

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: September 13, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB22-0530, **Citywide Bus Shelters**.

An application has been filed requesting a Certificate of Appropriateness for the design of citywide bus shelters.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.

BACKGROUND

In October, 2001, an agreement between the City and Clear Channel was executed for Clear Channel to construct, operate and maintain bus shelter structures and associated street furniture within the public right-of-way throughout the City. The agreement provides for commercial advertising on the bus shelter and revenue sharing with the City.

At the December 9, 2015 City Commission meeting, the Commission discussed the need to improve the existing bus shelter design and the desire for bus shelters to include enhancements that promote transit.

On March 9, 2016, the City Commission adopted a resolution accepting the recommendation of the Finance and Citywide Projects Committee (FCWPC) to issue a Request for Proposals for the design of new bus shelters. At the following Commission meeting, on April 13, 2016, the City Commission approved the issuance of a Request for Qualifications (RFQ) for Architectural and Engineering Design Criteria Professional Services for the new bus shelter design. The ACAI Associates team, which includes the design firm of Pininfarina, was contracted by the City on July 19, 2017 for the design of the new bus shelters.

The design team generated four preliminary concepts for the bus shelters that were reviewed and narrowed down to two design concepts for recommendation by the Finance and Citywide Projects Committee (FCWPC) at its December 13, 2017 meeting, and later approved for further development by the City Commission at its January 17, 2018 meeting.

The two final shelter concepts were presented at West Avenue Neighborhood Association and Middle Beach Neighborhood Association in early February of this year and both concepts received similar number of favorable votes.

At the March 7, 2018 City Commission Meeting, the City Commission selected the primary design concept for further design development. Once the design process is completed, the City will

procure a new contractor to fabricate, install, operate, and maintain the new bus shelters in the City, including advertising components.

On October 2, 2018, the design of the bus shelters was approved by the Design Review Board and approved by the Historic Preservation Board on October 9, 2018.

BACKGROUND UPDATE SINCE PRIOR DRB AND HPB APPROVAL

On August 7, 2019, following City Commission approval of the ACAI/Pininfarina bus shelter design, the City issued Request For Proposal (RFP) No. 2019-306-KB for the construction, operation, and maintenance of the new bus shelter design. The RFP required proposers to submit proposals based on the approved ACAI/Pininfarina bus shelter design. No responses to the RFP were received. The primary reason some proposers cited for declining to submit a proposal was the high manufacturing/construction cost of the ACAI/Pininfarina design. City staff held meetings with a number of firms in the bus shelter industry to better understand any design-related concerns or other impediments, which may have resulted in the City not receiving any responses to the RFP. The issue of the high cost of the ACAI/Pininfarina design was, once again, the primary concern expressed. Based on industry feedback, City staff worked with the ACAI/Pininfarina team and amended the bus shelter design value engineering modifications to reduce the cost of manufacturing and construction without impacting the aesthetic design. Based on industry feedback, the Administration determined that issuing a new solicitation that provided flexibility for prospective bidders to bid on the ACAI/Pininfarina design, or suggest an alternative bus shelter design, would be in the best interest of the City.

On September 16, 2020, the Mayor and City Commission authorized the issuance of Invitation to Negotiate (ITN) 2020-239-KB for Revenue Sharing Agreement for the Design, Construction, Operation, and Maintenance of Bus Shelters and Other Street Furniture with the goal of negotiating an agreement that resulted in new and improved bus shelters and revenue to the City.

On October 21, 2020, the City issued the ITN. The ITN allowed bidders to bid on the previously developed ACAI/Pininfarina bus shelter design or suggest an alternative bus shelter design, with all costs related to design, construction, and installation of the new bus shelters and other street furniture to be the responsibility of the successful bidder. ITN responses were due and received on January 7, 2021. The City received one proposal from OUTFRONT MEDIA GROUP, LLC. (OUTFRONT).

On September 17, 2021, the Mayor and City Commission adopted Resolution No. 2021-31853, approving the Agreement with OUTFRONT for the construction, installation, operation and maintenance of bus shelters at designated locations within the City pursuant to Invitation to Negotiate (ITN) No. 2020-239-KB.

The Design Review Board is scheduled to review the current application on September 6, 2022.

EXISTING SITES

Local Historic District: Multiple, citywide

THE PROJECT

The applicant has submitted plans entitled "City of Miami Beach ITN 2020-239-KB" by Outfront, dated July 8, 2022.

COMPLIANCE WITH ZONING CODE

The application for Certificate of Appropriateness, as submitted, appears to be consistent with the requirements of the City Code.

This 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.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the proposed bus shelters is **consistent** with the Future Land Use Map of the Comprehensive Plan.

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 Satisfied
A recycling plan has not been submitted.
- (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) Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 126 of the City Code.
Not Applicable
- (5) The project applicant shall consider the 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. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.
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 and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.
Not Applicable
- (7) In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.
Not Applicable

- (8) Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.
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) In all new projects, water retention systems shall be provided.
Not Applicable
- (11) Cool pavement materials or porous pavement materials shall be utilized.
Satisfied
- (12) The project design shall minimize the potential for a project causing a heat island effect on site.
Satisfied

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Not Applicable
 - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. Exterior architectural features.
Satisfied
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Satisfied

- d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied
 - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Not Applicable
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Applicable
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. 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
 - b. 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
 - c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Satisfied
 - d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces 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 preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied
- f. 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 any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.
Satisfied
- g. 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 and consistent with a City master plan, where applicable.
Satisfied
- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.
Satisfied
- i. 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.
Satisfied
- j. Any proposed new structure shall have 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
- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, 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 sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.
Not Applicable

- I. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
Not Applicable
- m. Any 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
- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied
- o. 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

ANALYSIS

The Transportation and Mobility Department has submitted a new application for a Certificate of Appropriateness for the design of a bus shelter prototype to replace the existing bus shelters at various sites throughout the City. The Background section of this report provides a thorough history of the approval process and the reasons for this current application, which is primarily due to the high cost of the most recently approved design.

