lot Size: 179,500 SF (± 4.12 acres)
Grade: ±5.72' NGVD
Flood: +8.0' NGVD
Difference: +2.28' NGVD
Adjusted Grade: +6.86' NGVD

SURROUNDING PROPERTIES:

East: Beach and Atlantic Ocean
North: Single-story commercial and three-story mixed-use
South: "Burleigh House" 19-story multi-family residential
West: GU surface parking Lot 92

THE PROJECT:

The applicant has submitted plans and renderings entitled "North Shore Bandshell Canopy" by **Giller & Giller, Inc.**, dated March 10, 2019.

The applicant is proposing to construct a single support canopy shade structure—an umbrella—for the existing North Shore Bandshell.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with 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 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 is 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.
Not 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.
Not 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.
Satisfied
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.
Not Applicable
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.
Satisfied
10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not Satisfied
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).
Not 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 satisfied
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).
Not Applicable
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.
Not Applicable
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.
Not Applicable
19. The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.
Satisfied

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.
Satisfied
- (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.
Satisfied
- (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.
Satisfied
- (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.
Satisfied

STAFF ANALYSIS:

The North Shore Bandshell is located within the City's Bandshell Park on Collins Avenue between 72nd and 73rd Streets, adjacent to the beach and the Atlantic Ocean. Built by the renowned Miami Beach architect Norman Giller in 1961, the bandshell was designed as an open-air facility to host a variety of civic and community activities. Comprised of sculptured concrete forms, the bandshell complex is designed as an amphitheater with a central orchestra surrounded by a semi-circular area for seating and a central stage. A high, concrete wall encircles the amphitheater complex and is dotted with sculpted concrete forms, with tower-like curved columns, along its perimeter. The large, curved concrete stage is flanked by two side entrances, each detailed with large cantilevered disc-like canopies rounded towers, and a main gate that is on axis with the stage and enclosed a tower of curved columns.

The new canopy is designed within the round, central space of the midcentury amphitheater. The proposed circular shape not only takes its form from the space it occupies, but also from the existing, disc-like concrete roofs that adorn the side entrances. The proposed canopy is supported by a permanent, two-foot diameter steel column that rises 29'-9", matching the height of the columns that adorn the stage's proscenium. The removable, tensile fabric canopy radiates upwards on a system of steel cables that resemble spokes on a bicycle wheel.

Spanning a full 75'-0" in diameter, the canopy tapers upward from a hub, or steel bale ring, akin to a bicycle rim and spokes to a metal disc for a height of 9'-8", providing a 12'-0" height clearance below the hub. Considering that the total height of the existing stage is just below 30'-0" of visual stage clearance, staff would caution that the overall depth of the canopy, when fully open, may obstruct the view of the stage structure. In order to address this, the City may want to consider exploring a more slender upward-taper of the canopy to allow for increased site viewing lines of the existing structure to ensure minimal theatrical obstruction.

Furthermore, attached to and running along the outside of the central post are the structure's respective drainage and electrical systems. Staff recommends that the architect incorporate the drainage and electrical components into the overall design of the steel column, in a manner that does not compromise its 2'-0" diametric girth and allows for a more appropriate aesthetic appearance for both elements.

The proposed canopy is a straight-forward option to provide coverage for the long-standing North Beach Bandshell. Staff is supportive of the proposed canopy structure and would recommend that the project architect explore the design suggestions herein.

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 Design Review criteria and Sea Level Rise criteria.

TRM/JGM

**DESIGN REVIEW BOARD
City of Miami Beach, Florida**

MEETING DATE: May 07, 2019

FILE NO: DRB18-0326

PROPERTY: **7275 Collins Avenue – North Beach Bandshell**

APPLICANT: The City of Miami Beach

LEGAL: See Exhibit 'A'

IN RE: The Application for Design Review Approval for the construction of a permanent single-support shade canopy umbrella to the existing open-air outdoor amphitheater.

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 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 in Section 133-50(a) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of Section 118-251 and/or Section 133-50(a) 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. If applicable, the final design and details of associated exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
 - b. The final design and details of the canopy structure, including materials and finishes, shall be provided, subject to the review and approval of staff.

- c. Plumbing drain pipes and electrical conduits and junction boxes that service the canopy shall be integrated into the design of the column, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board.
- d. The final material and color of the tensile canopy fabric shall be provided, subject to the review and approval of staff.
- e. Any new terrazzo flooring shall be installed to match the existing flooring.
- f. If feasible, the depth of the tensile canopy, when open, shall be reduced in order to minimize obstructed lines of site to the existing stage structure.
- g. The final design details of the exterior materials and finishes shall be submitted, in a manner to be reviewed and approved by staff consistent with the Design Review Criteria and/or the directions from the Board
- h. 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.
- i. 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 project shall comply with any landscaping or other site improvement and environmental standards as may be prescribed by a relevant analysis by the Environment and Sustainability Department prior to the completion of the project.
- B. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- C. 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.
- D. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- E. Nothing in this order authorizes a violation of 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 "North Shore Bandshell Canopy" by **Giller & Giller, Inc.** dated March 11, 2019, 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 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 application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this _____ day of _____, 20_____.

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
JAMES G. MURPHY
CHIEF OF URBAN DESIGN
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by James G. Murphy, Chief of Urban Design, 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 Design Review Board on _____ ())

Exhibit 'A'

A portion of lot 8 being a portion of the original Government Lot 6, bounded on the South by the South line of Government Lot 6, on the North by a line 43 feet South of and parallel to the North right of way line of 73rd Street and its easterly extension, on the East by the Erosion Control line recorded in Plat Book 105, Page 62 and on the West by the East Right-of-Way line of Collins Avenue, recorded in Maintenance Map of State Road No. A-1-A, section 87060, of the Florida Department of Transportation, lying and being in Section 2, Township 53 East, Range 42 South, of the Public Records of Miami-Dade County, Florida.