

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, SEPTEMBER 8, 2008
*1:30 P.M.

*The Regular Meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Arts at approximately 2:40 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Chairman M.J. Mike Arts
Vice Chairman Bill Hager
Commissioner Peter R. Baronoff
Commissioner Susan Haynie
Commissioner Susan Whelchel

Also attending the meeting were:

Boca Raton City Manager Leif J. Ahnell
Boca Raton City Attorney Diana Grub Frieser, Attorney to the Agency

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

Motion was made by Commissioner Baronoff, seconded by Vice Chairman Hager, to approve the agenda as presented. Motion carried unanimously on a voice vote; Chairman Arts, Vice Chairman Hager, Commissioners Baronoff, Haynie and Whelchel voting yes.

MINUTES:

Minutes of the Regular Meeting of August 25, 2008

Motion was made by Commissioner Whelchel, seconded by Vice Chairman Hager, to approve the minutes as presented. Motion carried unanimously on a voice vote; Chairman Arts, Vice Chairman Hager, Commissioners Baronoff, Haynie and Whelchel voting yes.

REGULAR BUSINESS - PART I - QUASI-JUDICIAL & RELATED PUBLIC HEARINGS:

There were no items for consideration.

PUBLIC REQUESTS:

Lenore Wachtel indicated opposition to the proposed downtown plan, advising that she was very concerned that the guidelines would not be followed, stating that architects and developers will always try to get as much as they can on a parcel. She then referred to comments made at the workshop meeting regarding Board member attendance and suggested the City implement a study of average attendance at Board meetings.

REGULAR BUSINESS - PART II – RESOLUTIONS AND REGULAR PUBLIC HEARINGS:

1. Resolution No. 2008-10-CRA

A resolution of the Boca Raton Community Redevelopment Agency recommending changes to the Amended Downtown Plan inserting additional architectural design policies allowing, in certain cases, an increase in height for a portion of the buildings/site to a maximum height with modifications to the building setbacks, contingent upon satisfaction of specified criteria, and related policy amendments; providing for severability; providing for repealer; providing an effective date (SC-08-05)

Robert George, Special Projects Director, gave the PowerPoint presentation, explaining that this resolution provides for a height amendment to the Downtown Plan, consistent with the Boca Raton Master Plan Update and the Downtown Boca Raton Interim Guidelines. Both reports propose a system to provide additional height with no increase in intensity in order to supply improved linkages and improved building design and articulation of buildings. Mr. George then reviewed Architectural Design Policy 1.2, which limits the height of buildings to not more than 100 feet, or more than nine stories, with appropriate distances from residential dwellings outside the redevelopment area. Architectural Design Policy 1.2.A. improves the articulation of buildings, modifies setbacks and strengthens pedestrian linkages. Up to 33% of the overall building footprint on a site may be granted, up to 40 feet of additional height, to a maximum of 140 feet. However, up to 50% of the overall building footprint may be approved, if necessary to achieve consistency with this plan. Mr. George explained that the 50% language was added after discussions with the Downtown Advisory Committee. He stated that height would be increased only by the amount necessary to achieve the goals listed in the master plan update and the interim guidelines.

In order to obtain additional height, three objectives must be achieved: 1) the height increase does not result in development on the site greater than would have been approved on the site under the regulations and design guidelines in the downtown as of July 21, 2008 (the date Urban Design Associates provided the CRA with the proposal); 2) the height increase is accompanied by an equivalent reduction of building height on the site (if one portion of the building goes up, another portion must go down below 100 feet); and 3) the height increase is directly related to improved articulation of buildings on the site and creation of a continuous, interconnected network of pedestrian-oriented streets and public spaces throughout the downtown, generally consistent with the master plan update and the interim design guidelines. In conclusion, this resolution would provide enabling legislation that the CRA might consider, at a later date, a DRI amendment implementing detailed provisions for this tradeoff.

Mr. George and Mr. Ahnell then answered questions from Agency members. Information was provided in regard to the demarcation area and property values. It was noted that square footage would not be increased; the space would simply be reconfigured in an attempt to benefit the public with improved articulation and linkages. Additional research and analysis was still being conducted by Urban Design Associates at this time. Mr. Ahnell added that those downtown areas backing up to residential areas would be studied differently than the areas in the core of downtown.

Glenn Gromann, Vice Chair of the Downtown Advisory Committee, voiced support of the resolution.

Michelle Bellisari, Chair of the Downtown Advisory Committee, read a letter to CRA members from the Committee regarding implementation of short-term downtown projects and delineated a list of same. She advocated public/private partnerships/investments to build in the downtown and urged the CRA to move forward with the named projects as quickly as possible.

Charles Siemon, of Siemon & Larsen, suggested a modification to the ordinance, specifically, he advocated adding language to allow an additional 10 feet above the 140 feet only when the first floor of the building has a minimum height of 18 feet and a penthouse of 14 feet.

Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Commissioner Baronoff, seconded by Vice Chairman Hager, to approve Resolution No. 2008-10-CRA. Motion carried unanimously; Chairman Arts, Vice Chairman Hager, Commissioners Baronoff, Haynie and Whelchel voting yes.

2. Resolution No. 2008-11-CRA

A resolution of the Boca Raton Community Redevelopment Agency recommending changes to the Amended Downtown Development Order adding quality downtown development regulations and related definitions; providing for severability; providing for repealer; providing an effective date (SC-08-06)

Robert George, Special Projects Director, gave the PowerPoint presentation, advising that this resolution takes what was recommended in the downtown plan and implements more detailed regulations for the process of additional height and improved building design; it is consistent with the downtown plan amendment, which was just approved. The purpose of the resolution is to improve the design of downtown development projects, resulting in improved articulation of buildings and creation of a continuous, interconnected network of congenial, pedestrian-oriented street and public spaces throughout downtown. These regulations would enable the CRA to approve additional building height based upon the following requirements: 1) a site specific study with no increase in intensity, 2) a reduction in height in other portions of the building or buildings on the site for every height increase above 100 feet, 3) improved building articulation and design, and 4) improved linkages.

