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November 25, 2015

TO: CHAIRMAN AND BOARD MEMBERS
COMMUNITY REDEVELOPMENT AGENCY

FROM: LEIF J. AHNELL, C.P.A., C.G.F.O.
EXECUTIVE DIRECTOR 

SUBJECT: OPEN SPACE INTERPRETATION REGARDING PUBLIC REALM

At the November 9, 2015 CRA meeting, staff was directed to review the Downtown Development Order (DDO) and the Agency Rules regarding requirements for Open Space related to improved public realm. The DDO defines open space and provides Development Standards for projects to provide open space with regard to pedestrian use. There was also a broad interpretation memo on open space effective July 28, 2003, a copy of which is attached for your reference.

Staff has reviewed the DDO and the interpretation memo with regard to open space as it relates to the public realm. A detailed presentation of findings and recommendations will be provided at the December 7, 2015 CRA meeting.

Document prepared by: Ruby Childers, AICP
Downtown Manager

Attachment: July 28, 2003 Interpretation of Open Space Memo

C: George S. Brown, Deputy City Manager
Ty Harris, Development Services Director
Jim Bell, Planning and Zoning Manager
Susan Lesser, Senior Planner

July 28, 2003

TO: Planning & Zoning Staff

THRU: Jorge A. Camejo, Executive Director

FROM: Robert E. George, DDRI Project Manager

SUBJECT: Interpretation of Open Space under Downtown Development Order, Ordinance No. 4035

This memo discusses the history and origins of the definition of open space, open space guidelines and their application to multi-building sites and special circumstances the quality of site design and architecture under the guidelines.

Definition of Open Space

The definition of open space in the original development order, Resolution No. 28-88, was:

“Open space” means an area which is open from the land to the sky where no parking, structures, or buildings other than landscape features, fountains, benches, arcades and objects of art are located.

This definition was further articulated in the design guidelines in Resolution 28-88 and Ordinance 4035 as follows:

- b. Each parcel proposed for development shall maintain the following percentages of the parcel as open space and no structures or buildings other than landscape features, fountains, benches, arcades and objects of art shall be located within the open space area:
 1. 15%, if the building is less than 35 feet in height; and
 2. for each foot of height above 35 feet, up to 75 feet, 15% open space plus 1% for every 1.6 feet of height above 35 feet; and
 3. 40%, if the building is greater than 75 feet.

- c. At least sixty-five (65)% of the required open space shall be open and uncovered from the ground to the sky. Up to thirty-five (35) percent (%) may be arcades, colonnades, areas under exposed balconies, areas under exposed stairwells, areas under canopies and areas under pedestrian bridges.

Ordinance No. 4035 modified the definition of opens space as follows:

"Open space" means an area which is open from the land to the sky predominantly designed for and paved with bricks, pavers or other similar material for pedestrian use, or an area where no structures, or buildings other than landscape features, fountains, benches, arcades and objects of art are located.

The intent of this change in the definition was to enhance the pedestrian orientation of the downtown through the use of pavers and other hardscape materials and to make it clear that hardscaped areas not covered by more traditional landscape materials can be count as open space.

Under this definition and the design guidelines the following types of areas are considered as open space:

uncovered landscaped areas,

arcades, colonnades, areas under exposed balconies, areas under exposed stairwells, areas under canopies and areas under pedestrian bridges ,

enhanced crosswalks with pavers, or other enhanced hardscape materials,

areas and drives under major archways designed as major entrance features that encourage pedestrian use of the site,

drives made of pavers or enhanced hardscape materials designed to encourage pedestrian activity on the site and which can be reasonably isolated for pedestrian use while continuing to provide access to parking structures and other facilities on the site.

The following areas are not considered open space whether asphalt, concrete or paved:

parking lots,

drive-through teller facilities,

areas under dumpsters,

landscaped areas under building overhangs, parking structure spirals, etc. which are not reasonably usable or accessible for any pedestrian purpose,

driveways, alleyways, stacking areas, parking areas, loading, unloading areas which can not be reasonably isolated for pedestrian use while continuing to provide access to parking structures and other facilities on the site.

A plan should be submitted with all IDA's indicating through the use of shading all areas counted as open space. If there is any question about what should be counted as open space it should be reviewed with the Executive Director of the Agency.

