

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, JULY 24, 2006
*1:30 P.M.

*The Regular Meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Baronoff at approximately 2:07 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Chairman Peter R. Baronoff
Vice Chairman M.J. Mike Arts
Commissioner Steven L. Abrams
Commissioner Bill Hager
Commissioner Susan Whelchel

Also attending the meeting were:

CRA Executive Director Jorge Camejo
Boca Raton City Manager Leif J. Ahnell
Boca Raton City Attorney Diana Grub Frieser, Attorney to the Agency

MINUTES:

Minutes of the Regular Meeting of June 12, 2006

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

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

1. DDRI IDA No. CRP-06-01

An Individual Development Approval of the City of Boca Raton Community Redevelopment Agency to allow a mixed use development that includes residential, hotel, retail and office uses with parking garages, with technical deviations from Chapter 23 related to driveway design, turn lane requirements, and on-site circulation, including a conversion of uses within a subarea for the property generally located at 890 South Federal Highway

a. Resolution No. 2006-09-CRA

A resolution of the Boca Raton Community Redevelopment Agency recommending approval of a Notice of Proposed Change (NOPC); said NOPC providing for the reallocation of uses in Subarea E that may be transferred or converted such that the allocation may be reduced by no more than ninety percent (90%); providing for severability; providing for repealer; providing an effective date

Chairman Baronoff advised that this was a quasi-judicial public hearing; the City Clerk administered the oath to those who indicated they wished to speak. Under ex parte disclosures, Chairman Baronoff, Vice Chairman Arts and Commissioner Hager advised that they had spoken with Mitch Kirschner, Mark Ginsheimer, and Derek Vander Ploeg; Commissioner Whelchel advised that she spoke with Mitch Kirschner and Mark Ginsheimer; Commissioner Abrams indicated that he had previously submitted his disclosures.

CRA Executive Director Jorge Camejo explained that this was a request for Individual Development Approval (IDA) for the project known as Via Mizner, noting that this would be a redevelopment of a redevelopment that had been approved in 1988. A Notice of Proposed Change (NOPC) was also being requested; however, the presentation would focus first on the IDA.

DDRI IDA No. CRP-06-01

The requested IDA would allow for 118 hotel rooms, 192 dwelling units, 67,335 square feet of office space, and 70,642 square feet of retail of which 19,900 square feet would be for restaurant use. In addition, five technical deviations were being sought and a conversion of uses within the subarea, which is what triggered the need for the NOPC.

An aerial view of the property was reviewed, as was acreage, zoning, and land use designation. Mr. Camejo identified existing buildings and surrounding properties and roads before reviewing the site plan. Access points and hotel and office buildings were outlined in detail; it was noted that a proposed bank facility is part of the approval. Mr. Camejo reviewed elevations, advising that a significant amount of light and air was evident with sufficient breaks in building mass, thereby eliminating a "canyon" effect. Attention turned to the retail component, which would be constructed in the form of arcades running along Federal Highway, potentially increasing pedestrian activity and improving the dynamics of the downtown. The residential component would be built above the retail space.

Mr. Camejo reviewed the proposed Camino Real median improvements, advising that they were in keeping with Addison Mizner's original vision of a canal running along Camino Real. He advised that this feature would look very similar to the fountain element located in Palm Beach along County Road, adjacent to their City Hall. Various artists' renderings were then shown reflecting the proposed components. Information on open space, parking spaces and the three proposed parking garages, including entry and exit points, were provided. Attention focused on the proposed Automatic Parking System (APS), which works like a conveyor belt. Mr. Camejo explained that each parking slot is assigned a number; when that number is typed into a computerized system, it brings the car back to the transfer location. He advised that this system is used in many cities in Europe and helps to save open space. Responding to the Agency, he explained that a standby generator is used when power is lost; additional information was provided as requested.

The five technical deviations are as follows: 1) a reduction in driveway width along the northern-most Federal Highway driveway in order to preserve pedestrian crossings, 2) a reduction in driveway width along the southern-most Federal Highway driveway, 3) a waiver from an additional right turn lane beyond the existing right turn lane constructed in 1988 along Federal Highway, 4) a waiver from the 45-minute loading and unloading requirement for the two automatic garages, 5) a deviation from the on-site circulation standards requiring 120 feet of storage at each bank teller lane. Details were provided.

