

## **REVISED WHITE PAPER I ON MIZNER 200<sup>1</sup>**

Mizner 200 is the latest development proposal from Elad National Properties, LLC (“Elad”) for its 8 acre site (“Elad Site”) at 210-398 Southeast Mizner Boulevard. Presently the Elad Site is fully developed with Mizner on the Green, a 246 Townhome Project which is fully compatible with the surrounding development.

Two years ago Elad proposed its New Mizner on the Green project for the Elad Site – consisting of four towers of luxury condominiums averaging 450 feet. After a flurry of protest and no support from City Officials Elad abandoned New Mizner on the Green. Then in May, 2015, Elad requested that Ordinance No. 4035 be amended to allow its proposed 13 story Sol-A-Mar Project. There was no support to amend Ordinance No. 4035.

Now, finally after two years of proposals totally outside of Ordinance No. 4035, Elad submits its Mizner 200 project. Elad proudly claims to all who will listen that Mizner 200 is fully compliant with Ordinance No. 4035. As if complying with zoning is some special virtue to be rewarded rather than the obligation of all property owners.

Others take Elad’s claims of Ordinance No. 4035 compliance as gospel.

For example, in a February 16, 2016, Boca Raton Tribune article:

[Mizner 200 is] “designed to comply with code, meeting Ordinance No. 4035 requirements regarding height, construction, parking, landscape and traffic concurrency, the submitted proposed plans do not request any technical deviations or variances.”

For example, in the February issue of Boca Magazine, Randy Schultz writes:

“So if residents of Townsend Place to the south, who objected so strongly to New Mizner on the Green, now complain that Mizner 200 would look wall-like, that complaint would be inconsistent and hypothetical. Elad

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<sup>1</sup> The White Paper on Mizner 200 was initially published on April 6, 2016. This version corrects some errors and is renamed White Paper I and is published on September 6, 2016.

notes, correctly, that the company now wants to build exactly what the rules allow.”

Mizner 200 is one massive building 100 + feet in height, 963.9 feet in length along Mizner Boulevard and 395.5 feet at its widest point. Compare Mizner 200 to Palmetto Promenade now under construction. Palmetto Promenade is on the major east-west road in the Downtown. Mizner 200 is on the smaller, narrower Mizner Boulevard – a minor street in the Downtown. Mizner 200 is 90 feet wider, 35 feet higher and 92 feet longer along its front road than Palmetto Promenade. In terms of cubic volume Mizner 200 is almost twice the size of Palmetto Promenade. See sketch of Palmetto Promenade attached.

Other comparisons are helpful to visualize the overwhelming mass of Mizner 200. The four sides of Mizner 200 are 2.5 times the four sides of The Mark and Mizner 200 is 4 times the cubic volume of The Mark. If you combine all the buildings in Via Mizner into one mass, Mizner 200 is still 176 feet longer along its front road.

The Elad Site due to its proximity to the historic Boca Raton Resort and Club is a key parcel in the Downtown.

Mizner 200, if built, would be the largest building ever in the Downtown.

### **Mizner 200 Does Not Comply with Ordinance No. 4035**

Mizner 200 does not in the least comply with Ordinance No. 4035.

Any new Downtown building will have a myriad of non-compliant details that are corrected during the City development review process with participation from the public. For example: Mizner 200 is far from a building in the vision of Addison Mizner; Mizner 200 has far too much glass for a Downtown building; Mizner 200 has a flat roof line; and, Mizner has a pool and amenities on the roof which are above the 100 foot habitable use limit. These type of deficiencies would never prompt this White Paper.

Rather this White Paper is directed to Mizner 200’s intentional and total disregard of the most fundamental urban design principles of Ordinance No. 4035. This 963.9 foot long building is out of all scale with surrounding Downtown development (existing and proposed); and, is without any breaks or vistas affording ocean and golf course views to others or allowing for the circulation of air and light. Mizner 200, if approved and built, will completely obliterate the

ocean and golf course views of the existing 200 East Apartments (south side); the existing Palmetto Place Apartments (south and east side); the existing Mark Apartments (south and east side); the existing Townsend Place Apartments (north side); and the existing and proposed apartments for Royal Palm Place (east side).

Mizner 200 is designed and presented as if it is the only building in the Downtown. This violation of basic Downtown urban design principles is far too significant and real to allow Mizner 200 to proceed with development review. The urban design failure of Mizner 200 must be addressed now by the Community Redevelopment Agency (“CRA”) as an extraordinary matter of great importance to sub-areas D and E of the Downtown.

### **Urban Design Principles in the Downtown**

The urban design principles for the Downtown starts with the text of Ordinance No. 4035 itself (see pages 36 to 39) and are further elaborated and amplified in the Design Guidelines of Ordinance No. 4035 (Appendix I to Ordinance No. 4035) and the Visions, Goals and Parking of the Amended Downtown Plan (1995) (Appendix II to Ordinance No. 4035.)

For example:

#### **Urban Design Policy 1.7**

Encourage the development of vistas and views as part of major projects.

#### **Design Guidelines Ordinance No. 4035**

Design which contributes to the creation of a pedestrian-oriented downtown by providing the following:

. . . recognition of the scale and character of adjacent structures or developments . . .

#### **Downtown Vision**

Unified Theme: All interests and areas in the downtown and the community as a whole should share in the benefits of redevelopment.

**Exhibit 1**  
**Downtown Boca Raton Vision**

Design a city that is beautiful and people will respect it, build a city that bows to the lowest common denominator, or disregard the fundamentals of good design, and it will never rise to greatness.

**Exhibit 2**  
**Urban Design Criteria**

Incremental Growth: Each separate project should suggest the next.

Unity: Each project must relate to the whole.

