

MINUTES OF THE REGULAR MEETING  
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY  
MONDAY, APRIL 23, 2007  
\*1:30 P.M.

\*The Regular Meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Baronoff at approximately 2:35 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 (absent - excused)

Also attending the meeting were:

Boca Raton City Manager/CRA Executive Director 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.

**MINUTES:**

Minutes of the Regular Meeting of April 9, 2007

*Motion was made by Council Member Arts, seconded by Council Member Hager, to approve the minutes as presented. Motion carried 4-0 on a voice vote; Chairman Baronoff, Vice Chairman Arts, and Commissioners Abrams and Hager voting yes.*

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

1. DDRI IDA No. CRP-06-06

An Individual Development Approval of the City of Boca Raton Community Redevelopment Agency granting an Individual Development Approval, with a transfer of authorized development between subareas, to develop a mixed use building consisting of 234 adult-restricted multifamily units, 5,000 square feet of retail, and a restaurant, 1,500 square feet of which is open to the public, with an internal parking structure, located at 855 South Federal Highway

Chairman Baronoff advised that quasi-judicial procedure would govern the 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 spoke with Wendy Larsen.

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation, advising that approval was being sought to build the Paladin, a Sunrise Senior Living Facility. Location, acreage, and future land use designation was provided. Ms. Simon gave a brief history of the IDA approval obtained in January 2006 for the subject parcel, which consisted of 224 residential units, 11,000 square feet of retail, 6,000 square feet of office space, and a four-level parking structure. The IDA was contingent upon obtaining an alleyway abandonment; the abandonment was approved by Council in March 2006 but not yet perfected. An IDA extension was granted in December 2006 by the CRA, extending the time for which a building permit may be issued until January 9, 2008.

The project would require demolition of the existing office building including surface parking to redevelop the site as the Paladin. Ms. Simon noted that although this was a new IDA, in comparison with the previously approved building and elevations, the footprint was relatively unchanged; however, the use had changed. The current project calls for 234 age-restricted units, located on the second through the ninth floors; 176 units would be allocated for Independent Living (IL) and 58 allocated as Assisted Living (AL). Ms. Simon added that a restaurant for members-only use would be located on the ground floor. She then outlined site plan modifications, which were minor in nature. Architectural features, amenities, and public use areas were also delineated.

Ms. Simon advised that 234 parking spaces were required; 258 were being provided in addition to 13 on-street parking spaces. The petitioner was also requesting a transfer of development from Subarea G to Subarea F of 24,081 square feet, which is a reduction from the previously approved IDA; details were provided.

The Community Appearance Board (CAB) reviewed the petition and unanimously recommended approval. The Planning & Zoning Board reviewed the petition and recommended approval 3 – 1, voicing concern over the required parking. As a result, staff revised the IDA to include a new Condition 10, which confirms the maximum number of beds permitted and requires the petitioner to record a Declaration of Covenants and Restrictions, limiting the use to ALF and providing for 9 more provisions; Ms. Simon provided the CRA with an overview of those provisions and advised that additional modifications had been made to Condition C, which the City Attorney would read into the record. Ms. Simon concluded her presentation, stating that staff recommended approval, subject to the conditions listed in the IDA.

Ms. Simon confirmed with the CRA that the owner would maintain control of the valet parking and that the parking numbers are valid, based on the use being approved today. Additional queries related to vehicular access and the difference between an assisted living facility (ALF) and a nursing home.

At the Agency's request, Ms. Frieser read the new Condition 10(c) into the record, using language generally consistent with the following: *"The ACLF/ALF is composed of independent living units and assisted living units in a single building, providing a senior active living environment as generally described in Exhibit C (with "personal services" being provided, in addition, to assisted living units). The independent living units shall at a minimum be provided the following services: emergency panic equipment, emergency response monitoring, accessibility features, 24/7 valet parking, housekeeping, full time concierge, formal and informal dining, salon, library, living room, pool and spa, wellness programs, exercise room, entertainment rooms, art studio, life enrichment programs, and access to home health care for the provision of personal services, as defined by the Florida Statutes. As a condition of occupancy, all residents of the independent living units must execute a service agreement, which shall require a minimum monthly payment for the access to the services described in this paragraph to such independent living units, whether or not such services are used. The assisted living units shall at a minimum be provided "personal services" as defined by the Florida Statutes, dining areas to meet their needs, and such wellness programs appropriate for their needs within the assisted living area. (Personal services include, at a minimum, one or more of the services that are listed as "Activities of Daily Living" as defined by F.S. 429.02(1), which at the time of this approval include assistance with self-care, including ambulation, bathing, dressing, eating, grooming, and toileting, and other similar tasks.)"*

Ms. Frieser also noted a modification to Page 5, Condition 3, of the Development Order, advising that the retail figure should be adjusted down to 5,000 square feet as opposed to 6,500.

Wendy Larsen, the attorney on behalf of the petitioner, gave a PowerPoint presentation and provided statements in support of the project. She advised that people living in IL units, who find themselves in need of daily living assistance could obtain it without having to switch to ALF units; they would have the freedom to choose services as necessary. Residents living in ALF units will receive daily living assistance, which typically requires 45 minutes of daily assistance from staff. Ms. Larsen stated that the Paladin would be a very upscale living facility, and the proximity of downtown would be beneficial for seniors as well as the downtown; details were provided. She concluded her presentation and answered questions from the CRA.

Responding to Agency members, Ms. Larsen advised that no medical facilities were included in this project. Additional questions revealed that Alzheimer units, which would go into lockdown, were included

in the ALF units. Ms. Larsen confirmed with the CRA that 24 of the ALF units were allocated as Alzheimer units and that those occupants could not leave the building without supervision; she added that a nurse would be on staff. The CRA then questioned how residents transitioned from the Paladin, should a higher level of medical care be needed beyond the ALF units.