Open Space on Multiple Building Sites

Under Section 2(4)(f)2 of the Downtown Development Order, Ordinance No. 4035, open space varies in relation to the height of the building. Section 2(4)(f)2 states:

Each parcel proposed for development shall maintain the following percentages of the parcel as open space and no structures or buildings other than landscape features, fountains, benches, arcades and objects of art shall be located within the open space area:

15%, if the building is less than thirty five (35) feet in height; and

for each foot of height above thirty-five (35) feet, up to seventy-five (75) feet, 15% open space plus 1% for every 1.6 feet of height above thirty-five (35) feet; and

40%, if the building is greater than seventy-five (75) feet.


The language in this section talks about "the building." This implies a simple site with one building. Given this language, the question arises how to appropriately apply the standard on a complex multi-building site.

The intent of the Development Order design guidelines is to, among other things, break up the massing of buildings and encourage varied roof-scapes. To interpret the open space requirement originally intended for a simple site with one building as applying to a multi-building site based upon the single tallest building:

- is contrary to the intent of the design guidelines,

- creates a clear incentive to break up sites to reduce the open space requirement, and
- provides no incentive for minimizing the height or mass of any buildings on the site once one building requires 40% open space.

A logical interpretation of the Development Order language is to apply the open space requirement on a separate building-by-building basis. This would mean a building 35 feet in height would have to have a minimum of 15% open space related to it, a building 75 in height a minimum of 40% related to it, etc.

 This can be accomplished mathematically on a multi-building site by determining the minimum parcel size required to provide the required percentage of parcel open space and then determining the open space by subtracting the building footprint from the minimum parcel size. For example, a building 35 feet in height requiring 15% of parcel open space with a 10,000 square foot building footprint would need to have a minimum parcel size of 11,765 (10,000 sq. ft./(.15)) square feet with 1,765 square feet of open space (11,765 sq. ft. - 10,000 sq. ft.), a building 75 feet in height requiring 40% of site open space with a 10,000 square foot building footprint would need to have a minimum parcel size of 16,667 (10,000 sq. ft./(.4)) square feet with 6,667 square feet of open space (16,667sq. ft. - 10,000 sq. ft.). This building-by-building calculation of minimum parcel sizes can then be used to calculate the minimum percentage of open space for the site by summing the calculated open space building-by-building and then dividing by the sum of the minimum parcel sizes.

While this may seem to be a relatively complex process a spreadsheet template is available to simplify the process. Attached is a sample printout using the template for a 3-building site.

In applying this procedure the issue arises as to what constitutes separate buildings on a parcel. Since the intent of this procedure is to encourage the breakup of buildings, resulting in a breakup of the massing of buildings and varied roof-scapes, buildings must be physical separated so as to be visually distinct. For example, two structurally distinct buildings abutting each other or a few inches apart would be considered one building, two buildings with a 6 foot pedestrian walkway, landscaped area or drive between buildings would be considered 2 buildings. Sites with separate buildings, which are not visually distinct or building(s) of a design such that the strict application of the procedures above will limit the quality of the design or architecture of the building(s) may be processed as described below.

Special Circumstances

Open space language in the Downtown Development Order was adopted as a guideline not as a requirement such as height, setbacks, or parking. Appropriate application of

these guidelines as stated under paragraph 4(f)2 of the Downtown Development Order are:

...not intended to limit quality architecture, but to establish meaningful guidelines for quality development and redevelopment in Downtown Boca Raton.

Therefore, in adopting the open space as guidelines, rather than set requirements, it was foreseen there could be special circumstances where the strict application of the guidelines could limit the quality of the design and architecture on a site. Applicants that feel that the strict application of the guidelines results in a lower quality of the design or architecture on their site can request a deviation from the open space guidelines by providing a written justification for the deviation. The written justification should state specifically what deviation is needed and how it will improve the overall quality of the site design or architecture. Appropriate diagrams and illustrations should be included in the justification indicating how the site design or architecture will be affected.

The request and justification for any deviation with respect to the open space guidelines will be processed along with the Individual Development Approval and subject to review by the Planning & Zoning Board and approval by the CRA Board.

c. DDRI Interpretations