Buildings Must Relate to the Whole: Provide integration of planning and architecture.

Creation of Corridors and Central Places: Individual buildings and the downtown as a whole should express and reinforce the creation of corridors and central places.

Essential Elements: Each project must contribute significant essential elements.

Two urban design principles can be distilled from the above:

- (1) A large Downtown site such as Mizner 200 with 8 acres should be redeveloped with multiple buildings that are in scale and harmony with the immediate neighborhood and the Downtown in general.

- (2) The locational attributes of Downtown such as ocean and golf course views, sunlight and winds must be shared by the use of vistas and views.

### **Rules of the CRA**

The Rules of the CRA make it clear that the CRA shall consider Downtown urban design principles in its approval of an IDA. For example, the Rules of the CRA provide, in part:

3. Review by the Board (CRA):

The Board (CRA) shall consider . . . the following factors when reviewing Individual Development Approvals:

- e. Conformance with the Development Order (Ord. No. 4035) and the Design Guidelines in the Development Order; and . . .

*(To assist in this review a summary of Design Guidelines in the Development Order and Vision, Goals and Policies of the Amended Downtown Plan, are provided as Appendices)*

### **Mizner 200 Acknowledges its Obligation to Follow the Urban Design Principles of the Downtown**

Mizner 200 in its Project Narrative states in part:

“Architectural Design: The Project is designed to comply with the architectural standards and design requirements found in Ordinance 4035.”

### **Urban Design Principles are Code**

The urban design principles discussed above are just as much a part of Ordinance No. 4035, and just as much part of the “Code” as height and setbacks.<sup>2</sup> Every project must adhere to the urban design principles of the Downtown. In fact, the

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<sup>2</sup> This point is further supported by the adoption of Interim Design Guidelines which incorporate and readopt all the Downtown urban design principles discussed herein.

urban design principles are what make our Downtown such a vibrant downtown. To ignore urban design principles with such abandon as El-Ad has done with Mizner 200 is contrary to the letter, spirit and intent of the Downtown.

### **Scale**

There can be no question that the prime directive of the Downtown urban design principles is that the scale of buildings must harmonize with one another: “Each separate project should suggest the next”; “each project must relate to the whole”; “recognition of the scale and character of adjacent structures or developments.” The Mizner 200 leviathan of a building overwhelms its neighbors. Not only that, Mizner 200 is on the perimeter of the Downtown. Downtown urban design principles accentuate redevelopment in the core of the Downtown and then scale down to transitional properties like the Elad Site. Mizner 200 is the exact urban planning opposite - placing the largest building in the Downtown right on the perimeter of the Downtown.

### **Vistas and Views to Share Downtown Resources**

One of the greatest assets of the Downtown particularly to sub-areas D and E is the proximity to the Boca Raton Hotel and Club Golf Course and the Atlantic Ocean. This is a common asset to be shared by as many as possible Downtown residents through the use of Downtown urban design principles. The golf course and ocean views are invaluable and include the associated sunlight and winds.

Mizner 200 by the geographic accident of being the most easterly property in the Downtown seeks against all dictates of Downtown urban design principles to monopolize these views to itself. All at the expense of the existing and future residents of the Downtown who purchased a view. Indeed the exact opposite of Urban Design Policy 1.7 which states: “Encourage the development of vistas and views as part of major projects.” Elad is only asked to share the views, sunlight and winds.

Mizner 200 casts a big shadow over the Downtown.

### **CRP-03-07 Via Mizner Residential**

In 2003, a single residential building 100 feet in height and 650 feet along Federal Highway was proposed in CRP-03-07. At the time, City Staff invoked the very

same urban design principles discussed above to demand that scale, views and vistas be incorporated in the project.

From a February 24, 2004 Staff memorandum:

Staff continues to have significant concerns about the proposed building and garage heights as well as the building mass, particularly along the east property line. The proposed structure is over 650 feet in length with a seven story parking garage. Please meet with staff to discuss possible solutions.

Ultimately, the applicant for CRP03-07 withdrew the request and the property was sold. That property is the presently approved Via Mizner Project (1<sup>st</sup> phase under construction) with three scaled buildings separated to ensure vistas and views and is in full compliance with the urban design principles discussed above. See sketch of Via Mizner attached.

Urban design principles can and do make a big difference in the look of the Downtown. Mizner 200 should be carefully and fully examined for compliance with Downtown urban design principles.

### **No variances or modifications under Ordinance No. 4035**

Ordinance No. 4035 is a unique zoning law in one respect. It does not have any provisions for variances or modifications from its development parameters. The CRA cannot approve a building unless the building complies 100% with Ordinance No. 4035. This issue was discussed extensively in the drafting of Ordinance No. 4035 and it was decided that the development parameters were so liberal that there was no need to give the CRA the power to grant variances or modifications. As discussed above Mizner 200 is far from compliant with Ordinance No. 4035 and as presented cannot be approved.

### **Suggestions**

The urban design failures of Mizner 200 should be brought to a head early in the process. It makes no sense to proceed with the lengthy and expensive IDA review

process with such an obvious and massive violation of Downtown urban design principles apparent at first blush.

It is suggested that before any further development review of Mizner 200, the CRA direct that:

(a) City Staff review Mizner 200 for compliance with Downtown urban design principles and a report provided to the CRA.

(b) The City Urban Design Consultant review Mizner 200 for compliance with Downtown urban design principles and a report provided to the CRA.

(c) The Community Appearance Board conduct a preliminary review of Mizner 200 and recommendations provided to the CRA.

(d) The CRA consider the above reports and recommendations and reject Mizner 200 as an incomplete IDA application which is within its powers under the Downtown Rules and Regulations.