Rocky Goins, Senior Vice President for Sunrise Senior Living, explained that the Paladin was not a skilled nursing facility (SNIF), which would require a special license and a doctor's referral in terms of the patient. He then outlined the levels of care available and advised that it was rare for those living in assisted living facilities to have to transition to a SNIF; the ALF units could handle most seniors until the end of their lives. He added that, should someone become bedridden and need special care, they would help the family to make other arrangements. Responding to the Agency, Mr. Goins clarified that the ALF units were rentals, not condominiums, and then provided additional information related to the retail component as requested.

Robert Hagerty voiced concerns about the Alzheimer units, stating that it takes skilled professionals to take care of those suffering from Alzheimer's. He also advocated installing something to control the walk devices at Federal Highway, which is a very busy road, and then indicated that the proposed parking did not appear adequate. He concluded his remarks by advising that the concept was great but the location was wrong.

Lenore Wachtel advised that she had a lot of experience with Sunrise Senior Living Facilities, as her mother was in a Deerfield Beach facility. She drew comparisons between that facility and the one proposed today in Boca Raton, asking whether this facility was structured in such a way that Medicare would take over at some point. Her interest focused on what happens if one runs out of money or needs more advanced care, advising that one would have to leave the Deerfield Beach facility in either event.

Responding to the CRA, Mr. Goins stated that the facility was fully licensed for 24/7 Alzheimer care, and it is "private pay." He then provided information related to security, advising that the Alzheimer units would not be street-level. Regarding traffic in the downtown and those who may have difficulty in walking/negotiating same, Mr. Goins advised that this was not an issue at other urban facilities. It was noted that those in assisted living would be escorted.

Ms. Frieser referred to the amendment to Condition 3 reducing the retail space from 6,500 square feet to 5,000 square feet and clarified that, following discussion with staff, the requirement to set aside parking for 1,500 square feet of restaurant space was not going to be imposed. Ms. Larsen added that, as a result, approximately 60 more parking spaces would be constructed, thereby providing ample parking. Responding to the CRA, Ms. Frieser confirmed that the use proposed here was a permitted use in the downtown development district.

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

*Motion was made by Commissioner Hager, seconded by Vice Chairman Arts, to adopt CRP-06-06 as amended to include the revised Condition 10 and the revised Condition 3(c), reflecting 5,000 square feet of retail space. Motion carried 4-0; Chairman Baronoff, Vice Chairman Arts and Commissioners Abrams and Hager voting yes.*

**PUBLIC REQUESTS:**

No one came forward to speak.

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

There were no items for consideration.

**OTHER BUSINESS:**

There were no items for consideration.

**DIRECTOR'S REPORT:**

2. Festival of the Arts – Post-event Review

Charles Siemon, Chairman of the Festival of the Arts Boca Raton, provided numerous statistics regarding the festival in terms of the number of concerts given, events held, students in attendance, volunteers, advertising, and so forth. He stated that the merchants spoke positively about the 11-day festival and approximately 15,000 people participated in one or more events. Many details were provided including but not limited to sponsors, hotel nights, services provided to artists, and advertising costs. Mr. Siemon noted that other artists performing in South Florida started showing up, asking for free tickets and questioning why they weren't included, which was an indication that the festival was a success.

At this time, total cash in hand is \$1,750,000 from all sources. Mr. Siemon advised that the goal was to break even; however, he did not think that would happen although the numbers were not bad. He went on to say the festival did not obtain a title sponsor but he believed that would be forthcoming. Information related to ticket sales, reviews, marketing efforts, ambient noise, and the need for an off-site parking plan, were then reviewed. Mr. Siemon stated that the schedule for next year was not yet ready for announcement; however, the Russian National Orchestra would be here again. He concluded his comments by stating that exit interviews were conducted with each of the artists and they loved it here. Mr. Siemon answered questions from the CRA related primarily to the tent and maintenance of the grass.

3. Mizner Park – Marketing Plan Review

The City Manager advised that representatives from General Growth Properties (GGP) were here earlier; however, due to scheduling restraints they had to leave. He suggested that this item be rescheduled.

Commissioner Abrams left the meeting at approximately 3:32 p.m.

4. Summer Schedule

Mr. Ahnell referred to the summer meeting schedule agreed to by Council and asked for concurrence with the CRA in the same regard.

*Motion was made by Commissioner Hager, seconded by Vice Chairman Arts, to cancel the last CRA meeting in June 2007 (June 25) and cancel the first and second CRA meetings in July 2007 (July 9 & July 23). Motion carried 3 –0 on a voice vote; Chairman Baronoff, Vice Chairman Arts, and Commissioner Hager voting yes.*

**ATTORNEY'S REPORT:**

The City Attorney had nothing to report at this time.

**COMMISSIONERS' REPORTS:**

The Commissioners had nothing to report at this time.

Responding to Commissioner Arts, Mr. Ahnell advised that staff would modify the schedule for the Downtown Boca Raton Advisory Committee to coincide with the CRA/Council meeting schedule. In response to another query, Mr. Ahnell explained that everyone was included in the charrette process.

**ADJOURNMENT:**

*Motion was made by Commissioner Hager, seconded by Vice Chairman Arts, to adjourn the meeting. Motion carried 3-0 on a voice vote; Chairman Baronoff, Vice Chairman Arts, and Commissioner Hager voting yes.*

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 3:39 p.m., Monday, April 23, 2007.

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Peter R. Baronoff, Chairman

ATTEST:

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Sharma Carannante, City Clerk