The Historic Preservation Board, the Community Appearance Board, and the Planning and Zoning Board reviewed the project and recommended approval, as did staff. Mr. Camejo then answered questions from Agency members related to the proposed canal along Camino Real, the APS and whether Fire Rescue Services had concerns with same, whether Via Mizner could be connected to Royal Palm Plaza by means of the proposed pedestrian spine, the retail component, and who would be responsible for the fountain.

Resolution No. 2006-09-CRA (NOPC)

Mr. Camejo provided background information on this item, which would modify the Downtown Development of Regional Impact (DDRI) Development Order using the following language: "In no case, however, shall the allocation to a subarea be converted or transferred so that the allocation is reduced by more than fifty percent (50%) for any use, **except in Subarea E where the office allocation can be reduced up to ninety percent (90%).**" Mr. Camejo indicated that the proposed amendment would overcome a lot of technicalities that were being raised, would provide greater flexibility in the approval of future projects in Subarea E, and would not create any regional impacts. He also advised that Phase II of the Via Mizner project was contingent upon the NOPC being approved; the petitioner cannot proceed to Phase II without the NOPC being finalized.

It was noted that a revised IDA had been distributed earlier for the Agency's review. Mr. Camejo provided details related to same.

Derek Vander Ploeg, the architect for Via Mizner, spoke extensively in regard to the project. Copies of a handout and a letter of support from neighboring homeowners, the Boca Raton Historical Society, and Royal Palm Improvement Association were distributed to Agency members. He also presented a video regarding the proposed Automated Parking System (APS), which would be for residential use only and provided additional information as requested.

Mitch Kirschner, the attorney representing the applicant, referred to Page 12, paragraph 14, of the IDA and advised that the following correction should be made: "...pursuant to the 1988 IDA (rights which have **not** been utilized for development..."

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

Motion was made by Commissioner Abrams, seconded by Commissioner Hager, to adopt DDRI IDA No. CRP-06-01, as revised. Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager and Whelchel voting yes.

Motion was made by Commissioner Whelchel, seconded by Commissioner Hager, to adopt Resolution No. 2006-09-CRA. Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager and Whelchel voting yes.

2. Resolution No. CRP-05-01R1

A resolution of the Boca Raton Community Redevelopment Agency providing for an extension to the Individual Development Approval for the Boca Lofts Project; providing for severability; providing for repealer; providing an effective date (CRP-05-01)

Chairman Baronoff advised that this was a quasi-judicial public hearing; the City Clerk administered the oath to those who indicated they wished to speak. There were no ex parte disclosures.

Development Services Senior Planner Jim Bell gave the PowerPoint presentation, advising that this was a request for a 12-month extension to the previously approved Individual Development Approval (IDA) for Boca Lofts, which will expire on July 25, 2006. The Boca Lofts project is comprised of 84 residential units with an internal parking garage, located at 33 SE 8th Street. The request is to extend the IDA to July 25, 2007. Acreage, zoning, land use designation, and surrounding property and roads were reviewed. Mr. Bell also reviewed the site plan, speaking to the parking garage, access, and elevations. The building will contain five stories of loft units; details were provided as to the floor assignments, square footage, and the floor plans in general.

Pursuant to the rules of the CRA, an extension may be granted provided that the applicant presents an explanation as to the progress made and a justification for the extension. Consequently, the applicant advised the Agency of the following: 1) tentative plat approval and final plat approval were received on August 9, 2005 and April 11, 2006, respectively, 2) the construction drawings had to be re-evaluated and re-bid due to increased construction costs in the aftermath of Hurricane Wilma, and 3) the property owner has spent over \$4.9 million to purchase the land and for architectural, engineering, and planning services. In conclusion, staff recommended approval of the extension based on the justification provided.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Commissioner Whelchel, seconded by Commissioner Hager, to adopt Resolution No. CRP-05-01R1. Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager and Whelchel voting yes.

PUBLIC REQUESTS:

No one came forward to speak.

REGULAR BUSINESS - PART II - RESOLUTIONS:

3. Resolution No. 2006-10-CRA

A resolution of the Boca Raton Community Redevelopment Agency finding and determining there will not be a deficiency in the amounts on deposit in the Sinking Fund for the Mizner Park Bonds for the Fiscal Year 2006-2007 as provided for in the interlocal agreement with the City of Boca Raton; providing for severability; providing for repealer; providing an effective date

CRA Executive Director Jorge Camejo gave a brief presentation, indicating that there is no shortfall this year. In the event that there had been a shortfall, the CRA would be required to attach their proposed budget for review by the City in anticipation of tapping into funding sources to overcome the shortfall. Consequently, this resolution simply states that a shortfall is not expected. In conclusion, staff recommended approval of the resolution. Mr. Camejo provided additional information, as requested, in regard to the bonds.