The need to replace the current bus shelters, which have been in place for around 20 years, dates back to 2015, when the City Commission discussed the need to improve the existing bus shelters and to include enhancements that would promote transit. The Transportation Department noted that the existing shelters have several deficiencies that include minimal protection from the elements, high cost of installation/removal, incompatible with technologies for Intelligent Transportation Systems (ITS) and Real-Time Transit Information, insufficient number of facilities that do not meet the transit demand for the city, nor promote the use of transit, and right-of-way constraints with the existing design.

Pursuant to the current Agreement, OUTFRONT is tasked with developing a new bus shelter design within 18 months from the commencement date to be presented to the City Commission for approval. The Agreement will result in the installation of premium bus shelters and bus stop amenities citywide (minimum of 200 and maximum of 250 bus shelters and ETA signs, 100 bicycle racks, and up to 100 bus benches).

Over the past few months, OUTFRONT has been working closely with the city staff to develop a new bus shelter design. During the process, alternative design and engineering approaches were taken to develop a design concept that is in line with the City's original design developed by ACAI/Pininfarina while reducing fabrication cost to maximize the total number of bus shelters to be installed under the Agreement. It is important to note that the original design developed by ACAI/Pininfarina was determined not to be financially viable.

On May 4, 2022, the City Commission via Resolution 2022-32156 approved, in concept, the bus shelter design attached to this application. The goal of the design is to create an attractive bus shelter equipped with advertising (digital or static), security camera (only at key locations), digital

ETA sign, passenger seating, and security lighting at every bus stop in the city. This is a significant improvement over the current conditions wherein only one third of all bus stops in the City have a bus shelter.

Although the overall design has been simplified for cost savings, the shelters still include the following, as previously recommended by both the HPB and DRB:

- The inclusion of small temporary shelter to be equivalent to the 10'-3' minimal shelter type.
- Photovoltaic System (BIPV) for the roof with integrated translucent or transparent PV cells.
- The shelter seating has been redesigned to include fixed, ergonomic singular and two-person benches. The seating is designed as monolithic volumes with contouring and a low back rest to provide orthopedic seating.
- The design has removed the differentiated paving around the shelter but will retain the paving marker of a solid white line to identify the shelter area.
- The rear glass back panel of the shelter has been modified to not span the entirety the shelter to allow for front to back movement.

While the prior shelter design included a more transparent glass roof of various colors, this would result in excessive heat and likely render the shelters unbearable to stand or sit under for most of the year. The current design includes an option for a polycarbonate/resin roof, which can be more opaque and block nearly all UV rays, while still allowing some light passage. Staff is fully supportive of this option.

The modular nature of the design allows for the bus shelter to be installed at multiple sites throughout the city while retaining a singular architectural identity. The current design includes three shelter types. These types include an enhanced shelter that is installed at major transfer points with high numbers of users; a standard shelter; a minimal shelter to be installed at site with low ridership, narrow right-of-ways, or adjacent to single family residential areas.

RECOMMENDATION

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Order.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: September 13, 2022

PROPERTY/FOLIO: Bus Shelters - Citywide

FILE NO: HPB22-0530

APPLICANT: City of Miami Beach

IN RE: An application has been filed requesting a Certificate of Appropriateness for the design of citywide bus shelters.

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 proposed bus shelters are located within multiple local historic districts.
- 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 consistent with Certificate of Appropriateness Criteria in Section 118-564(a)(3) of the Miami Beach Code.
- C. The project would remain consistent with the criteria and requirements of section 118-564 and 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. The final design and details of all exterior lighting shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

Meeting Date: September 13, 2022

- b. The final design, including materials and finishes for the proposed shelters shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- c. The final design, including materials and finishes, for all right-of-way furniture shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- d. The final design, including finishes and colors of right-of-way concrete and pavement markings associated with the shelters shall be subject to the review and approval of the Planning Department and the Transportation and Mobility Department.
- e. The final design, including materials and finishes, of the digital display ad panels shall be subject to the review and approval of the Planning Department and the Transportation and Mobility 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)

- A. No variances have been applied for 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 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.
- B. The issuance of a building permit is contingent upon meeting Public School Concurrency requirements, if applicable. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed. No building permit may be issued unless and until the applicant obtains a written finding from Miami-Dade County Public Schools that the applicant has satisfied school concurrency.

Meeting Date: September 13, 2022

- C. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- D. Where one or more parcels are unified for a single development, the property owner shall execute and record a unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- E. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- F. 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.
- G. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- H. 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.
- I. 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.
- J. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- K. 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.
- L. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

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 ITN 2020-239-KB**" by **Outfront**, dated **July 8, 2022**, as 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 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____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
DEBORAH TACKETT
HISTORIC PRESERVATION & ARCHITECTURE OFFICER
FOR THE CHAIR

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

The foregoing instrument was acknowledged before me this _____ day of

_____ 20__ by Deborah Tackett, Historic Preservation & Architecture Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. She 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 Historic Preservation Board on _____ ()