Project criteria was then reviewed, as was the demarcation area, which runs from Dixie Highway on the west to Mizner Boulevard on the east; 8th Street on the north, and south along Mizner Boulevard to a point 500 feet east of Federal Highway. This area also includes Via Mizner, down Camino Real and back to Dixie Highway.

Mr. George explained that the resolution provided for limited additional height, specifically, 40 feet for a total of 140 feet with a maximum of 12 stories. He stated that normally this would be provided on 33% of the footprint of the building, thereby resolving any design and/or articulation problems and providing proper linkages. However, in some cases, up to a maximum of 50% could be approved if it was really necessary to meet the standards desired for the linkages, articulation of buildings, and improved building design. In order for the Agency to grant the limited additional height, the CRA must find that the project meets certain requirements: 1) the height increase does not result in development on the site greater than would have been approved on the site under the regulations and design guidelines in the downtown as of July 21, 2008 (the date Urban Design Associates provided the CRA with the proposal); 2) the height increase is accompanied by an equivalent reduction of building height on the site (if one portion of the building goes up, another portion must go down below 100 feet); 3) the height increase is directly related to improved articulation of buildings on the site and creation of a continuous, interconnected network of pedestrian-oriented streets and public spaces throughout the downtown generally consistent with the master plan update and the interim design guidelines (for example, increased setbacks to provide more room for pedestrian amenities and public space), and 4) all development is consistent with the downtown quality development guidelines and regulations. For instance, regarding the last requirement, Mr. George explained that the guidelines do not allow for a parking structure adjacent to a major public street or major public open space without having an active use.

In conclusion, these regulations would provide for additional height without intensifying the site in order to improve the design and articulation of buildings and create a continuous, interconnected network of congenial, pedestrian-oriented streets and public spaces. Mr. George concluded his presentation and answered questions from the Agency.

Glenn Gromann, Vice Chair of the Downtown Advisory Committee, voiced support of the resolution. He then referred to the amendment proposed by Mr. Siemon during the prior public hearing and spoke to the implementation language in the current resolution, advising that there is an ability to address mechanical issues with regard to additional height.

Charles Siemon, of Siemon & Larsen, clarified that he was concerned with habitable space and advocated the modification he requested in the previous public hearing, increasing height. He then spoke

to text found in this resolution regarding non-habitable space, major public streets, and, in particular, Section 5(d), and suggested language he felt was appropriate.

Lenore Wachtel opposed any increase in height. She suggested lowering parking requirements for restaurants on the ground floor and then made additional suggestions as to how to make the two-block downtown area between Mizner Park and Palmetto Park Road and Sanborn Square and Mizner Boulevard, more like downtown Delray Beach by, possibly, using special assessment dollars.

Derek Vander Ploeg concurred with Mr. Siemon and provided commentary related to height and mixed-use development, as well as the interim and final design guidelines.

Seeing no one else come forward to speak, the public hearing was closed.

Motion was made by Commissioner Baronoff, seconded by Commissioner Whelchel, to approve Resolution No. 2008-11-CRA. Motion carried unanimously; Chairman Arts, Vice Chairman Hager, Commissioners Baronoff, Haynie and Whelchel voting yes.

Chairman Arts asked staff to take under advisement the comments made during the public hearing, related to parking and height, and prepare a comparison of the pros and cons. It was noted that this information would be brought forward to the City Council for consideration.

OTHER BUSINESS:

There were no items for consideration.

DIRECTOR'S REPORT:

3. CRA Proposed Budget for FY 2008-09

Mr. Ahnell advised that Agency members had previously received copies of the proposed budget. He provided the date for the final budget hearing, which is scheduled for Wednesday, September 24, 2008, and made himself available for questions.

Chairman Arts stated that, due to the difficult times being faced by merchants, the CRA should provide some extra help to the downtown. He referred to an item in the proposed budget, Section 2, Page 3, entitled, "Downtown Special Events – 2007," and stated that the CRA had allocated \$20,000 last year; however, there were no dollars proposed for 2008. Therefore, he suggested changing the title to, "Public Relations, Event Promotion and Image Coordination," and allocating \$50,000 for 2008. He also suggested hiring a public relations firm to handle various issues, including public relations, event promotion, and image coordination, advising that he would like to have a consensus from Agency members before the final budget hearing.

The topic of funding was broached; Chairman Arts suggested it could come out of reserves. Mr. Ahnell advised that staff would review same. Discussion ensued regarding Agency members having input as to the types of events and how this item would be funded. The City Manager explained that there was no money in that particular line item this year because the CRA decided to take out those funds; instead of funding small projects, the CRA would help to fund larger-scale events.

ATTORNEY'S REPORT:

The City Attorney had no reports at this time.

COMMISSIONERS' REPORTS:

Council Member Haynie referred to Second Street, adjacent to the Boca Grande building, advising that an armored car with advertising on it has been parked in the same space for months. Noting that the car

was probably not operable, it appeared that a business was using it for additional advertising. She asked that Code Enforcement look into it.

ADJOURNMENT:

Motion was made by Commissioner Baronoff, seconded by Vice Chairman Hager, to adjourn the meeting. Motion carried unanimously on a voice vote; Chairman Arts, Vice Chairman Hager, Commissioners Baronoff, Haynie and Whelchel voting yes.

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 3:35 p.m., Monday, September 8, 2008.

M.J. Mike Arts, Chairman

ATTEST:

Sharma Hagerty, City Clerk