Motion was made by Vice Chairman Arts, seconded by Commissioner Abrams, to approve Resolution No. 2006-10-CRA. Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager and Whelchel voting yes.

4. Resolution No. 2006-11-CRA

A resolution of the Boca Raton Community Redevelopment Agency authorizing the execution of a First Amendment to the Amended and Restated Civic Site Lease with Mizner Park Cultural Arts Association, Inc.; providing for severability; providing for repealer; providing an effective date

CRA Executive Director Jorge Camejo advised that this amendment would allow for pursuit of the Individual Development Approval (IDA) concept as contemplated in the plans for the Cartoon Museum building, recently approved by the CRA. He explained that the original plan called for third floor occupancy; that has now been eliminated to reduce costs and since expansion of the second floor would provide much better function and accommodate BRET. Also, there's a slight encroachment of the bookstore into the second floor and a slight encroachment of cultural space into first floor that was not originally anticipated. Mr. Camejo concluded his presentation and answered questions from the Agency related to permitting and when renovations to the building can begin.

Motion was made by Commissioner Whelchel, seconded by Commissioner Hager, to adopt Resolution No. 2006-11-CRA. Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager and Whelchel voting yes.

OTHER BUSINESS:

5. Presentation Regarding Spine Charrette - Boca Raton Historical Society

Mary Csar, Executive Director of the Boca Raton Historical Society, referred to the workshop held on May 15 and 16 regarding the proposed pedestrian spine and then gave the floor to Michael Singer of Michael Singer Studio, who, in partnership with Peter Nobile of Shepley Bulfinch, Richardson and Abbot, and the Boca Raton Historical Society, assisted in facilitating the workshop.

Mr. Singer gave a report in the form of a PowerPoint presentation, which represented a summation of the two-day workshop. Input obtained from citizens and stakeholders and illustrations of conceptual building massing strategies from both the 1993 ("Downtown Boca Raton Planning Workshop") and 2006 workshops were included in the presentation. Specifically, Mr. Singer spoke to the following:

- 1) 1993 Mid-Level Redevelopment Concept Plan,
- 2) 1993 Total Redevelopment Concept Plan,
- 3) Community Input,
- 4) 2006 High-Level Development Concept Plan,
- 5) 2006 Low-Level Development Concept Plan,

- 6) 2006 Mid-Level Development Concept Plan, and
- 7) Conclusions and Recommendations.

Mr. Singer concluded his presentation and answered questions including, but not limited to, how the spine would be financed and whether moving historical properties was an option. In general, everyone present agreed that money is a major obstacle.

Commissioner Hager left the meeting at approximately 3: 30 p.m.

David Dickinson, Arlene Owens, representing the Boca Raton Pioneer Club, Merle Haber, and Bonnie Dearborn, with the Division of Historical Resources, generally spoke in support of maintaining historical integrity, lowering densities, and developing the downtown in such a way that everyone benefits from a diverse mix of activities. Ms. Dearborn advised that her Division provides educational grants. In addition, Federal tax credits are available to private owners for rehabilitation of historic buildings. Also, the National Trust for Historic Preservation has planning and redevelopment grants available to private citizens, local government, and non-profit organizations.

While Agency members agreed with many of the concepts brought forward, they reminded those present that the CRA must live and work within the confines of Ordinance 4035 (the Downtown Development Order). Chairman Baronoff thanked the Boca Raton Historical Society for the time, effort, and money expended on this issue; he stated that this was a very difficult matter but the CRA would try to find common ground for all interested parties.

There followed discussion between Agency members; each member weighed in on the issue of the pedestrian spine and it was noted that, in this year's budget, \$30 million was being set aside to acquire properties needed for construction of the pedestrian spine.

DIRECTOR'S REPORT:

The Executive Director had nothing to report at this time.

ATTORNEY'S REPORT:

The City Attorney had nothing to report at this time.

COMMISSIONERS' REPORTS:

The Commissioners had nothing to report at this time.

ADJOURNMENT:

Motion was made by Vice Chairman Arts, seconded by Commissioner Whelchel, to adjourn the meeting. Motion carried 4-0; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, and Whelchel voting yes.

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 4:03 p.m., Monday, July 24, 2006.

Peter R. Baronoff, Chairman

ATTEST:

Sharma Carannante, City Clerk