

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Design Review Board

TO: DRB Chairperson and Members

DATE: November 1, 2022

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: DRB22-0863
Bus Shelters - Citywide

DRB22-0863, Bus Shelters – Various location in the public right-of-way, city-wide. An application has been filed requesting Design Review Approval for the installation of new bus shelters in various locations throughout the city.

Recommendation:

Approval with conditions

BACKGROUND:

In October of 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 ridership.

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 premier design firm of Pininfarina, was contracted by the City on July 19, 2017 for the design of the new “iconic” bus shelters.

The design team generated four (4) preliminary concepts for the bus shelters that were reviewed and narrowed down to two (2) 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 2018 and both concepts received similar number of favorable votes.

Ultimately, at the March 7, 2018 City Commission Meeting, the City Commission selected the primary design concept for further design development. The City has also procured a new

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

On July 3, 2018, the Design Review Board (DRB) reviewed the proposed design for the City Wide Bus Shelters and continued the application to the October 2, 2018 meeting to address design concerns with specific direction to some fundamental elements.

On October 2, 2018, the Design Review Board approved the application.

On October 9, 2018, the Historic reviewed and approved the new bus shelters.

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.

On September 6, 2022, the Design Review Board reviewed the latest proposal for the bus shelters and continued the application to a date certain of November 1, 2022.

The Historic Preservation Board reviewed and approved the current application on September 13, 2022.

THE PROJECT:

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

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.
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.
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.
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.
Satisfied
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).

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.

Not Satisfied; see below

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 shall be provided as part of the submittal for a demolition/building permit to the building department.

- (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.

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.

Not Applicable

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

Satisfied

- (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 Satisfied

STAFF ANALYSIS:

The Transportation and Mobility Department has submitted a new application for Design Review approval 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, goes 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, 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 DRB and HPB:

- 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.

November 1, 2022 Update

At the September meeting the Board expressed concerns with the details of the bus shelters, including the materials proposed for the roof and the seating, and requested that a full-size mockup be constructed for review. While a full size mockup was not able to be constructed in the short timeframe, as requested by the Board, a small model of the shelters will be presented at the November meeting, along with material samples of the proposed roof and benches. An updated presentation will also be provided at the meeting. It is also important to note that the Historic Preservation Board reviewed and approved the revised design of the bus shelters on September 13, 2022.

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.

DESIGN REVIEW BOARD
City of Miami Beach, Florida

MEETING DATE: November 1, 2022

FILE NO: DRB22-0863

PROPERTY: **Bus Shelters - Citywide**

APPLICANT: The City of Miami Beach

IN RE: The Application for Design Review Approval for installation of new bus shelters in various locations throughout the city.

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 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 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. 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 Design Review Criteria and/or the directions from the Board.
 - b. The final design, including materials and finishes for the all proposed shelters shall be provided, subject to the review and approval of the Planning Department and the Transportation and Mobility Department.
 - c. The final design, including materials and finishes, for the all right-of-way furniture shall be provided, and shall include graffiti resistant

materials/coatings, subject to the review and approval of the Planning Department and the Transportation and Mobility Department

- 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.
- 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. 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 Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- B. 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.
- C. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- D. 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 "City of Miami Beach ITN 2020-239-KB" by Outfront, dated July 8, 2022., 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: _____

DESIGN REVIEW BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael Belush, AICP
Chief of Planning and Zoning
For Chairman

Filed with the Clerk of the
Design Review Board on _____ ()