

Investments Limited

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July 11, 2017

Chairman Scott Singer
Vice Chairman Andrea Levine O'Rourke
Commissioner Susan Haynie
Commissioner Jeremy Rodgers
Commissioner Robert S. Weinroth
Boca Raton Community Redevelopment Agency
City Hall
201 West Palmetto Park Road
Boca Raton, FL 33432

Re: EL-AD Mizner on the Green, LLC ("EL-AD")
Mizner 200
CRP-16-01/16-97500007

Chairman Singer and Commissioners,

EL-AD's Mizner 200 comes before the Boca Raton Community Redevelopment Agency ("CRA") for final IDA Approval on July 24, 2017.

The purpose of this correspondence is to succinctly set forth the position of Investments Limited ("IL") regarding the IDA Approval of EL-AD's Mizner 200.

EL-AD seeks IDA Approval for 384 residential condominium villas and apartments on its 8.8 acre site that runs approximately 900 feet along the east side of Mizner Boulevard. The 384 residential condominium villas and apartments range from 1 bedroom/den units at 1,179 square feet to 4 bedroom/den units at 3,999 square feet in a 9-story, 100 foot high building. The total building area of EL-AD's Mizner 200 is 1,342,240 square feet. If approved, EL-AD's Mizner 200 would be the third largest IDA in the Boca Raton Downtown, behind Via Mizner at 1,843,230 square feet and Mizner Park at 1,542,957 square feet.

IL owns and operates its mixed use Royal Palm Place ("RPP") just across the 80 foot wide Mizner Boulevard from the EL-AD's Mizner 200. RPP is the closest to and most affected Downtown property by EL-AD's Mizner 200.

IL does not oppose residential redevelopment of the EL-AD's site. IL respects the right of the EL-AD to redevelop in compliance with Ordinance No. 4035. However, IL does expect EL-AD to comply with the Architectural Guidelines of Ordinance No. 4035. The Architectural Guidelines are a double edge sword: one edge tells you how to redevelop in the Downtown and the other edge tells you what redevelopments you can expect from others in the Downtown.

Your Downtown Consultant Ms. Kaitlyn Forbes of the Mellgren Planning Group said of the Architectural Guidelines in her March 17, 2017 Draft Memorandum: “These appendices [Architectural Guidelines] are equally enforceable as the primary Ordinance [Ordinance No. 4035] and should be thoroughly analyzed for every proposed development within the Downtown.”

Since the first rendition of Mizner 200 appeared many, many months ago IL has continually and consistently questioned the absence of horizontal and vertical breaks and separations in the building mass of EL-AD’s Mizner 200 along Mizner Boulevard. Horizontal and vertical breaks and separations in building mass are significant Architectural Guidelines serving to harmonize and equalize the relationship, one to the other, of Downtown buildings especially for the few large parcels in the Downtown. As a side benefit horizontal and vertical breaks and separations in large Downtown projects affords to all surrounding Downtown buildings a sharing of Downtown views and vistas.

Accompanying this letter are: (1) a copy of the May 5, 2017 letter (“Response Letter”) from Vander Ploeg, Mumma and Eisen to your Downtown Consultant Ms. Kaitlyn Forbes of the Mellgren Planning Group with exhibits; and, (2) the letter of even date herewith from former CRA Executive Director Jorge A. Camejo to Chairman Singer and the CRA Commissioners regarding EL-AD’s Mizner 200. The Response Letter explains the history and application of the Architectural Guidelines regarding large Downtown parcel such as the EL-AD’s Mizner 200 site and the critical need for significant horizontal and vertical breaks and separations. The Response Letter is a must read to fully understand and appreciate IL’s concern over EL-AD’s Mizner 200 as now presented to you for approval.

At a certain point in the process, EL-AD did modify Mizner 200 to provide vertical breaks along its Mizner Boulevard façade by stepping back the entry core and creating two 35 foot 8 inch vertical breaks. IL appreciates that effort by EL-AD towards compliance with essential Architectural Guidelines but found the effort woefully inadequate – 71 feet 4 inches of vertical breaks along an 881 foot 5 inch building façade. The effort, however, is certainly an admission by EL-AD that the Architectural Guidelines require such breaks and separations. The issue now being the extent of breaks and separations necessary to achieve compliance.

EL-AD invited IL to a meeting shortly after the initial application. A frank discussion of our concerns with the design of then single building was had. Later in the process, EL-AD submitted its Mizner 200 iteration with the two 35 foot 8 inch vertical breaks. Encouraged by that progress, IL sought a follow up meeting with EL-AD. EL-AD, without any explanation, refused to meet again.

Later in a May 18, 2017, e-mail EL-AD’s counsel Bonnie Miskel, Esquire scolded the undersigned: “Although your employer [IL] may not believe that my client [EL-AD] has made a sufficient effort to address his concerns, there have been significant changes made to the plans to provide view corridors for your client’s benefit.” Clearly EL-AD was never serious about

reaching a win-win design solution with IL through an on-going process of discussion. Rather EL-AD set itself up as the sole arbiter of what should be satisfactory to IL.

IL loathes the necessity of bringing this chronic Architectural Guideline deficiency of EL-AD's Mizner 200 to the CRA at a final IDA hearing and regrets its inability to resolve the issue directly with EL-AD. However, EL-AD's actions to date left us with no choice.

The process generally requires and IL would prefer for EL-AD to submit a design solution to the Architectural Guideline deficiency of its Mizner 200. However, solely in order to demonstrate to CRA how simple a design solution could be, please find attached an illustrative site plan and elevation (the, "Suggestion") that would be satisfactory to IL and which fully complies with the Architectural Guidelines for large IDA's in the Downtown.¹

The center vertical breaks has been widened slightly; horizontal breaks starting at the 7th floor level has been added to the north and south building wings; and, a horizontal break starting at the 7th floor level has been added to the south elevation facing Townsend Place. New apartment stacks has been suggested to keep the apartment count the same.

The Suggestion is the collective recommendation of Robert Eisen, Douglas Mummaw, Derek Vander Ploeg and Jorge Camejo of a design that does, in fact, comply with the Architectural Guidelines. It is but one of an infinite variety of designs that would comply with the Architectural Guidelines. Ultimately, it is up to EL-AD to submit a compliant design for approval. To date, EL-AD has not done that. EL-AD must remember that the law and Ordinance No. 4035 does not guaranty it the most intense redevelopment possible, but only a reasonable and compliant redevelopment.

IL respectfully requests that EL-AD's Mizner 200 not be approved until the building façade along Mizner Boulevard is fully compliant with the Architectural Guidelines of Ordinance No. 4035.

Respectfully submitted,



Robert A. Eisen
Legal Department

¹ Townsend Place suffers from the same design neglect at the hands of EL-AD. The attached design solution addresses the Townsend Place concerns and has been provided to them. I expect you will hear directly from Townsend Place on their design issues of concern.