



MIAMI BEACH

PLANNING DEPARTMENT

DESIGN REVIEW BOARD STAFF REPORT

FROM: Richard G. Lorber, AICP, LEED AP
Acting Planning Director *WAC for RGL*

DATE: November 6, 2012 Meeting

RE: Design Review File No. 22935
Citywide – Clear Channel Bus Shelter Modifications

The applicant, Clear Channel Outdoor, is requesting Design Review Approval for modifications to existing bus shelters throughout the City, including the installation of digital advertising.

HISTORY:

In 2002 both the Historic Preservation Board and the Design Review Board reviewed and approved the installation of bus shelters and other miscellaneous street fixtures and furniture in various locations throughout the city.

THE PROJECT:

The applicant has submitted plans entitled "City of Miami Beach Digital Bus Shelter & Free Standing Display Presentation", as prepared by Clear Channel Outdoor, dated September 2012.

ACCESSIBILITY COMPLIANCE:

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, section 11 (Florida Accessibility Code for Building Construction.) The above noted comments shall not be considered final accessibility review or approval. These and all accessibility matters shall require final review and verification by the Building Department 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.

Not Satisfied; See Staff Analysis and Concern No. 1
Exact locations of the interactive displays have not been provided

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.
Not Applicable
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; See Staff Analysis and Concern No. 1
Without the incorporation of a substantial public benefit, such as also permanently displaying real-time bus arrival times, the disadvantages of the digital bus shelters outweigh the advantages of the present shelters. The design of the interactive displays requires further development and redesign to be compatible with the character of Miami Beach.
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; See Staff Analysis and Concern No. 1
See No. 5 above.
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.
Not Applicable
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.

Not Satisfied; See Staff Analysis and Concern No. 1

The ability to control or limit hours of operation is required in order to ensure that there are no negative impacts from the digital displays on adjacent properties, in particular residential properties.

10. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall Site Plan design.
Not Applicable
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 Applicable
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

STAFF ANALYSIS:

Staff must preface this analysis by noting that, because the proposed fixtures are installed city-wide, any modifications to the existing bus shelters must be approved by both the Historic Preservation Board (HPB) and the Design Review Board (DRB). As indicated when the bus shelters were initially reviewed and approved by both Boards, the advertising was necessary to fund the project and the ad panels are an industry-wide standard size which cannot be deviated from without significant expense and effort. The applicant, Clear Channel, is now requesting to replace the existing advertising panels with digital panels in order to allow advertizing which would change every eight (8) seconds.

The following are advantages of the existing bus shelter design and static advertising displays:

1. The bus shelter includes its own solar collector on the roof and the illumination is completely self-contained, not requiring mains power.
2. The existing shelters are well designed and attractive.
3. They are environmentally friendly 'green' structures, generating their own power.
4. The existing static, illuminated advertising is non-distracting to passing motorists and minimally impactful to adjacent properties.

The following are disadvantages of the proposed digital panels:

1. The energy source for the digital display is not self-contained, requiring connection to City provided power.
2. The mains powered digital display presents logistic issues in locating and providing power, which may include damage or removal and replacement of sidewalk portions.
3. The existing solar energy panels will have to be removed from the roof of the shelters, which could cause damage to these cast terrazzo structures.
4. The mains powered digital displays are a step backwards by removing the environmentally friendly green' aspect of the current design.
5. Much greater potential for driver distraction, visual clutter, and image "overload" comes with additional advertising that changes every few seconds.
6. The design of the digital display system opens the possibility of full video advertising on the bus shelters in the future, which could be even more distracting and problematic.
7. Potentially longer repair times for the displays due to random vandalism or storm damage.

Staff believes that as currently designed, the bus shelters and static advertising displays are very successful and efficient, and that only Clear Channel might stand to greatly benefit from the digital panels, at the expense of our urban environment. Outside of Clear Channel's indication to provide public notices, such as Amber Alerts, staff sees no compelling benefit to the City or its residents for the proposed digital advertising panels.

However, staff believes that if a substantial public benefit can be permanently incorporated into the digital displays, such as providing a split screen that shows real time arrival times for all buses utilizing the stop, then switching to a digital display system may be warranted, provided that the operating hours for the changing advertising display for each bus shelter can be carefully regulated by the City. Staff would recommend, however, that changing digital advertising not be located within any residential zoning districts and also not facing any residential buildings, regardless of the district they are located within. The ability to regulate the

intensity of the displays as well as the timing of the advertising should also be required, if digital displays are to be allowed.

The applicant is also requesting to install interactive displays in as of yet undetermined locations. In reviewing this proposal, staff is concerned with the base design, which appears obtrusive and foreign to the rectangular display that it supports. While concerned with any added street furniture which increases clutter and obstructions along the public sidewalks, if the City Commission determines that the public value outweighs the inconvenience, staff would recommend that the pedestal be redesigned and simplified in a manner commensurate with the character of Miami Beach, and that all proposed locations for such interactive displays be subject to Planning staff review and approval.

In light of the concerns and issues raised above, staff would recommend that the Board provide comments and feedback and continue the application to a future date. This would also allow the Board to be informed of the comments given by the Historic Preservation Board, which is scheduled to review the application on November 13th, 2012.

RECOMMENDATION:

In view of the foregoing analysis and the inconsistencies with the aforementioned Design Review criteria, staff recommends the application be continued to a date certain of January 8, 2012, in order to address the following concerns:

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The operation of the system shall be re-evaluated to include a split screen that shows real time arrival times for all buses utilizing the stop.
 - b. Digital advertising shall not be located within any residential zoning districts and also not facing any residential buildings.
 - c. Limits on the hours of operation shall be established by the City, depending on the location of the display and the surrounding buildings and uses.
 - d. The City shall reserve the right and ability to regulate the intensity of the displays as well as the "change" timing of the advertising.
 - e. The pedestal of the Interactive Displays shall be redesigned and simplified in a manner to be reviewed and approved by Planning staff.
 - f. The location, including exact placement and orientation of the digital displays shall be provided, in a manner to be reviewed and approved by Planning staff.
 - g. Limitations on the type of appropriate advertising, such as restricting advertisement of alcohol, or restricting types of advertisements during certain hours, shall be considered for review.
 - h. The existing solar energy panels shall be carefully removed from all existing Clear Channel bus shelters and any damage to the terrazzo roof structures shall be repaired by Clear Channel.

2. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
3. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
4. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as any modifications approved or required by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
5. 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.
6. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
7. 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.